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TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

[illegible]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[illegible]

PART 373—[illegible]

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MISCELLANEOUS AMENDMENTS

[illegible]

§ 373.24 *Statement of past participation in transactions in controlled commodities—*[illegible] *General.* Applicants for licenses to export any of the commodities set forth in this section must submit a state-

[illegible]

[illegible]

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Economic Stabilization Agency

[illegible]

Entomology and Plant Quarantine Bureau

[illegible]

FEDERAL REGISTER

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[illegible] Form IT-821 [illegible] Form IT-821 [illegible] information submitted on Form IT-821 [illegible] a like form may be submitted which refers to the [illegible] Form IT-821. The submission of the information called for [illegible] applicant with respect to any portion of the commodities covered by his license application. The general requirements of this section shall apply to the following Positive List commodities in addition to other applicable regulations:

(b) *Rubber tires and casings.* Each applicant for a license to export truck and bus casings, passenger car casings, off-the-road casings, farm tractor and implement casings, and industrial casings (Schedule B Nos. 206000, 206200, 206430, 206450, and 206490) must submit with his first license application the following information:

(1) On separate Forms IT-821, total exports from the United States, by quantity and value, made in his own name during each of the calendar years 1948, 1949, and 1950 of (a) passenger car casings, Schedule B No. 206200, and (b) casings classified under Schedule B Nos. 206000, 206430, 206450 and 206490 to the following countries:

[illegible]	Lebanon.
Belgium.	Malaya.
Finland.	Philippine Islands.
France.	Singapore.
French Morocco.	Sweden.
Indonesia.	Switzerland.
Iran.	Syria.
Iraq.	Thailand.
Israel.	

(2) The names of all rubber tire and casing exporters, dealers, manufacturers, and of any other business organization (whether individuals, corporations, partnerships, associations or any other kind of organization) engaged in the same business activity which are directly or indirectly owned or controlled by the applicant or which directly or indirectly own or control the applicant's operations; the date (month and year) when such firms or organizations were established, and their relationships to the applicant's operations.

(3) An applicant may, but need not, submit information required on Form IT-821 where his total exports of the commodities covered by this paragraph were less than $10,000 for any one year.

NOTE: In the absence of any report on Form IT-821, OIT will assume that the applicant's total exports for a commodity (or commodity group) were less than $10,000 in each of the three calendar years, and his application will be considered against a portion of the export quota held for exporters in this category.

This part of the amendment shall become effective as of June 23, 1951.

[illegible] Filed as part of the original document.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto submission dates with respect to certain applications for the third and fourth quarters, 1951, as follows:

Dept. of Comm. Sched. B No.	Commodity	Submission dates third quarter
	Ferroalloys	
621303	Ferromanganese	June 17–July 2, 1951.
622050	Ferrochrome	
622085	Ferromolybdenum	
622087	Ferrovanadium	
622095	Ferrotitanium and ferro-carbo-titanium	
622096	Ferrotungsten	
622098	Ferrocolumbium-tantalum, ferrozirconium, ferrotantalum	
	Lead, nickel, tin, zinc, and manufactures	
650500–651598	Lead and manufactures	Do.
654505–654998	Nickel and manufactures	
656502–656598	Tin and manufactures	
657050–658998	Zinc and manufactures	
	Other nonferrous ores, metals, and alloys, except precious	
662000	Babbitt metal	Do.
663000	Molybdenum ore and concentrates (molybdenum content)	
663700	Vanadium ore and concentrates, vanadic oxide (pentoxide V_2O_5) content	
663800	Magnesium metal in primary form	
663900	Tungsten metal, stellite, wire, shapes, and alloys, except tool blanks, tips and inserts	
664501	Antimony	
664510	Bismuth matte, slimes, redisnes, and base bullion	
664515	Cadmium dross, flue dust, residues, and scrap	
664520	Chromium or chromite	
664540	Manganese ores and concentrates, containing 10 percent or more manganese	
664560	Tantalum	
664570	Titanium, ilmenite, and rutile	
664595	Zirconium	
664901	Antimony (metal or regulus, needle, or liquidated antimony; alloys, and antimony-bearing scrap metal)	
664910	Bismuth metal and alloys	
664915	Cadmium metals (metallic shapes included)	
664917	Cadmium alloys	
664920	Chromium metal, anodes, chromium-bearing alloys and scrap	
664940	Manganese metal and alloys (alloys containing 10 percent or more manganese included)	
664945	Molybdenum metal, alloys and scrap	
664960	Tantalum metal and alloys	
664990	Vanadium metal, alloys, and scrap	
664995	Zirconium metals and alloys	
664998	Titanium metal	
669103	Magnesium powder, ribbons, and metal in other forms	
669108	Molybdenum wire	
669120	Lighter flints	
669198	Flue dust, vanadium	
669198	Tantalum rings, wire, and crucibles	

This part of the amendment shall become effective as of May 24, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

3. Section 384.2 *Practice before the Office of International Trade* is amended in the following particulars:

Paragraph (b) *Former employees* is amended to read as follows:

(b) *Former employees.* No person shall appear or be permitted to appear before the Office of International Trade, Department of Commerce, as the agent, attorney, or representative of any individual, corporation, partnership, or any group or body of persons, other than the United States or agency thereof, or public international organizations, as designated by Executive order (including the United Nations and its specialized agencies), if such person:

(1) Is, or at any time within one year prior thereto was, a full-time or part-time, compensated or uncompensated officer or employee of the Office of International Trade and such relationship or employment was terminated subsequent to May 24, 1951; or

(2) Has at any time been officially associated with the specific transaction or matter to which such appearance relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Office of International Trade or any of its predecessor or constituent agencies.

Notwithstanding the prohibition contained in this paragraph the Office of International Trade may, in exceptional cases and upon receipt of a sworn written application setting forth the facts, grant to a former officer or employee disqualified under this section, written permission to appear before the Office of International Trade on behalf of another person for a specific or limited purpose, where in its opinion such permission is necessary to prevent injustice or unnecessary hardship.

As used in this paragraph, the term "appear before the Office of International Trade" shall have the same meaning as the definition in paragraph (a) (2) of this section.

This part of the amendment shall become effective as of May 24, 1951.

4. Section 384.8 *Orders modifying validity of certain export licenses* is amended in the following particulars:

The provisions of paragraph (a) *Raw cotton* are deleted and the following new provisions are substituted:

(a) *Raw cotton.* The validity period of all outstanding validated licenses for the exportation of raw cotton, Schedule B Nos. 300005 through 300012, shall expire on the date shown on the license or midnight July 31, 1951, whichever date is earlier.

This part of the amendment shall become effective as of May 24, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-6317; Filed, May 31, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

DESIGNATION OF TOBACCO MARKET AT LAMAR, S. C.

Upon referenda conducted, pursuant to prior notice (16 F. R. 3349), during the period May 10, 1951–May 12, 1951, both dates inclusive, among tobacco growers, who, during the 1950–51 marketing season, sold tobacco at auction on the market at Lamar, South Carolina, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601; 14 F. R. 4514, 5364, 6193, 15 F. R. 3979, 4071, 4675, and 7117) are amended by adding thereto at the end thereof the following paragraph (nn):

§ 29.601 *Designation of tobacco markets.* * * *

(nn) *The tobacco market at Lamar, South Carolina.* Effective 30 days after June 1, 1951, no tobacco of any type shall be offered for sale at auction on the market at Lamar, South Carolina, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Secs. 2, 5, 49 Stat. 731, 732; 7 U. S. C. 511a, 511d)

Issued this 28th day of May, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6299; Filed, May 31, 1951; 8:46 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF ORANGE MARMALADE

Correction

In Federal Register Document 51-5896, appearing at page 4746 of the issue for Tuesday, May 22, 1951, the following changes should be made:

1. The section number should read "§ 52.448" instead of "§ 52.488".

2. In the table in paragraph (j), score points "26–33" should read "28–33" and the word "Grade" should appear below the words "Total score".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[958.307, Amdt. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 2, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation of shipments as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when the information upon which this amendment is based become available and the time when this amendment must become effective to effectuate the declared policy of the act is insufficient, (ii) this amendment merely extends the effective period of the present regulation, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

b. *Order, as amended.* The provisions of paragraph (b) (1) of § 958.307 (15 F. R. 5194) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a. m., m. s. t., November 15, 1950, and ending 12:01 a. m., m. s. t., July 1, 1951, no handler shall ship potatoes grown in Area No. 2, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grades (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949; 14 F. R. 3979); no handler shall ship potatoes of the round varieties which are of sizes smaller than 2 inches minimum diameter; and no handler shall ship potatoes of the long varieties which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366) including the tolerances set forth therein: *Provided,* That the aforesaid limitation shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of May 1951, to be effective on June 1, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6281; Filed, May 31, 1951; 8:55 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

OBTAINING OF APPROVAL FOR CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM

In the material published in the FEDERAL REGISTER of May 17, 1951 (16 F. R. 4609), the word "not" appearing in the fifth line of subparagraph (2), paragraph (h), of § 301.2 should be deleted.

TENNESSEE VALLEY AUTHORITY,
[SEAL] JOHN CLIVER,
Acting General Manager.

[F. R. Doc. 51-6361; Filed, May 31, 1951; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 379]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 374]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

INDIANA

Amendment 379 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 374 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 103, is amended to read as follows:

Name of defense-rental area	State	County or counties under rent regulation	Maximum rent date	Effective date of regulation	Date by which registration to be filed
(103) Indianapolis	Indiana	Marion County, except the towns of Speedway and Woodruff Place; Hancock County	July 1, 1941 Apr. 1, 1951	July 1, 1942 June 1, 1951	Aug. 15, 1942 June 30, 1951

This establishes controls in the County of Hancock, State of Indiana, which county is made a portion of the Indianapolis, Indiana, Denfense-Rental Area. Hancock County has never been under control prior to the effective date of this amendment.

2. A new item is hereby incorporated in Schedule B to read as follows:

86. Provisions relating to the County of Hancock, Indiana, a portion of the Indianapolis, Indiana, Defense-Rental Area.

Control of the County of Hancock, Indiana, a portion of the Indianapolis, Indiana, Defense-Rental Area. Effective June 1, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the County of Hancock, Indiana, a portion of the Indianapolis, Indiana, Defense-Rental Area, except as modified by the following provisions:

a. "Maximum rent date" means April 1, 1951. "Effective date of regulation" means June 1, 1951.

b. In the case of any action which, on June 1, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from June 1, 1951.

c. If, on June 1, 1951, services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such mini-

mum services or file a petition on or before June 30, 1951, requesting approval of the decreased services. If, on June 1, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before June 30, 1951, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this amendment, the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. Section 825.2 (c) (2) is changed to read as follows:

(2) *Maximum rent established by a renting prior to June 1, 1951.* Where the maximum rent of the housing accommodations is originally established by a renting prior to June 1, 1951, no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

e. Section 825.82 (c) (2) is changed to read as follows:

(2) *Maximum rent established by a renting prior to June 1, 1951.* Where a maximum rent is established by a renting prior to June 1, 1951, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

f. Section 825.4 (a) is changed to read as follows:

(a) *Rents on April 1, 1951.* Except as otherwise provided in this section, for any housing accommodations subject to §§ 825.1 to 825.12 and rented on April 1, 1951, the maximum rent shall be the rent for such accommodations on that date.

g. Section 825.84 (a) is changed to read as follows:

(a) *Rented or regularly offered on April 1, 1951 or during the month of March 1951.* For a room rented or regularly offered for rent on April 1, 1951 or during the month of March 1951, the maximum rents shall be the highest rent for each term or number of occupants for which the room was rented on that date or during that month, or, if the room was not rented or was not rented for a particular term or number of occupants on that date or during that month, the maximum rents shall be the rent for each term or number of occupants for which it was regularly offered during that period.

h. If, on June 1, 1951, there was a ground for adjustment under §§ 825.5 (a) or 825.85 (a) and a petition for adjustment is filed on or before June 30, 1951, the adjustment shall be effective as of June 1, 1951.

i. In § 825.5 (a) (1) the heading thereof is changed to read as follows: "*Major capital improvement after maximum rent date.*" In the same § 825.5 (a) (1) the words "maximum rent date" are substituted for the words "effective date of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended."

j. In § 825.5 (a) (3) the word "space" and the phrase, "or a substantial increase in the living space since June 30, 1947 but before April 1, 1948" are deleted.

k. In § 825.5 (c) (3) the word "space" and the phrase "or a substantial decrease in the living space since June 30, 1947, but before April 1, 1948," are deleted.

l. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to June 1, 1951, by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

m. Wherever the date June 30, 1947, appears in §§ 825.4 (c) and (d), 825.84 (f) and 825.85 (a) (3) and (c) (3), the date April 1, 1951, shall be substituted.

n. Wherever the date July 1, 1947, appears in §§ 825.5 (d), 825.82 (a) and 825.85 (d) the date June 1, 1951, shall be substituted.

o. Wherever the date April 1, 1948, appears in § 825.4 (e) the date April 1, 1951, shall be substituted.

p. Wherever the date July 1, 1947, appears in §§ 825.4 (c) and (d) and 825.84 (c), (d) and (f), the date April 2, 1951, shall be substituted.

q. Wherever the date July 1, 1948, appears in § 825.85 (c) (1) the date June 1, 1951, shall be substituted.

r. Wherever the date June 30, 1947, appears in § 825.84 (d) the date June 1, 1951, shall be substituted.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective as of June 1, 1951.

Issued this 29th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-6392; Filed, May 31, 1951; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 92]

PART 174—DISPOSITION OF DENATURED ALCOHOL, DENATURED RUM, AND SUBSTANCES OR PREPARATIONS CONTAINING DENATURED ALCOHOL OR DENATURED RUM

Preamble. 1. These regulations, "Regulations 92, Disposition of Denatured Alcohol, Denatured Rum, and Substances or Preparations Containing Denatured Alcohol or Denatured Rum" (26 CFR Part 174) are a republication of Regulations 92, approved April 27, 1937 (26 CFR Part 174; 2 F. R. 908), and all amendments and modifications thereof through December 31, 1950.

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. These regulations shall, on and after May 1, 1951, supersedes Regulations 92 (26 CFR Part 174; 2 F. R. 908).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date, or alter, modify, or repeal, the provisions of any other existing regulations relating to denatured alcohol, denatured rum, or products containing such alcohol or rum.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE DISPOSITION OF DENATURED ALCOHOL, DENATURED RUM, AND SUBSTANCES OR PREPARATIONS CONTAINING DENATURED ALCOHOL OR DENATURED RUM

26 U. S. C. 3111	Taxability of denatured alcohol or articles produced, transferred, used, or sold in violation of law or regulations.
26 U. S. C. 3121	Powers and duties of persons enforcing this part.
26 U. S. C. 3124	Definitions.
26 U. S. C. 3170	Transfer and delegation of powers.
26 U. S. C. 3176	Rules and regulations.

REGULATORY PROVISIONS

SUBPART A—SCOPE OF REGULATIONS

Sec.
174.1 Denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or denatured rum.

SUBPART B—DEFINITIONS

Sec.
174.5 Meaning of terms.
174.6 Articles
174.7 Commissioner.
174.8 I. R. C.
174.9 Person.
174.10 U. S. C.

SUBPART C—REQUIREMENT OF RETURNS

174.15 Returns required.
174.16 Filing returns.

SUBPART D—RECORDS TO BE MAINTAINED

174.20 Records required.
174.21 Inspection of records.

AUTHORITY: §§ 174.1 to 174.21 issued under 53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat 359, 363, 364, 373, as amended; 26 U. S. C. 3111, 3121, 3124, 3170.

DERIVATION: §§ 174.1 to 174.21 derived from Regulations 92, 1937 edition (26 CFR Part 174; 2 F. R. 908).

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE DISPOSITION OF DENATURED ALCOHOL, DENATURED RUM, AND SUBSTANCES OR PREPARATIONS CONTAINING DENATURED ALCOHOL OR DENATURED RUM [1]

26 U. S. C. 3111 TAXABILITY OF DENATURED ALCOHOL OR ARTICLES PRODUCED, TRANSFERRED, USED, OR SOLD IN VIOLATION OF LAW OR REGULATIONS.

Any person who shall produce, withdraw, sell, transport, or use denatured alcohol, denatured rum, or articles in violation of laws or regulations now or hereafter in force pertaining thereto, and all such denatured alcohol, denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, denatured rum, or articles shall be required to pay such tax.

26 U. S. C. 3121 POWERS AND DUTIES OF PERSONS ENFORCING THIS PART.

(a) *Commissioner and other persons.* The Commissioner, his assistants, agents, and inspectors, and all other officers, employees, or agents of the United States, whose duty it is to enforce criminal laws, shall have all the rights, privileges, powers, and protection in the enforcement of the provisions of this part which are conferred by law for the enforcement of any laws in respect of the taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in, intoxicating liquors.

(b) *Delegation of duties to assistants.* Any act, authorized by this subchapter to be done by the Commissioner may be performed by any assistant or agents designated by him for that purpose. Records, reports, or returns required to be filed with the Commissioner may be filed with an Assistant Commissioner or other person designated by the Commissioner to receive such records, reports, or returns.

(c) *Power to secure records.* All records and reports kept or filed under the provisions of this part, and all liquor or property to which such records or reports relate, shall be subject to inspection at any reasonable hour by the Commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the records or reports are kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the Commissioner when called for.

(d) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3124 DEFINITIONS.

(a) When used in this part—

• • • • •

(6) The term "regulation" shall mean any regulation prescribed by the Commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this part, and the Commissioner is authorized to make such regulations.

(7) The term "articles" shall mean any substance or preparation in the manufacture of which denatured alcohol or denatured rum is used.

(8) The term "person" shall mean and include natural persons, firms, partnerships, corporations, and associations.

• • • • •

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

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REGULATORY PROVISIONS

SUBPART A—SCOPE OF REGULATIONS

§ 174.1 *Denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or denatured rum.* These regulations, "Regulations 92, Disposition of Denatured Alcohol, Denatured Rum, and Substances or Preparations Containing Denatured Alcohol or Denatured Rum" (26 CFR, Part 174), contain the procedural and substantive requirements relative to the returns and records of dispositions of denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or denatured rum.

SUBPART B—DEFINITIONS

§ 174.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 174.6 *Articles.* "Articles" shall mean denatured alcohol, denatured rum, ethyl acetate, and any liquid substance or preparation which contains more than 25 percent by volume of denatured alcohol or denatured rum.

§ 174.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 174.8 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 174.9 *Person.* "Person" shall mean and include natural persons, firms, partnerships, corporations, and associations.

§ 174.10 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—REQUIREMENT OF RETURNS

§ 174.15 *Returns required.* Every person in the United States who consigns, sells, or otherwise disposes of, articles as defined in § 174.6, shall, when required in writing by the Commissioner of Internal Revenue, the Deputy Commissioner in charge of the Alcohol Tax Unit, or a district supervisor or acting district supervisor of the Alcohol Tax Unit, for the purpose of determining whether such articles are being used for the recovery of alcohol in fraud of the internal revenue tax on such alcohol, render in writing a correct return showing:

(a) The date of each consignment, sale, or other disposition of, such articles on or after the receipt of the notice requiring such returns;

(b) The quantity and kind of the articles consigned, sold, or otherwise disposed of;

(c) The name and complete address of the purchaser, or person to whom disposition is made, and if the sale or disposition is made by or through any other person, the name and complete address of such other person;

(d) The name and complete address of the consignee;

(e) The date and method of shipment or delivery, such as by truck, or other conveyance, and the state or city registration number of such truck or other conveyance, if any;

(f) The name and complete address of the driver of such truck, or other conveyance, as shown by the driver's operator's license, if any, giving the number of the license and the date of issuance;

(g) The name and complete address of the person to whom actual delivery has been, or is to be, made; and

(h) The exact date of such delivery, or proposed delivery. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by paragraphs (e) and (f) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment.

§ 174.16 *Filing returns.* Returns shall be filed with the officer or employee of the Bureau of Internal Revenue designated by the Commissioner or the officer requiring returns, not later than 10 days after the receipt of the notice requiring the same to be filed, unless that notice shall specify a shorter period of time within which the return is to be filed.

SUBPART D—RECORDS TO BE MAINTAINED

§ 174.20 *Records required.* Every person who consigns, sells, or otherwise disposes of any such articles, as defined in § 174.6, shall, on and after the receipt of a notice in writing requiring returns to be made under Subpart C, keep at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with every such consignment, sale, or disposition, as will enable such person to make the return provided for by Subpart C.

§ 174.21 *Inspection of records.* When any person has made a return pursuant to the procedure provided for in Subpart C, such books, records, documents, papers, invoices, bills of lading, etc., shall be kept readily available for, and open to, inspection by any officer or employee of the Alcohol Tax Unit of the Bureau of Internal Revenue during the hours of business of such person.

Effect. These regulations shall be effective as of May 1, 1951.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved:

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6368; Filed, May 31, 1951; 8:55 a. m.]

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Order 6]

GO 6—ABOLISHMENT OF OFFICES AND TRANSFER OF PERSONNEL

REVOCATION

The purpose of General Order No. 6, Abolishment of Offices and Transfer of Personnel, dated February 18, 1951, having been accomplished, the order is hereby revoked.

Issued: May 29, 1951 at 9:10 a. m.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-6443; Filed, May 31, 1951; 11:10 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 42]

CPR 42—CEILING PRICES FOR CERTAIN CANNED VEGETABLES OF THE 1951 SPRING PACK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738) this Ceiling Price Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation is the first ceiling price regulation for any canned fruit or vegetable having provisions designed to meet specific problems of the canning industry. It establishes ceiling prices for sales by canners of the spring pack of canned asparagus, green beans, spinach, and vegetable greens other than spinach, produced and processed between January 1, 1951 and June 30, 1951. These vegetables, however, are produced in packing seasons which vary in length in different parts of the country. Therefore, if the major portion of the spring pack of any one canned vegetable is produced and processed before June 30, 1951, this regulation applies to the entire spring pack of the vegetable.

NEED FOR PROMPT ACTION

Canners of the spring pack of canned vegetables are in an acute situation because of unavoidable inequities resulting from the general price freeze under the General Ceiling Price Regulation and because of the exemption of canned vegetables, as seasonal items, from provisions of the Manufacturers Ceiling Price Regulation.

The General Ceiling Price Regulation caught the canning industry between processing seasons. By the time the 1951 spring pack began, increases in packaging costs, in some raw commodity costs, and in labor costs over those in 1950 had occurred.

Moreover, the price control techniques employed by the General Ceiling Price Regulation do not fit well with the practical operating problems of the canning industry. Since many canners sold their entire 1950 spring pack before the GCPR base period of December 19, 1950 to January 25, 1951, they cannot compute their own ceiling prices under that regulation but instead must either borrow prices of their nearest competitors, or apply to the Office of Price Stabilization for establishment of individual ceiling prices. If a large number of canners borrow prices, a distorted price structure will tend to arise. Since canned vegetables generally are exempt from the Manufacturers Ceiling Price Regulation, because of the seasonal character of this industry, no ceiling prices for canned vegetables can be determined under that regulation. It is therefore necessary to establish promptly ceiling prices for the spring pack of the particular vegetables so that the spring pack can move into customary channels of trade. The revenue obtained from the sale of the spring pack of canned vegetables is significant because it is used by canners to finance their later canning operations and to meet financial obligations incurred to process the spring pack.

This regulation is therefore intended to meet the emergency situation created by the squeeze in production costs and the need for prompt movement of the spring pack into commercial distribution.

Pricing methods for other canned fruits and vegetables are now being studied by the Office of Price Stabilization and will be covered by a later regulation. The canned vegetables covered by this regulation are also being included in that study. Because of the emergency character of this regulation, the pricing policies and methods used in the regulation are subject to later change.

PRICING METHODS OF THE REGULATION

The pricing methods used in this regulation are designed to maintain a generally fair and equitable margin for processing in relation to the margin existing in the most recent period of free selling prices before the Korean conflict. At the same time, the regulation follows the policy announced in the Statement of Considerations for the Manufacturers Ceiling Price Regulation of avoiding "rubber stamped inflation" through indiscriminate allowance of all cost increases.

To accomplish these purposes, a formula pricing method has been adopted. The regulation establishes a base period of January 1–June 30, 1950 representing the most recent pre-Korean price situation. Only the vegetables for which such a pre-Korean base period existed in 1950 are covered by the regulation.

To establish his ceiling price for an item, the canner first determines his representative weighted average sales price or "base price" of the item sold during the base period at the canner level. He then adds to his base price an adjustment for certain production cost increases, which is computed by a stated percentage factor for different processing areas. In addition, the canner then adds to his adjusted base price the actual amount of his raw material cost increase which may not exceed an amount based upon the 1951 legal minimum prices to growers of the vegetable. The canner's ceiling price is his base price adjusted for the two kinds of recognized cost increases.

COST INCREASES OTHER THAN RAW MATERIAL

The cost increases other than raw material recognized in the regulation include packaging costs, labor costs, warehouse costs, and similar direct production costs. These increases are stated in terms of a factor representing the percentage by which the canner's base period sales price may be increased.

The percentage factors for these cost increases, which are computed for different processing areas, are based upon cost data submitted by industry representatives for the different areas and upon consultation and discussion with the canning industry advisory committee.

COST INCREASES FOR RAW MATERIALS

Permitted cost increases for raw materials have been limited to actual cost increases. However, in no event may these exceed the effective legal minima provided for agricultural commodities under section 402 (d) of the Defense Production Act of 1950. The maximum increases specified for raw materials are the differences between the 1950 season averages and the effective legal minima, for the appropriate periods during which the raw commodity is delivered to the canning factory for processing in each major producing area, as adjusted by the Secretary of Agriculture for location differentials. The maximum increases are expressed in dollars-and-cents figures or as a percentage increase over each canner's 1950 weighted average raw material cost.

SPECIAL PRICING PROVISION

Special problems exist in determining raw material cost increases for grower-canner - cooperatives, grower - canners, and other canners who do not buy their raw material during the packing season at firm prices, such as purchases under "open-end" contracts. This group of canners does not have any firm basis of their own purchases against which they can measure their 1951 raw material cost increases. To meet this problem, grower-canners and canners who do not buy at firm raw material prices are required to borrow the 1951 raw material cost increase of their nearest canner. In the case of grower-canner-cooperatives, they may adjust their base price by adding up to but not more than the entire maximum permitted raw material cost increase on the condition that the amount of that increase must be returned to the growers. This provision permits grower-canner-cooperatives to obtain ceiling prices reflecting the legal minimum prices to growers for raw material, and at the same time precludes the expansion of processing margins.

Special pricing provisions are also included in the regulation to establish ceiling prices for new items, such as those differing in grade or container size, and for items sold on a delivered basis.

INAPPLICABILITY OF PRICING METHODS

Because of the many different possible pricing situations, such as lack of base period sales, the regulation recognizes that some canners may not be able to apply any of the pricing methods to their own situation. To solve this problem, a canner who is unable to use other pricing methods in the regulation shall either borrow as his ceiling price the average of the ceiling prices of his three nearest canners, or he shall apply to the Office of Price Stabilization for his ceiling price. The inapplicability of the pricing methods of the regulation is significant in the case of canner-wholesalers and canner-retailers who engage in canning operations and sell all their production at wholesale and retail price levels. This regulation, being designed to establish prices at the canner level, does not contain a formula applicable to those sellers who, while engaged in canning operations, do not make sales at the canner level. Data now on hand is inadequate to establish a pricing method or formula for these canner-wholesalers and canner-retailers. Accordingly, pricing methods for this special group, and also for distributors, are to be promptly studied on the basis of consultation with the industry. In the meantime, canner-wholesalers and canner-retailers needing price authorization will obtain prices by application to the Office of Price Stabilization under section 7 of the Regulation.

CONCLUSION

In formulating this regulation the Director of Price Stabilization has consulted with the industry represented and has given full consideration to its recommendations. The Director finds that any changes in business practice, cost practice, or methods under this regulation are necessary to prevent circumvention or evasion of the ceiling prices for the vegetables covered by this regulation. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950.

In so far as is practicable the Director of Price Stabilization has given due consideration to the national effort to effect maximum production in furtherance of the purposes of the Defense Production Act of 1950, to prices prevailing during the period May 24, 1950 to June 24, 1950 and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Ceiling prices f. o. b. factory for sales by canners of items sold during the base period.
3. Ceiling prices and raw material permitted cost increases for grower-canners and other canners who purchase raw material on an open-end contract.
4. Ceiling prices and raw material cost increases for grower-owned cooperatives.
5. Ceiling prices for canners who did not sell the item during the base period but who sold other items of the product during that period.
6. Ceiling prices for canners who are unable to figure their ceiling prices under sections 2, 3, 4, or 5 of this regulation.
7. Individual authorization of ceiling prices.
8. Uniform f. o. b. factory prices for factories in different pricing areas.
9. Delivered prices.
10. Uniform delivered prices by zones or areas.
11. Payment of brokers.
12. Special packing expenses that may be reflected in ceiling prices.
13. Units of sale and fractions of a cent.
14. Maintenance of customary discounts, allowances and price differentials.
15. Export sales.
16. Storage.
17. Records which must be kept.
18. Reports which the canner must file.
19. Sales slips and receipts.
20. Transfers of business or stock in trade.
21. Adjustable pricing.
22. Treatment of taxes.
23. Compliance with this regulation.
24. Applications for adjustment by canners who have been found to have violated the Robinson-Patman Act.
25. Petitions for amendment, protests and interpretations.
26. Definitions.

AUTHORITY: Sections 1 to 26 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *What products and sellers are covered.* This regulation establishes a method for calculating ceiling prices for sales by canners of the 1951 spring pack of the following canned vegetables processed in the following areas:

Product:	*Areas*
Asparagus	All States.
Spinach	All States.
Green beans	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas.
Vegetable greens (other than spinach).	All States.

Other vegetables may be added from time to time. This regulation does not apply to any listed vegetable that is packed and sold as "baby food," as "junior food," or as "soup."

(b) *Pricing provisions to be used.* The main pricing method for most canners is found in section 2 of this regulation. If, however, you are a grower-canner, or if you purchase raw materials on open-end contracts, your ceiling prices are determined by sections 2 and 3 of this regulation. If you are a grower-owned cooperative, your ceiling prices are determined by sections 2 and 4 of this regulation. Section 5 of this regulation sets forth the method of computing your ceiling price for items not sold during the base period, while sections 6 and 7 of this regulation establish methods by which canners, such as new canners or those selling only at wholesale or retail, who cannot compute their ceiling prices under the other provisions of the regulation may obtain ceiling prices.

(c) *Where this regulation applies.* This regulation applies in the 48 states of the United States and the District of Columbia.

(d) *What this regulation supersedes.* For the product and sellers covered, this regulation supersedes the General Ceiling Price Regulation (16 F. R. 808).

SEC. 2. *Ceiling prices f. o. b. factory for sales by canners of items sold during the base period.* You shall compute your ceiling prices for each factory at which you process an item covered by this regulation by first determining your "base price." Thereafter you shall increase your "base price" by an adjustment for cost increases other than raw materials and by an adjustment for raw material cost increases.

(a) *How to determine your base price.* Your base price is your weighted average sales price per dozen containers f. o. b. factory for each item of the 1950 pack sold during the "base period" from January 1 through June 30, 1950. "Weighted average sales price" is the total gross sales dollars charged f. o. b. factory for the item during the base period divided by the number of dozens of containers of that item sold.

(1) *What sales and sales contracts you include in your "weighted average sales price."* All sales and confirmed sales contracts at firm prices of the 1950 pack of the item made in the regular course of business during the base period shall be included, regardless of the date of delivery. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the base period. However, the following sales and sales contracts shall be excluded, even though made during the base period: Sales at retail (including sales to growers and employees) and at wholesale; sales to government procurement agencies, institutional, commercial and industrial users, state agencies and political subdivisions thereof; and sales of damaged goods, or of goods packed for experimental purposes.

(2) *Separate base prices.* You shall figure a separate base price for each item; a single base price shall be figured for items which differ only in brand name. Subgrades shall also be ignored.

(3) *Base price for factory group.* In determining your "base price," you may determine one "base price" for any group of factories, all of which are located in the same pricing area. In figuring a single base price for a group of factories, you shall include all of the sales at each factory which compose the "weighted average sales price" defined in this section. The term "same pricing area" means that each factory must be located in the same area both for permitted increases other than raw material and for raw material permitted increases named in paragraphs (b) and (c) of this section.

(b) *How to adjust for permitted increases other than raw material.* After obtaining your base price for the item, you shall multiply it by the appropriate figure set forth in the Table below for the area in which your factory is located:

TABLE I

ASPARAGUS

Area I—New Jersey, Delaware, Maryland and Virginia	1.045
Area II—California, Washington and Oregon	1.035
Area III—All other states	1.04

SPINACH

Area I—California, Washington and Oregon	1.08
Area II—All other states	1.05

GREEN BEANS

Area I—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee and Texas 1.05

VEGETABLE GREENS (other than spinach)

Area I—All states 1.065

The resulting figure is your "adjusted base price."

(c) *How to figure the raw material permitted increase.* Next, you shall add to your "adjusted base price" the amount of your raw material increase determined by the following procedure:

(1) *Per ton cost increase.* Obtain the difference between your 1950 weighted average raw material cost per ton delivered at the factory, and your 1951 weighted average raw material cost per ton delivered at the factory up to the date of computation of your ceiling price. However, if this difference exceeds the amount of the appropriate maximum permitted raw material increase for the area in which your factory is located, both in terms of dollars and cents and in terms of a percentage of your 1950 weighted average raw material cost, as provided in Table II below, then use either of the increases there provided.

The 1951 weighted average raw material cost per ton shall be based upon all raw material purchased for processing or contracted for by you at a firm price at the time of figuring your ceiling prices under this regulation. To determine your "weighted average raw material cost" for each year, compute the total amount paid by you to the grower of the raw agricultural material, plus any transportation, storage, harvesting, seeds and plants, crates, boxes, bags, acquisition, and other direct costs paid or incurred by you up to the point of delivery at your factory and not charged to the grower. Divide this total amount by the number of tons purchased. The result is your "weighted average raw material cost."

TABLE II—MAXIMUM PERMITTED INCREASES IN RAW MATERIAL COST

Raw material	Area	Maximum permitted increases in dollars per ton	Maximum permitted increases in percentage of 1950 weighted average raw material cost
Asparagus	All areas	No increase	No increase
Spinach	Texas	$1.70	3
	California	17.50	69
	Virginia, Maryland	12.90	16
	Arkansas, Oklahoma	3.20	4
	New Jersey	3.40	3
	All other States	11.30	23
Green beans	Florida	20.00	29
	South Carolina, Georgia, other than Fannin, Union, Towns, Rabun, Lumpkin, White and Habersham counties; Alabama, Mississippi, Louisiana	28.40	35
	Arkansas, Oklahoma, Missouri, Tennessee, other than Marion, Grundy, Warren, DeKalb, Putnam, Overton and Clay counties and all counties east thereof in Tennessee	14.40	16
	Marion, Grundy, Warren, DeKalb, Putnam, Overton and Clay counties and all counties east thereof in Tennessee; and Fannin, Union, Towns, Rabun, Lumpkin, White and Haversham counties in Georgia	31.00	29
	Texas	12.00	15
Vegetable greens (other than spinach)			20

(2) *Conversion of per ton raw material increase to increase per dozen containers.* Divide your raw material cost increase per ton by the average of your case or unit yields per ton for the three preceding years (or such of them in which you packed the product) and adjust for grade yield distribution according to your customary practice during such period. Then, convert this adjusted per unit cost increase to the increase per dozen containers of the finished product.

(3) *Your ceiling price.* The figure resulting from the addition of your raw material permitted increase to your adjusted base price is your ceiling price per dozen containers f. o. b. factory for the item.

(4) *Recalculation.* If during the 1951 spring pack, or at the termination of the 1951 spring pack of a product, you had different raw material permitted cost increases from those used in figuring your ceiling prices, you may refigure your ceiling prices for all portions of the pack of the product not sold on a firm contract. In refiguring your ceiling prices under this section you shall base your calculation on all raw material purchased, or contracted to be purchased at a firm price up to the time of refiguring your ceiling prices.

(d) *Sales f. o. b. shipping points other than factory.* If during the base period you sold all or portions of an item at a shipping point other than the factory where the item was canned, and, if in computing your ceiling price f. o. b. factory, you subtracted from your base period sales price the transportation costs for the item from its factory of origin to such location, you may add to your f. o. b. factory ceiling price, for all or any portion of the item sold f. o. b. such location, the current transportation costs per sales unit from factory to such location.

SEC. 3. *Ceiling prices and raw material permitted cost increases for grower-canners and other canners who purchase raw materials on an open-end contract.* If you are (a) a grower-processor or if you purchase your raw material under "open" price or deferred payment contracts which relate the price you pay to facts not ascertainable at the time of pricing, and (b) if you cannot determine your raw material permitted cost increase under section 2 (c) of this regulation, at the time of computing your ceiling prices, because in 1950 or in 1951 you did not purchase any of the kind of raw material at firm prices from independent producers wholly unaffiliated with you, you shall first determine your "base price" and "adjusted base price" per dozen containers under section 2 of this regulation. Second, you shall, to determine your raw material permitted cost increase per ton, use the raw material permitted cost increase per ton of the canner located nearest you in the same raw material area as defined in section 2 (c) who receives deliveries of a like quality of the material in the same quantity units (tons, carloads, etc.) at firm prices. You shall, however, convert the raw material cost increase to per dozen containers of the finished product on the basis of your own average unit yields for the three preceding years (or such of them in which you packed the item), and by adjusting for grade yield distribution according to your customary practice during such period.

SEC. 4. *Ceiling prices and raw material cost increases for grower-owned cooperatives—(a) Extent of increase.* If you are (1) a grower-owned cooperative, and (2) if you cannot determine your raw material permitted cost increase under section 2 (c) of this regulation at the time of computing your ceiling price because you did not purchase any raw material for the product in 1950 or 1951 from independent growers wholly unaffiliated with you, you shall first determine your "base price" and your "adjusted base price" per dozen containers under section 2 of this regulation. Second, you obtain your raw material permitted cost increase per ton by taking an amount up to but not in excess of the higher of either the dollar maximum increase permitted by Table II in section 2 (c) of this regulation, or the figure obtained by multiplying the amount you returned in 1950 to growers of the same material by the percentage maximum raw material permitted cost increase in that table. Then you convert the permitted raw material increase per ton to per dozen containers in accordance with section 2 (c) (2) of this regulation. You then add this increase to your "adjusted base price" to obtain your ceiling price f. o. b. factory per dozen containers.

(b) *Required pass-back to growers.* This permitted increase for raw material cost may be taken only if you pass back the entire increase to growers. The amount you must pass back to growers shall be computed as follows:

(1) Compute the full amount per ton paid to the grower in 1950, including the amount for the same raw material.

(2) Add to this amount the per ton increase computed in accordance with paragraph (a) of this section.

(3) Divide this total by the number of dozen containers produced per ton of raw material. This is your raw material cost per dozen containers.

(4) Multiply the raw material cost per dozen containers by the number of dozen containers sold during the accounting period. The result is the total amount which must be paid to the grower including the amount to be passed back. The amount passed back must be paid within 30 days after the end of your normal accounting period.

(c) *Reports required under this section.* If you determine your raw material permitted cost increases under paragraph (a) of this section, you shall mail to the Office of Price Stabilization, Washington 25, D. C., not less than 30 nor more than 60 days after the end of each normal accounting period, a report by registered mail giving all of the computations required by paragraph (b) of this section.

SEC. 5. *Ceiling prices for canners who did not sell the item during the base period, but who sold other items of the product during that period—(a) Ceiling prices for products in new container types or sizes.* (1) If you sold the same product (that is, the same kind, variety, grade, style of pack, size or sieve size) during the base period, but only in other container types or sizes, you shall determine the most similar container type for which you are able to figure a ceiling price for that product under section 2, 3, or 4 of this regulation even though you no longer sell that container type. From that container type you shall choose the nearest size which is not more than 50 percent larger or not more than 50 percent smaller than the new size. This will be the base container.

In most cases, "the most similar container type" will be merely the container type which you are adding to or replacing, like the tin which you may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation: Where there has been a change only in container type, the "nearest size" will be the same size.

(2) You shall take as your "base price" your f. o. b. factory ceiling price per dozen containers for the product when packed in the base container.

(3) You shall subtract from the "base price" f. o. b. factory the direct cost per dozen of the base container. "Direct cost" means the actual net cost at the canner's factory of containers, caps, labels and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(4) The figure obtained by this deduction shall then be adjusted by weight in the case of a container size change, by dividing it by the number of units of weight in the base container and multiplying the result by the number of the same units of weight in the new container. In figuring content of container, label weight and not actual fill shall be controlling.

(5) Next, you shall add to the adjusted figure the unit "direct cost" per dozen containers in the new container type or size computed on the basis of the actual net average cost of all purchases of such containers for the item from January 1, 1951, to the date of computation. The resulting figure is your ceiling price f. o. b. factory for the product in the new container type or size.

(b) *Items which differ only in grade.* If you are unable to figure a ceiling price for an item of a particular grade of a product under section 2 of this regulation, (e. g., no base period sales of the item), but you are able to figure ceiling prices for three other items of the same product, as described below, you shall compute your price by a mathematical comparison of the ceiling prices of these three other items. Of these comparison items, one shall differ only in grade from the item being priced and is called comparison item "A" in the following example. The second comparison item, called comparison item "B," shall differ only in container size from the item being priced. The third comparison item, called comparison item "C," shall differ both in grade and container size from the item being priced, and shall differ from the first comparison item "A" only as to container size and shall differ from the second comparison item "B" only as to grade. You shall then divide the ceiling price of item "B" by the ceiling price of item "C," and multiply the resulting figure by the ceiling price for item "A." The figure resulting from this calculation is your ceiling price f. o. b. factory for the item being priced.

Example "X" is the ceiling needed for item being priced, ≠2 can fancy spinach. "A" is ≠2 can standard spinach with ceiling of $1.50. "B" is ≠2½ can fancy spinach with ceiling of $2.00. "C" is ≠2½ can standard spinach with ceiling of $1.80.

($2.00÷$1.80=1.111; 1.111×$1.50=1.67)

$1.67 is the ceiling price for "X," ≠2 can fancy spinach, the item being priced.

(c) *Items which differ only in size or sieve size of content.* If you are unable to figure a ceiling price for a particular size of vegetable or sieve size of a product under section 2 of this regulation, (e. g., no base period sales of the item), but you are able to figure ceiling prices for three other items of the same product, as described below, you shall compute your price by a mathematical comparison of the ceiling prices of these other items. (In this explanation size of vegetable includes sieve size.) Of these comparison items, one shall differ only in size of vegetable from the item being priced and is called comparison item "A." The second comparison item, called comparison item "B," shall differ only in container size from the item being priced. The third comparison item, called comparison item "C," shall differ both in container size and in size of vegetable from the item being priced, and shall differ from the first comparison item "A" only in container size, and shall differ from the second comparison item "B" only as to size of vegetable. You shall then divide the ceiling price of item "B" by the ceiling price of item "C" and multiply the resulting figure by the ceiling price for item "A." The figure resulting from this calculation is your ceiling price, f. o. b. factory, for the item being priced.

SEC. 6. *Ceiling prices for canners who are unable to figure their ceiling prices under sections 2, 3, 4 or 5 of this regulation.* (a) If you are unable to figure your ceiling price for an item under sections 2, 3, 4 or 5 of this regulation, you shall use as your ceiling price for that item the simple average of the ceiling prices, for the same item, of the three canners located nearest your factory in the same pricing area as defined in section 2 (a) (3) of this regulation. If you are unable to secure the ceiling prices of the three canners located nearest you, you shall apply to the Office of Price Stabilization, Washington, D. C., for an individual authorization of a ceiling price in accordance with section 7 of this regulation.

(b) If you believe that the ceiling price obtained by using the average of the three canners located nearest you is not representative of the competitive price level at which you have customarily sold your products in relation to their products, or if you use merchandising methods in their sale and distribution different from those of such canners, you may apply to the Office of Price Stabilization for a ceiling price. In filing an application under this section, you shall submit your selling prices for the years 1948, 1949 and 1950 (or such of these years as available), of all items of the same or most closely comparable product, and prices (if available) of the three canners whose ceilings you are using for the same years covering the same or comparable product.

SEC. 7. *Individual authorization of ceiling prices.* If you cannot determine your ceiling price for an item under any of the foregoing pricing methods of this regulation you shall, before delivering the item to any purchaser, apply to the Office of Price Stabilization, Washington 25, D. C., for a ceiling price for each factory or group of factories at which you process the item.

(a) *Information that must be given in all cases.* In all such cases, you shall submit, if available, the following information in your application:

(1) A description in detail of the item for which a ceiling price is sought, including its grade, and brand name (if any) to be used, a statement of the facts that make it different from the most similar item for which you have determined a ceiling price, identifying the similar item and stating its ceiling price, and a statement giving the reasons why a ceiling price cannot be established under the pricing methods of this regulation. The statement should indicate whether sales of the item have previously been made and, if so, whether a ceiling price was established under the General Ceiling Price Regulation and, if so, the ceiling price so established for each class of purchaser and the section of that regulation under which established.

(2) The 1950 and 1951 weighted average raw material cost per ton or other unit figured in the manner and subject to the limitations set forth in section (2) (c) of this regulation and a statement showing your current case (unit) yield.

(3) The ceiling price proposed for the item, indicating whether it is for sale to wholesalers, retailers, consumers, or other classes of purchasers, and any discounts, or allowances that should be

applicable to the proposed price and a list of your customary discounts, transportation and other allowances and price differentials.

(4) The volume of the item which you have on hand and which you expect to produce during the remainder of the pack year.

(b) *Supplementary information must be given if specifically requested.* You shall mail to the Office of Price Stabilization within 30 days after receipt of its request such additional information as shall be requested. If you fail, without reasonable explanation, to submit all additional information that may have been requested within 30 days after the request is mailed, your application shall be considered withdrawn and the docket closed. Unless the application is refiled, the docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Stabilization will not be given.

(c) *Disposition of application.* Upon receipt of the application, the Office of Price Stabilization will authorize a ceiling price, or a method for determining the ceiling price, for the applicant or for sellers of the item generally, including purchasers for resale or a class of such resellers. The ceiling price authorized shall be one that bears a proper relationship to those for comparable commodities and sellers.

A proposed price shall be considered authorized 30 days after the application (or all additional information that may have been requested) is mailed unless within that time, the applicant has received from the Office of Price Stabilization a notice to the contrary.

(d) *Delivery before authorization of ceiling prices.* After filing the application, you may deliver the item, but you may not receive payment for it until a ceiling price is authorized.

(e) *Failure to apply when required.* If you fail to apply for a ceiling price under this section when required to do so, the Office of Price Stabilization may authorize a ceiling price for your sales of the item bearing a proper relationship to those for comparable commodities and sellers. This will not relieve you of your obligation to comply with this section or with any other provision of this regulation, nor will it relieve you of any penalty for failure to do so.

(f) *Revision of prices by the Office of Price Stabilization.* Any ceiling price established under this section shall be subject to revision at any time by the Office of Price Stabilization.

SEC. 8. *Uniform f. o. b. factory prices for factories in different pricing areas.* (a) If you process the item being priced at more than one factory and if your ceiling prices for the item vary by factories located in different pricing areas, you may, for those areas in which you had uniform prices in effect during 1950, establish a uniform ceiling price for the item for any group of factories in those areas by figuring a weighted average of their separate ceiling prices.

(b) For any two or more factories selected by you, the "weighted average ceiling price" shall be figured by you as follows:

(1) You shall (i) determine the total estimated receipts which would have been obtained if your total production of the item at those factories during 1950 had been sold at the separate ceiling prices otherwise determined under this regulation and, (ii) divide that figure by the total number of dozens of the item included in that total production. The result is your uniform f. o. b. factory price.

(c) If you at any time recalculate your ceiling prices for an item under the provisions of section 2 of this regulation, you shall at that time refigure your weighted average ceiling price under this section.

SEC. 9. *Delivered prices.* If you regularly sold the item being priced to a purchaser on a delivered basis during the base period, you may figure a delivered ceiling price by adding to the ceiling price for the item f. o. b. factory, the amount of the current transportation charges per sales unit of that item.

SEC. 10. *Uniform delivered pricing by zones or areas.*—(a) *Sellers who sold during the base period on a uniform delivered price by zones or areas.*—(1) *For one factory.* If you sold or delivered an item covered by this regulation during 1950 on an established uniform delivered price basis by zones or areas, you may establish a delivered ceiling price for the same zone or area by adding to your ceiling price f. o. b. factory, an average transportation charge, figured on the same basis as you figured such charge during 1950, but at current transportation rates. If you desire to sell an additional item not sold during 1950 on such uniform delivered price basis, you may establish a uniform delivered ceiling price for the same zones or areas, by adding to your f. o. b. factory ceiling price for the item, transportation charges which are mathematically proportional by shipping weight to the charges which were added to an item of the nearest shipping weight sold on a uniform delivered price basis in 1950.

(2) *For more than one factory.* If you sold an item during the calendar year 1950 from two or more factories on an established uniform delivered price basis, by zones or areas, regardless of the factories from which the shipment was made, you may continue such practice for the same zones or areas. Your uniform delivered ceiling price for the item shall be the weighted average of the delivered ceiling prices, as figured in subparagraph (1) of this paragraph, for the item computed on the basis of the proportion of sales of the pack of the item made during 1950 from each of your respective factories.

SEC. 11. *Payment of brokers.* In accordance with trade custom every broker shall be considered as the agent of the canner and not the agent of the buyer. In each case, the amount paid by the buyer to the canner plus any amount paid for brokerage service to the broker shall not exceed the total of the canner's ceiling price and allowable transportation costs actually paid by the canner or by the broker.

The term "broker" includes a "finder."

SEC. 12. *Special packing expenses that may be reflected in ceiling prices.*—(a) *Conditions under which special packing expenses may be reflected in ceiling prices.* Special packing expenses to meet special written requirements of the buyer are a basis for increasing ceiling prices for sales of canned vegetables if the following conditions are satisfied:

(1) The canned vegetables must be packed in a manner, package or container that is different from and more expensive than standard packing; and

(2) The canner must pack the goods for sale by himself and not for another on a custom or "toll" basis.

(b) *Ceiling prices for sales that meet the conditions of paragraph (a).* For any sale that satisfies the requirements of paragraph (a) of this section, your ceiling price as otherwise determined under this regulation may be increased by the following amount:

(1) The additional cost of packing according to the specifications of the buyer in excess of the cost of standard packing, if the canner packs the commodity himself, or

(2) The additional amount actually paid to another person for packing according to specifications of the buyer in excess of the cost of standard packing, if the canner does not pack the commodity himself.

(c) *Invoice and record-keeping requirements.* In any cases where your ceiling price is increased under paragraph (b) of this section, you shall:

(1) Show separately the amount of the increase in your contract of sale or on your invoice.

(2) In addition to the records otherwise specified by this regulation, prepare and keep for inspection by the Office of Price Stabilization, for two years, from the date of your invoice to the buyer, accurate records showing the cost of standard packing and the cost of packing according to the specifications of the buyer.

(d) *Computation of costs.* Costs must be figured according to your established accounting methods. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(e) *Meaning of "packing" and "standard packing."* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of commodities in such wrappings or containers; the application of any special coverings or coatings; and any unpacking and repacking necessary to conform to the specifications of the buyer.

"Standard packing" means the most expensive packing the cost of which was included in figuring the ceiling price established by this regulation.

SEC. 13. *Units of sale and fractions of a cent.* (a) Ceiling prices shall be stated in terms of the same general sales units (like dozens, cases, etc.) in which you have customarily quoted prices for the product. Sales in units other than those in which you computed your ceiling price shall be at that ceiling price adjusted for the number of containers in the unit and for customary discounts and differentials.

(b) Amounts computed in the process of figuring a ceiling price (other than the ceiling price itself) shall be carried to four decimal places (hundredths of a cent). If any figured ceiling price includes a fraction of a cent, you shall adjust the ceiling price to the nearest cent or one-half cent in accordance with your established method for quoting your sales prices.

SEC. 14. *Maintenance of customary discounts, allowances and price differentials.* You shall not change any customary allowance, discount or other price differential (as defined in section 26 of this regulation) to a purchaser or class of purchasers, if the change results in a higher price to that purchaser or class. However, this provision shall not require you to sell any item unlabeled, or under a buyer's label.

SEC. 15. *Export sales.* The ceiling price at which you may export any item covered by this regulation shall be determined in accordance with the regulation applicable to such sales.

SEC. 16. *Storage.* Storage costs incurred on goods owned by you shall not be added to your ceiling prices. Storage by you of goods owned by the buyer may be charged for in accordance with the ceiling price regulation applicable to such services.

SEC. 17. *Records which must be kept.* If you make sales covered by this regulation you shall:

(a) Make and preserve for examination by the Office of Price Stabilization, for two years from the date of your invoice to the buyer, all records of the same kind as you have customarily kept, relating to the prices which you charged for those sales, and

(b) Preserve for examination by the Office of Price Stabilization for as long as the Defense Production Act of 1950 remains in effect, and for two years thereafter, all your existing records which were the basis of figuring your ceiling prices in the manner directed by this regulation, showing the method used in figuring the ceiling prices.

SEC. 18. *Reports which the canner must file.* (a) If you make sales of the canned vegetables covered by this regulation, you shall mail to the Office of Price Stabilization, Washington 25, D. C., a report, signed by you, for each item for which you determine a ceiling price under this regulation, describing the item, naming its price and indicating the section of the regulation under which the price was determined. All items of a particular canned vegetable priced under section 2 of this regulation shall be included in one report, or a supplemental report if ceilings for some items are determined at a later date.

(b) If you determine your ceiling prices under the provisions of section 5 of this regulation, you shall also show the item or items used in figuring the conversion and indicating your ceiling prices.

(c) If you determine your ceiling prices by using a raw material cost increase of another canner, or by using an average of ceiling prices of three canners, you shall also furnish the names, addresses and ceiling prices of such canners.

(d) If you have figured a uniform ceiling price for an item processed at more than one factory in the same pricing area, you shall also furnish the addresses of all factories to which such ceiling price applies. If you have figured a uniform f. o. b. ceiling price for an item for more than one factory under the provisions of section 8 of this regulation, you shall furnish the ceiling prices for the item of each individual factory included in your calculation, the weighted average ceiling price as figured under that section, and the addresses of all factories to which the weighted average ceiling price is applicable.

(e) The reports required by this section shall be mailed to the Office of Price Stabilization, Washington 25, D. C., within 10 days after the ceiling is computed.

SEC. 19. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, invoice or similar evidence of purchase, you shall continue to do so. Upon request, you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the name and quantity of each item sold, and the price received for it.

SEC. 20. *Transfers of business or stock in trade.* If the business assets or stock in trade of a canner subject to this regulation are sold or otherwise transferred to you on or after May 31, 1951, and you carry on the business, or continue to deal in the same type of food product, in an establishment separate from any other establishment previously owned or operated by you, your ceiling prices shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to you all records of transactions prior to the transfer which are necessary to enable you to comply with the record provisions of this regulation.

SEC. 21. *Adjustable pricing.* You may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery, but you may not, unless authorized by the Office of Price Stabilization, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Stabilization after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution and will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated action is the authorization of an individual ceiling price.

SEC. 22. *Treatment of taxes.*—(a) *Taxes in effect during base period.* If during the base period, you separately stated and collected any excise or similar tax you may continue to collect the amount of any such tax in addition to your ceiling price. If you did not customarily during the base period state and collect separately from the purchase price, the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price.

(b) *Taxes imposed since base period.* In all other cases, if at the time you determine your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you.

In every case when the tax is collected from the purchaser the amount thereof shall be separately stated.

SEC. 23. *Compliance with this regulation.*—(a) *No selling or buying above ceiling prices.* Regardless of any contract or obligation no person shall sell or deliver or, in the course of trade, buy or receive any item at a price higher than the ceiling price established by this regulation. However, prices lower than the ceiling price may be charged and paid.

(b) *Evasion.* No person shall evade a ceiling price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium, or other privilege; by tie-in requirement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 24. *Applications for adjustment by canners who have been found to have violated the Robinson-Patman Act.* (a) The Office of Price Stabilization may adjust your ceiling price established by this regulation in any case in which you show:

(1) That you have been found by the Federal Trade Commission, or any court of competent jurisdiction, to have discriminated in price between different purchasers of commodities in violation of the provisions of the Robinson-Patman Act (49 Stat. 1526) or of any state statute prohibiting price discriminations; and

(2) That the elimination of the discrimination by lowering your price to the purchasers against whom you have been found to have discriminated would cause you substantial hardship; and

(3) That the elimination of the discrimination by increasing your price to the purchasers in whose favor you have been found to have discriminated is prohibited by this regulation.

(b) Applications for adjustment under this provision shall be mailed to the Office of Price Stabilization, Washington 25, D. C., in accordance with the pro-

visions of Price Procedural Regulation No. 1 (16 F. R. 9055).

SEC. 25. *Petitions for amendments, protests and interpretations.* Any petition for amendment, protest, or request for interpretation of this regulation, may be filed in accordance with the provisions of Price Procedural Regulation 1.

SEC. 26. *Definitions.* When used in this regulation the term:

(a) "Base period" means the period of time between the first day after January 1, 1950 that the canner processed any item of a named vegetable and June 30, 1950.

(b) "Canner" means a person who preserves vegetables by processing by heat and hermetically sealing in containers of metal, glass or any other material. The term includes a person who has the goods custom or toll packed by another.

(c) "Customary allowances, discounts and price differentials" means those differentials for cash discount, swell allowance, allowance for buyer's labels, for unlabeled goods, for differences in volume of sale, for class of buyer, or for method or time of delivery which were customary in the business of the canner and in effect prior to and during the base period.

(d) "Grade" means the commercial grade or customary trade quality designation at the time of shipment. Subgrades shall not constitute separate grades. However, where the canner elects to use U. S. Canned Food Grades as established and defined by the United States Department of Agriculture and sells the item under any such grade designation, the term "grade" means such grade at time of shipment.

(e) "Item" means a kind, variety, grade, size or sieve size, style of pack, container type and size, of a product. However, subgrades of the same quality designation shall not constitute separate items. Brand names shall not in themselves constitute separate items.

(f) "1951 spring pack" means the pack of any listed vegetable the major portion of which is canned between January 1, 1951 and June 30, 1951. As to spinach and green beans, this regulation applies only to the spring pack.

(g) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(h) "Product" means the kind of vegetable covered by this regulation, such as asparagus, spinach, etc.

(i) "Sales at retail" means sales to ultimate consumers other than commercial, industrial and institutional users.

(j) "Sales at wholesale" means sales with respect to which the canner has performed the function of selling as a wholesaler to retail stores, but not including sales to chain store buying agencies or associations of retail store buying agencies which warehouse the product prior to distribution to the individual retail outlet.

(k) "Sales units" means your customary sales quantities of the item, such as dozens, cases, etc.

(l) "Vegetable" means any vegetable named in the regulation and mixtures of such named vegetables. When a vegetable is so specified, its puree and juice are included.

(m) "You" or "Your" means any canner whose sales are covered by this regulation.

Effective date. This Ceiling Price Regulation No. 42 shall become effective May 31, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6417; Filed, May 31, 1951; 9:30 a. m.]

[General Ceiling Price Regulation, Amendment 12]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF MISCELLANEOUS POULTRY AND RABBITS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this amendment to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation exempts geese, guineas, squabs, pigeons, quail, partridges, pheasants, rabbits, and hares from the ceiling price restrictions imposed by that Regulation. These commodities are exempted because they are, for the most part, luxury items which have an insignificant effect on the cost of living.

The combined consumption of miscellaneous poultry is currently estimated at slightly more than one-tenth pound per capita per year. These amounts compare with 1950 per capita consumption of chickens of 25.9 pounds, and turkeys of 4.9 pounds. Because of the limited demand for the poultry covered by this amendment and because these items are not as efficient in the conversion of feed to meat as commercial broilers, there is little likelihood that rapid and uneconomic expansion of production of these items will result from their exemption. Moreover, prices for geese and rabbits normally have been related to chicken and turkey prices. Therefore, the limitations imposed on prices of chickens and turkeys will impose a restraint on unreasonable price increases for geese and rabbits. Should these expectations not materialize, ceiling prices will be promptly imposed.

Goose feathers, for which there is currently a strong demand, are important in the manufacture of items essential to the defense effort, and, therefore, continuation of price control over such feathers must be maintained. As a result, the exemptions are made expressly inapplicable to goose feathers.

In the judgment of the Director of Price Stabilization, the exemptions provided for by this amendment will not impair the carrying out of the requirements of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Section 14 (s) of the General Ceiling Price Regulation is amended by the addition of the following:

(18) All domestically produced and imported geese, guineas, squabs, pigeons, quail, partridges, pheasants, rabbits and hares, whether in processed or unprocessed form, and at all levels of purchase and sale: *Provided*, That the feathers of geese are not covered by this exemption.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6418; Filed, May 31, 1951; 9:30 a. m.]

[Ceiling Price Regulation 23, Amendment 1]

CPR 23—LIVE CATTLE

CHANGE IN EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738) this Amendment 1 to Ceiling Price Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 23 governs the prices which slaughterers may pay on the average for cattle slaughtered by them during an accounting period. It was made effective for all accounting periods beginning on or after May 20, 1951.

The accounting periods of some slaughterers commence on or shortly after May 20, 1951, while the accounting periods of other slaughterers commence as much as two weeks after that date. As a result some slaughterers have been placed in a position where their cattle purchases are subject to the provisions of CPR 23 while the cattle purchases of many of their competitors are not. Slaughterers with accounting periods which begin early have been placed at a disadvantage.

To avoid inequities, the mandatory effective date of this regulation has been extended to June 4. Where a slaughterer's accounting period has commenced prior to June 4 the regulation is applicable to that fraction of the accounting period which commences on June 4. If the fraction of an accounting period commencing on June 4 is 14 days or less, that fraction shall be added to the next accounting period and the two periods shall be treated as one accounting period. If the fraction of an accounting period commencing on June 4 is 15 days or more, that fraction shall be treated as a full accounting period.

The disadvantage of using fractional accounting periods is recognized but it is the only way to place slaughterers in a fair position with respect to each other. If any slaughterers desire to avoid complicating their record keeping they may comply for their full accounting period beginning prior to June 4.

AMENDATORY PROVISIONS

Ceiling Price Regulation 23 is amended as follows:

The "effective date" paragraph appearing immediately after section 11 is deleted and the following paragraph is substituted:

Effective date. This regulation shall be effective for each accounting period commencing on or after June 4, 1951. If a slaughterer's accounting period has commenced prior to June 4, but does not terminate until June 18 or later, this regulation shall be effective for that part of the accounting period beginning on June 4, 1951; and that part of the accounting period beginning on June 4, 1951, shall be treated for the purposes of this regulation as though it were a full accounting period. If a slaughterer's accounting period has commenced prior to June 4 but terminates between June 4 and June 17, this regulation shall be effective for the period between June 4 and the date when his next accounting period terminates, and such period between June 4 and the date of termination of the next accounting period shall be treated for purposes of this regulation as though it were a single accounting period. However, any slaughterer at his option may comply with this regulation for his full accounting period commencing prior to June 4, 1951. In no event shall this regulation apply to purchases of cattle made prior to April 30, 1951.

Effective date. This amendment shall become effective on May 31, 1951.

EDWARD F. PHELPS, Jr.
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6453; Filed, May 31, 1951; 12:05 p. m.]

[General Ceiling Price Regulation, Amendment 14]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF AGRICULTURAL COMMODITIES SELLING AT PRICES BELOW LEGAL MINIMA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 14 to General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 13 to the General Ceiling Price Regulation (GCPR) inadvertently revised the provisions of section 14 (s) (1) to exempt raw agricultural commodities only when sold by the producers thereof. In the case of agricultural commodities which are selling at prices below the legal minima prescribed by the Defense Production Act and are regularly traded on commodity exchanges such a provision is undesirable. Although a pass-through is permitted on such commodities by section 11, it is impractical and unworkable for those who are constantly buying and selling at fluctuating prices without chance to stop, after each transaction, and calculate the amount of the pass-through to which they are entitled. Therefore, the Director of Price Stabilization has found that it is generally fair and equitable, and is necessary to effectuate the purposes of title IV of the Defense Production Act of 1950, to amend section 14 (s) (1) so that sales on commodity exchanges of raw agricultural commodities selling below the legal minima are not controlled. And, along with that, section 11 (b) has been amended to exempt sales on commodity exchanges from the requirement that an amount of the product a seller has on hand as of the date he makes a higher priced purchase of a listed agricultural commodity (or product processed therefrom) must first be sold before he can increase his ceiling price to reflect the increased cost of that last purchase.

AMENDATORY PROVISIONS

1. Section 14 (s) (1) of the General Ceiling Price Regulation is amended to read as follows:

(1) (i) The following commodities only when sold by the producers thereof: Eggs, dry edible beans and peas, and popcorn. In addition, any other agricultural commodity in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

(ii) The exemption established by this subparagraph (1) shall not apply to sales, other than by producers, of any agricultural commodity not now listed in section 11 (a) or hereafter deleted by the Director of Price Stabilization from the section 11 (a) list. The ceiling price for sales, other than by producers, of any commodity hereafter deleted from the section 11 (a) list shall, after such deletion, be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

2. The paragraph of section 11 (b) of the General Ceiling Price Regulation which immediately precedes the Example is amended to read as follows:

You may not, however, after May 30, 1951, put the ceiling price increase into effect unless and until you have first sold an amount of your product at least equal to the quantity of finished product owned by you at the close of business on the day you otherwise would have been entitled to put that ceiling price increase into effect under this section, except that this sentence shall not apply to sales on commodity exchanges (as defined in paragraph (e) of this section).

Effective date. This amendment shall become effective May 31, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6452; Filed, May 31, 1951; 12:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47, as amended April 24, 1951, Amdt. 2]

M-47—USE OF IRON AND STEEL

This amendment to NPA Order M-47 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects list A of NPA Order M-47, as follows:

The text of item 1 of group II is hereby amended to read as follows:

1. Furniture and fixtures such as desks (excluding seats and desks designed for school use), bookcases, shelving, tables, stands, booths, filing cabinets, and transfer cases, including card and document cases.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on May 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6401; Filed, May 29, 1951; 4:11 p. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 7 (DRO-2)]

DRO-2—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND NORWAY

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and

conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Norway, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $11.70 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers, and if the vessel is authorized to discharge at two or three ports, such ports to be confined to one of the following ranges:

Bergen-Oslo range.
Bergen-Trondheim range.
Trondheim-Bodo range.
Bodo-Tromso range.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 1,200 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6321; Filed, May 31, 1951; 8:48 a. m.]

[NSA Order 8 (DRO-3)]

DRO-3—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND DENMARK

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Denmark, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $11.30 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 1,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6322; Filed, May 31, 1951; 8:48 a. m.]

[NSA Order 9 (DRO-4)]

DRO-4—RATES ON COAL, IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND GERMANY (EXCLUDING BALTIC PORTS)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Germany (excluding ports on the Baltic Sea), effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $10.95 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 2,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] CHARLES F. BRANNAN,
Director,
National Shipping Authority.

[F. R. Doc. 51-6323; Filed, May 31, 1951; 8:49 a. m.]

[NSA Order 10 (DRO-5)]

DRO-5—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE, OR PHILADELPHIA AND THE NETHERLANDS

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in the Netherlands, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $10.50 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day. Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 2,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II, shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6324; Filed, May 31, 1951; 8:49 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[NSA Order No. 11 (DRO-6)]

DRO-6—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND BELGIUM

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1967, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Belgium, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $10.50 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, E, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rates as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charters to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. Stevedoring: Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 2,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charter-

er's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6325; Filed, May 31, 1951; 8:49 a. m.]

[NSA Order 12 (DRO-7)]

DRO-7—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND FRANCE

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 16, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore, or Philadelphia to a port of discharge in France, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
North France:		
Le Havre, Rouen, St. Nazaire or Brest	$10.40	2,000
La Pallice or Lorient	10.60	1,700
Cherbourg, Bordeaux or Nantes	10.70	1,500
All other North France	11.25	1,000
South France:		
Port de Bouc (Caronte)	11.80	1,500
Marseilles or Toulon	11.95	1,200
Sete	12.10	1,200
All other South France	13.25	750

NOTE 1: The rates above include a supplemental factor of twenty-two cents (22 cents) per ton in ports where droits de quai are assessed.

NOTE 2: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $ ---------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of ---------[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to whether preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. "Droits de Quai", to the extent levied on vessel's net registered tonnage and on cargo tonnage shall be for account of the vessel.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6326; Filed, May 31, 1951; 8:49 a. m.]

[NSA Order 13 (DRO-8)]

DRO-8—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND PORTUGAL

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore, or Philadelphia to a port of discharge in Portugal, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

Rate: $10.35 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $ ---------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,000 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 1,000 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II, shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6327; Filed, May 31, 1951; 8:49 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[2] Insert applicable rate of discharge as shown hereinabove under caption "Discharge rate."

[NSA Order 14 (DRO-9)]

DRO-9—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND FRENCH NORTH AFRICA

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944 in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in French North Africa, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
Casablanca	$10.35	1,500
Algeria:		
Algiers or Oran	11.20	1,500
All other Algeria	12.75	800
Tunisia:		
Tunis or Sfax	12.85	1,000
All other Tunisia	13.35	800

NOTE 1: The rates above for Algeria include a supplemental factor of twenty-two cents (22 cents) per ton in ports where droit de quai are assessed.

NOTE 2: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

H. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $ ---------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of ---------[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. "Droits de Qual" at Algerian ports to the extent levied on vessel's net registered tonnage and on cargo tonnage shall be for account of the vessel.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6328; Filed, May 31, 1951; 8:49 a. m.]

[NSA Order 15 (DRO-10)]

DRO-10—RATES ON COAL IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND ITALY (INCLUDING PORTS ON THE ADRIATIC SEA)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Italy or on the Adriatic Sea, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
Italy:		
Savona	$11.20	3,000
Genoa, Naples, Spezia, Leghorn or Civitavecchia	11.70	2,000
All other West Coast Italy, Sardinian or Sicilian ports	12.55	1,000
Adriatic:		
Venice	13.05	2,000
All other Adriatic Sea ports	13.95	1,000

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraph E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charters to pay demurrage at the rate of $ ---------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of ---------[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6329; Filed, May 31, 1951; 8:49 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[2] Insert applicable rate of discharge as shown hereinabove under caption "Discharge rate".

[NSA Order 16 (DRO–11)]

DRO–11—Rates on Coal in Bulk Between Hampton Roads, Baltimore or Philadelphia and Greece

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

Authority: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

Section 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to a port of discharge in Greece, effective on vessels commencing to load on and after June 1, 1951.

Sec. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

Greece:	
Patras or Piraeus	$14.30
All other ports	14.55
Island of Crete	14.30

Note: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of 750 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II, shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGuire,
Director,
National Shipping Authority.

[F. R. Doc. 51–6330; Filed, May 31, 1951; 8:50 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[NSA Order 17 (DRO–12)]

DRO–12—Rates on Coal in Bulk Between Hampton Roads, Baltimore or Philadelphia and the West Coast of Africa (Including the Canary, Madeira and Cape Verde Islands)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

Authority: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

Section 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore, or Philadelphia to a port of discharge on the West Coast of Africa, the Canary, Madeira, or Cape Verde Islands, effective on vessels commencing to load on and after June 1, 1951.

Sec. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	Freight rate	Discharge rate
Canary or Madeira Islands	$10.85	800
Cape Verde Islands	10.65	800
Senegal (Dakar)	9.80	3,000
Sierra Leone (Freetown)	12.15	800
Belgian Congo (Matadi)	15.70	750
Angola (Lobito)	15.60	1,000

Note: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate in United States currency per ton of 2,240 pounds as above set forth.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. *Discharging time:* Cargo shall be discharged at the rate of _____[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Charterers have the option of shipping not more than 250 tons of coke at the same rate of freight as the coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGuire,
Director,
National Shipping Authority.

[F. R. Doc. 51–6331; Filed, May 31, 1951; 8:50 a. m.]

[2] Insert applicable rate of discharge as shown hereinabove under caption "Discharge rate."

[NSA Order 18 (DRO–13)]

DRO–13—Rates on Grain in Bulk Between United States Ports and Norway

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

Authority: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

Section 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf, or Pacific Coast port of the United States to a port of discharge in Norway, effective on vessels commencing to load on and after June 1, 1951.

Sec. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$14.05
U. S. Gulf ports	15.55
U. S. Pacific ports	19.05

Note: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate in United States currency per ton of 2,240 pounds as above set forth.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[3] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming to be for the vessel's account; discharging expenses to be for the charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 800 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGuire,
Director,
National Shipping Authority.

[F. R. Doc. 51–6332; Filed, May 31, 1951; 8:50 a. m.]

[3] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[NSA Order 19 (DRO–14)]

DRO–14—Rates on Grain in Bulk Between United States Ports and Denmark

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

Authority: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

Section 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Denmark, effective on vessels commencing to load on and after June 1, 1951.

Sec. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$14.05
U. S. Gulf ports	15.55
U. S. Pacific ports	19.05

Note: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 800 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGuire,
Director,
National Shipping Authority.

[F. R. Doc. 51–6333; Filed, May 31, 1951; 8:50 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[NSA Order 20 (DRO–15)]

DRO–15—Rates on Grain in Bulk Between United States Ports and Germany (Excluding Baltic Ports)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

Authority: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

Section 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn, or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Germany (excluding ports on the Baltic Sea), effective on vessels commencing to load on and after June 1, 1951.

Sec. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$12.45
U. S. Gulf ports	13.95
U. S. Pacific ports	17.45

Note: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. cur-

rency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $ _____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring: Loading and trimming* expenses shall be for vessel's account; discharging expenses shall be for charter's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 3,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.
2. Any bags and or bagging required for safe stowage to be for vessel's account.
3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to account as laytime.
4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.
5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.
6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6334; Filed, May 31, 1951; 8:50 a. m.]

[NSA Order 21 (DRO-16)]

DRO-16—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND THE NETHERLANDS

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in the Netherlands, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$12.00
U. S. Gulf ports	13.50
U. S. Pacific ports	17.00

NOTES Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 3,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.
2. Any bags and/or bagging required for safe stowage to be for vessel's account.
3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.
4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.
5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.
6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6335; Filed, May 31, 1951; 8:50 a. m.]

[NSA Order 22 (DRO-17)]

DRO-17—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND BELGIUM

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Belgium, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$12.00
U. S. Gulf ports	13.50
U. S. Pacific ports	17.00

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 3,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.
2. Any bags and/or bagging required for safe stowage to be for vessel's account.
3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.
4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.
5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.
6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6336; Filed, May 31, 1951; 8:50 a. m.]

[NSA Order 23 (DRO-18)]

DRO-18—RATES OF GRAIN IN BULK BETWEEN UNITED STATES PORTS AND FRANCE

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in France, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	From United States— Atlantic ports	Gulf ports	Pacific ports	Discharge rate
North France	$13.10	$14.60	$18.10	1,000
South France:				
Marseilles	13.35	14.85	18.35	2,000
All other South France	14.20	15.70	19.20	1,000

NOTE 1: The rates above include a supplemental factor of thirty-nine cents (39 cents) per ton in ports where droits de qual are assessed.

NOTE 2: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of _____[2] tons per day, Sunday and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.
2. Any bags and or bagging required for safe stowage to be for vessel's account.
3. "Droits de Quai" to the extent levied on vessel's net registered tonnage and on cargo tonnage shall be for account of the vessel.
4. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.
5. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.
6. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.
7. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6337; Filed, May 31, 1951; 8:51 a. m.]

[NSA Order 24 (DRO-19)]

DRO-19—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND THE UNITED KINGDOM

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in the United Kingdom, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	From United States— Atlantic ports	Gulf ports	Pacific ports
Falmouth or Plymouth	$12.30	$13.80	$17.30
London	12.90	14.40	17.90
Aberdeen/Grimsby range	13.15	14.65	18.15
All other United Kingdom	12.50	14.00	17.50

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. Currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

[1] Insert applicable demurrage rate, 1. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

[2] Insert applicable rate of discharge as shown hereinabove under caption "Discharge rate".

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 1,000 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6338; Filed, May 31, 1951; 8:51 a. m.]

[NSA Order 25 (DRO-20)]

DRO-20—RATES OF GRAIN IN BULK BETWEEN UNITED STATES PORTS AND PORTS IN EIRE OR NORTHERN IRELAND

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Eire or Northern Ireland, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$12.85
U. S. Gulf ports	14.35
U. S. Pacific ports	17.85

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of Warshipvoy:

E. *Freight rate:* (Insert applicable rate in United States currency per ton of 2,240 pounds as above set forth.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) of the demurrage rate per day, or pro rata for part of a day, for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming to be for the vessel's account; discharging expenses to be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 800 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count at laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean "National Shipping Authority".

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 6339; Filed, May 31, 1951; 8:51 a. m.]

[NSA Order 26 (DRO-21)]

DRO-21—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND PORTUGAL

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Portugal, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:	
U. S. Atlantic ports	$12.60
U. S. Gulf ports	14.10
U. S. Pacific ports	17.60

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 750 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6340; Filed, May 31, 1951; 8:51 a. m.]

[NSA Order 27 (DRO-22)]

DRO-22—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND FRENCH NORTH AFRICA

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in French North Africa, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	From United States— Atlantic ports	Gulf ports	Pacific ports	Discharge rate
Morocco:				
Casablanca	$12.05	$13.55	$ 17.05	1,500
Safi	12.60	14.10	17.60	1,000
Algeria:				
Mostaganem	12.60	14.10	17.60	2,000
Oran or Philippeville	13.00	14.50	18.00	1,500
Algiers or Bone	13.60	15.10	18.60	1,200
Bougie	14.85	15.35	18.85	1,000
All other Algeria	14.45	15.95	19.45	750
Tunisia:				
Biserte	13.60	15.10	18.60	1,200
All other Tunisia	14.45	15.95	19.45	750

No. 106——4

NOTE 1: The rates above for Algeria include a supplemental factor of thirty-nine cents (39 cents) per ton in ports where droits de qual are assessed.

NOTE 2: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. Currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of $_____[2] tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. "Droits de Qual" at Algerian ports to the extent levied on vessel's net registered tonnage and on cargo tonnage shall be for account of the vessel.

3. Any bags and/or bagging required for safe stowage to be for vessel's account.

4. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

5. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

6. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

7. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6341; Filed, May 31, 1951; 8:51 a. m.]

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[1] Insert applicable demurrage rate, i. e., Fifteen Hundred Dollars ($1,500) for Liberty type vessels and Eighteen Hundred Dollars ($1,800) for Victory type vessels.

[2] Insert applicable rate of demurrage as shown hereinabove under caption "Discharge rate".

[NSA Order 28 (DRO-23)]

DRO-23—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND ITALY (INCLUDING PORTS ON THE ADRIATIC SEA)

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Italy (including ports on the Adriatic Sea), effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From—	To— West Coast Italy, Sardinia, and Sicily	Adriatic
U. S. Atlantic ports	$14.25	$15.65
U. S. Gulf ports	15.75	17.15
U. S. Pacific ports	19.25	20.65

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. currency per ton for each such additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers. The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $_____[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 1,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6342; Filed, May 31, 1951; 8:52 a. m.]

[NSA Order 29 (DRO-24)]

DRO-24—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND GREECE

Sec.

1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Greece, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

To—	From United States—		
	Atlantic ports	Gulf ports	Pacific ports
Patras, Piraeus, or Crete	$16.00	$17.50	$21.00
All other Greek ports	16.25	17.75	21.25

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. Currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming to be for the vessel's account; discharging expenses to be for the charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 750 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6343; Filed, May 31, 1951; 8:52 a. m.]

[NSA Order 30 (DRO-25)]

DRO-25—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND TURKEY

Sec.

1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of heavy grain, i. e., wheat, corn or rye, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in Turkey, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

[All rates in U. S. currency per ton of 2,240 pounds]

From:

U. S. Atlantic ports	$16.50
U. S. Gulf ports	18.00
U. S. Pacific ports	21.50

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) U. S. Currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate:* (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage: Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch: No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in discharging.

F. *Stevedoring:* Loading and trimming expenses shall be for vessel's account; discharging expenses shall be for charterer's account.

G. *Loading time:* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time:* Cargo shall be discharged at the rate of 750 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions:*

1. Lay days not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

4. *General average clause:* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

5. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

6. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6344; Filed, May 31, 1951; 8:52 a. m.]

[1] Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

FORT JEFFERSON NATIONAL MONUMENT

Section 20.27, *Fort Jefferson National Monument,* is amended by the addition of paragraphs (b), (c), and (d), reading as follows:

(b) *Prohibited anchorage.* All vessels are prohibited from anchoring in the channels immediately surrounding Garden Key, at any point southerly from and between marker No. 1 of the East channel and marker No. 1 of the West channel: *Provided,* That passenger carrying vessels and yachts carrying visitors to historic Fort Jefferson will be permitted to anchor temporarily within the above-described channel in such a manner as not to obstruct the passage of other vessels or craft. No vessels shall be moored at any of the piers of Fort Jefferson except with the permission of the Superintendent.

(c) *Dumping of refuse prohibited.* Dumping of trash, oily liquids or wastes, or refuse of any kind in the waters or on the beaches or lands of the national monument is prohibited.

(d) *Protection of wildlife.* Landing in any area which is used as a nesting or roosting place by summer nesting birds, or the molesting of any terrestrial wildlife, is prohibited. The Superintendent may, upon application of qualified persons, issue permits to study or photograph the birds at roosting or nesting sites.

(39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of May 1951.

[SEAL] DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 51-6291; Filed, May 31, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

INSTRUCTIONS RELATING TO OVERPAYMENTS OR ILLEGAL PAYMENTS OF INSURANCE

Immediately below § 1.627 add the centerhead "Provisional Regulations" and insert new § 1.985.

§ 1.985 *Instructions relating to overpayments or illegal payments of insurance made to an insured under the National Service Life Insurance Act and the World War Veterans' Act.* Under the existing authority of Veterans' Administration insurance procedures, provision is made for the recovery of any insurance indebtedness which resulted from an overpayment or illegal payment of dividends, loans, refund of premiums, or any over-payment or illegal payment made to the insured under a United States Government life insurance or a National Service life insurance contract. It has been determined that such an indebtedness will not be waived, and, unless repaid, an interest bearing lien will be established against the insurance and collected from any future settlement. However, this does not preclude the submission of any case to the central committee on waivers and forfeitures or to the field committees on waivers if there are other Veterans' Administration benefits payable from which the indebtedness may be recovered. Accordingly, the following instructions are for the guidance and observance of all persons concerned:

(a) If any such indebted insured is entitled to an award of Veterans' Administration benefits other than insurance, the central committee on waivers and forfeitures or the field committees on waivers upon the request of such person will consider whether the collection of the insurance indebtedness out of such other benefits will be waived. Therefore, unless the indebted insured is at the time of his request entitled to an award or later becomes entitled to an award of Veterans Administration benefits, other than insurance, from which recovery may be effected, the case will not be referred to such committees for consideration.

(b) In no event shall recovery of such insurance overpayment be made from benefits other than insurance to which the insured or other indebted person is or may be entitled until 30 days after the potential payee has been informed of his right to submit a request for waiver.

(c) If the statutory provisions as contained in section 28, World War Veterans' Act, or section 609, Public Law 801, 76th Congress, are met, a committee on waivers may:

(1) Waive or deny waiver of collection of an indebtedness (subject to the restrictions provided in this section that there shall be no waiver of recovery of the indebtedness from the insurance where the person overpaid is the insured).

(2) Determine that "There shall be no recovery out of ----------" (specifying fully the benefits payable to the person indebted and to which relief is applicable).

(3) Determine that "There shall be no recovery out of benefits payable except ----------" (specifying which benefits shall be subject to set off).

(d) Where the insured has been overpaid and the decision of the central committee on waivers and forfeitures or the field committee on waivers grants a general or qualified waiver of the recovery of such insurance indebtedness from other Veterans' Administration benefits, the certificate of waiver shall include a statement that such waiver does not affect the Government's right to recover the amount from moneys otherwise payable by reason of the insurance.

(e) The appropriate finance activity will submit to the central committee on waivers and forfeitures or the field committee on waivers any insurance overpayment proper for consideration under this section, which submission will furnish full information regarding other monetary benefits to which the person overpaid may be entitled and to which relief is applicable. (Instruction No. 1, section 609, Title VI, Public Law 801, 76th Congress, and section 28 of the World War Veterans Act of 1924, as amended)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426)

This regulation is effective June 1, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6347; Filed, May 31, 1951; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 723]

ALASKA

TRANSFERRING A CERTAIN TRACT OF PUBLIC LAND FROM THE FEDERAL COMMUNICATIONS COMMISSION TO THE DEPARTMENT OF THE ARMY FOR USE IN CONNECTION WITH THE ALASKA COMMUNICATIONS SYSTEM

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described tract of public land within the Tongass National Forest, Alaska, which was withdrawn by Public Land Order No. 175 of September 29, 1943, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Federal Communications Commission as a radio-monitor station site, is hereby transferred from the Federal Communications Commission to the Department of the Army for use in connection with the Alaska Communications System:

Beginning at a point on the line of ordinary high tide on Favorite Channel between Point Lena and Point Louisa, from which Corner No. 1 of Forest Service Special Use Permit survey shown on map of Section No. 9, Glacier Highway Development Plan, Tongass National Forest, as surveyed by Chas. W. Forward in

1935, and filed with the Forest Service, United States Department of Agriculture, Washington, D. C., bears approximately S. 32° E., 6.40 chains, latitude 58°23'44" N., longitude 134°45'56" W.

From the initial point:

N. 49°15' E., 12.80 chs., parallel to line 1–2 of said survey, to a point on line 2–3, from which Corner No. 2 bears S. 4°45' E., 7.42 chs.;

N. 4°45' W., 32.88 chs., to Corner No. 3;

S. 76°40' W., 12.20 chs., to Corner No. 4;

S. 59°00' W., 2.50 chs., to Corner No. 5;

N. 40°00' W., 2.80 chs., to Corner No. 6, on line of ordinary high tide, Lena Cove;

Westerly and southeasterly along line of ordinary high tide, around Point Lena, to the place of beginning.

The area described contains 105 acres.

This order shall take precedence over but not otherwise affect Proclamation No. 846 of February 16, 1909, adding the above-described land to the Tongass National Forest.

DALE E. DOTY,
Acting Secretary of the Interior.

MAY 24, 1951.

[F. R. Doc. 51-6292; Filed, May 31, 1951; 8:45 a. m.]

[Public Land Order 724]

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 21, N½SE¼.

The area described contains 80 acres.

This order shall take precedence over but not otherwise affect Public Land Order No. 576 of March 29, 1949, reserving lands under the jurisdiction of the Secretary of the Interior for institutional and residential use for Territorial, State, and Federal Governments, so far as such order affects the above-described land.

There is reserved for the use of the Alaska Housing Authority a right-of-way for an access road through the southwest corner of the tract described.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

DALE E. DOTY,
Acting Secretary of the Interior.

MAY 24, 1951.

[F. R. Doc. 51-6293; Filed, May 31, 1951; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 51-24]

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

COLLECTION OF FEES FOR DUPLICATE DOCUMENTS

The amendment to 46 CFR 12.02-23 (c) is to change the procedure and practice of collecting fees for duplicate documents from the time the seaman files an application for duplicate documents to the time the duplicate documents are issued to the seaman. This change in procedure is necessary because it is not always possible to determine the exact fee to be collected for duplicate documents at the time the application is filed and in some instances it is necessary to reject a seaman's application for duplicate documents for reasons of security or otherwise. Since the fees collected are turned in to the United States Treasury before the duplicate documents may be issued to the seaman, it is not possible for the Coast Guard to refund the fees collected if the documents are withheld or if the fee has been incorrectly calculated. In such a case it is necessary for the seaman to file a claim for the fee with the United States General Accounting Office. In order to reduce unnecessary paper work and to make it easier to calculate the fees for duplicate documents, the procedures and practices in connection with the issuance of duplicate documents are revised to require the payment of such fees at the time the duplicate documents may be given to the seaman. Because this amendment merely changes the procedures and practices regarding the collection of fees from seamen for duplicate documents, it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to the regulations is prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Section 12.02-23 (c) is amended to read as follows:

§ 12.02-23 *Issuance of duplicate documents.* * * *

(c) The seaman shall be required to pay for the reissue document (if payment is required) at the time of the issuance of such document to him and in the event the lost document is found he shall be required to surrender same to the shipping commissioner, collector or deputy collector of customs, or the Officer in Charge, Marine Inspection. If the seaman requests a certificate of identification in lieu of a lost book, or vice versa, he shall be required to pay for the reissue of the lost document at the time of its issuance (if payment is required). When the reissue of the document is issued to him, he may then exchange the same in accordance with the regular procedure.

(R. S. 4405, 4551, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 643, 367, and 50 U. S. C. 1275)

Dated: May 25, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-6366; Filed, May 31, 1951; 8:54 a. m.]

Subchapter E—Load Lines

[CGFR 51-23]

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Subchapter G—Ocean and Coastwise: General Rules and Regulations

[CGFR 51-23]

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

BULKHEADS AND WATERTIGHT SLIDING DOORS FOR PASSENGER VESSELS

A notice regarding proposed changes in the regulations for watertight sliding doors for passenger vessels was published in the FEDERAL REGISTER dated August 25, 1950 (15 F. R. 5706), et seq., as Item XXIV on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 20, 1950. The amendments to 46 CFR 46.30, 46.32, 46.38, 46.42, 59.64, 60.57, 76.57, 80.2, 94.56, 98.2, 113.50, 117.2, and 163.001-1 to 163.001-8, inclusive, regarding bulkheads, subdivision, and watertight integrity of passenger vessels or ferry vessels to improve the standard of safety and to eliminate inconsistencies between the various regulations and to adequately describe these requirements, were published in the FEDERAL REGISTER dated February 6, 1951 (16 F. R. 1073-1088). In adopting the specification for sliding watertight doors (and door controls) for merchant vessels certain requirements were made which duplicate or conflict with the requirements in other regulations in 46 CFR 46.21, 46.22, 46.23, 46.24, and 46.25. The purpose for the following amendments is to editorially correct the requirements and in cases of duplication to cancel the duplicate requirements. These changes do not introduce any additional requirements that are not presently required.

The purpose of the amendments to 46 CFR 46.21, 46.22, 46.23, 46.24, and 46.25 is editorial in nature and cancels duplicating or conflicting requirements with those published in the FEDERAL REGISTER

of February 6, 1951. The reason for canceling 46 CFR 59.64a and 60.57a is to remove conflicting requirements because these vessels are now covered by the requirements in 46 CFR 59.64 and 60.57. Because the following amendments to 46 CFR 46.21, 46.22, 46.23, 46.24, 46.25, 59.64a, and 60.57a are editorial in nature and cancel duplicate requirements or revise the requirements to agree with those published in the FEDERAL REGISTER on February 6, 1951, it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after the date of publication of this document in the FEDERAL REGISTER.

1. Section 46.21 is amended to read as follows:

§ 46.21 *Watertight doors, types.* (a) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight.

(b) The permissible classes of doors are:

Class 1: Hinged doors.

Class 2: Sliding doors, operated by hand gear only.

Class 3: Sliding doors, operated by power and by hand gear.

2. Section 46.22 is amended by changing paragraphs (e), (f), and (g) to read as follows:

§ 46.22 *Doors, location of allowed types.* * * *

(e) *Doors that may be opened at sea.* When any watertight doors which may sometimes be opened at sea, excluding those at the entrance to tunnels, are fitted in the main transverse watertight bulkheads at such a height that their sills are below the deepest subdivision load line, the following rules of this paragraph shall apply, subject to class 3 doors being required in special cases. (See paragraphs (f) and (g) of this section.)

(1) When the number of such doors exceeds 5, all the watertight sliding doors whose sills are below the deepest subdivision load line shall be of class 3, capable of being simultaneously closed from a station situated on the bridge.

(2) When the number of such doors does not exceed 5, all the watertight doors whose sills are below the deepest subdivision load line may be of class 2 if the Criterion Numeral does not exceed 30, and shall be of class 3 if the Criterion Number exceeds 30.

(f) *Doors between coal bunkers.* (1) Watertight doors fitted in bulkheads between permanent and reserve coal bunkers shall be always accessible except as provided in the following subparagraph for 'tween deck bunker doors. Screens shall be fitted or other arrangements provided to prevent coal from interfering with the closing of watertight coal bunker doors.

(2) If watertight doors which have sometimes to be opened at sea for the purpose of trimming coal are fitted between bunkers in the 'tween decks below the bulkhead deck, these doors shall be of class 3.

(g) *Doors in trunkways with refrigerated cargo.* When trunkways in connection with refrigerated cargo are carried through more than one main transverse watertight bulkhead and the sills of the openings are less than 7 feet above the deepest subdivision load line the watertight doors at such openings shall be of class 3.

3. Section 46.23 is amended to read as follows:

§ 46.23 *Watertight doors, operation and fittings.*—(a) *Hinged watertight door fittings.* Hinged watertight doors (class 1) shall be fitted with catches workable from either side of the bulkhead so spaced that the door can be made effectively watertight. In the case of a door which is required to be closed before the voyage commences and kept closed all during the voyage, the catches may be fitted to operate from one side only, provided it be shown that under all operating conditions the door shall be always closed from the one side.

(b) *Sliding door operating gear.* The hand closing gear for sliding doors is to be accessible in all cases and capable of being operated both at each side of the door itself and from above the bulkhead deck.

(c) *Power doors, control.* The power gear for closing doors of class 3 shall be operated from a central control in an accessible position above the bulkhead deck. The central control stations for power doors required under the provisions of § 46.22 (e) (1) shall be on the bridge. The power gear shall be so arranged that it can be operated from each side of the door itself, and also so that the door if opened by this local control after being closed from the central control will reclose automatically. The arrangement shall also be such that the door can be kept closed from the local control so that it cannot be opened from the central control. Power doors shall also be fitted with hand gear as required in paragraph (b) of this section. The arrangements shall be such that in the event that the power gear is disabled it will in no way interfere with the efficient operation of the hand gear.

(d) *Door indicators.* In all classes of doors indicators shall be fitted at all operating stations other than at the door itself showing whether the doors are open or closed and at all operating stations directions for closing the doors should be clearly marked.

(e) *Power door warning signals.* Where power doors in passenger, crew, or working spaces are capable of being closed from a position from which the doors are not visible, sound signals for giving warning when they are about to be closed are to be provided. These signals shall be of the electric horn or howler type.

4. Section 46.24 is amended to read as follows:

§ 46.24 *Watertight doors, design and installation.* The design of all watertight doors shall be subject to approval by the Commandant, U. S. Coast Guard. For specification requirements on design and installation of sliding watertight doors see Subpart 163.001, of Subchapter Q (Specifications) of this chapter.

5. Section 46.25 is amended to read as follows:

§ 46.25 *Watertight doors, tests.* The requirements for testing sliding watertight doors and controls are specified in Subpart 163.001, of Subchapter Q (Specifications) of this chapter.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

6. Section 59.64a *Bulkheads on passenger vessels 100 gross tons and over* is canceled.

(R. S. 4405, 4417, 4426, 4490, 49 Stat. 1384, 54 Stat. 346, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391, 404, 482, 483, 367, 1333, and 50 U. S. C. 1275)

7. Section 60.57a *Bulkheads on passenger vessels 100 gross tons and over* is canceled.

(R. S. 4405, 4417, 4426, 4490, 49 Stat. 1384, 54 Stat. 346, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391, 404, 482, 483, 367, 1333, and 50 U. S. C. 1275)

Dated: May 25, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-6365; Filed, May 31, 1951; 8:54 a. m.]

Subchapter Q—Specifications

[CGFR 51-25]

PART 164—MATERIALS

SUBPART 164.009—INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

ASBESTOS MILLBOARD

The purpose for the amendment to 46 CFR 164.009-2 (b) is to add asbestos millboard meeting the requirements of Federal Specification HH-M-351a to the items of material which are automatically accepted as meeting the specification requirements of 46 CFR Subpart 164.009. Since this material has been used in "Bulkhead Panels" approved under 46 CFR Subpart 164.008 and as the material is generally in good supply throughout the country, it is felt that it will be advantageous to the public to automatically accept asbestos millboard meeting the Federal Specification HH-M-351a rather than to specifically approve and separately list the asbestos millboard made by each manufacturer. Because this amendment removes a restriction and will expedite the use of incombustible material in the construction, repair, or alteration of merchant vessels, it is hereby found that compliance with the notice of proposed rule

making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to the regulations is prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

Section 164.009–2 is amended by adding a new subparagraph (4) to paragraph (b), reading as follows:

§ 164.009–2 *Material.* • • •

(b) • • •

(4) Asbestos millboard meeting the requirements of Federal Specification HH–M–351a.

(R. S. 4405, as amended, sec. 5, 49 Stat. 1384, as amended, 46 U. S. C. 375, 369. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, sec. 5, 55 Stat. 244, as amended, 46 U. S. C. 1, 391a, 404, 367, 1333, 463a, 50 U. S. C. 1275)

Dated: May 25, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–6363; Filed, May 31, 1951; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9959]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

CHARGES FOR U. S. GOVERNMENT TELEGRAPH COMMUNICATIONS; COMMON CARRIERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission, having under consideration the matter of the amendment of § 64.310 *Term*, of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on May 2, 1951, and published in the FEDERAL REGISTER on May 10, 1951 (16 F. R. 4342) in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on May 21, 1951 and that no comments were received;

It further appearing, that it is in the public interest to amend Subpart C in order to extend the term thereof;

It further appearing, that the amendments herein ordered are issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act;

It is ordered, That effective July 1, 1951, § 64.310 of Subpart C of Part 64 of the Commission's rules and regulations is amended to read as follows:

§ 64.310 *Term.* The provisions of Subpart C shall continue in effect through June 30, 1952, unless changed by order of the Commission.

Released: May 29, 1951.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 601, 48 Stat. 1011; 47 U. S. C. 601)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–6400; Filed, May 31, 1951; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and because of lack of sufficient time, notice is hereby given of the intention to modify paragraph (a) of § 130.63 *Assessments, joint works* of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos irrigation project, Arizona, by increasing the annual basic assessment from $80,000 to $120,000 per annum and the rate of assessment from 80 cents per acre to $1.20 per acre for each acre of land.

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos irrigation and drainage district, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a to 130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian irrigation project for the fiscal year 1953 is estimated to be $120,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.20 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for that part payable by the San Carlos irrigation and drainage district being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, on or before June 16, 1951.

RALPH M. GELVIN,
Area Director.

[F. R. Doc. 51–5694; Filed, May 31, 1951; 10:26 a. m.]

[25 CFR, Part 130]

SAN CARLOS INDIAN IRRIGATION PROJECT ARIZONA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administration Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) (Order No. 2535), and because of lack of sufficient time, notice is hereby given of intention to modify § 130.110 *Basic charge* (Tribal and Trust Patent Indian Lands) of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable acreage of the Indian lands of the San Carlos Indian irrigation project, Arizona, by increasing the annual basic assessment rate from $3.50 per acre to $3.90 per acre for each acre of land.

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U. S .C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1953 and the subsequent years unless changed by further order, is hereby fixed at $3.90 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 130.111 to 130.116, inclusive.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, on or before June 16, 1951.

RALPH M. GELVIN,
Area Director.

[F. R. Doc. 51–5693; Filed, May 31, 1951; 10:26 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

BLACK STEM RUST

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending the notice of the Black Stem Rust Quarantine No. 38 (7 CFR Supp. 301.38) and §§ 301.38–1 (b), 301.38–6 (a) (1), 301.38–6 (b) (1), and 301.38–7 (a) of the regulations supplemental to the quarantine (7 CFR Supp. 301.38–1 (b), 301.38–6 (a) (1), 301.38–6 (b) (1), 301.38–7 (a), as amended, 15 F. R. 757), in the following respects:

1. Amend the first proviso of § 301.38 to read:

Provided, That the provisions of this quarantine and of the regulations supplemental hereto, as they apply to the interstate movement of regulated plants and parts thereof capable of propagation from or between the eradication States, as defined in § 301.38–1 (e) of the regulations supplemental hereto, are hereby conditioned upon such regulation by such States of the intrastate movement of such plants and parts thereof and the enforcement thereof and upon such enforcement of other control and sanitation measures as may be required of them by the Secretary of Agriculture and as shall be adequate to prevent the establishment in such States of berberis, mahonia, and mahoberberis plants not known to be resistant to the disease.

2. Amend § 301.38–1 (b) to read:

(b) *Barberry, mahonia, and mahoberberis plants.* Plants growing on their own roots or parts of such plants capable of propagation, other than seeds and fruits, of any species, horticultural variety, or hybrid within the genera berberis, mahonia, and mahoberberis.

3. Amend § 301.38–6 (a) (1) to read:

(1) Movement is prohibited of barberry, mahonia, and mahoberberis plants, other than those designated as rust-resistant, except that parts of mahonia plants without roots intended for decorative purposes are hereby exempt from the requirements of these regulations. Movement is also prohibited of rust-resistant barberry and mahoberberis plants of less than two seasons' growth, except that such movement is authorized in any case where a nurseryman holding a valid certificate of inspection, upon application to the Chief of the Bureau, is granted authority in writing to receive rust-resistant plants of less than two seasons' growth from another nurseryman holding a valid certificate of inspection, provided the receiving nurseryman shall agree that such plants (i) will be retained for at least two growing seasons and kept separate from plants eligible for movement, (ii) will be available for examination by an inspector prior to their movement to determine their trueness to species and variety, and (iii) will be immediately destroyed by the nurseryman if determined untrue as to species and variety.

4. Amend § 301.38–6 (b) (1) to read:

(1) Movement of seeds and fruits of barberry, mahonia, and mahoberberis plants into the eradication States is prohibited from any point outside thereof, except that such movement is authorized in any case where a nurseryman possessing a valid certificate of inspection, upon application to the Chief of the Bureau, is granted authority in writing to obtain mahonia seeds from sources outside the eradication States under the following conditions:

(i) The receiving nurseryman shall state the location of the plants from which the seeds will be obtained.

(ii) The receiving nurseryman shall agree (*a*) that he will obtain such seeds only from a nurseryman possessing a valid certificate of inspection, (*b*) that such seeds will be used solely for growing commercial stock in his nursery, (*c*) that plants grown from such seeds will be retained for at least one growing season, (*d*) that such plants will be kept separate from plants eligible for movement, (*e*) that such plants will be available for examination by an inspector prior to their movement to determine their trueness as to species and variety, and (*f*) that such plants will be immediately destroyed by the nurseryman if determined untrue as to species and variety.

5. Amend the second sentence of the text in § 301.38–7 (a) to read: "If barberry, mahonia, or mahoberberis plants not designated as rust-resistant are found in the nursery or in the environs thereof, certificates of inspection will be withheld until such plants have been eliminated to the satisfaction of the inspector, except that certificates of inspection may be issued to nurseries having in the nursery or environs thereof varieties of barberry, mahonia, or mahoberberis plants being held by nurserymen under agreement with the Bureau of Entomology and Plant Quarantine pending determination by that Bureau that such plants are rust-resistant."

The purpose of the proposed amendment of § 301.38–1 (b) is to require that barberry, mahonia, and mahoberberis plants moved in accordance with regulations in this subpart shall be grown on their own roots. The proposed amendment of § 301.38–6 (a) (1) would allow the conditional movement of such plants of less than two seasons' growth between approved nurserymen either within or without the eradication States. It is proposed to amend § 301.38–6 (b) (1) to allow an approved nurseryman within an eradication State to obtain mahonia seeds from another approved nurseryman outside such States under prescribed safeguards. Section 301.38–7 (a), if amended as proposed, would allow a nurseryman to retain a certificate of inspection while having on the premises varieties of barberry, mahonia, or mahoberberis plants being held under agreement pending determination that they are rust-resistant.

A minor amendment in § 301.38 is proposed to rephrase the stated policy of the quarantine. This would recognize that approved nurserymen may maintain plants on their property under observation to determine their trueness to rust-resistant characteristics.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 25th day of May 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51–6298; Filed, May 31, 1951; 8:46 a. m.]

Production and Marketing Administration

[7 CFR, Part 928]

[Docket No. AO–227 RO1]

HANDLING OF MILK IN NEOSHO VALLEY (KANSAS-MISSOURI), MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act

of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held in Chanute, Kansas, November 13–17, 1950, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Neosho Valley (Kansas-Missouri) marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the proposed marketing agreement and order, and more particularly with respect to the findings and conclusions contained in the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, issued March 28, 1951 (16 F. R. 2841), and to receive evidence concerning additional proposals with respect to the extent of the marketing area and the level of prices received in connection with the exceptions filed to such recommended decision. Neither the proposals set forth below nor the recommended findings and conclusions have been approved by the Secretary of Agriculture.

The reopened hearing will convene in the Community Room, Memorial Building, 101 South Lincoln Street, Chanute, Kansas, June 12, 1951, beginning at 10:00 a. m., c. s. t.

The additional proposals are as follows:

Proposed by Banner Dairy Products, Fort Scott, Kansas; Batten's Dairy, Fort Scott, Kansas; Beatrice Food Company, Parsons, Kansas; Camfield Jersey Farm, Neoscho, Missouri; Community Dairy Products Company, Joplin, Missouri; Fees Paramount Dairy, Parsons, Kansas; Gateway Creamery Company, Joplin, Missouri; Hildebrandt's Dairy, Pittsburg, Kansas; Neosho Milk Company, Neosho, Missouri; Neosho Valley Co-op Creamery Association, Erie, Kansas; Oldham's Dairy, Pittsburg, Kansas; Page Milk Company, Coffeyville, Kansas; Pittsburg Ice Cream Company, Pittsburg, Kansas; Premium Dairy Food, Inc., Independence, Kansas; Puritan Dairy Company, Pittsburg, Kansas; and Willson's Dairy, Parsons, Kansas.

1. Delete § 928.6 of the order included in the recommended decision and substitute therefor the following:

§ 928.6 *Neosho Valley marketing area.* "Neosho Valley marketing area," hereinafter called the "marketing area," means all of the territory within the counties of Woodson, Montgomery, Allen, Neosho, Labette, Bourbon, Crawford and Cherokee, all in the State of Kansas.

2. In the event that any territory within the State of Missouri is included, the marketing area should include in addition to the area specified in Proposal No. 1, all of the territory within the counties of Jasper, Newton, MacDonald, Barton and Vernon, all in the State of Missouri.

Copies of this notice of hearing may be procured from the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 28, 1951, Washington, D. C.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-6300; Filed, May 31, 1951; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-21]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, and the following change in name of a manufacturer of approved equipment shall be made:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Buoyant cushions are for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/102/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Obora Manufacturing, 24531 Ryan Road, RFD No. 3, Box 149, Hazel Park, Mich.

Approval No. 160.007/103/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Wm. Buis Mattress Co., 174 Central Avenue, Holland, Mich.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/34/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Western Canvas Products Co., 417 East Pine Street, Seattle 22, Wash.

Approval No. 160.009/35/0, 30-inch balsa wood ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Western Canvas Products Co., 417 East Pine Street, Seattle 22, Wash.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.7-1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

BUOYANT APPARATUS

Approval No. 160.010/18/0, 5.17' x 2.67' x 8" x 8" body section) elliptical solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. BBA-1, dated July 7, 1950, revised March 7, 1951, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.010/19/0, 7.0' x 3.17' x (9" x 9" body section) elliptical solid balsa wood buoyant apparatus, 10-person capacity, dwg. No. BBA-2, dated July 7, 1950, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.54a, 60.47a, 76.51a, 160.010)

WINCHES, LIFEBOAT

Approval No. 160.015/55/0, Type HM, Size 3 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 5,700 pounds pull at the drums (2,850 pounds per fall), identified by General Arrangement dwg. No. 1482, dated May 8, 1950, manufactured by C. C. Galbraith and Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 37.1-5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/11/0, Container for emergency provisions, dwg. No. 51-104, dated January 15, 1951, revised March 28, 1951, submitted by The Multiple Breaker Co., 184 Commercial Street, Malden, Mass.

Approval No. 160.026/12/1, Container for emergency provisions, dwg. No. 201-P, dated August 21, 1950, Specification 201-S-1, dated April 4, 1951, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y. (This supersedes Approval No. 160.026/12/0 published in the FEDERAL REGISTER January 19, 1951.)

Approval No. 160.026/15/0, Container for emergency provisions, dwg. No. 503, dated October 24, 1950, submitted by Chemical Service of Baltimore, Howard and West Streets, Baltimore, Md.

Approval No. 160.026/17/0, Container for emergency drinking water dwg. No. 505, dated November 14, 1950, submitted by Chemical Service of Baltimore, Howard and West Streets, Baltimore, Md.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 59.11)

LIFE FLOATS

Approval No. 160.027/16/1, 7.5' x 4.0' x (11" x 11" body section) rectangular solid balsa wood life float, 15-person capacity, dwg. No. BF-3, dated July 7, 1950, revised March 17, 1951, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La. (This supersedes Approval No. 160.027/16/0 published in the FEDERAL REGISTER July 31, 1947.)

Approval No. 160.027/18/0, 7.0' x 3.17' x (9" x 9" body section) rectangular solid balsa wood life float, 10-person capacity, dwg. No. EF-2, dated July 7, 1950, revised March 7, 1951, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.027/19/0, 9.0' x 5.08' x (12" x 12" body section) rectangular solid balsa wood life float, 25-person capacity, dwg. No. BF-4, dated July 7, 1950, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.027/21/0, 7.5' x 4.0' x (11" x 11" body section) elliptical solid balsa wood life float, 15-person capacity, dwg. No. BEF-3, dated March 19, 1951, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.027)

DAVITS, LIFEBOAT

Approval No. 160.032/119/1, Mechanical davit, crescent, sheath screw, Type C58A, approved for maximum working load of 11,600 pounds per set (5,800 pounds per arm), using 2-part falls, identified by Arrangement dwg. No. 3327 dated April 14, 1950, and Detail dwg. No. 3327-1 dated April 10, 1950, and revised September 7, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (This approval supersedes Approval No. 160.032/119/0, published in the FEDERAL REGISTER March 21, 1951.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

VALVES, SAFETY

Approval No. 162.001/141/0, Type 1415A, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 650° F. maximum temperature, dwg. No. 3VA953, issued March 5, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/142/0, type 1415B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings 750° F. maximum temperature, dwg. No. 3VA953, issued March 5, 1951, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/143/0, Type 1415C, Consolidated alloy steel body pop safety valve, exposed spring fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 900° F. maximum temperature, dwg. No. 3VA953, issued March 5, 1951, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/144/0, Type 1415AS, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 650° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/145/0, Type 1415BS, Consolidated carbon steel body pop safety valve, exposed spring fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 750° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/146/0, Type 1415CS, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings 900° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/147/0, Type 1415GA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 650° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/148/0, Type 1415GB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 750° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/149/0, Type 1415GC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 900° F. maximum temperature, dwg No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/150/0, Type 1415JA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 650° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/151/0, Type 1415JB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 750° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/152/0, Type 1415JC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 900° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

(R. S. 4405, 4417a, 4418, 4426, 5533, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275, 46 CFR 52.05)

BOILERS, HEATING

Approval No. 162.003/115/0, Model 450, steam and hot water heating boiler, steel plate welded construction, horizontal fire tube type, dwg. No. L-3236, dated November 14, 1950, boiler rating 180 pounds per hour or 180,000 B. t. u. per hour, approved for 15 p. s. i. maximum steam pressure and 30 p. s. i. maximum water pressure for bare boiler only, manufactured by Harvey-Whipple, Inc., Springfield, Mass.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

FIRE EXTINGUISHER, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/39/0, General Quick Aid Fire Guard Model TS-15, 2½-gallon soda-acid type hand portable fire extinguisher, Assembly dwg. No. BHS-303-XC dated December 23, 1946, revised August 11, 1950, Name plate dwg. No. CHS-303-14 dated May 15, 1947, revision 3 dated December 7, 1949, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.5-1, 61.13, 77.13, 95.13, 114.15)

VALVES, RELIEF (FOR HOT WATER HEATING BOILERS)

Approval No. 162.013/8/0, Type D–175 relief-valve for hot water heating boilers, maximum set pressure 30 p. s. i., relieving capacity 175,000 B. t. u. per hour, dwg. No. RA–14, revised April 27, 1950, inlet size ¾", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/9/0, Type D–250 relief-valve for hot water heating boilers, maximum set pressure 30 p. s. i., relieving capacity 250,000 B. t. u. per hour, dwg. No. RA–15 dated April 4, 1950, inlet size ¾", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275; 46 CFR 53.03–60)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/3/1, Figure ST–863 flame arrester, cast iron or aluminum body and copper or aluminum tube bank, dwg. No. ST–7995, dated March 20, 1951, approved for sizes 3", 4", 6", 8" and 10", manufactured by Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif. (Supersedes Approval No. 162.016/3/0 published in the FEDERAL REGISTER July 31, 1947.)

Approval No. 162.016/6/1, Figure ST–4300 flame arrester, cast iron body and aluminum or copper tube bank, dwg. No. ST–4362, dated Nov. 29, 1943, approved for 8" size only, manufactured by Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, Calif. (Supersedes Approval No. 162.016/6/0 published in the FEDERAL REGISTER July 31, 1947.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.016)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/45/0, Garland Range Model A38, approved by the American Gas Association, Inc., under Certificate No. 11–53–1.001 dated August 28, 1950, for liquefied petroleum gas service, manufactured by the Detroit-Michigan Stove Co., 6900 Jefferson Avenue, East Detroit 31, Mich.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9–11, 61.25, 95.24, 114.25)

FIRE EXTINGUISHING SYSTEMS, SEMI-PORTABLE

Ansul Model 350–S dry chemical stationary type fire extinguisher unit, semi-portable fire extinguishing system, Assembly dwg. No. DM–969 dated February 3, 1948, Rev. 10, dated January 8, 1951, Name plate dwg. No. DM–1335, dated November 16, 1949, Rev. 2, dated January 4, 1951, manufactured by Ansul Chemical Co., Marinette, Wis.

Ansul Model 150–S dry chemical stationary type fire extinguisher unit, semi-portable fire extinguishing system, Assembly dwg. No. DM–969, dated February 3, 1948, Rev. 10, dated January 8, 1951, Name plate dwg. No. DM–1334, dated November 16, 1949, Rev. 2, dated January 4, 1951, manufactured by Ansul Chemical Co., Marinette, Wis.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 375, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 34.3–2, 61.14, 77.14, 95.14)

CHANGE IN NAME OF MANUFACTURER

The name of Grand Novelty Co., 273–81 State Street, Brooklyn 2, N. Y., has been changed to Grand Novelty Hassock Co., Inc., for Approval Nos. 160.002/12/0 and 160.002/13/0, published in the FEDERAL REGISTER of July 31, 1947, under the heading "Life Preservers, Kapok, Adult and Child (Jacket Type)."

Dated: May 25, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51–6367; Filed, May 31, 1951; 8:55 a. m.]

[CGFR 51–22]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are being replaced by new designs or manufacture of items is being discontinued or the items no longer require formal approval:

VALVES, SAFETY

NOTE: The following items are terminated because they are being replaced by new designs.

Termination of Approval No. 162.001/45/0, Type 1415, Consolidated pop safety valve, cast steel body, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 750° F., dwg. No. S–5886–00, dated May 29, 1934, approved for sizes 1½", 2", 2½", 3", 4" and 4½", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.001/62/0, Type 1415–W, Consolidated pop safety valve, welded joint between inlet flange, body and bushing, cast steel body, bottom guided feather disc, exposed spring, single lifting lever, maximum working pressure 600 p. s. i., maximum temperature 850° F., dwg. No. S–6335, dated December 2, 1942, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Approval published in FEDERAL REGISTER July 31, 1947.)

(R. S. 4405, 4417a, 4418, 4426, 5533, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275, 46 CFR 52.65)

VALVES, PRESSURE VACUUM RELIEF, FOR TANK VESSELS

NOTE: The following items are terminated because manufacture of same is being discontinued.

Termination of Approval No. 162.017/1/1, Butterworth Type E pressure vacuum relief valve, atmospheric pattern, spring loaded, fitted with flame arrester, bronze body, dwg. No. PV–116, dated August 21, 1948, approved for sizes 3", 4", and 6" for use with inflammable or combustible liquids of Grade A or lower, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER August 28, 1948.)

Termination of Approval No. 162.017/2/1, Butterworth Type F pressure vacuum relief valve, atmospheric pattern, spring loaded, fitted with flame arrester and spring lifting lever, bronze body, dwg. No. PV–12, dated March 30, 1936, approved for sizes 3", 4" and 6" for use with inflammable and combustible liquids of Grade A or lower, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER August 28, 1948.)

Termination of Approval No. 162.017/3/0, Butterworth Type G pressure vacuum relief valve, spring loaded, enclosed pattern, for use in conjunction with flame arrester, fitted with spring lifting lever, bronze body, dwg. No. PV–160, dated January 6, 1937, approved for 3", 4" and 6" sizes for use with inflammable or combustible liquids of Grade A or lower in closed venting system with flame arrester, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.017/5/0, Butterworth Type H–2 pressure vacuum relief valve, triplex enclosed pattern with atmospheric vacuum inlet fitted with flame arrester, spring loaded, spring lifting lever fitted with each valve, victaulic flanged openings, bronze valve and manifold, dwg. No. PV–120 and PV–121, dated November 15, 1938, approved for 3", 4", and 6" valves for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.017/56/0, Butterworth Type 2H–1 pressure vacuum relief valve, two unit duplex enclosed pattern in solid manifold, spring loaded, fitted with spring lifting levers, bronze body, dwg. No. PV–204, dated June 10, 1948, approved for 3", 4", 5" and 6" inlet sizes for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER July 28, 1948.)

Termination of Approval No. 162.017/57/0, Butterworth Type 3H–1 pressure vacuum relief valve, three unit triplex enclosed pattern in solid manifold, spring loaded, fitted with spring lifting levers, bronze body, dwg. No. PV–203, dated June 8, 1948, approved for 3", 4", 5", 6" inlet sizes for use with inflammable or combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER August 28, 1948.)

Termination of Approval No. 162.017/61/0, Butterworth Type 1H–1 pressure vacuum relief valve, single unit, enclosed pattern, spring loaded, fitted with spring lifting lever, bronze body, dwg. No. PV–206, dated February 16, 1949, approved for 3", 4", 5", and 6" inlet sizes for use with inflammable and combustible liquids of Grade A or lower in closed venting system, manufactured by Butterworth System, Inc., Bayonne, N. J. (Approval published in FEDERAL REGISTER April 30, 1949.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

NOTE: The following items are terminated because they no longer require formal approval by the Commandant.

Termination of Approval No. 162.018/1/0, Type MA–1 American Car and Foundry angle valve, liquefied petroleum gas service, steel body, dwg. No. 31–645, approved for 2" diameter pipe size, manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.018/2/0, Type MC–1 American Car and Foundry check valve, liquefied petroleum gas service, steel body, dwg. No. 11–646, dated July 3, 1941, approved for 2" diameter pipe size, manufactured by American Car & Foundry Co., 30 Church Street, New York, N. Y. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.018/7/0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2137", plug check poppet, spring loaded, bronze body, threaded connection, dwg. No. 2137 and Catalog No. L–500, Section LG, approved for 2" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by the Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.018/8/0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2138", plug check poppet, spring loaded, bronze body, threaded connection, dwg. No. 2138 and Catalog No. L–500 Section LG, approved for 2½" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by the Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill. (Approval published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.018/9/0, Rego excess flow check valves, liquefied petroleum gas service, marked "Rego No. 2139", plug check poppet, spring loaded, bronze body, threaded connection, dwg. No. 2139 and Catalog No. L–500 Section LG, approved for 3" pipe size, for maximum working pressure of 150 p. s. i. with liquefied butane or propane, manufactured by the Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill. (Approval published in FEDERAL REGISTER July 31, 1947.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR Part 38)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approval for safety valves and pressure vacuum relief valves for tank vessels made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

The termination of approvals for angle and check valves originally approved and listed under "Valves, Safety Relief, Liquefied Compressed Gas," is made because it is no longer required that formal approvals for angle and check valves shall be published in the FEDERAL REGISTER as a prerequisite for the use of such equipment on merchant vessels. The termination of approvals for angle and check valves, therefore, shall in no way affect the use of such equipment. The equipment manufactured while these approvals were in effect or which may hereafter be manufactured may be used on merchant vessels so long as such equipment is in good and serviceable condition.

Dated: May 25, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51–6364; Filed, May 31, 1951; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

TOWN SITE OF WHITEPINE, COLORADO

SALE OF TOWN LOTS

MAY 21, 1951.

1. *Statutory authority.* The lots in the town site of Whitepine, Colorado, will be disposed of under section 2382 to 2386, inclusive, of the Revised Statutes (43 U. S. C. 713–717). The Regional Administrator is authorized to conduct the sale under § 2.78 of Order No. 427 of the Director of the Bureau of Land Management dated August 16, 1950 (15 F. R. 5639). The town site plat of Whitepine was accepted December 10, 1920.

2. *Lots, areas, and minimum prices.* As shown on the town site plat, copies of which may be obtained from the Manager, Land and Survey Office, Bureau of Land Management, Denver, Colorado, the town site is divided into 5 blocks, only 2 of which have been subdivided into lots. The areas unfit for subdividing into lots will be offered for sale at an appraised and minimum price of $20.00 an acre or fraction thereof. The lots offered for sale number 97. As indicated on the town site plat, 77 lots have an area of 6250 square feet each; the minimum and appraised price of each of these lots is $63.00. The area of the odd-sized lots, together with the minimum and appraised price of each, is, as follows:

Lot No.	Area in square feet	Minimum and appraised price
Lot 27, Block 1	6884.4	$69.00
Lot 40, Block 1	6050.5	61.00
Lot 41, Block 1	5932.5	61.00
Lot 42, Block 1	3927.5	40.00
Lot 43, Block 1	5148.5	52.00
Lot 8, Block 2	6028.0	61.00
Lot 9, Block 2	5488.8	55.00
Lot 10, Block 2	6222.5	63.00
Lot 28, Block 2	7079.7	71.00
Lot 29, Block 2	5695.0	57.00
Lot 30, Block 2	5695.0	57.00
Lot 31, Block 2	5695.0	57.00
Lot 32, Block 2	5695.0	57.00
Lot 33, Block 2	5695.0	57.00
Lot 37, Block 2	6587.5	64.00
Lot 41, Block 2	7500.0	75.00
Lot 45, Block 2	6200.0	65.00
Lot 46, Block 2	6500.0	65.00
Lot 54, Block 2	5726.5	58.00

3. *Public sale.* The unreserved lots for which no preemption proof has been made as hereinafter provided, will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at the Post Office in Gunnison, Colorado, on August 13, 1951, beginning at 10:00 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payment.* No lot will be sold for less than the appraised price. Full payment must be made in cash for those lots sold for not more than $50.00. Payment must be made on date of sale. The lots which are sold for more than $50.00 and not more than $100.00 may be paid for in cash on the date of sale, or in two equal installments, the first installment to be paid on the date of sale, and the second installment within one year from the date of sale, with interest at the rate of four percent per annum to the date of payment.

Those lots which are sold for more than $100.00 may be paid for in cash on the date of sale, or one-third of the purchase price may be paid in cash at that time and the balance in not to exceed two equal annual installments, with interest at the rate of four percent per annum to the date of payment.

Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with interest, must be paid to the Manager, Land and Survey Office, Bureau of Land Management, Denver, Colorado.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of Colorado.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but

may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Preemption claims.* Any person who has established settlement on any lot prior to the effective date of this Order, and has made substantial improvements on the lot, and has maintained such settlement, with the improvements, to the date of proof, is entitled to make a preemption entry at the minimum price for such lot and one other lot on which he has made substantial and permanent improvements. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequent to the submission of the proof, but patent, if issued, will be in the name of the settler and not of the transferee.

The notice of intention to make preemption proof must be made on Form 4–348, and should give the date of settlement and the value and character of the improvements. Claimants must file their notices of intention by June 18, 1951, in order that publication may be made and proof submitted prior to the date of the public sale.

On the filing by the applicant of the notice of intention to make proof, notice for publication will be issued by the Manager, which the applicant must have published at his own expense in the "News-Champion," a weekly newspaper, published at Gunnison, Colorado, in five consecutive issues, prior to the date set for proof. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the Manager, Land and Survey Office, Denver, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, citizenship, and his actual residence and substantial improvements upon one lot, and substantial improvements on a second lot where two lots are included in the application. Proof of publication must be shown by a statement of the publisher. The purchase price of the lot or lots must be paid to the Manager. Where the amount exceeds $50.00 the payment may be made in annual installments as provided in paragraph 4.

9. *Removal of improvements.* Owners of improvements who do not purchase the lots on which the improvements are located will be allowed six months from the date of the sale within which to remove their improvements.

10. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their appraised price, and may be purchased from the Manager, Land and Survey Office, Bureau of Land Management, Denver, Colorado.

11. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable source materials and conditions and limitations as proved by the act of August 1, 1946 (60 Stat. 755), and a reservation of right-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

H. Byron Mock,
Regional Administrator.

[F. R. Doc. 51-6289; Filed, May 31, 1951; 8:45 a. m.]

[50419]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 24, 1951.

Notice is given that the plant of extension survey of the following described lands, accepted November 1, 1949, will be officially filed in the Land and Survey Office, Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

G. & S. R. MERIDIAN

T. 3 N., R. 7 E.,
Sec. 33, Lots 5, 6, 7, 8, 9, 10, 11, 12, NE¼, N½SE¼;
Secs. 34, 35.

The area described aggregates 1,647.44 acres.

All of the lands described are within the exterior boundaries of the Tonto National Forest pursuant to proclamations of January 13, 1908, February 10, 1909 and Executive order of July 1, 1908. The lands were also withdrawn on February 19, 1917, and included in Water Power Designation No. 8.

Anyone having a valid settlement or right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public-land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

William Zimmerman, Jr.,
Associate Director.

[F. R. Doc. 51-6290; Filed, May 31, 1951; 8:45 a. m.]

Office of the Secretary

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

Dale E. Doty,
Acting Secretary of the Interior.

MAY 24, 1951.

[F. R. Doc. 51-6294; Filed, May 31, 1951; 8:46 a. m.]

[1] See Title 43, Chapter I, Public Land Order 724, *supra*.

DEPARTMENT OF LABOR

Wage and Hour Division

LUMBER AND BUILDING MATERIALS DEALERS

NOTICE OF HEARING RELATING TO APPLICATION OF EXEMPTIONS

The Fair Labor Standards Act of 1938 (52 Stat. 1060), as amended by the Fair Labor Standards Amendments of 1949 (63 Stat. 910), provides in section 13 (a) (2) that the minimum wage and overtime provisions of the act shall not apply with respect to "any employee employed by any retail or service establishment more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A 'retail or service establishment' shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry."

Section 13 (a) (4) of the act, as amended, provides that the minimum wage and overtime provisions of the act shall not apply with respect to "any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located."

Section 3 (n) of the act, as amended, provides that "'resale' shall not include the sale of goods to be used in residential or farm building construction, repair, or maintenance: *Provided*, That the sale is recognized as a bona fide retail sale in the industry."

Interpretative bulletin, Part 779, which sets forth the Administrator's interpretations of the scope and the terms of the exemptions provided by sections 13 (a) (2) and 13 (a) (4) of the act, lists the general principles under which a determination can be made as to what sales or services are recognized as retail in a particular industry and what establishments are recognized as retail establishments in a particular industry. The bulletin lists lumber yards as one of the types of establishments whose sales or services may be recognized as retail but does not deal specifically with the character of particular sales of such establishments or with the specific question of what establishments, if any, in the lumber and building materials industry, which are engaged in making or processing goods for sale, are recognized as retail establishments in the industry.

The Administrator has been requested by various establishments and by associations of such establishments to state his views as to which sales are recognized as retail sales in the industry and as to what types of establishments, if any, in the lumber and building materials industry, making or processing goods for sale, are recognized as retail establishments in the industry.

In accordance with such requests, the Administrator undertook a study of the facts relating to establishments in the lumber and building materials trade. Questionnaires were sent to various associations and labor organizations and a survey was made of readily available data. The information thus obtained was, however, deemed insufficient to permit a proper determination as to all the questions involved. Consequently in order to obtain additional information on these questions and in order to provide interested parties an opportunity to present their views, notice is hereby given of a public hearing to be held before an authorized representative of the Administrator, beginning on Wednesday, June 27, 1951, at 10:00 a. m. in Room 2325, Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C., at which interested persons may present facts and information bearing on the following questions:

1. What types of sales of establishments selling lumber and building materials are recognized as retail sales in the particular industry.

2. Which, if any, lumber and building materials dealers' establishments which make or process building materials or lumber for sale are recognized as retail establishments in the particular industry.

Among the types of information pertaining to these questions, which would be particularly desirable are data on various pricing practices and quantities of sales; credit practices, methods of selling, and types of services rendered; the types of customers to whom goods are sold, and the percentages of the total volume of business of an establishment represented by the various types of sales which it makes; and on the types of manufacturing and processing operations engaged in by dealers in lumber and building materials.

Copies of the Division's report entitled "Data Pertaining to the Application of sections 13 (a) (2) and 13 (a) (4) of the Fair Labor Standards Act to the Lumber and Building Materials Trade" may be obtained on request from the Administrator at the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., as long as the supply lasts.

All persons desiring to be heard at the aforesaid public hearing should notify the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., not later than June 22, 1951, which notification should contain the following information:

1. Name and address of the person who will appear.

2. If such person will appear in a representative capacity, the name and address of the persons or organizations and type of establishment or establishments he will represent.

3. The particular aspect of the subject matter concerning which he intends to make a presentation at the hearing.

4. The approximate length of time requested for his presentation.

Written statements may be filed in lieu of personal appearances at any time before the date of the hearing.

Signed at Washington, D. C., this 28th day of May 1951.

F. Granville Grimes, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6360; Filed, May 31, 1951; 8:54 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 45]

J. WISS AND SONS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, J. Wiss and Sons Company, 11-45 Littleton Avenue, Newark 7, N. J., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of shears, scissors, snips, pinking shears, pruning shears and clippers, manufactured by J. Wiss and Sons Company, having the brand name(s) "Wiss", shall be the proposed retail ceiling prices listed by J. Wiss and Sons Company in its application dated April 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, J. Wiss and Sons Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, J. Wiss and Sons Company, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the require-

ments of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.}	
Terms ..... (net or percent EOM, etc.) $.....;	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 31, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 29, 1951.

[F. R. Doc. 51-6394; Filed, May 29, 1951; 3:17 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 46]

L'AIGLON APPAREL, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, L'Aiglon Apparel, Inc., 15th and Mt. Vernon Streets, Philadelphia, Pa., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of women's and misses' daytime dresses manufactured by L'Aiglon Apparel, Inc., having the brand name(s) "L'Aiglon", shall be the proposed retail ceiling prices listed by L'Aiglon Apparel, Inc., in its application dated April 6, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, L'Aiglon Apparel, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, L'Aiglon Apparel, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.}	
Terms ..... (net or percent EOM, etc.) $.....	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 31, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 29, 1951.

[F. R. Doc. 51-6395; Filed, May 29, 1951; 3:17 p. m.]

[Delegation of Authority 6, Supplement 8]

CHIEFS OF BRANCHES OF RUBBER, CHEMICALS AND DRUGS DIVISION OF OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Rubber, Chemicals and Drugs Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672), this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Rubber, Chemicals and Drugs Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on June 1, 1951.

T. H. MCCORMACK,
Director, Rubber, Chemicals and Drugs Division, Office of Price Operations, Office of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6419; Filed, May 31, 1951; 9:30 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6358]

MISSOURI PUBLIC SERVICE CO.

NOTICE OF APPLICATION

MAY 25, 1951.

Take notice that on May 24, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Missouri Public Service Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Missouri and doing business in said State with its principal business office at Warrensburg, Missouri, seeking an order authorizing the acquisition from Missouri Power & Light Company certain electric facilities consisting of an electric distribution system, street lighting system, and appurtenant equipment and facilities located in and adjacent to the City of Clinton, Missouri, and to merge or consolidate said electric facilities with the system of Applicant. The consideration stated in the application, will be $650,000 to be paid in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6308; Filed, May 31, 1951; 8:47 a. m.]

[Docket No. G-1638]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF ORDER DENYING APPLICATION FOR CERTIFICATE

MAY 28, 1951.

Notice is hereby given that, on May 25, 1951, the Federal Power Commission issued its order denying application for certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6309; Filed, May 31, 1951; 8:47 a. m.]

[Project No. 1080]

HOOK-ASTON MINING MILLING CO.

NOTICE OF ORDER ISSUING LICENSE

MAY 28, 1951.

In the matter of George H. Wilking, doing business as The Hook-Aston Mining Milling Company; Project No. 1080.

Notice is hereby given that, on April 27, 1951, the Federal Power Commission issued its order entered April 24, 1951, issuing Annual License (Minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6307; Filed, May 31, 1951; 8:47 a. m.]

[Docket Nos. G-1632, G-1656]

SOUTHERN NATURAL GAS CO. AND TEXAS GAS TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 24, 1951.

In the matters of Southern Natural Gas Company, Docket No. G-1632; and Texas Gas Transmission Corporation, Docket No. G-1656.

On March 9, 1951 and April 6, 1951, respectively, Southern Natural Gas Company (Southern Natural) and Texas Gas Transmission Corporation (Texas Gas) at Docket Nos. G-1632 and G-1656 filed applications for certificates of public convenience and necessity authorizing the construction and operation of certain natural-gas pipeline facilities to sell and deliver natural gas to Mississippi Power & Light Company for service to Deer Creek Natural Gas District, Mississippi, all as more fully described in such applications on file with the Commission and open to public inspection.

Both Applicants have requested that their applications be heard under the shortened procedure provided for by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER of notice of application at Docket No. G-1632 on March 29, 1951 (16 F. R. 2769) and notice of application at Docket No. G-1656 on May 8, 1951 (16 F. R. 4262).

Deer Creek Natural Gas District has petitioned to intervene in these proceedings in support of both applications, and has joined in the request of both Applicants that these applications be disposed of under said § 1.32 (b).

The Commission finds:

(1) Orderly procedure requires that the proceedings at Docket Nos. G-1632 and G-1656 be consolidated for purpose of hearing.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings at Docket Nos. G-1632 and G-1656 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on June 8, 1951, at 9:30 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications filed in these consolidated proceedings: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37

[F. R. Doc. 51-6304; Filed, May 29, 1951; 3:17 p. m.]

special order, or attach to the article a label, tag or ticket stating the retail ceil-

successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabiliza-

Take notice that on May 24, 1951, an application was filed with the Federal

[F. R. Doc. 51-6307; Filed, May 31, 1951; 8:47 a. m.]

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6295; Filed, May 31, 1951; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-432]

SEAM BINDING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the seam binding industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 19, 1951. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 19, 1951, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Issued: May 28, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6320; Filed, May 31, 1951; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF LABOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR INSTRUCTIONAL PROGRAMS WITH COLLEGES, UNIVERSITIES AND EDUCATIONAL INSTITUTIONS

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), hereinafter called the act, authority is hereby delegated to the Secretary of Labor to exercise the following authority in connection with providing programs of instruction and information authorized by law:

a. To contract for the services of colleges, universities and other educational institutions in providing instructional and informational services;

b. To dispense with advertising in accord with section 302 (c) (5) of the act.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Labor subject to the limitations of section 307 of the act.

This delegation of authority shall be effective as of the date hereof.

Dated: May 26, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51-6362; Filed, May 31, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26119]

CEMENT FROM CERTAIN POINTS TO POINT COMFORT, TEX.

APPLICATION FOR RELIEF

MAY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Point Comfort & Northern Railway and other carriers parties to tariffs listed below.

Commodities involved: Cement and related articles, carloads.

From: Points in Illinois, Indiana and southwestern territory.

To: Point Comfort, Tex.

Grounds for relief: Circuity, rail competition, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3356, Supp. 18. D. Q. Marsh's tariff I. C. C. No. 3484, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6310; Filed, May 31, 1951; 8:47 a. m.]

[4th Sec. Application 26120]

SODA ASH AND CAUSTIC SODA FROM BATON ROUGE, LA.

APPLICATION FOR RELIEF TO CERTAIN POINTS

MAY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378.

Commodities involved: Soda ash and caustic soda, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Ohio River crossings and points in Illinois, Indiana, and Wisconsin.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 378, Supp. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6311; Filed, May 31, 1951; 8:47 a. m.]

[4th Sec. Application 26121]

FRESH MEATS FROM DALLAS, TEX., TO AUSTIN, MINN.

APPLICATION FOR RELIEF

MAY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats, carloads.

From: Dallas, Tex.

To: Austin, Minn.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3588, Supp. 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6312; Filed, May 31, 1951; 8:47 a. m.]

[4th Sec. Application 26122]

PETROLEUM PRODUCTS FROM NORFOLK AND PORTSMOUTH, VA., TO CERTAIN OTHER POINTS IN VIRGINIA

APPLICATION FOR RELIEF

MAY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company.

Commodities involved: Gasoline, petroleum distillate fuel oil, and other petroleum products, in tank-car loads.

From: Norfolk and Portsmouth, Va.

To: Lynchburg, Altavista, and Danville, Va.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6313; Filed, May 31, 1951; 8:47 a. m.]

[4th Sec. Application 26123]

WROUGHT IRON PIPE FROM RHODE ISLAND TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

MAY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Iron or steel pipe, wrought iron, welded or seamless, and related articles, in carloads.

From: Cranston and Providence, R. I.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Circuity, rail competition, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6314; Filed, May 31, 1951; 8:47 a. m.]

[4th Sec. Application 26124]

SAND FROM RIVERTON, IND., TO VANDALIA, ILL.

APPLICATION FOR RELIEF

MAY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Illinois Freight Association for the Illinois Central Railroad Company.

Commodities involved: Sand, carloads.

From: Riverton, Ind.

To: Vandalia, Ill.

Grounds for relief: Wayside pit competition and to maintain grouping.

Schedules filed containing proposed rates: I. C. R. R. tariff I. C. C. No. A-11296, Supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6315; Filed, May 31, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17831]

HOLLANDSCHE BANK-UNIE N. V.

In re: Stock registered in the name of Hollandsche Bank-Unie N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1264.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below, registered in the name of Hollandsche Bank-Unie N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partner-

ships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Southern Railway Company preferred stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10 share certificates: 25470, 25471, 26282, 26283, 30681, 30687, 30790, 36473, 36500, 37867, 37871, 37873.

[F. R. Doc. 51-6348; Filed, May 31, 1951; 8:53 a. m.]

[Vesting Order 17832]

BANK-ASSOCIATIE WERTHEIM & GOMPERTZ

In re: Stock registered in the name of Bank-Associatie Wertheim & Gompertz, 1834 En Crediet vereeniging 1853 N. V., Gevestigd Te Amsterdam, Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-1355.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below, registered in the name of Bank-Associatie Wertheim & Gompertz 1834 En Crediet-vereeniging 1853 N. V., Gevestigd Te Amsterdam, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 3287, 3288, 3420, 3468, 3498, 3535, 3611.

[F. R. Doc. 51-6349; Filed, May 31, 1951; 8:53 a. m.]

[Vesting Order 17833]

R. MEES & ZOONEN

In re: Stock registered in the name of R. Mees & Zoonen, Rotterdam, the Netherlands, and owned by persons whose names are unkown. F-49-852.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below, registered in the name of R. Mees & Zoonen, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unkown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Ohio Edison Company Common Stock $9 par value evidenced by Certificate Number N 57719 for ninety (90) shares.

[F. R. Doc. 51-6350; Filed, May 31, 1951; 8:53 a. m.]

[Vesting Order 17834]

N. V. COMMISSIE EN HANDELSBANK TE AMSTERDAM

In re: Stock registered in the name of N. V. Commissie en Handelsbank te Amsterdam, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1276.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below registered in the name of N. V. Commissie en Handelsbank te Amsterdam, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation of its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unkown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Fifty (50) shares of no par value Gillette Safety Razor Company common capital stock, evidenced by five (5) certificates numbered NCO77819, NCO77820, NCO77821, NCO77822 and NCO77823 for 10 shares each.

[F. R. Doc. 51-6351; Filed, May 31, 1951; 8:53 a. m.]

[Vesting Order 17835]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unkown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The Kansas City Southern Railway Company $100.00 par value preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 shares certificates: Nos. B-37936, B-38056, B-38190, B-38196, B-38816, B-38829.

[F. R. Doc. 51-6352; Filed, May 31, 1951; 8:53 a. m.]

[Vesting Order 17861]

TAKEYO AND HISAJIRO INOUYE

In re: Rights of Takeyo Inouye and Hisajiro Inouye under insurance contract. File No. D-39-4705-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeyo Inouye and Hisajiro Inouye, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a Supplementary Contract evidenced by Certificate No. 154059, issued by the New York Life Insurance Company, New York, New York, to Takeyo Inouye, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Takeyo Inouye or Hisajiro Inouye, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6356; Filed, May 31, 1951; 8:54 a. m.]

[Vesting Order 17861]

EMMA E. SCHROEDER

In re: Rights of Emma E. Schroeder under insurance contract. File No. F-28-136-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma E. Schroeder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6 937 851, issued by the New York Life Insurance Company, New York, New York, to Hans C. W. Schroeder, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6357; Filed, May 31, 1951; 8:54 a. m.]

[Vesting Order 17837]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended; Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

Those certain shares of stock described in Exhibit A, set forth below, registered in the name of Pierson & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. The Kansas City Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: B-44769, B-48846, B-51968, B-52548, B-52817, B-53344, B-53736, B-53967, B-53986, B-54002, B-54821, B-54920.

2. The Kansas City Southern Railway Company $100.00 par value preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: B-31443, B-31444, B-31544, B-31672, B-31797, B-32336, B-37377, B-37843, B-37850, B-37855, B-38017, B-38142, B-38175, B-38292, B-38337, B-38422, B-38632, B-38750, B-38930, B-39703, B-39704, B-39846, B-39857, B-39859.

[F. R. Doc. 51-6354; Filed, May 31, 1951; 8:54 a. m.]

JUN 4

FEDERAL REGISTER

VOLUME 16 NUMBER 107

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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Cigar Leaf-51)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS 1951-52 MARKETING YEAR

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AUTHORITY: §§ 723.230 to 723.260 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 314, 372, 373, 374, 375, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 723.230 *Basis and purpose.* Sections 723.230 to 723.260 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder tobacco during the 1951-52 marketing year. Prior to preparing §§ 723.230 to 723.260, public notice (16 F. R. 1679) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to §§ 723.230 to 723.260 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.231 *Definitions.* As used in §§ 723.230 to 723.260, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Act.* "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) *Buyer.* "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco, such person rather than such employed person(s) is the buyer of such tobacco.

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1949 Edition

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(c) *Carry-over.* "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1951 which has not been marketed or which has not been disposed of under § 723.243. (For 1951–52, there will not have been any tobacco disposed of under § 723.243 since there is no tobacco subject to penalty to carry over into the 1951–52 marketing year.)

(d) *County committee.* "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(e) *Community committee.* "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(f) *Director.* "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(g) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(h) *Market.* "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(i) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(j) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(k) *Producer.* "Producer" means a person who as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(k) *Pound.* "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(l) *Sale.* "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(m) *Sale date.* "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(n) *Secretary.* "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(o) *State committee.* "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(p) *Tobacco.* "Tobacco" means (1) type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (2) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (3) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (4) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut; (5) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (6) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (7) type 54 tobacco—that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin river; and (8) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin river, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

(q) *Tobacco available for marketing.* "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1951 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 723.243.

(r) *Tobacco subject to marketing quotas.* "Tobacco subject to marketing quotas" means any tobacco of types 42–44 and 51–55, inclusive, marketed during the period October 1, 1951, to September 30, 1952, inclusive, and any tobacco of 42–44 and 51–55 types, inclusive, produced in the calendar year 1951 and marketed prior to October 1, 1951.

(s) *Trucker.* "Trucker" means a person who engages to any extent in the business of trucking tobacco to market for producers regardless of whether the tobacco is acquired from producers by the trucker.

§ 723.232 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary,

and shall cause to be prepared such instructions as are necessary, for carrying out these regulations. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.233 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1951 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundreds and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents, and 0.068 cents per pound would be 0.06 cents.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 723.234 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with 1023 (Cigar Leaf–51)–3, Marketing Quota Regulations (15 F. R. 7203). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco (for 1951–52 there will be no excess tobacco to carry over into the 1951–52 marketing year). The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 723.236, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 723.235 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 723.236 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (MQ–76–Tobacco).* A within quota marketing card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1951 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any marketing year can be marketed without penalty under the provisions of § 723.242 (b). (For 1951–52 there will be no excess tobacco to carry over into the 1951–52 marketing year),

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 723.243 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ–77–Tobacco).* An excess marketing card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose, or otherwise furnish, or prevents the county committee from obtaining, any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 723.245.

§ 723.237 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 723.238 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.239 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.240 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the county committee or its representative) the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county committee or its representative, then such card shall become valid.

§ 723.241 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 723.242 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.243 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within-quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco has been disposed of under § 723.243, the "percent within quota" shall be 100. (For 1951–52, the "percent within quota" will be 100 since there is no penalty tobacco to carry over.)

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1951 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.243 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco in a place where it will be available for convenient physical inspection separately from any other tobacco by the county committee at any time, the tobacco so stored to be representative of the entire 1951 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 723.245. Penalty at the applicable full rate of penalty per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco (removal from storage will include moving such tobacco to a place where it cannot be conveniently physically inspected separately from any other tobacco at any time by the county committee), except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1952 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.242 (b) is less than the 1952 allotment may be removed from storage and marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 723.244 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1951 marketing card (MQ–76–Tobacco or MQ–77–Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.245 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be thirteen (13) cents per pound.

(b) With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 723.246 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than by a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.247 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95–Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be deemed to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1951 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.250 (b) of these regulations, he shall be deemed to have failed to account for the disposition of tobacco produced on the farm and shall be subject to penalty on such tobacco. The penalty thereon shall be paid by the producer.

§ 723.248 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 723.243 (a), and shall be paid by remitting the amount thereof to the State committee not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) The penalty due on any sale of tobacco by a producer as determined under §§ 723.230 to 723.260 shall be paid as specified in § 723.246 even though the penalty may exceed the proceeds for the tobacco.

§ 723.249 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.230 to 723.260 to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 723.250 *Producer's records and reports.*—(a) *Report of marketing card.* The operator of each farm on which tobacco is produced in 1951 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than May 1, 1952. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise the allotment next established

for such farm shall be reduced as provided in the act.

(b) *Reports by producer-manufacturers.* Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the State committee as follows with respect to such tobacco.

(1) If the 1951 harvested acreage is not in excess of the 1951 farm tobacco acreage allotment: The producer-manufacturer will furnish the State committee a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State committee, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(2) If the 1951 harvested acreage is in excess of the 1951 farm acreage allotment: (i) If the excess tobacco (1951 actual yield per acre on the entire crop multiplied by the excess acreage) is stored under bond pursuant to § 723.243 (a), the producer-manufacturer will furnish the State committee a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State committee, showing the total pounds of tobacco produced on the farm, the farm serial number of the farm on which it was produced, the date(s) on which it was weighed, the estimated value of the tobacco, the pounds of excess tobacco stored under bond under § 723.243 (a), the estimated value of the excess tobacco, and the location of such excess tobacco. Unless it has become penalty free under circumstances described in § 723.243 (a), penalty shall be paid by the producer-manufacturer on the excess tobacco when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(ii) If the excess tobacco is not stored under bond pursuant to § 723.243 (a), the producer-manufacturer shall furnish the State committee a report, as soon as the tobacco has been weighed, and not later than the date specified in writing by the State committee, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.242 (b), or unless he makes the reports outlined below in this subsection, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

If the producer-manufacturer does not place the excess tobacco in storage under bond under § 723.243 (a) and does not pay the penalty on the tobacco at the converted rate of penalty shown on the marketing card, as provided above, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyers of such products or residue. Failure to file such report or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer-manufacturer to account for the disposition of tobacco produced on his farm and in the event of such failure the allotment next established for such farm shall be reduced as provided in the act and the producer-manufacturer shall be liable for the payment of penalty as provided in § 723.247 (c).

The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(c) *Additional reports by producers.* In addition to any other reports which may be required under §§ 723.230 to 723.260, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 15 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the act.

§ 723.251 *Buyer's records*—(a) *Record of marketing.* Each buyer shall keep such records as will enable him to furnish the Director or the State committee with respect to each sale of tobacco made by producers to such buyer the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(2) Date of sale.

(3) The serial number of the memorandum of sale used to identify the sale.

(4) Number of pounds sold.

(5) Gross sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State committee the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco. The serial number of such memorandum shall also be entered on the buyer's copy of the receipt furnished the producer by the buyer, or the buyer's copy of the contract to purchase, or on the document customarily used in recording the purchase, and on MQ–95–Tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer will be properly issued by the buyer. The buyer will also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

(e) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 723.230 to 723.260.

§ 723.252 *Buyer's reports*—(a) *Report of buyer's name, address, and registration number.* Each buyer shall properly execute, detach and promptly forward to the State committee "Receipt for Buyer's Record" contained in MQ–95–Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95–Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report will show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount, the rate of penalty shown on the memorandum of sale, and the amount of the penalty. If no marketing card is presented by the producer, the buyer will record and report the purchase as provided above except that the buyer will enter the word "none" in the space for the serial number of the memorandum of sale, the penalty rate of thirteen (13) cents per pound in the space for rate of penalty, and will show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95–Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95–Tobacco and on the memoranda of sale to be due shall be forwarded to the State committee not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.253 *Buyers not exempt from regular records and reports.* No buyer shall be exempt from keeping the records and making the reports required by these regulations. Any organization which receives tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, will keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.230 to 723.260 for buyers.

§ 723.254 *Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.* (a) Each person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

(c) Each such person shall make such reports to the Director as he may find necessary to enforce §§ 723.230 to 723.260.

§ 723.255 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.256 *Failure to keep records or make reports.* Any buyer, common carrier of tobacco, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers, who fails to make any report or keep any record as required under §§ 723.230 to 723.260 or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco buyer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco buyer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco buyer shall be given by the Director.

§ 723.257 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, common carrier, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, correspondence, contracts, checks, check registers, check stubs, and documents and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 723.258 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 723.230 to 723.260 for the 1951–52 marketing year shall be kept by him until September 30, 1954. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 723.259 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.230 to 723.260 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 723.260 *Redelegation of authority.* Any authority delegated to the State committee by §§ 723.230 to 723.260 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 29th day of May 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6379; Filed, June 1, 1951; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 198]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.526 *Orange Regulation 198*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 4, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until June 4, 1951; the recommendation and supporting information for continued regulation subsequent to June 3 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of

such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 4, 1951, and ending at 12:01 a. m., e. s. t., September 15, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 31st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6444; Filed, June 1, 1951; 8:57 a. m.]

[Grapefruit Reg. 142]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.527 *Grapefruit Regulation 142*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 4, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until June 4, 1951; the recommendation and supporting information for continued regulation subsequent to June 3 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy fo the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m. e. s. t., June 4, 1951, and ending at 12:01 a. m., e. s. t., September 15, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Florida which grade U. S. No. 3 or lower than U. S. No. 3 grade;

(ii) Any white seeded grapefruit, grown in Regulation Area I which grade U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any seedless grapefruit, grown in Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "handler," "variety," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and orders; and "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 31st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6445; Filed, June 1, 1951; 8:58 a. m.]

[Lemon Reg. 385]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.492 *Lemon Regulation 385*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 29, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 3, 1951, and ending at 12:01 a. m., P. s. t., June 10, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 31st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: May 27, 1951]

[12:01 a. m. June 3, 1951, to 12:01 a. m. June 17, 1951]

DISTRICT NO. 2

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.446
American Fruit Growers, Inc., Fullerton	1.038

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
American Fruit Growers, Inc., Upland	0.346
Eadington Fruit Co	.788
Hazeltine Packing Co	.545
Ventura Coastal Lemon Co	1.057
Venture Pacific Co	1.849
Glendora Lemon Growers Association	1.820
La Verne Lemon Association	.747
La Habra Citrus Association	2.202
Yorba Linda Citrus Association	1.174
Escondido Lemon Association	3.948
Alta Loma Heights Citrus Association	.570
Etiwanda Citrus Association	.333
Mountain View Fruit Association	.368
Old Baldy Citrus Association	.920
San Dimas Lemon Association	1.852
Upland Lemon Growers Association	5.608
Central Lemon Association	1.463
Irvine Citrus Association	1.094
Placentia Mutual Orange Association	.950
Corona Citrus Association	.652
Corona Foothill Lemon Co	2.867
Jameson Co	1.495
Arlington Heights Citrus Co	1.224
College Heights Orange & Lemon Association	2.784
Chula Vista Citrus Association	1.017
El Cajon Valley Citrus Association	.116
Escondido Cooperative Citrus Association	.294
Fallbrook Citrus Association	2.228
Lemon Grove Citrus Association	.482
Carpinteria Lemon Association	1.795
Carpinteria Mutual Citrus Association	2.161
Goleta Lemon Association	3.507
Johnston Fruit Co	4.214
North Whittier Heights Citrus Association	1.126
San Fernando Heights Lemon Association	.840
Sierra Madre-Lamanda Citrus Association	1.375
Briggs Lemon Association	2.169
Culbertson Lemon Association	1.590
Fillmore Lemon Association	1.660
Oxnard Citrus Association	5.172
Rancho Sespe	1.451
Santa Clara Lemon Association	2.809
Santa Paula Citrus Association	3.522
Saticoy Lemon Association	2.425
Seaboard Lemon Association	3.420
Somis Lemon Association	2.695
Ventura Citrus Association	.928
Ventura County Citrus Association	.015
Limoneira Co	2.611
Teague-McKevett Association	.988
East Whittier Citrus Association	1.033
Leffingwell Rancho Lemon Association	.974
Murphy Ranch Co	2.234
Chula Vista Mutual Lemon Association	.553
Index Mutual Association	.845
La Verne Cooperative Citrus Association	2.318
Orange Belt Fruit Distributors	.848
Ventura County Orange & Lemon Association	1.973
Whittier Mutual Orange & Lemon Association	.127
Ayoob, Fred	.002
Cappos Bros. Produce	.000
Evans Bros. Packing Co	.006
Johnson, Fred	.045
Knapp, John C., Packing Co	.000
Latimer, Harold	.038
MacDonald Fruit Co	.003
Paramount Citrus Association, Inc.	.213
San Antonio Orchard Co	.036
Uyeji, Kikuo	.002

[F. R. Doc. 51-6480; Filed, June 1, 1951; 8:53 a. m.]

[Orange Reg. 374]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.520 *Orange Regulation 374*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 31, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372 (7 CFR 966.518; 16 F. R. 4678), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., June 3,

1951, and ending at 12:01 a. m., P. s. t., June 10, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2; 1,250 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., June 3, 1951, to 12:01 a. m., P. d. s. t., June 10, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0881
A. F. G. Corona	.0520
A. F. G. Fullerton	.8524
A. F. G. Orange	.3411
A. F. G. Riverside	.1337
A. F. G. San Juan Capistrano	.5667
A. F. G. Santa Paula	.4611
Badington Fruit Co., Inc	5.5388
Hazeltine Packing Co	.3816
Krinard Packing Co	.2068
Placentia Cooperative Orange Association	.4913
Placentia Pioneer Valley Growers Association	.6286
Signal Fruit Association	.1052
Azusa Citrus Association	.5088
Covina Citrus Association	1.1613
Covina Orange Growers Association	.5829
Damerel-Allison Association	.7510
Glendora Citrus Association	.5111
Glendora Mutual Orange Association	.3188
Valencia Heights Orchard Association	.3917
Gold Buckle Association	.4726

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
La Verne Orange Association	0.6498
Anaheim Valencia Orange Association	1.1083
Fullerton Mutual Orange Association	2.5230
La Habra Citrus Association	1.1209
Yorba Linda Citrus Association, The	.9772
Escondido Orange Association	2.3351
Alta Loma Heights Citrus Association	.0525
Citrus Fruit Growers	.1910
Etiwanda Citrus Fruit Association	.0266
Mountain View Fruit Association	.0483
Old Baldy Citrus Association	.1095
Rialto Heights Orange Growers	.0618
Upland Citrus Association	.3415
Upland Heights Orange Association	.1408
Consolidated Orange Growers	1.8418
Frances Citrus Association	1.1526
Garden Grove Citrus Association	1.7081
Goldenwest Citrus Association	1.7250
Irvine Valencia Growers	3.3664
Olive Heights Citrus Association	2.0149
Santa Ana-Tustin Mutual Citrus Association	.8997
Santiago Orange Growers Association	3.7237
Tustin Hills Citrus Association	1.8710
Villa Park Orchards Association, The	2.0523
Bradford Bros., Inc	.8899
Placentia Mutual Orange Association	3.5181
Placentia Orange Growers Association	3.2744
Yorba Orange Growers Association	.8310
Call Ranch	.0736
Corona Citrus Association	.4769
Jameson Co	.1230
Orange Heights Orange Association	.6137
Crafton Orange Growers' Association	.2594
East Highlands Citrus Association	.0645
Redlands Heights Groves	.1721
Redlands Orangedale Association	.1388
Rialto-Fontana Citrus Association	.0831
Break & Son, Allen	.0487
Bryn Mawr Fruit Growers Association	.0987
Mission Citrus Association	.1277
Redlands Cooperative Fruit Association	.2749
Redlands Orange Growers Association	.1517
Redlands Select Groves	.2578
Rialto Orange Co	.1823
Southern Citrus Association	.1448
United Citrus Growers	.2373
Zilen Citrus Co	.0459
Arlington Heights Citrus Co	.1474
Brown Estate, L. V. W	.1307
Gavilan Citrus Association	.1529
Highgrove Fruit Association	.0632
McDermont Fruit Co	.1264
Monte Vista Citrus Association	.2433
National Orange Co	.0521
Riverside Heights Orange Growers Association, The	.0362
Sierra Vista Packing Association	.0450
Victoria Ave. Citrus Association	.2016
Claremont Citrus Association	.0936
College Heights Orange & Lemon Association	.3408
Indian Hill Citrus Association	.1954
Pomona Fruit Growers Exchange	.3100
Walnut Fruit Growers Association	.5388
West Ontario Citrus Association	.1768
El Cajon Valley Citrus Association	.2247
Escondido Cooperative Citrus Association	.8028
San Dimas Orange Growers Association	.3309

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Canega Citrus Association	0.9019
North Whittier Heights Citrus Association	.9673
San Fernando Heights Orange Association	.7725
Sierra Madre-Lamanda Citrus Association	.3334
Camarillo Citrus Association	1.3504
Fillmore Citrus Association	3.0770
Mupu Citrus Association	2.0093
Ojai Orange Association	.6676
Piru Citrus Association	2.1306
Rancho Sespe	.7823
Santa Paula Orange Association	1.0568
Tapo Citrus Association	.9789
Ventura County Citrus Association	.3637
Limonelra Co	.4053
East Whittier Citrus Association	.3721
Murphy Ranch Co	.8988
Anaheim Cooperative Orange Association	1.7756
Bryn Mawr Mutual Orange Association	.1351
Chula Vista Mutual Lemon Association	.0881
Euclid Avenue Orange Association	.6609
Foothill Citrus Union, Inc	.1131
Fullerton Cooperative Orange Association	.3706
Garden Grove Orange Cooperative, Inc	1.1487
Golden Orange Groves, Inc	.2225
Highland Mutual Groves, Inc	.0091
Index Mutual Association	.4185
La Verne Cooperative Citrus Association	1.6720
Mentone Heights Association	.0403
Olive Hillside Groves, Inc	.5566
Orange Cooperative Citrus Association	1.6404
Redlands Foothill Groves	.4347
Redlands Mutual Orange Association	.1874
Ventura County Orange & Lemon Association	1.1740
Whittier Mutual Orange & Lemon Association	.1547
Babijuice Corp. of California	1.0104
Banks, L. M	.7314
Becker, Samuel Eugene	.0110
Bennett Fruit Co	.1205
Borden Fruit Co	.5100
Cherokee Citrus Co., Inc	.1575
Chess Co., Meyer W	.4132
Dozier, Paul M	.0127
Dunning Ranch	.0404
Evans Brothers Packing Co	1.0631
Gold Banner Association	.1885
Granada Hills Packing Co	.0272
Granada Packing House	1.2201
Hill Packing Co., Fred A	.0605
Johnson, Fred	.0058
Knapp Packing Co., John C	.5623
L Bar S Ranch	.1102
Lawson, William J	.0060
Lima, & Sons, Joe	.1201
Orange Belt Fruit Distributors	1.3197
Orange Hill Groves	.0060
Otte, Arnold	.0651
Panno Fruit Co., Carlo	.0777
Paramount Citrus Association	.8687
Patitucci, Frank L	.0091
Placentia Orchard Co	.5283
Prescott, John A	.0193
Riverside Citrus Association	.0766
Ronald, P. W	.0213
Ronneberg, Jerry L	.0046
San Antonio Orchard Co	.3322
Schwaer, Erwin & Arthur	.0147
Stephens, T. F	.2143
Summit Citrus Packers	.0165
Treesweet Products Co	.2597
Wall, E. T. Grower-Shipper	.1224
Western Fruit Growers, Inc	.6189

[F. R. Doc. 51-6497; Filed, June 1, 1951; 11:20 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

[Amdt. 2]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—CITRUS FRUIT EXPORT PROGRAM RMX 135a

Section 518.274 *Eligibility for payment* is hereby amended by deleting paragraph (c) (ii) and inserting in lieu thereof the following:

(ii) California and Arizona fresh oranges shall meet the requirements for the standards for Export and for Standard Pack; also not less than 85 percent of the oranges in any lot shall meet the requirements for U. S. No. 1 Grade, and the remainder, U. S. No. 2 Grade. Each fruit shall be individually wrapped. "Standards for Export," "Standard Pack," "U. S. No. 1" and "U. S. No. 2" shall have the meanings as defined in "U. S. Standards for Oranges (California and Arizona)," effective June 12, 1951.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., June 12, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup. 612c, 22 U. S. C. Sup. 1510)

Dated this 29th day of May 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-6380, Filed, June 1, 1951; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 108—RECORDING OF ARRIVALS, DEPARTURES AND REGISTRATIONS

ENDORSEMENT OF PASSPORTS

MAY 17, 1951.

Paragraph (a) of § 108.9, *Endorsement of passports*, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 108.9 *Endorsement of passports.* (a) When an alien admitted temporarily to the United States is issued a Form 257a or a Form I-94, the admitting immigrant inspector shall stamp any passport presented by the alien (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "Admitted" and the date and place of admission. There shall be inscribed in the passport as a part of such endorsement the visa application number appearing on the Form 257a—if such number does not appear in the passport visa—or the serial number of the Form I-94. When an alien is admitted permanently to the United States, the admitting immigrant inspector shall stamp any passport presented by the alien to show the word "Admitted", the date and place of admission, and the section of law under which admitted. Immigrant inspectors shall not endorse passports in cases other than those expressly prescribed by this section and by § 125.12 (b) of this chapter and shall not in any case place their signatures or titles in passports.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675, sec. 327, 54 Stat. 1150; 8 U. S. C. 102, 222, 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: May 25, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-6377; Filed, June 1, 1951; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. ER-163]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS; EXTENSION OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of May 1951.

The Board has decided that a further postponement of Amendment No. 1 to Part 291 is advisable to afford it an opportunity to consider the forthcoming report of the Senate Select Committee on Small Business on the hearing it has been holding on economic regulation of the Large Irregular Air Carriers and also other matters relevant to the economic regulation of the Large Irregulars. By Amendment No. 1, adopted March 2, 1951, with an original effective date of April 6, 1951, the Board modified the operational limitations on the exercise of the temporary exemption to engage in air transportation granted to the Large Irregular Carriers pursuant to Part 291 and section 416 (b) of the Civil Aeronautics Act. These operational limitations relate to the number, frequency and regularity of flights conducted by such Large Irregular Carriers.

As has already been indicated, the Board has decided on its own initiative to postpone further the effective date of Amendment No. 1 until July 5, 1951. For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the postponement may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment No. 1 to Part 291 from June 5, 1951, to July 5, 1951.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6402; Filed, June 1, 1951; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

On May 12, 1951 (16 F. R. 4472), a notice was published in the FEDERAL REGISTER that the Administrator proposed to amend the regulations contained in this part and interested parties were given 15 days to submit for consideration data, views or arguments pertaining to the proposed changes. Such period has now expired.

Accordingly, pursuant to authority under sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, (1) the headnote of this part is changed to "Homeworkers in the Needlework and Fabricated Textile Products Industry in Puerto Rico;" (2) §§ 545.1 to 545.13, inclusive, are revised as set forth in the May 12, 1951 issue of the FEDERAL REGISTER (16 F. R. 4472), except that § 545.2 (b) is changed to read as follows:

§ 545.2 *Definitions.* • • •

(b) "Homeworker", as used in this part, means any employee employed or suffered or permitted to perform home work for an employer, provided that such work is not performed under the constant and direct supervision of an employer or of a responsible supervisor and under such conditions that accurate records of hours worked are maintained or can readily be maintained.

(3) The schedule of minimum piece rates provided in § 545.14 is revised as set forth below.

The regulations as revised incorporate changes in the present text which have been made for purposes of clarification and in order to make the provisions conform with administrative experience. In addition the schedule of minimum piece rates contained in § 545.14 has been revised pursuant to section 6 (a) (2) of the act in order to provide rates for operations not hitherto included in the schedule, and to make the rates for operations now included therein commensurate with the new minimum hourly wage rates fixed for the Needlework and Fabricated Textile Products Industry in Puerto Rico by the wage order for that industry (29 CFR, Part 655), published in the FEDERAL REGISTER on May 5, 1951 (16 F. R. 4101) and to become effective June 4, 1951.

No employer may pay a homeworker in the Needlework and Fabricated Textile Products Industry in Puerto Rico a piece rate less than the applicable minimum piece rate provided in § 545.14, below. With respect to operations for which no minimum piece rate is prescribed in § 545.14, the homeworker must be paid a piece rate adopted by the employer in accordance with § 545.11.

The enforcement policies with respect to home work in industries in Puerto Rico which are contained in § 545.100 are not affected by the revision herein provided, and such enforcement policies remain in effect.

It is necessary to make this revision effective simultaneously with the new

wage order for the Needlework and Fabricated Textile Products Industry in Puerto Rico, mentioned above. Accordingly, it is not practicable to comply with the requirements of section 4 (c) of the Administrative Procedure Act (sec. 4, 60 Stat. 239; 5 U. S. C. 1003), and the revision of this part herein provided shall become effective June 4, 1951.

Signed in Washington, D. C., this 28th day of May 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

Sec.

545.1 Applicability.
545.2 Definitions.
545.3 Filing and notification requirements.
545.4 Preparation of goods for delivery.
545.5 Delivery and collection of goods.
545.6 Payment for work.
545.7 Records to be kept.
545.8 Maintenance of records.
545.9 Reporting names of subcontractors, agents, or other homework distributors.
545.10 Minimum piece rates prescribed by the Administrator.
545.11 Piece rates adopted by employers.
545.12 Penalties.
545.13 Petition for amendment of regulations.
545.14 Piece rates established in accordance with § 545.10.

AUTHORITY: §§ 545.1 to 545.14, inclusive, issued under secs. 6, 11, 52 Stat. 1062, 1066, as amended; 29 U. S. C. 206, 211.

§ 545.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to homeworkers in the needlework and fabricated textile products industry in Puerto Rico as defined in Part 655 of this chapter.[1]

§ 545.2 *Definitions.* (a) The meaning of the terms "person," "employ," employer," "employee," "goods," and "production" as used in this part is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Homeworker," as used in this part, means any employee employed or suffered or permitted to perform home work for an employer: *Provided*, That such work is not performed under the constant and direct supervision of an employer or of a responsible supervisor and under such conditions that accurate records of hours worked are maintained or can readily be maintained.

(c) "Home work," as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) "Subcontractor" includes any person who, for the account or benefit of an employer, delivers, or causes to be delivered, to a homeworker goods to be produced in or about a home and thereafter to be returned in accordance with the direction of such employer.

(e) "Design" includes a combination of two or more stitches or operations so sewn as to form a pattern.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from homeworkers.

§ 545.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any homeworker or prior to the commencement of work by a homeworker, in cases where the homeworker purchases the raw materials, shall file with the Wage and Hour Division in Puerto Rico (a) a copy of each design, if any, and (b) a description in writing of each operation to be performed by any homeworker, whether or not part of a design, together with the full piece rate schedule designation, if any,[2] the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which such designs are to be made and operations are to be performed.

§ 545.4 *Preparation of goods for delivery.* Where goods for production in a home are distributed to the homeworker by the employer, the employer shall make up the goods to be delivered to a subcontractor into a lot, each lot to comprise goods on which the same operations are to be performed.

§ 545.5 *Delivery and collection of goods.* Where goods for production in a home are distributed to the homeworker by the employer, the goods shall be personally distributed to and collected from the homeworker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 545.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the homeworker or subcontractor, as the case may be, for such work: *Provided*, That in cases where payment is made to a subcontractor, the homeworker shall be paid within seven days after such subcontractor has collected the goods from such homeworker. Payment shall be made to each homeworker at rates not less than those required under §§ 545.10 and 545.11, and in accordance with the requirements of sections 6 and 7 of the act. In addition, any costs for materials incurred by the homeworker shall be reimbursed by the employer.

§ 545.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office a record of the following information:[3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods upon which homework is to be performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(3) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number, if any, description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the amount due each homeworker for the operations performed upon such goods, social security deductions from that amount, the amount actually paid the homeworker after such deductions, and the additional amount, if any, paid the homeworker for any material costs incurred by the latter.

(7) The dates upon which each homeworker was paid for operations performed on the goods in each lot or for goods purchased by the employer.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every employer[4] shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker:

(1) The dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number, if any, description of, and amount of goods in each lot or the amount of goods purchased from the homeworker, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the amount due each homeworker for the operations performed upon such goods, social security deductions from that amount, the amount actually paid the homeworker after such deductions, and the additional amount, if any, paid the homeworker for any material costs incurred by the latter.

(3) The dates upon which the homeworker was paid for operations performed on the goods in each lot or for goods purchased by the employer.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information:

(1) The hours worked by the homeworker on the goods in each lot of work delivered to the employer or on goods purchased by the employer.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

§ 545.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than three years at his place of business all records required above except the handbook, which shall be kept by the homeworker for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 545.9 *Reporting names of subcontractors, agents, or other homework distributors.* Every employer shall report to the office of the Wage and Hour Division, United States Department of Labor, Mayaguez, Puerto Rico, (a) the names and addresses of all persons employed as subcontractors, as that term is defined in this part, or as agents or supervisors in charge of any branch office, and (b) the permit numbers issued to such persons by the Department of Labor of Puerto Rico.

§ 545.10 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid, in lieu of the applicable hourly rate established by the wage order for the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.14 for the operations described therein.

§ 545.11 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (2) of the act, in the event that a homeworker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to homeworkers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order.[5] No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 545.12 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 545.13 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

§ 545.14 *Piece rates established in accordance with § 545.10.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; WOMEN'S BLOUSES, DRESSES, AND NEGLIGEE; AND THE CHILDREN'S DRESSES DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rates of— Cotton underwear and Infants' underwear division (17½ cents)		Infants' wear division (17½ cents)	Silk, rayon, and nylon (except infants') underwear division (25 cents)	Women's blouses, dresses, and negligee division (25 cents)	Children's dresses division (25 cents)	Unit of payment
		Infants' underwear, silk, rayon or nylon shirts or pants	Cotton underwear					
		(1)	(2)	(3)	(4)	(5)	(6)	
	HAND-SEWING OPERATIONS[1]							
1	Arcnilla (seed stitch), close, ½" square	21.00	18.90	21.00	25.20	33.60	33.60	Per dozen squares.
2	Arcnilla (seed stitch), scattered, ½" square	10.50	9.45	10.50	12.60	16.80	16.80	Do.
3	Arrows, filled in, ¼"	5.25	4.73	5.25	6.30	8.40	8.40	Per dozen.
4	Back stitch on yokes, armholes, etc	11.67	10.50	11.67	14.00	18.67	18.67	Per yard.
5	Basting bias with cord	5.78	5.20	5.78	6.93	9.24	9.24	Do.
6	Basting darts before sewing	6.09	5.48	6.09	7.30	9.74	9.74	Do.
7	Basting for facing	1.59	1.42	1.59	1.90	2.53	2.53	Do.
8	Basting hems, 1" to 6" wide	3.50	3.15	3.50	4.20	5.60	5.60	Do.
9	Basting lace	3.02	2.72	3.02	3.63	4.84	4.84	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch	2.19	1.97	2.19	2.63	3.50	3.50	Do.
11	Bias piping, joined, double	7.00	6.30	7.00	8.40	11.20	11.20	Do.
12	Bias piping, joined, single	8.75	7.88	8.75	10.50	14.00	14.00	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch	10.54	9.49	10.54	12.65	16.87	16.87	Do.
14	Blanket stitch, folding included, 18 stitches per inch	19.83	17.85	19.83	23.80	31.73	31.73	Do.
15	Buttonsewed on with double thread, 2 to 3 stitches	2.29	2.06	2.29	2.74	3.65	3.65	Per dozen.
16	Buttonholes, stamped, ¾" long	7.55	6.79	7.55	9.05	12.06	12.06	Do.
17	Buttonholes, stamped, 1¼" long	10.03	9.03	10.03	12.04	16.05	16.05	Do.
18	Buttonhole stitch, close	15.75	14.18	15.75	18.90	25.20	25.20	Per yard.
19	Buttonhole stitch or joining seams	15.75	14.18	15.75	18.90	25.20	25.20	Do.
20	Cord, twisted, over basting	1.75	1.58	1.75	2.10	2.80	2.80	Per gross inches.
21	Cutting material applied over lace with solid cord stitch	2.39	2.16	2.39	2.87	3.84	3.84	Per yard.

[1] For description of operations included under "hand-sewing," see definition in applicable section of Wage order.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

[2] See § 545.14 for the schedule of piece rates prescribed in accordance with § 545.10. As an example of how to state the piece rate schedule designation, if "plain scallops" were to be made on articles in the "Infants' Wear Division," the full piece rate schedule designation would be "Operation 74, Col. 3."

[3] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

The records must be kept in the employer's principal Puerto Rican office. Where it is not possible for a record of one or more of the items to be made in the first instance at the employer's principal office, at the employer's direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in behalf of the employer. In such event, however, the records shall be delivered to the principal Puerto Rican office of the employer as soon as possible after the making of such entries, and shall there be preserved and be available for inspection.

[4] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

[5] See Part 655 of this chapter for the minimum hourly wage rates currently applicable for the various divisions and classifications of the needlework and fabricated textile products industry in Puerto Rico. The minimum hourly rates applicable to the manufacture of hooked rugs are provided in the wage order for the hooked rug industry in Puerto Rico (Part 684 of this chapter). Homeworkers in the hooked rug industry are governed by Part 681 of this chapter.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEARSILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR, WOMEN'S BLOUSES, DRESSES, AND NECKWEAR, AND THE CHILDREN'S DRESSES DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		Cotton underwear and infants' underwear division (17½ cents)		Infants' wear division (17½ cents)	Silk, rayon, and nylon (except infants') underwear division (21 cents)	Women's blouses, dresses, and neckwear division (25 cents)	Children's dresses division (25 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber	Cotton underwear					
		(1)	(2)	(3)	(4)	(5)	(6)	
	HAND-SEWING OPERATIONS[1]—con.							
22	Cutting material under lace or at seams, straight outline, following hand-sewing operations.	0.98	0.89	0.98	1.18	1.58	1.58	Per yard.
23	Dots, baby, not finished off, 2 to 3 stitches.	1.46	11.32	1.46	1.75	2.33	2.33	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.31	2.09	2.31	2.78	3.70	3.70	Do.
25	Eyelets, up to ¼" diameter	3.91	3.51	3.91	4.68	6.24	6.24	Do.
26	Eyelets, ⅜" diameter	7.00	6.30	7.00	8.40	11.20	11.20	Do.
27	Eyeting, straight lines	24.37	21.93	24.37	29.25	39.00	39.00	Per yard.
28	Eyeting, twisted lines	11.67	10.50	11.67	14.00	18.67	18.67	Do.
29	Feather stitch, 12 stitches per inch	11.67	10.50	11.67	14.00	18.67	18.67	Do.
30	Feather stitch cord	6.15	5.53	6.15	7.37	9.83	9.83	Do.
31	Flat fell seams, first seam by machine	6.84	6.15	6.84	8.20	10.93	10.93	Do.
32	Flat roll	5.31	4.77	5.31	6.37	8.48	8.48	Do.
33	French knots, not finished off	.71	.63	.71	.85	1.17	1.17	Per dozen.
34	French seams, over 12 stitches per inch	4.37	3.94	4.37	5.25	7.00	7.00	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	2.88	2.59	2.88	3.45	4.62	4.62	Do.
36	Furnuceus, with tape	29.17	26.25	29.17	35.00	42.00	42.00	Do.
37	Furnuceus, without tape	21.00	18.90	21.00	25.20	33.60	33.60	Do.
38	Guariquenas	1.75	1.58	1.75	2.10	2.80	2.80	Per dozen.
39	Half roll	5.74	5.17	5.74	6.88	9.18	9.18	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	3.06	2.75	3.06	3.68	4.90	4.90	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	7.83	7.05	7.83	9.39	12.53	12.53	Do.
42	Hemstitching, double (fru-fru), 4 threads in a bundle, thread drawing not included.	21.70	19.53	21.70	26.04	34.72	34.72	Do.
43	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	11.40	10.27	11.40	13.67	18.22	18.22	Do.
44	Lace, joined with whipping stitch	18.24	16.40	18.24	21.88	29.17	29.17	Do.
45	Lace, sewed on with hemming stitch or round roll.	8.75	7.88	8.75	10.50	14.00	14.00	Do.
46	Leaves, open, 1½" long	7.00	6.30	7.00	8.40	11.20	11.20	Per dozen.
47	Leaves, open, ⅜" to ½" long	10.50	9.45	10.50	12.60	16.80	16.80	Do.
48	Leaves, simple	.95	.90	.95	.79	1.05	1.05	Do.
49	Leaves, solid, not finished off, ⅛" long	1.91	1.73	1.91	2.30	3.07	3.07	Do.
50	Leaves, solid, not finished off, ¼" long	2.43	2.10	2.43	2.85	3.74	3.74	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long.	3.50	3.15	3.50	4.20	5.60	5.60	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long.	7.00	6.30	7.00	8.40	11.20	11.20	Do.
53	Loops, knitted, ¼"	2.19	1.97	2.19	2.63	3.50	3.50	Do.
54	Loops, knitted, ½" to 1"	3.69	3.31	3.69	4.42	5.89	5.89	Do.
55	Loops, made with buttonhole stitch, ½"	5.25	4.73	5.25	6.30	8.40	8.40	Do.
56	Mounting fagoting appliques, including pinning and basting to fabric, [illegible] with running [illegible] seam with [illegible] inch.	20.92	18.83	20.92	25.10	33.46	33.46	Per yard.

See footnote, p. 5161.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR, WOMEN'S BLOUSES, DRESSES, AND NECKWEAR, AND THE CHILDREN'S DRESSES DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		Cotton underwear and infants' underwear division (17½ cents)		Infants' wear division (17½ cents)	Silk, rayon, and nylon (except infants') underwear division (21 cents)	Women's blouses, dresses, and neckwear division (25 cents)	Children's dresses division (25 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber	Cotton underwear					
		(1)	(2)	(3)	(4)	(5)	(6)	
	HAND-SEWING OPERATIONS[1]—con.							
57	Overcasting seams	3.72	3.35	3.72	4.47	5.96	5.96	Per yard.
58	Pasadas, short, 12" to 8"		1.51					Per dozen pasadas.
59	Patches, sewed on with single point de turc.	34.86	31.37	34.86	41.84	55.78	55.78	Per yard.
60	Pin stitch, thread drawing not included, 1" square.	42.00	37.80	42.00	50.40	67.20	67.20	Per dozen squares
61	Point de turc, double, with embroidery thread.	17.42	15.68	17.42	20.91	27.86	27.86	Per yard.
62	Point de turc, plain, with embroidery thread.	10.21	9.18	10.21	12.25	16.33	16.33	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	4.38	3.94	4.38	5.25	7.00	7.00	Do.
64	Randa, Don Gonzales, thread drawing not included.	18.36	16.53	18.36	22.04	29.40	29.40	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	5.25	4.73	5.25	6.30	8.40	8.40	Do.
66	Ribbons, setting ends of	2.39	2.16	2.39	2.87	3.84	3.84	Per dozen.
67	Rolling armholes and rebo pies	8.95	8.05	8.95	10.74	14.30	14.30	Per yard.
68	Rose buds, worm stitch, 1 worms, 1 or 2 colors or tones.	5.19	4.68	5.19	6.23	8.32	8.32	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	4.38	3.94	4.38	5.25	7.00	7.00	Per yard.
70	Running stitch for felling, very close stitch.	4.38	3.94	4.38	5.25	7.00	7.00	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	4.70	4.22	.70	5.65	7.54	7.54	Do.
72	Running stitch on lace	4.64	4.18	4.64	5.58	7.43	7.43	Do.
73	Running stitch for plain sewing	3.16	2.85	3.16	3.79	5.06	5.06	Do.
74	Scallops, plain, cutting included	17.62	15.84	17.62	21.14	28.19	28.19	Do.
75	Shadow stitch, up to ⅜" wide	33.84	30.45	33.84	40.60	54.13	54.13	Do.
76	Shell stitch, 4 to 5 stitches per inch	6.01	5.40	6.01	7.21	9.60	9.60	Do.
77	Shirring, material to be measured before shirring.	3.52	3.17	3.52	4.22	5.64	5.64	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	4.24	3.82	4.24	5.09	6.78	6.78	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	7.61	6.85	7.61	9.14	12.18	12.18	Do.
80	Shoulder straps, set with buttonhole stitch 1½" x ¼", material after turning, sewing up to ⅜" at each end of strap.	20.69	18.61	------	24.82	------	------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	3.50	3.15	3.50	4.20	5.60	5.60	Per dozen inches.
82	Smocking	.11	.13	.11	.18	.23	.23	Per dozen stitches.
83	Snaps, sewing on, both sides	3.50	3.15	3.50	4.20	5.60	5.60	Per dozen.
84	Solid cord stitch on gores and embroidery.	16.45	14.82	16.45	19.74	26.32	26.32	Per yard.
85	Solid cord stitch to sew on lace	14.89	13.38	14.89	17.85	23.80	23.80	Do.
86	Snaps, 4 [illegible]	4.70	4.23	4.70	5.64	7.51	7.51	Per dozen.
87	Cord, 8 [illegible]	[illegible]	[illegible]	[illegible]	8.21	11.03	11.03	Do.
88	Cord, [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Do.
89	Cord, [illegible]	1.14	1.02	1.14	0.13	.85	.85	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY OF PUERTO RICO[1]

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents		Unit of payment
		Handkerchiefs and square scarves	Art linens	
99	Arenillas (seed stitch), close, 1" squares	21.00	21.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, 1" squares	10.50	10.50	Do.
101	Arrows, filled in, ¾" long	5.25	5.25	Per dozen.
102	Basting lace	1.00	1.00	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 1 stitches per inch.		.88	Do.
104	Blind hemstitch	3.50	3.50	Do.
105	Buttonhole stitch, 16 stitches per inch	3.50	3.50	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	5.25	5.25	Do.
107	Chain stitch, 4 stitches per inch		.88	Do.
108	Chain stitch, 8 stitches per inch		1.75	Do.
109	Cord, solid, one strand	5.18	5.18	Do.
110	Cord, two strands, [illegible]	1.75	1.75	Do.
111	Cord or [illegible] ply, solid, without filling, up to ⅛" thick.		5.25	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used, which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY OF PUERTO RICO[1]—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents		Unit of payment
		Handkerchiefs and square scarves	Art linens	
112	Couching or flat cord, 4 stitches per inch		.88	Per dozen inches.
113	Cross stitch, 6 crosses per inch		3.73	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch.		7.00	Do.
115	Diamonds, filled in, ¼" to ¾" wide	5.25	5.25	Per dozen.
116	Dots, baby, not finished off, 2 to 3 stitches	1.46	1.46	Do.
117	Dots, large, not filled in, finished off, 12 stitches	2.63	2.63	Do.
118	Dots, large, filled in, finished off, over 12 stitches		5.25	Do.
119	Dots, large, not filled in, finished off, over 12 stitches.		3.50	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.31	2.31	Do.
121	Embroidery, solid, 3/16" to ¾" thick, average 28 stitches per inch.[2]		7.00	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.		7.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.		5.25	Do.
124	Eyelets, ⅛" diameter	3.91	3.91	Per dozen.
125	Feather stitch, 12 stitches per inch	3.89	3.89	Per dozen inches.
126	Feather stitch cord		2.05	Do.
127	Flat hems without pasada		1.82	Do.
128	French knots, not finished off	.71	.71	Per dozen.
129	Guariquenas	1.75	1.75	Do.
130	Hand or French rolling, 10 stitches or less per inch.	4.95		Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch.	5.94		Do.
132	Hand-rolling 1 side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼ of an inch nor more than 1 inch; and (b) Only 1 side of each corner is hand-rolled; and the hand-rolling is not longer than 1 inch.	11.67		Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼ of an inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1 inch on either side of any corner.	23.33		Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side the space left open for hand-rolling at the corner is not less than ¼ of an inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled, but the hand-rolling is not longer than 2 inches on any corner.	29.17		Do.
135	Hemstitching, double (fru-fru), 4 threads in a bundle, thread drawing not included.	7.23	7.23	Per dozen inches.
136	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	3.80	3.80	Do.
137	Initials, simple, with loops	17.50		Do.
138	Initials, simple, without loops	10.85		Do.
139	Lace, joined at corners with hemming stitch	5.25		Do.
140	Leaves, simple	.65	.65	Per dozen
141	Leaves, solid, not finished off, ¼" long	2.33	2.33	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	3.50	3.50	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	7.00	7.00	Do.
144	Loops, made with worm stitch, ½"		1.17	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY OF PUERTO RICO [1]—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents		Unit of payment
		Handkerchiefs and plain scarfs	Art linens	
		Proportionate rate for other lengths.		
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive.	3.50	----------	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over.	4.90	----------	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive.	5.95	----------	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	7.35	----------	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count, inclusive.	8.40	----------	Do.
150	Pasadas, 5"x4, 1" to 7", linen up to 1600 count, inclusive.	1.82	----------	Do.
		For each additional count of 100, add 0.09 cents.		
	Pasadas, short:			
151	Cambric, 1" to 10"	----------	3.50	Do.
152	Crash, 1" to 10"	----------	2.64	Do.
	Pasadas, short:			
153	Cambric, 10½" to 18"	----------	7.00	Do.
154	Crash, 10½" to 18"	----------	5.25	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included.	----------	3.81	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	6.67	6.67	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.	----------	3.11	Do.
158	Pin stitch, thread drawing not included, 1" squares.	42.00	42.00	Per dozen squares.
159	Randa, Don Diego, thread drawing not included	7.88	7.88	Per dozen inches.
160	Randa, Mexican, tied at center only, thread drawing not included.	1.75	1.75	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	1.32	1.32	Do.
162	Rose buds, worm stitch, 1 worms, 2 colors or tones.	5.19	5.19	Per dozen
163	Scallops, plain, cutting included	5.87	5.87	Per dozen inches.
164	Shadow stitch, up to ⅝" wide	11.25	11.28	Do.
165	Spiders, 4 legs	3.50	3.50	Per dozen.
166	Spiders, 8 legs	6.85	6.85	Do.

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents		Unit of payment
		Cambric	Crash	
	Thread drawing:			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped, 1" to 10"	1.25	----------	Per dozen threads.
167.2	Not stamped, 1" to 10"	1.56	0.93	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY OF PUERTO RICO [1]—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents		Unit of payment
		Cambric	Crash	
	Thread drawing—Continued			
	Art linens, hemstitched, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	6.99	5.69	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	5.59	4.74	Do.
167.7	15" x 15"	6.99	5.69	Do.
167.8	18" x 18"	8.39	6.57	Do.
	Scarfs:			
168.0	17" x 36"	12.35	8.85	Do.
168.1	17" x 45"	14.45	9.98	Do.
168.2	17" x 54"	16.55	11.08	Do.
	Squares:			
168.4	36" x 36"	16.79	11.12	Do.
168.1	45" x 45"	20.98	13.41	Do.
168.5	54" x 54"	25.18	15.55	Do.
	Art linens, hemstitched, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"	----------	.88	Do.
168.7	15" x 24"	----------	1.28	Do.
168.8	18" x 30"	----------	1.47	Do.
169.0	Art linens, after first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.		

No.	Operation	Piece rate (cents) based on hourly rate of 17½ (cents)	Unit of Payment
	Handkerchiefs, ladies':		
	First thread, cotton or linen, up to 1,600 count, inclusive:		
170	Coming out at both edges	1.75	Per dozen threads.
171	Not coming out at edge	2.19	Do.
172	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	
	Handkerchiefs, men's:		
	First thread, linen, up to 1,599 count, inclusive, 16"x16" to 24"x24":		
173	Coming out at both edges	2.64	Do.
174	Not coming out at edge	3.07	Do.
	First thread, linen, 1,600 count and over, over, 16" x 16" to 20" x 20":		
175	Coming out at both edges	3.07	Do.
176	Not coming out at edge	3.50	Do.
177	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY OF PUERTO RICO [1]—Continued

No.	Operation	Piece rate (dollars) based on hourly rate of 17½ cents								Piece rate (dollars) based on hourly rate of 17½ cents						Unit of payment
		Doilies			Napkins			Scarfs			Squares			Table cloths			
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"	
179	Halfroll, cambric and crash, at 1.64 cents per dozen inches.	$0.92	$0.92	$1.14	$0.92	$1.14	$1.38	$2.03	$2.37	$2.72	$2.75	$3.44	$4.13	$4.82	$5.51	$6.21	Per dozen.
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.06 cents per dozen inches.	.60	.60	.75	.60	.75	.89	1.31	1.53	1.76	1.79	2.23	2.67	3.12	3.56	4.00	Do.
	Hemming stitch over pasada, measuring all around edge:																
181	Cambric at 1 cent per dozen inches	.56	.56	.70	.56	.70	.84	1.24	1.45	1.66	1.68	2.10	2.52	2.94	3.36	3.78	Do.
182	Crash, at .9375 cent per dozen inches	.53	.53	.65	.53	.65	.79	1.16	1.35	1.55	1.58	1.97	2.37	2.75	3.15	3.55	Do.
	Second seams, for separate borders, measuring all around edge:																
183	Cambric, at 1 cent per dozen inches	.56	.56	.70	.56	.70	.84	1.24	1.45	1.66	1.68	2.10	2.52	2.94	3.36	3.78	Do.
184	Crash, at .9375 cent per dozen inches	.53	.53	.65	.53	.65	.79	1.16	1.35	1.55	1.58	1.97	2.37	2.75	3.15	3.55	Do.
	Second seams, for separate borders, with French corners, measuring all around edge:																
185	Cambric, at 1.125 cents per dozen inches.	.63	.63	.79	.63	.79	.95	1.39	1.63	1.87	1.89	2.37	2.84	3.31	3.78	4.26	Do.
186	Crash, at 1 cent per dozen inches	.56	.56	.70	.56	.70	.84	1.24	1.45	1.66	1.68	2.10	2.52	2.94	3.36	3.78	Do.

See footnote, p. 5163.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE WOVEN AND KNITTED FABRIC GLOVE AND LEATHER GLOVE DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents) based on hourly rates of—			Unit of payment
		Ladies' woven or knitted fabric gloves [2] (21 cents)	Leather gloves [2] (25 cents)		
			Ladies'	Men's	
188	Buttons, slip stitched with tape, 1 button per glove.	----------	----------	37.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, 1 buttonhole per glove.	----------	----------	50.000	Do.
190	Creole stitch, 5 to 6 stitches per inch	0.273	----------	----------	Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch	----------	0.343	----------	Do.
192	Feather stitch, 5 to 6 stitches per inch	.329	.151	----------	Do.
193	Large stitch (husky), 5 to 6 stitches per inch	----------	----------	.308	Do.
194	Regular stitch, 5 to 6 stitches per inch	.216	.323	.308	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.139	.228	.220	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch [3]	----------	.228	.220	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.216	.323	.308	Do.
198	Whip stitch, 5 to 6 stitches per inch	.216	.323	.308	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

[2] The hourly minimum rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.11.

[3] When facing has been sewn on by machine.

SCHEDULE D—PIECE RATE SCHEDULE FOR THE NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

GROSPOINT

No.	Operation	Piece rate (cents) based on hourly rate of 17½ cents	Unit of payment
200	Compact florals, figures and landscapes	18.20	Per 1,000 stitches.
201	Scattered florals	19.60	Do.
202	Scattered florals consisting of borders or garlands only	21.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	19.60	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	21.00	Do.
205	One and two-tenths cents (1.2 cents) must be added to the above piece rates to cover thumb-tack mounting on frame, for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.11.		

Exceptions

These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with § 545.11.

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 15,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

Definitions

1. A scattered design is one in which 70 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.
2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand sewing," see definition in applicable section of wage order.

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

Effective date: This Amendment 7 to Ceiling Price Regulation 22 shall become effective June 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6505; Filed, June 1, 1951; 11:56 a. m.]

[Ceiling Price Regulation 26, Revised, Corrections]

CPR 26—CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL

1. Due to an error, some of the ceiling prices provided for the various cuts obtained from the chuck in section 30 (o) of Ceiling Price Regulation 26, revised, which section establishes ceiling prices for kosher beef cuts in Zone 14N, were misprinted. Accordingly, section 30 (o) of Ceiling Price Regulation 26, revised, is corrected by deleting therefrom lines numbered 11 and 5 through 11, inclusive, and substituting therefor the following:

	Choice	Good	Commercial	Utility
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in)	.90	.90	.84	.77
6. Blade steak (bone in)	.90	.90	.84	.77
7. Boneless chuck	1.20	1.20	1.12	1.02
8. English cut	.90	.90	.84	.75
9. Arm or chuck pot roast (bone in)	.90	.90	.84	.75
10. Arm or chuck steak (bone in)	.90	.90	.84	.75
11. Boneless neck	1.05	1.05	.99	.91

2. Due to an additional error the number "1.2" appearing on line 4A under the column "Utility" in section 32 (a) of Ceiling Price Regulation 26, revised, was used instead of the number "1.20". Accordingly, line 4A of section 32 (a) of Ceiling Price Regulation 26, revised, is corrected by deleting the number "1.2" under the column "Utility" and substituting therefor the number "1.20".

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6462; Filed, May 31, 1951; 4:00 p. m.]

[Ceiling Price Regulation 31, Amdt. 3]

CPR 31—IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 31 extends the effective date of the regulation to July 15, 1951, to provide more time for determining and reporting markups. However, if the markups are reported to the Office of Price Stabilization before July 15, 1951, the effective date will be advanced to that reporting date for the person who makes the filing.

The amendment simplifies the filing requirements, by eliminating the necessity of reporting quantities and ceiling prices. Only the markups need be filed.

Certain corrections and clarifications of a minor nature are effected, including a reprinting of Appendix A in its entirety to incorporate the additions made by Amendment 1.

AMENDATORY PROVISIONS

Ceiling Price Regulation 31 is amended to read as follows:

1. The first paragraph of section 5 (b) is amended to read as follows:

(b) *Importer retailer.* If you are an importer who sells at retail the commodities imported by you in essentially the same form in which imported, your ceiling price for the sale of any such commodity shall be as follows: [The remainder of section 5 (b) remains unaltered.]

2. Section 5 (d) is amended to read as follows:

(d) In every case where you calculate for the first time the percentage markup per unit you are going to use or do use in the sale or offering of an imported commodity, unless the commodity be one that shall be priced under Ceiling Price Regulations 7, 15, or 16, you shall promptly furnish the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity.

(2) The class of buyer.

(3) The percentage markup per unit you are permitted to use under this regulation.

List of markups for commodities in inventory as of May 9, 1951, shall be reported on or before July 15, 1951. Lists of markups for commodities contracted for as of May 9, 1951, shall be reported on or before July 15, 1951. Lists of markups for commodities neither in inventory nor contracted for as of May 9, 1951 shall be reported within fifteen days after receipt of the commodity.

3. Section 6 (b) is amended to read as follows:

(b) In every case where you calculate for the first time the dollar and cents markup per unit you are going to use or do use in the sale or offering of an imported commodity, you shall furnish the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity.

(2) The class of buyer.

(3) The dollar and cents markup per unit you are permitted to use under this regulation.

List of markups for commodities in inventory as of May 9, 1951 shall be reported on or before July 15, 1951. Lists of markups for commodities contracted for as of May 9, 1951 shall be reported on or before July 15, 1951. Lists of markups for commodities neither in inventory nor contracted for as of May 9, 1951 shall be reported within fifteen days after receipt of the commodity.

4. The effective date clause of this regulation is amended to read as follows:

Effective date. The effective date of this regulation shall be July 15, 1951 or any earlier date at which you file your list of markups in accordance with section 5 or section 6 of this regulation.

5. Appendix A in its entirety is amended to read as follows:

APPENDIX A

1. The important strategic commodities that are today excepted from this regulation are as follows:

	Paragraph
Abaca	1684
Aluminum—metal, ore, scrap, foil, alloys	207, 374, 382
Antimony—metal (regulus), or, concentrates, needle	376, 1608
Arsenic, metallic	379
Asbestos fibers that conform to standard commercial Grade B–1, Grade B–3, Grade D–3 or Grade 3/DM–1 Transvaal Amosite. Also those grades of Rhodesian Chrysotile suitable for spinning that conform to commercial standard Grade C & G–1 or Grade C & G–2	1616
Bauxite	6, 207
Beryl	17, 19
Bismuth	22, 377
Bristles, hog	1507, 1637
Brass scrap	1634
Cadmium	378
Celestite	1776
Chrome—ore, salts, metal and alloys	5, 301, 302, 1647
Cobalt—metal, ore, compounds and salts	29, 1652
Columbite	1719
Copper—metal, concentrates, blister, compounds, and salts	5, 76, 302, 387, 1657, 1658, 1659, 381
Corundum and emery	1514, 1672
Ferro-alloys	302
Flax	1001
Fluorspar	207
Graphite or plumbage	213
Hemp (not including erin vegetal)	1001, 1002, 1004, 1005, 1684
Henequen	1005, 1684
Iron ore	1700
Iodine, radioactive	1749
Jute	1003, 1684
Kyanite, crude and calcined	1719
Lead—metal, ores, concentrates, compounds and alloys	46, 391, 392
Magnesite	201, 204
Magnesium	375
Manganese—ores, concentrates, metal	214, 302
Mercury (including compound mixtures and salts thereof)	386
Mica	208
Molybdenum—metal, ore, concentrates	301, 302, 305, 316
Monazite sand	1721
Naval stores	90
Nickel—ores, concentrates, metal, alloys	302, 380, 389, 1734
Opium and derivatives	59
Platinum	1734, 1744
Quartz crystals	1636
Quinine sulphate, all alkaloids and salts of alkaloids derived from cinchona bark	1748
Radium, salts and radioactive substitutes	1749
Shellac	1707
Sisal	1684
Spiegeleisen	301, 302
Talc, steatite	209
Tallow	701
Thorium—metal, ores, alloys, nitrate, oxides and other salts	87, 302, 1721
Titanium—metal, ore, compound and mixtures	89, 302, 1719
Tungsten—metal, ore, concentrates, powder, alloys and compounds	302
Uranium—ores, metal, alloys, oxides, salts and compounds	302, 1719, 1792
Vanadium—metal, ore, alloys, compounds, mixtures and salts	91, 302, 1719
Zaffer	1814
Zinc—metal, ore, concentrates, scrap	3, 3, 294

2. Important commodities that are highly essential to the basic cost of living that are today excepted from this regulation are as follows:

	Paragraph
Butter and substitutes	709
Cocoa—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Coffee—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Eggs	713
Hides and skins:	
Calf	1530 (a)
Cattle	1530 (a)
Buffalo	1530 (a)
Cabretta	1765
Deer	1765
Goat	1765
Horse	1765
Kangaroo	1765
Kid	1765
Kipskins	1530 (a)
Lamb, including cooled and shearlings	1765
Sheep	1765
Leather—including tanned and finished, semi-tanned or rough tanned or otherwise partly finished	1530 (b), 1530 (d)
Leather, made from goat or sheep skins, raw, semi-tanned, rough tanned or pickled	1530 (c)
Lumber, including lots	401, 402, 404, 1803
Meats, fresh, chilled or frozen	701, 702, 703, 704
Milk—fresh or sour, whole or skimmed, condensed, evaporated, dried, malted	707, 708
Molasses and sugar syrup	502
Tea	1783 (b)
Wood pulp	1716
Wool (not including carpet wool), alpaca, mohair	1101, 1102, 1105, 1106
Woven fabrics, containing 25 percent or more of woolen fabric by weight	1108, 1109 (a)

3. Important commodities that are excepted from this regulation because they are covered by a United States Government purchase program today include the following:

	Paragraph
Rubber, crude, latex and synthetic	1553, 1697
Tin—metal, ore, concentrates, powder, scrap alloys	88, 382, 392, 1765, 1786

NOTE: The paragraphs referred to and as shown above opposite each category or commodity are the pertinent paragraphs from the current U. S. Tariff Schedule as published by the U. S. Tariff Commission. The purpose of specifying these paragraph numbers is to fully describe the item, and the description given in the Tariff Schedule is the governing factor per item, to the extent such paragraph applies to the item as stated in the list.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6495; Filed, June 1, 1951; 10:49 a. m.]

SCHEDULE E—PIECE RATE SCHEDULE FOR THE MISCELLANEOUS DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents) based on hourly rate of 24 cents	Unit of payment
285	Crocheting chain rolls, not over 50 stitches per ring: Cotton thread	67.50	Per gross, Dz.
285	Rayon thread	48.00	

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing," see definition in applicable section of wage order.

[F. R. Doc. 51-6491; Filed, June 1, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

REDEFINITION OF APPAREL EXEMPTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

At the time of issuance of Ceiling Price Regulation 22, the Manufacturers' General Ceiling Price Regulation, this office announced that a special regulation covering the apparel industries would be issued subsequently. Accordingly, manufacturers of apparel products were exempted from Ceiling Price Regulation 22 pending completion of an Apparel Manufacturers' Ceiling Price Regulation which will prescribe methods of calculation more closely adapted to the cost structures of the apparel industries.

The definition of apparel in Appendix A, paragraph (f) of Ceiling Price Regulation 22 is necessarily brief and in some respects inaccurate. Numerous requests for interpretation of the scope of the apparel exemption have been received by the Office of Price Stabilization in borderline cases; and it is deemed desirable to provide manufacturers with information as rapidly as possible which will enable them to price articles in such cases more readily under the forthcoming apparel manufacturers' ceiling price regulation, or under Ceiling Price Regulation 22 or other governing regulation. Accordingly, this amendment replaces the present Appendix A, paragraph (f) by a new Appendix A, paragraph (f) which indicates in greater detail, with examples, the apparel, apparel furnishings and apparel accessories which will be covered by the Apparel Manufacturers' Ceiling Price Regulation and also sets forth a list of borderline articles which will be excluded from that regulation and will remain covered either by Ceiling Price Regulation 22 or by other applicable ceiling price regulations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is hereby amended in the following respects:

Appendix A, paragraph (f) is amended to read as follows:

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

[Ceiling Price Regulation 43]

CPR 43—Zinc Scrap

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 43 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for various grades of zinc scrap.

Zinc is an important industrial material with a wide range of applications. Although zinc is used principally in galvanizing operations, substantial quantities are also consumed in the production of brass products and zinc base alloys, and it has important applications in the dyeing and chemical industries. The tonnage of zinc derived from scrap is relatively small, but in times of increased industrial activity scrap constitutes an important source of such metal.

The regulation lists nine grades of zinc scrap generally recognized in the industry. Unsweated zinc dross, the residue of galvanizing, ordinarily comprises about 80% of the total tonnage of zinc scrap used in the United States while two other grades, new zinc clippings and trimmings and engravers' and lithographers' plates, are important because they can be used without further processing as a substitute for primary zinc. The other grades of zinc scrap for the most part include material which is the waste of industrial fabrication or the result of obsolescence. Although these latter grades are relatively unimportant in terms of quantity, it is nevertheless necessary, under conditions of shortage such as those which now prevail, to encourage their collection and sale.

Ordinarily, zinc scrap sells at prices below the price of primary zinc with the amount of the differential increasing or decreasing with changes in demand, and this pattern prevailed in the period preceding the Korean crisis. As in the case of virtually all scrap metals, however, the outbreak of hostilities in Korea and the inauguration of our defense program caused a sharp rise in the prices for zinc scrap and the upward movement continued until the issuance of the General Ceiling Price Regulation on January 26, 1951. During the base period described in that regulation (December 19, 1950, to January 25, 1951, inclusive) the zinc scrap market was highly fluid with some sellers charging as much as, and in a few cases more than, the prices being charged for primary zinc. This confused pattern, reflected in ceiling prices established by the General Ceiling Price Regulation, has disrupted the normal flow of zinc scrap and has caused hardship to some buyers.

The ceiling prices established in this regulation are designed to correct the distorted price relationship which now exists by rolling back the ceiling prices for zinc scrap to a level below the prevailing prices for primary zinc which will re-establish the differential which ordinarily prevailed during periods of active but not abnormal demand. On this basis, the ceiling price for unsweated zinc dross has been established at 12¼ cents per pound, or 70 percent of the prevailing ceiling price for primary zinc. The ceiling price for new zinc clippings and trimmings and engravers' and lithographers' plates has been established at 14½ cents per pound. This price will enable consumers of zinc to obtain these materials at a cost below that of primary zinc and will encourage their use in place of new metal. The ceiling prices for all other grades have been established on the basis of their value in relation to new metal.

Although there does not appear to be any customary trade practice in the marketing of zinc scrap insofar as quantity premiums are concerned, it does appear that dealers ordinarily are able to obtain some premium in connection with the sale of relatively large lots of material. In recognition of this fact and in order to encourage the collection and distribution of needed zinc scrap, the regulation establishes certain quantity premiums for the grades of such material ordinarily handled by dealers. Somewhat larger quantity premiums are provided for new zinc clippings and trimmings and engravers' and lithographers' plates to encourage their accumulation in lots large enough to permit their direct sale to consumers of zinc. Furthermore, premiums have been established for inter-dealer transactions in the grades for which quantity premiums have been established in order to encourage smaller dealers to dispose of their scrap instead of holding it until they have accumulated amounts for which a quantity premium might be charged. No quantity premiums may be charged where such inter-dealer premiums are applicable.

In order to avoid undue hardship upon dealers, the regulation permits, for 7 days, deliveries at prices in excess of ceiling prices in order to carry out contracts entered into before the issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by, or was in transit to, the seller. Although a somewhat longer period for carrying out prior contracts with respect to nickel scrap was permitted by Ceiling Price Regulation 29, such extended period was considered appropriate in view of the fact that certain quantities of such material is imported. Since very little zinc scrap is imported, the shorter period for carrying out prior contracts set forth in this regulation is deemed to be sufficient to protect dealers against undue loss.

It is believed that the ceiling prices established in this regulation will restore the movement of zinc scrap to normal channels, alleviate the hardship which some buyers have suffered; and encourage dealers to find and bring into the market vitally needed supplies. It is recognized, however, that the level of ceiling prices established for zinc scrap in this regulation has been determined by reference to prices for primary zinc which are above the prices prevailing during the period from May 24, to June 24, 1950. In the event that action is hereafter taken to change ceiling prices for primary zinc, the ceiling prices established by this regulation will be reconsidered to determine whether changes therein are required in the light of the purposes and standards set forth in the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Prohibitions and permission to carry out certain contracts.
3. Ceiling prices, f. o. b. point of shipment.
4. Ceiling delivered prices.
5. Definitions.
6. Excise, sales, and similar taxes.
7. Record-keeping requirements.
8. Penalties.
9. Petitions for amendment.

Authority: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

Section 1. *Coverage of this regulation*—(a) *Products covered.* This regulation establishes ceiling prices for zinc scrap.

(b) *Persons and transactions covered.* This regulation applies to sales and deliveries by any person, including importers and exporters. It also applies to any person who buys zinc scrap in the regular course of trade or business.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

Sec. 2. *Prohibitions and permission to carry out certain contracts*—(a) *Prohibitions*—(1) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in paragraph (c) of this section) on and after the effective date of this regulation no person shall sell or deliver, and no person shall buy or receive in the regular course of trade or business, zinc scrap at a price in excess of the applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(2) *Against tie-in transactions.* No person shall sell zinc scrap on condition (i) that the buyer purchase from any person any other product or service, or (ii) that the buyer sell to any person any product or service. No person who buys zinc scrap in the regular course of trade or business shall participate in any such tie-in transactions.

(3) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of zinc scrap, alone or in conjunction with any other commodity, or by way of any commission, service or transportation charge or discount, premium or other privilege, or by up-grading, trade understanding, or otherwise.

(b) *Permission to carry out certain contracts.* Regardless of any other provisions of this regulation, until June 13, 1951, any person may deliver zinc scrap at a price in excess of the ceiling price established herein in order to carry out a contract entered into before June 1, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before June 1, 1951, it was received by, or was in transit to, the person making delivery.

Sec. 3. *Ceiling prices, f. o. b. point of shipment.* (a) The ceiling price, f. o. b. point of shipment, for each grade of zinc scrap described in Table A is the applicable price set forth in that table. Note, however, that the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the applicable ceiling delivered price established in section 4 of this regulation.

Certain quantity premiums may also be charged in accordance with paragraph (b) of this section. Premiums for certain dealer-to-dealer transactions are set forth in paragraph (c) of this section and provisions for pricing mixed shipments are set forth in paragraph (d).

The weight to be used in computing payments and quantity premiums shall be established by the buyer at his receiving point. Payment for grades of zinc scrap in Group IV shall be computed on the basis of weight after deduction for free iron and other foreign attachments.

Table A

Grades of Zinc Scrap	Ceiling Price (cents per pound)
Group I:	
Unsweated zinc dross	12¼
Group II:	
New zinc clippings and trimmings	14½
Engravers' and lithographers' plates	14½
Group III:	
Zinc die cast slabs minimum 90% zinc	12¼
(for zinc die cast slabs with less than 90% zinc, deduct at the rate of .13¢ per pound for each 1%, or fraction thereof, of zinc below 90%.)	
Group IV:	
Old zinc scrap	11¼
Forming and stamping dies	11¼
New die cast scrap	10¾
Old zinc die cast radiator grills	10½
Old die cast scrap	9½

(b) *Quantity premiums.* In addition to the ceiling prices determined in accordance with paragraph (a) of this section, the quantity premiums set forth in Table B may be charged and paid if, within a period of three consecutive calendar days (excluding Saturdays, Sundays, and legal holidays), the seller delivers from one or more points of shipment the specified quantity of material (1) to a public carrier for transportation to the buyer's receiving point, (2) to the buyer at his receiving point in a conveyance owned or controlled by the seller, or (3) upon a conveyance owned or controlled by the buyer. The amount of material delivered during any one calendar day may be counted only once in determining whether a quantity premium may be charged and paid.

Quantity premiums may not be charged or paid for grades other than those listed in Table B.

Whether a delivery or series of deliveries qualifies for a quantity premium shall be determined on the basis of the actual net weight of the material involved before deduction has been made for free iron and other foreign attachments. Quantity premiums may be charged and paid, however, only on the basis of the weight of the zinc scrap delivered.

Table B

Quantities and grades	Premium (cents per pound of zinc scrap)
One or more grades in Group II:	
10,000 pounds and over	1
20,000 pounds and over	1½
One or more grades in Group IV:	
20,000 pounds and over	½
40,000 pounds and over	1

(c) *Premiums for certain dealer-to-dealer transactions.* In addition to the ceiling prices set forth in Table A, the applicable premium set forth in Table C may be charged, and paid, when a dealer sells any grade of zinc scrap in Group II or Group IV to another dealer. No quantity premium may be charged or paid in connection with a dealer-to-dealer sale in which a premium is charged in accordance with this paragraph.

Table C

Grade of Zinc Scrap	Premium (cents per pound of zinc scrap)
Grades in Group II	1½
Grades in Group IV	1

(d) *Mixed shipments.* When grades of zinc scrap having different ceiling prices under the provisions of this regulation are shipped in one vehicle, the ceiling price for the entire shipment shall be the ceiling price applicable to the lowest priced grade contained therein unless each grade is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

Sec. 4. *Ceiling delivered prices.* The ceiling delivered price for zinc scrap is the applicable ceiling price, f. o. b. point of shipment, determined in accordance with section 3 of this regulation, plus whichever of the following charges is applicable:

(a) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable motor common carrier charge (not including transportation taxes) for transporting the quantity of zinc scrap being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a series of deliveries which qualifies for a quantity premium, the published and applicable motor common carrier charge shall be determined on the basis of the total quantity involved even though separate deliveries are made in lesser quantities, and such charge shall be prorated over the quantities contained in each delivery.

Sec. 5. *Definitions.* When used in this regulation, the term:

(a) "Dealer" means any person whose business includes the acquisition of any material for the purpose of sale as waste, scrap, or salvage materials.

(b) "Exporter" means a person who last sells zinc scrap which is transported, after such sale, from a point in the United States, its Territories, or Possessions to a point outside thereof.

(c) "Importer" means a person who first sells zinc scrap which is transported, either before or after sale, from a point outside of the United States, its Territories, or Possessions to a point inside thereof.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government of any of its political sub-divisions, or any agency of the foregoing.

(e) "Point of shipment" means the point at which zinc scrap is first loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of zinc scrap sold by an importer and delivered into the United States, its Territories, or Possessions by water, the point of shipment means the place within the Continental United States, its Territories or Possessions where the material is loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of zinc scrap sold by an importer and transported to the buyer overland from Mexico or Canada the point of shipment means the freight station in the United States at or nearest the point at which the material first enters the United States.

(f) "Zinc scrap" means the grades of zinc scrap material listed in Table A of this regulation.

(g) "Scrap" or "scrap material" includes all materials which are the waste or by-product of any kind of metal working or processing, as well as materials which have been discarded on account

of obsolescence, failure, or any other reason.

SEC. 6. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of zinc scrap if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 7. *Record-keeping requirements.* Every person selling or purchasing zinc scrap shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of each such sale or purchase showing: The date thereof; the name and address of the seller and buyer; the quantity of each grade of zinc scrap sold or purchased; the price charged or paid, f. o. b. point of shipment, for each such grade of zinc scrap; the premiums, if any, charged or paid; the point or points of shipment and the buyer's receiving point; the disposition of transportation charges; and the quantity of each kind or grade of zinc scrap sold or purchased.

SEC. 8. *Penalties.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 9. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

Effective date. This regulation shall become effective June 6, 1951.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6494; Filed, June 1, 1951; 10:49 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 31]

GCPR, SR 31—COTTONSEED MEAL, SLAB CAKE, SIZED CAKE, PELLETS AND HULLS EMERGENCY ADJUSTMENT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 31 to the General Ceiling Price Regulation is issued to provide emergency relief to persons who sell cottonseed meal, slab cake, sized cake, pellets, or hulls mixed or for mixing. Speaking generally, the ceiling prices of these sellers, as fixed by the General Ceiling Price Regulation were based on the availability of cottonseed or of the products enumerated, in markets relatively near the sellers. Historically, in many areas, the cottonseed yield is not sufficient to supply local demand from one crop to the next and importation from surplus-producing areas is necessary. In other areas, there is little or no cottonseed available locally at any time, and, as the season progresses, dealers must go progressively further afield to obtain it. In still other areas which customarily produce a surplus, a comparatively small cotton crop has resulted in shortages. In any of these cases, dealers are squeezed against ceiling prices fixed at a time when transportation costs either were not components of the ceiling price because of the local availability of the product, or were much lower than they are currently, or will be until the next crop of cottonseed is marketed. Thus, in Arkansas, Louisiana, Oklahoma, and Texas, some of the larger dealers have been purchasing cottonseed meal, cake, pellets and hulls from other than their near sources and, after paying transportation costs which have increased over base period transportation costs because of longer hauls, have been selling the commodities at a loss of $3 to $5 per ton. Smaller dealers are unable to absorb this loss and have, consequently, discontinued selling the product. Most feeders are in no position to go into the surplus area markets themselves and buy the commodities directly. The result has been the drying up of the supply of much-needed proteins for livestock in the affected areas. Complaints and requests for remedial action have been received from members of the trade and feeders in shortage areas.

This supplementary regulation permits persons who purchase cottonseed meal, slab cake, sized cake, pellets and hulls to add to their ceiling prices increases in transportation costs over those incurred during the base period of the GCPR. It also permits purchasers from such persons to pass on to their customers the increased cost.

This supplementary regulation is not limited territorially, but is made applicable throughout the United States. It would be desirable to have it operative only in those areas where there is a shortage and where the addition of increased transportation cost to ceiling prices would be permitted solely as a means of relieving a shortage. Thus, ideally, the regulation would not permit increases in ceiling prices to the dealer whose inbound freight costs are higher now only because of a general increase in rail freight rates, and not because he pays for longer haulage than in the GCPR base period. However, it is not deemed administratively practicable to attempt, at this time, to treat the two types of transportation cost increases differently, either by applying the regulation only to shortage areas or otherwise. Therefore, the geographical scope of the regulation is bounded only by the continental limits of the United States.

Since it is expected that a "tailored" regulation taking cognizance of the situation will be issued before the condition recurs, and since the situation will be partially remedied by the marketing of the new cotton crop in the fall, this supplementary regulation is issued on a temporary basis. It will remain in effect only until September 1, 1951, unless superseded or withdrawn.

Special circumstances have rendered impracticable consultation with formal industry advisory committees or trade association representatives. However, the Director has received sufficient information to warrant issuance of this supplementary regulation on a temporary basis, and to conclude that it will relieve hardship.

In formulating this supplementary regulation, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950. In his judgment, the ceiling prices established by this supplementary regulation are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

1. Applicability.
2. Processors; how to determine your ceiling price per ton for the unprocessed commodity.
3. Processors; how to determine your ceiling price for a quantity less than a ton of the unprocessed commodity.
4. Processors; how to determine your ceiling price for the processed commodity.
5. Total quantity for which new ceiling price may be charged.
6. Sellers other than processors; effect on your ceiling prices of increases in your suppliers' prices.
7. Notice by sellers to purchasers.
8. Records.
9. Relation of this regulation to the GCPR.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability—(a) Persons to whom applicable.* This supplementary regulation applies to processors of cottonseed meal, slab cake, sized cake, pellets and hulls who, after the effective date hereof, must pay higher inbound transportation costs for any of these commodities than they paid during the base period. It also applies to other sellers of these commodities whose suppliers' prices to them are increased by the operation of this regulation. To the extent that any of such persons use the commodities mentioned in this regulation in the preparation of a manufactured feed, as defined in Supplementary Regulation 7, their ceiling prices for such manufactured feeds are determined by that regulation and not by this one.

(b) *Territorial applicability.* This supplementary regulation is applicable to the continental United States.

SEC. 2. *Processors; how to determine your ceiling price per ton for the unprocessed commodity.* If you are in the business of producing cottonseed meal, slab cake, sized cake, pellets, or hulls mixed or for mixing, your ceiling price per ton for any one of these commodities, sold in the form in which you received it, is computed as follows:

(a) Upon receipt by you of a shipment of the commodity, calculate the base period average transportation cost paid or incurred by you per ton of that commodity;

(b) Determine the new transportation cost paid or incurred by you per ton of that commodity;

(c) Ascertain the dollars-and-cents difference between paragraphs (a) and (b) of this section;

(d) Add the dollars-and-cents difference thus found to your base period ceiling price per ton for that commodity.

The total is your new ceiling price per ton for that commodity.

SEC. 3. *Processors; how to determine your ceiling price for a quantity less than a ton of the unprocessed commodity.* If you are one of the persons described in section 2 of this regulation, and you wish to determine your ceiling price for a sale of less than one ton of one of the commodities enumerated in that section in the form in which you received it, make the following computations:

(a) Obtain the percentage relationship of the weight of the commodity involved in such sale to one ton;

(b) Multiply the percentage so obtained by the amount obtained in section 2 (c) of this regulation;

(c) Add the dollars-and-cents result obtained in paragraph (b) of this section to your base period ceiling price for the quantity involved in such sale.

The total is your new ceiling price for that quantity of the commodity.

Example: After the effective date of this supplementary regulation you receive a shipment of 30 tons of cottonseed meal. Your base period average transportation cost is $10.00 per ton and your new transportation cost is $15.00 per ton. Your base period ceiling price for a 100-pound sack of cottonseed meal is $4.80. Your new ceiling price for a sack of the same weight is figured as follows:

0.05—percentage relationship of 100 pounds to 1 ton
× $5.00—difference between base period average transportation cost and new transportation cost
$0.25
+ $4.80—base period ceiling price for 100-pound sack
$5.05—new ceiling price for 100-pound sack

SEC. 4. *Processors; how to determine your ceiling price for the processed commodity.* If you are one of the persons described in section 2 of this regulation, and you change the form of one of the commodities enumerated in that section (as, for example, by manufacturing cottonseed meal from slab cake), your ceiling price for the processed commodity is determined as follows:

(a) Ascertain the dollars-and-cents difference between the base period average transportation cost paid or incurred by you and the new transportation cost paid or incurred by you as set forth in section 2 (a), (b) and (c) of this regulation;

(b) Divide the amount so ascertained by the number of sales units of the processed commodity which you customarily obtain from one ton of the unprocessed commodity;

(c) Add the amount so determined to your base period ceiling price for a sales unit of the same weight as you used in the preceding paragraph (b) of this section.

The total is your new ceiling price for the processed commodity.

Example: Assume that you buy one ton of cottonseed meal after the effective date of this supplementary regulation and process it into pellets. You bag the pellets in 100-pound sacks. Your base period ceiling price is $5.00 per 100-pound sack. Assume also that the difference between your base period average transportation cost and your new transportation cost is $5.00 per ton. Assume further that from a ton of meal you obtain 20 sacks of pellets weighing 100 pounds each.

Your ceiling price will be calculated as follows:

$$\frac{\text{Amount of increase in transportation cost,}\ \$5.00}{\text{Number of sales units customarily obtained per 1 ton of commodity,}\ 20} = \$.25$$

$5.25 + $5.00 (base period ceiling price per 100-pound sack of pellets) = $5.25—your new ceiling price per 100-pound sack of pellets.

SEC. 5. *Total quantity for which new ceiling prices may be charged.* After receipt of a shipment of any of the commodities enumerated in section 2 of this regulation, you may charge the new ceiling prices as determined under sections 2, 3, and 4 of this regulation until the aggregate of the weights in your sales made after receipt of the shipment equals the weight of the shipment. If you receive a subsequent shipment bearing a higher new transportation cost, you may not increase your ceiling prices above the levels established on receipt of the previous shipment until you have sold an aggregate weight of the commodity equal to the weight of that previous shipment.

If you receive a subsequent shipment bearing a lower new transportation cost than the previous shipment, you must, after exhausting the previous shipment, recalculate your ceiling price by the method prescribed in sections 2, 3 or 4, whichever is applicable.

This means that on receipt of any shipment, you must determine what weight of the previous shipment remains unsold. You can do this merely by adding the weights in all the sales made by you after receipt of the previous shipment as shown by copies of invoices or sales slips delivered to your customers, or by other records, and comparing the total with the weight of the previous shipment.

SEC. 6. *Sellers other than processors; effect on your ceiling prices of increases in your suppliers' prices.* If you are not in the business of processing any of the commodities enumerated in section 2 of this regulation, and your cost for a sales unit of cottonseed meal, slab cake, sized cake, pellets, or hulls mixed or for mixing which you purchase is increased by the operation of this supplementary regulation, you may increase your base period ceiling price for such sales unit by the dollars-and-cents amount of the increase to you.

SEC. 7. *Notice by sellers to purchasers.* If you sell any of the commodities enumerated in section 2 of this regulation above your base period ceiling price, you must give your customer an invoice or sales slip which shows your price for each quantity of the commodity sold, broken down into two parts as follows:

(a) Your base period ceiling price for that quantity; and

(b) The amount of the increase in such ceiling price permitted by this supplementary regulation and charged by you, which must be identified by the following statement, affixed by rubber stamp or otherwise:

Increase in ceiling price permitted under OPS Supp. Reg. No. 31

SEC. 8. *Records.* If you sell any of the commodities enumerated in section 2 of this regulation, you must, for a period of two years, keep available for examination by the Director of Price Stabilization all invoices or sales slips, bills for transportation which you receive, and all other records showing the basis on which you have computed the increase in ceiling price permitted by this supplementary regulation for each sale of any of such commodities made by you during the period this supplementary regulation remains in effect. The requirements of this section are in addition to, and not in substitution for, the requirements contained in the GCPR regarding the keeping of records.

SEC. 9. *Relation of this regulation to the GCPR.* All provisions of the GCPR not inconsistent with the provisions of this supplementary regulation shall remain in effect.

SEC. 10. *Definitions.* As used in this supplementary regulation, the following terms shall have the following meanings, unless otherwise clearly required by the context:

(a) "Base period" means the base period established in the GCPR, that is, the period from December 19, 1950 to January 25, 1951, inclusive.

(b) "Base period average transportation cost" means the average transportation cost paid or incurred by you for shipment during the base period of the commodity for which you are determining the ceiling price pursuant to this supplementary regulation.

(c) "Base period ceiling price" means your ceiling price as established pursuant to the GCPR, including differentials allowable or required under that regulation.

(d) "GCPR" means the General Ceiling Price Regulation issued by the Director of Price Stabilization on January 26, 1951.

(e) "New transportation cost" means transportation cost paid or incurred by you for a shipment of cottonseed meal, slab cake, sized cake, pellets, or hulls mixed or for mixing, received by you after the effective date of this supplementary regulation.

(f) "Sales unit" means that weight of cottonseed meal, slab cake, sized cake, pellets, or hulls mixed or for mixing in which you customarily make sales of the commodity and for which you customarily calculate prices. An example is a 100-pound sack of cottonseed meal.

Effective Date. This supplementary regulation shall become effective June 6, 1951, and shall remain in effect until

September 1, 1951, unless superseded or withdrawn.

NOTE: The record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6493; Filed, June 1, 1951; 10:48 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[Amendment 2 to NPA Order M-25, as Amended April 6, 1951]

M-25—CANS

MILK; BABY FOOD

This amendment of May 31, 1951, to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-25, as amended April 6, 1951, as follows: It supersedes the amendment dated April 24, 1951, and revises item 125 of schedule I of NPA Order M-25 by establishing preference A for can sizes smaller than 5-gallon containers for packing milk, dry, whole, and listing certain changes in can material specifications for these containers. It revises item 167, Baby food, by including thereunder an additional subitem, "Dry milk base," and listing can material specifications for these containers.

Items 125 and 167 of schedule I are hereby revised and amended to read as follows:

Product	Preference	Quota	Can materials	
			Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
125. Milk, dry, whole, including dietary dried milk base products.	A	Unlimited		
5-gallon and 50-pound cans			0.50	0.50
Sizes smaller than 5-gallon plate specifications apply through July 31, 1951.			.25	.25
Milk, dry, skimmed	A	Unlimited		
5-gallon and 50-pound cans			.50	.50
167. Baby food	A	Unlimited		
Dry milk base			.25	.25
Fruit			1.50	1.50
Vegetables			1.25	1.25
Meat			.50	.50
Fish			.50	.50
Vegetable with meat			1.25	1.25
Cereal, pudding and custards with fruits			1.50	1.50
Cereal, pudding and custards without fruits			.50	.50

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on May 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6467; Filed, May 31, 1951; 4:43 p. m.]

[NPA Order M-65]

M-65—CONSERVATION OF METAL IN PRINTING PLATES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Disposition of plates.
4. Notices.
5. Restrictions on receipt and use of metal.
6. Restriction on gauge of sheet zinc.
7. Applications for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve the supply of copper, aluminum, zinc, and other scarce metals, and prevent the holding of these metals in printing plates for an undue length of time. It specifies when printing plates shall be deemed obsolete, sets forth provisions for notification of such obsolescence, determines methods whereby such plates should be disposed of, and provides certain penalties for noncompliance with this order.

SEC. 2. *Definitions.* For the purpose of this order:

(a) "Plate" means any kind or shape of metal printing or marking plate, cylinder, or other metal form, used in the printing process, except such as are composed only of lead, tin, and antimony.

(b) "Printing process" means the act or process of printing, impressing, or otherwise transferring on paper (or any paperlike substance), wood, fabric, metal, or other material, any ink, color, pigment, mark, character, or delineation, and includes any incidental or partial process required to prepare a plate for such use.

(c) A plate shall be deemed to be "obsolete" if, on April 1, 1951, or on the first day of any calendar quarter thereafter, it has been in existence for the period as specified below for the respective type of printing for which it is used and has not been used during such period:

(1) Newspaper printing: 1 year.

(2) Magazine and periodical printing: 1 year.

(3) Book printing: 4 years.

(4) Container printing: 1 year.

(5) All other categories of printing: 2½ years.

(d) The regraining or other preparation of a planographic or intaglio plate for reuse shall be deemed a "use" of such plate within the meaning of paragraph (c) of this section.

(e) Notwithstanding the provisions of paragraph (c) of this section, a plate shall not be deemed to be obsolete at any time when the person in possession thereof knows that there is a specific and assured future use for the same.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(g) "Restricted metal" means aluminum, chromium, copper, nickel, zinc, or any alloy thereof.

SEC. 3. *Disposition of plates.* Any person owning or possessing obsolete plates shall (subject to the provisions of section 4 of this order), by the first day of the calendar quarter after the date upon which such plates have become obsolete, sell or deliver such plates to a scrap metal dealer, secondary smelter, or refiner, or shall melt and reuse them himself, subject to the provisions of any other order or regulation of the National Production Authority.

SEC. 4. *Notices.* (a) The person in possession of any obsolete plates, if not the owner thereof, shall, on or before June 15, 1951, and at least once every 3 months thereafter, notify the owner that such plates are deemed obsolete under this order, and shall identify such plates by title and subject matter. If the owner of such plates is not known, the person in possession shall notify the person from whom such plates were received or from whom an order to make such plates was received. Such notice shall be given by mailing a letter to the owner, or other persons as described above, addressed to the last known address of such person. If, within 30 days after the mailing of such notice, the person in possession of such plates receives an answer in which the owner states that he has a specific and assured future use for the plates and indicates what such use is, the person in possession need not treat them as obsolete. If, however, no such answer is received, or if the owner gives instructions to dispose of such plates, the person in possession shall dispose of such plates in accordance with the provisions of section 3 of this order.

(b) If a person, other than the person in possession or the owner, has a contractual right to purchase or otherwise acquire any obsolete plates, the owner shall, on or before June 15, 1951, and at least once every 3 months thereafter, notify such other person that he has such contractual right and that such plates are deemed obsolete under this order, and shall identify such plates by title and subject matter. Such notice shall be given as provided in paragraph (a) of this section, and, unless an answer shall be received as therein provided, the plates shall be disposed of as provided in section 3 of this order.

SEC. 5. *Restrictions on receipt and use of metal.* (a) If, on July 1, 1951, or on the first day of any succeeding calendar quarter, any person owns or is in possession of any obsolete plates which he has not disposed of as required by section 3 of this order, such person shall not, until he has disposed of such plates, acquire or take possession of any plates containing restricted metals or any restricted metals for conversion into plates.

(b) On and after July 1, 1951, each person who acquires any plates, or any restricted metal for conversion into plates, shall endorse on each purchase or other order for such plates or metal a statement in the following form, signed as provided in section 8 of NPA Reg. 2:

The undersigned certifies, subject to statutory penalties, that the acquisition by the undersigned of the plates or restricted metal herein ordered will not be in violation of NPA Order M-65.

(c) No person shall sell, deliver, or otherwise transfer any plates, or restricted metal for conversion into plates, unless the purchase or other order shall contain thereon the endorsement required by paragraph (b) of this section.

SEC. 6. *Restriction on gage of sheet zinc.* On and after July 1, 1951, any person manufacturing printing plates using sheet zinc shall not use a lighter gage of such zinc than was used for similar purposes during the first 5 months of 1951. If such manufacturer used sheet zinc of different gages for similar purposes in the said base period, he shall not (on and after July 1, 1951), make any greater proportional use of sheet zinc of 18-gage or lighter than he did in the said base period.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* All persons affected by this order shall keep and preserve, for as long as this or any successor order shall remain in effect and for 2 years thereafter, accurate and complete records of their inventory, production, transfer, and disposal of plates in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such other records and file such reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref. Order M-65.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6465; Filed, May 31, 1951; 4:43 p. m.]

[NPA Order M66]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Application of this order.
3. Relation to other regulations.
4. Definitions.
5. Restrictions on delivery or use.
6. Exceptions from allocation requirements.
7. Inventory limitations.
8. Reports.
9. Audit and inspection.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for the distribution of the limited supply of artificial graphite products and carbon electrodes so as best to serve the interests of national defense and essential civilian production. This order establishes limits on inventory and brings artificial graphite and carbon electrodes under allocation by prohibiting, subject to a limited exception, any deliveries or acceptance of deliveries not covered by allocation authorizations to be issued quarterly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small businesses.

SEC. 2. *Application of this order.* This order applies to the delivery and receipt of artificial graphite and of carbon electrodes in the electrothermic, electrolytic, and special metallurgical and chemical fields.

SEC. 3. *Relation to other regulations.* The provisions of this order supersede all NPA regulations and orders to the extent that they are inconsistent herewith, but in all other respects such regulations and orders remain applicable to artificial graphite and carbon electrodes. The National Production Authority may from time to time issues special directives as to deliveries of artificial graphite and carbon electrodes and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Definitions.* For purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government. In the case of any person as herein defined who operates more than one plant at different locations, the word "person" shall mean each such separate operation.

(b) "Artificial graphite" means: (1) Solid graphite electrodes, plain or

threaded, for use in electric arc or resistor furnaces; (2) solid graphite anodes, plain, machined, or treated, for use in electrolytic cells; and (3) solid graphite shapes (round, square, or rectangular), unmachined and not otherwise processed by the producer, for use in metallurgical, chemical, or electronic applications.

(c) "Carbon electrodes" means that product produced in a baking furnace from a mixture of calcined anthracite coal and pitch or other suitable binders and includes graphite nipples.

SEC. 5. *Restrictions on delivery or use.* (a) On and after July 1, 1951, no person shall deliver or accept delivery of any artificial graphite or of any carbon electrodes, whether on rated or unrated orders, except in accordance with the terms of an allocation authorization issued by the National Production Authority on Form NPAF-97.

(b) Application for an allocation authorization must be filed with the National Production Authority by the purchaser on Form NPAF-97 not later than the 10th day of the month preceding the calendar quarter in which delivery is sought. Such application shall be in quadruplicate and must furnish all information required by the form.

(c) An authorization allocation (Form NPAF-97) will be sent by the National Production Authority to the appropriate supplier(s) specifying the amount authorized to be delivered to the applicant during the quarter period and the applicant will be notified of the issuance thereof. The authorization will permit the supplier to make delivery to the extent of the purchaser's orders within the limit of the authorization. In placing his orders the purchaser shall specify the date and the serial number of the applicable allocation authorization.

SEC. 6. *Exceptions from allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries of graphite electrodes of less than 1-inch cross section.

(b) Deliveries of artificial graphite or of carbon electrodes to any person whose total receipts of artificial graphite and carbon electrodes from all sources during the current quarter are not thereby made to exceed 500 pounds and who so certifies to his supplier in substantially the following words on his order:

> The undersigned certifies to the supplier and to the National Production Authority that receipt of the material hereby ordered in the quarter requested will not bring his total receipts of artificial graphite and carbon electrodes during that quarter above 500 pounds.

SEC. 7. *Inventory limitations*—(a) *Artificial graphite anodes.* No person, notwithstanding any allocation made to him, shall accept delivery of artificial graphite anodes, at a time when his inventory of such products exceeds, or by acceptance of such delivery would be made to exceed, 20 weeks' minimum requirements at his then scheduled rate and method of operation.

(b) *Other artificial graphite and carbon electrodes.* No person shall accept delivery of any artificial graphite other than anodes or of any carbon electrodes, whether or not an allocation has been made to him at a time when his inventory of such material exceeds, or by acceptance of such delivery would be made to exceed, 4 weeks' minimum requirements at his then scheduled rate and method of operation: *Provided, however,* That a pool car buyer located west of the Mississippi River shall not accept delivery of such materials at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 8 weeks' minimum requirements at his then scheduled rate and method of operation.

SEC. 8. *Reports.* (a) Subject to the exceptions contained in section 6 of this order, every person who produces, ships, owns, or consumes any artificial graphite or any carbon electrodes during any calendar month commencing with May 1951 shall report to the National Production Authority on Form NPAF-97 on or before the 10th day of the following month. However, if any such person applies on such form for an allocation of artificial graphite products or carbon electrodes for delivery during the succeeding quarter, his application will also serve as the report required by this section for the preceding month.

(b) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require subject to the provisions of the Federal Reports Act of 1942 (5 U. S. C. 139–139F.)

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–66.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on May 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–6466; Filed, May 31, 1951; 4:43 p. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 9 (DRO–4)]

DRO–4—RATES ON COAL, IN BULK BETWEEN HAMPTON ROADS, BALTIMORE OR PHILADELPHIA AND GERMANY (EXCLUDING BALTIC PORTS)

Correction

In Federal Register Document 51–6323, appearing on page 5120 of the issue for Friday, June 1, 1951, the signature at the end should read "C. H. McGuire."

[NSA Order 31 (DRO–26)]

DRO–26—FREIGHT PAYMENT CLAUSE

Sec.
1. What this order does.
2. Freight payment clause.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order prescribes an optional method of payment of freight that may, effective on and after March 13, 1951, at the charterer's request be used in charters covering bulk dry cargoes moving in vessels operated for account of the National Shipping Authority, for which freight moneys have been advanced to the National Shipping Authority by the Economic Cooperation Administration.

SEC. 2. *Freight payment clause.* Subject to the conditions outlined in section 1 the following clause may be used in connection with paragraph E of "Warshipvoy" form of charter as revised August 15, 1944:

> Ninety percent (90%) of the freight upon completion of loading is to be certified (as per NSA accounting instructions) by charterers for "performance of services only". Balance of freight, including adjustments for demurrage, despatch, dead freight, etc., to be certified by charterers for "performance of services only" upon completion of discharge.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51–6359; Filed, June 1, 1951; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 320—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

FEE FOR EXAMINATION; INFORMATION WHICH MAY BE DISCLOSED AND TO WHOM

Notice having been published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4590), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner for Social Security and the Federal Security Administrator, proposed to prescribe certain regulations in lieu of the § 301.7 and § 320.4 of the present regulations of the Bureau of Federal Credit Unions (45 CFR § 301.7 and § 320.4) and that prior to the official adoption of the proposed regulations, consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Washington 25, D. C., within a period of 15 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER on page 4590 (16 F. R. 4590), and the 15-day period having elapsed and due consideration having been given to written views and data submitted and to the views offered during oral hearings, now, therefore, the proposed regulations as printed in the FEDERAL REGISTER (16 F. R. 4590) are hereby adopted and promulgated effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

Dated: June 1, 1951.

[SEAL] C. R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

Approved: June 1, 1951.

W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: June 1, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

1. Section 301.7 (15 F. R. 3526) is hereby amended to read as follows:

§ 301.7 *Fee for examination.* Each Federal credit union shall pay to the Bureau of Federal Credit Unions a fee for each examination. Except as to instances to which § 301.8 are applicable, the fee shall be assessed at 50 cents per $100 of the Federal credit union's assets as of the effective date of the examination or at the examiner-day rate fixed by the Bureau of Federal Credit Unions, whichever is lower: *Provided, however,* That the minimum fee for each examination shall be $5.00. During the months of June and December of each year, the Bureau of Federal Credit Unions shall compute and fix the examiner-day rate for making examinations for the ensuing 6-month period beginning July 1 and January 1, respectively. In computing this examiner-day rate, the Bureau will be guided by the anticipated cost of the examination program including but not limited to such items as salaries, travel, etc., which are properly chargeable to the examination program. Adjustments in the examiner-day rate will be made promptly to reflect any legislative changes in travel allowances and salary classifications applicable to Federal credit union examiners. The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

(Sec. 16, 48 Stat. 1221, as amended; 12 U. S. C. 1766)

2. Section 320.4 (13 F. R. 9347) is hereby amended to read as follows:

§ 320.4 *Information which may be disclosed and to whom.* Disclosure of any records or information of the Bureau of Federal Credit Unions declared to be confidential is hereby authorized only in the following cases and for the following purposes:

(a) To any Department, Agency or instrumentality of the United States Government where the records or information are required by such Department, Agency or instrumentality in the course of discharging its official duties: *Provided,* That the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any applicable Federal law, or to any rule, regulation, or directive of the Executive branch of the Federal Government.

(b) To the proper Federal law enforcement and prosecuting authorities: *Provided,* That (1) such records or information relate to a violation of a Federal criminal law, and (2) such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government. Neither the Bureau of Federal Credit Unions nor any employee of the Bureau may disclose any records or information to any State law enforcement or prosecuting authority unless specifically authorized to make such disclosure by the Director of the Bureau. The Director, Bureau of Federal Credit Unions may authorize the Bureau or an employee of the Bureau to disclose records or information relating to the violation of a State criminal law to appropriate State law enforcement and prosecuting authorities, provided that such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government if the Director determines that such disclosure (1) is not contrary to the public interest and (2) will neither interfere with nor adversely affect either the performance of the functions, duties or responsibilities of the Bureau of Federal Credit Unions or any investigation or prosecution which may be conducted or contemplated either by the Bureau or by any other Federal department agency or instrumentality.

(c) To any person properly and directly concerned upon a verified written application by such person showing substantial interest in the said record or information: *Provided,* That the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any Federal law, rule, regulation or directive of the Executive branch of the Federal Government.

(d) To any Federal credit union: *Provided,* That (1) such records or information pertain solely to the affairs of the said Federal credit union, and (2) the records or information are not classified "restricted" by the Bureau of Federal Credit Unions.

(Sec. 16, 48 Stat. 1221, as amended; 12 U. S. C. 1766)

[F. R. Doc. 51–6498; Filed, June 1, 1951; 11:35 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 865, Amdt. 9]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of May A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby further suspended until 7:00 a. m., July 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–6104; Filed, June 1, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 921]

[Docket No. AO-222 A-1]

HANDLING OF MILK IN SPRINGFIELD, MO., MILK MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Greene County Courthouse, Springfield, Missouri, beginning at 9:30 a. m., c. s. t., June 7, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Springfield, Missouri, milk marketing area (7 CFR, 921.0 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the Order (No. 21) for the Springfield, Missouri, milk marketing area were proposed, as follows:

By the Greene County Milk Producers Association:

1. Amend the provisions of § 921.9 so as to exclude from the definition of handler any operator of an approved plant who does not dispose of in excess of a specified minimum percentage of his total Class I receipts within the defined marketing area.

2. Amend § 921.10 to read as follows:

§ 921.10 *Approved plant.* Approved plant means any milk plant or portion thereof which is approved by the appropriate health authority of the City of Springfield, Missouri, for the processing of Grade A milk in the marketing area and from which all or portion of such Grade A milk is disposed of as Class I in the marketing area on wholesale or retail routes (including plant stores and routes operated by the vendors).

3. Amend the order by adding a new section to read as follows:

§ 921.35 Each handler shall submit to a cooperative association, as defined in § 921.6, on or before the 20th day of each month, a break down of all information required to be reported to the Market Administrator for each member of such a cooperative association, pursuant to the provisions of § 921.30 and § 921.31.

4. Consider proposals to amend the provisions of § 921.51 (a) to consider a higher level of Class I prices during all months of the year, and consider proposals to amend the provisions of § 921.51 (b) to consider a higher level of Class II prices during all months of the year.

By the Producers Creamery Company:

5. Amend paragraph (a) of § 921.51 to provide that so much of such paragraph as reads: "other than April, May and June," be deleted.

6. Amend paragraph (b) of § 921.51 to provide that so much of such paragraph as reads: "except that for the delivery periods of April, May, June and July 1951 the price for Class II milk shall be suen basic formula price less 15 cents," be deleted.

By Cloverleaf Dairy Company, Hiland Dairy, Okino Dairy, and Patton Creamery Company:

7. Amend § 921.9 by adding a new paragraph (c) as follows:

(c) Any person, other than a producer-handler, in his capacity as operator of an unapproved plant which is used in the processing and packaging of milk, any portion of which is disposed of from such plant on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area.

8. Open §§ 921.50 *Basic formula price* and 921.51 *Class prices* for consideration and the receipt of evidence pertaining to the entire problem of the pricing of milk.

9. Add a new § 921.63 to provide that a handler disposing of bulk milk in the form of milk, skim milk or cream in a market located 125 miles or more from the City Hall in Springfield, Missouri, which market is under another Federal order and wherein the Class I price is higher than the Class I price established herein, shall account to the producer-settlement fund herein for all such milk at the Class I price plus an amount equal to the difference between the Class I prices in the two markets.

10. Add a new § 921.64 to provide that a handler operating an unapproved plant and disposing of Class I milk within the marketing area shall pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of within the marketing area during the delivery period by the difference between the price of Class II milk and the price of Class I milk, adjusted for butterfat differentials.

11. Open up for consideration and the receipt of evidence and amend all pertinent sections of the order so as to provide for the standard individual-handler type pool in lieu of the market-wide pool as now existing.

By Andrew Howard, Billings, Missouri:

12. Amend the order to provide that in place of the market-wide pool that there simply be a plant pool and each plant establish its blend price for milk, or that the large plant in the area which has a low Class I utilization be eliminated from the pool and no plants be permitted to enter the market pool unless they do have a high Class I utilization for milk.

By Frank Pilley & Sons:

13. Delete § 921.10 and substitute therefor the following:

§ 921.10 *Approved plant.* "Approved plant" means a milk plant, or portion thereof, which is approved by the appropriate health authorities of the city of Springfield, Missouri, and such plant bottles milk which is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors).

14. Delete paragraph (a) of § 921.51 and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price, plus the following amounts: $1.08 for the delivery periods of July through December, and 83 cents for the delivery periods of January through June.

15. Delete paragraph (b) of § 921.51 and substitute therefor the following:

(b) *Class II milk.* The price for Class II milk shall be the basic formula price.

By Dairy Branch, Production and Marketing Administration:

16. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 29, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6434; Filed, June 1, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

OFFICE OF COMPLIANCE AND INVESTIGATION

ORGANIZATION AND FUNCTIONS

I. *General.* This notice supersedes the organizational and functional statement for the Compliance and Investigation Branch appearing in 11 F. R. 177A283 as revised in 12 F. R. 1129. The Branch has been established as the Office of Compliance and Investigation with the principal office consisting of the Office of the Chief, General Investigations Division and Accounting Investigations Division, in Washington, D. C., at the South Agriculture Building.

II. *Responsibilities of organization units*—A. *Office of the Chief*—1. *Program responsibility and functions.*—Provides compliance and investigation services essential to the administration of all Production and Marketing Administration (hereinafter referred to as PMA) and Commodity Credit Corporation (hereinafter referred to as CCC) programs.

a. Directs and coordinates the component units of the Office in Washington and the field in the execution of approved policies and procedures.

b. Acts for the Administrator and the Assistant Administrator for Program Coordination and collaborates with other PMA and CCC officials in formulating long range and current compliance and investigation policies, standards and procedures within the framework of established policies and regulations of the Department of Justice and the Department of Agriculture.

c. Collaborates with and advises the Administrator and Branch Directors in the formulation of major plans and policies to insure sound and progressive compliance and investigation practices and procedures for PMA and CCC. Represents PMA through the Department in its relationships with Congress, the Department of Justice, and other investigative agencies and groups to advance the compliance and investigation objectives of PMA.

B. *General Investigations Division*—1. *Program responsibility and functions.* Conducts general investigations operations such as making compliance surveys to determine the state of compliance with orders and regulations. Conducts and directs investigations of alleged or apparent violations, recommending action as a result of investigations. Cooperates in the prosecution of violations, and provides expert witnesses in administrative and court proceedings. Formulates and recommends policies, plans and procedures for compliance surveys and general investigations for PMA and CCC. Collaborates with program branches and other units and officials of PMA, CCC, and Department of Agriculture and other Federal agencies in coordinating such policies, plans and procedures with requirements of operating programs and applicable Federal and Department of Agriculture policies and regulations. Directs and coordinates similar operations carried out by Compliance and Investigation Field Offices.

C. *Accounting Investigations Division*—1. *Program responsibility and functions.* Conducts accounting investigations operations such as installing and servicing accounting systems for market administrators and for others, auditing books and records required by contracts and Marketing Agreements and Orders or similar programs, analyzing financial statements, and conducting and directing accounting investigations. Formulates and recommends policies, plans and procedures for accounting systems and investigations for PMA and CCC. Collaborates with program branches and other units and officials of PMA, CCC, the Department of Agriculture and other Federal agencies in coordinating such policies, plans and procedures with requirements of operating programs and applicable Federal and Department of Agriculture policies and regulations. Directs and coordinates similar operations carried out by Compliance and Investigation Field Offices.

D. *Field Offices*—1. *Program responsibility and functions.* Directs, coordinates, and executes all compliance and investigational activities assigned within the respective field-office areas. The field offices are located at: Room 606, 90 Church Street, New York 7, New York; Room 625, 50 Seventh Street NE., Atlanta 5, Georgia; Room 1810, 343 South Dearborn Street, Chicago 4, Illinois; Room 318, Interurban Building, Dallas 1, Texas; and 333 Fell Street, San Francisco 2, California.

III. *Availability of records and information.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Office should address his request to the Chief, Office of Compliance and Investigation, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Office, including those maintained in the Field Offices, are available for examination subject to the restrictions set forth in the regulations of the United States Department of Agriculture (7 CFR 1.1 to 1.10).

Done at Washington, D. C., this 28th day of May 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-6416; Filed, June 1, 1951; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A. KIRSTEN ET AL.

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7822, between A. Kirsten and Sartori & Berger, covers the establishment and maintenance of a joint cargo service under the trade name "Hamburg Chicago Line" in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick, and Newfoundland, on the one hand, and Continental ports of Europe within the Bordeaux-Hamburg range and the port of London, on the other hand, and in trades between any two of said ports which are in the Western Hemisphere (not including transportation within the purview of the coastwise laws of the United States). The joint service may participate in conference, pooling or other agreements as a single party only, being represented by Marsh Shipping Agency, Inc., Chicago, Illinois, or by such other person, firm or corporation as the parties shall mutually agree.

Agreement No. 7821, between International Freighting Corporation, Inc., and Bull Insular Line, Inc., covers transportation of cargo under through bills of lading from Argentina, Uruguay and Brazil to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia. Agreement No. 7821 was filed to supersede and cancel Agreement No. 7774.

Agreement No. 7819, between States Steamship Company and Waterman Steamship Corporation, covers transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria, (Manchukuo), Siberia, China, Hongkong, Siam, Indo-China, Kwantung and Philippine Islands to Puerto Rico, with transshipment at U. S. Pacific Coast ports.

Agreement No. 7702-2, between Mediterranean Lines Inc., and South Atlantic Lines, Inc., modifies the approved Home Lines Joint Service Agreement (No. 7702, as amended) to cover the trades between United States and Canadian ports, ports of the Atlantic Islands (including Madeira, Canary Islands, the Azores, and Bermuda), South America, Mexico, Central America, Australasia, the United Kingdom, Eire, Europe, Africa and Turkey, and all Mediterranean ports including all ports enroute thereto and cruises from any of the above ports to any other of the above ports, and to all ports of the Caribbean and West Indies, and round-the-world cruises. The basic agreement presently provides for the operation of the joint service in the trades between United States and Canadian Atlantic Coast ports and ports of the Atlantic Islands (including Madeira, Canary Islands, the Azores, and Bermuda), South America, Mexico, Great Britain, specified European countries, African and Mediterranean ports (including ports enroute thereto) and cruises to ports in the Mediterranean, Scandinavian peninsula (including North Cape), West

Indies, Central America, and round-the-world cruises.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: May 29, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-6330; Filed, June 1, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 3500 et al., 3785, 3787]

EASTERN AIR LINES, INC., ET AL.

NOTICE OF ORAL ARGUMENT

National route investigation case, Docket No. 3500 et al.; National Airlines, Inc., Pan American-Grace Airways, Inc., interchange agreement, Docket No. 3785; Pan American World Airways, Inc., Pan American-Grace Airways, Inc., through flight agreement, Docket No. 3787.

In the matter of the issues raised by petitions for reconsideration filed by Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Pan American Directors of Pan American-Grace Airways, Inc., to the decision of the Board in order Serial No. E-5205, decided March 13, 1951, and the exceptions to the tentative decision of the Board, order Serial No. E-5282, decided April 12, 1951.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matters is assigned to be held on June 19, 1951, at 10:00 a. m., e. d. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 29, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-6403; Filed, June 1, 1951; 8:49 a. m.]

[Docket No. 4405]

SOUTHWEST AIRWAYS CO. AND WEST COAST AIRLINES, INC.; SOUTHWEST-WEST COAST MERGER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Southwest Airways Company and West Coast Airlines, Inc., under section 408 and such other sections of the Civil Aeronautics Act of 1938, as amended, as may be applicable, for approval of the merger of West Coast Airlines, Inc., into Southwest Airways Company.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that oral argument in the above-entitled matter is assigned to be held on June 14, 1951 at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 23, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-6372; Filed, June 1, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 47]

SWANK, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Swank, Inc., Attleboro, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's jewelry and novelty products sold by Swank, Inc., having the brand name(s) "Swank", shall be the proposed retail ceiling prices listed by Swank, Inc., in its application dated April 5, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Swank, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CI R 7
Price $_____

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Swank, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	{unit, dozen, etc.}
Terms _____ (net or percent EOM, etc.) $_____:	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, Jr., *Acting Director of Price Stabilization.*

May 31, 1951.

[F. R. Doc. 51-6420; Filed, May 31, 1951; 9:30 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 48]

HARTMANN CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hartmann Company, 1500 Hamilton Street, Racine, Wisconsin, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of luggage manufactured by Hartmann Company, having the brand name(s) "Hartmann", shall be the proposed retail ceiling prices listed by Hartmann Company in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Hartmann Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Hartmann Company, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	{unit, dozen, etc.}
Terms _____ (net or percent EOM, etc.) $_____:	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6421; Filed, May 31, 1951; 9:31 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 49]

S. DENNIS INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, S. Dennis Inc., 1 East 33d Street, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's novelty sport shirts manufactured by S. Dennis, Inc., having the brand name(s) "Dennis", shall be the proposed retail ceiling prices listed by S. Dennis, Inc., in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, S. Dennis, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, S. Dennis, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per --------	unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $-------:	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-months period following the effective date of this special order and within 45 days of the expiration of each successive 6-months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6422; Filed, May 31, 1951; 9:31 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 50]

ENGLANDER CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Englander Company, Inc., 2447 West Roosevelt Road, Chicago 8, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of mattresses and box springs, manufactured by The Englander Company, Inc., having the brand name(s) "Airfoam", "Riviera", "Bodyform", "Fortune", "Super Bodyguard", "Featherest", "Super Properest", "Supreme", "Super Viceroy", "Properest", "Dream King", "Dream Queen", "Dream Prince", "Super Dream Princess", and "King's Rest", shall be the proposed retail ceiling prices listed by The Englander Company, Inc., in its application dated March 6, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, The Englander Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, The Englander Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6423; Filed, May 31, 1951; 9:31 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 51]

TRIMOUNT CLOTHING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Trimount Clothing Co., Inc., 18 Station Street, Boston, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's suits, tuxedos, sport coats, slacks, topcoats and overcoats manufactured by Trimount Clothing Co., Inc., having the brand name(s) "Clipper Craft" shall be the proposed retail ceiling prices listed by Trimount Clothing Co., Inc. in its application dated May 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Trimount Clothing Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail

ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Trimount Clothing Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$-------- per --------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6424; Filed, May 31, 1951; 9:32 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 52]

ARCHER MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Archer Mills, Inc., Columbus, Georgia, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of women's full-fashioned nylon hosiery manufactured by Archer Mills, Inc. having the brand name(s) "Archer" shall be the proposed retail ceiling prices listed by Archer Mills, Inc., in its application dated March 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Archer Mills, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Archer Mills, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$-------- per --------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6425; Filed, May 31, 1951; 9:32 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 53]

YOLANDE CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Yolande Corporation, 16 East 34th Street, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of women's, misses' and children's lingerie, blouses and robes; and infants' wear manufactured by Yolande Corporation having the brand name(s) "Yolande" shall be the proposed retail ceiling prices listed by Yolande Corporation in its application dated March 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Yolande Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Yolande Corporation must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$-------- per --------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6426; Filed, May 31, 1951; 9:32 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 54]

TAYLOR BEDDING MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Taylor Bedding Manufacturing Co., Taylor, Texas, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of mattresses and box springs manufactured by Taylor Bedding Manufacturing Co., having the brand name(s) "Morning Glory", shall be the proposed retail ceiling price listed by Taylor Bedding Manufacturing Co., in its application dated March 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Taylor Bedding Manufacturing Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Taylor Bedding Manufacturing Co. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ (unit, dozen, etc.)
Terms _____ (net or percent EOM, etc.) $_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6427; Filed, May 31, 1951; 9:33 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 55]

MORRIS FURNITURE MFG. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Morris Furniture Mfg. Co., Inc., 4433 South Alameda Street, Los Angeles 11, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of occasional tables, desks, dining room, and bedroom furniture manufactured by Morris Furniture Mfg. Co., Inc., having the brand name(s) "Architectural Modern by Morris of California", shall be the proposed retail ceiling prices listed by Morris Furniture Mfg. Co., Inc., in its application dated April 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Morris Furniture Mfg. Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Morris Furniture Mfg. Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ (unit, dozen, etc.)
Terms _____ (net or percent EOM, etc.) $_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6428; Filed, May 31, 1951; 9:33 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 56]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Sealy Mattress Company, Schenectady 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of mattresses and box springs manufactured by Sealy Mattress Company, having the brand name(s) "Sealy", shall be the proposed retail ceiling prices listed by Sealy Mattress Company in its application dated March 29, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, hav-

ing the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Sealy Mattress Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Sealy Mattress Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6429; Filed, May 31, 1951; 9:33 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 57]

A. BRANDWEIN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A. Brandwein & Co., Twenty-fourth and South State Streets, Chicago 16, Ill., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of mattresses and box springs manufactured by A. Brandwein & Co. having the brand name(s) "Imperial", "Osteo-Firm", "Diplomat", "Citation", "Regal Rest", "Foamex", "Form-Bilt", shall be the proposed retail ceiling prices listed by A. Brandwein & Co. in its application dated March 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, A. Brandwein & Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, A. Brandwein & Co., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6430; Filed, May 31, 1951; 9:34 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 58]

H. GOODMAN, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, H. Goodman, Inc., 275 East 131st St., Cleveland, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of mattresses, box springs, and sofa beds manufactured by H. Goodman, Inc., having the brand name(s) "White Dove", shall be the proposed retail ceiling prices listed by H. Goodman, Inc., in its application dated March 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, H. Goodman, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, H. Goodman, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.) $--------	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the

effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6431; Filed, May 31, 1951; 9:34 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 59]

TEXTILE MILLS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Textile Mills Company, 2762-92 Clybourn Ave., Chicago 14, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of tex-knit burnproof ironing board covers and cover and pad sets manufactured by Textile Mills Company, having the brand name(s) "Tex-Knit", shall be the proposed retail ceiling prices listed by Textile Mills Company in its application dated April 13, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 2, 1951, Textile Mills Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 31, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 31, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Textile Mills Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	unit, dozen, etc.
Terms _____ (net or percent EOM, etc.) $_____	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 1, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 31, 1951.

[F. R. Doc. 51-6432; Filed, May 31, 1951; 9:34 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1665]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

MAY 28, 1951.

On April 16, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation with its principal place of business in Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the acquisition, construction and operation of certain natural gas facilities near Fairfield, Iowa, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

The Commission finds:

(1) Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on April 26, 1951 (16 F. R. 3600).

(2) Good cause exists to set this application for hearing with less than the normal 15 days' notice.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on June 6, 1951, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6369; Filed, June 1, 1951; 8:45 a. m.]

[Project No. 2078]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MAY 28, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a-825r) that Virginia Electric and Power Company of Richmond, Virginia, has made application for license for constructed Project No. 2078, located near Roanoke Rapids, North Carolina, upon the Roanoke River. The project consists of a low masonry dam across the river, a power canal approximately 11,000 feet in length which is provided with control gates and an earth dike and spillways; two powerhouses at the lower end of canal operating under a 30-foot head (one known as the Manually Controlled Power Station and containing three generating units with total capacity of about 3,976 horsepower, and the other known as the Automatic Power Station containing one generating unit rated at 3,200 horsepower); a generating unit rated at 750 horsepower in the mill building of Manchester Board and Paper Company, Incorporated; and an outdoor substation.

Any protest against approval of this application or request for hearing thereon, with reasons for such protest or request, and address of party or parties so protesting or requesting should be submitted on or before the 29th day of June 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6370; Filed, June 1, 1951; 8:45 a. m.]

[Docket No. E-6359]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

MAY 25, 1951.

Take notice that on May 25, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, Nebraska and South Dakota, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of $5,000,000 aggregate principal amount of First Mortgage Bonds, __ percent series due 1981, and the sale thereof by competitive bidding. The Bonds will be dated as of July 1, 1951, will be issued on or about July 16, 1951, and will mature on July 1, 1981; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 18th day of June, 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6382; Filed, June 1, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26125]

RAIL-MOTOR-RAIL RATES BETWEEN PROVIDENCE, RHODE ISLAND AND HARLEM RIVER, N. Y., AND BETWEEN BOSTON, MASS., AND NEW HAVEN, CONN.

APPLICATION FOR RELIEF

MAY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Balboni Express Co., of Norwood, Mass.

Commodities involved: All commodities.

Between: Providence, R. I., and Harlem River, N. Y., also between Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6383; Filed, June 1, 1951; 8:46 a. m.]

[4th Sec. Application 26126]

SUGAR FROM SUGAR LAND, TEX., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MAY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff I. C. C. No. 762.

Commodities involved: Sugar, carloads.

From: Sugar Land, Tex.

To: Points in Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. N. Roberts' tariff I. C. C. No. 762, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-

gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6384; Filed, June 1, 1951; 8:46 a. m.]

[4th Sec. Application 26127]

ZINC ANODES FROM TEXAS POINTS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MAY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3742.

Commodities involved: Zinc anodes, pig or slab, carloads.

From: Points in Texas.

To: Chicago, Ill., and points taking the same rates.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3742, Supp. 107. D. Q. Marsh's tariff I. C. C. No. 3839, Supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R Doc. 51-6385; Filed, June 1, 1951; 8:46 a. m.]

[4th Sec. Application 26128]

PORTABLE HOUSES FROM BATON ROUGE, LA., TO POINTS IN COLORADO AND WYOMING

APPLICATION FOR RELIEF

MAY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3861.

Commodities involved: Prefabricated or portable houses, carloads.

From: Baton Rouge, La.

To: Points in Colorado and Wyoming.

Grounds for relief: Competition with rail carriers, market competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3861, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6386; Filed, June 1, 1951; 8:46 a. m.]

[4th Sec. Application 26129]

CAST IRON PIPE FROM HAINES CITY, FLA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1191.

Commodities involved: Cast iron pipe, carloads.

From: Haines City, Fla.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1191, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6387; Filed, June 1, 1951; 8:47 a. m.]

RECONSTRUCTION FINANCE CORPORATION

U. S. COMMERCIAL CO.

AMENDMENT TO CHARTER

Reconstruction Finance Corporation hereby certifies that, pursuant to Paragraph Tenth of the Charter of U. S. Commercial Company,[1] the Charter of the U. S. Commercial Company was on May 21, 1951, further amended by changing Paragraph NINTH to read as follows:

NINTH. That the affairs and business of the Company shall be managed by an Administrator, who shall be the Administrator of the Reconstruction Finance Corporation and in his absence or disability by a Deputy Administrator, who shall be the Deputy Administrator of the Reconstruction Finance Corporation.

RECONSTRUCTION FINANCE CORPORATION,

[SEAL] W. STUART SYMINGTON, *Administrator.*

Attest:

LEO NIELSON, *Secretary.*

[F. R. Doc. 51-6371; Filed, June 1, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-50, 54-82, 54-147, 59-10, 59-39]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of May 1951.

In the matter of The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company Holding Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The Commission by orders herein, dated February 28, 1947, and June 25, 1947, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company, for the liquidation and dissolution of its subsidiary, North American Light & Power Company, also a registered holding company; and

Said orders having reserved jurisdiction over the payment of all fees and expenses payable in connection with the plan, and applications for payment of fees and expenses and for approval of payments previously made having been filed by certain of the participants, and hearings having been held in connection therewith, and the Commission, on December 21, 1950, and May 7, 1951, having issued its orders with respect to such applications and payments; and

An application having been filed on April 30, 1951, by The North American Company requesting that jurisdiction be released over fees paid or proposed to be paid to the following firms for services rendered to it and to North American Light & Power Company in connection with the aforesaid requests for and payments of fees and expenses:

Sullivan & Cromwell	$20,000
Doran, Kline, Cosgrove, Jeffrey & Russell	2,600
Lovejoy, Morris, Wasson & Huppuch	4,000

The Commission having examined said application and having concluded that the fees requested or paid are not unreasonable:

It is ordered, That jurisdiction with respect to the above-mentioned fees be, and the same hereby is, released.

It is further ordered, That the reservation of jurisdiction over fees and expenses, contained in the aforesaid orders dated February 28, 1947, and June 25, 1947, is continued except insofar as heretofore or herein specifically released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6371; Filed, June 1, 1951; 8:45 a. m.]

[1] 7 F. R. 2426.

(2) and U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

Under separate bank loan agreements with The National City Bank of New York, the borrowing companies propose to borrow, from time to time but not later than January 1, 1952, an aggregate amount of $7,150,000, such borrowings to be evidenced by promissory notes maturing May 1, 1952.

The following table shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies, the proposed rate of interest of said notes, and the application by such companies of the proceeds therefrom:

TABLE

Company	Aggregate amount of notes proposed to be issued	Interest rate per annum [1]	Notes payable to banks	For construction	For conversion costs [2]
		Percent			
Arlington	$1,200,000	2¾	$75,000	$841,700	$283,300
Central Massachusetts	400,000	3	----------	200,000	200,000
Gloucester	500,000	3	----------	370,600	129,400
Malden and Melrose	3,000,000	2¾	950,000	937,800	1,112,200
Northampton	400,000	3	----------	225,000	175,000
Salem	1,400,000	2¾	----------	1,051,400	348,600
Wachusett	250,000	3	----------	92,300	157,700
Total	7,150,000	----------	1,025,000	3,418,800	2,706,200

[1] Each of the proposed bank loan agreements provides for a commitment fee at the rate of ½ of 1 percent, for the period from the date of this Commission's order herein to Dec. 31, 1951, on the average daily difference between the amount of the bank's commitment and the amount borrowed.

[2] In payment of conversion costs in connection with the distribution of natural gas expected to be available in the latter half of 1951.

The declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for each of the borrowing companies, or the aggregate sum of $3,500. Other expenses, including printing of the bank loan agreements, are estimated not to exceed $100 for each of the borrowing companies, or an aggregate amount of $700.

The declarations further state that no State commission has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of said declarations having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and this Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon; and

The Commission finding with respect to said declarations that all of the applicable statutory standards are satisfied, finding no basis for making any adverse determinations with respect thereto, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declarations be permitted to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said declarations be, and the same hereby are, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-6397; Filed, June 1, 1951; 8:48 a. m.]

[File No. 70-2627]

ARLINGTON GAS LIGHT CO. ET AL.

ORDER AUTHORIZING PROPOSED BANK BORROWINGS

In the matter of Arlington Gas Light Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Salem Gas Light Company, Wachusett Gas Company, File No. 70-2627.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of May A. D. 1951.

The above-named companies (hereinafter individually referred to as "Arlington", "Central Mass.", "Gloucester", "Malden and Melrose", "Northampton", "Salem", and "Wachusett" and collectively referred to as "the borrowing companies"), all subsidiary companies of New England Electric System ("NEES"), a registered holding company, having filed declarations, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-42 (b)

[File No. 70-2642]

AMERICAN NATURAL GAS CO.

NOTICE OF FILING WITH RESPECT TO THE ISSUE AND SALE OF SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of May A. D. 1951.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by American Natural Gas Company ("American Natural"), a registered holding company. Applicant-declarant designates section 7 of the act and Rule U-50 (a) (1) as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 8, 1951 at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to the application-declaration, stating the nature of his interest, the reason for such request and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission orders a hearing with respect thereto. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 8, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

American Natural proposes to issue and sell 334,935 shares of its authorized but unissued shares of common stock without par value. The application-declaration states that on or about June 15, 1951, the stock will be offered to common stockholders of American Natural of record as of the close of business on or about June 12, 1951, at a price to be determined by the company. Such stockholders will be given rights to subscribe for one share of common stock for each ten shares held and the further Conditional Purchase Privilege to subscribe for shares of additional common stock not purchased pursuant to the exercise of subscription rights. If there are insufficient shares to satisfy all subscriptions pursuant to the Conditional Purchase Privilege, the available shares will be allotted pro rata among those exercising the Conditional Purchase Privilege in proportion to the subscription rights they have exercised.

One right will attach to each share of common stock of American Natural outstanding on the record date. Transferrable Warrants will be issued to evidence the rights and the accompanying Conditional Purchase Privilege. The Warrants will expire at 3:00 p. m., e. d. s. t., on June 29, 1951. The exercise of ten rights will be required to purchase one share of additional common stock, and no fractional shares of additional common stock will be issued. Rights to purchase less than one share may be used in combination with similar rights representing in the aggregate one or more whole shares. American Natural proposes to enter into an arrangement with The National City Bank of New York, New York, Agent, pursuant to which the holder of a Warrant, when forwarding or presenting his Warrant to the Agent for exercise of his rights, may place an order, without charge, either to purchase such additional rights as are necessary for subscription to one full share of stock or for the sale of rights in excess of those necessary for subscription for a full share of stock, subject to the Agent's ability to find a seller or purchaser of such rights, as the case may be. It is further stated that it will be possible to purchase or sell rights through the usual investment channels, and that it is contemplated that arrangements will be made for admission of rights to trading on the New York Stock Exchange.

Orders for the purchase or sale of rights received during each day prior to the expiration date will be executed as soon as practicable after receipt by set-off and any remaining balance of sale or purchase orders will be executed on the New York Stock Exchange or otherwise. Purchasers of rights will be billed and sellers will receive payment on the basis of the average price paid or received by the Agent for such rights on the New York Stock Exchange or otherwise during the day on which their orders are executed. The proceeds from the sales of rights will be remitted to sellers as soon as possible.

Stockholders whose addresses of record are not within the continental limits of the United States and Canada will be notified by air mail of the offering to common stockholders of additional common stock, but the Warrants to which such stockholders would be entitled will be held by the Agent for their account. Such stockholders may, prior to 3:00 p. m., e. d. s. t., on June 27, 1951, instruct the Agent with respect to the exercise, sale or other disposition of their Warrants. All Warrants with respect to which instructions are not received prior to such time will, if practicable and to the extent permitted by law, be sold and the proceeds remitted to or held for the account of the respective stockholders entitled thereto.

The application-declaration states that American Natural may effect transactions on the New York Stock Exchange, in the open market or otherwise for the purpose of stabilizing the price of its common stock, and that such transactions, if commenced, may be terminated at any time and in any event not later than the time fixed for the expiration of the Warrants. It is further stated that, in connection with such stabilizing transactions, American Natural will at no time acquire a long position in shares of its common stock which shall be in excess of 10 percent of the shares of common stock being offered. If all the additional shares of stock are sold upon the exercise of rights and the Conditional Purchase Privilege, it is proposed to sell shares acquired in stabilizing activities in ordinary brokerage transactions on the New York Stock Exchange.

It is stated that the proceeds from the sale of the common stock will be added to the corporate funds of American Natural to be used for corporate purposes, including additional investments in the common stocks of its subsidiaries and to reimburse the treasury for funds used for that purpose.

It is requested that the Commission on or before June 12, 1951, issue an order, to become effective upon its issuance, granting and permitting to become effective the application-declaration, as filed or as amended.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-6398; Filed, June 1, 1951; 8:48 a. m.]

[File No. 70-2632]

UNITED CORP.

NOTICE OF PROPOSED EXCHANGE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of May A. D. 1951.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by The United Corporation ("United"), a registered holding company. Applicant-declarant has designated sections 10 and 12 (d) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 8, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 8, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Under the provisions of a plan heretofore filed under section 11 (e) of the act by The United Gas Improvement Company ("UGI"), a registered holding company, the holders of the capital stock of UGI are afforded an opportunity to exchange, for each unit of five shares of UGI's capital stock, to the extent of but not exceeding 363,285 shares of such stock, three shares of common stock of Philadelphia Electric Company and two shares of common stock of Consumers Power Company. Hearings have been held on the UGI plan and the matter is now pending before the Commission for decision.

United, as the owner of 80,832 shares of the capital stock of UGI, proposes to tender all, or the major portion, of such shares to UGI under the terms of the plan. Consummation of the proposed exchange by United would result in United's receiving not more than 0.51 percent of the voting securities of Consumers Power Company and not more than 0.45 percent of the voting securities of Philadelphia Electric Company.

United has requested that Commission action upon this application-declaration be taken at the time that Commission action is taken upon the plan filed by UGI.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-6399; Filed, June 1, 1951; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 1, Supp.]

HARSH OR ROUGH COTTON HAVING A STAPLE OF 1 1/8 INCHES OF MORE BUT LESS THAN 1 3/8 INCHES IN LENGTH

SUPPLEMENTAL INVESTIGATION AND HEARING

The United States Tariff Commission, on this 28th day of May 1951, announces an investigation supplemental to its investigation No. 1 under section 22 of the Agricultural Adjustment Act (of 1933) as amended, and under Executive Order No. 7233 of November 23, 1935, with respect to: Harsh or rough cotton having a staple of $1\frac{1}{8}$ inches or more but less than $1\frac{3}{8}$ inches in length.

The quantity of cotton having a staple of $1\frac{1}{8}$ inches or more but less than $1\frac{11}{16}$ inches in length regularly permitted to be imported in each annual period beginning February 1 is limited to 45,656,420 pounds. This quota covers the permissible imports of all types of cotton of the staple lengths referred to, including harsh or rough cotton to which the supplemental investigation herein announced relates. The quota for the current year has been filled, and the imports have included little of the harsh or rough cotton which is desired in relatively small amounts for certain uses. The object of the present supplemental investigation is to determine whether there is need for supplemental imports of harsh or rough cotton $1\frac{1}{8}$ to $1\frac{3}{8}$ inches in staple length to meet the special requirements for this particular type of cotton during the current quota year.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room of the Commission at Eighth and E Streets NW., in Washington, D. C., at 10 a. m., on June 13, 1951.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative.

Issued: May 29, 1951.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-6393; Filed, June 1, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17836]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons who names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

Those certain shares of stock described in Exhibit A, set forth below, registered in the name of Pierson & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in the attached Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

The United States Leather Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 2473, 2538, 2544, 2992, 3022, 3046, 3047, 3061, 3037, 3038, 3039, 3362, 3900, 3902, 3926, 3936, 3974, 4964, 4986, 4992, 5143, 5478, 5480, 5484, 5669, 5695, 6264, 6265, 6266, 6267, 6268, 6269, 6278, 6279, 6281, 6369, 6371, 6374, 6377, 6721, 6784, 6797, 6798, 6799, 6800, 6823, 6824, 6827, 6901, 6912, 6913, 6919, 6923, 6925, 6926, 6960, 6961, 6962, 6969, 6970, 6989, 6990, 7047, 7055, 7064, 7124, 7130, 7131, 8049, 8050, 8084, 8088, 8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239, 8240, 8241, 8242, 8255, 8264, 8282, 8286, 8387, 8388, 8418, 9929, 9935, 10509, 10590, 10601, 10608, 10629, 10652, 10845, 12238, 12478, 12485, 12632, 12653, 12656, 12664, 12666, 12672, 12673, 12682, 12936, 12939, 13451; 13473, 13476, 13478, 13480, 13537, 13538, 13539, 13540, 13730, 13731, 14146, 14156, 14309, 14367, 14375, 14376, 14747, 15508, 15557, 15558, 15560, 15622, 15821, 15827, 15828, 16766, 17175, 17179, 17180, 17549, 18068, 18825, 21104, 21122.

[F. R. Doc. 51-6353; Filed, May 31, 1951; 8:54 a. m.]

[Vesting Order 17857]

MARGIT BEYER

In re: Rights of Margit Beyer under insurance contract. File No. F-28-31439-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margit Beyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 72072968, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Karl Hofmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6355; Filed, May 31, 1951; 8:54 a. m.]

[Vesting Order 17214, Amdt.]

STEENKOLEN HANDELSVEREENIGING N. V.

In re: Stock, cash and promissory note owned by Steenkolen Handelsvereeniging N. V.

Vesting Order 17214, dated January 24, 1951, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the name Chicago & St. Louis Railroad Company and substituting therefor the name New York, Chicago & St. Louis Railroad Company.

2. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the numbers $31\frac{3}{4}$, $643\frac{1}{2}$, 750 and 1870 set forth with respect to shares of common stock of Pittston Company, International Business Machines Corp., Corn Products Refining Company and The Kroger Company, and substituting therefor the numbers 31, $675\frac{1}{2}$, 787 and 3740, respectively.

3. By adding after subparagraph 6–d of said Vesting Order 17214, subparagraph 6–e, as follows:

e. Those certain debts or other obligations of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt by said Bank for the account of Vlaer & Kol of the following:

(1) Proceeds of redemption of $\frac{3}{4}$ths share of common stock of Pittston Company,

(2) Proceeds of sale of scrip for $17\frac{1}{2}$/100ths shares of common stock of International Business Machines Corp.,

(3) Proceeds of sale of $\frac{1}{2}$ share of common stock of Corn Products Refining Company, and

(4) Proceeds of sale of subscription rights on 520 shares of capital stock of American Telephone & Telegraph Company,

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 17214 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6358; Filed, May 31, 1951; 8:51 a. m.]

[Vesting Order 17838]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Company, P. O. Box 243, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, as set forth below and by reference made a part hereof, registered in the name of Pierson & Company, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

2 shares certificates: 1532, 1581, 1631, 1684, 1695, 1700, 1701, 1705, 1714, 1717, 1766, 1767, 1768, 1876, 1896, 1919, 1932, 1955, 1956, 2011, 2012, 3504, 4107, 4528, 5204.

10 shares certificates: 8, 1068, 1233, 1251, 1293, 1307, 1337, 1401, 1405, 1406, 1470, 1471, 1483, 1488, 1506, 1546, 853, 1801, 2307, 2315, 3019, 3955, 5243, 5280, 6045, 6046, 6082, 6153, 6163, 6197, 6301, 6381, 6109, 6433, 6438, 6441, 6462, 6495, 6528, 6672, 6688, 6689, 6690, 6691, 6946, 7142, 7200, 7497, 8282, 8295, 8296, 8329, 8335, 8401, 8775, 8778, 9170, 9182, 11018, 11050, 11553, 11577, 11578, 11602, 11617, 11636, 11645, 11821, 12824, 12825, 12826, 12827, 12828, 12829, 12830, 12831, 12832, 12833, 12834, 13207, 6697, 8392, 11248, 11614, 12452.

[F. R. Doc. 51-6405; Filed, June 1, 1951; 8:49 a. m.]

[Vesting Order 17839]

GOOSENS & VAN ROSSEM

In re: Stock registered in the name of Goosens & Van Rossem, Rotterdam, Holland, and owned by persons whose names are unknown. F-49-1351.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Goosens & Van Rossem, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Spencer Kellogg & Sons, Inc., $1.00 par value capital stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

160 share certificates: 5657, 5658, 5659, 5660, 5661, 5662, 5663, 5664, 5665, 5666, 5667, 6449, 6450.

22 share certificate: 3467.

24 share certificate: 4095.

[F. R. Doc. 51-6406; Filed, June 1, 1951; 8:49 a. m.]

[Vesting Order 17840]

NEDERLANDSCHE LANDBOUWBANK N. V.

In re: Stock registered in the name of Nederlandsche Landbouwbank N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1357.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Nederlandsche Landbouwbank N. V., together with all declared and unpaid dividends thereon,

of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 4639, 4642, 4649, 4650, 5074, 5009, 5010, 5011, 5012, 5640, 5641, 5198, 6522, 6539, 7141, 7775, 7776, 8138, 8189, 8190, 8191, 8192, 8199, 8203, 8204, 9866, 15046, 16059, 16121, 16240, 16249, 16253, 16296, 16297, 16314, 16315, 16318, 16321, 16328, 16346, 16369, 16372, 16457, 16464, 16546, 16582, 16595, 18080, 18081, 18082, 18033, 20592, 20737, 21262, 21264, 21270, 21272, 21353, 21434, 21445, 21257.

The Kansas City Southern Railway Company, no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: B-51467, B-51498, B-52703, B-52727.

International Mercantile Marine Co., no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 9112, 9113, 9114, 9116.

Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 6010, 6330, 6472, 98881, 99810, 99811 100278, 101258, 101697, 102497.

Southern Railway Company preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates: 41888, 23164, 23756, 24752, 24753, 27442, 31115, 31238.

[F. R. Doc. 51-6407; Filed, June 1, 1951; 8:49 a. m.]

[Vesting Order 17841]

SWISS BANK CORP.

In re: Stock registered in the name of Swiss Bank Corporation, London, England, and owned by persons whose names are unknown. F-63-2748 (London).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Swiss Bank Corporation, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or

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since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

125 shares of General Electric Company no par value common capital stock evidenced by certificate No. NYC 381610 for 100 shares, certificate Nos. NYD 498130 and NYD 498131 for 10 shares each and certificate No. NYD 498132 for 5 shares.

[F. R. Doc. 51-6408; Filed, June 1, 1951; 8:49 a. m.]

[Vesting Order 17845]

BERNARD DIERKES

In re: Estate of Bernard Dierkes also known as Bernhard Dirks, deceased. File No. D-28-12996.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Catharina Thieben, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Bernard Dierkes also known as Bernhard Dirks, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6409; Filed, June 1, 1951; 8:50 a. m.]

[Vesting Order 17880]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, Schaffhouse, Switzerland, and owned by persons whose names are unknown. F-63-2748.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Swiss Bank Corporation Schaffhouse, Switzerland.

Column I	Column II
Name and address of Institution which maintains account	Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary accounts—cash, (b) ordinary safekeeping of securities, and (c) all rights of every kind whatsoever in and to the foregoing, and (d) proceeds of the foregoing consisting of securities as described by the Swiss Bank Corp., New York Agency, in its report on Form TFR-300, bearing its serial No. 0673.

[F. R. Doc. 51-6413; Filed, June 1, 1951; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 108

Washington, Tuesday, June 5, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10248

TRANSFER OF CERTAIN LANDS FROM THE SACRAMENTO, CALIFORNIA, LAND DISTRICT TO THE LOS ANGELES, CALIFORNIA, LAND DISTRICT

By virtue of the authority vested in me by section 2253 of the Revised Statutes of the United States (43 U. S. C. 127), I hereby transfer the following-described lands from the Sacramento, California, land district to the Los Angeles, California, land district, such transfer to become effective on June 16, 1951:

MOUNT DIABLO MERIDIAN

Ts. 1 to 4 S., Rs. 23 to 26 E.,
Ts. 1 to 12 S., Rs. 27 to 32 E.,
Ts. 1 to 32 S., R. 23 E.,
Ts. 2 to 32 S., R. 34 E.,
Ts. 3 to 32 S., R. 35 E.,
Ts. 4 to 32 S., R. 36 E.,
Ts. 5 to 32 S., Rs. 37 and 38 E.,
T. 20 S., R. 37½ E.,
Ts. 6 to 32 S., R. 39 E.,
Ts. 7 to 32 S., R. 40 E.,
Ts. 8 to 32 S., R. 41 E.,
Ts. 9 to 32 S., R. 42 E.,
Ts. 10 to 32 S., R. 43 E.,
Ts. 11 to 32 S., R. 44 E.,
Ts. 12 to 32 S., R. 45 E.,
Ts. 13 to 32 S., R. 46 E.,
Ts. 17 to 32 S., R. 47 E.,

SAN BERNARDINO MERIDIAN

Ts. 6 to 10 N., Rs. 21 to 36 W.,
Ts. 11 and 12 N., Rs. 24 to 36 W.,
Ts. 12 to 31 N., R. 1 E.,
Ts. 12 to 30 N., R. 2 E.,
Ts. 12 to 29 N., R. 3 E.,
Ts. 12 to 28 N., R. 4 E.,
Ts. 12 to 27 N., R. 5 E.,
Ts. 12 to 26 N., R. 6 E.,
Ts. 12 to 25 N., R. 7 E.,
Ts. 12 to 24 N., R. 8 E.,
Ts. 12 to 23 N., R. 9 E.,
Ts. 12 to 22 N., R. 10 E.,
Ts. 12 to 21 N., R. 11 E.,
Ts. 12 to 20 N., R. 12 E.,
Ts. 16 and 17 N., R. 12½ E.,
Ts. 12 to 19 N., R. 13 E.,
Ts. 12 to 18 N., R. 14 E.,
Ts. 12 to 17 N., R. 15 E.,
Ts. 12 to 16 N., Rs. 16 and 17 E.,
Ts. 12 to 15 N., R. 18 E.,
Ts. 12 to 14 N., R. 19 E.,
Ts. 12 and 13 N., R. 20 E.,
T. 12 N., R. 21 E.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 2, 1951.

[F. R. Doc. 51-6560; Filed, June 4, 1951; 9:36 a. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[Gen. Regs. 104, Rev.; Supp. 1]

PART 5—CLAIMS FOR PAYMENTS OF AMOUNTS DUE IN THE CASE OF DECEASED OR INCOMPETENT PUBLIC CREDITORS AND CIVILIAN EMPLOYEES OF THE UNITED STATES

MAY 31, 1951.

Part 5 is hereby revised.

Sec.
5.1 Securing claim on public creditor's death.
5.2 Securing claim on government employee's death.
5.3 Securing claim due incompetents.

AUTHORITY: §§ 5.1 to 5.3 issued under secs. 309, 311, 42 Stat. 25, 64 Stat. 396; 31 U. S. C. 49, 52, 5 U. S. C. 61.

§ 5.1 *Securing claim on public creditor's death.* Claims for amounts due on account of individual deceased public creditors of the United States, except military personnel and civilian officers and employees subject to the provisions of the act of August 3, 1950, 64 Stat. 395, will be made on the newly revised form entitled "Claim Against the United States for Amounts Due in the Case of a Deceased Creditor", Standard Form No. 1055—Revised. Claims to be submitted on such form, except as otherwise provided by law, are for direct settlement by the General Accounting Office and will include, among other things, payments due deceased contractors and other public creditors for supplies furnished or services rendered. Claims for payment of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such public creditors, which cannot be paid because of the death of the payee, will also be stated on the newly revised claim form. Such assistance as is deemed necessary may be granted to claimants to insure proper execution and submission of Standard Form No. 1055—Revised.

§ 5.2 *Securing claim on government employee's death.* As soon as practicable after the death of a civilian employee included within the provisions of the act of August 3, 1950, 64 Stat. 395, the agency in which he or she was last employed, upon determining that "unpaid compen-

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS
1949 Edition

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(For use during 1951)

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sation" is due the decedent, will request each designated beneficiary, or if no beneficiary was designated, the surviving spouse, to execute a form entitled "Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee", Standard Form No. 1153. Where there is no designated beneficiary or a surviving spouse, the person or persons claiming the right to share in the disposition of a deceased civilian employee's "unpaid compensation" will be requested to execute Standard Form No. 1155, Claim for Unpaid Compensation of Deceased Civilian Employee (No Designated Beneficiary or Surviving Spouse). The necessary forms will be furnished claimants by the employing agency which may grant such assistance as it deems necessary to insure their proper execution. All unnegotiated Federal checks drawn to the order of a decedent in payment of compensation as defined in the act, and in the possession of the claimant, should accompany the executed form.

§ 5.3 *Securing claim due incompetents.* Claims for payments due incompetents, except as otherwise provided by law, are for direct settlement by the General Accounting Office. No form is prescribed for use of guardians or committees of estates of incompetents in making claim for sums due from the United States. However, an application setting forth the connection of the incompetent with the United States Government, giving the name of the department, bureau, establishment, or agency, must be submitted by the guardian or committee over his or her signature and address accompanied by a short certificate of the court showing the appointment and qualification of the claimant as guardian or committee. Where the total amount due the estate of the incompetent is small, and no guardian or committee of the estate has been or will be appointed, payment may be made, in the discretion of the Comptroller General, to the person, or persons, having care or custody of the incompetent, or to close relatives who will hold the amount for the use and benefit of the incompetent. Applications for recurring payments need not be accompanied by an additional certificate of the court, but must be supported by a statement that the appointment is still in full force and effect. All Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of individuals which cannot be paid because of the incompetency of the payee should accompany the claim.

[Gen. Reg. 108, Supp. 3, Rev.]

PART 7—GOVERNMENT REQUESTS FOR TRANSPORTATION OF PASSENGERS

Paragraph (c) is hereby added to § 7.17.

§ 7.17 *Lost or stolen transportation requests.* • • •

(c) In the event that a carrier issues a ticket in exchange for a U. S. Government Request for Transportation and said transportation request is subsequently lost or misplaced, the carrier shall execute Standard Form No. 1158, Certificate in Lieu of Lost U. S. Government Request for Transportation, which is hereby prescribed. Standard Form No. 1158 is to be submitted by the carrier in the same manner as a transportation request, and the Federal department or agency concerned, upon proper verification and annotation of the records, will accept said certificate in lieu of the lost transportation request. Carriers may either purchase Standard Form No. 1158 from the Government Printing Office or may reproduce the form themselves or have it printed by any association of carriers. It is understood that in reproducing the said form outside the Government Printing Office the exact wording as approved by the Comptroller General must be adhered to. The Public Printer has been requested to furnish for the stock of the Superintendent of Documents a supply of Standard Form No. 1158 and the carriers should address inquiries with respect to the cost of the form to the Superintendent of Documents, Government Printing Office, Washington, D. C. If the original transportation request is located after a Certificate in Lieu of Lost U. S. Government Request for Transportation has been issued, the request will be marked "Canceled—Certificate in Lieu Issued" and forwarded to the administrative office which issued the said request. Further disposition of the canceled transportation request will be in accordance with the provisions of § 7.11.

(Secs. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 51-6458; Filed, June 4, 1951; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF THE ARMY

1. In accordance with provisions of Public Law 330, 80th Congress, the Commission has approved exclusion from the provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, student laboratory technicians at Army Hospitals, and has prescribed a maximum stipend for such positions. Effective May 15, 1951, the fifth paragraph of the list in § 27.1 is amended to read as follows:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Student laboratory technicians, U. S. Public Health Service and Department of the Army, one year approved training after a minimum of two years college level training.

2. Effective May 15, 1951, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended

to include student laboratory technicians in the Department of the Army:

§ 27.2 *Maximum stipends prescribed.*

* * *

Student laboratory technicians—U. S. Public Health Service and Department of the Army—1 year approved training, after a minimum of 2 years college level training	$900

(61 Stat. 727, 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-6442; Filed, June 4, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

RULES AND UNITED STATES SPECIFICATIONS

On April 17, 1951, a notice of the proposed issuance of regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54) was published in the FEDERAL REGISTER (16 F. R. 3349). The regulations hereinafter promulgated as Part 54 of the Code of Federal Regulations are pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), and will supersede the currently effective provisions of Part 70 insofar as applicable to domestic rabbits and edible products thereof.

Interested persons were given an opportunity to submit written views, data, and arguments concerning the proposed regulations which were published in the FEDERAL REGISTER under proposed rule making; and the suggestions received have been given consideration. The only changes in these regulations from the superseded provisions of Part 70 are the provisions governing the grading of ready-to-cook domestic rabbits by requiring, as a prerequisite thereto, some form of prescribed inspection for wholesomeness; clarification of some of the definitions and wording of provisions; an increase from $3.00 to $3.60 in the hourly rate for rendering grading and inspection service on an intermittent fee basis in order to cover the costs of rendering these services on this basis; and, minor changes in the standards of quality for ready-to-cook domestic rabbits.

Coincident with the issuance of these regulations, there are being issued regulations with respect to the grading and inspection of poultry and edible products thereof.[1] The latter regulations supersede the provisions of 7 CFR Part 70 insofar as applicable to domestic rabbits and such Part 70 will hereafter concern itself solely with poultry and edible products thereof. In view thereof, it is necessary to issue this Part 54 containing the applicable regulations in connection with domestic rabbits. In order to preclude the development of an interim period between the superseded domestic rabbit regulations and the establishment of Part 54, it is necessary that such Part 54 become effective on July 1, 1951, the effective date of the regulations governing the grading and inspection of poultry. Further, the service presently furnished pursuant to 7 CFR Part 70, originally effective January 1, 1950, with respect to domestic rabbits is confined to one official plant in which the operations are in accordance with 7 CFR Part 54. New applicants for the service will not experience any hardship in receiving the service by virtue of any additional requirements that may be contained in such part. Hence, it is found and determined that a reasonable and sufficient time is afforded within which all interested persons may apply for the service. Good cause, therefore, exists for making this part effective on July 1, 1951.

After consideration of all relevant matters presented, the following rules and specifications are hereby promulgated to become effective July 1, 1951:

SUBPART A—RULES GOVERNING THE GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

Sec.
54.1 Definitions.

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54.2 Administration.

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54.3 Grading and inspection services available.
54.4 Basis of service.
54.5 Performance of services.
54.6 Applying for grading service or inspection service.
54.7 Fraud or misrepresentation.
54.8 Interfering with a grader or inspector.
54.9 Other applicable regulations.
54.10 Publications.
54.11 Identifying and marking products.
54.12 Supervision of marking and packaging.
54.13 Retention labels.
54.14 Prerequisites to grading and inspection.
54.15 Accessibility of products.
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54.17 Report of inspection work and grading work.
54.18 Fees and charges.

INSPECTION

54.19 Manner of handling products in an official plant.
54.20 Ante-mortem inspection.
54.21 Evisceration.
54.22 Carcasses held for further examination.
54.23 Condemnation and treatment of carcasses.
54.24 Certification of carcasses.
54.25 Reinspection of edible products.
54.26 Appeal inspection; how made.
54.27 Inspection certificates.

GRADING

54.28 General.
54.29 Live domestic rabbits.
54.30 Ready-to-cook domestic rabbits.
54.31 Basis of acceptability of other official inspection systems.
54.32 Grading certificates.
54.33 Application for regrading of a graded product; regrading certificates.
54.34 Appeal grading.
54.35 Superseded certificates.

SANITARY REQUIREMENTS

54.36 Minimum standards for sanitation, facilities, and operating procedures in official plants.
54.37 Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.

SUBPART B—UNITED STATES STANDARDS FOR DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

54.101 United States specifications for classes of ready-to-cook domestic rabbits.
54.102 United States specifications for standards of quality for individual ready-to-cook domestic rabbits.

AUTHORITY: §§ 54.1 to 54.102 issued under sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong., 7 U. S. C. 1624.

SUBPART A—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

§ 54.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

* * * to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in Interstate Commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, * * *

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

* * * Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important

[1] See Part 70 of this chapter, *infra*.

central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulation as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. * * *

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, * * *

(b) "Acceptable" means suitable for the purpose intended and acceptable to the Administration.

(c) "Administration" means the Production and Marketing Administration of the Department.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(e) "Applicant" means any interested party who requests any inspection service or grading service.

(f) "Carcass" means any domestic rabbit carcass.

(g) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

(h) "Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product and the processing, handling or packaging which may affect such product.

(i) "Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

(j) "Department" means the United States Department of Agriculture.

(k) "Domestic rabbit grading and inspection service" means the personnel who are engaged in the administration, application, and direction of domestic rabbit grading and inspection programs and services pursuant to the regulations in this part.

(l) "Edible product" means any product other than live domestic rabbits.

(m) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(n) "Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing the act whereby the grader identifies, according to the regulations in this part, the graded product; and (3) any regrading or any appeal grading of a previously graded product.

(o) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(p) "Identify" means to apply official identification to products or to containers thereof.

(q) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(r) "Inspection," "inspection service" or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of domestic rabbits, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

(s) "Inspection certificate" means a statement either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(t) "Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(u) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(v) "National supervisor" means (1) the officer in charge of domestic rabbit inspection service of the Administration, (2) the officer in charge of domestic rabbit grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the domestic rabbit grading and inspection service of the Administration.

(w) "Office of grading" means the office of any grader.

(x) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was graded or inspected, or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

(y) "Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(z) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(aa) "Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

(bb) "Product" means ready-to-cook domestic rabbits and, with respect to grading service only, live domestic rabbits.

(cc) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(dd) "Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing or any cut-up or disjointed portion of such domestic rabbit.

(ee) "Regional supervisor" means any regional supervisor of the Administration in charge of domestic rabbit grading service or domestic rabbit inspection service in a designated geographical area.

(ff) "Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(gg) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(hh) "State supervisor" means any authorized and designated individual who is in charge of domestic rabbit grading service or domestic rabbit inspection service in a State. A State supervisor of domestic rabbit inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

(ii) "Station supervisor" means any authorized individual who is designated to supervise domestic rabbit grading service or domestic rabbit inspection service in a large official plant or in a group of several small plants.

ADMINISTRATION

§ 54.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

GENERAL

§ 54.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of services; and any one or more of the different services, applicable to official plants, may be rendered in an official plant.

(a) Grading of live domestic rabbits.

(b) Inspection of ready-to-cook domestic rabbits.

(c) Grading of ready-to-cook domestic rabbits.

(1) In an official plant.

(2) At terminal markets and other receiving points other than official plants.

§ 54.4 *Basis of service.* (a) Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

(b) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

(c) (1) Only domestic rabbits which are processed in official plants in accordance with the regulations in this part may be graded or inspected; and only domestic rabbits which are inspected pursuant to the regulations in this part or inspected and passed by any other official inspection system acceptable to the Administration may be graded.

(2) All domestic rabbits that are eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no uninspected edible products shall be brought into such official plant.

(d) All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, regional supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

§ 54.5 *Performance of services*—(a) *Licensed graders and inspectors.* (1) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(2) Any prospective grader, other than a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader. However, prior to granting of the license, he shall procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(3) All licenses issued by the Secretary shall be countersigned by the officer in charge of the domestic rabbit grading and inspection service of the Administration or any other designated official of such service.

(b) *Suspension of license or authority; revocation.* Pending final action by the Secretary, the aforesaid officer in charge of the domestic rabbit grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

(c) *Surrender of license.* Each license which is suspended or revoked, or has expired, shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader, the licensee shall promptly surrender his license to his immediate superior for cancellation.

(d) *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

(e) *Financial interest of inspectors and graders.* No inspector shall inspect and no grader shall grade any product in which he is financially interested.

(f) *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 54.6 *Applying for grading service or inspection service*—(a) *Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) *How application may be made.* (1) An application for inspection service shall be made in writing and filed with the Administrator.

(2) An application for grading service to be rendered in an official plant shall be made in writing and filed with the Administrator.

(3) An application for any grading service to be rendered other than in an official plant may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading, grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(4) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

(c) *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

(d) *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

(e) *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and the necessary facilities specified for the service. Appeals with respect to any such specification may be made to the national supervisor.

(2) *Drawings and specifications to be furnished.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, cardinal points of the compass, and the routes of edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the building or buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant, this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance, by the applicant, with the act or the regulations in this part, or (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

(g) *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(h) *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

(i) *Suspension of plant approval.* (1) Any plant approval given pursuant to the regulations may be suspended for (i) failure to maintain plant and equipment in a satisfactory state of repairs; (ii) the use of operating procedures which are not in accordance with the regulations; or (iii) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations.

(2) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

§ 54.7 *Fraud or misrepresentation.* Any wilful violation of the regulations in this part, the use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing, the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 54.8 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his official duties.

§ 54.9 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other applicable Federal, State, or municipal laws or regulations.

§ 54.10 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 54.11 *Identifying and marking products*—(a) *Approval of official identification.* (1) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(2) Any present supply of labels approved, pursuant to the applicable provisions of Part 70 of this chapter, prior to the effective time of the regulations in this part may continue to be used until such present supply is exhausted.

(b) *Products that may be individually grade marked; information required on grade mark.* Only ready-to-cook domestic rabbits which are of A Quality or B Quality may be individually identified with a grade mark. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade and class of the product it identifies and shall include one of the following phrases: "Federal-State Graded," or "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

(c) *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

(d) *Marking inspected products*—(1) *Wording and form of the inspection mark.* Except as otherwise authorized the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on

packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be.

(2) *Wording on labels.* Each trade label to be approved for use pursuant to this section with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(3) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to this section.

(4) *Use of approved labels.* Trade labels approved for use pursuant to this section shall be used only for the purpose for which approved.

§ 54.12 *Supervision of marking and packaging*—(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 54.11.

(b) *Affixing of official identification.* (1) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified, or graded, or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(2) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(i) The name of the inspected and certified edible products in the container;

(ii) The name and address of the packer or distributor of such product;

(iii) The net weight of the container;

(iv) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(v) The plant number of the official plant where the products were packed.

(c) *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 54.13 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 54.14 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.15 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so arranged so as to permit adequate determination of its class, quality, quantity, and condition as the circumstances may warrant.

§ 54.16 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, by the applicant of the hours when such grading or inspection is desired. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

§ 54.17 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

(a) *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of this section.

(b) *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

§ 54.18 *Fees and charges*—(a) *Payment of fees and charges.* (1) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of this section and, if so required by the Administrator, such fees and charges shall be paid in advance.

(2) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to subparagraph (3) of this paragraph, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(3) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

(b) *Grading service on a fee basis.* (1) Unless otherwise provided in this part the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in paragraph (d) of this section.

(2) In the event the aforesaid applicable rates specified in paragraph (d) of this section are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in paragraph (d) of this section, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.60 per hour for the time actually required.

(3) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed on a day other than on a holiday or non-work day.

(c) *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in paragraph (d) of this section for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(d) *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.50
For 501 to 1,500 pounds, inclusive	2.25
For 1,501 to 3,000 pounds, inclusive	3.00
For 3,001 to 6,000 pounds, inclusive	4.00
For 6,001 to 10,000 pounds, inclusive	6.00
For 10,001 to 20,000 pounds, inclusive	10.00
For each additional 10,000 pounds, or fraction thereof, in excess of $20,000 pounds	3.00

(e) *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.60 per hour for each inspector for the time actually required.

(f) *Fees for additional copies of grading certificates and inspection certificates.* Additional copies other than those provided for in § 54.27 and § 54.32 of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.00 for each set of five or fewer copies.

(g) *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

(h) *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in paragraph (c) of this section.

(i) *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

(j) *Disposition of fees for inspection made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in acordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 54.19 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 54.20 *Ante-mortem inspection.* Ante-mortem examination of domestic rabbits is required as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.21 *Evisceration.* No viscera or any part thereof shall be removed from any domestic rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook domestic rabbit.

§ 54.22 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 54.23 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 54.24 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 54.25 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 54.12 (b) (2) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 54.23.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 54.23.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 54.26 *Appeal inspection; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

§ 54.27 *Inspection certificates*—(a) *Forms of inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(1) Each domestic rabbit inspection certificate shall show the class or classes of domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(2) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(3) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

(b) *Issuance and disposition of domestic rabbits inspection certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a domestic rabbit inspection certificate with respect to any lot of dressed domestic rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of domestic rabbits, each such inspector shall sign the certificate with respect to such lot.

(2) The original of each inspection certificate, issued pursuant to this section, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.18.

(c) *Food product inspection certificates; issuance and disposition.* (1) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

(d) *Export certficates; issuance and disposition.* (1) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who re-

quested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

(e) *Advance information.* Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 54.28 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot.	*Containers in sample*
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	10
In excess of 100 containers	(2)

[1] All containers.

[2] 10 percent of the number of containers in the lot.

§ 54.29 *Live domestic rabbits.* Grading service performed with respect to any quantity of live domestic rabbits shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such domestic rabbits may be identified with official identification on a lot basis only.

§ 54.30 *Ready-to-cook domestic rabbits*—(a) *In an official plant.* Grading service performed in an official plant with respect to ready-to-cook domestic rabbits shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook domestic rabbits which have been inspected and certified, pursuant to the regulations in this part, or have been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook domestic rabbits which were graded on an individual carcass basis and are of A Quality or B Quality may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the respective carcass.

(3) If the ready-to-cook domestic rabbits are of C Quality only the bulk container of such ready-to-cook domestic rabbits may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to ready-to-cook domestic rabbits at terminal markets and other receiving points may be on a representative sample basis. Only such ready-to-cook domestic rabbits which were processed in an official plant and are graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook domestic rabbits which were inspected and certified and are marked with the inspection mark or in accordance with the provisions of § 54.12 (b) (2) may be graded.

§ 54.31 *Basis of acceptability of other official inspection systems*—(a) *General.* Any domestic rabbit inspection system may be deemed to be acceptable to the Administrator which (1) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook domestic rabbits are prepared and submitted for grading service; and (2) imposes at least the requirements set forth in paragraph (b) of this section: *Provided,* That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook domestic rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

(b) *Requirements as to manner of inspection.* (1) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(2) The inspection shall include postmortem examination of each domestic rabbit carcass during the evisceration operation.

(3) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

(c) *Determining compliance with paragraph (b) of this section.* A qualified veterinary supervisor of the domestic rabbit grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the postmortem examination and the compliance with the requirements contained in this section prior to approving the official plant for the grading of ready-to-cook domestic rabbits. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine that the requirements of this section are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

§ 54.32 *Grading certificates* — (a) *Forms.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

(b) *Issuance and disposition.* (1) Each grader shall issue a grading certificate covering each product graded.

(2) The original of each grading certificate, issued pursuant to this section, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.18 (f).

(c) *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

§ 54.33 *Application for regrading of a graded product; regrading certificates*—(a) *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

(b) *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 54.32 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 54.34 *Appeal grading*—(a) *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and

such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (1) with the Administrator, (2) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (3) with the immediate superior of such grader, or (4) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(c) *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

(d) *When an application for an appeal grading may be refused.* Notwithstanding the provisions of paragraph (a) of this section, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading, and such applicant shall be promptly notified of the reason for such refusal.

(e) *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(f) *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

(g) *Appeal grading by immediate superior.* Notwithstanding the provisions of this section, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(h) *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; but any such application may be given precedence pursuant to § 54.6.

(i) *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 54.32 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 54.35 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

§ 54.36 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* The provisions of this section shall apply with respect to grading service and inspection service in all official plants. The table set forth in this section indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

BUILDINGS AND PLANT FACILITIES

(a) *The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin*—(1) *Outside openings.* (i) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices, against the entrance of flies and other insects.

(ii) Outside doors, except in receiving rooms and live rabbit holding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

(b) *Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.* (1) The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(i) The receiving and feeding of live rabbits.

(ii) Killing and skinning operations.

(iii) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(iv) Inedible products departments.

(v) Refuse room.

(2) Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(3) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook domestic rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(4) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(5) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(6) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled and stored.

(7) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(8) Toilet rooms opening directly into rooms where domestic rabbit products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(c) *The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned*—(1) *Floors.* (i) All floors, except those which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(ii) All floors except those which are kept dry shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(2) *Ceilings and walls.* (i) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled, or stored shall have tiled, enameled, or other smooth surface impervious to moisture.

(ii) Cooler and freezer rooms shall have interior surfaces as are impervious to moisture and permit thorough cleaning.

(3) *Blood disposal.* (i) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(ii) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal catch basin or basins, of

sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(d) *There shall be an efficient drainage and plumbing system for the plant and premises.* (1) All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(2) *Sewage and plant wastes.* (i) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(ii) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(iii) In new construction toilet soil lines schall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(iv) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.

(v) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.

(vi) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(e) *The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution.* (1) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(2) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(3) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

(f) *Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.* (1) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all persons handling products.

(2) Sufficient metal containers shall be provided for used towels and other wastes.

(3) The water supply in all hand washing facilities serving areas where edible products are prepared shall be operated by other than hand operated controls or shall be of a continuous-flow type.

(4) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(5) Toilet facilities shall be provided according to the following formula:

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1]3
56 to 80, inclusive	[1]4
For each additional 30 persons in excess of 80	[1]1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

(g) *There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.* (1) All rooms in which domestic rabbits are killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(2) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

(h) *Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.* (1) Live rabbit holding pens shall be so constructed as to allow satisfactory ante-mortem examination and to permit proper cleaning.

(2) Metal refuse containers shall be provided; and such containers shall be kept covered.

(3) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(4) *Chilling vats.* Chilling vats or tanks used for chilling ready-to-cook domestic rabbits shall be made of metal or other hard-surfaced impervious material.

(5) *Grading and packing bins.* Where grading bins are used for ready-to-cook domestic rabbits they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook domestic rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(6) Except as otherwise provided herein, all equipment and utensils used in the killing, skinning, and the eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(7) *Conveyors.* (i) Conveyors used in the preparation of ready-to-cook domestic rabbits shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(ii) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of non-corrosive metal.

(iii) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(8) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(9) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(10) Water spray washing equipment shall be used for washing carcasses inside and out.

(11) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-to-cook domestic rabbits.

(12) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(13) Freezing rooms should be adequately equipped to freeze ready-to-cook domestic rabbits solid in less than 48 hours. Ready-to-cook domestic rabbits should be frozen at temperatures of −10° F. to −40° F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(14) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(15) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(i) *All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.*

(j) *Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.*

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

(k) *The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.*

(l) *Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.* (1) All blood, condemned rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(5) Floors in live rabbit holding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(6) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(7) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each days' operation.

(8) The floors in the killing and skinning room shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water and dirt.

(9) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(10) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(m) *Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.* (1) Pens shall be cleaned regularly and the manure removed from the plant daily.

(2) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(3) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(4) All crates or pens used for transporting live domestic rabbits to the plant shall be cleaned regularly.

(5) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(6) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(7) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction; and such trays shall be completely washed and sanitized after each use.

(8) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook domestic rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(9) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook domestic rabbits, shall be kept in a clean and sanitary condition.

(n) *Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.* (1) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(2) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(3) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(4) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(5) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(6) Mechanized packaging equipment shall be maintained in good sanitary condition.

(7) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(8) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(9) Protective coverings shall be used for product in the plant and it is distributed from the plant as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(10) Refuse may be moved directly to loading docks only for prompt removal.

(11) *Cleanliness and hygiene of personnel.* (i) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(ii) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(iii) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of edible products, or containers therefor, or edible products handling equipment.

(iv) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

(o) *Temperatures and procedures which are necessary for cooling and freezing of domestic rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice.*—(1) *Cooling.* Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.

(2) *Air chilling.* Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.

(3) *Freezing.* (i) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.

(ii) Frozen ready-to-cook rabbits should be stored at 0° F., or below, with temperatures maintained as constant as possible.

(4) Immediately after packaging, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

(p) *Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant.* (1) Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

(q) *No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.*

(r) *Table showing types of materials.*

Equipment, utensils, and facilities	Iron	Stainless steel and monel metal	Aluminum	Galvanized iron
Holding pens	A	A	A	A
Overhead conveyors	A	A	A	A
Conveyor track	A	A	------	A
Shackles	------	A	------	A
Shackle chain	A	A	------	A
Eviscerating pans	------	A	A	A
Inspection table	------	A	A	A
Inside and outside washer	------	A	A	A
Cooling tanks and racks	------	A	A	A
Utensils for handling edible products	------	A	A	A
Framework (of equipment)	A	------	------	------

Key: A—Acceptable.

§ 54.37 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 54.36 and such amended provisions shall be applicable to official plants.

SUBPART B—UNITED STATES STANDARDS FOR DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

§ 54.101 *U. S. Specifications for classes of ready-to-cook domestic rabbits.* For the purpose of this section, the classes of ready-to-cook domestic rabbits are fryer rabbits and roaster rabbits. The flesh of a fryer domestic rabbit is tender and fine-grained, and of a bright pearly white color. The flesh of a roaster domestic rabbit is more firm and coarse-grained; the muscle fiber is slightly darker in color and less tender than that of a fryer domestic rabbit; and the fat may be more creamy in color than that of a fryer domestic rabbit.

(a) *Fryer.* A fryer is a young domestic rabbit carcass weighing not less than 1½ pounds and rarely more than 3½ pounds; and processed from a rabbit usually less than 12 weeks of age.

(b) *Roaster.* A roaster is a mature or old domestic rabbit carcass of any weight but usually over 4 pounds; and processed from a rabbit over 12 weeks of age, usually 8 months old or older.

§ 54.102 *U. S. Specifications for standards of quality for individual ready-to-cook domestic rabbits.*—(a) *General.* Carcasses found to be unsound, unwhole-

some, or unfit for food shall not be included in any of the quality designations specified in this section.

(b) *Standards of quality*—(1) *A Quality.* To be of A Quality the carcass:

(i) Is short, thick, well-rounded, and full-fleshed.

(ii) Has a broad back, broad hips, and broad, deep fleshed shoulders, and firm muscle texture.

(iii) Has well-developed strips of fat extending from the neck part-way down the back, and some exterior fat well distributed over loins, shoulders, and back, and a plentiful amount of interior fat in the crotch and over the inner walls of the carcass, the kidneys being practically surrounded by thick layers of firm white fat.

(iv) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(vi) Is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(2) *B Quality.* To be of B Quality the carcass:

(i) Is short, thick, fairly well-rounded, and fairly well-fleshed.

(ii) Has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture.

(iii) Has fairly well developed strips of fat extending from the neck part-way down the back and some evidence of fat fairly well distributed over loins and shoulders; has interior fat that is fairly plentiful in the crotch and over the inner walls of the carcass; and has a considerable quantity of interior fat around the kidneys.

(iv) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(vi) Is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(3) *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass:

(i) May be long, rangy, and fairly well fleshed.

(ii) May have thin, narrow back and hips, and soft flabby muscle texture.

(iii) May show very little evidence of exterior fat.

(iv) May show very slight evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet.

(vi) May have moderate bruises of the flesh, moderate defects, and moderate deformities; have not more than one broken bone; and may have a small portion of the carcass removed because of serious bruises.

Issued at Washington, D. C., this 1st day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6509; Filed, June 4, 1951; 8:45 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

RULES AND UNITED STATES SPECIFICATIONS

On March 13, 1951, a notice of proposed issuance of regulations governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR, Part 70) was published in the FEDERAL REGISTER (16 F. R. 2350). The regulations hereinafter promulgated as Part 70 of the Code of Federal Regulations are pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), and will supersede the currently effective provisions of Part 70.

After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice, the rules and United States specifications hereinafter set forth are promulgated to become effective July 1, 1951. Unless these regulations become operative not later than July 1, 1951, some of the provisions (e. g., sanitary requirements) of the current regulations will be more restrictive on that date and so continue until the effective date of these regulations. In order to prevent the occurrence of a short interim period during which different requirements will be imposed with respect to the same operations, and to permit the continuous availability of service under uniform requirements, it is hereby found and determined that good cause exists for making these regulations effective prior to 30 days after publication in the FEDERAL REGISTER.

The principal differences in these regulations from the superseded regulations are provisions requiring, as a prerequisite to the grading of ready-to-cook poultry, some form of prescribed inspection for wholesomeness; clarification of some of the definitions and wording of the provisions; the conditions under which operations may be conducted in an official plant without inspection; modification of the sanitary requirements to the extent deemed practicable for the effective conduct of processing operations in a sanitary manner; the hourly rate for rendering grading and inspection service on an intermittent fee basis has been increased from $3.00 to $3.60 in order to cover the costs of rendering these services on this basis; and the deletion of reference to domestic rabbits within the regulations. The provisions of the regulations contained herein are slightly modified from those which were published in the Notice of Proposed Rule Making. The superseded provisions of Part 70 applicable to domestic rabbits are contained in Part 54 which will become effective at the same time as the regulations contained herein.

The rules and specifications are as follows:

SUBPART A—RULES GOVERNING THE GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

Sec.
70.1 Definitions.

ADMINISTRATION

70.2 Administration.

GENERAL

70.3 Grading and inspection services available.
70.4 Basis of service.
70.5 Performance of services.
70.6 Applying for service.
70.7 Fraud or misrepresentation.
70.8 Interfering with a grader or inspector.
70.9 Other applicable regulations.
70.10 Publications.
70.11 Identifying and marketing products.
70.12 Supervision of marking and packaging.
70.13 Retention labels.
70.14 Prerequisites to grading and inspection.
70.15 Accessibility of products.
70.16 Time of grading or inspection in an official plant.
70.17 Report of inspection work and grading work.
70.18 Fees and charges.

INSPECTION

70.19 Manner of handling products in an official plant.
70.20 Ante-mortem inspection.
70.21 Evisceration.
70.22 Carcasses held for further examination.
70.23 Condemnation and treatment of carcasses.
70.24 Certification of carcasses.
70.25 Reinspection of edible products.
70.26 Edible products for canning.
70.27 Products contaminated by polluted water; procedure for handling.
70.28 Preparation of animal food or similar uninspected articles in an official plant.
70.29 Appeal inspections; how made.
70.30 Inspection certificates.

GRADING

70.31 General.
70.32 Live poultry.
70.33 Dressed poultry and ready-to-cook poultry.
70.34 Basis of acceptability of other official inspection systems.
70.35 Grading certificates.
70.36 Application for regrading of a graded product; regrading certificates.
70.37 Appeal grading.
70.38 Superseded certificates.

SANITARY REQUIREMENTS

70.39 Minimum standards for sanitation, facilities, and operating procedures in official plants.
70.40 Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.

SUBPART B—UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES OF POULTRY AND EDIBLE PRODUCTS THEREOF

Sec.
70.101 United States specifications for kinds and classes of live poultry, dressed poultry, and ready-to-cook poultry.
70.102 United States specifications for standards of quality for live poultry on an individual bird basis.
70.103 United States specifications for standards of grades for live poultry.
70.104 United States specifications for standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry.
70.105 United States specifications for standards of grades for dressed poultry and ready-to-cook poultry.

AUTHORITY: §§ 70.1 to 70.105 issued under sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624.

SUBPART A—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

§ 70.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

* * * to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality products which they desire. * * *

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

* * * Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered, * * *

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, * * *

(b) "Acceptable" means suitable for the purpose intended and acceptable to the Administration.

(c) "Administration" means the Production and Marketing Administration of the Department.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(e) "Applicant" means any interested party who requests any inspection service or grading service.

(f) "Carcass" means any poultry carcass.

(g) "Circuit supervisor" means the officer in charge of the poultry inspection service in a circuit consisting of a group of stations within an area.

(h) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or between species.

(i) "Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to, the processing, handling, or packaging which affects such product.

(j) "Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

(k) "Department" means the United States Department of Agriculture.

(l) "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

(m) "Edible poultry byproduct" means any giblets or any edible part of dressed poultry other than eviscerated poultry.

(n) "Edible product" means any product other than live poultry and dressed poultry.

(o) "Food product containing poultry product" means any article of food for human consumption which is prepared in part from any edible portion of dressed poultry or from any product derived wholly from such edible portion, if such edible portion or product does not comprise a substantial portion of such article of food.

(p) "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

(q) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(r) "Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing, the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to an official plant, the act whereby a grader determines that the products in such plant are processed, handled, and packaged in accordance with § 70.39 of the regulations in this part; and (4) any regrading or any appeal grading of a previously graded product.

(s) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(t) "Identify" means to apply official identification to products or the containers thereof.

(u) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(v) "Inspected," "inspection service," or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with regulations in this part, (1) the condition and wholesomeness of dressed poultry, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the terms "inspection" and "inspection service" shall each mean any inspection by an inspector to determine, in accordance with the regulations in this part, the condition of dressed poultry as it applies to the processing, handling or packaging of such product.

(w) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(x) "Inspector" means any person who is licensed by the Secretary to investigate and certify in accordance with the regulations in this part, the condition and wholesomeness of products or the condition of dressed poultry. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(y) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(z) "National supervisor" means (1) the officer in charge of the poultry inspection service of the Administration, (2) the officer in charge of the poultry

grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection and grading service of the Administration.

(aa) "Office of grading" means the office of any grader.

(bb) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was inspected or graded or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

(cc) "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(dd) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(ee) "Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

(ff) "Poultry" means any kind of domesticated bird, including, but not being limited to, chickens, turkeys, ducks, geese, pigeons, and guineas.

(gg) "Poultry food product" means any article of human food or any article intended for or capable of being so used which is prepared or derived in whole or in substantial part, from any edible portion of dressed poultry.

(hh) "Poultry grading and inspection service" means the personnel who are actively engaged in the administration, application, and direction of poultry grading and inspection programs and services pursuant to the regulations in this part.

(ii) "Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry byproduct; (4) poultry food product; and (5) with respect to grading service only, live poultry.

(jj) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(kk) "Ready-to-cook poultry" means any dressed poultry from which the pinfeathers, vestigial feathers (hair or down as the case may be) head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed and with or without the giblets, is ready-to-cook without need of further processing; or any cut-up or disjointed portion of such poultry.

(ll) "Regional supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical area.

(mm) "Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(nn) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated, the authority to act in his stead.

(oo) "Soundness" means freedom from external evidence of any disease or condition which may render a carcass unfit for food.

(pp) "State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor of poultry inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

(qq) "Station supervisor" means any authorized individual who is designated to supervise the poultry grading service or the poultry inspection service in a large official plant or in a group of several smaller plants.

ADMINISTRATION

§ 70.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

GENERAL

§ 70.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of service; and any one or more of the different services, applicable to official plants, may be rendered in an official plant.

(a) *Grading of live poultry.*

(b) *Certification of dressed poultry produced under sanitary requirements; in official plants.*

(c) *Grading of dressed poultry.* (i) In an official plant.

(ii) At terminal markets and other receiving points other than official plants.

(d) *Inspection of dressed poultry in official plants for processing as ready-to-cook poultry.*

(e) *Grading of ready-to-cook poultry.* (i) In an official plant.

(ii) At terminal markets and receiving points other than official plants.

(f) *Inspection service in official canning plants.*

§ 70.4 *Basis of service.* (a) Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness but, with respect to dressed poultry, as such, the inspection may be for condition only.

(b) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

(c) Continuous grading service in an official plant other than the service provided in § 70.3 (b) may be rendered only when a majority of the graders' time each month is utilized in performing grading for quality on the basis of the United States standards set forth in Subpart B of the regulations in this part.

(d) All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, circuit supervisor, regional supervisor, and national supervisor. Such services shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

(e) *Dressed poultry to be eligible for grading or inspection service shall have been processed in official plants.* Except as may be approved by the Administrator for a specified limited period with respect to dressed poultry which is to be inspected for canning, and except with respect to dressed poultry which is owned by the applicant prior to the effective date of these regulations, only dressed poultry which was processed in an official plant in accordance with the regulations in this part may be graded or inspected. Dressed poultry from other than official plants may be brought into an official plant only in instances where the Administration can determine that such dressed poultry will be adequately segregated and its form and identity maintained until it is shipped from the official plant.

(f) *Inspection in official plants; extent required.* All dressed poultry that is eviscerated in an official plant where inspection service is maintained shall be processed in a sanitary manner; and no uninspected edible products may be brought into such plant. Dressed poultry may be eviscerated in such plants without inspection for condition and wholesomeness but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate and effective segregation of inspected and uninspected products can be maintained; and evisceration without inspection may be conducted only if an inspector or a governmentally employed grader is on duty at all times when plant operations are carried on for the purpose of (1) effecting adequate segregation of inspected and uninspected products, (2) control of official inspection marks and grade marks, and (3) supervision of the sanitation in the official plant.

(g) *Certification of dressed poultry produced under sanitary requirements.* With respect to any official plant, dressed poultry, as such, may be certified by a grader as having been processed, handled and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. However, in official plants which have available the services of an inspector who is authorized to inspect for condition and wholesomeness, such inspector is also authorized to certify dressed poultry, as such, as having been processed, handled, and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. The bulk containers of such dressed poultry which has been certified, as aforesaid, shall be marked for identification purposes and appropriate grading or inspection processing reports shall be issued with respect thereto as required by the regulations in this part. In an official plant where this kind of service is rendered all of the poultry that is processed in such official plant as dressed poultry shall be prepared in accordance with the regulations in this part and under the supervision of a grader or inspector.

§ 70.5 *Performance of services—(a) Licensed graders and inspectors.* (1) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(2) Any prospective grader, other than a Federal or State employee possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader. However, prior to granting of the license, he shall procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(3) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration or any other designated official of such service.

(b) *Suspension of license or authority; revocation.* Pending final action by the Secretary, the officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

(c) *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the licensee shall promptly surrender his license to his immediate superior.

(d) *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

(e) *Financial interest of inspectors and graders.* No inspector shall inspect and no grader shall grade for quality any product in which he is financially interested.

(f) *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 70.6 *Applying for grading service or inspection service—(a) Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) *How application may be made.* (1) An application for inspection service must be made in writing and filed with the Administrator.

(2) An application for grading service to be rendered in an official plant must be made in writing and filed with the Administrator.

(3) An application for any grading service to be rendered other than in an official plant may be made in any office of grading, or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(4) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

(c) *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

(d) *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

(e) *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, the regional supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional or necessary facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(2) *Drawings and specifications to be furnished in advance of construction or alterations.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, cardinal points of the compass, and the routes of dressed poultry, and edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are em-

ployed to effect adequate sanitary conditions in the plant.

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance, by the applicant, with the act or the regulations in this part, or (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

(g) *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Administration in connection with such application.

(h) *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

(i) *Suspension of plant approval.* Any plant approval given pursuant to the regulations may be suspended for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations.

During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

§ 70.7 *Fraud or misrepresentation.* Any willful violation of the regulations in this part, the use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any willful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 70.8 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his duties.

§ 70.9 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

§ 70.10 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 70.11 *Identifying and marking products—*(a) *Approval of official identification.* (1) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly on the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(b) *Products that may be individually grade marked; information required on grade mark.* Only the following products may be individually identified with a grade mark if the respective product is of A Quality or B Quality: Dressed poultry, and ready-to-cook poultry. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade of the product which it identifies, and shall indicate whether the bird is "young" or "mature" or "old," and shall include one of the following phrases: "Federal-State Graded," "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

(c) *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

(d) *Marking inspected products—*(1) *Wording and form of the inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be, excepting that on shipping containers and containers for institutional packs the inspection mark may be stenciled on the container and when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp.

(2) *Wording on labels.* Each trade label to be approved for use pursuant to this section with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and, in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(3) *Formulas required.* Copies of each trade label submitted for approval pursuant to this section shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(4) *Wording permitted on food products containing poultry products.* Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official plant may bear the phrase: "The poultry product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of this section.

(5) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to this section.

(6) *Use of approved labels.* Trade labels approved for use pursuant to this section shall be used only for the purpose for which approved.

(e) *Marking dressed poultry which was certified as having been produced under sanitary requirements.* The Administrator is authorized to prescribe and approve the manner in which dressed poultry which was processed in accordance with minimum standards for sanitation, facilities, and operating procedures in official plants may be marked for identification purposes.

§ 70.12 *Supervision of marking and packaging—*(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 70.11.

(b) *Affixing of official identification.* (1) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified or graded or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(2) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(i) The name of the inspected and certified edible products in the container;

(ii) The name and address of the packer or distributor of such product;

(iii) The net weight of the container;

(iv) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(v) The plant number of the official plant where the products were packed.

(c) *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 70.13 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 70.14 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.15 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so placed as to disclose fully its class, quality, quantity, and conditions as the circumstances may warrant.

§ 70.16 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, of the hours when such grading or inspection will be required. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

§ 70.17 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

(a) *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of this section.

(b) *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

§ 70.18 *Fees and charges—*(a) *Payment of fees and charges.* (1) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of this section and, if so required by the Administrator, such fees and charges shall be paid in advance.

(2) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to subparagraph (3) of this paragraph, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(3) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

(b) *Grading service on a fee basis.* (1) Unless otherwise provided the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in paragraph (d) of this section.

(2) In the event the aforesaid applicable rates specified in paragraph (d) of this section are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in paragraph (d) of this section, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.60 per hour for the time actually required.

(3) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed on a day other than a holiday or non-work day.

(c) *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in paragraph (d) of this section for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(d) *Poultry grading fees.* For each grading of any lot of poultry, whether live, dressed, or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.50
For 501 to 1,500 pounds, inclusive	2.25
For 1,501 to 3,000 pounds, inclusive	3.00
For 3,001 to 6,000 pounds, inclusive	4.00
For 6,001 to 10,000 pounds, inclusive	6.00
For 10,001 to 20,000 pounds, inclusive	10.00
For each additional 10,000 pounds or fraction thereof, in excess of 20,000 pounds	3.00

(e) *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.60 per hour for each inspector for the time actually required.

(f) *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in § 70.30 and § 70.35, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of $1.00 for each set of five or fewer copies.

(g) *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

(h) *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, a charge of $5.00 shall be made in addition to the applicable rates specified in paragraph (d) of this section.

(i) *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in paragraph (c) of this section.

(j) *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

(k) *Disposition of fees for inspections made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 70.19 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 70.20 *Ante-mortem inspection.* Ante-mortem examination of poultry may be required by the Administrator as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.21 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector: *Provided,* That the Administrator may, whenever he deems it advisable and under such conditions as he may prescribe, authorize the removal from such carcass or parts as aforesaid, of any part thereof prior to such inspection if such part will not be used in the preparation of any edible product.

§ 70.22 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 70.23 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment; under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 70.24 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 70.25 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 70.12 (b) (2) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 70.23.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 70.23.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 70.26 *Edible products for canning.* Only inspected and certified edible products may be canned in an official plant; and such edible products shall be processed and handled in compliance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F. prior to filling with edible products; and precaution shall be taken to avoid any subsequent soiling of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (c) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees of all containers to ascertain whether such containers are perfectly sealed. The edible products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided,* That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the edible products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.

(d) After heat processing, any containers of edible products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Edible products may, when authorized by the national supervisor, and under such conditions as he may prescribe or approve, be canned without steam-pressure cooking, and such products shall be labeled "Perishable, keep under refrigeration."

(f) Each lot of canned edible products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned edible products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned edible products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned edible products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the office of the inspector in charge.

§ 70.27 *Products contaminated by polluted water; procedure for handling.* (a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1 percent of available chlorine (5,000 parts per million), or other disinfectant approved by the national supervisor, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Paper labels, if any, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the national supervisor, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The edible products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible products therein.

(5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 70.28 *Preparation of animal food or similar uninspected articles in an official plant.* (a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official plant where edible products are prepared or handled (such room or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted, and adequate equipment provided, so, that the preparation of the article in no way interferes with the preparation or handling of the edible products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official plant operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the national supervisor, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to, animal food) that will not be prepared for use as human food, is prepared in any part of an official plant other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Edible products and inedible products may be brought from any edible products department into any inedible products department, but no edible product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the national supervisor. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the national supervisor may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of edible products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of edible products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by an inspector.

(c) The immediate container of any such article that is prepared in an official plant shall be conspicuously labeled so as to distinguish it from human food.

§ 70.29 *Appeal inspections; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

§ 70.30 *Inspection certificates—(a) Forms of inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(1) Each dressed poultry inspection certificate shall show the class or classes

of poultry, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(2) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(3) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

(b) *Issuance and disposition of dressed poultry inspection certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a dressed poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot.

(2) The original of each inspection certificate, issued pursuant to this section, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

(c) *Food product inspection certificates; issuance and disposition.* (1) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

(d) *Export certificates; issuance and disposition.* (1) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

(e) *Advance information.* Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 70.31 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot:	*Containers in sample*
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	10
In excess of 100 containers	(2)

[1] All containers.
[2] Ten percent of the number of containers in the lot.

§ 70.32 *Live poultry.* Grading service performed with respect to any quantity of live poultry shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such poultry may be identified with official identification on a lot basis only.

§ 70.33 *Dressed poultry and ready-to-cook poultry*—(a) *In an official plant.* Grading service performed in an official plant with respect to dressed poultry or ready-to-cook poultry shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook poultry which has been inspected and certified, pursuant to the regulations in this part, or has been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such dressed poultry or ready-to-cook poultry which has been graded, on an individual carcass basis, as A Quality or B Quality may be individually identified with the appropriate grade mark, and any container of such dressed poultry or ready-to-cook poultry may also be so identified. The grading of ready-to-cook poultry shall be performed prior to the disjointing or cutting up of the respective carcass.

(3) If the dressed poultry or ready-to-cook poultry is of C Quality only the bulk container of such dressed poultry or ready-to-cook poultry may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets and other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant and is graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.12 (b) (2) may be graded.

§ 70.34 *Basis of acceptability of other official inspection systems*—(a) *General.* Any poultry inspection system may be deemed to be acceptable to the Administrator which (1) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook poultry is prepared and submitted for grading service; and (2) imposes at least the requirements set forth in paragraph (b) of this section: *Provided,* That no such inspection system shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook poultry is prepared if he finds at any time that such requirements are not adequately enforced.

(b) *Requirements as to manner of inspection.* (1) The inspection shall be made by a State, county or city inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(2) The inspection shall include postmortem examination of each poultry carcass during the evisceration operation.

(3) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

(c) *Determining compliance with paragraph (b) of this section.* A qualified veterinary supervisor of the poultry grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in this section prior to approving the official plant for the grading of ready-to-cook poultry. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine whether the requirements of this section are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

§ 70.35 *Grading certificates*—(a) *Forms.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

(b) *Issuance and disposition.* (1) Each grader shall issue a grading certificate covering each product graded.

(2) The original of each grading certificate, issued pursuant to this section, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading which serves the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

(c) *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

§ 70.36 *Application for regrading of a graded product; regrading certificates*—(a) *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

(b) *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 70.35 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 70.37 *Appeal grading*—(a) *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading or regrading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (1) with the Administrator, (2) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (3) with the immediate superior of such grader, or (4) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(c) *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

(d) *When an application for an appeal grading may be refused.* Notwithstanding the provisions of paragraph (a) of this section, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

(e) *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(f) *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practicable, such appeal grading shall be conducted jointly by two such graders.

(g) *Appeal grading by immediate superior.* Notwithstanding the provisions of this section, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(h) *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 70.6.

(i) *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 70.35 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 70.38 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

§ 70.39 *Minimum standards for sanitation, facilities, and operating procedures, in official plants.* Except as otherwise provided in this part the provisions of this section shall apply with respect to grading service and inspection service in all official plants other than with respect to the grading of live poultry. The table set forth in this section indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

BUILDINGS AND PLANT FACILITIES

(a) *The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin*—(1) *Outside openings.* (i) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and feeding rooms shall be protected by properly fitted screens or other suitable devices, against the entrance of flies and other insects.

(ii) Outside doors, except in receiving rooms and feeding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

(b) *Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.*

(1) The official plant should have separate rooms for each of the following opera-

tions depending upon the various types of operations conducted; but in no case shall the receiving or feeding of live poultry or killing operations be permitted in rooms in which eviscerating operations are performed:

(i) The receiving and feeding of live poultry.

(ii) Killing, scalding, and roughing operations.

(iii) Pinning, finishing, and chilling and packing operations for dressed poultry.

(iv) Evisceration operations. Final pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Opening in walls for conveyor lines are permissible.

(v) Inedible products departments.

(vi) Refuse rooms. Separate refuse room, or other equally adequate facilities, shall be required in eviscerating plants and in other plants where accumulations of refuse occur.

(2) Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the plant may require. These rooms and compartments shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(3) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of dressed poultry and ready-to-cook poultry prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(4) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, shall have tight fitting doors and be properly ventilated.

(5) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(6) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry or edible products are prepared, processed, handled, and stored.

(7) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(8) Toilet rooms opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(c) *The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned—*

(1) *Floors.* (i) All floors, except those in receiving rooms and feeding rooms and floors which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(ii) The floors in killing, ice-cooling, ice-packing, and eviscerating rooms shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(iii) In new construction the junction of the wall with the floor shall be coved on a radius of not less than 2 inches and the window ledges shall be set at an angle of approximately 45°, and all upper horizontal surfaces shall be kept to a minimum.

(2) *Ceilings and walls.* (i) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled or stored shall have tiled, enameled, or other smooth surface impervious to moisture.

(ii) Cooler and freezer rooms shall have interior surfaces impervious to moisture so as to permit thorough cleaning.

(3) *Blood disposal.* (i) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(ii) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(d) *There shall be an efficient draining and plumbing system for the plant and premises.*

(1) All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(2) *Sewerage and plant wastes.* (i) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent stoppage and surcharging of the system.

(ii) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such traps shall have inclined bottoms and be provided with suitable covers.

(iii) In new construction, toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(iv) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewerage from backing up and from flooding the floor.

(v) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to the outside air.

(vi) In new construction, valley or gutter drains shall have concave bottoms or the junctions of the sides and the bottoms shall be coved.

(vii) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(e) *The water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the plant, and its protection against contamination and pollution.*

(1) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(2) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(3) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

(f) *Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.* (1) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(2) Sufficient metal containers shall be provided for used towels and other wastes.

(3) The water supply in all hand washing facilities serving areas where dressed poultry and edible products are prepared shall be operated by other than hand operated controls or shall be of a continuous-flow type.

(4) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(5) Toilet facilities shall be provided according to the following formula.

Persons of same sex:	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1]3
56 to 80, inclusive	[1]4
For each additional 30 persons in excess of 80	[1]1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

(g) *There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.* (1) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(2) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

(h) *Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.* (1) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(2) Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal shall be replaced with metal batteries whenever replacement becomes necessary.

(3) Metal refuse containers with covers shall be provided; and such containers shall be kept covered.

(4) *Scalding equipment.* (i) Scalding equipment, tank or spray type, shall be made of metal and have smooth surfaces, and be of such construction as to permit proper and complete washing and cleaning.

(ii) The scalding tanks, when used, shall be so constructed as to prevent contamination of potable water lines and to permit water to enter continuously at the rate of ¼ gallon per bird per minute and to flow out through an overflow.

(iii) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(iv) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.

(5) *Mechanical pickers.* When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(6) *Wax finishing.* (i) When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(7) *Ice chilling vats.* (i) Chilling vats or tanks used for chilling dressed poultry should be, and all replacements thereof and all chilling vats or tanks used for chilling ready-to-cook poultry shall be, made of metal or other hard-surfaced impervious material.

(ii) Ice shovels shall be smooth surfaced and made of metal.

(8) *Grading and packing bins.* Where grading bins are used for poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(9) Except as otherwise provided herein, all equipment and utensils used in the killing, roughing, pinning, chilling and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(10) *Conveyors.* (i) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate, and efficient inspection.

(ii) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of non-corrosive metal.

(iii) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(iv) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(11) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(12) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(13) Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(14) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(15) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(16) Freezing rooms should be adequately equipped to freeze ready-to-cook poultry solid in less than 60 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.

(17) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(18) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such numbers and in such locations as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(i) *All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.* (1) *Mechanical pickers.* When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

(j) Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

(k) The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

(1) *Rooms, compartments, or other parts of the official plant in which products are handled and kept shall be kept clean and in sanitary condition.* (1) All feathers, blood, offal, birds or parts of birds too severely damaged to be salvaged, and all discarded containers and other materials shall be completely disposed of daily.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) Live poultry receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning.

(5) Floors in feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(6) The killing, roughing, and pinning room shall be kept clean and free from offensive odors at all times.

(7) The walls, floors, and all equipment and utensils used in the killing, roughing and pinning room shall be thoroughly cleaned after each day's operation.

(8) The floors in the killing, roughing, and pinning room shall be cleaned frequently during roughing and finishing operations and be kept reasonably free from accumulated blood, feathers, manure, water, and dirt.

(9) All equipment in the toilet and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(10) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(m) *Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.* (1) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(2) The feed mixer shall be cleaned daily.

(3) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.

(4) Ice shovels shall be kept clean, free of corrosion, and shall be stored off the floor.

(5) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(6) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(7) Chilling vats or tanks shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(8) *Thawing.* When frozen or chilled poultry is to be eviscerated, adequate tanks or vats shall be provided with running tap water or air-circulated water for thawing such poultry. Such poultry shall not be thawed in still water and the water used for thawing shall be changed after each lot of poultry is thawed. If water is heated it shall not be heated above 70° F. The tanks or vats shall be equipped with properly installed overflow pipes to discharge the water over floor drains or a valley drain. Where mechanical devices are not used for removing thawed carcasses, from the tanks or vats, the tanks or vats, as the case may be, shall be of such size as to enable employees to remove poultry without getting inside the tanks or vats.

(9) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(10) When a conveyor tray operation is used, such trays shall be of metal of seamless construction and shall be completely washed and sanitized after each use.

(11) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(12) Drums, cans, tanks, vats, and other receptacles used to hold or transport dressed poultry, or eviscerated poultry, shall be kept in a clean and sanitary condition.

(n) *Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.*

(1) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(2) The pinning and finishing operations shall be performed in a part of the room that is away from the killing and roughing operations.

(3) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(4) In finishing and cleaning dressed poultry, feed shall be removed from the crop and the fecal material in the cloaca shall be removed by venting and such operations shall be completed prior to or during the final washing, and prior to chilling, and packaging of dressed poultry.

(5) The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.

(6) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(7) *Grading and packaging.* Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling, and packing room; however, such poultry shall be graded and packed in an area of the room which is well isolated from the killing and roughing operation.

(8) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(9) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(10) Mechanized packaging equipment shall be maintained in good sanitary condition.

(11) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(12) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(13) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(14) Refuse may be moved directly to loading docks only for prompt removal.

(15) *Cleanliness and hygiene of personnel.* (i) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(ii) Hands of employees handling dressed poultry or edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(iii) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(iv) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

(o) *Temperatures and procedures which are necessary for cooling and freezing of poultry in accordance with sound commercial practice shall be maintained in the coolers and freezers, and ice chilling temperatures and procedures shall also be in accordance with sound commercial practice*—(1) *Ice chilling.* (i) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(ii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Any dressed poultry carcass weighing less than 8 pounds shall not be permitted to remain in a chilling vat or tank for longer than six hours unless the water is drained. Any dressed poultry carcass weighing 8 pounds or more shall not be permitted to remain in a chilling vat or tank for longer than eight hours unless the water is drained. Any such poultry carcass, however, shall not be allowed to remain in a chilling vat or tank after the internal temperature of the carcass has been lowered to 36° F. unless the water is drained.

(2) *Air chilling.* In air chilling, dressed poultry shall be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movements and a temperature which will reduce the internal temperature of the carcass to from 36° F. to 40° F., both inclusive, within 24 hours.

(3) *Freezing.* (i) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions, are −10° F. with circulated air and −20° F. with still air; however, freezing temperatures of −20° F. to −40° F. are desirable).

(ii) Frozen dressed poultry should be stored at 0° F. or below, with temperature maintained as constant as possible.

(4) Immediately after packaging, all dressed poultry and ready-to-cook poultry, other than that which is ice-packed or shipped from the plant in a refrigerated carrier, should be moved into the freezer; except, that a period not exceeding 72 hours shall be permited for transportation and temporary holding before placing in the freezer provided such poultry is held at not above 36° F. The provisions in subparagraphs 1 and 3 of this paragraph, shall be applicable to ready-to-cook poultry.

(5) When poultry is packed in ice in barrels or other containers the barrels and containers shall be covered and shall have an adequate number of drain holes to permit water to drain out.

(p) *Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant.* (1) Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled and stored.

(q) *No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.*

(r) *Table showing types of materials.*

Equipment, utensils, and facilities	Iron	Rubber	Composition	Stainless steel and monel metal	Aluminum	Galvanized iron	Copper and brass	Porcelain or glass	Tile
Batteries				A	A	A			
Overhead conveyors	A			A		A			
Conveyor track	A			A		A			
Shackle chain				A		A			
Shackles				A		A			
Blood trough	A		A	A	A	A			
Scalding vat	A			A		A			
Mechanical pickers	A	A		A	A	A			
Mechanical scrubber	A	A		A	A	A			
Wax dipping tank	A			A		A			
Trough for catching wax	A			A	A	A			
Water-spray cooling chamber				A	A	A			
Opening trough				A	A	A			
Eviscerating pans				A	A	A			
Inspection table (those parts which come in contact with product)				A	A	A			
Eviscerating trough				A	A	A			
Framework (of equipment)	A			A		A			
Inside and outside washer		A		A	A	A			A
Gizzard, heart, and liver trimming tables				A	A	A			
Defrosting trucks				A	A	A			
Defrosting tanks			A	A	A	A			A
Cooling racks				A	A				
Tanks or vats and other equipment used for cooling products			A	A	A	A			
Above-the-floor grease traps				A	A	A			
Utensils for handling edible products				A	A	A			
Boning and cooling tables, cutting surfaces				A	A	A			
Cooking kettles	A			A	A	A	A		

§ 70.40 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 70.39; and such amended provisions shall be applicable to official plants.

SUBPART B—UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES OF POULTRY AND EDIBLE PRODUCTS THEREOF

§ 70.101 *United States specifications for kinds and classes of live poultry, dressed poultry, and ready-to-cook poultry.* The specifications contained in this section apply to live poultry, dressed poultry, and individual carcasses of ready-to-cook poultry, in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

(a) *Chickens.* For the purpose of this section, the following classes of chickens are specified:

(1) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(2) *Roaster.* A roaster is a young chicken (usually under 8 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(3) *Capon.* A capon is an unsexed male chicken (usually under 10 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(4) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(5) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(6) *Cock or old rooster.* A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

(b) *Turkeys.* For the purpose of this section, the following classes of turkeys are specified:

(1) *Fryer.* A fryer is a young turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(2) *Young hen turkey.* A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(3) *Young tom turkey.* A young tom turkey is a young male turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(4) *Mature hen turkey or old hen turkey.* A mature hen turkey or old hen turkey is a mature female turkey (usually over 10 months of age) with toughened flesh and hardened breastbone that may have coarse or dry skin and patchy areas of surface fat.

(5) *Mature tom turkey or old tom turkey.* A mature tom turkey or old tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

(c) *Ducks.* For the purpose of this section the following classes of ducks are specified:

(1) *Broiler duckling or fryer duckling.* A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age) of either sex, that is tender-meated and has a soft bill and soft windpipe.

(2) *Roasting duckling.* A young roasting duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(3) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(d) *Geese.* For the purpose of this section, the following classes of geese are specified:

(1) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(2) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(e) *Guineas.* For the purpose of this section, the following classes of guineas are specified:

(1) *Young guinea.* A young guinea may be of either sex and is tender-meated.

(2) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex and has toughened flesh.

(f) *Pigeons.* For the purpose of this section, the following classes of pigeons are specified:

(1) *Squab.* A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(2) *Pigeon.* A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

§ 70.102 *United States specifications for standards of quality for live poultry on an individual bird basis*—(a) *General.* (1) The United States specifications for standards of quality for individual live birds contained in this section are applicable only to poultry of the kinds and classes set forth in § 70.101.

(2) Birds showing evidence of any disease or other condition which may render then unwholesome or unfit for human food shall not be included in any of the quality designations specified in this section.

(3) The following factors are considered in ascertaining the quality of an individual bird: (i) Health and vigor; (ii) feathering; (iii) conformation; (iv) fleshing; (v) fat covering; and (vi) the degree of freedom from defects.

(b) *Standards of quality*—(1) *A Quality or No. 1 Quality.* To be of A Quality or No. 1 Quality the live bird:

(i) Is alert, has bright eyes, and is of good health and vigor.

(ii) Is well feathered, with feathers showing luster or sheen and quite thoroughly covering all parts of the body; however, there may be a slight scattering of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The bird may also have a slightly curved back. There may be a dent in the breastbone which does not exceed ⅛ inch in depth except that for turkeys the depth does not exceed ¼ inch.

(iv) Has a well developed, moderately broad and long breast that is well-fleshed throughout its entire length; and the thighs and back are well covered with flesh according to the age and sex of the bird.

(v) Has the breast, back, hips, and pin bones well covered with fat, except that a fryer (whether chicken or turkey) and a young tom turkey may have only a moderate amount of fat covering these parts, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(vi) Is free from tears and broken bones; however, it may have slight scratches, slight skin bruises, and slight callouses (i. e., slightly thickened, hardened, and darkened areas of skin over the breastbone), if these conditions do not materially affect the appearance of the bird, especially the breast. It may also have slightly scaly shanks.

(2) *B Quality or No. 2 Quality.* To be of B Quality or No. 2 Quality the live bird:

(i) Is of good health and vigor.

(ii) Is fairly well feathered (i. e., some feathers may be lacking on some parts of the body); however, there may be a moderate number of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly crooked breastbone which does not seriously interfere with the normal distribution of the flesh. It may also have a moderately crooked back and slightly misshapen legs and wings.

(iv) Is fairly well fleshed in relation to length and depth of body, with all parts fairly well covered with flesh according to the age and sex of the bird.

(v) Has sufficient coverage of fat on breast and legs to prevent a distinct appearance of the flesh through the skin; however, a hen, stewing chicken, or fowl may have excessive abdominal fat.

(vi) Is free from tears, broken bones, severe breast blisters, heavy callouses (i. e., thickened, hardened, and darkened areas of skin over the breastbone) and seriously scaly shanks; however, it may have moderate skin bruises and slight flesh bruises.

(3) *C Quality or No. 3 Quality.* A live bird that does not meet the requirements of B Quality or No. 2 Quality may be of C Quality or No. 3 Quality and such bird may:

(i) Be lacking in vigor.

(ii) Have a large number of pinfeathers over all parts of its body and complete lack of plumage feathers on the back.

(iii) Have definite deformities (including, but not being limited to, a crooked breastbone, hunchback, and slight crippling).

(iv) Have a poorly developed, narrow breast and thin covering of flesh over all parts of its body.

(v) Have only a small amount of fat in the feather tracts and is completely lacking in fat on back and thighs; and

(vi) Have skin bruises, small or moderate flesh bruises, and severe breast blisters; however, it has no broken bones.

The term "Reject" is not a standard of quality within the purview of this section; however, such term may be used with respect to an individual live bird to indicate that it is affected by, or shows evidence of, any disease or condition (including, but not being limited to, large flesh bruises, severe discolorations, severe injury, and emaciation) which may render the bird unfit for human food.

§ 70.103 *United States specifications for standards of grades for live poultry*—(a) *General.* (1) The United States specifications for standards of grades for live poultry contained in this section are applicable to live poultry of the kinds and classes set forth in § 70.101 and are based upon United States specifications

for standards of quality as set forth in § 70.102.

(2) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the grade designations specified in this section.

(3) All terms in the United States specifications for standards of quality, as set forth in § 70.102, shall, when used in this section, have the same meaning as when used in the specifications.

(b) *Specifications for grades*—(1) *U. S. Grade A or U. S. No. 1.* Any lot of live poultry may be designated as U. S. Grade A or U. S. No. 1 if at least 90 percent, by count, of the birds are of A Quality or No. 1 Quality and the remainder are of B Quality or No. 2 Quality. When more than one container comprises the lot, no container shall have more birds of B Quality or No. 2 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of B quality or No. 2 quality birds
U. S. Grade A or U. S. No. 1	Less than 10	1 bird.
	10 to 15, inclusive	2 birds.
	16 to 20, inclusive	3 birds.
	21 to 25, inclusive	4 birds.
	26 or more	5 birds.

(2) *U. S. Grade B or U. S. No. 2.* Any lot of live poultry may be designated as U. S. Grade B or U. S. No. 2 if at least 90 percent, by count, of the birds are of B Quality or No. 2 Quality, or better, and the remainder are of C Quality, or No. 3 Quality. When more than one container comprises the lot, no container shall have more birds of C Quality or No. 3 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of C quality or No. 3 quality birds
U. S. Grade B or U. S. No. 2	Less than 10	1 bird.
	10 to 15, inclusive	2 birds.
	16 to 20, inclusive	3 birds.
	21 to 25, inclusive	4 birds.
	26 or more	5 birds.

(3) *U. S. Grade C or U. S. No. 3.* Any lot of live poultry may be designated as U. S. Grade C or U. S. No. 3 if it consists of birds of not less than C Quality or No. 3 Quality.

The term "No Grade" is not a grade within the meaning of this section. Such term may be applied to any lot of live poultry if such lot contains any birds of less than C Quality or No. 3 Quality or has not been graded in accordance with this section.

§ 70.104 *United States specifications for standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States specifications for standards of quality contained in this section are applicable to individual carcasses of dressed poultry and ready-to-cook poultry of the kinds and classes set forth in § 70.101.

(2) Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in this section. If the carcass is dressed poultry, determination of unsoundness or unwholesomeness will be based on external characteristics only.

(3) The quality designations specified in this section may not be made applicable to dressed poultry that is not free from the following conditions: Dirty head; bloody head; dirty carcass; bloody carcass; dirty vent; dirty feet; fan feathers on the wing tips; garter feathers around the hock joints; neck feathers; and, if the crop is not removed, feed in the crop.

(4) The A Quality designation may not be made applicable to any poultry carcass if the poultry was wet picked in such a manner that the skin has been damaged by extended immersion in, or high temperature of, the water which resulted in immediate discoloration or may result in later objectionable discoloration.

(5) The following factors are considered in ascertaining, pursuant to this section, the quality of an individual carcass: (i) Conformation; (ii) fleshing; (iii) fat covering; (iv) the degree of freedom from pinfeathers and vestigial feathers (i. e., hair or down, as the case may be); (v) the degree of freedom from tears, cuts (including, but not being limited to, any cut for the removal of the crop), disjointed bones, and broken bones; (vi) the degree of freedom from discolorations of the skin and of the flesh and of blemishes and bruises of the skin and flesh; and (vii) the degree of freedom from freezer burn.

(6) In addition to the respective requirements specified in this section for A Quality, B Quality, and C Quality, the intensity, aggregate area involved, and locations of all (i) discolorations (whether or not caused by dressing operations), (ii) bruises, (iii) pinfeathers, and (iv) freezer burn, as such combination of defects detracts from the general appearance of the carcass, will also be considered in determining the particular quality of an individual carcass.

(b) *Standards of quality*—(1) *A Quality.* To be of A Quality the carcass:

(i) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved back. There may be a dent in the breastbone which does not exceed $\frac{1}{8}$ inch in depth except that for turkeys the depth does not exceed $\frac{1}{4}$ inch.

(ii) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the breastbone is not prominent; and, with respect to young tom turkeys, there may be a slight thickening and slight pouchiness of the skin on the forepart of the breast. The legs are well covered with flesh.

(iii) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers, turkey fryers, and young tom turkeys may have only a moderate amount of fat covering these parts, but a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(iv) Is practically free from pinfeathers, especially on the breast, and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers, especially on the breast, and free from vestigial feathers.

(v) Is free from skin tears and cuts on the breast and legs; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed $1\frac{1}{2}$ inches except that, with respect to any turkey carcass or goose carcass, such aggregate length does not exceed 3 inches. There are no sewn tears or cuts. The carcass has no disjointed bones or broken bones except that it may have one disjointed bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot; and, if the carcass is of a chicken broiler or fryer, it may have one nonprotruding broken bone in a wing in addition to such disjointed bone but only if there is no evidence of a related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations of the flesh on the breast and legs; however, elsewhere on the carcass there may be bruises and discolorations of the flesh showing not more than a slightly reddened color the aggregate area of which does not exceed the area of a circle $\frac{1}{2}$ inch in diameter, except that, with respect to any turkey or goose carcass, such aggregate area does not exceed the area of a circle 1 inch in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle $\frac{1}{2}$ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle $\frac{3}{4}$ inch in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle $\frac{3}{4}$ inch in diameter; and elsewhere on the carcass such aggregate area does not exceed the area of a circle $1\frac{1}{2}$ inches in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin, is not in excess of the area of a circle 1 inch in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle $1\frac{1}{2}$ inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 2 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.

(vii) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle $\frac{1}{8}$ inch in diameter).

(2) *B Quality.* To be of B Quality the carcass:

(i) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked breastbone which does not seriously interfere with the normal distribution of flesh. The carcass may also have a moderately crooked back or misshapen legs or misshapen wings.

(ii) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone; however, a young tom turkey may have a pouchy, thick, and somewhat flabby skin on the forepart of the breast.

(iii) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(iv) Has not more than a slight scattering of pinfeathers over the entire carcass with only relatively few on the breast and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers and vestigial feathers but may have not more than a few scattered, nonprotruding pinfeathers.

(v) Is free from tears and cuts, on the breast and legs, the aggregate length of which exceeds $1\frac{1}{2}$ inches; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry), the aggregate length of which does not exceed 3 inches except that, with respect to any turkey or goose carcass, such aggregate lengths do not exceed 3 inches on the breast and legs and 6 inches elsewhere on the carcass. There are no sewn tears or cuts. The carcass may have not more than a total of 2 disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, 1 broken bone in a leg or wing, but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations, of the flesh on the breast and legs, showing not more than a slightly darkened color and which in the aggregate is in excess of the area of a circle $\frac{1}{2}$ inch in diameter; however, elsewhere on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle $1\frac{1}{2}$ inches in diameter, except that, with respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1 inch in diameter, and, elsewhere on the carcass, it does not exceed the area of a circle 3 inches in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle $\frac{3}{4}$ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle $1\frac{1}{2}$ inches in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle $1\frac{1}{2}$ inches in diameter, and, elsewhere on the carcass, such aggregate area does not exceed the area of a circle 3 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle $1\frac{1}{2}$ inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 3 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 6 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(vii) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass and no dried area in excess of the area of a circle $\frac{1}{2}$ inch in diameter.

(3) *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may:

(i) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked breastbone) if it is fairly well fleshed.

(ii) Be poorly fleshed and a young tom turkey may have a thick, coarse skin and extended breast that is pouchy or flabby.

(iii) Be lacking in fat covering, over all parts of the carcass.

(iv) Have numerous pinfeathers and vestigial feathers (i. e., hair or down, as the case may be) scattered over the entire carcass if the carcass is dressed poultry; if ready-to-cook poultry, the carcass is free from protruding pinfeathers and vestigial feathers, but may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

(v) Have torn skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or cuts. Wing tips may have been removed.

(vi) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(vii) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried areas) on any part of the carcass.

§ 70.105 *United States specifications for standards of grades for dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States specifications for standards of grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes as set forth in § 70.101 when individual carcasses are not separately identified and are based upon the United States specifications for standards of quality set forth in § 70.104 except the provisions in paragraph (a) (3) thereof.

(2) When any lot of dressed poultry is graded on the basis of an examination of each carcass in a representative sample thereof, any carcass that would be of A Quality if it did not possess any of the following conditions shall, for the purpose of this section, be considered as being of B Quality; dirty or bloody head of carcass, dirty feet or vent, fan feathers or neck feathers or garter feathers, or feed in the crop. Any carcass that would be of B Quality or C Quality if it did not possess any of the foregoing conditions shall, for the purpose of this section, be considered as being of C Quality.

(3) All terms in the United States specifications for standards for quality set forth in § 70.104 shall, when used in this section, have the same meaning as when used in the specifications.

(4) The suggested weight specifications for dressed poultry and ready-to-cook poultry contained in paragraph (c) of this section are not incorporated in the standards of grades for dressed poultry and ready-to-cook poultry since weight, as such, is not a factor of grade for the purpose of the standards in this section. It is recommended, however, that each container of dressed poultry and ready-to-cook poultry contain carcasses of the weights specified in paragraph (c) of this section.

(b) *Specifications for grades*—(1) *U. S. Grade A.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade A if not less than 90 percent, by count, of the carcasses in such lot are of A Quality, the remainder is of B Quality, and no individual container in such lot contains more carcasses of B Quality than in the proportion of 2 to each 12 carcasses in the container.

(2) *U. S. Grade B.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade B if not less than 90 percent, by count, of the car-

DRESSED POULTRY—Continued

TABLE III—DUCKS, GEESE, GUINEAS, SQUABS, AND PIGEONS

Kind and class	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Ducks (all classes)	None	4 pounds	None	48 pounds.
	Over 4 pounds	5 pounds	Over 48 pounds	72 pounds.
	Over 5 pounds	None	Over 60 pounds	None.
Geese (all classes)	None	7 pounds	None	84 pounds.
	Over 7 pounds	10 pounds	Over 96 pounds	120 pounds.
	Over 10 pounds	None	Over 120 pounds	None.
Guineas (all classes)	None	1 pound 8 ounces	None	18 pounds.
	Over 1 pound 8 ounces	2 pounds 4 ounces	Over 18 pounds	27 pounds.
	Over 2 pounds 4 ounces	None	Over 27 pounds	None.
Squabs and pigeons	None	1 pound	None	6 pounds.
	Over 8 ounces	11 ounces	Over 6 pounds	8 pounds 6 ounces.
	Over 11 ounces	None	Over 8 pounds 6 ounces	10 pounds 8 ounces.
			Over 10 pounds 8 ounces	None.

TABLE IV—READY-TO-COOK POULTRY

Kinds and classes	Weight range per carcass	
	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces.
	Over 1 pound 8 ounces	2 pounds 8 ounces.
	Over 2 pounds 8 ounces	3 pounds 8 ounces.
	Over 3 pounds	3 pounds 8 ounces.
Roasters	Over 2 pounds 8 ounces	4 pounds 8 ounces.
	Over 3 pounds 8 ounces	5 pounds 8 ounces.
	Over 4 pounds 8 ounces	6 pounds 8 ounces.
	Over 5 pounds	None.
Hens or stewing chickens or fowl	None	2 pounds.
	Over 2 pounds	3 pounds 8 ounces.
	Over 3 pounds 8 ounces	4 pounds 8 ounces.
	Over 4 pounds 8 ounces	5 pounds 8 ounces.
	Over 5 pounds 8 ounces	6 pounds 8 ounces.
	None	2 pounds 8 ounces.
Cocks or old roosters	Over 2 pounds 8 ounces	3 pounds 8 ounces.
	Over 3 pounds 8 ounces	4 pounds 8 ounces.
	Over 4 pounds 8 ounces	5 pounds 8 ounces.
	Over 5 pounds 8 ounces	None.
Turkeys and geese (all classes)	None	4 pounds.
	Over 4 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	Over 10 pounds	12 pounds.
	Over 12 pounds	16 pounds.
	Over 16 pounds	18 pounds.
	Over 18 pounds	20 pounds.
	None	3 pounds.
Ducks (all classes)	Over 3 pounds	4 pounds.
	None	12 ounces.
	Over 12 ounces	1 pound.
Guineas (all classes)	None	1 pound 4 ounces.
	Over 1 pound 4 ounces	1 pound 8 ounces.
	Over 1 pound 8 ounces	None.
Pigeons (all classes)	None	6 ounces.
	Over 6 ounces	10 ounces.
	Over 10 ounces	11 ounces.
	Over 11 ounces	None.

cases in such lot are of at least B Quality, and no individual container in such lot contains more carcasses of C Quality than in the proportion of 2 to each 12 carcasses in the container.

(3) *U. S. Grade C.* Any lot of dressed poultry or ready-to-cook poultry may be designated as U. S. Grade C if it consists of carcasses of not less than C Quality.

(c) *Suggested weight specifications for dressed poultry and ready-to-cook poultry.* The suggested weight specifications for dressed poultry and ready-to-cook poultry are contained in Tables I, II, III, and IV in this paragraph.

DRESSED POULTRY

TABLE I—CHICKENS

Class of chickens	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces	None	18 pounds.
	Over 1 pound 8 ounces	2 pounds 8 ounces	Over 18 pounds	24 pounds.
	Over 2 pounds 8 ounces	3 pounds	Over 24 pounds	36 pounds.
	Over 3 pounds	3 pounds 8 ounces	Over 36 pounds	42 pounds.
	Over 3 pounds 8 ounces	4 pounds	Over 42 pounds	48 pounds.
	Over 4 pounds	4 pounds 8 ounces	Over 48 pounds	54 pounds.
Roasters	Over 4 pounds 8 ounces	5 pounds	Over 54 pounds	60 pounds.
	Over 5 pounds	5 pounds 8 ounces	Over 60 pounds	66 pounds.
	Over 5 pounds 8 ounces	None	Over 66 pounds	None.
Capons	None	6 pounds	None	72 pounds.
	Over 6 pounds	7 pounds	Over 72 pounds	84 pounds.
	Over 7 pounds	8 pounds	Over 84 pounds	96 pounds.
	Over 8 pounds	10 pounds	Over 96 pounds	120 pounds.
	Over 10 pounds	None	Over 120 pounds	None.
Stags	None	3 pounds	None	36 pounds.
	Over 3 pounds	4 pounds	Over 36 pounds	48 pounds.
	Over 4 pounds	5 pounds	Over 48 pounds	60 pounds.
	Over 5 pounds	6 pounds	Over 60 pounds	72 pounds.
	Over 6 pounds	None	Over 72 pounds	None.
Cocks	None	4 pounds	None	48 pounds.
	Over 4 pounds	6 pounds	Over 48 pounds	72 pounds.
	Over 6 pounds	None	Over 72 pounds	None.
Hens or stewing chickens or fowl	None	3 pounds 8 ounces	None	36 pounds.
	Over 3 pounds 8 ounces	4 pounds 8 ounces	Over 36 pounds	42 pounds.
	Over 4 pounds 8 ounces	5 pounds	Over 42 pounds	54 pounds.
	Over 5 pounds	None	Over 54 pounds	60 pounds.
			Over 60 pounds	None.

TABLE II—TURKEYS

Class	Weight range per carcass	
	Minimum	Maximum
Turkey fryers	None	6 pounds.
	Over 6 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	Over 6 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	Over 10 pounds	12 pounds.
	Over 12 pounds	14 pounds.
	Over 14 pounds	16 pounds.
	Over 16 pounds	18 pounds.
	Over 18 pounds	20 pounds.
	Over 20 pounds	24 pounds.
Young hen turkeys or young tom turkeys	None	16 pounds.
	Over 16 pounds	20 pounds.
	Over 20 pounds	24 pounds.
	Over 24 pounds	30 pounds.
	None	16 pounds.
Mature or old hen turkeys and mature or old tom turkeys	Over 16 pounds	20 pounds.
	Over 20 pounds	24 pounds.
	Over 24 pounds	None.

Issued at Washington, D. C., this 29th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6457; Filed, June 4, 1951; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MOOSE

Basis and purpose. In the issuance of miscellaneous amendments to the regulations relating to the taking of animals, birds, and game fishes of Alaska, which amendments were signed by the Acting Secretary of the Interior on April 24, 1951, and published in 16 F. R. 3801 on May 1, 1951, an error was made in regard to the open seson for moose in a portion of the "Palmer" area. This area is particularly important to the protection of these animals and I have determind that the following amendment to correct the existing regulation should be adopted.

Since the amendment simply corrects an error and does not constitute any restriction not intended to be imposed originally, I have determined that section 4 (a) of the Administrative Procedure Act (60 Stat. 237) does not apply, and this amendment shall be effective on July 1, 1951.

1. Section 46.104 is amended to read as follows:

§ 46.104 *Moose.* Bulls (with forked horns or larger).

East of longitude 138° W., September 15 to October 14. Limit, 1 a year. On the Kenai Peninsula, September 1 to September 20. Limit, 1 a year. Elsewhere west of longitude 141° W. (except in the Copper River Delta, Turnagain Arm, Northwest Arctic Slope and Alaska Peninsula areas as described in §§ 46.195 to 46.198, inclusive). September 1 to September 20 and December 1 to December 10. Limit, 1 a year. *Provided*, That there shall be no open season after September 20 (except by permit as described in § 165.3 of the Alaska Game Commission Regulations), in that area known as the Palmer area and described as follows:

Beginning at Mile 72 Alaska Railroad, containing all of the northern drainage into Turnagain Arm, all of the drainage into Knik Arm, all of the drainage of the Little Susitna River from its headwaters to its intersection with the Alaska Railroad, all of the eastern drainage to the Little Susitna River from the Railroad to its mouth, all of the drainage to Cook Inlet between the mouth of the Little Susitna River and Knik Arm.

There shall be no open season between meridians 138° and 141° W. longitude.

(Sec. 9 43 Stat. 743, as amended; 48 U. S. C. 198)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 29, 1951.

[F. R. Doc. 51-6435; Filed, June 4, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Including Amdts. 1–5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

Ceiling Price Regulation 7 is republished to incorporate the text of the Corrections issued February 27, 1951, and of Amdts. 1 through 5, inclusive. Ceiling Price Regulation 7 was issued February 26, 1951 (16 F. R. 1872). Statements of Consideration for Ceiling Price Regulation 7, and for Amdts. 1–5, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

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AUTHORITY: Sections 0 to 59 issued under Sec. 704; Pub. Law 774, 81st Cong. Inte pret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

NOTE: See Executive Order 10161, September 9, 1950 (15 F. R. 6105), and Economic Stabilization General Order No. 2, January 24, 1951 (16 F. R. 738).

DERIVATION: Sections 0–59 contained in Ceiling Price Regulation 7, February 26, 1951 (16 F. R. 1871), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Correction, February 27, 1951, 16 F. R. 1949.

Amendment 1, March 19, 1951, 16 F. R. 2564.

Amendment 2, April 10, 1951, 16 F. R. 3006.
Amendment 3, April 26, 1951, 16 F. R. 3614.
Amendment 4, April 27, 1951, 16 F. R. 3649.
Amendment 5, May 28, 1951, 16 F. R. 5008.

Article I—Scope of Regulation

SECTION 0. *Introduction.* This regulation fixes ceiling prices for sales by retailers of a wide range of commodities. The pricing chart method of determining applicable mark-ups or margins is used. Retailers are required to file with the Office of Price Stabilization (hereafter referred to as OPS) a "list date pricing chart" and to fix their ceiling prices by using this chart. (Sample charts are shown in Appendix "A.") The list date under this regulation is February 24, 1951, except where another list date is specified in section 13 (b).

[Last sentence above added by Amdt. 2]

Article I tells you the scope of this regulation.

Article II tells you how to prepare your charts.

Article III sets forth the rules for computing ceiling prices by reference to your charts. It also tells you how to fix your ceiling prices if you cannot use the pricing rules.

Article IV prescribes rules for pricing in special cases (for example, up-stream and cross stream sales, transfers of business, sales of branded articles, etc.).

Article V contains general provisions such as record-keeping requirements, marking or posting ceiling prices, how to treat taxes, sales slips, prohibitions, etc.

SEC. 1. *What commodities are covered.* This regulation applies only to sales at retail of the articles listed in Appendix B. This includes a wide variety of consumer goods. They are grouped into categories and each category is given a category number. For example, men's and boys' underwear and nightwear constitute category 116. From time to time articles not listed may be added by amendments to this regulation.

This regulation supersedes the General Ceiling Price Regulation for all articles listed in Appendix B. It does not apply, however: (1) to such articles listed in Appendix B for which ceiling prices for sales at retail are hereafter established by other regulations; nor (2) to any article for which sales at retail are hereafter exempted or suspended from price control by this or any other regulation; nor (3) to any imported article if it is sold by the one who imports it; nor (4) to antiques (any article made prior to 1850).

SEC. 2. *What sales are covered.* This regulation applies to sales at retail. It applies to all sales to ultimate consumers of all kinds (including individual, commercial, and industrial users[1]) of articles which are "bought and sold in substantially the same form." (See definition in section 59.) It applies to sales to persons other than ultimate consumers (such as other retailers and wholesalers) if those sales customarily amount to less than 10 per cent of the retailer's total sales of articles covered by this regulation and the retailer's ceiling prices for those sales are fixed by Section 40.

SEC. 3. *What sellers are covered.* (a) This regulation applies to you if you are a seller whose sales to individual ultimate consumers of rticles covered by this regulation constitute more than 10 percent of sales of the merchandise covered by this regulation which you buy and sell in substantially the same form. You may, however, elect to continue to fix your ceiling prices under the General Ceiling Price Regulation:

(1) For all articles covered by this regulation if all your sales to individual ultimate consumers are "accommodation sales" (see definition in section 59 of this regulation); or

(2) For articles in Categories 101 through 895; 920; and 1001 through 1030, if your annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $20,000; or

(3) For articles in Categories 901 through 908; 915 through 919; 921 through 924; 940 through 951; 970 through 985.

(i) If your[1a] annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $60,000 or

(ii) If your[1a] annual net dollar volume of total sales in all departments taken together of all merchandise which you buy and sell in substantially the same form amounts to less than $100,000.

An election in accordance with the provisions of this paragraph must, if made, apply without exception to all categories in the group as to which the particular election is permitted. You may not subsequently alter an election made under this paragraph, except that if you are a seller permitted to elect to price under the provisions of the General Ceiling Price Regulation pursuant to this paragraph, you may, if you have already filed your chart, exercise this election by requesting the return of your chart from your OPS office on or before July 2, 1951.

The election provided in this paragraph does not apply to new sellers. As used in this paragraph "annual" means your most recent calendar or fiscal year (or if you were in business less than one year the dollar volume for the period you were in business projected to cover a one year period.)

[Paragraph (a) amended by Amdt. 5]

(b) When used in this regulation, the word "seller" refers to each single separate seller covered by this regulation. (1) If a seller makes sales at retail through more than one selling unit or department, each selling unit or department is considered to be a separate seller subject to all the provisions of this regulation. (2) A person who sells through salesmen making sales at uniform prices is a single seller. (3) All of the selling outlets of a chain, which are under common ownership or control and which are included in one group, zone, class or area to which immediately prior to January 26, 1951, the chain regularly sent invoices or statements showing the same selling prices for certain articles in a category (whether or not costs were shown), and which regularly sold those articles at such uniform prices, constitute, as to the categories in which those articles are included, a single seller.

[Paragraph (b) amended by Amdt. 3]

(c) Notwithstanding any other provisions of this regulation any seller at retail of an article for which a ceiling price has been established under section 43 (Uniform dollar and cents prices for certain articles) of this regulation or for which a ceiling price is established under a Supplementary Regulation to this regulation shall be permitted to sell the article at the price so established.

SEC. 4. *Where this regulation applies.* This regulation shall be applicable in the forty-eight states and the District of Columbia.

SEC. 5. *When to begin using pricing rules.* (a) You may begin to use the applicable pricing rules after you file your chart, but you must begin to use the rules not later than May 30, 1951 (unless you are a mail order establishment subject to paragraph (b) of this section). Where under the provisions of section 11 you file a part of your chart separately, you may begin using the rules for pricing the categories in any such part after you have filed it.

[Paragraph (a) amended by Amdts. 1, 2 and 4]

(b) If you operate a mail order establishment as defined in section 59 of this regulation you are not required to observe the pricing rules of this regulation as to any mail order sales of articles covered by any of your catalogs, booklets, circulars, flyers, or other forms of printed lists which were printed before the list date. Your ceiling prices for such sales continue to be established by the General Ceiling Price Regulation for so long as the printed price lists remain in effect or until you establish a price for an article pursuant to the pricing rules of this regulation. However, you are required to observe the other requirements of this regulation and to price new articles, new catalogs, booklets, circulars, flyers or other forms of printed price lists on the basis of the pricing rules in this regulation.

Article II—Pricing Charts

SEC. 11. *Filing of charts.* (a) If you are a seller subject to this regulation you must prepare two copies of a list date pricing chart. The chart must be dated and must be signed by one of your officers or owners. A chart for an outlet which is itself a separate seller under this regulation or a department in a departmentalized establishment may be signed by the store manager or department head. One copy of the chart must be kept for your use and for inspection by the Office of Price Stabilization and the other must be filed with your OPS office[2] on or before May 30, 1951.

[Paragraph 11 (a) amended by Amdts. 1, 2 and 4]

(b) You may at your option prepare a separate list date chart for Categories 860–895; 901–924 and 940–985, and file that as a supplemental chart instead of including those categories as part of the initial list date chart prepared in accordance with this regulation. If you file a supplemental chart, you must prepare it in accordance with this regulation, numbering the pages as if they followed the last page of your original chart. One copy of this supplemental chart must be kept with your original list date chart for your use and for inspection by the OPS, and the other must be filed with your OPS office[2] on or before May 30, 1951.

[Paragraph (b) added by Amdt. 2]

(c) If, by the addition to this regulation of Categories 860–895; 901–924; and 940–985 you are a seller subject to this regulation, you must prepare two copies of a list date pricing chart in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office[2] on or before May 30, 1951.

[Paragraph (c) added by Amdts. 2 and 4]

SEC. 12. *Failure to file charts.* On and after May 30, 1951, you may not offer, sell, or deliver any article covered by this regulation unless you have filed the chart described above. On and after June 30, 1951, you may not offer, sell or deliver any article covered by this regulation until you have received from the OPS an acknowledgment of the filing of your chart.

[Sec. 12 amended by Amdts. 1, 4]

SEC. 13. *Contents of charts; general.* Put at the top of your chart the following general information:

(a) Your business name and address;

(b) Your list date or list dates. Your list date is February 24, 1951, except:

(1) it is March 31, 1951, for Categories 860 to 895; 901 to 924; and 940 to 985;

(2) it is March 31, 1951, for all categories if after April 10, 1951, you first become subject to or first elect to become subject to the regulation.

In the event you were not open for business on the appropriate list date, your list date is the most recent date before that day on which you were open for business and offered for sale any article covered by the regulation.

[Paragraph (b) amended by Amdt. 2]

(c) Your type of store.[3] First, state whether it is a mail order establishment, a chain outlet, or an independent retail store; and second, state whether it is a men's and boys' clothing and furnishing store, a women's clothing store, an infants' and children's wear shop, a women's specialty shop, a millinery store, a shoe store, a department in a department store, a general merchandise store, a limited price variety store, a dry goods store, a furniture store, a home furnishings store, or other type of store. (A department in a departmentalized establishment must also state its department number or name; and a group of outlets which is a single seller under section 3 (b) must show the names and addresses of all retail outlets in the group.)

[Paragraph (c) amended by Amdt. 3]

(d) State which of the following brackets includes the approximate net dollar volume of your total retail sales of all commodities covered by this regulation in the calendar year 1950 or your most recent fiscal year:

Over—	Up to and including—
	$10,000
$10,000	30,000
30,000	50,000
50,000	100,000
100,000	300,000
500,000	1,000,000
1,000,000	2,000,000
2,000,000	5,000,000
5,000,000	10,000,000
10,000,000	20,000,000
20,000,000	

(A department in a departmentalized establishment may omit the volume of its retail sales if the establishment files a statement of its approximate total net dollar volume of retail sales of all commodities in all departments, although each department is required to file a separate chart.)

(e) Number each page of your chart.

SEC. 14. *Contents of charts: related general information.* This section tells what the chart must contain about the costs and offering prices of each category which you offered for sale on the list date. List the information in five (5) columns below the general information called for in the preceding section. List an article as "offered for sale on the list date" if it was in your store, unpacked, and available for sale on that date. (If you are a mail order establishment list an article as "offered for sale on the list date" if it was listed in one of your catalogs, booklets, circulars, flyers, or other printed price lists in effect on that date.)

If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, in preparing your chart you shall omit every item which you repaired or reconditioned before sale. Note on the chart each category from which such items have been omitted.

If you offered for sale on the list date any article which you acquired by a transfer from another department or part of the same legal entity you must omit such article in preparing your chart.

When the phrase "you offered" is used in this regulation it means "you offered for sale on the list date." Before you begin to prepare your list date chart study the sample charts in Appendix A for the appropriate form. (The OPS will not supply chart forms.)

SEC. 15. *Column 1: List of categories offered for sale.* In the first column from the left, list by the number given for that category in Appendix B, each category which you offered. If you are including in a "general" category (as defined in Appendix B) any article not specifically listed for that category in Appendix B, list such article in parenthesis in column 1 immediately below the category number in which you are including it.

SEC. 16. *Column 2: List of net costs.* In the second column from the left, list opposite each category shown in column 1, the last "net cost" at which you bought each different article, style, model, or lot number in that category which you offered. Follow these directions for listing net costs:

(a) Find your "net cost" by deducting all discounts (including cash discounts) from the invoice cost on the last invoice you received[4] before the list date for a particular article, style, model or lot number which you have listed. In order that markups on your chart may as nearly as possible reflect your normal markups, if your last invoice was received after January 1, 1951 and your selling price on the list date was unchanged from your initial offering price based on the next to the last invoice which you had received for that article prior to February 24, 1951, you may list the net cost on the next to the last invoice received prior to February 24, 1951. Deduct discounts you could have taken whether you took them or not. No freight, handling charge, OPS adjustment charge, or other similar charge may be added.[5]

[Paragraph (a) amended by Amdts. 2 and 4]

(b) List your net costs in order from the lowest to the highest.

(c) List each different net cost separately even though you bought other articles, styles, models, or lot numbers in the category for the same gross invoice cost. Thus, if you bought three different articles, styles, models, or lot numbers in a category at $3.50, 8/10 EOM,[6] $3.50, 3/10 EOM, or $3.50 net, list each of these net costs separately as $3.22, $3.40, and $3.50, respectively.

(d) List each different net cost only once in the category even though you offered more than one article, style, model, or lot number of that net cost in that category.

(e) If you offered a particular style, model, or lot number which you bought at more than one net cost, list only the net cost shown on the last invoice you received before the list date for that style, model, or lot number, unless you are permitted by paragraph (a) of this section to use an earlier invoice.

(f) List each net cost per unit. Thus, if you buy at "per dozen" prices divide the net cost per dozen by 12 and list the result as your net cost per unit. Similarly, if you buy at a price per gross or per hundred, divide your net cost per gross by 144, or per hundred by 100 to find your net unit cost.

(g) You may round your cost to the nearest cent. Thus, you may list $1.735 as $1.74 and $1.734 as $1.73.[7]

SEC. 17. *Column 3: Offering prices.* In the third column from the left, list opposite each net cost shown in column 2, each different price at which you offered to your most numerous class of purchaser[8] an article of that category having that net cost. Follow these directions for listing offering prices:

(a) Do not list offering prices which are higher than your ceiling price for the article on the list date. If your offering price was higher than your ceiling price on the list date you must list your ceiling price.

(b) To avoid the distortion caused by markdowns you may list as your offering price for an article either the price at which you actually offered it on the list date or the price at which you offered the article when you first offered it for sale. If you list your first offering price rather than your list date offering price, place the letter "M" after the price in this column.

(c) To avoid the distortion caused by your having re-marked an article prior

[1] Examples of ultimate consumers who are not individual ultimate consumers are hospitals, schools, and clubs.

[1a] For the purpose of exercising this election, insofar as chain food stores are concerned, each retail outlet (or each department in such outlet) of the chain may be considered a seller, even though the chain determines uniform prices centrally.

[2] Your OPS office is the District Office having jurisdiction over the area in which your store is located. If, however, you are a mail order establishment or the type of chain which under this regulation is a separate seller, your OPS office is the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C.

[3] "Store" means a separate seller as defined in section 3(b), or the separate establishment or a department in the establishment at or from which you make sales to ultimate consumers. A mail order establishment is also called a store.

[4] If you are an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 3 (b) of this regulation, you may use the invoice furnished by your central office.

[5] An alternative method for preparing charts for and pricing categories 701 to 752, which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

[6] "8/10 EOM" means 8 percent discount if paid within 10 days after the end of the month.

[7] You may, if you wish, list your gross invoice cost per dozen, per gross, or per hundred, and your purchase discounts, in parenthesis, following the net unit cost. Thus, you might list $1.29 ($16.00, 3/10 EOM per doz.).

[8] This will be the class containing the greatest number of purchasers. If you have more than one class of purchaser, use a footnote to show the class of purchaser used in preparing your chart. Section 30 provides that other classes of purchasers must get their customary differentials.

to January 26, 1951, to a price greater than that at which you first offered it, you must list in column 3 the price at which you first offered it. If you list such a price you must place a letter "U" after the price in column 3.

(d) To avoid the distortion caused by your having initially marked an article since December 1, 1950, at a price greater than that at which you normally would have marked that article you must list in column 3 the price at which you normally would have marked that article (as, for example, if you had marked the article in anticipation of an increase in replacement cost). You must put the actual price at which you offered the article on the list date in parenthesis beside the net cost in column 2 and place a letter "R" after each such price listed in column 3.

(e) If your offering price includes a tax on a particular sale or delivery (such as a sales tax or a compensating use tax) which the law permits you to state separately from the price, you must deduct the full amount of such tax included in your offering price before you list it. You need not deduct from your offering price any tax which you stated separately from and in addition to your offering price.

(f) You will find that in some cases you have listed more than one offering price opposite a single net cost in a particular category. You must draw a circle around one of these prices; section 19 tells you which offering price to circle. To select your circled price you first have to find your average percentage markup for the category. Section 18 explains how to find a category average percentage markup.

SEC. 18. *Category average percentage markup.* Compute your average percentage markup for a category as follows:

Step 1. Add together all the net costs listed for that category in column 2. To find the correct average, you must, of course, add together an equal number of costs and offering prices. Therefore, just for purposes of this step (you should use a separate work sheet), you must add in each net cost as many times as you have listed different offering prices opposite it;

Step 2. Add together all the offering prices listed in column 3 for that category;

Step 3. Substract the total of the net costs found in Step 1 from the total of the offering prices found in Step 2;

Step 4. Divide the remainder found in Step 3 by the total of the net costs found in Step 1. The result is your average percentage markup on cost.[9] When you have found your average percentage markup for a category, enter it in column 1 for that category.

Example: The way to compute average percentage markup for men's and boys' shirts, category 117, may be illustrated as follows:

Total the net costs	*Total the offering prices*
$1.21	$1.98
1.25	1.98
1.38	2.25
(1.38)	2.50
1.82	2.98
1.94	3.50
3.64	5.95
(3.64)	6.95
5.34	7.95
(5.34)	8.95
26.94	44.99

(Note that the costs in parentheses appear only on your work sheet. They do not appear on your chart.)

Subtract the total of the net costs from the total of the offering prices ($44.99—$26.94=$18.05). Divide the remainder, $18.05 by the total of the costs, $26.94 ($18.05÷$26.94=67%). The result, 67 percent, is the average percentage markup on cost for category 117. Enter 67% in column 1.

SEC. 19. *Circled price.* Where you have listed more than one offering price opposite a single net cost in a particular category, you must draw a circle around the offering price which comes closest to reflecting the average percentage markup for the category. If the price you get is midway between two offering prices, draw a circle around the lower of the two.

Example. You have listed offering prices of $2.88, $3.00 and $3.25 for a net cost of $2.00 in category 202, and your average percentage markup for category 202 is 52%. To apply this rule multiply $2.00 by 52% ($2.00×0.52=$1.04) and add $2.00 to the result ($2.00+$1.04=$3.04) resulting in a price of $3.04. When you look at the three offering prices which you have listed for a $2.00 net cost, you find that the offering price closest to $3.04 is $3.00. Therefore, $3.00 is the "circled" price.

If your average percentage markup had been 47% you would have found a price of $2.94 ($2.00×0.47=$0.94; $2.00+$0.94=$2.94). Since $2.94 is midway between your listed offering prices of $2.88 and $3.00, you would have selected the lower of the two, and $2.88 would have been your circled price.

SEC. 20. *Column 4: Percentage markups.* In the fourth column from the left, list the percentage markup for each different net cost listed in column 2. If more than one offering price is listed opposite the same net cost in a category, you list the percentage markup for the circled price only. To figure a percentage markup, subtract the net cost listed in column 2 from the offering price listed opposite it in column 3, and divide the difference by the net cost. Round the result to one decimal place. For example, you should list 53.72 percent as 53.7 percent and 53.75 percent as 53.8 percent.

Example. If you have listed a net cost of $3.22 and an offering price of $4.95, you subtract $3.22 from $4.95 ($4.95—$3.22=$1.73) and divide the difference, $1.73, by the net cost, $3.22 ($1.73÷$3.22=0.53773). Your percentage markup over cost for your $3.22 net cost is, therefore, 53.8%. Enter 53.8% in Column 4 opposite the $3.22 net cost.

SEC. 21. *Column 5: List of invoices—(a) What invoices must be listed.* In the fifth column from the left, list one invoice for every offering price shown in column 3. The invoice you list must cover your purchase at the corresponding net cost listed in column 2 for an article of that category which you offered at that price. If pursuant to section 16 (a) you have listed in column 1 a net cost from an invoice other than the last invoice you got before the list date, you must place a letter "E" beside the invoice listed in column 5.

(b) *How to list an invoice.* State your supplier's name and the date and number of the invoice. In parenthesis following the listing of the invoice you must identify the article the purchase of which at the cost shown in column 2 is covered by the invoice. (An alternative method of listing invoices is provided in Supplementary Regulation 2 to this regulation.)

(c) *Inspection of invoices.* On request you must supply for examination to the OPS or its agent any invoice which you have listed in column 5.

SEC. 22. *Amendment of charts—(a) Amendment by seller.* If you find that you have filed an incorrect chart you must file an amendment to your chart with the OPS office where you filed your original chart and you must attach to the amendment a statement explaining why the changes conform your chart to the requirements of the regulation.

Example. If you wish to amend an inaccurate offering price listed on your original chart, you must also recompute your average percentage markup for that category, and reexamine your circled prices for that category to see if the new category average percentage markup requires a change in any of them. If changes are required, the amendment to your chart must show all the corrections which were necessary.

You may not use the amendment to your chart in fixing ceiling prices until you have received acknowledgment from your OPS office of receipt of the amendment.

(b) *Amendment by Office of Price Stabilization.* The OPS may at any time issue an order amending your chart to bring your mark-ups into line with mark-ups established by this regulation for sellers of the same class. Also, upon examination of your chart and any amendment thereto if the records necessary to substantiate information appearing on your chart or the amendment are inadequate the OPS may issue an order amending your chart to bring the mark-ups in line with the level of mark-ups established under this regulation.

Article III—Computing Ceiling Prices

SEC. 30. *How to compute ceiling prices.* To compute your ceiling price for the sale to an ultimate consumer, of an article covered by this regulation, refer to your chart and use the first applicable pricing rule found below in this Article III. (Note that sales covered by this regulation to persons other than ultimate consumers must be priced under section 40. "'Upstream' and 'Cross Stream' Sales and sales of 'Cross Stream' articles to ultimate consumers.")

In applying these rules, you must compute your ceiling price for each article to the class of purchaser you used in preparing your chart and apply your customary differentials to that price to find your ceiling price to all other classes of purchasers. You may not change the terms, allowances, discounts, or differentials which you customarily gave to various classes of purchasers, if the change would result in a higher net price.

Wherever this regulation refers to a list date chart it means only a chart correctly prepared in accordance with sections 13 to 21 of this regulation. If your chart is improper or inaccurate, your ceiling prices shall be prices computed on the basis of a correct chart.

SEC. 30a. *"Permitted increase."* Various OPS regulations may provide for increases in your supplier's ceiling prices. Some of these regulations may require your supplier to break down his price to you into two parts, the first part being the basic price and the second part a "permitted increase" (that is, the portion of the increase granted your supplier which the regulation allows you to pass on to the consumer). You must use the basic price (without adding the "permitted increase") to find your net cost for determining your ceiling price under this regulation. Then you may add the amount designated as a "permitted increase" to your ceiling price as otherwise determined under this regulation.

[Sec. 30 (a) added by Amdt. 2]

SEC. 31. *Net cost; OPS adjustment charge.* "Net cost," in this regulation means net unit cost of an article after deducting all discounts you could have taken, or your supplier's ceiling price[10] for the article, whichever is lower. (You may round your cost to the nearest cent.) You may not include in "net cost" any item on an invoice received by you labelled "OPS adjustment charge." Freight, handling charge, or other similar charges may not be added.[11]

SEC. 32. *Rule 1: Articles belonging to a category on your chart and with a net cost listed on your chart.* If the article you are pricing is in a category listed in Column 1 of your chart, and if it has a net cost listed in column 2, its ceiling price is the offering price you listed in column 3 for that net cost and category. If you have a circled price for that net cost and category, the circled price is the ceiling price for the article.

Example. You wish to price a pair of men's pajamas which cost you $1.29 net. On your chart you have listed offering prices of $2.00 and $2.24 for a $1.29 net cost in category 116. You have circled $2.00. Therefore, your ceiling price for these pajamas is $2.00 per pair.

If you had listed only one price $2.24 for a $1.29 net cost, your ceiling price would be, of course, $2.24.

SEC. 33. *Rule 2: Articles belonging to a category listed on your chart but having a net cost lower than the lowest cost listed for that category.* If the article you are pricing has a net cost lower than the lowest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the average of the percentage markups in column 4 of the two lowest costs shown on the chart for that category, and adding the result to the net cost.

Example. You wish to price a girl's sweater having a $1.94 net cost. The two lowest net costs on your chart for category 208 are $2.07 and $2.26. The percentage markups listed for the last two are 55.6% and 54% respectively. You average the last two (55.6+54=109.6÷2=54.8) and find that 54.8% is the average. The ceiling price for the sweater is found by multiplying $1.94 by 54.8 (1.94×54.8=1.06) and adding the result, $1.06 to $1.94 (1.94+1.06=3.00). The total, $3.00 is your ceiling price.

SEC. 34. *Rule 3. Articles belonging to a category listed on your chart, but having a net cost higher than the highest cost listed for that category.* If the article you are pricing has a net cost higher than the highest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the *lower* of (a) the average of the percentage markups listed in column 4 for the two highest costs shown on the chart for that category, or (b) the average percentage markup for the category, and adding the result to the net cost.

Example. You wish to price a woman's slip having a $7.95 net cost. The two highest net costs on your chart for category 211 are $6.95 and $5.95. The percentage markups listed for the last two are 67.6% and 63.5%, respectively. You average the last two (67.6+63.5=131.1÷2=65.6) and find 65.6%. The category average percentage markup for category 211 is 67%. Since the average of the percentages for the two highest cost lines (65.6%) is lower than the category average (67%), you use 65.6% to find the ceiling price of the slip. The ceiling price for the slip is found by multiplying $7.95 by 65.6 (7.95×65.6=5.22) and add the result $5.22 to the net cost, $7.95 (7.95+5.22=13.17). The total, $13.17 is the ceiling price.

SEC. 35. *Rule 4. Articles belonging to a category listed on your chart but having a net cost between two net costs listed for that category.* (a) If the article you are pricing has a net cost between two net costs listed for that category (except between the two lowest net costs for the category) in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the *lower* of (1) the percentage markup listed in column 4 for the net cost next lower than the one you are pricing, or (2) the average percentage markup listed for that category in column 1, and adding the result to the net cost.

Example: You wish to price a man's shirt with a net cost of $1.47. You have not listed any net cost of $1.47 for category 117, but you have listed net costs of $1.50 and $1.46. Your percentage markup for your $1.46 net cost is 54%. Your average markup for category 117 is 53.1%. Since 53.1% is the lower, your ceiling price is found by multiplying the net cost $1.47 by .531 (1.47×.531=.78) and adding the result, $0.78 to $1.47. The total ($1.47+.78=$2.25) $2.25 is the ceiling price.

[Paragraph (a) amended by Amdt. 1]

(b) If the article you are pricing has a net cost between the two lowest net costs listed for that category in column 2 of your chart, you compute your ceiling price for that article by using Rule 2 (section 33).

SEC. 36. *Rule 5: Articles belonging to a category comparable to a category listed on your chart.* If the article you are pricing does not belong to a category which is listed in column 1 of your chart, look in Appendix C where you will find for each category a list of other categories which are "comparable" to that category. See whether column 1 of your chart contains the first comparable category listed in Appendix C for the category to which the article you are pricing belongs. If it does not contain the first comparable category, see whether you have listed in column 1 the second, then the third, and so on until you find a comparable category which is listed on your chart. Then compute your ceiling price by applying Rules 1, 2, 3, or 4, as if the article you are pricing belonged in that comparable category.

Example. You have not listed category 701 on your chart, but now purchase a bedroom suite at a net cost of $85.00. You look in Appendix C and find that categories 706, 708, 714, 703, and 710 are listed as comparable to category 701. When you look in column 1 of your chart to see whether you have listed any of these categories. You have not listed category 706 on your chart, but you have listed category 708. Rule 5 requires you to figure your ceiling price for this bedroom suite as if it belonged to category 708. You find that you have listed a net cost of $85.00 in column 2 for category 708, and an offering price of $150.00 in column 3 for that net cost. You therefore apply Rule 1 and your ceiling price for the bedroom suite is $150.00.

SEC. 37. *Rule 6. Articles belonging to a category where your chart has at least three categories in the same group of categories.* If the article you are pricing is not in a category on your chart and you have no comparable category but you do have on your chart at least three categories in the same group[12] of categories, you compute your ceiling price under this rule. (If you cannot price under this rule you determine your price under section 39 which provides for the use of a markup table or in special instances for application for a pricing method.)

(a) *Groups of categories.* All categories are divided into the following groups:

Group I—Categories 101–607.
Group II—Categories 701–752.
Group III—Categories 801–854.
Group IV—Categories 1001–1030.

(b) *Pricing method. (1) List the appropriate categories and category average percentages.* If you have at least three categories of the appropriate group[12] on your chart, you list as many of these categories as you have on your chart, setting forth opposite each, your

[9] You may, if you wish, figure your percentage markups as "margins on selling price" instead of on your net cost, but you must use the same method of figuring all percentage margins and average percentage margins. If you have chosen to list margins on selling price, you must state this on your chart, and must use margins on offerings (or selling) price wherever this regulation refers to a markup over net cost.

[10] If you operate an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 36(b), and if your chart was not prepared on the basis of net cost of articles to your central office, "your supplier's ceiling price" for articles shipped to you by your central office is the amount shown on your central office's invoice to you correctly prepared under Supplementary Regulation 1 to this Regulation.

[11] An alternative method for pricing categories 701–752 which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

[12] "Group" as defined for this purpose includes any category which appears in the appropriate series of category numbers excluding categories 105A, 105B, 105C, 105D, 204, 214, 353, and 803D.

average percentage markup [15] for each category. Note: You may not use this rule for a category in Group II (701–752) if your chart for these categories was prepared pursuant to the alternative method provided in Section 5 of Supplementary Regulation 2 to this regulation.

(2) *Compute the "group average" for these categories.* You do this by adding together all the average markups for the categories you have listed and dividing this sum by the number of categories which you have listed.

(3) *Apply table in Appendix D.* Turn to the table in Appendix D. The top row of the table is divided into a series of percentage brackets. In the first column to the left find the category number which includes the article you are pricing. Follow this category number across and find the markup which appears in the column under the percentage bracket which includes the "group average markup which you computed under subparagraph (2). This is your percentage markup over cost for the new category.

(4) *Multiply the net cost of the article you are pricing by this percentage markup.* Add the result to the net cost of the article. This final result is your ceiling price for the article you are pricing.

Example. You wish to price a set of boy's ear muffs on which your net cost is 50 cents. Ear muffs belong to category 123 on the CPR 7 chart. You find, on examining your chart, that neither this category, nor any one of the "comparable" categories is listed on your chart.

Since category 123 belongs to the group of categories numbered from 101–607 inclusive, you look on your chart to find whether you have listed at least three categories in this group. If you do not have at least three such categories listed on your chart (excluding categories 105A, 105B, 105C, 105D, 204, 214 and 353), you cannot use this pricing rule and the ear muffs must be priced under section 39.

Let us assume that actually you have listed on your chart articles belonging to eight categories of this group of numbers. These categories have percentage markups over cost as follows:

Category:	Average percentage markup	Category:	Average percentage markup
102	63	215	62
105	63	217	68
110	63	302	65
116	65	304	60

You must compute your "group average" for all these categories by adding the average markups for these categories and dividing the result by the number of categories which you have listed above (509÷8). Your "group average" is 63.625%.

You next turn to the table in Appendix D. In the first column to the left you will find a series of category numbers. Follow this column downward until you reach category 123.

[15] Computations under this section are based on markups over cost. If you are on the "retail system," that is, if your chart markups are expressed as percentages of selling prices, you must convert your category markups to markups over cost. You do this by subtracting your average percentage margin on selling price for the category from 100%. You divide the result thus obtained into your percentage margin on selling price. After the percentage margin on selling price for all your categories have been converted to markups on cost you proceed as set forth above.

Follow this row across the table until you come to the percentage bracket appearing in the top row of the table which includes your "group average"—In this case the bracket designated "over 62 including 65." At this point you will find that the allowable percentage markup for category 123 is 65.7%. This is your percentage markup for this category and for the article you are pricing.

You next multiply the net cost of the article you are pricing by this percentage markup ($.50×.657=$.328). Add this figure to your net cost of the article you are pricing ($.50+.33=$.83). The result, $.83, is your ceiling price for the article you are pricing.

(5) *Group averages above table in Appendix D.* If, in pricing a category included in Group I (101–607), your group average is over 101 percent; in Group II (701–752) over 127 percent; Group III (801–854) over 101 percent; and, Group IV (1001–1030) over 109 percent, you find your percentage markup over cost by multiplying your group average by the multiplier listed for that category in Appendix F.

Example: If you are a house to house seller and have a "group average" of 150% for your categories in the group 101 to 607, inclusive, and you now wish to sell handbags (category 218) which you find you must price under this rule, you determine your markup over net cost as follows: refer to the multiplier opposite category 218 in Appendix F. There you will find the figure 1.045. This means that your markup on cost for handbags is 156.8% (150×1.045=156.75).

(c) *Articles which cannot be priced under Rule 6.* If the article you are pricing is included in categories 105A, 105B, 105C, 105D, 204, 214, 353 and 803D; or if your chart for categories 701–752 was prepared pursuant to the alternative method provided in section 5 of Supplementary Regulation 2 to this regulation; or if you do not have three categories in the appropriate group on your chart, you price such article under section 39.

SEC. 38. *Rule 7: Pricing method for repaired or reconditioned items.* If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, and your chart as filed indicates that such articles have been omitted, you may compute a price for such a used or imperfect article which you have repaired or reconditioned in the following manner: (a) add to the net cost of the article the net cost of reconditioning or repairing the article) but not a cost greater than that required to restore the article to a factory standard article of the same type); (b) multiply the total thus obtained by the category average percentage markup for the category including the article you are pricing, and (c) add the result to the total found in (a). If your chart has no markup for that category you use the markup for the category in Appendix E.

[Sec. 38 amended by Amdt. 1]

SEC. 39. *Ceiling prices for sellers who cannot price under other sections of the regulation.* If sections 30 to 38 do not provide a method for establishing your ceiling price for an article, you figure your ceiling under this section.

(a) *Use of Appendix E markups*—(1) *Pricing method.* If you have never priced an article under this section you find your ceiling price for all articles which must be priced under this section as follows by using the Table in Appendix E: On the left side is listed a column of category numbers; opposite each category number is a percentage markup. Find the percentage markup for the category to which the article you are pricing belongs. Multiply the net cost of the article you are pricing by this percentage markup. Add the result so obtained to the net cost of the article. The amount so arrived at is your ceiling price for the article you are pricing.

(2) *Reports.* You may not sell or deliver any article which you are required to price under this section until you have filed whichever of the following reports is applicable:

(i) You must file a statement that you have filed a list date pricing chart (if that is a fact) and a list of the categories you intend to price under subsection (1) of this section; or

(ii) If you have not filed a list date pricing chart you must file a statement containing the following information:

(*a*) Your name and address or your proposed name and address and the names and addresses of all owners, stockholders, or officers of the business establishment. (Owners holding less than 10 percent of the total number of shares of corporations preparing this statement need not be listed.)

(*b*) The date or the proposed date of the organization of the business establishment.

(*c*) A list of the articles which you intend to price under this section.

(*d*) The type of store you operate or intend to operate (dry goods, furniture, men's furnishings, specialty shop, etc.).

(*e*) Special services which you offer or intend to offer (installment selling, charge accounts, other credit terms, free delivery terms, etc.)

(*f*) If you are a leased department, the name and address of the prior lessee.

(b) *Applications for markups in excess of those specified in Appendix E.* You may not sell at markups in excess of those specified in Appendix E until you have received authorization to do so. (1) *Eligibility.* If you are a seller who fixes ceiling prices under paragraph (a) of this section, you may apply to the Office of Price Stabilization office having jurisdiction over the area in which your business is located for authorization to use markups in excess of those set forth in Appendix E, if:

(i) You already own one or more established stores selling merchandise covered by this regulation at markups higher than those set forth in Appendix E; or

(ii) You already own one or more establishments selling articles not covered by this regulation at markups which for such goods represent markups higher than the average markups secured by other sellers of those goods; or

[Subpart (II) amended by Amdt. 9]

(iii) You (if you are an individually owned establishment) or any of the principal stockholders or managing officers had previous experience in selling merchandise covered by this regulation or related commodities as owner, officer, principal, or employee in an executive or managerial capacity in a business handling merchandise covered by this regulation at markups higher than those listed in Appendix E and have not operated at or below markups set forth in Appendix E since the list date.

(2) *Filing and contents of applications.* The application filed with the OPS must set forth the markups applied for and information which would permit determination pursuant to the rules of eligibility set forth above.

(3) *Authorization.* (i) Upon application made pursuant to subparagraph (2) the OPS may, by order, authorize you to use markups higher than those listed in Appendix E. Such markups will be in line with those of sellers most nearly like you in your trading area but not higher than your own past experience and in no case (except in an OPS district or resort center where the average of markups is unusually high) will markups be authorized which exceed the highest markups at or below which those sellers comprising three-fourths of the sellers covered by the regulation operate.

(c) *Applications by certain sellers who sell exclusively in sets (groups of articles) to which services have been added*—(1) *Eligibility.* If prior to February 24, 1951, you have been engaged in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10 percent of the total of the net costs of the constituent articles of the assembled sets, you may apply to your OPS office for a pricing method for the sale of your assembled sets. You must file two (2) copies of an application containing the following information:

(i) Your name and address;

(ii) Date when you entered business;

(iii) Description of manner in which you conduct your business (indicating whether you are a department store, a leased department, a specialty store, or other; cash, installment or other terms; and class of merchandise you handle);

(iv) A list of all sets offered by you for sale on the list date, enumerating for each the articles included in each set, the cost of each set, the cost of each article, the cost of services added by you on each set, and the selling price of each set on the list date; and

(v) Substantiating evidence such as advertisements, catalogs, or prospectuses to show that you sold or offered for sale the sets (listed under (iv)) on the list date.

(2) *Authorization.* Upon application made pursuant to subparagraph (2), the OPS may, by order, permit you to add to the total of the net costs of the constituent articles the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation.

(d) *Applications by sellers who repair or recondition.* If you do not have a list date pricing chart and you are in or propose to enter the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned or repaired, you may apply to your OPS office for a pricing method which will reflect your costs of repairing or reconditioning the articles which you sell. In such a case the OPS may, by order, permit you to add to the ceiling price established under this regulation the actual net cost of reconditioning or repairing the articles which you sell. In no case shall the cost of reconditioning or repairing include a cost greater than that required to restore the article to a factory standard article of the same type.

Article IV—Ceiling Prices in Special Cases

SEC. 40. *"Up stream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers.* If your sales to persons other than ultimate consumers constitute less than 10% of your total sales of articles covered by this regulation you are governed by this regulation as to those sales and your ceiling prices for those sales are computed under this section.

(a) *Ceiling prices for "up stream" sales.* Your ceiling price for a sale of any article covered by this regulation to any person other than an individual ultimate consumer, another retailer, or an industrial, commercial, or institutional user, is the net cost of that article to you.

(b) *Ceiling prices for "cross stream" sales.* (1) Your ceiling price for a sale to another retailer of any article covered by this regulation shall be the sum of the following items:

(i) the net cost of the article to you (which, as defined in Section 31 excludes any freight, OPS adjustment charge or handling charge);

(ii) the incoming freight allocable to that article which you have paid in addition to the net cost;

(iii) the OPS adjustment charge, if any, shown on the invoice received by you;

(iv) the handling charge, if any, which you customarily made when selling articles covered by this regulation to another retailer immediately prior to January 26, 1951. In no event, however, may your handling charge exceed 10 percent of the net cost of the article to you.

You must give to the buyer an invoice which must state separately each item making up your costs as itemized in this subparagraph (1) and, in addition, must contain the following notice:

NOTICE

You must compute the price for resale of the above articles pursuant to section 40 (c) of Ceiling Price Regulation 7.

(2) If you customarily made sales of commodities covered by this regulation to other retailers immediately prior to January 26, 1951, on which you figured your price by granting a specific discount from your retail price, you may continue to make such sales (excepting sales of articles purchased by you from other retailers). On such sales you must furnish the buyer with an invoice, which, in addition to showing your retail price as established by this regulation and the discount you granted, must contain the following notice:

NOTICE OF CEILING PRICE

Under Section 40 of Ceiling Price Regulation 7 you may not sell the above articles to consumers at prices higher than our retail ceiling shown on this invoice.

(c) *Ceiling prices for sales to ultimate consumers of articles purchased from other retailers.* (1) If you purchase articles covered by this regulation from another retailer and pay the seller his costs permitted to him under paragraph (b) (1), you must determine your ceiling price for sales of these articles to ultimate consumers in accordance with the pricing rules of this regulation taking your net cost from your supplier's invoice and excluding all freight, OPS adjustment charge and handling charges.

(2) If you purchase articles covered by this regulation and pay the seller his retail price less a specified discount, you must use as your ceiling price for sales of those articles to ultimate consumers the seller's retail price as stated on his invoice to you.

(d) *Articles acquired by transfer from another seller in the same selling establishment.* If one department or part of the same legal entity acquired an article by a transfer from another part of the same legal entity, the transferee pricing such an article must use as his net cost the net cost determined from the invoice received by the transferor.

The document covering the transfer must show the original invoice cost and must be preserved for inspection by the OPS.

SEC. 41. *Pricing methods for certain chain stores and mail order establishments.* Special pricing methods for certain chain stores and mail order establishments are provided in Supplementary Regulation 1 to this Ceiling Price Regulation 7.

SEC. 42. *Transfers of business*—(a) *How a transferee fixes his ceiling prices.* This section applies to you if:

(1) After the list date, you purchase or otherwise acquire a substantial part of the business, assets, or stock in trade of any business which sells or sold any articles covered by this regulation at retail; and

(2) You carry on the business or continue to sell at retail articles in any category covered by this regulation and sold by your transferor before the transfer; and

(3) You carry on the business or continue to sell in a store separate from any other store previously owned or operated by you for the sale of such articles at retail. If this section applies to you, your ceiling prices are the same as those which your transferor would have had if the transfer had not taken place (except as provided in paragraph (c) of this section). Your obligation to keep rec-

ords sufficient to verify such prices shall be the same as if the transfer had not taken place. The transferor must either preserve and make available to you or turn over to you all records of transactions before the transfer which you need to comply with this regulation.

(b) *Filing charts.* If your transferor has not already filed a chart, you must prepare a chart based on his experience on the list date, using the list date which he would have used if no transfer had occurred. If your transferor has filed a chart, you must file a statement showing your business name and address and the date of the transfer. (You must attach a copy of this statement to the chart in your possession.) If the transferor's records are not available to you, you must fix your ceiling prices under section 39.

(c) *Mergers and combinations.* If, after the list date, two or more sellers merge, consolidate, or combine and continue operations as one seller, the seller who continues to operate shall fix his ceiling prices under this regulation on the same basis as that which the seller who had the largest dollar volume of sales of articles covered by this regulation during the 12 months immediately preceding the merger or combination would have had to follow.

SEC. 43. *Uniform dollar-and-cents prices for certain articles.* (a) *How prices are established.* The OPS may by order, upon application, establish dollar-and-cent retail ceiling prices for branded articles and ceiling prices for sales at wholesale for the same articles whenever it appears that:

(1) The article (or an article of the same type) was sold at retail at substantially uniform prices for a period immediately prior to January 26, 1951. The OPS may establish uniform retail ceiling prices for any article if the applicant has received or is eligible to receive an order under this section for any of his articles.

If the applicant had a policy of uniform retail prices for his branded merchandise and can show that the article was sold at substantially uniform prices except for a limited area, the OPS may establish uniform retail ceiling prices for the article. Uniform retail ceiling prices may be established for separate zones (not to exceed five zones) where the applicant can show that such differential was maintained as part of his uniform pricing policy immediately prior to January 26, 1951.

(2) The price requested for the article is no higher than the existing level of ceiling prices under this regulation.

Orders issued under this section will remain effective unless revoked or suspended by the Director. Orders may be revoked or suspended only if the Director is satisfied that such revocation or suspension is not inconsistent with the effective control of prices.

(3) If the applicant had a policy of uniform prices for sales at wholesale for his branded merchandise for a period immediately prior to January 26, 1951 and can establish that the merchandise when resold at wholesale was sold at substantially uniform prices, except for a limited area, the OPS in establishing uniform retail ceiling prices for the merchandise may also establish uniform resale wholesale ceiling prices for the merchandise.

[Paragraph (a) amended by Amdt. 4. Subparagraph (3) added by Amdt 4]

(b) *What the order may contain.* (1) An order may be issued under this section establishing uniform ceiling prices for all retail sales or sales at wholesale of an article covered by this regulation, although such sales may not otherwise be subject to this regulation.

[Subparagraph (1) amended by Amdt. 4]

(2) An order issued under this section generally will include a provision requiring the applicant to tag or ticket the article with the retail ceiling price and other specified information.

[Subparagraph (2) amended by Amdt. 4]

(3) An order issued under this section will require the applicant to send copies of the order and any subsequent amendments thereto to those purchasers for resale of the articles covered by the order.

(4) An order issued under this section will ordinarily be in the form of applicant's selling price and retail ceiling price relationships. Such an order will ordinarily require the applicant to submit, from time to time as specified in the order, a description of the articles which he is pricing pursuant to the terms of the order, changes in his prices to his customers, and any other information that may be required by the terms of the order. Such an order in appropriate instances may also establish wholesale ceiling prices.

[Subparagraph (4) amended by Amdt. 4]

(c) *Who may apply.* (1) A manufacturer or a wholesaler of a branded article may apply under this section if he can submit the information required by paragraph (d).

(2) A group of manufacturers selling the same article under the same brand name may apply as a group under this section if they can submit the information required by paragraph (d).

(d) *What the application must contain.* Two copies of each application must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C. The application must contain the following:

(1) Business name and address of the applicant.

(2) A complete identification of the article for which the price is sought including:

(i) The brand name identifying the article and its style or lot number.

(ii) Applicant's ceiling price.

(iii) An identification of the regulation and the section in that regulation or the identification of the order issued by the OPS under which his ceiling price was established.

(iv) His invoice price and terms to various classes of retailers and wholesalers.

(v) His suggested retail price, if any, immediately prior to January 26, 1951. (If he had a suggested retail price prior to January 26, 1951 he should submit evidence to show his method of retail price maintenance, such as national advertising, catalogues sent to retailers, advertising mats furnished retailers, etc. If he had no suggested retail price prior to January 26, 1951, or did not attempt to enforce his suggested retail price, but can show that the article was sold at substantially uniform prices, he should submit a list of the names and addresses, giving their retail selling price of the article immediately prior to January 26, 1951 of all of his retail customers in fifteen cities representing a cross section of his customers.)

(vi) His suggested price for sales at wholesale, if any, immediately prior to January 26, 1951 (including evidence to show his method of price maintenance), or if he had no such suggested price prior to January 26, 1951, or did not attempt to enforce such suggested price but can show that the merchandise was sold at substantially uniform prices, he should submit evidence similar to that specified for retail prices in subdivision (v) of this subparagraph.

[Subparagraph (2) amended by Amdt. 4; subpart (vi) added by Amdt. 4]

(3) The uniform retail and wholesale ceiling prices requested for the article.

[Subparagraph (3) amended by Amdt. 4]

(4) In the case of wholesalers applying under this section, the name and address of the manufacturer of the article and the manufacturer's style or lot numbers.

(5) In the case of a group of manufacturers applying for a single order covering the articles manufactured in common by the group, the application must contain, in addition to the requirements of sub-paragraph (2) above, evidence to show that each manufacturer of the group, who sold the article, maintained the same retail prices on the same article with the same brand.

Article V—General Provisions

SEC. 50. *How to treat taxes.* The ceiling prices determined under the pricing rules in this regulation are your ceiling prices exclusive of tax. If a tax on a particular sale or delivery such as a sales tax or a compensating use tax is imposed and the tax law permits the tax to be separately stated, you may charge or collect the tax on the sale or delivery of the article in addition to the ceiling price fixed under the pricing rules. You must state the tax separately.

SEC. 51. *Marking, tagging or posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless it is marked or tagged with the selling price in a manner plainly visible to, and understandable by, the purchasing public.

(a) *Marking.* You may mark the selling price on the shelf, bin, rack, or other holder or container upon or in which the article is kept provided all

the articles kept on, or in the shelf, bin, rack, holder or container have the same selling price.

(b) *Tagging.* If you do not wish to mark the prices as described in (a) you must mark the selling price on each article itself by writing the price directly on the article or by attaching to the article a tag or ticket stating the selling price.

(c) *Posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless you post in a prominent and clearly visible position in your store, a sign stating the following:

NOTICE

The prices of merchandise in this store are no higher than the OPS ceiling prices of the articles.

(d) *Rule for mail order establishments.* Mail order establishments must mark their ceiling prices for articles listed in printed price lists which have been printed after the list date in either of the following ways:

(1) State the ceiling price for each article covered by this regulation and listed in the price list, at the place in the publication where the article is listed.

(2) Print on the front cover of each printed price list (or on the front page of any list that has no cover) the following statement:

NOTICE

No price for any article listed or described herein exceeds the ceiling price for that article, as determined under the applicable OPS ceiling price regulation.

SEC. 52. *Records.* The records required by this section must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept at your store, except in the case of certain chain stores for which special record keeping requirements are provided in Supplementary Regulation 1 to this regulation.

(a) *List date records.* You must preserve for inspection by the OPS:

(1) All records which you were required to prepare and preserve pursuant to section 16 (a) (1) and (4) of the General Ceiling Price Regulation[14] relating to articles covered by this regulation;

(2) All records relating to articles covered by this regulation which you were required to prepare and keep pursuant to section 16 (b) of the General Ceiling Price Regulation[15] from January 26, 1951, to the date you begin pricing under this regulation, not later than May 30, 1951;

[Subparagraph (3) amended by Amdts. 1 and 4]

(3) The last invoice which you received before the list date for each kind, style, model, or lot number of the articles offered for sale by you on the list date, and all other invoices which you used in preparing your list date chart; and

(4) All other records and data, such as sales slips, inventory records or work sheets, used by you in preparing your chart or showing your costs and offering prices on the list date.

(b) *Current records*—(1) *Obtaining and preserving invoices.* On and after February 27, 1951, you must obtain a purchase invoice (or some other record of cost) and preserve the purchase invoices (or other cost record) which you received for all articles covered by this regulation. You must keep these invoices according to some recognized filing system, such as alphabetical, numerical, or chronological order. Upon request of any authorized agent of the OPS, you must let him examine your purchase invoices for any articles covered by this regulation.

(2) *"Retailing" invoices.* Before selling or offering for sale any article covered by this regulation which is delivered to you on or after February 27, 1951, you must "retail" the invoice, that is, you must mark your first selling price for each article on the invoice covering your purchase of the article, and the number of the section or the pricing rules under this regulation, or the special order or other order under which you figured your ceiling price for the article. The pricing rule and method may be stated merely as "Rule 1" or "Rule 3" or "Rule 6."

If the invoice does not state the quantity of each article, style, model or lot number which it covers, you must also enter the quantity on each invoice.

(3) *Preserving sales slips.* If you customarily prepared your sales slips in more than one copy, you must preserve for at least six months after delivery a duplicate copy of each sales slip delivered by you pursuant to section 54.

(4) *Listing items in General Category not enumerated in category or on chart.* If you fix ceiling prices for articles in a "general" category (as described in Appendix B) not specifically listed in that category and not offered for sale by you on the list date, you must prepare and preserve with your chart a list of such articles designating as to each the general category in which you placed the item.

SEC. 53. *Records and reports of initial markups or gross margins*—(a) *Records and reports of initial percentage markups*—(1) *Records.*

(i) *Base period records of initial percentage markups.* If you use the so-called "retail method" of accounting, or if you have other records from which the following information can be readily computed, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as department, subdepartment, or store) for which you have such records:

(*a*) Your initial percentage markup on total purchases (not including opening inventory) for the calendar quarter beginning July 1, 1949 (or if your fiscal fiscal quarter beginning nearest to July quarters begin on some other date, the 1, 1949); and

(*b*) The corresponding initial percentage markup for each of the subsequent three calendar or fiscal quarters.

(ii) *Current records of initial percentage makup.* You must continue to prepare and preserve such records for the same periods and on the same accounting basis as you used in maintaining the records upon which the reports required in paragraph (2) (i) below are based.

(2) *Reports.*

(i) *Base period reports of initial percentage markups.* If you have the records required by paragraph (a) (1) (i) above you must prepare two copies of a report labelled "Initial Percentage Markups Report," listing your name and address and the initial percentage markup for each subdivision of your business for which you have such records for the periods described in paragraph (a) (1) (i). You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS.[16]

(ii) *Current reports of initial percentage markups.* If you have filed a report of your initial percentage markup under paragraph (a) (2) (i) above for any subdivision of your business you must file a similar report for any succeeding period in which your initial percentage markup for that subdivision exceeds your base period markup for the comparable period. The report must also indicate the period which it covers, the current initial percentage markup, and the number of percentage points by which the

[14] The pertinent section of the General Ceiling Price Regulation is as follows:

"Sec. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

"(a) *Base period records.*

"(1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer). • • •

"(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period."

[15] The pertinent section follows: "(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly, the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price."

[16] This report may be filed on OPS Public Form No. 3, available at OPS local or regional Offices.

current initial percentage markup exceeds the base period. All such reports must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., within 45 days from the close of the period.

(b) *Records and reports of gross margin*—(1) *Records*—(i) *Base period records of gross margin.* If you do not keep the records described in paragraph (a) (1) (i) above and your annual dollar volume of articles covered by this regulation exceeds $50,000 00 for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as d partment, subdepartment or store) for which you have such records, as follows:

(a) Your quarterly percentage of gross margin for the calendar quarter beginning July 1, 1949 (or if your fiscal quarter begins on some other date, the fiscal quarter beginning nearest to July 1, 1949).

(b) The corresponding percent of gross margin for each of the subsequent three calendar or fiscal quarters.

(c) If you do not have monthly or quarterly records of gross margin your percentage of gross margin for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949.

"*Gross margin*" as used in this regulation is found as follows:

Step 1. Add the invoice cost of your beginning inventory for the reporting period and the invoice cost of your total purchases for the reporting period.

Step 2 Subtract the cost of your ending inventory from the total found in Step 1. The result is cost of goods sold.

Step 3. Subtract the cost of goods sold found in Step 2 from your total sales. The result is your dolla gross margin.

Step 4. Divide the dollar gross margin by your total sales. This is your percentage gross margin on sales.

Example: Period—January 1, 1949–December 31, 1949.

Step 1:	
Beginning inventory	$100,000
Total purchases	250,000
Total	350,000
Step 2:	
Ending inventory	−90,000
Cost of goods sold	260,000
Step 3:	
Total sales	395,000
Cost of goods sold	−260,000
Gross dollar margin	135,000

Step 4: 135,000 ÷ 395,000 = 34.2% = Percentage gross margin on sales.

(ii) *Current records of gross margin.* You must continue to prepare and preserve such records for the same periods, that is quarter-year or annual and on the same accounting basis as you used in maintaining the records upon which the reports required in paragraph (2) (i) below are based.

(2) *Reports*—(i) *Base period reports of gross margin.* If you are covered by paragraph (b) (1) (i) above you must prepare two copies of a report labelled "Gross Margin Report," listing your name and address and the gross margin percentages for each of the subdivisions of your business for which you have such records for the periods described in that paragraph. You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS.[17]

(ii) *Current reports of gross margin.* If you have filed a report of your gross margin under (i) above for any subdivision of your business you must file a similar report for any succeeding period in which your gross margin percentage for that subdivision exceeds your base period gross margin percentage. This report must indicate the period which it covers, the current gross margin, and must also state the number of percentage points by which the current report exceeds the base period report. All such reports must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., within 75 days of the close of the period.

[Subpart 2 amended by Amdt. 1]

SEC. 54. *Sales slips.* If you customarily gave your customers a sales slip, receipt, or similar evidence of purchase you must continue to do so. Upon request from a customer, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, a description of each article sold and the price received for it.

SEC. 55. *What acts are prohibited by this regulation.* On and after February 27, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling or delivering any article at a price higher than the ceiling price permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* You are prohibited from buying or receiving, in the course of trade or business, any article sold in violation of any of the provisions of this regulation.

(c) *Changing customary terms of sale.* You are prohibited from changing your customary terms, discounts, allowances, or price differentials on sales of articles, if the change results in a higher net price. This includes differentials allowed to cash purchasers by sellers who customarily extend credit.

(d) *Combination sales.* You are prohibited from requiring any purchaser to buy or agree to buy any other article, service, package, or wrapper in connection with the sale or delivery of any article covered by this regulation. Every person is likewise prohibited from making a sale of articles which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, if designed by the manufacturer for sale at a unit price, and so purchased by you, may be sold at a unit price; matched groupings of furniture articles (covered by categories 701–752) may also be sold at a unit price as suites or sets, if all the articles in the grouping were produced by the same manufacturer; and sets priced pursuant to Section 39 (c) may be sold at a unit price.)

(e) *Indirect price increases.* You are prohibited from doing any other act which directly or indirectly increases, above the ceiling price, the consideration paid for any article or delivery of any article, or, for the purposes of evading the price limitations set forth in this regulation, to purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling, or otherwise affiliated with you. You shall not do any other act which directly or indirectly increases the consideration paid for any article. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright sale above the ceiling price.

(f) *Attempts to violate.* Every person is prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 56. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for damages, provided by the Defense Production Act of 1950.

SEC. 57. *Petitions to amend this regulation.* Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 58. *Supplementary regulations modifying this regulation.* The provisions of this regulation, as applied to certain commodities or persons subject to this regulation, may be modified by Supplementary Regulations issued under this section.

SEC. 59. *Definitions:*

"*Accommodation sale*" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser. For example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade is an accommodation sale. It does not include sales by cooperative, nonprofit, or other organizations which make sales initially above cost, but later give refunds, bonuses, dividends, or other allowances to purchasers.

"*Buy and sell in substantially the same form.*" An article is bought and sold in substantially the same form if the article which you sell belongs to the same category as the article you bought and, except as provided in section 38 and section 39 (d) (pricing of repaired or reconditioned articles) if, before offering it for sale you have not added to the article you sell, materials which cost you more than 10 percent of the net cost (as defined in section 31) of the original article.

"*Director of Price Stabilization.*" This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

"*Mail order establishment*" means a person who regularly makes deliveries by mail to individual ultimate consumers in response to orders received by mail on the basis of catalogs, booklets, circulars, flyers or other forms of printed price lists.

"*Office of Price Stabilization.*" Wherever the Office of Price Stabilization (OPS) is referred to in connection with some action to be taken it means action by the Director of Price Stabilization.

"*Person.*" A person includes an individual, corporation, partnership, association or other organized groups of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

"*Purchaser of the same class*" refers to the practice adopted by the seller in selling different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different conditions of sale.

"*Records*" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

"*Sale at retail*" or "*retailer.*" "Selling at retail" means a sale or selling to an ultimate consumer (including an industrial or commercial user) of an article which you buy and sell in substantially the same form. A seller who in the regular course of business makes sales at retail is a retailer.

"*Sell*" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this regulation shall be construed to prohibit the making of a contract to sell an article at a price not to exceed the ceiling price at the time of delivery.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This regulation shall become effective on the 27th day of February 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

No. 108——6

[17] This report may be filed on OPS Public Form No. 3, available at OPS local or regional offices.

APPENDIX A

EXAMPLES OF A LIST DATE PRICING CHART

(a) Men's Furnishings Department List Date Pricing Chart

Men's Furnishings Department (Dept. No. 21) in Chain Store (Statement of Total Store Volume Filed Separately)
ABC Department Store, 123 Maine Street, New City, Kansas

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 116, Underwear and Nightwear (Sleeping Shorts).	$0.32 (4.00, 3/10 EOM, per dozen)	$0.49	53.1	#12345 ABC Underwear Co., 2/1/51 (man's undershirt).
	$0.34 (4.25, 3/10 EOM, per dozen)	.50	73.5	#23456 XYZ Underwear Co., 2/5/51 (Man's undershirt).
Average percentage markup 70.6%.	$0.36 (4.50, 3/10 EOM, per dozen)	.59	63.9	#5467 CBA Underwear Co., 12/15/50 (man's undershirt).
	$0.44 (5.50, 3/10 EOM, per dozen)	.79M	79.5	#4567 ZYX Underwear Co., [illegible] (man's undershirt).
	$0.46 (5.75, 3/10 EOM, per dozen)	.79	71.7	#67890 ABC Underwear Co., 11/1/50 (man's undershirt).
	$0.49 (6.00, 3/10 EOM, per dozen)	.79	61.2	#67890 XYZ Underwear Co., 1/15/51 (Men's undershirt).
	$0.57 (7.00, 2/10 EOM, per dozen)	1.00	75.4	#54321 ABC Underwear Co., 1/17/51 (T-shirt).
	$0.58 (7.00, net, per dozen)	1.00	72.4	#65432 ZYX Underwear Co., 2/6/51 (man's undershirt).
	$0.77 (9.50, 3/10 EOM, per dozen)	1.39	80.5	#76543 ABC Underwear Co., 1/29/51 (man's undershirt).
	$0.85 (10.50, 3/10 EOM, per dozen)	1.49	75.3	#87654 ABC Underwear Co., 12/10/50 (man's undershirt).
	$1.01 (12.50, 3/10 EOM, per dozen)	1.69U	67.3	#98765 XYZ Underwear Co., 2/14/51 (man's undershirt).
	$1.82 (22.50, 3/10 EOM, per dozen)	2.98	63.7	#13579 MNO Pajama Co., 1/17/51 (man's sleeping shirt).
	$2.43 (30.00, 3/10 EOM, per dozen) (4.75)	3.95R	63.8	#23571 MNO Pajama Co., 12/19/50 (man's pajamas).
	$2.79 (34.50, 3/10 EOM per dozen)	4.98	78.5	#57913 MNO Pajama Co. 12/28/50 (man's pajamas).
	$2.88 (34.50 net, per dozen) [Category 116 amended by Amdt. 1]	4.98	72.9	#24680 A. L. Pajama Co., 2/7/51 (man's pajamas).
Category 117, Shirts	$1.21 (15.00, 3/10 EOM, per dozen)	1.98	63.6	#58317 Arc Shirt Co., 1/17/51 (man's business shirt).
Average percentage markup, 67%.	$1.25 (17.50, 3/10 EOM per dozen)	1.98	58.4	#67321 Excello Shirt Co., 1/8/51 (Guy's business shirt).
	$1.38 (16.50 net, per dozen)	(2.35)	63.0	#75819 Top Shirt Co. 12/[illegible]/50 (man's business shirt).
		2.50		#53197 Arc Shirt Co., 1/4/51 (man's business shirt).
	$1.52 (22.50, 3/10 EOM, per dozen)	2.98M	63.7	#31579 Arc Shirt Co., 12/[illegible]/50 (man's business shirt).
	$1.54 (24.00, 3/10 EOM, per dozen)	3.50	80.1	#19753 Top Shirt Co., 12/19/50 (man's business shirt).
	$3.64 (3.75, 3/10 EOM)	(5.75)	63.5	#24680 Sportswear, Inc., 1/21/51 (Boy's sport shirt).
		6.95		#86302 X Sport Shirts, Inc., 2/8/51 (man's sport shirt).
	$5.34 (5.50, 2/10 EOM)	7.95		#69124 Sportswear, Inc., 2/5/51 (men's sport shirt).
	[Category 117 amended by Amdt. 1]	(8.95)	67.6	#86240 X Sport Shirts, Inc., 1/11/50 (man's sport shirt).
Category 118, hosiery	$0.22 (2.75, 3/10 EOM, per dozen)	.35	59.1	#23171 E. & F. Hosiery Co., 1/3/51 (anklet).
Average percentage markup, 63.7%.	$0.24 (3.00, 3/10 EOM, per dozen)	.39	62.5	#34512 Stockings, Inc., 2/2/51 (boy's socks).
	$0.25 (3.00, 2/10 EOM, per dozen)	.39	56.0	#45127 G. & H. Hosiery Mills 2/5/51 (man's socks).
	$0.30 (3.75, 3/10 EOM, per dozen)	.49	63.3	#71254 E. & F. Hosiery Co., 12/11/50 (men's sock).
	$0.34 (4.25, 3/10 EOM, per dozen)	.59	73.5	#43215 Stockings, Inc. 12/20/50 (sweat socks).
Category 119, handkerchiefs, scarves, mufflers, (neckerchiefs).	$0.10 (1.25, 3/10 EOM, per dozen)	.15	50.0	#94321 H[illegible]fs, Inc., 2/[illegible]/51 (handkerchiefs).
	$0.12 (1.50, 3/10 EOM, per dozen)	.19M	58.3	#45670 E. & G. Handkerchief Co., 1/16/51 (handkerchiefs).
Average percentage markup 85.9%.	$0.14 (1.75 3/10 EOM, per dozen)	.25	78.6	#19231 Smith Handkerchief Co., 10/[illegible]/50 (handkerchiefs).
	$0.15 (1.85, 3/10 EOM, per dozen)	.25	66.7	#24923 Handkerchief Inc., 11/[illegible]/50 (handkerchiefs).
	$0.53 (6.50, 3/10 EOM, per dozen)	1.00	88.7	#17880 M & S Knitting Co., 2/2/51 (scarf).
	$0.55 (6.75, 3/10 EOM, per dozen)	1.00	81.8	#10641 T & U Mills, Inc., 2/3/51 (scarf).
	$0.57 (7.00, 3/10 EOM, per dozen)	1.00	75.4	#15742 Style Corporation, 12/19/50 (neckwear).
	$1.09 (13.50, 3/10 EOM, per dozen)	2.00	83.5	#17[illegible] T & U Mills, Inc., 12/19/50 (scarf).
	$1.21 (15.00, 3/10 EOM, per dozen)	(2.00)	65.3	#19043 R. & S. Knitting Co., 2/[illegible]/51 (scarf).
		2.50		#10986 [illegible] Co., 2/[illegible]/51 (scarf).
	$1.25 (15.00 net, per dozen) [Category 119 amended by Amdt. 1]	2.50	100.0	#18701 T & U Mills, Inc., 1/[illegible]/50 (scarf).
Category 120, Ties (Tie and handkerchief set).	$0.52 (6.75, 7/10 EOM, per dozen)	1.00	92.3	#32154 J.K.L. Neckwear Co., 12/[illegible]/50 (bow tie).
	$0.54 (7.00, 7/10 EOM, per dozen)	1.00	85.2	#21543 Ties, Inc., 1/[illegible]/51 (four-in-hand tie).
Average percentage, markup 92.3%.	$0.73 (9.50, 7/10 EOM, per dozen)	1.50U	102.7	#15432 J.K.L. Neckwear Co., 2/[illegible]/51 (bow tie).
	$0.81 (10.50, 7/10 EOM, per dozen)	1.50	85.2	#34152 Fashion Neckwear, 2/7/51 (four-in-hand tie).
	$1.05 (13.50, 7/10 EOM, per dozen)	2.00	90.5	#78231 Ties, Inc., 12/18/50 (four-in-hand tie).
	$1.16 (15.00, 7/10 EOM, per dozen)	(2.00)	72.4	#64710 J.K.L. Neckwear Co., 1/6/51 (bow tie).
		2.50		#72154 Ties, Inc., 1/17/51 (tie and hankerchief set).

APPENDIX A—Continued

EXAMPLES OF A LIST DATE PRICING CHART

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 122, Gloves and mittens	$1.70 (21.00, 3/10 EOM, per dozen)	$2.98	75.3	#12660 Superior Gloves, 11/6/50 (leather glove).
	$1.82 (22.50, 3/10 EOM, per dozen)	2.98R	63.7	#10660 Brown Knitting Co., 2/2/51 (crocheted glove).
Average percentage markup, 71.2%.	(3.50) $2.18 (27.00, 3/10 EOM, per dozen)	3.98	82.6	#18605 Green Mills Inc., 11/21/50 (wool lined gloves).
	$2.43 (30.00, 3/10 EOM, per dozen)	3.98	63.8	#18031 Superior Gloves, 2/9/51 (leather glove).

*Based on sales to cash customers.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: ABC DEPARTMENT STORE, DEPARTMENT 21,
By: JOHN DOE, *Dept. Head.*

[Category 122 amended by Amdt. 1]

(b) Furniture Store—List Date Pricing Chart for Store including Freight in determining Markups

LM Furniture Co., 1115 Massachusetts Ave., Barre, Vermont

[Type of store—independent furniture store. Total retail sales 100,000-299,000]

Category (1)	Net cost (per unit) (2) (Freight)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoices (5)
Category 701, Wood bedroom suites.	$32.34 (33.00, 2/10) 3.10	$56.85	75.8	F. C. Mfg. Co., #1134, 1/2/51 (3 pc. maple).
	$39.20 (40.00, 2/10) 3.50	66.45	69.5	K. F. Furniture Co., #6910, 11/12/50 (3 pc. walnut veneer).
	$41.16 (42.00, 2/30) 3.60	70.00	71.5	C. B. Furniture Co., #7315, 12/18/50 (3 pc. maple).
Average percentage markup 76.1%.	$47.04 (48.00, 2/10) 5.50	(84.00)	78.6	K. F. Furniture Co., #6910, 1/14/51 (3 pc. walnut veneer).
	6.00	92.00	----------	T. H. Jones Co., #142, 11/17/50 (5 pc. maple).
	$55.00 (net)	95.00	72.7	S. W. Mfg. Co., #23691, 1/25/51 (3 pc. mahogany).
	$61.74 (63.00, 2/10) no freight	109.00	76.6	T. Smith Industries Inc., #29, 1/5/51 (5 pc. walnut veneer).
	$63.70 (65.00, 2/10) 7.40 (119.60)	111.00R	75.2	A. B. Bedroom Co., #4210, 1/18/51 (3 pc. mahogany).
	$98.00 (100.00, 2/30) 6.00	173.00	76.5	XY Mfg. Co., #25498, 2/5/51.
	$103.88 (106.00, 2/10) 7.50	181.50	74.7	S. A. Mfg. Co., #54691, 10/12/50 (5 pc. mahogany).
	$151.99 (159.00, 3/10) 11.15	267.85	76.7	H. M. Co., #4569, 10/9/50 (7 pc. bleached mahogany).

Signed: L. M. FURNITURE COMPANY,
By: CHARLE COE, *President.*

[Category 701 amended by Amdt. 1]

(c) Furniture Store—List Date Pricing Chart for Store not including Freight in determining Markups

XY Furniture Co., 1010 Pennsylvania Ave., Rutland, Vermont

[Type of store—independent furniture store. Total retail sales 300,000-499,000]

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 709, Upholstered chairs and rockers.	$4.40 (net)	$7.95	76.7	Brown Furniture Company #6789, 2/2/51 (occasional).
	$6.37 (6.50, 2/10)	10.95	71.9	Smith Furniture Company #1234, 12/18/50 (occasional).
Average percentage markup 82.9%.	$8.33 (8.50, 2/10)	14.95	79.5	Jones Mfg. Co., #2345, 9/13/50 (maple).
	$11.27 (11.50, 2/10)	19.95M	77.0	Brown Furniture Co., #6789, 10/24/50 (lounge).
	$13.72 (14.00, 2/30)	24.95	81.9	Brown Furniture Co., #6789, 1/17/51 (lounge).
	$16.17 (16.50, 2/15)	29.50	82.4	Northern Furniture Co., #10123, 12/6/50 (cogswell).
	$17.15 (17.50, 2/10)	29.50	----------	Smith Furniture Co., #9213, 10/14/50 (barrell).
		(32.50)	89.5	L. & W. Chair Co., #3435, 1/12/51 (wing chair).
	$21.56 (22.00, 2/10)	39.50	83.2	Brown Furniture Co., #3910, 1/30/51 (channel back).
	$24.01 (24.50, 2/10)	44.50	85.3	Northern Mfg. Co., #8724, 9/21/50 (platform rocker).
	$32.34 (33.00, 2/10)	59.50U	84.0	L. & W. Chair Company, #2478, 10/10/50 (club).
	$37.24 (38.00, 2/10)	69.50	86.6	Smith Furniture Company, #9338, 2/7/51 (barrel).
	$38.00 net	69.50	82.9	Upholstered Furniture Co., 2/2/51, #4025 (channel back).
	$43.12 (44.00, 2/10)	79.50	84.4	W. K. Sales Company, #251, 10/11/50 (wing).

*These prices are for sales to customers who pay cash. Credit sales made on basis of additional charge of 6% per annum of unpaid balance.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: X Y FURNITURE COMPANY,
By: RICHARD ROE, *President.*

APPENDIX B

What Commodities Are Covered by This Regulation

This appendix describes the articles covered by this regulation. These articles are grouped into "categories," each of which is given a number in this appendix. Paragraph (A) lists some categories of apparel and apparel accessories. Paragraph (B) lists the categories of piece goods and certain household textile commodities covered. Paragraph (C) lists the categories of certain consumer durable goods covered. Paragraph (D) lists women's, misses', teens', girls' and toddlers' apparel.

Each category is intended to be a "general" category unless designated as "specific" category. A "specific" category is one which includes only the articles that are specifically listed for that category. A "general" category is one which includes not only the articles that are specifically listed for that category but also all other related articles that fall within the general category description and are not listed in any other category in this appendix. In making your chart you must include in a "general" category all the articles listed in that category; you must include in addition all other related articles that fall within the general description and are not listed in any other category.

If you buy together at a unit price two or more articles (unless the combination is listed in a particular category) place the combination in the category of the article which bears the greatest percentage of the cost price of the combination.

(A) *Categories of Apparel and Apparel Accessories*

(1) Masculine Apparel and Apparel Accessories.

Certain categories are for men only and certain ones for boys only. There are some categories that apply to both men and boys apparel, and some categories which apply to men, women and children. No categories include sizes commonly known as toddlers' or infants'.

Category 101—Men's Tailored Topcoats and Overcoats

This category does not include any military or civilian uniform overcoats, topcoats, raincoats or other coats covered by categories 105, 105A, 106, 107. Among the articles included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats, and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 102—Men's Suits and Sport Coats

This category does not include any garments covered by categories 104, 105, 105A, 106 and sport and utility heavy outerwear covered by Category 107. Among the garments included are:

Tailored suits made of cotton, rayon, wool, or other fibres, or of mixtures.
Separate tailored sport coats.

Category 103—Men's Trousers and Related Items

This category does not include any staple work clothing or any garments covered by categories 105, 105A, 106, 107. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants and jodhpurs.
Knickers and walking shorts.
Vests made of woven cloth.

Category 104—Men's Slack Suits

Category 105—Men's Civilian Uniforms

Among the garments included are:

Uniform suits (such as conductors', chauffeurs', policemen's, firemen's, bands, military schools, etc.).
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 105A—Men's Overalls, including Bib and Dungarees, and Overall Jackets

Category 105B—Men's Work Shirts, Work Pants and Match Sets, including Work Uniforms

Category 105C—Men's Work Accessories, including gloves, bandannas, hosiery, caps and hats (including straw) which are used primarily as work or farm hats

Category 105D—Men's One-piece Work Suits and Men's Smocks

Category 106—Men's U. S. Regulation Military Uniforms

Suits, topcoats and overcoats.
Fingertip length coats and rain and reversible coats of all lengths.
Separate jackets, middies, and blouses made in the manner commonly used for jackets.
Separate trousers, breeches, and tropical shorts.

Category 107—Men's Sports and Utility Heavy Outerwear

Sport and loafer jackets and non-tailored coats except water repellent jackets and sleeveless styles.
Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Ski and skating jackets and pants.

Category 107A—Hunting and Fishing Apparel (Men, Women and Children)

Cotton shell coats, jackets and vests (lined and unlined).
Hunting and fishing coats, jackets, breeches, vests and caps.

Category 107B—Men's Raincoats and Water Repellent Garments

Jackets, such as water repellent poplin.
Non-tailored raincoats, rain caps and hats.
Suits.
Pants.
Overalls
Aprons.
Vests.
Leggings.

Category 108—Juvenile and Boy's Topcoats and Overcoats, sizes 3 to 10 and 6 to 16.

This category does not include uniform overcoats and topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 108A—Topcoats and Overcoats, Cadets' sizes 10 to 20 and Students'

This category does not include uniform overcoats or topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 109—Juvenile and Boys' Suits and Sport Coats Sizes 3 to 10 and 6 to 16

This category does not include any garments covered by Categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool, or other fibres or of mixtures.
Separate tailored sport coats.

Category 109A—Suits and Sport Coats, Cadets' sizes 10 to 20 and students'

This category does not include any garment covered by categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool or other fibres or of mixtures.
Separate tailored sport coats.

Category 110—Juvenile and Boys' Trousers and Related Items, Sizes 3 to 10 and 6 to 16

This category does not include any staple work clothing covered by category 111 or any garments covered by Categories 111, 112 and 112A. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 110A—Trousers and Related Items, Cadets' sizes 10 to 20 and Students

This category does not include any staple work clothing covered by 111A or any garment covered by Categories 111, 112, 112A.

Separate trousers, pants and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 111—Boys' Civilian Uniforms

Uniform suits (such as messenger boys', ushers', bellhops', busboys', boy scouts', etc.
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 111A—Boys' Play and Work Clothes

This includes dungarees, coveralls, overalls and similar garments:

Work suits.
Work shirts.

Category 112—Boys' Sport and Utility Heavy Outerwear

Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Sport and loafer jackets and non-tailored sport coats except water repellent types.
Ski and skating jackets and pants.
Snow suits, legging sets and separate leggings.

Category 112A—Boys' Raincoats and Water Repellent Garments

This category includes:

Jackets such as water repellent poplin.
Non-tailored raincoats.
Caps, hats.
Suits, jackets, pants, overalls, aprons, vests, and leggings.

Category 113—Boy's Play and Work Clothes

Slack suits.
Play suits and play clothes.
Wash suits.
Cowboys', soldiers', sailors', firemen's, and related suits.

Category 114—Men's and Boys' Bathing Wear

Bathing suits and trunks.

Category 115—Men's and Boys' Sweaters

This category includes all knitted outerwear and garments combined of knitted and other fabrics. Among the garments included are:

Sweaters.
Sweater vests.
Sweater coats.
Knitted pull-overs.
Knitted cardigans.

Category 116—Men's and Boys' Underwear and Nightwear

This category includes all underwear and nightwear garments made of either knitted or woven fabrics. Among the garments included are:

Union suits.
Shorts, drawers, and briefs.
Undershirts and T shirts.
Pajamas.
Nightshirts and sleeping coats.

Category 117—Men's and Boys' Shirts

This category includes all types of shirts made from all fabrics, except that it does not include any staple work shirts which are covered by Categories 105B and 111A. It includes military shirts. Among the garments included are:

Dress shirts.
Neck-band shirts.
Collar-attached shirts.
Business shirts.
Sport shirts.
Polo and basque shirts.
Boys' blouses.
Sweat shirts.

Category 118—Men's and Boys' Hosiery

This category includes:

Regular length socks.
Golf socks.
Slack socks.
Crew or sweat socks.
Work socks.
Anklets.
Full length stockings.

Category 119—Men's and Boys' Handkerchiefs, Scarves, and Mufflers

Among the articles included are:

Pocket handkerchiefs.
Sport handkerchiefs.
Fancy handkerchiefs.
Woolen mufflers and scarves.
Knitted mufflers and scarves.

Category 120—Men's and Boys' Neckties

Among the articles included are:

Bow ties. Cravats.
Four-in-hand ties. Ascot ties.

Category 121—Men's and Boys' Sundries

The articles included are:

Suspenders, garters, and arm bands.
Belts.
Separate collars.
Spats.
Men's Wallets.

[Category 121 amended by Amdt. 1]

Category 122—Men's and Boys' Gloves and Mittens

This category does not include any staple work gloves or athletic gloves covered by categories 105C and 351.

Among the articles included are:

Gloves. Mittens.

Category 123—Men's and Boys' Hats (other than Straws)

This category does not include any military or civilian uniform hats and caps covered by Categories 105, 105C, 106 and 11, or hats and caps covered by Categories 107B and 112A. It includes:

Hats and caps. Hoods.
Helmets. Fur muffs.

Category 123A—Men's and Boys' Straw Hats

This is a "specific" category. It covers all types of summer straw hats, except those covered by Category 105C. It includes soft styles and stiff styles that are made of woven straw, grass fibres or any imitation thereof and any combination of these materials with any other material.

Category 124—Men's and Boys' Lounging Wear

Among the garments included are:

Bathrobes, beach robes, beach coats, and dressing gowns.
Smoking jackets and coats.
Cocktail and lounging jackets and coats.

(2) Feminine Apparel and Apparel Accessories.

NOTE: Categories 201 to 206 include apparel only in women's, misses', and juniors' size ranges. These are called "women's" categories.

Categories 207 to 209 include apparel only in teen age, girls', children's, and toddlers' size ranges. These are called "children's" categories.

Categories 210 to 218 include feminine apparel and accessories in all size ranges except infants' size ranges. These are called "women's and children's" categories:

Coats.	Skirts.
Suits.	Blouses.
Dresses.	Slacks.
Jackets.	Ski Suits.

To price these articles refer to Group 4, Women's, Teen's, Children's and Toddlers' Ready to Wear Categories 1001 through 1030.

Category 201—Women's Sportswear and Beachwear

Among the articles included are:

Shorts, culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Bathing suits.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing and shower caps.
Sweat shirts.

Category 202—Women's Knitted Outerwear

This category does not include garments which are covered by Categories 1006, 1007, 1010, 1011, 1011A, 1014 and 1017.

Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.

Category 203—Women's Rainwear

This category does not include uniform rainwear covered by Category 205 or any garment which does not have as its chief use protection against rain. (Excluded are garments covered by Categories 1001, 1002, 1003 and 1014.)

Among the garments included are:

Raincoats.	Rain hats.
Raincapes.	Rain hoods.
Rain jackets.	

Category 204—Women's Foundation Garments

Among the articles included are:

Corsets, girdles, and corselettes.
Brassieres.
Garters and garter belts.
Sanitary belts and aprons.
Combinations or all-in-ones.
Supports.
Leg shields.
Bust forms.
Bust developing and slenderizing appliances.

This is a "specific" category. It includes uniforms for all the armed services and the Red Cross. The articles covered are:

Coats, capes, and suits.
Separate uniform jackets and skirts.
Uniform blouses.
Uniform dresses.
Uniform hats and caps.
Uniform slacks.
Raincoats and capes and rain hats and hoods.

Category 206—Women's and Girls' Civilian Uniforms and Washable Service Apparel

Among the garments included are:

Uniforms (such as elevator operators', usherettes', nurses', waitresses', maids', messengers', beauticians', laundry workers', etc.) and separate parts of uniforms.
Uniform coats and capes.
Uniform dresses.
Uniform blouses.
Uniform hats and caps.
Uniform slacks and overalls.
Uniform aprons.
Separate uniform jackets and skirts.
Work and shop aprons, frocks, dresses, brunch coats, smocks, gowns, jackets, coats, slacks, coveralls, hats, caps, work gloves, etc.
All other aprons and hooverettes.

Category 207—Children's Sportswear and Beachwear

Among the articles included are:

Shorts and culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing caps.
Sweat shirts.
Bathing suits.

Category 208—Children's Knitted Outerwear

This category does not include garments which are covered in categories 1005, 1009, 1013, 1016, 1019. Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.
Knitted coats and legging sets.

Category 209—Children's Rainwear

This category excludes any garment which does not have as its chief use protection against rain. (Such garments are covered by categories 1005 and 1006.) Among the garments included are:

Raincoats.	Rain hats.
Raincapes.	Rain hoods.
Rain jackets.	

Category 210—Women's and Children's Riding Wear and Jackets

Among the garments included are:

All riding breeches and jodhpurs.
All plastic and all leather and imitation leather coats, windbreakers, jackets and vests.

Category 211—Women's and Children's Woven Underwear and Nightwear

Among the garments included are:

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 211A—Women's and Children's Knitted Underwear and Nightwear

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 212—Women's and Children's Lounging Wear

It includes garments made from both woven and knitted fabrics. Among the garments included are:

Housecoats.
Negligees and bathrobes.
Dressing gowns and lounging robes.
Hostess gowns.
Lounging or hostess tunics and slacks.
Cocktail coats.
Lounging pajamas.

Category 213—Women's and Children's Hosiery

Among the articles included are:

Full length stockings.
Knee length stockings and socks.
Other socks.
Anklets.
Peds and sockettes.
Bed socks and foot warmers.

Category 214—Women's and Children's Millinery

Among the articles included are:

Hats.	Bonnets.
Berets.	Bridal veils.

Category 215—Women's and Children's Gloves and Mittens

This category does not include any work gloves which are covered by category 206 or any athletic gloves covered by category 351. Among the articles included are:

Gloves
Mittens.
Mitts.
Appliances to hold gloves to hand bags.

Category 216—Women's and Children's Handkerchiefs and Related Items

This category includes:

Pocket handkerchiefs.
Fancy handkerchiefs.
Evening handkerchiefs.
Sport handkerchiefs.

Category 217—Women's and Children's Neckwear and Related Items

This category includes:

Artificial flowers or ornaments for hair, dresses or coats, scarves and kerchiefs.
Dickies, vestees, gilets, and bigs.
Collars, cuffs, and collar and cuff sets.
Fascinators, parkas, and babushkas.
Ties.
Ruchings and edgings.
Blousettes.

Category 218—Women's and Children's Handbags

This category includes:

Handbags, purses, and pocketbooks.
Muff bags.
Belts.
Wallets, keyholders, etc.
Appliance to attach handbag to a table.

(3) Infants' Apparel and Accessories

NOTE: Categories 301–307 include apparel in infants' size ranges for both sexes and accessories designed for use by infants.

Category 301—Infants' Coats, Snowsuits, and Leggings

This category includes garments made of either knitted or woven fabric, or made of leather, plastic, or other materials. Among the articles included are:

Coats and coat sets.
Snowsuits and snowsuit sets.
Separate leggings.

Category 302—Infants' Knitted and Crocheted Outerwear

This category does not include any knitted coats, snowsuits, or leggings. Among the articles included are:

Sweaters, sweater sets, and knitted suits.
Jackets. Shawls and scarves.
Mittens and gloves. Booties.

Category 303—Toddlers' Woven Outerwear

This category does not include any coats, snowsuits, or leggings.

Among the articles included are:

Rompers, creepers, and crawlers.
Sunsuits and playsuits.
Dresses and wash suits.
Overalls (long and short).
Woven jackets.

Category 304—Infants' Headwear

This category includes all crocheted, knitted, and woven hats. Among the articles included are:

Hats.	Caps.
Bonnets.	Hoods.

Category 305—Infants' Dresses, Underwear and Nightwear

Among the articles included in this category are:

Panties.
Gowns and sleepers.
Kimonos, wrappers, and bath robes.
Sacques.
Dresses, slips and gertrudes.
Training pants and training suits.
Socks, stockings, and anklets.
Bands.
Soakers.
Plastic or rubber lined diapers and diaper protectors.

[Category 305 amended by Amdt. 1]

Category 306—Infants' Bedding and Related Items

This category includes:

Tick or sateen covered pillows.
Crib sheets, pillow cases, and blankets.
Other infants' blankets.
Rubber sheets.
Pads (including pads for cribs, high chairs, play pens, baskets, bassinets, and nursery floor pads).
Diaper bags.
Buntings and carriage suits.
Infants' towels and wash cloths.
Mattress pads and similar quilted pads.

Category 306A—Diapers

This category includes diapers of birds eye, cheese cloth, and all other materials, including disposable types.

Category 307—Miscellaneous Infants' Items

This category does not include any article that can be priced under categories 308, 309 and 310. Among the articles included are:

Carriage covers.
Blanket covers.
Infants' quilts.
Bibs.
Crib and carriage spreads.
Fancy pillows.
Trimmed baskets and bassinets.

Category 308—Infants' Metal and Woolen Wheel Goods and Other Metal Goods

Some of the items included in this category are:

Strollers.
Walkers.
Collapsible carriages.
Swings.
Automobile and carrying baskets.

Category 309—Infants' Staple Accessories

Among the items included in this category are:

Staple notions.
Infant toiletries.
Bottles and nipples.
Reed and metal hampers.
Diaper pails.
Untrimmed baskets (except metal covered by category 308).

Category 310—Infants' Novelties

Included in this category are such items usually designated as gifts. Some of the items included are:

Comb and brush sets.
Record books.
Baby scales.
Bottle warmers.
Bottle sterilizers.
Food dishes.
Rattles.
Teethers.
Ear conformers.
Thumb guards.
Safety straps.

(4) Masculine and Feminine Apparel

NOTE: Categories 351–353 include apparel and accessories for men and women and girls and boys in all size ranges except infants' size ranges.

Category 351—Athletic Clothing and Accessories

Among the articles included in this category are:

All athletic uniforms (such as baseball, softball, football, basketball, and related suits and separate parts of suits).
Gym, track, and related suits.
Colored warm-up suits.
Tennis, boxing, track, and related shorts.
Bloomers (for girls and women).
Abdominal, athletic, ankle, and similar supporters.
Special athletic hose (such as baseball and football hose).
Knee, shoulder, chest, hip, and similar pads, guards, and protectors.
Athletic gloves.

Category 352—Umbrellas and Canes

This is a "specific" category. The articles covered are:

Umbrellas.
Parasols and sunshades.
Umbrella cases and separate umbrella covers.
Canes.

Category 353—Miscellaneous Clothing

Among the garments included in this category are:

Costumes.
Regalia.
Baptismal suits.
Ecclesiastical vestments and habits.
Academic gowns.
All other related garments.

(5) Footwear

NOTE: Categories 401–410 include footwear of all descriptions and in all sizes for both sexes, including corrective footwear.

Category 401—Men's Dress Shoes

Street shoes.
Sport shoes.
Evening pumps and shoes.
High top street shoes.
Low-cut shoes or oxfords, other than work oxfords.
Sandals, casuals, and moccasins for outdoor wear.

Category 402—Men's Work Shoes

This does not include shoes priced under category 402A, 402B and 410. Among the shoes included are:

High top work shoes.
Low-cut oxford type work shoes.
Logger boots, utility cowboy boots, and men's high-cut laced boots.
Shearling or felt shoes (other than slippers).

Category 402A—Overshoes for Men, Women and Children

This category does not include any shoes in category 402B; it does include:

Rubbers.
Rubber boots.
Rubber overshoes.
Similar articles made of plastic or other materials.

Category 402B—Men's, Women's and Children's Rubber-Soled Canvas Shoes

This category includes all shoes commonly known as tennis shoes or sneakers.

Category 403—Little Gents', Youths' and Boys' Shoes

Among the shoes included are:

Street shoes.
Sport shoes.
High top shoes.
Low-cut shoes or oxfords.
Sandals, casuals, and moccasins for outdoor wear.
Work shoes.

Category 405—Women's and Growing Girls' Shoes

This category does not include any shoes covered by 402A, 402B or 409 or any safety shoes covered by category 410. Among the shoes included are:

Street shoes.
Sport shoes
Evening slippers.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Beach shoes, clogs, and sandals.
Play shoes.
Stadium boots.

Category 406—Misses' and Children's Shoes

This category does not include any shoes covered by Category 402A, 402B, 409 and 410. It includes shoes in sizes only up to and including size 3. Among the shoes included are:

Street shoes.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Play shoes.

Category 407—Infants' Shoes

Among the shoes included are:

Soft-soled shoes.
Hard-soled shoes
Sandals.
High top shoes.
Strap shoes.
Ties or oxfords.

Category 408—Men's, Women's and Children's and Infants' House Slippers

This category includes house shoes and slippers made of all materials in all size ranges and for both sexes. Not included are footwarmers covered in Category 213. Among the shoes and slippers included are:

Bedroom slippers.
House slippers.

Mules.
Sculls.
Hard-soled house shoes and slippers.
Soft-soled house shoes and slippers.
Romeos.
Pullman slippers.
Juliets.
Lounging shoes and slippers for indoor wear.
Moccasins for indoor wear.
Leather and other fabric soles with knitted socks attached.

Category 409—Men's, Women's and Children's Athletic Shoes

This category includes shoes in all size ranges and for both sexes. Among the shoes included are:

Baseball, basketball, football, soccer, track, tennis, and related athletic shoes.
Gym shoes.
Spiked golf shoes.
Golfing shoes.
Skating shoes.
Boxing shoes.
Ski boots.
Riding boots and jodhpur boots.

Category 410—Men's, Women's and Children's Safety Shoes

This category includes safety shoes for both men and women. Among the shoes included are:

Shoes having steel box toes.
Industrial protective footwear.

(B) *Categories of Household Textile Commodities, Drapery Hardware and Certain Yard Goods*

(1) Certain Household Textile Commodities and Certain Yard Goods

Category 501—Bed Linens

This is a "specific" category. It does not include any crib sheets, pillow cases, or rubber sheets, pillow cases covered by category 306, or rubber sheets covered by category 505. It includes articles made of all types of fabrics. The articles covered are:

Bed sheets.
Pillow slips and cases.

Category 502—Blankets and Electric Blankets

This category does not include any infants' or crib blankets covered by categories 306 and 307. Among the articles included are:

Electric blankets.
Blankets.
Blanketing and blanket robe cloth.
Auto robes.
Steamer rugs.
Afghans and throws.

Category 502A—Quilts

This category does not include any infants' or crib quilts covered by categories 306 and 307. Among the articles included are:

Comforts.
Quilts.

Category 502B—Spreads

This category does not include any infants' or crib spreads covered by categories 306 and 307. Among the articles included are:

Chenille spreads.
Woven spreads.
Ready-made spreads of all fabrics.
Matching ensembles of a spread and window drape.

Category 502C—Bed Pillows

This category includes all bed pillows regardless of cover and contents, except that it does not include any infants' or crib pillows covered by categories 306 and 307. Among the articles included are:

Feather pillows.	Cotton pillows.
Kapok pillows.	Rubber pillows.

Category 503—Bath and Kitchen Linens and Accessories

This category does not include any infants' towels or wash cloths covered by category 306. It includes articles as listed below whose value has not been enhanced by printing, hemstitching, embroidery or other embellishment.

Turkish or terry cloth towels, towel sets, and toweling.
Huck towels, towel sets, and toweling.
Kitchen towels and toweling.
All other towels and toweling.
Wash cloths.
Dish cloths.
Bath mats, not covered by category 803A.

Category 504—Fancy Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Fancy linens other than bed linens.
Dresser sets.
Scarves and runners.
All towels not covered by category 503.

Category 504A—Staple Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has not been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Fancy linens other than bed linens.
Dresser sets.
Scarves and runners.

Category 505—Domestics

Among the articles covered are:

Sheeting materials, bleached and unbleached, narrow and wide width.
Pillow covers.
Mattress covers.
Ticks and ticking.
Batts and batting.
Blanket covers and quilt covers.
Waterproofed sheets and sheeting.
Bed pads.
Duck and khaki.

Category 506—Curtains and Drapes

Among the articles in this category are:

Window and door curtains.
Ready-made draperies.
Kitchen curtains and cottage sets.

Category 506A—Ready-Made Slip Covers (for Chairs, Sofas, Studio Couches, etc.)

Among the articles in this category are:

Slip covers of all fabrics.
Knitted slip covers.
Woven slip covers.
Plastic slip covers.

Category 506B—Shower Curtains and Drapes

Included in this category are items made of all materials including plastics:

Shower curtains.
Matching window drapes, not covered by Category 506.
Sets or combinations of the above.

Category 507—Curtain, Drapery, and Upholstery Fabrics

Included in this category are the following:

Curtain fabrics
Drapery fabrics.
Upholstery fabrics.
Slip-cover fabrics.
Drapery lining and interlining.

Category 508—Drapery Hardware

This category includes all articles made of metal, plastic, or other hard materials designed to make possible the hanging of curtains or drapes, or to improve the appearance of the curtains or drapes or the opening to which the drapery or curtain is attached. Among the items included are:

Solid and extending rods.	Poles.
Traverse rods and track.	Pulls.
Hooks.	Traverse cords.
Tie-backs.	Chains.
Cornices.	Traverse pulleys.
	Pleaters.

Category 509—Window Shades and Venetian Blinds

In this category are included:

Window shades of paper.
Window shades of cloth.
Window shades of other materials.
Window shades of shade cloth.
Shade rollers.
All types of Venetian blinds (wood, metal, paperboard or any other material).

Category 510—Outdoor Shades and Awnings

In this category are included all types of rigid, roll-up and other styles used outside of windows and doors or on porches. Included are:

Canvas awnings and shades.
Metal awnings.
Bamboo shades.

(2) Certain Yard Goods

Category 601—White and Solid Colored Cottons, Linens and Plastics

This category covers all cotton yard goods, linens and plastic yard goods of all weaves and constructions that are either all white or a solid color unless otherwise covered by Categories 502, 503, 503A, 505, 507 and 607. This category also covers all yard goods that contain 50% or more by weight of cotton, linen or plastic and less than 25% by weight of wool. Some of the items included are:

Cheesecloth.	Terrycloth for apparel.
Nainsooks.	Denims.
Batistes.	Linings.
Dimities.	Sateens.
Lawns.	Handkerchief linens.
Combed muslins.	Dress linens.
Organdies.	Jerseys.
Percales.	Solid colored cotton suitings.
Broadcloths.	
Flannelettes.	
Corduroy and velveteen.	

Category 602—Fancy Yard Goods (Cottons, Linens, Plastics)

This category includes all types of yard goods described in Category 601 but which have printed, embroidered or woven patterns in different colors or other embellishments. Some of the items included are:

Nainsooks.	Terrycloth for apparel.
Embroidered batiste.	Denims.
Dimities.	Linings, sateens.
Lawns.	Handkerchief linens.
Combed muslins.	Dress linens.
Organdies.	Woven ginghams.
Printed percales.	Dotted Swisses.
Striped flannelettes.	Jacquards.
Corduroy and velveteen.	Matelasses.

Category 603—All Wool Yard Goods Costing Over $2.45 Net Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 603A—All Wool Yard Goods Costing $2.45 Net or Less Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 605—Solid Color Rayon, Silk, and Synthetic Fiber Yard Goods, Pile Fabrics and Mixtures

This category includes all types and weaves of woven and knitted fabrics made of these yarns or mixtures of more than 50 percent of weight of these yarns combined with cottons, linens and plastics. Excluded are fabrics covered by categories 601, 603A, 605A and 606. Among the fabrics included are:

Flat crepes.	Spun types and flannel.
Surface interest crepes.	Butcher Rayon.
Taffeta.	Shantung.
Bengaline.	Gabardine.
Satin.	Suitings.
Faille.	Synthetic and silk corduroys.
Jersey.	Transparent velvet.
Romain.	
Alpaca.	

Category 605A—Fancy Rayon, Silk, and Synthetic Fiber Goods, Pile Fabrics and Mixtures

This category includes all types of yard goods described in category 605 but which have printed or embroidered patterns or patterns woven in different color or any other embellishment. Jacquards and matelasse are included.

Category 606—Sheers, Lace, Net, and Miscellaneous Fancy Fabrics

This category includes woven, knitted, and crocheted fabrics. Included are:

Marquisette, chiffon, georgette, nets, made of cotton, rayon, nylon, or other synthetic fiber.
Burnt sheers made of rayon or nylon.
Organdies made of rayon or nylon.
Velvaray made of rayon or nylon.
Embroidered sheers of all above types.
Laces (35" and wider).
Tulle, malline, tarlatan.

Category 607—Coated Fabrics

Oil cloth.
Rubberized fabrics.
Pyroxylin coated fabrics.

(C) *Categories of Consumer Durable Goods and Related Articles*

[Headnote (C) amended by Amdt. 2]

(1) Household furniture.

Category 701—Bedroom Suites and Open Stock Pieces

Wood and metal bedroom suites and open stock bedroom pieces including:

Beds.	Vanities.
Chest of drawers.	Vanity benches.
Dressers.	Wardrobes.
Night tables.	Chiffoniers.

Category 703—All Other Metal and Wood Beds and Bedroom Pieces That You Did Not Buy Matched with a Bed and At Least One Other Piece to Make a Three-Piece Ensemble Possible

Among the pieces included are:

Individual beds.	Vanity benches.
Vanities.	Night tables.
Chest of drawers.	Chiffoniers.
Dressers.	

Category 704—Boudoir Chairs

Furniture distinguished by its construction and coverings as intended for use in bedrooms including:

Boudoir chairs and rockers.
Chaise longues.
Ottomans.

Category 705—Cedar Chests

This category includes any wood finished cedar or cedar-lined chests.

Category 706—Dining Room Suites and Open-Stock Pieces

This category includes wood dining-room suites, dinette suites, and all open stock of dining room and dinette pieces:

Dining and dinette tables.	
Buffets.	Servers.
Credenzas.	China closets.
Chairs.	Cupboards.
Cabinets.	Hutches.

Category 706A—Metal Dinette Suites and Separate Pieces

All metal tables or metal combined with any other material, for example, metal legs with wood tops and suites containing tables:

Chairs, all metal or metal combined with other materials. All metal dinette pieces including tables, buffets, credenzas, chairs, cabinets, servers, china closets, cupboards, hutches, and benches.

Category 708—Individual Pieces of Dining-room Furniture

Pieces not bought as matched sets (a table, chairs, and at least one other article) which are commonly offered as individual pieces:

Chairs.	Cupboards.
China cabinets.	Cabinets.
Buffets.	Servers.
Tables.	Hutches.
Benches.	

Category 709—Chairs and Rockers

All wood chairs, all over-stuffed chairs, all upholstered or combination type including those known as pull-up, occasional, and desk chairs. This category includes chaise longues and ottomans. It does not include dining room and dinette chairs, boudoir chairs, kitchen or bathroom chairs or chairs in Categories 717 and 717A.

Category 710—Upholstered Suites, Sofas and Love Seats

This category includes suites containing a sofa or love seat and one or more matching chairs. Does not include any sofa or suite in Categories 717 and 717A.

Category 712—Upholstered Dual Purpose Sleeping Equipment

This category includes upholstered sofa-beds, single and double studio couches, love seats, chairs, davenports, etc., which open into beds and a suite of these articles with one or more chairs.

Category 713—Living-Room Tables of All

This category includes cocktail, end, coffee, gate-leg, lamp, drop-leaf, etc., tables made of wood, glass, plastic, etc., non-folding rigid bridge tables and complete rigid bridge sets.

Category 714—Desks, Secretaries and Break-Fronts

Category 715—Living-Room Novelty Pieces

This category includes smokers, cellarets, magazine racks, bookcases, record cabinets, sewing cabinets, telephone sets, costumers and stools, portable and stationary bars, bar stools and bar benches.

Category 716—Kitchen and Utility Cabinets, Kitchen Tables, Chairs and Stools

This category includes kitchen cabinets of all kinds, kitchen tables, kitchen chairs, kitchen stools, utility cabinets, kitchen step stools, electric roaster base cabinets, sink cabinet bases without plumbing, storage hampers, bath room stools and chairs.

Category 717—Furniture for Outdoor Use and Bridge Tables

Included in this category are all items that may be used outdoors.

This category includes porch and lawn furniture, whether made of wood, metal, reed fiber, rattan or any combination of these. Included here are chairs, rockers, tables, settees, garden and beach umbrellas, gliders, swings, garden umbrella sets, collapsible folding chairs, Adirondack chairs, rustic chairs, etc., all folding bridge tables, folding bridge chairs, and combinations of bridge tables and chairs.

Category 717A—Sun Parlor Furniture

Suites and individual pieces made of wood, metal, reed, fiber, rattan or any combination of these whether upholstered or not but which can not remain outdoors without damage; also suites and pieces made of wood including oak, maple or other wood usually displayed with wood fronts. Included are:

Chairs.	Settees.
Tables.	Chaise longues.
Sofas.	

Category 718—Juvenile Furniture

This category includes all articles of infants', nursery, and youths' furniture. Among these are:

Bassinets.	High chairs.
Cribs.	Bathinettes.
Play yards.	Nursery seats.
Porch gates.	Juvenile tables.
Chests.	Chairs.
Dressers.	Rockers, etc.
Chiffonobes.	

Category 719—Unfinished Furniture

This category includes all unfinished furniture such as unfinished kitchen sets, tables and chairs, bookcases, chests, dressers, beds, magazine racks, record cabinets, etc. A coat of shellac, varnish or other surface covering material merely to prevent soiling of this furniture does not remove it from this category.

Category 720—Pictures and Mirrors

Included in this category are all framed and unframed pictures and mirrors.

(2) Bedding

These categories do not cover household textile commodities such as sheets, pillow cases, mattress protectors, blankets, comforters, etc., which are included in Paragraph (b) of this appendix, nor pillows.

Category 751—Mattresses, Springs, Mattress Pads, and Headboards

This category includes mattresses, springs, box springs, mattress pads, rubber mattresses, upholstered and non-upholstered headboards of all types and materials. It also includes box springs on legs, set combinations of a matching mattress and box spring on legs, headboard sets (consisting of a headboard and box spring with or without a mattress), etc.

Category 752—Wood and Metal Cots

This category includes folding and non-folding cots of all kinds and any combination set consisting of a cot and mattress or mattress pad.

(3) Floor coverings and certain wall covering

All floor coverings are included in these categories.

[Category 752 amended by Amdt. 1]

Category 801—Soft Surface Carpeting by the Yard and Rugs Made of This Carpeting

This category includes all kinds of carpeting made of cotton (except those covered in category 803A and 803C), wool, jute, rayon, or other fibers or any combination of these materials, which is sold on the basis of the price per yard or square yard and is to be cut from the bolt. Also all rugs made of this carpeting cut from the bolt in all sizes.

Category 802—Soft Surface Larger Rugs

This category includes all kinds of rugs, 4' x 6' or larger, made of cotton (except those covered by category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which you buy on the basis of the price per rug.

Category 803—Soft Surface Smaller Rugs

This category includes all kinds of rugs smaller than 4' x 6' or larger, made of cotton (except those covered by Category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which are sold on the basis of the price per rug: This does not include any rug in Category 803A or 803C.

Category 803A—String and Chenille Cotton Rugs

All string rugs.
Looped pile.
Cut pile.
Chenille rugs. Also bolt materials of the above descriptions.
Rugs and toilet lid cover sets.
Separate toilet lid covers.

Category 803B—American, Chinese or Japanese Hooked Rugs of all Sizes (if not imported by seller)

This category also includes numdah type rugs.
Animal skin rugs.

Category 803C—Miscellaneous Floor Covering and Linings

This category includes all yard goods and rugs not covered by Categories 803, 803A, 803B. Included are: rugs made of rags, braid, waste, felted materials, cocoa and other door mats, stair pads, carpet pads, padding and carpet paper. Also included are rugs and tiles made of grass, fiber, etc., most frequently designated as summer rugs.

Category 803D—Genuine Oriental Rugs

Included are rugs of all sizes commonly known as Genuine or Real Orientals that are not imported by you.

Category 804—Hard Surface Floor Covering

This category includes all kinds of hard surface floor covering and wall covering, inlaid linoleum, felt base linoleum, rubber and plastic sold by square yard from bolts; also tiles of linoleum, rubber, asphalt, plastic, etc., sold by square foot, square yard or by tile.

Category 805—Hard Surface Rugs

This category includes all kinds of hard surface floor covering (linoleum, felt base, etc.), which is bought by you on the basis of the price per rug.

(4) Lamps and Lamp Shades

Category 851—Floor Lamps

This category includes floor lamps, reflector lamps, bridge lamps, etc., of all types and materials.

Category 852—Table and Desk Lamps costing over $2.94.

The price of $2.94 is net cost to you f. o. b. factory and includes packing charges. This category includes all lamps not priced under categories 851 and 852A.

Category 852A—Table and Desk Lamps costing $2.94 and under

The price of $2.94 is net cost f. o. b. factory and includes package charges. This category includes all lamps not priced under categories 851 and 852.

Category 854—Lamp Shades and Covers

This category covers lamp shades of all types, sizes and materials and all styles of lamp shade covers.

(5) *Categories of Musical Instruments*

Category 860—Pianos, Electric Organs and Electronic Attachments for Pianos or Organs

This is a "specific" category.

Category 861—Other Musical Instruments

This category includes all musical instruments other than those in Category 860. Including but not limited to the following:

Strings	Wood Winds
Violins	Clarinets
Violas	Saxophones
'Cellos	Oboes
Double Basses	Bassoons
Mandolin	English Horns
Guitar	

Wood Winds—Con.	Percussion
Flutes	Drums (kettle, bass, and snare)
Piccolos	Drummers' accessories such as gourds, cymbals, and maracas
Brasses	
Trumpets	Miscellaneous
Cornets	Harps
Trombones	Marimbas
Baritones	Xylophones
Basses	
Sousaphones	
French Horns	

(6) *Radios*

Category 871—Table Radios
Category 872—Portable Radios
Category 873—Table Radio-Phonograph Combinations
Category 874—Amateur or Communications Type Short-Wave Table Radios
Category 875—Console and Consolette Radios
Category 876—Console Radio-Phonograph Combinations, with a net cost of less than $225
Category 877—All types of radios and radio-phonograph combinations (custom cabinet, etc.) with a net cost of $225 or more
Category 878—Radio Replacement Parts

(7) *Television Sets and Television Accessories*

Category 880—Table Television Sets
Category 881—Console Television Sets up to and Including 16" Picture Tube
Category 882—Console Television Sets, 17" Picture Tube and Larger
Category 883—All Television Combinations
Examples: Television-Radio Combinations
Television-Radio-Phonograph Combinations
Category 884—Television Antennae, Boosters, Accessories, Replacement Parts

(8) *Phonographs and Recorders*

Combinations are covered by categories 873, 876, 877, and 883.

Category 890—Record Player Attachments with a net cost of less than $17
Category 891—Record Player Attachments with a net cost of $17 and over
Category 892—Portable Phonographs and Separate Phonographs
Category 893—Magnetic Recorders, Tape or Wire (not including office equipment for recording correspondence)
Category 894—Phonograph Records (all types)
Category 895—Tape and Wire for Magnetic Recording

(9) *Housewares*

Categories 901 to 908 include certain houseware categories similar to those found in the housewares department of a department store or the housewares section of a hardware store. Kitchen furniture which is covered by categories 706 and 706A is not included in these categories. Category 908, a single category, covers 20 classifications of housewares.

Category 901—Household Cleaning Brushes

This category includes all types of household cleaning brushes. Excluded are personal brushes such as toilet brushes, hair brushes, etc. Examples of the articles included are:

Scrubbing brushes	Bathtub brushes
Vegetable brushes	Pastry brushes
Sink brushes	Tumbler brushes
Radiator brushes	

Category 902—Fireplace Equipment

Examples of the articles included are:

Mantels	Fireplace shovels
Screens	Artificial fireplaces
Andirons	Electric logs, etc.
Pokers	

Category 903—Household Thermometers

This category includes all types of household thermometers. Excluded from this category are clinical thermometers. Examples of the articles included are:

Oven thermometers
Outdoor thermometers
Room thermometers
Meat thermometers
Candy thermometers
Deep fat thermometers, etc.

Category 904—Kitchen Cutlery

This category includes all types of kitchen cutlery. Excluded from this category is silver cutlery which is covered by category 940. Examples of the articles included are:

Kitchen forks	Steak sets
Kitchen knives	Kitchen shears
Slicers	Kitchen saws
Carving sets and carving aids	Food choppers
Knife and fork sets	Poultry shears
	Boning shears

Category 905—Power Lawn Mowers

This is a "specific category." Hand lawn mowers (not power driven) are covered by category 908.

Category 906—Small Electrical (Housewares) Appliances

This category includes all types of small electrical housewares appliances. Excluded are large major appliances, such as refrigerators.

Examples of the articles included are:

Electric toasters	Electric roasters
Electric mixers	Electric portable heaters
Electric grills	Electric bottle warmers
Electric waffle irons	Electric curling irons
Electric irons (including steam iron and travel irons)	Electric hair dryers
Electric heating pads	Electric casseroles
Electric coffeemakers	Electric chafing dishes
Electric fans	Electric corn poppers
Electric ventilators	Electric egg cookers
Electric juicers	Electric teakettles, etc.
Electric sun lamps	
Electric broilers	
Electric hot plates	

Category 907—Utility Cabinets (Movable)

This category covers movable utility cabinets. Excluded are composition wardrobes which are covered by category 919. Examples of the articles included are:

Steel wardrobes and chests
Steel shelf cabinets
Broom cabinets
Wall cabinets
Base cabinets, etc.

Category 908—General Housewares

The following 20 classifications of housewares are all covered by this one category. Items not to be included in this category are listed following each classification.

1. Bathroom Accessories

Not included in Bathroom Accessories are: shower curtains and matching draperies covered by category 506B; bathroom rugs, toilet lid covers and lid cover sets covered by categories 803A and 503; and bathroom stools and chairs covered by category 716.

Examples of the articles included in Bathroom Accessories are:

Shelves	Glass rods
Towel bars	Bathroom tumblers
Soap dishes	Bathroom scales
Racks	Hampers, etc.

13. Kitchen Glassware and Pottery (including plastics)

2. Door Chimes

3. Cleansing Equipment

Not included in Cleansing Equipment are: dish cloths covered by category 503; and household brushes covered by category 901.

Examples of the articles included in Cleansing Equipment are:

Brooms	Sponges
Mops	Carpet sweepers
Dust pans	Dusters, etc.

4. Cleaning Supplies

Examples of the articles included are:

Waxes	Deodorizers
Polishes	Powders
Cleaners	Steel wool
Cleansers	Cleansing cloth, etc.

5. Cooking Utensils (pots and pans)

Examples of the articles included are:
Aluminum ware cooking utensils
Cast iron ware cooking utensils
Tin ware cooking utensils
Copper ware cooking utensils
Glass ware cooking utensils
Enamel ware cooking utensils
Stainless steel cooking utensils
Plastic cooking utensils, etc.

6. Food Bags and Covers

Examples of the articles included are:

Bowl covers	Food bags
Bowl cover sets	Appliance covers, etc.

7. Food Preparation Devices

8. Kitchen Aids and Gadgets and Kitchen Tools

Examples of the articles included are:

Cookie cutters	Cheese knife
Corks	Ice picks
Molds	Ice crushers
Cake turner	Beaters
Can opener	Bottle openers
Strainers	Shredders
Spatulas	Salt and pepper shakers
Measuring cup	Tea balls
Basters	Nut crackers
Peelers	Peppermills
Mashers	Knife sharpeners
Cork screws	Kitchen scales
Ladles	Ice-cream dippers
Sifters	Butter churns
Slicers	Food mills
Choppers	Kitchen tools, etc.
Juicers	
Grapefruit knife	

9. Galvanized Ware

Examples of the articles included are:

Ash cans	Water pails
Garbage cans	Wash boilers, etc.
Washtubs	

10. Garden Equipment

Not included in Garden Equipment are power lawn mowers which are covered by category 905.

Examples of the articles included in Garden Equipment are:

Weeders	Pruning shears
Rakes	Hand lawn mowers
Spades	Garden hose
Garden shovels	Sprinklers, etc.
Garden hoes	

11. Grocery Carts

12. Miscellaneous Household Equipment, Window Ventilators, Radiator Shields

Examples of the articles included are:

Humidifiers	Ventilators
Air Moistener pans	Trays
Radiators shields	Waste baskets, etc.

Examples of the articles included are:

Waterbottles	Bowls and Bowl sets
Butterdishes	Coffeemakers (not electric)
Cocktail shakers	Refrigerator sets, etc.
Range sets	
Servers	
Casseroles	

14. Miscellaneous Kitchen Utensils

Examples of the articles included are:

Basins	Percolators
Double boilers	Pitchers
Colanders	Ovens
Teakettles and teapots	Canning accessories, etc.

15. Kitchen Wooden Ware (plain)

Examples of the articles included are:

Rolling pins	Spoons
Knife and fork boxes	Potato mashers
Knife racks	Cutting or bread boards, etc.
Pastry boards	

16. Laundry Equipment

Examples of the articles included are:

Outdoor dryers	Washboards
Indoor dryers	Wringers
Clothes baskets	Laundry bags
Clothes props	Ironing boards
Clothes pins	Sleeve boards
Clothes pin bags	Pads and covers
Curtain stretchers	Ladders, etc.

17. Oilcloth and Paper Household Needs

This category does not include paper household needs covered by Category 915.

Examples of the articles included are:

Chair pads	Paper doilies
Paper napkins	Paper drapes, etc.
Paper bags	

[Classification 17 amended by Amdt. 3]

18. Pantry Ware

Examples of the articles included are:

Cake box	Cookie jars
Canister sets	Vegetable bins
Bread boxes	Dust pans
Step-on cans	Stove mats, etc.
Floor cans	

19. Picnic Supplies

Examples of the articles included are:

Picnic jugs	Paper plates
Picnic grills	Paper cups
Picnic baskets	Vacuum bottles
Fitted picnic suit cases	

20. Rubber Kitchen Ware and Rubber Covered Wire Goods

All kinds of rubber mats and rubber implements for sink and kitchen.
Rubber covered wire goods.

(10) *Categories of Notions*

Category 915—Sanitary napkins, tampons, toilet tissues and other paper items

This category does not include paper household needs included in Category 908, Classification 17. Examples of the articles included are: Sanitary napkins, Tampons, Facial Tissue, Toilet Tissue, Paper Towels, Wax paper.

[Category 915 amended by Amdt. 3]

Category 916—Threads and Similar Items

Examples of articles included are:

Mercerized threads	Mending and Darning Cottons
Sewing Silks	Buttonhole Twists
Cottons	Carpet Threads
Basting	

Category 917—Hair Goods

Examples of articles included are:

Make-up capes	Slumber caps
Shower caps	Hair nets
Curlers and clips	Comb cleaners
Curling irons	Bobbie Pins
Barrettes	Metallic Braids
Wire and bone hair pins	Wigs—Toupees
Combs of all types	Hair Rats and Switches
Wave caps	Hair Braids

Category 918—Staple and Novelty Buttons and Buckles

This category includes all buttons and buckles.

Category 919—General Notions

The following 14 classifications of notions are covered by this one category. Items not to be included in this category are noted following each classification.

1. Bathing Accessories

Examples of the articles included are:

Bathing belts
Rubber flowers
Rubber and wooden beach sandals
Cosmetic cases

2. Closet Shop Accessories

Examples of the articles included are:

Garment bags	Glove boxes
Shoe bags	Jewelry boxes
Laundry bags	Handkerchief boxes
Hat boxes	Shelf edging
Blanket boxes	Shoe, mittens, hat stands
Blanket bags	
Paper or plastic covered utility shoe chests	Pants, coat, suit, dress, skirt and blouse hangers
Composition wardrobes	Shoe racks
Hose boxes	Tie racks

3. Elastics and garters

Examples of the articles included are:

Elastic by yard (all widths)
Round garters
Girdle supporters
Hank elastic

4. Household Notions

Examples of the articles included are:

Rubber gloves
Mending cement and glue
Pressure adhesive tapes
Moth preventatives

5. Identification Tapes

This category includes all identification tapes, such as embroidered or printed name tape, tape with initials, etc.

6. Notion Novelties

Examples of articles included are:

Powder puffs	Carry-alls
Sachets	Card table covers
Wooden novelties	Plastic table covers

7. Sanitary Goods

This category does not include the following items covered by Category 204: girdles, brassieres, garter belts, sanitary aprons, and sanitary belts and supports; nor the following items covered by Category 915: sanitary napkins, tampons, facial tissue.

Examples of articles included are:

Dress shields	Rubber bloomers
Back shields	Sanitary petticoats
Chafe guards	Sanitary step-ins

8. Sewing Boxes and Stands

Examples of articles included are:

Spool holders
Knitting boxes and bags
Sewing kits

9. Sewing and gift cutlery sets

This category does not include poultry, boning and other shears which are included in Category 904.

Examples of articles included are:

All scissors, shears
Manicure scissors
Pedicure scissors
Baby scissors
Scissor sets for sewing uses
Scissor sets for manicure uses

10. Replacement Sewing Needs

Examples of articles included are:

Collars	Leather patches
Cuffs	Knitted cuffs
Neck bands	Press on mending tapes
Pockets	

11. Sewing Supplies

Examples of articles included are:

Snaps	Pins
Fasteners by cards or yard; hook and eye tape	Darners
	Tape measures
Carpet Binding	Press weights
Blanket Binding	Collar supports
Belting	Shoulder pads
Bias tape	Pin cushions
Skirt markers	Brassiere straps & replacement parts
Featherboning	
Seam binding	Other small sewing needs
Thimbles	
Needles	

12. Shoe Findings and Accessories

Examples of articles included are:

Shoelaces
Polishes
Dyes
Suede Brushes
Shoe trees (Men's and Women's)
Shoe polishing brushes and cloths
Shoe horns
Boot calks

13. Dryer forms

This category includes all sweater, glove and hose dryers.

14. Zippers and other slide fasteners

(11) Luggage and Sporting Goods

Category 920—Luggage and Related Items

Included are men's and women's hard-side and soft-side luggage and other related articles made of plastic, canvas, leather, fiber, nylon, etc. Not included are golf bags included in category 921.

Examples of the articles included are:

Animal carriers	Kit bags
Attache cases	Laundry cases
Binocular and Camera cases	Lockers
	Nurses bags
Boston bags	One suiters
Bottle cases	Overnight and weekend bags and cases
Brief bags and cases	
Club bags	Physicians' bags
Companion bags	Pullman cases
Duffle bags and cases	Sample cases
	Tourists' cases
Fitted cases	Traincases
Fiber cases	Trunks
Fishing rod cases	Two-suiters
Gladstone bags	Wardrobe bags and cases
Gun cases	
Hat and shoe bags	Zipper envelopes
Jackknife cases	

Category 921—Sporting Goods

This sporting goods category does not include the following: golf and tennis balls, which are included in category 922; bicycles which are included in category 923; all athletic clothing, shoes, and accessories which are included in categories 351 and 409.

Examples of articles included are:

Archery equipment
Badminton equipment
Bags (caddy, golf, punching, etc.)
Baseball equipment (bats, balls, masks, etc.)
Basket balls
Boxing, wrestling and striking bag equipment
Croquet sets and equipment
Fishing tackle
Fishing rods
Other fishing accessories
Football equipment
Golf clubs
Handball equipment
Helmets (athletic)
Hockey equipment
LaCross equipment
Shuffle board equipment
Shuttle cock
Skates (ice and roller)
Ski equipment (skis, poles, binding, etc.)
Snowshoes
Soccer balls
Softball equipment (balls, bats and masks)
Squash equipment
Surf boards
Table tennis equipment
Tennis rackets
Toboggans, bob-sleds and equipment
Volley ball equipment

Category 922—Golf and Tennis Balls

This is a "specific" category.

Category 923—Bicycles

This is a "specific" category.

Category 924—Bicycle Accessories

Examples of articles included are:

Horns
Bells
Lights, etc.

(12) Silverware, China and Glassware

Category 940—Sterling Flatware

Examples of articles included are:

Cutlery (sets and separate pieces)
Flatware (sets and individual pieces)
Serving pieces

Category 941—Plated Flatware

Examples of articles included are:

Flatware (individual pieces or sets)
Serving pieces
Cutlery with plated blades or handles (sets or separate pieces)

Category 942—Sterling or Plated Hollowware

This category includes articles of hollowware which are sterling silver, silver-plated, chromium plated, or plated with other materials.

Examples of articles included are:

Butter dishes
Vegetable dishes
Water pitchers
Cheese and cracker dishes
Casseroles
Ice buckets
Cocktail shakers
Salad sets
Salt and pepper shakers
Bowls
Candle holders
Candelabras
Trays and platters
Sugar and creamers

Category 943—Silverware Accessory Items

Examples of articles included are:

Silverware chests
Covered bags for silverware
Silverware Polishing Cloths

Category 944—Chinaware, Earthenware and Plastic Sets

Examples of articles included are:

China and earthenware and plastic sets for table use.

Category 945—Chinaware, Earthenware and Plastic, Open Stock or Individual Pieces

This category includes open stock and individual pieces of china, earthenware and plastic for table use.

Category 946—China and Earthernware Giftware

This category includes individual decorative items made of china and earthenware.

Examples of articles included are:

Vases	Ash trays
Figurines	Artificial fruit
Cigarette sets	Plaques
Bowls	

Category 950—Machine-made Glassware Sets and Individual Glass Pieces

This category does not include glass cooking ware which is covered by category 908.

Examples of articles included are:

Tumblers
Drinkware sets or separate pieces
Salt and pepper sets
Dinner, bridge and luncheon sets
Console sets and individual pieces of these sets.

Category 951—Handmade Glassware Sets and Individual Glass Pieces

This category includes hand-pressed, hand-blown and hand-molded glassware sets and individual glass pieces; and hand-cut, hand-etched, hand-painted and engraved stemware, drinkware items and individual pieces.

(13) Jewelry, Watches, and Clocks

NOTE. Categories 970–985 do not include articles described here as "precious jewelry." "Precious jewelry" when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article, includes the following:

(1) Any article a component part of which is a "precious stone" (or "precious stones"); or

(2) A mounting into which a "precious stone" (or "precious stones") is set.

A "precious stone" for this purpose means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes the following when the selling price for the item by the cutter, wholesale dealer or importer is $25.00 or more:

(1) Any other genuine stone, including a semi-precious stone.

(2) Any synthetic stone.

(3) Any cultured pearl or group of cultured pearls (combined in a single article).

[Headnote to Categories 970–985 amended by Amdt. 3]

Category 970—Precious Metal Jewelry (Gold, platinum, etc.)

This precious metal jewelry category does not include sterling silver jewelry which is included in Category 971.

Examples of articles included are:

Rings	Brooches
Bracelets	Lavalieres
Necklaces	Men's jewelry
Earrings	Charms
Lockets	Emblem Pins
Pendants	

Category 971—Costume Jewelry

This category includes articles which are gold filled or gold or silver plated, or are made of base metals.

Examples of articles which are included are:

Rings	Lavalieres
Bracelets	Charms
Necklaces	Emblem Pins
Earrings	Simulated pearl jewelry
Lockets	
Pendants	Bead jewelry
Brooches	Plastic jewelry

Category 972—Ring Mountings and Mountings for Other Jewelry Items

This category includes all mountings for jewelry made from gold, platinum, silver, or any other metal. (Note the exception in the headnote preceding section 970.)

Category 973—Wedding Rings

This category includes all wedding rings made of gold, platinum, silver, or any other metal.

Category 974—Religious Jewelry

Category 975—Watch attachments (Precious Metal)

This category includes articles made of gold, platinum and sterling silver.

Examples of articles included are:

Watch Bands
Watch Fobs
Watch Charms

Category 976—Watch Attachments (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated, base metal, leather, plastic and any other watch attachments. Not included are watch attachments made of precious metals which are included in Category 975.

Examples of articles included are:

Watch Fobs
Watch Charms
Watch Bands

Category 977—Precious Metal Unfitted Compacts, Cigarette Cases and Miscellaneous Cases

This category includes unfitted compacts, cigarette cases and miscellaneous cases made of gold, sterling silver, platinum and other precious metals.

Examples of articles included are:

Compacts (unfitted)	Match cases
Cigarette cases	Pill boxes
Cigar cases	Snuff boxes

Category 978—Unfitted Compacts, Cigarette Cases and Miscellaneous Cases (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated unfitted compacts, cigarette cases, and miscellaneous cases, and all such cases made of any base metal, plastic, wood or any other material. Excluded from this category are such cases made of precious metal which are included in Category 977.

Examples of articles included are:

Compacts (unfitted)	Snuff boxes
	Match cases
Cigarette cases	Pill boxes

Category 979—Dresser Sets and Military Sets (Precious Metal)

This category includes dresser sets and military sets made of gold, sterling silver and platinum. Excluded are infants' sets which are covered by Category 310.

Category 980—Dresser Sets and Military Sets (Other Than Precious Metal)

This category includes dresser sets and military sets made of any material other than precious metals. Excluded are the articles covered by Category 979; also excluded are infants' sets, which are covered by Category 310.

Category 981—Watches

This category includes all watches.

Category 982—Men's Jewelry (Precious Metal)

This category includes articles made of gold, sterling silver, platinum, or other precious metal.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 983—Men's Jewelry (Other Than Precious Metal)

This category includes articles made of any material other than precious metals. Excluded are the articles made of precious metals which are included in Category 982.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 984—Clocks (Electric)

This category includes all electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

Category 985—Clocks (Non-Electric)

This category includes all non-electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

[Categories 860–985, inclusive, added by Amdt. 2]

(D) Women's, Teen's, Children's and Toddlers' Ready to Wear Group

NOTE: For other items of apparel and accessories refer to categories 201 through 218.

Category 1001—Women's Fur Trimmed and Fur Lined Coats

Included are all coats not covered by categories 201, 203, 205, 206, 351, 353 and 1014. It includes coats for women, misses and jr. misses commonly bought in sizes 7 to 17 size range:

Fur trimmed coats.
Fur lined coats.
Coats with removable fur linings.
Removable fur linings.

Category 1002—Women's Untrimmed Coats

This includes all coats for women, misses and jr. misses usually bought in sizes 7 to 17, but does not include any coats covered by categories 201, 203, 206, 351, 353 and 1014.

Category 1004—Teen Age and Girls' Coats

This includes all coats in sizes 10 to 16 and 7 to 14 not covered by categories 206, 207, 209, 351, 353 and 1015.

Category 1005—Girls' and Toddlers' Coats

This includes all coats size 6x and smaller except those covered by Categories 303 and 1016. Also included are coat and leggings sets, coat, hat and leggins sets other than those covered by Category 302.

(1) Women's and Girls' Suits

For this regulation a suit consists of a coat and skirt priced together, or a coat with two or more skirts, or a coat, vest and skirt or skirts, provided they are bought as a unit

and priced as a unit. The intent is to separate clearly in your chart suits from two-piece dresses which are to be priced under categories 1010 to 1013. One definition of a suit is a two-piece garment, the skirt of which may be worn without the coat in combination with a blouse.

Category 1006—Women's Suits

Included are all women's suits usually brought in the size range of 32's, 34's, etc., women's half sizes, women's extra large or extra long suits. Not included are suits covered by categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1007—Misses' and Jr. Misses' Suits

Included in this category are all suits bought in sizes 10 to 20 and 7 to 17, but does not include any suit in categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1008—Teen Age and Girls' Suits

This includes all suits for girls in size 7 to 14 and 10 to 16 except those covered in categories 205, 206, 207, 351 and 353.

Category 1009—Girls' and Toddlers' Suits

This includes all suits for both boys and girls both in size ranges 3 to 6x but does not include boys' suits that are usually bought in size ranges from 3 to 8 or 3 to 12 which are priced under categories 109, 113 and 303.

(2) Dresses

These categories cover dresses for all ages and sizes for girls and women. All style dresses are covered including one- and two-piece models, the latter consisting of a skirt and a separate blouse or a separate unlined jacket sold at one unit price. The intent of this regulation is to price two-piece dresses under these categories and not under suit Categories 1006, 1007 and 1008. Excluded are all women's dresses covered by Categories 202, 205 and 206, and girls' dresses covered by Categories 202, 206 and 208, and toddlers' dresses covered by Category 303 and all infants' dresses. All other dresses of all materials are included, such as: Street dresses, afternoon dresses, party dresses, formals, house dresses, jumpers and pinafores.

Category 1009A—Wedding Dresses

Included are: All wedding dresses in women's, misses', and juniors' sizes. One characteristic of dresses in this category is long sleeves or a long-sleeved jacket that is sold with the dress. This category does not include formals which are covered by Categories 1010 and 1011.

Category 1010—Women's Dresses Costing Over $2.53

All dresses in women's sizes, such as 36's, 38's, etc., all half-sizes, all extra sizes, with a cost at source of over $2.53 after all discounts have been deducted.

[Category 1010 amended by Amdt. 1]

Category 1010A—Jr. Size Dresses costing over $2.53

This category covers all dresses bought in jr. sizes (7 to 17), costing at source over $2.53 after all discounts have been deducted.

[Category 1010A amended by Amdt. 1]

Category 1011—Misses' Dresses Costing Over $2.53

Included are all dresses bought in misses' sizes (10 to 20) and costing at source, $2.53 net after all discounts have been deducted.

Category 1011A—Dresses Costing $2.53 and Less

Included in this category are dresses of all descriptions bought in women's sizes, misses' sizes and jr. sizes (7 to 17) costing at the source $2.53 and less after all discounts have been deducted.

Category 1012—Teen Age and Girls' Dresses

This category covers dresses of all descriptions for teen age girls usually bought in size scale 10 to 16 and girls' sizes 7 to 14.

Category 1013—Small Girls' and Toddlers' Dresses

This category includes all dresses for toddlers and girls in size 6x and smaller.

(3) Jackets, Vests and Ski Clothes

Separate jackets are garments which can be opened from neck to bottom, with or without sleeves, which ordinarily are not worn tucked into skirts, slacks or shorts. Included in these categories are ski jackets, ski pants, ski suits, snow suits, skating jackets and jackets of all types. These categories cover jackets made of all materials including leather, artificial leather, plastics and knitted yard goods. Not included are garments covered by Categories 202, 203, 1023, 1024 and 1025.

Category 1014—Women's Jackets

Included are jackets bought in sizes 36's, 38's, etc., misses' jackets bought in sizes 10 to 20 and jackets bought in jr. sizes 7 to 17.

Category 1015—Teen Age and Larger Girls' Jackets

This category covers jackets for girls usually bought in sizes 7 to 14 and in teen age sizes 10 to 16.

Category 1016—Girls' and Toddlers' Jackets

This includes jackets bought in size 6x and smaller. Excluded are all apparel for boys bought in 3 to 8 and 3 to 12 ranges which are covered by categories 1012 and 1012A.

(4) Separate Skirts.

Categories 1017 to 1019 cover separate skirts for women and girls, made of all materials except those covered by categories 202, 205, 206 and 208.

Category 1017—Women's and Misses' Skirts

This category includes skirts bought in women's sizes, misses' sizes and in jr. sizes, 7 to 17, also in waist sizes corresponding to these sizes.

Category 1018—Girls' and Teen Age Skirts

This category covers all skirts bought to fit teen age girls, sizes 10 to 16 and girls' sizes 7 to 14 and in waist band sizes to correspond to these sizes.

Category 1019—Girls' and Toddlers' Skirts

This covers all skirts bought for girls in size 6x and smaller.

(5) Blouses and Shirts.

Categories 1020 through 1022 cover all types of blouses and shirt waists made of all materials except those garments covered by categories 201, 202, 205, 206, 207 and 208.

Category 1020—Women's and Misses' Blouses

This category covers blouses usually bought in sizes 34's, 36's, etc., sizes 10 to 20 and 7 to 17 and in any sizes that correspond to these.

Category 1021—Teen Age and Girls' Blouses

This category covers all blouses bought in sizes 10 to 16 and 7 to 14 and in any size range that corresponds to these sizes.

Category 1022—Girls' and Toddlers' Blouses

This category covers blouses bought in size 6x or smaller. Excluded are all boys' blouses and shirts bought in 3 to 12 year size range which are covered by category 117 and toddler garments that are covered by category 303.

(6) Slacks and Slack Suits

Categories 1023, 1024 and 1025 cover separate slacks, slack suits and slack sets made of all materials in sizes for women, girls and children. A slack suit is a combination of a slack (covered by this category) and a separate jacket, separate blouse or attached blouse sold as a unit. Excluded are items covered by Category 206. Some of the garments included are overalls (other than work clothes), slacks, jodhpurs, slack suits, slack sets. Garments covered by this category are full-length garments and excludes all garments that are covered by categories 201, 205, 206 and 207.

Category 1023—Women's Slacks and Slack Suits

Included are garments in all sizes for women, misses and jrs., sizes 7 to 17 and in waist sizes equivalent to these sizes.

Category 1024—Girls' and Teen Age Girls' Slacks

This category covers garments in girls' sizes 7 to 14 and teen age sizes 10 to 16 and garments bought in waist sizes equivalent to these.

Category 1025—Girls' and Toddlers' Slack Suits

This includes all garments bought in sizes 6x and smaller except toddler garments covered by category 303 and except boys' garments covered by categories 110, 111, 112 and 113.

(7) Ski and Snow Suits

Categories 1026 and 1027 cover ski and snow suits of all materials for women, misses, girls and teenage girls. All one-piece and two-piece snow suits and ski suits with separate or attached hood are included when sold at a unit price.

Category 1026—Women's Ski and Snow Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1027—Girls' and Teen-Age Ski and Snow Suits

This category covers garments in girls' sizes 7 to 14 and teenage sizes 10 to 16 and garments bought in waist sizes equivalent to these.

(8) Legging Sets and Separate Leggings

The following category covers legging sets and separate leggings for girls, children and toddlers. Included are all sets consisting of coats or jackets with leggings, with or without hats, hoods, or caps sold at a unit price.

Category 1028—Legging Sets and Separate Leggings

This category includes legging sets for girls, children and toddlers (sizes 1–14) and separate leggings (sizes 1–14, inclusive).

(9) Separate Ski Pants for Women and Children

Category 1029—Women's, Misses' and Junior Misses' Separate Ski Pants

Category 1030—Toddler, Girls' and Teen-Age Separate Ski Pants

[Categories 1026–1030, inclusive, added by Correction]

APPENDIX C

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
101	102	107	108A	108	109A	109	112	117	1007
102	101	109A	109	108A	108	107	112	117	1007
103	110A	110	107	112	115	117	102		
104	103	115	117	114	116	110	1023		
105	107	112	103	110	108				
105A [1]									
105B	105C								
105C	105B								
105D	105A	501							
106	102	101	108	109	109A	108A	205		
107	112	102	101	108	109				
107A	107B	107	112	109	101A				
107B	112A	107A	112	102	101	108	109		
108	109	108A	108A	101	102	109	107	1005	
108A	109A	108A	109	108	101	102			
109	108	102	101	112	107B				
109A	108A	109	108	108					
110	110A	123	112	107	115	1014	1018		
110A	110	103	112	107A	115	1014	1018		
111	101	109	107	107A	112				
111A	107B								
112	107	108	109	102	101				
112A	107B	107A	112	109	107	107			
113	110	107A	117	502	111				
114	115	113	201	202	117				
115	107	202	203	117					
116	108	117	211	211A	117				
117	115	201	116						
118	119	119	217						
119	118	216	120	122	217				
120	119	122	217	216					
121	119	120	216	208					
122	216	119	120	121					
123	101	107	112						
123A	*123	107A	112						
124	212	107A	112						
201	202	207	208	115	117	1020	1017	1023	
202	201	208	207	115	1020	1017			
203	209	112A	107B	1014					
204 [1]									
205	106	203							
206	1011	1014							
207	208	201	202	114	209	213	1029	1017	
208	207	202	201	115	114				
209	207	203	112A	201	202				
211	211A	201	212	207					
211A	211	201	212	207	116				
212	211	202	121	117	116				
213	116	117	217	216					
214 [1]									
215	217	211	122	117					
216	119	217	120	121	218				
217	215	216	119	213	120	121			
218	405	211		107					
301	208	302	303	202	1005	1028	108		
302	208	202	115	301	1005	1028	112		
303	207	201	113	302	1005	1028	202		
304	123	218	214	201					
305	211	116	1013	1022	201	202			
306	205	303	307						
306A [1]									
307	306	305							
308 [1]									
309 [1]									
310 [1]									
351 [1]									

[1] No comparable categories.

*You establish a price for a straw hat (Category 123A) by pricing it as if it belonged to Category 123. After you have found the price under the appropriate pricing rule as if the straw hat belonged to Category 123, you may add 8% of that selling price to the selling price and the result is your ceiling price for the straw hat.

Example: If you are pricing a straw hat, Category 123A, having a net cost of $3.00, you look at your chart for Category 123. Assume there is a net cost of $3.00 and an offering price of $5.00 on your chart for Category 123. Your ceiling price for the straw hat will be $5.00 plus 8% of $5.00 (5.00+.40). Thus the ceiling price will be $5.40.

APPENDIX C—Continued

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
352	215	122	218	1020	202				
353 [1]									
401	403	402	400	123					
402	410	403	401	123					
402A [1]									
402B [1]									
404	406	401	113						
405	403	401	218						
408	406	407	403	202	1020				
409	401	403	408	107	112	351			
410	111A	105	107						
501 [1]									
502 [1]									
502A	502B	502C	504A						
502B	502C	502A	504A						
502C	502A	502B							
503	505								
504	506								
504A	502C	502B	502A						
505	503	502A	502B						
506	504	506A							
506A	506B	506	504						
506B	506	507	506A						
507	506	506A	506B						
508	507								
509	508								
601	602	605	605A	606					
602	601	605	605A						
603	605	605A	602						
603A [1]									
605	605A	602	601	606					
605A	605	602	606	601					
606	605A	605	602	601					
607	602	605	605A						
701	706	708	714	703	710				
703	708	709	713	712	709A				
704	703	705	709	712	720				
705	704	708	714						
706	701	708	714	713					
706A	716	703	712						
708	704	703	705	714	713				
709	712	710	704	703					
710	712	709	714	704					
712	710	709	701	711					
713	703	707	715	709					
714	701	708	706						
715	713	709	703						
716	718	719							
717	713	713	717A						
717A	717	715	713						
718									
719	716	718	706A						
720	708	707	704						
751	709	712	710						
752	751	722							
801	802								
802	801								
803	803C	803A	803B						
803A	803C	803	803B						
803B	803C	803	803A						
803C	803	803A	803B						
804	801	805							
805	806	802							
851	852	853	854						
852	851	853	854						
852A	853	851	852A						
853	854	851	852A						
854	853								
1001	1002	1006	1007	1010	1020	1011			
1002	1001	1006	1007	1003	1010	1011			
1003	1002	1006	1007	1011	1010	1020			
1004	1008	1012	1014	1002	1011	1020	1009		
1005	1000	1010	1019	1013	1022	1012	1011	1003	
1006	1007	1002	1001	1014	1017	1010	1011		
1007	1006	1012	1014	1001	1011	1010	1020	1008	
1008	1004	1015	1012	1021	1011	1010	1020		
1009	1005	1016	1019	1013	1022	1008	1012	1028	1011
1010	1011	1002	1001	1002	1011	1007	1017	202	
1011	1010	1007	1017	1014	1005	1020	1021	1002	202
1012	1018	1015	1008	1004	1021	1011	1017	1014	1007
1013	1019	1016	1009	1007	1028	1022	1030		
1014	1007	1002	1017	1005	1010	1011	1020		
1015	1008	1004	1018	1012	1021	1014	1011	1020	
1016	1009	1005	1019	1013	1022	1015	1028		
1017	1014	1007	1011	1020	202	1010	1002	1003	
1018	1015	1008	1004	1012	1021	1017	1011	202	
1019	1016	1009	1013	1005	1022	1018	1012	1017	1028
1020	202	1017	1014	1023	1026	1011	1021	1010	
1021	202	1018	1015	1024	1012	1011	1020	1001	
1022	1013	1019	1016	1028	1020	1025	1009	1005	
1023	1017	1020	202	1014	1005	1010	1011	1026	1002
1024	1018	1015	1007	1027	1021	1012	1011	1004	202
1025	1026	1028	1019	1016	1009	1005	1022	1013	
1026	1023	1017	1011	1005	202	1020	1021	1010	1011
1027	1024	1028	1015	1018	1008	1004	1012	202	1021
1028	1019	1009	1016	1045	1013	1022	1030	1025	
1029	1028	1023	1017	1014	1046	202	1020	1010	1011
1030	1027	1024	1028	1029	1018	101	1019	1005	

[1] No comparable categories.

[Categories 401–409 amended by Amdt. 1]

APPENDIX D

TABLE FOR FIXING IN-LINE CATEGORY MARKUPS UNDER RULE 6 (SECTION 37)

Category Group I	Under and including 35	Over 35 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
101	36.3	39.5	42.7	46.0	49.2	52.4	55.6	58.8	62.0	65.3	68.5	71.7	74.9	78.1	81.4	84.5	87.8	91.0	94.2	97.4	100.7	103.9	107.1
102	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
103	32.9	35.8	38.7	41.6	44.5	47.4	50.3	53.2	56.2	59.1	62.0	64.9	67.8	70.7	73.6	76.5	79.5	82.4	85.3	88.2	91.1	94.0	96.9
104	32.0	34.8	37.6	40.4	43.2	46.0	48.8	51.6	54.4	57.2	60.0	62.8	65.6	68.4	71.2	74.0	76.8	79.6	82.4	85.2	88.0	90.8	93.6
105	30.2	32.8	35.5	38.2	40.9	43.5	46.2	48.9	51.6	54.2	56.9	59.6	62.3	65.0	67.6	70.3	73.0	75.7	78.4	81.1	83.7	86.4	89.1
106A	19.0	17.4	18.8	20.2	21.7	23.1	24.5	25.9	27.3	28.8	30.2	31.6	33.0	34.4	35.9	37.3	38.7	40.1	41.5	42.9	44.4	45.8	47.2
106B	23.8	26.6	28.1	29.5	31.0	32.4	33.9	35.3	36.8	38.2	39.7	41.1	42.6	44.0	45.5	46.9	48.4	49.8	51.3	52.7	54.2	55.6	57.1
106C	25.8	28.0	29.1	30.2	32.3	33.4	34.5	35.6	36.7	37.8	38.9	40.0	41.1	42.2	43.3	44.4	45.5	46.6	47.7	48.8	49.9	51.0	52.1
106D	20.7	22.7	24.3	26.1	28.0	29.8	31.6	33.5	35.3	37.1	39.0	40.8	42.6	44.5	46.3	48.2	50.0	51.8	53.7	55.5	57.3	59.2	61.0
106E	33.4	36.4	39.3	42.3	45.3	48.2	51.2	54.1	57.1	60.1	63.0	66.0	69.0	71.9	74.9	77.9	80.8	83.8	86.8	89.7	92.7	95.7	98.6
107	31	34.6	37.4	40.2	43.0	45.8	48.6	51.4	54.2	57.1	59.9	62.7	65.5	68.3	71.1	74.0	76.8	79.6	82.4	85.2	88.0	90.8	93.6
108	37.0	38.1	41.2	44.3	47.4	50.5	53.6	56.7	59.8	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
109	34.4	37.4	40.7	43.7	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
110	33.5	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	94.0	96.9	99.9
111	31.4	34.4	37.4	40.4	43.4	46.4	49.4	52.4	55.4	58.4	61.4	64.4	67.4	70.4	73.4	76.4	79.4	82.4	85.4	88.4	91.4	94.4	97.4
112	31.2	34.0	36.8	39.6	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
113	31.2	34.0	36.8	39.6	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
114	31.2	34.0	36.8	39.6	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
115	31.2	34.0	36.8	39.6	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
116	35.9	29.1	42.3	45.4	48.6	51.8	55.0	58.2	61.4	64.6	67.7	70.9	74.1	77.3	80.4	83.6	86.8	90.0	93.2	96.3	99.5	102.7	105.9
117	52.8	35.7	38.6	41.5	44.4	47.3	50.3	53.2	56.1	59.0	61.9	64.8	67.7	70.6	73.5	76.4	79.3	82.3	85.2	88.1	91.0	93.9	96.8
118	33.1	36.0	39.0	41.9	44.8	47.8	50.7	53.7	56.6	59.5	62.5	65.4	68.3	71.3	74.2	77.1	80.1	83.0	85.9	88.9	91.8	94.8	97.7
119	32.3	35.2	38.1	41.0	43.8	46.7	49.6	52.4	55.3	58.2	61.0	63.9	66.8	69.6	72.5	75.4	78.2	81.1	84.0	86.8	89.7	92.6	95.5
120	31.2	34.0	36.8	39.6	42.4	45.2	47.9	50.7	53.5	56.3	59.1	61.9	64.7	67.5	70.3	73.1	75.9	78.7	81.5	84.3	87.0	89.8	92.6
121	37.3	38.4	41.6	44.7	47.9	51.0	54.1	57.2	60.4	63.5	66.7	69.8	72.9	76.1	79.2	82.3	85.5	88.6	91.7	94.8	98.0	101.1	104.2
122	39.1	42.6	46.1	49.6	53.0	56.5	60.0	63.5	67.0	70.4	73.9	77.4	80.9	84.3	87.8	91.3	94.8	98.2	101.7	105.2	108.7	112.1	115.6
123	35.8	39.0	42.2	45.4	48.5	51.7	54.9	58.0	61.2	64.4	67.6	70.8	74.0	77.2	80.4	83.5	86.7	89.9	93.1	96.3	99.4	102.6	105.8
124	34.1	37.9	41.0	44.1	47.2	50.3	53.4	56.4	59.5	62.6	65.7	68.8	71.9	75.0	78.1	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8
125	36.0	39.2	42.4	45.6	48.8	52.0	55.2	58.4	61.6	64.8	68.0	71.2	74.4	77.6	80.8	84.0	87.2	90.4	93.6	96.8	100.0	103.2	106.4
201	37.8	41.1	44.4	47.8	51.1	54.5	57.8	61.2	64.5	67.9	71.2	74.6	78.0	81.3	84.7	88.0	91.4	94.7	98.0	101.4	104.7	108.1	111.4
202	36.7	38.7	42.1	45.2	48.4	51.6	54.8	57.9	61.1	64.2	67.4	70.6	73.7	76.9	80.1	83.2	86.4	89.6	92.7	95.9	99.1	102.3	105.4
203	38.4	41.8	45.2	48.6	52.0	55.4	58.9	62.2	65.7	69.1	72.5	75.9	79.3	82.7	86.1	89.5	92.9	96.3	99.8	103.2	106.6	110.0	113.4
204	34.4	37.6	40.6	43.7	46.8	49.8	52.9	56.0	59.0	62.1	65.1	68.2	71.3	74.3	77.4	80.4	83.5	86.6	89.6	92.7	95.8	98.8	101.9
205	34.4	37.4	40.5	43.7	46.7	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
206	35.0	35.9	38.9	41.8	44.7	47.6	50.6	53.5	56.4	59.3	62.3	65.2	68.1	71.0	74.0	76.9	79.8	82.8	85.7	88.6	91.5	94.5	97.4
206A	25.3	27.6	29.8	32.0	34.3	36.5	38.8	41.0	43.3	45.5	47.8	50.0	52.2	54.5	56.7	59.0	61.2	63.5	65.7	68.0	70.2	72.4	74.7
207	33.0	35.9	38.9	41.8	44.7	47.6	50.6	53.5	56.4	59.3	62.3	65.2	68.1	71.1	74.0	76.9	79.8	82.8	85.7	88.6	91.5	94.5	97.4
208	35.4	38.7	42.1	45.4	48.9	52.2	55.6	59.0	62.4	65.7	69.1	72.5	75.9	79.3	82.6	86.0	89.4	92.8	96.1	99.5	102.9	106.3	109.6
209	33.0	35.9	38.9	41.8	44.7	47.6	50.6	53.5	56.4	59.3	62.3	65.2	68.1	71.1	74.0	76.9	79.8	82.8	85.7	88.6	91.5	94.5	97.4
210	36.3	39.4	42.5	45.6	48.8	51.9	55.1	58.3	61.5	64.7	67.9	71.1	74.3	77.5	80.7	83.9	87.1	90.3	93.4	96.6	99.8	103.0	106.2
211	33.8	36.8	39.8	42.7	45.7	48.7	51.7	54.7	57.7	60.7	63.7	66.7	69.7	72.7	75.7	78.7	81.7	84.7	87.7	90.7	93.6	96.6	99.6
212	33.7	36.6	39.6	42.6	45.6	48.6	51.6	54.6	57.5	60.5	63.5	66.5	69.5	72.5	75.5	78.5	81.5	84.4	87.4	90.4	93.4	96.4	99.3
213	33.8	36.8	39.8	42.8	45.8	48.8	51.8	54.8	57.8	60.8	63.8	66.8	69.8	72.8	75.8	78.8	81.8	84.8	87.8	90.8	93.8	96.8	99.8
214	30.8	33.6	36.3	39.0	41.8	44.5	47.2	50.0	52.7	55.4	58.2	60.9	63.6	66.4	69.1	71.8	74.6	77.3	80.0	82.8	85.5	88.2	91.0
214A	32.4	35.3	38.2	41.1	44.0	46.8	49.7	52.6	55.5	58.3	61.2	64.1	67.0	69.9	72.7	75.6	78.5	81.4	84.3	87.1	90.0	92.9	95.8
214B	30.8	33.6	36.3	39.0	41.8	44.5	47.2	50.0	52.7	55.4	58.2	60.9	63.6	66.4	69.1	71.8	74.6	77.3	80.0	82.8	85.5	88.2	91.0
214C	30.9	33.7	36.4	39.2	41.9	44.6	47.4	50.1	52.9	55.6	58.4	61.1	63.8	66.6	69.3	72.1	74.8	77.6	80.3	83.0	85.8	88.5	91.3
215	33.6	36.6	39.6	42.6	45.7	48.7	51.7	54.7	57.7	60.7	63.7	66.7	69.7	72.7	75.7	78.7	81.7	84.7	87.7	90.7	93.7	96.7	99.7
216	32.4	35.3	38.2	41.1	44.0	46.8	49.7	52.6	55.5	58.3	61.2	64.1	67.0	69.9	72.7	75.6	78.5	81.4	84.2	87.1	90.0	92.9	95.8
217	31.0	33.9	36.8	39.7	42.6	45.4	48.3	51.2	54.1	56.9	59.8	62.7	65.6	68.4	71.3	74.2	77.1	79.9	82.8	85.7	88.6	91.4	94.3
218	31.9	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
219	32.4	35.2	38.1	40.9	43.7	46.5	49.4	52.2	55.0	57.8	60.7	63.5	66.3	69.2	72.0	74.8	77.6	80.5	83.3	86.1	88.9	91.8	94.6
220	28.6	31.4	33.7	36.2	38.7	41.3	43.8	46.4	48.9	51.4	54.0	56.5	59.0	61.6	64.1	66.6	69.1	71.7	74.3	76.8	79.3	81.9	84.4
221	25.3	27.6	29.8	32.0	34.3	36.5	38.8	41.0	43.3	45.5	47.8	50.0	52.2	54.5	56.7	59.0	61.2	63.5	65.7	68.0	70.2	72.4	74.7
222	30.4	33.1	35.8	38.5	41.1	43.8	46.5	49.2	51.9	54.6	57.3	60.0	62.7	65.4	68.1	70.8	73.5	76.2	78.9	81.5	84.2	86.9	89.6
223	30.9	33.7	36.4	39.2	41.9	44.6	47.4	50.1	52.9	55.6	58.4	61.1	63.8	66.6	69.3	72.1	74.8	77.6	80.3	83.0	85.8	88.5	91.3
224	31.9	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
225	33.4	36.3	39.3	42.2	45.2	48.2	51.1	54.1	57.0	60.0	62.9	65.9	68.9	71.8	74.8	77.7	80.7	83.6	86.6	89.5	92.5	95.4	98.4
226	31.4	34.2	37.0	39.7	42.5	45.3	48.1	50.9	53.7	56.4	59.2	62.0	64.8	67.6	70.3	73.1	75.9	78.7	81.5	84.3	87.0	89.8	92.6
227	32.3	35.2	38.0	40.9	43.8	46.6	49.5	52.3	55.2	58.1	60.9	63.8	66.7	69.5	72.4	75.3	78.1	81.0	83.8	86.7	89.6	92.4	95.3
228	35.1	38.2	41.3	44.4	47.5	50.6	53.7	56.9	60.0	63.1	66.2	69.3	72.4	75.5	78.6	81.7	84.9	88.0	91.1	94.2	97.3	100.4	103.5
229	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
230	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
231	36.5	39.8	43.0	46.3	49.5	52.8	56.0	59.2	62.5	65.7	69.0	72.2	75.4	78.7	81.9	85.2	88.4	91.6	94.9	98.1	101.4	104.6	107.9
232	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
233	31.9	34.7	37.5	40.4	43.2	46.0	48.8	51.6	54.5	57.3	60.1	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
234	32.1	34.9	37.8	40.6	43.5	46.3	49.2	52.0	54.9	57.7	60.6	63.4	66.2	69.1	71.9	74.8	77.6	80.5	83.3	86.2	89.0	91.9	94.7
235	35.6	38.7	41.9	45.1	48.2	51.4	54.5	57.7	60.8	64.0	67.1	70.3	73.5	76.6	79.8	82.9	86.1	89.2	92.4	95.5	98.7	101.9	105.0
236	32.5	35.4	38.3	41.2	44.1	47.0	49.9	52.8	55.6	58.5	61.4	64.3	67.2	70.1	73.0	75.8	78.7	81.6	84.5	87.4	90.3	93.2	96.1
237	33.1	36.0	38.9	41.8	44.8	47.7	50.6	53.6	56.5	59.4	62.4	65.3	68.2	71.2	74.1	77.0	80.0	82.9	85.8	88.8	91.7	94.6	97.5
238A	30.4	33.1	35.8	38.5	41.1	43.8	46.5	49.2	51.9	54.6	57.3	60.0	62.7	65.4	68.1	70.8	73.5	76.2	78.9	81.5	84.2	86.9	89.6
238B	34.8	37.9	41.0	44.1	47.2	50.3	53.4	56.4	59.5	62.6	65.7	68.8	71.9	75.0	78.1	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8
238C	35.0	38.1	41.2	44.3	47.4	50.5	53.6	56.7	59.8	62.9	66.0	69.1	72.2	75.3	78.4	81.5	84.6	87.7	90.8	93.9	97.0	100.1	103.2
238D	34.4	37.5	40.5	43.6	46.6	49.7	52.7	55.8	58.8	61.9	64.9	68.0	71.1	74.1	77.2	80.2	83.3	86.3	89.4	92.4	95.5	98.5	101.6
238E	36.9	40.2	43.4	46.7	50.0	53.3	56.5	59.8	63.1	66.4	69.6	72.9	76.2	79.4	82.7	86.0	89.3	92.5	95.8	99.1	102.4	105.6	108.9
239	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2

*For Category 123A Straw Hats, 8 percent must be added to retail price determined under Category 123.

[Category Group I amended by Amdts. 1 and 3]

APPENDIX D—Continued

TABLE FOR FIXING IN-LINE CATEGORY MARK-UPS UNDER RULE 6 (SECTION 37)

Category Group II*	Under and including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101	Over 101 including 104	Over 104 including 107	Over 107 including 110	Over 110 including 113	Over 113 including 116	Over 116 including 119	Over 119 including 122	Over 122 including 125	Over 125 including 127
701	64.9	68.1	71.3	74.5	77.7	80.9	84.2	87.4	90.6	93.8	97.0	100.2	103.5	106.7	109.8	113.1	116.3	119.5	122.8	126.0	129.2	132.4	135.6
702	60.8	63.8	66.8	69.8	72.8	75.8	78.8	81.9	84.9	87.9	90.9	93.9	96.9	99.9	102.9	106.0	109.0	112.0	115.0	118.0	121.0	124.0	127.1
703	63.4	66.6	69.7	72.8	76.0	79.1	82.3	85.4	88.6	91.7	94.9	98.0	101.1	104.3	107.4	110.6	113.7	116.9	120.0	123.2	126.3	129.5	132.6
704	65.1	68.4	71.6	74.8	78.0	81.3	84.5	87.7	91.0	94.2	97.4	100.7	103.9	107.1	110.3	113.6	116.8	120.0	123.3	126.5	129.7	132.9	136.2
705	71.4	75.0	78.5	82.0	85.6	89.1	92.7	96.2	99.7	103.3	106.8	110.3	113.9	117.4	121.0	124.5	128.1	131.6	135.1	138.7	142.2	145.8	149.3
706	59.8	62.8	65.8	68.7	71.7	74.7	77.6	80.6	83.6	86.5	89.5	92.5	95.4	98.4	101.4	104.3	107.3	110.3	113.2	116.2	119.2	122.2	125.1
706A	63.4	66.6	69.7	72.8	76.0	79.1	82.3	85.4	88.6	91.7	94.9	98.0	101.1	104.3	107.4	110.6	113.7	116.9	120.0	123.2	126.3	129.4	132.6
708	59.2	62.2	65.1	68.1	71.0	73.9	76.9	79.8	82.7	85.7	88.6	91.6	94.5	97.4	100.4	103.3	106.2	109.2	112.1	115.1	118.0	120.9	123.9
709	65.7	69.0	72.2	75.5	78.8	82.0	85.3	88.5	91.7	95.1	98.3	101.6	104.8	108.1	111.3	114.6	117.9	121.1	124.4	127.6	130.9	134.2	137.4
710	62.1	65.2	68.2	71.3	74.4	77.5	80.6	83.6	86.7	89.8	92.9	96.0	99.0	102.1	105.2	108.3	111.3	114.4	117.5	120.6	123.7	126.7	129.8
712	59.0	62.0	64.9	67.8	70.8	73.7	76.6	79.5	82.5	85.4	88.3	91.3	94.2	97.1	100.0	103.0	105.9	108.8	111.7	114.7	117.6	120.5	123.5
714	64.9	68.1	71.4	74.6	77.8	81.0	84.2	87.5	90.7	93.9	97.1	100.3	103.6	106.8	110.0	113.2	116.4	119.7	122.9	126.1	129.3	132.5	135.8
714	57.7	60.6	63.4	66.3	69.2	72.0	74.9	77.8	80.6	83.5	86.3	89.2	92.1	94.9	97.8	100.6	103.5	106.4	109.2	112.1	115.0	117.8	120.7
715	62.7	65.8	68.9	72.0	75.1	78.2	81.3	84.4	87.5	90.6	93.7	96.8	99.9	103.0	106.1	109.2	112.3	115.4	118.5	121.6	124.7	127.8	130.9
716	62.7	65.8	68.9	72.0	75.1	78.2	81.3	84.4	87.5	90.6	93.7	96.8	99.9	103.0	106.1	109.2	112.3	115.4	118.5	121.6	124.7	127.8	130.9
717	62.7	65.8	68.9	72.0	75.1	78.2	81.3	84.4	87.5	90.6	93.7	96.8	99.9	103.0	106.1	109.2	112.3	115.4	118.5	121.6	124.7	127.8	130.9
717A	58.2	61.1	64.0	66.8	69.7	72.6	75.5	78.4	81.3	84.2	87.0	89.9	92.8	95.7	98.6	101.5	104.3	107.2	110.1	113.0	115.9	118.8	121.7
718	51.4	54.0	56.5	59.1	61.6	64.2	66.7	69.3	71.8	74.4	76.9	79.5	82.1	84.6	87.2	89.7	92.3	94.8	97.4	99.9	102.5	105.0	107.6
719	54.4	57.1	59.8	62.5	65.2	67.9	70.6	73.3	76.0	78.7	81.4	84.1	86.8	89.5	92.2	94.9	97.6	100.3	103.0	105.7	108.4	111.1	113.8
720	62.5	65.6	68.7	71.8	74.9	78.0	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8	105.9	109.0	112.1	115.2	118.3	121.4	124.5	127.6	130.7
721	55.6	58.4	61.1	63.9	66.6	69.4	72.2	74.9	77.7	80.4	83.2	85.9	88.7	91.5	94.2	97.0	99.7	102.5	105.2	108.0	110.8	113.5	116.3
722	59.4	62.4	65.3	68.3	71.2	74.2	77.1	80.1	83.0	86.0	88.9	91.9	94.8	97.8	100.7	103.7	106.6	109.6	112.5	115.4	118.4	121.3	124.3

*These mark-ups are to be applied to net cost of item excluding freight charges.

Category Group III	Under and including 35	Over 35 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
801	35.4	38.6	41.8	44.9	48.1	51.3	54.5	57.6	60.8	64.0	67.2	70.3	73.5	76.7	79.8	83.0	86.2	89.4	92.5	95.7	98.9	102.1	105.2
802	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803A	34.2	37.2	40.3	43.4	46.4	49.5	52.5	55.6	58.7	61.7	64.8	67.8	70.9	73.9	77.0	80.0	83.1	86.2	89.2	92.3	95.3	98.4	101.4
803B	34.5	37.6	40.7	43.8	46.9	50.0	53.0	56.1	59.2	62.3	65.4	68.5	71.6	74.7	77.8	80.9	83.9	87.0	90.1	93.2	96.3	99.4	102.5
803C	32.4	35.3	38.3	41.2	44.1	47.1	50.0	52.9	55.8	58.8	61.7	64.6	67.6	70.5	73.4	76.4	79.3	82.2	85.2	88.1	91.0	94.0	96.9
804	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
805	35.4	38.6	41.8	44.9	48.1	51.2	54.4	57.6	60.7	63.9	67.1	70.2	73.4	76.6	79.7	82.9	86.1	89.2	92.4	95.6	98.7	101.9	105.1
806	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
806A	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
807	31.1	33.9	36.7	39.5	42.3	45.0	47.8	50.6	53.4	56.2	59.0	61.8	64.6	67.3	70.1	72.9	75.7	78.5	81.3	84.1	86.8	89.6	92.4

Category Group IV	Under and including 37	Over 37 including 40	Over 40 including 43	Over 43 including 46	Over 46 including 49	Over 49 including 52	Over 52 including 55	Over 55 including 58	Over 58 including 61	Over 61 including 64	Over 64 including 67	Over 67 including 70	Over 70 including 73	Over 73 including 76	Over 76 including 79	Over 79 including 82	Over 82 including 85	Over 85 including 88	Over 88 including 91	Over 91 including 94	Over 94 including 97	Over 97 including 100	Over 100 including 103	Over 103 including 106
1001	32.4	35.9	39.3	42.8	46.3	49.8	53.3	56.7	60.2	63.7	67.2	70.6	74.1	77.6	81.1	84.6	88.0	91.5	95.0	98.5	101.9	105.4	108.9	112.4
1002	32.5	36.0	39.6	43.1	46.6	50.1	53.7	57.2	60.7	64.2	67.7	71.3	74.8	78.3	81.8	85.3	88.9	92.4	95.9	99.4	103.0	106.5	110.0	113.5
1003	30.1	33.4	36.8	40.1	43.5	46.8	50.2	53.5	56.9	60.2	63.6	66.9	70.3	73.6	76.9	80.3	83.6	87.0	90.3	93.7	97.0	100.4	103.7	107.1
1004	30.4	33.8	37.1	40.4	43.7	47.0	50.3	53.6	56.9	60.2	63.5	66.8	70.1	73.4	76.7	80.0	83.3	86.6	89.9	93.2	96.5	99.8	103.1	106.4
1005	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1006	32.6	36.1	39.7	43.3	46.8	50.4	53.9	57.5	61.1	64.6	68.2	71.8	75.3	78.9	82.5	86.0	89.6	93.2	96.7	100.3	103.9	107.4	111.0	114.6
1007	32.5	36.0	39.6	43.1	46.6	50.1	53.6	57.2	60.7	64.4	67.7	71.3	74.8	78.3	81.8	85.3	88.9	92.4	95.9	99.4	103.0	106.5	110.0	113.5
1008	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1009	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.5	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1010	30.2	33.7	37.0	40.3	43.9	47.4	51.0	54.5	58.1	61.7	65.2	68.8	72.4	75.9	79.5	83.1	86.6	90.2	93.8	97.3	100.9	104.5	108.0	111.6
1011	32.8	36.3	39.9	43.4	46.9	50.4	53.9	57.5	61.0	64.5	68.0	71.6	75.1	78.6	82.1	85.6	89.2	92.7	96.2	99.7	103.3	106.8	110.3	113.8
1012	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1013	27.4	30.3	33.3	36.2	39.1	42.0	44.9	47.8	50.7	53.6	56.6	59.5	62.4	65.3	68.2	71.1	74.0	77.0	79.9	82.8	85.7	88.6	91.5	94.4
1014	31.3	34.7	38.1	41.5	44.9	48.3	51.7	55.1	58.4	61.8	65.2	68.6	72.0	75.4	78.8	82.2	85.6	89.0	92.4	95.7	99.1	102.5	105.9	109.3
1015	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1016	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1017	31.7	35.2	38.7	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1018	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1019	29.1	32.3	35.5	38.7	41.9	45.2	48.4	51.6	54.8	58.0	61.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.8	103.0
1020	31.0	34.4	37.8	41.2	44.6	48.0	51.4	54.8	58.1	61.5	64.9	68.3	71.7	75.1	78.5	81.9	85.3	88.7	92.1	95.4	98.8	102.2	105.6	109.0
1021	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1022	30.4	33.8	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1023	31.7	35.2	38.7	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1024	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1025	32.2	35.7	39.2	42.7	46.2	49.7	53.2	56.7	60.1	63.6	67.1	70.6	74.1	77.6	81.1	84.6	88.0	91.5	95.0	98.5	101.9	105.4	108.9	112.4
1026	30.4	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1027	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1028	29.1	32.4	35.7	38.7	41.9	45.2	48.4	51.6	54.8	58.0	61.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.8	103.0
1029	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1030	29.1	32.3	35.5	38.7	41.9	45.0	48.2	51.4	54.5	57.7	60.9	64.1	67.2	70.4	73.6	76.7	79.9	83.1	86.3	89.4	92.6	95.8	99.0	102.1

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39

Category you are pricing	Percentage markup on cost
101	67.7
102	64.1
103	61.6
104	65.3
105	57.9
105A	30.2
105B	45.0
105C	45.0
105D	39.0
106	63.0
107	60.1
107A	66.1
107B	66.1
108	64.9
108A	63.8
109	63.8
109A	64.9
110	59.5
110A	60.2
111	46.1
111A	51.4
112	60.2
112A	59.9
113	60.2
114	66.0
115	62.1
116	62.4
117	61.3
118	62.6
119	65.9
120	72.1
121	69.2
122	66.5
123	66.6
123A*	----
124	66.9
201	72.3
202	67.0
203	72.2
204	72.5
205	65.1
206	64.9
207	63.3
208	62.9
209	66.8
210	68.9
211	65.6
212	70.0
213	62.9
214	82.6
215	67.5
216	67.1
217	67.8
218	66.2
301	67.8
302	62.9
303	61.1
304	65.7
305	61.9
306	62.0
306A	47.8
307	62.8
308	69.1
309	62.3
310	67.9
311	63.7
312	63.5
313	74.2
314	63.7
402	58.2
402A	61.2
402B	58.2
403	63.2
405	63.4
406	62.2
407	62.2
408	60.2
409	60.7
410	54.0
501	47.8
502	57.3
502A	58.4
502B	61.1
502C	60.2
503	62.2
504	63.0
504A	59.2
505	58.0
506	66.3
506A	65.9
506B	65.9
507	69.4
508	65.9
509	66.0
510	61.0
601	66.7
602	61.9
603	62.6
603A	55.3
605	66.4
605A	64.9
606	69.6
607	58.9
701	98.1
703	91.9
704	95.9
705	98.5
706	108.0
706A	90.5
708	95.9
709	89.6
710	99.4
712	93.9
713	89.3
714	98.2
715	87.3
716	79.7
717	79.7
717A	88.0
718	77.8
719	82.3
720	94.5
721	84.1
722	89.9
723	84.7
724	83.9
803	83.9
803A	75.1
803B	82.5
803C	68.0
803D	78.0
804	86.8
805	74.2
851	84.6
852	84.6
852A	75.1
853	75.1
854	74.4
860	53
861	81
871	54
872	56
873	56
874	58
875	51
876	58
877	75
878	58
879	39
881	39
882	39
883	42
884	58
890	25
891	49
892	51
893	81
894	66
895	81
901	72
902	75
903	72
904	66
905	47
906	50
907	88
908	61
915	22

*Use mark-up for category 123 and add 8 percent to retail price thus obtained.

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39—Continued

Category you are pricing	Percentage markup on cost
916	22
917	66
918	81
919	63
920	66
921	61
922	49
923	49
924	61
940	63
941	75
942	63
943	72
944	78
945	92
946	78
950	58
951	81
970	75
971	75
972	85
973	78
974	81
975	81
976	92
977	72
978	81
979	81
980	81
981	72
982	72
983	72
984	58
985	58

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39—Continued

Category you are pricing	Percentage markup on cost
1001	72.1
1002	72.8
1003	68.3
1004	68.1
1005	68.6
1006	73.3
1007	72.8
1008	68.0
1009	68.5
1010	73.9
1011	73.1
1011A	60.4
1012	63.0
1013	60.4
1014	70.0
1015	68.0
1016	68.6
1017	71.0
1018	68.0
1019	65.7
1020	69.7
1021	68.0
1022	62.9
1023	71.0
1024	68.0
1025	68.0
1026	68.0
1027	71.0
1028	65.7
1029	71.0
1030	65.2

[Appendix E amended by Amdts. 2 and 3]

APPENDIX F

GROUP I

Multipliers for Group Averages over 101 for categories in Groups I and III; for Group Average over 127 for categories in Group II; for Group Average over 109 for Categories in Group IV of Appendix D

Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier
101	1.078	111A	.899	207	.981	309	.981	503	.979		
102	1.021	112	.928	208	.937	310	1.069	504	.991		
103	.976	112A	.943	209	1.046	311	1.063	504A	.992		
104	1.041	113	.947	210	1.084	312	1.063	505	.969		
105	.899	114	1.056	211	1.029	401	1.069	506	1.042		
105A	.477	115	.977	212	1.110	402	.916	506A	1.038		
105B	.708	116	.984	213	1.090	402A	.964	506B	1.038		
105C	.708	117	.961	215	1.082	402B	.916	507	1.036		
105D	.614	118	.987	216	1.084	403	.919	508	1.038		
106	.963	119	1.050	217	1.069	405	.969	509	.948		
107	.945	120	1.014	218	1.045	406	.964	510	.954		
107A	1.041	121	1.111	301	1.077	407	.979	601	1.058		
107B	1.041	122	1.095	302	.982	408	.948	602	.987		
108	1.021	123	1.027	303	.964	409	.955	603	.982		
108A	1.006	124	1.071	304	1.029	410	.850	603A	.992		
109	1.036	201	1.122	305	.987	501	.973	605	1.039		
109A	1.021	202	1.002	306	.969	502	.982	605A	1.038		
110	.928	203	1.142	306A	.772	502A	.917	606	1.046		
110A	.948	205	1.026	307	.984	502B	.960	607	.928		
111	.708	206	1.021	308	1.099	502C	.948				

[Group I amended by Amdts. 1 and 3]

GROUP II

701	1.072	706A	.960	713	.976	717A	.963	772	.982
703	1.005	708	1.048	714	1.074	718	.850		
704	1.018	709	.979	715	.984	719	.899		
705	1.077	710	1.086	716	.821	720	1.033		
706	1.181	712	1.026	717	.871	771	.949		

GROUP III

801	1.057	803A	.937	804	1.084	852	1.036	854	.929
802	1.048	803B	1.000	807	.959	852A	.967		
803	1.048	803C	.890	851	1.007	853	.937		

GROUP IV

1001	1.011	1007	1.038	1013	.851	1019	.770	1025	.954
1002	1.018	1008	.954	1014	.881	1020	.976	1026	.954
1003	.957	1009	.961	1015	.954	1021	.954	1027	.954
1004	.957	1010	1.033	1016	.961	1022	.890	1028	.939
1005	.961	1011	1.025	1017	.954	1023	.954	1029	.954
1006	1.029	1012	.954	1018	.954	1024	.954	1030	.946

[F. R. Doc. 51-6583; Filed, June 4, 1951; 11:52 a. m.]

[Ceiling Price Regulation 7, Amendment 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

CHANGES AFFECTING NEW SELLERS, JEWELRY RETAILERS, AND MINOR CORRECTIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 6 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

Retailers handling sterling and plated flatware, hollowware, silverware accessory items, and jewelry, watches and

clocks, customarily determine their markups without deducting their cash discounts from their invoices. Retailers handling these categories also customarily enter a large percentage of their invoices in a register which provides a record of their cost information and a ready reference to their invoices. The Office of Price Stabilization wishes to preserve customary business practices to the greatest extent possible and to impose a minimum of new record-keeping requirements on the retailer in connection with ceiling price regulations.

Accordingly, under this amendment retailers handling Categories 940 through 943 and 970 through 985 are permitted to prepare their charts and to price without deducting cash discounts from their invoice costs and to use their purchase registers instead of the actual invoices.

Under the regulation a new seller is required to price pursuant to Appendix "E" markups or to apply for markups in line with his experience not to exceed the markups at which three-quarters of all sellers operate. The planning of a new retail store frequently starts months before its opening. This is, of course, true where a building is constructed for the purpose. There are a large number of cases where merchants have made commitments for the purchase of their merchandise and for the purchase of their fixtures and equipment and for the alteration of their building or leased premises a number of months before the issuance of Ceiling Price Regulation 7. Likewise, these retailers may have planned the selling prices of their merchandise to conform with the prices in other units of their organization for a period of months prior to the issuance of Ceiling Price Regulation 7. For retailers who had partially executed plans for opening stores, as set forth in the amendment prior to March 31, 1951, this amendment removes the limitation that markups not exceed those at which three-fourths of all sellers under the regulation operate.

The amendment also deletes from classification 4 of Category 908 the specifically enumerated items "cleansers" and "powders." This is being done in view of the fact that another method of price control for the bulk of these household cleansers and powders is contemplated by the Office of Price Stabilization. Meanwhile, sellers who do not elect to continue pricing these articles under their charts will price under the General Ceiling Price Regulation.

This amendment also supplies a method for pricing articles acquired prior to February 27, 1951, for which a seller has no invoice or other cost record and makes several minor corrections in the regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended in the following respects:

1. In footnote 2, section 11, substitute for the word "separate" in the second sentence the word "single."

2. In section 13 (d) in the column labeled "over," insert between the figures 100,000 and 500,000 the figure "300,000," and in the column "up to and including" insert between the figure 300,000 and the figure 1,000,000 the figure "500,000."

3. In section 16 (a) insert after the parenthesis in the first sentence the footnote designation "3a" and insert footnote 3a as follows:

[3a] An alternative method for preparing charts for and pricing Categories 940 through 943 and 970 through 985 which permits discounts for prompt payment (cash discounts) not to be deducted from net invoice cost and which permits the use of a cost record other than an invoice in certain instances is provided in Supplementary Regulation 2 to this regulation.

4. In section 31, after the phrase "all discounts you could have taken," insert the footnote designation "9a" and insert footnote 9a to read as follows:

[9a] An alternative method for pricing Categories 940 to 943 and 970 to 985 which permits discounts for prompt payment (cash discounts) not to be deducted is provided in Supplementary Regulation 2 to this regulation.

5. A new section 38a is added to read as follows:

SEC. 38a. *Rule 8: Pricing method for articles acquired before February 27, 1951, and for which seller has no cost record.* If the article you are pricing is one which you acquired prior to February 27, 1951, and for which you have no cost record, your ceiling price for that article is the ceiling price as determined under the General Ceiling Price Regulation. This pricing method may not be used for any article acquired after February 27, 1951.

6. In section 39, in the first sentence, change the number 38 to 38a.

7. Section 39 (b) (3) (i) is amended by inserting within the parentheses after the word "high" the phrase "or, except as permitted in subdivision (ii),"

8. A new subdivision (ii) is added to section 39 (b) (3) to read as follows:

(ii) The limitation in subdivision (i) of this subparagraph on authorization of markups which exceed the highest markup at or below which those sellers comprising three-fourths of the sellers covered by the regulation operate shall not apply to any seller who, with his application under subparagraph (2) of this paragraph, files a certification that prior to March 31, 1951, he had taken one of the following steps with respect to the store as to which the certification is made:

(a) That he had actually commenced construction of the store building; or

(b) That he had made an irrevocable written commitment for alterations or improvements of the store building or for the installation of a substantial amount of fixtures and equipment; or

(c) That he had made an irrevocable written commitment for the purchase of not less than 25 percent of his planned opening inventory.

9. In section 50, delete the last sentence reading as follows: "You must state the tax separately."

10. In Appendix B in Category 908 delete from Classification 4 the items "cleansers" and "powders."

11. In Appendix C insert between the line for Category 403 and Category 406 the following:

Category you are pricing	Comparable categories		
	First	Second	Third
405	406	407	408

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This regulation shall become effective on the 1st day of June 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6538; Filed, June 1, 1951, 5:01 p. m.]

[Ceiling Price Regulation 7, Amendment 1 to Supplementary Regulation 2]

CPR 7—RETAIL CEILING PRICES FOR CONSUMER GOODS

SR 2—ALTERNATIVE METHODS FOR PREPARING LIST DATE PRICING CHARTS AND PRICING

SILVER, JEWELRY, WATCHES, AND CLOCKS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 2 of Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment reflects action taken in an amendment to Celing Price Regulation 7 issued simultaneously herewith. The grounds for the changes in preparing charts and pricing jewelery, watches, clocks, and silverware permitted by this amendment are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISION

Supplementary Regulation 2 is amended by adding thereto a new section 6 to read as follows:

SEC. 6. *Modified method for preparing charts and pricing in Categories 940 through 943 and 970 through 985.* If you handle Categories 940 through 943 and 970 through 985, you may modify the requirements of Ceiling Price Regulation 7 as permitted in this section with respect to the use of invoices and the determination of "net cost." You may determine net cost without deduction of discounts for prompt payment (cash discounts) provided you determine net cost in the same way for each item in the category and provided you note on your chart beside the category number in Column 1 the phrase "no cash discounts." If you compute net cost in this way in preparing your chart for these categories, you must also compute net cost for articles in these categories the same way in pricing under Ceiling Price Regulation 7.

You may also, wherever in Ceiling Price Regulation 7 use of an invoice is required, substitute for the invoice any registry record maintained by you in the regular course of business, provided the registry record contains the information which would otherwise be obtained from an invoice and also contains a reference to the invoice which makes it possible to refer to the invoice itself. If you use a registry entry in lieu of an invoice, you must list in Column 5, in lieu of the invoice, the word "registry" and an identification, either by number or date, of the entry in your registry record. You must, of course, preserve your invoices as required in section 52 of the regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 1st day of June 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6539; Filed, June 1, 1951, 5:01 p. m.]

[Ceiling Price Regulation 11, Amdt. 2]

CPR 11—RESTAURANTS

BASE PERIOD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to CPR 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 11 is issued for the purpose of clarifying the base period provision of the regulation for those eating and drinking establishments which customarily have kept their accounting records on a thirteen period year of four weeks each instead of on a twelve-month year.

This amendment is designed to permit such operators to continue their established accounting practices and still come within the meaning of the regulation. The amendment provides that these operators may use as their base period a thirteen period year equivalent to the fifty-two week year of the calendar year 1949 or the fiscal year ending June 30, 1950. For the purpose of compliance a current "food cost per dollar of sales" ratio for any four-month period must be based on a period of sixteen weeks rather than on a full four-month period.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title VI of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive, and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 11, as amended, is further amended in the following respects:

1. Paragraph (a) of section 3 is amended by deleting the second sentence thereof and substituting therefor a new sentence to read as follows: You must fix your prices so as to maintain during each four month period (or during each sixteen week period if it was your established accounting practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year), beginning April 1, 1951, no lower "food cost per dollar of sales" than you had in your base period.

2. Paragraph (c) of section 3 is amended by deleting the present paragraph (c) and substituting therefor a new paragraph to read as follows:

(c) *Duty to lower prices if in violation.* If your "food cost per dollar of sales" is too low at the end of any one four month period (or any one sixteen week period), you are in violation of this regulation and subject to the penalties prescribed in the Defense Production Act of 1950. Moreover, until you are in compliance you shall not charge a higher price for any food or beverage item than the price charged for that item during the period when the violation occurred. In order to be in compliance, you must adjust your prices during the next four month period (or the next sixteen week period) so that the "food cost per dollar of sales" computed for that four month period (or the next sixteen week period) and for the eight month period (or for the thirty-two week period) is in balance. If you are still out of balance, you must continue to adjust your prices during each succeeding four month period (or each succeeding sixteen week period) until you are in compliance for the full period.

3. Paragraph (d) of section 3 is amended by deleting the present paragraph (d) and substituting therefor a new paragraph (d) as follows:

(d) *Seasonal operators.* If your "food cost per dollar of sales" varies seasonally, you may use a monthly basis for determining your "food cost per dollar of sales" using for each current month the corresponding month during the twelve month period selected by you as your base period. If it has been your established accounting practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year you may use a four week month as the basis for determining your "food cost per dollar of sales" using for each current four week month the corresponding four week month during the thirteen period year selected by you as your base period. You must, however, still be in compliance at the end of each four month period (or each sixteen week period) commencing April 1, 1951.

4. Paragraph (f) of section 3, as amended, is further amended by deleting the present paragraph (f) and substituting therefor a new paragraph (f) to read as follows:

(f) *Base-period.* Your base period is the calendar year 1949 or the twelve month period ending June 30, 1950. If it was your established accounting practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year, you may use as your base period a thirteen period year equivalent to the fifty-two week year of the calendar year 1949 or the fiscal year ending June 30, 1950. Once you have chosen your base period, you may not change it.

5. Subparagraph 2 of paragraph (a) of section 4, as amended, is further amended to read as follows:

(2) A statement whether you elect the entire calendar year 1949 or the entire twelve month period July 1, 1949, to June 30, 1950, as your base period, and whether you want to compute your ratio on a monthly basis. Once you have chosen your base period and whether to compute your ratio on a monthly or annual basis, you may not change your base period option. If you were not in operation for the entire twelve month period ending June 30, 1950, you shall use as your base period that portion of the period ending June 30, 1950, during which you were in operation and compute your ratio as if on an annual basis. In the event the portion of time you were in operation during the twelve month period ending June 30, 1950, is less than a full four month period you may, at your option, instead of using that portion of time you were in operation prior to July 1, 1950, use as your base period the first full four month period that you were in operation and compute your ratio as if on an annual basis. If it was your established accounting practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year, you may continue to do so. In such case your base period year shall consist of thirteen periods of four weeks each instead of twelve full months.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 9, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6571; Filed, June 4, 1951; 10:18 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 32]

GCPR, SR 32—CEILING PRICES OF GREEN SHEEP INTESTINES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 32 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

Green sheep intestines are used among other things in the manufacture of surgical sutures. This supplementary regulation establishes ceiling prices for sales of these green sheep intestines to manufacturers of surgical sutures and to string makers who supply such manufacturers.

A shortage of green sheep intestines has resulted from the decline of sheep kill in the past year. As a result the manufacturers of sutures and their suppliers who have customarily used only the first nine yards of sheep intestines now need an additional 4½ yards. They are unable to obtain the additional 4½ yards because slaughterers have ceiling prices for sales of that additional 4½ yards to sausage makers higher than those applicable to sales to suture manufacturers or their suppliers. In order to assure an adequate supply of green sheep intestines for surgical sutures, ceiling prices are established in this regulation for sales of the additional 4½ yards of green sheep intestines to manufacturers of surgical sutures or to string makers who supply such manufacturers, comparable to the ceiling prices prevailing under the General Ceiling Price Regulation for sales of the same product to sausage makers.

Ceiling prices for sales of the additional 4½ yards of green sheep intestines to persons other than manufacturers of surgical sutures or to their suppliers continue to be subject to the General Ceiling Price Regulation except that in no event may they exceed those fixed in this supplementary regulation for sales to such manufacturers or their suppliers. This will eliminate any possibility that buyers who use green sheep intestines for other purposes will be able to outbid suture manufacturers or their suppliers.

In formulating this supplementary regulation, the Director of Price Stabilization has consulted with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.

AUTHORITY: Sections 1 to 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales of the first 13½ yards of green sheep intestines to manufacturers of surgical sutures or to string makers who sell processed sheep intestines to such manufacturers.

SEC. 2. *Ceiling prices.* (a) Your ceiling prices for the sale to manufacturers of surgical sutures or to string makers who sell processed sheep intestines to such manufacturers, of green sheep intestines packed and delivered to such buyers shall be 17 cents for the first nine yards (or a proportionate amount for any fraction thereof) and 4 cents per yard for each additional yard up to 13½ yards.

(b) Your ceiling prices for the sale of green sheep intestines to buyers other than manufacturers of surgical sutures or string makers who sell processed sheep intestines to such manufacturers, shall be your ceiling prices as established by the General Ceiling Price Regulation, except that in no event shall they exceed those established in paragraph (a) of this section.

Effective date. This supplementary regulation shall become effective June 4, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6570; Filed, June 4, 1951; 10:18 a. m.]

[General Ceiling Price Regulation, Supplement Regulation 33]

GCPR, SR 33—ADJUSTMENTS IN CEILING PRICES FOR PRIMARY NICKEL PRODUCTS AND FOR ROLLING, MILL, FOUNDRY AND SIMILAR PRODUCTS CONTAINING MORE THAN 5 PERCENT NICKEL.

Pursuant to the Defense Product Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 33 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation increases the ceiling prices established by the General Ceiling Price Regulation for primary nickel products and for rolling, mill, foundry and similar products containing more than 5 percent nickel.

Nickel is a basic industrial material which is essential to our defense program as well as to the civilian economy. Almost all of the nickel used in the United States is produced from Canadian ores and is imported in such primary forms as electrolytic nickel, nickel oxides, and metallic nickel.

The Government of Canada has approved an increase of 6 cents per pound in the price of nickel, effective June 1, 1951. This represents a substantial increase in costs to sellers of primary nickel products in the United States (the prevailing ceiling base price for electrolytic nickel before the issuance of this regulation was 50½ cents per pound, duty included) and it is clear that unless a corresponding adjustment is made in their ceiling prices the maximum flow of vitally needed supplies will be jeopardized. This regulation, therefore, increases by 6 cents per pound of nickel content the ceiling prices for primary nickel products established by the General Ceiling Price Regulation.

This regulation also grants an increase of 6 cents per pound of nickel content in excess of 5 percent in the ceiling prices for rolling mill, foundry, and similar products containing more than 5 percent nickel. This action is considered necessary to avoid any interruption in the output of such products which might result if producers were required to absorb all of the increase in costs resulting from the higher ceiling prices which have been established for primary nickel products. Since the amount of nickel contained in rolling mill, foundry, and similar products varies widely, it is not possible at this time to measure precisely what effect the 5 percent cutoff will have upon producers of these commodities, but it appears that the absorption which will be accomplished will not result in undue hardship. In taking this action, consideration was given to the fact that producers of these products use some nickel scrap and that no change is being made in the ceiling prices for such material.

While a portion of the output of rolling mill, foundry, and similar products is sold by producers directly to consumers, considerable quantities of some products are handled by warehouses which supply small manufacturers and fabricators. These resellers generally have relatively small margins and if they were not permitted to pass on the cost increases which they will sustain there is danger that the amount of material moving through these channels would be reduced and that small consumers would have difficulty in obtaining needed supplies. It has been determined, therefore, to permit resellers to increase their prices by the exact amount of the increases in producers' ceiling prices.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

In formulating this supplementary regulation, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling price adjustments.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 704, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation increases the ceiling prices estabished by the General Ceiling Price Regulation for primary nickel products and for rolling mill, foundry, and similar products containing more than 5 percent nickel.

SEC. 2. *Ceiling price adjustments*—(a) *Primary nickel products.* If you are a seller of primary nickel products, your ceiling price for any such product is the ceiling price determined in accordance with the General Ceiling Price Regulation plus 6 cents per pound of nickel content.

(b) *Rolling mill, foundry, and similar products.* If you are a seller of rolling mill, foundry, and similar products which contain more than 5 percent nickel, your ceiling price for any such product is the ceiling price determined in accordance with the General Ceiling Price Regulation plus 6 cents per pound of nickel content in excess of 5 percent.

SEC. 3 *Definitions.* When used in this supplementary regulation, the term:

(a) "Primary nickel products" includes electrolytic nickel; nickel and "F" nickel ingots and shot; nickel powder and pellets; metallic nickel; nickel bars and anodes for electroplating; nickle oxide sinter and other nickel oxides; copper refinery nickel residues and nickel chemicals with a nickel content of 14 percent or more by weight; and nickel and nickel alloys in any other form (other than scrap) customarily used for melting.

(b) "Rolling mill, foundry, and similar products" includes any rolled, drawn, extruded, or cast metallic nickel or nickel alloy products (other than primary nickel products) in the usual commercial forms, including, but not limited to, sheet, strip, bar, rod, shapes, wire, tubing, and castings.

(c) "Castings" means any metal products which are cast and on which no further operations are performed except cleaning, snagging, rough grinding, inspecting, testing, rough drilling, or machining only for the purpose of inspection or cleaning.

Effective date. This regulation becomes effective June 2, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 1, 1951.

[F. R. Doc. 51-6533; Filed, June 1, 1951; 5:14 p. m.]

[Ceiling Price Regulation 44]

CPR-44—CEILING PRICES FOR CONTRACTORS' SERVICES IN THE NEEDLEWORK INDUSTRY IN PUERTO RICO

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Ceiling Price Regulation 44 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for contractors' services rendered in connection with needlework in Puerto Rico. The needlework industry in Puerto Rico ranks first among the service trades as a source of employment in the territory. In 1950 it provided employment to a total of 60,000 workers, or approximately 9 percent of all persons gainfully employed on the Island. The industry ranks second only to sugar as a source of income for Puerto Rico.

Predominantly, the needlework industry consists of performing sewing and stitching operations in Puerto Rico on materials designed, cut and patterned in the States. The work is performed under the direction of and paid for by "contractors" in the territory. The principal furnishes and retains ownership in the material which is processed by the contractor. For undertaking and having performed these needlework operations for the principal, the contractor charges a fee which is comprised of (a) the wages paid by the contractor to the needleworkers for the services performed plus (b) a charge based upon the amount paid out by him in wages. Materials furnished by the contractors, to the extent of 29 percent of their charge, are included by the contractor within his charge. As a general rule these materials do not exceed 5 percent of the total value of the price charged for the service. Where the contractor supplies material with a value equal to or exceeding 30 percent of the price of the charge for the service, he is regarded as a manufacturer and therefore excluded from this regulation.

Consultation with representatives of the industry has disclosed that the service charges during the base period for the different lines of needlework were about the same as charges made during the entire twelve month period from June 25, 1949 to June 24, 1950 inclusive. Competition with other contract areas has forced contractors to absorb minor adjustments in wages and in the cost of certain materials supplied by them.

Minimum wages for the needleworkers in Puerto Rico are established by the Wage and Hour Division of the Department of Labor. The minimum wage presently in effect was established in 1945. The needlework industry was then, as now, operating under price regulations, and the Office of Price Administration at that time authorized needlework contractors to add to their fee the increase in wages ordered by the Department of Labor. The Wage and Hour Division of the Department of Labor has announced an increase in the minimum wages for the needleworkers in Puerto Rico to become effective June 4, 1951. The new minimum wage represents an increase in wage rates in all lines of the needlework industry from existing minima ranging from 16⅔ percent to 50 percent. It is estimated that under these new wage rates the cost of labor alone will exceed contractors' present ceiling prices. Consequently, it is clear that such wage increases cannot be absorbed but must be reflected in higher ceiling prices.

Under this regulation, therefore, the contractor will determine his ceiling price by adding to the highest amount he charged for the same service performed on the same or a similar article of needlework between May 24, 1950 and June 24, 1950, the actual dollar and cents increase in the cost of the labor required to perform that service resulting from the higher minimum wages for needleworkers ordered by the Wage and Hour Division of the Department of Labor. If the contractor did not sell such a service between May 24, 1950 and June 24, 1950 he may compute his cost increase on his most recent sale of such a service prior to May 24, 1950 but within the twelve month period from June 25, 1949 to June 24, 1950 inclusive. This regulation will prevent the disruption of the needlework industry in Puerto Rico, and will permit the continued operation of the contract method of doing business by authorizing the contractors to pass onto the principals only the increases in labor costs directed by the Wage and Hour Division and actually paid by the contractor. No other increases in the contractor's costs are authorized to be passed on to the principal.

Recognition of the wage increase directed by the Wage and Hour Division of the Department of Labor is consistent with the Defense Production Act of 1950 and the regulations of the Wage Stabilization Board. General Regulation No. 3, adopted by the Wage Stabilization Board on January 31, 1951, provides:

> Section 402, subdivision (d) (2) of the Defense Production Act of 1950 (Public Law 774, 81st Congress) provides that "No action shall be taken under authority of this title with respect to wages, salaries, or other compensation which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the Labor Management Relations Act, 1947, or any other law of the United States, or of any State, the District of Columbia, or any Territory or Possession of the United States." Since statutes and orders of the duly constituted authorities acting under any Federal or State law fixing minimum rates for certain types of workers are consistent with the purposes and intent of the Fair Labor Standards Act of 1938, as amended, the Wage Stabilization Board hereby authorizes increases in wages, salaries, and other compensation to bring such wages, salaries, and other compensation into compliance with the Fair Labor Standards Act of 1938, as amended, and such other statutes and orders establishing minimum rates of compensation.

Reporting requirements are designed to secure sufficient information to determine whether the service charged is computed in accordance with the regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Definitions and explanations.
4. Ceiling prices for contractors.
5. Contractors who cannot price under section 4 of this regulation.
6. Modification of reported ceiling prices by the Director of Price Stabilization.
7. Records and reports.
8. Transfers of business or stock in trade.
9. Evasion.
10. Enforcement.
11. Prohibitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes ceiling prices for the services rendered by contractors in the needlework industry in Puerto Rico.

SEC. 2. *Applicability.* This regulation applies to contractors in the needlework industry in the Territory of Puerto Rico.

SEC. 3. *Definitions and explanations.* (a) When used in this regulation:

(1) "Articles of needlework" means any article processed by the needlework industry.

(2) "Contractor" includes any person who performs one or more processes in the production of an article of needlework, the principal materials of which are supplied by a principal, and who receives payment for the process or processes so performed and for additional materials furnished, if any, that are incidental to such operations, but does not include a person who furnishes materials the value of which constitutes 30 percent or more of the total price charged for his service.

(3) "Needlework industry" includes the processing from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes, and the processing of household art linens, needlepoint, embroideries and trimmings, and similar products.

(4) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing.

(5) "Principal" includes any person who engages the services of a contractor, as defined in subparagraph (1) of this paragraph for the processing or production of an article of needlework for the purposes of resale. A principal may or may not perform processes on the article of needlework in addition to those performed by the contractor, and may himself be a contractor.

(6) "Records" means books of account, sales lists, sales slips, orders, vouchers, contracts, deeds, bills of lading, and other papers and documents.

(7) "You" refers to any contractor subject to the regulation.

SEC. 4. *Ceiling prices for contractors.* (a) Your ceiling price for a service rendered in connection with the processing of an article of needlework is the highest price you charged for that service rendered in connection with the processing of the same or a similar article of needlework between May 24, 1950 and June 24, 1950, inclusive, plus the amount of the increase in labor costs, or the amount of the increase in piece rates, for processing the same or a similar article of needlework, resulting from the increase in minimum wage rates established for the needlework industry of Puerto Rico by the Wage and Hour Division of the Department of Labor, issued May 4, 1951 (16 F. R. 4101) and effective June 4, 1951 (29 CFR Part 655).

(b) If you did not render the same service in connection with the processing of the same or a similar article of needlework between May 24, 1950 and June 24, 1950, inclusive, your ceiling price for a service rendered in connection with the processing of an article of needlework is the price at which you most recently rendered that service in connection with the processing of the same or a similar article of needlework prior to May 24, 1950 and subsequent to June 24, 1949, plus the amount of the increase in labor costs, or the amount of the increase in piece rates, for processing the same or a similar article of needlework, resulting from the increase in minimum wage rates established for the needlework industry of Puerto Rico by the Wage and Hour Division of the Department of Labor, issued May 4, 1951 (16 F. R. 4101) and effective June 4, 1951 (29 CFR Part 655).

SEC. 5. *Contractors who cannot price under section 4 of this regulation.* If you cannot determine your ceiling prices for a service under section 4 of this regulation, you may apply, in writing, to the Territorial Director of the Office of Price Stabilization in Puerto Rico for the establishment of a ceiling price. This application shall contain all pertinent information describing the service and the articles of needlework which are to be processed, your estimated direct labor cost, your proposed ceiling price, and the method used by you to determine it. You may sell the service at the price applied for until notified of its approval, disapproval, or revision by the Director of Price Stabilization or his delegatee.

SEC. 6. *Modification of reported ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization or his delegatee may at any time revise ceiling prices reported under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 7. *Records and reports.* Every person making any charges subject to this regulation shall: (a) Keep for inspection by the Director of Price Stabilization, for a period so long as the Defense Production Act of 1950 remains effective, accurate records of the prices charged between May 24, 1950 and June 24, 1950, inclusive, or, if no charge was made between May 24, 1950 and June 24, 1950, the prices charged on the most recent sales prior to May 24, 1950, and subsequent to June 24, 1949, for each type of service, showing date thereof, the name and address of the principal, and the nature of the service rendered; (b) preserve for a period of two years all records showing the prices at which sales of services subject to this regulation have been made; and (c) submit such additional records and reports to the Director of Price Stabilization as he may from time to time require subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

SEC. 8. *Transfers of business or stock in trade.* If the business, assets, or stock in trade are sold, or otherwise transferred, after the date of this regulation, and the transferee carries on the business, or continues to deal in the same type of service, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 9. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 11. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, you shall not sell any service subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and no person shall buy from you in the regular course of business or trade any service subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

Effective date. The effective date of this regulation shall be June 4, 1951.

NOTE.—The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6574; Filed, June 4, 1951; 10:50 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-7, as Amended June 1, 1951]

M-7—ALUMINUM FOR CIVILIAN USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M-7 as amended May 1, 1951, as follows: It amends paragraph (c) of section 6, and paragraphs (b) and (d) of section 8; it adds a new paragraph (e) to section 8; and it makes certain changes in list A. As so amended, NPA Order M-7 reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.
6. Use of aluminum for certain purposes.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Applications for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "castings (foundry products as shipped by the producer)" specified in section 3 of this order the word "manufacture" also means the assembly of said items into components or end products, and that as applied to "powder (including atomized, flake, paste, and pigments)," the word "manufacture" also means segregating, weighing, or packaging for sale or resale by persons other than producers.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products obtained from either domestic or foreign sources:

Rod and bar.
Wire (under 3/8 inch).
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn, and roll formed).
Tube blooms.
Powder (including atomized, flake, paste, and pigments).
Ingot, pig, billets, slabs, granulated.
Purchased scrap.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8 of this order, this order applies to the use of aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to (a) the production of aluminum in or the conversion of aluminum to the forms and products listed in section 3 of this order; or (b) the use of aluminum in the production of other metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

SEC. 5. *Use of aluminum.* Subject to the exemptions stated in section 8 of this order, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January 1951	80
February 1951	75
March 1951	65

(c) During the calendar quarter commencing April 1, 1951, a total quantity by weight of aluminum in excess of 65 percent of his average quarterly use of aluminum during the base period: *Provided, however,* That no person shall use during each of the months of May and June 1951, in the manufacture of nonresidential type windows (excluding architectural type, curved head windows) a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum for that purpose during the base period. Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during the second calendar quarter of 1951 a quantity by weight of aluminum in excess of 65 percent of three times such adjusted monthly base; and no manufacturer of nonresidential windows who was authorized by the National Production Authority to use such an adjusted base to determine permitted use of aluminum during January, February, or March 1951 shall use during either of the months of May or June 1951 a quantity by weight of aluminum in excess of 65 percent of such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

SEC. 6. *Use of aluminum for certain purposes.* In addition to the limitations on the use of aluminum set forth in section 5 of this order:

(a) No person shall use in manufacture, assembly, or construction a greater quantity or better grade of aluminum than is necessary for functional or operational purposes.

(b) No person shall use aluminum in manufacture, assembly, or construction for decorative or ornamental purposes.

(c) Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority, no person shall use during each of the months of May and June 1951, in the manufacture of any item included in list A or, in construction for any item in list A, a total quantity by weight of aluminum in excess of 50 percent of his average monthly use of aluminum in such item during the base period. However, any person who, during the months of May or June 1951, purchases parts made wholly or partly of aluminum for incorporation in an item in list A, which parts he manufactured during the base period, shall deduct, to the extent that he purchases such parts, the quantity of aluminum he used in such manufacture during the base period in computing his permitted use during said months. During each of the months of May and June 1951, any person who does not use aluminum in the manufacture of an item in list A, but who assembles parts made wholly or partly of aluminum into such item in list A, shall not assemble a total number of units of such item in excess of 50 percent of the average monthly number of such units which he assembled during the base period: *Provided, however,* That this sentence shall not apply to a person who assembles an item in list A at the point of installation on the order of the ultimate user of the item.

(d) Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during either of the months of May or June 1951, in the manufacture of any item in list A, a total quantity by weight of aluminum in excess of 50 percent of such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

(e) Any person who has placed an order with a supplier for aluminum for use in the manufacture of an item in list A, which order is included in such supplier's mill schedule for the second quarter, may accept delivery thereof after the end of the quarter, and may use such aluminum during the third quarter of 1951 subject to such restrictions as the National Production Authority may prescribe.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the 6-month period commencing on December 1, 1950, and each 6-month period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (excluding orders for items included in list A), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7 of this order. The use of aluminum required by any person to fill a rated order for any item included in list A which is marked by an asterisk is permitted in addition to the use of aluminum authorized by the provisions of section 5, 6, or 7 of this order where such item is for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items. The use of aluminum required to fill an order, whether or not rated, for any item in list A which is not marked by an asterisk shall be subject to the limitations on use stated in section 6 of this order.

(b) The procurement and use by electric utilities of aluminum conductor and aluminum conductor accessories as those terms are defined in NPA Order M–50, is subject to order M–50 and is accordingly exempt from this order. The use by electric utilities of forms and shapes of aluminum listed in section 3 of this order, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of this order.

(c) The provisions of sections 5, 6, and 7 of this order do not apply to persons who use less than 1,000 pounds of aluminum during any period of 12 consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 or 6 would be permitted to use less than 1,000 pounds during any period of 12 consecutive months may use during such period a quantity up to 1,000 pounds.

(d) The provisions of section 5 of this order will not apply, commencing on February 1, 1951, to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M–27, nor, commencing on April 6, 1951, to the use of aluminum in the manufacture of packaging closures as defined in NPA Order M–26, nor, commencing on June 1, 1951, to the use of aluminum foil in the manufacture of containers and packaging materials as defined in NPA Order M–67.

(e) Whenever, under the provisions of this section, the use of aluminum for certain purposes is exempted from the limitations of this order, the use of aluminum for such purposes during the base period shall be deducted in determining the base consumption for the purpose of computing permitted use of aluminum under the provisions of this order.

SEC. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to inventory control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 of this order in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M–7.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

See section 6 of this order as to the limitations on the use of aluminum in manufacture and construction in connection with the items on the following list.

See section 8 (a) of this order as to the effect of a rated order for items on the following list which are marked by an asterisk.

Airfoil (tubing) for windmills.
Aluminum wool (except for aircraft maintenance and automotive air filters).
Andirons, screens, and fireplace fixtures.
Animal cages.
Animal training equipment.
Animal traps.
Applicators for moistening envelopes.
Arbors and trellises.
Ash trays.
Automobile hardware and trim (except functional parts).
Awnings.
Badges.
Balloon molds.
Bar rails, fixtures, and equipment.
Barber chairs.
Batons.
Bathtubs.
Beauty parlor equipment.
Beer equipment: all items.
Bells (except parts where nonmagnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems).
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers.
Bicycles and accessories.
Bird and pet cages, houses, aquariums, accessories and equipment.
Blackboard frames and chalk troughs.
Boards: shampoo, tanning.
Book covers.
Book stacks
*Boxes, including match, cigarette, typewriter ribbon (except instrument cases that require nonmagnetic properties)
*Brackets: light, shelf and wall
*Brooms and brushes (except toothbrushes and industrial)
*Buckles, all types
Buckets, household
*Burglar alarms and protective systems (except where essential to the proper servicing or functioning of the parts)
Burial vaults and urns
*Buttons (except for work clothing where necessary to resist corrosion)
*Cabinets: kitchen, medicine
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Cards
Canopies
*Cases, including ignition coil and motion picture humidor
Caps: chimney and vent flue (except for industrial)
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides (except for industrial and materials handling equipment)
Chicken crates
*Chutes: coal, package, and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
Coops: brooder, chicken, quail, etc.
*Copings
*Cornices
Crayon molds
*Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, papers, straws, etc. (except where necessary to resist corrosion for hospital, scientific laboratory, and industrial use)
Dolls
Door chimes
*Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
*Ducts, air conditioning, warm air, ventilating
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions, and sockets.
Flower boxes, stands, and pot holders.
Forms, concrete vault casting, wax
Fountains
Frames:
  Electric sign
  Picture
Frozen fruit sticks
*Furniture (except medical, dental, and hospital)
*Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees, and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles (except portable electric tools)
Hedge clipping machines
Highway markers, signals, and signs (except electrically operated traffic control signals)
Holders:
  Brush
  Pen
  Soda fountain cup
*Hollow ware
Horse shoes
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Ladders and step stools (except industrial, fire, and marine)
Laundry accessories, domestic, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes-line hardware
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers, and tampers
Letter openers
Lightning rods
Luggage, fittings, rim, and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction: pleasure craft and fittings of all kinds, including but not limited to:
  Boats
  Canoes
  Rowboats
  Sailboats
Markers:
  Grave
  License plates
  Price
  Tee
  Traffic
  Tree
Memorials and tablets
Mesh bags
Metal lath, and accessories
*Metal letters and numbers (except for industrial or public utility control identification)
Mops
*Mouldings and trim (except functional retaining mouldings, shapes, or forms)
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salts
    Cosmetics, except collapsible tubes
    Gifts
    Powder
    Shoe polish
  Tubes, for cigars
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules (except therapeutical)
    Cartons
    Florist
    Household
    Labels
    Wraps: gift, cosmetic, liquor
    Wine bottles
Paper clips
*Plates: name, scuff, push, kick (except instruction and identification plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Roofing, and accessories, residential type (including shingles)
*Rulers (except technical rulers such as slide rules and others used in engineering)
Saddlery, and harness hardware
*Screening (except insect and that used in technical and scientific equipment)
Shoe heels (except orthopedic)
Shovels, scoops, scrapers and pushers, (except as required for handling food, chemical products and grain in processing and distribution)
Siding and accessories (except industrial)
*Signs, including advertising
Smokers' accessories
*Soap dishes and bathroom accessories
Souvenirs and novelties, advertising specialties
Spandrels
Spools such as wire (except magnet), adhesive tape, solder
Sporting goods, all kinds (except commercial fishery goods, life raft equipment, fishing rod offset handles, and firearms components)
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists' originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe and other flue connections
*Tent poles, frames, and pegs.
*Thermostatic containers (except shoulders and cups on vacuum bottles of one quart and under size, and special laboratory and hospital equipment)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
*Tooth brush and tumbler holders
*Towel bars
Toys

Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings, and accessories
Vending machines (except functional parts)
Waste baskets
Wheelbarrows (except as required for handling chemicals)
*Whistles (except safety devices, air raid, and fire alarms)
Windows, storm (except sash slides)
Windows, architectural type, curved head.

[F. R. Doc. 51-6541; Filed, June 1, 1951; 4:59 p. m.]

[NPA Order M-46, as Amended, June 1, 1951]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

This order as amended is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the order was rendered impracticable due to the fact that it applied to all branches of the petroleum and gas industries. In the formulation of this order as amended, consultation with the petroleum and gas industries was also rendered impracticable by the necessity for immediate action.

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AUTHORITY: Sections 1 to 25 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 701, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 C. F. R. 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

PURPOSES AND DEFINITIONS

SECTION 1. *What this order does.* This order sets out the rules by which priorities assistance is made available to petroleum and gas operators in the United States of America and Canada to obtain material for maintenance and repair purposes, as operating supplies, or laboratory equipment. It also tells operators how to get assistance in obtaining materials for use in production and construction operations. This order does not apply to operations other than in the United States of America and Canada, nor does it apply to those uses of material identified in schedule A as "Non-industry uses of material."

SEC. 2. *Definitions.* (a) "Operator" means:

(1) any person located in the United States of America to the extent he is engaged in the petroleum and gas industries (domestic operator), or (2) any person located in the Dominion of Canada to the extent that he is engaged in the petroleum and gas industries (Canadian operator).

(b) "Petroleum" means crude oil and associated hydrocarbons, including the products thereof.

(c) "Gas" means natural gas, manufactured gas, or mixtures thereof.

(d) "Petroleum and gas industries" includes any of the following activities and any operations directly incident to these activities as they pertain to petroleum or gas:

(1) The discovery, development, or depletion of petroleum or gas (production);

(2) The extraction or recovery of natural gasoline or associated hydrocarbons (natural gasoline recovery);

(3) The movement, loading, or unloading of petroleum (transportation);

(4) The transportation of gas (gas transmission);

(5) The processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending (refining);

(6) The processing of material for the production of manufactured gas (manufactured gas production);

(7) The distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (distribution);

and shall include for each of the above listed branches of the industries, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum or gas operations by means of research, technical, or control laboratories.

(e) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind;

(f) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production, except (1) a use of material for a gathering line for a gas or condensate well; a crude oil gathering line connecting a lease or field shipping tank or battery where petroleum is first gauged to any other petroleum gathering or movement facility or any refinery facility; or (2) a use of material for any of the following enumerated plants or facilities where the material to be installed or added increases the rated capacity of the plant more than 500 horsepower: vacuum plant or facilities; cycling plant or facilities; plant or facilities for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas.

(g) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to any branch of the petroleum and gas industries, other than production, but shall include any such use of material for the type of construction or installation which is specifically excepted from the definition of a production operation.

(h) "Maintenance and repair" means (without regard to accounting practice):

(1) The upkeep of any structure, equipment, or material in a sound working condition, or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged, or destroyed;

(2) Any other use of material in any branch of the industry other than distribution not exceeding in material cost $1,000 for any one complete operation which has not been subdivided for the purpose of coming within this definition;

(3) Any other use of material for the distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (distribution) not exceeding in material cost $100 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

(i) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum and gas industries and which is normally carried by an operator as operating expense or which is normally chargeable to operating expense, including among other items, chemicals, additives, and blending agents.

(j) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum and gas industries operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(k) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in schedule I of CMP Regulation No. 1.

(l) "Allotment", "class A product", and "class B product" have the same meanings, respectively, as in CMP Regulation No. 1 of the National Production Authority.

(m) "PAD district" means any one of the five areas designated as a PAD district in schedule B of the order with respect to domestic operators, or the Dominion of Canada in the case of Canadian operators.

(n) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(o) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment or which is specifically designated to be such by any regulation or order of the Petroleum Administration for Defense or the National Production Authority.

(p) "Administrative operations" means the supervisory, fiscal, administrative, or clerical activities necessary to the operation of plants, units, or facilities involved in and a part of the petroleum and gas industries.

MRO MATERIAL—MAINTENANCE AND REPAIR, OPERATING SUPPLIES AND LABORATORY EQUIPMENT

SEC. 3. *The symbol for MRO material.* To secure material, including controlled material, for maintenance and repair, operating supplies, or laboratory equipment (all known as MRO material) an operator may use and apply DO–97. An operator may not use the symbol until he has complied with the rules set forth in section 4 and, where applicable, sections 5 and 15 of this order.

SEC. 4. *How to use the symbol for MRO material.* (a) To use DO–97 for MRO material, other than MRO material to be used for administrative operations, an operator must place DO–97 on each delivery order for material together with the words set forth in section 14 of this order and must submit copies of each such order for approval or information as required by section 15 of this order.

(b) To use DO–97 for MRO material to be used for administrative operations an operator must:

(1) Establish a quota in accordance with the provisions of schedule C.

(2) Place DO–97 on each delivery order for material together with the words set forth in section 14 of this order.

an operator may not use DO–97 for MRO material to be used for administrative operations in excess of a quota applicable to him established pursuant to the provisions of schedule C.

(c) A domestic operator should make the necessary filings with the Petroleum Administration for Defense, Washington 25, D. C., Attention: Materials Division. A Canadian operator will make the filings with the Petroleum Division, Department of Trade and Commerce, Toronto, Canada.

SEC. 5. *Emergency MRO material.* (a) Where there has been an actual breakdown or suspension of operations, and where the methods specified in section 4 of this order will not get the material on the date or in the quantity required, an operator may request priorities assistance to secure emergency MRO material by letter, telegram, or telephone to the Washington office of the Petroleum Administration for Defense, or, in the case of Canadian operators, to the Petroleum Division, Department of Trade and Commerce, Toronto, Canada, advising the date of the actual breakdown or suspension of operations and the operations affected, the branch of the industry (see section 2 (d)), a description of the equipment to be repaired and its function in maintaining continuous operation, the price, quantity, and a detailed description of the material required including the number and the date of delivery orders therefor, and the supplier or suppliers from whom the material is to be obtained.

(b) If information is supplied by telephone, it must be confirmed within 3 days by letter or telegram.

(c) No delivery order for emergency MRO material need be submitted for approval, but an operator may not place a delivery order bearing DO–97 with the supplier for emergency MRO material until approval to do so has been received and a delivery order has been certified in accordance with section 14 of this order.

ASSISTANCE FOR PRODUCTION OPERATIONS

SEC. 6. *Material covered.* The order provides priorities assistance to get materials for all types of production operations. Sections 6 through 9 set forth the rules to be followed by an operator in obtaining and using this priorities assistance. The only production operations for which priorities assistance is not provided in these sections are production offices and camp facilities. Priorities assistance for production offices and camp facilities must be obtained under sections 10, 11, and 12 of the order dealing specifically with priorities assistance for construction operations. In sections 8 and 9 of this order, certain specific rules are set forth for three classes of materials. These are: class 1 material—casing and tubing; class 2 material—drill pipe; and class 3 material—all other. The rules are different for each of these classes of materials because it is necessary in the interest of the over-all program to provide different methods by class for obtaining authority to use the priorities assistance which is made available. Class 1 and class 2 material are also divided into two groups: (a) normal requirements and (b) emergency requirements. Separate rules apply to each. In general, normal requirements are the quantities of casing and tubing or drill pipe necessary to meet an operator's projected quarterly drilling program, including exploratory wells. Emergency requirements are those quantities of casing, tubing, or drill pipe found necessary to carry out exploratory operations, drilling obligations, or the like in circumstances where sufficient materials are not on hand, readily available, or otherwise obtainable without the use of priorities assistance.

SEC. 7. *The symbol.* To secure casing, tubing, or drill pipe for normal requirements an operator may use and apply DO–48. The operator may also use and apply DO–48 for class 3 material, which includes all controlled materials except casing, tubing, and drill pipe. For emergency requirements an operator may use and apply DO–48E. An operator may not use either of these until he has complied with the rules set forth in sections 8 or 9 and, where applicable, section 5 of this order.

SEC. 8. *How to use the symbol for normal requirements, and class 3 material.* (a) To use DO–48 for normal requirements of class 1 and class 2 material, an operator must receive specific approval as to the quantities which he may procure through use of the symbol. The following filings are required:

(1) *Class 1 material.* An operator must file 4 copies of Form PAD 17 (Petroleum and Gas Operator's Quarterly Requirements Statement) for each PAD district in which operations are to be conducted during the calendar quarter when delivery of material requested on the form is required. Where an operator proposes to undertake operations during that quarter in more than one PAD district, he must also file at the same time a summary report of all proposed operations, using Form PAD 17.

(2) *Class 2 material.* An operator must file 4 copies of Form PAD 17DP (Domestic Petroleum [Oil and Gas] Operator's Drill Pipe Inventory Statement and Requirements Application) for operations to be conducted during the calendar quarter when delivery of the material requested on the form is required.

After review, the operator will receive one copy of Form PAD 17 for casing and tubing and one copy of Form PAD 17DP for drill pipe, together with a communication giving in each case the quantities of material which the operator may obtain by the use of DO–48, or otherwise disposing of the application. To use DO–48 to obtain deliveries of quantities which may be authorized, an operator must place the symbol on each delivery order for such material together with the words set forth in section 14 of this order.

(b) To use DO–48 for class 3 material, an operator must place DO–48 on each delivery order for such material together with the words set forth in section 14 of this order, and must submit copies of each such order for approval or information as required by section 15 of this order.

(c) A domestic operator will make the above filings with the Petroleum Administration for Defense, Washington 25, D. C., Attention: Materials Division. A Canadian operator will make the filings with the Petroleum Division, Department of Trade and Commerce, Toronto, Canada.

(d) Form PAD 17 must be filed for deliveries for the fourth quarter (October, November, December) not later than June 30, 1951. Form PAD 17DP must be filed for deliveries for the fourth quarter not later than June 15, 1951. Delivery orders for class 3 material may be filed at any time convenient to the operator but should be filed in sufficient time to permit placement of orders with the supplier for delivery of materials in the quarter when delivery is wanted. For the quarters following (that is, for

deliveries during the first quarter of 1952, etc.) an operator must file Form PAD 17 at least 3 months prior to the beginning of the quarter in which delivery of the material is to be made and Form PAD 17DP at least 3½ months prior to that quarter.

(c) After Form PAD 17 or PAD 17DP has been returned to an operator, he may find that the quantities authorized are inadequate for his normal requirements during the ensuing calendar quarter. In that event, the operator may file a supplemental request for casing, tubing, or drill pipe. This filing should be by Form PAD 17 for casing and tubing, or Form PAD 17DP for drill pipe (4 copies in each instance), accompanied by an explanatory letter in duplicate. The filing should be within 2 weeks of the time that the operator receives his original authorization. Each supplemental request should make reference to the operator's original application by government file number and the like. In the event that additional quantities are authorized, the operator will be appropriately notified and may then apply DO-48 to his delivery orders for these quantities in the manner specified in section 8 (a) of this order.

SEC. 9. *How to use the symbol for emergency requirements;* (a) Since priorities assistance for class 3 material is made available by delivery order filing, no special rules exist for emergency requirements. Special arrangements have been made, however, for class 1 and class 2 material.

(1) *Class 1 material.* Four copies of Form PAD 15 (Emergency Requirements Application) must be filed for casing and tubing.

(2) *Class 2 material.* Four copies of Form PAD 17DP, identified in section 8, must be filed for drill pipe.

The form may be filed in the case of either class 1 or class 2 material before or during the month in which deliveries of materials for emergency purposes are required.

(b) The operator will be notified of the quantities for which he is authorized to use DO-48E. The operator may not use the symbol until he has been authorized to apply it to a specific quantity of material. The operator may use DO-48E by placing the symbol on each delivery order for the material authorized together with the words set forth in section 14 of this order.

ASSISTANCE FOR CONSTRUCTION OPERATIONS

SEC. 10. *Material covered.* The order provides assistance for all types of construction operations. Sections 10 through 12 set forth the rules to be followed by an operator in obtaining and using this priorities assistance. In addition to construction operations as defined, these sections also are to be used in securing priorities assistance for production office and camp facilities. For the purposes of this order, production office and camp facilities shall be deemed to be a type of construction covered by the term "construction operation." In sections 12 and 13 of this order, certain specific rules are set forth for two types of construction operations. These are: Large construction operations—any construction operation in which, for any one complete operation, the total cost of controlled materials to be used is $5,000 or more, or in which, for any one complete operation involving a building, warehouse, office, residence, or other enclosed structure, the total cost of all materials to be used is $5,000 or more; and small construction operations—any construction operation in which, for any one complete operation, the total cost of controlled materials to be used is less than $5,000, or in which, for any one complete operation involving a building, warehouse, office, residence, or other enclosed structure, the total cost of all materials to be used is less than $5,000. The rules are different for each of these types because it is necessary, prior to granting assistance, to provide a review as to the essentiality of all proposed construction which uses large quantities of material. There may be certain types of material which by virtue of special prohibitions of the National Production Authority cannot be obtained as MRO material. Specifically, these materials are those that appear in section 2 of schedule D. Where an operator wants priorities assistance for these materials he must use the rules set forth in section 13 applicable to small construction operations. For the purposes of this order, procurement of this material will be deemed to be covered by the term "construction operation."

SEC. 11. *The symbol.* To secure material for any construction operation an operator may use and apply DO-48. An operator may not use the symbol until he has complied with the rules set forth in sections 12 or 13, and where applicable, section 15 of this order.

SEC. 12. *How to use the symbol for large construction operations.* (a) To use DO-48 for large construction operations, an operator must receive specific approval as to the quantities of controlled material and other critical material to be used in the operation which he may procure through use of the symbol. To do this, he must file four copies of Form PAD 26 (Application to Complete or Construct a Petroleum or Gas Project) for each large construction operation for which the operator wants priorities assistance. After review, the operator will receive one copy of Form PAD 26 together with a communication giving the quantities of material which the operator may obtain by the use of DO-48 or otherwise disposing of the application. To use DO-48 to obtain deliveries of quantities which may be authorized, an operator must place the symbol on each delivery order for such material together with the words set forth in section 14 of this order.

(b) A domestic operator will file Form PAD 26 with the Petroleum Administration for Defense, Washington 25, D. C., Attention: Materials Division. A Canadian operator will file the form with the Petroleum Division, Department of Trade and Commerce, Toronto, Canada.

SEC. 13. *How to use the symbol for small construction operations.* To use DO-48 for small construction operations, an operator must place DO-48 on each delivery order for material to be used in a small construction operation together with the words set forth in section 14 of this order, and must submit copies of each such order for approval or information as required by section 15 of this order. A domestic operator will file delivery orders with the Petroleum Administration for Defense, Washington 25, D. C., Attention: Materials Division. A Canadian operator will file with the Petroleum Division, Department of Trade and Commerce, Toronto, Canada.

CERTIFICATION AND FILING

SEC. 14. *Certification.* The words which an operator must use are:

The undersigned certifies that the rating hereby applied is authorized by and properly used pursuant to the provisions of NPA Order M-46.

SEC. 15. *Filing requirements.* (a) In a number of instances operators must file delivery orders either for approval or information. This section tells when such filings must be made and what information should be furnished. Where a delivery order must be filed for approval, the operator may not use any priorities assistance made available by this order until there has been returned to the operator one approved copy of the order. Every delivery order for which approval is required must be submitted in duplicate; only one copy of a delivery order need be submitted if it is sent for information purposes.

(b) There are two instances where delivery orders must be submitted for approval, whether the delivery order is for MRO material or for material to be used for production or construction operations. The instances are: (1) Every delivery order for a controlled material in the total amount of $25 or more must be submitted for approval, unless the use of priorities assistance has been authorized through application on Form PAD 15, 17, 17DP, or 26; and (2) Every delivery order for other than a controlled material if it is for a total amount of $5,000 or more or if any single item costs more than $1,500 must be submitted for approval, unless the use of priorities assistance has been authorized through application on Form PAD 26.

(c) An operator must submit for information any delivery order for a total amount of $500 or more but less than $5,000 containing no single item which costs more than $1,500, unless the use of priorities assistance has been authorized through application on Form PAD 15 or 26. An operator must submit for information, within 48 hours after it has been placed by the operator and accepted by the supplier, every delivery order for quantities of material authorized as a result of application on Form PAD 17 or PAD 17DP.

(d) In every instance where a delivery order is submitted for approval, an operator shall prepare a statement of the reasons why assistance is required, containing the following information: The branch of industry in which the material will be used (see section 2 (d)), the price, quantity, and a detailed description of the material required, the number and date of delivery orders therefor, date at which delivery must be made or has been promised by the supplier, the reasons why timely delivery cannot be effected without the assistance requested, the relationship of the materials to operations (end-use); and the circumstances which justify assistance in the interests of national defense. This statement in duplicate should be submitted with, or be a part of, the delivery order.

ALLOTMENTS, CANCELLATIONS, AND INVENTORY RESTORATION

SEC. 16. *Allotments.* Any priorities assistance obtained through this order when used in connection with a specific quantity of controlled material constitutes an allotment for the purposes of CMP Regulation No. 1. Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order is an authorized controlled material order, provided that such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled material producer or other supplier at such time as is specified in CMP Regulation No. 1 or at such later time as the controlled material producer may find it practicable to accept the same.

SEC. 17. *Use and cancellation of allotments.* (a) After an operator has been authorized to use a symbol on a quantity of controlled materials he must do so promptly. If delivery orders are not placed within 30 days after receiving authority pursuant to this order, an operator must promptly notify either the Petroleum Administration for Defense, Washington, D. C., or the Petroleum Division, Department of Trade and Commerce, Toronto, Canada, as appropriate, of this fact and of the extent to which authorized controlled material orders have not been placed. If an operator elects not to use an allotment, he shall, within 30 days after receiving it, notify the Petroleum Administration for Defense or the Petroleum Division, Department of Trade and Commerce, as appropriate, of this fact and of the extent to which he has elected not to use the allotment.

(b) An operator who has placed a delivery order for controlled material pursuant to the authority of this order may cancel or reduce the same by notice in writing to the person with whom the order has been placed. Where an authority received by an operator is cancelled in whole or in part, he must, to the extent of the cancellation, cancel all delivery orders placed pursuant to that authority.

SEC. 18. *Inventory restoration.* An operator may, subject to the provisions of this order, use a symbol duly authorized in accordance with the order to restore to a practicable working minimum his inventory of material where the inventory has been depleted through the use of MRO material or material necessary to a production or construction operation, provided that no delivery of material which would result in surplus material as defined in NPA Order M-46C may be accepted by the operator.

GENERAL

SEC. 19. *Restrictions.* An operator may not use any symbol authorized pursuant to this order to obtain material: (a) for any purpose other than a purpose authorized under this order or in greater amounts or on earlier dates than required for any authorized purpose; (b) if it can be secured without the use of priorities assistance; (c) the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design; (d) in such amounts or at such dates that receipt of the amounts on the requested dates would result in surplus material as defined in NPA Order M-46C; or (e) of a type for which use of priorities assistance is prohibited as set forth in schedule D.

SEC. 20. *Authority.* The Petroleum Administration for Defense may, pursuant to the provisions of Delegation 13 of the National Production Authority, as amended, take additional or other action in respect to the receipt, use, delivery, or other disposition of material covered by this order and priorities assistance therefor authorized pursuant to this order.

SEC. 21. *Added use of assistance.* The priorities assistance made available pursuant to this order may be used to secure services to the extent provided for in NPA Reg. 2 as amended from time to time.

SEC. 22. *Other orders.* This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable orders and regulations of the NPA as amended from time to time. None of the provisions of NPA Reg. 4 or of CMP Regulation Nos. 2, 4, 5, or 6 (or the limitations incorporated in any NPA or CMP regulation which would otherwise subject an operator to the provisions of such regulation) shall apply to an operator, and no operator shall obtain any material under it or be limited by the provisions of such regulations or limitations to the extent that he is entitled to obtain material through the assistance made available by this order.

SEC. 23. *Records, reports, and forms.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides adequate basis for audit. Records may be retained in the form of microfilm or other photographic copy instead of the original.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority or the Petroleum Administration for Defense.

(c) Persons subject to this order shall make such records and submit such reports to the Petroleum Administration for Defense and the National Production Authority as they shall require subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 24. *Communications.* All communications from domestic operators should be addressed to the Petroleum Administration for Defense, New Interior Building, Washington 25, D. C., Attention: Materials Division. All communications from Canadian operators should be addressed to the Petroleum Division, Department of Trade and Commerce, Toronto, Canada.

SEC. 25. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA, or who willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A—NON-INDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum and gas industries:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment: *Provided,* That:

(1) Where material is to be used on a tank truck or trailer and is specialized petroleum or gas material or equipment which is actually to be attached to the truck or trailer and is necessary to the containing, dispensing, measuring the movement, or distributing of petroleum or gas, such use shall be considered a use of material in the petroleum and gas industries.

(2) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum and gas industries.

(3) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the industry, and is not under the jurisdiction of the United States Maritime Administration, the Navy Department, or any other Federal agency, for the purpose of establishing methods by which material incident to the operation of the marine equip-

ment may be made available, such use shall be considered a use of material in the petroleum and gas industries.

SCHEDULE B—PETROLEUM ADMINISTRATION FOR DEFENSE DISTRICTS

District 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia.

District 2. Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota.

District 3. Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico.

District 4. Montana, Wyoming, Colorado, Utah, Idaho.

District 5. Arizona, California, Nevada, Oregon, Washington, Territory of Alaska.

SCHEDULE C—ADMINISTRATIVE QUOTAS

Schedule C is applicable to the use of the symbol DO–97 for the procurement by an operator of material to be used for administrative operations. Such material consists of office supplies, office equipment and machinery, and the like, to the extent that these materials come within the definitions of maintenance and repair and operating supplies set forth in the order.

The symbol DO–97 for material to be used for administrative purposes may be used pursuant to the provisions of section 4 (b) only if the operator has a quota as established through this schedule.

TYPES OF QUOTA

An operator may elect one of the three types of quotas described below. If an operator elects or obtains permission to use any one of the three quotas, he may not change to either of the other two without obtaining permission. (See section 4 (c).)

(a) *Standard quota.* The standard quota is on a quarterly basis and is one-fourth of the dollar amount which the operator spent during the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is one-fourth of the dollar amount spent for MRO material for administrative operations during the fiscal year ending nearest December 31, 1950.

(b) *Seasonal quota.* The seasonal quota is is the dollar amount which the operator spent during the corresponding calendar quarter of the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is the dollar amount spent for MRO material for administrative operations during the corresponding quarter of the fiscal year ending nearest December 31, 1950.

(c) *Administrative quota.* The administrative quota is the quota determined by the Petroleum Administration for Defense or the Petroleum Division, Department of Trade and Commerce, which the operator may use in lieu of either the standard quota or seasonal quota.

HOW TO OBTAIN AN ADMINISTRATIVE QUOTA

The administrative quota must be applied for. It is designed to provide relief where an operator was only in partial operation in 1950, did not operate at all in 1950, or has had such expansion of operations since 1950 that neither the standard quota nor seasonal quota properly represents the operator's demands for MRO material to be used for administrative purposes. To procure an administrative quota, a domestic operator must file with the Petroleum Administration for Defense, and a Canadian operator must file with the Petroleum Division, Department of Trade and Commerce, four copies of a letter setting forth in full the circumstances as to his operations which make inappropriate the use of either the standard quota or the seasonal quota. An operator may use only a standard quota or seasonal quota until he has received authority to use the administrative quota.

SCHEDULE D—MATERIALS FOR WHICH SYMBOLS MAY NOT BE USED

SECTION 1. The following items are not subject to any ratings issued by or under authority of the National Production Authority at the present time, and no rating issued pursuant to NPA Order M–46 may be used to obtain such items unless specific authorization is given:

Communications services.
Electric power.
Farm equipment.
Fertilizer, commercial.
Food.
Fuels, solid.
Gas.
Ice.
Mineral aggregates:
  Sand.
  Gravel.
  Crushed stone.
  Slag.
Ores and scrap.
Petroleum.
Source and fissionable materials.
Steam heating, central.
Transportation services, domestic, storage, and port facilities.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

SEC. 2. The following materials may not be obtained through use of the symbol DO–97, and a DO–97 may not be used to obtain such materials:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Casing, tubing, and drill pipe.
Items appearing in list A of NPA Order M–47, as the same may be amended from time to time.
Nylon fibers and yarns.
Packaging materials and containers.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Photographic film.
Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
Rubber tires and tubes.

[F. R. Doc. 51–6546; Filed, June 1, 1951; 5:00 p. m.]

[NPA Order M–46B]

M–46B—CONSTRUCTION LIMITATIONS FOR THE PETROLEUM AND GAS INDUSTRIES OF THE UNITED STATES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this order has been rendered impracticable due to the fact that it applies to all branches of the petroleum and gas industries.

PURPOSE, DEFINITIONS, AND SCOPE

Sec.
1. What this order does.
2. Definitions.
3. Scope.

RESTRICTIONS AND PERMISSIONS

Sec.
4. Restrictions on use of material.
5. Permitted uses of material.
6. Application for authorization to use material.
7. Prohibited deliveries.
8. Defense against claims for damages.

GENERAL

9. Applicability of NPA Order M–4.
10. Violations.
11. Authority.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 701, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

PURPOSE, DEFINITIONS, AND SCOPE

SECTION 1. *What this order does.* This order sets out the rules which must be followed by petroleum and gas operators who want to construct facilities in the petroleum and gas industries. The order does not apply to foreign operations.

SEC. 2. *Definitions.* (a) "Operator" means any person located in the United States of America to the extent he is engaged in the petroleum and gas industries.

(b) "Petroleum" means crude oil and associated hydrocarbons, including the products thereof.

(c) "Gas" means natural gas, manufactured gas, or mixtures thereof.

(d) "Petroleum and gas industries" includes any of the following activities and any operations directly incident to these activities as they pertain to petroleum or gas:

(1) The discovery, development, or depletion of petroleum or gas (production);

(2) The extraction or recovery of natural gasoline or associated hydrocarbons (natural gasoline recovery);

(3) The movement, loading, or unloading of petroleum (transportation);

(4) The transportation of gas (gas transmission);

(5) The processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending (refining);

(6) The processing of material for the production of manufactured gas (manufactured gas production);

(7) The distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (distribution);

and shall include for each of the above listed branches of the industries, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum or gas operations by means of research, technical, or control laboratories.

(e) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(f) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production, except (1) a use of material for a gathering line for a gas or condensate well; a crude oil gathering line connecting a lease or field shipping tank or battery where petroleum is first gaged to any other petroleum gathering or movement facility or any refinery facility; or (2) a use of material for any of the following enumerated plants or facilities where the material to be installed or added increases the rated capacity of the plant more than 500 horsepower: Vacuum plant or facilities; cycling plant or facilities; plant or facilities for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas.

(g) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to any branch of the petroleum and gas industries, other than production, but shall include any such use of material for the type of construction or installation which is specifically excepted from the definition of a production operation.

(h) "Maintenance and repair" means (without regard to accounting practice):

(1) The upkeep of any structure, equipment, or material in a sound working condition, or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged, or destroyed.

(2) Any other use of material not exceeding in material cost $1,000 for any one complete operation which has not been subdivided for the purpose of coming within this definition;

(3) Maintenance and repair does not include: (i) The deepening, redrilling, or plugging back of any well or the initial installation on any well of pumping or artificial lifting equipment, or (ii) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes, or the replacement of equipment worn out and beyond repair.

(i) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum and gas industries and which is normally carried by an operator as operating expense or which is normally chargeable to operating expense, including among other items, chemicals, additives, and blending agents.

(j) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum and gas industries operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

SEC. 3. *Scope.* Provisions of this order shall be applicable to the petroleum and gas industries in the United States, its territories and possessions. This order does not apply to tank cars, tank trucks, railroad rolling stock, tankers, barges, or other mobile marine equipment, or the construction of service stations.

RESTRICTIONS AND PERMISSIONS

SEC. 4. *Restrictions on use of material.* No material may be used in the petroleum and gas industries unless permission to use material is granted pursuant to the provisions of sections 5 and 6 of this order.

SEC. 5. *Permitted uses of material.* (a) Material may be used in the petroleum and gas industries: (1) For maintenance and repair purposes, as operating supplies, or for laboratory equipment or its installation, notwithstanding any other provision in this section; (2) for any production operation, except (i) a multiunit residential building in excess of three stories and basement or (ii) a residential unit for single family occupancy where the total floor space in the unit exceeds 2,500 square feet; (3) for any construction operation in which, for any one complete operation, the total cost of controlled materials to be used is less than $5,000, except a construction operation involving a service station; and (4) for any production or construction operation which as of May 3, 1951, has actually commenced or which has been duly authorized pursuant to the provisions of NPA Order M–4

(b) A production or construction operation will be deemed to have commenced if there has been substantial site clearance (including demolition of buildings or structures) preliminary to the start of or incident to the proposed construction operation, or if there has actually been incorporated as a part of a construction operation a substantial quantity of material which is to be an integral and permanent part of the completed operation.

SEC. 6. *Application for authorization to use material.* (a) Where a person wants to use material in the petroleum and gas industries but cannot do so because of the preceding provisions of this order, he must make application for authorization to use material on PAD Form 26. Five copies of the form should be prepared. One copy should be retained by the applicant, and the original and three copies, together with supporting attachments, should be sent to the Petroleum Administration for Defense, Interior Building, Washington 25, D. C., Ref: M–46B.

(b) The Petroleum Administration for Defense will after review, notify the applicant whether or not permission is granted to use material in the proposed operation.

(c) Any priorities assistance needed for the operation may be requested on Form PAD 26 pursuant to NPA Order M–46.

(d) Any communications in connection with Form PAD 26 should be submitted to PAD, Ref: M–46B.

SEC. 7. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material which he knows or has reason to believe will be used in violation of provisions of this order.

SEC. 8. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority or the Petroleum Administration for Defense (including any direction, directive, or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority invalid.

GENERAL

SEC. 9. *Applicability of NPA Order M–4.* Every operator shall be bound by the provisions of this order to the extent that this order is applicable to him or his operations; and except as specified herein, no operator is bound by or will be governed by the provisions of NPA Order M–4, as amended from time to time. Limitations on the construction of service stations will continue to be imposed by NPA Order M–4. Operators must make application for authority to construct a service station pursuant to the provisions of that order.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or the Petroleum Administration for Defense, or who furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to use material or any other assistance as may be rendered pursuant to the provisions of this order.

SEC. 11. *Authority.* The Petroleum Administration for Defense may, pursuant to the provisions of Delegation 13 of the National Production Authority, as amended, take additional or other action in respect to the receipt, use, delivery, or other disposition of material covered by this order.

NOTE: The reporting requirements and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–6544; Filed, June 1, 1951, 5:00 p. m.]

[NPA Order M–47 as Amended June 1, 1951]

M–47—USE OF IRON AND STEEL

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-47 as amended May 4, May 29, and June 1 now reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Iron and steel products to which this order applies.
4. Application of order.
5. Use of iron and steel products in consumer durable goods.
6. Exemptions.
7. Applications for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to limit the use of iron and steel in the manufacture and assembly of certain products.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Conversion steel" means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

SEC. 3. *Iron and steel products to which this order applies.* This order applies to the iron and steel products listed in table I of NPA Order M-1, as amended.

SEC. 4. *Application of order.* This order applies to persons who use iron and steel products or parts or components made wholly or partly therefrom, for purposes of manufacture or assembly, and limits the use of such materials and parts in the manufacture or assembly of certain items. This order does not apply to the production of iron and steel.

SEC. 5. *Use of iron and steel products in consumer durable goods.* (a) Subject to the exemptions stated in section 6 of this order, and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of any item included in list A at the end of this order, a total quantity by weight of iron and steel products in excess of 80 percent of his average quarterly use of such materials in the manufactured item during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use. However, if such person manufactured one or more units of a part made wholly or partly from iron or steel products during the base period, and uses one or more purchased units of that part during said calendar quarter in any item in list A, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said calendar quarter. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron and steel product in the manufacture of an item in list A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 40 percent of the number of such units which he assembled during the base period.

(b) Notwithstanding the provisions of paragraph (a) of this section, subject to the exemptions stated in section 6 of this order and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of item 1 of group VII of list A attached hereto, a total quantity by weight of iron and steel products in excess of 78⅓ percent of his average quarterly use of such materials in said manufactured item during the base period: *Provided, however,* That such use in the month of June 1951 shall in no event exceed 40 percent of such permitted quarterly use. However, if such person manufactured one or more units of a part made wholly or partly from iron and steel products during the base period, and uses one or more purchased units of that part during said calendar quarter in said item 1 of group VII, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said quarter. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron and steel product in the manufacture of said item, but who assembles parts made wholly or partly from such material into said item, shall not assemble a total number of units of said item in excess of 39⅙ percent of the number of such units which he assembled in the base period. However, nothing in this paragraph shall preclude any person from the manufacture or assembly of such item, during the months of April and May 1951, to the extent permitted by paragraph (a) of this section.

(c) Any person who during the 6-month period ending December 31, 1950, used conversion steel in the manufacture of any items included in list A at the end of this order shall, during the calendar quarter commencing on April 1, 1951, use conversion steel in the manufacture of such items to the extent stated in this paragraph. The ratio between nonconversion steel used and the total permitted use of steel shall not exceed the ratio between nonconversion steel and total steel received by him during the 6-month period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture of items in list A, the ratio between nonconversion steel and total steel used in his total production, including all items in list A, shall not exceed the ratio between nonconversion steel and total steel received by him during said period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of the National Production Authority.

SEC. 6. *Exemptions.* (a) The manufacture or assembly of any item in list A to fill rated orders, or to meet any mandatory order of the National Production Authority, is permitted in addition to the manufacture or assembly permitted by section 5 of this order.

(b) Section 5 shall not apply to any person whose total output of manufactured and assembled items included in list A during the calendar quarter commencing April 1, 1951, has an iron and steel content (including the estimated iron and steel content of parts and semifabricated materials purchased from others) of less than 100 short tons: *Provided, however,* (1) That no such person shall, during said quarter, use iron and steel products (not including the estimated iron and steel content of parts and semifabricated materials purchased from others) in the manufacture of items in list A a total quantity by weight of such material in excess of his average quarterly use thereof for such purposes during the base period; and (2) That any such person who does not use any iron and steel product in the manufacture of an item in list A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 50 percent of the number of such units which he assembled during the base period.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect, except as otherwise specifically stated, on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The items on this list A, made in whole or in part from iron and steel products or containing parts made wholly or partly from iron and steel products, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of list A.) The listing following each arabic numeral shall be considered a separate item hereunder.

I. HOUSEHOLD FURNITURE

1. Household furniture: livingroom, dining room, kitchen, breakfast room, and bedroom furniture (excluding bed springs, mattresses, and dual purpose sleeping equipment).
2. Other household furniture, including but not limited to beach, sunroom, garden, porch, lawn furniture, and steamer chairs.
3. Household cabinets such as kitchen, wardrobe, broom, and medicine cabinets.

II. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE FURNITURE AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES)

1. Furniture and fixtures such as desks (excluding seats and desks designed for school use), bookcases, shelving, tables, stands, booths, filing cabinets, and transfer cases, including card and document cases.
2. Furniture and fixtures such as chairs, stools, benches, sofas, couches, settees, clothing racks, and costumers.
3. Restaurant furniture and fixtures, including tray stands and serving tables.
4. Theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types.
5. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.
6. Soda fountain creamers.
7. Beer dispensing equipment and fixtures.

III. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE PARTITIONS, SHELVING, LOCKERS, AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES)

1. Lockers (except especially designed and made for the armed services), partitions, and shelving.
2. Show and display cases (including wall types), show and display tables, cabinets (floor and wall types), and counters.
3. Store and office decorative and ornamental fixtures.
4. Telephone booths.

IV. HOUSEHOLD APPLIANCES, HOUSEHOLD MACHINES, AND HOUSEHOLD EQUIPMENT

1. Cooking stoves and ranges.
2. Small electric appliances, including but not limited to: broilers; coffee percolators and urns; heating units for coffee makers; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand and hair dryers; vibrators; portable electric air space heaters; electric steam radiators; flat irons, including steam irons; and immersion heaters.
3. Electric fans, 16 inches and under.
4. Floor waxing and polishing machines.
5. Portable electric lamps, including office types, such as, floor, bridge, desk, torch, table, pin-up lamps, and lamp shades.
6. Home laundry equipment, including but not limited to: clothes dryers, gas and electric; mechanical ironers and mangles; and washing machines, electric and gasoline types.
7. Refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately.
8. Home and farm freezers under 13 cubic foot capacity, and cabinets for same sold separately.
9. Dish-washing machines.
10. Water softeners.
11. Automatic food and garbage disposal units.
12. Vacuum cleaners.
13. Carpet sweepers.
14. Packaged air conditioning units (window and console types) ¾ horsepower and under.

V. UTENSIL AND CUTLERY

1. Pocket knives.
2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets.

VI. RADIO, TELEVISION, AND PHONOGRAPHS

1. Radio receivers, home, portable, and broadcast band automobile receivers.
2. Radio-phonograph combinations.
3. Television receivers.
4. Radio-television receivers, television-phonograph combinations, and radio-television-phonograph combinations.
5. Phonographs and record players.

VII. TRANSPORTATION EQUIPMENT

1. Passenger automobiles and station wagons.
2. Motorcycles, motor scooters, motor bikes.
3. Bicycles.
4. Ships and boats, except military and commercial.
5. Aircraft, except military and commercial.

VIII. MISCELLANEOUS ITEMS

1. Cameras, amateur box type still picture, fixed focus (except reflex), and 8-mm. motion picture cameras and projectors.
2. Coin operated scales and automatic merchandising machines.
3. Games, toys, and children's vehicles.
4. Jewelry, novelties, ornaments, and jewelry cases.
5. Lawn mowers, rollers, seeders, and tampers.
6. Musical instruments.
7. Pianos and organs.
8. Paper weights, desk and document trays, and letter openers.
9. Smokers' articles such as ash trays; cigar, cigarette, and match cases; and holders, lighters, pipe cleaners, and smoking stands.
10. Venetian blinds, shades, and awnings.
11. Fireplace fixtures and equipment such as dampers, irons, and fire screens.
12. Sporting and athletic goods.
13. Morticians' goods and equipment such as caskets, coffins, vaults, liners, but excluding wooden coffin hardware, instruments, and supplies.
14. Coin or slug operated gambling, amusement, or musical devices or machines.
15. Signs and advertising displays.
16. Mirror and picture frames.
17. Wire garment hangers.

IX. ACCESSORIES

Accessories for any single item in this list A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

An "accessory" shall mean any product used with or attachable to an item described in this list A and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-6545; Filed, June 1, 1951; 5:00 p. m.]

[Amendment No. 1 to NPA Order M-47, as Amended June 1, 1951]

M-47—USE OF IRON AND STEEL

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and

because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-47, as amended, as follows:

A. Paragraph (b) of section 2 is amended to read as follows:

(b) "Base period" means the 6-month period ending June 30, 1950, except as otherwise provided in section 7 of this order.

B. Paragraphs (e), (f), and (g) are added to section 2 providing respectively as follows:

(e) "Third quarter" means the calendar quarter commencing July 1, 1951.

(f) "Item" means the various products included in the listing following each Arabic numeral in list A attached hereto.

(g) "Part" means any part made wholly or partly from an iron and steel product within the meaning of "iron and steel product" indicated in section 3, and includes partially fabricated material which has lost its identity as an iron and steel product.

C. Section 5 shall be deleted and the following substituted therefor:

SEC. 5. *Use of iron and steel products in consumer durable goods.* Subject to the exemptions stated in section 6 of this order, or unless specifically authorized in writing by the National Production Authority, the following provisions shall apply to the use of iron and steel products and parts in consumer durable goods:

(a) No person shall use during the third quarter, in the manufacture of any item, a total quantity by weight of iron and steel products in excess of 70 percent of his average quarterly use of such materials in the manufactured item during the base period. However, if such person used an iron and steel product in the manufacture of one or more units of a part for an item during the base period, and uses one or more purchased units of that part during the third quarter in such item, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during the third quarter. Paragraph (b) of this section shall also apply to any person subject to this paragraph, to the extent that he assembles in his manufactured item purchased parts which he did not manufacture in the base period.

(b) Except as provided in the last sentence of paragraph (a) of this section, any person who uses purchased parts in the assembly of an item during the third quarter shall, as to such item, comply with one of the following limitations:

(1) He shall not use in excess of 70 percent of the average quarterly number of units of each such part which he used during the base period; or

(2) He shall not assemble a number of units of an item in excess of 70 percent of the average quarterly number of units of such item which he assembled during the base period; or

(3) He shall not use a quantity by weight of all such parts in excess of 70 percent of his average quarterly use of all such parts during the base period. Such weight shall be computed upon the weight of the iron and steel content of the part as used.

(c) During any month of the third quarter, no use in manufacture or rate of assembly subject to the limitations of paragraphs (a) and (b) of this section shall exceed 40 percent of the permitted quarterly use or rate of assembly.

(d) Any person who, during the 6-month period ending December 31, 1950, used conversion steel in the manufacture of any item shall, during the third quarter, use conversion steel in the manufacture of items to the extent stated in this paragraph. The ratio between nonconversion steel used and the total permitted use of steel shall not exceed the ratio between nonconversion steel and total steel received by him during the 6-month period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture of items, the ratio between nonconversion steel and total steel used in his total production, including all items, shall not exceed the ratio between nonconversion steel and total steel received by him during said 6-month period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of the National Production Authority.

D. Section 6 shall be deleted and the following substituted therefor:

SEC. 6. *Exemptions.* (a) The manufacture or assembly of any item to fill rated orders, or to meet any mandatory order of the National Production Authority, shall be subject to the limitations of this order: *Provided, however,* That in cases where such limitations will delay or prevent the filling of such orders, application may be made for adjustment or exception pursuant to section 8 of this order.

(b) Any person, whose total output of manufactured and assembled items during the third quarter has a carbon steel or alloy steel content not in excess of the following quantities, shall be exempt from the provisions of this order as to carbon steel products or alloy steel products or both, as the case may be:

Type of products:	*Amount*
Carbon steel	5 short tons.
Alloy steel (except stainless steel)	1,000 pounds.

The terms "carbon steel" and "alloy steel" are used as defined in schedule I of CMP Regulation No. 1. In computing such content, there shall be included both the use of carbon steel products and alloy steel products and the estimated carbon steel and alloy steel content of parts purchased from others.

(c) Any person whose total output of manufactured and assembled items during the third quarter has an iron and steel content (including the estimated iron and steel content of parts purchased from others) of less than 100 short tons may substitute the phrase "90 percent" for the phrase "70 percent" wherever it appears in section 5 of this order, and he shall not be subject to paragraph (d) of that section.

E. The following section shall be inserted as section 7 of the order, and the present sections 7 through 10 shall be accordingly renumbered as sections 8 through 11:

SEC. 7. *Seasonality.* Any person may at his option determine his permitted use or rate of assembly under this order by using as a base period, the 6-month period ending December 31, 1949: *Provided, however,* That such person shall then use that base period for all manufactured or assembled items.

F. List A attached to the order as amended as an appendix shall be deleted and list A attached hereto shall be substituted therefor.

G. A new section 12 is added to read as follows:

SEC. 12. *Effect on prior provisions.* Nothing contained herein shall impair or affect any provision contained in the order, as amended, which provision shall have been in effect prior to the effective date of this amendment, insofar as such provision may apply to operations during the calendar quarter commencing April 1, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The items on this list A, made in whole or in part from iron and steel products or containing parts made wholly or partly from iron and steel products, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of list A.) The listing following each Arabic numeral shall be considered a separate item hereunder.

I. METAL AND WOOD HOUSEHOLD FURNITURE (EXCLUDING BEDSPRINGS, MATTRESSES, AND DUAL-PURPOSE SLEEPING EQUIPMENT)

1. Household furniture predominantly of wood materials, including upholstered furniture (excluding products using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware), including but not limited to living room, dining room, kitchen, breakfast room, and bedroom furniture.

2. Household furniture predominantly of metal materials, including upholstered furniture, including but not limited to beach, recreation room, kitchen, sunroom, garden, porch, and lawn furniture.

II. OTHER FURNITURE AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES, BEDSPRINGS, MATTRESSES, AND DUAL-PURPOSE SLEEPING EQUIPMENT)

Restaurant furniture and fixtures, including tray stands and serving tables.

2. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dressettes, hydraulic and reclining chairs, and couch units.

3. Soda fountain creamers, beer dispensing equipment.

4. All other office, commercial, or industrial furniture, including but not limited to: desks; stools; sofas; bookcases; tables; chairs; stands; booths; filing cabinets; transfer cases (including card and document cases); clothing racks; costumers; and theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types; and window boxes; but excluding seats and desks designed for school use.

III. PARTITIONS, SHELVING, LOCKERS, AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES)

1. Lockers; partitions and shelving (excluding specially designed factory partitions and shelving); household cabinets, such as kitchen, wardrobe, broom, and medicine cabinets; and telephone booths.

2. Show and display cases (including wall types), show and display tables, and counters.

3. Store and office decorative and ornamental fixtures.

IV. APPLIANCES, MACHINES, AND EQUIPMENT

1. Cooking stoves, ranges, combination cooking stoves, and combination ranges (domestic).

2. Small household type electric appliances, including but not limited to: broilers; coffee percolators and urns; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand hair dryers; vibrators; non-industrial electric air space heaters; electric steam radiators; flat irons, including steam irons; immersion heaters; and portable electric water heaters.

3. Electric fans: desk-bracket, wall, pedestal, and floor or hassock fans 16 inches and under; attic, household, and window ventilating and kitchen exhaust fans of all sizes.

4. Floor waxing and polishing machines, vacuum cleaners and carpet sweepers (household).

5. Portable electric lamps, including office types, such as floor, bridge, desk, torch, table, pin-up lamps, and lamp shades.

6. Home laundry equipment, including but not limited to: clothes dryers (gas and electric), mechanical ironers and mangles, electric and gasoline type washing machines, and ironing boards; dishwashing machines, automatic food and garbage disposal units, and water softeners (household).

7. Household refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately; home and farm freezers under 13 cubic foot capacity, and cabinets for same sold separately; bottled beverage coolers (all types); and bulk beverage dispensers (all types).

8. Packaged air conditioning units (window and console types) ¾ horsepower and under; and dehumidifiers for home and office including self-contained types with complete refrigeration cycle.

V. UTENSILS AND CUTLERY

1. Pocket knives.

2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets.

VI. RADIO, TELEVISION, AND PHONOGRAPHS

1. Radio receivers, home, portable, and broadcast band automobile receivers; radio-phonograph combinations; also radio-phonograph combinations including wire and tape recorders.

2. Television receivers; radio-television receivers; television-phonograph combination (including combinations with wire and tape recorders); and radio-television-phonographs combination (including combinations with wire and tape recorders).

3. Phonographs and record players.

VII. TRANSPORTATION EQUIPMENT

1. Motorcycles, motor scooters, motor bikes.

2. Bicycles.

3. Ships and boats, except military and commercial.

4. Aircraft, except military and commercial.

VIII. MISCELLANEOUS ITEMS

1. Automatic merchandising machines; coin-operated scales; home bathroom scales; nonmechanical and nonelectrical beverage coolers, and musical devices or machines.

2. Games, toys, and children's vehicles not including baby carriages and strollers not of play or toy type).

3. Jewelry, novelties, ornaments, and jewelry cases.

4. Lawn mowers, rollers, seeders, and tampers.

5. Musical instruments, including equipment, stands, cases, etc.

6. Pianos and organs.

7. Paper weights; desk and document trays; letter openers; smokers' articles such as: ash trays, cigar, cigarette and match cases, holders, lighters, pipe cleaners, and smoking stands; book-ends; and calendar stands.

8. Venetian blinds, shades, and awnings.

9. Fireplace fixtures and equipment, such as dampers, irons, and fire screens.

10. Sporting and athletic goods.

11. Morticians' goods and equipment such as caskets, coffins, vaults, and liners; but excluding wooden coffin hardware, instruments, and supplies.

12. Signs and advertising displays, but excluding safety and traffic control signs and markers.

13. Mirror and picture frames.

14. Garment hangers.

15. Grocery and retail market type baskets and carts.

16. Gambling and amusement devices or machines.

IX. ACCESSORIES

Accessories for any single item in this list A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

An "accessory" shall mean any product used with or attachable to an item described in this list A and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-6542; Filed, June 1, 1951; 4:59 p. m.]

[NPA Order M-50 as Amended June 5, 1951]

M-50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-50 as follows: It amends appendices A, B, and C, and adds appendices D, E, and F. As amended, NPA Order M-50 reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment or exception.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

AUTHORITY: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO-48 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO-48 (Minor) ratings to certain orders for program materials for minor requirements.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the administrator of Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4, and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction of or additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M-4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except major plant additions, and except construction for which NPA authorization is required under NPA Order M-4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency, and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment or exception.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas, and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MRO) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in schedule A of NPA Order M-44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions* — (a) *Charges against quota.* No electric utility shall obtain by use of the DO-97 rating any material excluded in paragraph (b) of section 22 of this order from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however,* That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article, the ratings authorized by this article shall be applied to all orders for any program material, including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated, rescheduled for delivery in a subsequent quarter, or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* In order to obtain any program material for any major plant addition, an electric utility is hereby authorized to apply the DO-48 rating to orders for the quantity of such program material specified by DEPA for that purpose. In addition, when authorized by DEPA, an electric utility may apply the DO-48 (Minor) rating to orders for any program material for major plant additions not otherwise authorized by DEPA: *Provided,* That its minor requirements quota is charged with the quantities covered by such orders: *And provided further,* That no increase of such electric utility's minor requirements quota shall thereafter be granted which would replace for use for minor requirements purposes, the quantities of materials so diverted for use in major plant additions. As to program materials already on hand, no electric utility, after June 1, 1951, shall use any such program material in a major plant addition unless such use is expressly authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO-48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO-48 or DO-48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO-48" or "DO-48 (Minor)," together with the words "Certified under NPA Order M-50." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* Unless DEPA has prescribed otherwise, an electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal), it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

(d) *Special provisions.* DEPA may, by notice addressed to individual electric utilities, prescribe quarterly program material quotas for minor requirements greater or less than such utility's standard or alternative quotas.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO-48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA-4 series. Forms in the DEPA-4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received,

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order,

(c) Detailed statement of necessity for larger quota, and

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum. Aluminum conductor shall be measured in terms of gross weight of conductor for purposes of computing second quarter minor requirements quotas and charges against such quotas. For the third and subsequent quarters, aluminum conductor shall be measured in terms of the net weight of aluminum content for purposes of computing minor requirements quota and charges against such quotas. Electric utilities may rate orders for aluminum conductor for delivery in the third quarter in the same manner as orders for delivery in the second quarter.

2. *Aluminum conductor quotas for minor requirements for second quarter.*

Standard quota: 20 percent.

Alternative quota: 80 percent.

3. *Aluminum conductor quotas for minor requirements for third quarter.*

Standard quota: 12½ percent.

Alternative quota: 50 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does not exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO-48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA-4A.

6. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Quantity authorized for major plant additions.* Each electric utility which has been authorized to order aluminum conductor for delivery in the second or third quarter of 1951 for use in any major plant addition, as provided in section 32 of this order, is hereby authorized to order for delivery in such quarter the quantity of aluminum conductor accessories necessary for use in connection with such aluminum conductor, and is authorized to apply the DO–48 rating to such orders.

3. *Quantity authorized for minor requirements.* There are no quotas applicable to the procurement of aluminum conductor accessories. Each electric utility is authorized to apply DO–48 (Minor) ratings to orders for the quantity of aluminum conductor accessories necessary for use in connection with the aluminum conductor which such electric utility is authorized to order for its minor requirements for delivery in any quarter and for such additional quantity which it requires for use in such quarter in maintenance and repair. No electric utility may order for delivery in any quarter a quantity of aluminum conductor accessories for minor requirements which exceeds the quantity authorized in this paragraph.

4. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO–48 (Minor) rating to orders for aluminum conductor accessories.

6. *Extension of ratings.* The DO–48 and DO–48 (Minor) ratings shall not be extended by manufacturers of accessories so long as such manufacturers are permitted under NPA Order M–44 to apply the DO–45 rating to order materials for manufacturing aluminum conductor accessories.

APPENDIX C—COPPER

1. *Definition.* (a) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content. Accordingly, minor requirements quotas and charges against such quotas must be computed on the basis of net weight of copper.

(b) "Brass mill product" means sheet, including strip and plate; rod, including bars, and extruded shapes; wire; or tube, including pipe, made from copper or copper-base alloy. This does not include copper wire mill products.

(c) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

2. *Copper wire mill products, brass mill products, and foundry products quotas for minor requirements for second quarter.*
Standard quota: 18¾ percent.
Alternative quota: 75 percent.

3. *Copper wire mill products, brass mill products, and foundry products quotas for minor requirements for third quarter.*
Standard quota: 18¾ percent.
Alternative quota: 75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper wire mill products, brass mill products, and foundry products shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper wire mill products, brass mill products, and foundry products which does not exceed 5,000 pounds in the aggregate.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for copper wire mill products, brass mill products, and foundry products, as provided in section 37 of this order, is Form DEPA–4C.

6. *Effect on NPA Order M–12.* This order supersedes NPA Order M–12 with respect to procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products.

APPENDIX D—CARBON STEEL

1. *Definition.* "Carbon steel" means carbon steel, including wrought iron, in the forms and shapes indicated in schedule 1 of CMP Regulation No. 1.

2. *No carbon steel quotas for minor requirements for second quarter.* Notwithstanding the provisions of section 33 of this order, no electric utility may apply DO–48 (Minor) ratings to orders for minor requirements of carbon steel for delivery in the second quarter.

3. *Carbon steel quotas for minor requirements for third quarter.*
Standard quota: 18¾ percent.
Alternative quota: 75 percent.

APPENDIX E—ALLOY STEEL (EXCEPT STAINLESS STEEL)

1. *Definition.* "Alloy steel" means alloy steel in the forms and shapes indicated in schedule 1 of CMP Regulation No. 1.

2. *No alloy steel quotas for minor requirements for second quarter.* Notwithstanding the provisions of section 33 of this order, no electric utility may apply DO–48 (Minor) ratings to orders for minor requirements of alloy steel for delivery in the second quarter.

3. *Alloy steel quotas for minor requirements for third quarter.*
Standard quota: 18¾ percent.
Alternative quota: 75 percent.

APPENDIX F—STAINLESS STEEL

1. *Definition.* "Stainless steel" means stainless steel in the forms and shapes indicated in schedule 1 of CMP Regulation No. 1.

2. *No stainless steel quotas for minor requirements for second quarter.* Notwithstanding the provisions of section 33 of this order, no electric utility may apply DO–48 (Minor) ratings to orders for minor requirements of stainless steel for delivery in the second quarter.

3. *Stainless steel quotas for minor requirements for third quarter.*
Standard quota: 18¾ percent.
Alternative quota: 75 percent.

[F. R. Doc. 51–6580: Filed, June 4, 1951; 11:35 a. m.]

[NPA Order M–67]

M–67—ALUMINUM FOIL IN CONTAINERS OR PACKAGING MATERIAL

This order is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this order has been rendered impracticable by the fact that this order affects a very substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on amount of aluminum foil that may be used in containers and packaging material.
4. Other restrictions.
5. Exceptions.
6. Applications for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon the use of aluminum foil in rigid or flexible containers, wrappers, bags, and envelopes. Schedule I appearing at the end of this order specifies quantity limitations in such use of aluminum foil. These limitations vary according to the product to be packaged. NPA Order M–7, as amended, permits the use of aluminum for such purposes in accordance with the terms of this order. NPA Order M–26, as amended, regulates the use of aluminum foil for aluminum cap liners and other packaging closures.

SEC. 2. *Definitions.* As used in this order:

(a) "Aluminum foil" means aluminum rolled to a thickness of 0.005 inch or less.

(b) "Base period" means the 6-month period ending December 31, 1950.

(c) "Container or packaging material" means any rigid or flexible container, wrapper, bag, or envelope, made in whole or in part of aluminum foil.

(d) "Manufacture" means to put into process or otherwise fabricate or alter aluminum foil by physical means.

(e) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

SEC. 3. *Restrictions on amount of aluminum foil that may be used in containers and packaging material.* Subject to the exceptions in section 5 of this order, no person shall use a greater quantity by weight of aluminum foil in any one month, beginning with the month of June 1951, in the manufacture of any container or packaging material for any particular class of product than that quantity by weight of aluminum foil determined by applying the percentage listed in column 2 of schedule I opposite that particular class of product against the average monthly quantity by weight of aluminum foil which he used in the manufacture of containers or packaging material for that particular class of product during the base period. In computing such average monthly quantity, a person shall exclude the quantity by weight of aluminum foil which he used during the base period in the manufacture of (a) containers or packaging material on orders having a DO rating, and (b) aluminum cap liners and other packaging closures.

SEC. 4. *Other restrictions.* Effective June 1, 1951:

(a) No person shall use in the manufacture of any container or packaging material a greater quantity or better grade of aluminum foil than is necessary for protective purposes.

(b) No person shall use aluminum foil in the manufacture of any container or packaging material for decorative or ornamental purposes, except to the extent permitted by NPA Order M–7 as now or hereafter amended.

(c) No person shall manufacture, sell, or deliver any container or packaging material which he knows or has reason to believe will be accepted or used in violation of this order or any other order or regulation of NPA.

SEC. 5. *Exceptions.* In addition to the use of aluminum foil authorized by section 3 of this order, there is permitted the use thereof (a) to fill orders for aluminum foil for cap liners and other packaging closures, but only in accordance with the provisions of NPA Order M–26, as now or hereafter amended, and (b) for containers or packaging material required to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any other mandatory order of NPA.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense program or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alternation of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–67.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—ALUMINUM FOIL IN CONTAINERS AND PACKAGING MATERIAL

Item No.	(Column 1) Class of product	(Column 2) Permitted percentage of average monthly quantity by weight of aluminum foil used during the base period.
1	Antibiotics	Unlimited.
2	Hygroscopic drugs	100 percent.
3	Medical supplies	Do.
4	Photographic films and photographic supplies requiring protection from light or humidity	90 percent.
5	Food products for human consumption, as defined in memorandum of agreement between NPA Administrator and Administrator of Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410, including uncooked bakery goods, but excluding food products for human consumption listed in item No. 6 of this schedule.	Do.
6	Bakery goods (excluding uncooked goods), chewing gum, confections, ice cream, cigarettes, and tobacco.	65 percent.
7	All other uses of aluminum foil in containers or packaging material for protective purposes.	Do.

[F. R. Doc. 51–6543; Filed, June 1, 1951; 4:59 p. m.]

[NPA Order M–68]

M–68—PASSENGER CARS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Authorized use of controlled materials.
4. Adjustment of average car usage.
5. Continued conservation of materials.
6. Use of secondary aluminum.
7. Rated orders.
8. Other orders or regulations.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve materials required for the national defense. It limits the use of controlled materials in the manufacture of passenger cars, but it does not limit by number the units of passenger cars which may be manufactured.

SEC. 2. *Definitions.* As used in this order:

(a) "Manufacture" means to put into process, machine, fabricate, or otherwise alter controlled materials as defined in paragraph (e) of this section by physical or chemical means.

(b) "Component parts" means parts which have been processed and which have lost their identity as controlled materials.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(d) "Passenger car" means any passenger vehicle (including a station wagon or a taxicab) manufactured in the United States having a seating capacity of less than 11 persons which is propelled by an internal combustion engine.

(e) "Controlled materials" means steel, copper, and aluminum in the forms and shapes indicated in schedule I of CMP Regulation No. 1.

(f) "Percentage of industry" means the percentage set forth in schedule A of this order for each person engaged in the manufacture of passenger cars.

(g) "Industry volume" means 1,200,000 passenger cars.

(h) "Average car usage" means the weight of each controlled material used by a person in the manufacture of passenger cars during the month of January 1950 divided by the number of passenger cars manufactured by him during that month, and adjusted as provided in section 4 of this order.

(i) "NPA" means National Production Authority.

SEC. 3. *Authorized use of controlled materials.* (a) No person shall use in the manufacture of passenger cars during the third calendar quarter of 1951 a quantity by weight of each controlled material in excess of the quantity of each such material determined as follows: He shall multiply the industry volume by his percentage of industry, and multiply the result thus obtained by his average car usage of each controlled material.

(b) The monthly use of any controlled material by a person engaged in the manufacture of passenger cars shall not exceed 40 percent of his authorized use of each such material during the third calendar quarter of 1951.

SEC. 4. *Adjustment of average car usage.* A person engaged in the manufacture of passenger cars who changes his method of manufacture during the third calendar quarter of 1951 by purchasing a greater or lesser proportion of component parts per passenger car than he purchased during the month of January 1950, shall make one of the following adjustments in order to compute his average car usage:

(a) If he purchases a greater proportion of component parts, he shall deduct from his average car usage of each controlled material the quantity by weight of each such material which was used in the manufacutre of the additional component parts so purchased per passenger car; or

(b) If he purchases a lesser proportion of component parts, he shall add to his average car usage of each controlled material the quantity by weight of each such material he uses in the manufacture of component parts per passenger car which he no longer purchases.

SEC. 5. *Continued conservation of materials.* No person engaged in the manufacture of passenger cars who, after January 1950, made changes in the specifications thereof pursuant to or as a result of orders and regulations of NPA in order to conserve materials required for the national defense, shall during the third calendar quarter of 1951 use a greater proportion of materials so conserved than he used on June 1, 1951. The quantity by weight of each controlled material conserved by him as a result of changes made in specifications since January 1, 1950, shall be deducted from the average car usage of the controlled material so conserved, and the quantity by weight of the substituted controlled material shall be added to the average car usage of that controlled material.

SEC. 6. *Use of secondary aluminum.* No person engaged in the manufacture of passenger cars shall use aluminum in the manufacture of passenger car engine pistons for passenger cars unless the aluminum therefor is produced from remelted aluminum scrap, and no person engaged in the manufacture of passenger cars shall purchase from another person passenger car engine pistons made of aluminum not produced from remelted aluminum scrap.

SEC. 7. *Rated orders.* The manufacture of passenger cars to fill orders that are rated under NPA Reg. 2, as amended, shall be subject to the limitations of this order: *Provided, however,* That where such limitations will delay or prevent the filling of such rated orders, applications may be made for adjustment or exception pursuant to section 9 of this order.

SEC. 8. *Other orders or regulations.* The provisions of this order do not authorize the use of any materials where such use in the manufacture of any product is prohibited by any other order or regulation of NPA, but any person may use controlled materials to the extent provided in this order in the manufacture of passenger cars, regardless of the limitations on the rate of use of such materials as stated in any other order or regulation of NPA. Orders or regulations which limit the rate of use of materials other than controlled materials remain applicable and in full force and effect. The provisions of this order are subject to the provisions of other orders of NPA which limit the specifications of a product as to material content or which control the distribution of any material, part, or product by allocation.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copy instead of the original.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the Motor Vehicle Division, National Production Authority, Washington 25, D. C., Ref: M–68.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

The percentage of industry for each person engaged in the manufacture of passenger cars is as follows:

	Percent
Checker Cab Manufacturing Corp.	0.10
Chrysler Corp.	21.65
Crosley Motors, Inc.	.35
Ford Motor Co.	21.65
General Motors Corp.	41.85
Hudson Motor Car Co.	2.65
Kaiser-Frazer Corp.	1.65
Nash-Kelvinator Corp.	3.30
Packard Motor Car Co.	2.15
Studebaker Corp.	4.25
Willys-Overland Motors, Inc.	1.00
Total	100.00

[F. R. Doc. 51-6531; Filed, June 4, 1951; 11:36 a. m.]

[NPA Order M-69]

M-69—SULFUR

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

Sec.
1. What this order does.
2. Definitions.
3. Relation to other NPA orders and regulations.
4. Restrictions on delivery.
5. Restrictions on use.
6. Termination of NPA authorization.
7. Exemptions.
8. Limitation on inventory.
9. Records.
10. Audit and Inspection.
11. Reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve sulfur in such manner as best to serve the interests of national defense and essential civilian production. This order prohibits the delivery of sulfur by a supplier without specific NPA authorization and restricts the amount of sulfur which may be used by any person to a percentage of his use during the base period. In addition this order requires each user of sulfur to report monthly to NPA on his use and inventory of sulfur.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Sulfur" means elemental sulfur (brimstone) which has been mined, recovered, or otherwise produced, of a purity of 97 percent or greater.

(c) "Supplier" means any person who produces or imports sulfur for resale or his own use.

(d) "Base period" means the year ended December 31, 1950.

(e) "NPA" means National Production Authority.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or any other NPA order which are inconsistent with this order are superseded, but in all other respects such regulations and other orders remain applicable to sulfur. DO rated orders for sulfur shall have no preference over nonrated orders therefor, but NPA may take into consideration such DO rated orders in granting authorizations to deliver sulfur pursuant to this order. NPA may from time to time issue special directives as to delivery or use of sulfur and, unless otherwise provided therein, such directives shall prevail over the provisions of this order.

SEC. 4. *Restrictions on delivery.* (a) No supplier may deliver sulfur to any person during the calendar quarter commencing July 1, 1951, or during any calendar quarter thereafter, unless NPA has specifically authorized such delivery in writing.

(b) An application for authorization to deliver sulfur shall be made by a supplier on Form NPAF–99. An application for authorization to deliver during the calendar quarter commencing July 1, 1951, shall be filed with NPA as soon as possible. Until a supplier has received notice from NPA on Form NPAF–99, he is authorized to deliver sulfur during the quarter commencing July 1, 1951, in accordance with the schedule of deliveries which he has listed on Form NPAF–99. An application for authorization to deliver during any subsequent calendar quarter must be filed with NPA on or before the first day of the calendar month immediately preceding the calendar quarter for which authorization is sought. Authorization to deliver will be entered by NPA on a copy of Form NPAF–99, which will be returned to the applicant not less than 10 days prior to the 1st day of the calendar quarter.

SEC. 5. *Restrictions on use.* (a) Unless otherwise specifically authorized by NPA, no person shall use sulfur for any purpose during the month of June 1951, or during any calendar month thereafter, in a quantity by weight in excess of 100 percent of his average monthly use for such purpose during the base period.

(b) Where seasonal demands would make impracticable a rate of use of sulfur by a person determined by his average monthly use thereof during the base period, a special monthly or quarterly rate may be established by NPA for a specified period, on application by such person pursuant to section 12 of this order. In the case of such a special rate, the total amount of sulfur used by such person during such specified period shall in no event exceed the total amount which could be used during such specified period if the amount were determined as provided in paragraph (a) of this section.

SEC. 6. *Termination of NPA authorization.* An authorization to deliver sulfur granted under this order shall terminate at the close of the calendar month immediately following the calendar quarter for which delivery was authorized.

SEC. 7. *Exemptions.* The provisions of sections 4 and 5 of this order shall not apply to:

(a) The delivery to any one person of no more than 60 short tons of sulfur during any calendar quarter.

(b) The use by any one person of no more than 20 short tons of sulfur during any calendar month.

SEC. 8. *Limitation on inventory.* Unless specifically directed by NPA, no person may order from a supplier, for delivery during any calendar quarter, or accept delivery from a supplier during any calendar quarter, an amount of sulfur in excess of the amount which such person may use during such calendar quarter pursuant to section 5 of this order.

SEC. 9. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every person who uses more than 20 short tons of sulfur during any calendar month shall report to NPA on or before the 28th day of the next succeeding month, commencing June 28, 1951, on Form NPAF–98, his use of sulfur during the preceding month and his inventory at the close of such month, his estimated inventory and use at the close of the month in which the report is filed, and all other information required by such form.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that his business operation was commenced during the base period or prior to the effective date of this order, that any such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing, shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 13. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–69.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A — GENERAL INSTRUCTIONS FOR PREPARATION OF FORMS NPAF-98 AND NPAF-99

1. *Where to obtain copies.* Copies of Forms NPAF-98 and NPAF-99 may be obtained at local field offices of the Department of Commerce.

2. *Time of filing.* Supplier's Form NPAF-99 must be filed with NPA on or before the first day of the calendar month immediately preceding the calendar quarter for which authorization is sought. Authorization to deliver will be entered by NPA on a copy of Form NPAF-99, which will be returned to the applicant not less than 10 days prior to the first day of the calendar quarter. Customer's Form NPAF-98 must be filed with NPA on or before the 28th day of each month. Copies of these forms will not be returned to the customer.

FORM NPAF-99

3. Form NPAF-99, Supplier's Schedule of Deliveries: Fill in Form NPAF-99 as indicated. If a supplier is also a consumer, he must file both Forms NPAF-98 and NPAF-99.

FORM NPAF-98

4. Form NPAF-98, Customer's Report of Disposition and Inventory of Sulfur: "Last Month" means the month preceding the month in which the form is filed. "Current Month" means the month in which the form is filed. File a separate form for each supplier.

Table I—Disposition of Sulfur

In column (1), list each disposition of sulfur according to the following categories:

Carbon disulfide.
Ground crude.
Miscellaneous (specify).
Other chemicals (specify).
Pulp and paper.
Resale.
Rubber.
Sulfuric acid.

In columns (2), (3), and (4), fill in data for each disposition listed in column (1).

Table II—Inventory of Sulfur

In columns (6) and (7), list the quantities of crude unprocessed sulfur only.

[F. R. Doc. 51-6547; Filed, June 1, 1951; 5:01 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS, AND ESCAPED MILITARY PRISONERS

Sections 536.31, 536.32, 536.33 and 536.34 are rescinded and the following §§ 536.31 and 536.32 substituted therefor:

§ 536.31 *Definitions.* The following definitions will apply for the purposes of this part (see paragraphs 164 and 165, Manual for Courts-Martial, United States, 1951, 16 F. R. 1203).

(a) *Member.* A commissioned officer, warrant officer, or enlisted member of the Army.

(b) *Absence without leave.* The status of a member subject to military law who, without proper authority, fails to go to an appointed place of duty at the time prescribed, or goes from that place, or absents himself or remains absent from his unit, organization, or other place of duty at which he is required to be at the time prescribed.

(c) *Absentee.* A member who is absent without leave.

(d) *Desertion.* Absence without leave accompanied by the intention not to return, or to avoid hazardous duty, or to shirk important service.

(e) *Military prisoner.* A prisoner, whether detained, arraigned, or sentenced, or unsentenced.

(f) *Return to military control.* The turn-over or delivery of an absentee or deserter to the military authorities authorized to receive such absentees or deserters.

(g) *Civil officer.* Civil law enforcement officer.

(h) *Citizen.* Any person whether or not a citizen of the United States, except a civil officer or a member of the uniformed services.

§ 536.32 *Payment for arrest and delivery of members absent without leave, deserters, and escaped military prisoners—*(a) *Services for which payment will be made.* Persons or agencies who return absentees and deserters to military control, when authorized by the appropriate military authority, will be reimbursed reasonable expenses incurred incident to the return of the absentee or deserter not to exceed $50.

(b) *To whom paid.* The payment mentioned in paragraph (a) of this section will be made to the person or persons actually making the arrest of an absentee, a deserter, or an escaped military prisoner and the turn-over or delivery of the member arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the absentee, deserter, or escaped military prisoner surrenders or is apprehended. Payment will not be made made merely for information leading to an arrest, or for an arrest not followed by the return of the member arrested to military control.

(c) *By whom paid.* The payments mentioned in paragraph (a) of this section will be made by disbursing officers or their class B agent officers, and will be in full satisfaction of all expenses of arresting, keeping, and delivering the absentee, deserter, or escaped military prisoner.

[AR 35-1570, May 8, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6454; Filed, June 4, 1951; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFSCATION AND RATES OF POSTAGE

REVISION OF RATES OF POSTAGE ON CERTAIN FOURTH-CLASS MAIL

The Interstate Commerce Commission having been requested, on October 13, 1950, pursuant to the provision of the act of September 27, 1950, (Pub. Law 843, 81st Cong., 2d sess.) to consent to the establishment of such rate increases or other reformations (in addition to any specific increases or other reformations heretofore or hereafter authorized or prescribed by law) pursuant to the provisions of section 207 of the act of February 28, 1925, as amended (39 U. S. C. 247), as may be necessary to insure the receipt of revenue from fourth-class mail service sufficient to pay the cost of such service, and such consent having been given by the Interstate Commerce Commission in its decision dated May 11, 1951, Docket No. 30690, *It is hereby ordered*, That, effective October 1, 1951, §§ 34.76 and 34.77 of Title 39, Code of Federal Regulations, be amended to read as follows:

The following regulations are issued under authority of R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247, and decision of the Interstate Commerce Commission, dated May 11, 1951, Docket No. 30690.

§ 34.76 *Fourth-class postage rates by zones—*(a) *Local to Eighth Zone, inclusive.* On fourth-class matter (limit of weight over eight ounces to seventy pounds, limit of size one hundred inches in length and girth combined), except catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds, books, library books, publications or records furnished to a blind person under the provisions of the Act of April 15, 1937 (39 U. S. C. 293c), and except controlled circulation publications acceptance of which is authorized under the provisions of the act of July 3, 1948, sec. 203, 62 Stat., 1262 (39 U. S. C. 291b), the rate of postage shall be as follows in the respective parcel post zones:

Weight in lbs.	Zones								
	Local	1-2	3	4	5	6	7	8
	$0.15	$0.17	$0.17	$0.19	$0.21	$0.23	$0.25	$0.27
2	.17	.20	.21	.25	.28	.32	.36	.39
3	.19	.23	.25	.31	.35	.41	.47	.51
4	.21	.26	.29	.37	.42	.50	.58	.63
5	.23	.29	.33	.43	.49	.59	.69	.75
6	.25	.32	.37	.49	.56	.68	.80	.87
7	.27	.35	.41	.55	.63	.77	.91	.99
8	.29	.38	.45	.61	.70	.86	1.02	1.11
9	.31	.41	.49	.67	.77	.95	1.13	1.23
10	.33	.44	.53	.73	.84	1.04	1.24	1.35
11	.35	.47	.57	.79	.91	1.13	1.35	1.47
12	.37	.50	.61	.85	.98	1.22	1.46	1.59
13	.39	.53	.65	.91	1.05	1.31	1.57	1.71
14	.41	.56	.69	.97	1.12	1.40	1.68	1.83
15	.43	.59	.73	1.03	1.19	1.49	1.79	1.95
16	.45	.62	.77	1.09	1.26	1.58	1.90	2.07
17	.47	.65	.81	1.15	1.33	1.67	2.01	2.19
18	.49	.68	.85	1.21	1.40	1.76	2.12	2.31
19	.51	.71	.89	1.27	1.47	1.85	2.23	2.43
20	.53	.74	.93	1.33	1.54	1.94	2.34	2.55
21	.55	.77	.97	1.39	1.61	2.03	2.45	2.67
22	.57	.80	1.01	1.45	1.68	2.12	2.56	2.79
23	.59	.83	1.05	1.51	1.75	2.21	2.67	2.91
24	.61	.86	1.09	1.57	1.82	2.30	2.78	3.03
25	.63	.89	1.13	1.63	1.89	2.39	2.89	3.15
26	.65	.92	1.17	1.69	1.96	2.48	3.00	3.27
27	.67	.95	1.21	1.75	2.03	2.57	3.11	3.39
28	.69	.98	1.25	1.81	2.10	2.66	3.22	3.51
29	.71	1.01	1.29	1.87	2.17	2.75	3.33	3.63
30	.73	1.04	1.33	1.93	2.24	2.84	3.44	3.75
31	.75	1.07	1.37	1.99	2.31	2.93	3.55	3.87
32	.77	1.10	1.41	2.05	2.38	3.02	3.66	3.99
33	.79	1.13	1.45	2.11	2.45	3.11	3.77	4.11
34	.81	1.16	1.49	2.17	2.52	3.20	3.88	4.23
35	.83	1.19	1.53	2.23	2.59	3.29	3.99	4.35
36	.85	1.22	1.57	2.29	2.66	3.38	4.10	4.47
37	.87	1.25	1.61	2.35	2.73	3.47	4.21	4.59
38	.89	1.28	1.65	2.41	2.80	3.56	4.32	4.71
39	.91	1.31	1.69	2.47	2.87	3.65	4.43	4.83
40	.93	1.34	1.73	2.53	2.94	3.74	4.54	4.95
41	.95	1.37	1.77	2.59	3.01	3.83	4.65	5.07
42	.97	1.40	1.81	2.65	3.08	3.92	4.76	5.19
43	.99	1.43	1.85	2.71	3.15	4.01	4.87	5.31
44	1.01	1.46	1.89	2.77	3.22	4.10	4.98	5.43
45	1.03	1.49	1.93	2.83	3.29	4.19	5.09	5.55
46	1.05	1.52	1.97	2.89	3.36	4.28	5.20	5.67
47	1.07	1.55	2.01	2.95	3.43	4.37	5.31	5.79
48	1.09	1.58	2.05	3.01	3.50	4.46	5.42	5.91
49	1.11	1.61	2.09	3.07	3.57	4.55	5.53	6.03
50	1.13	1.64	2.13	3.13	3.64	4.64	5.64	6.15
51	1.15	1.67	2.17	3.19	3.71	4.73	5.75	6.27
52	1.17	1.70	2.21	3.25	3.78	4.82	5.86	6.39
53	1.19	1.73	2.25	3.31	3.85	4.91	5.97	6.51
54	1.21	1.76	2.29	3.37	3.92	5.00	6.08	6.63
55	1.23	1.79	2.33	3.43	3.99	5.09	6.19	6.75
56	1.25	1.82	2.37	3.49	4.06	5.18	6.30	6.87
57	1.27	1.85	2.41	3.55	4.13	5.27	6.41	6.99
58	1.29	1.88	2.45	3.61	4.20	5.36	6.52	7.11
59	1.31	1.91	2.49	3.67	4.27	5.45	6.63	7.23
60	1.33	1.94	2.53	3.73	4.34	5.54	6.74	7.35
61	1.35	1.97	2.57	3.79	4.41	5.63	6.85	7.47
62	1.37	2.00	2.61	3.85	4.48	5.72	6.96	7.59
63	1.39	2.03	2.65	3.91	4.55	5.81	7.07	7.71
64	1.41	2.06	2.69	3.97	4.62	5.90	7.18	7.83
65	1.43	2.09	2.73	4.03	4.69	5.99	7.29	7.95
66	1.45	2.12	2.77	4.09	4.76	6.08	7.40	8.07
67	1.47	2.15	2.81	4.15	4.83	6.17	7.51	8.19
68	1.49	2.18	2.85	4.21	4.90	6.26	7.62	8.31
69	1.51	2.21	2.89	4.27	4.97	6.35	7.73	8.43
70	1.53	2.24	2.93	4.33	5.04	6.44	7.84	8.55

(b) *Parcels over 70 pounds.* On parcels weighing over 70 pounds, but not more than one hundred inches in length and girth combined the minimum postage charge shall be the zone charge applicable to a ten-pound parcel.

(Sec. 204 (b), 62 Stat. 1260; 39 U. S. C. 292a)

(c) *Table of rates.* In accordance with the foregoing, postage shall be charged on such matter of the fourth class mailed for delivery within the several zones indicated in paragraphs (a) and (b) of this section as follows:

Pounds	Zone								
	Local	First and second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	10	11	12	13	14	16	17	18
2	13	13	14	17	20	23	26	29
3	13	15	16	21	26	30	35	40
4	14	17	18	25	31	37	44	51
5	15	19	20	29	37	44	53	62
6	16	21	22	33	42	51	62	73
7	17	23	24	37	47	58	71	84
8	18	25	26	41	52	65	80	95
9	19	27	28	45	57	72	89	106
10	20	29	30	49	62	79	98	117

(d) *Exceptions.* (1) In the first or second zone, where the distance by the shortest regular practicable mail route in 300 miles or more, the rate shall be the same as for the third zone.

(2) Parcels weighing less than 10 pounds, and measuring more than 84 inches, but not more than 100 inches in length and girth combined, shall be subject to 10-pound rate.

(R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

§ 34.77 *Postage rates on individually addressed catalogs—*(a) *Parcel-post zone basis.* On catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds the rate of postage based on the eight parcel-post zones shall be as follows:

Zone	First pound (cents)	Additional pounds (cents)
Local	10	1.5
1 and 2	11	2.5
3	12	4
4	13	5.5
5	15	7
6	16	9
7	17	11
8	18	

(b) *Table of rates.* In accordance with the foregoing, postage shall be charged on catalogs and similar printed advertising matter of the fourth class in bound form having 24 or more pages and weighing more than 8 ounces but not exceeding 10 pounds, and individually addressed, as follows:

Pounds	Zone								
	Local	First and second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	10	11	12	13	14	16	17	18
2	13	13	14	17	20	23	26	29
3	13	15	16	21	26	30	35	40
4	14	17	18	25	31	37	44	51
5	15	19	20	29	37	44	53	62
6	16	21	22	33	42	51	62	73
7	17	23	24	37	47	58	71	84
8	18	25	26	41	52	65	80	95
9	19	27	28	45	57	72	89	106
10	20	29	30	49	62	79	98	117

(c) *Exceptions.* In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

NOTE: The Interstate Commerce Commission has also consented to the establishment of zone rates on books "reflecting ascertained service costs" and to surcharge rates for parcels carried outside of mail sacks. A study is being made to ascertain the costs of these items and pending determination thereof the present book rate of eight cents for the first pound and four cents for each additional pound will continue to be applicable and no surcharge will be imposed on parcels carried outside of mail

Weight in lbs.	Zones								
	Local	1-2	3	4	5	6	7	8
1	$0.15	$0.17	$0.17	$0.19	$0.21	$0.23	$0.25	$0.27
2	.17	.20	.21	.25	.28	.32	.36	.39
3	.19	.23	.25	.31	.35	.41	.47	.51
4	.21	.26	.29	.37	.42	.50	.58	.63
5	.23	.29	.33	.43	.49	.59	.69	.75
6	.25	.32	.37	.49	.56	.68	.80	.87
7	.27	.35	.41	.55	.63	.77	.91	.99
8	.29	.38	.45	.61	.70	.86	1.02	1.11
9	.31	.41	.49	.67	.77	.95	1.13	1.23
10	.33	.44	.53	.73	.84	1.04	1.24	1.35
11	.35	.47	.57	.79	.91	1.13	1.35	1.47
12	.37	.50	.61	.85	.98	1.22	1.46	1.59
13	.39	.53	.65	.91	1.05	1.31	1.57	1.71
14	.41	.56	.69	.97	1.12	1.40	1.68	1.83
15	.43	.59	.73	1.03	1.19	1.49	1.79	1.95
16	.45	.62	.77	1.09	1.26	1.58	1.90	2.07
17	.47	.65	.81	1.15	1.33	1.67	2.01	2.19
18	.49	.68	.85	1.21	1.40	1.76	2.12	2.31
19	.51	.71	.89	1.27	1.47	1.85	2.23	2.43
20	.53	.74	.93	1.33	1.54	1.94	2.34	2.55
21	.55	.77	.97	1.39	1.61	2.03	2.45	2.67
22	.57	.80	1.01	1.45	1.68	2.12	2.56	2.79
23	.59	.83	1.05	1.51	1.75	2.21	2.67	2.91
24	.61	.86	1.09	1.57	1.82	2.30	2.78	3.03
25	.63	.89	1.13	1.63	1.89	2.39	2.89	3.15
26	.65	.92	1.17	1.69	1.96	2.48	3.00	3.27
27	.67	.95	1.21	1.75	2.03	2.57	3.11	3.39
28	.69	.98	1.25	1.81	2.10	2.66	3.22	3.51
29	.71	1.01	1.29	1.87	2.17	2.75	3.33	3.63
30	.73	1.04	1.33	1.93	2.24	2.84	3.44	3.75
31	.75	1.07	1.37	1.99	2.31	2.93	3.55	3.87
32	.77	1.10	1.41	2.05	2.38	3.02	3.66	3.99
33	.79	1.13	1.45	2.11	2.45	3.11	3.77	4.11
34	.81	1.16	1.49	2.17	2.52	3.20	3.88	4.23
35	.83	1.19	1.53	2.23	2.59	3.29	3.99	4.35
36	.85	1.22	1.57	2.29	2.66	3.38	4.10	4.47
37	.87	1.25	1.61	2.35	2.73	3.47	4.21	4.59
38	.89	1.28	1.65	2.41	2.80	3.56	4.32	4.71
39	.91	1.31	1.69	2.47	2.87	3.65	4.43	4.83
40	.93	1.34	1.73	2.53	2.94	3.74	4.54	4.95
41	.95	1.37	1.77	2.59	3.01	3.83	4.65	5.07
42	.97	1.40	1.81	2.65	3.08	3.92	4.76	5.19
43	.99	1.43	1.85	2.71	3.15	4.01	4.87	5.31
44	1.01	1.46	1.89	2.77	3.22	4.10	4.98	5.43
45	1.03	1.49	1.93	2.83	3.29	4.19	5.09	5.55
46	1.05	1.52	1.97	2.89	3.36	4.28	5.20	5.67
47	1.07	1.55	2.01	2.95	3.43	4.37	5.31	5.79
48	1.09	1.58	2.05	3.01	3.50	4.46	5.42	5.91
49	1.11	1.61	2.09	3.07	3.57	4.55	5.53	6.03
50	1.13	1.64	2.13	3.13	3.64	4.64	5.64	6.15
51	1.15	1.67	2.17	3.19	3.71	4.73	5.75	6.27
52	1.17	1.70	2.21	3.25	3.78	4.82	5.86	6.39
53	1.19	1.73	2.25	3.31	3.85	4.91	5.97	6.51
54	1.21	1.76	2.29	3.37	3.92	5.00	6.08	6.63
55	1.23	1.79	2.33	3.43	3.99	5.09	6.19	6.75
56	1.25	1.82	2.37	3.49	4.06	5.18	6.30	6.87
57	1.27	1.85	2.41	3.55	4.13	5.27	6.41	6.99
58	1.29	1.88	2.45	3.61	4.20	5.36	6.52	7.11
59	1.31	1.91	2.49	3.67	4.27	5.45	6.63	7.23
60	1.33	1.94	2.53	3.73	4.34	5.54	6.74	7.35
61	1.35	1.97	2.57	3.79	4.41	5.63	6.85	7.47
62	1.37	2.00	2.61	3.85	4.48	5.72	6.96	7.59
63	1.39	2.03	2.65	3.91	4.55	5.81	7.07	7.71
64	1.41	2.06	2.69	3.97	4.62	5.90	7.18	7.83
65	1.43	2.09	2.73	4.03	4.69	5.99	7.29	7.95
66	1.45	2.12	2.77	4.09	4.76	6.08	7.40	8.07
67	1.47	2.15	2.81	4.15	4.83	6.17	7.51	8.19
68	1.49	2.18	2.85	4.21	4.90	6.26	7.62	8.31
69	1.51	2.21	2.89	4.27	4.97	6.35	7.73	8.43
70	1.53	2.24	2.93	4.33	5.04	6.44	7.84	8.55

Since no increase in rates was requested with respect to library books, publications or records furnished to a blind person, or controlled circulation publications acceptance of which is authorized under the provisions of the act of July 3, 1948, sec. 203, 62 Stat. 1262 (39 U. S. C. 291 b) the present rates on such fourth-class matter will be applicable.

(R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-6483; Filed, June 4, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 58]

GRADING AND INSPECTION OF DAIRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of revised rules governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

The proposed rules and regulations will supersede the currently effective provisions of Part 55 (7 CFR Part 55), insofar as applicable to butter, cheese, and other manufactured or processed dairy products thereof, since such part is comprised of rules and regulations governing the grading and inspection of both dairy and poultry products. The proposed revision of Part 55 is necessary to provide separate rules and regulations for grading and inspection of dairy products.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

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APPEAL GRADING AND REGRADING

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58.27 Order in which appeal gradings are performed.
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DEFINITIONS

§ 58.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 58.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) *Act.* "Act" means the following provisions of the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong.), or any future act of Congress conferring like authority:

• • • For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered • • •

(b) *Administration.* "Administration" means the Production and Marketing Administration of the Department.

(c) *Administrator.* "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated by the Administrator, the authority to act in his stead.

(d) *Applicant.* "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(e) *Class.* "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(f) *Condition.* "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(g) *Department.* "Department" means the United States Department of Agriculture.

(h) *Grader.* "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, and condition of such products.

(i) *Grading.* "Grading" means (1) the act of determining, according to the regulations, the class, quality, or condition of any product by examining each unit thereof or a representative sample drawn by a grader or sampler; (2) the act of issuing a grading certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official identification pursuant to the act and this part.

(j) *Grading certificate.* "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the act and this part, relative to the class, quality, and condition of products.

(k) *Grading service.* "Grading service" or "continuous inspection" means (1) any grading, in accordance with the act and the regulations, of any product; (2) continuous supervision, including quality control, in any official plant, of the preparation or packaging of any product; (3) any regrading of any previously graded product; or (4) any appeal grading of any previously graded product.

(l) *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition of products.

(m) *Interested party.* "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(n) *Office of grading.* "Office of grading" means the office of any grader, sampler, or inspector.

(o) *Official identification.* "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product.

(p) *Official plant.* "Official plant" means one or more buildings, or ports thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(q) *Person.* "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(r) *Product or products.* "Product" or "products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, or condensed), and such other perishable farm products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product.

(s) *Quality.* "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(t) *Regulations.* "Regulations" means the provision of this part.

(u) *Sampler.* "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(v) *Sampling.* "Sampling" means the act of taking samples of any product for grading.

(w) *Sampling report.* "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(x) *Secretary. "Secretary"* means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(y) *Supervisor of packaging.* "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

ADMINISTRATION

§ 58.3 *Authority.* The administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement and administration of the provisions of the act and this part.

GRADING SERVICE

§ 58.4 *Kind of service.* Any grading service performed in accordance with this part may be for class, quality, and condition, or any combination thereof, and such service shall be subject to supervision at any time by the Administrator.

§ 58.5 *Where grading service is offered.* Any product may be graded, inspected, and sampled wherever a grader, sampler, or inspector is available and the facilities and the conditions are satisfactory for the conduct of the grading service.

§ 58.6 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

APPLICATION FOR GRADING, INSPECTION AND SAMPLING

§ 58.7 *Who may obtain grading, inspection and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 58.8 *How to make application.* An application for any grading service may be made in any office of grading, or, with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

§ 58.9 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 58.10 *Granting of application.* An application for continuous inspection may be approved only with respect to an official plant.

§ 58.11 *When application may be rejected.* Any application for grading service or sampling service may be rejected by the Administrator (a) whenever the product involvd is owned by, or located on the premises of, a person currently denied the benefits of the act, or (b) for noncompliance by the applicant with the act or the regulations; and each such applicant shall be notified immediately of the reasons for the rejection.

§ 58.12 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.13 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required in the discretion of the Administrator.

§ 58.14 *Accessibility and condition of product.* Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, or condition of such product.

§ 58.15 *Disposition of graded product.* Any product, or sample thereof, which has been graded may be returned to the applicant at his request and at his expense if such request was made at the time of application for the grading service. In the event the aforesaid request was not made at the time of application for the grading service, the product or sample may be disposed of in such manner as the Administrator may approve.

§ 58.16 *Basis of grading service.* Products shall be graded in accordance with such standards, methods, and in-

structions as may be issued, or approved, by the Administrator. The supervision of packaging graded products shall be in accordance with such instructions as may be issued, or approved, by the Administrator.

§ 58.17 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal grading.

§ 58.18 *Grading certificates and sampling report forms.* Grading certificates (including appeal grading certificates and regrading certificates) and sampling report forms shall be issued on forms approved by the Administrator.

§ 53.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering each product graded; but in no case shall a grader or inspector sign any certificate covering any product not graded by him.

§ 58.20 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 58.19, and not to exceed four copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 58.41.

§ 58.21 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at applicant's expense.

APPEAL GRADING AND REGRADING

§ 58.22 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 58.23 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor, (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 58.24 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 58.25 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

§ 58.26 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.27 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 58.17.

§ 58.28 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 58.29 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 58.30 *Regrading of a graded product; application for regrading of a graded product*—(a) *Regrading of a graded product.* Whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(b) *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 58.31 *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 58.32 *Superseded certificates.* When any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, quality, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

AUTHORIZATION AND LICENSING OF GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 58.33 *Who may be authorized or licensed.* Any person possessing proper qualifications, as determined by an examination for competency, held at such time and in such manner as may be prescribed by the Administrator, may, (a) if an employee of the Department, be authorized by the Secretary, or (b) if not an employee, be licensed by the Secretary, as a grader, inspector, sampler, or supervisor of packaging for the performance of the applicable duties. Each prospective licensee, other than a State employee, shall, prior to the issuance of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such person as a licensee under the act and this part. Each authorization, and each license, issued by the Secretary shall be countersigned by the Administrator.

§ 58.34 *Suspension or revocation of authority or license.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the authority or license issued to any person pursuant to this part, by giving written notice of such suspension to such person, accompanied by a statement of the reasons therefor. Within seven days after receipt of the aforesaid notice, such person may file a written appeal with the Secretary, supported by any argument or evidence such person may wish to offer as to why his authority or license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

§ 58.35 *Cancellation of authority or license.* Upon termination of any person's services as a grader, inspector, sampler, or supervisor of packaging, he shall surender the authority or license, issued to him pursuant to this part, for cancellation by the Administrator.

§ 58.36 *Surrender of authority or license.* Each authority, and each license, that is suspended or revoked, or has expired, shall be surrendered by the holder thereof to his immediate superior.

FEES AND CHARGES

§ 58.37 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party, making the application for such grading service, in accordance with the applicable provisions of this section and § 58.38 to § 58.48, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service performed by any grader, inspector, or sampler who is a salaried employee of the Department, shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 58.38 *On a fee basis.* (a) Unless otherwise provided herein, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in § 58.43 to § 58.46, both inclusive.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 58.43 to § 58.46, both inclusive, but shall be based on the time required to perform such service and the travel of each grader, inspector, sampler, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that grading service be performed (1) on a holiday, he may be charged a rate double the rate otherwise applicable, and (2) on a non-work day, he may be charged a rate one and one-half times the otherwise applicable rate.

§ 58.39 *Fees for grading samples.* The fee to be charged for the grading of each lot of samples of any product shall be based on the actual time required to perform the service and shall be at the rate of $3.60 per hour, with a minimum charge of $1.80 for each such lot of samples.

§ 58.40 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fees specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 58.41 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 58.20, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five, or fewer copies.

§ 58.42 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service.

§ 58.43 *Butter and cheese grading fees.* For each grading or regrading of any lot of butter, cheddar cheese, or swiss cheese, the following fees, on the basis of the net weight of such lot or the actual number of churnings of butter, vats of cheddar cheese, or wheels of swiss cheese comprising such lot, shall be applicable:

(a) When all the packages in any such lot are not individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	2.70
For 1,501 to 3,000 pounds, inclusive	3.60
For 3,001 to 6,000 pounds, inclusive	4.50
For 6,001 to 10,000 pounds, inclusive	6.50
For 10,001 to 15,000 pounds, inclusive	8.50
For 15,001 to 20,000 pounds, inclusive	10.50
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds	2.50

(b) When all the packages in any such lot are individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 5 or less churnings or vats (total weight less than 18,000 pounds)	$2.00
For each additional churning or vat in excess of 5, an additional charge of	.30
For any lot of butter or cheddar cheese weighing at least 18,000 pounds, the minimum charge shall be	6.00

(c) When all the wheels of swiss cheese are individually identified by vat of swiss cheese, the following fees shall be effective:

For 5 or less wheels	$2.00
For each additional wheel	.20

§ 58.44 *Milk sampling fees.* (a) For each sampling of any lot of dry milk, the following fees shall be applicable:

For 1,500 pounds or less	$1.75
For 1,501 to 3,000 pounds, inclusive	2.50
For 3,001 to 6,000 pounds, inclusive	3.25
For 6,001 to 10,000 pounds, inclusive	4.00
For each additional 10,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00

(b) For each lot of evaporated or condensed milk, the following fees shall be applicable:

For 50 packages or less	$1.75
For 51 to 200 packages, inclusive	2.50
For 201 to 400 packages, inclusive	3.25
For 401 to 600 packages, inclusive	4.00
For each additional 500 packages, or fraction thereof, in excess of 600 packages	1.00

§ 58.45 *Fees for laboratory analyses.* For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (l) of this section.

(a) *Dry milk.*

Sediment	$0.75
Moisture	1.50
Fat	2.00
Solubility	.50
Bacteriological plate count	1.00
Titratable acidity	.50
Flavor, color	.50
Alkalinity of ash	2.00
Whey protein test, single sample	1.50
Whey protein test (for each additional sample in the same shipment)	.75

(b) *Dry whey.*

Sediment	$0.75
Moisture	1.50
Fat	2.00
Bacteriological plate count	1.00
E. coli count	1.00
Total ash	1.50
Alkalinity of ash	2.00
Protein	2.50
Flavor, color	.50

(c) *Evaporated milk.*

Solids	$1.50
Fat	2.00
Flavor, color, body	.50
Net weight	.50

(d) *Sweetened condensed milk.*

Solids	$1.50
Fat	2.00
Sugar	3.00
Sediment	.75
Bacteriological plate count	1.00
Yeast and mold count	1.00
E. coli count	1.00
Net weight	.50
Flavor, color, body	.50

(e) *Natural cheese.*

Complete moisture test in duplicate	$4.00
Fat	2.00

(f) *Process cheese.*

Moisture	$2.00
Fat	2.00
Melting test	.50

(g) *Butter oil (milk fat).*

Moisture	$1.50
Fat	2.00

(h) *Butter.*

Moisture, salt, and curd	$1.50
Fat	2.00

(i) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor.*

Bacteriological plate count	$1.50
Bacteriological direct count	1.50
E. Coli count	1.80
Yeast and mold count	1.80
Sediment	1.00
pH	.75
Flavor, color	1.00

§ 58.46 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of $4.00 shall be charged in addition to the applicable rates specified in § 58.43 to § 58.45, both inclusive.

§ 58.47 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis, shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in § 58.38 to § 58.45, both inclusive.

§ 58.48 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT

§ 58.49 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to § 58.49 to § 58.57, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. Any application for such authority shall be submitted to the Administrator in such form as he may require.

§ 58.50 *Approval of official identification.* Any grade label, inspection mark, or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Administrator.

§ 58.51 *Information required on official identification label.* Each grade or inspection label which is to be used as official identification shall conspicuously indicate the U. S. grade of the product it identifies and appropriate terminology if manufactured or processed under continuous inspection. It shall also include the appropriate phrase: "Officially graded," "Officially inspected," "Federal-State graded," or "Government graded." When required by the Administrator, the grade or inspection label shall also include all or any portion of the information set forth in paragraphs (a) and (b) of this section.

(a) The grade identification label on butter packaging material shall be stamped or perforated with the date of grading and the number of the grading certificate issued on the product.

(b) The grade or inspection label on packaging material for dairy products other than butter shall be stamped or perforated with a code number to indicate lot and date packed.

§ 58.52 *Time limit for packaging graded butter with grade identification labels.* Any lot of butter which is graded pursuant to this part may be packaged only within seven days immediately following the date of grading.

§ 58.53 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in § 58.50 to 58.57, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The authority to use grade or inspection identification labels may be granted by the Administrator only to applicants who utilize the services of a supervisor of packaging in accordance with this part.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 58.54 *Packing and packaging room and equipment shall be clean and sanitary.* Each applicant who is granted the authority to package any product with a grade identification label and who operates, for such purpose, a printing and packaging room, shall maintain the room and the equipment therein in a clean and sanitary condition and, in addition, in accordance with the instructions of the Administrator.

§ 58.55 *Facilities for incubating butter samples required.* Each applicant granted the authority, as aforesaid, to package graded butter with grade identification labels shall provide and maintain a cabinet of suitable construction, equipped with temperature control, for the purpose of incubating samples of graded butter. Suitable facilities for the purpose of cleaning and sterilizing the equipment used in performing such incubation also shall be provided by such applicant.

§ 58.56 *Incubation of butter samples to determine keeping quality.* Samples of butter may be taken by a grader, pursuant to the instructions of the Administrator, from any lot of butter which is submitted for grading and packaging with grade identification labels, for the purpose of determining, by subsequent examination, whether such butter possesses satisfactory keeping quality, as determined by the grader in accordance with such standards as the Administrator may prescribe.

§ 58.57 *Butter of known unsatisfactory keeping quality shall not be eligible for packaging with grade identification labels.* Any butter produced in a creamery whose production of butter, within 30 days prior to current grading, has shown unsatisfactory keeping quality, as evidenced by the keeping quality test pursuant to § 58.56, shall not be packaged with any grade identification label until it is determined, by the grader, that such butter possesses satisfactory keeping quality.

MISCELLANEOUS

§ 58.58 *Fraud or misrepresentation.* Any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal, or regrading service;

(b) The use of any grading certificate, issued pursuant to this part, or the use of any official identification;

(c) The use of the words "Government graded," "Officially graded," "Federal-State graded," or words of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U. S. grade of the product;

(d) The use of any of the aforesaid words or an official identification in the labeling or advertising of any product that has not been graded pursuant to this part;

(e) The use of a facsimile form which simulates in whole or in part any official identification for the purpose of purporting to evidence the U. S. grade of any product; or

(f) Any wilful violation of the regulations or the supplementary rules and instructions issued by the Administrator; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him, and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.59 *Fraudulent grade labeling practices.* The Administration will not render grading service for any person found or discovered to be wilfully using in the labeling of any product any words, numerals, letters, or facsimile form which simulates in whole or in part any identification purporting to be a grade when such product does not comply with any recognized standards in general use for such grade, and such activity may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.60 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 58.61 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 58.62 *Interfering with a grader, inspector, or sampler.* Any further benefits of the act may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, a grader, inspector, or sampler in the performance of his duties.

§ 58.63 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 58.64 *Identification.* Each grader, inspector, sampler, and supervisor of packaging shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

(Pub. Law 759, 81st Cong., approved September 6, 1950)

Issued at Washington, D. C., this 29th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6446; Filed, June 4, 1951; 8:46 a. m.]

[7 CFR, Parts 943, 945]

[Docket No. AO 231]

HANDLING OF MILK IN NORTH TEXAS AND WICHITA FALLS, TEX., MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed marketing agreements and proposed orders to regulate the handling of milk in the North Texas and the Wichita Falls, Texas, marketing areas, which was issued May 11, 1951 (16 F. R. 4568) is hereby extended to June 12, 1951.

Dated: May 31, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6481; Filed, June 4, 1951; 8:51 a. m.]

[7 CFR, Part 988]

[Docket No. AO-195-A3]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 12th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Knoxville, Tennessee, on January 16-20, 1951, pursuant to notice thereof which was issued December 29, 1950 (15 F. R. 9396). A recommended decision with respect to proposed amendments to certain price and transfer provisions of the order considered at the January 1951 hearing was issued March 28, 1951 (16 F. R. 2852). The findings and conclusions with respect to the issues dealt with herein were specifically deferred pending further study and consideration.

The material issues of record remaining for consideration are concerned with the following:

(1) An extension of the marketing area to include certain surrounding towns and places;

(2) A change in the allocation provisions to provide for the classification of a limited quantity of producer milk as Class II milk before assigning other source milk to Class II utilization.

(3) A revision of the payment provisions of the order to incorporate a base-rating plan; and

(4) The inclusion of standard provisions pertaining to retention of records and termination of obligations.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. The definition of the marketing area should not be changed.

The definition of the "marketing area" in conjunction with the definitions of "producer" and "handler" determine the milk to be subject to the minimum pricing provisions of the order and the milk distributors who must conform with the various order provisions.

The boundaries of the present marketing area coincide with the corporate limits of the city of Knoxville. Handlers proposed that the marketing area be defined to include in addition to the city of Knoxville, the following towns and places, all in the state of Tennessee: Morristown, Jefferson City, Dandridge, Maryville, Alcoa, Loudon, Harriman, Clinton, the county of Knox, and Oak Ridge Directed Operations.

The record indicates that the 13 handlers now subject to the order dispose of more than 35 percent of their total Class I sales outside the present marketing area. These handlers supply approximately 70 percent of the total fluid milk disposed of to consumers in Knox County, Oak Ridge Directed Operations, Alcoa and Maryville—which include approximately 80 percent of the total population of the additional areas proposed. Knoxville handlers also supply a substantial proportion of the fluid milk sales in the other towns proposed.

Knox County is densely populated; the rate of population growth in Knox County, outside the city of Knoxville, and in nearby towns has exceeded that in the city of Knoxville; and historically the entire area is considered as a natural trading area. Although the health ordinances pertaining to the sanitary requirements for the production and handling of milk in the proposed areas are similar to the ordinance in effect for the city of Knoxville and all of the ordinances are patterned after the United States Public Health Milk Ordinance and Code and bottled milk may be labeled "Grade A" in each area, there appears to be differences in the interpretation and administration of the various ordinances. With the exception of Knoxville, most of the health departments permit the sale of milk in their respective areas if it is qualified to be sold in any of the other areas including Knoxville. All milk received from producers for fluid distribution within the city limits of Knoxville, however, must be produced on farms and processed in plants holding permits issued by the Knoxville Health Department.

The principal reason given by handlers for including the above stated places in the marketing area was that purchases of milk by unregulated distributors who dispose of fluid milk in these areas in competition with Knoxville handlers, were at prices less than those required of Knoxville handlers, and that this gave

unregulated distributors a competitive advantage in the procurement of milk.

This claim is not substantiated by the record. A detailed comparison of prices contained in the hearing record shows that the principal competitors in a substantial portion of the proposed area have actually paid somewhat higher prices than Knoxville handlers for that portion of their receipts devoted to fluid disposition.

Prices paid by distributors in several of the proposed areas are influenced by competition for milk from the Kingsport and Chattanooga markets as well as by the level of prices prevailing in the Knoxville market.

Dairy farmers selling milk to some of the distributors, who would be subject to regulation if the marketing area were extended, opposed an enlargement of the marketing area on the basis of an opinion that their returns would be reduced. No direct testimony was presented by Knoxville producers.

The evidence fails to show that a change in the marketing area to include any or all of the proposed towns or places is necessary to carry out the declared purpose of the act.

2. The allocation provisions of the order should not be changed.

Handlers proposed that a quantity of skim milk and butterfat derived from producer milk, equal to 5 percent of total receipts from producers be classified as Class II milk in each month that an equivalent amount of milk is disposed of in Class II uses, except that during the months of relatively rapid seasonal change in receipts 10 percent should be so classified. Under the present allocation provisions, other source milk is allocated first to Class II utilization and producer milk, less allowable shrinkage, is allocated to Class I utilization to the extent of Class I utilization for the entire month.

Handlers contended that because of variations in receipts, fluid sales and bottled milk returns some producer milk must be devoted to Class II uses in nearly all months of the year. Under the Knoxville health ordinance, Grade A condensed milk and nonfat dry milk solids may be used to supplement producer milk in Class I uses. Handlers also may, and do, maintain day-to-day revolving inventories of fluid milk in their plants. Bottled milk is not required to be dated. For these reasons the day-to-day variations in receipts and sales do not appear to result in a serious allocation problem.

Another objection to the present allocation provisions was directed to the months in which receipts usually change rather sharply from the beginning to the end of the month. During these months a handler may have more than an adequate supply of producer milk for Class I uses during part of the month and receives less producer milk than Class I sales during the other part of the month. The monthly basis of accounting has been found to be more practical than bi-monthly or a shorter accounting period. This, of course, may result in the classification of a quantity of producer milk in Class I utilization which may not have been available for such utilization during a portion of the transition months. Handlers who are able to arrange for sufficient milk from producers to fulfill Class I utilization are not confronted with this problem. The long run intention of the regulation is to promote an adequate supply of local producer milk and the proper allocation of this supply among handlers. The present allocation provisions tends to further this intent by offering some incentive for the proper allocation of the available supplies of milk among handlers and for increasing local supplies through increased returns to local producers.

Another objection to the present method of classification and allocation appeared to be related to the method of classifying inventories rather than to the allocation provisions of the order.

For the above stated reasons, the present allocation provisions should not be changed.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variations in the receipts of milk for the Knoxville market, with receipts in the fall and winter months considerably less than in the spring and summer months. The disposition of fluid milk and other products required to be made from approved milk is relatively uniform from season to season; however, data for the market since the promulgation of Order 88 indicate that fluid disposition has been slightly higher at the same season of the year when receipts have been at relatively low levels. Fall shortages and spring excesses result from this situation. A production pattern of milk more nearly fitted to the sales pattern of fluid milk and other fluid products should be encouraged.

Producers testified that a "base and excess" plan which provides returns to each producer related directly to his ability to deliver milk during the fall and winter seasons will encourage a more level production pattern for the market as a whole. Such a plan was widely discussed with producers before the amendment was proposed and a majority of those responding to a questionnaire survey favored such a plan. Prior to World War II some distributors paid producers on a base plan. The plan was discontinued during the war because at that time receipts of milk from local producers were not sufficient to meet market requirements at any season of the year. With the promulgation of Order 88 in 1949, seasonal pricing for producer deliveries was accomplished through seasonal class prices. Producers testified that seasonal pricing has not reduced the seasonal variation in receipts to the extent desired and the proposed base plan is necessary to encourage more even production at a faster rate.

The plan proposed by producers would establish for each producer a base quantity of milk equal to his average daily deliveries of milk during the six month period of September through February (total deliveries divided by the number of days in this period). During these months all producers would be paid the "pool" or uniform price for all deliveries. For each of the other months separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. The suggestion was made on the record that some modification of this plan be made in determining bases for producers who enter the market after September 1 but during the fall shortage months of each year. It was proposed that this be accomplished by dividing deliveries by the number of days the producer delivers milk during the base forming period or 90 days whichever is the greater.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketings of milk during a representative period of time. By the application of the base plan it is intended to provide this market with receipts of milk which is correlated with fluid uses in all seasons of the year. For these purposes the plan to be adopted may logically be designed not only to influence the production patterns of old producers but also to influence the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the effective period of the bases to a reasonable number of months when receipts are expected to be greatest in relation to fluid sales, the establishment of new bases by each producer each year during the months of lowest production, providing for increasing the excess price during those months when Class I utilization exceeds receipts of base milk and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable.

The months proposed for establishing bases (September through February) appear to be those which are normally the period of lowest production, and should be used for this purpose (§ 988.60). Payments on the base plan, however, need not be made in all other months in order for the plan to be effective. Restricting payments on the base plan to the months of April through July (§ 988.72) will increase the flexibility of the plan and allow individual producers greater opportunity to make adjustments in their production plans. It appears desirable to exclude the months of March and August from the effective base period. Receipts of milk during March are relatively low in relation to fluid sales and the omission of this month will provide the time needed for calculating and announcing individual producers bases prior to the base effective period. Omission of August will permit new producers to enter the market or old producers to adjust their production programs immediately preceding the fall shortage months without direct influence of the base plan during this month.

Producers who enter the market during the fall and winter months when additional milk is usually needed should be permitted to establish a base on the basis of deliveries during a portion of the base forming period. This may be accomplished without destroying equities among producers by determining such bases on the basis of the number of days in the period a new producer is on the market but in any event not less than 90 days (§ 988.60). The plan proposed herein will also permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will immediately share in some Class I sales if milk is needed when he enters the market in these months. Payments on a uniform price in all other months (August through March) will provide ample opportunity for new producers to enter the market to meet prospective needs (§ 988.71).

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan (§ 988.61). To accomplish this purpose and to preserve the effectiveness of the base plan, transfers of bases should be limited to entire bases of producers who may retire from farming, in cases of death and of joint production arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only four of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

In order to incorporate the base plan in the order, additional sections also are needed to define base and excess milk (§§ 988.15 and 988.16) and to provide for the announcement of established bases by the market administrator prior to the months bases are applied (§ 988.62). Several conforming changes are necessary in the order provisions relative to reports by handlers, and the computation and announcement of uniform prices by the market administrator. Conforming changes have been made in the following sections of the attached amended order: §§ 988.30 (a) (1) (i), 988.31 (a), 988.73, 988.80, 988.82, 988.83 and 988.85.

4. The order should provide for a limit on the time records must be retained by handlers and for the termination of obligations under the order.

Handlers proposed that the standard provision heretofore incorporated in other milk marketing orders for the "Retention of Records" and "Termination of Obligations" be incorporated in Order 88.

Handlers must retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions are not completed and audited until several months after the milk has been received from producers. Detailed records of this kind soon reach large physical proportions and become burdensome. The order should provide a definite time period within which handlers must maintain their records and after which they will be relieved of so doing. A period of three years is considered necessary and reasonable. If litigation is in progress, however, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency (§ 988.33).

Without a provision for the termination of obligations handlers may file claims which might extend back over many years and which may be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition pursuant to section 8c (15) (A) of the act, claiming such money (§ 988.89). Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures (§ 988.89). The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

It is concluded that in general a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved (§ 988.89).

5. General. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers in the Knoxville market. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

Recommended marketing agreement and order, as amended. The following order, as amended and reissued, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The entire order is being rewritten and reissued to conform with Revised Regulations of the Division of Federal Register issued October 12, 1948. A proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended order.

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AUTHORITY: §§ 988.0 to 988.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the priviously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tennessee, on January 16–20, 1951, upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 988.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.).

§ 988.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 988.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 988.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 988.5 *Knoxville, Tennessee, marketing area.* "Knoxville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the City of Knoxville, Tennessee.

§ 988.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 988.7 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 988.8 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this part is in effect.

§ 988.9 *Fluid milk plant.* "Fluid milk plant" means the premises and the portions of the building and facilities, approved by the appropriate health authority in the marketing area, which are used in: (a) The receipt and processing or packaging of producer milk, all, or a portion, of which is disposed of from such plant on wholesale or retail routes within the delivery period as Class I milk in the marketing area, or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section: *Provided*, That any portion of such building or facilities, used for receiving or processing milk or any milk product, required by the appropriate health authority in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area shall not be included.

§ 988.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, and whose milk conforms to the appropriate health standards for milk for fluid consumption, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 988.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-handler or (c) any cooperative association of producers with respect to producer milk diverted by if from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 988.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant described in § 988.9.

§ 988.13 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers except any nonfluid milk product received and disposed of in the same form.

§ 988.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days such producer delivered milk to such handler in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant, the days of nondelivery, intervening days of delivery, shall be considered as days of delivery.

§ 988.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through July which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 988.60.

MARKET ADMINISTRATOR

§ 988.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 988.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 988.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 988.87, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 988.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 988.30 or (2) payments pursuant to § 988.80 and § 988.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 6th day after the end of such delivery period the prices and butterfat differentials for each class computed pursuant to §§ 988.51 and 988.52; and (2) on or before the 10th day after the end of such delivery period, the uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differentials to be paid pursuant to § 988.85.

REPORTS, RECORDS, AND FACILITIES

§ 988.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) all receipts at his fluid milk plant(s) within such delivery period of (i) producer milk and for the months of April through July, the aggregate quantities of base and excess milk, (ii) skim milk and butterfat in any form from other handlers, and (iii) other source milk; and (2) milk diverted pursuant to § 988.10 (b); and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 988.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer pay roll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of April through July the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association, together with the prices paid, deductions and charges involved.

(b) On or before the first day other source milk is received, his intention to receive such milk and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 988.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 988.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 988.40 *Basis of classification.* All skim milk and butterfat contained in (a) receipts at a fluid milk plant(s), within such delivery period, of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk, and (b) milk diverted pursuant to § 988.10 (b) shall be classified by the market administrator in the classes set forth in § 988.41.

§ 988.41 *Classes of utilization.* Subject to the conditions set forth in § 988.42 through § 938.45 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except ice cream mix and (2) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) in inventory variation; (3) disposed of for livestock feed; (4) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.5 percent of such receipts of skim milk and butterfat, respectively, and (5) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 988.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 988.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery period within which such transfer occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further*, That if such plant disposes of fluid cream to another nonfluid milk plant which conforms with the requirements of subparagraphs (1) (2) and (3) of this paragraph, such cream shall be classified as Class II milk.

§ 988.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 988.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 988.41 (b) (4) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 988.43 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 988.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the price for Class I milk pursuant to § 988.51 shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 988.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies listed below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 988.85 by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 20 percent thereof, and add to such sum $3\frac{3}{4}$ cents for each full $\frac{1}{2}$ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents: *Provided*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported by the Department of Agriculture during the delivery period; and in the latter event the "5 cents" shall be increased by 1 cent.

§ 988.51 *Class prices.* Subject to the provisions of § 988.52 each handler shall pay producers, at the time and in the manner set forth in § 988.80 through § 988.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 988.45:

(a) *Class I Milk.* The price for Class I milk prior to August 1, 1951, shall be the basic formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided*, That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

(b) *Class II milk.* The price for Class II milk shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 988.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 988.45, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

DETERMINATION OF BASE

§ 988.60 *Computation of daily average base for each producer.* For the months of April through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 988.61.

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through February immediately preceding by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 90 days.

§ 988.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 988.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producer the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 988.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period by the applicable class price adjusted by the butterfat differential to handlers specified in § 988.52 and adding together the resulting amounts: *Provided*, That if a handler, after subtracting receipts of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which has been credited to producers as having been received from them, there shall be added any plus amount computed by multiplying the pounds in each class as subtracted pursuant to paragraphs (a) (4) and (b) of § 988.45 by the applicable class price adjusted by the butterfat differentials to handlers specified in § 988.52.

§ 988.71 *Computation of uniform price.* For the delivery periods of August through March the market administrator shall compute the uniform price per hundredweight for producer milk, on the basis of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payments required pursuant to § 988.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(d) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against delinquencies in payments by handlers. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 988.72 *Computation of uniform prices for base milk and excess milk.* For each of the delivery periods of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payment required pursuant to § 933.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate

quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

§ 988.73 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differential computed pursuant to § 988.85; and

(d) The amounts to be paid by such handler pursuant to §§ 988.82, 988.87 and and 988.88.

PAYMENTS

§ 988.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association on or before the 2d day before the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer for milk which was received from him during the delivery period at not less than the uniform price computed pursuant to § 988.71, if such delivery period is any of the months of August through March, or at not less than the uniform price for base milk computed pursuant to § 988.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 988.72 with respect to excess milk received from such producer, if such delivery period is any of the months of April through July, subject to the following adjustments: (1) The butterfat differential pursuant to § 988.85, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 988.88, (4) less deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past delivery periods: *Provided*, That if such handler has not received full payment for such delivery period pursuant to § 988.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association, on or before the 13th day after the end of each delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 988.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 988.82 and 988.84, and out of which he shall make all payments pursuant to §§ 988.83 and 988.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 988.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is greater than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in § 988.71 and § 988.72 adjusted for the butterfat differential provided for in § 988.85.

§ 988.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, or a cooperative association, any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is less than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the butterfat differential provided for in § 988.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 988.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler dicloses errors made in payments to the producer-settlement fund pursuant to § 988.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 988.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 988.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 988.85 *Butterfat differential to producers.* If, during the delivery period, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 988.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10, and then adjust to the nearest one-tenth of a cent.

§ 988.86 *Statement to producers.* In making payments required by § 988.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it

may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through July, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 988.80 and 988.85;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 988.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 988.87 *Expense of administration.* as his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts; during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant: *Provided*, That each cooperative association shall pay such pro rata expense on only that milk of producers for which it is a handler.

§ 988.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 988.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 988.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 988.90 *Producer-handlers.* Sections 988.40 through 988.45, 988.50 through 988.52, 988.60 through 988.62, 988.70 through 988.73, 988.80 through 988.88 shall not apply to a producer-handler.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 988.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 988.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 988.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 988.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating

and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 988.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 31st day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6482; Filed, June 4, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52736]

PRODUCTS OF FRENCH INDOCHINA

MARKING OF COUNTRY OF ORIGIN

MAY 31, 1951.

The area formerly referred to as French Indochina now comprises three States, namely, the "State of Vietnam," the "Kingdom of Cambodia," and the "Kingdom of Laos."

Acceptable markings to indicate the respective country of origin under the marking provisions of the Tariff Act of 1930, as amended, for articles manufactured or produced in one of these areas are as follows:

State of Vietnam; Vietnam; or Vietnam, Indochina.

Kingdom of Cambodia; Cambodia; or Cambodia, Indochina.

Kingdom of Laos; Laos; or Laos, Indochina.

However, marking with the words French Indochina may be accepted to indicate the country of origin of articles manufactured or produced in any of these areas and which arrive in the United States before the expiration of 90 days after the publication of this decision in the weekly Treasury decisions.

T. D. 47522 (7) and the entry for the area in question in item 3 of Bulletin of Marking Rulings—3 are hereby superseded.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 51-6461; Filed, June 4, 1951; 8:49 a. m.]

Fiscal Service, Bureau of the Public Debt

[1951 Dept. Circ. 890]

1⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1952

OFFERING OF CERTIFICATES

JUNE 4, 1951.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅞ percent Treasury Certificates of Indebtedness of Series A-1952, in payment of which any of the following listed Treasury securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

Treasury bonds:
2¾ percent bonds of 1951-54, dated June 15, 1936, due June 15, 1954, called for redemption June 15, 1951.

Treasury notes:
1¼ percent notes, Series B-1951, dated March 1, 1950, maturing July 1, 1951.
1¼ percent notes, Series C-1951, dated April 1, 1950, maturing July 1, 1951.
1¼ percent notes, Series D-1951, dated June 1, 1950, maturing July 1, 1951.

II. *Description of certificates.* 1. The certificates will be dated June 15, 1951, and will bear interest from that date at the rate of 1⅞ percent per annum, payable with the principal at maturity on April 1, 1952. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before June 15, 1951, or on later allotment, and may be made only in Treasury Bonds of 1951-54, called for redemption June 15, 1951, or in Treasury Notes of Series B-1951, Series C-1951 or Series D-1951, all maturing July 1, 1951, which will be accepted at par, and should accompany the subscription. Final interest due June 15 on the called bonds surrendered will be paid, in the case of coupon bonds, by payment of the June 15, 1951 coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered. Treasury Notes of Series B-1951 and Series C-1951 should be surrendered with the July 1, 1951 coupons attached, and accrued interest from January 1, 1951 to June 15, 1951 ($5.69751 per $1,000) will be paid following acceptance of the notes, but not before June 15, 1951. In the case of Treasury Notes of Series D-1951, on which interest is payable with principal, accrued interest from June 1, 1950 to June 15, 1951 ($12.97945 per $1,000) will be paid following acceptance of the notes, but not before June 15, 1951.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1951-54 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Certificates of Indebtedness of Series A-1952 to be delivered to ----------," in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-6479; Filed, June 4, 1951; 8:51 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 13 as Amended June 1, 1951]

ADMINISTRATOR OF PETROLEUM ADMINISTRATION FOR DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO MATERIALS USED IN PETROLEUM, GAS, AND RELATED INDUSTRIES

Pursuant to Executive Orders 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation No. 1 as amended (16 F. R. 738; 16 F. R. 4594), Department of Commerce Order 123 as amended (15 F. R. 6726; 16 F. R. 1129), and Department of the Interior Order 2591 as amended (15 F. R. 6767; 15 F. R. 9529; 16 F. R. 932; 16 F. R. 2896), issued under the Defense Production Act of 1950, the following delegation is made:

Whenever any order, regulation, or other action of the National Production Authority expressly provides for the use, delivery, receipt, or other disposition of material in accordance with authorizations or directions of the Petroleum Administration for Defense, the Administrator of the Petroleum Administration for Defense, or any official of the Petroleum Administration for Defense duly authorized by him, is hereby delegated the authority to issue such authorizations and directions either unconditionally or subject to such conditions as he may deem appropriate.

Action taken under this delegation shall not in any way limit the applicability or effect of any order, regulation, or other action of the National Production Authority but shall be in addition to the same.

All actions heretofore taken by the Administrator of the Petroleum Administration for Defense, or any official duly authorized by him, pursuant to this delegation as heretofore in effect or pursuant to the statements of authority in NPA Order M-46 of the National Production Authority, are ratified and confirmed.

This amended delegation shall take effect on June 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6540; Filed, June 1, 1951; 4:59 p. m.]

Office of International Trade

[Case No. 101]

DAVID ZETLAND CORP. ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of David Zetland Corporation, David Zetland, 46 Cedar Street, New York, New York; Cordova Export Corporation, William N. Borkan, 1841 Broadway, New York 23, New York; Lloyds Trading Company, H. G. Lloyds, Leon Barsamian, Shell Building, 60 Rue Ravenstein, Brussels, Belgium; respondents, Case No. 101.

This proceeding was begun by the issuance of a charging letter dated October 27, 1950, wherein the Office of International Trade, Department of Commerce, charged respondents with having violated the provisions of the Export Control Act of 1949 (63 Stat. 7) and the regulations promulgated thereunder.

It was alleged in said charging letter that the respondents David Zetland and David Zetland Corporation knowingly caused false representations to be made in three applications for export licenses filed on behalf of said respondents for the exporation of steel roller bearings; that the respondents Lloyds Trading Company H. G. Lloyds, and Leon Barsamian, with wilfull intent, falsely represented, or caused to be represented, in one of said applications that Lloyds Trading Company was the purchaser and ultimate consignee and Belgium the country of ultimate destination of the roller bearings covered by said application; and that upon the issuance of an export license to the respondent Cordova Export Corporation, as licensee, pursuant to the last mentioned application, and a shipment thereunder of 82 roller bearings to Belgium, the respondents caused said 82 roller bearings to be transshipped from Belgium to Switzerland.

The eligibility of the respondents David Zetland and David Zetland Corporation as parties to any validated export licenses or any exportations thereunder was, by the terms of the charging letter, suspended during the pendency of this proceeding.

Upon delivery of the above mentioned charging letter to respondents Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian, in Brussels, Belgium, said respondents filed an answer denying the charges but did not request an oral hearing. The respondents David Zetland, David Zetland Corporation, Cordova Export Corporation, and William N. Borkan requested an oral hearing on the charges without filing a written answer and such hearing was held, at which time the said respondents personally appeared, being represented by counsel, and oral and documentary evidence was presented to the Compliance Commissioner. Evidence in the possession of the Office of International Trade relating to the charges against the respondents Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian was also presented at the hearing. All such evidence, together with the answer filed by the last named respondents, was carefully considered by the Compliance Commissioner who has filed his report thereon dated May 4, 1951, with the Assistant Director for Export Supply, Office of International Trade.

It appears from the record and the Compliance Commissioner's report that the respondent David Zetland Corporation is entirely owned and controlled by the respondent David Zetland and that at all times relative to this proceeding said respondents have been engaged in the United States in the conduct of a general import and export business; that on October 28, 1949, the firm of Gebruder Grob in Zurich, Switzerland, placed an order with said respondents for 656 steel roller bearings, which order Gebruder Grob amended on November 4, 1949, by eliminating certain types of bearings and reducing the total quantity to 541; that, at approximately the same time, the said respondents received another order for a total of 834 ball and roller bearings from the firm of Julius Marks in Zurich, Switzerland; that in an effort to secure the bearings for which it had received orders, said respondents entered into a written agreement with the respondent William N. Borkan who had certain connections with S. K. F. Industries, a firm manufacturing bearings, whereby William N. Borkan agreed to act as intermediary for respondents David Zetland and David Zetland Corporation with S. K. F. Industries in the procurement of approximately $100,000 worth of bearings, in consideration for which service the said William N. Borkan would receive a commission of 5 percent of the total value of the order; that thereafter, on November 22, 1949, an application for an export license was filed by S. K. F. Industries covering 812 roller bearings, of a total value of $109,227.30, for shipment to Gebruder Grob, as purchaser and ultimate consignee, in Zurich, Switzerland, which application contained the notation that David Zetland Corporation was placing such order on behalf of Gebruder Grob and that it was based on a verbal order from William N. Borkan; that the 812 bearings covered by this application included all of those in both the original and revised orders from Gebruder Grob, as well as 156 of the bearings which had been ordered by the firm of Julius Marks; that while the above application was still pending in the Office of International Trade, a second application for an export license was filed on January 11, 1950, by S. K. F. Industries covering the shipment of 82 roller bearings to Danzas and Company, as purchaser and ultimate consignee, in Zurich, Switzerland, which application contained the notation that Electa Trading, Inc., New York City, was placing such order on behalf of Danzas and Company and that it was based on a verbal order from William N. Borkan; that the 82 bearings covered by the second application were a portion of those in the revised order from Gebruder Grob of November 4, 1950, to respondents David Zetland and David Zetland Corporation and were previously included in the first license application; that Electra Trading, Inc., referred to in the sec-

ond application, was the name of a business partnership under which the respondent David Zetland and another individual were operating at the time this application was filed; that at no time did either Electra Trading, Inc., or respondent David Zetland hold an order from Danzas and Company for the 82 bearings covered by said application.

It also appears from the record and the Compliance Commissioner's report that before action was taken by the Office of International Trade on either of the first two applications, the respondent David Zetland communicated by telephone with respondent Leon Barsamian, one of the co-owners of Lloyds Trading Company, a company engaged in the conduct of a general import and export business in Belgium, and as a result of such telephone communication it was agreed that an order for 82 steel roller bearings would be sent by Lloyds Trading Company to Cordova Export Corporation and that Lloyds Trading Company would be designated as the purchaser and ultimate consignee, and Belgium as the country of ultimate destination of said bearings on an application for an export license to be filed by Cordova Export Corporation; that, thereafter, the respondent David Zetland advised William N. Borkan that he had arranged a sale of the bearings to Lloyds Trading Company in Belgium and that Lloyds Trading Company would send Cordova Export Corporation, of which William N. Borkan was the secretary-treasurer, an order for the bearings; that on January 27, 1950, a third application for the bearings was filed, at the direction of respondent David Zetland, said application being signed by respondent William N. Borkan as treasurer of Cordova Export Corporation and naming Cordova Export Corporation as the applicant, Lloyds Trading Company as the purchaser and ultimate consignee, and Belgium as the country of ultimate destination; in accordance with the representations communicated to said Cordova Export Corporation and William N. Borkan by the respondents David Zetland, Lloyds Trading Company and Leon Barsamian; that in accordance with the telephone agreement between respondents David Zetland and Leon Barsamian, and a letter from David Zetland to Leon Barsamian in which formal request was made for the order for 82 bearings to Cordova Export Corporation, such order was sent to Cordova Export Corporation by respondent Lloyds Trading Company; that said order for 82 bearings was sent, and agreement to be designated as purchaser and ultimate consignee of said bearings on a license application to be filed by Cordova Export Corporation made by respondents Lloyds Trading Company and Leon Barsamian without any intention on the part of said respondents either to abide by and fulfill the terms and provisions of said order or to be in fact the purchaser or ultimate consignee of the said bearings, but were done solely at the request of respondent David Zetland and for the purpose of providing Cordova Export Corporation with necessary support for its license application; that, in reliance on the representations of respondents Lloyds Trading Company, Leon Barsamian, and David Zetland contained in the above application for an export license, the Office of International Trade issued a validated export license to Cordova Export Corporation, as licensee, authorizing shipment of the said bearings to Lloyds Trading Company, as the purchaser and ultimate consignee, and Belgium as the country of ultimate destination; that thereafter, on or about February 17, 1950, the respondent Cordova Export Corporation shipped from Philadelphia under the above license 82 steel roller bearings, of a total value of $12,376, to Lloyds Trading Company in Belgium; that a shipper's export declaration covering said shipment declared Lloyds Trading Company to be the ultimate consignee and Antwerp, Belgium, to be the place and country of ultimate destination; that such declarations on the shipper's export declaration were certified true and correct by William N. Borkan, as treasurer and duly authorized officer of the exporter, Cordova Export Corporation; that a letter from the supplier, S. K. F. Industries, to Cordova Export Corporation, relative to this transaction, directed that documents in connection with the said shipment were to be sent to respondent David Zetland.

It further appears from the record and the Compliance Commissioner's report that respondent David Zetland preceded the bearings to Belgium, arriving there on or about February 12, 1950; that on or about February 14, 1950, the respondent David Zetland proceeded from Belgium to Switzerland and there conferred with the firm of Gebruder Grob regarding the purchase of the bearings; that thereafter, on February 22, 1950, the respondent David Zetland, together with the respondents Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian, arranged for a transshipment of the bearings, upon their arrival in Belgium, from that country to Switzerland pursuant to instructions given the respondent David Zetland by the firm of Gebruder Grob; that subsequently, upon the arrival of the 82 bearings at Antwerp, Belgium, the said 82 bearings were in fact transshipped from Belgium to Switzerland in accordance with the arrangements previously made for such transshipment by the respondents David Zetland, Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian; that on April 12, 1950, the respondents David Zetland and David Zetland Corporation received $14,250 from the firm of Gebruder Grob in Switzerland in payment for the 82 bearings which had been transshipped from Belgium to that firm; that by letter dated April 19, 1950, the firm of Gebruder Grob advised the respondents David Zetland and David Zetland Corporation that the 82 bearings which it had received transshipped from Belgium formed a part of Gebruder Grob's original order to said respondents of November 1949; that upon consummation of the transshipment of the bearings from Belgium to Switzerland and payment therefor to respondents David Zetland and David Zetland Corporation, said respondents sent $247.87 to the respondent Lloyds Trading Company, such amount representing a 2 percent commission to the respondent Lloyds Trading Company for its part in the transaction.

It further appears from the record and the Compliance Commissioner's report that the respondents David Zetland and David Zetland Corporation made, or caused to be made, false representations to the Office of International Trade on the three applications filed on behalf of said respondents: that on the first application, said respondents represented that they held an order from the firm of Gebruder Grob for 812 bearings when in fact 156 of these bearings had been ordered by the firm of Julius Marks and not by Gebruder Grob and 115 more, although originally ordered by Gebruder Grob, had been cancelled by that firm prior to the filing of the said application; that on the second application, said respondents represented that they held an order for 82 bearings from the firm of Danzas and Company when in fact they held no order whatsoever from that firm; that on the third application, said respondents represented that Lloyds Trading Company was the purchaser and ultimate consignee, and Belgium the country of ultimate destination of the bearings when none of this was in fact true, such representations being made merely for the purpose of inducing the Office of International Trade to take favorable action on the application and thereby provide respondents David Zetland and David Zetland Corporation with the means for effecting a shipment and subsequent transshipment of the bearings from Belgium to Switzerland in order to fill a portion of Gebruder Grob's order; that all of such false representations made or caused to be made by the respondents David Zetland Corporation and David Zetland, in the three applications for export licenses referred to above, were made with knowledge and intent on the part of said respondents for the purpose of inducing the Office of International Trade to take favorable action on said applications; that upon the shipment of the 82 bearings to Belgium by the respondent Cordova Export Corporation under the export license issued to it by the Office of International Trade, the respondents David Zetland and David Zetland Corporation effected the transshipment of said 82 bearings from Belgium to Switzerland; that respondents David Zetland and David Zetland Corporation, by wilfully making or causing to be made the above mentioned misrepresentations in the three applications for export licenses filed on behalf of said respondents, and by effecting the subsequent transshipment of the 82 bearings from Belgium to Switzerland, did, in each instance, thereby violate the laws and regulations relating to export control.

It further appears from the record and the Compliance Commissioner's report that respondents Lloyds Trading Company and Leon Barsamian, by the agreement of said respondents to send an order from Lloyds Trading Company for 82 steel roller bearings to Cordova Export Corporation and to be designated as purchaser and ultimate consignee of said bearings on an application for an export license to be submitted to the Office of International Trade by Cordova Export Corporation for the shipment of said 82 bearings, falsely represented such order as bona fide and such designation as purchaser and ultimate consignee to be a fact; that said respondents Lloyds Trading Company and Leon Barsamian had no intention at any time of abiding by the terms and provisions of the said order to Cordova Export Corporation or of being in fact the purchaser and ultimate consignee of the 82 steel roller bearings but made such misrepresentations solely for the purpose of providing Cordova Export Corporation with the necessary support for its license application; that by the incorporation of said false representations in the application for an export license filed by respondent Cordova Export Corporation, the respondents Lloyds Trading Company and Leon Barsamian thereby made such false representations to the Office of International Trade; that upon shipment of the 82 steel roller bearings by Cordova Export Corporation to Lloyds Trading Company in Belgium, under the export license issued to the said Cordova Export Corporation pursuant to its application referred to above, the respondents Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian assisted in effecting the transshipment of said 82 roller bearings from Belgium to Switzerland; that respondents Lloyds Trading Company, H. G. Lloyds, and Leon Barsamian, by making or causing to be made, the aforesaid misrepresentations to the Office of International Trade in the application for an export license filed by Cordova Export Corporation, and by assisting in effecting the subsequent transshipment of the 82 steel roller bearings from Belgium to Switzerland, did, in each instance, thereby violate the laws and regulations relating to export control.

It further appears from the record and the Compliance Commissioner's report that respondent Cordova Export Corporation, as licensee on the export license issued by the Office of International Trade pursuant to the application of said respondent on January 27, 1950, and respondent William N. Borkan, as secretary-treasurer of Cordova Export Corporation and duly authorized officer of said corporation in its capacity as exporter under the license, failed to take necessary precautions to see that the 82 bearings authorized for shipment by the license were actually exported in accordance with the specific authorization of said license, said respondents thereby violating the laws and regulations relating to export control.

The Compliance Commissioner has therefore recommended that all outstanding export licenses in which respondents or any of them appear as a party in any capacity, whether as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise, be forthwith revoked and ordered returned to the Office of International Trade for cancellation; that respondents David Zetland Corporation and David Zetland be denied for a period of one year, such period to run from March 1, 1951, respondents Lloyds Trading Company, H. G. Lloyds and Leon Barsamian be denied for a period of nine months, and respondents Cordova Export Corporation and William N. Borkan be denied for a period of 30 days, the privilege of obtaining or using, or participating directly or indirectly, either as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise in any capacity as a party in the obtaining or using of export licenses, including general licenses as well as validated licenses, for shipment from the United States to any destination of any commodity; that said respondents and each of them be declared ineligible to be a party to any exportation from the United States for the periods specified as to each above, and that during such periods, as they apply to the respective respondents, the Office of International Trade issue no export licenses and collectors of customs authenticate no shipper's export declarations, and no exportations be made or permitted, in which said respondents appear or participate as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise in any capacity to the exportation of any commodity; and that such denial of export license and forwarding privileges extend, for the periods specified as to each respondent, not only to the said respondents, but also, for like periods, to any person, trade name, firm, corporation, or other business organization with which such respondents or any of them may be now or hereafter related by ownership or control or with which they are any of them may hold a position of responsibility involving the preparation, filing, procurement, or use of any export control documents or the supervision of any persons so engaged.

The report of the Compliance Commissioner has been carefully considered, together with the record in this case, and it appears that the findings of the Compliance Commissioner are supported by the record and that his recommendations are fair and reasonable and should be adopted, except in respect of his recommendations concerning respondents David Zetland Corporation and David Zetland. The Assistant Director for Export Supply has concluded from his study of the record and report of the Compliance Commissioner that respondents David Zetland and David Zetland Corporation have so flagrantly demonstrated by their various actions herein a disregard for the export control law and regulations where they appeared to affect their ability to complete what was, in their view, a desirable export transaction, as to require the imposition of a suspension of all export privileges for the duration of export controls. While the Assistant Director for Export Supply has concluded that this course is necessary in order to safeguard the purposes of export controls, it is his view that respondents David Zetland and David Zetland Corporation may appropriately be afforded the privilege of applying to the Office of International Trade for a modification of such suspension after the expiration of one year from the date of this order. In view of the extent of the suspension of respondents David Zetland and David Zetland Corporation, as determined herein, and because of the temporary suspension heretofore issued and now outstanding against them, it is unnecessary to have such suspension commence as of March 1, 1951.

Now, therefore, It is ordered as follows:

(1) All outstanding export licenses in which respondents or any of them appear as a party in any capacity, whether as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondents David Zetland Corporation and David Zetland are hereby denied for the duration of export controls, respondents Lloyds Trading Company, H. G. Lloyds and Leon Barsamian are hereby denied for a period of nine months, and respondents Cordova Export Corporation and William N. Borkan are hereby denied for a period of 30 days, all commencing as of the date of this order, the privilege of obtaining or using, or participating directly or indirectly, either as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise in any capacity as a party in the obtaining or using of export licenses, including general licenses as well as validated licenses, for shipment from the United States to any destination of any commodity.

(3) Respondents David Zetland Corporation, David Zetland, Lloyds Trading Company, H. G. Lloyds, Leon Barsamian, Cordova Export Corporation and William N. Borkan, and each of them, are hereby further declared ineligible to be a party to any exportation from the United States for the periods specified as to each above, and during such periods the Office of International Trade shall issue no export licenses and collectors of customs shall authenticate no shipper's export declarations, and no exportations shall be made or permitted in which said respondents appear or participate as licensee, consignor, forwarder, intermediate consignee, ultimate consignee, or otherwise in any capacity to the exportation of any commodity.

(4) Such revocation and denial of export license and forwarding privileges shall extend, for the periods specified as to each respondent, not only to the said respondents, but also, for like periods, to any person, trade name, firm, corporation, or other business organization with which such respondents or any of them may be now or hereafter related by ownership or control or with which they or any of them may hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any persons so engaged.

(5) Respondents David Zetland and David Zetland Corporation are hereby accorded the privilege of applying to the Office of International Trade for modification of this order after the expiration of one year from the date of this order.

Dated: May 28, 1951.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 51-6455; Filed, June 4, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-235]

ACCIDENT OCCURRING AT NEWARK AIRPORT, NEWARK, N. J.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-90896, which occurred at Newark Airport, Newark, New Jersey, on May 21, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, June 6, 1951, at 9:00 a. m., e. d. t., in Rooms 323-325, Federal Building, New York International Airport, Jamaica, New York.

Dated at Washington, D. C., May 29, 1951.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 51-6456; Filed, June 4, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF CHIEF ACCOUNTANT

REVISION OF ORDER DEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

It is ordered, Under the authority of the Communications Act of 1934, as amended, that paragraph C. 1 (c) of the Commission's order of May 2, 1951, defining the functions of the Office of Chief Accountant is revised to read as follows:

(c) Prepares studies, or suggests studies to the Bureaus, in order to provide an over-all view of the structure and operations of the communications industries, for the assistance of the Commission, the industry, and the public.

The effective date of this order shall be the 4th day of June 1951.

Released: May 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-6463; Filed, June 4, 1951; 8:49 a. m.]

[Designation Order 58]

DESIGNATION OF MOTIONS COMMISSIONER FOR JUNE 1951

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1951;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that E. M. Webster, Commissioner, is hereby designated as Motions Commissioner for the month of June 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-6461; Filed, June 4, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER POSTPONING DATE OF HEARING

On May 25, 1951, Northern Natural Gas Company filed a motion requesting postponement of the date of hearing in the above proceedings now set to resume on June 4, 1951, until June 18, 1951.

The Commission finds: The schedule of hearings now pending will not permit an extension of time for hearing in the above proceedings beyond June 11, 1951.

The Commission orders: The hearing in the above-entitled dockets now set to commence on June 4, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same hereby is postponed to commence on June 11, 1951, at 10:00 a. m., e. d. s. t., at the same place.

Date of issuance: May 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6460; Filed, June 4, 1951; 8:48 a. m.]

[Docket No. G-1679]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On April 25, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the installation of one additional 1,100 horsepower gas engine compressor unit and the operation of said additional compressor unit as an auxiliary unit in Applicant's natural-gas transmission pipeline system, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on May 9, 1951 (16 F. R. 4279).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 19, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6459; Filed, June 4, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26130]

METAL CANS OR DRUMS FROM KANSAS CITY, MO.-KANS., TO WICHITA, KANS.

APPLICATION FOR RELIEF

MAY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Midland Valley Railroad Company and Missouri-Kansas-Texas Railroad Company.

Commodities involved: Cans or drums, also lard pails, tin, iron or steel, carloads.

From: Kansas City, Mo.-Kans.

To: Wichita, Kans.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3748, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6447; Filed, June 4, 1951; 8:46 a. m.]

[4th Sec. Application 26131]

WELDING BARS, RODS, OR WIRE FROM POINTS IN OFFICIAL AND WESTERN TRUNK-LINE TERRITORIES TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

MAY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to fourth-section applications Nos. 22782 and 24079.

Commodities involved: Bars, rods or wire, welding, flux coated, carloads.

From: Points in official and western trunk-line territories.

To: Points in Colorado and Wyoming.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3670 Supp. 118; L. E. Kipp's tariff I. C. C. No. A-3614, Supp. 115; L. C. Schuldt's tariff I. C. C. No. 4211, Supp. 11; C. W. Boin's tariff I. C. C. No. 814, Supp. 42; I. N. Doe's tariff I. C. C. No. 604, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6448; Filed, June 4, 1951; 8:46 a. m.]

[4th Sec. Application 26132]

CEMENT FROM NORTHAMPTON AND YORK, PA., TO MCALLEN, TEX.

APPLICATION FOR RELIEF

MAY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3856.

Commodities involved: Cement, carloads.

From: Northampton (Navarro) and York, Pa.

To: McAllen, Tex.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3856, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6449; Filed, June 4, 1951; 8:47 a. m.]

[4th Sec. Application 26133]

CATALOGS FROM LOUISVILLE, KY., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Catalogs and catalog sections, carloads.

From: Louisville, Ky.

To: Points in Maine, Maryland, New Hampshire, New York, Pennsylvania, and Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6450; Filed, June 4, 1951; 8:47 a. m.]

[4th Sec. Application 26134]

CATALOGS FROM LOUISVILLE, KY., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4252, pursuant to fourth-section order No. 9800.

Commodities involved: Catalogs and catalog sections, carloads.

From: Louisville, Ky.

To: Points in Illinois, Michigan, Ohio, and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6451; Filed, June 4, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER CONTAINING RECITALS IN ACCORDANCE WITH SUPPLEMENT R OF INTERNAL REVENUE CODE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of May, A. D., 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, being the owner of

137,417 shares of the common stock of Florida Power & Light Company ("Florida"), and Bond and Share being under commitment to dispose of said shares, having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935, of its intention to dispose of 115,508 shares of its holdings of the common stock of Florida through a dividend on the common stock of Bond and Share payable June 30, 1951, to stockholders of record as of May 31, 1951, in shares of the common stock of Florida at the rate of 2.2 shares of the Florida stock for each 100 shares of Bond and Share common stock; and

Said notice also setting forth that fractional shares of the Florida stock will not be delivered but that in lieu thereof Bond and Share will instruct its dividend agent to sell for the account of stockholders the number of shares of Florida stock that would otherwise be delivered as fractional shares and to pay the proceeds from such sale to stockholders of Bond and Share entitled thereto; and Bond and Share having also made arrangements with its dividend agent to facilitate the sale on behalf of stockholders of Bond and Share of small lots of the Florida stock (less than 5 shares) to which such Bond and Share stockholders would be entitled, and to pay the proceeds from such sale to the stockholders entitled thereto; and

Bond and Share having requested that the Commission issue an order containing findings and recitations in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including Section 1808 (f) and Supplement R thereof; and

The Commission having notified Bond and Share pursuant to said Rule U-44 (c) that no declaration need be filed with respect to the proposed transactions.

It is ordered and recited, That the payment by Electric Bond and Share Company as a dividend to its stockholders of 115,508 shares of common stock of Florida Power & Light Company is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6438; Filed, June 4, 1951; 8:45 a. m.]

[File No. 54-195]

PHILADELPHIA CO. AND EQUITABLE REAL ESTATE CO.

NOTICE OF FILING OF PLAN FOR LIQUIDATION AND DISSOLUTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of May 1951.

Notice is hereby given that a joint application has been filed with this Commission relating to a plan for the liquidation and dissolution of Equitable Real Estate Company ("Real Estate"), a nonutility company, by Real Estate and its parent, Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies. Applicants have designated section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 21, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such plan, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by the plan which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter the Commission may find that the plan, as filed or as amended, is fair and equitable to the persons affected thereby and necessary to effectuate the provisions of section 11 (b) of the act, and may enter an order approving the plan.

All interested persons are referred to the plan, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Real Estate, a Pennsylvania Corporation, owns and operates a nine-story office building in downtown Pittsburgh, Pennsylvania, commonly known as the Central Office building of the Philadelphia system, which is occupied by Philadelphia and its subsidiaries, by companies formerly gas subsidiaries of Philadelphia, and by Philadelphia's parent, Standard Gas and Electric Company. Real Estate also owns a garage, a parking lot, a frame house and a lot in Pittsburgh, the garage being leased to Equitable Auto Company and Pittsburgh Railways Company, both affiliated companies, and the other properties being leased to non-affiliated interests.

The outstanding securities of Real Estate consist of 20,000 shares of capital stock, par value $50 per share, six noninterest bearing promissory notes in the aggregate unpaid principal amount of $635,000, and a 4 percent mortgage bond, having a remaining unpaid principal amount of $813,680.54 at March 31, 1951, payable in semi-annual installments until November 1957. Philadelphia is the beneficial owner of all of the outstanding shares of capital stock and is also the payee and owner of the six unpaid promissory notes, such notes having matured during the period December 1, 1937, to December 1, 1941, inclusive. The 4 percent mortgage bond, which is secured by a first mortgage on the Central Office building property, is held by Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania.

Real Estate's assets, which consist of cash, marketable securities, receivables and real property, had a value per books at March 31, 1951, of $3,364,076.39 of which $3,258,341.91 represented real property, both figures reflecting the deduction of the applicable property depreciation reserve in the amount of $1,144,296.24. Included in the net amount shown for real property is a net value per books of $2,678,837.30 for the Central Office building property, of which $458,135.13 represents excess cost paid by Real Estate, over the cost of acquisition to the first system company acquiring the property, at the time Real Estate acquired a portion of the property from such company, and of which $503,113.72 represents the remaining balance of an upward revaluation of the property made by Real Estate based upon an appraisal made in 1927. Real Estate's liabilities, other than the outstanding capital stock and notes held by Philadelphia, consist of the publicly held 4 percent mortgage bond in the amount of $813,680.54 and current liabilities of $173,787.67.

The plan proposes that Real Estate will wind up and settle its affairs and dissolve pursuant to the voluntary dissolution provisions of the Pennsylvania Business Corporation Law. In accordance with the provisions of that statute, the plan provides (a) for the assumption by Philadelphia of all of the debts, obligations and liabilities of Real Estate, including Real Estate's obligations under its 4 percent mortgage bond and the release and discharge of Real Estate from all its debts, obligations and liabilities, (b) the transfer, conveyance and distribution in kind to Philadelphia of all of Real Estate's property and assets, subject to all liens and encumbrances on such property and assets, in complete cancellation and redemption of all the outstanding shares of capital stock of Real Estate and (c) the dissolution of Real Estate and the termination of its corporate existence. The plan also provides that the liquidation of Real Estate and the distribution of its assets shall be completed in such manner as to comply with the provisions of section 112 (b) 6) of the Internal Revenue Code.

Applicants state that the property and assets received by Philadelphia from Real Estate will be recorded on the books of Philadelphia at the cost of acquisition thereof to the first company in the Philadelphia holding company system which acquired such property and assets.

Philadelphia and Real Estate state that the transactions proposed are in conformity with Step III of the Plan, dated February 8, 1951, For Compliance By Standard Gas and Electric Company and Philadelphia Company With The Provisions Of Section 11 Of The Public Utility Holding Company Act of 1935, filed with this Commission at File No. 54-191. (See Holding Company Act Release No. 10413.)

Philadelphia and Real Estate state that no Commission other than this Commission has jurisdiction over the proposed transactions involved in carrying out the plan, that no fees will be paid in connection therewith, and that expenses are estimated at not to exceed $500.

Philadelphia and Real Estate request that the Commission's order approving the plan be entered at the earliest practicable date and that the Commission fix September 30, 1951, as the time by which the plan is to be consummated.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc.-51-6436; Filed, June 4, 1951; 8:45 a. m.]

[File No. 70-2618]

UNITED GAS CORP. ET AL.

ORDER EXTENDING MATURITIES OF CERTAIN SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of May, A. D., 1951.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company; File No. 70-2618.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's subsidiaries, United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union") having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 thereof with respect to the following proposed transactions:

As of December 31, 1950, United had outstanding $130,994,000 aggregate principal amount of First Mortgage and Collateral Trust Bonds, 1967 and 1970 series, issued under a Mortgage and Deed of Trust dated October 1, 1944, as supplemented. United owns all of the outstanding securities of Pipe Line and Union, which securities are pledged under the Mortgage and Deed of Trust, and include $48,127,000 of Pipe Line's 4 percent first mortgage bonds, due 1962, and $34,000,000 of Union's 6 percent debentures due 1952.

United and Pipe Line propose to enter into an agreement under which Pipe Line will issue to United $48,127,000 principal amount of First Mortgage Bonds, 4 percent series, due 1971, in exchange for and discharge of a like principal amount of Pipe Line's outstanding First Mortgage Bonds, 4 percent series due 1962. The 1971 Bonds of Pipe Line will be deposited with the corporate trustee under United's Mortgage and Deed of Trust, and the 1962 Bonds of Pipe Line will be cancelled and discharged.

United and Union propose to enter into an agreement under which the maturity of $34,000,000 principal amount of Union's 6 percent debentures due March 1, 1952, will be extended to March 1, 1971. Such extension will be effected by authorizing and directing the corporate trustee to appropriately stamp the 6 percent debentures due March 1, 1952.

The application-declaration states that the purpose of the proposed transaction is to bring the maturities of United's subsidiaries' indebtedness into line with the maturities of United's bonds now outstanding as well as those which United contemplates issuing to finance the system's construction and expansion program.

Said application-declaration having been filed on April 24, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder; the Commission deeming it appropriate to grant said application and permit said declaration to become effective without the imposition of terms and conditions; and the Commission also deeming it appropriate to grant applicant-declarant's request that the order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and the rules thereunder, that said application-declaration be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6437; Filed, June 4, 1951; 8:45 a. m.]

[File No. 70-2628]

MICHIGAN-WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

ORDER AUTHORIZING ISSUANCE OF $20,000,000 RENEWAL NOTES AND 30,000 SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of May A. D. 1951.

Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a nonutility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, and American Natural having filed a a join application and an amendment thereto, pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

In July 1950, pursuant to authorization of this Commission, Michigan-Wisconsin entered into a Credit Agreement with certain Banks (The National City Bank of New York, Central Hanover Bank and Trust Company, New York; and Mellon National Bank and Trust Company, Pittsburgh) under which it has borrowed an aggregate of $20,000,000 on its notes maturing July 1, 1951. Under the terms of the Credit Agreement, at the option of the Company and with the approval of this Commission, the notes may upon ten days written notice be renewed upon the same terms and conditions for a period of one year from July 1, 1951. The Credit Agreement obligates the Company to prepay $3,000,000 principal amount of the loans on or before June 30, 1951, if it has not by June 20, 1951, received $3,000,000 through the sale of its preferred or common stock or through issuance of debt obligations subordinated to the bank loans.

Michigan-Wisconsin proposes, upon approval by the Commission, to extend its bank loans in the principal amount of $20,000,000 for one year or until July 1, 1952, as permitted under the terms of the Credit Agreement. It is anticipated that the bank loans will be retired through permanent financing at an appropriate later time prior to the maturity date, as extended.

To satisfy the provisions of the Credit Agreement and to provide cash funds and an equity base for the contemplated future permanent financing Michigan-Wisconsin proposes at or before the extension of its notes to sell 30,000 shares of its common stock to American Natural for $3,000,000 cash, an amount equal to the aggregate par value thereof. American Natural will make the investment from funds on hand, being available as a result of the sale in the latter part of 1950 of 304,486 additional shares of its common stock.

The application having been filed May 7, 1951, and notice of the filing of said application, as amended, having been issued in the form and manner prescribed by Rule U-23 promulgated under the act, and the last amendment having been filed on May 23, 1951, and the Commission not having received a request for a hearing with respect to said application, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, that no basis appears for imposing any terms and conditions in connection with our order other than those specified by Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application, as amended; and

It appearing that the estimated fees and expenses, aggregating $5,550, including counsel fees of $750 payable to Sidley, Austin, Burgess & Smith, and service company fees of $500 payable to American Natural Gas Service Company are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule

U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6439; Filed, June 4, 1951; 8:45 a. m.]

[File No. 70-2637]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of May A. D. 1951.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (a), 7, 9 (a) (1), 10, and 12 thereof and Rules U-42 and U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

United and its subsidiaries are engaged in a construction program which, it is stated, will require the expenditure of approximately $170,000,000 during the years 1951 and 1952 of which approximately $12,200,000 is to be expended by United and approximately $157,800,000 by Pipe Line.

The application-declaration sets forth an over-all financing program for the contemplated construction as follows: (1) The issuance and sale pursuant to a rights offering of 1,065,330 shares of common stock, (2) the issuance and sale at competitive bidding of $100,000,000 principal amount of First Mortgage and Collateral Trust Bonds, and (3) the refinancing on a long term basis of United's presently outstanding bank loans aggregating $25,000,000 presently due December 31, 1950. Pipe Line in turn proposes the issuance and sale to United of $70,000,000 principal amount of its First Mortgage Bonds and $55,000,000 principal amount of its debentures.

The steps immediately proposed to be taken are as follows:

(1) United proposes to amend its charter so as to increase its authorized common stock, of the par value of $10 per share, from 10,700,000 shares to 12,000,000 shares.

(2) United proposes to offer its stockholders of record as of June 27, 1951, 1,065,330 shares of its common stock, at a price to be determined prior to the offering. Stockholders will be given the right to subscribe for and purchase one share of additional stock for each ten shares held on such record date, and will also be given a conditional over-subscription privilege to subscribe for shares of common stock not subscribed for on the primary offering. The subscription rights and over-subscription privileges will be evidenced by a single form of transferable registered subscription warrant to be issued to stockholders as of the record date. Such warrants will expire approximately 20 days from the date of mailing thereof. The proposed offering will not be underwritten.

The application-declaration states that no fractional shares of common stock will be issued. Warrant holders, through the subscription agent, may purchase such additional subscription rights as are necessary for subscription to one additional full share of stock or may sell subscription rights in excess of those necessary for subscriptions to full shares of stock, such services to be without charge to the stockholders.

Electric Bond and Share Company, as the owner of 2,870,653 shares (26.95 percent) of the common stock of United, has advised United that it intends to exercise its subscription rights entitling it to purchase 287,065 shares of additional common stock, and that it may exercise its over-subscription privilege to the extent that such shares may be alloted to it.

(3) United proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $50,000,000 principal amount of First Mortgage and Collateral Trust Bands __ percent series due 1971, said bonds to be secured by United's Mortgage and Deed of Trust dated as of October 1, 1944 as supplemented by the First, Second and Third Supplemental Indentures and to be supplemented by a Fourth Supplemental Indenture.

Proceeds from the sale of bonds and common stock will be used to purchase securities from Pipe Line as set forth below.

(4) Pipe Line will issue and sell to United $25,000,000 principal amount of its First Mortgage Bonds, 4 percent series, due June 1971, pursuant to its Mortgage and Deed of Trust dated as of September 25, 1944, as supplemented and to be supplemented by the First, Second, Third, Fourth and Fifth Supplemental Indentures. The bonds proposed to be issued to United by Pipe Line will be pledged under United's Mortgage and Deed of Trust.

Pursuant to a Debenture Agreement to be dated as of June 25, 1951, Pipe Line will sell to United $45,000,000 principal amount of Pipe Line's 4½ percent Sinking Fund Debentures due 1971.

Proceeds from the sale of Pipe Line's securities will be used for the following purposes:

(a) To repay $7,000,000 principal amount of 3 percent promissory notes of Pipe Line now owned by United of which $5,000,000 is pledged with the corporate trustee under United's Mortgage, and $2,000,000 is held by United in its securities portfolio.

(b) The balance of approximately $63,000,000 will be available to Pipe Line for use in connection with its construction program and for other general corporate purposes.

United and Pipe Line request approval of the proposed over-all financing program and the issuance of appropriate orders to carry out the step initially proposed, subject to the filing of appropriate amendments with respect to the results of competitive bidding on the proposed sale of United's Bonds.

It appearing to the Commission that it is appropriate in the public interest, and in the interest of investors and consumers, that a hearing be held with respect to said application-declaration, and that said application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said joint application and declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on June 12, 1951, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before June 11, 1951, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the joint application and declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the securities proposed to be issued by United and Pipe Line are reasonably adapted to the security structures and earning power of said corporations, and whether the financing by the issue and sale of such securities is necessary or appropriate to the economic and efficient operation of the businesses in which such corporations are engaged.

(2) Whether the terms and conditions of the securities proposed to be issued are in accordance with the applicable standards of the act, particularly section 7 thereof.

(3) Whether the proposed acquisitions of securities meet the applicable standards of the act, particularly sections 9 (a), 10, and 12 thereof.

(4) Whether the fees and expenses to be paid in connection with the proposed issue and sale of the proposed securities are reasonable.

(5) Whether the proposed accounting treatment with respect to the transactions is appropriate and in conformity with sound accounting principles.

(6) Whether in the event the joint application and declaration shall be granted and permitted to become effective it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act or in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants and declarants herein, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6441; Filed, June 4, 1951; 8:46 a. m.]

[File No. 70-2639]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE OF $17,000,000 OF BONDS AND 1,600,000 SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of May A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary, Appalachian Electric Power Company ("Appalachian"), an electric utility company. The filing designates sections 6, 10, and 12 of the act and Rule U-50 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may not later than June 11, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to this application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to issue and sell $17,000,000 principal amount of its First Mortgage Bonds ____ percent series, due 1981, to be issued under and secured by Appalachian's present indenture dated as of December 1, 1940, as heretofore supplemented, and to be supplemented by an indenture to be dated as of June 1, 1951. The bonds are to be sold pursuant to the competitive bidding requirements of Rule U-50, for a price to the company of not less than 100 percent nor more than 102¾ percent of the principal amount thereof plus accrued interest.

Appalachian also proposes to issue and sell, and American Gas, the holder of all the issued and outstanding no par value common stock of Appalachian, proposes to acquire, 1,600,000 additional shares of such common stock for a cash consideration of $10,500,000.

The filing states that Appalachian anticipates making expenditures of approximately $29,000,000 in 1951, $41,000,000 in 1952, and $23,000,000 in 1953 for the construction of property additions. In order to finance such construction program, Appalachian will utilize the net proceeds from the sale of the new bonds and the additional common stock together with treasury cash. Appalachian estimates that, based on the present level of earnings and current expectation as to the progress of the construction program, it will be enabled to meet substantially all of the costs of its construction program through the year 1951. Further financing in connection with the construction program will be necessary, but the nature of such financing as well as its date and amount will depend on conditions at the time.

It is anticipated that $5,000,000 of the net proceeds from the sale of securities will be applied to the prepayment, without premium, of a like aggregate principal amount of Notes Payable to Banks, issued for construction purposes.

Appalachian is organized in Virginia and transacts its utility business in that State and in Tennessee and West Virginia. The joint application-declaration states that the issue and sale of the bonds of Appalachian are subject to the jurisdiction of the State Corporation Commission of Virginia and the Tennessee Railroad and Public Utilities Commission and the issue and sale of Appalachian common stock are subject to the jurisdiction of the said Commissions and of the Public Service Commission of West Virginia. According to the filing, orders of the three State Commissions approving the proposed issue and sale of securities will be supplied by amendment to the instant application-declaration upon issuance of such orders.

The filing requests that the order of the Commission herein granting the application and permitting effectiveness to the declaration become effective forthwith upon issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6440; Filed, June 4, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-67]

EMERGENCY LEAD COMMITTEE

NOTICE OF DISMISSAL OF APPLICATION FOR INVESTIGATION

MAY 29, 1951.

Application as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930 has been denied and dismissed.

Name of article	Purpose of request	Date received	Name and address of applicant
Lead-bearing ores, flue dust, and mattes of all kinds, and lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, and scrap lead (pars 391 and 392, Tariff Act of 1930).	Increase in duty.	Feb. 16, 1951	Emergency Lead Committee, New York, N. Y.

By direction of the Commission.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-6433; Filed, June 4, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17867]

WILHEIMINE KATHARINA GRESHAM

In re: Funds owned by Wilheimine Katharina Gresham. F-28-31399.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilheimine Katharina Gresham whose last known address is Loehrstrasse 107, Coblentz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account, entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of a withheld check drawn at the direction of the Department of State for Wilheimine Katharina Gresham in the amount of $407.22 as of January 1, 1947, together with any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on

account of, or owing to, or which is evidence of ownership or control by, Wilhelmine Katharina Gresham, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6410; Filed, June 1, 1951; 8:50 a. m.]

[Vesting Order 17875]

TAKUTARO KUBOTA

In re: Cash owned by Takutaro Kubota. F-39-6699-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takutaro Kubota, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash, in the amount of $79.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Takutaro Kubota, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6411; Filed, June 1, 1951; 8:50 a. m.]

[Vesting Order 17879]

HANS F. F. SUESS

In re: Securities and bank accounts owned by Hans F. F. Suess. F-28-31430.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans F. F. Suess, whose last known address is c/o Standard Trading Company, Post Office Box Number 338, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) City of Rio de Janeiro 2% (4½%) Bond, due 2012, of $1,000.00 face value, numbered M 25613, presently held by Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the name of Swiss Bank Corporation, Schaffhouse, together with any and all rights thereunder and thereto,

b. One (1) Canadian Pacific Railway Company 2½% Bond, due 1941, of $1,000.00 face value, numbered BM 14633, presently held by Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the name of Swiss Bank Corporation, Schaffhouse, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the amount of $212.80, as of December 5, 1950, representing a portion of the sum of money on deposit with the aforesaid bank in an ordinary blocked account deposited in the name of Swiss Bank Corporation, Schaffhouse, and any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the amount of $2,475.70, as of December 5, 1950, representing a portion of the sum of money on deposit with the aforesaid bank in a General Ruling No. 6/17 account in the name of Swiss Bank Corporation, Schaffhouse, and any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans F. F. Suess, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 51-6412; Filed, June 1, 1951; 8:50 a. m.]

[Vesting Order 53, Amdt.]

HARA AND CO.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 53, as amended, is hereby further amended to read as follows:

It is hereby found:

1. That Hara and Company, whose principal place of business is in Yokohama, Japan, is a partnership organized under the laws of Japan, composed of the individuals named in subparagraph 2 hereof, and is a national of a designated enemy country (Japan);

2. That Ryozabura Hara, Tasaburo Hara, Takeo Saigo, Kenichiro Saigo and Sue Hara, whose last known addresses are Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That Hara and Company has an established agency or branch office at New York, New York, which is engaged in the conduct of business within the United States and is a business enterprise within the United States;

4. That on February 10, 1942, the War Production Board, pursuant to Requisition WPB No. 2B-WPB-47-55 41, requisitioned 526 bales and 12 books of silk as property of Hara and Company, which silk, at the time of said requisitioning, was not property of said Hara and Company but was owned by The Yokohama Specie Bank, Ltd., New York Agency, in liquidation by the Superintendent of Banks of the State of New York;

5. That the claim for fair and just compensation arising out of the requisitioning referred to in subparagraph 4 hereof was property within the United States of said The Yokohama Specie Bank, Ltd., New York Agency, in liquidation by the Superintendent of Banks of the State of New York;

6. That the claim referred to in subparagraph 5 hereof was vested by Vesting Order 915 which vested excess proceeds of the business and property in the State of New York of The Yokohama Specie Bank, Ltd., including the excess proceeds of all assets of The Yokohama Specie Bank, Ltd., New York Agency, in liquidation as aforesaid;

7. That, pursuant to a turn over directive dated January 6, 1947, the Superintendent of Banks of the State of New York, as liquidator as aforesaid, turned over to the Attorney General of the United States the aforesaid claim of The Yokohama Specie Bank, Ltd., New York Agency;

and it is hereby determined:

8. That the branch office of Hara and Company in New York, New York, is owned and controlled by Hara and Company, Yokohama, Japan, and is a national of a designated enemy country (Japan);

9. That to the extent that Hara and Company, Yokohama, Japan, and its branch office in New York, New York, are not within a designated enemy country, the national interest of the United States requires that they be treated as nationals of a designated enemy country (Japan).

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Hara and Company and its branch office in New York, New York, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of the branch office of Hara and Company in New York, New York, is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein and in said Vesting Order 53, as amended, shall have and had the meanings prescribed in Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6414; Filed, June 1, 1951; 8:50 a. m.]

[Vesting Order 17681]

SKANDINAVISKA BANKEN AKTIEBOLAG

In re: Accounts maintained in the name of Skandinaviska Banken Aktiebolag or Skandinaviska Banken A. B., Malmo, Sweden, and owned by persons whose names are unknown. F-62-478 (Malmo).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Skandinaviska Banken Aktiebolag or Skandinaviska Banken A. B., Malmo, Sweden]

Column I	Column II
Name and address of institution which maintains account	Designation of Account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Skandinaviska Banken Aktiebolag special acc't general drafts No. 5 acc Malmo, Sweden, as described by The Chase National Bank of the City of New York in its report on Form G-1/P-701 bearing Its Serial No. 185.

[F. R. Doc. 51-6469; Filed, June 4, 1951; 8:49 a. m.]

[Vesting Order 17842]

MATHILDE BECKER

In re: Estate of Mathilde Becker, deceased. File No. D-28-12993; E. T. sec. 17122.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Arnoth and Hans Becker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1831.17 received by the County Treasurer of Peoria County, Illinois, for the credit of Bertha Arnoth and Hans Becker, pursuant to order of the Probate Court of Peoria County, filed September 12, 1949, in the matter of the Estate of Mathilde Becker, deceased, including increments thereon

and subject to the lawful fees and disbursements of the County Treasurer of Peoria County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Peoria County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of Peoria County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6468; Filed, June 4, 1951; 8:49 a. m.]

[Vesting Order 17882]

BANQUE INTERNATIONALE A LUXEMBOURG, S. A.

In re: Accounts maintained in the name of Banque Internationale a Luxembourg, S. A., or Banque Internationale Luxembourg, Luxembourg, Luxembourg, and owned by persons whose names are unknown. F-44-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque International a Luxembourg, S. A., or Banque Internationale Luxembourg, Luxembourg, Luxembourg]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Miscellaneous portfolio of securities, Banque Internationale a Luxembourg S. A., Luxembourg, Luxembourg (FS8003), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 35.
2. Brown Bros. Harriman & Co., 59 Wall St., New York, N. Y.	Banque Internationale a Luxembourg S. A., Luxembourg, ordinary account, blocked account, as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 14
3. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0644.
4. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Bank deposit, current a/c, and (b) bank deposit, New account as described by the Bank of Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 006.
5. Swiss Bank Corp., 15 Nassau St., New York, N. Y.	Bank deposit, as described by Swiss Bank Corp. in its report on Form OAP-700, bearing its Serial No. 0661.

[F. R. Doc. 51-6470; Filed, June 4, 1951; 8:49 a. m.]

[Vesting Order 17863]

BANQUE INTERNATIONALE A LUXEMBOURG S. A.

In re: Accounts maintained in the name of Banque Internationale a Luxembourg S. A., Luxembourg, Luxembourg, and owned by persons whose names are unknown. F-44-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6472; Filed, June 4, 1951; 8:50 a. m.]

[Vesting Order 15946, Amdt.]

HERMANN G. KULENKAMPFF ET AL.

In re: Rights of Hermann G. Kulenkampff et al. under insurance contract. File F-28-23208-H-1.

Vesting Order 15946 dated November 27, 1950 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Gustav Diedrich Kulenkampff and Marie Emmi Madeleine Renate Kulenkampff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Hermann G. Kulenkampff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 287072, issued by The Guardian Life Insurance Company of America, New York, New York, to Hermann G. Kulenkampff, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann G. Kulenkampff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Internationale a Luxembourg S. A., Luxembourg, Luxembourg]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Banque Internationale a Luxembourg S. A., old a/c, Luxembourg, Luxembourg, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 34.	Proceeds of redemption of three hundred and thirteen (313) shares of 5½ percent cumulative, convertible, preferred stock of Shell Union Oil Corp. evidenced by certificates numbered 9856 for one hundred (100) shares each and certificate number 025834 for thirteen (13) shares.

[1] Also excluded from this Vesting Order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6471; Filed, June 4, 1951; 8:50 a. m.]

[Vesting Order 17919]

GEORGE J. DAUER

In re: Trust under will of George J. Dauer, deceased. File No. D 28-13000; E. T. sec. 17128.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Rechel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Rechel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of George J. Dauer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George J. Beyer, Trustee, acting under the judicial supervision of the Probate Court of Milwaukee County, State of Wisconsin,

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Rechel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6473; Filed, June 4, 1951; 8:50 a. m.]

[Vesting Order 17581, Amdt.]

ALLEGEMEINE ELEKTRICITAETS-GESELLSCHAFT ET AL.

In re: Interests and rights created in Allegemeine Elektricitaets-Gesellschaft, Deutsche Grammophon A. G., and Polyphonwerke A. G., by virtue of various agreements relating, among other things, to United States Letters Patent No. 2,285,969.

Vesting Order 17581, dated March 30, 1951, is hereby amended to read as follows and not otherwise:

By deleting from subparagraph (d) of paragraph 3, appearing therein under (c), the following: "January 18, 20, and 22, 1935," and substituting therefor "January 19 and February 18, 20, and 22, 1935."

All other provisions of said Vesting Order 17581 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6474; Filed, June 4, 1951; 8:50 a. m.]

[Vesting Order 17606, Amdt.]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland and owned by persons whose names are unknown. F-63-193 (Zurich).

Vesting Order 17606, dated March 30, 1951, is hereby amended as follows and not otherwise:

By deleting from column II of Exhibit A of the aforesaid Vesting Order 17606 the words and figures appearing opposite item 4 in column I thereof and substituting therefor the following:

Bonds—held in account BS 3083, Union Bank of Switzerland, Zurich, Switzerland, subaccount Saco, general ruling No. 17, as described by the Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 104.

All other provisions of said Vesting Order 17606 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6475; Filed June 4, 1951; 8:50 a. m.]

[Return Order 974]

THEA STERNHEIM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Thea Sternheim, Paris, France; Claim No. 26066; April 12, 1951 (16 F. R. 3246); an oil painting by Gauguin, entitled "Three Dogs, Three Wineglasses, Three Apples", presently in the custody of the Manhattan Storage & Warehouse Co., 80th Street and 3d Avenue, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6476; Filed, June 4, 1951; 8:50 a. m.]

AYAKO SAITO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ayako Saito, Honolulu, T. H.; Claim No. 7156; $232.40 in the Treasury of the United States; 83 shares $100 par value stock of the Yamashiro Hotel Co., Ltd., presently in custody of the Office of Alien Property, Honolulu, T. H.

Executed at Washington, D. C., on May 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6477; Filed, June 4, 1951; 8:50 a. m.]

J. MANFRED REIFFENSTEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

J. Manfred Reiffenstein, Vienna, Austria; Claim No. 42804; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,722,158; 1,955,683; 2,041,570, 2,026,436 and 2,123,120.

Executed at Washington, D. C., on May 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6478; Filed, June 4, 1951; 8:50 a. m.]

NCE JUN 8 '51

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 16 NUMBER 109

Washington, Wednesday, June 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10249

PRESCRIBING REGULATIONS WITH RESPECT TO FOREIGN SERVICE REPORTING FUNCTIONS

By virtue of the authority vested in me by section 311 of the Foreign Service Act of 1946, 60 Stat. 1002 (22 U. S. C. 846), and as President of the United States, I hereby prescribe the following regulations with respect to the reporting functions of the Foreign Service of the United States:

SECTION 1. As used in this order, the words "foreign data" shall mean any data obtained or to be obtained in foreign countries, including reports, statistics, and publications.

SEC. 2. Subject to the provisions of this order, the Department of State shall obtain for any Federal department or agency, through the Foreign Service of the United States, such foreign data as such department or agency may request through the Department of State.

SEC. 3. The Secretary of State is authorized and directed to prepare and maintain, for use in carrying out the purposes of this order, (a) a comprehensive statement of the types of foreign data appropriate to be obtained through the Foreign Service which would be of substantial use to the United States, with due attention in the preparation of this statement to the relative importance of the several types of data, and (b) standards which shall govern the determination by the Department of State to transmit or not to transmit to the Foreign Service, for action, any request for foreign data, and which shall also govern the assignment of priorities by the Department of State to the several requests transmitted by it to the Foreign Service for action. In connection with the preparation of the said statement and standards and any revision thereof, the Department of State shall afford interested Federal departments and agencies opportunity for consultation and shall accord their advice appropriate consideration.

SEC. 4. The Department of State may assign priorities to requests for foreign data, which priorities shall govern the Foreign Service in connection with the furnishing of the requested data; and it may take such measures as may be necessary or appropriate to keep the work falling upon the Foreign Service by reason of the furnishing of data to Federal departments and agencies within the resources of the Foreign Service available for such work. In carrying out the provisions of this section, the Department of State shall, to the extent practicable, be guided by the determinations of any other department or agency requesting foreign data as to the relative priorities of any two or more requests made by such department or agency.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 4, 1951.

[F. R. Doc. 51-6606; Filed, June 5, 1951; 10:18 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of winter cover crop seeds named in § 601.1110 hereof. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

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601.1105 Determination of quantity.
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1949 Edition

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601.1111 County rates.
601.1112 Delivery of seed to CCC.
601.1113 Settlement.

AUTHORITY: §§ 601.1101 to 601.1113 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 601.1101 *Purpose.* This supplement states additional specific requirements which, together with those contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Winter Cover Crop Seed Price Support Program.

§ 601.1102 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements for all seeds listed in § 601.1110.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.1110 are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that such seeds cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through December 31, 1951, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.1110 in 1951 as landowner, landlord, tenant, or sharecropper.

(2) Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided*, That (i) the producer members are bound by contract to market through the association; (ii) the major part of the seed marketed by the association is produced by members who are eligible producers; (iii) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (iv) the seed purchased from nonmembers is segregated at all times to assure that the seed placed under loan or delivered under a purchase agreement is seed grown by producer members; and, (v) the association has the legal right to pledge or mortgage the seed as security for a loan.

§ 601.1103 *Eligible seed.* At the time the seed is placed under loan or delivered under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States in 1951 by an eligible producer and be one of the kinds and varieties named in § 601.1110.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested.

(c) It must on the basis of official purity analysis reports, and germination test certificates, based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase (and on the basis of official moisture tests where applicable), be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.1110, unless the warehouseman, in the case of seed being offered for loan or delivery under a purchase agreement, certifies that the seed is of a quality eligible for price support, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better than, that shown on the warehouse receipt.

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law, and rules and regulations pursuant thereto, of the State in which the seed is tendered for loan or delivered under a purchase agreement.

(e) The moisture content of blue lupine seed (determined by an official moisture test, except where quality is guaranteed by the warehouseman) shall not exceed 12 percent at the time the seed is placed under loan, and shall not exceed 14 percent at the time of delivery under a loan or purchase agreement.

(f) The seed must be fumigated if necessary.

§ 601.1104 *Warehouse receipts.* Warehouse receipts representing seed placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by a warehouse approved by CCC under the Seed Storage Agreement, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the seed is commingled the warehouseman must guarantee both the quality and the quantity of the seed.

(c) Where the warehouseman guarantees the quality of the seed placed under loan, on either an identity-preserved or commingled basis, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the kind or variety of the seed, the net weight, and the factors used in determining the quality of the seed.

(d) Where the seed is stored on an identity-preserved basis and the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt for the lot of seed stored identity-preserved a copy of the official purity analysis report and germination test certificate, and, where moisture is an eligibility requirement, a copy of the official moisture certificate.

(e) Any warehouse receipt representing seed stored on an identity-preserved basis must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through January 31, 1952, on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

§ 601.1105 *Determination of quantity.* All determinations of the quantity of seed delivered under loan or purchase agreement in an approved warehouse under this program shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. The quanity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan will be the actual net weight of seed.

§ 601.1106 *Determination of quality.* All determinations of quality made by the county committee will be made on the basis of official purity, germination, and moisture tests (where required) of a representative sample. An official test shall be a test made by a Federal or State Seed Testing Laboratory, or by a commercial seed testing laboratory approved by the State committee. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for a qualified disinterested person to obtain a representative sample. The sample shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.1107 *Loss or damage to seed under farm-storage loan.* Notwithstanding the provisions of § 601.665 of the 1951 C. C. C. Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on his part or the part of the person in control of the farm-storage structure.

§ 601.1108 *Warehouse and other charges.* CCC will not pay or assume charges for cleaning, fumigation, drying, bagging, sampling, testing and analysis reports, tagging, or other handling or processing operations which are necessary to prepare the seed to meet eligibility requirements for price support; nor will CCC pay or assume storage charges which accrue prior to February 1, 1952, or the date of the warehouse receipt, whichever is later.

§ 601.1109 *Maturity of loans.* Loans mature on demand but not later than January 31, 1952.

§ 601.1110 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule: *Provided*, That, the county rates shown in § 601.1111 shall be used for hairy vetch: *And provided further*, That where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

SCHEDULE OF BASIC RATES AND SPECIFICATIONS APPLICABLE FOR 1951 WINTER COVER CROP SEED

	Hairy vetch [1]	Common vetch [2]	Willamette vetch	Crimson clover	Common ryegrass	Blue lupine	Roughpeas (Lathyrus hirsutus) [3]
1. Basic price per pound	*Cents* 14.70	*Cents* 6.00	*Cents* 6.00	*Cents* 16.50	*Cents* 6.75	*Cents* 4.00	*Cents* 6.00
2. Basic price requirements:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Germination [4]	90	90	90	85	90	90	90
Pure seed	95	90	90	98	98	99	98
Total winter legumes	98	98	98	(5)	(5)	(5)	98
Noxious weeds permitted	(6)	(6)	(6)	[7] None	(6)	(6)	(6)
Common weed seeds not to exceed	1	1	1	1	2	1	1
Other crop seed permitted	(5)	(5)	(5)	2	(5)	1	(5)
Moisture content not to exceed						[8] 12	
3. Minimum eligibility requirements:							
Germination [4]	70	70	70	75	75	80	75
Pure seed	70	70	70	96	95	96	70
Total winter legumes	98	98	98	(5)	(5)	(5)	98
Noxious weeds permitted	(6)	(6)	(6)	[7] None	(6)	(6)	(6)
Common weed seeds not to exceed	1	1	1	1	2	1	1
Other crop seed permitted	(5)	(5)	(5)	4	(5)	(5)	(5)
Moisture content not to exceed						[8] 12	
4. Discount per cwt. applicable for each percent or fraction thereof below the basic price requirements for—							
Germination [4]	$0.20	$0.09	$0.09	$0.20	$0.10	$0.05	$0.08
Purity	.11	.018	.018	.25	.10	.10	.025

[1] Price of hairy vetch shall not be discounted due to the presence of woollypod.
[2] Hungarian and purple vetch may qualify as common if at least 80 percent of seed is common vetch.
[3] Roughpeas (Lathyrus hirsutus) commonly called Caley peas, Singletary peas, or wild winter peas. Hairy vetch seed may qualify as roughpeas provided at least 65 percent of the mixture is roughpeas. The following percentages of the applicable hairy vetch price (including area differentials and discounts for quality below the basic price requirements), will be allowed for hairy vetch seed in the mixture:

Hairy vetch in mixture (percent)	*Percent of applicable support price*
5–14, inclusive	50
15–24, inclusive	60
25–34, inclusive	70

[4] Live seed including hard seed.
[5] No requirements specified for this item. However, the total winter legume requirements where specified and the purity requirements must be met in order for seed to be eligible for price support.
[6] Noxious weed seed shall not exceed the quantity permitted for sale as planting seed by the State seed law or regulations of the State in which the seed is delivered to CCC.
[7] Crimson clover containing not more than 5 wild onion bulblets per pound will be eligible for purchase in Kentucky only at a discount of $1 per hundred.
[8] Blue lupine seed with moisture content not in excess of 14 percent may be delivered in satisfaction of loans or on purchase agreements when other eligibility factors are satisfied.

§ 601.1111 *County rates.* (a) The basic county rates for hairy vetch seed will be as follows:

	Cents per pound
Arkansas, all counties	15.20
California, all counties	14.40
Idaho, all counties	14.40
Oklahoma, all counties	14.95
Oregon, all counties	14.40
Texas, all counties	14.90
Washington, all counties	14.40
Other States, all counties	14.70

(b) Farm-storage and warehouse-storage loans will be made at the basic county rate for the county in which the hairy vetch seed is stored. Settlement will be made at the time of delivery under a loan or a purchase agreement at the basic county rate for the approved point of delivery. The applicable county rate will be subject to the discounts shown on the Schedule of Basic Rates and Specifications in § 601.1110.

§ 601.1112 *Delivery of seed to CCC—*(a) *Cleaning, fumigation, and bagging.* Seed delivered to CCC by the producer under a loan or purchase agreement must meet the following requirements or must be represented by a warehouse receipt under which the warehouseman guarantees to meet such requirements: The seed must be cleaned, fumigated if necessary, and packaged in new bags of the quality and net capacity described below; or, if new bags are not available, No. 1 used bags of the same quality or better, and of the same net capacity, as those described below may be used, provided they are thoroughly cleaned before being filled, and are free of holes, patches, or other defects.

(1) Blue lupine, hairy vetch, Willamette vetch, common vetch, and roughpeas:

Type	*Net capacity (pounds)*
(i) 3-harness twill: 38-inch 8-ounce or heavier	100
(ii) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(iii) Burlap: 10-ounce or heavier	100

(2) Crimson clover:

Type	*Net capacity (pounds)*
(i) Osnaburg which can be probed (seamless or double seam):	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Seamless cotton:	
13-ounce (20 x 42-inch)	120
16-ounce (20 x 45-inch)	150

(3) Common ryegrass:

Type	*Net capacity (pounds)*
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Burlap: 8-ounce or heavier	100

(b) *Tagging.* The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.1113 *Settlement.* Where seed is delivered to CCC in accordance with § 601.668 of the 1951 CCC Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that if damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered. (See paragraph (d) of this section.)

(b) *Warehouse - storage loans*—(1) *Quality not guaranteed.* If the seed is stored on an identity-preserved basis and the quality is not guaranteed by the warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt and on the basis of the quality of the seed when placed under loan, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis and the warehouseman guarantees the quantity and quality, settlement shall be made with the producer on the basis of the quantity and quality of the seed shown on the warehouse receipt.

(c) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.668 of the 1951 C. C. C. Grain Price Support Bulletin 1, the seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the identity of the seed is preserved and the quality is not guaranteed by an approved warehouseman, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Quality determination at time of delivery.* Where the quality of the seed delivered under a loan or purchase agreement is not guaranteed by an approved warehouseman, and the county committee has reason to believe that the lot of seed has been disturbed or damaged so that the purity analysis reports and/or germination test certificates are no longer representative of the quality of the seed, then the quality shall be determined by official purity analysis and germination tests made at the time of delivery. Settlement will be made on the basis of such tests made at the time of delivery, except where CCC assumes loss resulting from damage or deterioration to seed under loan. (See § 601.665 of the 1951 CCC Grain Price Support Bulletin 1 and § 601.1107 of this Supplement 1.)

(e) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line", as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement, will be refunded to the producer: *Provided*, That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering Tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman, is turned over to CCC; (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt; and (5) whenever the support rate for the point of delivery is higher than the support rate for the point of origin shown on the freight certificate, the amount refunded shall be the freight paid on the inbound rail movement less the difference between the support rate for the point of delivery and the support rate for the point of origin. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

Issued this 31st day of May, 1951.

[SEAL] JOHN H. DEAN,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-6594; Filed, June 5, 1951; 8:51 a. m.]

PART 669—VEGETABLES, FRESH

SUBPART—GENERAL VEGETABLE PURCHASE PROGRAM (FISCAL YEAR 1951)

CABBAGE

§ 669.7 *Cabbage (fiscal year 1951).* In order to encourage the domestic consumption of cabbage by diversion from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, cabbage will be purchased during the fiscal year ending June 30, 1951, in instances where surpluses exist or appear to be developing, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Purchases will be made only in areas where acreage has been kept in substantial conformity with recommendations contained in the Department's suggested acreage and production reports. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued to cover particular purchase operations. Information as to such purchase operations may be obtained by writing to the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Done at Washington, D. C., this 31st day of May 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-6496; Filed, June 5, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF EXTRACTED HONEY

EDITORIAL NOTE: In Federal Register Document 51-3397, appearing at page

2463 of the issue for Friday, March 16, 1951, the following change should be made:

In Table No. I of § 52.403, under the column head "Color range Pfund scales", the figure "59" for Light Amber should read "50".

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Cigar Leaf-51)-1]

PART 723 — CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER MARKETING QUOTA REGULATIONS 1951-52 MARKETING YEAR

Correction

In Federal Register Document 51-6379, published at page 5149 of the issue for Saturday, June 2, 1951, the headnote should read as set forth above.

Chapter IX — Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 2 Amdt 1]

PART 926—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Santa Rosa plums grown in the State of California.

b. It is, therefore, ordered as follows:

1. The provisions in paragraph (b) (2) of § 936.397 (Plum Order 2; 16 F. R. 4882) shall during the period beginning at 12:01 a. m., P. s. t., June 5, 1951, and ending at 12:01 a. m., P. s. t., October 16, 1951, read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 2; or (2) as releasing or extinguishing any violation of said Plum Order 2 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6602; Filed, June 5, 1951; 8:45 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

§ 962.306 *Peach order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 6, 1951.

A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Industry Committee until May 29, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 29, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department and information concerning such recommendation was disseminated among growers and handlers of such peaches; shipments of such peaches are now being made; in order to effectuate the declared policy of the act, this section should, insofar as practicable, be applicable to all shipments of such peaches during the current fiscal period; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., June 6, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall ship:

(1) Any peaches of any variety (except Dixired peaches) of a size smaller than $1\frac{5}{8}$ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than $1\frac{5}{8}$ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than $1\frac{5}{8}$ inches in diameter; and

(2) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Hale Haven, Halberta, Hardin's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, Southland, Sullivan Elberta, White Hale, or Woodland Cling varieties of a size smaller than $1\frac{3}{4}$ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than $1\frac{3}{4}$ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than $1\frac{3}{4}$ inches in diameter.

(c) *Definitions.* When used in this section, the terms "handler", "ship", and "peaches" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; and the term "diameter" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Doing at Washington, D. C., this 1st day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit & Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6535; Filed, June 5, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5796]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SOUTHERN SPRING BED CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.42 *Connection of others with goods;* § 3.90 *History of product or offering;* § 3.110 *Indorsements, approval and testimonials;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* Subpart—*Claiming indorsements or testimonials falsely or misleadingly;* § 3.330 *Claiming indorsements or testimonials falsely or misleadingly.* Subpart *Misbranding or mislabeling;* § 3.1195 *Connections and arrangements with others;* § 3.1225 *History;* § 3.1235 *Indorsements, approvals or awards;* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading names, goods;* § 3.2285 *Connections and arrangements with others;* § 3.2295 *History;* § 3.2305 *Indorsements, approval and testimonials;* § 3.2310 *Manufacture or preparation;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution of respondent's bed springs and mattresses, or other products, in commerce, (1) using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross", or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on the respondent's products; or using said words or said mark in selling or advertising the same; (a) unless respondent uses upon the label, whether on the article, wrapper or carton, and with equal clearness and conspicuousness, in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with The American National Red Cross"; and, (b) unless the respondent, in each of its written advertisements containing said words or said mark uses the said legend with equal clearness and conspicuousness; and, (c) unless the respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness; (2) using the word "orthopedic", or any term or expression of like import, as a designation for or as descriptive of its stock bed springs or mattresses; (3) representing, directly or by implication, that the respondent's bed springs or mattresses are specially built and scientifically designed to meet the specifications of orthopedic surgeons or physicians, or that such springs or mattresses have the approval of any surgeon or physician for use, unless prescribed; or, (4) representing directly or by implication, that the respondent's bed springs or mattresses, when used indiscriminately, may be relied or depended upon to correct any deformity or disease of the human body, or that the use of any such spring or mattress will provide any beneficial effect in orthopedic cases except to the extent that it will help to alleviate the pain and contribute to the comfort of the patient; prohibited, subject to the further provision, however, as respects the qualification in (a) with regard to the use of said words or mark on the label, etc., that if said words or said mark appear on more than one side of the respondent's article, wrapper or carton, the respondent shall use said legend, as aforesaid, on each such side; and to the provision, as respects the qualification in (b) with regard to written advertisements containing said words or mark that if an advertisement covers more than one page, the respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Southern Spring Bed Company, Docket 5796, March 22, 1951]

In the Matter of Southern Spring Bed Company, a Corporation; and Richard N. Schwab, Clarence S. Moeckel, Philip L. Peebles, William P. Rocker, and Robert W. Schwab, Jr., Individually and as Officers and Directors; Julian Price, J. B. Taylor, and Thomas H. Williams, Individually and as Officers; and Harrison Jones and Martin E. Kilpatrick, Individually and as Directors Respectively of Southern Spring Bed Company, a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 12, 1950, issued and subsequently served upon the respondents named in the caption hereof its complaint in this proceeding, charging said respondents with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of the respondents' answers to said complaint, a hearing was convened by a trial examiner of the Commission theretofore duly designated by it to take testimony and receive evidence in support of and in opposition to the allegations of the complaint, and at said hearing a stipulation of all of the facts in the case was entered into by and between counsel for the respondents and counsel in support of the complaint. On the basis of the record thus presented (all intervening procedure having been waived), the trial examiner on December 29, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on February 8, 1951, issued and thereafter served upon the respondent, Southern Spring Bed Company, its order placing this case on the Commission's own docket for review and affording said respondent an opportunity to show cause why the initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondent not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondent, Southern Spring Bed Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the respondent's bed springs and mattresses, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using (subject to the permissible limits prescribed by the act of January 5, 1905, as amended by section 4 of the act of June 23, 1910) the words "Red Cross", or any abbreviation or simulation thereof, or the mark of a Greek red cross or any other mark, emblem, sign or insignia simulating a Greek red cross, on the respondent's products; or using said words or said mark in selling or advertising the same;

(a) Unless respondent uses upon the label, whether on the article, wrapper, or carton, and with equal clearness and conspicuousness, in immediate conjunction with said words or said mark, the legend, "This product has no connection whatsoever with The American National Red Cross": *Provided*, That if said words or said mark appear on more than one side of the respondent's article, wrapper, or carton, the respondent shall use said legend, as aforesaid, on each such side; and

(b) Unless the respondent, in each of its written advertisements containing said words or said mark uses the said legend with equal clearness and conspicuousness: *Provided*, That if an advertisement covers more than one page, the respondent shall use said legend as aforesaid on each and every page on which said words or said mark shall appear; and

(c) Unless the respondent, in each of its radio advertisements containing said words or said mark, makes the statement contained in said legend with equal clearness and conspicuousness.

2. Using the word "orthopedic", or any term or expression of like import, as a

[1] Filed as part of the original document.

designation for or as descriptive of its stock bed springs or mattresses;

3. Representing, directly or by implication, that the respondent's bed springs or mattresses are specially built and scientifically designed to meet the specifications of orthopedic surgeons or physicians, or that such springs or mattresses have the approval of any surgeon or physician for use, unless prescribed; or

4. Representing directly or by implication, that the respondent's bed springs or mattresses, when used indiscriminately, may be relied or depended upon to correct any deformity or disease of the human body, or that the use of any such spring or mattress will provide any beneficial effect in orthopedic cases except to the extent that it will help to alleviate the pain and contribute to the comfort of the patient.

It is further ordered, That the respondent, Southern Spring Bed Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with it.

Issued: March 22, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6319; Filed, May 31, 1951; 8:48 a. m.]

[Docket 5815]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HESMER, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.800 *Buyers' agents.* I. In connection with the purchase of food products or other commodities in commerce, and on the part of respondent corporation, and its officers, etc., receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon purchase made for said respondent's own account; and, II, in said connection, and on the part of respondent Mitchell (respondent's majority stockholder and president), individually and trading as the Ed. Mitchell Company, or under any other name or trade designation, and on the part of said respondent's agents, etc., receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases made by or for the respondent, Hesmer, Inc., or purchases made by or for any other purchaser for or on whose behalf the respondent, Edward A. Mitchell, is acting in fact as agent, representative, or other intermediary; prohibited.

(Sec. 2 (c), 49 Stat. 1526; 15 U. S. C. 13) [Cease and desist order, Hesmer, Inc., et al., Docket 5815, March 22, 1951]

In the Matter of Hesmer, Inc., a Corporation, and Edward A. Mitchell, Individually, as President of Said Corporation, and Doing Business as the Ed. Mitchell Company

Pursuant to the provisions of an act of Congress entitled "an act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act (15 U. S. C. 13), the Federal Trade Commission on October 6, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with having violated subsection (c) of section 2 of said Clayton Act, as amended. After the filing of the respondents' answer a hearing was convened by a trial examiner of the Commission theretofore duly designated by it to take testimony and receive evidence in support of and in opposition to the allegations of the complaint, and at said hearing solely for the purposes of this proceeding a stipulation of all of the facts in the case was entered into by and between counsel for the respondents and the Director of the Commission's Bureau of Antimonopoly. On the basis of the record thus presented (all intervening procedure having been waived), the trial examiner on December 11, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on January 19, 1951, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondent, Hesmer, Inc., and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases made for said respondent's own account.

It is further ordered, That the respondent, Edward A. Mitchell, individually and trading as The Ed. Mitchell Company, or trading under any other name or trade designation, and said respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases made by or for the respondent, Hesmer, Inc., or purchases made by or for any other purchaser for or on whose behalf the respondent, Edward A. Mitchell, is acting in fact as agent, representative, or other intermediary.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with it.

Issued: March 22, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6415; Filed, June 1, 1951; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter IV—Employees' Compensation Appeals Board, Department of Labor

PART 502—RULES OF PROCEDURE

DECISIONS

Section 502.6 of this part is hereby amended by deleting therefrom the parenthetical reference: "(Form AB-4)", effective as of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 32, 39 Stat. 749, as amended; 5 U. S. C. 783)

Signed at Washington, D. C., this 1st day of June 1951.

MAURICE J. TOBIN, *Secretary of Labor.*

[F. R. Doc. 51-6511; Filed, June 5, 1951; 8:48 a. m.]

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF U. S. EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

CONFIDENTIAL CHARACTER OF RECORDS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, § 602.16 is hereby amended to read as follows:

§ 602.16 *Confidential character of records.* Each State agency shall:

(a) Assure that all information contained in the records of the State employment service and secured from workers, employers or other persons or groups as an incident to the State public employment service program, is used solely for the purpose of administering the State system of public employment offices as part of a national system of public employment offices, except that such information may be disclosed for other purposes in accordance with policies promulgated by the Director of the United States Employment Service to assure that such disclosures will not impede the operation of or be inconsistent with the purposes of the public employment service program.

(b) With respect to the receipt, storage, custody, dissemination and transmission of materials classified for national security purposes, comply with such procedures and instructions as may be promulgated by the Secretary of Labor or by such other officials of the Department of Labor as he may designate.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 29th day of May 1951.

MAURICE J. TOBIN, *Secretary of Labor.*

[F. R. Doc. 51-6512; Filed, June 5, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amendment 2]

CPR 17—GASOLINES, NAPTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES

RESIDUAL FUEL OILS AND BLENDS THEREOF WITH DISTILLATE FUEL OILS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Ceiling Price Regulation 17 (16 F. R. 3033) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes specific ceiling prices for all grades of residual fuel oil at principal Eastern Seaboard ports. This action has been undertaken for two reasons. At the time of the issuance of Ceiling Price Regulation 17, it was the intent of the Director of Price Stabilization to establish specific ceiling prices for petroleum products wherever possible, and as quickly as possible. Specific ceiling prices are administratively desirable because they are precise, easily understood and enforceable. The second reason for the establishment of these specific prices is to make necessary increases in the ceiling prices established for these products under section 21, the formula pricing section of Ceiling Price Regulation 17, which froze such prices at the levels prevailing during the period December 19, 1950 through January 25, 1951. These modifications were found necessary due to substantial increases in tanker transportation costs which were not reflected in ceiling prices established under Ceiling Price Regulation 17. Such modifications will tend to assure the continuation of indispensable supplies and to stimulate the build-up of adequate inventories of residual fuel oil for this key industrial section of the nation.

Residual fuel oil supply and demand. Residual fuel oil is normally supplied by tanker transportation to the Atlantic Seaboard from refinery centers on the United States Gulf Coast and by imports from Venezuela and The Netherlands West Indies. In addition, this area is supplied from local refinery centers which operate on domestic crudes, supplemented by substantial imports of crude oils which, on the average, yield significant quantities of residual fuel oil. This product is a basic industrial fuel used for power generation, military installations, industrial establishments, as a heating fuel for commercial and residential buildings, and as bunker fuel for ships. Continuity in the supply of this vital product must be assured if there is to be no impairment in the operations of facilities dependent upon it for the expanding defense program and for the health and comfort of domestic consumers.

In 1950, demand for residual fuel oil in the East Coast States served principally by the seaboard and refinery points set forth in this amendment, was 752,800 barrels per day. Of this aggregate demand, 43.4 per cent was met by direct imports, 21.6 per cent by transfers from the U. S. Gulf Coast refinery district, 29.1 per cent from production on the East Coast, 5.6 per cent was transferred from the California refinery district, and .3 per cent came from a reduction in stocks on the East Coast. The California refinery district is not a normal source of residual fuel oil for the East Coast, excessive inventories and price conditions which made the 1950 transfers possible have since been removed. Thus, the 1950 supply from this area will not be available in 1951. Refinery operations at the Gulf Coast and the Eastern Seaboard are currently near maximum rated capacity, and additional yields from this production are not to be expected. Only through a change in percentage yields in favor of residual fuel oil from crude runs to stills in these refinery districts can supply of this product be augmented from these sources. At existing ceiling prices for petroleum products, such change would be uneconomic, since refinery realization is much greater for other products. Indeed, the present technological trend in the industry is the reduction of residual fuel oil yields in favor of the more profitable light products, such as gasoline and middle distillates. Therefore, present, as well as prospective demand can only be met by increased imports. Such imports increased from an average of about 200,000 barrels per day in 1949 to 350,000 barrels per day currently.

1950 demand on the East Coast exceeded 1949 demand by approximately 21 per cent. It is estimated by the Petroleum Administration for Defense that East Coast demand in 1951 will be about 810,000 barrels per day or 7.5 per cent greater than 1950 demand. Inventory trends cast considerable doubt on our ability to service this expanding requirement. To meet this requirement, supply must be augmented, demand diminished or a combination of both must take place. At the end of April, 1951, combined East Coast and Gulf Coast inventories of residual fuel oil were 15,100,000 barrels, a reduction of about 1,000,000 barrels or 5.6 per cent from the same period during the previous year. This is the lowest stock position for this combined area for this time of year since April, 1947. A more significant barometer of the adequacy of our inventory position is day's supply of residual fuel oil related to demand. The following table shows day's supply of residual stocks on the East Coast and Gulf Coast, by months, for the years 1947–51.

Day's Supply Residual Fuel Oil, Combined East and Gulf Coasts

Month	Year				
	1947	1948	1949	1950	1951
Jan. 1	21.7	29.3	34.9	29.9	19.3
Feb. 1	18.4	18.2	32.6	20.1	15.7
Mar. 1	17.2	18.3	30.1	17.2	16.4
Apr. 1	17.5	18.3	29.7	17.4	15.1
May 1	17.9	21.2	31.7	18.1	.....
June 1	20.7	23.7	31.6	19.2	.....
July 1	22.6	26.3	30.3	20.4	.....
Aug. 1	26.3	30.2	28.3	21.1	.....
Sept. 1	27.5	31.5	26.0	22.5	.....
Oct. 1	27.1	37.6	26.3	22.3	.....
Nov. 1	26.4	39.3	24.7	21.6	.....
Dec. 1	22.4	35.2	21.9	18.3	.....

It is clear from the foregoing that our stock position this spring relative to demand calculated in day's supply is similarly at its lowest level since the beginning of 1947. It is estimated that if stocks on April 1, 1952 are the same as they are today, they will represent only 14.9 days of supply based on anticipated demand at that time. Moreover, the Petroleum Administration for Defense considers a minimum safe level for entering the winter of 1951–52 to be 28,000,000 barrels at the Gulf and East Coasts as compared with the afore-mentioned level of only 15,100,000 barrels. Normally, inventories start accumulating during this time of year for the following winter. This normal trend is not taking place. Inventories have remained stable during the last month.

Residual fuel oil is in direct competition with other fuels, i. e., gas and coal. To some extent it is possible for both institutional and domestic consumers to substitute such other fuels, principally bituminous coal, in the absence of an adequate supply of residual fuel oil. Such substitution, however, is possible only within limits, and these limits are not sufficient to permit the economy to be endangered by loss of any part of this vital fuel which might threaten. At present relative ceiling prices for residual fuel oil and bituminous coal, there is no incentive for consumers with standby coal facilities, principally utilities, to shift from the use of oil, which is in tight supply, to coal. Indeed, to the extent that oil is available, existing cost relationships favor the substitution of oil for coal. Although it is not possible to

ascertain a precise parity between coal and oil due to the existence of many variable factors such as locational differences, energy yield disparities, particular plants involved, and estimates of handling convenience, the following comparison is roughly indicative of the value relationship between both fuels. Currently, the ceiling price at New York City for a ton of bituminous coal converted to a barrel of No. 6 residual fuel oil equivalent is approximately $2.31. The ceiling price for No. 6 Commercial Standard Specification Residual Fuel Oil at New York Harbor for tank car delivery is $2.15. Thus, existing ceilings for these competitive fuels favor fuel oil by $.16 per barrel, not including the value factor involved in the easier handling of fuel oil. As a result of this price relationship, an augmented demand is being imposed upon a tight fuel oil supply situation already strained by the high level of industrial activity.

Normal pricing structure on East Coast. As indicated above, the East Coast is directly dependent upon tidewater movement for the residual fuel oil it consumes. Accordingly, the cost structure determining the normal selling prices of these products is predicated upon two basic factors: (1) Prices at sources of origin, and (2) prevailing tanker transportation rates from origin to Eastern Seaboard ports. The base period selling price for No. 6 Commercial Standard Specification Fuel Oil, the principal residual fuel oil consumed, was $1.75 per 42-gallon barrel at the U. S. Gulf. This selling price has been frozen into a ceiling under Ceiling Price Regulation 17, together with prices ranging from $2.08 per barrel for tank car or transport truck deliveries at Miami, Florida, the most Southerly fuel oil import point on the East Coast, to $2.23 at Searsport, Maine, the most Northerly point. These prices have been in effect since July, 1950. At that time, East Coast prices were structuralized on the basis of an average transportation rate which reflected approximately the difference between these prices and Gulf Coast prices. Thus, the U. S. Gulf refinery district selling price of $1.75 per barrel for No. 6 Fuel Oil, plus the prevailing tanker rate of 25 to 30 cents per barrel to New York Harbor, the single largest consuming area of fuel oil on the Eastern Seaboard, resulted in a New York Harbor price of $2.00 per barrel. To this delivered tanker cost was added a customary differential of 15 cents per barrel to cover terminal operations, establishing a ceiling price of $2.15 for barge, tank car or transport truck sales. Since July, 1950, although the f. o. b. prices at points of origin have remained stable, as well as prices at Eastern Seaboard ports, there has taken place a steady and substantial increase in transportation rates for tanker movements. From a rate of 25–30 cents per barrel for movement from U. S. Gulf to New York Harbor, the spot market advanced to a peak of $1.31 per barrel during January, 1951. To the extent that any fuel oil importer was totally dependent upon the spot market for the chartering of tankers, he found himself in an untenable position having to sustain an out-of-pocket loss of $1.06 per barrel, representing the spot market increase in tanker rates above the levels upon which East Coast ceiling prices have been established. This rate has since declined reflecting a seasonal softening of charter rates, but it is anticipated that rates will become firmer and may reach the spot market high of January, 1951 as the 1951–52 winter is approached. However, the majority of fuel oil transported is not dependent on the spot market for tonnage. Most importers of residual fuel oil either own tanker tonnage or control tonnage at relatively favorable rates on the basis of long-term charters. This tonnage is insufficient to meet the requirements for importation of the total volume of product required to supply Eastern Seaboard demands, and there is a need for a substantial supplementation of owned and controlled tonnage by these importers who find it necessary, therefore, to secure charters on the open market. The principal suppliers of residual fuel oil have advised the Office of Price Stabilization that term charters for the winter of 1951–52 have been entered into at a cost of approximately 66 cents per barrel, U. S. Gulf to New York Harbor. In addition, individual companies owning tonnage have submitted that their operating costs for this tonnage have advanced between 20 per cent and 80 per cent since the end of World War II.

Control of tanker rates. During the last war, shipping rates were under the control of the War Shipping Administration and were established at a basic rate of approximately 44 cents per barrel for shipments from the U. S. Gulf to New York Harbor with specified differentials for other ports based on location. Under controls instituted by the Office of Price Administration, the difference between maximum prices for residual fuel oils at New York Harbor and maximum prices at the Gulf Coast refinery district reflected this differential. With the abandonment of rate control by the War Shipping Administration and the elimination of price controls of petroleum products in the middle of 1946, the differential between prices at the U. S. Gulf and the East Coast continued to reflect prevailing transportation rates within moderate variations until July, 1950. As previously noted, since July both long and short term charter rates have advanced very considerably above this World War II War Shipping Administration rate and the lower rate upon which current East Coast ceiling prices were established. At the present time, ceiling prices for domestic charter rates are established under the General Ceiling Price Regulation and, therefore, are subject to the control of the Office of Price Stabilization. These rates, in common with ceiling prices for other goods and services covered by the General Ceiling Price Regulation, are frozen at the highest levels charged during the period December 19, 1950, to January 25, 1951 to a purchaser of the same class. During the base period, spot market charter rates had soared to five times their pre-Korean level. Study is under way by the Office of Price Stabilization of the justification for this increase. However, since this is necessarily a time-consuming study involving foreign charters not subject to U. S. jurisdiction and calling for joint consideration by other agencies of government, it is, therefore, deemed unwise and inequitable to forego interim consideration and resolution of the petroleum pricing problem pending completion of this study.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

Representations were made to the Director of Price Stabilization that unless existing ceiling prices of residual fuel oils on the Eastern Seaboard are adjusted to reflect, in part, increased transportation costs, a serious shortage of these products will ensue, particularly as the full impact of the defense effort makes itself felt on the level of industrial activity. Principal importers have emphasized that as existing commitments expire, renewals will be reduced and importation of product held to an absolute minimum. Alternatively, it has been indicated that product will be diverted to more profitable world markets whose demands have also increased concomitant with the allied defense effort. The Petroleum Administration for Defense, the government agency charged with the responsibility for ensuring adequate supplies of petroleum products for the economy, has called attention to the need for stimulating the movement of residual fuel oil to the East Coast. In a letter to the Director, the Petroleum Administrator has stated that any price impediments obstructing the supply of product to, and the accumulation of adequate inventories in this strategic industrial area, should be removed.

On the basis of the foregoing, the Director of Price Stabilization finds that an adjustment in the ceiling prices of residual fuel oil on the Eastern Seaboard is both necessary and warranted. Failure to take such action could impair the defense effort and impose undue hardships on domestic consumers dependent upon this fuel. It should stimulate supply and encourage inventory expansion which usually takes place at this time of year, but instead has remained stable. In addition, percentage yields of residual fuel oil are declining and these adjustments will tend to arrest this trend. Moreover, by adjusting the price relationship between residual fuel oil and other fuels, a more satisfactory balance in the demand relationship between these fuels will be achieved.

With the prospect of an acute supply situation developing this winter, it is desirable and urgent that the industrial establishments, principally utilities, which are equipped to use coal through existing stand-by facilities, maximize such use. According to informed sources, more than twenty million barrels of residual fuel oil a year may be saved through conversions and such conversions will be stimulated by these price adjustments.

The adjustments in ceiling prices herein authorized range from 17 cents per barrel at Miami, Florida, to 31 cents per barrel at Boston, Massachusetts, for No. 6 Commercial Standard Specifications Fuel Oil. In addition, provision is made for similar adjustments in the ceiling prices of all other grades of residual fuel oil. In selecting these amounts, consideration was given to two factors. Firstly, consideration was given to the substantial tonnage either owned or controlled by the importing oil companies which, to this extent at least, makes the spot market charter rates unrealistic. Thus, the amount of out-of-pocket loss suffered by payment of rates in excess of the transportation rates recognized in the ceiling prices established by this amendment, is partially offset. Secondly, in March, 1951, shipping companies entered into a participating pool under the direction of the Maritime Commission designed to make available to the Military Sea Transport Service, tonnage necessary to accomplish military requirements. In establishing this participating pool, the Maritime Commission, after an examination of operating costs of tankers, established a basic rate of 55 cents per barrel, Gulf to New York, for T/2 tankers which have a capacity of about 105,000 barrels of residual fuel oil, and a basic rate of 61 cents per barrel for Liberty Ships which are of smaller tonnage. Based on the T/2 rate, participants in the pool are receiving 11 cents per barrel higher than the basic rate established by the War Shipping Administration during the last war and the rate is approximately 30 cents per barrel higher than the rate upon which the present New York Harbor price structure is established.

The T/2 tanker rate established by the U. S. Maritime Commission appears to provide a fair basis for the adjustment of ceiling prices on the East Coast, necessitated by altered charter rates which have made these ceiling prices unrealistic. Accordingly, the adjustments in ceiling prices permitted by this amendment have been predicated upon the charter rates established for military movements by the U. S. Martime Commission. This action is tentative, pending the completion of studies designed to establish specific tanker rates for civilian movement as well as military movement of petroleum products.

In the judgment of the Director of Price Stabilization the ceiling prices established by this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended by deleting the word "(reserved)" and by adding the following to section 21 (a):

SEC. 21. *Residual fuel oils and blends thereof with distillate fuel oils*—(a) *Specific prices*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The ceiling prices for No. 6 Commercial Standard Specifications Fuel Oil in bulk lots for delivery into barge and tank car or transport trucks, f. o. b. refineries and Seaboard tanker terminals shall be as follows at the enumerated points below:

Atlantic coast ports	Dollars per 42-gallon barrel	
	Barge	Tank car or transport truck
Searsport, Maine	2.51	2.54
Portland, Maine	2.51	2.54
Portsmouth, New Hampshire	2.51	2.54
Everett, Massachusetts	2.51	2.51
Boston, Massachusetts	2.51	2.51
Fall River, Massachusetts	2.47	2.47
Tiverton, Rhode Island	2.47	2.47
Providence, Rhode Island	2.47	2.47
New London, Connecticut	2.47	2.47
New Haven, Connecticut	2.47	2.47
Bridgeport, Connecticut	2.47	2.47
New York City, New York	2.45	2.45
Philadelphia, Pennsylvania	2.45	2.48
Baltimore, Maryland	2.45	2.48
Norfolk, Virginia	2.49	2.49
Wilmington, North Carolina	2.33	2.36
Charleston, North Carolina	2.34	2.34
Savannah, Georgia	2.34	2.34
Jacksonville, Florida	2.28	2.31
Miami, Florida	2.22	2.25
Tampa, Florida	2.16	2.19
Port St. Joe, Florida	2.16	2.19
Panama City, Florida	2.16	2.19

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add to the specific prices set forth above such base period differentials.

(3) *Resellers.* Any reseller, or primary supplier acting as a direct seller to consumers or performing the function of a reseller, whose ceiling prices for residual fuel oils as established under other provisions of this regulation have been increased as a result of subparagraphs (1) and (2) above may add such increases to his ceiling prices.

(4) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under (1), (2), and (3) above shall in all cases reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 4, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6595; Filed, June 4, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Amdt. 1]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

CORRECTION OF EXAMPLE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 29 to the General Ceiling Price Regulation (16 F. R. 803) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Supplementary Regulation 29 to the General Ceiling Price Regulation corrects Example 2 in section 3. Example 2 incorrectly determines percentage markup on the basis of the invoice cost of 24⅝¢ from Mill C when it should be determined on the basis of the net invoice cost of 24⅜¢ from Mill B.

AMENDATORY PROVISIONS

Example 2 in section 3 of Supplementary Regulation 29 to the General Ceiling Price Regulation is amended to read as follows:

Example 2. A wholesaler customarily bought unbleached muslin from several mills. In November 1950, he purchased muslin from Mill A at 24⅛ cents net per yard, at which time his selling price was 29 cents net per yard. On December 13, 1950, he purchased a lot of unbleached muslin from Mill B at 24⅜ cents net per yard and established a selling price of 30 cents net per yard. On January 11, 1951, he purchased another lot of the muslin from Mill C at 24⅝ cents net per yard, but did not change his selling price. The 30-cent price became the wholesaler's frozen ceiling price. On February 28, 1951, the wholesaler purchased a lot of muslin from Mill A at 25⅛ cents net per yard; and on April 13, 1951, purchased from Mill B at 25⅜ cents net per yard. The wholesaler recalculates his ceiling price under this section as follows: He finds the percentage markup by reference to the last invoice received from any supplier before establishing the price which became his "frozen" price (i. e., the invoice from Mill B for 24⅜ cents net per yard), and determines his percentage markup with reference to his frozen price ($30-24\frac{3}{8}=5\frac{5}{8}\div 24\frac{3}{8}=23.1\%$) and applies the percentage markup on cost, 23.1%, to the net invoice cost on the last invoice received from each supplier prior to May 28, 1951. He finds that he has received invoices from Mill A on February 28, and from Mill B on April 13, and that as to these suppliers he will have two ceiling prices: for sales of muslin purchased from Mill A his ceiling price will be 30⅞ cents per yard ($25\frac{1}{8}\times .231=5\frac{4}{5}+25\frac{1}{8}=30\frac{7}{8}$ cents); for sales of muslin purchased from Mill B his ceiling price will be 31¼ cents per yard ($25\frac{3}{8}\times .231=5\frac{9}{10}+25\frac{3}{8}=31\frac{1}{4}$ cents).

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 4th day of June 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6594; Filed, June 4, 1951; 4:00 p. m.]

[General Overriding Regulation 12]

GOR 12—CERTAIN SOLID FUEL EXEMPTIONS

ANTHRAFILT AND SEACOAL FACING

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Gen-

eral Order No. 2 (16 F. R. 738), this General Overriding Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is designed to exempt from price control certain solid fuels. At this time only two specially prepared coals called "anthrafilt" and "seacoal facing" when sold for non-fuel purposes are exempted, but it is anticipated that other items may be added from time to time.

The first of these, "anthrafilt", is prepared from selected sizes of Pennylvania anthracite and is used in lieu of sand and gravel as a filter medium in municipal filters, swimming pool filters, and all types of industrial filters. The total sales of anthrafilt during 1950 amounted to 8,701 tons. The market is very limited, anthrafilt being used only when new filters are built, or when existing filtration plants replace sand and gravel with anthrafilt; replacement is negligible. The product is engineered and sold exclusively by one organization designed to promote non-fuel uses of anthracite coal. While Ceiling Price Regulation 4 now governs Pennsylvania anthracite produced and sold f. o. b. mine, that regulation makes no mention of anthracite when used as a filter medium, and some confusion now exists as to whether or not Ceiling Price Regulation 4 governs the sale of anthrafilt.

While it is anticipated that there will be some increase in the price of anthrafilt if it is exempted from price control, this increase is not expected to go beyond that already granted coal producers as a result of the wage increase granted miners February 1, 1951. Anthrafilt, during the days of the Office of Price Administration, was exempt and no excess price increase was noted.

The other type of coal exempted is known as "seacoal facing" and is prepared by grinding and crushing high grade bituminous coal. For distribution purposes, it is usually packed in 100 lb. bags and sold to foundries for use in molds in the preparation of certain castings. The total use of seacoal facing during 1950 was approximately 100,000 tons, which is a very small part of the 550 to 560 million tons of bituminous coal produced annually. While seacoal facing is an element of cost in the production of castings, it represents less than $\frac{1}{10}$ of 1 percent of the current price of such castings. An extremely competitive situation exists in seacoal facing and as there is no shortage at the present time, nor any foreseeable shortage, it is not expected that exemption from price control will result in any unjustified increase in price. In addition, the Director has concluded that the maintenance of controls on these items would present the Office of Price Stabilization with administrative difficulties which are disproportionate to their significance.

This order exempting these two products also requires that the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., be notified of any price increase at the time such increase is to be put into effect. In this way the Office of Price Stabilization will be kept current with the price situation and will have immediate knowledge of any undue price increases, if such should occur.

REGULATORY PROVISIONS

Sec.
1. Applicability of this regulation.
2. Exemptions.
3. Suspensions.
4. Special treatment.
5. Records.
6. Reporting.
7. Definitions.
8. Reservations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of this regulation.* This General Overriding Regulation exempts or suspends from price control the sales of certain solid fuels either directly or when sold for certain uses. This regulation also treats specially the sales of certain products or certain sales of products.

SEC. 2. *Exemptions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) Sales by the producers or distributors of Pennsylvania anthracite when sold and delivered under the trade name, "Anthrafilt", for use as a filter medium. Persons making such sales are subject to the record-keeping (section 5) and reporting (section 6) provisions of this regulation.

(b) Sales by producers or distributors of bituminous coal when sold and delivered as seacoal facing for use on a non-fuel basis in the preparation of molds for castings. Persons making such sales are subject to the record-keeping (section 5) and reporting (section 6) provisions of this regulation.

SEC. 3. *Suspensions.* [Reserved]

SEC. 4. *Special treatment.* [Reserved]

SEC. 5. *Records.* (a) When required by the provisions of sections 2, 3, or 4 of this regulation, those persons making sales referred to in this regulation shall maintain for the inspection of the Director of Price Stabilization for a period of two years all records relating to such sales, indicating elements of cost and receipts.

(b) [Reserved]

SEC. 6. *Reporting.* (a) When required by the provisions of sections 2, 3, or 4 of this regulation, those persons selling the commodities listed in this regulation shall notify the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., within ten days after making any general increase in prices above those in effect on the effective date of this regulation.

(b) [Reserved]

SEC. 7. *Definitions.* The terms in this regulation shall be construed as follows:

(a) "Anthrafilt" means anthracite coal prepared and sold for use as a filter medium under the trade name "Anthrafilt".

(b) "Seacoal facing" means bituminous coal prepared and sold for use in the preparation of molds for castings and not as fuel.

(c) "Distributor" means a person who purchases a solid fuel f. o. b. mine or preparation plant for resale.

(d) "Solid fuel" means bituminous and anthracite coal, coke, briquets, semi-bituminous, sub-bituminous, lignite, Virginia anthracite, whether used for fuel or otherwise.

SEC. 8. Reservations. The Director of Price Stabilization reserves the right (a) to require persons covered by this regulation to submit records in connection with any price increase, and (b) to impose ceiling prices at any time for the sale of commodities listed in this regulation.

Effective date. This General Overriding Regulation shall become effective June 11, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD P. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6614; Filed, June 5, 1951; 4:00 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretations 34 and 35]

REG. X—REAL ESTATE CREDIT

INT. 34—APPRAISED VALUE OF LOT AND RESIDENCE

Where a residence is to be constructed on a lot acquired more than twelve months ago, the "value" of the residential property, in accordance with the provisions of paragraph (i) (2) (ii) (b) of section 2 of Regulation X, is the appraised value of both the lot and residence.

INT. 35—SHORT-TERM CONSTRUCTION CREDITS

Section 5 (b) of Regulation X exempts from the prohibitions of Regulation X certain construction loans having a maturity of not more than 18 months. The Board, in Interpretation 12 (16 F. R. 2506) stated that a note evidencing such a construction loan which has a maturity of less than 18 months may be renewed pending completion of construction if the date of maturity of the renewal is not more than 18 months after the date the credit originally was extended.

It is the opinion of the Board, however, that such a note having a maturity of less than 18 months may not be renewed after the construction has been completed, even if the date of maturity of the renewal is not more than 18 months after the date the credit originally was extended.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6490; Filed, June 5, 1951; 8:46 a. m.]

[Regulation W, Interpretations 36 and 37]

REG. W—CONSUMER CREDIT

INT. 36—AUTOMOBILE APPRAISAL GUIDES

Certain publishers of automobile appraisal guides designated for purposes of Regulation W plan to publish in forthcoming editions, in addition to the ceiling prices approved by the Office of Price Stabilization (which in general are the average retail prices estimated for January 1951), an estimate of up-to-date, current average retail values. The Board has no objection to the publication of such current figures in the guides and, in fact, considers it desirable. However, until further notice, the appraisal guide value for purposes of Part 4 of section 9 (the Supplement to Regulation W) shall continue to be based on the average retail prices approved by the Office of Price Stabilization for price ceiling purposes.

INT. 37—CREDITS OVER $2,500 OR $5,000

From time to time questions have been received under Regulation W concerning the provisions of sections 7 (a), 8 (j) (5) and (6) which exempt from the regulation instalment credit "in a principal amount" exceeding $5,000 in the case of automobiles, and exceeding $2,500 in other cases.

The views expressed herein shall be regarded as superseding the views expressed in any earlier interpretations under the regulation which may be inconsistent with the views here expressed.

(a) *Whether credits considered individually or collectively.* In certain circumstances, credits may be added and treated collectively as a single credit for the purposes of the foregoing dollar figures. To be considered collectively as a single credit, the indebtedness must not only be incurred between the same Registrant and one customer, but it also must be incurred pursuant to a basic contract between them which governs the indebtedness and which must be relied upon to enforce the indebtedness. Even if there is some kind of basic contract, various items under it cannot be added together to reach the $2,500 (or $5,000) figure if they are represented by individual notes or other evidences of indebtedness that would support an action for the debt without resorting to the basic contract.

The amount stated in the basic contract is not controlling except to the extent that articles have actually been delivered or funds actually been disbursed pursuant to the contract. This may be illustrated by an example in which a Registrant and a customer enter into a contract for the delivery and instalment sale to the customer of, say, 50 refrigerators. Suppose further that each delivery of refrigerators is represented only by a mere receipt that refers back to the original contract and would not support a separate action. In such a case, deliveries under the original, basic contract would be subject to the regulation until the outstanding indebtedness exceeded $2,500. Once that figure was exceeded the entire credit would be exempt. Additional deliveries under the contract while the indebtedness exceeded $2,500 would also be exempt.

The foregoing principles would apply also in the case of instalment leases or instalment loans.

(b) *Continuance of over-$2,500 ($5,000) exemption.* The over-$2,500 (or $5,000) exemption is not lost merely because the principal amount of instalment indebtedness falls below such figure as the obligation is paid down. However, when such indebtedness has fallen below the exemption figure, additions thereto do not get the benefit of the exemption unless they are sufficient to bring the total of the indebtedness above the exemption figure. When the outstanding credit under a leasing or similar contract for financing quantity merchandising has exceeded the exemption amount, substitutions or exchanges of articles that are contemplated by the contract may be made without regard to cash repayments that may in the meantime have reduced the amount of the credit.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. app. 5., E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6506; Filed, June 5, 1951; 8:47 a. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 33 (SRM-2)]

SRM-2—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE EMERGENCY REPAIRS IN FOREIGN PORTS

Sec.
1. What this order does.
2. General Agents authority.
3. General Agents responsibilities.
4. General provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order outlines General Agents responsibilities and limited authority in connection with repairs in foreign ports to vessels operated for the account of the National Shipping Authority under General Agency Agreement.

SEC. 2. *General Agents authority.* The General Agents are hereby delegated authority to undertake for the account of the National Shipping Authority only such emergency repairs outside the Continental United States as may be necessary to enable vessels to complete their voyages, provided the repair costs are not in excess of $5,000.00 per vessel.

SEC. 3. *General Agents responsibilities.* In the event the cost of emergency repairs to a vessel in a foreign port is estimated to exceed $5,000.00, requests for approval shall be transmitted by General Agents by cable or wire addressed to Chief, Division of Ship Repair and Maintenance, Office of Ship Operations, National Shipping Authority, Commerce Building, Washington 25, D. C. and shall include the following information:

(a) The cost and time to effect permanent repairs on a straight time and overtime basis;

(b) The cost and time to effect such temporary repairs on a straight time and overtime basis as will enable the vessel to return to the United States under its own power or under tow;

(c) Whether required repairs can be effected by the use of facilities under the direct control of the Army, Navy, or other agencies of the United States Government, and if so, at what cost and time; and

(d) Where major repairs are involved, a recommendation regarding the advisability of repairing the vessel or abandoning it.

SEC. 4. *General provisions.* The General Agents shall keep the Division of Ship Repair and Maintenance in Washington fully posted in detail as to the nature, extent, cost, and estimated time for completion of all foreign repairs where such repairs are for the account of the National Shipping Authority.

As soon as practicable after completion of either temporary or permanent repairs, the General Agent shall forward to the Division of Ship Repair and Maintenance, Washington, D. C., the following:

(a) A copy of the repair specifications;

(b) An itemized statement of the costs of the repairs supported by copies of invoices;

(c) A copy of the completion certificate showing the repair period, signature of a National Shipping Authority representative (if available), the Agent's technical representative, the Chief Engineer, and the Master of the vessel.

(d) A report indicating the causes and circumstances leading to the repairs.

General Agents shall forthwith instruct their subagents and other representatives in foreign areas and their Masters and Chief Engineers with respect to their operations, pursuant to this directive.

This directive is intended strictly to limit repairs in foreign waters on vessels under National Shipping Authority control to those absolutely necessary to enable the vessels to complete their respective voyages at a port in the United States.

This directive shall not be construed to affect outstanding directives of the Office of the Comptroller.

Effective date: This order shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6548; Filed, June 5, 1951; 8:51 a. m.]

[NSA Order No. 34 (SRM-3)]

SRM-3—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE IN CONTINENTAL UNITED STATES PORTS EMERGENCY REPAIRS AND SERVICE EQUIPMENT OF VESSELS OPERATED FOR THE ACCOUNT OF THE NATIONAL SHIPPING AUTHORITY UNDER GENERAL AGENCY AGREEMENT

Sec.
1. What this order does.
2. General Agents authority.
3. General provisions.

AUTHORITY: Sections 1 to 3 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order outlines General Agents limited authority to arrange for and award contracts for emergency repairs and servicing equipment of vessels operated for the account of the National Shipping Authority under General Agency Agreement.

SEC. 2. *General Agents authority.* The General Agents are:

(a) Hereby delegated authority to arrange for and award contracts for repairs only in emergency situations on vessels operated under the General Agency Agreement for the account of the National Shipping Authority when the aggregate cost of all such repairs in any one continental United States Port is not in excess of $1,000.00.

(b) Also delegated authority to arrange for and order the performance of minor repairs to or servicing of pantry and galley equipment, radios, gyro compasses, fathometers, radio direction finders, Lux fire extinguisher systems, ships clocks, binoculars, barometers, typewriters, adding machines, and any other vessel equipment of a similar nature where the aggregate amount does not exceed $500.00 in any one continental United States Port.

SEC. 3. *General provisions.* (a) The emergency repairs, as covered by Section 2 (a), may be awarded by the General Agents within the limitation specified under either Worksmalrep contract or the Master Lump Sum Repair Contract if the contractor is a holder thereof.

(b) The repairs to or servicing of ships equipment, as covered by section 2 (b), may be awarded by the General Agents within the limitation specified by letter or purchase order.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6549; Filed, June 5, 1951; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Order 1; Docket No. 3666]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of May 1951.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.13 paragraph (b) (3) (15 F. R. 8263, Dec. 2, 1950), redesignated (a) (3) in 49 CFR 71.13, 1950 Rev., to read as follows:

(3) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAML OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5, Commodity list (15 F. R. 8263, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acetyl benzoyl peroxide, solution	Oxy. M.	No exemption, 73.222.	Yellow	1 quart.
Magnesium peroxide, solid	Oxy. M.	73.153, 73.154	Yellow	100 pounds.
Peracetic acid	Oxy. M.	73.223	Yellow	5 pints.
Rubber shoddy, regenerated rubber, or reclaimed rubber.	F. S.	73.153, 73.201	Yellow	10 pounds.
Zinc peroxide	Oxy. M.	73.153, 73.154	Yellow	100 pounds.
Add				
Antimony pentachloride, solution	Cor. L.	73.242, 73.245	White	5 pints.
Chlorpicrin and methyl chloride, mixture	Pois. A.	No exemption, 73.329 (c).	Poison Gas.	75 pounds.
Formic acid, solution	Cor. L.	73.244, 73.245, 73.289	White	5 gallons.
Tetraethyl dithio pyrophosphate and compressed gas mixture.	Pois. A.	No exemption, 73.334	Poison Gas.	Not accepted.
Tetranitromethane	Oxy. M.	No exemption, 73.203	Yellow	25 pounds.
Thiocarbonyl chloride (see thiophosgene).				
Thiophosgene (thiocarbonyl chloride)	Pois. B.	No exemption, 73.356	Poison	1 gallon

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 73—SHIPPERS

1. Cancel first three paragraphs and Note 1 appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 12, 1950) (49 CFR 73, 1950 Rev.).

2. Add Note 1 to § 73.8 paragraph (a), (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.8, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

3. Amend § 73.29 paragraph (a) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers, previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

4. Amend § 73.53 paragraph (i) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

(i) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

5. Amend § 73.65 paragraph (b) (2) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

6. Amend § 73.93 paragraph (a) (5) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.93, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

7. Amend § 73.94 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.94, 1950 Rev.) to read as follows:

(e) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong, sift-proof liner. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

8. Amend § 73.100 paragraphs (b) (p), and (r), (1) (10), and (11) (15 F. R. 8295, 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

(b) Small-arms ammunition, designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than .75, is fixed ammunition consisting of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, or tracer components, but not including bullets loaded with high explosives or incendiary compositions or mixtures.

(p) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.015 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than 1/8 inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 73.109.

(r) Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Fireworks other than those specifically enumerated in this paragraph are classed as special fireworks (see § 73.88 (d)). Common fireworks must be in the finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed in this paragraph which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnic composition in excess of 2 grains in weight.

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition in each candle not to exceed 20 grams in weight.

* * * * *

(10) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

(11) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

9. Amend § 73.107 paragraph (c) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.107, 1950 Rev.) to read as follows:

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraph (a) of this section or in fiberboard boxes, spec. 12B (§ 78.205 of this chapter), and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box. Not more than 5000 primers shall be packed in each fiberboard box.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

10. Amend § 73.116 paragraph (h) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.116, 1950 Rev.) to read as follows:

(h) No cargo tank or compartment thereof used for the transportation of any flammable liquid shall be liquid full. The vacant space (outage) in a cargo tank or compartment thereof used in the transportation of flammable liquids shall be not less than 1 percent; sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

11. Amend § 73.119 paragraphs (a) (9) and (a) (12), (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(9) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over 1 gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

(12) Spec. 103, 103-W, 103AL-W, 104, 104-W, 104A, 104A-W, 105A300, 105A300-W, 105A400, 105A400-W, 105A500, 105A500-W, 105A600, 105A600-W, ARA-II,[2] ARA-III,[2] ARA-IV,[2] or ARA-IV-A.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter.) For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

12. Amend § 73.119 paragraph (e) (2) (15 F. R. 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(2) Spec. 103, 103-W, 103AL-W, 104, 104-W, 104A, 104A-W, 105A300, 105A300-W, 105A400, 105A400-W, 105A500, 105A500-W, 105A600, 105A600-W, ARA-II,[2] ARA-III,[2] ARA-IV,[2] or ARA-IV-A[2]. Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter). Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section).

13. Amend § 73.119 paragraph (f) (4) (15 F. R. 8299, 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(4) Spec. 103, 103-W, 103AL-W, 104, 104-W, ARA-II,[2] ARA-III,[2] or ARA-IV.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, and 78.284 of this chapter). Cars must have their manhole closures equipped with approved safeguards making removal of closures from manhole openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

14. Amend § 73.119 paragraph (h) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(h) *Dome placards.* Spec. 103, 103-W, 103AL-W, 104, 104-W, ARA-II,[2] ARA-III,[2] or ARA-IV.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, and 78.284 of this chapter). Cars loaded with materials described in paragraphs (e) and (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4 1/8 by 10 7/8 inches, with legible wording as follows: (No change in dome placard).

15. Add paragraph (a) (6) to § 73.124 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.124, 1950 Rev.) to read as follows:

(6) Spec. 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W. Tank cars. (§§ 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, or 78.289 of this chapter). Tanks must be restenciled 104A or 104A–W and be equipped with safety valves of the type and size used on 104A and 104A–W tank cars. See Note 1 in § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

16. Amend § 73.138 paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.138, 1950 Rev.) to read as follows:

§ 73.138 *Pentaborane.* (a) Pentaborane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection caps or must be packed in strong wooden boxes and blocked therein so as to protect the valves from injury under conditions ordinarily incident to transportation.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

17. Cancel paragraph (c) (27) of § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.).

18. Add paragraphs (c) (27) and (c) (60) to § 73.153, (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

(27) Tetranitromethane.
(60) Acetyl benzoyl peroxide, solution.

19. Amend § 73.154 paragraph (a) (9) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

(9) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

20. Amend § 73.156 paragraph (a) (5) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.156, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

21. Amend § 73.163 paragraph (a) (3) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.163, 1950 Rev.) to read as follows:

(3) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber or plywood drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

22. Amend § 73.168 paragraph (a) (2) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.168, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

23. Amend § 73.175 paragraph (a) (4) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.175, 1950 Rev.) to read as follows:

(4) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

24. Amend § 73.178 paragraph (a) (6) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.178, 1950 Rev.) to read as follows:

(6) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

25. Amend § 73.195 paragraph (a) (5) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.195, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture.

26. Amend § 73.197 paragraph (a) (3) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.197, 1950 Rev.) to read as follows:

(3) Sheets, rolled, in fiber drums, spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter), having 2 straps applied lengthwise and 1 or more circumferentially; straps at least ½ by 0.02 inch steel.

27. Amend § 73.201 paragraph (a) (4) (5) and (8) and paragraph (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.201, 1950 Rev.) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, rubber shoddy, regenerated rubber or reclaimed rubber.* (a) Rubber scrap, if ground, powdered, or granulated, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and rubber shoddy, regenerated rubber, or reclaimed rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

* * * * *

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes.
(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

* * * * *

(8) Spec. 36A, 36B, or 44B (§§ 78.230, 78.231, or 78.236 of this chapter). Bags.

(b) Rubber scrap, rubber shoddy, regenerated rubber, or reclaimed rubber are not subject to Parts 71–78 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion.

(2) Rubber shoddy, regenerated rubber, or reclaimed rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, and properly cooled before shipment.

28. Cancel § 73.203 paragraphs (a) and (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.).

29. Add § 73.203 paragraph (a) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.) to read as follows:

§ 73.203 *Tetranitromethane.* (a) Tetranitromethane must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, gross weight not exceeding 150 pounds, with inside containers which must be: glass bottles not more than 1 quart capacity each, with closures securely fastened and of a type not deteriorated by the contents, each bottle individually packed in a tight metal container and cushioned therein with absorbent incombustible material; or aluminum cans or polyethylene bottles, not more than 5 pounds capacity each, with opening not more than 1.25 inches diameters, fitted with securely fastened screw type closures and gaskets of material not deteriorated by contact with the contents, cushioned with not less than 2 inches of absorbent incombustible cushioning material between the inside containers and any part of the wooden box.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, with inside stainless steel or aluminum drum (or drums) having no opening exceeding 2.5 inches diameter, openings to be securely closed by a screw type gasketed device, with gaskets of material not deteriorated by contact with the contents. The inside drum (or drums) must be cushioned with not less than 2 inches of absorbent incombustible cushioning material; inside drums shall be of not less than 20 gauge metal and shall be tested for leakage before packing in the outside drum.

30. Amend § 73.204 paragraphs (a) (5) and (a) (6) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.204, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums.

(6) Spec. 21A or 21F (§§ 78.222 or 78.223 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

31. Amend § 73.206 (paragraph (c) (2), (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

(2) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 30 pounds.

32. Amend § 73.207 paragraph (b) (5) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.207, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; drums to withstand two drops from height of 4 feet in same spot or one 6 foot drop in place of drop test as provided in Spec. 21A or 21B (§§ 78.222–4 or 78.223–4 of this chapter); maximum loaded capacity 250 pounds net. Use of this container will be permitted because of the present emergency and until further order of the Commission.

33. Amend § 73.222 paragraph (a) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.222, 1950 Rev.) to read as follows:

§ 73.222 *Acetyl peroxide and acetyl benzoyl peroxide, solution.* (a) Acetyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 25 percent by weight of the peroxide. Acetyl benzoyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 40 percent by weight of the peroxide. They must be packed in specification containers as follows:

34. Add paragraph (b) to § 73.223 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.223, 1950 Rev.) to read as follows:

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from specification packaging, marking, other than name of contents, and labeling requirements.

35. Amend § 73.227 paragraph (a) (2) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.227, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums completely coated on the inside with a suitable wax; or fiber drums having a metal foil (laminated) between two sheets of kraft paper with thermoplastic adhesive moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior to drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS: DEFINITION AND PREPARATION

36. Add paragraph (a) (5) to § 73.254 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.254, 1950 Rev.) to read as follows:

(5) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles.

37. Amend § 73.261 paragraph (a) (2), (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.261, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

38. Amend § 73.266 paragraph (f) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(f) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be packed in specification containers as follows:

(1) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Venting arrangement must be approved by the Bureau of Explosives.

39. Add paragraph (g) to § 73.266 (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(g) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be shipped in tank motor vehicles subject to Parts 71–78 of this chapter provided that such shipments are for ultimate use by the Departments of the Army, Navy, and Air Force of the United States Government. Tank motor vehicles must be of design and venting arrangement approved by the Bureau of Explosives.

40. Amend § 73.275 paragraph (a) (1) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.275, 1950 Rev.) to read as follows:

(1) Spec. 15A, 12B, 21A, or 21B (§§ 78.168, 78.205, 78.222, or 78.223 of this chapter). Wooden boxes, fiberboard boxes, or fiber drums with inside containers which must consist of polystyrene or polyethylene bottles not over 2 pounds capacity each, closed by means of threaded acid-resistant caps with a resilient gasket or lining impervious to the acid; caps must have at least one complete continuous thread and be wired or sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

41. Amend § 73.289 paragraph (a) (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) Formic acid and formic acid solutions must be packed in specification containers as follows:

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

42. Amend § 73.301 paragraph (f) (2) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

(2) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. When a temperature measuring device is used on a cylinder the manifold shut-off valve shall be deemed the equivalent of the individual shut-off valve; boron trifluoride; hydrogen; hydro-carbon gases (nonliquefied); methane.

43. Amend § 73.309 paragraph (a) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.309, 1950 Rev.) to read as follows:

§ 73.309 *Acetylene gas.* (a) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§§ 78.59 or 78.60 of this chapter). The cylinders must be filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

44. Amend § 73.314 paragraph (a) Table, (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

Kind of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
Change		
Dichlorodifluoromethane	119 125	ICC–106A500, ICC–110A500–W, note 12, ICC–105A300.
Monochlorodifluoromethane	105 110	ICC–106A500, ICC–110A500–W, note 12, ICC–105A300.

45. Amend § 73.314 paragraph (a) Table Note 3 paragraph (b) (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, paragraph (a) Table Note 3 paragraph (b), 1950 Rev.) to read as follows:

(b) Because of the present emergency and until further order of the Commission, and only for shipments made during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in the table in Note 3 (a).

[No change in table.]

46. Amend § 73.314 paragraph (a) Table Note 12, (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314 paragraph (a) Table Note 12, 1950 Rev.) to read as follows:

NOTE 12: Tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A600 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to

prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

47. Amend § 73.314 paragraph (g) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

(g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, fertilizer ammoniating solution containing free ammonia, methyl chloride, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds: *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC–105A300 (§ 78.271 of this chapter) if tanks are forge-welded and ICC–105A300W (§ 78.286 of this chapter) if tanks are fusion-welded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§§ 78.273 or 78.288 of this chapter), the quantity of liquefied chlorine gas or liquefied sulfur dioxide gas loaded into such tanks must be not more than 110,000 pounds and the quantity of liquefield chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

48. Amend § 73.329 paragraph (c) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.329, 1950 Rev.) to read as follows:

(c) Chlorpicrin, mixture of chlorpicrin and methyl chloride, or mixtures of chlorpicrin with nonpoisonous liquid, in addition to containers prescribed in paragraphs (a) and (b) of this section, when offered for transportation by carriers by rail freight, highway, or water may be shipped in specification containers as follows:

49. Amend § 73.334 paragraph (a) (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.334, 1950 Rev.) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

50. Add paragraph (b) (7) to §73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

(7) Thiophosgene.

51. Amend § 73.353 paragraph (a) (2) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

(2) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.205 of this chapter). Wooden, wire-bound wooden, or fiberboard boxes, with inside metal cans containing not over 1 pound each; outage required so can shall not become liquid-full at 130° F. Cans must be of tinplate or lined with suitable material and must have concave or pressure ends. Cans must be able to withstand an interior pressure of 130 pounds per square inch gauge without evidence of leakage or permanent distortion.

52. Add § 73.356 paragraph (a) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.356, 1950 Rev.) to read as follows:

§ 73.356 *Thiophosgene.* (a) Thiophosgene must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 pint capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of the container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 quart capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of container.

53. Amend § 73.373 paragraph (a) (3) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.373, 1950 Rev.) to read as follows:

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

54. Amend § 73.374 paragraph (a) (2), (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.374, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on the bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

55. Amend § 73.392 paragraph (c) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.392, 1950 Rev.) to read as follows:

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipment in carload lots by rail freight only provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car, and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Shipments must be loaded by consignor and unloaded by consignee.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 74—CARRIERS BY RAIL FREIGHT

1. Add Note 1 to § 74.505 paragraph (a) (15 F. R. 8345, Dec. 2, 1950) (49 CFR 74.505, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

2. Amend § 74.526 paragraph (b) (1) (15 F. R. 8346, 8347, Dec. 2, 1950) (49 CFR 74.526, 1950 Rev.) to read as follows:

(b) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with lighted heaters.

3. Amend § 74.529 paragraph (a) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with lighted heaters.

4. Amend § 74.532 paragraphs (b), (d), and (e) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

(b) Flammable liquids (red label) and flammable gases (red gas label) must not be loaded, transported, or stored in cars equipped with lighted heaters.

(d) Metal barrels or drums containing flammable liquids may be loaded on steel gondola or flat cars or into stock cars, but must not be loaded into hopper bottom cars.

(Note 1 to paragraph (d) remains unchanged.)

(e) Empty cylinders, barrels, kegs, or drums, previously used for the shipment of any dangerous article, as defined in Part 73 of this chapter, must have all openings including removable heads, filling and vent holes properly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

5. Amend § 74.584 paragraph (a) Table (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.584, 1950 Rev.) to read as follows:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be 3/8 high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives and low explosives, class A, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	None	"Explosives Placard".	"Explosives".
For explosive chemical ammunition containing class A poison gas	Poison gas label	"Explosives and Poison Gas Placard".	"Explosives" and "Poison Gas".
For explosives, class B, except smokeless powder for small arms in quantity exceeding 50 pounds net weight	None	"Dangerous Placard".	"Dangerous".
For explosives, class C	None	None	None.
For flammable liquids	Red label	"Dangerous Placard".	"Dangerous".
For flammable solids	Yellow label	"Dangerous Placard".	"Dangerous".
For oxidizing materials	Yellow label	"Dangerous Placard".	"Dangerous".
For corrosive liquids	White label	"Dangerous Placard".	"Dangerous".
For compressed nonflammable gases in containers other than tank cars	Green label	None	None.
For compressed nonflammable gases in tank cars	None	"Dangerous Placard".	"Dangerous".
For compressed flammable gases	Red gas label	"Dangerous Placard".	"Dangerous".
For poisonous gases or liquids, class A	Poison gas label	"Poison Gas Placard".	"Poison Gas".
For poisonous liquids or solids, class B	Poison label	"Dangerous Placard".	"Dangerous".
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D, poison	Radioactive materials label.	"Dangerous class D Poison Placard".	"Dangerous class D Poison".

6. Amend § 74.589 paragraph (g) (7), (15 F. R. 8356, Dec. 2, 1950), redesignated as (h) (7) in 49 CFR 74.589, 1950 Rev., to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

7. Amend § 74.589 paragraph (i) (7) (15 F. R. 8356, Dec. 2, 1950), redesignated as (j) (7) in 49 CFR 74.589, 1950 Rev., to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

8. Add paragraph (a) (1) to § 74.595 (15 F. R. 8357, 8358, Dec. 2, 1950) (49 CFR 74.595, 1950 Rev.) to read as follows:

(1) Small quantities of the material with which the tank car was loaded may remain in the "empty" tank car and when the vapors remaining therein are unstable it is permissible to add sufficient inert gas to render the vapors stable.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Add Note 1 to § 77.805 paragraph (a) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.805, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide or when charged with nitrogen not in excess of 2,000 pounds per square inch, and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253, dated March 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

2. Amend § 77.840 paragraph (c) (15 F. R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

(c) Tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.51–10 paragraph (c) (15 F. R. 8406, Dec. 2, 1950) (49 CFR 78.51–10, 1950 Rev.) to read as follows:

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

2. Amend § 78.51–17 paragraph (d) (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51–17, 1950 Rev.) to read as follows:

(d) *Alternate guided-bend test.* An alternate guided-bend test jig, as illustrated in § 78.51–23 (a) and (b), may be used for testing the soundness of fillet welded lap joints and joggle butt joints. The test specimen shall be bent across the weld as illustrated in sketch A or B for fillet welded lap joints and as illustrated in sketches C and D for joggle butt joints. The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines—a to b, shall be at least 20 percent; except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.51–16. No tested specimen shall show a crack, or other defect, as specified in § 78.51–17 (c). The gauge lines shall be lightly scribed before bend-

ing. The amount of elongation may be conveniently determined with a Brinell microscope or any other suitable method may be employed.

3. Amend § 78.51–20 paragraph (a) Table I (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51–20, 1950 Rev.) to read as follows:

TABLE 1—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15.
Sulfur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.
Silicon	0.15/0.35.	0.15 max.	0.10/0.50.	0.50/0.90	0.23/0.75.
Chromium			0.40/1.00.	0.45/0.70.	0.50/1.25.
Molybdenum		0.08/0.18.			
Zirconium				0.05/0.25.	
Nickel		0.45/0.75.	0.25/0.75.		0.65 max.
Copper	0.40 max.	0.95/1.30.	0.50/0.70.		0.25/0.55.
Aluminum		0.12/0.27.			
Heat treatment authorized	(3)	(3)	(3)	(3)	(3)
Maximum stress	35,000.	35,000.	35,000.	35,000.	35,000.
	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max.	0.13/0.20.	0.15 max.	0.12 max.	0.15 max.
Manganese	0.60/1.00.	0.75/1.10.	0.90/1.40.	0.50/1.00.	0.30/0.60.
Phosphorus	0.045 max.	0.04 max.	0.09/0.135.	0.040 max.	0.04 max.
Sulfur	0.045 max.	0.04 max.	0.04 max.	0.050 max.	0.05 max.
Silicon	0.15/0.30.	0.25/0.35.	0.10 max.		
Chromium	0.15/0.50.				
Molybdenum	0.15/0.35.	0.25/0.35.		0.10/0.30.	
Zirconium					
Nickel				0.50/1.20.	1.50/2.00.
Copper	0.20/0.50.		0.30/0.70.	0.50/1.00.	0.75/1.25.
Aluminum					
Heat treatment authorized	(3)	(3)	(3)	(3)	(3)
Maximum stress	35,000.	35,000.	35,000.	35,000.	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

4. Amend § 78.55–2 paragraph (c) (15 F. R. 8417, Dec. 2, 1950) (49 CFR 78.55–2, 1950 Rev.) to read as follows:

(c) *Size.* The maximum water capacity of this type shall not exceed 12 pounds or 333 cubic inches. The maximum outside diameter of the shell shall be five inches and maximum length of shell 21 inches.

5. Amend § 78.59–12 paragraph (b) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59–12, 1950 Rev.) to read as follows:

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

6. Amend § 78.59–16 paragraph (a) (15 F. R. 3420, Dec. 2, 1950) (49 CFR 78.59–16, 1950 Rev.) to read as follows:

§ 78.59–16 *Porous filling.* (a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized, provided that such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling material. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

7. Amend § 78.60–4 paragraph (a) Table 1 (15 F. R. 8422, 8423, Dec. 2, 1950) (49 CFR 78.60–4, 1950 Rev.) to read as follows:

TABLE 1—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15.
Sulfur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.
Silicon	0.15/0.35.	0.15 max.	0.10/0.50.	0.50/0.90.	0.25/0.75.
Chromium			0.40/1.00.	0.45/0.70.	0.50/1.25.
Molybdenum		0.08/0.18.			
Zirconium				0.05/0.25.	
Nickel		0.45/0.75.	0.25/0.75.		0.65 max.
Copper	0.40 max.	0.95/1.30.	0.50/0.70.		0.25/0.55.
Aluminum		0.12/0.27.			
Heat treatment authorized	(3)	(3)	(3)	(3)	(3)
Maximum stress	35,000.	35,000.	35,000.	35,000.	35,000.
	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max.	0.13/0.20.	0.15 max.	0.12 max.	0.15 max.
Manganese	0.60/1.00.	0.75/1.10.	0.90/1.40.	0.50/1.00.	0.30/0.60.
Phosphorus	0.045 max.	0.04 max.	0.09/0.135.	0.040 max.	0.04 max.
Sulfur	0.045 max.	0.04 max.	0.04 max.	0.050 max.	0.05 max.
Silicon	0.15/0.30.	0.25/0.35.	0.10 max.		
Chromium	0.15/0.50.				
Molybdenum	0.15/0.35.	0.25/0.35.		0.10/0.30.	
Zirconium					
Nickel				0.50/1.20.	1.50/2.00.
Copper	0.20/0.50.		0.30/0.70.	0.50/1.00.	0.75/1.25.
Aluminum					
Heat treatment authorized	(3)	(3)	(3)	(3)	(4)
Maximum stress	35,000.	35,000.	35,000.	35,000.	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19–46.
[6] Only fully killed steel authorized.

8. Amend § 78.60–14 paragraph (b) (15 F. R. 8423, Dec. 2, 1950) (49 CFR 78.60–14, 1950 Rev.) to read as follows:

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

9. Amend § 78.60–20 paragraph (a) (15 F. R. 8424, Dec. 2, 1950) (49 CFR 78.60–20, 1950 Rev.) to read as follows:

§ 78.60–20 *Porous filling.* (a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized: *Provided,* That such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and longitudinally and that such clearances do not impair the functions of the filling ma-

terial. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

10. Amend § 78.83–11 paragraph (a) (15 F. R. 8435, Dec. 2, 1950) (49 CFR 78.83–11, 1950 Rev.) to read as follows:

78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding after which the part to which the plate is attached must be annealed, as follows:

11. Amend § 78.107–9 paragraph (a) (3) (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

12. Amend § 78.108–9 paragraph (a) (3) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.108–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

13. Amend § 78.109–9 paragraph (a) (3) (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.109–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

14. Amend § 78.116–8 paragraph (b) (15 F. R. 8448, 8449, Dec. 2, 1950) (49 CFR 78.116–8, 1950 Rev.) to read as follows:

(b) Closing part (plug, cap, plate, etc. see Note 1) must be of metal as thick as prescribed for head of container: *Provided,* That thinner metal closures or closures of other material are authorized for containers of 12 gallons capacity or less when opening to be closed is not over 2.5" diameter and closures, except threaded metal closures, are fitted with outside sealing devices which cannot be removed without destroying the closure or sealing device. Closures of a material other than metal must be of a type approved by the Bureau of Explosives for use, after satisfactory proof of efficiency.

(Note 1 to paragraph (b) remains unchanged.)

15. Amend § 78.125–5 paragraph (a) Table (15 F. R. 8451, Dec. 2, 1950) (49 CFR 78.125–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	24	24
	160	do	No	22	22
	300	do	No	20	20
	425	do	No	19	19
	480	do	Yes	19	19
	880	do	Yes	18	18

16. Amend § 78.126–5 paragraph (a) Table (15 F. R. 8452, Dec. 2, 1950) (49 CFR 78.126–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
	160	do	No	25	25
	230	do	No	24	24
	425	do	No	22	22
	480	do	Yes	22	22
	880	do	Yes	20	20

17. Amend § 78.127–5 paragraph (a) Table and footnote (15 F. R. 8452, Dec. 2, 1950) (49 CFR 78.127–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
55	160	do	No	26	26
55 [1]	275	do	No	24	24
55	425	do	No	24	24
55	480	do	Yes	24	24
55	880	do	Yes	22	22

[1] Because of the present emergency and until further order of the Commission.

18. Amend § 78.128–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.128–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	No	28	28
	160	do	No	28	28
	325	do	No	26	26
	425	do	No	24	24
	480	do	Yes	26	26
	880	do	Yes	24	24

19. Amend § 78.129–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.129–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness in the black (gage, United States standard)	
			Body sheet	Head sheet
10	45	Straight side	28	28
35	145	do	26	26
90	245	do	24	24
55	245	do	22	22

20. Amend § 78.136–9 paragraph (a) (3) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.136–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS AND MAILING TUBES

21. Amend § 78.205–28 paragraph (a) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–28, 1950 Rev.) to read as follows:

§ 78.205–28 *Special box; authorized only for wet electric storage batteries of impregnated rubber, asphaltum composition, wooden-battery-box type, or aluminum-case type, having a net weight greater than 75 pounds.* (a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 400-pound test, or solid fiberboard testing at least 400 pounds; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box, top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad

or double wall corrugated fiberboard pad; sides and ends to be cushioned between batteries and walls of box; combined thickness of cushioning material and walls of box must be not less than ½", cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box, authorized gross weight 190 pounds.

22. Amend § 78.214–14 paragraph (a) (15 F. R. 8479, 8480, Dec. 2, 1950) (49 CFR 78.214–14, 1950 Rev.) to read as follows:

§ 78.214–14 *Flap closures.* (a) Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

SUBPART I—SPECIFICATIONS FOR TANK CARS

23. Add § 78.291 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.291, 1950 Rev.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* This specification covers Class ICC–103–AL–W tank cars having fusion-welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

AAR–1. *Lagging.* (a) Not a specification requirement. If applied, the tank shell and dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour.

AAR–1. (b) Before lagging is applied the tank surfaces to be lagged and the inside surface of the metal jacket shall be painted.

AAR–1. (c) The barrel, ends and dome of tank, except seatings of tanks on bolster and pads of fixtures, shall be lagged with insulating material.

AAR–1. (d) The lagging throughout shall be covered with a metal jacket not less than ⅛ inch in thickness.

AAR–1. (e) Openings through lagging shall be flashed around projections to prevent admission of water. Top of dome shall be so constructed that liquids cannot enter between dome wall and outer shell.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 300 pounds per square inch.

AAR–2. *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph ICC–4.

$$t=\frac{Pd}{2SE},$$

where

t = thickness in inches of thinnest plate.
P = specified min. bursting pressure pounds per square inch.
d = inside diameter in inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds as given below.
E = efficiency of longitudinal welded joint = 90 percent.

Alloy 996A = 9,500 p. s. i.
Alloy 990A = 11,000 p. s. i.
Alloy M1A = 14,000 p. s. i.
Alloy GS11A = 24,000 p. s. i.

ICC–3. *Material.* (a) All plates for tank and expansion dome shall be of an aluminum alloy suitable for fusion welding and not subject to rapid deterioration by the lading.

ICC–3. (b) All rivets must be of aluminum alloy of suitable composition. They must be handled and driven in a manner that will insure the requisite strength.

AAR–3. *Material.* (a) All plates for the tank and expansion dome must conform to Specification A. S. T. M. No. B–178, latest issue (Aluminum and Aluminum Alloy Sheet and Plate for Use in Pressure Vessels).

AAR–3 (b) Aluminum alloy castings must conform to Specification A. S. T. M. No. B–26, latest issue (Aluminum-Base Alloy Sand Castings) or B–108, latest issue (Aluminum-Base Alloy Permanent Mold Castings).

AAR–3. (c) Aluminum alloy forgings must be of suitable composition.

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

	Inch
Bottom sheet	5/16
Shell sheet	½
Expansion dome sheet	½
Tank head (dished)	5/16
Tank head (ellipsoidal)	½
Expansion dome head (dished or ellipsoidal)	½

ICC–4. (b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

AAR–4. (a) For extreme diameter A. A. R. clearance requirements govern.

AAR–4. (b) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

AAR–4. (c) Car must have underframe.

ICC–5. *Tank heads.* (a) Tank heads must be of approved contour.

AAR–5. *Tank heads.* (a–1) Tank heads may be dished or ellipsoidal for pressure on concave side.

AAR–5. (a–2) Dished heads must have main inside radius not exceeding ten feet. The inside knuckle radius must be not less than five inches.

AAR–5. (a–3) Ellipsoidal tank head shapes shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

AAR–5. (b–1) The thickness of tank head must be determined by the following formulas but shall in no case be less than that specified in paragraph ICC–4 (a). The following formula shall be used in computing thickness of dished heads:

$$t=\frac{5PL}{6SE},$$

where

t = thickness of plate, inches.
P = bursting pressure, pounds per square inch.
L = main inside radius to which head is dished measured on concave side of head, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

AAR–5. (b–2) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE},$$

where

t = thickness of plate, inches.
P = specified minimum bursting pressure, pounds per square inch.
d = inside diameter, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

ICC–6. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

ICC–6 (b) Manhole ring, safety valve flange, and bottom outlet nozzle flange or other attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other material. Rivets must be calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝" nominal diameter prohibited. Fusion welding for securing these attachments in place must be of double welded butt joint type or double full-fillet lap joint type.

ICC–6. *Calking.* (c) All attachments riveted to the tank must have the rivets and the joints formed by attachments calked on the inside of tank.

AAR–6. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR–6. *Definitions*—(b–1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR–6. (b–2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcements see par. AAR–6 (m–1).)

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR–6 (b–3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surface of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR–6. (b–4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR–6. (b–5) *Single full-fillet lap joint.* A single full-fillet-lap joint is one in which the overlapped edges of two plates are full-fillet welded along one edge only.

AAR–6. (b–6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of the plates to be joined are full-fillet welded at the edge of each plate.

NOTE: When attachments, referred to in paragraph ICC–6 (b) have flanges thicker than the plates to which they are joined, and are secured in place by fillet welds, such welds shall be of the double full-fillet-lap-joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR–6. (b–7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds to be used only in conjunction with fillet welds.

AAR–6. (c) *Joint efficiency, maximum.* The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Types of joints	*Efficiency of Joint (percent)*
Double-welded butt joint	90.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds. (See fig. 21)	55.0
Single full-fillet lap joint with plug welds. (See fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80.0 percent of the minimum ultimate tensile strength given in paragraph AAR–2 (a).

For side welds, the maximum shear stresses shall be 60.0 percent of the minimum ultimate tensile strength given in paragraph AAR–2 (a).

Plug-weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L=0.63\ (d-\tfrac{1}{4})^2\times s,$$

where

L = total maximum load in shear or tension on each plug weld in pounds.
d = diameter of the bottom of the hole in which the plug is made in inches.
s = maximum stress in shear or tension, as the case may be, in pounds per square inch.
s for shear = 80 percent of minimum ultimate tensile strength. (See par. AAR–2 (a).)
s for tension = minimum ultimate tensile strength. (See par. AAR–2 (a).)

Welding must meet the following test requirements:

AAR–6. *Test plates.* (d–1) A test plate of the dimensions shown in figure 10 from aluminum of the same specifications and thickness as the shell plates prepared for welding may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detach-test plate may be welded as provided for in AAR–6 (d–2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by welding operator designated by the inspector.

AAR–6. (d–2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same.

AAR–6. (d–3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼ inch, each 200 feet of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraphs AAR–6 (d–1) and AAR–6 (d–2) need be made, provided they are welded in the same way as the joints in question. When the manufacturer is in the regular and continuous production of ICC–103–AL–W or ICC–103–A–AL–W tanks, only one test plate need be made for one tank out of twenty (20) of any of these classes, provided a minimum of one (1) test plate per week for any of these classes is made.

The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over five degrees.

AAR–6. *Test specimens.* (e) The coupons for tension and bend test shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR–6. *Tension tests.* (f–1) Two types of tension-test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the full thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plane surface flush with the plate.

AAR–6. (f–2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR–2 (a).)

AAR–6. (f–3) The tension-test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR–2 (a).)

Elongation, minimum in 2", or 4D (D = diameter) for each aluminum alloy must be as follows:

	Percent
Alloy 996A	25
Alloy 990A	28
Alloy M1A	23
Alloy GS11A	5

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR–6. *Bend tests.* (g–1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross section with the width 1½ times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plane surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is not less than the percentages specified in paragraph AAR–6 (f–3).

AAR–6. g–2) When a crack is observed in the convex surface of the specimen between the edges the specimen shall be considered to have failed and the test shall be stopped. Cracks at the corners of the specimen shall not be considered as a failure. The appearance of small defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed 1/16 inch.

AAR–6. *Specific gravity of weld metal.* (h) No specific gravity test required.

AAR–6. *Retests.* (i–1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed. (See par. AAR–2 (a).)

AAR–6. (i–2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR–6. (i–3) The retests shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR–6. (i–4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements, the retest shall be made on an entire group of specimens which shall meet the requirements.

AAR–6. (i–5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture is more than ¾ inch from the center of the gauge length of the two-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR–6. *Nondestructive tests.* (j–1) All longitudinal and circumferential welded joints of the tank shell shall be examined throughout their entire length by the X-ray method of radiography. When a nozzle, expansion dome or fitting is attached to a tank by a flange or saddle inserted in and butt welded to the shell at the edge of the flange as shown in figure 22, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles, expansion domes or fittings to the tank shell may be omitted.

AAR–6. (j–2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

ARR–6. (j–3) The films obtained by the use of X-rays shall be known as "exographs" or "radiographs".

AAR–6. (j–4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than two percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR–6. (j–4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR–6. (j–4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR–6. (j–4) (3) The thickness of the penetrameter shall not be more than two percent of the thickness of the plate.

AAR–6. (j–4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than $\frac{1}{16}$ inch. The smallest hole must be distinguishable on the radiograph.

AAR–6. (j–4) (5) Each penetrameter shall carry an identifying number representing, to two significant figures, the minimum thickness of plate for which it may be used.

AAR–6. (j–4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR–6. (j–4) (7) Each penetrameter shall be 1¼ inches long and ½ inch wide. (See fig. 12.)

AAR–6. (j–5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR–6. (j–6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than one inch. With the film not more than one inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall be not less than 14 inches.

AAR–6. (j–7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol or name.

AAR–6. (j–8) If it is necessary to expose the film at a distance greater than one inch from the weld, the following ratio of:

$$\frac{\text{Distance from source of radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1.

AAR–6. (j–9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR–6. (j–10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing on the radiograph may be accurately located in the actual weld.

AAR–6. (j–11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR–6. (j–12) The acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs for aluminum tanks, which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standards of judgment shall be:

(1) Welds in which the radiographs show elongated inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than $\frac{1}{3}T$, where T is the thickness of the weld. If the lengths of such imperfections are less than $\frac{1}{3}T$ and are separated from each other by at least $6L$ of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of $12T$.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR–6. (j–13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR–6. *Qualification of welders.* (k–1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR–6. (k–2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except that when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR–6. (k–3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these tests are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR–6. (k–4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator, employed in connection with the inspector's contract and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR–6. (k–5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR–6. *Preparation for welding.* (l–1) The plates may be cut to size and shape by machining, shearing or saw cutting. Oxygen Arc Method of cutting is allowed providing burned surface is cut back to clean up all evidence of burned edge. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR–6. (l–2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR–6. (l–3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible.

AAR–6 (l–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch for longitudinal seams) and (maximum ¼ inch for girth joints).

AAR–6. (l–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 25 percent of the plate thickness or ¼" whichever is lesser, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate. In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specfied in paragraph AAR–6 (l–4).

AAR–6. (l–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided these tack welds are removed so that they do not become a part of the joint. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–6. (l–7) The surfaces of sheets or plates to be welded shall be cleaned thoroughly. When it is necessary to deposit metal over a previously welded surface, any foreign matter thereon shall be removed by a roughing tool, a chisel, an air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–6. (l–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–6. (l–9) For double-welded butt joints the reverse sides shall be chipped or ground out so as to secure a clean surface of the originally deposited weld prior to the application of the first bead of welding on the second side. Such chipping or grinding out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–6. (l–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–6. *Longitudinal joints.* (m–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least $\frac{1}{16}$ inch up to and including $\frac{5}{8}$-inch plate, and up to ⅛ inch for heavier plates. The reinforcement may be removed but if not removed shall be built up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or groove along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joint.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–6 (b–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcement shall not be less than $\frac{1}{16}$ inch.

AAR–6. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60 degrees apart.

AAR–6. *Circumferential joints.* (n) Circumferential joints shall be of double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–6 (m–1).

AAR–6. *Inspection.* (o–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–6. (o–2) Each tank must also be inspected at the time of the hydrostatic-pressure test by the inspector.

AAR–6. (o–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have passed the test requirements and that the same material and technique used in making the tests were employed in fabricating the tank.

AAR–6. *Distortion.* (p) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–6. *Repairs during original welding.* (q–1) Pinholes, cracks, or other defects in welded joints shall be repaired only by chipping or machining out defect and rewelding.

AAR–6. (q–2) After repairs have been made the tank shall again be tested in the regular way, and if it passes the test the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–7. *Stress relieving.* Not a specification requirement.

ICC–8. *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

AAR–8. *Anchorage.* (a) See § 78.263 (m) to (p). The requirements of this section must be met by providing aluminum anchors. The total shear value of anchor must not be less than 1,320,000 pounds for cars with rail load limit of 169,000 pounds (single piece anchor). When multiple-piece anchorage is used, the minimum requirements prescribed for a single-piece anchorage shall be increased by 20 percent. When the rail load limit of a tank car is more than 169,000 pounds but does not exceed 210,000 pounds, all minimum requirements for a single-piece anchorage specified herein shall be increased by 25 percent. When the rail load limit of a tank car is over 210,000 pounds, all minimum requirements for single-piece anchorage specified herein shall be increased by 50 percent.

AAR–8. (b) Designs of anchorage employing other means of securement to tank than rivets, as described in § 78.263 may be used if approved.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projection inside of dome, of at least two percent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced.

ICC–9. (c) The dome head must be of approved contour.

AAR–9. (a) The dome shell thickness shall be calculated by the formula, paragraph AAR–2 (a).

AAR–9. (b) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of the dished dome head shall be calculated by the formula, paragraph AAR–5 (b–1).

AAR–9. (c) Dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half of this. The thickness in this case shall be determined by using formula of the main head. (See par. AAR–5 (b–2).)

AAR–9. (d) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a flued opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used. Reinforcement should be computed as shown on figure 24A or figure 24B.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

ICC–10. (b) Manhole covers and rings must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. (c) All covers not hinged to tank must be attached to outside of the dome head, by at least ⅜ inch chain or its equivalent.

ICC–10. (d) All joints between manhole covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

AAR–10. (a) Bolted type, bolted and hinged type or other approved type manhole cover must be used. See figures 5 and 6.

ICC–11. *Gaging, bottom outlet valve operating, venting, loading, and discharging, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast, pressed, or forged housing of suitable material with cover securely attached. Housing, if welded to dome of tank, must be made of cast, forged or pressed metal and be of good weldable quality in conjunction with metal of dome. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Discharging siphon pipe must be securely anchored.

AAR–11. (a) These devices must be of approved design.

ICC–12. *Venting, loading and discharging, and air inlet devices.* (a) These devices, when installed, must be closed by efficient valves or fittings made of approved materials not subject to rapid deterioration by the lading. Provision must be made for closing the openings of the valves or fittings.

AAR–12. (a) These devices must be of approved design.

ICC–13. *Bottom discharge outlets.* (a) The bottom discharge outlet, when installed, must be made of approved metals not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

ICC–13. (b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

ICC–13. (c) Tanks used for the transportation of poisonous solids, when designed for bottom unloading, must have the openings securely closed against leakage.

AAR–13. (a) Bottom discharge outlet nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal of tank.

AAR–13. (b) To provide for the attachment of unloading connections, the outlet valve nozzle, or some affixed attachment thereto, must be equipped with a flange or with external U. S. F. threads, four threads per inch.

AAR–13. (c) For outlet nozzles that project six inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below the lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

AAR–13. (e) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle, unless they are scored or designed to break or bend without unseating valve. The valve and seat must be readily accessible or removable for repairs, including grinding.

AAR–13. (f) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

AAR–13. (g) In no case must extreme projection of bottom discharge outlet equipment extend to within twelve inches above top of rail. All bottom discharge outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom discharge outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved materials mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

ICC–14. (b) One safety valve must be provided for each tank of 6,650 gallons capacity or less, and two safety valves for each tank of over 6,650 gallons capacity.

ICC–14. (c) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph ICC–18).

ICC–14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least two inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour, but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. All tanks equipped with vents must be stenciled "Not for Flammable Liquids."

AAR–14. (a) Safety valve must be of approved design. See paragraph AAR–18. For safety vent, closure of bolted type preferable, see figure 3–A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valves or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC-4. (b) The heads may be either torispherical or ellipsoidal in form and one may be reversed dished convex to the pressure, if desired. The thickness of the heads shall be not less than that determined by the following formulae:

(1) For torispherical heads concave to pressure

$$t = \frac{5PL}{6SE}$$

(2) For ellipsoidal heads concave to pressure and having a ratio of major to minor axis of 2 to 1

$$t = \frac{PR}{SE - 0.6P}$$

where

t = minimum thickness in inches of finished head.
P = minimum bursting pressure 1,250 psig.
S = minimum specified ultimate tensile strength of plate material in pounds per square inch.
R = inside radius of vessel.
L = inside radius of dish.
E = 1.0 for heads made from one plate.

The thickness of heads convex to the pressure shall be 1⅔ times the thickness as calculated by the above formulae.

ICC-4. (c) Threads for openings in tank heads must be American Standard Taper, tapped to gauge, clean cut, even and without checks to insure tight joints. If the thickness of the heads is not sufficient to give an adequate length of thread, the thickness must be increased by welding into the head a plate of sufficient thickness and of the same material as the head. The outside diameter of such plate must be at least twice the nominal diameter of the threaded opening.

ICC-5. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

AAR-5. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR-5. *Definitions*—(b-1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR-5. (b-2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcement see paragraph AAR-5 (m-1)).

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR-5. (b-3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surfaces of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR-5. (b-4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR-5. (b-5) *Single full-fillet lap joint.* A single full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded along one edge only.

AAR-5. (b-6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded at the edge of each plate.

NOTE: When attachment having flanges thicker than the plates to which they are jointed, are secured in place by fillet welds, such welds shall be of the double full-fillet lap joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR-5. (b-7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds are to be used only in conjunction with fillet welds.

AAR-5. *Joint efficiency, maximum.* (c) The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Type of joint	Efficiency of joint (percent)
Double-welded butt joint:	
With 100 percent radiographic examination	90.0
With radiograph examination of longitudinal joints only	80.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds (see fig. 21)	55.0
Single full-fillet lap joint with plug welds (see fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80 percent of the tensile strength of the plate used.

For side welds, the maximum shear stresses shall be 60 percent of the tensile strength of the plate used.

Plug weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L = 0.63\ S\ (d - \tfrac{1}{4})^2$$

where

L = total maximum load in shear or tension on each plug weld, in pounds.
d = diameter of the bottom of the hole in which the plug is made, in inches.
S = maximum stress in shear or tension, as the case may be, in pounds per square inch.

S for shear = 44,000
S for tension = 55,000

Welding must meet the following test requirements:

AAR-5. *Test plates.* (d-1) A test plate of the dimensions shown in figure 10 from steel of the same specification and thickness as the shell plates prepared for welding, may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detached test plate may be welded as provided for in AAR-5 (d-2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by the welding operator designated by the inspector.

AAR-5. (d-2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same

AAR-5. (d-3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼", each 200 ft. of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraph AAR-5 (d-1) and AAR-5 (d-2) need be made, provided they are welded in the same way as the joints in question. The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 degrees.

AAR-5. (d-4) Where the welding has warped the test plates they shall be straightened before being stress relieved. The test plates shall be subjected to the same stress-relieving operation as required by AAR-5 (p). At no time shall the test plates be heated to a temperature higher than that used for stress relieving the tank.

AAR-5. *Test specimens.* (e) The coupons for tension and bend tests shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR-5. *Tension test.* (f-1) Two types of tension test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the whole thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plain surface flush with the plate.

AAR-5. (f-2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum of the specified tensile range of the plate used. (The tension test of the joint specimen as specified herein is intended as a test of the welded joint and not of the plate. If the specimen breaks in the plate and the weld shows no sign of weakness, the test may be accepted as meeting the requirements even though the stress at which failure occurs is less than the minimum of the specified range.)

AAR-5. (f-3) The tension test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum of the range of the plate which is welded.

Elongation, minimum = 20 percent in 2 inches.

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR-5. *Bend tests.* (g-1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross-section with the width one and one-half times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plain surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is 30 percent.

AAR-5. (g-2) When a crack is observed in the convex surface of the specimen between the edges, specimens shall be considered to have failed and the test shall be stopped. Cracks at the corner of the specimen shall not be considered as a failure. The appearance of all defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed 1/16 inch.

AAR-5. *Specific gravity of welded metals.* (h) No specific gravity test required.

AAR-5. *Retests.* (i-1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed.

AAR-5. (i-2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR-5. (i-3) The retest shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR-5. (i-4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements by 10 percent or less, the retest shall be made on an entire group of specimens, which shall meet the requirements.

AAR-5. (i-5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture more than ¾ inch from the center of the gauge length of the 2-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR-5. *Nondestructing tests.* (j-1) All longitudinal welded joints in the vessel shall be examined throughout their entire length by the X-ray or the gamma ray method of radiography. Other welded joints need not be examined by radiographic methods provided an efficiency of 80 percent is used in the design of the vessel. If an efficiency of 90 percent is used in the design of the vessel, the circumferential welded joints of the tanks shall also be radiographed. When a fitting is attached to a tank by a flange or plate inserted in and butt-welded to the head at the edge of the flange, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles or fittings to the tank head may be omitted.

AAR-5. (j-2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

AAR-5. (j-3) The films obtained by the use of X-rays shall be known as "exographs", and those obtained by the use of gamma rays as "gamma graphs". Both types of film shall be generally termed "radiographs".

AAR-5. (j-4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than 2 percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR-5. (j-4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR-5. (j-4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR-5. (j-4) (3) The thickness of the penetrameter shall be not more than 2 percent of the thickness of the plate.

AAR-5. (j-4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than 1/16 inch. The smallest hole must be distinguishable on the radiograph.

AAR-5. (j-4) (5) Each penetrameter shall carry an identifying number representing, in two significant figures, the minimum thickness of plate for which it may be used.

AAR-5. (j-4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR-5. (j-4) (7) Each penetrameter shall be 1½ inches long and ½ inch wide. (See figure 12.)

AAR-5. (j-5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR-5. (j-6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than 1 inch. With the film not more than 1 inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall not be less than 14 inches.

AAR-5. (j-7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol, or name.

AAR-5. (j-8) If it is necessary to expose the film at a distance greater than 1 inch from the weld, the following ratio of:

$$\frac{\text{Distance of source from radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1. When a grid of the Buckey type is employed to reduce scattered radiation, the above ratio may be reduced to 5. These conditions are imposed so as to limit the allowable distortion and magnification of any defects in the welded seam.

AAR-5. (j-9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR-5 (j-10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing the radiograph may be accurately located in the actual weld.

AAR-5. (j-11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR-5. (j-12) Acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standard of judgment shall be:

(1) Welds in which the radiographs show elongated slag inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than ⅓ T, where T is the thickness of the weld. If the lengths of such imperfections are less than ⅓ T and are separated from each other by at least 6 L of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of 12 T.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR-5. (j-13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR-5. *Qualification of welders.* (k-1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR-5. (k-2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR-5. (k-3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these test plates are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR-5. (k-4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator employed in connection with the inspector's contract, and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR-5. (k-5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR-5. *Preparation for welding.* (l-1) The plates may be cut to size and shape by machining or shearing, or by flame cutting. If shaped by flame cutting, the edges must be uniform and smooth and must be free of all loose scale and slag accumulations before welding. The discoloration which may remain on the flame-cut surface is not considered to be a detrimental oxidation. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR-5. (l-2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR-5. (l-3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum 1/4 inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible. For vessels 36 inches in inside diameter or smaller, the head to shell joints may be a single-welded butt joint with a backing-up strip, or, in cases where the head thickness is at least ⅛ inch greater than the shell thickness, the backing-up strip may be integral with the head flange machined in such a manner as to have the inner edge of the head flange project beyond the end of the shell plate to form a backing-strip as shown in figure 26 (a). The head shall be a snug fit into the shell. If the thickness of the head exceeds the thickness of the

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

AAR–15. *Heater systems.* (a) See §§ 78.260 to 78.262, inclusive, Tank Car Heater Systems.

AAR–15. (b) Heater system and plug flanges, if welded to tank or dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of tank or dome.

ICC–16. *Plugs for openings.* (a) All plugs must be solid, of cast, rolled or forged metal of approved material with standard pipe thread, and when in contact with lading must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

ICC–17. *Test of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

ICC–17. (b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–6 (a).

ICC–17. (c) *Test of interior heater systems.* Before interior heater systems are placed in service, they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

AAR–17. *Hammer tests.* (a) Not a specification requirement.

AAR–17. (b) If tanks are to be lagged, the hydrostatic test of tank must be made before lagging is applied.

ICC–18. *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure (see § 73.31 (1), Note 1, of this chapter). The valve must open at the pressure prescribed in paragraph ICC–14 (c) with a tolerance of plus or minus 3 pounds.

AAR–18. (a) The above referred to note in § 73.31 (1) of this chapter reads in part as follows: "Safety valves now used on tank cars are reported to permit slow leakage of vapor and it appears that material changes in the design and construction of these valves are necessary to make them tight • • • the necessary changes must be made with the least possible delay".

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) For lagged tanks, if the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs.

ICC–20. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

ICC–20. (b) ICC–103–AL–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high by the party assembling the completed car.

ICC–20. (c) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (b).

ICC–20. (d) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (c) by the party assembling the completed car. These marks must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high immediately below the stencilled mark specified in paragraph ICC–20 (b) by the party assembling the completed car.

ICC–20. (e) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stencilled on the tank, or jacket if lagged.

ICC–20. (f) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stencilled on the tank, or jacket if lagged.

ICC–20. (g) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stencilled on tank, or jacket if lagged.

ICC–20. (h) Identification mark, illustrated herein, for approved manhole closures must be stencilled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.

ICC–20. (i) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only," or such other wording as may be required to indicate the limits of usage of the car, must be stencilled on each side of the tank, or jacket if lagged, in letters at least two inches high, immediately above the stencilled mark specified in paragraph ICC–20 (b).

AAR–20. (a) For all other markings, see figure 1.

ICC–21. *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment therefor from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and and car owner.

AAR–21. *Application for approval.* (a) See § 78.259 (f), *Application for approval.*

AAR–21. *Certificate of construction.* (b) See § 78.259 (g), *Certificate of construction.*

AAR–22. *Car structure.* (a) See § 73.63 *Car structure.*

24. Add § 78.292 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.292, 1950 Rev.) to read as follows:

§ 78.292 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–A–AL–W.* This specification covers Class ICC–103–A–AL–W tank cars having fusion welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–6. (b) Manhole ring, safety vent flange, and bottom washout nozzle flange or other attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be calked inside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16". Use of rivets of less than ⅝" nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least one percent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced. When the tank shell is not cut out to permit welding and the opening in the tank does not exceed 30 inches in diameter, dome pocket drain holes must be provided with nipples projecting inside the tank at least one inch.

ICC–9. (c) The dome head must be of approved contour. The dome head must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to provide a secure closure of the manhole.

ICC–10. (b) Requirements of this paragraph optional.

AAR–10. (a) Bolted type, bolted and hinged type, or other approved type manhole cover must be used.

ICC–11. *Gaging, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) These devices when installed must be tightly closed as prescribed in paragraph ICC–12. Protective housing not required, except when the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading, and unloading of the contents. Discharging siphon pipe must be securely anchored.

ICC–12. *Gaging, venting, loading and discharging, and air inlet devices.* (a) These devices when installed must be tightly closed with approved caps, plugs, valves, or other fittings. Provision must be made for closing pipe connections of valves. The venting device must be equipped as prescribed in paragraph ICC–14.

ICC–13. *Bottom discharge outlets.* (a) Bottom outlet for discharge of lading prohibited, but tank may be equipped with a bottom wash-out nozzle of aluminum alloy not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements.

ICC–13. (b) The construction and closure of the bottom wash-out nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

ICC–13. (c) The extreme projection of the bottom wash-out nozzle must be at least 12 inches above the top of rail.

AAR–13. (a) Bottom wash-out nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal in tank.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) For bottom wash-out nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom wash-out nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ in. Where bottom wash-out nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the bottom wash-out nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the wash-out nozzle will occur at or below the "V" groove.

AAR–13. (e) The closure casting must not project below the "V" groove in the wash-out nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety devices.* (a) The tank must be equipped with a safety valve or safety vent at least 2 inches inside diameter mounted on top of expansion dome.

ICC–14. (b) At least one safety valve or vent must be provided for each tank.

ICC–14. (c) The safety valve, if used, must be set to open at a pressure of 45 pounds per square inch. (For tolerances see paragraph ICC–18).

ICC–14. (d) If tank is equipped with a safety vent it must be closed with a frangible disc of suitable material of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. Tanks may also be equipped with an approved device that will permit continuous venting.

AAR–14. (a) Safety valve must be of approved design. For safety vent, closure of bolted type preferable, see figure 3A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted, the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking prohibited. Heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

ICC–18. *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph ICC–14 (c), with a tolerance of minus 3 pounds.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks, safety valves and interior heater systems.* (a) Tanks, safety valves and interior heater systems must be retested as prescribed for original tests in paragraphs ICC–17 and ICC–18, except that commodity to be transported may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–20. (b) ICC–103–A–AL–W in letters and figures at least ⅜" high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stencilled on the tank, or jacket if lagged, in letters and figures at least 2" high by the party assembling the completed car.

ICC–20. (h) This paragraph does not apply.

25. Add § 78.293 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.293, 1950 Rev.) to read as follows:

§ 78.293 *Specification for tank cars having metallic arc fusion-welded steel tanks Class ICC–110A–500–W.* This specification covers Class ICC–110A–500–W tank cars having metallic arc fusion-welded tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type and general requirements.* (a) Tanks built under this specification must be cylindrical with dished heads, one of which may be dished convex to the pressure. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,690 pounds of water and not more than 2,600 pounds of water.

ICC–1. (b) The tanks must be fabricated by approved methods.

ICC–1. (c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

ICC–2. *Material.* (a) All plates for the tank must be made of open-hearth or electric furnace boiler plate steel of flange quality, the carbon content of which does not exceed 0.30 percent. The steel shall otherwise conform to the requirements of either the current A. A. R. Specification M–115, entitled Steel, Carbon and Carbon-Silicon, Boiler and Firebox, for Locomotives, Stationary Boilers, and Other Pressure Vessels, or to the current A. S. T. M. Specification A–212, entitled High Tensile Strength Carbon-Silicon Steel Plates for Boilers and Other Pressure Vessels, Grades A and B, Flange and Firebox, or A. S. T. M. Standard Specification A–201 titled Carbon-Silicon Steel Plates of Intermediate Tensile Ranges for Fusion Welded Boilers and Other Pressure Vessels, Grade A, or A. S. T. M. Standard Specifications A–265 titled Low and Intermediate Tensile Strength Carbon Steel Plates of Flange and Firebox Qualities, Grade C. These plates may also be clad with other metals such as nickel, etc.

ICC–2. (b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

ICC–2. (c) Tanks made of clad plates must be stenciled "Tank clad with (naming material)."

AAR–2. *Lining.* (a) Not a specification requirement. If applied, must be approved as to material and method of application.

ICC–3. *Thickness of plates.* (a) The wall thickness of the cylindrical portion of the tank must be not less than 11/32" and, in addition, must be not less than that calculated by the following formula:

$$t = \frac{PR}{SE - 0.6P}$$

where

t = thickness in inches of thinnest plate.
P = calculated bursting pressure in pounds per square inch, 1,250 psig min.
R = inside radius in inches.
S = minimum specified ultimate tensile strength of plate in pounds per square inch.
E = efficiency of longitudinal welded joint (see par. ARR–5. (c).)

ICC–4. *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½" and with a radius of dish not greater than the diameter of the tank. The inside knuckle radius must be not less than 6 percent of the inside diameter of the vessel.

shell by more than ¼ inch, the thickness of the integral backing-strip shall not exceed ½ inch and the additional flange thickness shall be reduced on the outside, as shown in figure 26 (b).

AAR–5. (l–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch).

AAR–5. (l–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 1/16 inch, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate except as noted for head to shell joints in paragraph AAR–5. (l–3). In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specified in paragraph AAR–5. (l–4).

AAR–5. (l–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided the tack welds are removed so that they do not become a part of the joints. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–5. (l–7) The surfaces of the sheets or plates to be welded shall be cleaned thoroughly of all scale, rust, or oil and grease for a distance of not less than ½ inch from the welding edge. Grease or oil may be removed with gasoline, lye, or the equivalent. A steel wire scratch brush may be used for removing light rust or scale, but for heavy scale, slag, and the like, a grinder, chisel, air hammer, or other suitable tool shall be used to obtain clean and bright metal. When it is necessary to deposit metal over a previously welded surface, any scale or slag therefrom shall be removed by a roughing tool, chisel, air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–5. (l–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–5. (l–9) For double welded butt joints the reverse sides shall be chipped, ground, or melted out so as to secure a clean surface of the originally deposited weld prior to application of the first bead of welding on the second side. Such chipping, grinding, or melting out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–5. (l–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–5. *Longitudinal joints.* (m–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least 1/16 inch up to and including 5/8 inch plate and up to ⅛ inch for heavier plates. The reinforcement may be removed, but if not removed shall be filled up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or grooves along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joints.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–5 (d–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcements shall not be less than 1/16 inch.

AAR–5. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60° apart.

AAR–5. *Circumferential joints.* (n) Circumferential joints shall be of the double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–5 (m–1) except as specified in AAR–5 (l–3).

AAR–5 *Stress relieving.* (o) Each tank must be stress relieved by heating uniformly to at least 1100° F. The tank shall be brought slowly up to the specified temperature and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of maximum thickness, minimum 1 hour, and shall be allowed to cool slowly in a still atmosphere. Welded attachments must be welded in place before tank is stress relieved. Fusion welded anchors, if applied, must be welded in place before tank is stress relieved. The entire tank must be stress relieved by heating the complete tank as a unit.

AAR–5. *Inspection.* (p–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–5. (p–2) Each tank must also be inspected at the time of hydrostatic pressure and hammer tests by the inspector.

AAR–5. (5–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have passed the test requirements and that the same material and technique used in making the test were employed in fabricating the tank.

AAR–5. *Distortion.* (q) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–5. *Repairs during original construction.* (r–1) Pin holes, cracks, or other defects in welded joints shall be repaired only by chipping, machining, or burning out the defect and rewelding. For metallic arc welding preheating or reheating is not required.

AAR–5. (r–2) Tanks shall be stress relieved after any welding repairs have been made.

AAR–5. (r–3) After repairs have been made the tank shall again be tested in the regular way, and, if it passes the test, the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–6. *Stress relieving.* (a) All welding of the tank and of attachments welded directly thereto must be stress relieved as a unit.

AAR–6. *Stress relieving.* (a) See paragraph AAR–5 (o).

ICC–7. *Anchorage.* (a) The manner in which tanks are supported on and securely attached to the car structure must be approved.

ICC–7. *Protective rings.* (b) A plate ring flange must be welded to the outside of each head and extending a greater distance beyond the head than any fitting or attachment to the head, including the housing referred to in the following paragraph. This flange must be at least as thick as the shell plates and must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

ICC–8. *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable cast or pressed steel housing at least 3/16 inch thick, which must not project beyond the protective ring on the end of the tank and must be securely fastened to tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

ICC–8. (b) The upper head of tanks mounted vertically on the car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vent.

ICC–9. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–9. (b) Tanks must not be equipped with safety valves or vents, if prohibited for the service in which they are used.

ICC–10. *Safety valves and vents.* (a) The tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total value of vent discharge capacity must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

ICC–10. (b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

ICC–10. (c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175° F. (for tolerance see paragraph ICC–13).

ICC–11. *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion welded in place, provided they are properly heat-treated at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided for in paragraphs ICC–7, ICC–8, ICC–9, ICC–10, and ICC–11 (b) are prohibited.

ICC–11. (b) A threaded drain plug for cleaning purposes made of metal not subject to rapid deterioration by the lading, not to exceed 2 inches nominal pipe size, may be included in the head concave to the pressure. (See par. ICC–4 (c).)

ICC–12. *Tests of tanks.* (a) After heat treatment each tank must be subjected to a hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the final test pressure.

ICC–12. (b) The tank must be prepared for testing by completely filling with water, or other liquid having similar viscosity, having a temperature not exceeding 100° F. during the test.

ICC–12. (c) While subject to a hydrostatic pressure of 375 pounds per square inch, the tank shall be given a thorough hammer impact test. This impact test shall consist of striking the metal at 6 inch intervals on both sides of all butt welded joints and for the full length of the joints. The weight of the hammer in pounds shall approximately equal the thickness of the thinnest plate of the joint in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate.

ICC–12. (d) Following the impact test the tank shall be hydrostatically tested at a final test pressure of 500 pounds per square inch. The tank must hold this pressure for at least 10 minutes without leakage or evidence of distress.

ICC–12. (e) The pressure gauge must permit reading to an accuracy of 1 percent. The expansion gauge must permit reading of the total expansion to an accuracy of 1 percent. The expansion must be recorded in cubic centimeters.

ICC–12. (f) The permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at final test pressure.

ICC–12. (g) Following the hydrostatic test each tank must be subjected to an internal air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

ICC–12. (h) Caulking of welded joints to stop leaks developed during foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–5 (a).

ICC–13. *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed in paragraph ICC–14. The valve must open at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

ICC–13. (b) For safety vents of the frangible disc type, a sample of the discs used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.

ICC–13. (c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175° F. and be vapor tight at a temperature of 130° F.

ICC–14. *Retests, alterations, and upkeep of tanks, safety valves, and vents.* (a) Each tank must be subjected, at least once every five years, to the hydrostatic test as prescribed in paragraph ICC 12 (b) and the volumetric expansion test prescribed in paragraphs ICC 12 (d) and 12 (e). A tank must be condemned when it leaks or when the permanent expansion exceeds 10 percent of the total expansion. Report giving data showing the results of these tests must be rendered by party making tests to the owner of the tank and to the Bureau of Explosives, and each tank passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of one head or flange ring. For example, 1–51 for January, 1951. Dates of previous tests must not be obliterated.

ICC–14. (b) Safety valves must be retested, at least once every 2 years, in the manner prescribed in paragraph ICC–13 (a). Safety vents of the frangible disc and fusible plug types must be inspected after each loaded trip of tank as follows: Remove at least one vent for visual inspection and, if it shows signs of deterioration, all the vents on the tank must be removed and inspected and those which do not meet the requirements must be renewed.

ICC–14. (c) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both; report in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

ICC–15. *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or flange ring, in letters and figures at least ⅜ inch high, as follows:

ICC–15. (b) ICC–110A500–W.

ICC–15. (c) Serial number (immediately below foregoing).

ICC–15 (d) Inspector's official mark (immediately below serial number).

ICC–15. (e) Name, mark (other than a trade mark) or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

ICC–15. (f) Date of tank test (month and year), such as 1–51 for January, 1951, so placed that dates of subsequent tests may easily be added thereto.

ICC–15. (g) Water capacity—0000 pounds.

ICC–15. (h) When a tank and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only" or such other wording which may be required to indicate the usage of the tank, must be stenciled on head of the tank containing operating fittings, in letters at least 1 inch high.

AAR–15. (a) For determining water capacity of tank in pounds the weight of a gallon (231 cu. in.) of water at 60° F. in air shall be 8.32828 pounds.

ICC–16. *Inspection and report.* (a) Purchaser of tank must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat and steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the Serial No. and make certified report (see paragraph ICC–16 (b)), to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

ICC–16. (b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Marks stamped into the head or chime of the tank are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Test date _____
Water capacity (see record of Hydrostatic Tests).
Tare Weights (Yes or No). (See Record of Hydrostatic Tests).
These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Specification No. _____

(Signed) _____
Inspector.

ICC–16. (c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its equipment comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks.

In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

In case of alterations of or additions to tank or equipment therefor from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions, the tests prescribed in paragraph ICC–12 were made, results of hydrostatic tests reported, and tanks marked as prescribed in paragraph ICC–14.

Reports of retests must be rendered to the Bureau of Explosives and tank owner.

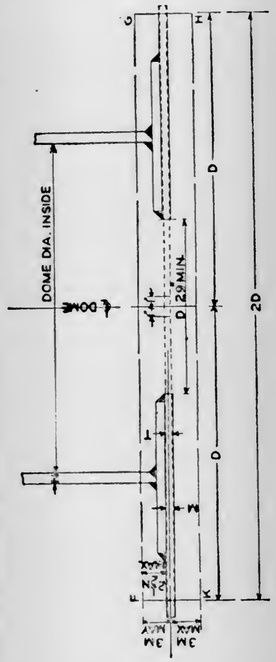
AAR–16. *Applications for approval.* (a) See § 78.259 (f) *Application for approval.*

AAR–16. *Certificate of construction.* (b–1) See paragraph ICC–16 (b) for forms of certificates to be filed covering tanks only.

AAR–16. (b–2) For form of certificate covering car structure, see § 78.259 (g), *Certificate of construction.*

AAR–17. *Car structure.* (a) See § 78.263 *Car structure.*

26. Add Figures 24A, 24B, and 26, to Appendix C, Part 78, Subpart I (15 F. R. 8538, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:



REINFORCEMENT

D = Diameter of cut out in tank shell (29" min.).
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Actual dome shell thickness.
E = Efficiency of weld at top seam.

Cross section area available equals actual area in rectangle $FGHK$. Use $3M$ or $2\frac{1}{2}N$—

N—whichever is less) = ____

Cross section area required equals $2T\ (D\ 1)\ E$ excess area over requirements = ____

FIGURE 24A. Dome reinforcement formula I. C. C. 103 AL–W-tanks.

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

(Place) .....
(Date) .....

Numbered ..... to .....
Size ..... inches outside diameter by ..... inches long. Inclusive.
Made by ..... Company.
Ref. ..... Company.

Heat No.	Chemical analysis								
	C	P	S	Si	Mn	Ni	Cr		

The analyses were made by .....

(Signed) .....

(Place) .....
(Date) .....

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered ..... to ..... Inclusive.
Size ..... inches outside diameter by ..... inches long.
Made by ..... Company.
Ref. ..... Company.

Heat No.	Yield point (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Bend test

(Signed) .....

(Place) .....
(Date) .....

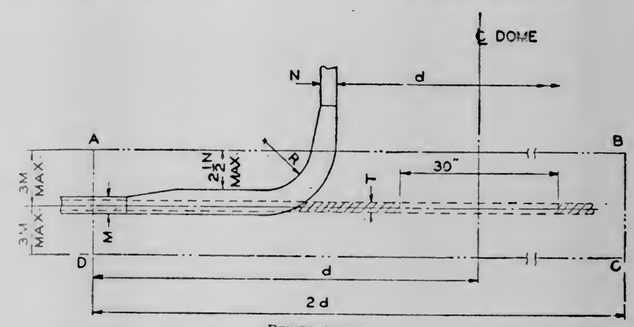
RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered ..... to ..... Inclusive.
Size ..... inches outside diameter by ..... inches long.
Made by ..... Company.
Ref. ..... Company.

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.)	Permanent expansion (c. c.)	Percent ratio permanent expansion to total expansion	Tare weight (pounds)[1]	Capacity in pounds of water

(Signed) .....

[1] If the test can not be by a method involving the measurement of the amount of liquid forced into the tank by the test pressure, the tare weight must be determined after the test by weighing the tank filled with the liquid used in the test, to the nearest fifty pounds. Tare weight does not include protective fittings, not cover but can be tested with or without valves.



REINFORCEMENT

d = Inside diameter of dome.
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Dome shell thickness.
E = Efficiency of welded joint at top seam in shell of tank.

Cross section area available equals actual area in rectangle $ABCD$. (Use $3M$ or $2\frac{1}{2}N$—whichever is less) = ____

Additional area required equals $T\ (2d–30)\ E$ = ____

Excess area over requirements = ____

FIGURE 24–B. Dome reinforcement formula I. C. C. 103 AL–W.

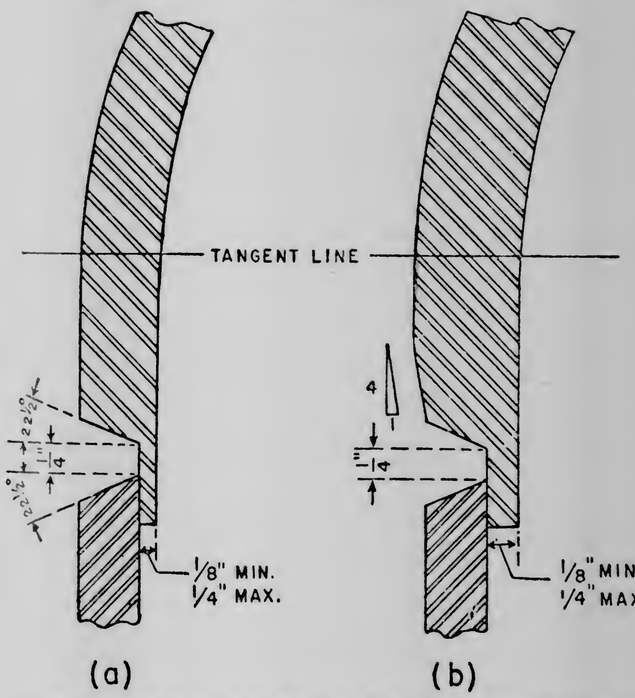


FIGURE 26. Optional welding for head-shell joints (when inside diameter is not over 36 inches).

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on August 21, 1951, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6499; Filed, June 5, 1951; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SEQUOIA-KINGS CANYON NATIONAL PARKS AND LASSEN VOLCANIC NATIONAL PARK; COMMERCIAL AUTOMOBILES AND BUSSES

1. Section 20.8, entitled *Sequoia-Kings Canyon National Parks*, is amended by adding a new paragraph (f) reading as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Sequoia and Kings Canyon National Parks, contained in § 1.36 of this chapter (36 CFR 1.36), shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the parks is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will be accorded admission to the parks upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the parks pursuant to contract authorization with the Secretary. Admission to the parks will be accorded such motor vehicles upon payment of a special tour permit fee of $2.00 per passenger-carrying seat in the vehicle.

2. Section 20.11, entitled *Lassen Volcanic National Park*, is amended by adding a new paragraph (f) reading as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Lassen Volcanic National

Park, contained in §1.36 of this chapter (36 CFR 1.36), shall be subject to the following exception: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point or origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park pursuant to contract authorization with the Secretary. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee of $1.00 per passenger-carrying seat in the vehicle.

(39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 29th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6486; Filed, June 5, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. Section 21.24 is amended to read as follows:

§ 21.24 *Residency.* (a) The law provides that an Allied veteran must be a resident of the United States at the time of filing his application for benefits. Accordingly, no application will be accepted from Allied veterans residing in foreign countries. Where the application or evidence indicates that an Allied veteran is residing outside the United States, eligibility should be denied until such time as he establishes a residence in the United States.

(1) The term "United States" means the several States, Territories, and possessions, and the District of Columbia.

(b) Where an Allied veteran files a claim when residing in a foreign country, the fact that he claims a legal residence or domicile in the United States, or the fact that his application was filed through a United States diplomatic or consular office, is immaterial. In order to establish eligibility, the record must clearly show that the veteran was in actual physical residence in the United States as defined in paragraph (a) (1), of this section at the time of filing his application under either Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), and shall include an affidavit which states explicitly that the veteran was so residing at the time.

2. In § 21.52 the introduction of paragraph (a) and subparagraph (3), paragraphs (b) and (d) are amended as follows:

§ 21.52 *Charges against entitlement*—(a) *General.* Charges against a veteran's period of entitlement will be made in terms of years, months, and days for periods during which the veteran is carried in a training status, including periods comprehended by paragraph (g) of this section and § 21.65, and applying definitions contained in § 21.104 to determine whether charge will be made at a full-time or part-time rate. Such charges will be recorded at the time the authorization action entering the veteran into training is completed, and subsequently revised if circumstances require such action.

* * * * *

(3) Where a course is pursued on a part-time basis, as defined in § 21.104, the resulting period of years, months, and days obtained by subtraction will be multiplied by the appropriate part-time fraction (¼, ½, or ¾). A fraction of more than one-half day in the final result will be counted as 1 day. A fraction of one-half day or less will be disregarded. Entitlement will be charged in all cases, even though the training time is not sufficient to warrant authorization of subsistence allowance. For example, a course which requires less than 3 semester hours (or the equivalent) would result in a ¼ time charge against the veteran's entitlement even though no subsistence allowance would be payable.

* * * * *

(b) *Audit courses in institutions of higher learning.* (1) The charges against entitlement for courses which require all of the work prescribed for other students enrolled for credit, except for taking credit examinations, will be measured on the same basis as if the course were pursued for credit.

(2) The charges against entitlement for courses which require only attendance and listening at class will be measured as one-half of the ordinarily granted semester-hour credit or its equivalent.

* * * * *

(d) *Courses costing in excess of the rate of $500 for an ordinary school year.* An eligible person pursuing a course for which he elects to have payments made in excess of the rate of $500 for a full-time course for an ordinary school year (see paragraph (h) of this section) shall have charges made against his period of entitlement in accordance with paragraph (a) of this section, and an additional period representing 1 day of eligibility for each $2.10 ($500 divided by 238 days equals $2.10 per day) in that part of the cost which is in excess of the rate of $500. For courses being pursued on a part-time basis under this provision of the law, there shall be charged against the veteran's period of entitlement the usual charge for a part-time course and an additional period of 1 day of eligibility for each $2.10 in that part of the cost which is in excess of the relevant proportion of the rate of $500 applicable to a part-time course. For example, a veteran pursues a full-time course during the school year of two semesters which begins on September 24 and ends on June 7, the cost of which amounts to $542. There shall be regularly charged against the veteran's entitlement the period from September 24 to June 7, 8 months and 14 days, but because of the $42 of cost in excess of $500, an additional period of 20 days ($42 divided by $2.10) shall be charged against his entitlement making a total charge of 9 months and 4 days. As a further example, a veteran pursues a half-time course consisting or 6 semester credit-hours during the school year of two semesters beginning September 24 and ending June 7, the cost of which is $292. There shall be regularly charged against his entitlement 4 months and 7 days (one-half of 8 months and 14 days) and an additional period of 20 days because of the $42 of cost in excess of $250. This makes a total charge against the veterans' eligibility of 4 months and 27 days (par. 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12)).

* * * * *

3. In § 21.104, paragraphs (a) and (c) are amended and a title is added to paragraph (b) (1) as follows:

§ 21.104 *Rates of subsistence allowance*—(a) *Full and part-time rates of subsistence allowance for institutional training.* Prior to January 1, 1946, the rates of subsistence allowance for full-time training payable to a veteran without a dependent was $50 per month, and to a veteran with a dependent or dependents, $75 per month. From January 1, 1946, to April 1, 1948, the rates of subsistence allowance payable were $65 per month for a veteran without a dependent, and $90 per month for a veteran with a dependent or dependents. On or after April 1, 1948, the subsistence allowance rates of, or appropriate fractional parts of $75 per month for a veteran without a dependent, $105 per month for a veteran with one dependent, or $120 per month for a veteran with two or more dependents, apply to those veteran-students pursuing full-time or part-time institutional training. On or after August 8, 1946, all subsistence rates are subject to the statutory ceiling limitation on combinations of subsistence allowance and compensation for productive labor, as provided in § 21.145. The rates of subsistence allowance payable to veterans pursuing institutional training will be determined in accordance with the certification of the institution as to training load of the veteran. Subsistence allowance will be authorized only on the basis of certifications showing the extent of the veteran's enrollment in accordance with the following criteria:

(1) *Courses in collegiate institutions.* For undergraduate courses in collegiate institutions, which use a standard unit of credit recognized by educational accrediting associations or recognized by members of such associations to the extent that the standard unit of credit is acceptable at full value and without examination, the determination as to the rate of subsistence allowance payable during any regular quarter or semester will be based on the number of standard semester-hours or the equivalent (quarter-hours, term-hours, etc.) per semester (quarter, term, etc.) for which the veteran is registered for credit in accordance with the following schedule:

(i) 12 or more credit-hours—full-time rates.

(ii) Less than 12 but not less than 9 credit-hours—¾-time rates.

(iii) Less than 9 but not less than 6 credit-hours—½-time rates.

(iv) Less than 6 but not less than 3 credit-hours—¼-time rates.

(v) Less than 3 credit-hours—no subsistence allowance.

(vi) Subsistence allowance for periods other than the regular semester, term, or quarter will be authorized at the full, ¾, ½, or ¼ rates according to the certification of the institution that the veteran is pursuing full-, ¾-, ½-, or ¼-time training. In making such certifications the institution will be expected to observe the criteria set forth in this section. The number of credit-hours for which the veteran must be registered for credit in order to be authorized the full-time rate of subsistance allowance is that number of credit-hours which will require at least 12 standard class sessions of attendance per week or their equivalent in laboratory or field work, research, or other types of prescribed activity. For example: A veteran who is enrolled in a short summer session requiring attendance at 12 standard class sessions per week will be considered in full-time training although he may be registered for or earn as little as 2 or 3 credit-hours for the period involved.

(vii) For courses which are acceptable for credit but for which credit may not be awarded to a veteran-student because of his failure to meet college entrance requirements or for some other equally valid reason, the rate of subsistence allowance payable will be determined upon the same basis as if the course were pursued for credit, provided the veteran performs all of the work prescribed for other students who are enrolled for credit.

(viii) For courses pursued by veterans in a department of an accredited institution of higher learning, such as a technical institute, which department does not grant degrees but which does measure its course in terms of standard credit-hours and can demonstrate that these credits are acceptable at full value by the regular degree-granting elements of the institution, subsistence allowance payable will be determined on the same basis as though the courses were pursued for credit toward a degree.

(ix) Other courses pursued in institutions of higher learning will be measured on the basis of the number of clock-hours required per week in accordance with the schedule contained in subparagraph (3) of this paragraph. These will include but are not limited to secondary courses sometimes offered by extension centers and vocational or adult education departments of institutions of higher learning; for example, high school courses, vocational training courses, etc. Also included in this category are trade or technical courses offered by technical institutes for which the institution of higher learning does not award semester-hours of credit acceptable by the institution in fulfillment of degree requirements.

(x) No subsistence allowance will be paid for courses which the veteran attends only as a listener or auditor since these courses are not acceptible to measurement as to the veteran's progress or accomplishment.

(2) *Graduate courses for which standard units of credit are not granted.* For graduate or advanced professional courses, for which standard units of credit are not given, pursued in collegiate institutions which use a standard unit of credit, subsistence allowance will be authorized at the full, ¾, ½, or ¼ rates, according to the certification of the institution that the veteran is pursuing full-, ¾-, ½-, or ¼-time training.

(3) *Courses on a clock-hour basis.* (i) Prior to October 1, 1950, for courses in all other schools, including high schools, the determination as to the rate of subsistence allowance payable was based on the number of clock-hours of required attendance at the school as certified by the school in accordance with the following schedule:

(*a*) 25 or more clock-hours—full-time rates.

(*b*) Less than 25 but not less than 18 clock-hours—¾-time rates.

(*c*) Less than 18 but not less than 12 clock-hours—½-time rates.

(*d*) Less than 12 but not less than 6 clock-hours—¼-time rates.

(*e*) Less than 6 clock-hours—no subsistence allowance.

(ii) Effective October 1, 1950, a course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction is required (exclusive of shop practice periods and any rest periods but not excluding regularly scheduled supervised study periods or customary 5- or 10-minute intervals between classes for the purpose of changing student or teacher stations as required by the school) and provided that instruction is required for not fewer than 5 days per week. Determinations of the extent of part-time training will be in accordance with the following schedule:

(*a*) Less than 25 but not less than 18 clock-hours of instruction per week—¾ time.

(*b*) Less than 18 but not less than 12 clock-hours of instruction per week—½ time.

(c) Less than 12 clock-hours of instruction per week—¼ time, but no subsistance allowance is payable for less than 6 clock-hours of instruction per week.

(iii) Effective October 1, 1950, as to courses in those schools which commenced operation subsequent to July 13, 1949; and effective July 1, 1951, as to any new or existing course in schools which were in operation for a period of 1 year prior to July 13, 1950, a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, will be considered a full-time course when a minimum of 30 hours per week of attendance in the school is required with not more than 30 minutes' rest period per day allowed: *And provided*, That attendance is required for not fewer than 5 days per week. Determinations of the extent of part-time training will be in accordance with the following schedule:

(*a*) Less than 30 but not less than 22 clock-hours of attendance per week—¾ time.

(*b*) Less than 22 but not less than 15 clock-hours of attendance per week—½ time.

(*c*) Less than 15 clock-hours of attendance per week—¼ time, but no subsistence allowance will be payable for fewer than 7 clock-hours of attendance per week. If a school finds it necessary to grant rest periods in part-time courses, the payment of subsistence allowance will be consistent with the basic requirements for full-time training where the aggregate time per day devoted to such rest periods does not exceed the rate of 6 minutes per hour of attendance. For the purpose of this section "a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only those courses of training for occupations which are customarily learned through apprenticeships or other training on the job, that is, the skilled, semiskilled, and unskilled occupations as listed under first digits 4 through 9, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(4) *Flight courses.* For courses in flight schools, the determination of the subsistence allowance to be paid will be based on the clock-hours of net instruction per week required in accordance with existing instructions, with ground instruction valued at 1 clock-hour for each required hour of classroom ground instruction, and flight instruction valued at 2 clock-hours for each hour of flying time. (The counting as 2 hours of each 1 hour of actual flying time is based on the fact that by common requirement and experience the flight student spends at the school the additional allowed time, before and after actual flying, receiving instruction, advice, etc., from the instructor or in performing duties necessary to starting actual flying or completing the lesson period after flying.) The payment of subsistence allowance will be upon the basis of the anticipated normal program of flight instruction. Weekly adjustments are not required because of extended periods of nonflight weather or compensatory periods of accelerated flying time, provided the veteran holds himself in readiness for instruction, and such instruction is temporarily suspended due to nonflight weather.

(b) *$65 or $90 per month.* * * *

(1) *On-the-job training.* * * *

(c) *Combination courses.* (1) Where the veteran's course includes related training in a separate institution or establishment where Veterans' Administration standards for determination of the extent of training are dissimilar, and the training in the principal institution or establishment is less than full

time, the extent of the course will be determined by converting the related training to its equivalent in value to the measurement required for full-time training in the principal facility and applying the combined total to the appropriate criteria of paragraph (a) or (b) of this section. Value equivalents are computed as follows:

(i) Related institutional training on a clock-hour basis to principal on-the-job training will be 1.44 hours (36÷25) for each clock-hour of instruction; or 1.20 hours (36÷30) for each clock-hour of attendance.

(ii) Related institutional training on a semester-credit basis to principal on-the-job training will be 3 hours (36÷12) for each semester credit of instruction.

(iii) Related on-the-job training to principal institutional training on a semester-credit basis will be ⅓ semester credit (12÷36) for each related hour of on-the-job training.

(iv) Related on-the-job training to principal institutional training on a clock-hour basis will be .694 hours (25÷36) or .833 hours (30÷36) for each on-the-job training hour.

(v) Repeated institutional training on a clock-hour basis to principal institutional training on a semester-credit basis will be .48 credits (12÷25) for each related clock-hour of instruction; or .40 credits (12÷30) for each clock-hour of attendance.

(vi) Related institutional training on a semester-credit basis to principal institutional training on a clock-hour basis will be $2\frac{1}{12}$ hours (25÷12) or $2\frac{1}{2}$ credits (30÷12) for each related semester credit.

(2) Where each type of training, measured independently in accordance with the ¾, ½, or ¼ fractional standards in paragraphs (a) and (b) of this section, provides a greater subsistence allowance than afforded by determinations in accordance with this paragraph, the former will be for application.

(3) In combination of on-the-job training and related institutional training, the increased rates specified in paragraph (a) of this section will not apply unless the institutional part of the training is equivalent independently to a fractional part as defined therein.

(4) The following examples are illustrative of the principles set forth in this paragraph:

(i) A veteran without dependents is pursuing on-the-job training for 34 hours per week with 2 hours of related training in a course comprehended by paragraph (a) (3) (ii) of this section. Subsistence allowance may be authorized at the rate of $65 per month, since the related institutional training is the equivalent of 2.88 hours of on-the-job training (2×1.44). (If the related training consisted of 6 clock-hours per week, subsistence allowance of $67.50 per month would be permitted since the institutional phase would meet the ¼-time requirements of paragraph (a) of this section.)

(ii) A veteran without dependents is pursuing training for 13 hours per week in a course comprehended by paragraph (a) (3) (ii) of this section, and is enrolled in a collegiate institution for 3 semester credits of related training. Subsistence allowance may be authorized at the rate of $75 per month, since the training in the two institutions equals ¾ and ¼ time, respectively, by the standards outlined in paragraph (a) of this section, notwithstanding the fact that conversion of the 3 semester credits of related instruction ($3\times2\frac{1}{12}$) to their equivalent in value to the principal training equals a combined total of only $24\frac{1}{4}$ hours ($18\div6\frac{1}{4}$).

* * * * *

4. Section 21.113 is amended to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits*—(a) *Bar against further education or training on account of outstanding overpayments.* Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under Veterans' Administration laws, and due the government, the registration and research activity may not thereafter reenter the veteran into training. In any such instance, the registration and research activity will be responsible for giving proper notification to the veteran and the institution.

(b) *Liability of institution on account of outstanding overpayments.* Paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), provides that in any case where an overpayment of subsistence allowance has been made to a veteran for any period beginning on or after July 13, 1950, and the overpayment, which has not been recovered or waived, is proven in a hearing before the committee on waivers to be the result of willful or negligent failure of the school to report to the Veterans' Administration, as required by applicable regulation or contract, unauthorized or excessive absences from a course in which the veteran has been enrolled, or discontinuance or interruption of a course by the veteran, the amount of such overpayment will constitute a liability of the school for such failure to report. Any amount of subsistence allowance recovered from the school will be reimbursed to the school by the finance activity if the overpayment is subsequently recovered from the veteran. If the overpayment is found not due to the willful or negligent failure of the school to report and is not waived with respect to the veteran, the veteran only will be liable for restoration of the amount of overpayment to the Veterans' Administration. If the overpayment is waived with respect to the veteran or has been recovered from him, the school cannot be held liable.

(c) *Reimbursement to institution.* In any case wherein an overpayment of subsistence allowance has not been waived or recovered from the veteran and has been fully recovered from the school, any future recovery from the veteran is to be refunded to the school. If such a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school.

(d) *Responsibility of the registration and research section.* The registration and research section will be responsible for determining whether there is prima facie evidence to indicate that an overpayment of subsistance allowance is the result of willful or negligent failure on the part of the school to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Only those cases in which adequate prima facie evidence is of record will be referred to the finance division and the committee on waivers for possible recovery action against the school.

(1) Examples: Where a school has failed to furnish information within a reasonable period from the date the change or discontinuance occurred and the Veterans' Administration record contains other considerations which indicate repeated failures to furnish information or otherwise to cooperate in complying with Veterans' Administration Regulations, referral to finance would be appropriate. However, where the Veterans' Administration record or other known considerations indicate that a school has an operating procedure that is adequate for reporting to the Veterans' Administration timely and pertinent information, but an isolated instance occurs where the school fails to submit a notice within a reasonable period, it would be proper for a registration officer to conclude that the failure was due to an unavoidable human error as distinguished from willfulness or negligence. On the other hand, where there is no report from the school indicating irregular attendance and it is later discovered by the Veterans' Administration, through an audit conducted of the school, or otherwise, that the school had been either negligent in failing to maintain a record of a student's attendance as required by regulation or contract, or that the school had been willful in that it had not made report to the Veterans' Administration of absences disclosed by the attendance records maintained by the school, it would be proper for the registration officer to determine that the overpayment had resulted from the willful or negligent failure of the school to report.

(e) *Contractual liability.* Nothing in the statute or the regulations of this section changes any liability arising under contracts during any period prior to July 13, 1950.

5. In the Provisional Regulations, § 21.187 is canceled.

§ 21.187 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 6 Public Law 610, 81st Congress, approved July 13, 1950.* [Canceled.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation effective June 6, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6550; Filed, June 5, 1951; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 32—SOUTHWESTERN REGION

SUBPART—MULESHOE NATIONAL WILDLIFE REFUGE, TEXAS

FISHING

Basis and purpose: On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that there is an abundant population of fish in certain waters of the Muleshoe National Wildlife Refuge, Texas that can best be harvested by public fishing at certain times during the year without interfering with or disturbing migratory birds and other wildlife frequenting the project.

Inasmuch as the following regulation is a relaxation of the existing prohibition against fishing on the Muleshoe National Wildlife Refuge, publication prior to the effective date is not required (5 U. S. C. 1001 et. seq.).

Effective immediately upon publication in the FEDERAL REGISTER the following subpart and sections are added:

SUBPART—MULESHOE NATIONAL WILDLIFE REFUGE, TEXAS

FISHING

Sec.
32.201 Fishing permitted.
32.202 Entry.
32.203 State fishing laws.
32.204 Use of boats prohibited.
32.205 Temporary restrictions.

AUTHORITY: §§ 32.201 to 32.205 issued under section 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 32.201 *Fishing permitted.* Noncommercial fishing is permitted in the waters of Upper Goose Lake on the Muleshoe National Wildlife Refuge during the daylight hours of the period from May 30 to September 30 inclusive in any year in accordance with the provisions of §§ 32.202 to 32.205 inclusive.

§ 32.202 *Entry.* Entry upon and use of the Refuge for any purpose are covered by Parts 18 and 21 of this chapter, and strict compliance therewith is required.

§ 32.203 *State fishing laws.* Each person fishing on the Refuge shall comply with the applicable laws and regulations of the state of Texas. Each person fishing in the Refuge shall possess and shall exhibit to any authorized Federal or State official whatever license, if any, is required by law or regulations of the state of Texas, which license shall serve as a Federal permit for fishing in the waters of the Refuge.

§ 32.204 *Use of boats prohibited.* The use of boats or floating devices of any description is prohibited in all Refuge areas except for official purposes.

§ 32.205 *Temporary restrictions.* The Officer in Charge may temporarily suspend fishing in all or part of the Refuge by suitable posting when, in his judgment, such action is necessary for the protection of migratory waterfowl, wildlife concentration, fishes and other aquatic animal life, food and cover plantings for wildlife, or for the carrying out of official operations in such area.

Dated: May 29, 1951.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 51-6485; Filed, June 5, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 952]

[Docket No. AO 234]

HANDLING OF MILK IN THE PROVIDENCE, R. I., MARKETING AREA

NOTICE OF HEARING ON A PROPOSED ORDER AND A PROPOSED MARKETING AGREEMENT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Antioch Grange Hall, Antioch, Rhode Island (about 3 miles west of Thornton, Rhode Island, on Route 14) beginning at 10:00 a. m., e. d. s. t., June 25, 1951, for the purpose of receiving evidence with respect to a proposed order and a proposed marketing agreement regulating the handling of milk in the Providence, Rhode Island, marketing area as set forth herein below, or any modification thereof. This proposed order has not received the approval of the Secretary of Agriculture.

Proposed by Local Dairymen's Cooperative Association and Providence Sales Committee of New England Milk Producers Association:

1. Proposed Marketing Order regulating the Handling of Milk in the Providence, Rhode Island Marketing Area.

DEFINITIONS

§ 952.1 *General definitions*—(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) *Providence, Rhode Island, marketing area.* "Providence, Rhode Island, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following areas:

(1) The State of Rhode Island, except the Island of Rhode Island, and the towns of Little Compton and Tiverton.

(2) The cities and towns of Attleboro, Bellingham, Blackstone, Douglas, Franklin, Millville, North Attleboro, Plainville, Rehoboth, Seekonk, Uxbridge, Webster and Wrentham, Massachusetts.

(3) The city or town of Stonington, Connecticut.

(c) *Order.* "Order," used with the name of a marketing area other than the Providence, Rhode Island, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) *Month.* "Month" means a calendar month.

§ 952.2 *Definitions of persons*—(a) *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) *Dairy farmer.* "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) *Dairy farmer for other markets.* "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 952.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy

farmer who is a producer under the Boston, Lowell, Lawrence, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) *Association of producers.* "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) *Handler.* "Handler" means any person who in a given month operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) *Pool handler.* "Pool handler" means any handler who operates a pool plant.

(i) *Producer-handler.* "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) *Buyer-handler.* "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) *Dealer.* "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) *Consumer.* "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 952.3 *Definitions of plants*—(a) *Plant.* "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) *Receiving plant.* "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) *Pool plant.* "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 952.20, 952.21, and 952.22 for being considered a pool plant in that month.

(d) *Regulated plant.* "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) *City plant.* "City plant" means any plant which is located within 10 miles of the marketing area.

(f) *Country plant.* "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 952.4 *Definitions of milk and milk products*—(a) *Milk.* "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, concentrated milk, and reconstituted milk.

(b) *Cream.* "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) *Skim milk.* "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) *Fluid milk products.* "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk either individually or collectively.

(e) *Pool milk.* "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) *Outside milk.* "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 952.27 and from regulated plants under the Boston, Lowell, Lawrence, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) *Exempt milk.* "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

(h) *Concentrated milk.* "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

MARKET ADMINISTRATOR

§ 952.10 *Designation of market administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 952.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 952.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 952.71, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this part;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 952.15 *Classes of Utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 952.16, 952.17, and 952.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 952.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 952.25 and 952.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Lowell, Lawrence, Worcester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 952.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 952.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 952.20 *Requirements for all receiving plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 952.21 or 952.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable state authority of Rhode Island, Massachusetts or Connecticut, or

(b) A permit has been issued to one or more handlers licensed by the applicable health authorities for the sale of Class I milk in the marketing area to receive milk from such plant.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Lowell, Lawrence, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler unless its operation during October through February was in the handlers' capacity as a producer-handler.

§ 952.21 *Additional requirements for city receiving plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 952.22 *Additional requirements for country receiving plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 40 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this part through February 1952 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 952.25 *Assignment of pool handlers' receipts to class I milk.* For the purpose of computing the net quantity of each pool handler's class I milk for which a value is to be computed pursuant to § 952.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 952.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Providence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Providence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Providence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 952.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 952.25 shall be assigned to Class II milk.

§ 952.27 *Receipts from other federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Lowell, Lawrence, Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class

II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 952.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 952.25, 952.26, and 952.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 952.15 952.16, and 952.17.

§ 952.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 952.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 952.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 952.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 952.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 952.36 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASS PRICES

§ 952.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weigh the respective rates as follows: Maine, 19; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept	Apr.-May-June	Oct.-Nov.-Dec.
60–56	$2.70	$2.66	$2.94
57–63	2.72	2.68	3.16
64–70	2.94	2.90	3.38
71–77	3.16	3.12	3.60
78–84	3.38	3.34	3.82
85–91	3.60	3.56	4.04
92–97	3.82	3.78	4.26
98–104	4.04	4.00	4.48
105–111	4.26	4.22	4.70
112–118	4.48	4.44	4.92
119–125	4.70	4.66	5.14
126–132	4.92	4.88	5.36
133–139	5.14	5.10	5.58
140–146	5.36	5.32	5.80
147–152	5.58	5.54	6.02
153–159	5.80	5.76	6.24
160–166	6.02	5.98	6.46
167–173	6.24	6.20	6.68
174–180	6.46	6.42	6.90
181–187	6.68	6.64	7.12
188–194	6.90	6.86	7.34

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension of the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if (under the provisions of the Boston order) less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 83 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if (under the provisions of the Boston order) more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of (a)–(g) of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 952.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.(48) the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 952.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 952.40 and 952.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the State House in Providence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Providence from the nearest railway shipping point for such plant, whichever is shorter. The applicable differentials shall be those set forth in the following table, as adjusted pursuant to § 952.43:

DIFFERENTIALS FOR DETERMINATION OF COUNTRY PLANT PRICES

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
0–100	(1)	(1)
101–110	−0.5	−2.5
111–120	−0.5	−2.5
121–130	−0.5	−2.5
131–140	−0.5	−2.5
141–150	−0.0	−2.5
151–160	−1.5	−3.5
161–170	−1.5	−3.5
171–180	−2.0	−3.5
181–190	−2.0	−3.5
191–200	−2.5	−3.5
201–210	−2.5	−5.0
211–220	−2.5	−5.0
221–230	−3.0	−5.0
231–240	−3.0	−5.0
241–250	−3.0	−5.0
251–260	−3.0	−6.5
261–270	−3.5	−6.5
271–280	−3.5	−6.5
281–290	−3.5	−6.5
291 and over	−3.5	−6.5

(1) No differential.

§ 952.43 *Automatic changes in country plant price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the country plant price differentials set forth in the table in § 952.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 952.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 952.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 952.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 952.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 952.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 952.40, 952.41 and 952.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 952.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 952.25 (f), (i), and (k) by the price applicable pursuant to §§ 952.41 and 952.42.

§ 952.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 952.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 952.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant

to § 952.65 and from buyer-handlers and producer-handlers pursuant to § 952.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 952.61, 952.62, 952.65, 952.66, and 952.67;

(d) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 952.64;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 952.61 and 952.62. This result, which is the minimum price payable to producers for milk containing 3.7 percent butterfat received from them at city plants, shall be known as the basic blended price.

§ 952.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 952.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS

§ 952.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 952.61 (a).

§ 952.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 952.50 as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 952.63 and 952.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to: on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 952.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 952.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 952.62 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payment pursuant to §§ 952.61 (b), 952.65, and 952.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Wherever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 952.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 952.63 *Butterfat differential.* Each handler shall, in asking payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 952.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 952.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 952.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following areas, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to § 952.40 and § 952.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

(1) The State of Rhode Islands.

(2) That portion of Connecticut east of the Connecticut River.

(3) Bristol, Middlesex, Norfolk, Plymouth and Worcester Counties, and that portion of Hampden County east of the Connecticut River, in Massachusetts.

§ 952.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between Class I and Class II prices pursuant to §§ 952.40, 952.41, and 952.42, effective for the location of freight mileage some of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 952.40, 952.41, and 952.42, effective for the location or freight mileage zone of the handler's plant.

§ 952.66 *Payments on Class I receipts from New York order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the Class I price pursuant to §§ 952.40 and 952.42, effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 952.63.

(b) Adjust the zone Class I–A or I–B price applicable under the New York order by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the New York order plant by the difference in price.

§ 952.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 952.61, 952.62, 952.65, and 952.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 952.68 *Statements to producers.* In making the payments to producers prescribed by § 952.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 952.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 952.69 and 952.70, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 952.69 *Marketing service deductions; nonmembers of an association of producers.* In making payments to producers pursuant to § 952.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 952.70, deduct 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 952.70 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 952.69, each handler shall, in lieu of the deductions specified in § 952.69, make such deductions from payments made pursuant to § 952.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such associations.

§ 952.71 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundred weight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 952.72 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 952.80 *Effective time.* The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 952.81.

§ 952.81 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 952.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 952.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 952.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by Whiting Milk Company and East Greenwich Dairy Company:

2. Provide that Providence, Rhode Island, marketing area shall include the U. S. Naval Operating Base located in Newport County, Rhode Island, including but not limited to the following:

1. U. S. Naval Supply Base, Coddington Cove, Newport, R. I.

2. U. S. Naval Training Station, Newport, R. I.

3. U. S. Naval Torpedo Station, Newport, R. I.

4. U. S. Naval Hospital, Newport, R. I.

5. Post Quartermaster, Marine Barracks, Naval Base, Newport, R. I.

6. Ships of the Navy on orders issued by the Commanding Officer, Naval Supply Depot, Newport, R. I.

7. Vessels of the U. S. Coast Guard Service.

8. Requiring activities of the U. S. Coast and Geodetic Survey.

9. All other shore activities at the Naval Base, Newport, R. I.

Proposed by Deary Bros., Inc.:

3. In the event that Webster is included in the Providence milk marketing area there should be added the following cities and towns in Massachusetts:

Charlton.	Holland.
Brimfield.	Southbridge.
Oxford.	Sturbridge.
Dudley.	Wales.

Proposed by Deary Bros., Inc., Deary Bros. Co., and Butler's Dairy, Inc.:

4. In the event that Webster is included in the Providence milk market-

ing area there should be added the following cities and towns in Connecticut:

Quinebaug.	Central Village.
East Thompson.	Pascoag.
Thompson.	Wilsonville.
North Grosvenordale.	Mechanicsville.
Grosvenordale.	Ballouville.
Woodstock.	Elmville.
Putnam.	Olneyville.
Killingly.	Oneco.
Somers.	West Willington.
West Stafford.	Danielson.
Rockville.	Brooklyn.
Vernon Center.	Merram.
Coventry.	Mansfield Depot.
Bolton.	Eagleville.
Andover.	South Coventry.
Crystal Lake.	Hop River.
East Killingly.	Columbia.
South Killingly.	Chestnut Hill.
Tolland.	Staffordville.
Moosup.	Stafford.
Plainfield.	Stafford Springs.
Jewett City.	Westford.
North Ashford.	East Willington.
Woodstock Valley.	South Willington.
Eastford.	West Ashford.
Ashford.	Mansfield.
Warrenville.	Storrs.
Hampton.	Spring Hill.
Hanover.	Mansfield Center.
Versailles.	Willimantic.
North Woodstock.	South Windham.
West Woodstock.	Chaplin.
South Woodstock.	Clark's Corner.
Pomfret.	North Windham.
Pomfret Center.	Scotland.
Phoenixville.	Windham.
Abington.	North Franklin.
Westminster.	Wauregan.
Centerbury.	Sterling.
Attawangan.	

Proposed by Lyndenville Creamery Co., Inc., Devine's Creamery, Inc., Devine's Milk Laboratories, Inc., and Devine's Mount Hope Farm:

5. In the event there is included in the Providence milk marketing area Attleboro, North Attleboro, Plainville, Rehoboth, Seekonk, or Wrentham there should be added the following cities and towns in Massachusetts:

Berkeley.	Dighton.
Easton.	Foxboro.
Freetown.	Lakeville.
Mansfield.	Middleboro.
Norton.	Raynham.
Taunton.	Wareham.

Proposed by Emile J. Proteau:

6. Delete from the definition of the Providence marketing area the town of Wrentham, Massachusetts.

Proposed by Local Dairymen's Cooperative Association, Inc.:

7. Consider the use of a fall premium plan, with a deduction of 50 cents per hundredweight on all milk delivered by producers in May and June and payback to producers (of the sum so collected) in October and November, in lieu of four seasonal changes each year in the Class I price or a base rating system. Pay-back should be made only to producers of record in May and June.

8. Consider the adoption of Class I price formula either in the form of paragraph (a) or (b) as follows:

(a) The Class I price shall be 29¢ per hundredweight above the Boston annual level or 40¢ above the New York annual level (adjusted to bracket steps), whichever is higher. The New York annual level to be used shall be for 3.7 percent milk delivered to the market, adding the same amount to the 201–210 mile zone price to convert to a delivered price as is added to the Boston 201–210 mile zone price.

(b) The Class I price shall be determined by the following formula:

(1) Compute a formula index as follows:

(i) Current U. S. Wholesale commodity price index divided by index for April 1, 1951, times 20 percent.

(ii) Current index of Providence department store sales, divided by index for 3 months, February–April 1951, times 40 percent.

(iii) Simple average of current monthly farm wage rates in Rhode Island and Connecticut, divided by average for April 1, 1951, times 20 percent.

(iv) Current New England dairy ration prices, divided by average prices for four weeks ending May 25, 1951, times 20 percent.

(2) Multiply $6.46 by above index, divided by 100 and adjust to nearest 22¢ bracket, e. g. $6.24, $6.46, $6.68, $6.90, etc.

(3) Include supply-demand adjustment factor provided by the Boston order.

(4) Use contra-seasonal provision, March–June and September–December as in Boston order.

(5) Use May–June take-out and October–November pay-back under a level production incentive plan (with no take-out in 1951, have seasonal price rise of 44¢ in 1951 only).

(6) *Provided further*, That:

(i) The resulting price shall be not less than 7¢ over Boston and 18¢ over New York annual level (3.7% f. o. b. city plants, with New York price adjusted to nearest bracket).

(ii) The resulting price shall be not more than 51¢ over Boston and 62¢ over New York, except when this provision conflicts with subparagraph (i) of this paragraph.

Proposed by Lyndonville Creamery Co., Inc., Devine's Creamery, Inc., Devine's Milk Laboratories, Inc., and Devine's Mount Hope Farm:

9. Add to the proposed § 952.1 (e) as follows:

(e) *Marketing year.* The "marketing year" means the twelve-months' period from August 1st of each year to July 31st of the following year.

10. Add to § 952.1 the following paragraph (f):

(f) *Emergency period.* "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

11. Revise § 952.4 (f) (3) to read as follows:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants under this order or from plants regulated by the Boston Order, which is disposed of to consumers in the marketing area from an unregulated plant.

12. Add to § 952.4 a new paragraph (h) as follows:

(h) *"Emergency milk."* "Emergency milk" means fluid milk products other than cream received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

13. Add to § 952.15 a new paragraph as follows:

Receipts of emergency milk. (1) Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this subparagraph, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month.

(2) If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity assigned to Class II milk pursuant to subparagraph (1) of this paragraph, such greater quantity shall be assigned to Class II milk in lieu of the quantity determined under that subparagraph.

(3) Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

14. Revise § 952.20 (a) to read as follows:

(a) All of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable state authorities of Rhode Island, Massachusetts or Connecticut or whose milk is approved by health authorities in the area of production.

15. Substitute for proposed § 952.22 (a) and (b), the following:

(a) Subject to paragraph (b) of this section, each country receiving plant shall be a pool plant in the first month in which ten percent of the handler's total receipts of fluid milk products other than cream are disposed of in the marketing area as Class I milk and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated. The first year of operation shall be from the promulgation of the order to the following July 31st and thereafter from August 1st to July 31st of the following year.

(b) (1) Each plant which has acquired pool status but from which no Class I milk in the form of milk is disposed of in the marketing area for too successive months in the marketing year shall be a non-pool plant in the second of the two months and in each successive month of the marketing year during which no such Class I milk disposition is made.

(2) Each country plant for which the market administrator has received on or before the sixteenth day of the preceding month the handler's written request for non-pool plant designation shall be a non-pool plant in each month of the marketing year to which the request applies.

16. Add to § 952.41 a paragraph (d) as follows:

(d) During the months in which the butter and cheese adjustment is operative under the Boston Order No. 904, a similar provision shall be operative in this order.

Proposed by Rhode Island Milk Dealers Association:

17. Provide in § 952.20, requirements for all receiving plants, that a receiving plant shall be a pooled plant under the emergency permit procedure of the Rhode Island Department of Health, and the conflict eliminated between the operating of such emergency permit procedure and the pool plant provision of the proposed milk order.

18. In § 952.22 (a), amend the proposal for qualification of a plant to require 15 percent in place of 40 percent of the total receipts, and the months called for under paragraph (c) be November, December, and January.

Proposed by H. P. Hood & Sons:

19. Revise proposed § 952.20 (d) to read:

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through January shall not be a pool plant in any of the following months of February through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through January was in the handler's capacity as a producer-handler.

20. Revise proposed § 952.22 (a) to read:

(a) Each country receiving plant shall be a pool plant in any month in which more than 15 percent of its total receipts of fluid milk products other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk. However, any country receiving plant may be designated by a pool handler as a pool plant if such request is made to the administrator not less than 15 days in advance of the effective date of pooling and if the pool qualification of the plant does not result in the pool handler's total utilization of purchases from producers being less than 50 percent Class I. Any country plant which qualifies as a pool plant under any of the provisions of this paragraph for the first month in which the order is effective, or for any month of October thereafter shall retain its pooled status in each succeeding month in which it ships milk to the marketing area unless the handler requests termination of pool plant designation for the plant.

21. Revise proposed § 952.22 (b) to read:

(b) Any country plant which is a pool plant continuously from the effective date of this order through January 1952 and any country plant which thereafter is a pool plant continuously in each of the months from October through January shall be a pool plant continuously for the following months of February through September regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such eight months' period is received by the market administrator before February 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

22. Amend § 952.65 to provide that payments on outside milk originating at plants outside the 6 New England States and New York shall not be required in respect to such milk received during a period when an emergency has been declared pursuant to Federal Order No. 4.

Proposed by Rhode Island Milk Control Board:

23. Provide that any Federal order regulating the handling of milk in the Providence, Rhode Island, marketing area be issued in the form of an order complementary to an order issued by the Rhode Island Milk Control Board.

Proposed by the Massachusetts Milk Control Board:

24. That, if as a result of this hearing, the Secretary of Agriculture shall determine that any Massachusetts city or town should be included in the Providence, Rhode Island, marketing area, any order issued by the Secretary of Agriculture regulating the handling of milk in such marketing area, shall be an order complementary to a similar order to be issued by the Massachusetts Milk Control Board.

Issued at Washington, D. C., this 1st day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6536; Filed, June 5, 1951; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS AND OF TAX WITHHELD AT SOURCE FROM NONRESIDENT ALIENS, RETURNS OF ESTATES, TRUSTS, AND CORPORATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 205 and 219 of the Revenue Act of 1950 (Public Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, and section 305 of the Excess Profits Tax Act of 1950 (Public Law 909, 81st Cong., 2d Sess.), approved January 3, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.52–1 the following:

SEC. 305. FILING OF RETURNS FOR TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND BEFORE DECEMBER 31, 1950 (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1950).

In the case of a corporation subject to the tax imposed by subchapter D of chapter 1 of the Internal Revenue Code for a taxable year ending after June 30, 1950, but prior to December 31, 1950, such corporation shall after the date of the enactment of this act and before March 15, 1951, make a return for such taxable year with respect to the tax imposed by chapter 1 of the Internal Revenue Code for such taxable year. The return required by this section for such taxable year shall constitute the return for such taxable year for all purposes of the Internal Revenue Code; and no return for such taxable year, with respect to any tax imposed by chapter 1 of such code, filed on or before the date of the enactment of this act shall be considered for any of such purposes as a return for such year. The taxes imposed by chapter 1 of such code (determined with the amendments made by this act) for such taxable year shall be paid on March 15, 1951, in lieu of the time prescribed in section 56 (a) of such code. All payments with respect to any tax for such taxable year imposed by chapter 1 of such code under the law in effect prior to the enactment of this act, to the extent that such payments have not been credited or refunded, shall be deemed payments made at the time of the filing of the return required by this section on account of the tax for such taxable year under chapter 1 deter-

[7 CFR, Part 953]

[Docket No. AO–144–A3]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 51–6297, appearing at page 5062 of the issue for Wednesday, May 30, 1951, the following changes should be made:

1. On page 5063, first column:

a. Line 30, the word "Those" should read "These".

b. Line 45, the word "to" should be deleted.

2. In the fourth line of § 953.27, the word "from" should read "for."

3. In § 953.51 (c), the word "recommended" should read "recommend."

4. In § 953.53 (g), the word "two-weeks" should read "two-week".

mined with the amendments made by this act.

PAR. 2. There is inserted immediately after § 29.52–2 the following:

§ 29.52–3 *Certain corporation returns for taxable years ending after June 30, 1950, and before December 31, 1950.* The return of a corporation (other than a corporation exempt from the excess profits tax under section 454) for a taxable year ending after June 30, 1950, and before December 31, 1950, shall be filed after January 3, 1951 (the date of enactment of the Excess Profits Tax Act of 1950), and on or before March 15, 1951. Such return shall constitute the return for such taxable year, and no return for such taxable year filed on or before January 3, 1951, shall be considered as a return for such year. The taxes for such taxable year shall be paid on or before March 15, 1951. All payments of tax (including interest, penalties, and additions to the tax) for such taxable year made on or before January 3, 1951, shall be deemed to be payments of tax made at the time of the filing of the return required by this paragraph to be filed on or before March 15, 1951, except to the extent any such payments are credited or refunded prior to the time such return is filed. The provisions of § 29.56–1 (a) shall apply with respect to the payment of such tax by installment payments, and for such purpose, the date prescribed for the payment of the tax as a single payment is March 15, 1951.

PAR. 3. There is inserted immediately preceding § 29.53–1 the following:

SEC. 205. PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS, AND RETURNS OF ESTATES AND TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • • •

(b) Filing of Returns and Payment of Tax by Fiduciaries of Estates and Trusts.

(1) Section 53 (a) (1) (relating to time for filing returns) is hereby amended to read as follows:

(1) *General rule.* Returns made on the basis of the calendar year shall be made on or before the fifteenth day of March following the close of the calendar year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the fifteenth day of the third month following the close of the fiscal year, except that in the case of the return of the fiduciary of an estate or trust, the return shall be made on or before the fifteenth day of the fourth month following the close of the fiscal year.

• • • • • •

(3) The amendments made by this subsection shall be applicable only with respect to taxable years ending after the date of the enactment of this act.

PAR. 4. Section 29.53–1, as amended by Treasury Decision 5816, approved December 5, 1950, is further amended as follows:

A. By inserting immediately after subparagraph (7) of the first paragraph thereof the following:

(8) In the case of a return of a fiduciary of an estate or trust for a taxable year ending after September 23, 1950, on or before the 15th day of the fourth month following the close of such year.

B. By inserting at the end thereof the following paragraph: "For provisions relating to the time for filing certain corporation returns for taxable years ending after June 30, 1950, and before December 31, 1950, see § 29.52–3."

PAR. 5. Paragraph (b) of § 29.53–3 is amended by inserting after "December 31, 1941," the following: "and ending before December 31, 1951,".

PAR. 6. There is inserted immediately preceding § 29.56–1 the following:

SEC. 205. PAYMENT OF INCOME TAX BY INSTALLMENT PAYMENTS, AND RETURNS OF ESTATES AND TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) Payment of Income Tax by Installment Payments. Effective with respect to taxable years ending on or after December 31, 1950, section 56 (b) (relating to installment payments of income tax) is hereby amended to read as follows:

(b) *Installment payments*—(1) *Estates of decedents.* In the case of the estate of a decedent, the fiduciary may elect to pay the tax in four equal installments.

(2) *Corporations.* In the case of a corporation:

(A) *Taxable years ending before December 31, 1954.* The taxpayer may elect with respect to any taxable year ending before December 31, 1954, to pay the tax in four installments, and in such case the amount of the tax paid by each installment shall be determined as follows:

If the taxable year ends—		Each of the first 2 installments shall be the following percentage of the tax	Each of the last 2 installments shall be the following percentage of the tax
On or after—	And before—		
Dec. 31, 1950	Dec. 31, 1951	30	20
Dec. 31, 1951	Dec. 31, 1952	35	15
Dec. 31, 1952	Dec. 31, 1953	40	10
Dec. 31, 1953	Dec. 31, 1954	45	5

(B) *Taxable years ending on or after December 31, 1954.* The taxpayer may elect with respect to any taxable year ending on or after December 31, 1954, to pay the tax in two equal installments.

(3) *Dates for installment payments*—(A) *Four installments.* In any case in which the tax may be paid in four installments, the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the 15th day of the third month, the third installment on the 15th day of the sixth month, and the fourth installment on the 15th day of the ninth month, after such date.

(B) *Two installments.* In any case in which the tax may be paid in two installments, the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, and the second installment shall be paid on the 15th day of the third month after such date.

(4) *Requirement for payment.* If any installment is not paid on or before the date fixed for its payment, the whole of the tax unpaid shall be paid upon notice and demand from the collector.

(b) *Filing of returns and payment of tax by fiduciaries of estates and trusts.* • • •

(2) Section 56 (a) (relating to time for payment of tax) is hereby amended by inserting before the period at the end thereof the following: ", except that in the case of the tax imposed on an estate or trust the tax shall be paid on the fifteenth day of April following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the fourth month following the close of the fiscal year".

(3) The amendments made by this subsection shall be applicable only with respect to taxable years ending after the date of the enactment of this act.

PAR. 7. Section 29.56–1, as amended by Treasury Decision 5816, is further amended as follows:

A. By striking out so much of such section as precedes the first sentence and by inserting in lieu thereof the following:

§ 29.56–1 *Date on which tax shall be paid*—(a) *Taxable years ending before December 31, 1950.* The provisions of this paragraph shall apply only with respect to taxable years ending before December 31, 1950. • • •

B. By adding at the end thereof the following:

Notwithstanding the preceding provisions of this paragraph, in the case of an estate or trust the taxable year of which ends after September 23, 1950, the tax shall be paid on or before the 15th day of the fourth month following the close of such year, or, if paid in installments, shall be paid in equal installments on or before such date and on or before the 15th day of the third, sixth, and ninth month following such date.

(b) *Taxable years ending on or after December 31, 1950*—(1) *In general.* (i) With respect to taxable years ending on or after December 31, 1950, the tax, unless it is required to be withheld at the source under section 1622, is to be paid on or before the 15th day of March following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on or before the 15th day of the third month following the close of such fiscal year. See, however, subparagraph (2) of this paragraph with respect to estates and trusts.

(ii) In any case in which an individual taxpayer is entitled to elect, and does so elect, to file as his return Form 1040A, as provided in § 29.51–2, the amount of the tax determined by the collector is to be paid within 30 days after the date of mailing by the collector to the taxpayer of a notice stating the amount payable by the taxpayer and making demand upon the taxpayer therefor.

(iii) In the case of a return (other than a return by a nonresident alien individual who does not have wages subject to withholding under section 1622 or a nonresident foreign corporation) for a fractional part of a year, the tax is to be paid on or before the last day prescribed for the filing of the return (see § 29.53–1). But see § 29.53–3.

(iv) For the time of payment of tax by a nonresident alien individual (except a bona fide resident of Puerto Rico subject to the provisions of section 220) who does not have wages subject to withholding under section 1622, see section 218. In the case of a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year and thus subject to the provisions of section 220, the tax for taxable years beginning after December 31, 1950, is to be paid at the time provided in the case of United States citizens and residents.

(v) For the time of payment of tax by a nonresident foreign corporation, see section 226.

(2) *Estates and trusts.* In the case of the tax imposed upon an estate or trust, the tax shall be paid on or before the 15th day of April following the close of the calendar year, or, if the return is made on the basis of a fiscal year, on or before the 15th day of the fourth month following the close of the fiscal year.

(3) *Installment payments*—(i) *Estates of decedents.* With respect to estates of decedents, the fiduciary may elect to pay the tax in four equal installments, instead of in a single payment, in which case the first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment, the second installment shall be paid on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

(ii) *Corporations; taxable years ending before December 31, 1954.* With respect to taxable years of corporations ending on or after December 31, 1950, and before December 31, 1954, the taxpayer may elect to pay the tax in four installments, and in such case the amount of the tax paid by each installment shall be as follows:

If the taxable year ends—		Each of the first 2 installments shall be the following percentage of the tax	Each of the last 2 installments shall be the following percentage of the tax
On or after—	And before—		
Dec. 31, 1950	Dec. 31, 1951	30	20
Dec. 31, 1951	Dec. 31, 1952	35	15
Dec. 31, 1952	Dec. 31, 1953	40	10
Dec. 31, 1953	Dec. 31, 1954	45	5

The first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment, the second installment shall be paid on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.

(iii) *Corporations; taxable year ending on or after December 31, 1954.* With respect to taxable years of corporations ending on or after December 31, 1954, the taxpayer may elect to pay the tax in two equal installments, in which case the first installment shall be paid on or before the date prescribed for the payment of the tax as a single payment and the second installment on or before the 15th day of the third month after such date.

(iv) *In general.* If the taxpayer elects to pay the tax in installments, any installment may be paid, at the election of the taxpayer, prior to the date prescribed for its payment. If an installment is not paid in full on or before the date fixed for its payment either by the Internal Revenue Code or by the Commissioner in accordance with the terms of an extension, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

In the case of taxpayers other than estates of decedents, and other than corporations, the privilege of installment payments of the tax does not apply with respect to taxable years ending on or after December 31, 1950.

PAR. 8. There is inserted immediately preceding § 29.143–1 the following:

SEC. 219. PAYMENT OF TAX WITHHELD AT SOURCE FROM NONRESIDENT ALIENS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The first sentence of section 143 (c) is hereby amended to read as follows: "Every person required to deduct and withhold any tax under this section shall, on or before March 15 of each year, make return thereof and pay the tax to the collector designated in section 53 (b)."

PAR. 9. Section 29.143–7 is amended by striking out the first sentence of the third paragraph and by inserting in lieu thereof the following: "In every case the tax withheld during a calendar year prior to the calendar year 1950 must be paid to the collector on or before June 15 of the following year. In every case the tax withheld during a calendar year subsequent to the calendar year 1949 must be paid on or before March 15 of the following year."

[F. R. Doc. 51–6518; Filed, June 5, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

NORTH UMPQUA RIVER, OREGON

POWER SITE CLASSIFICATION NO. 416

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

WILLAMETTE MERIDIAN, OREGON

T. 26 S., R. 2 W.,
Sec. 14, S½ (except S½S½SE¼SE¼);
Sec. 22, N½;
Sec. 24, N½.

The area described aggregates 950 acres.

THOMAS B. NOLAN,
Acting Director.

Dated: May 29, 1951.

[F. R. Doc. 51–6487; Filed, June 5, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 60]

DAVID D. DONIGER & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, David D. Doniger & Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special Provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and boys' sportswear distributed by David D. Doniger & Co., Inc., 303 Fifth Avenue, New York 16, N. Y., (hereafter called the "wholesaler") having the brand names "McGregor," "Prep McGregor," and "Wee McGregor" and described in Exhibit "A" of the wholesaler's application dated

March 9, 1951. The wholesaler's prices listed below carry terms of 2/10 Net 30.

MEN'S SHIRTS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$25.50	$3.50
30.00	3.95
36.00	5.00
42.84	5.95
49.92	6.95
54.00	7.50
57.00	7.95
64.80	8.95
72.00	10.00
79.20	10.95
90.00	12.50
93.00	12.95
108.00	15.00
122.04	16.95
144.00	19.95

BOYS' SPORTSHIRTS

$22.50	$2.95
25.50	3.50
30.00	3.95
36.00	4.95
42.84	5.95
49.92	6.95
57.00	7.95
86.40	11.95
93.00	12.95
97.20	13.50
108.00	14.95

MEN'S LEISURE COATS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$10.80	$17.50
15.90	26.50
16.50	27.50

MEN'S OUTERWEAR

$4.75	$7.95
6.75	10.95
7.20	11.95
7.80	12.95
8.40	13.95
9.00	15.00
9.60	15.95
10.20	16.95
10.80	17.95
13.80	22.95
15.60	25.95
17.10	28.50
27.00	45.00
30.60	49.95
42.00	69.95

MEN'S LEATHER JACKETS

$7.80	$12.95
24.00	39.95
26.50	44.50
27.00	45.00
29.75	50.00

MEN'S ENSEMBLES

$7.20	$11.95
7.75	12.95
8.35	13.95

MEN'S HOSE

Wholesaler's selling price (per dozen)	*Ceiling Price at retail (per unit)*
$10.50	$1.50
15.00	1.95
22.50	2.95

MEN'S SPORT SUITS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$19.50	$32.50
22.50	37.50
24.00	39.95
25.50	42.50

NOTICES

MEN'S SPORT COATS

Wholesaler's selling price (per unit)	*Ceiling price at retail (per unit)*
$10.20	$16.95
13.80	22.95
15.00	25.00
16.50	27.50
18.00	29.95
19.50	32.50
21.00	35.00
22.50	37.50
24.00	39.95

MEN'S VESTS

$5.40	$8.95
6.00	10.00

MEN'S SLACKS

$4.15	$6.95
4.75	7.95
6.00	10.00
6.60	10.95
7.20	11.95
7.75	12.95
8.40	13.95
9.00	15.00
9.60	15.95
10.20	16.95
10.80	17.95
11.37	18.95
12.00	19.95
12.60	20.95
13.20	21.95
13.80	22.95
14.40	23.95
15.00	25.00

BOYS' SLACKS

$6.90	$11.50
7.20	11.95
7.75	12.95
8.35	13.95
9.00	14.95

MEN'S SPORT COATS

$9.60	$15.95
12.00	19.95
13.50	22.50
14.40	23.95
17.40	28.95
19.50	32.50

BOYS' OUTERWEAR JACKETS

$5.10	$8.50
6.00	9.95
6.60	10.95
7.20	11.95
8.35	13.95
9.00	14.95
11.50	18.95
13.80	22.95
16.50	27.50
19.50	32.50

MEN'S SWEATERS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$30.00	$3.95
36.00	5.00
42.00	5.95
49.92	6.95
57.00	7.95
64.44	8.95
72.00	10.00
79.20	10.95
90.00	12.50
97.20	13.50
108.00	15.00
136.20	18.95

MEN'S CAPS

$10.80	$1.50
14.50	2.00
18.00	2.50
22.50	2.95
25.50	3.50

MEN'S KNIT SHIRTS

Wholesaler's selling price (per dozen)	*Ceiling price at retail (per unit)*
$9.25	$1.25
15.00	2.00
18.00	2.50
22.50	2.95
25.20	3.50
28.80	3.95
42.00	5.95

MEN'S SWIM AND PLAYWEAR—SHORTS AND WALKERS

$22.50	$2.95
25.50	3.50
30.00	3.95
36.00	5.00
42.84	5.95
48.00	6.95
57.00	7.95
64.44	8.95
72.00	10.00
108.00	15.00

BOY'S SWIMWEAR

$15.00	$1.95
18.00	2.50
22.50	2.95
25.50	3.50
30.00	3.95
36.00	4.95

BOYS' KNIT SHIRTS

$7.75	$1.00
10.50	1.50
11.50	1.65
15.00	1.95
16.50	2.25
18.00	2.50
21.75	2.95
28.80	3.95

BOYS' CAPS

$10.50	$1.50

BOYS' SWEATERS

$25.50	$3.50
30.00	3.95
36.00	4.95
42.00	5.95
48.00	6.95
66.00	8.95
79.20	10.95

2. All of the items listed in this paragraph carry terms of 2/10 Net 30.

(a) Men's shirts having the names:

Pin Lawn S. S.
Conga Cool S. S.
Sudan Cool S. S.
Nile Cool S. S.
Linbreeze S. S.
Linsweep S. S.
Pinlawn S. S.
Laguna Mesh S. S.
Arctic Breeze S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a celling price at retail of $3.95 per unit.

(b) Men's shirts having the names:

Sun O'Celtic L. S.
Pompeii L. S.
Golden King Popover L. S.
Polka Mist S. S.
Eden Mist S. S.
King Fisher Popover
Belfast S. S.
Scotlin S. S.
Biscayne S. S.
Tropez S. S.
Magnolia S. S.
Sunny Isle L. S.
Tonga L. S.
Rangoon L. S.

Sun Jewel L. S.
Royal Navy S. S.
Royal Family S. S.
Coffee Royal Viva S. S.
Coffee Royal S. S.
Oahu S. S.
Thorobred S. S.
Haitian S. S.
Marengo S. S.
Ramapo S. S.
Silduka S. S.
Aqua Duck L. S.
Shadow Shark S. S.
Keats L. S.
Needlepoint L. S.
Educated Denim Gull Popover.
Educated Denim Sloop Popover.
Educated Denim Hugger S. S.
Sun Royal S. S.
Sun Royal Viva S. S.
Deep Royal S. S.
Deep Royal Viva S. S.
Aqua S. S.
Marengo S. S.
Royal Crest S. S.
Educated Denim Helm Popover.
Mariner S. S.
Sahara S. S.
Black Palm S. S.
Haitian S. S.
Acapulco S. S.
Thorobred S. S.
Palermo S. S.
Peralta S. S.
Palermo Viva S. S.
Naturesboy '51 S. S.
Saddlefit L. S.
Gould FO L. S.
Heel & Toe L. S.
Viva Point L. S.
Grand March L. S.
Grand March Pop. L. S.
Corn Crib L. S.
Team Royal S. S.
Buffalo Boy L. S.
Conga Hugger S. S.
Morocco S. S.
Siltuna S. S.
Isle of Palms L. S.
Boca Raton S. S.
Maui L. S.
Zanzibar L. S.
Britannic L. S.
Star of the South Seas S. S.
Orlando S. S.
Nelson S. S.
Achilles S. S.
Perra Mist S. S.
Bamboo Mist S. S.
Belton S. S.
Chemcool L. S.
End Cool L. S.
Vagabond S. S.
Joseph's Coat L. S.
Golden Slippers L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(c) Men's shirts having the names:

Educated Denim Cuba Libra S. S.
Terry Sea Gull S. S.
Tahiti S. S.
Tahiti Viva S. S.
Stars of the Pacific S. S.
Real Leadbeater Hug. S. S.
Ice Tartan Viva P. O. S. S.
Silduka L. S.
Shadow Shark L. S.
Joseph's Ct. Hugger L. S.
Deep Royal L. S.
Sun Royal L. S.
Palermo L. S.
Biscayne L. S.
Magnolia L. S.
Royal Navy L. S.
Coffee Royal L. S.
Ramapo L. S.

Bridgewater L. S.
Corsica L. S.
Granville L. S.
Rockville L. S.
Thorobred L. S.
Tropez L. S.
Educated Sail Cloth Barnacle S. S.
Haitian L. S.
Star of the South Seas L. S.
Royal Family L. S.
Lei He Patio S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(d) Men's shirts having the names:

Managua L. S.
Nylon Sea S. S.
Nylon Boat S. S.
Wispcord Shirt L. S.
Golden Gate Bahama S. S.
Swordfish Bahamas S. S.
Candle Glo L. S.
Candle Glo Slipover.
Glen Roy Slipover Shirt L. S.
Nylon Breeze L. S.
Aloha Bahama S. S.
Terry Palm Coconut Slipover S. S.
Nylcord Comfortable L. S.
Chateau Comfortable L. S.
Ice Tattersall Play Shirt.
Nylon Mariner S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $64.44 per dozen, shall have a ceiling price at retail of $8.95 per unit.

(e) Boys sportshirts having the names:

Wee Cuba S. S.
Wee Sudan Cool S. S.
Wee Chili Cool S. S.
Wee Lynbreeze S. S.
Wee Bahama Breeze

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(f) Boys' sportshirts having the names:

Prep Puerto Rico S. S.
Prep Cactus S. S.
Prep Samba Pop S. S.
Prep Lynbrook S. S.
Prep Sun O'Celtic S. S.
Prep India Madras Pop S. S.
Prep Bonnie Banks Pop S. S.
Prep Barn Dance Pop S. S.
Prep Golden Slippers Pop S. S.
Prep Heel & Toe Pop S. S.
Prep Double Wheel Pop S. S.
Prep Texas Twister Pop S.S.
Prep Buffalo Boy Pop S.S.
Prep Grand March Pop S. S.
Prep Figure 8 Pop S.S.
Prep Highland Fling Pop S. S.
Prep Bonnie Whirl Pop S.S.
Prep Corn Crib Pop S.S.
Prep Spotted Tiger S. S.
Prep Hawaiian Ginger S. S.
Prep Joseph's Coat Popover S. S.
Prep Champagne S. S.
Prep Sandspoint S. S.
Wee Fieldgoal L. S.
Wee Brittanic S. S.
Wee Isle of Palms S. S.
Wee Sunny Isle S. S.
Wee Boca Raton S. S.
Wee Tonga S. S.
Wee Maui S. S.
Wee Zanzibar S. S.
Wee Rangoon S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(g) Boys' sportshirts having the names:

Wee Gould Pop L. S.
Wee Golden King Pop L. S.
Wee Brittanic L. S.
Wee Isle of Palms L. S.
Wee Sunny Isles L. S.
Wee Boca Raton L. S
Wee Tonga L. S.
Wee Maui L. S.
Wee Zanzibar L. S.
Wee Rangoon L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $34.50 per dozen, shall have a ceiling price at retail of $4.95 per unit.

(h) Boys sportshirts having the names:

Prep Tahita Viva S. S.
Prep Chaucer Pop S. S.
Prep Tahita S. S.
Wee Real Toucan Pop L. S.
Wee Real Leadbeater Hug. S. S.
Wee Real Macaw Pop L. S.
Wee Amazon Pop L S.
Wee Trojan Pop L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42.00 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(i) Boys' sportshirts having the names:

Prep Flowers Unlimited Viva.
Prep Flowers Unlimited S. S.
Prep Managua S. S.
Wee Real Toucan Slip L. S.
Wee Real Leadbeater Hug. L. S.
Wee Real Lorry Hug. L. S.
Wee Chaucer Popover L. S.
Wee Hancock Sweepshirt L. S.
Wee Tatterkeet Hug. L. S.
Wee Gulls Unlimited L. S.
Wee Gulls Unlimited Pop L. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(j) Men's outerwear having the names:

Heathcote Blouse.
Maharajah Golf Jacket.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $7.75 per unit, shall have a ceiling price at retail of $12.95 per unit.

(k) Men's sweaters having the names:

Bonnie Lane S. L.
Scotlon S. L.
Pinehurst S. L.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $48.00 per dozen, shall have a ceiling price at retail of $6.95 per unit.

(l) Men's sweaters having the names:

Yorkshire Giant.
Humishire Giant.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $60.00 per

dozen, shall have a ceiling price at retail of $8.95 per unit.

(m) Men's sweaters having the name:

Kashmir S. L.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $96.00 per dozen, shall have a ceiling price at retail of $13.50 per unit.

(n) Men's caps having the names:

Ice Tattersall Pro.
Ice Tartan Pro Cap.
Ice Madras Pro Cap.
Celtic Pro Cap.
Celtic Punjab.
India Pro Cap.
Dry Sack Pro.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(o) Men's Knit Shirts having the name:

McSpencer

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $9.00 per dozen, shall have a ceiling price at retail of $1.25 per unit.

(p) Men's knit shirts having the names:

Flight Way
On The Wing
Winged Flight.
Golden Gate Terry P. O.
Aloha Terry P. O
Paradise Flower Terry P. O.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.00 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(q) Men's knit shirts having the names:

Saco.
Lagoa Fire.
Lana.
Santo Bara.
McTerry
Fiery Phantom.
Laguna Fire
Hoot Mon Knit.
Yogi Knit.
Wingdale.
Bo Sun.
Robin Cru Lust.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(r) Men's swim and play wear having the name:

Lastex Breezer Trunks

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $24.00 per dozen, shall have a ceiling price at retail of $3.50 per unit.

(s) Men's swim and play wear having the names:

Sahara Breezer.
Sahara Reef
Drizzler Reefs.
Sand Bag Gab Boxer.
Spotted Tiger Reefs.
Hawaiian Ginger Reefs.
Aqua Boxer.
Barbados Breezer.
Spotted Tiger Breezer.
Spotted Tiger Hawaiian.
Bonnie Banks Reef.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(t) Men's swim and play wear having the names:

Golden Gate Boxer.
Aloha Boxer.
Flowers Unlimited Boxer.
Flowers Unltd. Cabana Hawaiian.
Aussie All Sport.
Stars of the Pacific Boxer.
Sword Fish Boxer.
Managua Boxer.
Managua Cabana Hawaiian.
Haitian Boxer.
Thorobred Boxer.
Palermo Boxer.
Tahiti Boxer.
Tahiti Cabana Hawaiian.
Sun Royal Boxer.
Deep Royal Boxer.
Royal Navy Boxer.
Nylon Sea Boxer.
Nylon Boat Boxer.
Educated Sailcloth Jumpin Short.
Nassau Stroller.
Celtic St. Andrews.
Wingfoot.
Giants Drizzler Boxer.
Sand and Turf Boxer.
Nylcord Walker.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $42.00 per dozen, shall have a ceiling price at retail of $5.95 per unit.

(u) Boys' swimwear having the names:

Prep Whippet.
Prep Camper.
Prep Gabadier.
Wee Nyltone.
Wee Zealander.
Wee Drizzler Reefs.
Wee Aqua Short.
Wee Nature Boy '51 Lastex.
Wee Barbados Short.
Wee Spotted Tiger Short.
Wee Hawaiian Ginger Short.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $21.75 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(v) Boys' swimwear having the names:

Prep Golden Gate Short.
Prep Aloha Short.
Prep Paradise Flower Short.
Prep Swordfish Short.
Prep Black Palms Tight.
Prep Sahara Short.
Prep Barbados Breezer.
Prep Magador Short.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $28.80 per dozen, shall have a ceiling price at retail of $3.95 per unit.

(w) Boys' knit shirts having the name:

Wee Dale S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $7.50 per dozen, shall have a ceiling price at retail of $1.00 per unit.

(x) Boys' knit shirts having the name:

Wee Mallard Knit S. S.

in the wholesaler's application dated March 9, 1951, so long as they have a wholesaler's selling price of $14.50 per dozen, shall have a ceiling price at retail of $1.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

4. On and after July 5, 1951, David D. Doniger & Co., Inc., must mark each article listed in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t) 2 (u), 2 (v), 2 (w), and 2 (x) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t), 2 (u), 2 (v), 2 (w), and 2 (x) of this special order or changes the retail ceiling price of a listed article, David D. Doniger & Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraphs 1, 2, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), 2 (i), 2 (j), 2 (k), 2 (l), 2 (m), 2 (n), 2 (o), 2 (p), 2 (q), 2 (r), 2 (s), 2 (t), 2 (u), 2 (v); 2 (w), and 2 (x) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6551; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 61]

NEW YORK KNITTING MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, New York Knitting Mills, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of wool sweaters manufactured by New York Knitting Mills, Inc., 1410 Broadway, New York 18, New York, having the brand name "Valcuna" and described in the manufacturer's application, dated March 6, 1951. The manufacturer's prices listed below are subject to a discount of 8/10 EOM.

WOOL SWEATERS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$30.00	$3.95
33.00	4.50
36.00	4.95
40.50	5.50
43.50	5.95
48.00	6.50
51.00	6.95
57.00	7.95
63.00	8.95
72.00	9.95
78.00	10.95
84.00	11.95
93.00	12.95
99.00	13.95
108.00	14.95
114.00	15.95
120.00	16.95
129.00	17.95

2. Wool sweaters bearing the item numbers 0180, 12252, and 3239 in the manufacturer's application dated March 6, 1951, so long as they have a manufacturer's selling price of $42.00 per dozen shall have a ceiling price at retail of $5.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, New York Knitting Mills, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, New York Knitting Mills, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6552; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 62]

H. DAROFF & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, H. Daroff & Sons, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by H. Daroff & Sons, Inc., 2300 Walnut Street, Philadelphia 3, Pennsylvania, having the brand name "Botany '500' Brand, Tailored by Daroff" and described in the manufacturer's application dated March 21, 1951. The manufacturer's prices listed below carry terms of Net 30.

SUITS AND TOPCOATS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$11.00	$18.50
11.75	19.75
13.25	22.50
22.50	37.50
24.00	40.00
30.00	50.00
32.50	55.00
39.00	65.00
41.00	69.50

2 (a) Suits having the name "Summer Tweeds" in the manufacturer's application dated March 21, 1951, so long as they have a manufacturer's selling price of $29.25 per unit, shall have a ceiling price at retail of $50.00 per unit. This price carries terms of Net 30.

(b) Suits and topcoats having the names "Flannels," "Shetlands," and "Shetland Topcoats" in the manufacturer's application dated March 21, 1951, so long as they have a manufacturer's selling price of $38.00 per unit, shall have a ceiling price at retail of $65.00 per unit. This price carries terms of Net 30.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, H. Daroff & Sons, Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, H. Daroff & Sons, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6553; Filed, June 4, 1951; 8:55 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 63]

COLE OF CALIFORNIA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Cole of California, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period.

This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of swimsuits, beachwear, and sportswear for women and children manufactured by Cole of California, Inc., 2615 Fruitland Road, Los Angeles 58, California, having the brand name "Cole of California" and described in the manufacturer's application, dated March 29, 1951. The manufacturer's prices listed below carry terms of 8/10 EOM.

SWIMSUITS, BEACHWEAR AND SPORTSWEAR

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$1.75	$2.95
2.10	3.50
2.50	3.95
3.00	4.95
3.60	5.95
4.20	6.95
4.75	7.95
5.25	8.95
6.00	9.95
6.75	10.95
7.75	12.95
8.75	14.95
9.75	16.95
10.75	17.95
11.75	19.95
12.75	22.95
14.75	25.00
16.75	29.95
19.75	35.00
39.75	75.00

2 (a) "Cole of California" items having style numbers G 30, Y 448, Y 19, Y 25, Y 36, and Y 47 in the manufacturer's price list in the manufacturer's application, dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as they have a manufacturer's selling price of $3.50 per unit, shal have a ceiling price at retail of $5.95 per unit, subject to the terms set forth in paragraph 1 above.

(b) "Cole of California" items having style numbers 303, G 28, G 29, G 44, G 8100, G 8300, Y 33, Y 48, Y 54, and Y 8200 in the manufacturer's price list in the manufacturer's application dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as they have a manufacturer's selling price of $4.00 per unit, shall have a ceiling price at retail of $6.95 per unit, subject to the terms set forth in paragraph 1 above.

(c) "Cole of California" item having the style number 40 in the manufacturer's price list in the manufacturer's application dated March 29, 1951, as supplemented by letter dated May 4, 1951, so long as it has a manufacturer's selling price of $4.50 per unit, shall have a ceiling price at retail of $7.95 per unit, subject to the terms set forth in paragraph 1 above.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Cole of California, Inc., must mark each article listed in paragraphs 1, 2 (a), 2 (b), and 2 (c) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), 2 (b), and 2 (c) of this special order or changes the retail ceiling price of a listed article, Cole of California, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), 2 (b) and 2 (c) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6554; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 64]

PREMIER KNITTING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Premier Knitting Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of cashmere sweaters manufactured

by Premier Knitting Co., Inc., 1410 Broadway, New York 18, N. Y., having the brand name "Premier" and described in the manufacturer's application, dated April 20, 1951. The manufacturer's prices listed below carry terms of 8/10 EOM.

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$9.20	$15.95
10.25	16.95
11.60	19.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, Premier Knitting Co., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Premier Knitting Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6555; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 65]

JOHN B. STETSON CO., MALLORY DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Company, Mallory Division, Philadelphia 22, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's hats, manufactured by John B. Stetson Company, Mallory Division, having the brand name(s) "Mallory", "Emerson", "Wilson", "University Club", "Burton Taylor", Kensington", shall be the proposed retail ceiling prices listed by John B. Stetson Company, Mallory Division, in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, John B. Stetson Company, Mallory Division, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, John B. Stetson Company, Mallory Division, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$-------- per --------	unit, dozen, etc.
Terms ------- (net or percent EOM, etc.)	$--------;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6556; Filed, June 4, 1951; 8:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 66]

JOHN B. STETSON CO., INC., MILLINERY DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Company, Incorporated, Millinery Division, Philadelphia 22, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of women's hats manufactured by John B. Stetson Company, Incorporated, Millinery Division, having the brand name(s) "Stetson" and "Mallory", shall be the proposed retail ceiling prices listed by John B. Stetson Company, Incorporated, Millinery Division, in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 5, 1951, John B. Stetson Company, Incorporated, Millinery Division, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, John B. Stetson Company, Incorporated, Millinery Division, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$-------- per --------	unit, dozen, etc.
Terms ------- (net or percent EOM, etc.)	$--------;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6557; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 67]

CHESTER H. ROTH CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Chester H. Roth Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of socks and stockings distributed by Chester H. Roth Co., Inc., 389 Fifth Avenue, New York 16, N. Y. (hereafter called the "wholesaler"), having the brand names "Esquire Socks," "Fruit of the Loom Socks," and "Schiaparelli Stockings" and described in Schedules "A", "B", and "C" attached to the wholesaler's application dated April 19, 1951.

ESQUIRE SOCKS

[The wholesaler's selling prices carry terms of net 30]

Wholesaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 2 pairs)
$3.90	$0.55	
4.35	.65	$1.25
5.15	.75	
5.95	.85	
7.25	1.00	
7.70	1.10	
8.50	1.25	
10.50	1.50	
12.50	1.75	
14.00	1.95	
21.00	2.95	
24.50	3.50	
28.70	3.95	
32.50	4.50	

FRUIT OF THE LOOM SOCKS

[The wholesaler's selling prices carry terms of net 30]

Wholesaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 3 pairs)
$1.80	$0.25	
2.25	.29	$0.85
3.00	.39	1.15
4.25	.59	1.75
5.25	.69	2.05
8.75	1.10	
10.50	1.49	
16.50	2.29	

SCHIAPARELLI STOCKINGS

[The wholesaler's selling prices carry terms of net 10 EOM, f. o. b. mill]

Wholesaler's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 2 pairs)	Ceiling price at retail (per 3 pairs)
$11.00	$2.00	$3.90	$5.85

2 (a) Fruit of the Loom Socks having the style names or numbers Stroller, Crew, Comet, Good Luck, Personalized, Bobby, Scotty, 4 Square, T Sox, Lil Abner, FL-711S, FL-711, Athlete, Sports C, Sports D, Sports F, Sports G, Toddler and Creeper in the wholesaler's application dated April 19, 1951, so long as they have a wholesaler's selling price of $2.87\frac{1}{2}$ per dozen pairs, shall have a ceiling price at retail of $.39 per pair and $1.15 per 3 pairs.

(b) Fruit of the Loom socks having the style names or numbers FL 400-S, FL-6040, and Grandstand in the wholesaler's application dated April 19, 1951, so long as they have a wholesaler's selling price of $5.00 per dozen pairs, shall have a ceiling price at retail of $.69 per pair and $2.05 per 3 pairs.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Chester H. Roth Co., Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting requirements of the regulations which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, Chester H. Roth Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6558; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 68]

WILLIAM HOLLINS & CO., LTD., AND WILLIAM HOLLINS & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicants named in the accompanying special order, William Hollins & Company, Ltd., and William Hollins & Company, Inc., have applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of their articles. Applicants have submitted the information required under this section and have produced evidence which in the judgment of the Director indicates that the applicants have complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicants that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicants with the retail ceiling price established by the accompanying special order. The applicants are required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicants to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicants have delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of Viyella products manufactured by William Hollins & Company, Ltd., 347 Madison Avenue, New York 17, N. Y., having the brand name "Viyella" and described in the manufacturer's application dated April 7, 1951. The manufacturer's prices listed below are sold at a discount of 2/10 Net 60 if invoiced in United States currency, or $2\frac{1}{2}$/60 if invoiced in English currency.

VIYELLA FABRICS

Manufacturer's selling price (per yard)	Ceiling price at retail (per yard)
$1.30	$2.35
1.37	2.50
1.51	2.75
1.79	3.25

(a) The item designated as "T. Viyella Cream" in the manufacturer's price list marked Exhibit V in the manufacturers' application, so long as it has a manufacturer's selling price of $1.26 per yard, shall have a ceiling price at retail of $2.35 per yard, subject to the discounts enumerated in paragraph 1 above.

(b) The item designated as "Viyella Printed" in the manufacturer's price list marked Exhibit V in the manufacturers' application, so long as it has a manufacturer's selling price of $1.48 per yard, shall have a ceiling price at retail of $2.75 per yard, subject to the discounts enumerated in paragraph 1 above.

2. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of Viyella products manufactured by William Hollins & Company, Inc., 347 Madison Avenue, New York 17, New York, having the brand name "Viyella" and described in the manufacturer's application, dated April 7, 1951. The manufacturer's prices listed below are sold at a discount of 2/10—Net 60 if invoiced in United States currency, or $2\frac{1}{2}$/60 if invoiced in English currency.

FABRICS

Manufacturer's selling price (per yard)	Ceiling price at retail (per yard)
$1.40	$2.35
1.50	2.50
1.60	2.75
1.90	3.25

MEN'S SPORT SHIRTS

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$86.00	$12.50
104.00	15.00
118.00	16.50

MEN'S ROBES

Manufacturer's selling price (per unit)	Ceiling price at retail (per unit)
$15.00	$25.00
17.00	28.50

MEN'S PAJAMAS

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$145.00	$20.50
158.00	22.95
190.00	27.50

BOYS' SPORT SHIRTS

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$72.00	$9.95

3. The retail ceiling price of an article stated in paragraphs 1 and 2 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturers after the effective date of this special order. This does not apply to the specific items enumerated in paragraphs 1 (a) and 1 (b) above.

4. On and after July 5, 1951, Williams Hollins & Company, Ltd., and William Hollins & Company, Inc., must mark each article listed in paragraphs 1, 1 (a), 1 (b), and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 3, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 3, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 1 (a), 1 (b), and 2 of this special order or changes the retail ceiling price of a listed article, William Hollins & Company, Ltd., and William Hollins & Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturers shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturers had delivered any article covered in paragraphs 1, 1 (a), 1 (b), and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturers shall send a copy of the

amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturers shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which they have delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 4, 1951.

[F. R. Doc. 51-6559; Filed, June 4, 1951; 8:57 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 69]

JERKS SOCKS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Jerks Socks, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's hosiery manufactured by Jerks Socks, Inc., 2612 Gilbert Avenue, Cincinnati 6, Ohio, having the brand name "Jerks Socks," and described in the manufacturer's application dated March 12, 1951. The manufacturer's prices listed below carry terms of Net 30.

MEN'S HOSIERY

Manufacturer's selling price (per dozen pairs)	*Ceiling price at retail (per pair)*
$3.90	$0.55
4.40	.65
5.25	.75
7.25	1.00
8.85	1.25
21.00	2.95

2. Men's hosiery having the style identifications Doggy Clock 620, Swg 621, Arg 622, EC 623, EC 624, Swg 625, Arg 626, Doggy Clock 627, Swg 628, Swg 629, Gym Sock, D 66, Con 67, Con 231, J 236, J 550, D 55, Con 240, J 245, Swa 545 MT, DC 502 ST, DC 544 MT, in the manufacturer's application dated March 12, 1951, so long as they have a manufacturer's selling price of $4.35 per dozen pairs, shall have a ceiling price at retail of $.65 per pair. The manufacturer's prices carry terms of Net 30.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, Jerks Socks, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR7
Price $--------

On and after August 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulations which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Jerks Socks, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 6, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6604; Filed, June 5, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 70]

INTERNATIONAL LATEX CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, International Latex Corporation has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of girdles, infants' needs, and pillows manufactured by International Latex Corporation, Playtex Park, Dover, Delaware, having the brand name "Play Tex" and described in the manufacturer's application dated March 12, 1951. The manufacturer's prices listed below carry terms of 2/10 ECM, Net 30, F. O. B. Dover, Delaware.

GIRDLES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$28.44	$3.95
35.64	4.95
42.84	5.95
50.04	6.95
57.24	7.95

INFANT'S NEEDS

$2.60	$0.39
4.96	.69
5.68	.79
6.40	.89
8.56	1.19
10.06	1.29
11.52	1.49
12.16	1.69
14.18	1.97

PILLOWS

$71.40	$9.95
78.30	10.95
85.44	11.95
93.00	12.95

2. Infants' needs having the product numbers 1443, 1450, and 1475 in the manufacturer's application dated March 12, 1951, so long as they have a manufacturer's selling price of $10.72 per dozen, shall have a ceiling price at retail of $1.49 per unit, and the manufacturer's price shall carry terms of 2/10 EOM, Net 30, F. O. B. Dover, Delaware.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 5, 1951, International Latex Corporation must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, International Latex Corporation must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 6, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6605; Filed, June 5, 1951; 8:45 a. m.]

[Delegation of Authority 6, Supplement 9]

CHIEFS OF BRANCHES OF INDUSTRIAL MATERIALS AND MANUFACTURED GOODS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Industrial Materials and Manufactured Goods Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of Industrial Materials and Manufactured Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has

been disapproved or that more information is required.

This delegation of authority shall take effect on June 6, 1951.

MURRAY D. SMITH,
Director, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization.

JUNE 5, 1951.

[F. R. Doc. 51-6613; Filed, June 5, 1951; 12:01 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3844]

MIAMI AIRLINE, INC.; EXEMPTION APPLICATION

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Miami Airline, Inc., for exemption from the provisions of section 401 (a) of the Civil Aeronautics Act of 1938, as amended, and the issuance of a Letter of Registration as a large irregular carrier, in accordance with the provisions of Part 291 of the Economic Regulations of the Civil Aeronautics Board.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, assigned to be heard on June 7, is postponed to June 28, 1951, at 10:00 a. m. e. d. t. in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 31, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6537; Filed, June 5, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF OF BROADCAST BUREAU

DELEGATION OF AUTHORITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951:

It appearing, that the Commission on the 1st day of May 1951 issued an order effective June 4, 1951, establishing the Broadcast Bureau, it is therefore necessary that the authority heretofore delegated by the Commission to its Chief Accountant, Chief Engineer, General Counsel and Secretary or their respective offices now be transferred to the Chief of the Broadcast Bureau with respect to matters within the functions of the Bureau.

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

1. The delegated authority set forth in the following sections of the Commission's rules is hereby transferred to the Chief of the Broadcast Bureau or, in his absence, the Acting Chief of said Bureau in so far as such delegated authority relates to or is necessary to carry out the functions set forth in the order establishing the Broadcast Bureau: Sections 0.121, 0.122, 0.131, 0.132, 0.141, 0.142, 0.143, 0.144, 0.145, 0.146.

2. With respect to the following sections of the rules which deal with motions, briefs, and other pleadings and procedure in broadcast hearing cases before the Commission, namely: Sections 1.746, 1.747, 1.843 (c), 1.846, 1.848, 1.849, 1.852, 1.853, 1.854, such authority as is provided for the General Counsel is, in any broadcast proceeding, hereby vested in the Chief, or in his absence, the Acting Chief of the Broadcast Bureau.

3. Section 0.112 (d) is amended to read as follows:

(d) All applications or requests for special temporary standard broadcast authorizations except those covered by sections 0.121 and 0.144, and these applications shall be first referred to the Broadcast Bureau for recommendation thereon, and then referred to the Motions Commissioner.

4. Actions taken by the Chief or Acting Chief of the Broadcast Bureau in accordance with the foregoing delegations shall be recorded each week in writing and filed in the official minutes of the Commission.

5. The authorizations issued by the Bureau in accordance with its assigned functions and the delegations of authority transferred hereby shall bear the Seal of the Commission and the signature of the Secretary of the Commission.

This order shall become effective June 4, 1951.

Released: May 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6513; Filed, June 5, 1951; 8:48 a. m.]

[Docket No. 9672]

SHAWANO COUNTY LEADER PUBLISHING CO. (WTCH)

ORDER AMENDING ISSUES

In re application of the Shawano County Leader Publishing Company (WTCH), Shawano, Wisconsin, for construction permit; Docket No. 9672, File No. BP-7488.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1951;

The Commission having under consideration (1) a petition and supplement thereto filed October 5, 1950, and April 30, 1951, respectively, by the Shawano County Leader Publishing Company requesting reconsideration and grant without hearing of its above-entitled application for construction permit to change facilities of Station WTCH, Shawano, Wisconsin, from 960 kc. with power of 1 kw., daytime only, non-directional to 960 kc., with power of 1 kw., unlimited time, using different directional antennas for day and night operation; and (2) a petition filed June 7, 1950, by May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, requesting leave to intervene in the hearing heretofore ordered on the above-entitled application; and

It appearing, that by order of May 18, 1950, the above-entitled application was designated for hearing upon engineering issues among others to determine whether the operation of Station WTCH, as proposed, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to an excessively high nighttime limitation; unsatisfactory nighttime coverage to the City of Shawano, Wisconsin; and the relative percentage of population residing in the area between the normally protected and the interference-free contours and the population residing in the actual primary service area; and

It further appearing, that in the instant petition it is alleged that the actual nighttime limitation to the operation of Station WTCH, as proposed, would be very much less than as predicted by the methods prescribed in the Commission's Standards; that this allegation is based upon certain measurements of skywave radiation on 960 kc. made in the Shawano area during July and August, 1950; that for reasons heretofore stated in the Commission's decisions In re Application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, New Jersey, File No. BP-4613, Docket 8285, 4 RR 1247; In re Application of Capitol Broadcasting Corp. (WISH), Indianapolis, Indiana, File No. BP-4979, Docket 7671, 3 RR 1431, 1438; In re Application of Donze Enterprises, Inc. (KSGM), Sainte Genevieve, Missouri, File No. BP-6773—RR-__, measurements of the kind submitted with the instant petition are not suitable for consideration in connection with action on individual applications; and

It further appearing, that in the light of the information now available to the Commission, the Shawano County Leader Publishing Company is legally, technically, financially and otherwise qualified to construct and operate Station WTCH; but that the operation of Station WTCH, as proposed, would be subject to an excessively high nighttime limitation, would not provide adequate service to the City of Shawano, Wisconsin, and would result in a net loss in the population receiving daytime primary service from Station WTCH; and that for these reasons, among others, the Commission is unable to conclude that a grant of the above-entitled application would serve public interest, convenience and necessity; and

It further appearing, that consideration of the above-mentioned petition filed June 7, 1950, by May Broadcasting Company requesting leave to intervene in the proceeding on the above-entitled application has been withheld at the request of the parties pending disposition of the instant petition for reconsideration and grant without hearing; that said petition for leave to intervene is based upon a claim of interference, supported by engineering affidavit, to the operation of Station KMA, Shenandoah, Iowa, beyond said station's normally protected contours; that said petition is supported by an affidavit of Owen Sadler, General Manager of May Broadcasting Company which raises a question of fact whether Station KMA may not be entitled to special protection by virtue of the uniqueness of its program service in the area where it is alleged interference will result from the proposed operation of Station WTCH; that on October 18, 1950, May Broadcasting Company filed a statement in response to the above petition for reconsideration and grant without hearing to the effect that no objection would be raised to a grant of the above-entitled application if such grant were subject to certain conditions with respect to the maximum permissible radiation toward Station KMA; that Shawano County Leader Publishing Company has stated that it would accept a grant upon the requested conditions; but that the above-entitled application has not been amended to conform to said conditions;

It is ordered, That the said petition requesting reconsideration and grant without hearing of the above-entitled application is denied; and that the said petition requesting leave to intervene in the proceedings on the above-entitled application is granted; and

It is further ordered, That the Commission's order of May 18, 1950, designating the above-entitled application for hearing, is amended to include therein the following additional issue:

5. To determine whether the operation of Station WTCH, as proposed, would cause interference within the primary service area of Station KMA, Shenandoah, Iowa, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the extent to which such areas and populations receive primary service from other broadcast stations offering the same general type of program service as Station KMA.

It is further ordered, That May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, is made a party to this proceeding; and

It is further ordered, That hearing in this proceeding is scheduled to commence at 10:00 a. m., on the 25th day of July 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6517; Filed, June 5, 1951; 8:49 a. m.]

[Docket No. 9947]

VIDALIA BROADCASTING CO. (WVOP)

ORDER CONTINUING HEARING

In re: application of M. F. Brice and R. E. Ledford, d/b as Vidalia Broadcasting Company (WVOP), Vidalia, Georgia, for construction permit; Docket No. 9947, File No. BP-7834.

The Commission having under consideration a petition filed May 25, 1951, by the General Counsel of the Federal Communications Commission for an indefinite continuance of the hearing now scheduled for Friday, June 1, 1951, in Washington, D. C., on the above-entitled application; and

It appearing, that on May 7, 1951, the applicant filed with the Commission a petition which seeks a waiver of hearing procedure on its application pursuant to § 1.391 of the Commission's rules; that the petition will not be ready for consideration by the Commission prior to the date scheduled for hearing in this matter; and

It appearing further, that the applicant has consented to a grant of this petition and to a waiver of § 1.745 of the Commission's rules to permit immediate consideration thereof, and that reasonable dispatch of the Commission's business and the ends of justice will be served by a grant of this petition;

It is ordered, This 28th day of May 1951, that the petition of the General Counsel is granted; and the hearing on the above-entitled application now scheduled for June 1, 1951, in Washington, D. C., is hereby continued without date subject to further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6516; Filed, June 5, 1951; 8:49 a. m.]

[Docket No. 9980]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND INSTITUTING INVESTIGATION

In the Matter of Charges, classifications, regulations and practices for and in connection with Interstate Telegraph Services of The Western Union Telegraph Company.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of May 1951;

The Commission, having under consideration,

(1) Transmittal Letter No. 3492 and revised tariff schedules filed by the Western Union Telegraph Company to become effective June 1, 1951, designated as follows:

THE WESTERN UNION TELEGRAPH CO.

Tariff F. C. C. No. 205

12th Revised Page 6.
6th Revised Page 7.

Tariff F. C. C. No. 229

6th Revised Page 8.
3d Revised Page 9a.
5th Revised Page 10.
3d Revised Page 11.
6th Revised Page 14.
1st Revised Page 16.
5th Revised Page 17.

Tariff F. C. C. No. 232

1st Revised Page 6.
1st Revised Page 7.
1st Revised Page 8.
1st Revised Page 9.

amending certain schedules heretofore contained in its tariffs applicable to Domestic Telegraph Press Service, Money Order Services, and Domestic Telegraph Rates;

(2) A telegram filed on May 22, 1951, by the American Newspaper Publishers Association requesting suspension of the revised tariff schedules relating to press messages;

(3) Application No. 937, filed by the Western Union Telegraph Company, for special tariff permission to reduce certain of the rates it had proposed to make effective on June 1, 1951, together with an amendment to the application, filed on May 18, 1951, requesting authority to postpone the effective date of the new and increased message telegraph and money order rates from June 1, 1951, until June 15, 1951; and

(4) Transmittal Letter No. 3499 and revised tariff schedules, filed by the Western Union Telegraph Company to become effective July 1, 1951, designated as follows:

THE WESTERN UNION TELEGRAPH CO.

Tariff F. C. C. No. 185

11th Revised Page 6.
2d Revised Page 7.
42d Revised Page 9.
36th Revised Page 10.
34th Revised Page 11.
34th Revised Page 12.
31st Revised Page 13.
43d Revised Page 14.
33d Revised Page 15.
33d Revised Page 16.
35th Revised Page 17.
29th Revised Page 18.
42d Revised Page 19.
33d Revised Page 20.
51st Revised Page 21.
21st Revised Page 21A.
22d Revised Page 22.
23d Revised Page 23.
27th Revised Page 24.
47th Revised Page 25.
27th Revised Page 20.
52d Revised Page 27.
2d Revised Page 27A.
38th Revised Page 28.
5th Revised Page 28A.
28th Revised Page 29.
49th Revised Page 30.
40th Revised Page 31.
24th Revised Page 32.
31st Revised Page 33.
41st Revised Page 34.
41st Revised Page 35.
42d Revised Page 36.
15th Revised Page 36A.
35th Revised Page 37.
45th Revised Page 38.
68th Revised Page 39.
42d Revised Page 40.
43d Revised Page 41.
51st Revised Page 42.[1]
39th Revised Page 43.
29th Revised Page 44.

Tariff F. C. C. No. 208

9th Revised Page 2.
3d Revised Page 3.
4th Revised Page 4.
5th Revised Page 5.
8th Revised Page 6.

[1] Except rates for service at Toppenish, Wash.

1st Revised Page 7.
6th Revised Page 8.
4th Revised Page 9.
4th Revised Page 10.
4th Revised Page 11.
5th Revised Page 12.
13th Revised Page 13.
14th Revised Page 14.
7th Revised Page 15.
8th Revised Page 16.
14th Revised Page 17.
6th Revised Page 18.
9th Revised Page 19.
15th Revised Page 20.
11th Revised Page 21.
10th Revised Page 22.
7th Revised Page 23.
7th Revised Page 24.
7th Revised Page 25.
3d Revised Page 26.

Tariff F. C. C. No. 216

7th Revised Page 2.
2d Revised Page 3.
2d Revised Page 4.
3d Revised Page 5.
6th Revised Page 6.
2d Revised Page 7A.
9th Revised Page 9.
26th Revised Page 10.
53d Revised Page 11.
26th Revised Page 11A.
27th Revised Page 12.
12th Revised Page 13.
14th Revised Page 14.
7th Revised Page 15.
22d Revised Page 18.
4th Revised Page 31.

Tariff F. C. C. No. 218

5th Revised Page 4.
2d Revised Page 4A.
1st Revised Page 4B.
30th Revised Page 5.
37th Revised Page 6.
25th Revised Page 7.

Tariff F. C. C. No. 219

2d Revised Page 23A.
3d Revised Page 23B.
3d Revised Page 23C.
8th Revised Page 24.
6th Revised Page 24A.
5th Revised Page 24B.
5th Revised Page 24C.

amending certain schedules heretofore contained in its tariffs applicable to Baseball-Sports Ticker Service, Quotation Service, Baseball-Sports Service, Telemeter Service, and Leased Facilities;

It appearing, that the above revised tariff schedules were developed and filed by Western Union for the purpose of producing additional revenues to offset a proposed increase in operating expenses due to proposed increased wages which the Company is prepared to offer to its employees, conditioned "on its obtaining additional operating revenues in the form of rate increases in an amount sufficient to defray that increased cost";

It further appearing, that the above revised tariff schedules contain certain new and increased charges together with certain new classifications, regulations and practices, and that the Commission is unable to determine from an examination of the above-mentioned tariff schedules whether the charges, classifications, regulations and practices therein contained will be lawful under the Communications Act of 1934, as amended;

It further appearing, that if the above-cited revised tariff schedules are permitted to become effective on the dates specified therein, the rights and interests of the public may be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices set forth in the above-cited revised tariff schedules;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited revised tariff schedules is hereby suspended until the 1st day of September 1951, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in said tariff schedules or in the charges, classifications, regulations or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following specific matters:

1. Whether the Commission should permit increases in rates predicated upon increases in operating expenses based on offers by the Company to increase wages which are made contingent upon such increased rates going into effect;

2. Whether the wage increase offers on which the proposed increased operating expenses are predicated:

(a) Have been offered to and accepted by the collective bargaining agents of the employees affected;

(b) Provide for wage increases within the limits permissible under any applicable federal laws or regulations establishing a limitation or ceiling on wage increases;

and, if not, whether the Commission should permit increases in rates predicated upon increased operating expenses based on such offers;

3. The extent, if any, to which the anticipated increased wage expenses should be considered in determining the amount of operating expenses to be allowed in approving rates for the future; and the proper apportionment of such expenses to each of the services rendered by the Company;

4. The justness and reasonableness of the relationships among the charges for the different classes of message telegraph service;

5. The justness and reasonableness of the new minimum charges and related word allowances for the different classes of message telegraph service;

6. The lawfulness under the Communications Act of 1934, as amended, of the serial classification and the charges, regulations, and practices applicable thereto; and the effect on the Company's operating revenues if the serial classification were eliminated;

7. The lawfulness under the Communications Act of 1934, as amended, of the charges, classifications, regulations and practices set forth in the above-mentioned revised tariff schedules;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-cited tariff schedules go into effect, the Western Union Telegraph Company and its connecting and concurring carriers shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in said tariff schedules, specifying by whom and in whose behalf such amounts are paid; and shall file with the Commission a report on or before the 10th day of each calendar month, commencing October 10, 1951, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that the Western Union Telegraph Company and all carriers listed in its suspended tariff schedules as concurring and connecting carriers are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon all other communication carriers fully subject to the Communications Act; upon the agency of each state which has regulatory jurisdiction with respect to communication rates and services; the National Association of Railroad and Utilities Commissioners; American Communications Association and the Commercial Telegraphers' Union (A. F. L.);

It is further ordered, That a copy of this order shall be served on the American Newspaper Publishers Association, and that it is hereby given leave to intervene and participate fully in the proceeding herein;

It is further ordered, That a hearing be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on the 25th day of June 1951; that Elizabeth C. Smith is assigned to preside at such hearing, and that the Presiding Officer shall certify the record to the Commission for decision without preparing either a Recommended Decision or Initial Decision;

It is further ordered, That Application No. 937, as amended by telegram filed May 18, 1951, for special tariff permission is denied, in view of the investigation ordered herein.

Released: May 23, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6514; Filed, June 5, 1951; 8:48 a. m.]

[Docket No. 9981]

LAWRENCE WILLIAM PEAY, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the application of Lawrence William Peay, Jr., 1116 Rosine, Houston, Texas for renewal of his radiotelephone first class operator license, which expired March 12, 1950; and

It appearing, that Peay engaged in the operation of an unlicensed television station at Madisonville, Texas, during the period from November 21, 1950, to November 27, 1950, in violation of section 301 of the Communications Act of 1934, as amended; and

It further appearing, that Peay did not hold a valid radio operator license during the period of operation of the station in violation of section 318 of the Communications Act of 1934, as amended; and

It further appearing, that this licensee, on various occasions during the period November 21, 1950, to November 27, 1950, and for approximately 60 days prior thereto while engaging and participating in the operation of the unlicensed television station as aforesaid, rebroadcast television programs transmitted from Station KPRC-TV at Houston, Texas, without the consent of the licensee of Station KPRC-TV in violation of section 325 of the Communications Act of 1934, as amended; and

It further appearing, that the Commission is unable to determine from consideration of the service record appearing on Peay's license whether service performed under the license was of a nature that would permit renewal of the application without examination in accordance with §§ 13.28 and 13.39 of the Commission's rules; and

It further appearing, that the Commission is unable to determine from consideration of the application before it that a grant of a radiotelephone first class operator license to the said Lawrence William Peay, Jr., would be in the public interest with or without an examination:

It is ordered, That pursuant to section 303 (l) of the Communications Act of 1934, as amended, the above entitled application is hereby designated for hearing at a time and place to be specified by a subsequent order of the Commission upon the following issues:

1. To determine the applicant's use of radio transmitting equipment which has not been licensed by the Commission.

2. To determine the applicant's use of radio transmitting equipment while not being the holder of a valid radio operator license issued to him by the Commission.

3. To determine whether the service performed by the applicant under his expired license is sufficient to permit renewal of the applicant's expired license without examination.

4. To determine in the light of the evidence adduced under the issues in this proceeding whether it would be in the public interest to renew Peay's radiotelephone first class operator license either with or without an examination.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6515; Filed, June 5, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6360]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MAY 29, 1951.

Take notice that on May 25, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware, and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $3,000,000 of First Mortgage ____ Percent Serial Bonds, due $150,000 on June 1 in each of the years 1952-71, which will bear interest at a rate to be determined by competitive bidding. These Bonds will be similar to the outstanding First Mortgage 3.50 Percent Serial Bonds, due April 1, 1952-71; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6503; Filed, June 5, 1951; 8:47 a. m.]

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 29, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Minnesota Power & Light Company, a corporation organized under the laws of the State of Minnesota, and doing business in said State, with its principal business office at Duluth, Minnesota, seeking an order authorizing the issuance of $10,000,000 principal amount of First Mortgage Bonds ____ Percent Series due 1981. Said Bonds are proposed to be issued and sold by competitive bidding. The interest rate of the Bonds (which shall be a multiple of ⅛ of 1%) and the price (exclusive of accrued interest) to be paid Applicant for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) will be fixed by competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6504; Filed, June 5, 1951; 8:47 a. m.]

[Docket Nos. G-1167, G-1171, G-1190, G-1602—G-1604]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., ET AL.

ORDER GRANTING REHEARING AND ORAL ARGUMENT, MODIFYING PREVIOUS ORDER GRANTING REHEARING AND CONSOLIDATING PROCEEDINGS

MAY 29, 1951.

In the matters of Consolidated Edison Company of New York, Inc., Docket Nos. G-1167, G-1604; the Brooklyn Union Gas Company, Docket Nos. G-1171, G-1603; Kings County Lighting Company, Docket Nos. G-1190, G-1602.

Consolidated Edison Company of New York, Inc., the Brooklyn Union Gas Company, and Kings County Lighting Company (Petitioners), on November 29, 1949, filed petitions for rehearing, including oral argument with respect to the Commission's Opinion No. 181 and accompanying order issued October 31, 1949,[1] in which the Commission found the Petitioners to be "natural-gas companies" within the meaning of the Natural Gas Act and authorized the construction and operation by said companies of certain transmission pipe-line facilities, all as more fully described therein.

The Commission by its order issued December 13, 1949, granted the foregoing petitions and provided that the date for such rehearing and oral argument be fixed by further order of the Commission.

On April 4, 1951, Kings County Lighting Company, the Brooklyn Union Gas Company and Consolidated Edison Company of New York, Inc., pursuant to applications filed in Docket Nos. G-1602, G-1603, and G-1604, respectively, were issued certificates of public convenience and necessity to construct and operate certain transmission pipe-line facilities.

On May 3, 1951, Kings County Lighting Company, the Brooklyn Union Gas Company, and Consolidated Edison Company of New York, Inc., filed peti-

[1] See Docket Nos. G-1167, G-1171, and G-1190.

tions in Docket Nos. G–1602, G–1603, and G–1604, for rehearing, including oral argument, with respect to the Commission's findings and order issued April 4, 1951. In addition, Petitioners request that the Commission enter an order abrogating said findings and order in connection therewith, for want of jurisdiction. The Petitioners also request that the proceedings in Docket Nos. G–1602, G–1603, and G–1604, be consolidated on rehearing with the presently consolidated proceedings in Docket Nos. G–1167, G–1171 and G–1190.

Consolidated Edison Company of New York, Inc., on May 3, 1951, filed a petition requesting an opportunity to present evidence bearing upon certain changes in the Company's operations which have occurred since the issuance of the Commission's Opinion No. 181 and accompanying order.

The Commission finds: Good cause exists for granting the petitions herein referred to, including consolidation of the above-entitled proceedings inasmuch as the matters involved may concern similar facts and issues.

The Commission orders:

(A) The petitions filed on May 3, 1951, for rehearing, oral argument and consolidation of the above-entitled proceedings, be and the same are hereby granted, said rehearing and oral argument to be held at a time and place to be hereafter fixed by the Commission.

(B) Consolidated Edison Company of New York, Inc., shall be afforded an opportunity, on rehearing, to submit additional evidence to the extent set forth in its petition filed May 3, 1951, in Docket No. G–1167, bearing upon changes in its operations which have occurred since the issuance of the Commission's Opinion No. 181 and accompanying order, which the Examiner shall determine to be relevant and germane to the matters presented and the issues involved.

Date of issuance: June 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6500; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G–1622]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

MAY 29, 1951.

On February 26, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at New York City, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities paralleling Applicant's existing Line No. 14, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 10, 1951 (16 F. R. 2237).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 18, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6508; Filed, June 5 1951; 8:48 a. m.]

[Docket No. G–1688]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 21, 1951, West Texas Gas Company (Applicant), a Delaware corporation having its principal office in Lubbock, Texas, and authorized to do business in Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of an 800 bhp. addition to its Turkey Creek Compressor Station located in Potter County, Texas.

The proposed facility is stated by Applicant to be the necessary compressor enlargement to increase by approximately 6000 Mcf daily Applicant's transmission capacity out of the Fritch Area of the West Panhandle Field; and will permit operating the Turkey Creek Compressor Station with a 175 psig. suction pressure which will make this gas available for input to the pipe line system. In this connection Applicant has requested El Paso Natural Gas Company (El Paso Natural) for a modification of its Gas Supply Contract No. 7 to permit large peak day inputs to the system from the Goldsmith Source of supply.

Applicant further states the facility is to enable it to serve its market requirements and the market requirements of Southern Union Gas Company's Clovis district during the 1951–52 heating season.

The estimated over-all capital cost of the proposed facility is $120,000, which will be defrayed from funds currently on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-6502; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G–1689]

ASSOCIATED NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 31, 1951.

Take notice that on May 21, 1951, Associated Natural Gas Company (Applicant), a Delaware corporation, of Tulsa, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant proposes to construct approximately 88.25 miles of transmission pipe line and construct necessary compressor facilities in order to transport natural gas for distribution and sale in the communities of Chaffee, Oran, Benton, Morehouse, Charleston, Kilbourn, Bloomfield, Essex, Bernie, Kenneth, Holcomb, Clarkston, and Molden, Missouri.

The estimated cost of the proposed undertaking including facilities, cost of financing and additional working capital requirements, is $2,491,042. Applicant proposes to obtain the funds required by the sale of $1,800,000 of first mortgage bonds, $525,000 from sale of debentures and $560,000 from the sale of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-6501; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G–1696]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING CHANGES IN RATE SCHEDULES

MAY 29, 1951.

By order issued April 24, 1950, at Docket No. G–1380, the Commission, among other things, suspended the operation and deferred the use until October 1, 1950, of First Revised Sheet No. 22 to El Paso Natural Gas Company's (El Paso) FPC Gas Tariff which proposed changes in El Paso's Rate Schedule G–1. Subsequently, upon motion of El Paso, said First Revised Sheet No. 22 was made effective as of October 1, 1950, in accordance with the Commission's order issued October 3, 1950. These proceedings are still pending.

On April 30, 1951, El Paso filed its First Revised Sheets Nos. 8, 12, 13, 14–A, 15, 17, 19–A and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10 to its FPC Gas Tariff proposing changes in certain of its Rate Schedules as contained in El Paso's FPC Gas Tariff. The Revised Sheets as filed on April 30, 1951, provide for an increase of approximately $7,200,000 annually in El Paso's charges, which is an increase of approximately eleven percent (11%), based on anticipated sales for the calendar year 1952.

The increased rates provided in said Revised Sheets as filed on April 30, 1951, to El Paso's FPC Gas Tariff have not been shown to be justified, and may be unjust, unduly discriminatory, or preferential, or otherwise unlawful.

Unless the operation of said Revised Sheets is suspended by order of the Commission they will become effective as of June 1, 1951, pursuant to the provisions of the Natural Gas Act and the regulations thereunder.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said Revised Sheets, as filed on April 30, 1951, has been sent to each customer which would be affected thereby and also to various State, county, and municipal authorities. Comments have been received from some of such parties. Some of the parties have requested that said Revised Sheets to El Paso's FPC Gas Tariff, as filed on April 30, 1951, be suspended and that the Commission investigate the justness and reasonableness of such proposed rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission, pursuant to the authority contained in section 4 of such act, enter upon a hearing concerning the lawfulness of First Revised Sheets Nos. 8, 17, 19–A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10 to El Paso's FPC Gas Tariff, and that said Revised Sheets, and the rate schedules therein contained, should be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, contained in the aforesaid First Revised Sheets Nos. 8, 17, 19–A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, Fourth Revised Sheet No. 10, as filed April 30, 1951, to El Paso's FPC Gas Tariff.

(B) Pending such hearing and decision thereon, said First Revised Sheets Nos. 8, 17, 19–A, and 25, Second Revised Sheets Nos. 4, 6, 11, 19, and 22, and Fourth Revised Sheet No. 10, as filed April 30, 1951, to El Paso's FPC Gas Tariff, be and the same are hereby suspended and the use thereof is deferred until November 1, 1951, and until such further time thereafter as said Revised Sheets might be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: May 31, 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6488; Filed, June 5, 1951; 8:46 a. m.]

[Docket No. G–1697]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED RATE TARIFF AND SERVICE AGREEMENTS, AND PROVIDING FOR DATE OF HEARING

MAY 29, 1951.

On April 17, 1951, Natural Gas Pipeline Company of America (Natural Gas Pipeline) filed with this Commission proposed FPC Gas Tariff, First Revised Volume No. 1, superseding its FPC Gas Tariff, Original Volume No. 1, pursuant to Part 154 of the Commission's general rules and regulations, and requesting such proposed rate tariff be permitted to become effective June 1, 1951.

At the same time, Natural Gas Pipeline filed service agreements in the proposed tariff form with 17 of its 19 customers, including three companies distributing gas in the Chicago, Illinois, area presently served by Chicago District Pipeline Company. Natural Gas Pipeline Company to date has not filed a service agreement covering service to Interstate Power Company for resale in Clinton, Iowa, a customer which it was authorized to serve in Docket No. G–1246.

The proposed tariff would increase the cost of gas purchased by all of Natural Gas Pipeline's customers, except those serving the Chicago area, by approximately $2,400,000, or 10 percent, based on anticipated sales for the calendar year 1952.

The proposed tariff contains two rate schedules:

1. Rate Schedule CD–1 for contract demand service:

Demand charge: For the first block of the billing demand, $1.35 per Mcf. For the balance of the billing demand, $2.50 per Mcf.

Commodity charge: For all gas delivered in each day up to an amount equal to the first block of the billing demand, 6.67 cents per Mcf. For all additional gas, 16 cents per Mcf.

2. Rate Schedule I–1 for interruptible service; 16 cents per Mcf.

The first block of the billing demand is different for each of Natural Gas Pipeline's customers. Such block is equal to any customer's presently allocated portion of Natural Gas Pipeline's capacity. The first block of the billing demand is

priced at the presently effective firm rate; the second block is priced at the increased rate indicated above. In effect, it appears that the blocking arrangement will result in establishing 19 separate rates, one for each of the pipeline company's customers.

It appears from the proposed tariff that, on the basis of the sales anticipated for the calendar year 1952, the proposed changes in rates will result in increased charges by Natural Gas Pipeline to 16 of its wholesale customers in the following amounts and percentages:

	Revenue		Increase	Percent
	Present rates	Proposed rates		
Allied Gas Co	$30,448	$48,393	$17,945	58.9
Central Illinois Electric & Gas Co	706,989	876,446	169,457	24.0
Central States Electric Co	448,164	573,727	125,563	28.0
Chicago District Pipeline Co	59,243	59,243		
Illinois Power Co	123,731	151,999	28,268	22.8
Interstate Power Co	148,471	301,994	153,523	103.4
Iowa-Illinois Gas & Electric Co	3,472,891	4,880,274	1,407,383	40.5
Iowa Power and Light Co	283,640	328,143	44,503	15.7
Iowa Southern Utilities Co	39,631	70,560	30,929	78.0
Kewanee Public Service Co	91,910	114,719	22,809	24.8
City of Nebraska City	136,109	159,082	22,973	16.9
Northern Indiana Public Service Co	1,450,751	1,450,751		
North Shore Gas Co	798,811	1,007,765	209,954	26.3
Princeton Gas Service Co	29,395	40,860	11,465	39.0
Public Service Co. of Northern Illinois	6,195,465	6,366,195	170,730	2.8
The Peoples Gas Light & Coke Co	8,998,044	8,998,044		
United Gas Service Co	12,462	12,466	504	40.4
Wilson Gas Co	14,135	14,444	309	21.9
Wisconsin Southern Gas Co	128,303	140,832	12,529	9.8
Total sales for resale	23,167,593	23,596,437	2,428,844	10.5

Natural Gas Pipeline states that the proposed increases are necessary as a result of the purchase by it of higher priced gas from Texas Illinois Natural Gas Pipe Line Company.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said FPC Gas Tariff, First Revised Volume No. 1, has been sent by Natural Gas Pipeline to each customer which would be affected thereby. In response to requests for comments, 12 of Natural Gas Pipeline's customers and one State commission have indicated that they do not have any objection to the proposal.

Unless suspended by order of the Commission, said Natural Gas Pipeline Company of America FPC Gas Tariff, First Revised Volume No. 1, will become effective as of June 1, 1951, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The proposed changes in Natural Gas Pipeline's presently effective FPC Gas Tariff, Original Volume No. 1, as contained in Natural Gas Pipeline's FPC Gas Tariff, First Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Natural Gas Pipeline Company of America's FPC Gas Tariff, First Revised Volume No. 1, and that said FPC Gas Tariff, First Revised Volume No. 1, and the service agreements filed thereunder be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) A public hearing be held at a date and place hereinafter to be fixed by the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in FPC Gas Tariff, First Revised Volume No. 1, filed by Natural Gas Pipeline Company of America.

(B) Pending such hearing and decision thereon, said FPC Gas Tariff, First Revised Volume No. 1, filed in this proceeding by Natural Gas Pipeline Company of America, together with all service agreements filed thereunder, be and they hereby are suspended and the use thereof deferred until November 1, 1951, and until such further time thereafter as such FPC Gas Tariff, First Revised Volume No. 1, and service agreements filed thereunder may be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: May 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6489; Filed, June 5, 1951; 8:46 a. m.]

RECONSTRUCTION FINANCE CORPORATION

WAR DAMAGE CORPORATION

AMENDMENT TO CHARTER

Reconstruction Finance Corporation hereby certifies that, pursuant to Paragraph "TENTH" of the Charter of War Damage Corporation, the Charter of War Damage Corporation was on May 28, 1951, further amended by changing Paragraph "NINTH" to read as follows:

NINTH: That the affairs and business of the Corporation shall be managed by an Administrator, who shall be the Administrator of Reconstruction Finance Corporation, and in his absence or disability by a Deputy Administrator, who shall be the Deputy Administrator of Reconstruction Finance Corporation.

RECONSTRUCTION FINANCE CORPORATION,
STUART SYMINGTON,
Administrator.

Attest:

EDWARD J. SINGER,
Assistant Secretary.

[F. R. Doc. 51-6510; Filed, June 5, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-37]

WASHINGTON GAS AND ELECTRIC CO.

ORDER DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of May A. D. 1951.

Washington Gas and Electric Company ("Washington"), a registered holding company and a public utility company, having filed an application for an order under the Public Utility Holding Company Act of 1935 (the "act") declaring that the applicant has ceased to be a holding company; and

The application having recited that, pursuant to the plan of reorganization submitted under section 11 (f) of the act, by Nathan A. Smythe, as trustee in reorganization of Washington under Chapter X of the Bankruptcy Act, which plan was approved by the Commission on January 24, 1949, accepted by the bondholders and general creditors of Washington on April 30, 1949, and confirmed by order of the District Court of the United States for the Southern District of New York on October 5, 1949, and the consummation of which was ordered by said Court by orders dated April 14, 1950, and July 27, 1950, distribution of the common stock of Washington and of its former sole subsidiary, Southern Utah Power Company ("Southern Utah"), a public utility company, has commenced, and that Washington has divested itself of its interest in the common stock of Southern Utah; and

The application having further recited that in lieu of the issuance and sale by Washington of debt securities authorized pursuant to the provisions of the aforementioned plan, over which issuance and sale the Commission, by its order dated January 24, 1949, reserved jurisdiction, Washington now contemplates obtaining approximately $150,000 through the issuance and sale of additional shares of its common stock without par value; and

The Commission's files indicating that there is now pending before the United States Court of Appeals for the Second Circuit an appeal by Washington and Southern Utah from an order of the aforementioned District Court dated December 18, 1950, insofar as such order approved and directed the payment of certain final allowances with respect to the reorganization of Washington; and that the Commission, pursuant to the authorization of the District Court contained in an order dated December 18, 1950, is now conducting an examination and investigation of certain matters and of certain activities of the Trustees of Washington and other persons, as specified in such order of the Court, which examination is relevant, among other things, to the fee allowances which are involved in the pending appeal by Washington and Southern Utah; and

The application indicating that Washington is now solely a public utility company, and that it does not now, directly or indirectly, own, control or hold with power to vote, any outstanding voting securities of a public utility company or of a company which is holding company within the provisions of the act; and

The Commission having issued a notice of filing on November 6, 1950 with respect to said application, said notice having stated that any interested person might, not later than November 20, 1950, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Washington has ceased to be a holding company, and that it is necessary for the protection of investors that the Commission impose terms or conditions in connection with the termination of the registration of Washington:

It is ordered, Pursuant to the provisions of section 5 (d) of the act, that Washington has ceased to be a holding company, and that, subject to the condition prescribed below, the registration of Washington as a holding company shall cease to be in effect: *Provided, however*, That this order shall be subject to the condition which is prescribed as necessary for the protection of investors, that the Commission shall retain jurisdiction over Washington to entertain such further proceedings, to make such supplemental findings, and to take such further action, including the commencement of investigations under the act, which the Commission may deem necessary or appropriate in connection with fees and expenses with respect to Washington's reorganization and plan, the matters and persons specified in the order of investigation issued by the District Court on December 18, 1950, or any other matters relating to the conduct of the proceedings for the reorganization of Washington and its subsidiaries, and the terms, provisions and amount of all debt securities which may be issued in connection with the plan and the transactions incident thereto, in the same manner and to the same extent as though Washington were still in all respects a registered holding company.

It is further ordered, That upon the filing with the Commission of due proof that Washington has obtained approximately $150,000 through the issuance and sale of additional shares of its common stock, the jurisdiction heretofore reserved over the issuance and sale of debt securities pursuant to the provisions of Washington's plan shall be deemed to have been released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6491; Filed, June 5, 1951; 8:46 a. m.]

NIAGARA MOHAWK POWER CORP.

[File No. 70-2636]

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company. Applicant has designated section 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 12, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 12, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Pursuant to a contract of sale dated April 12, 1951, Niagara Mohawk proposes to acquire the hydro electric power plant, together with the lands, certain water rights and electric generating and other equipment in connection therewith, of Northern New York Power Corporation ("Northern"), a non-affiliate, for the sum of $625,000. The hydro electric power plant, owned by Northern, is located in the town of Minetto, Oswego County, in the State of New York. Niagara Mohawk renders electric service in the territory in which said plant is located and for many years Niagara Mohawk and its predecessors have purchased all of the output of said plant for utilization in what is now the Niagara Mohawk system.

The application states that Northern will require and has petitioned the Public Service Commission of the State of New York for its consent to the transfer of the hydro electric plant to Niagara Mohawk. The application further states that the acquisition by Niagara Mohawk of such plant is not subject to the jurisdiction of that Commission. The order of the Public Service Commission of the State of New York with respect to the petition of Northern will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6492; Filed, June 5, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17847]

STANISLAWA KACZMAREK

In re: Trust under will of Stanislawa Kaczmarek, also known as Stela Kaczmarek, deceased. File No. F-28-4917; E. T. sec. 17101.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Janina (Jolasia) Piechocki, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Anthony (Anton) Piechocki, Ludwika (Ludwig) Piechocki, Cacilie (Cecilia) Piechocki Wenzel and Hedwig (Jadwiga) Piechocki Rudowicz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wanda Piechocki, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Stefan Piechocki, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the Trust created under the Will of Stanislawa Kaczmarek, also known as Stela Kaczmarek, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by Irene Piechocki, as Trustee, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

6. That the national interest of the United States requires that Janina (Jo-

lasia) Piechocki be treated as a national of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraph 2 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wanda Piechocki, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Stefan Piechocki, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6519; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17848]

MARIE KIESLING

In re: Estate of Marie Kiesling, deceased. File No. D-28-12973; E. T. sec. 17114.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lydia Grainer Bohaal, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all property of any kind or character whatsoever of the person named in subparagraph 1 hereof in the possession, custody or control of Mary F. Webber as depositary pursuant to an order of the Probate Court of Cook County, Illinois, dated October 21, 1937 in the matter of the Estate of Marie Kiesling, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6520; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17865]

STEFAN TEKALE

In re: Estate of Stefan Tekale, deceased. File No. D-28-12994; E. T. sec. 17123.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalene Tekale, Pauline Urban, and Elizabeth Mester, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Stefan Tekale, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Spencer A. Lucas, as administrator, acting under the judicial supervision of the County Court of Dane County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6521; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17873]

MRS. JOHANNE MARGARETE JORDENS

In re: Bonds owned by Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes. F-28-31414.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Cities Service Company 5 Percent Debenture Bonds each of $1000.00 face value bearing the numbers M. 10550 and 28048, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bonds,

b. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Central Pacific Railway Company 4 Percent Bond of $1,000.00 face value, bearing the number 11144, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond,

c. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Oregon-Washington Railroad & Navigation Company 4 Percent Bond of $1,000.00 face value, bearing the number M. 38932, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond,

d. That certain debt or other obligation, matured or unmatured, evidenced by two (2) Cities Service Company 5 Percent Debenture Bonds due 1969, each of $1,000.00 face value, bearing the numbers 30887 and 31439 and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bonds, and

e. One hundred (100) shares North American Trust Shares, 1956, evidenced by a certificate numbered DD 34614, together with all declared and unpaid dividends, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Johanne Margarete Jordens, also known as Mrs. J. M. Jordens-Cordes, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6522; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17876]

EUGEN H. SCHREIBER

In re: Bonds owned by Eugen H. Schreiber, also known as Eugene H. Schrieber. F-28-26840.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen H. Schreiber, also known as Eugene H. Schrieber, whose last known address is Schwenningen Erzbergerstr. 17, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by eight (8) American Telephone and Telegraph Company 20 Year Sinking Fund 5½% Debenture bonds of $1,000.00 face value each, bearing the numbers M 36024 36031, and any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, together with all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugen H. Schreiber, also known as Eugene H. Schrieber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6523; Filed, June 5, 1951; 8:49 a. m.]

[Vesting Order 17878]

E. A. WESSELS

In re: Bonds owned by E. A. Wessels. F-28-31463.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. A. Wessels, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Baltimore and Ohio Railroad Company Refunding and General gold 6 percent, Series B, Bonds, bearing the numbers M46775, M46776 and M46777, and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Baltimore and Ohio Railroad Company Refunding and General gold 5 percent, Series A, Bond, bearing the number D6214, and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, E. A. Wessels, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6524; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17884]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States

with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Irving Trust Co., 1 Wall St., New York N. Y.	Miscellaneous stocks, as described by the Personal Trust Division of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 46.

[F. R. Doc. 51-6525; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17925]

CHUJIRO MATSUMOTO

In re: Estate of Chujiro Matsumoto, deceased. File No. D-39-19309; E. T. sec. 17131.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masa Matsumoto, Tomikojo Matsumoto, Kinuko Matsumoto, Teruko Matsumoto and Isaburo Matsumoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Chujiro Matsumoto, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by T. Yamashita, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, for King County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6527; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17926]

KATHERINE ROMACKER ET AL.

In re: Rights of Katherine Romacker et al. under insurance contract. File No. F-28-31428-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Romacker and Elizabeth Rose Romacker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Katherine Romacker, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 [illegible] 591, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Katherine Romacker, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Katherine Romacker or Elizabeth Rose Romacker, or the children, names unknown, of Katherine Romacker, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Katherine Romacker, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Katherine Romacker, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6528; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17928]

SUSUMU SHOTA

In re: Rights of Susumu Shota under contract of insurance. File No. D-39-19075-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Shota, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Susumu Shota under a contract of insurance evidenced by Policy No. 523,994, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Susumu Shota and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Toyo Shota, a resident of Hawaii and the aforesaid The Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Susumu Shota, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6529; Filed, June 5, 1951; 8:50 a. m.]

[Return Order 975]

HIDEO YODA AND SHIGEO YODA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., and Property,

Hideo Yoda, Honolulu, T. H., $16.17 in the Treasury of the United States; Shigeo Yoda, Honolulu, T. H., $14.61 in the Treasury of the United States; Claims Nos. 13753 and 13754; notice of intention to return published: April 25, 1951 (16 F. R. 3546).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6531; Filed, June 5, 1951; 8:51 a. m.]

MARIETTA LUMIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Marietta Lumia, Enna, Italy; Claim Nos. 44034 and 44111; $1,140.87 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Marietta Lumia in and to the Estate of Guiseppe Amico, also known as Calagero Lumia, deceased.

Executed at Washington, D. C., on May 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6532; Filed, June 5, 1951; 8:51 a. m.]

[Vesting Order 17929]

IRMGARD ZOEPPRITZ

In re: Rights of Irmgard Zoeppritz under Insurance Contract. File No. F-28-30746-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Zoeppritz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Irmgard Zoeppritz under a contract of insurance evidenced by Policy No. 586 195, issued by the Phoenix Mutual Life Insurance Company, Hartford, Connecticut, to Irmgard Zoeppritz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Elisabeth Muser Neilson, a resident of the United States, and of the aforesaid Phoenix Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6530; Filed, June 5, 1951; 8:50 a. m.]

[Vesting Order 17885]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as

amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the amounts as of Oct. 2, 1950, excluded from the vesting order [1]
1. Chemical Bank & Trust Co., 165 Broadway, New York, N. Y.	Account No. 80039, consisting of certain securities and accumulations of dividends on securities held, as described by the Chemical Bank & Trust Co. in its report on Form OAP-700 bearing its Serial No. 80039.	60 shares of General Motors Corp. common stock, and 50 shares of Phillips Petroleum Corp. common stock, which, according to the report on Form OAP-700 filed by the Chemical Bank & Trust Co., bearing its Serial No. 80039, are property of the Estate of Mrs. Irene Spitz-ezentmiklossy, deceased, a national of Hungary.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old account, and (b) blocked Switzerland general ruling 6 are as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 200.	$29,150.16 in the old account which, according to license application No. NY-[illegible] filed by The Chase National Bank of the City of New York, bearing its Serial No. [illegible], represents claims of persons [illegible] in Bulgaria, Hungary, and Rumania.
3. Irving Trust Co., 1 Wall St., New York 15, N. Y.	Demand deposit account as described by the bookkeeping department of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 0054.	$140.42 in the demand deposit account which, according to license application No. NY-59232 filed by the Irving Trust Co., bearing its Serial No. 2006, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6526; Filed, June 5, 1951; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 110

Washington, Thursday, June 7, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2929

CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 43 Stat. 943; ch. 118, 57 Stat. 125; ch. 229, 59 Stat. 410), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945) on October 30, 1947, I entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol (61 Stat. (Parts 5 and 6) A7, A11 and A2051);

2. WHEREAS, by Proclamation No. 2761A [1] of December 16, 1947 (61 Stat. 1103), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by the proclamations referred to in the second recital of Proclamation No. 2867 [2] of December 22, 1949 (3 CFR, 1949 Supp., p. 55), and by the said proclamation of December 22, 1949, Proclamation No. 2874, [3] of March 1, 1950, Proclamation No. 2884 [4] of April 27, 1950, Proclamation No. 2888 [5] of May 13, 1950, Proclamation No. 2901 [6] of September 6, 1950, Proclamation No. 2908 [7] of October 12, 1950, and Proclamation No. 2912 [8] of October 30, 1950 (3 CFR, 1950 Supp., pp. 21, 28, 32, 51, 63, and 68);

3. WHEREAS, I, HARRY S. TRUMAN, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America, the Republic of Austria, the Kingdom of Belgium, the United States of Brazil, Canada, the Kingdom of Denmark, the Dominican Republic, the French Republic, the Federal Republic of Germany, the Republic of Indonesia, the Italian Republic, the Republic of Korea, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Peru, the Kingdom of Sweden, and the Republic of Turkey are unduly burdening and restricting the foreign trade of the United States of America and that the purposes declared in the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation and by sections 4 and 6 of the Trade Agreements Extension Act of 1949 (63 Stat. 698), will be promoted by a trade agreement between the Government of the United States of America and the Governments

[1] 12 F. R. 8863.

[2] 14 F. R. 7723.
[3] 15 F. R. 1217.
[4] 15 F. R. 2479.
[5] 15 F. R. 3043.
[6] 15 F. R. 6063.
[7] 15 F. R. 6981.
[8] 15 F. R. 7416.

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FEDERAL REGISTER

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of some or all of the other countries named in this recital;

4. WHEREAS reasonable public notice of the intention to conduct trade-agreement negotiations with the governments of the countries other than the United States of America named in the third recital of this proclamation was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations was sought and obtained from the United States Tariff Commission, the Departments of State, Defense, Agriculture, and Commerce, and from other sources;

5. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first and third recitals of this proclamation, the period for the exercise of the authority to enter into trade agreements under the said section 350 having been extended by section 3 of the Trade Agreements Extension Act of 1949 until the expiration of three years from June 12, 1948), the trade-agreement negotiations with the countries named in the third recital of this proclamation having been successfully carried out, on April 21, 1951, I entered, through my duly empowered plenipotentiary, into a trade agreement providing for the accession to the said General Agreement specified in the first recital of this proclamation of the Governments of the Republic of Austria, the Federal Republic of Germany, the Republic of Korea, the Republic of the Philippines, Peru, and the Republic of Turkey, and for the application of the relevant provisions of the said General Agreement to additional schedules of concessions relating to countries already contracting parties thereto, including the countries named in the third recital of this proclamation other than the United States of America and other than those countries previously named in this recital, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade, dated April 21, 1951, including the Annexes thereto, authentic in the English and French languages as indicated therein, a copy of which is annexed to this proclamation;[9]

[9] Not printed in the FEDERAL REGISTER: The English text of the protocol has been published by the Contracting Parties to the General Agreement on Tariffs and Trade, under the title of "The Torquay Protocol to the General Agreement on Tariffs and Trade and the Torquay Schedules of Tariff Concessions", Geneva, 1951. The English text of "Torquay Schedule XX (United States of America)" has been published by the Department of State as Publication 4228 (Commercial Policy Series 136), and will be reproduced in Treasury Decisions (Customs). The text in the languages in which authentic, together with an English translation of those portions authentic in French only, will be published in Treaties and Other International Acts Series and in United States Treaties and Other International Agreements.

[10] See F. R. Doc. 51–6617, *infra*.

6. WHEREAS, in view of the provisions of section 508 of the Philippine Trade Act of 1946 (ch. 244, 60 Stat. 158), no trade-agreement negotiations were entered into by the Government of the United States of America with the Government of the Republic of the Philippines and Article XXXV of the said General Agreement specified in the first recital of this proclamation, as amended by the Protocol Modifying Certain Provisions of the General Agreement on Tariffs and Trade, dated March 24, 1948 (Treaties and Other International Acts Series 1761–1765, p. 49), has been invoked to prevent the General Agreement from applying between the United States of America and the Republic of the Philippines;

7. WHEREAS, the said Torquay Protocol specified in the fifth recital of this proclamation having been signed on behalf of the Government of the United States of America on April 21, 1951, pursuant to paragraph 3 thereof, Schedule XX contained in Annex A thereto will become a schedule to the General Agreement relating to the United States of America on June 6, 1951;

8. WHEREAS, under paragraph 4 of the said Torquay Protocol specified in the fifth recital of this proclamation, a government which has signed the said Torquay Protocol may withhold in whole or in part any concession provided for in the schedule annexed thereto which was initially negotiated with a government which has not signed the said Torquay Protocol;

9. WHEREAS I find that each modification of existing duties and other import restrictions of the United States of America and each continuance of existing customs or excise treatment of articles imported into the United States of America which is hereinafter proclaimed in Part I of this proclamation will be required or appropriate to carry out the said trade agreement specified in the said fifth recital of this proclamation on and after such date as may be notified by the President to the Secretary of the Treasury, and published in the FEDERAL REGISTER,[10] as the date on and after which the President considers such modification or undertaking to continue treatment should not be withheld pursuant to the said paragraph 4 of the Torquay Protocol referred to in the eighth recital of this proclamation;

10. WHEREAS item 781 [part] (Geneva), item 1205 [first] (Geneva), and items 1532 (a) [part] (Geneva) and 1532 (a) in Part I of Schedule XX contained in Annex A to the said Torquay Protocol specified in the fifth recital of this proc-

lamation provide for the withdrawal in part of each of items 781, 1205 [first], and 1532 (a), respectively, in Part I of Schedule XX (original) to the said General Agreement specified in the first recital of this proclamation;

11. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first recital of this proclamation, the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945) on October 30, 1947, I entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

12. WHEREAS, by Proclamation No. 2764 of January 1, 1948 (3 CFR, 1948 Supp., p. 11), I proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out the exclusive trade agreement specified in the eleventh recital of this proclamation on and after January 1, 1948, which proclamation has been supplemented by the proclamations referred to in the fourth recital of the said proclamation of December 22, 1949, specified in the second recital of this proclamation, and by the said proclamations of December 22, 1949, March 1, 1950, April 27, 1950, May 13, 1950, September 6, 1950, and October 12, 1950, specified in the second recital of this proclamation;

13. WHEREAS I determine that, in view of the finding set forth in the ninth recital of this proclamation, each of the following amendments, or an appropriate part of such an amendment, of the list set forth in the ninth recital of the said proclamation of January 1, 1948, specified in the twelfth recital of this proclamation, as amended and rectified, will be required or appropriate to carry out the said exclusive trade agreement specified in the eleventh recital of this proclamation on and after the date notified by the President to the Secretary of the Treasury in accordance with Part I (b) (I) of this proclamation with respect to the application of the concession, or of the corresponding part of a concession, in Part I of Schedule XX contained in Annex A to the said Torquay Protocol specified in the fifth recital of this proclamation which is identified in the column at the left of the respective amendment:

Items in Part I, Schedule XX, Torquay Protocol	Amendments of Items in the 9th recital of the Proclamation of Jan. 1, 1948
28 (a) [second]	The further amendment of the description in item 28 (a) [second], as amended, to read: "2-Benzyl-4, 5-imidazoline hydrochloride, methylphenethylhydantoin, phenylbenzylaminoethyl imidazoline hydrochloride, and other products derived from imidazoline or hydantoin; all the foregoing, if medicinals and obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1651, Tariff Act of 1930".
205 (c)	The deletion of item 205 (c).
411	The insertion in item 411, as amended, of "or osier or willow" after "straw" within the parentheses.
412 [first]	The deletion of item 412 [second].
724	The amendment of the description in item 724 [first] by inserting the following after "maize" and before the comma: "(except seed corn or maize, certified by a responsible officer or agency of a foreign government in accordance with the rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed corn tags)".
804 [first]	The amendment of the description in item 804 to read: "Still wines produced from grapes, containing over 14% of absolute alcohol by volume (except such wines entitled under regulations of the United States Bureau of Internal Revenue to a type designation which includes the name 'Marsala,' if so designated on the approved label, and if in containers holding each not over 1 gallon; and not including vermuth)".
1513 [first]	The further amendment of the description in item 1513 [the third such item, as originally set forth in the Proclamation of January 1, 1948], as amended, to read: "Dolls wholly or in chief value of china, porcelain, parian, bisque, earthenware, or stoneware and parts of dolls (including clothing), and doll heads, of whatever materials composed (except those wholly or in chief value of any product provided for in paragraph 31, Tariff Act of 1930, and except those in any part, however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), Tariff Act of 1930)"
1513 [third]	The deletion of item 1513 [the fourth such item, as originally set forth in the Proclamation of January 1, 1948].
1513 [sixth] and 1513 [seventh]	The further amendment of item 1513 [the fifth such item, as originally set forth in the Proclamation of January 1, 1948], as amended, by deleting "Other" and substituting therefor the following: "Stuffed animal figures not having a spring mechanism, not over 6 inches high and valued under 35 cents each, or over 6 but not over 11 inches high and valued under $1 each, or over 11 but not over 14 inches high and valued under $2 each, or over 14 inches high and valued under $3.50 each".
1516	The deletion of item 1516.
1539 (c) [first]	The further amendment of item 1539 (c), as amended, to read as follows: "1539 (c) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for: Huaraches ..... 15% ad val. Turn or turned boots and shoes (except those for women and misses) ... 8% ad val. Turn or turned footwear for men, youths, or boys (except boots and shoes) ..... 10% ad val."
1537 (b) [first]	The amendment of item 1537 (b), as rectified, by the insertion of "heels and soles for footwear," after "or other footwear," within the parentheses.
1541 (a) [first]; 20% ad val. [first such rate].	The amendment of item 1541 (a) by inserting "(except bows for stringed instruments and parts of such bows)" before the period at the end of the description.
1544	The deletion of item 1544, added by the aforesaid proclamation of November 30, 1949
1558	The further amendment of item 1558, as amended, to read as follows: "1558 All articles manufactured, in whole or in part, not specially provided for: Coconut shell char and marine glue pitch ..... 10% ad val. Dog food, unfit for human consumption ..... 8% ad val. Edible preparations for human consumption: Preparations for flavoring or seasoning food, in chief value of yeast extract and containing no alcohol (not including sauces) ..... 10% ad val. Other (except banana flour, frog legs, plantain flour, thick soy, and yeast) ..... 15% ad val."

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended by the acts specified in the first and third recitals of this proclamation, do proclaim as follows:

PART I

To the end that the said trade agreement specified in the fifth recital of this proclamation may be carried out:

(a) Subject to the provisions of subdivision (b) of this Part, such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as are specified or provided for in paragraphs 1 to 12, inclusive, of the said Torquay Protocol specified in the fifth recital of this proclamation and in Schedule XX contained in Annex A thereto, except the items therein which are identified in the tenth recital of this proclamation, shall be effective on and after June 6, 1951.

(b) The application of the provisions of subdivision (a) of this Part shall be subject to the applicable terms, conditions, and qualifications set forth in paragraphs 1 to 12, inclusive, of the said Torquay Protocol, in Schedule XX contained in Annex A thereto, in Parts I, II, and III of the said General Agreement specified in the first recital of this Proclamation, in Part I of, and the general notes in, Schedule XX (original) thereof, and in the said Protocol of Provisional Application specified in the first recital of this proclamation, including any applicable amendments and rectifications of the said General Agreement; and the application of the said provisions of subdivision (a) shall also be subject to the exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption—

(I) the date is prior to the date which may be notified by the President to the Secretary of the Treasury and published in the FEDERAL REGISTER as the date on and after which the concession represented by such rate should not be withheld; or

(II) more favorable customs treatment is prescribed for the article by any of the following then in effect: (i) a proclamation pursuant to the said section 350 of the Tariff Act of 1930, as amended, but the application of such more favorable treatment shall be subject to the qualifications set forth in paragraph 3 (d) of the said Torquay Protocol and in the second paragraph of the general notes in Schedule XX contained in Annex A thereto; or

(ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to April 21, 1951.

PART II

To the end that the said exclusive trade agreement specified in the eleventh recital of this proclamation may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall be further amended as specified in the thirteenth recital of this proclamation.

PART III

The said proclamation of December 16, 1947, specified in the second recital of this proclamation, as amended and rectified, and the said proclamations supplemental thereto referred to in the second recital of this proclamation are hereby terminated to the extent that each of items 781, 1205 [first], and 1532 (a) in Part I of Schedule XX (original) of the said General Agreement specified in the first recital of this proclamation, effective on and after July 6, 1951, shall be applied with the modifications provided for in item 781 [part] (Geneva), item 1205 [first] (Geneva), and items 1532 (a) [part] (Geneva) and 1532 (a), respectively, in Part I of Schedule XX contained in Annex A to the said Torquay Protocol specified in the fifth recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of June in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-6616; Filed, June 5, 1951; 2:49 p. m.]

EXECUTIVE ORDER 10250

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS OF THE PRESIDENT BY THE SECRETARY OF THE INTERIOR

By virtue of the authority vested in me by section 11 of the act of February 22, 1935, 49 Stat. 33, and section 1 of the act of August 8, 1950, 64 Stat. 419 (Public Law 673, 81st Congress), and as President of the United States, it is ordered as follows:

1. The Secretary of the Interior is hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1 of the act of July 10, 1935, ch. 375, 49 Stat. 477 (16 U. S. C. 19), to appoint members of the National Park Trust Fund Board.

(b) The authority vested in the President by section 2059 of the Revised Statutes (25 U. S. C. 62) to discontinue any Indian agency, or transfer the same, from the place or tribe designated by law to such other place or tribe as the public service may require.

(c) The authority vested in the President by section 6 of the act of May 17, 1882, ch. 163, 22 Stat. 88, as amended (25 U. S. C. 63), to consolidate two or more Indian agencies into one, to consolidate one or more Indian tribes, and to abolish such agencies as are thereby rendered unnecessary.

(d) The authority vested in the President by the act of March 1, 1907, ch. 2285, 34 Stat. 1016 (25 U. S. C. 140), to divert appropriations made for certain purposes to other uses for the benefit of the several Indian tribes: *Provided*, that the Secretary of the Interior shall make to the Congress reports required in connection with action taken by him under this provision.

(e) The authority vested in the President by section 5 of the act of February 8, 1887, ch. 119, 24 Stat. 389, as amended (25 U. S. C. 348), by the act of December 24, 1942, ch. 814, 56 Stat. 1081 (25 U. S. C. 348a), by the act of June 21, 1906, ch. 3504, 34 Stat. 326 (25 U. S. C. 391), and by section 3 of the act of January 12, 1891, 26 Stat. 712, as amended by section 3 of the act of March 2, 1917, ch. 146, 39 Stat. 976, to extend trust periods on land patents issued to Indians and to continue restrictions on alienation.

(f) The authority vested in the President by section 2554 (b) of the Internal Revenue Code (26 U. S. C. 2554 (b)) to authorize certain persons in the Virgin Islands to obtain certain drugs for legitimate medical purposes without regard to order forms, and by section 2603 (b) of such Code (26 U. S. C. 2603 (b)) to provide for the registration of and the imposition of special and transfer taxes upon persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana: *Provided*, that the Secretary of the Interior shall perform the functions referred to in this subsection in consultation with the Department of the Treasury.

(g) The authority vested in the President by section 2343 of the Revised Statutes (30 U. S. C. 46) to establish additional land districts and to appoint necessary officers under existing laws when deemed necessary for the public convenience in executing certain provisions of law with respect to mineral lands and mining.

(h) The authority vested in the President by section 2252 of the Revised Statutes as affected by section 403 of Reorganization Plan No. 3 of 1946, 60 Stat. 1100 (43 U. S. C. 121), to order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(i) The authority vested in the President by section 2250 of the Revised Statutes (43 U. S. C. 125) to discontinue a land office in a land district under certain circumstances and to annex the same to some other adjoining land district.

(j) The authority vested in the President by section 2251 of the Revised Statutes (43 U. S. C. 126) to change the location of the land offices in the several land districts established by law and to relocate the same from time to time at such point in the district as may be deemed expedient.

(k) The authority vested in the President by section 2253 of the Revised Statutes (43 U. S. C. 127) to change and reestablish the boundaries of land districts.

(l) The authority vested in the President by section 2 of the act of March 2, 1917, ch. 145, 39 Stat. 951, as amended (48 U. S. C. 737), to approve the payment out of the Treasury for other purposes of money derived from any tax levied or assessed for a special purpose in Puerto Rico.

(m) The authority vested in the President by section 7 of the act of March 2, 1917, ch. 145, 39 Stat. 954, as amended (48 U. S. C. 748), to convey to the people of Puerto Rico lands, buildings, or interests in lands, or other property owned by the United States, and to accept lands, buildings, or other interests or property by legislative grant from Puerto Rico.

(n) The authority vested in the President by section 3 (b) of the act of March 3, 1925, ch. 426, 43 Stat. 1111, as amended (50 U. S. C. 164 (b)), to approve regulations governing the production and sale of helium for medical, scientific, and commercial use.

(o) The authority vested in the President by section 6 of the act of April 26, 1906, ch. 1876, 34 Stat. 139, to remove from office the principal chief of the Choctaw, Cherokee, Creek, or Seminole tribe or the governor of the Chickasaw tribe, to declare any such office vacant, and to fill any vacancy in any such office arising from removal, disability, or death of the incumbent.

(p) The authority vested in the President by section 28 of the act of April 26, 1906, ch. 1876, 34 Stat. 148, to approve acts, ordinances, or resolutions of the tribal council or legislature of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations, and to approve contracts, involving the payment or expenditure of money or affecting property belonging to any of the said tribes or nations, made by them or any of them or by any officer thereof.

(q) So much of the authority vested in the President by section 5 (a) of the act of February 22, 1925, ch. 18, 43 Stat. 31 (15 U. S. C. 715d (a)), as has not heretofore been delegated to the Secretary of the Interior, to prescribe such regulations as may be found necessary or appropriate for the enforcement of the provisions of that act.

2. The Secretary of the Interior is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the following functions which have heretofore, under the respective provisions of law cited, required the approval, ratification, or other action of the President in connection with their performance by the Secretary of the Interior:

(a) The authority vested in the Secretary of the Interior by section 1 of the act of June 6, 1942, ch. 380, 56 Stat. 326 (16 U. S. C. 459r), to convey or lease to the States or to the political subdivisions thereof any or all of certain recreational demonstration projects and lands and equipment comprised within such projects or any parts of such projects; and to transfer to other Federal agencies any of the said recreational demonstration areas that may be of use to such agencies.

(b) The authority vested in the Secretary of the Interior by section 3 of the act of July 3, 1918, ch. 128, 40 Stat. 755, as amended, and as affected by section 4 (f) of Reorganization Plan No. II, effective July 1, 1939, 53 Stat. 1433 (16 U. S. C. 704), to promulgate regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any migratory bird included in the terms of certain conventions, or any part, nest, or egg thereof.

(c) The authority vested in the Secretary of the Interior by section 3 of the act of June 30, 1932, ch. 320, 47 Stat. 446 (48 U. S. C. 321b), to distribute certain duties, authority, and appropriations, and to make rules and regulations with respect to the use of roads, trails, and other works, including the fixing and collection of tolls, in Alaska.

3. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

4. All actions heretofore taken by the President in respect of the matters affected by this order and in force at the time of the issuance of this order, including regulations prescribed by the President in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until modified or revoked pursuant to the authority conferred by this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 5, 1951.

[F. R. Doc. 51-6623; Filed, June 5, 1951; 3:55 p. m.]

TRADE AGREEMENT LETTER

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951,[1] carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade and for other purposes.

Pursuant to the procedure described in Part I (b) (I) of that proclamation, I hereby notify you that the following (1) complete items in Part I of Schedule XX to the Torquay Protocol (in cases in which only the item designation is specified), (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty), and (3) portions of such items identified by descriptive language (in cases in which the item designation is specified together with descriptive language, with or without the applicable rate of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on and after June 6, 1951:

Item designations	Rates of duty	Descriptive language
1 [first]		
1 [second]		
1 [third]		
1 [fifth]		
1 [seventh]		
1 [eighth]		
2		
3		
4		
5		
6		
7		
9		
10	2½% ad val. [second such rate].	
15		
17 [first]		
18 [second]		
21		
23		
24 [first]		
24 [second]		
24 [third]		
26 [first]		
28 (a) [first]		
28 (a) [second]		
28 (a) [fourth]		
28 (a) [fifth]		
28 (a) [sixth]		
28 (a) [seventh]		
29 [first]		
29 [second]		
29 [third]		
31 (a) (1)		
31 (b) (2)		
34		
37	12½% ad val. [first such rate]. 7½¢ per lb. 2¢ per lb. 7½% ad val.	Chlorophyll and logwood.
38		
39		
40 [first]		
40 [second]		
41 [first]		
41 [fourth]		
41 [fifth]		
43 [first]		
43 [second]		
46 [first]		Lead arsenate and lead resinate.
46 [second]		
49 [first]		
50		
52 [first]		
52 [second]		
53 [first]		
53 [second]		
58	6¼% ad val. [first such rate]. 6¼% ad val. [third such rate].	
60		
61		
63 [first]		
63 [second]		All except pearl essence.
66		
67 [first]		
68		
69		
72 [first]		
72 [second]		
73		
77 [first]		
78 [second]		
81 [first]		
81 [second]		
83		
84		
85		
88		
92		
93 [first]		
93 [second]		
95		
97		
201 (b)	5¢ per sq. ft., but not less than 25% nor more than 35% ad val.	Ceramic mosaic.
202 (a)		
205 (c)		
207 [second]		
207 [third]		
207 [fifth]		
207 [sixth]		
208 (c)		
208 (h)		
209		
210		
211	5¢ per doz. pieces and 25% ad val. [first such rate]. 5¢ per doz. pieces and 25% ad val. [second such rate].	

[1] See Proclamation 2929, *supra*.

Item designations	Rates of duty	Descriptive language
372 [eighth]	85½% ad val. 10½% ad val. 12½% ad val. The rate for the article of which they are parts.	All except forged steel grinding balls, and parts of printing machinery of the lithographic machines and similar textile machinery; of booms, of cream separators, and of calculating machines specially constructed for multiplying and dividing.
372 [ninth]		
374		
380		
380		
381		
382 [first]		
382 [second]		
383		
384		
387	32½% ad val. 12½% ad val. 12½% ad val. [second such rate]. 12½% ad val. [third such rate]. 11¼% ad val.	
401	15% ad val. 20% ad val.	
405		Ethan and Gouda.
406		
407 [first]		
407 [second]		
411		
412 [second]		
412 [third]		
501		
502		
695		
701		
702		
707	3¢ per lb., but not less than 17½% ad val. 5¢ per lb., but not less than 20% ad val.	
708 (c)		
710		
711		
711	15% ad val.	
717 (a)		
718 (b)		
719 (1) [first]		
719 (1) [second]		
721 (c)		
724	5¢ per lb.	
724 [first]		
730 [second]		
738 [first]		
738 [second]		
780		
782		
712 [first]		
752 [first]		
752 [second]		
752 [third]		
752 [fourth]		
753 [first]		
753 [second]		
753 [third]		
753 [fifth]		
761		
762		
764		
766		
770		
771	12½% ad val. [first such rate]. 12½% ad val. [second such rate].	
775 [first]		
775 [second]		
777 (b)		
780		
781		

Item designations	Rates of duty	Descriptive language
212	10¢ per doz. separate pieces and 35% ad val. [first such rate]. 35% ad val.	
211		
217 (d)		
218 (c)		
218 (e) [first]		
218 (e) [second]		
220		
224		
225 (b) [second]		
225 (b) [third]		
230 (d)		
231 (a)		
301 [first]		
301 [second]		
302 (d)		
302 (e) [second]		
302 (f)		
302 (i) [first]		
302 (i) [second]		
302 (j)		
302 (l)		
302 (m)		All except manganese copper. All except ferrozirconium and zirconium ferrosilicon.
302 (n) [first]		
302 (n) [second]		
302 (n) [third]		
302 (n) [fourth]		
302 (n) [fifth]		
302 (o)	12½% ad val.	Calcium silicon.
304 [second]		
305	3½¢ per lb. and 10% ad val.	
307 (2)		
308		
312		
313 [first]		
313 [second]		
314		
316 (a)		
316 (b)		
318		
325		
327 [first]		
327 [second]		
328 [first]		
328 [second]		
329		
331 [first]		
334		
336		
337		
339		
340 [first]		
340 [second]		
341 [first]		
341 [second]		
353 [second]		
353 [third]		
353 [fifth]		
450 [sixth]	17½% ad val. [first such rate]. 15% ad val. [second such rate]. 13½% ad val. [third such rate]. 13½% ad val.	Radio apparatus, instruments and devices
450 [sixth]		All except parts of electrical stemaline, welding, ignition, and X-ray apparatus, instruments, and devices, and of electric instruments and devices, and of calculating, multiplying and dividing, and having an electric motor as an essential feature.
505		
370 [first]		
370 [second]		Bookbinding machinery and paper-box machinery.
372 [third]		
372 [seventh]		

Item designations	Rates of duty	Descriptive language
1529 (a) [seventh]		
1529 (a) [eighth]		
1529 (a) [ninth]		
1529 (a) [tenth]		
1529 (a) [eleventh]		
1529 (a) [twelfth]		
1529 (a) [thirteenth]		
1529 (a) [fourteenth]		
1529 (a) [fifteenth]		
1529 (b)	20% ad val. [first such rate].	Fatty acids derived from vegetable, animal, or fish oils, or from animal fats and greases; rosins; and tall oil; and All except tallic acid and salts and esters thereof.
1529 (c)	30% ad val. [second rate].	
1530 (1) (a)	20% ad val. [third such rate].	
1530 (1) (b)	15% ad val.	
1530 (c)		
1530 (d) [first]		
1530 (d) [second]		
1537 (a) [first]		
1537 (b) [first]		Divi-divi.
1539 (b) [second]		
1541 (a) [first]		
1541 (b) [second]		
1541 (a) [second]		Angelica seed and root and red sanders.
1541 (a) [third]		All except hempseed, tapok seed, and tucum nuts.
1541 (a) [fifth]		
1541 (a) [sixth]		
1541 (a) [third]		
1541 (a) [fourth]		
1541 (a) [seventh]		
1541 (a) [ninth]		
1541 (b) [first]		
1541 (b) [second]		
1544		
1547 (b)		
1548 [first]		
1552 [seventh]		
1555		
1556		
1558		
1601		
1605		
1610		
1643		
1657		
1659		
1670		
1671		
1673		
1685		
1688		
1695		
1700		
1722		
1727		
1728		
1732		
1734 (2)		
1795		
1796		
1803 (3)		
1812		
2401 (c) [first]		
2401 (c) [second]		
2401 (a) [third]		
2401 (a) [fourth]		
2401 (c) [first]		
2401 (c) [second]		
3423 (a)		

Item designations	Rates of duty	Descriptive language
902 [first]		
902 [second]		
903		
904 [first]	37½¢ per gal. (72.5% [first such rate].	
905 [first]		
905 [second]		
906 (a)	30% ad val.	
911 (a)		
911 (b)		Garters, suspenders, and braces.
912 [first]		
912 [second]		
912 [third]		
912 (b)	22½¢ per lb. but not less than 15% nor more than 35% ad val.	
923		
1001 [first]		
1001 [second]		
1017		
1021		
1105 (a) (b)		
1106 (a)		
1109 (1)		
1109 (2)		
1116 (1)		
1117 (a)		
1202		
1205		
1291		
1297 [first]		
1297 [second]		
1298		
1301		
1302		
1304		
1306		
1308		
1309		
1310		
1311		
1312		
1402		
1405 [first]		
1405 [second]		
1405 [third]		
1405 [fourth]		
1406 [first]		
1407 (1)		
1409		
1410 [first]		
1410 [second]		
1413 [first]		
1413 [third]		
1502 [first]		
1502 [second]		
1502 [third]		
1503		
1504 (1) (3)		
1504 (1) (4)		
1506 [second]		
1511 [fourth]		
1514		
1519 (a)		
1523		
1527 (a) (1)		
1527 (a) (2)		
1527 (d)		
1528 [first]		
1529 (a) [first]		
1529 (a) [second]		
1529 (a) [third]		
1529 (a) [fourth]		
1529 (a) [fifth]		
1529 (a) [sixth]		

Reference is also made to the thirteenth recital of my proclamation of June 2, 1951. It will be noted that items 28 (a) [second], 205 (e), 411, 724, 1530 (c) [first], and 1537 (b) [first], and the relevant part of item 1541 (a) [first], in Part I of Schedule XX to the Torquay Protocol are being notified to you as not being withheld on and after June 6, 1951. Consequently, the modifications of the list in the ninth recital of Proclamation No. 2764 of January 1, 1948, as amended and rectified, which are set forth in the thirteenth recital to the right of these designations will be effective on and after June 6, 1951. Since only a part of item 1558 in Part I of Schedule XX to the Torquay Protocol will not be withheld on and after June 6, 1951, only that part of the amendment, set forth in the thirteenth recital, of item 1558 in the list set forth in the ninth recital of the proclamation of January 1, 1948, will become effective on June 6, 1951, which will result in the application on and after that date of item 1558 in the proclamation of January 1, 1948, with the substitution of ", urunday extract, incense, yeast, and fatty acids derived from vegetable oils, animal or fish oils, or animal fats and greases" for "and urunday extract" within the first parentheses of the description in the item.

Very sincerely yours,

HARRY S. TRUMAN

Honorable JOHN W. SNYDER,
The Secretary of the Treasury.

[F. R. Doc. 51-6617; Filed, June 5, 1951; 2:49 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

INSTRUCTOR, DEPARTMENT OF ARMY RECONDITIONING PROGRAMS

1. The position of Instructor (Academic Subjects), Department of the Army Reconditioning Programs, GS-1711-6, has been abolished. Paragraph (e), *Instructor (Academic Subjects), Department of the Army Reconditioning Centers, GS-1711-6,* of § 24.12 is hereby revoked.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 851)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-6584; Filed, June 6, 1951; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Obligations

PART 638—NAVAL STORES

SUBPART—1951 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1951, formulated by the Commodity Credit Corporation and the Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

Sec.
638.201 Administration.
638.202 Eligible producer.
638.203 Eligible naval stores.
638.204 Eligible turpentine.
638.205 Eligible rosin.
638.206 Eligible oleoresin.
638.207 Eligible metal drums.
638.208 Availability of loans.
638.209 Rate of loan to producers.
638.210 Storage provisions.
638.211 Maturity.
638.212 Redemption.
638.213 Rights of CCC upon maturity.
638.214 Disposition of proceeds upon liquidation.
638.215 Personal liability.

AUTHORITY: §§ 638.201 to 638.215 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447.

§ 638.201 *Administration.* The Naval Stores Division, Tobacco Branch, PMA, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The PMA Commodity Office, Atlanta, Georgia, will perform accounting and auditing functions.

§ 638.202 *Eligible producer.* A producer will be eligible for loan if he (a) is a member in good standing of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1951 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as determined by such Department, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the County Committees of the PMA, United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1-1951), or any other similar agreement.

§ 638.203 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 638.204 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (d) is "water-white" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT-T-801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 638.205 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "G" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL-R-626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Method No. E 28-42T). Rosin must be Federally inspected and weighed or the weights checked prior to tender for loan.

§ 638.206 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1951 by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan and the beneficial interest in which is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eli-

gible turpentine and eligible rosin produced by such producer.

§ 638.207 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC and on file in the office of the Association.

§ 638.208 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1951. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1951.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement (ATFA Form 2–1951), and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1951). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1951).

§ 638.209 *Rate of loan to producers.* The Association will make loans to producers based on the rate of $128.21 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of $128.21 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate for rosin of grades X to G, inclusive, of $7.37 per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 638.210 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has executed a Warehouse Agreement with the Association. This Agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 638.211 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on April 1, 1952, whichever is earlier.

§ 638.212 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association, including applicable expenses and charges, plus interest at the rate of three percent (3%) per annum.

§ 638.213 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 638.214 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 638.215 *Personal liability.* The loans will be non-recourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the association with respect thereto.

Issued this 4th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51–6578; Filed, June 6, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

CANNED LIMA BEANS

EDITORIAL NOTE: In Federal Register Document 51–4873, appearing at page 3607 of the issue for Friday, April 27, 1951, Table No. II of § 52.169 was changed to read as follows:

TABLE No. II

[Sizes of lima beans in canned lima beans]

Word designation:	*Size of lima beans (inches in width)*
Midget	$\frac{28}{64}$ inch in width and smaller
Tiny	Over $\frac{28}{64}$ inch to and including $\frac{30}{64}$ inch in width.
Small	Over $\frac{30}{64}$ inch to and including $\frac{31}{64}$ inch in width.
Medium	Over $\frac{31}{64}$ inch to and including $\frac{38}{64}$ inch in width.
Large	Larger than $\frac{38}{64}$ inch in width

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—General Provisions

PART 60—FIELD OFFICERS; POWERS AND DUTIES

REMITTANCE OF FEES

MAY 21, 1951.

Subparagraph (1) of paragraph (b) of § 60.30, *Authority to accept applications; remittance of fees*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

(b) *Remittance of fees*—(1) *Form.* Any fees required to be submitted with, or on account of, any of the various applications prescribed in this chapter shall be in the amount provided by the applicable statute and regulation. All remittances shall be accepted subject to collection, and no receipt issued by an officer of the Immigration and Naturalization Service for any such remittance shall be binding if the instrument of remittance is found uncollectible. Such fees shall not be accepted in the form of postage stamps.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 102, 222, 438, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: May 31, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51–6577; Filed, June 6, 1951; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 60 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 371.11 *Personal baggage and tools of trade* is amended in the following particulars:

Paragraph (a) *Personal baggage licenses*, subparagraph (1) *General provisions* is amended by adding after subdivision (i) a note reading as follows:

NOTE: As used in the regulation, "usual" and "reasonable" quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage.

Consequently, where a traveler desires to import, under the baggage general license, food in such quantities as to be obviously unsuitable for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33 82d Cong.)

2. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particulars:

Paragraph (b) *Rubber tires and casings* is amended to read as follows:

(b) *Rubber tires and casings.* Any applicant who has pending with the Office of International Trade or who intends to file applications for a license to export truck and bus casings, passenger car casings, off-the-road casings, farm tractor and implement casings, and industrial casings, Schedule B Nos. 206000, 206200, 206430, 206450, 206490 must submit on or before June 15, 1951, the following information:

3. Part 373, Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.25 to read as follows:

§ 373.25 *Special provisions for wool rags, waste, and yarns.* Wool rags, woven and knit; wool yarns; and wool waste (journal box packing), Schedule B Nos. 362200, 362600, and 363300, will be licensed for export against export quotas for the second calendar quarter 1951 in accordance with the licensing policy set forth in § 373.1 and the following special provisions:

(a) *Wool rags*—(1) *Definitions.* As used in this section, "high grade wool rags" means new clips of all kinds, white knits, pastel knits, all sweater clips, fine light merinos, pastel coarse light merinos, pastel blankets, white serges and flannels, white paper mill felts, rough khaki, and skirted or stripped khaki; "other wool rags" means wool rags, woven and knit, Schedule B No. 362200, that are not "high grade wool rags."

(2) *Distribution of quota.* The total export quota for the second quarter for wool rags, woven and knit, is 18,000,000 pounds. A maximum of 4,000,000 pounds of high grade wool rags has been allocated for licensing (including approvals of appeals from applications which were rejected because of lack of export quota for the first quarter 1951) against this export quota, and the remainder of the 18,000,000-pound quota will be used for licensing other wool rags.

(3) *Commodity description.* Applications for licenses to export wool rags, woven and knit (whether high grade wool rags or other wool rags) must include a complete description of the rags, showing kind, grade, color, and whether stripped or skirted, to enable the Office of International Trade to determine whether the proposed shipment is high grade wool rags or other wool rags.

(4) *Licensing of high grade wool rags.* High grade wool rags will be licensed for export under the following conditions only and where substantiated by the information and documents set forth below:

(i) Where the license application covers requirements of the U. S. 8th Army, Japanese police, or other requirements for the occupation forces in Japan, in which case the application must be accompanied by a true copy of the Japanese importer's contract to supply the product made from the rags, and a true copy of the certificate from the Procurement Section, Japanese Logistic Command to the Japanese Ministry of International Trade and Industry requesting its assistance in obtaining the wool rags to produce the stated end product. The import authorization (MITI) number must also be shown.

(ii) Proposed exports for which license applications were rejected because of lack of export quota for the first quarter of 1951, where the U. S. exporter's appeal is upheld upon initial review or by the Appeals Board. It has been agreed by OIT and the Appeals Board that appeals from such rejected license applications must be supported by evidence showing that prior to February 20, 1951: the appellant held an order (as defined in § 372.1 (e) (2) of this subchapter) covering the transaction; that the appellant had purchased or acquired the wool rags from sources in the United States; that a letter of credit had been opened; and that an import authorization (where required) had been issued.

(iii) Where the license application covers requirements to fulfill valid contracts between persons in the United States and persons in Japan, for processing wool rags into rugs, which were in effect but uncompleted on February 20, 1951, and which could not be completed because of lack of export quota, applications must be accompanied by documentary evidence of the existence, nature, and status of such contracts, and the import authorization (MITI) number. The documentary evidence must set forth the kinds and grades of rags to be furnished for processing in Japan and the number of square feet of rugs to be returned to the United States.

(5) *Licensing of "other wool rags."* Applications for licenses to export "other wool rags" will be considered only where the proposed shipment does not include any "high grade wool rags." Applications for licenses to export "other wool rags" must include the import authorization number where import authorization is required by the importing country.

(6) *Wool rags, imported.* Applications for licenses to export wool rags which are not the production or manufacture of the United States, and which are imported into the United States without a consumption entry being made, including such imports as have been stored in bonded warehouses, will be considered without regard to quota limitations provided such applications are accompanied by the following certification:

I (we) hereby certify that the wool rags covered by this application are not the production or manufacture of the United States; are (or will be) imported into the United States only for shipment through the United States and/or storage and exportation from the United States; and that no consumption entry for these commodities has been (or will be) made at a United States customhouse.

(b) *Wool waste, journal box packing.* Wool waste, journal box packing, will be licensed only in limited quantities where needed for current maintenance, repair,

[1] This amendment was published in Current Export Bulletin No. 622, dated May 31, 1951, with the exception of the part of the amendment relating to Part 398 which was published in Current Export Bulletin No. 623, dated May 31, 1951.

and operation of railway rolling stock, primarily in foreign countries which have depended historically on United States sources for such requirements. Applications for licenses to export wool waste must clearly indicate that the wool waste is for journal box packing and must be accompanied by a statement as to urgency of need and a statement of the quantity the applicant exported to the named country of destination for this purpose in the calendar year 1950. The statement of the applicant's exports to the named country of destination may be made on Form IT–821 (see Supplement, S–13, for facsimile), and may also include a statement of the applicant's exports to other foreign countries to which he contemplates making exportations to be charged against the second quarter 1951 quota. Applicants need submit such information only once with respect to each country of destination.

(c) *Wool yarns.* Wool yarns will be licensed for export for small shipments of yarn, primarily hand knitting yarn, to countries normally obtaining such yarns from the United States.

This part of the amendment shall become effective as of May 31, 1951.

4. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by the addition of a footnote to the submission dates for the third quarter, 1951, of the entry of Steel mill products, except carbon steel, Schedule B Nos. 600700–610800 to read as follows:

[1] Exporters may submit applications, until June 8, 1951, for export licenses to cover third quarter, 1951, hardship requirements for casing, tubing, and drill pipe, seamless and welded, Schedule B Nos. 606250 and 606350, to the Office of International Trade, Washington 25, D. C. Exporters shall note that the quantity of tubulars for which rating authorizations may be issued to meet hardship requirements is limited and sufficient to relieve extreme hardship cases only.

This part of the amendment shall become effective as of May 31, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

5. Section 374.51 *Supplement 1: List of restricted commodities* is amended to read as follows:

POSITIVE LIST OF COMMODITIES

All commodities with the processing code NONF.

All commodities with the processing code TNPL.

All commodities with the processing code STEE.

Aviation motor fuels: Schedule B Nos. 501610, 501620, 501640.

Antiknock compounds not of petroleum origin: Schedule B No. 829910.

Carbon black (contact and furnace): Schedule B Nos. 842310, 842350.

Sulfur (crude, crushed, ground, refined, sublimed, and flowers): Schedule B Nos. 571400, 571500.

Coke, except petroleum coke: Schedule B No. 500400.

All other commodities for which quantitative export quotas have been published.

All commodities on Excepted Commodity List under General License GIT (§ 371.9 (c) of this subchapter).

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

This part of the amendment shall become effective as of May 31, 1951.

6. Part 398, Priority Ratings and Supply Assistance Assigned by OIT, is amended by adding thereto a new § 398.5 to read as follows:

§ 398.5 *Assignment of DO Ratings by OIT for Controlled Materials Plan materials*—(a) *Controlled Materials Plan as applied to exports*—(1) *Controlled Materials Plan.* A Controlled Materials Plan (CMP) governing the distribution of certain metals has been established by the National Production Authority, effective July 1, 1951. This Plan operates under a series of NPA regulations identified as "CMP Regulations" (numbered serially as "CMP Regulation 1," "CMP Regulation 2," etc.).

(2) *Materials covered by CMP.* The Controlled Materials Plan covers copper, steel, and aluminum in the shapes and forms described in Schedule 1 of CMP Regulation 1. (A copy of Schedule 1 of CMP Regulation 1 is printed as Supplement 2 to Part 398.)

(3) *Applicability of CMP to exports.* CMP regulations govern the distribution of controlled materials to all consumers, i. e., exporters as well as domestic U. S. producers using controlled materials. This section sets forth the supplementary rules and procedures which will be followed by the Office of International Trade and exporters in connection with exports of controlled materials to all destinations except Canada.

(b) *Export quotas and priority ratings for controlled materials*—(1) *Assignment of priority ratings for controlled materials.* Under delegation of authority from the National Production Authority, the Office of International Trade will assign priority ratings, as required, to assure delivery of controlled materials within quota limits.

(2) *Assignment of priority ratings.* On and after June 1, 1951, the Office of International Trade will assign priority ratings on licenses issued for controlled materials. (Exception: No priority rating will be assigned on a license based upon an application which indicates that the materials are already in the applicant's possession; however, quantities of controlled materials covered by each such license will be charged against the quota limiting total exports of such controlled materials.) The priority rating will be assigned by the Office of International Trade by endorsing the validated license with the following legend:

By authority of the NPA, the exporter herein named is assigned the right to apply the rating DO ---- to procure the above described material.

DO 36 ratings will be assigned for deliveries of material for ECA countries, and DO 37 ratings for deliveries for all other countries.

(c) *Transitional provisions*—(1) *Shipments during July 1951.* To avoid dislocation of scheduled production, a holder of a validated license issued before June 1, 1951, may continue to export controlled materials in accordance with the terms of such license through July 1951, provided, the material (i) was produced prior to July 1, 1951, and (ii) is loaded aboard an exporting carrier by midnight July 31, 1951.

(2) *Revocation of certain licenses.* With respect to the materials listed below, any valid license issued prior to June 1, 1951, is hereby revoked, effective 12:01 a. m., August 1, 1951, unless revalidated by the Office of International Trade, on or after June 1, 1951.

Dept. of Commerce Sch. B No.	Commodity
	STEEL MILL PRODUCTS
	Steel ingots, blooms, billets, slabs, sheet bars, tinplate bars, and tube rounds (Armco iron, ingot iron, and other iron made in steel-making furnaces included):
	Carbon steel:
601605	Steel ingots.
601606	Steel billets, blooms, and slabs.
601609	Steel sheet bars, and tinplate bars.
	Alloy steel (stainless included):
601705	Steel ingots.
601706	Steel billets, blooms, and slabs (rolled or forged).
601709	Steel sheet bars, and tinplate bars.
601800	Tube rounds (carbon, alloy, and stainless included).
	Iron and steel bars, and rods (include bar size shapes):
	Steel bars, cold-finished:
602010	Die steel bars, carbon steel.
602010	Other carbon steel bars.
602050	Stainless.
602060	Alloy, except stainless.
602100	Iron bars.
602200	Concrete reinforcement bars (deformed and twisted bars only).
	Other steel bars and rods (hot-rolled):
602300	Die steel bars, carbon steel.
602900	Other carbon steel bars.
602500	Stainless steel.
602600	Alloy steel, except stainless (report stainless in 602500).
602900	Wire rods (for further manufacture).
	Plates, including boiler plate, except fabricated:
	Carbon steel:
603120	Hot-rolled.
603130	Cold-rolled.
	Stainless steel:
603140	Hot-rolled.
603160	Cold-rolled.
	Alloy steel, except stainless:
603170	Hot-rolled.
603180	Cold-rolled.
603200	Skelp iron and steel.
	Iron and steel sheets, galvanized:
*603350	Galvanized iron culverts and culvert sheets, and sections.
603390	Other galvanized iron sheets.
*603470	Galvanized steel culverts and culvert sheets, and sections.
603490	Other galvanized steel sheets.
	Steel sheets, black (ungalvanized, includes enameled, lacquered, or painted):
	Carbon steel:
603520	Hot-rolled.
603530	Cold-rolled.
	Stainless steel:
603540	Hot-rolled.
603560	Cold-rolled.
	Alloy steel, except stainless:
603570	Hot-rolled.
603580	Cold-rolled.
603595	Electrical (steel) sheets, except transformer grades.
603595	Electrical (steel) sheets, transformer grades only.
603600	Iron sheets, black (including enameled, lacquered, and painted).
	Strip, hoop, band, and scroll, iron and steel (including enameled, lacquered, and painted):
603710	Cold-rolled carbon steel, gilding metal clad.
603710	Cold-rolled carbon steel, except gilding metal clad.
603750	Cold-rolled stainless steel.
603790	Cold-rolled alloy steel, except stainless.

*See subparagraph (3) (iv) of this paragraph.

Dept. of Commerce Sch. B No.	Commodity
	STEEL MILL PRODUCTS—continued
	Strip, hoop, band, and scroll, iron and steel (including enameled, lacquered, and painted)—Continued
603810	Hot-rolled carbon steel, gilding metal clad.
603810	Hot-rolled carbon steel, except gilding metal clad.
[illegible]	Hot-rolled stainless steel.
[illegible]	Hot-rolled alloy steel, except stainless.
	Tinplate:
604110	Tinplate, hot-dipped.
604120	Tinplate, electrolytic.
604170	Tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints.
604200	Terneplate (long ternes included).
	Structural iron and steel:
	Structural shapes:
[illegible]	Plain, not fabricated (except bar mill size structurals).
	Fabricated:
[illegible]	Plates, fabricated, punched, or shaped, n. e. s.
[illegible]	Sheet piling.
	Railway-track material, iron and steel:
	Rails:
[illegible]	Over 60 pounds per yard.
[illegible]	60 pounds per yard and under.
[illegible]	Relaying rails. (Report rerolling rails under 601550 and scrap rails under 601060).
[illegible]	Rail joints and splice bars.
[illegible]	Tie plates (including fish plates).
*[illegible]	Railway track accessories, n. e. s.
[illegible]	Railroad spikes.
	Tubular products and fittings, iron and steel, new and used (except scrap):
[illegible]	Boiler tubes, seamless.
[illegible]	Boiler tubes, welded.
	Casing and line pipe (see § 399.2):
[illegible]	Casing, seamless.
[illegible]	Line pipe, seamless.
[illegible]	Casing, welded.
[illegible]	Line pipe, welded.
[illegible]	Seamless black pipe and tubes, except casing, oil-line and boiler.
[illegible]	Cast-iron pressure pipe.
*[illegible]	Cast-iron pressure pipe fittings.
[illegible]	Welded black pipe and tubes, steel.
[illegible]	Welded black pipe and tubes, wrought iron.
[illegible]	Welded galvanized pipe and tubes, steel
[illegible]	Welded galvanized pipe and tubes, wrought iron.
[illegible]	Mechanical steel pipe and tubes.
[illegible]	Stainless steel pipe and tubes.
[illegible]	Iron and steel pipe, n. e. s.
	Wire and manufactures:
[illegible]	Iron and steel wire, uncoated (plain, stainless and alloy steel included).
[illegible]	Tie wires for reinforcing bars.
[illegible]	Other galvanized wire.
[illegible]	Barbed wire.
[illegible]	Woven-wire fencing.
[illegible]	Wire cable and rope, except insulated.
[illegible]	Wire strand.
[illegible]	Wire bale ties.
[illegible]	Alloy steel wire, coated (include stainless).
*[illegible]	Coated wire, iron and steel, n. e. s., except alloy.
	Other wire manufactures:
*[illegible]	Coils, cold-finished, musical instrument wire; piano wire; spring wire, bright steel, piano grade.
*[illegible]	Other iron and steel wire and manufactures, n. e. s.
	Nails and bolts, iron and steel, n. e. s.:
[illegible]	Wire nails (include shoe nails) (report shoe tacks in 609400).
*[illegible]	Other nails and staples (except staples for paper fasteners or paper stapling machines).
	Castings and forgings, iron and steel:
[illegible]	Carbon steel castings for marine and railroad equipment.
*[illegible]	Alloy steel castings (stainless included).
[illegible]	Railway car and locomotive wheels, tires, and axles:
[illegible]	Railway car wheels.
[illegible]	Railway car tires and locomotive wheels.
[illegible]	Railway car axles, without wheels.
[illegible]	Railway locomotive axles, without wheels.
[illegible]	Railway car axles, fitted with wheels.
[illegible]	Railway locomotive axles, fitted with wheels.
	Iron and steel forgings, n. e. s.:
[illegible]	Carbon steel.
[illegible]	Alloy steel (stainless included).

*See subparagraph (3) (iv) of this paragraph.

Dept. of Commerce Sch. B No.	Commodity
	IRON AND STEEL MANUFACTURES
629909	Unfabricated tie stock, whether or not sheared to length.
*629998	Packing steel, stainless; steel tubes for manufacturing of ball bearings; steel shot; and perforated steel sheets, alloy and stainless (see § 373.2 of this subchapter).
*629998	Angle plates, slotted, iron; circles, steel; castings, iron, machine-drilled; perforated turneplate; sheets, steel, black, printed and lithographed; tubular scaffolding; vitrified steel pipe; flexible tubing, except electrical; perforated steel; poles, steel, electric line; and perforated steel sheets, carbon steel.
	ALUMINUM AND MANUFACTURES
630000	Ingots, slabs, pigs, blooms, and other crude forms.
630501	Sheets, plates, and strips (.006 inch and over in thickness). (Report venetian blind stock in 630998.)
630995	Bars and rods (including rolled and extruded).
630400	Aluminum foil and leaf (less than .006 inch in thickness).
630500	Mill shapes (specify by name) (include unfabricated molding). (Report fabricated architectural molding in 630910; other fabricated molding in 630998.)
630900	Other wire, cable, welding rods, and electrodes.
630850	Aluminum or aluminum bronze powders and pastes, aluminum content.
630998	Perforated aluminum sheets.
*630998	Aluminum and aluminum-base alloy manufactures, n. e. s.
	COPPER AND MANUFACTURES
*641200	Refined copper in cathodes, billets, ingots, wire bars or other forms. (Report copper bars except wire bars in 642400).
642300	Copper pipes and tubes.
642400	Copper plates, sheets, and strips.
642100	Copper rods and bars. (Report copper-weld rods in 642500, and wire bars in 641200.)
642500	Copper wire and cable, bare (include copperweld electrodes). (Report insulated copper wire in 709810, 709830, and 709850.)
*643998	Copper manufactures, n.e.s.
	BRASS AND BRONZE MANUFACTURES
*644100	Brass and bronze ingots.
644900	Brass and bronze bars, rods, and shapes (extruded, rolled, and drawn).
645000	Brass and bronze plates, sheets, and strips (report window strip and shapes in 647998).
645300	Brass and bronze pipes and tubes (include pipe coils).
645700	Wire, bare and insulated, brass and bronze.
*647043	Brass and bronze castings and forgings.
*647998	Brass and bronze manufactures, n. e. s.

(3) *Requests for revalidation of outstanding licenses.* If a licensee, holding a validated license for controlled materials issued before June 1, 1951, is unable to complete exportation under the provisions set forth in subparagraph (1) of this paragraph, he may request revalidation of his license by submitting to OIT, Washington, D. C., Form IT–763 "Request for and Notice of Amendment Action" in accordance with the provisions of § 380.2 of this subchapter.

NOTE: In the case of Project Licenses, Form IT–375, "License Application Materials Requirements List," will be submitted to request revalidation.

In addition to the information required on Form IT–763 (or Form IT–375), each request for revalidation shall include:

(i) The statement "CMP Revalidation."

(ii) The amount of material for which revalidation is requested.

(iii) The amended expiration date requested.

(iv) For licenses covering materials marked with an asterisk in the list under subparagraph (2) of this paragraph, a description of the material in sufficient detail to permit its identification under Schedule I of CMP Regulation 1.

NOTE: Quantities of controlled materials covered by revalidation requests approved by OIT will be charged against third quarter quotas. A reserve of third quarter quotas will be held by OIT for consideration of revalidation requests, but no assurance can be given that all such requests will be approved. Such revalidation requests as must be filed should be submitted to OIT as soon as possible.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

This part of the amendment shall become effective as of June 1, 1951.

LORING K. MACY,
Acting Director,
Office of International Trade.

[F R Doc. 51-6572; Filed, June 6, 1951; 8:47 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 51 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	G.L.V. dollar value limits	Validated license required
385850	Nylon webbing for parachute harness	------	TEXT	100	RO

This part of the amendment shall become effective as of 12:01 a. m., June 5, 1951.

2. The following revision is made in commodity descriptions. The entries set forth below are substituted for the present entry on the Positive List for "Reflectoscopes, ultrasonic or supersonic, and parts", Schedule B No. 919098. This revision is necessary to conform to Schedule B classification decision made by the Bureau of the Census, but no substantive change is made. The processing code is changed from SATE to GIEQ.

[1] This amendment was published in Current Export Bulletin No. 622, dated May 21, 1951.

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
774020	Reflectoscopes, ultrasonic or supersonic	No.	GIEQ	None	RO
775098	Industrial machinery and parts, n. e. s.: Parts for ultrasonic or supersonic reflectoscopes	-------	GIEQ	None	RO

This part of the amendment shall become effective as of May 31, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, as a result of changes set forth in Part 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 5, 1951, may be exported under the previous general license provisions up to and including June 30, 1951. Any such shipment not laden aboard the exporting carrier on or before June 30, 1951, requires a validated license for export.

3. Section 399.3 *Appendix C—Commodity Processing Codes* is amended in the following particulars:

The processing codes for certain commodities are amended to read as follows:

Dept. of Com. Sched. B No.	Commodity	Processing code
299600	Vegetable ivory or tagua nuts	CERL
777505	Magnetic sound recorders for use as office appliances, all types, and component parts thereof [1]	ELME
832400	Monosodium glutamate (Ajinomoto) [2]	SUBT
845000	Cream of tartar (synthetic included) [2]	SUBT
886700	Sodium bicarbonate or baking soda [2]	SUBT

[1] The office appliances classified under Schedule B Nos. 775200-7777600 777905 (except those specifically listed above); and 777905-777960, retain the processing code of CDGS.

[2] The industrial chemicals classified under Schedule B Nos. 831450-832400; 832600 (except those specifically listed above); and 832800-832920, retain the processing code of ORGN.

[3] The industrial chemicals classified under Schedule B Nos. 833000-835800; 835900 (except those specifically listed above); 836220-836900; and 836800-837050; retain the processing code of SALT.

The commodity processing codes for ball bearings, and parts; except balls, Schedule B No. 769100; roller bearings, and parts, except rollers, Schedule B No. 769200; balls for bearings, Schedule B No. 769310; and rollers for bearings, Schedule B No. 769315 are changed from GIEQ to GIEQ 3.[2]

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-6573; Filed, June 6, 1951; 8:47 a. m.]

[2] This permits the filing of single applications for Positive List commodities having the same processing code symbol and number. (See § 372.2 (c) of this subchapter.)

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52742]

PART 14—APPRAISEMENT

PART 21—CARTAGE AND LIGHTERAGE

MISCELLANEOUS AMENDMENTS

Under present procedure, when merchandise is to be examined elsewhere than at the public stores, wharf, or other place in charge of a customs officer, the customs regulations require that the transfer shall be made by a bonded (licensed) cartman except as otherwise authorized by the Bureau in certain cases. However, in furtherance of the Department's policy of delegating appropriate administrative functions to collectors of customs and to further simplify customs requirements, it is deemed proper and advisable to authorize collectors to permit merchandise designated for examination at an importer's premises or other place not in charge of a customs officer to be carted, lightered, or carried to any such place by the importer without a cartman's or lighterman's license. The entry bond of the importer as now required to be modified in such cases guarantees that the merchandise shall be held intact at the place to which it will be removed for examination until released from customs custody. No further modification of the bond is necessary.

Accordingly, the following changes are made in the Customs Regulations of 1943:

1. Section 14.2 (d), Customs Regulations of 1943 (19 CFR 14.2 (d)), as amended, is hereby amended by deleting the second sentence.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 468, 499, 46 Stat. 725, 728, as amended; 19 U. S. C. 1468, 1499)

2. Section 21.1 (a), as amended, § 21.3, and § 21.4 (b), Customs Regulations of 1943 (19 CFR 21.1 (a), 21.3, and 21.4 (b)), are hereby amended as follows:

a. Section 21.1 (a) is amended by changing the letter "C" in the first word to lower case and inserting before it the following: "Except as provided for in §§ 18.3 (d) and 21.4 (b),".

b. Section 21.3 is amended by inserting "(except as provided for in § 21.4 (b))" after the word "purpose".

c. Section 21.4 (b) is amended to read:

(b) Merchandise designated for examination at an importer's premises or other place not in charge of a customs officer may be carted, lightered, or carried to any such place by the importer without a cartman's or lighterman's license, when in the judgment of the collector the revenue will not be endangered. Otherwise, such transfer shall be done by a licensed cartman, who shall be the contract cartman whenever practicable.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 565, 46 Stat. 747; 19 U. S. C. 1565)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 1, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6601; Filed, June 6, 1951; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

MONOSODIUM GLUTAMATE AND OTHER HYDROLYZED VEGETABLE PROTEIN PRODUCTS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.23 *Notice to manufacturers and users of monosodium glutamate and other hydrolzed vegetable protein products.* Following a review of various statements submitted by manufacturers and distributors of monosodium glutamate and various hydrolyzed plant protein products, the following conclusions have been reached:

(a) The facts submitted establish that there are three classes of products to be considered:

(1) Purified monosodium glutamate.

(2) Hydrolyzed proteins (amino acid salts) from which none of the monosodium glutamate has been removed.

(3) Hydrolyzed proteins (amino acid salts), a by-product in the manufacture of purified monosodium glutamate but from which a substantial proportion of the monosodium glutamate has been removed.

(b) The statement of policy published in the FEDERAL REGISTER on June 9, 1949 (21 CFR 3.10; 14 F. R. 3120), is reaffirmed. Monosodium glutamate is the common or usual name of the substance covered in said statement of policy. It need not be declared as an artificial flavoring, but when used as an ingredient of food products should be declared by its common or usual name. It may not be used in a food for which a standard of identity has been promulgated unless the standard or any amendment thereto recognizes it as an optional ingredient. It may not be used under any circumstances in such a way as to conceal damage or inferiority or make the article appear better or of greater value than it is.

(c) (1) The substance described in paragraph (a) (2) of this section has long been designated as "hydrolyzed vegetable protein."

(2) The substance covered by paragraph (a) (3) of this section should have a distinctive name, since one of its original constituents has been partially removed. Manufacturers have suggested that this substance be described as "hydrolyzed vegetable protein with reduced monosodium glutamate content." This designation appears acceptable.

(d) While the substances referred to in paragraph (a) (2) and (3) of this section contain a number of amino acid salts as well as sodium chloride, monosodium glutamate is the ingredient which has been quite generally emphasized, and is best known to consumers under that name. No objection is offered under the Federal Food, Drug, and Cosmetic Act to the addition of a quantitative declaration on the labels of containers of such hydrolyzed vegetable protein or hydrolyzed vegetable protein with reduced monosodium glutamate content showing the percentage amounts of monosodium glutamate, the total of other amino acid salts, salt, and water, if in liquid form, all to be declared in the order of their decreasing percentages. If monosodium glutamate represents a smaller proportion of the substance than the other amino acid salts and salt (sodium chloride), it should be declared last in the list of ingredients.

(e) When the substances described in paragraphs (a) (2) and (3) of this section are used as ingredients in a fabricated food, either may be declared as "salt and hydrolyzed vegetable protein" (or "salt and hydrolyzed plant protein") on the label of the fabricated food product: *Provided*, That where salt is declared as a separate ingredient of the fabricated food, in compliance with section 403 (i) (2) of the act, the word "salt" need not be repeated in connection with the "hydrolyzed vegetable protein" (or "hydrolyzed plant protein") declaration.

(Sec. 701, 52 stat. 1055; 21 U. S. C. 371)

Dated: June 1, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6575; Filed, June 6, 1951; 8:47 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

l-EPHENAMINE PENICILLIN G PREPARATIONS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 371), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.43 *l-Ephenamine penicillin G*—(a) *Potency.* Proceed as directed in § 141.1, except in lieu of paragraph (d) of this section dissolve the sample in sufficient methanol before diluting with sterile distilled water to make an appropriate stock solution.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Pyrogens.* Proceed as directed in § 141.3, except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(d) *Toxicity.* Proceed as directed in § 141.4, except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141.5 (a).

(f) *pH.* Proceed as directed in § 141.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141.5 (c).

(h) *Heat stability.* Proceed as directed in § 141.5 (d) (1), except prepare the sample as follows: Dissolve the sample in 5 milliliters of redistilled methanol. Further diute this solution with sufficient 1-percent phosphate buffer pH 6.0 to give a concentration of 2.0 milligrams per milliliter.

(i) *Penicillin G content.* Proceed as directed in § 141.26 (h) using the following formula for calculating the percent of *l*-ephenamine penicillin G:

$$\text{Percent of } l\text{-ephenamine penicillin G} = \frac{\text{N-ethyl piperidine penicillin precipitate} \times .251}{\text{Weight of sample in milligrams}}$$

(j) *Specific rotation.* Accurately weigh approximately 250 milligrams of the sample in a 25-milliliter glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute methanol, warming if necessary. Cool the solution to 20° C., dilute to 25 milliliters with absolute methanol at 20° C., and mix thoroughly. Transfer the solution to a 200-millimeter tube, determine the angular rotation in a suitable polarimeter, using sodium light or a 5,893 Angstrom filter, and calculate the specific rotation.

§ 141.44 *l-Ephenamine penicillin G in oil*—(a) *Potency.* Proceed as directed in § 141.27 (a), except the last sentence thereof. If it is represented to contain less than 300,000 units per milliliter, its potency is satisfactory if it contains not less than 85 percent of the number of units so represented. If it is represented to contain 300,000 units per milliliter, its potency is satisfactory if it contains not less than 90 percent of the number of units so represented.

(b) *Sterility.* Proceed as directed in § 141.7 (b).

(c) *Moisture.* Proceed as directed in § 141.7 (c).

§ 141.45 *l-Ephenamine penicillin G for aqueous injection*—(a) *Potency.* Proceed as directed in § 141.43 (a). Its potency is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2, except if it is the aqueous suspension of the drug and it does not contain a preservative incubate all tubes for 14 days.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

(d) *Pyrogens.* Proceed as directed in § 141.3, except use physiological salt solution as the diluent and inject 2 milliliters per kilogram of a solution containing 800 units per milliliter.

(e) *Toxicity.* Proceed as directed in § 141.4, except use physiological salt solution as the diluent and inject, in a 10-second interval, 1.0 milliliter of a solution containing 800 units per milliliter.

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141.5 (b), using the undiluted aqueous suspension.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. 371)

2. Part 146 is amended by adding the following new sections:

§ 146.64 *l-Ephenamine penicillin G (penicillin G l-ephenamine salt)*—(a) *Standards of identity, strength, quality and purity.* *l*-Ephenamine penicillin G is the heat stable crystalline *levo*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine salt of penicillin G, prepared from crystalline penicillin G and crystalline dl-N-methyl-1, 2 -diphenyl-2-hydroxyethylamine hydrochloride (98 percent purity and a melting point of 268.5° C. ±2.5° C.). It contains not less than 85 percent by weight of the *levo*-N-methyl-1, 2-diphenyl-2-hydroxyethylamine salt of penicillin G. It is so purified and dried that:

(1) Its potency is not less than 900 units per milligram;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic;

(5) Its moisture content is not more than 1.5 percent;

(6) Its pH in a saturated aqueous solution is not less than 5 and not more than 7.5; and

(7) Its specific rotation in methanol at 20° C. is +111°±2.5°.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so

caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate container;

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified; and

(4) The statement "For manufacturing use only."

(d) *Request for certification; check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, heat stability, the penicillin G content, and specific rotation.

(2) Such person shall submit with his request a sample containing 10 approximately equal portions of at least 300 milligrams, each taken from different parts of such batch. Each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which it is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drugs. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.65 *l-Ephenamine penicillin G in oil*—(a) *Standards of identity, strength, quality, and purity.* *l*-Ephenamine penicillin G in oil is a suspension of *l*-ephenamine penicillin G in refined peanut oil or sesame oil with or without the addition of one or more suitable and harmless dispersing agents. Its potency is 300,000 units per milliliter unless it is packaged and labeled solely for veterinary use. It is sterile. Its moisture content is not more than 1 percent. The *l*-ephenamine penicillin G used conforms to the requirements of § 146.64 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that the contents cannot be used without destroying such seal. The immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. If it is packaged for dispensing, each such container shall contain not less than 1.0 milliliter and not more than 20 milliliters and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container of the package:

(i) The batch mark;

(ii) The number of units per milliliter of the batch;

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified;

(iv) The statements "For intramuscular use only" and "Shake well"; and

(v) The name of each oil used in making the batch, and, if aluminum monostearate is used as the dispersing agent, the quantity used.

(2) On the circular or other labeling within or attached to the package, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including site of injection;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including sensitization.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each ingredient used in making such batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of tests and assays of the following, made by him on an accurately representative sample of:

(i) The batch: potency, sterility, and moisture.

(ii) The *l*-ephenamine penicillin G used in making the batch; potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, heat stability, penicillin G content, and specific rotation.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: one package for each 500 packages in the batch, but in no case less than 3 packages nor more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The *l*-ephenamine penicillin G used in making the batch; 10 packages, each containing approximately 300 milligrams packaged in accordance with the requirements of § 146.64 (b).

(iii) In case of an initial request for certification, one package containing approximately 150 grams of the peanut oil or sesame oil used and one package containing approximately 5 grams of each dispersing agent used.

(4) No result referred to in subparagraph (2) (ii) of this paragraph and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations of this part shall be:

(1) $4.00 for each package submitted in accordance with paragraph (d) (3) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations. The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.66 *l-Ephenamine penicillin G for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* *l*-Ephenamine penicillin G for aqueous injection is a dry mixture of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless preservatives and buffer substances, or it is an aqueous suspension of *l*-ephenamine penicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, except that preservatives are not required if the immediate container is packaged to contain a single dose and is conspicuously so labeled. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units;

(2) It is sterile;

(3) If it is the dry mixture of the drug, its moisture content is not more than 1.5 percent;

(4) It is nonpyrogenic;

(5) It is nontoxic; and

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The *l*-ephenamine penicillin G used conforms to the requirements of § 146.64 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, unless it is the aqueous suspension of the drug and it is packaged to contain a single dose. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, and each may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) The statement "Expiration date ----------," the blank being filled in, if it is the dry mixture of the drug, with the date which is 18 months, or if it is the aqueous suspension of the drug, with the date which is 12 months after the month during which the batch was certified;

(iv) The statement "For intramuscular use only"; and

(v) If the drug contains preservatives, the name and quantity of each preservative used.

(2) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency";

(iv) Contraindications; and

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of *l*-ephenamine penicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the *l*-ephenamine penicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: potency, sterility, moisture (unless it is the aqueous suspension of the drug), pyrogens, toxicity, pH.

(ii) The *l*-ephenamine penicillin G used in making the batch: potency, crystallinity, heat stability, penicillin G content, and specific rotation.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: one immediate container for each 5,000 immediate containers in such batch, but in no case shall such sample consist of less than 10 or more than 17 immediate containers, collected by taking single immediate containers at such intervals, throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146.64 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch, one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent; 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample containing 10 approximately equal portions equivalent to at least 300 milligrams, each taken from different parts of such batch; each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) and (4) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee

is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of three new antibiotic preparations, *l*-ephenamine penicillin G, *l*-ephenamine penicillin G in oil, and *l*-ephenamine penicillin G for aqueous injection, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for tests and methods of assay and certification of *l*-ephenamine penicillin G, *l*-ephenamine penicillin G in oil, and *l*-ephenamine penicillin G for aqueous injection.

Dated: June 1, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6576; Filed, June 6, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 380]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 375]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, ILLINOIS, MICHIGAN, MISSOURI, AND NEW JERSEY

Amendment 380 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 375 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 26a, is amended to describe the counties in the Defense-Rental Area as follows:

Alameda County, except the Cities of Hayward, Livermore, Piedmont and San Leandro, and the Town of Pleasanton.

This decontrols the City of Piedmont in Alameda County, California, a portion of the Alameda County, California, Defense-Rental Area.

2. Schedule A, Item 31, is amended to describe the counties in the Defense-Rental Area as follows:

Sutter County; and Yuba County, except the Cities of Marysville and Wheatland, and the portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North Range six (6) East MDB&M and running thence west along said Township line to the southwest corner of said Township; then north along the west line of Township seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

Butte, except that portion described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T. 18 N., R. 5 E. and T. 18 N., R. 6 E., thence North in Butte County along the east lines of T. 18 N., R. 5 E., T. 19 N., R. 5 E. and T. 20 N., R. 5 E. to NE. corner of T. 20 N., R. 5 E.; thence west along north line of T. 20 N., R. 5 E. to SE. corner of T. 21 N., R. 4 E.; thence north along east lines of T. 21 N., R. 4 E., T. 22 N., R. 4 E., and T. 23 N., R. 4 E. to the NE. corner of T. 23 N., R. 4 E.; thence west along the north lines of T. 23 N., R. 4 E., T. 23 N., R. 3 E., and T. 23 N., R. 2 E. to the boundary line between Butte and Tehama Counties, California.

This decontrols the City of Wheatland in Yuba County, California, a portion of the Marysville-Chico, California, Defense-Rental Area.

3. Schedule A, Item 39c, is amended to describe the counties in the Defense-Rental Area as follows:

Santa Clara County, except the Cities of Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara and Sunnyvale, the Town of Los Gatos, and all unincorporated localities.

This decontrols the Cities of Morgan Hill and Sunnyvale in Santa Clara County, California, portions of the San Jose, California, Defense-Rental Area.

4. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Des Plaines and Park Ridge, and the Villages of Lansing, Mt. Prospect, Palatine, Riverdale, Westchester, Wilmette and Winnetka; Du Page County; Kane County; and Lake County, except the City of Lake Forest.

This decontrols the Village of Wilmette in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Rose, Springfield, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Plymouth and Roosevelt Park, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Township of Novi in Oakland County, Michigan, and the City of Roosevelt Park in Wayne County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

6. Schedule A, Item 170a, is amended to read as follows:

(170a) [Revoked and decontrolled]

This decontrols (1) the City of Kirksville in Adair County, Missouri, a portion of the Kirksville, Missouri, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City of Kirksville being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remaining incorporated portions of Adair County, if any, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

7. Schedule A, Item 191, is amended to describe the counties in the Defense-Rental Area as follows:

Warren County, except the Borough of Washington, the Town of Belvidere, and the Townships of Franklin, Mansfield, Oxford, Pahaquarry, Pohatcong, Hardwick and Frelinghausen.

The Counties of Hunterdon and Mercer.

This decontrols the Township of Pohatcong in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

All decontrols effected by this amendment, except Item 6 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective as of June 7, 1951.

Issued this 4th day of June 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-6596; Filed, June 6, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amendment 8]

CPR 6—FATS AND OILS

ALTERNATIVE PRICING METHOD FOR U. S. GOVERNMENT AGENCIES SELLING FAT-BEARING OR OIL-BEARING ANIMAL WASTE MATERIALS UNDER FIXED TERM CONTRACTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738) this Amendment 8 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to Ceiling Price Regulation 6 added, among others, a new section 15 establishing ceiling prices for fat-bearing and oil-bearing animal waste materials. Ceiling prices for such materials were established by section 15 as the highest prices at which such materials were delivered to a purchaser of the same class during the base period from November 7 to December 7, 1951. This section has been interpreted as superseding section 4 (c) of Supplementary Regulation 1 to the General Ceiling Price Regulation which had therctofore exempted from price control sales of scrap, waste, damaged or used materials or commodities by a defense agency.

It has been brought to the attention of the Director of Price Stabilization that some inequities have occurred with respect to the pricing of sales of fat or oil-bearing animal wastes on the part of certain agencies of the United States Government, such as the departments of the Army, Navy, and Air Force, and their various installations, who customarily dispose of waste fats, interceptor grease, animal bones, food scraps and similar wastes under running term contracts, usually on an annual basis for the period of the fiscal year. Many of these agencies are now ready to invite competitive bids for such waste materials for the next fiscal year, but because they were selling them during the base period at prices below prevailing rates, due to prior long-term contract commitments, these agencies would be compelled to offer their waste materials for sale at this time subject to ceiling prices substantially below those now generally prevailing in the case of sales of like materials by other suppliers.

This amendment, therefore, gives government agencies the option of establishing their ceiling prices for fat or oil-bearing animal waste materials by adopting the prices of their most closely competitive seller. The result of this amendment will not only serve to remove the inequities caused by the long-term contracts entered into by some agencies, but will also enable buyers of waste materials covered by this amendment to bid for their acquisition at currently prevailing rates. Moreover, it will provide for government agencies the same flexibility of pricing their sales to private buyers, which is now accorded to private suppliers for their sales to agencies of the United States by General Overriding Regulation 2.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respect:

Section 15 is amended by deleting the present section 15 and substituting therefor the following new section to read as follows:

SEC. 15. *Ceiling Prices for fat-bearing and oil-bearing animal waste materials.* (a) Ceiling prices for fat-bearing or oil-bearing animal waste materials are the highest prices at which such materials were delivered to a purchaser of the same class during the period from November 7 to December 7, 1950, inclusive. If such materials were not delivered during this period, the ceiling price shall be the highest price at which such materials were offered for delivery during this period to a purchaser of the same class. This offer must have been in writing. If no such materials were offered for delivery or dealt in during the above period, the ceiling prices for such materials shall be those of the seller's most closely competitive seller of the same class selling the same materials to the same class of purchaser.

(b) As an alternative to the method provided in paragraph (a) of this section, agencies of the United States Government, or any separate selling units of such agencies, who during the period from November 7 to December 7, 1950, inclusive, sold any of the waste materials covered by this section on the basis of fixed term contracts entered into with buyers of such materials prior to November 7, 1950, may determine their ceiling prices for future sales by adopting those of their most closely competitive seller.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 11, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 6, 1951.

[F. R. Doc. 51-6687; Filed, June 6, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 5]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 5—USE OF FORMULA PRICING BY CONVERTERS OF PAPERBOARD

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 5 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The segment of the paper industry known as converters of paperboard has historically priced its end products by the interplay of several factors, such as raw material costs, margin, converting and delivery charges. These end products, chiefly boxes made of various grades of paperboard, are similar only to the extent that they are containers. From that point the factors used in the formula vary with each other. Consequently, although during any base period a particular manufacturer had in fact sold or delivered a particular box, he could have by application of his formula provided his customers with ceiling prices for thousands of boxes, if an estimate with respect to such boxes had been requested of him.

Some box manufacturers on the basis of their formulas priced the standard commodities they were in a position to manufacture by publishing price lists, catalogues or manuals which merely reflected the sum total of the factors within the formula. But even in those instances, it was impracticable to list every conceivable size, shape, style or grade of box. However, upon request a price was quickly available for an unlisted item by the application of the formula.

The language in section 6 (c) of Ceiling Price Regulation 22 does not clearly indicate that a converter of paperboard could, in determining his base period price, apply his formula for a particular box the price of which was not announced or in effect in the base period, even though as outlined above, he had a pricing manual in effect during the base period with all of the information necessary to quote a price. To compel these manufacturers to comply literally with the other permissible pricing methods of Ceiling Price Regulation 22, such as sections 30 to 34 would require an infinite number of reports, and thereby render the use of such sections administratively impracticable. The simplest and most efficacious method of arriving at a ceiling price under Ceiling Price Regulation 22 would be to allow a converter of paperboard to determine to what extent his labor and materials costs have increased over his base period costs as permitted under the provisions of Ceiling Price Regulation 22 and apply this increase factor to the price for any commodity which he manufactured or could have manufactured during his base period by the use of his formula.

This method of formula pricing will enable box manufacturers, as well as others included in this segment of the industry, to calculate very quickly their ceiling prices under Ceiling Price Regulation 22 for all their formula pricing commodities. It merely extends to section 6 (c) of Ceiling Price Regulation 22 their historical pricing method, which any tailored regulation would be obliged to incorporate in arriving at ceiling prices.

This permitted use of formula pricing will obviate the necessity for many manufacturers to use sections 32 and 33 which relate generally to new commodities, new categories, new sellers and new classes of purchasers. To the extent sections 32 and 33 are not used the reporting requirements thereunder are waived.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Formula pricing for base period.
3. Changes in reporting.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950, Supp.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation modifies section 6 of Ceiling Price Regulation 22 by permitting

converters of paperboard to determine their base period prices by the application of their pricing formulas in effect during the base period. The use of section 2 of this regulation will facilitate certain reporting requirements, as described in section 3.

(b) All other provisions of Ceiling Price Regulation 22 are unaffected by this supplementary regulation.

SEC. 2. *Formula pricing for base period.* A converter of paperboard who manufactures any commodity therefrom, such as boxes, laminated sheets, drums, pails, tubes and related products, and who cannot determine a base period price for all such commodities which he manufactures under section 6 (a), (b) or (c) of CPR 22, may use his pricing formula, in effect during the base period to satisfy the requirements of "a price list, catalogue, or similar statement" under section 6 (c). Such pricing formula must have been in writing or contained in some price list, catalogue or manual which reflected his raw material cost, margin, conversion and delivery charges in effect during his base period. In using such formula there is no requirement in this supplementary regulation for any deliveries of such commodities.

SEC. 3. *Change in reporting.* If you determine any or all of your base period prices under this supplementary regulation, then (a) for those commodities, the base period prices of which are determined under section 2 of this regulation, the provisions of sections 32 and 33 of CPR 22 are waived, and (b) you need not report in Item 8 of OPS Public Form 8 all products whose ceiling prices are higher than those under the General Ceiling Price Regulation, but only three standard items which you actually sold or delivered during the base period.

Effective date. This supplementary regulation shall become effective on July 2, 1951, or such earlier date between May 28, 1951 and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the supplementary regulation.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

JUNE 6, 1951.

[F. R. Doc. 51-6676; Filed, June 6, 1951; 11:06 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

CLEARANCES

Section 301.6 *Clearances* is revised to read as follows:

§ 301.6 *Clearances.* (a) The Federal Supply Service may grant to any ordering office a clearance to purchase from commercial sources any item listed in the Schedule when the Federal Supply Services determines that a clearance is necessary to meet emergency requirements. Two copies of any such clearance issued, together with a statement as to the emergency involved, will be sent by the Federal Supply Service to National Industries for the Blind within thirty days after issuance thereof.

(b) Any ordering office may purchase from commercial sources any item listed in the Schedule to meet requirements (1) of military necessity which require delivery within two weeks (2) that are less than a single unit or (3) that are for use outside the continental United States.

(c) Whenever an ordering office has requested an allocation from National Industries and in reply has been furnished with a statement by the National Industries listing items that none of the agencies for the blind can furnish within the period specified in the request for an allocation the ordering office may purchase the items, and quantities thereof, listed in the statement from commercial sources; *Provided*, That purchase action to secure such items is instituted within thirty days from the date of the statement by National Industries or within such further period as may be indicated in the statement by National Industries.

(Sec. 2, 52 Stat. 1196; 41 U. S. C. 47)

Issued: May 25, 1951.

ROBERT LEFEVRE,
Secretary.

[F. R. Doc. 51-6579; Filed, June 6, 1951; 8:48 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER GRANTING MOTION FOR OMMISSION OF INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

MAY 31, 1951.

At the conclusion of the hearing in this matter, Commission staff counsel made an oral motion before the Presiding Examiner, pursuant to § 1.30 (c) of the rules of practice and procedure, requesting that the intermediate decision procedure be omitted. This motion was concurred in by counsel for respondent and all counsel present. In concurring in the motion for omission of the intermediate decision procedure, counsel for respondent requested oral argument before the Commission and all counsel joined in this request.

The Presiding Examiner has fixed June 22, 1951, as the date for the filing of initial briefs and July 5, 1951 for the filing of reply briefs. The motions for the omission of the intermediate decision procedure and for oral argument have been referred to the Commission for its consideration.

The Commission finds: Good cause exists for omitting the intermediate decision procedure and for setting the matter for oral argument.

The Commission orders:

(A) The motion for omission of the intermediate decision procedure be and the same is hereby granted.

(B) The matters involved and the issues presented in this proceeding be and the same are hereby set for oral argument before the Commission commencing at 10:00 a. m., e. d. s. t., on July 9, 1951, in Conference Room "B" of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

Date of issuance: June 1, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6561; Filed, June 6, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-33]

SOUTH ATLANTIC STEAMSHIP LINE, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on June 12, 1951, at 10 o'clock a. m., e. d. s. t., in Room 4823 Department of Commerce Building, before Examiner Robert Furness, upon the application of South Atlantic Steamship Line, Inc., to bareboat charter two Victory-type AP-2 Cargo vessels for use in applicant's existing berth service, Trade Route No. 11 between South Atlantic ports of the United States, including Hampton Roads ports, and ports in the United Kingdom and Atlantic Europe, and for calls eastbound only at Philadelphia and/or Baltimore as cargo offers to load bulk grain in liner parcels and/or armed services cargo for United Kingdom and/or Continent Bordeaux-Hamburg range.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: May 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-6603; Filed, June 6, 1951; 8:51 a. m.]

National Production Authority

[NPA Del. 7 as amended June 7, 1951]

DIRECTORS OF REGIONAL OFFICES AND MANAGERS OF DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M-4

NPA Del. 7 as amended April 17, 1951, is amended by making certain changes in List A.

Del. 7 as amended reads as follows:

1. Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M-4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A of this delegation:

(a) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for an authorization to commence construction pursuant to section 6 of NPA Order M-4.

(b) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to section 11 of NPA Order M-4.

(c) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to section 11 of NPA Order M-4.

2. Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By ----------
(Name and Title)

3. Whenever the Regional Director or District Manager is absent from his office for a period longer than 3 days, he is authorized to delegate to the person placed in charge of the office during his absence the right to sign the name of the Regional Director or the District Manager to actions taken pursuant to this delegation.

This delegation as amended shall take effect on June 7, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

REGIONAL OFFICES TO WHOSE DIRECTORS THIS DELEGATION EXTENDS

Region I—1800 Customhouse, Boston 9, Mass.

Region II—42 Broadway, New York 4, N. Y.

Region III—Jefferson Building, 1015 Chestnut Street, Philadelphia 6, Pa.

Region IV—Room 2, Mezzanine, 801 East Broad Street, Richmond 19, Va.

Region V—418 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Ga.

Region VI—410 Union Commerce Building, 925 Euclid Avenue, Cleveland 14, Ohio.

Region VII—1763 La Salle-Wacker Building, 221 North La Salle Street, Chicago 1, Ill.

Region VIII—207 Minnesota Federal Savings and Loan Building, 607 Marquette Avenue, Minneapolis 2, Minn.

Region IX—2400 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Region X—Room 1114, 1114 Commerce Street, Dallas 2, Tex.

Region XI—142 New Customhouse, Nineteenth and Stout Streets, Denver 2, Colo.

Region XII—315 Flood Building, 870 Market Street, San Francisco 2, Calif.

Region XIII—809 Federal Office Building, 909 First Avenue, Seattle 4, Wash.

DISTRICT OFFICES TO WHOSE MANAGERS THIS DELEGATION EXTENDS

312 Court Square Building, 200 East Lexington Street, Baltimore 2, Md.

731 Frank Nelson Building, Second Avenue and Twentieth Street, Birmingham, Ala.

719 James Building, Eighth and Broad Street, Chattanooga 2, Tenn.

1404 Federal Reserve Bank Building, 105 West Fourth Street, Cincinnati 2, Ohio.

601 Securities Building, 418 Seventh Street, Des Moines 9, Iowa.

1038 Federal Building, 230 West Fort Street, Detroit 26, Mich.

Chamber of Commerce Building, 310 San Francisco Street, El Paso, Tex.

224 Post Office Building, 135 High Street, Hartford 1, Conn.

602 Federal Office Building, Houston 14, Tex.

425 Federal Building, 311 West Monroe Street, Jacksonville 1, Fla.

1546 United States Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, Calif.

631 Federal Building, Louisville 2, Ky.

229 Federal Building, Memphis 3, Tenn.

947 Seybold Building, 36 Northeast First Street, Miami 32, Fla.

308 Federal Building, 109-13 St. Joseph Street, Mobile 10, Ala.

1508 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La.

502 W. O. W. Building, 1319 Farnam Street, Omaha 2, Neb.

1021 Clark Building, 717 Liberty Avenue, Pittsburgh 22, Pa.

217 Old United States Courthouse, 520 Southwest Morrison Street, Portland 4, Oreg.

327 Post Office Annex, Providence 3, R. I.

910 New Federal Building, 1114 Market Street, St. Louis 1, Mo.

528 Dooly Building, 109 West Second Street South, Salt Lake City 1, Utah.

518 Bedell Building, 118 Broadway, San Antonio, Tex.

411 Pennsylvania Building, Front and French Streets, Wilmington, Del.

[F. R. Doc. 51-6688; Filed, June 6, 1951; 11:32 a. m.]

[Delegation 14]

ADMINISTRATOR OF FEDERAL SECURITY AGENCY ET AL.

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4

1. Pursuant to the authority under the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), the following functions to be performed pursuant to NPA Order M-4 (Construction) are delegated to each of the persons named in Table 1, with power to redelegate and to authorize successive redelegations with respect to the categories of construction set forth in said table opposite his name:

(a) To receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for authorization to commence construction, pursuant to section 6 of NPA Order M-4;

(b) To receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception based upon a claim of unreasonable hardship, or upon a claim that prohibition of the construction is not in the interest of the national defense, pursuant to section 11 of NPA Order M-4.

2. Notwithstanding paragraph 1 of this delegation, the authority delegated hereby does not include any category of construction specified in List A of NPA Order M-4, except that the Administrator of the Federal Security Agency and the Administrator for Veterans Affairs may take action with respect to such a category if such construction is required as part of an integrated hospital program.

3. Notwithstanding paragraph 1 of this delegation, the authority delegated hereby does not include the approval of the commencement of construction of any office building, administration building, retail store, retail outlet, or service store unless such construction is an integral part of a category of construction respectively specified in Table I.

4. Any authorization, adjustment, or exception under NPA Order M-4 issued by any delegate named in this delegation pursuant to any of the foregoing paragraphs must be correlated with the delegate's activities under the Controlled Materials Plan of the National Production Authority; and the projects approved by each delegate, and the allotment of controlled materials made therefor, will be charged against the total construction program and allotments approved for such delegate by the Defense Production Administration.

5. Insofar as it is inconsistent herewith, this delegation supersedes NPA Delegation No. 7.

6. As used in this delegation, the terms "petroleum," "gas," "solid fuels," "electric power," "metals and minerals," "food," "domestic transportation," "storage," and "port facilities" have the same meanings as are set forth in Executive Order 10161.

7. Any action taken under this delegation shall be signed in the name of the delegate or redelegate by the individual taking such action and shall be authenticated by the signature of such individual together with the title of his position.

This delegation shall take effect on June 7, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I

Delegate	*Category of construction*
The Administrator of the Federal Security Agency.	All school and library construction; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs.
The Administrator of Veterans Affairs.	The hospital program of the Veterans' Administration.
The Administrator of the Housing and Home Finance Agency.	Housing construction, alteration, and repair, except housing and community facilities on federally owned property under the control of the Atomic Energy Commission, and except housing on military reservations.
The Secretary of Agriculture	Farm construction; food production and processing facilities and wholesale food distribution facilities within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (16 F. R. 3410) as from time to time amended or supplemented.
The Secretary of the Interior	Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the generation, transmission, and distribution of electric power; facilities for the production and processing of the metals and minerals listed in column 1 of appendix A of NPA Delegation No. 5; facilities for the production and processing of fishery products.
The Petroleum Administrator for Defense.	Facilities for the production, processing, refining, and distribution of petroleum and gas.
The Secretary of Commerce	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, regardless of financing; air navigation facilities, civil airports; shipyards.
The Administrator of the Defense Transport Administration.	Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161.

[F. R. Doc. 51-6629; Filed, June 6, 1951; 11:33 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-153]

SET-UP PAPER BOX INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the set-up paper box industry, to present to the Commission such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 28, 1951. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 28, 1951, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any person who desires to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which these rules are proposed is composed of persons, firms, corporations and organizations engaged in the business of manufacturing, selling, or offering for sale of boxes fabricated from noncorrugated paperboard of the set-up (noncollapsible) type. Such boxes are used extensively in the distribution and marketing of shirts, hosiery, proprietary drugs, and numerous other products.

Issued: June 4, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-6593; Filed, June 6, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26135]

SULPHATE BLACK LIQUOR SKIMMINGS FROM TEXAS, ARKANSAS, AND LOUISIANA TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3894, 3906, and 3908.

Commodities involved: Sulphate black liquor skimmings, in tank-car loads.

From: Houston, Tex., Camden and Crossett, Ark., Bastrop and Spring Hill, La.

To: Natchez, Miss.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supp. 71; D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 57; D. Q. Marsh's tariff I. C. C. No. 3906, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6585; Filed, June 6, 1951; 8:48 a. m.]

[4th Sec. Application 26136]

SCRAP ALUMINUM FROM TENNESSEE AND ALABAMA TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Scrap aluminum, in carloads.

From: Memphis, Alcoa and Maryville, Tenn.; Listerhill and Sheffield, Ala., and other specified points in southern territory.

To: Specified points in southern and official territories.

Grounds for relief: Circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6586; Filed, June 6, 1951; 8:48 a. m.]

[4th Sec. Application 26137]

LIQUEFIED PETROLEUM GAS FROM MOBILE, ALA., TO OFFICIAL TERRITORY EAST OF ILLINOIS-INDIANA STATE LINE

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquified petroleum gas, in tank-car loads.

From: Mobile, Ala.

To: Points in official territory east of the Illinois-Indiana State line.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 227.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6587; Filed, June 6, 1951; 8:48 a. m.]

[4th Sec. Application 26138]

METHANOL FROM MILITARY, KANS., TO W. T. L. TERRITORY

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3614.

Commodities involved: Methanol and anti-freeze preparations, carloads.

From: Military, Kans.

To: Specified points in western trunk-line territory.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3614, Supp. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6588; Filed, June 6, 1951; 8:49 a. m.]

[4th Sec. Application 26139]

COMMODITY RATES BETWEEN POINTS IN W. T. L. TERRITORY

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733 and Chicago, St. Paul, Minneapolis, and Omaha Railway Company tariff I. C. C. No. 4856.

Commodities involved: Various commodities, carloads.

Between: Points in western trunk-line territory.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6589; Filed, June 6, 1951; 8:49 a. m.]

[4th Sec. Application 26140]

PETROLEUM PRODUCTS FROM WILMINGTON, N. C., TO WESTERN NORTH CAROLINA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Petroleum and petroleum products, in tank-car loads, as described in items 469 and 472 of above-mentioned tariff.

From: Wilmington, N. C.

To: Points in western North Carolina and South Carolina.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 228.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application.

Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6590; Filed, June 6, 1951; 8:49 a. m.]

[4th Sec. Application 26141]

COKE FROM ALABAMA TO DECATUR, GA.

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Birmingham Southern Railroad Company and other carriers named in the application.

Commodities involved: Coke, coke breeze, dust and screenings, carloads.

From: Birmingham, Ala., and points in the Birmingham district.

To: Decatur, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1150, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6591; Filed, June 6, 1951; 8:49 a. m.]

[4th Sec. Application 26142]

SCRAP TIN OR TERNE PLATE FROM ORLANDO, FLA., TO PITTSBURGH, PA.

APPLICATION FOR RELIEF

JUNE 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193.

Commodities involved: Scrap tin or terne plate, carloads.

From: Orlando, Fla.

To: Pittsburgh, Pittsburgh (West End) and Neville Island, Pa.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1193, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6592; Filed, June 6, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

PAUL KAYE

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1951.

In the matter of Paul Kaye, 60 E. 42d Street, New York, New York.

This proceeding was instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether Paul Kaye, a registered dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke his registration.[1]

The proceeding was instituted on March 15, 1951, by notice and order for hearing, a copy of which was sent by registered mail to Kaye. Despite receipt of the registered letter, Kaye did not appear personally or through a representative at the time and place designated in the notice, nor did he file a motion to change the place of hearing.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press and by distribution to persons on our mailing list.

Kaye's registration became effective on September 8, 1944, and has not been withdrawn, cancelled, revoked or suspended. Our records show that he did not file the required reports during any year from 1946 through 1950.

In a letter dated March 26 1951, wherein he acknowledged receipt of the registered notice, and in copies of two letters enclosed in the March 26 letter, Kaye indicated that in 1946 he was advised of the necessity for filing financial reports, but that his records were in the Attorney General's office. However, this fact of itself did not excuse his failure to file financial reports for the years 1947 through 1950. We therefore find that Kaye was fully apprised of the necessity for filing financial reports and that he willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to do so for the years 1947 through 1950.

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke his registration. However, in view of the fact that Kaye was not present at the hearing and to avoid any possible prejudice to him, our order will provide that the revocation of his registration be without prejudice to a motion on his part to reopen the proceeding and to seek, upon a proper showing, to set aside the order of revocation.

Accordingly, it is ordered, That the registration of Paul Kaye as a dealer be, and it hereby is, revoked without prejudice to a motion by said Paul Kaye to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6569; Filed, June 6, 1951; 8:46 a. m.]

[1] Section 15 (b) provides in part:

"The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

[File Nos. 59-10, 54-82, 59-39, 54-50, 54-147]

NORTH AMERICAN CO. ET AL.

MEMORANDUM OPINION AND ORDER DENYING PETITION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1951.

In the matter of The North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company Holding Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

On May 7, 1951, we issued a memorandum opinion and order in the above entitled proceedings in which we held, among other things, that an application by Amelie A. Wallace and John Wallace for an allowance for fees and expenses should be denied for the reason that they had not made any contribution for which they should be compensated. The Wallaces have filed a petition for a reconsideration of their application for allowances and for a rehearing in which they might establish on the record by examination of those members of the Commission's staff who have knowledge thereof the steps taken by the staff with respect to the program proposed by the Wallaces in a letter written to this Commission in 1941.

The petition for reconsideration and rehearing presents nothing new and is in effect merely a reargument of matters already considered. Applications on behalf of the Wallaces to subpoena and examine former members of our staff were presented during the proceedings. It has been our consistent policy not to permit inquiry into the steps taken by our staff in the course of its exploration into questions relating to the formulation of a plan of reorganization under section 11 or other forms of compliance with the act.

Accordingly, it is ordered, That the petition of Amelie A. Wallace and John Wallace in the above entitled proceedings for reconsideration and rehearing be, and it is hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6564; Filed, June 6, 1951; 8:45 a. m.]

[File No. 70-2612]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER PERMITTING ACQUISITION BY REGISTERED HOLDING COMPANY OF ADDITIONAL SHARES OF COMMON STOCK OF SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1951.

Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, and Union Electric Power Company ("Union Electric Power"), a wholly owned electric utility subsidiary of Union, having filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and particularly sections 6 (b), 9 (a) and 10 thereof and Rule U-44 thereunder, with respect to the following proposed transactions:

Union Electric Power proposes to issue and sell to Union from time to time during the period ending December 31, 1952, $7,000,000 aggregate par value of additional shares of its Common Stock, of the par value of $20 per share, which will be pledged by Union with the trustee of Union's mortgage securing its First Mortgage and Collateral Trust Bonds. Union Electric Power proposes to use the proceeds from the sale of its stock for the construction of new facilities and to reimburse its treasury for monies previously expended for such purpose.

The proposed issuance and sale of common stock by Union Electric Power have been approved by the Illinois Commerce Commission and the acquisition of such common stock by Union has been approved by the Missouri Public Service Commission.

Applicants-declarants estimate that the fees and expenses incident to the proposed transactions will aggregate $13,300, including $2,000 for legal services.

Said amended application-declaration having been duly filed and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said amended application-declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, that the fees and expenses in the estimated amounts are not unreasonable, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6568; Filed, June 6, 1951; 8:46 a. m.]

[File No. 70-2623]

BIRMINGHAM ELECTRIC CO.

ORDER GRANTING APPLICATION TO ACQUIRE PROMISSORY NOTES IN CONNECTION WITH SALE OF TRANSPORTATION PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May 1951.

Birmingham Electric Company ("Birmingham"), a public utility company and an indirect subsidiary of The Southern Company, a registered holding company, having filed an application, and amendments thereto, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

This Commission on August 24, 1950, entered an order whereby Alabama Power Company, a public utility subsidiary of The Southern Company, was permitted to acquire certain capital stock of Birmingham. Such order provided, in effect, that Alabama Power Company shall dispose, not later than August 31, 1951, of any direct or indirect interest in the transportation properties and business owned by Birmingham. On May 2, 1951, Birmingham notified this Commission, pursuant to the provisions of Rule U-44 (c) under the act, that it has entered into an agreement dated April 10, 1951 with a group of Birmingham businessmen for the sale of its transportation properties and business. The Commission determined that no declaration was required to be filed in connection with the proposed sale. The details with respect to the proposed sale are more fully set forth in Holding Company Act Releases No. 10551. The proposed sale and abandonment of its transportation business by Birmingham upon consummation of such sale have been authorized by the Alabama Public Service Commission.

Part of the consideration to be received by Birmingham under the terms of the agreement is to consist of $800,000 principal amount of purchase money obligations of an Alabama corporation to be organized by the purchasers and to which Birmingham will transfer the real estate upon which are located the transportation offices, garages, shops and storage yards used by Birmingham in its transportation business. Such obligations will be dated as of the date of transfer of Birmingham's property to be sold, will be secured by a first mortgage on all of the property of the new Alabama corporation, will bear interest at the rate of 4½ percent per annum, payable annually, will mature twelve years after date and will be amortized at the rate of $25,000 per annum for the first four years and at the rate of $50,000 thereafter.

Said application having been filed on May 2, 1951, and amendments having been filed on May 23, 1951 and on May 28, 1951, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said amended application satisfies the requirements of the applicable provisions of the act and the rules thereunder, that no adverse findings are necessary in connection with the proposed transaction, that the estimated fees and expenses are not unreasonable, and that the amended application should be granted without the imposition of terms and conditions other than those contained in Rule U-24; and the Commission deeming it appro-

priate to grant the request of applicant that said order herein become effective upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that the amended application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6565; Filed, June 6, 1951; 8:45 a. m.]

[File No. 70-2624]

NEW ENGLAND POWER CO. AND LOWELL ELECTRIC LIGHT CORP.

ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

New England Power Company ("NEPCO") and The Lowell Electric Light Corporation ("Lowell"), subsidiary public utility companies of New England Electric System, a registered holding company, having filed applications-declarations, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-42 (b) (2) promulgated thereunder, with respect to the following transactions:

NEPCO proposes to issue under the terms and provisions of a bank loan agreement to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in the aggregate principal amount up to but not exceeding $12,000,000. Said notes will mature April 1, 1952, and will bear interest at not less than 2½ percent per annum nor more than 2¾ percent per annum. The proceeds from said notes will be used by NEPCO to finance temporarily its construction program through 1951.

Lowell proposes to issue under the terms and provisions of a bank loan agreement to the above named banks, from time to time but not later than November 1, 1951, promissory notes in an aggregate amount up to but not exceeding $2,700,000. Lowell's new notes will mature April 1, 1952 and will bear interest at not less than 2½ percent nor more than 2¾ percent. Of the proceeds to be derived from said notes, $2,100,000 will be used to retire an equivalent principal amount of notes now outstanding, and the balance to finance temporarily its construction program through 1951.

NEPCO's bank agreement provides, among other things, for commitment commissions at the rate of ¼ of 1 percent per annum on the average daily difference between the amount of the banks' commitment and the amount borrowed thereunder while, in the case of Lowell, no commitment commission will be paid.

Each of the applicants-declarants states that if any permanent financing is done before the maturity date of the notes proposed to be issued, it will apply the proceeds from such financing in reduction of, or in total payment of, promissory notes authorized and then outstanding and the amount of notes, authorized but then unissued, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the amount of promissory notes at the time outstanding.

The applications-declarations state that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000 for each of the applicants-declarants, or the aggregate sum of $2,000. Other expenses, including out-of-pocket expenses and counsel fees of The First National Bank of Boston, as Agent for the five lending banks and the printing of the bank loan agreements, are estimated not to exceed $700 for NEPCO and $400 for Lowell, or the aggregate sum of $1,100.

The applications-declarations further state that no state commission has jurisdiction over the proposed transactions.

Each of the applicants-declarants request that the Commission's order herein become effective forthwith upon issuance.

Said applications-declarations having been duly filed on May 2, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said applications-declarations within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications-declarations that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said applications-declarations be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6562; Filed, June 6, 1951; 8:45 a. m.]

[File No. 70-2625]

LAWRENCE GAS AND ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

Lawrence Gas and Electric Company ("Lawrence"), a public utility subsidiary company of New England Electric System, a registered holding company, having filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rule U-42 (b) (2) promulgated thereunder, with respect to the following transactions:

Lawrence proposes, under the terms and provisions of a bank loan agreement, to issue to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in an aggregate principal amount up to but not exceeding $2,000,000. Said notes will mature April 1, 1952 and will bear interest at the rate of not less than 2½ percent per annum nor more than 2¾ percent per annum. The proposed bank loan agreement provides, among other things, for the payment of commitment commissions at the rate of ¼ of 1 percent per annum for the period from May 15, 1951, to December 31, 1951, on the average daily difference between the amount of the banks' commitments and the amount borrowed.

The proceeds to be derived from the proposed notes will be used by Lawrence for the payment of $100,000 face amount of presently outstanding promissory notes and to finance temporarily its construction program through the year 1951 and to pay for the conversion costs in connection with the distribution of natural gas which the company expects will be available in the latter half of 1951.

Lawrence proposes that if any permanent financing is done, or if all or substantially all of its gas properties are sold, before the maturity of the notes proposed to be issued, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the balance of such amount of notes then authorized but unissued, if any, will be reduced by the amount, if any, by which such permanent financing, or the proceeds from the sale of gas properties, exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. Other expenses, including out-of-pocket expenses and counsel fees of The First National Bank of Boston, as Agent for the five lending banks and the printing of the bank loan agreements, are estimated not to exceed $400.

The declaration further states that no state commission has jurisdiction over the proposed transactions.

Lawrence requests that the Commission's order herein become effective upon issuance.

Said declaration having been duly filed on May 4, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6563; Filed, June 6, 1951; 8:45 a. m.]

[File No. 70-2633]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF PROPOSED BORROWING OF FUNDS FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the first day of June A. D. 1951.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana & Michigan"), an electric utility subsidiary company of American Gas and Electric Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated section 6 (b) of the act as being applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Indiana & Michigan proposes to borrow not to exceed in the aggregate $7,000,000, from time to time prior to December 31, 1952, from certain banking institutions and to issue notes in evidence thereof. The proposed borrowings will be made in the indicated amounts from the following banks:

Name of Bank and Address	*Amount*
Irving Trust Co., New York, N. Y.	$2,250,000
Guaranty Trust Co. of New York, New York, N. Y.	2,250,000
Bankers Trust Co., New York, N. Y.	1,250,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	1,250,000

The notes to be issued by Indiana & Michigan evidencing such borrowings will be dated as of the date the money is borrowed in each case and will mature 9 months or less after the date of issuance. It is expected that the initial borrowing will be in the aggregate amount of $2,000,000 and will be made on or before July 1, 1951. The notes evidencing such initial borrowing will bear interest from the date thereof at the then current prime credit rate which is presently 2½ percent per annum. Subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate. In that connection, Indiana & Michigan states that at least 10 days prior to each proposed subsequent borrowing, it will file an amendment to its application setting forth the amount of the proposed borrowing and the rate of interest to be charged thereon. Applicant requests that each such amendment become effective 10 days after the filing thereof without further order of the Commission, provided no action is taken by the Commission with respect thereto within such 10 day period.

Indiana & Michigan further states that the notes may be prepaid from time to time in whole or in part without premium. No finders fees or commissions are to be paid by Indiana & Michigan.

The proceeds from the proposed borrowings will be used to enable Indiana & Michigan to proceed with its construction program during the years 1951 and 1952. The applicant states that a program of permanent financing will be undertaken by the company in 1952 which will provide, among other things, for the payment of the then outstanding notes.

The application states that the Public Service Commission of Indiana has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 14, 1951, at 5:30 p. m. e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary: Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 14, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6567; Filed, June 6, 1951; 8:46 a. m.]

[File No. 70-2641]

WASHINGTON WATER POWER CO.

NOTICE OF PROPOSED BORROWING OF FUNDS FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of May 1951.

Notice is hereby given that The Washington Water Power Company ("Washington"), an electric utility subsidiary of American Power & Light Company, a registered holding company, has filed an application with this Commission under the Public Utility Holding Company Act of 1935 and has designated section 6 (b) of said act as being applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Washington proposes to borrow from Guaranty Trust Company of New York, Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania, and Seattle First National Bank (Spokane and Eastern branch), Spokane, Washington, under a revolving credit, an aggregate principal amount of not to exceed $25,000,000, from time to time prior to June 15, 1954, and to issue notes in evidence thereof. The notes evidencing the loans would bear interest, from their respective dates until they become due, at the rate of 2¾ percent per annum until June 15, 1952, and 2⅞ percent thereafter to maturity. All such notes would mature not later than June 15, 1954. Each of the above-named banks would participate in the proposed borrowings in amounts not to exceed those designated in the Credit Agreement between the three banks and Washington. Under the Credit Agreement, Washington would pay a commitment fee of ½ of 1 percent per annum on the daily average unused amount of such commitment to June 15, 1954.

Washington proposes to use a portion of the proceeds from the above-mentioned loans to repay the entire balance of the Company's 2 percent bank loans from Seattle-First National Bank (Spokane and Eastern branch), of which a maximum principal amount of $7,150,000 will be outstanding prior to their maturity on October 31, 1951. The balance of the proceeds would be used to meet necessary expenditures to be incurred in connection with the Company's construction program.

Washington states that it proposes to take the first step toward a permanent financing program in the latter part of 1951 or early in 1952, at which time the Company proposes to issue first mortgage bonds to the maximum amount possible and to retire a large part of all of the bank loans of the Company then outstanding. The Company further states that, conditioned upon earnings being sufficient, it proposes thereafter to issue additional first mortgage bonds to the extent possible and the proceeds from such additional bonds would be used toward reducing the Company's bank loans. Washington states that, at the time of its first permanent debt financing, it will pursue a program for the complete refinancing of all of the bank loans and such program will provide for the retirement of the Company's presently outstanding $6 Preferred Stock.

The applicant states that the notes may be prepaid from time to time in whole or in part. No finder's fees or commissions are to be paid by Washington.

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The applicant further states that the Washington Public Service Commission and the Public Utilities Commission of the State of Idaho have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 13, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 13, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6566; Filed, June 6, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17856]

HERMAN AHRENS

In re: Trusts under will of Herman Ahrens, deceased. File No. D-28-12981; E. T. sec. 17117.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Bock, Martin A. Borgfeldt, Anna Borgfeldt Kahrs, Johann H. Borgfeldt, Georg F. Borgfeldt, and Henry R. Muhler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Marie Bock, and the issue, names unknown, of Maria Borgfeldt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry Ahrens, deceased, and in and to the trusts established under the will of Henry Ahrens, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John Rademacher, as surviving trustee, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Marie Bock, and the issue, names unknown, of Maria Borgfeldt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6597; Filed, June 6, 1951; 8:50 a. m.]

[Vesting Order 17934]

HILDA SAFTENBERGER

In re: Stock owned by Hilda Saftenberger, also known as Hilda Sastenberger, F-28-22402-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Saftenberger, also known as Hilda Sastenberger, whose last known address is Wurzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two and three tenths (2 3/10ths) shares of $10.00 par value common stock of Cities Service Company, Incorporated, 60 Wall Street, New York 5, New York, evidenced by four (4) certificates for twenty three (23) shares of old common stock of the aforesaid Cities Service Company, Incorporated, three of said certificates in the custody of Richard Seitz, 148-26 89th Avenue, Jamaica 2, New York, numbered VL-670351 for ten (10) shares old stock and registered in the name of Hilda Sastenberger, BL-41752 for ten (10) shares old stock and registered in the name of Hilda Saftenberger, and XL-223154 for one (1) share old stock and registered in the name of Hilda Saftenberger; and one of said certificates for two (2) shares of old stock numbered XL-390645 and registered in the name of Hilda Sastenberger, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for two and three tenths (2 3/10ths) shares of $10.00 par value common stock of the aforesaid Cities Service Company, Inc.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6600; Filed, June 6, 1951; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 111

Washington, Friday, June 8, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; INDIANA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

INDIANA

County	Average value	Investment limit
Floyd	$13,000	$12,000
Lawrence	15,000	12,000
Vanderburgh	18,000	12,000
Vermillion	22,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 5th day of June 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-6666; Filed, June 7, 1951; 8:53 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MISSISSIPPI

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MISSISSIPPI

County	Average value	Investment limit
Adams	$10,000	$10,000
Amite	10,000	10,000
Attala	10,000	10,000
Bolivar	15,000	12,000
Calhoun	9,000	9,000
Chickasaw	9,000	9,000
Claiborne	12,000	12,000
Clay	10,000	10,000
Copiah	11,000	11,000
DeSoto	12,500	12,000
Forrest	10,000	10,000
Franklin	10,000	10,000
George	10,000	10,000
Greene	10,000	10,000
Hancock	10,000	10,000
Harrison	10,000	10,000
Hinds	11,000	11,000
Holmes	12,500	12,000
Humphreys	15,000	12,000
Jasper	10,000	10,000
Jefferson	10,000	10,000
Jefferson Davis	10,000	10,000
Jones	10,000	10,000
Kemper	10,000	10,000
Lawrence	10,000	10,000
Lincoln	10,000	10,000
Lowndes	10,000	10,000
Marion	10,000	10,000
Marshall	9,000	9,000
Monroe	10,000	10,000
Montgomery	9,000	9,000
Neshoba	10,000	10,000
Newton	10,000	10,000
Noxubee	10,000	10,000
Panola	12,500	12,000
Pearl River	10,000	10,000
Perry	10,000	10,000
Pike	10,000	10,000
Rankin	10,000	10,000
Scott	10,000	10,000
Simpson	10,000	10,000
Smith	10,000	10,000
Stone	10,000	10,000
Sunflower	15,000	12,000
Tippah	9,000	9,000
Walthall	10,000	10,000
Washington	15,000	12,000
Wilkinson	10,000	10,000
Winston	10,000	10,000
Yalobusha	9,000	9,000
Yazoo	13,500	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 5th day of June 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-6667; Filed, June 7, 1951; 8:54 a. m.]

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FEDERAL REGISTER

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1949 Edition

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Subchapter E—Account Servicing

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

TAXATION ON ACQUIRED FARMS

Section 372.83 (d) in Title 6, Code of Federal Regulations (14 F. R. 5704), is amended to provide for payment, under certain circumstances, of taxes on acquired farms which represent assets of State Rural Rehabilitation Corporations, and as so amended reads as follows:

§ 372.83 *State Office routine subsequent to acquisition of farms.* * * *

(d) *Taxation on acquired farms.* Except as provided in this subpart, the Farmers Home Administration is required, in accordance with section 50 (a) of the Bankhead-Jones Farm Tenant Act, as amended, to pay taxes on farms acquired on behalf of the Government which are determined to be suitable for Title I purposes, and, in accordance with section 50 (b) of the act, to make payments in lieu of taxes on farms acquired on behalf of the Government which are determined to be unsuitable for Title I purposes.

(1) Taxes will be paid on acquired real property which represents an asset of a State Rural Rehabilitation Corporation, provided:

(i) There is in effect an agreement, entered into pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act (Public Law 499, 81st Cong.), between the Government and the State Rural Rehabilitation Corporation or the agency or official designated by the State legislature, whereunder the corporation or such agency or official has authorized the Government to pay such taxes, and

(ii) The real estate would be taxable under State laws if it had been transferred to such corporation or agency or official under section 2 (d) of the Rural Rehabilitation Corporation Trust Liquidation Act, with no return transfer to the United States under section 2 (f) of the act.

(2) In the absence of such an agreement under section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act, tax payments will not be made on acquired farms which represent assets of a State Rural Rehabilitation Corporation.

(Sec. 41, 60 Stat. 1066, sec. 4, Pub. Law 499, 81st Cong.; 7 U. S. C. 1015. Interprets or applies sec. 50, 60 Stat. 1070, sec. 2, Pub. Law 499, 81st Cong.; 7 U. S. C. 1024.)

DERIVATION: § 372.83 contained in FHA Instruction 465.5.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MAY 22, 1951.

Approved: June 5, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6664; Filed, June 7, 1951; 8:53 a. m.]

Subchapter F—Miscellaneous Regulations

PART 386—DISPOSAL OF RESERVED MINERAL INTERESTS

SUBPART A—SALES

DEPOSITS OF PART OF PURCHASE PRICE NOT REQUIRED

Section 386.4 in Title 6, Code of Federal Regulations (16 F. R. 1929), is amended to delete the requirement for deposits in connection with sales of mineral interests in fair market value areas, by revoking paragraph (b) (7) and renumbering subparagraphs (8) and (9) as (7) and (8) of paragraph (b), and by amending paragraphs (c) and (d) (2) (i) to read as follows:

§ 386.4 *Sales in fair market value areas.* * * *

(c) *Transmitting application and offer dockets to the State Office.* When Form FHA–990 and surface title evidence are delivered to the County Supervisor in proper form, he will:

(1) Prepare a fair market value appraisal report reflecting the appraisal by the County Committee and County Supervisor as required in paragraph (e) (2) of this section.

(2) Transmit to the State Director the original of Form FHA–990, the original appraisal report by the County Committee and County Supervisor, and the required title evidence.

(d) *Processing dockets in State Office and closing sales.* * * *

(2) *Docket showing applicant to be eligible.* * * *

(i) If the offer represents the fair market value, the State Director will accept the application and offer and will execute and forward to the County Supervisor the original of Form FHA–65.... and any abstract of title submitted

by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions. The amount of the sale price will be collected at the time of closing the sale, in the form of cash, a cashier's check, certified check, or United States Postal Money Order. The County Supervisor will issue Form FHA-37 to the purchaser.

(60 Stat. 1064, sec. 4, Pub. Law 499, 81st Cong.; sec. 6, Pub. Law 760, 81st Cong.; 7 U. S. C. and Sup. 1015. Interprets or applies secs. 2, 43, 60 Stat. 1062, 1067, sec. 2, Pub. Law 499, 81st Cong.; secs. 1, 2, 3, 5, 7, Pub. Law 760, 81st Cong.; 7 U. S. C. 1001 note, 1017)

DERIVATION: § 386.4 contained in FHA Instruction 481.1.

Date: May 25, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 5, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6660; Filed, June 7, 1951; 8:53 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951 was supplemented by 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Barley, 16 F. R. 4177, containing the specific requirements applicable to price support operations on barley of the 1951-crop. These regulations are further supplemented as follows:

§ 601.711 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are as set forth in this section.

(a) *Basic suppot rates at designated terminal markets.* Basic support rates per bushel for No. 1 barley, of the Classes I, II, and III, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel for No. 1
Kansas City, Mo.	$1.31
Saint Joseph Mo.	1.31
Omaha, Nebr.	1.31
Sioux City, Iowa	1.31
Minneapolis, Minn.	1.32
Duluth, Minn.	1.32
Superior, Wis.	1.32
Galveston, Tex.	1.35
Houston, Tex.	1.35
New Orleans, La.	1.35
Chicago, Ill.	1.36
Milwaukee, Wis.	1.36
Saint Louis, Mo.	1.36
Memphis, Tenn.	1.36
Longview, Wash.	1.37
Tacoma, Wash.	1.37
Vancouver, Wash.	1.37
Seattle, Wash.	1.37
Portland, Oreg.	1.37
Astoria, Oreg.	1.37
San Francisco, Calif.	1.37
Oakland, Calif.	1.37
Los Angeles, Calif.	1.37
Albany, N. Y.	1.43
Philadelphia, Pa.	1.43
Baltimore, Md.	1.43
Norfolk, Va.	1.43

(b) *Basic county support rates.* The following basic county support rates per bushel are established for No. 1 barley of the Classes I, II, and III. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the barley is stored.

	Rate per bushel for No. 1
ALABAMA	
All counties	$1.21

ARIZONA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Apache	$0.89	Mohave	$1.00
Cochise	1.01	Navajo	.89
Coconino	.92	Pima	1.11
Graham	.98	Pinal	1.16
Greenlee	.91	Yavapai	1.03
Maricopa	1.16	Yuma	1.17

ARKANSAS

Benton	$1.10	Greene	$1.19
Clay	1.19	Jackson	1.19
Crittenden	1.23	Washington	1.10

CALIFORNIA

Alameda	$1.27	Plumas	$1.13
Alpine	1.07	Riverside	1.23
Amador	1.23	Sacramento	1.24
Butte	1.21	San Benito	1.24
Colusa	1.22	San Bernardino	1.24
Contra Costa	1.28	San Diego	1.23
El Dorado	1.20	San Joaquin	1.25
Fresno	1.22	San Luis Obispo	1.21
Glenn	1.21	San Mateo	1.28
Humboldt	1.10	Santa Barbara	1.22
Imperial	1.21	Santa Clara	1.27
Inyo	1.09	Santa Cruz	1.25
Kern	1.22	Shasta	1.16
Kings	1.22	Sierra	1.12
Lassen	1.11	Siskiyou	1.12
Los Angeles	1.26	Solano	1.26
Madera	1.23	Sonoma	1.26
Mariposa	1.24	Stanislaus	1.25
Merced	1.24	Sutter	1.23
Modoc	1.10	Tehama	1.20
Mono	1.04	Trinity	1.17
Monterey	1.24	Tulare	1.22
Napa	1.26	Ventura	1.26
Nevada	1.20	Yolo	1.24
Orange	1.25	Yuba	1.24
Placer	1.22		

COLORADO

Adams	$1.06	Cheyenne	$1.07
Alamosa	.99	Conejos	.98
Arapahoe	1.06	Costilla	.99
Archuleta	.94	Crowley	1.06
Baca	1.06	Delta	.94
Bent	1.06	Denver	1.06
Boulder	1.06	Dolores	.89
Chaffee	.95	Douglas	1.06
Eagle	$0.94	Montrose	$0.94
Elbert	1.06	Morgan	1.05
El Paso	1.08	Otero	1.06
Fremont	1.01	Ouray	.94
Garfield	.94	Phillips	1.07
Grand	.97	Pitkin	.94
Huerfano	1.04	Prowers	1.07
Jefferson	1.06	Pueblo	1.06
Kiowa	1.07	Rio Blanco	.94
Kit Carson	1.07	Rio Grande	.93
La Plata	.94	Routt	.94
Larimer	1.06	Saguache	.96
Las Animas	1.06	San Miguel	.94
Lincoln	1.06	Sedgwick	1.07
Logan	1.06	Summit	.97
Mesa	.94	Washington	1.06
Moffat	.94	Weld	1.06
Montezuma	.89	Yuma	1.07

DELAWARE

All counties	$1.26

GEORGIA

All counties	$1.30

IDAHO

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Ada	$1.06	Gem	$1.07
Adams	1.06	Gooding	1.03
Bannock	.99	Idaho	1.11
Bear Lake	.99	Jefferson	.98
Benewah	1.13	Jerome	1.02
Bingham	.98	Kootenai	1.12
Blaine	1.01	Latah	1.13
Boise	1.06	Lemhi	.99
Bonner	1.11	Lewis	1.12
Bonneville	.98	Lincoln	1.01
Boundary	1.09	Madison	.98
Butte	.98	Minidoka	1.01
Camas	1.01	Nez Perce	1.13
Canyon	1.06	Oneida	.98
Caribou	1.00	Owyhee	1.06
Cassia	1.01	Payette	1.07
Clark	.95	Power	1.09
Clearwater	1.13	Shoshone	1.10
Custer	.98	Teton	.98
Elmore	1.03	Twin Falls	.99
Franklin	.98	Valley	1.05
Fremont	.98	Washington	1.08

ILLINOIS

Adams	$1.19	Hardin	$1.18
Alexander	1.21	Henderson	1.19
Bond	1.22	Henry	1.20
Boone	1.22	Iroquois	1.22
Brown	1.20	Jackson	1.21
Bureau	1.21	Jasper	1.21
Calhoun	1.23	Jefferson	1.21
Carroll	1.20	Jersey	1.23
Cass	1.21	Jo Daviess	1.20
Champaign	1.21	Johnson	1.13
Christian	1.21	Kane	1.23
Clark	1.21	Kankakee	1.23
Clay	1.21	Kendall	1.23
Clinton	1.23	Knox	1.20
Coles	1.21	Lake	1.23
Cook	1.24	La Salle	1.22
Crawford	1.21	Lawrence	1.21
Cumberland	1.21	Lee	1.21
De Kalb	1.23	Livingston	1.21
De Witt	1.21	Logan	1.21
Douglas	1.21	McDonough	1.19
Du Page	1.24	McHenry	1.23
Edgar	1.21	McLean	1.21
Edwards	1.21	Macon	1.21
Effingham	1.21	Macoupin	1.22
Fayette	1.21	Madison	1.23
Ford	1.21	Marion	1.21
Franklin	1.21	Marshall	1.21
Fulton	1.21	Mason	1.21
Gallatin	1.13	Massac	1.20
Greene	1.22	Menard	1.21
Grundy	1.13	Mercer	1.19
Hamilton	1.19	Monroe	1.22
Hancock	1.19	Montgomery	1.22

ILLINOIS—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Morgan	$1.21	Scott	$1.21
Moultrie	1.21	Shelby	1.21
Ogle	1.22	Stark	1.21
Peoria	1.21	Stephenson	1.20
Perry	1.21	Tazewell	1.21
Piatt	1.21	Union	1.21
Pike	1.20	Vermilion	1.22
Pope	1.20	Wabash	1.20
Pulaski	1.21	Warren	1.20
Putnam	1.21	Washington	1.21
Randolph	1.21	Wayne	1.20
Richland	1.20	White	1.19
Rock Island	1.20	Whiteside	1.20
Saint Clair	1.23	Will	1.23
Saline	1.19	Williamson	1.21
Sangamon	1.21	Winnebago	1.21
Schuyler	1.20	Woodford	1.21

IOWA

Adair	$1.16	Jefferson	$1.16
Adams	1.16	Johnson	1.18
Allamakee	1.16	Jones	1.18
Appanoose	1.17	Keokuk	1.16
Audubon	1.17	Kossuth	1.15
Benton	1.17	Lee	1.18
Black Hawk	1.16	Linn	1.18
Boone	1.15	Louisa	1.18
Bremer	1.15	Lucas	1.15
Buchanan	1.17	Lyon	1.14
Buena Vista	1.14	Madison	1.15
Butler	1.15	Mahaska	1.16
Calhoun	1.15	Marion	1.15
Carroll	1.17	Marshall	1.15
Cass	1.17	Mills	1.19
Cedar	1.18	Mitchell	1.16
Cerro Gordo	1.15	Monona	1.18
Cherokee	1.15	Monroe	1.16
Chickasaw	1.15	Montgomery	1.18
Clarke	1.15	Muscatine	1.18
Clay	1.14	O'Brien	1.15
Clayton	1.17	Osceola	1.14
Clinton	1.19	Page	1.18
Crawford	1.17	Palo Alto	1.15
Dallas	1.15	Plymouth	1.16
Davis	1.17	Pocahontas	1.14
Decatur	1.15	Polk	1.15
Delaware	1.17	Pottawattamie	1.19
Des Moines	1.18	Poweshiek	1.16
Dickinson	1.15	Ringgold	1.15
Dubuque	1.18	Sac	1.15
Emmet	1.16	Scott	1.19
Fayette	1.16	Shelby	1.18
Floyd	1.15	Sioux	1.16
Franklin	1.15	Story	1.15
Fremont	1.19	Tama	1.16
Greene	1.16	Taylor	1.17
Grundy	1.15	Union	1.16
Guthrie	1.16	Van Buren	1.17
Hamilton	1.14	Wapello	1.16
Hancock	1.15	Warren	1.15
Hardin	1.15	Washington	1.17
Harrison	1.19	Wayne	1.16
Henry	1.17	Webster	1.15
Howard	1.16	Winnebago	1.16
Humboldt	1.14	Winneshiek	1.16
Ida	1.16	Woodbury	1.16
Iowa	1.17	Worth	1.16
Jackson	1.19	Wright	1.14
Jasper	1.15		

KANSAS

Allen	$1.16	Comanche	$1.10
Anderson	1.17	Cowley	1.13
Atchison	1.18	Crawford	1.16
Barber	1.11	Decatur	1.10
Barton	1.11	Dickinson	1.13
Bourbon	1.16	Doniphan	1.16
Brown	1.17	Douglas	1.18
Butler	1.13	Edwards	1.11
Chase	1.14	Elk	1.14
Chautauqua	1.14	Ellis	1.11
Cherokee	1.15	Ellsworth	1.12
Cheyenne	1.08	Finney	1.09
Clark	1.10	Ford	1.10
Clay	1.14	Franklin	1.18
Cloud	1.13	Geary	1.15
Coffey	1.16	Gove	1.10

KANSAS—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Graham	$1.11	Osborne	$1.16
Grant	1.08	Ottawa	1.13
Gray	1.10	Pawnee	1.11
Greeley	1.08	Phillips	1.11
Greenwood	1.15	Pottawatomie	1.16
Hamilton	1.08	Pratt	1.11
Harper	1.12	Rawlins	1.09
Harvey	1.13	Reno	1.13
Haskell	1.09	Republic	1.14
Hodgeman	1.11	Rice	1.12
Jackson	1.16	Riley	1.15
Jefferson	1.18	Rooks	1.12
Jewell	1.13	Rush	1.11
Johnson	1.19	Russell	1.12
Kearny	1.09	Saline	1.13
Kingman	1.12	Scott	1.09
Kiowa	1.11	Sedgwick	1.13
Labette	1.15	Seward	1.09
Lane	1.10	Shawnee	1.16
Leavenworth	1.19	Sheridan	1.10
Lincoln	1.12	Sherman	1.08
Linn	1.17	Smith	1.12
Logan	1.09	Stafford	1.11
Lyon	1.15	Stanton	1.08
McPherson	1.13	Stevens	1.08
Marion	1.13	Sumner	1.13
Marshall	1.15	Thomas	1.09
Meade	1.09	Trego	1.11
Miami	1.18	Wabaunsee	1.16
Mitchell	1.13	Wallace	1.08
Montgomery	1.15	Washington	1.14
Morris	1.14	Wichita	1.08
Morton	1.07	Wilson	1.15
Nemaha	1.16	Woodson	1.16
Neosho	1.16	Wyandotte	1.19
Ness	1.11		
Norton	1.11		

KENTUCKY

All counties	$1.19

LOUISIANA

All counties	$1.10

MAINE

All counties	$1.26

MARYLAND

All counties	$1.26

MICHIGAN

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Alcona	$1.09	Kalamazoo	$1.19
Alger	1.12	Kalkaska	1.09
Allegan	1.17	Kent	1.17
Alpena	1.09	Lake	1.12
Antrim	1.09	Lapeer	1.17
Arenac	1.12	Leelanau	1.09
Baraga	1.12	Lenawee	1.17
Barry	1.17	Livingston	1.17
Bay	1.16	Luce	1.09
Benzie	1.12	Mackinac	1.09
Berrien	1.20	Macomb	1.17
Branch	1.19	Manistee	1.12
Calhoun	1.18	Marquette	1.13
Cass	1.20	Mason	1.13
Charlevoix	1.09	Mecosta	1.13
Cheboygan	1.08	Menominee	1.15
Chippewa	1.09	Midland	1.16
Clare	1.14	Missaukee	1.12
Clinton	1.17	Monroe	1.17
Crawford	1.09	Montcalm	1.16
Delta	1.13	Montmorency	1.08
Eaton	1.17	Muskegon	1.16
Emmet	1.08	Newaygo	1.15
Genesee	1.17	Oakland	1.17
Gladwin	1.14	Oceana	1.13
Grand Traverse	1.11	Ogemaw	1.14
Gratiot	1.17	Osceola	1.12
Hillsdale	1.17	Oscoda	1.11
Huron	1.13	Otsego	1.09
Ingham	1.17	Ottawa	1.17
Ionia	1.17	Presque Isle	1.08
Iosco	1.10	Roscommon	1.11
Isabella	1.15	Saginaw	1.17
Jackson	1.18	Saint Clair	1.17
		Saint Joseph	1.19

MICHIGAN—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Sanilac	$1.15	Van Buren	$1.18
Schoolcraft	1.10	Washtenaw	1.17
Shiawassee	1.17	Wayne	1.13
Tuscola	1.15	Wexford	1.10

MINNESOTA

Aitkin	$1.18	Marshall	$1.12
Anoka	1.20	Martin	1.16
Becker	1.14	Meeker	1.19
Beltrami	1.14	Mille Lac	1.18
Benton	1.18	Morrison	1.17
Big Stone	1.15	Mower	1.16
Blue Earth	1.17	Murray	1.15
Brown	1.17	Nicollet	1.18
Carlton	1.19	Nobles	1.14
Carver	1.20	Norman	1.13
Cass	1.16	Olmsted	1.17
Chippewa	1.16	Otter Tail	1.15
Chisago	1.19	Pennington	1.13
Clay	1.14	Pine	1.18
Clearwater	1.14	Pipestone	1.15
Cottonwood	1.16	Polk	1.13
Crow Wing	1.17	Pope	1.16
Dakota	1.20	Red Lake	1.13
Dodge	1.17	Redwood	1.17
Douglas	1.16	Renville	1.17
Faribault	1.16	Rice	1.19
Fillmore	1.15	Rock	1.14
Freeborn	1.17	Roseau	1.12
Goodhue	1.18	Saint Louis	1.18
Grant	1.15	Scott	1.20
Hennepin	1.21	Sherburne	1.19
Houston	1.15	Sibley	1.18
Hubbard	1.15	Stearns	1.17
Isanti	1.19	Steele	1.17
Itasca	1.16	Stevens	1.16
Jackson	1.15	Swift	1.16
Kanabec	1.18	Todd	1.17
Kandiyohi	1.18	Traverse	1.15
Kittson	1.11	Wabasha	1.18
Koochiching	1.12	Wadena	1.16
Lac Qui Parle	1.15	Waseca	1.17
Lake	1.19	Washington	1.20
Lake of the Woods	1.13	Watonwan	1.16
Le Sueur	1.18	Wilkin	1.14
Lincoln	1.15	Winona	1.17
Lyon	1.16	Wright	1.19
McLeod	1.19	Yellow Medicine	1.16
Mahnomen	1.13		

MISSISSIPPI

All counties	$1.21

MISSOURI

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Barry	$1.14	Linn	$1.18
Barton	1.16	Madison	1.20
Bates	1.18	Maries	1.20
Bollinger	1.19	Mississippi	1.19
Butler	1.19	Moniteau	1.19
Cape Girardeau	1.19	Morgan	1.13
Cass	1.18	New Madrid	1.19
Cedar	1.16	Newton	1.14
Christian	1.14	Oregon	1.15
Cole	1.19	Osage	1.20
Cooper	1.18	Pemiscot	1.19
Crawford	1.21	Perry	1.21
Dade	1.15	Pettis	1.17
Dunklin	1.19	Phelps	1.20
Franklin	1.23	Polk	1.15
Gasconade	1.21	Saint Charles	1.25
Greene	1.16	Saint Genevieve	1.21
Grundy	1.16	Saint Louis	1.25
Howard	1.19	Saline	1.18
Jasper	1.15	Scott	1.19
Jefferson	1.24	Shoddard	1.19
Laclede	1.18	Stone	1.14
Lafayette	1.18	Vernon	1.15
Lawrence	1.15	Webster	1.16

MONTANA

Beaverhead	$0.95	Broadwater	$1.01
Big Horn	.96	Carbon	.99
Blaine	.97	Carter	1.02

MONTANA—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Cascade	$1.01	Missoula	$1.03
Chouteau	1.01	Musselshell	1.00
Custer	1.00	Park	1.01
Daniels	.99	Petroleum	1.01
Dawson	1.02	Phillips	.97
Deer Lodge	1.01	Pondera	1.01
Fallon	1.02	Powder River	1.01
Fergus	1.01	Powell	1.02
Flathead	1.04	Prairie	1.01
Gallatin	1.01	Ravalli	1.02
Garfield	.99	Richland	1.02
Glacier	1.02	Roosevelt	1.02
Golden Valley	1.01	Rosebud	.98
Granite	1.02	Sanders	1.06
Hill	1.01	Sheridan	1.01
Jefferson	1.01	Silver Bow	1.01
Judith Basin	1.01	Stillwater	1.01
Lake	1.04	Sweet Grass	1.01
Lewis and Clark	1.01	Teton	1.01
Liberty	1.01	Toole	1.01
Lincoln	1.06	Treasure	.97
McCone	1.01	Valley	.99
Madison	1.01	Wheatland	1.01
Meagher	1.01	Wibaux	1.03
Mineral	1.04	Yellowstone	1.00

NEBRASKA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$1.14	Jefferson	$1.16
Antelope	1.15	Johnson	1.17
Arthur	1.09	Kearney	1.13
Benner	1.06	Keith	1.09
Blaine	1.11	Keya Paha	1.12
Boone	1.16	Kimball	1.06
Box Butte	1.08	Knox	1.14
Boyd	1.13	Lancaster	1.19
Brown	1.11	Lincoln	1.11
Buffalo	1.14	Logan	1.12
Burt	1.18	Loup	1.13
Butler	1.18	McPherson	1.11
Cass	1.19	Madison	1.16
Cedar	1.15	Merrick	1.16
Chase	1.08	Morrill	1.07
Cherry	1.10	Nance	1.16
Cheyenne	1.06	Nemaha	1.17
Clay	1.14	Nuckolls	1.14
Colfax	1.18	Otoe	1.18
Cuming	1.18	Pawnee	1.16
Custer	1.13	Perkins	1.09
Dakota	1.16	Phelps	1.13
Dawes	1.06	Pierce	1.15
Dawson	1.13	Platte	1.17
Deuel	1.03	Polk	1.16
Dixon	1.15	Red Willow	1.11
Dodge	1.18	Richardson	1.16
Douglas	1.19	Rock	1.12
Dundy	1.08	Saline	1.17
Fillmore	1.16	Sarpy	1.19
Franklin	1.13	Saunders	1.19
Frontier	1.11	Scotts Bluff	1.06
Furnas	1.12	Seward	1.17
Gage	1.17	Sheridan	1.03
Garden	1.08	Sherman	1.14
Garfield	1.14	Sioux	1.06
Gosper	1.12	Stanton	1.17
Grant	1.09	Thayer	1.15
Greeley	1.15	Thomas	1.11
Hall	1.15	Thurston	1.18
Hamilton	1.16	Valley	1.14
Harlan	1.13	Washington	1.19
Hayes	1.10	Wayne	1.15
Hitchcock	1.10	Webster	1.14
Holt	1.14	Wheeler	1.15
Hooker	1.10	York	1.16
Howard	1.15		

NEVADA

All counties $1.08

NEW JERSEY

All counties $1.26

NEW MEXICO

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Bernalillo	$1.01	Chaves	$1.03
Catron	.90	Colfax	1.00
Curry	1.06	Quay	1.05
De Baca	1.03	Roosevelt	1.06
Eddy	1.02	San Doval	.96
Grant	.87	San Juan	.89
Guadalupe	.98	San Miguel	.97
Harding	.97	Santa Fe	.96
Hidalgo	.91	Sierra	.94
Lea	1.05	Socorro	.98
Luna	.87	Torrence	1.00
McKinley	.87	Union	1.00
Mora	.96	Valencia	.94

NEW YORK

All counties $1.26

NORTH CAROLINA

All counties $1.28

NORTH DAKOTA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$1.06	McLean	$1.08
Barnes	1.12	Mercer	1.06
Benson	1.09	Morton	1.07
Billings	1.05	Mountrail	1.06
Bottineau	1.07	Nelson	1.11
Bowman	1.05	Oliver	1.07
Burke	1.06	Pembina	1.10
Burleigh	1.09	Pierce	1.08
Cass	1.13	Ramsey	1.10
Cavalier	1.09	Ransom	1.12
Dickey	1.12	Renville	1.06
Divide	1.05	Richland	1.14
Dunn	1.05	Rolette	1.08
Eddy	1.10	Sargent	1.13
Emmons	1.09	Sheridan	1.09
Foster	1.11	Sioux	1.07
Golden Valley	1.04	Slope	1.05
Grand Forks	1.12	Stark	1.06
Grant	1.06	Steele	1.12
Griggs	1.12	Stutsman	1.11
Hettinger	1.06	Towner	1.09
Kidder	1.10	Traill	1.12
La Moure	1.11	Walsh	1.11
Logan	1.10	Ward	1.07
McHenry	1.08	Wells	1.10
McIntosh	1.09	Williams	1.05
McKenzie	1.03		

OHIO

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$1.17	Hocking	$1.18
Allen	1.18	Holmes	1.19
Ashland	1.19	Huron	1.19
Ashtabula	1.21	Jackson	1.17
Athens	1.18	Jefferson	1.19
Auglaize	1.18	Knox	1.19
Belmont	1.20	Lake	1.20
Brown	1.17	Lawrence	1.17
Butler	1.17	Licking	1.19
Carroll	1.19	Logan	1.17
Champaign	1.17	Lorain	1.19
Clark	1.17	Lucas	1.18
Clermont	1.17	Madison	1.17
Clinton	1.17	Mahoning	1.21
Columbiana	1.20	Marion	1.18
Coshocton	1.19	Medina	1.19
Crawford	1.19	Meigs	1.17
Cuyahoga	1.19	Mercer	1.17
Darke	1.18	Miami	1.17
Defiance	1.18	Monroe	1.20
Delaware	1.18	Montgomery	1.17
Erie	1.18	Morgan	1.19
Fairfield	1.18	Morrow	1.19
Fayette	1.17	Muskingum	1.19
Franklin	1.18	Noble	1.19
Fulton	1.17	Ottawa	1.18
Gallia	1.17	Paulding	1.17
Geauga	1.20	Perry	1.18
Greene	1.17	Pickaway	1.18
Guernsey	1.19	Pike	1.17
Hamilton	1.17	Portage	1.19
Hancock	1.18	Preble	1.17
Hardin	1.18	Putnam	1.17
Harrison	1.19	Richland	1.19
Henry	1.18	Ross	1.18
Highland	1.17	Sandusky	1.18

OHIO—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Scioto	$1.17	Van Wert	$1.19
Seneca	1.18	Vinton	1.18
Shelby	1.17	Warren	1.17
Stark	1.19	Washington	1.19
Summit	1.19	Wayne	1.19
Trumbull	1.21	Williams	1.18
Tuscarawas	1.19	Wood	1.18
Union	1.18	Wyandot	1.18

OKLAHOMA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adair	$1.11	Le Flore	$1.09
Alfalfa	1.11	Lincoln	1.08
Atoka	1.07	Logan	1.09
Beaver	1.06	Love	1.05
Beckham	1.05	McClain	1.06
Blaine	1.07	McCurtain	1.06
Bryan	1.05	McIntosh	1.11
Caddo	1.06	Major	1.08
Canadian	1.07	Marshall	1.05
Carter	1.05	Mayes	1.14
Cherokee	1.12	Murray	1.05
Choctaw	1.06	Muskogee	1.11
Cimarron	1.04	Noble	1.11
Cleveland	1.06	Nowata	1.15
Coal	1.06	Okfuskee	1.09
Comanche	1.05	Oklahoma	1.07
Cotton	1.05	Okmulgee	1.11
Craig	1.15	Osage	1.12
Creek	1.11	Ottawa	1.15
Custer	1.03	Pawnee	1.11
Delaware	1.13	Payne	1.09
Dewey	1.06	Pittsburg	1.08
Ellis	1.06	Pontotoc	1.07
Garfield	1.11	Pottawatomie	1.07
Garvin	1.05	Pushmataha	1.08
Grady	1.06	Roger Mills	1.03
Grant	1.11	Rogers	1.14
Greer	1.01	Seminole	1.08
Harmon	1.04	Sequoyah	1.11
Harper	1.07	Stephens	1.05
Haskel	1.10	Texas	1.06
Hughes	1.09	Tillman	1.05
Jackson	1.05	Tulsa	1.13
Jefferson	1.05	Wagoner	1.13
Johnston	1.06	Washington	1.15
Kay	1.12	Washita	1.03
Kingfisher	1.08	Woods	1.11
Kiowa	1.05	Woodward	1.07
Latimer	1.08		

OREGON

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Baker	$1.11	Lake	$1.06
Benton	1.23	Lane	1.21
Clackamas	1.25	Linn	1.23
Clatsop	1.22	Malheur	1.07
Columbia	1.24	Marion	1.25
Crook	1.13	Morrow	1.21
Deschutes	1.18	Multnomah	1.26
Douglas	1.18	Polk	1.24
Gilliam	1.23	Sherman	1.24
Grant	1.22	Umatilla	1.18
Harney	1.03	Union	1.12
Hood River	1.24	Wallowa	1.11
Jackson	1.13	Wasco	1.24
Jefferson	1.20	Washington	1.26
Josephine	1.14	Yamhill	1.25
Klamath	1.13		

PENNSYLVANIA

All counties $1.26

SOUTH CAROLINA

All counties $1.26

SOUTH DAKOTA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Aurora	$1.12	Campbell	$1.09
Beadle	1.13	Charles Mix	1.12
Bennett	1.09	Clark	1.13
Bon Homme	1.13	Clay	1.15
Brookings	1.14	Codington	1.14
Brown	1.12	Corson	1.09
Brule	1.11	Custer	1.04
Buffalo	1.12	Davison	1.13
Butte	1.03	Day	1.13

SOUTH DAKOTA—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Deuel	$1.14	McPherson	$1.10
Dewey	1.07	Marshall	1.12
Douglas	1.12	Meade	1.04
Edmunds	1.11	Mellette	1.08
Fall River	1.05	Miner	1.13
Faulk	1.11	Minnehaha	1.14
Grant	1.14	Moody	1.14
Gregory	1.13	Pennington	1.04
Haakon	1.06	Perkins	1.06
Hamlin	1.14	Potter	1.10
Hand	1.12	Roberts	1.14
Hanson	1.13	Sanborn	1.12
Harding	1.05	Shannon	1.03
Hughes	1.10	Spink	1.12
Hutchinson	1.13	Stanley	1.08
Hyde	1.10	Sully	1.09
Jackson	1.05	Todd	1.11
Jerauld	1.12	Tripp	1.11
Jones	1.07	Turner	1.14
Kingsbury	1.13	Union	1.16
Lake	1.13	Walworth	1.10
Lawrence	1.03	Washabaugh	1.05
Lincoln	1.15	Yankton	1.14
Lyman	1.09	Ziebach	1.05
McCook	1.13		

TENNESSEE

All counties $1.21

TEXAS

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Archer	$1.07	Jack	$1.09
Armstrong	1.07	Jones	1.07
Bailey	1.07	Kent	1.07
Baylor	1.07	Kimble	1.10
Blanco	1.14	Lamb	1.07
Borden	1.07	Lampasas	1.12
Bosque	1.13	Lipscomb	1.05
Brown	1.10	Loving	1.03
Callahan	1.08	Lubbock	1.07
Carson	1.07	Lynn	1.07
Castro	1.07	McCulloch	1.10
Childress	1.07	Mason	1.10
Coleman	1.10	Maverick	1.04
Collin	1.12	Milam	1.19
Collingsworth	1.07	Mills	1.11
Comanche	1.11	Moore	1.05
Concho	1.08	Motley	1.07
Cooke	1.10	Navarro	1.15
Correll	1.14	Nolan	1.07
Cottle	1.07	Ochiltree	1.05
Crosby	1.07	Oldham	1.07
Dallam	1.04	Parker	1.12
Dallas	1.12	Parmer	1.07
Dawson	1.07	Pecos	1.03
Deaf Smith	1.07	Potter	1.07
De Witt	1.18	Randall	1.07
Dickens	1.07	Real	1.08
Eastland	1.10	Reeves	1.03
Ellis	1.13	Roberts	1.06
Erath	1.11	Runnels	1.07
Fannin	1.10	San Saba	1.12
Fisher	1.07	Schleicher	1.06
Floyd	1.07	Scurry	1.07
Foard	1.07	Shackelford	1.07
Gaines	1.07	Sherman	1.03
Glasscock	1.07	Stephens	1.08
Gray	1.06	Sterling	1.07
Grayson	1.10	Stonewall	1.07
Hale	1.07	Swisher	1.07
Hall	1.07	Tarrant	1.12
Hamilton	1.12	Taylor	1.07
Hansford	1.05	Terry	1.07
Hardeman	1.07	Throckmorton	1.07
Hartley	1.06	Tom Green	1.07
Haskell	1.07	Ward	1.03
Hemphill	1.05	Wheeler	1.06
Hill	1.13	Wichita	1.07
Hockley	1.07	Wilbarger	1.07
Hood	1.12	Williamson	1.17
Howard	1.07	Yoakum	1.07
Hutchinson	1.05	Young	1.07

UTAH

All counties $1.01

VIRGINIA

All counties $1.26

WASHINGTON

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$1.13	Kittitas	$1.17
Asotin	1.14	Klickitat	1.24
Benton	1.18	Lewis	1.22
Chelan	1.13	Lincoln	1.13
Clark	1.27	Okanogan	1.10
Columbia	1.17	Pend Oreille	1.11
Cowlitz	1.22	Pierce	1.19
Douglas	1.11	Spokane	1.13
Ferry	1.09	Stevens	1.12
Franklin	1.16	Walla Walla	1.17
Garfield	1.16	Whitman	1.13
Grant	1.13	Yakima	1.17

WEST VIRGINIA

All counties $1.23

WISCONSIN

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$1.17	Marathon	$1.16
Ashland	1.16	Marinette	1.15
Barron	1.17	Marquette	1.18
Bayfield	1.16	Milwaukee	1.23
Brown	1.13	Monroe	1.17
Buffalo	1.17	Oconto	1.17
Burnett	1.18	Oneida	1.15
Calumet	1.19	Outagamie	1.18
Chippewa	1.16	Ozaukee	1.20
Clark	1.15	Pepin	1.17
Columbia	1.18	Pierce	1.19
Crawford	1.17	Polk	1.19
Dane	1.20	Portage	1.17
Dodge	1.20	Price	1.15
Door	1.15	Racine	1.24
Douglas	1.19	Richland	1.17
Dunn	1.17	Rock	1.20
Eau Claire	1.17	Rusk	1.16
Florence	1.15	Saint Croix	1.19
Fond du Lac	1.19	Sauk	1.13
Forest	1.15	Sawyer	1.17
Grant	1.17	Shawano	1.17
Green	1.20	Sheboygan	1.19
Green Lake	1.19	Taylor	1.15
Iowa	1.18	Trempealeau	1.16
Iron	1.14	Vernon	1.17
Jackson	1.16	Vilas	1.13
Jefferson	1.20	Walworth	1.21
Juneau	1.18	Washburn	1.17
Kenosha	1.23	Washington	1.20
Kewaunee	1.17	Waukesha	1.20
La Crosse	1.16	Waupaca	1.17
Lafayette	1.19	Waushara	1.18
Langlade	1.16	Winnebago	1.18
Lincoln	1.15	Wood	1.17
Manitowoc	1.19		

WYOMING

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Albany	$0.96	Natrona	$0.97
Big Horn	.92	Niobrara	1.02
Campbell	1.00	Park	.92
Carbon	.94	Platte	1.03
Converse	1.00	Sheridan	.98
Crook	1.02	Sublette	.94
Fremont	.92	Sweetwater	.94
Goshen	1.06	Teton	.92
Hot Springs	.92	Uinta	.95
Johnson	.99	Washakie	.92
Laramie	1.08	Weston	1.03
Lincoln	.94		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 5th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6663; Filed, June 7, 1951; 8:53 a. m.]

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP HAY AND PASTURE SEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of hay, pasture and range grass seeds named in § 601.1060. The 1951 C. C. C. Grain Price Support Bulletin 1, (16 F. R. 1987) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1051 Purpose.
601.1052 Availability of price support.
601.1053 Eligible seed.
601.1054 Warehouse receipts.
601.1055 Determination of quantity.
601.1056 Determination of quality.
601.1057 Loss or damage to seed under farm-storage loan.
601.1058 Warehouse and other charges.
601.1059 Maturity of loans.
601.1060 Schedule of basic specifications and rates.
601.1061 Delivery of seed to CCC.
601.1062 Settlement.

AUTHORITY: §§ 601.1051 to 601.1062 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 601.1051 *Purpose.* This supplement, comprised of §§ 601.1051 to 601.1062, states additional specific requirements which, together with those contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Hay and Pasture Seed Price Support Program.

§ 601.1052 *Availability of price support.*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements for all seeds listed in § 601.1060.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.1060 are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that such seeds cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Where additional time is needed to determine the quality of any eligible variety of seed, the completion of applicable documents and the disbursement

on loans may be delayed until such later date as may be approved by the State PMA committee, but not later than March 15, 1952, in the case of seeds other than range grass seeds, and not later than August 31, 1952, in the case of range grass seeds: *Provided, however,* That such later dates will be approved only for producers who have applied for loans on or before January 31, 1952.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.1060 in 1951 as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided,* That (1) the producer members are bound by contract to market through the association; (2) the major part of the seed marketed by the association is produced by members who are eligible producers; (3) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (4) the seed purchased from nonmembers is segregated at all times to assure that the seed placed under loan or delivered under a purchase agreement is seed grown by producer members; and, (5) the association has the legal right to pledge or mortgage the seed as security for a loan.

§ 601.1053 *Eligible seed.* At the time the seed is placed under loan or delivered under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States in 1951 by an eligible producer and be one of the kinds and varieties named in § 601.1060.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested.

(c) It must on the basis of official purity analysis reports, and germination test certificates, based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase, be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.1060, unless the warehouseman, in the case of seed being offered for loan or delivery under a purchase agreement, certifies that the seed is of a quality eligible for price support, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better, than that shown on the warehouse receipt.

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law, and rules and regulations pursuant thereto, of the State in which the seed is tendered for loan or delivered under a purchase agreement, and must conform with the requirements concerning noxious weed seed in § 601.1060.

§ 601.1054 *Warehouse receipts.* Warehouse receipts representing seed placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by a warehouse approved by CCC under the Seed Storage Agreement, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the seed is commingled the warehouseman must guarantee both the quality and the quantity of the seed.

(c) Where the warehouseman guarantees the quality of the seed placed under loan, on either an identity-preserved or commingled basis, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the kind or variety of the seed, the net weight, and the factors used in determining the quality of the seed.

(d) Where the seed is stored on an identity-preserved basis and the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt for the lot of seed stored identity-preserved a copy of the official purity analysis report and germination test certificate.

(e) Any warehouse receipt representing seed stored on an identity-preserved basis must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1952, (September 30, 1952, in the case of range grass seed) on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

§ 601.1055 *Determination of quantity.* All determinations of the quantity of seed delivered under loan or purchase agreement in an approved warehouse under this subpart shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. The quantity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan will be the actual net weight of seed.

§ 601.1056 *Determination of quality.* All determinations of quality made by the county committee will be made on the basis of official purity and germination tests of a representative sample. An official test shall be a test made by a Federal or State Seed Testing Laboratory, or by a commercial seed testing laboratory approved by the State committee. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for a qualified disinterested person to obtain a representative sample. The sample shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.1057 *Loss or damage to seed under farm-storage loan.* Notwithstanding the provisions of § 601.665 of the 1951 C. C. C. Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on his part or the part of the person in control of the farm-storage structure.

§ 601.1058 *Warehouse and other charges.* CCC will not pay or assume charges for cleaning, drying, bagging, sampling, testing and analysis reports, tagging, or other handling or processing operations which are necessary to prepare the seed to meet eligibility requirements for price support; nor will CCC pay or assume storage charges which accrue prior to May 1, 1952 (prior to September 30, 1952, in the case of range grass seed), or the date of the warehouse receipt, whichever is later.

§ 601.1059 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952 (September 30, 1952, in the case of range grass seed).

§ 601.1060 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule: *Provided, That,* where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1951 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Maximum chargeable Noxious Weeds	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa—Northern [3]	35	98	90	0.50	2.00	1.50	1.50	95	184
Alfalfa—Central [4]	28	98	90	.50	2.00	1.50	1.50	95	184
Alfalfa—Southern [5]	21	98	90	.50	2.00	1.50	1.50	95	184

See footnotes at end of table.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1951 HAY, PASTURE, AND RANGE GRASS SEED

NOXIOUS WEED-SEED REQUIREMENTS

In addition to the prescribed eligibility requirements, seed must meet the following requirements with respect to noxious weed seed:

a. The seed shall not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is delivered to C. C. C.

b. In addition to a, above, the seed shall not contain any of the following prohibited noxious weed seeds:

Common name	*Botanical name*
Austrian fieldcress	Rorippa austriaca.
Bindweed	Convolvulus Arvensis.
Camelthorn	Alhagi (camelorum) pseudalhagi.
Canada thistle	Cirsium arvense.
Globepodded balleress, whitetop	Cardaria pubescens.
Horsenettle [1]	Solanum carolinense.
Johnson grass	Sorghum halpense.
Leafy spurge	Euphorbia esula.
Nutgrass	Cyperus rotundus.
Perennial sowthistle	Sonchus arvensis.
Purple nightshade [1]	Solanum elaeagnifolium.
Quackgrass	Agropyron repens.
Russian knapweed	Centaurea repens (pierls).
Whitetop	Cardaria (Lepidium) draba.
Wild onion	Allium spp.

c. In addition to a and b above, the seed shall not contain any of the following noxious weed seeds in greater number or collectively, than the proportions shown below, using either the number or weight proportion as is reported on the analysis report:

(1) 1 noxious weed seed to 10,000 agricultural seeds or 50 per pound:

Common name	*Botanical name*
Bermuda grass, devilgrass	Cynodon dactylon.
Bindweed, hedge	Convolvulus septum.
Blue lettuce, chicory lettuce [2]	Lactuca pulchella.
Chufa, nutgrass	Cyperus esculentus.
Dodder	Cuscuta spps.
Iberian star thistle [2]	Centaurea iberica.
Marijuana [2]	Cannabis sativa.
Perennial mustard, whitetop [2]	Lepidium latifolium.
Poison hemlock [2]	Conium maculatum.
Poison milkweed [2]	Asclepias galioides.
Poverly weed [2]	Pranseria discolor.
Puncturevine, caltrop [2]	Tribulus terrestris.
St. Johnswort, Klamath weed [2]	Hypericum perforatum.
Water hemlock [2]	Cicuta maculata.

[1] Horsenettle and purple nightshade, in lespedeza seed, are classed as prohibited noxious weed seeds only when present in excess of 500 seeds per pound.

[2] Not classified as a noxious weed seed in lespedeza seed.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1951 HAY, PASTURE AND RANGE GRASS SEEDS—Continued

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Maximum chargeable Noxious Weeds	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture—Continued	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa, certified; [6] Ranger, Lahak, Orban, Buffalo, Atlantic	45	98	90	.50	2.00	1.50	1.50	95	184
Alfalfa, certified; [6] Hairy Peruvian, Chilean, Chilean 21-5, African, Indian	28	98	90	.50	2.00	1.50	1.50	95	184
Clovers:									
Alsike	25	98	90	.50	4.00	1.50	1.50	95	184
Ladino, certified [6]	125	98	90	.50	2.00	1.50	1.50	95	184
Red	35	98	90	.50	2.00	1.50	1.50	95	184
Red, certified, [6] Kenland	40	98	90	.50	2.00	1.50	1.50	95	184
Sweet, Biennial	12	98	90	.50	2.00	1.50	1.50	95	184
White (Ladino)	40	98	90	.50	2.00	1.50	1.50	95	184
White (Louisiana and Mississippi)	50	98	90	.50	4.50	1.50	1.50	95	184
Lespedeza: [7]									
Common or Tennessee 76	12	98	85	1.00	4.50	1.50	1.50	95	184
Serica (Korean)	16	98	85	1.00	4.50	1.50	1.50	95	184
Sericea (Bullet and Searlet)	15	98	85	1.00	4.50	1.50	1.50	95	184
Birdsfoot Trefoil	100	98	90	.50	2.00	1.50	1.50	95	184
Grasses									
Brome, Smooth	14	97	85	1.00	5.00	1.50	1.50	95	184
Brome, Smooth, certified; [6] Achenbach, Lincoln, Fischer, Blakeley, Manchar	20	97	85	1.00	4.50	1.50	1.50	95	184
Brome, Mountain, certified; [6] Bromar	20	97	85	1.00	4.50	1.50	1.50	95	184
Crested wheatgrass	12	97	85	1.00	4.50	1.50	1.50	95	184
Common Sudan	04.5	98	85	1.00	4.50	1.50	1.50	95	184
Sweet Sudan	03	98	85	1.00	4.50	1.50	1.50	95	184
Sweet Sudan, certified; [6] SA-SX-372	05	98	85	1.00	4.50	1.50	1.50	95	184
Timothy, certified; [6] Marietta, Lorraine and Hopkins	07.5	97	90	.50	1.00	1.50	1.50	95	184
Wheatgrass, crested	10.5	98	85	1.00	4.50	1.50	1.50	95	184
Wheatgrass, intermediate	25	98	90	1.00	4.50	1.50	1.50	95	184
Wheatgrass, western	15	98	85	1.00	4.50	1.50	1.50	95	184
Wheatgrass, slender	12	98	85	1.00	4.50	1.50	1.50	95	184
Wheatgrass, slender, certified; [6] Primar	20	98	90	.50	1.00	1.50	1.50	95	184
Wheatgrass, beardless, certified; [6] Whitmar	30	98	90	.50	1.00	1.50	1.50	95	184
Range grasses									
Big Bluestem	20	80	70	1.00	4.50	1.50	1.50	95	184
Little Bluestem	40	80	70	1.00	4.50	1.50	1.50	95	184
Sand Bluestem	25	80	70	1.00	4.50	1.50	1.50	95	184
Blue Grama		80	70	1.00	4.50	1.50	1.50	95	184
Side Oats Grama	15	80	70	1.00	4.50	1.50	1.50	95	184
Mixed Grama [8]	35	80	70	1.00	4.50	1.50	1.50	95	184
Buffalo (dehulled)	40	75	65	1.00	4.50	1.50	1.50	95	184
Sand Lovegrass	25	75	65	1.00	4.50	1.50	1.50	95	184

[1] Hard seed will be added to the seed taken to determine germination of legume seed.

[2] See attached supplement to this schedule for limitations on noxious weed seed.

[3] In Northern region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Colorado, and eastward in counties which are north of, intersected by, the fortieth degree of latitude.

[4] In Central region includes all the producing areas south of the northern region and north of the southern boundaries of Oregon, Idaho, Wyoming, Colorado, and eastward in counties which are south of, intersected by, the fortieth degree of latitude, but including all counties south of the thirty-seventh degree of latitude in Nevada, Missouri, Kentucky and Virginia. Approved germ. all Ky. seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central region.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1951 HAY, PASTURE, AND RANGE GRASS SEED—Continued

NOXIOUS WEED-SEED REQUIREMENTS—continued

Common name	Botanical name
Crabgrass, small crabgrass [1]	Digitaria ischaemum.
Crabgrass, crowfoot grass [1]	Digitaria sanguinalis.
Curly indigo [1]	Aeschynomene virginica.
Daisy fleabane [1]	Erigeron strigosus.
Darnel	Lolium temulentum.
Dock, Sorrel	Rumex spp.
Field peppergrass	Lepidium campestre.
Field sandbur [1]	Cenchrus pauciflorus.
Hares-ear-mustard [1]	Conringia orientalis.
Hawkweed [1]	Hieracium Spp.
Lanceleaf sage [1]	Salvia (lanceolata) reflexa.
Littleseed falseflax [1]	Camelina microcarpa.
Pennycress [1]	Thlaspi arvense.
Perennial groundcherry [1]	Physalis longifolia.
Plantain	Plantago Spp.
Prickly sowthistle [1]	Sonchus asper.
Purple-flowered groundcherry [1]	Quincula (Physalis) lobata.
Red rice	Oryza sativa.
Roemeria poppy	Roemeria refracta.
Russian thistle	Salsola kali var. tenuifolia.
Stickweed [1]	Lappula echinata.
Tall indigo [1]	Sesbania exaltata.
Tansy mustard [1]	Sisymbrium irio.
Tansy mustard [1]	Descurainia pinnata (sophia).
Tumble mustard [1]	Sisymbrium altissimum.
White campion [1]	Lychnis alba.
Whitetop fleabane [1]	Erigeron annus.
Wild barley, Foxtail barley [1]	Hordeum jubatum.
Wild barley, Squirrelgrass [1]	Hordeum murinum.
Wild flax [1]	Camelina sativa.
Wild morning-glory	Ipomoea Spp.
Wild radish [1]	Raphanus raphanistrum.
Wire grass	Paspalum distichum.

(2) 1 noxious weed seed to 5,000 agricultural seeds, or 100 to the pound:

Common name	Botanical name
Barberry [1]	Berberis spps.
Barberry [1]	Mahonia spps.
Black nightshade [1]	Solanum nigrum.
Buffalo-bur [1]	Solanum rostratum.
Butterprint, velvetweed [1]	Abutilon theophrasti.
Corncockle	Agrostemma githago.
Cutleaf nightshade	Solanum triflorum.
Daisy, oxeye, field daisy	Chrythanthemum leucanthemum.
Deathweed, povertyweed [1]	Iva axillaris.
Flowering spurge [1]	Euphorbia corollata.
Hairy gaura [1]	Gaura villosa.
Hairy nightshade [1]	Solanum villosum.
Mustard, charlock, wild mustard	Brassica spps.
Perennial groundcherry [1]	Physalis subglabrata.
Scarlet gaura [1]	Gaura coccinea.
Scented gaura [1]	Gaura odorata.
Shiny spurge [1]	Euphorbia lucida.
Spreading dogbane [1]	Apocynum androsaemifolium.
Texas blueweed	Helianthus ciliaris.
Wavy-leaved gaura [1]	Gaura sinuata.
Yellowcress [1]	Rorippa sylvestria.

(3) 1 noxious weed seed to 2,000 agricultural seeds or 200 per pound:

Common name	Botanical name
Chicory [1]	Chicorium intybus.
Franseria povertyweed [1]	Franseria tenuifolia.
Giant ragweed [1]	Ambrosia trifida.
Halogeton [1]	Halogeton glomeratus.
Hoary alyssum [1]	Berteroa incana.
Malta starthistle [1]	Centaurea melitensis.
Smaller burdock, Clotbur [1]	Arctium minus.
Purple Star thistle, Caltrops [1]	Centaurea calcitrapa.
Wild oat	Avena fatua.
Wild carrot	Daucus carota.
Wintercress, yellow rocket [1]	Barbarea vulgaris.

(4) 1 noxious weed to 1,000 agricultural seeds or 300 per pound:

Common name	Botanical name
Alkali mallow [1]	Sida hederacea.
Australian Burnweed, Fireweed	Erechtites preanthoides.
Austrian peaweed [1]	Swainsona salsula.
Ball mustard [1]	Neslia paniculata.
Bassia [1]	Bassia hyssopifolia.
Bladder campion [1]	Silene cucubalus.
Blueweed, Blue thistle [1]	Echium vulgare.
Catchfly, night-blooming catchfly [1]	Silene noctiflora.
Chess, Cheat	Bromus spp.
Cocklebur [1]	Xanthium spp.
Common ragweed [1]	Ambrosia artemisifolia.
Corn sowthistle [1]	Sonchus arvensis.
Cornflower, Cornflower [1]	Stephanomeria virgata.

[1] Not classified as a noxious weed seed in Regpedeza seed.

(3) Big, little, and sand bluestem; blue, and side-oats grama, and natural component mixtures thereof where provided for; and Buffalo grass:

Type	Net capacity (pounds)
(i) Burlap or jute: 10-ounce or heavier	50 or 30
(ii) Osnaburg which can be probed:	
36 inch 2.35 yard or heavier	50 or 30
40 inch 2.11 yard or heavier	50 or 30

(b) *Tagging.* The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.1062 *Settlement.* Where seed is delivered to CCC in accordance with § 601.668 of the 1951 C. C. C. Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quality of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that if damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered. (See par. (d) of this section.)

(b) *Warehouse-storage loans* — (1) *Quality not guaranteed.* If the seed is stored on an identity-preserved basis and the quality is not guaranteed by the warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt and on the basis of the quality of the seed when placed under loan, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis and the warehouseman guarantees the quantity and quality, settlement shall be made with the producer on the basis of the quantity and quality of the seed shown on the warehouse receipt.

(c) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.668 of the 1951 C. C. C. Grain Price Support Bulletin 1, the seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the identity of the seed is preserved and the quality is not guaranteed by an approved warehouse, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Quality determination at time of delivery.* Where the quality of the seed delivered under a loan or purchase agreement is not guaranteed by an approved warehouseman, and the county committee has reason to believe that the lot of seed has been disturbed or damaged so that the purity analysis reports and/or germination test certicates are no longer representative of the quality of the seed, then the quality shall be determined by official purity analysis and germination tests made at the time of delivery. Settlement will be made on the basis of such tests made at the time of delivery, except where CCC assumes loss resulting from damage or deterioration to seed under loan. (See § 601.665 of the 1951 C. C. C. Grain Price Support Bulletin 1 and § 601.1057 of this Supplement 1.)

(e) *Refund of paid-in freight.* Where seed delivered to CCC has been shipped by the producer, or for him, "in line", as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement, will be refunded to the producer: *Provided,* That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman is turned over to CCC; and (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

Issued this 5th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved: June 5, 1951.

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6361; Filed, June 7, 1951; 8:53 a. m.]

PART 664—TOBACCO

SUBPART—1951 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco loan program for the 1951-52 marketing year—1951 crop—formulated by the Commodity Credit Corporation and Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

Sec.
664.301 Administration.
664.302 Level of loans.
664.303 Availability of price support.
664.304 Deduction from loans.
664.305 Interest rates, recourse and distribution of net gains.
664.306 Maturity date.
664.307 Eligible producer.
664.308 Eligible tobacco.

AUTHORITY: §§ 664.301 to 664.308 issued under 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441.

§ 664.301 *Administration.* This program will be administered by the Tobacco Branch, Production and Marketing Administration, under the general direction and supervision of the President, Commodity Credit Corporation. The program will be carried out in the field by producer cooperative associations or other responsible organizations (hereinafter referred to as "cooperatives") under contract with CCC, acting for groups of producers. The names of such cooperatives may be obtained from the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

CCC will make loans to cooperatives which in turn will make advances to eligible producers either directly or through auction warehouses. Loans made to cooperatives will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged for loan. Cooperatives will be authorized to enter into contracts for these services through the usual trade channels.

§ 664.302 *Level of loans.* As required by statute, the level of price support to eligible producers shall be 90 percent of parity on those types of tobacco for which marketing quotas are in effect, except that fire-cured and dark air-cured (including Virginia sun-cured) tobacco shall be supported at 75 percent and 66⅔ percent, respectively, of the level for Burley tobacco. The loan level for Puerto Rican tobacco is established at 90 percent of parity based on the sliding scale formula contained in the Agricultural Act of 1949. There is shown below the percentage of parity and the cents per pound loan levels for each type or kind of tobacco based on the parity index as of March 15, 1951, which were announced on April 13, 1951, as the minimum loan levels for the 1951 crop. The cents per pound loan levels will be computed as of the beginning of the marketing year, which is July 1, 1951, for flue-cured and October 1, 1951, for the other kinds of tobacco. Price support will be made available to eligible producers on the 1951 crop of each type or kind of tobacco at the higher of (a) the cents per pound level shown below, or (b) the level computed as of the beginning fo the marketing year. Schedules of loan rates by grades for each type or kind of tobacco will be announced as supplements to this statement after parity as of the beginning of the marketing year is known.

Loans will not be available on those types of tobacco for which quotas have been disapproved by producers; namely, Maryland, type 32, and Pennsylvania Seedleaf, type 41.

	1951 percent of parity level	1951 minimum loan level
Flue-cured, types 11-14	90	59.1
Burley, type 31	90	49.1
Fire-cured, types 21-23	75 percent of burley rate.	37.0
Dark air-cured, types 35-36	66⅔ percent of burley rate.	32.9
Virginia sun-cured, type 37	66⅔ percent of burley rate.	32.9
Miami Valley (Ohio) filler, types 42-44	90	26.1
Puerto Rican, type 46	90	(
Connecticut Valley broadleaf binder, type 51	90	54.9
Connecticut Valley Hav. seed binder, type 52	90	53.9
New York and Pennsylvania Hav. seed binder, type 53	90	27.8
Southern Wisconsin binder, type 54	90	27.0
Northern Wisconsin binder, type 55	90	33.3

[1] The cents per pound loan level for the 1951 crop of Puerto Rican tobacco will be announced based on the parity index as of Oct. 1, 1951. Since October 1 is prior to the normal planting time and is also the beginning of the marketing year, the actual loan level announced would also serve as the minimum loan level announcement.

§ 664.303 *Availability of price support.* Loans to eligible producers for tobacco pledged for loans will be made in the following manner:

(a) *Auction market area.* The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer generally will receive the advances from the warehouseman for any tobacco placed under loan at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will be reimbursed by the cooperative with funds borrowed from CCC.

(b) *Non-auction market area.* Producers in non-auction market areas will deliver tobacco to central receiving points designated by the appropriate cooperative. The producer will receive the advance directly from the cooperative for any tobacco pledged for loans after the tobacco has been graded by U. S. D. A. inspectors.

(c) *Period of loans.* No advances will be made to producers on tobacco tendered for loan prior to or after the dates set forth below:

	Earliest date	Latest date
Flue-cured	July 1, 1951	Feb. 28, 1952
Burley	Nov. 1, 1951	Apr. 30, 1952
Fire-cured	do	Do.
Dark air-cured	do	Do.
Virginia sun-cured	do	Do.
Cigar filler and binder (except Puerto Rican)	Sept. 1, 1951	July 31, 1952
Puerto Rican	Feb. 1, 1952	Sept. 30, 1952

§ 664.304 *Deduction from loans.* The cooperatives will be required to bear a portion of the overhead costs in connection with the loan operation. In the auction marketing areas, the fee is 12 cents per hundred pounds. For this purpose, the cooperatives will be authorized to charge the producer an equivalent amount. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which they will collect such charges and remit to the cooperative. In the non-auction market areas, the fee will be established at a rate commensurate with the relative cost of the service performed by the cooperative.

§ 664.305 *Interest rates, recourse, and distribution of net gains.* The loans made to the cooperatives will bear interest at the rate of 3 percent per annum and be non-recourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the contract. As tobacco loses its identity as to original ownership through commingling in the packing process, producers will not be able to redeem their tobacco once it has been pledged for loan. After all of the tobacco of one crop pledged for loan by any cooperative is marketed, any net gains will be distributed by the cooperative to the producers who placed the tobacco under loan, or will be disposed of in such other manner as may be authorized by the cooperative's contract with its members, if such disposition is approved by CCC.

§ 664.306 *Maturity date.* Loans made under the program will mature on demand but not later than June 30, 1954, unless extended by CCC.

§ 664.307 *Eligible producer.* An eligible producer is one who has an interest in the tobacco produced on a farm for which the harvested acreage, as determined by the county committee and entered on the marketing card at the time of issuance of the marketing card for the farm, is not in excess of the acreage allotment for the farm.

As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 664.308 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1951 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Card, where quotas are in effect; (b) has been delivered to the cooperative by the original producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type for which a loan level is provided in § 664.302; and (e) is free and clear of any and all liens and encumbrances.

Issued this 5th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6662; Filed, June 7, 1951; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 39—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK SOLIDS[1]

On March 14, 1951, notice was published in the FEDERAL REGISTER (F. R. Doc. 51-3288; 16 F. R. 2398) regarding the issuance of United States Standards for Grades of Nonfat Dry Milk Solids, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the standards hereinafter set forth with respect to nonfat dry milk solids are hereby promulgated under the aforesaid authority.

The promulgation of these standards will provide the Department with standards relative to "nonfat dry milk solids"—heretofore referred to as "dried skim milk"—for use in connection with its grading and inspection services and purchases of nonfat dry milk solids, and make available to the dairy industry official standards for its use. Such standards supersede that part of the Tentative United States Standards for Grades of Dried Skim Milk and Dried Whole Milk, approved May 14, 1943, that prescribed the standards for "dried skim milk."

The standards are as follows:

DEFINITION

Sec.
39.1 Nonfat dry milk solids.

U. S. GRADES

39.2 Nomenclature of U. S. grades.
39.3 Basis for determination of U. S. grades.
39.4 U. S. grades.

TEST METHODS

39.5 Test methods.

AUTHORITY: §§ 39.1 to 39.5 issued pursuant to Pub. Law 759, 81st Cong.

DEFINITION

§ 39.1 *Nonfat dry milk solids.* "Nonfat dry milk solids" or "defatted milk solids" (made by the spray process or the atmospheric roller process) is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content is not over 1½ percent by weight.

(a) The term "milk", when used in this part, means milk produced by healthy cows that has been pasteurized before or during the manufacture of the nonfat dry milk solids.

U. S. GRADES

§ 39.2 *Nomenclature of U. S. grades*—(a) *Nomenclature.* The nomenclature of U. S. grades is U. S. Extra and U. S. Standard.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 39.3 *Basis for determination of U. S. grades.* The U. S. grades of nonfat dry milk solids are determined hereunder on the basis of flavor and odor, physical appearance, bacterial estimate, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

§ 39.4 *U. S. grades*—(a) *U. S. Extra.* The requirements of the U. S. Extra grade differ for nonfat dry milk solids made by the spray process from that made by the atmospheric roller process.

(1) *U. S. Extra; spray process.* Nonfat dry milk solids manufactured by the spray process conform to the following requirements:

(i) Flavor and odor (applies equally to the reliquefied form): Sweet, and has not more than slight cooked flavors and odors.

(ii) Physical appearance: Is white or light cream color; free from lumps that do not break up under slight pressure; and practically free from brown and black scorched particles.

(iii) Bacterial estimate: Not more than 50,000 per gram.

(iv) Butterfat content: Not more than 1.25 percent.

(v) Moisture content: Not more than 4.00 percent.

(vi) Scorched particle content: Not more than 15.00 mg.

(vii) Solubility index: Not more than 1.25 ml.

(viii) Titratable acidity: Not more than 0.15 percent.

(2) *U. S. Extra; roller process.* Nonfat dry milk solids manufactured by the roller process conform to the requirements in subparagraph (1) of this paragraph, except that the solubility index is not more than 15.0 ml., and the scorched particle content is not more than 22.5 mg.

(b) *U. S. Standard.* The requirements of the U. S. Standard grade differ for nonfat dry milk solids manufactured by the spray process from that manufactured by the atmospheric roller process.

(1) *U. S. Standard; spray process.* Nonfat dry milk solids manufactured by the spray process conform to the following requirements:

(i) Flavor and odor (applies equally to the reliquefied form): Has not more than slight scorched and other slight unnatural flavors and odors (including, but not being limited to storage flavors and odors) and has no offensive flavors and odors.

(ii) Physical appearance: Is white or light cream color; free from lumps that do not break up under moderate pressure; and contains brown and black scorched particles to not more than a moderate degree.

(iii) Bacterial estimate: Not more than 100,000 per gram.

(iv) Butterfat content: not more than 1.5 percent.

(v) Moisture content: Not more than 5.00 percent.

(vi) Scorched particle content: Not more than 22.5 mg.

(vii) Solubility index: Not more than 2.00 ml.

(viii) Titratable acidity: Not more than 0.17 percent.

(2) *U. S. Standard; roller process.* Nonfat dry milk solids manufactured by the roller process conform to the requirements prescribed in subparagraph (1) of this paragraph, except that the solubility index is not more than 15.0 ml., and the scorched particle content is not more than 32.5 mg.

§ 39.5 *Test methods.* (a) The test methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Nonfat Dry Milk Solids, Production and Marketing Administration, United States Department of Agriculture, May 1951 (Mimeo.), are used to determine bacterial estimate, butterfat content, moisture content, solubility index, and titratable acidity.

(b) The test method used to determine scorched particle content is as follows:

(1) *Spray process nonfat dry milk solids.* (i) Reliquefy 25 grams of spray process nonfat dry milk solids in approximately 250 ml. of warm sediment-free water. Mix thoroughly until the product is uniformly dispersed. Filter the entire solution through a standard 1¼" lintine disc (1⅛" filtering surface). Rinse the mixing container with sediment-free water and pass the rinse through the disc.

(ii) The scorched particle content of the nonfat dry milk solids is determined by visually comparing the discs obtained in subdivision (i) of this subparagraph with the United States Scorched Particle Standards for Dry Milks (16 F. R. 923).

(2) *Roller process nonfat dry milk solids.* (i) Place 200 ml. of a hot (80°–90° C.) 10 percent sodium citrate solution in the mixing jar of a high speed mixer (such as, a Waring Blender). Turn on the mixer and add 25 grams of roller process nonfat dry milk solids. Add approximately 0.5 ml. of diglycol laurate (defoaming agent). Mix for 30 seconds and filter (aspirator or pressure type filtering apparatus necessary) immediately through a 1½" lintine disc (1⅛" filtering surface). Rinse mixing container with hot water, and pass all rinsings through the filter disc.

(ii) The scorched particle content of the nonfat dry milk solids is determined by visually comparing the discs obtained in subdivision (i) of this subparagraph with the United States Scorched Particle Standards for Dry Milks (16 F. R. 923).

Done at Washington, D. C., this 5th day of June 1951, to become effective 30 days after publication in the FEDERAL REGISTER. These U. S. Standards shall, upon becoming effective, supersede that part of the Tentative United States Standards for Grades of Dried Skim Milk and Dried Whole Milk, approved May 14, 1943, that prescribed the standards for "dried skim milk."

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 51-6657; Filed, June 7, 1951; 8:52 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

UNITED STATES STANDARDS FOR GRADES OF CANNED SWEETPOTATOES

On February 10, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 1285) regarding a proposed revision of the United States Standards for Grades of Canned Sweetpotatoes (7 CFR 52.662). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Sweetpotatoes are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.662 *Canned sweetpotatoes.* Canned sweetpotatoes means canned sweetpotatoes as defined in the definitions and standards of identity for canned vegetables (21 CFR, 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Colors of canned sweetpotatoes.* (1) Yellow.

(2) Golden.

(b) *Styles of canned sweetpotatoes.* (1) "Whole" or "whole sweetpotatoes" means canned sweetpotatoes that retain the approximate original conformation of the prepared sweetpotatoes.

(2) "Pieces" or "pieces of sweetpotatoes" means canned sweetpotatoes that consist of cut units (including, but not being limited to, sweetpotatoes that are halved longitudinally) or broken units.

(3) "Mashed" or "mashed sweetpotatoes" means canned sweetpotatoes that are wholly comminuted or crushed.

(4) Any combination of two or more of the following styles constitutes a style: Whole, pieces, or mashed.

(c) *Types of packs of canned sweetpotatoes.* In addition to styles, canned sweetpotatoes are usually processed as any one of the following types of packs:

(1) In a liquid packing medium.

(2) "Vacuum-pack (without packing media)."

(3) "Solid-pack" (or "dry-pack").

(d) *Grades of canned sweetpotatoes.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweetpotatoes that possess a good color; that are practically uniform in shape and size or possess good consistency, as applicable; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweetpotatoes that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that are of such quality with respect to shape and size or consistency as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned sweetpotatoes that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that sweetpotatoes packed in sirup have the following indicated "cut-out" Brix measurement for the respective sirup designation, as applicable, and which designations are included in, but are not limited to, the following for canned sweetpotatoes in a liquid packing medium:

Designation	*Brix measurement*
Extra heavy sirup	30° or more.
Heavy sirup	25° or more, but less than 30°.
Light sirup	18° or more, but less than 25°.
In water	packed in water.

(f) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with sweetpotatoes and that the product and packing medium, if any, occupy not less than 90 percent of the volume of the container.

(g) *Recommended minimum drained weight.* (1) The minimum drained weight recommendations in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The drained weight recommendations in Table I of this section are not applicable to canned sweetpotatoes packed as "vacuum-pack (without packing media)" or as "solid-pack" (or "dry-pack").

(3) The drained weight of canned sweetpotatoes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3% square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the sweetpotatoes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS OF SWEETPOTATOES IN A LIQUID PACKING MEDIUM

Container size or designation:	*Drained weight ounces*
No. 2	14
No. 2½	19
No. 3 vacuum or squat (404 x 307)	15
No. 10	72

(h) *Ascertaining the grade.* (1) The grade of canned sweetpotatoes may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, shape and size or consistency, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Shape and size or consistency	20
(iii) Absence of defects	40
(iv) Character	20
Total score	100

(3) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned sweetpotatoes that possess a good color may be given a score of 17 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden) and that there may be reasonable variations of such characteristic color in the units, in each unit, or in the mass.

(ii) If the canned sweetpotatoes possess a fairly good color, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be variable in the units, in each unit, or in the mass and that the color may be slightly dull but is not off-color.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Shape and size or consistency.* (i) Whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuum-pack (without packing media)" that are practically uniform in shape and size may be given a score of 17 to 20 points; and canned sweetpotatoes packed as "solid-pack" (or "dry-pack") that possess a good consistency may be given a score of 17 to 20 points. "Practically uniform in shape and size" and "good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Practically uniform in shape and size" means that the units of a single style may vary moderately in shape and that the weight of the largest unit, irrespective of style, is not more than three times the weight of the second smallest unit, irrespective of style.

(*b*) *Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" (or "dry-pack").* "Good consistency" means that the sweetpotatoes possess a stiff consistency which may show a slight separation of free liquid.

(ii) If whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuum-pack (without packing media)" are fairly uniform in shape and size, a score of 14 to 16 points may be given; or if the canned sweetpotatoes packed as "solid-pack", or "dry-pack") possess a fairly good consistency, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in shape and size" and "fairly good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Fairly uniform in shape and size" means that the units of a single style may vary considerably in shape and that the weight of the largest unit, irrespective of style, is not more than four times the weight of the second smallest unit, irrespective of style.

(*b*) *Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" (or "dry-pack").* "Fairly good consistency" means that the sweetpotatoes possess a thick consistency but may not be free flowing.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or from other defects.

(i) Canned sweetpotatoes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains not more than a slight amount of particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other defects which do not affect materially the appearance or the edibility of the product.

(ii) If the canned sweetpotatoes are fairly free from defects, a score of 28 to 33 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other defects may be definitely noticeable but are not so prominent as to affect seriously the appearance or the edibility of the product.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the texture and condition of the flesh, the degree of freedom from tough or coarse fibers, the tenderness of the canned sweetpotatoes, and the tendency of sweetpotatoes packed in a liquid packing medium or as "vacuum-pack (without packing media)" to retain their apparent original conformation and size without disintegration.

(i) Canned sweetpotatoes that possess a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Good character" means that the units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm but hold their apparent original conformation and size without material distintegration.

(*b*) *Whole, pieces, and mashed packed as "solid-pack" (or "dry-pack").* "Good character" means that any units present possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm and that any mashed sweetpotatoes present possess a uniformly smooth texture, practically free from tough or coarse fibers.

(*c*) *Mashed.* "Good character" means that the mass possesses a uniformly smooth texture and is free from tough or coarse fibers.

(ii) If the canned sweetpotatoes possess a fairly good character, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Fairly good character" means that the units possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, may be very soft to very firm, and may possess slight or partial disintegration of the units.

(*b*) *Whole, pieces, and mashed packed as "solid-pack" (or "dry-pack").* "Fairly good character" means that any units present possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, and may be very soft to very firm and that any mashed sweetpotatoes present possess a fairly uniform texture, may be coarse but are practically free from lumps, and may possess a few tough or coarse fibers.

(*c*) *Mashed.* "Fairly good character" means that the mass possesses a fairly uniform texture, may be coarse but is free from lumps, and that not more than a few tough or coarse fibers may be present.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned sweetpotatoes, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned sweetpotatoes.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Vacuum (inches)		
If in a liquid packing medium:		
Drained weight (ounces)		
Brix measurement		
Sirup designation (heavy, light, etc.)		
Color		
Style and type of pack		
Count (whole)		

Factors	Score points	
I. Color	20	(A) 17–20 (C)[1] 14–16 (D)[1] 0–13
II. Shape and size or consistency	20	(A) 17–20 (C)[1] 14–16 (D)[1] 0–13
III. Absence of defects	40	(A) 34–40 (C)[1] 28–33 (D)[1] 0–27
IV. Character	20	(A) 17–20 (C)[1] 14–16 (D)[1] 0–13
Total score	100	

Flavor and odor	
Grade	

[1] Indicates limiting rule.

(l) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Sweetpotatoes (which is the fourth issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Sweetpotatoes (7 CFR 52.662) which have been in effect since March 15, 1947.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 5th day of June 1951.

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6659; Filed, June 7, 1951; 8:53 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

SUBPART C—FORMS AND INSTRUCTIONS

Notice is hereby given of the authorized forms, designs and wording which are approved to be used as official identification with respect to graded products and inspected and certified products, pursuant to § 70.11 *Identifying and marking products* of the rules governing the grading and inspection of poultry and edible products thereof (7 CFR Part 70; 16 F. R. 5210) which were issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

In order that interested persons may know in advance the authorized forms, designs, and wording of the official identification which will be approved for use in connection with graded products and inspected and certified products, it has been deemed advisable to set forth herein the examples of the various grade marks and inspection marks which are satisfactory to the Administration. The forms and designs of the official identification presented herein are the same as those which were in effect prior to the effective date hereof, except for a modification in § 70.201 (a) hereof, which permits the use of the grade mark for ready-to-cook poultry only in instances when such product is marked to indicate that it has been inspected either by Federal or other acceptable authority.

The Administration finds that it is impractical, unnecessary, and contrary to the public interest to give a 30 days' notice of the effective date of these regulations for the reason that (1) its provisions are substantially the same as those currently in effect; (2) the poultry regulations authorizing the promulgation by the Administrator of the official identification for graded and inspected and certified products, become effective July 1, 1951, and it is imperative that the authorized forms, designs and wording

of the official identification be made effectively usable in conjunction therewith; (3) compliance with the provisions of this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereinafter specified; and, (4) reasonable time is permitted under the circumstances for the preparation for such effective date; and therefore, the form, design, and wording of official identification hereinafter set forth are to become effective July 1, 1951, after publication in the FEDERAL REGISTER.

§ 70.201 *Forms of official identification.* Subject to the requirements in § 70.11 *Identifying and marking products* of the rules governing the grading and inspection of poultry and edible products thereof:

(a) *Form of grade marks.* The grade marks approved for use pursuant to § 70.11 (b) of the regulations on a graded product shall be contained within a shield of the form and design indicated in the examples in Figure 1 hereof. The information (including the form and arrangement of its wording) which is required in such marks shall be: (1) The class of the product or whether the product is "young" or "mature" (or "old"), (2) whether dressed or ready-to-cook, (3) its U. S. grade, and

Examples of Grade Marks for Dressed Poultry and Ready-to-Cook Poultry

FOR DRESSED POULTRY

FOR READY-TO-COOK POULTRY

FIGURE 1.

(4) one of the following phrases: "Federal-State graded," "Government graded," or a phrase of similar import. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may also be included within such shields. However, the grade mark for read-to-cook poultry may be used only when the product is identified as having been inspected by Federal inspectors or by inspectors of any other inspection system acceptable to the Administration.

(b) *Form of inspection mark.* The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and contain the following wording: "Inspected for Wholesomeness by U. S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure 2 hereof. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material.

Example

FIGURE 2.

(c) *Combined form of grade mark and inspection mark.* With respect to any product which was inspected and graded, a combined form of grade mark and inspection mark is approved for use pursuant to § 70.11 (b) and (c) of the regulations. Such combination form shall contain applicable wording and be of the form and design as indicated in the example in Figure 3 hereof. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may be included as a part of the combined form of grade mark and inspection mark. Separate forms of the grade mark and the inspection mark may be used in lieu of the combined form of grade mark and inspection mark.

(d) *Identification of certain dressed poultry.* With respect to dressed poultry which has been graded or inspected for condition only, the form of identification approved for use shall contain the wording "Dressed Poultry Processed Under USDA Sanitary Standards. Not USDA Graded for Quality or USDA Inspected for Wholesomeness" and set forth the applicable plant number. All labels using such identification shall be numbered serially or with a lot number indicating the day of the year the poultry was packed. The required wording, the plant number, and the serial or lot number shall be set forth in the manner indicated in the example in Figure 4 hereof and within the outline of a rectangle of the form and design illustrated.

Example

FIGURE 3.

Example

FIGURE 4.

(Sec. 205, 60 Stat. 1090, Pub. Law 739, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 1st day of June 1951.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation Including Amdts. 1–14]

GENERAL CEILING PRICE REGULATION

JUNE 7, 1951.

The General Ceiling Price Regulation is republished to incorporate the text of Amendments 1 through 14. The General Ceiling Price Regulation was issued January 26, 1951 (16 F. R. 808). Statements of Consideration for the General Ceiling Price Regulation, and for Amendments 1–14, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

SEC.
1 What this regulation does.
2 Applicability, effective date and prohibitions.
3 Ceiling prices for all sellers for commodities or services sold in base period.
4 Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.
5 Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.
6 Ceiling prices for commodities in new categories; for new services; and for new sellers.
7 Sellers who cannot price under other sections.
8 Modification of proposed ceiling prices by Director of Price Stabilization.
9 Customary price differentials.
10 Exporters and importers.
11 "Parity" adjustments in ceiling prices.
12 Group of retail sellers under common control.
13 Highest price line limitation for manufacturers of wearing apparel and consumer durable goods.
14 Exemptions and exceptions.
15 Amendments, protests and interpretations.
16 Records.
17 Sales slips and receipts.
18 Evasion.
19 Transfers of business or stock in trade.
20 Separate statement of taxes.
21 Penalties.
22 Definitions and explanations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, Pub. Law 774, 81st Cong.

NOTE: See Executive Order 10161 Sept. 9, 1950 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, January 24, 1951 (16 F. R. 738).

DERIVATION: Sections 1–22 contained in the General Ceiling Price Regulation, January 26, 1951 (16 F. R. 808), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, February 11, 1951, 16 F. R. 1503.

Amendment 2, February 28, 1951, 16 F. R. 1789.

Amendment 3, February 23, 1951, 16 F. R. 1791.

Amendment 4, February 27, 1951, 16 F. R. 1919.

Amendment 5, February 28, 1951, 16 F. R. 1994.

Amendment 6, March 19, 1951, 16 F. R. 2546.

Amendment 7, March 20, 1951, 16 F. R. 2549.

Amendment 8, March 27, 1951, 16 F. R. 2661.

Amendment 9, April 9, 1951, 16 F. R. 2907.

Amendment 10, May 16, 1951, 16 F. R. 4454.

Amendment 11, May 22, 1951, 16 F. R. 4697.

Amendment 12, June 5, 1951, 16 F. R. 5118.

Amendment 13, May 28, 1951, 16 F. R. 5051.

Amendment 14, May 31, 1951, 16 F. R. 5119.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities and services (except those specifically exempt) upon the basis of prices in effect during the period from December 19, 1950 to January 25, 1951, inclusive. This period is referred to as the "base period." With respect to those food, agricultural and related commodities exempt under the provisions of section 14 (s), however, the applicable "base period" used after removal of the exemption to establish the ceiling price under section 3 of this regulation shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list of agricultural commodities in Section 11 (a).

[Section 1 amended by Amdts. 7 and 13]

SEC. 2. *Applicability, effective date and prohibitions.* — (a) *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and possessions and the District of Columbia.

(b) *Effective date.* This regulation is effective immediately.

(c) *Prohibitions.* After the date of this order, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any commodity or service at a price exceeding the ceiling price established by this regulation.

SEC. 3. *General ceiling prices.*—(a) *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers, but in the case of a retailer may have been made by display. If you are a manufacturer or a wholesaler, you cannot, unless permitted by paragraph (b) (1) of this section use a price as your ceiling price to a class of purchaser unless you made at least 10 percent by dollar volume of your total deliveries of the commodity during the base period to that class of purchasers at that price or at a higher price.

(b) *General increase by manufacturers and wholesalers.* If you are a manufacturer or wholesaler of a commodity, you may apply the following provisions in determining your ceiling prices.

(1) *General increases to all of a class of purchasers.* If, before or during the base period, you announced in writing and put into effect a price increase for a class of purchasers by making some deliveries to that class at the higher price and no deliveries at a lower price (except pursuant to written firm commitments made before the price increase), the increased price becomes your ceiling price for that class of purchaser, even though less than 10 percent of your base period deliveries to that class were made at the higher price.

(2) *General increases to several classes of purchasers.* If, before or during the base period, you announced in writing, and communicated to the trade or a substantial number of customers in your customary way, a general increase of prices for base period delivery to more than one class of purchasers and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all purchasers of one or more classes and if you made no deliveries to the other classes (except pursuant to written firm commitments made before the price increase), then the announced increased prices are your ceiling prices for all classes of purchasers for whom increases were announced.

(3) *General increases on several items.* If before or during the base period you announced in writing a price increase on a list of commodities, and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all classes of purchasers of one or more of the commodities covered by the price list, and if those commodities accounted during the year 1950 for at least 30 percent of your dollar sales of the commodities covered by the price list, then the price list prices are your ceiling prices for all the items on the list.

[Section 3 amended by Amdts. 2 and 5.]

NOTE: Ceiling prices revised by Amdts. 2 or 5 became effective March 7, 1951.

SEC. 4. *Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.* (a) If you are a manufacturer of a commodity which you did not deliver or offer for delivery during the base period but which falls within a "category" in which you dealt during the base period, determine your ceiling price by applying to your current unit direct cost the percentage markup you are currently receiving on a "comparison commodity."

Your current unit direct cost for the commodity being priced and for the comparison commodity shall consist of the total unit direct labor and direct material cost for each. The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be of the commodities in that category with lower current unit direct costs, the one most nearly like the commodity being priced. If there is no commodity in the category having a lower current unit direct cost, your comparison commodity is the one with the same or higher current unit direct cost which is most nearly like the commodity being priced. If you are no longer manufacturing any commodities which meet the above standards for a comparison commodity, the commodity which you dealt in during the base period, in the same category, which is most nearly like the commodity being priced, is your comparison commodity, but the current unit direct cost of the base period commodity must be computed by using current material prices and wage rates.

(b) To determine your ceiling price you ascertain the percentage markup for the comparison commodity by comparing its current unit direct cost with its ceiling price. You determine your ceiling price on the new commodity by applying this markup to your current unit direct cost for the new commodity. The ceiling price so determined remains your ceiling price on all subsequent sales.

(c) Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting, or sales. You are required by section 16 of this regulation to prepare a list of your categories

and in applying the pricing provisions of this section, you should refer to this list. You might, for example, have a category such as one of the following: glass containers; fractional horsepower motors; brass mill products; millwork; print cloth yarn fabrics; screw machine products; ball bearings; textile machinery; women's and misses' blouses; house and barn paints; motor oils.

SEC. 5. *Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.* (a) If you are a wholesaler or retailer and wish to determine a ceiling price for a commodity which you did not deliver or offer for delivery during the base period, but which falls within a "category" in which you dealt during the base period, you determine your ceiling price by applying to your net invoice cost the percentage markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceilng price was determined under section 3; and must be, of the commodities in that category with lower costs, the one most nearly like the commodity being priced. (If you have no commodity in the category with a cost below that of the commodity being priced, your comparison commodity is the one with the same or higher cost which is most nearly like the commodity being priced.) The percentage markup of the comparison commodity must be determined with reference to your most recent net invoice cost for that commodity. The ceiling price so determined remains your ceiling price for all subsequent sales of that commodity.

(b) Category means a line of merchandise, a merchandise department, or a group of commodities which are normally classed together in your trade for selling, buying, merchandising or accounting. You are required by section 16 of this regulation to prepare a list of your categories and in applying the pricing provisions of this section you should refer to this list. You might, for example, have a category such as one of the following: men's clothing; men's furnishings; infants' wear; canned fruits; cosmetics and toiletries; frozen foods, notions; musical instruments; women's coats and suits; cotton piece goods; major household appliances; women's house dresses; office furniture; hand tools.

SEC. 6. *Ceiling prices for commodities in new categories; for new services; and for new sellers.* (a) If you are pricing a commodity which is in a different category from any dealt in by you during the base period or if you are selling a service which cannot be priced under section 3, your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity or service to the same class of purchaser.

Once you have determined your ceiling prices under this section you may not redetermine them. Before selling any commodity or service for which you have determined a ceiling price under this section you must file the report required by paragraph (b) with the Director of Price Stabilization, Washington 25, D. C., and, in addition, you must observe the following requirements:

(1) *If you are a manufacturer,* you may not sell the commodity until ten days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(2) *If you are a wholesaler,* you may not sell the commodity until thirty days after mailing the report; thereafter you may sell the commodity at your proposed ceiling prices unless and until you are notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(3) *If you are a retailer or are selling a service,* you must prepare and maintain for the commodities or services being priced under this section the records required of you under section 16. You may begin sales of the new commodities and services as soon as you have prepared these records and mailed the required report to the Director of Price Stabilization, Washington 25, D. C., and may continue to sell them unless and until notified by the Director of Price Stabilization that your ceiling prices have been disapproved or that more information is required. If, as a retailer, you feel that because of the large number of new commodities which you propose to sell, an item by item price comparison would be too burdensome, you may apply to the Director of Price Stabilization for an alternative method of establishing ceiling prices. Your application should contain the information required in paragraph (b) together with a complete statement of the formula proposed and your reasons demonstrating that it will result, on the average, in ceiling prices no higher than those of your most closely competitive sellers. In such a case you may not begin sales of any commodity with reference to which the application has been made until the Director of Price Stabilization has fixed a method for establishing your ceiling prices.

(b) *Required report if you are pricing under this section.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are starting a new business, a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a manufacturer:* Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing processes involved; your unit direct costs; and the types of customers to whom you will be selling.

(2) *If you are a wholesaler:* Your proposed ceiling price and your net invoice cost of the commodity being priced; the names and addresses of your sources of supply, the function performed by them (e. g., manufacturing, distributing, etc.), and the types of purchasers to whom they customarily sell; the types of customers to whom you plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(3) *If you are selling a service:* Your proposed ceiling price and a description of the most comparable service delivered by you during the base period showing your present direct labor and materials costs and ceiling price for it.

SEC. 7. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity or service under any of the foregoing provisions of this regulation (which, in the opinion of the Director of Price Stabilization, provides adequate pricing instructions for virtually all transactions), you may apply in writing to the Director of Price Stabilization, Washington, 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the commodity or service, and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the commodity or service until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 8. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 9. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 10. *Exporters and importers*—(a) *Exporters.* Sales by persons exporting commodities from the United States (or its territories and possessions) are subject to the provisions of this regulation. If the ceiling price is determined by the seller for domestic purchasers, it may be adjusted pursuant to section 9 to take account of the seller's customary differentials for export sales.

(b) *Importers.* Sales made within the territorial jurisdiction of the United States, its territories and possessions, of Commodities imported by the sellers from other countries are subject to the provisions of this regulation.

(c) *Special provision for importers with existing purchase commitments.* (1) If you resell a commodity which you import in substantially the same form (except for services normally performed by importers such as sorting or packaging), or sell that commodity after simple processing operations by you, such as wool scouring or coffee roasting, you may adjust a ceiling price determined under section 3 for any such commodity which is delivered to you pursuant to a contract dated on or before January 26, 1951, to offset an increase in landed cost since the base period. The amount of the permitted increase is the dollar and cents amount by which your current landed cost per unit exceeds your highest base period landed cost for the commodity.

(2) If you are adjusting your ceiling prices under this section for any of the commodities listed below, you must within ten days after your first sale at the new price, file with the Director of Price Stabilization, Washington 25, D. C., a report showing your base period price, current foreign invoice price and total landed costs of commodities repriced. This paragraph applies to importers of the following kinds of commodities: Non-ferrous metals; ferro-alloys; minerals; raw agricultural products; textile fibres and fabrics; chemicals; metal scrap, crude and semi-finished steel; lumber and pulp.

(3) The landed cost means the foreign invoice price plus the following expenses actually incurred: (i) transportation costs; (ii) customs duties or import taxes; (iii) other commodity taxes; (iv) dock charges; (v) clearance; (vi) insurance; (vii) letter of credit expenses; and (viii) any customary buying commission to a purchasing agent outside the continental United States.

SEC. 11. *"Parity" adjustments in ceiling prices*—(a) *Commodities covered by this section.* This section applies to the following listed agricultural commodities and to products processed from any one or more of them.

Listed Agricultural Commodities

Field crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Rye
- Sorghums for grain
- Wheat

Livestock and Livestock products:
- Butterfat
- Chickens
- Eggs
- Milk, wholesale
- Turkeys
- Beeswax

Sugar crops:
- Maple sirup
- Maple sugar
- Sorghum sirup
- Sugar beets
- Sugarcane sirup

Fruits:
- Apples
  - For fresh consumption
  - For canning
  - For drying
- Apricots
  - For fresh consumption
  - For canning
  - Dried
- Avocados
- Blackberries
- Boysenberries
- Cherries
  - Sweet
  - Sour
- Cranberries
- Dates
- Figs
  - For fresh consumption
  - For canning
- Grapefruit
- Grapes, excluding raisins dried
- Lemons
- Limes
- Loganberries
- Olives
  - For canning
  - Crushed for oil
- Oranges and tangerines
- Peaches
  - For fresh consumption
  - For canning
    - Clingstone
    - Freestone
  - Dried
- Pears
  - For fresh consumption
  - For canning
  - Dried
- Pineapples, Florida
- Plums
  - For fresh consumption
  - For canning
- Raspberries, black
- Raspberries, red
- Strawberries
  - For fresh consumption
- Youngsberries

Tree-nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Tobacco:
- Flue-cured, types 11, 14
- Burley, type 31
- Cigar filler and binder, types 42–44, 46, 51–55
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35–36
- Fire cured, types 21–24
- Maryland, type 32
- Pa. seedleaf, type 41
- Sun cured, type 37

Vegetables:
- Artichokes
- Asparagus
  - For fresh consumption
- Beans, Lima
- Beans, Snap
- Beets
- Cabbage
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Corn, sweet
- Cucumbers
  - For fresh consumption
- Eggplant
- Garlic
- Kale
- Lettuce
- Onions

Vegetables—Continued
- Peas, green
- Peppers, green
- Pimientos
- Shallots
- Spinach
- Tomatoes
- Watermelon
- Potatoes
- Sweet Potatoes

Miscellaneous:
- Popcorn
- Honey
- Hops
- Peppermint oil
- Spearmint oil
- Tung nuts

(b) *Processors and Manufacturers.* This section applies to you only if:

(1) You sell a product which you process from one or more of the listed agricultural commodities (or from a product processed from them), the prices of which are below the legal minimum, and you are not, as to that processing operation, a manufacturer covered by the Manufacturers' General Ceiling Price Regulation (CPR 22), *and*

(2) The cost to you of a current customary purchase of the listed agricultural commodity (or the product processed therefrom) exceeds the highest price you incurred or paid during the base period. In such case you may increase the ceiling price (as otherwise determined in this regulation) for your product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased the ceiling price for your product, you may increase your present ceiling price for the product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

You may not, however, after May 30, 1951, put the ceiling price increase into effect unless and until you have first sold an amount of your product at least equal to the quantity of finished product owned by you at the close of business on the day you otherwise would have been entitled to put that ceiling price increase into effect under this section, except that this sentence shall not apply to sales on commodity exchanges (as defined in paragraph (e) of this section.)

Example: You are a processor of evaporated milk, a product processed from a listed agricultural commodity.

The highest price paid by you for a customary purchase of manufacturing milk in the base period was $3.80 per cwt. The cost to you of the most recent purchase is $4.00 per cwt.—a difference of 20 cents or $\frac{2}{10}$ cent per lb. At the time you made the $4.00 purchase you have an inventory of 100 cases of evaporated milk.

If you use 94 lbs. of milk to produce a case of evaporated milk, you are entitled to increase your maximum price per case by 18.8 cents per case (94 x $\frac{2}{10}$ cent). But you may not put that increase into effect until after you have first sold 100 cases.

If, subsequent to this adjustment, the price you pay for a customary purchase of manufacturing milk should increase to $4.10—a further increase of $0.10 per cwt. or $\frac{1}{10}$ cent per lb.—you may, after first selling the number of cases equal to your inventory on the date you made the $4.10 purchase, add an additional 9.4¢ to your maximum price per case (94 x $\frac{1}{10}$ cent).

(3) (i) If (1) you are a producer-processor, and (2) you cannot otherwise determine your ceiling price under subsection (b) (2) above because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may, for purposes of subsection (b) (2), use as your costs the prices (with adjustment for difference in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing.

(ii) If (1) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts, which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you, and at the time of sale of the processed product, and (2) you cannot otherwise determine your ceiling price under subsection (b) (2) above because you do not customarily purchase any amount of a listed agricultural commodity at prices finally determined at the time of sale, you may, for purposes of subsection (b) (2), use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (bushels, tons, carloads, etc.), at firm prices for processing.

(iii) If (1) you are a producer-owned cooperative processor, and (2) you cannot otherwise determine your ceiling price under subsection (b) (2) above because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation.

(c) *Distributors.* This section applies to you only if:

(1) You buy and resell in substantially the same form one or more of the listed agricultural commodities or a product processed from them, and

(2) The cost to you of a current customary purchase of that commodity or product exceeds the highest price you incurred or paid for it during the base period.

In such case you may increase your ceiling price (as otherwise determined in this regulation) for the commodity or product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased your ceiling price for the commodity or product, you may increase your present ceiling price for that commodity or product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(d) *Method for Computing "Parity" Adjustments Where No Customary Purchase Was Made During the Base Period.* If you cannot figure your increase under subsections (b) and (c) above because you made no customary purchase during the base period, then the highest price you paid during the most recent five-week period prior to the base period in which you made a customary purchase shall be your highest price within the meaning of Section 11 (b) (2) and 11 (c) (2).

(e) *Method for Computing "Parity" Adjustments Where Prices Have Been Based Customarily on Commodity Exchange Quotations.* In case any of the above listed commodities or products processed from them are traded regularly upon a recognized commodity exchange that maintains daily records of transactions or quotations, and if it has been both your own practice and the general practice of your industry to figure selling prices on the basis of commodity exchange quotations, the increase per unit you are entitled to add under subsections (b) and (c) shall be the difference in dollars and cents between (1) the quotation upon which your ceiling price under this regulation was based, and (2) the comparable current quotation.

(f) *Notice of "Parity" Adjustment Increases.* (1) If you are a processor or a manufacturer to whom the provisions of Section 11 (b) (2) are applicable, you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) Your existing ceiling price and the description of the commodity;

(ii) The highest price you paid for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity during the base period, or, if you have previously increased your price, then the price upon which you based your existing ceiling price;

(iii) The new cost or new commodity exchange quotation, whichever is applicable;

(iv) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price of the commodity.

(2) If you are either a producer-processor pricing under Section 11 (b) (3) (i), or a processor operating under "open" price or deferred payment contracts and pricing under Section 11 (b) (3) (ii), you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The name and address of your nearest competitor selected pursuant to Section 11 (b) (3) (i) or Section 11 (b) (3) (ii);

(ii) The highest price paid for the listed agricultural commodity in the base period by your nearest competitor, or his ceiling price (determined before application of this Section 11), or your dollar-and-cent per unit margin in the base period (determined by taking your ceiling price, as determined under this regulation before application of Section 11, and subtracting from it the highest per unit price paid by your nearest competitor for a customary purchase in the base period).

(iii) The current price paid for a customary purchase of the listed agricultural commodity by your nearest competitor.

(iv) Your ceiling price, as determined under this regulation, before application of this Section 11.

(v) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price.

(3) If you are a cooperative-processor pricing under Section 11 (b) (3) (iii), you may increase your ceiling price without first giving any notice, but must, within 30 days after the end of each normal accounting period during which you increased your ceiling price, notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

(g) *Effect of Notification of "Parity" Adjustment.* Upon mailing the notification required in paragraph (f) above, you may charge the new ceiling price. If, in the judgment of the Director of Price Stabilization, the increase is deemed unreasonable, excessive or otherwise improper, he may disapprove the price and restore the old ceiling price or establish a new ceiling price and may apply it retroactively.

(h) *Effect of Removal From List of Agricultural Commodities.* This section shall cease to apply to a commodity if, after consultation with the Secretary of Agriculture, the Director of Price Stabilization determines that the requirements of the Defense Production Act of 1950 are satisfied as to such commodity. The ceiling price for the seller of any product processed from any such commodity shall thereafter be determined under the provisions of this regulation, except that, if such ceiling price is determined under Section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

Notwithstanding anything contained in this subparagraph (h) to the contrary, the ceiling price for fluid milk, which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or any marketing agreement, license or order, or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that Act, and, for purposes of such sales and purchases only, fluid milk shall be deemed to remain on the list of agricultural commodities.

[Section 11 amended by Amdts. 1, 7, 10, 13 and 14]

SEC. 12. *Group of retail sellers under common control.* A group of retail sellers under common ownership or control which had an established practice of centrally determining uniform prices during the base period for some or all of their categories of commodities or services, may treat the entire group of retail sellers as one seller for the purpose of (a) computing ceiling prices for the commodities or services for which this practice existed and (b) complying with the record-keeping, reporting and filing provisions of this regulation.

The ceiling prices shall be the uniform centrally determined prices. Records shall be centrally kept, listing the names and addresses of all retail sellers of this group. If a group of retail sellers determines ceiling prices under this section, each retail outlet which is a member of the group must continue to abide by the ceiling prices under this section. The permission granted by this section may be withdrawn by the Director of Price Stabilization from any group of retail sellers upon consideration of the price records maintained by such group and such reports as he may require.

SEC. 13. *Highest price line limitation for manufacturers of wearing apparel and consumer durable goods—(a) Manufacturers with base period sales.* If you manufacture certain wearing apparel or consumer durable goods falling within a list of categories which will be issued shortly you may not, after the effective date prescribed in the supplementary order, sell a comodity in any such category at a price higher than your ceiling price determined under section 3 for a commodity in that category.

Example: Your base period ceiling prices for women's rayon dresses were $5.75, $6.75 and $8.75. You will not be permitted to sell any women's dresses at a price in excess of $8.75.

(b) *Manufacturers without base period sales.* If you did not deliver during the base period, or offer in writing for delivery during the base period, any commodity in a particular category listed, you must apply to the Director of Price Stabilization, Washington 25, D. C., for a highest price line limitation for the category which you wish to sell.

SEC. 14. *Exemptions and exceptions.* This regulation does not apply to the following:

(a) Prices or rentals for real property;

(b) Rates or fees charged for professional services;

(c) Prices or rentals for:

(1) Materials furnished for publication by any press association or feature service;

(2) Books, magazines, motion pictures, periodicals, or newspapers, other than as waste or scrap;

(d) Rates charged by any person in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting or television station, a motion picture or other theatre enterprise, or outdoor advertising facilities;

(e) Rates charged by any person in the business of selling or underwriting insurance;

(f) Rates charged by any common carrier or other public utility;

(g) Margin requirements on any commodity exchange;

(h) Sales of bonds, stocks, and other evidences of indebtedness representing monetary obligations only;

[Paragraph (h) amended by Amdt. 4]

(i) Sales of stamps and coins, precious stones, paintings, other objects of art, and commodities made prior to 1850;

(j) Sales of used personal or household effects by a private owner;

(k) Sales and deliveries at a bona fide auction of used household or personal effects, except that this exception shall not apply to any sale at auction conducted in, by, or for a retail or wholesale establishment regularly engaged in the business of selling such commodities other than by auction.

(l) Indian and Eskimo handicraft objects which are produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(m) Sales and deliveries of damaged commodities by insurance companies, transportation companies, or agents of the United States Government or by any other person engaged in reconditioning and selling damaged commodities received, in direct connection with the adjustment of losses, from insurance companies, transportation companies, or agents of the United States Government: *Provided,* That such person is engaged principally and primarily in such business and is not engaged in selling new or second-hand commodities for his own account.

(n) Sales or deliveries of commodities made or produced by the seller at his home, solely for his own account, without the assistance of hired employees, if the total of such sales or deliveries does not exceed $200 in any one calendar month.

(o) Services the rates of which are regulated by the Department of Agriculture under the Stockyards and Packers Act.

(p) Sales of abandoned or confiscated property by Government agencies or pursuant to a court decree.

(q) Sales of commodities or services the ceiling prices of which are now or subsequently established by other regulations or orders of the Director of Price Stabilization or by voluntary agreements approved in accordance with the provisions of Section 708 of the Defense Production Act of 1950.

(r) Sales of military and strategic commodities but only to the extent specified by supplementary regulations or orders which will be issued defining the scope of this exemption.

(s) The following food, agricultural and related commodities (including any that may be imported):

(1) (i) The following commodities only when sold by the producers thereof: Eggs, dry edible beans and peas, and popcorn. In addition, any other agricultural commodity in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

(ii) The exemption established by this subparagraph shall not apply to sales, other than by producers, of any agricultural commodity not now listed in section 11 (a) or hereafter deleted by the Director of Price Stabilization from the section 11 (a) list. The ceiling price for sales, other than by producers, of any commodity hereafter deleted from the section 11 (a) list shall, after such deletion, be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

[Paragraph (1) amended by Amdts. 1, 7, 13 and 14]

(2) Any commodity grown and processed on the farm when sold by the farmer if the total of such sales and deliveries does not exceed $200 in any one calendar month.

(3) Raw wool when sold by the producer and mohair when sold by the producer.

[Paragraph (3) amended by Amdt. 13]

(4) Cotton when sold by the producer of that commodity.

(5) American-Egyptian cotton and extra long staple cotton grown outside the United States.

NOTE: Contracts for the sale of extra long staple cotton grown outside the United States executed on or after February 11, 1951, shall not be deemed in violation of the General Ceiling Price Regulation.

[Paragraph (5) amended by Amdt. 9]

(6) All live animals.

(7) All fresh fruits, including berries and tree nuts, and all fresh vegetables.

[Paragraph (7) amended by Amdt. 13]

(8) Fresh fish, seafood and game, and frozen fish and shellfish.

[Paragraph (8) amended by Amdt. 11]

(9) Seeds including hay, pasture, legume and covercrop seeds and other seeds.

(10) Crude pine gum when sold by the producer.

[Paragraph (10) amended by Amdt. 1]

(11) The following oil seeds or nuts, their oils and fatty acids or combinations of these oils so long as the oils remain in a form customarily designated by the trade as "oil":

Babassu kernels.	Ouricury kernels.
Babassu oil.	Ouricury oil.
Cacao butter.	Palm oil.
Cashew nut shell liquid.	Palm kernels.
Castor beans.	Palm kernel oil.
Castor oil.	Perilla seeds.
Cod oil.	Perilla seed oil.
Cohune kernels.	Poppyseed.
Cohune oil.	Poppyseed oil.
Coquito kernels.	Rapeseed, rapeseed oil.
Coquito oil.	Rubberseed.
Copra.	Rubberseed oil.
Cocoanut oil.	Sesame seed.
Hemp seed.	Sesame oil.
Hemp seed oil.	Shark oil.
Kapok seed.	Sperm oil.
Kapok seed oil.	Sunflower seed.
Muru-muru kernels.	Sunflower seed oil.
Muru-muru oil.	Tucum kernels.
Oiticica oil.	Tucum oil.
Olive oil, edible, sulphur and other inedible.	Tung oil.
	Whale oil.

[Paragraph (11) amended by Amdt. 1]

(12) Flue cured tobacco, types 11 to 14, when sold by the producer.

(13) Cotton seed when sold by the producer.

(14) Dried figs, raisins and prunes when sold by the producer.

(15) Broom corn when sold by the producer.

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Paragraphs (12), (13), (14), (15), (16) added by Amdt. 1]

(17) Cut greens when used for decorative purposes, such as ferns and the boughs and leaves of trees and shrubs; nursery stock; and natural flowers and floral products, such as cut flowers, flowering plants, foliage plants, and bulbs for planting purposes.

[Paragraph (17) added by Amdt. 8]

(18) All domestically produced and imported geese, guineas, squabs, pigeons, quail, partridges, pheasants, rabbits and hares, whether, in processed or unprocessed form, and at all levels of purchase and sale, provided that the feathers of geese are not covered by this exemption.

[Paragraph (18) added by Amdt. 12]

SEC. 15. *Amendments, protests and interpretations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate. Price Procedural Regulation No. 1 sets forth the circumstances and the manner in which you may obtain an official interpretation of this regulation; file a protest; or petition for an amendment. If the Director of Price Stabilization determines that adjustments are necessary to prevent or correct hardships or inequities and can be put into effect consistently with the objectives of the Defense Production Act of 1950, he will issue appropriate amendments or supplementary regulations providing for such adjustments.

SEC. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer).

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services you must prepare and preserve a statement listing the services which you delivered or offered to deliver during the base period.

[Paragraph (2) amended by Amdts. 3 and 5]

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. If you are a retailer you may satisfy the requirement of this paragraph (3) by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

[Paragraph (3) amended by Amdts. 3 and 5]

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(5) If you operate a restaurant, you are required to preserve all menus used by you during the last ten days of the base period and all menus hereafter used by you.

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price.

(c) In certain situations, other sections of this regulation require additional records to be prepared or submitted.

SEC. 17. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 18. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 19. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 20. *Separate statement of taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar taxes paid by you as such only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after January 26, 1951, you may collect the amount of the tax actually paid as such by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 21. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 22. *Definitions and explanations.* This General Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Business establishment. This term refers to the physical location of the store, shop or other place of business in which commodities are manufactured or sold or at or from which commodities or services are supplied.

Class of purchaser or purchaser of same class. This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

Commodity. This term includes commodities, materials, articles, products, supplies, components, and processes.

Delivered. A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser. A service shall be deemed to have been delivered or supplied during the specified period if during the period it was completed or in process.

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

Exporter. This term means any person selling a commodity priced under this regulation either directly or through an agent and delivering or shipping to a place outside the United States, its territories and possessions.

Importer. This term means the person by whom a commodity is imported and who first sells it after importation.

Imported. A commodity is imported which is transported from a place outside to a place inside the United States, its territories or possessions, for sale within such area.

Manufacturer. This term refers to any person who is engaged in business other than as a wholesaler or retailer.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity or service (e. g., if you are a wholesaler of a commodity, your most closely competitive seller may be a manufacturer; or, if you are a retail supplier of a service, your most closely competitive seller may be a wholesaler). You are in direct competition with another seller who sells the same types of commodities or services to the same classes of purchaser in similar quantities, on similar terms and, if you are selling a commodity, you supply approximately the same amount of service.

Net invoice cost. This term refers to your invoice cost less any discount or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Offering price. The price at which a commodity or service was offered means the price quoted in the seller's price list, or if he had no price list, the price which he regularly quoted in any other manner. This regulation requires that an offer for sale other than at retail must have been in writing. For sales of commodities at retail the offer must have been made at the immediate point of sale (e. g., the shelves or counters). The term offering price does not include a price intended to withhold a commodity or service from the market or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Records. This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Restaurant. This term refers to any establishment in which meals, food items, or beverages are sold and served primarily for consumption on or about the premises (hotels, soda fountains, boarding houses, lunch wagons, etc., are included).

Sale at retail and retailer. Sale at retail means a sale to an ultimate consumer other than an industrial or commercial user. A seller who in the regular course of business makes sales at retail is a retailer.

Sale at wholesale and wholesaler. Sale at wholesale means a sale by a person who buys a commodity and resells it, without substantially changing its form, or who supplies a service, to an industrial or commercial user, or to any person other than the ultimate consumer. A seller who in the regular course of business makes sales at wholesale is a wholesaler.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly. Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

Seller. This term includes the seller of any commodity or service. Where a seller makes sales or supplies services through more than one selling unit (other than salesmen making sales at uniform price) each such separate place of business shall be deemed to be a separate seller.

Service. This term includes any service rendered or supplied, otherwise than as an employee.

Unit direct cost. This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general or selling expenses.

You. The pronoun you as used in this regulation indicates the person subject to the regulation.

Calculations of ceiling prices involving fractions. Fractions of a cent remaining after the total price for a quantity sold has been calculated shall be dropped if less than a half cent and increased to the nearest higher cent if a half cent or more.

[Sec. 22 amended by Amdts. 2, 6 and 7]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-6737; Filed, June 7, 1951; 11:27 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 8]

MO-8—MOLYBDENUM CONCENTRATES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on deliveries.
4. Application by foreign consumers.
5. Allocations.
6. Exemption.
7. Restriction on use by producers.
8. Records and audits.
9. Adjustments and exceptions.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for an equitable distribution of the limited supply of molybdenum concentrates so as best to serve the interests of the national defense program and essential civilian production. It permits delivery of molybdenum concentrates only upon the expressed authorization of the Defense Minerals Administration. It applies equally to domestic shipments and to exports for foreign consumption. The use and consumption of molybdenum concentrates by producers is restricted.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, or division thereof, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government, and authorized representatives thereof.

(b) "Molybdenum concentrates" means and includes:

(1) All natural molybdenum ore containing 30 percent or more of molybdenum.

(2) All natural molybdenum concentrates containing 30 percent or more of molybdenum in the mineral form.

(c) "Use" means the conversion of molybdenum concentrates into any molybdenum product including, but not limited to, molybdenum oxides, ferromolybdenum, and all primary molybdates.

SEC. 3. *Restrictions on deliveries.* (a) After June 30, 1951, no person shall deliver or accept delivery of molybdenum concentrates in any calendar month except in accordance with the written authorization of the Defense Minerals Administration issued for that month.

(b) Any person seeking an allocation of molybdenum concentrates shall make application to the Defense Minerals Administration not later than the 15th day of the month preceding the month in which delivery is sought. An application for an allocation for delivery in July 1951 must be filed not later than June 15, 1951. The Defense Minerals Administration may from time to time change the dates for filing applications, in which case all interested parties will be notified.

(c) Deliveries authorized for a specific month may not be made or received in a subsequent month.

(d) An application for an allocation shall be filed in the form of a letter containing the following information: (Data as to quantity shall be in terms of pounds of contained molybdenum.) (1) Name and address of applicant, (2) location of plant for which allocation is requested, (3) quantity of molybdenum concentrates sought, (4) quantity of molybdenum concentrates on hand or in transit, and (5) name and address of supplier, if any.

SEC. 4. *Application by foreign consumers.* (a) Applications of consumers located in the following countries shall be filed with the Economic Cooperation Administration:

Austria.
Belgium (and oversea territories) and Luxembourg.
Denmark.
France (and oversea territories).
Western Germany.
Greece.
Iceland.
Italy.
Netherlands.
Norway.
Portugal.
Sweden.
Switzerland.
Trieste.
Turkey.
United Kingdom (and oversea territories).
Jugoslavia.
Burma.
China (Taiwan).
Korea.
Indo-China.
Indonesia.
Thailand.
Philippines.

Applications of consumers located in Canada shall be filed with the Department of Defense Production, Ottawa, for forwarding to the Canadian Division of the National Production Authority. Applications of all other foreign consumers shall be filed with the Office of International Trade. Such applications shall meet the informational and filing requirements contained in section 3 of this order and such other requirements as the aforesaid Government agencies may prescribe.

(b) No application of a foreign consumer shall be considered by the Defense Minerals Administration (1) unless filed in accordance with paragraph (a) of this section and (2) it bears the endorsement of the Government agency processing the application.

SEC. 5. *Allocations.* The Defense Minerals Administration shall allocate the supply of molybdenum concentrates by directing deliveries of specific amounts to specific applicants. Such direction shall require a supplier to make delivery to the extent of the applicant's purchase order within the limits of the directive.

SEC. 6. *Exemption.* Exempted from the provisions of section 3 of this order are deliveries to any person whose total receipts from all sources during the calendar month in which such deliveries are received are not thereby made to exceed 200 pounds of molybdenum concentrates, and who delivers a signed certification to his supplier as follows: "Certified under DMA Order MO–8". Such certification constitutes a representation to the supplier and to the Defense Minerals Administration that the purchaser is authorized under the provisions of this order to accept delivery of molybdenum concentrates as permitted in this order and that his receipt of the shipment in the amount requested, during the month of the specified delivery, will not bring his total receipts of molybdenum concentrates during that month above 200 pounds.

SEC. 7. *Restriction on use by producers.* No person producing molybdenum concentrates shall use or consume molybdenum concentrates in any calendar month except in accordance with the written authorization of the Defense Minerals Administration. Applicants for such authorization shall comply with the informational requirements and filing procedure set forth in section 3 of this order.

SEC. 8. *Records and audits.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts and deliveries in sufficient detail to permit inspection and audit by representatives of the Defense Minerals Administration to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained provided such records supply and adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Applications for adjustments or exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the Defense Minerals Administration, Department of the Interior, Washington 25, D. C.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or who furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control, and to deprive him of further priorities assistance.

This order shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51–6738; Filed, June 7, 1951; 11:43 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1, as Amended]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing areas, originally issued at 16 F. R. 3838 (May 2, 1951), amended at 16 F. R. 4199 (May 8, 1951) and amended

at 16 F. R. 4802 (May 23, 1951), is hereby amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)

CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. [illegible]	do	May 8, 1951
3. Colorado Springs	Colorado	May 8, 1951
4. [illegible] Lake	New York	May 23, 1951
5. Fort Leonard Wood Area	Missouri	May 23, 1951
6. Camp Cooke Area	California	June 8, 1951
7. [illegible]	Washington	June 8, 1951
8. San Marcos	Texas	June 8, 1951

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51–6675; Filed, June 7, 1951; 8:55 a. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 32 (SRM–1)]

SRM–1—EXPENDITURE CONTROL AND DISTRIBUTION OF JOB ORDERS AND WORKSMALREP CONTRACTS

Sec.
1. What this order does.
2. Responsibilities of Heads of Local Offices, Division of Ship Repair and Maintenance.
3. Responsibilities of General Agents.
4. General provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* In view of the ever present possibility that commitments being made by General Agents and by the field offices of the Division of Ship Repair and Maintenance for the maintenance and repair of vessels, which in the aggregate may exceed the allotment of funds available for these purposes, and in order to stay within available appropriations, this Order requires a definite and prescribed procedure to be followed with respect to the preparation of repair documents and the prompt reporting, controlling and accounting of all commitments and expenses in connection therewith.

SEC. 2. *Responsibilities of Heads of Local Offices, Division of Ship Repair and Maintenance.* The Heads of such local Offices shall:

(a) Where work is awarded by a responsible field representative, Division of Ship Repair and Maintenance, prepare at least five (5) copies of the Job Order, Supplemental Job Order or Worksmalrep Contract for distribution as follows:

(1) One (1) executed copy to be retained by the issuing office.

(2) One (1) executed copy to be furnished the contractor.

(3) One (1) executed copy to be attached to the voucher for payment.

(4) One (1) executed copy to be forwarded to the office of the Chief of the appropriate District Office. (This item applies to distribution from Local Offices only.)

(5) One (1) unexecuted copy to be forwarded to the office of the Chief, Division of Ship Repair and Maintenance, Washington, D. C.:

(i) Within twenty-four (24) hours after the receipt of contractor's itemized prices when work is awarded as a result of a competitive bid, or

(ii) Within twenty-four (24) hours after agreement has been reached on prices for work awarded on a negotiated price basis.

SEC. 3. *Responsibilities of General Agents.* The General Agents shall:

(a) Where the cost of work is within the General Agent's authorized limitation as to amount and where the work is awarded by the General Agent prepare at least five (5) copies of each Job Order, Supplemental Job Order or Worksmalrep Contracts for distribution as follows:

(1) One (1) executed copy to be retained by the General Agent.

(2) One (1) executed copy to be furnished to the Contractor.

(3) One (1) executed copy to be attached to the voucher for payment.

(4) One (1) executed copy to be forwarded to the Local or District Office, Division of Ship Repair and Maintenance, as the case may be.

(5) One (1) unexecuted copy to be forwarded direct to the office of the Chief, Division of Ship Repair and Maintenance, Washington, D. C.

(i) Within twenty-four (24) hours after the receipt of contractor's itemized prices when work is awarded as a result of competitive bids, or

(ii) Within twenty-four (24) hours after agreement has been reached on prices for work awarded on a negotiated price basis.

SEC. 4. *General provisions.* (a) General Agents and District Managers and Heads of Local Offices, Division of Ship Repair and Maintenance, are cautioned that they are strictly accountable and responsible for the preparation of complete, detailed and fully descriptive specifications, in order that the greatest possible degree of competition may be obtained on each job to minimize the amount of work awarded at negotiated rather than competitive prices.

(b) In the preparation of Job Orders, Supplemental Job Orders and Worksmalrep Contracts the itemized prices, together with costs by Group Numbers as set forth and described below are to be inserted thereon:

No.	Classification
41	*Maintenance repairs.* (Deck, engine and steward's department repairs resulting from ordinary wear and tear.)
42	*Original installation of, repairs to, and/or removal of special service or national defense features.*
44	*Conversions.* (Conversion of vessels to troop carriers, hospital ships, and for other special purposes.)
51	*Alterations and additions.* (Additional equipment, such as, spar decks, special trade route requirements, heavy lift equipment, change of cargo or passenger space, increasing speed of vessel, and other structural changes.)
52	*Strengthening of newly constructed vessels.* (Strengthening of vessels according to program.)
54	*Damage repairs.* (Claimed as a result of enemy action, heavy weather, stranding, collision, fire, stevedore damage, ice damage, and other damages.) NOTE: All items chargeable to each separate casualty to be properly identified and segregated both with respect to casualty and cost.
63	*Builders' and vendors' guaranty work.* (Repairs and replacements chargeable to builders and vendors of equipment—separate cost to be furnished for each item.)
64	*Repair contractors' guarantee items.* (Repairs to correct deficiencies due to faulty workmanship and/or materials incident to prior repairs performed under provisions of Master Repair Contract where responsible contractor was properly put on notice and was unable to effect necessary corrections due to location of vessel.)
65	*Other costs.* (Temporary lights, tugs to shift vessel while in contractor's yard, and other miscellaneous work requiring distribution of costs over more than one group.)
66	*Miscellaneous expenses applicable to voyage operating expense.* (Removal of cargo debris, garbage disposal, fresh water when not required for testing purposes, cleaning cargo and other tanks where no repairs or alterations are involved, and other similar expenses.)

(c) In no event shall the execution of formal Job Order or Worksmalrep Contracts be delayed after the contractor has furnished breakdown of costs and after the expenditure has been authorized.

(d) The copy of the Job Order, Supplemental Job Order or Worksmalrep Contract which is to be furnished the office of the Chief, Division of Ship Repair and Maintenance, Washington, D. C., shall be forwarded direct without supporting specifications at the close of the day upon which issued. The envelope in which these Job Orders, Supplements and Worksmalrep Contracts are forwarded to Washington should be identified as to its contents by the insertion on its front side of the words "Job Orders". In the event no Job Orders, Supplemental Job Orders, or Worksmalrep Contracts are issued during the day, an envelope, in the above form, shall be forwarded to the office of the Chief, Division of Ship Repair and Maintenance, containing statement to the effect that "no Job Orders, Supplemental Job Orders, or Worksmalrep Contracts" were issued during that particular day.

(e) A copy of all Purchase Orders and priced Warehouse Delivery Tickets shall be forwarded to the office of the Chief, Division of Ship Repair and Maintenance, as soon as available, in the same manner as prescribed above, and shall bear the Job Order and Contract Number in connection with which the material was used.

(f) General Agents and District Manager and Heads of Local Offices, Division of Ship Repair and Maintenance, shall also be held strictly accountable and responsible for exceeding their limitations on expenditures without securing prior approval in conformance with prevailing regulations and in advance of the issuance of original or supplemental Job Orders. All responsible field representatives, Division of Ship Repair and Maintenance, are hereby directed to withhold approval of work awarded by General Agents in excess of their existing limitations without prior reference to such appropriate field representative. When it becomes necessary for a responsible field representative, Division of Ship Repair and Maintenance, to withhold approval of an expenditure incurred by a General Agent in excess of prescribed limitations, complete details concerning the circumstances, together with such explanation as the General Agent's representative has to offer shall be referred to the Chief, Division of Ship Repair and Maintenance.

(g) It is absolutely essential that the daily reporting of repair commitments or expenditures as described above be carried on without fail and without deviating from these instructions by all Local Offices, Division of Ship Repair and Maintenance, as well as all General Agents. Strict compliance with these instructions is required.

Effective date. This order shall be effective on date of publication in the FEDERAL REGISTER.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-6618; Filed, June 7, 1951; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GRAND TETON NATIONAL PARK; FISHING

Subparagraph (2), paragraph (b), entitled *Fishing*, of § 20.22, entitled *Grand Teton National Park*, is amended to read as follows:

(2) Only one artificial fly or lure such as a spinner, wobbler, or plug with a single hook may be used, except in Jackson Lake where one multiple hook may be used. The use of fish eggs or fish for bait is prohibited, except that dead fish may be used for bait in Jackson Lake and in the Snake River for a distance of 1,000 feet downstream from Jackson Lake Dam, but excluding those waters within 135 feet of said Dam where no fishing is permitted.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C., sec. 3)

Issued this 4th day of June 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6607; Filed, June 7, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-424]

PART 197—RELATING TO THE INSTALLMENT SALE AND FINANCING OF MOTOR VEHICLES

NOTICE OF FURTHER POSTPONEMENT OF EFFECTIVE DATE

The Commission, upon due consideration, has postponed the effective date of the trade practice rules on the above-entitled subject[1] for a further period of thirty (30) days from June 7, 1951.

By direction of the Commission.

Issued: June 5, 1951.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-6621; Filed, June 7, 1951; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-6]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC

STALLING DEMONSTRATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of June 1951.

In promulgating on April 30, 1951, Amendment 3-5 to Part 3 relating to stalling requirements, it was the Board's intention, in the interest of clarity, to revert to the original language of the regulation effective prior to January 15, 1951. The original regulation established alternative standards for the stall maneuver, depending upon whether or not the airplane possessed adequate stall warning characteristics. Through inadvertence, Amendment 3-5 of § 3.120 (e) was promulgated without reference to the standard required where adequate stall warning was present. Since adequate stall warning characteristics have been made mandatory by Amendment 3-4, effective January 15, 1951, the appropriate standard to be applied is the one previously required when there were present adequate stall warning characteristics, and, indeed, the need for the alternative standard no longer exists. We have been advised that aircraft manufacturers have generally complied with the alternate standard applicable when adequate stall warning was present and that for most current aircraft the other standard is impractical. For these reasons this amendment sets forth a single standard for the stall maneuver, which is intended to make it possible during recovery to prevent more than 15 degrees roll or yaw by the normal use of controls and to require the excess of pitch or loss of altitude over certain limits to be noted in the Airplane Flight Manual. This is substantively the same standard which prior to January 15, 1951, was effective for those airplanes which had adequate stall warning characteristics.

[1] 16 F. R. 1059.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and since this regulation imposes no burden on anyone, the Board finds that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 (14 CFR, Part 3, as amended) effective June 4, 1951:

By amending paragraph (e) of § 3.120 to read as follows:

§ 3.120 *Stalling demonstration.* • • •

(e) During the recovery portion of the maneuver, it shall be possible to prevent more than 15 degrees roll or yaw by the normal use of controls, and any loss of altitude in excess of 100 feet or any pitch in excess of 30 degrees below level shall be entered in the Airplane Flight Manual.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6668; Filed, June 7, 1951; 8:54 a. m.]

Subchapter A—Civil Air Regulations

PART 60—AIR TRAFFIC RULES

[Supp. 3, Amdt. 13]

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.45-4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station, frequency, identification, class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach course	Procedure turn minimum of distance from facility station	Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	Field elevation (ft.)	Station identification	Magnetic bearing (deg.)	Distance (miles)	Minimum usable range—final approach (ft.)	If visual contact not established over airport at authorized minimum, initiate missed landing procedure as follows:
BLACKSTONE, VA. Blackstone AAF	(PROCEDURE CANCELED)												
BUTTE, MONT. Butte Airport 2.53 kc MHW Class HLF/MW (Procedure No. 1)	N—9,900' (E crs Drummond) SE—10,500' (Whitehall Range) S—11,200' (Dillon Range) NW—12,700' (SW crs Drummond)	N	10 mi.—9,000' E side N crs* 15 mi.—9,000' E side N crs* 20 mi.—NA 25 mi.—NA	R 2,500 A 2,500 T 1,500	R 1.5 A 1.5 T 1.0	2,500 2,500 1,500	2.0 2.0 2.0	5,554		98	16.1	9,000	If not contact within 5 mi. after passing range, climb to 10,000' on SE crs within 15 mi. *Procedure not authorized due to high terrain. CAUTION: High terrain (8,300' msl) located 2 mi. E of airport.
(Procedure No. 2) (Flying Whitehall Range) 341 kc HLF/MW Class HLF/MW (Procedure No. 1)	N—10,500' (Helena Range) E—9,000' (Bozeman Range) S—10,500' (Dillon Range) NW—11,900' (Butte Range)	NW crs Whitehall	Note	R 2,500 A 2,500 T 1,500	R 1.5 A 1.5 T 1.0	2,500 2,500 1,500	2.0 2.0 2.0	5,554		275 (from Homestake FM)	4.0	9,500 (over Homestake FM)	Proceed to Butte range, climbing to 10,000' on SE crs of Butte before reaching range.†
CHARLESTON, S. C. Charleston Airport 326 kc HLF Class SBRAZ-DTV	N—1,200' (Florence Range) NE—1,100' (Summerville Range) SW—1,100' (Anzanis Range) W—1,500' (Anzanis Range) W—660' (Summerville FM) (final)	W		R 1,500 A 1,500 T 1,000	R 1.5 A 1.0 T 1.0	500 500 300	1.5 1.0 2.0	46		110	2.0	600	10 mi.—1,200' S side W crs 15 mi.—1,500' S side W crs 20 mi.—1,500' S side W crs 25 mi.—1,500' S side W crs
COLUMBUS, OHIO Port Columbus 391 kc CMH Class SBRAZ-DTV (Procedure No. 1)	NE—2,600' (W crs Cleveland) NE—2,700' (Mansfield FM) E—2,900' (Mount Liberty FM) E—2,600' (SE crs Cleveland) E—2,300' (Newark FM) (Patterson) E—2,100' (E crs Wright-Patterson) W—2,300' (N crs Wright-Patterson) W—1,820' (Hilliard FM) (final)	W		R 2,500 A 1,500 T 1,000	R 1.5 A 1.0 T 1.0	500 500 300	1.5 1.0 2.0	816		80	1.9	1,820	10 mi.—2,300' S side W crs 15 mi.—2,300' S side W crs 20 mi.—2,300' S side W crs 25 mi.—2,300' S side W crs
(Procedure No. 2)	NE—2,400' (W crs Cleveland) NE—2,700' (Mansfield FM) E—2,900' (Mount Liberty FM) E—2,600' (SE crs Cleveland) E—2,300' (Newark FM) (final) W—2,300' (N crs Wright-Patterson)	E		R 2,500 A 1,500 T 1,000	R 1.5 A 1.0 T 1.0	600 500 300	1.5 1.0 2.0	816		305 (from Summit Station LFM)	3.0	1,800 (over Summit Station LFM)	10 mi.—2,300' N side E crs 15 mi.—2,300' N side E crs 20 mi.—2,300' N side E crs 22 mi.—2,300' N side E crs
Lockbourne AFB	NE—2,600' (W crs Cleveland) NE—2,700' (Mansfield FM) E—2,900' (Mount Liberty FM) E—2,600' (SE crs Cleveland) S—2,100' (E crs Wright-Patterson) W—2,300' (N crs Wright-Patterson)	NE		R 2,500 A 1,500 T 1,000	R 2.0 A 2.0 T 1.0	800 800 300	2.0 2.0 2.0	771		183	11.7	2,500	10 mi.—2,500' N side NE crs 15 mi.—2,500' N side NE crs 20 mi.—2,500' N side NE crs 25 mi.—2,500' N side NE crs
FULTON, NEW. Fulton OLF	(PROCEDURE CANCELED)												
KANSAS CITY, MO. Kansas City Airport 379 kc MKC Class SBRAZ-DTXV	NE—2,300' (Kirksville Range) E—2,700' (Lathrop Range) SE—2,700' (E crs Olathe) (Belton Int.) S—2,000' (S crs Saint Joseph) (Savannah Int.) W—2,300' (Saint Joseph Range) NW—1,600' (Plattsburgh FM to Int. E crs Topeka VAR) (final)	NW		R 2,500 A 1,500 T 1,000	R 1.5 A 1.0 T 1.0	700 500 300 *500	1.5 1.0 2.0 1.0	741		112	2.9	1,000	Immediately make right turn and climb to 2,500' on SW crs. *Take-offs to S and SW when weather is below 1,000-3 will require a heading of at least 200° prior to making turn. Hold after take-off and maintain heading until reaching 2,500' prior to making left turn. CAUTION: (1) 1,440' msl, obstructions located 2.5 mi. SE of arpt. (2) 962' msl, smoke plant and 900' msl, Stack—located 3 mi. NW of arpt. (3) 1,620' msl water tower 2.9 mi. S of arpt.

†Runway 17.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification, class	Minimum initial approach altitude from fix; direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport		Field elevation (ft.)	Ceiling and visibility minimums					If visual contact not established over airport at authorized landing minimums, or if landing not accomplished, remarks
					Magnetic bearing (deg.)	Distance (mi.)			Day		Night		
									Ceiling (ft.)	Visibility (mi.)	Ceiling (ft.)	Visibility (mi.)	
KANSAS CITY, MO. Fairfax Field (Kansas City, Kans.)	NE—2,300′ (Kirksville Range) SE—2,200′ (W crs Columbia) (Liberty Int.) SE—2,700′ (E crs Olathe) (Belton Int.) SW—2,000′ (S crs Saint Joseph) (De Soto Int.) NW—2,100′ Saint Joseph Range) NW—1,600′ (Kirksville FM or Int. E crs Topeka VAR) (final)	NW	10 mi—2,200′ E side NW crs 15 mi—2,200′ E side NW crs 20 mi—2,200′ E side NW crs 25 mi.—2,200′ E side NW crs	1,600	148	0.8	746	R (R) A T	700 500 800 300	1.5 1.0 2.0 1.0	700 500 800 300	1.5 1.0 2.0 1.0	Immediately make right turn and climb to 2,200′ on SW crs. CAUTION: SE crs of range extends over city. 1,440′ msl. obstructions located 2.5 mi. SE of arpt. adhere strictly to pull-up procedure. CAUTION: 902′ msl. cracking plant and 860′ msl. stack, 0.5 mi. ESE of approach end of runway 35. 1,650′ msl. tower, 4.2 mi. SSE.
McCHORD (Tacoma), WASH. McChord AFB	(PROCEDURE NO. 2 CANCELED)												
MIRAMAR, CALIF. Miramar NAAS 310 kc; NMI, MRLZ	(All initial approaches shall be made on the San Diego range in accordance with the San Diego standard instrument approach procedure) transition to Miramar Range may be made as follows: N—None E—None S—2,500′ (E crs San Diego) W—2,500′ (N crs San Diego)	S	10 mi—2,500′ W side S crs 15 mi—3,000′ W side S crs 20 mi—3,000′ W side S crs 25 mi.—NA	2,000	325	3.2	475	R (R) A T	800 800 1,000 300	1.5 1.0 2.0 1.0	800 800 1,000 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on heading of 270° maintain 1,500′ until 5 mi. W of N crs San Diego and contact San Diego Approach control for further clearance.
PENSACOLA, FLA. Pensacola Airport 338 kc; PNS SBRAZ-DTV	NE—1,200′ (Crestview Range) S—Minimum en route altitude SW—Minimum en route altitude N—1,500′ (W crs Crestview)	S	10 mi—1,100′ E side S crs 15 mi—1,100′ E side S crs 20 mi—1,100′ E side S crs 25 mi.—1,100′ E side S crs	700	340	2.1	121	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 1,300′ and return to S crs of Pensacola. *Runway 35.
SAN ANGELO, TEX. Mathis Airport 227 kc; SJT. BMRLZ-DTV	N—3,500′ (E crs Big Spring) E—3,500′ (S crs Abilene) S—3,500′ (NW crs Kelly) W—3,500′ (SE crs Big Spring)	E	10 mi.—3,500′ N side E crs 15 mi.—3,500′ N side E crs 20 mi.—3,500′ N side E crs 25 mi.—3,500′ N side E crs	3,500	240	6.5	1,915	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 3,500′ on W crs.
SALT LAKE CITY, UTAH Salt Lake City Airport No. 1 227 kc; SLC SBRAZ-DTXV	N—11,000′ (Mallet City Range) N—10,000′ (Corinne Rbn) N—6,700′ (Ogden Range) N—4,900′ (Layton FM) (final) E—15,500′ (S crs Fort Bridger) S—12,000′ (E crs Fairfield) S—11,000′ (Riverton FM) W—11,000′ (Wendover Range) W—11,000′ (Timpie FM)	N	10 mi.—7,500′ W side N crs 15 mi.—7,500′ W side N crs 20 mi.—7,500′ W side N crs 25 mi.—10,000, W side N crs	4,900	163	2.7	4,222	R A T	600 800 400	1.5 2.0 1.0	600 800 400	1.5 2.0 1.0	Turn W and climb to 8,000′ on W crs to Standsbury Int., then to 9,000′ on track of 335° to Promontory Point Rbn, or alternate procedure (when directed by ATC), turn W and climb to 11,000′ on W crs. CAUTION: High terrain E of N and S courses and W side of S crs, also S of W crs, 12 mi. from range.
SAN ANGELO, TEX. Goodfellow Fld 257 kc; SJF. BMRLZ-DTV	N—3,500′ (E crs Big Spring) E—3,500′ (S crs Abilene) S—3,500′ (NW crs Kelly) W—3,500′ (SE crs Big Spring)	S	10 mi.—3,100′ E side S crs 15 mi.—3,500′ E side S crs 20 mi.—3,500′ E side S crs 25 mi.—3,500′ E side S crs	2,500	331	2.5	1,877	R A T	600 800 300	1.0 2.0 1.0	600 800 300	2.0 2.0 2.0	Climb to 3,500′ on N crs within 25 miles.
SEATTLE NAS, WASH. Seattle NAS 212 kc; NEJ. MRLZ	N—Minimum en route altitude N—1,500′ (W crs Everett) E—Minimum en route altitude E—2,000′ (NE crs Seattle) S—Minimum en route altitude S—2,000′ (NE crs Seattle) W—Minimum en route altitude W—2,000′ (NW crs Seattle)	N	10 mi.—1,800′ W side N crs 15 mi.—1,800′ W side N crs 20 mi.—2,000′ W side N crs 25 mi.—NA	1,600	113	6.4	37	R (R) S A T	1,000 1,000 1,000 1,000 300	1.5 1.0 1.0 2.0 1.0	1,000 1,000 1,000 1,000 300	1.5 1.0 1.0 2.0 1.0	Make immediate climbing left turn and climb to 2,000′ on N crs within 20 miles.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification, class	Minimum initial approach altitude from fix; direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport		Field elevation (ft.)	Ceiling and visibility minimums					If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
					Magnetic bearing (deg.)	Distance (mi.)			Day		Night		
									Ceiling (ft.)	Visibility (mi.)	Ceiling (ft.)	Visibility (mi.)	
TAMPA, FLA. MacDILL AFB 288 kc; TPA; SBRAZ-DTV Knight Airport	NE—1,500′ (Orlando Range) SE—1,700′ (NE crs Fort Myers) SW—Minimum en route altitude N—1,500′ (SE crs Cross City) NE—1,500′ (Orlando Range) SE—1,700′ (NE crs Fort Myers) SW—Minimum en route altitude N—1,500′ (SE crs Cross City)	NE SW	10 mi—1,500′ E side NE crs 15 mi—1,500′ E side NE crs 20 mi—1,500′ E side NE crs 25 mi.—1,500′ E side NE crs 10 mi—1,500′ S side SW crs 15 mi—1,500′ S side SW crs 20 mi—1,500′ S side SW crs 25 mi—1,500′ S side SW crs	1,000 700	210 55	2.3 2.7	13 8	R A T R (R) S A T	500 800 300 500 500 500 800 300	1.5 2.0 1.0 1.5 1.0 1.0 2.0 1.0	500 800 300 500 500 500 800 300	2.0 2.0 2.0 1.5 1.5 1.5 2.0 1.0	Climb to 1,500′ on SW crs, or alternate procedure (when directed by ATC), climb to 1,300 on SE crs. Climb to 1,500′ on NE crs. NOTE: Approach control operates from International Arpt. on a 24-hour basis.
VANCE (Enid), OKLA. Woodring Field 309 kc; END; MRLWZ	NE—2,600′ (S crs Wichita) SE—2,600′ (N crs Okla. City) SW—Minimum en route altitude NW—2,600′ (SW crs Wichita)	NW	10 mi.—2,600′ W side NW crs 15 mi.—2,600′ W side NW crs 20 mi—2,600′ W side NW crs 25 mi.—2,600′ W side NW crs	2,100	87	3.7	1,159	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,600′ on SE crs.
WILLIAMSPORT, PA. Williamsport Airport 375 kc; IPT. BRLZ DTV	N—3,000′ (SE crs Elmira) E—3,600′ (SW crs Wilkes-Barre) S—3,500′ (E crs Philipsburg) W—3,500′ (SW crs Elmira)	E	10 mi.—2,500′ S side E crs 15 mi.—2,500′ S side E crs 20 mi—2,500′ S side E crs 25 mi.—2,500′ S side E crs	2,000	285	6.9	529	R A T	1,500 1,500 800	1.0 2.0 1.0	1,500 1,500 800	2.0 3.0 1.0	If not contact over range, make a climbing right turn to 3,500′ on E crs. CAUTION: 2,000′ msl. ridge, 2 miles S of airport.
WINSLOW, ARIZ. Winslow Airport 266 kc; INW; SBRAZ-DTV	N—Minimum en route altitude E—10,000′ (Zuni Range) E—7,000′ (Joseph City FM) S—Minimum en route altitude W—10,000′ (Prescott Range) W—7,500′ (Meteor Crater FM)	E	10 mi.—7,000′ S side E crs 15 mi.—7,000′ S side E crs 20 mi.—7,000′ S side E crs 25 mi.—7,000′ S side E crs	5,440	160	1.5	4,937	R (R) A T	600 500 800 400	2.0 2.0 2.0 1.0	600 500 800 400	2.0 2.0 2.0 2.0	If not contact over range, climb to 7,000′ on E crs within 25 miles.
WINSTON-SALEM, N. C. Smith-Reynolds Arpt. 382 kc; INT, SMRLZ-D	NE—2,400′ (NW crs Greensboro) SE—Minimum en route altitude SE—2,000′ (SW crs Greensboro) (final) SE—2,000′ (High Point FM) (final) SW—2,500′ (N crs Charlotte) NW—Minimum en route altitude	SE	10 mi.—2,300′ W side SE crs 15 mi.—2,300 W side SE crs 20 mi.—2,300′ W side SE crs 25 mi.—2,300′ W side SE crs	2,000	328	5.1	969	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,500′ on NW crs within 25 mi. or alternate procedure (when directed by ATC), turn left, climb to 2,400′ on SW crs within 25 mi. *Runway 33. CAUTION: 1,307′ msl building located 2 mi SSW of airport.

2. The high frequency range procedures prescribed in § 60.46–5 are amended to read in part:

VERY HIGH FREQUENCY RANGE PROCEDURES

Station; frequency; identification, class	Minimum initial approach altitude from fix; direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport		Field elevation (ft.)	Ceiling and visibility minimums					If visual contact not established over airport at authorized landing minimums, or if landing not accomplished, remarks
					Magnetic bearing (deg.)	Distance (mi.)			Day		Night		
									Ceiling (ft.)	Visibility (mi.)	Ceiling (ft.)	Visibility (mi.)	
EL DORADO, ARK El Dorado-Goodwin Fld.	(PROCEDURE CANCELED)												
GOODLAND, KANS. Goodland Airport	(PROCEDURE CANCELED)												
LEXINGTON, KY. Blue Grass Airport 108.3 mc; LEX, BVAR	N—2,500′ (E crs Louisville) E—Minimum en route altitude S—3,000′ (Cedar VAR) W—2,000′ (S crs Louisville)	S (Vis.)	10 mi—2,300′ E side S crs 15 mi—3,100′ E side S crs 20 mi—3,100′ E side S crs 25 mi.—3,100′ E side S crs	1,700	301	8.1	978	R A T	500 800 300	2.0 2.0 1.0	500 800 300	2.0 2.0 1.0	Climb to 2,300′ on N crs within 20 miles. CAUTION 1,390′ msl radio tower located approx. 3.5 mi ENE of airport.
OTTUMWA, IOWA Ottumwa Airport	(PROCEDURE CANCELED)												

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification, class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished, remarks
PASO ROBLES, CALIF. San Luis Obispo County Airport 118.7 mc; PRB; BVAR-DTVJ	NE—Minimum en route altitude SE—7,000′ (NW crs Santa Barbara VAR) SW—Minimum en route altitude NW—7,000′ (S alt on X-AR) NW—4,000′ (SW crs Fresno)	NW (Vis.)	10 mi.—1,000′ W side NW crs 15 mi.—4,000′ W side NW crs 20 mi.—1,000′ W side NW crs 25 mi.—1,000′ W side NW crs	2,000	85	1.8	806	R A T	1,200 1,500 500	1.0 2.0 1.0	1,200 1,500 500	2.0 3.0 1.0	If not contact over range, make right turn and climb to 4,000′ on NW crs within 20 miles. SHUTTLE: To 4,000′ on NW crs within 20 mi.
PINE BLUFF, ARK. Grider Field	(PROCEDURE CANCELED)												
SANTA BARBARA, CALIF. Santa Barbara Airport 108.3 mc; SBA, BVAR	NE—Minimum en route altitude SE—Minimum en route altitude SE—820′ Obst. SE crs Santa Barbara VAR and 54° bearing on Camarillo Ranger (final) SW—Minimum en route altitude NW—Minimum en route altitude NW—6,000′ (El Capitan FM)	SE (Vis.)	10 mi.—1,500′ S side SE crs 15 mi.—1,500′ S side SE crs 20 mi.—1,500′ S side SE crs 25 mi.—1,500′ S side SE crs	820	77	1.6	11	R A T	800 800 300	2.0 2.0 1.0	800 800 300	2.0 2.0 1.0	If not contact over range, make left turn and climb to 1,500′ on SE crs within 20 mi. NOTE: Final approach to be monitored by use of ADF on LF range. CAUTION: 550′ tower located 6 miles E of range. SHUTTLE: On SE crs to 4,000′ within 20 miles. (All turns to S).

3. The automatic direction finding procedures prescribed in § 60.46–7 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency identity; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
ARCATA, CALIF. Arcata Airport 209 kc; ACV; SBMRLZ-DTV	All initial approach tracks must coincide with published range courses and must be made on top, tops not to exceed 10,000′	----------	----------	----------	----------	94 274	10 mi.—1,500′ S side track 15 mi.—1,500′ S side track 20 mi.—1,500′ S side track 25 mi.—1,500′ S side track	720	4°, 2.7	217	R A T	500 1,000 300	2.0 2.0 1.0	If not contact over range, turn left and climb to on top on track of 274° outbound, 94° inbound, within 10 mi. SHUTTLE: To 1,500′ on track of 274° outbound, 94° inbound, within 10 miles.
ARDMORE, OKLA. Ardmore Airport	(PROCEDURE CANCELED)													
ATLANTA, GA. Atlanta Airport	(PROCEDURE CANCELED)													
AUGUSTA, GA. Daniel Field 257 kc; AGS; SBRAZ-DTV	Columbia Range	Rng	241	73	1,600	96 276	10 mi.—1,600′ N side track 15 mi.—1,600′ N side track 20 mi.—1,600′ N side track 25 mi.—1,900′ N side track	1,140	12°, 7.3	140	R A T	600 800 300	2.0 2.0 1.0	Climb to 2,000′ on track of 107° within 25 mi. of Augusta range. CAUTION: Camp Gordon danger area 2.5 mi. S of final approach track.
	Charleston Range	Rng	287	120	1,700									
	Atlanta Range	Rng	96	135	2,300									
AUSTIN, TEX. Mueller Airport 260 kc; AU, LOM	Austin Range	LOM	124	8.5	1,900	306 126	10 mi.—1,900′ E side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,900	6.12	631	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 306° within 25 mi. or alternate procedure (when directed by ATC), turn right and climb to 2,000′ on NE crs of Austin within 25 miles. *Runway 30L.

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency identity; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
BALTIMORE, MD. Friendship International Airport 201 kc; BA; LOM	Int. NE crs Washington and W crs Baltimore	LOM	221	5.0	1,500	101 281	10 mi.—1,500′ S side track 15 mi.—1,500′ S side track 20 mi.—1,500′ S side track 25 mi.—1,500′ S side track	1,200	4.4	146	R (R) S* A T	500 500 500 1,000 (RCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ (or to a higher altitude when requested by ATC) on track of 75° within 12.6 mi. *Runway 10.
	Beltsville FM	LOM	32	10.5	1,500									
	Int. NE crs Arcola and W crs Baltimore	LOM	121	20.0	1,800									
BOSTON, MASS. Logan Airport 203 kc; OS; LMM 221 kc; BO; LOM	Int. SW crs Boston and N crs Providence	LOM	67	20.0	1,700	35 215	10 mi.—1,700′ SE side track 15 mi.—1,700′ SE side track 20 mi.—1,700′ SE side track 25 mi.—1,700′ SE side track	1,200 (over LOM) 670 (over LMM)	5.67 (LOM) 0.06 (LMM)	19	R (R) A T	600 *500 1,000 (RCOB) 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on track of 31° from Boston ring within 15 mi. or alternate procedure (when directed by ATC), make standard rate climbing turn to right to 1,500′ on E crs Boston. *600-1 required when circling W of arpt.
	Boston Range	LOM	217	9.0	1,700									
	Int. E crs Boston and NE crs Squantum	LOM	269	19.5	1,700									
	Int. W crs Boston and N crs Providence	LOM	151	16.0	1,700									
DYERSBURG, TENN. Dyersburg Airport 245 kc; DYR, BMH	Paducah Rbn	Rbn	291	71	1,500	270 90	10 mi.—1,400′ N side track 15 mi.—1,400′ N side track 20 mi.—1,100′ N side tracks 25 mi.—1,400′ N side track	840	*0.0	337	R (R) A T	500 700 *800 300	1.5 1.0 2.0 1.0	Climb to 1,900′ on track of 270° within 25 mi. *Rbn is located on W side of airport.
	Jackson Range	Rbn	301	61	2,100									
	Memphis Range	Rbn	20	78	2,000									
	Advance Range	Rbn	152	76	1,600									
FORT SMITH, ARK. Fort Smith Airport 323 kc; FSM; BH-DTV	Int. NE crs Tulsa and S crs Joplin	Rbn	168	102	3,000	163 343	10 mi.—2,000′ W side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,440	12.5, 1.3	460	R • (R) • A T	600 600 600 600 1,000 (RCOB) 300	1.5 2.0 1.0 2.0 2.0 1.0	Climb to 3,800′ on track of 163° within 25 mi of Rbn. •Night minimums.
	Texarkana Range	Rbn	343	131	3,800									
	Tulsa Range	Rbn	118	102	2,600									
	Van Buren Rbn (final)	Rbn	163	10.3	1,140									
GOODLAND, KANS. Goodland Airport	(PROCEDURE CANCELED)													
GREENSBORO, N. C. Greensboro-Highpoint Airport 251 kc; GS; LOM	Greensboro Range	LOM	299	6.2	2,300	110 320	10 mi.—2,000′ N side track 15 mi.—2,000′ N side track 20 mi.—NA 25 mi.—NA	1,900	5.0	913	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Make left turn and climb to 2,300′ on SE crs of Greensboro within 25 mi of range. Alternate procedure: (when directed by ATC), make right turn, climb to 4,000′ on NW crs of Greensboro within 25 mi of range. *Runway 14.
	Winston-Salem Range	LOM	58	10.3	2,300									
	Wallburg Int.	LOM	33	11.3	2,300									
LIMESTONE, MAINE Limestone AFB 335 kc; LIZ; HW	Presque Isle Range	Rbn	54	16.0	2,000	190 10	10 mi.—2,000′ W side track 15 mi.—2,000′ W side track 20 mi.—2,000′ W side track 25 mi.—2,000′ W side track	1,450	0.0	745	R • A T •	700 700 800 300 300	2.0 3.0 2.0 2.0 3.0	Climb to 4,000′ on track of 190° within 25 mi. NOTE: Emergency altitude, 100 mi area, 6,500′. •Night minimums. SHUTTLE: To 2,000′ on track of 10° outbound, 190° inbound, within 10 mi. All turns to left.
	Sprague vill Range	Rbn	40	23.5	3,000									
	Teague Int.	Rbn	333	34.0	3,000									
	Limestone FM	Rbn	244	5.9	2,000									
LUFKIN, TEX. Angelina County Airport 356 kc; LFK, BMH	Beaumont Range	Rbn	325	95	1,500	277 97	10 mi.—1,500′ N side track 15 mi.—1,500′ N side track 20 mi.—1,500′ N side track 25 mi.—1,500′ N side track	880	0.0	288	R A# T	600 1,000 (RCOB) 300	1.0 2.0 1.0	Climb to 1,500′ on track of 277° within 25 mi. *Palestine Rbn available only by prior arrangement with Trans-Texas Airways. #800-2 authorized only when two alternates are specified in flight plan, one of which must be equipped with a radio range when the left involved is equipped with one ADF.
	Houston Range	Rbn	6	116	1,600									
	Int. NW crs Houston and NE crs Richmond	Rbn	18	103	1,600									
	Palestine Rbn*	Rbn	115	68	1,800									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency identity; class	Initial approach to station					Final approach track; degrees inbound outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
MERIDIAN, MISS. Key Field 270 kc; MEI; SBMRAZ-DTV	Birmingham Range	Rng	230	145	2,000	154 / 334	10 mi.—1,500′ W side track 15 mi.—1,500′ W side track 20 mi.—1,500′ W side track 25 mi.—1,500′ W side track	1,000	154°, 2.8	297	R (R) • A T	500 500 500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,000′ on track of 154° within 25 mi of range. •Night minimums.
	Jackson Range	Rng	83	81	1,800	351								
MONTAGUE, CALIF. Siskiyou County Airport 388 kc; SIY, BII-DTV	Fort Jones Range	Rbn	35	24	9,000	311 / 160	10 mi.—6,200′ E side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	5,110	311°, 2.6	2,650	R # A T #	2,500 2,500 2,500 1,500 1,500	2.0 3.0 3.0 2.0 3.0	If not contact over Rbn, turn left, climb to 9,000′ on track of 160° outbound, 340° inbound within 10 mi.* *In no case will procedure turn be accomplished S of the E ers of Fort Jones. Procedure not authorized during severe storm conditions. #Night minimums.
	(Approaches from any other direction not authorized)													
OLD TOWN, MAINE Old Town Airport	(PROCEDURE CANCELED)													
ONTARIO, CALIF. Ontario International Airport 347 kc; ON; LOM	Riverside Range	LOM	289	15	On top*	256 / 76	10 mi.—5,000′ S side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	2,710	4.5	952	R (R) A T	700 700 800 500	1.5 1.0 2.0 1.0	Climb to on top on track of 256. *Tops at Ontario and on initial approaches must not be above 5,000′ msl. #Straight-in approach must be started from on top—tops not above 5,000′ msl. NOTE: Night operations not authorized on Runway 3/21.
	Downey FM and Rbn	LOM	67	35	On top*									
	Fontana FM	LOM	211	9.5	On top*									
	Int. N ers Riverside and 256° bearing on LOM	LOM	256	9.5	#2,710									
OTIS (Falmouth), MASS. Otis AFB 362 kc; FMH; MH	Providence Range	Rbn	111	48	2,000	30 / 210	10 mi.—1,500′ E side track 15 mi.—1,500′ E side track 20 mi.—NA 25 mi.—NA	800	30°, 3.4	126	R • (R) • S • A T •	500 500 500 500 500 500 500 500 300	1.5 2.0 1.0 2.0 1.0 2.0 2.0 1.0 2.0	Climb on track of 30° for 1 min., except 180° turn and home on Rbn at 2,000′ and contact Otis tower. •Night minimums.
PADUCAH, KY. Barkley Field 388 kc; PUK; BMH	Evansville LF	Rbn	219	.98	2,000	37 / 215	10 mi.—1,600′ E spl track 15 mi.—1,600′ E side track 20 mi.—1,600′ E side track 25 mi.—1,600′ E side track	1,035	0.0	405	R (R) A• T	600 600 1,000 (BCOB) 500	1.5 1.0 2.0 1.0	Climb to 2,000′ on track of 35° within 25 mi. *800-2 approved if two alternates are named on flight plan and sufficient fuel is carried as required by C. A. R. NOTE: Rbn must be monitored continuously during approach.
	Evansville VOR	Rbn	219	80.5	2,000									
	Dyersburg VOR	Rbn	19	77	1,600									
	Advance Range	Rbn	85	63	2,000									
SPOKANE, WASH. Geiger Field 256 kc; GE; LOM	Int. W ers Spokane and 205° bearing on LOM	LOM	263	7.1	1,600	23 / 203	10 mi.—1,000′ S side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	3,560	4.12	2,372	R • (R) S# A T	500 600 500 500 1,000 300	1.5 1.5 1.0 1.0 2.0 1.0	Climb to 5,000′ on W ers Spokane wit in 18 miles of range. •Night minimums. #Runway 2.
	Spangle FM	LOM	312	13.6	4,100									
	Harrington FM	LOM	60	32.0	4,000									
WINDSOR LOCKS, CONN. Bradley Field 263 kc; BD; LOM	Int. NW ers Hartford and 58° bearing on LOM	LOM	58	3.6	2,500	58 / 238	10 mi.—2,500′ S side track 15 mi.—2,500′ S side track 20 mi.—2,500′ S side track 25 mi.—2,500′ S side track	1,710	3.5	171	R (R) S• A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 58° within 15 miles. •Runway 6.
	Int. E ers Westfield and 238 bearing on LOM	LOM	238	19.0	2,500									
	Int. S ers Westfield and 58° bearing on LOM	LOM	58	3.6	2,500									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency identity; class	Initial approach to station					Final approach track; degrees inbound outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
	From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
ZANESVILLE, OHIO Zanesville Airport 263 kc; ZZV; BMHTV	Int. E ers Columbus and 180° bearing on Rbn	Rbn	180	9.0	2,600	360 / 180	10 mi.—2,300′ E side track 15 mi.—2,300′ E side track 20 mi.—2,300′ E side track 25 mi.—2,300′ E side track	1,700	0.0	901	R (R) A T	800 800 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Make left turn, climb to 2,600′ on track of 180° within 10 miles. CAUTION: Rbn must be monitored at all times while making an ADF approach.
	Int. W ers Pittsburgh and 180° bearing on Rbn	Rbn	180	9.0	2,600									

4. The instrument landing system procedures prescribed in § 60.46–9 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
	From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)				Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
LOUISVILLE, KY. Standiford Field Freq. 110.3 mc Ident. SDF	Louisville Range	LOM	218	10.2	2,100	S / 9 / 189	2,100′—W side S crs	2,100	1,580	690	4.22	0.68	497	R • (R) • S# A T	600 600 500 500 400 800 300	1.5 2.0 1.0 2.0 3.1 2.0 1.0	Climb to 2,100′ on N ers ILS to W ers Louisville, turn left and proceed out W ers Louisville, or alternate procedure (when directed by ATC), climb to 2,400′ on N crs ILS to W ers Louisville, then to ring stn. •Night minimums. #Runway 1. CAUTION: Do not cross E ers of Godman while on S ers of ILS; danger area 10 mi. S of LOM. 1,020′ msl. obstruction approx 4 mi N of airport.
	Louisville VOR	LOM	272	9.4	2,100												
	Int. S ers Louisville and E ers Godman	LOM	322	10.9	2,100												
	Int. W ers Louisville and N ers Godman	LOM	113	16.0	2,100												
	Int. W ers Louisville and N crs ILS	LOM	189	7.7	2,100												
MINNEAPOLIS, MINN. Minneapolis-Saint Paul International Airport Freq. 110.3 mc Ident. MSP	Minneapolis Range	LOM	125	1.5	2,100	SE / 295 / 115	2,100′—N side SE crs	2,100	1,960	1,025	4.70	0.65	840	R S• A T	500 400 800 300	1.5 3.1 2.0 1.0	Climb to 2,500′ on NW crs of Minneapolis or on Minneapolis VOR radial 289 to Hamel FM, or as directed by ATC. •Runway 29L.
	Minneapolis VOR	LOM	115	2.0	2,100												
	Hastings FM	Glide path interception (final)	295	8.2	2,100												
	Stanton Rbn	SE crs ILS	360	23.0	2,200												
	Jordan FM	LOM	61	26.0	2,200												
OMAHA, NEBR. Omaha Airport Freq. 110.3 mc Ident. OMA	Omaha VOR	SE crs ILS	299	4.2	2,700	NW / 135 / 315	2,300′—W side NW crs	2,200	2,075	1,175	4.60	0.69	982	R • (R) • S# A T	500 500 500 500 400 800 300	1.5 2.0 1.0 1.5 1.0 2.0 1.0	Climb to 2,500′ on SE crs ILS, upon reaching 2,500′ proceed to E crs Omaha LF range on heading of 45°, or alternate procedure (when directed by ATC), climb to 2,500′ on SE crs of Omaha LF range. •Night minimums. #Runway 14L.
	Omaha LF Range	NW crs ILS	260	0.5	2,300												
	California FM	NW crs ILS	170	8.0	2,300												
	Int. SE crs Omaha and NW crs ILS	Outer marker	315	1.5	2,300												
	Int. W crs Omaha and NW crs ILS	Outer marker	135	0.7	2,300												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course, degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude (in) glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
ST. LOUIS, MO. Lambert Field Freq. 110.3 mc Ident STL	Alton Int.	Outer marker	238	9.0	1,800	NE 238 58	1,800'—N side NE crs	1,800	1,690*	765	3.98	0.61	552	R (R) S# ** A T	500 500 400 400 800 300	1.5 1.0 3/4 1.0 2.0 1.0	Climb to 2,000' on W crs of St. Louis or alternate procedure (when directed by ATC), climb to 2,000 on SW crs ILS within 25 mi. *Minimum altitude over OM when glide path inoperative is 1,800'. #Runway 24. **Night minimums.
	Int. SW crs ILS & NE crs Vichy	Outer marker	58	56.0	3,000												
	St. Louis Range	NE crs ILS (outbound)	35	1.3	1,800												
	Spanish Lake FM	NE crs ILS (inbound)	290	2.7	1,800												
	Woodriver Int.	NE crs ILS	285	3.8	1,800												
SEATTLE, WASH. Seattle-Tacoma International Airport Freq. 110.3 mc Ident. SEA	Seattle Range	LOM	176	9.0	2,000	S 338 158	2,000'—E side S crs	1,600	1,530	585	4.00	0.65	405	R * (R) S# A T	500 500 500 400 800 300	1.5 2.0 1.0 3/4 2.0 1.0	Climb to 1,500' on NW crs of Seattle within 15 mi of range. *Night minimums. #Runway 34.
	Lakeview FM	S crs ILS	27	7.0	1,600												
	Vashon Int.	LOM	98	9.0	2,000												

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-6184; Filed, June 7, 1951; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

DELEGATION OF AUTHORITY AFFECTING VARIOUS REGULATIONS

EDITORIAL NOTE: F. R. Doc. 51-6622 under Department of the Interior, Bureau of Indian Affairs, in the Notices Section, *infra*, amends Order 551 (16 F. R. 2939) authorizing area directors to exercise certain authority formerly vested in the Commissioner of Indian Affairs. For regulations affected by Order 551 as amended, see Parts 21, 23, 42, 46, 161, 252, 276, and 277.

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 332—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS MISINFORMED AS TO THEIR CITIZENSHIP STATUS

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED; ALIEN ENEMIES

PART 361—OFFICIAL FORMS

PART 373—NATURALIZATION HEARINGS AND PROOF OF NATURALIZATION REQUIREMENTS

EXECUTION IN DUPLICATE OF FORMS USED IN CONNECTION WITH PETITIONS FOR NATURALIZATION

MAY 17, 1951.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. The third sentence of § 332.2, *Preliminary application and petition for naturalization*, is amended to read as follows: "In addition, the petitioner shall execute in duplicate an affidavit on Form N-420 before either a representative of the Service or the clerk of the naturalization court, and the original and duplicate thereof shall be attached to the original and duplicate petitions for naturalization, respectively, at the time the petition is filed."

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

2. The last two sentences of paragraph (b) of § 335.3, *Final hearing of petition; notice by clerk of court; effect of objection; waiver of notice*, are amended to read as follows: "If a waiver is granted, notice thereof shall be executed in duplicate by the district director on Form N-424. The original Form N-424 shall be filed with the clerk of the naturalization court and the duplicate copy retained in the field office file."

3. The fifth sentence of paragraph (a) of § 335.5, *Exception from alien enemy classification*, is amended to read as follows: "If, after such investigation, the district director is satisfied of the loyalty to the United States of the petitioner, he shall issue a cerificate of loyalty on Form N-438 in duplicate, the original to be filed in the appropriate naturalization court and the duplicate to be retained in the field office file."

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

4. Section 361.3 is amended to read as follows:

§ 361.3 *Official forms prescribed for use of clerks of naturalization courts.* The following forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction:

Form No.	Title and description
N-3	Requisition for Naturalization Forms.
N-3a	Requisition for Naturalization Forms and Binders.
N-4	Monthly Report Naturalization Papers Forwarded.
N-5	Continuation Sheet of Monthly Report.
N-6	Jacket for Naturalization Papers.
N-7	Quarterly Abstract of Collections of Naturalization Fees.
N-11	Penalty Envelope (addressed to the Central Office of the Immigration and Naturalization Service).
N-12	Penalty Envelope (to be addressed to any office of the Immigration and Naturalization Service).
N-13	Penalty Envelope (large—to be addressed to any office of the Immigration and Naturalization Service).
N-105	Application for Registry of Alien.
N-300	Application for Certificate of Arrival and Preliminary Form for Declaration of Intention.
N-315	Declaration of Intention.
N-400	Application for Certificate of Arrival and Preliminary Form for Petition for Naturalization.
N-405	Petition for Naturalization. (For use under general provisions of law.)
N-406	Petition for Naturalization. (For spouses of citizens.)
N-407	Petition for Naturalization. (For children.)
N-408	Application To Take the Oath of Renunciation and Allegiance and Form of Such Oath. (Filed under sec. 317 (b) of the Nationality Act of 1940.)
N-409	Application To Take the Oath of Allegiance and Form of Such Oath. (Filed under sec. 323 of the Nationality Act of 1940.)
N-411	Acknowledgement of Filing Petition for Naturalization.
N-418	Petition for Naturalization. (Filed under sec. 324A of the Nationality Act of 1940.)
N-420	Affidavit of Petitioner. (To be used in every case in which a petition for naturalization is filed under sec. 320 of the Nationality Act of 1940.)
N-421	Affidavit in support of Petition for Naturalization under sec. 325 of the Nationality Act of 1940.
N-435-1	Letter Addressed to Commissioner by Clerk of Court Giving Notice of Final Hearing on Alien-Enemy Naturalization Petitions.
N-435-2	Continuation Sheet (listing alien-enemy naturalization petitions).
N-450	Notice of Intention To Substitute Witnesses Where Original Witnesses Cannot Be Produced.
N-451	Affidavit of Witnesses.
N-460	Notice To Take Depositions under subsection (l) of sec. 509 of the Nationality Act of 1940.
N-482	Order of Court (on naturalization petitions recommended to be granted).
N-483	Naturalization Petitions Recommended To Be Continued (with Order of Court continuing petitions).
N-484-A	Order of Court (on naturalization petitions recommended to be denied).
N-490	Order of Court Granting Petitions.
N-491	Order of Court Denying Petitions.
N-550	Certificate of Naturalization.
N-585	Application for Information from or Copies of Immigration and Naturalization Service Records.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

5. The third and fourth sentences of § 373.4, *Substitution of witnesses; procedure*, are amended to read as follows: "In no case shall a final hearing be held upon a petition until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N-451 executed in duplicate by the witnesses before such representative or the clerk of court. The original affidavit shall be attached to the original petition, prior to or at the time of the hearing, and the duplicate shall be filed with the duplicate petition."

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 1, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-6609; Filed, June 7, 1951; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-20]

LIMIT SWITCHES AND EMERGENCY DISCONNECT SWITCHES IN CONTROL CIRCUITS OF LIFEBOAT WINCHES

A notice regarding proposed changes in the regulations for limit switches and emergency disconnect switches was published in the FEDERAL REGISTER dated February 27, 1951, 16 F. R. 1831, as Item II on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on March 27, 1951, in Washington, D. C. All the comments submitted were considered and where practicable were incorporated into the regulations.

The purpose of the amendments to 46 CFR 59.3a (b), 60.21a (b), 76.15a (b), 94.14a (b), and 160.015-3 (k) is to have the requirements for limit switches and emergency disconnect switches in the control circuits for lifeboat winches on existing vessels and new vessels to be the same, to require effective means for cutting off the electric power to lifeboat winches. During the last five years the records of the Coast Guard show there have been thirty accidents caused by defective limit switches. These thirty casualties have resulted in three deaths, eighteen persons injured, and considerable property damage. During this same period two men were killed and seven were injured as a result of being struck by spinning crank handles while in the act of hand cranking the davits to their final position.

The extension of the application of the regulations to installations on existing vessels and revision of requirements for limit switches and emergency disconnect switches are in the interest of safety of life at sea.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective ninety days after date of publication of this document in the FEDERAL REGISTER.

Subchapter G—Ocean and Coastwise; General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.3a (b) is amended to read as follows:

§ 59.3a *Mechanical means for lowering.* * * *

(b) (1) Winches proposed for use in new installations shall be of an approved type and constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(2) All existing vessels fitted with gravity davits and winches shall comply with the requirements contained in § 160.015-3 (k) of Subpart 160.015 of Subchapter Q (Specifications) of this chapter not later than July 1, 1952.

(R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interprets or applies R. S. 4491, as amended, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244 as amended; 46 U. S. C. 1, 489, 367, 1333, 50 U. S. C. App. 1275)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.21a (b) is amended to read as follows:

§ 60.21a *Mechanical means for lowering.* (See § 59.3a of this subchapter, as amended, which is identical with this section.)

(R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interprets or applies R. S. 4491, as amended, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 489, 367, 1333, 50 U. S. C. app. 1275)

Subchapter H—Great Lakes; General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.15a (b) is amended to read as follows:

§ 76.15a *Mechanical means for lowering.* (See § 59.3a of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interprets or applies R. S. 4491, as amended, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 489, 367, 1333, 50 U. S. C. app. 1275)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.14a (b) is amended to read as follows:

§ 94.14a *Mechanical means for lowering.* (See § 59.3a of this chapter, as amended, which is identical with this section.)

(R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interprets or applies R. S. 4491, as amended, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 489, 367, 1333, 50 U. S. C. app. 1275)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.015—LIFEBOAT WINCHES FOR MERCHANT VESSELS

Section 160.015-3 (k) is amended to read as follows:

§ 160.015-3 *Construction of lifeboat winches.* * * *

(k) Limit switch and emergency disconnect switch requirements:

(1) A main line emergency disconnect switch shall be provided, the opening of which will disconnect all electrical potential to the lifeboat winch. This switch shall be located in a position accessible to the person in charge of the boat stowage, and for gravity davit installations, shall be in a position from which the movement of both davit arms can be observed as they approach the final stowed position.

(2) Where power driven winches are used with gravity davits, two limit switches, one for each davit arm, shall

be provided to limit the travel of the davit arms as they approach the final stowed position. These switches shall be connected in series, they may be connected in either the control or the power circuit, and they shall be so arranged that the opening of either switch will disconnect all electrical potential of the circuit in which the switches are connected. These switches shall be arranged to stop the travel of the davit arms not less than 12 inches from their final stowed position and they shall remain open until the davit arms move outboard beyond the tripping position of the switches.

(3) Other arrangements equivalent in design and safety will be given special consideration.

(R. S. 4465, as amended, 4483, as amended; 46 U. S. C. 375, 481. Interprets or applies R. S. 4417a, as amended, 4426, as amended, 4491, 4491, as amended, sec. 11, 35 Stat. 428, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 391a, 404, 474, 489, 396, 367, 1333, 50 U. S. C. app. 1275).

Dated: May 31, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51-6653; Filed, June 7, 1951; 8:52 a. m.]

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 21, Amdt. 2]

PART 299—RULES AND REGULATIONS. FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

NET VOYAGE PROFIT

Procedure to be followed by Charterers in the rendition to the Commission (now Maritime Administration, Department of Commerce), of Final Accountings under Warshipdemiscout 203 and Shipsalesdemise 303 Bareboat Charter Agreements.

It is ordered, That § 299.37-4 *Net voyage profit* in Subpart C of this chapter (General Order 60, Supplement 21) published in the FEDERAL REGISTER issue of March 30, 1950 (15 F. R. 1789-1796) be and it hereby is amended as follows:

1. By deleting that certain statement appearing at the end of subparagraph (4) of paragraph (b), which reacs: "Post redelivery expenses, to the extent hereafter determined by the Commission to have been reasonably and necessarily incurred in connection with the conduct of the operation of the chartered vessels, will be made the subject of a supplement hereto."

2. By adding at the end of paragraph (e) a new paragraph which shall read as follows:

(f) *Post redelivery overhead expenses.* Post redelivery overhead expenses, to the extent determined by the Maritime Administration to have been reasonably and necessarily incurred in connection with the conduct of the operation of the chartered vessels after redelivery of the last vessel under the last Warshipdemiseout 203 or Shipsalesdemise 303 Agreement in effect prior to July 1, 1950 (excluding charters covering only passenger vessels), will be taken into account in the determination of "net voyage profit" thereunder, subject to the following conditions:

(1) That the charterer shall demonstrate to the satisfaction of the Maritime Administration, by presentation of statements fully supported by actual cost records or other sound accounting evidence, that such expenses were, in fact, necessarily and properly incurred in the conduct of the business of the chartered vessels and were not attributable to the conduct of other business of the charterer.

(2) That post redelivery overhead expenses shall be deemed to include only such overhead expenses as are directly attributable to the completion and finalization of accounting for bareboat charter operations (excluding any cost of submitting final statements of additional charter hire for which allowances are elsewhere provided), the processing and settlement of inventories, and the processing of and accounting for claims.

(3) That post redelivery overhead expenses, to the extent allowed hereunder, may be allocated directly to operations under the bareboat charter agreements involved on the basis of the relation that the number of vessel days applicable to each accounting period under each agreement (or addendum with respect to which a separate determination of additional charter hire is required to be made) bears to the total vessel days under all such agreements (or addenda) for all such periods.

(4) That statements of post redelivery overhead expenses shall be submitted to the Maritime Administration not later than June 30, 1951, or within six (6) months after redelivery of the last vessel under the bareboat charter agreement involved, whichever later occurs: *Provided, however*, That upon application of the charterer the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this subparagraph for the submission of such statements.

Statements of post redelivery overhead expenses may be integrated into the statements required by § 299.37-5 if the submission of the latter mentioned statements will not thereby be delayed; otherwise, supplementary accountings embodying statements of post redelivery overhead expense should be submitted.

(Sec. 204, 49 Stat. 1987, as amended, sec. 5, 55 Stat. 244, sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App., 1275, 1745)

Dated: June 5, 1951.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 51-6619; Filed, June 7, 1951; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 725]

ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, FLORIDA, IDAHO, MONTANA, NEW MEXICO, OREGON, SOUTH DAKOTA, WASHINGTON, AND WYOMING

RESERVATION OF LANDS WITHIN NATIONAL FORESTS AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas within certain national forests as hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved as administrative sites, recreation areas, or for other public purposes as indicated:

ALABAMA

HUNTSVILLE MERIDIAN

William B. Bankhead National Forest

Sipsey River Recreation Area

T. 9 S., R. 8 W.,
Sec. 8, $S\frac{1}{2}NE\frac{1}{4}$.

The area described contains 80 acres of public land.

Kinlock Camp Recreation Area

T. 8 S., R. 9 W.,
Sec. 32, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$.

The area described contains 5 acres of public land.

ALASKA

CHUGACH NATIONAL FOREST

Summit Lake Recreation Area

Latitude 60°38'48" N., longitude 149°31' W.

All lands within one-fourth mile of the mean high water line on the shores of Summit Lake.

The area described contains approximately 790 acres of public land.

Lower Summit Lake Recreation Area

Latitude 60°39'48" N., longitude 149°29'10" W.

All lands within one-fourth mile of the mean high water line on the shores of Lower Summit Lake.

The area described contains approximately 365 acres of public land.

Granite Creek Roadside Zone.

All lands within one-fourth mile on each side of the center line of the Seward-Anchorage Highway, beginning at a point described as B. P. R. Sta. 248+31 of Section "C" of said highway at the west end of the bridge crossing East Fork Creek, at approximate latitude 60°43'24" N., longitude 149°19'18" W., and extending in a northeasterly direction approximately 9.43 miles to B. P. R. Sta. 250+50 of Section "D" of said highway.

The area described contains approximately 3,017.60 acres of public land.

COPPER RIVER MERIDIAN

Tongass National Forest

Edna Bay Administrative Site

T. 68 S., R. 76 E.,
Sec. 28, lot 3.

The area described contains 39.63 acres of public land.

ARIZONA

GILA AND SALT RIVER MERIDIAN

Coronado National Forest

Madera Canyon Recreation Area

T. 19 S., R. 14 E.,
Sec. 35, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$.
T. 20 S., R. 14 E.,
Sec. 2, lot 2, $E\frac{1}{2}$ of lot 3, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 175.83 acres of public land.

Prescott National Forest

Sycamore Ranger Station

T. 11 N., R. 4 E.,
Sec. 5, $S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$;
Sec. 6, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$;
Sec. 7, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, and $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 8, $N\frac{1}{2}NW\frac{1}{4}$.

The areas described aggregate 400 acres of public land.

Granite Basin Recreation Area

T. 14 N., R. 3 W.,
Sec. 2, $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 3, $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 10, $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 11, those parts of lot 12 described as $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ and $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 150 acres of public land.

Camp Wood Administrative Site

T. 16 N., R. 6 W.,
Sec. 3, lot 2
T. 17 N., R. 6 W.,
Sec. 34, $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 35, $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$.

The areas described aggregate 62.11 acres of public land.

Walnut Creek Ranger Station

T. 18 N., R. 6 W.,
Sec. 24, $SE\frac{1}{4}$;
Sec. 25, $N\frac{1}{2}NE\frac{1}{4}$ and $SE\frac{1}{4}NE\frac{1}{4}$.

The areas described, including both public and nonpublic lands, aggregate 280 acres.

ARKANSAS

FIFTH PRINCIPAL MERIDIAN

Ouachita National Forest

South Fourche Camp Ground

T. 3 N., R. 20 W.,
Sec. 34, $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$.

The area described contains 10 acres of public land.

Crystal Camp Ground

T. 3 S., R. 25 W.,
Sec. 14, $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, and $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 35 acres of public land.

Shady Lake Recreation Area

T. 4 S., R. 28 W.,
Sec. 30, $S\frac{1}{2}$ of lot 1 of $SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 31, $E\frac{1}{2}NE\frac{1}{4}$, lots 1 and 5 of $NW\frac{1}{4}$, and $NE\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 279.50 acres of public land.

CALIFORNIA

MOUNT DIABLO MERIDIAN

Eldorado National Forest

Georgetown Administrative Site

T. 12 N., R. 11 E.,
Sec. 6, lot 2 and $SW\frac{1}{4}NE\frac{1}{4}$.

The areas described aggregate 80.65 acres of public land.

SAN BERNARDINO MERIDIAN

San Bernardino National Forest

Snow Valley Recreation Area

T. 1 N., R. 1 W.,
Sec. 6, lots 4, 5, 6, 7, 14, 15, 16, and 17;
T. 2 N., R. 1 W.,
Sec. 30, $W\frac{1}{2}$;
Sec. 31, lots 1, 2, and 3.
T. 1 N., R. 2 W.,
Sec. 1;
Sec. 2, $N\frac{1}{2}$.
T. 2 N., R. 2 W.,
Sec. 25, $S\frac{1}{2}$;
Sec. 26, $S\frac{1}{2}$;
Secs. 35 and 36.

The areas described aggregate 3,666.16 acres of public land.

HUMBOLDT MERIDIAN

Six Rivers National Forest

Panther Flat Recreation Area

T. 17 N., R. 2 E.,
Sec. 22, $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}$;
Sec. 27, $NW\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 120 acres of public land.

COLORADO

SIXTH PRINCIPAL MERIDIAN

Gunnison National Forest

Pioneer Winter Sports Area

T. 14 S., R. 85 W.,
Sec. 23, $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 25, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, and $N\frac{1}{2}S\frac{1}{2}$;
Sec. 26, $N\frac{1}{2}NE\frac{1}{4}$.

The areas described aggregate 760 acres of public land.

Roosevelt National Forest

Fort Collins Mountain Recreation Area

T. 8 N., R. 72 W.,
Sec. 4, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, and $SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 9, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 110 acres of public land.

Red Rock Guard Station

T. 1 N., R. 73 W.,
Sec. 2, that part of lot 5 described as $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, and that part of lot 8 described as $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 30 acres of public land.

Rainbow Lake Picnic Ground

T. 1 N., R. 73 W.,
Sec. 28, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 33, $NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ and $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 60 acres of public land.

Middle St. Vrain Campground

T. 2 N., R. 73 W.,
Sec. 13, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 40 acres of public land.

Chambers Lake Guard Station

T. 7 N., R. 75 W.,
Sec. 7, $NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$.

The area described contains 10 acres of public land.

Laramie River Road Camp

T. 8 N., R. 75 W.,
Sec. 7, $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$.

The area described contains 10 acres of public land.

Rollinsville Ranger Station

T. 1 S., R. 73 W.,
Sec. 35, lot 13, that part of lot 14 described as $SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$, that part of lot 17 described as $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, and lots 18 and 19.

The areas described aggregate 74.60 acres of public land.

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

San Isabel National Forest

Monarch Pass Winter Sports Area

T. 49 N., R. 6 E.,
Sec. 7, $SE\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 8, $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 17, $NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 18, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 800 acres of public land.

Monarch Park Picnic Ground

T. 49 N., R 6 E.,
Sec. 8, $SW\frac{1}{4}NE\frac{1}{4}$ and $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 60 acres of public land.

Shavano Campground

T. 50 N., R. 6 E.,
Sec. 12, $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 13, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 40 acres of public land.

Garfield Campground

T. 50 N., R. 6 E.,
Sec. 33, lot 7.

The area described, including both public and non-public lands, contains 38.41 acres.

FLORIDA

TALLAHASSEE MERIDIAN

Ocala National Forest

Juniper Springs Recreation Area

T. 15 S., R. 26 E.,
Sec. 17, $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 20, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, and $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 280 acres of public lands.

IDAHO

BOISE MERIDIAN

Payette National Forest

Burgdorf Campground and Summer Home Area

T. 22 N., R. 4 E.,
Sec. 1, lots 2, 3, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 160.26 acres of public land.

Burgdorf Administrative Site

T. 22 N., R. 4 E.,
Sec. 1, SE¼SW¼ and SW¼SW¼SE¼;
Sec. 12, NE¼ and NE¼NE¼NW¼.

The areas described aggregate 220 acres of public land.

Sawtooth National Forest

Boardman Recreation Area

T. 3 N., R. 13 E.,
Sec. 7, N½NE¼NE¼, SW¼NE¼NE¼, N½SE¼NE¼NE¼, SE¼SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, and E½NW¼SW¼NE¼;
Sec. 8, SW¼NE¼NW¼, NW¼NW¼, NE¼SW¼NW¼, NW¼NE¼SE¼NW¼, S½NE¼SE¼NW¼, NW¼SE¼NW¼ and S½SE¼NW¼.

The areas described aggregate 160 acres of public land.

Clearwater National Forest

North Fork Clearwater River Roadside Zone and Right-of-Way No. 250

T. 40 N., R. 11 E.,
Sec. 7, W½SE¼;
Sec. 8, W½NE¼, NW¼, E½SW¼, and W½SE¼;
Sec. 9, NW¼NW¼;
Sec. 17, W½E½ and W½, unsurveyed;
Sec. 18, E½, unsurveyed.
T. 41 N., R. 11 E.,
Sec. 1, W½;
Sec. 2, E½ and SE¼SW¼;
Sec. 10, SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, NW¼;
Sec. 22, N½, SW¼, and W½SE¼;
Sec. 27, W½NW¼;
Sec. 32, E½E½.
T. 42 N., R. 11 E.,
Sec. 23, lots 1, 3, E½SE¼;
Sec. 24;
Sec. 25, N½ and SW¼;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36, W½.
T. 42 N., R. 12 E.,
Sec. 19, lots 1, 2, and SW¼SW¼.

The areas described, including public and non-public lands, aggregate 5,384.77 acres.

MONTANA

PRINCIPAL MERIDIAN

Lolo National Forest

Trout Creek Roadside Zone and Right-of-Way No. 250

T. 15 N., R. 26 W.,
Sec. 4, lot 4 and SW¼NW¼;
Sec. 5;
Sec. 6, SE¼SE¼;
Sec. 7, E½ and SE¼SW¼;
Sec. 8, W½;
Sec. 17, W½NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3.
T. 16 N., R. 26 W.,
Sec. 22, E½E½ and SW¼SE¼;
Sec. 23, lots 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, and NW¼SE¼;
Sec. 26, N½NW¼ and SW¼NW¼;
Sec. 27, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 28, S½NE¼ and S½;
Sec. 29, SE¼SE¼;
Sec. 32, E½NE¼, SW¼NE¼, and SE¼;
Sec. 33, N½NE¼, SW¼NE¼, W½, and NW¼SE¼.
T. 14 N., R. 27 W., unsurveyed,
Sec. 2, W½;
Sec. 3, E½, E½NW¼, and SW¼;
Sec. 8, SE¼;
Sec. 9, E½, S½NW¼, and SW¼;
Secs. 10 and 11;
Sec. 16, W½NE¼ and W½;
Sec. 17, NE¼.
T. 15 N., R. 27 W., unsurveyed,
Sec. 13, SE¼;
Sec. 23, SE¼;
Sec. 24, NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 25, W½NE¼ and W½;
Sec. 26;
Sec. 27, SE¼SE¼;
Sec. 34, E½ and SE¼SW¼;
Sec. 35, NW¼NE¼ and W½.

The areas described, including both public and non-public lands, aggregate 10,692.08 acres.

Deerlodge National Forest

Highland Administrative Site

T. 1 N., R. 7 W.,
Sec. 31, those parts of lot 6 described as NW¼NE¼NE¼SW¼ and N½NW¼NE¼SW¼; and SW¼SE¼NW¼, and W½SE¼SE¼NW¼.

The areas described aggregate 22.50 acres of public land.

Fleecer Administrative Site

T. 1 N., R. 9 W.,
Sec. 8, S½NE¼, and SE¼.

The areas described aggregate 240 acres of public land.

Knotty Pine Administrative Site

T. 8 N., R. 13 W.,
Sec. 22, S½NE¼NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SW¼, NE¼SE¼SE¼, SW¼, SW¼NW¼SW¼SE¼, and NW¼SW¼SW¼SE¼.

The areas described aggregate 32.50 acres of public land.

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

Carson National Forest

Tres Ritos Administrative Site

T. 22 N., R. 13 E.,
Sec. 24, those parts of lot 3 described as the S½NE¼SW¼NE¼ and the SE¼SW¼NE¼.

The areas described aggregate 15 acres of public land.

Cibola National Forest

Doc Long and Sulphur Recreation Area

T. 11 N., R. 5 E.,
Sec. 14, E½E½NE¼NW¼, E½SW¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SE¼NW¼NE¼SW¼, NE¼NE¼SW¼SW¼, those parts of lot 4 described as E½SE¼SW¼, NW¼SE¼SW¼, and W½SW¼NW¼SE¼, and that part of lot 3 described as W½W½SW¼SE¼.

The areas described aggregate 153.99 acres of public land.

Magdalena Ranger Station Pasture

T. 2 S., R. 4 W.,
Sec. 33, NE¼ and N½SE¼;
Sec. 34, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.

The areas described aggregate 600 acres of public land.

OREGON

WILLAMETTE MERIDIAN

Deschutes National Forest

Todd Lake Forest Camp

T. 18 S., R. 9 E.,
Sec. 7, SE¼NE¼ and NE¼NE¼SE¼;
Sec. 8, SW¼NW¼ and W½SW¼.

The areas described aggregate 170 acres of public land.

Whitman National Forest

Marble Creek Forest Camp

T. 9 S., R. 38 E.,
Sec. 12, NE¼NE¼SW¼, S½NE¼SW¼, N½SE¼SW¼, W½NW¼SE¼, and NW¼SW¼SE¼.

The areas described aggregate 80 acres of public land.

SOUTH DAKOTA

BLACK HILLS MERIDIAN

Black Hills National Forest

Dark Canyon Recreation Area

T. 1 N., R. 6 E.,
Sec. 13, NW¼NE¼, NE¼NW¼, E½NW¼NW¼, and NW¼SW¼;
Sec. 14, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, E½SW¼, S½NW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, NW¼SW¼, N½SW¼SW¼, N½SE¼, N½SW¼SE¼, and SE¼SE¼;
Sec. 16, S½NE¼ and N½SE¼;
Sec. 22, S½NW¼NE¼, S½NE¼NW¼, and NW¼NW¼.

The areas described, including both public and nonpublic lands, aggregate 870 acres.

Harney National Forest

Sheridan Lake Recreation Area

T. 1 S., R. 5 E.,
Sec. 1, S½S½;
Sec. 2, S½SE¼;
Sec. 11, lot 1, NE¼, N½SE¼, and SW¼SE¼;
Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8, and N½;
Sec. 13, lots 1, 2, 3, NW¼NW¼, S½N½, and N½SE¼;
Sec. 14, lot 1, NW¼NE¼, and S½NE¼.
T. 1 S., R. 6 E.,
Sec. 7, lots 1, 2, 3, 4, and E½W½;
Sec. 18, lots 6 and 7.

The areas described, including both public and nonpublic lands, aggregate 1,841.42 acres.

WASHINGTON

WILLAMETTE MERIDIAN

Wenatchee National Forest

Swauk Creek Recreation Area

T. 21 N., R. 17 E.,
Sec. 1, SW¼SW¼;
Sec. 11, NE¼NE¼ and N½SE¼NE¼;
Sec. 12, N½NW¼, SW¼NW¼, and N½SE¼NW¼.

The areas described, including both public and nonpublic lands, aggregate 240 acres.

WYOMING

SIXTH PRINCIPAL MERIDIAN

Teton National Forest

Teton Wilderness Area

T. 46 N., R. 113 W., unsurveyed,
Sec. 15, NW¼;
Sec. 16;
Sec. 17, SE¼;
Sec. 19, SE¼;
Sec. 20;
Sec. 21, NW¼;
Sec. 29, NW¼;
Sec. 30, E½.

The areas described aggregate 2,400 acres of public land.

This order shall be subject to existing withdrawals for power-site purposes and Federal power projects so far as they affect any of the above-described lands; and it shall take precedence over, but not otherwise affect, the existing reservations of the lands for national-forest purposes, and the reservation for the Ocala National Game Refuge, within the Ocala National Forest in Florida, made by Proclamation No. 1918 of July 24, 1930 (46 Stat. 3031).

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 4, 1951.

[F. R. Doc. 51-6508; Filed, June 7, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR, Part 3]

SPECIAL PROVISIONS APPLICABLE TO COTTON

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), that the Secretary of Agriculture is considering the issuance of amendments to §§ 3.16 and 3.17 (e) of the regulations promulgated under the Commodity Exchange Act (17 CFR 3.16, 3.17 (e)).

The proposed amendment to § 3.16 would eliminate the present requirement that reports on Form 304 be filed as of the close of business on July 31 of each year.

The proposed amendment to § 3.17 (e) would require that reports made by any person on Form 304 show such person's fixed-price spot-cotton positions (both long and short). The proposed amendment thus would eliminate the present provision of § 3.17 (e) which conditions the reporting of fixed-price spot-cotton positions on the holding or controlling of 20,000 bales or more of open contracts in any one cotton future on any contract market.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments shall file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. d. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

Issued this 5th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6665; Filed, June 7, 1951; 8:53 a. m.]

Production and Marketing Administration

[7 CFR, Part 51]

U. S. STANDARDS FOR ALMONDS IN THE SHELL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Almonds in the Shell under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.456 *Standards for almonds in the shell*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of almonds in the shell which are of similar varietal characteristics, clean, fairly bright, fairly uniform in color, which are free from loose hulls, pieces of shells, chaff and foreign material and free from damage caused by discoloration, adhering hulls broken shells, or other means. The kernels shall be well dried, free from decay, rancidity, insect injury, and free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum thickness of the almond shall be not less than 28/64 of an inch.

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) *For external defects.* Ten percent, by count (except that loose hulls, chaff, pieces of shells and foreign material shall be determined by weight), for almonds which fail to meet the requirements of the grade, other than for variety and size: *Provided*, That, not more than 2 percent, by weight, shall be allowed for loose hulls, chaff, pieces of shells and foreign material, including not more than one-half of this amount, or 1 percent, that will pass through a screen with 24/64 inch round openings;

(*b*) *For dissimilar varieties.* Five percent, by count, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*c*) *For size.* Five percent, by count, for almonds which fail to meet the size requirements; and

(*d*) *For internal defects.* Ten percent, by count, for almonds which fail to meet the grade requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for kernels affected by decay, rancidity, insect injury and damage by mold.

(2) *U. S. No. 1 Mixed.* U. S. No. 1 Mixed consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

(3) *U. S. No. 2.* U. S. No. 2 consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that an additional tolerance of 20 percent shall be allowed for discoloration.

(4) *U. S. No. 2 Mixed.* U. S. No. 2 Mixed consists of almonds in the shell which meet the requirements of the U. S. No. 2 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

(b) *Unclassified.* Unclassified consists of almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances and determination of the grades.* The tolerances for the foregoing grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(1) In determining the grade of a lot of almonds, the percentage of loose hulls, pieces of shells, chaff and foreign material is first determined on the basis of weight. Then a stated number of nuts is counted out (depending upon the size of the lot) from the composite sample. These almonds are next examined for size, dissimilar varieties and external defects. The same nuts are then cracked and examined for internal defects.

(d) *Definitions.* (1) "Similar varietal characteristics" means that the almonds are similar in shape and are reasonably uniform in degree of hardness of the shells. For example, hard-shelled varieties shall not be mixed with semi-soft-shelled, soft-shelled and paper-shelled varieties; and semi-soft-shelled varieties shall not be mixed with soft-shelled and paper-shelled varieties; and soft-shelled varieties shall not be mixed with paper-shelled varieties. Likewise, bitter almonds shall not be mixed with sweet almonds.

(2) "Clean" means that the individual almond is practically free from dirt and other foreign matter.

(3) "Fairly bright" means that the almonds show good characteristic color.

(4) "Fairly uniform color" means that the shells do not show excessive variation in color.

(5) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the almonds. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Discoloration which is distinctly gray to black, when affecting more than one-eighth of the surface of the shell in the aggregate, but normal color variations, such as reddish or brown between varieties, and within some varieties, are not to be considered as discoloration;

(ii) Adhering hulls, when covering more than 5 percent of the shell surface in the aggregate;

(iii) Broken shells, when a portion of the shell is missing or fractured to the

extent that moderate pressure will cause the kernel to become dislodged;

(iv) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(v) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(vi) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed: *Provided*, That, partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(vii) Brown spot on the kernel, either single or multiple, when the affected area is more than the equivalent of a circle one-eighth inch in diameter.

(6) "Well dried" means that the kernel is firm and brittle and not pliable or leathery.

(7) "Decay" means that the kernel is putrid or decomposed.

(8) "Rancidity" means that the kernel is noticeably rancid to the taste.

(9) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(10) "Thickness" means the greatest distance between the two flat surfaces of the shell. The minimum thickness shall be determined by passing the almonds through slotted openings with sufficient length to permit the almonds to go through lengthwise.

Done at Washington, D. C., this 5th day of June 1951.

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6654; Filed, June 7, 1951; 8:52 a. m.]

[7 CFR, Part 51]

U. S. STANDARDS FOR SHELLED ALMONDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Shelled Almonds under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m. e. s. t. on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.457 *Standards for shelled almonds*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size).

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) For dissimilar varieties. 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) For doubles. 3 percent;

(*c*) For kernels injured by chipping or scratching. 5 percent;

(*d*) For foreign material. Two-tenths of 1 percent (0.20%);

(*e*) For particles and dust. One-tenth of 1 percent (0.10%); and,

(*f*) For other defects. 2 percent, including not more than one-fourth of this amount, or one-half of 1 percent (0.50%), for serious damage.

(2) *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size).

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 5 percent.

(*c*) *For kernels damaged by chipping or scratching.* 5 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and.

(*f*) *For other defects.* 4 percent, including not more than one-fourth of this amount, or 1 percent, for serious damage.

(3) *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping or scratching.* 10 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and.

(*f*) *For other defects.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for serious damage.

(4) *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 25 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 15 percent: *Provided*, That, not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $\frac{2}{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than one-third of this amount, or 1 percent, for serious damage.

(6) *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(ii) Unless otherwise specified, the minimum diameter shall be not less than $\frac{20}{64}$ of an inch. (See other size requirements and tolerances for size).

(iii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 35 percent;

(*c*) *For foreign material.* Three-tenths of 1 percent (0.30%);

(*d*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*e*) *For undersize.* 5 percent; and,

(*f*) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(7) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum diameter shall be not less than $\frac{5}{64}$ of an inch. (See other size requirements and tolerances for size).

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For bitter almonds mixed with sweet almonds.* 1 percent;

(*b*) *For foreign material.* Three-tenths of 1 percent (0.30%);

(*c*) *For particles and dust.* 1 percent; and,

(*d*) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(b) *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

(c) *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided*, That, the kernels are fairly uniform in size.

Count range per ounce	*Count range per ounce*
16 to 18, inclusive	26 to 28, inclusive
18 to 20, inclusive	27 to 30, inclusive
20 to 22, inclusive	30 to 34, inclusive
22 to 24, inclusive	36 to 40, inclusive
23 to 25, inclusive	40 to 50, inclusive
24 to 26, inclusive	50 and smaller

(e) *Tolerances for size.* When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(i) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

(f) *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

(2) "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

(3) "Clean" means that the kernel is practically free from dirt and other foreign substance.

(4) "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

(5) "Decay" means that the kernel is putrid or decomposed.

(6) "Rancidity" means that the kernel is noticeably rancid to the taste.

(7) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(8) "Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening $\frac{5}{64}$ of an inch in diameter.

(9) "Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

(10) "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening $\frac{5}{64}$ of an inch in diameter.

(11) "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening $\frac{5}{64}$ of an inch in diameter.

(12) "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(i) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

(13) "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(ii) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(iii) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(iv) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(v) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

(14) "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

(15) "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

(16) "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed

1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

Done at Washington, D. C., this 5th day of June 1951.

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6658; Filed, June 7, 1951; 8:52 a. m.]

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1521, et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). This revision, if made effective, will be the fifth issue by the Department of Grade Standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR, Cum. Supp., 51.10; 13 F. R. 3725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR, Cum. Supp., 51.15; 13 F. R. 5725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

(7) "Mixed" or "mixture" means a mixture of two or more of the following forms of canned beans: "whole;" "sliced lengthwise;" "cuts;" or "short cuts."

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not seriously affected in appearance by sloughing of the epidermis; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined in this section.

(4) U. S. Grade "D" or "Substandard" is the quality of canned beans that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(5) "U. S. Grade D—below standard in quality, good food—not high grade" or "substandard—below standard in quality, good food—not high grade" or "U. S. Grade D—below standard in quality, excessive number very short pieces" or "substandard—below standard in quality, excessive number very short pieces" or "U. S. Grade D—below standard in quality, excessive number blemished units" or "substandard—below standard in quality, excessive number blemished units" or "U. S. Grade D—below standard in quality, excessive number unstemmed units" or "substandard—below standard in quality, excessive number unstemmed units" or "U. S. Grade D—below standard in quality, excessive foreign material" or "substandard—below standard in quality, excessive foreign material," is the quality of canned beans that fall below the standard of quality of canned green beans (21 CFR Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR Cum. Supp., 51.16; 13 F. R. 3728), as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Styles of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Sliced lengthwise	Cuts, short cuts, or mixtures
No. 1 E	6½		6½	
No. 1 Tall	9½		9½	
No. 300	8½		8½	
No. 303	9½		9½	
No. 2	11½	12½	12	11½
No. 2½	16½	18	17½	16½
No. 10	61		65	58

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

TABLE NO. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans			Flat type beans in whole, cut, or short cut beans	
	Number designation	Whole beans, word designation	Cut or short cut beans, word designation	Number designation	Word designation
Less than 11/64 inch in thickness	Size 1	Tiny	Small	Size 2	Small.
11/64 inch to, but not including, 13/64 inch in thickness	Size 2	Small	do	Size 3	Medium.
13/64 inch to, but not including, 21/64 inch in thickness	Size 3	Medium	do	Size 4	Medium large.
21/64 inch to, but not including, 24/64 inch in thickness	Size 4	Medium large	Medium	Size 5	Large.
24/64 inch to, but not including, 27/64 inch in thickness	Size 5	Large	Large	Size 6	Extra large.
27/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Extra large.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(i) Clearness of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Maturity	40
Total score	100

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy and contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off-color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, or similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(a) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter.

(b) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(d) "Ragged-cut unit" means a section of a pod that has a very ragged edge, or a section of a pod that is partially cut.

(e) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(f) "Reasonably intact" means that not more than 10 percent, by weight, of the units in a container are split into two parts.

(g) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(h) "Damaged by mechanical injury" means broken or damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(a) *Whole or cut.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 5 ragged-cut units, 5 in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(b) *Sliced lengthwise.* "Practically free from defects" means that the pods are well sliced; the combined weight of all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(d) *Mixed when not containing pods that are sliced lengthwise.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(e) *Mixed when containing pods that are sliced lengthwise.* "Practically free from defects" means that the pods that are sliced lengthwise are well sliced and that all other units are practically intact; and with respect to each mixture that the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(a) *Whole or cut.* "Reasonably free from defects" means that the units are reasonably intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(b) *Sliced lengthwise.* "Reasonably free from defects" means that the pods are reasonably well sliced; the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Reasonably free from defects" means that the units are reasonably intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury; and

Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(d) *Mixed when not containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the units are reasonably intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury; and

Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(e) *Mixed when containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the pods that are sliced lengthwise are reasonably well sliced and that all other units are practically intact; and with respect to each mixture that the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished; and

Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of canned beans:

(a) *Whole or cut.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(b) *Sliced lengthwise.* "Fairly free from defects" means that the pods are fairly well sliced; the combined weight of all defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(d) *Mixed when not containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(e) *Mixed when containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) and canned wax beans (21 CFR, Cum. Supp., 51.16; 13 F. R. 3728) promulgated under the Federal Food, Drug, and Cosmetic Act.

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(d) *Mixed when not containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(e) *Mixed when containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR, Cum. Supp., 51.16; 13 F. R. 3728), as the case may be, shall not be graded above U. S. Grade D—below standard in quality, good food—not high grade, or substandard—below standard in quality, good food—not high grade, or U. S. Grade D—below standard in quality, excessive number very short pieces, or substandard—below standard in quality, excessive number very short pieces, or U. S. Grade D—below standard in quality, excessive number blemished units, or substandard—below standard in quality, excessive number blemished units, or U. S. Grade D—below standard in quality, excessive number unstemmed units, or substandard—below standard in quality, excessive number unstemmed units, or U. S. Grade D—below standard in quality, excessive foreign material, or substandard—below standard in quality, excessive foreign material, as the case may be, regardless of the total score for the product (this is a limiting rule).

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(a) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(b) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(c) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods, including strings broken or unbroken.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 5 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender, a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages

of maturity; are not fibrous; and not more than 10 percent, by count, of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender, a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the units may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 25 percent, by weight, of seed and pieces of seed;[2]

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;[2] and

Not more than 20 percent, by count, of the units may possess tough strings except that in case there are present units at least $2^{7}/_{64}$ inch or more in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR, Cum. Supp., 51.16; 13 F. R. 3728), as the case may be, shall not be graded above U. S. Grade B—Below standard in quality, good food—not high grade, or Substandard—Below standard in quality, good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by a reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

[2] See footnote on page 5453.

(k) *Score sheet for canned green beans or canned wax beans.* The following score sheet may be used to summarize the factors determining the various grades:

Container size	
Container code or marking	
Label	
Net weight (in ounces)	
Vacuum (in inches)	
Drained weight	
Type (round or flat)	
Variety (green or wax)	
Style	
Size of green beans or wax beans	

Factors	Score points	
I. Clearness of liquor	10	(A) 9-10 (B) 7- 8 (C) 5- 6 (D) 0- 4
II. Color	15	(A) 14-15 (B) 12-13 (C) 10-11 (D) 0- 9
III. Absence of defects	35	(A) 32-35 (B) 27-31 (C) 22-26 (D) 0-21
IV. Maturity	40	(A) 37-40 (B) 29-36 (C) 23-28 (D)[1] 0-22
Total score	100	

Grade	
Normal flavor and color	

[1] Indicates limiting rule within classification.

Issued at Washington, D. C., this 5th day of June 1951.

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6656; Filed, June 7, 1951; 8:52 a. m.]

[7 CFR, Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR 1952 CROP OF WHEAT AND OF NATIONAL ACREAGE ALLOTMENT FOR THE 1952 CROP OF WHEAT

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1335), the Secretary is preparing to determine whether marketing quotas are required to be proclaimed for the 1952 crop of wheat, and to determine and proclaim the national acreage allotment for the 1952 crop of wheat.

Section 333 of said act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of said act requires that the national acreage allotment for the 1952 crop of wheat be proclaimed not later than July 15, 1951.

Section 335 of said act provides that whenever in the calendar year 1951 the Secretary determines (1) that the total supply of wheat for the 1951–52 marketing year will exceed the normal supply for such marketing year by more than 20 per centum or (2) that the total supply of wheat for the 1950–51 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1951, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1952–53 marketing year.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carry-over of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined plus 15 per centum of such consumption and exports; "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption; "normal year's exports" of wheat is the yearly quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1–June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

In preparing to make such determinations and proclamations, the Secretary has under consideration sections 304 and 371 (b) of the act which authorize increases in or terminations of marketing quotas and acreage allotments for any of the several commodities to which farm marketing quotas are applicable in case the Secretary finds such action necessary to protect consumers, to meet a national emergency, or to provide for a material increase in exports.

Prior to making any of the foregoing determinations with respect to the 1952 crop of wheat, consideration will be given to any data, views, and recommendations

pertaining thereto which are submitted in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of June 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-6655; Filed, June 7, 1951; 8:52 a. m.]

[7 CFR, Part 965]

[Docket No. AO-166-A14]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sinton Hotel, Fourth and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., June 12, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Cincinnati Sales Association, Inc. and Cooperative Pure Milk Association.

1. Amend § 965.41 (a) by including "concentrated milk" therein as a Class I product.

2. Amend § 965.51 (a) by adding thereto the following: *"Provided*, That the price so computed for Class I milk shall be adjusted by an amount determined on a market-wide basis of supply and demand in the following manner: Divide the total gross Class I sales (less interhandler transfers) for the second and third months preceding by total receipts of milk from producers for the same months, multiply by 100, and round to the nearest point. For each point change the gross Class I percentage utilization so computed is more or less than the gross Class I percentage utilization so computed for the same two months of 1949, add or subtract, respectively, two cents for each of the months of April, May and June; three cents for each of the months of January, February and March; and four cents for each of the months of July, August, September, October, November and December."

Proposed by Robert N. Gorman on behalf of a group of handlers.

4. Amend § 965.51 (a) by adding thereto the following: *"Provided*, That there shall be subtracted from the price of Class I milk so computed 50 cents for any month which is immediately preceded by six months during which on a market-wide basis the percentage of the total receipts of milk received from producers which was classified as Class I and Class II was less than the percentage of the total receipts of milk received from producers which was classified as Class I and Class II (computed under current order provisions) during the same six months of 1950."

5. Amend § 965.51 (b) by adding thereto the following: *"Provided*, That there shall be subtracted from the price of Class II milk so computed 50 cents for any month which is immediately preceded by six months during which on a market-wide basis the percentage of the total receipts of milk received from producers which was classified as Class I and Class II milk was less than the percentage of the total receipts of milk received from producers which was classified as Class I and Class II (computed under current order provisions) during the same six months of 1950."

6. Amend that portion of § 965.51 (c) which precedes subparagraph (1) thereof to read as follows:

(c) The price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 152 East Fourth Street, Cincinnati, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated June 4, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6612; Filed, June 7, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 330]

SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

PROCEDURAL CHANGES

MAY 25, 1951.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rule relating to procedural changes in the processing of an application submitted by a person who is desirous of being naturalized under section 323 of the Nationality Act of 1940. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1063, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C., written data, views and arguments relative to the substantive provisions of the proposed amendment. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Section 330.6 of Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.* A person who, while a citizen of the United States and during the First or Second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person

described in this section who has lost United States citizenship during the Second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Preliminary application to take the oath shall be made on Form N-428 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-409, in triplicate, the original of Form N-409 being retained as a part of the court record and the duplicate and triplicate forwarded to the district director or officer in charge with duplicates of other naturalization papers filed and issued. The district director or officer in charge shall retain the duplicate and forward the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter.

(Secs. 323, 335, 54 Stat. 1149, 1157, 56 Stat. 198, 60 Stat. 666, 61 Stat. 122; 8 U. S. C. 723, 735)
(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 1, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-6610; Filed, June 7, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 96]

LEGATION AT VIENTIANE, LAOS

FIELD ORGANIZATION

MAY 31, 1951.

Notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective May 16, 1951, the American Legation at Vientiane, Laos, was opened to the public.

For the Secretary of State.

H. J. HENEMAN,
Director, Management Staff.

[F. R. Doc. 51-6611; Filed, June 7, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 6400-5 (revised), between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that Conference (No. 6400): (a) To include a clause covering the procedure to apply in the event members desire to absorb or equalize insurance differentials as between the vessels of members or other carriers; (b) to include a clause governing notices of meetings and subjects to be considered; (c) to revise the quorum requirements; (d) to include provisions with respect to meetings with other conferences and to participation of members in agreements entered into by the conference; (e) to clarify the language of certain provisions of the conference agreement; and (f) to rearrange the order in which certain provisions shall appear in the conference agreement.

Agreement No. 7814, between Montreal Australia New Zealand Line Limited, Port and Associated Lines (Port Line, Ltd., The Cunard Steamship Company, Ltd., and Thos. & Jno. Brocklebank Ltd.), Federal New Zealand Lines (Federal Steam Navigation Company, Limited, and New Zealand Shipping Company, Limited), and Ellerman and Bucknall Associated Lines (Ellerman Lines, Limited, Ellerman & Bucknall Steamship Co., Limited, Hall Line, Limited, and The City Line, Limited), covers the establishment and maintenance of a joint cargo and limited passenger service under the trade name "M. A. N. Z. Line" in the trade from ports in the Commonwealth of Australia (including Tasmania), the Dominion of New Zealand, Cook Islands, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, and Gilbert and Ellice Islands to United States ports, including the Canal Zone. There is to be no pooling or other sharing of profits or losses between the parties. The joint service may participate in conference and other agreements as a single party only, being represented by Norton, Lilly & Company and Funch, Edye & Co., Inc.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 4, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-6620; Filed, June 7, 1951; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 1.]

DELEGATIONS OF AUTHORITY

FUNCTIONS RELATING TO EXTENSION PROBLEMS

Sec.
100. Agricultural assistance contracts.

FUNCTIONS RELATING TO CREDIT MATTERS

120. Loan agreements and modifications.
121. Enforcement terms, loan agreements.
122. Borrowers' consent to assignment, loan agreements.
123. Approval articles and by-laws, cooperative associations.
124. Acceptance of evidence from borrowers to improve livestock management.
125. Approval of depositories.
126. Accounting and records systems.
127 Corporate and tribal enterprises.
128. Loan agreements and modifications.

FUNCTIONS RELATING TO LAW AND ORDER

150. Appointment and removal, judges, Indian courts.

FUNCTIONS RELATING TO TRADING WITH INDIANS

170. Traders' licenses.

FUNCTIONS RELATING TO INDIAN EDUCATION

180. Education contracts.

FUNCTIONS RELATING TO INDIAN IRRIGATION PROJECTS

200. Operation and maintenance orders.
201. San Carlos purchase price, approval.
202. San Carlos water apportionments.
203. Water sales, Crow town site lots.

FUNCTIONS RELATING TO EXTENSION PROBLEMS

Section 100. *Agricultural assistance contracts.* The negotiation and execution of contracts with states or territories, or political subdivisions thereof, or with any other appropriate state agency or institution, for agricultural assistance, authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. 1946 ed., secs. 452-454).

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 120. *Loan agreements and modifications.* The approval of applications and modifications of loan agreements to individuals and cooperatives (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed in the case of loans by corporations, tribes and bands, $10,000; in the case of loans by credit associations, $5,000; in the case of loans by the United States to cooperative associations, $10,000; and in the case of loans by the United States to individual Indians, $5,000, pursuant to 25 CFR Part 21. The foregoing authority does not extend to approval of applications or modifications of agreements for educational loans by the United States or educational loans for a sum in excess of $500 for a one-year course of studies or $2,000 for a four-year course of studies.

SEC. 121. *Enforcement terms, loan agreements.* The taking of necessary steps upon failure of any cooperative to conform to the terms of its loan agreement, pursuant to 25 CFR Parts 21 and 23.

SEC. 122. *Borrowers' consent to assignment, loan agreements.* The consent to assignments of loan agreements and interest therein by borrowers from incorporated and unincorporated tribes and bands, pursuant to 25 CFR Part 23.

SEC. 123. *Approval articles and by-laws, cooperative associations.* The approval of articles of association and by-laws of cooperative associations, and amendments thereto, pursuant to 25 CFR Parts 21 and 23, except where such organizations are applying for loans from the United States or are already indebted to the United States.

SEC. 124 *Acceptance of evidence from borrowers to improve livestock management.* The acceptance of evidence from borrowers that they will improve their livestock management practices as provided for in their loan agreement, pursuant to 25 CFR Part 23.

SEC. 125. *Approval of depositories.* The approval of depositories selected by incorporated and unincorporated tribes and bands and credit and cooperative associations, subject to limitations imposed by the provisions of the tribal constitutions or other organization documents.

SEC. 126. *Accounting and records systems.* The approval of accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR Part 21.

SEC. 127. *Corporate and tribal enterprises.* The approval of applications of corporate and tribal enterprises (subject to the availability of funds) where the indebtedness of the enterprise, exclusive of indebtedness payable in kind, does not exceed $25,000.

SEC. 128. *Loan agreements and modifications.* The approval of modifications of loan agreements and plans of operation of corporate and tribal enterprises when the indebtedness of the enterprise, exclusive of indebtedness payable in kind, does not exceed $25,000, and the date of the repayment of the loan is not extended.

FUNCTIONS RELATING TO LAW AND ORDER

SEC. 150. *Appointment and removal, Judges, Indian Courts.* The appointment, suspension and removal for cause of judges of Courts of Indian Offenses, pursuant to the provisions of 25 CFR Part 161.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 170. *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the renewal and revocation of licenses pursuant to the provisions of 25 CFR Parts 276 and 277.

FUNCTIONS RELATING TO INDIAN EDUCATION

SEC. 180. *Education contracts.* The negotiation and execution of contracts with any state or territory, or political subdivision thereof, including school districts, or with any state university, college, or school, or with any appropriate state or private corporation, agency, or institution, as authorized by the act of June 4, 1936 (25 U. S. C. 1946 ed., secs. 452-454).

FUNCTIONS RELATING TO INDIAN IRRIGATION PROJECTS

SEC. 200. *Operation and maintenance orders.* The issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian irrigation projects to which water can be delivered, under authority of the acts of August 1, 1914 (38 Stat. 585; 25 U. S. C. 385), and March 7, 1928 (45 Stat. 210; 25 U. S. C. 387).

SEC. 201. *San Carlos purchase price, approval.* The approval of the purchase price of privately-owned lands within the San Carlos irrigation project, Arizona, under authority of section 4 of the act of June 7, 1924 (43 Stat. 475).

SEC. 202. *San Carlos water apportionments.* The approval of annual and any supplemental apportionment of water each year for the irrigable lands of the San Carlos Indian irrigation project, Arizona.

SEC. 203. *Water sales, Crow town site lots.* The approval of contracts for the sale of water on an annual basis to lot owners in unorganized towns on the Crow Indian irrigation project, Montana, operated pursuant to the provisions of 25 CFR Part 94.

D. S. MYER,
Commissioner.

[F. R. Doc. 51-6622; Filed, June 7, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7938, 7944]

WESTERN BROADCASTING ASSOCIATES AND WEST SIDE RADIO

ORDER SCHEDULING HEARING

In re applications of Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; Maxon B. Sayre and George Stevens, Jr., d/b as West Side Radio, Tracy California, Docket No. 9944, File No. BP-7802; for construction permits.

The Commission having under consideration a petition by Western Broadcasting Associates filed on May 28, 1951, requesting a continuance of the hearing on the engineering issues in the above-entitled matter now scheduled for May 31, 1951, in Washington, D. C.; and

It appearing that Commission Counsel and counsel for Queen City Broadcasting Company, licensee of Station KIRO, have consented to a continuance of the hearing on the engineering issues; and

It further appearing that counsel for West Side Radio has consented to immediate consideration of this petition but has opposed the petition on the ground that it was not filed sufficiently in advance of the scheduled hearing date; and

It further appearing that the consulting engineer for petitioner has professional commitments in the field and away from Washington, D. C., which will not permit him to come to Washington, D. C., until the time of the Commission hearing on the proposed allocation of television channels now scheduled for July 9, 1951; and

It further appearing that the hearing with respect to the non-engineering issues in this proceeding is presently scheduled for June 25, 1951, at Modesto, California, and June 27, 1951, at Tracy, California;

It is hereby ordered, This 29th day of May 1951, that the petition is hereby granted insofar as it requests a continuance of the hearing on engineering issues and denied insofar as it requests that a date be established for the hearing on the engineering issues shortly after the commencement of the aforementioned television hearing; and

It is further ordered, That the hearing shall be held with respect to non-engineering issues at 10:00 a. m., on June 25, 1951, at Modesto, California, and June 27, 1951, at Tracy, California, and the hearing with respect to engineering issues shall be held in Washington, D. C., at a date subsequent to July 9, 1951, to be hereafter specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6624; Filed, June 7, 1951; 8:47 a. m.]

[Docket Nos. 9974-9977]

RADIO BROADCASTING, INC. (KTHS) ET AL.

APPLICATIONS FOR HEARING

In re applications of Radio Broadcasting, Inc. (KTHS), Little Rock, Arkansas, Docket No. 9975, File No. BP-7787; James A. Noe (WNOE), New Orleans, Louisiana, Docket No. 9976, File No. BP-7822; Fayetteville Broadcasting Co., Inc. (KGRH), Fayetteville, Arkansas, Docket No. 9977, File No. BP-8037; for construction permits, and Radio Broadcasting, Inc. (KTHS), Hot Springs, Arkansas, Docket No. 9974, File No. BR-426, for renewal of license.

The caption of the Commission's order adopted May 16, 1951, designating the above-entitled applications for consolidated hearing indicated the station location for the operation of KTHS proposed

in the application for construction permit (File No. BP-7787, Docket No. 9975) as Hot Springs, Arkansas, whereas such application proposes a change in station location to Little Rock, Arkansas. Accordingly, the caption of said order is corrected to read as above.

Dated: June 1, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6625; Filed, June 7, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1693]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 4, 1951.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed on May 25, 1951, an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of the following quantities of natural gas pursuant to paragraph (B) (ii) of the order accompanying Opinion No. 206 issued by the Federal Power Commission in Docket No. G-1012 on February 27, 1951:

Customer	Daily contract quantity MCF
(1) Town of Belmont, Miss.	200
Consumers Gas Co.	3,300
Fulton Gas Co.	400
Town of Lafayette, Tenn.	500
City of Lawrenceburg, Tenn.	1,591
City of Lebanon, Tenn.	2,555
Mid-South Gas Co.	6,513
Town of Newport, Pa.	117
Village of Norris City, Ill.	450
Ohio Valley Gas Corp.	4,000
City of Oran, Mo.	275
Fateka Development Corp.	2,000
The Permian Oil & Gas Co.	300
Town of Red Bay, Ala.	388
Shippensburg Gas Co.	376
City of Somerset, Ky.	2,000
Tennessee Gas Co.	2,141
Total	27,106

(2) 45,500 Mcf of gas to Public Service Electric and Gas Company under Rate Schedule S-2 instead of Rate Schedule DCQ-2 as specified in the precedent agreement between Applicant and said company, dated May 12, 1950.

(3) To each remaining firm contract customer purchasing a daily contract quantity of gas from Applicant out of its system capacity authorized prior to Docket No. G-1012, which accepted in writing, the quantity offered under this application, that portion of the available daily capacity remaining after the above sales as determined by the ratio of that daily contract quantity of such customer bears to the total system capacity of 740,800 Mcf per day (less the aggregate daily contract quantities of such customers not accepting this offer).

No new contract is offered.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6615; Filed, June 7, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17862]

HELENA KROLL

In re: Estate of Helena Kroll, deceased. File No. 017-663.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Baues, whose last known address was, on April 19, 1951, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Baues, who there is reasonable cause to believe were residents of Germany on April 19, 1951, were on such date nationals of a designated enemy country (Germany);

3. That the total sum of $374.13 was paid to the Attorney General of the United States by von Briesen & von Briesen, Forwarding Agents;

4. That the said sum of $374.13 was accepted by the Attorney General of the United States on April 19, 1951, pursuant to the terms of the Trading With the Enemy Act, as amended;

5. That the said sum of $374.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Baues, were not within a designated enemy country on April 19, 1951, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on April 19, 1951.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6626; Filed, June 7, 1951; 8:48 a. m.]

[Vesting Order 17886]

AMSTERDAMSCHE BANK N. V.

In re: Stock registered in the name of Amsterdamsche Bank N. V., 597-603 Heerengracht, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-822.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Amsterdamsche Bank N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 6768, 100304, 102823.

[F. R. Doc. 51-6627; Filed, June 7, 1951; 8:48 a. m.]

[Vesting Order 17887]

LODEWIJK VAN NIEROP & CO.

In Re: Stock registered in the name of Lodewijk Van Nierop & Co., Amsterdam, The Netherlands and owned by persons whose names are unknown. F-49-1356.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Lodewijk Van Nierop & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 9193, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 7750, 7571, 7572, 8440, 8441, 8450, 8451, 8452, 13258, 13906, 13907, 16940, 18757.

[F. R. Doc. 51-6628; Filed, June 7, 1951; 8:48 a. m.]

[Vesting Order 17918]

MARIE BODE

In re: Estate of Marie Bode, deceased. File No. D-28-13003; E. T. sec. 17130.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Philippsen, Rudolf Steinmeier, Rudolf Steinmeier, Jr., Walter Steinmeier, Hans Steinmeier, Emmi (Emmy) Scharrelmann, Elisabeth (Lisbeth) Peinemann, Ernst Reinecke, Margarete (Grete) Willumeit and Auguste Bode, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Marie Bode, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hans M. Bode, ancillary administrator c. t. a., acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6598; Filed, June 6, 1951; 8:50 a. m.]

[Vesting Order 17922]

ALBERTINE HEDWIG E. HECHT

In re: Estate of Albertine Hedwig E. Hecht, also known as Albertine Emilie Hedwig Hecht, nee Mueller, and as Hedwig Hecht, deceased. File No. D-28-2212; E. T. sec. 3510.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Bruechner, also known as Mrs. Klara Bruechner, nee Mueller, and as Agnes Ottilie Clara Bruechner, nee Mueller, is a resident of Germany

and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Albertine Hedwig E. Hecht, also known as Albertine Emilie Hedwig Hecht, nee Mueller, and as Hedwig Hecht, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, Public Administrator of the City and County of San Francisco, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco, California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6599; Filed, June 6, 1951; 8:50 a. m.]

[Vesting Order 17888]

DETERMEYER, WESLINGH & ZOON

In re: stock registered in the name of Determeyer, Weslingh & Zoon, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1358.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Determeyer, Weslingh & Zoon, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 6395, 7644, 105366.

Pittsburgh Consolidation Coal Co. $1.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated: 12 share certificate No. NY 06231; 24 share certificate No. NY 06232; 2 share certificate No. NY 010277.

The Kansas City Southern Railway Company no par common stock evidenced by one 10 share certificate No. B53407.

The Kansas City Southern Railway Company $100.00 Par Value Preferred Stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. B-33510, B-42176, B-42184, B-42185, B-42197.

[F. R. Doc. 51-6629; Filed, June 7, 1951; 8:48 a. m.]

[Vesting Order 17889]

THEODOOR GILISSEN

In re: Stock registered in the name of Theodoor Gilissen, Amsterdam, Holland and owned by persons whose names are unknown. F-49-1277.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Theodoor Gilissen, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. 10 shares of The Kansas City Southern Railway Company no par common stock evidenced by Certificate No. B-52824; 10 shares of The Kansas City Southern Railway Company $100 par value preferred stock evidenced by Certificate No. B-40998.

II. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 4170, 6491, 7244, 9101, 9112, 9116, 9352, 13993, 13994, 13995, 13998, 13999, 15844, 16648, 16649, 16650, 16651, 18818.

III. (a) Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 7237, 99811, 100890, 100891, 106623.

(b) 10 shares of Southern Railway Company preferred stock evidenced by Certificate No. 31194.

[F. R. Doc. 51-6630; Filed, June 7, 1951; 8:48 a. m.]

[Vesting Order 17890]

NEDERLANDSCHE VEREENIGING TER BEHARTIGING VAN DE BELANGEN VAN HOUDERS VAN OBLIGATIEN TEN LASTE VAN DE NORFOLK & WESTERN RWY CO.

In re: Stock registered in the name of Nederlandsche Vereeniging Ter Behartiging Van De Belangen Van Houders Van Obligatien Ten Laste Van De Norfolk & Western Rwy Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1349.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Nederlandsche Vereeniging Ter Behartiging Van De Belangen Van Houders Van Obligatien Ten Laste Van De Norfolk & Western Rwy Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unkown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Norfolk & Western Railway Company par value $100.00 adjustment preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

5 share certificate. 4525.

1 share certificates. 3293, 6356, 6357, 6359, 7200, 7603, 7723, 7825, 8130, 8131, 8230, 8231, 8232, 8264, 8265, 8266.

[F. R. Doc. 51-6631; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17891]

N. V. BANKVEREENING LODEWIJK KORIJN

In re: Stock registered in the name of N. V. Bankvereening Lodewijk Korijn or N. V. Bankvereenising Lodewijk Korijn, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1354.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of N. V. Bankvereening Lodewijk Korijn or N. V. Bankvereeniging Lodewijk Korijn, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 99087, 101334, 101587.

United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10 share certificates. 2143, 4330, 4201, 5211, 7554, 7556, 8992, 12957, 12974, 16664, 16665.

[F. R. Doc. 51-6632; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17921]

MARIE GUNZINGER AND AMERICAN NATIONAL BANK OF DENVER

In re: Trust Indenture, dated April 6, 1934, by and between Marie Gunzinger, Settlor, and The American National Bank of Denver, Trustee, as amended. File No. D-28-12972.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Bantel; Mrs. Helene Lieb, nee Nagel; Willy Nagel; and Mrs. Berta Spengler, nee Nagel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Conrad Bantel, and of Katharina Nagel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That an undivided two-thirds (2 2ds) interest in and to all property of any kind or character whatsoever in the possession, custody or control of The American National Bank of Denver, Denver, Colorado, as trustee under an indenture of trust, dated April 6, 1934, by and between Marie Gunzinger, settlor, and The American National Bank of Denver, trustee, as amended, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Conrad Bantel, and of Katharina Nagel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to all lawful fees and disbursements chargeable thereto of The American National Bank of Denver, as trustee under an indenture of trust, dated April 6, 1934, by and between Marie Gunzinger, settlor, and The American National Bank of Denver, trustee, as amended, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6633; Filed, June 7, 1951; 8:49 a. m.]

[Return Order 976]

GERTRUDE STRONER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gertrude Stroner, Karlsruhe, Germany; Claim No. 44109; April 27, 1951 (16 F. R. 3626); $20,000 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6638; Filed, June 7, 1951; 8:50 a. m.]

LOUIS XAVIER ANTELME

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Xavier Antelme, Paris, France; Claim No. 32505; property described in Vesting Order No. 666 (6 F. R. 5047, April 7, 1943) relating to United States Letters Patent Nos. 2,158,890 and 1,975,676.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6639; Filed, June 7, 1951; 8:50 a. m.]

MAXIM BIRNKRANT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maxim Birnkrant, Trustee u w of Lina Harder, New York, N. Y.; Claim No. 12693; $3,167.50 in the Treasury of the United States.

Marion Harder Steffen, a k a Marion Caroline Recknagel (nee Harder) and Marion Recknagel, Long Island, N. Y.; Claim No. 12696; $25,649.40 in the Treasury of the United States.

U. S. Treasury Bonds of 1951-53, 2 percent, dated September 15, 1943 due September 15, 1953, Numbers 12058 J, 12059 K, and 1,000 L, each in the face amount of $1,000, presently in the custody of the Safekeeping Department, Federal Reserve Bank, New York, New York.

U. S. Treasury Bonds of 1956-59, 2½ percent, dated February 1, 1944, due September 15, 1959, Numbers 124440 L and 124441 A, each in the face amount of $1,000, presently in the custody of the Safekeeping Department, Federal Reserve Bank, New York, New York.

U. S. Treasury Bond of 1964-69, 2½ percent, dated April 15, 1943, due June 15, 1969, Number 82236 F in the face amount of $1,000, presently in the custody of the Safekeeping Department, Federal Reserve Bank, New York, New York.

All right, title, interest and claim of any kind or character whatsoever of Marion Caroline Recknagel in and to the Estate of Lina Harder, deceased.

All right, title, interest and claim of any kind or character whatsoever of Marion Caroline Recknagel (nee Harder) in and to the Trust created under the Last Will and Testament of Lina Harder, deceased.

All right, title, interest and claim of any kind or character whatsoever of Marion Caroline Recknagel, also known as Marion Recknagel, in and to the Estate of Max Harder, also known as Max K. Harder and Maxl Harder, deceased.

Marion Harder Steffen, Guardian of Maxine Recknagel, a minor, Long Island, N. Y.; Claim No. 31604; $2,201.65 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Maxine Recknagel in and to the Estate of Max Harder, also known as Max K. Harder and Maxl Harder, deceased.

Any property returned to Maxim Birnkrant will be returned to him as Trustee for the sole purpose of enabling him to reconstitute the same as part of the trust under the will of Lina Harder for the benefit of Marion Harder Steffen.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6640; Filed, June 7, 1951; 8:50 a. m.]

COMPAGNIE RADIO CINEMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie Radio Cinema, Paris, France; Claim No. 36628; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial Nos. 314,811 (now Patent No. 2,313,001) and 328,683 (now Patent No. 2,313,299).

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6641; Filed, June 7, 1951; 8:50 a. m.]

MARIAMICHELE S. FUSILLI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mariamichele S. Fusilli, a/k/a Michelina S. Fusilli and Michelina S. Fusilla, $890.14 in the Treasury of the United States.

Pasquina Aulisa, a/k/a Pasquina Aulisi, $296.71 in the Treasury of the United States.

Lorenzo Aulisa, a/k/a Laurenzo Aulisi $296.71 in the Treasury of the United States.

Annina Aulisa a/k/a Annina Aulisi, $296.72 in the Treasury of the United States.

All of Foggia, Italy, Claim No. 42399.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6642; Filed, June 7, 1951; 8:50 a. m.]

CAROLINA GAMBARI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carolina Gambari, Pontelagoscuro, Italy, Claim No. 35979; Gesuina Brambilla a/k/a Gesuina Gambari, Missaglia, Italy, Claim No. 35983; Samuele Gambari, Milan, Italy, Claim No. 35982; Giovanni Gambari, a/k/a Giovani Gambari, Milan, Italy, Claim No. 35981; Mario Gambari, Milan, Italy, Claim No. 35980; Olga Gambari Fanchullacci, Milan, Italy, Claim No. 35984; $47,575.43 in the Treasury of the United States, one-sixth thereof to each claimant.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6643; Filed, June 7, 1951; 8:50 a. m.]

GIULIO GIANNINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giulio Giannini, Porcari, Lucca, Italy; Claim No. 30990; $1,615.24 in the Treasury of the United States.

Arcangelo Giannini, Porcari, Lucca, Italy; Claim No. 30991; $1,615.24 in the Treasury of the United States.

Angelina Puccinelli, Maria Puccinelli, Enza Puccinelli, Porcari, Lucca, Italy; Bruna Puccinelli, Capannori, Italy; Emma Puccinelli, San Marco (Commune of Lucca) Italy; $1,076.83 in the Treasury of the United States in equal shares to Angelina Puccinelli, Maria Puccinelli, Enza Puccinelli, Bruna Puccinelli and Emma Puccinelli.

Giorgio Puccinelli, Porcari, Lucca, Italy; $538.41 in the Treasury of the United States to Giorgio Puccinelli, Angelina Puccinelli, Bruna Puccinelli, Emma Puccinelli, Enza Puccinelli and Maria Puccinelli, with Giorgio having a life interest therein and Angelina, Bruna, Emma, Enza and Maria being entitled in equal shares to the remainder.

Andrea Tori and Assunta Tori, Massa Cozzile, Italy; Claim No. 36773; $807.62 in the Treasury of the United States to Assunta Tori; $807.62 in the Treasury of the United States to Andrea Tori and Assunta Tori with Andrea having a life interest therein and Assunta being entitled to the remainder.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6644; Filed, June 7, 1951; 8:50 a. m.]

MASA HIRAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Masa Hirai, Flushing, New York; Claim No. 28186; $12,527.73 in the Treasury of the United States.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6645; Filed, June 7, 1951; 8:50 a. m.]

HARRY C. KANE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., in-

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cluding all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Harry C. Kane, Receiver, 51 Chambers Street, New York, New York; Claim No. 764; $4,319.54 in the Treasury of the United States representing the legacies of Mrs. Josephine Eisler in the Estates of Bertha Kriesel, deceased and Max Farber, deceased.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6646; Filed, June 7, 1951; 8:50 a. m.]

ROCCO LAGROTTERIA AND MARIA LAGROTTERIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rocco Lagrotteria and Maria Lagrotteria, Rosali, Italy; Claim No. 40392; $367.98 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6647; Filed, June 7, 1951; 8:51 a. m.]

ALPHONSE MARTIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alphonse Martin, Saint-Guen, France; Claim No. 31757; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,242,013.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6648; Filed, June 7, 1951; 8:51 a. m.]

CHARLES EMILE MOREL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles Emile Morel, La Sone, France; Claim No. 31756; property described in Vesting Order No. 1028 (8 F. R. 4206, April 2, 1943) relating to Patent Application Serial No. 460,147 (Now United States Letters Patent No. 2,428,358).

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6649; Filed, June 7, 1951; 8:51 a. m.]

DAVID SCHAFLECHNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

David Schaflechner, Styria, Austria; Claim No. 42789; all right, title and interest of Theresia Schaflechner or the child or children of David Schaflechner, deceased, and each of them, in and to the Estate of Peter Schaflechner, deceased.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6650; Filed, June 7, 1951; 8:51 a. m.]

ANTONIO TESCIONE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Tescione, Caserta, Italy; Claim No. 37842; $156.25 cash in the Treasury of the United States, Cesare Tescione, Caserta, Italy; Claim No. 37843; $156.24 cash in the Treasury of the United States. Francesca Casapulla, Castelmorrone, Italy; Claim No. 37844; $231.55 cash in the Treasury of the United States.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6651; Filed, June 7, 1951; 8:51 a. m.]

ERNESTO GUILLERMO THALMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernesto Guillermo Thalmann and Willi Robert Mannheimer, Executors of the Estate of Siegfried Lichtenstern, London, England; Ernest Alfred Eliat, Rio de Janeiro, Brazil; Claim No. 33387; $924.64 in the Treasury of the United States, one-half to the Executors of the Estate of Siegfried Lichtenstern and one-half to Ernest Alfred Eliat. All rights and interests evidenced by Participation Certificate Series B No. 1298 in the face amount of $61,643.25, issued by Z. & F. Assets Realization Corporation, pursuant to a Trust Agreement dated April 2, 1925, one-half thereof to the Executors of the Estate of Siegfried Lichtenstern and one-half to Ernest Alfred Eliat.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6652; Filed June 7, 1951; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 16 NUMBER 112

Washington, Saturday, June 9, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10251

SUSPENSION OF THE EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF DEFENSE ON PUBLIC WORK ESSENTIAL TO THE NATIONAL DEFENSE

WHEREAS by Proclamation No. 2914 of December 16, 1950, I proclaimed the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), the service or employment of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS I find that as to public work being performed by the Department of Defense an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the national emergency proclaimed by me on December 16, 1950, the above-mentioned provisions of law prohibiting more than eight hours of labor in any one calendar day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Department of Defense on any public work which is essential to the national defense: *Provided*, That the wages of all laborers and mechanics so employed by the Department of Defense shall be computed on a basic day rate of eight hours of work with overtime to be paid at time and one-half for all hours of work in excess of eight hours in any one day.

Executive Order No. 9898 of October 14, 1947, as amended by Executive Order No. 9926 of January 17, 1948, and as extended by Executive Orders No. 9974 of July 1, 1948, No. 10064 of June 30, 1949, and No. 10135 of June 30, 1950, is hereby superseded; but nothing contained in this order shall prejudice any action heretofore taken under or pursuant to the said Executive Order No. 9898 as amended and extended.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 7, 1951.

[F. R. Doc. 51-6716; Filed, June 7, 1951; 12:49 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.400 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth,

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 15, 1951. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 16, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 16, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until May 25, 1951; shipments of the current crop of such peaches are expected to begin on or about June 28, 1951, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 15, 1951, and ending at 12:01 a. m., P. s. t., September 17, 1951, no shipper shall ship:

(i) Any package or container of Elberta peaches containing peaches which are not well matured (as such term is defined in subparagraph (2) of this paragraph), with a tolerance of twenty-five (25) percent, by count, for peaches which are mature but not well matured in addition to any tolerance for immature peaches allowed by the U. S. No. 1 grade;

(ii) Any package or container of Elberta peaches containing peaches which are smaller than a size that will pack 72 peaches of the size known commercially as size 70 in a No. 12B California peach box in accordance with the requirements prescribed for a standard pack: *Provided*, That with respect to each individual load of Elberta peaches shipped by a handler a quantity of packages and containers of Elberta peaches not in excess of five (5) percent, by count of the packages and containers comprising the respective load, may contain peaches that are of a size not smaller than a size that will pack 78 peaches of the size known commercially as size 75 in a No. 12B California peach box in accordance with the requirements prescribed for a standard pack: *Provided further*, That, for the purpose of determining whether ripe Elberta peaches meet the aforesaid minimum size requirements, such peaches shall be fairly tightly packed rather than tightly packed, as prescribed for a standard pack; and the aforesaid sizes known commercially as size 75 and size 70 are defined more specifically in subparagraphs (3) and (4), respectively, of this paragraph; or

(iii) Any package or container of Elberta peaches containing peaches which do not meet the requirements of the U. S. No. 1 grade: *Provided*, That (a) with respect to ripe Elberta peaches which are not smaller than size 75, as aforesaid, the requirements of such grade shall not include freedom from damage, other than serious damage, caused by bruises;

and (b) with respect to Elberta peaches which are not smaller than the size known commercially as size 55, a tolerance of 5 percent for defects not causing serious damage shall be allowed in addition to the tolerances provided for such grade; and the aforesaid size known commercially as size 55 is defined more specifically in subparagraph (5) of this paragraph.

(2) "Peaches which are well matured" means peaches which, at the time of picking (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) As used in this section, the size of Elberta peaches known commercially as size 75 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers, each having three rows of six peaches each and three rows of seven peaches each with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¼ inches.

(4) As used in this section, the size of Elberta peaches known commercially as size 70 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers having six rows of six peaches each with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of $2^{3}/_{8}$ inches.

(5) As used in this section, the size of Elberta peaches known commercially as size 55 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers, one tier having two rows of five peaches each and three rows of six peaches each and the other tier having two rows of six peaches each and three rows of five peaches each with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of $2^{3}/_{4}$ inches.

(6) Each shipper, prior to making each shipment of Elberta peaches, shall, during the period set forth in subparagraph (1) of this paragraph, have the peaches included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Elberta Peach Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Elberta Peach Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Elberta peaches contained in each such lot or shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Elberta Peach Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as given to the respective term in said amended marketing agreement and order; the terms "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312); the terms "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and the term "individual load" means the total number of packages and containers of Elberta peaches loaded into a railroad car, truck, or other means of conveyance.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6726; Filed, June 8, 1951; 8:53 a. m.]

[Lemon Reg. 385, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.4 2 (Lemon Regulation 385, 16 F. R. 5156) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6789; Filed, June 8, 1951; 9:18 a. m.]

[Lemon Reg. 386]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.493 *Lemon Regulation 386*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 6, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 10, 1951, and ending at 12:01 a. m., P. s. t., June 17, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 385 (16 F. R. 5156), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 7th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6789; Filed, June 8, 1951; 9:18 a. m.]

[Orange Reg. 375]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.521 *Orange Regulation 375*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California, or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 7, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372 (7 CFR 966.518; 16 F. R. 4678), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., June 10, 1951, and ending at 12:01 a. m., P. s. t., June 17, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1,275 carloads;

(c) Prorate District No. 3: Unlimited movement;

(d) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., June 10, 1951, to 12:01 a. m. P. d. s. t., June 17, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	0.0751
A. F. G. Corona	.0435
A. F. G. Fullerton	.8545
A. F. G. Orange	.3449
A. F. G. Riverside	.1280
A. F. G. San Juan Capistrano	.5731
A. F. G. Santa Paula	.5116
Eadington Fruit Co., Inc.	5.5648
Hazeltine Packing Co.	.3398
Krinard Packing Co.	.1999
Placentia Cooperative Orange Association	.5124
Placentia Pioneer Valencia Growers Association	.6039
Signal Fruit Association	.1011
Azusa Citrus Association	.5146
Covina Citrus Association	1.0810
Covina Orange Growers Association	.5873
Damerel-Allison Association	.7209
Glendora Citrus Association	.4139
Glendora Mutual Orange Association	.3392
Valencia Heights Orchard Association	.3962
Gold Buckle Association	.4583
La Verne Orange Association	.7084
Anaheim Valencia Orange Association	1.1323
Fullerton Mutual Orange Association	2.6487
La Habra Citrus Association	1.1336
Yorba Linda Citrus Association, The	.9882
Escondido Orange Association	2.3616
Alta Loma Heights Citrus Association	.0582
Citrus Fruit Growers	.1417
Etiwanda Citrus Fruit Association	.0323
Mountain View Fruit Association	.0000
Old Baldy Citrus Association	.1107
Rialto Heights Orange Cooperative	.0569

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Upland Citrus Association	0.4117
Upland Heights Orange Association	.1480
Consolidated Orange Growers	1.8496
Frances Citrus Association	1.1500
Garden Grove Citrus Association	1.7274
Goldenwest Citrus Association	1.7445
Irvine Valencia Growers	3.4044
Olive Heights Citrus Association	2.0376
Santa Ana-Tustin Mutual Citrus Association	.9219
Santiago Orange Growers Association	3.7657
Tustin Hills Citrus Association	1.8922
Villa Park Orchards Association, The	2.0539
Bradford Bros., Inc	.9155
Placentia Mutual Orange Association	3.5792
Placentia Orange Growers Association	3.2813
Yorba Orange Growers Association	.8404
Call Ranch	.0703
Corona Citrus Association	.4094
Jameson Co	.1321
Orange Heights Orange Association	.5956
Crafton Orange Growers Association	.2674
East Highland Citrus Association	.0610
Redlands Heights Groves	.1943
Redlands Orangedale Association	.1661
Rialto-Fontana Citrus Association	.0967
Break & Son, Allen	.0465
Bryn Mawr Fruit Growers Association	.1063
Mission Citrus Association	.1486
Redlands Cooperative Fruit Association	.2635
Redlands Orange Growers Association	.1507
Redlands Select Groves	.2258
Rialto Orange Co	.2012
Southern Citrus Association	.1199
United Citrus Growers	.2238
Zilen Citrus Co	.0380
Arlington Heights Citrus Co	.1343
Brown Estate, L. V. W	.1222
Gavilan Citrus Association	.1442
Highgrove Fruit Association	.0612
McDermont Fruit Co	.1206
Monte Vista Citrus Association	.2461
National Orange Co	.0503
Riverside Heights Orange Growers Association, The	.0330
Sierra Vista Packing Association	.0424
Victoria Avenue Citrus Association	.2039
Claremont Citrus Association	.0946
College Heights Orange and Lemon Association	.3550
Indian Hill Citrus Association	.2206
Pomona Fruit Growers Exchange	.3136
Walnut Fruit Growers Association	.5448
West Ontario Citrus Association	.1805
El Cajon Valley Citrus Association	.2271
Escondido Cooperative Citrus Association	.3063
San Dimas Orange Growers Association	.3215
Canoga Citrus Association	.8091
North Whittier Heights Citrus Association	.9782
San Fernando Heights Orange Association	.7812
Sierra Madre-Lamanda Citrus Association	.3372
Camarillo Citrus Association	1.3657
Fillmore Citrus Association	3.1118
Mupu Citrus Association	1.9567
Ojai Orange Association	.6752
Piru Citrus Association	2.1546
Rancho Sespe	.7912
Santa Paula Orange Association	1.0687
Tapo Citrus Association	.9852
Ventura County Citrus Association	.3802
Limoneira Co	.4098

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
East Whittier Citrus Association	0.3576
Murphy Ranch Co	.8179
Anaheim Cooperative Orange Association	1.7956
Bryn Mawr Mutual Orange Association	.1051
Chula Vista Mutual Lemon Association	.0892
Euclid Avenue Orange Association	.5697
Foothill Citrus Union, Inc	.1216
Fullerton Cooperative Orange Association	.3767
Garden Grove Orange Cooperative, Inc	1.1616
Golden Orange Groves, Inc	.1885
Highland Mutual Groves, Inc	.0093
Index Mutual Association	.4231
La Verne Cooperative Citrus Association	1.7265
Mentone Heights Association	.0355
Olive Hillside Groves, Inc	.5628
Orange Cooperative Citrus Association	1.6680
Redlands Foothill Groves	.4144
Redlands Mutual Orange Association	.1551
Ventura County Orange & Lemon Association	1.1873
Whittier Mutual Orange & Lemon Association	.1565
Babijuice Corporation of California	1.0126
Banks, L. M	.7256
Becker, Samuel Eugene	.0096
Bennett Fruit Co	.0980
Borden Fruit Co	.5340
Cherokee Citrus Co., Inc	.1104
Chess Co., Meyer W	.3829
Dozier, Paul M	.0128
Dunning Ranch	.0509
Evans Bros. Packing Co	1.0211
Gold Banner Association	.1771
Granada Hills Packing Co	.0337
Granada Packing House	1.2594
Hill Packing Co., Fred A	.0640
Johnson, Fred	.0058
Knapp Packing Co., John C	.5354
L Bar S Ranch	.1115
Lawson, William J	.0069
Lima & Sons, Joe	.1162
Orange Belt Fruit Distributors	1.4289
Orange Hill Groves	.0089
Otte, Arnold	.0659
Panno Fruit Co., Carlo	.9594
Paramount Citrus Association	.6663
Patitucci, Frank L	.0092
Placentia Orchard Co	.5343
Prescott, John A	.0195
Redlands Fruit Association, Inc	.0093
Riverside Citrus Association	.0240
Ronald, P. W	.0214
Ronneberg, Jerry L	.0000
San Antonio Orchard Co	.3116
Schwaer, Erwin & Arthur	.0149
Stephens, T. F	.2286
Sunkist Citrus Packers	.0167
Treesweet Products Co	.2199
Wall, E. T., Grower-Shipper	.1179
Western Fruit Growers, Inc	.4812

[F. R. Doc. 51-6806; Filed, June 8, 1951; 11:21 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 702—SELECTION AND ELIGIBILITY

SUBVERSIVES AND UNDESIRABLES

Paragraph (f) of § 702.8 of Chapter IV, Title 8 (16 F. R. 3031) is hereby amended to read as follows:

§ 702.8 *Subversives and undesirables.*

* * *

(f) Has voluntarily borne arms in armed forces or auxiliary organizations against the United States or its Allies on the Western Front (including North Africa and Italy) during that period of World War II beginning on December 3, 1941; a person shall not be deemed so to have served voluntarily if he establishes that he was compelled against his will to serve in armed forces or auxiliary organizations, against the United States or its Allies on the Western Front. A person who establishes that he has been inducted into the armed forces (1) when under 16 years of age or (2) by operation of law, official act, proclamation, order, or decree, may be deemed, prima facie, not to have served voluntarily in such armed forces during the period covered by such compulsory service. The term "borne arms" shall apply to persons who served in armed forces or auxiliary organizations.

The foregoing amendment shall be effective upon the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress (62 Stat. 1009), as amended by the act of June 16, 1950, which was implemented by the regulations which became effective on June 17, 1950, and the amendment to the regulations which became effective on April 7, 1951, and which is further implemented by the foregoing amendment, and the execution of functions of the Displaced Persons Commission under that statute would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure Act providing for delayed effective date are inapplicable.

(Sec. 8, 62 Stat. 1012, as amended; 50 U. S. C. App., 1957. Interprets or applies sec. 13, 62 Stat. 1014; 50 U. S. C. App., 1962)

JOHN W. GIBSON,
Chairman,
Displaced Persons Commission.

[F. R. Doc. 51-6745; Filed, June 8, 1951; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

IMPORTS AND EXPORTS

Correction

In Federal Register Document 51-6009, published at page 4929 of the issue for Friday, May 25, 1951, the footnote for § 1.315 (b) should read as follows:

[1] For a list of districts of the Food and Drug Administration, see the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983) and May 1, 1951 (16 F. R. 3817).

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

l-EPHENAMINE PENICILLIN G PREPARATIONS

Correction

In F. R. Document 51-6576, appearing in the issue for Thursday, June 7, 1951, at page 5395, make the following changes:

1. In the fourth line of § 141.43 delete the words "of this section".

2. In the fifth line of § 141.43 (h), the word "diute" should read "dilute".

3. In the ninth line of § 146.64, "dl-N-methyl-1" should read "*dl*-N-methyl-l".

4. Delete the comma following the word "intervals" in the seventh line of § 146.66 (d) (3) (i).

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5843]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR FILING RETURNS OF INCOME FOR 1950 EXTENDED IN THE CASE OF CERTAIN U. S. EMPLOYEES

PARAGRAPH 1. Pursuant to the authority contained in section 53 (a) (2) of the Internal Revenue Code, an extension of time for filing the return of income for the calendar year 1950 is hereby granted up to and including September 15, 1951, in the case of a citizen who during such calendar year was an employee of the United States or of any agency thereof, whether civilian, military, or naval, and who is required to file a return of income for such year solely because of the amendment made to section 251 of the Internal Revenue Code by section 220 of the Revenue Act of 1950, approved September 23, 1950. See §§ 29.53-1 to 29.53-5, inclusive, of Treasury Regulations 111 for the time and place for filing returns.

PAR. 2. This Treasury decision shall be effective upon its being filed for publication in the FEDERAL REGISTER.

Because this Treasury decision merely relieves certain taxpayers from a requirement respecting the filing of returns of income for the calendar year 1950, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies 53 Stat. 28; 26 U. S. C. 53)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: June 6, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6723; Filed, June 8, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 503—ARREST AND CONFINEMENT OF PERSONS NOT SUBJECT TO MILITARY LAW

APPREHENSION AND RESTRAINT

Section 503.1 is rescinded and the following substituted therefor:

§ 503.1 *Persons not subject to military law.* Persons not subject to military law may be apprehended or restrained by members of the Army Establishment, as follows:

(a) *General.* All members of the Army Establishment have the ordinary right and duty of civilians to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the peace is being committed on a military reservation, it is the right and duty of every member of the military service, as of every civilian, to apprehend the perpetrator no matter what his status.

(b) *Restraint.* The restraint imposed by paragraph (a) of this section will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(c) *Ejection.* Persons not subject to military law who are found within the limits of military jurisdiction in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon order from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection, see act June 25, 1948 (62 Stat. 1765; 18 U. S. C. 1382), as amended.

[AR 600-320, May 17, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6696; Filed, June 8, 1951; 8:48 a. m.]

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT IN WOMEN'S ARMY CORPS SECTION

Section 561.19 is amended to read as follows:

§ 561.19 *Appointment in the Women's Army Corps section*—(a) *Grade of appointment in Active Reserve*—(1) *For appointment in Organized Reserve to fill vacancies in ORC program units.* Initial appointments normally will be in the grade of second lieutenant. However, where detail of WAC personnel to another section is authorized, qualified applicants may apply for appointment in the WAC section and concurrent detail to an appropriate section. In cases of authorized detail, grade of appointment in the WAC section will be the same grade as authorized for the appointment of male applicants of similar qualifications.

(2) *For appointment in Volunteer Reserve.* (i) In the grade of second lieutenant under a continuing program, within quotas to be announced periodically by the Department of the Army for each army area.

(ii) In grades up to and including captain for qualified applicants whose services are desired for active military service for basic branch (WAC) requirements in the Army.

(b) *Limitation on appointments in Active Reserve*—(1) *For Organized Reserve.* Appointments will be made only to fill a vacancy in a unit of the ORC troop program when:

(i) The applicant is considered qualified to perform the normal duties of the vacancy.

(ii) Assignment of WAC personnel is in conformity with special regulations.

(iii) There is no qualified officer of appropriate grade available for the assignment.

(2) *For Volunteer Reserve.* (i) Appointment as second lieutenant under the continuing program indicated in paragraph (a) (2) (i) of this section, will be made within authorized quotas when:

(*a*) Applicant is qualified for training in a potential military occupational specialty for which training facilities exist.

(*b*) Applicant's residence will permit full participation in the training.

(ii) Applications for appointment and concurrent active military service may be accepted when services are desired for basic branch (WAC) requirements for active military service and when qualified officers of the Active or Inactive Reserve are not available.

(c) *General requirements.* Applicants must meet the requirements of §§ 561.2 to 561.10.

(c) *Special requirements.* (1) For appointment applicant must have a baccalaureate degree from an accredited college or university recognized by the Federal Security Agency, United States Office of Education, as listed in part 3, Educational Directory, Higher Education, must be within the age group and have a minimum of qualifying experience, as follows:

Officer grade	Age group (years)	Qualifying experience (years)
Second lieutenant	21-27	4
First lieutenant	28-33	7
Captain	34-39	11

(2) Area commanders may grant a waiver of college degree for those individuals having 120 or more satisfactory semester hours gained through attendance at an accredited college or university. Such waiver will be made a part of the individual's application.

(3) Applicants must have had qualifying experience as follows:

(i) For appointment and concurrent detail to an appropriate section, as indicated under paragraph (a) (1) of this section, must meet the requirements prescribed for appointment in the section to which detail is requested.

(ii) For appointment and concurrent active military service, must have a background of experience in teaching, business, recreation, personnel administration, advertising or other fields requiring leadership and supervision of personnel.

(e) *Application.* Individuals applying for appointment or for appointment and concurrent active military service will submit applications and allied forms as required by § 561.13.

(f) *Other WAC appointments.* (1) Former WAC officers, female officers, and former female officers of other Armed Forces of the United States may apply for appointment in the WAC section of the Officers' Reserve Corps under § 561.14.

(2) Qualified female enlisted reservists and WAC enlisted personnel may apply for appointment under § 561.15.

(g) *Appointment for detail to Army security section or Military Intelligence section.* The provisions of §§ 561.2 to 561.10 which pertain to appointments in the Army Security and Military Intelligence sections of the Officers' Reserve Corps are applicable to applicants for appointment in the WAC section who request appointment to fill vacancies in Military Intelligence or Army Security units of the ORC troop program.

[SR 140-105-7, May 21, 1951] (62 Stat. 362; 10 U. S. C. 378)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6672: Filed, June 8, 1951; 8:45 a. m.]

Subchapter C—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

1. Part 590 is amended by adding §§ 590.354 to 590.354-5, as follows:

§ 590.354 *Synopses of proposed procurements.*

§ 590.354-1 *Statement of policy.* (a) It is the policy of the Army that, consistent with security requirements, negotiated and advertised procurements exceeding $10,000 made in the continental United States be publicized when such procurements are scheduled to be opened eighteen days or more from date of issue. Synopses of Proposed Procurements, designed to furnish potential suppliers with sufficient information to determine whether they will be interested in bidding or quoting will be prepared in accordance with the instructions set forth in §§ 590.354 to 590.354-5.

(b) Policies with respect to dissemination of information to unsuccessful bidders and offerors concerning awards are set forth in §§ 401.407, 591.407 and 592.150 of this chapter. Instructions pertaining to synopses of awards are set forth in §§ 591.451 to 591.451-3 and 592.151 of this subchapter.

§ 590.354-2 *Applicability.* In accordance with the policy stated in § 590.354-1, instructions in §§ 590.354 to 590.354-5 shall apply to all proposed procurements (including procurements for the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property), whether negotiated or formally advertised, when:

(a) The estimated amount exceeds $10,000;

(b) The procurement is unclassified and dissemination of information with respect thereto does not constitute a security risk.

(c) The opening of bids, proposals or quotations, or the last date for submission of proposals or quotations, is scheduled eighteen days or more following the date of issuance of the invitations for bids or the requests for proposals (quotations) and

(d) The procurement is effected by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 591.451-3 of this subchapter and (2) all other field purchasing offices and activities located in the continental United States.

§ 590.354-3 *Action by purchasing offices.* (a) Purchasing offices will prepare and forward synopses of proposed procurements at the earliest practicable time prior to issuance of invitations for bids or requests for proposals (quotations), or prior to commencement of negotiations in any form; and, in any event, immediately upon completion of final drafts of any written solicitation.

(b) Synopses will be teletyped at the end of each day (or as they occur), in accordance with instructions contained in § 590.354-4 to the following address: Synopsis, Commerce Department, Field Service, Chicago, Illinois.

(c) Where access to the Army Command and Administrative Network (ACAN) is not available, synopses will be dispatched via air mail to the following address: Field Service, Administrative Office, U. S. Department of Commerce, Room 1014, 610 South Canal Street, Chicago 7, Illinois.

(d) A copy of each synopsis forwarded will be made available at purchasing offices for examination by interested persons. Such copies will contain columnar headings and a statement to the effect that further information will be supplied upon request, if available and when consistent with security requirements.

§ 590.354-4 *Instructions for teletyping of synopses.* Synopses teletyped pursuant to § 590.354-3 (b), will be prepared for transmission as follows:

(a) The first line of the text of the message will state the number of the synopsis being sent. Synopses will be numbered consecutively.

(b) The second line of the text of the message will state the name and location of the purchasing office straight across the page (not to exceed 70 typewriter spaces) continuing on the next line if necessary.

(c) The description of the item being procured will be in capital letters, using the dash for commas and will not exceed 31 typewriter spaces. If 31 spaces are insufficient, additional lines may be used. The description will be clear, concise, abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested parties; it will consist of a minimum general description of the item procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc., but will not include information which, in the opinion of the purchasing office may constitute a security risk. Citation to specification and/or drawing numbers or other identifying data will be included, if this information does not constitute a security risk and will assist prospective suppliers in determining whether or not they are interested in the procurement.

(d) The column designating the quantity begins on typewriter space 32 and will not exceed 10 spaces. Every effort will be made to center the quantity between spaces 32 and 41. If 10 spaces are insufficient to include desired statement relative to quantity, additional lines may be used. Quantity to be procured will be indicated, except that the quantity may be omitted when, in the opinion of the purchasing office, the inclusion of such data may constitute a security risk. Indications of quantity such as "more than --------" or "less than --------" etc., may be used at the discretion of the purchasing office.

(e) The column designating the invitation or request number begins on typewriter space 42 and will not exceed 16 spaces. Every effort should be made to center the invitation or request number between spaces 42 and 57. Invitations for Bids numbers will be followed by the letter "B". Requests for proposals or quotations will be indicated by the letter "Q" or, if numbered, the number will be followed by the letter "Q". If there is not sufficient space in the column for the distinguishing letter, it may be typed on the succeeding line.

(f) The column designating the opening date (or last date for submission of proposals or quotations) begins on typewriter space 58 and will not exceed 13 spaces. Every effort should be made to center this date between spaces 58 and 70.

(g) Columner headings will be omitted.

(h) Strict adherence to the above instructions will be required of each reporting office inasmuch as the receiving machines will automatically cut stencils at the time the message is received. Deviations will cause the format of the synopsis printed by the Department of Commerce to be out of line.

(i) Each reporting office will discuss the instructions contained in §§ 590.354 to 590.354-5 with its communications office so that the manner in which the message is to be transmitted is thoroughly understood by the office preparing the message and the communications office.

§ 590.354-5 *Contents of synopses when not teletyped.* Synopses airmailed pursuant to § 590.354-3 (c), will contain the same information required for synopses which are teletyped, as prescribed in § 590.354-4, in substantially the same form. In addition to the information prescribed in § 590.354-4, appropriate columnar headings will be used.

2. Part 591 is amended as indicated below:

a. Section 591.202-5 is rescinded and the following substituted therefor:

§ 591.202-5 *Synopses of invitation for bids.* Synopses of invitations for bids will be prepared by purchasing offices located in the continental United States in accordance with the requirements of §§ 590.354 to 590.354-5 of this subchapter.

b. The first sentence of § 591.251 (a) is amended by changing the address of the Procurement Information Center to read "Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C.".

c. Section 591.451-3 is amended by changing the words "synopses of invitations for bids as required by § 591.202-5." on the fourth and fifth lines to read "synopses of proposed procurements as required by §§ 590.354-590.354-5 of this subchapter.".

3. Part 592 is amended by rescinding § 592.151 and substituting the following §§ 592.151 to 592.151-2 in lieu thereof:

§ 592.151 *Synopses of proposed procurements and awards.*

§ 592.151-1 *Synopsis of proposed procurements.* Synopses of proposed negotiated procurements will be prepared by purchasing offices located in the continental United States in accordance with the requirements of §§ 590.354 to 590.354-5 of this subchapter.

§ 592.151-2 *Synopsis of awards.* A weekly "synopsis of Awards" unclassified negotiated contracts in amounts of $25 000 or more will be prepared in accordance with instructions contained in §§ 591.451 to 591.451-3 of this subchapter by each of the purchasing offices listed in § 591.451-3.

[PROC. Cir. 6, May 18, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6673; Filed, June 8, 1951; 8:45 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1102—STATE GUARD REGULATIONS

A new Part 1102 is added to Chapter XI, as follows:

Sec.
1102.1 Purpose.
1102.2 Definitions.
1102.3 Status of State Guard.
1102.4 State Guard and Federal Service.
1102.5 Employment, general.
1102.6 Employment in cooperation with Federal Forces.
1102.7 Arms and equipment.
1102.8 Uniforms.
1102.9 Training.
1102.10 Training tests and regulations.
1102.11 Direction and inspection by Federal agencies.
1102.12 Correspondence and reports.

AUTHORITY: §§ 1102.1 to 1102.12 issued under 64 Stat. 1072; 32 U. S. C. Sup. 194.

SOURCE: §§ 1102.1 to 1102.12 contained in AR 915-10, May 14, 1951.

§ 1102.1 *Purpose.* The regulations in this part specify the nature, status, and availability of State military forces other than National Guard; indicate the assistance which the Department of the Army has been authorized to furnish to the several States or Territories in the equipping, arming, and training of State Guards; and provide with respect to those forces such Federal regulations as are deemed necessary and appropriate under the law. .

§ 1102.2 *Definitions.* For the purpose of this part the following definitions apply:

(a) *Internal security.* Internal security is defined as all measures in peace and war, other than military defense, to prevent enemy inspired action against United States resources, industries, and institutions, and to protect life and property in the event of a domestic emergency.

(b) *State.* The term "State" means any State or Territory of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone.

(c) *State Guard.* The term "State Guard" means any force organized under subsection (b) of 64 Stat. 1072 (32 U. S. C. Sup. 194) and in accordance with this part, irrespective of the actual name assigned to the force by the State.

(d) *State internal security forces.* The term "State internal security forces" means all forces and/or agencies of State or municipal governments which are capable of undertaking internal security missions and are assigned such missions. These include, but are not limited to, State Guards.

§ 1102.3 *Status of State Guard—(a) Force status.* The State military force (State Guard) contemplated by this part, organized under the foregoing statutory authority and of the constitution and laws of the State concerned and this part, is solely a State organization. It is not subject to call, order, or draft, as such force, into the military service of the United States. It is not subject to Federal regulation, control, or supervision other than as provided expressly, or by reasonable implication, by 64 Stat. 1072 (32 U. S. C. Sup. 194). The only control the Department of the Army will exercise over this force will be in prescribing regulations pertaining to organization, standards of training, instruction, discipline, and care and maintenance of Federal equipment. The Department of the Army will:

(1) Assist and advise State authorities in the organization, training, instruction, and equipping of this force;

(2) Issue certain equipment in accordance with § 1102.7; and

(3) Advise and coordinate with State authorities in matters pertaining to employment of this force, in accordance with provisions of this part and other pertinent regulations or directives.

(b) *Mission.* The appropriate mission of State Guards during the absence of the National Guard in Federal service is conceived to be to provide an adequately trained force for employment within the boundaries and jurisdiction of their respective States as directed by the State executive or other appropriate agency thereof, to:

(1) Maintain laws, suppress disorders, and protect life and property.

(2) Meet such domestic emergencies as may arise within the State.

(3) Guard and protect vital industries, installations, and facilities when other means such as local police or privately owned protection are deemed inadequate.

(4) Prevent or suppress fifth column activities, in conjunction with, or in support of, other State or local law enforcement agencies or Federal agencies.

(5) Cooperate and coordinate with Federal military authorities and forces engaged in active military operations or charged with internal security missions within the State.

(6) Cooperate with the Federal military authorities in information and observation duties and in extreme emergencies assist in the evacuation of civilians.

(7) Perform such other duties as may be assigned by the State executive under the constitution or laws of the State.

(c) *Organization.* Planning for and the conduct of military operations against hostile military forces are responsibilities of the Federal Armed Services. Operations and activities of State Guards contemplated by this part are, in consonance with the mission outlined above, analogous to and supplemental to those of law-enforcement agencies. State Guard units will be organized under T/O 19-56 and T O 19-57 (Tables of Organization, Department of the Army) as internal security battalions with headquarters and headquarters detachments, internal security companies, and such higher headquarters as are determined to be necessary by the State military authorities. The total strength of these units in each State to receive Federal equipment and aid will be determined by the Department of the Army and published by the Chief, National Guard Bureau.

§ 1102.4 *State Guard and Federal service—(a) General.* Membership in the State Guard does not constitute

ground for individual exemption from Federal military service under Federal law. Accordingly, the State authority concerned should provide for the prompt discharge from the State Guard of such of its members as are inducted, enlisted, ordered, or otherwise engaged in the active military service of the United States.

(b) *Federal military officers.* Reserve officers not on active duty and Regular Army retired officers not on active duty may be enrolled or commissioned in a State Guard force organized under section 61, National Defense Act, as amended, without jeopardy to their Reserve or retired status, but such enrollment or commission in the State Guard force will not prevent their being ordered to active Federal service.

(c) *National Guard personnel.* Enlisted and commissioned personnel of the National Guard who have been released from active military service of the United States may be enlisted or commissioned in State Guards without jeopardy to any status that they may have in the National Guard of the United States if there is no local National Guard unit to which they may be assigned. Service in the State Guard under such conditions will not interfere with their being ordered to active Federal service.

(d) *Enlisted Reserve Corps.* Members of the Enlisted Reserve Corps not on active duty may be enrolled or commissioned in a State Guard without jeopardy to their Reserve status. Service in the State Guard will not interfere with their being ordered to active Federal duty.

§ 1102.5 *Employment, general*—(a) *Authority of State*—(1) *Employment.* The State Guard is an element of the executive department of the State government. It is employed by the Governor, or by such official as the Governor may designate, upon such missions and duties as may be deemed appropriate, subject to the limitations imposed by law. It may be employed outside of the territorial boundaries of its State, where authorized by laws of the States concerned or when arrangements for similar cooperative action have become legally effective by agreement between States.

(2) *Limitations upon authority of State.* Employment by the State of its State Guard, or any part thereof, is limited, in general, only by pertinent provisions of the Federal Constitution (for example, fourteenth amendment), by the territorial boundaries of the State, and by the supremacy of the Federal Government in its proper fields of action. The authority of the State to maintain its State Guard ceases upon the relief from active Federal service of all elements of its National Guard, or upon the expiration date of the enabling legislation.

(b) *Responsibility within the Department of the Army.* (1) The Chief, National Guard Bureau, participates with other agencies of the Army Staff in the formulation of the program for Army participation in the development and maintenance of State Guards; administers that program; and maintains Department of the Army records concerning State Guard personnel, units, equipment, and armament.

(2) Commanding generals of continental armies are charged with the responsibility for assisting State authorities in the training of State Guards to the end that they may be used more efficiently in the accomplishment of the missions assigned.

(3) Commanding generals of continental armies are designated as the military authority to advise and assist State and local authorities in the use and employment of State Guards. In unified commands, this same function will be performed by the commander of the Army forces, under the direction and supervisory control of the unified commander, unless otherwise directed.

§ 1102.6 *Employment in cooperation with Federal Forces*—(a) *Assignment of missions.* Actual operating missions will be assigned to State Guards only by appropriate State authorities. However, the requirement for coordination of local and State internal security operations with operations of Federal Armed Forces is obvious. In order to prepare in advance for such coordination and to insure the integration of State internal security planning with plans of the Federal military services, appropriate army commanders will request State authorities to assign to State Guards a mission of coordinating and cooperating with Federal military authorities. In the accomplishment of cooperative missions, it is not contemplated that State Guards will be commanded by nor their operations and activities otherwise controlled by Federal military authorities, but rather that they will undertake and carry out such missions as may have been previously planned by mutual agreement or which the State may agree to undertake on request of a Federal military commander. In this regard, the fact is emphasized that by organization, equipment, and training, State Guards are designed and qualified for law enforcement operations, rather than for sustained combat operations against hostile armed forces.

(b) *Conflict of missions.* (1) It is imperative, in the interest of national defense, that the employment by the State of State Guards should not interfere with or impede Federal functions or activities. It is likewise essential that State forces, of whatever category, when functioning in their proper sphere, should be unhampered in fulfilling their missions. To the end that the interests of the United States and of the State be preserved, the highest degree of cooperation should be maintained between the Federal and local officials concerned.

(2) One or the other of two situations may arise in this regard. In one instance, Federal military forces and State forces may be operating in the same locality. Although each force may be acting within its proper authority, and although no question of conflict or responsibility may arise, the coordination of the activities of the respective forces is essential. In the other situation contemplated, conflict of views may exist as to the responsibility, whether Federal or State, for a particular mission. In such case, if the commanders of the Federal forces and the State authorities are unable to effect an agreement, the matter should be referred to the appropriate military defense commander or commanding general of the Army area. Although the latter's decision is not binding upon the State authorities, unless Federal martial rule in fact then prevails in the affected locality, the State authorities should conform to that decision in the light of the paramount Federal concern with the over-all problem of national defense.

§ 1102.7 *Arms and equipment*—(a) *General.* Arms, ammunition, and equipment considered essential to the mission of the State forces will be issued by the Department of the Army to the extent that such equipment is determined to be available for that purpose under existing Department of the Army priorities. Equipment issued under the provisions of this part will remain the property of the United States, will be subject to inspection by authorized representatives of the Department of the Army, and may be recalled by the Department of the Army at any time to meet higher priority requirements. Equipment not otherwise available to the State forces, and which has been determined to be excess to Department of the Army requirements, may be purchased from the Department of the Army by the several States in accordance with existing laws governing the sale of United States property.

(b) *Bond.* The issue of equipment to a State for the use of its State Guard is subject to the acceptance of and continuous coverage by a bond considered as adequate in all respects by the Department of the Army. The penalty of the bond to be required in each case will depend upon the value of the Federal property issued and will be determined by the Department of the Army, between a maximum limit of $10,000 and a minimum limit of $5,000. The Chief, National Guard Bureau, will furnish WD AGO Form 601 (Bond Form for State Guard Property Officer) to State authorities upon request. Executed bonds will be forwarded to the Chief, National Guard Bureau, for acceptance by the Department of the Army. Custody of current bonds will be in the Treasury Department. In general, the bonding of State Guard property officer will conform to AR–35–220 (Army regulations governing surety bonds).

(c) *Accountability.* The issue of Department of the Army property under this part is contingent upon appointment of an accountable officer by the State concerned and the provision of adequate facilities for the care and safekeeping of such property.

(1) The several States must make adequate provision to account for the property and to protect it from deterioration, loss, or damage by fire, theft, or weather.

(2) Pending publication of regulations pertaining to State Guard accounting system, the accounting system will conform with SR 130–420–1 (Special regulations of the Army governing supply and accounting procedure. Where the terms "USP & DO" and "National Guard" appear throughout the regulation, the terms "SGPO" and "State Guard" will be substituted therefor.

(3) The accountable officer will be responsible for the requisition, receipt, storage, and issue of all Department of the Army property contemplated by this part which is in the custody of the State. He will make such returns and reports as may be required by the Department of the Army.

(4) Upon relief from office, a State Guard property officer may request by letter to the Chief, National Guard Bureau, that his bond be terminated. Such request will be accompanied by a copy of the orders relieving him from duty and appointing a successor who must be bonded on or before the effective date of his appointment.

(5) The audit of the property accounts of the State Guard property officer is a responsibility of the Army Audit Agency.

(d) *Issue.* The heads of technical services will determine availability of supplies and equipment for issue or sale to the several States in accordance with the criteria established by this part.

(1) The Chief, National Guard Bureau, will advise the appropriate heads of technical services of the items and quantities of equipment which are required for use by the State forces, will compile and publish lists of available items to the army commanders and the several States, and will provide for equitable distribution of available property.

(2) Initial requisitions from the several States for issue of supplies and equipment under this part will be submitted to the continental Army and oversea commanders who will review for conformance with the conditions upon which Federal support is predicated. Discrepancies will be adjusted with the appropriate State authorities and requisitions will be forwarded by army and oversea commanders to the Chief, National Guard Bureau, who will edit them in order to ascertain whether the total of the items requisitioned and on hand exceeds the amount authorized for the strength approved for Federal aid for the State concerned. Approved requisitions then will be forwarded to the respective heads of technical services for supply action.

(3) Requisitions for additional increments and/or replacements will be forwarded by the State Guard property officer direct to the Chief, National Guard Bureau.

(4) In emergencies, where prior communication with the Department of the Army is not feasible, army and oversea commanders may issue essential items of equipment to State forces from sources under their control. In such cases, the Department of the Army will be notified (ATTN: G4) at the earliest possible date of the items and quantities issued and the circumstances.

(e) *Disposal of property.* The continental army and oversea commanders will appoint officers of the Army of the United States as inspectors and surveying officers. Properly bonded State Guard property officer will be shown as the accountable officer on all property disposal forms. Federal property issued to the States for use by State Guard, which becomes lost, damaged, destroyed, or which becomes unserviceable or unsuitable for further use in the service, will be disposed of as prescribed in chapter 4, SR 130–420–1. Excess Department of the Army property in the possession of the several States will be reported to the Chief, National Guard Bureau, for redistribution or return to Department of the Army custody.

(f) *Sale or excess issue.* Requests by the several States for issue of equipment in excess of authorized allowances and requests to purchase items of equipment will be prepared and routed in accordance with paragraph (d) of this section. Such requests will be supported by suitable justification and the comments and recommendations of the army or oversea commander will be indorsed thereon. Purchase requests, after approval by the Department of the Army, will be submitted by the States direct to the designated supply sources accompanied by a money order or State check.

(g) *Expenses.* All expenses incident to the issue, recall, or sale of Department of the Army property under this part will be borne by the States concerned, except that the Federal Government will pay the transportation cost of recalled property. Shipments from Department of the Army installations will be made on commercial bills of lading, transportation charges collect, to a centrally located point within the State.

(h) *Maintenance.* Maintenance services, not otherwise available to State forces, will be accomplished by Department of the Army installations on a reimbursable basis to the extent consistent with existing workloads and Department of the Army repair priorities. Such services will be limited to Department of the Army property issued under this part. Maintenance services performed under this part will be billed to the appropriate States by the fiscal officers of the installations rendering the service.

(i) *Safeguarding of small arms ammunition and other Federal property.* Continental army and oversea commanders will determine whether or not storage for Federal property is adequate and secure in accordance with the provisions of National Guard Regulations 75–3 (Care and Safekeeping of Federal Property). When such storage is not considered adequate and secure, the continental army and oversea commander will take necessary action to insure proper safeguard by the State concerned, or will initiate necessary action through the Chief, National Guard Bureau, to have the issued arms and ammunition withdrawn and returned to the appropriate Army depot.

(j) *Acquisition of arms and equipment by State from sources other than the Department of the Army.* Subject to limitations regarding the character of uniforms to be worn and subject to compliance with generally recognized requirements as to the safety, suitability, and proper use as combat weapons of certain arms, the Department of the Army has no objection to open-market purchases by the State of such articles of arms and equipment as are not available for issue or sale by the Department of the Army, nor does it object to contracts for the fabrication of necessary uniforms or equipment between the State and industrial establishments not engaged in manufacturing supplies for the Armed Forces. However, if supplies essential to the proper equipment and maintenance of the State Guard can be secured only in competition with Federal procurement agencies, the State adjutants general should refer the problem to the National Guard Bureau through the continental army and oversea commanders for assistance. The Chief, National Guard Bureau, after receipt of request, will assist in securing priority clearance on articles or materials needed by the State Guard and, with investigation, the propriety of articles or materials thus desired. Such requests must have the approval of the State adjutant general prior to submission to the National Guard Bureau for further processing.

§ 1102.8 *Uniforms*—(a) *General.* The uniform prescribed and furnished by the State for its State Guard will be unmistakably different from that of any Federal military force. Should the States decide to use the uniform clothing of the Army of the United States, it will be altered as required by paragraphs (b), (c) and (d) of this section, before being worn.

(b) *Ease of identification.* The State Guard uniform should permit ready identification of the wearer as a member of the State Guard of his State. To this end the use of color material different from that of the United States Army, Navy, Air Force, and Marine Corps uniform is encouraged. Army clothing in the possession of State Guards, including officers' uniforms, issued or purchased, and clothing which may in the future be issued to them, will be altered to the extent necessary to render it readily distinguishable at a glance from any uniform in use by Federal Armed Forces. The necessary alterations may be accomplished within the discretion of the States. Buttons bearing distinctive Federal designs will be replaced. Alterations will the accomplished without expense to the Federal Government and without interference with the procurement or production of more essential war materials, or constituents or components thereof.

(c) *Insignia.* Except insignia denoting grade and that authorized herein, the wearing of buttons, cap devices, cord edge braid, hat cords, and other insignia authorized for use on uniforms of the Federal forces (including the National Guard) is not permitted.

(1) State Guard personnel will wear on each outer coat (overcoat, mackinaw), service coat, and shirt, on the upper part of the outer half of the left sleeve, with top of insignia $\frac{1}{2}$ inch below the shoulder seam, one distinctive shoulder sleeve insignia bearing the designation of the State Guard concerned. This insignia will be, if round, at least $2\frac{1}{2}$ inches in diameter; if square, at least 2 inches square; if triangular, at least of an equivalent surface area,

(2) The authorized State Guard cord edge braid of distinctive weave, silver for officers, silver and green for enlisted personnel will be worn by State Guard members, if any cord edge braid is worn.

(3) States may authorize State Guard personnel who served oversea in World War I between April 6, 1917, and November 11, 1918, in World War II between December 7, 1941, and September 2, 1945, or in Korea from June 27, 1950, to an undetermined future date, to wear on the right shoulder sleeve any one of the shoulder sleeve insignia of the units of the United States Army to which they were assigned.

(d) *Sleeve braid.* Unless the State Guard uniform is wholly unlike any uniform authorized for wear by Federal military forces, including the National Guard, distinctive sleeve braid will be worn by officers only, on the service coat, and will be of any desired color except brown, gold, yellow, black, or forest green.

(e) *Officers' uniform purchase.* Certain articles of regulation Army Officers' uniform may be purchased from the Philadelphia Quartermaster Depot by State Guard officers with an identification evidenced by signed authority from the adjutant general of the appropriate State. Sleeve braid, cord edge braid, and distinctive Federal buttons will be removed prior to delivery. State Guard personnel are not authorized to purchase uniforms at Army exchanges.

(f) *Wearing of decorations.* The appropriate order of precedence for wear by State Guard personnel is:

(1) United States decorations or ribbons.

(2) United States service medals or ribbons.

(3) State decorations or ribbons.

(4) State service medals or ribbons.

(5) Foreign decorations.

§ 1102.9 *Training*—(a) *General.* Detailed instructions for the training of State Guard organizations are such as may be prescribed and published by State and State Guard authorities, based upon directives, regulations, and training programs issued by the Department of the Army.

(b) *Scope of training.* Training should be planned and conducted with a view to the earliest preparation, consistent with thoroughness, of State Guard organizations and members for the accomplishment of missions prescribed by competent authority. A single standard of individual proficiency should form the basis of all instruction within the unit in order that all members of the unit shall have received essentially the same training. Training of the unit as a coordinated group should thus be attained more readily. The special nature of contemplated law enforcement functions should be a factor in the determination of the type and degree of special training prescribed for the organization and its members. Every effort should be made to make the training of State Guards interesting and realistic. The applicatory method of training to develop proficiency should be used at every opportunity. Conditions and situations which might confront the State Guards should be simulated as closely as possible in problems and exercises. Imagination and ingenuity should be used to develop and conduct practical and realistic problems and alerts. The value of this type of training cannot be overemphasized.

(c) *Responsibility for training.* Training is a function of command. Each State Guard unit commander, under the supervision of the next higher authority, is responsible for the discipline, morale, and training proficiency of his command. He should be permitted such freedom of selection of types and methods of instruction and such determination of the sequence and duration of instruction periods as are consistent with his primary responsibility for the results attained.

(d) *Training objectives.* Training objectives should be prescribed by State authority, by the State Guard commander, and by State Guard unit commanders in the descending order of authority. Training objectives should also be in accordance with the missions assigned by State authorities and missions accepted by the State authorities at the request of Federal commanders.

(e) *Funds.* Funds are made available to army commanders to cover any expenses of the United States incident to the training of State Guards, provided such expenses are not prohibited by statute or instructions issued by the Department of the Army, when training is an integral part of a program established by the commanding general of the army concerned. Control over the obligation and use of these funds is a responsibility of the army commander.

(f) *Requirements.* The minimum training requirements of each State Guard unit and of each member thereof will be as indicated in an approved training program for that unit.

§ 1102.10 *Training texts and regulations.* Such Department of the Army training literature and other publications as may be available and suitable for the accomplishment of training objectives specified in training programs and for guidance in administrative matters will be furnished by the Department of the Army.

§ 1102.11 *Direction and inspections by Federal agencies.* Although the State Guard is a State force to be used under State control on missions assigned by the State, its State tasks may be of importance to the national interest and it may be assigned by the State the task of cooperating with Federal forces on missions of Federal interest. To give proper direction to preparation for such tasks under the authority of the Secretary of the Army to prescribe standards of training, the following facilities are available:

(a) The Department of the Army will furnish through the National Guard Bureau from time to time suggested State Guard training programs designed as a general guide to promote thorough and uniform training of all State Guard units.

(b) Army commanders will lend advisory assistance in training to the State Guard and may furnish various training aids and/or provide suitable instructors when available.

(c) The necessary inspection of State Guard organizations is a function of Army commanders. With the mutual cooperation of the State adjutants general they will conduct annually inspections of all Federal property, and such other inspections as may be requested by State authorities and deemed necessary by the commanding general of the Army concerned. Reports of inspection will be made on a form furnished by the National Guard Bureau and a copy of each report furnished the Bureau.

§ 1102.12 *Correspondence and reports*—(a) *General.* Army Regulations and National Guard regulations relating to correspondence and reports should be observed wherever applicable. In order to avoid confusing administrative matters of the State Guard with those of the Regular Army and the National Guard, forms, letterheads, and other printed, mimeographed, or typed communications should contain the official designations, conspicuously placed, of the State Guard or State Guard unit to which such papers pertain. In cases where the designation of a State force maintained under this part does not contain the words "State Guard," returns, reports, and correspondence relative thereto should, to facilitate identification, follow the legal State designation with appropriate words in parentheses: for example, Virginia Protective Force (State Guard), New York Guard (State Guard), Colorado Defense Force (State Guard), Michigan State Troops (State Guard), Oklahoma Internal Security Force, (State Guard), and District of Columbia Constabulary Reserve (District Guard).

(b) *Channels of communication.* Communication between State authorities and the Department of the Army on matters pertaining to State Guards or other State internal security forces will be conducted as follows:

(1) *Between State authorities and the Chief, National Guard Bureau.* Direct correspondence where action within the purview of an army commander is not required.

(2) *Between State authorities and army commanders.* Direct correspondence where action within the purview of an army commander is concerned.

(3) *Between army commanders and the Department of the Army.* Direct to the Chief, National Guard Bureau.

(c) *Returns and reports*—(1) *Monthly returns.* Upon the organization of a State Guard unit, the appropriate State authority will submit direct to the Chief, National Guard Bureau, with an information copy to the commanding general of the army area, an initial consolidated strength return showing home station, the numbers and types of units, and the strength of each unit in officers and enlisted men. A roster of officers assigned to units will be submitted initially and changes thereafter will be reported without delay. Returns thereafter will be indicated by National Guard Bureau instructions.

(2) *Other reports.* From time to time additional or special reports covering information deemed essential will be called for by the Chief, National Guard Bureau.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6671; Filed, June 8, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 8]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

UPHOLSTERY FELT MADE OF COTTON LINTERS OR COTTON WASTE AND SISAL PADS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 8 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Upholstery felt and sisal pads are used by manufacturers of upholstered commodities such as chairs, studio couches and bedding. Upholstery felt is chiefly made of cotton linters or cotton waste. Sisal pads are made from sisal fibre which is an imported material. CPR 22 in its present form permits those manufacturers who manufacture their own upholstery felt and sisal pads to calculate the change in net cost of the raw materials used in the manufacture of upholstery felt and sisal pads up to March 15, 1951, in determining their "materials cost adjustment" for the purpose of computing their ceiling prices on their end products under Ceiling Price Regulation 22. Manufacturers, however, making the same end products who do not have the facilities for manufacturing their own upholstery felt or sisal pads and are obliged to purchase these from suppliers, are only permitted to calculate the changes in the net cost of these manufacturing materials up to December 31, 1950, in determining their "materials cost adjustment." These latter are primarily the small manufacturers in the industry. To eliminate the difference in the treatment of the two groups of manufacturers, this amendment to CPR 22 adds upholstery felt made of cotton linters or cotton waste and sisal pads to the manufacturing materials whose changes in net cost may be calculated up to March 15, 1951, in determining the "materials cost adjustment."

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISION

Ceiling Price Regulation 22 is amended by adding a new paragraph 7 to Appendix B to read as follows:

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 8, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.
JUNE 8, 1951.

[F. R. Doc. 51-6795; Filed, June 8, 1951; 9:59 a. m.]

[CPR 22, Interpretations 19-32]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INTERPRETATIONS UNDER THE MANUFACTURERS' GENERAL CEILING PRICE REGULATION

The following interpretations under the Manufacturers' General Ceiling Price Regulation (CPR 22) were issued through June 1, 1951.

CPR 22, INT. 19—APPLICABILITY OF CPR 22 TO WHOLESALERS AND RETAILERS (GENERAL)

Ceiling prices for wholesalers and retailers are not covered by CPR 22. The effect of CPR 22, CPR 30 and other manufacturing regulations upon the ceiling prices of wholesalers and retailers are to be determined by looking to GCPR, SR 29 to GCPR, CPR 7, 14, 15, 16, and other applicable regulations.

CPR 22, INT. 20—LOCATED IN THE UNITED STATES (SECTION 1)

The clause "manufacturer located in the United States" in section 1, CPR 22, refers to the location of the manufacturing facilities of the manufacturer and not to the location of the manufacturer's main office. Thus, a manufacturer whose main office is in Seattle, Washington, but whose plants are located entirely in Alaska is not a manufacturer located in the United States. Further, a manufacturer who has some plants within the United States and some without the United States is a manufacturer located in the United States only to the extent of the plants located in the United States.

CPR 22, INT. 21—SUBSEQUENT ELECTION TO USE CPR 22 (SECTION 1)

A manufacturer who has elected not to use CPR 22 as permitted by section 1, may thereafter again exercise his option and elect to use CPR 22. He must, however, first file a Public Form No. 8 and comply with the provisions of CPR 22.

CPR 22, INT. 22—USE OF BASE PERIOD PRICE AND SUBSEQUENT USE OF CPR 22 (SECTION 3)

A manufacturer who does not calculate either his labor cost adjustment or his materials cost adjustment, and instead, uses his base period price as his ceiling price under the regulation, as is permitted by section 3 (a), CPR 22, may thereafter make his calculations and establish a new ceiling price under CPR 22. In such case, he would be required by section 46 (b) to file a new Public Form No. 8.

CPR 22, INT. 23—FRINGE BENEFITS NOT INCLUDED IN ANNUAL FACTORY PAYROLL (SECTION 8 (a))

Fringe benefits may not be included in determining annual "factory payroll" under section 8 (a), CPR 22. However, increases in the cost of fringe benefits are taken into account under section 8 (c), which provides that such increases may be added to "recomputed payroll."

CPR 22, INT. 24—MANUFACTURING MATERIALS—TOOLS, JIGS, DIES, AND FIXTURES (SECTION 10)

Inquiries have been received as to whether increased tooling costs may be taken into consideration in calculating the materials cost adjustment under CPR 22. In particular, these inquiries have come from manufacturers of household refrigerators and washing machines and concern the tools, dies, jigs, fixtures and related items which are changed when new models are introduced. Section 10 of CPR 22 defines "manufacturing materials." In addition to a material entering directly into the commodity being priced, the term "manufacturing material" also includes a material "used directly in the manufacturing processes from which the commodity results". The quoted portion of the definition was intended to cover, among other things, expendable tools which are consumed in the manufacturing process. This was pointed out in the Statement of Considerations to CPR 30 (Machinery and Related Manufacturing Goods). Because of the importance of these items in the machinery field, the definition of "manufacturing material" in section 14 of CPR 30 provided specifically that dies, fixtures, patterns and other listed items were covered, but "only if they are permitted to be included as expense items for Federal tax purposes."

Under this test, only items whose normal useful life is one year or less and whose costs are allowed to be treated as expenses for income tax purposes are covered. However, tools, dies, jigs, fixtures and related items, such as those used by manufacturers of household refrigerators and washing machines and which are used over a period of *more* than one year or whose normal useful life is more than one year, are not included within the definition of "manufacturing material" in section 10 of CPR 22. They are not, therefore, to be included in calculating the materials cost adjustment under CPR 22. This is so even if in a particular instance the Bureau of Internal Revenue may permit such items to be treated as expense items because of a manufacturer's historical practice of so treating them. Customarily, these items would be capitalized and depreciated over the period of their use and would not be treated as expense items. It is believed that this test is a workable one and is also commonly understood in industry.

CPR 22—INT. 25—MANUFACTURING MATERIAL (SECTION 10)

Materials and sub-contracted industrial services used in replacing, maintaining or expanding a manufacturer's plant and equipment are excluded from

the term "manufacturing material" by section 10, CPR 22. Section 10 excludes all such materials and services, whether or not their use is directly dependent upon the rate of manufacture of the commodity being priced, and in addition excludes any other materials or supplies the use of which is not directly dependent upon the rate of manufacture of the commodity being priced.

CPR 22—INT. 26—EXCLUSION OF MANUFACTURING MATERIALS FROM CALCULATIONS (SECTION 11)

It seems that some manufacturers have misconstrued the manner in which to calculate materials cost adjustment, so that changes in net cost of some materials are mistakenly given effect even though they have omitted these materials from their calculations under the provisions of section 11, CPR 22. Section 11 permits a manufacturer to exclude from the calculation of his materials cost adjustment those manufacturing materials which are not significant or whose cost has not decreased between the prescribed dates. Where such materials are excluded, however, they must be excluded from all calculations. The provisions of the regulation are clear on this point. Materials cost adjustment is obtained by multiplying the change in net cost per unit of each manufacturing material by the physical amount of each such manufacturing material. This method obviously precludes the application of change in net cost to excluded manufacturing materials. Any method of calculation which leads to a contrary result is not permitted under the regulation.

CPR 22—INT. 27—FREIGHT RATES (SECTION 28)

Interpretation 1 under GCPR, which concerns freight rates, is not applicable to commodities subject to CPR 22. Section 28, CPR 22, and Interpretation 1 under CPR 22 are applicable as to freight rates under CPR 22.

CPR 22—INT. 28—"WOULD HAVE" OPERATED AT A LOSS (SECTION 43)

Under section 43 of CPR 22 a seller may not apply for an adjustment until after one month's operation under the regulation. The language "would have been conducted at a loss" relates to the situation of a person who was not manufacturing in his customary quantities and proportions but would have lost money if he had been manufacturing in customary quantities and proportions.

CPR 22—INT. 29—REPORT NOT REQUIRED FOR COMMODITY NO LONGER MANUFACTURED (SECTION 46 (b))

CPR 22 does not require the filing of Public Form No. 8 for a commodity sold during the base period but which is no longer being made or sold. If that commodity is subsequently manufactured and offered for sale the manufacturer must first, of course, file the form and comply with the provisions of CPR 22.

CPR 22—INT. 30—NET SALES—INVENTORY NOT INCLUDED (SECTION 47)

"Net sales," as defined in section 47, is not synonymous with the "value" of goods produced. Thus, in determining net sales under section 8 (a), a manufacturer should not include commodities which were manufactured during his fiscal year ended December 31, 1950 but which were not sold during that year.

CPR 22—INT. 31—SYNTHETIC TEXTILE FIBERS AND YARNS (APPENDIX A (i) (2))

Paragraph (i) (2) of Appendix A exempts "synthetic textile fibers and yarns" from coverage of CPR 22. This exemption applies only to a synthetic staple fiber, tow, or continuous filament yarn as produced by the initial manufacturer. The exemption does not include plied, spun, or otherwise processed synthetic yarns or fabrics made from synthetic fibers or yarns.

CPR 22—INT. 32—MARCH 15 DATE FOR COMMODITIES LISTED IN APPENDIX A (APPENDIX B)

Appendix B, par. 1, CPR 22, provides that the change in net cost of a manufacturing material may be calculated up to March 15, 1951 if it is one of the "commodities listed in Appendix A." The only "commodities listed in Appendix A" are those commodities listed in paragraph (b) and subsequent paragraphs of Appendix A. The provisions of paragraph (a) of Appendix A exempting certain *sales* from the coverage of CPR 22, is not the listing of commodities which carry a March 15 date. Accordingly the March 15 date does not apply to commodities such as machinery products under CPR 30, or textiles under CPR 37, which are not listed in Appendix A, although paragraph (a) of Appendix A exempts their sale from CPR 22 because they are covered by a separate numbered regulation. On the other hand, fats and oils, also covered by a separate numbered regulation (CPR 6), are among the commodities actually listed in Appendix A, and therefore take a March 15 date under Appendix B.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel, Office of Price Stabilization.

JUNE 8, 1951.

[F. R. Doc. 51-6796; Filed, June 8, 1951; 9:59 a. m.]

[General Overriding Regulation 10, Amendment 1]

GOR 10—ADJUSTMENTS OF CEILING PRICES FOR MANUFACTURERS

ADJUSTMENTS FOR A SEPARATE PLANT OR FACTORY

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 10 (16 F. R. 4454) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to GOR 10 expands the coverage of that regulation so as to permit a manufacturer to apply for adjustment of his ceiling prices where such prices would require him to operate at a loss with respect to his manufacturing operations in a separate plant or factory. Prior to this amendment, he could apply only if his operations on his entire business would be conducted at a loss because of ceiling price limitations.

The same considerations which applied to the issuance of GOR 10 in general are applicable to this amendment, and any adjustments granted on the basis of loss operations of a separate plant or factory will be subject to the same conditions and limitations as those applicable to an adjustment based on over-all operations. However, because of the variations which might occur where a separate plant or factory is involved, it is provided that no allocation of central office expenses may be included in calculating a loss on the operations of a separate plant or factory.

This amendment also revises the definition of manufacturer so as to make it clear that the regulation applies to any seller who is engaged in business other than as a wholesaler or retailer. This definition is the same as the definition of manufacturer in the General Ceiling Price Regulation.

AMENDATORY PROVISIONS

General Overriding Regulation 10 is amended as follows:

1. The first sentence in section 1 is amended by deleting the word "over-all" and by adding at the end of that sentence the following: "either for his entire business or for a separate plant or factory."

The first sentence of section 1 as so amended will therefore read as follows: "This regulation permits a manufacturer to apply for an upward adjustment of his ceiling prices established under any other regulation, if as a result of such ceiling prices, the manufacturer would be forced to operate at a loss with respect to his manufacturing operations, either for his entire business or for a separate plant or factory."

2. Section 2 (a) (1) is amended by deleting the word "over-all" and by adding the following: "either for his entire business or for a separate plant or factory, provided that no portion or proration of central office costs or expenses may be included in calculating such loss for a separate plant or factory."

Section 2 (a) (1) as so amended will therefore read as follows:

SEC. 2. *Who may apply.* (a) A manufacturer may file an application for adjustment under this regulation where: (1) His existing ceiling prices would require him to operate at a loss with respect to his manufacturing operations, either for his entire business or for a separate plant or factory, provided that no portion or proration of central office costs or expenses may be included in calculating such loss for a separate plant or factory; and

3. Section 2 (b) is amended by deleting the word "over-all", by adding a comma after the word "operations", and immediately thereafter inserting the following: "either for his entire business or for a separate plant or factory,".

4. Section 3 (c) is amended by adding thereto the following sentence: "If the manufacturer is seeking an adjustment on the basis of a loss with respect to the operations of a separate plant or factory, this profit and loss statement for a recent period should cover his operations in that plant or factory, should indicate that no portion or proration of central office costs or expenses has been included in calculating the loss for the separate plant or factory, and should be accompanied by a profit and loss statement for his entire business covering the same recent period."

5. In section 7 the definition of manufacturer is amended to read as follows:

"Manufacturer" means any person who is engaged in business other than as a wholesaler or retailer.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 7, 1951.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 7, 1951.

[F. R. Doc. 51-6762; Filed, June 7, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-26, Amdt. 1, June 7, 1951]

M-26—PACKAGING CLOSURES

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M-26, as amended April 6, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives was found to be impracticable due to the necessity for prompt action to clarify the meaning and intent of certain provisions of said order.

NPA Order M-26, as amended April 6, 1951, is hereby amended in the following respects:

1. The text of schedules I and II appearing at the end of said order is hereby deleted and the following text inserted in lieu thereof:

SCHEDULE I—PACKAGING CLOSURES MADE OF TIN PLATE

(The term "food" as used in schedules I and II of this order means "food" as defined in Executive Order 10161, September 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., and in the Memorandum of Agreement between the Administrator of the National Production Authority, United States Department of Commerce, and the Administrator of the Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410.)

Class and product	Tin-plate specifications (maximum pounds of tin coating per base box)
1. All food products for human consumption (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule) if preserved in a hermetically sealed container made sterile by heat	1.50
2. Olives, pickles, relishes, sauces, vinegar, french dressing, flavoring extracts, spices, mustard, horseradish, and cherries	.75
3. All other products, food or otherwise (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule)	.50
4. Malt beverages (meaning and including only beer, ale, porter, near beer, and mixtures thereof; and nonalcoholic beverages (meaning and including only soft drinks, still or carbonated; unflavored waters, still, or naturally or artificially carbonated; beverage drinks consisting of fruit or vegetable juice or juices or a combination thereof where less than 85 percent by weight of the product is pure fruit or vegetable juice or juices or a combination thereof; and sterilized milk drinks made with powdered milk)	.25

SCHEDULE II—PACKAGING CLOSURES MADE OF ALUMINUM

Class and product	Quota
1. Fluid milk products with or without flavorant, including cultured milk but not including cheese products	Unlimited.
2. Anesthetic solutions, antibiotics, biologicals, blood plasma, parenteral solutions, prescriptions, and sulfonamides	Unlimited.
3. All other food products for human consumption, except wines, distilled spirits, and nonalcoholic beverage drinks consisting of fruit or vegetable juice or juices or a combination thereof where less than 85 percent of the weight of the product is pure fruit or vegetable juice or juices or a combination thereof	100 percent.
4. All drug products not included in class 2, and all waters as used for health purposes	100 percent.
5. All other products, food or otherwise, including wines, distilled spirits and nonalcoholic beverage drinks consisting of fruit or vegetable juice or juices or a combination thereof where less than 85 percent of the weight of the product is pure fruit or vegetable juice or juices or a combination thereof	65 percent.

2. For the purpose of conforming the language of paragraph (b) of section 3 of said order to the terminology of schedule II as amended by this amendment, the third sentence in said paragraph (b) is hereby deleted and the following sentence inserted in lieu thereof:

Where the percentage of that numerical quantity is specified as "unlimited" on schedule II, that percentage is applicable only to a packer who used, or commenced conversion to the use of, packaging closures made of aluminum for use in packing fluid milk products as included in class 1, schedule II, prior to November 27, 1950, and for use in packing the products included in class 2, schedule II, prior to April 6, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on June 7, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6763; Filed, June 7, 1951; 4:38 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

EVERGLADES NATIONAL PARK; FISHING

Correction

In F. R. Document 51-3076, appearing in the issue for Friday, March 9, 1951, at page 2187, the reference to "Joy Bay" in § 20.45 (b) (1) (ii), should read "Joe Bay".

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART R—DETERMINATIONS OF STATUS OF DEPENDENT PARENTS FOR PURPOSES OF BASIC ALLOWANCE FOR QUARTERS

This part is amended by adding thereto the following subpart:

SUBPART R—DETERMINATIONS OF STATUS OF DEPENDENT PARENTS FOR PUPOSES OF BASIC ALLOWANCE FOR QUARTERS

Sec.
21.381 Definitions.
21.382 Entitlement.
21.383 Proof of dependency.
21.384 Adopted parent.
21.385 Stepparent.
21.386 Parent "in loco parentis."
21.387 Determinations.

AUTHORITY: §§ 21.381 to 21.387 issued under secs. 102, 362, 63 Stat. 804, 812, as amended; 37 U. S. C., Sup., 231, 252.

§ 21.381 *Definitions.* For purposes of this subpart the term "parent" shall include a natural father or mother, a father or mother by adoption, a stepfather or stepmother, and any person, including a former stepfather or stepmother, who has stood "in loco parentis" to an officer at any time for a continuous period of not less than five years during the minority of such officer. A stepparent-stepchild relationship shall be deemed to be terminated by the stepparent's divorce from the blood parent, but shall not be deemed to be terminated by the death of the blood parent.

§ 21.382 *Entitlement.* An officer shall be entitled to basic allowance for quarters because of a dependent parent upon the presentation of appropriate evidence, as required in this subpart, to establish the fact (a) that the parent is a parent as defined in § 21.381, and (b) that the parent is dependent upon the officer for over half of his or her support.

§ 21.383 *Proof of dependency.* If any person is claimed as a dependent parent, the officer shall submit form PHS 1637–2 (BF). In addition, the parent concerned shall submit an affidavit on form PHS 1637–3 (BF). The parent's affidavit shall be filed to cover the period from the date basic allowance for quarters is claimed to the date of execution of the affidavit, such period to be not less than one month.

§ 21.384 *Adopted parent.* If the parent claimed as a dependent is a parent by adoption, there shall be submitted, in addition to the evidence required by § 21.383, certified court orders of adoption or such other evidence as is acceptable to establish legally the fact of adoption.

§ 21.385 *Stepparent.* If the parent claimed as a dependent is a stepparent, the stepparent must submit, in addition to the affidavit required by § 21.383, a sworn statement to the effect that he or she married the blood parent of the officer and that he or she has not been divorced from such blood parent.

§ 21.386 *Parent "in loco parentis."* If the parent claimed as a dependent has an "in loco parentis" status, the officer, in addition to the evidence required by § 21.383 to be submitted by him, shall submit a sworn statement setting forth all circumstances relevant to proof of the relationship as may be prescribed by the Surgeon General.

§ 21.387 *Determinations.* Determinations of dependency and parental status, as required by this subpart, may be made by such officers and employees of the Public Health Service as may be designated by the Chief, Division of Finance, Public Health Service.

Dated: June 4, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: June 4, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-6694; Filed, June 8, 1951; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

TIME WITHIN WHICH CLAIMS MAY BE FILED

Section 505.2 (14 F. R. 7843; 16 F. R. 1510) is hereby amended to read as follows:

§ 505.2 *Time within which claims may be filed.* Claims made under sections 5 (a) through (e), 6 or 7 of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (c) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered in person to the office of the War Claims Commission at Washington, D. C., at any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App Supp., 2001)

GEORGIA L. LUSK,
Vice-Chairman,
War Claims Commission.

[F. R. Doc. 51-6695; Filed, June 8, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 924]

[Docket No. AO 225]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Highland Park, Michigan, during the period June 5–16, 1950, pursuant to notice thereof duly published in the FEDERAL REGISTER (15 F. R. 3105, Doc. 50–4290), upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Detroit, Michigan, marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on February 28, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 6, 1951 (16 F. R. 2084, Doc. 51–2492). A tentative decision was thereafter issued by the Secretary of Agriculture on May 11, 1951, and the notice of filing such tentative decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4551, Doc. 51–5680).

Ruling on exceptions. Within the period for filing exceptions a number of producer cooperatives and milk distributors filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator, and to the tentative decision issued by the Secretary of Agriculture. In arriving at the findings, conclusions and recommended regulatory provisions of this decision, each of the exceptions to the recommended decision of the Assistant Administrator, Production and Marketing Administration, and to the tentative decision of the Secretary of Agriculture were carefully and fullly considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Preliminary statement. The major issues developed at the hearing were concerned with the following matters:

(1) Whether the handling of milk produced for the Detroit, Michigan, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a milk marketing agreement or order;

(3) The extent of the marketing area;

(4) What milk should be covered for pricing purposes;

(5) The classification of milk;

(6) The level of class prices to be paid and the methods for determining such prices;

(7) The type of pool to be used and a base rating system of distributing returns to producers; and

(8) Administrative provisions.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Detroit, Michigan, marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

A total of 64 dairy farms located outside the State of Michigan regularly supply milk to the Detroit market. During the month of April 1950, 45 of these farms located in Ohio and Indiana delivered over a half million pounds of milk to Detroit receiving plants, or at the rate of over six million pounds per year. Three dairy plants in Indiana and one in Ohio hold permits from the Detroit Department of Health to furnish sweet cream for consumption in Detroit.

During the months of high production, large quantities of Detroit inspected milk produced on dairy farms which supply milk for city consumption in other seasons of the year are diverted to manufacturing plants in Ohio and Indiana. One cooperative in the year of 1943 delivered over 4½ million pounds of such milk to a plant in Indiana. In 1949 movements of milk from the Detroit market to plants in Ohio totaled about 10 million pounds and in the first 5 months of 1950 amounted to over 5 million pounds. There are 36 dairy manufacturing plants located within the Detroit milkshed and purchasing milk from dairy farmers in competition with Detroit milk distributors. Several of these plants also handle surplus milk from the Detroit market. All of these plants manufacture dairy products, and a substantial portion of these products are disposed of in other states. Large quantities of Detroit inspected milk, exceeding 60 million pounds in 1949 and 30 million pounds in the first 5 months of 1950, were moved to certain of these manufacturing plants by one cooperative. Additional large amounts of milk are manufactured in plants operated by milk distributors. This milk is manufactured into evaporated milk, cheese, butter, and nonfat dry milk solids, a large proportion of which is disposed of outside of the State of Michigan.

Milk is distributed on routes operated from Detroit plants in direct competition with milk distributed from Toledo, Ohio, plants in the City of Monroe and at other points. The milksheds of the Detroit and Toledo markets overlap over an area of 4 counties and dairy farmers frequently shift from one market to the other. The Detroit milkshed also overlaps that of Fort Wayne, Indiana, and Cleveland, Ohio.

Milk, cream and dairy products processed in Detroit plants are furnished to interstate carriers for consumption in various states and in Canada. Seven Detroit milk distributing plants have been certified by the U. S. Public Health Service for processing milk and milk products for sale for consumption outside the state at the request of interstate carriers. These carriers include two railroads, the Pullman Company, four airlines and nine steamship companies.

From the foregoing it is evident that substantial volume of milk in the Detroit, Michigan, market is moved physically in interstate commerce in the form of milk and milk products and that the handling of milk in the market directly burdens, obstructs, or affects interstate commerce in milk or its products.

(2) *Need for an order.* An order regulating the handling of milk in the Detroit, Michigan, marketing area should be issued.

A large proportion of the milk consumed in the Detroit area is marketed by a cooperative association of dairy farmers. A price for milk marketed by the cooperative and used for fluid sales is arrived at for each month by bargaining. A lower price then applies to a small amount of milk in addition to that used for fluid sales and the remainder is sold at the average price paid by certain dairy manufacturing plants.

A number of Detroit milk distributors buy milk from dairy farmers who are not members of a cooperative. The record indicates that this milk is paid for at the average price paid for all milk to cooperative members, or a lower price. By purchasing close to needs for fluid sales, it is possible for these distributors to buy milk at a considerably lower cost on a utilization basis than that of distributors who buy from the cooperative. This is true because the cooperative and certain distributors assume the responsibility of carrying sufficient milk to supply the market in the periods of lowest production. Distributors who do not assume this responsibility are able to buy milk used largely for bottled milk sales at the average price paid to cooperative producers, which average price reflects a large volume of milk at the manufacturing price in the months of high production. This buying advantage has led to lower resale prices, the loss of business by distributors who buy higher cost milk, and demands that the price of milk for fluid use be lowered to cooperative buyers to permit competition with distributors who buy without regard to utilization.

This unstabilizing influence has been greatly aggravated by a widening of the spread between the price of milk for fluid use and the average producer price for all milk. In April 1948 the cooperative price to distributors for milk for fluid use was $4.90 and the average price paid producers for all milk was $4.76, a difference of 14 cents. In April 1950 the corresponding prices were $4.20 and $3.72 or an advantage of 48 cents to a buyer able to buy milk for fluid sales at the cooperative average price and an even greater advantage in case less than this average price was paid.

The price paid for milk used for manufacturing by cooperative buyers was $4.11 in April 1948, and $2.86 in April 1950, an increase in the spread between fluid and manufacturing milk prices from 60 cents to $1.32. This price trend greatly increased the advantage of distributors who may buy some milk for fluid use at the manufacturing price.

Statements of payments to producers for milk by buyers who do not buy through the cooperative covering several months in 1950 were submitted. One distributor had paid one producer from 35 to 38 cents per hundredweight less than the cooperative average price, another distributor paid from 19 to 34 cents less and a third paid from 34 to 38 cents less. Fall purchases of additional milk by one of these distributors to supplement his supply from producers indicate a fluid milk usage of producer milk above the average of the market.

The price advantage of buyers who do not purchase milk through a cooperative not only has forced cooperative buyers to exert continual pressure for lower prices, but also has encouraged buyers to sever business relations with the cooperative and take advantage of the lower cost milk available by direct purchase from dairy farmers at the cooperative average price or lower. One handler of a substantial volume of milk has recently taken this step after buying through a cooperative for many years. This trend, if continued, will supplement the pressure for lower prices in bringing about demoralization of the market.

The effect of these conditions in causing market instability is shown in the record of prices and milk supply over the last 3 years. In the 8-month period of June 1947 through February 1948, the Class I price negotiated by the cooperative dropped from $1.62 above the price paid by manufacturing plants to 71½ cents above. Under pressure of a shortage of milk, this negotiated price then increased to a high of $2.32 above the manufacturing price in March 1949. Then as the supply of milk in relation to market needs increased steadily, the negotiated price fell to $1.05 above the manufacturing milk price in May, 1950. While those wide price variations were occurring, the supply of milk was first so reduced that an average of 92 percent of producer milk was used in Class I in the months of November 1947 through January 1948 compared with 84 percent in the corresponding period a year earlier. This shortage was followed by relatively high prices and increasing production until during the corresponding months of 1949–50, less than 71 percent of producer milk was disposed of as Class I.

The cooperative has not been able to sell milk even to regular buyers on a complete utilization basis. Only milk used for fluid sales is priced on the basis of utilization and additional milk is classified on a bargained percentage basis without regard to utilization. This lack of complete pricing according to utilization results in differences in costs to the various distributors for milk for uses other than fluid sales which also contributes to market instability.

In the Ann Arbor portion of the area, producers have been unable to sell milk on any utilization plan. A certain price is set by bargaining for milk deliveries up to a "base" established for each producer, and additional deliveries are paid for at the manufacturing milk price. The record indicates that this method of buying results in a lower cost to these distributors for milk for fluid sales than the cost to distributors in other parts of the Detroit area.

Dairy farmers supplying the Detroit area who are not cooperative members, over 2,000 in number, have no facilities for regularly checking the accuracy of weights or butterfat tests of milk sold.

No complete statistics are available as to total sales of milk and milk products in the Detroit market or as to total receipts of milk in the market. Negotiated prices must be fixed without full knowledge of the needs of the market or of the supply of milk available. A marketing order would make available complete and accurate market statistics, provide for payment for milk according to use and for verification by audit of all handlers' utilization of milk, and for the checking of weights and butterfat tests.

A milk marketing order is needed in the Detroit area to establish and maintain orderly marketing and a level of prices which will insure an adequate supply of pure and wholesome milk, and to prevent the development of disorderly and chaotic conditions.

(3) *Extent of the marketing area.* The marketing area should include the cities of Detroit, Dearborn, Ypsilanti, Ann Arbor, Pontiac, Mount Clemens, Marine City, St. Clair and Fort Huron and adjacent areas of high population density. This area would cover the territory within the boundaries of 15 townships in St. Clair County, 7 townships in Macomb County, 12 townships in Oakland County, 3 townships in Washtenaw County, 2 townships in Monroe County, and all of Wayne County.

Proponents of the order proposed a considerably larger marketing area cov-

ering a number of rural townships and a few additional small towns. Certain milk distributors proposed an extension of the area to the north along the Lake Huron shore to include Worth and Lexington townships in Sanilac County. Certain distributors objected to including the cities of Ypsilanti and Ann Arbor.

The townships of Lexington and Worth in Sanilac County should not be included in the marketing area. There are no thickly populated areas in these townships except the Lake Huron shore line in the summer season and the small city of Croswell and the village of Lexington. It was not shown that a marketing order is needed to promote orderly marketing in this area. There was no showing that orderly marketing of milk in the Detroit area is influenced by milk distribution in these townships. No request was made by dairy farmers supplying milk to distributors in this area that it be included in the marketing area.

The cities of Ann Arbor and Ypsilanti and surrounding territory should be included in the marketing area. Milk is distributed from plants in or near these cities; which are located near the thickly populated suburban area west of Detroit, in competition with routes operated from Detroit plants. Because of the wide seasonal variations in milk consumption in these cities due to the large student population, distributors are dependent upon the Detroit market for much of their milk supply. Over 6½ million pounds of milk from Detroit receiving stations was supplied to Ann Arbor distributors in the two years of 1948 and 1949. Milk is purchased by Ann Arbor and Ypsilanti distributors from producers without regard to use and apparently at lower prices than if bought on a use basis at the class prices prevailing in the Detroit market. Attempts by the cooperative to have such purchases made on a use basis have failed. The need for a marketing order to bring about orderly milk marketing seems greater in the Ann Arbor-Ypsilanti area than in other parts of the proposed marketing area.

Rural areas and small towns not near to the large cities should not be included in the marketing area. Thirty-one additional townships in St. Clair, Macomb, Oakland, Washtenaw, and Monroe Counties, which are relatively thinly populated and include some 16 small towns and villages, were within the marketing area as proposed. Health regulations with respect to milk in effect in the cities are not applicable in much of the area. It is not considered necessary to include these 31 rural townships in the marketing area to promote orderly marketing of milk in Detroit and nearby cities.

The marketing area as outlined above embraces a contiguous, heavily populated territory served by milk distributors whose routes overlap and intermingle and which constitutes a single milk market, all parts of which are subject to substantially the same conditions and influences. Health regulations with regard to milk are substantially the same in all major municipalities in the area and milk produced on farms approved by the Detroit Health Department is permitted to be sold in all parts of the area. Differences in seasonal consumption in various parts of the area tend to make all of the area dependent on milk produced under Detroit inspection, which is diverted to any part of the area where needed. Failure to include any part of this territory in the marketing area would tend to disrupt orderly milk marketing in the whole area.

(4) *Milk to be priced.* All milk approved by health authorities for regular sale in the marketing area should be priced under the order. A "handler" is defined as the operator of a plant in which milk is processed and from which such milk is disposed of on a route in the marketing area as Class I milk, or a plant which is approved by health authorities of marketing area cities for handling milk for fluid consumption. To avoid including in the pool a plant which never supplies milk to the marketing area a country plant must move to a bottling plant at least 10 percent of its dairy farm supply of milk in the two short supply months of November and December. The handler definition describes the kinds of plants to which farmers deliver milk for fluid uses in the greater Detroit market.

A number of plants disposing of Class I milk on routes in the marketing area receive milk directly from dairy farms. The larger part of the supply, however, is received at country plants and reshipped to city bottling plants. The country plant may be owned and operated by the operator of the city bottling plant or by another person. All of these country plants receive milk only from dairy farms approved by the Detroit Health Department. Receipt of milk from any other source at one of these plants disqualifies the entire plant supply for use in Detroit and other marketing area cities which accept Detroit inspection. By defining a handler as the operator of either an approved country plant or a bottling plant, the handling of all milk regularly approved for consumption in the marketing area is made subject to regulations by the order.

The land boundary of the marketing area extends over 185 miles. A few small milk plants located outside the marketing area dispose of some milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions of these distributors would entail effort and expense and would not contribute to orderly marketing in the area. Prices appropriate in the marketing area might not be appropriate in the localities where most of the sales of these distributors be made. It was proposed that handlers operating bottling plants outside the marketing area and disposing of not more than an average of 600 pounds of Class I milk per day in the area in any month be exempt for that month from all except the reporting and auditing provisions of the order. Limitation of the exemption to handlers disposing of not more than 600 pounds of Class I milk in the marketing area daily, less than one economical route, and transferring no milk to other handlers would furnish adequate protection from unfair competition to fully regulated handlers and guard against any threat to orderly milk marketing in the area. It is concluded that such an exemption should be provided.

The sales area for the Toledo milk market which is regulated by a Federal milk marketing order is very close to the Detroit market at certain points. It appears that certain handlers who have a preponderance of their fluid sales in the Toledo market may have more than 600 quarts of sales per day in the Detroit market. Since these handlers are already regulated under the Toledo order it is not necessary to require them to meet the full obligations of handlers under the Detroit order. An exemption is therefore provided for handlers whom the Secretary determines to be regulated by another Federal order and whose sales are primarily in the other market.

A cooperative which operates a number of country plants receiving Detroit inspected milk has also arranged by contract for the receiving, weighing and cooling of member milk at certain plants not owned or operated by the cooperative. In each case the contracting plant handles no milk except that handled for the cooperative, and the disposition of such milk is entirely under the direction of the cooperative, in most cases being moved from the receiving plant in trucks owned and operated by the cooperative. Payments to producers for this milk are made at a blend price computed on uses of this and other milk marketed by the cooperative. It was proposed that in such cases the order provide that the milk be considered as received at a plant operated by the cooperative and the cooperative thus be made the handler for such milk.

The order provides for the verification of weights and butterfat tests of producer milk, for auditing of producer payrolls, and for determination of the disposition of producer milk. When producer milk is moved in bulk from the plant to which it is delivered by the producers, the identity of each producer's milk is lost. The person operating the plant where the milk is first received must therefore be responsible for weighing and testing the milk, maintaining records of such weights and tests and also records of the disposition of milk received, and usually records of payments to producers. If such person is not a handler under the order he cannot be held responsible for performing the functions listed above. He need not give the market administrator access to the plant or make available to him records of receipts and disposition of milk or facilities for verifying weights and tests. It appears that the person operating each plant which receives milk from producers must be made a handler if the provisions of the order are to be carried out. If the arrangement between a cooperative and the owner of a plant does not make the cooperative the operator of the plant, then the operator of the plant cannot be relieved of his handler status because of the arrangement. On the other hand, if the arrangement is of such a character as to make the cooperative the operator of the plant, or the part of the plant in which

producer milk is received, then no special provision of the order is needed to make the cooperative the handler with respect to this milk.

Special provision is made for handlers who produce milk and receive no milk from other producers or cooperative associations. Defined as "producer-handlers," such handlers are exempted from all provisions of the order except reporting and auditing.

A "producer" is defined as any dairy farmer who produces milk which is delivered to a plant operated by a handler. This definition will identify all of the dairy farmers whose milk deliveries are regarded as a part of the normal Detroit area fluid milk supply. Although most producers will hold permits from a health authority in one of the major cities in the marketing area, there may be some small sections of the marketing area under the jurisdiction of health authorities which do not issue dairy farm permits. A health authority permit is therefore not specified for determining producer status. It is provided that a dairy farmer delivering milk to a plant not operated by a handler may retain producer status if such milk has been diverted from a handler plant. This would permit milk to be diverted to nonhandler manufacturing plants during the surplus season and still be priced and pooled under the order.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular supply for the fluid market and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk to purchase manufacturing milk at a price advantage.

"Route" is defined as a delivery, including a sale from a store, of a Class I product to a wholesale or retail stop or stops, except to a handler. The handler exception avoids qualifying a plant as a handler when deliveries are only made to other handlers. This would prevent a plant from qualifying as a handler and participating in the market pool merely by delivering some milk to a handler plant inside the marketing area.

The provisions of a base and excess plan of payment requires a definition of "base," "base milk," and "excess milk." Other standard terms are defined for the purpose of facilitating subsequent provisions of the order.

(5) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk for different uses.

(a) *Classes.* Class I should include all skim milk and butterfat disposed of for consumption as milk, skim milk, buttermilk, or flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat (1) disposed of for consumption as fluid cream (2) used to produce cottage cheese, ice cream or ice cream mix, or (3) contained in dried whole milk, nonfat dry milk solids, whole or skimmed evaporated or condensed milk, sweetened or unsweetened, butter, cheese, or livestock feed, or in milk dumped or in plant loss of producer milk not in excess of 2 percent of all producer milk and all plant loss of other source milk.

All classification proposals included milk and flavored milk for fluid consumption in Class I. Producers proposed that skim milk and buttermilk for fluid consumption be in Class I and handlers proposed that these products be in Class II. Representatives of health departments of the larger cities involved testified that such skim milk and buttermilk are required to be made from milk approved for fluid uses. It is concluded that milk required to meet the sanitary standards for fluid consumption and the products required to be made from such milk (flavored milk, and skim milk and buttermilk for fluid consumption) should be in Class I.

Testimony indicated that there are no farm inspection requirements for milk disposed of in most of the marketing area in any form other than as milk, flavored milk, skim milk, and buttermilk for fluid consumption. Cottage cheese, and cream used for fluid consumption or for ice cream in Detroit must be made in approved plants but the farms producing the milk used in these products are not inspected by city health authorities. There was no showing of any specific difference in the quality of milk used to produce cream and cottage cheese for use in the marketing area and the quality of milk manufactured into evaporated milk, cheese and other products in the various manufacturing plants in the milkshed. Handlers proposed that all products other than those requiring farm inspected milk to be included in one class. There does not appear to be justification, on the basis of the quality of milk required for their production, for different classification for milk used to produce cream and the various manufactured products. Butterfat and skim milk used in cream and all manufactured dairy products and in livestock feed and plant loss are therefore classified as Class II.

Both producers and distributors proposed a separate classification for so-called "distress" milk resulting from production in excess of market needs, which often must be disposed of at lower prices than received for milk for general manufacturing uses. A large amount of the milk not needed for fluid sales is handled by a cooperative which has limited manufacturing facilities. A substantial volume is also received by distributors who have no manufacturing facilities. The disposition of this milk in the spring months of heavy production has been a serious problem. Since manufacturing plants are operating at close to capacity at that time, disposition of this milk may require these plants to operate in excess of normal capacity, involving high cost overtime rates. In some cases it must be transported to distant plants. The choice of plants to which this milk may be diverted may be limited and sometimes it is accepted only at prices lower than those paid for milk from regular supply sources.

The problem of disposing of surplus milk has been met in recent years by providing a class (Class II–B) for all milk received by a distributor in excess of a certain amount, at a price lower than Class II–A, which includes all manufactured milk. Distributors proposed to continue this practice by an order provision that in any month when total market receipts of producer milk exceed 147 percent of market Class I utilization, all producer milk received by any handler in excess of 125 percent of his Class I utilization (provided the handlers' Class I utilization was 60 percent or more of his producer milk receipts in the preceding October, November and December) be Class IV milk, to be priced lower than Class III milk. Producers, however, proposed to meet the problem by providing a Class III made up of plant loss, dumped milk and all manufactured products other than ice cream and cottage cheese to be priced relatively low but somewhat higher than the Class IV proposed by the distributors.

The distributors' proposal does not provide that milk be classified in accordance with the form in which or the purpose for which it is used, but would base classification in part upon the amount of milk received and the amount used in another class. The producer proposal would place a large proportion of the milk used for manufacturing in the lowest price class although there may be no disposal problem with respect to much of this milk.

The record indicates that while the so-called "distress milk" price was in effect for several months in 1949, it was discontinued at the end of October of that year and had not again been used up to the time of the hearing (June, 1950). Also no such lower price was used in 1948 or 1946 and was in effect only 3 months in 1947. For six months prior to June, 1950, the supply of producer milk in relation to Class I utilization had decreased each month as compared with the corresponding month of the preceding year. The problem of surplus milk disposal normally occurs only in the spring months of heavy production. These facts indicate that at least for several months after the order may become effective, a price lower than the Class II price will not be needed to permit disposal of excess milk. It is concluded that a special class for "distress milk" at a price lower than the Class II price should not be provided and no provision should be made for a lower Class II price under certain supply conditions.

Producers proposed that plant loss up to 2 percent of producer milk received be allowed in the lowest price class, any in excess of this amount to be in Class I. Handlers proposed that all plant loss be in the lowest class, claiming that loss of the milk is sufficient incentive to keep such losses at a minimum and that the penalty of Class I pricing of any in excess of 2 percent is not justified. Data submitted indicate that with plant operation of average efficiency, the loss nor-

mally does not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should be included in Class I.

It was proposed that in the case of milk moved from a country plant operated by a cooperative to a bottling plant, the 2 percent plant loss be allowed at the bottling plant. No reasons were given for limiting this provision to plants operated by a cooperative. It would seem that since part of the plant loss may be incurred at each plant, the allowance might more logically be divided between the plants. However, the proposed method avoids the problem of determining a fixed allocation of plant loss between the two handlers. The country plant operator may recover any receiving loss in his handling charge, and present charges probably cover this cost. It is concluded that the proposed provision, without the cooperative limitations, as well as the standard provisions for prorating loss between producer and other source milk, and allowing loss on diverted producer milk at the plant where actually received, should be included in the order.

(b) *Milk transfers.* Provision is made for classification of milk transferred between handlers, handlers and persons not handlers, and between cooperative plants and handlers. In the case of transfers between handlers not involving a cooperative plant, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk to the lowest value use, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Each handler involved in a transfer is required to report the agreed classification, otherwise milk transfers are classified as Class I and cream transfers as Class II.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the highest value uses in the transferee plant might increase the difficulty of disposing of surplus milk. Operators of some such non-handler plants have Class I uses and might refuse to handle surplus milk from the Detroit market if such milk would be allocated to their highest value uses. It is concluded that, as proposed, transfers from a handler plant to a plant not operated by a handler in the form of milk or skim milk be in Class I and in the form of cream be in Class II, but that such transfers shall be classified as mutually agreed by the transferor and transferee if the handler reports the transfer in such class, the transferee has use in the agreed class in an amount at least equal to the amount transferred or disposes of butterfat and skim milk to another plant which has such uses in the month. Books and records must be maintained at the plant at which the classification is made adequate to permit the market administrator to verify the reported utilization. In case the agreed utilization in the transferee plant exceeds the total of such utilization in the plant, the excess should be applied to the next higher priced class.

A number of country plants receiving Detroit inspected milk are operated by a cooperative association. Milk is transferred from these plants by tank truck to a large number of handler bottling plants. This milk is now classified for purposes of pricing at the pro rata classification of all producer milk in the bottling plant. Although classification has been on a relatively simple two class, hundredweight basis, market experience has shown that about a month is required to get the utilization reports from all the various buyers and to prorate the transferred milk to each class. Final settlement has not been made until the second month after delivery of the milk.

It is recommended herein that utilization of all handlers, including cooperatives, be reported not later than the 5th working day of the month following receipt of the milk, and that a uniform price based on these utilization reports be computed and announced not later than the 11th. It was considered improbable that the cooperative could collect utilization reports from the large number of handlers involved, compute other source milk allocation, prorate cooperative transfers of producer milk over remaining utilization, combine the results into a utilization report for the cooperative and submit it to the administrator in the 5 days allowed. Furthermore, any audit adjustments in classification for each handler involved would require an adjustment between the handler and the cooperative and a second adjustment between the cooperative and the equalization fund of the market-wide pool.

To simplify the procedure of accounting for such transfers, and to facilitate the reporting of utilization by the date specified, it was proposed that handlers operating bottling plants be required to pay the cooperative association a minimum of the base price for the month for such milk. In computing the cooperative equalization account the value of such bulk milk transferred to bottling plants at the base price would be added to the class values of other utilization.

This proposal would not affect the final cost of milk to handlers or the return to producers, and differs from settlement between the cooperative and transferee handlers at a pro rata or an agreed classification only in the method of handling a relatively small difference between the value of the transferred milk at the pro rata or agreed classification and such value at the base price. This difference would be reflected in the handler's payment made to or received from the equalization account. The recommended procedure would provide the same assurance of payment for milk marketed to handlers through a cooperative plant as for milk delivered directly by producers, and would result in payment for milk by each handler at his utilization value with a minimum of accounting requirements. The use of the base price in computing the equalization account charges and credits for such transferred milk is recommended because it would result in initially charging each handler at the approximate utilization value of the milk and, therefore, relatively small settlements with the equalization fund would be required.

It was proposed that a cooperative not be a handler with respect to milk transferred in bulk to a handler operating a bottling plant. A cooperative operating a plant which first receives milk from producers must be responsible for all records of milk receipts and of payments and therefore should be a handler with respect to all producer milk received at such plant.

Since some handlers combine operations which utilize other source milk and producer milk in the same plant, it is necessary to provide a method for allocating such other source milk to the various classes of utilization. Since producer milk includes all milk which is regularly available for fluid disposition in the marketing area, the method of allocating provides that such producer milk shall be allocated to the higher value uses to the extent that such uses are available.

(6) *Class prices.* Since the Detroit fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. Special differentials should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(a) *Basic formula price.* Producers proposed 4 alternate basic formulas for use in determining the Class I price based on prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants and by 5 Michigan dairy manufacturing plants. Distributors made the same proposal and also proposed use of the same basic formulas in slightly modified form, and the 18 midwest plant price only.

The first 3 of the price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of these price formulas with appropriate Class I price differentials would correlate the Detroit Class I price with Class I prices in other markets such as Toledo and Cleveland. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula, but there was disagreement as to which specific plants should be used. A number of different plants were proposed for inclusion, and the use of 7 plants instead of 5 was suggested. The following considerations should govern the selection of these plants so far as possible:

(1) Cooperative plants should not be included since their pay price to farmers usually includes only part of the return for milk, the remainder being paid as a patronage dividend which is not reflected in the reported pay price.

(2) Plants operated by a handler under the order should not be included because prices should be determined wholly independent of the actions of any handler.

(3) The plants selected should represent as wide a variety of manufactured products as possible.

(4) The plants should be so located as to represent all parts of the milkshed.

The use of 7 plants involves the possible difficulty of getting prompt payments reports, and it is improbable that the added quotations would influence the average price appreciably or make it more representative of manufacturing milk values in the area. The reporting of pay prices by the plants selected is voluntary and the use of any plant pay price in this formula will depend on consent of the plant operator to report his average pay price.

The following 5 Michigan plants appear to most nearly meet the requirements set forth above and should be used in determining the basic formula price.

Company	Location	Products
Fairmont Foods Co.	Bad Axe	Butter, condensed milk, ice cream mix.
Kraft Cheese Co.	Clare	Cheese.
Carnation Milk Co.	Sheridan	Evaporated milk.
Grand Ledge Milk Co.	Grand Ledge	Nonfat dry milk solids, sweet cream.
Pet Milk Co.	Hudson	Evaporated milk.

Use of the highest formula price as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The Class I price should therefore be based on the formula representing the highest value for milk for manufacturing.

(b) *Class I price.* The Class I price should be determined by adding $1.35 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second 2 preceding months and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.40 to be added to the basic formula price each month. Distributors proposed various differentials varying seasonally, which would average about $1.10 over the year, and one to be determined each month by a supply-demand formula. It was testified that a large proportion of the milk supply for the Detroit area is received at country stations and reshipped to bottling plants. The country station location differentials proposed by producers average 17 cents per hundredweight so that the Class I price reflected in the price to most producers at the point of milk delivery would average 17 cents below the marketing area price. This must be taken into account in setting the Class I differential.

Data covering an estimated 80 percent of the market value of milk deliveries indicate that the average number of producers supplying the market increased 1.5 percent from 1948 to 1949, while the average milk deliveries per producer increased 2 percent. In the same period, however, average daily Class I sales increased 5 percent. For the three years 1947 through 1949 producer milk deliveries averaged 135 percent of total Class I sales. The Class I price negotiated by the cooperative during this 3 year period averaged $1.39 over the proposed basic formula price. For the year 1947 the Class I price in Detroit averaged $1.23 above manufacturing milk prices as represented by the recommended basic formula price, and for the first 8 months of 1948 averaged only 86 cents above. These relatively low prices were associated with a decline in milk receipts in relation to sales. For the 12 month period ending with July 1948 Class I sales averaged 81 percent of producer milk receipts and during the period from November 1947 through February 1948 the market was short of milk.

Deliveries of milk to the Detroit market seem to respond readily to changes in the relationship of Detroit prices to prices for manufacturing milk. When the differential between the two prices has been large deliveries to Detroit have increased. When the price differential has narrowed deliveries have fallen off. Manufacturing milk prices dropped sharply after August, 1948, and the Class I price was increased, with the result that for the 9 month period from September 1948 through May 1949, the differential between Detroit Class I prices and manufacturing prices averaged $2.05 per hundredweight. This period of relatively high Class I prices brought about a reversal of the downward trend of milk receipts in relation to sales. For the year of 1949 Class I sales averaged 69 percent of producer milk receipts compared with 80 percent for 1948, and the supply each month exceeded that in the corresponding month of 1948. In the 12 month period of June 1949 through May 1950, the Class I price averaged $1.41 above the proposed basic formula price. During the first 7 months of this period, producer milk receipts increased in relation to Class I sales to a high point in December 1949 in which month only 70 percent of producer milk was sold as Class I compared with over 84 percent in December 1948. The maximum effect of the high differential between Detroit prices and manufacturing prices from October 1948 through May 1949 and of other factors such as favorable weather and ample feed supplies seems to have been reached by the end of 1949.

During the first 5 months of 1950 the excess of milk receipts over the corresponding months of 1949 decreased and receipts in May 1950 were below May 1949. During this period the Class I price was at approximately the level above manufacturing milk prices which producers proposed be fixed by the order. The record of milk receipts and Class I sales would seem to indicate that a Class I differential as high or higher than that proposed would be necessary to insure an adequate supply of milk. However, a number of provisions of the order other than the Class I price would have the effect of increasing the average return to producers. Distributors not in the present pool but who would be handlers under an order have a higher average Class I utilization than those now pooled. A higher butterfat differential would increase the return somewhat for Class I milk. The Class II order price recommended would probably return somewhat more for milk for these uses than was realized in 1949. Payment for all milk on a complete classified use basis would probably increase the average price to producers for all milk somewhat, and an audit verification of all handlers' uses would tend to have the same result.

Considering all of the factors discussed above, it is concluded that a Class I price differential of $1.35, subject to a supply-demand adjustment as recommended below, will attract to the Detroit market area an adequate supply of milk meeting the applicable health standards.

A proposal was made that the Class I price differential be adjusted monthly in relation to changes in the ratio of producer milk receipts to Class I utilization. Such a provision appears desirable but the proposal made should be modified somewhat. There are objections, for instance, to relating a current period to a 1947–48–49 base period, as proposed, as a measure of the time and amount of price changes desirable. During this 3 year period producer milk deliveries were 135 percent of Class I utilization, a larger supply than necessary to insure sufficient milk for Class I utilization in the short supply months. The 3 year period was one of wide variations both in prices and in production. The Class I price ranged from 58 cents above the proposed basic formula price to $2.32 above and producer milk receipts ranged from 107 percent of Class I utilization in December 1947 to 143 percent in December 1949. For these reasons the 1947–49 period does not seem to be suitable either as an indication of an appropriate Class I price differential, or as a guide to the normal seasonal variations in the ratio of receipts to Class I utilization.

The object of a supply-demand price adjustment in this market is to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding month to be applied to the Class I price in the next following month.

It was testified that a minimum milk supply for the market of 115 percent of Class I utilization is needed in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 130 percent of Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if this supply might be expected to exceed 130 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to 122.5 percent, the midpoint of the 115 percent—130 percent range, in the shortest supply month may therefore be computed by adjusting this ratio by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at a full 7.5 percentage points below the adjusted ratio and a decrease at a full 7.5 percentage points above the adjusted ratio, as computed for each month. It may be necessary to revise the standard seasonal adjustment after data becomes available on the seasonal production of all producers supplying the market. If the seasonal variation in the production of all producers shows a wide divergence from that indicated by the data now available, it may be necessary to postpone the effective date of the supply-demand adjustment until complete data is available. The possibility of erratic price movements due to temporary influence may be largely removed by use of a 2-month period instead of one month, and is so provided.

Producer milk receipts in relation to sales and to producer prices over the last 4 years indicate that the proposed 3 cents per percentage point is a desirable rate of supply-demand adjustment of the Class I price differential after providing a 15-cent change for the first full 7.5 percentage point variation. A period of 9 months during which the Class I price averaged about 82 cents above the recommended basic formula price coincided with a period of milk shortage. Another period of 8 months during which the Class I price averaged about $2.12 above the recommended basic formula price coincided with and was followed for several months by an oversupply of milk. These data indicate that a range of Class I price differentials somewhat less than these extremes is desirable. A price change of 15 cents for the first 7.5 percentage points variation in the ratio, and an additional 15 cents for each 5 percentage points, when applied to the supply-demand ratios of the last 4 years gives a top differential of $1.80 (in 3 months only) and a low (in 3 months only) of 90 cents. It is unlikely that either of these extremes would have been reached had the recommended pricing plan been in effect during these years, since the computed range of 90 cents to $1.80 is based on production responses to Class I price differentials ranging from a low of 58 cents to a high of $2.32. The range which might be expected from the use of a 15-cent adjustment for each 5 percentage points probably would not exceed $1.05 to $1.65 which appears appropriate to stimulate an ample supply of producer milk and at the same time avoid a large surplus.

To remove the possibility of a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is effected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(c) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Detroit milkshed. The average of the prices paid by 5 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Detroit area which is not used for fluid milk sales. Much of this milk is diverted to manufacturing uses in the various plants in the milkshed, and the 5 plant average price will usually be representative of the prices received for this milk, because of the selection of the plants as discussed in connection with the basic formula price.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporarily depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses is recommended. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight. Use of this formula price as an alternate Class II price would insure a price in line with national values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

(d) *Method of pricing.* Producers proposed that butterfat and skim milk be classified and priced separately. Distributors objected to butterfat and skim milk pricing, and proposed that the utilization in each class in hundredweight be priced at a 3.5 percent hundredweight price, adjusted to average test of the class by use of the producer butterfat differential, which averages about 112 percent of the Chicago 92-score butter price. They contended that resale prices of the various products marketed are adjusted to this method of pricing milk, which has been in use in the market for many years. This method of pricing tends to encourage consumption of butterfat, they claimed, by fixing a relatively low cost for high butterfat content products. Producers claimed that all handlers should pay the same price for all butterfat and skim milk used in any one class and that the relative values of butterfat and skim milk in each class should be the relative values in the open market as shown by market prices of butter and nonfat dry milk solids. These relative values should change from month to month as market values change. The additional cost of producing milk of the quality required for Class I products should be allocated to Class I butterfat and skim milk in proportion to the market values of butterfat and skim milk for manufacturing uses. They pointed out that the distributors' proposal allocated all of this additional cost to the skim milk.

Computing the proposed prices by the method suggested by distributors, for the month of April 1950, skim milk in Class I would have cost $1.99, 3.2 percent milk $4.03 and 5.0 percent milk $5.24. The added fat would cost less than the price proposed for butterfat in the Class II formula. In Class II, 100 pounds of 40 percent cream would have cost $26.71 while the 40 pounds of butterfat in this cream would be worth $28.70 at the butterfat value in the proposed Class II formula (Chicago 92-score butter plus 20 percent). Under the pricing method proposed by producers, the corresponding prices would have been 74 cents for skim milk, $3.96 for 3.2 percent milk, $5.78 for 5 percent milk and $29.01 for 40 percent cream.

The proposed methods of pricing milk on a hundredweight basis or a butterfat and skim milk basis represent alternate accounting methods and do not determine the cost of milk to handlers or the return to producers. In view of the market custom of hundredweight accounting and pricing, it appears that a continuation of this method of pricing by the terms of the order is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials recommended below.

The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give producer milk preference over other source milk in the higher value uses.

(e) *Handler butterfat differential.* The Class I butterfat differential proposed by distributors places a low value on butterfat in Class I milk relative to the hundredweight value of the milk. On the other hand, the producer proposal would price such butterfat relatively high, particularly in view of pricing practices prevailing in the market. The proposed Class I and Class II price formulas would have resulted in the last 3 years in a Class I price for 3.5 percent milk ranging from 23 percent to 32 percent above the Class II price. A Class I butterfat differential set at 20 cents per pound of butterfat above the producer butterfat differential recommended herein would result in a Class I differential ranging between 20 and 30 percent above the Class II butterfat differential, depending on the level of butter prices. A differential so determined would range from 25 to 35 cents above the Chicago 92-score butter price. At price levels of April 1950 this would provide a Class I butterfat differential of 85 cents per pound compared with 65 cents proposed by distributors and $1.015 proposed by producers. It is concluded that the addition of 2 cents to the one-tenth pound producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

Since formulas are provided for determining the butterfat and skim milk values in one of the alternate Class II prices, the butterfat differentials in this case should be the butterfat value determined by the formula. In the event the 5 plant average pay price is the effective Class II price, an equivalent butterfat differential may be determined by assigning to the butterfat, as proposed, the percentage represented by the butter portion of the butter-powder formula in the same month. This may be accomplished by dividing the butter formula by the hundredweight butter-powder price, multiplying the 5 plant price by the resulting percentage and dividing by 35.

(f) *Location adjustments.* Adjustments for delivery location are provided with respect to payments to producers for milk delivered (1) at country plants (i. e. plants from which no route deliveries are made into the marketing area) located more than 34 miles from the Detroit City Hall and (2) at plants from which route deliveries are made into the marketing area if such plants are located more than 34 miles from the nearest point on the periphery of the marketing area. A credit to handlers at the same rate is provided on milk moved from a country plant to plants operating routes in the marketing area not in excess of Class I disposition of such milk at the receiving plant, and on milk disposed of as Class I milk from the country plant other than to a handler. No location adjustments are provided for plants operating routes in the marketing area and located inside or less than 34 miles outside the marketing area, on payments to producers for milk received or as credits on milk disposed of as Class I or moved to bottling plants.

It was proposed that producer and handler location adjustment rates now in effect be incorporated in the order. For more than 20 years a location adjustment has been applied to milk received at country plants for re-shipment to city bottling plants in the Detroit area. This adjustment, based on the distance of the country plant from some point in the marketing area, has been deducted from the marketing area delivery price in making payments to farmers delivering milk to country plants, and a credit at the same rate has been allowed to country plant operators on milk moved to city plants.

In the earlier years these location adjustment rates were increased several times, reaching a high in 1930 when they ranged from 24 cents per hundredweight at 25 miles or less to 81 cents at 90 miles from the basing point. During the following 9 years the rates were lowered 4 times, to a low which ranged from 12 cents at 45 miles or less to 19 cents at points over 94 miles from the basing point, which rates prevailed for the two years following September 1, 1939.

The slightly higher schedule proposed, which has been in effect since October 1, 1947, provides an adjustment of 14 cents on milk received at or moved from a plant located in a zone 34 miles to 49 miles from the Detroit City Hall by shortest road distance, and an additional 1 cent per hundredweight for each additional 8 mile zone with a limit of 21 cents, which applies to any location beyond 97 miles. While no data were given on milk hauling costs, the proposed rates were considered adequate to cover cost of transporting the milk by tank truck from the receiving plant to city bottling plants. No allowance was proposed for the zone within 34 miles of the city hall as milk produced within this zone may be delivered more economically directly to city bottling plants.

The location allowance is limited to a maximum of 21 cents which is the allowance applicable to the zone starting at 97 miles from the Detroit City Hall. Ample milk for the market is available within the area included in the 8 zones for which mileage rates are provided and very little milk is moved from beyond 97 miles. The movement of milk for unnecessarily long distances at the producer's expense would not be economical. The proposed maximum rate of 21 cents would not discourage the movement of milk from reasonable distances beyond the 97 miles as the economies of the long haul would to some extent offset the lower rate per mile.

Both the Grand Boulevard and the city hall in Detroit were proposed as basing points for location adjustments. Mileage may be determined more readily from a single point than from a street extending many miles. The Detroit City Hall is therefore specified as the basing point for all distance differentials. Zone distances 4 miles greater than now in use based on the Grand Boulevard are provided to allow for the distance of between 3 and 4 miles between the two basing points. The shortest road distance as determined by the market administrator was proposed for fixing the zone location of country plants and appears satisfactory for this purpose. The location adjustments as proposed would apply to all producer milk delivered to qualifying country plants in each zone and it appears would result in a fair value for such milk in relation to the value of milk delivered at city bottling plants.

It was proposed by producers that handlers operating receiving plants in the location adjustment area receive a credit computed by applying the applicable zone route to all milk moved to marketing area bottling plants regardless of the use classification of the milk so moved. Handlers proposed that the customary method of pricing milk be continued and this method, in effect, allows the location adjustment credit on 107 percent of Class I utilization. This results from adjusting the city price of Class II–B milk, which includes all producer milk in excess of 107 percent of Class I milk, by adding the average location adjustment of 17 cents to the Class II–B price formula. While the location adjustment credit is allowed on all milk moved to city bottling plants, it is in effect removed from Class II–B milk by increasing the marketing area price by the average location adjustment. This method of pricing manufacturing milk is not recommended.

Producers should not be required to bear the cost of transporting manufacturing milk from country plants to city plants. Milk may usually be manufactured more economically in country plants, and if a handler chooses to transport milk into the city for manufacture he should pay the cost of transportation. The handler location adjustment should apply therefore only to milk moved to bottling plants for Class I use. The use of milk moved from country plants would be determined by pro-rating to such milk the classification of all producer milk in the bottling plant (after first allocating other source milk to the lowest value uses).

In most cases some milk must be moved to bottling plants in excess of Class I needs and distributors proposed that the transportation allowance apply to some amount of milk in excess of 100 percent of Class I utilization. While it is true, as pointed out above, that present allowances cover 107 percent of present Class I utilization, the order Class I would include certain products not presently included in Class I. The transportation allowance would therefore apply to approximately the same volume of milk as the present allowance, which testimony indicated is generally considered satisfactory.

Because of the large size of the marketing area, some bottling plants located in the marketing area would also be in

a zone to which a location adjustment would apply. It was proposed that the producer location adjustment apply to milk delivered to such plants as well as that delivered to country receiving plants. It was further proposed by distributors that handlers disposing of Class I or Class II producer milk from plants located in a location adjustment zone, including bottling plants in the marketing area, receive a credit on such milk at the rate of the handler location adjustment applicable to the zone. Producers also proposed such a credit, but that it be applicable only at plants located more than 65 miles from the Detroit City Hall.

The portion of the marketing area including the city of Ann Arbor would be in the first location adjustment zone (34 to 49 miles from the Detroit City Hall) and that including Port Huron and nearby cities would lie in the first 3 zones (34 to 65 miles from the Detroit City Hall). As proposed, producers delivering milk to Ann Arbor bottling plants would receive 14 cents less than for milk delivered within the 34 mile zone, and those delivering to plants in Port Huron and nearby areas would receive 14 to 16 cents less. As proposed by handlers, a handler credit of like amount would be allowed on Class I and Class II disposition from these plants. Under the producers' proposal, however, no credit on Class I and Class II disposition would be allowed within the 65-mile zone, which would exclude all plants within the marketing area.

All parts of the marketing area are dependent upon the entire production area for a year around supply of milk. While part of the milk for the Ann Arbor and Port Huron areas is supplied by nearby farms, both areas depend for a large amount of milk on country plants which are part of the supply system for the entire marketing area. The prices necessary to attract an adequate supply of milk for the entire area should apply therefore to all parts of the area.

Location adjustments to producers are provided to adjust the amount paid for milk which is not delivered to city bottling plants to allow for the additional cost of moving such milk from the plant where it is delivered by the producer to the area where it is to be distributed and should not apply to milk delivered by a producer to a bottling plant distributing milk in or near the marketing area unless the bottling plant is located an appreciable distance from the marketing area. No location differentials are recommended at points nearer than 34 miles to the Detroit City Hall. The same distance is appropriate for determining the application of a location differential to plants operating routes in the marketing area, except the distance should apply to the nearest point by highway to the boundary of the marketing area. It is provided that location adjustments, both producer and handler, apply to milk delivered to plants more than 34 miles from the Detroit City Hall, and in the case of plants operating routes in the marketing area, also located more than 34 miles from the boundary of the marketing area by shortest highway distance.

Handler plants receiving milk approved for sale in the marketing area may dispose of Class I milk in localities outside the marketing area. It was testified that the Detroit market is the dominant factor in the determination of prices in the entire milkshed. Hence, the Detroit marketing area Class I price, less the applicable location adjustment, would represent approximately the value of Class I milk disposed of from any plant in the Detroit milkshed. It is provided that a handler shall receive a credit with respect to Class I milk disposed of, other than to another handler, from a plant outside the marketing area from which a route is not operated in the marketing area at the rate of the location adjustment for the zone in which the plant is located. This credit is made applicable only at plants located more than 34 miles from the nearest point by highway to the boundary of the marketing area in the case of plants disposing of milk on routes in the marketing area. No allowance is provided for Class II milk since this milk would be mostly used in manufactured products and its value would not decrease at locations more distant from Detroit.

(g) *Transportation credits.* No transportation credits in addition to the zone location adjustment should be allowed to handlers on Class I milk disposed of, or on Class II milk moved for manufacturing.

It was proposed that a credit be allowed to a handler on any bulk, unpasteurized milk moved to a person other than a handler at a location 65 miles or more from the Detroit City Hall for Class I utilization computed at a rate of 17 cents for the 65 to 73 mile zone from the Detroit City Hall and increased one cent for each additional 8-mile zone. It was testified that the proposal was intended to permit disposal of milk during the summer season to milk distributors in distant resort areas at a price not in excess of the Detroit Class I price at the handler's receiving plant.

This proposal conflicts with the proposal discussed above to allow a credit on any Class I disposition other than to another handler from certain plants at the rate of the location differential applicable to the plant. This proposal, in effect, would require producers to pay the transportation cost to any point more than 64 miles from Detroit where a handler might choose to dispose of bulk Class I milk. If Class I milk from the Detroit area is needed in a distant market, it appears that the cost of transporting the needed milk should be borne by the market which is short of milk and not by the milk producers of the area from which the milk is supplied.

It was also proposed that a credit be allowed to handlers on milk transported from the plant where it is received from producers to another plant for manufacture at a rate of 6 cents per hundredweight for distances of ½ mile to 5 miles between the receiving plant and the manufacturing plant and at the rate of 1 cent for each additional 6 miles or fraction thereof with a maximum allowance of 18 cents per hundredweight.

In the Detroit market some milk distributors receive all of their milk needs from producers, either at a city bottling plant or at country plants, and manufacture the receipts in excess of their fluid milk needs into dairy products, generally at the plant where the milk is received from producers. If it is necessary to move any of the milk to another plant for manufacture, the transportation cost is paid by the distributor. Other distributors buy part or all of their milk from a producers cooperative association and assume no responsibility for disposing of milk in excess of their needs for fluid sales. The cooperative must arrange for converting the surplus milk which these distributors would otherwise be required to handle into manufactured products and in doing so must move substantial quantities from the country plants where it is received from producers to other plants for manufacture. It is expected, therefore, that the cooperative would be the main recipient of the transportation credits under this proposal.

If the proposed credits were provided for in the order, some of the costs which the cooperative must bear in the disposal of surplus milk would be defrayed out of the equalization pool and ultimately reflected in a lower return to all producers. A number of handlers have arranged to dispose of all surplus milk incident to their operations without the necessity of transporting milk at the expense of producers. The level of surplus milk prices which is provided is designed to cover the cost of converting surplus milk into manufactured dairy products. Any extra costs which the cooperative must bear appear to be due to additional services performed for certain distributors such as furnishing milk in the exact amounts needed for Class I uses, maintaining country receiving plants, keeping an adequate supply of milk available at all times and handling the disposal of any milk not needed by these distributors. It appears that these extra costs should be reflected in the cost of milk to the distributors who receive the additional services rather than be charged to producers through pool credits. The charge for manufacturing milk should be the same for all handlers, including cooperatives, without special allowances or credits applicable to particular methods of handling this milk.

(7) *Payments to producers*—(a) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed and no objection was made to this type of pool. The nature of the market requires a uniform price to all producers representing the value of all market utilization to fairly compensate producers for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles a large portion of the spring surplus production and supplies many distributors with milk as needed. Distributors in the Ann Arbor area buy from producers less milk than needed for a large portion of the year, and depend on additional purchases of milk in bulk from a cooperative. Some country plants supply milk for fluid distribution only in a few months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year around supply of milk but would

receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payments may be made to the producer or to the cooperative, as agreed between the cooperative and the handler. Payments to a cooperative for producer milk delivered in bulk are required to be made at the uniform base price for the reasons set forth in the discussion of transfers.

(b) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

A base plan has been in use in the Detroit market since 1950 and a proposal was made to incorporate this plan in the order in substantially the form now in use. It was shown that at the time the base plan of payment was introduced 20 years ago, milk deliveries to the market in the highest production month were 175 percent of deliveries in the lowest month. After 10 years of operation of the plan (1940), milk receipts in the highest production month were only 126 percent of the lowest month. During the next 5 years wartime demand and higher prices apparently somewhat offset the base plan incentive for even seasonal production. By 1945 the seasonal variation in milk receipts as measured by the percentage relationship of the highest month to the lowest month had increased to 146 percent. In the following 4 years seasonal variation in production improved and in 1949 the high month was down to 134 percent of the low month. If the seasonal variation of 1930 had prevailed in 1949, and November deliveries had been only adequate for market needs (115 percent of Class I utilization), deliveries in June would have been over 201 percent of Class I and in volume over 60 million pounds of milk in excess of Class I needs. It was stated that in view of the difficulty experienced in disposing of the actual market surplus in 1949 when June receipts exceeded Class I utilization by only 30 million pounds, a completely demoralized market might have resulted without the influence of the base plan on seasonal production.

Basically, the plan provides that each producer will receive approximately the marketing area Class II price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the excess milk.

The plan as proposed by the cooperative differed from the simplified outline above in two major respects: (1) in the case of a daily average of base period deliveries lower than the base already held by a producer, the new base would be the previous base less any amount by which 90 percent of the previous base exceeds the average daily base period deliveries, and (2) once during each year a producer may elect to give up his base and to establish a new base under the method proposed for establishing the base of a new producer.

It was proposed that a new producer entering the market, or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages are fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed are now in use in the market and reflect the difference in seasonal production patterns of old producers and new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 80 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price as discussed below. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or 80 percent of deliveries in the 3 months of October, November and December.

In the Detroit market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which requires the stimulas to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. Deliveries of base milk in the 5 months of the base period averaged over 87 percent of Class I sales in the last 4 years, and over 91 percent in 1946 and 1947, which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow for a producer starting delivery not later than September 1, and for limited lapses in delivery during the period.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. The plan, therefore, should not discourage increased fall production by requiring payment for all or part of higher production at the excess price. It was proposed that a new producer, or an old producer desiring to establish a new base, be paid during the base forming months at the base price for 80 percent of his milk deliveries and at the excess price for 20 percent. However, no penalty should be imposed during these months when the supply of milk is shortest in relation to demand, either on new shippers entering the market or on old shippers who desire to increase the level of their milk deliveries. It is concluded, therefore, that during the base forming months a new shipper, or an old shipper who relinquishes his base, should be paid the market blend price for all milk delivered during up to 3 of these months, and a base then be established at 80 percent of the average daily deliveries during 3 months. If deliveries are made for 4 or 5 of the base forming months, a new base of 100 percent of such average deliveries would become effective February 1. Only 80 percent of a producer's deliveries are allowed as base when the base is established on three months deliveries. Such deliveries are made at the uniform price. Deliveries of milk for two of the base forming months in the case of old shippers and one or two months in the case of new shippers are made under the previous base or the newly established 80 percent base in establishing a base on 100 percent of his deliveries. These provisions will require re-examination after data are available on the results of their operation to determine the possible restrictive tendencies.

The proposal that bases be reduced by the difference between the average base period deliveries, and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price until the next February 1st. It was proposed that producers be permitted to re-establish a base in line with their

normal production level by allowing any producer to relinquish his base and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unsual circumstances.

A period of one month is allowed following the end of the base period to computate new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market administrator, until the next February 1. However, the record indicates that there are some 2,000 producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect, would make certain provisions of the order retroactive to periods several months before the order would become effective. The last objection also applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from re-pooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(c) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago, has been in use in the market since 1941. This differential appears to have resulted in a supply of producer milk of satisfactory butterfat test for the needs of the market, and it is recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3.5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(8) *Administrative provisions* — (a) *Administrative assessments.* The act provides that the cost of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 2 cents per hundredweight of milk received from producers was proposed for the purpose. Although a considerable volume of cream from sources other than producers is received, testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 2 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lesser amount.

(b) *Marketing services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall deduct and pay to the cooperative such deductions as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It was proposed that a deduction of 5 cents per hundredweight be provided for this purpose. No testimony opposed such a deduction or indicated that a different rate should be provided.

Data on costs of furnishing these services to producers not serviced by cooperatives indicate that such costs would be relatively high. These producers deliver milk to 89 plants which are scattered over a wide area. It was estimated that butterfat check-testing costs under these conditions would be over 60 cents per test. It is provided that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(c) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices and the uniform and base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account, together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. Producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which effect market supply and demand, for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of a marketing agreement or an order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," and "Order Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Regulating Handling of Milk in Detroit, Michigan Marketing Area [1]

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AUTHORITY: §§ 924.1 to 924.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 924.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2 cents per hundredweight or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all producer milk (including such handler's own production) received during the month.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Fort Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means:

(a) A person who operates a plant in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area;

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, except such a plant from which less than 10 percent of its dairy farm supply of milk is moved to a plant described in paragraph (a) of this section in each of the months of November and December of each year after 1950.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a plant described in § 924.6 (except such plant as described in § 924.101) or is diverted for a handler's account from such a plant to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk.

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30 and 924.31, or (2) payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers or from a cooperative association (except as provided in § 924.43 (c)), (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk or buttermilk; and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sterilized flavored milk drings or sweet or sour cream; or (2) used to produce ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened disposed of in bulk or in hermetically sealed cans, butter, or livestock feed, or dumped; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferrer handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferrer handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler (except as provided in paragraph (c) of this section, other than a handler described in § 924.101, in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided*, That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk by a handler to a person not a handler or to a handler described in § 924.101 shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submitted pursuant to § 924.30, and a statement certifying to such Class II utilization is received by the market administrator from the operator of the plant to which such milk or skim milk is moved not later than the last day of the month following the month of such movement.

(2) The operator of such plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Producer milk transferred in bulk from a plant operated by a cooperative association from which no milk is disposed of on a route(s) in the marketing area to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the plant of the transferor cooperative and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Cooperville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily average wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location
Kraft Cheese Co., Clare, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Carnation Milk Co., Sheridan, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk price.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35.

(b) Beginning in the third month after this order becomes effective, the percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator, and for the following month the Class I price shall be decreased 15 cents if such percentage is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage: *Provided*, That when the price has been so decreased or increased it shall not be next increased or decreased, respectively, in the following month unless such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month	*Percentages*	*Month*	*Percentages*
January	122.5	July	149.8
February	126.5	August	145.5
March	134.1	September	140.6
April	144.3	October	131.0
May	159.3	November	123.4
June	167.5	December	125.9

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2 and then by 3.5.

(2) From the simple average of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., subtract 5.5 cents and then multiply by 8.2.

(b) The price per hundredweight as described in § 924.50 (d).

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 924.82.

(b) *Class II milk.* Divide the amount computed pursuant to § 924.52 (a) (1) by the price computed pursuant to § 924.52 (a), multiply the price determined pursuant to § 924.52 (b) by the resulting percentage and then divide by 35 and round off to the nearest one tenth cent.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraph (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (c) and § 924.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 924.46 and § 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who receives milk from producers (1) at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall and from which no milk is disposed of on a route in the marketing area or (2) at a plant which is located outside the marketing area and more than 34 miles by shortest highway distance from the boundary of the marketing area and from which milk is disposed of on a route in the marketing area shall receive a credit with respect to producer milk disposed of as Class I utilization other than to a handler, and with respect to producer milk moved in bulk from such plant to a plant from which milk is disposed of on a route in the marketing area, computed on the weight of milk so moved which is not in excess of the amount of such milk classified as Class I utilization in the plant to which such milk is moved (pro rating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
1	More than 34 miles but not more than 49 miles	$0.14
2	More than 49 miles but not more than 57 miles	.15
3	More than 57 miles but not more than 65 miles	.16
4	More than 65 miles but not more than 73 miles	.17
5	More than 73 miles but not more than 81 miles	.18
6	More than 81 miles but not more than 89 miles	.19
7	More than 89 miles but not more than 97 miles	.20
8	More than 97 miles	.21

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and

(b) Subtracting not less than 4 cents or more than 5 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.65 *Notification.* On or before the 11th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base previous to August 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, in the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by .8, in January and February by .75, in March by .7, in April and July by .6, and in May and June by .4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) From the effective date of this order until bases are established pursuant to this section, producers and cooperative associations shall be paid the uniform price for all milk delivered.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80, and

(b) who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Detroit marketing area, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32 and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, 924.33 and 924.60 (b).

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any of all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.131 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS SUPPLYING MILK TO DETROIT, MICHIGAN, MARKETING AREA; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Detroit, Michigan, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

Done at Washington, D. C., this 6th day of June 1951.

[F. R. Doc. 51-6728; Filed, June 8, 1951; 8:54 a. m.]

after called the "marketing area", means all of the territory within the counties of Wilson, Woodson, Montgomery, Allen, Neosho, Labette, Bourbon, Crawford, and Cherokee, all in the State of Kansas.

Done at Washington, D. C., this 7th day of June 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-6787; Filed, June 8, 1951; 8:52 a. m.]

[7 CFR, Part 971]

[Docket No. AO-175-A8]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Miami, Second and Ludlow Streets, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., June 13, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area.

These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Miami Valley Milk Producers Association:

1. Amend § 971.5 (b) (1) by adding thereto the following: "*Provided further*, That if during the preceding months of September, October, November, December, January and February, the total volume of milk received from producers is less than 120 percent of the total Class I and Class II utilization of all handlers during such period, the Class I price for the following months of September, October, November, December, January and February shall be increased 4 (four) cents per hundredweight for each percentage point that such percentage is less than 120 percent."

2. Amend § 971.5 (c) (1) by adding thereto the following: "*Provided further*, That if during the preceding months of September, October, November, December, January and February, the total volume of milk received from producers is less than 120 percent of the total Class I and Class II utilization of all handlers during such period, the Class II price for the following months of September, October, November, December, January and February shall be increased 4 (four) cents per hundredweight for each percentage point that such percentage is less than 120 percent."

3. Amend the proviso in § 971.5 (d) (1) to read as follows: "*Provided*, That the

[7 CFR, Part 928]

[Docket No. AO 227 RO1]

HANDLING OF MILK IN NEOSHO VALLEY KANSAS-MISSOURI) MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER; CORRECTION

In F. R. Document 51-6300, appearing in the FEDERAL REGISTER issue of June 1, 1951, add "Wilson" between the words "of" and "Woodson" in column 3, paragraph 1, line 5 on page 5136, so that the said paragraph, as corrected, reads as follows:

§ 928.6 *Neosho Valley marketing area.* "Neosho Valley marketing area", herein-

price per hundredweight of butterfat made into butter shall be computed for all months by multiplying the average price of butter computed pursuant to paragraph (a) (2) (i) of this section by 120, and then subtracting $5.00."

4. Amend § 971.5 (d) (2) to read as follows:

(2) The price per hundredweight of such skim milk shall be computed by dividing the amount computed pursuant to paragraph (a) (3) (ii) of this section by 0.965, and (i) for the months of April, May, June and July, subtracting 20 cents, (ii) for all other months except March, August and September, adding 20 cents.

Proposed by Kenneth L. Rush on behalf of handlers:

5. Delete § 971.5 (d) (2) and substitute the following:

(2) The price per hundredweight of such skim milk shall be computed as follows: Calculate the arithmetical average of the carload per pound prices of roller process nonfat dry milk solids in barrels for human consumption, f. o. b., Wisconsin shipping points for the weeks ending within such month as reported by the Department of Agriculture; deduct 5.5 cents; multiply the result by 8.2; and divide by .965; and (i) for the months of April, May, June and July subtract 20 cents, (ii) for all other months except March, August and September add 20 cents.

Proposed by Miami Valley Milk Producers Association:

6. Amend § 971.4 (a) to include concentrated milk as a Class I product.

7. Amend § 971.4 (d) (iii) to read as follows:

(iii) As Class I milk, Class II milk, Class III milk, Class III butterfat (butter), in that sequence if transferred by a handler to a person other than a handler who distributes milk in fluid form or manufactures milk products: *Provided*, That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a statement which is signed by the buyer and the seller that such skim milk or butterfat was used as a product covered by Class II milk or Class III milk, such skim milk or butterfat shall be classified in the highest price class use of the receiver, subject to verification by the market administrator.

8. Amend § 971.10 (a) to provide that marketing services deduction shall not exceed 6 cents per hundredweight.

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 6, 1951, at Washington, D. C.

[SEAL] FRANK E. BLOOD,
Acting Assistant Administrator.

[F. R. Doc. 51-6725; Filed, June 8, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52743]

PRODUCTS OF MACAU

MARKING OF COUNTRY OF ORIGIN

JUNE 5, 1951.

Acceptable markings to indicate the name of the country of origin under the marking provisions of the Tariff Act of 1930, as amended, for articles manufactured or produced in Macau, a Portuguese colony in Asia, are as follows: Macau; Macau (Portugal); Macao; or Macao (Portugal).

The entry for the area in question in item 3 of Bulletin of Marking Rulings 3 is hereby superseded.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 51-6724; Filed, June 8, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

RESERVOIRS OF REGION 7

PUBLIC USE REGULATIONS

JUNE 4, 1951.

The following regulations supersede those dated April 26, 1949, and published in the FEDERAL REGISTER of May 25, 1949. They have been established to assure safest and fullest possible public use of Bureau of Reclamation reservoirs under the jurisdiction of the Regional Director, Region 7, compatible with the uses and primary purposes for which the reservoirs were constructed. These areas are in part public playgrounds and should be enjoyed to the fullest extent. Adherence to these regulations will help assure that enjoyment.

The Regional Director will issue, prior to the public use season, an annual list of the public use areas to which these regulations apply. This list becomes a part of the Public Use Regulations.

1. *Permits*—(a) *Boating permit.* Any person desiring to place a boat (including all types of floating craft) on any of the reservoirs listed must first obtain a boating permit. These permits may be obtained by contacting any one of the Bureau of Reclamation offices shown on the public use area list as a permit issuing office for the specific reservoir or reservoirs involved. The permittee must have his permit available for inspection at all times while using his boat on any of the reservoirs. Permits shall continue in force until the end of the calendar year during which they are issued, unless revoked for a violation of laws or of the public use regulations. Permits may be transferred with the boat at no additional cost upon sale of the boat, provided notice of that sale is furnished the Bureau of Reclamation at the office of issue. Permits for boats for hire are issued for specific reservoirs only.

PERMIT RATES BY BOAT CLASSES

I. Boats for personal use:
A. Manually operated craft—$1.
B. Sailboats and motorboats with over-all length of 16 feet or less—$2.
C. Sailboats and motorboats with over-all length of more than 16 feet and not more than 26 feet—$4.
D. Sailboats and motorboats with over-all length of more than 26 feet—$6.

II. Boats for hire (including boats operated for fee or profit either as direct charge to a second party or as incident to other services provided to the second party):
A. Manually operated craft—$2.
B. Sailboats and motorboats with over-all length of 16 feet or less—$4.
C. Sailboats and motorboats with over-all length of more than 16 feet and not more than 26 feet—$8.
D. Sailboats and motorboats with over-all length of more than 26 feet—$12.

The Bureau of Reclamation may restrict or prohibit the operation of boats on any of the reservoirs and may also designate the size and class of boats which may be operated thereon as local conditions may require. Otherwise, all types of boats are allowed on the reservoirs, with the exception of what is commonly known as a houseboat.

Manually operated craft are all craft whose movement through the water during the boating year is dependent entirely upon manual propulsion.

Sailboats are craft whose movement through the water at any time during the boating year is dependent upon the use of sails.

Motorboats are craft whose movement through the water at any time during the boating year is dependent upon the use of an inboard or outboard motor or engine. Some boats might be classified as both sailboats and motorboats as defined, but separate differentiation need not be made here since the same permit classes include both types of boats.

Over-all length is the longest distance between the two outer extremities of the boat or any permanent structure attached thereon.

Permission to place boats for hire on a reservoir for one year does not guarantee the permittee the same privilege for the following year or years.

(b) *Dock, pier, boathouse, mooring permit.* No boathouse or landing float, pier, or other docking or mooring device shall be installed without a written permit. The design and location of such a facility is subject to the approval of the Bureau of Reclamation. It is also subject to relocation or removal at the discretion of the Bureau.

(c) *Compliance with Federal and State laws.* The operations of each permittee shall at all times be conducted in accordance with all applicable Federal and State laws and the rules and regulations issued thereunder. Failure of the permittee to abide by any of the terms or conditions of any applicable Federal or State laws, or rules and regulations issued thereunder, shall cause the permit to be subject to immediate termination at the option of the United States.

2. *Safety equipment requirements.* (a) Each manually operated craft, sailboat, or motorboat in use at any time between sunset and sunrise shall carry a lantern or other suitable light visible all around the horizon.

(b) Each manually operated craft, sailboat, or motorboat must be provided with the following:

(1) Paddles or oars.

(2) Efficient life preservers equal in number to the number of persons being carried. Inflated life preservers do not satisfy this requirement.

(3) A ready means of hand bailing or, if this would be impossible or impractical due to the boat's size or construction, adequate bilge pumps.

(c) Metal boats of any type must have sufficient air chambers, tanks, or flotation gear to safely hold up the boat when filled to proper carrying capacity should accident or other emergency necessitate their doing so.

(d) Motorboats with inboard engines must have:

(1) A flame arrester on the carburetor, if the combustion air is taken from below the deck line or from the engine compartment.

(2) A provision for adequate ventilation of the engine compartment.

(3) One of the following types of fire extinguishers or equivalent:

1 quart carbon tetrachloride
or
1¼ gallons foam
or
4 pounds CO_2

(e) Motorboats with outboard engines must have mufflers or silencing devices.

3. *General traffic rules.* (a) When boats are approaching each other headon or so nearly as to endanger collision, it shall be the duty of each to turn to the right to pass the other.

(b) When two boats are crossing so as to involve risk of collision, the boat which has the other on her right side shall keep out of the way of the other boat.

(c) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(d) The following takes precedence when a meeting occurs between two boats of different classifications: Manually operated craft take precedence over all other craft. Sailboats take precedence over motorboats but must give way to manually operated craft. Motorboats must give way to all other types of craft.

(e) No boat can approach closer than 200 feet to any dam, spillway, outlet works, or power plant, unless duly authorized by the Bureau of Reclamation. Further restrictions may be designated where necessary.

(f) All boats must be operated in such a manner so as not to endanger the lives or property of other persons or inconvenience occupants of other boats.

4. *Safety rules and procedures.* (a) The number of people riding in a boat shall not exceed its proper carrying capacity.

(b) In case of distress, three quickly repeated signals repeated at regular intervals should be used. These signals could be made by calling, whistling, waving a flag or lighted flashlight, or by other means.

(c) All boats used for passenger service must be operated at all times by a competent and experienced operator.

(d) Boats which, in the opinion of the representative of the Bureau of Reclamation, whose opinion shall be final and conclusive, are not properly constructed, operated, or maintained, shall not be permitted to be placed or remain on the waters of the reservoirs.

(e) Small boats shall be securely anchored or tied up when not in use. Boats found floating loose on the reservoir may be taken up, and the permittee shall be liable to the United States for any expense incurred in making the boat secure. Owners thereof shall be liable to the United States for any damage done by their boat to works of the United States. Boats shall not be left in the reservoir proper during the winter months.

5. *Regattas and racing.* Regattas and racing are prohibited unless duly authorized by the Bureau of Reclamation.

6. *Public boat launching and landing.* The Bureau of Reclamation may restrict certain areas, when and where necessary, for the exclusive purpose of public boat launching and landing.

7. *Violation of regulations pertaining to boating.* The permit of any person violating any of the foregoing regulations may be revoked, and such person shall remove his personal property from the reservoir and adjacent lands.

8. *Swimming.* Swimming is permitted at designated areas only.

9. *Camping.* The Bureau of Reclamation may restrict or prohibit camping when and where necessary. Campers shall occupy only those sites designated by the Bureau of Reclamation or its representatives and limitations may be established on the time allowed for camping in any public camping area. Campers shall keep their campsites clean. The digging or levelling of the ground in any campsite without permission is prohibited. Camps must be completely razed and sites cleaned before campers depart from the campsite.

10. *Picnicking.* Picnicking is allowed on the United States lands adjacent to the reservoir except when and where the Bureau of Reclamation finds it necessary to restrict or prohibit such use. Any area used for picnicking must be cleaned after using.

11. *Hunting and fishing.* Hunting and fishing are permitted upon compliance with the laws, rules, and regulations prescribed by the State concerned, but subject to such additional regulations as may be issued by the United States in order to protect the reservoir or other project features or to protect the area as a Fish and Wildlife Service refuge if it has been so established: *Provided, however*, That no hunting will be permitted on any Bureau of Reclamation lands lying within the exterior boundaries of Rocky Mountain National Park.

12. *Fircarms.* The carrying of firearms is prohibited on reservoirs or on United States lands adjacent to the reservoirs, except when and where hunting is allowed in compliance with section 11 above.

13. *Cars.* Cars must be confined to roads and parking areas. Roads must not be used for parking where parking areas have been designated.

14. *Airplanes.* Airplanes must not land on or take off from the reservoirs.

15. *Fires.* The Bureau of Reclamation may restrict or prohibit, when and where necessary, the building of fires. Where fires are allowed, there may be built only where they will not damage live trees, shrubs, grass, or other plants. Fires may not be left unattended and must be extinguished before leaving. Only dead trees and brush may be used for fires where firewood has not been furnished. Lighted matches, cigarettes, cigars and ashes should never be thrown on the ground without first being extinguished.

16. *Sanitation.* Refuse, garbage, rubbish, or waste of any kind shall not be placed or thrown in the reservoir waters or on any of the United States lands adjacent to the reservoir, but shall be burned or buried or disposed of at designated points or places assigned for the sanitary disposal thereof. The Bureau of Reclamation may restrict or prohibit the use of water closets, lavatories, drains, sinks, and other devices which discharge into the waters of a reservoir. Where necessary, areas will be designated for the disposal of bilge waters containing oil and grease.

17. *Damage to property.* The destruction, injury, defacement, or removal of public property or vegetation (trees, shrubs, and other plants), rock, or minerals is prohibited.

18. *Construction of facilities and changing reservoir shoreline.* The installation or construction of any facility on the United States lands adjacent to the reservoir or any change in the shoreline of the reservoirs is prohibited unless due authority is given by the Bureau of Reclamation for such installation, construction or change to be made.

19. *Private notices and advertisements.* Private notices and advertisements shall not be posted, distributed, or displayed on the United States lands adjacent to a reservoir except such as the Bureau of Reclamation may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

20. *Establishment of businesses on Bureau of Reclamation lands.* No person, firm, or corporation or their representatives shall engage in or solicit any business on a reservoir or the United States lands adjacent to the reservoir without permission in writing from the Bureau of Reclamation or in accordance with terms of a lease or concession contract with the Bureau of Reclamation.

21. *Concession and other charges to public.* Any concession or other business operating on a reservoir or on United States lands adjacent to a reservoir must post the charges for its services, refreshments, and other items in conspicuous places. All prices shall be within reason and be approved by the Bureau of Reclamation.

22. *Order.* No person who is under the influence of intoxicating liquor or narcotic drugs shall be permitted upon Government lands adjacent to the reservoirs, in boats on the water, or in or upon the waters of the reservoir.

23. *Disorderly conduct.* Persons who render themselves obnoxious by disorderly conduct or by bad behavior will be removed from the Government lands adjacent to the reservoirs or from the waters or from on the waters of the reservoirs.

24. *Waiver of liability.* The main purpose of Reclamation reservoirs is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the waters thereof or upon any of the structures of lands upon the margin thereof, or upon adjacent lands belonging to the United States, and held in reserve for the use in connection therewith, whether as lessee, contractee, or permittee of the United States, or otherwise, thereby assumes all risks of injury to or death of himself by damage to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures, or their construction, operation, and control by the United States.

BUREAU OF RECLAMATION,
MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 51-6669; Filed June 8, 1951; 8:45 a. m.]

SALT RIVER PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 17, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 2 E.,
Sec. 29, S½SW¼NE¼

The above area aggregates 20 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.
Bureau of Land Management.

MAY 22, 1951.

[F. R. Doc. 51-6670; Filed, June 8, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-23]

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF HEARING

Application of Lykes Bros. Steamship Co., Inc., for increase in maximum number of subsidized sailings on Line D (Lykes Orient Line), Trade Route No. 22.

Notice is hereby given that a public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, in the Department of Commerce Building, Washington, D. C., before Examiner F. J. Horan, on a date hereafter to be announced, upon an application of Lykes Bros. Steamship Co., Inc., for an increase in the maximum number of subsidized sailings on its Line D (Lykes Orient Line), Trade Route 22, from 24 per annum to 48 per annum, with an increase in the maximum number of sailings that shall include ports in the Netherlands East Indies and Straits Settlements (including Malay States) from 12 per annum to 24 per annum.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing will be conducted in accordance with the Board's rules of procedure (12 F. R. 6076).

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board accordingly on or before June 20, 1951, and should file intervening petitions in accordance with the rules of procedure.

Dated: June 6, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-6727; Filed, June 8, 1951; 8:54 a. m.]

[Docket No. M-32]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF FURTHER HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO REFRIGERATED VESSELS

Notice is hereby given that a further hearing will be held in the above-entitled proceeding on June 15, 1951, at 10:30 a. m. of that day in Room 4821, Department of Commerce Building, Washington, D. C., before the Federal Maritime Board upon the supplemental application of American President Lines, Ltd. (a subsidized operator) to operate under bareboat charter the Government-owned, war-built, dry-cargo refrigerated vessels, the S. S. *Shooting Star* and S. S. *Lightning* in the trans-Pacific trade on such routes and with such itineraries as may be directed by the Military Sea Transportation Service, Department of the Navy, including the port of Adak, Alaska. In the certification and recommendation of the Board dated May 24, 1951, in this proceeding, the Board directed that this proceeding remain open for a reasonable time in the event any party desires to apply for operation of the vessels in a broader trading area.

The purpose of this hearing is to receive further evidence pursuant to section 3, Pub. Law 591, 81st Congress with respect to whether the service for which such vessels are to be operated under bareboat charter is required in the public interest and is not adequately served, and with respect to the availability of privately owned, American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service; and pursuant to section 805 (a), Merchant Marine Act, 1936 (46 U. S. C. 1223 (a)) with respect to whether such supplemental application will result in unfair competition to any person, firm or corporation operating exclusively in the domestic coastwise or intercoastal service or be prejudicial to the objects and policy of the Merchant Marine Act, 1936.

All persons, firms or corporations having an interest in this proceeding may request permission to intervene at the opening of the hearing and will be given an opportunity to be heard.

Interested parties may have oral argument before the Federal Maritime Board immediately after the close of the hearing in lieu of briefs and exceptions, and the decision of the Board will be final.

Dated: June 6, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-6758; Filed, June 8, 1951; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 71]

MAIDEN FORM BRASSIERE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Maiden Form Brassiere Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of foundation garments manufactured by Maiden Form Brassiere Co., Inc., 200 Madison Avenue, New York 16, New York, having the brand name "Maidenform" and described in the manufacturer's application, dated March 5, 1951. The manufacturer's prices listed below carry a discount of 8, 10 EOM.

FOUNDATION GARMENTS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$4.00	$0.50
6.00	.75
8.00	1.00
9.50	1.25
12.00	1.50
13.50	1.75
15.00	2.00
18.00	2.50
21.00	3.00
24.00	3.50
27.00	4.00
36.00	5.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 9, 1951, Maiden Form Brassiere Co., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 8, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 8, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Maiden Form Brassiere Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 8, 1951.

[F. R. Doc. 51-6793; Filed, June 8, 1951; 9:08 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9982, 9983]

OPP BROADCASTING CO., INC. AND COVINGTON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Opp Broadcasting Company, Inc., Opp, Alabama, Docket No. 9983, File No. BP-8072; Covington Broadcasting Company, Inc., Opp, Alabama, Docket No. 9982, File No. BP-8013; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on frequency 860 kilocycles, with 1 kilowatt power, daytime only at Opp, Alabama;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on July 27, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical,

financial and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6707; Filed, June 8, 1951; 8:50 a. m.]

[Docket Nos. 9984, 9935]

BLUE RIDGE BROADCASTING CO. (WGGA) AND LAMAR LIFE INSURANCE CO. (WJDX)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Blue Ridge Broadcasting Company (WGGA), Gainesville, Georgia, Docket No. 9984, File No. BP-7661; Lamar Life Insurance Company (WJDX), Jackson, Mississippi, Docket No. 9935, File No. BP-7909; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the above-entitled applications of Blue Ridge Broadcasting Company requesting a construction permit to change the facilities of Station WGGA, Gainesville, Georgia, from frequency 1240 kilocycles, 1 kilowatt 5 kilowatts-LS power, unlimited time to frequency 550 kilocycles, 5 kilowatts power, unlimited time, to install new transmitter, change transmitter location and install directional antenna for day and night use (DA-2) and of Lamar Life Insurance Company to change the facilities of Station WJDX, Jackson, Mississippi, from frequency 1300 kilocycles, 250 watts power, unlimited time to frequency 550 kilocycles, 500 watts 5 kilowatts-LS power, unlimited time, to install new transmitter, change transmitter and studio location and install directional antenna for night use and also having under consideration a petition filed on March 30, 1951, by Harding College, licensee of Station WHBQ, Memphis, Tennessee, requesting that the said application of Lamar Life Insurance Company be designated for hearing and that petitioner be made a party to the proceeding; and

It is ordered, That the said petition is granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on July 31, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate Stations WGGA and WJDX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WGGA and WJDX as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WJDX as proposed, would involve objectionable interference with Station WHBQ, Memphis, Tennessee, and whether the operations of Stations WGGA and WJDX as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WGGA and WJDX as proposed, would involve objectionable interference with any existing foreign broadcast stations and, if so, the nature and extent of such interference.

6. To determine whether the operation of Stations WGGA and WJDX as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of Stations WGGA and WJDX as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for stations of their Classes, population residing within the 250 and 500 mv m contours of Station WGGA operating as proposed and to nighttime coverage of the Jackson Metropolitan District by Station WJDX operating as proposed.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Harding College, licensee of Station WHBQ, Memphis, Tennessee is made a party to the proceeding with reference to the application of Lamar Life Insurance Company only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6706; Filed, June 8, 1951; 8:50 a. m.]

[Docket Nos. 9986, 9987]

INTER-CITY BROADCASTING CO. (WHIM) AND ROGER WILLIAMS BROADCASTING CO., INC. (WPAW)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Inter-City Broadcasting Company (WHIM), Providence, Rhode Island, Docket No. 9987, File No. BP-8044; Roger Williams Broadcasting Company, Inc. (WPAW), Pawtucket, Rhode Island, Docket No. 9986, File No. BP-7694; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the above-entitled applications of Inter-City Broadcasting Company (WHIM) for a change of facilities from 1110 kilocycles, with 1 kilowatt of power, daytime only to 550 kilocycles with 1 kilowatt of power, daytime only at Providence, Rhode Island; and of Roger Williams Broadcasting Company, Inc. (WPAW) for a change of facilities from 1380 kilocycles, with 500 watts of power, daytime only to 550 kilocycles, with 1 kilowatt of power, daytime only at Pawtucket, Rhode Island;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 2, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to operate Stations WHIM and WPAW, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of Stations WHIM and WPAW as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Stations WHIM and WPAW as proposed would involve objectionable interference with Stations WGAN, Portland, Maine; WHYN, Holyoke, Massachusetts; WDEV, Waterbury, Vermont; or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WHIM and WPAW as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operations of Station WHIM and WPAW as proposed would involve objectionable interference with Station CFNB, Fredericton, New Brunswick, Canada, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

7. To determine whether the installation and operation of Stations WHIM and WPAW as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Guy Garnett Broadcasting Services, licensee of Station WGAN, Portland, Maine; The Hampden-Hampshire Corporation, licensee of Station WHYN, Holyoke, Massachusetts; and Lloyd E. Squier, licensee of Station WDEV, Waterbury, Vermont, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6705; Filed, June 8, 1951; 8:50 a. m.]

[Docket Nos. 9983, 9989]

LAWRENCEBURG BROADCASTING CO. (WDXE) AND LAWRENCE COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Aaron B. Robinson, tr as Lawrenceburg Broadcasting Company (WDXE), Lawrenceburg, Tennessee, Docket No. 9988, File No. BMP-5540, for modification of construction permit; James L. Harrison, J. E. Sowell, Harold Twitty and R. C. Wiley, d b as Lawrence County Broadcasting Company, Lawrenceburg, Tennessee, Docket No. 9885, File No. BP-7756, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous co-channel operation in the same city (Lawrenceburg, Tennessee); the Lawrenceburg Broadcasting Company (WDXE) for a change in facilities from 1370 kilocycles, 500 watts power, daytime only to 1230 kilocycles, 100 watts power, unlimited time only and the Lawrence County Broadcasting Company for a new station to be operated on the frequency 1230 kilocycles, 100 watts power unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the individual applicant and the legal, technical, financial and other qualifications of the applicant partnership and its partners to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDXE, as proposed, and the proposed station and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDXE, as proposed and the proposed station would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDXE, as proposed and the proposed station would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WDXE, as proposed, and the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6708; Filed, June 8, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-887, G-1263]

ATLANTIC GULF GAS CO. AND UNITED GAS PIPE LINE CO.

NOTICE OF ORDER DENYING APPLICATIONS

JUNE 5, 1951.

In the matters of Atlantic Gulf Gas Company, Docket No. G-887; United Gas Pipe Line Company, Docket No. G-1263.

Notice is hereby given that, on May 31, 1951, the Federal Power Commission issued its order entered May 29, 1951, denying applications in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6683; Filed, June 8, 1951; 8:46 a. m.]

[Docket Nos. ID-919, ID-1096]

R. E. MOODY AND DUDLEY SANFORD

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JUNE 5, 1951.

In the matters of R. E. Moody, Docket No. ID-919; Dudley Sanford, Docket No. ID-1096.

Notice is hereby given that, on June 4, 1951, the Federal Power Commission issued its orders entered May 29, 1951, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6678; Filed, June 8, 1951; 8:46 a. m.]

[Docket Nos. G-1571, G-1601]

EAST OHIO GAS CO. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

JUNE 5, 1951.

In the matters of The East Ohio Gas Company, New York State Natural Gas Corporation; Docket No. G-1571, Docket No. G-1601.

Notice is hereby given that, on May 31, 1951, the Federal Power Commission issued its findings and order entered May 31, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6684; Filed, June 8, 1951; 8:46 a. m.]

[Docket Nos. G-1573, G-1614, G-1599]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 5, 1951.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1573; Tennessee Gas Transmission

Company, and United Natural Gas Company, Docket No. G–1614; National Gas & Oil Corporation, Docket No. G–1599.

Notice is hereby given that, on June 1, 1951 the Federal Power Commission issued its order entered May 31, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6685; Filed, June 8, 1951; 8:47 a. m.]

[Docket Nos. G–1594, G–1628, G–1647]

OHIO FUEL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JUNE 5, 1951.

In the matter of The Ohio Fuel Gas Company, Docket No. G–1594; United Gas Pipe Line Company, Docket No. G–1628; El Paso Natural Gas Company, Docket No. G–1647.

Notice is hereby given that, on May 31, 1951, the Federal Power Commission issued its findings and orders entered May 29, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6686, Filed; June 8, 1951; 8:47 a. m.]

[Docket No. G–1637]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 5, 1951.

On March 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately 5.3 miles of loop line from Gulf Oil Corporation's Eunice plant to Applicant's Eunice plant in Lea County, New Mexico, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on April 4, 1951 (16 F. R. 2942).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 25, 1951, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 6, 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6692; Filed, June 8, 1951; 8:47 a. m.]

[Docket No. G–1674]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 5, 1951.

On April 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of a meter station near Laveen, Arizona, for the transportation and sale of natural gas by Applicant for resale in that community, as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 3, 1951 (16 F. R. 3933).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 25, 1951, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 6, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6693; Filed, June [illegible] 51, 8:47 a. m.]

[Docket No. G–1690]

CALIFORNIA PACIFIC UTILITIES CO.

NOTICE OF APPLICATION

JUNE 5, 1951.

Take notice that on May 22, 1951, California Pacific Utilities Company (Applicant), a California corporation of San Francisco, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 14½ miles of 4-inch pipeline between Needles, California, and a point on the 34-inch transmission line of Pacific Gas and Electric Company in San Bernardino County, California, near Topock, Arizona.

Applicant proposes to transport natural gas to its distribution system in Needles, California. Applicant presently serves its customers in the city of Needles, California, with manufactured gas.

The estimated cost of the proposed facilities is $120,000 which will be financed initially with general funds of Applicant and temporary bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6691; Filed, June [illegible] 1951; 8:47 a. m.]

[Docket No. G–1694]

CITY GAS CO. OF PHILLIPSBURG, N. J.

NOTICE OF APPLICATION

JUNE 5, 1951.

Take notice that City Gas Company of Phillipsburg, N. J., a New Jersey corporation having its principal office at No. 57 Main Street, Flemington, New Jersey, filed on May 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the delivery of 1700 Mcf of natural gas per day reserved under Docket G–1012 for Applicant from a point on the Coatesville-Port Jervis line of The Manufacturers Light and Heat Company near Easton, Pennsylvania, to a point on the distribution system of Applicant at Phillipsburg, New Jersey.

Under an agreement with The Manufacturers Light and Heat Company entered into on May 22, 1951, Applicant proposes to purchase for transmission to its local distribution system up to 1700 Mcf per day of natural gas. This amount will be supplied to The Manufacturers Light and Heat Company by Texas Eastern Transmission Corporation, which was previously directed to supply Applicant up to 1700 Mcf per day of natural gas contingent upon a showing by Applicant that this amount of natural gas can be economically delivered to it (Federal Power Commission Opinion No. 206 and accompanying order, issued February 27, 1951, Federal Power Commission Docket No. G–1012, In the Matter of Texas Eastern Transmission Corporation).

Applicant states that it plans to create a new corporation to be known as The Penn-Jersey Pipe Line Company for construction and operation of approximately 6 miles of a 6⅝-inch pipeline from a point on Manufacturers' Coatesville-Port Pervis line to a point on the distribution system of Applicant, and that an application for a certificate will be filed with the Commission by Penn-Jersey Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6677; Filed, June 8, 1951; 8:46 a. m.]

[Docket No. E–6268]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF OPINION AND ORDER

JUNE 5, 1951.

Notice is hereby given that, on June 1, 1951, the Federal Power Commission issued its Opinion No. 213 and order entered May 29, 1951, in the above-entitled matter, directing compliance with Federal Power Act and requiring accounting for amounts charged in excess of filed rates.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6679; Filed, June 8, 1951; 8:46 a. m.]

[Docket No. E–6353]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER GRANTING PERMISSION TO AMORTIZE CHARGES

JUNE 5, 1951.

Notice is hereby given that, on June 1, 1951 the Federal Power Commission issued its order entered May 29, 1951, granting permission under balance sheet accounts instruction 6–E to amortize charges associated with refunded bonds, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6680; Filed, June 8, 1951; 8:46 a. m.]

[Docket No. E–6355]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 5, 1951.

Notice is hereby given that, on June 1, 1951, the Federal Power Commission issued its order entered June 1, 1951, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6681; Filed, June 8, 1951; 8:46 a. m.]

[Project No. 1910]

ANDREW BOOGARD

NOTICE OF ORDER EXTENDING TIME FOR COMPLETION OF PROJECT

JUNE 4, 1951.

Notice is hereby given that, on June 4, 1951, the Federal Power Commission issued its order entered May 29, 1951, in the above-entitled matter, further extending time, to October 1, 1951, for completing construction of Project.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–6682; Filed, June 8, 1951; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY, WITH RESPECT TO PETITION OF ARLINGTON COUNTY BOARD FOR INVESTIGATION OF TRANSPORTATION FACILITIES, SERVICES AND RATES IN WASHINGTON, D. C. METROPOLITAN AREA BEFORE INTERSTATE COMMERCE COMMISSION

1. Pursuant to the provisions of section 201 (a) (b) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of the petition of the Arlington County Board for investigation of transportation facilities, services and rates in the Washington, D. C. metropolitan area before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of May 14, 1951.

Dated: June 5, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51–6734; Filed, June 8, 1951; 8:54 a. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO PETITION BY PULLMAN CO. BEFORE INTERSTATE COMMERCE COMMISSION TO INCREASE ITS RATES AND CHARGES 15 PERCENT

1. Pursuant to the provisions of Sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of petition by the Pullman Company before the Interstate Commerce Commission for permission to increase its rates and charges is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of May 21, 1951.

Dated: June 1, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51–6674; Filed, June 8, 1951; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER OF COMMUNITY FACILITIES AND DIVISION ENGINEERS OF COMMUNITY FACILITIES SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT IN CONNECTION WITH SCHOOL FACILITIES

1. Pursuant to authority vested in me by the delegation of authority dated February 17, 1951, from the Administra-

tor of General Services with respect to procurement in connection with school facilities (16 F. R. 1802) and by the provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, as amended, relevant thereto, I hereby delegate to the Commissioner of Community Facilities and to the Division Engineers of the Community Facilities Service, respectively, authority to make purchases and contracts for supplies and services pursuant to Title III of the aforesaid act in connection with school facilities to be provided under section 204 of Public Law 815, 81st Congress: *Provided, however,* That such purchases and contracts may be negotiated only if it is determined by the Commissioner or Division Engineer that the facts are such as to bring the purchase or contract within the provisions of subsection 302 (c) (1), (2) or (4) of the said Public Law 152.

2. The authority contained herein may be exercised by the Officer, official or employee authorized to act for the Commissioner or for a Division Engineer during his absence or incapacity.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), 12 U. S. C. 1701c (Supp. 1949)), as amended by Pub. Law 475, 81st Cong., 2d Sess., section 503 (Apr. 20, 1950); 63 Stat. 413, 440 (1949), 12 U. S. C. 1701d-1 (Supp. 1949); Reorg. Plan No. 17 of 1950, 15 F. R. 3177 (1950); 63 Stat. 378, 393 (1949), 41 U. S. C. 251-260 (Supp. 1949); Pub. Law 815, 81st Cong., 2d Sess., secs. 204, 209 (Sept. 23, 1950); Delegation of Authority of Feb. 17, 1951 (16 F. R. 1892)).

Effective this 9th day of June 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-6704; Filed, June 8, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30822]

INCREASED PASSENGER FARES, SOUTHERN RAILROADS, 1951

JUNE 5, 1951.

By petition dated May 25, 1951, the common carriers by railroad in the South, listed below, request this Commission to authorize petitioners to increase between stations on their lines their interstate one-way basic passenger fares by 10 percent, or to approximately 3.85 cents per mile in parlor and sleeping cars, and 2.75 cents per mile in coaches, with a minimum one-way fare of 25 cents; to increase their round-trip fares on the basis of 180 percent of the increased one-way fares, so as to approximate 3.465 cents per mile in sleeping and parlor cars and 2.475 cents per mile in coaches; to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines; and to increase excess baggage charges by applying the present excess baggage scale to the increased one-way basic fares for transportation in sleeping and parlor cars.

Petitioners further ask that they be granted special permission to make such increased fares effective by publication, on five days' notice; that the Commission modify its outstanding order in Docket No. 11703, Intrastate Rates Within Illinois, 59 I. C. C. 350, to the extent necessary to enable petitioners to make effective the increased fares herein proposed on intrastate traffic in the State of Illinois; and that where the application of such increased fares would result in creating new departures or changing existing departures from Section 4 of the Interstate Commerce Act, the Commission, by the entry of special orders, authorize such departures.

The petition above described has been docketed as No. 30822, Increased Passenger Fares, Southern Railroads, 1951, and is assigned for public hearing before Commissioner J. Haden Alldredge at the offices of the Georgia Public Service Commission, Atlanta, Ga., on July 2, 1951, at 9:30 o'clock a. m., United States Standard Time (or 9:30 o'clock a. m. local daylight saving time, if that time is observed).

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and at the same time copies have been posted in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and filed with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—LIST OF PETITIONERS

Aberdeen and Rockfish Railroad Company.
The Alabama Great Southern Railroad Company.
Atlanta and West Point Rail Road Company.
Atlantic Coast Line Railroad Company.
Blue Ridge Railway Company.
Carolina and Northwestern Railway Company.
Carolina, Clinchfield and Ohio Railway.
Carolina, Clinchfield and Ohio Railway of South Carolina (Lessees: Atlantic Coast Line Railroad Company; Louisville and Nashville Railroad Company).
Central of Georgia Railway Company.
Charleston & Western Carolina Railway Company.
The Cincinnati, New Orleans and Texas Pacific Railway Company.
Columbia, Newberry and Laurens Railroad Company.
Danville and Western Railway Company.
Florida East Coast Railway Company (Scott M. Loftin and John W. Martin, Trustees).
Fort Myers Southern Railroad Company.
Frankfort & Cincinnati Railroad Company.
Georgia Rail Road and Banking Company (Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company).
Georgia Southern and Florida Railway Company.
Louisville and Nashville Railroad Company.
The Nashville, Chattanooga & St. Louis Railway.
New Orleans and Northeastern Railroad Company.
Richmond, Fredericksburg, and Potomac Railroad Company.
Seaboard Air Line Railroad Company.
Southern Railway Company,
Tampa Southern Railroad Company.
Tennessee Central Railway Company.
The Western Railway of Alabama.
Winston-Salem Southbound Railway Company.

[F. R. Doc. 51-6690; Filed, June 8, 1951; 8:47 a. m.]

[Sec. 5a Application 35]

CIL FIELD HAULERS ASSN., INC.

APPLICATION FOR APPROVAL OF AGREEMENT

JUNE 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 4, 1951, by: Ewell H. Muse, Jr., Attorney-in-Fact, P. O. Box 1014, Nash Building, Austin 66, Tex.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, rules, and regulations for the transportation in interstate or foreign commerce of oilfield, refinery, and pipe line machinery, materials, supplies and equipment, and of heavy or cumbersome machinery and commodities requiring special equipment for loading, unloading, or transportation, between points in the United States; and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6709; Filed, June 8, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

NEW YORK CURB EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed by the New York Curb Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 for disposal of the following material filed with that Exchange pursuant to the stated sections of the act or the rules and regulations thereunder:

(1) Applications and reports pursuant to sections 12 and 13 which have been on file for more than five years.

(2) Documents and reports pursuant to sections 14 and 16 which have been on file for more than five years after the termination of listing and registration of all equity securities of a registrant on the New York Curb Exchange.

However, in the case of a registrant the listing and registration of all of whose securities have been terminated on the New York Curb Exchange by reason of their listing and registration on the New York Stock Exchange, the complete registration file for the securities and reports filed pursuant to section 16, then on file with the New York Curb Exchange will, at the request of the registrant or the New York Stock Exchange, be transferred to the New York Stock Exchange at the time registration of the securities on that Exchange becomes effective. In these cases, documents filed pursuant to section 14 will not be so transferred but will be disposed of in accordance with the provisions of (2) above.

The New York Curb Exchange proposes to commence the disposition of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, regular disposition will be made of similar material in May of each year.

The Commission proposes to declare the plan of the New York Curb Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and Rule X-17A-6 thereunder. Interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on or before June 22, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 1, 1951.

[F. R. Doc. 51-6700; Filed, June 8, 1951; 8:48 a. m.]

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

MEMORANDUM OPINION AND ORDER APPROVING MODIFICATIONS OF AMENDED PLAN

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

The Commission in its findings and opinion and order dated May 3, 1951,[1] approved an amended plan of Green Mountain Power Corporation ("Green Mountain"), a public utility subsidiary company of a registered holding company, under section 11 (e) of the Public Utility Holding Company Act of 1935. This plan provided, among other things, for cumulative voting for directors.[2]

On May 4, 1951, at the request of Green Mountain, the Commission applied to the United States District Court for the District of Vermont for an order enforcing and carrying out the terms and provisions of the plan. The Court, by order, set June 4, 1951, as the date on which the hearing on this application would be held.

On May 18, 1951, the State of Vermont adopted an amendment to its General Corporation law.[3] This amendment permits a Vermont corporation to file its original articles of association with a provision therein providing for cumulative voting for directors, but prohibits an existing corporation from amending its articles of association to so provide. On May 29, 1951, Green Mountain filed an amendment modifying its plan wherein, among other things, it deleted from its plan and the proposed amendments to its Articles of Association the provisions providing for cumulative voting for directors. The provision in the plan providing an alternative procedure for the selection of the initial board of directors retains the cumulative voting feature.

The Commission's findings of May 3, 1951, described Green Mountain's proposed common stock financing and now, as then, the Commission recognizes the importance of this financing. It is a fundamental part of the plan, and Green Mountain's construction program is dependent upon its consummation. It is now well settled, and the Commission has consistently required, that plans, proposed under section 11 (e) of the act to effectuate a fair and equitable distribution of voting power among security holders, should provide for cumulative voting for directors except under very unusual circumstances. However, it appears that if Green Mountain attempted to organize a new corporation which would provide its stockholders with cumulative voting rights without violating the Vermont statute, or attempted in the enforcement proceedings to override or contest the statute, such steps would delay the common stock financing. We have weighed the clear benefits to be derived from cumulative voting for directors against the detrimental effect of a delay in Green Mountain's financing program. In these circumstances we find it in the public interest and in the interest of investors to approve the proposed modifications of the amended plan.

Telegrams supporting the proposed amendment have been filed by the protective committees representing Green Mountain's preferred stockholders, the only present stockholders affected by this amendment, and such telegrams are part of the record before the Commission, and, consequently, part of the record which will be before the United States District Court for the District of Vermont. While in the Commission's opinion the proposed amendment is a modification of Green Mountain's reorganization plan, under the circumstances it is not such a substantial modification affecting Green Mountain's stockholders as to require further notice or a further opportunity for hearing before the Commission, particularly in view of the express provision in the plan as heretofore approved permitting such modification with the consent of the Commission at any time prior to approval by the Court.

This memorandum opinion and order should not be construed as evidencing any change in our announced and settled policy with respect to cumulative voting in appropriate cases or as indicating the view that the necessity of an early consummation of a financing program can be urged as a reason for not taking such time as might be necessary to secure for stockholders the beneficial rights of cumulative voting. This case is unique in that the timing of the legislative enactment has given the management no opportunity to make the substantial changes in its reorganization procedure necessary to provide for cumulative voting.

The other proposed modifications are minor in character and need not be recited here. We take no exception thereto.

We find that the amended plan of Green Mountain, as modified by the subsequent amendment, is necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected thereby.

It is ordered, Pursuant to section 11 (e) and the applicable sections of the act, that the amended plan of Green Mountain, as modified by the amendment filed May 29, 1951, be, and the same hereby is, approved, subject, however, to the terms and conditions and the reservations of jurisdiction set forth in the Commission's order of May 3, 1951, herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6699; Filed, June 8, 1951; 8:48 a. m.]

[File Nos. 70-2340-70-2343, 50-34]

PHILADELPHIA CO. ET AL.

ORDER EXTENDING TIME FOR TERMINATION OF INTERLOCKING RELATIONSHIPS BETWEEN PHILADELPHIA COMPANY AND FORMER GAS COMPANY SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of June 1951.

In the matter of Philadelphia Company, Equitable Gas Company, Pitts-

[1] Holding Company Act Release No. 10524.

[2] The proposed amendments to Green Mountain's Articles of Association provide for cumulative voting for directors as does the plan with respect to the first annual meeting of stockholders for the election of directors.

[3] No. 277—An Act to Amend Section 5784 of V. S. 47, Relating to Corporations.

burgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, File No. 70-2343; Philadelphia Company, File No. 70-2342; Philadelphia Company, File No. 50-34; Standard Gas and Electric Company, File No. 70-2341; Standard Gas and Electric Company, Philadelphia Company, File No. 70-2340.

Standard Gas and Electric Company ("Standard") and its subsidiary, Philadelphia Company ("Philadelphia"), both registered holding companies and subsidiaries of Standard Power and Light Corporation, also a registered holding company, and certain of Philadelphia's former subsidiaries, Equitable Gas Company ("Equitable"), Pittsburgh and West Virginia Gas Company ("Pittsburgh"), and Kentucky West Virginia Gas Company ("Kentucky"), having filed applications-declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, proposing, among other things, the reorganization of the natural gas and oil properties in the Philadelphia system, the recapitalization and issuance of securities by Equitable, the amendment of Equitable's charter, and the sale by Philadelphia to the public of all the common stock of Equitable, as reorganized; and

The Commission, by order dated March 14, 1950, having granted and permitted to become effective said applications-declarations, as amended, subject, among other things, to the following condition:

1. That within six months (or such additional time as may be allowed for good cause shown) after consummation of the sale by Philadelphia of the Equitable common stock, Standard and Philadelphia shall, in an appropriate manner not in contravention of the provisions of the act or the rules, regulations or orders thereunder, terminate or cause to be terminated all interlocking relationships through any person or persons by way of contract, retainer or other arrangement with any person or persons, or through the holding of an officership or directorship by any person or persons, or by the joint operation of departments and activities and the joint use of personnel, property or facilities as between Equitable, Pittsburgh, and Kentucky, on the one hand, and other companies now or formerly in the Philadelphia system, on the other;

and

The afore-mentioned sale by Philadelphia of the Equitable common stock having been consummated on March 31, 1950; and

Standard and Philadelphia, by letter dated October 23, 1950, having requested the Commission to extend for an additional six months the time for compliance with the said condition; and

The Commission, by order dated November 10, 1950, having granted such request and extended the time for compliance with the above-recited condition to March 31, 1951; and

Standard and Philadelphia, by letter dated May 17, 1951, having stated that while substantial progress has been made in the program of segregating the operating organizations of Philadelphia's former gas company subsidiaries and the Philadelphia system, additional time is required to complete the program; and Standard and Philadelphia having requested the Commission to extend for an additional six months the time for compliance with the said condition; and

The Commission having considered such request and the reasons advanced in support thereof and the Commission deeming that the public interest and the interest of investors and consumers will not be affected adversely by granting such request:

It is ordered, That the time prescribed for compliance by Standard and Philadelphia with the above-recited condition be, and hereby is, extended to October 1, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6703; Filed, June 8, 1951; 8:49 a. m.]

[File No. 70-2626]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1951.

Public Service Company of New Hampshire ("Public Service"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds, Series F, ___ percent, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (to be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined at competitive bidding. The bonds are to be issued under and secured by the company's Original Indenture of Mortgage dated January 1, 1943, as supplemented by various Indentures, and by a proposed Sixth Supplemental Indenture to be dated June 1, 1951. The net proceeds from the sale of the bonds will be applied to reduce short-term borrowings incurred for interim financing of the company's construction program.

Public Service further proposes to issue or renew, from time to time, beginning July 1, 1951 until December 31, 1951, notes having a maturity of nine months or less up to the maximum of $7,100,000 at any one time outstanding (including notes outstanding as of May 4, 1951 in the amount of $5,450,000). The company anticipates that it will be able to borrow the required funds at an interest rate of not exceeding 2¾ percent per annum. It states that, if the interest rate on any of the notes should exceed 2¾ percent, it will file an amendment to its application at least five days before the execution and delivery of such note, and asks that such amendment shall become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary. The proceeds from such borrowings will be used to pay for construction and for other corporate purposes through December 31, 1951.

The total estimated fees and expenses to be paid by Public Service in connection with the proposed transactions amount to $30,000, including printing costs of $9,500, Trustee's fees and expenses of $4,250, accountants' fees of $1,400 and counsel fees of $9,000.

The said application having been filed on May 4, 1951 and the last amendment thereto having been filed on May 28, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period of time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing that the New Hampshire Public Service Commission has authorized the proposed issuance and sale of the bonds, subject to a report and supplemental order with respect to the results of competitive bidding, and that applicant has undertaken to file in this proceeding a copy of the order of the Vermont Public Service Commission, after its entry, authorizing the proposed issuance and sale of the bonds to the extent that such bonds are issued on account of property or expenditures within Vermont; and it also appearing that the New Hampshire Public Service Commission has authorized the issuance or renewal of the notes to the extent that such notes evidence indebtedness incurred more than twelve months prior to the maturity date of such notes; and

It further appearing to the Commission that the record is incomplete with respect to the fees of counsel for Public Service and independent counsel for the underwriters, and the Commission deeming it appropriate to reserve jurisdiction with respect to such fees; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the Act and Rules promulgated thereunder are satisfied and that the estimated fees and expenses, other than fees of counsel for Public Service and independent counsel for the underwriters, are not unreasonable; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted without the imposition of terms and conditions, other than those specified below, and further deeming it appropriate to grant applicant's request that the order herein insofar as it relates to the issuance and sale of bonds become effective upon its issuance and insofar as it relates to the issuance or renewal of notes become effective on July 1, 1951:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That Public Service shall have obtained proper authorization of the proposed issuance and sale of the bonds from the Vermont Public Service Commission and shall have filed a copy of the order in this proceeding;

(2) That the proposed sale of bonds by Public Service shall not be consummated (a) until the supplemental order of the New Hampshire Public Service Commission with respect to the results of competitive bidding has been entered and made a part of the record herein and (b) until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose;

(3) That jurisdiction be reserved with respect to the payment of fees and expenses of counsel for Public Service and independent counsel for the underwriters incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That this order insofar as it relates to the issuance and sale of bonds shall become effective upon its issuance and insofar as it relates to the issuance or renewal of short-term notes shall become effective on July 1, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6698; Filed, June 8, 1951; 8:48 a. m.]

[File No. 70-2629]

UNION ELECTRIC CO. OF MISSOURI AND MISSOURI POWER & LIGHT CO.

ORDER GRANTING AUTHORITY TO SELL UTILITY ASSETS TO NON-AFFILIATED PUBLIC UTILITY COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of June 1951.

Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and its public utility subsidiary, Missouri Power & Light Company ("Missouri Power"), all of whose outstanding common stock is owned by Union, having filed a joint declaration and an amendment thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 (a) promulgated thereunder, with respect to the following proposed transactions:

Missouri Power proposes to sell its electric properties located at Clinton, Missouri to Missouri Public Service Company ("Missouri Public"), a non-affiliated public utility company, for a purchase price of $650,000 in cash, including $17,569.30 on account of the transfer of materials and supplies and merchandise on hand for resale and $709.59 for certain other investments, pursuant to an agreement of sale between said companies, dated January 18, 1951. A copy of said agreement is on file with the Commission.

The net book cost (depreciated original cost) at December 31, 1950, of the electric properties to be sold was $289,580. Missouri Power proposes to credit the excess of the purchase price over the depreciated book cost to earned surplus on its books of account.

The declaration, as amended, states that this transaction is proposed to facilitate compliance with the terms of an order of this Commission, dated December 28, 1950 (Holding Company Act Release No. 10320), whereby the acquisition of all the common stock of Missouri Power by Union was permitted, subject to the condition, inter alia, that the Clinton electric properties be disposed of within six months, since such properties could not be retained under the standards of Section 11 of the Act.

The declarants state that the net proceeds of the sale will be expended for the construction by Missouri Power of a new substation near Moberly, Missouri, which it alleges will further integrate its system with that of Union.

The declaration, as amended, further states that the expenses of Missouri Power in connection with the sale are estimated at not more than $100.

The proposed transactions have been approved by the Missouri Public Service Commission.

It is requested that the order of this Commission approving the sale conform to the requirements of Supplement R of Chapter I of the Internal Revenue Code, as amended.

Said amended joint declaration having been duly filed and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said joint amended declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration as amended that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, that no adverse findings are necessary in connection with the proposed transactions, that the estimated expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declaration, as amended, be permitted to become effective, and the Commission deeming it appropriate to grant the declarants' request that the order herein conform to the requirements of Supplement R of Chapter I of the Internal Revenue Code, as amended:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that the said joint declaration, as amended, be, and hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited and the Commission finds that (a) the proposed sale by Missouri Power to Missouri Public of Missouri Power's electric properties located in the City of Clinton, Missouri, and vicinity, consisting of certain real estate, electric distribution system, and street lighting systems located in said City and vicinity, and automobiles, trucks, furniture, equipment, materials, supplies and merchandise in connection with the operation of such systems (such properties being more fully described in a contract of sale between the parties dated January 18, 1951, and on file with the Commission) for a consideration of $650,000, and (b) the proposed expenditure by Missouri Power of the net proceeds of such sale (exclusive of $17,569.30 to be received on account of the transfer of materials and supplies and merchandise on hand for resale) for the construction of a new substation near Moberly, Missouri, for the purpose of further integrating its electric system with that of Union, all as authorized or permitted by this order of the Commission, and in obedience thereto, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and are necessary and appropriate to the integration of the holding company system of which Missouri Power and Union are members.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6702; Filed, June 8, 1951; 8:49 a. m.]

[File No. 70-2630]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER AUTHORIZING ISSUANCE AND SALE OF ADDITIONAL COMMON SHARES PURSUANT TO SUBSCRIPTION OFFER TO COMMON SHAREHOLDERS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 31st day of May A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 (a) (1) promulgated thereunder with respect to the following proposed transactions:

Negea proposes to offer to the holders of its outstanding common shares of record at the close of business on May 31, 1951, the right to subscribe for 197,394 additional common shares on the basis of one such additional common share for each eight common shares owned, at a price of $13.00 per share. The holders of common shares on the record date will also be given the privilege of subscribing, at the subscription price, subject to

allotment on a pro rata basis for any of such additional shares not subscribed for through the exercise of rights, on the basis of one additional share for each share owned. Both the right to subscribe and the additional subscription privilege will be evidenced by transferable warrants. Warrants for full shares will be in registered form; fractional share warrants will be in bearer form. No fractional shares are to be issued, but fractional warrants may be combined for the purchase of full shares.

While the offering of common shares will not be underwritten, Negea, to facilitate the offering proposes to procure the services of security dealers to solicit subscriptions to purchase the additional common shares being offered. After requesting twelve securities dealers to submit proposals as to the basis, including compensation, on which they would act as Dealer Manager, Negea selected The First Boston Corporation. The fee to be paid to The First Boston Corporation for acting as Dealer Manager is 5.5 cents per common share issued as a result of solicitation by participating dealers. Participating dealers (including The First Boston Corporation) will receive from the company 20 cents per common share issued upon the exercise of warrants where the name of the participating dealer appears on the exercised warrant (or where the company is satisfied that such fee should be paid). The maximum aggregate amount payable to participating dealers with respect to the subscription of any one registered holder of warrants is to be limited to $300.

The filing states that a portion of the proceeds of the proposed sale of common shares will be used to retire $1,000,000 of short-term bank indebtedness which was incurred to enable Negea to acquire common stock of certain of its subsidiaries, and that any excess over the amount required for such purpose will be set aside for the purpose of acquiring additional common stocks of subsidiaries.

Said declaration having been filed on May 10, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6697; Filed, June 8, 1951; 8:48 a. m.]

HARVEY E. ANDERSON ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of June A. D. 1951.

In the matter of Harvey E. Anderson, 1013 Grand Avenue, Kansas City, Mo.; Gallagher & Company, 17 Court St., Buffalo, New York; D. W. Hampton, 524 W. 8th Street, Oklahoma City, Oklahoma; G. L. Maycroft Co., Hibbing, Minnesota; J. Bertram Quinn, Room 516, 308 West Washington Street, Chicago, Illinois; Steinauer & Co., Inc., First National Bank Bldg., Lincoln, Nebraska.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by the issuance of separate notices and orders for hearing, copies of which were sent by registered mail to the addresses last furnished us by the registrants. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants have not been withdrawn, cancelled, revoked or suspended, and as of the institution of the proceedings were in full force and effect. Our records show that the registrants failed to file the required reports during all or some of the years from 1943 through 1950.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly, it is ordered, That the registrations of Harvey E. Anderson, Gallagher & Company, D. W. Hampton, G. L. Maycroft Co., J. Bertram Quinn, and Steinauer & Co., Inc., be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6701; Filed, June 8, 1951; 8:49 a. m.]

[1] Section 15 (b) provides in part:
"The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to certain designated dates. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTERS of March 16 and 22, April 18 and 21, 1951. 16 F. R. Nos. 52, 56, 75 and 78, pp. 2481, 2613, 2614, 3393, 3495, 3496.

[3] Sidney Ascher, — S. E. C — (1950), Securities Exchange Act Release No. 4474.

[4] *Ibid.*

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17300, Amdt.]

EMILIO SYLVESTER

In re: Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased. File No. F-63-12933.

Vesting Order 17300 dated February 6, 1951 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the following described property in the possession, custody or control

of Guaranty Trust Company of New York, 140 Broadway, New York, New York, as depositary thereof for the account of Credit Suisse, Zurich, Switzerland, namely:

(a) $2,000, United States of Brazil 3⅜ percent External Sinking Fund Bonds of 1927 due October 15, 1979, Bonds numbered M279-21511 at $1,000, P. V. each, together with any and all rights thereunder and thereto; $400, United States of Brazil 3⅜ percent Funding Bonds of 1931 due October 1, 1979, dated October 1, 1931, Bonds numbered 77767, 21007 8 and 21049 at $100 each, together with any and all rights thereunder and thereto;

(b) 5 shares The Chesapeake and Ohio Railway Company common stock, par value $25, Certificate No. 0358508, dated September 12, 1944; registered in the name of Schmidt & Co., together with all declared and unpaid dividends thereon; and

(c) That certain debt or other obligation of the said Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an account maintained in said Bank for Credit Suisse, Zurich, Switzerland, in an amount equal to that which is credited by Credit Suisse, Zurich, Switzerland, to the estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, together with the right to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the aforesaid Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to all lawful fees and disbursements of Credit Suisse, Zurich, Switzerland chargeable thereto and of Guaranty Trust Company of New York, 140 Broadway, New York, New York, as depositary of the aforesaid property, held for the account of Credit Suisse, Zurich, Switzerland, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6637; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17299, Amdt.]

EMILIO SYLVESTER

In re: Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased. File No. F-63-12933.

Vesting Order 17299 dated February 6, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the following described property in the possession, custody or control of Bankers Trust Company, 16 Wall Street, New York, New York, as depositary thereof for the account of Credit Suisse, Zurich, Switzerland, namely:

(a) 5 shares Central Illinois Public Service Co. common, 10 shares Central & South West Corporation common, 15 shares Cincinnati Gas & Electric Co. common, 50 shares Colombia Gas System Inc. common, 60 shares Public Service Electric & Gas Co. common, 20 shares West Texas Utilities Comp. $6-cum. pref., together with all declared and unpaid dividends thereon;

(b) Cash in the amount of $1,857.71 as of September 26, 1950, together with any accruals thereto; cash in the amount of $37.50 as of September 26, 1950, together with any accruals thereto (General Ruling No. 6 account); and

(c) That certain debt or other obligation of the said Bankers Trust Company, 16 Wall Street, New York, New York, arising out of an account maintained with said Bank for Credit Suisse, Zurich, Switzerland, in an amount equal to that which is credited by Credit Suisse, Zurich, Switzerland, to the estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, together with the right to demand, enforce and collect the same,

is property within the Uinted States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the aforesaid Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to all lawful fees and disbursements of Credit Suisse, Zurich, Switzerland chargeable thereto and of Bankers Trust Company, 16 Wall Street, New York, New York, as depositary of the aforesaid property, held for the account of Credit Suisse, Zurich, Switzerland, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6636; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17953]

HEINRICH CHRISTIAN POEHLS ET AL.

In re: Interest in real property owned by Heinrich Christian Pochls and others. D-28-13023.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below are residents of Germany and nationals of a designated enemy country (Germany):

Names and Addresses

Heinrich Christian Poehls, Bahrenfelder Steindamm 28, Hamburg-Altona, Germany.

Louise Poehls, Helster-bacherstrasse 10, Frankfurt a/Main, Niederrad, Germany.

Alexander Christian Poehls, Egelsbacherstrasse 3, Frankfurt/Main, Niederrad, Germany.

Ludwig Heinrich Poehls, Cuxenherstrasse 14, Frankfurt/Main, Niederrad, Germany.

Louise Pauline Graf, nee Poehls, Egelsbracherstrasse 7, Frankfurt/Main, Niederrad, Germany.

Paul Hinrichsen, Hollerstrasse 23, Buedelsdorf, Schleswig-Holstein, Germany.

2. That the personal representatives, heirs, next of kin, legatees and distributees of Andreas Christian Poehls, deceased, and of Ulrich Johann Christian Poehls, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: An undivided one-half (½) interest in and to those certain parcels of real property described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

Parcel 1. Lot 42 in block 18 in S. E. Gross Calumet Height's Addition to South Chicago being a subdivision of the southeast quarter of section 1, township 37 north, range 14, east of the third principal meridian in Cook County, Illinois, being the same real property conveyed by warranty deed dated September 3, 1909 by Edgard L. Morgan and Rosie A. Morgan, his wife, to Marie Christine Jessen and Asmus Jessen, not in tenance in common but in joint tenancy.

Parcel 2. Lot 39 in the subdivision of the east half of the southeast quarter of the southwest quarter of the southwest fractional quarter south of the Indian Boundary line of section 5, township 37 north, range 15, east of the third principal meridian in Cook County, Illinois, being the same real property conveyed by warranty deed dated October 13, 1917 by William L. Bracken and Mary A. Bracken, his wife, to Marie Christine Jessen.

[F. R. Doc. 51-6634; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17298, Amdt.]

EMILIO SYLVESTER

In re: Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased. File No. F-63-12933.

Vesting Order 17298, dated February 6, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the following described property in the possession, custody or control of Credit Suisse New York Agency, 30 Pine Street, New York, New York, as depositary thereof for the account of Credit Suisse, Zurich, Switzerland, namely:

(a) $6,090—Dominion of Canada 3¼% bonds—due January 15, 1961, together with any and all rights thereunder and thereto;

(b) 25 shares American Can Co. common, 25 shares American Tobacco Co. common, 50 shares Borden Co. common, 50 shares General Electric Co. common, together with all declared and unpaid dividends thereon; and

(c) Cash in the amount of $12,806.11 as of March 6, 1951, together with any accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the aforesaid Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to all lawful fees and disbursements of Credit Suisse New York Agency, 30 Pine Street, New York, New York, as depositary of the aforesaid property, held for the account of Credit Suisse, Zurich, Switzerland, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 51-6635; Filed, June 7, 1951; 8:49 a. m.]

[Vesting Order 17892]

KALKER & POLACK

In re: Stock registered in the name of Kalker & Polack, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1352.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Kalker & Polack together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 8974, 12909, 3485, 3486, 16654.

The Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 6791, 7407, 100249, 8256, 102736.

International Mercantile Marine Co., no par capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 13550, 13559, 13561.

[F. R. Doc. 51-6711; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17870]

ERNST HOYERMANN ET AL.

In re: Stock owned by and debt owing to Ernst Hoyermann, Cary Hoyermann, also known as Kary Hoyermann, and Irma Hoyermann. F-28-31464.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Hoyermann, whose last known address is Gut Lohns, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Cary Hoyermann, also known as Kary Hoyermann, whose last known address is 32 Stolsestrasse Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Irma Hoyermann, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Three hundred (300) shares of no par value common stock of United States Steel Corporation, a corporation organized under the laws of New Jersey, evidenced by certificates for 100 shares, said certificates numbered, in the amounts and registered in the names as set forth below:

Certificate No.	Number of shares	Name of registered owner
29610/13	[1] 10	Akroyd & Smithers.
P12651/2	[1] 1	Do.
Q6611/16	[1] 10	The English Association of American Bond & Shareholders, Ltd.
P12653	5	Do.
P12654/5	[1] 1	Do.
Q6617/18	[1] 10	Huggins & Clarke.

[1] Each.

together with all declared and unpaid dividends on the aforesaid shares, and all rights to receive new certificates for 200 shares of no par value stock of the aforesaid United States Steel Corporation, under a three for one split of June 1949,

b. Nine hundred (900) shares of stock of Vanadium Corporation of America, evidenced by certificates, presently in the custody of H. Hentz & Co., New York Cotton Exchange Building, Hanover Square, New York 4, New York, in an account for Ernst Hoyermann, deceased, together with all declared and unpaid dividends thereon,

c. One (1) share of stock of North American Company, a corporation organized under the laws of New Jersey, evidenced by a certificate presently in the custody of H. Hentz & Co., New York Cotton Exchange Building, Hanover Square, New York 4, New York, in an account for Ernst Hoyermann, deceased, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation of H. Hentz & Co., New York Cotton Exchange Building, Hanover Square, New York 4, New York, arising out of a credit balance in an account entitled, Ernst Hoyermann, deceased, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Hoyermann, Cary Hoyermann, also known as Kary Hoyermann, and Irma Hoyermann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1, 2, and 3 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6710; Filed, June 8, 1951; 8:50 a. m.]

[Vesting Order 17893]

RYKEN & Co.

In re: Stock registered in the name of Ryken & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-28-1532.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Ryken & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by

persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value capital stock evidenced by the certificates set forth below for the number of shares indicated:

10-share certificates. 13788, 13789, 13797, 13798, 13809, 13846, 13847, 13848, 13851, 13852, 13875, 13877, 14040, 14041, 14046, 14050, 14058, 14065, 14077.

Pittsburgh Coal Company $100 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 030538, NY 030552, NY 030556, NY 030599, NY 030601, NY 030602, NY 030603, NY 030604, NY 030611, NY 030617, NY 030637.

[F. R. Doc. 51-6712; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17894]

DE TWENTSCHE BANK

In re: Stock registered in the name of De Twentsche Bank, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of De Twentsche Bank, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Co. Cap. no par stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 984, 990, 1010, 1031.
2-share certificates. 1216, 1218, 1221.

[F. R. Doc. 51-6713; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17895]

LA ROCHE & CO.

In re: Stock registered in the name of La Roche & Co., Basle, Switzerland, and owned by persons whose names are unknown. F-63-5672.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of La Roche & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Southern California Edison Company $25.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

100-share certificates. NM-23679, NM-23680.

[F. R. Doc. 51-6714; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17896]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Pierson & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 5384, 5829, 5945, 5980, 6028, 6039, 6198, 6251, 6662, 7483, 99629, 100193, 100358, 100434, 100435, 100674, 101252, 101964, 102819, 103768, 103881, 103883.

2. Southern Railway Company $100.00 par value old common stock evidenced by the certificate whose number is set forth below for the number of shares indicated:

10-share certificate. 60681.

3. Southern Railway Company preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 25731, 25938, 26576, 30170, 30276, 30286, 30296, 31126.

[F. R. Doc. 51-6715; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17897]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Pierson & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

JUN 14

EXHIBIT A

I. Southern Pacific Company no par value common stock evidenced by the certificate whose number is set forth below for the number of shares indicated:

10-share certificate No. G116979.

II. Pittsburgh Consolidation Coal Company $1.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates Nos. P0964/6.

5-share certificate No. P0638.

1-share certificate Nos. P0967/73.

III. Pittsburgh Coal Company $100.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. Pgh. 02566, 02593/5, 02795, 02835, 02837/8, 02868; NY026617/19, 026721, 026757/8, 026765, 026775, 026778, 027533, 027701, 027851, 027869, 027873, 027962/3, 026927, 028289, 029459, 029551, 029663, 030124, 030129/30, 030283, 030326/9, 030335, 030366, 030368, 030373, 030650, 030652, 030662/3, 030647, 030970, 030980, 031209.

[F. R. Doc. 51-6716; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17893]

SOCIETE DE BANQUE SUISSE

In re: Stock registered in the name of Societe de Banque Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2748 Zurich.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Societe de Banque Suisse, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

34 shares of E. I. duPont de Nemours and Company $20.00 par value common capital stock evidenced by certificate No. E-202861.

[F. R. Doc. 51-6717; Filed, June 8, 1951; 8:51 a. m.]

[Return Order 971]

MRS. HARRY STRAUSS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Harry Strauss, nee Marion Ellen Isenberg, San Francisco, California; Claims Nos. 4465 and 43157; April 6, 1951 (16 F. R. 3024); $4,721.26 in the Treasury of the United States; all right, title, interest and claim of the issue of Mendel Rosenbaum and Bertha Rosenbaum and of Mrs. Harry Strauss, nee Marion Ellen Isenberg, formerly also known as Marion Isenberg, in and to the trust created under the will of Julius Oppenheimer, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6720; Filed, June 8, 1951; 8:52 a. m.]

[Return Order 977]

ALEXANDRE KRAMARENKO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Alexandre Kramarenko, Nice, France; Claim No. 964; April 24, 1951 (16 F. R. 3925). The undivided one-half part of the whole right, title and interest in the property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to U. S. Letters Patent No. 2,162,104 and in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to U. S. Patent Application Serial No. 322,684 (now U. S. Letters Patent No. 2,317,276).

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6722; Filed, June 8, 1951; 8:52 a. m.]

JUN 14 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 113

Washington, Tuesday, June 12, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2930

FLAG DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution approved on August 3, 1949 (63 Stat. 492), has set aside June 14 of each year as Flag Day, in commemoration of the adoption of the flag of the United States by the Continental Congress on June 14, 1777; and

WHEREAS this emblem has always stood for freedom and independence; and

WHEREAS these blessings were won by the American people, and have been preserved for a century and three-quarters, by courage, faith, and vigilance; and

WHEREAS in the Far East the American flag, together with that of the United Nations, is now flying alongside the flags of other countries in the same enduring struggle for freedom and independence:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Flag Day, Thursday, June 14, 1951, and I call upon the people to observe that day with special patriotic ceremonies designed to give expression to our reverence for the flag and the ideals it symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of June in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-6828; Filed, June 8, 1951; 1:50 p. m.]

EXECUTIVE ORDER 10252

ATTACHING THE CANAL ZONE TO THE INTERNAL REVENUE COLLECTION DISTRICT OF FLORIDA

By virtue of the authority vested in me by section 3650 (a) of the Internal Revenue Code, it is ordered that the Canal Zone be, and it is hereby, attached to and made a part of the Internal Revenue Collection District of Florida for all purposes authorized by the internal revenue laws of the United States.

This order shall be effective as of January 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 9, 1951.

[F. R. Doc. 51-6867; Filed, June 11, 1951; 10:22 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Fire, Air, and Sun-51)-1]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO MARKETING QUOTA REGULATIONS, 1951-52 MARKETING YEAR

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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AUTHORITY: §§ 726.230 to 726.260 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 726.230 *Basis and purpose.* Sections 726.230 to 726.260 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1951–52 marketing year. Prior to preparing §§ 726.230 to 726.260, public notice (16 F. R. 3588) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 726.230 to 726.260 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.231 *Definitions.* As used in §§ 726.230 to 726.260, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1951, which has not been marketed or which has not been disposed of under § 726.243.

(c) Committee: (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehousemen for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 726.230 to 726.260 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer

other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(o) "Producer" means a person who, as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which had been marketed previously.

(r) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(u) "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(v) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1951 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 726.243.

(w) "Tobacco subject to marketing quotas" means any fire-cured, dark air-cured, or Virginia sun-cured tobacco marketed during the period October 1, 1951, to September 30, 1952, inclusive, and any fire-cured, dark air-cured, or Virginia sun-cured tobacco produced in the calendar year 1951 and marketed prior to October 1, 1951.

(x) "Trucker" means a person who engages to any extent in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(y) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 726.232 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.233 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1951 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 726.234 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment established for the farm in accordance with §§ 726.211 to 726.229, 1023 (Fire, Air, and Sun-51)-3, Fire-cured, Dark Air-cured, and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1951-52 Marketing Year, as amended (15 F. R. 5874, 16 F. R. 3886). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm as provided in § 726.236 shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 726.235 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 726.236 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (MQ-76—Tobacco).* A within quota marketing card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1951 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 726.242 (b).

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 726.243 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ-77—Tobacco).* An excess marketing card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 726.245.

§ 726.237 *Person authorized to issue marketing cards.* The county committee shall designate one person to sign

marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.238 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 726.239 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.240 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.241 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.242 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.243 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 726.243 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1951 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.243 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1951 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 726.245 times the quantity of excess tobacco stored. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1952 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.242 (b) is less than the 1952 allotment may be removed from storage and marketed penalty free.

If the 1951 harvested acreage is less than the 1951 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1951 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.242 (b) is less than the 1951 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 726.244 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1951 marketing card (MQ-76—Tobacco or MQ-77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall display each such kind of tobacco separately and shall make and keep records that will insure a separate accounting of each of such kinds of tobacco sold at auction over the warehouse floor.

(b) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ-82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ-82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.252 and who has been authorized on MQ-78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on MQ-78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 726.230 to 726.260. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehousemen or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(c) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 726.245 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twelve (12) cents per pound in the case of fire-cured tobacco (types 21, 22, 23, and 24), nine (9) cents per pound in the case of dark air-cured tobacco (types 35 and 36), and fourteen (14) cents per pound in the case of Virginia sun-cured tobacco (type 37).

(b) With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 726.246 *Persons to pay penalty.* The person to pay the penalty due on the marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.247 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by a MQ–82—Tobacco and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales, as reported under §§ 726.230 to 726.260, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 726.230 to 726.260 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 726.230 to 726.260 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1951 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.248 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 726.243 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 726.230 to 726.260 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 726.249 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty, may request the return of the amount of such penalty which is in excess of the amount required under §§ 726.230 to 726.260 to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.250 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1951 shall return to the office of the county committee each marking card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise, the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952–53 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 726.230 to 726.260, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even

though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 15 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State Committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952–53 marketing year.

§ 726.251 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(2) Date of sale.

(3) Number of pounds sold.

(4) Gross sale price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(6) Name of purchaser.

(7) Number of pounds sold.

(8) Gross sale price.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 726.231(n)

Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State committee the name of the farm operator and the approximate amount of tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse, and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1951 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 726.231 (n) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 726.231 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name of the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 726.230 to 726.260.

§ 726.252 *Dealer's records and reports.* Each dealer, except as provided in § 726.253, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field as-

sistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1951, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1951.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1951 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the Director of the State committee with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1951 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.253 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except (a) at warehouse sales, or (b) directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 726.252: *Provided, however,* That any such dealer or buyer who purchases tobacco (a) at nonwarehouse sale, or (b) from a warehouseman other than at warehouse sale shall be subject to the provisions of § 726.252 with respect to such purchases. Each such dealer or buyer shall make such reports to the Director, in addition to the foregoing, as he may find necessary to enforce §§ 726.230 to 726.260 and each dealer or buyer who is not subject to the provisions of § 726.252 shall make such reports to the Director as he may find necessary to enforce §§ 726.230 to 726.260.

§ 726.254 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Every person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged to any extent in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 726.230 to 723.260.

§ 726.255 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.256 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 726.230 to 726.260, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 726.230 to 726.260 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 726.257 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 726.258 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under §§ 726.230 to 726.260 for the 1951–52 marketing year, shall be kept by him until September 30, 1954. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 726.259 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 726.230 to 726.260 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of community committees, and by all members and employees of county committees, and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 726.260 *Redelegation of authority.* Any authority delegated to the State committee by §§ 726.230 to 726.260 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 6th day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6735; Filed, June 11, 1951; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

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953.0 Findings and determinations.

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AUTHORITY: §§ 953.0 to 953.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and the findings and determinations made in connection with the issuance of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on May 15, 1951, upon proposed amendments to the marketing agreement, as amended, and to Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the States of California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, prescribes so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the differences in production and marketing of lemons grown in the States of California and Arizona; and

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act.

(b) *Additional findings.* It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that:

(1) The said order, as amended, and as hereby further amended, will provide an incentive for export sales of lemons other than to Canada;

(2) The opportunity for marketing lemons in such export markets will occur in the next 60 to 90 days, or during the summer months; and

(3) In view of the imminence of the export marketing season and the short period available for marketing, it is imperative in order to accomplish the purposes of the said order, as amended, and as hereby further amended to alleviate the existing surplus, create new markets and enhance the returns to producers that it be made effective upon publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of lemons grown in the States of California and Arizona, upon which the aforesaid hearing was also held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping lemons covered by said order, as amended and as hereby further amended) who, during the period November 1, 1949, to October 31, 1950, handled not less than 80 percent of the volume of lemons covered by said order, as amended, and as hereby further amended;

(2) The issuance of this subpart, amending the aforesaid order as amended, is favored and approved by producers who, during the determined representative period (November 1, 1949, to October 31, 1950), produced for market at least two-thirds of the volume of lemons produced for market within the States of California and Arizona within the said period; and

(3) The issuance of this subpart, amending the aforesaid order as amended, is favored and approved by at least three-fourths of the producers who, during the aforesaid representative period, were engaged, within the States of California and Arizona, in the production for market of lemons grown in such states.

It is therefore ordered, That, on and after the effective date hereof, the handling of lemons grown in the States of California and Arizona shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order as hereby amended as follows:

DEFINITIONS

§ 953.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 953.2 *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agree-

ment Act of 1937 (50 Stat. 246), as amended.

§ 953.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 953.4 *Lemons.* "Lemons" means all varieties of lemons grown in the State of California or in the State of Arizona.

§ 953.5 *Grower and producer.* "Grower" and "producer" are synonymous and mean any person who produces lemons for market.

§ 953.6 *Handler.* "Handler" means any person (except a common carrier of lemons owned by another person), who handles lemons in fresh form.

§ 953.7 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such interstate commerce or such commerce with Canada.

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 406 packed boxes of lemons.

§ 953.9 *Box.* "Box" means a standard lemon box which has inside dimensions of 10 inches in depth, 13 inches in width, and 25⅝ inches in length.

§ 953.10 *Season and fiscal year.* "Season" and "fiscal year" are synonymous and mean the twelve-month period beginning on November 1 of each year and ending October 31 of the following year.

§ 953.11 *Committee.* "Committee" means the Lemon Administrative Committee established pursuant to § 953.20.

§ 953.12 *Available lemons.* "Available lemons" means all lemons available for current shipment, as determined pursuant to § 953.53.

§ 953.13 *Central marketing organization.* "Central marketing organization" means any organization which markets the lemons for more than one handler pursuant to a written contract between such organization and each such handler.

ADMINISTRATIVE BODY

§ 953.20 *Establishment and membership.* A Lemon Administrative Committee, consisting of six members, is hereby established. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member.

§ 953.21 *Term of office.* The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1942, or until their successors are selected and have qualified. Thereafter, the term of office of members and alternate members shall begin on the first day of November and continue for two years or until their successors are selected and have qualified. The Secretary may, by order issued not later than September 1 of any year, direct that the term of office of the members and alternate members then serving shall expire on October 31 following the date of such order, or as soon thereafter as their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) Any cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (e) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year which ends on the date nearest to the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate not less than six growers for three members and six growers for three alternate members of the committee.

(b) All cooperative marketing organizations which are not qualified under paragraph (a) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (e) of this section, shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(c) All lemon growers who are not included under paragraph (a) or (b) of this section shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(d) When voting for nominees, each grower shall be entitled to cast one vote, which vote shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(e) The time, method, and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(f) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after, the effective date of this subpart. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceeding the date of expiration of the terms of the members and alternate members.

(g) The five members of the committee selected by the Secretary pursuant to paragraph (a) of § 953.23, shall meet upon a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees or agents of a grower or a handler, or in any other way associated directly with the lemon industry.

§ 953.23 *Selection.* (a) From the nominations submitted pursuant to paragraph (a) of § 953.22, the Secretary shall select three members and three alternate members of the committee. From the nominations submitted pursuant to paragraphs (b) and (c) of § 953.22, the Secretary shall select one member and one alternate member of the committee from each of the groups of nominations.

(b) From the nominations made pursuant to paragraph (g) of § 953.22, the Secretary shall select one member and one alternate member of the committee.

§ 953.24 *Failure to nominate.* In the event nominations are not made pursuant to, and within the time specified in, § 953.22, the Secretary may select the members and alternate members of the committee, without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 953.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in § 953.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.27 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, unless such member has designated another alternate member, who has been nominated by the same group which nominated the member; in which event, the alternate member so designated shall serve in the absence of the member who designated him. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 953.28 *Procedure.* (a) A majority of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(b) The committee may provide for voting by telegraph, telephone, or other means of communication; and any such vote so cast shall be confirmed promptly in writing.

§ 953.29 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 953.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 953.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 953.31 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, including all transactions and operations pursuant to §§ 953.50 through 953.62. Such minutes, books, and records shall be subject to examination at any time by the Secretary;

(c) To investigate the growing, shipping, and marketing conditions with respect to lemons, and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as he may request;

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary;

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of such persons;

(i) Subject to the continuing right of the Secretary to take such other action as may be necessary, to appear in and defend any legal proceeding against the committee, its members, or alternate members (whether any such proceeding is against them as individuals or as members or alternate members of the committee), or any officers or employees of such committee, arising out of the exercise of their powers or the performance of their duties pursuant to the provisions of this subpart; and the action of the committee in connection with any such defense shall be binding upon all the members and alternate members of the committee; and

(j) To perform such duties as may be assigned to it by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress approved August 24, 1935 (49 Stat. 774), as amended.

§ 953.32 *Obligation.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 953.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 953.41.

§ 953.41 *Assessments.* (a) Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of lemons handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of lemons handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all lemons handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 953.42 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. If any handler ceases to handle lemons he may demand payment of such refund, in which case such sum shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

§ 953.43 *Funds.* All funds received by the committee pursuant to any provisions of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the manner provided in this subpart. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 953.50 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of lemons during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify handlers of the contents of such reports.

§ 953.51 *Recommendations for regulation.* (a) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to § 953.52, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week in each district defined in § 953.64. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(b) In making such recommendations, the committee shall give due consideration to the following factors: (1) Quantity of lemons in storage; (2) lemons on hand in, and en route to, the principal markets; (3) trend in consumer income; (4) present and predicted weather conditions; (5) present and prospective prices of lemons; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 953.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if it deems such action advisable because of unusual or unforeseen changes in the demand for lemons, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

§ 953.52 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week in each district, as aforesaid, will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons which may be handled during such week in each such district, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

§ 953.53 *Prorate bases.* (a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler

thereof; and each such handler shall submit to the committee, at such time as may be designated by it, a written application for a prorate base and for allotments, as provided in this subpart.

(b) Whenever the committee proposes to make recommendations for regulation, pursuant to § 953.51, it shall, with respect to each handler who has filed an application for a prorate base, compute the quantity of available lemons which, as of 12:01 a. m., on the Sunday nearest the date on which such computation is made, meets the requirements of marketing under applicable laws. Such computation shall be made every two weeks, beginning with a date in each fiscal year to be fixed by the committee, and continuing so long as such recommendations are proposed. In computing each handler's available lemons, the committee shall consider only such lemons as the handler owns or has contracted to buy, or has authority to market under a written contract.

(c) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for current shipment, the committee shall compute the quantity of lemons which each handler has picked from the trees and has assembled at an established shipping point within the area of production.

(d) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to paragraph (c) of this section.

(e) Any handler who submits evidence satisfactory to the committee that such handler has lemons available for current shipment during the applicable two-week period, but, because of unavailable facilities, the quantity of such lemons cannot be computed satisfactorily, pursuant to paragraph (c) of this section, the committee shall compute, pursuant to uniform rules adopted by the committee and approved by the Secretary, the quantity of lemons which each such handler has available for current shipment during such period.

(f) The quantity of each handler's available lemons, as computed pursuant to this section, shall be reported by the committee to the Secretary and shall constitute the recommendation of the committee as the quantity of lemons to be used by the Secretary in determining the prorate base for each such handler: *Provided*, That such quantity may be adjusted by (1) the deduction of any undershipments, as provided for in § 953.58, or (2) the addition of any overshipments, as provided for in § 953.57, in the event any such handler makes an undershipment or an overshipment during the week preceding that in which such quantity was computed. Such report shall be made on the basis of the total quantity of each handler's available lemons in each of the aforesaid districts.

(g) Upon the basis of the recommendations and reports submitted by the committee, or other available information, the Secretary shall fix a prorate base for each handler who has made application therefor to the committee. Such prorate base shall represent the ratio between the quantity of each such handler's available lemons in a district, as aforesaid, and the quantity of all such handlers' available lemons in the same district, and shall be applicable for the two-week period immediately following the week in which it is fixed by the Secretary.

(h) During any two-week period in which a prorate base is effective for a handler, the committee may recommend to the Secretary that the prorate base of such handler be modified. In any such case, the committee shall submit a report to the Secretary showing the reasons therefor. Upon the basis of such recommendation and report, or other available information, the Secretary may modify the prorate base of any handler.

(i) The Secretary shall notify the committee of the prorate base fixed for each handler, and of any modifications thereof, and the committee shall give adequate notice to each handler of the prorate base fixed for him, or of any modification thereof.

(j) Any handler who has reason to believe that the computation made by the committee with respect to the quantity of such handler's available lemons is not accurate, may appeal to the Secretary for a recomputation thereof. Any such appeal shall be supported by evidence which shall show the inaccuracy of the committee's computation. Whenever a handler takes such an appeal to the Secretary, the handler shall, at the same time, notify the committee of such appeal and submit to the committee a copy of the evidence in support thereof. Upon receipt thereof, the committee shall immediately submit a report to the Secretary, setting forth the manner in which the quantity of the handler's available lemons was computed, and other data pertinent to a determination on the appeal.

§ 953.56 *Allotments.* Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, and has fixed the handlers' prorate bases, the committee shall calculate the quantity of lemons which may be handled by each such handler during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

§ 953.57 *Overshipments.* During any week for which the Secretary has fixed the quantity of lemons which may be handled, any handler (when not required to reduce the quantity of lemons which he may handle, as provided in this section) may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is greater. The quantity of lemons handled in excess of a handler's allotment (but not exceeding the quantity permitted to be handled, as provided in this section) shall be deducted from his allotment for the next week in which the handling of lemons is regulated under this subpart. If such allotment is in an amount less than such excess quantity of lemons permitted to be handled by a handler, such quantity handled in excess of his allotment shall be deducted from succeeding weekly allotments until such excess has been entirely offset.

§ 953.58 *Undershipments.* If a handler during any week handles a quantity of lemons less than his allotment for that week, such handler may, in addition to his allotment for the next succeeding week, handle only during such next succeeding week, a quantity of lemons equivalent to such undershipment.

§ 953.59 *Allotment loans.* (a) A handler for whom a prorate base has been established may lend allotments to other handlers: *Provided*, That such loans are confined to the same district, as defined in § 953.64, and evidenced by a bona fide written agreement, filed with the committee within 48 hours after the agreement has been entered into, under the terms of which such allotments are to be repaid during the current season.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) The committee may act as agent for handlers in arranging loans of allotments. In each such case, the committee shall confirm all such transactions by memoranda, addressed to the parties thereto, immediately after the completion thereof; and the signing and return of such memoranda by each such handler shall satisfy the requirements of paragraph (a) of this section with respect to bona fide agreements evidencing such loans.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

§ 953.60 *Transfer of allotments.* Allotments shall not be transferred except upon the transfer of a quantity of lemons equal to the allotment which has been transferred.

§ 953.61 *Priority of allotments.* During any week in which a handler receives an allotment, and has the right to handle a quantity of lemons in addition to the quantity represented by his allotment, by reason of (a) an undershipment of lemons pursuant to § 953.58; or (b) a transferred allotment, pursuant to § 953.60; or (c) the repayment of a loaned allotment, pursuant to § 953.59; or (d) an assignment of an allotment, pursuant to § 953.63; or (e) a borrowed allotment, pursuant to § 953.59, and such handler handles a quantity of lemons which is less than the total quantity of lemons which such handler may handle during such week, the amount of lemons handled shall first apply to such handler's current weekly allotment (or to that portion thereof which is not used pursuant to §§ 953.57, 953.59, 953.60, or 953.63), and the remainder, if any, shall be applied in the following order: first, to any undershipment of lemons, pursuant to § 953.58; second, to any allotment repaid to him, pursuant to § 953.59; third, to any allotment transferred to him, pursuant to § 953.60; fourth, to any allotment assigned to him, pursuant to § 953.63; and fifth, to any allotment borrowed, pursuant to § 953.59.

§ 953.62 *Information to central marketing organizations.* (a) In order further to facilitate arranging allotment transactions pursuant to this subpart, the committee shall give any central marketing organization upon its request, the same notice with respect to prorate bases and allotments, applicable to each handler for whom it markets lemons, as is given to such handlers.

(b) Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding prorate bases and allotments, applicable to handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of any of such handlers, shall keep records which will accurately reflect all such allotment transactions and such records shall be subject to examination by the committee and the Secretary. Any such central marketing organization shall make such reports and furnish such other information with respect thereto as may be required by the committee. If the Secretary finds that any such central marketing organization has failed to keep such records, or has assisted in effecting allotment transactions contrary to the provisions of this subpart, the provisions of paragraph (a) of this section shall not be applicable to such central marketing organization during such period as may be determined by the Secretary.

§ 953.63 *Assignment of allotments.* Any person who acquires lemons to be handled by him, and who does not have a prorate base on such lemons, may handle such lemons pursuant to an assignment of an allotment from the handler from whom such lemons were acquired and to whom the allotment had been issued, which assigned allotment shall be equal to the quantity of lemons acquired by such person.

Any such assignment shall be evidenced by a certificate which shall be in such form, and issued in such manner, as shall be prescribed by the committee.

§ 953.64 *Districts.* (a) "District 1" shall include that part of the State of California which is north of a line drawn due east and west through the Tehachapi mountains.

(b) "District 2" shall include that part of the State of California which is south of a line drawn due east and west through the Tehachapi mountains, but shall exclude Imperial County, California, and that part of Riverside County, California, situated south and east of the San Gorgonio Pass.

(c) "District 3" shall include the State of Arizona and that part of the State of California not included in District 1 and District 2.

REPORTS

§ 953.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information with respect to lemons marketed by such handler during the immediately preceding week: (a) Quantity handled; (b) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (c) quantity sold or transported for consumption in fresh form in California or Arizona; (d) quantity sold or otherwise disposed of for canning or for manufacture into by-products; and (e) quantity disposed of otherwise.

§ 953.71 *Other reports.* Upon request of the committee made with the approval of the Secretary every handler shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in paragraph (a) of this section), such other information as will enable the committee to perform its duties and to exercise its powers under this subpart.

MISCELLANEOUS PROVISIONS

§ 953.80 *Lemons not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into by-products; or (c) for export to foreign countries other than Canada; nor shall any assessment be levied on lemons so handled. The committee may prescribe adequate safeguards to prevent lemons handled for the purposes designated under paragraphs (a) and (b) of this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-product" as used in this section includes all processed and manufactured products of lemons, including canned or bottled lemon juice.

§ 953.81 *Compliance.* Except as provided in this subpart, no handler shall handle lemons, during any week in which a regulation issued by the Secretary, pursuant to § 953.52, is in effect, unless such handler has an allotment, or an assignment of an allotment, covering such lemons, issued pursuant to this subpart, or unless such handler is otherwise permitted to handle such lemons, under the provisions of this subpart; and no handler shall handle lemons except in conformity to the provisions of this subpart.

§ 953.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and to exercise such powers.

§ 953.83 *Effective time.* The provisions of this subpart shall become effective April 10, 1941, and shall continue in force until terminated in one of the ways specified in § 953.84.

§ 953.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 953.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 953.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 953.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 953.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 953.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 953.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 953.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 953.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 7th day of June 1951, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6790; Filed, June 11, 1951; 8:53 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

SUBPART—LEMON ADMINISTRATIVE COMMITTEE RULES AND REGULATIONS

Simultaneously herewith, the Secretary of Agriculture is issuing an amended order[1] regulating the handling of lemons grown in the States of California and Arizona, in which the section and paragraph designations of said order are completely revised. The rules and regulations of the Lemon Administrative Committee contain references to the section and paragraph designations of the order prior to the aforesaid amendment. The purpose of this amendment to the Lemon Administrative Committee's rules and regulations is solely to correct such section and paragraph references. It is not intended, nor shall this amendment be construed, to change any of the substantive provisions of said rules and regulations.

Wherefore, it is hereby found that it is unnecessary to engage in public rulemaking with respect to the amendment of said rules and regulations herinafter set forth and that good cause exists for making this amendment effective upon the publication thereof in the FEDERAL REGISTER, which is the effective date of the aforesaid amendment to the marketing order.

The rules and regulations of the Lemon Administrative Committee under the order, as amended, regulating the handling of lemons grown in the States of California and Arizona are hereby amended to read as follows:

Sec.
953.110 Nomination procedure.
953.120 Regulation.
953.130 Interpretative rules.
953.140 Reports.

AUTHORITY: §§ 953.110 to 953.140 Issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 953.110 *Nomination procedure.* (a) The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the said committee, and the manner of nominating members and alternate members of said committee shall be as follows:

(1) The California Fruit Growers Exchange, a California nonprofit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(2) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than the California Fruit Growers Exchange (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which it marketed in fresh form during the fiscal year (as defined in the marketing agreement and the order), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(3) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon-producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate 1 grower. The number of ballots to be cast in selecting the 1 nominee for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The name and address of the grower who has been selected at each of the grower meetings to be held pursuant to subparagraph (3) of this paragraph shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets lemons with instructions to vote for only 1 grower whose name appears on the ballot, and to sign the ballot and return it within such reasonable time as may be determined by the agent of the Secretary.

(5) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in subparagraph (4) of this paragraph.

§ 953.120 *Regulation* — (a) *Application for prorate base.* Handlers shall submit an application for a prorate base and allotment to the Lemon Administrative Committee at the beginning of each season.

(b) *Central points.* "Central points" shall mean the handler's packinghouse. This term shall include lemons assembled elsewhere if such assembly has been approved by the committee.

(c) *Computation of available lemons.* (1) Any handler requesting a computation of available lemons in accordance with § 953.53 (e) shall submit a written application to the Lemon Administrative Committee. This application shall be submitted not less than 5 days prior to the date as of which the computation of available lemons is to be made and shall include the following and any other pertinent information which may be requested by the committee:

(i) The lemon acreage and number of trees under the control of the applicant during the current season and for the 2 preceding seasons. Handlers shall furnish contracts or other evidence of title to the lemons upon which their applications are based. The committee may require applicants to furnish the following information for the current season and each of the 2 preceding seasons: (*a*) The number of acres of lemon trees and the number of trees owned by the applicant; (*b*) The number of acres of lemon trees and the number of trees the applicant has contracted t buy; and (*c*) the number of acres of lemons and the number of trees the lemons from which the applicant has authority to market under written contract.

(ii) The estimated crop of lemons on the trees which are under the control of the applicant. The committee may require the submission of such estimate for each of the 2 preceding seasons.

(iii) Description of facilities within the area of production which are owned or controlled by the applicant for the assembling of lemons or which are available to the applicant for such assembly.

(iv) A record of the quantity of lemons picked, by weeks, during the current season and during the 2 preceding seasons.

(v) Record of the quantity of lemons disposed of by weeks, during the current season and during the 2 preceding seasons, in the following channels: (*a*) Interstate commerce including Canada; (*b*) intrastate commerce; (*c*) exported; (*d*) diverted to by-products uses; and (*e*) disposed of otherwise.

(vi) Description of the marketing methods and policies followed by the applicant in the handling of lemons.

(vii) Record of the quantity of lemons the applicant has in storage.

(2) The committee shall consider the evidence submitted by a handler pursuant to subparagraph (1) of this paragraph to determine whether such evidence establishes unavailability of facilities. In making this determination the committee will consider the following factors as well as such other factors as may seem appropriate:

(i) The facilities for assembling lemons available to such handler compared with the facilities for such assembly available to other handlers.

(ii) The established handling and shipping policy of such handler as related to the handling and shipping policies generally followed by all handlers.

(iii) Weather conditions, labor supply, and any other factor that would limit the picking and assembly of lemons by the applicant.

(3) If the committee from the available information determines that the handler is entitled to a computation of his available lemons under § 953.53 (e), it shall compute for each such handler the quantity of lemons available for current shipment during the applicable 2-week period which such handler would have picked and assembled if facilities were available to him.

(d) *Allotment loans.* Allotment loans shall be repaid in the week following that in which such loans are made; such loans shall be deemed repaid if they fall due in a week in which there is no limitation of shipments.

§ 953.130 *Interpretative rules* — (a) *Overshipment tolerances.* Under the provisions of § 953.57, an overshipment tolerance is not available to a handler during any week or weeks in which he is required to reduce the quantity of lemons which he may handle by reason of prior shipments of lemons in excess of his allotment therefor: *Provided,* That repayments of borrowed allotments shall not preclude a handler from claiming and using overshipment tolerances in cases otherwise appropriate.

§ 953.140 *Reports.* Handlers shall submit the following reports containing the following information to the Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California. Copies of the report forms may be obtained from said committee.

(a) *Available lemon count* (L. A. C. Form 1). Name, address, and location of applicant handler; actual number of boxes of lemons in specified containers; packed box equivalent of actual number of boxes of lemons; and certification of handler.

(b) *Advanced credit count* (L. A. C. Form 2). Name, address, and location of handler; block or description of lemon; loose boxes gross; percentage of slack boxes or unmerchantable boxes of lemons; loose boxes net; packed boxes; number of counts; purpose for which lemons are diverted; ending date of diversion period; and certification of handler.

(c) *Lemon diversion report* (L. A. C. Form 5). Name and address of approved by-products plant or charitable organization or other diversion of lemons from fresh fruit channels; number of loose gross boxes and advanced credit count number of juice grade or nonjuice grade lemons; net weights of juice grade and nonjuice grade lemons, respectively, and total net weight of such lemons; and certification of handler.

(d) *Certificates of assignment of allotments* (L. A. C. Form 6). Certificates of Assignment of Allotment as provided in § 953.63 of the amended marketing agreement and order shall be issued by all handlers at the time of sale or transfer of any lemons from such handlers. Such certificate shall cover the total quantity of lemons sold or transferred and shall contain the following information: Date lemons are delivered; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each certificate of assignment of lemons shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it.

(e) *Reports of transfers of allotments* (L. A. C. Form 7). Reports of all transfers of allotments shall be made to the Lemon Administrative Committee, by mailing to the committee the original of each Certificate of Transfer of Allotment issued. Such certificate shall be submitted daily by the handler who issues it.

(f) *Weekly report form* (L. A. C. Form 8). The weekly report required by § 953.70 of the amended marketing agreement and order shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P. s. t., Monday of each week, and shall contain the following information: The period covered by the report; the movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; exports (other than to Canada); quantities sold or disposed of to canners or by-product manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions. This report shall be signed by the handler submitting it, or his authorized agent. The reverse side of the report shall contain the following information; the railroad car number, or if shipment is made by truck or other means, the date and number of the Certificate of Assignment of Allotment; the number of packed boxes shipped in interstate commerce and intrastate commerce; if shipments are exported to points other than to Canada the railroad car number, or if shipment is made to steamship by truck or other means, the number of the Certificate of Assignment of Allotment; the name of the steamship, if any; the destination, and the number of packed boxes.

(g) *Conversion factors.* All lemons shall be reported in terms of packed "boxes" as defined in § 953.9 of the amended marketing agreement and order. Where shipment is made in any form other than in packed boxes the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided,* That the following conversion tables may be used:

One box fresh loose lemons equals 81 percent of one packed box.

One box by-products lemons equals 63.3 percent of one packed box.

(h) *Application for a prorate base and allotments.* Name and address of applicant handler; information on net cubical content of standard lemon and orange boxes, of field boxes, and of irregular containers; copies of forms used under which applicant has authority to market under written contract or has contracted to buy lemons; name, post office address, and acreage of each grower, and production information by growers; location of packing and storage

[1] See F. R. Doc. 51-6790, *supra.*

facilities for lemons of applicant; and signature of applicant.

(i) *Application for computation of available lemons.* Acreage and trees; estimated crop of lemons for current season in number of field boxes; lemon picks in field boxes, by weeks, since last week shown in any previous application; disposition of number of packed boxes of lemons by weeks since last application; quantity of lemons now assembled in packed boxes; and name and address of applicant handler.

(j) *Agreement with by-products manufacturer.* Requests to be included in list of approved by-products manufacturers issued by the committee; agreement that all lemons purchased by the applicant manufacturer, on which the committee has issued advance credit counts will be used solely for manufacturing purposes; understanding that failure to comply with agreement on part of manufacturer will cause removal of manufacturer's name from the list of approved by-products firms; and name and address of applicant manufacturer.

Done at Washington, D. C., this 7th day of June 1951, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6791; Filed, June 11, 1951; 8:53 a. m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1951–52 FISCAL PERIOD

Notice was published in the May 5, 1951, daily issue of FEDERAL REGISTER (16 F. R. 4145) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1951–52 fiscal period under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR, Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 962.205 *Expenses and rate of assessment for the 1951–52 fiscal period*—(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1951, will amount to $23,220.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one and one-half cents ($0.015) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of peaches from Georgia are now being made and the mandatory maturity regulation and inspection requirement contained in the aforesaid amended marketing agreement and order are in effect; (2) the rate of assessment is applicable to all fresh peaches shipped during the 1951–52 fiscal period; (3) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (4) in order for the regulatory assessment to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said amended marketing agreement and order.

As used herein, the terms "handler," "handles," "shipped," "peaches," "production area," and "fiscal period" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6736; Filed, June 11, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 73]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alternations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

The Haven, Wisconsin, area, published on March 30, 1950, in 15 F. R. 1783, and amended on August 18, 1950, in 15 F. R. 5497, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HAVEN (Milwaukee and Green Bay Charts).	Beginning at lat. 44°02'30" N, long. 87°28'00" W; SE to lat. 43°57'05" N, long. 87°22'10" W; due S to lat. 43°47'00" N; SSW to lat. 43°37'05" N, long. 87°27'10" W; NW to lat. 43°48'00" N, long. 87°42'30" W; due W to long. 87°47'50" W; due N to lat. 43°53'30" N due E to long. 87°41'00" W; NE to lat. 44°02'30" N, long. 87°28'00" W, point of beginning.	Surface to 5,000 feet.	0600 to 2000 daily.	Hdq., 5th Army, Chicago, Ill

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 12, 1951.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-6799; Filed, June 11, 1951; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5839]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SAMSON CORDAGE WORKS ET AL.

Subpart—*Combining or conspiring:* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices;* § 3.452 *To limit production;* § 3.470 *To restrain and monopolize trade.* I. In connection with the offering for sale, sale and distribution in commerce, of "cordage products", including cotton sash cords, awning cords, clothes lines, and other cotton cordage similarly constructed or used for substantially similar purposes and on the part of respondent Samson Cordage Works, and six other corporations, and on the part of two individual respondents, and on the part of said respondents' officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, mutual agreement, combination or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and another or others not parties, to (1) fix, establish or maintain prices, discounts, terms or conditions of sale; (2) fix, modify, or eliminate trade discounts; (3) curtail, restrict, or regulate production by reducing the total number of work hours or by any other means; (4) eliminate grades or weights of "cordage products" in conjunction

with, pursuant to, or in furtherance of, the fixing or stabilizing of prices; (5) make uniform deductions or allowances from actual shipping costs; (6) establish standards or specifications for sizes, weights and descriptions for "cordage products" when the action taken or information exchanged is for the purpose of fixing or maintaining prices or differentials in prices or has the tendency to fix or maintain prices or differentials in price; (7) deny purchasers the benefit of market price declines; or, (8) exchange, distribute or relay between or among the respondents, or between or among any of them, or between or among any of their representatives, agents or employees, or through any medium or central agency the following information with respect to the business practices or sales policies of any particular respondent, to wit: Current or future prices, or terms or conditions of sale, or trade discounts, or freight charges or allowances therefrom, or price quotations submitted or to be submitted on any prospective piece of business; and II, in said connection and on the part of said various respondents, or any of them, their officers, etc., and whether acting separately or in concert, entering into or continuing in operation any contract, agreement or understanding with customers which provides that said products are not to be advertised, offered for sale or sold by said customers at prices other than those specified or fixed by said respondents, whether acting separately or in concert; prohibited, subject to the provision, however, that nothing contained in the order shall be construed to prohibit (a) any seller from independently entering into an agreement with a purchaser as to the price to be charged such purchaser, the terms or conditions of sale, trade discounts, weights, grades, standards or specifications for "cordage products", price differentials, and freight charges or allowances, independently determined and offered by either such seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction, or (b) any prospective seller from making, or any prospective purchaser from receiving, an offer of sale in contemplation of a bona fide transaction between such prospective seller and prospective purchaser; provided that such agreement or offer of sale is not for the purpose nor has the effect of restraint of trade; to the further provision that nothing contained in the order shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act; and to the further provision that nothing contained in the order shall be construed to affect the duty, authority, or power of the Commission to reopen this proceeding, as provided for by law, and to alter, modify or set aside, in whole or in part, any provision of the order whenever, in the opinion of the Commission, conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Samson Cordage Works et al., Docket 5839, March 26, 1951]

This proceeding was heard by Everett F. Haycraft, trial examiner, upon the complaint of the Commission and respondents' answers in which they admitted all material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to the said facts.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint, and answers thereto (all intervening procedure having been waived) and said trial examiner, having duly considered the record in the matter and having found that said proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission March 26, 1951.

The said order to cease and desist is as follows:

It is ordered, That Samson Cordage Works, a corporation, Puritan Cordage Mills, a corporation, Shuford Mills, Incorporated, a corporation, Cleveland Mill & Power Company, a corporation, Southern Mills Corporation, a corporation, Rockford Manufacturing Company, a corporation, Wm. E. Hooper & Sons Company of Baltimore City, a corporation, and Paul B. Halstead, an individual, and Bascom B. Blackwelder, an individual, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in connection with offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of "cordage products," including cotton sash cords, awning cords, clotheslines, and other cotton cordage similarly constructed or used for substantially similar purposes as any of the foregoing, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, mutual agreement, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to do or perform any of the following:

Fixing, establishing or maintaining prices, discounts, terms or conditions of sale.

Fixing, modifying, or eliminating trade discounts.

Curtailing, restricting, or regulating production by reducing the total number of work hours or by any other means.

Eliminating grades or weights of "cordage products" in conjunction with, pursuant to, or in furtherance of, the fixing or stabilizing of prices.

Making uniform deductions or allowances from actual shipping costs.

Establishing standards or specifications for sizes, weights and descriptions for "cordage products" when the action taken or information exchanged is for the purpose of fixing or maintaining prices or differentials in prices or has the tendency to fix or maintain prices or differentials in price.

Denying purchasers the benefit of market price declines.

Exchanging, distributing or relaying between or among the respondents, or between or among any of them, or between or among any of their representatives, agents or employees, or through any medium or central agency the following information with respect to the business practices or sales policies of any particular respondent, to wit: Current or future prices, or terms or conditions of sale, or trade discounts, or freight charges or allowances therefrom, or price quotations submitted or to be submitted on any prospective piece of business.

It is further ordered, That the respondents herein, or any of them, their officers, representatives, agents and employees, acting separately or in concert, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of "cordage products" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into or continuing in operation any contract, agreement, or understanding with customers which provides that "cordage products" are not to be advertised, offered for sale or sold by such customers at prices other than those specified or fixed by the respective respondents, acting separately or in concert.

It is further ordered, That nothing contained herein shall be construed to prohibit (a) any seller from independently entering into an agreement with a purchaser as to the price to be charged such purchaser, the terms or conditions of sale, trade discounts, weights, grades, standards or specifications for "cordage products," price differentials, and freight charges or allowances, independently determined and offered by either such seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction, or (b) any prospective seller from making, or any prospective purchaser from receiving, an offer of sale in contemplation of a bona fide transaction between such prospective seller and prospective purchaser; provided that such agreement or offer of sale is not for the purpose nor has the effect of restraining trade.

It is further ordered, That nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

It is further ordered, That nothing contained herein shall be construed to affect the duty, authority, or power of the Commission to reopen this proceeding, as provided for by law, and to alter, modify or set aside, in whole or in part, any provision of this order whenever, in the opinion of the Commission, conditions of fact or of law have so changed as

to require such action or if the public interest shall so require.

By "Decision of the Commission and order to File Report of Compliance", Docket 5339, March 26, 1951, which announced and decreed fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That respondents Samson Cordage Works, Puritan Cordage Mills, Shuford Mills, Incorporated, Cleveland Mill & Power Company, Southern Mills Corporation, Rockford Manufacturing Company, Wm. E. Hooper & Sons Company of Baltimore City, Paul B. Halstead, and Bascom B. Blackwelder shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 26, 1951.

By the Commission.

[SEAL] D. C. DANIELS,
Secretary.

[F. R. Doc. 51-6786; Filed, June 11, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amendment 9]

CPR 6—FATS AND OILS

REDEFINITION OF "OIL-BEARING RAW MATERIALS AND ANIMAL WASTE FAT"

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738) this Amendment 9 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment is to clarify the term "oil-bearing raw materials and animal waste fat" as defined in section 16 (d) of CPR 6 and to correct a typographical error in CPR 6.

The new definition of the term "oil-bearing raw materials and animal waste fat" makes it clear that reference is made to all sales of those materials which are principally used in the rendering of inedible tallow and greases. The fact that these products may have other uses of secondary importance, or the fact that an individual seller may have sold the bulk or all of his supply of these products to users other than renderers is immaterial.

This clarification is particularly required with reference to "bones", cited in the previous definition as a specific example of one of these products. This term is now expanded to read "bones, other than packer steamed dry bones, prairie bones or dry imported bones." Such bones find their primary outlet in the rendering industry; packer steamed dry bones, prairie bones or dry imported bones, however, are not used in the rendering industry.

Finally, a typographical error in the previous definition is corrected to make it clear that the terms "clear, rough or mixed" modify the term "cooked grease."

AMENDATORY PROVISIONS

Section 16 (d) is amended to read as follows:

(d) The term "oil-bearing raw materials and waste animal fat" means those materials whose principal use is in the rendering of inedible tallow and greases. It includes, but is not limited to, butcher shop fats; suet and trimmings; breast fats or rattles; offal; bones, except packer steamed dry bones, prairie bones or dry imported bones; cooked grease, clear, rough or mixed; and interceptor or trap grease.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 11, 1951.

[F. R. Doc. 51-6872; Filed, June 11, 1951; 11:20 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 1, Direction 1]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 1—PROCEDURE FOR OBTAINING MINIMUM QUANTITIES OF MATERIALS BY PRODUCERS OF CLASS B PRODUCTS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. *What this direction does.* This direction constitutes a determination by the National Production Authority that producers of certain class B products shall not be required to submit applications on Form CMP-4B if their total requirements of controlled materials do not exceed a certain maximum. It also establishes a procedure whereby such producers may place authorized controlled material orders for such materials without obtaining an allotment. Such producers shall be subject to all CMP regulations and orders.

SEC. 2. *Persons affected by this direction.* A producer of a class B product which is listed in the "Official CMP Class B Product List" and which is not identified by an asterisk is not required to submit an application on Form CMP-4B with respect to such product for any calendar quarter in which his total requirements of each kind of controlled material for the production of that product and all other products in the same product class do not exceed the amounts specified below:

Carbon steel (including wrought iron)	5 tons.
Alloy steel (except stainless steel)	½ ton.
Stainless steel	none.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	500 pounds.
Aluminum	500 pounds.

The term "product class" as used herein means a Product Class Code as shown in the "Official CMP Class B Product List."

SEC. 3. *Use of allotment symbol to obtain controlled materials.* Any producer of class B products who is not required to file a Form CMP-4B by reason of this direction is authorized to use the allotment symbol SU on delivery orders for controlled materials within the limits set forth in section 2 of this direction. An order so designated, when certified as provided in section 5 of this direction, shall constitute an authorized controlled material order. The quantity of such class B products which may be produced with controlled materials obtained with the use of the allotment symbol SU plus controlled materials properly contained in inventory shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 4. *Use of rating to obtain production materials other than controlled materials.* Any producer of class B products who is not required to file a Form CMP-4B by reason of this direction is authorized to use the rating DO-SU on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation.

SEC. 5. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on June 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6829; Filed, June 8, 1951; 3:01 p. m.]

[CMP Regulation 1, Direction 2]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 2—ASSIGNMENT TO CONTROLLED MATERIALS PRODUCERS OF RATING AUTHORITY TO OBTAIN PRODUCTION MATERIALS OTHER THAN CONTROLLED MATERIALS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. *Assignment of rating authority.* Any producer of controlled materials who requires production materials as defined in section 21 of CMP Regulation No. 1 (other than controlled materials) for use in the production of controlled materials is hereby authorized to use the rating DO-PM to obtain such production materials for delivery after June 30, 1951. Such rating shall be used and the delivery order shall be certified as provided in CMP Regulation No. 3.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on June 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6830; Filed, June 8, 1951; 3:01 p. m.]

[NPA Order M-1, as Amended June 8, 1951]

M-1—IRON AND STEEL

This order, M-1, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this order and certain amendments thereto, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the issuance of certain other amendments, consultation with industry representatives was rendered impracticable, due to the necessity for immediate action.

NPA Order M-1, as last amended May 18, 1951, is hereby amended in the following respects:

Paragraph (a) of section 17 of the order is hereby amended by deleting the requirement for a report from steel producers on Form NPAF-13 and substituting therefor the requirement for a report on Form NPAF-100. The order is further amended by changing certain of the product limitation percentages contained in part C of table I, by changing certain of the footnotes set out at the end of table I, and by adding the words "wheels and axles" to line 11 of table II under the heading Carbon and low-alloy steel, so that the identified line will read "Rails, wheels, and axles."

Sec
1. What this order does.
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AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Part A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Part A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Part B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Part C of Table I, of his average monthly shipments of the products listed in said part, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Part A of Table I up to the amount of the percentages listed in Part C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Part C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4 of this order, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Part C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Part C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Part C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation

percentage figure, commencing with shipments for the month of March 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in part A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment to each of his converter customers of his production of each steel mill product in accordance with provisions of this section. In order to determine such monthly allotment for each converter customer, each producer supplier shall determine the amount of each steel mill product which will be available for that particular month after making provision for production under DO rated orders and other orders which said steel producer is required to accept by specific direction by the NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period, from January 1, 1950, through September 30, 1950, shall be applied to the average monthly shipments of each such product to each converter customer during the base period. The result shall be the monthly allotment for each converter customer: *Provided, however,* That the monthly allotment of each carbon steel mill product (except carbon plates for line pipe) shall in no case be less than 90 percent of the average monthly tonnage of each carbon steel mill product shipped to each converter customer during the base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such converter customer for shipment during the month for which the allotment had been made. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in part B of table I. Shipments, except for carbon steel mill products for which a minimum tonnage is provided in this section, under such allotments shall be made in addition to shipments to the same converter cutomer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter customer during such base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter customer involved, to provide for any abnormal situations which affect any steel products. Converter customers in Canada shall be entitled to the benefits of this section, and producer suppliers in the United States shall make monthly allotments to Canadian converter customers in accordance with the provisions of this section.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 of this order should apply to the NPA, Iron and Steel Division, Ref.: M–1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing, or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Ferro-alloys.* (a) As used in this section and in section 17 of this order, "ferro-alloys" means and includes, in such form or condition that the same may be used in the production of alloy iron, steel, or nonferrous products, the following elements and their compounds, and scrap containing usable quantities of any one or more of such elements or of any compound or compounds of any one or more of such elements: Boron, calcium, chromium, cobalt, columbium, manganese, molybdenum, nickel, silicon, tantalum, titanium, tungsten, vanadium, and zirconium.

(b) Every person shall comply with any direction or directions issued by NPA respecting the use, and restrictions and limitations on the use, of any ferro-alloy or alloys in the production of alloy iron, steel, or non-ferrous products.

(c) No person shall receive or accept delivery of any ferro-alloy to be used for alloying purposes at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements on the basis of his then scheduled method and rate of operation or a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. The provisions of this paragraph shall be construed to supersede the inventory limitation provisions of NPA Orders M–10 (Cobalt), M–14 (Nickel), M–30 (Tungsten), M–33 (Molybdenum), and M–49 (Columbium and Tantalum), so far as the inventory limitation provisions of said orders apply to persons having in inventory any ferro-alloy to be used for alloying purposes.

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–1.

SEC. 17. *Reports.* (a) Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F). In accordance with this section, all steel producers are required to report on "NPAF–100—Steel Producers' Monthly Production Directive Report"; and on "NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders," the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

(b) Every person shall submit to NPA such reports as it shall require with respect to the receipt, consumption, shipment, and maintenance in inventory of any ferro-alloy as defined in section 14 (a) of this order: *Provided,* That no person shall be required to file, as to any ferro-alloy, any report in addition to such report with respect thereto as he files pursuant to any order of NPA establishing allocation or inventory control over the use of such ferro-alloy.

SEC. 18. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 19. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Part A	Part B: Lead times (days) (For July schedule only—45 days shall be 30 days)				Part C: Production limitation, required acceptance (percentage)		
Name of product	Carbon	Low alloy	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
	(1)	(2)	(3)	(4)	(1)	(2)	(3)
Steel (including wrought iron) mill products:							
Ingots	45	75	75	75	15	75	28
Billets, projectile and shell quality	45	75	75	75	(4)	XXXX	------
Blooms, slabs, billets (except projectile and shell quality)	45	75	75	75	[4] 52	[4] 50	[4] 48
Sheet bars	45	75	75	75	10	75	5
Tube rounds or rounds for piercing	45	75	75	75	(4)	100	63
Skelp	45	------	------	------	10	XXXX	XXXX
Wire rods	45	75	80	75	60	------	50
Structural shapes (heavy) standard	45	75	80	90	68	100	------
Structural shapes wide flange	45	75	90	90	68	100	------
Piling—sheet	45	------	------	------	68	XXXX	XXXX
Piling—H bearing	45	------	------	------	68	XXXX	XXXX
Plates—rolled armor	------	------	------	(5)	XXXX	XXXX	(5)
Plates—sheared and U. M	45	75	80	75	(3)	100	25
Plates—strip mill	45	75	90	75	(3)	100	25
Rails—standard (over 60 pounds)	45	------	------	80	60	XXXX	------
Rails—all other	45	------	------	90	90	XXXX	------
Joint bars	45	------	------	90	90	XXXX	------
Tie plates	45	------	------	------	90	XXXX	XXXX
Track spikes	45	------	------	------	90	XXXX	XXXX
Wheels (rolled and forged)	45	------	------	60	95	XXXX	5
Axles	45	------	------	80	95	XXXX	5
Bars—hot rolled, projectile and shell quality	45	75	------	75	(4)	XXXX	------
Bars—hot rolled, other (including light shapes)	[2] 45	[2] 75	10	[2] 75	55	75	50
Bars—reinforcing	45	------	------	------	55	XXXX	XXXX
Bars—cold finished	[2] 75	[2] 105	105	[2] 105	50	75	40
Bars—tool steel	[2] 60	------	------	[2] 90	------	XXXX	------
Standard pipe	45	------	120	------	30	100	------
Oil country goods—seamless	45	------	------	------	110	XXXX	------
Oil country goods—welded	45	------	------	------	110	XXXX	------
Line pipe—seamless	45	------	------	------	35	XXXX	XXXX
Line pipe—welded	45	------	------	------	35	XXXX	XXXX
Mechanical tubing—seamless	60	------	120	120	45	100	60
Mechanical tubing—welded	75	------	120	120	45	100	60
Pressure tubing—seamless	60	------	120	120	70	100	25
Pressure tubing—welded	75	------	120	120	70	100	25
Wire—drawn low carbon (less than 0.45 percent carbon)	45	75	80	------	70	80	25
Wire—drawn high carbon (0.45 percent and over of carbon)	45	75	80	------	60	90	25
Wire—nails and staples	45	------	------	------	25	XXXX	XXXX
Wire—barbed and twisted	45	------	------	------	15	XXXX	XXXX
Wire—woven wire fence	45	------	------	------	10	XXXX	XXXX
Wire—bale ties and or coiled automatic baler wire	45	------	------	------	10	XXXX	XXXX
Tin mill black plate	45	------	------	------	10	XXXX	XXXX
Tin plate—hot-dipped	45	------	------	------	10	XXXX	XXXX
Terneplate	45	------	------	------	10	XXXX	XXXX
Tin plate—electrolytic	45	------	------	------	10	XXXX	XXXX
Sheets—hot-rolled	45	75	80	75	55	75	5
Sheets—cold-rolled	45	75	105	80	40	75	5
Sheets—Galvanized	45	75	------	------	40	XXXX	------
Sheets—all other coated	45	75	------	------	25	XXXX	XXXX
Sheets—enameling	45	------	------	------	10	XXXX	XXXX
Electrical sheets and strip	(7)	------	------	------	(7)	------	------
Strip—hot-rolled	45	75	80	75	75	80	5
Strip—cold-rolled	45	75	105	90	35	80	------
Steel castings—rough as cast	[11] 60	[11] 80	[11] [12] 80	[11] [12] 80	80	[12] 75	[12] 80
Steel products, fabricated:							
Forgings (rough as forged)	90	120	120	120	30	75	30
Fence posts	45	------	------	------	------	------	------
Wire rope and strand	45	------	105	------	60	75	------
Welded wire mesh	45	------	105	------	35	75	XXXX
Netting	45	------	105	------	10	75	XXXX
Iron products:							
Pig iron (not including iron with more than 6 percent silicon)	45	------	------	------	15	XXXX	XXXX
Malleable castings (rough as cast)	60	------	------	------	65	XXXX	XXXX
Gray iron castings, rough as cast, excluding pipes and fittings	60	90	------	[11] 90	60	XXXX	[12] 65

[1] Subject to direct negotiation by NPA.
[2] If annealed or heat-treated, add an additional 15 days.
[3] If cold finished, add an additional 15 days.
[4] Rounds and squares under 3 inches included in set asides for blooms, slabs, billets. Rounds and squares over 3 inches by production directives.
[5] Of each item.
[6] Such percentage being the total for any combination of these products.
[7] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	25	AISI M50, M43, M36
Medium grade, 45	70	AISI M27, M22, M19
High grade, 60	80	AISI M17, M15, M14 and oriented

[8] By directive.
[9] Rounds and squares under 3 inches included in set asides for bars—hot-rolled, other. Rounds and squares over 3 inches by production directives.
[10] Full alloy for steel and iron castings means all grades not included as stainless or carbon (including low-alloy) steel and iron castings.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] All castings containing 8 percent or more of alloying metals are to be considered "stainless."

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails, wheels, and axles	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 5"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3)
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.

[2] "1 heat" means one batch of metal made in 1 furnace.

[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section 13.

[F. R. Doc. 51-6831; Filed, June 8, 1951; 3:01 p. m.]

Chapter XV—Federal Reserve System

[Regulation W, Interpretation 38]

REG. W—CONSUMER CREDIT

INT. 38—PRE-EFFECTIVE DATE "BALLOON" NOTES OR PAYMENTS

The Board has considered certain questions concerning instalment credits involving so-called "balloon" notes or payments that were written before September 18, 1950, the effective date of Regulation W. In a typical case of the kind, there would be 11 notes followed by a 12th "balloon" note which may be in an amount several times the amount of each of the preceding notes. It appears that in most cases, because of the special nature of such financing, it was necessarily anticipated that the "balloon" note or payment written before September 18, 1950, would be refinanced when due so that the future instalment payments of the obligor would be approximately in the same amounts as the earlier payments.

In the circumstances, the Board is of the view that it may be presumed that arrangements for such refinancing were made between the parties at the time of the original transaction, and that section 8 (h) of the regulation permits the carrying out of any such arrangement.

This interpretation supersedes the interpretation published in 15 F. R. 7756 (12 CFR, 222.117) on the same subject.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6730; Filed, June 11, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

REVISION OF RATES OF POSTAGE ON CERTAIN FOURTH-CLASS MAIL

Correction

In Federal Register Document 51-6483, published at page 5278 of the issue for Tuesday, June 5, 1951, the following corrections are made in § 34.76:

1. In the table under paragraph (c), the rate for 11 pounds in Zone 4 should read ".67".

2. Paragraph (d) (1) should read:

(d) *Exceptions.* (1) In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

Subchapter D—Freight Forwarders

[Ex Parte 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

MOTOR CARRIER AND FREIGHT FORWARDER INSURANCE FOR PROTECTION OF PUBLIC

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June A. D. 1951.

It appearing, that the heading of column 3 of the table under § 174.2 (a) *Motor carriers, bodily injury liability, property damage liability*, in the Commission's order of April 13, 1951, (16 F. R. 3587) inadvertently specified $5,000 as a maximum for bodily injuries to or death of one person instead of $10,000:

It is ordered, That paragraph (a) *Motor carriers; bodily injury liability, property damage liability*, of § 174.2 should be amended by inserting "$10,000" in the heading for column (3) of the table in lieu of $5,000. As amended this section should read:

§ 174.2 *Insurance, minimum amounts.* The minimum amounts referred to in § 174.1 are hereby prescribed as follows:

(a) *Motor carriers; bodily injury liability, property damage liability.*

(1) Kind of equipment	(2) Limit for bodily injury to or death of person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $10,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage in any one accident to property of others (excluding cargo)
Passenger equipment (seating capacity):			
7 passengers or less	$10,000	$30,000	$5,000
8 to 12 passengers inclusive	10,000	40,000	5,000
13 to 20 passengers, inclusive	10,000	60,000	5,000
21 to 30 passengers, inclusive	10,000	80,000	5,000
31 passengers or more	10,000	100,000	5,000
Freight equipment: All motor vehicles used in the transportation of property	10,000	20,000	5,000

It is further ordered, That §§ 174.2 (16 F. R. 3587) and 405.3 (16 F. R. 3588) as amended by order of April 13, 1951, and as further amended herein, shall be effective on and after October 31, 1951.

Notice of this order shall be given to the general public by deposting a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing copies with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6744; Filed, June 11, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 9990]

AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 9.312 (h), 9.321 (b) and 9.411 (a) of Part 9, the Commission's rules and regulations governing Aeronautical Services in order to provide certain frequencies within the band 118.1–126.7 Mc for use by aircraft and airdrome control stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 9, the Commission's rules and regulations governing Aeronautical Services in order to provide certain frequencies within the band 118.1–126.7 Mc for use by aircraft and airdrome control stations. The proposal will make available for assignment additional frequencies for use by airdrome control stations and frequencies for use by aircraft for air traffic control operations.

3. The purpose of this proposal is to enable all aircraft, regardless of type, which operate in instrument weather to be equipped with the same frequencies in order to facilitate the control of traffic by airdrome control stations. This proposal parallels the recommendations which the Radio Technical Commission for Aeronautics made on this subject with a view to meeting current operational needs in a manner which is compatible with present and future planning.

5. The authority for this amendment, the text of which appears below, is contained in sections 4 (i), 303 (b), (c), (d) and (r) of the Communications Act of 1934, as amended.

6. Any interested persons may file with the Commission on or before July 16, 1951, a written statement or brief in support, opposition, or for modification of the proposed amendment. Within fifteen days from the last day for filing of the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments will appear to warrant the holding of an oral argument or hearing notice of the time and place therefor will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: June 6, 1951.

Released: June 7, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 9.312 (h) to read as follows:

(h)	118.1 A	119.9	123.7	125.5
	118.3	120.1	123.9	125.7
	118.5	120.3 B	124.1	125.9
	118.7	120.5	124.3	126.1 E
	118.9	120.7	124.5	126.3 E
	119.1	120.9	124.7	126.5
	119.3	121.1	124.9	126.7 F
	119.5	121.3 C	125.1	
	119.7	121.7 D	125.3	

These frequencies are available for air traffic control operations.

A Primarily for international operations.

B Primarily for communications with Air Route Traffic Control centers.

C For communication with low activity airdrome control stations.

D Available on a secondary basis to its primary use as an airport utility frequency.

E Available on a non-interference basis to government use of 126.18 Mc.

F For communication with Interstate Airway Communication Stations.

2. Delete footnote 3A on § 9.312 (h) and footnote 4 on § 9.321 (b).

3. Amend § 9.411 (a) to read as follows:

(a)	118.1 A	119.9	123.7	125.5
	118.3	120.1	123.9	125.7
	118.5	120.3 B	124.1	125.9
	118.7	120.5	124.3	126.1 E
	118.9	120.7	124.5	126.3 E
	119.1	120.9	124.7	
	119.3	121.1	124.9	
	119.5	121.3 C	125.1	
	119.7	121.7 D	125.3	

A Primarily for international operations.

B Primarily for assignment to Air Route Traffic Control centers.

C For assignment to low activity airdrome control stations only.

D Available on a secondary basis to its primary use as an airport utility frequency.

E Available on a non-interference basis to government use of 126.18 Mc.

[F. R. Doc. 51-6761; Filed, June 11, 1951; 8:58 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 408]

EMPLOYMENT TAXES UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 of the Internal Revenue Code (53 Stat. 178, 467; 26 U. S. C. 1429, 3791) and other provisions of the internal revenue laws and in subchapter A of chapter 9 of the Internal Revenue Code (53 Stat. 175; 26 U. S. C., c. 9. subc. A), as last amended by sections 201 to 205, both inclusive, of the Social Security Act Amendments of 1950 (64 Stat. 524).

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Subchapter D—Employment Taxes

[Regulations 128]

PART 408—EMPLOYEE TAX AND EMPLOYER TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; APPLICABLE ON AND AFTER JANUARY 1, 1951

SUBPART A—INTRODUCTORY PROVISIONS

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408.101 Introduction.
408.102 Scope of regulations.
408.103 Extent to which the regulations in this part supersede regulations 106 (Part 402 of this chapter) and Treasury Decision 5823 (Part 408 of this chapter).

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408.202 Employment prior to January 1, 1951.
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408.204 Who are employees.
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408.215 Ministers of churches and members of religious orders.
408.216 Religious, charitable, educational, or other organizations exempt from income tax under section 101 (6) of the Internal Revenue Code.
408.217 Railroad industry; employees and and employee representatives under section 1532 of the Internal Revenue Code.
408.218 Organizations exempt from income tax; remuneration less than $50 for calendar quarter.
408.219 Students employed by schools, colleges, or universities.
408.220 Foreign governments.
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408.223 Fishing.
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408.225 International organizations.
408.226 Wages.
408.227 Exclusions from wages.

SUBPART C—EMPLOYEE TAX

408.301 Measure of employee tax.
408.302 Rates and computation of employee tax.
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408.304 Collection of, and liability for, employee tax.
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SUBPART D—EMPLOYER TAX

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408.402 Rates and computation of employer tax.
408.403 When employer tax attaches.
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SUBPART E—IDENTIFICATION OF TAXPAYERS

408.501 Employers' identification numbers.
408.502 Employees' account numbers.
408.503 Duties of employee with respect to his account number.
408.504 Duties of employer with respect to employees' account numbers.

SUBPART F—RETURNS, PAYMENT OF TAX, AND RECORDS

408.601 Tax and information returns.
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408.603 Final returns.
408.604 Execution of returns.
408.605 Use of prescribed forms.
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408.608 When fractional part of cent may be disregarded.
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SUBPART G—ADJUSTMENTS OF EMPLOYEE TAX AND EMPLOYER TAX

408.701 Adjustments in general.
408.702 Adjustment of employee tax.
408.703 Adjustment of employer tax.

SUBPART H—REFUNDS, CREDITS, AND ABATEMENTS

408.801 Refund or credit of overpayments which are not adjustable; abatement of overassessments.
408.802 Special refunds of employee tax on wages over $3,600.
408.803 Credit and refund of taxes paid for period during which liability existed under subchapter B of chapter 9 of the Internal Revenue Code.
408.804 Period of limitation upon refunds and credits.

SUBPART I—MISCELLANEOUS PROVISIONS

408.901 Assessment of underpayments.
408.902 Jeopardy assessments.
408.903 Period of limitation upon assessment and collection.
408.904 Collection of taxes in Puerto Rico and Virgin Islands.
408.905 Mitigation of effect of statute of limitations in case of related employee tax and self-employment tax.
408.906 Acts to be performed by agents.
408.907 Interest.
408.908 Addition to tax for failure to pay an assessment after notice and demand.
408.909 Additions to tax for delinquent or false returns.
408.910 Promulgation of regulations.

AUTHORITY: §§ 408.101 to 408.910 issued under 53 Stat. 178, 467; 26 U. S. C. 1429, 3791.

SUBPART A—INTRODUCTORY PROVISIONS

§ 408.101 *Introduction.* These regulations, which constitute Part 408 of Title 26 of the Code of Federal Regulations, are prescribed under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code). The applicable provisions of the act, as well as certain applicable provisions of other internal-revenue laws of particular importance, will be found in the appropriate places in, and are to be read in connection with, the regulations in this part. References to sections of law are references to the Federal Insurance Contributions Act, unless otherwise expressly indicated. Inasmuch as these regulations constitute Part 408 of Title 26 of the Code of Federal Regulations, each section of the regulations bears a number commencing with 408 and a decimal point. References to sections not preceded by "408." are references to sections of law.

§ 408.102 *Scope of regulations*—(a) *Taxes with respect to wages paid after 1950.* The regulations in this part relate to the employee tax and employer tax with respect to wages paid and received on or after January 1, 1951, imposed by the Federal Insurance Contributions Act.

(b) *Additional subjects covered*—(1) *Adjustments, settlements, and claims.* The regulations in this part relate to adjustments, settlements, and claims for refund, credit, or abatement, made in respect of the taxes with respect to wages paid and received on or after January 1, 1951.

(2) *Identification of taxpayers.* The regulations in this part also relate to the use after December 31, 1950, of account numbers and identification numbers assigned to employees and employers under title VIII of the Social Security Act or the Federal Insurance Contributions Act in force before, on, or after January 1, 1951, and to applications for and assignment of such numbers under the Federal Insurance Contributions Act in force after December 31, 1950.

(3) *Employment.* In addition to employment in the case of remuneration therefor paid and received on or after January 1, 1951, the regulations in this part also relate to employment performed on or after such date in the case of remuneration therefor paid and received prior to such date.

§ 408.103 *Extent to which the regulations in this part supersede Regulations 106 and Treasury Decision 5823.* The regulations in this part, with respect to the subject matter within the scope thereof, supersede:

(a) Regulations 106, approved February 24, 1940 (Part 402 of this chapter), as amended, relating to the employees' tax and employers' tax under the Federal Insurance Contributions Act in force prior to January 1, 1951; and

(b) Treasury Decision 5823, approved December 27, 1950 (Part 408 of this chapter), relating to the waiver of exemption from taxes under the Federal Insurance Contributions Act by an organization exempt from income tax under section 101 (6) of the Internal Revenue Code.

SUBPART B—DEFINITIONS

SECTION 1432 OF THE ACT—FEDERAL INSURANCE CONTRIBUTIONS ACT

This subchapter [subchapter A, chapter 9, Internal Revenue Code] may be cited as the "Federal Insurance Contributions Act". (Sec. 1432, I. R. C., as added by sec. 607, Social Security Act Amendments of 1939, 53 Stat. 1387.)

SECTION 2 OF THE ACT OF FEBRUARY 10, 1939 (53 STAT. 1)

INTERNAL REVENUE CODE

This act and the internal revenue title incorporated herein shall be known as the Internal Revenue Code and may be cited as "I. R. C.".

SECTION 1426 OF THE ACT

DEFINITIONS

When used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $3,600 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $3,600 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical or hospitalization expenses in connection with sickness or accident disability, or (D) death;

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6);

(6) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400, or (B) of any payment required from an employee under a State unemployment compensation law;

(7) (A) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business or for domestic service in a private home of the employer;

(B) Cash remuneration paid by an employer in any calendar quarter to an employee for domestic service in a private home of the employer, if the cash remuneration paid in the quarter for such service is less than $50 or the employee is not regularly employed by the employer in such quarter of payment. For the purposes of this subparagraph, an employee shall be deemed to be regularly employed by an employer during a calendar quarter only if (I) on each of some twenty-four days during the quarter the employee performs for the employer for some portion of the day domestic service in a private home of the employer, or (II) the employee was regularly employed (as determined under clause (I)) by the employer in the performance of such service during the preceding calendar quarter. As used in this subparagraph, the term "domestic service in a private home of the employer" does not include service described in subsection (h) (5);

(8) Remuneration paid in any medium other than cash for agricultural labor;

(9) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which such payment is made; or

(10) Remuneration paid by an employer in any calendar quarter to an employee for service described in subsection (d) (3) (C) (relating to home workers), if the cash remuneration paid in such quarter by the employer to the employee for such service is less than $50.

(b) *Employment.* The term "employment" means any service performed after 1936 and prior to 1951 which was employment for the purposes of this subchapter under the law applicable to the period in which such service was performed, and any service, of whatever nature, performed after 1950 either (A) by an employee for the person employing him, irrespective of the citizenship or residence of either, (i) within the United States, or (ii) on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States, or (B) outside the United States by a citizen of the United States as an employee for an American employer (as defined in subsection (i) of this section); except that, in the case of service performed after 1950, such term shall not include—

(1) (A) Agricultural labor (as defined in subsection (h) of this section) performed in any calendar quarter by an employee, unless the cash remuneration paid for such labor (other than service described in subparagraph (B)) is $50 or more and such labor is performed for an employer by an individual who is regularly employed by such employer to perform such agricultural labor. For the purposes of this subparagraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

(I) such individual performs agricultural labor (other than service described in subparagraph (B)) for such employer on a full-time basis on sixty days during such quarter, and

(II) the quarter was immediately preceded by a qualifying quarter.

For the purposes of the preceding sentence, the term "qualifying quarter" means (I) any quarter during all of which such individual was continuously employed by such employer, or (II) any subsequent quarter which meets the test of clause (I) if, after the last quarter during all of which such individual was continuously employed by such employer, each intervening quarter met the test of clause (I). Notwithstanding the preceding provisions of this subparagraph, an individual shall also be deemed to be regularly employed by an employer during a calendar quarter if such individual was regularly employed (upon application of clauses (I) and (II)) by such employer during the preceding calendar quarter.

(B) Service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton;

(2) Domestic service performed in a local college club, or local chapter of a college fraternity or sorority, by a student who is enrolled and is regularly attending classes at a school, college, or university;

(3) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter. As used in this paragraph, the term "service not in the course of the employer's trade or busi-

ness" does not include domestic service in a private home of the employer and does not include service described in subsection (h) (5);

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed by an individual on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, if the individual is employed on and in connection with such vessel or aircraft when outside the United States;

(6) Service performed in the employ of any instrumentality of the United States, if such instrumentality is exempt from the tax imposed by section 1410 by virtue of any provision of law which specifically refers to such section in granting such exemption;

(7) (A) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is covered by a retirement system established by a law of the United States;

(B) Service performed in the employ of an instrumentality of the United States if such an instrumentality was exempt from the tax imposed by section 1410 on December 31, 1950, except that the provisions of this subparagraph shall not be applicable to—

(i) service performed in the employ of a corporation which is wholly owned by the United States;

(ii) service performed in the employ of a national farm loan association, a production credit association, a Federal Reserve Bank, or a Federal Credit Union;

(iii) service performed in the employ of a State, county, or community committee under the Production and Marketing Administration; or

(iv) service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department;

(C) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is performed—

(i) as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner, of or to the Congress;

(ii) in the legislative branch;

(iii) in the field service of the Post Office Department unless performed by any individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act of 1930 because he is serving under a temporary appointment pending final determination of eligibility for permanent or indefinite appointment;

(iv) in or under the Bureau of the Census of the Department of Commerce by temporary employees employed for the taking of any census;

(v) by any individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act of 1930 because he is paid on a contract or fee basis;

(vi) by any individual as an employee receiving nominal compensation of $12 or less per annum;

(vii) in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(viii) by any individual as a consular agent appointed under authority of section 551 of the Foreign Service Act of 1946 (22 U. S. C., sec. 951);

(ix) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

(x) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(xi) by any individual as an employee who is employed under a Federal relief program to relieve him from unemployment;

(xii) as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee, or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

(xiii) by an individual to whom the Civil Service Retirement Act of 1930 does not apply because such individual is subject to another retirement system;

(8) Service (other than service which, under subsection (k), constitutes covered transportation service) performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions;

(9) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(B) Service performed in the employ of a religious, charitable, educational, or other organization exempt from income tax under section 101 (6), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to subsection (1), is in effect if such service is performed by an employee (i) whose signature appears on the list filed by such organization under subsection (1), or (ii) who became an employee of such organization after the calendar quarter in which the certificate was filed;

(10) Service performed by an individual as an employee or employee representative as defined in section 1532;

(11) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101, if the remuneration for such service is less than $50;

(B) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

(12) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(13) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(14) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law;

(15) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

(16) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or

(17) Service performed in the employ of an international organization.

(c) *Included and excluded service.* If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by pargaraph (10) of subsection (b).

(d) *Employee.* The term "employee" means—

(1) any officer of a corporation; or

(2) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(3) any individual (other than an individual who is an employee under paragraph (1) or (2) of this subsection) who performs services for remuneration for any person—

(A) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal;

(B) as a full-time life insurance salesman;

(C) as a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him.

if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed; or

(D) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

if the contract of service contemplates that substantially all of such services are to be performed personally by such individual; except that an individual shall not be included in the term "employee" under the provisions of this paragraph if such individual has a substantial investment in facilities used in connection with the performance of such services (other than in facilities for transportation), or if the services are in the nature of a single transaction not part of a continuing relationship with the person for whom the services are performed.

(e) *State, etc.* (1) The term "State" includes Alaska, Hawaii, the District of Columbia, and the Virgin Islands; and on and after the effective date specified in section 3810 such term includes Puerto Rico.

(2) United States. The term "United States" when used in a geographical sense includes the Virgin Islands; and on and after the effective date specified in section 3810 such term includes Puerto Rico.

(3) Citizen. An individual who is a citizen of Puerto Rico (but not otherwise a citizen of the United States) and who is not a resident of the United States shall not be considered, for the purposes of this section, as a citizen of the United States prior to the effective date specified in section 3810.

(f) *Person.* The term "person" means an individual, a trust or estate, a partnership, or a corporation.

(g) *American vessel and aircraft.* The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State; and the term "American aircraft" means an aircraft registered under the laws of the United States.

(h) *Agricultural labor.* The term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if such operator produced more than one-half of the commodity with respect to which such service is performed.

(B) In the employ of a group of operators of farms (other than a cooperative organization) in the performance of service described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than twenty at any time during the calendar quarter in which such service is performed.

(C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this section, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(i) *American employer.* The term "American employer" means an employer which is (1) the United States or any instrumentality thereof, (2) an individual who is a resident of the United States, (3) a partnership, if two-thirds or more of the partners are residents of the United States, (4) a trust, if all of the trustees are residents of the United States, or (5) a corporation organized under the laws of the United States or of any State.

(j) *Computation of wages in certain cases.* For purposes of this subchapter, in the case of domestic service described in subsection (a) (7) (B), any payment of cash remuneration for such service which is more or less than a whole-dollar amount shall, under such conditions and to such extent as may be prescribed by regulations made under this subchapter, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. The amount of any payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of subsection (a) (7) (B).

(k) *Covered transportation service.*—(1) *Existing transportation systems—General rule.* Except as provided in paragraph (2), all service performed in the employ of a State or political subdivision in connection with its operation of a public transportation system shall constitute covered transportation service if any part of the transportation system was acquired from private ownership after 1936 and prior to 1951,

(2) *Existing transportation system—Cases in which no transportation employees, or only certain employees, are covered.* Service performed in the employ of a State or political subdivision in connection with the operation of its public transportation system shall not constitute covered transportation service if—

(A) any part of the transportation system was acquired from private ownership after 1936 and prior to 1951, and substantially all service in connection with the operation of the transportation system is, on December 31, 1950, covered under a general retirement system providing benefits which, by reason of a provision of the State constitution dealing specifically with retirement systems of the State or political subdivisions thereof, cannot be diminished or impaired; or

(B) no part of the transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and prior to 1951;

except that if such State or political subdivision makes an acquisition after 1950 from private ownership of any part of its transportation system, then, in the case of any employee who—

(C) became an employee of such State or political subdivision in connection with and at the time of its acquisition after 1950 of such part, and

(D) prior to such acquisition rendered service in employment (including as employment service covered by an agreement under section 218 of the Social Security Act) in connection with the operation of such part of the transportation system acquired by the State or political subdivision,

the service of such employee in connection with the operation of the transportation system shall constitute covered transportation service, commencing with the first day of the third calendar quarter following the calendar quarter in which the acquisition of such part took place, unless on such first day such service of such employee is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees described in subparagraph (C).

(3) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system shall constitute covered transportation service if the transportation system was not operated by the State or political subdivision prior to 1951 and, at the time of its first acquisition (after 1950) from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(4) *Definitions.* For the purposes of this subsection—

(A) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term shall not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(B) A transportation system or a part thereof shall be considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or part thereof acquired constituted employment under this subchapter or was covered by an agreement made pursuant to section 218 of the Social Security Act and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(C) The term "political subdivision" includes an instrumentality of (i) a State, (ii) one or more political subdivisions of a State,

or (iii) a State and one or more of its political subdivisions.

(l) *Exemption of religious, charitable, etc., organizations*—(1) *Waiver of exemption by organization.* An organization exempt from income tax under section 101 (6) may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this subchapter) certifying that it desires to have the insurance system established by title II of the Social Security Act extended to service performed by its employees and that at least two-thirds of its employees concur in the filing of the certificate. Such certificate may be filed only if it is accompanied by a list containing the signature, address, and social security account number (if any) of each employee who concurs in the filing of the certificate. Such list may be amended, at any time prior to the expiration of the first month following the first calendar quarter for which the certificate is in effect, by filing with such official a supplemental list or lists containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate. The list and any supplemental list shall be filed in such form and manner as may be prescribed by regulations made under this subchapter. The certificate shall be in effect (for the purposes of subsection (b) (9) (B) and for the purposes of section 210 (a) (9) (B) of the Social Security Act) for the period beginning with the first day following the close of the calendar quarter in which such certificate is filed, but in no case shall such period begin prior to January 1, 1951. The period for which the certificate is effective may be terminated by the organization, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the certificate has been in effect for a period of not less than eight years. The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner, and with such official, as may be prescribed by regulations made under this subchapter.

(2) *Termination of waiver period by Commissioner.* If the Commissioner finds that any organization which filed a certificate pursuant to this subsection has failed to comply substantially with the requirements of this subchapter or is no longer able to comply therewith, the Commissioner shall give such organization not less than sixty days' advance notice in writing that the period covered by such certificate will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Commissioner by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the organization. No notice of termination or of revocation thereof shall be given under this paragraph to an organization without the prior concurrence of the Federal Security Administrator.

(3) *No renewal of waiver.* In the event the period covered by a certificate filed pursuant to this subsection is terminated by the organization, no certificate may again be filed by such organization pursuant to this subsection. (Sec. 1426, I. R. C., as amended by sec. 606, Social Security Act Amendments of 1939, 53 Stat. 1383; secs. 203 (a), (d), 204, 205, Social Security Act Amendments of 1950, 64 Stat. 525, 528, 536.)

SECTION 3797 (a) AND (b) OF THE INTERNAL REVENUE CODE

DEFINITIONS

(a) When used in this title [Internal Revenue Code] • • •—

• • • • • •

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

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(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

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(8) *Shareholder.* The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

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(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

• • • • •

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act [Title I, Act of Dec. 29, 1945, 59 Stat. 669]. (Sec. 3797 (a), I. R. C., as amended by sec. 4 (i), Act of Dec. 29, 1945, 59 Stat. 671.)

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 408.201 *General definitions and use of terms.* As used in the regulations in this part—

(a) The terms defined in the above provisions of law shall have the meanings so assigned to them.

(b) "Social Security Act" means the act approved August 14, 1935 (49 Stat. 620), as amended.

(c) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An Act To consolidate and codify the internal revenue laws of the United States," as amended.

(d) "Social Security Act Amendments of 1950" means the act approved August 28, 1950 (64 Stat. 477).

(e) "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Internal Revenue Code, as amended.

(f) "Act" means the Federal Insurance Contributions Act, as defined in this section.

(g) "Regulations 91" means the regulations approved November 9, 1936 (Part 401 of this chapter), as amended, relating to the employees' tax and the employers' tax under title VIII of the Social Security Act, and such regulations as made applicable to subchapter A of chapter 9 and other provisions of the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5876), together with any amendments to such regulations as so made applicable to the Internal Revenue Code.

(h) "Regulations 106" means the regulations approved February 24, 1940 (Part 402 of this chapter), as amended, relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act in force prior to January 1, 1951.

(i) "Person" includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture or other unincorporated organization or group, through or by means of which any business, financial operation, or venture is carried on. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(j) "Calendar quarter" means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

(k) "Tax" means the employee tax or the employer tax as respectively defined in this section, or both, except that the term when used in §§ 408.606, 408.607 (b), and 408.909 includes also the income tax collected at source on wages under section 1622 of the Internal Revenue Code.

(l) "Employee tax" means the tax imposed by section 1400 of the Act.

(m) "Employer tax" means the tax imposed by section 1410 of the Act.

(n) "Identification number" means the identifying number of an employer assigned, as the case may be, under the Federal Insurance Contributions Act in force before, on, or after January 1, 1951, or under title VIII of the Social Security Act.

(o) "Account number" means the identifying number of an employee assigned, as the case may be, under the Federal Insurance Contributions Act in force before, on, or after January 1, 1951, or under title VIII of the Social Security Act.

(p) "Social Security Administration" means the operating branch in the Federal Security Agency established by Agency Order No. 3, dated July 16, 1946 (11 F. R. 7942), to perform the functions formerly vested in the Social Security Board.

(q) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

SECTION 1426 (b) OF THE ACT

EMPLOYMENT

The term "employment" means • • • any service performed after 1936 and prior to 1951 which was employment for the purposes of this subchapter under the law applicable to the period in which such service was performed • • •

• • • • •

(Sec. 1426 (b), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 528.)

§ 408.202 *Employment prior to January 1, 1951.* (a) Under the provisions of section 1426 (b) of the Federal Insurance Contributions Act, as amended, effective January 1, 1951, by section 204 (a) of the Social Security Act Amendments of 1950, services performed after December 31, 1936, and prior to January 1, 1951, constitute employment if such services were employment under the law applicable to the period in which they were performed.

(b) The taxes to which the regulations in this part relate apply with respect to remuneration paid on or after January 1, 1951, for services performed prior to such date, as well as for services performed on or after such date, to the extent that the remuneration and services constitute wages and employment. (See §§ 408.226 and 408.227, relating to wages.)

(c) Whether services performed after December 31, 1936, and prior to January 1, 1940, constitute employment within the meaning of the regulations in this part shall be determined in accordance with the applicable provisions of law and of Part 401 of this chapter (Regulations 91).

(d) Whether services performed after December 31, 1939, and prior to January 1, 1951, constitute employment within the meaning of the regulations in this part shall be determined in accordance with the applicable provisions of law and of Part 402 of this chapter (Regulations 106).

SECTION 1426 (b) OF THE ACT

EMPLOYMENT

The term "employment" means • • • any service, of whatever nature, performed after 1950 either (A) by an employee for the person employing him, irrespective of the citizenship or residence of either, (i) within the United States, or (ii) on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States, or (B) outside the United States by a citizen of the United States as an employee for an American employer (as defined in subsection (i) of this section); except that, in the case of service performed after 1950, such term shall not include—

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(Sec. 1426 (b), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 528.)

SECTION 3797 (a) (9) OF THE INTERNAL REVENUE CODE

UNITED STATES

The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

SECTION 1426 (c) OF THE ACT

STATE AND UNITED STATES

(1) The term "State" includes Alaska, Hawaii, the District of Columbia, and the Virgin Islands; and on and after the effective date specified in section 3810 such term includes Puerto Rico.

(2) United States.—The term "United States" when used in a geographical sense includes the Virgin Islands; and on and after the effective date specified in section 3810 such term includes Puerto Rico.

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(Sec. 1426 (e), I. R. C., as amended by sec. 204 (b), Social Security Act Amendments of 1950, 64 Stat. 532.)

SECTION 3810 OF THE INTERNAL REVENUE CODE

EFFECTIVE DATE IN CASE OF PUERTO RICO

If the Governor of Puerto Rico certifies to the President of the United States that the legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of title II of the Social Security Act, the effective date referred to in sections 1426 (e) • • • shall be January 1 of the first calendar year which begins more than ninety days after the date on which the President receives such certification. (Sec. 3810, I. R. C., as added by sec. 208 (b), Social Security Act Amendments of 1950, 64 Stat. 543.)

[NOTE: A certificate of the Governor of Puerto Rico made in conformity with section 3810 of the Internal Revenue Code was received by the President of the United States on September 28, 1950. Accordingly, the effective date refererd to in section 1426 (e) of the Internal Revenue Code is January 1, 1951.]

SECTION 1426 (g) OF THE ACT

AMERICAN VESSEL AND AIRCRAFT

The term "American vessel" means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State; and the term "American aircraft" means an aircraft registered under the laws of the United States. (Sec. 1426 (g), I. R. C., as added by sec. 606, Social Security Act Amendments of 1939, 53 Stat. 1383, and as amended by sec. 204 (c), (g), Social Security Act Amendments of 1950, 64 Stat. 532, 536.)

SECTION 1426 (i) OF THE ACT

AMERICAN EMPLOYER

The term "American employer" means an employer which is (1) the United States or any instrumentality thereof, (2) an individual who is a resident of the United States, (3) a partnership, if two-thirds or more of the partners are residents of the United States, (4) a trust, if all of the trustees are residents of the United States, or (5) a corporation organized under the laws of the United States or of any State. (Sec. 1426 (i), I. R. C., as added by sec. 1 (b) (1), Act of Mar. 24, 1943, 57 Stat. 46, and as amended by sec. 204 (e), (g), Social Security Act Amendments of 1950, 64 Stat. 533, 536.)

SECTION 1420 (e) OF THE ACT

FEDERAL SERVICE

In the case of the taxes imposed by this subchapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, the determination whether an individual has performed service which constitutes employment as defined in section 1426 • • • shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. • • • The provisions of this subsection shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this subsection the Secretary of Defense shall be deemed to be the head of such instrumentality. (Sec. 1420 (e), I. R. C., as added by sec. 202 (b), (d), Social Security Act Amendments of 1950, 64 Stat. 524, 525.)

§ 408.203 *Employment after December 31, 1950*—(a) *In general.* Whether services performed on or after January 1, 1951, constitute employment is determined under section 1426 (b) of the act. This section of the regulations in this part, and §§ 408.204 and 408.205 (relating to who are employees and employers), § 408.206 (relating to excepted services in general), § 408.207 (relating to included and excluded services), and §§ 408.208 to 408.225, inclusive (relating to certain classes of excepted services), apply with respect only to services performed on or after January 1, 1951. (For provisions relating to the circumstances under which services which do not constitute employment are nevertheless deemed to be employment, and relating to the circumstances under which services which constitute employment are nevertheless deemed not to be employment, see § 408.207. For provisions relating to services performed prior to January 1, 1951, see § 408.202.)

(b) *Services performed within the United States.* (1) Services performed on or after January 1, 1951, within the United States, that is, within any of the several States, the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico, by an employee for his employer, unless specifically excepted by section 1426 (b) of the act, constitute employment within the meaning of the act. Services performed outside the United States, that is, outside the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico (except certain services performed on or in connection with an American vessel or American aircraft, or services performed by a citizen of the United States as an employee for an American employer—see paragraph (c) of this section), do not constitute employment.

(2) With respect to services performed within the United States, the place where the contract of service is entered into and the citizenship or residence of the employee or of the employer are immaterial. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be to that extent employment within the meaning of the act.

(c) *Services performed outside the United States*—(1) *On or in connection with an American vessel or American aircraft.* (i) Services performed on or after January 1, 1951, by an employee for an employer "on or in connection with" an American vessel or American aircraft outside the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico) constitute employment, if:

(a) The employee is also employed "on and in connection with" such vessel

or aircraft when outside the United States; and

(b) The services are performed under a contract of service, between the employee and the employer, which is entered into within the United States; or during the performance of the contract under which the services are performed and while the employee is employed on the vessel or aircraft it touches at a port within the United States; and

(c) The services are not excepted under section 1426 (b) of the act. (See particularly § 408.223, relating to fishing.)

(ii) An employee performs services on and in connection with the vessel or aircraft if he performs services on such vessel or aircraft which are also in connection with the vessel or aircraft. Services performed on the vessel by employees as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(iii) If services are performed by an employee "on and in connection with" an American vessel or American aircraft when outside the United States and conditions (i) (b) and (c) of this subparagraph are met, then the services of that employee performed on or in connection with the vessel or aircraft constitute employment. The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(iv) Services performed by a member of the crew or other employee whose contract of service is not entered into within the United States, and during the performance of which and while the employee is employed on the vessel or aircraft it does not touch at a port within the United States, do not constitute employment under this subparagraph, notwithstanding services performed by other members of the crew or other employees on or in connection with the vessel or aircraft may constitute employment.

(v) A vessel includes every description of watercraft, or other contrivance, used as a means of transportation on water. The term "American vessel" means any vessel which is documented (that is, registered, enrolled, or licensed) or numbered in conformity with the laws of the United States. It also includes any vessel which is neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if the crew of such vessel is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State (including the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico). As used herein, a citizen of the United States includes a citizen of the Virgin Islands or of Puerto Rico.

(vi) An aircraft includes every description of craft, or other contrivance, used as a means of transportation through the air. The term "American aircraft" means any aircraft registered under the laws of the United States.

(vii) In the case of an aircraft, the term "port" means an airport. An airport means an area on land or water used regularly by aircraft for receiving or discharging passengers or cargo.

(viii) With respect to services performed outside the United States on or in connection with an American vessel or American aircraft, the citizenship or residence of the employee is immaterial, and the citizenship or residence of the employer is material only in case it has a bearing in determining whether a vessel is an American vessel.

(2) *By a citizen of the United States as an employee for an American employer.* (i) Services performed on or after January 1, 1951, outside the United States by a citizen of the United States as an employee for an American employer constitute employment provided the services are not specifically excepted under section 1426 (b) of the act.

(ii) The term "citizen of the United States" includes a citizen of the Virgin Islands or of Puerto Rico.

(iii) The term "American employer" means an employer which is (a) the United States or any instrumentality thereof, (b) an individual who is a resident of the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico), (c) a partnership, if two-thirds or more of the partners are residents of the United States, (d) a trust, if all of the trustees are residents of the United States, or (e) a corporation organized under the laws of the United States or of any State (including the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico).

SECTION 1426 (d) OF THE ACT

EMPLOYEE

(d) *Employee.* The term "employee" means—

(1) any officer of a corporation; or

(2) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(3) any individual (other than an individual who is an employee under paragraph (1) or (2) of this subsection) who performs services for remuneration for any person—

(A) as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal;

(B) as a full-time life insurance salesman;

(C) as a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him, if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed; or

(D) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

if the contract of service contemplates that substantially all of such services are to be performed personally by such individual; except that an individual shall not be included in the term "employee" under the provisions of this paragraph if such individual has a substantial investment in facilities used in connection with the performance of such services (other than in facilities for transportation), or if the services are in the nature of a single transaction not part of a continuing relationship with the person for whom the services are performed. (Sec. 1426 (d), I. R. C., as amended by sec. 205, Social Security Act Amendments of 1950, 64 Stat. 536.)

§ 408.204 *Who are employees*—(a) *In general.* (1) The statutory definition of the term "employee", applicable with respect to services performed on or after January 1, 1951, contains three separate and independent tests for determining who are employees. Paragraphs (b), (c), and (d) of this section relate to the respective tests. Paragraph (b) relates to the test for determining whether an officer of a corporation is an employee of the corporation. Paragraph (c) relates to the test for determining whether an individual is an employee under the usual common law rules. Paragraph (d) relates to the test for determining which individuals in certain occupational groups who are not employees under the usual common law rules are included as employees. If an individual is an employee under any one of the tests, he is to be considered an employee for purpcses of the regulations in this part whether or not he is an employee under any of the other tests.

(2) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(3) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other superior employees are employees.

(4) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the act (see § 408.203).

(b) *Corporate officers.* Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor

services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(c) *Common law employees.* (1) Every individual is an employee if under the usual common law rules the relationship between him and the person for whom he performs services is the legal relationship of employer and employee.

(2) Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common law rules. Individuals such as physicians, lawyers, dentists, veterinarians, construction contractors, public stenographers, and auctioneers, engaged in the pursuit of an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees.

(3) Whether the relationship of employer and employee exists under the usual common law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

(d) *Special classes of employees.* (1) In addition to individuals who are employees under paragraph (b) or (c) of this section, other individuals are employees if they perform services for remuneration under certain prescribed circumstances in the following occupational groups:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for his principal;

(ii) As a full-time life insurance salesman;

(iii) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him, if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed; or

(iv) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) In order for an individual to be an employee under this paragraph, the individual must perform services in an occupation falling within one of the enumerated groups. If the individual does not perform services in one of the designated occupational groups, he is not an employee under this paragraph. An individual who is not an employee under this paragraph may nevertheless be an employee under paragraph (b) or (c) of this section. The language used to designate the respective occupational groups relates to fields of endeavor in which particular designations are not necessarily in universal use with respect to the same service. The designations are addressed to the actual services without regard to any technical or colloquial labels which may be attached to such services. Thus, a determination whether services fall within one of the designated occupational groups depends upon the facts of the particular situation.

(3) The factual situations set forth below are illustrative of some of the individuals falling within each of the above enumerated occupational groups. The illustrative factual situations are as follows:

(i) *Agent-driver or commission-driver.* This occupational group includes agent-drivers or commission-drivers who are engaged in distributing meat or meat products, vegetables or vegetable products, fruit or fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for their principals. An agent-driver or commission-driver includes an individual who operates his own truck or the truck of the person for whom he performs services, serves customers designated by such person as well as those solicited on his own, and whose compensation is a commission on his sales or the difference between the price he charges his customers and the price he pays to such person for the product or service.

(ii) *Full-time life insurance salesman.* An individual whose entire or principal business activity is devoted to the solicitation of life insurance or annunity contracts, or both, primarily for one life insurance company is a full-time life insurance salesman. Such a salesman ordinarily uses the office space provided by the company or its general agent, and stenographic assistance, telephone facilities, forms, rate books, and advertising materials are usually made available to him without cost. An individual who is engaged in the general insurance business under a contract or contracts of service which do not contemplate that the individual's principal business activity will be the solicitation of life insurance or annuity contracts, or both, for one company, or any individual who devotes only part time to the solicitation of life insurance contracts, including annuity contracts, and is principally engaged in other endeavors, is not a full-time life insurance salesman.

(iii) *Home workers.* This occupational group includes a worker who performs services off the premises of the person for whom the services are performed, according to specifications furnished by such person, on materials or goods furnished by such person which are required to be returned to such person or a person designated by him, if the performance of such services is subject to licensing requirements under the laws of the State (including the District of Columbia, the Territory of Alaska or Hawaii, the Virgin Islands, or Puerto Rico) in which such services are performed. The requirement that the performance of services by a home worker be subject to licensing laws in the State in which the services are performed is met by such State requiring either a home-work license on the part of the person for whom the services are performed or a home-work certificate on the part of the individual who performs the services. For provisions relating to remuneration which constitutes wages in the case of a home worker, see § 408.227 (j).

(iv) *Traveling or city salesman.* (a) This occupational group includes a city or traveling salesman who is engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for side-line sales activities on behalf of some other person or persons) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. An agent-driver or commission-driver is not within this occupational group. City or traveling salesmen who sell to retailers or to the others specified, operate off the premises of their principals, and are generally compensated on a commission basis, are within this occupational group. Such salesmen are generally not controlled as to the details of their services or the means by which they cover their territories, but in the ordinary case they are expected to call on regular customers with a fair degree of regularity.

(b) In order for a city or traveling salesman to be included within this occupational group, his entire or principal business activity must be devoted to the solicitation of orders for one principal. Thus, the multiple-line salesman generally will not be within this occupational group. However, if the salesman solicits orders primarily for one principal, he is not excluded from this occupational group solely because of side-line sales activities on behalf of one or more other persons. In such a case, the salesman is within this occupational group only with respect to the services performed for the person for whom he

primarily solicits orders and not with respect to the services performed for such other persons. The following examples illustrate the application of the foregoing provisions:

Example (1). Salesman A's principal business activity is the solicitation of orders from retail pharmacies on behalf of the X wholesale drug company. A also occasionally solicits orders for drugs on behalf of the Y and Z companies. A is within this occupational group with respect to his services for the X company but not with respect to his services for either the Y company or the Z company.

Example (2). Salesman B's principal business activity is the solicitation of orders from retail hardware stores on behalf of the R tool company and the S cooking utensil company. B regularly solicits orders on behalf of both companies. B is not within this occupational group with respect to the services performed for either the R company or the S company.

Example (3). Salesman C's principal business activity is the house-to-house solicitation of orders on behalf of the T brush company. C occasionally solicits such orders from retail stores and restaurants. C is not within this occupational group.

(4) (i) The fact that an individual falls within one of the enumerated occupational groups, however, does not make such individual an employee under this paragraph unless (*a*) the contract of service contemplates that substantially all the services to which the contract relates in the particular designated occupation are to be performed personally by such individual, (*b*) such individual has no substantial investment in the facilities used in connection with the performance of such services (other than in facilities for transportation), and (*c*) such services are part of a continuing relationship with the person for whom the services are performed and are not in the nature of a single transaction.

(ii) The term "contract of service", as used in this paragraph, means an arrangement, formal or informal, under which the particular services are performed. The requirement that the contract of service shall contemplate that substantially all the services to which the contract relates in the particular designated occupation are to be performed personally by the individual means that it is not contemplated that any material part of the services to which the contract relates in such occupation will be delegated to any other person by the individual who undertakes under the contract to perform such services.

(iii) The facilities to which reference is made in this paragraph include equipment and premises available for the work or enterprise as distinguished from education, training, and experience, but do not include such tools, instruments, equipment, or clothing, as are commonly or frequently provided by employees. An investment in an automobile by an individual which is used primarily for his own transportation in connection with the performance of services for another person has no significance under this paragraph, since such investment is comparable to outlays for transportation by an individual performing similar services who does not own an automobile. Moreover, the investment in facilities for the transportation of the goods or commodities to which the services relate is to be excluded in determining the investment in a particular case. If an individual has a substantial investment in facilities of the requisite character, he is not an employee within the meaning of this paragraph, since a substantial investment of the requisite character standing alone is sufficient to exclude the individual from the employee concept under this paragraph.

(iv) If the services are not performed as part of a continuing relationship with the person for whom the services are performed, but are in the nature of a single transaction, the individual performing such services is not an employee of such person within the meaning of this paragraph. The fact that the services are not performed on consecutive workdays does not indicate that the services are not performed as part of a continuing relationship.

§ 408.205 *Who are employers.* (a) Every person is an employer if he employs one or more employees. Neither the number of employees employed nor the period during which any such employee is employed is material for the purpose of determining whether the person for whom the services are performed is an employer.

(b) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(c) Although a person may be an employer under this section, services performed in his employ may be of such a nature, or performed under such circumstances, as not to constitute employment within the meaning of the act (see § 408.203).

SECTION 1426 (b) OF THE ACT

EMPLOYMENT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

• • • • •

(Sec. 1426 (b), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 528.)

§ 408.206 *Excepted services in general.* (a) Services performed on or after January 1, 1951, by an employee for an employer do not constitute employment for purposes of the tax if they are specifically excepted from employment under any of the numbered paragraphs of section 1426 (b) of the act. Services so excepted do not constitute employment for purposes of the tax even though they are performed within the United States, or are performed outside the United States on or in connection with an American vessel or American aircraft, or are performed outside the United States by a citizen of the United States for an American employer.

(b) The exception attaches to the services performed by the employee and not to the employee as an individual; that is, the exception applies only to the services in an excepted class rendered by the employee.

Example. A is an individual who is employed part time by B to perform services in connection with the ginning of cotton (see § 408.208 (b)). A is also employed by C part time to perform services as a clerk in a feed store owned by him. While no tax liability is incurred with respect to A's remuneration for services performed in the employ of B (the services being excepted from employment), the exception does not embrace the services performed by A in the employ of C which constitute employment and the tax attaches with respect to the wages (see § 408.226) for such services.

(c) This section, § 408.207 (relating to included and excluded services), and §§ 408.208 to 408.225, inclusive (relating to the several classes of excepted services), apply with respect only to services performed on or after January 1, 1951. (For provisions relating to the circumstances under which services which are excepted are nevertheless deemed to be employment, and relating to the circumstances under which services which are not excepted are nevertheless deemed not to be employment, see § 408.207. For provisions relating to services performed prior to January 1, 1951, see § 408.202.)

SECTION 1426 (c) OF THE ACT

INCLUDED AND EXCLUDED SERVICE

If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (10) of subsection (b). (Sec. 1426 (c), I. R. C., as amended by sec. 606, Social Security Act Amendments of 1939, 53 Stat. 1383; sec. 204 (f), (g), Social Security Act Amendments of 1950, 64 Stat. 536.)

§ 408.207 *Included and excluded services.* (a) If a portion of the services performed by an employee for an employer during a pay period constitutes employment, and the remainder does not constitute employment, all the services performed by the employee for the employer during the period shall for purposes of the tax be treated alike, that is, either all as included or all as excluded. The time during which the employee performs services which under section 1426 (b) of the act constitute employment, and the time during which he performs services which under such section do not constitute employment, within the pay period, determine whether all the services during the pay period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then all the services of that employee for that person in that pay period shall be deemed to be employment.

(c) If less than one-half of the employee's time in the employ of a particular person in a pay period is spent in performing services which constitute employment, then none of the services of that employee for that person in that pay period shall be deemed to be employment.

Example. Employee A is employed by B who operates a cotton gin and a store. A's services in connection with the ginning of cotton do not constitute employment, and his services in the store constitute employment. He is paid at the end of each month. During a particular month A works 120 hours at the cotton gin and 80 hours in the store. None of A's services during the month are deemed to be employment, since less than one-half of his services during the month constitutes employment.

During another month A works 75 hours at the cotton gin and 120 hours in the store. All of A's services during the month are deemed to be employment, since one-half or more of his services during the month constitutes employment.

(d) For purposes of this section, a "pay period" is the period (of not more than 31 consecutive calendar days) for which a payment of remuneration is ordinarily made to the employee by the employer. Thus, if the periods for which payments of remuneration are made to the employee by the employer are of uniform duration, each such period constitutes a "pay period." If, however, the periods occasionally vary in duration, the "pay period" is the period for which a payment of remuneration is ordinarily made to the employee by the the employer, even though that period does not coincide with the actual period for which a particular payment of remuneration is made. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but the employee receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the "pay period" is still the calendar week; or if, instead, that employee is sent on a trip by such employer and receives at the end of the third week a single remuneration payment for three weeks' services, the "pay period" is still the calendar week.

(e) If there is only one period (and such period does not exceed 31 consecutive calendar days) for which a payment of remuneration is made to the employee by the employer, such period is deemed to be a "pay period" for purposes of this section.

(f) The rules set forth in this section do not apply (1) with respect to any services performed by the employee for the employer if the periods for which such employer makes payments of remuneration to the employee vary to the extent that there is no period "for which a payment of remuneration is ordinarily made to the employee", or (2) with respect to any services performed by the employee for the employer if the period for which a payment of remuneration is ordinarily made to the employee by such employer exceeds 31 consecutive calendar days, or (3) with respect to any service performed by the employee for the employer during a pay period if any of such service is excepted by section 1426 (b) (10) of the act (see § 408.217).

(g) If during any period for which a person makes a payment of remuneration to an employee only a portion of the employee's services constitutes employment, but the rules prescribed in this section are not applicable, the tax attaches with respect to such services as constitute employment as defined in section 1426 (b) of the act.

SECTION 1426 (b) (1) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(1) (A) Agricultural labor (as defined in subsection (h) of this section) performed in any calendar quarter by an employee, unless the cash remuneration paid for such labor (other than service described in subparagraph (B)) is $50 or more and such labor is performed for an employer by an individual who is regularly employed by such employer to perform such agricultural labor. For the purposes of this subparagraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

(i) such individual performs agricultural labor (other than service described in subparagraph (B)) for such employer on a full-time basis on sixty days during such quarter, and

(ii) the quarter was immediately preceded by a qualifying quarter.

For the purposes of the preceding sentence, the term "qualifying quarter" means (I) any quarter during all of which such individual was continuously employed by such employer, or (II) any subsequent quarter which meets the test of clause (i) if, after the last quarter during all of which such individual was continuously employed by such employer, each intervening quarter met the test of clause (i). Notwithstanding the preceding provisions of this subparagraph, an individual shall also be deemed to be regularly employed by an employer during a calendar quarter if such individual was regularly employed (upon application of clauses (i) and (ii)) by such employer during the preceding calendar quarter.

(B) Service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton; (Sec. 1426 (b) (1), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 528.)

SECTION 1426 (h) OF THE ACT

AGRICULTURAL LABOR

The term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed.

(B) In the employ of a group of operators of farms (other than a cooperative organization) in the performance of service described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than twenty at any time during the calendar quarter in which such service is performed.

(C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this section, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards. (Sec. 1426 (h), I. R. C., as added by sec. 606, Social Security Act Amendments of 1939, 53 Stat. 1383, and as amended by sec. 204 (d), (g), Social Security Act Amendments of 1950, 64 Stat. 532, 536.)

SECTION 15 (g) OF THE AGRICULTURAL MARKETING ACT, AS AMENDED

As used in this Act, the term "agricultural commodity" includes • • • crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923. (Sec. 15 (g), Act of June 15, 1929, 46 Stat. 18, as added by sec. 3, Act of Mar. 4, 1931, 46 Stat. 1550, 12 U. S. C. 1141j (g).)

SECTION 2 (c) AND (h) OF THE NAVAL STORES ACT

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine. (Sec. 2 (c), (h), Act of Mar. 3, 1923, 42 Stat. 1435, 7 U. S. C. 92 (c), (h).)

§ 408.208 *Agricultural labor*—(a) *In general.* This section relates to services performed by an employee for an employer which constitute "agricultural labor" as defined in section 1426 (h) of the act. Paragraph (b) of this section relates to agricultural labor which is categorically excepted from employment under section 1426 (b) (1) (B) of the

act. Paragraph (c) of this section relates to agricultural labor which is excepted from employment under section 1426 (b) (1) (A) of the act unless performed under the conditions therein prescribed. Paragraph (d) of this section relates to the definition of the term "agricultural labor."

(b) *Services excepted under section 1426 (b) (1) (B) of the act.* (1) The following services are excepted from employment under section 1426 (b) (1) (B) of the act:

(i) Services performed in connection with the production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum; and

(ii) Services performed in connection with the ginning of cotton.

(2) The amount of the remuneration paid for such services and the circumstances under which the services are performed are immaterial for the purposes of the exception under section 1426 (b) (1) (B).

(c) *Services excepted under section 1426 (b) (1) (A) of the act.* (1) As used in this paragraph, the term "agricultural labor" does not include services performed in connection with the ginning of cotton or in connection with the production or harvesting of those oleoresinous products described in paragraph (b) of this section.

(2) Agricultural labor performed by an employee for an employer in a calendar quarter is excepted from employment under section 1426 (b) (1) (A) of the act unless—

(i) The cash remuneration paid for agricultural labor performed by the employee for the employer in the calendar quarter is $50 or more; and

(ii) Such employee is regularly employed in the calendar quarter by such employer to perform such agricultural labor.

Unless the tests set forth in both (i) and (ii) of this subparagraph are met, the services are excepted from employment under section 1426 (b) (1) (A).

(3) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for agricultural labor performed in a calendar quarter, only cash remuneration for agricultural labor shall be taken into account. (Since services performed in connection with the ginning of cotton or in connection with the production or harvesting of those oleoresinous products described in paragraph (b) of this section do not constitute agricultural labor for the purposes of this paragraph, any remuneration paid for such services is disregarded in determining whether the cash-remuneration test is met.) The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, farm products, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met. For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for agricultural labor, see § 408.227 (g).

(4) For the purposes of this paragraph, an individual is deemed to be regularly employed by an employer during a calendar quarter (including the first quarter of 1951) if:

(i) Such individual performs agricultural labor for such employer on a full-time basis on at least 60 days (whether or not consecutive) during such calendar quarter; and

(ii) The calendar quarter was immediately preceded by a qualifying quarter.

An individual shall also be deemed to be regularly employed by an employer during a calendar quarter if such individual was regularly employed (upon application of (i) and (ii) of this subparagraph) by such employer during the preceding calendar quarter.

(5) A qualifying quarter is (i) any calendar quarter during all of which the individual was continuously employed by the employer, or (ii) any subsequent calendar quarter during which such individual performs agricultural labor for such employer on a full-time basis on at least 60 days during such quarter if, after the last calendar quarter during which such individual was continuously employed by such employer, such individual performs agricultural labor for such employer on a full-time basis on at least 60 days during each intervening calendar quarter. A calendar quarter prior to the last calendar quarter of 1950 may not be a qualifying quarter.

(6) The requirement that an employee be continuously employed by an employer during all of a calendar quarter is met by the existence of the employer-employee relationship throughout an entire calendar quarter, whether or not the employee does any work for the employer during the calendar quarter. Moreover, a calendar quarter in which the employee is continuously employed by the employer is a qualifying quarter, irrespective of whether the employee is employed to perform agricultural labor. For example, the calendar quarter in which the employee is continuously employed by the employer to perform services in connection with the ginning of cotton or any business conducted by the employer is a qualifying quarter.

(7) In order to satisfy the requirement of the performance of agricultural labor on a full-time basis on at least 60 days during a calendar quarter, the arrangement under which an employee performs agricultural labor for an employer must contemplate the performance of such labor on a full-time basis, and the employee must perform agricultural labor for the employer on at least 60 days during the calendar quarter. Thus, the requirement of the performance of agricultural labor on a full-time basis relates to the arrangement under which the employee is engaged to perform agricultural labor, whereas the requirement of the performance of agricultural labor on at least 60 days during a calendar quarter relates to the performance of agricultural labor by the employee on the required number of days during such calendar quarter.

(8) An arrangement for the performance of agricultural labor on a full-time basis means an arrangement under which an employee is engaged to perform agricultural labor for a single employer on the basis of a full work day. The term "full work day" as used in the preceding sentence has reference to the full work day prevailing in the particular locality for the type of agricultural occupation in which the employee is engaged. The fact that an employee who performs agricultural labor primarily for one employer also performs other services of an incidental character for such employer or any incidental services for some other person does not prevent such employee from being engaged on a full-time basis in the performance of agricultural labor for such employer.

Example. A, the operator of a dairy farm, employs B, a schoolboy, for two hours each morning before school and two hours each afternoon after school to assist him in the operation of the dairy farm. In addition, B works for A ten hours each Saturday in the performance of the same type of work. The full work day in the particular locality for a dairy farm worker is a period of eight hours.

Each full calendar quarter B remains in the employ of A constitutes a qualifying quarter for the reason that B is continuously employed by A in each such quarter. Since under the arrangement B is engaged to perform agricultural labor for A on the basis of a full work day only on Saturdays, only the Saturdays constitute days on which B performs agricultural labor for A on a full-time basis. The other days of the week do not constitute days on which B performs agricultural labor for A on a full-time basis, since the arrangement contemplates the performance of agricultural labor on such days on less than a full work day.

(9) In determining whether an employee has performed agricultural labor on at least 60 days during a calendar quarter, there shall be counted as one day—

(i) Any day or portion thereof on which the employee actually performs such labor; and

(ii) Any day or portion thereof on which the employee does not perform agricultural labor but with respect to which remuneration is paid or payable to the employee for such labor, such as a day on which the employee is sick or on vacation.

An employee who reports for work and, at the direction of his employer, holds himself in readiness to perform agricultural labor shall be considered to be engaged in the actual performance of such labor. For the purposes of this section, a day is a period of 24 hours commencing at midnight and ending at midnight.

(10) An individual who is regularly employed in a calendar quarter under the test set forth in subdivisions (i) and (ii) of subparagraph (4) of this paragraph is also considered to be regularly employed in the next succeeding calendar quarter, irrespective of whether he performs any service during such succeeding quarter. Thus, such individual will continue to be regularly employed until the end of such succeeding calendar quarter, even though he does not perform agricultural labor on a full-time basis on 60 days during such quarter. If in such succeeding calendar quarter such individual does not perform agricultural labor on a full-time basis on at least 60 days, such individual must meet the test set forth in subdivisions (i) and (ii) of subparagraph (4) of this paragraph in order to qualify as regularly employed in any subsequent calendar quarter.

(11) The application of certain of the provisions of paragraph (c) of this section may be illustrated by the following example:

Example. C, who operates a truck farm and a general store, hired D on September 15, 1950, to work in his store for the remainder of the year.

The calendar quarter, October 1 through December 31, 1950, is a qualifying quarter by virtue of the existence of the employer-employee relationship throughout the entire calendar quarter. The fact that the quarter was before January 1, 1951, the effective date of the inclusion of certain agricultural labor as employment, does not prevent such quarter from being a qualifying quarter. (The last calendar quarter of 1950 is the first calendar quarter which may constitute a qualifying quarter.) The nature of the work performed by D in the qualifying quarter is immaterial. D might have worked on C's farm or in any other business conducted by C during that period. In fact, the quarter would constitute a qualifying quarter even though D did not work for C during the quarter, if the employer-employee relationship existed throughout the calendar quarter.

On January 1, 1951, D was transferred from C's store to his farm to perform general farm work. The arrangement contemplates that D will devote eight hours on each work day to the performance of agricultural labor for C. An 8-hour day constitutes the full work day prevailing in the locality for general farm work. In the calendar quarter, January 1 through March 31, 1951, D performs agricultural labor for C on 65 days. D is paid $390 in cash for agricultural labor performed for C in the calendar quarter.

D is regularly employed by C in the first calendar quarter of 1951 in that he performed agricultural labor on a full-time basis on at least 60 days during such calendar quarter and such quarter was immediately preceded by a qualifying quarter. The services performed by D during the calendar quarter constitute employment (unless excepted under some provision of section 1426 of the act other than section 1426 (b) (1)) because D is regularly employed by C in the calendar quarter and is paid $50 or more for agricultural labor performed for C in the calendar quarter. The cash remuneration paid D for services performed during the calendar quarter would constitute wages and be subject to the employer and employee taxes unless such remuneration is excluded from wages under some provision of section 1426 (a) of the act.

In the next calendar quarter, April 1 through June 30, 1951, D performs agricultural labor for C on 45 days and is paid $270 in cash for the labor performed on those days.

D is regularly employed by C in the second calendar quarter of 1951, even though he worked on less than 60 days in the quarter, by reason of the fact that D was regularly employed by C in the preceding calendar quarter. The services performed in the second calendar quarter also constitute employment unless excepted under some other provision of section 1426 of the act. The cash remuneration paid for such services is likewise subject to the employer and employee taxes unless excluded from wages by virtue of some provision of section 1426 (a) of the act.

In the quarter, July 1, through September 30, 1951, D performs agricultural labor for C on a full-time basis on 60 days and is paid $360 in cash for the labor performed in that quarter.

The determination whether D is regularly employed by C in the third calendar quarter of 1951 depends upon whether the employer-employee relationship continued throughout the calendar quarter, April 1 through June 30, 1951. If the employer-employee relationship did not continue throughout the second calendar quarter of 1951, D lost his standing as regularly employed for the third calendar quarter of 1951 when he worked on less than 60 days in the preceding calendar quarter. In that case, D will not be regularly employed until after he serves another qualifying quarter, by being continuously employed for a full calendar quarter, and performs agricultural labor for the same employer on a full-time basis on at least 60 days during the next succeeding calendar quarter. However, if the employer-employee relationship existed between C and D throughout the second calendar quarter of 1951, such quarter would constitute a qualifying quarter and D would be regularly employed by C in the third calendar quarter of 1951 by reason of the fact that he performed agricultural labor for C on a full-time basis on 60 days during such third calendar quarter. In that case, D's services for C in the third calendar quarter of 1951 would constitute employment, unless otherwise excepted, by reason of the fact that he was regularly employed to perform agricultural labor in such quarter and was paid $50 or more for agricultural labor performed in the quarter. Moreover, the cash remuneration paid for such services would be subject to the taxes unless such remuneration is excluded from wages.

(d) *Definition.*—(1) *In general.* (i) The term "agricultural labor" as defined in section 1426 (h) of the act includes services of the character described in subparagraphs (2), (3), (4), (5), and (6) of this paragraph. In general, however, the term does not include services performed in connection with forestry, lumbering, or landscaping.

(ii) The term "farm" as used in this section includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commoditics. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms".

(2) *Services described in section 1426 (h) (1) of the act.* (i) Services performed on a farm by an employee of any person in connection with any of the following activities constitute agricultural labor:

(*a*) The cultivation of the soil;

(*b*) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(*c*) The raising or harvesting of any other agricultural or horticultural commodity.

(ii) Services performed in connection with the production or harvesting of maple sap, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry constitute agricultural labor only if such services are performed on a farm. Thus, services performed in connection with the operation of a hatchery, if not operated as part of a poultry or other farm, do not constitute agricultural labor. Services performed in the processing (as distinguished from the gathering) of maple sap into maple sirup or maple sugar do not constitute agricultural labor, even though such services are performed on a farm.

(3) *Services described in section 1426 (h) (2) of the act.* (i) The following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms constitute agricultural labor, provided the major part of such services is performed on a farm:

(*a*) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(*b*) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

(ii) The services described in subdivision (i) (*a*) of this subparagraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semi-skilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged.

(iii) Since the services described in this subparagraph must be performed in the employ of the owner or tenant or other operator of the farm, the term "agricultural labor" does not include services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(4) *Services described in section 1426 (h) (3) of the act.* Services performed by an employee in the employ of any person in connection with any of the following operations constitute agricultural labor without regard to the place where such services are performed:

(i) The ginning of cotton;

(ii) The operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying or storing water for farming purposes; or

(iii) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

(5) *Services described in section 1426 (h) (4) of the act.* (i) Services performed by an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market,

of any agricultural or horticultural commodity constitute agricultural labor if:

(a) Such services are performed by the employee in the employ of an operator of a farm or in the employ of a group of operators of farms (other than a cooperative organization);

(b) Such services are performed with respect to the commodity in its unmanufactured state; and

(c) Such operator produced more than one-half of the commodity with respect to which such services are performed during the pay period, or such group of operators produced all of the commodity with respect to which such services are performed during the pay period.

(ii) The term "operator of a farm" as used in this subparagraph means an owner, tenant, or other person, in possession of a farm and engaged in the operation of such farm.

(iii) The services described in this subparagraph do not constitute agricultural labor if performed in the employ of a cooperative organization. The term "organization" includes corporations, joint-stock companies, and associations which are treated as corporations under the Internal Revenue Code. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which the services involved are performed.

(iv) Processing services which change the commodity from its raw or natural state do not constitute agricultural labor. For example, the extraction of juices from fruits or vegetables is a processing operation which changes the character of the fruits or vegetables from their raw or natural state and, therefore, does not constitute agricultural labor. On the other hand, services rendered in the cutting and drying of fruits or vegetables are processing operations which do not change the character of the fruits or vegetables and, therefore, constitute agricultural labor, if the other requisite conditions are met. Services performed with respect to a commodity after its character has been changed from its raw or natural state by a processing operation do not constittue agricultural labor.

(v) The term "commodity" refers to a single agricultural or horticultural product, for example, all apples are to be treated as a single commodity, while apples and peaches are to be treated as two separate commodities. The services with respect to each such commodity are to be considered separately in determining whether the condition set forth in subdivision (i) (c) of this subparagraph has been satisfied. The portion of the commodity produced by an operator or group of operators with respect to which the services described in this subparagraph are performed by a particular employee shall be determined on the basis of the pay period in which such services were performed by such employee.

(vi) The services described in this subparagraph do not include services performed in connection with commercial canning or commercial freezing or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in this subparagraph must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of subparagraph (3) of this paragraph.

(6) *Services described in section 1426 (h) (5) of the act.* (i) Services not in the course of the employer's trade or business (see § 408.210) or domestic service in a private home of the employer (see § 408.227 (h)) constitute agricultural labor if such services are performed on a farm operated for profit. The determination whether such services performed on a farm operated for profit constitute employment is to be made under this section rather than under § 408.210 or § 408.227 (h).

(ii) Generally, a farm is not operated for profit if it is occupied by the employer primarily for residential purposes, or is used primarily for the pleasure of the employer or his family such as for the entertainment of guests or as a hobby of the employer or his family.

SECTION 1426 (b) (2) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(2) Domestic service performed in a local college club, or local chapter of a college fraternity or sorority, by a student who is enrolled and is regularly attending classes at a school, college, or university; (Sec. 1426 (b) (2), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 529.)

§ 408.209 *Domestic service performed by a student in a local college club, etc.* (a) Services of a household nature performed in or about the club rooms or house of a local college club, or in or about the club rooms or house of a local chapter of a college fraternity or sorority, by a student who is enrolled and regularly attending classes at a school, college, or university are excepted from employment. For the purposes of this exception, the statutory tests are the type of services performed by the employee, the character of the place where the services are performed, and the status of the employee as a student enrolled and regularly attending classes at a school, college, or university.

(b) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purposes of supplying board or lodging to students or the public as a business enterprise, the services performed therein are not within the exception.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) Services of a household nature are not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, or commercial establishments.

(f) For provisions relating to domestic service in a private home of the employer, see § 408.227 (h).

SECTION 1426 (b) (3) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(3) Service not in the course of the employer's trade or business performed in any calendar quarter y an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter. As used in this paragraph, the term "service not in the course of the employer's trade or business" does not include domestic service in a private home of the employer and does not include service described in subsection (h) (5); (Sec. 1426 (b) (3), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 529.)

§ 408.210 *Services not in the course of employer's trade or business.* (a) Services not in the course of the employer's trade or business performed by an employee for an employer in a calendar quarter are excepted from employment unless—

(1) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in both subparagraphs (1) and (2) of this paragraph are met the services are excepted from employment.

(b) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for services not in the course of the employer's trade or busines, only cash remuneration for such services shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(d) For the purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(1) Such individual performs services not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1) of this paragraph) by such employer in the performance of services not in the course of the employer's trade or business during the preceding calendar quarter (including the last calendar quarter of 1950).

(e) In determining whether an employee has performed services not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(1) Any day or portion thereof on which the employee actually performs such services; and

(2) Any day or portion thereof on which the employee does not perform services of the prescribed character but with respect to which remuneration is paid or payable to the employee for such services, such as a day on which the employee is sick or on vacation.

An employee who reports for work and, at the direction of his employer, holds himself in readiness to perform services not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such services. For the purposes of this exception, a day is a period of 24 hours commencing at midnight and ending at midnight.

(f) Services not in the course of the employer's trade or business performed on a farm operated for profit, domestic service in a private home of the employer performed on a farm operated for profit, and domestic service in a private home of the employer performed other than on a farm operated for profit are not within the exception. For provisions relating to services not in the course of the employer's trade or business performed on a farm operated for profit and domestic service in a private home of the employer performed on a farm operated for profit, see § 408.208. For provisions relating to domestic service in a private home of the employer performed other than on a farm operated for profit, see § 408.227 (h).

(g) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 408.227 (g).

SECTION 1426 (b) (4) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother; (Sec. 1426 (b) (4), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 529.)

§ 408.211 *Family employment.* (a) Certain services are excepted from employment because of the existence of a family relationship between the employee and the individual employing him. The exceptions are as follows:

(1) Services performed by an individual in the employ of his or her spouse;

(2) Services performed by a father or mother in the employ of his or her son or daughter; and

(3) Services performed by a son or daughter under the age of 21 in the employ of his or her father or mother.

(b) Under paragraph (a) (1) and (2) of this section, the exception is conditioned solely upon the family relationship between the employee and the individual employing him. Under paragraph (a) (3) of this section, in addition to the family relationship, there is a further requirement that the son or daughter shall be under the age of 21, and the exception continues only during the time that such son or daughter is under the age of 21.

(c) Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the partners comprising the partnership.

SECTION 1426 (b) (5) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(5) Service performed by an individual on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, if the individual is employed on and in connection with such vessel or aircraft when outside the United States; (Sec. 1426 (b) (5), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 529.)

§ 408.212 *Non-American vessel or aircraft.* (a) Certain services performed within the United States "on or in connection with" a vessel not an American vessel, or "on or in connection with" an aircraft not an American aircraft, are excepted from employment. In order to be excepted, the services must be performed by an employee who is also employed "on and in connection with" the vessel or aircraft when outside the United States.

(b) An employee performs services on and in connection with the vessel or aircraft if he performs services on such vessel or aircraft when outside the United States which are also in connection with the vessel or aircraft. Services performed on the vessel outside the United States by employees as officers or members of the crew, or as employees of concessionaires, of the vessel, for example, are performed under such circumstances, since such services are also connected with the vessel. Similarly, services performed on the aircraft outside the United States by employees as officers or members of the crew of the aircraft are performed on and in connection with such aircraft. Services may be performed on the vessel or aircraft, however, which have no connection with it, as in the case of services performed by an employee while on the vessel or aircraft merely as a passenger in the general sense. For example, the services of a buyer in the employ of a department store while he is a passenger on a vessel are not in connection with the vessel.

(c) The expression "on or in connection with" refers not only to services performed on the vessel or aircraft but also to services connected with the vessel or aircraft which are not actually performed on it (for example, shore services performed as officers or members of the crew, or as employees of concessionaires, of the vessel).

(d) Services performed outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, by a citizen of the United States as an employee for an American employer are excepted from employment, if the employee is employed on and in connection with such vessel or aircraft when outside the United States. Services performed outside the United States on or in connection with a vessel not an American vessel, or on or in connection with an aircraft not an American aircraft, either by an employee who is not a citizen of the United States or for an employer who is not an American employer do not constitute employment in any event. (For provisions relating to services performed outside the United States which constitute employment, see § 408.203 (c).)

(e) The citizenship or residence of the employee and the place where the contract of service is entered into are immaterial for purposes of this exception. The citizenship or residence of the employer is material only in case it has a bearing in determining whether the vessel is an American vessel. (For definitions of "vessel", "American vessel", "aircraft", "American aircraft", "citizen of the United States", and "American employer", see § 408.203 (c).)

SECTION 1426 (b) (6) AND (7) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(6) Service performed in the employ of any instrumentality of the United States, if such instrumentality is exempt from the tax imposed by section 1410 by virtue of any provision of law which specifically refers to such section in granting such exemption;

(7) (A) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is covered by a retirement system established by a law of the United States;

(B) Service performed in the employ of an instrumentality of the United States if such an instrumentality was exempt from the tax imposed by section 1410 on December 31, 1950, except that the provisions of this subparagraph shall not be applicable to—

(i) service performed in the employ of a corporation which is wholly owned by the United States;

(ii) service performed in the employ of a national farm loan association, a production credit association, a Federal Reserve Bank, or a Federal Credit Union;

(iii) service performed in the employ of a State, county, or community committee under the Production and Marketing Administration; or

(iv) service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department;

(C) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is performed—

(i) as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner, of or to the Congress;

(ii) in the legislative branch;

(iii) in the field service of the Post Office Department unless performed by any individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act of 1930 because he is serving under a temporary appointment pending final determination of eligibility for permanent or indefinite appointment;

(iv) in or under the Bureau of the Census of the Department of Commerce by temporary employees employed for the taking of any census;

(v) by any individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act of 1930 because he is paid on a contract or fee basis;

(vi) by any individual as an employee receiving nominal compensation of $12 or less per annum;

(vii) in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(viii) by any individual as a consular agent appointed under authority of section 551 of the Foreign Service Act of 1946 (22 U. S. C., sec. 951);

(ix) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

(x) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(xi) by any individual as an employee who is employed under a Federal relief program to relieve him from unemployment;

(xii) as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee, or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

(xiii) by an individual to whom the Civil Service Retirement Act of 1930 does not apply because such individual is subject to another retirement system; (Sec. 1426 (b) (6), (7), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 529.)

SECTION 1412 OF THE ACT

INSTRUMENTALITIES OF THE UNITED STATES

Notwithstanding any other provision of law (whether enacted before or after the enactment of this section) which grants to any instrumentality of the United States an exemption from taxation, such instrumentality shall not be exempt from the tax imposed by section 1410 unless such other provision of law grants a specific exemption, by reference to section 1410, from the tax imposed by such section. (Sec. 1412, I. R. C., as added by sec. 202 (a), (d), Social Security Act Amendments of 1950, 64 Stat. 524, 525.)

§ 408.213 *United States and instrumentalities thereof*—(a) *In general.* This section relates to services performed in the employ of the United States Government or in the employ of any instrumentality of the United States. Paragraphs (b) and (c) of this section relate to services performed either in the employ of the United States or in the employ of any instrumentality thereof. Paragraph (b) of this section relates to services which are excepted from employment by virtue of the fact that the services are covered by a retirement system established by a law of the United States. Paragraph (c) of this section relates to services which are excepted from employment by virtue of the fact that the services are of the character described in any one of 13 special classes of excepted services. Paragraphs (d) and (e) of this section relate solely to services performed in the employ of an instrumentality of the United States. Paragraph (d) of this section relates to services which are excepted from employment by virtue of the fact that the services are performed in the employ of an instrumentality which has been granted a specific statutory exemption from the tax imposed by section 1410 of the act. Paragraph (e) of this section relates to services which are excepted from employment by virtue of the fact that the services are performed in the employ of an instrumentality which either was exempt on December 31, 1950, from the tax imposed by section 1410 of the act or would have been exempt on that date from such tax had it then been in existence. Particular services which are not excepted from employment under one rule set forth in this section may nevertheless be excepted under another rule set forth in this section. Moreover, services performed in the employ of the United States or of any instrumentality thereof which are not excepted from employment under paragraph (6) or (7) of section 1426 (b) of the act may nevertheless be excepted under some other paragraph of such section.

(b) *Services covered under a retirement system.* Services performed in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment if such services are covered under a law enacted by the Congress of the United States which specifically provides for the establishment of a retirement system for employees of the United States or of such instrumentality. Determinations as to whether services are covered by a retirement system of the requisite character are to be made as of the time such services are performed. Services of an employee who has an option to have his services covered under a retirement system are not covered under such retirement system unless and until he exercises such option. The test is whether particular services performed by an employee are covered by a retirement system of the requisite character rather than whether the position in which such services are performed is covered by such retirement system.

(c) *Special classes of services.* The following classes of services performed either in the employ of the United States or in the employ of any instrumentality thereof are excepted from employment:

(1) Services performed as the President or Vice President of the United States or as a Member, Delegate, Resident Commissioner, of or to the Congress of the United States;

(2) Services performed in the legislative branch of the United States Government;

(3) Services performed in the field service of the Post Office Department unless performed by an individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act (Act of May 29, 1930, as amended, 5 U. S. C. 691 et seq.) because he is serving under a temporary appointment pending final determination of eligibility for permanent or indefinite appointment;

(4) Services performed in or under the Bureau of the Census of the Department of Commerce by temporary employees employed for the actual taking of any census (exclusive of clerical or other employees employed for work other than in the actual taking of the census);

(5) Services performed by an individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act because of payment on a contract or fee basis;

(6) Services performed by an individual as an employee for nominal compensation of $12 or less per annum;

(7) Services performed in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(8) Services performed by an individual as a consular agent appointed under the authority of section 551 of the Foreign Service Act of 1946 (22 U. S. C. 951);

(9) Services performed by student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, or student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the United States Government, or by certain other student employees described in section 2 of the act of August 4, 1947 (5 U. S. C. 1052);

(10) Services performed by an individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(11) Services performed by an individual as an employee who is employed under a Federal relief program to relieve him from unemployment;

(12) Services performed as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee, or other similar body is composed exclusively of individuals otherwise in the full-time employ of the United States; and

(13) Services performed by an individual to whom the Civil Service Retirement Act does not apply because he is, with respect to such services, subject to another retirement system, established either by a law of the United States or by the agency or instrumentality of the United States for which such services are performed.

(d) *Services performed for instrumentality specifically exempted from tax.* Services performed in the employ of an instrumentality of the United States are excepted from employment if such instrumentality is exempt from the employer tax imposed by section 1410 of the act by virtue of any other provision of law which specifically refers to such section 1410 in granting exemption from the tax imposed by such section. This exception does not operate to exclude from employment services performed in the employ of an instrumentality of the United States unless and until the Congress grants to such instrumentality a specific exemption from the tax imposed by section 1410. Section 1412 of the act makes ineffectual as to the employer tax imposed by section 1410 those provisions of law which grant to an instrumentality of the United States an exemption from taxation, unless such provisions grant a specific exemption from the tax imposed by section 1410 by an express reference to such section. Thus, the general exemptions from Federal taxation granted by various statutes to certain instrumentalities of the United States without specific reference to the tax imposed by section 1410 are rendered inoperative insofar as such exemptions relate to the tax imposed by section 1410. For provisions relating to services performed for an instrumentality exempt on December 31, 1950, from the employer tax, see paragraph (e) of this section.

(e) *Services performed for an instrumentality not subject to employer tax on December 31, 1950.* Services performed in the employ of an instrumentality of the United States are excepted from employment if the particular instrumentality was not subject on December 31, 1950, to the employer tax imposed by section 1410 of the act. If the particular instrumentality was not in existence on December 31, 1950, but is created thereafter under a law which was in effect on December 31, 1950, services performed in the employ of such instrumentality are excepted from employment if the instrumentality had it been in existence on December 31, 1950, would not have been subject on that date to the employer tax imposed by section 1410 of the act. It is immaterial, for the purposes of this exception, whether the exemption from the employer tax on December 31, 1950, resulted, or would have resulted, from a tax exemption as such in effect on December 31, 1950, or from the provisions of section 1426 (b) (6) of the act in effect on that date, relating to the exception from employment of services performed in the employ of certain instrumentalities of the United States. This exception, however, has no application with respect to any of the following classes of services:

(1) Services performed in the employ of a corporation which is wholly owned by the United States;

(2) Services performed in the employ of a national farm loan association, a production credit association, a Federal Reserve Bank, or a Federal Credit Union;

(3) Services performed in the employ of a State, county, or community committee under the Production and Marketing Administration; or

(4) Services performed by a civilian employee, who is not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department.

SECTION 1426 (b) (8) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(8) Service (other than service which, under subsection (k), constitutes covered transportation service) performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions; (Sec. 1426 (b) (8), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

SECTION 1426 (k) OF THE ACT

COVERED TRANSPORTATION SERVICE

(1) *Existing transportation systems—General rule.* Except as provided in paragraph (2), all service performed in the employ of a State or political subdivision in connection with its operation of a public transportation system shall constitute covered transportation service if any part of the transportation system was acquired from private ownership after 1936 and prior to 1951.

(2) *Existing transportation systems—Cases in which no transportation employees, or only certain employees, are covered.*—Service performed in the employ of a State or political subdivision in connection with the operation of its public transportation system shall not constitute covered transportation service if—

(A) any part of the transportation system was acquired from private ownership after 1936 and prior to 1951, and substantially all service in connection with the operation of the transportation system is, on December 31, 1950, covered under a general retirement system providing benefits which, by reason of a provision of the State constitution dealing specifically with retirement systems of the State or political subdivisions thereof, cannot be diminished or impaired; or

(B) no part of the transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and prior to 1951;

except that if such State or political subdivision makes an acquisition after 1950 from private ownership of any part of its transportation system, then, in the case of any employee who—

(C) became an employee of such State or political subdivision in connection with and at the time of its acquisition after 1950 of such part, and

(D) prior to such acquisition rendered service in employment (including as employment service covered by an agreement under section 218 of the Social Security Act) in connection with the operation of such part of the transportation system acquired by the State or political subdivision,

the service of such employee in connection with the operation of the transportation system shall constitute covered transportation service, commencing with the first day of the third calendar quarter following the calendar quarter in which the acquisition of such part took place, unless on such first day such service of such employee is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees described in subparagraph (C).

(3) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system shall constitute covered transportation service if the transportation system was not operated by the State or political subdivision prior to 1951 and, at the time of its first acquisition (after 1950) from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(4) *Definitions.* For the purpose of this subsection—

(A) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term shall not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(B) A transportation system or a part thereof shall be considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or part thereof acquired constituted employment under this subchapter or was covered by an agreement made pursuant to section 218 of the Social Security Act and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(C) The term "political subdivision" includes an instrumentality of (i) a State, (ii) one or more political subdivisions of a State, or (iii) a State and one or more of its political subdivisions. (Sec. 1426 (k), I. R. C., as added by sec. 204 (e), (g), Social Security Act Amendments of 1950, 64 Stat. 533, 536.)

SECTION 1426 (e) (1) OF THE ACT

STATE

The term "State" includes Alaska, Hawaii, the District of Columbia, and the Virgin Islands; and on and after the effective date specified in section 3810 such term includes Puerto Rico. (Sec. 1426 (e) (1), I. R. C., as amended by sec. 204 (b), Social Security Act Amendments of 1950, 64 Stat. 532.)

SECTION 3810 OF THE INTERNAL REVENUE CODE

EFFECTIVE DATE IN CASE OF PUERTO RICO

If the Governor of Puerto Rico certifies to the President of the United States that the legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of title II of the Social Security Act, the effective date referred to in sections 1426 (e) • • • shall be January 1 of the first calendar year which begins more than ninety days after the date on which the President receives such certification. (Sec. 3810, I. R. C., as added by sec. 208 (b), Social Security Act Amendments of 1950, 64 Stat. 543.)

[NOTE: A certificate of the Governor of Puerto Rico made in conformity with section 3810 of the Internal Revenue Code was received by the President of the United States on September 28, 1950. Accordingly, the effective date referred to in section 1426 (e) of the Internal Revenue Code is January 1, 1951.]

§ 403.214 *States and their political subdivisions and instrumentalities*—(a) *In general.* Services, other than covered transportation service as defined in section 1426 (k) of the act (see paragraph (b) of this section, performed in the employ of any State, or of any political subdivision thereof, are exempted from employment. Services, other than covered transportation service, performed in the employ of an instrumentality of one or more States or political subdivisions thereof are excepted from employment if the instrumentality is wholly owned by one or more of the foregoing. The term "State" includes the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico.

(b) *Covered transportation service*—(1) *Transportation systems acquired in whole or in part after 1936 and prior to 1951*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, all service performed after December 31, 1950, in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if any part of the transportation system was acquired from private ownership after 1936 and prior to 1951. For the purposes of this subdivision, it is immaterial whether any part of the transportation system was acquired prior to 1937 or after 1950, whether the employee was hired before, during, or after 1950, or whether the employee had been employed by the employer from whom the State or political subdivision acquired its transportation system or any part thereof.

(ii) *General retirement system protected by State constitution.* Except as provided in subdivision (iii) of this subparagraph, service performed after December 31, 1950, in the employ of a State or political subdivision in connection with its operation of a public transportation system acquired in whole or in part from private ownership after 1936 and prior to 1951 does not constitute covered transportation service, if substantially all service in connection with the operation of the transportation system was, on December 31, 1950, covered under a general retirement system providing benefits which are protected from diminution or impairment under the State constitution by reason of an express provision, dealing specifically with retirement systems established by the State or political subdivisions of the State, which forbids such diminution or impairment.

(iii) *Additions to certain transportation systems by acquisition after 1950.* This subdivision is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was acquired in whole or in part by a State or political subdivision thereof from private ownership after 1936 and prior to 1951 and then only in case service for such existing transportation system did not constitute covered transportation service by reason of the provisions of subdivision (ii) of this subparagraph. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who prior to the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(2) *Transportation systems in operation on December 31, 1950, no part of which was acquired after 1936 and prior to 1951*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, no service performed in the employ of a State or a political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if no part of such transportation system operated by the State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and prior to 1951.

(ii) *Additions acquired after 1950.* This subdivision is applicable only in case of an acquisition after 1950 from private ownership of an addition to an existing public transportation system which was operated by a State or political subdivision on December 31, 1950, but no part of which was acquired from private ownership after 1936 and prior to 1951. Service in connection with the operation of such transportation system (including any additions acquired after 1950) constitutes covered transportation service commencing with the first day of the third calendar quarter following the calendar quarter in which the addition to the existing transportation system was acquired, if such service is performed by an employee who became an employee of the State or political subdivision in connection with and at the time of its acquisition from private ownership of such addition and who prior to the acquisition of such addition rendered service in employment in connection with the operation of the addition so acquired by such State or political subdivision. However, service performed by such employee in connection with the operation of the transportation system does not constitute covered transportation service if, on the first day of the third calendar quarter following the calendar quarter in which the addition was acquired, such service is covered by a general retirement system which does not, with respect to such employee, contain special provisions applicable only to employees who became employees of the State or political subdivision in connection with and at the time of its acquisition of such addition.

(3) *Transportation systems acquired after 1950.* All service performed in the employ of a State or political subdivision thereof in connection with its operation of a public transportation system constitutes covered transportation service if the transportation system was not operated by the State or political subdivision prior to 1951 and, at the time of its first acquisition after 1950 from private ownership of any part of its transportation system, the State or political subdivision did not have a general retirement system covering substantially all service performed in connection with the operation of the transportation system.

(4) *Definitions.* For the purposes of paragraph (b) of this section—

(i) The term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision thereof for employees of the State, political subdivision, or both; but such term does not include such a fund or system which covers only service performed in positions connected with the operation of its public transportation system.

(ii) A transportation system or a part thereof is considered to have been acquired by a State or political subdivision from private ownership if prior to the acquisition service performed by employees in connection with the operation of the system or an acquired part thereof constituted employment under the act or was covered by an agreement entered into between a State and the Federal Security Administrator pursuant to section 218 of the Social Security Act, and some of such employees became employees of the State or political subdivision in connection with and at the time of such acquisition.

(iii) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

(iv) The term "employment" includes service covered by an agreement entered into between a State and the Federal Security Administrator pursuant to section 218 of the Social Security Act.

SECTION 1426 (b) (9) (A) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(9) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; (Sec. 1426 (b) (9) (A), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

§ 403.215 *Ministers of churches and members of religious orders.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, are excepted from employment. The duties of ministers include the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination.

SECTION 1426 (b) (9) (B) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(9) (B) Service performed in the employ of a religious, charitable, educational, or other organization exempt from income tax under section 101 (6), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to subsection (l), is in effect if such service is performed by an employee (i) whose signature appears on the list filed by such organization under subsection (l), or (ii) who became an employee of such organization after the calendar quarter in which the certificate was filed. (Sec. 1426 (b) (9) (B), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

SECTION 101 OF THE INTERNAL REVENUE CODE

EXEMPTIONS FROM TAX ON CORPORATIONS

Except as provided in supplement U, the following organizations shall be exempt from taxation under this chapter [chapter 1—income tax]—

• • • • •

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation. For loss of exemption under certain circumstances, see sections 3813 and 3814;

• • • • •

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes. (Sec. 101, I. R. C., as amended, effective with respect to taxable years beginning after December 31, 1950, by secs. 301 (b), (c) (1), 303, 332 (c), Revenue Act of 1950, 64 Stat. 953, 954, 959.)

SECTION 11 (b) OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 (64 STAT. 997)

No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

SECTION 1426 (l) OF THE ACT

EXEMPTION OF RELIGIOUS, CHARITABLE, ETC., ORGANIZATIONS

(1) *Waiver of exemption by organization.* An organization exempt from income tax under section 101 (6) may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this subchapter) certifying that it desires to have the insurance system established by title II of the Social Security Act extended to service performed by its employees and that at least two-thirds of its employees concur in the filing of the certificate. Such certificate may be filed only if it is accompanied by a list containing the signature, address, and social security account number (if any) of each employee who concurs in the filing of the certificate. Such list may be amended, at any time prior to the expiration of the first month following the first calendar quarter for which the certificate is in effect, by filing with such official a supplemental list or lists containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate. The list and any supplemental list shall be filed in such form and manner as may be prescribed by regulations made under this subchapter. The certificate shall be in effect (for the purposes of subsection (b) (9) (B) and for the purposes of section 210 (a) (9) (B) of the Social Security Act) for the period beginning with the first day following the close of the calendar quarter in which such certificate is filed, but in no case shall such period begin prior to January 1, 1951. The period for which the certificate is effective may be terminated by the organization, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the certificate has been in effect for a period of not less than eight years. The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner, and with such official, as may be prescribed by regulations made under this subchapter.

(2) *Termination of waiver period by Commissioner.* If the Commissioner finds that any organization which filed a certificate pursuant to this subsection has failed to comply substantially with the requirements of this subchapter or is no longer able to comply therewith, the Commissioner shall give such organization not less than sixty days' advance notice in writing that the period covered by such certificate will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Commissioner by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the organization. No notice of termination or of revocation thereof shall be given under this paragraph to an organization without the prior concurrence of the Federal Security Administrator.

(3) *No renewal of waiver.* In the event the period covered by a certificate filed pursuant to this subsection is terminated by the organization, no certificate may again be filed by such organization pursuant to this subsection. (Sec. 1426 (l), I. R. C., as added by sec. 204 (e), (g), Social Security Act Amendments of 1950, 64 Stat. 535, 536.)

§ 403.216 *Religious, charitable, educational, or other organizations exempt from income tax under section 101 (6) of the Internal Revenue Code*—(a) *In general.* (1) Services performed by an employee in the employ of a religious, charitable, educational, or other organization exempt from income tax under section 101 (6) of the Internal Revenue Code are excepted from employment. However, this exception does not apply to services performed during the period for which a certificate, filed pursuant to section 1426 (l) of the act, is in effect if such services are performed by an employee (i) whose signature appears on the list filed by such organization under section 1426 (l) of the act, or (ii) who became an employee of such organization after the calendar quarter in which the certificate was filed.

(2) See § 403.215, relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 403.218, relating to services performed in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code; § 403.219, relating to services performed in the employ of a school, college, or university by certain students; and § 403.222, relating to services performed by certain student nurses and hospital internes.

(b) *Waiver under section 1426 (l) of the Act of exemption from taxes*—(1) *Who may waive exemption.* (i) Any organization exempt from income tax under section 101 (6) of the Internal Revenue Code may waive its exemption from the taxes imposed under the act by filing a certificate on Form SS–15, provided that at least two-thirds of the employees of the organization concur in the filing of the certificate. The organization must be exempt from income tax under section 101 (6) for the taxable year in which the certificate is filed; otherwise, the Form SS–15 filed by the organization is void.

(ii) If the period covered by the certificate is terminated by the organization, no certificate may again be filed by the organization under section 1426 (l) of the act.

(2) *Form and effect of waiver.* (i) The certificate on Form SS–15 shall be filed with the collector for the district in which is located the principal office or

principal place of business of the organization. The organization shall certify in the certificate that it desires to have the insurance system established by title II of the Social Security Act extended to services performed by its employees and that at least two-thirds of its employees, determined on the basis of the facts existing as of the date the certificate is filed, concur in the filing of the certificate.

(ii) All individuals who are employees of the organization within the meaning of section 1426 (d) of the act (see § 408.-204) shall be included in determining whether two-thirds of the employees of the organization concur in the filing of the certificate; except that there shall not be included (*a*) those employees who at the time of the filing of the certificate are performing for such organization services only of the character specified in paragraphs (9) (A), (11) (B), and (14) of section 1426 (b) of the act (see §§ 408.215, 408.219, and 408.222, respectively) and (*b*) those alien employees who at the time of the filing of the certificate are performing services for such organization under an arrangement which provides for the performance only of services outside the United States not on or in connection with an American vessel or American aircraft. As used in the preceding sentence, the term "alien employee" does not include an employee who is a citizen of Puerto Rico or of the Virgin Islands, and the term "United States" includes Puerto Rico and the Virgin Islands.

(iii) The certificate may be filed only if it is accompanied by a list on Form SS–15a, containing the signature, address, and social security account number (if any) of each employee who concurs in the filing of the certificate. The list accompanying the certificate may be amended, at any time prior to the expiration of the first month following the first calendar quarter for which the certificate is in effect, by filing a supplemental list or lists on Form SS–15a Supplement, containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate.

(iv) The certificate shall be in effect for the period beginning with the first day following the close of the calendar quarter in which the certificate is filed, but in no case shall the effective period begin prior to January 1, 1951. Thus, if the certificate is filed on or before December 31, 1950, it will be in effect with respect to services performed in the employ of the organization on and after January 1, 1951. For provisions relating to termination of the waiver, see subparagraphs (3) and (4) of this paragraph. The certificate is not terminated if the organization loses its exemption under section 101 (6) of the Internal Revenue Code, but continues effective with respect to any subsequent periods during which the organization is so exempt.

(v) Services performed in the employ of an organization which has duly filed a certificate are not excepted from employment under section 1426 (b) (9) (B) of the act, during the period for which the certificate is in effect, if such services are performed by an employee (*a*) whose signature appears on the list filed by the organization on Form SS–15a, or on Form SS–15a Supplement, or (*b*) who becomes an employee of the organization after the calendar quarter in which the certificate is filed. Consequently, the taxes imposed under the act will apply to the organization and to each employee whose services constitute employment and whose signature appears on the accompanying list or on any supplemental list or lists filed within the prescribed time, commencing with the first day following the close of the calendar quarter in which the certificate is filed. Such taxes will also apply immediately with respect to services which constitute employment performed by any individual who enters the employ of the organization on or after the first day following the close of the calendar quarter in which the certificate is filed. A former employee of the organization who is rehired after the certificate becomes effective shall be considered to have entered the employ of the organization after the effective date of the certificate, regardless of whether or not such individual concurred in the filing of the certificate.

(3) *Termination of waiver by organization.* (i) The period for which the certificate is in effect may be terminated by the organization upon giving two years' advance notice in writing to the collector with whom the organization is filing returns of its desire to terminate the effect of the certificate at the end of a specified calendar quarter, but only if, at the time of the receipt of such notice by the collector, the certificate has been in effect for a period of not less than eight years. The notice of termination shall be signed by the president or other principal officer of the organization. Such notice shall be dated and shall show (*a*) the title of the officer signing the notice, (*b*) the name, address, and identification number of the organization, (*c*) the collector with whom the certificate was filed, (*d*) the date on which the certificate became effective, and (*e*) the date on which the certificate is to be terminated. No particular form is prescribed for the notice of termination.

(ii) In computing the effective period which must precede the date of receipt of the notice of termination, there shall be disregarded any period or periods as to which the organization is not exempt from income tax under section 101 (6) of the Internal Revenue Code.

(iii) The notice of termination may be revoked by the organization by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. The notice of revocation shall be filed with the collector with whom the notice of termination was filed. The notice of revocation shall be signed by the president or other principal officer of the organization. Such notice shall be dated and shall show (*a*) the title of the officer signing the notice, (*b*) the name, address, and identification number of the organization, and (*c*) the date of the notice of termination to be revoked. No particular form is prescribed for the notice of revocation.

(4) *Termination of waiver by Commissioner.* (i) The period for which the certificate is in effect may be terminated by the Commissioner, with the prior concurrence of the Federal Security Administrator, upon a finding by the Commissioner that the organization has failed to comply substantially with the requirements of the act or is no longer able to comply therewith. The Commissioner shall give the organization not less than sixty days' advance notice in writing that the period covered by the certificate will terminate at the end of the calendar quarter specified in the notice of termination.

(ii) The notice of termination may be revoked by the Commissioner, with the prior concurrence of the Federal Security Administrator, by giving written notice of revocation to the organization prior to the close of the calendar quarter specified in the notice of termination.

SECTION 1426 (b) (10) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(10) Service performed by an individual as an employee or employee representative as defined in section 1532; (Sec. 1426 (b) (10), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

SECTION 1532 OF THE INTERNAL REVENUE CODE

DEFINITIONS

As used in this subchapter [subchapter B, chapter 9, Internal Revenue Code]—

(a) *Employer.* The term "employer" means any carrier (as defined in subsection (h) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other association, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities.

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(c) *Employee representative.* The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 193', was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, 44 Stat. 577 (U. S. C., Title 45, c. 18), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) *Service.* An individual is in the service of an employer whether his service is rendered within or without the United States if (i) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date.

(e) *Compensation.* The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned before April 1, 1940, and the taxes thereon under such sections, are not paid before July 1, 1940, or (2) such compensation is earned after March 31, 1940.

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

(f) *United States.* The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) *Company.* The term "company" includes corporations, associations, and joint-stock companies.

(h) *Carrier.* The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

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(Sec. 1532, I. R. C., as amended by sec. 3, Act of June 11, 1940, 54 Stat. 264; sec. 1, Act of Aug. 13, 1940, 54 Stat. 785; sec. 27 (a), Act of Oct. 10, 1940, 54 Stat. 1101; sec. 14, Act of Apr. 8, 1942, 56 Stat. 209; secs. 1, 3 (e), (f), Act of July 31, 1946, 60 Stat. 722, 724, 725.)

§ 408.217 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code.* Services performed by an individual as an "employee" or as an "employee representative", as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal Revenue Code, are excepted from employment. (For definitions of employee and employee representative, see such section and the regulations issued pursuant to such subchapter B.)

SECTION 1426 (b) (11) (A) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(11) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 101, if the remuneration for such service is less than $50; (Sec. 1426 (b) (11) (A), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

SECTION 101 OF THE INTERNAL REVENUE CODE

EXEMPTIONS FROM TAX ON CORPORATIONS

Except as provided in supplement U, the following organizations shall be exempt from taxation under this chapter [chapter 1—income tax]—

(1) Labor, agricultural, or horticultural organizations;

(2) Mutual savings banks not having a capital stock represented by shares;

(3) Fraternal beneficiary societies, orders, or associations, (A) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (B) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation. For loss of exemption under certain circumstances, see sections 3813 and 3814;

(7) Business leagues, chambers of commerce, real-estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

(10) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

(11) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) does not exceed $75,000;

(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph;

(13) Corporations organized by an association exempt under the provisions of paragraph (12), or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, upon dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose;

(14) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this chapter;

(15) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such Act, as amended and supplemented, such corporations are exempt from Federal income taxes;

(16) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses;

(17) Teachers' retirement fund associations of a purely local character, if (A) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and (B) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments;

(18) Religious or apostolic associations or corporations, if such associations or corporations have a common treasury or community treasury, even if such associations or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro-rata shares, whether distributed or not, of the net income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received;

(19) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (A) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (B) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes. (Sec. 101, I. R. C., as amended by sec. 217, Revenue Act of 1939, 53 Stat. 876; secs. 101, 137 (a), 165 (a), Revenue Act of 1942, 56 Stat. 802, 836, 872; and as amended, effective with respect to taxable years beginning after December 31, 1950, by secs. 301 (b), (c) (1), 303, 332 (c), Revenue Act of 1950, 64 Stat. 953, 954, 959.)

SECTION 11 (b) OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 (64 STAT. 997)

No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7.

§ 408.218 *Organizations exempt from income tax; remuneration less than $50 for calendar quarter.* (a) Services performed by an employee in a calendar quarter in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code are excepted from employment, if the remuneration for the services is less than $50. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

Example (1). X is a local lodge of a fraternal organization and is exempt from income tax under section 101 (3) of the Internal Revenue Code. X has two paid employees, A, who serves exclusively as recording secretary for the lodge, and B, who performs services for the lodge as janitor of its clubhouse. For services performed during the first calendar quarter of 1951 (that is, January 1, 1951, through March 31, 1951, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $180. Since the remuneration for the services performed by A during such quarter is less than $50, all of such services are excepted, and the tax does not attach with respect to any of the remuneration for such services. Since the remuneration for the services performed by B during such quarter, however, is not less than $50, none of such services are excepted, and the tax attaches with respect to all of the remuneration for such services (that is, $180) as and when paid.

Example (2). The facts are the same as in example (1), above, except that on April 1, 1951, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, April 1, 1951, through June 30, 1951, both dates inclusive), A earns a total of $60. Although all of the services performed by A during the first quarter were excepted, none of A's services performed during the second quarter are excepted since the remuneration for such services is not less than $50. The tax attaches with respect to all of the remuneration for services performed during the second quarter (that is, $60) as and when paid.

Example (3). The facts are the same as in example (1), above, except that A earns $120 for services performed during the year 1951, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter is less than $50. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year is not less than $50, the services during that quarter are not excepted, and the tax attaches with respect to that portion of the remuneration attributable to his services in that quarter. The test is the amount earned in a calendar quarter and not the amount paid in a calendar quarter.

(b) See § 408.216, relating to services performed in the employ of religious, charitable, educational, and other organizations exempt from income tax under section 101 (6) of the Internal Revenue Code; § 408.215, relating to services performed by a minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; § 408.219, relating to services performed in the employ of a school, college, or university by certain students; and § 408.222, relating to services performed by certain student nurses and hospital internes.

SECTION 1426 (b) (11) (B) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(11) (B) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university; (Sec. 1426 (b) (11) (B), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531).

§ 408.219 *Students employed by schools, colleges, or universities.* (a) Services performed in the employ of a school, college, or university (whether or not such organization is exempt from income tax under section 101 of the Internal Revenue Code) are excepted from employment, if the services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(b) For purposes of this exception, the amount of remuneration for services performed by the employee in the calendar quarter, the type of services performed by the employee, and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed, and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

(c) The status of the employee as a student performing the services shall be determined on the basis of the relationship of such employee with the organization for which the services are performed. An employee who performs services in the employ of a school, college, or university as an incident to and for the purpose of pursuing a course of study at such school, college, or university has the status of a student in the performance of such services.

(d) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense.

(e) For provisions relating to domestic service performed by a student in a local college club, or local chapter of a college fraternity or sorority, see § 408.209.

SECTION 1426 (b) (12) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(12) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative); (Sec. 1426 (b) (12), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

§ 408.220 *Foreign governments.* (a) Services performed by an employee in the employ of a foreign government are excepted from employment. The exception includes not only services performed by ambassadors, ministers, and other diplomatic officers and employees but also services performed as a consular or other officer or employee of a foreign government, or as a nondiplomatic representative thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

SECTION 1426 (b) (13) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(13) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof: (Sec. 1426 (b) (13), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

§ 408.221 *Wholly owned instrumentalities of a foreign government.* (a) Services performed by an employee in the employ of certain instrumentalities of a foreign government are excepted from employment. The exception includes all services performed in the employ of an instrumentality of the government of a foreign country, if:

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

(b) For purposes of this exception, the citizenship or residence of the employee is immaterial.

SECTION 1426 (b) (14) OF THE ACT

The term "employment" means • • • any service, of whatever nature, performed after 1950 • • •; except that • • • such term shall not include—

(14) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to State law; (Sec. 1426 (b) (14), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

§ 408.222 *Student nurses and hospital internes.* (a) Services performed as a student nurse in the employ of a hospital

or a nurses' training school are excepted from employment, if the student nurse is enrolled and regularly attending classes in a nurses' training school, and such nurses' training school is chartered or approved pursuant to State law.

(b) Services performed as an interne (as distinguished from a resident doctor) in the employ of a hospital are excepted from employment, if the interne has completed a four years' course in a medical school chartered or approved pursuant to State law.

SECTION 1426 (b) (15) OF THE ACT

The term "employment" means * * * any service, of whatever nature, performed after 1950 * * *; except that * * * such term shall not include—

(15) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States); (Sec. 1426 (b) (15), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 531.)

§ 408.223 *Fishing*—(a) *In general.* Subject to the limitations prescribed in paragraphs (b) and (c) of this section, the services described in this paragraph are excepted from employment. Services performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish (for example, oysters, clams, and mussels), crustacea (for example, lobsters, crabs, and shrimps), sponges, seaweeds, or other aquatic forms of animal and vegetable life are excepted from employment. The exception extends to services performed as an officer or member of the crew of a vessel while the vessel is engaged in any such activity whether or not the officer or member of the crew is himself so engaged. In the case of an individual who is engaged in any such activity in the employ of any person, the services performed, by such individual in the employ of such person, as an ordinary incident to any such activity are also excepted from employment. Similarly, for example, the shore services of an officer or member of the crew of a vessel engaged in any such activity are excepted if such services are an ordinary incident to any such activity. Services performed as an ordinary incident to any such activity may include, for example, services performed in such cleaning, icing, and packing of fish as are necessary for the immediate preservation of the catch.

(b) *Salmon and halibut fishing.* Services performed in connection with the catching or taking of salmon or halibut, for commercial purposes, are not within the exception. Thus, neither the services of an officer or member of the crew of a vessel (irrespective of its tonnage) which is engaged in the catching or taking of salmon or halibut, for commercial purposes, nor the services of any other individual in connection with such activity, are within the exception.

(c) *Vessels of more than 10 net tons.* Services described in paragraph (a) of this section performed on or in connection with a vessel of more than 10 net tons are not within the exception. For purposes of the exception, the tonnage of the vessel shall be determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

SECTION 1426 (b) (16) OF THE ACT

The term "employment" means * * * any service, of whatever nature, performed after 1950 * * *; except that * * * such term shall not include—

(16) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or (Sec. 1426 (b) (16), I. R. C., as amended by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 532.)

§ 408.224 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph (A) of section 1426 (b) (16) of the act excepts from employment certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception is dealt with in paragraph (b) of this section. Subparagraph (B) of section 1426 (b) (16) excepts from employment certain services in the sale of newpapers or magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted from employment. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted from employment. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted from employment. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

SECTION 1426 (b) (17) OF THE ACT

The term "employment" means * * * any service, of whatever nature, performed after 1950 * * *; except that * * * such term shall not include—

(17) Service performed in the employ of an international organization. (Sec. 1426 (b) (17), I. R. C., as added by sec. 204 (a), Social Security Act Amendments of 1950, 64 Stat. 532.)

SECTION 3797 (a) (18) OF THE INTERNAL REVENUE CODE

INTERNATIONAL ORGANIZATION

The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act. (Sec. 3797 (a) (18), I. R. C., as added by sec. 4 (1), Act of Dec. 29, 1945, 59 Stat. 671.)

SECTION 1 OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

[Title I, Act of Dec. 29, 1945, 59 Stat. 669]

For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 408.225 *International organizations.* Subject to the provisions of section 1 of the International Organizations Immunities Act, services performed in the employ of an international organization as defined in section 3797 (a) (18) of the Internal Revenue Code are excepted from employment.

SECTION 1426 (a) OF THE ACT

WAGES

The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $3,600 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $3,600 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraph of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical or hospitalization expenses in connection with sickness or accident disability, or (D) death;

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6);

(6) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400, or (B) of any payment required from an employee under a State unemployment compensation law;

(7) (A) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business or for domestic service in a private home of the employer;

(B) Cash remuneration paid by an employer in any calendar quarter to an employee for domestic service in a private home of the employer, if the cash remuneration paid in the quarter for such service is less than $50 or the employee is not regularly employed by the employer in such quarter of payment. For the purposes of this subparagraph, an employee shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during the quarter the employee performs for the employer for some portion of the day domestic service in a private home of the employer, or (ii) the employee was regularly employed (as determined under clause (i)) by the employer in the performance of such service during the preceding calendar quarter. As used in this subparagraph, the term "domestic service in a private home of the employer" does not include service described in subsection (h) (5);

(8) Remuneration paid in any medium other than cash for agricultural labor;

(9) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which such payment is made; or

(10) Remuneration paid by an employer in any calendar quarter to an employee for service described in subsection (d) (3) (C) (relating to home workers), if the cash remuneration paid in such quarter by the employer to the employee for such service is less than $50. (Sec. 1426 (a), I. R. C., as amended by sec. 203 (a), (d), Social Security Act Amendments of 1950, 64 Stat. 525, 528.)

SECTION 1426 (j) OF THE ACT

COMPUTATION OF WAGES IN CERTAIN CASES

For purposes of this subchapter, in the case of domestic service described in subsection (a) (7) (B), any payment of cash remuneration for such service which is more or less than a whole-dollar amount shall, under such conditions and to such extent as may be prescribed by regulations made under this subchapter, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. The amount of any payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of subsection (a) (7) (B). (Sec. 1426 (j), I. R. C., as amended by sec. 204 (c), (g), Social Security Act Amendments of 1950, 64 Stat. 536, 536.)

SECTION 1420 (c) OF THE ACT

FEDERAL SERVICE

In the case of the taxes imposed by this subchapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, the determination whether an individual has performed service which constitutes employment as defined in section 1426, the determination of the amount of remuneration for such service which constitutes wages as defined in such section, and the return and payment of the taxes imposed by this subchapter, shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 1410 with respect to such service without regard to the $3,600 limitation in section 1426 (a) (1), and he shall not be required to obtain a refund of the tax paid under section 1410 on that part of the remuneration not included in wages by reason of section 1426 (a) (1). The provisions of this subsection shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this subsection the Secretary of Defense shall be deemed to be the head of such instrumentality. (Sec. 1420 (c), I. R. C., as added by sec. 202 (b), (d), Social Security Act Amendments of 1950, 64 Stat. 524, 525.)

SECTION 1427 OF THE ACT

DEDUCTIONS AS CONSTRUCTIVE PAYMENTS

Whenever under this subchapter or any Act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for the purposes of this subchapter the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

§ 408.226 *Wages*—(a) *In general.* (1) Whether remuneration paid on or after January 1, 1951, for employment performed after December 31, 1936, constitutes wages is determined under section 1426 (a) of the act. This section of the regulations in this part and § 408.227 (relating to exclusions from wages) apply with respect only to remuneration paid on or after January 1, 1951, for employment performed after December 31, 1936. Whether remuneration paid after December 31, 1936, and prior to January 1, 1940, for employment performed after December 31, 1936, constitutes wages shall be determined in accordance with the applicable provisions of Part 401 of this chapter (Regulations 91). Whether remuneration paid after December 31, 1939, and prior to January 1, 1951, for employment performed after December 31, 1936, constitutes wages shall be determined in accordance with the applicable provisions of Part 402 of this chapter (Regulations 106).

(2) The term "wages" means all remuneration for employment unless specifically excepted under section 1426 (a) of the act (see § 408.227).

(3) The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums, are wages within the meaning of the act if paid as compensation for employment.

(4) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually.

(5) Generally the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. Remuneration paid in items other than cash shall be computed on the basis of the fair value of such items at the time of payment. See, however, paragraphs (g) and (j) of § 408.227, relating to the treatment of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, for domestic service in a private home of the employer, for agricultural labor, or for services described in section 1426 (d) (3) (C) (relating to home workers).

(6) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as remuneration for employment if such facilities or privileges are of relatively small valve and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges", however, does not ordinarily include the value of meals or lodging furnished, for example, to restaurant or hotel employees, or to seamen or other employees aboard vessels, since generally these items constitute an appreciable part of the total remuneration of such employees.

(7) Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(8) Remuneration for employment, unless such remuneration is specifically excepted under section 1426 (a), constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example. A is employed by B during the month of January 1951 in employment and is entitled to receive remuneration of $100 for the services performed for B, the employer, during the month. A leaves the employ of B at the close of business on January 31, 1951. On February 15, 1951 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the act, and the tax is payable with respect thereto.

(b) *Certain items included as wages*—(1) *Vacation allowances.* Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(2) *Deductions by an employer from wages of an employee.* The amount of any tax which is required by section 1401 (a) of the act to be deducted by the employer from the wages of an employee is considered to be a part of the employee's wages, and is deemed to be paid to the employee as wages at the time that the deduction is made. Other amounts deducted from the wages of an employee by an employer also constitute wages paid to the employee at the time of the deduction. It is immaterial that the act, or any act of Congress, or the law of any State, requires or permits such deductions and the payment of the amount thereof to the United States, a State, or any political subdivision thereof.

§ 408.227 *Exclusions from wages*—(a) *$3,600 limitation*—(1) *In general.* (i) The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1950, by an employer to an employee which exceeds the first $3,600 of remuneration (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (k) of this section) paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1936.

(ii) The $3,600 limitation applies only if the remuneration received during any one calendar year by an employee from the same employer for employment performed after 1936 exceeds $3,600. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example (1). Employee A, in 1951, receives $3,000 from employer B on account of $3,500 due him for employment performed in 1951. In 1952 A receives from employer B the balance of $500 due him for employment performed in the prior year (1951), and thereafter in 1952 also receives $3,500 for employment performed in 1952 for employer B. The $3,000 received in 1951 is subject to tax in 1951. The balance of $500 received in 1952 for employment during 1951 is subject to tax in 1952, as is also the first $3,100 paid of the $3,500 for employment during 1952 (this $500 for 1951 employment added to the first $3,100 paid for 1952 employment constitutes the maximum wages which could be received by A in 1952 from any one employer). The final $400 received by A from B in 1952 is not included as wages and is not subject to the tax.

(iii) If during a calendar year the employee receives remuneration from more than one employer, the limitation of wages to the first $3,600 of remuneration received applies, not to the aggregate remuneration received from all employers with respect to employment performed after 1936, but instead to the remuneration received during such calendar year from each employer with respect to employment performed after 1936. In such case the first $3,600 received during the calendar year from each employer constitutes wages and is subject to the tax, even though, under section 1401 (d) of the act, the employee may be entitled to a refund of any amount of employee tax deducted from his wages which exceeds the employee tax with respect to the first $3,600 of wages received during the calendar year from all employers. (In this connection and in connection with the two examples immediately following, see section 408.802, relating to special refunds of employee tax on wages over $3,600. In connection with the application of the $3,600 limitation, see also subparagraph (2) of this paragraph, relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.)

Example (2). During 1951 employee C receives from employer D a salary of $600 a month for employment performed for D during the first seven months of 1951, or total remuneration of $4,200. At the end of the sixth month C has received $3,600 from employer D, and only that part of his total remuneration from D constitutes wages subject to the tax. The $600 received by employee C from employer D in the seventh month is not included as wages and is not subject to the tax. At the end of the seventh month C leaves the employ of D and enters the employ of E. C receives remuneration of $720 a month from employer E in each of the remaining five months of 1951, or total remuneration of $3,600 from employer E. The entire $3,600 received by C from employer E constitutes wages and is subject to the tax. Thus, the first $3,600 received from employer D and the entire $3,600 received from employer E constitute wages.

Example (3). During the calendar year 1951 F is simultaneously an officer (an employee) of the X Corporation, the Y Corporation, and the Z Corporation and during such year receives a salary of $3,600 from each corporation. Each $3,600 received by F from each of the corporations X, Y, and Z (whether or not such corporations are related) constitutes wages and is subject to the tax.

(2) *Wages paid by predecessor attributed to successor.* (i) If an employer (hereinafter referred to as a successor) during any calendar year beginning after December 31, 1950, acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the $3,600 limitation set forth in subparagraph (1) of this paragraph, any remuneration (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (k) of this section) with respect to employment paid (or considered under this

provision as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor.

(ii) The wages paid, or considered as having been paid, by a predecessor to an employee shall, for purposes of the $3,600 limitation, be treated as having been paid to such employee by a successor, if:

(a) The successor during a calendar year acquired substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of the predecessor;

(b) Such employee was employed in the trade or business of the predecessor immediately prior to the acquisition and is employed by the successor in his trade or business immediately after the acquisition; and

(c) Such wages were paid during the calendar year in which the acquisition occurred and prior to such acquisition.

(iii) The method of acquisition of the property is immaterial. The acquisition may occur as a consequence of a corporate merger or consolidation, the incorporation of a business by a sole proprietor or a partnership, the continuance of the business without interruption by a new partnership resulting from the death or retirement of a former partner or the admission of a new partner, or a purchase or any other transaction whereby substantially all the property used in a trade or business, or used in a saparate unit of a trade or business, of one employer is acquired by another employer.

(iv) Substantially all the property used in a separate unit of a trade or business may consist of substantially all the property used in the performance of an essential operation of the trade or business, or it may consist of substantially all the property used in a relatively self-sustaining entity which forms a part of the trade or business.

Example (1). The M Corporation which is engaged in the manufacture of automobiles, including the manufacture of automobile engines, discontinues the manufacture of the engines and transfers all the property used in such manufacturing operation to the N Company. The N Company is considered to have acquired a separate unit of the trade or business of the M Corporation, namely, its engine manufacturing unit.

Example (2). The R. Corporation which is engaged in the operation of a chain of grocery stores transfers one of such stores to the S Company. The S Company is considered to have acquired a separate unit of the trade or business of the R Corporation.

(v) A successor may receive credit for wages paid to an employee by a predecessor only if immediately prior to the acquisition the employee was employed by the predecessor in his trade or business which was acquired by the successor and if immediately after the acquisition such employee is employed by the successor in his trade or business (whether or not in the same trade or business in which the acquired property is used). If the acquisition involves only a separate unit of a trade or business of the predecessor, the employee need not have been employed by the predecessor in that unit provided he was employed in the trade or business of which the acquired unit was a part.

(vi) The application of the foregoing provisions may be illustrated by the following example:

Example (3). The Y Corporation in 1951 acquires all the property of the X Manufacturing Company and immediately after the acquisition employs in its trade or business employee A, who, immediately prior to the acquisition, was employed by the X Company. The X Company has in 1951 (the calendar year in which the acquisition occurs) and prior to the acquisition paid $2,000 of wages to A. The Y Corporation in 1951 pays to A remuneration with respect to employment of $2,000. Only $1,600 of such remuneration is considered to be wages. For the purposes of the $3,600 limitation, the Y Corporation is credited with the $2,000 paid to A by the X Company. If, in the same calendar year, the property is acquired by the Z Company from the Y Corporation and A immediately after the acquisition is employed by the Z Company in its trade or business, no part of the remuneration paid to A by the Z Company in the year of the acquisition will be considered to be wages. The Z Company will be credited with the remuneration paid to A by the Y Corporation and also with the wages paid to A by the X Company (considered for purposes of the application of the $3,600 limitation as having also been paid by the Y Corporation).

(vii) Where a corporation exempt from income tax under section 101 (6) of the Internal Revenue Code files a certificate pursuant to section 1426 (l) of the act waiving its exemption from the taxes imposed by the act, the activity in which such corporation is engaged is considered to be its trade or business for the purpose of determining whether the transferred property was used in the trade or business of the predecessor and for the purpose of determining whether the employment by the predecessor and the successor of an individual whose services were retained by the successor constitute employment in a trade or business. Thus, if a charitable or religious organization, subject to tax by virtue of its certificate, acquires all the property of another such organization likewise subject to tax and retains the services of employees of the predecessor, wages paid to such employees by the predecessor in the year of the acquisition (and prior to such acquisition) will be attributed to the successor for purposes of the $3,600 limitation.

(b) *Employers' plans providing for payments on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(i) An employee's retirement,

(ii) Sickness or accident disability of an employee or any of his dependents,

(iii) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents, or

(iv) Death of an employee or any of his dependents.

(2) The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(3) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(4) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

(c) *Retirement payments.* The term "wages" does not include any payment made by an employer to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

(d) *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or accident disability, if such payment is made after the expiration of six calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

(e) *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(1) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) of the Internal Revenue Code or the annuity plan meets the requirements of section 165 (a) (3), (4), (5), and (6) of the Internal Revenue Code; or

(2) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) of the Code or the annuity plan meets

the requirements of section 165 (a) (3), (4), (5), and (6) of the Code.

A payment made to an employee of a trust exempt from tax under section 165 (a) of the Code for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exclusion from wages.

(f) *Payment by an employer of employees' tax or employees' contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either (1) the employee tax imposed by section 1400 of the act, or (2) any payment required from an employee under a State unemployment compensation law.

(g) *Payments other than in cash for certain types of services.* (1) The term "wages" does not include remuneration paid in any medium other than cash (i) for services not in the course of the employer's trade or business, (ii) for domestic service in a private home of the employer, or (iii) for agricultural labor. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes, farm products, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for services other than those mentioned in (i), (ii), and (iii) of this subparagraph does not come within this exclusion from wages.

(2) For provisions relating to the circumstances under which services not in the course of the employer's trade or business or agricultural labor does not constitute employment, see §§ 408.210 and 408.208, respectively. For provisions relating to the circumstances under which cash remuneration for domestic service in a private home of the employer or for industrial home work does not constitute wages, see paragraphs (h) and (j) of this section, respectively.

(h) *Cash payments for domestic service.* (1) The term "wages" does not include cash remuneration paid in any calendar quarter by an employer to an employee for domestic servcie in a private home of the employer unless—

(i) The cash remuneration paid by the employer to the employee in the calendar quarter for such service is $50 or more; and

(ii) Such employee is regularly employed by such employer in the calendar quarter in which the payment is made.

Unless the tests set forth in subdivisions (i) and (ii) of this subparagraph, are met, cash remuneration for domestic service in a private home of the employer is excluded from wages.

(2) Services of a household nature performed by an employee in or about a private home of the person by whom he is employed constitute domestic service in a private home of the employer. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is utilized primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Remuneration for the services above enumerated is not within this exclusion from wages unless performed in or about a private home of the employer. Remuneration for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, is not within this exclusion from wages.

(3) The test relating to cash remuneration of $50 or more is based on the remuneration paid in a calendar quarter rather than on the remuneration earned during a calendar quarter. Furthermore, in determining whether $50 or more has been paid for domestic service in a private home of the employer, only cash remuneration for such service shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(4) For purposes of this exclusion, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(i) Such individual performs domestic service in a private home of such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(ii) Such individual was regularly employed (as determined under subdivision (i)) in the performance of domestic service in a private home of such employer during the preceding calendar quarter (including the last calendar quarter of 1950).

(5) In determining whether an employee has performed domestic service in a private home of the employer on at least 24 days during a calendar quarter, there shall be counted as one day—

(i) Any day or portion thereof on which the employee actually performs such service; and

(ii) Any day or portion thereof on which the employee does not perform domestic service in a private home of the employer but with respect to which remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation.

An employee who reports for work and, at the direction of his employer, holds himself in readiness to perform domestic service in a private home of the employer shall be considered to be engaged in the actual performance of such service. For purposes of this exclusion, a day is a period of 24 hours commencing at midnight and ending at midnight.

(6) An employer may, for purposes of the act, elect to compute to the nearest dollar any payment of cash remuneration for domestic service in a private home of the employer which is more or less than a whole-dollar amount. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to one dollar. For example, any amount actually paid between $4.50 and $5.49, inclusive, may be treated as $5.00 for purposes of the act. If an employer elects this method of computation with respect to any payment of cash remuneration made in a calendar quarter for domestic service in his private home, he must use the same method in computing each payment of cash remuneration of more or less than a whole-dollar amount made to each of his employees in such calendar quarter for domestic service in his private home. Moreover, if an employer elects this method of computation with respect to payments of the prescribed character made in any calendar quarter, the amount of each payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of the regulations in this part. Thus, the amount of cash payments so computed to the nearest dollar shall be used for purposes of determining whether such payments constitute wages; for purposes of applying the employee and employer tax rates to the wage payments; for purposes of any required record keeping; and for purposes of reporting and paying the employee tax and employer tax with respect to such wage payments.

(7) Domestic service in a private home of the employer performed on a farm operated for profit and services not in the course of the employer's trade or business are not within this exclusion from wages. For provisions relating to domestic service in a private home of the employer performed on a farm operated for profit and services not in the course of the employer's trade or business, see §§ 408.208 and 408.210, respectively.

(8) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for domestic service in a private home of the employer, see paragraph (g) of this section.

(i) *Payments to stand-by employees.* The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee after the calendar month in which the employee attains age 65, if:

(1) Such employee does no work (other than being subject to call for the performance of work) for such employer in the period for which such payment is made; and

(2) The employer-employee relationship exists between the employer and employee throughout the period for which such payment is made.

Vacation or sick pay is not within this exclusion from wages. If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages. For example, if employee A is employed by the X Company on a standby basis and, after he has attained the age of 65, is paid $200 by the X Company for being subject to call during the month of January 1951 and an additional $25 for work performed for the X Company on one day during that month, then none of the $225 is excluded from wages under this exception.

(j) *Payments to certain home workers.* (1) The term "wages" does not include remuneration paid by an employer in any calendar quarter to an employee for services performed as a home worker who is an employee by reason of the provisions of section 1426 (d) (3) (C) of the act (see § 408.204 (d)), unless the cash remuneration paid in such quarter by the employer to the employee for such services is $50 or more. In the event an employee receives remuneration in any one calendar quarter from more than one employer for services performed as a home worker of the afore-mentioned character, this provision is to be applied with respect to the remuneration received by the employee from each employer in such calendar quarter for such services. This exclusion from wages has no application to remuneration for services performed by a home worker who is an employee by reason of the provisions of section 1426 (d) (2) of the act (see § 408.204 (c)).

(2) The test relating to cash remuneration of $50 or more is based on remuneration paid in a calendar quarter rather than on remuneration earned during a calendar quarter. If $50 or more of cash remuneration is paid in a particular calendar quarter, it is immaterial whether the $50 is in payment for services performed during the quarter of payment or during any previous quarter. Furthermore, the test requires that cash remuneration of $50 or more be paid for services performed by an employee as defined in section 1426 (d) (3) (C) of the act. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as clothing, car tokens, transportation passes or tickets, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met. If the cash remuneration paid by an employer in any calendar quarter for services performed by an employee as defined in section 1426 (d) (3) (C) of the act is $50 or more, then no remuneration, whether in cash or in any medium other than cash, paid by the employer to the employee in such calendar quarter for such services is excluded from wages under this exception.

(k) *Miscellaneous.* In addition to the exclusions specified in paragraphs (a) through (j) of this section, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 1426 (b) of the act;

(2) Remuneration for services which are deemed not to be employment under section 1426 (c) of the act; and

(3) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer.

SUBPART C—EMPLOYEE TAX

SECTION 1400 OF THE ACT

RATE OF TAX

In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 1426 (a)) received by him after December 31, 1936, with respect to employment (as defined in section 1426 (b)) after such date:

(1) With respect to wages received during the calendar years 1937 to 1949, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar years 1950 to 1953, both inclusive, the rate shall be 1½ per centum.

(3) With respect to wages received during the calendar years 1954 to 1959, both inclusive, the rate shall be 2 per centum.

(4) With respect to wages received during the calendar years 1960 to 1964, both inclusive, the rate shall be 2½ per centum.

(5) With respect to wages received during the calendar years 1965 to 1969, both inclusive, the rate shall be 3 per centum.

(6) With respect to wages received after December 31, 1969, the rate shall be 3¼ per centum. (Sec. 1400, I. R. C., as amended by sec. 1, Social Security Act Amendments of 1947, 61 Stat. 793; sec. 201 (a), Social Security Act Amendments of 1950, 64 Stat. 524.)

§ 408.301 *Measure of employee tax.* The employee tax is measured by the amount of wages actually or constructively received on or after January 1, 1951, with respect to employment on or after January 1, 1937. (See §§ 408.202 and 408.203, relating to employment, and §§ 408.226 and 408.227, relating to wages.)

§ 408.302 *Rates and computation of employee tax.* (a) The rates of employee tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For the calendar years 1954 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar year 1970 and subsequent calendar years	3¼

(b) The employee tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example. During 1953 A is an employee of B and is engaged in the performance of services which constitute employment (see § 408.203). In the following year, 1954, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2 percent rate in effect for the calendar year 1954 (the year in which the wages are received) and not at the 1½ percent rate which is in effect for the calendar year 1953 (the year in which the services are performed).

§ 408.303 *When employee tax attaches.* The employees tax attaches at the time that the wages are either actually or constructively received by the employee. Wages are constructively received when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute receipt in such a case the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time, and their receipt brought within his own control and disposition. (See § 408.403, relating to the time the employer tax attaches.)

SECTION 1401 (a) AND (b) OF THE ACT

DEDUCTION OF TAX FROM WAGES

(a) *Requirement.* The tax imposed by section 1400 shall be collected by the employer of the taxpayer, by deducting the amount of the tax from the wages as and when paid.

(b) *Indemnification of employer.* Every employer required so to deduct the tax shall be liable for the payment of such tax, and shall be indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

SECTION 3661 OF THE INTERNAL REVENUE CODE

ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

§ 408.304 *Collection of, and liability for, employee tax.* (a) The employer shall collect from each of his employees the employee tax with respect to wages for employment performed for the employer by the employee. The employer shall make the collection by deducting or causing to be deducted the amount of the employee tax from such wages as and when paid, either actually or constructively. The employer is required to collect the tax, notwithstanding the wages are paid in something other than money and to pay the tax to the collector in money. (As to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, for domestic service in a private home of the employer, or for agricultural labor, see § 408.227 (g).) In collecting employee tax, the employer shall disregard any fractional part of a cent of such tax unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. The employer is liable for the employee tax with respect to all wages paid by him to each of his employees whether or not it is collected from the employee. If, for example, the employer deducts less than the correct amount of tax, or if he fails to deduct any part of the tax, he is nev-

ertheless liable for the correct amount of the tax. Until collected from him the employee is also liable for the employee tax with respect to all the wages received by him. Any employee tax collected by or on behalf of an employer is a special fund in trust for the United States. The employer is indemnified against the claims and demands of any person for the amount of any payment of such tax made by the employer to the collector.

(b) Section 2707 of the Internal Revenue Code provides severe penalties for a willful failure to pay, collect, or truthfully account for and pay over, the employee tax or for a willful attempt in any manner to evade or defeat the tax. Such penalties may be incurred by any person, including the employer, and any officer or employee of a corporate employer, or member or employee of any other employer, who as such employer, officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 408.305 *Manner and time of payment of employee tax.* The employee tax is payable to the collector in the manner and at the time prescribed in § 408.607.

SECTION 1633 OF THE INTERNAL REVENUE CODE

RECEIPTS FOR EMPLOYEES

(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 1400 or 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement, showing the following: (1) the name of such person, (2) the name of the employee (and his social security account number if wages as defined in section 1426 (a) have been paid), (3) the total amount of wages as defined in section 1621 (a), (4) the total amount deducted and withheld as tax under section 1622, (5) the total amount of wages as defined in section 1426 (a), and (6) the total amount deducted and withheld as tax under section 1400.

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(b) *Statements to constitute information returns.* The statements required to be furnished by this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. A duplicate of any such statement if made and filed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary shall constitute the return required to be made in respect to such remuneration under section 147.

(c) *Extension of time.* The Commissioner, under such regulations as he may prescribe with the approval of the Secretary, may grant to any person a reasonable extension of time (not in excess of thirty days) with respect to the statements required to be furnished under this section. (Sec. 1633, I. R. C., as added by sec. 206 (a), (c), Social Security Act Amendments of 1950, 64 Stat. 537, 538.)

SECTION 1634 OF THE INTERNAL REVENUE CODE

PENALTIES

(a) *Penalties for fraudulent statement or failure to furnish statement.* In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof, be fined not more than $1,000, or imprisoned for not more than one year, or both.

(b) *Additional penalty.* In addition to the penalty provided by subsection (a) of this section, any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of $50. Such penalty shall be assessed and collected in the same manner as the tax imposed by section 1410. (Sec. 1634, I. R. C., as added by sec. 206 (a), (c), Social Security Act Amendments of 1950, 64 Stat. 537, 538.)

§ 408.306 *Receipts for employees*—(a) *Requirement.* Every employer shall furnish a written statement, with respect to the wages paid during any calendar year commencing after December 31, 1950, to each of his employees. For the requirements as to the furnishing of a written statement to an employee from whom an employer was required during the calendar year to deduct and withhold employee tax under section 1400 of the act and from whom the employer was also required during such year to deduct and withhold a tax under section 1622 of the Internal Revenue Code (income tax collected at source on wages) or would have been required during such year to deduct and withhold a tax under such section if such employee had claimed no more than one withholding exemption, see the regulations under subchapter D of chapter 9 of the Internal Revenue Code. If during the calendar year an employer pays to an employee wages subject only to the employee tax imposed by section 1400 of the act, the written statement required to be furnished to such employee shall be in accordance with the provisions of this section. Such statement shall be in a form suitable for retention by the employee and shall show, with respect to the wages paid by the employer to the employee during the calendar year for employment on or after January 1, 1937, the following: (1) The name of the employer, (2) the name and social security account number of the employee, (3) the total amount of wages paid, and (4) the total amount of employee tax deducted and withheld from such wages (increased by any adjustment in such year for overcollection, or decreased by any adjustment in such year for undercollection, of employee tax during any prior year). If (i) the amount of employee tax deducted in the calendar year from such wages was less or greater than the tax imposed on such wages by reason of the adjustment in such year of an overcollection or undercollection of employee tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages or employee tax entered on a statement furnished to the employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee. The statement for the calendar year and the corrected statement for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year or, if his employment is terminated before the close of the calendar year, on the day on which the last payment of wages is made. No particular form is prescribed for the statement required to be furnished to employees under this section. For the convenience of employers in complying with the requirements of this section, copies of a form of written statement, Form SS–14, have been provided and will be furnished employers by collectors upon application therefor.

(b) *Extension of time for furnishing receipts to employees.* An extension of time, not exceeding 30 days, within which to furnish the written statement provided for in paragraph (a) of this section upon termination of employment is hereby granted to any employer with respect to any employee whose employment is terminated during the calendar year. In the case of intermittent or interrupted employment where there is a reasonable expectation on the part of both the employer and employee of further employment, there is no requirement that a written statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within 30 days from that time.

(c) *Penalties for fraudulent receipt or failure to furnish receipt.* Criminal and civil penalties are imposed for the willful failure to furnish a statement in the manner, at the time, and showing the information required by law or regulations prescribed thereunder or for willfully furnishing a false or fraudulent statement. For each such violation, the criminal penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both, and the civil penalty is a fine of $50. The civil penalty is assessable and collectible in the same manner as the employer tax. Such penalties are in lieu of any other penalties provided by law respecting the failure to furnish a statement or the furnishing of a false or fraudulent statement.

SUBPART D—EMPLOYER TAX

SECTION 1410 OF THE ACT

RATE OF TAX

In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 1426 (a)) paid by him after December 31, 1936, with respect to employment (as defined in section 1426 (b)) after such date:

(1) With respect to wages paid during the calendar years 1939 to 1949, both inclusive, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar years 1950 to 1953, both inclusive, the rate shall be 1½ per centum.

(3) With respect to wages paid during the calendar years 1954 to 1959, both inclusive, the rate shall be 2 per centum.

(4) With respect to wages paid during the calendar years 1960 to 1964, both inclusive, the rate shall be 2½ per centum.

(5) With respect to wages paid during the calendar years 1965 to 1969, both inclusive, the rate shall be 3 per centum.

(6) With respect to wages paid after December 31, 1969, the rate shall be 3¼ per centum. (Sec. 1410, I. R. C., as amended by sec. 2, Social Security Act Amendments of 1947, 61 Stat. 793; sec. 201 (b), Social Security Act Amendments of 1950, 64 Stat. 524.)

408.401 *Measure of employer tax.* The employer tax is measured by the amount of wages actually or constructively paid on or after January 1, 1951, with respect to employment on or after January 1, 1937. (See §§ 408.202 and 408.203, relating to employment, and §§ 408.226 and 408.227, relating to wages.)

§ 408.402 *Rates and computation of employer tax.* (a) The rates of employer tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For the calendar years 1954 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar year 1970 and subsequent calendar years	3¼

(b) The employer tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

§ 408.403 *When employer tax attaches.* The employer tax attaches at the time that the wages are either actually or constructively paid by the employer. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time, and their payment brought within his own control and disposition. (See § 408.303, relating to the time the employee tax attaches.)

§ 408.404 *Liability for employer tax.* The employer is liable for the employer tax with respect to the wages paid to his employees for employment performed for him.

§ 408.405 *Manner and time of payment of employer tax.* The employer tax is payable to the collector in the manner and at the time prescribed in § 408.607.

SUBPART E—IDENTIFICATION OF TAXPAYERS

SECTION 1420 (a) AND (c) OF THE ACT

COLLECTION AND PAYMENT OF TAXES

(a) *Administration.* The taxes imposed by this subchapter shall be collected by the Bureau of Internal Revenue under the direction of the Secretary and shall be paid into the Treasury of the United States as internal-revenue collections.

(c) *Method of collection and payment.* Such taxes shall be collected and paid in such manner, at such times, and under such conditions, not inconsistent with this subchapter (either by making and filing returns, or by stamps, coupons, tickets, books, or other reasonable devices or methods necessary or helpful in securing a complete and proper collection and payment of the tax or in securing proper identification of the taxpayer), as may be prescribed by the Commissioner, with the approval of the Secretary.

SECTION 1430 OF THE ACT

OTHER LAWS APPLICABLE

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the taxes imposed by this subchapter. (Sec. 1430, I. R. C., as amended by sec. 903, Social Security Act Amendments of 1939, 53 Stat. 1400.)

SECTION 2709 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

RECORDS, STATEMENTS, AND RETURNS

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

§ 408.501 *Employers' identification numbers*—(a) *In general.* Except as provided in paragraph (b) of this section, every employer who on or after January 1, 1951, has in his employ one or more individuals in employment for wages, but who prior to such date has neither secured an identification number nor made application therefor, shall make an application, in duplicate, on Form SS–4 for an identification number. Each application, together with any supplementary statement, shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The employer shall file the application either with the collector for the district in which his principal place of business is located, or with the nearest field office of the Social Security Administration in the State in which such place of business is located, or, if the employer has no principal place of business within the United States, with the collector at Baltimore, Md. An employer who has no principal place of business but whose legal residence is in Puerto Rico or in the Virgin Islands shall file the application with the collector's office in Puerto Rico, or the collector's office in the Virgin Islands, as the case may be, or with the nearest field office of the Social Security Administration. The application shall be filed on or before the seventh day after the date on which employment for wages for such employer first occurs. Copies of Form SS–4 may be obtained from any collector or from any field office of the Social Security Administration. Each application shall be signed by (1) the individual, if the employer is an individual; (2) the president, vice president, or other principal officer, if the employer is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (4) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of information reported on the application required under this section. Identification numbers assigned to employers who are required to make application therefor shall be shown in their records, returns, and claims to the extent required by §§ 408.605, 408.607 (b), 408.609, and 408.801 and by the instructions relating to Form 941, Form 941 PR, and Form 941 V. I., and to Form 450.

(b) *Household employers.* An employer, other than an employer whose legal residence is in Puerto Rico or the Virgin Islands, who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit (see § 408.227 (h)) is not required to apply for an identification number, and the provisions of paragraph (a) of this section are not applicable with respect to such an employer.

§ 408.502 *Employees' account numbers.* (a) Every employee who on or after January 1, 1951, is in employment for wages, but who prior to such date has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number. Each application shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Such employee shall file the application with the field office of the Social Security Administration nearest his place of employment, or, if the employee is not working within the United States, with the office of the Social Security Administration at Baltimore, Md. The application shall be filed on or before the seventh day after the date on which the employee first performs employment for wages, except that the application shall be filed on or before the date the employee leaves the employ of his employer if such date precedes such seventh day. Copies of Form SS–5 may be obtained from any field office of the Social Security Administration or from any collector. An account number will be assigned to the employee by the Social Security Administration in due course upon the basis of information reported on the application required under this section. A card showing the name and account number of an employee to whom an account number has been assigned will be furnished to the employee by the Social Security Administration.

(b) Any employee may have his account number changed at any time by

applying to a field office of the Social Security Administration and showing good reasons for a change. With that exception, only one account number will be assigned to an employee. Any employee whose name is changed by marriage or otherwise, or who has stated incorrect information on Form SS–5, should report such change or correction to a field office of the Social Security Administration. Copies of the form for making such reports may be obtained from any field office of the Administration.

§ 408.503 *Duties of employee with respect to his account number.* (a) An employee shall, on the day on which he enters the employ of any employer for wages, comply with subparagraph (1), (2), (3), or (4) of this paragraph:

(1) If the employee has been issued an account number card by the Social Security Administration and has the card available, the employee shall show it to the employer.

(2) If the employee does not have available the account number card issued to him by the Social Security Administration but knows what his account number is, and what his name is, exactly as shown on such card, the employee shall advise the employer of such number and name. Care must be exercised that the employer is correctly advised of such number and name.

(3) If the employee does not have an account number card but has available a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received, the employee shall show such receipt to the employer.

(4) If an employe is unable to comply with the requirement of subparagraph (1), (2), or (3) of this paragraph, the employee shall furnish to the employer an application on Form SS–5, completely filled in and signed by the employee. If a copy of Form SS–5 is not available, the employee shall in lieu thereof furnish to the employer a statement in writing, signed by the employee, setting forth the date of the statement, the employee's full name, present address, date and place of birth, father's full name, mother's full name before marriage, and employee's sex and color, including a statement as to whether the employee has previously filed an application on Form SS–5 and, if so, the date and place of such filing. The furnishing of an executed form SS–5, or statement in lieu thereof, by the employee to the employer does not relieve the employee of his obligation to make an application on Form SS–5 and file it with the field office of the Social Security Administration as required by § 408.502. The provisions of this subparagraph are not applicable to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in Puerto Rico or the Virgin Islands.

(For provisions relating to the duties of an employer when furnished the information required by subparagraph (1), (2), or (3) of this paragraph, and the disposition to be made by the employer of an executed Form SS–5 or a statement in lieu thereof furnished to him by the employee as required by subparagraph (4) of this paragraph, see § 408.504.)

(b) Every employee who, on the day on which he enters the employ of any employer for wages, has an account number card but for any reason does not show such card to the employer on such day shall promptly thereafter show the card to the employer. An employee who does not have an account number card on the day on which he enters the employ of any employer for wages shall, upon receipt of an account number card from the Social Security Administration, promptly show such card to the employer, if he is still in the employ of that employer. If an employee has left the employ of an employer when the employee receives an account number card from the Social Security Administration, he shall promptly advise the employer of his account number and name exactly as shown on such card. The account number originally assigned to an employee (or the number as changed in accordance with § 408.502) shall be used by the employee even though he enters the employ of other employers.

§ 408.504 *Duties of employer with respect to employees' account numbers*—(a) *When individual has entered his employ.* (1) Upon being shown the account number card issued to an employee by the Social Security Administration, the employer shall enter the account number and name, exactly as shown on the card, in his records, returns, and claims to the extent required by §§ 408.605 and 408.609, by the instructions relating to the applicable return form, and by § 408.801. Upon failure of an employee to show his employer his account number card when he enters the employ of the employer for wages, the employer shall request the employee to show him such card. If the employee has not been assigned an account number and has not filed an application therefor with a field office of the Social Security Administration, the employer shall, when the employee enters his employ for wages, inform the employee of his duties under §§ 408.502 and 408.503.

(2) With respect to an employee who on the day he enters the employ of an employer for wages does not show the employer an account number card issued to the employee by the Social Security Administration, the employer shall comply with subdivision (i), (ii), or (iii) of this subparagraph:

(i) If the employee advises the employer of his number and name as shown on his account number card, as provided in § 408.503 (a) (2) the employer shall enter such number and name in his records.

(ii) If the employee shows the employer, as provided in § 408.503 (a) (3), a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter in his records with respect to such employee the date of issue of the receipt, its termination date, the address of the issuing office, and the name and address of the employee exactly as shown on the receipt. The receipt shall be retained by the employee.

(iii) If the employee furnishes to the employer, as provided in § 408.503 (a) (4), an executed Form SS–5 or statement in lieu thereof, the employer shall retain the form or statement for disposition as provided below.

(3) In any case in which the employee's account number is for any reason unknown to the employer at the time the employer's return is filed for any calendar quarter in which the employee receives wages from such employer—

(i) If the employee has shown to the employer, as provided in § 408.503 (a) (3), a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter on the return, with the entry with respect to the employee, the name and address of the employee exactly as shown on the receipt, the date of issue of the receipt, and the address of the issuing office; or

(ii) If the employee has furnished to the employer, as provided in § 408.503 (a) (4), an executed Form SS–5 or statement in lieu thereof, the employer shall attach such form or statement to the return for the first calendar quarter in which the employee receives wages from such employer and shall make and retain a copy thereof for use in preparing any additional copies required for attachment to any returns subsequently filed on which wages received by such employee from the employer are reported but on which neither an employee account number nor the required information relating to the receipt for an application for an account number is reported; or

(iii) If neither (i) nor (ii) of this subparagraph is applicable, the employer shall, except as provided in the first sentence of subparagraph (4) of this paragraph, attach to the return a Form SS–5 or statement, signed by the employer, setting forth as fully and clearly as practicable the employee's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, the employee's sex and color, and a statement as to whether an application for an account number has previously been filed by the employee and, if so, the date and place of such filing. The employer shall also insert in such Form SS–5 or statement an explanation of why he has not secured from the employee a Form SS–5 or statement signed by the employee as provided in § 408.503 (a) (4), and shall insert the word "Employer" as part of his signature.

(4) The provisions of subdivision (iii) of subparagraph (3) of this paragraph are not applicable with respect to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in Puerto Rico or the Virgin Islands. If any such employee has not furnished to the employer the information required by paragraph (a) (1), (2), or (3) of § 408.503 prior to the time the employer's return is filed for any calendar quarter in which the employee receives wages from such employer, the employer shall enter the word "Unknown" in the account number column of the return and (i) file with the return a statement showing the employee's name and address, or (ii) enter the employee's address on the return form immediately below the name of the employee.

(5) If the employee advises his employer what his name and account number are as shown on his account number card prior to the time the employer's return is filed and the employer enters such name and number on the return, the employer shall return to the employee any executed Form SS–5 or statement in lieu thereof furnished by the employee to the employer in accordance with § 408.503 (a) (4), together with any copy thereof retained by the employer in accordance with the provisions of subparagraph (3) (ii) of this paragraph.

(6) Employers may obtain copies of Form SS–5 from any field office of the Social Security Administration or from any collector.

(b) *Prospective employees.* While not mandatory, it is suggested that the employer advise any prospective employee who does not have an account number of the requirements of §§ 408.502 and 408.503.

SUBPART F—RETURNS, PAYMENT OF TAX, AND RECORDS

SECTION 1420 OF THE ACT

COLLECTION AND PAYMENT OF TAXES

(a) *Administration.* The taxes imposed by this subchapter shall be collected by the Bureau of Internal Revenue under the direction of the Secretary and shall be paid into the Treasury of the United States as internal-revenue collections.

* * * * *

(c) *Method of collection and payment.* Such taxes shall be collected and paid in such manner, at such times, and under such conditions, not inconsistent with this subchapter (either by making and filing returns, or by stamps, coupons, tickets, books, or other reasonable devices or methods necessary or helpful in securing a complete and proper collection and payment of the tax or in securing proper identification of the taxpayer), as may be prescribed by the Commissioner, with the approval of the Secretary.

(d) *Fractional parts of a cent.* In the payment of any tax under this subchapter a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(e) *Federal service.* In the case of the taxes imposed by this subchapter with respect to service performed in the employ of the United States or in the employ of any instrumentality which is wholly owned by the United States, * * * the return and payment of the taxes imposed by this subchapter, shall be made by the head of the Federal agency or instrumentality having the control of such service, or by such agents as such head may designate. The person making such return may, for convenience of administration, make payments of the tax imposed under section 1410 with respect to such service without regard to the $3,600 limitation in section 1426 (a) (1), and he shall not be required to obtain a refund of the tax paid under section 1410 on that part of the remuneration not included in wages by reason of section 1426 (a) (1). The provisions of this subsection shall be applicable in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Exchanges, Marine Corps Exchanges, or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense, at installations of the Department of Defense for the comfort, pleasure, contentment, and mental and physical improvement of personnel of such Department; and for purposes of this subsection the Secretary of Defense shall be deemed to be the head of such instrumentality. (Sec. 1420, I. R. C., as amended by sec. 202 (b), (d), Social Security Act Amendments of 1950, 64 Stat. 524, 525.)

SECTION 3310 (f) OF THE INTERNAL REVENUE CODE

RETURNS AND PAYMENT OF TAX

Discretion allowed Commissioner—(1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9 * * *, the Commissioner may by regulations approved by the Secretary prescribe the period, for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

(2) *Use of Government depositaries.* The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the collector. (Sec. 3310 (f), I. R. C., as added by sec. 7 (a), Act of Aug. 27, 1949, 63 Stat. 668.)

SECTION 1430 OF THE ACT

OTHER LAWS APPLICABLE

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the taxes imposed by this subchapter. (Sec. 1430, I. R. C., as amended by sec. 903, Social Security Act Amendments of 1939, 53 Stat. 1400.)

SECTION 2709 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

RECORDS, STATEMENTS, AND RETURNS

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SECTION 2701 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

RETURNS

Every person liable for the tax * * * shall make * * * returns under oath * * * to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

SECTION 3603 OF THE INTERNAL REVENUE CODE

NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SECTION 3632 OF THE INTERNAL REVENUE CODE

AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY

(a) *Internal Revenue personnel*—(1) *Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SECTION 3809 OF THE INTERNAL REVENUE CODE

VERIFICATION OF RETURNS; PENALTIES OF PERJURY

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may

require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required. (Sec. 3809, I. R. C., as added by sec. 4 (a), (c), Act of Aug. 27, 1949, 63 Stat. 667, 668.)

SECTION 3612 (a), (b), AND (c) OF THE INTERNAL REVENUE CODE

RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

SECTION 3614 (a) OF THE INTERNAL REVENUE CODE

EXAMINATION OF BOOKS AND WITNESSES

To determine liability of the taxpayer. The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

SECTION 2702 (a) OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

PAYMENT OF TAX

Date of payment. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector for the district in which is located the principal place of business, at the time fixed • • • for filing the return.

§ 408.601 *Tax and information returns*—(a) *In general.* Every employer shall make a tax and information return for the first calendar quarter after December 31, 1950, within which he pays wages, and for each subsequent calendar quarter (whether or not wages are paid therein) until he files a final return as required by § 408.603. Every employer required to make a tax and information return for the calendar quarter ended December 31, 1950, shall make a tax and information return for each subsequent calendar quarter (whether or not wages are paid therein) until he files a final return as required by § 408.603. Form 941 is the form prescribed for making a tax and information return, except as provided in paragraphs (b) and (c) of this section.

(b) *Domestic service in a private home not on a farm operated for profit.* Form 942 is the form prescribed for use by every employer in reporting wages paid by him for domestic service in a private home not on a farm operated for profit. If, however, in addition to paying such wages in the current calendar quarter the employer in such quarter or a prior calendar quarter also paid wages for other services and is required to make a tax and information return for such current quarter on Form 941, the employer, at his election, may—

(1) Report all wages on Form 941, or

(2) Report on Form 942 the wages for domestic service in a private home not on a farm operated for profit, and report on Form 941 the wages for other services.

An employer entitled to make the election referred to in the preceding sentence who has chosen one method shall not change to the other method without first notifying the collector with whom he is required to file his returns that he will thereafter use such other method. The provisions of this paragraph shall not apply to any employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in Puerto Rico or the Virgin Islands.

(c) *Employers in Puerto Rico and the Virgin Islands.* Form 941 PR is the form prescribed for use by every employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in Puerto Rico. Form 941 V. I. is the form prescribed for use by every employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in the Virgin Islands. However, Form 941 is the form prescribed for use by every such employer who is also required to deduct and withhold income tax at source on wages under section 1622 of the Internal Revenue Code.

§ 408.602 *When to report wages.* Wages shall be reported in the tax return for the period in which they are actually paid unless they were constructively paid in a prior tax-return period, in which case such wages shall be reported only in the return for such prior period.

§ 408.603 *Final returns.* (a) The last return on Form 941, Form 941 PR, or Form 941 V. I., for any employer who ceases to pay wages shall be marked "Final return" by the employer or the person filing the return. Such final return shall be filed with the collector on or before the thirtieth day after the date on which the final payment of wages is made for services performed for the employer, and shall plainly show the period covered by the return. If, however, an employer (other than an employer whose principal place of business, or whose legal residence if he has no principal place of business, is located in Puerto Rico or the Virgin Islands) ceases during a calendar quarter to pay wages for services other than for domestic service in a private home not on a farm operated for profit but pays wages in such calendar quarter for such domestic service which are reportable on Form 941 and expects to continue during such calendar quarter to pay wages for such domestic service, then such employer shall make a tax and information return on Form 941 for the entire calendar quarter. Such return shall be marked "Final return", irrespective of whether the employer expects to pay wages in the future for such domestic service, and shall be filed with the collector on or before the last day prescribed for the filing of returns under § 408.606. An employer required to make a return on Form 941, Form 941 PR, or Form 941 V. I., who has only temporarily ceased to pay wages, including an employer engaged in seasonal activities, shall continue to file returns, but shall enter on the face of any return on which no wages are required to be reported the date of the last payment of wages and the date when he expects to resume paying wages to one or more employees. If an employer ceases to pay wages as defined in section 1426 (a) but continues to pay wages as defined in section 1621 (a), no final return on Form 941 should be filed so long as he continues to pay such wages. However, if an employer who has been paying remuneration which constitutes wages as defined in each of such sections permanently ceases to pay such wages, a final return is required of such employer.

(b) There shall be executed as part of each final return on Form 941, Form 941 PR, or Form 941 V. I., a statement giving the address at which the records required by § 408.609 will be kept, the name of the person keeping such records, and, if the business has been sold or otherwise transferred to another person, the name and address of such person and the date on which such sale or other transfer took effect. If no such sale or transfer occurred or the employer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement. In the case of a final return on Form 941, the statement shall also set forth the date of the last payment of wages for services other than domestic service not on a farm operated for profit, and whether or not the employer will pay wages in the future for such domestic service. In the case of a final return on Form 941 PR or Form 941 V. I., the statement shall also set forth the date of the last payment of wages.

(c) The last return on Form 942 for any employer who ceases to pay wages for domestic service in a private home not on a farm operated for profit shall be marked "Final return" by the employer or the person filing the return.

§ 408.604 *Execution of returns*—(a) *Requirement.* Each return shall be signed by the employer and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The return shall be signed and verified by (1) the individual, if the employer is an individual; (2) the president, vice president, or other principal officer, if the employer is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (4) the fiduciary, if the employer is a trust or estate. The employer's return may be executed by an agent in the name of the employer if an acceptable power of attorney is filed with the collector and if such return includes the wages paid to all employees of the employer for the period covered by the return. In the case of the United States or any instrumentality which is wholly owned by the United States, the return shall be signed and verified by the head of the Federal agency or instrumentality having control of the services with respect to which the taxes are imposed, or by such agent or agents as such head may designate.

(b) *Penalties of perjury.* Section 3809 (a) of the Internal Revenue Code provides that any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony. The punishment for such offense, upon conviction thereof, is a fine of not more than $2,000 or imprisonment for not more than five years, or both.

§ 408.605 *Use of prescribed forms.* (a) Copies of the prescribed return forms will so far as possible be regularly furnished employers by collectors without application therefor. An employer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Employers not supplied with the proper forms should make application therefor to the collector in ample time to have their returns prepared, verified, and filed with the collector on or before the due date. (See § 408.606, relating to the place and time for filing returns; see also § 408.603, relating to final returns.) If the prescribed form is not available, a statement made by the employer disclosing the amount of wages paid during the period for which a return is required and the amount of taxes due may be accepted as a tentative return. If filed within the prescribed time the statement so made will relieve the employer from liability for the addition to tax imposed for the delinquent filing of the return (see § 408.909, relating to the addition to tax), provided that without unnecessary delay such tentative return is supplemented by a return made on the proper form.

(b) Each return, together with a copy thereof, if the return is filed on Form 941, Form 941 PR, or Form 941 V. I., and any supporting data, shall be filled in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 408.606, relating to the place and time for filing returns, and § 408.609 (c) and (e), relating to copies of returns, schedules, and statements, and to the place and period for keeping records.) The return shall be carefully prepared so as fully and accurately to set forth the data therein called for. Returns which have not been so prepared will not be accepted as meeting the requirements of the act. Only one return on any one prescribed form for a tax-return period shall be filed by or for an employer. Any supplemental return filed for such period in accordance with § 408.702 of § 408.703 shall constitute a part of such return. Consolidated returns of parent and subsidiary corporations are not permitted.

(c) If in a return, or in any other manner, the employer fails to report, or incorrectly reports, to the collector, the name, account number, or wages of an employee, the employer shall fully advise the collector of the omission or error by letter; except that such letter is not required if the omission or error is corrected by adjustment, supplemental return, credit, refund, or abatement, within seven months after the date the correct data are ascertained. The employer shall include in such letter his identification number (except that an identification number need not be included if the omission or error is with respect to information required to be reported on a return on Form 942), each tax-return period for which the data were omitted or for which the incorrect data were furnished, the data incorrectly reported for each period, and the data which should have been reported. A copy of such letter shall be retained by the employer as a part of his records.

§ 408.606 *Place and time for filing returns.* Each return on Form 941 shall be filed with the collector for the district in which is located the principal place of business of the employer, or, if the employer has no principal place of business in the United States (that is, the several States, the District of Columbia, the Territories of Alaska and Hawaii, the Virgin Islands, and Puerto Rico), with the collector at Baltimore, Md. Each return on Form 941 PR shall be filed with the collector's office in Puerto Rico, and each return on Form 941 V. I. shall be filed with the collector's office in the Virgin Islands. Each return on Form 942 shall be filed with the collector for the district in which is located the legal residence of the employer. Except as provided in § 408.603, relating to final returns, each return shall be filed on or before the last day of the first month following the period for which it is made. However, if, and only if, the return is accompanied by depositary receipts, Form 450, showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the tenth day of the second month following the period for which it is made. For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 450. Deposit of the taxes for the last month of the calendar quarter with a designated commercial bank or a Federal Reserve bank, as the case may be, may be made on or before the last day of the first month following the close of such quarter. If the last day for filing any return falls on Sunday or a legal holiday, the return may be filed on the next following business day. If placed in the mails, the return shall be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the due date. As to additions to tax for failure to file a return within the prescribed time, see § 408.909. See also section 2707 of the Internal Revenue Code relating to penalties.

§ 408.607 *Payment of tax*—(a) *In general.* The employee tax and the employer tax required to be reported on each return on Form 941, Form 941 PR, Form 941 V. I., or Form 942 are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return. For provisions relating to interest, additions to tax, and penalties, see §§ 408.907, 408.908, and 408.909 and section 2707 of the Internal Revenue Code.

(b) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of taxes*—(1) *Requirement.* Except as provided in subparagraph (2) of this paragraph, if during any calendar month, the aggregate amount of

(i) The employee tax withheld under section 1401,

(ii) The employer tax for such month under section 1410, and

(iii) The income tax withheld at source on wages under section 1622,

of the Internal Revenue Code, exclusive of taxes with respect to wages reportable on a return on Form 942, exceeds $100 in the case of an employer, it will be the duty of such employer to deposit such amount within 15 days after the close of such calendar month with a Federal Reserve bank. The remittance of such amount shall be accompanied by a Federal Depositary Receipt (Form 450). Such depositary receipt shall be prepared in accordance with the instructions and regulations applicable thereto. The employer, at his election, may forward such remittance, together with such depositary receipt, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the aforementioned taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the calendar quarter with respect to which such deposits are made, in part or full payment of the taxes shown thereon, depositary receipts so validated, and shall pay to the collector the balance, if any, of the taxes due for such quarter.

(2) *Payments for last month of the calendar quarter.* With respect to the taxes specified in subparagraph (1) of this paragraph for the last month of the calendar quarter, the employer may either include with his return direct remittance to the collector for the amount of such taxes or attach to such return a depositary receipt validated by a Federal Reserve bank as provided in subparagraph (1) of this paragraph. Payment of the taxes required to be reported on each return, in the form of validated depositary receipts or direct

remittances, shall be made to the collector at the time fixed for filing such return. If a deposit is made for the last month of the quarter, the employer shall make it in ample time (whether before, on, or after the 15th day of the succeeding month) to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return at the time so fixed.

(3) *Procurement of prescribed form.* Initially, Form 450, Federal Depositary Receipt, will so far as possible be furnished the employer by the collector. An employer not supplied with the proper form should make application therefor to the collector in ample time to have such form available for use in making his initial deposit within the time prescribed in subparagraph (1) of this paragraph. Thereafter a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. The employer's identification number and name, on each depositary receipt, should be the same as they are required to be shown on the return to be filed with the collector. The address of the employer, as shown on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

§ 408.608 *When fractional part of cent may be disregarded.* In the payment of taxes to the collector a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. Fractional parts of a cent shall not be disregarded in the computation of taxes. See § 408.304 for provisions relating to fractional parts of a cent in connection with the deduction of employee tax from wages.

§ 408.609 *Records*—(a) *Records of employers.* (1) Every employer liable for tax shall keep accurate records of all remuneration paid to his employees after December 31, 1950, for services performed for him after December 31, 1936. Such records shall show with respect to each employee—

(i) The name, address, and account number of the employee (see § 408.504, relating to account numbers), and such additional information with respect to the employee as is required by § 408.504 (a) when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration;

(ii) To the extent material to the determination of tax liability, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable to the employee, and the character of the services performed (see §§ 403.210 and 408.227 (h), relating respectively to services not in the course of the employer's trade or business and to domestic service in a private home of the employer not on a farm operated for profit), and in addition, in the case of agricultural labor, whether such agricultural labor is performed on a full-time basis, and the date on which the employer-employee relationship commenced in each instance and, if terminated, the date of the termination thereof (see § 408.208, relating to agricultural labor);

(iii) The total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment and the period of services covered by such payment;

(iv) The amount of such remuneration payment which constitutes wages subject to tax (see §§ 408.226 and 408.227); and

(v) The amount of employee tax withheld or collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

The term "remuneration", as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash (*a*) for services not in the course of the employer's trade or business, (*b*) for domestic service in a private home of the employer not on a farm operated for profit, or (c) for agricultural labor. (For provisions relating to the exclusion from wages of payments in a medium other than cash for such services, see § 408.227 (g).)

(2) If the total remuneration payment (subparagraph (1) (iii) of this paragraph) and the amount thereof which is taxable (subparagraph (1) (iv) of this paragraph) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement made pursuant to § 408.702 or § 408.703 shall also be kept.

(3) No particular form is prescribed for keeping the records required by this paragraph (a). Each employer shall use such forms and systems of accounting as will enable the Commissioner to ascertain whether the taxes for which the employer is liable are correctly computed and paid.

(b) *Records of employees.* While not mandatory, it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required by paragraph (a) of this section to be kept by employers, and the receipts furnished in accordance with the provisions of § 408.306. (See, however, par. (d) of this section, relating to records of claimants.)

(c) *Copies of returns, schedules, and statements.* Every employer who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as part of his records.

(d) *Records of claimants.* Any person (including an employee) claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

(e) *Place and period for keeping records.* (1) All records required by the regulations in this part shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers. Such records shall at all times be open for inspection by such officers. If the employer has a principal place of business in the United States, the records required by paragraphs (c) and (d) of this section shall be kept at such place of business.

(2) Records required by paragraphs (a) and (c) of this section shall be maintained for a period of at least four years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is the later. Records required by paragraph (d) of this section (including any record required by paragraph (a) or (c) which relates to a claim) shall be maintained for a period of at least four years after the date the claim is filed.

Subpart G—Adjustments of Employee Tax and Employer Tax

Section 1401 (c) of the Act

Adjustments

If more or less than the correct amount of tax imposed by section 1400 is paid with respect to any payment of remuneration, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as may be prescribed by regulations made under this subchapter. (Sec. 1401 (c), I. R. C., as amended by sec. 602 (a), Social Security Act Amendments of 1939, 53 Stat. 1382.)

Section 1401 (d) (4) (A) of the Act

Special rules in case of Federal employees

In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year after the calendar year 1950, each head of a Federal agency or instrumentality who makes a return pursuant to section 1420 (e) and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for the purposes of subsection (c) • • • •, be deemed a separate employer; • • •. (Sec. 1401 (d) (4) (A), I. R. C., as added by sec. 203 (c), Social Security Act Amendments of 1950, 64 Stat. 527.)

Section 1411 of the Act

Adjustment of tax

If more or less than the correct amount of tax imposed by section 1410 is paid with respect to any payment of remuneration, proper adjustments with respect to the tax shall be made, without interest, in such manner and at such times as may be prescribed by regulations made under this subchapter. For the purposes of this section, in the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year after the calendar year 1950, each head of a Federal agency or instrumentality who makes a return pursuant to section 1420 (e) and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer. (Sec. 1411, I. R. C., as amended by sec. 605, Social Security Act Amendments of 1939, 53 Stat. 1383; sec. 202 (c), (d), Social Security Act Amendments of 1950, 64 Stat. 525.)

§ 408.701 *Adjustments in general.* Errors in the payment of employee tax and employer tax must be adjusted in certain cases without interest. Not all corrections of erroneous collections or payments of tax, however, constitute adjustments within the meaning of the act and the regulations in this part. The various situations under which such adjustments shall be made are set forth in § § 408.702 and 408.703, the provisions of which also relate to settlement other than by adjustment under certain circumstances set forth therein. No underpayment of employee tax or employer tax shall be reported pursuant to such sections after receipt from the collector of notice and demand for payment thereof based upon an assessment, but the amount shall be paid in accordance with such notice and demand. Every return on which an adjustment or settlement is reported pursuant to § 408.702 or § 408.703 must have securely attached as a part thereof a statement explaining the adjustment or settlement, designating the tax-return period in which the error was ascertained, and setting forth such other information as may be required by the regulations in this part and by the instructions relating to the return. If an adjustment of an overcollection of employee tax which an employer has repaid to an employee is reported on a return, such statement shall include the fact that such tax was repaid to the employee. If the adjustment relates to an overcollection of employee tax in a prior year, the employer's statement explaining the adjustment shall also show that the employer has obtained from the employee a written statement that the employee has not claimed and will not claim refund or credit of the amount of such overcollection. (See § 408.702 (b) (2).) Amounts deducted from remuneration of an employee and other settlements between an employee and his employer, in correction of an overcollection or undercollection of employee tax, shall be reflected in the amounts shown on statements furnished by the employer to the employee in accordance with section 408.306, relating to receipts for employees. For purposes of this section and §§ 408.702 and 408.703, in the case of remuneration received from the United States or a wholly owned instrumentality thereof, each head of a Federal agency or instrumentality, and each agent designated by the head of a Federal agency or instrumentality, who makes a return pursuant to section 1420 (e) of the act is deemed to be a separate employer.

§ 408.702 *Adjustment of employee tax*—(a) *Undercollections*—(1) *Prior to filing of return.* If no employee tax or less than the correct amount of employee tax is deducted from any payment of wages to an employee and the error is ascertained prior to the time the return is filed with the collector for the period in which such wages are paid, the employer shall nevertheless report on such return and pay to the collector the correct amount of employee tax. However, the reporting and payment by the employer of the correct amount of such tax in accordance with this subparagraph do not constitute an adjustment, and the amount shall not be reported as an adjustment on the return.

(2) *After return is filed.* (i) If no employee tax or less than the correct amount of employee tax with respect to a payment of wages to an employee is reported on a return and paid to the collector, the employer shall adjust the underpayment by (*a*) reporting the additional amount due by reason of such underpayment as an adjustment on a return filed on or before the last day on which the return for the tax-return period in which the error is ascertained is required to be filed, or (*b*) reporting such additional amount on a supplemental return for the tax-return period in which such payment of wages is made. The reporting of such an underpayment on a supplemental return constitutes an adjustment within the meaning of this subparagraph only when the supplemental return is filed on or before the last day on which the return for the tax-return period in which the error is ascertained is required to be filed. (See § 408.605, relating in part to supplemental returns.) The amount of each underpayment adjusted in accordance with this subparagraph shall be paid to the collector, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(ii) If no employee tax or less than the correct amount of employee tax with respect to a payment of wages to an employee is reported on a return and paid to the collector and such underpayment is not reported as an adjustment within the time prescribed by this subparagraph, the amount of such underpayment shall be (*a*) reported on the employer's next return, or (*b*) reported immediately on a supplemental return. (For interest accruing on amounts so reported, see § 408.907.)

(3) *Deductions from employee.* If an employer collects no employee tax or less than the correct amount of employee tax from an employee with respect to wages received by the employee, the employer shall collect the amount of the undercollection by deducting such amount from remuneration of the employee, if any, under his control after he ascertains the error. Such deductions may be made even though the remuneration, for any reason, does not constitute wages. (See §§ 408.226 and 408.227, relating to wages.) If the employer ascertains the error prior to the time the return is required to be filed for the period in which such wages are paid, or if the employer ascertains the error subsequent to such time and the error is subject to adjustment under the provisions of subparagraph (2) of this paragraph, the deduction of the amount of the undercollection in correction of such error shall be made without interest. The obligation of the employee to the employer with respect to an undercollection of employee tax from the employee not subsequently corrected by a deduction made as prescribed in the foregoing provisions of this subparagraph is a matter for settlement between the employee and the employer. The amount of the employee tax, in the case of a prior undercollection thereof from the employee, shall be reported and paid as provided in subparagraphs (1) and (2) of this paragraph. If an employer makes an erroneous collection of employee tax from two or more of his employees, a separate settlement must be made with respect to each employee. Thus, an overcollection of employee tax from one employee may not be used to offset an undercollection of such tax from another.

(b) *Overcollections*—(1) *Prior to filing of return.* If an employer (i) during any tax-return period collects more than the correct amount of employee tax from any employee, and (ii) repays the amount of the overcollection to the employee prior to the time the return for such period is filed with the collector, and (iii) obtains and keeps as part of his records the written receipt of the employee, showing the date and amount of the repayment, the employer shall not report on any return or pay to the collector the amount of the overcollection. However, every overcollection not repaid to and receipted for by the employee as provided in this subparagraph must be reported and paid to the collector with the return for the period in which the overcollection was made.

(2) *After return is filed.* (i) If an employer collects from any employee and pays to the collector more than the correct amount of employee tax, the employer shall adjust the overcollection by repaying or reimbursing the employee in the amount thereof; except that an overcollection of employee tax in one calendar year is not adjustable in a subsequent calendar year unless the employer obtains from the employee a written statement that the employee has not claimed and will not claim refund or credit of the amount of such overcollection. (See section 408.801 (c), relating to refund claims by employees, and section 408.802, relating to special refunds of employee tax.) Such statement shall be retained by the employer as a part of his records.

(ii) If the amount of the overcollection is repaid, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. (See § 408.701, relating in part to statements required in explanation of adjustments of overcollections of employee tax.)

(iii) If the employer does not repay the employee, the employer shall reimburse the employee by applying the amount of the overcollection against the employee tax which attaches to wages paid to the employee prior to the expiration of the tax-return period following the tax-return period in which the error is ascertained. If the amount of the overcollection exceeds the amount so applied against such employee tax, the excess amount shall be repaid to the employee as required by this subparagraph.

(iv) An overcollection is adjustable under this subparagraph only if it is completed prior to the expiration of the tax-return period following the tax-return period in which the error is ascertained by the employer, and then only

If the adjustment is reported on a return filed within the statutory period of limitation upon refunds and credits of the tax (see § 408.804, relating to the statutory period). A claim for credit or refund (in accordance with § 408.801) may be filed within the period of limitation upon refunds and credits for any overcollection which cannot be adjusted under this subparagraph.

§ 408.703 *Adjustment of employer tax*—(a) *Underpayments.* (1) If no employer tax or less than the correct amount of employer tax with respect to a payment of wages to an employee is reported on a return and paid to the collector, the employer shall adjust the underpayment by (i) reporting the additional amount due by reason of such underpayment as an adjustment on a return filed on or before the last day on which the return for the tax-return period in which the error is ascertained is required to be filed, or (ii) reporting such additional amount on a supplemental return for the tax-return period in which such payment of wages is made. The reporting of such an underpayment on a supplemental return constitutes an adjustment within the meaning of this paragraph only when the supplemental return is filed on or before the last day on which the return for the tax-return period in which the error is ascertained is required to be filed. (See § 408.605, relating in part to supplemental returns.) The amount of each underpayment adjusted in accordance with this paragraph shall be paid to the collector, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this paragraph but the amount thereof is not paid when due, interest thereafter accrues.

(2) If no employer tax or less than the correct amount of employer tax with respect to a payment of wages to an employee is reported on a return and paid to the collector and such underpayment is not adjusted in accordance with the provisions of this paragraph, the amount of such underpayment shall be (i) reported on the employer's next return, or (ii) reported immediately on a supplemental return. (For interest accruing on amounts so reported, see § 408.907.)

(b) *Overpayments.* If (1) an employer pays more than the correct amount of employer tax with respect to any payment of remuneration, and (2) the employer is required under paragraph (b) of § 408.702 to adjust a corresponding overpayment of employee tax with respect to the same payment of remuneration to the employee, the employer shall adjust the overpayment of employer tax to the same extent and on the same return or returns on which the adjustment of employee tax is reported. The adjustment of employer tax shall be made by deducting the amount of the overpayment from the amount of employer tax reported on such return or returns. No overpayment shall be adjusted under this paragraph after the expiration of the statutory period of limitation upon refunds and credits of the tax (see § 408.804, relating to the statutory period). If an overpayment of employer tax is made with respect to a payment of remuneration to an employee, but no corresponding overpayment of employee tax is made with respect to the same payment of remuneration, the overpayment of employer tax is not adjustable under this paragraph. (See § 408.801, relating to refunds and credits.)

SUBPART H—REFUNDS, CREDITS, AND ABATEMENTS

SECTION 1421 OF THE ACT

OVERPAYMENTS

If more * * * than the correct amount of tax imposed by section 1400 or 1410 is paid or deducted with respect to any wage payment and the overpayment * * * of tax cannot be adjusted under section 1401 (c) or 1411 the amount of the overpayment shall be refunded * * * in such manner and at such times (subject to the statutes of limitations properly applicable thereto) as may be prescribed by regulations made under this subchapter.

SECTION 2703 (a) OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

ERRONEOUS PAYMENTS

In general. In the case of any overpayment or overcollection of the tax * * * the person making such overpayment or overcollection may take credit therefor against taxes due upon any * * * return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

SECTION 3770 (a) OF THE INTERNAL REVENUE CODE

AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS

To taxpayers—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

* * * * *

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title [Internal Revenue Code], credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), * * * or (4) of this subsection, * * * where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

* * * * *

(Sec. 3770 (a), I. R. C., as amended by sec. 508 (b), Second Revenue Act of 1940, 54 Stat. 1008; sec. 9 (a), act of Aug. 27, 1949, 63 Stat. 669.)

SECTION 3477 OF THE UNITED STATES REVISED STATUTES

WHEN ASSIGNMENT OF CLAIMS VOID

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

* * * * *

§ 408.801 *Refund or credit of overpayments which are not adjustable; abatement of overassessment*—(a) *Who may make claims.* If more than the correct amount of tax, penalty, or interest is paid to the collector, the person who paid such tax, penalty, or interest to the collector may file a claim for refund of such overpayment or such person may take credit for the overpayment against any tax under the act reported on any return which he subsequently files. (See par. (c) of this section, relating in part to overpayments which are adjustable.) No refund or credit of employee tax shall be allowed if for any reason (for example, an overcollection of employee tax having been inadvertently included by the employee in computing a special refund—see § 408.802) the employee has claimed the amount thereof as a credit against, or refund of, his income tax unless such claim has been rejected. If more than the correct amount of tax, penalty, or interest is assessed but not paid to the collector, the person against whom the assessment is made may file a claim for abatement of such overassessment. (See also par. (c) of this section, relating to claims by employees.)

(b) *Statements supporting employers' claims for employee tax.* Every claim filed by an employer for refund, credit, or abatement of employee tax collected from an employee shall include a statement (1) that the employer has repaid the tax to the employee or has secured the written consent of such employee to allowance of the refund, credit, or abatement, and (2) that the employer has obtained from the employee a written statement that the employee has not claimed and will not claim refund or credit of the amount of the overcollection. In every such case, the employer shall maintain as part of his records the written receipt of the employee, showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim, and the written statement of the employee that he has not claimed and will not claim refund or credit of the amount of the overcollection. (See par. (d) of this section, relating to form of claims.)

(c) *Refund claims made by employees.* If (1) more than the correct amount of employee tax is collected by an employer from an employee and paid to the collector, and (2) such overcollection is not adjustable under § 408.702, and (3) the employee has not claimed reimbursement through credit against, or refund of, his income tax (or if so claimed, the claim has been rejected), and (4) the employee does not receive reimbursement in any manner from such employer and does not authorize the employer to file a claim and receive refund or credit, such employee may file a claim for refund of such overpayment. The employee shall submit with the claim a statement setting forth whether the employee has claimed credit against, or refund of, his income tax by reason of a special refund for the calendar year of such overcollection, and the amount, if any, so claimed. The employee shall also submit with the claim a statement setting forth the extent, if any, to which the employer has reimbursed the employee in any manner for the overcollection, the amount, if any, of credit or refund of such overpayment claimed by the employer or authorized by the employee to be claimed by the employer, and such facts as will establish that the overpayment is not adjustable under § 408.702. The employee shall obtain such statement, if possible, from the employer, who should include in such statement the fact that it is made in support of a claim against the United States to be filed by the employee for refund of employee tax paid by such employer to the collector of internal revenue. If the employer's statement is not submitted with the claim, the employee shall make the statement to the best of his knowledge and belief, and shall include therein an explanation of his inability to obtain the statement from the employer. (For provisions relating to special refunds of employee tax on wages over $3,600, see § 408.802.)

(d) *Form of claims.* (1) Each claim for refund or abatement under this section shall be made on Form 843 in accordance with the regulations in this part and with the instructions relating to such form, and shall designate the tax-return period in which the error was ascertained. Copies of Form 843 may be obtained from any collector. If credit is taken under this section, a claim on Form 843 is not required, but the return on which such credit is claimed shall have attached as a part thereof a statement which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, designating the tax-return period in which the error was ascertained, and showing such other information as is required by the regulations in this part or by the instructions relating to the return.

(2) Whenever a claim for refund, credit, or abatement is made with respect to remuneration which was erroneously reported on a return or schedule thereof, such claim shall include a statement showing (i) the identification number of the employer, if he was required to make application therefor, (ii) the name and account number of the employee for whom such remuneration was so reported, (iii) the period covered by such return or schedule, (iv) the amount of remuneration actually reported as wages for such employee, and (v) the amount of wages which should have been reported for such employee.

(e) *Limitations on claims.* No refund or credit will be allowed after the expiration of the applicable statutory period of limitations, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such period. For provisions relating to the period of limitation upon refunds and credits, see § 408.804. No refund or credit of an overpayment will be allowed if such overpayment is adjustable under § 408.702 or § 408.703.

(f) *Claims improperly made.* Any claim which does not comply with the requirements of this section will not be considered for any purpose as a claim for refund, credit, or abatement.

(g) *Proof of representative capacity.* If a return is made by an individual who thereafter dies and a refund claim is made by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence must be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is made. If an executor, administrator, guardian, trustee, receiver, or other fiduciary makes a return and thereafter a refund claim is made by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the return was made by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is made by a fiduciary other than the one by whom the return was made, the necessary documentary evidence should accompany the claim. The claim may be executed by the agent of the person assessed, but in such case a power of attorney must accompany the claim.

SECTION 1401 (d) (3) AND (4) OF THE ACT

SPECIAL REFUNDS

(3) *Wages received after 1950.* If by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1950, the wages received by him during such year exceed $3,600, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400 and deducted from the employee's wages (whether or not paid to the collector), which exceeds the tax with respect to the first $3,600 of such wages received. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (A) the employee makes a claim, establishing his right thereto, after the calendar year in which the wages were received with respect to which refund of tax is claimed, and (B) such claim is made within two years after the calendar year in which such wages were received. No interest shall be allowed or paid with respect to any such refund.

(4) *Special rules in the case of Federal and State employees.*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly owned instrumentality thereof during any calendar year after the calendar year 1950, each head of a Federal agency or instrumentality who makes a return pursuant to section 1420 (e) and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for the purposes of * * * paragraph (3) of this subsection, be deemed a separate employer; and the term "wages" includes, for the purposes of paragraph (3) of this subsection, the amount not to exceed $3,600, determined by each such head or agent as constituting wages paid to an employee.

(B) *State employees.* For the purposes of paragraph (3) of this subsection, in the case of remuneration received during any calendar year after the calendar year 1950, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act as would be wages if such services constituted employment; the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; the term "tax" or "tax imposed by section 1400" includes, in the case of services covered by an agreement made pursuant to section 218 of the Social Security Act, an amount equivalent to the tax which would be imposed by section 1400, if such services constituted employment as defined in section 1426; and the provisions of paragraph (3) of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid to the Secretary of the Treasury. (Sec. 1401 (d) (3), (4), I. R. C., as added by sec. 203 (c), Social Security Act Amendments of 1950, 64 Stat. 527.)

SECTION 322 (a) (4) OF THE INTERNAL REVENUE CODE

CREDIT FOR "SPECIAL REFUNDS" OF EMPLOYEE SOCIAL SECURITY TAX

The Commissioner is authorized to prescribe, with the approval of the Secretary, regulations providing for the crediting against the tax imposed by this chapter [chapter 1—Income tax] for any taxable year of the amount determined by the taxpayer or the Commissioner to be allowable under section 1401 (d) as a special refund of tax imposed on wages received during the calendar year in which such taxable year begins. If more than one taxable year begins in such calendar year, such amount shall not be allowed under this section as a credit against the tax for any taxable year other than the last taxable year so beginning. The amount allowed as a credit under such regulations shall, for the purposes of this chapter, be considered an amount deducted and withheld at the source as tax under subchapter D of chapter 9. (Sec. 322 (a) (4), I. R. C., as added by sec. 206 (b) (1), (c), Social Security Act Amendments of 1950, 64 Stat. 538.)

SECTION 48 (a) OF THE INTERNAL REVENUE CODE

TAXABLE YEAR

"Taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Part [part IV, subchapter B, chapter 1]. "Taxable year" means, in the case of a return made for a

fractional part of a year under the provisions of this chapter [chapter 1—income tax] or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made. (Sec. 48 (a), I. R. C., as amended by secs. 101, 135 (d), Revenue Act of 1942, 56 Stat. 802, 835.)

§ 408.802 *Special refunds of employee tax on wages over $3,600*—(a) *In general.* If, during any calendar year commencing after December 31, 1950, an employee receives wages in excess of $3,600 from two or more employers, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom (whether or not paid to the collector) exceeds the employee tax with respect to the first $3,600 of such wages. (See §§ 408.226 and 408.227, relating to wages.)

Example (1). Employee A in the calendar year 1951 receives taxable wages in the amount of $2,000 from each of his employers B, C, and D, for services performed during such year (or at any time after December 31, 1936), or a total of $6,000. Employee tax is deducted from A's wages, in the amount of $30 by B and $30 by C, or a total of $60. Employer D pays employee tax in the amount of $30 to the collector without deducting such tax from A's wages. The employee tax with respect to the first $3,600 of such wages is $54. A is entitled to a special refund of $6.

Example (2). Employee E in the calendar year 1951 performs employment for employers F and G, for which E is entitled to remuneration of $3,600 from each employer, or a total of $7,200. On account of such employment E in 1950 received an advance payment of $600 in wages from F; and in 1951 receives wages in the amount of $3,000 from F, and $3,600 from G. Employee tax was deducted as follows: In 1950, $9 by employer F; and in 1951, $45 by employer F, and $54 by employer G. Thus E in the calendar year 1951 received $6,600 in wages, from which $99 of employee tax was deducted. The amount of employee tax with respect to the first $3,600 of such wages received in 1951 is $54. E is entitled to a special refund of $45. (The $600 advance of wages received in 1950 from F, and $9 of employee tax with respect thereto, have no bearing in computing E's special refund for 1951, because the wages were not received in 1951; and such amounts could not form the basis for a special refund unless E during 1950 received from F and at least one more employer wages totaling more than $3,000, in which case E's right to refund would be determined under section 1401 (d) (2) of the act, which is dealt with in § 402.705 (c) of Regulations 106.)

(b) *Special rules pertaining to Federal and State employees*—(1) *Federal employees.* For the purpose of special refunds of employee tax, each head of a Federal agency or of a wholly owned instrumentality of the United States who makes a return pursuant to section 1420 (e) of the act (and each agent designated by a head of a Federal agency or instrumentality who makes a return pursuant to such section) is considered a separate employer. For such purpose, the term "wages" includes the amount, not in excess of $3,600, which each such head (or agent) determines to constitute wages paid an employee. For example, if wages received by an employee during any calendar year are reportable by two or more agents of one or more Federal agencies and the amount of such wages is in excess of $3,600, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $3,600 of such wages. Moreover, if an employee receives wages during any calendar year from an agency or wholly owned instrumentality of the United States from one or more other employers, either private or governmental, and the amount of such wages is in excess of $3,600, the employee shall similarly be entitled to a special refund.

(2) *State employees.* For the purpose of special refunds of employee tax, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act, relating to voluntary agreements for coverage of employees of State and local governments, as would be wages if such services constituted employment (see §§ 408.226 and 408.227, relating to wages); the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; and the term "tax" or "tax imposed by section 1400" includes an amount equivalent to the employee tax which would be imposed by section 1400 of the act if such services constituted employment. In the case of employees of a State or local government, the provisions of paragraph (a) of this section are applicable whether or not any amount deducted from the employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid to the Secretary. Thus, the special refund provisions are applicable to amounts equivalent to employee tax deducted in any calendar year from employees' remuneration by States, political subdivisions, or instrumentalities pursuant to agreements made under section 218 of the Social Security Act. Moreover, if an employee receives wages during any calendar year from a State, political subdivision, or instrumentality thereof and from one or more other employers, either private or governmetal, and the amount of such wages is in excess of $3,600, the special refund provisions are applicable with respect to such wages.

(c) *Claims for special refund*—(1) *In general.* No special refund of employee tax will be allowed unless (i) the employee files a claim, establishing his right thereto, after the calendar year in which the wages are received with respect to which the special refund of tax is claimed, and (ii) such claim is filed within two years after the calendar year in which such wages are received. Each such claim shall be made with respect to wages received within one calendar year (regardless of the year or years after 1936 during which the services are performed for which such wages are received).

(2) *Individual required to file income tax return.* If an employee is entitled to a special refund of employee tax with respect to wages received during any calendar year commencing after December 31, 1950, and is required under chapter 1 of the Internal Revenue Code to file an income tax return for such calendar year (or for his taxable year beginning in such calendar year or, if the employee has more than one taxable year beginning in such calendar year, for his last taxable year beginning in the calendar year), the employee shall claim credit for such refund on such income tax return in accordance with the applicable provisions of the regulations prescribed under chapter 1 of the Internal Revenue Code. As used herein, the term "taxable year" shall have the meaning assigned to it by section 43 (a) of the Internal Revenue Code, set forth above, and the regulations prescribed thereunder.

(3) *Individual not required to file income tax return.* If an employee is entitled to a special refund of employee tax with respect to wages received during any calendar year commencing after December 31, 1950, and is not required under chapter 1 of the Internal Revenue Code to file an income tax return for such calendar year (or for his taxable year beginning in such calendar year or, if the employee has more than one taxable year beginning in such calendar year, for his last taxable year beginning in the calendar year), the employee shall claim such refund in accordance with the provisions of this section. Each claim for special refund under this section shall be made on Form 843, in accordance with the regulations in this subpart and the instructions relating to such form, and shall be filed with the collector for the district in which the employee resides. The employee shall submit with the claim, as a part thereof, a statement setting forth the reason why he is entitled to claim the special refund in accordance with the regulations in this section, together with the following information, with respect to each employer from whom he received wages during the calendar year: (i) The name and address of such employer, (ii) the account number of the employee and the employee's name as reported by the employer on his returns, (iii) the amount of wages received during the calendar year to which the claim relates, (iv) the amount of employee tax on such wages deducted by the employer, and (v) the amount of such tax, if any, which has been refunded or otherwise returned to the employee. Other information may be required, but should be submitted only upon request. No interest will be allowed or paid by the Government on the amount of any special refund claimed on Form 843 in accordance with the provisions of this section.

SECTION 1422 OF THE ACT

ERRONEOUS PAYMENTS

Any tax paid under this subchapter by a taxpayer with respect to any period with respect to which he is not liable to tax under this subchapter shall be credited against the tax, if any, imposed by subchapter B upon such taxpayer, and the balance, if any, shall be refunded.

§ 408.803 *Credit and refund of taxes paid for period during which liability existed under subchapter B of chapter 9 of the Internal Revenue Code.* If any person pays any amount as tax under the Federal Insurance Contributions Act with respect to any period for which he is not liable for such tax and such person is liable for a tax imposed by subchapter B of chapter 9 of the Internal Revenue Code, the amount paid as tax under the Federal Insurance Contributions Act shall be credited against the tax for which the person is liable under such subchapter and the balance, if any, shall be refunded. Each claim for refund under this section shall be made in accordance with § 408.801. Each claim for credit under this section shall be made on Form 843 in accordance with the instructions relating to such form and the applicable provisions of § 408.801. See section 1531 of subchapter B of chapter 9 of the Internal Revenue Code for credit or refund of amounts paid as tax under such subchapter for any period during which liability existed under the Federal Insurance Contributions Act.

SECTION 1636 OF THE ACT

PERIOD OF LIMITATION UPON REFUNDS AND CREDITS OF CERTAIN EMPLOYMENT TAXES

(a) *General rule.* In the case of any tax imposed by subchapter A • • • of this chapter—

(1) *Period of limitation.* Unless a claim for credit or refund is filed by the taxpayer within three years from the time the return was filed or within two years from the time the tax was paid, no credit or refund shall be allowed or made after the expiration of whichever of such periods expires the later. If no return is filed, then no credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.

(2) *Limit on amount of credit or refund.* The amount of the credit or refund shall not exceed the portion of the tax paid—

(A) If a return was filed, and the claim was filed within three years from the time the return was filed, during the three years immediately preceding the filing of the claim.

(B) If a claim was filed, and (i) no return was filed, or (ii) if the claim was not filed within three years from the time the return was filed, during the two years immediately preceding the filing of the claim.

(C) If no claim was filed and the allowance of credit or refund is made within three years from the time the return was filed, during the three years immediately preceding the allowance of the credit or refund.

(D) If no claim was filed, and (i) no return was filed or (ii) the allowance of the credit or refund is not made within three years from the time the return was filed, during the two years immediately preceding the allowance of the credit or refund.

(b) *Penalties, etc.* The provisions of subsection (a) of this section shall apply to any penalty or sum assessed or collected with respect to the tax imposed by subchapter A • • • of this chapter.

(c) *Date of filing return and date of payment of tax.* For the purposes of this section—

(1) If a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be considered paid on March 15 of such succeeding calendar year.

(d) *Application of section.* The provisions of this section shall apply only to those taxes imposed by subchapter A of this chapter • • • which are required to be collected and paid by making and filing returns.

(e) *Effective date.* The provisions of this section shall not apply to any tax paid or collected with respect to remuneration paid during any calendar year before 1951 or to any penalty or sum paid or collected with respect to such tax. (Sec. 1636, I. R. C., as added by sec. 207 (a), Social Security Act Amendments of 1950, 64 Stat. 538.)

§ 408.804 *Period of limitation upon refunds and credits*—(a) *In general.* Section 1636 of the Internal Revenue Code provides that, unless a claim for refund or credit of an overpayment of the tax imposed by the act with respect to remuneration paid during any calendar year commencing after December 31, 1950, is filed within three years from the time the return was filed, or within two years from the time the tax was paid, no refund or credit shall be allowed or made after the expiration of whichever of such periods expires the later. The section further provides that, if no return is filed, then no refund or credit of such overpayment shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed.

(b) *Limitation on amount of refund or credit.* The limitation on the amount of the refund or credit shall be determined in accordance with section 1636 (a) (2) of the Internal Revenue Code.

(c) *Limitation on penalties, etc.* The provisions of this section relative to the tax imposed by the act are also applicable to any penalty or other sum assessed or collected with respect to such tax.

(d) *Date of filing return and payment of tax.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, it shall be deemed filed on March 15 of such succeeding calendar year. Likewise, if any tax with respect to remuneration paid during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be deemed paid on March 15 of such succeeding calendar year.

SUBPART I—MISCELLANEOUS PROVISIONS

ASSESSMENT AND COLLECTION

SECTION 1421 OF THE ACT

UNDERPAYMENTS

If • • • less than the correct amount of tax imposed by section 1400 or 1410 is paid or deducted with respect to any wage payment and the • • • underpayment of tax cannot be adjusted under section 1401 (c) or 1411 • • • the amount of the underpayment shall be collected, in such manner and at such times (subject to the statutes of limitations properly applicable thereto) as may be prescribed by regulations made under this subchapter.

§ 408.901 *Assessment of underpayments.* If any tax is not paid to the collector when due, the Commissioner may, as the circumstances warrant, assess the tax (whether or not the underpayment is otherwise adjustable) or afford the employer opportunity to adjust the underpayment pursuant to § 408.702 or § 408.703. Unpaid employer tax or employee tax may be assessed against the employer. Employee tax not collected by the employer may also be assessed against the employee. The unpaid amount, together with interest and penalty, if any, will be collected, pursuant to section 3655 of the Internal Revenue Code and other applicable provisions of law, from the person against whom the assessment is made. If an employer pays employee tax pursuant to an assessment against him without an adjustment having been made pursuant to § 408.702, reimbursement is a matter to be settled between the employer and the employee. (See § 408.907, relating to interest, and § 408.908, relating to penalty for failure to pay an assessment after notice and demand. See also § 408.902, relating to jeopardy assessments.)

SECTION 3660 OF THE INTERNAL REVENUE CODE

JEOPARDY ASSESSMENT

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 408.902 *Jeopardy assessments.* (a) Whenever, in the opinion of the collector, the collection of the tax will be jeopardized by delay, he should report the case promptly to the Commissioner by telegram or letter. The communication should recite the full name and address of the person involved, the tax-return period or periods involved, the amount of tax due for each period, the date any return was filed by or for the taxpayer for such period, a reference to any prior assessment made for such period against the taxpayer, and a statement as to the reason for the recommendation, which will enable the Commissioner to assess the tax, together with all penalties and interest due. Upon assessment such tax, penalty, and interest shall become immediately due and payable, whereupon the collector will issue immediately a notice and demand for payment of the tax, penalty, and interest.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired and with such sureties as the collector deems necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such

amount would be due. In lieu of surety or sureties the taxpayer may deposit with the collector bonds or notes of the United States, or bonds or notes fully guaranteed by the United States, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the collector in case of default to collect or sell such bonds or notes so deposited.

(c) Upon refusal to pay, or failure to pay or give bond, the collector will proceed immediately to collect the tax, penalty, and interest by distraint without regard to the period prescribed in section 3690 of the Internal Revenue Code.

SECTION 1635 OF THE INTERNAL REVENUE CODE

PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION OF CERTAIN EMPLOYMENT TAXES

(a) *General rule.* The amount of any tax imposed by subchapter A of this chapter • • • shall (except as otherwise provided in the following subsections of this section) be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.

(b) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(c) *Willful attempt to evade tax.* In case of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(d) *Collection after assessment.* Where the assessment of any tax imposed by subchapter A of this chapter • • • has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayers.

(e) *Date of filing of return.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year.

(f) *Application of section.* The provisions of this section shall apply only to those taxes imposed by subchapter A of this chapter • • • which are required to be collected and paid by making and filing returns.

(g) *Effective date.* The provisions of this section shall not apply to any tax imposed with respect to remuneration paid during any calendar year before 1951. (Sec. 1635, I. R. C., as added by sec. 207 (a), Social Security Act Amendments of 1950, 64 Stat. 538.)

§ 408.903 *Period of limitation upon assessment and collection.* Section 1635 of the Internal Revenue Code provides, in general, for a three-year period of limitation on the assessment of the taxes imposed by the act with respect to remuneration paid during any calendar year commencing after December 31, 1950. This period of limitation is measured from the date the return is filed, except that if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be deemed filed on March 15 of such succeeding calendar year. For example, if quarterly returns are filed for the four quarters of 1951 on April 30, July 31, and October 31, 1951, and on January 31, 1952, the period of limitation for assessment with respect to the tax required to be reported on each such return is measured from March 15, 1952. However, if any of such returns is filed after March 15, 1952, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed. Where the tax is assessed within the statutory period of limitation, such tax may be collected by distraint or by a proceeding in court, if begun (a) within six years after the assessment of the tax, or (b) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer. In the case of a false or fradulent return with intent to evade tax or of a failure to file a return, and in the case of a willful attempt in any manner to defeat or evade tax, the tax required to be reported on the return may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment at any time.

SECTION 3811 OF THE INTERNAL REVENUE CODE

COLLECTION OF TAXES IN PUERTO RICO AND VIRGIN ISLANDS

(a) *Puerto Rico.* Notwithstanding any other provision of law respecting taxation in Puerto Rico, all taxes imposed • • • by subchapters A • • • of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement • • • of any tax imposed by subchapter A • • • of chapter 9, shall, in respect to such tax, extend to and be applicable in Puerto Rico in the same manner and to the same extent as if Puerto Rico were a State, and as if the term "United States" when used in a geographical sense included Puerto Rico.

(b) *Virgin Islands.* Notwithstanding any other provision of law respecting taxation in the Virgin Islands, all taxes imposed • • • by subchapter A of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement • • • of any tax imposed by subchapter A of chapter 9, shall, in respect to such tax, extend to and be applicable in the Virgin Islands in the same manner and to the same extent as if the Virgin Islands were a State, and as if the term "United States" when used in a geographical sense included the Virgin Islands.

(c) *Definition.* As used in this section, the term "tax" includes any penalty with respect to the tax, any addition to the tax, and any additional amount with respect to the tax, provided for by any law of the United States. (Sec. 3811, I. R. C., as added by sec. 208 (b), Social Security Act Amendments of 1950, 64 Stat. 543, and as amended by sec. 221 (i), (k), Revenue Act of 1950, 64 Stat. 946, 947.)

§ 408.904 *Collection of taxes in Puerto Rico and Virgin Islands.* All provisions of the laws of the United States relating to the administration, collection, and enforcement (such as the provisions relating to the ascertainment, return, determination, redetermination, assessment, collection, remission, credit, and refund) of any tax imposed by the act shall, in respect of such tax, extend to and be applicable in Puerto Rico and the Virgin Islands in the same manner and to the same extent as if Puerto Rico and the Virgin Islands were each a State, and as if the term "United States" when used in a geographical sense included Puerto Rico and the Virgin Islands.

MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS IN CASE OF RELATED EMPLOYEE TAX AND SELF-EMPLOYMENT TAX

SECTION 3812 OF THE INTERNAL REVENUE CODE

MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS AND OTHER PROVISIONS IN CASE OF RELATED TAXES UNDER DIFFERENT CHAPTERS

(a) *Self-employment tax and tax on wages.* In the case of the tax imposed by subchapter E of chapter 1 (relating to tax on self-employment income) and the tax imposed by section 1400 of subchapter A of chapter 9 (relating to tax on employees under the Federal Insurance Contributions Act)—

(1) (i) If an amount is erroneously treated as self-employment income, or

(ii) If an amount is erroneously treated as wages, and

(2) If the correction of the error would require an assessment of one such tax and the refund or credit of the other tax, and

(3) If at any time the correction of the error is authorized as to one such tax but is prevented as to the other tax by any law or rule of law (other than section 3761, relating to compromises),

then, if the correction authorized is made, the amount of the assessment, or the amount of the credit or refund, as the case may be, authorized as to the one tax shall be reduced by the amount of the credit or refund, or the amount of the assessment, as the case may be, which would be required with respect to such other tax for the correction of the error if such credit or refund, or such assessment, of such other tax were not prevented by any law or rule of law (other than section 3761, relating to compromises).

(b) *Definitions.* For the purposes of subsection (a) of this section, the terms "self-employment income" and "wages" shall have the same meaning as when used in section 481 (b). (Sec. 3812, I. R. C., as added by sec. 208 (b), Social Security Act Amendments of 1950, 64 Stat. 544.)

§ 408.905 *Mitigation of effect of statute of limitations in case of related employee tax and self-employment tax—*(a) *Application of section.* (1) Section 3812 of the Internal Revenue Code may be applied in the correction of a certain type of error involving both the tax on self-employment income and the employee tax under section 1400 of the act, if the correction of the error as to one tax is, on the date the correction is authorized, prevented in whole or in part by the operation of any law or rule of law other than section 3761 of the Internal Revenue Code, relating to compromises.

(2) If the liability for either tax with respect to which the error was made has been compromised under section 3761 of the Code, the provisions of section 3812 of the Code limiting the correction with respect to the other tax do not apply.

(3) Section 3812 of the Code is not applicable if, on the date of the authorization, correction of the effect of the error is permissible as to both taxes without resource to such section.

(4) If, because an amount of wages (as defined in section 1426 (a) of the act) is erroneously treated as self-employment income (as defined in section 481 (b) of the Internal Revenue Code) or an amount of self-employment income is erroneously treated as wages, it is necessary in correcting the error to assess the correct tax and give a credit or refund for the amount of the tax erroneously paid, and either, but not both, of such adjustments is prevented by any law or rule of law (other than section 3761 of the Code), the amount of the assessment or of the credit or refund authorized shall reflect the adjustment which would be made in respect of the other tax (either the tax on self-employment income under section 480 of the Internal Revenue Code or the employee tax under section 1400 of the act) but for operation of such law or rule of law. For example, assume that during 1951 A paid $10 as tax on an amount erroneously treated as wages, when such amount was actually self-employment income, and that credit or refund of the $10 is not barred. A should have paid a self-employment tax of $15 on the amount. If the assessment of the correct tax, that is, $15, is barred by the statute of limitations, no credit or refund of the $10 shall be made without offsetting against such $10 the $15, assessment of which is barred. Thus, no credit or refund in respect of the $10 can be made.

(5) As another example, assume that during 1951 a taxpayer reports wages of $3,600 and net earnings from self-employment of $900. By reason of the limitations of section 481 (b) of the Code he shows no self-employment income. Assume further that by reason of a final decision in The Tax Court of the United States, further adjustments to his income tax liability are barred. The question of the amount of his wages, as defined in section 1426 (a) of the act, was not in issue in the Tax Court litigation, but it is subsequently determined (within the period of limitations applicable under the act) that $700 of the $3,600 reported as wages was not for employment as defined in section 1426 (b) of the act, and he is entitled to the allowance of a refund of the $10.50 tax paid on such remuneration under section 1400 of the act. The reduction of his wages from $3,600 to $2,900 would result in the determination of $700 self-employment income, the tax on which is $15.75 for the year. The overpayment of $10.50 would be offset under section 3812 of the Code by the barred deficiency of $15.75, thus eliminating the refund otherwise allowable. If the facts were changed so that the taxpayer erroneously paid tax on self-employment income of $700, having been taxed on only $2,900 as wages, and within the period of limitations applicable under the act, it is determined that his wages were $3,600, the tax of $10.50 under section 1400 of the act, otherwise collectible, would be eliminated by offsetting under section 3812 of the Code the barred overpayment of $15.75. The balance of the barred overpayment, $5.25, cannot be credited or refunded.

(6) Another illustration of the operation of section 3812 of the Code is the case of a taxpayer who is erroneously taxed on $2,500 as wages, the tax on which is $37.50, and who reports no self-employment income. After the statute of limitations has run on the refund of the tax under the act, it is determined that the amount treated as wages should have been reported as net earnings from self-employment. The taxpayer's self-employment income would then be $2,500 and the tax thereon would be $56.25. Assume that the period of limitations under chapter 1 of the Internal Revenue Code has not expired, and that a notice of deficiency may properly be issued. Under section 3812 of the Code, the amount of the deficiency of $56.25 must be reduced by the barred overpayment of $37.50.

(b) *Law applicable in determination of error.* The question of whether there was an erroneous treatment of self-employment income or of wages is determined under the provisions of law and regulations applicable with respect to the year or other taxable period as to which the error was made. The fact that the error was in pursuance of an interpretation, either judicial or administrative, accorded such provisions of law and regulations at the time of such action is not necessarily determinative of this question. For example, if a later judicial decision authoritatively alters such interpretation so that such action was contrary to such provisions of the law and regulations as later interpreted, the error is within the meaning of section 3812 of the Code.

ACTS TO BE PERFORMED BY AGENTS

SECTION 1632 OF THE INTERNAL REVENUE CODE

ACTS TO BE PERFORMED BY AGENTS

In case a fiduciary, agent or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to designate such fiduciary, agent or other person to perform such acts as are required of employers under this chapter [chapter 9 of the Internal Revenue Code] and as the Commissioner may specify. Except as may be otherwise prescribed by the Commissioner with the approval of the Secretary, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent or other person so designated but, except as so provided, the employer for whom such fiduciary, agent or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers. (Sec. 1632, I. R. C., as added by sec. 2 (a), (d), Current Tax Payment Act of 1943, 57 Stat. 126, 139.)

§ 408.906 *Acts to be performed by agents.* If an employer pays wages to an employee or group of employees through a fiduciary, agent, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee or group of employees, the Commissioner may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of employers under the act and the regulations in this part. Application for authorization to perform such acts, signed by such fiduciary, agent, or other person, should be filed with the Commissioner of Internal Revenue, Washington, D. C. If the fiduciary, agent, or other person is authorized by the Commissioner to perform such acts as are required of employers under the act and regulations, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of an employer shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of employers.

INTEREST AND ADDITIONS TO TAX

SECTION 1420 (b) OF THE ACT

ADDITION TO TAX IN CASE OF DELINQUENCY

If the tax is not paid when due, there shall be added as part of the tax interest (except in the case of adjustments made in accordance with the provisions of sections 1401 (c) and 1411) at the rate of 6 per centum per annum from the date the tax became due until paid.

SECTION 3655 OF THE INTERNAL REVENUE CODE

NOTICE AND DEMAND FOR TAX

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment • • •.

• • • • • •

§ 408.907 *Interest.* If the tax is not paid to the collector when due and is not adjusted under § 408.702 or § 408.703, interest accrues at the rate of 6 percent per annum.

§ 408.908 *Addition to tax for failure to pay an assessment after notice and demand.* (a) If tax, penalty, or interest is assessed and the entire amount thereof is not paid within 10 days after the date of issuance of notice and demand for payment thereof, based on such assessment, there accrues under section 3655 of the Internal Revenue Code (except as provided in paragraph (b) of this section) a penalty of 5 percent of the assessment remaining unpaid at the expiration of such period.

(b) If, within 10 days after the date of issuance of notice and demand, a claim for abatement of any amount of the assessment is filed with the collector, the 5 percent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and

the amount rejected is not paid, the collector shall issue notice and demand for such amount. If payment is not made within 10 days after the date the collector issues the notice and demand, the 5 percent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

SECTION 3612 (d) AND (e) OF THE INTERNAL REVENUE CODE

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SECTION 1631 OF THE INTERNAL REVENUE CODE

FAILURE OF EMPLOYER TO FILE RETURN

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5. (Sec. 1631, I. R. C., as added by sec. 2 (a), Current Tax Payment Act of 1943, 57 Stat. 133, and as amended by sec. 209 (d), Social Security Act Amendments of 1950, 64 Stat. 547.)

§ 408.869 *Additions to tax for delinquent or false returns*—(a) *Delinquent returns*—(1) *Ad valorem addition.* (i) If a person fails to make and file a return required by the regulations in this part within the prescribed time, a certain percent of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to be due to reasonable cause and not to willful neglect. Two classes of delinquents are subject to this addition to the tax:

(*a*) Those who do not file returns and for whom returns are made by a collector, a deputy collector, or the Commissioner; and

(*b*) Those who file tardy returns and are unable to show reasonable cause for the delay.

The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate, subject, however, to the minimum addition to the tax set forth in subparagraph (2) of this paragraph. In computing the period of delinquency all Sundays and holidays after the due date are counted.

(ii) A person who files a tardy return and wishes to avoid the addition to the tax for delinquency must make an affirmative showing of all facts alleged as a reasonable cause for failure to file the return on time in the form of a statement which should be attached to the return as a part thereof.

(2) *Minimum addition.* If a person fails to make and file a return required by the regulations in this part within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5. The addition to the tax or taxes shall be computed as provided in subparagraph (1) of this paragraph and if less than $5 shall be increased to $5.

(b) *False returns.* If a false or fraudulent return is willfully made, the addition to tax under section 3612 (d) (2) of the Internal Revenue Code is 50 percent of the total tax due for the entire period involved, including any tax previously paid.

PENALTIES

SECTION 2707 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1430 OF THE ACT

PENALTIES

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax * * * or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SECTION 3616 OF THE INTERNAL REVENUE CODE

PENALTIES

Whenever any person—

(a) *False returns.* Delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made; or,

(b) *Neglect to obey summons.* Being duly summoned to appear to testify, or to appear and produce books as required under section 3615, neglects to appear or to produce said books—he shall be fined not exceeding $1,000, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

* * * * *

SECTION 3793 (b) OF THE INTERNAL REVENUE CODE

FRAUDULENT RETURNS, AFFIDAVITS, AND CLAIMS

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SECTION 286 OF TITLE 18 OF THE UNITED STATES CODE

CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SECTION 286 OF TITLE 18 OF THE UNITED STATES CODE

FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE

STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1621 OF TITLE 18 OF THE UNITED STATES CODE

PERJURY GENERALLY

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both.

SECTION 208 OF THE SOCIAL SECURITY ACT

PENALTIES

Whoever, for the purpose of causing an increase in any payment authorized to be made under this title [Title II of the Social Security Act], or for the purpose of causing any payment to be made where no payment is authorized under this title, shall make or cause to be made any false statement or representation (including any false statement or representation in connection with any matter arising under * * * subchapter A or E of chapter 9 of the Internal Revenue Code) as to the amount of any wages paid or received or the period during which earned or paid, or whoever makes or causes to be made any false statement of a material fact in any application for any payment under this title, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such an application, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both. (Sec. 208, Social Security Act, as amended by sec. 201, Social Security Act Amendments of 1939, 53 Stat. 1362; sec. 109 (c), Social Security Act Amendments of 1950, 64 Stat. 523.)

SECTION 1106 OF THE SOCIAL SECURITY ACT

DISCLOSURE OF INFORMATION IN POSSESSION OF AGENCY

(a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act * * * or subchapter A of chapter 9 of the Internal Revenue Code, or under regulations made under authority thereof, which has been transmitted to the Administrator by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Administrator or by any officer or employee of the Federal Security Agency in the course of discharging the duties of the Administrator under this Act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Administrator or from any officer or employee of the Federal Security Agency, shall be made except as the Administrator may by regulations prescribe. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

(b) Requests for information, disclosure of which is authorized by regulations prescribed pursuant to subsection (a) of this section, may be complied with if the agency, person, or organization making the request agrees to pay for the information requested in such amount, if any (not exceeding the cost of furnishing the information), as may be determined by the Administrator. Payments for information furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Administrator, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund) for the unit or units of the Federal Security Agency which prepared or furnished the information. (Sec. 1106, Social Security Act, as added by sec. 802, Social Security Act Amendments of 1939, 53 Stat. 1398, and as amended by sec. 403 (d), Social Security Act Amendments of 1950, 64 Stat. 559.)

SECTION 1107 OF THE SOCIAL SECURITY ACT

PENALTY FOR FRAUD

(a) Whoever, with the intent to defraud any person, shall make or cause to be made any false representation concerning the requirements of * * * subchapter A * * * or E of chapter 9 of the Internal Revenue Code, or of any rules or regulations issued thereunder, knowing such representations to be false, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

(b) Whoever, with the intent to elicit information as to the date of birth, employment, wages, or benefits of any individual * * * falsely represents to any person that he is an employee or agent of the United States, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both. (Sec. 1107, Social Security Act, as added by sec. 802, Social Security Act Amendments of 1939, 53 Stat. 1398, and as amended by sec. 403 (e), Social Security Act Amendments of 1950, 64 Stat. 560.)

OTHER LAWS APPLICABLE

SECTION 1430 OF THE ACT

OTHER LAWS APPLICABLE

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the taxes imposed by this subchapter. (Sec. 1430, I. R. C., as amended by sec. 903, Social Security Act Amendments of 1939, 53 Stat. 1400.)

RULES AND REGULATIONS

SECTION 1429 OF THE ACT

RULES AND REGULATIONS

* * * The Commissioner, with the approval of the Secretary, shall make and publish rules and regulations for the enforcement of this subchapter.

SECTION 3791 OF THE INTERNAL REVENUE CODE

RULES AND REGULATIONS

(a) *Authorization.*—

(1) *In general.* * * * the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title [Internal Revenue Code].

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 408.910 *Promulgation of regulations.* In pursuance of section 1429 of the act, section 3791 of the Internal Revenue Code, and other provisions of the internal revenue laws, the foregoing regulations are hereby prescribed. (See §§ 408.102 and 408.143, relating to the scope of the regulations in this part and the extent to which they supersede prior regulations.)

[F. R. Doc. 51-6794; Filed, June 11, 1951; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 930]

[Docket No. AO 72 A15-RO-1]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on June 1, 1950, reopened on November 30, 1950, pursuant to notices thereof which were issued on May 5, 1950 (15 F. R. 2804), and November 17, 1950 (15 F. R. 7980).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 5, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 10, 1951 (16 F. R. 4343, F. R. Doc. 51-5437).

Ruling on exceptions. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of handlers. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (16 F. R. 4343, F. R. Doc. 51-5437) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Determination of representative period. The month of March, 1951, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Toledo, Ohio,

marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 7th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

Sec.
930.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
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§ 930.0 *Findings and determinations.* The findings and determinations set forth in this subpart are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this subpart.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on June 1, 1950, reopened on November 30, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 ed, 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area," called the "marketing area" in this subpart means the territory within the corporate limits of the cities of Toledo, Ohio, and Monroe, Michigan, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View and Trilby in Lucas County, Ohio, and the village of Rossford in Wood County, Ohio, and the territory within the boundaries of the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem and Oregon in Lucas County, Ohio, and Perrysburg, Ross and Lake in Wood County, Ohio, and Whiteford, Bedford, Erie, La Salle, Monroe, and Frenchtown in Monroe County, Michigan.

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition in the marketing area as Class I milk all, or a portion, of which is so sold or disposed of on the premises or from such plant (or

facilities) to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

§ 930.7 *Producer.* "Producer" means any person who produces milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided*, That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

§ 930.8 *Handler.* "Handler" means (a) any person who operates a fluid milk plant, or (b) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

§ 930.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

§ 930.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 930.7.

§ 930.11 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any nonfluid milk product so received which is disposed of in the same form.

§ 930.12 *Nonhandler.* "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

§ 930.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its product for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 930.20 *Designation.* The agency for the administration of this subpart shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the secretary.

§ 930.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.73:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.73, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52 and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

(j) Upon request, supply on or before the 10th day after the end of each month to each cooperative association with respect to each producer specified in § 930.70 (a) the amounts of milk received, the average butterfat tests thereof, the amounts of authorized deductions and such other information necessary to carry out the provisions and intent of § 930.70.

REPORTS, RECORDS, AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s), and milk diverted pursuant to § 930.7 (b):

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator (except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request) on or before the 20th day after the end of each month his producer pay roll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 930.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceed-

ing under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 *Basis of classification.* All (a) producer milk received by a handler, (b) skim milk and butterfat in any form received by a handler from other handlers, and (c) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in § 930.41.

§ 930.41 *Classes of utilization.* Subject to the conditions set forth in §§ 930.42, 930.43, 930.44, 930.45, 930.46 and 930.47, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (1) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (2) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; or eggnog.

(c) Class III milk shall be all skim milk and butterfat accounted for (1) as used to produce a product other than those specified in paragraphs (a) and (b) of this section; (2) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (3) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 930.42 *Interhandler and nonhandler transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(b) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (1) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

§ 930.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 930.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 930.45 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to subparagraphs (2) and (3) of paragraph (c) of this section;

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(c) Determine the pounds of butterfat in other source milk to be prorated pursuant to paragraph (e) of this section as the smallest of the following amounts:

(1) The pounds of butterfat in other source milk received in the form of milk or skim milk,

(2) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants, and

(3) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk subtracted pursuant to paragraph (a) of this section;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (1) butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section and (2) butterfat in other source milk determined pursuant to paragraph (c) of this section;

(e) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to paragraph (c) of this section; and

(f) Add to the pounds of butterfat remaining in Class III milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 930.46 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in § 930.45.

§ 930.47 *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to §§ 930.45 and 930.46 and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 930.50 *Class prices.* Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June	$0.75
March, April, July, August	1.10
All others	1.20

(2) For the second delivery period following any period of 12 consecutive months in which the total receipts of milk from producers by all handlers exceed 135 percent of the total Class I utilization of all handlers, and continuing until the beginning of the second delivery period following any period of 12 consecutive months in which such milk receipts are less than 125 percent of such utilization, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June	$0.75
March, April, July, August	.85
All others	1.00

(b) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

(c) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of

the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

Company and Location

Pet Milk Co., Wauseon, Ohio.
Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (c) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.47, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10;

(b) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10; and

(c) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.

§ 930.53 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Value of milk.* The value of producer milk of each handler for each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.50, the amounts in each class computed pursuant to § 930.47, and adding together such amounts: *Provided*, That if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the month pursuant to § 930.30, has been credited to his producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 930.45 (f) and § 930.46 by the applicable class prices.

§ 930.61 *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiplied by 10;

(b) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (c) of this section, for the previous month to the nearest cent;

(d) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 930.60; and

(e) Adjust the resulting figure to the nearest cent.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.73, 930.74, and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 13th day after the end of each month, each handler shall, upon request, pay to a cooperative association with respect to milk of producers for which it has received written authorization to collect payment a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section.

(b) On or before the 15th day after the end of each month, each handler shall pay each producer (other than those specified in paragraph (a) of this section) for milk received from him during such month, at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to § 930.72 less the amount of payment made pursuant to § 930.71.

§ 930.71 *Partial payments.* (a) On or before the last day of each month, each handler shall, upon request, pay to a cooperative association with respect to milk received during the first 15 days of the month from producers specified in paragraph (a) of this section, a total amount not less than the sum of the individual amounts for such producers, computed at not less than the uniform price for such handler for the preceding month.

(b) On or before the last day of each month each handler shall pay to each producer (other than those specified in paragraph (a) of this section) for milk received from him during the first fifteen (15) days of the month at not less than fifty cents (50 cents) under the uniform price for such handler for the preceding month: *Provided*, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month and divide the result by 10.

§ 930.73 *Expense of administration.* As his prorata share of expense incurred pursuant to § 930.22 (d), each handler shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts, during the month, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.74 *Deductions for marketing services.* Except as set forth in § 930.75, each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

§ 930.75 *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in § 930.74, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in § 930.74, such deductions from payments required pursuant to § 930.70 as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 for each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator pursant to §§ 930.73 or 930.74, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Milk subject to other Federal orders.* (a) Milk received at a plant of a handler other than from producers the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall be considered as other source milk.

(b) Milk distributed as described in § 930.6 directly from a plant at which the handling of such milk is subject to the pricing and payment provisions of any other Federal milk marketing agreement or order shall not be subject to any of the provisions of this subpart except §§ 930.30, 930.31, 930.32 and 930.33.

(c) The value of milk disposed of by a handler as Class I milk within the marketing area of any other Federal milk marketing agreement or order issued pursuant to the act, which milk is not subject to the pricing and payment provisions of such agreement or order, shall be computed pursuant to § 930.69 at the Class I price provided in such other agreement or order adjusted pursuant to any applicable location adjustments, if such Class I price is higher than the Class I price provided in this subpart.

§ 930.81 *Milk caused to be delivered by cooperative associations.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 930.82 *Diverted milk.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

§ 930.83 *Producer-handlers.* Sections 930.40, 930.50, 930.60, 930.70, 930.73, 930.74, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a), notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 930.96 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order of Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to Toledo, Ohio, Marketing Area; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Toledo, Ohio, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

R. J. Quaintance is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 51-6792; Filed, June 11, 1951; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 383]

FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

ISSUANCE OF CERTIFICATIONS OF RECORDS; DECENTRALIZATION OF FUNCTIONS

MAY 28, 1951.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rules relating to the issuance of certifications of records which are in the custody of the Immigration and Naturalization Service. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1063, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C., written data, views and arguments relative to the substantive provisions of the proposed amendment. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

The following amendments to Part 383, *Fees and procedure to obtain certifications of or information from records*, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Section 383.1 is amended to read as follows:

§ 383.1 *Application for certification of records; form.* Except as provided in § 383.3 (a), application shall be made on Form N-585 to the Commissioner for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization or of citizenship, for use in complying with any statute, Federal or State, or in any judicial proceeding. The applicant shall fill out properly, sign, and forward the application to the commissioner of Immigration and Naturalization, Washington, D. C.

The second sentence of § 383.2, *Application for certification of records; contents*, is hereby amended to read as follows: "If it is desired for use in a judicial proceeding, the application shall set forth the title and character of the proceeding and the court in which it is pending."

Section 383.3 is amended to read as follows:

§ 383.3 *Certification of declaration of intention; application; form; procedure; action by field office.* (a) An applicant for a certification of a declaration of intention in lieu of one filed with a petition for naturalization shall fill out properly, sign, and submit Form N-585 to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The application shall be accompanied by three photographs of the applicant as prescribed in Part 364 of this chapter. The application shall be examined in the field office for defects in execution and, if necessary, shall be returned to the applicant for correction. The field office shall forward a properly executed application for decision to the district director having jurisdiction over the alien's place of residence.

(b) If the application submitted pursuant to paragraph (a) of this section is approved, the certification of the declaration of intention in lieu of one filed with a petition for naturalization shall be issued by the district director, acting

for the Commissioner, and not by the clerk of court.

(c) If denial of the application for a certification of a declaration of intention in lieu of one filed with a petition for naturalization is recommended, the reasons therefor shall be given. The application and photographs, together with the findings and recommendation of the examining officer, shall then be forwarded to the district director.

(d) If the district director is in doubt as to whether such application shall be granted, the complete record in the case shall be forwarded to the Commissioner for decision.

(e) If the district director is not satisfied that the application should be granted, he shall deny the application. The applicant shall be notified in writing of the decision with the reasons therefor, and at the same time shall be advised that he has ten days from the date of notification of decision in which he may appeal to the Commissioner. If an appeal is taken, it shall be filed with the district director, who shall forward the complete record in the case to the Commissioner for decision.

(f) Upon acquiring jurisdiction over an application for a certification of a declaration of intention in lieu of one filed with a petition for naturalization, the Commissioner shall enter a final order granting or denying the application. Notice of the Commissioner's decision shall be sent to the district office of origin, and at the same time the file relating to the applicant shall be returned to the field office. If the application is granted by the Commissioner, the district director, acting for the Commissioner, shall issue the certification of the declaration of intention in lieu of one filed with a petition for naturalization. The district director shall advise the applicant in writing of the Commissioner's decision.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 6, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-6756; Filed, June 11, 1951; 8:55 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-26]

AMERICAN PRESIDENT LINES, LTD.; PASSENGER VESSEL SUBSIDY

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held before a hearing examiner, at a time and place hereafter to be announced, under section 602 of the Merchant Marine Act, 1936, as amended, in connection with the passenger services of American President Lines, Ltd., on Trade Route No. 29, Service 1 (California ports/Far East), as described in the United States Maritime Commission's report of Essential Foreign Trade Routes of the American Merchant Marine, issued May 1949.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether, and to what extent, the passenger services of American President Lines, Ltd., on Trade Route No. 29, Service 1, have been subject to foreign-flag competition between January 1, 1947, and the present date, or any part of that period; (2) whether such competition, if any, was (a) direct foreign-flag competition, or (b) competition other than direct foreign-flag competition; and (3) whether an operating subsidy to American President Lines, Ltd., for its passenger services on Trade Route No. 29, Service 1, is necessary to meet competition of foreign-flag vessels.

The hearing will be conducted in accordance with the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in this proceeding should notify the Secretary of the Board to that effect on or before June 26, 1951, and should file petitions of intervention in accordance with § 201.81 of the Board's rules of procedure.

Dated: June 7, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-6757; Filed, June 11, 1951; 8:56 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52747]

PRODUCTS OF FAEROE ISLANDS

MARKING OF COUNTRY OF ORIGIN

JUNE 6, 1951.

Acceptable markings to indicate the country of origin under the marking provisions of the Tariff Act of 1930, as amended, for articles manufactured or produced in the Faeroe Islands are as follows:

Faeroe Islands; Faeroe Islands (Denmark); or Denmark

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 51-6760; Filed, June 11, 1951; 8:57 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 51st Supp.]

ALLIANCE MUTUAL CASUALTY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JUNE 6, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, (6 U. S. C. secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $60,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6759; Filed, June 11, 1951; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

A. C. M. Corp., Winder, Ga., effective 5-28-51 to 11-27-51; 32 learners for expansion purposes only (Army trousers and field jackets; men's and boys' dress pants).

The Badger Raincoat Co., 209-211 Franklin Street, Port Washington, Wis., effective 5-25-51 to 5-24-52; five learners for normal labor turnover (sport and utility outerwear jackets).

Brewster Shirt Manufacturing Corp., Ocala, Fla., effective 5-24-51 to 11-23-51; 15 learners for expansion purposes only (men's sport shirts).

Consumers Textile & Manufacturing Corp., Jacksonville, Ala., effective 5-25-51 to 11-24-51; 25 learners for expansion purposes (washable service apparel).

Elder Manufacturing Co., Dexter, Mo., effective 5-25-51 to 5-24-52; 10 percent for normal labor turnover (men's and boys' apparel).

Gateway Manufacturing Co., Masontown, Pa., effective 5-28-51 to 11-27-51; 70 learners for expansion purposes (men's sport shirts).

Goldbloom's Inc., 217 Coxe Avenue, Asheville, N. C., effective 5-25-51 to 5-24-52; 10 learners for normal labor turnover (women's cotton dresses).

Hemp Path Shirt Co., Simpsonville, S. C., effective 5-28-51 to 5-27-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's sport shirts).

Malden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va., effective 5-25-51 to 11-24-51; 15 learners for expansion purposes only (brassieres).

Malden Form Brassiere Co., Inc., Stanley Avenue and Second Street, Princeton, W. Va., effective 5-25-51 to 11-24-51; 10 learners for expansion purposes only (brassieres).

Mid's Garment Co., 1920 Sheridan Road, Zion Ill., effective 5-28-51 to 5-27-52; eight learners for normal labor turnover (cotton dresses).

Normandy Dress Co., 700 South Madison Ave., Bay City, Mich., effective 5-28-51 to 11-27-51; 20 learners for expansion purposes only (ladies' cotton dresses).

Pearce Manufacturing Co., Howard Pa., effective 5-29-51 to 11-28-51; 10 learners for expansion purposes (woolen shirts and jackets).

Phillips-Lester Manufacturing Co., 2300 First Avenue, North, Birmingham, Ala., effective 5-25-51 to 5-24-52; 10 percent for normal labor turnover (trousers, overalls, jackets, dungarees).

Rosina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 5-29-51 to 11-28-51; 30 learners for expansion purposes only (corsets and allied garments).

S. W. S. Co., Cottonwood Road, West, Tex., effective 5-22-51 to 11-27-51; 12 learners for expansion purposes (trousers for United States Army).

Service Uniforms, Inc., 1627 Pennsylvania, Pittsburgh, Pa., effective 5-25-51 to 5-24-52; 10 percent for normal labor turnover (washable service garments).

Shirtman, Inc., Ellioree, S. C., effective 5-25-51 to 11-24-51; 80 learners for expansion purposes only (men's sport shirts).

Smoky Mountain Fabrics, 306 Patton Avenue, Asheville, N. C., effective 5-28-51 to 10-31-51; 15 learners for expansion purposes only (men's and boys' shirts) (supplemental certificate).

Spruce Manufacturing Corp., Second and Spruce Streets, Sanbury, Pa., effective 5-23-51 to 5-27-52; 10 percent for normal labor turnover (ladies' underwear).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

Craftmore Glove Co., Lynchburg, Tenn., effective 5-25-51 to 5-24-52; one learner for normal labor turnover.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Nu-Vogue Hosiery Mills, Inc., 252 West Harden Street, Graham, N. C., effective 5-31-51 to 5-30-52; five learners for normal labor turnover.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Caldwell Telephone Co., Caldwell, Kans., effective 5-24-51 to 5-23-52.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Davis Hand Woven Textile Mill, 17 Ward Avenue, Keyser, W. Va., effective 5-25-51 to 11-24-51; two learners for normal labor turnover, hand weaver, 300 hours; 60 cents per hour (hand-woven baby shawls).

Diamond Braiding Mills, Inc., Tarpon Springs, Fla., effective 5-28-51 to 11-27-51; 20 learners for normal labor turnover; shoe lace pairers, 360 hours; 60 cents per hour for first 200 hours and 65 cents per hour for remaining 160 hours (shoe laces and braids).

Empire Manufacturing Corp., Statesville, N. C., effective 5-28-51 to 11-27-51; 30 learners for expansion purposes, to be employed in the manufacture of tents only; sewing machine operators, 240 hours; 60 cents per hour (tents).

Essex Corp., Charlottesville, Va., effective 5-29-51 to 11-28-51; 10 percent for normal labor turnover; machine operators and assemblers; 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (fountain pens, mechanical pencils, etc.).

France Neckwear Manufacturing Corp., 1217 South Thirteenth Street, Wilmington, N. C., effective 5-24-51 to 5-23-52; 5 percent for normal labor turnover; machine (operating (except cutting), hand sewing, and pressing each 320 hours, 60 cents per hour (men's neckwear).

Hickey-Freeman Co., 109 East Bank Street, Albion, N. Y., effective 5-23-51 to 5-22-52; 7 percent for normal labor turnover; hand sewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Hickey-Freeman Co., 11 Ledyard Avenue, Batavia, N. Y., effective 5-23-51 to 5-22-52; 7 percent for normal labor turnover; machine operators (except cutting), 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Hickey-Freeman Co., 43 Lake Street, LeRoy, N. Y., effective 5-23-51 to 5-22-52; 7 percent for normal labor turnover; hand sewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Hickey-Freeman Co., 13 East Center Street, Medina, N. Y., effective 5-23-51 to 5-22-52; 7 percent for normal labor turnover; hand sewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Hickey-Freeman Co., 106 Main Street, Mount Morris, N. Y., effective 5-23-51 to 5-22-52; 7 percent normal labor turnover; hand sewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Hickey-Freeman Co., 1155 Clinton Avenue North, Rochester, N. Y., effective 5-23-51 to 5-22-52; 7 percent for normal labor turnover; hand sewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

Loring Studios, 320 Ann Street, Hartford, Conn., effective 5-24-51 to 11-23-51; 10 percent for normal labor turnover; photographic colorists, 320 hours; 60 cents per hour (developing, printing and finishing of portrait photographs).

Joseph Ruzicka, 606 North Butaw Street, Baltimore, Md., effective 6-8-51 to 12-8-51; hand sewing, case sewing, sewing machine operations, and typesetting, each 320 hours; 60 cents per hour (bookbindery).

Taylor Bag Co., 125 East 8th Street, Coffeyville, Kans., effective 5-25-51 to 11-24-51; two learners for normal labor turnover; sewing machine operators, 160 hours; 60 cents per hour (used bag cleaning and repairing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-6729; Filed, June 11, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1210, G-1236, G-1264]

ERIE GAS SERVICE CO., INC., ET AL.

ORDER FIXING DATE OF HEARING

JUNE 6, 1951.

In the matters of Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264.

By order issued April 13, 1951, the Commission granted rehearing in these proceedings with respect to only the issues enumerated in finding (2) thereof, such rehearing to be held at a date and place to be fixed by further order of the Commission.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 15 and 19 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, the rehearing referred to in the Commission's order issued in these proceedings on April 13, 1951, be held on June 25, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the issues enumerated in finding (2) thereof.

Date of issuance: June 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6749; Filed, June 11, 1951; 8:52 a. m.]

[Docket No. G-1451]

NATURAL GAS CO. OF WEST VIRGINIA AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FINDINGS AND ORDER

JUNE 6, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its findings and order entered June 4, 1951, in the above-entitled matter, authorizing and approving abandonment of facilities by Natural Gas Company of West Virginia, and issuing a certificate of public convenience and necessity to the Manufacturers Light and Heat Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6755; Filed, June 11, 1951; 8:54 a. m.]

[Docket No. G-1534]

COLORADO-WYOMING GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 7, 1951.

Notice is hereby given that, on June 6, 1951, the Federal Power Commission issued its order entered June 5, 1951, issuing a certificate of public convenience and necessity and permitting abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6751; Filed, June 11, 1951; 8:53 a. m.]

[Docket No. IT-5636]

COMPANIA ELECTRICA MATAMOROS, S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

JUNE 7, 1951.

Notice is hereby given that, on June 6, 1951, the Federal Power Commission issued its order entered June 5, 1951, modifying order issued June 2, 1950, published in the FEDERAL REGISTER June 9, 1950 (15 F. R. 3638), authorizing transmission of electric energy to Mexico, and releasing Presidential Permit in Docket No. E-6236, Compania Electrica Matamoros, S. A.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6750; Filed, June 11, 1951; 8:53 a. m.]

[Project No. 401]

CHARLES R. POLLOCK AND L. B. COOPER

NOTICE OF ORDER RESCINDING AUTHORIZATION OF ISSUANCE OF LICENSE

JUNE 6, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its order entered June 4, 1951, rescinding authorization of issuance of license (Major) and dismissing application for license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6754; Filed, June 11, 1951; 8:54 a. m.]

[Project No. 1903]

CONCORD ELECTRIC CO.

NOTICE OF ORDER AMENDING LICENSE

JUNE 6, 1951.

Notice is hereby given that, on April 20, 1951, the Federal Power Commission issued its order entered April 17, 1951, amending license (Major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6753; Filed, June 11, 1951; 8:53 a. m.]

[Project No. 1984]

WISCONSIN RIVER POWER CO.

NOTICE OF ORDER REGARDING LICENSE

JUNE 6, 1951.

Notice is hereby given that, on December 15, 1950, the Federal Power Commission issued its order entered December 15, 1950, partially rescinding its order authorizing issuance of license, dated January 28, 1948, published in the FEDERAL REGISTER February 5, 1948 (13 F. R. 528-529), and issuing license (Major), in the above-designated matter, subsequently modified by order of March 27, 1951, issued March 29, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6752; Filed, June 11, 1951; 8:53 a. m.]

[Project No. 2079]

PLACER COUNTY, CALIFORNIA

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 6, 1951.

Public notice is hereby given that the County of Placer, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed major Project No. 2079 to be located on Middle Fork American River, Rubicon River and tributaries, and South and North Forks Silver Creek, which join to Form Silver Creek, a tributary of South Fork American River, in El Dorado and Placer Counties, California, and affecting lands of the United States within Tahoe and Eldorado National Forests. The proposed project would consist of: (1) Four major reservoirs and numerous smaller reservoirs for the storage, diversion and regulation of waters of the above-named streams; (2) a system of tunnels connecting the reservoirs to each other or to powerhouses; (3) seven powerhouses with aggregate installed capacity of 346,700 kilowatts: two to be on Middle Fork American River; three on Rubicon River; one on Gerle Creek, a tributary of Rubicon River; and one at the confluence of the North and South Forks of Silver Creek; and (4) appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before July 19, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6746; Filed, June 11, 1951; 8:52 a. m.]

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JUNE 6, 1951.

Public notice is hereby given that The California Oregon Power Company of Medford, Oregon, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed Project No. 2082 to be known as the Elg Bend No. 2 Development to be located in the region of Klamath Falls and Keno, Oregon. The project works would consist of a concrete gravity-type diversion dam approximately 52 feet high and 310 feet long with fixed crest at elevation 3,623 feet (U. S. G. S. datum) in $SW\frac{1}{4}NE\frac{1}{4}$ of Section 12, Township 40 South, Range 6 East, Willemette Meridian; a temporary regulating dam located about one-quarter mile below Spencer Bridge to provide a reservoir with approximately 1,150 acre-feet of pondage at normal high-water elevation 3,793 feet (U. S. G. S. datum) for peaking purposes; a 16-foot diameter conduit about 4,440 feet long, partly pipe and partly tunnel; a surge chamber; a steel penstock 16 feet in dameter and approximately 600 feet long; a powerhouse approximately 1 mile downstream from the diversion dam with two remotely controlled 25,000-kilowatt generators each connected to a turbine with capacity of 37,000 horsepower; a substation on the powerhouse structure; a transmission line approximately one-quarter mile long from the powerhouse to applicant's transmission line No. 13; and appurtenant facilities.

Any protest against approval of this application or request for hearing thereon, with reasons for such protest or request, and address of the party or parties so protesting or requesting should be submitted on or before the 19th day of July 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6747; Filed, June 11, 1951; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 7, Supplement 1]

DIRECTOR OF REGION 14

DELEGATION OF AUTHORITY TO APPROVE, DISAPPROVE, OR REVISE CEILING PRICES IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 5 AND 6 OF CPR 44

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director of the Regional Office of Price Stabilization for Region 14 to approve, disapprove, or revise ceiling prices applied for in accordance with Section 5 of CPR 44. The authority herein delegated may be redelegated to the Director of the Territorial Office of the Office of Price Stabilization in Puerto Rico.

2. Authority is hereby delegated to the Director of the Regional Office of Price Stabilization for Region 14 to revise ceiling prices in accordance with Section 6 of CPR 44. The authority herein delegated may be redelegated to the Director of the Territorial Office of the Office of Price Stabilization in Puerto Rico.

This delegation of authority shall take effect on June 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 11, 1951.

[F. R. Doc. 51-6873; Filed, June 11, 1951; 11:20 a. m.]

GENERAL SERVICES ADMINISTRATION

GENERAL DELEGATION OF AUTHORITY TO HEADS OF THE SERVICES, STAFF OFFICERS, AND REGIONAL DIRECTORS

DOMESTIC TUNGSTEN PROGRAM

1. Consonant with the provisions of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002 (a) (1)), and pursuant to authority vested in me as Administrator of General Services by the Federal Property and Administrative Services Act (63 Stat. 378; 41 U. S. C. 201), the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775) is hereby supplemented by adding paragraph 3d (5), providing as follows:

(5) *Domestic Tungsten Program.* The following authorities under the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161, and the Defense Production Administration certificate, dated March 30, 1951:

(a) The authority to issue certificates of authorization to evidence participation in the Domestic Tungsten Program.

(b) The authority to accept or reject for the General Services Administration tungsten concentrates meeting the minimum specifications set forth in the Domestic Tungsten Program Regulation (16 F. R. 4373) and to make payment therefor in accordance with the terms of such regulation.

(c) The authority to arrange for the transportation of such tungsten concentrates to designated locations, or to arrange for temporary storage, including the right to contract and make payment for such storage, in accordance with instructions furnished by the Storage and Transportation Division, Emergency Procurement Service, General Services Administration.

2. This supplement shall be effective as of the date hereof.

Dated: June 5, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-6779; Filed, June 11, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26143]

SCRAP PAPER FROM WASHINGTON, D. C., AND ROSSLYN, VA., TO HIGH POINT, N. C.

APPLICATION FOR RELIEF

JUNE 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Atlantic Coast Line R. R. Co., the Baltimore and Ohio R. R. Co., High Point, Thomasville & Denton R. R. Co., Norfolk Southern Ry. Co., Richmond, Fredericksburg and Potomac R. R. Co., Washington and Old Dominion R. R., and Winston-Salem Southbound Ry. Co.

Commodities involved: Scrap or waste paper, in carloads.

From: Washington, D. C., and Rosslyn, Va.

To: High Point, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's ICC No. 929, Supp. 137.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6740; Filed, June 11, 1951; 8:48 a. m.]

[4th Sec. Application 26144]

PULPWOOD FROM POINTS IN FLORIDA TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

JUNE 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of the Atlanta & Saint Andrews Bay Railroad Company.

Commodities involved: Pulpwood, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: A. C. L. R. R. Co., tariff ICC No. E-3231, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6741; Filed, June 11, 1951; 8:48 a. m.]

[4th Sec. Application 26145]

MAGAZINES FROM KOKOMO, IND., TO PHILADELPHIA, PA.

APPLICATION FOR RELIEF

JUNE 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 3753, pursuant to fourth section order No. 9300.

Commodities involved: Magazines or periodicals, and sections thereof, and newspaper supplements, carloads.

From: Kokomo, Ind.

To: Philadelphia, Pa.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6742; Filed, June 11, 1951; 8:49 a. m.]

[4th Sec. Application 26146]

FOREIGN WOODS FROM TARBORO AND WEST TARBORO, N. C., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to agent C. A. Spaninger's tariffs ICC Nos. 714 and 1214.

Commodities involved: Lumber, logs or flitches of mahogany and philippine woods, built-up woods and veneer, carloads.

From: Tarboro and West Tarboro, N. C.

To: Official territory.

Grounds for relief: Circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC 1214, supp. 14. C. A. Spaninger, Agent, ICC 714, supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6743; Filed, June 11, 1951; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-14 (E)]

ALBERT GODDE BEDIN, INC.

DISMISSAL OF APPLICATION

JUNE 7, 1951.

The United States Tariff Commission today announces dismissal of the application for an investigation of imports of stencil silk, dyed or colored, under the escape clause provision of the General Agreement on Tariffs and Trade. The application was filed by Albert Godde Bedin, Inc., of New York. This action by the Tariff Commission was taken in view of the increase in duty on stencil silk, dyed or colored, effective July 6, 1951, from 25 to 55 or 60 percent ad valorem, depending upon width, pursuant to the President's proclamation of June 2, 1951, giving effect to the tariff negotiations at Torquay.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-6764; Filed, June 11, 1951; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2598]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME TO CONSUMMATE TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of June A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, and one of its subsidiaries, Algonquin Gas Transmission Company ("Algonquin"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-43 promulgated thereunder with respect to the following proposed transactions:

Algonquin proposes to issue and sell not more than 77,500 additional shares of its $100 par value common stock by means of an offering to its stockholders, pursuant to preemptive rights, at a price of $100 per share, and under an arrangement which would permit Algonquin to receive the consideration from its accepting stockholders in the form of temporary, non-interest bearing advances on open account, to be subsequently converted into common stock.

Negea proposes to acquire such number of shares of Algonquin's common stock as will increase the investment of Negea in such stock to an amount not exceeding $3,000,000; and

The Commission by its order dated April 13, 1951, having granted and permitted to become effective the aforesaid application-declaration, subject to the terms and conditions prescribed in Rule U-24; and

The applicants-declarants having notified the Commission that the aforementioned transactions have been partially consummated by the issuance and sale by Algonquin of 53,593.25 additional shares of its common stock, including 19,406.135 shares purchased by Negea, and having requested that the Commission extend the period within which the transactions may be completely consummated to December 12, 1951; and

The Commission deeming it appropriate to grant such request:

It is ordered, That the period within which the aforesaid transactions may be completely consummated be, and the same hereby is, extended to December 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6732; Filed, June 11, 1951; 8:45 a. m.]

[File No. 70-2640]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of June A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Republic Light, Heat and Power Company, Inc. ("Republic"), a public utility subsidiary of Cities Service Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than June 18, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 18, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Republic has made a loan agreement dated April 30, 1951 (hereinafter called the "Loan Agreement"), with Manufacturers and Traders Trust Company (hereinafter called "Trust Company"), pursuant to which the Trust Company has agreed to lend to Republic such sum or sums of money as Republic may from time to time request of it on or before October 1, 1954, up to, but not exceeding, the total amount of $1,500,000. The amounts borrowed under the Loan Agreement from time to time are to be evidenced by promissory notes of Republic. All Notes shall be dated as of the date of the borrowing they respectively evidence and shall mature on October 1, 1954. Each Note issued during the period from April 30, 1951 through October 31, 1952, shall bear interest at the rate of the greater of 3 percent per annum or 1¼ percent above the discount rate of the Federal Reserve Bank of New York in effect at the date thereof to Member Banks for the discount of eligible commercial paper. Each Note issued during the period from November 1, 1952 to September 30, 1954, shall bear interest at the rate of the greater of 3 percent per annum or 1 percent above the discount rate of the Federal Reserve Bank of New York in effect at the date thereof to Member Banks for the discount of eligible commercial paper. However, in no event shall any Note bear interest at a rate greater than 3½ percent per annum. Interest on all Notes shall be payable quarterly on the first day of January, April, July and October in each year.

The Notes are to be subject to prepayment by Republic, in whole or in part, at any time or from time to time. No premium is to be payable upon such prepayment except in the event that the funds used for any such prepayment are borrowed by Republic from any bank other than the Trust Company, in which event a premium will be payable equivalent to ¼ of 1 percent per annum upon the amount of such prepayment from the date thereof to October 1, 1954: *Provided, however*, That no premium will be payable in any event in the case of any prepayment made within twelve months of October 1, 1954.

As consideration for the Trust Company's commitment to make loans under the Loan Agreement, Republic will pay to the Trust Company on July 1, 1951, for the two months' period ending on that date, and quarterly thereafter for each preceding quarter-annual period, a commitment fee computed at the rate of ¼ percent per annum on the balance of funds available to it under said Loan Agreement from time to time unused during such period. Republic may cancel any unused credit available to it by giving three days written notice of such cancellation to the Trust Company, whereupon Republic's obligation to pay the commitment fee, except such fee as shall have accrued to the date of such cancellation, shall cease.

It is proposed to apply the proceeds of such borrowings to the payment of construction expenditures. Republic states that the issue and sale of the notes are solely for the purpose of financing the business of the company and are to be expressly authorized by the Public Service Commission of the State of New York, the State Commission of the State in which Republic is organized and doing business. It is also stated that the proposed issuance and sale of notes is exempt from the provisions of Rule U-50 because of the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, as soon as practical following authorization of the transactions by the Public Service Commission of the State of New York.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6731; Filed, June 11, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17900]

LABOUCHERE & CO. N. V.

In re: Stock registered in the name of Labouchere & Co. N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Labouchere & Co. N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

1. Pittsburgh Consolidation Coal Co. $1.00 par value common stock evidenced by the certificate whose number is set forth below for the number of shares indicated:

2 shares. P 0941.

2. Pittsburgh Coal Co. $100 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 029756, NY 029835, NY 029836, NY 029881.

[F. R. Doc. 51-6719; Filed, June 8, 1951; 8:52 a. m.]

[Vesting Order 17899]

SWISS BANK CORP.

In re: Stock registered in the name of Swiss Bank Corporation, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2748 Zurich.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9939, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock de-

scribed in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Swiss Bank Corporation, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

30 shares of General Motors Corporation $10.00 par value common capital stock evidenced by certificates Nos. E-322344, E-322346, and E-322349 for 10 shares each.

[F. R. Doc. 51-6718; Filed, June 8, 1951; 8:51 a. m.]

[Vesting Order 17901]

LABOUCHERE & CO. N. V.

In re: Stock registered in the name of Labouchere & Co., N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Labouchere & Co., N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value common capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 6934, 6943, 7523, 7542, 7724, 7754, 7758, 7827, 8015, 8016, 8020, 8689, 8952, 9221, 9222, 9230, 9235, 9241, 9247, 9291, 9295 9338, 9363, 9512, 9439, 10381, 10393, 11104, 11264 11310, 11409, 11478, 11496, 12065, 12286, 12302, 12321, 12412, 12463, 12617, 13100, 13105.

[F. R. Doc. 51-6765; Filed, June 11, 1951; 8:59 a. m.]

[Vesting Order 17907]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 6934, 6943, 7523, 7542, 7724, 7754, 7758, 7827, 8015, 8016, 8020, 8689, 8952, 9221, 9222, 9230, 9235, 9241, 9247, 9291, 9295 9338, 9363, 9512, 9439, 10381, 10393, 11104, 11264 11310, 11409, 11478, 11496, 12065, 12286, 12302, 12321, 12412, 12463, 12617, 13100, 13105.

[F. R. Doc. 51-6765; Filed, June 11, 1951; 8:59 a. m.]

[Vesting Order 17907]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 131, 4130, 4183, 4244, 4632, 6703, 7181, 12739.

[F. R. Doc. 51-6766; Filed, June 11, 1951; 8:59 a. m.]

[Vesting Order 17911]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of

ships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 131, 4130, 4183, 4244, 4632, 6703, 7181, 12739.

[F. R. Doc. 51-6766; Filed, June 11, 1951; 8:59 a. m.]

[Vesting Order 17911]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. Southern Railway Company, No Par Value Common Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. 5998, 6297, 6143, 6691, 6834, 7681, 7696, 7734/5, 7789, 99489, 99726, 100206 7, 100046, 100061, 100339, 100502, 8017, 8021, 101180, 101192, 101195, 101819, 102279, 102743, 106920.

2. Southern Railway Company, Preferred Stock, evidenced by Certificate No. 26096 for ten shares.

[F. R. Doc. 51-6767; Filed, June 11, 1951; 9:00 a. m.]

[Vesting Order 17912]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. The Kansas City Southern Railway Company, No Par Value Common Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. B-49723, B-50576, B-51844, B-52603, B-53108, B-53113, B-53724, B-54003, B-54233, B-54327.

2. The Kansas City Southern Railway Company, $100 Par Value Preferred Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. B-36146, B-36154, B-38094, B-38259, B-39558, B-39787, B-40667, B-40715, B-40750, B-43883, B-42064.

[F. R. Doc. 51-6763; Filed, June 11, 1951; 9:01 a. m.]

[Vesting Order 17913]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country;

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

International Mercantile Marine Company, No Par Value Capital Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. 2552, 2558, 2950, 2996, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3865, 4127, 4162, 4340, 4348, 4534, 4538, 4712, 5623, 5671, 5847, 5994, 6023, 6566, 6573, 6590, 6611, 6880, 6886, 7067, 7073, 8126, 8528, 10030, 10060, 10061, 10120, 10142, 10157, 10186, 10189, 10347, 10577, 10625, 10630, 10631, 10634, 10656, 10664, 10717, 10724, 10744, 10745, 10751, 10753, 10781, 10852, 10923, 10924, 10934, 10969, 10972, 11710, 11723, 11759, 11943, 11968, 11997, 11999, 12072, 12073, 12074, 12178, 13466, 13467, 13468, 13649, 14172, 14173, 10833, 14174.

[F. R. Doc. 51-6769; Filed, June 11, 1951; 9:01 a. m.]

[Vesting Order 17914]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, the Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Pittsburgh Coal Company, $100.00 Par Value Common Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 026189 91, 026195, 026309, 026424/5, 026836, 026838, 026858 62, 026865, 026941/2, 027022, 027124, 027252, 027255, 027302, 027479, 027481, 027496, 027609, 027659, 027764, 027774 5, 027967 8, 027974, 027999, 028117, 028217, 028260, 028319, 028333, 028365, 028374, 028419, 028487 8, 028504, 028542, 028558, 028577, 028580, 029272, 029291 2, 029305/6, 029404, 029426, 029725, 029733, 029736, 029822, 029860, 029908 9, 029932, 029934, 030222, 030252, 030265, 030270, 030336 7, 030345, 030421, 030888, 031011, 031013, 031015, 031018 19, 031033, 031051, 031053 4, 031101, 031103 6, 031107, 031124.

[F. R. Doc. 51-6770; Filed, June 11, 1951; 9:01 a. m.]

[Vesting Order 17915]

LOUIS KORIJN & CO.

In re: Stock registered in the name of Louis Korijn & Co., Amsterdam, the Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788, and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follow: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Louis Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" by reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8369, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The United States Leather Company, Common Stock, evidenced by the certificates, whose numbers are set forth below for the number of shares indicated:

10-share certificates. 1284, 2427, 2437, 2438, 3617, 3618, 3619, 3620, 3621, 3727, 3769, 3803, 3804, 3805, 6617, 12185, 12189, 6597, 12190, 12191, 12192, 12193, 12194, 12195, 12203, 12212, 12101, 12102, 12103, 12104, 12105, 12106, 12107, 12108, 12109, 13302, 13303, 13310, 13853, 13859, 15531, 15532, 15664, 15672, 15673, 15678, 1955, 1956, 1969, 1975, 2377, 2556, 2562, 4495, 4501, 4833, 4834, 4835, 5260, 5411, 5419, 5877, 5878, 5894, 6038, 6068, 6078, 6079, 6107, 6110, 6183, 6185, 6186, 6187, 6188, 6189, 6190, 6191, 6192, 6197, 6198, 6199, 6200, 6201, 6202, 6227, 6228, 7368, 7369, 7370, 7371, 7387, 7388, 7812, 7814, 7837, 7838, 7840, 7870, 7914, 7924, 17910, 17947, 17977, 17995, 18008, 18012, 18013, 18050, 18473, 18481, 18506, 18603, 18704, 18822, 18923, 18956, 19016, 19647, 20418, 20842, 20843, 20844, 20845, 20846, 20852, 22093, 22094, 7927, 9362, 9400, 9416, 9431, 9435, 9436, 9438, 9463, 9470, 9471, 9505, 9576, 9631, 9632, 9633, 9644, 9659, 9667, 9668, 9669, 9670, 9674, 9682, 9980, 9981, 9932, 9985, 9986, 10007, 10008, 10000, 10011, 10014, 10020, 10021, 10022, 10023, 10085, 10100, 10135, 10172, 10176, 10177, 10200, 10201, 10202, 10222, 10279, 10308, 10350, 12324, 12862, 14485, 14481, 14553, 14563, 14573, 14574, 14575, 14576, 14577, 14589, 14644, 14647, 14666, 14672, 14684, 14695, 14709, 14713, 14714, 14715, 14716, 14717, 14718, 15867, 15889, 15897, 15904, 15912, 16812, 16910, 16918, 16919, 16920, 16921, 16922, 17590, 17811, 17817, 17851, 17872, 17876, 17887, 17890, 17893, 17894, 17900, 17902, 17910, 17939.

[F. R. Doc. 51-6771; Filed, June 11, 1951; 9:02 a. m.]

[Vesting Order 17920]

ERNEST F. GROSS

In re: Estate of Ernest F. Gross, deceased. File No. D-28-9120; E. T. sec. 11754.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Loether whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-large, next-of-kin, legatees and distributees, names unknown, of Margarete Gross Loether who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Ernest F. Gross, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Marie G. Dudley, as executrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Margaret Gross Loether are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6772; Filed, June 11, 1951; 9:03 a. m.]

[Vesting Order 17921]

HARRY KIMURA

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Harry Kimura, also known as Kameusu Harry Kimura, deceased. D-39-19316.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Harry Kimura, also known as Kamegusu Harry Kimura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Thirty-six (36) shares of $100.00 par value preferred capital stock of International Harvester Company, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered CF-35042, CF-35043, CF-35044, CF-35045, CF-35046, and CF-25047, for 5 shares each and certificate numbered CF-35048 for 6 shares, registered in the name of Harry Kimura, and presently in the custody of International Harvester Company, 180 North Michigan Avenue, Chicago 1, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Harry Kimura, also known as Kamegusu Harry Kimura, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6773; Filed, June 11, 1951; 9:03 a. m.]

[Vesting Order 17932]

SHIGEYOSHI MEGATA

In re: Stock owned by Shigeyoshi Megata. D-39-16732.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeyoshi Megata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) share of stock of Scarsdale Leasing Corp., a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 546, registered in the name of Shigeyoshi Megata, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6774; Filed, June 11, 1951; 9:04 a. m.]

[Vesting Order 17935]

JOHANN SCHMIDT

In re: Bonds owned by Johann Schmidt, also known as John Schmidt. D-28-12633-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Schmidt, also known as John Schmidt, whose last known address is House No. 11, Kunreuth by Forchheim, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three (3) United Savings Bonds, Series E, in the aggregate face value of $150.00 bearing the numbers Q157732399E of $25.00 face value issued July 1944, Q79670563E of $25.00 face value issued October 1942 and C18818254E of $100.00 face value issued October 1942, registered in the name of George Schmidt, payable on death to John Schmidt, said bonds presently in the custody of the Citizens National Bank, Park Rapids, Minnesota, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Schmidt, also known as John Schmidt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6775; Filed, June 11, 1951; 9:04 a. m.]

[Vesting Order 17937]

UNION INVESTMENT CORP., INC.

In re: Securities owned by Union Investment Corporation, Inc. F-28-3110.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Georg Barth, whose last known address is Samstagstrasse 2, Lauf bei Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That R. C. Weigmann Nachlass, whose last known address is Weigmannstrasse 27, Lauf bei Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Union Investment Corporation, Inc., Panama, Republic of Panama, is a corporation, partnership, association or other business organization, organized under the laws of Panama, Republic of Panama, whose principal place of business is located in the city of Panama, Republic of Panama, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is, or has been owned or controlled by, directly or indirectly, the aforesaid Dr. Georg Barth and R. C. Weigmann Nachlass, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Sixty-three (63) shares of $5.00 par value capital stock of Cerro de Pasco Copper Corporation, evidenced by certificate numbered 241844 for 60 shares and certificate numbered 249627 for 3 shares, said certificates registered in the name of Hurley & Co., and presently in the custody of The National City Bank of New York in a safekeeping account, Account B 33874 entitled, Mrs. Ingeburg Passaglia-Barth, together with all declared and unpaid dividends thereon,

b. One hundred fifty (150) shares of $15.00 par value common stock of International Packers Limited, evidenced by certificate numbered 15077 for 100 shares and certificate numbered 12636 for 50 shares, said certificates registered in the name of Hurley & Co. and presently in the custody of The National City Bank of New York in a safekeeping account, Account B 33874 entitled, Mrs. Ingeburg Passaglia-Barth, together with all declared and unpaid dividends thereon, and

c. Sixty (60) shares of no par value common stock of South Porto Rico Sugar Co., evidenced by certificate numbered 97852 registered in the name of Hurley & Co., presently in the custody of The National City Bank of New York in a safekeeping account, Account B 33874 entitled, Mrs. Ingeburg Passaglia-Barth, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Union Investment Corporation, Inc., Panama, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Union Investment Corporation, Inc., Panama, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6776; Filed, June 11, 1951; 9:05 a. m.]

[Vesting Order 17947]

INCASSO BANK, N. V.

In re: Stock registered in the name of Incasso Bank, N. V., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-792.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Incasso Bank, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. International Mercantile Marine Company no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

2-share certificates. 936, 970, 978, 990, 1156, 1157.

10-share certificates. 339, 345, 3182, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3363, 9821, 9844, 12526.

2. Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 6989, 7000, 7009, 7022, 7037, 7221, 7664, 7871, 99928, 100145, 100613, 102387, 103300, 103320, 103321, 103328.

3. The Kroger Company no par value common stock evidenced by certificate number NC 0635 for 20 shares.

4. Pittsburgh Consolidation Coal Company $1.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 04163, NY 04164, NY 04165, NY 04166, NY 04167, NY 04555, P 01103.

5-share certificate. NY 04169.

2-share certificate. NY 05935.

5. Pittsbugh Coal Company $100.00 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. NY 03016, NY 03017, NY 03018.

6. The Kansas City Southern Railway Company no par value common stock evidenced by certificate number B-48278 for 10 shares.

7. The Kansas City Southern Railway Company $100.00 par value preferred stock evidenced by certificate number B-41491 for 10 shares.

8. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 4011, 4076, 4077, 4113, 4120, 4161, 4162, 5111, 5572, 6635, 7158, 7159, 7160, 7205, 7206, 9842, 9843, 12114, 12171, 12318, 13006, 13007, 13008, 13009, 13047, 13073, 13076, 13092, 13114, 13115, 13160, 13683, 13691, 13695, 16978, 16979.

[F. R. Doc. 51-6777; Filed, June 11, 1951; 9:05 a. m.]

[Vesting Order 17950]

VERMEER & CO.

In re: Stock registered in the name of Vermeer & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1359.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Vermeer & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. International Mercantile Marine no par value capital stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 7367, 7894, 7918, 9745, 9746, 9762.

II. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 1739, 2099, 2100, 2282, 2600, 2628, 2629, 2636, 2647, 2648, 2649, 2650, 2651, 2661, 2669, 3514, 3539, 3557, 4403, 4404, 4405, 4782, 4799, 4807, 4929, 5528, 5530, 5710, 5747, 5750, 5764, 5765, 6676, 6677, 7410, 7980, 7982, 8014, 8519, 8526, 8544, 8551, 8566, 8616, 8673, 8699, 8740, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8822, 8836, 8837, 8838, 8839, 8842, 8843, 8855, 12519, 12535, 13275, 13776, 13777, 13784, 13795, 13813, 13822, 13823, 14289, 14290, 14362, 14363, 14757, 16886, 16887, 17301, 17649, 17669, 17671, 18693, 18694, 18695, 18957, 19289, 19379, 21073, 2010, 13754.

III. The Kansas City Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificate. B-50292.

The Kansas City Southern Railway Company $100 par value preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. B-29253, B-33919, B-36792, B-38444, B-38445, B-38602, B-38605, B-38606, B-39269, B-39693, B-40645, B-40855.

IV. (a) Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 6814, 6815, 6816, 6817, 6818, 7261, 7927, 99952, 99953, 99954, 99955, 99956, 100705, 100712, 100713, 102214, 103388.

(b) Southern Railway Company old $100 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 59633, 70221, 79446.

(c) Southern Railway Company preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 27882, 29880, 29881, 26023, 26015.

[F. R. Doc. 51-6778; Filed, June 11, 1951; 9:05 a. m.]

[Return Order 972]

FRANCISCUS KOOYMAN

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses;

Claimant, Claims Nos., and Property

Franciscus Kooyman, Delft, The Netherlands, as Guardian of Jacobus Cornelis Kooyman, an incompetent; Claims Nos. 32400 and 32401; $419,377.31 in the Treasury of the United States.

Property described in Vesting Order No. 2619 (8 F. R. 17342, December 22, 1943), relating to United States Letters Patent Nos. 2,017,974 and 2,017,975.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Jacobus Cornelis Kooyman by virtue of an agreement dated June 24, 1932 (including all modifications thereof and supplements thereto, if any) by and between Max Giese, Fritz Hell, Jacobus Cornelis Kooyman and Chain Belt Company, which agreement related, among other things, to Patent No. 2,017,974, to the extent that such interests and rights were owned by Jacobus Cornelis Kooyman immediately prior to vesting by Vesting Order No. 2619.

All interests and rights created in the Attorney General by virtue of a license agreement entered into by the Attorney General and Chain Belt Company on June 3 and 7, 1948, relating to United States Letters Patent Nos. 2,017,974 and 2,017,975.

In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter executed August 16, 1950. A copy of these covenants is attached as Exhibit "A" to the determination filed herewith.[1]

This return shall not be deemed to include the rights of any licensees under the above patents and contracts and will be subject to the provisions of the Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands regarding settlement for lend-lease, reciprocal aid, surplus property, military relief and claims of May 28, 1947.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6721; Filed, June 8, 1951; 8:52 a. m.]

PAUL HINDEMITH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Paul Hindemith, 137 Alden Avenue, New Haven 15, Conn.; Claim No. 37428; property

[1] Filed as part of the original document.

to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 2096 (8 F. R. 16461, December 7, 1943) relating to the musical compositions of Paul Hindemith, including royalties pertaining thereto in the amount of $24,858.16 in the Treasury of the United States.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6779; Filed, June 11, 1951; 9:06 a. m.]

ROLAND LARAQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Roland Laraque, Paris, France. Claims Nos. 35791, 36454, and 41125; Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 262,509 (Now United States Letters Patent No. 2,378,712). Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,113,990 and 2,224,481.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6780; Filed, June 11, 1951; 9:06 a. m.]

GEORGES SERVAN CANTACUZENE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Georges Servan Cantacuzene, Paris, France. Claim No. 33283; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,273,192, and property described in Vesting Order No. 293 (7 F. R. 9826 November 26, 1942) relating to Patent Application Serial No. 209,869 (now United States Letters Patent No. 2,313,191).

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6781; Filed, June 11, 1951; 9:06 a. m.]

ANDRE BLANC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Andre Blanc, Salaise-S Sanne, France, Claim No. 33282; property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 1,975,679.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6782; Filed, June 11, 1951; 9:06 a. m.]

OSCAR HERBIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Oscar Herbin, Le Fidelaire, France; Claim No. 32508; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 337,934 (now United States Letters Patent No. 2,312,714).

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6783; Filed, June 11, 1951; 9:07 a. m.]

LA RADIOTECHNIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

La Radiotechnique, Paris, France, Claim No. 36935; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,930,563; 1,967,513; 2,031,736 and 2,051,104.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6784; Filed, June, 11, 1951; 9:07 a. m.]

ELEKTROKEMISK A/S

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Elektrokemisk A/S, formerly known as Det Norske Aktieselskab for Elektrokemisk Industri, Oslo, Norway, Claim No 6961; property described in the following vesting orders: No. 294 (7 F. R. 9840, November 26, 1942), No. 666 (8 F. R. 5047, April 17, 1943), No. 672 (8 F. R. 5020, April 17, 1943), No. 677 (8 F. R. 7029, May 27, 1943), No. 814 (8 F. R. 5771, May 4, 1943), No. 2110 (8 F. R. 13854, October 9, 1943), No. 2509 (8 F. R. 1460, October 28, 1943), No. 3092 (9 F. R. 2706, March 10, 1944), relating to United States Letters Patent, United States Patent Applications and patent contract interests identified in Schedule A set forth below and made a part hereof, including cash in the Treasury of the United States in the amount of $706.-775.75, subject, however, to a reservation in the sum of $679,315.22, which is sufficient to cover any and all "war production" royalties within the meaning of the Agreement dated February 28, 1948, between the United States and Norwegian Governments, and to a reservation in the sum of $6,820.77 to cover the claimant's possible royalty adjustment liability to the Department of the Air Force.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

SCHEDULE A

VESTED BY VESTING ORDER NO. 294

Patent Application Serial Nos.: 391,416 (now Patent No. 2,300,355), 409,742 (now Patent No. 2,337,279).

VESTED BY VESTING ORDER NO. 666

Patent Nos.: 1,953,323, 2,031,544.

VESTED BY VESTING ORDER NO. 672

Patent Nos.: 1,613,212, 1,639,037, 1,640,735, 1,657,948, 1,670,052, 1,679,264, 1,686,302, 1,686,474, 1,691,505, 1,723,582, 1,735,936, 1,751,177, 1,757,695, 1,760,395, 1,774,674, 1,836,880, 1,928,854, 1,972,849, 1,983,544, 2,073,356, 2,100,927, 2,159,163, 2,169,563, 2,182,009, 2,193,434, 2,224,739, 2,226,747, 2,231,309.

VESTED BY VESTING ORDER NO. 677

Patent No.: 1,737,890.

VESTED BY VESTING ORDER NO. 814

Patent Application Serial Nos.: 436,585 (now Patent No. 2,330,576), 444,238 (now Patent No. 2,336,926).

Patent Contract Interests: The interest of Det Norske Aktieselskab for Elektrokemisk Industri, its successors and assigns, in and under an agreement entered into between the said Det Norske Aktieselskab for Elektrokemisk Industri and Aktieselskabet Meraker Smelteverk, its successors and assigns, on April 26, 1935 relating to United States and Canadian patents and patent applications owned by said Det Norske Aktieselskab for Elektrokemisk Industri, except insofar as such interests relate to Canadian patents and patent applications; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

The interest of Det Norske Aktieselskab for Elektrokemisk Industri, a corporation of Norway, its successors and assigns, in and under an agreement dated September 17, 1940, between Det Norske Aktieselskab for Elektrokemisk Industri and Aluminum Company of America, relating to United States Patents owned by Det Norske Aktieselskab for Elektrokemisk Industri, including all accrued royalties and other monies payable or held with respect to said interest and all damages for breach of said agreement, together with the right to sue therefor; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

VESTED BY VESTING ORDER NO. 2110

Patent Contract Interests:

(All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Det Norske Aktieselskab for Elektrokemisk Industri by virtue of an agreement dated March 19, 1924 (including all modifications thereof and supplements thereto (if any), by and between Det Norske Aktieselskab for Elektrokemisk Industri and United States Ferro Alloys Corporation, which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 1,613,212; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Det Norske Aktieselskab for Elektrokemisk Industri by virtue of an agreement dated October 21, 1929 (including all modifications thereof and supplements thereto, if any), by and between Det Norske Aktieselskab for Elektrokemisk Industri and Midwest Carbide Corporation, which agreement relates, among other things, to United States Letters Patent No. 1,670,052; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Det Norske Aktieselskab for Elektrokemisk Industri by virtue of an agreement dated September 18, 1940 (including all modifications of and supplements to such agreement, including, but not by way of limitation, amendments dated April 1, 1942 and May 14, 1942) by and between Det Norske Aktieselskab for Elektrokemisk Industri and Reynolds Metals Company, which agreement and amendments relate, among other things, to certain United States Letters Patent, including Patent No. 1,613,212; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Det Norske Aktieselskab for Elektrokemisk Industri by virtue of an agreement dated March 27, 1942 (including all modifications thereof and supplements thereto, if any) by and between Det Norske Aktieselskab for Elektrokemisk Industri, Defense Plant Corporation and Olin Corporation, which agreement relates, among other things, to certain United States Letters Patent, including Patent No. 1,613,212; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediately prior to the vesting thereof.

VESTED BY VESTING ORDER NO. 2309

Patent Contract Interest:

All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Det Norske Aktieselskab for Elektrokemisk Industri by virtue of an agreement dated June 25, 1940 by and between the said Det Norske Aktieselskab for Elektrokemisk Industri and Torleiv Skajaa and Western Precipitation Corporation (including all modifications thereof and supplements thereto, including, but without limitation, the supplemental agreement between the same parties dated July 2, 1940) relating, among other things, to United States Letters Patent No. 2,069,483; to the extent owned by Det Norske Aktieselskab for Elektrokemisk Industri immediatley prior to the vesting thereof.

VESTED BY VESTING ORDER NO. 3092

Patent Application Serial No.:
483,475 (Now Patent No. 2,339,230).

[F. R. Doc. 51-6785; Filed, June 11, 1951; 9:07 a. m.]

JUN 15 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 114

Washington, Wednesday, June 13, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10253

PROVIDING FOR THE IMPROVEMENT OF THE WORK OF FEDERAL EXECUTIVE AGENCIES WITH RESPECT TO STATISTICAL INFORMATION

By virtue of the authority vested in me by Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U. S. C. 18b), and as President of the United States, and in order to carry out the purposes of said section, it is hereby ordered as follows:

SECTION 1. The Director of the Bureau of the Budget (hereinafter referred to as the Director) shall develop programs, and issue regulations and orders, for the improved gathering, compiling, analyzing, publishing, and disseminating of statistical information for any purpose by the various agencies in the executive branch of the Federal Government.

SEC. 2. In order to carry out the provisions of Section 1 of this order, the Director shall maintain a continuing study for the improvement of the statistical work of the agencies in the executive branch of the Federal Government with a view to obtaining the maximum benefit from the funds and facilities available for such work, giving due consideration to the constantly changing character of the various needs for statistical information both within and without the Government and, where the statistical work is primarily concerned with operating programs, giving due consideration to administrative needs, statutory requirements, and the needs involved in the development of administrative and legislative recommendations. The Director, either upon his own initiative or upon the request of any such agency, shall (a) provide for the interchange of information calculated to improve statistical work, (b) make appropriate arrangements for improving statistical work involving relationships between two or more agencies, and (c) assist the agencies, by other means, to improve their statistical work.

SEC. 3. The following shall be included among the objectives sought in carrying out the provisions of Section 1 hereof:

(a) To achieve an adequate program of statistical work in the agencies of the executive branch, in relation to over-all needs for statistical information, including the filling of gaps and overcoming of weaknesses in presently available statistical information.

(b) To achieve the most effective use of resources available for statistical work by the agencies, in relation to over-all needs.

(c) To minimize the burden upon those furnishing statistical data needed by the various Federal agencies.

(d) To improve the reliability and timeliness of statistical information.

(e) To achieve maximum comparability among the several statistical series and studies.

(f) To improve the presentation of statistical information and of explanations regarding the sources and reliability of such information, and regarding the limitations on the uses that can appropriately be made of it.

SEC. 4. Regulations and orders issued pursuant to Section 1 hereof shall be signed by the Director. When so signed, such regulations and orders shall require no further approval and shall be adhered to by all agencies in the executive branch. Any such regulation or order may pertain to a single agency, a group of agencies, or all agencies in the executive branch.

SEC. 5. In the development of programs and the preparation of regulations and orders for issuance pursuant to Section 1 hereof, the Director shall consult Federal agencies whose activities will be substantially affected, and may consult non-Federal groups to the extent he finds it necessary to carry out the purposes of this order.

SEC. 6. The authority outlined in this order is in addition to and not in substitution for the existing authority of the Director, or of the Bureau of the Budget, with respect to statistical and reporting activities. To the extent, however, that this order conflicts with any previous Executive order affecting statistical or reporting activities, the provisions of this order shall control.

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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SEC. 7. Nothing in this Executive order shall be construed to apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Assets Control of the Treasury Department, or to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 11, 1951.

[F. R. Doc. 51-6883; Filed, June 11, 1951; 3:31 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

CANNED LIMA BEANS

EDITORIAL NOTE: The original document designated Federal Register Document 51-4873, published at page 3607 of the issue for Friday, adding § 52.169, April 27, 1951, has been corrected as follows:

1. In paragraph (h) (1) the words "of which", appearing in the 10th and 16th lines of subdivision (iii) and in the 13th line of subdivision (iv), has been changed to read *"Provided*, That".

2. In paragraph (h) the words "of all the beans" have been inserted following the phrase "by count," in the 11th and 17th lines of subparagraph (1) (iii), in the 14th line of subparagraph (1) (iv), in the 16th line of subparagraph (3) (ii), in the 21st line of subparagraph (3) (iii), and in the 21st line of subparagraph (3) (iv).

3. In paragraph (h) (1) (vi) the reference to subdivision (iii) has been changed to read "subdivision (v)".

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 1]

PART 811—SUGAR REQUIREMENTS; CONTINENTAL UNITED STATES

SUGAR REQUIREMENTS, 1951

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1951 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1951, as amended, (15 F. R. 9374) is hereby revised to read as follows:

§ 811.3 *Sugar requirements, 1951.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1951 is hereby determined to be 8,250,000 short tons, raw value.

Statement of bases and considerations. On December 26, 1950, the supply of sugar required from quota sources for the calendar year 1951 was determined to be 8,000,000 short tons, raw value. That quantity was expected to maintain stable prices, permit unrestricted consumption of sugar and the maintenance of stocks of sugar at about the levels prevailing at the beginning of the year.

After that time, the duty paid price for raw sugar, New York, declined from 6.35 cents per pound to a low of 5.65 cents on April 12 and then rose sharply to 6.60 cents by May 24. The price for refined cane sugar has increased from 8.25 in New York and 8.05 cents basis in Chicago to 8.5 cents per pound. The price for "world raws", f. a. s. Cuban ports, which was around 5.40 cents at the turn of the year, declined to a low of 4.75 cents in February, but subsequently increased to 7.20 by May 24. On May 23, therefore, the f. a. s. Cuban price

of raw sugar for shipment to world markets was close to 1.60 cents per pound above the Cuban price of sugar for shipment under quota to the United States. It is probable that the great strength of prices in the world market has contributed to the recent strength in domestic prices.

Distribution of sugar by U. S. refiners, importers and beet sugar processors, after three relatively slow months in February, March and April, has increased markedly in May, so that by June 2 the total for the year was about 350,000 tons greater than to the same date a year earlier. Distribution for the next three months, particularly for July, is not expected to equal that for the same period last year. For the year as a whole, however, distribution may equal that of 1950, which was 8,273,000 tons.

In view of the demand situation outlined above, it is clear that raw sugar is not being offered in sufficient volume to meet current demand at stable prices and that an increase in the availability of raw sugar is essential to meet such demand and to "provide a supply * * * that will be consumed at prices which are not excessive to consumers."

Therefore, the quantity of 8,250,000 short tons, raw value, of sugar is herein determined to be required for the calendar year 1951.

Except to the extent modified herein, the Statement of Bases and Considerations contained in the determination dated December 26, 1950, is unchanged.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 8th day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-6850; Filed, June 12, 1951; 9:07 a m.]

[Sugar Reg. 813, Amdt. 1]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1951 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture in May 1951.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the requirements estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813, (15 F. R. 9425), establishing sugar quotas for 1951 is hereby amended as hereinafter set forth.

1. Section 813.22 is changed to read:

§ 813.22 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1951 the following quotas.

Area:	*Quotas in terms of short tons raw value*
Republic of the Philippines	982,000
Cuba	2,959,200
Other foreign countries	40,800

2. Paragraph (a) of § 813.24 is changed to read:

§ 813.24 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in pounds, raw value*
Belgium	482,620
Canada	925,209
China and Hong Kong	472,462
Czechoslovakia	431,775
Dominican Republic	10,935,281
Dutch East Indies	346,637
Guatemala	549,188
Haiti	1,511,305
Honduras	5,628,883
Mexico	9,891,350
Netherlands	357,265
Nicaragua	16,760,874
Peru	18,225,414
Salvador	13,460,746
United Kingdom	575,040
Venezuela	475,559
Other countries	70,392
Subtotal	81,100,000
Unallotted reserve	500,000
Total	81,600,000

Statement of Bases and Considerations

Revised quotas due to increase in requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of requirements exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 per centum to Cuba and 1.36 per centum to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATION OF PHILIPPINE DEFICIT AND ADJUSTED QUOTAS, 1951

[Short tons, raw value]

Production area	Basic quota	Proration of deficit in quota for Philippines	Adjusted quota
Domestic beet sugar	1,800,000	----------	1,800,000
Mainland cane sugar	500,000	----------	500,000
Hawaii [1]	1,052,000	----------	1,052,000
Puerto Rico [1]	910,000	----------	910,000
Virgin Islands	6,000	----------	6,000
Philippines [1]	1 982,000	(200,000)	782,000
Cuba [2]	2,959,200	190,000	3,149,200
Other foreign countries [3]			
Belgium	241.3	----------	241.3
Canada	462.6	----------	462.6
China and Hongkong	236.2	----------	236.2
Czechoslovakia	215.9	----------	215.9
Dominican Republic	5,467.6	2,688.8	8,156.4
Dutch East Indies	173.3	----------	173.3
Guatemala	274.6	----------	274.6
Haiti	755.7	372.6	1,128.3
Honduras	2,814.5	----------	2,814.5
Mexico	4,945.7	2,438.5	7,384.2
Netherlands	178.6	----------	178.6
Nicaragua	8,380.4	----------	8,380.4
Peru	9,112.7	4,403.1	13,515.8
Salvador	6,730.4	----------	6,730.4
United Kingdom	287.5	----------	287.5
Venezuela	237.8	----------	237.8
Other countries	35.2	----------	35.2
Unallotted reserve	250.0	----------	250.0
Subtotal	40,800.0	10,000.0	50,800.0
Total	8,250,000	----------	8,250,000

[1] The following quantities may be entered as direct consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines, 59,920; Cuba, 375,000.

[2] Prorations of basic quota may be filled with direct-consumption or raw sugar. Prorations of Philippine deficit may be filled with raw sugar only.

[3] Regardless of deficit proration, by reason of section 204 (c) of the act the Republic of the Philippines retains its basic quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 8th day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-6851; Filed, June 12, 1951; 9:08 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP HAY AND PASTURE SEED LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In Federal Register Document 51-6661, appearing at page 5415 of the issue for Friday, June 8, 1951, the schedule in § 601.1060 should read as set forth below.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1951 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa—Northern [3]	35	98	1 90	0.50	2.00	1.50	1.50	95	1 84
Alfalfa—Central [4]	28	98	1 90	.50	2.00	1.50	1.50	97	1 84
Alfalfa—Southern [5]	21	98	1 90	.50	2.00	1.50	1.50	97	1 84
Alfalfa, certified; [6] Ranger, Ladak, Grimm, Buffalo, Atlantic	43	1 99	1 90	.50	2.00	1.50	1.50	98	1 85
Alfalfa, certified,[6] Hairy Peruvian, Chilean, Chilean 21-5, African, Indian	25	1 99	1 90	.50	2.00	1.50	1.50	98	1 85
Clovers:									
Alsike	25	98	1 90	.50	4.00	1.50	1.50	95	1 84
Ladino, certified [6]	125	1 99	1 90	.50	2.50	1.50	1.50	97	1 85
Red	35	98	1 90	.50	2.00	1.50	1.50	97	1 84
Red, certified,[6] Kenland	40	1 98	1 85	.50	2.00	1.50	1.50	97	1 80
Sweet, Biennial	12	98	1 90	.50	2.00	1.50	1.50	97	1 80
Hubam sweet	10	98	1 86	.50	2.00	1.50	1.50	97	1 85
White (Louisiana and Mississippi)	50	98	1 90	.50	4.50	1.50	1.50	95	1 84
Lespedeza: [7]									
Kobe	12	98	1 85	1.00	4.50	1.50	1.50	94	1 80
Common or Tennessee 76	16	98	1 85	1.00	4.50	1.50	1.50	94	1 80
Serissa (hulled and scarified)	15	98	1 85	1.00	3.00	1.50	1.50	96	1 80
Birdsfeet Trefoil	100	98	1 90	.50	2.00	1.50	1.50	92	1 85
Grasses									
Brome, Smooth	14	92	85	1.00	5.00	1.50	1.50	88	73
Brome, Smooth, certified,[6] Achenbach, Lincoln, Fisher, Elsberry, Manchar	20	1 90	85	1.00	4.50	1.50	1.50	85	80
Brome, Mountain, certified,[6] Bromar	20	1 95	85	1.00	4.50	1.50	1.50	90	80
Orchard	12	90	85	1.00	4.50	1.50	1.50	85	80
Common Sudan	03.5	98	85	.50	4.50	1.50	1.50	95	80
Sweet Sudan	04	98	85	.50	4.50	1.50	1.50	95	80
Sweet Sudan, certified,[6] SA-374, SA-372, Sweet, Wheeler	05	1 98	85	.50	4.50	1.50	1.50	95	80
Timothy	07.5	99	90	.50	4.50	1.50	1.50	95	80
Timothy, certified,[6] Marietta, Lorraine and Hopkins	10.5	1 97	90	.50	1.00	1.50	1.50	95	80
Wheatgrass, crested	15	90	85	1.00	4.50	1.50	1.50	80	80
Wheatgrass, intermediate	25	90	85	1.00	4.50	1.50	1.50	80	80
Wheatgrass, western	15	80	75	1.00	4.50	1.50	1.50	75	70
Wheatgrass, slender	15	90	85	1.00	4.50	1.50	1.50	85	77
Wheatgrass, slender, certified,[6] Primar	30	90	85	1.00	4.50	1.50	1.50	85	80
Wheatgrass, beardless, certified,[6] Whitmar	30	90	85	1.00	4.50	1.50	1.50	85	80
Range grasses									
Big Bluestem	20	40	50	2.00	[8] 4.50	1.50	1.50	30	40
Little Bluestem	20	40	50	2.00	[8] 4.50	1.50	1.50	33	40
Sand Bluestem	25	30	60	2.00	[8] 4.50	1.50	1.50	25	45
Mixed Bluestem [9]				2.00	[8] 4.50	1.50	1.50	(10)	(10)
Blue Grama	15	40	65	2.00	[8] 4.50	1.50	1.50	35	50
Side Oats Grama	25	30	60	2.00	[8] 4.50	1.50	1.50	25	35
Mixed Grama [11]				2.00	[8] 4.50	1.50	1.50	(11)	(11)
Buffalo (dehulled)	40	75	70	2.00	[8] 4.50	1.50	1.50	65	50
Sand Lovegrass	25	95	70	.50	[8] 4.50	1.50	1.50	85	60

[1] Hard seed will be added to live seed when determining germination of legume seeds.

[2] See attached supplement to this schedule for limitations on noxious weed seed.

[3] The Northern region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, intersected by, the fortieth degree of latitude.

[4] The Central region includes all the producing areas south of the northern region and north of the thirty-seventh degree of latitude (excluding California north of the thirty-seventh degree of latitude except the counties of Tahama, Plumas, and those counties north of the fortieth degree of latitude, but including all counties south of the thirty-seventh degree of latitude in Nevada, Missouri, Kentucky and Virginia). Approved origin alfalfa seed in Oklahoma treated and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central region.

[5] The Southern region includes all the producing areas south of the Central region.

[6] For certified varieties listed regardless of where grown. Certified seed for the purpose of this program shall be tagged and sealed by the State Crop Improvement Association or other Agency authorized to certify to the genetic purity of the seed. In States where there are two or more tag color designations used in the certification of seed and the seed did not qualify for highest grade certification, the purity to be used for price support purposes for such certified seed must be below the minimum purity requirements for certification for the next higher grade.

[7] Note exceptions to noxious weed seed requirements for lespedeza seed as given in supplement.

[8] Not more than 1 percent sand dropseed.

[9] Loans and purchases will be made at the respective rates on quantities of big bluestem, little bluestem, and sand bluestem in mixture; provided the mixture contains at least 30 percent of two or more of these seeds; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side-oats grama, and indiangrass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

[10] Loans and purchases will be made at the respective rates on quantities of blue grama and side-oats grama in mixture; provided the mixture contains at least 25 percent of blue grama and side-oats grama; not more than 1 percent of sand dropseed and not more than 5 percent of grass seeds other than buffalo grass, bluestem, switchgrass and indiangrass. The pure seed mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

[1951 C. C. C. Cotton Bulletin]

PART 607—COTTON

SUBPART—1951 COTTON LOAN PROGRAM

1951 COTTON BULLETIN

This bulletin contains the instructions and requirements with respect to the 1951 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). This is a price support program. Loans will be made available on upland cotton produced in 1951, in accordance with this bulletin.

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607.249 Schedule of premiums and discounts for upland cotton (basis 15/16 inch Middling).

AUTHORITY: §§ 607.221 to 607.249 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. 1421, 1441.

§ 607.221 *Administration.* Under the general direction and supervision of the President, CCC, the Cotton Branch and other appropriate branches of PMA will carry out the provisions of this subpart. In the field, the program will be administered through PMA commodity offices, PMA State Committees, and PMA county committees (hereinafter referred to as county committees). Forms will be distributed by the applicable PMA commodity office and will be available at the offices of county committees, approved lending agencies, approved warehouses, and others designated to assist in administering the loan program.

§ 607.222 *Availability of loans.* Loans will be available to eligible producers on eligible cotton.

(a) *Area.* (1) Loans on cotton stored in approved warehouses will be available in all areas.

(2) Loans on cotton stored in approved structures, on or off the farm (hereinafter referred to as "farm storage"), will be available in the States and counties for which loan rates will be established.

(3) Loans on cotton covered by bills of lading will be available in areas specified by the applicable PMA commodity office.

(b) *Time.* Loans will be available from the date the loan rates are announced through April 30, 1952.

(c) *Source.* Loans may be obtained by producers from approved lending agencies or from the applicable PMA commodity office.

§ 607.223 *Eligible producer.* An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing upland cotton in 1951 in the capacity of landowner, landlord, tenant or sharecropper.

Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(a) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper may obtain a loan on his separate share.

(b) If the cotton is not divided, (1) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (2) the landlord may obtain a loan on cotton in which both he and a share tenant or a sharecropper have an interest if he has the legal right to do so, and in such case the share tenant or sharecropper must be paid his pro rata share of the loan proceeds and his pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 607.224 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1951 which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 607.249.

(b) Such cotton must not be false-packed, water-packed, reginned or repacked, and must not have been classed as gin cut, oily, sandy, dusty or seedy, or reduced in grade because of extraneous matter (such as needle grass).

(c) Such cotton must not be compressed to high density.

(d) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as security for a loan.

(e) If the person tendering such cotton for a loan is a landlord or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and a share tenant or sharecropper have an interest.

(f) The person tendering such cotton for a loan must not have previously sold and repurchased such cotton.

(g) Each bale of such cotton must weigh at least 300 pounds.

§ 607.225 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 607.243 and § 607.246:

(a) *Warehouse storage loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, hereinafter referred to as "Form A"), duly executed within the period prescribed in § 607.222.

(2) Warehouse receipts complying with the provisions of § 607.238.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, hereinafter referred to as "Form B") if the loan is obtained direct from the applicable PMA commodity office.

(b) *Farm storage loans.* (1) Cotton Producer's Note (CCC Cotton Form E, hereinafter referred to as "Form E") duly executed within the period prescribed in § 607.222.

(2) Cotton Chattel Mortgage (CCC Cotton Form F, hereinafter referred to as "Form F") and 1951 Cotton Mortgage Supplement (CCC Cotton Form FF, hereinafter referred to as "Form FF") covering the cotton tendered as security for a loan.

(3) Form B if the loan is obtained direct from the applicable PMA commodity office.

(c) *Cotton represented by order bills of lading.* (1) Form A duly executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) Weight and Condition Certificates complying with the provisions of § 607.242 if the Receiving Agency is not a warehouseman.

(4) Form B if the loan is obtained direct from the applicable PMA commodity office.

(A Form A or E executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the applicable PMA commodity office. State documentary revenue stamps shall be affixed to loan documents where required by law.)

§ 607.226 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement (CCC Cotton Form D, hereinafter referred to as "Form L"), with CCC covering loans on 1951-crop cotton. Organizations desiring to enter into such agreements should communicate with the local county committee.

§ 607.227 *Approved storage*—(a) *Warehouses.* Cotton in warehouses will be accepted as security for loans under this part only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the local county committee. When warehouses are approved, notification will be given either by letter or by published lists.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans under this part only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1952, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 607.228 *Amount, weight, and rate.* (a) Loans will be made on the gross weight of the cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. An allowance of 7 pounds per bale will be made for bales covered with cotton bagging.

(b) The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Base Loan Rates for Warehouse-Stored Cotton" and the base loan rate under the farm-storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton." These schedules will be published by CCC and will be available at county committee offices. The premium or discount applicable to each eligible grade and staple length is shown in § 607.249. After a loan is made CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 607.229 *Preparation of documents.* All blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by CCC. The spaces provided in the notes on Forms A and E for the producer to request and direct payment of the proceeds of the note must be completed in every instance. All disbursements made from the proceeds of the note by the lending agency, including clerks' fees when deducted, must be shown. If the proceeds are to be paid only to the producer, his name should be shown. The total must agree with the amount of the note.

(a) *Warehouse-storage cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county committees, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate on each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked "duplicate" is to be retained by the producer. All of the cotton pledged as security for any loan must be of only one grade and staple and must be stored in the same warehouse.

(b) *Farm-storage cotton.* A producer desiring to obtain a loan on farm-storage cotton should communicate with the county committee in the county in which the cotton is to be stored. The county committee will inspect the storage structure and approve it if it determines that it is of such construction as to afford adequate storage for the cotton. A service charge of $1 per bale with a minimum of $3.00 per loan will be collected by the county committee from the producer to cover services rendered under this program. No such service charge will be refunded. The producer may also obtain the necessary loan forms from and will be assisted in their preparation by the county committee. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of the cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with the provisions of Form FF. If the producer does not deliver the cotton upon demand by CCC, the county committee will arrange delivery and retain the deposit. The original of the Form FF will be retained by the county committee. If the producer desires to obtain a loan directly from CCC, the county committee will forward the loan documents for the producer.

(c) *Fees.* The clerk or county committee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1.00 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 607.230 *Liens.* Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under the Storage Agreement on warehouse-storage cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse), must be obtained in the Lienholder's Waiver on each Form A and Form FF. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver on the Form A or Form FF whether or not they claim liens, unless they sign the note jointly with the borrower. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed powers of attorney must be attached), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 607.231 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, the producer must designate CCC or such lending agency as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. County committees will furnish each approved clerk a list of the names and addresses of all persons shown on the county debt register. Lists will also be furnished to clerks in adjacent counties as is determined necessary by the county committee. These lists shall be kept up to date and revised and supplemented as determined necessary by the county committee.

Before the clerk prepares loan documents, he shall determine that the producer's name is not shown on the list furnished by the county committee. If the person is shown on such list, he shall be informed that unless he can produce satisfactory evidence that the indebtedness has been satisfied, he must go to the office of the county committee in the county issuing the list containing his name and have his loan documents completed by a clerk in the county office. A clerk in the office of the county committee will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the check should be issued and the amount to be collected from the note.

(b) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 607.232 *Classification of cotton.* (a) All cotton must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board"). A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative cut sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1951 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-storage cotton), receiving agencies (for cotton covered by bills of lading) and county committees (for farm-storage cotton) should sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each sample. A Tag List and Record Sheet (CCC Cotton Form L, hereinafter referred to as "Form L"), must be prepared by the warehouseman, receiving agency or county committee, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse, receiving agency or county committee. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman, receiving agency, or county committee for all cotton for which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form 1 classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county committees at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the applicable PMA commodity office.

§ 607.233 *Method of obtaining loans.* Producers may obtain loans from a local lending agency, which, in turn, will tender the notes evidencing such loans to CCC, or direct from the applicable PMA commodity office. A producer, if he so desires, may designate persons other than himself to receive all or part of the proceeds of the loan by designating them in the spaces provided in the note. In each case where the loan is obtained from the applicable PMA commodity office, the note must be made payable to CCC and must be tendered to the applicable PMA commodity office with a Form B, in duplicate, postmarked not later than April 30, 1952, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon

approval, payment will be made in accordance with the directions of the producer contained in the note. The producer shall not present documents for a loan unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time the loan is obtained, the proceeds shall be promptly refunded by the producer.

§ 607.234 *Lending agency.* The lending agency shall execute the Payee's Endorsement on Forms A and E. In the case of warehouse-storage cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Lending agencies may carry their investment in the loans and receive interest at the rate of 1½ percent per annum. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the applicable PMA commodity office in accordance with § 607.235 or obtain loans from another approved lending agency.

§ 607.235 *Interest rate.* Loans will bear interest at the rate of 3 percent per annum from the date of disbursement.

§ 607.236 *Maturity.* Loans mature July 31, 1952, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase or pool the cotton securing the loan in accordance with the provisions of the loan agreements. If the cotton is pooled, the producer will no longer have a right to redeem the cotton but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies at less than the current domestic price for such cotton.

Any sum due the producer as a result of the sale of the cotton or collections of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(a) *Farm storage.* If the producer does not repay his loan on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section.

§ 607.237 *Safeguarding farm-storage cotton.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or any other person having control of the storage structure or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales if only one producer has cotton stored in such structure and to 100 bales if more than one producer has cotton stored in such structure. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

§ 607.238 *Warehouse receipts and insurance.* (a) Only negotiable warehouse receipts issued by an approved warehouse in the name of the individual, individuals, or concern who appear as producer on the Cotton Producer's Note to which the receipt is pledged will be acceptable, except that receipts representing cotton pledged in the name of a landowner, landlord, tenant or sharecropper or pledged jointly in the name of two or more parties to a tenancy will be acceptable when issued in the name of either individual who is a party to the tenancy or a signatory to the note. In those instances where the warehouse receipt is issued to an individual or concern who is a party to the tenancy, but who cannot be identified as such from the note, the producer securing a loan will be required to submit a statement certifying that the individual in whose name the warehouse receipt is issued is a tenant or sharecropper of the producer. The warehouse receipts must show that the cotton is covered by fire insurance, must be dated on or prior to the date of the producer's notes, and, if not bearer form receipts, must be properly assigned by an endorsement in blank so as to vest title in the holder. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1951, which by their terms will expire prior to August 1, 1952, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1951. Block warehouse receipts will not be accepted.

(b) In addition to the insurance carried by the warehouseman, CCC will carry insurance on the loan cotton covering losses due to flood and errors and omissions in the warehouseman's insurance. The cost of such insurance will be a charge against the cotton.

§ 607.239 *Insurance on farm-storage cotton.* CCC will not require the producer to insure cotton under farm-storage loan; however, if the producer does insure the cotton, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the cotton involved in the loss.

§ 607.240 *Warehouse charges.* The warehouseman's charges are limited and his obligations defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. The Agreement of Warehouseman on Form A must be executed by the warehouseman not more than 10 days preceding the date of the note.

§ 607.241 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Form C executed in quadruplicate, all notes on Form A and Form E with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the dates of the notes. Forty notes shall be submitted on each Form C except when fewer notes are listed thereon in order that the loans may be tendered within 15 days after the dates of the notes. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Notes secured by warehouse receipts, by bills of lading and by chattel mortgages must be transmitted on separate Forms C. Notes accompanied by Producer's Powers of Attorney must also be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the applicable PMA commodity office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by tendering such notes and letters of transmittal with sight drafts drawn on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 607.242 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the applicable PMA commodity office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the applicable PMA commodity office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Warehouseman's Certificate and Storage Agreement thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with Forms A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with the Warehouseman's Certificate and Storage Agreement and a fee of not to exceed 10 cents a bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect from producers a fee of not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 607.243 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the announcement of the loan rates on such cotton (as determined on the basis of the August 1, 1951, parity price of cotton), prior to the receipt of the classification of such cotton by a Board of Cotton Examiners, or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (hereinafter called "the advance loan") on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, hereinafter referred to as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1951, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all of such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The duplicate copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate, so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Warehouseman's Certificate and Storage Agreement and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee, or approved clerks in the office of the county committee, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 607.244 *Loans prior to August 1, 1951.* Loans will be made available to eligible producers in the area where cotton is harvested prior to August 1, 1951. Base loan rates for warehouse locations in the early harvesting area will be announced by the applicable PMA commodity office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 607.249. Other provisions for loans prior to August 1, 1951, will be the same as provided for loans after that date, except that in the event that the base loan rate based on August 1, 1951, parity is in excess of the base loan rate announced prior to such date, the difference will be paid to the producer upon his application to the applicable PMA commodity office in the manner prescribed by such office.

§ 607.245 *Repayments* — (a) *Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement, which will be furnished to the producer by the applicable PMA commodity office at the time the notes are processed by that office, and must send or deliver the Producer's Loan Statement to CCC, in care of the custodial office serving the district in which the cotton is stored, as shown in § 607.247. If the producer desires to sell his equity in the cotton, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement, and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by a witness approved for such purpose by a county committee in the cotton-producing area. Outside the cotton-producing area, the certificate may be executed by a notary public. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it to CCC, in care of the custodial office serving the district in which the cotton is stored. Upon receipt of the Producer's Redemption Request or the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to any approved bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts only to the producer or holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. In the event the Producer's Loan Statement is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instructions from the county committee of the county in which the cotton is stored. Partial releases will be allowed.

§ 607.246 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and loans to such associations will otherwise be made on substantially the same basis as loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 607.247 *Custodial offices.* The custodial offices referred to herein and the district served by each are shown below:

(a) Warehouse-storage cotton:

CUSTODIAL OFFICE AND DISTRICT SERVED

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans PMA Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma.

(b) Farm-storage cotton:

CUSTODIAL OFFICE AND DISTRICT SERVED

New Orleans PMA Commodity Office: All States except Arizona, California, and Nevada.

San Francisco PMA Commodity Office: Arizona, California, and Nevada.

§ 607.248 *PMA Commodity offices.* The PMA Commodity offices and the areas served by each are shown below:

Wirth Building, Canal and Morias Streets, New Orleans, La. All cotton States except Arizona, California, and Nevada.

335 Fell Street, San Francisco 2, Calif.: Arizona, California and Nevada.

§ 607.249 *Schedule of premiums and discounts for upland cotton (basis 15/16 inch Middling).*

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White and Extra White														
Good Middling and Better	Pts. −110	Pts. −65	Pts. −10	Pts. 75	Pts. 105	Pts. 150	Pts. 185	Pts. 210	Pts. 330	Pts. 475	Pts. 740	Pts. 1,060	Pts. 1,340	Pts. 1,540
Strict Middling	−115	−70	−20	65	95	140	175	200	320	465	725	925	1,315	1,515
Middling	−180	−125	−75	Base	25	65	100	125	195	325	565	815	1,175	1,330
Strict Low Middling	−375	−335	−290	−240	−215	−185	−165	−150	−105	−25	100	310	460	585
Low Middling	−525	−470	−430	−380	−375	−360	−345	−340	−300	−290	−275	−260	−250	−240
Strict Good Ordinary	−695	−615	−570	−515	−510	−505	−495	−495	−480	−480	−480	−480	−480	−480
Good Ordinary	−830	−745	−700	−645	−640	−635	−625	−625	−580	−580	−580	−580	−580	−580
Spotted														
Good Middling	−330	−285	−220	−155	−140	−115	−100	−95	−65	−40	−10	25	80	135
Strict Middling	−350	−305	−240	−180	−160	−135	−120	−110	−80	−60	−30	−5	55	105
Middling	−520	−460	−460	−345	−330	−310	−300	−300	−220	−165	−170	−145	−120	−95
Strict Low Middling	−670	−610	−555	−505	−500	−485	−480	−480	−460	−460	−460	−460	−460	−460
Low Middling	−845	−780	−725	−680	−670	−660	−660	−660	−620	−620	−620	−620	−620	−620
Tinged														
Good Middling	−605	−550	−480	−425	−425	−415	−415	−415	−350	−340	−325	−315	−360	−290
Strict Middling	−625	−555	−505	−450	−450	−440	−440	−440	−375	−365	−350	−335	−325	−315
Middling	−775	−695	−645	−595	−595	−585	−585	−585	−515	−515	−515	−515	−515	−605
Strict Low Middling	−960	−885	−815	−765	−765	−755	−755	−755	−665	−665	−665	−665	−665	−790
Low Middling	−1065	−985	−935	−890	−885	−875	−875	−875	−790	−790	−790	−790	−790	−580
Yellow Stained														
Good Middling	−875	−790	−735	−685	−685	−675	−675	−675	−580	−580	−580	−580	−580	−605
Strict Middling	−935	−830	−775	−725	−725	−715	−715	−715	−605	−605	−605	−605	−605	−755
Middling	−1100	−990	−940	−885	−885	−875	−875	−875	−755	−755	−755	−755	−755	
Gray														
Good Middling	−420	−310	−245	−185	−180	−165	−160	−155	−140	−40	55	130	180	230
Strict Middling	−520	−390	−330	−270	−260	−245	−245	−240	−195	−90	−5	70	120	170
Middling	−635	−525	−465	−405	−400	−380	−375	−370	−285	−205	−160	−70	−70	−40
Strict Low Middling	−760	−680	−630	−580	−575	−565	−560	−550	−530	−530	−530	−530	−530	−530

Issued this 7th day of June 1951.

[SEAL]

JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6807; Filed, June 12, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 14]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–13 *Green Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Omaha, Nebr. (LFR)..	Des Moines, Iowa (LFR).	2,000

2. Section 60.17–14 *Green Civil Airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR) via VOR radial 95.	Int. S crs. Altoona, Pa. (LFR) and Pittsburgh, Pa. (VOR) radial 95.	4,500
Int. S crs. Altoona, Pa. (LFR) and Pittsburgh, Pa. (VOR) radial 95.	Harrisburg, Pa. (VOR) via radial 279.	4,000

3. Section 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Midland (INT), Tex...	Big Spring, Tex. (LFR)	4,000
Midland, Tex. (VOR) via VOR radials 40 or 55.	Big Spring, Tex. (VOR) via VOR radials 220 or 251.	4,500
Smithville, Tenn. (LFR).	Watts (INT), Tenn.	4,500
Watts (INT), Tenn....	Knoxville, Tenn. (LFR): Westbound..... Eastbound.....	4,500 3,000

4. Section 60.17–107 *Amber Civil Airway No. 7* is amended by adding:

From—	To—	Minimum altitude
Presque Isle, Maine, (LFR).	U. S. Canadian Boundary.	5,500

5. Section 60.17–203 *Red Civil Airway No. 3* is amended by adding:

From—	To—	Minimum altitude
Phillipsburg, Pa. (VOR) via direct en route radials.	Harrisburg, Pa. (VOR) via direct en route radials.	4,000

6. Section 60.17–211 *Red Civil Airway No. 11* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR) via direct en route radials.	Binghamton, N. Y. (VOR) via direct en route radials.	3,500

7. Section 60.17–218 *Red Civil Airway No. 18* is amended by adding:

From—	To—	Minimum altitude
Elkins, W. Va. (VOR) via VOR direct radials or radial 105.	Front Royal, Va. (VOR) via VOR direct radials or radial 255.	6,800

8. Section 60.17–220 *Red Civil Airway No. 20* is amended by adding:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR) via radial 122.	Int. NE crs. Morgantown, W. Va. (LFR) and Pittsburgh, Pa., VOR radial 122.1	2,600
Int. NE crs. Morgantown, W. Va. (LFR) and Pittsburgh, Pa. (VOR) via radial 122.	Int. S crs. Altoona, Pa. (LFR) and Pittsburgh, Pa. (VOR) radial 122.	4,500
Int. S crs. Altoona, Pa. (LFR and Pittsburgh, Pa. (VOR) radial 122.	Martinsburg, W. Va. (VOR) via radial 303.	4,000

104,000'—minimum crossing altitude at Int. NE crs. Morgantown (LFR) and Pittsburgh VOR radial 122, southeastbound.

9. Section 60.17–222 *Red Civil Airway No. 22* is amended by adding:

From—	To—	Minimum altitude
Selfridge, Mich. (LFR)..	Int. SE crs. Selfridge, Mich. (LFR) and W crs. Clear Creek (LFR), Ont., Can.	1,700

10. Section 60.17–226 *Red Civil Airway No. 26* is amended by adding:

From—	To—	Minimum altitude
Syracuse, N. Y. (VOR) via direct radials.	Binghamption, N. Y. (VOR) via direct radials.	3,500
Binghamption, N. Y. (VOR) via direct radial.	Wilkes Barre, Pa. (LFR).	3,500
Wilkes-Barre, Pa. (LFR)	Allentown, Pa. (VOR) via direct radial.	4,000

11. Section 60.17–227 *Red Civil Airway No. 27* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga. (LFR)...	Murphy, Tenn. (RBN): Northbound..... Southbound.....	7,000 6,000
Murphy, Tenn. (RBN).	Knoxville, Tenn. (LFR).	7,000

12. Section 60.17–228 *Red Civil Airway No. 28* is amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (LFR).	Int. W crs. Salem, Mich. (VAR) and direct crs. Lansing-Willow Run, Mich. (LFR)	2,500
Int. W crs. Salem, Mich. (VAR) and direct crs. Lansing-Willow Run, Mich. (LFR).	Willow Run (LFR), Mich.	2,300

13. Section 60.17–229 *Red Civil Airway No. 29* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR), via direct en route radial.	Williamsport, Pa. (LFR).	4,000
Selinsgroe, Pa (VOR), (LFR).	Selinsgrove, Pa. (VOR), via direct radial.	3,500
Selinsgrove, Pa. (VOR), via direct radial.	Harrisburg, Pa. (VOR), via direct radial.	3,500
Harrisburg, Pa. (Vor)..	Int. NE crs. Arcola, Va. (LFR), and Harrisburg, Pa. (VOR), radial 174.	3,000
Int. NE crs, Arcola, Va. (LFR), and Harrisburg, Pa. (VOR), radial 174.	Baltimore, Md. (VOR), via radial 353.	2,000
Lancaster, Pa. (RBN), via RBN.	Allentown, Pa. (VOR) via direct radial.	2,500

14. Section 60.17–231 *Red Civil Airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Huron, S. Dak. (LFR).	Watertown, S. Dak. (LFR).	3,000

15. Section 60.17–235 *Red Civil Airway No. 35* is amended by adding:

From—	To—	Minimum altitude
Cassoday (INT), Kans.	Miller (INT), Kans ..	2,600
Miller (INT), Kans ...	Forbes, Kans. (LFR)..	2,300
Forbes, Kans. (LFR)..	Int. NE crs. Forbes, Kans. and S crs. St. Joseph, Mo. (LFR).	2,400

16. Section 60.17–269 *Red Civil Airway No. 69* is amended to read in part:

From—	To—	Minimum altitude
Midland, Tex. (LFR)..	Int. NE crs. Midland, Tex. (LFR) and W crs. Big Spring, Tex. (LFR).	4,300

17. Section 60.17–276 *Red Civil Airway No. 76* is amended to read in part:

From—	To—	Minimum altitude
Auburn (INT), Calif.—	Williams, Calif. (LFR) (westbound).	4,000

18. Section 60.17–295 *Red Civil Airway No. 95* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR) via radial 57.	Int. S crs. Syracuse, N. Y. (LFR) and Elmira, N. Y. (VOR) radial 57.	3,500

19. Section 60.17–602 *Blue Civil Airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR) via direct radial.	Morgantown, W. Va. (LFR).	3,600

20. Section 60.17–603 *Blue Civil Airway No. 3* is amended by adding:

From—	To—	Minimum altitude
Grand Rapids, Mich. (LFR).	Int. 007° mag. bearing from Grand Rapids, Mich. (LFR) and NE crs. Muskegon, Mich. (LFR).	2,200
Int. 007° mag. bearing from Grand Rapids, Mich. (LFR) and NE crs. Muskegon, Mich. (LFR).	Cadillac, Mich. (RBN)	2,600
Cadillac, Mich. (RBN)	Traverse City, Mich. (LFR).	2,500
Traverse City, Mich. (LFR).	Pellston, Mich. (RBN)	2,300
Pellston, Mich. (RBN)	Sault Ste Marie, Mich. (LFR).	2,000

21. Section 60.17–639 *Blue Civil Airway No. 39* is amended by adding:

From—	To—	Minimum altitude
Phillipsburg, Pa. (VOR) via direct radial.	Elmira, N. Y. (VOR) via direct radial.	4,500

22. Section 60.17–662 *Blue Civil Airway No. 62* is amended by adding:

From—	To—	Minimum altitude
Saginaw, Mich. (RBN)	Gladwin, Mich. (RBN)	2,000
Gladwin, Mich. (RBN)	Traverse City, Mich. (LFR).	2,500

23. Section 60.17–682 *Blue Civil Airway No. 82* is added to read:

From—	To—	Minimum altitude
Lebo, Kans. (LFR).....	Forbes, Kans. (LFR)..	2,300

24. Section 60.17–1001 *Direct routes; Northeast United States* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR) via direct radial.	Syracuse, N. Y. (VOR) via direct radial.	3,500
Philipsburg, Pa. (VOR) via direct radial.	Int. E cns. Pittsburgh, Pa. (LFR) and W cns. Altoona, Pa. (LFR).	4,500
Bradford, Pa (RBN)...	Elmira, N. Y. (VOR) via direct radial.	4,500
Bellemeade (INT), N. J.	Chatham, N. J. (RBN)	2,000
Chatham, N. J. (RBN).	Paterson, N. J. (RBN).	2,000

25. Section 60.17–1001 *Direct routes; Northeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Sault Ste Marie, Mich	Traverse City, Mich...	2,500
Traverse City, Mich...	Grand Rapids, Mich...	3,000
Traverse City, Mich...	Saginaw, Mich.....	2,500

26. Section 60.17–1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga. (LFR) via LFR direct.	Columbus, Ga. (VOR) via VOR direct.	2,000
Columbus, Ga. (VOR) via VOR direct.	Maxwell, Ala. (LFR) via (LFR) direct.	2,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 20, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–6798; Filed, June 12, 1951; 8:45 a. m.]

[Supp. 7, Amdt. 72]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Holtville, Calif., area, published on April 21, 1949, in 14 F. R. 1913, and amended on June 23, 1949, in 14 F. R. 3393, on July 14, 1949, in 14 F. R. 3886, and on November 30, 1949, in 14 F. R. 7198, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HOLTVILLE (San Diego chart).	Target 68: A circular area having a radius of 3 miles centered at lat. 32°57′20″ N., long. 115°12′35″ W.	Surface to unlimited.	Continuous.	Commandant, 11th Naval District, San Diego, Calif.
	Target 94: A circular area having a radius of 1½ miles centered at lat. 32°52′25″ N., long. 115°09′57″ W.	do.	do.	Do.
	Target 95: A circular area having a radius of 3 miles centered at lat. 33°02′35″ N., long. 115°17′22″ W.	do.	do.	Do.
	Impact area: beginning at lat. 32°58′30″ N, long. 115°03′20″ W.; SE to lat. 32° 51′30″ N, long. 114°55′00″ W.; due W. to long. 115°04′00″ W.; NW. to lat. 32°57′50″ N., long. 115°09′20″ W.; due N. to lat. 32°58′30″ N., long. 115°03′50″ W., point of beginning.	do.	do.	Do.

2. The Upper Lake Huron, Mich., area, published on June 23, 1949, in 14 F. R. 3393, is amended by changing the "Using Agency" column to read: "Oscoda AFB, Michigan".

3. A Bogue Sound, N. C., area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BOGUE SOUND (Norfolk Chart).	(3) Circle with 3-mile radius centered at lat. 34°41′00″ N., long. 76°35′00″ W.	Surface to 10,000 feet.	Daylight hours only.	Marine Corps Air Station, Cherry Point, N. C.

4. A Wendover, Utah, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
WENDOVER (Salt Lake City Chart).	Dugway Proving Ground area: Beginning at lat. 40°25′00″ N., long. 112°53′00″ W.; S. to lat. 40°15′00″ N.; E. to long. 112°46′20″ W.; S. to lat. 40°08′00″ N.; E. to long. 112°43′00″ W.; S. to lat. 40°03′00″ N.; W. to long. 112°45′20″ W.; S. to lat. 40°01′00″ N.; W. to long. 112°46′30″ W.; N. to lat. 40°02′00″ N.; W. to long. 113°14′00″ W.; N. to lat. 40°04′15″ N.; W. to long. 113°20′30″ W.; N. to lat. 40°15′00″ N.; E. to long. 113°14′00″ W.; N. to lat. 40°20′20″ N.; E. to long. 113°07′00″ W.; N. to lat. 40°25′00″ N.; E. to lat. 40°25′00″ N., long. 112°53′00″ W., point of beginning.	Surface to 40,000 feet.	Continuous.	6175th Air Force Base Unit, Dugway Proving Ground, Tooele, Utah.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 15, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–6797; Filed, June 12, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5838]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BIBB MFG. CO. ET AL.

Subpart—*Combining or conspiring:* § 3.430 *To enhance, maintain or unify prices;* § 3.452 *To limit production;* § 3.470 *To restrain and monopolize trade.* I. In connection with the offering for sale, sale and distribution in commerce, of "twine products" (including cotton wrapping twines, sewing twines, polished twines, tobacco twines, pea twines, bean twines, hop twines, hose cords, and other cotton twines similarly constructed or used for substantially similar purposes as any of the foregoing, but not including carded sales yarn except in so far as same may be manufactured and sold for use as twine), and on the part of respondent Bibb Manufacturing Company and eight other corporations, and on the part of three individual respondents, and on the part of said respondents' officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, mutual agreement, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto to (1) fix, establish or maintain prices, discounts, terms or conditions of sale; (2) fix, modify or eliminate trade discounts; (3) curtail, restrict, or regulate production by reducing the total number of work hours or by any other means; (4) make uniform deductions or allowances from actual shipping costs; (5) deny purchasers the benefit of market price declines; (6) exchange, distribute or relay between or among the respondents, or between or among any of their representatives, agents or employees, or through any medium or central agency, the following information with respect to the business practices or sales policies of any particular respondent, to wit: Current or future prices, or terms or conditions of sale, or trade discounts, or freight charges or allowances therefrom, or price quotations submitted or to be submitted on any prospective piece of business; or (7) establish standards or specifications for "twine products" when the action taken or information exchanged is for the purpose of fixing or maintaining prices or differentials in prices, or has the tendency to fix or maintain prices or differentials in prices; prohibited, subject to the provision, however, that the prohibitions contained in specifications three and six above shall not be applicable nor operative against respondent Fitzsimons; and to the further provisions that nothing contained in the order shall be construed (1) to prohibit (a) any seller from independently entering into an agreement with a purchaser as to the price to be charged such purchaser, the terms or conditions of sale, trade discounts, weights, grades, standards, or specifications for "twine products", price differentials, and freight charges or allowances, independently determined and offered by either such seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction, or (b) any prospective seller from making, or any prospective purchaser from receiving, an offer of sale in contemplation of a bona fide transaction between such prospective seller and prospective purchaser; *Provided*, That such agreement or offer of sale is not for the purpose nor has the effect of restraining trade; (2) to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act; or (3) to affect the duty, authority or power of the Commission to reopen this proceeding, as provided for by law, and, as provided for by law to alter, modify or set aside, in whole or in part, any provisions of the order whenever, in the opinion of the Commission, conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

7. Establishing standards or specifications for sizes, weights and descriptions for "twine products" when the action taken or information exchanged is for the purpose of fixing or maintaining prices or differentials in prices, or has the tendency to fix or maintain prices or differentials in prices:

Provided however, That the prohibitions contained in subparagraphs 3 and 6 above shall not be applicable to nor operative against respondent, E. Owen Fitzsimons.

It is further ordered, That nothing contained herein shall be construed to prohibit (a) any seller from independently entering into an agreement with a purchaser as to the price to be charged such purchaser, the terms or conditions of sale, trade discounts, weights, grades, standards, or specifications for "twine products," price differentials, and freight charges or allowances, independently determined and offered by either such seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction, or (b) any prospective seller from making, or any prospective purchaser from receiving, an offer of sale in contemplation of a bona fide transaction between such prospective seller and prospective purchaser; *Provided*, That such agreement or offer of sale is not for the purpose nor has the effect of restraining trade.

It is further ordered, That nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

It is further ordered, That nothing contained herein shall be construed to affect the duty, authority, or power of the Commission to reopen this proceeding, as provided for by law, and, as provided for by law to alter, modify or set aside, in whole or in part, any provisions of this order whenever, in the opinion of the Commission, conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

By "Decision of the Commission and order to File Report of Compliance", Docket 5838, March 27, 1951, which announced and dated fruition of said initial decision, report of compliance with the order was required as follows:

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45. [Cease and desist order, Bibb Manufacturing Company et al., Docket 5838, March 27, 1951]

In the Matter of Bibb Manufacturing Company, Shuford Mills, Incorporated, Oakdale Cotton Mills, Cleveland Mill & Power Company, January & Wood Company, Rockford Manufacturing Company, Mt. Vernon-Woodberry Mills, Inc., Houston Cotton Mills Company, Samson Cordage Works, Corporations, Their Officers, Directors, Agents, Representatives, and Employees; E. Owen Fitzsimons, an Individual; Bascom B. Blackwelder, an Individual; and Paul B. Halstead, an Individual

This proceeding was heard by Everett F. Haycraft, trial examiner, upon the complaint of the Commission and respondents' answers in which they admitted all material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to the said facts.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore designated by the Commission, upon said complaint, and answers thereto (all intervening procedure having been waived) and said trial examiner, having duly considered the record in the matter and having found that said proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission March 27, 1951.

The said order to cease and desist is as follows:

It is ordered, that Bibb Manufacturing Company, a corporation, Shuford Mills, Incorporated, a corporation, Oakdale Cotton Mills, a corporation, Cleveland Mill & Power Company, a corporation, January & Wood Company, a corpora-

It is ordered, That respondents Bibb Manufacturing Company, Shuford Mills, Incorporated, Oakdale Cotton Mills, Cleveland Mill & Power Company, January & Wood Company, Rockford Manufacturing Company, Mt. Vernon-Woodberry Mills, Inc., Houston Cotton Mills Company, Samson Cordage Works, E. Owen Fitzsimons, Bascom B. Blackwelder, and Paul B. Halstead shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6832; Filed, June 12, 1951; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS, AND ESCAPED MILITARY PRISONERS

Sections 536.30 and 536.40 are revised to read as follows:

§ 536.30 *Apprehension—(a) Military personnel.* Military personnel authorized by paragraph 19, Manual for Courts-Martial, United States, 1951 (16 F. R. 1303), may apprehend absentees and deserters.

(b) *Civil personnel.* Any civil officer described in Uniform Code of Military Justice, Article 8, and private citizens when authorized by a commissioned officer of one of the Armed Forces, may apprehend an absentee or deserter from the Army and deliver him into the custody of the Armed Forces. See paragraph 23, Manual for Courts-Martial, 1951.

(c) *Classes of absentees not to be apprehended or returned to military control.* Individuals who deserted from the Regular Army during the Spanish American War, those who deserted the Army during World War I, and peacetime absentees or deserters in whose cases trial is barred by Uniform Code of Military Justice, Article 43, will not be apprehended or returned to military control.

(d) *Cooperation of State and local police authorities.* Continental army and Military District of Washington commanders will take steps to secure the active cooperation of all State and local police authorities and of such other officials and organizations, except FBI, as they deem useful to insure that wanted absentees and deserters are returned promptly to military control. Agencies should be informed that action will not be taken to apprehend absentees and deserters unless the agency concerned is in receipt of WD AGO Form 45 (Descriptive List of Absentee Wanted by the United States Army) or upon receipt of information from an officer of the Army that the individual is an absentee or a deserter whose return to military control is desired. All commanding officers will assure prompt, complete, and accurate replies to all inquiries received from civil law enforcement agents or agencies regarding the status, station, provision for guards, payment of apprehension fees, or other pertinent information relating to an absentee or his return to proper station.

(e) *Inquiry from civil officer or civilian.* When a post or organization commander receives word from a civil officer that such civilian intends to arrest, or has arrested, an alleged absentee or deserter, he will take the following action with the least possible delay:

(1) Advise the civil officer of his right to payment for services if the individual is identified as an absentee, and inform him that disposition instructions will be forthcoming.

(2) If appropriate, cause a guard to be sent within 24 hours to effect the return of the absentee or deserter to military control, or

(3) If it is impracticable to furnish a guard from his command, make arrangements with a commander capable of providing one or report the case to the army commander. In appropriate cases the civil officer may be requested to deliver the absentee to the nearest military post; however, this practice should be avoided whenever possible.

(4) Furnish final disposition instructions to the civil officer if not previously given.

§ 536.40 *Property and personal effects.* (a) When an individual absents himself without leave, the unit commander will cause the public property, including clothing, for which the absentee is responsible, and his abandoned personal effects to be secured. The personal effects will be inventoried, listed on DA AGO Form 442 (Inventory of Personal Property), in triplicate, and turned over to the unit supply officer for safekeeping, pending return of the individual or for disposition in accordance with Public Law 39, 81st Congress (63 Stat. 44; 5 U. S. C. 150e-i). The ownership of personal clothing will be determined, if appropriate. Where title has rightfully passed to the absentee, such clothing will be regarded as personal effects and will be handled accordingly.

(b) Money left by an absentee will be deposited with a disbursing officer whose receipt will be taken in duplicate. Claims for the recovery of such funds may be filed with the General Accounting Office, by the rightful owners, their heirs, next of kin, or legal representatives.

[AR 600-120 and SR 600-120-1, May 8, 1951] (R. S. 161, 60 Stat. 546; 5 U. S. C. 22, 10 U. S. C. 1431)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, Acting Adjutant General.*

[F. R. Doc. 51-6833; Filed, June 12, 1951; 9:01 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 34]

GCPR, SR 34—ADJUSTMENT OF CEILING PRICES OF MANUFACTURERS AND DISTRIBUTORS OF FRESH AND SEMI-DRY SAUSAGE MADE IN WHOLE OR IN PART FROM BEEF

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 34 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Sausage manufacturers, whose prices are still controlled by the General Ceiling Price Regulation, have been caught in a price squeeze. This supplementary regulation, therefore, permits dollars and cents increases to manufacturers of fresh and semi-dry sausage made in whole or in part from beef based on the increase in cost to them of the beef used by them in the manufacturing of such sausage. This dollars and cents increase is in turn allowed to be passed on through the distributor to prevent a price squeeze anywhere along the line. This is essentially the same formula as that used in providing for parity adjustments under the General Ceiling Price Regulation and has the advantage of precluding the compounding of basic cost increases. However, unlike the parity adjustments allowed under the General Ceiling Price Regulations, the adjustments allowed by this supplementary regulation may be made only once since a further increase in the cost of beef ingredients is prevented by the ceilings established by Ceiling Price Regulation 24.

The basis upon which a manufacturer's price increase is to be determined is the difference between his "base period cost" for the items of beef used in making his sausage and his "current cost" for such items of beef. The "base period cost" is the weighted average price actually paid to an independent seller for the purchase of beef contracted for during the period of January 15 to January 20, 1951, inclusive. Those five days constitute the last full business week in the base period established by the General Ceiling Price Regulation. To establish a longer period for the purpose of computing "base period cost" would be unduly burdensome on the manufacturer and the prices prevailing during those five days are, in any event, likely to approximate fairly closely the costs on the basis of which the sausage manufacturer established the selling prices which became his ceiling prices under the General Ceiling Price Regulation. Where, during the period January 15, 1951, to January 20, 1951, inclusive, no contract to purchase beef was made, or no contract was made with an independent seller or where proof of prices paid for beef purchased from independent sellers is lacking, the "base period cost" is established by reference to Appendix A. This appendix lists the approximate average quotations on the Chicago market for the period January 15 to January 20, 1951, inclusive. An appropriate addition for carload freight to the manufacturer's plant is permitted. The amount of such addition depends on the zone in which the plant is located. The choice of the Chicago market as a criterion for determining "base period cost" is in accordance with its historical acceptance by the industry as a basing point for trading in most packing house products.

The sausage manufacturer's "current cost" is an average of the ceiling prices of the various types of sellers or other sources from which the manufacturer derives his beef. This average is weighted to reflect the normal proportion of beef, used during the last four calendar weeks immediately preceding the effective date of this supplementary regulation, derived from differing sources.

It appears that there are innumerable formulas for making sausage. If a ceiling price increase were allowed on each item of sausage, the burden on the manufacturer of reporting and record-keeping as well as the burden on the Office of Price Stabilization of checking reports would be very great. The manufacturer may therefore increase his ceiling price only on those items which accounted for over 2 per cent of the total dollar sales, during a specified period, of all fresh and semi-dry sausage containing beef.

If a manufacturer increases his price of sausage he must notify the persons other than ultimate consumers to whom he sells such item of sausage that it contains beef. The manufacturer must also notify the persons, other than ultimate consumers, to whom he sells that sausage that he is increasing his price in accordance with the provisions of this supplementary regulation, and of the amount of that increase. This provides the basis upon which the distributor may increase his own ceiling price on such sausage.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 34 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive, and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Where this supplementary regulation applies.
3. Persons covered by this supplementary regulation.
4. Adjustments of ceiling prices for manufacturers.
5. Adjustment of ceiling prices for distributors.
6. Export sales.
7. Records and reports.
8. Definitions.
9. Incorporation of General Ceiling Price Regulation by reference.

Appendix A—Zone and price schedules for determining "base period cost" under applicable provision of section 4.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Public Law 774, 81st Congress. Interpret or apply Title IV, Public Law 774, 81st Congress, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation authorizes certain manufacturers and distributors of fresh and semi-dry sausage made in whole or in part with beef to increase the ceiling price on that sausage by an amount based on the difference between the "base period cost" and the "current cost" of the beef used in manufacturing that sausage. It does not apply to any item covered specifically by any other regulation such as ground beef (bulk, including hamburger), ground beef in casings and ground beef patties. Ceiling prices for "dry" sausage are determined under Ceiling Price Regulation 22.

SEC. 2. *Where this supplementary regulation applies.* This supplementary regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 3. *Persons covered by this supplementary regulation—(a) Manufacturers subject to this supplementary regulation.* If you are a manufacturer of sausage this supplementary regulation applies to you only if:

(1) You sell fresh or semi-dry sausage which you manufactured in whole or in part from beef, and

(2) Your "current cost" of any item of beef used in manufacturing that sausage exceeds your "base period cost" for such item of beef.

(b) *Distributors subject to this supplementary regulation.* If you are a distributor of sausage this supplementary regulation applies to you only if:

(1) You resell an item of fresh or semi-dry sausage a whole or a part of the ingredients of which is declared to be beef in a statement furnished to you pursuant to section 7(c) of this supplementary regulation, and

(2) You have been notified pursuant to section 7(c) of an increase in the ceiling price for that item of sausage by the manufacturer or distributor from whom you purchase that item of sausage.

SEC. 4. *Adjustments of ceiling prices for manufacturers.—(a) How you determine your adjustment.* If you are a manufacturer of an item of fresh or semi-dry sausage containing one or more items of beef, you may increase your ceiling price, as determined by the General Ceiling Price Regulation, for that item of sausage, by the dollars and cents difference per cwt. between your "base period cost" and your "current cost" for each item of beef used in its manufacture, multiplied by the percentage of that item of beef used in the item of sausage, and divided by the yield of that item of sausage. Your total price increase must be adjusted to the nearest ten cents per cwt.

Example: You are a manufacturer of an item of sausage, 10% of the ingredients of which is boneless chucks (clod out) and 30% of the ingredients of which is regular beef trimmings. The yield of the item of sausage is 90%. Your "base period cost" for boneless chucks (clod out) is $54.40 per cwt. Your "current cost" for such boneless chucks (clod out) is $55.40 per cwt., a difference of $1.00 per cwt. Your "base period cost" for trimmings is $46.30 per cwt. Your "current cost" for trimmings is $47.30 per cwt., a difference of $1.00 per cwt. The amount by which you may increase your present ceiling price for that item of sausage due to the increase in cost to you of boneless chucks (clod out) is 11 cents per cwt. ($1.00 × .10 = .90). The amount by which you may increase the price of that item of sausage due to the increase in cost to you of trimmings is 33 cents per cwt. ($1.00 × .30 = .90). The total authorized increase in price for such item of sausage is 40 cents per cwt. (11 cents plus 33 cents adjusted to the nearest 10 cents per cwt.).

(b) *How you determine your "base period cost".* If, during the period January 15, 1951, to January 20, 1951, inclusive, you contracted for the purchase of a given item of beef used by you at any time in the manufacture of fresh or semi-dry sausage, you determine your "base period cost" per cwt. for that item of beef as follows:

(1) Take the actual cost to you of the total weight of that item of beef actually used by you at any time in the manufacture of fresh or semi-dry sausage which, during the period January 15, 1951, to January 20, 1951, inclusive, you contracted to purchase from independent sellers and the cost of which is substantiated by purchase invoices from those independent sellers.

(2) Take the total weight of that item of beef actually used by you at any time in the manufacture of fresh or semi-dry sausage which, during the period January 15, 1951, to January 20, 1951, inclusive, (i) you produced yourself, or (ii) you contracted to purchase from other than independent sellers, or (iii) you contracted to purchase and the cost of which cannot be substantiated by purchase invoices from independent sellers.

(3) Multiply the figure in subparagraph (2) of this paragraph by the price, including freight allowances, for a plant in your zone for that item of beef determined pursuant to Appendix A.

(4) Add the figures in subparagraphs (1) and (3) of this paragraph. This gives you your gross cost for the quantity of that item of beef which you actually used in the manufacture of fresh and semi-dry sausage.

(5) Divide this gross cost by the total weight of that item of beef actually used by you at any time in the manufacture

of fresh or semi-dry sausage which, during the period January 15, 1951, to January 20, 1951, inclusive, you contracted to purchase or you produced yourself.

(6) The result is your "base period cost" per cwt. for that item of beef.

If, during the period January 15, 1951 to January 20, 1951, inclusive, you made no contracts to purchase a given item of beef used by you in the manufacture of fresh or semi-dry sausage, your "base period cost" for that item of beef shall be the price, including freight allowances, for a plant in your zone for that item of beef determined pursuant to Appendix A.

(c) *How you determine your "current cost".* You must determine your "current cost" per cwt. for any given item of beef as follows:

(1) Determine the percentage of your total requirement of that item of beef during the last four full calendar weeks immediately preceding the effective date of this supplementary regulation produced by yourself or which you procured from anyone other than an independent seller;

(2) Determine the percentage of your total requirement of that item of beef during the last four full calendar weeks immediately preceding the effective date of this supplementary regulation which you procured from slaughterers who were independent sellers;

(3) Determine the percentage of your total requirement of that item of beef during the last four full calendar weeks immediately preceding the effective date of this supplementary regulation which you procured from wholesalers who were independent sellers;

(4) Multiply the sum of the percentages determined under subparagraphs (1) and (2) of this paragraph by the ceiling price at which a slaughterer may under CPR 24 sell that item of beef to you at your plant, such ceiling price to include an allowance for local delivery in accordance with section 41 of CPR 24 not to exceed 40 cents per cwt., and an allowance for boxing in accordance with section 45 of CPR 24 not to exceed 70 cents per cwt.

(5) Multiply the percentage determined under subparagraph (3) of this paragraph by the ceiling price at which a wholesaler may under CPR 24 sell that item of beef to you at your plant, such ceiling price to include an allowance for local delivery in accordance with section 41 of CPR 24 not to exceed 40 cents per cwt. and for boxing in accordance with section 45 of CPR 24 not to exceed 70 cents per cwt.

(6) Add the figures in subparagraphs (4) and (5) of this paragraph.

(7) The result is your "current cost" per cwt. for the given item of beef.

When used in subparagraphs (1), (2) and (3) of this paragraph the term "calendar week" means a period of seven days from Sunday through Saturday, inclusive; the term "requirement" as used in subparagraphs (1), (2) and (3) shall include the amount, by weight, of a given item of beef actually used by you in the manufacture of fresh or semi-dry sausage during the last four full calendar weeks immediately preceding the effective date of this supplementary regulation, which was produced by yourself, which you procured from anyone who was not an independent seller, which you procured from slaughterers who were independent sellers and which you procured from wholesalers who were independent sellers, so that the percentages calculated under those subparagraphs shall add up to 100 per cent.

(d) *Limitations on your adjustment.* You may not increase your ceiling price for an item of sausage pursuant to this section, if:

(1) You have, after the effective date of this supplementary regulation, established a ceiling price for that item of sausage under section 4 or section 6 of the General Ceiling Price Regulation; or

(2) Your total dollar sales of that item of sausage during the last full accounting period immediately preceding the effective date of this supplementary regulation amounted to 2 per cent or less of the dollar sales of all items of fresh and semi-dry sausage, made in whole or in part from beef, sold during that accounting period; or

(3) You have once increased your ceiling price for that item of sausage under this section.

SEC. 5. *Adjustment of ceiling prices for distributors.*—(a) *How you determine your adjustment.* If you are a distributor subject to this supplementary regulation, you may increase your ceiling price, as determined by the General Ceiling Price Regulation, for an item of sausage by the dollars and cents amount by which the manufacturer or distributor from whom you purchase that item of sausage has increased his ceiling price according to a notice furnished to you pursuant to section 7 (c) of this supplementary regulation by such manufacturer or distributor.

(b) *Limitations on your adjustment.* You may not increase your ceiling price for an item of sausage pursuant to this section, if:

(1) You have, after the effective date of this supplementary regulation, established a ceiling price for that item of sausage under section 5 or section 6 of the General Ceiling Price Regulation; or

(2) You have once increased your ceiling price for that item of sausage under this section.

SEC. 6. *Export sales.*—(a) *Ceiling prices.* The ceiling prices at which you may export any item of sausage subject to this supplementary regulation shall be your domestic ceiling price for the item of sausage, f. o. b. your place of business, determined in accordance with this supplementary regulation plus any of the following costs actually incurred incidental to exportation of the item of sausage.

(1) Cost of transportation to the dock.
(2) Export packing costs.
(3) Demurrage or warehouse charges.
(4) Ocean freight costs.
(5) Insurance costs.
(6) Consular fees.
(7) Freight forwarders' fees.

(b) *Records and reports for exporters.* You shall make and preserve the records and reports required in section 7 of this supplementary regulation and in addition to the information there required, you shall keep records showing any of the actual costs incurred in paragraph (a) (1) through (7) of this section. You shall furnish the buyer a written statement showing all this information.

SEC. 7. *Records and reports.*—(a) *Manufacturers.* If you are a manufacturer who seeks, pursuant to this supplementary regulation, to increase the ceiling price of an item of sausage by more than one dollar per cwt. you may not increase your ceiling price for that item of sausage until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail, giving the following information:

(1) Your existing ceiling price for that item of sausage determined according to the General Ceiling Price Regulation.

(2) Your "base period cost" for each item of beef used in that item of sausage and the figures from which it has been determined.

(3) Your "current cost" for each item of beef used in that item of sausage and the figures from which it has been determined.

(4) The percentage of: (i) Each item of beef, (ii) of each of the other respective types of meat (veal, calf, lamb, yearling mutton, mutton or pork), (iii) of each respective meat by-product (e. g. pork hearts, lamb hearts, etc.), (iv) of the total amount of seasoning, and (v) of the total amount of condiments, and or extender used in manufacturing that item of sausage.

(5) The yield of that item of sausage.

(6) The increase of ceiling price.

(7) Your total dollar sales of all fresh and semi-dry sausage made in whole or in part with beef during the last full accounting period immediately preceding the effective date of this supplementary regulation.

(8) Your total dollar sales of the item of sausage subject to this supplementary regulation upon which a ceiling price increase is sought, during the last full accounting period immediately preceding the effective date of this supplementary regulation.

If you are a manufacturer who seeks, pursuant to this supplementary regulation, to increase the ceiling price of an item of sausage by one dollar per cwt. or less you may increase your ceiling price for that item of sausage without notifying the Director of Price Stabilization. However, you must in any event keep records showing the foregoing eight items of information.

(b) *Distributors.* If you are a distributor of an item of sausage subject to this supplementary regulation you must keep a copy of the notice furnished to you pursuant to paragraph (c) of this section by the manufacturer or distributor from whom you buy such item of sausage.

(c) *Furnishing and keeping invoices and statements.* If you are a manufacturer or distributor of sausage subject to this supplementary regulation you shall hereafter furnish to each buyer other than an ultimate consumer to whom you sell an item of sausage subject to this supplementary regulation:

(1) A purchase invoice for that item of sausage; and

(2) A statement that the item of sausage on which you have increased your ceiling price under this supplementary regulation contains beef and of the exact amount in dollars and cents per cwt. you have added to the price of that item of sausage as authorized under this supplementary regulation.

You shall, in addition, keep a copy of each invoice and statement furnished to you pursuant to this paragraph.

(d) *Effect of notification of adjustment by manufacturer who increased his ceiling price by more than one dollar per cwt.* If you are a manufacturer subject to this supplementary regulation who increased your ceiling price on an item of sausage by more than one dollar per cwt. you may charge the new ceiling price upon mailing the notification required in paragraph (a) of this section.

SEC. 8. *Definitions.* When used in this part, the term:

(a) "Accounting period" means the customary accounting period of a calendar month or a period of at least four weeks and not more than five weeks in length used by you in keeping your books and records, and shall be the same period used by you in making reports, if any, to the United States Department of Agriculture or to the Office of Price Stabilization, pursuant to Distribution Regulation 1.

(b) "Beef" means "skeletal beef" or "beef by-products". "Skeletal beef" means that part of the striated muscle which is part of the dressed carcass of cattle. "Beef by-products" means dressed edible parts derived from cattle, other than skeletal beef.

(c) "Item of beef" means any item of boneless beef listed in Schedule I of Appendix A of this supplementary regulation

(d) "Distributor" means anyone who resells sausage.

(e) "Independent seller" means a seller who is not affiliated with the purchaser.

(f) "Affiliated" means the relationship existing between two persons when one is owned or controlled by the other, or when both are owned or controlled by the same person, or when one is an employee or agent of the other. "Own or control" means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock, or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

(g) "Sausage" means chopped, ground or comminuted meat seasoned with spice and or condiments and to which salt, sodium nitrate, sodium nitrite and extender, may or may not be added.

(h) "Dry sausage" means sausage which is air-dried and not cooked. The meat in the finished product must be shrunk at least 25 percent from the weight of the fresh boneless meat and fat used.

(i) "Semi-dry sausage" means sausage which is cooked or partially air-dried. The meat in the finished product must be shrunk at least 5 percent from the weight of the meat and fat used.

(j) "Item of sausage" means sausage made pursuant to a given formula.

(k) "Fresh sausage" means sausage other than dry or semi-dry sausage.

(l) "Ultimate consumer" means an individual who purchases meat for his own consumption or that of his household.

(m) "Yield" means the finished weight of the item of sausage divided by the weight of meat, meat by-products and extender used and expressed as a percentage. The weight of the meat, meat by-products and extender is to be considered the weight of such ingredients in the sausage kitchen immediately prior to chopping and mixing.

(n) The pronoun "You" as used in this supplementary regulation means the person subject to the regulation.

SEC. 9. *Incorporation of General Ceiling Price Regulation by reference.* Each manufacturer or distributor of sausage subject to this supplementary regulation shall be subject to all of the provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to General Ceiling Price Regulation shall become effective on the 12th day of June, 1951.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 12th, 1951.

APPENDIX A—ZONE AND PRICE SCHEDULES FOR DETERMINING "BASE PERIOD COST" UNDER APPLICABLE PROVISION OF SECTION 4

Your "base period cost" for beef under the applicable provision of section 4 is, if your plant is located in:

Zone 1—Schedule 1 (a) prices less the fresh meat carload freight to or from Chicago, whichever is lower.

Zone 2—Schedule 1 (b) prices plus the fresh meat carload freight from Omaha, Nebraska or Denver, Colorado, whichever is lower.

Zone 2A—Same as Zone 1.

Zone 3—Schedule 1 (b) prices plus the fresh meat carload freight rate from Denver, Colorado.

Zone 4—Schedule 1 (a) prices plus the fresh meat carload freight rate from Chicago, Illinois or St. Louis, Missouri, whichever is lower.

Zone 4A—Same as Zone 4.

Zone 4B—Same as Zone 4.

The zones referred to above are those defined in Appendix 1 of Ceiling Price Regulation 24.

SCHEDULE 1[1]

	(a)	(b)
Bull Meat	$57.80	$57.80
C & C Cow Meat	58.10	58.10
Boneless chucks (cled out)	54.60	54.60
Shank Meat	26.20	26.20
Beef Trimmings	46.60	46.60
Cheek Meat	39.40	38.60
Head Meat	30.40	30.60
Hearts	34.70	34.90
Lips, scalded	17.70	18.00
Lips, unscalded	16.70	17.00
Lungs	9.60	9.70
Melts	9.60	9.70
Tripe, scalded	12.50	12.70
Tripe, cooked	13.70	13.90
Udders	8.00	7.70

[1] The prices listed in Schedule 1 are the approximate average prices on the Chicago Market during the period January 15, 1951 to January 20, 1951, inclusive, adjusted to the nearest 10 cents per cwt.

[F. R. Doc. 51-6899; Filed, June 12, 1951; 10:46 a. m.]

[Ceiling Price Regulation 22, Amdt. 6, Correction]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXTENSION OF EFFECTIVE DATE AND RELATED CHANGES; CORRECTION

Due to an error the words "undesignated paragraph in section 32 (f)" rather than the words "section 32 (f) (3)" were used in Amendatory Provision 5 of Amendment 6 to Ceiling Price Regulation 22, issued May 28, 1951 and effective May 28, 1951 (16 F. R. 5010). Accordingly, Amendatory Provision 5 of Amendment 6 to Ceiling Price Regulation 22 is corrected to read as follows:

5. Section 32 (f) (3) is amended by deleting the words "June 12, 1951" and substituting therefor the words "15 days after the effective date of this regulation."

[General Overriding Regulation 5, Amendment 1]

GOR-5—EXEMPTIONS OF CERTAIN CONSUMER DURABLE GOODS

SALES OF HAND-WOVEN, IMPORTED ORIENTAL RUGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong. Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment to General Overriding Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5 has as its purpose to remove oriental rugs from price control. Almost all hand woven imported rugs are of the type generally termed "oriental". Oriental rugs like antiques and paintings, depend for their value on their beauty and other considerations which make them essentially unsuitable ob-

jects for price control which assumes a more or less standard product. Such rugs are bought only by a few and constitute an insignificant part of our economy of no importance to the cost of living. The prices of these rugs were not controlled during World War II. Similar treatment for them at the present time is indicated. As in the past, the subjective reaction of the buyer and the intrinsic beauty of the article will determine the price. Consumers of these rare and precious articles are well able to control the prices charged for them by refusing to buy, should prices rise disproportionately.

AMENDATORY PROVISIONS

General Overriding Regulation 5, effective April 23, 1951, is amended by adding a new section 4 to read as follows:

SEC. 4. *Oriental rugs.* Hand-woven, imported oriental rugs.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to General Overriding Regulation 5 shall become effective June 16, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

JUNE 12, 1951

[F. R. Doc. 51-6900; Filed, June 12, 1951; 10:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

INSTRUCTIONS RELATING TO DISABILITY COMPENSATION AND PENSION

A new § 3.1511 is added as follows:

§ 3.1511 *Instructions relating to disability compensation and pension accorded veterans under Public Law 28, 82d Congress.* (a) Under the provisions of Public Law 28, 82d Congress, active service on or after June 27, 1950, and prior to the delimiting date as provided therein, entitles to disability compensation and disability pension on a parity with World War II service.

(b) The effective dates of evaluations and awards, including Part III, will be in accordance with existing regulations: *Provided*, That in no event will an evaluation or award made solely under the provisions of Public Law 28, 82d Congress, be effective prior to May 11, 1951.

(c) Public Law 894, 81st Congress, provides vocational rehabilitation only in those instances in which the veteran is entitled to compensation under the provisions of subparagraph I (c), Part II, Veterans Regulation 1 (a), as amended, and therefore the granting of a rating under Veterans Regulation 1 (a), Part I, under Public Law 28, 82d Congress, will not, in and of itself, serve as a proper basis for vocational rehabilitation. It is necessary that the requirements of § 3.67 be met. It will therefore be necessary for the rating sheet, not only in the reviewed cases but hereafter, to reflect entitlement or nonentitlement to such benefit. This will be accomplished by one of the following codes, as appropriate:

For purposes of Public Law 894, 81st Congress: (C) Entitled PL 868, 80th Cong., or (I) Not entitled Pub. Law 868, 80th Cong.

Upon completion of the rating, the authorization group will take the necessary action, fully advising the veteran and his representative, if any, of the action taken and of the right of appeal. Amended awards will be prepared even in those cases where the prior entitlement was under Public Law 868, 80th Congress, and there is no change in the rate of disability compensation being paid. The awards in connection with this review and hereafter will show the legend, "PL 28 82" in order that proper finance codes may be assigned. (The Code 18B will be used where service connection is established under the new legislation and 18B–1 where entitlement to disability pension is shown under such legislation.) Where the rating shows entitlement to vocational rehabilitation under Public Law 894, 81st Congress, Veterans' Administration claims procedures will be followed. However, where a notice has previously been sent to the veteran, it will not be duplicated at this time. (Instruction No. 1, Public Law 28, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 13, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6852; Filed, June 12, 1951; 9:08 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 726]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY AS A NATIONAL GUARD TARGET RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army as a National Guard target range:

BOISE MERIDIAN

T. 2 N., R. 3 W.,
Sec. 20, S½S½;
Sec. 21, W½ and W½E½;
Sec. 27, SW¼;
Sec. 28, N½, SE¼, and NE¼SW¼;
Sec. 29, N½NE¼, and NE¼NW¼.

The areas described aggregate 1,440 acres.

This order shall take precedence over but not otherwise affect the order of April 8, 1935, of the Secretary of the Interior establishing Idaho Grazing District No. 1, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 6, 1951.

[F. R. Doc. 51-6800; Filed, June 12, 1951; 8:46 a. m.]

[Public Land Order 727]

OREGON

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Oregon is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and reserved for use in connection with the construction of the Lookout Point Dam and Reservoir Project, Oregon, under the supervision of the Department of the Army, as authorized by the act of June 28, 1938, 52 Stat. 1215:

WILLAMETTE MERIDIAN

T. 19 S., R. 1 E.,
Sec. 34, lot 4.

The area described contains 1.37 acres.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior

JUNE 6, 1951.

[F. R. Doc. 51-6801; Filed, June 12, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 12—AMATEUR RADIO SERVICE

FREQUENCY ALLOCATIONS AND FREQUENCIES AND TYPES OF EMISSION FOR USE OF AMATEUR STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1951;

The Commission having under consideration a request from the Department

of the Army for the protection from harmful interference of military radio operations during certain daytime hours on frequencies in the 220–225 Mc band in an area containing the White Sands, New Mexico, Proving Ground; and

It appearing, that the 220–225 Mc band has been made available for civil defense use by amateurs during periods of national emergency; and

It appearing, that the requested military operations in the 220–225 Mc band will be for National Defense purposes; and

It further appearing, that military radio operations in this band and in this area can be protected without affecting the use of this band for civil defense purposes during national emergencies; and

It further appearing, that the proposed amendment involves a military function of the United States and that the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that authority for the proposed amendment is contained in sections 4 (i), 303 (c) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Parts 2 and 12 of the Commission's rules and regulations are amended as set forth below.

Released June 7, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Part 2, the Commission's rules and regulations relating to Frequency Allocations and Radio Treaty matters is amended as follows:

In § 2.104, footnote NG20 is added to the band 220–225 Mc. in column 7. Footnote NG20 reads as follows:

NG20 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

2. Part 12, the Commission's rules and regulations governing Amateur Radio Service is amended as follows:

In § 12.111 (9), footnote 1 is added after designation of the band 220–225 Mc. Footnote 1 reads as follows:

[1] In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

[F. R. Doc. 51-6834; Filed, June 12, 1951; 9:02 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

PART 400—CONTRACTS, FORWARDERS—MOTOR COMMON CARRIERS

FILING OF CONTRACTS BETWEEN FREIGHT FORWARDERS AND MOTOR COMMON CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of June A. D. 1951.

It appearing, that pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003) notice was given (16 F. R. 2367) of proposed prescription of rules and regulations governing the filing with the Commission of contracts entered into or continued pursuant to section 409 of the Interstate Commerce Act (Pub. Law 881, 81st Cong.; 64 Stat. 1113), and that interested parties were invited to file with the Commission on or before April 12, 1951, such representations as they might desire to make in favor of or against the proposed rules and regulations;

It further appearing, that representations in opposition to various provisions in the proposed rules and regulations were filed by the Freight Forwarders Institute and the Southern Motor Carriers Rate Conference; that the Central and Southern Motor Freight Tariff Association, Incorporated, and the Interstate Freight Carriers' Conference, Inc., joined in the objections of the Southern Motor Carriers Rate Conference;

And it further appearing, that in the light of such representations and further consideration of the subject matter, some modification of the proposed rules and regulations is warranted; and the Commission so finding: *It is ordered*, That:

Sec.
400.1 Filing.
400.2 Specifications.
400.3 Amendments.
400.4 Time of filing and notice of termination.
400.5 Contracts continued.
400.6 Public inspection.

AUTHORITY: §§ 400.1 to 400.6 issued under 56 Stat. 285; 49 U. S. C. 1003. Interpret or apply sec. 409, 56 Stat. 290, as amended; 49 U. S. C. 1009.

400.1 *Filing.* All contracts, and amendments thereto, between freight forwarders and motor common carriers, entered into pursuant to section 409 of the Interstate Commerce Act, as amended December 20, 1950, and amendments to contracts continued, shall be in writing, and the freight forwarder party thereto shall file with the Interstate Commerce Commission three true and legible copies thereof on paper of good quality, size 8½ x 11".

§ 400.2 *Specifications.* All such contracts shall show:

(a) In the upper right-hand corner a number in the consecutive series of the forwarder filing the same;

(b) The full and correct name and address of each party to the contract, and the ICC number, omitting subnumbers, identifying the operating authority of each;

(c) A description of the transportation service to be performed by the motor carrier, and all other services in connection therewith; the points between which, or the geographical area to or from which, the service is to be performed; the compensation to be paid therefor, specified in lawful money of the United States per unit of weight or other defined unit; and, where transportation is for a total distance of 450 highway-miles or more, whether it is line-haul transportation in truckload lots between concentration points and break-bulk points.

(d) The effective date of the contract; and

(e) All other terms and conditions agreed upon between the parties to the contract.

§ 400.3 *Amendments.* Amendments to contracts shall show the effective date thereof, the same series number as the original contract, be consecutively numbered, and specifically indicate any provisions superseded.

§ 400.4 *Time of filing and notice of termination.* Contracts and amendments thereto shall be filed with the Commission within 10 days after the effective date thereof. Within 10 days after termination of a contract, a notice shall be filed with the Commission showing the effective date of such termination. A new contract superseding an old contract shall specifically cancel the old contract. In the event of a change of name or the transfer of the operating authority of either party to a contract, if the contract services, terms and con-

ditions are to be continued, a new contract showing the correct names of the new parties or a joint writing adopting the old contract shall be filed with the Commission within 30 days.

§ 400.5 *Contracts continued.* Evidence of agreements or amendments thereto, filed with the Commission prior to September 20, 1951, in accordance with the regulations heretofore proposed in Docket No. 29493, Freight Forwarders, Motor Common Carriers, Agreements, 272 I. C. C. 413 (49 CFR Part 400), will be accepted as substantial compliance with the rules and regulations of this part, but any changes in such agreements with any carrier subsequent to September 20, 1951, shall be indicated by the filing, in conformity with the rules and regulations of this part, of complete new contracts covering service by that carrier, or of amendments completely covering the particular traffic involved, which amendments shall clearly indicate the portions of the schedules and evidence of concurrence superseded thereby; except that all such filings made prior to September 20, 1951, shall be superseded by new contracts complying with the rules and regulations of this part and filed with the Commission not later than December 31, 1952.

§ 400.6 *Public inspection.* All contracts and amendments thereto filed with the Commission under the rules and regulations of this part shall be open to public inspection.

Effective date. The rules and regulations of this part shall become effective September 20, 1951.

It is further ordered, That notice of this order shall be given to the general public by posting copies hereof in the office of the Secretary of the Commission, Washington, D. C., and by filing with the Director of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6817; Filed, June 12, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 97]

FIELD ORGANIZATION

JUNE 5, 1951.

Notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective April 2, 1951, the American Consulate at Geneva, Switzerland, was designated a Consulate General.

Effective April 19, 1951, a combined American Consulate and United States Information and Educational Exchange Mission at Bari, Italy, was officially opened to the public.

Effective April 30, 1951, the American Consular Agency at Quepos, Costa Rica, was officially closed to the public.

For the Secretary of State.

H. J. HENEMAN, *Director, Management Staff.*

[F. R. Doc. 51-6805; Filed, June 12, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26147]

FERTILIZER FROM THE SOUTHWEST TO VIRGINIA

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fertilizer and fertilizer compounds, carloads.

From: Etter and Houston, Tex., Sterlington, La., El Dorado, North Little Rock and Little Rock, Ark.

To: Richmond, Lynchburg, and certain other points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and operation through higher-rated territory.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3746, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such applica ion without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6809; Filed, June 12, 1951; 8:51 a. m.]

[4th Sec. Application 26148]

COMMODITY RATES FROM AND TO DOSAGA, GA.

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Georgia Northern Railway Company and Atlantic Coast Line Railroad Company.

Commodities involved: Articles subject to commodity rates.

Between: Dosaga, Ga., and points in the United States and Canada.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6810; Filed, June 12, 1951; 8:51 a. m.]

[4th Sec. Application 26149]

PULPBOARD FROM HARTFORD CITY, IND., TO GEORGETOWN, S. C.

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Hartford City, Ind.

To: Georgetown, S. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6811; Filed, June 12, 1951; 8:52 a. m.]

[4th Sec. Application 26150]

MOTOR - RAIL - MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Hunsch Transportation Co., Inc., of Bronx, N. Y.

Commodities involved: All commodities.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6812; Filed, June 12, 1951; 8:52 a. m.]

[4th Sec. Application 26151]

MOTOR - RAIL - MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Quinn Freight Lines, Inc., of Brockton, Mass.

Commodities involved: All commodities.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6813; Filed, June 12, 1951; 8:53 a. m.]

[4th Sec. Application 26152]

CEMENT FROM PRESIDIO, TEX., TO NEW MEXICO

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Panhandle and Santa Fe Railway Company, The Atchison, Topeka and Santa Fe Railway Company and Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Cement, viz: hydraulic, masonry, mortar, natural or portland, also dry building mortar, and related commodities, carloads (imported from Mexico).

From: Presidio, Tex.

To: Albuquerque, Artesia, Carlsbad, Clovis, Las Vegas, and other points in New Mexico.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3904, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6814; Filed, June 12, 1951; 8:54 a. m.]

[4th Sec. Application 26153]

CEMENT FROM DEVIL'S SLIDE, UTAH, TO TEXAS AND NEW MEXICO

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Union Pacific Railroad Company and other carriers named in the application.

Commodities involved: Cement, viz: hydraulic, natural or portland, also mortar cement, carloads.

From: Devil's Slide, Utah.

To: Points in western Texas and eastern New Mexico.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3870, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6815; Filed, June 12, 1951; 8:54 a. m.]

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6815; Filed, June 12, 1951; 8:55 a. m.]

[4th Sec. Application 26154]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO ISHPEMING, MICH.

APPLICATION FOR RELIEF

JUNE 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Port Neches, Tex.

To: Ishpeming, Mich.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 182.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6816; Filed, June 12, 1951; 8:55 a. m.]

[No. 30824]

BOSTON AND MAINE RAILROAD COMMUTATION FARES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of June A. D. 1951.

Upon consideration of petition dated May 25, 1951, by the Boston and Maine Railroad requesting the Commission to institute an investigation into the level of petitioner's monthly commutation ticket fares applicable to the interstate transportation of passengers, and to authorize petitioner to increase such monthly commutation ticket fares and establish rules, regulations, and minimum rates per ticket as follows:

1. An increase of 66⅔ percent in the 46-ride monthly commutation ticket fares, with a minimum of $11.50 per ticket;

2. An increase of 66⅔ percent in the 60-ride monthly commutation ticket fares, with a minimum of $15.00 per ticket;

3. Restrict the use of the one-day round trip and 30-day round trip coach tickets so that the minimum rate per ticket will be $1.25;

4. Establish a rule that the 46-ride monthly commutation tickets may be used on any day without restriction:

It is ordered, That the petition be, and it is hereby, assigned for hearing on July 23, 1951, at 9:30 o'clock a. m., U. S. standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Hotel Lenox, Boston, Mass., before Commissioner Charles D. Mahaffie;

It is further ordered, That a copy of this order be served upon the Governors and the rate regulatory authorities of the States of Maine, Massachusetts, New Hampshire, and New York; also upon petitioner, and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6818; Filed, June 12, 1951; 8:59 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

CENTRAL OFFICE ORGANIZATION; ATTESTING OFFICERS

Section II f, *Central Office organization and final delegations of authority to Central Office officials*, is amended as follows:

(f) *Attesting officers.* Effective April 24, 1951, the Director of the Office Services Branch and the Administrative Assistant to the Legal Division are designated Attesting Officer and Alternate Attesting Officer, respectively, in respect to all documents other than those by means of which the Public Housing Administration divests itself of interest in real property. In respect to the last named type of document, the Director of the Production and Document Control Branch and the Assistant Director thereof are designated Attesting Officer and Alternate Attesting Officer, respectively. The Attesting Officer shall affix the official seal to such documents as may require its application and is authorized to certify that copies of documents, leases, contracts and other papers, duly approved, are identical with the originals on file in the Central Office. The Alternate Attesting Officers shall have the same duties, functions and authority vested in the Attesting Officer.

Date approved: June 6, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-6803; Filed, June 12, 1951; 8:47 a. m.]

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

FIELD ORGANIZATION

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraphs (n) and (o) are added to section III b 8 as follows:

(n) Effective May 1, 1950, to approve rent schedules and revisions thereof.

(o) To approve annual operating budgets and revisions thereof.

Date approved: June 6, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-6804; Filed, June 12, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6168]

BLACK RIVER DEVELOPMENT CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF DECLARATION OF INTENTION

JUNE 8, 1951.

Notice is hereby given that, on June 7, 1951, the Federal Power Commission issued its order entered June 6, 1951, permitting withdrawal of declaration of intention in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6827; Filed, June 12, 1951; 9:00 a. m.]

[Docket No. G-1687]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 6, 1951.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office at 30 Rockefeller Plaza, New York, New York, filed on May 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas, and the construction and operation of facilities needed for the delivery of said natural gas, as hereinafter described.

Applicant proposes to sell and deliver natural gas to Niagara Mohawk Power Corporation for distribution to domestic and commercial consumers in the Town and Village of Skaneateles, Onondaga County, New York. Under a proposed service agreement between Applicant and Niagara Mohawk Power Corporation, Applicant will deliver natural gas in quantities estimated at 14,500 Mcf in the first year, and 63,300 Mcf in the fifth year.

The estimated cost of the facilities required in order to sell and deliver gas in accordance with the proposed service agreement is $11,185, which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6802; Filed, June 12, 1951; 8:47 a. m.]

[Docket Nos. G-1335, G-1407, G-1411, G-1413]

CAROLINA NATURAL GAS CORP. ET AL.

NOTICE OF ORDER AND ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 8, 1951.

In the matters of Carolina Natural Gas Corporation, Docket No. G-1335; Public Service Company of North Carolina, Inc., Docket No. G-1407; Transcontinental Gas Pipe Line Corporation, Docket No. G-1411; Piedmont Natural Gas Company, Inc., Docket No. G-1413.

Notice is hereby given that, on June 7, 1951, the Federal Power Commission issued its order entered June 6, 1951, supplementing and modifying the Presiding Examiner's decision in Docket No. G-1413, Piedmont Natural Gas Company, Inc., and Docket No. G-1411, Transcontinental Gas Pipe Line Corporation, published in the FEDERAL REGISTER January 25, 1951 (16 F. R. 695-696); and issuing certificates of public convenience and necessity to Carolina Natural Gas Corporation, Docket No. G-1335, and Public Service Company of North Carolina, Inc., Docket No. G-1407.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6825; Filed, June 12, 1951; 8:59 a. m.]

[Docket Nos. G-1543, G-1545, G-1596, G-1597]

LYNCHBURG GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 8, 1951.

In the matters of Lynchburg Gas Company, Docket No. G-1543; Lynchburg Pipe Line Company, Docket No. G-1545; Philadelphia Electric Company, Docket No. G-1596; Transcontinental Gas Pipe Line Corporation, Docket No. G-1597.

Notice is hereby given that, on June 7, 1951, the Federal Power Commission issued its findings and order entered June 6, 1951, denying applications pursuant to sections 7 (a), 7 (b), and 7 (c) of the Natural Gas Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6826; Filed, June 12, 1951; 9:00 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

JUNE DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JUNE DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs—1950 pack (packed in barrels and drums), in carload lots only, 1,000,000 pounds.[1]	$1.02 per pound, "in store" at location of stock at Lancaster, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, New York, and Delaware ("in store" means (1) that at warehouse, but with any prepaid storage and cost-handling charges for the benefit of the buyer)
Nonfat dry milk solids—1951 production, in carload lots only, 4,750,000 pounds	Spray process, 17½ cents per pound, "in store" at location of stock in any State ("in store" means (1) that at processor's plant or in storage at warehouse, but with any prepaid storage and cost-handling charges for the benefit of the buyer)
Linseed oil, raw, 211,000,000 pounds.	(See note on Ceiling price certification below.)
Dry edible beans	Market price on date of sale. (See note on Ceiling price certification below.)
Limas, bagged, 1,617,000 hundredweight.	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, no price adjustment is made.
Pea, bagged, 850,000 hundredweight:	On other grades of all beans, adjust by market differentials.
Red kidney, bagged, 450,000 hundredweight.	Prices listed below, on all beans, are at point of production. Amount of any prepaid freight is included.
Great Northern, bagged, 1,850,000 hundredweight.	No. 1 Grade, 1948 and 1949 crops, $8.13 per 100 pounds, basis f. o. b. Denver rate area and California area, $8.17 per 100 pounds, basis f. o. b. Idaho area.
Pinto, bagged, 17,000 hundredweight.	No. 1 Grade 1948 and 1949 crops, $7.87 per 100 pounds, basis f. o. b. Minnesota area.
Cranberry beans, bagged, 80,000 hundredweight.	No. 1 Grade 1948 and 1949 crops, $8.50 per 100 pounds, basis f. o. b. New York area.
Austrian winter pea seed, bagged, 2,675,000 hundredweight.[1]	No. 1 Grade 1948 and 1949 crops, $7.17 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area, $7.04 per 100 pounds, basis f. o. b. Minot, North Dakota, area.
Blue lupine seed, bagged, 1,350,000 hundredweight.	No. 1 Grade 1948 and 1949 crops, $7.50 per 100 pounds, basis f. o. b. California area.
Kobe lespedeza seed, bagged, 3,700 hundredweight.	No. 1 Grade 1949 crop, $8.50 per 100 pounds, basis f. o. b. California and Washington areas.
Wrapping (cornhusk) seed, bagged, 1,500 hundredweight.	$4.50 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight.
Common red Willamette vetch seed, bagged, 1,200,000 hundredweight.	$5 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight.
Wheat, bulk, 3,000,000 bushels	$13.49 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight.
Oats, bulk, 9,000,000 bushels	$7.50 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight.
Barley, bulk, 20,400,000 bushels	$7 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight.
Corn, bulk, 50,000,000 bushels	This wheat is available only when premium wheat is required or where emergency situation exists. Basis in store, the market price but not less than the applicable 1950 county loan rate for the class, grade, quality, and location, plus (1) 14 cents per bushel if received by truck or, (2) 20 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Chicago, No. 1 DNS, ex rail or barge, $2.56; Chicago, No. 1 RW, ex rail or barge, $2.20. NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice. At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 17 cents per bushel, at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, $1; Minneapolis, No. 3 or better, 98 cents. Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus (1) 25 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.53; San Francisco, No. 1 Western barley, ex rail or barge, $1.60. 1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 24 cents per bushel, with market differentials for other grades, quality, and classes. At other delivery points: (1) The foregoing, plus average paid-in freight, or (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow ..... $1.86 St. Louis, No. 3 yellow ..... 1.86 Minneapolis, No. 3 yellow ..... 1.79 Omaha, No. 3 yellow ..... 1.78 Kansas City, No. 3 yellow ..... 1.82 Market differentials for other grades, quality, and classes. 1950 non-commercial corn-producing area: At points of production, or delivering in a non-commercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county loan rate for No. 3, plus 24 cents per bushel; at other points, the foregoing plus average paid-in freight. If delivering in a commercial county, the county loan rate for No. 3 plus 24 cents, plus average paid-in freight. Example of minimum price, per bushel: 1950 county loan rate for Brown County, Ind., $1.46 per bushel, No. 3 corn; 133 percent of $1.46, plus 24 cents equals $1.71 per bushel, the minimum sales price.

Ceiling price certification. Any purchaser from CCC of non-fat dry milk solids, or raw linseed oil, must hereafter and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and terms of delivery involved.

[1] These same lots also are available at export sales prices announced today.

JUNE EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs, 1950 pack (packed in barrels and drums in carload lots only, 10,000,000 pounds.	(1) 60 cents per pound, f. a. s. vessel any U. S. Gulf or East Coast port; or (2) 60 cents per pound "in store" at location of stock less freight based on the average gross shipping weight calculated at the lowest export freight rate. ("In store" means in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Dry edible beans	No. 1 Grade 1948 crop, f. a. s. vessel at locations shown below:
Pinto, bagged, 795,000 hundredweight.[1]	$5.90 per 100 pounds, San Francisco Bay area and Portland, Oreg.; $6.00 per 100 pounds, U. S. Gulf ports. (See note below.)
Pea, bagged, 125,000 hundredweight.[1 2]	For export to Western Hemisphere countries—$5.50 per 100 pounds, East Coast ports. For export to other than Western Hemisphere Countries—$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 760,000 hundredweight.[1 2]	$6.50 per 100 pounds, Portland, Oreg. (26,000 hundredweight only stored at The Dalles, Oreg.).
	$6.50 per 100 pounds, U. S. Gulf ports. (See note below.)
Baby lima, bagged 90,000 hundredweight.[1]	$5 per 100 pounds, San Francisco Bay area
Red kidney, bagged, 350,000 hundredweight.[1 2]	$6.50 per 100 pounds, New York.
	NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans. No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter pea seed, bagged, 2,075,000 hundredweight.[1]	Marked price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available at domestic sales prices announced today.
[2] *Ceiling price certification.* Any purchaser from CCC of Red Kidney beans or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued: June 7, 1951.

[SEAL] ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6808; Filed, June 12, 1951; 8:50 a. m.]

Production and Marketing Administration

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND CERTAIN COUNTIES OF IOWA AND INDIANA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Order No. 60, as amended (15 F. R. 6956), and the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1950, to June 30, 1951, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the States of Michigan, Wisconsin, Minnesota, North Dakota, the counties of Clay, Emmet, Palo Alto, Pocahontas, Kossuth, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, and Mitchell in the State of Iowa, and Warren, Benton, White, Carroll, Cass, Miami, Wabash, Huntington, Wells, Adams, and all counties lying north thereof in the State of Indiana, in the production of Irish potatoes for market, to determine whether such producers favor the termination of said order, as amended.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176), except as follows:

a. Paragraph (c) (1) is amended to read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of the commodity specified, to cast their ballots relative to the termination of Order No. 60, as amended.

b. Paragraph (c) (5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, and appropriate ballot and other necessary forms.

c. Paragraph (d) (3) is amended to read as follows:

(3) Distribute ballots and the aforesaid material to producers and receive any ballots which are cast; and

R. E. Keller, V. A. Ekstrom, A. C. Cook, and E. E. Gallahue of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the aforesaid order, as amended, may be examined in the office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the office of the North Central Potato Committee, 314 Gorham Building, Minneapolis 3, Minnesota. Ballots to be cast in the referendum and copies of the aforesaid order, as amended, may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 8th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6849; Filed, June 12, 1951; 9:07 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

ORGANIZATION AND FUNCTIONS

The statement of Public Health Service organization and functions published February 28, 1951, 16 F. R. 1912, is amended as follows:

a. In section 109:

1. Paragraph (c) "Entomological Section" is corrected to read: "Entomological Branch".

2. Paragraphs (k) and (m) are replaced with the following:

(k) The Director, and Associate Directors, of the National Institutes of Health are authorized to make grants-in-aid for research and special control projects pursuant to section 301 (d) and related sections of the Public Health Service Act, as amended, and the current appropriation act.

* * * * *

(m) The Director, National Cancer Institute, is authorized, (1) to make grants-in-aid for research and special control projects pursuant to section 301 (d) and related sections of the Public Health Service Act, as amended, and the current appropriation act; and (2) to exercise the powers of the Surgeon General, pursuant to section 402 (c) and section 403 (a) (2) of the Public Health Service Act, as amended, to make traineeship awards to individuals having proper technical qualifications for training in the Institute and elsewhere in matters relating to the diagnosis, prevention, and treatment of cancer; to fix and pay to such individuals a per diem allowance not to exceed $10.00 during such training and instruction.

3. The following paragraphs are added:

(t) The Chief, Bureau of Medical Services, and the Chief, and Assistant Chief, of the Division of Foreign Quarantine are authorized to issue permits for the importation and distribution of etiological agents and vectors, in accordance with 42 CFR 71.156.

(u) The Directors of the National Institute of Arthritis and Metabolic Diseases, the National Institute of Mental Health, the National Institute of Neurological Diseases and Blindness, the National Heart Institute, and the National Institute of Dental Research, are authorized to make grants-in-aid for research projects relating to their respective activities, pursuant to section 301 (d) and related sections of the Public Health Service Act, as amended.

b. In section 133:

1. Paragraph (c) "section 325" is corrected to read: "section 361".

2. Paragraph (e) the word "island" in the fourth sentence is corrected to read: "inland".

(c) In section 164 (b), "Kansas City, Mo.: Midwestern CDC Services 605 Red Cross Building" is corrected to read: "Kansas City, Kans.: Midwestern CDC Services, 3900 Eaton Street".

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GENERAL PROCEDURES

SEC. 201. *Gifts.* On behalf of the United States, the Federal Security Administrator is authorized to accept gifts made for the benefit of the Public Health Service or for carrying out its functions, in accordance with section 501 of the Public Health Service Act, as amended, 42 U. S. C. 219. Information may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

SEC. 202. *Claims for damages.* Provisions of law and procedures regarding claims for damage to, or loss or destruction of, property or for personal injury or death, alleged to have been caused by commissioned or civilian officers or employees of the Public Health Service, are set forth in 45 CFR 35.1–35.7, and 31 U. S. C. 215–217. Provisions of law regarding claims for damage occasioned by collisions or incident to the operation of vessels of the Public Health Service, are set forth in section 505 of the Public Health Service Act, as amended, 42 U. S. C. 223. All such claims may be filed with the Public Health Service Board of Claims, U. S. Public Health Service, Washington 25, D. C.

SEC. 203. *Civil service positions.* Information regarding civil service positions in the Public Health Service may be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C. For procedures and forms prescribed by the U. S. Civil Service Commission, see 5 CFR Ch. 1.

The Public Health Service offers internship training in medicine and dentistry at some of its stations; information regarding such training may be obtained by writing to the Committee on Internships and Residencies, U. S. Public Health Service, Washington 25, D. C.

REGULAR AND RESERVE COMMISSIONED CORPS

SEC. 204. *General statement.* Commissions in the Regular and Reserve Corps of the Public Health Service are available to citizens trained in the fields of medicine, dentistry, sanitary engineering, pharmacy, scientific specialties re-

lated to public health, nursing, dietetics, and physical and occupational therapy. Regulations relating to the commissioned corps are contained in 42 CFR Parts 21, 22.

All appointments in the commissioned corps are made by the President and in the case of the Regular Corps, are subject to confirmation by the Senate. Officers retain commissions in the Regular Corps for life, contingent upon their passing prescribed promotion and physical examinations and compliance with rules and regulations of the Service. Reserve commissions are for a period of not more than five years, after which an officer may be reappointed. Reserve commissions may be terminated at any time by the Federal Security Administrator, upon recommendation of the Surgeon General, under authority delegated to the Administrator by the President (Executive Order 9993, 13 F. R. 5093).

SEC. 205. *Application for commission.* Applications may be made on PHS Form 5D, "Application for Commission in the United States Public Health Service." Application forms and instructions may be obtained by writing to the Division of Commissioned Officers, U. S. Public Health Service, Washington 25, D. C. Eligibility requirements and the contents of the application are described in the regulations.

SEC. 206. *Regular Corps; examinations and appointment.* Competitive written examinations for appointment in the Regular Corps are usually held annually in the principal cities in the early spring or summer. Announcements of the time and place of examinations are published at least thirty days prior to the date of the examination, in the leading medical and other professional journals. Applicants with satisfactory qualifications are instructed to present their completed applications and supporting documents to a board of commissioned officers, appointed by the Surgeon General, which conducts oral and written professional examinations and physical examinations as prescribed in regulations.

The procedure for establishment of merit rolls on the basis of examination ratings and relative standings of candidates, and for nominations from merit rolls, are described in the regulations.

SEC. 207. *Reserve Corps; examination and appointment.* Eligibility requirements are described in Title 42 of the Code of Federal Regulations. The examination consists of a review of the candidate's qualifications by the examining board in Washington, D. C., a physical examination which is arranged at a Public Health Service station, and may include an oral interview, a written examination, or both. Recommendations for appointment of a candidate, after approval by the Surgeon General and the Federal Security Administrator, are transmitted to the President for final action.

SEC. 208. *Other provisions governing commissioned officers.* Procedures regarding allotments, leave, promotion, separation, retirement, uniforms, decorations, discipline, and burial payments in time of war, quarters, and foreign service allowances of commissioned officers, are described in the regulations.

PUBLIC INQUIRIES

SEC. 209. *General statement.* The Public Inquiries Branch in the Division of Public Health Methods, U. S. Public Health Service, Washington 25, D. C., conducts a central inquiry service for the professional and lay public. It answers questions and distributes publications and films on a variety of subjects ranging from simple health information to scientific research findings in the fields of medicine and public health.

COLLECTION OF VITAL STATISTICS

SEC. 210. *General statement.* Reports of morbidity and mortality are collected by the Public Health Service from State, Territorial or local governments in accordance with 42 U. S. C. 245 and provisions of International Sanitary Conventions to which the United States is a signatory power. Transcripts of birth, death, and stillbirth certificates are purchased by arrangements with the States, Territories, and independent registration cities in accordance with 13 U. S. C. 101.

SEC. 211. *Use of reports and transcripts.* Transcripts and reports collected by the Public Health Service under these provisions are tabulated and analyzed by the National Office of Vital Statistics for statistical purposes only.

SEC. 212. *Reports.* Weekly and special telegraphic morbidity reports, monthly morbidity reports (Forms PHS 849VS and PHS 1246VS) and annual morbidity summaries (Form PHS 1270VS) are submitted by cooperating State Health Departments. In addition, weekly morbidity reports (Form PHS 453VS) are submitted directly by selected cities. Report forms, as well as instructions, may be obtained upon request from the National Office of Vital Statistics, U. S. Public Health Service, Washington 25, D. C.

SEC. 213. *Official publications.* Annual reports (Vital Statistics in the United States, Parts I and II), and occasional special publications on vital statistics may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Subscriptions to "Public Health Reports", a weekly publication which carries summaries of morbidity and mortality data, may be obtained from the same source. Other weekly and monthly statistical reports and the papers entitled "Vital Statistics—Special Reports" are made available to professionally interested persons and agencies without charge.

INTERSTATE CARRIER SANITATION

SEC. 221. *General statement.* Interstate Carriers must comply with requirements of the Interstate Quarantine Regulations contained in 42 CFR Part 72 regarding the sanitary condition of interstate conveyances such as railroad passenger cars and dining cars, buses, ships, and airlines, which have sanitary facilities, provide water or food, and which operate in interstate traffic. Failure to comply with the requirements of the regulations can result in a fine of not more than $1,000 or imprisonment for not more than one year, or both (section 368 (a) of the Public Health Service Act as amended, 42 U. S. C. 271). Operating conditions on these conveyances are observed and in the case of ships and dining cars, inspections are made regularly. Water and food sources are inspected and certified for use by interstate carriers. The facilities for handling water and food at servicing areas, terminals and airports are also under inspection and plans relative to construction or reconstruction of facilities are reviewed.

SEC. 222. *Construction of conveyance.* Plans for the construction or reconstruction of railroad passenger cars, buses, and aircraft are required to be submitted to the Division of Sanitation for review. Inspections are made by Public Health Service Regional Office representatives. Plans may be submitted by the operators or the car builders. The obligation to submit plans is the responsibility of the operator not the car builder or aircraft builder, but the submittal frequently is made by the car builder. The Sanitation Manual for Land and Air Conveyances Operating in Interstate Traffic (Public Health Reprint 2444, 1943) provides general information. Separate handbooks for each of the respective industries are under preparation.

Plans for the construction or reconstruction of U. S. vessels in interstate traffic, as well as in foreign trade, are reviewed on a voluntary basis. Inspections result in issuance of a "Certificate of Sanitary Construction," if construction or reconstruction has been in accordance with the recommendations contained in the Principles of Sanitation Applicable to the Construction of New Vessels, July 1, 1949. Inspections are made by Regional Office representatives. In the case of U. S. vessels in foreign trade, ratproof construction, as well as general sanitation including water, food, plumbing, and waste disposal, is important.

SEC. 223. *Operating conditions.* The Interstate Quarantine Regulations, 42 CFR Part 72, spell out various requirements to be met by the railroad, bus, airline, and vessel industries in their interstate operations. Inspections are generally made of each passenger or freight ship and each dining car about twice a year. Inspections of other interstate carriers are not made on a regularly scheduled basis. Reports of inspection are given to the operator with the request that corrections be made where indicated. Certificates of sanitation are issued to conveyances having a high sanitation rating. These certificates should be posted by the carriers.

SEC. 224. *Water and food sources.* The regulations require that the sources of water and milk be approved by the Surgeon General. The Service prepares and distributes to the carriers lists of the various watering points used by them, each classified either as "approved," "provisionally approved," or as "use prohibited." Carriers may use watering points in the first two categories and not in the "use prohibited" category. Special measures are taken to provide carriers with immediate notification of changes in "use prohibited" watering points. The classification of a watering point depends on two factors. One is the water supply, which may be a public supply or a private one, and the second factor is the sanitary status of the facilities at the watering point for handling or loading water. The Public Health Service makes inspections of water supplies or watering points or utilizes reports of State or local health agencies. Sufficient copies of the respective lists are sent to those railroads, bus lines, airlines and vessel companies which provide water on their conveyances for passenger or crew consumption. The standards for classification of the water supplies are the Drinking Water Standards contained in 42 CFR 72.201–72.204. The Sanitation Manual for Land and Air Conveyances Operating in Interstate Traffic is used as a guide in classifying watering points, except that a separate handbook is being prepared for vessel watering points.

Milk plants supplying fresh milk or frozen desserts to interstate carriers are inspected and classified in a manner similar to watering points. The Milk Ordinance and Code (Public Health Bulletin #220, 1939) is used as a guide in classifying milk plants. Its Frozen Desserts Ordinance and Code, recommended by the Public Health Service, is used as a guide in classifying ice cream sources.

Railroad and airline commissaries are inspected by Public Health Service or State personnel. The Eating and Drinking Establishments Ordinance and Code of 1943 (Public Health Bulletin #280) is used as a guide in inspecting and classifying these food preparation places. These commissaries are evaluated in a manner similar to that for watering points and milk sources and the carriers are notified of the results of inspections as well as the classification. Sources of bottled water are inspected by Public Health Service or State personnel and classified as "approved," "provisionally approved" or "use prohibited."

As a service to the shellfish industry and to State authorities, the Public Health Service publishes, semimonthly, a list of shellfish shippers holding certificates issued by those State regulatory authorities which conduct a shellfish sanitation program approved by the Service on the basis of a "Manual of Recommended Practices for the Sanitary Control of the Shellfish Industry".

The regulations require the submittal of construction plans or plans for major reconstruction of sanitation facilities at servicing areas. These facilities include watering point installations of hydrants and platforms as well as facilities for disposing of material from soil cans, garbage cans, and the construction or reconstruction of commissaries where food is stored or prepared.

INTERSTATE SHIPMENT OF SHAVING AND LATHER BRUSHES

SEC. 225. *General statement.* Shaving or lather brushes may not be shipped or carried in interstate commerce unless manufactured in compliance with the regulations contained in 42 CFR Part 72.

SEC. 226. *Permits; application and issuance.* (a) Application forms for permits certifying approval of manufacturing procedures (Budget Bureau No. 68-R107) may be obtained from the Division of Sanitation, U. S. Public Health Service, Washington 25, D. C. This form calls for the name and location of the manufacturing establishment, a list of products manufactured or processed, and the signature and title of the executive officer of the establishment. The application form is submitted in duplicate to the Division of Sanitation. The facilities and processes of the applicant's establishment are then inspected for compliance with provisions of the regulations by a representative of the Regional Office within whose jurisdiction the establishment is located. Copies of the identifying marks to be used on brushes are also obtained. The Regional Office transmits to the Division of Sanitation an inspection report, together with recommendations. If upon the basis of the report the head of the Municipal and Rural Sanitation Branch of the Division determines that the establishment is complying with the regulations, a permit is forwarded to the applicant. If the application is not approved, the applicant is notified of this fact, reasons given, and suggestions are offered for improvements that would result in favorable action.

(b) After a permit is issued, all Regional Offices and all State health authorities are so notified in order that the establishment's products may be recognized on the market. State and local health departments make periodic checks of brushes for sale on the retail market and when brushes are found not carrying a registered mark as required by the regulations, a report of that fact is sent to the Surgeon General for enforcement action. Establishments holding permits are subject to periodic inspection; the permit is revoked if it is determined that the regulations are not complied with.

BIOLOGICAL PRODUCTS; LICENSES

SEC. 230. *General statement.* (a) Licenses are issued to establishments engaged in the manufacture and preparation of certain biological products, under the authority of section 351 of the Public Health Service Act, as amended (42 U. S. C. 262). Standards designed to insure the continued safety, purity, and potency of such products are prescribed in regulations made jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Administrator. They appear in 42 CFR Part 73.

(b) The Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Md., prepares and issues monographs, known as "Minimum Requirements," on individual biological products. The monographs discuss each product, methods for its production, tests for safety, purity and potency, etc. They are advisory in character, intended for the information and assistance of manufacturers and scientists. Forms are sometimes attached to the monographs which are designed for use in recording the results of tests of a licensed product. These forms may be used in preparing the protocols which are to be transmitted to the National Institutes of Health with samples of licensed products, as provided for in 42 CFR 73.71, 73.91. The Laboratory of Biologics Control also prepares and issues from time to time material, known as "Dating Decisions", containing information concerning the periods within which particular products may be expected to yield their specific results. This material represents the latest scientific knowledge available and is also advisory in character. Copies of the "Minimum Requirements" and "Dating Decisions" may be obtained from the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland.

SEC. 231. *Products and establishments subject to license.* Products subject to license include any virus, therapeutic serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of diseases or injuries of man. Foreign as well as domestic establishments are subject to license requirements with respect to products brought into the District of Columbia or any State or possession, for sale, barter, or exchange.

SEC. 232. *Applications for licenses.* Forms for application for licenses, and assistance in completing application forms, may be obtained from the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland. Detailed information is required on the technical facilities of the establishment and on the methods of preparation and testing of the product.

SEC. 233. *Processing of applications.* Completed applications, reviewed by the Laboratory of Biologics Control are forwarded with a report to the Surgeon General. The report is based in part on inspection of the establishment and laboratory tests of the product. The Surgeon General transmits the application, the report, and his recommendations for action, to the Federal Security Administrator. In certain cases the Surgeon General appoints a Special Board of Officers to review applications. The findings of the Board are submitted to the Administrator with the Surgeon General's recommendations.

SEC. 234. *Issuance of licenses.* Licenses for approved establishments and products are issued by the Administrator. Licensed establishments are subject to reinspection and licensed products are subject to retesting.

SEC. 235. *Suspension, cancellation, or revocation.* Upon recommendation of the Surgeon General, the Administrator may suspend, cancel, or revoke licenses in accordance with regulations, contained in 42 CFR Part 73. Such recommendations are ordinarily based upon inspection reports and laboratory tests.

SEC. 236. *Hearings.* The Surgeon General grants opportunity for hearings (a) prior to denial, revocation, or suspension of license; or (b) after a license has been denied or, because of danger to health, summarily suspended without prior opportunity for a hearing. Such hearings are provided before an officer or board of officers designated by the Surgeon General for that purpose. The findings and recommendations of the officers or board are forwarded by the Surgeon General with his recommendations to the Administrator.

SEC. 237. *Complaints.* Any person who has reason to question the safety, purity, or potency of any licensed biological products on the open market should communicate with the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland.

SEC. 238. *Relation to Food and Drug Administration; licensed products and products for investigational use only.* The Public Health Service is generally responsible to the Federal Security Administrator for the administration of the provisions of both the Public Health Service Act, as amended, and of the Federal Food, Drug, and Cosmetic Act which are applicable to biological products. This responsibility extends to products licensed under the Public Health Service Act, which are deemed not subject to section 505 of the Federal Food, Drug, and Cosmetic Act, and to products intended solely for investigational use which are subject to the provisions of subsection (i) of section 505 of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. By administrative arrangement, reports are made to the Service by the Food and Drug Administration whenever, in the course of the field operations of the Food and Drug Administration, conditions or products are encountered which there is reason to suspect may be substandard. In any emergency involving protection to the public against products which may be dangerous to life or health, proceedings may be invoked under the provisions of either act as may be agreed between the Public Health Service and the Food and Drug Administration, or as the Administrator may direct.

GRANTS FOR RESEARCH

SEC. 240. *General statement.* Grants for medical research are made to universities, hospitals, laboratories, other public and private institutions and individual scientists, in accordance with section 301, and related provisions of the Public Health Service Act, as amended, 42 U. S. C. 241.

SEC. 241. *Applications for grants.* Application forms and instructions for preparing the forms may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Maryland. The principal items in the application require from the applicant detailed information on the proposed research project as well as the qualifications of those who would conduct it. Assistance in completing application forms may be obtained from the Division of Research Grants.

SEC. 242. *Processing of applications.* Applications received are submitted to one or more special Study Sections covering designated areas of medical research. These sections, consisting of Public Health Service scientists and outside consultants, review applications and prepare recommendations for consideration by the appropriate National Advisory Council.

SEC. 243. *Action following Council consideration.* When a National Advisory Council recommends approval of a grant, its recommendation is certified for final action to an official to whom authority is delegated by the Surgeon General. Upon final approval of a grant, the applicant is notified. Upon disapproval of a grant, the applicant is notified, and where appropriate, suggestions are given for revision to make the application acceptable.

RESEARCH FELLOWSHIPS

SEC. 244. *General statement.* Research fellowships are awarded to individuals who have demonstrated outstanding or potential ability for scientific research in the various fields of science related to public health, in accordance with section 301, and related provisions of the Public Health Service Act, as amended, 42 U. S. C. 241. For regulations regarding fellowships see 42 CFR Part 61.

SEC. 245. *Applications for fellowships.* Application forms may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Maryland. The principal items in the application form require from the applicant detailed information on his education, training, and experience.

SEC. 246. *Processing of applications.* Applications are considered by a Research Fellowships Board appointed by the Surgeon General. The Board consists of persons representing various fields of science.

SEC. 247. *Action following Board consideration.* If the Board approves a research fellowship, the award is made by an official to whom authority is delegated by the Surgeon General. If the Board disapproves an application, the applicant is so notified.

GRANTS FOR TRAINING, INSTRUCTION, AND TRAINEESHIP

SEC. 248. *General statement.* Sections 303, 402, 403, 412, 422 and 433 of the Public Health Service Act, as amended (42 U. S. C. 242 (a)), provide in part for (a) grants to public and other nonprofit institutions for training and instruction in the fields of mental health, cancer, heart disease, and dental diseases and conditions, and other fields for which an institute has been established and (b) traineeships providing allowances to qualified persons accepted for training and instruction in such fields.

The several institutes of the National Institutes of Health have general administrative responsibility for these programs in their respective fields.

SEC. 249. *Grants to public and other non-profit institutions*—(a) *Application forms.* Institutions seeking grants may obtain application forms and instructions from the appropriate institute at the National Institutes of Health, Bethesda 14, Maryland.

(b) *Processing of applications.* Applications received from institutions are submitted by cognizant Institutes to the appropriate national advisory council. Council recommendations are certified for final action to an official to whom authority is delegated by the Surgeon General. Upon final action, the institution is notified of approval, deferment for additional information, or disapproval of the application.

SEC. 250. *Traineeships*—(a) *National Institute of Mental Health traineeships.*—(1) *General statement.* Mental health traineeships are available to properly qualified persons in accordance with section 303 of the Public Health Service Act as amended (42 U. S. C. 242 (a)).

(2) *Application forms.* Application forms and instructions may be obtained from the training institutions collaborating in the training program.

(3) *Processing of applications.* Applications are reviewed by the training institutions which recommend candidates to the Director, National Institute of Mental Health for consideration and final designation.

(4) *Final action.* Candidates selected are designated for stipends under the authority of the Surgeon General. The candidates are notified through the training institution of the formal action taken. Stipend payments are made to trainees by the institution out of funds granted for training and instruction.

(b) *National Cancer Institute traineeships*—(1) *General statement.* Traineeships in the diagnosis and treatment of cancer are given to properly qualified physicians, in accordance with section 403 of the Public Health Service Act, as amended.

(2) *Applications for traineeships.* Application forms and instructions may be obtained from the National Cancer Institute, National Institutes of Health, Bethesda 14, Maryland. The forms require data on the applicant's education and experience, his reason for seeking the training, and his plans for making use of it.

(3) *Processing of applications.* The application and supporting data are reviewed by the Director of the National Cancer Institute, or by persons designated by him, and the applicant is notified by letter whether he has been accepted for training.

(4) *Action following approval of applications.* If the application is approved, the applicant is appointed as a trainee of the National Cancer Institute to be effective on a date agreed upon.

(c) *National Heart Institute traineeships*—(1) *General statement.* Traineeships in the diagnosis and treatment of heart disease are given to properly qualified individuals in accordance with section 412 of the Public Health Service Act, as amended, and the regulations (42 CFR Part 63).

(2) *Applications for traineeships.* Application forms and instructions may be obtained from the National Heart Institute; National Institutes of Health, Bethesda 14, Maryland. The forms require data on the applicant's education and experience, his reason for seeking training, and his plans for making use of it.

(3) *Processing of applications.* Applications and supporting data are reviewed by the Director of the National Heart Institute, or by persons designated by him, and the applicant is notified whether he has been accepted for training.

(4) *Action following approval of applications.* If the application is approved, the applicant is appointed as a National Heart Institute trainee.

RADIUM LOANS

SEC. 252. *General statement.* Loans of radium are made to agencies and institutions for treatment of cancer patients and for cancer research, in accordance with sections 402 and 403 of the Public Health Service Act, as amended.

SEC. 253. *Applications for loans.* Application forms and a statement of the conditions under which loans are granted may be obtained from the National Cancer Institute, National Institutes of Health, Bethesda 14, Maryland. The application requires a description of the size and equipment of the hospital or clinic, the qualifications of the staff, and a statement of the number of cancer patients using the facilities. In order to coordinate the loan program with the cancer control programs of State health departments, applicants are required to secure approval of the applications from their respective State health departments.

SEC. 254. *Processing of applications.* The completed application is reviewed by the Director of the National Cancer Institute, or persons designated by him. The main points considered are the qualifications of staff, the need for the radium as determined by the amount the hospital already has and the number of cancer patients using its facilities, the adequacy of the hospital's radiological equipment and the availability of other radium in the community. In order to effect an equitable distribution of radium, loans already made to institutions in the State and community are considered.

SEC. 255. *Loan contract.* The applicant is notified of the decision made on his application. If the loan is approved, a loan contract is sent to the applicant for signature. The essential elements in the contract provide that the borrowers agree to:

(a) Replace any lost radium.

(b) Make no charge to patients for the use of the radium.

(c) Permit the radium to be used for treatment purposes only by experts whose qualifications are the equivalent of the standards established for radiologists by the American Board of Radiology.

(d) Maintain adequate standards for the protection of their personnel from overexposure to the radium.

(e) Furnish such reports on the use of the radium as the Service may require.

Upon completion of the contract, the radium is shipped to the borrower. Loan contracts are made for a period of one year and may be renewed.

MEDICAL CARE

SEC. 258. *Addresses of U. S. Public Health Service hospitals and medical care stations.* For addresses of U. S. Public Health Service hospitals, medical care stations, and other field stations of the Service, see the statement of Public Health Service organization published February 28, 1951 (16 F. R. 1912).

SEC. 259. *Seamen and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Service facilities at Public Health Service expense when authorized. These services are furnished in accordance with regulations contained in 42 CFR Part 32.

Group 1. Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;

Group 2. Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State-school ships or on vessels of the United States Government of more than five tons' burden;

Group 3. Seamen on vessels of the Mississippi River Commission;

Group 4. Officers and crews of vessels of the Fish and Wildlife Service;

Group 5. Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

Group 6. Cadets at State maritime academies or State training ships; and

Group 7. Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(b) *Form of application*—(1) *Groups 1–4.* All seamen in these groups must present a Master's certificate, Form PHS 125 (HD), in person or by proxy if unable to appear themselves. The seaman or master of the vessel may obtain this form from the nearest Public Health Service hospital or medical care station upon request. If Form PHS 125 (HD) is not available, other evidence of recent employment as a seamen beneficiary is acceptable.

(2) *Groups 5–6.* A written request from a responsible official of the organization concerned must be furnished.

(3) *Group 7.* Evidence of status as Public Health Service field employee or non-commissioned officer must be furnished.

(c) *Place of application.* Persons in all groups make application to the admitting office of the Service hospital or medical care station.

(d) *Emergency treatment*—(1) *Groups 1–4.* In emergencies where application cannot be made in person to an established medical care facility of the Public Health Service, the application may be sent to a medical officer in charge of a medical care station, quarantine station, or to a Public Health Service Regional Medical Officer together with documents evidencing eligibility as a seaman's beneficiary. Application must be made at the time treatment is required, or shortly thereafter while the beneficiary is undergoing treatment.

(2) *Groups 5–6.* Same as for groups 1–4 and, in addition, application is made to the responsible officer of the Public Health Service assigned to a Maritime Service, Merchant Marine Cadet Corps school or State Maritime Academy.

(3) *Group 7.* Same as for Groups 1–4, and, in addition, when on duty in any foreign place, the officer in charge or the patient himself, if necessary, may make arrangements for care and treatment without prior authorization.

(e) *Eligibility for treatment.* (1) Upon examination of the application and oral interrogation, where required, the admitting office or medical officer in charge or authorized Government representative, as the case may be, determines eligibility in accordance with regulations contained in 42 CFR Part 32. If found eligible, medical benefits are accorded the patient; if not, the applicant is rejected. Where, due to the emergency of the case, treatment at other than Public Health Service facilities is indicated, the Service or other authorized official receiving the application examines the evidence of eligibility, determines whether a true emergency exists and authorizes treatment for the applicant if eligibility is established. If time does not permit, treatment is authorized conditionally pending establishment of eligibility.

(2) Where the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

SEC. 260. *Coast Guard personnel and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical, and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Public Health Service facilities at Service expense when authorized. These services are furnished in accordance with the regulations contained in 42 CFR Part 31.

(1) *Group 1—Coast Guard.* (i) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; (ii) Regular members of the Coast Guard Reserve when on

active duty or when retired for disability; (iii) Temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty; (iv) Members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability; (v) Members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

(2) *Group 2—Coast and Geodetic Survey.* Commissioned officers, ship's officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(3) *Group 3—Public Health Service.* (i) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired; (ii) Commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(4) *Group 4.* Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who, subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard; who were entitled to medical care at hospitals and other stations of the Public Health Service prior to July 1, 1944; and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the act of June 20, 1918, as amended (33 U. S. C. 763).

(b) *Form of application.* The applicant must present evidence of status or connection with the groups specified above.

(c) *Place of application.* Persons make application to the admitting office of a Public Health Service hospital or medical care station.

(d) *Emergency treatment.* In emergencies where application cannot be made in person to established facilities of the Service, an officer or other supervisory official of the organization concerned arranges for treatment or hospitalization at private and other than Service facilities at Public Health Service expense. As soon as possible, a report of the case is made to the Chief of the Division of Hospitals, U. S. Public Health Service, Washington 25, D. C. Transfer of the patient to an established Service facility or other Federal medical facility is effected as soon as the condition of the patient permits.

(e) *Eligibility for treatment.* (1) Upon examination of the certificate of identification or other written evidence of status, the receiving Service officer determines eligibility in accordance with regulations contained in 42 CFR Part. 31. Treatment is then furnished at Public Health Service facilities, or at private facilities where the former are not available.

(2) When the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

SEC. 261. *Dependents, seamen on foreign flag vessels and Red Cross uniformed personnel assigned to the Coast Guard*—(a) *General statement.* The types of medical care available to three additional groups of beneficiaries of the Public Health Service are described below.

(1) *Group 1.* The following persons may receive medical advice and out-patient treatment at Public Health Service hospitals and medical care stations, and hospitalization at Service hospitals only. Hospitalization in hospitals of the Service will be at a per diem cost to the officer, enlisted person or member of the crew concerned at the uniform rate set by the President for such dependents.

Dependent members of the families of personnel in the: (i) Coast Guard, commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability. (ii) Coast and Geodetic Survey. Commissioned officers, ships' officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired. (iii) Public Health Service. Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(2) *Group 2.* Seamen on foreign flag vessels other than those entitled to free treatment by the Public Health Service may be hospitalized at Service hospitals and furnished out-patient treatment at Service hospitals or medical care stations of the Service at rates prescribed by the Surgeon General and approved by the Administrator.

(3) *Group 3.* Red Cross uniformed personnel serving with the Coast Guard will be furnished emergency hospitalization at Service hospitals only and at the uniform per diem reimbursement rate for Government hospitals as approved by the President. Emergency medical out-patient care and treatment will be furnished at Service hospitals and medical care stations of the Service.

The services for persons in Group 1 are furnished in accordance with regulations contained in 42 CFR Part 31, and for persons in Groups 2 and 3, in accordance with regulations contained in 42 CFR Part 32.

(b) *Form of application*—(1) *Group 1.* Evidence of dependency status is acceptable in any appropriate form.

(2) *Group 2.* The foreign seamen must present an authorization for treatment signed by the master, owner or agent of the vessel; or by a responsible official of the consular office of the country concerned, such authorization to give evidence of agreement to reimburse.

(3) *Group 3.* Proper evidence of assignment with the U. S. Coast Guard must be presented.

(c) *Place of application.* Application is made to the admitting office of the hospital, or medical care station of the Public Health Service.

(d) *Eligibility for treatment.* The Public Health Service medical officer receiving the application will determine eligibility of the applicants for treatment and furnish the required services in accordance with applicable regulations.

(e) *Payment of bills*—(1) *Groups 1 and 3.* The billing office of the Service hospital presents the patient with a bill, Form PHS 118 (BF), showing the number of days spent in the hospital and requesting that payment be made to the account of the Treasurer of the United States by check, money order, etc. Payment is made through the hospital.

(2) *Group 2.* Form PHS 118 (BF) is prepared and forwarded to the Collector of Customs for collection from the master, owner or agent of the foreign vessel or other responsible person or agency. Any voucherable expenditures authorized are paid by the responsible parties.

SEC. 262. *Persons afflicted with leprosy* — (a) *General statement.* Any person afflicted with leprosy residing in any State, Territory, or the District of Columbia may be received and treated at the U. S. Public Health Service Hospital (National Leprosarium), Carville, Louisiana. This service is furnished in accordance with regulations contained in 42 CFR Part 32.

(b) *Form of application.* The application for admission may be made by letter requesting permission to enter the Hospital, personal presentation at the Hospital, written or oral request through a State health officer, or any other appropriate communication to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(c) *Place of application.* Application shall be made to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(d) *Transfer of patients.* When diagnosis of leprosy has been confirmed, the Medical Officer in Charge of the U. S. Public Health Service Hospital, Carville, Louisiana may make arrangements for transfer of the patient to Carville at Service expense. Before transfer is undertaken, the patient must execute and sign a statement indicating his willingness to be so transferred.

(e) *Initial examination of arriving patients.* Upon arrival, the patient is examined by a board of three medical officers convened by the medical officer in charge for the purpose of final confirmation of the diagnosis. Treatment is prescribed for those whose conditions are confirmed; if diagnosis is not confirmed, the patients are discharged and returned to their homes.

(f) *Discharge.* The medical officer in charge of the hospital convenes a board of three medical officers and the patient is examined. A recommendation of the board that the patient be discharged is transmitted to the medical officer in charge for final consideration.

(g) *Notification to health authorities.* Upon discharge of a patient, the medical officer in charge of the hospital notifies the State health officer of the State where the patient expects to reside.

SEC. 263. *Narcotic drug addicts*—(a) *General statement.* Persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, or who voluntarily submit themselves for treatment, are admitted and treated in hospitals of the Service especially equipped for the accommodation of such patients, in accordance with regulations contained in 42 CFR Part 33.

(b) *Prisoners and probationers.* (1) Prisoner addicts are admitted to such hospitals upon certification to the medical officer in charge by the Bureau of Prisons, Department of Justice. A certificate of addiction signed by the prosecuting officer, on the form "Preadmission Report of Drug Addiction in a Convicted Person," accompanies the prisoner. Custody and discharge are governed by rules and regulations of the Bureau of Prisons. For procedures regarding the granting, forfeiture, and restoration of industrial good time and good conduct allowances, see 42 CFR 33.2, 33.3.

(2) Addicts placed on probation are admitted upon presentation to the medical officer in charge of a copy of the court order establishing the probation and a certificate of addiction signed by the prosecuting or probation officer.

(3) Upon discharge of a prisoner or probationer from a Public Health Service Hospital, determination of the cash, clothing and transportation allowances are made by the medical officer in charge in accordance with 42 CFR 33.5, 33.6.

(c) *Ex-prisoner patients, admission.* One month prior to the expiration of sentence, each prisoner is examined by the medical officer in charge, or an officer designated by him, and is advised regarding further treatment. The prisoner may then apply for continued treatment on the form "Application of Prisoner for Treatment beyond Expiration of Sentence," obtained from the medical officer in charge. The completed application is then forwarded to the Medical Officer in Charge of the Public Health Service hospital for approval. If the application is approved, the prisoner remains in the hospital as an ex-prisoner in accordance with 42 CFR 33.4.

(d) *Voluntary patients; charge for subsistence, care and treatment.* (1) A person seeking admission as a voluntary patient to the Lexington, Kentucky, or Fort Worth, Texas, Public Health Service Hospitals for drug addiction must complete Form PHS–52 (HD) "Application for Admission," and send it directly to the medical officer in charge of the hospital concerned. Complete instructions are printed on the reverse side of the form. A blank application form may be obtained from either of the Public Health Service Hospitals at Lexington, Kentucky, or Fort Worth, Texas, from other Service hospitals, or outpatient clinics, or by writing Division of Hospitals, U. S. Public Health Service, Washington 25, D. C.

(2) *Charge for care.* Voluntary patients are charged for their subsistence, care, and treatment at a rate prescribed by the Surgeon General. If patients are financially unable to pay, no charge is made.

(e) *Ex-prisoner and voluntary patients, discharge.* Ex-prisoner and voluntary patients are discharged by the medical officer in charge (1) upon cure, or (2) upon expiration of the maximum period estimated to effect a cure, or (3) when the presence of such patient becomes, in the opinion of the medical officer in charge, detrimental to the hospital. Indigent voluntary patients discharged as cured may be furnished transportation and meals while traveling, at Service expense, to any place within the continental United States, which, in the opinion of the medical officer in charge will afford the best opportunity for permanent rehabilitation.

SEC. 264. *Disposition of money and effects of deceased patients*—(a) *General statement.* The money and effects of deceased Public Health Service patients are surrendered to the legal representative of the estate of the deceased upon the basis of a claim (Form PHS–12–6 (HD) filed with the Medical Officer in Charge of the hospital concerned. Persons other than the legal representative may file their claims for the valuables and effects of deceased patients on Form PHS–1226 (HD) with the Medical Officer in Charge. The forms are available at all Service hospitals. In any event, the money and effects of deceased Veterans Administration beneficiaries will be forwarded to that Agency for disposition in accordance with its own regulations.

(1) *Delivery; money and valuables $1,000 or less.* After the expiration of 10 days from the time of sending notices to potential claimants, the medical officer in charge will delivery money and valuables valued at $1,000 or less, to one of the persons in the priority order required by regulations contained in 42 CFR 35.44.

(2) *Delivery; money and valuables over $1,000.* If the value of the money and valuables is over $1,000, they may be delivered only to the legal representative if any.

(3) *Disposition; other.* If disposition is not possible in accordance with (1) and (2) above, the patient's money (U. S. Currency and coin) is deposited in the Treasury of the United States to the credit of a trust fund account within 120 days after the sending of notices.

Likewise, unclaimed valuables, after six months from the death of the patient, are sold at public auction at the hospital and the proceeds deposited into the same trust-fund account as was the money.

Money so deposited in the Treasury of the United States is subject to claims by legal claimants against the estate of the deceased. Such persons will submit their claims to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., on Standard Form 1055 which may be obtained from any of the hospitals of the Public Health Service. The claim will then be forwarded to the General Accounting Office for settlement.

FOREIGN QUARANTINE

SEC. 285. *General information*—(a) *Addresses of quarantine stations.* For addresses of Public Health Service Quarantine Stations and other field stations, see the statement of Public Health Service organization published February 28, 1951, (16 F. R. 1912).

(b) *Penalty procedures.* For penalty procedures, see sections 311 and 312.

FOREIGN QUARANTINE: VESSELS

SEC. 287. *General statement.* Vessels departing from foreign ports for ports under the control of the United States are required to comply with quarantine regulations contained in 42 CFR Part 71, (a) at ports of departure, (b) while en route, and (c) at time of first arrival on each voyage at a port in the United States, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271). Definitions of terms used in the following sections on foreign quarantine are contained in 42 CFR 71.1.

SEC. 288. *Measures at foreign ports and in transit.* The master of a vessel is required to enter in the ship's official record a statement of measures taken (a) at foreign ports, to comply with 42 CFR 71.11–71.19, and (b) in transit, to comply with 42 CFR 71.31, 71.32. The occurrence or suspected occurrence on board of any of the communicable diseases listed in 42 CFR 71.34, while the vessel is in transit, must be reported by radio to the medical officer in charge at the port of entry.

SEC. 289. *Measures at ports of arrival.* (a) Upon arrival at a port under control of the United States, unless exempted by 42 CFR 71.46, 71.47, vessels must anchor at a point designated by port authorities, or proceed to a point designated by the medical officer in charge, and await boarding and inspection by a quarantine officer of the U. S. Public Health Service. The vessel signifies its readiness for inspection by hoisting a yellow (Q) flag. The usual hours of boarding are 6 a. m. to 6 p. m., daily. Ships in distress or those carrying perishable cargoes may be boarded any hour.

(b) Usually, a quarantine officer and one or more sanitary inspectors board the vessel. Quarantine and sanitary operations and inspections are conducted in accordance with 42 CFR 71.63–71.71, 71.81–71.91, and 71.101–71.104.

(c) If inspection requirements are met satisfactorily, the master of the vessel is given a free pratique, signed by the quarantine officer. A pratique is a certificate issued by a quarantine officer releasing or provisionally releasing a vessel from quarantine. This certificate, which permits the vessel to enter the port, is presented to the Collector of Customs as evidence of compliance with quarantine regulations.

(d) If inspection requirements are not met satisfactorily, the vessel may be detained in quarantine, or a provisional partique may be issued by the quarantine officer permitting the ship to enter the port, but specifying additional measures

which must be met before or after discharge of cargo or landing of passengers. For example, it may require fumigation before the cargo is unloaded or after the cargo is partially or completely unloaded. After the conditions specified in the provisional pratique are met, a free pratique may be issued.

(e) The Medical Officer in Charge of a Quarantine Station may grant pratique by radio as provided in 42 CFR 71.124.

(f) Vessels arriving from a foreign port are subject to fumigation every 6 months. When a vessel is fumigated or inspected and found free of rodents, a deratization certificate or deratization exemption certificate is issued by the medical officer in charge. The certificate is valid for six months.

SEC. 290. *Remanding of vessels.* (a) As applied to vessels, the term "remand" means the procedure by which a vessel coming from a foreign port may be kept under quarantine surveillance as it proceeds from one United States port to another. The quarantine officer of the port from which a vessel is remanded transmits in writing, to the Collector of Customs and the quarantine officer at the port to which the vessel is remanded, a notice that the vessel is to remain under observation or is to be subjected to further quarantine measures. When a vessel is merely referred to another quarantine station for the purpose of continuing sanitary control, no notice is sent to the Collector of Customs.

(b) *Vessels remanded to other United States ports.* (1) Vessels which have residue cargo for other United States ports sufficient in amount to prevent complete and final rat infestation inspection, and on which the observed evidence of active rat life is insufficient to warrant deratization, are remanded to the next United States port at which less cargo will be on board, for further inspection and for such treatment as may be indicated.

(2) Vessels which have arrived from known or suspected plague ports and which contain an appreciable amount of residue cargo for other United States ports after deratization are remanded to the next United States port where cargo is to be discharged, for further search for rats and for such additional treatment as may be indicated. When a deratization certificate cannot be completed on account of inability to ascertain the results of deratization, the incomplete certificate is forwarded with the notice of remand to the station receiving the remand. The certificate is completed by the quarantine station making the final inspection and is delivered to the master or to the agents for the vessel. When deratization is required on a vessel from plague-free ports, the vessel is remanded as necessary to permit deratization when the vessel is empty or when the discharge of cargo is sufficient to allow adequate deratization.

(3) When a vessel has been granted provisional pratique and remanded to another quarantine station for fumigation, the master or agents are given explicit instructions in writing relative to the required fumigation.

(4) In remanding a vessel, full information as to the reason therefor is given to the station receiving the remand.

(5) Notice of remand is timed to reach its destination at least 48 hours ahead of the arrival of the vessel concerned, a telegram being sent when necessary.

(c) *Vessels remanded from other United States ports.* (1) If from known or suspected plague ports, the vessel is treated as if direct from infected ports except that the vessel may be permitted to dock and to discharge cargo under supervision of the quarantine station. Quarantine treatment is predicated upon the finding of the inspection undertaken during the discharge of cargo. If the vessel has residue cargo for other United States ports, it is remanded to the next port where cargo will be discharged unless preliminary inspection shows the need for immediate fumigation.

(2) If from non-plague ports, the vessel is treated as if direct from a clean foreign port.

(d) Upon completion of quarantine treatment at a port to which a vessel has been remanded, a report of the action taken and of the results obtained is sent to the quaranine station which remanded the vessel.

FOREIGN QUARANTINE: AIRCRAFT

SEC. 293. *General statement.* Aircraft departing from a foreign port for a port under the control of the United States are required to comply with 42 CFR Part 71, at (a) ports of departure and (b) first arrival on each flight at a port in the United States.

SEC. 294. *Measures at foreign ports and in transit.* An aircraft commander's general declaration (Customs Form 7507, available from Collectors of Customs) including information showing animals, birds, insects, bacterial cultures, or viruses on board, details of last disinsectization or sanitary measures undertaken, and statements of the occurrence of any sickness (other than airsickness) among passengers or persons employed on board, must be presented on arrival to the quarantine officer.

SEC. 295. *Measures at airports of entry.* (a) Upon arrival at an airport under the control of the United States, unless exempted by regulations, all aircraft are inspected by a quarantine officer of the Public Health Service. The aircraft commander is responsible for detention of the aircraft, its crew, and passengers pending their release by the quarantine officer. Cargo and other contents of the aircraft must be held at the airport or other place of first landing until released by the quarantine officer.

(b) Usually a sanitary inspector boards the aircraft. The quarantine officer usually inspects the passengers in quarters outside the aircraft. Quarantine and sanitary operations (including insecticide spraying) and inspections are conducted in accordance with 42 CFR 71.63–71.71; 71.81–71.91; 71.101, 71.102, 71.104; and 71.503–71.516.

(c) If inspection requirements are met satisfactorily, the passengers are released from quarantine jurisdiction and pass on to the jurisdiction of the Immigration and Naturalization Service and the Customs Service.

(d) If inspection requirements are not met satisfactorily—or in the case of infected aircraft—control measures, including surveillance, detention, and vaccination of persons and disinfection or disinfestation of the aircraft, may be undertaken as provided in 42 CFR Part 71.

(e) An aircraft arriving from a foreign airport may be required to proceed to another airport with all passengers, crew and cargo, for required quarantine and sanitary measures, upon determination by the quarantine officer that the aircraft cannot be adequately handled at the airport of arrival.

FOREIGN QUARANTINE: PERSONS

SEC. 298. *General statement.* Unless aboard an aircraft or vessel exempt under 42 CFR 71.46, all persons arriving at an airport or port under the control of the United States from a foreign country are subject to quarantine regulations contained in 42 CFR Part 71, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271).

SEC. 299. *Measures at port of arrival and airports of entry.* (a) Upon arrival except as provided in 42 CFR 71.65, all persons, their personal effects and their records are subject to measures determined by the Quarantine Officer as necessary to prevent the introduction of quarantinable diseases into the United States. These measures, including detention and surveillance, are set forth in 42 CFR 71.65–71.71 and 71.81–71.91.

(b) Aliens are subject to physical and mental examinations required by the Immigration and Naturalization Service. The examinations are made by medical officers of the Public Health Service.

SEC. 300. *Border quarantine.* Persons entering the United States at international border stations are subject to all pertinent requirements governing persons entering on aircraft or vessels, that is, detention, surveillance, vaccination, and other restrictions as set forth in 42 CFR 71.136–71.140.

SEC. 301. *Immunization certificates.* Evidence of immunity is acceptable when presented on a form approved by the World Health Organization and certified by an officer of the health authority of the country in which the immunization was administered or a political subdivision of that country, or by a physician designated by such health authority. Public Health Service form PHS–731 (IHR), "International Certificate of Inoculation and Vaccination," is used for this purpose. This form is obtainable from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $.05 a copy or $1.25 per hundred. A limited number of copies may be obtained, without charge, from (1) the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C., (2) the Regional Medical Directors, (3) the Public Health Service Hospitals, and (4) the Quarantine Stations of the Public Health Service. Upon application to the U. S. Public Health Service, private parties can obtain permission to print the form.

FOREIGN QUARANTINE: IMPORTATION OF CERTAIN THINGS

SEC. 303. *General statement.* Quarantine regulations governing the importation of lather brushes, psittacine birds, cats, dogs, and monkeys, etiological agents and vectors, and dead bodies, are contained in 42 CFR 71.151–71.157, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended, (42 U. S. C. 264–271).

Information regarding procedures required to import any of these articles or animals may be secured from the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C.

SEC. 304. *Lather brushes.* For procedures, see 42 CFR 71.151.

SEC. 305. *Psittacine birds.* For procedures, see 42 CFR 71.151, 71.153. Under these sections, no prescribed form has been adopted for the request by the importer to the Surgeon General for permission to import the birds. If the information required is in writing, it will suffice.

SEC. 306. *Cats, dogs, and monkeys.* For procedures, see 42 CFR 71.154, 71.155.

SEC. 307. *Etiological agents and vectors.* Applications in writing for permits to import etiological agents and vectors, described in 42 CFR 71.156, should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C. If the application is approved, the Surgeon General issues a "Permit to Import Quarantinable Material," and a copy is sent to the Quarantine Officer at the port of entry. The Collector of Customs will not release a shipment until he has received a permit from the Surgeon General. In special cases, the Surgeon General may issue a permit by telegram.

SEC. 308. *Dead bodies.* For procedures, see 42 CFR 71.157.

FOREIGN QUARANTINE: PENALTY PROCEDURES

SEC. 311. *General statement.* Penalties for violations of quarantine regulations, 42 CFR Part 71, are prescribed in sections 367 and 368 of the Public Health Service Act, as amended (42 U. S. C. 270, 271).

SEC. 312. *Action following violations.* (a) Violations by persons. When an apparent violation of quarantine laws or regulations has been committed by a person, he is formally notified in writing by the Collector of Customs, who sets forth the specific section of the Public Health Service Act or foreign quarantine regulations violated, advising that the matter is being reported to the Surgeon General of the U. S. Public Health Service for appropriate action. The case is referred to the medical officer in charge for transmission to the Surgeon General. The Surgeon General may or may not refer the case to the U. S. Department of Justice for prosecution, depending on the circumstances.

(b) Violations by vessels or aircraft. When an apparent violation by a vessel or aircraft has occurred, incurring a forfeiture under section 368 (b) of the Public Health Service Act, as amended, the owner is served with a formal written notice by the Collector of Customs, setting forth the specific section of the Public Health Service Act or foreign quarantine regulations violated and requiring that a Customs bond on Customs form 7567 or 7569 be given before the aircraft or vessel is permitted to depart. The owner or agent of the vessel or aircraft is informed that an application for mitigation or remission of the forfeiture incurred may be filed with the Surgeon General. The entire case, including petition for relief, is referred to the medical officer in charge for transmission, with recommendations, to the Surgeon General.

INTERSTATE QUARANTINE

SEC. 320. *General statement.* The interstate travel of persons who are capable of spreading a communicable disease or who are believed to be spreading a disease is governed by 42 CFR Part 72. The interstate transportation of articles which may be the source of a communicable infection are governed by these regulations. See 42 CFR Part 72, for interstate quarantine procedures.

GRANTS FOR HOSPITAL SURVEY AND PLANNING

SEC. 327. *General statement.* Federal funds are made available (a) to assist States to inventory their existing hospitals, (b) to survey the need for construction of hospitals, and (c) to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinical, and similar services to the people of the several States. "Hospital" includes public health centers as well as hospitals, and facilities related to either.

These grants are made to legally designated State agencies in the 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands in accordance with 42 CFR Part 53.

SEC. 328. *Making of allotments.* The Surgeon General determines the allotment to each State in accordance with methods outlined in section 613 (a) of the Public Health Service Act, as amended, (42 U. S. C. 291c (a)). State agencies are notified of allotments by the Regional Medical Director.

SEC. 329. *Application and other required forms.* Forms and instructions for submitting applications may be secured from the Regional Offices of the Federal Security Agency. The forms should be submitted by the State Agency designated as the sole agency for carrying out the purposes of section 601 (a) of the Public Health Service Act, as amnded (42 U. S. C. 291), to the Regional Offices for review and approval or disapproval. The State agency is notified of final action by the Regional Medical Director. Amendments to these forms are handled in the same manner as the original forms.

SEC. 330. *Assistance in development of State programs.* The help of special consultants assigned to the Regional Office may be secured in developing State programs. In connection with their work, these consultants maintain close working relationships between the Public Health Service headquarters and State hospital survey and planning agencies.

SEC. 331. *Payments from allotments.* Upon approval of an application for a grant, a State agency may submit a request for payment. Payments are made according to specifications in 42 CFR Part 53.

SEC. 332. *Audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

HOSPITAL PLANS AND CONSTRUCTION

SEC. 335. *General statement.* Following completion of a State inventory and survey of existing hospital and public health center facilities, each State develops and submits a State Plan for the construction of needed hospital and public health center facilities.

SEC. 336. *Format and content of State Plans.* The general form and content of State Plans are set forth in Title 2 of the Health Grants Manual which is available in the Regional and Washington offices of the Service and at State Agencies. State Plans set forth a program for the construction of general, mental, chronic disease and tuberculosis hospital beds and facilities and public health centers and related facilities for all population groups within the State, and establish a system for determining the priority of construction projects. In addition, State Plans set forth the basic State laws for administration of the program by the State, a description of the State Agency organization and functions, the membership of the State Advisory Council, the merit system rules governing personnel administration, standards of construction, standards of maintenance and operation, methods of administration, fair hearing procedures for project applicants, and fiscal methods and procedures. Forms required to be filled out as a part of a State Plan are supplied on request by any of the Regional Offices.

SEC. 337. *Approval of State Plans.* State Plans are submitted in duplicate through the Regional Offices and are approved by the Surgeon General. Regional Office Consultants are available to assist in State Plan preparation. After approval by the Surgeon General, State Agencies are notified of such approval by Regional Medical Directors.

SEC. 338. *Revision and amendments to State Plans.* The regulations require annual revision of plans by State Agencies. The plan may be amended, however, as often as necessary to reflect

changes in the hospital and public health center requirements of the State.

SEC. 339. *Delegation of final authority.* Final authority to approve amendments to State Plans, other than major modifications and annual revisions required by the regulations, has been delegated by the Surgeon General to the Regional Medical Directors.

SEC. 340. *Availability of Official Records.* State Agencies are required by the regulations to maintain on file for public information a copy of their approved State Plan. Members of the public may secure information concerning the approved State Plan from their State Agency.

SEC. 341. *Allotment and availability of hospital construction funds.* Following the approval of the State Plan, funds are allotted to the State in accordance with the formula contained in the Public Health Service Act, as amended. Allotments are made each fiscal year thereafter. Allotments are certified to the Secretary of the Treasury and each State is notified of its allotment.

ADMINISTRATION AND DEVELOPMENT OF HOSPITAL CONSTRUCTION PROGRAM

SEC. 343. *Project Construction Schedule*—(a) *General.* Following approval of the State Plan a project construction schedule is submitted, which outlines the construction projects to be undertaken during the fiscal year involved. The schedule is submitted to Regional Offices on Form PHS–224 (HF), in duplicate, and sets forth the name, location, category of hospital, estimated cost, estimated Federal share and other data for each contemplated construction project. In submitting the project construction schedule, the State Agency must certify that the projects included thereon are of the highest priority, or that higher priority projects cannot meet the financial assurances or are not interested in construction during the fiscal year involved. The schedule may be amended by the State Agency as often as necessary.

(b) *Delegation of final authority.* Project Construction Schedules are reviewed in the Regional Offices for compliance with the Public Health Service Act, as amended, 42 CFR Part 53, instructions of the Public Health Service, and the approved State Plan. Final authority to take action on project construction schedules and amendments thereto has been delegated by the Surgeon General to the Regional Medical Directors.

APPLICATION FOR HOSPITAL CONSTRUCTION FUNDS

SEC. 345. *Project construction applications.* Following approval of the State Plan, and in accordance with the Project Construction Schedule, States, political subdivisions, and nonprofit organizations may submit applications to their appropriate State Agency requesting Federal funds in the construction, expansion, remodeling, or alteration of a hospital or public health center. The application must comply with Federal statutory and regulatory requirements, as well as any State requirements which may have been established, and must be consistent with the approved Plan and Construction Schedule. If the State Agency recommends approval, it certifies and transmits the application to the Regional Office. The application contains such data and certification by the applicant and State Agency as are essential to approval by the Public Health Service. The State Agency may require submission of additional data by the applicant to support certifications by the State Agency regarding the accuracy and adequacy of the summary information included in the application. The application form consists of Parts 1, 2, 3, and 4 of Form PHS–62 (HF), "Project Construction Application," and plans and specifications. Final drawings and specifications accompany Part 4 of the application. Form PHS–87 (HF) must accompany each drawing. Lists of equipment must be submitted by the applicant as soon as possible after the award of the construction contract and prior to requesting payments of Federal funds for equipment. Forms for use in preparation of specifications are available upon request to any Regional Office.

SEC. 346. *Wage rate determinations.* Under the Public Health Service Act, as amended, minimum wage rates as established by the Department of Labor must be paid in the construction of projects receiving Federal funds. To assist the Secretary of Labor in establishing such wage rates, the applicant is required to submit through the State Agency and Regional Office, Form PHS–531 (HF), listing current building construction wage data in the applicant's area.

SEC. 347. *Delegation of final authority.* Project Construction Applications, including drawings, specifications and equipment lists, are reviewed by the Regional Offices for compliance with Federal statutory and regulatory requirements, and the approved State Plan and Project Construction Schedule. Final authority to approve such applications has been delegated by the Surgeon General to the Regional Medical Directors. The Regional Office notifies the State Agency in writing of the action taken. In the event the Regional Medical Director cannot approve an application, it is forwarded to the Washington Office for further action. In instances where approval cannot be given, the State Agency, under the terms of the statutes, is afforded an opportunity for a hearing before the Surgeon General. When an application is disapproved by a State Agency, or an applicant is denied an opportunity to apply for Federal aid, such applicant is entitled to a hearing before the State Agency, in accordance with procedures set forth in the approved State Plan.

SEC. 348. *Encumbrance of allotments.* Upon approval of a Project Construction Application, the estimated amount of the Federal share is certified to the Secretary of the Treasury.

SEC. 349. *Bids, contract awards, and modifications.* Competitive bidding procedures must be followed by the applicant and the award of the contract must be made to the responsible bidder submitting the lowest acceptable bid. Actual construction work must be performed by the lump sum (fixed price) contract method. Contracts awarded to other than the responsible bidder submitting the lowest bid must be justified to the State Agency and the Regional Office. Copies of the executed agreements between the applicant and successful bidder are submitted in duplicate through the State Agency to the Regional Office. All contract modifications must be approved by the State Agency and Regional Office. The nature and extent of such modifications determine whether or not they may be authorized immediately by the applicant, or whether approval of the State Agency and Regional Office is required.

SEC. 350. *Inspections and payment procedures*—(a) *State inspections.* Payments to applicants are made on the basis of inspections conducted by State Agencies and certifications made by the State Agencies to the Public Health Service. Written reports of inspections made by State Agencies are maintained in their files.

(b) *Payments.* Payments are certified on Federal Public Voucher for "Installment Payments," Form PHS–459 (SS), which is prepared by State Agencies in quadruplicate. At the time of inspection, the representative of the State Agency and the applicant prepare and sign the "Project Progress Report," Form PHS–530 (HF), which constitutes the basis for the preparation of the voucher and accompanies it in duplicate. In certain instances where a State itself may not legally make payment to applicants, payments are made directly to the applicant.

(c) *Federal inspection and withholding of payments.* Inspections are made by Public Health Service Regional Office representatives to determine compliance with the approved application, including plans and specifications, and to ascertain whether or not certain defaults as specified in the Public Health Service Act, as amended, have occurred which require the withholding of payments and certifications. If, in the opinion of the Regional Office, there has been a default justifying the withholding of payment, a recommendation to that effect is submitted to the Surgeon General. Prior to final decision by the Surgeon General, an opportunity for a hearing is afforded the State Agency.

SEC. 351. *Audits.* Audits of the fiscal aspects of projects are made periodically by personnel attached to Regional Offices, after arrangements with project applicants and the State Agencies. Audit exceptions which may be taken are reviewed by the Regional Medical Director who, with the agreement of the Regional Auditor, sustains or withdraws the exceptions and notifies the State Agency accordingly. If agreement is not reached between the Regional Medical Director and the Regional Auditor, exceptions are referred to the Bureau of Medical Services and the Division of State Grant-in-Aid Audits, Federal Security Agency, respectively. The Chief of the Bureau of Medical Services determines whether the exception shall be sustained or withdrawn. Exceptions appealed by a State Agency are handled in a similar manner. The Regional Medical Director is notified of final action and he notifies the State Agency.

SEC. 352. *Assistance in administration.* Consultants assigned to Regional Offices assist the States in planning, developing and executing their construction programs. Close working relationships are maintained with the State Agencies for this purpose.

SEC. 353. *Places at which public may secure information.* Interested and prospective applicants for Federal funds under the Public Health Service Act, as amended, may secure information and necessary application forms from their appropriate State Agency. The Regional representatives of the Service will refer such prospective applicants to the appropriate State Agency.

GRANTS TO STATES FOR HEALTH SERVICES

SEC. 355. *General statement.* The Public Health Service makes grants for (1) venereal disease control, (2) tuberculosis control, (3) general health purposes, (4) community mental health services, (5) heart disease control, (6) cancer control, and (7) research and studies relating to the control and prevention of water pollution caused by industrial wastes. These grants are made to designated State agencies (and, in the case of water pollution grants, interstate agencies) in 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands in accordance with 42 CFR Parts 51, 52, 55.

SEC. 356. *Allotments.* The Surgeon General, in accordance with regulations, makes allotments to each State from the sums appropriated by Congress. States are notified of these allotments through the Regional Offices as soon as possible after appropriations become available.

SEC. 357. *Approval of plans.* State agencies submit to Regional Offices prior to the beginning of each fiscal year, State plans or (for water pollution control) applications for grants which indicate the purposes for which grant and matching funds will be spent. Authority to approve such State plans has, with few limitations, such as the Hospital Construction program, been delegated to Regional Medical Directors. The approval authority which has not been so delegated is vested in the Chief, Bureau of State Services.

SEC. 358. *Payments from allotments.* With exception of water pollution funds, quarterly payments are made upon request to those States which have approved plans and which have submitted all of the required reports.

SEC. 359. *Forms and instructions.* Necessary forms and instructions used in the grant-in-aid program are available from the Regional Offices.

SEC. 360. *Consultant services.* Consultants in a variety of public health specialties, administrative management, and merit system operations are available to States upon request made to the Regional Offices.

SEC. 361. *Program review.* A biennial review of State public health operations is made by personnel in or available to the Regional Offices. The purposes of this review are to determine that the State operations are in substantial conformity to the approved State plan, that the services performed are reasonably commensurate with the amount of funds expended, and to furnish the consultants a systematic basis for assisting States in the development of their programs. Results of the program review are sent to the State agency by the Regional Medical Director.

SEC. 362. *Audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

WATER POLLUTION CONTROL

SEC. 365. *General statement.* The Division of Water Pollution Control in the Bureau of State Services is responsible for carrying out the provisions of 42 CFR Part 55 having to do with control of pollution of the Nation's waters.

SEC. 366. *Development of comprehensive programs.* The Division of Water Pollution Control is preparing comprehensive programs for eliminating or reducing the pollution of interstate waters and their tributaries, and for improving the sanitary conditions of surface and underground waters for various water uses, including public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural, industrial and other legitimate uses. These programs are being developed by river basins and sub-basins, numbering approximately 260. The programs consist of the listing of pollution sources, determination of the most acceptable water uses, and recommendation of the remedial measures necessary to realize the uses. These programs are ever-changing, because of changes in industrial activity and in industrial processes and because of shifting population.

SEC. 367. *Investigations, research and technical assistance.* This division aids and supports technical research to devise and perfect methods of treatment of industrial wastes for which known methods of treatment are inadequate. These studies, and other technical assistance, surveys, investigations, research, or experiments relating to water pollution and its prevention and abatement conducted by the Public Health Service and cooperating agencies, are made available to States, interstate agencies, municipalities, industries and individuals. Upon request of any State water pollution agency or interstate agency, the Division of Water Pollution Control conducts investigations and research, and makes surveys concerning specific problems of water pollution confronting a State, interstate agency, community, municipality, or industrial plant. The division may, if necessary in discharging its legal obligations, initiate investigative studies of water pollution.

SEC. 368. *Financial aid.* The Public Health Service is authorized to make loans to State, municipal, or interstate agencies for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into interstate waters or into tributaries of such waters, and for the preparation of engineering reports, plans, and specifications for such treatment works. The Public Health Service is also authorized to make grants for action preliminary to the construction of such treatment works. These loans and grants are subject to provisions and limitations specified in 42 CFR Part 55, and when funds are available, will be administered by the Division of Water Pollution Control in cooperation with the Division of State Grants, Bureau of State Services. Grants are made to State and interstate agencies for studies relating to the treatment of industrial waste.

SEC. 369. *Abatement of a public nuisance.* The pollution of interstate waters, which endangers the health or welfare of persons in a State other than that in which the pollution originates, is declared to be a public nuisance and is subject to abatement, section 2 (d) of the Water Pollution Control Act (sec. 2, 62 Stat. 1155; 33 U. S. C. 466a). The Division of Water Pollution Control is responsible for discharging the provisions of the Water Pollution Control Act in respect to public nuisances of this kind.

Dated: May 21, 1951.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: June 4, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51–6733; Filed, June 12, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 50–39]

NEW ENGLAND ELECTRICAL SYSTEM

MEMORANDUM OPINION AND ORDER GRANTING EXEMPTION FROM COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of June A. D. 1951.

New England Electric System ("NEES"), a registered holding company, has undertaken a program to dispose of all of its gas properties and, on March 19, 1951, applied for an exemption from the competitive bidding requirements of Rule U-50 under the Public Utility Holding Company Act of 1935 with respect to the sale of its interest in its Massachusetts gas properties. Prior to making formal application for the exemption but with our informal permission the management discussed

with various interested parties the possibility of sale.

In its application NEES states that the prospective purchasers of the gas properties not only represented diversified interests but also exhibited a divergence of views with respect to the form of the sale. Some indicated that such sale should be in the form of a sale of assets while others preferred a sale of the portfolio securities held by NEES. In addition, some of the purchasers were interested in acquiring only certain individual or specific properties while others were interested in all or substantially all of the gas properties. According to NEES, further complications became apparent. Where a sale of portfolio securities was suggested by the prospective purchasers, some, but not all, of this group suggested that, in advance of any such sale, NEES should take the preliminary step of organizing separate gas companies to acquire the gas properties of the combination gas and electric companies ,and some of this group further suggested that NEES organize a subholding company to hold the securities of the gas operating subsidiary companies. There is a further divergence of views among some of the prospective purchasers with respect to the details of any proposed sale of the gas properties.

For example, NEES indicates that questions were raised regarding the extent to which it would furnish executive and advisory personnel and the extent to which present joint facilities would be included in the transfer of the gas properties. For these reasons NEES came to the conclusion that it would be difficult, if not impossible, to formulate bidding specifications satisfactory to all of the interested persons and that competitive bidding pursuant to Rule U-50 was not practicable.

NEES states in its application that in the event we grant its request for an exemption from the competitive bidding requirements of Rule U-50 under the act, it will invite all interested persons to submit proposals to purchase the gas properties, such proposals to specify the details of the proposed transaction including, among other specifications, the properties to be purchased and the price to be paid therefor, subject only to such adjustments as are specified. NEES will reserve the right to reject any and all proposals. NEES further states that if any proposal is accepted, it, and such of its subsidiary companies as may be appropriate, will file a declaration seeking our approval of the sale of its gas properties.

While it is intended that the invitation for the submission of proposals will in some respects prescribe certain of the terms and conditions, it is the intention of NEES to permit prospective purchasers considerable latitude of discretion with respect to most of the details. The exact procedure to be followed by prospective purchasers and the documents to be used for the purpose of eliciting proposals have not been definitively determined by NEES or submitted to us. However, in accordance with the application of NEES, such documents will be submitted to us prior to their dissemination to interested persons.

As we have often said in dealing with requests for exemption from the competitive bidding requirements of Rule U-50, our decision in any particular case must depend upon the relevant factors in that case. We appreciate the problems facing NEES in formulating bidding specifications and have concluded that we will grant NEES' application for an exemption from the competitive bidding requirements of Rule U-50.

However, an exemption from competitive bidding does not provide relief from the statutory requirement that competitive conditions be maintained. In this connection we note that we cannot at this time consider the adequacy of the mechanics to be followed nor will we attempt to do so until we have before us a complete record of what has been done. When the facts are known, then and only then, will we be in a position to determine whether competitive conditions and other statutory requirements have been satisfied.

One of the persuasive reasons prompting us to grant this request for an exemption, as well as one of the most obvious difficulties which will face NEES, is that the proposals of the prospective purchasers will not be made on a comparable basis. In addition, it appears that even if NEES finds that, as a practical matter, it could accept one of the proposals, the transactions proposed therein may not be feasible in the light of regulatory standards as applied to that particular prospective purchaser. Thus, in this connection, the management of NEES will have to take into consideration as an element in its own decision the fact that the acquisition of the gas properties may also be subject to regulatory approval.

Subject to the further proceedings which will necessarily ensue, when and if a specific transaction is proposed:

It is hereby ordered, That said application of NEES for an exemption from the competitive bidding requirements of Rule U-50 under the act with respect to the sale of its interest in the gas properties in Massachusetts be, and the same hereby is, granted, subject to the terms and conditions set forth in Rule U-24 under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6823; Filed, June 12, 1951; 8:58 a. m.]

[File No. 70-2609]

LONG ISLAND LIGHTING CO.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of June A. D. 1951.

The Commission having, by order dated May 2, 1951, granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by Long Island Lighting Company ("Long Island"), an operating public utility company and formerly a public utility holding company, which is registered as a public utility holding company, involving, among other things, the subscription rights offering by Long Island to its stockholders of 524,949 additional shares of its common stock; and

The Commission having by said order reserved jurisdiction over the fees and expenses of counsel for the Dealer Manager and the expenses of the Dealer Manager to be paid by Long Island in connection with the proposed transactions; and

Statements having been filed indicating that the fees and expenses of Milbank, Tweed, Hope and Hadley, counsel to Blyth & Co., Inc., the Dealer Manager, are $15,000 and approximately $935, respectively, and that the expenses of the Dealer Manager aggregate $12,692.33; and

The Commission having considered said statements and finding that the said requested frees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over the fees and expenses of counsel for the Dealer Manager and the expenses of the Dealer Manager be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-6820; Filed, June 12, 1951; 8:57 a. m.]

[File No. 70-2611]

GEORGIA POWER CO.

SUPPLEMENTAL ORDER APPROVING PRICE AND SPREAD ON SALE OF PRINCIPAL AMOUNT OF BONDS AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of June 1951.

Georgia Power Company ("Georgia Power"), a public utility subsidiary of the Southern Company, a registered holding company, having filed an application, with amendments thereto, under the Public Utility Holding Company Act of 1935 with respect to the issuance and sale by Georgia Power, pursuant to the competitive bidding provisions of Rule U-50, of $20,000,000 principal amount of First Mortgage Bonds, -- percent series, due 1981; and

The Commission having, by order dated May 23, 1951, granted said application, as amended, except that the issuance and sale of bonds were not to be consummated until the results of competitive bidding were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of May 23, 1951, in respect of all fees and expenses incurred in connection with the proposed transactions; and

Georgia Power having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission dated May 23, 1951, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidders	Annual interest rate (percent)	Price to company (percent of principal)	Annual cost to company (percent)
Union Securities Corp Equitable Securities Corp.	3½	101.1170	3.4100
Shields & Co. Salomon Bros. & Hutzler Halsey, Stuart & Co. Inc.	3½	101.0700	3.4425
	3½	101.0510	3.4425
Morgan Stanley & Co	3½	100.8200	3.4558
The First Boston Corp	3½	100.52860	3.4711
Lehman Bros	3½	100.5097	3.4725
Kuhn, Loeb & Co.	3⅝	101.7500	3.5300
Blyth & Co., Inc Kidder, Peabody & Co			
Harriman Ripley & Co., Inc	3⅝	101.5999	3.5380

[1] Exclusive of accrued interest from June 1, 1951.

Said amendment having further stated that Georgia Power has accepted the bid of Union Securities Corporation and Equitable Securities Corporation for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.871 percent of their principal amount, plus accrued interest, resulting in an underwriters' spread of 0.754 percent of the principal amount, aggregating $150,800; and

Said amendment having set forth the expenses and fees to be incurred in connection with the proposed transactions, including the following fees: $10,000 to Winthrop, Stimson, Putnam & Roberts as counsel for the company; $7,000 to Simpson, Thacher & Barlett, to be paid by, and as counsel for, the underwriters; $7,515 to Arthur Andersen & Co., for accounting services; and approximately $2,300 to Southern Services, Inc. for general services; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matter, and finding that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable:

It is ordered, That the application, as further amended, be granted effective forthwith, and that the jurisdiction heretofore reserved over the issuance and sale of the bonds with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R Doc. 51-6821; Filed, June 12, 1951; 8:58 a. m.]

[File No. 70-2622]

NATIONAL FUEL GAS CO.

ORDER AUTHORIZING ACQUISITION OF COMMON SHARES OF PENNSYLVANIA GAS CO.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of June A. D. 1951.

National Fuel Gas Company ("National"), a registered holding company, having filed an application with this Commission pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

National proposes to purchase from Theresa H. Marso, 7,000 shares of the common stock of Pennsylvania Gas Company ("Pennsylvania") at a price of $16.50 per share, pursuant to a purchase agreement. National states that it presently owns 58.30 percent of the outstanding shares of common stock of Pennsylvania and that the 7,000 shares proposed to be purchased represent an additional 1.21 percent.

National further proposes to purchase from other stockholders of Pennsylvania, not to exceed 20,000 shares of the latter company's common stock, pursuant to an offer to such stockholders at a price of $16.50 per share. Said offer to purchase, on the part of National, would be limited, however, to a period of 20 days following the date of mailing the notice of such offer to all stockholders of Pennsylvania, which notice National proposes to mail on a date as early as practicable after approval of the application by the Commission.

Said application having been filed on April 30, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application of National that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application of National be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-6819; Filed, June 12, 1951; 8:56 a. m.]

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING AUTHORITY TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK BY ISSUANCE OF SUBSCRIPTION WARRANTS TO COMMON STOCKHOLDERS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 5th day of June 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, pursuant to the provisions of sections 6 (a), 7 and 12 (c) of the act and Rules U-42 and U-50 thereunder, with respect to the following proposed transactions:

GPU proposes to issue 504,657 additional shares of its authorized and unissued common stock, par value $5 per share. It proposes to issue to the holders of its outstanding common stock transferable subscription warrants carrying the right to subscribe for shares of such additional common stock on the basis of one share for each fifteen shares of common stock held of record. The duration of the offer, which will be from 15 to 25 days, the record date, and the subscription price are to be supplied by GPU by later amendment.

No fractional shares of GPU's common stock will be issued; however, up to a specified date to be set by amendment, the initial stockholders of record may sell their rights, whether representing a fractional share or otherwise, to GPU and GPU will pay to such initial record holders for such rights the higher of (a) a fixed price to be set by GPU by subsequent amendment, or (b) a price reflecting the excess, if any, of the market price of GPU common stock on the New York Stock Exchange over the subscription price.

The offering will not be underwritten nor will GPU enter into any dealer-manager arrangement. GPU does propose, however, to utilize the services of security dealers in soliciting the exercise of the warrants and GPU will pay such dealers for such services a fee, the amount of which is to be supplied by amendment.

GPU further proposes to dispose of the additional common stock covered by rights purchased by GPU or by rights not exercised by the holders thereof by selling such stock either through the participating security dealers or through others. The price at which such additional common stock is to be acquired and sold by the participating security dealers or others will be determined by GPU on the day of such acquisition. Such price will not be in excess of the sum of the closing quoted asked price of the stock on the preceding business day and an amount to be specified by GPU by amendment, and such price will not be less than the subscription price or the closing quoted bid price for the stock on such preceding business day. The participating security dealers or others who acquire such additional common stock

will be paid a fee by GPU, the amount of which will be supplied by amendment.

GPU also requests permission to acquire, during the subscription period, GPU common stock and rights for the purpose of stabilizing their market prices. In connection with such stabilization program, GPU will not acquire a net long position in excess of 50,466 shares of common stock including for this purpose the equivalent shares represented by rights so acquired. The common stock purchased by GPU for stabilizing purposes may be disposed of by GPU during the subscription period by selling such stock on the New York Stock Exchange at the then prevailing market price, or through the participating security dealers or others in the manner specified in the next preceding paragraph.

The net proceeds of the issuance will be used by GPU to repay bank notes in the principal amount of $3,500,000, to make additional investments in the common stock of GPU's domestic subsidiaries, and for other general corporate purposes.

To the extent that the competitive bidding requirements of Rule U-50 under the act are applicable to the sale of additional common stock to participating dealers or others and to the sale of common stock purchased by GPU for stabilization purposes, GPU requests an exemption from that rule.

The application-declaration, as amended, further states that the expenses of GPU in connection with the issuance and sale are estimated at no more than $188,000.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale by GPU of 504,637 additional shares of its common stock, par value $5 per share, shall not be consummated until a further amendment is filed herein setting forth (a) the subscription price at which the rights to subscribe for the additional common stock of GPU may be exercised; (b) the duration of the subscription period; (c) the price to be paid to record holders who sell such rights to GPU and the duration of the period during which GPU will purchase such rights; (d) the fixed amount per share which is to be added to the closing quoted asked price of the GPU common stock on the preceding business day in order to determine the upper price limit at which the additional common stock not taken up by subscription and the common stock acquired by GPU for stabilization purposes may be acquired and sold by the participating security dealers or others; and (e) the compensation to be paid for soliciting the exercise of subscription warrants, for acquiring shares of additional common stock not taken up by subscription, and for purchasing shares acquired for stabilization purposes; and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved; and

(2) That jurisdiction be reserved with respect to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the request for an exemption from the provisions of Rule U-50 to the extent such rule is applicable to the proposed transactions be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6822; Filed, June 12, 1951; 8:58 a. m.]

[File No. 70-2643]

ELECTRIC BOND & SHARE CO.

NOTICE OF FILING WITH RESPECT TO ACQUISITION OF STOCK OF UNITED GAS CORP. PURSUANT TO RIGHTS OFFERING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of June A. D. 1951.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, with respect to the transactions summarized below. Said application-declaration does not admit the necessity for the filing herein but requests approval of the transactions under section 12 (f) of the act or of such other sections as the Commission may deem applicable.

Bond and Share presently has 2,870,653 (26.95%) of the common stock of United Gas Corporation ("United"), presently held by Bond and Share pursuant to its application to acquire such shares in connection with the reorganization of United's former parent, Electric Power and Light Corporation ("Electric"). In that application, Bond and Share stated that it would "sell, distribute or otherwise dispose of, in such manner as the Commission may permit, all of the common stock of • • • United received by it under the Electric Plan not later than one year (unless such period is extended by the Commission) after the receipt of same by Bond and Share: *Provided, however*, That Bond and Share may, not later than 60 days after entry of an order of the Commission approving the Electric Plan, institute appropriate proceedings before the Commission for relief from its commitment to dispose of such common stock of United and for determination of its rights under the act to hold such common stock of United."

Subsequently, Bond and Share filed an application with the Commission proposing that it be an exempt holding company holding the stock of United, the securities of American & Foreign Power Company, Inc., Ebasco Services, Incorporated, and cash available for investment. That application is presently pending before the Commission, and hearings have been completed and the Commission now has under advisement that application in so far as it relates to the question of whether Bond and Share may be relieved from its commitment to dispose of the common stock of United.

United has filed a separate application setting forth an over-all program for financing its construction program (File No. 70-2637) which includes the issuance and sale, pursuant to a rights offering, of 1,065,330 shares of its $10 par value common stock. Bond and Share proposes to acquire for cash, from funds on hand, its proportionate interest pursuant to the rights offering, namely, 287,065 shares, and states that it may exercise the over-subscription privilege, if available, to the extent of an additional 287,065 shares of the United common stock.

The application-declaration states that in the event Bond and Share may not retain its present holdings of United (after exhaustion of all available appellate processes) it will dispose of any stock of United acquired under the application herein within the period within which it must dispose of the United stock presently held.

Notice is further given that any interested person may, not later than June 18, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6824; Filed, June 12, 1951; 8:59 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17902]

LABOUCHERE & CO.

In re: Stock registered in the name of Labouchere & Co., N. V., Amsterdam, the Netherlands, and owned by persons whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Labouchere & Co., N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

1. Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the numbers of shares indicated:

10-share certificates. 6114, 6196, 7522, 8148, 8156, 99471, 100225, 100226, 100320, 101398, 101910.

2. Southern Railway Company preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 26767, 27116, 31079.

[F. R. Doc. 51-6835; Filed, June 12, 1951; 9:04 a. m.]

[Vesting Order 17903]

SWISS BANK CORP.

In re: Stock registered in the name of Swiss Bank Corporation, Basle, Switzerland, and owned by persons whose names are unknown. F-63-2748-Basle.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Swiss Bank Corporation, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

The Baltimore and Ohio Railroad Company $100.00 par value common capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

25-share certificates. A 429767, A 429781, A 439038, A 446662, A 491753, A 494233, A 497811 A 499575, A 499618, A 500783, A 501849, A 502588, A 504139, A 504187, A 504236, A 507557, A 507576, A 508304, A 509773, A 509774, A 512353, A 514502, A 518568, A 519826, A 519829, A 520267, A 523210, A 523255, A 532380.

10-share certificates. D 164829, D 207031, D 207032, D 208944, D 212839, D 212888, D 212899, D 214621, D 214631, D 214943, D 217108, D 217109, D 221163, D 222083, D 222267, D 222789, D 223256, D 223400, D 224423, D 224842, D 225612, D 225786, D 227627, D 229559, D 232088, D 232382, D 234332, D 234459, D 236827, D 236848, D

236829, D 236830, D 236831, D 236832, D 239713, D 240426, D 241386, D 241395, D 241831, D 242546, D 242578, D 245586, D 248717, D 248739, D 249772, D 250280, D 250281, D 250283, D 250570, D 251844, D 251961, D 252414, D 252415, D 253019, D 253557, D 253561, D 253911, D 257108, D 258062, D 258839, D 262032, D 268652, D 271239, D 273086, D 275291, D 275520, D 275529, D 275839, D 275987, D 276256, D 276674, D 277160, D 277161, D 277162, D 277166, D 283208, D 283267, D 283464, D 283581, D 283703, D 283995, D 284500, D 284513, D 284531, D 284532, D 284533, D 284534, D 284535, D 284536, D 284537, D 284538, D 284539, D 284540, D 284554, D 284592, D 285375, D 285512, D 285513, D 285514, D 285515, D 285516, D 285517, D 285677, D 285982, D 286008, D 286085, D 286361, D 286362, D 286581, D 286582, D 286643, D 287040, D 287458, D 287373, D 288078, D 288286, D 289337, D 289683, D 289692, D 289835, D 290038, D 290258, D 290596, D 290755, D 290795, D 290851, D 291658, D 292285, D 292286, D 292585, D 292643, D 293013, D 293024, D 293183, D 293191, D 293192, D 293201, D 293215, D 293439, D 293440, D 293529, D 294074, D 294128, D 294166, D 294193, D 294216, D 294441, D 294534, D 294570, D 294573, D 294574, D 294575, D 294576, D 294577, D 294578, D 294579, D 294580, D 294581, D 294783, D 294879, D 295445, D 295697, D 295698, D 296186, D 296196, D 296226, D 296227, D 296228, D 296229, D 296633, D 296636, D 296779, D 296842, D 296843, D 297061, D 297062, D 297188, D 297224, D 297225, D 297639, D 297658, D 297750, D 297800, D 297829, D 297878, D 297915, D 298078, D 298091, D 298111, D 298565, D 298678, D 298942, D 299602, D 299861, D 299941, D 299942, D 299943, D 299944, D 300064, D 300065, D 300358, D 300359, D 300428, D 300429, D 300430, D 300431, D 300432, D 300433, D 300464, D 300653, D 300699, D 300700, D 301204, D 301205, D 301206, D 301207, D 301906, D 307964, D 302547, D 302548, D 303118, D 304073, D 304074, D 304144, D 304339, D 304341, D 304342, D 304343, D 304375, D 304670, D 305821, D 305904, D 306008, D 307514, D 310483, D 310484, D 311040, D 311123, D 311413, D 311979, D 316273, D 317014, D 317530, D 317540, D 317714, D 317715, D 317947, D 317948, D 317949, D 317950, D 318198, D 318276, D 319500, D 321705, D 321830.

5-share certificates. A 361670, A 361672, A 367716, A 371868, A 371871, A 372225, A 387795, A 387933, A 390415, A 391206, A 391209, A 392136, A 392402, A 392610, A 396601, A 398805, A 400559, A 400566, A 400572, A 400855, A 400876, A 403128, A 404735, A 406597, A 406907, A 407182, A 407346, A 407936, A 409101, A 411305, A 413064, A 413336, A 416981, A 429796, A 429948, A 430392, A 433743, A 433790, A 435245, A 438554, A 438595, A 438801, A 438802, A 442633, A 443064, A 443351, A 444379, A 445740, A 445764, A 447113, A 447524, A 464870, A 464894, A 468238, A 468240, A 472613, A 478165, A 480359, A 480785, A 480788, A 481117, A 481217, A 482431, A 483847, A 484648, A 489174, A 489175, A 491730, A 491731, A 491732, A 491734, A 492728, A 493636, A 493689, A 493989, A 494086, A 494691, A 494692, A 495702, A 495815, A 496764, A 496773, A 496844, A 497465, A 498370, A 498406, A 498724, A 498814, A 499061, A 499698, A 499699, A 501172, A 501467, A 501533, A 501633, A 501757, A 501774, A 501893, A 503728, A 503999, A 504086, A 504114, A 504115, A 506290, A 506291, A 506533, A 506862, A 506964, A 508122, A 508124, A 508301, A 508315, A 508365, A 508382, A 508432, A 508433, A 508579, A 508615, A 509102, A 509103, A 509104, A 509105, A 509139, A 509565, A 510507, A 510542, A 510544, A 510568, A 510569, A 510585, A 510586, A 510714, A 511394, A 511395, A 511396, A 513116, A 513779, A 514159, A 516202, A 516846, A 517630, A 518139, A 518187, A 518875, A 521624, A 524986, A 525281, A 527036, A 527118, A 532918, A 533379, A 533396, A 534685, A 534686, A 534687, A 541186, A 541287, A 542693, A 542694, A 543960.

1-share certificates. A 313060, A 313094, A 313095, A 313108, A 313109, A 407439.

[F. R. Doc. 51-6636; Filed, June 12, 1951; 9:04 a. m.]

[Vesting Order 17904]

SWISS BANKVEREIN

In re: Stock registered in the name of Swiss Bankverein, Basle, Switzerland, and owned by persons whose names are unknown. F-63-2748-Basle.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Swiss Bankverein, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

The Baltimore and Ohio Railroad Company $100.00 par value common capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. D 75946, D 94818, D 94819, D 111893, D 96329.

5-share certificates. A 28412, A 28413 A 30625.

1-share certificates. A 84384, A 84385.

[F. R. Doc. 51-6637; Filed, June 12, 1951; 9:04 a. m.]

[Vesting Order 17905]

SWISS BANK CORP.

In re: Stock registered in the name of Swiss Bank Corporation, Basle, Switzerland, and owned by persons whose names are unknown. F-63-2748 Basle.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Swiss Bank Corporation, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to

believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

The Pennsylvania Railroad Company capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

25-share certificate. N 806675.

10-share certificate. P 265870.

10-share certificates. N 359153, N 371368, N 652711, N 653433, N 653434, N 653435, N 703578, N 711515, N 713635, N 718029, N 733486, N 746974, N 753022, N 753037, N 757052, N 757053, N 785128, N 790980, N 805513, N 819900, N 826678, N 826679, N 826680, N 826681, N 827087, N 827088, N 828361, N 833341, N 850931, N 850932, N 850933, N 855041, N 766490, N 830319, N 583082, N 599153, N 788102, N 788812.

5-share certificates. N 708347, N 710770, N 754286, N 783469, N 788513, N 788624, N 805610, N 813433, N 821687, N 825486, N 831323, N 783468, N 865395, N 879698.

[F. R. Doc. 51-6638; Filed, June 12, 1951; 9:04 a. m.]

[Vesting Order 17906]

SOCIETE DE BANQUE SUISSE

In re: Stock registered in the name of Societe de Banque Suisse, Basle, Switzerland, and owned by persons whose names are unknown. F-63-2748-Basle.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788, and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Societe de Banque Suisse, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

I. General Electric Company no par value common capital stock evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. NYE 157944, NYE 163039, NYE 165466, NYE 177627, NYE 180435, NYE 180436, NYE 181247, NYE 182048, NYE 184220, NYE 184221, NYE 184222, NYE 184223, NYE 184224, NYE 199143, NYE 200138, NYE 217158.

5-share certificates. NYE 157101, NYE 163722, NYE 182587, NYE 199151, NYE 216433.

1-share certificates. NYE 189566, NYE 189567.

II. General Motors Corporation $10.00 par value common capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. C-154960, E-320267, E-343690, E-375702, E-375703, E-375704, E-375705, E-375668.

7-share certificate. C-154691.

5-share certificates. E-378239, E-378248, E-378249, E-378250, E-378251, E-378252, E-378253, E-378256, E-378257, E-378261.

III. Ohio Edison Company $8.00 par value common capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

100-share certificates. NC 43550, NC 43551.

80-share certificate. N 87271.

10-share certificates. N 84000, N 84001, N 84002, N 84003, N 84004, N 84005, N 84006, N 84007, N 84008, N 84009.

5-share certificates. N 83995, N 83996, N 83997, N 83998, N 83999.

IV. Standard Oil Company (New Jersey) $25.00 par value capital stock, evidenced by those certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. C803168, C887284, C944829, C944830, C783933, C790965, C792098.

5-share certificates. C864061, C864130, C880351, C884851, C968446, C968447, C784104, C784119, C784120, C790952.

1-share certificates. C784140, C784141.

V. United States Steel Corporation no par value common capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificate. P16499

20-share certificate. X148793.

VI. Montgomery Ward & Co., Incorporated no par value capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. NCO 567575, NCO 580127, NCO 580128.

5-share certificate. NCO 580122.

VII. Kennecott Copper Corporation capital stock, evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. K 37415, K 40620, K 49178.

5-share certificates. O 416800, O 418009, O 425421, O 426732, O 427349, O 428911.

VIII. The Pennsylvania Railroad Company capital stock evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

25-share certificates. N865792, N865793.

10-share certificates. N824924, N892202, N452527, N452528.

6-share certificate. N452529.

5-share certificate. N880573.

[F. R. Doc. 51-6639; Filed, June 12, 1951; 9:05 a. m.]

[Vesting Order 17908]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. Southern Railway Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 5662, 6880, 6881, 99357, 101117.

II. Southern Railway Company preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 22810, 27796, 31042, 31043, 36365, 37925.

[F. R. Doc. 51-6840; Filed, June 12, 1951; 9:05 a. m.]

[Vesting Order 17909]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

The United States Leather Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. Nos. 2325, 5469, 5569, 6313, 6324, 9332, 9337, 9852, 9854, 9855, 9956, 12307, 12222, 13336, 13337, 13338, 13385, 14085, 14086, 14087, 15781, 17501, 19523, 21986, 22229.

[F. R. Doc. 51-6841; Filed, June 12, 1951; 9:05 a. m.]

[Vesting Order 17910]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unkown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of H. Oyens & Zonen, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Pittsburgh Coal Company $100.00 par value common stock evidenced by the certificates whose numbers are set forth below, for the number of shares indicated:

10-share certificates. NY 028159, NY 028182, NY 028190, NY 029320, NY 029323, NY 029329, NY 029331, NY 029332, NY 029333, NY 029334, NY 029338, NY 029339, NY 029357, NY 029360, NY 029391, NY 029392, NY 029397, NY 029767, NY 029771, NY 030137, NY 030194, NY 030196, NY 030198, NY 030299, NY 030303, NY 030304, NY 030310, NY 030312, NY 030315, NY 030318, NY 030379, NY 030588.

[F. R. Doc. 51-6842; Filed, June 12, 1951; 9:06 a. m.]

a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6843; Filed, June 12, 1951; 9:07 a. m.]

[Vesting Order 17923]

JOSEPH HELLERICH

In re: Estate of Joseph Hellerich, also known as Josef Hellerich. File No. D-28-9203; E. T. sec. 11964.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Peters, also known as Ida Prange, under insurance contract. File No. F-28-31461-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Peters, also known as Ida Prange, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Ida Peters, also known as Ida Prange, under a contract of insurance evidenced by policy No. 7,270,646, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ida Peters, also known as Ida Prange, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6848; Filed; June 12, 1951; 9:07 a. m.]

[Vesting Order 17959]

IDA PETERS

In re: Rights of Ida Peters, also known as Ida Prange, under insurance contract. File No. F-28-31461-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfona Hellerich, Liselotte Hellerich and Karl Hellerich whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees, distributees, and issue, names unknown, of Gottfried Hellerich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Joseph Hellerich also known as Josef Hellerich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frances Brandler, as administratrix, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees, distributees and issue, names unknown, of Gottfried Hellerich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6843, Filed, June 12, 1951; 9:06 a. m.]

[Vesting Order 17930]

ELIZABETH HESSENBRUCH ET AL.

In re: Funds owned by Elizabeth Hessenbruch and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are listed in Ex-

hibit A, set forth below and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", said funds representing the proceeds of withheld checks drawn for the payment of tax refunds authorized by the Bureau of Internal Revenue for the persons whose names are listed on the aforesaid Exhibit A and in the amounts as of January 1, 1947 as set forth opposite each such name, together with any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Last known address	Amount deposited as of Jan. 1, 1947	Office of Alien Property file No.
Elizabeth Hessenbruch	Germany	$4.73	F-28-15507.
Mrs. Emmi Hessenbruch	....do....	4.73	F-28-15508.
Mrs. Johanne Hessenbruch	....do....	2.60	F-28-15509.
Martha Hotopp	....do....	170.81	F-28-55.
Gustave Kilian	....do....	137.77	F-28-31320.
Wm. F. Koch	....do....	105.46	F-28-31322.
Karl Kolb	....do....	40.40	D-28-8745.
Herwarth Von Der Decken	....do....	275.28	F-28-23542.
Walter Giesking	....do....	85.44	D-28-7035.

[F. R. Doc. 51-6844; Filed, June 12, 1951; 9:06 a. m.]

NOTICES

[Vesting Order 17958]

MRS. MISAO OSAKO AND SEIKICHI OSAKO

In re: Rights of Mrs. Misao Osako and Seikichi Osako under insurance contract. File No. F-39-7001-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Misao Osako and Seikichi Osako, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,006,018, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Misao Osako, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Misao Osako or Seikichi Osako, the aforesaid nationals of a designated enemy county (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6847; Filed, June 12, 1951; 9:07 a. m.]

[Vesting Order 17936]

CHARLES STROH

In re: Funds owned by and claim of Charles Stroh, also known as Kurt Salewski. F-28-28614-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Stroh, also known as Kurt Salewski, whose last known address is 20 Grossachsenerstrasse, Lenterschansen, LK Mannheim, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of compensation to Charles Stroh, in the amount of $70.00 as of January 1, 1947, together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the U. S. Employees Compensation Act of Sept. 7, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess., 39 Stat. 742), to January 1, 1947, of Charles Stroh, also known as Kurt Salewski and identified by the Bureau of Employees' Compensation, U. S. Department of Labor, Reference No. 173514, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6846; Filed, June 12, 1951; 9:07 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 115

Washington, Thursday, June 14, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE COMMISSION

Effective June 15, 1951, a new § 6.219 is added as set out below:

§ 6.219 *Civil Service Commission.*

(a) Assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-6880; Filed, June 13, 1951; 8:52 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.129]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (a) is amended by the deletion of the following posts:

Accra, Gold Coast.
Belterra, Brazil.
Bluefields, Nicaragua.
British Guiana.
Buenaventura, Colombia.
Bulan, Philippines.
Canton, China.
Capiz, Philippines.
Chocola, Guatemala.
Chungking, China.
Dacca, Pakistan.
Dairen, China.
Djakarta (formerly Batavia), Indonesia.
Entre Rios, Guatemala.
Freetown, Sierra Leone.
Frobisher Bay, Baffin Island.
Gdansk, Poland.
Georgetown, British Guiana.
Godthaab, Greenland.
Gold Coast.
Greenland, except Narsarssuak.
Hankow, China.
Illigan, Philippines.
Jolo, Philippines.
Kabul, Afghanistan.
Karachi, Pakistan.
Kunming, China.
Lagos, Nigeria.
Masbate, Philippines.
Medan, Sumatra, Indonesia.
Monrovia, Liberia.
Mukden, China.
Nanking, China.
Nigeria and Cameroons (British Mandate).
Northern Rhodesia, except Lusaka.
Parang, Philippines.
Peiping, China.
Poznan, Poland.
Saltpond, Gold Coast.
Shanghai, China.
Sierra Leone.
Sofia, Bulgaria.
Taipei, Taiwan (Formosa), China.
Tientsin, China.
Tihwa, China.
Tsingtao, China.
Villa Arteaga, Colombia.

2. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (b) is amended by the deletion of the following posts:

Angeles, Philippines.
Bombay, India.
Brazil, all posts in states and territories other than those named under Brazil above, except Belo Horizonte, Campinas, Curitiba, Fazenda, Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vitoria.
Camp O'Donnell, Philippines.
Cavite, Philippines.
China, all posts not otherwise specified.
Dodoma, Tanganyika.
Entebee, Uganda.
Iskenderum, Turkey.
La Guaira, Venezuela.
Madagascar, except Tananarive.
Manila, Philippines.
Nasugbu, Philippines.
Philippines, all posts except Bagulo, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tacloban, Tubabao (Guiuan), and Zamboanga.
Pulupandan, Philippines.
Suva, Fiji Islands.
Tanganyika, except Dar-es-Salaam.
Vitoria, Brazil.
Yugoslavia, except Zagreb.

3. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (c) is amended by the deletion of the following posts:

Beane A. F. B., St. Lucia, B. W. I.
Bratislava, Czechoslovakia.

(Continued on p. 5651)

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FEDERAL REGISTER

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1949 Edition

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Camaguey, Cuba.
Dumaguete, Philippines.
Goose Bay, Labrador.
Hong Kong.
Tacloban, Philippines.

4. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (d) is amended by the deletion of the following posts:

Antigua, British West Indies.
Baguio, Philippines.
Benghazi, Cyrenaica, Libya.
Ernest Harmon Air Force Base, Newfoundland.
Lagens Air Force Base, Azores.
Port of Spain, Trinidad.
Singapore.
Sucre, Bolivia.
Vernam Air Force Base, Jamaica.
Waller Air Force Base, Trinidad.

5. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (a) is amended by the addition of the following posts:

British Guiana, all posts.
Djakarta, Indonesia.
Frobisher Bay, Baffin Island, Canada.
Gold Coast, all posts.
Greenland, all posts except Narsarssuak.
Medan, Indonesia.
Nigeria, all posts.
Northern Rhodesia, all posts except Lusaka.
Sierra Leone, all posts.
Taipei, China.
Villa Arteaga, Uruba, Colombia.

6. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Belo Horizonte, Campinas, Curitiba, Fazenda Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.
Madagascar, all posts except Tananarive.
Philippines, all posts except Baguio, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tuguegarao (Guiuan), and Zamboanga.
Tanganyika, all posts except Dar-es-Salaam.
Yugoslavia, all posts except Zagreb.

7. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (c) is amended by the addition of the following posts:

Goose Bay, Labrador, Canada.
Hong Kong, Hong Kong.

8. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (d) is amended by the addition of the following posts:

Baguio City, Philippines.
Benghazi, Libya.
Ernest Harmon Air Force Base, Newfoundland, Canada.
Lages Air Force Base, Azores.
Naval Station, Trinidad, B. W. I.
Port of Spain, Trinidad, B. W. I.
Singapore, Singapore.
Wheelus Air Force Base, Libya.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Issued May 28, 1951.

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 51-6869; Filed, June 13, 1951; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 2777, and containing the specific requirements for the 1951-crop wheat price support program is hereby amended as follows:

Section 601.1218 *Determination of support rates* is amended by changing the requirements in paragraph (a) *Support rates at designated terminal markets* for wheat shipped by rail or water, or received by truck and stored at certain designated port terminal markets when neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, so that the paragraph (a) reads as follows:

(a) *Support rates at designated terminal markets.* (1) Wheat eligible for loan or purchase at the support rate established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) When shipped by rail or water and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

For wheat received by truck and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in—	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	12
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	13
Area III, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	14
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	14

(3) When shipped by rail or water and stored at any of the following terminal markets Galveston, Houston, Texas; Los Angeles, San Francisco, Oakland, California; Philadelphia, Pennsylvania; Portland, Astoria, Oregon; Seattle, Longview, Tacoma, Vancouver, Washington; Baltimore, Maryland; New Orleans, Louisiana; Norfolk, Virginia; wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate.

For wheat received by truck and stored at any of the above terminal markets, the support rate shall be determined by

making a deduction from the terminal rate as follows:

Terminal	Amount of deduction (cents per bushel)
Los Angeles, San Francisco and Oakland, California; Portland and Astoria, Oregon; Seattle, Longview, Tacoma and Vancouver, Washington	4½
New Orleans, Louisiana; Baltimore, Maryland; Philadelphia, Pennsylvania; Galveston and Houston, Texas; Norfolk, Virginia	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 11th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6895; Filed, June 13, 1951; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 372, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the size of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation by size pursuant to said amended order; the recommendation as to the need for changing the level of such size regulation not later than June 17, 1951, in order to effectuate the declared policy of the act was made at the meeting of the said committee on June 7, 1951, after consideration of all available information relative to the supply and demand conditions for such oranges, and such recommendation and supporting information was promptly submitted to the Department; the said meeting of the committee was held after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment to Regulation 372, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore ordered as follows:

The provisions in paragraph (b) (2) of § 966.518 (Orange Regulation 372) (16 F. R. 4678) shall, during the period beginning at 12:01 a. m., P. s. t., June 17, 1951, and ending at 12:01 a. m., P. s. t., January 1, 1952, read as follows:

(2) During the period beginning at 12:01 a. m., P. s. t., June 17, 1951, and ending at 12:01 a. m., P. s. t., January 1, 1952, standard size 288 is fixed as the minimum size of Valencia oranges, grown in Prorate Districts 1, 2, 3 and 4 which may be handled.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C. this 11th day of June 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6894; Filed, June 13, 1951; 8:56 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.128]

PART 42—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES

WAIVER OF DOCUMENTARY REQUIREMENTS

The following amendment to Part 42, Chapter I, Title 22, Code of Federal Regulations, is hereby prescribed:

Paragraph (bb) of § 42.107, *Nonimmigrants not required to present passports or visas,* is amended to read as follows:

(bb) An alien who is a Canadian citizen, or who is a British subject domiciled, permanently residing, or stationed in Canada, who proceeds directly from the United States or Canada to Cuba, the Bahama Islands, Bermuda, or Jamaica, who remains less than thirty days in each of such islands visited, and who seeks to enter the United States temporarily before returning to Canada: *Provided,* That the period for which such citizen or subject may be admitted into the United States shall not exceed the period of admission prescribed by paragraph (w) and paragraph (q), respectively, of this section.

This order shall become effective upon the date of its publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign-affairs functions of the United States.

(Sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 673; 8 U. S. C. 222, 458. E. O. 8766, June 3, 1941, 6 F. R. 2741; 3 CFR 1941 Supp.)

DEAN ACHESON,
Secretary of State.

Dated: June 6, 1951.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-6868; Filed, June 13, 1951; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

WAIVER OF DOCUMENTARY REQUIREMENTS

CROSS REFERENCE: For an amendment of § 176.107 relating to documentation of aliens entering the United States, see Title 22, Chapter I, Part 42, *infra.*

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 61[1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 370.9 *In-transit shipments without unloading* is amended to read as follows:

§ 370.9 *In-transit shipments without unloading.* Commodities shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Department of Commerce: *Provided,* That, while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters: *And provided further,* That they are not originally manifested to the United States.

This part of the amendment shall become effective as of July 5, 1951.

2. Section 371.26 *Exportation of certain publications G-PUB* is amended in the following particulars:

a. Paragraph (b) *Excluded destinations* is amended to read as follows:

(b) *Excluded destinations.* Exportations. Exportations under the authority of General License G-PUB may not be made to destinations in North Korea,[2] China (including Inner Mongolia, Tsinghai, Sikang, Sinkiang, but excluding Taiwan (Formosa)), Manchuria (including the former Kwantung Leased Territory), Outer Mongolia, and Tibet, as described in Schedule C of the Bureau of the Census.

Paragraph (c) *Publications exportable* is amended by adding the following:

Schedule B No.	Commodity
951100	Bibles and testaments.

This part of the amendment shall become effective as of June 7, 1951.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-6871; Filed, June 13, 1951; 8:50 a. m.]

[1] This amendment was published in Current Export Bulletin No. 624, dated June 7, 1951. The amendment to paragraph (b) of § 371.26, which makes no substantive change, was published in the reprint pages of the Comprehensive Export Schedule, dated June 7, 1951.

[2] Includes any territory controlled by the Government of North Korea.

[5th Gen. Rev. of Export Regs., Amdt. P. L. 52[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. *General Notes to Appendix A* is amended by adding at the end of paragraph (g) *Definitions* the following new definition:

(5) Any other newly-developed corrosion-resistant materials.

[1] This amendment was published in Current Export Bulletin No. 624, dated June 7, 1951.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
664750	Structural iron and steel: Penstock (include only sections of penstock fabricated from rolled steel plates used for conducting water).	Lb.	STEE	1,000	RO
676750	Aluminum and aluminum-base alloys: Table, kitchen, and hospital utensils	Lb.	CDGS	100	RO
680410	Materials for construction	Lb.	NONF	100	RO
692460	Platinum and allied metals: Platinum ores and concentrates	T. oz.	NONF	None	RO
802760	Coal-tar intermediates, except coal-tar acids: Resorcinol (resorcin; meta-dihydroxybenzene)	Lb.	COTA	25	RO

This part of the amendment shall become effective as of 12:01 a. m., June 12, 1951.

3. The following commodities are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
240500	Synthetic rubbers, n. e. s.	Lb.	RUBR [2]	100	RO
641000	Nickel silver, or German silver, crude, scrap, or in bars, rods, or sheets.	Lb.	NONF	100	RO
663000	Nickel-chrome electric resistance wire	Lb.	NONF	None	RO
669198	Metal and metal composition manufactures: Anti-friction manufactures		GIEQ	25	RO
669198	Antimony manufactures		GIEQ	25	RO
669198	Babbitt metal manufactures		GIEQ	25	RO
669198	Brake linings, bimetallic		GIEQ	25	RO
669198	Clutch facings, bimetallic		GIEQ	25	RO
669198	Friction material, bimetallic		GIEQ	25	RO
669198	Ingots		GIEQ	None	RO
669198	Invar manufactures		GIEQ	25	RO
669198	Monel metal articles (fully finished)		GIEQ	25	RO
669198	Valve bushings, monel metal		GIEQ	25	RO
669198	Tantalum rings and tantalum wire		NONF	None	RO
669198	Tool bit blanks, molybdenum		TOOL	25	RO
669198	Other metal and metal composition manufactures		NONF	25	RO
692598	Manufactures, except jewelry: Platinum-allied metal manufactures	T. oz.	NONF	None	RO
802560	Coal-tar intermediates, except coal-tar acids: Chlorobenzenes	Lb.	COTA 60	100	RO
802590	Ethyl benzene	Lb.	COTA 60	100	RO
831500	Alcohols, n. e. s. (glycols included): Tetrahydrofurfuryl alcohol	Lb.	ORGN 67	200	RO
832050	Organic chemicals not of coal-tar origin, n. e. s.: Furfural	Lb.	ORGN 67	100	RO
834000	Ethylene dibromide [3]	Lb.	SALT	100	RO
839400	Other industrial chemicals: Phosphorus, except red		SALT 65	100	RO
839430	Titanium tetrachloride		SALT 65	100	RO
839500	Vanadium compounds [4]		SALT 65	25	RO

[1] Formerly included in the entry on the Positive List for "Other bromine, bromides, and bromates, Schedule B No. 834400, validated license required R."

[2] The entry for vanadium compounds, except sodium metavanadate, Schedule B No. 839500, is revised in part 4 of this amendment.

This part of the amendment shall become effective as of 12:01 a. m., June 12, 1951.

4. The following revisions are made in commodity descriptions. The revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
605595	Electrical (steel) sheets, and strip, except transformer grades	Lb.	STEE	1,000	RO
605595	Electric (steel) sheets, and strip, transformer grade [1]	Lb.	STEE	100	RO
610410	Castings and forgings, iron and steel: Carbon steel castings [2]	Lb.	STEE 28	200	RO
692205	Ingots, sheets, wire, alloys, and scrap: Platinum bars, ingots, sheets, wire, wire sponge, and other forms (scrap included) [3]	T. oz.	NONF	None	RO
692209	Palladium, rhodium, iridium, osmiridium, ruthenium, and osmium metal, and alloys (scrap included) [4]	T. oz.	NONF	None	RO
692505	Manufactures, except jewelry: Platinum manufactures (platinum-plated included) [5]	T. oz.	NONF	None	RO

[1] The effect of these amendments is to add to the Positive List as RO commodities, electrical (steel) strip.

[2] The effect of this amendment is to extend the coverage to include all carbon steel castings classified under Schedule B No. 610410.

[3] The above revised entry is substituted for the three entries presently on the Positive List under Schedule B No. 692205. The effect of this amendment is to change from R to RO control the platinum bars, ingots, sheets, wire sponge, and other forms (scrap included) presently included in the first entry on the Positive List under this Schedule B number.

[4] The above revised entry is substituted for the four entries presently on the Positive List under Schedule B No. 692209. The effect of this amendment is to change from R to RO control palladium, iridium, osmiridium, ruthenium, and osmium metal, alloys, (scrap included) except iridium platinum wire (from "None" to "None").

[5] The effect of this amendment is to extend the coverage to include all platinum manufactures (including platinum-plated manufactures).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
812883	Medicinal chemicals (bulk), including U. S. P. and N. F.: Bismuth salts and compounds (bulk) (report dosage)	Lb.	DRUG	None	RO
	forms in $1200 for liquids, and $1200 for solids).[4]				
813400	Ammonium compounds, n. e. s.: Hydrazine, hydrazine hydrate, and hydrazine salts[5]	Lb.	SALT	None	RO
814440	Other industrial chemicals: Vanadium compounds[6]		SALT 65	25	RO

[4] The above revised entry is substituted for the three entries presently on the Positive List under Schedule B No. 812883. The effect of this amendment is to extend the coverage to include all bismuth salts and compounds in bulk form and to reduce the GLV dollar-value limits for bismuth nitrate, bismuth oxide, and bismuth subnitrate from $500 to "None".

[5] The effect of this amendment is to add to the Positive List as RO commodities hydrazine salts.

[6] The effect of this amendment is to add to the Positive List as an RO commodity sodium meta-vanadate.

This part of the amendment shall become effective as of 12:01 a. m., June 12, 1951.

5. The dollar value limit in the column headed "GLV dollar-value limits" and the Processing Code set forth opposite the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing Code	GLV dollar-value limit
915000	Diamond disk points and other dental instruments containing diamonds	CDGS[1]	None

[1] Section 3663 Appendix C, Commodity Processing Codes, is also revised to reflect this change in processing Codes. The scientific and professional instruments, apparatus, and supplies classified under Schedule B Nos. 915300-915998 and 915200-915998 retain the processing code of SAFE.

This part of the amendment shall become effective as of 12:01 a. m., June 12, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts, 2, 3, 4, and 5 of this amendment which were on dock, on lighter; laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 12, 1951, may be exported under the previous general license provisions up to and including July 7, 1951. Any such shipment not laden aboard the exporting carrier on or before July 7, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; Pub. Law 33, 82d Cong.; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-6870; Filed, June 13, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 381]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 376]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, IOWA AND OHIO

Amendment 381 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 376 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines and Park Ridge, and the Villages of Lansing, Mt. Prospect, Palatine, Riverdale, Westchester, Wilmette and Winnetka; Du Page County; Kane County; and Lake County, except the City of Lake Forest.

This decontrols the City of Calumet City in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 89 is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County, except the City of Rock Island, and all unincorporated localities.

Scott County, except the City of Davenport, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Walcott, and all unincorporated localities.

This decontrols the following portions of the Quad Cities, Illinois, Defense-Rental Area: (1) The City of Rock Island in Rock Island County, Illinois; (2) the Town of Walcott in Scott County, Iowa; and (3) all unincorporated localities in said Defense-Rental Area.

3. Schedule A, Item 110b, is amended to describe the counties in the Defense-Rental Area as follows:

In Story County, the Town of Maxwell.

This decontrols the City of Marshalltown in Marshall County, Iowa, a portion of the Ames-Marshalltown, Iowa, Defense-Rental Area.

4. Schedule A, Item 174 is amended to describe the counties in the Defense-Rental Area as follows:

City of St. Louis and the Counties of Jefferson, St. Charles and St. Louis.

Madison County; and St. Clair County, except the Village of Freeburg.

This decontrols the Village of Freeburg in St. Clair County, Illinois, a portion of the St. Louis, Missouri, Defense-Rental Area.

5. Schedule A, Item 241c, is amended to describe the counties in the Defense-Rental Area as follows:

Wayne County, except the City of Wooster.

This decontrols the City of Wooster in Wayne County, Ohio, a portion of the Wooster, Ohio, Defense-Rental Area.

6. Schedule A, Item 358, is amended to read as follows:

(358) [Revoked and decontrolled]

This decontrols (1) the City of Gallipolis in Gallia County, Ohio, a portion of the Point Pleasant-Gallipolis, West Virginia, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remaining portions of said Gallia County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

All decontrols effected by this amendment, except Item 6 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective as of June 14, 1951.

Issued this 11th day of June 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-6884; Filed, June 13, 1951, 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Section 590.705-3 is rescinded and the following substituted therefor:

§ 590.705-3 *Use of Form 383 as a delivery order*—(a) *Open end contracts.* Form 383 is authorized for use in making purchases under all "open end" or "term" contracts which provide that deliveries will be made upon call of Contracting Officers, where the aggregate amount of the delivery order does not exceed $1,000.

(b) *Reference to basic purchase agreement.* Proper reference will be made to the basic purchase agreement against which the purchase is made in the space provided.

(c) *Consolidation of deliveries into one monthly delivery order.* (1) One delivery order may be accomplished at the end of the month or more often if necessary to cover previous deliveries against "open end" or "term" contracts under the following conditions:

(i) When, in the judgment of the Contracting Officer, such action is more practical and economical than the making of separate delivery orders.

(ii) When the local Contracting Officer who issues the delivery order has made satisfactory arrangements with the vendor or his authorized representative.

Since the accumulation and consolidation of deliveries into one delivery order at the end of the month may result in a delayed payment, such action must be agreeable to the vendor.

(2) When such practice is to be followed, each delivery of supplies or services will be supported by a signed delivery ticket prepared in triplicate by the vendor. The following information will be shown on the delivery ticket:

(i) Name of contractor.

(ii) Contract number.

(iii) Nomenclature of supplies or services including stock number, part number, etc., as necessary for proper identification.

(iv) Quantity of supplies or services.

In the event that the vendor does not furnish a delivery ticket, the individual who receives the supplies will prepare a receiving report (DD Form 227) showing the essential information thereon.

(3) The quantity listed on the delivery ticket will be verified, exceptions noted, and the three copies of the ticket will be dated and signed by the individual who is authorized to receive the items. Copies will be distributed as follows: Original to the accountable property officer, one copy to the Contracting Officer, and one copy to the vendor.

(4) The accountable property officer will voucher and post to the stock record account each delivery ticket covering supplies received. A basic voucher number will be assigned to each vendor and as deliveries are received during the current month the individual delivery ticket will be subvouchered against the basic voucher number established for the vendor concerned.

(5) The signed copy of the delivery tickets will be the basis for consolidating the deliveries and preparing one delivery order at the end of the month by the Contracting Officer. The vendor will be instructed to submit one invoice (4 copies) for the period concerned.

(6) The accomplishment and processing of DA Form 383 will be as prescribed in this subpart.

2. Section 590.809 (d) is amended by rescinding subparagraph (4) thereof.

[Proc. Cir. 5, 18 May 51] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Section 591.251 (c) is amended by changing the reference "§ 591.406-4 (c)", appearing therein, to read "§ 591.406-4 (b)".

[Proc. Cir. 5, 18 May 51] (R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. 151-161)

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as indicated below:

1. Section 592.305 is amended by striking out the designation "Under Secretary of the Army", wherever it appears in paragraph (c), and inserting in lieu thereof "Assistant Secretary of the Army (General Management)".

2. Section 592.408-4 (e) is added as follows:

§ 592.408-4 *Conditions for use.* • • •

(e) That the duration of the letter contract will not exceed 120 days from the date of execution. Extensions which increase the duration beyond 120 days will not be made without prior approval of the Assistant Chief of Staff, G-4, Department of the Army (Chief, Current Procurement Branch).

3. Section 592.502 (a) is rescinded and the following substituted therefor:

§ 592.502 *Authority to make advance payments.* • • •

(a) Authority to make advance payments is vested in the Assistant Secretary of the Army (General Management). Requests for such authority will, in each instance, be submitted to the Comptroller of the Army, through the Head of the Procuring Activity concerned and the Chief of Finance. The request, including all supporting documents, submitted in original and two (2) copies, will be supported by the following data:

(1) All requests for authority to make advance payments will contain a finding of fact and recommendation substantially as follows, signed by the Chief of the originating office and the Chief of each office through which the request is forwarded:

Based on statements contained in inclosures attached hereto (and preceding indorsements[1]), I find that an Advance Payment of not to exceed _____ percent of the total cost of Contract No. _____ referred to herein is proper; is in the national interest, and it is recommended that it be approved by the Assistant Secretary of the Army.

[1] To be included when applicable.

(2) All requests for advance payment authorizations shall be accompanied by the following information attached as inclosures:

(i) Request for advance payment by contractor.

(ii) Statement of contractor's financial condition.

(iii) Breakdown of contractor's estimated working capital requirements necessitating advance payments in the amount requested. (This may be evidenced by flow charts, planned schedules of expenditures, etc.)

(iv) Statement of terms of the proposed advance and method of repayment or liquidation.

(v) An original and two copies of the Determination and Findings required by § 402.302 (g) of this title in the form set forth in § 592.305 (c).

(vi) Advance Payment Clause proposed.

(vii) Other pertinent information (to include but not be limited to):

(*a*) Date and identifying symbol of the approval of the award, together with citation of the appropriation available.

(*b*) Type of contract (fixed price, CPFF, or cost reimbursable; if fixed price or CPFF, state percentage rate or profit or fee).

(*c*) Rate of interest to be charged on advance payment.

(*d*) If contract includes fee or profit element and no interest is to be charged on advance payment, statement of justification therefor.

(*e*) Dollar amount of the contract, the items to be supplied and a schedule of deliveries.

(viii) Copy of the Contracting Officer's report on the advance payment request, if any.

(3) Letter or forwarding indorsement from the Head of the Procuring Activity shall also include statements as to the following:

(i) Existence of requirement for the goods or services.

(ii) That no other contractor with other means of financing is available on an equally desirable basis.

(iii) Security proposed to protect the Government against loss, together with definite recommendation as to the adequacy thereof and negative covenants, if any, needed for further protection of the Government against loss.

(iv) That definitive contract will contain an Advance Payment Article in the form inclosed.

(v) General character and responsibility of the contractor, as well as his technical ability to perform the contract, including statement of prior or existing contracts entered into with contractor. Contracts so listed shall indicate:

(*a*) Whether contract contained provision for advance payments; and if so, the amount thereof and were advances made with or without interest.

(*b*) Type of contract (fixed price with profit, CPFF or cost reimbursable).

4. Paragraphs (b) and (c) of § 592.504 are amended as follows:

§ 592.504 *Security provisions.* • • •

(b) When the contract clause provides for deposit of monies from the advance payment to be placed in a special bank account, the contractor shall obtain, execute, and turn over to the Contracting Officer for transmittal, through the Head of the Procuring Activity concerned and the Chief of Finance, to the Comptroller of the Army 2 copies of an agreement executed by each bank in which a control bank account is established. Such an agreement shall be prepared substantially in the following form:

• • • • • •

(c) Upon the liquidation of advance payments, releases and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices which may be required in connection with advance payments, will be executed by the Assistant Secretary of the Army (General Management). Requests for such executions, accompanied by a

certification of the Contracting Officer that the advance payment has been completely liquidated, will be forwarded to the Assistant Secretary of the Army (General Management) (address request to the Comptroller of the Army) through the Head of the Procuring Activity concerned and the Chief of Finance.

5. Section 592.505 is amended by striking out the designation "Secretary", wherever it appears in such section, and inserting in lieu thereof "Assistant Secretary of the Army (General Management)".

[Proc. Cir. 5, 18 May 51] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended as indicated below:

1. Section 596.104-4 is amended by rescinding paragraph (e) thereof and substituting the following therefor:

§ 596.104-4 *Neutrality Act of 1939.*

* * *

(e) *Overseas.* In effecting procurement of arms, ammunition or implements of war, defined as such by the Neutrality Act of 1939 and subsequent Presidential Proclamations, outside the United States, its Territories and possessions, clearance of the procurement, prior to consummation, will be obtained from, and insertion or deletion of the clause will be as dictated by the Munitions Division, Department of State, except that in the following cases, clearance need not be obtained and the clause will not be inserted:

(1) In areas of military occupation.

(2) In areas outside the United States and its Territories where the Department of State has entered into treaties or other agreements with the countries or authorities concerned with respect to the exporting or importing of arms, ammunition or implements of war.

(3) Those geographical areas or those procurement items in which or for which the Department of State has made a blanket exception or a previous exception to the Act.

(4) When the source of supply is not a national of, or otherwise subject to the laws of, the United States.

2. Section 596.584 is added as follows:

§ 596.584 *Security agreement — DD Form 441.* (a) For requirements as to the use of the Department of Defense Security Agreement—DD Form 441, see SR 380-405-1. Under the provisions of this form, the Industrial Security Manual for Safeguarding Classified Matter, Department of Defense, is made part of the Security Agreement. (See also § 596.579.)

(b) This form is available through normal publications supply channels.

[Proc. Cir. 5, 18 May 51] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-6881; Filed, June 13, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 42, Amendment 1]

CPR 42—CEILING PRICES FOR CERTAIN CANNED VEGETABLES OF 1951 SPRING PACK

PRICING OF ADDITIONAL VEGETABLES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738) this Amendment 1 to Ceiling Price Regulation 42 (16 F. R. 5112), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds canned broccoli, brussels sprouts, new potatoes, fresh field peas, and rhubarb, to Ceiling Price Regulation 42, thus completing the list of canned vegetables which will be priced under the 1951 spring pack vegetable regulation. These vegetables were not included in CPR 42 at the time of its issuance as additional pricing information was needed.

The same considerations for the issuance of CPR 42 are applicable to the canned vegetables added to the regulation by this amendment and the statement of considerations accompanying CPR 42 is accordingly incorporated herein by reference.

As in the case of vegetables covered by the original CPR 42, permitted cost increases for raw materials are limited to actual cost increases, but in no event may these increases exceed 20 percent of each canner's 1950 weighted average raw material cost for the particular vegetable, except in the case of potatoes. For potatoes, the permitted increase may not exceed 75 percent of each canner's 1950 weighted average raw material cost of potatoes for canning.

No parity prices have been determined by the Secretary of Agriculture for the vegetables subject to this amendment except potatoes, for which parity has been determined only for all uses of potatoes. The permitted percentage increase of 20 percent for all vegetables except potatoes under this amendment is based upon changes during the past year in grower prices, prices received for all farm products, and upon the percentage increase of parity as of March 15, 1951, over 1950 prices for the eleven vegetables for which the Secretary of Agriculture has determined a parity price. The 75 percent percentage increase for potatoes for canning is the amount of the increase of the May 15, 1951 parity price for potatoes for all uses over the 1950 seasonal average price.

These increases also take into account the fact that these vegetables, when sold for fresh use, are exempt from price control under the General Ceiling Price Regulation. The permitted increases for raw materials under this regulation are therefore designed to maintain the price relationships of these vegetables with other vegetables and for other uses and to satisfy any applicable requirements of section 402 (d) (3) of the Defense Production Act.

In issuing this amendment the Director of Price Stabilization has consulted with the industry represented and has given consideration to its recommendations. The Director finds that in his judgment the provisions of this amendment are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 42 is hereby amended in the following respects:

1. In Section 1 (a) the following canned vegetables processed in the following areas are added:

Product and Area

Broccoli: California, Oregon, and Washington.
Brussels sprouts: California, Oregon, and Washington.
Fresh field peas, including blackeye, chick, cream, crowder, and purple hull: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.
New Potatoes: All States.
Rhubarb: All States.

2. In section 2 (b) the following vegetables are added to Table I:

Broccoli:	
Area I—California, Oregon, and Washington	1.035
Brussels sprouts:	
Area I—California, Oregon, and Washington	1.02
Fresh field peas:	
Area I—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia	1.045
New potatoes:	
Area I—All States	1.055
Rhubarb:	
Area I—California, Oregon, and Washington	1.05
Area II—All other States	1.045

3. Table II in section 2 (c) (1) is amended by adding the following:

Raw material and area	*Maximum permitted increase in percentage of 1950 weighted average raw material cost (percent)*
Broccoli: California, Oregon and Washington	20
Brussels sprouts: California, Oregon, and Washington	20
Fresh field peas: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia	20
New potatoes: All States	75
Rhubarb: All States	20

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment shall become effective June 14, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6944; Filed, June 13, 1951; 10:33 a. m.]

[General Overriding Regulation 10—Amendment 2]

GOR 10—ADJUSTMENTS OF CEILING PRICES FOR MANUFACTURERS

EXTENDING GEOGRAPHICAL APPLICATION OF GOR 10 TO INCLUDE TERRITORIES AND POSSESSIONS OF UNITED STATES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to General Overriding Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 10 extends to the manufacturer in the territories and possessions of the United States the same permission to request an upward adjustment of ceiling prices in the event he is being forced to operate his business at a loss, as has already been granted manufacturers in the 48 states and the District of Columbia.

Ceiling prices, although generally fair and equitable to the group which they cover, sometimes work hardships on individual members of the group. GOR-10 is intended to remedy this situation by providing for individual adjustments where a manufacturer shows that he is operating at a loss, and that the loss is due to the ceiling price, and not to some other factor. It is essential for the healthy economy of the territories and possessions that the manufacturers in the territories and possessions have the same recourse to request increases under the same condition as would manufacturers in the 48 states and the District of Columbia.

AMENDATORY PROVISIONS

General Overriding Regulation 10 is amended so that section 8 reads as follows:

SEC. 8. *Geographical applicability.* The provisions of this regulation are applicable to the United States, its territories and possessions, and the District of Columbia.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 13, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6945; Filed, June 13, 1951; 10:34 a. m.]

Chapter XIV—General Services Administration

[Rubber Regulation,[1] Supplement 1]

RUBBER REGULATION; IMPORTATION OF RUBBER

TYPES OF CONTRACTS

Pursuant to the authority vested in me by National Production Authority Order M-2 of December 29, 1950, as amended, any person selling crude natural rubber or natural rubber latex to the General Services Administration under any one of the following types of contracts is hereby authorized to import into the United States the crude natural rubber or natural rubber latex covered by such contract:

(1) Contracts for rubber providing for delivery to the General Services Administration ex dock U. S. port or f. o. b. carrier's conveyance U. S. port; or

(2) Contracts for latex providing for delivery to the General Services Administration free alongside dock U. S. port, free alongside U. S. coastal storage installation (an installation having tanks into which an ocean-going vessel can directly discharge), or free alongside U. S. inland storage installation.

(Sec. 704, Pub. Law 774, 81st Cong.)

This order shall be effective as of December 29, 1950.

Dated: June 8, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-6898; Filed, June 13, 1951; 8:45 a. m.]

[1] Dated April 16, 1951; 16 F. R. 3440.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

MAILING OF CIGARETTES AND TOBACCO PRODUCTS AT A. P. O.'S PROHIBITED

Amend § 34.95a *Mailing of cigarettes and tobacco products at A. P. O.'s prohibited* (39 CFR 34.95a) by inserting A. P. O. numbers 10, 11, 55, 168, 179, and 227 in proper numerical order in the list shown therein.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-6861; Filed, June 13, 1951; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

VENEZUELA

In § 127.376 *Venezuela* (39 CFR 127.376) amend subdivision (iv) (e) of paragraph (b) (7) to read as follows:

(e) Copper, nickel and silver coins may be imported only by collectors with the permission of the Venezuelan Ministry of Finance.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-6866; Filed, June 13, 1951; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

DESCRIPTION OF PROPOSED ANTENNA STRUCTURES

In the matter of amendment of F. C. C. Form No. 401-A relating to description of proposed antenna structures.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1951;

The Commission having under consideration the matter of amendment of F. C. C. Form 401-A, relating to description of proposed antenna structures for services other than broadcast;

It appearing, that on December 13, 1950, the Commission adopted a new Part 17 of its rules and regulations concerning the construction, marking and lighting of antenna towers and supporting structures (16 F. R. 86); and

It further appearing, that it is necessary to change F. C. C. Form No. 401-A, in light of the new requirements and procedures of Part 17 of the rules and regulations; and

It further appearing, that the authority for this amendment is contained in sections 4 (i), 301, 303 (g), 303 (r), and 309 of the Communications Act of 1934, as amended; and

It further appearing, that this amendment merely supplements the amendments already effected in Part 17 of the rules and regulations and, therefore, general notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary and such amendment can be made effective immediately under the provisions of section 4 (c) of that act;

It is ordered, That effective immediately, F. C. C. Form 401-A is amended.[1]

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 309, 48 Stat. 1081, 1082, 1085; 47 U. S. C. 301, 303, 309)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6855; Filed, June 13, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 872, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of June A. D. 1951.

[1] Form filed as part of the original document. Copies may be obtained from the Federal Communications Commission.

Upon further consideration of the provisions of Service Order No. 872 (15 F. R. 9242; 16 F. R. 1549, 2637), and good cause appearing therefor: It is ordered, that:

Section 95.872, Service Order No. 872, *Movement of grain to terminal elevators by permit* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., October 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 15, 1951, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6875; Filed, June 13, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[41 CFR, Part 202]

PAPER AND PULP INDUSTRY: PREVAILING MINIMUM WAGE

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35–45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the Paper and Pulp Industry shall be not less than 75 cents per hour. This amended determination was based upon information indicating that substantially all employees in the Paper and Pulp Industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents per hour to substantially all employees in the Industry. This amended determination also provided that learners might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Part 522).

A wage survey of selected paper and pulp establishments made by the Bureau of Labor Statistics as of May 1950 indicates that the 75-cent rate now in effect may not reflect the prevailing minimum wages in the Industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The Paper and Pulp Industry, as defined in the current determination, is that Industry engaged in the manufacture of furnishing of pulp and other fiber and in the primary conversion of pulp and other fiber into paper and paperboard, and in the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks.

Now, therefore, notice is hereby given: that a public hearing will be held on July 11, 1951 at 10:00 a. m., in Room 1214 of the Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and arguments: (1) As to what are the prevailing minimum wages in the Paper and Pulp Industry; (2) as to whether there should be included in any amended determination for this Industry provision for employment of learners, beginners (or probationary workers), or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to whether the definition of the Industry should be amended to read as follows:

The Paper and Pulp Industry is defined as that Industry which manufactures or furnishes any of the following products: Pulp from wood or from other materials such as rags, linters, waste paper and straw; paper from wood pulp and other fibers; paperboard from wood pulp and other fibers; building paper and building board except gypsum products; paper bags; and sanitary paper such as facial tissues, toilet paper, paper napkins and paper towels.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Tabulations of wage data released by the Bureau of Labor Statistics as of January 15, 1951, as well as other tabulations prepared by that Bureau at the request of the Wage and Hour and Public Contracts Divisions, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which have taken place in the wage structure of the Industry since the time of the survey.

In the discretion of the presiding officer, a period not to exceed 30 days may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. If such supplemental statements are received an original and four copies of each should be filed.

Signed at Washington, D. C., this 7th day of June 1951.

WM. R. MCCOMB, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 51-6859; Filed, June 13, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9991]

STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3, Subpart A, of the Commission's rules and regulations and Part 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations to eliminate provisions relating to the assignment of Class IV stations to regional channels.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Subpart A of Part 3 of the Commission's rules and regulations by deleting § 3.29 and Part 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations by eliminating from the seventh paragraph thereof, appearing at the top of the second column on page 2, the provisions relating to the assignment of Class IV stations to regional channels. Paragraph 7, as amended, will read as follows:

Class IV stations operate on local channels, normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw or more than 0.25 kw. These stations are normally protected to 500 uv/m groundwave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. The actual nighttime limitation will be calculated.[3a] Class IV stations authorized to operate on regional channels prior to (effective date of amendment if adopted) will not be required to change frequency or increase power but will not be protected against interference from Class III stations.

[No change in footnote 3a.]

It is also proposed to amend Table IV of Part 1 of the Standards by deleting therefrom footnote 6 which reads as follows: "Class IV stations may also be assigned to regional channels according to § 3.29."

3. The assignment of stations with powers of less than 500 watts to regional channels is inconsistent with the Commission's basic allocation plan for the standard broadcast band and tends to result in an inefficient utilization of available frequencies. At the present time the Commission's rules and standards provide for such assignments under certain limitations which are intended to insure the full utilization of regional channels. The Commission's experience indicates that these limitations do not effectively achieve their intended purpose. Moreover, the present rules and Standards provide that Class IV stations assigned to regional channels shall not be protected from interference from Class III stations. Thus, they permit the establishment of stations whose service is of marginal quality at best and subject at any time to further degradation. The Commission is, therefore, of the opinion that the assignment of Class IV stations to regional channels under any circumstances should be discontinued.

4. Authority for the proposed amendments is contained in sections 303 (a) (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth, may file with the Commission, on or before July 16, 1951, a written statement or brief setting forth his comments. At the same time persons favoring the amendments as proposed may file statements in support thereof. Answers to comments may be filed within 30 days of the last day for the filing of comments. The Commission will consider all comments that are received before taking final action in the matter, and if any comments appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, comments, or answers thereto shall be furnished the Commission.

Adopted: June 7, 1951.

Released: June 8, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-6856; Filed, June 13, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1547376]

ALASKA

NOTICE OF CORRECTION OF NOTICE OF FILING OF PLAT OF SURVEY

Notice issued May 10, 1951, of the filing of plat of original survey in T. 10 S., R. 10 E., F. M., Alaska, is corrected by eliminating from the excepted land in paragraph three $N\frac{1}{2}$ of lot 2 of sec. 10, $N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}$ of lot 4 and 5 of sec. 11, $N\frac{1}{2}S\frac{1}{2}N\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ of sec. 12, $E\frac{1}{2}E\frac{1}{2}$ sec. 13, lot 4, $E\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ sec. 24, lot 1, sec. 25.

WILLIAM ZIMMERMAN, Jr., *Associate Director.*

[F. R. Doc. 51-6857; Filed, June 13, 1951; 8:46 a. m.]

[59344]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

Notice is given that the plat of original survey of the following described lands, accepted June 9, 1950, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m., on the 35th day after the date of this notice:

U. S. Survey No. 2960, Gastineau Channel Small Tract Group, lots 1 to 16 inclusive, situated on Douglas Island about $1\frac{3}{4}$ miles northwest of The Juneau-Douglas Bridge.

The area described aggregates 48.64 acres.

Available information indicates that lots 1 through 6 are gently sloping and lots 7 through 16 are rolling in character.

All of the lands described are embraced in Small Tract leases; therefore, the lands will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

WILLIAM ZIMMERMAN, Jr., *Associate Director.*

[F. R. Doc. 51-6858; Filed, June 13, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 6, Amendment 1]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO ESTABLISH CEILING PRICES AFTER DISAPPROVAL OF PROPOSED PRICES OR PENDING OBTAINING OF FURTHER INFORMATION

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 1 to Delegation of Authority 6 (16 F. R. 3672) is hereby issued.

Amendatory provisions. Delegation of Authority 6 is amended in the following respects:

1. Item 3 is redesignated as item 4.

2. A new item 3 is added to read as follows:

3. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to establish a ceiling price in accordance with any ceiling price regulation which provides for the establishment of a ceiling price by the Director of Price Stabilization either where the ceiling price proposed by the seller under the regulation has been disapproved, in whole or in part, or where more information is required. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

This amendment shall take effect on June 14, 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JUNE 13, 1951.

[F. R. Doc. 51-6941; Filed, June 13, 1951; 10:33 a. m.]

[Delegation of Authority 8]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority to act under sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15,

and sections 22 (b), 24, 24a and 26 (b) of CPR 16. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization. The delegation of authority in this item shall take effect on June 14, 1951.

2. [Reserved]

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6942; Filed, June 13, 1951; 10:33 a. m.]

[Delegation of Authority 9]

RECORDING SECRETARY

DELEGATION OF AUTHORITY TO ISSUE OFFICIAL COLLATIONS

By virtue of the authority vested in me as the Director of Price Stabilization, pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105), by Economic Stabilization General Order Nos. 2 and 5 (16 F. R. 738, 1583), this delegation of authority is hereby issued.

Authority is hereby delegated to the Recording Secretary to initiate, prepare, sign for the Director, and issue all collations of regulations prepared for republication in the FEDERAL REGISTER. This delegation shall apply where a regulation is republished to incorporate the text of amendments and corrections without change in the substance thereof.

This delegation of authority shall take effect June 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6943; Filed, June 13, 1951; 10:33 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1305]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 11, 1951.

Notice is hereby given that, on June 8, 1951, the Federal Power Commission issued its order entered June 7, 1951, modifying order issued March 29, 1950, published in the FEDERAL REGISTER April 5, 1950 (15 F. R. 1918), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6876; Filed, June 13, 1951; 8:51 a. m.]

[Docket No. G-1405]

MERCER GAS LIGHT AND FUEL CO.

NOTICE OF ORDER GRANTING MOTION TO WITHDRAW APPLICATION AND TERMINATING PROCEEDING

JUNE 11, 1951.

Notice is hereby given that, on June 8, 1951, the Federal Power Commission issued its order entered June 7, 1951, granting motion to withdraw application and terminating proceeding in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6877; Filed, June 13, 1951; 8:52 a. m.]

[Docket No. G-1695]

MANUFACTURERS LIGHT & HEAT CO.

NOTICE OF APPLICATION

JUNE 8, 1951.

Take notice that The Manufacturers Light & Heat Company (Applicant), a Pennsylvania Corporation having its principal office at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on May 28, 1951 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery, and the construction of the facilities appurtenant thereto, of natural gas to City Gas Company of Phillipsburg, New Jersey, as hereinafter set forth.

Applicant proposes to sell and deliver to City Gas Company as aforesaid the latter's natural-gas requirements up to a daily maximum delivery of 940 Mcf in 1952, increasing to a maximum daily delivery of 1,700 Mcf in 1956, under an agreement entered into between Applicant and City Gas Company on May 22, 1951. Under the terms of the agreement, City Gas Company proposes to assign to Applicant its rights to natural gas which Texas Eastern Transmission Corporation was required by the Federal Power Commission to make available to City Gas Company upon a showing by City Gas Company that natural gas up to a maximum of 1,700 Mcf daily could be economically delivered to it (Federal Power Commission Opinion and accompanying Order No. 206, entered February 27, 1951, Federal Power Commission Docket No. G-1012, In the Matter of Texas Eastern Transmission Corporation).

The facilities necessary for the proposed sale and delivery, of natural gas include the construction and operation of a connection on Applicant's Coatesville-Port Jervis Gas transmission line at a point in Forks Township, Northampton County, Pennsylvania with the transmission line proposed to be constructed by City Gas Company, and a meter and regulator station. The cost of construction of the proposed facilities is $30,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of June, 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6878; Filed, June 13, 1951; 8:52 a. m.]

[Docket No. G-1698]

SOUTHERN CALIFORNIA GAS CO.

NOTICE OF APPLICATION

JUNE 8, 1951.

Take notice that Southern California Gas Company (Applicant), a California corporation, address 810 South Flower Street, Los Angeles, California, filed on May 29, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas to and for distribution in the communities of Mojave, Lancaster, Palmdale, and Rosamond, California, and for such purpose to construct and operate a natural-gas pipeline approximately 35 miles in length extending into the Antelope Valley of Southern California and connecting with the existing Pacific Gas and Electric Company's Topock to Milpitas 34-inch natural-gas line near Mojave, California.

Applicant estimates that the total annual sales for the first year of operation will be 140,980 Mcf of natural gas and for the fifth year of operation the total annual sales will be 233,814 Mcf of natural gas.

It is estimated that the cost of the facilities will be $525,396 for the first year of operation which will increase to $690,779 by the fifth year. Applicant proposes to finance the proposed pipeline from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of June, 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6879; Filed, June 13, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26155]

IRON OR STEEL RODS FROM PORTSMOUTH AND NEW BOSTON, OHIO, TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

JUNE 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238.

Commodities involved: Rods, coiled iron or steel, carloads.

From: Portsmouth and New Boston, Ohio.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4238, Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6874; Filed, June 13, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1315]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of June A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $10 Par Value, of Mississippi River Fuel Corporation, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 22, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6863; Filed, June 13, 1951; 8:48 a. m.]

[File No. 70-2621]

NORTH PENN GAS CO.

ORDER AUTHORIZING AMENDMENT OF CORPORATE CHARTER AND ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF DEBENTURES AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of June 1951.

North Penn Gas Company ("North Penn"), a registered holding company and a gas utility company which is a subsidiary of Pennsylvania Gas & Electric Corporation, also a registered holding company, having filed an application-declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

North Penn proposes to amend its charter to provide for an authorized maximum indebtedness of the company of $8,100,000. Thereafter, North Penn proposes to issue $2,700,000 principal amount of -- per cent debentures, due June 1, 1971, and to sell such Debentures at competitive bidding in accordance with the provisions of Rule U-50 under the act.

The invitation for bids will provide that each bid shall specify the coupon rate for the Debentures, which shall be a multiple of $\frac{1}{8}$ per cent and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 per cent nor more than 102.75 per cent of the principal amount of said Debentures, plus accrued interest from June 1, 1951.

The proceeds from the proposed sale are to be used to retire all of the $2,700,000 principal amount of presently outstanding notes of North Penn which are payable to banks and mature October 22, 1951. Such notes were issued during 1950 for the purpose of refinancing previously outstanding First Mortgage and Lien Bonds, 5$\frac{1}{2}$ per cent series, due 1957, of North Penn.

The provisions of the proposed new Debentures, which will be authorized in the principal amount of $2,700,000, are set forth in an Agreement, to be dated June 1, 1951, between North Penn and the Chase National Bank of the City of New York, the proposed trustee. Such provisions will include, among others, a provision for annual sinking fund payments in the amount of 3 percent of the principal amount of Debentures initially issued.

The proposed issuance and sale of the Debentures have been authorized by the Pennsylvania Public Utility Commission.

Notice of the filing of the application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that all of the applicable statutory standards are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale by North Penn of $2,700,000 principal amount of -- percent debentures, due 1971, shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, held with respect thereto, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved; and

(2) That jurisdiction be, and hereby is, reserved with respect to any and all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6864; Filed, June 13, 1951; 8:48 a. m.]

[File No. 70-2635]

MISSOURI POWER & LIGHT CO.

ORDER PERMITTING SUBMISSION OF PRINCIPAL AMOUNT FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 7th day of June 1951.

Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri and the North American Company, both registered holding companies, has filed with the Commission an ap-

plication and amendment thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-20, U-23, U-24, and U-50 of the general rules and regulations promulgated thereunder, regarding the following proposed transactions:

Missouri Power proposes to issue and sell, at competitive bidding pursuant to the provisions of Rule U-50, $4,000,000 principal amount of First Mortgage Bonds, __ percent series due 1981 ("new bonds").

The invitation for bids provides that each bid shall specify the coupon rate for the new bonds, which shall be a multiple of ⅛ of 1 percent, and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus secured interest from June 1, 1951.

The new bonds will be issued under and secured by a Mortgage and Deed of Trust between the applicant and Harris Trust and Savings Bank and Clark Cox, as Trustees, dated July 1, 1946, as last supplemented on November 1, 1949, and to be further supplemented by a Third Supplemental Indenture, dated June 1, 1951.

Applicant proposes to apply the net proceeds received from the sale of the new bonds to the payment of its unsecured promissory notes aggregating $2,400,000, to reimburse its treasury for capital expenditures previously made, and, in part, to the payment of the cost of property additions during 1951, estimated in the amount of $3,610,000.

Said application having been filed on May 17, 1951, and notice of filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposed issuance and sale of the new bonds have been expressly authorized by the Missouri Public Service Commission, the State Commission of the State in which the company is organized and doing business; and

The Commission finding that said application, as amended, satisfied the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith:

It is hereby ordered, That the application, as amended, be, and the same hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject further to the following additional conditions:

(a) That the issuance and sale of the new bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 with respect thereto shall have been made a matter of record herein and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being hereby reserved for such purpose.

(b) That jurisdiction be, and the same hereby is, reserved with respect to all fees and expenses incurred in connection with the proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6865; Filed, June 13, 1951; 8:48 a. m.]

[File No. 812-724]

INCOME FOUNDATION FUND, INC., AND AXE SECURITIES CORP.

NOTICE OF APPLICATION; STATEMENT OF ISSUES; ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of June A. D. 1951.

Notice is hereby given that Income Foundation Fund, Incorporated (hereinafter sometimes referred to as "Fund"), a registered investment company and Axe Securities Corporation (hereinafter sometimes referred to as "Axe Securities") the prospective principal underwriter for the Fund (the Fund and Axe Securities Corporation being hereinafter sometimes referred to as "Applicants") have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the proposed offering of shares of the Fund to charitable and religious organizations, hospitals, colleges and other eleemosynary institutions including non-profit organizations such as pension funds, on the basis of one-half of the regular sales load set forth in the Fund's prospectus.

The application states that the Fund is registered under the Act as an open-end diversified investment company of the management type and issues redeemable securities. Axe Securities Corporation is the principal underwriter and general distributor of the shares of the Fund. The regular public offering price of the shares of the Fund is equal to their net asset value per share plus a sales load. Quantity discounts are presently available to purchasers with respect to individual purchases of $25,000 or more of the Fund's shares upon the following schedule:

On individual sales of—	*Sales load percentage of offering price*
Less than $25,000	8½
Not less than $25,000	6
Not less than $50,000	4
Not less than $100,000, but less than $250,000	2
Not less than $250,000, but less than $500,000	1
$500,000 or more	½

Such scale of quantity discounts is set forth in the Fund's prospectus. As set forth in the application, the Fund proposes to offer its shares to charitable and religious organizations, hospitals, colleges and other eleemosynary institutions including non-profit organizations such as pension funds, at prices which include sales loads equal to one-half (½) of those set forth in the schedule above.

The application further states that, "as it is a customary practice in many businesses and other lines of endeavor to grant concessions to such organizations as set forth above because of their being operated for their respective charitable, religious, educational, public health and other non-profit purposes, it is therefore the desire of the applicants to give such organizations a similar concession by permitting them to purchase shares of this Fund on the basis of one-half of their regular sales load."

The Applicants assert that the order of exemption herein requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy provisions of the Act.

All interested parties are referred to said application, which is on file in the offices of the Commission, for a more detailed statement of the proposed transactions and the matters of fact and law asserted.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person other than a dealer or principal underwriter at prices less than that at which the security is offered to the public. The offering of shares of the Fund through the underwriter to charitable and religious organizations, hospitals, colleges and other eleemosynary institutions at one-half of the regular sales load set forth in the prospectus would appear to be unlawful in the absence of an order by the Commission granting an exemption to the applicants from the provisions of section 22 (d) of the Investment Company Act.

Section 6 (c) of the act provides that the Commission may by rules and regulations upon its own motion or by order upon application, conditionally or unconditionally, exempt any person, security or transaction or any class or classes of persons, securities, or transactions from the provisions of the act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: (1) Whether the practice alleged by the Applicants to be customary in many businesses and other lines of endeavor "to grant concessions" to organizations of the above described character is unfair, discriminatory, and inconsistent with the policy of the Act particularly in the light of the provisions of sections 1 (b) (2) and 22 (d) thereof; and (2) whether an order of exemption permitting discrimination in public offering price of the Fund's shares when purchased by organizations of the above described character is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the act.

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on July 2, 1951 at 10:00 a. m., e. d. s. t., Room 198 in the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington, D. C.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named Applicants, Income Foundation Fund, Incorporated and Axe Securities Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before June 29, 1951 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6862; Filed, June 13, 1951; 8:47 a. m.]

TENNESSEE VALLEY AUTHORITY

REVISION OF AGENCY ORGANIZATION

The following material pertaining to the organization of the Tennessee Valley Authority supersedes that portion of the material published in the FEDERAL REGISTER of December 30, 1948, 13 F. R. 8824–8826, beginning with the paragraph entitled "*Board of Directors*" on page 8824 and extending through the paragraph entitled "*Division of Reservoir Properties*" on page 8825:

Board of Directors. The Board of Directors is authorized by the TVA Act to exercise all the powers of the Corporation. The Board establishes general policies and programs; reviews and appraises progress and results; approves projects and specific items which are of major importance, involve important external relations, or otherwise require Board approval; approves the annual budget; and establishes the basic organization through which programs and policies are executed. The General Counsel advises the Board on legal matters and serves as Secretary to the Corporation.

Office of the General Manager. The Office of the General Manager consists of the General Manager, the staff of his immediate office, and the Budget Staff, Information Staff, and Washington Staff.

The General Manager is the principal TVA administrative officer. The General Manager is responsible for directing and coordinating the execution of programs, policies, and decisions which the Board of Directors adopts, subject to such controls as it may establish. The General Manager is responsible for assigning duties and making delegations to offices and divisions; and for approving major TVA management methods, major staff appointments, and major organizational changes in each division. The General Manager is also responsible for bringing before the Board matters requiring its consideration or approval; for submitting information or recommendations on TVA affairs to the Board; for assisting the Board in presenting the budget to the Bureau of the Budget and Congress; and for performing duties otherwise appropriate to the administration of TVA.

The General Manager is assisted by the Budget Staff, responsible for preparation of the Budget and for liaison with the Bureau of the Budget; by the Information Staff, responsible for providing information about TVA requested by the public, for providing technical library services to employees, and for preparing the TVA annual report to the President and Congress; by the Washington Staff, responsible for liaison with Congress, the Executive Office of the President, and Federal agencies in Washington; and by such other assistants in his immediate office as are required for specialized functions and duties, or to aid in expediting, coordinating, and disposing of current business.

The General Manager and the several offices and divisions get management assistance from the Divisions of Personnel, Finance, Law, and Property and Supply.

Division of Personnel. The Division of Personnel advises and assists in the development, administration, and appraisal of policies and standards in the fields of selection, classification, compensation, and training of personnel; employee relations; organization; administrative relations; educational relations; and related aspects of personnel administration.

Division of Finance. The Division of Finance advises and assists in the development, administration, and appraisal of policies relating to finances, accounting, and auditing.

Division of Law. The Division of Law handles all legal problems which arise in connection with the business of TVA; and advises and assists on legislative matters relating to TVA activities and on negotiations to which TVA is a party.

Division of Property and Supply. The Division of Property and Supply advises and assists in the development, administration, and appraisal of policies relating to the acquisition, transfer, and disposal of real and personal property; to the provision of transportation services; and to the provision of office services and the analysis of office methods.

Office of Engineering. The Office of Engineering develops, recommends, and executes an integrated plan of water control for the Tennessee River and its tributaries; plans, designs, and constructs dams, locks, hydro and steam electric generating facilities, and other structures required to carry out TVA's objectives; directs the integrated control of water operations of the reservoir system for all purposes; and provides other engineering, architectural, and construction services as required.

Office of Power. The Office of Power formulates, recommends, and executes engineering and other plans, policies, and programs relating to the generation, transmission, and utilization of electric power, and operates water control facilities at completed dams as directed by the Office of Engineering.

Division of Chemical Engineering. The Division of Chemical Engineering formulates, recommends, and executes plans, policies, and programs of research in chemistry, chemical engineering, and metallurgy to improve the use of agricultural, mineral, and forest resources, and for national defense; and designs and operates chemical plants for production of fertilizers and munitions.

Dirision of Forestry Relations. The Division of Forestry Relations formulates, recommends, and conducts investigative and development programs in forestry, fish and game, and watershed protection.

Division of Agricultural Relations. The Division of Agricultural Relations recommends objectives and carries out plans and projects for the testing and introduction of new forms of fertilizer and their effective use in improved systems of farm management; for the improvement of watershed-stream flow relationships in the Valley; for the readjustment of agricultural areas affected by TVA operations; and for related activities having to do with the management and use of agricultural resources.

Division of Regional Studies. The Division of Regional Studies makes studies, recommends policies, and maintains relationships with states, local governments, and other agencies in matters of business and industrial development; community organization and development, and governmental administration and finance in the Tennessee Valley Region; and recommends and carries out policies for the development of effective navigation use of the Tennessee River.

Division of Health and Safety. The Division of Health and Safety recommends and carries out plans and policies relating to health and safety of employees and of the public affected by TVA activities; and maintains cooperative relations with other agencies in health and safety studies, demonstrations, and services.

Division of Reservoir Properties. The Division of Reservoir Properties recommends and executes policies relating to administration of reservoir and reservation properties; manages employee housing and related services for con-

struction projects; provides advisory and personnel services and facilities for property protection and law enforcement; and aids in furthering public understanding of TVA programs. It is responsible for site planning and TVA's interests in recreation.

Issued this first day of June 1951.

TENNESSEE VALLEY AUTHORITY,
[SEAL] JOHN OLIVER,
Acting General Manager.

[F. R. Doc. 51-6882; Filed, June 13, 1951; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17933]

HANS JACOB ANTON ORTH

In re: Claim of Hans Jacob Anton Orth, also known as Hans Jakob Anton Orth and as Hans Orth. F-28-26190-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Jacob Anton Orth, also known as Hans Jakob Anton Orth, and as Hans Orth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit in a savings account maintained with The Seamen's Bank for Savings, 74 Wall Street, New York 5 New York, account number 756,875, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6882; Filed, June 13, 1951; 8:53 a. m.]

[Vesting Order 17957]

GEORGE MARQUARDT

In re: Estate of George Marquardt, deceased. File No. D-28-11788.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Marquardt, Jr., Marie Wolff, Pauline Marquardt, Otto Hannemann, Lina Kroener, Erna Ungerer, Otto Marquardt, Pauline Catharine Elisabeth Heine, Gretchen Dora Luise Goedecke, Helmut Hermann Goedecke, and Ella Kannengiesser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs of Karl Marquardt, Sr., deceased, of Lina Lauroesch, deceased, and of Wilhelmine Luise Goedecke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of George Marquardt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by August Klassen, as executor, acting under the judicial supervision of Hudson County Court, Probate Division, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs of Karl Marquardt, Sr., deceased, of Lina Lauroesch, deceased, and of Wilhelmine Luise Goedecke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6883; Filed, June 13, 1951; 9:07 a. m.]

[Vesting Order 16329, Amdt.]

MARTHA PUSCHMANN

In re: Judgment rights owned by Martha Puschmann. F-28-25805-C-1.

Vesting Order 16329, dated December 8, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 16329 and substituting therefor the following:

2. That the property described as follows: All right, title and interest created in Martha Puschmann by virtue of that certain judgment entered in the Los Angeles Municipal Court, Los Angeles, California, in the cause entitled Rebecca B. Alexander vs. Margarete Keller, numbered 758140, subject to the rights of Ratzer & Bridge, 357 South Hill Street, Los Angeles 13, California, including particularly, but not limited to, the right to enforce and collect all obligations thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Puschmann, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 16329 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6885; Filed, June 13, 1951; 8:54 a. m.]

[Vesting Order 17960]

JOHN JOSEPH WEIKERTH

In re: Estate of John Joseph Weikerth, deceased. File No. D-28-13001, E. & T. sec. No. 17129.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jakob Mueller, Josef Beul, Kate Beul, Maria Theis, Peter Beul, Josephine Mueller, Maria Egenolf and Margarete Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of John Joseph Weikerth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by W. J. Weikerth, as Administrator, acting under the judicial supervision of the Probate Court of Harris County, Texas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6886; Filed, June 13, 1951; 8:54 a. m.]

[Vesting Order 17962]

PETER ZIMMERMANN

In re: Estate of Peter Zimmermann, deceased. File No. 917-26755.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Christine Fohrs, Paul Zimmermann, Karl Henry Zimmermann, Mrs. Anna Schafer, Reiner Zimmermann, Peter Zimmermann, Nicklauz Zimmermann, Miss Mia Lahr, Mrs. Tina Linnarz, Mrs. Gertrud Fussel, Nicklaus Lahr and Johann Lahr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue and domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Joseph (Josef) Zimmermann, Sr., deceased, of Joseph Zimmermann, Jr., deceased, and of Katherine (Kathrina) Lahr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Peter Zimmermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Clinton County, Michigan, under the judicial supervision of the Probate Court of Clinton County, Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, and domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Joseph (Josef) Zimmermann, Sr., deceased, of Joseph Zimmermann, Jr., deceased, and of Katherine (Kathrina) Lahr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6887; Filed, June 13, 1951; 8:54 a. m.]

[Vesting Order 17988]

OTTO JANSSEN

In re: Royalty interest in real property owned by Otto Janssen, also known as Otto G. Janssen. F-28-8983.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That Otto Janssen, also known as Otto G. Janssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided three one-hundred sixtieths (3/160ths) royalty interest in the Southwest quarter of Section 33, Township 14 North, Range 17 West, containing 160 acres more or less according to Government Survey, situated and being in Custer County, State of Oklahoma, being the property conveyed to Otto Janssen by mineral deed executed by Fred E. Kroker on April 6, 1933 and recorded April 10, 1933 in Vol. 18 of the Misc'l Records of the Clerk of Custer County, Oklahoma, at Page 346, together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6888; Filed, June 13, 1951; 8:54 a. m.]

[Vesting Order 17939]

NEDERLANDSCHE HANDEL-MAATSCHAPPIJ N. V.

In re: Accounts maintained in the name of Nederlandsche Handel-Maatschappij N. V., Amsterdam, the Netherlands, and owned by persons whose names are unknown. D-49-485.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

[F. R. Doc. 51-6889; Filed, June 13, 1951; 8:55 a. m.]

utive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Nederlandsche Handel-Maatschappij N. V., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Manufacturers Trust Co., 55 Broad St., New York, N. Y.	Nederlandsche Handel-Maatschappij N. V., special Dossier No. 3, consisting of cash and stocks, as described by the Manufacturers Trust Co. in its report on Form OAP-700 bearing its serial No. 35.

[F. R. Doc. 51-6891; Filed, June 13, 1951; 8:55 a. m.]

[Vesting Order 17938]

NETHERLANDS TRADING SOCIETY EAST, INC.

In re: Accounts maintained in the name of Netherlands Trading Society East, Inc., 62 William Street, New York 5, New York, and owned by persons whose names are unknown. D-49-485.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Netherlands Trading Society East, Inc., 62 William Street, New York 5, N. Y.]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The New York Trust Co., 100 Broadway, New York 15, N. Y.	(a) Bank deposit, (b) miscellaneous portfolio of stocks and bonds, depot K a/c, (c) Bonds, A depot K 10 a/c, [illegible] German dollar bonds, A [illegible] depot K non cpn. coll. a/c, [illegible] German dollar bonds, A 6½% subscribing Treuhand Depot Ext. Fable non coupon collateral a/c, and (f) Miscellaneous securities, depot K a/c, as described by The New York Trust Co. in its report on Form OAP-700, bearing its Serial No. FD12.

[F. R. Doc. 51-6890; Filed, June 13, 1951; 8:55 a. m.]

[Vesting Order 17955]

JOHN MILTON GITTERMAN

In re: Trust under the will of John Milton Gitterman. File No. F-38-2649.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Elselotte Schultze, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, and distributees, names unknown, of Dr. Paul Clemen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Milton Gitterman and in and to the trust created under the will of John Milton Gitterman, deceased, is property payable or deliverable to or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Louis A. Lemaire, Jr., as Administrator C. T. A., acting under the judicial supervision of the United States District Court, District of Columbia;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, and distributees, names unknown, of Dr. Paul Clemen are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6892; Filed, June 13, 1951; 8:55 a. m.]

[Vesting Order [illegible]956, Supp.]

CARL LANDSEE

In re: Trust under Will of Carl Landsee, deceased. File No. D 28-2235. E. T. Sec. 2971.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsbeth Schmitt, Julie Gfroerer, Victor Bessler, Marianne Oefelein, Josepha Bessler (Sister Amelia), Julius Bessler, Alexander Bessler, Eberhard Gfroereis, Paula Gfroereis (Sister Gurmana), Maria Gfroereis (Sister Alicia), Elisabeth Gfroereis (Sister Mildred), Victoria Gfroereis (Sister Leonida), Dora Gfroereis (Sister Doris), Ursula Gfroerer, Hungard Gfroerer, Maria Gfroerer, Karl Heinrich Gfroerer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Luzie Schnitzler, of Heinrich Gfroerer, of Josephine Bessler, of Heinrich Gfroereis, of Rosa Gfroereis, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Carl Landsee, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the First Wisconsin Trust Company, Trustee, acting under the judicial supervision of the County Court of Milwaukee County, State of Wisconsin,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Luzie Schnitzler, of Heinrich Gfroerer, of Josephine Bessler, of Heinrich Gfroereis, of Rosa Gfroereis, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6893; Filed, June 13, 1951; 8:56 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 116

Washington, Friday, June 15, 1951

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR PECANS IN THE SHELL

On April 21, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-4656; 16 F. R. 3485) regarding proposed United States Standards for Pecans in the Shell to supersede the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608) currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Pecans in the Shell are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759., 81st Cong., approved September 6, 1950).

§ 51.342 *Standards for pecans in the shell*—(a) *General.* The pecan grading chart [1] to which reference is made in paragraph (f) of this section is the pecan grading chart which was issued in 1942 by the United States Department of Agriculture.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of pecans in the shell which shells are fairly uniform in color, fairly well shaped and which are free from damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material or other means. The kernels shall be well cured, free from rancidity, mold, decay, insect injury, and from damage caused by shriveling, leanness, hollowness, discoloration, or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than three-tenths of this amount, or 3 percent, shall be allowed for pecans which are seriously damaged by stains or adhering hulls, or by split, broken or punctured shells.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-fifths of this amount, or 6 percent, shall be allowed for kernels which are not well cured, rancid, moldy, decayed, injured by insects, or seriously damaged by shriveling, leanness, discoloration or other means.

(2) *U. S. Commercial.* U. S. Commercial consists of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 65 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-thirds of this amount, or 10 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce for the lot the per-

(Continued on next page)

[1] The pecan grading chart was filed with these United States Standards for Pecans in the Shell and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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centage of U. S. No. 1 kernels required in this grade.

(c) *Unclassified.* Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size.* The size of pecans may be designated on the basis of the following table:

Size designation	Number of nuts per pound	The 10 smallest nuts in a representative 1-pound sample must weigh at least[1]	
		Ounces	Equivalent in grams
Oversize	Not more than 52	2.50	71
Extra large	Not more than 60	2.25	64
Large	61 to 73	1.75	50
Medium	74 to 90	1.50	43
Small	91 to 115	1.25	36

[1] When the sample for inspection consists of more than 100 nuts, the 10 percent, by count, which are smallest will be segregated and weighed. For example, if the sample consists of 300 nuts, as will generally be the case when a carload is being inspected, the 30 smallest nuts must weigh at least three times the amount shown for any size designation. In selecting the smallest nuts, those which are by observation the smallest in appearance are segregated. In deciding which is the smallest among two or more nuts which appear to be about equal in size, the lightest in weight shall be used.

(1) In addition to having the requisite count per pound for any size designation shown in this table, the lot must comply with the restrictions as to the smallest nuts as indicated. No tolerance shall be allowed.

(2) In lieu of the size designations in the table in this section, the size of pecans in any lot may be described in accordance with the maximum number per pound or the range in number per pound without restrictions as to the smallest nuts in the lot. When this method of size specification is used, no tolerance shall be allowed. The size may also be described as an exact number per pound as 65, 80, etc. When this method is used, the actual number per pound may not vary by more than 12 percent from the specified number.

(3) The size may also be described in terms of the diameter of the smallest nuts, or range in diameters of the nuts in a lot stated in sixteenths of an inch. When so specified, not more than 12 percent, by count, of the pecans in any lot may be below the minimum diameter specified and not more than 12 percent may be above the maximum diameter specified.

(e) *Application of tolerances.* The tolerances for these grades are on a lot basis and a composite sample customarily is taken for inspection purposes. However, any container or group of containers in which the pecans are found to be materially inferior to those in the majority of the containers shall be considered as a separate lot.

(f) *Definitions.* (1) "Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot. Natural markings (usually in dark streaks and heaviest near the ends) shall not be considered as detracting from the appearance of the lot.

(2) "Fairly well shaped" means that the pecan is not crescent-shaped nor otherwise materially misshapen.

(3) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 5 percent of the surface of the shell.

(ii) Split or broken shells, when the parts of the shell spread upon application of slight pressure near the split or crack.

(iii) Shriveling, when materially affecting more than 5 percent of the kernel including both halves. The shriveling may be on one or both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (5 percent including both halves) on two half-kernels not considered damaged is illustrated in the upper left hand corner of the pecan grading chart.

(iv) Leanness, when either half of the kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged is illustrated in the center of the upper row of the pecan grading chart.

(v) Hollowness, when a cross-section of either half of the kernel shows more than a moderate hollowness, or the half-kernel is not fairly firm and "meaty." A half-kernel and cross-section showing moderate hollowness not considered damaged is illustrated in the upper right hand corner of the pecan grading chart.

(vi) Discoloration:

(*a*) When either half of the kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color. Natural markings, including dark lines, specks or mottling shall not be considered as damage if the ground color is not too dark according to the chart.

(*b*) When more than one dark kernel spot is present on either half of the kernel, or one such spot when more than one-eighth inch in greatest dimension.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface, including both halves, which was adjacent to the shell.

(*d*) When there is reddish or brownish dust, from the inside of the shell, present in sufficient quantity to materially affect the appearance, or the edible quality.

(*e*) Discoloration which is readily noticeable in the interior of the kernel when it is broken.

(4) "Well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, breaks at a definite point without splintering, shattering, or tearing the meat or loosening the skin, and appears to be in good shipping and storing condition as to moisture content.

(5) "Rancidity" means that the kernel is distinctly rancid to the taste.

(6) "Mold" means any mold growth which noticeably affects the exterior or interior of the kernel.

(7) "Decay" means that the kernel is putrid or decomposed.

(8) "Insect injury" means that the insect, web, or frass is present, or that the kernel shows other noticeable evidence of insect injury.

(9) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 20 percent of the surface of the shell.

(ii) Split, broken, or punctured shells, when a fragment of the shell is broken out, when the kernel is plainly visible through a punctured, split, or cracked shell without the application of any pressure, or when a worm hole penetrates the shell wall.

(iii) Shriveling, when materially affecting more than one-third of the kernel including both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (one-third of the kernel including both halves) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart.

(iv) Leanness, when either half of the kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart.

(v) Discoloration:

(*a*) When the color of either half of the kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color.

(*b*) When there are more than three dark kernel spots on either half of the kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel which was adjacent to the shell.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-half of the surface, including both halves, which was adjacent to the shell.

(*d*) When the interior of the kernel is so discolored that it is unacceptable as food.

(10) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality. Any one of the following defects shall be considered as very serious damage:

(i) Kernels which are distinctly rancid to the taste.

(ii) Kernels which are noticeably affected by mold on the exterior or interior.

(iii) Kernels which are decayed (putrid or decomposed).

(iv) Kernels with insects, web, or frass present, or which show other noticeable evidence of insect injury.

(v) Kernels which are so shriveled that they have virtually no food value.

(11) "Diameter" means the smallest dimension at right angles to the longitudinal axis taken at the point of greatest circumference. The diameter shall be determined by passing, or attempting to pass, the pecan through slotted openings of sufficient length to permit the pecan to pass through in a lengthwise position.

(g) *Effective time and supersedure.* The United States Standards for Pecans in the Shell contained in this section, and which supersede the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608), shall become effective October 1, 1951.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 11th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6929; Filed, June 14, 1951; 8:52 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Peanuts-51)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP OF PEANUTS

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AUTHORITY: §§ 729.240 to 729.269 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–68, 372, 373, 374, 52 Stat. 38, 62, 63, 64, 65, as amended; 55 Stat. 88, as amended, 64 Stat. 40; 7 U. S. C. and Sup. 1301, 1358, 1359, 1361–68, 1372, 1373, 1374.

GENERAL

§ 729.240 *Basis and purpose.* The regulations contained in §§ 729.240 to 729.269 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1951 crop, regardless of whether such peanuts are marketed before, during, or after the 1951–52 marketing year. Prior to preparing the regulations in §§ 729.240 to 729.269, public notice of their formulation was published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the aforesaid Agricultural Adjustment Act of 1938.

§ 729.241 *Definitions.* As used in §§ 729.240 to 729.269 and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(c) "Buyer" means a person who—

(1) Buys or otherwise acquires any peanuts from a producer,

(2) Buys or otherwise acquires farmers stock peanuts from any person, or

(3) As a commission merchant or broker, markets any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees:

(1) "Community committee" means the persons elected within a community pursuant to regulations governing the Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) "County committee" means the persons elected within a county, pursuant to regulations governing the Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural programs administered through the Production and Marketing Administration.

(3) "State committee" means the persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(e) "Designated agency" means the Commodity Credit Corporation which has been designated by the Secretary as the agency to which excess peanuts may be delivered pursuant to the provisions of section 359 (g) of the act, and also means any sheller, crusher, warehouseman, or other person utilized by the Commodity Credit Corporation as its agent to receive, handle, and dispose of excess peanuts. A list of buyers who have signed contracts to receive peanuts as a designated agent of Commodity Credit Corporation will be made available to farmers by the county committee.

(f) "Director" means the Director, or the Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(g) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment, but there will be no excess acreage if the farm peanut acreage is one acre or less.

(h) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.246.

(i) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(j) "Farm allotment" means the farm peanut acreage allotment for the 1951 crop of peanuts, established pursuant to §§ 729.210 to 729.231 (15 F. R. 7292, 16 F. R. 3275).

(k) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1951 as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds the larger of one acre or the farm permitted peanut acreage, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment and the farm permitted peanut acreage are each equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; or

(3) The farm peanut acreage shall be considered equal to the farm permitted peanut acreage on a farm for which the farm permitted peanut acreage exceeds the larger of the farm allotment or one acre, if the acreage in excess of the farm permitted peanut acreage from which peanuts are picked or threshed is not greater than one-tenth acre or three

percent of the farm permitted peanut acreage, whichever is larger; but the provisions of subparagraphs (1), (2), and (3) of this paragraph shall not apply unless the operator—

(i) Submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and

(ii) A quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the largest of the farm allotment, one acre, or the farm permitted peanut acreage is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That the maximum acreage limit prescribed in subparagraph (1), (2), or (3) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(l) "Farm permitted peanut acreage" means the picked or threshed acreage of peanuts on the farm in 1947, or in 1948 if no peanuts were picked or threshed from the farm in 1947, as determined by the county committee in accordance with instructions issued by the Assistant Administrator.

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1951, which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card":

(1) "Excess oil card" means MQ–90—Peanuts (1951), 1951 Peanut Excess Oil Marketing Card, providing the producer an option for marketing each lot of peanuts either by paying the marketing penalty or by delivering the excess peanuts to a designated agency at a price based on the value of such peanuts for crushing for oil.

(2) "Excess penalty card" means MQ–77—Peanuts (1951), 1951 Excess Peanut Penalty Marketing Card, requiring that a marketing penalty be paid in connection with the marketing of peanuts.

(3) "Within quota card" means MQ–76—Peanuts (1951), 1951 Peanut Within Quota Marketing Card, authorizing the marketing of peanuts without penalty and without requiring the delivery of any peanuts to a designated agency.

(p) "Marketing year" means the 1951–52 marketing year beginning August 1, 1951, and ending July 31, 1952.

(q) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(r) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(s) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate, or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(t) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. (Excess moisture means moisture in excess of seven percent in the Southeastern and Southwestern areas or eight percent in the Virginia-Carolina area, as such areas are defined in the 1950 price support bulletin (15 F. R. 6465)). If shelled peanuts are marketed, the poundage thereof shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5, and the result shall be the number of pounds considered as marketed under §§ 729.240 to 729.269.

(u) "Producer" means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(v) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.246.

(w) "Record of resale" means MQ–86—Peanuts, Record of Resale of Farmers Stock Peanuts, used to record and report resales of farmers stock peanuts between buyers.

(x) "Record of sale without Federal-State inspection" means MQ–93—Peanuts (1951), used to record and report data with respect to all purchases of peanuts by buyers who are not designated agencies and to each purchase of peanuts by buyers who are designated agencies, on which a marketing penalty is due.

(y) "Reports of peanuts shelled for producers" means MQ–91—Peanuts, Report of Peanuts Shelled for Producers, used to record and report data with respect to peanuts shelled for or by producers.

(z) "Sales memorandum" means MQ–94—Peanuts (1951), used to report and record data with respect to the inspecting and marketing of within quota and excess oil peanuts purchased by buyers who are designated agencies.

(aa) "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

§ 729.242 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out §§ 729.240 to 729.269. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

§ 729.243 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre, and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts, hereinafter referred to as the "percent excess", shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The amount of penalty per pound upon marketings of peanuts, hereinafter referred to as the "converted penalty rate," shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.244 *Identification of farms.* Each farm as operated for the 1951 crop of peanuts shall be identified by a farm serial number assigned by the county committee; and all records pertaining to marketing quotas for the 1951 crop of peanuts shall be identified by the farm serial number.

§ 729.245 *Measurement of farms.* The county committee shall provide for measuring peanut farms in the county in accordance with instructions issued by the Assistant Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.246 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual average yield per acre (determined by dividing the total production of peanuts on the farm peanut acreage by the farm peanut acreage) multiplied by the farm allotment.

§ 729.247 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm; and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm.

§ 729.248 *Issuance of marketing cards.* (a) A farm marketing card shall be issued to the operator of each farm having 1951 crop peanuts, for use by any producer for marketing his share of the peanuts produced on the farm. If the

county committee finds that it will serve a useful purpose, additional farm marketing cards issued in the name of the operator, may be delivered to other producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.240 to 729.269, it may withhold issuing marketing cards for farms in which a multiple farm producer has an interest, if one or more of such farms are eligible for an excess oil or excess penalty marketing card, until the peanut production on each farm in which the multiple farm producer has an interest is estimated. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used. The term "multiple farm producer" means a person who has an interest in the 1951 crop of peanuts on more than one farm.

(c) All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon return to the office of the county committee of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county committee to have been lost, destroyed, mutilated, or stolen.

(d) *Within quota card.* A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) An agreement on MQ–92—Peanuts (1951) is obtained from the farm operator in accordance with § 729.259 (a).

(3) The total production of peanuts on the farm is estimated by the county committee and an amount of peanuts equal to the estimated production in excess of the farm marketing quota has been marketed through a designated agency at prices based on the value of the peanuts for crushing for oil.

(4) The peanuts were grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and are produced at public expense by employees of the experiment station, or the peanuts were produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(e) *Excess oil card.* A farm is eligible for an excess oil card under either of the following conditions:

(1) The farm peanut acreage is in excess of the larger of the farm allotment or one acre but is not in excess of the farm permitted peanut acreage.

(2) An agreement on MQ–92—Peanuts (1951) is obtained from the operator in accordance with § 729.259 (b).

(f) *Excess penalty card.* An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the largest of the farm allotment, one acre, or the farm permitted peanut acreage.

§ 729.249 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as writen by him, or stamped on the card.

§ 729.250 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.251 *Invalid marketing card.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made, and not properly initialed;

(5) The converted penalty rate on an excess oil card or an excess penalty card has been altered;

(6) The percent excess on an excess oil card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the county office from which it was issued. If any marketing card is lost, destroyed or stolen, the producer to whom the card was issued shall give written notice of such fact to the county office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed as provided in the instructions for issuing marketing cards, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be canceled and a new card issued in its place.

§ 729.252 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any peanuts have been or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such person to the county committee or State committee.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.253 *Extent to which marketings from a farm are subject to penalty.* The marketing of peanuts in excess of the farm marketing quota for any farm shall be subject to a penalty at the rate prescribed in § 729.255 and the penalty shall be paid on each lot of peanuts marketed from the farm in an amount equal to the converted penalty rate multiplied by the number of pounds in the lot, except that the penalty will not be required on any excess peanuts produced on a farm eligible for an excess oil card if such excess peanuts are delivered to or marketed through a designated agency. The converted penalty rate shall be determined as follows:

(a) Determine the percent excess for the farm by dividing the excess acreage by the farm peanut acreage.

(b) Determine the converted penalty rate by multiplying the percent excess by the rate of penalty prescribed in § 729.255.

§ 729.254 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time of sale. Each marketing without a marketing card shall be subject to the penalty at the rate prescribed in § 729.255. Buyers who are not designated agencies will record and report data with respect to all peanuts purchased on Form MQ–93—Peanuts (1951), Record of Sale Without Federal-State Inspection. Buyers who are designated agencies will record and report data with respect to all marketings on which a penalty is due on Form MQ–93—Peanuts (1951). MQ–94—Peanuts (1951), Sales Memorandum, will be used by buyers who are designated agencies to report and record data with respect to the inspection and purchases of within quota and excess oil peanuts: *Provided, however*, That a person who is not engaged in the business of buying peanuts shall not be required to execute Form MQ–93—Peanuts (1951) or Form MQ–94—Peanuts (1951), identifying purchases of peanuts from producers, if the county committee has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records, and make the buyer's reports required in §§ 729.240 to 729.269, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county committee as provided in § 729.256.

(b) Each marketing of farmers stock peanuts by any buyer, which such buyer represents to be a resale, shall be recorded on a record of resale on which the buyer reselling the peanuts or his representative certifies that the peanuts were identified by valid marketing cards or other records of resale and that any marketing penalty due has been collected.

§ 729.255 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be at a rate equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

§ 729.256 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer; except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing Form MQ–93—Peanuts (1951). If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty. If peanuts are improperly marketed by or for a producer in such a manner that the buyer takes such peanuts as not being subject to the marketing penalty, any penalty due on such marketings shall be paid by the producers on the farm.

(b) Notwithstanding any other provisions of the regulations in this part, if the county committee finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county committee may, on the basis of county office records or other available information, estimate the actual yield per acre and the production for the farm, and determine the amount of penalty due on the quantity of peanuts marketed to such persons. If an excess oil card is issued with respect to the farm, the amount of penalty that will be due will be determined by multiplying the operator's or the producer's estimate of the quantity of peanuts which are to be marketed to persons other than established buyers by the converted penalty rate for the farm. If an excess penalty card is issued for the farm, the amount of penalty shall be determined by multiplying the total production for the farm by the converted penalty rate. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county committee determines that satisfactory information is not available for estimating the 1951 yield per acre the county committee shall establish a normal yield per acre for the farm pursuant to the applicable § 729.225 or § 729.227 (15 F. R. 7292) and the normal yield per acre shall be considered to be the estimated yield per acre for the purpose of determining the amount of penalty. The county committee shall issue an excess oil card or an excess penalty card, whichever is applicable. If the penalty is paid before the excess penalty card is issued, the converted penalty rate shall be shown as "zero". If the county committee determines, after marketing of the 1951 crop for the farm has been completed, that the actual yield per acre for the farm was less than the estimated yield per acre, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.260.

§ 729.257 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess oil cards or excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.255:

(a) *Producer marketings.* (1) Except for marketings within the terms of the proviso contained in § 729.254 (a), any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) If any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield, as determined under the applicable § 729.225 or § 729.227 (15 F. R. 7292), of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm and the penalty due thereon shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which, when added to prior resales by such buyer, is in excess of the total of his prior purchases, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the Director showing that such marketing is not a marketing subject to penalty. The penalty thereon shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any sale of peanuts which, under the regulations in §§ 729.240 to 729.269, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such sale which is acceptable to the Director. The penalty thereon shall be paid by the buyer who fails to make the report as required.

§ 729.258 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the peanuts became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

§ 729.259 *Use of agreement to permit marketings from overplanted farms—*(a) *Within quota card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.248, if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed the farm allotment.

(b) *Excess oil card issued on basis of agreement.* The county committee may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue an excess oil card with respect to the farm in the manner prescribed in § 729.248 if the county committee obtains from the operator an agreement that the farm peanut acreage will not exceed a specified acreage which is greater than the farm allotment but not greater than the farm permitted peanut acreage.

(c) *Form of agreement.* The agreement referred to in this section shall be on Form MQ–92—Peanuts (1951), executed in accordance with instructions issued by the Assistant Administrator. If the county committee determines that a within quota card or an excess oil card issued pursuant to this section would be used as a device to evade the collection of penalty or the terms and conditions of the 1951 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(d) *Payment of penalty.* If the county committee determines that any penalty is due for a farm for which an agreement has been executed and approved, the converted penalty rate shall be determined as provided in § 729.253. At the request of the county committee, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. The operator shall pay the amount of penalty due on all marketings that have been made from the farm, as determined by the county committee. The county committee shall cancel such marketing card as well as any other marketing card issued for the farm and, after collecting the amount of any penalty due, shall issue an excess penalty card if marketings from the farm have not been completed.

§ 729.260 *Request for return of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.240 to 729.269 to be paid. Such request shall be filed with the county committee within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption.

RECORDS AND REPORTS

§ 729.261 *Producer's records and reports—*(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1951 shall be returned to the office of the county committee whenever marketings from the farm are completed or at such earlier time as the county or State committee may request. Failure to return the marketing card shall constitute failure to account for disposi-

tion of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 729.240 to 729.269, the operator of each farm or any other producer on the farm (even though the farm peanut acreage does not exceed the farm allotment or even though no farm allotment was established) shall, upon written request from the State committee sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the State committee within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(1) The farm peanut acreage,

(2) The total production of peanuts on the farm peanut acreage,

(3) The amount of peanuts not marketed and their location, and

(4) For each lot of peanuts marketed, the name and address of the buyer to or through whom such peanuts were marketed, the number of pounds marketed, and the date marketed.

Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of peanuts produced on the farm, and the allotment next established for such farm shall be reduced by that percentage which the amount of peanuts unaccounted for is of the farm marketing quota.

§ 729.262 *Buyer's records and reports.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.254 (a):

(a) *Record of marketings.* Each buyer shall keep such records as will enable him to furnish the Director the following information with respect to each lot of peanuts marketed to or through him by a producer and to each lot of farmers stock peanuts marketed to or through him by another buyer:

(1) Serial number of the marketing card issued to identify each marketing.

(2) Name of seller (if the seller is a producer, the producer's name and either the name of the operator of the farm or the farm serial number).

(3) Date of marketing.

(4) Number of pounds marketed.

(5) Amount of any penalty due and the amount of any deduction for penalty from the price paid the seller.

(6) Number of pounds marketed as a delivery to or through a designated agency.

Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's records. Resales by a buyer of farmers stock peanuts shall be recorded on Form MQ–86 (Peanuts), Record of Resale, and reported by the buyer and seller by forwarding copies of such form to the State committee not later than the end of two calendar weeks following the week in which the peanuts were resold.

(b) *Form MQ–93—Peanuts (1951)—Form MQ–94—Peanuts (1951).* Buyers who are not designated agencies shall record and report data with respect to all peanuts purchased on form MQ–93—Peanuts (1951). Buyers who are designated agencies shall record and report data with respect to all marketings on which a penalty is due on form MQ–93—Peanuts (1951). Form MQ–94—Peanuts (1951) shall be used to report and record data with respect to the inspection and marketings of within quota and excess oil marketings by buyers who are designated agencies. The Production and Marketing Administration's copies of all forms MQ–93—Peanuts (1951) and forms MQ–94—Peanuts (1951) covering within quota marketings, with remittance for the penalties due as shown on forms MQ–93—Peanuts (1951), shall be forwarded to the State committee by means of MQ–79—Peanuts (1951), Buyers Weekly Report and Transmittal to State PMA office, not later than the end of two calendar weeks following the week in which the peanuts were marketed.

(c) *Additional records and reports by buyers.* Each buyer shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.240 to 729.269.

§ 729.263 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer, including any producer who shells peanuts produced by himself, shall make a record of the shelling of each lot of such peanuts by executing Form MQ–91—Peanuts (1951), Peanuts Shelled for Producers, and shall forward such report to the State committee not later than two calendar weeks following the week in which the peanuts are shelled.

§ 729.264 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.265 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.240 to 729.269, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.266 *Examination of records and reports.* Any buyer, warehouseman, processor or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking threshing machine shall make available for examination upon request by a duly authorized representative of the State committee or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or the Director has reason to believe are relevant and are within the control of such person.

§ 729.267 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.240 to 729.269 for the 1951–52 marketing year shall be kept by him until July 31, 1954. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.268 *Information confidential.* All data reported to or as acquired by the Secretary pursuant to the provisions of §§ 729.240 to 729.269 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Assistant Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 729.269 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.240 to 729.269 may be redelegated by the State committee.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6901; Filed, June 14, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Distribution Regulation 2, Amendment 3]

DR 2—ALLOCATION RECORDS

CHANGE IN RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Delegation of Authority by Secretary of Agriculture to Economic Stabilization Agency with respect to Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 3 to Distribution Regulation 2 (16 F. R. 3772) is hereby issued.

Preamble. As set forth in the statement accompanying its issuance, Distribution Regulation 2 is a preliminary step in a program for the allocation of meat. In a period of short supply the most equitable method of allocation would be to provide each purchaser with the same proportion of his seller's total supply that he received in a base period. In general, Distribution Regulation 2 is based on the premise that the current period may be used as a base period for purposes of allocation and that suppliers should be required now to start building up records which will enable them to determine the fraction of their total supply received by each individual customer to whom an allocation would be made.

Section 3 (b) of Distribution Regulation 2 contains several record keeping requirements designed to facilitate the operation of any allocation program which the Office of Price Stabilization may find it necessary to adopt in the future. It requires among other things that sellers of meat at wholesale keep records of:

1. Deliveries to individual civilian buyers by dollar volume;

2. The weight of total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, by grade; and

3. The weight of total deliveries to all civilian buyers of pork by specified cut classifications.

The provisions relating to dollar volume figures by individual customers were designed to build up data on the basis of which allocation could be made to some customers by dollar volume if that were found desirable. For the reasons set forth in the statement accompanying the original regulation it may be necessary to allocate to many buyers by type and grade. Therefore, section 3 (b) required that records be kept of total civilian deliveries of beef, veal, calf, lamb, yearling mutton and mutton, by grade. Records of deliveries of pork were required to be kept by cut since pork is ordinarily sold by cut and since a figure for supplies of pork in total might give a distorted picture of the available supply of any particular cut.

Since the issuance of Distribution Regulation 2 several conferences have been held with representatives of the meat industry with reference to these record keeping rquirements. In the light of the information presented and of the representations made at these conferences, it appears that section 3 (b) can be revised to minimize the burden on the industry while at the same time accomplishing the purposes for which it was designed.

This Amendment 3, therefore, makes the following revisions of section 3 (b).

First, it eliminates entirely the provision that records be kept of the dollar volume of meat sales to individual customers. It appears that this requirement would involve a great amount of work as well as a change in present invoicing practices of many suppliers. It seems unnecessary to impose this requirement. Purchasers are required to keep invoices. An allocation order could reasonably require that purchasers seeking an allocation furnish the dates and numbers of the invoices covering deliveries on the basis of which allocation would be made to them.

Second, section 3 (b) in its original form did not require that records be kept of the total dollar volume of deliveries of meat because it was assumed that those records were kept in normal course. Some question has been raised about this and a provision has been inserted to make it clear that if records are not now kept segregating total dollar sales of meat and meat products from sales of other products they must be kept in the future.

Third, the requirement that records be kept of the weight of total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, by grade, and of pork, by cut, has been modified so as to provide an alternative which has been represented to be more feasible.

For all grades of beef, veal, calf, lamb, yearling mutton and mutton the supplier may keep, in lieu of delivery records, records showing his total production and his total purchases of meat of each of those types and grades.

Suppliers who choose to keep production and purchase records must in addition keep records of their opening and closing inventories for specified grades of beef which are ordinarily used in processing. Inventories of these grades frequently constitute a significant fraction of a supplier's total supply. For the same reason, where production and purchase records in lieu of delivery records are kept for pork, inventory records must also be kept for pork. Inventory records need not be kept for beef which has already been processed nor for fresh beef of any grade other than those specified.

Since the supply on the basis of which allocation would be made would not be the total supply but only that proportion of it available for civilian distribution, records are also required to be kept for deliveries to the Federal government agencies.

In addition, the classification of pork cuts has been modified in conformity with industry suggestions.

Section 3 (b) as amended does not require that all the foregoing information be prepared in summary form for each accounting period but only that records be kept in such form that the specified information can be readily derived. For example, records may be kept so that the required information can be derived by the use of conversion factors. With respect to pork, conversion may be made from the dressed hog to the specified cuts or from smaller cuts to the specified cuts. Again, if total slaughter by type and grade can be derived readily from the meat grade certificates furnished by official graders it will not be necessary to keep slaughter records other than those certificates.

The effective date of the record keeping requirements has been postponed in order to give suppliers an opportunity to make preparation for compliance. This amendment also includes a minor correction designed to make it clear that non-official graders need not stamp the word "STAG" on carcasses or wholesale cuts of that class.

AMENDATORY PROVISIONS

1. Section 3 (b) is amended to read as follows:

(b) *Records of production and deliveries.* (1) If you are a seller of meat and meat products at wholesale you must keep records from which you can readily derive for each accounting period the total dollar volume of your deliveries to all civilian buyers, of all meat and meat products (including variety meats, semi-sterile canned meat and sausage but not including sterile canned meat).

(2) If you are a seller of meat at wholesale you must keep delivery records from which you can readily derive for each accounting period the weight of your total deliveries to all civilian buyers of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork by the following cut classifications: loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(3) If you are a seller of meat at wholesale you may keep, in lieu of the records required by section 3 (b) (2), records from which you can readily derive for each accounting period, by the use of conversion factors or otherwise, the following information:

(i) The dressed weight of your total slaughter of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of your total slaughter of pork;

(ii) The weight of your total purchases of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iii) The weight of your opening and closing inventories of each of the following: Unprocessed utility beef, unprocessed cutter and canner beef, and unprocessed bull beef, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless

butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iv) The weight of your total deliveries to the United States or any agency thereof of beef, veal, calf, lamb, yearling mutton and mutton, respectively, by grade, and of pork, by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(4) The provisions of this section 3 (b) shall be effective for each accounting period commencing on or after June 24, 1951.

2. Appendix A, section 3 (b) is amended by deleting from the parenthetical phrase in the last sentence the words "or STAG".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall be effective June 13, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 13, 1951.

[F. R. Doc. 51-6961; Filed, June 13, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Including Amdts. 1-8]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Ceiling Price Regulation 22 is republished to incorporate the text of Amdts. 1 through 8, inclusive. Ceiling Price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amdts. 1-8, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2. Ceiling prices established by this regulation.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.

BASE PERIOD PRICE

4. Base period.
5. Category.
6. How to obtain your base period price.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

7. General description of how to calculate "the labor cost adjustment".
8. How to calculate "the labor cost adjustment" upon the basis of your entire business.
9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

10. Manufacturing material.
11. General description of the methods available.
12. Omission of certain manufacturing materials from your calculations.
13. Method 1 (Aggregate method).
14. Method 2 (Individual commodity method).
15. Method 3 (Product line method using best selling commodity).
16. Method 4 (Composite bill of materials method).

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

17. General nature of these instructions.
18. How to compute the net cost to you of a manufacturing material as of a prescribed date.
19. How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.
20. Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.
21. Calculation of the increase in net cost per unit of materials covered by Appendix C.
22. How to calculate "the materials cost adjustment" for joint products or by-products.
23. How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

24. General nature of these provisions.
25. Rounding ceiling prices.
26. Retention of GCPR ceiling price where the change in price is less than 1 percent.
27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.
28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.
31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.
32. Ceiling prices for new commodities falling within categories dealt in during your base period.
33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.

MISCELLANEOUS PROVISIONS

34. Sellers who cannot price under other sections.
35. Export sales.
36. Excise, sales, and other similar taxes.
37. Prohibition against redetermination of ceiling prices.
38. Modification of ceiling prices by the Director of Price Stabilization.
39. Recalculation of ceiling prices and announcement of "materials cost increase factors".
40. Adjustable pricing.
41. Petitions for amendment.
42. Supplementary regulations.
43. Adjustment of ceiling prices where overall loss in operations results.
44. Use of "conversion steel" in calculating "the materials cost adjustment".
45. Temporary adjustments to carry out existing contracts.
46. Records and reports.
47. Definitions and explanations.
48. Prohibitions.
48a. Transfer of business or stock in trade.
49. Charges lower than ceiling prices.
50. Evasion.
51. Violation.

AUTHORITY: Sections 1 to 51 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 35623, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, May 28, 1951, 16 F. R. 4105.

Amendment 2, May 16, 1951, 16 F. R. 4439.
Amendment 3, May 28, 1951, 16 F. R. 4642.
Amendment 4, May 28, 1951, 16 F. R. 4967.
Amendment 5, May 28, 1951, 16 F. R. 5009.
Amendment 6, May 28, 1951, 16 F. R. 5010.
Amendment 7, June 1, 1951, 16 F. R. 5166.
Amendment 8, June 8, 1951, 16 F. R. 5477.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A and sales at retail. With these exceptions, the General Ceiling Price Regulation is superseded by this regulation as to manufacturers in the United States or the District of Columbia. If, however, your gross sales for your last complete fiscal year were less than $250,000 you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. *How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.* (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. *Base period.* "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. *General description of how to calculate "the labor cost adjustment".* Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. *How to calculate "the labor cost adjustment" upon the basis of your entire business.* To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (If your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your

wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor."

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor."

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(b) $300,000 divided by $1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates $6,600, or a total increase of $600.

(d) $600 divided by $6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was $100, you multiply $100 by 3 percent, giving $3, "the labor cost adjustment".

SEC. 9. *How to calculate "the labor cost adjustment" upon the basis of a unit of your business.* To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. *General description of the methods available.* (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains ony general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. *Method 1 (Aggregate method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resuting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. *Method 2 (Individual commodity method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing use three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B: your last invoice prior to March 15, 1951 was $1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of $1.00 per unit before Korea, and the price for the service as of March 15, 1951 was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of $3.25. This is "the materials cost adjustment".

SEC. 15. *Method 3 (Product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was $2, or 20 percent. "The materials cost adjustment" for the $8 commodity is, therefore, 20 percent of $8, or $1.60, and for the $12 commodity, 20 percent of $12, or $2.40.

SEC. 16. *Method 4 (Composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while,

under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. *General nature of these instructions.* Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d) or (e) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offeror.

(f) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (f) amended by Amdt. 3]

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C*—(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the agricultural commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers*—(1) *Old inventory.* After you have made your first calculation under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. But you may not put the ceiling price increase into effect unless and until you have first sold an amount of the commodity you are pricing which is at least equal to the quantity you owned at the close of business on the day you otherwise would have been entitled to put that ceiling-price increase into effect under this section.

(2) *Removal from listing.* You may not, in figuring the change in net cost of a listed agricultural commodity or product processed therefrom use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization or any date more than five days subsequent to the date upon which the Secretary of Agriculture announces for the agricultural commodity, by publication in "Agricultural Prices," a price which equals or exceeds both (i) the parity price as set forth in the same publication and (ii) the highest price received by producers of the agricultural commodity during the period May 24 to June 24, 1950, inclusive, both as determined and adjusted by him.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(f) *Special provisions for Cooperatives, Producer-Processors, etc.* (1) If (i) you are a producer-processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2) of this section.

(2) If (i) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale, calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c), use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2).

(3) If (i) you are a producer-owned cooperative processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after either of the dates set out in paragraph (d) (2) of this section as the final dates that may be used by other processors for figuring changes in net cost.

[Paragraph (f) added by Amdt. 2]

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the

proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, 1/3 ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was $10 per ton, for commodity B was $1 per gallon and for commodity C was $0.10 per pound, the dollar value of the combined unit of production would be $65 under the first example in (a) above and $21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is $13. $13 divided by $65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of $10, or $2 per ton; for commodity B is 20 percent of $1, or 20 cents per gallon; and for commodity C is 20 percent of $0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is listed in Appendix A, its ceiling price under the applicable ceiling price regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. *General nature of these provisions.* Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply

it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 27. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by $2.00 is $3,000; 1000 multiplied by $2.10 is $2,100; 1500 plus 1000 is 2500; $3,000 plus $2,100 is $5,100; $5,100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. *Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation*—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) *Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

SEC. 31. *Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.* This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. *Ceiling prices for new commodities falling within categories dealt in during your base period*—(a) *Description of the pricing method.* This section deals with a commodity which cannot be priced under sections 3 or 30, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, using either sections 3 or 30 of this regulation, whichever is applicable.

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchazer. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be $10. (ii) The current unit direct cost of the comparison commodity would be $6. (iii) $6 subtracted from $10 is $4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) $4 divided by $6 is 66.7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is $7.50. 66.7% of $7.50 is $5.00. $7.50 plus $5.00 is $12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following: desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.* Your report should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to purchasers of various classes with respect to the comparison commodity.

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity to the same class of purchaser or 30 days from the date this regulation becomes effective as to you, whichever is later.

[Paragraph (3) amended by Amdt. 6]

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling price, except as permitted in paragraphs (b) or (d).

[Paragraph (a) amended by Amdts. 3 and 6]

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

[Paragraph (b) added by Amdt. 3]

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

[Paragraph (c) added by Amdt. 3]

(d) If your ceiling price was determined under section 3 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use your ceiling price as so determined until notified by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (d) added by Amdt. 6]

SEC. 35. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 36. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or a proposed ceiling price for a commodity as required by this regulation, you may not thereafter redetermine it except for redeterminations due to the increase in cost of agricultural commodities or products processed therefrom in accordance with section 21. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Director of Price Stabilization.

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.*

The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

SEC. 39. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 40. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 43. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions:

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities;

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 44. *Use of "conversion steel" in calculating "the materials cost adjustment".*—(a) *Purpose of this section.* In calculating "the materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of "the materials cost adjustment".

(b) *How to apply.* Under the circumstances described in paragraph (a) of this section, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly, the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased. If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of "the materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director has done none of the above, you may begin to sell at ceiling prices calculated in accordance with "the materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 45. *Temporary adjustments to carry out existing contracts.*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicables dates used in your calculation of "the materials cost adjustment") would be $3,500. The total adjustment is $700 ($4,200 minus $3,500 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment".

4. A copy of the worksheets used in the calculation of your ceiling price.

SEC. 46. *Records and reports.*—(a) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

5. A report of your adjusted ceiling *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

• • • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

(b) *Reports.* (1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait 15 days before selling as provided in section 48.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 3]

Category. This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity.

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 48. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 32, 33, or 46, whichever is applicable.

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) You must wait 15 days after the date of receipt by the Director of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. *Violation—(a) Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

[Effective date amended by Amdt. 6]

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

BY DAVID C. EBERHART,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.
3. Gas, electricity, and steam.
4. All scrap and waste materials.
5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subpart (1) amended by Amdt. 3]

(2) Sausage, except dry.
(3) Lard.
(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subpart (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar.

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Flour, semolina, malt, mill feeds, meal and other animal feed ingredients processed from wheat, grain sorghum, corn, flaxseed, oats, rye and barley, except when sold in cartons of five pounds or less. The word "flour" as used here does not include prepared flour mixes.

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subpart (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Bakery products—bread, cakes, handmade cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subpart (16) amended by Amdt. 3]

(17) Chewing gum.
(18) Soft drinks.
(19) Malt beverages.
(20) Wines.
(21) Distilled spirits.
(22) Frozen eggs, dried eggs and liquid eggs.

[Subpart 22 amended by Amdt. 3]

(23) Blackstrap molasses.
(d) All tobacco products.
(e) The following textile mill products:
(1) All wool fibers which have been processed beyond the scouring stage.
(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(3) Wool and synthetic yarn floor coverings as defined in Supplementary Regulation 11 to the General Ceiling Price Regulation.

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

[Paragraph (f) amended by Amdt. 7]

(g) Lumber, plywood, veneers, shooks, millwork, wood containers, ties, posts, poles, piling, and other allied products, such as but not limited to, handles, wooden heels and lasts, shuttle points, and picker sticks.

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

(1) Crude and synthetic rubber.
(2) Synthetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Ethical and proprietary drugs and cosmetics.
(6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
(7) Natural and synthetic glycerin.
(8) Soap stock, raw and acidulated.
(9) Fatty acids.
(10) Paints, varnishes, and lacquers.
(11) Naval stores.
(12) All natural gums and resins.
(13) All vegetable waxes.
(14) All natural dyeing materials.
(15) All essential or distilled oil.
(16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
(17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.	Olive oil, edible, sulphur and other inedible.
Babassu oil.	Ouricury kernels.
Cacao butter.	Ouricury oil.
Cashew nut shell liquid.	Palm kernel oil.
Castor beans.	Palm kernels.
Castor oil.	Palm oil.
Cocoanut oil.	Perilla seeds.
Cohune kernels.	Perilla seed oil.
Cohune oil.	Poppyseed.
Copra.	Poppyseed oil.
Coquito kernels.	Rapeseed.
Coquito oil.	Rapeseed oil.
Corozo kernels.	Rubberseed.
Corozo oil.	Rubberseed oil.
Hempseed.	Sesame oil.
Hempseed oil.	Sesame seed.
Kapok seed.	Sunflower seed.
Kapok seed oil.	Sunflower seed oil.
Muru-muru kernels.	Tucum kernels.
Muru-muru oil.	Tucum oil.
Oiticica oil.	Tung oil.

(18) Whale oil.
(19) Sperm oil.
(20) Fish oils, including cod oil and shark oil.
(21) Peanut oil.
(22) Rice bran oil.
(23) Oleo stock, oil and stearine.
(24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(25) Wool grease.
(26) Glue stock.
(27) Casein.
(28) Cotton linters.

(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished.

(p) Footwear, except rubber footwear.

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products.

[Paragraph (r) amended by Amdt. 3]

(s) All secondary metals and scrap.
(t) All metal powders.
(u) All metallic ores.
(v) All non-metallic minerals, except granite, slate, limestone, asbestos, crude gypsum, basalt, greenstone, marble, rip-rap, rough stone and sandstone.

[Paragraph (v) amended by Amdt. 3]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

[Paragraph (w) amended by Amdt. 3]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) Precious jewelry, including any natural pearl, diamond, ruby, sapphire, emerald, or other genuine stone; any semi-precious or synthetic stone, cultured pearl, or group of cultured pearls if the base period price would have been $25 or more; or any mounting or other object of which one or more precious or semi-precious stones or pearls are a part when the value of the stones exceeds the value of the other parts.

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A.
2. Wood pulp, paper, paperboard, and converted paper and paperboard products.
3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers, such as sorting or packaging), or after simple processing operations only, such as wool scouring.
4. All jute products containing more than 50 per cent by weight of jute.
5. All industrial services.
6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

[Item 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Item 7 added by Amdt. 8]

APPENDIX C

With respect to the following agricultural commodities and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in Section 21:

Fruits:	
Apples	Olives
For canning	For canning
For drying	Crushed for oil
Apricots	Oranges and tangerines
For canning	Peaches
Dried	For canning
Avocados	Clingstone
Blackberries	Freestone
Boysenberries	Dried
Cherries	Pears
Sweet	For canning
Sour	Dried
Cranberries	Pineapples, Florida
Dates	Plums
Figs for canning	For fresh consumption
Grapes, excluding raisins dried	For canning
Grapefruit	Raspberries, black
Lemons	Raspberries, red
Limes	Youngberries
Loganberries	
Tree-nuts:	
Almonds	Pecans
Filberts	Walnuts
Livestock and Livestock Products:	
Butterfat	Milk, wholesale
Chickens	Turkeys
Eggs	Beeswax
Field Crops:	
Barley	Peanuts
Beans, dry edible	Peas, dry field
Buckwheat	Rye
Corn	Sorghums for grain
Flaxseed	Wheat
Hay	
Oats	
Sugar crops:	
Maple sirup	Sugar beets
Maple sugar	Sugarcane sirup
Sorghum sirup	
Vegetables:	
Artichokes	Kale
Beans, Lima	Lettuce
Beans, snap	Onions
Beets	Peas, green
Cabbage	Peppers, green
Cantaloupe	Pimientos
Carrots	Shallots
Cauliflower	Spinach
Celery	Tomatoes
Corn, sweet	Watermelon
Eggplant	Potatoes
Garlic	Sweet Potatoes
Tobacco:	
Flue-cured; types 11, 14	
Burley-type 31	
Cigar filler and binder types 42–44, 46, 51–55	
Cigar wrapper, type 61	
Cigar wrapper, type 62	
Dark air-cured, types 35–36	
Fire cured, types 21–24	
Maryland types, 32	
Pennsylvania seedleaf type 41	
Sun cured, type 37	
Miscellaneous:	
Popcorn	Peppermint Oil
Honey	Spearmint Oil
Hops	Tung nuts

[App C amended by Amdt. 3]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by July 2, 1951, or such earlier effective date between May 28, 1951, and July 2, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdt. 6]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for *all* the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the *adjustment factor* rather than the *adjustment* which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1–6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined to the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR–22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR–22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

26-2011 Meat packing.
31-2012 Custom slaughtering.
26-2013 Sausages and other prepared meat products.
26-2014 Sausage casings.
27-2015 Poultry and small game dressing and packing.
32-2021 Creamery butter.
32-2022 Natural cheese.
32-2023 Condensed and evaporated milk.
32-2024 Ice cream and ices.
32-2025 Special dairy products.
26-2031 Canned sea food.
26-2032 Cured fish.
23-2033 Canned fruits, vegetables, and soups; preserves, jams, and jellies.
23-2034 Dried and dehydrated fruits and vegetables.
23-2035 Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
23-2037 Frozen fruits, vegetables, and sea foods.
24-2041 Flour and other grain-mill products.
24-2042 Prepared feeds for animals and fowls.
24-2043 Cereal preparations.
24-2044 Rice cleaning and polishing.
24-2045 Blended and prepared flour.
24-2051 Bread and other bakery products (except biscuit, crackers, and pretzels).
24-2052 Biscuit, crackers, and pretzels.
25-2061 Cane sugar (except refining only).
25-2062 Cane-sugar refining.
25-2063 Beet sugar.
25-2071 Candy and other confectionery products.
25-2072 Chocolate and cocoa products.
25-2073 Chewing gum.
25-2081 Bottled soft drinks and carbonated waters.
25-2082 Malt liquors.
25-2083 Malt.
25-2084 Wines.
25-2085 Distilled, rectified, and blended liquors.
25-2091 Baking powder, yeast, and other leavening compounds.
22-2092 Shortening and other cooking and edible fats and oils, not elsewhere classified.
22-2093 Oleomargarine.
25-2094 Corn sirup, corn sugar, corn oil, and starch.
25-2095 Flavoring extracts and flavoring sirups, not elsewhere classified.
25-2096 Vinegar and cider.
25-2097 Manufactured ice.
25-2098 Macaroni, spaghetti, vermicelli, and noodles.
25-2099 Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

25-2111 Cigarettes.
25-2121 Cigars.
25-2131 Tobacco (chewing and smoking) and snuff.
25-2141 Tobacco stemming and redrying.

TEXTILE MILL PRODUCTS

52-2211 Scouring and combing plants.
52-2221 Yarn mills.
52-2222 Yarn throwing mills.
52-2223 Thread mills.
52-2231 Broad-woven fabric mills (cotton, silk, and synthetic fiber).
52-2232 Broad-woven fabric mills (woolen and worsted).
52-2241 Narrow fabrics and other smallwares mills (cotton, wool, silk, and synthetic fiber).
53-2251 Full-fashioned hosiery mills.
53-2252 Seamless-hosiery mills.
53-2253 Knit outerwear mills.
53-2254 Knit underwear mills.
53-2255 Knit glove mills.
53-2256 Knit-fabric mills.
52-2259 Knitting mills, not elsewhere classified.
52-2261 Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
52-2262 Dyeing and finishing woolen and worsted goods.
73-2271 Wool carpets, rugs, and carpet yarn.
73-2273 Carpets, rugs, and mats from fiber (except wool).
73-2274 Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
53-2281 Fur-felt hats and hat bodies.
53-2282 Wool-felt hats and hat bodies.
53-2283 Straw hats.
53-2284 Hatters' fur.
54-2291 Felt goods (except woven felts and hats).
73-2292 Lace goods.
73-2293 Paddings and upholstery filling.
52-2294 Processed waste and recovered fibers.
93-2295 Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
52-2296 Linen goods.
52-2297 Jute goods (except felt).
52-2298 Cordage and twine.
52-2299 Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

53-2311 Men's, youths', and boys' suits, coats, and overcoats.
53-2312 Suit and coat findings.
53-2321 Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
53-2322 Men's, youths', and boys' underwear.
53-2323 Men's, youths', and boys' neckwear.
53-2325 Men's, youths', and boys' cloth hats and caps.
53-2326 Hat and cap materials.
53-2327 Men's, youths', and boys' separate trousers.
53-2328 Work shirts.
53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
53-2331 Women's and misses' blouses and waists.
53-2333 Women's and misses' dresses.
53-2334 Household apparel.
53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
53-2338 Women's neckwear and scarfs.
53-2339 Women's and misses' outerwear, not elsewhere classified.
53-2341 Women's, misses', children's, and infants' underwear and nightwear.
53-2342 Corsets and allied garments.
53-2351 Millinery.
53-2361 Children's and infants' dresses.
53-2363 Children's and infants' coats.
53-2369 Children's and infants' outerwear, not elsewhere classified.
53-2371 Fur goods.
53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
53-2382 Work gloves and mittens (fabric, fabric and leather combined).
53-2383 Suspenders, garters, and related products.
53-2384 Robes and dressing gowns.
53-2385 Raincoats and other waterproof outer garments.
53-2386 Leather and sheep-lined clothing.
53-2387 Belts.
53-2388 Handkerchiefs.
53-2389 Apparel, not elsewhere classified.
73-2391 Curtains and draperies.
73-2392 Housefurnishings (except curtains and draperies).
52-2393 Textile bags.
73-2394 Canvas products.
53-2395 Pleating, stitching, and tucking for the trade.
53-2396 Trimmings, stamped arts goods, and art needlework.
53-2397 Schiffli-machine embroideries.
53-2341 Women's, misses', children's, and chine.
73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

12-2411 Logging camps and logging contractors.
12-2421 Sawmills and planing mills, general.
12-2422 Veneer mills.
12-2423 Shingle mills.
12-2424 Cooperage stock mills.
12-2425 Excelsior mills.
12-2429 Special-product sawmills, not elsewhere classified.
12-2431 Millwork plants.
12-2432 Plywood plants.
12-2433 Prefabricated wooden buildings and structural members.
12-2411 Fruit and vegetable baskets.
74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
12-2443 Cigar boxes.
12-2444 Wooden boxes (except cigar boxes).
12-2445 Cooperage.
12-2491 Wood preserving.
12-2492 Lasts and related products.
74-2493 Mirror frames and picture frames.
74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

73-2511 Wood household furniture, except upholstered.
73-2512 Wood household furniture, upholstered.
73-2513 Reed and rattan furniture.
73-2514 Metal household furniture.
73-2515— Mattresses and bedsprings.
73-2519 Household furniture, not elsewhere classified.
72-2521 Wood office furniture.
72-2522 Metal office furniture.
72-2531 Public-building and related furniture.
72-2532 Professional furniture.
72-2541 Partitions, shelving, lockers, and office and store fixtures.
42-2561 Window and door screens and weather strip.
73-2562 Window shades.
73-2563 Venetian blinds.
72-2591 Restaurant furniture.
73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

13-2611 Pulp mills.
13-2612 Paper and paperboard mills (except building-paper and building-board mills).
13-2613 Building-paper and building-board mills.

13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes, and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
93-2824 Synthetic rubber.
93-2825 Synthetic fibers.
93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.
42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2887 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.
54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.
74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.
74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

43-3411 Tin cans and other tinware.
74-3421 Cutlery.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
42-3441 Fabricated structural steel and ornamental metal work.
42-3442 Metal doors, sash, frames, molding, and trim.
44-3443 Boiler shop products.
42-3444 Sheet-metal work.
74-3461 Vitreous-enameled products.
45-3462 Automobile stampings.
44-3463 Stamped and pressed metal products (except automobile stampings).
43-3464 Powder metallurgy.
44-3465 Enameling, japanning, and lacquering.
44-3466 Galvanizing and other hot-dip coating.
74-3467 Engraving on metal.
44-3468 Electroplating, plating, and polishing.
42-3471 Lighting fixtures.
43-3481 Nails and spikes.
43-3489 Wirework, not elsewhere classified.
43-3491 Metal shipping barrels, drums, kegs, and pails.
72-3492 Safes and vaults.
44-3493 Steel springs.
43-3494 Bolts, nuts, washers, and rivets.
43-3495 Screw-machine products.
43-3496 Collapsible tubes.
43-3497 Gold, silver, tin, aluminum, and other foil.
74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

44-3511 Steam engines, turbines, and water wheels.
44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
44-3521 Tractors.
44-3522 Agricultural machinery (except tractors).

44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
44-3532 Oil-field machinery and tools.
44-3541 Machine tools.
44-3542 Metalworking machinery (except machine tools).
44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
44-3551 Food-products machinery.
44-3552 Textile machinery.
44-3553 Woodworking machinery.
44-3554 Paper-industries machinery.
44-3555 Printing-trades machinery and equipment.
44-3559 Special-industry machinery, not elsewhere classified.
44-3561 Pumps, air and gas compressors, and pumping equipment.
44-3562 Elevators and escalators.
44-3563 Conveyors and conveying equipment.
44-3564 Blowers, exhaust and ventilating fans.
44-3565 Industrial trucks, tractors, trailers, and stackers.
44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
44-3567 Industrial furnaces and ovens.
42-3568 Mechanical stokers, domestic and industrial.
44-3569 General industrial machinery and equipment, not elsewhere classified.
72-3571 Computing machines and cash registers.
72-3572 Typewriters.
72-3575 Vending, amusement, and other coin-operated machines.
72-3576 Scales and balances.
72-3579 Office and store machines and devices, not elsewhere classified.
72-3581 Domestic laundry equipment.
44-3582 Commercial laundry, dry-cleaning, and pressing machines.
72-3583 Sewing machines.
72-3584 Vacuum cleaners.
72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
45-3586 Measuring-and-dispensing pumps.
72-3589 Service-industry and household machines, not elsewhere classified.
44-3591 Valves and fittings (except plumbers' valves).
42-3592 Fabricated pipe and fittings.
44-3593 Ball and roller bearings.
44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

44-3611 Wiring devices and supplies.
44-3612 Carbon and graphite products for use in the electrical industry.
44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
44-3614 Motors, generators, and motor-generator sets.
44-3615 Power and distribution transformers.
44-3616 Switchgear, switchboard apparatus, and industrial controls.
44-3617 Electrical welding apparatus.
44-3619 Electrical equipment for industrial use, not elsewhere classified.
72-3621 Electrical appliances.
44-3631 Insulated wire and cable.
44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
74-3651 Electric lamps.
74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
44-3662 Radio tubes.
74-3663 Phonograph records.
44-3664 Telephone and telegraph equipment.
44-3669 Communication equipment, not elsewhere classified.
44-3691 Storage batteries.
44-3692 Primary batteries (dry and wet).
44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

45-3711 Motor vehicles.
45-3712 Passenger-car bodies.
45-3713 Truck and bus bodies.
45-3714 Motor-vehicle parts and accessories.
45-3715 Truck trailers.
45-3716 Automobile trailers (for attachment to passenger cars).
44-3721 Aircraft.
44-3722 Aircraft engines and engine parts.
44-3723 Aircraft propellers and propeller parts.
44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
44-3731 Ship building and repairing.
74-3732 Boat building and repairing.
44-3741 Locomotives and parts.
44-3742 Railroad and street cars.
45-3751 Motorcycles, bicycles, and parts.
74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
44-3821 Mechanical measuring and controlling instruments.
72-3831 Optical instruments and lenses.
72-3841 Surgical and medical instruments.
72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
72-3843 Dental equipment and supplies.
72-3851 Ophthalmic goods.
74-3861 Photographic equipment and supplies.
74-3871 Watches, clocks, and parts (except watchcases).
74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

74-3911 Jewelry (precious metal).
74-3912 Jewelers' findings and materials.
74-3913 Lapidary work.
74-3914 Silverware and plated ware.
74-3931 Pianos.
74-3932 Organs.
74-3933 Piano and organ parts and materials.
74-3939 Musical instruments, parts, and materials, not elsewhere classified.
73-3941 Games and toys (except dolls, and children's vehicles).
73-3942 Dolls.
74-3943 Children's vehicles.
74-3949 Sporting and athletic goods, not elsewhere classified.
72-3951 Pens, mechanical pencils, and pen points.
72-3952 Lead pencils and crayons.
72-3953 Hand stamps, stencils, and brands.
72-3954 Artists' materials.
72-3955 Carbon paper and inked ribbons.
74-3961 Costume jewelry and costume novelties (except precious metal).
74-3962 Feathers, plumes, and artificial flowers.
74-3963 Buttons.
74-3964 Needles, pins, hooks and eyes, and similar notions.
74-3971 Fabricated plastics products, not elsewhere classified.
74-3981 Brooms and brushes.
42-3982 Cork products.
13-3983 Matches.
74-3984 Candles.
93-3985 Fireworks and pyrotechnics.
74-3986 Jewelry cases and instrument cases.
74-3987 Lamp shades.
72-3988 Morticians' goods.
72-3991 Beauty-shop and barber-shop equipment.
54-3992 Furs, dressed and dyed.
72-3993 Signs and advertising displays.
74-3994 Hair work.
74-3995 Umbrellas, parasols, and canes.
74-3996 Tobacco pipes and cigarette holders.
72-3997 Soda-fountain and beer-dispensing equipment.
44-3998 Models and patterns (except paper patterns).
74-3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

44-1911 Guns, howitzers, mortars, and related equipment.
44-1921 Artillery ammunition.
44-1922 Ammunition loading and assembling.
44-1929 Ammunition, not elsewhere classified.
44-1931 Tanks and tank components.
44-1941 Sighting and fire-control equipment.
74-1951 Small arms.
74-1961 Small arms ammunition.
44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.

Form approved
Budget Bureau No. 94-5119

MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

See the reverse side of this form for instructions.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for item 1)

1. Describe the Category or Product Line Covered by This Report	2. Give the Dates of the Base Period Used	3. Estimated 1950 Dollar Sales	4. Labor Cost Adjustment Factor
	From ____ To ____	$	

5. Materials Cost Adjustment Factor (Complete this part if method 1, 3, or 4 is used)
Method 1 ☐ Method 3 ☐ Method 4 ☐ Adjustment Factor ____

(Complete this part if method 2 is used)
Adjustment Computed for Selected Commodity $ ____ Base Period Selling Price for This Commodity $ ____ Name of Commodity ____

6. Price Adjustment Ratio ____ (for use only under Supplementary Regulation 2 to CPR 22)

7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation

I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required.

Notice: A willful false return is a criminal offense.

Signature of officer or authorized agent of firm	Title	Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced) (a)	Class of customer and terms of sale (b)	Estimated 1950 dollar sales (c)	Base period price (d)	GCPR price (e)	Proposed price (f)	Proposed price as a percentage of GCPR price Col. (f) ÷ (e) (g)	Materials cost adjustment (method 2 only) (h)	(For OPS use only)

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 8, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

Name of Firm ____
Street Address ____
City, postal zone, State ____

Instruction: One calculation, as shown below, may be made for the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)
☐ Entire company ☐ Unit located at ____ and identified as ____
2. Net sales for year ending ____ $ ____
3. Factory payroll for year covered in (2) ____
4. Labor cost ratio (line 3 divided by line 2) ____
5. Wage increase factor (from Supplement: Line G) ____
6. Labor cost adjustment factor (line 4 multiplied by line 5) ____

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in Section 8 of the regulation.)

A Base period payroll (See section 8 (c)) $ ____, (covering period from ____ to ____).
B Recomputation of payroll:

(a) Type of labor	(b) Hours included in base period payroll	(c) Hourly rate of pay as of 3/15, 1951	(d) Recomputed payroll (c) times (b)

C Total recomputed payroll without fringe benefits (total of column (d) in B) ____
D Value of increase in fringe benefits since base period payroll ____
E Recomputed payroll including increase in fringe benefits (line C plus line D) ____
F Excess of recomputed payroll over base payroll (line E minus line A) ____
G Wage increase factor (line F divided by line A) ____
Enter this amount on line 5 above.

Worksheet 2
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 1 AND 4

Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER1 .....

1. (a) Method 1 (check and complete (1) or (2)):
(1) ☐ for entire business consisting of one unit
(2) ☐ for unit located at.....and identified as.....
(Name of unit)

(b) Method 4 (check and complete (1) or (2)):
(1) ☐ for product line identified as.....
(2) ☐ for category identified as.....

2. Identify the Accounting Period used for this computation and corresponding sales data:
(a) (1) For Method 1: Year ending.....
Month, day, year
(2) For Method 4: Period beginning on.....and ending on.....
Month, day, year Month, day, year

(b) Net Sales for above period for category, product line, or other unit indicated in (1) $.....

3. Indicate the base period used for determining material costs (section 4): From ..... to .....

4. Changes in Materials Costs

(a) Material used during accounting period	(b) Physical amount of material used during accounting period	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950 etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 1S used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4) .....
6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above) .....

Worksheet 3
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 2 AND 3

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
(1) ☐Method 2 (complete b).
(2) ☐Method 3 (complete b and c).
(b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity .....
(c) If Method 3 is used describe the product line .....
2. Indicate the base period used for determining material costs (see section 4): From ..... to .....
3. Changes in materials cost

(a) Material used	(b) Physical amount of material used in one unit of the commodity	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950, etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 1S used for determining costs per unit for end of base period and cut-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) ..... $.....
5. Materials cost adjustment factor (For Method 3 only):
(a) Base period price per unit for commodity named in 1 (b) .....
(b) Divide result obtained in 4 by entry for 5a (this is the final result under Method 3) ..... $.....

[F. R. Doc. 51-6996; Filed, June 14, 1951; 11:47 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 1]

CPR 34—SERVICES

SR 1—WHOLESALE DRY CLEANING, FINISHING AND DYEING IN THE NEW YORK CITY AREA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 1 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 1 to Ceiling Price Regulation 34 establishes dollars and cents prices for wholesale dry cleaning, finishing and dyeing services in the New York City area. The services supplied by the wholesalers of dry cleaning, finishing and dyeing services in the New York City area and covering the following counties in New York State: Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and Westchester have been provided at substantially uniform prices for many years antedating the issuance of Ceiling Price Regulation 34. No increase has been made in the price structure since 1947 except for minor readjustments, mainly in the price of service on children's garments. A wage increase in 1950 and sharply increased costs in the latter part of 1950 have brought the average earnings of the industry in this area close to the breakeven point. On April 1, 1951 a wage increase was granted by the industry, which was approved by the Wage Stabilization Board. The effect of the latter increase will result in the reduction of such industry's average earnings to a loss position and jeopardize the continued supply of the service.

The existence of uniform prices, standardized service and similar earnings experience facilitate the establishment of dollars and cents prices. In the judgment of the Director, the prices established in this Supplementary Regulation are at the minimum levels which will permit the continued supply of service. The industry, including representatives of trade associations, has been consulted in the preparation of this Regulation. In the judgment of the Director of Price Stabilization the prices established by this Supplementary Regulation 1 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to CPR 34.
3. Ceiling Prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this regulation is to establish dollars and cents prices for wholesale dry cleaning, finishing and dyeing services in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and Westchester, State of New York.

SEC. 2. *Relationship to CPR 34.* All provisions of Ceiling Price Regulation 34, except as changed by the pricing provisions of this Supplementary Regulation 1, shall remain in full force and effect.

SEC. 3. *Ceiling prices.* The ceiling prices which may be charged by sellers of wholesale cleaning, finishing and dyeing services in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk and Westchester, State of New York, shall be as follows:

(a) *Schedule A—Wholesaler Ceiling Price List (per garment or item).*

	Sales to commissioners		Sales to outlets	
	Cleaned only	Finished only	Cleaned only	Cleaned and finished
MEN'S				
Suits	$0.16	$0.22	$0.28	$0.55
Coats	.08	.11	.15	.30
Pants	.08	.11	.15	.30
Flannel pants	.11	.15	.20	.40
Linen pants	.11	.15	.20	.40
Slacks	.08	.11	.15	.30
Sweaters	.08	.11	.15	.30
Sport shirt	.08	.11	.15	.30
White suit	.35	.27	.35	.70
Linen suit	.35	.25	.35	.70
Top coat	.19	.22	.33	.55
Overcoat	.19	.22	.33	.55
Raincoat	.22	.30	.38	.80
Reversible coat	.22	.33	.38	.90
CHILDREN'S				
Suits	.16	.22	.28	.75
Dresses	.16	.22	.28	.75
Coats	.08	.11	.33	.85
Skirts	.08	.11	.15	.30
Jackets	.08	.11	.15	.30
Sweaters	.08	.11	.15	.30
Boys coats	.08	.11	.15	.30
Boys pants	.08	.11	.15	.30
HOUSEHOLD				
Furniture covers (in sets of 8 or more)	.11	.09	.20	.70
Spreads (plain)	.22	.28	.40	.75
Spreads (silk and taffetta)	.33	.52	.60	1.25
Curtains	.22	.28	.40	.75
Blanket (single)	.19	-----	.25	-----
Blanket (double)	.33	-----	.60	-----
Quilts (cotton)	.50	-----	.90	-----
Quilts (silk)	.50	-----	.90	1.25
LADIES'				
Suit	.16	.22	.30	.55
Skirt (plain)	.08	.11	.15	.30
Skirt (pleated—up to 20 pleats)	.08	.22	.15	.50
Jacket (plain)	.08	.11	.15	.30
White suit	.25	.25	.40	.70
Waist (plain)	.08	.15	.15	.35
Waist (pleated—up to 20 pleats)	.08	.25	.15	.50
Coat	.19	.22	.33	.55
Coat (white)	.24	.25	.40	.75
Coat (reversible)	.22	.33	.38	.90
Suit (linen)	.20	.25	.35	.70
Sweater	.08	.11	.15	.30
Dress (plain—up to 4 pleats)	.16	.22	.28	.55
Dress (pleated—up to 20 pleats)	.16	.30	.28	.85
Dress (velvet)	.16	.30	.28	.85
Dress (sunburst pleated)	.16	.50	.28	1.25
Evening gown	.19	.50	.33	1.25
Evening gown (with train or pleated)	.19	.90	.33	1.75
Dyeing	-----	-----	Rough 1.50	Finished 2.00

(b) *Schedule B—Commissioner Ceiling Price List (per garment or item); resale to outlets.* The ceiling prices of cleaning and finishing services supplied by commissioners to outlets shall not exceed the wholesaler ceiling prices per garment or item for sales to outlets for each service (to wit: "Cleaned only" and "Cleaned and Finished") established in Schedule A of this Supplementary Regulation 1 to Ceiling Price Regulation 34.

SEC. 4. *Definitions.* (a) As used in this Supplementary Regulation 1 to Ceiling Price Regulation 34:

(1) The term "wholesaler" means any supplier who owns, operates or controls plant facilities for dry cleaning, finishing and dyeing garments or items for commissioners and independent outlets.

(2) The term "commissioner" means any supplier who has no plant facilities but supplies dry cleaning, finishing and dyeing services to outlets.

(3) The term "outlet" means any purchaser of dry cleaning, finishing and dyeing services from a wholesaler or commissioner for resale to an ultimate consumer.

(4) The terms "cleaning", "finishing" and "dyeing" include:

(i) "Cleaning" which means the dry cleaning of a garment or item, including the spotting thereof;

(ii) "Finishing" which means the pressing of a garment or item;

(iii) "Dyeing" which means the use of any process to change the basic color of a garment or item.

Effective date. This order shall become effective June 14, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 14, 1951.

[F. R. Doc. 51-6997; Filed, June 14, 1951; 11:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.114 *Streptomycin - bacitracin-polymyxin gauze pads*—(a) *Potency.* Using 12 pads, place in an appropriate volume of sterile distilled water and allow to soak with frequent agitation for not less than 1 hour. Use this solution and proceed as directed in § 141.112 (a) (1).

(b) *Sterility.* Using individual pads proceed as directed in § 141.102. This method will demonstrate only those organisms which are not susceptible to these concentrations of bacitracin and polymyxin.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

2. Section 146.36 (c) (1) (iii) is changed to read as follows:

§ 146.36 *Penicillin vaginal suppositories.* • • •

(c) *Labeling.* • • •

(1) • • •

(iii) This statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

3. Section 146.40 (c) (1) (iii) is changed to read as follows:

§ 146.40 *Penicillin bougies.* • • •

(c) *Labeling.* • • •

(1) • • •

(iii) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin or procaine penicillin is used, with the date which is 18 months, or if crystalline penicillin or procaine penicillin is not used, with the date which is 12 months after the month during which the batch was certified;

4. In § 146.108 *Streptomycin syrup*, paragraph (b) *Packaging* is amended by deleting the words "of colorless, transparent".

5. Part 146 is amended by adding the following new section:

§ 146.109 *Streptomycin - bacitracin - polymyxin gauze pads*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-bacitracin-polymyxin gauze pads are absorbent gauze that is impregnated with streptomycin, bacitracin, and polymyxin B. Each square inch of such pad shall contain not less than 1 milligram of streptomycin, 50 units of bacitracin, and 1,000 units of polymyxin B. It is sterile. Its moisture content is not more than 5 percent. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2), (4), and (5) of that paragraph. The bacitracin used conforms to the standards prescribed therefor by § 146.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram. The polymyxin used conforms to the standards prescribed therefor by § 146.107 (a). The absorbent gauze used conforms to the standards prescribed therefor by the U. S. P.

(b) *Packaging.* Unless it is intended solely for hospital use, and is conspicuously so labeled, each streptomycin-bacitracin-polymyxin gauze pad shall be packaged individually. In all cases the immediate container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of streptomycin in each pad of the batch;

(iii) The number of units of bacitracin in each pad of the batch;

(iv) The number of units of polymyxin B in each pad of the batch;

(v) The length, width, and type of gauze contained in the pad; and

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) On the immediate container, the statement "Sterility of the pad cannot be guaranteed if the package bears evidence of damage or has been previously opened."

(3) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such pads.

(d) *Request for certification; samples.* (1) In addition to complying with requirements of § 146.2, a person who requests certification of a batch of streptomycin - bacitracin - polymyxin gauze pads shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, bacitracin, and polymyxin used in making such batch was completed, the potency of each pad in the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that the absorbent gauze used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: average potency of streptomycin, bacitracin, and polymyxin per pad, sterility, and average moisture.

(ii) The streptomycin used in making the batch; potency, toxicity, moisture, and pH.

(iii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(iv) The polymyxin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one pad for each 5,000 pads in the batch, but in no case less than 30 pads or more than 100 pads, collected by taking single pads throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.101 (b).

(iii) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.401 (b).

(iv) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(v) In case of an initial request for certification, one package consisting of approximately 5 linear yards, or the equivalent, of the absorbent gauze used.

(4) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each pad in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such pads and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides for changes in the expiration dates of penicillin vaginal suppositories and crystalline penicillin bougies or procaine penicillin bougies containing polyethylene glycol; for deletion of the requirement that the immediate container for streptomycin syrup shall be of glass that is colorless and transparent; and for tests and methods of assay and certification of a new antibiotic preparation, streptomycin-bacitracin-polymyxin gauze pads, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for changes in the expiration dates of penicillin vaginal suppositories and crystalline penicillin bougies or procaine penicillin bougies containing polyethylene glycol; for deletion of the requirement that the immediate container for streptomycin sirup shall be of glass that is colorless and transparent; and for tests and methods of assay and certification of a new antibiotic preparation, streptomycin-bacitracin-polymyxin gauze pads.

Dated: June 12, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6907; Filed, June 14, 1951, 8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 693—MINIMUM WAGE RATE IN THE CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001) notice was published in the FEDERAL REGISTER on May 23, 1951 (16 F. R. 4813) of the Acting Administrator's decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Cigar and Cigarette Industry in Puerto Rico, and the wage order which he proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions were received within the 15 day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective July 16, 1951.

Sec.
693.1 Approval of recommendation of industry committee.
693.2 Wage rate.
693.3 Notices of order.
693.4 Definition of the cigar and cigarette industry in Puerto Rico.

AUTHORITY: §§ 693.1 to 693.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 693.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 693.2 *Wage rate.* Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cigar and cigarette industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 693.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cigar and cigarette industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 693.4 *Definition of the cigar and cigarette industry in Puerto Rico.* The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Signed at Washington, D. C., this 8th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6926; Filed, June 14, 1951; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

AUTOPSIES

1. Immediately following § 17.148, a new centerhead is added as follows: "Autopsies"

2. A new § 17.155 is added as follows:

§ 17.155 *Autopsies.* (a) Except as provided in this section no autopsy will be performed by the Veterans' Administration without the consent of the surviving spouse, or, in a proper case the next of kin, unless the patient or domiciled person was abandoned by the spouse, if any, or, if no spouse, by the next of kin for a period of not less than 6 months next preceding his death. Where no inquiry has been made for or in regard to the decedent for a period of 6 months next preceding his death he shall be deemed to have been abandoned.

(b) If the decedent shall have been abandoned or if the request is sent and the spouse, or in proper cases the next of kin fails to reply within the reasonable time stated in such request of the Veterans' Administration for permission to perform the autopsy, the manager or his medical designate is hereby authorized to cause an autopsy to be performed if in his discretion he concludes that such autopsy is reasonably required for any necessary purpose of the Veterans' Administration, including the completion of official records and advancement of medical knowledge.

(c) If it is suspected that death resulted from crime, or the cause of death is unknown and if the United States has exclusive jurisdiction over the area where the body is found, the manager of the hospital or center, will inform the appropriate chief attorney of the known facts concerning the death. Thereupon the chief attorney will transmit all such information to the United States Attorney for such action as he deems appropriate, and will inquire whether the United States Attorney objects to an autopsy if otherwise it be appropriate. If the United States Attorney has no objection the procedure as to autopsy will be the same as if the death had not been reported to him.

(d) If the United States does not have exclusive jurisdiction over the area where the body is found the local coroner will be informed. If the local coroner declines to assume jurisdiction the procedure will be the same as is provided in paragraph (c) of this section. If a Federal crime is indicated by the evidence, the procedure of paragraph (c) of this section will also be followed.

(e) The laws of the decedent's domicile are determinative as to whether the spouse, or the next of kin is the proper person to grant permission to perform an autopsy, and of the question as to the order of preference among such persons. Usually the spouse is first entitled, except in some situations of separation; followed by children, parents, brothers, and sisters, etc.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652; 38 U. S. C. 706, 706a)

This regulation effective June 15, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6854; Filed, June 14, 1951; 9:09 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

In § 21.418 (c) (3), subdivisions (iii), (iv), and (v) are amended to read as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* • • •

(c) *Limitations on the use of educational institutions under Public Law 610, 81st Congress.* • • •

(3) *Administrator's action upon the certification of any State approving agency that a course in a new or existing institution is essential to meet the requirements of veterans in such State.* • • •

(iii) Under the provisions of subdivisions (i) and (ii) of this subparagraph, the Administrator, in his discretion, may concur in the State approving agency's certification that a new course in a new or existing institution is essential to meet the requirements of veterans in a particular State. This authority is not delegated to the managers of field stations. Upon receipt of a certification of essentiality, in duplicate, with supporting information as stipulated in subdivision (ii) of this subparagraph from the State approving agency, the regional office will review the material submitted and will forward the original copy of same to the director, training facilities service for vocational rehabilitation and education, central office, through the special assistant to the director, training facilities service, for the area, together with the recommendation of the regional office for favorable or unfavorable action by the Administrator and the reasons therefor. It will be the responsibility of the regional office to check such material for completeness prior to submitting it to central office in the manner prescribed in this subdivision. The special assistant to the director, training facilities service for vocational rehabilitation and education, will review the material and forward it immediately to central office with his recommendation, together with the reasons therefor. It will also be his responsibility to check the material for completeness prior to forwarding it to central office.

(*a*) The Administrator will concur in the State's certification of essentiality when evidence satisfactory to the Administrator has been submitted to show:

(*1*) That the school concerned is certified by the State as qualified and equipped to offer satisfactory training to veterans and as having met all the criteria of section 5, Public Law 610, 81st Congress, and

(2) That the State has certified that the course(s) is essential to meet the needs of veterans in the State in which proposed to be given, and

(3) That the occupation(s) for which the course(s) is intended to provide training is not crowded in the State in which the training is proposed to be given, and

(*4*) That existing facilities currently approved in the State in which training is to be given to offer comparable training to veterans under Public Law 346, 78th Congress, as amended, are inadequate to meet the requirements of veterans residing in that State.

(*b*) Satisfactory evidence to support the criteria listed in (*a*) of this subdivision will consist of, but not be limited to, statements from public employment services, employer and trade groups, labor organizations, and others who reasonably may be expected to have familiarity with current employment needs in occupation(s) concerned in that State; statements from recognized educational associations and educational leaders in the particular field covered by the course(s) concerned that such course(s) is vocationally essential to eligible veterans who may enroll therein; the name and location of existing facilities currently approved to offer comparable training, together with the number of students for which each has been approved by the State approving agency and the number of students currently enrolled therein; and the number of veterans desiring to enroll in the course(s) concerned.

(iv) Upon action by the Administrator, the regional office will be promptly notified of such action and, if favorable, the effective date thereof, and the chief, training facilities section, regional office, will promptly advise the appropriate State approving agency of such action.

It will be the responsibility of that State approving agency to notify the school of such action.

(v) Upon receipt by the regional office of notification that the Administrator has concurred in the State's certification of essentiality that a school or course is essential to meet the requirements of veterans in that State, the training facilities section, regional office, will provide the registration and research section of that regional office with a notification of such action, and, where the action is one of concurrence in the State's certification of essentiality, such notification will include information concerning the course(s) to be provided by the school and the effective date of such action.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective June 15, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-6853; Filed, June 14, 1951; 9:09 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 684]

PUERTO RICO; MINIMUM WAGE RATES IN THE HOOKED RUG INDUSTRY

NOTICE OF PROPOSED DECISION

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended (hereinafter called the "act"), the Administrator appointed, by Administrative Order No. 399, Special Industry Committee No. 8 for Puerto Rico (hereinafter called the "Committee"), and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the Hooked Rug Industry in Puerto Rico (hereinafter called the "Industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the Industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico. After investigating economic and competitive conditions in the Industry, the Committee filed with the Administrator a report containing (a) its recommendation that the Industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the Industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the Industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on November 13, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the Hooked Rug Industry in Puerto Rico and its Divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and opinion of the Administrator in the matter of the Recommendations of Special Industry Committee No. 8 of Minimum Wage Rates for the Hooked Rug Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the Committee's recommendations for the Industry, and to amend the wage order for the Industry to read as set forth below, to carry such recommendations into effect.

Within 15 days from publication of the notice in the FEDERAL REGISTER, interested parties may submit written exceptions. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
684.1 Approval of recommendations of industry committee.
684.2 Wage rates.
684.3 Notices of order.
684.4 Definition of the hooked rug industry in Puerto Rico and its divisions.

AUTHORITY: §§ 684.1 to 684.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 684.1 *Approval of recommendations of industry committee.* The committee's recommendations are hereby approved.

§ 684.2 *Wage rates.* (a) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-hooked rug division of the hooked rug industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the machine-hooked rug division of the hook rug industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 684.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hooked rug industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 684.4 *Definitions of the hooked rug industry in Puerto Rico and its divisions.* The hooked rug industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture of hooked rugs.

The separable divisions of the industry as defined in this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(a) *Hand-hooked rug division.* The manufacture of hooked rugs by a hand-hooking process.

(b) *Machine-hooked rug division.* The manufacture of hooked rugs by a process other than hand-hooking.

Signed at Washington, D. C., this 11th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6860; Filed, June 14, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR GRADES OF REFINERS' SIRUP

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of United States Standards for Grades of Refiners' Sirup. On the basis of information now available to the Department, it appears that the promulgation of United States standards for refiners' sirup may tend to improve the marketability of this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards may do so by filing them in duplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

UNITED STATES STANDARDS FOR GRADES OF REFINERS' SIRUP [1]

GENERAL

Sec.
44.41 Definition.

GRADES

44.42 Grades of refiners' sirup.
44.43 Grade specifications.

DETERMINATION OF FACTORS

44.44 Quantitative determination of factors.
44.45 Preparation of basic solutions and RS color standards.[2]
44.46 Use of RS color standards in determining color factor.

AUTHORITY: §§ 44.41 to 44.46 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

GENERAL

§ 44.41 *Definition.* "Refiners' sirup" means a liquid product obtained from the refining of cane or beet sugar. All of the sirup constituents have been subjected to the processes of clarification and decolorization, or equivalent purification, and it may be partially or wholly inverted.

GRADES

§ 44.42 *Grades for refiners' sirup.* The grades for refiners' sirup are designated as follows:

(a) "U. S. Fancy" or "U. S. Grade A" Refiners' Sirup.

(b) "U. S. Choice" or "U. S. Grade B" Refiners' Sirup.

(c) "U. S. No. 1 Standard" or "U. S. Grade C" Refiners' Sirup.

(d) "U. S. No. 2 Standard" or "U. S. Grade D" Refiners' Sirup.

(e) "U. S. Substandard" Refiners' Sirup.

§ 44.43 *Grade specifications.* Specications for each grade of refiners' sirup are as follows:

(a) U. S. Fancy or U. S. Grade A Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of fancy quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 70 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 92 percent; which has a ratio of sulfated ash to Brix solids of not more than 2.5 percent; and which possesses a color no darker than RS Color Standard No. 1.

(b) U. S. Choice or U. S. Grade B Refiners' Sirup consists of refiner's sirup which possesses a flavor characteristic of refiners' sirup of choice quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 70 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 88 percent; which has a ratio of sulfated ash to Brix solids of not more than 5 percent; and which possesses a color no darker than RS Color Standard No. 2.

(c) U. S. No. 1 Standard or U. S. Grade C Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 78 percent; which has a ratio of sulfated ash to Brix solids of not more than 9.5 percent; and which possesses a color no darker than RS Color Standard No. 3.

(d) U. S. No. 2 Standard or U. S. Grade D Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 70 percent; and which has a ratio of sulfated ash to Brix solids of not more than 14 percent.

(e) U. S. Substandard Refiners' Sirup consists of refiners' sirup that fails to meet the specifications for U. S. No. 2 Standard Refiners' Sirup.

(f) Table of specifications for grades. The specifications for the designated grades of refiners' sirup are set forth in summary form in table 1.

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications			
	U. S. Fancy or U. S. Grade A refiners' sirup	U. S. Choice or U. S. Grade B refiners' sirup	U. S. No. 1 or U. S. Grade C refiners' sirup	U. S. No. 2 or U. S. Grade D refiners' sirup
Brix solids corrected to 20° C. (68° F.)	Not less than 70 percent		Not less than 76 percent	
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids	Not less than 92 percent.	Not less than 88 percent.	Not less than 78 percent.	Not less than 70 percent.
Ratio of sulfated ash to Brix solids	Not more than 2.5 percent.	Not more than 5 percent.	Not more than 9.5 percent.	Not more than 14 percent.
Color	No darker than RS Color Standard No. 1.	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	No color limit.

(g) Tolerances for certification of officially drawn samples. When certifying samples that have been officially drawn and which represent a specific lot of sugarcane sirup, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided*, That not more than $\frac{1}{6}$ of such samples fail to meet the requirements of the grade specifications set forth in Table I: *And further provided*, That each of the samples which represents a specific lot of sugarcane sirup meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS FOR REFINERS' SIRUP

Factors	Grades and specifications			
	U. S. Fancy or U. S. Grade A refiners' sirup	U. S. Choice or U. S. Grade B refiners' sirup	U. S. No. 1 Standard or U. S. Grade C refiners' sirup	U. S. No. 2 Standard or U. S. Grade D refiners' sirup
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids	Not less than 91.5 percent.	Not less than 87.5 percent.	Not less than 77 percent.	Not less than 69 percent.
Ratio of sulfated ash to Brix solids	Not more than 3 percent.	Not more than 5.5 percent.	Not more than 10 percent.	Not more than 14.5 percent.
Color	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	Darker than RS Color Standard No. 3	

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "RS" is an abbreviation for refiners' sirup.

DETERMINATION OF FACTORS

§ 44.44 *Quantitative determination of factors.* Quantitative determination of the respective fatcors other than color is made by the methods set forth in this section for the respective factors: [1]

(a) *Brix solids.* By Brix hydrometer, correcting to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the chemical method, using invertase as the inverting agent; the Lane-Eynon volumetric method for reducing sugars before and after inversion; or by Jackson-Gillis double polarization method number IV.

(2) *Reducing sugar.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

§ 44.45 *Preparation of basic solutions and RS color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.[2]

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *RS stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of RS color standards*—(1) *RS Color Standard No. 1.* Dilute 10 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *RS Color Standard No. 2.* Dilute 18 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *RS Color Standard No. 3.* Dilute 50 milliliters of RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

§ 44.46 *Use of RS color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of refiners' sirup for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective RS color standards.

[1] These methods are described in Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950, except the Jackson-Gillis double polarization method number IV is described in Circular C440, Nat. Bur. Standards, May 1942, or in the Sugar Analysis, by Browne and Zerban, 3d Edition, 1948, John Wiley & Sons, Inc.

[2] Ten percent hydrochloric acid solution is prepared by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat $\frac{1}{8}$-inch thickness of the sample to be viewed. The container for each RS color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of $1\frac{7}{16}$ inches by $1\frac{7}{16}$ inches.

(c) *Visual comparison test.* A sample of refiners' sirup is compared in the following manner with the RS color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the RS Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of the refiners' sirup in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the RS color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its $\frac{1}{8}$-inch thickness; and each RS color standard is viewed at right angles to one of the sides of its container.

Issued this 11th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6928; Filed, June 14, 1951; 8:52 a. m.]

[7 CFR, Part 930]

[Docket No. AO-72-A16]

HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hillcrest Hotel, Madison and 16th Street, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., June 19, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Northwestern Cooperative Sales Association, Inc.:

1. Delete § 930.5 (a) (1) and substitute therefor the following:

(1) *Class I milk price.* (i) Except as provided in subdivision (ii), add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June	$0.75
March, April, July, and August	1.00
All others	1.30

(ii) In successive two-months periods the percentage which total receipts of producer milk in the market is of total Class I utilization in the market, shall be computed each month by the market administrator and announced. The resultant figure for the next two preceding months shalll be used to determine the Class I differential for the current month. If the figure announced is more than 5 points higher than the average of the corresponding months in the following schedule, then the Class I price shall be decreased 15 cents and if the figure is more than 5 points lower than the average of the corresponding months, then the Class I price shall be increased 15 cents per hundredweight. The Class I price shall be increased or decreased an additional 25 cents if the resultant figure ranges more than 10 points higher or lower than the following schedule and 25 cents for each additional 5 points thereto.

SCHEDULE

January	128	July	144
February	134	August	144
March	142	September	127
April	149	October	123
May	162	November	120
June	163	December	125

2. In § 930.4 (b) (1) (i) add concentrated milk to the list of Class I dispositions of producer milk.

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 12, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6927; Filed, June 14, 1951; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 302]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration a complete revision of Part 302 of the Procedural Regulations (14 CFR Part 302). This revision restates and in many cases adds to the procedural rules governing the conduct of economic proceedings.

The principal features of the proposed regulation are explained in the Explanatory Statement set forth below.

The proposed rules themselves are set forth below.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington, 25, D. C. All communications received by July 27, 1951, will be considered by the Board before taking further action upon the proposed rules. Copies of such communications will be available after July 30, 1951, for examination by interested persons in the Docket Section of the Board, Room 5412 Commerce Building, Washington, D. C.

These amendments are proposed under the authority of sections 205 (a) and 1001 of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in the light of comments received in response to this notice of rule-making.

Issued by the Civil Aeronautics Board at Washington, D. C., on June 12, 1951.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. During the past year the Board's staff has been engaged in the study and preparation of a revision of the Board's Rules of Practice in Economic Proceedings with a view to increasing their usefulness to the Board and the persons appearing before it. In particular, it is hoped that such a revision will serve to expedite proceedings before the Board, insure a more uniform application of the rules to all persons, and save time and effort on the part of the Board and its staff and persons appearing before the Board by eliminating the necessity for case by case determinations of many procedural issues.

The current Rules of Practice in Economic Proceedings have been amended from time to time in the past to meet more or less critical needs as they arose, but up until now they have never been revised as a whole. Such a revision appears to be overdue. Many new types of proceedings or situations have developed which were not specifically contemplated by the rules, and the adaptation of the rules to such proceedings and situations is cumbersome, sometimes misleading, and not infrequently provocative of argument and delay. Many other procedural matters not covered by the rules are now handled in accordance with fairly uniform administrative practices which work well enough with those familiar with such practices. However, difficulties arise in this area for persons appearing before the Board infrequently, and it therefore seems desirable to codify many existing practices in a revision of the rules. Apart from the elimination of difficulties arising from lack of complete and detailed coverage, a revision of the rules affords an appropriate occasion for the introduction of new procedures which will permit more expeditious disposition of Board proceedings and saving of time and effort to all concerned.

The proposed revision of the Rules of Practice in Economic Proceedings which is set forth below was prepared by the Board's staff with the foregoing general principles in view. Although the rule-making procedures of the Administrative Procedure Act are not required to be applied to the promulgation of rules of practice, it is believed to be highly desirable to receive the comments and suggestions of interested persons, particularly those practicing before the Board, before arriving at any final conclusions as to the form the rules should take. Recently the Board established a representative committee of industry counsel as the Civil Aeronautics Board Advisory Committee on Practices and Procedures to assist and advise it in formulating procedures and practices with respect to proceedings before the Board. Because of limitations of time and priority of attention being given to certain other matters, the Advisory Committee has not been able to participate in the preparation of the attached proposal, or to make its views thereon known to the Board. However, we anticipate receiving its full cooperation in this undertaking and view it as a primary source of assistance in the contemplated revision of the rules.

The extensive nature of the changes in the rules proposed by the attached revision renders impracticable any detailed analysis and explanation of all such changes. As an aid to the public, however, certain of the more important changes are briefly described below.

1. *Rule 4 (b).* Eliminates the requirement for verification of documents and makes the signature a certification.

2. *Rule 8.* Establishes detailed rules with respect to service of documents which are designed to insure uniformity in the application of the rules and to prevent the necessity for ad hoc determinations.

3. *Rule 9.* Defines parties to include public counsel and an enforcement attorney so as to make both the restrictions and privileges of these rules applicable to them.

4. *Rule 15.* Establishes who may intervene, the basis for such intervention, and the procedure to be followed, spelling out more clearly the relevant standards for determining intervention and specifying the procedures to be followed.

5. *Rule 18.* Establishes a motions procedure designed to give certainty to the manner in which motions are to be filed and processed, and a procedure for appeals to the Board from rulings of Examiners on motions.

6. *Rules 19, 20, and 21.* Establish rules with respect to the issuance of subpenas, the taking of depositions, and the fees and mileage to be paid in connection therewith, which, in general, codify the Board's existing but unexpressed practice.

7. *Rules 22, 23, and 24.* Indicate the powers of the Examiner, the purpose of the prehearing conference and the manner in which it will be conducted, and the basis for dealing with certain questions relating to hearings which have proved troublesome in the past. For the most part, these rules codify and do not change existing rules and practice.

8. *Rule 27.* Provides that, unless the Board directs otherwise, the examiner shall prepare an initial decision in rate cases if any party requests that he do so, a recommended decision in cases requiring presidential approval, and initial decisions in all other cases. This rule changes existing practice by providing for initial decisions by examiners instead of tentative decisions by the Board in rate cases and by providing for initial decisions instead of recommended decisions by examiners in all other cases except those requiring presidential approval under section 801 of the act. It requires initial decisions to the greatest extent possible and is designed to expedite proceedings wherever possible. The expedition arises from the effect given to such a decision as provided in Rule 28.

9. *Rules 29, 30, 31, 32, 33 and 36.* Set forth the procedure in cases where the record is certified to the Board or a recommended decision is issued by the examiner. In general, the rules with respect to the issuance of a tentative decision by the Board, the filing of exceptions to such a tentative decision or a recommended decision, the filing of briefs with the Board, the hearing of oral argument by the Board, and the issuance of final decision do not make major changes in the existing rules, certainly not existing practices, except in the following particulars: (1) These rules contemplate a single oral argument after initial decision by the examiner rather than before tentative decision by the Board, as is presently the case, in mail rate proceedings; (2) provision is made for filing answering and reply briefs in certain situations.

10. *Subpart B.* Establishes separate rules applicable to economic enforcement proceedings which will meet the special needs of such proceedings.

11. *Rules 205 and 206.* These rules provide for the institution of economic enforcement proceedings and for the determination of complaints seeking to institute such proceedings. They change the present rules and practices of the Board by providing for a delegation of authority to the Chief of the Office of Enforcement to either institute a proceeding or to dismiss a complaint seeking to institute a proceeding. In the case of the dismissal of a complaint, it is immediately appealable, by letter, to the Board. In the case of the institution of a proceeding, no sanction can be invoked except by order of the Board.

It is believed that such a procedure will expedite proceedings and eliminate unnecessary paper work and will divorce the prosecuting and judicial functions of the Board to a much greater extent. At the same time it will not result in the rights of any party being finally determined except by the Board.

12. *Rule 210.* Defines the parties to an economic enforcement proceeding to include a person whose formal complaint alleged violations which were later covered by the petition for enforcement and thus eliminates the necessity of filing a petition for intervention.

13. *Rule 217.* Establishes a procedure with respect to motions for the suspension of economic operating authority during the pendency of proceedings to revoke such authority which for the first time affords a party an opportunity for oral argument before the Board before its operating authority is suspended.

14. *Subpart C.* This subpart establishes special rules applicable to mail rate proceedings. (1) With respect to final mail rate proceedings (Rules 302–309), the rules are not changed in substance but are merely restated for purposes of clarity. (2) With respect to temporary rate proceedings (Rule 310), the rules recognize existing Board practice. (3) With respect to informal mail rate conference procedure (Rules 311–21), the revision incorporates the revision recently promulgated by the Board.

15. *Subpart D.* Establishes new, special rules applicable to exemption proceedings.

The rules provide a definite procedure designed to give certainty to the exemption process, to insure uniformity in the handling of exemptions, and to protect the rights of carriers in the presentation of facts to be considered by the Board in connection with the ruling on an application for exemption or the necessity for a hearing on such application.

16. *Subpart E.* Establishes special rules applicable to proceedings with respect to rates, fares and charges which do not materially change the Board's existing rules and practices with respect to such matters.

17. *Rule 506.* Fixes the burden of proof on the proponent of a rate, fare, charge, etc., thus clarifying a trouble spot which has given rise to the expenditure of much time and effort in case-by-case determinations.

18. *Subpart F.* Incorporates the rules recently promulgated by the Board to govern the handling of petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.

It should be emphasized that the Board recognizes that there are in the proposed rules a number of procedures which are proposed for the first time and others which have been the subject of previous comment in one connection or another and concerning which there may well be differing views. It is, of course, for the very purpose of receiving and considering the views of all interested persons before any decision is reached that this circulation is being undertaken.

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

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SUBPART F—RULES APPLICABLE TO PROCEEDINGS FOR LEAVE TO CONDUCT CHARTER TRIPS OR SPECIAL SERVICES

302.600 Applicability of this subpart.
302.601 Petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.

AUTHORITY: §§ 302.1 to 302.601 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017; 49 U. S. C. 641.

§ 302.1 *Application and description of part*—(a) *Application.* The rules of practice in this part govern the conduct of all economic proceedings before the Board whether instituted by order of the Board or by the filing with the Board of an application, complaint or petition. However, there are exceptions to this section with respect to two classes of proceedings: (a) Proceedings involving "Alaskan air carriers" and "Alaskan pilot-owners" are governed by this part, but only as modified by Part 292 of the Board's Economic Regulations;[1] (b) proceedings governed by Part 301 and Part 303 of the Board's Procedural Regulations (Rules of Practice in Air Safety Proceedings and Rules of Practice In Aircraft Accident Inquiries) are not governed by the regulations in this part.

[1] The Board's Economic and Procedural Regulations are codified in Title 14 of the Code of Federal Regulations.

(b) *Description.* Subpart A sets forth general rules applicable to all types of proceedings. Each of Subparts B through F sets forth special rules applicable to the type of proceedings described in the title of the subpart. Therefore, for information as to applicable rules, reference should be made to Subpart A and to the rules in the subpart relating to the particular type of proceeding, if any. In addition, reference should be made to the Civil Aeronautics Act, the Board's Principles of Practice (Procedural Regulations, Part 300), and to the substantive rules, regulations and orders of the Board relating to the proceeding.[2] Wherever there is any conflict between one of the general rules in Subpart A and a special rule in another subpart applicable to a particular type of proceeding, the special rule will govern.

§ 302.2 *Reference to part and method of citing rules.* This part shall be referred to as the "Rules of Practice". Each section, and any paragraph or subparagraph thereof, shall be referred to as a "Rule". The number of each rule shall include only the numbers and letters at the right of the decimal point. For example, "302.8 *Service of documents*", shall be referred to as "Rule 8". Subparagraph (2) of paragraph (a) of that rule, relating to service of documents by the parties, shall be referred to as "Rule 8 (a) (2)".

SUBPART A—RULES OF GENERAL APPLICABILITY

§ 302.3 *Filing of documents*—(a) *Filing address, date of filing, hours.* Documents required by any section of this part to be filed with the Board shall be filed with the Docket Section of the Civil Aeronautics Board, Washington 25, D. C. Such documents shall be deemed to be filed on the date on which they are actually received by the Board. The hours of the Board are from 8:30 a. m. to 5:00 p. m., eastern standard or daylight saving time, whichever is in effect in the District of Columbia at the time, Monday to Friday, inclusive, except on legal holidays for the Board.

(b) *Formal specifications of documents.* (1) All documents filed under the regulations in this part shall be on strong, durable paper not larger than 8½ by 14 inches in size except that tables, charts and other documents may be larger, folded to the size of the document to which they are attached. The left margin shall be at least 1½ inches wide and, if the document is bound, it shall be bound on the left side.

(2) Papers may be reproduced by printing or by any other process, provided the copies are clear and legible. Appropriate notes or other indications shall be used, so that the existence of any matters shown in color will be accurately indicated on photostatic copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under the regulations in this part, shall be filed with the Docket Section. The copies need not be signed but the name of the person signing the original shall be reproduced.

§ 302.4 *General requirements as to documents*—(a) *Contents.* In case there is no rule, regulation or order of the Board which prescribes the contents of the formal application, complaint or petition, such document shall contain a proper identification of the parties concerned, a reference to the provision of the statute and regulation under which the document is filed, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, complaint, motion or other document filed in a proceeding shall be signed by the party filing the same, or by a duly authorized officer or the attorney-at-law of record of such party, or by any other person: *Provided*, That, if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person in any proceeding shall state on the first page thereof the name and post office address of one person who may be served with any documents filed in the proceeding.

§ 302.5 *Amendment of documents and dismissal.* If any document initiating, or filed in, a proceeding, such as a formal application, complaint or petition, or motion, is not in substantial conformity with the applicable rules or regulations of the Board as to the contents thereof, or is otherwise insufficient, the Board, on its own motion, or on motion of any party, may strike or dismiss such document, or require its amendment. If amended, the document may be made effective as of the date of original filing.

§ 302.6 *Answers.* Answers to formal complaints, petitions or other documents or orders instituting proceedings may be filed but will not usually be required. In case an answer is necessary, the parties will be notified. The issues in the proceeding will ordinarily be formulated at the prehearing conference. However, answers are required in economic enforcement proceedings and reference should be made to Subpart B of this part for such requirements.

§ 302.7 *Retention of documents by the Board.* All documents filed with or presented to the Board, shall be retained in the files of the Board. However, the Board may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 302.8 *Service of documents*—(a) *Who makes service*—(1) *The Board.* Formal complaints, notices, orders to show cause, other orders, and similar documents issued by the Board will be served by the Board upon all parties to the proceeding.

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices, or any other documents filed by any party or other person with the Board or an Examiner shall be served by the person filing such document upon all parties to the proceeding in which it is filed, and proof of service shall accompany the document when it is tendered for filing.

(b) *How service may be made.* Service may be made by regular mail, by registered mail, or by personal delivery. The means of service selected must be such as to permit compliance with section 1005 (c) of the act, which provides for service of notices, processes, orders, rules, and regulations by personal service or registered mail.

(c) *Who may be served.* Service upon a party or person may be made upon an individual, or upon a member of a partnership, or firm to be served, or upon the president or other officer of the corporation, company, firm, or association to be served, or upon the assignee or legal successor of any of the foregoing, or upon any attorney of record for the party, or upon the agent designated by an air carrier under section 1005 (b) of the act, but it shall be served upon the person designated by a party to receive service of documents in a particular proceeding in accordance with § 302.4 (c) once a proceeding has been commenced.

(d) *Where service may be made.* Personal service may be made on any of the persons described in paragraph (c) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005 (b) of the act may be served only at his office or usual place of residence. Service by regular or registered mail shall be made at the principal place of business of the party to be served, or at his usual residence if he is an individual, or at the office of the party's attorney of record, or at the office or usual residence of the agent designated by an air carrier under section 1005 (b) of the act, or at the post office address stated for a person designated to receive service pursuant to § 302.4 (c).

(e) *Proof of service.* Proof of service of any document shall consist of one of the following: (1) A certificate of mailing, accompanied by the post office receipt for a document served by registered mail, executed by the person mailing the document. (2) An acknowledgment of service signed by a person receiving service personally, or a certificate of the person making personal service.

(f) *Date of service.* Whenever proof of service by mail is made, the date of mailing shall be the date of service.

[2] The Civil Aeronautics Act of 1938 may be found at 52 Stat. 973, and, as amended, at 49 U. S. C. 401 et seq. The Board's substantive rules may be found in its Economic Regulations and Civil Air Regulations, codified in Title 14 of the Code of Federal Regulations, and in Civil Aeronautics Board Reports, published by the Government Printing Office.

Whenever proof of service by personal delivery is made, the date of such delivery shall be the date of service.

§ 302.9 *Parties.* The term party wherever used in this part shall include any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and any trustee, receiver, assignee or legal successor thereof, and shall include Public Counsel and the Enforcement Attorney in any proceeding.

§ 302.10 *Substitution of parties.* Upon motion and for good cause shown, the Board may order a substitution of parties, except that in case of death of a party, substitution may be ordered without the filing of a motion.

§ 302.11 *Limitations on practice*—(a) *Registration.* Any person may appear before the Board and be heard in person or by attorney. No register of attorneys who may practice before the Board is maintained and no application for admission to practice is required. However, any person practicing before the Board or desiring so to practice may, for good cause shown, be barred or suspended from so practicing, but only after he has been afforded an opportunity to be heard in the matter.

(b) *Representation by persons formerly associated with the Board*—(1) *Appearance and representation.* (i) No person who has been associated with the Board as a member, officer, or employee shall be permitted at any time to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding or matter which such person has handled or passed upon while associated in any capacity with the Board. No person appearing before the Board in any matter or proceeding shall in relation thereto knowingly accept assistance from or share fees with any person who would himself be precluded by this section from appearing before the Board in such matter or proceeding.

(ii) No person who has been associated with the Civil Aeronautics Board as a member, officer, or employee thereof shall be permitted within six months from the date of the termination of such association, to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding which was pending before the Board at the time of his association with the Board, unless he shall first have obtained the written consent of the Board upon a verified showing that he did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during his association with the Board.

(2) *Use of confidential information.* No person who has been associated with the Board as a member, officer or employee, or any person associated with him, shall ever use or undertake to use in any proceeding or matter before the Board any confidential facts or information which came into the possession or to the attention of any former member, officer, or employee during his official association with the Board without first applying for and obtaining the consent of the Board for the use of such facts or information.

(3) *Pending proceeding defined.* For the purpose of this section a proceeding shall be considered as pending from the date of receipt by the Docket Section of the Board of any formal application, complaint, or petition for the institution of a proceeding by the Board or from the date of adoption of any order to show cause or other procedures of the Board evidencing the initiation of a proceeding. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

§ 302.12 *Consolidation.* The Board, upon its own initiative or upon petition, may consolidate for hearing or for other purposes two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation will be conducive to the proper dispatch of its business and to the ends of justice. If a petition to consolidate two or more proceedings is filed with the Board, any party to any of such proceedings, or any person who has a petition for intervention pending, may file an answer to such petition within such period as the Board may permit. Ordinarily, requests for consolidation should be made at the prehearing conference, and be made orally. The Examiner may require that answers to such requests be stated orally at the prehearing conference.

§ 302.13 *Joinder of complaints or complainants.* Two or more grounds of complaints involving substantially the same purposes, subject or state of facts may be included in one complaint even though they involve more than one respondent. Two or more complainants may join in one complaint if their respective causes of complaint are against the same party or parties and involves substantially the same purposes, subject or state of facts. The Board may separate or split complaints if it finds that the joinder of complaints, complainants, or respondents will not be conducive to the proper dispatch of its business or the ends of justice.

§ 302.14 *Participation in hearings by persons not parties.* Any person, including any state, political division thereof, state aviation commission, or other public body, may appear at any hearing, other than in an enforcement proceeding, and present any evidence which is relevant to the issues. With the consent of the Examiner, or the Board, if the hearing is held by the Board, such person may also cross-examine witnesses directly.

§ 302.15 *Formal intervention*—(a) *Who may intervene.* (1) Any person who has a statutory right to be made a party to a proceeding shall be permitted to intervene therein. (2) Any person whose intervention will be conducive to the ends of justice and will not unduly impede the conduct of the Board's business may be permitted to intervene in such proceeding.

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the Board shall consider, among other things, the following factors: (1) The nature of the petitioner's right under the statute to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issue or delay the proceeding.

(c) *Petition to intervene*—(1) *Contents.* Any person desiring to intervene in a proceeding shall file a petition in conformity with the regulations in this part setting forth the facts and reasons why he thinks he should be permitted to intervene. The petition should make specific reference to the factors set forth in paragraph (b) of this section.

(2) *Time for filing.* Unless otherwise ordered by the Board, any petition for leave to intervene shall be filed within the following time limits:

(i) In a proceeding where the Board issues a show cause order proposing fair and reasonable mail rates, such petition shall be filed within the time specified for filing notice of objection.

(ii) In all other proceedings, including mail rate proceedings where no show cause order is issued, the petition shall be filed with the Board prior to the first prehearing conference, or, in the event that no such conference is to be held, not later than fifteen (15) days prior to the hearing.

A petition for leave to intervene which is not timely filed shall be dismissed unless the petitioner shall clearly show good cause for his failure to file such petition on time.

(3) *Answer.* Any party to a proceeding may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section, within seven (7) days after the petition is filed, except that, in the event a petition to intervene is filed after the close of the taking of evidence, no separate answer shall be permitted, and the position of any party with respect thereto shall be stated to the Board either in brief or oral argument.

(4) *Disposition.* The Board will issue an order granting, denying or otherwise ruling on any petition to intervene. It may do so without receiving testimony or oral argument either from the petitioner or other parties to the proceeding.

(d) *Effect of granting intervention.* A person permitted to intervene in a proceeding thereby becomes a party and shall be permitted to introduce evidence and examine witnesses at any formal hearing that may be held and to participate in all other procedural steps to the same extent as any other party. However, interventions herein provided are for administrative purposes only, and no decision granting leave to intervene shall be deemed to constitute an expression by the Board that the intervening party has such a substantial interest in the order that is to be entered in the proceeding as will entitle it to judicial review of such order.

§ 302.16 *Computation of time.* In computing any period of time prescribed or allowed by the regulations in this part, by notice, order or regulation of the Board, the Chief Examiner, or an Examiner, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

§ 302.17 *Continuances and extensions of time.* Whenever a party has the right or is required to take action within a period prescribed by the regulations in this part, by a notice given thereunder, or by an order or regulation, the Board or the Examiner assigned to the proceeding may (a) before the expiration of the prescribed period, with or without notice, extend such period; or (b) upon motion, permit the act to be done after the expiration of the specified period, where the failure to act is clearly shown to have been the result of excusable neglect.

§ 302.18 *Motions*—(a) *Generally.* An application to the Board or an Examiner for an order or ruling not otherwise specifically provided for in this part shall be by motion. After the assignment of an Examiner to a proceeding, and prior to his recommended decision, or the expiration of the period within which exceptions to his initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the Examiner. At all other times motions shall be addressed to the Board. All motions shall be made at an appropriate time depending upon the nature thereof and the relief requested therein.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing in conformity with §§ 302.3 and 302.4 shall state with particularity the grounds therefor and the relief or order sought, and shall be accompanied by any affidavits or other evidence desired to be relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record unless the Examiner directs otherwise.

(c) *Answers to motions.* Within five (5) days after a motion is filed, or such other period as the Board or Examiner may fix, any party to the proceeding may file an answer in support of or in opposition to the motion, accompanied by such affidavits or other evidence as it desires to rely upon.

(d) *Oral arguments; briefs.* No oral argument will be heard on motions unless the Board or the Examiner otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the position taken.

(e) *Disposition of motions.* The Examiner shall pass upon all motions properly addressed to him, except that, if he finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall pass upon all motions properly submitted to it for decision.

(f) *Appeals to the Board from rulings of examiners.* Rulings of Examiners on motions may not be appealed to the Board prior to its consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Examiner. An appeal shall be disallowed unless the Examiner finds, either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such period as the Examiner directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the Examiner on motion may be reviewed by the Board in connection with its final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(g) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed by the regulations in this part (or any extension granted thereunder) to take action.

§ 302.19 *Subpenas.* (a) An application for a subpena requiring the attendance of a witness or the production of documentary evidence at a hearing may be made without notice by any party to the Examiner designated to preside at the reception of evidence or, in the event that an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner, for action by himself or by a member of the Board.

(b) A subpena for the attendance of a witness shall be issued on oral application at any time.

(c) An application for a subpena for documentary or tangible evidence shall be in duplicate except that if it is made during the course of a hearing, it may be made orally on the record with the consent of the Examiner. All such applications, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought, and shall be accompanied by two copies of a draft of the subpena sought which shall describe the documentary or tangible evidence to be subpenaed with as much particularity as is feasible.

(d) The Examiner or member of the Board considering any application for a subpena shall issue the subpena requested if the application complies with this section. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpena, and no detailed or burdensome showing shall be required as a condition to the issuance of a subpena. It is the purpose of this section, on the one hand, to make subpenas readily available to parties, and, on the other hand, to prevent the improvident issuance of subpenas to secure evidence which is unrelated to the issues of the proceeding or wholly unreasonable in its scope.

(e) Where it appears at a hearing that the testimony of a witness or documentary evidence is relevant to the issues in a proceeding, the Examiner may issue on his own motion a subpena requiring such witness to attend and testify or requiring the production of such documentary evidence.

(f) Any person upon whom a subpena is served may within five (5) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to modify or quash the subpena.

§ 302.20 *Depositions.* (a) For good cause shown, a member of the Board or the Examiner assigned to a proceeding may order that the testimony of a witness be taken by deposition and that the witness produce documentary evidence in connection with such testimony. Ordinarily an order to take the deposition of a witness will be entered only if (1) the person whose deposition is to be taken would be unavailable at the hearing, or (2) the deposition is deemed necessary to perpetuate the testimony of the witness, or (3) the taking of the deposition is necessary to prevent undue and excessive expense to a party and will not result in an undue burden to other parties or in undue delay.

(b) Any party desiring to take the deposition of a witness shall make application therefor in duplicate to the Examiner designated to preside at the reception of evidence or, in the event that an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner for action by himself or by a member of the Board, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the time and place proposed for the taking of the deposition, and a general description of the matters concerning which the witness will be asked to testify. If good cause be shown, the Examiner, the Chief Examiner or a member of the Board may, in his discretion, issue an order authorizing such deposition and specifying the witness whose deposition is to be taken, the general scope of the testimony to be taken, the time when, the place where, and the designated officer (authorized to take oaths) before whom the witness is to testify, and the number of copies of the deposition to be supplied. Such order shall be served upon all parties by the person proposing to take the deposition a reasonable period in advance of the time fixed for taking testimony.

(c) Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers shall be taken down in the words of the witness.

(d) Objections to questions or evidence shall be in short form, stating the

grounds of objection relied upon, but no transcript filed by the officer shall include argument or debate. Objections to questions or evidence shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevance of evidence, and he shall record the evidence subject to objection. Objections to questions or evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(e) The testimony shall be reduced to writing by the officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. The original deposition and exhibits shall be forwarded to the Docket Section of the Board and shall be filed in the proceedings.

(f) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. Ordinarily such procedure will only be authorized if necessary to achieve the purposes of an oral deposition and to serve the balance of convenience of the parties. The interrogatories shall be filed in quadruplicate with two copies of the application and a copy of each shall be served on each party. Within five (5) days after service any party may file with the person to whom application was made two copies of his objections, if any, to such interrogatories and may file such cross-interrogatories as he desires to submit. Cross-interrogatories shall be filed in quadruplicate, and a copy thereof together with a copy of any objections to interrogatories, shall be served on each party, who shall have three (3) days thereafter to file and serve his objections, if any, to such cross-interrogatories. Objections to interrogatories or cross-interrogatories shall be settled by the Examiner, the Chief Examiner or a member of the Board considering the application. Objections to interrogatories shall be made before the order for taking the deposition issues and if not so made shall be deemed waived. When a deposition is taken upon written interrogatories and cross-interrogatories, no party shall be present or represented, and no person other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words. The provisions of paragraph (e) of this section shall be applicable to depositions taken in accordance with this paragraph.

(g) All depositions shall conform to the specifications of § 302.3. Any fees of a witness, the stenographer, or the officer designated to take the deposition shall be paid by the person at whose instance the deposition is taken.

(h) The fact that a deposition is taken and filed in a proceeding as provided in this section does not constitute a determination that it is admissible in evidence or that it may be used in the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

§ 302.21 *Attendance fees and mileage*—(a) *Where tender of attendance fees and mileage is a condition of compliance with subpena.* No person whose attendance at a hearing or whose deposition is to be taken shall be obliged to respond to a subpena unless upon service of the subpena he is tendered attendance fees and mileage by the party at whose instance he is called in accordance with the requirements of paragraph (b) of this section: *Provided*, That a witness summoned at the instance of the Board or one of its employees, or a salaried employee of the United States summoned to testify as to matters related to his public employment, need not be tendered such fees or mileage at that time.

(b) *Amount of mileage and attendance fees to be paid.* (1) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, shall be paid the same fees and mileage paid to witnesses for like services in the courts of the United States, as provided in subdivisions (i) through (iii) of this subparagraph: *Provided*, That no employee, officer or attorney of an air carrier who may travel under the free or reduced rate provisions of section 403 (b) of the act shall be entitled to any fees or mileage which could have been avoided had he exercised the privileges granted under section 403 (b) of the act.

(i) *Per diem for attendance.* There shall be tendered $4.00 for each day of expected attendance at a hearing or place where deposition is to be taken, and for the time necessarily occupied in going to and return from the place of attendance.

(ii) *Allowance for subsistence.* In addition to per diem for attendance, when attendance is required at a point so far removed from the witness' residence as to prohibit daily return thereto, there shall be tendered an additional sum of $5.00 per day for expenses of subsistence for each day of expected attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(iii) *Mileage.* There shall be tendered an amount equal to 7¢ per mile for the distance between the witness' place of residence and the place where attendance is required: *Provided*, That in lieu of this mileage allowance witnesses who are required to travel between the Territories, possessions or to and from the continental United States shall be tendered a ticket for such transportation at the lowest first-class rate available at the time of reservation plus the required per diem attendance fees: *And provided further*, That in Alaska where permitted by section 403 (b) of the Civil Aeronautics Act of 1938, as amended, the witness may, at his option, accept a pass for travel by air.

(2) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, who are summoned to testify at the instance of the Board or one of its employees or the United States or one of its agencies shall be paid in accordance with the provisions of subparagraph (1) of this paragraph. Such witnesses shall be furnished appropriate forms and instructions for the submission of claims for attendance fees, subsistence and mileage from the Government before the close of the proceedings which they are required to attend. Only persons summoned by subpena shall be entitled to claim attendance fees, subsistence or mileage from the Government.

(3) Witnesses who are salaried employees of the United States and who are summoned to testify on matters relating to their public employment, irrespective of or at whose instance they are summoned, shall be paid in accordance with applicable Government regulations.

(4) Whenever the sums tendered to a witness are inadequate for reimbursement under the above requirements, and such witness has complied with the summons, he shall upon request within a reasonable period of time be entitled to such additional sums as may be due him under the provisions of this section. Whenever the sums tendered and paid to a witness are excessive under the above requirements, either because the witness was privileged to travel under the free or reduced rate provisions of section 403 (b) of the act, or for any other reason, the witness shall upon request within a reasonable period of time refund such sums as may be excessive under the provisions of this section.

§ 302.22 *Examiners*—(a) *Defined.* The term "Examiner" as used herein includes presiding officers, hearing examiners, individual members of the Board or any other representative of the Board assigned to hold a hearing in a proceeding.

(b) *Disqualification.* An Examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial or recommended decision in the case, there is filed with the Examiner, in good faith, an affidavit of personal bias or disqualification with substantiating facts and the Examiner does not withdraw, the Board shall determine the matter, if properly presented by exception or brief, as a part of the record and decision in the case. The Board shall not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

(c) *Powers.* An Examiner shall have the following powers, in addition to any others specified in this part:

(1) To give notice concerning and to hold hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

(5) To rule upon offers of proof and to receive relevant evidence;

(6) To regulate the course and conduct of the hearing;

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Within his discretion, or upon the direction of the Board, to certify any question to the Board for its consideration and disposition;

(10) To make initial or recommended decisions as provided in § 302.27;

(11) To take any other action authorized by the regulations in this part, by the Administrative Procedure Act, or by the Civil Aeronautics Act.

The Examiner's authority in each case will terminate either upon the service of a recommended decision, or upon the certification of the record in the proceeding to the Board, or upon the expiration of the period within which exceptions to his initial decision may be filed, or when he shall have withdrawn from the case upon considering himself disqualified.

§ 302.23 *Prehearing conference*—(a) *In general.* Prior to any hearings there will ordinarily be a prehearing conference before an Examiner, although in economic enforcement proceedings where the issues are drawn by the pleadings such conference will usually be omitted. Written notice of the prehearing conference shall be sent by the Chief Examiner to all parties to a proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceeding, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceeding. For example: consideration will be given to: (1) Matters which the Board can consider without the necessity of proof; (2) admissions of fact and the genuineness of documents; (3) admissibility of evidence; (4) limitation of the number of witnesses; (5) reducing of oral testimony to exhibit form; (6) procedure at the hearing, etc. If necessary, the Examiner may require further conference, or responsive pleadings, or both. The Examiner may also on his own motion or on motion of any party direct any air carrier or any party to a proceeding to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant to the issues in the proceeding.

(b) *Report of prehearing conference.* The Examiner shall issue a report of prehearing conference, defining the issues, giving an account of the results of the conference, specifying a schedule for the exchange of exhibits and rebuttal exhibits, the date of hearing, and specifying a time for the filing of objections to such report. The report shall be served upon all parties to the proceeding and any person who appeared at the conference. Objections to the report may be filed by any interested person within the time specified therein. The Examiner may revise his report in the light of the objections presented. The revised report, if any, shall be served upon the same persons as was the original report. Exceptions may be taken on the basis of any timely written objection which has not been met by a revision of the report if they are filed within the time specified in the revised report. Such report shall constitute the official account of the conference and shall control the subsequent course of the proceeding, but it may be reconsidered and modified at any time to protect the public interest or to prevent injustice.

§ 302.24 *Hearings*—(a) *Notice.* The Examiner to whom the case is assigned or the Board shall give the parties reasonable notice of a hearing or of the change in the date and place of a hearing and the nature of such hearing.

(b) *Evidence.* Evidence presented at the hearing shall be limited to competent and material evidence relevant to the issues as drawn by the pleadings or as defined in the report of prehearing conference, subject to such later modifications of the issues as may be necessary to protect the public interest or to prevent injustice. Evidence shall be presented in written form by all parties wherever feasible, as the Examiner may direct.

(c) *Objections to evidence.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Examiner. Rulings on such objections shall be a part of the transcript.

(d) *Exceptions.* Formal exceptions to the rulings of the Examiner made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the Examiner is made or sought, makes known the action he desires the Examiner to take or his objection to an action taken, and his grounds therefor.

(e) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the Examiner rejecting or excluding preferred oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(f) *Exhibits.* When written exhibits are offered in evidence, one copy must be furnished to each of the parties at the hearing, and two copies to the Examiner, unless the parties previously have been furnished with copies or the Examiner directs otherwise. If the Examiner has not fixed a time for the exchange of exhibits, the parties shall exchange copies of exhibits at the earliest practicable time, preferably before the hearing or, at the latest, at the commencement of the hearing.

(g) *Substitution of copies for original exhibits.* In his discretion, the Examiner may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.

(h) *Designation of parts of documents.* When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. The immaterial and irrelevant parts shall be excluded and shall be segregated insofar as practicable. If the volume of immaterial or irrelevant matter would unduly encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the Examiner so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof.

(i) *Records in other proceedings.* In case any portion of the record in any other proceeding or civil or criminal action is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(1) The portion is specified with particularity in such manner as to be readily identified; and

(2) The party offering the same agrees unconditionally to supply such copies later, or when required by the Board; and

(3) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference upon compliance with subparagraphs (1) and (2) of this paragraph; and

(4) The Examiner directs such incorporation.

(j) *Receipt of documents after hearing.* No document or other writings shall be accepted for the record after the close of the hearing except in accordance with an arrangement made with the consent of the Examiner during the hearing and appearing on the record.

(k) *Transcript of hearings.* Hearings shall be recorded and transcribed by a contract reporter of the Board under supervision of the Examiner. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Board and the reporter.

(l) *Corrections to transcript.* Changes in the official transcript may be made only when they involve errors affecting substance. A motion to correct a transcript shall be filed with the Docket Section of the Board within ten (10) days after receipt of the completed transcript by the Board. If no objections to the motion are filed within ten

(10) days thereafter, the transcript may, upon the approval of the Examiner, be changed to reflect such corrections. If objections are received, the motion and objections shall be submitted to the official reporter, together with a request for a comparison of the transcript with the stenographic record of the hearing. After receipt of the report of the official reporter an order shall be entered by the Examiner settling the record and ruling on the motion.

§ 302.25 *Argument before the Examiner.* (a) The Examiner shall give the parties to the proceeding adequate opportunity during the course of the hearing for the presentation of arguments in support of or in opposition to motions, and objections and exceptions to rulings of the Examiner.

(b) When, in the opinion of the Examiner, the volume of the evidence or the importance or complexity of the issues involved warrants, he may, either of his own motion, or at the request of a party, permit the presentation of oral argument. He may impose such time limits on the argument as he may determine, having regard for other assignments for hearing before him. Such argument shall be transcribed and bound with the transcript of testimony and will be available to the Board for consideration in deciding the case.

§ 302.26 *Proposed findings and conclusions before the Examiner or the Board.* Within such reasonable time after the close of the reception of evidence fixed by the Examiner, any party may, upon request and under such conditions as the Examiner may prescribe, file for his consideration proposed findings and conclusions, together with reasons in support thereof. Such proposals shall be in writing, in briefs, or other appropriate form, and shall contain exact references to the record and authorities relied upon. The provisions of this section shall be applicable to proceedings in which the record is certified to the Board without the preparation of an initial or recommended decision by the Examiner, and in such cases the proposed findings and conclusions shall be considered by the Board before it issues any tentative decision.

§ 302.27 *Action by Examiner after hearing.* (a) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the examiner shall take the following action:

(1) *Rates, fares, charges, etc., mail compensation.* In cases relating to rates, fares, or charges, classification, rules or regulations or practices affecting such matters or value of service, or mail compensation, the examiner shall render an initial decision orally on the record or in writing if, before the close of the hearing, any party so requests, or, if no such request is made, he shall certify the record to the Board for decision.

(2) *Cases subject to section 801 of the act.* In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the act, the examiner shall render a recommended decision orally on the record or in writing.

(3) *Other matters.* If the proceeding relates to any matter not provided for in subparagraph (1) or (2) of this paragraph, the examiner shall render an initial decision orally on the record or in writing.

(b) Every initial or recommended decision issued other than orally on the record shall state the names of the persons who are to be served with copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed.

§ 302.28 *Effect of initial decision of Examiner.* An initial decision of an Examiner shall become final and constitute the Board's ultimate disposition of the case unless timely exceptions to it are filed by one of the parties (including Public Counsel or an Enforcement Attorney) or within the period for filing exceptions the Board orders that the initial decision be certified to it for review. The initial decision shall become effective within the time established therein by the Examiner but in no case less than fifteen (15) days from its issuance. In the event that exceptions are filed to an initial decision or it is certified to the Board for review, its effectiveness shall be stayed until the Board disposes of the exceptions, completes its review or orders otherwise.

§ 302.29 *Tentative decision of the Board.* (a) Except as provided in paragraph (b) of this section, whenever the Examiner certifies the record in a proceeding directly to the Board without issuing an initial or recommended decision in the matter, the Board shall, after consideration of any proposed findings and conclusions submitted by the parties, prepare a tentative decision and serve it upon the parties. Every tentative decision of the Board shall state the names of the persons who are to receive copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed. If no exceptions are filed to the tentative decision of the Board within the period fixed, it shall become final at the expiration of such period unless the Board orders otherwise.

(b) Notwithstanding the provisions of paragraph (a) of this section, in rule-making proceedings or proceedings determining applications for initial licenses, the Board may omit a tentative decision in any case in which it finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

§ 302.30 *Exceptions to initial or recommended decisions of Examiners or tentative decisions of the Board.* Within ten (10) days after service of any initial or recommended decision of an Examiner or tentative decision of the Board, or such longer period as may be fixed therein, any party to a proceeding (including Public Counsel or an Enforcement Attorney) may file exceptions to such decision with the Board. Each separately numbered exception shall identify the part of the initial, recommended or tentative decision excepted to, shall designate, by exact and specific reference, the portions of the record relied upon in support of such exception, and shall state the grounds for such exception, including the citation of the statutory provisions or principal authorities in support thereof. Any objection to a ruling, finding or conclusion which is not excepted to shall be deemed to have been waived, and the Board need not consider such objections if raised at a later time.

§ 302.31 *Briefs before the Board.* Within such period after service of any initial or recommended decision of an Examiner or tentative decision of the Board, as may be fixed therein, any party to a proceeding may file a brief before the Board in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Board or the Examiner is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the Examiner may direct that the parties file briefs at different times rather than at the same time. Except by special permission of the Board, briefs shall not exceed fifty (50) pages in length and reply briefs shall not be received.

§ 302.32 *Oral argument before the Board.* (a) If any party desires to argue a case orally before the Board he must request leave to make such argument in his exceptions or brief. Such request shall be filed no later than the date when briefs before the Board are due in the proceeding. The Board will rule on such request, and if oral argument is to be allowed, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each such party.

(b) Pamphlets, charts, and other written data may only be presented to the Board at oral argument in accordance with the following rules. All such material presented at the oral argument shall be limited to facts in the record of the case being argued. Except for maps and enlargements of exhibits or charts included in briefs, all such material shall be served on all parties to the proceeding and three copies transmitted to the Docket Section of the Board at least five (5) days in advance of the argument.

§ 302.33 *Waiver of procedural steps after hearing.* The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in §§ 302.25 through 302.32: Oral argument before the Examiner, the filing of proposed findings and conclusions for the Examiner or for the Board, a recommended decision of the Examiner, a tentative decision of the Board, exceptions to an initial or recommended decision of the Examiner or to a tentative decision of the Board, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 *Petition for consideration of exceptions to initial decision which has become final.* Where a party has, within the time allowed therefor, failed to file exceptions to an initial decision, and such decision has become final, he may petition the Board for leave to file exceptions, but no such petition shall be granted except on a showing of unusual and exceptional circumstances, constituting good cause for failure to make timely filing. The petition shall be accompanied by the exceptions for which late filing is sought. Such exceptions shall comply with the requirements of § 302.30. No such petition shall be granted unless the exceptions raise a substantial doubt as to the correctness of the initial decision. A petition under this section does not affect the finality of the initial decision or suspend its operation. However, the Board may in its discretion suspend the effectiveness of such decision pending its decision on the petition and exceptions.

§ 302.35 *Shortened procedure.* In cases where a hearing is not required by law, §§ 302.23 through 302.34, relating to prehearing, hearing, and post-hearing procedures, shall not be applicable except to the extent that the Board shall determine that the application of some or all of such rules in the particular case will be conducive to the proper dispatch of its business and to the ends of justice.

§ 302.36 *Final decision of the Board.* Upon submittal of a case to the Board for final decision on the merits the Board will consider the whole record, including the initial or recommended decision of the Examiner or its tentative decision, and the exceptions thereto, will resolve all questions of fact by what it deems to be the greater weight of the evidence thereon, will make its decision, stating the reasons or basis therefor, and enter an appropriate order.

§ 302.37 *Petition for reconsideration.* A petition for reconsideration may be filed by any party to a proceeding within thirty (30) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board. However, neither the filing nor the granting of such a petition shall operate as a stay of such final order unless specifically so ordered by the Board. After the expiration of the period for filing a petition, a motion for leave to file such petition may be filed; but no such motion shall be granted except on a showing of unusual and exceptional circumstances, constituting good cause for failure to make timely filing. A petition for reconsideration shall state, briefly and specifically, the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences which would result from the Board's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, on new matter, such new matter shall be set forth, accompanied by a statement to the effect that petitioner, with due diligence, could not have known or discovered such new matter prior to the time the case was submitted to the Board for decision. Within ten (10) days after a petition for reconsideration is filed any party to the proceeding may file an answer in support of or in opposition to the petition.

§ 302.38 *Petitions for rule-making—*(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, or repeal of any Economic Regulation. For purposes of this section, such proposed action will be termed rule-making. However, the procedures set forth in this section shall not apply to recommendations for rule-making submitted by other agencies of the Government.

(b) *Form and contents.* Petition for rule-making shall conform to the requirements of §§ 302.2 and 302.3; and no request for the issuance, amendment, modification, or repeal of a rule which does not conform to such requirements will be considered by the Board.

(c) *Procedure.* Petitions for rule-making will be given a docket number, and will become matters of public record upon filing. No public hearing, oral argument, or other form of proceedings will be held directly on any such proceeding, but if the Board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rule-making procedures, an appropriate notice of proposed rule-making will be issued. Thereafter, the procedures to be followed will be as set forth in section 4 (b) of the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule-making procedures, petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the Board, on its own motion, from acting on any matter disclosed in any petition.

§ 302.39 *Objections to public disclosure of information—*(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Classified or Confidential Treatment Requested Under Rule 39". At the time of filing such paper, or when the objection is made by a person not himself filing the paper, application, report or other document, within five (5) days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, or in accordance with the procedure outlined in paragraph (c) of this section if objection is made by a Government department or a representative thereof. Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or dependent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or dependent shall be compelled to disclose such information only in the presence of the Examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and such attorneys for and lay representative of each party as the Examiner or the person before whom the deposition is being taken, as the case may be, shall designate, and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Classified or Confidential Treatment Requested Under Rule 39—Testimony Given by (name of witness or dependent)". Within five (5) days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c) of this section, in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by Government departments or representative thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any Government department, or representative thereof, under paragraphs (a) or (b) of this section, the department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section insofar as said paragraphs require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this section in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed by the objecting person, any duly authorized

officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

If such motion relates to contracts, agreements, understandings, or arrangements filed pursuant to section 412 (a) of the Civil Aeronautics Act of 1938, as amended, and Part 261 of this chapter, or pursuant to Part 262 of this chapter, an executed original copy and two copies of such motion shall be filed.

(e) *Motions referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, which order shall become effective upon the date stated therein, unless, within five (5) days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written statement is filed indicating that the objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objections in proceeding before the Board.* Notwithstanding any of the provisions of this section, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

§ 302.40 *Saving clause.* Repeal, revision or amendment of any Economic Regulation of the Board shall not affect any pending enforcement proceeding or any enforcement proceeding initiated thereafter with respect to causes arising or acts committed prior to said repeal, revision or amendment, unless the act of repeal, revision or amendment specifically so provides.

§ 302.41 *Applicability of Federal Rules of Civil Procedure.* In any situation not provided for or controlled by this part, the Civil Aeronautics Act of 1938, as amended, or the Administrative Procedure Act, the Rules of Civil Procedure for the District Courts of the United States, where applicable, shall govern.

SUBPART B—RULES APPLICABLE TO ECONOMIC ENFORCEMENT PROCEEDINGS

§ 302.200 *Applicability of this subpart*—(a) *In general.* This subpart sets forth the special rules applicable to proceedings for enforcement of the economic regulatory provisions of the act, and rules, regulations, orders, limitations, conditions and requirements issued thereunder. For information as to other applicable rules, reference should also be made to Subpart A of this part, to the act and to the substantive rules, regulations and orders of the Board.

(b) *Informal complaints.* Informal complaints may be made in writing with respect to anything done or omitted to be done by any person in contravention of any provision of the act or any requirement established pursuant thereto without compliance with the regulations in this part. Matters so presented may, if their nature warrants, be handled by the Board by correspondence or conference with the appropriate persons. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart. The filing of an informal complaint shall not bar the subsequent filing of a formal complaint.

§ 302.201 *Formal complaints.* Any person may make a formal complaint to the Board with respect to anything done or omitted to be done by any person in contravention of any economic regulatory provisions of the act, or any rule, regulation, order, limitation, condition, or other requirement established pursuant thereto. Every formal complaint shall conform to the requirements of § 302.3, concerning the form and filing of documents. The submission of a formal complaint shall not in itself result in the institution of a formal economic enforcement proceeding and a hearing with respect to the complaint unless and until the Chief of the Office of Enforcement dockets a petition for enforcement with respect to such complaint in accordance with § 302.205.

§ 302.202 *Subscription and verification.* Every formal complaint, supplemental complaint, answer or other pleading filed in an economic enforcement proceeding shall be signed by the party filing the same, or by a duly authorized officer, agent or attorney of such party. In addition, such documents shall be verified under oath by the person so signing. Such verification shall set forth that the person verifying the document has read the same and knows the contents thereof and the attached exhibits, if any, and that the matters and things therein stated are true of his own knowledge, except such matters therein stated on information and belief, and as to such matters he believes them to be true. If the subscription and verification, or either of them, be by anyone other than the party filing the same or an officer or attorney of such party, the reason therefor must be stated and the power of attorney or other authority authorizing such affiant to subscribe the document and make the verification must be filed with the document.

§ 302.203 *Insufficiency of formal complaint.* In any case where the Chief of the Office of Enforcement is of the opinion that a complaint does not sufficiently set forth the material required by any applicable rule, regulation or order of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied by amendment.

§ 302.204 *Satisfaction of formal complaint.* Prior to the institution of an enforcement proceeding pursuant to § 302.205, the person complained against in a complaint submitted pursuant to § 302.201 shall be afforded an opportunity for the submission of facts, offer of settlement or proposal of adjustment, unless time, the nature of the grounds of the complaint, or the public interest will not permit. This opportunity shall be extended in writing and shall be accompanied by a copy of the complaint. Responses to such opportunities shall also be in writing and shall be submitted to the Board within fifteen (15) days after notice of the complaint.

§ 302.205 *Institution of enforcement proceedings.* Whenever in the opinion of the Chief of the Office of Enforcement there are reasonable grounds to believe that any provision of the act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that efforts to arrive at an adjustment or settlement insofar as required by § 302.204 have failed, and that investigation of the alleged violation is in the public interest, the Chief of the Office of Enforcement may institute an economic enforcement proceeding by docketing a petition for enforcement. The petition for enforcement shall be accompanied by a formal complaint submitted pursuant to the provisions of § 302.201 or a complaint complying with § 302.3 which is verified by an Enforcement Attorney of the Board. However, if a complaint submitted pursuant to § 302.201 has already been served on the respondent, it may be incorporated by reference in the petition for enforcement. The petition for enforcement, and accompanying complaint, if any, shall be formally served upon the respondent and the complainant. The proceedings thus instituted shall be processed in regular course in accordance with the regulations in this part. However, nothing in the regulations of this part shall be construed to limit the authority of the Board to institute or conduct any investigation or inquiry within its jurisdiction in any other manner or according to any other procedures which it may deem necessary or proper.

§ 302.206 *Procedure when no enforcement proceeding is instituted.* (a) Within a reasonable time after a formal complaint has been processed, the Chief of the Office of Enforcement shall either institute an enforcement proceeding in accordance with § 302.205 or shall advise the complainant in writing that no enforcement proceeding will be instituted with respect to his complaint and the reasons therefor.

(b) The letter of the Chief of the Office of Enforcement shall be deemed an order of the Board dismissing the complaint unless the complainant requests the Board to review such ruling

in accordance with the provisions of paragraph (c) of this section.

(c) Within ten days after receipt of a letter from the Chief of the Office of Enforcement refusing to institute an enforcement proceeding with respect to a complaint, the complainant may file a motion with the Board to review such action. The proceedings on such motion shall be in accordance with § 302.18. Upon conclusion of such proceedings, the Board shall enter an order either dismissing the complaint or directing such other action as it deems appropriate.

§ 302.207 *Answer.* Within fifteen (15) days after the date of service of a petition for enforcement docketed pursuant to § 302.205, the respondent shall file an answer to the complaint attached thereto or referred to therein. All answers shall fully and completely advise the parties and the Board as to the nature of the defense and shall admit or deny specifically and in detail each allegation of the complaint unless the respondent is without knowledge, in which case, the respondent shall so state and his statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be controverted.

§ 302.208 *Default.* Failure of a respondent to file and serve an answer within the time and in the manner prescribed by the regulations in this part shall be deemed to authorize the Board, in its discretion, to find the facts alleged in the petition to be true and to enter such order as may be appropriate, without notice or hearing, or, in its discretion, to proceed to take proof, without notice, of the allegations or charges set forth in the complaint or order.

§ 302.209 *Reply.* The Board (or the Examiner) may, in its discretion, require or permit the filing of a reply in appropriate cases, otherwise no reply shall be filed.

§ 302.210 *Parties.* The parties to an economic enforcement proceeding shall be the Board (represented by an Enforcement Attorney), the respondent, any person whose formal complaint alleged violations which were later covered by the petition for enforcement, and any other person permitted to intervene pursuant to § 302.15.

§ 302.211 *Prehearing conference.* Ordinarily the issues in an economic enforcement proceeding will be drawn by the pleadings and no prehearing conference shall be held. However, such a conference may be held where the Board or the Examiner believes that the fair and expeditious disposition of the proceeding so requires. In the event a prehearing conference is to be held it shall be conducted in accordance with § 302.23.

§ 302.212 *Admissions as to facts and documents.* At any time after answer has been filed, any party may file with the Board and serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request or for the admission of the truth of any relevant matters of fact stated in the request with respect to such documents. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designated in the request, not less than ten (10) days after service thereof, or within such further time as the Board or the Examiner may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Service of such request and answering statement shall be made as provided in § 302.9. Any admission made by a party pursuant to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

§ 302.213 *Hearing.* After the issues have been formulated, whether by the pleadings or otherwise, the Examiner or the Board shall give the parties reasonable written notice of the time and place of the hearing.

§ 302.214 *Appearances by persons not parties.* With consent of the Examiner or the Board, appearances may be entered without request for or grant of permission to intervene by interested persons who are not parties to a proceeding. Such persons may, with consent of the Examiner or the Board, cross-examine a particular witness or suggest to any party or counsel therefor questions or interrogations to be propounded to witnesses called by any party, but may not otherwise examine witnesses and may not introduce evidence or otherwise participate in the proceeding.

§ 302.215 *Offers of settlement.* Any party to an economic enforcement proceeding at any time prior to final decision thereof may submit offers of settlement or proposals of adjustment. Each such offer or proposal shall be submitted in writing and addressed to the Board. The submission of such offer or proposal shall not alter or delay the course of the proceeding unless so ordered by the Board.

§ 302.216 *Evidence of previous violations.* Evidence of previous violations by any person of any provision of the act or any requirement thereunder found by the Board or a court in any other proceeding or criminal or civil action may, if relevant and material, be admitted in any enforcement proceeding involving such person.

§ 302.217 *Motions for immediate suspension of operating authority pendente lite.* All motions for the suspension of the economic operating authority of an air carrier during the pendency of proceedings to revoke such authority shall be filed with, and decided by the Board. Proceedings on the motion shall be in accordance with § 302.18. In addition, the Board shall afford the parties an opportunity for oral argument on such motion.

SUBPART C—RULES APPLICABLE TO MAIL RATE PROCEEDINGS

§ 302.300 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings for the establishment of mail rates by the Board. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.301 *Parties to the proceeding.* The parties to the proceeding shall be the air carrier or carriers for whom rates are to be fixed, the Postmaster General, Public Counsel, and any other person whom the Board permits to intervene. (See § 302.15.)

FINAL MAIL RATE PROCEEDINGS

§ 302.302 *Participation by persons other than parties.* In addition to participation in hearings in accordance with § 302.14, persons other than parties may, within the time fixed for filing notice of objections to an order to show cause in a mail rate proceeding as provided in § 302.305, submit a memorandum of opposition to, or in support of, the position taken in the petition or order. Such memorandum shall not be received as evidence in the proceeding.

§ 302.303 *Institution of proceedings.* Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier whose rate is to be fixed, or the Postmaster General, or upon the issuance of an order by the Board. The petition shall set forth the rate or rates sought to be established, the reasons supporting the request for a change in rate, and a detailed economic justification sufficient to establish the reasonableness of the rate or rates proposed.

PROCEDURE WHEN AN ORDER TO SHOW CAUSE IS ISSUED

§ 302.304 *Order to show cause.* Whether the proceeding is commenced by the filing of a petition or upon the Board's own initiative, the Board may issue an order directing the respondent to show cause why the Board should not adopt such provisional findings and conclusions, and such rates, as may be specified in the order to show cause.

§ 302.305 *Objections and answer to order to show cause.* (a) Any person having objections to the provisional rates specified in such order shall file with the Board a notice of objection within ten (10) days after the date of service of such order.

(b) If such notice is filed as aforesaid, written answer and any supporting documents shall be filed within thirty (30) days after the service of the order to show cause. The Board may specify different times for filing a notice of objection or an answer. An answer to an order to show cause shall contain specific objections, and exhibits in support thereof, and shall set forth the findings and conclusions, the rates, and the

supporting exhibits which would be substituted for the corresponding items in the Statement of Provisional Findings and Conclusions, if such objections were found valid.

(c) A notice or answer filed by a person who is neither a party nor a person ultimately permitted to intervene shall be treated as a memorandum filed under § 302.302.

§ 302.306 *Effect of failure to file notice or answer.* If no notice, or if after notice, no answer is filed within the designated time, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing rates, and the Board may thereupon, upon the basis of all of the documents filed in the proceeding, enter a final order fixing the fair and reasonable rate or rates.

§ 302.307 *Procedure after answer.* If an answer is filed within the time designated in the Board's order, a prehearing conference and hearing shall be held unless waived by all parties. The issues shall be limited to those specifically raised by the answer, except that at the prehearing conference, the Examiner may permit the parties to raise such additional issues as he deems necessary to a full and fair determination of a fair and reasonable rate. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.308 *Evidence.* All direct evidence shall be in writing and shall be filed in exhibit form in advance of the hearing unless, for good cause shown, the Examiner otherwise directs.

PROCEDURE WHEN NO ORDER TO SHOW CAUSE IS ISSUED

§ 302.309 *Hearing to be ordered.* When no order to show cause is to be issued by the Board, the Board will order a hearing before an Examiner similar to that provided for in §§ 302.307 and 302.308, except that the issues at such hearing shall be formulated initially at a prehearing conference.

TEMPORARY RATE PROCEEDINGS

§ 302.310 *Temporary rate petitions and orders*—(a) *Petitions.* Upon its own initiative or upon petition of an air carrier, or the Postmaster General, the Board may, in appropriate cases, fix temporary rates of compensation for the transportation of mail by aircraft for any period after the commencement of a final mail rate proceeding.

(b) *Orders.* Where the Board deems it appropriate to fix a temporary rate, it shall issue an order fixing such rate, which shall become effective without further order of the Board ten (10) days after service thereof unless notice of objection is filed thereto within such period, since in the absence of such notice all persons shall be deemed to have waived all objections to the rate and all rights to any procedural steps which might otherwise be required.

(c) *Effect of objection by petitioner for intervention.* Where the only timely notice of objection to a temporary rate order is filed by a petitioner for intervention, such notice shall postpone the effectiveness of the temporary rate order until the Board rules on the petition for intervention. If the Board denies the petition for intervention, its ruling thereon shall also provide for the temporary rate order to become effective as of the date of such denial and for the dismissal of the notice of objection of the petitioner for intervention.

(d) *Applicability of final mail rate procedure.* Proceedings with respect to an order fixing a temporary rate shall in all other respects be the same as those provided for final mail rate proceedings, except that an answer to a temporary rate order shall be filed within twenty (20) days after service of such order in view of the need for expedition in fixing temporary rates.

INFORMAL MAIL RATE CONFERENCE PROCEDURE

§ 302.311 *Invocation of procedure.* Conferences between members of the Board's staff, representatives of air carriers, the Post Office Department and other interested persons may be called by the Board's staff for the purpose of considering and clarifying issues and factual material in pending proceedings for the establishment of rates for the transportation of mail.

§ 302.312 *Scope of conferences.* The mail rate conferences shall be limited to the discussion of, and possible agreement on, particular issues and related factual material in accordance with sound rate-making principles. The duties and powers of the Board's staff in rate conferences essentially will not be different, therefore, from the duties and powers it has in the processing of rate cases not involving a rate conference. The staff function in both instances is to present clearly to the Board the issues and the related material facts, together with recommendations. The Board will make an independent determination of the soundness of the staff's analyses and recommendations.

§ 302.313 *Participants in conferences.* The persons entitled to be present in mail rate conferences will be the representatives of the carrier whose rates are in issue, the staff of the Postmaster General, and the Board's staff. No other person will attend unless the Board's staff deems his presence necessary in the interest of one or more purposes to be accomplished, and in such case his participation will be limited to such specific purposes. No person, however, shall have the duty to attend merely by reason of invitation by the Board's staff.

§ 302.314 *Conditions upon participation*—(a) *Nondisclosure of information.* As a condition to participation, every participant, during the period of the conferences and for 90 days after its termination, or until the Board takes public action with respect to the facts and issues covered in the conferences, whichever is earlier: (1) Shall, except for necessary disclosures in the course of employment in connection with conference business, hold the information obtained in conference in absolute confidence and trust; (2) shall not deal, directly or indirectly, for the account of himself, his immediate family, members of his firm or company, or as a trustee, in securities of the carrier involved in the rate conference except that under exceptional circumstances special permission may be obtained in advance from the Board; and (3) shall adopt effective controls for the confidential handling of such information and shall instruct personnel under his supervision, who by reason of their employment come into possession of information obtained at the conference, that such information is confidential and must not be disclosed to anyone except to the extent absolutely necessary in the course of employment, and must not be misused. The word "information", as used in paragraph (d) of this section, shall refer only to information obtained at the conference regarding the future course of action or position of the Board or the Board's staff with respect to the facts or issues discussed at the conference.

(b) *Signed statement required.* Every representative of a carrier actually present at any conference shall sign a statement that he has read this entire instruction and promises to abide by it and advise any other participant to whom he discloses any confidential information of the restrictions imposed above. Every representative of the Postmaster General actually present at any conference shall, on his own behalf, sign a statement to the same effect.

(c) *Presumption of having conference information.* A director of any carrier, which has had a representative at the conference, who deals either directly or indirectly for himself, his immediate family, members of his firm or company, or as a trustee, in securities of the air carrier involved in the conference, during the restrictive period set forth in paragraph (a) of this section, shall be presumed to have come into possession of information obtained at the conference knowing that such information was subject to the restrictions imposed above; but such presumption shall be rebuttal.

(d) *Compliance report required.* Within ten (10) days after the expiration of the time specified for keeping conference matters confidential every participant, as defined in this section, shall file a verified compliance report with the Secretary of the Board stating that he has complied in every respect with the conditions of this section, or if he has not so complied, stating in detail in what respects he has failed to comply.

(e) *Persons subject to the provisions of this section.* For the purposes of this section, participants shall include (1) any representative of any carrier and any representative of the Postmaster General actually present at the conference; (2) the carrier and the officers of any carrier which has had a representative at the conference; (3) the directors of any carrier, which has had a representative at the conference, the members of any firm of attorneys or consultants, which has had a representative at the conference, and the members of the Postmaster General's staff, who come into possession of information obtained at the conference, knowing that such information is subject to the restrictions imposed above.[2]

§ 302.315 *Information to be requested from carrier.* With respect to the rate for the future period, the carrier will be requested to submit detailed estimates as to traffic, revenues and expenses by appropriate periods and the investment which will be required to perform the operations for a full future year. Full and adequate support shall be presented for all estimates, particularly where such estimates deviate materially from the carrier's past experience. With respect to the rate for a past period, essentially the same procedure shall be followed. Other information or data likewise may be requested by the Board's staff. All data submitted by the carrier shall be certified by a responsible officer.

§ 302.316 *Staff analysis of data for submission of answers thereto.* After a careful analysis of these data, the Board's staff will, in most cases, send the carrier what might be termed a statement of exceptions showing areas of differences. Where practicable, the carrier may submit its answer to these exceptions. Conferences will then be scheduled to work out a clear understanding and resolution of the issues and facts from the standpoint of sound rate-making principles.

§ 302.317 *Availability of data to Post Office Department.* The representatives of the Postmaster General shall have access to all conference data and, insofar as practicable, shall be furnished copies of all pertinent data prepared by the Board's staff and the carrier, and a reasonable time shall be allowed to get acquainted with the facts and issues and to make any presentation deemed necessary.

§ 302.318 *Post-conference procedure.* The rate conferences not being in the nature of proceedings, no briefs, or argument, or any formal steps, will be entertained by the Board. The form, content and time of the staff's presentation to the Board are entirely matters of internal procedure. Any participant is at liberty, however, further to urge his contentions by way of memoranda addressed to the Board's staff and may request that such memoranda be presented to the Board as a more effective way of stating his position.

§ 302.319 *Effect of conference agreements.* No agreements or understanding reached in rate conferences as to facts or issues shall in any respect be binding on the Board or any participant. Any party to the mail rate proceedings will have the same rights to file an answer and take other procedural steps as though no rate conference had been held. The fact, however, that rate conferences were held and certain agreements or understandings may have been reached on certain facts and issues renders it proper to provide that upon the filing of an answer by any party to the rate proceeding all issues going to the establishment of a rate shall be open, except insofar as limited in prehearing conference in accordance with § 302.23.

§ 302.320 *Waiver of §§ 302.313 and 302.314.* After the termination of a mail rate conference hereunder, the carrier, whose rates were in issue, may petition the Board for a release from the obligations imposed upon it and all other persons by §§ 302.313 and 302.314. The Board will grant such petition only after a detailed and convincing showing is made in the petition and supporting exhibits and documents that there is no reasonable possibility that any of the abuses sought to be prevented will occur or that the Board's processes will in any way be prejudiced. There will be no hearing or oral argument on the petition and the Board will grant or deny the request without assigning reasons therefor.

§302.321 *Time of commencing and terminating conference.* At the commencement of an informal mail rate conference pursuant to this section, the members of the Board's staff conducting such conferences shall issue to each person present at such conference a written statement to the effect that such conference is being conducted pursuant to this section and stating the time of commencement of such conference; and at the termination of such conference the members of the Board's staff conducting such conference shall note in writing on such statement the time of termination of such conference.

SUBPART D—RULES APPLICABLE TO EXEMPTION PROCEEDINGS

§ 302.400 *Applicability of this subpart.* This subpart sets forth the special rules applicable to a proceeding on an application filed by an air carrier with the Board for an exemption, pursuant to section 1 (2) or 416 (b) (1) of the act, from any of the requirements of the act, or any rule, regulation, term, condition, or limitation prescribed thereunder. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.401 *Filing of application*—(a) *Filing.* An application for exemption shall conform to the formal requirements of §§ 302.3 and 302.4. Such application shall be assigned a docket number and any additional documents filed in connection with such exemption shall be identified by the assigned docket number.

§ 302.402 *Contents of application*—(a) *Title.* An application filed pursuant to this subpart shall be entitled "Application for Exemption".

(b) *Factual detail.* The application shall set forth the section or sections of the act, or the rule, regulation, term, condition, or limitation prescribed thereunder from which exemption is desired and shall state in detail the facts relied upon to establish that the enforcement of the provisions from which exemption is sought, is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and that enforcement of such provision is not in the public interest.

(c) *Supporting evidence.* The application shall be accompanied by a statement of economic data or other matters which the applicant desires the Board to officially notice, and by affidavits establishing such other facts as the applicant desires the Board to rely upon.

(d) *Record of service.* An application shall indicate the names of the parties served as required by § 302.403.

§ 302.403 *Service of application*—(a) *Manner of service.* An application for exemption shall be served as provided by § 302.8.

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the act or an application for exemption which will permit the applicant to render irregular services only, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application: (1) Any air carrier which is authorized to render regular service to any point involved in the application; (2) any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by, the Board; (3) the chief executive of any State, territory, or possession of the United States in which any such point is located; and (4) the chief executive of the city, town, or other unit of local government at any such point located in the United States or any territory or possession thereof.

(c) *Additional service of notice.* The Board may, in its discretion, order additional service made on such person or persons as the facts of the situation warrant.

§ 302.404 *Posting of application.* The Board shall cause a copy of every application for exemption filed with it to be posted promptly on a public bulletin board at its principal offices in Washington, D. C.

§ 302.405 *Dismissal of incomplete application*—(a) *Dismissal.* The Board may, on its own motion or the motion of any party in interest, dismiss an application for exemption which fails in any material respect to comply with the requirements of the regulations in this part.

(b) *Additional data.* The Board may request the filing of additional data with respect to any application for exemption or any answer or reply filed by a party in interest in connection therewith.

§ 302.406 *Answers to applications for exemptions.* Within ten (10) days after filing of an application for exemption, any party in interest may file an answer in support of or in opposition to the grant of a requested exemption. Such answer shall set forth in detail the rea-

[2] Restrictions upon the Board's staff on disclosure of confidential information and dealing in air carrier securities have existed for some time under limitations established pursuant to the Civil Aeronautics Act of 1938, as amended, page C2-27 of the Federal Personnel Manual of the Civil Service Commission, and section 93 of the Criminal Code.

sons why the party believes the exemption should be granted or denied. The answer shall be accompanied by a statement of economic data or other matters which it is desired that the Board officially notice, and by affidavits establishing such other facts as are relied upon.

§ 302.407 *Reply.* Within seven (7) days after service of an answer, an applicant for exemption may file a reply thereto in conformity with the provisions of § 302.402.

§ 302.408 *Request for hearing.* Although in the usual course of disposition of an application for exemption no formal hearing will be granted to the applicant or to a party in interest opposing such exemption, the Board may, in its discretion, order such proceeding set down for hearing. Any applicant, or any party in interest opposing an application, who desires to request a hearing on an application for exemption shall set forth in detail in his request the reasons why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the application, and, to the extent that such request is dependent upon factual assertions, shall accompany such request by affidavits establishing such facts. In the event a hearing is ordered by the Board, Subpart A of this part shall govern the proceedings.

§ 302.409 *Exemptions on the Board's initiative.* Notwithstanding the other provisions of this subpart, the Board may, upon request but without notice or hearing, enter orders exempting air carriers from the requirements of any provision of the act, or any rule, regulation, term, condition, or limitation prescribed thereunder, in conformity with sections 1 (2) or 416 (b) (1) of the act.

SUBPART F—RULES APPLICABLE TO PROCEEDINGS WITH RESPECT TO RATES, FARES AND CHARGES

§ 302.500 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings with respect to rates, fares and charges. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Civil Aeronautics Act, and to the substantive rules, regulations and orders of the Board.

§ 302.501 *Institution of proceedings.* A proceeding to determine rates, fares, or charges for the transportation of persons or property by aircraft, or the lawful clasification, rule, regulation, or practice affecting such rates, fares or charges, may be instituted by the filing of a petition or complaint by any person, or by the issuance of an order by the Board.

§ 302.502 *Contents of petition or complaint.* If a petition or complaint is filed it shall state the reasons why the rates, fares, or charges, or the classification, rule, regulation, or practice complained of are unlawful and shall support such reasons with a full factual analysis.

§ 302.503 *Dismissal of petition or complaint.* If the Board is of the opinion that a petition or complaint does not state facts which warrant an investigation or action on its part, it may dismiss such petition or complaint without hearing.

§ 302.504 *Order of investigation.* The Board on its own initiative, or if it is of the opinion that the facts stated in a petition or complaint warrant it, may issue an order instituting an investigation of present or proposed rates, fares, o charges for the transportation of persons or property by aircraft of the lawful classification, rule, regulation, or practice effecting such rates, fares, or charges, and assigning the proceeding for hearing before an examiner. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.505 *Complaints requesting suspension of tariffs.* (a) Formal complaints seeking suspensions of tariffs pursuant to section 1002 (g) of the act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(b) A complaint requesting suspension of any tariff filed under the act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least fifteen (15) days before the effective date of the tariff. In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

§ 302.506 *Burden of going forward with the evidence.* At any hearing involving a change in a rate, fare, or charge for the transportation of persons or property by aircraft, or the lawful classification, rule, regulation, or practice affecting such rate, fare, or charge, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed rate, fare, charge, classification, rule, regulation or practice is just and reasonable, and not otherwise unlawful.

SUBPART F—RULES APPLICABLE TO PROCEEDINGS FOR LEAVE TO CONDUCT CHARTER TRIPS OR SPECIAL SERVICES

§ 302.600 *Applicability of this subpart.* This subpart sets forth the special rules applicable to proceedings brought by air carriers holding certificates of public convenience and necessity who seek to obtain Board approval to perform charter trips or special services in overseas or foreign air transportation to points or areas where such service would otherwise be contrary to the provisions of § 207.8 of the Economic Regulations.

§ 302.601 *Petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.* (a) Petitions filed pursuant to this section need not conform to the requirements of §§ 302.2 and 302.3 but must be submitted in triplicate, signed by a managing officer of the company. Such petition shall set forth the proposed date(s), number of trips, and area(s) or point(s) between which the service is desired to be performed, together with the equipment to be utilized, the approximate number of passengers or amount and kind of cargo to be carried, and the compensation to be received. In the case of charter trips, a copy of the proposed charter agreement(s) shall be annexed to the petition. A copy of the petition, together with all supporting documents, shall be served upon the air carrier certificated to serve the points or areas concerned at its principal office, and proof of such service shall accompany the petition when filed with the Board.

(b) The air carrier certificated to serve the points or areas concerned shall have five days (not including Saturday or Sunday or legal holidays) after the filing of such a petition in which to file notice of objections thereto, if any, with the Board and if such notice is filed, an additional ten days (not including Saturday or Sunday or legal holidays) in which to file supporting reasons or arguments as to why the petition should not be granted in the public interest. Such objections shall include a statement as to the objecting carrier's ability to handle the traffic and may, if desired, include the terms upon which the service requested would be performed by it.

(c) Thereafter the Board will grant the petition to such extent and subject to such terms and conditions as it finds to be in the public interest. Petitions for the approval of service which it finds not in the public interest will be denied.

[F. R. Doc. 51-6932; Filed, June 14, 1951; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE JAVA-NEW YORK RATE AGREEMENT, ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 90-6, between the member lines of the Java-New York Rate Agreement, modifies the member lines' basic agreement (No. 90) to include clauses providing that all rates of freight shall be strictly net and no brokerage allowed, and that not more than one agent shall be employed by any party to the agreement at any one port or place. Also, certain obsolete designations are eliminated.

Agreement No. 6060-9, between the member lines of the Pacific/Indonesian Conference, modifies the basic agreement of said conference (No. 6060) by removing therefrom the provision requiring service commencing at Pacific Coast Ports of the United States or Canada as a prerequisite for regular membership. The provision for associate membership is also removed.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 12, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-6930; Filed, June 14, 1951; 8:52 a. m.]

National Production Authority

[NPA Delegation 1, Supp. 1 as Amended June 15, 1951]

SECRETARY OF DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

NPA Supp. 1 to Del. 1 is hereby amended by redesignating the paragraphs, by deleting list A, and by revising paragraph 1 (a) to authorize rescheduling of all materials required in support of Department of Defense aircraft programs. As so amended Supp. 1 to Del. 1 reads as follows:

1. This amended supplement to NPA Del. 1 is issued pursuant to the Defense Production Act of 1950. The Secretary of Defense has been delegated certain authority to apply and assign ratings by NPA Del. 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

(a) To reschedule deliveries of the materials which are required in support of the Department of Defense aircraft programs (DO-O1 or DO-A1): *Provided, however,* That such authority (1) shall be applicable only to deliveries to fill orders rated by or under the authority of the Secretary of Defense; and (2) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

(b) To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

2. The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

This supplement as amended shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6990; Filed, June 14, 1951; 11:03 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Hughestown Garment Co., 36 Center Street, Hughestown Boro, Pittston, Pa., effective 6-1-51 to 5-31-52; for normal labor turnover, 10 percent or 5 learners, whichever is greater (women's street dresses, jackets and skirts).

Lackawanna Dress Manufacturing Co., Inc., 414 Pine Street, Scranton, Pa., effective 5-28-51 to 5-27-52; 10 learners for normal labor turnover (dresses).

Leo Dress Co., 1372 South Main Street, Pittston, Pa., effective 6-1-51 to 5-31-52; 10 percent for normal labor turnover (dresses).

McTague Manufacturing Co., Inc., Fifteenth and Pine Streets, Phillipsburg, Pa., effective 6-1-51 to 11-30-51; 15 learners for expansion purposes (Government field jackets; men's and boys' sport jackets).

Samuel Meltzer, East College Street, Dyer, Tenn., effective 5-31-51 to 5-30-52; 10 percent for normal labor turnover (men's and boys' pajamas).

Stanley Manufacturing Co., 787 Hazle Street, Ashley, Pa., effective 6-4-51 to 6-3-52; seven learners for normal labor turnover (ladies' dresses).

Terre Hill Manufacturing Co., Inc., 123 West Main Street, Terre Hill, Pa., effective 5-29-51 to 4-30-52; for normal labor turnover, 10 percent of total number of productive factory workers engaged in manufacture of apparel products only (ladies' slips made of woven and knitted purchased material) (replacement certificate).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Budd Cigar Co., Quincy, Fla., effective 6-4-51 to 6-3-52; for normal labor turnover, 10 percent of total number of productive factory workers engaged in each of the occupations listed; cigar machine operators 320 hours, packing cigars retailing for 6 cents or less 160 hours, and machine stripping 160 hours; 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Lee Hosiery Mill, Inc., Landrum, S. C., effective 5-31-51 to 5-30-52; five learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 5-29-51 to 11-28-51; 20 learners for expansion purposes only.

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 5-29-51 to 5-28-52; 5 percent normal labor turnover.

Laros Textiles Co., East Broad at Wood Street, Bethlehem, Pa., effective 5-31-51 to 5-30-52; 5 percent for normal labor turnover.

Laros Textiles Co., 313 Market Street, Kingston, Pa., effective 5-31-51 to 11-21-51; 5 percent for normal labor turnover (replacement certificate).

J. Mathews & Bros., 274 Belleville Avenue, New Bedford, Mass., effective 6-4-51 to 4-30-52; five learners for normal labor turnover (replacement certificate).

Terre Hill Manufacturing Co., Inc., 123 West Main Street, Terre Hill, Pa., effective 5-29-51 to 4-30-52; for normal labor turnover, five learners for work on knitted wear products only (replacement certificate).

Wextex Manufacturing Co., Headland, Ala., effective 6-4-51 to 12-3-51; 20 learners for expansion purposes.

School Operated Industries. The following special learner certificates were issued to the school-operated industries listed below:

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 6-2-51 to 9-15-51. Bindery industry: bindery worker, sewing, pressing, mending and related skilled and semiskilled operations, 20 learners, 200 hours at 50 cents, 200 hours at 55 cents and 200 hours at 65 cents per hour. Craft shop, woodwork: sawing, sanding, assembly, milling and related skilled and semiskilled operations, 15 learners, 250 hours at 50 cents, 250 hours at 55 cents, and 250 hours at 65 cents per hour.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn., effective 6-2-51 to 9-15-51. Industry: print shop; compositor, pressman, typesetter, and related skilled and semiskilled operations, six learners: 350 hours at 50 cents, 325 hours at 55 cents and 325 hours at 65 cents per hour. Industry: clerical; typesetting, record-keeping, invoicing and other skilled and semiskilled operations; 200 hours at 50 cents, 200 hours at 55 cents and 200 hours at 65 cents per hour.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Frederick Tailoring Co., Inc., 809 Pasteur Street, New Berne, North Carolina, effective 6-4-51 to 6-3-52; 7 percent for normal labor turnover; machine operators (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's slacks and suit trousers).

Moore Business Forms, Inc., Marion, Ky., effective 6-4-51 to 12-1-51; 10 learners for normal labor turnover; jogger, stapler, collator, perforator and carbon notcher, 160 hours; 65 cents per hour (sales books).

The Springfield Co., 88 Birnie Avenue, Springfield, Mass., effective 6-4-51 to 12-3-51; 10 percent for normal labor turnover; ball stitcher, 480 hours; 65 cents per hour for first 240 hours and 70 cents per hour for remaining 240 hours (sporting goods).

Zion Industries, Inc., 2669-77 Sheridan Road, Zion, Ill., effective 6-4-51 to 12-3-51; three learners for normal labor turnover; sewing machine operator, 240 hours; 60 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-6906; Filed, June 14, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4786 et al.]

NATIONAL AIRLINES, INC., DC-6 DAYLIGHT COACH CASE

NOTICE OF ORAL ARGUMENT

In the matter of the investigation of the fares, rules, and charges and other provisions proposed by National Airlines, Inc., pursuant to its Local Passenger Tariff, C. A. B. No. 43 and first Revised Page 2 thereto.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on June 25, 1951, at 10:30 a. m. e. d. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 11, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6931; Filed, June 14, 1951; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

OFFICIALS IN THE HOUSING AND HOME FINANCE AGENCY

DELEGATION OF AUTHORITY WITH RESPECT TO ORDER M-4 OF THE NATIONAL PRODUCTION AUTHORITY

The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, effective June 7, 1951, to approve or deny applications for authorization to commence residential and related construction under section 6 of NPA Order M-4 (16 F. R. 4196, 4463), applications for adjustment or exception under section 11 of said order, and appeals from denials of such applications, is hereby delegated as follows:

1. To the Federal Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction to be assisted by mortgage, loan, or yield insurance under the National Housing Act, as amended.

2. To each Regional Representative of the Office of the Administrator, Housing and Home Finance Agency with respect to multi-unit residential and related construction by an educational institution (except as to any such construction included in paragraph 1 hereof).

3. To the Public Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction by Federal, State, or local public agencies (except as to any such construction included in paragraph 1 or paragraph 2 hereof).

4. To the Director, Defense Liaison Staff (Division of Plans and Programs) of the Housing and Home Finance Agency with respect to residential and related construction not included in paragraph 1, paragraph 2, or paragraph 3 hereof.

(Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Del. 1, Jan. 24, 1951; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Dept. of Commerce Order 123, Sept. 28, 1950, 15 F. R. 6726; NPA Del. No. 14, June 7, 1951, 16 F. R. 5401)

Effective as of the 15th day of June 1951.

[SEAL] RAYMOND M FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-6905; Filed, June 14, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2644]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

NOTICE OF FILING OF PROPOSED BANK BORROWING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of June A. D. 1951.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, ("act") by Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company, and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"). Declarants have designated sections 6 (a), 7, and 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Arkansas Louisiana, pursuant to orders of the Commission dated August 6, 1947 (Holding Company Act Release No. 7624), and September 6, 1949 (Holding Company Act Release No. 9315) entered into a Loan Agreement dated as of October 15, 1947, with Guaranty Trust Company of New York ("Bank") and a Supplemental Loan Agreement dated September 15, 1949 under which it made certain loans from time to time. At present, the amounts owed the Bank under such agreements aggregate $23,000,000, evidenced by the company's outstanding 2¼ percent installment promissory note in the principal amount of $7,500,000 (payable in installments of $625,000 each, beginning October 15, 1951 and ending April 15, 1957), 2¾ percent promissory notes in the principal amount of $13,000,000 due September 15, 1952, and 2½ percent promissory notes in the principal amount of $2,500,000 due October 15, 1947.

Arkansas Louisiana now proposes to enter into a Second Supplemental Agreement dated as of April 1, 1951 supplementing and amending the aforesaid Supplemented Loan Agreement, pursuant to which it proposes to borrow from the Bank additional sums not to exceed $4,000,000 on or prior to September 15, 1951. Borrowings under the Second Supplemental Loan Agreement are to be evidenced by promissory notes to be issued by Arkansas Louisiana bearing interest at the rate of 2¾ percent per annum and maturing on September 15, 1952. In consideration of the commitment of the Bank to extend such additional credit, Arkansas Louisiana will pay the Bank on June 15 and September 15, 1951, a commitment fee computed at the rate of ½ of 1 percent per annum from April 1, 1951, the date of the Second Supplemental Agreement, on the daily average unused amount which the Bank is obligated to lend. The other terms and conditions of the Second Supplemental Agreement are substantially the same as those contained in the Loan Agreement dated October 15, 1947, as amended by the Supplemental Agreement dated September 15, 1949.

Arkansas Louisiana proposes to apply the proceeds of such additional borrowings to construction expenditures made, and to be made, during the calendar year 1951, estimated in the amount of $8,562,000.

Arkansas Natural is a holder of a 4½ percent Sinking Fund Debenture due 1955 of Arkansas Louisiana in the principal amount of $6,500,000. In connection with the execution of the original Loan Agreement and the Supplemental Agreement, Arkansas Natural entered into a Subordination Agreement with Arkansas Louisiana and the Bank providing for the subordination of the said Debenture, with respect to payment of principal and interest thereon, to the payment of notes heretofore issued under the Loan Agreement as supplemented. In accordance with those agreements, the Debenture was stamped with an appropriate legend. Similarly, in connection with the proposed Second Supplemental Loan Agreement, Arkansas Natural, Arkansas Louisiana and the Bank propose to enter into a Second Supplemental Subordination Agreement supplementing and amending the Subordination Agreement dated as of October 15, 1947, as amended by the Supplemental Subordination Agreement dated September 15, 1949, providing for the subordination of the said 4¼ percent Debenture to the additional notes to be issued under the Second Supplemental Loan Agreement and to appropriately note the subordination by legend to be placed on the Debenture.

Fees and expenses, exclusive of commitment fees, have been estimated at $7,000, of which $5,000 is for legal fees.

Declarants request that the Commission's order herein issue at the earliest date possible and in any event prior to June 30, 1951, and that it become effective upon issuance.

Notice is further given that any interested person may, not later than June 25, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 25, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and 100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6896; Filed, June 14, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26156]

GRAIN FROM OR TO KANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

JUNE 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3940.

Commodities involved: Grain and grain products, carloads.

Between: Points in Kansas and Oklahoma, on the one hand, and points in Louisiana west of the Mississippi River, Texas, Arkansas, and Mississippi River crossings, on the other.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3940, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6902; Filed, June 14, 1951; 8:46 a. m.]

[4th Sec. Application 26157]

PAPER AND PAPER ARTICLES FROM CORNELL, WIS., TO ILLINOIS

APPLICATION FOR RELIEF

JUNE 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3432.

Commodities involved: Paper and paper articles, carloads.

From: Cornell, Wis.

To: Illinois and western trunk-line territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3432, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such

UNITED STATES TARIFF COMMISSION

[List No. 23 (E)]

NATIONAL CHEESE INSTITUTE, INC.

APPLICATION FOR INVESTIGATION

JUNE 11, 1951.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Date received	Name and address of applicant
Blue-mold cheese (Item 710, Schedule XX (Annecy) of the General Agreement on Tariffs and Trade).	June 11, 1951	National Cheese Institute, Inc., Chicago, Ill.

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51-6897; Filed, June 14, 1951; 8:45 a. m.]

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6903; Filed, June 14, 1951; 8:46 a. m.]

[4th Sec. Application 26158]

FULPBOARD FROM PORT WENTWORTH AND SAVANNAH, GA., TO RICHMOND, VA.

APPLICATION FOR RELIEF

JUNE 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanginger's tariff I. C. C. No. 1069.

Commodities involved: Pulpboard and fiberboard, carloads.

From: Port Wentworth and Savannah, Ga.

To: Richmond, Va.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6904; Filed, June 14, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17846]

JOHN JURGENSEN

In re: Rights of John Jurgensen under Insurance Contract. File No. F-28-31425-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Jurgensen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to John Jurgensen under a contract of insurance evidenced by policy No. 1964672, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to John Jurgensen, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6909; Filed, June 14, 1951; 8:47 a. m.]

[Vesting Order 17844]

WILHELM C. DEVRIENT ET AL.

In re: Rights of Wilhelm C. Devrient et al. under Insurance Contract. File No. F-28-7730-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm C. Devrient, Elizabeth Devrient and Anselm Ludwig Devrient, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 388,348, issued by the Home Life Insurance Company, New York, New York, to Wilhelm C. Devrient, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm C. Devrient or Elizabeth Devrient or Anselm Ludwig Devrient, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6908; Filed, June 14, 1951; 8:47 a. m.]

[Vesting Order 17849]

HAKUO KINOSHITA ET AL.

In re: Rights of Hakuo Kinoshita et al. under Insurance Contract. File No. F-39-6996-H-1.

Under the authority of the Trading With the Enemy Act, as amended Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hakuo Kinoshita and Itsuko Kinoshita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance

evidenced by policy No. WS-244077, issued by the California-Western States Life Insurance Company, Sacramento, California, to Hakuo Kinoshita, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hakuo Kinoshita or Itsuko Kinoshita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6911; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17852]

SHUNICHI SUMIYOSHI

In re: Rights of Shunichi Sumiyoshi under Insurance Contract. File No. F-39-5937-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shunichi Sumiyoshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Shunichi Sumiyoshi under a contract of insurance evidenced by policy No. 555,893, issued by The Manufacturers Life Insurance Company, Toronta, Canada, to Shunichi Sumiyoshi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6912; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17924]

JOHN D. KROOG

In re: Estate of John D. Kroog, deceased File No. D-28-13006; E&T No. 17134.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheit Kroog, Johann Kroog, Martin Kroog and Johannes Kroog, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martin Kroog, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 and 2 hereof, and each of them, in and to the estate of John D. Kroog, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emma Kroog, as executrix, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martin Kroog, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having

[Vesting Order 17850]

ILSE MOLCK-UDE

In re: Rights of Ilse Molck-Ude under Insurance Contract. File No. F-28-26653-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Molck-Ude, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 796,387, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Rudolf Molck-Ude, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6913; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17941]

THOS. COOK & SON (BANKERS), LTD.

In re: Accounts maintained in the name of Thos. Cook & Son (Bankers) Ltd., New York Agency, New York, New York, and owned by persons whose names are unknown. F-27-6820.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Thos. Cook & Son (Bankers) Ltd., New York Agency, New York, N. Y.]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Bankers Trust Co., 16 Wall St., New York, N. Y.	Deposit account, as described by Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. BK-1.

[F. R. Doc. 51-6915; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17927]

MAX SCHOOS

In re: Max Schoos Trust. File No. F-28-31446.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Schoos, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the sum of $4,737.85 and accruals thereto held by the Clerk of the Superior Court of Garfield County, Washington, in an account designated as the Max Schoos Trust,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6914; Filed, June 14, 1951; 8:48 a. m.]

[Vesting Order 17970]

KATSUYA SATO AND NOBUMASA SATO

In re: Debts owing to Katsuya Sato and Nobumasa Sato. F-39-3237, F-39-3238.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsuya Sato, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That Nobumasa Sato, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of accepted accounts payable representing issued and outstanding checks drawn by The Yokohama Specie Bank, Ltd., New York Office on Guaranty Trust Company, New York, New York, payable to Katsuya Sato, and more particularly described below:

Check No.	Amount	Date
[illegible]	$121.32	June 4, 1941
[illegible]	100.00	July 15, 1941
[illegible]	100.00	July 15, 1941
[illegible]	128.12	July 15, 1941
[illegible]	77.28	July 17, 1941

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katsuya Sato, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of an accepted account payable representing issued and outstanding check No. 22511 drawn by The Yokohama Specie Bank, Ltd., New York Office on Guaranty Trust Company, New York, New York, in the amount of $520.00, dated July 15, 1941, and payable to Nobumasa Sato, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nobumasa Sato, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6922; Filed, June 14, 1951; 8:50 a. m.]

[Vesting Order 17942]

C. V. MAATSCHAPPIJ, VOOR BUITENLANDSCHEN "MIJBUH" A/C N. V. ADMINISTRATIEKANTOOR "PROVIDENTIA"

In re: Accounts maintained in the name of C. V. Maatschappij, voor Buitenlandschen "MBijbuh" A/C N. V. Administratiekantoor "Providentia," Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-701.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of C. V. Maatschappij, voor Buitenlandschen Handel "Mijbuh" A/C N. V. Administratiekantoor "Providentia", Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the city of New York, 18 Pine St., New York, N. Y.	C. V. Maatschappij, voor Buitenlandschen Handel "Mijbuh" A/C N. V. Administratiekantoor "Providentia", containing securities of determinable value and of indeterminable value, as described by The Chase National Bank of the city of New York in its report on Form OAP 700 bearing its Serial No. 223.

[F. R. Doc. 51-6916; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17943]

HOPE & Co.

In re: Accounts maintained in the name of Hope & Co., Amsterdam, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1360.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all de-

cared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned, or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hope & Co., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
J. P. Morgan & Co., Inc., 23 Wall St., New York 8, N. Y.	(a) Hope & Co., Amsterdam, (S-2057), and (b) Hope & Co., Amsterdam (2067); as described by J. P. Morgan & Co., Inc., in its report on Form QAF-700, bearing its Serial No. 22.

[F. R. Doc. 51-6917; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17945]

BANKIERSKANTOOR VAN MENDES GANS & CO., N. V.

In re: Stock registered in the name of Bankierskantoor van Mendes Gans & Co., N. V., or N. V. Bankierskantoor van Mendes Gans & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1270.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Bankierskantoor van Mendes Gans & Co., N. V., or N. V. Bankierskantoor van Mendes Gans & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C. on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. The Kansas City Southern Railway Company no par value common stock evidenced by one 10-share Certificate No. B-49569.

II. The Kansas City Southern Railway Company $100 Par Value Preferred Stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. B-39033, B-41190, B-41236, B-41444, B-41459, B-41664, B-41810, B-41812, B-41813.

III. Southern Railway Company Preferred stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 11485, 31066

IV. Pittsburgh Coal Company $100 par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated

10-share certificates. NY 026901, NY 026378, NY 026908, NY 026909, NY 026916, NY 027664, NY 027665, NY 027670, NY 027689, NY 027692 NY 027787 NY 030436 NY [illegible] 943 NY 028200 NY 029436 NY 029437 NY 029442, NY 030435.

V. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 2877, 2920, 2921, 2924, 4235, 4240, 4598, 4605, 4606, 4607, 4608, 4614, 5185, 6258, 7153, 7310, 7630, 8878, 8909, 8910, 8920, 9746, 9864, 9865, 10393, 12822, 13590, 13591, 13592, 14383, 15251, 17240, 18682.

[F. R. Doc. 51-6918; Filed, June 14 1951; 8:49 a. m.]

[Vesting Order 17948]

N. V. MAATSCHAPPIJ VORIJN, FIRMA JOH. A. H. DIKKEN

In re: Stock registered in the name of N. V. Maatschappij Vorijn, Firma Joh. A. H. Dikken, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1260

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of N. V. Maatschappij Vorijn, Firma Joh. A. H. Dikken, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I Southern Ry. Co., no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares, indicated:

10-share certificates. 5639, 100559, 101341, 102383, 105255.

II Southern Ry. Co., Preferred stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 23118, 23493, 24631.

[F R Doc. 51-6920; Filed, June 14, 1951; 8:50 a. m.]

[Vesting Order 17946]

BANQUE GENERALE POUR L'INDUSTRIE ELECTRIQUE

In re: Stocks registered in the name of Banque Generale Pour L'Industrie Electrique, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-2278.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788, and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Banque Generale Pour L'Industrie Electrique, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. European Gas & Electric Company common stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

Number of shares:	Certificate Nos.
50	TC0179
50	TC0268
90	TC0274
100	TC0209
100	TC0210
100	TC0211
100	TC0212
100	TC0299
100	TC0300
100	TC0301
100	TC0302
1,000	TC0321
10	TC0271

II. European Gas & Electric Company $7.00 cum. second preferred stock, evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

Number of shares:	Certificate Nos.
90	T2P0220
82	T2P0314
10	T2P0311
18	T2P0317

[F. R. Doc. 51-6919; Filed, June 14, 1951; 8:49 a. m.]

[Vesting Order 17974]

ULRICH WOLF

In re: Debt owing to Ulrich Wolf. F-28-31468.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ulrich Wolf, whose last known address is Volksgartenstrasse 178 M. Gladbach/RHLD, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ulrich Wolf by The Budd Company, 2450 Hunting Park Avenue, Philadelphia, Pennsylvania, representing the proceeds of redemption of 5 shares of Edward G. Budd Manufacturing Company, 7% Cumulative Preferred stock, Series of 1925, evidenced by a certificate numbered PO 1864, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6923; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17980]

ALEX J. HENDRIX

In re: Stock registered in the name of Alex J. Hendrix, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1361.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Alex J. Hendrix, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

10 shares of Southern Railway Company preferred stock evidenced by certificate No. 26511.

[F. R. Doc. 51-6924; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17981]

L. KORIJN & CO.

In re: Stock registered in the name of L. Korijn & Co., Amsterdam, the Netherlands, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of L. Korijn & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

New York Ontario & Western Railway common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates

N 35982, N 35984, N 35987, N 35988, N 35989, N 36009, N 36017, N 38318, N 38320, N 38321, N 38324, N 38325, N 38326, N 39382, N 39383, N 39384, N 39385, N 39386, N 39387, N 39388, N 39389, N 39390, N 39391, N 39392, N 39395, N 39399, N 39400, N 39468, N 39469, N 39471, N 39472, N 39474, N 39475, N 39476, N 39478, N 39481, N 39482, N 39484, N 39485, N 39589, N 39593, N 39595, N 39597, N 39598, N 39613, N 39615, N 39616, N 39617.

N 42618, N 42620, N 42621, N 42623, N 42624, N 42625, N 42626, N 42627, N 42628, N 42629, N 42631, N 42632, N 42633, N 42634, N 42635, N 42636, N 42637, N 42638, N 42640, N 42641, N 42642, N 42644, N 42645, N 42646, N 42650, N 42652, N 42654, N 42655, N 42656, N 42657, N 42658, N 42659, N 42660, N 42661, N 42662, N 42663, N 42664, N 42666, N 42668, N 42669, N 42670, N 42671, N 42673, N 42674, N 42676, N 42677, N 42678, N 42679.

N 42680, N 42681, N 42682, N 42684, N 42685, N 42686, N 42688, N 42690, N 42691, N 42692, N 42693, N 42696, N 42698, N 42699, N 42701, N 42702, N 42703, N 42704, N 42705, N 42707, N 42708, N 42710, N 42712, N 42791, N 42792, N 42793, N 42801, N 42803, N 42804, N 42806, N 42807, N 42809, N 42810, N 42811, N 42812, N 42814, N 42815, N 42817, N 42818, N 42820, N 42828, N 42830, N 42831, N 42832, N 42833, N 42834, N 42835, N 42836.

N 42837, N 42840, N 42841, N 42842, N 42846, N 42851, N 42854, N 42855, N 42856, N 42859, N 42860, N 42861, N 42862, N 42863, N 42864, N 42865, N 42867, N 42868, N 42869, N 42870, N 42871, N 42873, N 42874, N 42876, N 42877, N 42878, N 42879, N 42880, N 45958, N 45959, N 45960, N 45961, N 45962, N 45963, N 45964, N 45965, N 45966, N 47110, N 47228, N 47486, N 47487, N 47488, N 47489, N 47490, N 47491, N 47492, N 47493, N 47494.

N 47495, N 47567, N 47568, N 47569, N 47570, N 47571, N 47572, N 47573, N 47574, N 47575, N 47576, N 47667, N 47668, N 47669, N 47670, N 47671, N 47672, N 47675, N 47676, N 47677, N 47678, N 47679, N 47680, N 47681, N 47682, N 47683, N 47684, N 47685, N 47686, N 47687, N 47688, N 47689, N 47690, N 47691, N 47692, N 47693, N 47694, N 47695, N 47722, N 47723, N 47724, N 47726, N 47727, N 47728, N 47729, N 47730, N 47731, N 48015.

N 48017, N 48018, N 48019, N 48020, N 48021, N 48022, N 48024, N 48216, N 48217, N 48219, N 48220, N 48221, N 48222, N 48223, N 48224, N 48225, N 48226, N 48227, N 48230, N 48232, N 48233, N 48234, N 48235, N 48236, N 48239, N 48240, N 48241, N 48242, N 48243, N 48244, N 48245, N 48246, N 48247, N 48248, N 48249, N 48250, N 48251, N 48252, N 48253, N 48254, N 48255, N 48256, N 48257, N 48258, N 48259, N 48260.

N 48266, N 48267, N 48268, N 48269, N 48270, N 48271, N 48272, N 48273, N 48274, N 48275, N 48278, N 48278, N 48279, N 48280, N 48281, N 48282, N 48283, N 48284, N 48285, N 48286, N 48288, N 48289, N 48291, N 48292, N 48293, N 48294, N 48297, N 48299, N 48300, N 48302, N 48303, N 48304, N 48305, N48306, N 48307, N 48308, N 48309, N 48310, N 48311, N 48312, N 48313, N 48314, N 48315, N 48414, N 48415, N 48416, N 48417, N 48418.

N 48419, N 48420, N 48421, N 48422, N 48423, N 48424, N 48425, N 48426, N 48427, N 48429, N 48430, N 48431, N 48432, N 48433, N 48434, N 48435, N 48437, N 48438, N 48439, N 48440, N 48441, N 48443, N 48444, N 48445, N 48446, N 48447, N 48448, N 48449, N 48451, N 48452, N 48453, N 48455, N 48456, N 48457, N 48458, N 48459, N 48460, N 48461, N 48462, N 48463, N 48527, N 48528, N 48529, N 48530, N 48531, N 48532, N 48533, N 48534.

N 48535, N 48537, N 48538, N 48539, N 48540, N 48541, N 48542, N 48543, N 48544, N 48546, N 48547, N 48548, N 48549, N 48550, N 48551, N 48553, N 48554, N 48557, N 48559, N 48560, N 48561, N 48562, N 48563, N 48564, N 48565, N 48566, N 48567, N 48568, N 48569, N 48570, N 48571, N 48572, N 48573, N 48574, N 48576, N 48578, N 48579, N 48580, N 48582, N 48583, N 48584, N 48585, N 48589, N 48590, N 48591, N 48592, N 48593, N 48594.

N 48595, N 48596, N 48597, N 48631, N 48632, N 48633, N 48634, N 48635, N 48636, N 48637, N 48638, N 48640, N 48641, N 48642, N 48643, N 48644, N 48645, N 48646, N 48647, N 48648, N 48649, N 48650, N 48651, N 48652, N 48653, N 48654, N 48655, N 48656, N 48657, N 48658, N 48659, N 48660, N 48670, N 48671, N 48672, N 48673, N 48674, N 48675, N 48676, N 48677, N 48678, N 48679, N 48680, N 48681, N 48684, N 48685, N 48686, N 48687.

N 48688, N 48826, N 48827, N 48828, N 48830, N 48832, N 48833, N 48834, N 48901, N 48902, N 48903, N 48904, N 48905, N 48906, N 48907, N 48909, N 48912, N 48913, N 48914, N 48915, N 48916, N 48917, N 48918, N 48919, N 48920, N 48925, N 48926, N 48927, N 48928, N 48931, N 48932, N 48933, N 48934, N 48954, N 48955, N 48956, N 48957, N 48958, N 48959, N 48960, N 48961, N 48962, N 48963, N 43964, N 48965, N 48966, N 48967, N 48968.

N 48969, N 48970, N 48971, N 48972, N 48973, N 48974, N 48975, N 48976, N 48977, N 48978, N 48979, N 48980, N 48981, N 48982, N 48983, N 49183, N 49184, N 49185, N 49186, N 49187, N 49188, N 49192, N 49526, N 49527, N 49528, N 49529, N 49530, N 49531, N 49532, N 49533, N 49534, N 49546, N 49548, N 49549, N 49550, N 49552, N 49553, N 49554, N 49555, N 49556, N 49557, N 49558, N 49559, N 49560, N 49561, N 49562, N 49563, N 49564.

N 49565, N 49943, N 49944, N 49946, N 49948, N 49949, N 49950, N 49952, N 50802, N 50803, N 50804, N 50805, N 50807, N 50808, N 50809, N 50810, N 50964, N 50965, N 50966, N 50967, N 50968, N 50969, N 50972, N 50974, N 50975, N 50976, N 50977, N 50978, N 50980, N 50981, N 50982, N 50983, N 50984, N 50985, N 50986, N 50987, N 50988, N 50989, N 50990, N 50991, N 51044, N 51046, N 51047, N 51048, N 51049, N 51050, N 51051, N 51053.

N 51056, N 51057, N 51059, N 51060, N 51061, N 51062, N 51065, N 51066, N 51068, N 51069, N 51070, N 51071, N 51072, N 51073, N 51074, N 51075, N 51076, N 51077, N 51078, N 51079, N 51081, N 51082, N 51083, N 51084, N 51085, N 51087, N 51088, N 51090, N 51091, N 51092, N 51093, N 51094, N 51095, N 51097, N 51098, N 51099, N 51100, N 51103, N 51316, N 51317, N 51318, N 51319, N 51320, N 51321, N 51322, N 51323, N 51324, N 51325.

N 51329, N 51330, N 51331, N 51332, N 51333, N 51334, N 51335, N 51336, N 51338, N 51339, N 51340, N 51341, N 51344, N 51345, N 51737, N 51738, N 51739, N 51740, N 51741, N 51742, N 51743, N 51744, N 51745, N 51766, N 51767, N 51768, N 51769, N 51771, N 51772, N 51774, N 51775, N 51776, N 51777, N 51778, N 51779, N 51780, N 51781, N 51782, N 51799, N 51800, N 51801, N 51802, N 51803, N 51804, N 51805, N 51806, N 51807, N 51808.

N 51809, N 51813, N 51814, N 51815, N 51816, N 51817, N 52687, N 52688, N 52689, N 52690, N 52691, N 52692, N 52693, N 52694, N 52695, N 52696, N 52697, N 52698, N 52699, N 52700, N 52701, N 52702, N 52703, N 52704, N 52705, N 52706, N 52708, N 52709, N 52710, N 52711, N 52712, N 52713, N 52714, N 52715, N 52716, N 52717, N 53242, N 53243, N 53244, N 53245, N 53246, N 53247, N 53248, N 53546, N 53547, N 53548, N 53549.

N 53550, N 53551, N 53552, N 53553, N 53554, N 53555, N 53556, N 53557, N 53559, N 53559, N 53560, N 53561, N 53562, N 53563, N 53564, N 53565, N 53566, N 53567, N 53568, N 53569, N 53570, N 53571, N 53572, N 53573, N 53574, N 53575, N 53576, N 53577, N 53585, N 53586, N 53587, N 53591, N 53592, N 53593, N 53594, N 53595, N 53596, N 53597, N 53598, N 53599, N 53601, N 53602, N 53603, N 53608, N 53604, N 53609, N 53610.

N 53611, N 53612, N 53613, N 53614, N 53615, N 54998, N 54999, N 55000, N 55001, N 55002, N 55003, N 55004, N 55005, N 55006, N 55007, N 55008, N 55009, N 55010, N 55011, N 55012, N 55013, N 55014, N 55015, N 55016, N 55017, N 55018, N 55019, N 55020, N 55021, N 55022, N 55023, N 55024, N 55025, N 55026, N 55027, N 50963.

[F. R. Doc. 51-6925; Filed, June 14, 1951; 8:51 a. m.]

[Vesting Order 17949]

PIERSON & CO.

In re: Stock registered in the name of Pierson & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Pierson & Co. together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

N. Y. Ontario & Western Railway common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates

N 38397, N 38398, N 38399, N 38400, N 38402, N 38403, N 38404, N 38405, N 38406, N 38530, N 38533, N 38534, N 38537, N 38538, N 38987, N 38988, N 38989, N 38990, N 38991, N 38993, N 38994, N 38996, N 38997, N 38998, N 38999, N 39000, N 39009, N 39011, N 39013, N 39014, N 39015, N 39178, N 39179, N 39181, N 39186, N 39549, N 39550, N 39556, N 39558, N 39559, N 39560, N 39561, N 39562, N 39564, N 39565, N 35966, N 39567, N 39001.

N 39568, N 39570, N 39571, N 39573, N 39575, N 39577, N 39578, N 39582, N 39587, N 39589, N 39591, N 39592, N 39593, N 39594, N 39595, N 29596, N 39598, N 39599, N 39602, N 39603, N 39604, N 39605, N 39606, N 39607, N 39608, N 39609, N 39611, N 39623, N 39626, N 39627, N 39628, N 39630, N 39631, N 39633, N 39636, N 39637, N 39638, N 39640, N 39644, N 39655, N 39656, N 39657, N 39658, N 39659, N 39661, N 39663, N 39664, N 39666.

N 39669, N 39672, N 39674, N 39675, N 39706, N 39707, N 39708, N 39709, N 39710, N 39711, N 39712, N 39713, N 29714, N 39715, N 39728, N 39729, N 39730, N 39731, N 39733, N 39734, N 39736, N 39771, N 39773, N 39774, N 39775, N 39776, N 39777, N 39778, N 39779, N 39781, N 39782, N 39783, N 39785, N 39786, N 39787, N 39790, N 39791, N 39832, N 39834, N 39836, N 39837, N 39877, N 39878, N 39880, N 39881, N 39882, N 39919.

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FEDERAL REGISTER

VOLUME 16 NUMBER 117

Washington, Saturday, June 16, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

NOTICE OF TERMINATION OF TERMS AND CONDITIONS OF COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The offer contained in the "Terms and Conditions of Commodity Credit Corporation Wheat and Wheat-Flour Export Program" effective May 16, 1950, as amended (§§ 571.45 to 571.109 inclusive), is terminated as of June 12, 1951, at 12:01 a. m., e. s. t., with respect to sales made after such date. Payment on sales made prior to the termination date of this offer shall be at the rate in effect at the time of such sale.

(Sec. 3, 63 Stat. 946; 7 U. S. C. Sup., 1642)

Dated this 11th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-6951; Filed, June 15, 1951; 8:50 a. m.]

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1951–52 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

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GENERAL

§ 571.125 *General statement.* In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) pursuant to the authority conferred by Public Law 421, 81st Congress, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained from the Vice President of Commodity Credit Corporation, who is the Assistant Administrator for Commodity Operations, Production and Marketing Administration (referred to in this subpart as Vice President), Department of Agriculture, Washington 25, D. C., or from the Director, PMA Commodity Office; U. S. Department of Agriculture, located in the cities listed in § 571.163.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

§ 571.130 *General conditions of eligibility.* Payments under this program will be made to an exporter in connection with the net quantity of wheat or flour exported to an eligible country from the United States and the net quantity of wheat or flour in customs bond in Canada exported from Canadian ports, excluding West Coast Canadian ports, to an eligible country pursuant to a sale for which he has received a confirmation by the Vice President, CCC, in accordance with § 571.148, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the Vice President subject to the conditions contained in § 571.138.

§ 571.131 *Time of sale.* Sales entered into after the date of this offer and not later than June 30, 1952, for recording against the 1950–51 or 1951–52 Wheat Agreement year quotas, are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment. Under no circumstances shall a sale be considered as entered into until the purchase price has been established. The time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 571.155 (a) and present documentary evidence that the sale was consummated at such time.

§ 571.132 *Date of exportation.* (a) Wheat and flour sold for recording against the 1950–51 Wheat Agreement guaranteed quantities must be exported by July 31, 1951, unless approval is obtained from the Vice President to export subsequent to July 31, 1951. Wheat or flour sold for recording against the 1951–52 Wheat Agreement guaranteed quantities must be exported during the period August 1, 1951, and July 31, 1952, inclusive, unless approval is obtained from the Vice President to export either prior to or subsequent to that period. However, wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless approval is obtained from the Vice President to change the export date to a later period.

(b) In the event that export takes place after the specified rate period and the exporter has not obtained approval from the Vice President to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place.

(c) If no rate was in effect at the time of sale or the time of giving Notice of Sale for the period in which actual export takes place and exportation is not made within an extension of time approved by the Vice President (it will be the policy to grant extensions where exportation will be made during a period for which no payment rate applicable to the sale is in effect, only if it can be shown that exportation under the contract has been delayed by circumstances beyond the control of both the exporter and importer) the export payment rate will be reduced as indicated below if exportation is made within the stated number of days after the expiration of the specified rate period or any approved extension of time:

Within the first 10 days—reduced 5 percent.
Within 11 to 30 days—Reduced 20 percent.
If exported after 30 days—no export payment.

If exportation is not made at all, the provisions of § 571.166 will apply.

§ 571.133 *Exports to eligible countries.* Exports of wheat or flour under this program shall be made only to the eligible country named in the Notice of Sale and the Declaration of Sale, and to a buyer identified with the Declaration of Sale and supporting evidence of sale unless:

(a) The buyer identified with the Declaration of Sale directs that shipment be made to another Wheat Agreement country,

(b) The Government of the eligible country named in the Notice of Sale and Declaration of Sale or the Government of the eligible country to which shipment is directed consents to the recording of the sale against its guaranteed quantity, and

(c) The exporter obtains, prior to export, authority from the Vice President to export to an eligible country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 571.134 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than one (1) percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed five (5) percent of the contract quantity, unless clearance is obtained from the

Vice President, in which case a new Declaration of Sale and a new confirmation of sale for the additional quantity is required. Payment will be made without additional clearance where the loaded quantities do not exceed by more than one (1) percent the quantity shown on the Declaration of Sale in the case of flour and bagged wheat, and quantity does not exceed with respect to bulk wheat, the contract quantity plus a loading tolerance as specified in the contract but not to exceed five (5) percent.

§ 571.135 *Reports.* The exporter shall submit the reports and documents specified in §§ 571.155 to 571.158, inclusive.

§ 571.136 *Proof of export.* Proof of export and submission of specified supporting documents must have been made in accordance with § 571.162.

§ 571.137 *Reentry or diversion.* If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or is lost or destroyed, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment has already been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Vice President: *Provided*, That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the eligible country. The exporter shall notify the Vice President immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 571.138 *Wheat and flour exported prior to sale.* (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to an eligible country.

(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Vice President within one week after the date of such exportation as defined in § 571.185 unless additional time for reporting is granted by the Vice President. This report, which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat and flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity:

(i) Wheat in bushels.

(ii) Flour in net hundredweight.

(6) Class and grade of wheat; or type and extraction of flour.

(7) The report shall also contain a statement that the vessel contains wheat or flour sold to an eligible country under the terms of the Wheat Agreement by the exporter filing the report, as provided in (c) below:

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to an eligible country as provided in this subpart shall be reported in paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons.

(d) At such time as the wheat or flour is sold to an eligible country, the exporter shall report the sale to the Vice President as provided in § 571.155, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Vice President as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower for the current export rate period, which applies (1) to the port from which the wheat or flour was exported, and (2) to the eligible country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 571.162, the exporter will be required in the case of flour to submit with Public Voucher Form FDA–564 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, except as modified by paragraphs (a), (b), (c), (d), and (e) of this section are applicable to sales described by this section.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 571.140 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Announcement of rates will be released at approximately 3:30 p. m., e. s. t., and will remain in effect until 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective after 3:30 p. m., e. s. t., on Friday will be considered as in effect until 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through eight PMA Commodity Offices at Portland (Oregon), San Francisco, Minneapolis, Kansas City (Missouri), Dallas, Chicago, Atlanta, and New York City. Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors, may be announced for the same period.

§ 571.141 *Determination of rates.* The rate in effect at the time of sale or the time of giving Notice of Sale, as required by § 571.155 (a), whichever rate is the lower, shall be the rate applicable to the sale. In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter, in form prescribed in § 571.156 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale:

(a) Time of filing by the exporter of a cablegram or other written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance by the foreign buyer of a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or other written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller—otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraphs (a), (b), or (c) of this section, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(e) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day established in accordance with paragraphs (a), (b), (c), or (d) of this section, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 571.142 *Conversion factors.* (a) If a single per bushel payment rate applicable to both wheat and flour is in effect, the following conversion factors shall be used to determine the wheat equivalent (in bushels) of flour:

	Bushels per 100-lb. flour
Whole wheat flour	1.67
Patents and straight grade flour (up to 72 percent extraction)	2.33
Flour clears	2.33
80 percent extraction flour	2.17
Semolina and Farina	2.33

(b) If a separate per hundredweight payment rate for flour is in effect, the following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Patents and straight grade flour (up to 72 percent extraction)	1.000
Flour clears	1.000
Semolina and Farina	1.000
80 percent extraction flour	0.931
Whole wheat flour	0.717

If sales are made at any other extraction rates between 72 and 100 percent, a conversion factor will be furnished by the Vice President upon request.

§ 571.143 *Statement of status of purchases and sales.* The Vice President will issue, not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. The Vice President will furnish to any exporter upon request such information as he has available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 571.144 *Maximum and minimum prices.* Maximum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by the Vice President. The Wheat Agreement provides that to such maximum prices may be added such carrying charges and marketing costs as may be agreed between buyer and seller. The Wheat Agreement also provides that premiums and discounts for quality factors may be as agreed between exporting country and importing country. The Vice President also will announce minimum prices when appropriate.

CONFIRMATION OF SALE

§ 571.148 *Confirmation of sale.* Upon receipt of the Notice of Sale required by § 571.155 the Vice President will confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment upon proof that the conditions set forth in this program have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the U. S. the maximum benefits under the Wheat Agreement.

§ 571.149 *Eligibility for entry in the Wheat Council's records.* The Wheat Agreement provides that:

(a) *Wheat.* A transaction or part of a transaction in wheat-grain between a participating exporting and importing country is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) *Provided*, That (i) it is at a price (determined to be the equivalent price at port of export to No. 1 Manitoba Northern bulk wheat in store Fort William-Port Arthur, Canada) not higher than the maximum nor lower than the minimum in effect during the crop year in which the loading period specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the exporting and importing countries concerned have unfulfilled guaranteed quantities for the crop year, and (ii) that the loading period specified in the transaction falls within that crop year.

(b) *Flour.* If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed that the price of such flour is consistent with the maximum or minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is not such statment or agreement as specified above, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justifies the entry of the transaction in the records.

§ 571.150 *Responsibility of exporter.* During certain periods it may be to the exporter's advantage to ascertain from the Vice President prior to making a sale whether there is a sufficient guaranteed quantity balance to permit recording in the Wheat Council's records or whether, as indicated in § 571.148, the sale may not otherwise be confirmed. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of the Vice President to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records, will be confirmed.

ELIGIBLE COUNTRIES

§ 571.153 *Eligible countries.* An eligible country shall be any one of the following countries, including all territories for the foreign relations of which the Government of that country is responsible, unless announcement has been made by the Vice President excepting certain territories:

Austria.
Belgium.
Bolivia.
Brazil.
Ceylon
Costa Rica.
Cuba
Denmark.
Dominican Republic.
Ecuador.
Egypt.
El Salvador.
Germany.
Greece.
Guatemala.
Haiti.
Honduras.
Iceland.
India.
Indonesia.
Ireland.
Israel.
Italy.
Lebanon.
Liberia.
Mexico.
Netherlands.
New Zealand.
Nicaragua.
Norway.
Panama.
Peru.
Philippines.
Portugal.
Saudi Arabia.
Spain.
Sweden.
Switzerland.
Union of South Africa.
United Kingdom.
Venezuela.

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

REPORTS

§ 571.155 *Notice of sale*—(a) *Time.* (1) Notice of the consummation of a sale of wheat or flour for export shall be given to the Vice President within the time stated in the rate announcement as the final time for filing such notices, unless such time is extended by the Vice President.

(2) The order in which transactions are reported (time of filing telegraphic notice or time of giving telephonic notice) assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filed by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph. For reporting of multiple sales, see § 571.156 (a) (3).

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed before 3:30 p. m., e. s. t., on the expiration date shown in the announcement.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date and time of sale.

(2) Contract quantity:

(i) Wheat in bushels.

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five (5) percent.

(iii) Flour in net hundredweight.

(3) Sale price:

(i) The sale price must be shown on an f. o. b. vessel basis in the case of wheat, except that on exports from West Coast ports price may be given on an in-store basis. If, because of marketing costs, carrying charges, and premiums, as provided for in § 571.144, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included as charges for marketing costs, carrying charges and premiums, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed

out-turn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown but the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the terms of the Wheat Agreement. This may be reported by the code word "AKORD."

(4) Purchasing country.

(5) Name of purchaser. (In cases in which the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(6) Delivery period specified in contract.

(7) Class and grade of wheat.

(8) The word "Abroad" for wheat or flour exported prior to sale. (See § 571.138 (d).)

(9) Such additional information in individual cases as may be requested by the Vice President.

(c) *Assigning of numbers.* Each confirmation by the Vice President will be assigned a number which shall be called the PMA Sales Number. This number will be entered on the copy of the Declaration of Sale (see § 571.156) which is returned to the exporter, and shall thereafter be used on all documents, including Notice of Export and Voucher Form FDA–564, and in all correspondence with reference to the transaction.

§ 571.156 *Declaration of sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it to the Vice President normally within 24 hours after receipt of the Vice President's confirmation.

(2) The Declaration of Sale must be submitted in triplicate, the original and two copies of which shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Vice President. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) All sales made to any one eligible country during any 24-hour period ending at 3:30 p. m., e. s. t., may be reported on one Declaration of Sale. It shall be normal practice when such multiple sales are submitted on one telegraphic Notice of Sale to assign one PMA Sales Number to apply to all sales to a particular country shown on that telegram. One Declaration of Sale should be submitted, in such instances, by the exporter, though this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the PMA Sales Number. Sales made to any one eligible country during any 24-hour period which are reported on separate telegrams will be assigned individual PMA Sales Numbers. It is requested that such sales be reported on separate Declarations of Sale.

(b) *Information required.* All information requested on the face of Wheat Agreement Form No. 1, Declaration of Sale, shall be entered. The information required is as follows:

(1) Date and time of sale.

(2) Name of purchaser, or purchasers.

(3) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five (5) percent, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight and in the equivalent bushels of wheat.

(4) Purchasing country. (If the country of final destination is other than the purchasing country the country of final destination shall be shown on a parenthetical entry following the name of the purchasing country.)

(5) Delivery period specified in the contract.

(6) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled must be shown where possible. For example, "Hard Spring."

(7) Price and basis upon which price determined.

(i) The sales price in the case of wheat must be given on an f. o. b. ocean vessel basis on exports from Gulf and East Coast ports and on an in-store or f. o. b. vessel basis on exports from the West Coast ports. If, because of marketing costs, carrying charges, and premiums, as provided for in § 571.144, the sales price of wheat exceeds the maximum price, the Declaration shall show the total price and the amount thereof included as charges for marketing costs, carrying charges and premiums, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) The price for flour must be given as stated in the sales contract.

(8) Export rate per bushel of wheat or per hundredweight of flour in effect as determined by § 571.141.

(9) Coastal area from which exportation will be made.

(10) The PMA Sales Number as assigned in the Vice President's confirmation of sale.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company
(Trade name)
U. S. Milling Company
(s) John Smith, *Secretary*

(d) *Proof of sale.* Supporting evidence as proof of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts exchanged between exporter and buyer. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 571.157 *Notice of export*—(a) *Time of submission and required copies.* Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such Notice of Export must be filed by the exporter normally within 24 hours after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Vice President.

(b) *Information required.* The Notice of Export shall contain the following information:

(1) PMA sales number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown. This information should be entered on Wheat Agreement Form No. 2 even though not specifically called for on the form.

(6) Such additional information on individual cases as may be requested by the Vice President.

§ 571.158 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Vice President, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 571.160 *Application for payment.* The exporter shall file application for payment under this program in the manner set forth in §§ 571.161 and 571.163.

§ 571.161 *Public Voucher Form FDA–564.* An original and two (2) copies of Form FDA–564 must be prepared and submitted together with the evidence of exportation set forth in § 571.162. Supplies of Form FDA–564 and detailed instructions regarding the preparation and submission of Forms FDA–564 and supporting documents may be obtained from the PMA Commodity Offices listed in § 571.163 or from the Vice President.

§ 571.162 *Documents required to evidence exportation by exporters*—(a) *Bills of lading or "Shipper's Export Declaration."* Each voucher must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading); or if exported wholly by rail or truck, one authenticated copy of the "Shipper's Export Declaration" which identifies the shipment(s) and shows date of clearance into the foreign country. In the case of wheat, the voucher must also be supported by one copy of an export grain inspection certificate signed by an inspector holding a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For Wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For Flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada, and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph. If the final destination of the shipment is an eligible country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of "Shipper's Export Declaration" showing country of final destination.

(b) *Shipper or consignor other than exporter.* If the shipper or consignor named in the on-board ocean bill(s) of lading or the "Shipper's Export Declaration(s)," covering wheat or flour exported, is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or "Shipper's Export Declaration(s)" submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) *Statements evidencing resale.* In connection with the sale of wheat or flour under the Wheat Agreement to an eligible country which is resold for export to another eligible country, the following additional documents must be included with the voucher:

(1) A statement by appropriate government authority of the original purchasing country, or the government of the eligible country to which shipment is directed, to CCC to the effect that the sale may be recorded against the Wheat Agreement guaranteed quantity of that country. A copy also should be submitted to the Vice President. (In some cases this statement may be furnished directly to the Vice President at the discretion of the appropriate authority of the purchasing country instead of being submitted with the voucher, in which event appropriate notation should be made on the voucher.)

(2) A statement from the buyer directing shipment to the second Wheat Agreement country if the contract or supporting evidence of sale does not provide for such shipment.

(d) In the event of export prior to sale such additional documents as required by § 571.138 (f) must also accompany the voucher.

§ 571.163 *Submission of vouchers for payment.* Exporters should submit vouchers and required supporting documents to the offices listed below which service the States in which the exporters' invoicing office is located.

Office

Director, PMA Commodity Office, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta, Ga.: Virginia, Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida.

Director, PMA Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago, 5, Ill.: Iowa, Illinois, Indiana, Ohio, Michigan.

Director, PMA-Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.: New Mexico, Oklahoma, Arkansas, Texas, Louisiana.

Director, PMA Commodity Office, U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Wyoming, Colorado, Nebraska, Kansas, Missouri.

Director, PMA Commodity Office, U. S. Department of Agriculture, Gamble-Skogmo Building, 15 North Eighth Street, Minneapolis 1, Minn.: Montana, North Dakota, South Dakota, Minnesota, Wisconsin.

Director, PMA Commodity Office, U. S. Department of Agriculture, 139 Center Street, New York 13, N. Y.: West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Maine, Massachusetts, Vermont, New Hampshire.

Director, PMA Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Washington, Oregon, Idaho.

Director, PMA Commodity Office, U. S. Department of Agriculture, Rincone Annex, P. O. Box 3638, San Francisco 19, Calif.: California, Nevada, Utah, Arizona.

OBLIGATION AND DEFAULT

§ 571.165 *Exporter's agreement with CCC.* Giving Notice of Sale to CCC by the exporter, when confirmed by CCC, shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart, in consideration of the undertaking of CCC to make an export payment.

§ 571.166 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Vice President promptly in every case where, after giving Notice of Sale as required in § 571.155, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the CCC promptly when, for any reason, it becames apparent to him that he will not be able to fulfill his obligation to the CCC by making shipment within the prescribed period.

(b) If the Vice President determines that any exporter has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe. Such terms, among other things, may (1) require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or (2) require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or (3) require a combination of the foregoing: *Provided, however,* That if the exporter fails to give notice to CCC, prior to the expiration of the specified rate period or any extension of time granted by the Vice President, of his inability to make shipment within the required time, and if shipment is not made subject to the provisions of § 571.132, the percentages applicable under (1) and (2) above, shall be as follows:

(i) If the exporter gives such notice within 10 days after the expiration of such period: 25 percent.

(ii) If the exporter does not give such notice within 10 days after the expiration of such period: 40 percent.

MISCELLANEOUS PROVISIONS

§ 571.170 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 571.171 *Assignments.* No exporter shall, without the written consent of the Vice President, assign any right of the exporter against the CCC under this subpart. The exporter may, however, name a joint payee on Voucher Form FDA–564.

§ 571.172 *Good faith.* If the Vice President determines that any exporter has not acted in good faith in connection with any transaction under this subpart or has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection

with any sales previously made under this program, or both.

§ 571.173 *Amendment and termination.* This offer may be amended or terminated by the Vice President at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 571.174. *Persons not eligible.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

DEFINITIONS

§ 571.180 *Vice President.* "Vice President" means the Vice President of the Commodity Credit Corporation who is Assistant Administrator for Commodity Operations, Production and Marketing Administration.

§ 571.181 *Wheat Agreement.* "Wheat Agreement" means the International Wheat Agreement ratified by the President on June 17, 1949, pursuant to the advice and consent of the Senate.

§ 571.182 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 571.183 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting the weight of any dockage indicated on the inspection certificate issued at time of loading for export from the total weight of the shipment.

§ 571.184 *Flour.* "Flour" means flour processed in the United States from wheat, including samolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat-flour.

§ 571.185 *Export.* Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the eligible country is wholly by truck or rail, when the shipment clears United States Customs.

§ 571.186 *Ocean carrier.* "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.

§ 571.187 *United States.* "United States" includes the territories and possessions of the United States.

§ 571.188 *3:30 e. s. t.* "3:30 e. s. t." means 3:30 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:30 e. s. t., means 3:30 eastern daylight saving time (2:30 e. s. t.).

Effective time and date. This offer shall be effective on June 12, 1951 at 12:01 a. m., e. s. t.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-6952; Filed, June 15, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 387]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.494 *Lemon Regulation 387.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 13, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 17, 1951, and ending at 12:01 a. m., P. s. t., June 24, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: June 10, 1951]

DISTRICT NO. 2

[12:01 a. m. June 17, 1951 to 12:01 a. m. July 1, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.452
American Fruit Growers, Inc., Fullerton	1.024
American Fruit Growers, Inc., Upland	.367
Eadington Fruit Co	.678
Hazeltine Packing Co	.360
Ventura Coastal Lemon Co	.981
Ventura Pacific Co	1.904
Glendora Lemon Growers Association	1.802
La Verne Lemon Association	.741
La Habra Citrus Association	2.219
Yorba Linda Citrus Association, The	1.183

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Escondido Lemon Association	8.576
Alta Loma Heights Citrus Association	.542
Etiwanda Citrus Fruit Association	.338
Mountain View Fruit Association	.359
Old Baldy Citrus Association	.888
San Dimas Lemon Association	1.719
Upland Lemon Growers Association	5.152
Central Lemon Association	1.544
Irvine Citrus Association, The	1.081
Placentia Mutual Orange Association	1.059
Corona Citrus Association	.579
Corona Foothill Lemon Co	2.566
Jameson Co	1.296
Arlington Heights Citrus Co	1.100
College Heights Orange & Lemon Association	2.851
Chula Vista Citrus Association, The	.996
El Cajon Valley Citrus Association	.109
Escondido Cooperative Citrus Association	.273
Fallbrook Citrus Association	1.998
Lemon Grove Citrus Association	.496
Carpinteria Lemon Association	1.888
Carpinteria Mutual Citrus Association	2.229
Goleta Lemon Association	3.762
Johnston Fruit Co	4.452
North Whittier Heights Citrus Association	1.026
San Fernando Heights Lemon Association	.661
Sierra Madre-Lamanda Citrus Association	1.175
Briggs Lemon Association	2.382
Culbertson Lemon Association	1.863
Fillmore Lemon Association	1.620
Oxnard Citrus Association	5.230
Rancho Sespe	1.311
Santa Clara Lemon Association	2.875
Santa Paula Citrus Fruit Association	3.756
Saticoy Lemon Association	2.561
Seaboard Lemon Association	4.064
Somis Lemon Association	2.688
Ventura Citrus Association	.933
Ventura County Citrus Association	.018
Limoneira Co	2.652
Teague-McKevett Association	1.004
East Whittier Citrus Association	1.038
Leffingwell Rancho Lemon Association	1.013
Murphy Ranch Co	2.483
Chula Vista Mutual Lemon Association	5.190
Index Mutual Association	.861
La Verne Co-operative Citrus Association	2.353
Orange Belt Fruit Distributors	.833
Ventura County Orange & Lemon Association	2.136
Whittier Mutual Orange & Lemon Association	.148
Ayoob, Fred	.002
Cappos Bros. Produce	.000
Evans Bros. Packing Co	.005
Johnson, Fred	.000
Latimer, Harold	.029
MacDonald Fruit Co	.003
Paramount Citrus Association, Inc.	.160
San Antonio Orchard Co	.033
Uyeji, Kikuo	.001

[F. R. Doc. 51-7023; Filed, June 15, 1951; 9:07 a. m.]

[Peach Order 1, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of peaches grown in the State of Georgia. *It is therefore ordered,* As follows:

The provisions in paragraphs (b) and (c) of § 962.306 (Peach Order 1) (16 F. R. 5314) shall, during the period beginning at 12:01 a. m., e. s. t., June 18, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, read as follows:

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., June 18, 1951 and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall ship to destinations other than in the adjacent markets:

(1) Any peaches of any variety (except Dixired peaches) of a size smaller than 1⅝ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1⅝ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅝ inches in diameter; and

(2) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Hale Haven, Halberta, Hardin's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, Southland, Sullivan Elberta, White Hale, or Woodland Cling varieties of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(c) *Definitions.* When used in this section, the terms "handler," "ship," "peaches," and "adjacent markets" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; and the term "diameter" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7024; Filed, June 15, 1951; 9:07 a. m.]

[Peach Order 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY GRADE

§ 962.307 *Peach Order 2.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1951. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof; shipments of such peaches are currently being made and are subject to regulation by size pursuant to the said amended marketing agreement and order; recommendation as to the need for, and the extent of, regulation of shipments of such peaches by grade was made at the meeting of said committee on June 12, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department and information concerning such recommendation was disseminated among growers and handlers of such peaches; the provisions of this section,

including its effective time, are identical with the aforesaid recommendation of the committee; in order to effectuate the declared policy of the act, this section should be made effective not later than June 18, 1951; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., June 18, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall, except as otherwise provided in this paragraph, ship to destinations other than in the adjacent markets any peaches which do not meet the requirements of the U. S. No. 1 grade: *Provided*, That a tolerance of 20 percent (including the tolerances provided in such grade) shall be allowed for peaches not meeting the requirements of such grade but (i) not more than 10 percent, by count, of the peaches contained in any bulk lot or any lot of packages, nor more than 15 percent, by count, of the peaches contained in any individual package in any lot, may consist of peaches which are not free from worms or worm holes, and (ii) not more than 2 percent, by count, of the peaches in any bulk lot or any lot of packages, nor more than 4 percent, by count, of the peaches in any individual package in any lot, may consist of peaches which are not free from decay: *Provided, further*, That peaches with split pits or well healed hail marks not causing serious damage may be shipped if such peaches otherwise meet the requirements prescribed in this paragraph.

(2) The maturity regulations contained in § 962.400 of this part are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in subparagraph (1) of this section.

(3) When used in this section, the terms "handler," "ship," "adjacent markets," and "peaches" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; and the terms "U. S. No. 1 grade," "serious damage," "split pits," "worms," "worm holes," and "decay" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7019; Filed, June 15, 1951; 9:06 a. m.]

[Orange Reg. 376]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.522 *Orange regulation 376*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 14, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372 as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., June 17, 1951, and ending at 12:01 a. m., P. s. t., June 24, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,150 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., June 17, 1951, to 12:01 a. m., P. d. s. t., June 24, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0745
A. F. G. Corona	.0433
A. F. G. Fullerton	.8530
A. F. G. Orange	.3525
A. F. G. Riverside	.1305
A. F. G. San Juan Capistrano	.5692
A. F. G. Santa Paula	.5081
Eadington Fruit Co., Inc	5.5395
Hazeltine Packing Co	.2315
Krinard Packing Co	.2069
Placentia Cooperative Orange Association	.5090
Placentia Pioneer Valley Growers Association	.5997
Signal Fruit Association	.1005
Azusa Citrus Association	.5110
Covina Citrus Association	1.0737
Covina Orange Growers Association	.5336
Damerel-Allison Association	.7213
Glendora Citrus Association	.4101
Glendora Mutual Orange Association	.3369
Valencia Heights Orchard Association	.3334
Gold Buckle Association	.4552
La Verne Orange Association	.7036
Anaheim Valencia Orange Association	1.2089
Fullerton Mutual Orange Association	2.6803
La Habra Citrus Association	1.1259
Yorba Linda Citrus Association, The	.9878

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Escondido Orange Association	2.3454
Alta Loma Heights Citrus Association	.5079
Citrus Fruit Growers	.1407
Etiwanda Citrus Fruit Association	.0321
Old Baldy Citrus Association	.1100
Rialto Heights Orange Growers	.0564
Upland Citrus Association	.4039
Upland Heights Orange Association	.1470
Consolidated Orange Growers	1.6326
Frances Citrus Association	1.1422
Garden Grove Citrus Association	1.7156
Goldenwest Citrus Association	1.7326
Irvine Valencia Growers	3.3612
Olive Heights Citrus Association	2.2297
Santa Ana-Tustin Mutual Citrus Association	.9156
Santiago Orange Growers Association	3.7400
Tustin Hills Citrus Association	1.9536
Villa Park Orchards Association	2.0594
Bradford Bros., Inc	.9093
Placentia Mutual Orange Association	3.7271
Placentia Orange Growers Association	3.2589
Yorba Orange Growers Association	.8347
Call Ranch	.0098
Corona Citrus Association	.4062
Jameson Co	.1312
Orange Heights Orange Association	.5916
Crafton Orange Growers Association	.2655
East Highlands Citrus Association	.0606
Redlands Heights Groves	.1979
Redlands Orangedale Association	.1650
Rialto-Fontana Citrus Association	.0960
Break & Son, Allen	.0462
Bryn Mawr Fruit Growers Association	.1056
Mission Citrus Association	.1476
Redlands Cooperative Fruit Association	.2617
Redlands Orange Growers Association	.1496
Redlands Select Groves	.2243
Rialto Orange Co	.1998
Southern Citrus Association	.1191
United Citrus Growers	.2243
Zilen Citrus Growers	.0378
Arlington Heights Citrus Co	.1160
Brown Estate, L. V. W	.1312
Gavilan Citrus Association	.1433
Highgrove Fruit Association	.0602
McDermont Fruit Co	.1236
Monte Vista Citrus Association	.2444
National Orange Co	.0500
Riverside Heights Orange Growers Association, The	.0327
Sierra Vista Packing Association	.0422
Victoria Ave. Citrus Association	.1937
Claremont Citrus Association	.0940
College Heights Orange & Lemon Association	.3525
Indian Hill Citrus Association	.2241
Pomona Fruit Growers Exchange	.3170
Walnut Fruit Growers Association	.5412
West Ontario Citrus Association	.1851
El Cajon Valley Citrus Association	.2031
Escondido Cooperative Citrus Association	.3042
San Dimas Orange Growers Association	.3192
Canoga Citrus Association	.9019
North Whittier Heights Citrus Association	.9715
San Fernando Heights Orange Association	.7759
Sierra Madre-Lamanda Citrus Association	.3348

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Camarillo Citrus Association	1.3564
Fillmore Citrus Association	3.0906
Mupu Citrus Association	1.9433
Ojai Orange Association	.6706
Piru Citrus Association	2.1400
Rancho Sespe	.7857
Santa Paula Orange Associaton	1.0614
Tapo Citrus Association	.9785
Ventura County Citrus Association	.3776
Limoneira Co	.4071
East Whittier Citrus Association	.3551
Murphy Ranch Co	.8123
Anaheim Cooperative Orange Association	1.8204
Bryn Mawr Mutual Orange Association	.1427
Chula Vista Mutual Lemon Association	.0285
Euclid Ave. Orange Association	.5658
Foothill Citrus Union, Inc	.1208
Fullerton Cooperative Orange Association	.3742
Garden Grove Orange Cooperative, Inc	1.2159
Golden Orange Groves, Inc	.1872
Highland Mutual Groves, Inc	.0092
Index Mutual Association	.4203
La Verne Cooperative Citrus Association	1.7147
Mentone Heights Association	.0000
Olive Hillside Groves, Inc	.5590
Orange Cooperative Citrus Association	1.6535
Redlands Foothill Groves	.4141
Redlands Mutual Orange Association	.1540
Ventura County Orange & Lemon Association	1.1793
Whittier Mutual Orange & Lemon Association	.1553
Babijuice Corporation of California	1.0057
Banks, L. M	.7207
Becker, Samuel Eugene	.0095
Bennett Fruit Co	.1167
Borden Fruit Co	.5467
Cherokee Citrus Co., Inc	.1097
Chess Co., Meyer W	.3991
Dozier, Paul M	.0128
Dunning Ranch	.0496
Evans Bros. Packing Co	.9984
Gold Banner Association	.1759
Granada Hills Packing Co	.0334
Granada Packing House	1.1564
Hill Packing Co., Fred A	.0635
Johnson, Fred	.0000
Knapp Packing Co., John C	.5986
L Bar S Ranch	.1107
Lawson, William J	.0069
Lima & Sons, Joe	.1153
Orange Belt Fruit Distributors	1.4192
Orange Hill Groves	.0069
Otte, Arnold	.0632
Panno Fruit Co., Carlo	.8909
Paramount Citrus Association	.7107
Patitucci, Frank L	.0092
Placentia Orchard Co	.5306
Prescott, John A	.0194
Redlands Fruit Association, Inc	.0092
Riverside Citrus Association	.0238
Ronald, P. W	.0213
San Antonio Orchard Co	.3095
Schwaer, Erwin & Arthur	.0147
Stephens, T. F	.2271
Summit Citrus Packers	.0166
Treesweet Products Co	.2184
Wall, E. T., Grower-Shipper	.1358
Western Fruit Growers, Inc	.4779

[F. R. Doc. 51-7047; Filed, June 15, 1951; 11:27 a. m.]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.306 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop of Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes to U. S. No. 2, or better grades, in the manner set forth below, on and after the effective date hereinafter provided, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date, and (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from June 25, 1951, to May 31, 1952, both dates inclusive, no handler shall ship potatoes of the round varieties grown in the State of Washington which do not meet the requirements of the U. S. No. 2, or better grade, and which are of sizes smaller than 1 7/8 inches minimum diameter as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein; and no handler shall ship potatoes of the long white and Netted Gem varieties grown in the State of Washington which do not meet the requirements of the U. S. No. 2, or better grade, and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight as such terms, grades, and sizes are defined in the aforesaid U. S. Standards for Potatoes, including the tolerances set forth therein: *Provided*, That, pursuant to paragraphs (a) and (b) of § 992.5, the aforesaid limitations shall not be applicable to (i) shipments of potatoes for export, (ii) shipments of potatoes for distribution by the Federal Government, for distribution by relief agencies, or for consumption by

charitable institutions; (iii) shipments of potatoes for manufacturing or conversion into starch, flour, alcohol, and dehydrated products; (iv) shipments of potatoes for livestock feed; and (v) shipments of officially certified seed potatoes: *Provided further*, That pursuant to § 992.5 (c), each handler making shipments for the aforesaid purposes shall (i) except as to shipments for distribution by the Federal Government, file an application with the committee for permission to make such shipments, (ii) pay assessments on such shipment (except shipment of cull potatoes for livestock feed, and (iii) shall have such shipments (except shipments of officially certified seed potatoes) inspected: *Provided further*, That pursuant to § 992.4 (d) each handler may make one shipment of not in excess of five hundredweight of potatoes per week without regard to the aforesaid limitations.

(2) During the period from June 25, 1951, to October 1, 1951, both dates inclusive, (i) no handler shall ship a lot of potatoes of the round varieties grown in the State of Washington, if more than 35 percent of the potatoes in such lot have more than ½ of the skin missing or feathered, as such terms are defined in the U. S. Standards for Potatoes; (ii) no handler shall ship a lot of potatoes of long white or Netted Gem varieties if more than 25 percent of the potatoes in such lot have more than ½ of the skin missing or feathered, as such terms are defined in the U. S. Standards for Potatoes: *Provided*, That one lot of not to exceed 100 hundredweight of each variety of potatoes of each producer may be handled every four days without regard to the aforesaid maturity requirements: *Provided further*, That the provisos set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(3) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR 992.1 et seq.).

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of June 1951, to be effective on June 25, 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7022; Filed, June 15, 1951; 9:06 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

TEST FEE SCHEDULES AND STANDARD SAMPLES

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure, because of the nature of these rules, serves no useful purpose. These schedules are effective from June 1, 1951.

Subchapter A—Test Fee Schedules

PART 201—ELECTRICITY

Section 201.207, *Resistors (above 1 megohm)*, is amended by the addition of item d, to read as follows:

Item	Description	Fee
201.207d	Determination of resistance of a resistor at standard laboratory temperature (23° C.) and humidity (50% RH or less) when the specified test voltage divided by the resistance is equal to or less than 1.5×10^{-3}, but not less than 1×10^{-12}, accuracy 0.2 percent each	$10.00

PART 202—METROLOGY

1. Section 202.105, *Invar base-line tapes*, is amended by the revision of items a, b, c, e, and j to read as follows:

Item	Description	Fee
202.105a	Invar 50-meter base-line tape—determination of total length on the geodetic comparator with a probable error not greater than ±0.050 mm	$41.00
202.105b	Invar 50-meter base-line tape—determination of total length on the geodetic comparator at an additional tension and/or method of support, with a probable error not greater than ±0.050 mm	11.00
202.105c	Invar 50-meter base-line tape—determination of total length supported throughout, by computation from the observed length when supported at the ends and one or more intermediate points	3.00
• • •	• • •	•
202.105e	Invar 50-meter base-line tape—determination of the coefficient of expansion on the geodetic comparator with an accuracy of at least 0.000001 per degree centigrade, and certification of its total length at one temperature, tension, and method of support with a probable error not greater than ±0.050 mm	100.00
• • •	• • •	•
202.105j	Invar base-line tape—determination of AE	3.50
•	• • •	•

2. Section 202.108, *Haemacytometers*, is hereby amended to revise item g, and to add to the note as follows:

Item	Description	Fee
202.108g	Cover glasses—testing cover glasses when not accompanying chamber, each	$0.15
•	• • • • •	

NOTE: • • •
In general, work will be discontinued when a substantial number of items in a lot fail to comply with the specification, and the fee will be computed on the basis of the number of items tested plus a special handling charge.

PART 203—HEAT AND POWER

Section 203.403, *Standard viscosity samples*, is deleted. These standards are now listed in Subchapter B, Standard Samples and Reference Standards.

PART 204—ATOMIC AND MOLECULAR PHYSICS

1. Section 204.301, *Chemical and isotope analysis by mass spectrometer*, is deleted.

2. Section 204.402, *Radioactive standards*, is amended to read as follows:

§ 204.402 *Radioactive standards.* Certain prepared radioactive standards are available as listed in NBS Circular 398. Standards requiring special preparation may be obtained by ordering under the following fee schedule:

Item	Description	Fee
204.402z	For special radioactive standards fees will be charged dependent upon the nature of the standard	.....

3. Section 204.403, *Standard rock and ore samples*, is deleted. These standards are now listed in Subchapter B, Standard Samples and Reference Standards

PART 215—OPTICS

1. Section 215.513, *Enamel standards for raw silk*, is deleted.

2. Section 215.513, *Luminance and chromaticity standards for television tubes*, is added to read as follows:

§ 215.513 *Luminance and chromaticity standards for television tubes.* Two-inch square, six-component glass filter with 500-watt mogul-base projection lamp. The glass filter components are prepared by the Bureau so that when illuminated by light from the projection lamp an approximate duplication is produced of the spectral and angular distribution of radiant flux from the P-4 cathode-ray tube having an all-sulfide blend of phosphors used in many television receivers. The lamp-filter combination is calibrated for four voltages applied to the lamp in terms of chromaticity coordinates (x, y) on the standard ICI system. The chromaticities are close to those of the Planckian radiator at temperatures ranging between 5,000 and 9,000° K. For each of the four voltages the distances between the difusing layer of the filter and the lamp bulb required to produce luminances of 20 and 50 millilamberts are given.

Item	Description	Fee
215.513a	Six-component glass filter and projection lamp together with values of chromaticity coordinates (x, y) for four voltages applied to the lamp and distances between filter and lamp bulb for each voltage required to produce 20 and 50 millilamberts	$120.00

3. Section 215.508, *Reflectometry*, is revised to read as follows:

§ 215.508 *Reflectometry.* Standards issued: Standards have been prepared for use in the measurement of 45°0° luminous directional reflectance (45° illumination, normal viewing) of paints, papers, textiles, ceramic products and other opaque materials. The standards may be used with any reflectometer designed to measure 45°0° directional reflectance, such as the multipurpose reflectometer developed at this Bureau. (Refer to Journal of Research NBS 25, 581 (1940) RP 1345.)

These standards may also be used for the tristimulus colorimetry of reflecting specimens of nearly the same spectral character. A detailed discussion of the method of photoelectric tristimulus colorimetry, its capabilities and limitations, is contained in NBS Circular 429 (1942).

Item	Description	Fee
	Standards issued	
	Non selective sets of eleven standards contain one white Vitrolite plaque with black backing and ten porcelain-enameled-iron panels having nonselective spectral characteristics. The standards are 4¼-inch squares; the iron panels have a 9/16 fold about ¼ inch wide at each edge. The nominal 45° 0° directional reflectances of the standards contained in the sets cover the range from ½ to 90 percent:	
215.508a	Set of 11 nonselective reflectance standards in box	$85.00
	K-B chromatic sets of standards consist of ten 3⅜-inch porcelain-enameled-iron panels in colors commonly called white, bath green, kitchen green, orchid, ivory, maize, bath blue, delphinium blue, royal blue, and red. An information sheet giving nominal spectral reflectances and chromaticity coordinates is available on request.	
215.508b	Set of 10 K-B chromatic reflectance standards, in box	75.00
	Samples submitted for calibration	
	Directional reflectance relative to magnesium oxide or other standard, for visual or photoelectric instrument, angles and apertures of illumination and observation as restricted by available instruments, for incandescent lamp or artificial-daylight illumination, or for certain spectral regions isolated by filters:	
215.508c	1 Standard or sample under 1 set of experimental conditions	15.00
215.508d	Each additional standard under same conditions	8.00
215.508e	Each additional sample under same conditions, for informational purposes	2.00
215.508f	Each additional set of experimental conditions for 215.508c, 215.508d or 215.508e	2.00
	Luminous or photoelectric reflectance (total) as determined on the Taylor or General Electric (Bantugartner) reflectometers respectively.	
215.508g	1 sample on either instrument	15.00
215.508h	Each additional sample on the same instrument	8.00
215.508z	For special tests not covered by the above schedule fees will be charged dependent upon the nature of the test.	

4. Section 215.701, *Photography*, is amended by the deletion of item k. This item is now listed in Subchapter B, Standard Samples and Reference Standards.

Subchapter B—Standard Samples and Reference Standards

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

SUBPART A—PURCHASE PROCEDURE

Section 230.3, *Terms of shipping*, is amended to read as follows:

§ 230.3 *Terms and shipping*—(a) *Domestic shipments.* Shipments of material (other than hydrocarbons or organic sulfur compounds) intended for the United States, its possessions, Mexico, Canada, and Cuba, are normally shipped prepaid parcel post unless the purchaser requests a different mode of shipment, in which case the shipment will be sent collect. Hydrocarbons and organic sulfur compounds are shipped express collect.

(b) *Foreign shipments.* Small shipments will be forwarded as a U. S. Government shipment via International Parcel Post (providing that the parcel does not exceed the weight limits to foreign countries as prescribed by postal laws and regulations. Shipments exceeding the parcel post weight limit must be handled through an agent (shipping or brokerage firm) located in the United States designated by the purchaser. Parcels will be packed for overseas shipment and forwarded via express collect to the U. S. firm designated as agent.

(c) *Payment for foreign orders.* Remittances in payment of foreign orders are required in advance and must be made payable to the Treasurer of the United States. These remittances must be drawn on a bank in the United States and payable at the standard rate of United States currency.

SUBPART B—STANDARD SAMPLES AND REFERENCE STANDARDS WITH SCHEDULE OF WEIGHTS AND FEES

In § 230.11, *Descriptive list:*

1. Schedule (a) Steels (Chemical Standards) is amended by the addition of standards 123b and 170 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
123b	Cr-Ni-Cb 0.7–Ta 0.2	150	$4.50
170	B.O.H., 0.03C, 0.2 Ti	150	4.00

2. Schedule (d) Nonferrous alloys, is amended by the revision of standard 161 and the addition of standard 171 to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
161	Nickel-base casting alloy	150	$4.00
171	Magnesium-base alloy	100	4.00

3. Schedule (i) pH standards, is amended by the addition of standard 188 to read as follows:

Sample No.	Name	Constituents determined or intended use	Approximate weight of sample in grams	Price per sample
188	Potassium hydrogen tartrate	pH (approx.) 3.6	60	$2.50

4. Schedule (n) Hydrocarbons is revised to read (n) Hydrocarbons and organic sulfur compounds.

5. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (1) Paraffins, is amended by the addition of standards 573–5S, 580–5S, 581–5S and 568–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of Impurity	Volume per sample	Price per sample
573–5S	$C_{13}H_{28}$	n-Tridecane	0.00±0.00	5	$35.00
580–5S	$C_{14}H_{30}$	n-Tetradecane	.07± .06	5	35.00
581–5S	$C_{15}H_{32}$	n-Pentadecane	.07± .05	5	35.00
568–5S	$C_{16}H_{34}$	n-Hexadecane	.06± .04	5	35.00

6. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (2) Alkyl cyclopentane is amended by the addition of samples 583–5S and 588–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of Impurity	Volume per sample	Price per sample
583–5S	$C_{17}H_{34}$	Cyclopentylcyclopentane	0.05± 0.03	5	$35.00
588–5S	$C_{15}H_{30}$	n-Decylcyclopentane	.20± .18	5	35.00

7. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (3) Alkyl cyclohexane is amended by the addition of sample 591–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of Impurity	Volume per sample	Price per sample
591–5S	$C_{16}H_{32}$	n-Decylcyclohexane	0.14±0.11	5	$35.00

Standards. These standards can be obtained from the National Bureau of Standards or the American Petroleum Institute as indicated above for the hydrocarbons.

In all cases, compounds should be specified by both name and sample number.

Shipments. All orders for hydrocarbons or organic sulfur compounds are shipped express collect.

16. Schedule (q), Standard oils for use as viscometer calibrating liquids is amended to read as follows:

(q) *Standard oils for use as viscometer calibrating liquids.* These oils are not intended for use as permanent viscosity standards. They are not suitable for stockroom items and should be ordered only for immediate use. More than a 1-pint sample of any given oil is not supplied unless it is established that this quantity is inadequate. All available liquids are hydrocarbon oils and are listed in the following tables:

(1) *For use with viscometers calibrated in units of absolute or kinematic viscosity.* Price covers the sample and a report containing accurate values at time of shipment, for absolute viscosity, kinematic viscosity, and density at the following temperatures:

APPROXIMATE VISCOSITIES [1]

Oil	Absolute, in poises at—					Kinematic, in stokes at—					Price [2] per sample (f. o. b. Washington, D. C.)	Volume per sample (milliliters)
	20° C.	25° C.	30° C.	37.78° C (100° F.)	40° C.	50° C.	20° C.	25° C.	30° C.	37.78° C (100° F.)	40° C.	50° C.		
D	0.020	0.018	.....	0.014	.....	.....	0.026	0.023	.....	0.019	.....	.....	$10.00	10
H	.074	.063	.....	.044	.....	.....	.091	.078	.....	.057	.....	.....	10.00	10
I	.12	.10	.....	.065	.....	.....	.14	.12	.....	.081	.....	.....	10.00	10
K	.21	.17	.....	.11	.....	.....	.25	.21	.....	.13	.....	.....	10.00	10
L	.41	.32	.....	.18	.....	.....	.48	.38	.....	.22	.....	.....	10.00	10
M	1.6	1.2	.....	.50	.....	.....	1.8	1.4	.....	.58	.....	.....	10.00	10
N	2.2	1.6	.....	.65	.....	.....	2.6	1.9	.....	.75	.....	.....	10.00	10
O	11	9.6	.....	4.0	.....	.....	16	11	.....	4.6	.....	.....	10.00	10
P	360	225	.....	.....	65	20	400	260	.....	.....	75	20	25.00	10
			400		90	40			460		220	100	25.00	10

[1] Viscosity values can be supplied as a special service, for other temperatures in the range 20° to 100° C, except the values for oil P can be supplied only for temperatures in the range 30° to 100° C. An extra charge is made for these special services. For oils D through N, the charge is $10 per sample per temperature in addition to the charge of $10 per sample listed in the table. For oils O and P, the charge is $16 per sample per temperature in addition to the charge of $10 per sample listed in the table. Requests for shipment by other than ordinary express shipment will be disregarded. Requests for shipment by railway express, express charges collect, will be disregarded.

(2) *For use with Saybolt viscometers.* Price covers the sample and a report containing an accurate value at the time of shipment, for the viscosity at the indicated temperature.

APPROXIMATE VISCOSITY [1]

Oil	Temperature, ° F.	Viscosity	Price per sample (f. o. b. Washington, D. C.)	Volume per sample (milliliters)
SD	100	270 seconds, Saybolt [universal]	$5.00	120
SE	122	280 seconds, Saybolt [universal]	5.00	120
SF	100	570 seconds, Saybolt [universal]	5.00	120
	122	280 seconds, Saybolt Furol	5.00	120

[1] Viscosity values at other temperatures or in other units are not supplied.

Samples are shipped via railway express, express charges collect. Requests for shipment by other methods usually will be disregarded.

17. A new schedule (r) is added to read as follows:

(r) *Radioactive standards — (1) Radon.*

Sample No.	Radium content	Volume per sample (milliliters)	Price per sample
750	10^{-8} gram	100	$2.00
751	10^{-9} gram	100	2.00
752	Blank solution	100	2.00

[1] Samples are sealed in glass containers.

(2) *Radium Gamma-ray.*

Sample No.	Radium content	Volume per sample (milliliters)	Price per sample
753	0.1×10^{-6} gram	5	$3.00
754	0.5×10^{-6} gram	5	3.00
755	1.0×10^{-6} gram	5	3.00
756	2.0×10^{-6} gram	5	3.00
757	5.0×10^{-6} gram	5	3.00
758	10.0×10^{-6} gram	5	3.00
759	50.0×10^{-6} gram	5	3.00
760	100.0×10^{-6} gram	5	3.00

[1] Samples are sealed in glass containers.

(3) *Cobalt 60 Gamma-ray.*

Sample No.	Total disintegrations per second [1]	Volume per sample (milliliters) [2]	Price per sample
770	10^{6} (approx.)	6	$5.00
771	10^{7} (approx.)	6	6.00

[1] The exact disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

[2] Samples are sealed in glass containers.

(4) *Beta-ray.*

Sample No.	Description	Activity	Price per sample
775	$Ra(+Ei)_{--}$	Approx. 200 disintegrations per second.	$10.00
776	$Ra(+Ei)_{--}$	Approx. 2,000 disintegrations per second.	10.00
777	$Ra(+Ei)_{--}$	Approx. 1,000 disintegrations per second.	10.00
778	I^{131}	Approx. 5,000 disintegrations per second per milliliter.	5.00
779	I^{131}	Approx. 100,000 disintegrations per second per milliliter.	5.00
780	Cs^{137}	Approx. 1,500 disintegrations per second per milliliter.	10.00

[1] Samples consist of $Ra(+)+Ei$ in equilibrium, deposited on a silver disk 1 inch in diameter and covered with a layer of polystyrene. The exact disintegration rate as of the date of calibration is indicated on the certificate accompanying the standard.

[2] Samples are approximately 3 ml of carrier solution in a 5-ml flat-bottom flask. The disintegration rate per milliliter as of the reference date is indicated on a label on the glass container. These standards are distributed periodically at announced intervals. (AEC authorization for their procurement is not required.)

[3] Samples are 5 ml of solution sealed in a glass container. Activities are given on the certificate accompanying the standard.

(5) *Rock and ore samples.*

Sample No.	Name	Average radium content of 1000 rock (in grams)	Price per sample
785	Dunite	$0.009 \pm 0.004 \times 10^{-12}$	$3.00
786	Carriage limestone	$0.15 \pm 0.03 \times 10^{-12}$	3.00
787	Columbia River basalt	$0.25 \pm 0.02 \times 10^{-12}$	3.00
788	Columbia River basalt	$0.35 \pm 0.03 \times 10^{-12}$	3.00
790	Cheshire granite	$2.0 \pm 0.08 \times 10^{-12}$	3.00
791	Quartzite	$0.06 \pm 0.01 \times 10^{-12}$	3.00
792	Graniteville granite	$3.3 \pm 0.2 \times 10^{-12}$	3.00
793	Milford granite	$0.25 \pm 0.02 \times 10^{-12}$	3.00
794	Trinosic diatomite	$0.15 \pm 0.03 \times 10^{-12}$	3.00
795	Deccan trap	$0.21 \pm 0.04 \times 10^{-12}$	3.00
796	Kimberlite	$0.59 \pm 0.04 \times 10^{-12}$	3.00

[1] Each sample consists of 100 grams of pulverized rock analyzed for radium content with pertinent radium data and chemical analyses.

18. Schedule (s) is added to read as follows:

(s) *Standard colors for kitchen and bathroom accessories.*[1]

Sample No.	Item	Unit of Issue	Price Per Set
1000	Enameled iron placemats, 3 x 5 inches, in accord with Commercial Standards CS 62-38 and CS 63-38.	Set of 10.	$10.00

[1] Calibration of these standards for use with three-filter reflectometers may be obtained by ordering under Fee Schedule 215.508b as listed in National Bureau of Standards Test Fee Circular 461 (obtainable from the Superintendent of Documents, Washington 25, D. C.).

8. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (4) Monoolefins is amended by the addition of standards 526–5S, 528–5S, 539–5S, 540–5S, 582–5S, 589–5S, 574–5S, 584–5S, 590–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of impurity	Volume per sample	Price per sample
526–5S	C_6H_{12}	cis-2-Hexene	0.30±0.10	5	$35.00
528–5S	C_6H_{12}	cis-3-Hexene	.13± .08	5	35.00
539–5S	C_6H_{12}	2,3-Dimethyl-1-butene	.14± .13	5	35.00
540–5S	C_6H_{12}	2,3-Dimethyl-2-butene	.10± .05	5	35.00
582–5S	C_6H_{12}	4-Methyl-1-hexene	.22± .16	5	35.00
589–5S	C_7H_{14}	4-Methyl-1-hexene	.21± .11	5	35.00
574–5S	C_7H_{14}	4-4-Dimethyl-cis-2-pentene	.09± .03	5	35.00
584–5S	C_7H_{14}	4-4-Dimethyl-trans-2-pentene	.13± .07	5	35.00
590–5S	$C_{12}H_{24}$	1-Dodecene	.16± .07	5	35.00
	$C_{16}H_{32}$	1-Hexadecene			

9. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (5) Diolefins is amended by the addition of standard 569–5S and 570–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of impurity	Volume per sample	Price per sample
569–5S	C_5H_8	1,2-Pentadiene [6]	0.31±0.15	5	$35.00
570–5S	C_6H_{10}	2,3-Dimethyl-1,3-butadiene [8]	.06± .14	5	35.00

10. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (8) Alkyl benzenes, is amended by the addition of standards 571–5S, 585–5S, 572–5S, 576–5S, and 586–5S to read as follows:

Sample No.	Compound: Formula	Compound: Name	Amount of impurity	Volume per sample	Price per sample
571–5S	$C_{10}H_{14}$	1-Methyl-4-isopropylbenzene	0.05±0.03	5	$35.00
585–5S	$C_{10}H_{14}$	1,2,4,5-Tetramethylbenzene	.14± .04	5	35.00
572–5S	$C_{11}H_{16}$	1-Methyl-3-tert-butylbenzene	.08± .05	5	35.00
576–5S	$C_{11}H_{16}$	1-Methyl-4-tert-butylbenzene	.05± .03	5	35.00
586–5S	$C_{16}H_{26}$	n-Decylbenzene	.20± .16	5	35.00

11. Schedule (n) Hydrocarbons and organic sulfur compounds, is amended by the addition of subparagraph (9) Naphthalenes to read as follows:

(9) *Naphthalene.*

Sample No.	Compound: Formula	Compound: Name	Amount of impurity	Volume per sample	Price per sample
577–5S	$C_{10}H_8$	Naphthalene	0.04±0.03	5	$35.00
587–5S	$C_{10}H_{12}$	1,2,3,4-Tetrahydronaphthalene	.11± .06	5	35.00
578–5S	$C_{11}H_{10}$	1-Methylnaphthalene	.08± .03	5	35.00
579–5S	$C_{11}H_{10}$	2-Methylnaphthalene	.09± .06	5	35.00

12. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (9) Polycyclic aromatic hydrocarbons, is renumbered Item (10), and the footnotes following it are deleted.

13. Schedule (n) Hydrocarbons and organic sulfur compounds is amended by the addition of Item (11) Organic sulfur compounds to read as follows:

(11) *Organic sulfur compounds.*

Sample No. [1]	Compound: Formula	Compound: Name	Amount of impurity [2]	Volume per sample [3]	Price per sample
904–5S	C_2H_6S	Ethanethiol (ethyl mercaptan)	0.05± 0.01	5	$35.00
907–5S	$C_3H_8S_2$	Methyldithiomethane (dimethyl disulfide) [9]	.03± .02	5	35.00
902–5S	C_3H_8S	Methylthioethane (methyl ethyl sulfide) [10]	.01± .04	5	35.00
903–5S	C_4H_4S	Thiophene	.01± .01	5	35.00
904–5S	$C_4H_{10}S$	Ethylthioethane (diethyl sulfide) [10]	.06± .04	5	35.00
905–5S	$C_4H_{10}S$	2-Methyl-2-propanethiol (tert-butyl mercaptan).	.08± .04	5	35.00
908–5S	$C_4H_{10}S_2$	Ethyldithiodisulfide (diethyl disulfide) [9]	.10± .08	5	35.00
906–5S	$C_5H_{12}S$	1-Pentanethiol (n-pentyl mercaptan)	.08± .05	5	35.00

[1] The designations following the sample numbers indicate the following: "–5S" or "–5S", a sample of 5 ml or 8 ml sealed "in vacuum" in a special Pyrex-glass ampoule with internal "break-off" tip; "–5", "–25", or "–50", a sample of 5, 25, or 50 ml sealed "in vacuum" in a plain-glass ampoule.

[2] Unless otherwise indicated, the purity has been evaluated from measurements of freezing points. See J. Research NBS 35, 355 (1945) RP 1676.

[3] Tolerance approximately ±10 percent. All volumes have been estimated in the liquid state, including those of compounds normally solid.

[4] Estimated by analogy with isomers subjected to similar purification.

[5] Certified with regard to density and refractive index.

[6] Certified with regard to calorimetric heat of combustion.

[7] This isomer, formerly known as "trans" (see Science 105, 647 (1947), has the following properties: Boiling point at one atmosphere, 120.09° C.; refractive index, n_D at 25° C., 1.4206; density at 25° C., 0.7620 g/ml. See NBS Circular 461, p. 45 (1947).

[8] This isomer, formerly known as "cis" (see Science 105, 647 (1947), has the following properties: Boiling point at one atmosphere, 124.45° C.; refractive index, n_D at 25° C., 1.4284; density at 25° C., 0.7806 g/ml. See NBS Circular 461 p. 45 (1947).

[9] When sealed, Polymer formed may be removed as residue by simple vaporization of the sample "in vacuum" at an appropriate temperature.

[10] In the determination of the purity of these compounds an apparatus providing no connection with the atmosphere was employed. See Anal. Chem. 22, 151 (1950).

[11] These compounds are here named in accordance with the recommendations of the International Union of Pure and Applied Chemistry. The samples themselves bear labels in accordance with recommendations made for the naming of sulfur compounds in petroleum. See Chem. and Eng. News 24, 2765 (1946). The samples are labeled as follows: 907–5S, 2,3-dithiabutane; 902–5S, 2-thiabutane; 903–5S, 3-thiapentane; and 908–5S, 3,4-dithiahexane.

14. Schedule (n) Hydrocarbons and organic sulfur compounds, Item (10) Hydrocarbon sample and refractive index, is revised to have the title read Item (12) Samples certified for density and refractive index.

15. Section 230.11, *Descriptive list,* Schedule (n) Hydrocarbons and organic sulfur compounds, Item (11) Hydrocarbons certified for calorimetric heat of combustion is redesignated (13) and amended to read as follows:

(13) *Samples certified for calorimetric heat of combustion.* Standard Sample 217, 2,2,4-Trimethylpentane, is also certified with regard to the value for calorimetric heat of combustion, primarily for calibrating apparatus for determining the heating value of gasoline and other liquid fuels.

NOTES: *Instructions and connecting tubes.* A set of instructions for transferring standard samples of hydrocarbons "in vacuum" may be obtained on request.

The unsaturated hydrocarbons are usually sealed in ampoules of Pyrex Red glass. In order to facilitate the handling of these ampoules, each laboratory obtaining one or more samples in such ampoules will be supplied gratis one special graded glass connecting tube of appropriate diameter, consisting of Pyrex Red to Pyrex Uranium to Pyrex Clear glass.

Orders. The above standard samples of hydrocarbons were prepared through a cooperative undertaking between the American Petroleum Institute and the National Bureau of Standards. One hundred and seventy-nine different hydrocarbon compounds are available as standard samples.

Standard Samples 201 to 218, inclusive, and 220, are obtainable only from the National Bureau of Standards and orders for these samples should be sent to: National Bureau of Standards, Washington 25, D. C.

All other hydrocarbon samples (No. 219 and those numbered 221 and above) are obtainable either from the National Bureau of Standards or the American Petroleum Institute. Orders for these samples from member laboratories of the American Petroleum Institute should be sent, in duplicate, with payment in advance, to the American Petroleum Institute, 50 West Fiftieth Street, New York 20, N. Y. All other orders should be sent to the National Bureau of Standards.

The standard samples of organic sulfur compounds were prepared through a cooperative undertaking of the American Petroleum Institute, the Bureau of Mines at Laramie, Wyoming, and the National Bureau of

19. Schedule (t) is added to read as follows:

(t) *Limestone slabs for caulking compound tests.*

Sample No.	Description	Unit of issue	Price per set
1005	Limestone slabs, as required by Federal Specification TT-C-598, "Compound, Caulking: Plastic".	Set of 12 slabs.	$9.00

20. Schedule (u) is added to read as follows:

(u) *Resolution test charts.*

Sample No.	Description[1]	Unit of issue	Price per sample
1010	Resolution chart for testing the resolving power of microcopying cameras.	Each	$0.20

[1] These charts are made photographically, and consist of a series of line-patterns, the lines and spaces being of equal width. Each pattern contains two sets of lines, one set at right angles to the other. The patterns range from 1 to 10 lines per millimeter. Instructions for the use of these charts are furnished with each order.

21. Former schedule (r) is redesignated schedule (v), Standards of reference, and amended to read as follows:

(v) *Standards of reference.* In addition to the standards already enumerated, this Bureau distributes the following standards of reference that have been compared with master standards at the Bureau or measured for compliance with an arbitrary standard. Detailed information and prices concerning these standards of reference are contained in National Bureau of Standards Test Fee Circular 483, which may be purchased from the Superintendent of Documents, Washington 25, D. C., price 25 cents:

Standards of thermal radiation (incandescent electric lamps) for calibrating thermopiles. (Fee Schedule 204.201.)
Lamp standards of candlepower or luminous flux. (Fee Schedule 215.501.)
Spectrophotometric standards. (Fee Schedule 215.505.)
Lamp standards of color temperature. (Fee Schedule 215.507).
Reflectance standards. (Fee Schedule 215.508.)
Glass opacity standards for the paper industry. (Fee Schedule 215.509.)
Gloss standards. (Fee Schedule 215.510.)

The following standard is issued free of charge and may be obtained by submitting a written request to this Bureau:

Dyed paper for standardization of lightfastness tests.

The standard listed below, formerly issued by this Bureau, is now issued by the Commodity Standards Division, Office of Industry and Commerce, U. S. Department of Commerce, Washington 25, D. C., and further information and prices may be obtained from that division:

Standard finish samples for builders' hardware.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] A. V. AUSTIN,
Acting Director,
National Bureau of Standards.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-6940; Filed, June 15, 1951; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

INSURANCE, INTEREST, AND AMORTIZATION

1. Section 400.150 is amended by adding "213" after "203" to read as follows:

§ 400.150 *Insurance.* Any mortgage insured by the Federal Housing Commissioner (hereinafter called "FHA-insured mortgage") must have been insured pursuant to sections 8, 203, 213, 603 or 803 of the NH Act.

2. Section 400.171 is amended by adding "section 8 and" after "FHA-insured" to read as follows:

§ 400.171 *Interest.* Mortgages offered to FNMA for purchase must bear interest at not less than the following rates: FHA-insured section 8 and section 203 mortgages, 4¼ percent per annum; all other mortgages, 4 percent per annum. Interest accruing to the day which precedes by one regular installment period the due date of the first full installment of principal and interest, shall have been paid by or for the account of the mortgagor.

3. Section 400.172 is amended to read as follows:

§ 400.172 *Amortization.* Each mortgage, except FHA-insured section 203 (d) and VA-guaranteed section 502 mortgages, must provide for amortization thereof by the payment of equal monthly installments applicable to interest and principal, payable on the first day of each month. FHA-insured section 203 (d) mortgages may be amortized by annual, semi-annual or monthly installments. VA-guaranteed section 502 mortgages may be amortized by either annual, semi-annual, quarterly or monthly installments. Each mortgage must provide for additional periodic payments to cover ground rents, taxes, special assessments, other levies and charges, fire and other hazard insurance premiums, and mortgage insurance premiums, if any.

(Sec. 301, 62 Stat. 1252, as amended; 12 U. S. C., 1716)

J. S. BAUGHMAN,
President,
Federal National Mortgage Association.

[F. R. Doc. 51-7014; Filed, June 15, 1951; 9:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5844]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME EXTENDED FOR FILING INCOME AND EXCESS PROFITS TAX RETURNS OF MEMBERS OF A GROUP OF AFFILIATED CORPORATIONS FOR TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND BEFORE MAY 1, 1951

Pursuant to the authority contained in section 53 (a) (2) of the Internal Revenue Code, the time for filing the return for a taxable year ending after June 30, 1950, and before May 1, 1951, by a corporation having the privilege of making a consolidated return for such taxable year under section 141 of the Code (as amended by section 301 of the Excess Profits Tax Act of 1950, approved January 3, 1951) is hereby extended to and including July 31, 1951.

Inasmuch as this Treasury decision cannot effectuate its purpose unless it is promulgated immediately, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies 53 Stat. 28; 26 U. S. C. 53)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: June 13, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6977; Filed, June 15, 1951; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

SERVICE AWARDS, MEDALS, RIBBONS, AND DEVICES

Sections 878.41 to 878.65 (15 F. R. 8568) are hereby rescinded and the following substituted therefor:

Sec.
878.41 Purpose.
878.42 Policy.
878.43 Eligibility.
878.44 Authority to award.
878.45 Application.
878.46 Good Conduct Medal.
878.47 American Defense Service Medal.
878.48 American Campaign Medal.
878.49 Asiatic-Pacific Campaign Medal.
878.50 European-African-Middle Eastern Campaign Medal.
878.51 World War II Victory Medal.
878.52 Army of Occupation Medal.
878.53 Medal for Humane Action.
878.54 Korean Service Medal.
878.55 Armed Forces Reserve Medal.
878.56 Women's Army Corps Service Medal.

Sec.
878.57 Philippine Service Awards.
878.58 Clasps.
878.59 Service stars.
878.60 Berlin airlift device.
878.61 Arrowheads.
878.62 Devices.
878.63 Lapel buttons.
878.64 Posthumous awards.
878.65 United States service awards.
878.66 Foreign service medal awards.
878.67 Supply and replacement.
878.68 Exhibition.
878.69 Manufacture, sale, possession.
878.70 Miscellaneous.

AUTHORITY: §§ 878.41 to 878.70 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: AFR 35-50; AFR 35-50A.

§ 878.41 *Purpose.* Sections 878.41 to 878.70 describe service medals, ribbons, and devices awarded by the Air Force with the requirements therefor. Other service awards with which the Air Force is concerned are also included.

§ 878.42 *Policy.* Service awards recognize active, honorable Federal military service usually during war or periods of national emergency. No service medal will be subsequently awarded to any person whose discharge or release from the service for the period covered by the award is under conditions other than honorable. If a person was awarded and presented any medal, ribbon, or device for service prior to any dishonorable behavior, such award will not be revoked.

§ 878.43 *Eligibility.* A person is considered eligible for award of appropriate service medals if assigned, or attached to and present for duty, with a unit serving within the prescribed geographical limits established for the award during the designated time limitations or a unit designated in General Orders as receiving the award.

§ 878.44 *Authority to award.* The provisions of §§ 878.41 to 878.70, in conjunction with official records, constitute authority for award by the commanding officer of a person on active duty or a member of the Reserve forces.

§ 878.45 *Application.* Members of the Air Force on active duty and members of Air Force Reserve components may obtain Air Force service medals and devices from their immediate commanding officers. Persons not on active duty or not members of Reserve components may address their applications to the Air Force Liaison Unit, Demobilized Personnel Records Branch, Records Administration Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. Military personnel now members of the Air Force who were awarded service medals by the Army for service prior to July 2, 1926 will make application to the Department of the Army for such medals.

§ 878.46 *Good Conduct Medal.* (a) The Good Conduct Medal is a metal disk 1¼ inches in diameter bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency—Honor—Fidelity."

(b) The Good Conduct Medal is awarded to enlisted personnel for exemplary behavior. Exemplary behavior is determined from the service record by entries for the period under character and efficiency. Entries must read "excellent" or "superior" ("unknown" does not disqualify) for the airman to be eligible for the award, and the service record must bear no record of a conviction by court-martial. Service in commission or warrant ranks is not counted toward award of the Good Conduct Medal. Three different time periods of eligibility for the basic award are:

(1) A period of three continuous years of service completed on or after August 26, 1940.

(2) A period of one continuous year of service between December 7, 1941 and March 2, 1946.

(3) Three years of continuous service required for periods of service beginning on or after March 4, 1945. The provisions of subparagraph (2) of this paragraph would apply to a period of service beginning on March 3, 1945.

(c) The requirement for subsequent awards of the Good Conduct Medal in the form of clasps is, in all cases, three years of continuous service after date of eligibility for original award of the Good Conduct Medal. (See § 878.58 (a)).

(E. O. 8809, June 28, 1941, 6 F. R. 3209; 3 CFR, 1943 Cum. Supp.)

§ 878.47 *American Defense Service Medal.* (a) The American Defense Service Medal is a metal disk 1¼ inches in diameter bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, bearing blue, white and red stripes right to left and left to right symmetrically near the edges.

(b) The American Defense Service Medal is awarded to any person who entered military service under orders to active duty for a period of twelve months or more between September 8, 1939 and December 7, 1941.

(E. O. 8808, June 28, 1941, 6 F. R. 3209; 3 CFR, 1943 Cum. Supp.)

§ 878.48 *American Campaign Medal.* (a) The American Campaign Medal is a metal disk 1¼ inches in diameter bearing in front an off-shore scene depicting a cruiser, airplane, and a sinking submarine underneath the inscription, "American Campaign." The ribbon is predominantly medium blue-lined white, black, red, and white from right to left and left to right within each edge. Centered are three blue, white, and red stripes.

(b) The American Campaign Medal is awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanently assigned for 30 days as an aircrew member of an airplane making frequent flights over ocean waters.

(3) Passenger status outside the continental United States for 30 consecutive days or 60 non-consecutive days.

(4) Combat for which a combat decoration was awarded or a certificate of participation was furnished by the commanding general of a unit of which the person was a member during participation in combat.

(5) An aggregate period of one year within the continental limits of the United States.

(E. O. 9265, Nov. 6, 1942, 7 F. R. 9106; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.49 *Asiatic Pacific Campaign Medal.* (a) The Asiatic-Pacific Campaign Medal is a metal disk 1¼ inches in diameter depicting in front a tropical landing beneath the words, "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end, and with blue, white, and red stripes in the center in the order named.

(b) The Asiatic-Pacific Campaign Medal is awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions.

(1) Permanent assignment.

(2) Passenger status or temporary duty for 30 consecutive or 60 non-consecutive days.

(3) Combat for which a combat decoration was awarded or a certificate was furnished as prescribed in § 878.48 (b) (4).

(E. O. 9265, Nov. 6, 1942, 7 F. R. 9106, 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.50 *European-African-Middle Eastern Campaign Medal.* (a) The European-African-Middle Eastern Campaign Medal is a metal disk 1¼ inches in diameter depicting a landing scene beneath the words, "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left and by white, black, and white stripes on the right. The center bears blue, white, and red stripes in the order named.

(b) The European-African-Middle Eastern Campaign Medal is awarded for service within the European-African-Middle Eastern Theater between December 7, 1941 and November 8, 1945, under any of the following conditions.

(1) Permanent assignment.

(2) Passenger status or temporary duty for 30 consecutive or 60 non-consecutive days.

(3) Combat for which a combat decoration was awarded or a certificate was furnished as prescribed in § 878.48 (b) (4).

(E. O. 9265, Nov. 6, 1942, 7 F. R. 9106; 3 CFR, 1943 Cum. Supp; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.51 *World War II Victory Medal.* (a) The World War II Victory Medal is a metal disk 1¼ inches in diameter bearing in front the figure of Liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) The World War II Victory Medal is awarded for service between December

7, 1941 and December 31, 1946, both dates inclusive.

(59 Stat. 461; 10 U. S. C. 1430c)

§ 878.52 *Army of Occupation Medal.* (a) The Army of Occupation Medal is a metal disk 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is on the right and the red stripe on the left.

(b) The Army of Occupation Medal, established by War Department General Orders 32, 1946, is awarded for 30 days of consecutive service at a normal post of duty while assigned to United States Occupation Forces during the prescribed time limits in any of the following areas:

(1) Germany or Austria from May 9, 1945, until termination date. Service between May 9, 1945, and November 8, 1945, is counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Italy between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara, Province of the Udine, or with a unit specially designated in General Orders. Service between May 9, 1945, and November 8, 1945, is counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Japan between September 3, 1945, and a terminal date to be announced later in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands, and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(4) Korea between September 3, 1945, and June 29, 1949, inclusive. Service between September 3, 1945, and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

§ 878.53 *Medal for Humane Action.* (a) The Medal for Humane Action is a metal disk 1¼ inches in diameter depicting a C-45 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes, white, red, and white in the order named.

(b) The Medal for Humane Action is awarded for service of 120 days or more in the Berlin airlift, or in direct support thereof, between June 26, 1948, and September 30, 1949. Geographical boundaries of the area of the Berlin airlift operation are as follows:

(1) Northern boundary: 54th parallel north latitude.

(2) Eastern boundary: 14th meridian east longitude.

(3) Southern boundary: 48th parallel north latitude.

(4) Western boundary: 5th meridian west longitude.

(c) In addition to members of the Armed Forces of the United States, the Medal for Humane Action may be award to members of foreign armed forces and civilians (upon individual recommendation) who participated in the Berlin airlift with merit under the same conditions as United States military personnel.

(d) The medal may be awarded posthumously to those persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, without regard to the length of such service, provided all other requirements are met.

(e) Only one Medal for Humane Action will be awarded to any person regardless of the number of times that person may qualify for an award.

(Sec. 1, 63 Stat. 447; 10 U. S. C., Sup., 1430d)

§ 878.54 *Korean Service Medal.* (a) The Korean Service Medal is a metal disk 1¼ inches in diameter (description to be announced later). The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations Blue intersected by a white band.

(b) The Korean Service Medal may be awarded to persons assigned or attached to combat or service units, designated by Headquarters United States Air Force in General Orders, for service within the area or areas of military operations in the Korean Theater from June 27, 1950, and a terminal date to be announced later.

(c) The term "Korean Theater," as used in paragraph (b) of this section is defined as those areas which encompass North or South Korea, Korean waters, and the air over North or South Korea or over Korean waters.

(d) The Korean Service Medal may be awarded to persons under any of the following conditions:

(1) Participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a service or combat unit designated by the Far East Air Force as directly supporting operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Force who exerted a distinct and contributory effort to operations in the Korean Theater.

(2) The service prescribed must have been performed:

(i) While on permanent assignment; or

(ii) While on temporary duty as a member of a designated unit or headquarters for 30 consecutive days or 60 days not consecutive with the designated unit or headquarters; or

(iii) While in actual combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a division, comparable or higher unit; commanding officer of a ship, comparable or higher unit; or commanding officer of an Air Force group, comparable or higher unit, that the person actually participated in combat.

(e) Not more than one Korean Service Medal will be awarded an individual.

(f) Bronze service stars may be awarded for each of following three periods:

(1) June 27, 1950, to September 15, 1950.

(2) September 16, 1950, to November 2, 1950.

(3) November 3, 1950, to terminal date to be announced later.

(g) Bronze service stars may be awarded to a person who is a member of a designated combat or service unit in combat, or a unit assigned to command of Far Eastern Air Forces, or on detached service with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned, or attached to, and present for duty with, a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and in addition was awarded a combat decoration, or was furnished a certificate, by a commanding general of a division, comparable or higher unit; commanding officer of a ship, comparable or higher unit, commanding officer of an Air Force group, comparable or higher unit, or independent force, stating that the person actually participated in combat, or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor), or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(h) An arrowhead on the Korean Service Medal ribbon suspension or service ribbon bar may be awarded to a person who, as a member of a designated combat or service unit in combat, in a unit assigned to the command of Far East Air Forces or on detached service with Army Ground Forces, participated in an airborne or amphibious assault within the territorial limits of Korea as prescribed below:

(1) Amphibious landing at Inchon from September 13 through September 17, 1950.

(2) Parachute jump at Sunchon from October 20, through October 23, 1950.

(3) For airborne or amphibious raids into enemy territory.

(i) The Korean Service Medal may be awarded posthumously.

(E. O. 10179, Nov. 8, 1950, 15 F. R. 7665; 3 CFR, 1950 Supp.)

§ 878.55 *Armed Forces Reserve Medal.* (a) The Armed Forces Reserve Medal is a metal disk 1¼ inches in diameter (description to be announced later). The ribbon suspension is blue and buff striped with the center section of buff intersected by a blue line followed by blue and buff stripes.

(b) The Armed Forces Reserve Medal may be awarded to members or former members of the Reserve components of the Armed Forces of the United States, including the Marine Corps and Coast Guard Reserves, who complete or have completed a total of ten years of honorable and satisfactory service, not necessarily consecutive, provided such service was performed within a period of twelve consecutive years. Service in a regular component of the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal or the Marine Corps Reserve Medal has been, or may be, awarded will not be credited toward award of this medal. Service performed in an active or inactive duty status in the following Reserve components of the United States Air Force will be credited: Federally-recognized Air National Guard, Organized Air Reserve, Volunteer Air Reserve, and the Inactive Air Reserve. The Honorary Reserve is excluded.

(c) Not more than one award will be made to any one person. One hourglass device may be worn on the suspension and service ribbons of the Air Forces Reserve Medal to denote service for each 10-year period in addition to and under the same conditions as prescribed for the award of the medal.

(d) Determination of service periods for retroactive awards of the Armed Forces Reserve Medal, will be made by Headquarters United States Air Force. Authorized service credits will be substantiated by official records of the person concerned as maintained by the military services, and by the various States of the federally-recognized Air National Guard. Delegation of authority to make awards of the Armed Forces Reserve Medal will be directed by Headquarters United States Air Force, Washington 25, D. C.

(e) The medal may be issued to a person upon application to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C.

(E. O. 10163, September 25, 1950, 15 F. R. 6489; 3 CFR, 1950 Supp.)

§ 878.56 *Women's Army Corps Service Medal.* (a) The Women's Army Corps Service Medal is a metal disk 1¼ inches in diameter bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the words "Women's" in the upper half, and in the lower half "Army Corps." The ribon is predominantly moss-tone green with gold borders.

(b) The Women's Army Corps Service Medal is awarded to female personnel who served during World War II in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

(E. O. 9365, July 30, 1943, 8 F. R. 10651; 3 CFR, 1943 Cum. Supp.)

§ 878.57 *Philippine Service Awards.* (a) *Philippine Defense Ribbon.* (1) The Philippine Defense Ribbon, established by the Philippine Commonwealth Government, consists of a red ribbon divided by wide white bands and centering three white stars.

(2) The Defense Ribbon is awarded for combat service in defense of the Philippines from December 8, 1941, to June 15, 1942, as a member of the Bataan or Manila Bay Forces, or of a unit, ship, or airplane under enemy attack. A person assigned or stationed in Philippine waters or territories for at least 30 days during the cited period may also be awarded the Ribbon. A person who fulfills both the preceding requirements is entitled to wear one bronze service star on the Ribbon.

(b) *Philippine Liberation Ribbon.* (1) The Philippine Liberation Ribbon, established by the Philippine Commonwealth Government, consists of a red ribbon centering a blue band right and a white band left.

(2) The Liberation Ribbon is awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945. A person must have participated in the Leyte landings, October 17–20, 1944, or have been on a ship or airplane in Philippine waters or territories, or have engaged the enemy on Leyte or adjoining islands. A person assigned or stationed as described for at least 30 days during the period of the campaign may also be awarded the Ribbon. Any one of the preceding requirements entitles a person to be awarded the Ribbon and for each additional requirement met, one bronze service star on the Ribbon may be awarded.

(c) *Philippine Independence Ribbon.* (1) The Philippine Independence Ribbon, established by the Philippine Commonwealth Government, consists of a predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes in the order named in the center.

(2) The Independence Ribbon is awarded for service in Philippine territories or waters on July 4, 1946.

§ 878.58 *Clasps.* Clasps for service medals are used to denote additional honors not otherwise included in the award of certain service medals. Two kinds of clasps are:

(a) *Good Conduct Medal clasp.* The Good Conduct Medal clasp consists of a metal bar bearing a loop for each period of three years' exemplary service, as required for and after original award of the medal, and will be:

(1) A bronze clasp with from two to five bronze loops for the second to fifth awards. (The second award will be a bronze clasp with two bronze loops, as previously established.)

(2) A silver clasp with from one to five silver loops for the sixth to tenth awards.

(3) A gold clasp with from one to five gold loops for the eleventh to fifteenth awards.

(b) *Foreign service clasps.* Foreign service clasps are awarded with the American Defense Service Medal and the Army of Occupation Medal.

(1) The American Defense Service Medal clasp which is attached to the suspension ribbon of the medal reads "Foreign Service," and is credited for service outside the continental United States, including Alaska, under the same requirements as prescribed for the medal in § 878.47 (b). Instead of the clasp on the suspension ribbon a bronze service star is worn on the ribbon bar to denote award of the clasp.

(2) The Army of Occupation Medal clasps read "Germany" or "Japan," and are awarded to differentiate service in the respective Armies of Occupation. The clasps are placed on the suspension ribbon of the medal. No service stars are worn on the ribbon bars.

§ 878.59 *Service stars.* Metal stars are worn on the suspension ribbons and ribbon bars of the American Campaign Medal, Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and Korean Service Medal to denote unit battle participation credit as announced in General Orders of the awarding authority. One silver star is equivalent to five of bronze.

§ 878.60 *Berlin airlift device.* The Berlin airlift device is a miniature C-45 airplane facsimile in gold-colored metal awarded with the Army of Occupation Medal (Germany) to denote participation in the Berlin airlift. Service required is 90 or more consecutive days of duty with a unit cited in General Orders of the Department of the Air Force. This device is worn on both the suspension ribbon and ribbon bar of the Army of Occupation Medal (Germany).

§ 878.61 *Arrowheads.* The arrowhead is a bronze replica of an Indian arrowhead worn on the suspension ribbon and ribbon bar of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and Korean Service Medal to denote a combat parachute jump, combat glider landing, or amphibious assault landing. The combat parachute jump or combat glider landing into enemy-held territory must be made as an assigned or attached member of an organized force carrying out an assigned tactical mission. Only one bronze arrowhead will be worn on any suspension ribbon or ribbon bar and will be worn point up in a vertical position to the wearer's right of all service stars.

§ 878.62 *Devices* — (a) *Service devices*—(1) *Federal service stripes.* Federal service stripes are authorized for optional wear by enlisted personnel only. Each stripe represents three years of enlisted service in the Armed Forces of the United States.

(2) *Oversea chevrons.* Oversea chevrons are authorized for optional wear by all qualified personnel. Each chevron represents six months of oversea duty in a theater of operations during World War I.

NOTE: The World War I wound chevron has been replaced by the Purple Heart decoration.

(3) *Oversea bars.* Oversea bars are authorized for optional wear by all qualified personnel. Each bar represents six months of duty outside the continental limits of the United States during World

War II (December 7, 1941 to September 2, 1946, inclusive). Fractional parts of a six-months period cannot be accredited as another bar.

(b) *Other devices.* Devices, other than those described in paragraph (a) of this section may be awarded by the Army, Navy, Marine Corps, or Coast Guard. Such devices are awarded in conformance with the regulations of the awarding authority and the provisions of §§ 878.41 to 878.70 will not be construed to nullify them.

§ 878.63 *Lapel buttons.* The lapel buttons outlined in this section are authorized to be worn only with civilian clothes.

(a) *Good Conduct Medal and American Defense Service Medal lapel buttons.* The lapel buttons authorized for these medals are enamel replicas of the ribbon bars.

(b) *World War II Honorable Service lapel button.* This button is of gold-colored metal bearing an eagle on a ring around thirteen stripes awarded for service between September 8, 1939, and December 31, 1946, both dates inclusive.

(c) *Air Force lapel button.* This button consists of the winged Air Force star in gold and silver colored metal and is awarded to members of the Air Force on active duty and members of the Air Force Reserve, Air National Guard, and Air Force Reserve Officers' Training Corps.

§ 878.64 *Posthumous awards.* Next of kin are entitled to posthumous awards of a person who did not live to receive them. Next of kin is determined in the following order: Widow or widower, eldest son or daughter, father, mother, eldest brother or sister, eldest grandchild. The next of kin of an individual entitled to a service medal may make application to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., Attention: Awards Branch, stating the name, rank, and serial number of the individual.

§ 878.65 *United States Service awards.* Service medals, ribbons, and devices may be awarded to a person by the United States Army, Navy, Marine Corps, or Coast Guard. Such awards are made in conformance with the regulations of the awarding authority and the provisions of §§ 878.41 to 878.70 will not be construed to nullify them. Service medals awarded by agencies of the United States Government, other than those listed above, or by States and other jurisdictions subordinate to the Federal Government will not be worn on the uniform.

§ 878.66 *Foreign service medal awards.* Service awards tendered by foreign governments to an officer or airman may not be accepted or worn. However, service awards to a person who was, at the time the award was earned, a member of the armed forces of a friendly foreign power, may be worn on the Air Force uniform provided prior approval is obtained from the Department of the Air Force. Requests for permission to wear such awards should include a verification of service, with inclusive dates, and should be addressed to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C. Philippine service awards are authorized because of the status of the Commonwealth.

§ 878.67 *Supply and replacement.* Air Force service medals, ribbon bars, lapel buttons, and other devices are supplied by requisition through normal channels. Replacements for medals and appurtenances lost or destroyed through no fault or neglect on the part of the person to whom awarded will be replaced without charge to members of the Air Force on active duty and members of organized Air Force Reserve Forces, and to other qualified persons at cost price.

§ 878.68 *Exhibition.* Applications from public institutions for samples of service medals and appurtenances for exhibition purposes may be addressed to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., for approval by the Secretary of the Air Force. The cost of the medal and appurtenances, plus transportation, packing charges, and the engraving of each medal with the words "Exhibition only" will be borne by the purchaser.

§ 878.69 *Manufacture, sale, and possession.* By law, the manufacture, sale, and possession or the pictorial representation in regulation size, of the likeness of any Air Force decoration, medal, or device, United States or foreign, is prohibited unless authorized by the Department of the Air Force.

§ 878.70 *Miscellaneous.* (a) Medals and ribbons for service differ from decorations in design and requirements for award. Service medals, in design, are usually circular with pictorial relief. As to requirements, no individual distinction other than participation with honor is prescribed.

(b) Service medals and ribbons, are worn on the left breast of the shirt, service coat, or jacket, from the wearer's right to left, in the order in which earned, except the Good Conduct Medal which is worn immediately after United States decorations preceding service awards. Philippine service medals are worn following World War II service medals regardless of when such medals were earned.

(c) Service awards, except the Medal for Humane Action, are not made to civilians or foreigners.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-6938; Filed, June 15, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 9]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SUGAR AND RELATED PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to Ceiling Price Regulation 22 [16 F. R. 3562] is hereby issued.

STATEMENT OF CONSIDERATIONS

Under the existing provisions of Ceiling Price Regulation (CPR) 22, manufacturers using sugar processed from sugar beets, which are on the Appendix C list, are permitted to use current sugar prices in calculating the amount of the materials cost increase to which they are entitled. However, those using sugar processed from sugarcane, which is listed in Appendix A, are limited in calculating their materials cost increase for that product to cost increases incurred up to March 15, 1951.

Chemically there is no difference in beet and cane sugar and, in the market, their prices customarily move together. Some manufacturers use one kind of sugar and others use both kinds in their products. Since manufacturers who use beet sugar are entitled to reflect the current cost of this sugar, they are in a more favorable position than those using cane sugar, despite the fact that their end products may be substantially identical. In addition, confusion will result in those cases where one manufacturer uses both beet and cane sugar in his product, since he will be forced to carry the burden of computing the costs of the sugar used on two different bases. Finally, in light of the fact that the prices of beet and cane sugar have increased since March 15, 1951, the present provisions of the regulation may very well distort the normal market relationship of beet and cane sugar as well as the relationship of the end products processed from those commodities.

In view of the above, the Director of Price Stabilization has decided to place sugarcane in Appendix C, so that a current date may be used in calculating the increased costs of that commodity or product processed therefrom. This action makes it unnecessary to leave sugarcane in Appendix A, and it is, therefore, removed from that list.

The exemption, in Appendix A, of "Blackstrap molasses" from CPR 22 fails to include other types of inedible molasses. However, all inedible molasses are more or less competitive. Since it is contemplated that a tailored regulation will be issued in the near future covering all inedible molasses, which includes cane blackstrap, beet final molasses, citrus molasses, and hydrol (corn molasses), the Director has found it desirable to place this group of commodities under the General Ceiling Price Regulation until a tailored regulation is issued.

This amendment also exempts sugar beet pulp from the provisions of CPR 22. Beet pulp is a by-product resulting from the manufacture of sugar, and is the only such sugar beet product not exempt from CPR 22. Since it is the customary practice of manufacturers to pay for the sugar beets on the basis of a price determined in relation to their net returns for later sales of the processed sugar products, there is no practical way for such a manufacturer to calculate his material costs under this regulation. Section 21 (f) (2), providing for the borrowing of a price paid by the nearest competitor for a purchase of the commodity, cannot be used since, as mentioned above, all manufacturers of sugar beets operate generally in the same way, and no competitor has a current cash price. In addition, the price pattern of the industry would be distorted by requiring sugar beet pulp to be priced under CPR 22, whereas all other products resulting from the manufacture of sugar are not governed by that regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, effective May 28, 1951, is amended in the following respects:

1. Paragraph (16) of Appendix A is amended to read as follows:

(16) Sugar beet pulp and sugar and liquid sugar (as defined in the Sugar Act of 1948).

2. Paragraph (c) (23) of Appendix A is amended to read as follows:

(23) Inedible molasses.

3. Appendix C is amended by inserting under the heading "Sugar Crops", the word "Sugarcane".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 15, 1951.

[F. R. Doc. 51-7046; Filed, June 15, 1951; 10:13 a. m.]

[Ceiling Price Regulation 45]

CPR 45—APPAREL MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The need for this regulation. This regulation establishes ceiling prices for sales by manufacturers of apparel, apparel furnishings and apparel accessories.

The general objectives of this regulation are essentially the same as those underlying the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22): to roll back margins which may have been widened after the Korean outbreak; to restore more normal cost-price relationships by ironing out distortions created by the General Ceiling Price Regulation; and to grant to manufacturers needed relief from the general freeze order. The Statement of Considerations contained in Ceiling Price Regulation 22 is generally applicable to this regulation.

This regulation is designed to prescribe methods of calculation more closely adapted to the cost structures of the apparel industries than is possible under a regulation applicable to manufacturers generally. The need for a special regulation of this type was announced at the time Ceiling Price Regulation 22 was issued.

In the apparel industries there is a far greater percentage of new articles than in most other industries. If the pricing technique of the Manufacturers' General Ceiling Price Regulation were to be applied to the apparel industries, with their predominance of style articles, there would be a far greater percentage of articles priced by comparison with a single article manufactured in the base period. The selection of the particular article would be left to the choice of the manufacturer without effective control by the Office of Price Stabilization. Such practice would enable a manufacturer to select a particular article affording the highest mark-up and result in a distortion of the traditional cost-price relationship of all the articles which he manufactures.

Price control on the comparison basis is somewhat looser in administration, more difficult to enforce effectively, and less appropriate. Consequently, this regulation has been designed to narrow the field in which an article may be priced by comparison with any single article manufactured in the base period.

General nature of the regulation. This regulation takes account of the seasonal aspects of the apparel trades by providing choices of base periods during which seasonal articles were sold or delivered. Apparel manufacturers will be permitted to take, as a base period for any category, any three consecutive calendar months between July 1, 1949 and June 24, 1950. The measuring standard of the calendar quarter has not been adopted for this regulation because the selling seasons of the apparel industries differ widely from section to section of the country and from segment to segment of the industry, and cut across calendar quarters. However, a manufacturer is limited to four base periods for all his categories.

To the highest price in effect during the base period, apparel manufacturers may add certain increases in manufacturing materials costs, direct labor costs, indirect material costs and indirect labor costs, from the selected base period up to the cut-off date. This regulation provides for a segregation of indirect from direct material and labor costs because of the greater difficulty in the apparel industries of allocating such indirect costs to particular articles. Consequently, a method is provided whereby manufacturers may determine percentage factors for these indirect costs to be applied to particular articles instead of attempting to compute for the particular article the applicable indirect costs.

Where an apparel manufacturer produces a new article which differs from one which he produced in the base period only by reason of differences in style or by reason of its being manufactured of a different basic material, he is required by this regulation to price such new article by relation to a group of similar articles which he manufactured during the base period.

For the purpose of making this comparison, the apparel manufacturer is required to take all the styles of articles in the same category as the article being priced which were sold in the base period at the same price to the same class of purchaser. From this group of articles the manufacturer selects the fewest number of styles which accounted for fifty per cent of the total dollar volume of sales or production of the group. He then determines the average percentage markup over direct labor and material costs of the selected articles, based upon their costs as of the cut-off date and their new ceiling prices, and applies this percentage markup to the unit direct cost of the new article to determine its ceiling price.

Provision is made for pricing by new sellers on the basis of competitors' prices and for pricing of new categories offered by base period manufacturers.

This regulation gives methods of calculation which are usable by manufacturers who lack extensive records. Because of its narrower coverage it is able to offer more precise definition of terms than is the Manufacturers' General Ceiling Price Regulation. It provides methods of costing by employers of contractors and by manufacturers whose operations are integrated, and gives detailed instructions for calculating allowable base period and terminal costs and prices in such cases.

This regulation provides price rounding techniques to permit sellers to follow customary price line pricing practices and to maintain their established positions in their customary price ranges. These techniques operate by allowing a manufacturer to vary his prices, within narrow limits, from the precisely calculated new prices, provided his total receipts from sales of all articles be no more, at the end of each rounding period, than the receipts would have been had each article been sold at its calculated ceiling price.

Record keeping and reporting requirements. Manufacturers are required under this regulation to prepare and preserve certain records showing the calculation of the various adjustments provided for under this regulation and the calculation of ceiling prices. There are included in Appendix B of the regulation specimen forms showing the information required for most of the important calculations under this regulation. In preparing the records corresponding to the forms designated Exhibits 1, 2, 3 and 4 in Appendix B, manufacturers are required to conform to the general arrangement of data indicated in these Exhibits. Inasmuch as the Director may from time to time require manufacturers to submit some or all of these records it is advisable that these records be prepared in duplicate.

On or before the effective date of this regulation, August 15, 1951, manufacturers are required to prepare and file with the Office of Price Stabilization a statement containing the information required under section 3 of the regulation.

The Director of Price Stabilization expects, in due course, to issue an amendment providing for a recalculation of ceiling prices under this regulation. The purpose of this recalculation will be to reflect more accurately the materials prices established by other ceiling price regulations.

Small business exemption. It is recognized that many small manufacturing concerns may find it more difficult than larger companies to make the calculations prescribed in this regulation. Consequently, any manufacturer whose gross sales during his last annual accounting period were less than $50,000 may elect to continue to price his products under the provisions of the General Ceiling Price Regulation rather than under this regulation.

The cut-off date. The cut-off date for this regulation has been fixed at March 15, 1951 for labor costs (except for increases to Puerto Rican and Virgin Islands labor ordered by the Department of Labor, effective June 4, 1951) and June 4, 1951 for materials costs, thus differing from Ceiling Price Regulation 22, which fixed December 31, 1950 and March 15, 1951 as cut-off dates for different materials costs.

The June 4, 1951 cut-off date for materials costs has been selected for this regulation for two reasons: (1) many of the materials used in the manufacture of apparel were not being quoted and not being delivered on and for some time prior to March 15, 1951; (2) in view of the style and seasonal characteristics of the apparel industries it was felt that the cut-off date should relate to the particular materials which the manufacturer will use in the manufacture of articles during the season following the issuance of this regulation. The cut-off dates of December 31, 1950 or March 15, 1951 prescribed in Ceiling Price Regulation 22 would have no relation to the materials which the manufacturer will be using in the coming season. The materials received on those dates were used generally in the manufacture of articles for the Spring season. Since manufacturers generally use different types of materials in the manufacture of articles for the Fall season it was felt that a more recent cut-off date was required.

Consultation with representatives of industry. The wide diversity of industries in the apparel field covered by this regulation made it a practical impossibility to consult in detail with representatives of all the industries affected. However, consultations were held with a number of business leaders selected from many major branches of the apparel industry, and their advice and suggestions were given the most careful consideration in the formulation of the final regulation. Consultations were also held with a number of accounting specialists with respect to the cost-accounting features of the regulation, and its provisions were informally discussed with numerous representatives of different industries.

Effective date of regulation. The effective date of this regulation is August 15, 1951. Manufacturers are given the option to begin pricing articles under this regulation immediately after the date of issuance. However, on and after August 15, 1951, manufacturers may not deliver any articles covered by this regulation at prices in excess of the ceiling prices established by this regulation. In the judgment of the Director the period between the date of issuance and August 15, 1951 will afford ample opportunity to all manufacturers to complete their calculation of ceiling prices and prepare the records required under this regulation. Therefore, the Director feels that an extension of the effective date will not be necessary and does not contemplate that an extension will be granted.

Findings of the Director. In the judgment of the Director of Price Stabilization, the issuance of this regulation is imperative to correct the distortions in the structure of apparel prices which were frozen by the General Ceiling Price Regulation. The adjustment of these distortions cannot await the necessarily lengthy process of issuing tailored regulations for all branches of the apparel industry. To permit such delay would be to court disastrous effects upon production and distribution. By easing the immediate pressures, this regulation will provide the time needed to work out a more precise and fully integrated system of continuing controls. Work on such a system, which has been under way at a constantly increasing pace ever since the issuance of the General Ceiling Price Regulation, will now be further accelerated.

The provisions of this regulation and their effect upon business practices, cost practices or methods, or means or aids of distribution in the industry have been carefully considered. Generally only such changes in normal practices have been made as are necessary to prevent circumvention or evasion of the regulation or to effectuate the policies of the Defense Production Act of 1950.

In the judgment of the Director, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

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52. Penalties.
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AUTHORITY: Sections 1 to 53 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States or in the District of Columbia (not including territories or possessions) of (a) apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation, or (b) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories, or (c) footwear made of felted, knitted or woven fabrics, or combinations of such fabrics, and which is not normally made by shoe or rubber manufacturers. This regulation applies to the sale, including sales at retail, of any such articles of which you are the manufacturer even though all or any part of the manufacturing operations are performed outside the continental United States. Examples of articles which are covered by this regulation and of articles which are not covered by this regulation are contained in Appendix A.

This regulation supersedes the General Ceiling Price Regulation for sales by manufacturers of the articles covered by this regulation.

SEC. 2. *Small business exemption.* If your gross sales of articles covered by this regulation for your last complete fiscal year preceding the effective date of this regulation were less than fifty thousand dollars, you may elect not to use this regulation. If you so elect, however, you may not use this regulation for determining the ceiling price of any article which would otherwise have been covered by this regulation. In that event, you shall determine the ceiling price of your articles in accordance with the General Ceiling Price Regulation. If your gross sales of articles covered by this regulation reach fifty thousand dollars in any fiscal year, you are required to use this regulation and must continue thereafter to price under it.

SEC. 3. *When to begin pricing under this regulation.* (a) You may begin to price and sell articles in accordance with this regulation immediately after issuance of this regulation, but you must price and sell under this regulation no later than August 15, 1951.

(b) On or before August 15, 1951, you must file a report with the Office of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested, stating the following:

(1) Your name and address.

(2) The address of the office where your records are kept.

(3) A list of the categories which you have elected to use, with a description of the basic component manufacturing material of the articles in each category.

(4) The base period selected for each category.

(5) A list of the classes of purchasers to which you sold during the period July 1, 1949 through June 24, 1950.

(6) If you elect to round ceiling prices of articles under either section 35 or 36, indicate for each category the number of the section which you elect to use.

This report must be signed by an officer or authorized agent of your company and dated.

After August 15, 1951 you may not sell or deliver any articles covered by this regulation unless and until the report required under this subsection has been filed.

CEILING PRICES FOR ARTICLES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 4. *General description of pricing method.*. (a) Your ceiling price to your largest buying class of purchaser for sale of an article which you sold or offered for sale in your base period between July 1, 1949 and June 24, 1950 is your base period price for that article to that class of purchaser plus

(1) the direct labor cost adjustment,

(2) the manufacturing materials cost adjustment,

(3) the indirect labor cost adjustment, and

(4) the indirect material cost adjustment.

Section 53 explains the meaning of your "largest buying class of purchaser" (generally, it refers to the class of purchaser which bought from you the largest dollar volume of the article during the period July 1, 1949 to June 24, 1950). Section 7 tells how to obtain your "base period price." Sections 8 to 10 tell how to calculate "the direct labor cost adjustment." Sections 11 to 17 tell how to calculate "the manufacturing materials cost adjustment." Sections 18 and 19 tell how to calculate "the indirect labor cost adjustment." Sections 20 and 21 tell how to calculate "the indirect material cost adjustment."

(b) Your ceiling price for sale of the article to your largest buying class of purchaser must be consistent in every respect with the base period price used, i. e., the ceiling price must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms, and other terms and conditions of sale.

(c) Your ceiling price for sale of the article to any other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during the period July 1, 1949 to June 24, 1950. If you are selling to an entirely new class of purchaser, you determine your ceiling price for that class of purchaser under Section 31. For each class of purchaser you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms, and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 53.

(d) *Required record.* Before you deliver an article for which your ceiling price is established under this section, you must prepare and preserve work sheets showing your calculation of the ceiling price of that article and the information required in Exhibit 1 (Appendix B). On or before August 15, 1951, you must prepare a separate record for each category in the form prescribed in Exhibit 1 covering all the articles in that category which you are pricing under this section. After August 15, 1951, you may not deliver any article for which your ceiling price is established under this section unless and until a record in the form prescribed in Exhibit 1 covering that article has been prepared. In the case of an article whose ceiling price is determined under this section and which you do not offer for sale until after August 15, 1951, you must prepare a separate record for such article in the form prescribed in Exhibit 1 within fifteen days after the article is first offered for sale, or before delivery, whichever date is earlier.

BASE PERIOD PRICE

SEC. 5. *Base period.* You may select as your base period for a category any three consecutive calendar months between July 1, 1949 and June 24, 1950. The period from June 1, 1950 to June 24, 1950 shall be considered, for purposes of this section, to constitute a calendar month. Whatever base period you select for a category must be used for all articles in the same category. You many select different base periods for different categories. However, you may not establish more than four base periods for all the categories of articles which you manufacture. The calender months within any of these four base periods may overlap—for example, you may select as your base period for category A the months of January, February and March 1950; for category B you may select the months of February, March and April 1950.

SEC. 6. *Category.* "Category" means a group of related "articles" (as defined in Section 53) which are normally classed together in your industry for purposes of production, accounting, sales, or seasonal adaptability. You may not include in the same category articles manufactured from different basic materials, such as cotton, wool, silk, or different synthetic materials. In classifying a material which is a blend of different fibers, the material shall be classified according to that fiber having the greatest content by weight, or if they are equal by weight, then by that fiber having the greatest dollar value, except that a material containing 25% or more of wool by weight shall be classified as a wool material. In the event an article has separate component parts made of different materials (such as component parts of leather, rayon and wool), the article shall be classified according to that material having the greatest total dollar value. Once you have selected a category for an article, you may not thereafter include the article in a different category, except with the authorization of the Director of Price Stabilization, upon your written request.

SEC. 7. *How to obtain your base period price.* Your base period price for an article is obtained as follows:

(a) If, during your base period, you delivered the article or contracted in writing to sell the article at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer during the base period to your largest buying class of purchaser, provided that a written contract was made at such offering price within 90 days after the

end of the base period or substantial deliveries were made at such price within the period of time customarily allowed in your trade for processing and shipment.

(c) Instead of the price under (a) or (b), you may use your price to your largest buying class of purchaser which you announced in writing in a price list, catalogue, or similar statement which you customarily used showing your prices for one or more articles. To use this paragraph (c), you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period; these prices must have been communicated to the trade or a substantial number of customers in your customary way. Further, you must either have contracted in writing within 90 days after the end of the base period to make substantial deliveries of any of the listed items at the prices in the list or have made substantial deliveries at these prices within the period of time customarily allowed in your trade for processing and shipment. If you use this paragraph (c) for any article you must use it for all articles in the same category which are covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 41.

(e) If your base period price is expressed as a gross or list price less discounts, you may make the adjustments of the base period price under section 4 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period gross or list price for article A is $10.00 less an 8% discount to your largest buying class of purchaser. The direct labor cost adjustment, the manufacturing materials cost adjustment and the indirect labor and material cost adjustments which you are permitted to add to your base period price total $1.61. You first take 92% of $10.00, thus applying the 8% discount. The resulting amount, $9.20, plus $1.61, equals $10.81. This is your net ceiling price to your largest buying class of purchaser. You can figure your gross or list ceiling price by dividing your net ceiling price ($10.81) by the same percentage (92%), giving $11.75. Applying the 8% discount to your largest buying class of purchaser gives you $10.81, or your net ceiling price to that class of purchaser.

(f) If, during the base period, you customarily produced the same article at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for that article for each such establishment.

HOW TO CALCULATE THE DIRECT LABOR COST ADJUSTMENT

SEC. 8. *Direct labor cost.* This term means the cost of labor that enters directly into the production and packaging (other than shipping) of the article, including the cost of so-called "fringe benefits" (as defined in section 53). Direct labor includes such items as marking, cutting, sewing, pressing, finishing, and factory examination. It does not include labor used in packing for shipment, general administration, sales and advertising, research, or in making repairs to or maintenance of plant or equipment. Labor cost must be calculated on a straight time basis. You may not include overtime or holiday premiums. In making your calculations under section 9, you may adjust your direct cost, whether piece work or time work, to reflect the cost of "fringe benefits."

SEC 9. *Direct labor cost adjustment.* Your direct labor cost adjustment is determined separately for each article. The direct labor cost adjustment is the difference in the direct labor cost of an article, based upon the increase in wage rates between the first day of the base period for the category including that article and March 15, 1951. You may not include in your wage rates in effect on March 15, 1951, any adjustment of wage rates made thereafter, even though the adjustment may be made retroactive to March 15, 1951, or some prior day. Such retroactive adjustment may not be included, whether made pursuant to an express provision in a contract in effect on March 15, 1951, or otherwise.

(a) To compute the direct labor cost for an article, you shall allocate the permitted labor costs for each operation according to your customary accounting method on the basis of the method of wage payments which you use—e. g., piece work, time work or hourly rate of pay, or any other method of wage payments used by you.

(b) To calculate the direct labor cost adjustment you do the following:

(1) Find your base period direct labor cost for the article. To do this, you must use the wage rates for each operation in effect on the first day of the base period selected for the category including that article.

(2) Find your terminal direct labor cost for that article. To do this, you must use the wage rates for each operation in effect on March 15, 1951. (In the event you use labor in Puerto Rico or the Virgin Islands of the United States, you may adjust your wage rates in effect on March 15, 1951, for such labor to reflect increases resulting from minimum wage orders issued by the Administrator, Wage and Hour Division of the U. S. Department of Labor, prior to June 5, 1951.) You may include the cost of "fringe benefits" in the calculations under paragraph (b) (1) and under this paragraph, or you may omit it from both calculations. If you omit it from both calculations, then you may adjust your terminal direct labor cost, as found under this paragraph, to reflect any increase between the end of your base period and March 15, 1951, in the cost to you of "fringe benefits."

(3) Find the difference between the base period direct labor cost found in paragraph (b) (1) and the terminal direct labor cost found in paragraph (b) (2). The resulting figure is your direct labor cost adjustment which may be added to the base period selling price of that article in accordance with section 4 (a).

(c) If the article being priced is one which you manufactured at more than one plant (whether owned by you or a contractor) in which the direct labor costs are different, but you sold such article at a uniform price, you determine your direct labor cost adjustment for that article as follows:

(1) Find the amount of the direct labor cost adjustment applicable to the article for each plant in accordance with the method described in paragraph (b) of this section 9.

(2) Multiply each such amount by the total number of articles produced in the applicable plant during the last fiscal year of which your base period was a part. This gives you the aggregate plant adjustment.

(3) Add together all of the aggregate plant adjustments arrived at in (2). This gives you the aggregate adjustment for all of your plants.

(4) Divide the aggregate adjustment for all of your plants arrived at in (3) by the total number of articles produced in all your plants during the last fiscal year of which your base period was a part. The resulting figure is your direct labor cost adjustment for the article.

(d) You must preserve all payroll records and work sheets supporting your calculation of the direct labor cost of each article for the base period and the terminal date.

SEC. 10. *How to compute direct labor cost where manufacturer uses contract labor.* If you use contract labor in the manufacture of the article sold, you must compute your labor cost in accordance with the following instructions:

(a) If the contractor separates his labor cost in his invoice, you use that cost as your labor cost.

(b) If the contractor does not separate his labor cost from other charges on his invoice, you use as your labor cost 80% of his invoiced manufacturing charge, excluding the cost of materials.

HOW TO CALCULATE THE MANUFACTURING MATERIALS COST ADJUSTMENT

SEC. 11. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" (sometimes referred to as "material") in the following sections. "Manufacturing material" refers to a material entering directly into the article being priced or used directly in the manufacturing processes from which the article results, together with tags, labels, and packaging (other than shipping) materials. You may include in the cost of manufacturing materials, rentals on machinery and royalties on machinery and manufacturing processes. You may not include royalties paid for the use of brand or trade names or other promotional features in connection with the sale of articles; such royalties are considered a selling expense.

For all calculations in determining the cost of materials in each article manufactured in a size range, use the amount of material which most nearly reflects the average consumption of that material per article within the size range.

SEC. 12. *General instructions.* There are two alternative methods available to you for calculating the "manufacturing materials cost adjustment". You should use the one better suited to the nature of your business and more adaptable to the records you maintain. You may select either method for each category, but whichever method you use for a particular category must be used for all articles in that category. The purpose of this adjustment is to establish the change between prescribed dates in the net cost of the manufacturing materials of the article being priced.

SEC. 13. *Prescribed dates.* Under either of the two alternative methods you select for calculating the "manufacturing materials cost adjustment", you will be figuring the change, between prescribed dates, in the net cost per unit of each manufacturing material included in your calculations of the cost of the article being priced. The first prescribed date is referred to as the "base period prescribed date." The recent prescribed date is referred to as the "terminal prescribed date." The base period prescribed date for each category will be the first day of the base period selected for that category. This date will vary, therefore, depending upon the base period selected for the category. The terminal prescribed date is June 4, 1951.

SEC. 14. *Method 1 (Individual article method).* To calculate the materials cost adjustment under this method you do the following:

(a) Find the physical amount of each manufacturing material which you used in the base period per unit of the article being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in net cost per unit of such materials between the base period prescribed date for the category in which the article falls and the terminal prescribed date. In calculating the change in net cost, you must observe carefully the instructions contained in section 16.

(c) Add together the resulting figures derived under paragraph (b) which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is the manufacturing materials cost adjustment. This figure is to be added to the base period price of the article in accordance with section 4 (a).

SEC. 15. *Method 2 (Category method).* To calculate the materials cost adjustment under this method you do the following:

(a) Select the fewest number of articles in a category which accounted for 50 percent of the total dollar volume of sales or production of all articles in that category during the base period. If you had differentials in effect during your base period for sales to different classes of purchasers and therefore sold articles at different prices to different classes of purchasers, you may calculate the dollar volume of sales or production for each article by multiplying the number of units sold or produced by the base period selling price of that article to your largest buying class of purchaser. These articles are to be selected in order of descending volume.

EXAMPLE

In your category of dresses you sold or produced twelve styles during your base period for that category in the following amounts and percentages:

Styles	Sales or production volume	Percent of sales or production volume of this category	Cumulative (percent)
A	$25,000	25	25
B	20,000	20	45
C	10,000	10	55
D	9,000	9	64
E	8,000	8	72
F	7,000	7	79
G	6,000	6	85
H	5,000	5	90
I	4,000	4	94
J	3,000	3	97
K	2,000	2	99
L	1,000	1	100
Total	$100,000	100	100

As you will note, the styles are listed in order of descending volume and percentages. In selecting the styles which accounted for 50 percent of your total dollar volume of sales or production for the category you must start with the style which accounted for the largest volume and then successively include the one having the next lower volume. The total of Styles A and B represents 45 percent of your total volume. In order to reach 50 percent, you must include Style C which represents the next lower percentage of volume. You will therefore use Styles A, B, and C in making your calculation under this section.

(b) Find the physical amount of each manufacturing material which you used in the base period per unit of each of the articles selected under paragraph (a).

(c) For each article multiply the physical amount of each of the manufacturing materials found in paragraph (b) by the change in net cost per unit of such manufacturing materials between the base period prescribed date for the category in which the selected articles fall and the terminal prescribed date. In calculating the change in net cost, you must observe carefully the instructions contained in section 16.

(d) Add together the resulting figures derived under paragraph (c) for all the manufacturing materials which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Divide the net difference between these totals by the number of articles selected in paragraph (a). This will give the average dollar increase in materials cost for the articles selected in paragraph (a).

(e) Total the unit base period selling prices of all the articles selected under paragraph (a) and divide the resulting total by the number of articles selected. This will give the average base period selling price of the articles selected.

(f) Divide the result found in paragraph (d) by the result found in paragraph (e). The resulting percentage is the materials cost adjustment percentage for all articles in that category.

(g) Multiply the base period selling price of each article in that category by this adjustment percentage. The resulting figure for each article is the manufacturing materials cost adjustment to be added to the base period selling price of that article in accordance with section 4 (a).

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MANUFACTURING MATERIALS COST ADJUSTMENT

SEC. 16. *How to compute the net cost of a manufacturing material as of a prescribed date.* (a) To calculate the net cost to you per unit of a manufacturing material as of a prescribed date, use the costs or prices determined under the *first* of the following subparagraphs which is available to you:

(1) The weighted average net invoice cost of the material received within 30 days prior to the prescribed date. You must include all deliveries received within such 30-day period except that you may exclude any delivery in that period made pursuant to a contract at a fixed price entered into more than 60 days prior to such date. You may consider this subparagraph unavailable to you for purposes of figuring the cost as of the terminal prescribed date if your total inventory of the manufacturing material as of the close of business on June 4, 1951, was less than 33⅓ percent of your requirements for articles manufactured or scheduled to be manufactured from such material during the period ending September 30, 1951. For this purpose you must use your actual inventory of the manufacturing material regardless when delivery was received or the contract for purchase was made.

(2) The net price specified in a contract for purchase of the material at a fixed price, provided that such contract was entered into within 60 days prior to the prescribed date and that it provided for delivery beginning within 60 days after the prescribed date; if there was more than one such contract, use the net price specified in the contract for purchase of the largest quantity of such material.

(3) The net price at which such material was offered for sale to you in writing, provided that such offer was made within 60 days prior to the prescribed date and that it provided for delivery beginning within 60 days after the prescribed date, and that you still have the written offer or obtain a copy of it from the offeror; if there was more than one such offer for sale, use the net price specified in the offer for sale made last prior to the prescribed date by the supplier from whom you customarily buy the largest quantity of such material.

(4) The net price at which the material was offered for sale by one of your usual sources of supply within 60 days prior to the prescribed date, provided that such quotation is confirmed to you in writing by the offeror; if there was more than one such offer for sale, use the net price at which the material was offered for sale, last prior to the prescribed date, by the supplier from whom you customarily buy the largest quantity of such material.

(5) If none of the foregoing is available to you, you may apply to the Director of Price Stabilization for an appropriate increase in the cost of the manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the article being

priced and the manufacturing material used in the article; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons why this paragraph is applicable; and you must state the base period price of the article and the ceiling price you propose.

Your application must be filed with the Office of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested. Furthermore, you may not sell or deliver an article manufactured of material covered by your application at a price which reflects an increase in the cost of such manufacturing material since the base period prescribed date until fifteen days after mailing your application. Thereafter, you may sell the article at the ceiling price proposed in your application, unless and until you are notified by the Director of Price Stabilization that your proposed ceiling price or increase in material cost has been disapproved or that more information is required. If more information is requested, you may not sell the article until fifteen days after such information has been furnished to the Director of Price Stabilization by registered mail, return receipt requested. The Director may also stipulate the amount of increase in material cost which you may apply in determining your ceiling price.

(b) In making the calculations under (a), you must disregard any price based upon a departure from your normal buying practices; this includes purchases in quantities smaller than those you usually purchase or contract for, or a purchase from a more distant or different class of supplier. In no event may the price you use as of the terminal prescribed date be in excess of the ceiling price established under a ceiling price regulation in effect on such date.

(c) If in the manufacture of an article being priced you use a manufacturing material produced in a unit of your business other than the unit in which the article being priced is produced, you must follow the special instructions contained in section 17.

SEC. 17. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* This section deals with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the article being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be one which you sell to other persons. This section sets forth two methods by which you calculate the change in cost of a transferred material in connection with your calculation of "the manufacturing materials cost adjustment" for the article being priced. The method you use depends on whether you also sell the transferred material to other persons.

(a) If the transferred manufacturing material is one you also sell to other persons, you calculate its change in cost as follows:

(1) Find the highest price at which you delivered the material to other persons in your largest buying class of purchasers during the base period selected under this regulation for the category which includes the articles manufactured from this material. If you use the material for articles in more than one category for which you have selected different base periods use the base period ended closest to June 24, 1950.

(2) Find, under the regulation then applicable, its ceiling price as of the terminal prescribed date to your largest buying class of purchaser.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the transferred manufacturing material. You use this difference in calculating the "manufacturing materials cost adjustment" for the article being priced.

(b) If the manufacturing material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the weighted average value as shown in your records at which the transferred material was transferred, during the base period selected under this regulation for the category which includes the articles manufactured from this material, to the unit of your business in which the article being priced is produced. If you use the material for articles in more than one category for which you have selected different base periods use the base period ended closest to June 24, 1950.

(2) Using the weighted average value found in (1) as your base period price, determine what the ceiling price for the transferred material would be under the applicable regulation as of the terminal prescribed date.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the transferred manufacturing material. You use this amount in calculating the "materials cost adjustment" for the article being priced.

HOW TO CALCULATE THE INDIRECT LABOR COST ADJUSTMENT

SEC. 18. *Indirect labor cost.* This term refers to all labor other than direct labor (as defined in section 8) and other than labor used in general administration, sales and advertising, research, or in making major repairs, replacement or expansion of plant and equipment. It includes such labor as foremen, floor help, supervisors, designers, porters, watchmen, shipping and receiving room employees and labor used in materials control, testing and inspection and in making ordinary repairs and maintenance.

SEC. 19. *Indirect labor cost adjustment.* In determining your indirect labor cost adjustment for the article being priced your calculations should be limited to your last fiscal year ended not later than December 31, 1950. Using your profit and loss statement for that fiscal year and such other records as may be required,

(a) Find the total dollar amount of all items of indirect labor costs as defined in section 18.

(b) Find the total dollar amount of all items of direct labor cost as defined in section 8.

(c) Divide the total found in (a) by the total found in (b). The result is your "indirect labor cost percentage."

(d) Multiply the direct labor cost adjustment found under section 9 (c) for each article by the "indirect labor cost percentage" found in paragraph (c) of this section. The result is your "indirect labor cost adjustment" to be added to the base period price in accordance with section 4 (a).

HOW TO CALCULATE THE INDIRECT MATERIAL COST ADJUSTMENT

SEC. 20. *Indirect material costs.* This term refers to the cost of all materials used in the operation of your business other than manufacturing materials as defined in section 11, and other than materials the use of which is not directly dependent upon the rate at which you manufacture the article being priced. It includes such items as shipping materials (other than returnable containers), purchased fuel, steam or electric energy, ordinary repair and maintenance materials and materials expended directly in manufacturing operations. Materials directly expended in manufacturing operations include such materials as needles, cutting tools, marking chalk, paper for patterns, and jigs and dies (if consumed within a year). It does not include the cost of materials used in connection with general administration, sales and advertising, research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment; nor does it include royalties paid for the use of brand or trade names or other promotional features in connection with the sale of articles.

SEC. 21. *Indirect material cost adjustment.* (a) The indirect material cost adjustment is the change in the net cost of indirect materials between June 24, 1950 and the terminal prescribed date as specified in section 13. You may make this adjustment in the manner best suited to your customary accounting method.

(b) If your customary accounting method cannot be adapted to compute the change in the cost of indirect materials between such dates, you must use the following procedure:

(1) From your profit and loss statement for your last fiscal year ended not later than December 31, 1950, and such other records as may be required, find (i) the total dollar amount of indirect material costs and (ii) the total dollar amount of your net sales.

(2) Divide the dollar amount of your indirect material costs found under (a) (1) (i) by the dollar amount of your net sales found under (1) (ii). The resulting figure is your "indirect material cost ratio."

(3) You must then find the weighted average percentage change in the cost of such indirect materials between June 24, 1950 and the terminal prescribed date. You may determine the percentage change in cost by using the fewest number of materials (but at least two materials) which represented not less than 25% of the total indirect material cost as found in (1) (i). To calculate the percentage change you must first find the dollar-and-cents change between the above-mentioned dates in the unit cost of the materials selected under this subsection. To determine the change in cost apply the instructions in section 16. For each material which you have selected, multiply the physical amount which you used during the fiscal year by the change in its unit cost. Add together the resulting figures and divide the total by the total base period cost of the materials which you selected for your calculations. The resulting figure is the percentage change in the indirect material cost.

(4) Multiply the indirect material cost ratio found in (2) by the percentage figure found in (3). The resulting figure is your "indirect material cost adjustment percentage."

(5) Multiply the base period selling price of the article being priced by the "indirect material cost adjustment percentage". The resulting amount is the indirect material cost adjustment which may be added to the base period selling price of that article in accordance with section 4 (a). This percentage may be applied uniformly to the base period selling price of each article which you are pricing.

CEILING PRICES FOR NEW ARTICLES FALLING WITHIN CATEGORIES DEALT IN DURING THE BASE PERIOD

SEC. 22. *Coverage.* For an article in which you did not deal in the base period, but which falls within a category in which you dealt during the base period, you determine your ceiling price under sections 23 to 28. For example, you sold rayon dresses in the base period and have established a category for rayon dresses. You now manufacture a rayon dress which is of a different style from any style of rayon dress made in the base period. Under the definition of "article" in section 53 such new style of rayon dress is a new article. You price your new style of rayon dress in accordance with sections 23 to 28.

SEC. 23. *General description of pricing method.* You determine your ceiling price for the new article by applying to the "terminal unit direct cost" of that article a percentage markup arrived at under section 26. This percentage markup reflects the difference between the average ceiling price of a comparison group of articles and the average terminal direct cost of that same group of articles. You will select the comparison group of articles in the manner provided in section 25.

SEC. 24. *Terminal unit direct cost.* (a) "Terminal unit direct cost" as used in this section means the sum of the amounts which it costs you for direct labor and manufacturing materials to manufacture the article, computing the cost of direct labor as of March 15, 1951 and the cost of manufacturing materials as of the terminal prescribed date, in accordance with the instructions in sections 8 through 17.

(b) If you are pricing a new article which you will manufacture at more than one plant (either plants owned by you or a contractor) in which the direct labor costs are different, and you wish to sell the article at a uniform price, you must calculate the terminal direct labor cost of that article in accordance with the method described in section 9 (c). You may determine the weighted average direct labor cost of that article on the basis of your estimate of the proportion in which the article will be produced at different plants for a period of 90 days following the date on which you determine your price for that article.

SEC. 25. *How to select the comparison group of articles.* (a) The first step in establishing a comparison group of articles is to find every article which you sold in the base period which is in the same category as the article you are pricing. For this purpose you must use all the articles in that category which you sold in the base period without regard to whether they are presently being manufactured.

(b) You then determine, in accordance with section 7, the base period selling price to your largest buying class of purchaser for each article found in (a).

(c) Group all the articles found in (a) so that each group will include all the articles which were sold at the same base period selling price. If you customarily deal in selling price lines, you will be including in each group all the styles of articles which were sold in the same price line during the base period. If you do not deal in price lines, but price each article individually, you may have only a single article which was sold at a particular base period price. In such case, the single article sold at a particular price will constitute a group of articles as that term is used in this section.

(d) From each group of articles sold at the same base period selling price, as found in (c), you must select the fewest number of articles which accounted for 50 percent of the total dollar volume of sales or production during the base period of all the articles included in that group. The group of articles so selected constitutes a "comparison group of articles." For the purpose of selecting the articles constituting 50 percent of the dollar volume of sales or production at each base period selling price, you shall apply the method described in section 15.

(e) For pricing a new article which you now manufacture, you select as the comparison group of articles, that comparison group of articles, as found in paragraph (d), whose average terminal direct cost is the same as or next lower than the terminal unit direct cost of the article being priced. If you had no comparison group of articles whose average terminal direct cost is the same as or lower than the terminal unit direct cost of the new article, use as the comparison group of articles the comparison group of articles whose average terminal direct cost is next higher than the terminal unit direct cost of the new article.

SEC. 26. *How to find the average percentage markup of the comparison group of articles.* As described in section 23, the ceiling price of a new article is determined by applying to the terminal unit direct cost of that article the percentage markup which the average ceiling price of the comparison group of articles, selected in accordance with section 25 (e), yields over the average terminal direct cost of that comparison group. The following instructions explain how to determine that percentage markup:

(a) (1) Find the average ceiling price for the articles in the comparison group of articles selected. To do this you determine the ceiling price of each such article, in the manner provided under section 4. You then total these ceiling prices and divide the sum by the number of articles in the comparison group selected. The resulting figure is your average ceiling price for the comparison group of articles.

(2) Find the average terminal direct cost of all the articles included in the comparison group of articles. To do this you must first find the terminal unit direct cost of each article included in the comparison group of articles. (You will have determined the terminal unit direct cost of each article in arriving at your ceiling price under subparagraph (1)). You then total the terminal unit direct cost of each of the articles of the comparison group and divide the sum by the number of articles in that group. The resulting figure is the average terminal direct cost of the comparison group of articles.

(3) To find the average percentage markup of the comparison group of articles, subtract the resulting figure found in (2) from the resulting figure found in (1). The difference is the average gross dollar margin over the average terminal direct cost of the comparison group of articles. Divide the average gross dollar margin by the average terminal direct cost. The resulting figure is the percentage markup over the average terminal direct cost of the comparison group of articles.

(b) Whether or not you are presently manufacturing the articles in your comparison group, you must use the full terminal unit direct cost permitted under this regulation, which will include the full amount of the adjustments of direct labor and manufacturing materials permitted under section 4.

SEC. 27. *Ceiling price.* To find your ceiling price, apply the percentage markup found in paragraph (a) (3) of section 26 to the terminal unit direct cost of the article you are pricing. This is your ceiling price for sale of that article to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price of the articles in the comparison group of articles, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the article to your other classes of purchasers shall be determined in the same manner as provided under section 4 (c).

SEC. 28. *Record of ceiling price.* (a) Before you offer for sale or deliver an

article for which you have determined the ceiling price in accordance with section 27, you must prepare and preserve work sheets showing your calculation of the ceiling price of that article. On or before August 15, 1951, you must prepare a separate record for each category in the form prescribed in Exhibit 3 (Appendix B) showing the required information for each article in that category for which you have established a ceiling price under section 27. After August 15, 1951, you may not continue to offer for sale or continue to deliver any article whose ceiling price is determined in accordance with section 27 unless and until a record in the form prescribed in Exhibit 3 covering that article has been prepared. In the case of an article whose ceiling price is determined under section 27 and which is first offered for sale after August 15, 1951, you shall prepare, in the same manner, a separate record in the form prescribed in Exhibit 3 for such article within fifteen days after the article is first offered for sale, or before delivery, whichever date is earlier.

(b) *Record of comparison groups of articles.* In order to enable you to make a proper selection of a comparison group of articles as provided in section 25 (e), you must first calculate the average terminal direct cost, the average ceiling price, and the average percentage mark-up of each comparison group of articles. You may initially make these calculations on work sheets. However, on or before August 15, 1951, you must prepare a separate record for each category in the form prescribed in Exhibit 2 (Appendix B) including the required information for all the base period selling prices in each such category as found in accordance with section 25 (b). In completing this record, the groups of articles which you have established must be listed in ascending order of their average terminal direct cost starting with the lowest average terminal cost at the top of the list. It may be noted that after this chart has been completed for a category, you may then price each new article in that category by reference to the average terminal direct costs appearing on the chart.

SEC. 29. *Ceiling price for a new article which, except for the basic component material of which it is manufactured, would fall within a category dealt in during the base period.* (a) This section explains how to determine the ceiling price of an article which you are now manufacturing of a basic material which is different from any material used for the manufacture of similar articles during the year July 1, 1949 to June 24, 1950, but which article, except for the difference in basic component material, would fall within a category in which you dealt during that year.

Example: The only basic material you used for the manufacture of children's fall dresses in the year July 1, 1949 to June 24, 1950, was rayon. You have therefore established a category for children's fall rayon dresses under this regulation. You now propose to manufacture children's fall dresses made of wool fabric, and may or may not continue to manufacture rayon dresses. Your ceiling price for the wool dresses must be determined under this section.

(b) *Determination of ceiling price.* You will determine your ceiling price for the article manufactured of the new basic component material by reference to a comparison group of articles in the category in which you dealt in the base period and in which the new article would fall, except for the difference in the basic component material. If you have established more than one category in which the new article might be included, except for its basic material component, you must use that category in which you had the greater dollar volume of sales during the base period for the respective category. The category so selected is your comparison category. You determine your ceiling price for the new article in the following manner:

(1) Find what the total cost of direct labor and manufacturing material of the new article would have been in the base period of the comparison category. This will give you your "computed" base period direct cost of the new article. In making your calculation of the base period cost of manufacturing materials you must conform to the instructions in sections 13 and 16. Your labor cost shall be computed in accordance with the instructions in section 9 (a).

(2) Find the comparison group of articles in the comparison category whose average base period cost of direct labor and manufacturing materials was the same or next lower than the computed base period direct cost of the new article as found in subparagraph (1). If you had no comparison group of articles whose base period direct cost was the same or lower than the computed base period direct cost of the new article, then select the comparison group of articles whose average base period direct cost was next higher.

(3) You must then determine what the base period selling price of the new article would have been, in the following manner: For the comparison group of articles selected under (2), find the percentage markup which the base period selling price of the group yielded over its average base period direct cost. You then apply that percentage markup to the computed base period direct cost of the new article, which will give you its base period dollar margin. Add this figure to the computed base period direct cost of the new article. The result is your computed base period selling price for the new article.

(4) To the computed base period selling price, add the adjustments permitted under section 4, in the same manner as if the new article had been manufactured in the base period. The resulting amount is your ceiling price for the new article.

(c) Before selling an article for which you have determined the ceiling price in accordance with this section, you must prepare a record in the general form prescribed in Exhibit 1 covering that article. The form prescribed in Exhibit 1 may be adapted to show the calculations required to be made under this section.

NEW CATEGORIES, NEW CLASSES OF PURCHASERS, AND NEW SELLERS

SEC. 30. *Ceiling prices for articles in new categories, and for new sellers.* (a) Except as provided in section 29, if you are pricing an article which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or if you are a new seller, i. e., if you made no sales of any article covered by this regulation prior to June 24, 1950, your ceiling price for such article is the same as the ceiling price of your most closely competitive seller of the same class selling the same article to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

An article shall be considered the same as an article manufactured by the competitive seller if both articles satisfy all of the following conditions:

(1) Both articles would be included by you in the same category;

(2) The direct labor cost and manufacturing materials cost of both articles are substantially the same;

(3) The quality and quantity of the principal material of which both articles are made are substantially the same;

(4) If you were to sell both articles they would be sold at the same price under the same conditions.

(b) Before selling any article for which you have determined a ceiling price under this section, you must file the report required by paragraph (c) with the Office of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested, and, in addition, you may not sell the article until fifteen days after mailing your report; thereafter you may sell the article at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. If more information is required, you may not sell the article at the proposed ceiling price until fifteen days after such information has been furnished to the Director of Price Stabilization, by registered mail, return receipt requested.

(c) *Required report.* Your report shall state: the name and address of your company; the new category in which the article falls and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class and of at least two other closely competitive sellers of the same class; a statement of the ceiling price, or if that is not available, then the selling price for that article and differentials of your most closely competitive seller to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; your proposed ceiling price; the specifications of the article you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the types of customers to whom you will be selling; your proposed differentials; and, if you are starting a new business, a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in any branch of the apparel business at any other establishment, and, if so, the name and address of each such establishment.

SEC. 31. *New classes of purchasers.* (a) If you are pricing an article which you propose to sell to an entirely new class of purchaser (a class of purchaser to which you did not sell between July 1, 1949, and June 24, 1950), you apply to your ceiling price for your largest buying class of purchaser the differential applied by your most closely competitive seller of the same class selling articles in the same category to your new class of purchaser. A ceiling price so determined by applying such differential must be in line with the level of ceiling prices otherwise established by this regulation.

(b) Before selling any article to a new class of purchaser at a price determined in accordance with paragraph (a) of this section, you must file the report required by paragraph (c) of this section with the Office of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested. In addition, you may not sell the article to the new class of purchaser at a price in excess of the ceiling price to a class of purchaser to whom you sold prior to the effective date of this regulation until thirty days after mailing your report; thereafter you may sell the article at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. If more information is required, you may not sell the article at the proposed ceiling price until thirty days after such information has been furnished to the Office of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested.

(c) *Required report.* Your report of a differential determined in accordance with paragraph (b) of this section shall state the name and address of your company; the name, address and type of business of your most closely competitive seller of the same class and of at least two other closely competitive sellers; a statement of the differentials of your most closely competitive seller to each of his classes of purchasers for the same categories of articles which you are pricing; your reasons for selecting him as your most closely competitive seller of the same class; a statement of your customary price differentials to the classes of purchasers to whom you sold in the base period; a description of the new class of purchaser to whom you propose to sell; and a description of the categories of articles which you propose to sell to such new class of purchaser.

SEC. 32. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for an article under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the article, and the nature of your business; your proposed ceiling price and the method used by you to determine it, with detailed breakdown of your unit direct costs; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the article until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 33. *Option to propose an alternative method for obtaining your ceiling price.* (a) If you believe that your situation makes desirable the use of a pricing method different from any prescribed in this regulation you may propose such alternative method in the manner specified in paragraph (b) of this section. Your proposed method must take account of the same factors as the methods prescribed in this regulation and must achieve the same basic results.

(b) You should submit a statement of your proposed method in writing to the Director of Price Stabilization, Washington 25, D. C., stating the reasons why you believe it to be appropriate and why you consider the use of any of the methods prescribed in this regulation to be impracticable, and setting forth in detail each of the steps to be taken under the method you propose. Unless and until the Director of Price Stabilization approves in writing your proposed method, you may not use it.

ROUNDING CEILING PRICES

SEC. 34. *General instructions.* You may use one of the following methods for rounding ceiling prices for each category. Whichever method you use for a category must be used consistently for each of your articles within that category. If you elect to round your prices under section 35 or 36, you must indicate that fact on the report which you are required to file under section 3 of this regulation.

SEC. 35. *Rounding ceiling prices to nearest cent or fraction of cent at which you normally sell.* You may round your ceiling prices determined under this regulation so that they will be expressed to the nearest cent or fraction of a cent which you normally employ. If you elect to round the ceiling price of an article in accordance with this section, you must similarly round the ceiling prices for all of your articles in the same category normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than one percent of your ceiling price prior to rounding. For example, if you normally quote a price to the nearest quarter of a dollar and your calculated ceiling price for Article A is $8.68 per unit, you may round that ceiling price to $8.75 per unit. However, if your calculated ceiling price for Article B in the same category is $8.82, you must round its ceiling price to $8.75.

SEC. 36. *Rounding price to customary industry price line.* If you sell articles customarily merchandised in price lines you may round your ceiling prices for such articles up to the nearest customary industry selling price line but not by more than 10 percent in excess of your ceiling price prior to rounding, subject to the following conditions:

(a) If you round your ceiling price for an article to a higher selling price you must round the ceiling prices of other articles to prices below their ceiling prices, so that at the end of the rounding period the total dollar amount of your upward adjustments shall not exceed the total dollar amount of your downward adjustments based upon the total sales of all articles whose prices have been rounded under this section. The rounding periods are defined in section 53.

(b) Within fifteen days after the end of each rounding period you must prepare a record, in the form prescribed in Exhibit 4 (Appendix B), showing for each category the following information for that rounding period:

(1) Description of category.

(2) Description of each article delivered.

(3) Number of units of each article delivered.

(4) The total calculated net ceiling sales value of each article. (To be obtained by multiplying the total number of units delivered by the calculated net ceiling price prior to rounding.)

(5) The actual dollar total of sales of each article.

(6) Net upward or downward adjustment for the category.

(c) If you rounded ceiling prices in only one category, state that fact on the record prepared in accordance with paragraph (b) of this section. If you rounded prices in more than one category, you must prepare a summary record listing separately the net upward or downward adjustment in each category in which you have rounded prices. This summary record shall reflect the net upward or downward adjustment for all the categories so listed. This record must also be prepared within fifteen days after the end of the rounding period.

(d) If at the end of a rounding period the total of your upward adjustments is in excess of the total of the downward adjustments as calculated under paragraph (c) of this section, you must offset the excess of upward adjustments before the fifteenth day of the second month of the following rounding period. In order to satisfy this requirement, you should maintain a current record of your deliveries and adjustments resulting from rounding ceiling prices from the beginning of the current rounding period, so that you can check your progress in offsetting your excess adjustment.

(e) On or before the last day of the second month of the current rounding period, you must prepare a record in the form prescribed in Exhibit 4 (Appendix B) for each category, showing the information required under paragraphs (b) and (c) of this section, for deliveries between the first day of the current rounding period and the fifteenth day of the second month of such rounding period. From these records you must prepare a summary showing the net upward or downward adjustment for that period.

If the net total upward adjustment for the preceding rounding period is not fully offset by the net total of downward adjustments for the period described in this paragraph, you may not deliver an article at a price in excess of its calculated ceiling price after the end of the second month of the current rounding period.

(f) On or before the fifteenth day following the end of the current rounding period, you must prepare the record required under paragraphs (b) and (c), covering your deliveries during that period, together with a statement showing your reconciliation between the result for the current rounding period and the net upward adjustment for the preceding rounding period.

(g) If the net total upward adjustment for a rounding period is fully offset by a net total downward adjustment for the next succeeding period you may resume using the provisions of this section for rounding your ceiling prices. If the net total upward adjustment for a rounding period is not fully offset by a net total downward adjustment for the next succeeding period the amount of such upward adjustment less the net amount of downward adjustment, if any, for the next succeeding period is deemed a charge in excess of your ceiling price and you become liable to the civil and criminal penalties provided in the Defense Production Act of 1950 for that amount. If you cease doing business in all articles covered by this regulation and at that time you have an accumulated net balance of upward adjustments, the amount of such upward adjustments at the time you cease doing business is deemed a charge in excess of your ceiling price, and you similarly become liable to the civil and criminal penalties provided in the Defense Production Act of 1950 for that amount.

(h) A balance of total downward adjustments remaining at the end of a rounding period may not be carried forward to a succeeding rounding period.

MISCELLANEOUS PROVISIONS

SEC. 37. *Retention of GCPR ceiling price where the change in price is less than 1%.* If your calculated ceiling price for an article as determined under section 4 of this regulation differs by less than 1% from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to the ceiling prices for all your articles within the same category (as determined under section 4 of this regulation) differing by less than 1% from the GCPR ceiling price, regardless of whether decreases or increases result. For example, your GCPR ceiling price for article A is $10 and your ceiling price as determined under section 4 of this regulation is $9.95. Your GCPR ceiling price for article B (falling within the same category as article A) is $8 and your ceiling price determined under section 4 of this regulation is $8.05. You may continue to use $10 as your ceiling price for article A, but if you do so, you must continue to use $8 as your ceiling price for article B.

SEC. 38. *Adjustment of ceiling prices quoted on a delivered basis for increase in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing and insurance charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate).

This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of receipt by the purchaser, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include increases due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) If your base period price was uniform within defined geographical zones but you maintained an established differential between zones, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the article being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period for that category. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that article to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the article being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same maner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 39. *Recalculation of ceiling prices.* The Director of Price Stabilization expects, in due course, to issue an amendment to this regulation providing for a recalculation of your ceiling prices under this regulation. The purpose of this recalculation would be to reflect more accurately the materials prices established by other ceiling price regulations.

SEC. 40. *Transfers of business and combinations.* (a) If you purchased or otherwise acquired by transfer after June 24, 1950, or shall hereafter acquire, the principal part of the business, assets or stock in trade of an established business, and you carry on the business of the transferor or continue to deal in the same categories of articles in an establishment separate from any other establishment previously owned or operated by you, your ceiling prices shall be the same as those to which your transferor would be subject if no such transfer had taken place, except as provided in paragraphs (b) and (e) of this section, and your obligation to keep records sufficient to verify such prices shall be the same. You must further prepare and preserve (if your transferor has not already done so) the records, reports and work sheets required under this regulation. Your transferor shall preserve and make available or turn over to you all records necessary to verify your ceiling prices and to enable you to comply with the record-keeping provisions of this regulation.

(b) The provisions of paragraph (a) of this section shall not apply to categories of articles whose ceiling prices were determined under section 30 or were established under section 32 of this regulation. In that event you must determine your ceiling prices for such categories of articles in accordance with section 30 or 32 of this regulation.

(c) If the transfer of business occurred between July 1, 1949 and June 24, 1950, your ceiling prices shall be determined on the basis of a consolidation of your records with those of your transferor for the period from July 1, 1949 to June 24, 1950.

(d) If two or more manufacturers who were in business during any part of the period July 1, 1949 to June 24, 1950, merge or consolidate after July 1, 1949, the ceiling prices of the manufacturer resulting from such merger or consolidation shall be determined on the basis of consolidated records of the manufacturers involved in the merger or consolidation.

(e) You may not avail yourself of ceiling prices under the provisions of this section unless the records required under this regulation to support such prices are either turned over or made available to you by the transferor or the manufacturers involved in the merger or consolidation.

SEC. 41. *Excise, sales and other similar taxes.* (a) *Where the tax is included in your base period price.* If the base period price you are using for an article to determine your ceiling price either for that article or another article includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar articles. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 42. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 43. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell an article at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver an article at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 44. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 45. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 46. *Temporary adjustments to carry out existing contracts.* (a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of an article at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, provided:

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the terminal prescribed date used for your calculation of "the manufacturing materials cost adjustment." In computing what that total price would be, apply the provisions of section 16.

(3) Subtract the figure arrived at under subparagraph (2) from the figure arrived at under subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at under subparagraph (1) is no higher than that arrived at under subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the article called for by the contract. This gives you the adjustment per unit of the article. If the contract calls for the delivery of more than one article, the total amount of the adjustment may be distributed in any appropriate way among the several articles.

(5) Add the adjustment per unit of the article under (4) to your ceiling price for that article. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of an article at $10.00 per unit, delivery to be made during the months of June, July and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of March 15, 1951 would be $3,500. The total adjustment is $700 ($4,200 minus $3,500 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,000. This gives you 70¢. The adjustment per article becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before September 1, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;
2. Copies of invoices covering the manufacturing materials acquired in reliance upon and in order to fulfill the contract;
3. Copies of invoices or other supporting data which indicate your net cost, as of the terminal prescribed date, used in computing "the manufacturing materials cost adjustment";
4. A copy of the worksheets used in the calculation of your ceiling price;
5. A report of your adjusted ceiling price and detailed calculation showing how this price was arrived at.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by your or notify you that further information is required, you may after these 30 days have elapsed, receive payments at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time, revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 47. *Records.* (a) With respect to any article covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

[1] The portions of the General Ceiling Price Regulation here referred to, applicable to apparel manufacturers, are as follows:

SEC. 16. • • • (a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period. • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary for calculation of your ceiling prices, including (but not limited to) records showing base period prices and material and labor costs, records showing costs, prices and sales for the other applicable periods and dates referred to in this regulation, and the work sheets and records corresponding to Exhibits 1 through 7 in Appendix B of this regulation. The work sheets and records corresponding to Exhibits 1 through 7 must be dated and signed by you or your authorized representative as of the date of their preparation.

(c) You may not establish a ceiling price or any adjustment permitted under this regulation unless you have written records in your possession supporting such price or adjustment and have prepared work sheets showing your calculations before selling an article.

(d) You shall preserve for a period of two years all records showing the prices at which sales of articles subject to this regulation have been made.

(e) All records required under this section must be made available for inspection by or submitted, on request, to the Office of Price Stabilization.

SEC. 48. *Exemptions and exceptions.* This regulation shall not apply to the following:

(a) Sales of articles the ceiling prices of which are now or may subsequently be established by numbered price regulations of the Office of Price Stabilization.

(b) Sales of articles the ceiling prices of which may be subsequently established by "supplementary regulations" to this regulation, to the extent that such "supplementary regulations" may alter or modify the terms of this regulation.

(c) Sales of articles the ceiling prices of which are now or may subsequently be exempted from price control under the terms of any General Overriding Regulation of the Office of Price Stabilization.

(d) Sales of articles exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 7, 8 and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(e) Indian and Eskimo handicraft articles which are produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(f) Sales or deliveries of articles made or produced by the seller at his home solely for his own account, without the assistance of hired employees.

SEC. 49. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation:

(1) You may not sell or deliver any article covered by this regulation at a price higher than your ceiling price.

(2) No person in the course of trade or business may buy or receive any article covered by this regulation at a price higher than its ceiling price.

(3) No person shall offer, solicit, attempt or agree to do any of the foregoing. Of course, you may charge lower prices than your ceiling prices at any time.

(b) *Redetermination of ceiling prices.* Once you have recorded or reported your ceiling price or a proposed ceiling price for an article as required by this regulation, you may not thereafter redetermine such price except as provided in section 39. A purely mathematical error may, however, be corrected provided that the correction must be reported to the Office of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested.

SEC. 50. *Resale of manufacturing materials.* (a) Except as provided in paragraph (b) of this section, this paragraph applies in those instances where you have purchased manufacturing materials of types used by you in the manufacture of articles covered by this regulation and subsequently resell such materials in the same form in which they were acquired, either to another manufacturer or any other person. Notwithstanding the provisions of the General Ceiling Price Regulation or any other price regulation which may be applicable to such sales, you may not sell such manufacturing materials at a price in excess of their net cost to you plus freight, insurance, warehouse and handling charges actually incurred and paid by you.

(b) This section shall not apply in the following cases:

(1) Where such resale is made pursuant to an established trade practice by which you are expected, in connection with the sale of articles manufactured by you, to furnish to the purchasers of such articles an additional quantity of material identical with the material from which such articles are manufactured.

(2) Where, as a separate and substantial part of your business on the issuance date of this regulation, you were regularly engaged in reselling materials purchased exclusively for the purpose of resale and not for use in the manufacture of articles.

SEC. 51. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, finders' fees, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 52. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 53. *Definitions and explanations.*

Article. This term means a specific style, type or model of an item. One article is the same as another if both have the same purpose, appearance (difference in color is immaterial), construction, consume approximately the same quantity of material for the same size, and, except for ornamental trimmings, are made from the same basic material component.

Category. This term is defined in section 6.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the purchaser (for instance, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser of the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of purchasers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Delivered. An article shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

Fringe benefits. Fringe benefits include health, welfare and insurance plans, pension contributions for current work, paid vacations, paid holidays and similar benefits, including payments required under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment or compensation laws.

Largest buying class of purchaser. This term refers to the "class of purchaser" of an article which purchased from you the largest dollar amount of that article during the period from July 1, 1949 to June 24, 1950. It does not include, however, the United States or any agency thereof, or any person in respect of whom your base period price is a price established under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or an agency thereof or such contract purchaser was your only class of purchaser.

Manufacturer. A manufacturer is a person, whether producer, assembler, finisher or fabricator, (1) who manufactures the article for his own account; (2) who sells or consigns to the fabricator any of the principal materials from which the article is fabricated for his own account; or (3) whose business is directly or indirectly under the same ownership and control as the person who fabricates the article. You are not a manufacturer unless you substantially change the form of some article or articles, combine two or more articles into a differing one, or create a new article from existing ones. If you merely package, label, market, promote, or sell an article or combine articles without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service (e. g., contract sewing) for the account of others, on an article to which you do not at any stage take title, you are not a manufacturer with respect to such an article.

Manufacturing materials. This term is defined in Section 11.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of articles to the same classes of purchasers in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the net invoice cost or net price to you of a manufacturing material after deducting any discount (other than a customary cash discount) or allowance you took or could have taken. You may include charges for freight and specific taxes allocable to the material and transportation. You may not include charges for insurance, storage or warehousing.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or its political subdivisions or agencies.

Records. This term means books of original entry, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, bank statements, cancelled checks and check stub books, and other papers and documents.

Rounding period. As used in this regulation, this term means a calendar quarter of three consecutive months beginning January 1, April 1, July 1 and October 1 of each year, except that the first rounding period shall start when you begin pricing under this regulation and shall end on September 30, 1951.

Sales at retail. This term refers to any sale to an ultimate consumer, other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "Yours" are construed accordingly.

Effective date. The effective date for this regulation is August 15, 1951, but you may, if you wish, begin to price under this regulation prior to such date, as provided in section 3.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 9, 1951.

APPENDIX A

EXAMPLES OF ARTICLES COVERED BY THIS REGULATION

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

EXAMPLES OF ARTICLES NOT COVERED BY THIS REGULATION

Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

APPENDIX B

This appendix contains sample forms of records and worksheets which you will find it necessary to use in making certain calculations required by this regulation and in recording your ceiling prices.

Exhibits 1, 2, 3 and 4 illustrate the form to be used in preparing certain important records required to be prepared and preserved under this regulation. In preparing your records corresponding to these Exhibits you must conform closely to the general arrangement of data as illustrated in these Exhibits. Inasmuch as the Director may from time to time require manufacturers to submit some or all of these records, it is suggested that these records be prepared in duplicate.

Exhibits 5, 6 and 7 are included to illustrate the content and general arrangement of data appropriate for certain calculations required under this regulation.

The forms corresponding to these Exhibits will not be printed or provided by the Office of Price Stabilization. You will therefore be required to prepare forms for your use in completing the records.

You must preserve a copy of all records required under this regulation for your own use, for examination by representatives of the Office of Price Stabilization, and for submittal on request to OPS.

The following is a list of the Exhibits included in this Appendix:

Exhibit 1. Record of Ceiling Prices for Articles of Apparel sold in the Base Period.
Exhibit 2. Category Record—Comparison Groups of Articles of Apparel.
Exhibit 3. Record of Ceiling Prices for New Articles of Apparel in a Base Period Category.
Exhibit 4. Record of Rounding Prices of Articles of Apparel.
Exhibit 5. Direct Labor Cost Adjustment Work Sheet.
Exhibit 6. Manufacturing Materials Cost Adjustment Work Sheet (Method 1).
Exhibit 7. Indirect Labor Cost Percentage Work Sheet.

CPR 45 EXHIBIT 1.—RECORD OF CEILING PRICES FOR ARTICLES OF APPAREL SOLD IN THE BASE PERIOD

1. Name: A. B. C. Shirt Co.
2. Address: 1000 Main Street, Chicago, Ill.
3. Category description: Boys' cotton flannel shirts.
4. Base period: From Oct. 1, 1949 to Dec. 31, 1949.
5. Indirect labor cost percentage: 23.1%.
6. Indirect materials cost percentage: 1%.

(List all articles sold in the base period which you are required to price under this regulation)

Identification of article	Base period selling price (net)	Adjustments				Current calculated ceiling price (net); total of columns (b) through (f)	Rounded ceiling price (net) (sec. 35)
		Direct labor cost	Indirect labor cost	Manufacturing material cost	Indirect material cost		
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
	Dozen						
Style No. 2000	$16.50	$0.36	$0.08	$1.81	$0.02	$18.77	$18.75
Style No. 1075	20.00	.43	.10	2.17	.02	22.72	22.75

Dated: August 9, 1951.

(s) RICHARD ROE,
Signature of Owner or Authorized Agent of Firm.

CPR 45 Exhibit 1.—Piece-Work Unit Cost Adjustment Worksheet

1. Name: ZYX Garment Co.
2. Address: 4th and Hall Street, St. Louis, Mo.
3. Article: Style 101.
4. Category: Dress Shirts.
5. Base period: From Oct. 1, 1949 to Dec. 31, 1949.

Group number (Articles sprouting for all period of Column)	Base period total selling price	Average terminal base period direct cost	Average terminal base period cost adjustment	Indirect terminal cost adjustment	Average terminal base period total cost	Average dollar markup (col. (e) minus col. (f))	Average percentage markup (col. (g) ÷ col. (e))
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
	Per dozen						
1	$16.50	$12.60	$14.77	$0.30	$19.03	$4.26	28.8
2	18.50	14.30	16.75	.42	21.10	4.83	29.9
3	24.00	20.50	26.54	.12	27.27	6.29	27.6
4	30.00	25.40	26.19	.18	33.12	7.23	

Instructions: Use separate work sheets to make the necessary calculations.

(1) Identify each group of articles in Column (a) by number in consecutive order. This number must be indicated on the work sheets for the corresponding group of articles.

(2) You will continue the terminal base period data for each new article with the figures in Column (d).

(3) After you have completed the terminal base period data for all articles by reference to Column (d), you will apply the percentage markup shown in Column (h) correspondingly to that group of articles.

(s) JOHN DOE,
Signature of Owner or Authorized Agent of Firm.

Dated: July 17, 1951.

CPR 45 Exhibit 3.—Record of Ceiling Prices for New Articles of Apparel in a Base Period Category

1. Name: Z. E. Shirt Company.
2. Address: 2000 First Street, Los Angeles, Calif.
3. Article: Style No. 200.
4. Category description: Men's cotton shirts.
5. Rounding section: 36.

Article identification	Terminal manufacturing material cost	Terminal direct labor cost	Total terminal direct cost	Identification of comparison group of articles and percent mark-up	Calculated ceiling price	Rounded price
	$19.61	$4.52	$15.13	No. 1	28.8	$19.99	$21.50
Style No. 17	15.00	5.87	20.08	No. 3	30.0	27.27	33.00
Style No. 31	19.73	7.81	27.54	No. 4	27.6	35.11	
Style No. 522							

(s) JOHN DOE,
Signature of Owner or Authorized Agent of Firm.

Dated: July 17, 1951.

CPR 45 Exhibit 4.—Record of Rounding Prices of Articles of Apparel

Period From Oct. 1, 1951, to Dec. 31, 1951

(Only articles which have had their ceiling prices adjusted in accordance with Section 36 should be included in this report.)

1. Name: XZX Dress Company, Inc.
2. Address: 2000 First Avenue, Boston, Mass.
3. Category: Children's cotton dresses.

Article identification	Quantity sold during reporting period	Calculated net ceiling price	Total value at calculated ceiling price (column (b) times (c))	Actual selling price (net)	Actual sales value (column (b) times column (e))
(a)	(b)	(c)	(d)	(e)	(f)
Style No. 100	*Dozen* 3,500	*Dozen* $25.00	$87,500	$26.00	$91,000
Style No. 200	3,500	24.70	86,450	22.50	78,750
Total			$173,950		$169,750

Net upward adjustment, if any (column (f) minus column (d)) ..... None
Net downward adjustment, if any (column (d) minus column (f)) $4.00
Net downward adjustment from preceding rounding period ..... None
Net remaining upward adjustment ..... None

(s) JOHN DOE,
Signature of Owner or Authorized Agent of Firm.

Dated: January 8, 1952.

CPR 45 Exhibit 2.—Category Record—Comparison Groups of Articles of Apparel

Description of operation	Base period total selling price	Average terminal base period direct cost	Average terminal base period cost adjustment	Indirect terminal cost adjustment	Average terminal base period total cost	Average dollar markup (col. (e) minus col. (f))	Average percentage markup (col. (g) ÷ col. (f))
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
	Per dozen						
Cutting	$16.50	$12.60	$14.77	$0.30	$19.03	$4.26	28.8
Sewing	18.50	14.30	16.75	.42	21.10	4.83	29.9
Trimming	24.00	20.50	26.54	.12	27.27	6.29	27.6
Inspection	30.00	25.40	26.19	.18	33.12	7.23	
Pressing and boxing				.96		1.06	
Final aggregate total of columns (b) and (c)					$6.01	$25.60	
Labor cost adjustment: Column (c) minus column (b)					$0.02		

Signature of Owner of Authorized Agent of Firm.

(s) IRA HEBLIN,

Dated: July 10, 1951.

CPR 45 Exhibit 6.—Manufacturing Materials Cost Adjustment (Method 1—Individual Article)

Worksheet

1. Name: G. Y. A. Dress Company.
2. Address: 2500 First Street, Kansas City, Mo.
3. Article: Style No. 200.
4. Category: Women's cotton dresses.
5. Base period: From Oct. 1, 1949, to Dec. 31, 1949.

Material used	Physical amount (yards) used in one unit of the article	Cost per unit of material on the first day of the base period (base period pre-serfeit date)	Cost per unit of material on the terminal pre-serfeit date	Change in cost per unit of material of article (column (c) minus column (d))
(a)	(b)	(c)	(d)	(e)
80 x 80 print	38 yds per doz	$0.25 per yard	$0.25½ per yard	$0.10½ per yard
Belt	12 each per doz	$4.00 per dozen	$4.00 per dozen	$2.00 per dozen
Buttons	36 each per doz	$2.00 per gross	$2.50 per gross	$.50 per gross
Total				$6.12

Family Jones,
Signature of Owner or Authorized Agent of Firm.

Dated: July 16, 1951.

CPR 45 Exhibit 7.—Indirect Labor Cost Percentage

Worksheet

1. Name: AGO Garment Co.
2. Address: 42 Broadway, Philadelphia, Pa.
3. Profit and loss statement, fiscal year: From January 1, 1950 to December 31, 1950.
4. Total net sales for year: $199,000.00.
5. Direct labor costs for year: $25,318.52.
6. Indirect labor cost ratio (line 5 divided by line 4): 23.1 percent.

(s) John Fiegel,
Signature of Owner or Authorized Agent of Firm

Dated: July 16, 1951.

[F. R. Doc. 51-7015; Filed, June 14, 1951; 4:01 p. m.]

[General Ceiling Price Regulation, Amendment 15]

General Ceiling Price Regulation

"Parity" adjustment for sugarcane

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 15 to the General Ceiling Price Regulation [16 F. R. 808] is issued.

STATEMENT OF CONSIDERATIONS

Under the existing provisions of the General Ceiling Price Regulation (GCPR), as amended, manufacturers and processors using sugar processed from sugar beets, which are on the section 11 (a) list of agricultural commodities, are permitted to increase the prices of their products to reflect increased costs to them of such sugar. However, those using sugar processed from sugarcane, which was removed from section 11 (a) by Amendment 1 to GCPR, are only permitted to reflect the increased cost of such sugar up to February 12, 1951.

Chemically there is no difference in beet and cane sugar and, in the market, their prices customarily move together. Some manufacturers use one kind of sugar and others use both kinds in their products. Since manufacturers who use beet sugar are entitled to reflect the current cost of this sugar, they are in a more favorable position than those using cane sugar despite the fact that their end products may be substantially identical. In addition, confusion will result in those cases where one manufacturer uses both beet and cane sugar in his product, since he will be forced to carry the burden of computing the costs of the sugar used on two different bases. Finally, in light of the fact that the prices of beet and cane sugar have increased since February 12, 1951, the present provisions of this regulation may very well distort the normal market relationship of beet and cane sugar as well as the relationship of the end products processed from those commodities.

In view of the above, the Director of Price Stabilization has decided to reinstate sugarcane on the section 11 (a) list so that a current date may be used in calculating the increased costs of that commodity or product processed therefrom.

AMENDATORY PROVISIONS

Section 11 (a) of the General Ceiling Price Regulation is amended by adding "Sugarcane" to the list of agricultural commodities, under the heading "Sugar Crops".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 15, 1951.

[F. R. Doc. 51-7045; Filed, June 15, 1951; 10:13 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-26]

Warning Signals for Use by Coast Guard Vessels While Working on Aids to Navigation

A notice regarding proposed regulations covering warning signals for use by Coast Guard vessels while engaged in handling or servicing aids to navigation was published in the Federal Register dated February 27, 1951 (16 F. R. 1831) as Item I on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on March 27, 1951 in Washington, D. C. No comments regarding the proposed regulations were received and at the public hearing no objections were raised to the adoption of these regulations.

The purpose of the regulations in 33 CFR 80.33a, 90.15a and 95.26 is to permit special signals to be used by Coast Guard vessels while handling or servicing aids to navigation and to require operators of other passing vessels when observing this signal to reduce the speed of their vessel sufficiently to insure the safety of both vessels. This regulation is being added in order to reduce the hazards on a Coast Guard vessel which is in a very vulnerable position when attempting to raise an aid to navigation.

By virtue of the authority vested in me as Commandant of the United States Coast Guard by Treasury Department Order No. 120 dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the Federal Register:

Subchapter D—Navigation Requirements for Certain Inland Waters

Part 80—Pilot Rules for Inland Waters

SPECIAL DAY OR NIGHT SIGNALS

Part 80 is amended by adding a new § 80.33a reading as follows:

§ 80.33a *Warning signals for Coast Guard vessels while handling or servicing aids to navigation.* (a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessel displaying this signal, their speed shall not exceed 5 miles per hour.

(Sec. 2, 30 Stat. 102, as amended; 33 U. S. C. 157)

Subchapter E—Navigation Requirements for the Great Lakes and St. Marys River

Part 90—Pilot Rules for the Great Lakes

SIGNALS AND RULES OF THE ROAD

Part 90 is amended by adding a new § 90.15a reading as follows:

§ 90.15a *Warning signals for Coast Guard vessels while handling or servicing aids to navigation.* (a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessel displaying this signal, their speed shall not exceed 5 miles per hour.

(Sec. 3, 28 Stat. 649, as amended; 33 U. S. C. 243)

Subchapter F—Navigation Requirements for Western Rivers

Part 95—Pilot Rules for Western Rivers

VESSELS PASSING EACH OTHER

Part 95 is amended by adding a new § 95.26 reading as follows:

§ 95.26 *Warning signals for Coast Guard vessels while handling or servicing aids to navigation.* (a) Coast Guard vessels while engaged in handling or servicing an aid to navigation during the daytime may display from the yard two orange and white vertically striped balls in a vertical line not less than three feet nor more than six feet apart, and during the nighttime may display, in a position where they may best be seen, two red lights in a vertical line not less than three feet nor more than six feet apart.

(b) Vessels, with or without tows, passing Coast Guard vessels displaying this signal, shall reduce their speed sufficiently to insure the safety of both vessels, and when passing within 200 feet of the Coast Guard vessel displaying this signal, their speed shall not exceed 5 miles per hour.

(R. S. 4233A, as amended; 33 U. S. C. 353)

Dated: June 1, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51-6960; Filed, June 15, 1951; 8:55 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers

[Gen. Order 58, 2d Rev.]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

MISCELLANEOUS AMENDMENTS

Notice and public procedure on the following order are impracticable and contrary to the public interest, because the immediate revision of General Order 58 is required to prevent the transfer of control of vessels to aliens contrary to the interest of the national defense of the United States.

Revised General Order 58 (§ 221.6), published in the FEDERAL REGISTER issue of November 17, 1945 (10 F. R. 14210), is hereby revised and divided into two new sections, designated §§ 221.5 and 221.6, which shall read as follows:

§ 221.5 *Approval of certain sales, mortgages, leases, charters, deliveries, or transfers of vessels of less than 40 feet overall length and less than 50 horsepower to aliens or agreements therefor; of transfer to foreign registry and flag; of contracts for construction of such vessels for aliens; of the transfer of control of corporations owning such vessels; and of the departure of such vessels from United States ports before United States documentation.* Subject to the exceptions stated in § 221.6, the Department of Commerce, Maritime Administration, hereby grants the approval required by section 37 of the Shipping Act, 1916, as amended (40 Stat. 901; 46 U. S. C. 835), to the following transactions:

(a) The sale, mortgage, lease, charter, delivery, or transfer, and agreement for the sale, mortgage, lease, charter, delivery or transfer to any person not a citizen of the United States of any vessel or interest therein, owned in whole or in part by any person a citizen of the United States or by a corporation organized under the laws of the United States or of any State, Territory, District, or Possession thereof, which vessel is under forty (40) feet overall length and less than 50 horsepower and is not documented under the laws of the United States or the last documentation of which was not not under the laws of the United States;

(b) The transfer to, or placing under, any foreign registry or flag of any such vessel;

(c) The entrance into any contract, agreement, or understanding to construct a vessel of less than forty feet overall length and less than 50 horsepower within the United States for, or to be delivered to, a person not a citizen of the United States;

(d) The making of agreements or the affecting of understandings whereby there is vested in or for the benefit of any person not a citizen of the United States the controlling interest or the majority of the voting power in a corporation which is organized under the laws of the United States or of any State, Territory, District, or Possession thereof and which owns no vessel of 40 ft. or more overall length or of more than 50 horsepower and which transaction is not otherwise subject to the provisions of section 37 of the Shipping Act of 1916, as amended; and

(e) The departure from any port of the United States of any vessel of less than forty feet overall length and less than 50 horsepower which was constructed in whole or in part within the United States, has not been documented under the laws of the United States, and has never cleared for any foreign port.

As used in this section, the term "overall length" shall mean the length of the vessel as measured from end to end over the deck excluding sheer; the term "horsepower" shall mean manufacturer's rated horsepower; and the term "documented" shall mean registered, enrolled, or licensed.

§ 221.6 *Exceptions to approvals granted by § 221.5.* Approval granted by § 221.5 shall not apply to:

(a) Demise or bareboat charters;

(b) Any transaction involving the transfer of the ownership, possession, or control of any vessel, or of any interest therein (including charters), to any person (not a citizen of the United States) residing in the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China;

(c) Any transaction involving the transfer of the ownership, possession, or control of any vessel, or of any interest therein (including charters), to nationals of, or citizens of the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China;

(d) The transfer of any vessel to the registry of or the placing of any vessel under the flag of the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China.

(Sec. 19, 41 Stat. 995, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114, 876. Interpret or apply sec. 37, 40 Stat. 901, as amended; 46 U. S. C. 835)

Effective date. The effective date of this order shall be the date of publication in the FEDERAL REGISTER.

Dated: June 13, 1951.

[SEAL] E. L. COCHRANE,
Maritime Administrator,
Maritime Administration,
Department of Commerce.

[F. R. Doc. 51-6983; Filed, June 15, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Order 1; Docket No. 3666]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

Correction

The following corrections should be made in Federal Register Document 51-6499, published at page 5322 of the issue for Wednesday, June 6, 1951:

1. In Part 73 amendatory paragraph 1 should be deleted in its entirety.

2. In amendatory paragraph 35 of Part 73, the tenth line should read "interior of drum but not to be wound as".

3. In amendatory paragraph 5 of Part 74, the figure "⅜" in the headnote of the fourth column of the table should read "$\frac{3}{8}$".

4. In Subpart I of Part 78, Federal Register pages 5334 through 5337 were published out of order. The correct order of these pages is: 5336, 5337, 5334, 5335.

5. In the specifications in § 78.293, ICC-16 (a) (2) should read:

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat of steel used in the manufacture of the plate.

[S. O. 878]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of June A. D. 1951.

Upon representations of the Defense Transport Administration that there is urgent need in the interest of national defense for more efficient utilization of freight cars in the transportation of canned goods and foodstuffs.

It appearing, That there is a shortage of freight cars suitable for the transportation of canned goods and foodstuffs; that by reason thereof it is necessary to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.878 *Requirements for loading canned goods and foodstuffs.* (a) No carrier shall accept for transportation at point of origin, forward from point of origin, or transport within any terminal area, except to complete loading, any carload shipment of canned goods and foodstuffs, canned, preserved or prepared (not cold-pack nor frozen), in packages, in straight or mixed carloads, or in mixed carloads with other commodities, unless such car when forwarded from point of origin, or point at which car is stopped to complete loading, is loaded in accordance with one of the following requirements.

(1) The quantity loaded shall at least equal in weight the marked capacity in pounds as stencilled on the car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 299, supplements thereto or reissues thereof; or

(2) When the car is loaded to full visible capacity or to a weight of at least 65,000 pounds.

(3) On cars to be stopped off to complete loading thereof, the canned goods and foodstuffs loaded in the car, when leaving the stop-off point, must be loaded as provided in subparagraphs (1) or (2) of this paragraph.

(b) *Exceptions.* (1) Canned goods in glass of a capacity of one quart or less, packed in cardboard or fiberboard cartons, shall be loaded to not less than six tiers high, covering the entire floor space of the car.

(2) Canned goods in glass of a capacity greater than one quart, packed in cardboard or fiberboard cartons, shall be loaded not less than five tiers high, covering the entire floor space of the car.

(c) *Exemptions.* The provisions of this section shall not apply to canned goods moving under and in accordance with "cleanout" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(d) *Definitions.* As used in this section the term:

(1) "Carrier" means any common carrier by railroad subject to the Interstate Commerce Act.

(2) "Canned goods and foodstuffs" canned, preserved or prepared (not cold-pack nor frozen) in packages, means the commodities listed in Appendix A.

(e) *Special and general permits; appointment of agent.* (1) Paragraph (a) of this section shall be subject to any special or general permits isued by the Permit Agent named in subparagraph (2) of this paragraph, on application of the shipper.

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135 I. C. C. Building, Washington, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances, subject to the direction and supervision of the Director of the Bureau of Service.

(3) General permits may be issued by such permit agent, after investigation as to the need therefor, modifying or relaxing the loading requirements of this section, with respect to any such class or classes of carload canned goods and foodstuffs, or to such point or points of origin or destination, or to any areas or sections of the United States, and for such time as compliance with such requirements is impractical or would not effectively carry out the purposes of this section, or would not be in the public interest. Such an investigation may, but need not, be initiated upon the informal representations of one or more parties affected by the requirements of this section.

(4) Special permits may be issued by such permit agent to any shipper or to any carrier, when the carrier loads the car, upon application of the shipper or such carrier with respect to any shipment or shipments when the circumstances are such that compliance with the loading requirements of this section would work an exceptional or undue hardship upon such shipper or loading carrier or the receiver or receivers not suffered generally by other shippers, loading carriers, or receivers or that enforcement of such requirements against him or them would not be in the interest of the national defense or in the public interest.

(5) Applications for special permits may be made informally, orally or in writing, shall be addressed to the permit agent and shall contain the following information: (i) The name, address, and, when known, the telephone number of the consignor, and if the shipment involved is to be made from a branch or subsidiary under another name, the name, address, and telephone number of such branch or subsidiary; (ii) The contents of the car; (iii) The shipping point and name of the originating carrier; (iv) The name, address, and, when known, the telephone number of the consignee; (v) The point at which the car is to be received by the consignee and the name of the delivering carrier; and (vi) The pertinent facts and reasons which applicant believes justify issuance of the special permit sought.

(f) *Application.* (1) The provisions of this section shall apply to intrastate, interstate, and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this section shall apply to all shipments from points of origin as well as transit points, on and after the effective date of this section.

(g) *Regulations suspended; announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file and post a supplement to each of its tariffs, affected hereby in substantial accordance with the provisions of rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(h) *Effective date.* This section shall become effective at 12:01 a. m.; July 1, 1951.

(i) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the state railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX A

Beans, with or without pork ingredients.
Bread, brown.
Bread, date and nut.
Broths.
Butter, fruit.
Butter, peanut (peanut paste).
Buttermilk, condensed or evaporated.
Buttermilk, powdered or flaked.
Catsup.
Cider.
Chowders.
Clam juice.
Cocoanut, prepared.
Cucumbers, in brine, in packages.
Dill weed.
Fish, other than fresh.
Fish combined with vegetables.
Fish balls.
Fish flakes.
Fish roe.
Fruit, crushed, not dried.
Fruit jam.
Fruit jellies.
Fruit, other than fresh.
Fruit pulps.
Fruit juice, not frozen.
Fruit salad.
Grape juice, unfermented.
Hominy.
Honey, strained.
Horseradish.
Jams, jellies, or preserves.
Jelly, corn syrup.
Macaroni, noodles, spaghetti or vermicelli, prepared, with or without cheese, meat, vegetables or hominy.
Malt powder.
Milk, condensed or evaporated.
Milk, powdered or flaked.
Milk, malted.
Milk solids, powdered or flaked.
Mince meat.
Molasses.
Mush.
Mushrooms, other than fresh, in liquid.
Mustard.
Oil, salad or cooking, liquid.
Olive oil.
Olives.
Pectin, fruit or vegetable.
Pepper sauce.
Pickles.
Pimentos.
Popcorn.
Salad dressing.
Salads, fish, macaroni, meat or vegetable.
Sandwich spreads.
Sauces, table.
Sauerkraut, sauerkraut brine or sauerkraut juice.
Soup ingredient.
Soups.
Syrup, grape.
Syrup, malt or malted, not medicated.
Syrup, other than coloring, flavoring or medicated.
Tomato juice.
Tomato paste.
Tomato puree.
Tomato pulp.
Vegetable juices.
Vegetables, other than fresh.
Vinegar, in packages.
Whey.

[F. R. Doc. 51-6937; Filed, June 15, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR, Part 126]

[CGFR 51-17]

HANDLING OF EXPLOSIVES AND DANGEROUS CARGO WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

MERCHANT MARINE COUNCIL PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on July 9, 1951, commencing at 9:30 a. m., in Room 2020, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., to consider proposed regulations for the security of waterfront facilities.

2. The proposed regulations, together with the statutory authority, are set forth below. Copies of the proposed regulations are being mailed to persons and organizations who have expressed an active interest in the subjects under discussion. Copies of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available.

3. Comments on the proposed regulations are invited. All persons desiring to comment shall submit such comments in writing in duplicate and shall include data and views as to why the regulations should not be promulgated and, if changes are desired therein, the suggested rewording together with reasons therefor. In order to insure consideration and facilitate checking and recording of comments, it is requested that each suggested rewording of a proposed regulation be submitted on a separate sheet of letter size paper showing the section number, the proposed change, the reason or basis; and the name, business firm (if any), and address of submitter. The written comments should be submitted as soon as possible and should be received by the Commandant prior to July 9, 1951, in order to insure consideration before recommendations are made concerning the proposed regulations. All written comments may be supplemented by oral arguments at the public hearing.

4. The proposed regulations read as follows:

Subchapter L—Security of Waterfront Facilities

PART 126—HANDLING OF EXPLOSIVES AND DANGEROUS CARGO WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Sec.

126.01 General definitions.
126.05 Designated waterfront facility.
126.07 Dangerous cargo.
126.09 Designated dangerous cargo.
126.11 Waiver authority based on local or unusual conditions.
126.13 Designation of waterfront facilities.
126.15 Conditions for designation as designated waterfront facility.
126.17 Permits required for handling designated dangerous cargo.
126.19 Issuance of permits for handling designated dangerous cargo.
126.21 Regulations governing permitted transactions.
126.23 Termination or suspension of permits.
126.25 Automatic suspension of permit.
126.27 Penalties for handling designated dangerous cargo without permit.
126.29 General permit for handling dangerous cargo.
126.31 Termination or suspension of general permit.
126.33 Automatic suspension of general permit.
126.35 Penalties for handling dangerous cargo without permit.
126.37 Primary responsibility.
126.39 Separability.

AUTHORITY: §§ 126.01 to 126.39 issued under E. O. 10173, Oct. 18, 1950; 15 F. R. 7005. Interpret or apply 40 Stat. 220, as amended, R. S. 4417a and 4472, as amended; 50 U. S. C. 191, 46 U. S. C. 391a and 170.

§ 126.01 *General definitions.* The terms "Commandant", "District Commander", "Captain of the Port", and "Waterfront Facility" when used in this part shall have the meaning set forth in §§ 6.01-1, 6.01-2, 6.01-3, and 6.01-4, respectively, of Executive Order No. 10173 (15 F. R. 7005) except that the term "waterfront facility" shall not include such a facility directly operated by the Departments of the Army, Navy, or Air Force.

§ 126.05 *Designated waterfront facility.* The term "designated waterfront facility" shall mean a waterfront facility designated by § 126.13 for the handling and storage of, and for vessel loading and discharging of, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 38, inclusive).

§ 126.07 *Dangerous cargo.* The term "dangerous cargo" shall mean all explosives and other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 38, inclusive).

§ 126.09 *Designated dangerous cargo.* The term "designated dangerous cargo" shall mean Explosives, Class A and Military Explosives as classified in 46 CFR Part 146.

§ 126.11 *Waiver authority based on local or unusual conditions.* Whenever the Commandant, the District Commander, or the Captain of the Port shall find that the application of any provision contained in this part is not necessary to the security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, he may waive compliance with such provision to the extent and under such requirements as he may determine.

§ 126.13 *Designation of waterfront facilities.* (a) Waterfront facilities which fulfill the conditions required in § 126.15, and only such waterfront facilities, are designated for the handling, storing, stowing, loading, discharging, and transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, and transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

§ 126.15 *Conditions for designation as designated waterfront facility.* The conditions referred to in § 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) *Local law.* That use of the waterfront facility for such purpose is not prohibited by state or local law, and that applicable provisions thereof are complied with.

(b) *Guards.* That guards are provided by the owner or operator of the waterfront facility for the protection thereof in such numbers and of such qualifications as to assure adequate surveillance, prevent unlawful entrance, detect fire hazards, and check the readiness of protective equipment.

(c) *Smoking.* That smoking is prohibited on the waterfront facility except at such portions thereof as may be designated by the owner or operator thereof, provided that smoking in such areas shall only be permitted in accordance with local ordinances and regulations and that signs are conspicuously posted marking such authorized smoking areas and that "No Smoking" signs are conspicuously posted elsewhere on the waterfront facility.

(d) *Welding or hot work.* That oxyacetylene or similar welding or burning, or other hot work including electric welding or the operation of equipment therefor is prohibited on the waterfront facility during the handling, storing, stowing, loading, discharging, and transporting of dangerous cargo thereon.

(e) *Trucks and other motor vehicles.* That trucks and other motor vehicles are not permitted to remain or park upon the waterfront facility except for the purpose of awaiting transportation, for the purpose of discharging or loading cargo or passengers, or for the purpose of performing services in connection with the operation of the waterfront facility, or in connection with a vessel moored thereto; that no truck or other motor vehicle is permitted to be left unattended in such a position as may block the access of fire-fighting apparatus; that refueling of trucks or cars is prohibited on any pier or wharf within the waterfront facility.

(f) *Pier automotive equipment.* That tractors, stackers, lift trucks, hoisters, and other equipment driven by internal combustion engines used on the waterfront facility are of such construction and condition and free from excess grease, oil, or lint as not to constitute a fire hazard; that each unit of such equipment is provided with an approved type hand extinguisher; that, when not in use, such equipment is stored in a safe manner and location; that gasoline or other fuel used for such equipment is stored and handled in accordance with accepted safe practices, and is not stored on the waterfront facility except in conformity with paragraph (h) of this section; and that refueling of such equipment is prohibited on any pier or wharf within the waterfront facility.

(g) *Rubbish and waste materials.* That the waterfront facility is free from rubbish, debris, and waste materials.

(h) *Maintenance stores and supplies.* That supplies classified as dangerous by the provisions of the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), to be used in connection with operation or maintenance of the property or facility, are not stored on any pier or wharf within the waterfront facility and are not stored elsewhere on the waterfront facility except in amounts necessary for normal current operating conditions; that such storage is in a compartment remote from combustible material and so constructed as to be readily accessible and provide safe storage; that storage compartments are kept clean and maintained free of scrap materials, empty containers, soil wiping rags, waste, and other debris; that covered metal containers are provided for storage of used wiping cloths and contents removed at the end of each working day; that clothing lockers are maintained clean and orderly and properly ventilated; and that fire-extinguishing equipment suitable for the type of hazard is readily available.

(i) *Electric wiring.* That new installations of electric wiring and equipment are made in accordance with accepted safe practices (conformity with the requirements of the National Electric Code (current edition) and the requirements of applicable local regulations shall be deemed evidence of compliance with such accepted safe practices); that materials, fittings, and devices are of type and character approved for the intended use by Underwriters Laboratories, Inc., Associated Factory Mutual Laboratories, or United States Bureau of Standards; that existing electric wiring is maintained in a safe condition, free of defects or modifications which may cause fire or personal injury; that defective or dangerous wiring, equipment, and devices are permanently disconnected from sources of energy.

(j) *Heating equipment.* That heating equipment is safely installed and maintained in good operating condition; that adequate clearances to prevent undue heating of nearby combustible materials are maintained between heating appliances, chimneys, stove pipes, gas vents, or other heat producing elements, and any combustible materials of the floor, walls, partitions or roofs; that, in general, clearances are such that continuous operation of the heat producing device at full capacity will not increase the temperature of nearby woodwork more than 90° above the ambient temperature; that where necessary to prevent contact with movable combustible materials, heating appliances are enclosed or screened; that spark arrestors are provided on chimneys or appliances burning solid fuel used in locations where sparks constitute a hazard to nearby combustible materials. (As a guide to safe installation of heating equipment, the appropriate chapters of the National Board of Fire Underwriters Building Code (current edition) are recommended.)

(k) *Fire extinguishing equipment.* That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for First Aid Fire Appliances," issued by the National Board of Fire Underwriters, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(l) *Marking of fire appliance locations.* That the locations of all fire appliances, including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes, are conspicuously marked; and that ready accessibility to such appliances is maintained.

(m) *Lighting.* That subject to applicable dimout and blackout regulations, such water front facility is adequately illuminated during the handling, storing, stowing, loading, discharging, and transporting of dangerous cargo thereon; and that kerosene and gasoline lamps and lanterns are not used on such waterfront facility.

(n) *Arrangement of cargo.* That cargo is arranged on the waterfront facility according to the individual structure of such facility, in a manner to permit complete access for the purpose of fire extinguishment; that cargo is placed on the water front facility in accordance with the following:

(1) At least two feet of clear and open space shall be maintained free of rubbish, dunnage, and other obstructions between cargo piles and the sides of the pier, fire walls or fire stops in enclosed piers. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are a part of the structure.

(2) Inflammable and combustible cargo shall not be tiered higher than 12 feet. All cargo including inflammable and combustible cargo shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural member of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.

(3) There shall be maintained at least four feet of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(4) When first-aid fire appliances, alarm boxes, other safety equipment, or deck hatches are located in a space surrounded by cargo, there shall be maintained a straight, free, and open space at least three feet in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(5) A center aisle of at least twenty feet in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to eight feet in width if such access by fire trucks is not required.

(6) Cross aisles, at least five feet wide, straight and at right angles to the center aisle, shall be maintained at intervals not exceeding seventy-five feet, and extending to the side of the waterfront facility.

§ 126.17 *Permits required for handling designated dangerous cargo.* Designated dangerous cargo in amounts exceeding five hundred (500) pounds may be handled, stored, stowed, loaded, discharged, and transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port.

§ 126.19 *Issuance of permits for handling designated dangerous cargo.* (a) Upon application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, storing, stowing, loading, discharging, or transporting designated dangerous cargo in amounts exceeding five hundred (500) pounds at such waterfront facility: *Provided, however,* That no such permit shall be issued unless the Captain of the Port is satisfied that the conditions set forth in § 126.15 are, and will continue to be, fulfilled at such designated waterfront facility during the transaction for which the permit is issued.

(b) Each such permit shall show on its face the largest total amount of designated dangerous cargo which at any time during the transaction may be present on the waterfront facility and vessels moored thereto. In determining this amount, the Captain of the Port will be guided by the American Table of Distances and suitable instructions issued by the Commandant.

§ 126.21 *Regulations governing permitted transactions.* All permits issued pursuant to § 126.19 are hereby condi-

tioned upon the observance and fulfillment of the following regulations:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo in excess of the total amount shown on the face of the permit shall, at any time during the transaction for which the permit is issued, be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo in amounts exceeding five hundred (500) pounds shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of prompt transshipment. Designated dangerous cargo in amounts exceeding five hundred (500) pounds shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo not covered by the permit shall be on the waterfront facility during the transaction for which the permit has been issued, but this shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15 (h) or to ammunition for arms of guards or military personnel and carried by them.

(e) Handling, storing, stowing, loading, discharging, and transporting designated dangerous cargo in amounts exceeding five hundred (500) pounds at any waterfront facility shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative, and all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

§ 126.23 *Termination or suspension of permits.* Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

§ 126.25 *Automatic suspension of permits.* Failure or omission to comply with or observe, at or with regard to any designated waterfront facility, any condition set forth in § 126.15 or any regulation set forth in § 126.21 shall operate to suspend forthwith and automatically any permit issued under § 126.19, and such suspension shall continue so long as the failure or omission continues.

§ 126.27 *Penalties for handling designated dangerous cargo without permit.* Handling, storing, stowing, loading, discharging, or transporting any designated dangerous cargo in amounts exceeding five hundred (500) pounds without a permit, as provided under § 126.17, being in force, will subject persons responsible therefor to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

§ 126.29 *General permit for handling dangerous cargo.* A general permit is hereby issued for the handling, storing, stowing, loading, discharging, and transporting of dangerous cargo (other than designated dangerous cargo in amounts exceeding five hundred (500) pounds) at designated waterfront facilities other than those waterfront facilities in actual use for the handling, storing, stowing, loading, discharging, or transporting of designated dangerous cargo in amounts exceeding five hundred (500) pounds. Such general permit is hereby conditioned upon the observance and fulfillment of the following regulations:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) The following classes of dangerous cargo as classified in the regulations, entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), in the amounts specified, shall not be handled, stored, stowed, loaded, discharged, or transported at any one time except after at least twenty-four (24) hours notification to the Captain of the Port:

Explosives, Class B, in excess of 2,000 pounds.
Explosives, Class C, in excess of 10 tons.
Inflammable liquids, in containers, in excess of 10 tons.
Oxidizing materials, in excess of 100 tons.
Inflammable compressed gases, in excess of 10 tons.
Poison, Class A, any amount.

(c) Inflammable liquids and compressed gases shall be so handled and stored as to provide maximum separation between freight consisting of acids, corrosive liquids, or combustible materials. Storage for inflammable solids or oxidizing materials shall be so arranged as to prevent moisture coming in contact therewith.

(d) Acids and corrosive liquids shall be so handled and stored as to prevent such acids and liquids in event of leakage from contacting any organic materials.

(e) Poisonous gases and poisonous liquids shall be so handled and stored as to prevent their contact with acids, corrosive liquids, or inflammable liquids.

(f) Dangerous cargo covered by this section and which may be stored on the waterfront facility shall be arranged in such manner as to retard the spread of fire. This may be accomplished by interspersing piles of dangerous freight with piles of inert or less combustible materials.

(g) The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting dangerous cargo covered by this section shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

§ 126.31 *Termination or suspension of general permit.* The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by § 126.29 in respect of any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the Commandant with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

§ 126.33 *Automatic suspension of general permit.* Failure or omission to comply with or observe, at or with regard to any designated waterfront facility, any condition set forth in § 126.15 or any regulation set forth in § 126.29 shall operate to suspend forthwith and automatically the general permit granted by § 126.29 in respect of such waterfront facility, and such suspension shall continue so long as the failure or omission continues.

§ 126.35 *Penalties for handling dangerous cargo without permit.* Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by § 126.29 under circumstances not covered by the general permit granted in § 126.29 or when such general permit is not in force will subject persons responsible therefor to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192.

§ 126.37 *Primary responsibility.* Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

§ 126.39 *Separability.* If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

Dated: June 12, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 51-6959; Filed, June 15, 1951; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 723]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR CIGAR-FILLER AND BINDER TOBACCO FOR THE 1952-53 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1952 crop of cigar-filler and cigar-binder tobacco, types 42-44 and 51-55, inclusive, if marketing quotas are in effect during the 1952-53 marketing year for such kind of tobacco. The Agricutural Adjustment Act of 1938, as amended, includes types 42-44 and 51-55 in the definition of cigar-filler and cigar-binder tobacco.

The applicability of the regulations to be issued will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of the quota by growers voting in a referendum.

The proposed regulations read as set out below:

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS 1952-53 MARKETING YEAR

GENERAL

Sec.
723.311 Basis and purpose.
723.312 Definitions.
723.313 Extent of calculations and rule of fractions.
723.314 Instructions and forms.
723.315 Applicability of §§ 723.311 to 723.328.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.316 Determination of 1952 preliminary acreage allotments for old farms.
723.317 1952 old farm tobacco acreage allotment.
723.318 Adjustment of acreage allotments for old farms.
723.319 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
723.320 Reallocation of allotments released from farms removed from agricultural production.
723.321 Farms divided or combined.
723.322 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.323 Determination of acreage allotments for new farms.
723.324 Time for filing application.
723.325 Determination of normal yields.

MISCELLANEOUS

723.326 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.327 Approval of determinations made under §§ 723.311 to 723.326.
723.328 Application for review.

AUTHORITY: §§ 723.311 to 723.328 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.311 *Basis and purpose.* The regulations contained in §§ 723.311 to 723.328 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1952 farm acreage allotments and normal yields for cigar-filler and binder tobacco. The purpose of the regulations in §§ 723.311 to 723.328 is to provide the procedure for allocating, on an acreage basis, the State acreage allotment for cigar-filler and binder tobacco for the 1952-53 marketing year among farms and for determining normal yields.

§ 723.312 *Definitions.* As used in §§ 723.311 to 723.328, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) "New farm" means a farm on which tobacco will be produced in 1952 for the first time since 1946.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1947 through 1951.

(e) "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Tobacco" means (1) type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (2) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (3) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Littel Dutch, produced principally in the Miami Valley section of Ohio; (4) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut; (5) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut; (6) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (7) type 54 tobacco—that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf

or southern Wisconsin binder type, produced principally south and east of the Wisconsin river; and (8) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin river, as classified in Service and Regulatory Announcement No 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.313 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.314 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out §§ 723.311 to 723.328. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.315 *Applicability of §§ 723.311 to 723.328.* Sections 723.311 to 723.328 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1952. The applicability of §§ 723.311 to 723.328 is contingent upon the proclamation of a national marketing quota for tobacco by the Secretary of Agriculture and the approval thereof by growers voting in a referendum pursuant to Section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.316 *Determination of 1952 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1951 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1949–51 was less than 75 percent of the 1951 farm acreage allotment, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1947–51: *Provided*, That any such preliminary allotment shall not exceed the 1951 allotment for such farm or be less than 0.1 acre: *And provided further*, That the preliminary allotment may be increased to as much as the 1951 allotment if the county committee determines that failure to harvest as much as 75 percent of the 1951 allotted acreage during any one of the three years 1949–51 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces.

(b) If no 1951 allotment was established for the farm, the preliminary allotment shall be the average acreage of tobacco harvested on the farm in the five years 1947–51: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(c) If the acreage of tobacco harvested on the farm in 1951 exceeded the 1951 allotment by more than 10 percent, the preliminary allotment shall be the 1951 allotment plus one-fifth of the excess acreage.

(d) The preliminary allotments determined under paragraph (b) or (c) of this section shall not exceed the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm: *Provided*, That no preliminary allotment shall be reduced below the 1951 allotment or 0.1 acre because of this factor.

§ 723.317 *1952 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.318 shall not exceed the State acreage allotment.

§ 723.318 *Adjustment of acreage allotments for old farms.* The farm acreage allotment for an old farm may be increased, within the limit in paragraph (d) of § 723.316, such limit to be applied to the sum of the preliminary allotment and the increase under this section, if the community committee, with the approval of the county committee, finds that the preliminary acreage allotment is relatively small on the basis of the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and other cash crops produced on the farm, or that reduction of such allotment under paragraph (a) of § 723.316 was the result of abnormal weather conditions or plant bed diseases: *Provided, however*, That any allotment may be increased above the limit stated in paragraph (d) of § 723.316 if the community committee and the county committee find that the preliminary allotment is relatively smaller in relation to the land, labor, and equipment available for the production of tobacco on the farm than the preliminary allotments for other old farms in the community which are similar with respect to such factors. The acreage available for increasing allotments under this section shall not exceed two percent of the total acreage allotted to all tobacco farms in the State for the 1951–52 marketing year.

§ 723.319 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in the 1951–52 marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1952 shall be reduced, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any reduction shall be made with respect to the 1952 farm acreage allotment, provided it can be made prior to the delivery of the marketing card to the farm operator. If the reduction cannot be so made effective with respect to the 1952 crop, such reduction shall be made with respect to the farm acreage allotment next established for the farm.

(d) The amount of reduction in the 1952 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 723.320 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (b) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 723.321 *Farms divided or combined.* (a) If land operated as a single farm in 1951 will be operated in 1952 as two or more farms, the 1952 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion (1) as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, or (2) with approval of the State committee, as the five-year average acreage of tobacco harvested on each such tract during the years 1947–51 bore to the five-year average acreage of tobacco harvested on the entire farm during 1947–51; except that if the farm to be divided in 1952 resulted from a combination of two separate and distinct farms prior to a combination in 1951, the allotment may be divided among such farms in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1952 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1951 are combined and operated in 1952 as a single farm, the 1952 allotment shall be the sum of the 1952 allotments determined for each of the farms composing the combination.

(c) If the farm is to be divided in 1952 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 723.322 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1946–50, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.323 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 723.320, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested during one of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owner or operated by the owner or farm operator for which a cigar-filler and binder (types 42–44 and 51–55) tobacco allotment is established for the 1952–53 marketing year.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1952 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.324 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1952, unless the farm operator was discharged from the armed services subsequent to December 31, 1951, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.325 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre with the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.326 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.311 to 723.325, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1952 or which was returned to agricultural production in 1951 too late for the 1951 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1952 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm

which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.327 *Approval of determinations made under §§ 723.311 to 723.326.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 723.311 to 723.326. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 723.328 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER, in order to be considered.

Issued at Washington, D. C., this 12th day of June 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-6954; Filed, June 15, 1951; 8:52 a. m.]

[7 CFR, Part 932]

[Docket No. AO-33-A17]

HANDLING OF MILK IN FORT WAYNE, IND., MARKETING AREA

PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Federal Building, Room 265, Fort Wayne, Indiana, beginning at 10:00 a. m., c. d. s. t., June 21, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area (7 CFR 932.0 et seq.). The amendment proposed has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

Proposed by the Wayne Co-operative Milk Producers Inc.:

Proposal No. 1. Delete § 932.41 (a) (1) and (2), (b) and (c) (1) and substitute therefor the following:

(1) Disposed of in fluid form as milk, skim milk, buttermilk or flavored milk or flavored milk drink (except as provided in paragraphs (b) (2) and (3) of this section), cream or as any mixture containing cream and milk or skim milk (not including ice cream mix disposed of pursuant to paragraph (c) (4) of this section or any product disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product) containing not less than 6 percent of butterfat, or eggnog.

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

Proposal No. 2. Insert after § 932.50 the following section:

§ 932.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of producer milk from all producers (including receipts from own farm production) for the most recent 2-month period and divide the result by 2;

(b) Determine the total pounds of milk (producer and other source) utilized in Class I milk products during the most recent 2-month period, and divide the result by 2;

(c) Divide the amount obtained in paragraph (b) of this section, by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the current supply-demand ratio;

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 2-months' period appearing in the following schedule:

2 months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January-February	74	April.
February-March	68	May.
March-April	67	June.
April-May	62	July.
May-June	61	August.
June-July	62	September.
July-August	65	October.
August-September	71	November.
September-October	81	December.
October-November	83	January.
November-December	81	February.
December-January	78	March.

Proposal No. 3. Delete §§ 932.51 and 932.52 and substitute therefor the following:

§ 932.52 *Class I milk prices.* Subject to the provisions of § 932.54 and § 932.55 the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price determined pursuant to § 932.50 plus the following:

Delivery period:	*Amount*
April, May, and June	$0.75
October, November, and December	1.15
All other months	1.00

Provided, That for each percent that the most recently computed supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 932.51 (d), the Class I price shall be increased or decreased, respectively, by the following amount for the delivery period indicated: April, May, and June, $0.02; October, November, and December, $0.04; all others, $0.03. *Provided further,* That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to eighteen (18) cents in April, May, and June; thirty-two (32) cents in October, November, and December; and twenty-four (24) cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than sixty (60) cents.

Proposal No. 4. Delete in § 932.53 the phrase "*Class III milk prices*" and substitute therefor the phrase "*Class II milk prices.*"

Proposal No. 5. Delete § 932.54 (b), redesignate § 932.54 (c) as § 932.54 (b) and delete from such paragraph the phrase "*Class III milk*" and substitute therefor the phrase "*Class II milk.*"

Proposal No. 6. Include under Miscellaneous Provisions the following section: "handler who disposes of less than twenty (20) percent of his total receipts of producer milk for a delivery period as Class I sales off a route in the marketing area shall be exempt from the provisions of Order No. 32 except §§ 932.30, 932.32, and 932.86."

Proposal No. 7. Delete from the order the phrase "Class III milk" wherever it appears; substitute the phrase "Class II milk" wherever the phrase "Class III milk" appears, and make such other changes in the terminology and language of the order as may be necessary to effectuate the foregoing proposals.

Proposed by the Central Dairy, Inc.:

Proposal No. 8. Delete the words "as bulk skim milk" from § 932.41 (c) (3).

Proposal No. 9. Delete § 932.44 (c) and § 932.44 (e) and substitute therefor the following:

(c) As Class I milk if disposed of, except as provided in paragraph (d) of this section, to a milk plant not operated by the handler in the form of milk or skim milk, and as Class II or III milk if so disposed of in the form of cream, unless:

(1) Class II or III utilization is indicated by the handler in his report to the administrator and further provided that within 20 days after the end of the reported month, a certified statement is received by the administrator from the plant in which the milk, skim milk or cream was used.

(2) The plant making the certification must have actually used in the month of such movement an equivalent amount of skim milk and butterfat in the product certified, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and which utilized in the month an equivalent amount of skim milk and butterfat in the certified product.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such certified utilization: *Provided,* That if upon inspection of such record, such plant had not actually used an equivalent amount of skim milk and butterfat, in the certified usage, the remaining pounds shall be classified on the basis of the next higher-priced available use in accordance with the classes set forth in § 932.41.

Proposal No. 10. If the new "Concentrated" milk is not now construed as Class I under the present order—consideration should be given an amendment to that effect.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect may be procured from the Market Administrator, 407 Strauss Building, Fort Wayne, Indiana, or from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: June 13, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6975; Filed, June 15, 1951; 8:59 a. m.]

[7 CFR, Parts 941, 969, 991]

[Docket Nos. AO-101-A11, AO-172-A3, AO-194-A3]

HANDLING OF MILK IN CHICAGO, SUBURBAN CHICAGO, AND ROCKFORD-FREEPORT, ILL., MARKETING AREAS

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, during the period January 23-31, 1951, pursuant to notice thereof duly published in the FEDERAL REGISTER (15 F. R. 7891, 8053; 16 F. R. 191) upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Chicago, Illinois, Suburban Chicago, Illinois, and Rockford-Freeport, Illinois, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 27, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 2, 1951, (16 F. R. 3842; Doc. 51-5068).

Within the period reserved for exceptions a number of producer organizations and handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues, findings (including general findings), conclusions, and rulings of the recommended decision (16 F. R. 3842; Doc. 51-5068) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full herein, subject to the following modifications:

1. Delete in line 48 of the first paragraph beginning in column 2, 16 F. R. 3843, the word "separately" and substitute therefor the word "separated".

2. Delete in line 6 of the first paragraph beginning in column 3, 16 F. R. 3843 the word "Milton" and substitute therefor the word "Wilton".

3. Delete the first paragraph beginning in column 1, 16 F. R. 3844 and substitute therefor the following: "Extension of the area will provide greater price uniformity between the newly added communities and the Chicago market and should create more orderly marketing conditions for producer milk. The recommended decision omitted the townships of Warren, Libertyville, and Vernon from the area proposed for coverage. However, on the basis of the exceptions filed, it is concluded that these three townships should be included. The townships not included in the definition are substantially rural in character and there is no competitive element in such townships which will remain outside the order."

4. Add in line 15 of the third paragraph beginning in column 1, 16 F. R. 3844 the word "stations" following the word "which".

5. Delete in line 16 of the second paragraph beginning in column 3, 16 F. R. 3844 the words "6-cent" and substitute therefor the words "7-cent".

6. Add at the end of the third paragraph beginning in column 3, 16 F. R. 3844 the following: "Objection to the restriction of the 10-cent location adjustment to milk received at plants located in the marketing area was repeated in connection with the exceptions. The exception taken appears to be related to the fact that handlers frequently have paid part or all of the hauling cost for the delivery of milk originating within the area closer than 55 miles to Chicago from the locations of loading "platforms" to plants located within the marketing area. Such milk is hauled greater distances and at greater cost than milk delivered to receiving stations located in such zone. It is contended that producers delivering to a loading platform serving a plant in the marketing area may receive as much as 8 cents per hundredweight more than a producer delivering to a receiving station in the vicinity of the loading platform.

"The necessity for such longer hauls in the case of milk handled through loading platforms may not be overlooked in establishing a price pattern. The order follows the principle of pricing milk according to the location of the plant where such milk is received. On this principle the fact that a handler voluntarily pays all or a portion of the hauling cost to the plant may not be given substantial weight in determining appropriate price relationships according to plant location. The order as adopted will not prevent the handler from making adjustments which will provide the result sought through the exception."

7. Delete in the last line of the first paragraph beginning in column 1, 16 F. R. 3845 the word "property" and substitute therefor the word "propriety".

8. Delete in line 9 of the second paragraph beginning in column 1, 16 F. R. 3845 the word "prices" and substitute therefor the word "price".

9. Delete in line 10 of column 2, 16 F. R. 3845 the word "Order" and substitute therefor the word "Orders".

10. Delete in line 15 of column 2, 16 F. R. 3845 the word "suburban" and substitute therefor the word "Suburban".

11. Delete the first line of the last paragraph beginning in column 2, 16 F. R. 3845 and substitute therefor the following: "Solutions to the problem were suggested".

12. Delete in line 8 of the second paragraph beginning in column 3, 16 F. R. 3845 the word "adapted" and substitute therefor the word "adopted".

13. Delete in line 35 of the second paragraph beginning in column 3, 16 F. R. 3845 the word "for" and substitute therefor the word "or".

14. Insert in the first paragraph beginning in column 1, 16 F. R. 3846 after the sentence "To avoid inclusion of plants ———— in fluid form" the following: "Immediate pool plant status should be given, however, at the outset to country plants which have not had Chicago inspection if already they have established a close identity with the marketing area. Evidence of such identity may be based upon delivery experience during the short production season of 1950. Any plant which shipped at least 50 percent of the butterfat received from dairy farmers during September, October, and November 1950 to a plant where the handling of milk was subject to regulation pursuant to Federal order 69 is given pool plant status from the effective date of this order until September 1, 1951, if the plant operator notifies the market administrator in writing that he desires that the plant be included in the pool."

14a. Delete in line 25 of the second paragraphs beginning in column 1, 16 F. R. 3847 the word "disbursing" and substitute therefor the word "dispersing".

15. Add at the end of the second paragraph beginning in column 2, 16 F. R. 3848 the following "In the exceptions certain alternatives for dealing with the pricing of such distant sales were offered. It is concluded, however, that the plan adopted will accomplish the intended objective in a more satisfactory manner than the other procedures suggested. It is concluded also that such price provision is needed as a supplement to the pool plant provisions in view of the leniency of the latter as to requirements for actual shipments of Chicago inspected milk or cream from country locations."

16. Delete from the third paragraph beginning in column 2, 16 F. R. 3848 the following phrase "the four months referred to" and substitute therefore the following: "September, October and November".

17. Add at the end of the third paragraph beginning in column 2, 16 F. R. 3843 the following: "The effective period for such price differential corresponds to the months when the pool plant provisions are operative."

18. Add at the end of the second paragraph beginning in column 1, 16 F. R. 3849, the following: "In their exceptions proponents of the labor-coal index again stress the evidence presented to demonstrate a close relationship between butter and nonfat dry milk solids manufacturing costs and creamery labor and fuel costs. However, since manufacturing costs were not the sole measure of the reasonableness of the present operating margin, it is concluded that such margin should not be adjusted on the basis of the action of an index, or "mover", of certain manufacturing cost factors."

19. Add at the end of the fourth sentence in the first paragraph beginning in column 3, 16 F. R. 3849, the following: "unless they handle Chicago approved ice cream."

20. Add as the third paragraph beginning in column 3, 16 F. R. 3849, the following:

Ice cream manufacturers represented at the hearing contend in their exceptions that no incentive is provided to encourage handlers to store frozen cream. We do not hold to this view. There has been an automatic increase in the Class II price differential of 20 cents per hundredweight between the May–June period and the August–November period. This difference in the summer and fall differentials could be increased as much as 30 cents additional in the future by the operation of the supply-demand adjustment provisions. Under no circumstances may the difference in the differential between the two periods be less than 10 cents per hundredweight. On the basis of past experience, it is reasonable to assume also that a normal seasonal variation in the manufacturing milk price level will provide a further spread in the Class II price between summer and fall through the medium of the basic formula price. It is reiterated also in the exceptions that a Class III price should be granted on ice cream made in Chicago plants and sold outside the city to enable the operators of such plants to meet their competition on equal terms. It is concluded on this point that it is not reasonable to provide for the regular utilization of Chicago approved milk in channels which may be served equally as well with a lesser grade of milk.

21. Delete from the next to the last line of the first paragraph beginning in column 1, 16 F. R. 3850, the word "received" and substitute therefor the word "receive".

22. Add at the end of the second paragraph beginning in column 1, 16 F. R. 3850, the following: "On the basis of the exceptions filed it is concluded that a similar classification procedure should be followed with respect to milk, skim milk or cream disposed of to commercial food or drug processors within the surplus milk manufacturing area."

23. Insert the following at the front of the first paragraph beginning in column 2, 16 F. R. 3850: "(7) (d)".

24. Insert the following at the front of the fourth paragraph beginning in column 2, 16 F. R. 3850: "(7) (e)".

25. Insert the following at the front of the sixth paragraph beginning in column 2, 16 F. R. 3850: "(7) (f)".

26. Delete in line 3 of the first paragraph beginning in column 3, 16 F. R. 3849, the following: "In their exceptions stitute therefor the word "temperature".

27. Delete the third sentence of the last paragraph beginning in column 3, 16 F. R. 3850.

28. Delete in line 11 of column 3, 16 F. R. 3851, the word "computed" and substitute therefor the word "classified".

29. Delete in line 15 of the fourth paragraph in column 1, 16 F. R. 3851, the word "seasonability" and substitute therefor the word "seasonality."

30. Delete from line 6 in column 1, 16 F. R. 3852, the words "January through July" and substitute therefor the words "December through July, inclusive."

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the following order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area*

Sec.
941.0 Findings and determinations.

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941.100 Agents.

AUTHORITY: §§ 941.0 to 941.100, inclusive, issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 941.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900[1]), a public hearing was held upon proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products.

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, an amount not exceeding 2¢ per hundredweight as the Secretary may prescribe, with respect to all milk received by such handler during each delivery period from producers, from his own farm production and as other source milk allocated to Class I milk and Class II milk.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 941.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 941.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 941.3 *Chicago, Illinois, marketing area.* "Chicago, Illinois, marketing area", called the "marketing area" in this subpart means the territory lying within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox, and Frankfort in Will County, all in the State of Illinois; and the townships of North, Calumet and Hobart in Lake County, Indiana.

§ 941.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 941.5 *Dairy Farmer.* "Dairy farmer" means any person who produces milk.

§ 941.6 *Pool plant.* "Pool plant" means any plant which meets the requirements of § 941.66.

§ 941.7 *Producer.* "Producer" means a dairy farmer whose milk is

(a) Received at a pool plant directly from the farm where produced, or

(b) Qualified, upon satisfactory proof furnished to the market administrator, to be received at a pool plant and is caused by a handler to be delivered during part or all of the months of December through July, inclusive, for his account to a nonpool plant. Milk caused to be delivered pursuant to this paragraph shall be deemed to have been received at the pool plant from which diverted.

§ 941.8 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others:

(a) Operates a pool plant;

(b) Processes or packages any Class I milk product, part or all of which is disposed of in the marketing area for consumption in fluid form;

(c) Processes or packages any Class II milk product which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk, part or all of which is disposed of in the marketing area, or

(d) In a brokerage capacity, engages in buying milk, in bulk, from a person named in paragraphs (a), (b), or (c) of this section.

§ 941.9 *Regulated plant.* "Regulated plant" means a pool plant or a plant where any Class I milk product or Class II milk product (which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk) is processed or packaged, all or part of which is disposed of in the marketing area.

§ 941.10 *Market administrator.* "Market administrator" means the agency which is described in § 941.20 for the administration of this subpart.

§ 941.11 *Delivery period.* "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

§ 941.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to have its entire activities under the control of its members, and to have and to be exercising full authority in the sale of milk of its members.

§ 941.13 *Frozen cream.* "Frozen cream" means cream which is held in

an approved cold storage warehouse at an average temperature below zero degrees Fahrenheit for seven (7) consecutive days, as shown by charts of a recording thermometer.

§ 941.14 *Grade A milk.* "Grade A milk" means milk in fluid form labeled Grade A milk and milk from which milk in fluid form labeled Grade A may be obtained.

§ 941.15 *Grade B milk.* "Grade B milk" means milk other than Grade A milk.

§ 941.16 *Other source milk.* "Other source milk" means any milk or milk products (except those milk products covered by the Class III milk, Class III (a), or Class IV milk definitions which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers, or (c) plants where milk is priced under a marketing agreement or order issued pursuant to the act for any other milk marketing area.

MARKET ADMINISTRATOR

§ 941.20 *Selection, removal and bond.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 941.21 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 941.22 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 941.23 *Duties.* The market administrator, in addition to the duties described in this subpart, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 941.30, or made payments required by §§ 941.80 through 941.84, 941.86, 941.87 and 941.88 (b);

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart; and

(h) Pay, out of the funds received pursuant to § 941.86, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses, except those incurred under § 941.87, which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

§ 941.24 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 941.52 and the differential pursuant to § 941.82.

(b) Not later than the 14th day after the end of each delivery period, the uniform prices computed pursuant to § 941.71.

REPORTS OF HANDLERS

§ 941.30 *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) On or before the 10th day after the end of each delivery period;

(1) The pounds and butterfat test of and the butterfat pounds in milk and milk products received from producers (including his own farm production), from other handlers, from plants under other Federal marketing agreements and orders, and as other source milk; and

(2) The utilization of all receipts of milk and milk products for the delivery period.

(b) On or before the 25th day after the end of each delivery period, his producer payroll, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The net amount of payment to such producer made pursuant to § 941.80 (b),

(3) Any deduction and charges made by the handler, and

(4) Such other information with respect thereto as the market administrator may request.

§ 941.31 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and by such investigation as the market administrator deems necessary. Each handler shall keep adequate records of receipts and utilization of milk and, during the usual hours of business, shall make available to the market administrator such records and facilities as will enable him to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to § 941.30 and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers and to associations of producers as prescribed in §§ 941.80 and 941.88 (b).

§ 941.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 941.40 *Basis of Classification.* All milk and milk products received by a handler (including his own farm production) shall be reported by the handler in the classes set forth in paragraph (b) of this section: *Provided,* That

(a) Any milk moved as milk or skim milk in fluid form from a regulated plant to a plant at which the handling of milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization. If this paragraph is applicable, then paragraphs (b), (c), (d) and (e) of this section do not apply.

(b) Any milk moved as milk or skim milk in fluid form from a regulated plant to any plant located outside the following area (hereinafter referred to as "surplus milk manufacturing area") shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien, in the State of Michigan, and the county of Van Wert in the State of Ohio.

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein or ice cream powder shall be classified under § 941.41 according to its utilization at the latter plant or establishment, as shown by adequate daily records: *Provided,* That (1) If in such unregulated plant or establishment, such receipts from a regulated plant are commingled with its other receipts, the receipts of the regulated milk or skim milk shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of regulated cream shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk, and Class I milk, in that sequence; and (2) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk or skim milk received from a regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk, and Class I milk, in that sequence.

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk.

(e) Any milk moved from a regulated plant to a regulated plant of another handler shall be reported as Class I milk if moved as milk or skim milk in fluid form, and shall be reported as Class II milk if moved as cream in fluid form, unless utilization in another class is indicated in writing to the market administrator by both handlers on or before the 10th day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total used in such class by the receiving handler.

§ 941.41 *Classes of utilization.* Subject to the conditions set forth in §§ 941.40, 941.42, 941.43, 941.44, and 941.45, the classes of utilization of milk shall be as follows:

(a) Class I milk shall be all milk and milk products (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, or flavored milk drink, (2) Disposed of in fluid or frozen form as concentrated milk, flavored milk, or flavored milk drinks, not sterilized and not otherwise specified under paragraph (c) of this section, and (3) Not accounted for (i) under subparagraphs (1) and (2) of this paragraph, and (ii) as Class II milk, Class III milk, Class III (a) milk, and Class IV milk, except that this definition shall not include milk disposed of in bulk as any product mentioned in subparagraphs (1) or (2) of this paragraph to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

(b) Class II milk shall be all milk and milk products the butterfat from which is contained in sweet or sour cream, any cream product in fluid form having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, powdered cream, eggnog, yogurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this paragraph, except that this definition shall not include butterfat:

(1) In cream or cream products in fluid form, powdered cream, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such; and

(2) Derived from Grade B milk and used in frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) if such use is not in violation of the applicable health requirements.

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, and nonfat dry milk solids (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

(2) Any other product not included in Class I milk, Class II milk, or Class IV milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant to the exceptions in paragraphs (a) and (b) (1) of this section; and

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b) (2) of this section.

(d) Class IV milk shall be all milk and milk products the butterfat from which is:

(1) Contained in butter, cheese (except cottage cheese), inventory variations, and products lost in transit by a handler; and

(2) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided,* That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.42 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any milk received from producers shall be classified as Class I milk unless the handler who receives such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler(s), or by any unregulated plant(s).

§ 941.43 *Correction of classification and reclassification.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler, or by the first unregulated plant or establishment located within the surplus milk manufacturing area where used in processing milk, milk products, other food products or drugs shall be reclassified by the market administrator in accordance with such latter use or disposition: *Provided,* That any classification made pursuant to § 941.40 (a), (b), (c) or (d) shall not be subject to reclassification.

(c) If, in the application of paragraph (a) or (b) of this section, the ultimate use or disposition of the affected milk or milk product was at a plant or establishment receiving milk or milk products from more than one handler, the market administrator may assign the change, or correction, in classification to the major supplying handler(s), but not to an ex-

tent greater than the amount received from such supplying handler(s).

(d) If the application of paragraph (a), (b), or (c) of this section discloses a higher classification than that reported pursuant to § 941.30 (a) with respect to milk or milk products received by a handler from a cooperative association, the market administrator shall notify the receiving handler of such change and of the amount of money involved and such handler within five days thereafter shall pay such amount to the cooperative association.

§ 941.44 *Computation of milk in each class.* For each delivery period, each handler, with respect to all milk and milk products received by him (including his own farm production), shall compute, in the manner and on forms prescribed by the market administrator, the amounts in each class, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(b) Determine the total pounds of butterfat received as follows: Multiply by their respective average butterfat tests the weights of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(c) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in case of nonconcentrated flavored milk and flavored milk drinks 2 pounds per quart) the volume disposed of in each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product.

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by .035; and

(4) Add together the results obtained pursuant to subparagraphs (1) and (3) of this paragraph;

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(e) Determine the total pounds of Class III milk (with Class III (a) milk items computed separately) as follows:

(1) Multiply the actual weight of each of the several items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(f) Determine the total pounds in Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraph (1) and (2) of this paragraph;

(4) Add to the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2), and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amount determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by .035; and

(g) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by .035.

§ 941.45 *Allocation of classified milk.* The pounds remaining in each class after making the following computations shall be the pounds of producer milk in such class:

(a) Subtract pro rata from the pounds in each class, the pounds of milk received from the handler's own farm production;

(b) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from other handlers and assigned to such class (§ 941.40 (e));

(c) Subtract from the remaining pounds in each class, the pounds of milk equivalent of frozen cream or any other product (not including inventory variation) that has been classified in an earlier delivery period and used in such class in the current delivery period;

(d) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from a handler or plant under another Federal milk marketing agreement or order on the basis of classification which is comparable to the class of utilization of such milk or milk product under the marketing agreement or order covering the transferor handler or plant;

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk or Class IV milk, the pounds of such other source milk used as Class I milk and Class II milk, respectively, from the remaining pounds in the class of use;

(f) Subtract for the delivery periods of December through July, inclusive, from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraph (e) of this section;

(g) Subtract for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in Classes II, III, III (a) and IV (except the pounds in inventory variation and shrinkage) the pounds of other source milk received in products other than milk in fluid form and those items deducted pursuant to paragraph (e) of this section;

(h) Subtract, for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) the pounds of other source milk received as milk in fluid form;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a), and IV milk are greater than the amount of milk received from producers, deduct the difference from the remaining amount of Class I milk; and

(k) In the event the total pounds remaining in the several classes is greater, or less, than the pounds of milk received from producers (excluding the handler's own farm production) reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the class to which the lowest announced price is applicable.

MINIMUM PRICES

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to paragraphs (c) and (d) of § 941.52 for the delivery period next preceding.

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handler's reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) The amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) The amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computation specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

§ 941.52 *Class prices.* Subject to the appropriate location adjustment credits, as set forth in § 941.53, each handler, at the time and in the manner set forth in § 941.80, shall pay per hundredweight of milk received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this section:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.50; July, August, September, October, and November, $0.90; all others, $0.70: *Provided*, That for each percent that the current supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price differential shall be increased or decreased, respectively, by the following amounts for the delivery periods indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others, $0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to $0.16 for the delivery periods of May and June; $0.30 for the delivery periods of July through November; and $0.24 for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than $0.50.

(2) The price for Grade B Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class I milk less $0.10.

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.30; July, August, September, October and November, $0.50; all others, $0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) (1), but in no event shall the Class II price differential computed pursuant to this subparagraph be less than $0.40 for the delivery periods of July through November or less than $0.30 for all other delivery periods.

(2) The price for Grade B Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class II milk less $0.10.

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph and in paragraph (d) of this section: *Provided*, That the price resulting from the formula set forth in subparagraph (1) of this paragraph shall apply at all times to Class III (a) milk.

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator.

Companies and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed from the following formula:

(i) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, by 6;

(ii) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(iii) Divide by 7;

(iv) Add 30 percent thereof; and

(v) Multiply by 3.5.

(d) *Class IV Milk.* The price per hundredweight for Class IV milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufactur-

ing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

§ 941.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as milk or skim milk in fluid form from such pool plant to a regulated plant which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such plant shipping is located more than 70 miles from the City Hall in Chicago, but not to exceed a total credit of 42 cents per hundredweight: *Provided*, That there shall be no location adjustment credit with respect to Class I milk pursuant to § 941.41 (a) (3).

(b) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as cream in fluid form from such pool plant to a regulated plant engaged in the processing of any Class I milk or Class II milk product which is located less than 70 miles from the City Hall in Chicago, or (2) Which is classified as Class II milk but did not move in the manner described in paragraph (a) (1) of this section or in subparagraph (1) of this paragraph, shall be ascertained by dividing the pounds of butterfat contained therein by 0.36 and applying to the result the applicable rate per hundeadweight specified in the following table:

Distance from the pool plant to the City Hall in Chicago:	*Cents per hundredweight*
0 to 70 miles (zone 1)	0
70.1 to 85 miles (zone 2)	5
85.1 to 115 miles (zones 3 and 4)	10
115.1 to 160 miles (zones 5, 6, and 7)	20
160.1 to 220 miles (zones 8, 9, 10, and 11)	30
220.1 to 250 miles (zones 12 and 13)	35
250.1 to 310 miles (zones 14, 15, 16, and 17)	40
310.1 and over (zones 18 and over)	50

(c) The burden rests upon the handler who receives the milk from producers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

APPLICATION OF PROVISIONS

§ 941.60 *Handlers who are also producers.* No provision of this subject shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 941.61 *Payment for other source milk.* In the event a handler uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area or other source milk originating from a plant under suspension pursuant to § 941.67, and such other source milk is allocated to Class I milk or Class II milk pursuant to § 941.45 (e), (f), (g), or (h) the market administrator is computing the net pool obligation for such handler pursuant to § 971.70 shall add an amount determined by multiplying the pounds of other source milk so allocated to Class I milk or Class II milk by the difference between the value at the appropriate class price and the value at the lowest announced price per hundredweight applicable for the delivery period.

§ 941.62 *Payment for overrun.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.44 (g) by the appropriate price pursuant to its allocation in § 941.45 (i): *Provided*, That if the handler did not receive milk directly from producers, an amount obtained by multiplying the quantity of overrun by the lowest announced price per hundredweight shall be subtracted from the amount obtained above in this section.

§ 941.63 *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to §§ 941.40 through 941.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.30 (a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 941.64 *Separate classification of Grade A milk and Grade B milk.* (a) Subject to paragraphs (b) and (c) of this section, Grade A milk and Grade B milk shall be separately classified.

(b) All milk received from producers at a plant from which any Grade A milk is disposed of shall be deemed to be Grade A milk unless such milk is identified and handled in accordance with the conditions set forth in paragraph (c) of this section.

(c) In the case of milk received from producers at a plant which a health authority having jurisdiction in any portion of the marketing area has approved for receiving, processing, and distributing both Grade A milk and Grade B milk and the Grade A milk is received from producers specifically designated by such health authority as qualified to produce such milk, the market administrator shall determine the classification of Grade A milk and Grade B milk, respectively, in the following manner:

(1) If the handler operating such a plant maintains adequate accounts and records of quantities of each grade of milk and practices complete segregation of Grade A milk and Grade B milk receipts, the market administrator, in applying §§ 941.40 through 941.45, shall determine separate classification for Grade A milk and Grade B milk in such plant.

(2) In the event adequate records are not maintained or complete segregation is not practiced, the receipts of Grade A milk shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a), and Class IV milk, in that sequence.

§ 941.65 *Determination of Mileages.* All mileages relating to location adjustment credits to handlers pursuant to § 941.53, location adjustments to producers pursuant to § 941.81, and payment for milk pursuant to § 941.80, shall be computed by the market administrator by rail or highway distance, whichever is shorter: *Provided*, That the rail distance shall be the sum of the following:

(a) The highway distance between the handler's plant and the railroad loading point (but not to exceed 25 miles);

(b) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(c) The highway distance between the appropriate rail terminal and the City Hall in Chicago.

Mileage shall be subject to redetermination at all times and in the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request.

Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

§ 941.66 *Pool plant.* "Pool plant" means any plant which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1), all or a part of which is disposed of in the marketing area for consumption in fluid form, or;

(b) Is approved by the Board of Health for receiving milk which may be disposed of as Class I milk or Class II milk in Chicago, Illinois, and which is not the type of plant described in paragraph (a) of this section and is not under suspension as a pool plant pursuant to § 941.67; or

(c) Is not approved by the Board of Health of Chicago, Illinois, and which ships during the delivery period at least 50 percent of the butterfat received from dairy farmers as milk or cream in fluid form to a plant(s) described in paragraph (a) of this section. Any plant which fulfills this requirement for each of the months of September, October and November of the same year shall be a pool plant until September 1 of the following year: *Provided*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months: *Provided further*, That the plant operator does not notify the market administrator that the plant should be withdrawn from the pool; in the event such notification is given, the plant will no longer be a pool plant, starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during delivery period(s) in which the condition set forth in the first sentence of this paragraph is fulfilled; *And provided further*, That any plant which shipped, as verified by the market administrator, at least 50 percent of the butterfat received from dairy farmers during September, October and November 1950 as milk or cream in fluid form to a plant(s) where the handling of milk was regulated pursuant to Federal order 41 or 69 (regulating the handling of milk in the Chicago, Illinois, and Suburban Chicago, Illinois, marketing areas) shall be a pool plant from the effective date of this order until September 1, 1951, if the plant operator notifies the market administrator in writing of his desire to have such status.

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of February through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk received from dairy farmers at such plant during each of the delivery periods of September, October and November is (i) Shipped as milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) Disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing not later than the 10th day of the delivery period in each of the delivery periods of September, October, and November that it is able and willing to ship as milk or cream in fluid form to any plant(s) which processes and packages Class I milk or Class II milk all or part of which is disposed of in the marketing area, at prices and terms therein stated, a specified amount of milk or cream in fluid form during the remaining portion of the delivery period covered by said notice, which together with such amount as it has disposed of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s) in said delivery period), shall be not less than 50 percent of the butterfat received by it from dairy farmers during the preceding delivery period. Upon receipt of said notice, the market administrator shall forthwith make the offer and terms thereof public by transmitting the same to all handlers.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

§ 941.68 *Milk under more than one Federal order.* (a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions or to §§ 941.80 through 941.88, except that if the price per hundredweight for the class of utilization under the other subpart is less than the price per hundredweight of the applicable class of utilization under this order with respect to such item(s) (each price to be adjusted to 3.5 percent butterfat content and by any applicable location differential), an amount of money representing the difference in such prices multiplied by the quantity (in the case of Class II milk items the 3.5 percent milk equivalent of butterfat) so disposed of within the Chicago, Illinois, marketing area shall be paid to the market administrator by the handler operating such plant on or before the 16th day after the delivery period for deposit in the producer settlement fund (§ 941.83).

(b) Milk received from producers at a pool plant shall be exempt from the class price provisions and §§ 941.80 through 941.88 if (1) The Secretary determines that the quantity of Class I milk, as defined in § 941.41 (a), disposed of from such plant to any outlet(s), other than a milk processing or milk distributing plant, in a marketing area defined in a marketing agreement or order issued pursuant to the act for another marketing area is greater than the quantity of Class I milk disposed of from such plant within the Chicago, Illinois, marketing area, and (2) the milk at such plant would be subject to the class price and payment provisions of the other marketing agreement or order upon being made exempt from this subpart.

DETERMINATION OF UNIFORM PRICE

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk received from producers shall be computed for each handler (based upon his reports as corrected), as follows:

(a) Multiply the producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount of any payments required to be made pursuant to §§ 941.61 and 941.62;

(c) Subtract all location adjustment credits computed pursuant to § 941.53; and

(d) Subtract 6 cents per hundredweight on all milk received from producers at a regulated plant located within the marketing area.

§ 941.71 *Computation of uniform prices.* The market administrator shall compute separate uniform prices per hundredweight of Grade A milk and Grade B milk for each delivery period. Each computation shall be made in the following manner:

(a) Combine into one total the net pool obligation of all handlers computed pursuant to § 941.70;

(b) Add the aggregate of all allowable location adjustments computed pursuant to § 941.81;

(c) Add an amount representing the unobligated cash balance in the applicable producer-settlement fund on hand at the close of business on the last day of the delivery period;

(d) Divide the result by the total hundredweight of producer milk of all handlers whose net pool obligations are included pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents as a producer-settlement fund reserve. The result shall be the uniform price per hundredweight (for the grade of milk involved) of milk containing 3.5 percent of butterfat received from producers at pool plants located more than 55 miles but not more than 70 miles from the City Hall in Chicago, Illinois.

PAYMENTS

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53 and to a butterfat differential computed as in § 941.82, plus 4 cents per hundredweight if the milk was received from producers at a pool plant located within the marketing area and 2 cents if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

(b) On or before the 18th day after the end of each delivery period each handler shall pay to each producer per hundredweight of milk received from him during such delivery period not less than the uniform price, subject to the location adjustment and butterfat differential provided by §§ 941.81 and 941.82: *Provided*, That if the milk was received from such producer at a pool plant located within the marketing area, an additional payment of 10 cents per hundredweight of such milk shall be made, and if the milk was received from such producer at a pool plant located outside the market-

ing area but not more than 55 miles from the City Hall in Chicago, an additional payment of 2 cents per hundredweight of such milk shall be made.

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b), each handler shall deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles.

§ 941.82 *Butterfat differential on producer milk.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth cent.

§ 941.83 *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "Producer-Settlement Funds" for Grade A milk and Grade B milk, respectively, into which he shall deposit all payments made by handlers pursuant to § 941.84 (including any adjustments thereto pursuant to § 941.88 (b) (1) and § 941.68; and out of which he shall make all payments to handlers pursuant to § 941.85 (including any adjustments thereto pursuant to § 941.88 (b) (2)). Immediately after computing the uniform prices for each delivery period, the market administrator shall compute the amount(s) by which each handler's net pool obligation(s) is greater or less than the sum obtained by multiplying such handler's producer milk by the applicable uniform price for Grade A milk or Grade B milk, subject to the location adjustment pursuant to § 941.81, and shall enter such amount(s) on such handler's account(s) as a pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account(s).

§ 941.84 *Payments to the producer-settlement funds.* On or before the 16th day after the end of each delivery period, each handler shall make full payment to the market administrator for deposit in the appropriate producer-settlement fund of any pool debit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period.

§ 941.85 *Payments out of the producer-settlement funds.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler from the appropriate producer-settlement fund the pool credit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period, less any unpaid obligations of the handler, pursuant to §§ 941.84, 941.86, 941.87 (a), and 941.88 (b) (1). If at such time the balance(s) in the appropriate producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler, who, on the 18th day of the month, has not received such payments in full from the market administrator shall not be deemed to be in violation of § 941.80 (b), if he reduces his total payments for milk delivered by producers during the preceding delivery period by not more than the reduction in payment from the producer-settlement fund; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to § 941.80 (b) next following that on which such balance of payment was received from the market administrator.

§ 941.86 *Expense of administration.* As his prorata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during such delivery period from producers, from his own farm production, and as other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f), (g) and (h): *Provided*, That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a pool plant of such cooperative association or caused to be delivered by such cooperative association to an unregulated plant.

§ 941.87 *Marketing services.* (a) In making payments to producers pursuant to § 941.80 (b), each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct an amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to § 941.80 (b) as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.88 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due.

(b) Payments resulting from adjustments pursuant to paragraph (a) of this section shall be made on or before the next date for making payments to producers following notification by the market administrator or within 5 days following notification by the market administrator if payment is due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any cooperative association which is a handler from another handler.

§ 941.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted prior to August 1, 1949, under section 9c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION OF ORDER

§ 941.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 941.91.

§ 941.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 941.92 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person, as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 941.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 941.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

Order of the Secretary Directing That Referendum Be Conducted Among the Producers Supplying Milk in the Chicago, Illinois, Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Chicago, Illinois, marketing area) who, during the month of February 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-6976; Filed, June 15, 1951; 8:52 a. m.]

[7 CFR, Part 977]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order amending the order, as amended, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Paducah Graded Milk Producers Association, Paducah, Kentucky. Additional proposals were submitted by the Midwest Dairy Products Company and the Miller Dairy Products Company at Paducah, Kentucky. A public hearing was conducted at Paducah, Kentucky, on March 12 and 13, 1951, pursuant to a notice in the FEDERAL REGISTER (16 F. R. 2041).

The material issues presented on the record of the hearing were whether:

1. The "pool plant" definition should be amended to include only those milk plants from which Class I milk is regularly supplied to the Paducah market and which are under direct inspection of the local health authorities.

2. The "producer" definition should be amended to provide that such person shall be approved by the local health authorities for the production of milk which is permitted by such authorities to be sold as Grade A milk or cream in the marketing area.

3. The "handler" definition should be amended to include operators of non-pool plants from which Class I milk is sold in the marketing area and such handlers should file reports with the market administrator and make payments to the producer-settlement fund and to the administrative expense fund.

4. The level of Class I prices should be increased.

5. The Class II price should be reduced.

6. The order provision requiring a partial payment to producers before the end of the delivery period should be eliminated.

7. Other administrative changes should be made.

Findings and conclusions. The following findings and conclusions are based upon evidence contained in the record.

1. The "pool plant" definition should be amended to include only those milk plants from which Class I milk is regularly supplied to the Paducah market and which are approved by the local health authorities.

The order currently provides that any plant from which bottled milk or cream is disposed of in the marketing area shall be a "pool plant."

The definition of "pool plant" is intended to set out the conditions which distinguish plants regularly supplying the market with fluid milk from other milk plants, and thereby establishes the limits of the pool. Local health authorities are relied upon to determine the standards of quality of milk for distribution within a marketing area. Compliance with such standards is ascertained by inspection of the dairy farms and milk plants. The Paducah-McCracken County Health Department relies upon the Graves County Health Department to inspect the dairy farms supplying plants which are located in Graves County and from which fluid milk is sold in McCracken County. In the case of those plants which are located in McCracken County, the farm and plant inspections are performed by the Paducah-McCracken County Health Department. Written permission is given to plants for the receipt of emergency or supplementary supplies for bottling purposes, but it does not appear from the record whether a written permit is given to a plant for the processing and distribution of milk from regular sources. Qualification of a pool plant should depend upon the approval of the Paducah-McCracken County Health Department whether or not written permits are issued to indicate such approval. Plants which are given emergency permits by such authority for the sale of milk in the marketing area are not regular suppliers of milk and should not be included in the pool plant definition.

Presently, a plant which is not approved by the local health authority would be considered a pool plant by reason of an incidental sale of bottled milk in the marketing area. The proposed definition of a pool plant would limit it to those plants from which producer milk is disposed of as Class I in the marketing area and which are approved by the Paducah-McCracken County Health Department. It is possible and not unlikely that distributors from outside the marketing area without the approval of such health authority may contract to serve bottled milk to some of the eating places at the various defense installations being constructed in the marketing area. In such instances a distributor would now be required to pool all milk handled by him whether his sales in the Paducah marketing area were a major portion or a minute part of his total milk handled.

The proposed definition in conjunction with other changes proposed below would limit the applicability of the order to such distributors to their actual distribution from delivery routes and plant stores in the marketing area. Such distributors should not be penalized when supplying Class I milk to the market, nor should they have an undue advantage over other distributors who are subject to the order. This can be accomplished by having handlers of nonpool plants make limited payments to the producer-settlement fund based on the quantity of Class I milk sold from delivery routes and plant stores in the marketing area, file reports with the market administrator, and pay a pro rata share of the cost of administering the order.

The proposed "pool plant" definition would include all pool plants now defined and operating under the Paducah marketing order. The proposed changes make the definition more specific to provide for inclusion under the provisions of the order the operations of milk plants similarly established with regard to the Paducah market and to provide within the framework of the order suitable treatment of nonpool plants from which Class I milk is disposed of from delivery routes and plant stores in the marketing area.

2. The "producer" definition should be amended to provide that such a person shall be one who is certified by the Paducah-McCracken County Health Department for the production of milk which is permitted by such authority to be sold as Grade A bottled milk in the marketing area.

Currently, the order defines a producer as any person who produces milk which is permitted by the health authorities having jurisdiction in the Marketing Area to be sold as Grade A bottled milk in the marketing area, and which is received at a pool plant or diverted by a handler from a pool plant to a nonpool plant. A dairy farmer delivering to a plant which is not a regular source of supply, but from which Grade A bottled milk at infrequent occasions is disposed of in the marketing area, is considered a "producer" under the definition presently in the order.

Usually local health authorities designate the regular source of supply for the market by the issuance of a farm permit. The record indicates that although producers supplying the Paducah market are inspected and the plant receiving the milk is notified by the Paducah-McCracken County Health Department of the approval of such supply for sale as Grade A, a written permit is not issued to the producers indicating such approval.

The intent of milk marketing orders generally is that dairy farmers who regularly supply the market, as evidenced by the local health authorities' inspection and approval of such farms, should share in the Class I sales and maintain the necessary reserves for the market. Under the above conditions, this intent can be best carried out by requiring that a producer be certified by the Paducah-McCracken County Health Department for the production of milk for sale as Grade A bottled milk in the marketing area.

3. The "handler" definition should be amended to include operators of nonpool plants from which Class I milk is sold during the delivery period from delivery routes or plant stores in the marketing area. This is necessary in order that the market administrator may obtain reports and verify such sales in the marketing area. Furthermore, such person should be defined as a handler so that he may be required to make compensatory payments to the producer-settlement fund and pay his pro rata share of the cost of administration.

The compensatory payment to the producer-settlement fund should be an amount of money computed by multiplying the quantity of Class I milk disposed of from routes or plant stores in the marketing area by the difference between the Paducah Class II and Class I prices for such milk. Under the pool plant definition such a handler is excused from the pooling and pricing provisions of the order. However, in order to protect other handlers from competition from unregulated and unpriced milk it is appropriate that the compensatory payment be made into the producer-settlement fund on Class I sales of milk in the marketing area.

The administrative assessment required to be paid by handlers operating such nonpool plants should apply to all Class I milk so disposed of in the marketing area and all milk, skim milk, and cream used to produce Class II products so disposed of in the marketing area. This is in keeping with the assessment applicable to other handlers and the exemptions applicable to operators of such nonpool plants.

4. The price for Class I milk should be the basic formula price plus $1.65 for the months of September through February, $1.20 for March and August, and 65 cents for the months of April through July. Differentials at present are $1.50 August through December, 90 cents January through March and 50 cents April through July. The proposed annual average differential of $1.242 represents an increase of approximately $0.225 over a period of a year. Abnormally expanded industrial activity in the Paducah area has affected both the local supply of and demand for milk. Sales have been increasing at a faster rate than the supply of milk, requiring larger imports from outside the local production area. Class I sales by Paducah handlers in January and February 1951 increased 15.5 percent over a year ago. Average daily sales of Class I were 68,715 pounds in January–February 1951 and 59,478 pounds in the same two months of 1950. This increase is especially significant contrasted to the 1.8 percent decline in Class I sales by Paducah handlers from a 1949 daily average of 55,491 pounds to 54,509 pounds in 1950.

While Class I sales declined 1.8 percent in 1950, production for the Paducah market increased 25.8 percent over that of 1949. Comparing the period of January–February 1951 with that of 1950, production increased only 11 percent as against the 15.5 percent rise in Class I sales. A further indication of the recent trend of increased Class I sales and declining supplies is the percentage that local production is of Class I sales. This was 125 percent for February 1951 compared to 117.6 percent for February 1950, and was the first month since November 1949 that the percentage that Class I sales were of producer receipts was greater than for the same month of the preceding year.

Approximately three to five thousand people are now employed in construction of the atomic energy plant in the Paducah area, and it is expected that 12,000 will be employed there at the peak of construction. In addition, steam plants will soon be constructed at Joppa, Illinois, which is 22 miles from Paducah, and at the Atomic Energy Commission site, 11 miles from Paducah. It has been estimated that at the height of activity within the next three years there will be a temporary increase in population of the area of 54,000. Estimate of the permanent population increase in Paducah which will result from the current industrial expansion is 15,000. The population of Paducah in the 1950 census was approximately 33,000.

The growing population in the Paducah area is evidenced by the water meter settings in Paducah which increased 9,995 to 10,267 in 1950. In the same period electrical customers increased by approximately 400, gas customers 429, and telephone 163. The Federal Housing Administration has relaxed credit controls to enable the construction of 1,000 dwelling units in the Paducah area.

The high manpower demand in the Paducah area has resulted in severe competition for labor, and the labor rates paid have been increasing continually. The price paid locally in February 1951 for unskilled labor was $1.50 per hour compared to $1.30 in November 1950. Prices paid for semi-skilled and skilled labor have risen proportionately. Because of severe competition for manpower, dairy farmers are finding it more difficult to keep the help they have and to obtain new help.

In addition to the difficulty of obtaining and keeping farm labor, the alternative of easily obtaining employment locally is bringing about a decline in the number of dairy farmers supplying the Paducah market. During the three weeks prior to the hearing, of the 319 producers who made deliveries to the Paducah market in February 1951, 12 discontinued their shipments to Paducah handlers.

Paducah handlers compete with Memphis handlers for producers and unless Paducah prices are maintained in line with Memphis prices the supply of milk for the Paducah market will be jeopardized. A plant subject to the Memphis order is located at Martin, Tennessee and is representative of this competition. This plant obtains a portion of its supply from the same area as that from which a plant under the Paducah order located at Mayfieild, Kentucky, obtains a portion of its supply of milk. This area is approximately equidistant from Martin, Tennessee and Mayfield, Kentucky. At the prices provided in the Memphis order the average Class I price differential over the basic formula price at Martin is $1.23, which is approximately the same as proposed above for the Paducah market.

It was contended by handlers at the hearing that the Paducah market is adequately supplied with milk in that large quantities of milk received from producers by Paducah handlers are sold outside the marketing area. Apparently it is a part of the normal year round operations of such handlers to supply these areas outside the marketing area. The present supply cannot be relied upon to satisfy the total market requirements of Paducah handlers.

The seasonal changes would add January and February to the months during which the highest differential over the basic formula price is paid, and would drop August from this grouping. The differential for March and August would be approximately midway between that of the flush and short production months.

Production for the Paducah market begins falling off in August and reaches its low point in December. For January and February milk production approximates that of October and November. From its low point in December production for the market does not increase substantially until March. In March, as in August, production is such as not to warrant applying the full or short season differential. The "in between" differential proposed for these months will make for a more gradual transition in the seasonal pricing.

5. The order should not be amended to provide for any change in the Class II price. A handler proposed that the Class II price for April through September be not higher than the price paid by Pet Milk Company at Mayfield, Kentucky, which price in 1950 averaged 35 cents per hundredweight less than the alternate butter-skim price provided in the order.

A representative of the handler who proposed a lower Class II price testified that his company had sold no milk to the local surplus outlet, Pet Milk Company at Mayfield, at any time during the past three years. He further testified that there are considerable advantages in bringing all milk into one plant and thereby maintaining good quality and a regular flow of milk.

Another dealer testified at the hearing with regard to his sales of surplus milk to Pet Milk Company at Mayfield and indicated that the prices paid by this surplus outlet for producer milk was the same as paid to its regular shippers. Milk so diverted by the handler was frequently delivered by the trucker directly to Pet's plant without coming into the handler's plant. Consequently, he incurred no additional expense in handling milk so diverted.

As indicated above, it is anticipated that there will be difficulty in the immediate future in maintaining an adequate supply of milk for the Paducah market. It is also likely that the receipts of outside milk which have heretofore supplemented local production in supplying the Paducah market may become more difficult to obtain as other markets affected by the defense effort bid for this milk. A lower Class II price would adversely affect returns to producers and would be inconsistent with the findings which indicated producers needed increased returns in order to keep the Paducah market adequately supplied.

6. The order provision requiring partial payment to producers before the end of the delivery period should not be eliminated. The order now requires handlers to make a partial payment no later than the last day of the month at not less than the uniform price for the preceding month for milk delivered during the first 15 days of the current month. The final payment to producers is required to be made by handlers no later than the 15th day of the month following.

For some time prior to the inception of the order it has been the policy of dairies in Paducah to pay twice monthly as is provided in the order. The hearing record indicates that changing to one payment monthly would work a hardship on producers since many of them have organized their financial affairs on the basis of these two payments. A survey made by the cooperative association disclosed that 78 of 81 producers who were interviewed favored maintaining the present method of two payments monthly.

7. Provision should be made in the order to determine the extent to which the various provisions thereof shall apply with respect to a person who may be a handler under the Paducah order and who is also a handler under another order or marketing agreement issued pursuant to the act. Under such circumstances a conflict or duplication of obligation would result. The Paducah order, at present, does not provide a method whereby such a conflict or duplication could be resolved. Currently, a handler under the Paducah order is distributing milk on routes operated in a portion of the Memphis, Tennessee, marketing area. It is possible that he could also become a handler under the Memphis order. In the event of this occurrence, it is essential that any conflict or duplication of obligations imposed upon such person by the two orders be resolved. It is recognized that any specific rule adopted in the order may be inadequate to resolve all of the conflicts and duplications which could ensue under various circumstances and that a hearing might be needed to consider the circumstances of a particular situation. However, in view of the impracticability of amending orders by hearing processes in this instance prior to the time at which a conflict or duplication of obligation may arise, it is believed that a specific rule should be adopted. Furthermore, such rule should place the person on notice as to the extent of his obligations under the order. This can best be accomplished by exempting from the pricing and payment provisions of the Paducah order any person who is a handler under the Paducah order and who is also a handler under another order or marketing agreement, issued pursuant to the act, with respect to the same milk, a greater proportion of which is determined by the Secretary is

disposed of as Class I milk in the marketing area under the other order. Such person should be required to make reports to the market administrator at such time and in such manner as the market administrator may request.

Producers suggested that a handler, who is subject to the pricing and payment provisions of another order and who is exempt from such provisions under the Paducah order, should pay into the Paducah producer-settlement fund with respect to the quantity of Class I milk disposed of by such handler in the marketing area an amount per hundredweight of such milk by which the Paducah Class I price exceeds the Class I price under the other order. In this connection, it is recognized under some circumstances that there could be differences in the cost to handlers of Class I milk sold in the marketing area, however, it is believed that this problem can be best dealt with by an amendment to the order after full consideration of the circumstances involved in any case which may arise in the future.

It was suggested at the hearing that the sections, paragraphs, subparagraphs, and subdivisions of the order be renumbered in accordance with the revised Federal Register procedure. In this connection, it is believed that the reissuance and publication of the present order in the form of an order, as amended, incorporating the proposed amendments will be of convenience to all interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and one handler who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, as amended. The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended.

DEFINITIONS

§ 977.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 977.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 977.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 977.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," called the "marketing area," in this subpart means all the territory within McCracken County, Kentucky.

§ 977.6 *Pool plant.* "Pool plant" means:

(a) Any plant, which is approved by the Paducah-McCracken County Health Department, at which milk is received from producers, and from which Class I milk via delivery routes or plant stores is disposed of in the marketing area; or

(b) Any plant which is approved by such health department to furnish milk, skim milk, or cream to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

§ 977.7 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 977.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who is certified by the Paducah-McCracken County Health Department for the production of milk which is permitted by such health authority to be sold as Grade "A" bottled milk in the marketing area, and which is:

(a) Received at a pool plant; or

(b) Diverted by a handler from a pool plant to a nonpool plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 977.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association of producers, as defined, in § 977.87 (b), with respect to milk of producers diverted for the account of such association to any pool plant or nonpool plant; or

(c) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant from which Class I milk is disposed of in the marketing area via delivery routes or plant stores during the delivery period.

§ 977.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers.

§ 977.11 *Other source milk.* "Other source milk" means all milk, skim milk, cream, or any milk product received at a pool plant, except:

(a) That received from producers;

(b) That received from a pool plant of another handler, other than a producer-handler; and

(c) Any nonfluid milk product received and disposed of in the same form.

§ 977.12 *Delivery period.* "Delivery period" means the calendar month, or the total portion thereof, during which the provisions in this subpart are effective.

MARKET ADMINISTRATOR

§ 977.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 977.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 977.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such person as may be necessary to enable him to administer the terms and provisions hereof;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 977.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made the reports or payments required pursuant to §§ 977.30, 977.62, 977.80 and 977.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 25th day after the end of each delivery period, to each cooperative association described in § 977.87 (b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments required to be made by handlers pursuant to the provisions of this subpart;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this subpart;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differential to handlers; and

(2) On or before the 10th day after the end of such delivery period, the uniform price and the butterfat differential to producers.

REPORTS, RECORDS, AND FACILITIES

§ 977.30 *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 6th day after the end of each delivery period:

(1) The receipts, utilization, and butterfat tests of all milk, skim milk, cream, and milk products required to be classified pursuant to § 977.40.

(2) A statement of the disposition of Class I milk outside the marketing area (other than from delivery routes serving stops both within and without the marketing area);

(3) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(4) The name and address of each producer who discontinues deliveries of milk, and the date on which the milk of such producer was last received.

(b) Within 20 days after the end of each delivery period, his producer pay roll, which shall show for such delivery period:

(1) Each producer's total delivery of milk with the average butterfat test thereof; and

(2) The net amount of the payment made to each producer with the price, deductions, and charges involved.

§ 977.31 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (a) Verify the receipts and disposition of all milk and milk products required to be reported and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; and (c) verify payments to producers.

§ 977.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 977.40 *Basis of classification.* The market administrator shall classify, on the basis of the classes set forth in § 977.41 and subject to the conditions of §§ 977.42, 977.43, and 977.44, all receipts within the delivery period by a handler at a pool plant, of (a) milk from producers (including his own farm production), (b) milk, skim milk, cream, and milk products from other handlers, and (c) other source milk; and all milk of producers diverted by a cooperative association.

§ 977.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored), and cream; and all milk, skim milk, and cream not specifically accounted for as Class II milk.

(b) Class II milk shall be all milk, skim milk, and cream accounted for (1) as used to produce a product other than those specified in Class I milk, (2) as actual plant shrinkage of milk received from producers, but not to exceed 2 percent of the total receipts of such milk, and (3) as actual plant shrinkage of other source milk: *Provided*, That if milk received from producers is used in the form of milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to the milk received from producers shall not exceed its pro rata share computed on the basis of the proportion of the volumes received from the various sources to their total.

§ 977.42 *Responsibility of handlers and reclassification of milk.* (a) All milk, skim milk, and cream received shall be Class I milk, unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(b) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made in the manner specified in § 977.84 with respect to errors in payment.

§ 977.43 *Transfers of milk, skim milk, and cream.* (a) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a pool plant of another handler shall be Class I milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred: *Provided*, That milk, skim milk, or cream so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (b) of § 977.44, and any excess of milk, skim milk, or cream shall be assigned to Class I milk.

(b) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a nonpool plant shall be Class I milk, unless (1) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 6th day after the end of the delivery period within which such transaction occurred, and (2) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verifica-

tion: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of milk, skim milk, and cream in such indicated use, the remaining pounds shall be classified as Class I milk.

§ 977.44 *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(a) Subtract from the total pounds in Class II milk the pounds of actual plant shrinkage of milk received from producers which does not exceed 2 percent of the total receipts of such milk;

(b) Subtract from the pounds remaining in each class, in series beginning with Class II milk, the total pounds of other source milk received;

(c) Subtract from the pounds remaining in each class the total pounds of milk, skim milk, and cream received from other handlers and assigned to such class pursuant to paragraph (a) of § 977.43; and

(d) Add to the pounds remaining in Class II milk the pounds subtracted pursuant to paragraph (a) of this section; or if the pounds remaining in all classes exceeds the pounds of milk received from producers, subtract such excess from the pounds remaining in the various classes, in series beginning with Class II milk.

MINIMUM PRICES

§ 977.50 *Class prices.* Subject to the conditions of § 977.52, each handler shall pay producers, at the time and in the manner set forth in §§ 977.80 through 977.85 not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk, computed pursuant to § 977.44:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.65 for the delivery periods of September through February; $1.20 for the delivery periods of March and August; and 65 cents for the delivery periods of April through July.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, or the price computed pursuant to the following formula, whichever is the higher:

(1) Multiply by 4.0 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) Add 20 percent thereof; and

(3) Add 3½ cents for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for such price determination for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for such milk solids delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for in this subpart: Add 3½ cents for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

§ 977.51 *Basic formula price.* The basic formula price per hundredweight to be used in determining the price for Class I milk shall be the Class II price for the delivery period, or the price computed as follows, whichever is the higher:

To the average of the basic (or field) prices reported to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

§ 977.52 *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4.0 percent, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

APPLICATION OF PROVISIONS

§ 977.60 *Producer-handlers.* §§ 977.30 through 977.52 and §§ 977.61 through 977.87 shall not apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.61 *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts of other source milk and receipts of milk, skim milk, and cream from other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which has been credited to producers as having been received from them, such handler shall pay to producers through the producer-settlement fund the value of such milk or butterfat determined as follows:

(a) Multiply any such excess volume subtracted from any class pursuant to § 977.44 (d) by the applicable class price, adjusted by the handler butterfat differential for each one-tenth of 1 percent that the computed butterfat content of such excess varies from 4.0 percent; and

(b) Multiply the pounds of any such excess butterfat, for which no excess was subtracted pursuant to § 977.44 (d), by 10 times the handler butterfat differential.

§ 977.62 *Handlers operating nonpool plants.* Sections 977.30, 977.50 through 977.52, 977.70, 977.71, 977.80 through 977.83 and 977.85 through 977.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 977.9 (c), except that such handler shall:

(a) On or before the 6th day after the end of the delivery period, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each delivery period, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 977.9 (c) by the difference between the price of Class II milk and the price of Class I milk; and

(c) On or before the 20th day after the end of the delivery period, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the delivery period in the marketing area in the manner described in § 977.9 (c).

§ 977.63 *Handlers subject to other subparts.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another subpart or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market ministrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 977.70 *Computation of value for each handler.* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price adjusted by the handler butterfat differential, adding together the resulting class values, and adding to such sum the value of any excess milk or butterfat computed pursuant to § 977.61.

§ 977.71 *Computation of the uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of producer milk containing 4.0 percent of butterfat as follows:

(a) Combine into one total the values, computed pursuant to § 977.70, for all handlers who made the reports prescribed by § 977.30 for such delivery period, except those in default of payments required pursuant to § 977.82 for the preceding delivery period;

(b) Subtract, if the average butterfat content of all milk received from producers represented by the values included under paragraph (a) of this section is in excess of 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, the total value of the butterfat differential applicable pursuant to § 977.85;

(c) Add an amount representing the cash balance in the producer-settlement fund;

(d) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

PAYMENTS

§ 977.80 *Payments to producers*—(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable uniform price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided*, That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for milk received from such producer during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: (1) The producer butterfat differential, (2) payment made pursuant to paragraph (a) of this section, (3) marketing service deductions, (4) deductions authorized by the producer, and (5) any error in calculating payment to such producer for the past delivery periods: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 977.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 977.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.70, for such delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential.

§ 977.83 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, any amount by which the total value of his milk, computed pursuant to § 977.70, for such delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 977.84 *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

§ 977.85 *Butterfat differential to producers.* In making payments to each producer, pursuant to § 977.80 (b), each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 4.0 percent in milk received from such producer, the amount as shown in the following schedule for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the delivery period during which such milk was received:

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 977.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 977.22 (d), each handler shall pay to the market administrator, on or before the 20th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts at a pool plant during the delivery period, of milk from producers (including such handler's own production) and other source milk other than sour cream used in the production of butter. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers diverted for the account of such association to a nonpool plant.

§ 977.87 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 977.80 (b), with respect to milk received from each producer (excluding such handler's own farm production), shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market

administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 977.90 (b), as are authorized by such producers, and on or before the 20th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 977.88 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(c) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this subpart, or any amendment to this subpart, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this subpart or any amendment to this subpart.

§ 977.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except §§ 977.32, 977.88, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisons of this subpart.

§ 977.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 13th day of June 1951.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 51-6974; Filed, June 15, 1951, 8:59 a. m.]

[7 CFR, Part 993]

[Docket No. AO 201-A 1]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 110 and Order No. 93 (7 CFR Part 993) regulating the handling of dried prunes produced in California. Such marketing agreement and order (hereinafter referred to as the "order") are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed amendments to the order are formulated, was held at San Francisco, California, on March 8 and 9, 1951. The hearing was initiated pursuant to a notice thereof which was published in the FEDERAL REGISTER (16 F. R. 1793) of February 24, 1951. The notice of hearing included proposed amendments received from the Prune Administrative Committee (hereinafter referred to as the "committee"), established pursuant to the order as the agency to administer the terms and provisions thereof; a proposed amendment received from four handlers of dried prunes, namely, Richmond-Chase Company and Mayfair Packing Company of San Jose, California, and California Packing Corporation and Rosenberg Bros. & Company, Inc., of San Francisco, California, and a proposed amendment received from certain independent producers of dried prunes. The notice also contained three minor amendments proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

Material issues. The material issues, presented on the record of the hearing, involving the proposals of the committee, were concerned with amending the order to provide for:

(1) Deletion of obsolete language in the order relating to the program's initial crop year which expired July 31, 1950, and the renumbering of certain provisions of the order in view of such deletion;

(2) Exclusion, under specified conditions, from the scope of the order of so-called high moisture content prunes marketed in a specialty pack except when a handler dries them to a condition which qualifies them as ordinary dried prunes;

(3) More stringent control of so-called slack-dry prunes and infected prunes than is authorized by the present order;

(4) Establishment and maintenance, during any crop year when the estimated seasonal average prune price to producers is above the applicable parity price specified in section 2 (1) of the act, of such minimum standards of quality and inspection requirements for prunes as will effectuate orderly marketing of prunes in the public interest;

(5) Clarification of the language of the order relative to prunes received in appraisal lots, including the elimination of any implication that handlers must sort such lots;

(6) Authorization for handlers to dispose of, or market for disposition packer pickouts, and other substandard prunes owned by them, as animal feed, pitted prunes or as prune products in which they lose their form and character as prunes, provided that any such prunes disposed of for human consumption must meet certain prescribed minimum quality standards;

(7) Revision and clarification of, and addition to, the terms and conditions of the present order, relating to disposition by the committee of surplus prunes, including both standard and substandard prunes;

(8) Modification of the language of the order relating to expenses of the surplus pool so as to specify that such expenses shall cover the receiving, handling, holding, or disposing of surplus tonnage; and

(9) Using the basis of the tonnage handled during the crop year preceding the election year, rather than the basis of the tonnage handled during the year ending on January 31 of the election year, in determining the number of members and alternates on the committee to represent cooperative marketing associations.

The material issue, presented on the record of the hearing, involving the proposal by independent handlers, was concerned with amending the order to provide for:

(10) Separate representation on the committee of independent large, medium, and small handlers on the combined bases of the volume of prune tonnage handled by each such class and the number of handlers in each class.

The material issue, presented on the record of the hearing, involving the proposal by certain independent producers of prunes, was concerned with amending the order to provide for:

(11) Authorization for the Secretary to redelineate, in case it should be appropriate, the areas covered by the seven prune-election districts described in the order in recognition of changes in the dried prune production or in the number of producers in such districts for the purpose of maintaining equitable producer representation on the committee.

The material issues, presented on the record of the hearing, involving the proposals of the Fruit and Vegetable Branch, were concerned with amending the order to provide for:

(12) Adding to the provisions of the order a definition of "part" and "subpart";

(13) Making such other changes in the order as may be necessary to make the entire order conform with the presently proposed amendments thereto, including a change in the definition of "handle"; and

(14) Renumbering the provisions throughout the marketing order in accordance with revised FEDERAL REGISTER regulations and making similar conforming changes in the numbering of the provisions of the marketing agreement.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended by deleting provisions which were applicable solely to operations during the program's initial crop year which expired July 31, 1950. Such provisions relate to the initial members and alternates of the committee and the budget, the rate of assessment, and the marketing policy for the initial crop year. These deletions should be made so that the order, as amended, will include only provisions which are necessary for its proper operation and administration.

By reason of the proposed deletions, certain of the remaining provisions of the order should be renumbered to reestablish sequence in the numbering of the provisions.

The order should be further amended to provide that the term of office of committee members and their respective alternates shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors. The proposed amendment would not alter the term of office of committe members as presently provided for but would specify a definite year during which the two-year term would end. Otherwise, the year in which such terms expired would not be specified clearly, due to the proposed deletion of provisions relating to the initial members and alternates of the committee.

(2) The order should be amended to exclude, from the definition of the term "prunes", plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes". This exception should not, however, apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved. The order should be further amended to provide that any high moisture content prunes in the possession of a handler should be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. In the event high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they should be deemed at that time to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of the order.

The term "prunes" is defined in the present order to identify that which is regulated thereunder. Therefore, in order to make it clear that the specialty pack known as "high moisture content prunes" is exempt from such regulation, it should be excluded specifically from the definition. Such prunes should be exempted from regulation under the order because they are produced in small volume, are a high-cost item, and have a special market which is not competitive with outlets for ordinary dried prunes. Their physical characteristics are such that they are easily distinguishable from ordinary dried prunes.

The important steps for producing high moisture content prunes in conformity with the present recommendations of the Food Technology Division, College of Agriculture, University of California, are as follows: (a) the fruit is picked during its period of optimum maturity of about 10 days while it is still firm but ripe for eating, and that fruit which cannot be dehydrated immediately is held in cold storage until it can be dehydrated; (b) the fruit is thoroughly washed, size-graded into two grades, and the inferior fruit is removed; (c) the fruit is partially dehydrated at not over 165° Fahrenheit and is removed

from the dehydrator tunnel when it has a moisture content of approximately 29 to 32 percent; (d) the fruit is blanched about 10 minutes in live steam; (e) the fruit is cooled, sorted, and packed into moisture-proof, heat-sealable containers; (f) a preservative is injected into the containers to prevent microbial spoilage; and (g) the containers are sealed tightly and stored in a cool place.

Any appreciable deviation from the foregoing steps should result in an inferior product. For example, due to its high moisture content (the moisture content of ordinary dried prunes in natural condition form ranges from approximately 18 to 20 percent), the fruit would spoil or deteriorate rapidly unless placed in freezing storage or packed promptly after being subjected to the blanching process. Consequently, in order to qualify for the exemption, the fruit should be treated in conformity with the foregoing processes as recommended by the University of California, or by generally similar processes. Some deviation from the presently recommended processes should be permitted in qualifying the fruit as meeting the exemption as improvements are developed in such processes by the University of California, handlers, or by other persons.

It could happen that a handler at some stage in producing the specialty pack known as "high moisture content prunes" would change his mind and, instead of completing the process, he would dry or dehydrate the fruit to a point where it was capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved. Since the prunes in these circumstances would fall into the same category as ordinary dried prunes, the exemption should no longer apply, and they should be deemed at the time they are so dried or dehydrated to have been received by the handler as dried prunes and be subject to all of the conditions and restrictions of the order. Otherwise, the exemption could result in an important volume of prunes being handled free from regulation.

Notwithstanding the exemption of high moisture content prunes from the regulatory provisions of the order, the committee should be in a position to maintain surveillance in respect to such prunes which are in the hands of handlers for the purpose of preventing handlers from using the exemption as a means of avoiding regulations applicable to dried prunes. It is contemplated that the committee will issue rules and regulations applicable to high moisture content prunes, including the requirement that handlers report their receipts and dispositions of such prunes as a safeguard to insure compliance with the regulations applicable to dried prunes.

Prunes of higher than normal moisture content have a tendency to develop mold rapidly and if commingled with prunes of normal moisture content the mold would spread to the latter. In order to protect surplus prunes (including both standard and substandard prunes), which handlers are holding for the account of the committee from being contaminated, handlers should be required to hold high moisture content prunes separate and apart from any such surplus prunes. Also, if, and so long as, handlers commingle surplus prunes with salable prunes, this requirement should apply to the entire mass.

The moisture content of processed dried prunes shipped by handlers to the trade may vary from an amount slightly over that of ordinary natural condition dried prunes to an amount comparable to that of the specialty pack, "high moisture content prunes". In some instances handlers pack dried prunes having a high moisture content obtained by the addition of water to natural condition dried prunes during processing operations. In order to prevent spoilage, such reconstituted prunes are either vacuum-packed or put into air-tight packages into which a preservative is injected. While it has been concluded herein that the specialty pack known as "high moisture content prunes" should be exempted from the terms and restrictions of the order, such exemption should not include reconstituted dried prunes. Such prunes are produced by handlers from ordinary natural condition dried prunes, and as such they have previously become subject to regulation. On the other hand, the specialty pack known as "high moisture content prunes" is produced from fruit which is never dried or dehydrated to the moisture content of ordinary natural condition prunes but the moisture loss is stopped when the fruit has a moisture content of approximately 29 to 32 percent. The quality and volume control measures of the order are applied to the handling of natural condition dried prunes when they are received by handlers from producers or dehydrators. At that point, a handler would not necessarily know which prunes he would process and pack to produce reconstituted prunes. Consequently, if reconstituted prunes should be exempted from the scope of the order, serious administrative difficulties and enforcement problems would arise in applying the regulation to the handling of dried prunes. Reconstituted prunes have a typical dried prune flavor. This fact further supports the need for the inclusion of reconstituted dried prunes under the provisions of the order.

(3) The order should be amended to extend the prohibition against handlers receiving prunes from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and are free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage, to cover substandard prunes as well as standard prunes.

Natural condition prunes which have been improperly dried or cured by producers or dehydrators so that they are not capable of being received, stored, and packed by handlers without deterioration or spoilage are generally referred to by the dried prune industry as wet or slack-dry prunes. Generally speaking, such natural condition prunes are those having a moisture content in excess of approximately 18 to 20 percent.

The term "standard prunes" means natural condition prunes which meet the applicable grade standards prescribed in Exhibit A which is attached to and made a part of the present order. Slack-dry prunes and prunes having active insect infestation do not meet the requirements of those grade standards and cannot be received by handlers as standard prunes. However, the present order is technically deficient in that handlers are not prohibited specifically from receiving, as substandard prunes, slack-dry prunes and prunes showing active insect infestation.

Slack-dry prunes have a tendency to deteriorate in quality due to their abnormal moisture content which is conducive to the development of mold and fermentation. Mold and live insect infestation are considered to be contaminating defects and make prunes unfit for human consumption. Such defects affecting a portion of a lot of prunes held under common storage conditions have a tendency to spread not only to the prunes in the remainder of the lot but to other lots of prunes with which the affected prunes may be commingled. In the case of substandard prunes, such contamination would materially reduce their sale value, particularly from the standpoint of the disposition of such prunes for the manufacture of human food products. In addition, surplus standard prunes could be spoiled if handlers were permitted to receive slack-dry or infested prunes and the consequent loss would be to the economic disadvantage of producers and consumers. Therefore, it is concluded that handlers in their capacities as such should be prohibited from receiving any slack-dry prunes or prunes infested with live insects, either as standard prunes or as substandard prunes.

Many handlers have dehydration or fumigation facilities and it is customary in the dried prune industry for them to act as dehydrators or fumigators. When the handler completes the fumigation or dehydration process with respect to particular prunes and commences to perform any handling function with respect to them, at that point he should be regarded as a handler in respect to the prunes. In prohibiting handlers from receiving slack-dry prunes or prunes infested with live insects, it is not intended for this prohibition to preclude a handler from accepting such prunes for dehydration to a satisfactory moisture content or for fumigation of them to arrest insect infestation preliminary to performing handling functions with respect to such prunes. It is desirable to interpret the language of this prohibition to permit such unsatisfactory prunes to be accepted for the performance of such services because the prunes can be put into satisfactory condition by a handler. Once such prunes are delivered to a handler, the cost of returning the fruit to the producer for further sorting could exceed the cost of dehydration or fumigation at the handler's plant. However, it would be permissible for such prunes to be returned to the producer after such fumigation or further dehydration, in which event the handler should not be considered as having received such prunes. It is contemplated that safeguards and procedures will be employed by the committee to insure that slack-dry prunes and infested prunes which are received by handlers are actually put in a satisfactory condition by dehydration or fumigation and that they are subsequently handled in conformity with the order restrictions.

(4) The order should be amended to authorize the establishment and maintenance, during any crop year when the estimated seasonal average prune price to producers is above the applicable parity price specified in section 2 (1) of the act, of such minimum standards of quality and of such grading and inspection requirements for prunes as will effectuate orderly marketing of prunes in the public interest.

The present order authorizes the handling of prunes to be regulated by grades and sizes and by volume in crop years when the estimated seasonal average prune price to producers is not above parity. These regulatory measures are predicated on evidence adduced at the promulgation hearing in March 1949 that their use would tend to bring about such orderly marketing conditions for prunes as would establish prices to producers at the parity level. Since it was determined during the current crop year that the average prune price to producers for such crop year will exceed parity, the provisions of the present order relating to grade and size regulations and the application of volume provisions were suspended, except to the extent necessary for the committee to liquidate the substandard prune pool. This suspension document was issued on February 21, 1951 (16 F. R. 1817) to be effective on the date of its publication in the FEDERAL REGISTER (i. e., February 27, 1951). In the absence of any authority in the present order to control the quality of prunes in an above-parity situation, the result has been that on and after February 27, 1951, the trade and consumers could not be insured by regulation that they would be protected from receiving prunes of a quality below the minimum quality to which they had been accustomed since the inception of the program in 1949.

Section 2 (3) of the act, which was incorporated therein by an amendment which became effective on August 1, 1947, specifically authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for certain agricultural commodities (including prunes) the handling of which may be regulated under the act, as will effectuate such orderly marketing of such agricultural commodities as will be in the public interest. The legislative history of said amendment (Pub. Law No. 303, 80th Cong., 1st Sess.) shows clearly and unmistakably that it was the intent of Congress that this type of regulation could be made effective at any time, regardless of whether the estimated seasonal average price of the particular commodity should be above or below the parity level. This type of regulation was authorized primarily from the standpoint of protecting the public interest, rather than from the standpoint of raising producer prices to the parity level. The legislative history further shows the clear intent of Congress that any regulation pursuant to section 2 (3) of the act should extend no further than to keep off the market low quality, off-grade prunes. This means that operations pursuant to the provisions of section 2 (3) would normally be confined to periods when the estimated seasonal average price of the particular commodity is above the parity level, since quality regulation of such commodity when the seasonal average price is not above the parity level would normally be pursuant to the provisions set forth in sections 2 (1), 2 (2), and 8c (6) of the act, which permit the imposition of more stringent quality restrictions. It is concluded that the incorporation in the order of authorization to regulate the handling of prunes in the above-parity situation pursuant to the terms and conditions of section 2 (3) of the act would be desirable because it would provide assurance to the trade and consumers that they would continue to receive prunes, during such a period, of at least the minimum quality provided for thereunder. Thus, such action would prevent the arising of the objectionable situation which has arisen during the current crop year, as referred to in the preceding paragraph.

The contention has been made that the adoption of such a proposal is precluded by the provisions of section 8c (6) of the act; that is to say, such section provides for the imposition of minimum grade, size, or quality standards only for periods in which the estimated seasonal average price of the particular commodity is not above parity. Such a contention is not valid. The provisions of said section 8c (6) are admittedly for use in a situation when the estimated seasonal average price is not above parity. However, as is set forth above, the quality regulation provided for in section 2 (3) of the act was expressly authorized by Congress so as to permit limited quality regulation in an above-parity situation. In other words, the quality regulations authorized in the two sections of the act operate separately and independently of each other and to cover the two respective price situations.

The proposed amendment would meet the requirements of section 2 (3) of the act in that such regulation would be conducive to such orderly marketing of prunes as would be in the public interest. Prunes which fail to meet the proposed minimum standards of quality would be objectionable to consumers generally. Moreover, the proposed regulation would not withhold from the consuming public any portion of the prune production that is suitable for human consumption. It was emphasized at the amendment hearing that the absence of quality control when the estimated seasonal average prune price is above parity would tend to encourage the distribution of unpalatable, repugnant, contaminated, or otherwise defective prunes to the public for consumption as prunes and the disposition of prunes excessively affected by mold, imbedded dirt, insect infestation, and decay for use in the manufacture of prune products for human consumption. Such detrimental practices clearly should be prohibited to protect the interest of consumers, economically and aesthetically. Otherwise consumers would be deceived as to the quality of prunes which they buy and not only suffer financial loss but be repelled by the prunes or the prune products. Destruction of part of the existing demand for prunes would cause direct financial loss to all elements of the industry. On the other hand, if the proposed minimum quality standards for prunes are maintained, the general quality of prunes will tend to be improved. Such a development would be to the interest of the consumer, and, insofar as it increased demand for prunes, it also would be to the interest of the producer.

If the Secretary should find that the estimated seasonal average price for prunes for any crop year will exceed parity, he should issue a formal finding to that effect. In such a situation, the volume regulation and the regulations as to grade and size for operations when prices are not above parity should be discontinued. In connection with the issuance of such a finding, he should consider whether to invoke the proposed regulation for the maintenance of minimum standards of quality and inspection requirements in the public interest. The Secretary should be permitted to exercise his discretion in this regard because unforeseen circumstances, such as a critical war situation, may make it inadvisable to put any regulation into effect for a particular crop year. The conclusions set forth below are on the assumption that the Secretary will invoke the proposed regulation.

Since the proposed regulation would authorize a handler to dispose of or market all prunes in one or more outlets according to their quality, he should be permitted to receive any tender of prunes from a producer or dehydrator regardless of their quality. However, a handler should be required to receive the prunes under the same conditions with respect to proper drying and curing and with respect to freedom from active insect infestation as those described above under issue numbered (3). It was emphasized at the hearing that the public interest would be jeopardized if handlers were permitted to receive (without curative treatment) slack-dry, improperly cured, or infested prunes. Slack-dry and improperly cured prunes have a tendency to deteriorate in quality because their condition is conductive to the development of mold, fermentation, decay, and live insect infestation. These defects are considered as contaminating defects which make prunes unfit for human consumption. Such defects affecting a portion of the prunes held by handlers under usual storage conditions spread to and contaminate other prunes with which the affected prunes may be commingled. To the extent that the general quality of prunes would be so reduced, and particularly to the extent that prunes would be spoiled to a point where they would be unfit for human consumption, the interests of the public would not be served. Moreover, slack-dry prunes or improperly cured prunes after being processed and shipped by handlers, are

especially susceptible to recurrence of certain original defects (such as fermentation), or to the intensification of certain defects (such as increase in mold), or to the new acquirement of contaminating defects to a point where, even though they met the quality restriction at the time of their disposition by handlers, they would not meet such restrictions after the subsequent deterioration. Thus, reliance on the meeting of the outgoing quality standards would not, in the case of such prunes, provide adequate assurance against the disposition of prunes to the public which fail to meet such minimum standards. In other words, such prunes might, and probably would, deteriorate after disposition by handlers to a point where they were unfit for use for human consumption, either in the form of dried prunes or in the form of prune products. In view of the foregoing, the proposed prohibition with respect to handlers' receipts of prunes would safeguard the interests of consumers.

Each handler should, at his own expense, cause an inspection to be made by the inspection agency of each delivery of prunes to him by a producer or dehydrator for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in the delivery which is in excess of the maximum tolerances specified in paragraph C of subdivision I of Exhibit A (§ 993.97). He should be further required, in the case of each such inspection, to obtain from the inspection agency a certificate showing the percentage of such excess by defects or groups of defects, as the committee may require, and to submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

For reasons stated above, these inspection requirements as related to the enforcement of the prohibition on the receipt by handlers of slack-dry, improperly cured, or infested prunes would protect the public interest. Such incoming inspection would detect prunes with progressive or contaminating defects at the time such prunes are received by handlers, thus permitting the prevention of further spoilage of prune tonnage. Prevention of such spoilage would result in more abundant supplies of prunes being made available to the public. The inspection certificates would provide the committee with information which, in conjunction with information obtained by the committee from inspection certificates covering prunes shipped or disposed of by handlers, would materially assist the committee in administering the proposed regulation and in determining compliance therewith. Lastly, incoming inspection would be in the public interest because it would tend to improve the average quality of prunes produced by making producers more aware of the disadvantages to them of producing low quality, off-grade, or cull prunes.

No handler should be permitted to ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in Exhibit A (§ 993.97). Also, no handler should be permitted to ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in Exhibit A (§ 993.97) for natural condition prunes or processed prunes, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. However, any handler should be permitted to ship or otherwise make final disposition of any natural condition prunes or of any processed prunes for any use other than for human consumption as prunes or for use in the manufacture of any prune product for human consumption as food. Such disposition without regard to the quality of prunes should include but not be limited to disposition for animal feed, botanicals, and distillation.

The proposed requirements in respect to the disposition of prunes by handlers are compatible with the public interest in that any available supply of prunes, except such portion as may be unfit for human consumption either as prunes or in the form of prune products, could be used in the satisfaction of consumer demand for food. The public interest would be further served since the proposed requirements give recognition to the difference between the minimum quality of prunes demanded by consumers for human consumption as prunes and the minimum quality of prunes which has proven satisfactory for use in the manufacture of prune products for human consumption as food. Since any prunes regardless of their quality could be disposed of for uses other than those for human consumption as food, commercial outlets would be authorized for all prunes.

The minimum standards set forth in Exhibit A are the appropriate minimum standards to maintain for prunes marketed for human consumption as prunes during a crop year when producer prices average above parity. Such standards provide necessary tolerances for defects. As was recognized in connection with the recommended decision which preceded the issuance of the present order, "The standards prescribed in the order (Exhibit A § 993.97) are not very stringent and prunes of a quality below the minimum requirements would be objectionable to consumers generally" (14 F. R. 3628). Testimony adduced at the amendment hearing supported and confirmed the quoted conclusion with respect to the disposition of prunes for human consumption as prunes.

It is unnecessary to require that prunes used for the manufacture of prune products for human consumption as food be limited as to defects they contain, other than the contaminating defects of mold, imbedded dirt, insect infestation, and decay. Since the manufacturing process changes the form and character of the prune and parts of the prune may be discarded, prunes with less serious defects can be converted into food which is palatable and acceptable to consumers. Prunes with any of the four above contaminating defects may affect the wholesomeness of the food products for human consumption, and the minimum quality standards for such manufacturing purpose should specify only such tolerances for these defects as are necessary to the production and handling of prunes in volume. The minimum quality standards set forth in Exhibit A (§ 993.97) as they relate to the contaminating defects are appropriate for this purpose.

Each handler, before shipping or otherwise making final disposition of prunes, should be required to have an inspection made by the inspection agency at his expense, to determine whether they meet the applicable minimum grade standards, and to obtain from the inspection agency a certificate that the prunes meet such standards. The handler should submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Any handler should be permitted, however, to transfer prunes from one plant owned by him to another plant owned by him within the State of California, and to ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued, under the same terms and conditions and for the same reasons as those applicable to such transfers under § 993.4 (b) of the order. The committee should be authorized to exercise such supervision as may be reasonably necessary to insure that particular lots of prunes actually move into outlets which are authorized for prunes of their grade. These inspection and certification requirements would be necessary in order to establish the grade of each shipment or disposition of prunes by a handler and further to determine whether such prunes as are intended for use as human food meet the applicable minimum quality standards. The information furnished by such certificates of inspection, together with the information on certificates of incoming inspection, would materially assist the committee in supervising operations under the proposed regulation.

It was proposed at the amendment hearing that each handler should be required, in connection with the maintenance of minimum standards of quality, to dispose of a quantity of prunes for other than human food purposes that would be at least equivalent to the quantity of prunes, as determined from incoming inspection certificates, which it would be necessary for him to remove from prunes received by him in order that the remainder of such prunes meet the tolerances prescribed in Exhibit A (§ 993.97) for mold, imbedded dirt, insect infestation, and decay. Due to handlers' practices of size-grading, sorting, commingling, and blending prunes between the time of incoming inspection and the time of outgoing inspection, it could happen under this proposal that a handler's equivalent quantity obligation, calculated on the basis of his receipts of prunes, would exceed the quantity of his prunes which would fail to meet the tolerances for the above four defects at the time of outgoing inspection. To the extent that a handler used his poorest quality prunes to meet the equivalent quantity requirement, the results could be desirable in that fewer prunes with contaminating defects might be marketed for human food purposes than if reliance were placed solely on the minimum quality standards which would be applicable to a handler's dispositions of prunes. However, the proposal does not prescribe any quality limitation on the prunes with which a handler could fulfill the equivalent quantity requirement. Although it was argued at the hearing that a handler probably would dispose of his poorest quality prunes in non-human food channels in order to meet the requirement because it would pay him to do so, under certain circumstances he might find that it would pay him to fill the requirement in part with prunes suitable for human consumption. The proposal would provide a method for fixing the minimum quantity of prunes which each handler must dispose of for other than human food purposes without any assurance that the quantity so fixed will be of a prescribed grade or grades. By establishing the minimum quantity of prunes which a handler would be required to dispose of for other than human food purposes, a maximum quantity of prunes which a handler could dispose of for human food purposes would be set as a result of the equivalent quantity. Hence, in effect, it would employ volume control in order to effect quality control. Since the act does not authorize volume control during a crop year when the seasonal average price to producers exceeds parity, the proposal is denied.

The present provisions of the order require each handler to pay to the committee his pro rata share of the expenses (exclusive of those for the maintenance and disposition of the surplus tonnage) which the committee is authorized to incur for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate. The respective handlers' pro rata shares are determined in proportion to the salable tonnage prunes handled by each as the first handler thereof and the quantity of prunes sold to each from surplus tonnage for resale to other than Federal government agencies. During crop years when the proposed regulation with respect to the maintenance of minimum standards of quality and inspection requirements would be invoked, there would be no prunes designated as surplus and handlers would be permitted to market in one outlet or another all of the prunes received by them under the regulation. In those circumstances, the present provisions of the order relative to computing each handler's pro rata share of the expenses would be inappropriate. Therefore, there should be incorporated in the proposed regulation the provisions of § 993.7 (b) (1) of the order, modified so as to require each handler to pay to the committee upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.7 (a) by the committee during any crop year for which the proposed regulation is invoked. Each handler's pro rata share of such expenses should be equal to the ratio between the total tonnage received by him as the first handler thereof during the crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year.

The remaining provisions of § 993.7, also §§ 993.1, 993.2, 993.3, 993.6, and 993.8, and all subsequent sections of the order should remain in effect during any regulation of prunes because they are applicable to the administration of the order generally, regardless of whether the purpose of the regulation is to achieve parity prices or to maintain minimum standards of quality and inspection requirements in the public interest.

In the event the presently proposed provisions for operation on the basis of quality standards in crop years when the estimated season average price of prunes is in excess of parity should be adopted, it is not anticipated that such provisions will be made applicable for the current crop year. In other words, such provisions would not, in any event, be made operative prior to the crop year which will begin on August 1, 1951.

(5) The order should be amended, as discussed below, to clarify, revise, and supplement those provisions of § 993.4 (a) (5) thereof, that relate to natural condition prunes which fail to meet the applicable minimum standards as to grades and sizes and which are received by a handler from a producer or dehydrator under appraisal certificates.

Pursuant to the present provisions of §993.4 (a) (5), any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (a) at the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (b) be turned over to the handler unsorted to be held by him for the account of the committee; or, (c) by agreement between such producer and handler or dehydrator and handler, be sorted by the handler for the account of the producer or dehydrator. The proposed amendment to § 993.4 (a) (5) would not alter options (a) and (b) above in any substantive respect.

In respect to substandard prunes tendered by a producer or a dehydrator to a handler under option (c) above, it is now provided that the inspection agency shall issue a certificate of appraisal on such prunes which shall show the percent of off-grade prunes therein which is in excess of the tolerances established for standard prunes. It is further prescribed that a quantity of prunes equivalent to the weight of such off-grade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes. In compliance with these provisions, such quantity of prunes is held by the handler for disposition by the committee as surplus tonnage.

A question arose during previous order operations, in view of the wording of the applicable provisions of § 993.4 (a) (5), as to whether handlers were required to sort prunes received under appraisal certificates so as to remove the quantity of off-grade prunes in excess of the tolerances for standard prunes. In actual operations, handlers met the equivalent quantity requirement with prunes obtained by sorting appraisal lots or with other substandard prunes held by them, such as packer pickouts. By reason of meeting the equivalent quantity requirement at least in part with such other substandard prunes, handlers were enabled to sell or use for their own accounts a portion of the prunes received under appraisal certificates unsorted or only partially sorted for conversion into manufactured products. Such disposal occurred under operations in connection with the provisions of § 993.4 (b) (5) (ii) of the order. A proposal to amend the latter provisions is discussed below under material issue numbered (6).

In order to remove any question as to whether handlers must sort substandard prunes received under appraisal certificates, the provisions relating to option (c) above should be amended to permit handlers to receive appraisal lots for sorting or to dispose of such lots unsorted in conformity with the applicable provisions of the order. The proposed amendment would save the additional expense which would be involved if the quantity of off-grade prunes in excess of the tolerances for standard prunes had to be sorted out of all appraisal lots to make such lots meet the minimum quality standards for standard prunes. Such saving would be to the benefit of the dried prune industry and consumers of prunes and prune products. Moreover, the proposed amendment would permit handlers to supply the requirements of different types of marketing outlets as to the sizes and grades of prunes with the least deviation from their customary practices in commingling, size-grading, and sorting prunes.

The provisions relating to option (c) above also should be amended to provide that the appraisal certificate shall show the percentage of prunes covered which is comprised of off-grade prunes necessary to be removed for the remainder to be standard prunes, and that a quantity of prunes equivalent to the weight of such off-grade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee. This proposal prescribes a more accurate formula than does the present provision for determining a handler's equivalent quantity obligation to the committee on the basis of the quantity of off-grade prunes which would need to be removed from substandard prunes received under appraisal certificates for the remainder of such prunes to be standard prunes.

The provisions relating to option (c) above should be amended further to give the committee authority to specify in rules and regulations that a handler shall satisfy his equivalent quantity obligation to the committee, arising from prunes received under appraisal certificates, with prunes of such comparable size as may be established by the committee. This authority would assist the

committee in preventing the producers' and dehydrators' equities in the surplus pool from being diminished appreciably by a handler satisfying his equivalent quantity obligation to the committee with prunes of substantially smaller average size than those which he received. This authority also would permit the committee to prescribe a tolerance within which the weighted average size count of prunes delivered by a handler in satisfaction of his equivalent quantity obligation would be permitted to exceed the weighted average size count of the off-grade prunes received by him under appraisal certificates. It is necessary to provide for such a tolerance because ordinarily smaller prunes (i. e., those of higher size counts) contain a greater percentage of defects than do larger prunes. Due to this fact and in view of the customary size grading practices of handlers, the prunes which a handler would have available for delivery to the committee would normally consist of smaller prunes than the weighted average size of the off-grade prunes received by him under appraisal certificates.

(6) The provisions of § 993.4 (b) (5) (ii) of the order should be amended to authorize handlers to dispose of, or market for disposition, any substandard prunes owned by them, as animal feed, pitted prunes, or as other prune products.

The present provisions of § 993.4 (b) (5) (ii) permit a handler to dispose of defective prunes (packer pickouts) which he accumulates from standard prunes, for any of the purposes specified above but no quality limitation is imposed in respect to the prunes involved. The proposed amendment should authorize such disposition of any substandard prunes held by a handler for his own account including not only packer pickouts but also prunes which are received by the handler as standard prunes but which fail to meet the applicable minimum standards in Exhibit A for standard prunes prior to shipment or other disposition by the handler, and substandard prunes in appraisal lots which are not needed by the handler to fill his equivalent quantity obligation (discussed above in issue numbered (5)) to the committee.

The proposed amendment represents a departure from the original intent expressed at the promulgation hearing in March 1949. This intent was incorporated in the provisions of the order. At that time it was deemed advisable to require that all of the salable tonnage of a handler consist of standard prunes except substandard prunes known as packer pickouts. The exception with respect to packer pickouts was made because such fruit is owned by the handler and for the further reason that its removal from standard prunes would result in an improvement in the quality of prunes disposed of for human consumption as prunes.

Experience in order operations has demonstrated that manufacturers of prune products including prune juice utilize substandard prunes as well as standard prunes. Manufacturers often prefer to use substandard prunes with minor defects which do not lessen their food value but only detract from their appearance. One reason for this preference is that the cost of such substandard prunes to the manufacturer, in relation to the yield of the product, is normally less than that of standard prunes of comparable sizes.

The proposed amendment would enable handlers to supply the requirements of manufacturers as to prune sizes and qualities at less cost than if only standard prunes could be used for such purposes because in many instances costs of sorting and reconditioning would be eliminated. Handlers could dispose of some substandard lots unsorted, or commingle the different categories of substandard prunes which they own, or commingle such substandard prunes with standard prunes in order to supply the sizes and qualities of prunes desired by manufacturers. By reason of permitting handlers to dispose of other substandard prunes which they own in addition to packer pickouts for the purposes specified by the proposed amendment, the quality of prunes marketed for human consumption as prunes could be further improved.

The amended provisions should stipulate that any substandard prunes owned by a handler may be disposed of, or marketed for disposition, as animal feed, pitted prunes or as other prune products in which they lose their form and character as prunes by conversion prior to consumption. This provision would insure that the substandard prunes are not sold to consumers as prunes. It should be further stipulated that any such substandard prunes marketed or disposed of for human consumption, shall meet those minimum standards prescribed in Exhibit A (§ 993.97) which relate to the defects of mold, imbedded dirt, insect infestation, and decay. This latter requirement is justified because such defects would endanger the wholesomeness of the products manufactured from the prunes.

The committee should have authority to issue rules and regulations to insure that the substandard prunes will be used only for the purposes specified.

Any substandard prunes held by a handler for his own account should be inspected and certified prior to shipment or other disposition in order to facilitate administration of the order and to insure compliance with the amended provisions.

(7) The order should be amended, as discussed below, to revise, clarify, and supplement the provisions of § 993.5 (e), which relate to disposition by the committee of surplus tonnage which includes both standard prunes and substandard prunes.

The provisions of § 993.5 (e) (1) (i) of the order should be amended to authorize the committee to sell direct, or to sell to handlers for resale, surplus tonnage to any foreign government at negotiated prices with adequate consideration to probable processing costs. The committee is authorized by the present provisions of § 993.5 (e) (1) (i) to so dispose of surplus tonnage to the United States Government or to any agency thereof.

Experience under the order has demonstrated that a foreign government, as such, may desire to acquire surplus tonnage. Since the committee usually would not know the requirements of a foreign government for prunes by the beginning of a crop year, such requirements could not ordinarily be included in the estimates upon which the salable percentage is based. The committee might lose opportunities to maximize the proceeds from the disposition of the surplus tonnage if it were not permitted to dispose of surplus tonnage to such a buyer.

Since a foreign government may be unwilling to pay for surplus tonnage the average price applicable to salable tonnage, the committee should be authorized to make such sales at negotiated prices. This authority would allow the committee to consummate sales of surplus tonnage to a foreign government at prices at, higher than, or below such average price. The committee could decline to accept any offer by a foreign government to purchase surplus tonnage if it concluded that any term or condition of the proposal including price would adversely affect the value of the salable tonnage or restrict the market therefor.

A foreign government might prefer to purchase surplus tonnage direct from the committee or from handlers so provision should be made for either alternative. If it should appear that both the committee and handlers could negotiate a sale with the same foreign government, one of the alternatives could be selected as the better one to use after considering the probable effect of each alternative on returns to producers and on commercial enterprise.

The Secretary may have available to him, but the committee may not have available to it, foreign trade information or other facts particularly pertinent to a proposed sale of surplus tonnage to a foreign government. In view of this, provision should be added at the end of § 993.5 (e) (1) (i) to require the committee to file with the Secretary, by telegram or airmail letter, seven calendar days prior to making any offer to sell surplus tonnage to any foreign government, complete information with respect thereto, including the basis therefor. The Secretary should have the right to disapprove within such seven-day period, the making of such an offer or any term or condition thereof.

Subdivision (*a*) § 993.5 (e) (1) (ii) of the order, which authorizes the committee under specified conditions to sell surplus standard prunes to handlers for sale and use in foreign channels, should be amended to confine the applicability of its provisions to situations where an unanticipated expansion of foreign markets occurs in countries which were considered in estimating the salable percentage.

The present provisions of the said first paragraph authorize, in addition to sales as aforesaid, sales in situations where foreign markets are developed in countries which were not considered in estimating the salable percentage. The committee may not make any such sale at a price below the average price applicable to the salable tonnage. Thus, the committee presently may sell surplus standard prunes to handlers at or

higher than such average price in order to meet any salable tonnage deficiencies which are due either to development of foreign markets in countries which were not included in the estimates upon which the salable percentage was based or to the expansion of foreign markets in countries which were so included. In either case, the quantity of prunes included in any offer by the committee to sell to individual handlers must be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers.

New export markets in countries not considered in estimating the salable percentage may be developed by particular handlers who have a very low or no historical record of sales for export. Therefore, inequities could result if offers are made to handlers on the basis of their respective historical records of export sales to fill salable tonnage deficiencies which are due to the development of new export markets. Also, a new foreign market might demand prunes at a price lower than the price applicable to salable tonnage but higher than any other price which the committee could obtain for surplus in other outlets.

The committee presently is authorized by the provisions of the subdivision (ii) (*b*) of § 993.5 (e) (1) to sell to any handler a quantity of surplus standard prunes for export to any foreign country which was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Any such sale may be made at a negotiated price to the particular handler who develops the new foreign market for prunes without regard to his proportionate share of previous sales made in foreign channels by all handlers. The provisions of the said subdivision (ii) (*b*) of § 993.5 (e) (1) appear to be adequate and more appropriate than the provisions of the said first paragraph for the purpose of authorizing sales of surplus tonnage to handlers to fill salable tonnage deficiencies which are due to the development of foreign markets in countries which were not considered in estimating the salable percentage.

In view of the foregoing, the provisions of the subdivision (ii) (*a*) § 993.5 (e) (1) are unnecessary insofar as they relate to sales involving countries which were not considered in estimating the salable percentage, and should be amended as aforesaid.

The provisions of § 993.5 (e) (1) (iii) of the order should be amended to permit the committee to sell, under the same conditions as specified in such provisions for sales for animal feed, any surplus prunes for botanicals (i. e., crude vegetable drugs), distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes. The committee presently is authorized to sell surplus tonnage, including both surplus standard prunes and surplus substandard prunes, for animal feed at negotiated prices and to supervise such disposition to insure such use. The proposed additional outlets are of a type similar to the animal feed outlet in that sales in any of them normally would not interfere with the sale of prunes in normal commercial channels. Such additional outlets usually would require only minor quantities. Insofar as these outlets are noncompetitive with outlets for salable tonnage, the committee should be free to so dispose of surplus tonnage. Otherwise, the committee might lose an opportunity to maximize the proceeds from the disposition of the surplus tonnage. However, if any of the proposed additional outlets develops to a point where it is competitive with outlets for salable tonnage, it is expected that the outlet will be provided for in estimating the salable tonnage and will no longer be available for the committee to use under the provisions of § 993.5 (e) (1) (iii).

The provisions of § 993.5 (e) (1) (iv) (*c*) of the order should be amended to provide that if any sale of surplus standard prunes pursuant to § 993.5 (e) (1) (iv) is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price.

The present provisions of § 993.5 (e) (1) (iv) permit the committee after December 15 of the crop year to sell, under conditions of short or tight supply of salable tonnage, surplus standard prunes to handlers for use as salable tonnage generally. Since such sales are for the purpose of augmenting salable tonnage, they are authorized only under specified conditions which are designed to protect the price level for prunes in commercial trade channels. The present provisions of § 993.5 (e) (1) (iv) (c) prohibit the committee from selling pursuant to § 993.5 (e) (1) (iv) surplus standard prunes, irrespective of the end use of the prunes, at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, plus accrued charges for receiving and storing of surplus tonnage. The proposed amendment would remove this price limitation in respect to sales made pursuant to § 993.5 (e) (1) (iv) for manufacturing purposes.

When salable tonnage is in short supply or is tightly held by relatively few persons, manufacturers may find it impossible to acquire an adequate supply of salable tonnage or surplus standard prunes at the average price now prescribed therefor in order to meet the normal demand for prune products. If this situation should develop, decrease in consumption of prune products might result. Moreover, a manufacturing outlet might be unable to pay the average price, but could pay higher prices than other available outlets for surplus prunes. Therefore, the proposed exception should be made in respect to price terms for surplus standard prunes sold for manufacturing purposes. The proposed exception does not require the committee to sell surplus standard prunes for manufacturing purposes at a price below the price applicable to the salable tonnage but merely gives the committee permissive authority to do so only if all of the other conditions stipulated in § 993.5 (e) (1) (iv) are satisfied. In determining whether to use this authority, it is expected that the committee will consider the problem of maintaining equity among manufacturers.

The provisions of § 993.5 (e) (1) (iv) (*d*) should be amended to remove their applicability to other subdivisions of § 993.5 (e) (1) and to confine their applicability to § 993.5 (e) (1) (iv) only.

Subdivision (iv) (*d*) of § 993.5 (e) (1) of the present order provides, among other terms and conditions, that in any offer by the committee to sell surplus prunes to handlers, except for such sales as are provided for in subdivisions (ii) and (v) of § 993.5 (e) (1), each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. Thus, the provisions of subdivision (iv) (d) now are applicable to subdivisions (i), (iii), and (vi), as well as to (iv) of § 993.5 (e) (1). No substitute provision would be added to subdivisions (i) (iii), or (vi) in respect to prorating among handlers, offers by the committee to sell them surplus tonnage.

Experience under the order has demonstrated the need for some flexibility in determining handlers' respective shares of offers by the committee to sell them surplus tonnage so as to treat all handlers equitably in disposing of the total surplus tonnage. The proposed amendment would provide this flexibility. In drawing from handlers' holdings of surplus tonnage to make direct sales or in determining handlers' respective shares of offers by the committee to sell them surplus tonnage, it is expected that, in situations where no specific method of allocation would be prescribed, the committee will do so on bases which will insure equitable treatment among handlers in respect to disposing of the total surplus tonnage during the entire crop year.

Subdivision (v) (*a*) of § 993.5 (e) (1) of the order, which authorizes the committee under specified conditions to sell surplus standard prunes to handlers for resale or use for manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, should be amended to confine the applicability of its provisions to situations where an unanticipated expansion occurs in manufacturing outlets which were provided for in estimating the salable percentage.

The present provisions of the said first paragraph authorize, in addition to sales as aforesaid, sales in situations where expansion occurs in manufacturing outlets which were not provided for in estimating the salable percentage. The committee may not make any such sale at a price below the average price applicable to the salable tonnage. Thus, the committee presently may sell surplus standard prunes to handlers at or higher than such average price in order to meet any salable tonnage deficiencies which are due either to development of manufacturing outlets which were not included in the estimates upon which the salable percentage was based or to the expansion of manufacturing outlets

which were so included. In either case, the quantity of prunes included in any offer by the committee to individual handlers must be in the proportion that the respective handler's sales or uses for manufacturing purposes bears to sales or uses for such purposes by all handlers.

As in the case of new export markets considered above in connection with the proposal to amend § 993.5 (e) (1) (ii), new manufacturing outlets which would not be considered in estimating the salable percentage may be developed by particular handlers who have a very low or no historical record of sales for manufacturing purposes. Therefore, inequities could result if offers of surplus tonnage are made to handlers on the basis of their respective historical records of sales or uses for manufacturing purposes to fill salable tonnage deficiencies which are due to the development of new manufacturing outlets. Also, a new market for manufacturing purposes might demand prunes at a price lower than the price applicable to salable tonnage but higher than any price which the committee could obtain for surplus tonnage in other outlets.

The committee presently is authorized by the provisions of the second paragraph of § 993.5 (e) (1) (v) to sell to any handler a quantity of surplus standard prunes for any manufacturing use which was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Any such sale may be made at a negotiated price to the particular handler who develops the new outlet for manufacturing purposes, without regard to his proportionate share of previous sales or uses by all handlers for manufacturing purposes. The provisions of the said second paragraph of § 993.5 (e) (1) (v) appear to be adequate and more appropriate than the provisions of the said first paragraph for the purpose of authorizing sales of surplus tonnage to handlers to fill salable tonnage deficiencies which are due to the development of manufacturing outlets which were not provided for in estimating the salable percentage.

In view of the foregoing, the provisions of the first paragraph of § 993.5 (e) (1) (v) are unnecessary insofar as they relate to sales involving manufacturing outlets which were not provided for in estimating the salable percentage, and should be amended as aforesaid.

The provisions of § 993.5 (e) (1) (vi) of the order should be amended to: (a) Authorize the committee to sell direct, or sell to handlers for resale, substandard prunes for animal feed, in addition to its present authority to make such sales for manufacturing purposes in which the substandard prunes lose their form and character as prunes by conversion prior to consumption; (b) require that any substandard prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet these minimum standards prescribed in Exhibit A as relate to defects of mold, imbedded dirt, insect infestation and decay, and further require that any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee; and (c) confine the requirement that no such sales of substandard prunes shall be made while standard prunes are available in the surplus tonnage to sales for manufacturing purposes for human consumption.

With respect to (a) above, the committee is authorized pursuant to the provisions of § 993.5 (e) (1) (iii) to sell any surplus prunes for animal feed at negotiated prices. However, it may be advisable at times for the committee to sell particular lots of unsorted substandard prunes, part of which after they are sorted by the buyer would be used for manufacturing purposes for human consumption and the remainder would be used for animal feed. Therefore, it is desirable that the committee have authority to sell any such entire lot pursuant to provisions of § 993.5 (e) (1) (vi).

In regard to (b) above, the committee is authorized by the present provisions of § 993.5 (e) (1) (vi) to sell direct, or sell to handlers for resale, surplus substandard prunes for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption. A substantial quantity of substandard prunes sold for such manufacturing purposes may ultimately be used for human consumption. The proposal that any such prunes used or sold for manufacturing purposes for human consumption be required to meet those minimum standards prescribed in Exhibit A as relate to the defects of mold, imbedded dirt, insect infestation, and decay is justified because such defects would endanger the wholesomeness of the products manufactured from the prunes. Any products made from prunes which fail to meet those minimum standards as relate to such defects generally would be unacceptable to consumers. Failure to exclude such prunes from the quantity sold for such manufacturing purposes would tend to curtail the demand for prune products and lower the returns to prune producers.

With respect to (c) above, the present provisions of § 993.5 (e) (1) (vi) prohibit any sale pursuant to such provisions of surplus substandard prunes while standard prunes are available in the surplus tonnage. The proposal to confine this prohibition to sales of surplus substandard prunes for manufacturing purposes for human consumption recognizes that such outlets generally use some tonnage of standard prunes and are included in estimating the salable percentage. Therefore, it appears reasonable from the standpoint of maximizing proceeds from the surplus tonnage that surplus substandard prunes should not be made available for manufacturing purposes for human consumption until the supply of surplus standard prunes is exhausted. On the other hand, the animal feed outlet and manufacturing outlets other than for human consumption are not competitive with outlets for prunes consumed by humans as such or in the form of prune products. Therefore, the committee, pursuant to § 993.5 (e) (1) (vi), should be permitted to dispose of surplus substandard prunes for animal feed and for manufacturing purposes other than for human consumption irrespective of whether standard prunes are still available in the surplus tonnage.

In addition, the provisions of § 993.5 (e) (1) should be amended by deleting words or provisions which are unnecessary, and restating or repeating certain terms or conditions in applicable provisions when necessary for clarity.

The proposal to amend the provisions of § 993.5 (e) (2) (i) with respect to charges against proceeds from the sale of surplus tonnage is discussed under material issue numbered (8).

(8) The order should be amended to provide that expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage, and to provide further that such expenses shall not be defrayed from funds which the committee obtains by collecting assessments from handlers.

It is specified in the present order that direct expenses incurred by the committee in the maintenance and disposition of the surplus tonnage shall be charged against the sales proceeds of surplus tonnage and that the committee shall not use assessment revenue obtained from handlers to defray such expenses. However, a question arose under the order operations as to the meaning of "direct expenses", that is, exactly which expenses should be paid from sales proceeds of the surplus tonnage and not paid from assessment revenue. This is an important question because the basis used for allocating expenses between each of the funds affects the relative proportion of the total program cost which is borne by producers, dehydrators, or others having an interest in the surplus tonnage and that which is borne by handlers. In this regard, section 10 (b) (2) (ii) of the act provides specifically that handlers shall pay assessments to cover expenses incurred in the maintenance and functioning of an authority or agency, such as the committee, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of a commodity received, handled, held, or disposed of by such authority or agency for the benefit or account of persons other than handlers. It is necessary that any provisions of the order be in conformity with the applicable governing provisions of the act. The proposed amendments would achieve this result. Moreover, by specifically prescribing that expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against sales proceeds of the surplus tonnage and not against assessment revenue, the proposed amendment would provide a more clearly defined basis for the allocation of expenses between surplus pool operations and administrative operations than is afforded by the provisions of the present order.

(9) The order should be amended to change the base period of handlings of prune tonnages which are used by the Secretary in each election year for the purpose of determining the number of producer and handler nominees to be nominated by cooperative marketing associations and selected by the Secretary to serve on the committee. The base period should be changed from the year ending on January 31 of each election year to the crop year (August 1 to and including July 31 of the following calendar year) preceding such election year.

Under the present order, the number of persons nominated by cooperative marketing associations and selected by the Secretary to represent such associations on the committee as producers or handlers is determined, as far as practicable, by the proportion which the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the year ending on January 31 of such election year. The remainder of the committee membership is comprised of persons representing independents (producers who are not members of cooperative marketing associations and handlers which are not such associations), and producers-at-large.

Use of the presently prescribed base period could lead to inequitable representation on the committee either for independents or for cooperative marketing associations. Since the prune tonnage handled by handlers during a 12-month period ending January 31 would include tonnage handled during the first half of the then current crop year and also tonnage handled during the last half of the preceding crop year, the proportion of the total prune tonnage handled by either group during the base period could be distorted from normal by temporary circumstances causing either group to acquire and handle disproportionate tonnages of prunes during the first or last halves of crop years. Use of the crop year preceding the election year as the base period would prevent possible distortions arising from such circumstances. Moreover, the proportion of the total prune tonnage which is handled by each group of handlers (independents and cooperative marketing associations) remains relatively constant from crop year to crop year. In view of the foregoing, the proposed amendment would tend to insure equitable representation on the committee for each group in both the producer and handler categories.

(10) The provisions of § 993.2 (c) (3) of the order should be amended to insure separate representation on the committee for each of the several classes of independent handlers, whether large, medium, or small in terms of tonnage handled. The term "handled" as used in this material issue numbered (10) refers, as it does in the present order, to the handling of prune tonnage by handlers as the first handlers thereof. Independent handlers are handlers other than cooperative marketing associations. Such representation should be effected by (a) Classifying independent handlers as large, medium, or small handlers in terms of the relative tonnages of prunes so handled by each; (b) providing a basis on which the Secretary shall apportion the number of independent handler nominees to be elected by each class of such handlers; and (c) prescribing a method of balloting by which only the independent handlers in each respective class may participate in the election of the nominees for that class.

The present provisions specify that: (a) The Secretary shall determine and announce the number of handler member and alternate member nominees which shall be nominated by cooperative marketing associations, and that such number shall bear, as far as practicable, the same percentage compared to the total of seven handler members and their alternates as the prune tonnage handled by such cooperatives bears to the total tonnage handled by all handlers during a specified period; (b) at a meeting called for that purpose by the committee, the number of independent handler member nominees required to make up the specified total of seven, and their respective alternates, shall be nominated to the Secretary by the independent handlers; (c) such nominations shall be on the basis of a majority vote of all such handlers present and voting; and (d) such nominations shall be on the basis of one vote for each such handler in each balloting.

The present provisions for electing independent handler nominees could lead to inequitable representation on the committee among the three classes of independent handlers referred to respectively as large, medium, and small. One or two of the classes could be excluded from representation on the committee. In fact, use of the present method has resulted in medium handlers having no member representative on the committee.

For the purpose of apportioning independent handler representation on the committee, the provisions should be amended to classify large handlers as those who individually handled 17 or more percent of the total tonnage of prunes handled by all independent handlers during the crop year preceding the election year; medium handlers as those who individually handled 8 or more percent but less than 17 percent of such total tonnage; and small handlers as those who individually handled less than 8 percent of such total tonnage.

Such classification would put each independent handler in the size class in which he is generally recognized to be at the present time by the industry. The ranges of percentages denoting the size classes for handlers provide considerable leeway for possible changes in the volume of prunes handled by individual handlers without changing the class with which a particular handler is identified. Also, such classification would provide a means for changing the size classification of an individual independent handler if, at any time in the future, the relative tonnage handled by him should increase or decrease in comparison with the tonnages handled by other independent handlers to a point where the industry would normally consider that his size classification has altered. It was testified at the hearing that these proposed percentages were arrived at from a study of the relative volumes of prunes which have been handled in past years by each of the three size classes. While specific figures as to the bases on which such percentages were so fixed were not made available, the contention that they would attain the desired objective was not controverted.

In order to provide specifically for the nomination of handler members and alternates to represent the respective classes of independent handlers, the Secretary should determine and announce, prior to March 15 of each election year, the number of member and alternate member nominees to be nominated by large, medium, and small independent handlers, respectively. Of the total number of independent handler nominees to be elected, the Secretary should, in his discretion and insofar as possible, apportion 40 percent of such nominees to large handlers, 20 percent to medium handlers, and 40 percent to small handlers. However, in the event that such proportions cannot be followed, at least one member and alternate member nominee should be apportioned to each of the three size classes, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which should be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting.

The proposed apportionment includes recognition of the substantial tonnages handled by a relatively few large and medium handlers and of the larger number of small handlers in relation to the tonnage handled by the latter. The application of the percentages to a total of five independent handler member nominees would result in two member nominees being apportioned to large, one to medium, and two to small handlers. The tonnage handled by medium handlers approximates that handled by small handlers, but the latter would be apportioned two member nominees in recognition of the greater number of handlers in that class. The large handlers would be apportioned two member nominees in recognition of their handling a tonnage approximately twice that handled by the medium handlers or that handled by the small handlers.

In the event that independent handlers as a group should be entitled to some other total number of member nominees than five, such as four, at least one handler member nominee should be apportioned to each of the three size classes to insure that each class will be represented on the committee. In such a situation the said percentages of 40, 20, and 40 could not be applicable. A question would arise as to which class should be represented by two members. It has been concluded that in such a situation the fourth member position and the respective alternate should be apportioned to the size class as determined at a general meeting of independent handlers which should be called

for that purpose by the committee, and that such determination should be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each such balloting. Such an apportionment could be made either on the basis of number of handlers or on the basis of tonnages of prunes handled, and the method decided upon will have an effect in determining the size class to which such apportionment may be made. Since a great majority of independent handlers fall in the category of small handlers, it is believed that it would be more equitable to make such an apportionment on the basis of the number of handlers rather than on the basis of the volumes of prunes handled. As in the case of the other positions, the alternate member position should be apportioned to the same size class as is the corresponding handler member position. The purpose of making such a determination would be to specify the particular size class to which the extra member position (including the respective alternative member position) should be apportioned. Otherwise, the Secretary should be left free to exercise his discretion in selecting the member and alternate for such extra positions. That is to say, his discretionary right to select either the handler nominees or some other persons in the specified size class should be retained.

The present provisions should be further amended to provide that each class of independent handlers should nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, and that such nominations be made on the basis of a majority vote of all handlers of that class present and participating in the voting, with one vote for each such handler in each balloting. Only the handlers in the respective class should participate in nominations for committee members and alternates to represent that class because of variances in interests of the three size classes of independent handlers, and the desirability of having each such class represented on the committee by persons belonging to that class.

Such a plan for independent handler representation on the committee would be fair and equitable. The number of large handler members on the committee would not be increased. Each size class of independent handlers would be represented on the committee. The committee in determining upon its actions would have the benefit of the views of all classes of handlers. The plan would tend to achieve a balance in the representation of independent handlers, combining the principles of representation by number and by volume. Both principles are recognized and embodied in various provisions of the act and of the present order. Among the reasons for considering tonnages handled in apportioning representation on the committee is that the administrative expenses of operating the program are assessed against handlers on the basis of the tonnage they handle. The number of handlers in a class also should be considered because of the inherent interest of each handler in the program regardless of the tonnage he handles.

(11) The order should be amended to give the Secretary authority to change the respective areas covered by the seven districts into which the order divides the State of California, at any time he concludes that such areas no longer represent approximately equal segments from the standpoint of numbers of prune producers or production of prune tonnages. That is, in such event, he should be permitted to change the areas with a view to re-establishing such equalization on the basis of the existing situations.

The present order specifies that one nominee for member on the committee and one nominee for alternate member shall be nominated to the Secretary by independent producers in each of the seven districts. In order to have equitable representation on the committee among independent producers, the seven districts were delineated so as to cover areas approximately equal in the production of prune tonnages and some weight also was given to the number of prune producers in each such area.

Trends and constantly changing conditions in the prune industry, including the removal of old orchards and the coming into bearing of young orchards, could alter substantially the relative number of producers or the relative prune tonnages produced in the different districts, thereby causing inequitable representation on the committee of the independent producers in the seven districts. Further, no provision is made in the present order for re-establishing equalization of the districts so as to preserve the principle of equitable representation, except by amendatory procedure which is expensive and time-consuming. The proposed amendment would serve to overcome the foregoing difficulties.

It is contemplated that the committee would from time to time review the then existing situations as to the production of prunes and number of producers in the different districts, furnish the Secretary with information in those respects, and if necessary to re-establish equalization, recommend to the Secretary that changes be made in the boundaries of particular districts on the basis of such information. Inasmuch as areas approximately equal in respect to the tonnages of prunes produced may not be approximately equal in respect to the numbers of producers, it may be necessary to reach an equitable compromise as to the weighting of the two factors involved in arriving at a satisfactory basis for re-districting.

(12) The provisions of § 993.1—"definitions"—of the order should be amended by additions thereto which will define "part" and "subpart". The term "part" should mean the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder, and the order regulating the handling of dried prunes produced in California should be a "subpart" of such part. The use of such terms having those meanings would be in conformity with the requirements of the Federal Register Division for orders of this nature.

(13) It was testified at the hearing that changes should be made in any provisions of the order not directly involved in connection with specific amendments which are necessary to make such other provisions conform with any amended provisions which might result from this proceeding. It was emphasized that any such changes should be limited strictly to those which are obviously appropriate and necessary, and that, other than to the extent indicated, such changes should not affect the present meaning of such provisions. A careful review of such other provisions discloses that, with the one exception which is discussed below, no conforming changes are necessary. The one change which is necessary involves the definition of the term "handle". In the present order, the third exception to coverage under that terms, as set forth in the proviso to such definition, reads as follows: "The buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, *but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of paragraph (b) of § 993.4 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in subdivision (i) of subparagraph (5) of paragraph (b) of § 993.4.*" [Italics supplied.] The exception to the exclusion, as set forth in the italicized portion of the above quotation, refers to inter-plant and inter-handler transfers, and, in that connection, requires that the receiving handler must, nevertheless, meet the applicable quality restrictions (including inspection requirements) for the disposition of such prunes. Inasmuch as the present order is applicable only during crop years when the seasonal average price of prunes is not in excess of parity, the indicated section references relate only to such a situation. However, it is proposed to amend the order so as to provide for quality regulation in crop years when the estimated seasonal average price for prunes is in excess of parity, and, in that connection, comparable provision will also need to be made for inter-plant and inter-handler transfers. It is obviously necessary that the same exception to the exclusion apply in the latter connection. Therefore, the wording of the italicized portion, of the exception to the exclusion should be expanded to include, in addition to the present section references, references to the comparable provisions in the amendment which will relate to operation in crop years when the estimated seasonal average price is in excess of parity.

(14) The order, as it may be amended, should be rewritten in its entirety, so that its sections, paragraphs, subparagraphs and subdivisions will be renumbered in accordance with the requirements of the revised Federal Register regulations, which require a system of numbering different from that used in the present order. The change would not affect the meaning and intent of the provisions of the order. Inasmuch as it is the established policy to number the provisions of the marketing agreement in the same manner as the order, similar changes in numbering should also be made in the marketing agreement.

Rulings on proposed findings and conclusions. At the time of the hearing, the Presiding Officer set March 26, 1951, as the date by which briefs from interested parties with respect to testimony presented in evidence at the hearing and the conclusions to be drawn therefrom must be filed with the Hearing Clerk of the Department. Two briefs were filed. One brief was filed by the following handlers of dried prunes all located in California: Taggart Dried Fruit Company, Valley View Packing Company, Abinante and Nola Packing Co., Inc., Warren Dried Fruit Company, and Paul A. Mariani, Jr., John Leonard and C. J. Olson. The other brief was filed by Melville Ehrlich, Attorney-at-Law, Washington, D. C., representing the following handlers of dried prunes all located in California: Rosenberg Bros. & Co., California Packing Company, Abinante & Nola, California Prune & Apricot Growers Association, Harter Packing Company, Paul A. Mariani, Richmond-Chase Company, Taggart Dried Fruit Company, Valley View Packing Company, and Warren Dried Fruit Company. Those briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in such briefs was considered carefully along with the testimony in the record in making the findings and reaching the conclusions hereinabove set forth. To the extent that the suggested findings and conclusions contained in those briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this decision.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (7 CFR, Part 993); and all of said previous findings and determinations, except the findings as to the base period for the parity computation, are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of dried prunes in the production area covered by this order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

Recommended amendments to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Amend the provisions of § 993.1 (d) of the order to read as follows:

(d) "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (1) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (2) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (3) prunes as used in § 993.5 (d).

2. Delete the provisions of § 993.2 (b) of the order.

3. Renumber § 993.2 (c) of the order as § 993.2 (b), and amend the first sentence of subparagraph (1) thereof, to read as follows:

(1) *General.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

4. Amend § 993.2 (c) (2) (ii) of the order, now proposed to be renumbered § 993.2 (b) (2) (ii), to read as follows:

(ii) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

5. Renumber §§ 993.2 (d), (e), (f), (g), (h), (i), (j), (k), and (l) of the order to read, respectively, §§ 993.2 (c), (d), (e), (f), (g), (h), (i), (j), and (k).

6. Amend § 993.2 (i) (6) of the order, now proposed to be renumbered § 993.2 (k) (6), by deleting the proviso at the end thereof, and as thus amended it will read as follows:

(6) To submit to the Secretary not later than June 20 of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor.

7. Amend the provisions of the first sentence of § 993.3 (a) of the order to read as follows:

(a) *Basis.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.4 and 993.5.

8. Amend the provisions of § 993.3 (b) of the order by deleting the proviso at the end thereof, and as thus amended it will read as follows:

(b) *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than June 15 preceding the beginning of such crop year.

9. Amend the provisions of § 993.3 (c) of the order by deleting the proviso at the end thereof, and as thus amended it will read as follows:

(c) *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary not later than June 20 preceding the beginning of such crop year.

10. Amend the provisions of § 993.4 (a) (1) of the order to read as follows:

(1) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this paragraph: *Provided*, That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception numbered (2) in paragraph (d) of § 993.1, in the possession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler

commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions hereof.

11. Amend the provisions of § 993.4 (a) (5) of the order to read as follows:

(5) *Substandard natural condition prunes*—(i) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (*a*) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (*b*) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subdivision (ii) of this subparagraph; or, (c) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as and be subject to the same provisions respecting surplus prunes, as contained in § 993.5, and, except those referred to in subdivision (ii) of this subparagraph, shall be held by a handler separate and apart from any standard prunes held by him.

(ii) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions hereof, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: *Provided,* That any prunes so treated as substandard prunes shall be of such comparable size as may be established by the committee through issuance of rules and regulations. No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this paragraph after a certificate of appraisal has been issued applicable to such prunes.

12. Amend the provisions of § 993.4 (b) (5) (ii) of the order to read as follows:

(ii) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided,* That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in Exhibit A (§ 993.97) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subdivision, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained herein, and submit it, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subdivision without regard to the restrictions contained in subparagraphs (2), (3), and (4) of this paragraph.

13. Amend the provisions of § 993.4 of the order to add, at the end thereof, a new paragraph, lettered (c), and which will read as follows:

(c) *Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity*—(1) *Determination.* If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth hereinafter in this paragraph.

(2) *Receiving of prunes by handlers.* In lieu of the provisions set forth in paragraph (a) of this section, a handler may receive any tender of prunes from a producer or dehydrator: *Provided,* That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this paragraph, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in paragraph C of subdivision I of Exhibit A (§ 993.97), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I. In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects of groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(3) *Disposition of prunes by handlers.* In lieu of the requirements set forth in paragraph (b) of this section, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for natural condition prunes or processed prunes, as the cases may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth hereinabove in this subparagraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this subparagraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used

for each particular purpose meet the applicable minimum grade standards prescribed in this subparagraph.

(4) *Inspection agency.* The inspection agency referred to in this paragraph shall be the same as the inspection agency which is provided for in paragraphs (a) and (b) of this section.

(5) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.7 (b) (1), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.7 (a) by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions hereunder. In all other respects, the provisions of § 993.7 shall remain in full force and effect.

(6) *Effective provisions.* In any crop year while the provisions of this paragraph (c) are in effect, the provisions of §§ 993.1, 993.2, 993.3, 993.6, and 993.8 and all subsequent sections hereof shall remain in full force and effect, except to the extent that they may be in conflict with the provisions of this paragraph or of the act.

14. Amend the provisions of § 993.5 (e) of the order to read as follows:

(e) *Disposition of surplus tonnage*—(1) *Purposes for which disposition may be made*—(i) *Sales to United States Government and foreign governments.* The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell to any foreign government, surplus prunes pursuant to this subdivision, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(ii) *Sales for export.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage, to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes to handlers for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand. The quantity of prunes included in any offer to sell to individual handlers shall be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for export to any foreign country, which country was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes pursuant to this subdivision, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(iii) *Sales for animal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(iv) *Sales to handlers.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the following conditions:

(*a*) No such sale shall be made prior to December 15 of the crop year;

(*b*) No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage;

(*c*) If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage;

(*d*) In any offer by the committee to sell surplus tonnage to handlers pursuant to this subdivision, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committees determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply; and

(*e*) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this subdivision, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(v) *Sales of standard prunes for manufacturing purposes.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated do-

mestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell and sell to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimate upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes to handlers pursuant to this subdivision, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term of condition thereof.

(vi) *Sales of substandard prunes for animal feed and for manufacturing purposes.* The committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in Exhibit A (§ 993.97) as relate to the defects of mold, imbedded dirt, insect infestation, and decay; and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee; *And provided, further*, That no such sales for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they were sold. Such sales may be made at negotiated prices.

(vii) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(viii) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in subdivision (iv) (*d*) of this subparagraph. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(2) *Proceeds of sales of surplus tonnage*—(i) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(ii) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(3) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

15. Amend the provisions of § 993.7 (a) of the order to read as follows:

(a) *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year, together with all data suporting such recommendations, shall be filed with the Secretary not later than June 20 preceding the crop year in connection with which such recommendations are made.

16. Amend the provisions of the first sentence of § 993.7 (b) (1) of the order to read as follows:

(1) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments.

17. Amend the provisions of § 993.2 (c) (3) of the order, now proposed to be renumbered § 993.2 (b) (3), to read as follows:

(3) *Handler nominees.* Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in subparagraph (2) (ii) of this paragraph, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (hereinafter called "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than 8 percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective alternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At much meeting, nominations shall be made by each class of independent handlers for nominees of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and on the further basis of one vote for each handler in each class in each balloting for nominees of that class.

18. Amend the provisions of § 993.2 (c) (2) (i) of the order, now proposed to be renumbered § 993.2 (b) (2) (i), by adding at the end thereof the following sentence: "At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delinenated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to re-establishing such equalization on the basis of the existing situations."

19. Amend the provisions of § 993.1 of the order by adding the following paragraph at the end thereof:

(t) *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

20. Amend the provisions of § 993.1 (j) of the order to read as follows:

(j) "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That, this term shall not include: (1) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (2) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (3) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of paragraph (b) or (c) of § 993.4 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.4 (b) (5) (i) or § 993.4 (c) (3).

21. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the marketing order as proposed to be amended, in accordance with the revised FEDERAL REGISTER regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement as proposed to be amended.

SUBPART—ORDER RELATIVE TO HANDLING

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (7 CFR Part 993), and all of said previous findings and determinations, except the finding as to the base period for the parity computation, are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included, in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of dried prunes in the production area covered by this order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

Order relative to handling. Therefore, it is ordered, That the handling of dried prunes produced in California shall, on and after the effective time hereof, be in conformity to and in compliance with the terms and conditions of this order.

DEFINITIONS

§ 993.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

§ 993.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 993.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 993.4 *Prunes.* "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes", but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (c) prunes as used in § 993.62.

§ 993.5 *Natural condition prunes.* "Natural condition prunes" means prunes which have not been processed.

§ 993.6 *Processed prunes.* "Processed prunes" means prunes which have been cleaned, or treated with water or steam: *Provided*, That prunes shall not become processed prunes at the time they are cleaned by a producer or a dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler.

§ 993.7 *Standard prunes.* "Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.48.

§ 993.8 *Standard processed prunes.* "Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.

§ 993.9 *Substandard prunes.* "Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.48 and 993.49.

§ 993.10 *Handle.* "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That, this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (c) (1) or § 993.50 (c).

§ 993.11 *Handler.* "Handler" means any person who handles prunes.

§ 993.12 *Dehydrator.* "Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

§ 993.13 *Producer.* "Producer" means any person who is engaged, in a

proprietary capacity, in growing plums for drying or dehydrating into prunes.

§ 993.14 *Ton.* "Ton" means a short ton of 2,000 pounds.

§ 993.15 *Grade.* "Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

§ 993.16 *Size.* "Size" means the number of prunes contained in a pound or the classification of prunes into their various count groups in accordance with the usual practice of the industry.

§ 993.17 *Crop year.* "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

§ 993.18 *Domestic.* "Domestic" means the continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands, and Canada.

§ 993.19 *Proper storage.* "Proper storage" means storage of such character as will maintain prunes in the same condition as when received by the handler, except for normal and natural deterioration and shrinkage.

§ 993.20 *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

§ 993.24 *Establishment of Prune Administrative Committee.* A Prune Administrative Committee (hereinafter referred to as the "committee"), consisting of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, 14 shall represent producers and seven shall represent handlers.

§ 993.25 *Term of office.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

§ 993.26 *Selection.* Selection of members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler group from the nominations submitted for that purpose by the respective groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made by the Secretary from the classes within each group and in the proportion set forth in § 993.28.

§ 993.27 *Eligibility.* Each producer member and alternate member of the committee shall be, during his term of office, a producer in the district from which he is appointed, and, if such person also handled prunes during the crop year immediately preceding that for which he is selected, at least 51 percent of the prunes so handled by him during such preceding crop year must have been produced from plums grown by him: *Provided*, That, producer-at-large members and their alternates, if they otherwise meet the foregoing eligibility requirements, may be producers in any districts. Each handler member and alternate member of the committee shall be either a handler of prunes or an employee or agent of a handler of prunes actually engaged in the handling of prunes while he is such member or alternate member.

§ 993.28 *Nominees* — (a) *Producer nominees*—(1) *Independent producers.* One nominee for member on the committee and one nominee for an alternate member shall be nominated to the Secretary by majority vote in elections in which only producers who are not members of a cooperative marketing association shall participate in each of the seven districts in the State of California which are described below in this subparagraph. The committee shall cause such elections to be held in each district in each election year prior to March 31. At such election, each such producer shall be entitled to cast only one vote in each balloting for member nominee and in each balloting for alternate member nominee and each such producer shall be permitted to vote only in a district in which he is a producer. No producer shall vote in more than one district. In case a producer is a producer in more than one district, he shall elect by written notification to the committee in which of such districts he will cast his vote for such nominees. The seven districts which are referred to above are described as follows:

District No. 1. The counties of Siskiyou, Modoc, Shasta, Trinity, Lassen, Plumas, Sierra, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Napa, Yolo, and Solano.

District No. 3. The counties of Mendocino, Lake, Sonoma, Marin, Del Norte, and Humboldt.

District No. 4. The counties of San Francisco, San Mateo, and Santa Cruz, and all that portion of the territory in Santa Clara County west of a line described as follows: beginning at the intersection of Alviso Road and San Francisco Bay in Alviso; thence south via Alviso Road to First Street in San Jose; thence south on said First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road; thence south on Meridian Road to Dry Creek Road; thence west on Dry Creek Road to the San Jose-Los Gatos Highway; thence southwesterly on the San Jose-Los Gatos Highway to Union Avenue, also known as Ware Avenue; thence south on Union Avenue, also known as Ware Avenue, along a straight line continuing to the Santa Cruz County line.

District No. 5. All of Alameda County and that part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to reestablishing such equalization on the basis of the existing situations.

(2) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

(3) *Producers-at-large.* The number of nominees and their respective alternates then required to make up the total of 14 producer member nominees and their alternates shall be nominated to the Secretary by the seven independent producer nominees nominated for members on the committee pursuant to the provisions of this section. Such nominations shall be made prior to April 15 and shall be by majority vote.

(b) *Handler nominees.* Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) (2) of this section, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to in this subpart as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than 8 percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective alternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At such meeting, nominations shall be made by each class of independent handlers for nominees of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and or the further basis of one vote for each handler in each class in each balloting for nominees of that class.

§ 993.29 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 993.30 *Failure to nominate.* In the event nominations for any positions on the committee are not received within the prescribed periods, the Secretary may select such members or their alternates, without regard to nominations, but each such selection shall be on the bases prescribed in § 993.28.

§ 993.31 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 993.32 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or, by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 20 calendar days after such vacancy occurs and selected in the manner provided in this subpart, insofar as applicable.

§ 993.33 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 993.34 *Voting procedure and verbatim record.* Except as specifically otherwise provided in this section, all decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption. Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least 16 members, and the committee shall file with the Secretary, along with such recommendations to the Secretary, a verbatim record of those portions of its meetings relating to such requirements. After any proposition is voted upon by the committee, it shall report promptly to the Secretary the individual affirmative or negative vote on such proposition of each member and of each alternate member acting in the place of a member.

§ 993.35 *Compensation and expenses.* The members of the committee, and their alternates when acting as members, shall receive $10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

§ 993.36 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 993.37 *Duties.* The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than June 20 of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus tonnage operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to the surplus tonnage for such crop year

and to make such statement available at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show, among other things, the receipt and expenditure of funds. At least two copies of such audit report shall be submitted to the Secretary; a copy of each such report shall be available, at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(l) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 993.41 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.48 through 993.63. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of prunes from preceding crop years held by handlers;

(b) The estimated tonnage of prunes from preceding crop years held by producers and dehydrators;

(c) The estimated production of prunes in such crop year;

(d) An appraisal of the quality and size of prunes of the crop to be produced in such crop year;

(e) The estimated tonnage of prunes marketed in recent crop years segregated by countries as to foreign commerce and segregated by uses as to domestic commerce;

(f) The current prices being received for prunes by producers, dehydrators, and handlers;

(g) The trend and level of consumer income;

(h) The estimated probable market requirements for prunes in such crop year segregated by countries as to foreign commerce and segregated by uses as to domestic commerce; and

(i) Such other factors as may have a bearing on the marketing of prunes.

§ 993.42 *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than June 15 preceding the beginning of such crop year.

§ 993.43 *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary not later than June 20 preceding the beginning of such crop year.

§ 993.44 *Modifications or changes.* In the event the committee subsequently determines that such marketing policy should be modified or changed by reason of change in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change.

§ 993.45 *Notice.* The committee shall give reasonable notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to producers, dehydrators, and handlers of the contents of each marketing policy report submitted to the Secretary and each report modifying or changing a marketing policy. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers, dehydrators, and handlers.

GRADE AND SIZE REGULATIONS

§ 993.48 *Receiving of natural condition prunes by handlers.*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this section: *Provided,* That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception in § 993.4 (b), in the possession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of this subpart.

(b) *Initial regulation.* Effective as of the effective time of this section and, continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall receive prunes from producers or dehydrators, other than as substandard prunes, unless they meet the minimum standards for natural condition prunes as set forth in § 993.97 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of natural condition prunes as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, cause an inspection to be made of prunes tendered to him by any producer or dehydrator. Prior to accepting any such tender of prunes as prunes meeting the applicable minimum standards for grades and sizes, each such handler shall obtain a certificate that the prunes meet the aforementioned requirements for standard prunes as established pursuant to the provisions of paragraphs (b) or (c) of this section, and said handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Any prunes so certified as meeting the applicable requirements shall be known and referred to as standard prunes.

(e) *Substandard natural condition prunes.*—(1) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (i) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (ii) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subparagraph (2) of this paragraph; or, (iii) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as and be subject to the same provisions respecting surplus prunes, as contained in §§ 993.59 through 993.63, and, except those referred to in subparagraph (2) of this paragraph, shall be held by a handler separate and apart from any standard prunes held by him.

(2) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions of this subpart, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: *Provided,* That any prunes so treated as substandard prunes shall be of such comparable size as may be established by the committee through issuance of rules and regulations. No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this section after a certificate of appraisal has been issued applicable to such prunes.

§ 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers.*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, except in accordance with the terms and conditions of this section.

(b) *Initial regulation.* Effective as of the effective time of this section, and continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided,* That, at all times, the regulation shall be comparable so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. The committee shall give prompt notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the then applicable grade and size standards for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes, for any use unless they are specifically excepted in this section, if they do not meet such minimum standards. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum standards and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

(e) *Exceptions to restrictions.*—(1) *Inter-plant and inter-handler transfers.* Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California without having any inspection made as provided for in paragraph (d) of this section, and any handler may ship prunes from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section.

(2) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided,* That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in §993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subparagraph, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained in this subparagraph, and submit it, or cause it to be submitted, together with such other instruments and records as the committee may require,

to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subparagraph without regard to the restrictions contained in paragraphs (b), (c), and (d) of this section.

§ 993.50 *Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity*—(a) *Determination.* If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in this section.

(b) *Receiving of prunes by handlers.* In lieu of the provisions set forth in § 993.48, a handler may receive any tender of prunes from a producer or dehydrator: *Provided*, That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this section, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in § 993.97 (Exhibit A, paragraph C of subdivision I), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I. In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth above in this paragraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Nothwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this paragraph.

(d) *Inspection agency.* The inspection agency referred to in this section shall be the same as the inspection agency which is provided for in §§ 993.48 and 993.49.

(e) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.81 (a), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.80 by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its authorized functions. In all other respects, the provisions of §§ 993.80 through 993.82 shall remain in full force and effect.

(f) *Effective provisions.* In any crop year while the provisions of this section are in effect, the provisions of §§ 993.1 through 993.45, §§ 993.71 through 993.77 and §§ 993.84 through 993.93 shall remain in full force and effect, except to the extent that they may be in conflict with the provisions of this section or of the act.

SALABLE AND SURPLUS TONNAGE REGULATIONS

§ 993.59 *Method of establishing salable and surplus percentages.* After considering all available information and factors used in formulating the marketing policy, the committee, prior to July 15 in any crop year, shall recommend to the Secretary the establishment of a salable percentage and a surplus percentage during the crop year for which the marketing policy has been developed. Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish a salable percentage and surplus percentage of prunes for any crop year would tend to effectuate the declared policy of the act, he shall so establish such percentages. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent. The salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year. The committee shall give prompt notice, through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of any such percentages made effective by the Secretary. Such notice of the percentages made effective by the Secretary shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

§ 993.60 *Salable tonnage.* The salable tonnage of prunes of a handler shall be the sum of the salable tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The salable tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the salable percentage to the quantity of prunes (including standard and substandard prunes) so delivered, plus any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the salable tonnage portion so computed exceeds the quantity of standard prunes delivered to the handler by the individual producer or dehydrator, it shall be reduced to the quantity of standard prunes so delivered. The handler may sell such salable tonnage in any manner he deems advisable subject to the applicable requirements specified in §§ 993.48 and 993.49. No handler shall handle any quantity of prunes in excess of his salable tonnage, except such prunes as may be obtained from surplus tonnage as specified in § 993.63, and except as provided in paragraph (g) of § 993.61. In no event, however, shall a handler be prevented from handling salable tonnage acquired by him from another handler who has received such tonnage from producers, dehydrators, or other handlers in accordance with all the provisions of this subpart.

§ 993.61 *Surplus tonnage*—(a) *Computation.* The surplus tonnage of prunes of a handler shall be the sum of the surplus tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The surplus tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the surplus percentage to the quantity of prunes (including standard and substandard prunes) so delivered, less any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the surplus tonnage portion so computed is less than the quantity of substandard prunes delivered to the handler by the individual producer or dehydrator, it shall be increased to the quantity of substandard prunes so delivered. The committee shall authorize and permit a nonprofit cooperative agricultural marketing association, which has contractual authority to so pool the tonnage of its members, to concentrate the tonnage of its producer members before applying the surplus tonnage provisions of this subpart.

(b) *Holding and delivery.* Each handler shall hold for the committee in proper storage, all surplus tonnage received by him until relieved of such obligation by the committee. The committee may, at any time, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the prunes may be stored by the handler, surplus tonnage held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

(c) *Substandard surplus prunes.* Substandard prunes, except defective prunes referred to in § 993.49 (e) (2), shall be held separate from other prunes held by any handler. The committee shall dispose of substandard prunes as expeditiously as it is practicable to do so, in any manner designated by the committee which is not contrary to any provisions of this subpart for the disposition of substandard prunes.

(d) *Storage facilities.* The committee may rent and operate, or arrange for the use of, facilities for storage and handling of surplus tonnage.

(e) *Exchange.* The committee may establish methods and procedures, including compensating payments, for the exchange by handlers of salable tonnage prunes for surplus standard prunes held by or for the committee, of the various grades and sizes of prunes: *Provided, however*, That no such exchange shall be permitted of substandard prunes. Such transfers shall be on a negotiated basis.

(f) *Payment for services.* Handlers shall be paid for necessary services rendered by them in connection with surplus tonnage, including, but not limited to, receiving, storing, grading, and fumigating, in accordance with a schedule of payments established by the committee and approved by the Secretary. If any handler, prior to December 1 of the crop year, demands removal of such surplus tonnage by the committee, such handler automatically waives payment for any and all charges that may have accrued for storing such surplus tonnage, including in and out charges. When any demand for removal is made, the committee shall remove such surplus tonnage from said handler's possession as expeditiously as practicable, and in any event within 30 days following receipt of written notice.

(g) *Deferment of obligation.* The committee may defer, upon the written request of any handler and for good and sufficient cause, the fulfilling by such handler of his surplus tonnage obligation for a specified period ending not later than November 15 of the then current crop year: *Provided*, That no handler shall dispose of any tonnage of standard prunes during such deferment period in excess of the tonnage he is authorized to handle as specified in § 993.60 plus the tonnage for which such handler holds purchase contracts with producers and dehydrators. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the surplus tonnage applicable to his receipts of prunes from producers and dehydrators. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of the prunes in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus tonnage and disbursed by it to persons as set forth in § 993.63 (i) (2). In addition to the foregoing, the committee may establish other reasonable terms and conditions upon which such deferments may be granted.

§ 993.62 *Diversion privileges.* The word "prunes" as used in this section means plums of a variety used in the production of prunes. No producer shall be required to divert all or any portion of these prunes. Any producer may, if he chooses, participate to the extent set forth in this section, by diverting all or a portion of his production of prunes to nonhuman uses or may divert such prunes by leaving them unharvested, or may divert them to such other uses as may be approved by the committee, subject to the following terms and conditions:

(a) The producer shall first make application in writing to the committee for permission to divert prunes, disclosing in such application whether such prunes are to be diverted to nonhuman use, whether they are to be left unharvested, or to what other use they are to be diverted, and describing in detail the location of such prunes or portion thereof.

(b) If the committee approves such application, it shall estimate the amount of the production to be so diverted, on a dried weight basis, and shall advise the applicant, in writing, of its estimate of such dried production and of its approval of the application to divert, subject to satisfactory proof by the applicant that such prunes have actually been diverted as stated in his application.

(c) After receipt by the committee of satisfactory proof of such diversion, the committee shall issue to the applicant and made out in his name, a certificate of salable tonnage or diversion certificate for the dried weight of such prunes equal to the salable percentage as applied to the estimated dried production.

(d) Such diversion certificate shall not be transferable to another producer, or a handler, or any other person, except with the approval of the committee, evidenced by its endorsement of approval on the certificate.

(e) A certificate of salable tonnage or diversion certificate, so issued, shall entitle a producer to deliver to a handler, and a handler to receive, the specified dried weight of prunes free from all surplus set aside requirements in addition to the portion of all of such producer's delivery which would otherwise constitute salable tonnage, and shall entitle a handler, upon presentation of such certificate to the committee to satisfy his surplus tonnage requirements to the extent of the dried weight of prunes specified in such certificate.

(f) Any producer who diverts prunes pursuant to the provisions of this section and any other holder of diversion certificate, shall not be entitled to participate in the proceeds of the surplus tonnage for any prunes so diverted.

(g) Prior to the delivery of the diversion certificate to the producer, he shall pay to the committee the reasonable expense assessed by the committee for examining, estimating, weighting, or otherwise supervising the diversion.

§ 993.63 *Disposition of surplus tonnage*—(a) *Sales to United States Government and foreign governments.* (1) The committee is authorized to sell direct, or to sell to handlers for resale,

surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

(2) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell to any foreign government, surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(b) *Sales for export*—(1) *Countries included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes to handlers for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand. The quantity of prunes included in any offer to sell to individual handlers shall be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Countries not included in estimate of salable percentage.* The committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for export to any foreign country, which country was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales for export.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2), surplus standard prunes pursuant to this paragraph, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(c) *Sales for animal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers*—(1) *Authorization under specified supply conditions.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage in being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the additional conditions set forth in subparagraphs (2), (3), (4), (5) and (6) of this paragraph.

(2) *Authorized commencement date.* No such sale shall be made prior to December 15 of the crop year.

(3) *Quantity limitation.* No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage.

(4) *Prices.* If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(5) *Pro rata shares and termination of offers.* In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(6) *Notice to Secretary of proposed sales to handlers.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(e) *Sales of standard prunes for manufacturing purposes*—(1) *Manufacturing outlets included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Manufacturing outlets not included in estimate of salable percentage.* The committee may offer to sell, and sell to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimate upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales of standard prunes for manufacturing purposes.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2),

surplus standard prunes to handlers pursuant to this paragraph, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(f) *Sales of substandard prunes for animal feed and for manufacturing purposes.* The committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay; and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee: *And provided, further*, That no such sales for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they were sold. Such sales may be made at negotiated prices.

(g) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(h) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(i) *Proceeds of sales of surplus tonnage*—(1) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(2) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(j) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

REPORTS AND BOOKS AND OTHER RECORDS

§ 993.71 *Confidential information.* All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

§ 993.72 *Reports of acquisitions, sales, uses, and shipments.* Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

§ 993.73 *Reports of prices.* Each handler shall file such price reports as may be requested by the committee, showing the weighted average price paid by such handler to producers and dehydrators for each size of prunes and the quantity purchased at each such price, to enable the committee to determine the average price received by producers for the purposes set forth in paragraphs (b), (d) and (e) of § 993.63.

§ 993.74 *Reports of surplus tonnage.* Each handler shall file with the committee such reports of the total substandard prunes and other surplus tonnage by grade and size classifications thereof, held in his warehouses or under his control and the location thereof, as may be requested by the committee.

§ 993.75 *Other reports.* Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 993.76 *Records.* Each handler shall maintain such records of prunes received, held, and disposed of by him as are prescribed by the committee and needed by it to perform its functions under this subpart.

§ 993.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

§ 993.80 *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than June 20 preceding the crop year in connection with which such recommendations are made.

§ 993.81 *Assessments*—(a) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the applicable crop year, and the total salable tonnage prunes handled by all handlers as the first handlers thereof plus tonnage sold to such handlers from surplus tonnage for resale to other than Federal governmental agencies, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage prunes handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale to others than Federal governmental agencies during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee

upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Disposition of excess funds from assessments.* If the first audit after the end of any crop year shows that the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, the excess shall be credited to the handlers in proportion to their relative total assessments and the portion to which each handler is entitled shall be credited against assessments in the following crop year, unless the handler shall request payment, in which event prompt payment shall be made.

(d) *Suits for collection.* The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 993.82 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 993.84 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 993.85 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 993.86 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 993.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 993.88 *Agents*—(a) *Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 993.89 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

§ 993.90 *Termination or suspension*—(a) *Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c (16) (B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 993.91 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 993.92 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 993.93 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 993.97 *Exhibit A; minimum standards.*

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) off-color; (2) inferior meat conditions; (3) fermentation; (4) skin or flesh damage; (5) scab; (6) burned; (7) mold; (8) imbedded dirt; (9) insect infestations; (10) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "Fermentation" mean damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(4) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(5) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths inch (¾") in diameter.

(6) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(7) "Mold" means a characteristic fungus growth and is self-explanatory.

(8) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in or adhering to the prune that it cannot be removed in normal processing.

(9) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%).

(4) The combined tolerance for off-color, inferior meat condition, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%).

(5) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) Inferior meat conditions; (3) Fermentation; (4) Skin or flesh damage; (5) Scab; (6) Burned; (7) Mold; (8) Imbedded dirt; (9) Insect infestation; (10) Decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(4) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect the appearance, edibility or keeping quality.

(5) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter, or by unsightly scab of other character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(6) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(7) "Mold" means a characteristic fungus growth and is self-explanatory.

(8) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in or adhering to the prune that it cannot be readily removed in washing the fruit.

(9) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation and decay shall not exceed ten percent (10%).

(5) The combined tolerance for off-color, inferior meat condition, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation and decay shall not exceed twenty percent (20%).

Filed at Washington, D. C., this 12th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6955; Filed, June 15, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

NOTICE OF POOLING OF 1950-CROP LOAN COTTON

Notice is hereby given that all 1950-crop cotton securing loans under Commodity Credit Corporation's 1950 cotton loan program which are still outstanding on August 1, 1951, will be pooled for the borrowers' accounts, as authorized under the loan agreements under which the loans were made on that date. Prior to August 1, 1951, producers may request that their notes be forwarded to local banks for repayment of the loans by using the Producer's Redemption Requests on their copies of the Producer's Loan Statements, or the producers may sell their equities in the cotton by using the Producer's Equity Transfers on such Producer's Loan Statements; and, in such cases, the loans may be repaid by the producers or the purchasers of their equities even after August 1, 1951, where the loans are repaid in accordance with, and within the time limits provided in, the Producer's Loan Statements and the 1951 Cotton Loan Bulletin.

After the cotton is pooled, borrowers will not be entitled to sell their equities in the cotton or to arrange to repay their loans. No payment will be made to borrowers at the time their cotton is pooled. Upon final liquidation of all the cotton in the pool, the net proceeds, if any, after deduction of all advances, interest, and charges—including storage, insurance, and handling charges—will be distributed among the borrowers whose cotton was placed in the pool, in proportion to the amounts of the loans made to the borrowers on such cotton.

Issued this 12th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President, Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 51-6953; Filed, June 15, 1951; 8:51 a. m.]

Production and Marketing Administration

HARVESTING, PLANTING, AND CULTIVATION OF SUGARCANE

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C., Sup. 1131), notice is hereby given that a public hearing will be held at Thibodaux, Louisiana, in the Grand Theater, on July 11, 1951, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1951 crop of sugarcane and in the planting and cultivation of sugarcane during the calendar year 1952 and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1951 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under said act. In order to obtain the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice

other than the announcement thereof at the hearing by the presiding officers.

Thomas H. Allen and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 12th day of June 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-6956; Filed, June 15, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2036 et al.]

ALASKA AIRLINES, INC., ET AL.; KENAI PENINSULA SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Alaska Airlines, Inc., Hakon Christensen, d/b/a Christensen Air Service, Gentry S. Shuster, d/b/a Safeway Airways, and Vern Dale Trakowski, d/b/a Alaska Scenic Air Service, for certificates of public convenience and necessity or amendments thereof, or exemption orders, authorizing air transportation between points on the Kenai Peninsula, Alaska, and a proceeding instituted by the Board to determine whether the certificate of Pacific Northern Airlines, Inc., shall cease to be effective, insofar as it authorizes air transportation of persons and property to and from Seward, Alaska, for failure to provide service within the period designated by the Board.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 2, 1951, at 10:00 a. m., e. d. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 12, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6970; Filed, June 15, 1951; 8:57 a. m.]

[Docket No. 4852 et al.]

EMPIRE CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding involving air transportation primarily in the states of Washington, Oregon, and Idaho, is assigned to be held on July 12, 1951, at 10:00 a. m., in the Georgian Room, Marcus Whitman Hotel, Walla Walla, Washington, before Examiner Ralph L. Wiser, and is to be recessed for further hearing on August 1, 1951, in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., at 10:00 a. m.

Without limiting the scope of the issues presented by the applications and the Board's orders, particular attention will be directed to the following matters:

(1) Do the public convenience and necessity require:

(a) Renewal in whole or in part of the certificate of public convenience and necessity of Empire Air Lines, Inc., for route No. 78, with or without modifications;

(b) Suspension of the certificate of public convenience and necessity of United Air Lines, Inc., for Route No. 1, insofar as concerns transportation to Spokane, Washington; Walla Walla, Washington; The Dalles, Oregon; and/or Pendleton, Oregon;

(c) Amendment of United's certificate so as to authorize service between Walla Walla and certain points without a stop at Pendleton, Oregon;

(d) The air transportation proposed in the applications of Empire Air Lines, Inc., Dockets Nos. 3020 and 4699, Inland Airways, Inc., Docket No. 3506, West Coast Airlines, Inc., Docket No. 3128, and United Air Lines, Inc., Docket No. 4873.

(2) Are the above applicants fit, willing, and able to provide the proposed transportation.

For further details of the issues involved in the proceeding, interested persons are referred to the applications, as amended, the Prehearing Conference Report, and the orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before July 12, 1951, a statement setting forth the issues of fact or law raised by the proceeding on which he desires to be heard.

Dated at Washington, D. C., June 13, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6971; Filed, June 15, 1951; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9710]

MARSHALL FORMBY

ORDER CONTINUING HEARING

In re application of Marshall Formby, Spur, Texas, for construction permit; Docket No. 9710, File No. BP-7577.

The Commission having under consideration a petition filed on May 24, 1951, by Marshall Formby, requesting that the hearing now scheduled to be held on the above-entitled application, on May 31, 1951, at Washington, D. C., be continued for a period of sixty days; and

It appearing, from the allegations in the said petition that the petitioner is now preparing and expects to file in the near future, a petition to reconsider and grant his application without a hearing which, if granted, may render unnecessary a hearing thereon; and

It further appearing, that the General Counsel, who is the only other party to the above-entitled proceeding has consented to a grant of the petition under consideration and to a waiver of § 1.745 of the Commission's rules, relating to the timely filing of motions;

It is ordered, This 29th day of May 1951, that the above-entitled petition be, and it is hereby, granted in part, and that the hearing on the above-entitled application is hereby continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6963; Filed, June 15, 1951; 8:55 a. m.]

[Docket No. 9946]

GEORGIA-ALABAMA BROADCASTING CORP. (WGBA)

ORDER CONTINUING HEARING

In re application of Georgia-Alabama Broadcasting Corporation (WGBA), Columbus, Georgia, for construction permit; Docket No. 9946, File No. BP-7674.

The Commission having under consideration a petition filed May 28, 1951, by Georgia-Alabama Broadcasting Corporation (WGBA), Columbus, Georgia, requesting a 30-day continuance of the hearing presently scheduled for June 12, 1951, at Columbus, Georgia, in the proceeding upon the above-entitled application for construction permit; and

It appearing, that the other party to this proceeding has consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 4th day of June 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, July 12, 1951, at Columbus, Georgia.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6962; Filed, June 15, 1951; 8:55 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-21]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

Correction

In Federal Register Document 51-6367, published at page 5136 of the issue for Friday, June 1, 1951, the following change should be made: In the first column on page 5138, under the headnote "Flame Arresters for Tank Vessels", the drawing number in the fourth line should read "dwg. No. ST-7595".

FEDERAL POWER COMMISSION

[Docket No. G-1644]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 12, 1951.

On March 28, 1951, United Natural Gas Company (Applicant), a Pennsylvania Corporation having its principal office in Oil City, Pennsylvania, filed an application, as supplemented on April 26, 1951, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities all as fully described in the application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 25, 1951 (16 F. R. 3541-42).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 10, 1951 at 9:30 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 12, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6972; Filed, June 15, 1951; 8:58 a. m.]

[Docket No. G-1699]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 12, 1951.

Take notice that Texas Eastern Transmission Corporation (Applicant) a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed on May 31, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell up to 1700 Mcf of natural gas per day as hereinafter more fully set forth.

Applicant was previously required to make available up to 1700 Mcf per day of natural gas to City Gas Company of Phillipsburg, New Jersey, provided that City Gas Company submitted appropriate evidence to the Federal Power Commission that such volumes could be economically delivered to it. Applicant has agreed to sell such quantities of natural gas to The Manufacturers Light and Heat Company and the Ohio Fuel Gas Company. The Manufacturers Light and Heat Company will in turn make up to 1700 Mcf per day available to City Gas Company subject to Commission authorization.

No new facilities are involved in the application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6957; Filed, June 15, 1951; 8:53 a. m.]

[Project No. 2071]

PACIFIC POWER AND LIGHT CO.

NOTICE OF ORDER ISSUING LICENSE

JUNE 12, 1951.

Notice is hereby given that, on April 25, 1951, the Federal Power Commission issued its order entered April 24, 1951, issuing License (Major) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6973; Filed, June 15, 1951; 8:59 a. m.]

FEDERAL SECURITY AGENCY

[Delegation 9-1]

OFFICIALS OF THE PUBLIC HEALTH SERVICE

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4

The functions delegated to the Administrator by NPA Delegation No. 14, except appellate action, with respect to all hospital and health facility construction other than the Veterans' Administration and military hospitals, and all other health and sanitation programs, is hereby delegated to the following officials of the Public Health Service:

Surgeon General.
Executive Officer for Administration.
Chief, Division of Civilian Health Requirements.

Dated: June 7, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-7009; Filed, June 15, 1951; 8:49 a. m.]

[Delegation 9-2]

OFFICIALS OF THE OFFICE OF EDUCATION

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4

The functions delegated to the Administrator by NPA Delegation No. 14, except appellate action, with respect to all school and library construction, is hereby delegated to the following officials of the Office of Education:

Commissioner.
Asst. Commissioner and Director, National Scientific Register.
Director, Civilian Education Requirements Branch.

Dated: June 7, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-6950; Filed, June 15, 1951; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5738]

UNITED STATES TRAVEL AGENCY, INC. AND JOHN E. SMITH, JR.

ORDER APPOINTING TRIAL EXAMINER

In the matter of United States Travel Agency, Inc., a corporation, and John E. Smith, Jr., individually and as an officer of United States Travel Agency, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a trial examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

Issued: June 4, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-6958; Filed, June 15, 1951; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY IN CONNECTION WITH RULE-MAKING PROCEEDING IN THE MATTER OF CARRIER-IMPOSED TIME LIMITS ON PRESENTATION OF CLAIMS FOR FREIGHT ADJUSTMENTS BEFORE THE FEDERAL MARITIME BOARD, DEPARTMENT OF COMMERCE

1. Pursuant to the provisions of section 201 (a) (b) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government before the Federal Maritime Board, United States Department of Commerce, Docket No. 712, in the matter of the rule-making proceeding in connection with proposed carrier-imposed limits on presentation of claims

for freight adjustments, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of May 29, 1951.

Dated: June 12, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-6964; Filed, June 15, 1951; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26159]

CATALOGUES FROM CHICAGO, ILL., TO ALEXANDRIA, LA.

APPLICATION FOR RELIEF

JUNE 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3883.

Commodities involved: Catalogues, in carloads.

From: Chicago, Ill., and points taking same rates.

To: Alexandria, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3883, Supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6936; Filed, June 15, 1951; 8:46 a. m.]

[4th Sec. Application 26160]

TRACTOR PARTS FROM PEORIA, ILL., TO SHREVEPORT, LA.

APPLICATION FOR RELIEF

JUNE 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3883.

Commodities involved: Tractor parts, grading and road making implement parts, carloads.

From: Peoria, Ill.

To: Shreveport, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3883, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6935; Filed, June 15, 1951; 8:46 a. m.]

[4th Sec. Application 26161]

MOLDING SAND FROM JOFFRE, ALA., TO TEXAS

APPLICATION FOR RELIEF

JUNE 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Molding sand, carloads.

From: Joffre, Ala.

To: Dallas, Fort Worth, Houston, San Antonio, and other Texas points.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 166.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6934; Filed, June 15, 1951; 8:45 a. m.]

[4th Sec. Application 26162]

LIME FROM LUDINGTON, MICH. TO CERTAIN POINTS

APPLICATION FOR RELIEF

JUNE 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Chesapeake and Ohio Railway Company and other carriers parties to Agent Schuldt's tariff I. C. C. No. 4202.

Commodities involved: Lime, in carloads.

From: Ludington, Mich.

To: Points in trunk-line, New England, and central territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6933; Filed, June 15, 1951; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, Field Organization and Final Delegations of Authority, is amended as follows:

Subparagraph (n) is added to paragraph III b 6 as follows:

(n) Effective May 10, 1951, to approve rent increases with respect to war housing projects in decontrolled areas (those where there is no rent control under the Housing and Rent Act of 1947, as amended) developed pursuant to Public Laws 9, 73, 353 (77th Congress), and 781 and 849 (76th Congress) excluding any project under Title V of said Public Law 849 where the project has been relinquished, or where title to its buildings has been transferred to the local body, the Government retaining only contractual rights to the revenues therefrom) provided that (1) said rent increases are no greater than those computed in accordance with the fair net operating income formula established by the Office of the Housing Expediter, (2) the level of rents to be established is neither above nor below the current level of rents generally prevailing for comparable private housing in the locality, and (3) the proposed change will not result in an overall increase in dwelling rent income of more than twenty-five per cent above the existing dwelling rent income of the project.

Date approved: June 7, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-6939; Filed, June 15, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-675]

SUPERIOR WATER, LIGHT AND POWER CO. ET AL.

SUPPLEMENTAL ORDER REMOVING DIVIDEND RESTRICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1951.

The Commission having by order entered April 5, 1943 permitted certain declarations to become effective and granted certain applications with respect to certain transactions, including particularly the issuance by Superior Water, Light and Power Company ("Superior" of $1,000,000 principal amount of 4 percent Sinking Fund Debentures, due 1958, and said order having contained certain conditions including, among others, a condition restricting the use of certain earned surplus for the payment of dividends, as follows:

(3) That so long as any of the 4% Sinking Fund Debentures, due 1958, remain outstanding, the company shall retain in earned surplus, in addition to any amounts otherwise required to be so retained, an amount equal to the amount paid in retirement of such debentures pursuant to the sinking fund provision of Section 11 of Article III of the agreement under which such debentures are to be issued, which amount shall not be available for the payment of dividends but shall be available for any other corporate purpose; provided, that nothing herein shall be construed as requiring the restriction of surplus because of the retirement of any of such debentures otherwise than through the operation of such sinking fund provision.

Superior having, in accordance with the Commission's order of April 5, 1943, issued $1,000,000 principal amount of its 4 percent Sinking Fund Debentures, due 1958, and $838,000 principal amount thereof having now been retired, of which $392,000 principal amount were retired pursuant to the Sinking Fund provisions in Article 3 of the Debenture Agreement under which such Debentures were issued, and the foregoing retirements leaving a net balance of $162,000 principal amount of such Debentures now outstanding, all of which are now presently owned by The Northwestern Mutual Life Insurance Company; and

Superior having on March 21, 1951 issued 6,500 shares of its common stock ($100 par value) in payment of a common stock dividend, for which purpose Superior transferred from earned surplus to its common capital stock account the amount of $650,000; and

Superior having requested that the Commission enter a supplemental order eliminating the restriction on the use of earned surplus for the payment of dividends contained in the Commission's order of April 5, 1943, as quoted above, and Superior having represented that the purposes designed to be accomplished by such condition have been met in substance by the Company's action in transferring $650,000 of its earned surplus to its common capital stock account; and

The Northwestern Mutual Life Insurance Company, owner of all of the presently outstanding 4 percent Sinking Fund Debentures of Superior, due 1958, having stated that it has no objection to the removal of such condition; and

It appearing to the Commission that, in view of the foregoing circumstances, the purposes for which such condition was imposed have been fully served, and that the continuance of the dividend restriction contained in such condition is no longer necessary for the protection of investors or consummers, and that it is appropriate that the request to modify such condition be granted:

It is hereby ordered, That the condition (No. 3) in the Commission's order dated April 5, 1943, restricting the availability of certain earned surplus for the payment of dividends, as hereinbefore quoted, be, and hereby is eliminated, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6949; Filed, June 15, 1951; 8:49 a. m.]

[File No. 7-1313]

LONG ISLAND LIGHTING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Long Island Lighting Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 3, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-6946; Filed, June 15, 1951; 8:48 a. m.]

[File No. 7-1314]

EQUITABLE GAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $8.50 Par Value, of Equitable Gas Company, a security listed and registered on the New York Stock Exchange and on the Pittsburgh Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 3, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6947; Filed, June 15, 1951; 8:49 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF MAXIMUM PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS, AND REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of June A. D. 1951.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri, File No. 70-2647.

Notice is hereby given that a joint application-declaration and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Middle South Utilities, Inc., a registered holding company, Union Electric Company of Missouri, a registered holding company and a public utility company, and Electric Energy, Inc. ("EEI"), a public utility subsidiary of Middle South and Union Electric. EEI is also a subsidiary of Central Illinois Public Service Company, Illinois Power Company, and Kentucky Utilities Company, holding companies which are exempt from the pertinent provisions of the act. The five parent companies are hereinafter collectively referred to as the "Sponsoring Companies". Applicants-declarants have designated sections 6, 7, and 12 (b) of the act and Rules U-45 and U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said amended joint application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said amended joint application-declaration which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

On January 15, 1951, we issued our Memorandum Opinion and Interim Order (Holding Company Act Release No. 10340) permitting, subject to certain conditions, a number of steps in a program for the construction by EEI at Joppa, Illinois, of a 500,000 kw. generating station to supply, in part, the power requirements of an atomic energy project to be built and owned by the Atomic Energy Commission ("AEC") at Paducah, Kentucky. As pointed out in our Memorandum Opinion the acquisitions by the Sponsoring Companies of their interests in EEI were permitted at that time only because of the urgent demands of national defense, and jurisdiction was reserved to reexamine such acquisitions under the standards of section 10 of the act. The present application presents to us related steps in the financing of the construction program.

EEI has entered into separate contracts with two insurance companies pursuant to which EEI has agreed to issue and sell, and the insurance companies have agreed to purchase, from time to time but not later than December 31, 1953, not in excess of $100,000,000 aggregate principal amount of 3 percent First Mortgage Sinking Fund Bonds of EEI. EEI will pay a commitment fee of ½ percent per year, commencing February 1, 1951, on any unused portion of the commitment, and will have the right to release the commitment to the extent it may desire from time to time.

The bonds will be secured by a mortgage on practically all of EEI's properties. The mortgage provides for a sinking fund which is designed to retire all the bonds over a 25 year period. There will be pledged under the mortgage a "Power Contract" between EEI and the AEC and an "Intercompany Agreement" among the trustees under the mortgage, EEI and the Sponsoring Companies.

The Power Contract provides, among other things, that EEI will furnish not less than 427,500 kw nor more than 500,000 kw of firm capacity to the AEC project. The contract will run for a period of 25 years and will be terminable by AEC at any time during that period upon one year's notice and the payment by AEC of an amount equal to 28 percent of the cost of the EEI facilities less a credit for the amount of long term indebtedness retired prior to termination. If such termination should occur before the facilities are completed AEC will pay all costs incurred or committed for by EEI less certain credits.

The Intercompany Agreement provides, among other things, that the Sponsoring Companies will purchase any power not taken by AEC and will pay therefor a sum sufficient, when added to EEI's other revenues including the amounts received from the AEC, to pay all operating and corporate expenses of EEI, including interest and sinking fund charges on the bonds. The Sponsoring Companies agree that they will supply or cause to be supplied to EEI sufficient funds, not available either from the proceeds of the bonds or otherwise, to complete its facilities, unless the Power Contract should be terminated and EEI should elect not to complete them. If the Power Contract should be terminated after the facilities of EEI are completed, the Sponsoring Companies will supply or cause to be supplied to EEI such funds, not otherwise available to it, as may then be required to enable it to reduce the principal amount of bonds outstanding to not more than 80 percent of the cost of its facilities less straight-line depreciation at the rate of 2½ percent per year. The obligations of the Sponsoring Companies under the Intercompany Agreement are several and not joint.

The percentage of the total obligations of all Sponsoring Companies for which each Sponsoring Company is responsible is set forth in Column I of the following table; however, if the Power Contract should be terminated and if one or more Sponsoring Companies should default in its or their obligations to take and pay for power, the percentages applicable to this obligation of the remaining Sponsoring Companies may be increased proportionately up to the percentages set forth in Column II:

	Column I	Column II
	Percent	*Percent*
Central Illinois Public Service Co.	20	25
Illinois Power Co.	20	25
Kentucky Utilities Co.	10	12½
Middle South Utilities, Inc.	10	12½
Union Electric Co. of Missouri	40	50

EEI requests that the Commission exempt the proposed issuance and sale of bonds from the competitive bidding requirements of Rule U-50.

The proposed issuance and sale of bonds by EEI has been submitted to the Illinois Commerce Commission for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6948; Filed, June 15, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17975]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account—general ruling No. 6 account, as described by The National City Bank of New York in its report on Form QAP-700, bearing its serial No. 0011. (b) Current account—blocked account, as described by The National City Bank of New York in its report on Form QAP-700, bearing its Serial No. 0129. (c) Miscellaneous portfolio of stocks and bonds and miscellaneous portfolio of foreign dollar bonds in account B-8622, Credit Suisse, Zurich, Switzerland, and (d) Portfolio of bonds in account B-27681, Credit Suisse, Zurich, Switzerland, G-R No. 6 account (of type G-R 17, as described by The National City Bank of New York in its report on Form QAP-700, bearing its Serial No. B. 17.

[F. R. Doc. 51-6965; Filed, June 15, 1951; 8:56 a. m.]

[Vesting Order 17982]

R. MEES & ZOONEN

In re: Accounts maintained in the name of R. Mees & Zoonen, Rotterdam, Holland, and owned by persons whose names are unknown. F-49-352.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Account maintained in the name of R. Mees & Zoonen, Rotterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) R. Mees & Zoonen, P. O. Box 794, Rotterdam, Holland, as described by the Guaranty Trust Co. of New York in its report on Form QAP-700, bearing its Serial No. FB 83; (b) miscellaneous portfolio of stocks and bonds a/c X-C 518, (nontrenty account), as described by the Guaranty Trust Co. of New York in its report on Form QAP-700, bearing its Serial No. CT 0004.

[F. R. Doc. 51-6967; Filed, June 15, 1951; 8:56 a. m.]

[Vesting Order 17976]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss American Corp., 30 Pine St., New York, N. Y.	(a) Credit Suisse, Zurich blocked account, (b) Credit Suisse, Zurich general ruling No. 6 account, (c) Credit Suisse, special account EMA blocked account, (d) Credit Suisse, special account EMA general ruling No. 6 account, (e) Credit Suisse, special account EMA, Zurich blocked (unidentified) account, and (f) Credit Suisse, special account EMA, Zurich general ruling No. 6 account, containing securities; as described by Swiss American Corp. in its report on Form OAP-700, bearing its Serial No. 8.

[F. R. Doc. 51-6966; Filed, June 15, 1951; 8:56 a. m.]

[Vesting Order 17985]

F. VAN LANSCHOT

In re: Accounts maintained in the name of F. Van Lanschot, s'Hertogenbosch, The Netherlands, and owned by persons whose names are unknown. F-49-1363.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of F. Van Lanschot, s'Hertogenbosch, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Securities account F. Van Lanschot, s'Hertogenbosch (FS 86578), as described by the Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 305; (b) bank deposit—Messrs. F. Van Lanschot Old a/c, as described by Chase National Bank of the City of New York, described by Chase National York in its report on Form OAP-700, bearing its Serial No. 203.

[F. R. Doc. 51-6969; Filed, June 15, 1951; 8:57 a. m.]

[Vesting Order 17984]

PIERSON & CO.

In re: Accounts maintained in the name of Pierson & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1261.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Pierson & Co., Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. J. & W. Seligman & Co., 65 Broadway, New York 6, N. Y.	(a) American stocks, N account, as described by J. & W. Seligman & Co. in its report on Form OAP-700, bearing its Serial No. 2; (b) credit balance, and (c) various stocks and bonds; as described by J. & W. Seligman & Co. in its report on Form OAP-700, bearing its serial No. 3.
2. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Pierson & Co. ordinary account blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 60; (b) Pierson & Co., Amsterdam, Netherlands, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 62.
3. The New York Trust Co., 100 Broadway, New York 15, N. Y.	(a) Bank deposit, account No. 2, (b) Bonds, account No. 2, and (c) stocks, general securities A/C as described by the New York Trust Co. in its report on Form OAP-700, bearing its Serial No. FD 14.
4. J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	Pierson & Co., Amsterdam, blocked account (C-3414), as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 33.

[F. R. Doc. 51-6968; Filed, June 15, 1951; 8:57 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 118

Washington, Tuesday, June 19, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10254

TERMINATING THE PHILIPPINE ALIEN PROPERTY ADMINISTRATION AND TRANSFERRING ITS FUNCTIONS TO THE DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by the Constitution and the laws of the United States, including the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the Philippine Property Act of 1946, 60 Stat. 418, as amended, section 1753 of the Revised Statutes, the Civil Service Act, 22 Stat. 403, and section 101 (b) of Reorganization Plan No. 1 of 1947, 61 Stat. 951, and as President of the United States, and in effectuation of those provisions of the General Appropriation Act, 1951, relating to the Philippine Alien Property Administration, it is ordered as follows:

1. The Philippine Alien Property Administration, established by Executive Order No. 9818[1] of January 7, 1947, is hereby terminated. All authority, rights, privileges, powers, duties, and functions vested in such Administration or in the Philippine Alien Property Administrator or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Philippine Alien Property Administration or the Administrator thereof, and all proceeds thereof, which are held or administered by the Philippine Alien Property Administration or the Administrator thereof are hereby transferred to the Attorney General of the United States.

3. All personnel, records, files, furniture, funds, authorizations, equipment, and supplies of the Philippine Alien Property Administration are hereby transferred to the Department of Justice.

4. All necessary expenses incurred in the administration or operation of the functions, duties, authority, rights, privileges, and powers hereby vested in or transferred or delegated to the Attorney General shall be paid, to the extent permitted and in the manner prescribed by law, from funds or property or interests vested in or transferred to the Attorney General by or pursuant to the authority contained in this order, so as to prevent diminution of funds otherwise available for the War Claims Fund under section 39 of the Trading with the Enemy Act, as amended by section 12 of the act of July 3, 1948, 62 Stat. 1246.

This order shall become effective at the close of business in Washington, D. C., on June 29, 1951, and shall at that time supersede all prior Executive orders to the extent that they are in conflict with this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 15, 1951.

[F. R. Doc. 51-7057; Filed, June 15, 1951; 1:46 p. m.]

[1] 12 F. R. 133, 3 CFR, 1947 Supp.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; COLORADO

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

COLORADO

County	Average value	Investment limit
Arapahoe	$20,000	$12,000

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Issued this 13th day of June 1951.

[SEAL], CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6991; Filed, June 18, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OREGON

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

OREGON

County	Average value	Investment limit
Clatsop	$18,000	$12,000
Columbia	18,000	12,000
Crook	18,000	12,000
Deschutes	16,500	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 13th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6992; Filed, June 18, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; SOUTH DAKOTA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

SOUTH DAKOTA

County	Average value	Investment limit
Aurora	$16,000	$12,000
Beadle	18,000	12,000
Bennett	16,000	12,000
Bon Homme	22,000	12,000
Brookings	20,000	12,000
Brown	18,000	12,000
Brule	16,500	12,000
Buffalo	15,500	12,000
Butte	15,000	12,000
Campbell	16,000	12,000
Charles Mix	20,000	12,000
Clark	17,500	12,000
Clay	25,000	12,000
Codington	18,500	12,000
Corson	15,000	12,000
Custer	17,500	12,000
Davison	19,500	12,000
Day	17,500	12,000
Deuel	19,500	12,000
Dewey	15,000	12,000
Douglas	19,500	12,000
Edmunds	16,000	12,000
Fall River	18,000	12,000
Faulk	16,500	12,000
Grant	19,000	12,000
Gregory	17,000	12,000
Hankon	15,500	12,000
Hamlin	19,000	12,000
Hand	17,500	12,000
Hanson	19,000	12,000
Harding	14,500	12,000
Hughes	16,500	12,000
Hutchinson	19,500	12,000
Hyde	16,500	12,000
Jackson	15,000	12,000
Jerauld	17,000	12,000
Jones	14,500	12,000
Kingsbury	18,000	12,000
Lake	19,500	12,000
Lawrence	16,000	12,000
Lincoln	27,000	12,000
Lyman	16,500	12,000
McCook	19,500	12,000
McPherson	17,000	12,000
Marshall	16,000	12,000
Meade	15,000	12,000
Mellette	15,500	12,000
Miner	18,500	12,000
Minnehaha	24,500	12,000
Moody	22,000	12,000
Pennington	20,000	12,000
Perkins	15,000	12,000
Potter	16,000	12,000
Roberts	17,500	12,000
Sanborn	17,000	12,000
Shannon	16,000	12,000
Spink	17,500	12,000
Stanley	16,000	12,000
Sully	16,000	12,000
Todd	16,000	12,000
Tripp	17,000	12,000
Turner	25,500	12,000
Union	22,500	12,000
Walworth	16,000	12,000
Washabaugh	14,000	12,000
Yankton	21,500	12,000
Ziebach	15,500	12,000

Issued this 13th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6993; Filed, June 18, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WASHINGTON

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

WASHINGTON

County	Average value	Investment limit
Kittitas	$22,000	$12,000
Lewis	20,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 13th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–6994; Filed, June 18, 1951; 8:47 a. m.]

PART 372—SECURITY SERVICING AND LIQUIDATIONS: FARM OWNERSHIP LOANS

SUBPART F—SALE OF FARMS NOT SUITABLE FOR PURPOSES OF TITLE I

ELIGIBILITY OF PURCHASERS

Section 372.103 (a) in Title 6, Code of Federal Regulations (13 F. R. 9471), is revised to include corporations as eligible purchasers of farms not suitable for purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, and to read as follows:

§ 372.103 *Terms and conditions of sale.* • • •

(a) *Eligible purchasers.* A sale may be made to any individual or corporation. Farmers Home Administration employees are eligible to purchase such farms, or parts thereof, only when the sale is based upon competitive bids: *Provided*, That no sale shall be made, either directly or indirectly, to an employee who was in any way connected with its declaration as surplus or who was formerly accountable for the property or connected in any way with ne-

gotiations for the sale thereof. This restriction applies to State and County Committeemen. No sale may be made to persons related to ineligible employees, including Committeemen, within the third degree of consanguinity or affinity, without the prior approval of the Administrator.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 43, 46, 51, 60 Stat. 1067, 1069, 1070; 7 U. S. C. 1017, 1020, 1025)

DERIVATION: § 372.103 (a) contained in FHA Instruction 465.6.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MAY 17, 1951.

Approved: June 13, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6995; Filed, June 18, 1951; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.401 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 20, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 20, 1951; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 20, 1951, and ending at 12:01 a. m., P. s. t., October 2, 1951, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack in a standard basket if said quantity does not exceed eleven and eleven one hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid. The aforesaid 5 x 6 standard pack and 6 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{3}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{3}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{1}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of June, 1951.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7084; Filed, June 18, 1951; 9:12 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.402 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 20, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 12, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 12, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are expected to begin on or about June 20, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 20, 1951, and ending at 12:01 a. m., P. s. t., October 2, 1951, no shipper shall ship any package or container of miscellaneous varieties of plums unless such plums grade at least U. S. No. 1.

(2) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(3) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the term "U. S. No. 1," shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7085; Filed, June 18, 1951; 9:12 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 957.308 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., July 1, 1951, and ending 12:01 a. m., m. s. t., June 1, 1952, no handler shall ship potatoes of any variety unless (i) such potatoes are generally fairly clean (which means that 90 percent or more of the potatoes in any lot must be fairly clean), (ii) such potatoes of the Russet Burbank and long white varieties meet the requirements of the U. S. No. 2 or better grade and are at least 2 inches minimum diameter or 4 ounces minimum weight, and (iii) such potatoes of the red skin varieties meet the requirements of the U. S. No. 2 or better grade and are at least $1\frac{1}{2}$ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) During the period beginning 12:01 a. m., m. s. t., July 1, 1951, and ending 12:01 a. m., m. s. t., November 1, 1951, no handler shall ship Russet Burbank potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned," as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; no handler shall ship round red varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; and no handler shall ship White Rose variety of potatoes if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered: *Provided*, That one lot of each variety of not to exceed 200 hundredweight of such potatoes may be handled without regard to the aforesaid skinning requirement if the handler thereof reports, prior to such handling, the name and address of the producer of such lot, and such lot is handled as an identifiable entity.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) livestock feed: *Provided*, That each handler prior to making special purpose shipments pursuant hereto shall file an application with the committee to do so, shall have each of such shipments (except shipments of seed potatoes) inspected and shall pay assessments in connection therewith, and for each such shipment made pursuant to subdivision (ii), (iv), and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further*, That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export certificate number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(4) The terms used in this section shall have the same meaning as when used in Order No. 57, as amended (7 CFR Part 957).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 13th day of June 1951, to become effective 12:01 a. m., m. s. t., July 1, 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7021; Filed, June 18, 1951; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

TERMINATION

EDITORIAL NOTE: For order terminating the Philippine Alien Property Administration and transferring its functions to the Department of Justice, see Executive Order 10254, *supra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 74]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The Huntsville, Alabama, area, published on April 21, 1949, in 14 F. R. 1913, and revised on October 18, 1950, in 15 F. R. 6962, is further revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HUNTSVILLE (Chattanooga Chart).	Beginning at lat. 34°39′21″ N, long. 86°35′30″ W; S to lat. 34°35′11″ N, long. 86°35′51″ W; W to lat. 34°35′26″ N, long. 86°42′01″ W; NNW to lat. 34°42′00″ N, long. 86°44′30″ W; due E to long. 86°41′30″ W; S to lat. 34°39′26″ N, long. 86°41′40″ W; E to lat. 34°39′21″ N, long. 86°35′30″ W, point of beginning.	Surface to unlimited.	Continuous.	Department of the Army, Redstone Arsenal, Huntsville, Ala.

2. The Bethany Beach, Delaware, area, published on January 18, 1951, in 16 F. R. 455, is amended by changing the "Description by Geographical Coordinates' column to read "Beginning at lat. 38°36′50″ N, long. 74°59′50″ W; southerly paralleling the shoreline at a distance of 3 nautical miles to lat. 38°23′05″ N, long. 74°59′35″ W; westerly following the arc of a circle with a radius of 20,000 yards centered at lat. 38°32′30″ N, long. 75°03′15″ W to lat. 38°22′40″ N, long. 75°01′35″ W; northerly to lat. 38°28′00″ N, long. 75°02′40″ W; due W to long. 75°05′00″ W; due N to lat. 38°30′30″ N; NE to lat. 38°36′50″ N, long. 74°59′50″ W, point of beginning."

3. A Helmville, Montana, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HELMVILLE (Butte Chart).	N boundary: lat. 46°52′30″ N; E boundary: long. 112°52′30″ W; S boundary: lat. 46°46′15″ N; W boundary: long. 113°00′00″ W.	Ground to 25,000 feet, m. s. l.	Continuous June 19, 1951, through June 28, 1951.	Montana National Guard, Helena, Mont.

4. A Camp Tortuguero, Puerto Rico, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP TORTUGUERO (WAC 649).	Beginning at lat. 18°27′40″ N, long. 66°24′54″ W; due S to lat. 18°27′09″ N; W to lat. 18°27′16″ N, long. 66°28′02″ W; due N to lat. 18°28′15″ N; ENE to lat. 18°28′43″ N, long. 66°26′42″ W; SE to lat. 18°27′40″ N, long. 66°24′54″ W, point of beginning.	Surface to 5,000 feet.	Daylight hours only.	Department of the Army, San Juan, P. R.

5. A Salinas, Puerto Rico, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SALINAS (WAC 649).	Beginning at lat. 18°03′03″ N, long. 66°14′26″ W; SSW to lat. 18°00′12″ N, long. 66°15′10″ W; SW to lat. 17°59′07″ N, long. 66°17′32″ W; WNW to lat. 18°01′49″ N, long. 66°20′15″ W; NE to lat. 18°04′22″ N, long. 66°17′05″ W; ESE to lat. 18°03′55″ N, long. 66°15′25″ W; SE to lat. 18°03′03″ N, long. 66°14′26″ W, point of beginning.	Surface to 6,000 feet above terrain.	Continuous.	Department of the Army, Salinas, P. R.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 19, 1951.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7077; Filed, June 18, 1951; 8:51 a. m.]

[Supp. 13, Revocation]

PART 61—SCHEDULED AIR CARRIER RULES

POWERPLANT FAILURE OR PRECAUTIONARY STOPPAGE

On January 19, 1951, the Civil Aeronautics Administration published § 61.294-1 *Powerplant failure or precautionary stoppage (CAA policies and interpretations which apply to § 61.294)* in 16 F. R. 499. Effective May 18, 1951, the Civil Aeronautics Board amended § 61.294 and added a new § 61.294a to include the essential information contained in § 61.294-1. Therefore, § 61.294-1 is no longer needed and is hereby revoked.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-6978; Filed, June 18, 1951; 8:45 a. m.]

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-12]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

RECOMMENDED DECISIONS IN RATE CASES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of June 1951.

At the present time the Procedural Regulations of the Board either do not provide for the issuance of recommended decisions by Examiners in proceedings for the determination of compensation for the transportation of mail, or the determination of rates, fares or charges, or are not wholly clear on the procedure to be followed in the latter class of proceedings. It is now desired to provide by rule that the Examiner in all rate proceedings will issue recommended decisions as in any other case, if any party to the proceedings makes timely request therefor. If no such request is made the present procedure of certification directly to the Board will be followed.

Since this amendment is a rule of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows: effective June 13, 1951:

1. By amending § 302.8 (c) to read as follows:

§ 302.8 *Hearings, argument, recommended decisions, and proceedings subsequent thereto.* * * *

(c) *Recommended decisions.* (1) Except as provided in paragraph (g) of this section or where the Board shall by order in the particular proceeding direct otherwise, the examiner shall recommend a decision in every proceeding which he has heard: *Provided*, That, in proceedings for the determination of rate, fares or charges, or the determination of compensation for the transportation of mail, the examiner shall not recommend a decision but shall certify the record directly to the Board unless, before the close of the hearing, one of the parties to the proceeding requests that he recommend a decision.

(2) Every recommended decision of an examiner shall set forth; (i) The names of the persons who are to receive copies of the same; (ii) the time within which exceptions are to be filed and exchanged; and (iii) the time thereafter within which supporting reasons relating to such exceptions are to be filed and exchanged. The recommended decision may also give other instructions relating to procedure after the hearing.

2. By amending § 302.13 (e) (6) to read as follows:

§ 302.13 *Procedure in rate proceedings.* * * *

(e) *Procedure when answer is filed to order setting tentative rates, fares or charges.* * * *

(6) Upon the conclusion of the hearing and the filing of proposed findings and conclusions and reasons in support thereof, the examiner shall render a recommended decision if, before the close of the hearing, any party to the proceeding has requested him to do so. If no such request has been made, he shall certify the entire record to the Board for a tentative decision.

3. By renumbering subparagraphs (7) and (8) of § 302.13 (e) as subparagraphs (8) and (9) and by inserting a new subparagraph (7) to read as follows:

(7) In the event the examiner issues a recommended decision, the procedure to be followed thereafter shall be in accordance with § 302.8.

4. By amending renumbered subparagraph (8) (formerly subparagraph (7)) of § 302.13 (e) to read as follows:

(8) In the event of certification of the record to the Board, after completion of any oral argument the Board will issue a tentative decision. Exceptions to a tentative decision and supporting reasons therefor may be filed within such time as may be prescribed in the tentative decision. Oral arguments to the Board on exceptions to tentative decisions will be permitted only in unusual and exceptional instances for good cause shown, and upon request set forth in the document containing the exceptions and supporting reasons.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1002, 52 Stat. 1018; 49 U. S. C. 642)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7018; Filed, June 18, 1951; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

A proposed revision of Part 612 was published on May 8, 1951, in 16 F. R. 4257. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following revision is hereby adopted.

Sec.
612.1 Basis and purpose.
612.2 Acceptability of messages.
612.3 Assessment of fees.
612.4 Methods of payment.
612.5 Priority of transmission.

AUTHORITY: §§ 612.1 to 612.5 issued under sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. and Sup., 425, 1159. Interpret or apply secs. 301, 302, 52 Stat. 985, sec. 606, 56 Stat. 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606.

§ 612.1 *Basis and purpose.* The purpose of this part is to prescribe the types of messages pertaining to international or overseas aircraft operations which will be accepted for transmission by CAA communications stations and the fees which will be assessed for the transmission of certain types of these messages on an interim basis pending the results of the studies now in progress by the International Civil Aviation Organization and International Telecommunications Union with respect to Resolutions 8 and 11 of the International Telegraph Regulations, Paris 1949 Revision. The basis for the part is found in sections 301 and 302 of the Civil Aeronautics Act of 1938, as amended, and section 10 of the International Aviation Facilities Act of 1948.

§ 612.2 *Acceptability of messages.* (a) CAA Overseas Foreign Aeronautical Communications Stations, and CAA Interstate Airway Communications Stations located in territory (including Alaska) outside the continental United States, will accept for transmission messages regarding international or overseas aircraft operations where such messages are of the following types:

(1) Distress messages and distress traffic.

(2) Messages for the safety of human life.

(3) Flight safety messages comprising:

(i) Air traffic control messages.

(*a*) Air traffic control messages concerning aircraft in flight or about to depart.

(*b*) Departure messages.

(*c*) Flight plan/departure messages.

(*d*) Arrival messages.

(*e*) Flight plan messages.

(*f*) Flight notification messages.

(*g*) Messages concerning cancellation of flight.

(*h*) Messages concerning delayed departure.

(ii) Position reports from aircraft.

(iii) Messages originated by an aircraft operating agency, of immediate concern to an aircraft in flight or to an aircraft about to depart.

(iv) Meteorological advice of immediate concern to aircraft in flight or about to depart.

(4) Meteorological messages comprising:

(i) Messages containing meteorological forecasts.

(ii) Messages containing exclusively meteorological observations.

(iii) Other meteorological messages exchanged between meteorological offices.

(5) Aeronautical administrative messages comprising:

(i) Messages regarding the operation or maintenance of facilities essential for the safety or regularity of aircraft operation.

(ii) Messages essential to the efficient functioning of aeronautical telecommunication services.

(iii) Messages exchanged between Government Civil Aviation Authorities relating to aircraft operation.

(6) Notices to airmen.

(7) Flight regularity messages comprising:

(i) Messages containing details of the number of passengers and crew, weight of cargo and other data required for weight and balance computation. Other remarks essential to the rapid clearance of the load from the aircraft may be included. These messages shall only be acceptable when addressed to the point of intended landing and to not more than two other addressees concerned in the general area of the route segment of the flight to which the message refers.

(ii) Messages concerning changes in aircraft operating schedules to become effective within 72 hours after the message is filed.

(iii) Messages concerning the servicing of aircraft, when the aircraft is en route or scheduled to depart within 48 hours.

(iv) Messages concerning changes in collective requirements for passengers, crew, and cargo, caused by unavoidable deviations from normal operating schedules and necessary for flight regularity in the case of aircraft en route or about to depart. Individual requirements of passengers or crew are not admissible in this type of message.

(v) Messages concerning non-routine landings to be made by an aircraft en route or about to depart.

(vi) Messages concerning parts and materials urgently required for the operation of aircraft en route or scheduled to depart within 48 hours.

(vii) Messages concerning the preflight arrangement of air navigation services, and operational servicing for non-scheduled or irregular operations of aircraft, filed within 48 hours of proposed time of departure.

(8) Reservation messages originated by aircraft operating agencies to secure the space required in transport aircraft scheduled to depart within 72 hours after the message is filed.

(b) CAA Interstate Airway Communications Stations located within the continental United States (excluding Alaska) will accept for transmission messages regarding international or overseas aircraft operations where such messages are of the types listed in paragraph (a) (1) through (6) of this section.

(c) Where adequate non-government communication facilities are not available, CAA Overseas-Foreign Aeronautical Communications Stations, and CAA Interstate Airway Communications Stations located in territory (including Alaska) outside the continental United States, will accept messages, other than those prescribed in paragraph (a) of this section, originated by and addressed to aircraft operating agencies relating to international aircraft operations, overseas aircraft operations, or aircraft operations within a United States territory or possession which, by virtue of their importance, have a direct bearing on the efficient and economic conduct of the day-to-day operations of such agencies, concerning the following:

(1) Messages of the types prescribed in paragraph (a) (7) and (8) of this section which do not conform to the time limitations prescribed therein.

(2) Parts, equipment or supplies required for aircraft, air navigation, communication and other essential ground facilities.

(3) Train reservations or hotel accommodations for passengers or agency personnel.

(4) Lost baggage or personal effects.

(5) Tickets or cargo shipments or payment therefor.

(6) Inquiries relative to passenger whereabouts and cargo receipt or delivery.

(7) New or revised passenger or cargo rates.

(8) Crew assignments and similar operations personnel matters to become effective within seven days after the time of the message.

(9) Post-flight reports for routine record purposes.

(10) Publicity messages and special handling of dignitaries.

NOTE: Third party messages or messages addressed to parties other than aircraft operating agencies or their representatives shall not be acceptable.

§ 612.3 *Assessment of fees.* No fee shall be assessed for the transmission of a message which is of a type or types specified in § 612.2 (a) (1) through (7) or (b). A separate fee shall be assessed for the transmission to each addressee of a message which contains, in whole or in part, matter related to any of that described in § 612.2 (a) (8) or (c).

Transmission of such a message to an addressee may in some cases consist of receipt of the message from a non-CAA communications station and the forwarding of that message without additional use of the CAA communications system. Only one fee per addressee shall be assessed regardless of the number of CAA communications stations through which the message may be sent. Each fee shall be computed on the basis of one dollar ($1.00) for each twenty words or portion thereof contained in the text and signature of the message. If delivery of the message involves refiling with a non-CAA communications facility, such refiling will be accomplished on a "Collect" basis at no additional cost to nor assumption of liability by the CAA. Local telecommunication facilities required for the acceptance or delivery of messages will be provided by the user without expense to the CAA.

NOTE: The Internal Revenue Code provides that there shall be imposed on the amount paid within the states of the United States, the Territories of Alaska and Hawaii, and the District of Columbia, for each telegraph, cable, or radio dispatch or message, a tax equal to (a) twenty-five per cent of the amount so paid, or (b) ten per cent of the amount so paid in the case of an international communication. (Sec. 3797 (a) (9), 53 Stat. 469, Sec. 3465 (a) (1) (B), 56 Stat. 975, Sec. 1650, 58 Stat. 61; 26 U. S. C. 3797, 3465, 1650)

§ 612.4 *Methods of payment.* Fees shall be paid in United States dollars to the CAA official in charge of the communications station first transmitting or receiving the message or to any other properly designated CAA official. Deferred payment of fees shall be permitted only where prior written arrangements have been made for such payment on a periodic basis or where pre-payment is not practicable in a specific case. Arrangements for the deferred payment of fees may be made with the CAA Regional Administrator having jurisdiction over the CAA communications station first transmitting or receiving the message.

§ 612.5 *Priority of transmission.* The aeronautical messages of the types stated in § 612.2 (a) (1) through (7) shall have priority over messages containing matter described in § 612.2 (a) (8) and (c).

This revision shall become effective 0001 e. s. t., July 1, 1951.

[SEAL] C. F. HORNE,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-6979; Filed, June 18, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amendment 7]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

PRICING RULE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 7 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 makes a major substantive change which concerns pricing Rule 4. The basic objective of Ceiling Price Regulation 7 is to establish a pre-Korean markup level at retail. Pricing Rule 4 of Section 35 of Ceiling Price Regulation 7, together with several other provisions of Ceiling Price Regulation 7, was adopted for the purpose of helping to achieve this basic objective by limiting the area within which retailers could change their typical markups by shifting to merchandise carrying higher than normal percentage markups.

However, investigations made by the Office of Price Stabilization, as well as representations from retailers, indicate that Rule 4 may result in considerable reductions in initial markups in certain segments of retail trade. Retailers with small volume, whose pricing charts include but a relatively small number of cost lines within a category, may find that a large proportion of their currrent invoices will fall between cost lines appearing on their chart and therefore are subject to the provisions of Rule 4. In such cases, a large percentage of the merchandise will carry the average category markup. Certain segments of retail trade handling categories of merchandise which have a wide range in markup percentages between the lowest and highest markup within a category may find that the operation of Rule 4 results in the elimination of a high proportion of markups which are above the category average markup. In other words, the original Rule 4 causes substantial squeezes solely upon the basis of such factors as gaps in the retailer's price chart and variations in percentage markups. The Office of Price Stabilization has accordingly amended Rule 4 so as to provide another instruction which will effectuate the objective of price stabilization, including the avoidance of expanding margins, without causing unintended and substantial hardships based on happenstance factors. Rule 4 has been revised to allow the retailer to average the percentage markups of the next higher and the next lower cost lines for the purpose of determining the markup to be applied to an invoice cost which falls between two cost lines on the chart.

In order to permit orderly repricing of merchandise affected by this change, retailers will be permitted to continue under the former Rule 4 until July 31, 1951.

AMENDATORY PROVISIONS

Section 35 of Ceiling Price Regulation 7 is amended to read as follows:

SEC. 35. *Rule 4; articles belonging to category listed on your chart but having a net cost between two net costs listed for that category.* If the article you are pricing has a net cost between two net costs listed for that category in Column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the average of the percentage markups listed in Column 4 for the next higher net cost and the next lower net cost than the one you are pricing, and by adding the result to the net cost.

Example. You wish to price a woman's dress with a net cost of $7.75 and you have not listed any net cost of $7.75 for Category 1010. The next higher net cost on your chart for Category 1010 is $8.75, and the next lower net cost is $6.75. The percentage markups listed for the last two are 59.4% and 62.2%, respectively. You average the last two (59.4 + 62.2 = 121.6 ÷ 2 = 60.8%) and find that 60.8% is the average. The ceiling price for the woman's dress is found by multiplying $7.75 by 60.8% ($7.75 × .608 = $4.71) and adding the result, $4.71, to $7.75 ($7.75 + $4.71 = $12.46). The total $12.46 is your ceiling price.

Until July 31, 1951, you may, when pricing under Rule 4 is called for, use Rule 4 as it existed prior to June 18, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This regulation shall become effective on the 18th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 18, 1951.

[F. R. Doc. 51-7098; Filed, June 18, 1951; 4:00 p. m.]

[Ceiling Price Regulation 9 Including Amendments 1 and 2]

CPR 9—TERRITORIES AND POSSESSIONS

Ceiling Price Regulation 9 is republished to incorporate the text of Amendments 1 and 2. Ceiling Price Regulation 9 was issued March 7, 1951 (16 F. R. 2183). Statements of Consideration for Ceiling Price Regulation 9, and for Amendments 1 and 2, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability, effective date and prohibitions.
3. Ceiling prices for commodities sold in the base period.
4. Ceiling prices for commodities customarily handled by sellers but not sold in the base period.
5. Ceiling prices for new commodities falling within categories dealt in during the base period.
6. Sellers who cannot price under other sections.
7. Modification of proposed ceiling prices by Director of Price Stabilization.
8. Customary price differentials.
9. Records.
10. Sales slips and receipts.
11. Evasion.
12. Transfers of business or stock in trade.
13. Separate statement of taxes.
14. Penalties.
15. Definitions and explanations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong.

NOTE: See Executive Order 10161, Sept. 9, 1950 (15 F. R. 610.), and Economic Stabilization Agency General Order No. 2, January 24, 1951 (16 F. R. 738).

DERIVATION: Sections 1–15 contained in Ceiling Price Regulation 9, March 7, 1951, (16 F. R. 2183), except as otherwise noted in brackets following text affected.

Effective Dates: Amendment 1, April 1, 1951, 16 F. R. 2871.
Amendment 2, May 21, 1951, 16 F. R. 4537.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities (except those specifically exempt under the Defense Production Act of 1950) which are not actually manufactured or produced in the particular territory or possession in which they are sold, upon the basis of the direct cost plus the dollar-and-cents markup in effect during the period from December 19, 1950, to January 25, 1951, inclusive. This period is referred to as the "base period." This regulation supersedes the General Ceiling Price Regulation for all commodities included within this section.

[Sec. 1 amended by Amdt. 2]

SEC. 2. *Applicability and prohibitions—*(a) *Applicability.* The provisions of this regulation are applicable to Alaska, Guam, Hawaii, Puerto Rico, Samoa and the Virgin Islands.

(b) *Prohibitions.* After the date of this regulation, regardless of any contract or other obligation, no commodity included within section 1 of this regulation shall be sold, or purchased, in the regular course of business or trade, at a price exceeding the ceiling price established by this regulation.

SEC. 3. *Ceiling prices for commodities sold in the base period.* Your ceiling price for the sale of a commodity is your direct cost of the commodity plus a dollar-and-cents markup, which is equivalent to the difference between your latest direct cost prior to January 26, 1951, as reflected in a base period delivery price to purchasers of the same class and that delivery price. If you reflected the latest direct cost prior to January 26, 1951, in base period deliveries of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

If you did not deliver the commodity during the base period but did offer it for delivery during that period, your ceiling price is your direct cost of the commodity plus a dollar-and-cents markup equivalent to the difference between your most recent direct cost prior to January 26, 1951 as reflected in a base period offer to purchasers of the same class and that offer. If you reflected the latest direct cost prior to January 26, 1951 in base period offers of delivery of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups included in such offers.

[Sec. 3 amended by Amdt. 1]

SEC. 4. *Ceiling prices for commodities customarily handled by sellers but not sold in the base period.* If you wish to determine a ceiling price for a commodity which you customarily handle in the course of your business, but which you did not deliver or offer for delivery during the base period, you may determine your ceiling price by adding to your direct cost of a commodity a dollar-and-cents markup which is equivalent to the difference between your latest direct cost prior to December 19, 1950 as reflected in the price at which the commodity was delivered during the calendar year 1950 and that delivery price. If you reflected the latest direct cost prior to December 19, 1950 in deliveries of the commodity made in the calendar year 1950, to purchasers of the same class, at more than one price your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

[Sec. 4 amended by Amdt. 1]

SEC. 5. *Ceiling prices for new commodities falling within categories dealt in during the base period.* Your ceiling price for a commodity you did not deliver or offer for delivery in the base period, and for which you do not choose to determine your ceiling price under section 4 of this regulation, which falls within a "category" in which you dealt during the base period, is determined by adding to your direct cost the dollar-and-cents markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3 of this regulation; and must be, of the commodities in that cate-

gory, the one which has a direct cost most nearly approximating that of the commodity being priced.

[Sec. 5 amended by Amdt. 1]

SEC. 6. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the territorial director for the territory in which the sale is to be made for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the commodity or service, and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the commodity until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 7. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 9. *Records.*[1] This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest direct cost incurred by you prior to the end of the base period in purchasing the commodities.

(2) In addition, on or before April 30, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period.

[Paragraph (2) amended by Amdt. 1]

(3) On or before April 30, 1951, you must also prepare and preserve a price list, showing the dollar-and-cents markups on the commodities in each category (listing each model, type, style, and kind), delivered or offered for delivery by you during the base period together with a description or identification of each such commodity. If you are a retailer you may satisfy the requirement of this paragraph) by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

[Paragraph (3) amended by Amdt. 1]

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Current records.* If you sell commodities covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the dollar-and-cents markups which you add to your direct costs in arriving at the prices which you charge for commodities. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price.

SEC. 10. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity sold, and the price received for it.

SEC. 11. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 12. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 25, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Separate statement of taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar taxes paid by you as such only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after the date of issuance of this regulation, you may collect the amount of the tax actually paid as such by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 14. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 15. *Definitions and explanations.* This Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Category. This term means a line of merchandise, a merchandise department, or a group of commodities which are normally classed together in your trade for selling, buying, merchandising or accounting. You might, for example, have a category such as one of the following: men's clothing; men's furnishings; infants' wear; canned fruits; cosmetics and toiletries; frozen foods; notions; musical instruments; women's coats and suits; cotton piece goods; major household appliances; women's house dresses; office furniture; hand tools.

Class of purchaser or purchaser of same class. This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer), or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

Commodity. This term includes commodities, materials, articles, products, supplies, components, processes and contracts to buy, sell or deliver any of the foregoing.

Delivered. A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Direct cost. This term refers to your invoice cost less any discount or allowance you took or could have taken. It includes separately stated charges such as freight, warehousing, taxes, etc. It does not include local trucking or local unloading, except where it can be clearly established that such service customarily was not included in the invoice cost or in your markup.

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

Offering price. The price at which a commodity was offered means the price quoted in the seller's price list, or if he had no price list, the price which he regularly quoted in any other manner. This regulation requires that an offer for sale other than at retail must have been in writing. For sales of commodities at retail the offer must have been made at the immediate point of sale (e. g., the shelves or counters). The term offering price does not include a price intended to withhold a commodity from the market or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Records. This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes sell, supply, dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

Seller. This term includes the seller of any commodity. Where a seller at retail makes sales through more than one selling unit (other than salesmen making sales at uniform price) each such separate place of business shall be deemed to be a separate seller.

You. The pronoun you as used in this regulation indicates the person subject to the regulation.

[Sec. 15 amended by Amdt. 1]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation is effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By: DAVID C. EBERHART,
Recording Secretary.

[F. R. Doc. 51-7101: Filed, June 18, 1951; 11:58 a. m.]

[1] The record-keeping requirements imposed by this regulation on commodities of the type described in section 1 differ in certain respects from those imposed by the General Ceiling Price Regulation. In place of the "net cost", a term employed in the General Ceiling Price Regulation, this regulation refers to "direct cost", which is defined in section 15 to include certain elements not included under "net cost". Whereas the General Ceiling Price Regulation required the preparation of a list of ceiling prices, this regulation requires that the list include, also, dollar-and-cents margins. The current record requirement of the General Ceiling Price Regulation relates to prices; the current record requirement of this regulation relates to markups. The dates by which certain records must be prepared differ in the two regulations. A seller handling commodities covered by this regulation and also commodities still covered by the General Ceiling Price Regulation may include in a single list, as required by this regulation the appropriate information required by either regulation.

Chapter VI—National Production Authority, Department of Commerce

[NPA Regulation 3 as Amended June 15, 1951]

REG. 3—OPERATIONS OF THE PRIORITIES SYSTEMS BETWEEN CANADA AND THE UNITED STATES

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 and to implement the provisions of The Statement of Principles for Economic Cooperation issued by the Governments of the United States and Canada, dated October 26, 1950.

This amendment affects NPA Reg. 3 as amended April 16, 1951, by making an addition to the first clause in section 5, and by making an addition to the last sentence in paragraph (a) of section 6. As so amended, NPA Reg. 3 reads as follows:

Sec.
1. What this regulation does.
2. Definitions.
3. Rated orders from the United States under the United States defense program placed with Canadian suppliers.
4. Rated orders under the Canadian Defence Program, placed with United States suppliers.
5. Certifications by Canadian purchasers to suppliers in the United States.
6. Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada.
7. Relation to other regulations and orders of NPA.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* In order that the control, priorities, and allocations systems of the two countries be comparable in effect, and in order to coordinate the defense economies of the two countries, this regulation describes how and to what extent contracts or orders in support of the United States defense program or the Canadian Defence Program may have the benefits of the priorities system of the United States. Instructions have been issued by the Canadian Government under appropriate Canadian legislation to provide for priority assistance in obtaining essential Canadian materials and services for the United States defense program.

SEC. 2. *Definitions.* For the purposes of this regulation: (a) "Person" means any individual, partnership, corporation, association, or any other organized group, and includes specifically Canadian distributors and importers who have received orders for Canadian Defence and other approved purposes.

(b) "Maintenance, repair, and operating supplies" means MRO as defined in NPA Reg. 4.

(c) "Minor capital additions" means minor capital additions as defined in NPA Reg. 4.

SEC. 3. *Rated orders from the United States under the United States defense program placed with Canadian suppliers.* (a) If a rated order from a person in the United States, under NPA Reg. 2, is placed with a supplier located in Canada, either directly or through extension, the Canadian supplier may extend the rating received by him in order to acquire materials in the United States, to the extent permitted by the provisions of section 5 of NPA Reg. 2, and subject to the restrictions of section 6, NPA Reg. 2.

(b) A person located in Canada extending the rating to a supplier located in the United States, pursuant to this section, shall mark on his purchase order the prefix DO and the two-digit designation appearing on the rated order received by him, and shall affix thereto the additional statement to read as follows:

Certified under NPA Reg. 3.

Such certification shall be signed by him in the manner prescribed in section 8, NPA Reg. 2.

(c) If a supplier located in Canada requires priority assistance to obtain materials of Canadian origin to fill a rated order under the United States defense program, received by him from the United States, application should be made by him to the Priorities Division, Department of Defence Production, Ottawa, Canada, for appropriate action.

SEC. 4. *Rated orders under the Canadian Defence Program, placed with United States suppliers.* (a) Any Canadian Government Department or Corporation charged with procurement under the Canadian Defence Program, or other approved purpose calling for delivery of materials to such persons located in Canada by persons located in the United States, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for authority to apply to such orders the DO ratings authorized by NPA Reg. 2. All orders to which DO ratings shall be applied under the provisions of this regulation, shall have equal standing to the ratings applied to United States orders under NPA Reg. 2.

(b) Unless NPA shall otherwise provide, the symbol "DO-47" shall be used for all such rated Canadian orders referred to in paragraph (a) of this section which are placed in the United States pursuant to this section. Such orders shall bear a statement to read as follows:

Certified under NPA Reg. 3

This certification shall be signed in the manner prescribed in section 8 of NPA Reg. 2.

SEC. 5. *Certifications by Canadian purchasers to suppliers in the United States.* Certifications under sections 3 (b), 4 (b), and 6 (a) of this regulation constitute a representation to the supplier in the United States, to the National Production Authority, and to the Canadian Director of Priorities, Department of Defense Production, that the person signing such certification is either extending a rating received by him from a purchaser in the United States under the provisions of NPA Reg. 2, or is extending a rating specifically authorized by the National Production Authority under this regulation, which rating was applied for the purposes authorized.

SEC. 6. *Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada*—(a) *MRO assistance.* Any person located in Canada who, without priorities assistance, cannot obtain MRO and minor capital additions from United States sources, and who requires a DO rating to obtain them from a United States supplier, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to National Production Authority, Washington 25, D. C., for a quota and the right to apply a rating to such requirements under arrangements made by the Department of Defence Production and NPA giving a comparable effect to the provisions of this regulation in respect to Canadian requirements. No such authorization will be issued by NPA unless the application therefor is approved by the said Priorities Division. Unless NPA shall otherwise provide, the symbol "DO–47" shall be used on all orders placed pursuant to this section and shall bear the certification "Certified under NPA Reg. 3." Rated orders placed prior to June 15, 1951, which bear the symbol "DO–47" and bear the certification "Certified under NPA Reg. 4" shall have the same force and effect as if certified under this regulation. The DO–47 rating for MRO placed pursuant to this section shall not be made use of on orders to obtain items or materials specified in table I or II of NPA Reg. 4.

(b) *Industrial expansion and capital equipment assistance.* Under arrangements made with the Canadian Department of Defence Production, if a person located in Canada receives either a DO rated order from a person located in the United States, or an order for Canadian Defence or other approved purpose, and cannot fill such order without assistance in obtaining materials from the United States for plant improvement, expansion, or construction or obtaining machine tools or other items which he will carry as capital equipment, such Canadian supplier may apply to the Priorities Division, Department of Defence Production, Ottawa, Canada, for priorities assistance. Such request for assistance will be examined by the Priorities Division, and if approved by it, may be forwarded to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for action. Ratings for items included in this category may be applied only when so approved by NPA.

SEC. 7. *Relation to other regulations and orders of NPA.* All of the provisions of NPA Reg. 2 apply to all persons affected by the provisions of this regulation except to the extent that such provisions are inconsistent, in which event the provisions of this regulation prevail.

SEC. 8. *Communications.* All communications from persons located in Canada concerning this regulation shall be addressed to the Priorities Division, Department of Defence Production, Ottawa, Canada, and, where necessary, forwarded by that Division to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3.

SEC. 9. *Violations.* Certain provisions of this regulation may be subject to the penalties pursuant to regulations and orders issued under the Canadian Defence Production Act and the Canadian Emergency Powers Act.

This regulation as amended shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7081; Filed, June 15, 1951; 4:51 p. m.]

[NPA Order M–15, as Amended June 15, 1951]

M–15—USE OF ZINC

This amendment to NPA Order M–15 as amended May 28, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order, as amended, has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amendment affects NPA Order M–15 as amended May 28, 1951, by deleting part of paragraph (c) of section 2. As so amended, NPA Order M–15 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Application of order.
4. Use of zinc.
5. Exemptions.
6. Inventories.
7. Applications for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the zinc remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that zinc not required to fill rated orders shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply will be substituted for zinc whenever possible.

SEC. 2. *Definitions. As used in this order:*

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Zinc" means slab zinc which has been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material.

(d) "Manufacture" means to put into process, machine, incorporate into products, assemble, fabricate, or otherwise alter the forms and products of zinc defined in paragraph (c) of this section by physical or chemical means.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 5 of this order, this order applies to all persons who use zinc in manufacture, processing, or construction, or for operating supplies.

SEC. 4. *Use of zinc.* Subject to the exemptions stated in section 5 of this order, or unless specifically directed by the National Production Authority, no person shall use in manufacture, processing, construction, or for operating supplies: (a) During the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of zinc in excess of 80 percent of his average quarterly use of zinc during the base period: *Provided, however,* That his use of zinc in any one month shall not exceed 40 percent of the permitted quarterly use.

(b) During the calendar quarter commencing on July 1, 1951, and each calendar quarter thereafter, a total quantity by weight of Special High Grade Zinc (zinc that is 99.99 percent pure or better) in excess of 70 percent of his average quarterly use of Special High Grade Zinc during the base period, and a total quantity by weight of all other zinc in excess of 80 percent of his average quarterly use of such other zinc during the base period: *Provided, however,* That his use of either type of zinc in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 5. *Exemptions.* (a) The use of zinc to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of zinc authorized by the provisions of section 4 of this order.

(b) Zinc acquired by a rated order or to meet a scheduled program of the National Production Authority may be used in addition to the quantity permitted by the provisions of section 4.

(c) The provisions of section 4 do not apply to persons who use less than 3,000 pounds of zinc during any calendar quarter.

(d) The provisions of section 4 do not apply to the use of zinc:

(1) To comply with safety regulations issued under governmental authority which require the use of zinc;

(2) In research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or

(3) In electroplating where it replaces cadmium.

SEC. 6. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to users of zinc is necessary. No person obtaining zinc for use in manufacture, processing, or construction, or for operating supplies, may receive or accept delivery of a quantity of zinc if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. NPA Reg. 1 will apply to zinc except as modified by this section.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment, claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–15.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7080; Filed, June 15, 1951; 4:51 p. m.]

[NPA Order M–1, Direction 1]

M–1—IRON AND STEEL

DIR. 1—AUTHORIZED CONTROLLED MATERIALS ORDERS DURING THIRD QUARTER, 1951

This direction to NPA Order M–1 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. DO and ACM orders for September 1951 tonnage.
2. Production limitations for August and September 1951 production.
3. Allotments for further conversion for August and September 1951 production.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *DO and ACM orders for September 1951 tonnage.* Notwithstanding the provisions of paragraphs (a) and (b) of section 4 of CMP Regulation No. 3, an authorized controlled material order (as defined in section 2 (q) of CMP Regulation No. 1) for delivery of an iron or steel product during September 1951, shall not take precedence over a DO rated order calling for delivery of any such iron or steel product during September 1951: *Provided,* That on or prior to July 7, 1951, any such DO rated order has been converted into an authorized controlled material order pursuant to the provisions of paragraph (c) of section 4 of CMP Regulation No. 3. Subsequent to July 7, 1951, the provisions of said paragraphs (a) and (b) of section 4 of CMP Regulation No. 3 shall control delivery orders for iron and steel products.

SEC. 2. *Production limitations for August and September 1951 production.* The provisions of sections 5 and 6 of NPA Order M–1 and Part C of Table I attached to said order, as now or hereafter amended, shall continue in full force and effect insofar as August and September 1951 production is concerned: *Provided, however,* That the term "rated orders" shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1).

SEC. 3. *Allotments for further conversion for August and September 1951 Production.* Section 8 of NPA Order M–1 shall continue in full force and effect insofar as August and September 1951 production is concerned: *Provided, however,* That the term "DO rated orders" shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1) for the purposes of the calculations required by said section 8; *And provided further,* That any producer supplier who receives a NPA directive requiring him to allot September 1951 tonnage to any one or more further convertors shall make allotments pursuant to such directive, and shall cease to make allotments to such further convertors pursuant to said section 8.

This direction shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7078; Filed, June 15, 1951; 4:51 p. m.]

[NPA Order M–6, Direction 1]

M–6—STEEL DISTRIBUTORS

DIR. 1—AUTHORIZED CONTROLLED MATERIALS ORDERS DURING THIRD QUARTER, 1951

This direction to NPA Order M–6 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by

section 101 of the Defense Production Act of 1950. In the formulation of this direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. Allotments for steel distributors for August and September 1951 production.
2. Tonnage limitation for third quarter.
3. Item limitation for third quarter.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Allotments for steel distributors for August and September 1951 production.* Section 4 of Order M–6 shall continue in full force and effect insofar as allotments of August and September production to steel distributors is concerned: *Provided, however,* That the term "DO rated orders" shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1) for the purposes of the calculations required by said section 4.

SEC. 2. *Tonnage limitation for third quarter.* Section 6 of NPA Order M–6 shall continue in full force and effect provided that the term "rated orders" shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1) for the purposes of the calculations required by said section 6.

SEC. 3. *Item limitation for third quarter.* Section 7 of NPA Order M–6 shall continue in full force and effect provided that the term "rated orders" shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1).

This direction shall take effect on June 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7079; Filed, June 15, 1951; 4:51 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR GRADES OF SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING

On September 26, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 6476) regarding the issuance of proposed U. S. Standards for Grades of Sugarcane Sirup. After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice, the following U. S. Standards for Grades of Sugarcane Sirup are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed standards are as follows:

UNITED STATES STANDARDS FOR GRADES OF SUGARCANE SIRUP [1]

GENERAL

Sec.
44.21 Definition.

GRADES

44.22 Grades for sugarcane sirup.
44.23 Grade specifications.

DETERMINATION OF FACTORS

44.24 Quantitative determination of factors.
44.25 Preparation of basic solutions and SS color standards.
44.26 Use of SS color standards in determining color factor.

AUTHORITY: §§ 44.21 to 44.26 issued under 60 Stat. 1037; 7 U. S. C. 1621 et seq.

GENERAL

§ 44.21 *Definition.* (a) "Sugarcane sirup" means the liquid product obtained by evaporating the juice of sugarcane or by dissolving sugarcane concrete in water without removing any of the sugar therefrom. Types of sugarcane sirup are:

(1) "Sulfured sugarcane sirup" which is sugarcane sirup made by the sulfitation process; and

(2) "Unsulfured sugarcane sirup" which is sugarcane sirup made without the use of the sulfitation process.

GRADES

§ 44.22 *Grades for sugarcane sirup.* (a) *Grades for sulfured sugarcane sirup.* The grades for sulfured sugarcane sirup are designated as follows:

(1) U. S. Choice Sugarcane sirup.
(2) U. S. Standard Sugarcane sirup.
(3) U. S. Substandard Sugarcane sirup.

(b) *Grades for unsulfured sugarcane sirup.* The grades for unsulfured sugarcane sirup are designated as follows:

(1) U. S. Fancy (A–1) Sugarcane Sirup.
(2) U. S. Choice (No. 1) Sugarcane Sirup.
(3) U. S. Standard (No. 2) Sugarcane Sirup.
(4) U. S. Substandard Sugarcane Sirup.

§ 44.23 *Grade specifications.* (a) *Grade specification for sulfured sugarcane sirup.* (1) U. S. Choice Sugarcane Sirup consists of sulfured sugarcane sirup which possesses an acceptable flavor characteristic of sulfured sugarcane sirup of choice quality; which contains no excess of sediment; which is practically free of foreign matter, which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 88 percent; which has a ratio of sulfated ash to Brix solids of not more than 4.5 percent; which contains not more than 100 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than SS Color Standard No. 2.[2]

(2) U. S. Standard Sugarcane Sirup consists of sulfured sugarcane sirup which possesses an acceptable flavor characteristic of sulfured sugarcane sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 86 percent; which has a ratio of sulfated ash to Brix solids of not more than 6.0 percent; which contains not more than 100 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than SS Color Standard No. 3.

(3) U. S. Substandard Sugarcane Sirup consists of sulfured sugarcane sirup that fails to meet the requirements of U. S. Standard Sugarcane Sirup.

(b) *Grade specifications for unsulfured sugarcane sirup.* (1) U. S. Fancy (A–1) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of fancy quality which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 88 percent; which has a ratio of sulfated ash to Brix solids of not more than 4.5 percent; which contains not more than 100 parts of total sulfites, calculated as total SO_2, per million parts of Brix solids; and which possesses a color no darker than SS Color Standard No. 2.

(2) U. S. Choice (No. 1) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 90.5 percent; which has a ratio of sulfated ash to Brix solids of not more than 3.5 percent; and which possesses a color no darker than SS Color Standard No. 2.

(3) U. S. Standard (No. 2) Sugarcane Sirup consists of unsulfured sugarcane sirup which possesses an acceptable flavor characteristic of unsulfured sugarcane sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 74 percent (39.5° Baumé) when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 89 percent; which has a ratio of sulfated ash to Brix solids of not more than 4.5 percent; and which possesses a color no darker than SS Color Standard No. 3.

(4) U. S. Substandard Sugarcane Sirup consists of unsulfured sugarcane sirup that fails to meet the requirements of U. S. Standard Sugarcane Sirup.

(c) *Table of specifications for grades.* The specifications for the designated grades of sulfured sugarcane sirup and unsulfured sugarcane sirup are also set forth in summary form in the table which follows:

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

SULFURED SUGARCANE SIRUP

Factors	Grades and specifications	
	U. S. Choice sugarcane sirup	U. S. Standard sugarcane sirup
Brix solids content (corrected to 20° C. [68° F.])	Not less than 74 percent	(39.5° Baumé).
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 88 percent	Not less than 86 percent.
Ratio of sulfated ash to Brix solids	Not more than 4.5 percent	Not more than 6 percent.
Total sulfites (calculated as total SO_2) per million parts of Brix solids.	Not more than 100	
Color	No darker than SS Color Standard No. 2.	No darker than SS Color Standard No. 2.

UNSULFURED SUGARCANE SIRUP

Factors	Grades and specifications		
	U. S. Fancy (A–1) sugarcane sirup	U. S. Choice (No. 1) sugarcane sirup	U. S. Standard (No. 2) sugarcane sirup
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 74 percent (39.5° Baumé)		
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 92 percent.	Not less than 90.5 percent.	Not less than 89 percent.
Ratio of sulfated ash to Brix solids	Not more than 2.5 percent.	Not more than 3.5 percent.	Not more than 4.5 percent.
Color	No darker than SS Color Standard No. 1.	No darker than SS Color Standard No. 2.	No darker than SS Color Standard No. 3.

(d) *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of sugarcane sirup, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided,* That not more than 1/10 of such samples fail to meet the requirements of the grade specifications set forth in Table I: *And further provided,* That each of the samples which represent a specific lot of sugarcane sirup meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS

SULFURED SUGARCANE SIRUP

Factors	Grades and specifications	
	U. S. Choice sugarcane sirup	U. S. Standard sugarcane sirup
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 87.5 percent	Not less than 86.5 percent.
Ratio of sulfated ash to Brix solids	Not more than 5.0 percent	Not more than 6.5 percent.
Total sulfites (calculated as total SO_2) per million parts of Brix solids.	Not more than 125.	
Color	No darker than SS Color Standard No. 3.	No darker than SS Color Standard No. 4.

UNSULFURED SUGARCANE SIRUP

Factors	Grades and specifications		
	U. S. Fancy (A–1) sugarcane sirup	U. S. Choice (No. 1) sugarcane sirup	U. S. Standard (No. 2) sugarcane sirup
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 91.5 percent.	Not less than 90 percent.	Not less than 88.5 percent.
Ratio of sulfated ash to Brix solids	Not more than 3.0 percent.	Not more than 4.0 percent.	Not more than 5.0 percent.
Color	No darker than SS Color Standard No. 2.	No darker than SS Color Standard No. 3.	Darker than SS Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.24 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer or Baumé hydrometer corrected to 20° C. (68° F.).

(b) *Total sugars.* (1) Sucrose: By the Clerget, or double polarization, method, using invertase as the inverting agent.

(2) Reducing sugars: By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.25 *Preparation of basis solutions and SS color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.[3]

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *SS stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of SS color standards*—(1) *SS Color Standard No. 1.* Dilute 4.5 milliliters of SS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *SS Color Standard No. 2.* Dilute 9 millliliters of SS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *SS Color Standard No. 3.* Dilute 18 milliliters of SS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

§ 44.26 *Use of SS color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of sugarcane sirup for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective SS color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "SS" is an abbreviation for sugarcane sirup.

[3] 10 percent hydrochloric acid solution is made by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

to provide a flat 1/8-inch thickness of the sample to be viewed. The container for each SS color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/16 inches x 1 7/16 inches.

(c) *Visual comparison test.* A sample of sugarcane sirup is compared in the following manner with the SS color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the SS Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of sugarcane sirup in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the SS color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its 1/8-inch thickness; and each SS color standard is viewed at right angles to one of the sides of its container.

Effective date. These standards here issued will become effective 30 days after publication in the FEDERAL REGISTER.

Issued this 13th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7020; Filed, June 18, 1951; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 7, 8]

[Docket No. 9797]

COASTAL AND MARINE RELAY SERVICES, AND SHIP SERVICE

PROPOSED RULES AND ISSUES DESIGNATED FOR ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of June 1951;

The Commission having under consideration its Report and Order adopted this day in the above-captioned proceeding which, among other matters, concluded that it would be appropriate to hold oral argument on certain of the rules proposed in Docket No. 9797 and issues raised by comments thereon;

It is ordered, That the rules and issues set forth below are designated for oral argument at Washington, D. C., on a date to be later specified; that interested parties desiring to participate in the oral argument shall inform the Commission to that effect not later than July 23, 1951, by written notification (original and three copies) to include reference to Docket No. 9797, the specific sections and issues of the proposed rules to which argument will be directed and an estimate of the time required for presentation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Proposed Rules and Issues Designated for Oral Argument in Docket No. 9797

Section 7.104 (b): Whether public coast stations using telephony and licensed for operation in the 1600 to 4000 kilocycle band should, at this time in the Great Lakes area, and beginning January 1, 1953, outside that area, be required to be capable of transmitting and receiving (and be licensed to transmit) class A3 emission on the radio-channel of which 2182 kilocycles is the authorized carrier frequency, and whether public coast stations using telephony and licensed for operation in the 156.35 to 162.05 megacycle band should, beginning January 1, 1952, be required to be capable of transmitting and receiving (and be licensed to transmit) F3 emission on the radio-channel of which the authorized carrier frequency is 156.8 megacycles.

Section 7.107 (c): Whether the Commission should provide that it may require a coast station licensee, prior to the renewal of the station license, to conduct an appropriate field strength survey and to file with the Commission the resultant data as part of the application for renewal license.

Section 7.189 (c): Whether any public coast station using telephony should, if and when required by the Commission for safety purposes, during its hours of service, keep watch on the radio-channel(s) designated for calling by telephony (assigned frequency 2182 kilocycles or 156.8 megacycles) or alternatively, shall monitor such radio-channel(s) by automatic apparatus approved by the Commission for safety purposes.

Section 7.312 (d): Whether a designated time limitation should be placed on any one exchange of public correspondence between a public coast station and a public ship station.

Sections 7.352, 7.354, 7.355, 7.356: Whether these sections should be amended to permit communication between land stations and mobile stations on land, on maritime mobile frequencies.

Section 8.42: What showing an applicant for a ship station authorization should be required to submit, pursuant to section 308 (a) of the Communications Act, when requesting a "special temporary authorization."

Section 8.73: What procedure should be followed by a licensee of a ship station, with regard to the disposition of the station license, when the station operation has been discontinued permanently.

Section 8.106 (a): Whether ship stations using telephony and licensed for operation in the 1600 to 4000 kilocycle band should, at this time in the Great Lakes area, and beginning January 1, 1954 outside that area, be required to be capable of transmitting and receiving (and be licensed to transmit) on class A3 emission on the radio-channel of which 2182 kilocycles is the authorized frequency.

Section 8.106 (c): Whether ship stations using telephony and licensed for operation in the 156.25 to 157.45 megacycle band should, beginning January 1, 1952, be required to be capable of transmitting and receiving (and be licensed to transmit) class F3 emission on the radio-channels of which the authorized carrier frequencies are 156.3 megacycles and 156.8 megacycles and additionally on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations: *Provided*, That ship stations licensed prior to January 1, 1951 to use single-channel equipment on frequencies within this band on an experimental or developmental basis, need not comply with this requirement under normal class of ship station license until on and after January 1, 1953.

Section 8.135: What limitation should be imposed upon radio receiving equipment aboard ship with regard to suppression of radiation.

Section 8.223: Whether a ship station using telephony and licensed for operation in the 1600 to 4000 kilocycle band should, at this time in the Great Lakes area, and beginning January 1, 1954 outside that area be required, during its hours of service, to maintain a watch for the reception of A3 emission on the radio-channel of which 2182 kilocycles is the assigned frequency, whenever the station is not being used for transmission on that radio-channel or for communication on other radio-channels.

Section 8.364: What method of station identification should be required of (a) a ship station using telephony, or (b) a marine-utility station located aboard ship.

Section 8.366 (b): Whether a ship station using telephony and licensed for operation on either 2003, 2638, or 2738 kilocycles should be required to call or answer, initially, on the calling channel of which 2182 kilocycles is the authorized carrier frequency, before transmitting on either of the intership radiochannels 2003, 2638, or 2738 kilocycles.

Section 8.366 (h): Whether a designated time limitation should be placed on any one exchange of public correspondence between a public ship station and a public coast station.

Section 8.368: What manner of radio log should be maintained by a ship station using telephony.

Section 8.502 (a) (5): Whether a separate emergency antenna should be required, in addition to the main antenna, aboard a ship subject to Title III, Part II of the Communications Act of 1934, as amended, whenever such installation is to be construed as a main installation and a separate emergency or reserve installation.

Section 8.517: Whether an approved direction finder compulsorily installed on board a ship must be accurately calibrated prior to the ship's departure from a harbor or port for a voyage in the open sea.

[F. R. Doc. 51-7013; Filed, June 18, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 102]

YANGTZE TRADING CORP. AND E. Y. SOONG

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Yangtze Trading Corporation, E. Y. Soong, respondents, One Wall Street, New York, New York.

This proceeding was begun by the issuance of a charging letter dated April 10, 1951, and amended on May 10, 1951, wherein the Office of International Trade charged Yangtze Trading Corporation and E. Y. Soong, New York City (hereinafter referred to as the respondents), and other respondents not here the subject matter of this order, with having violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder.

It is alleged in said charging letter that the above-named respondents knowingly exported from the United States, during August and September 1949, some 123 net tons of tinplate to a named consignee in Peiping, Tientsin, China, without the authorization of any license issued by the Office of International Trade, and that said respondents effected such exportation by falsely using two validated export licenses previously issued to respondent Yangtze Trading Corporation, and by falsely using, pursuant to collusive agreement with another licensee, a validated export license issued to and held by such other licensee, none of which said licenses authorized said exportation. Further, that said respondents, in collusive agreement with another company, permitted the use by such company of a validated export license issued to respondent Yangtze Trading Corporation, to effectuate during March and April 1949, four exportations of tinplate, totaling some 90 tons, to such other company's customer in Shanghai, China, and that said license did not authorize such exportations.

It is further alleged that said respondents in effectuating the exportations hereinabove described, made false representations and certifications on each of the shipper's export declarations filed with and authenticated by the Collector of Customs at New York, New York, as to the identity of the purchaser and ultimate consignee and that the specified license named therein authorized such exportation.

In addition, it is alleged that said respondents using and permitting the use of validated export licenses, shipper's export declarations and bills of lading to effect exportations pursuant to collusive agreement with another company, without the authorization of the Office of International Trade, constituted illegal trafficking in such export control documents.

The above-named respondents, after receiving the said charging letters, and following discussions, through their counsel, with appropriate officials of the Office of International Trade and with the Compliance Commissioner, submitted to the Office of International Trade, with the advice of their counsel and through such counsel, a statement to the effect that they admitted, for the purposes of this compliance proceeding only, the charges made in said amended charging letter of May 10, 1951, that they waived all right to a hearing on such charges, and that they consented to the entry of an order the terms of which are set forth hereinbelow.

The Compliance Commissioner has reviewed the charges as set forth in the amended charging letter of May 10, 1951, has informally been presented the facts, including mitigating circumstances claimed by respondents, at a conference with counsel for the Investigation Staff of the Office of International Trade and with counsel for the said respondents, and has examined the above-mentioned proposal for a consent order. He has found the terms and conditions of the proposed order as consented to by respondents to be fair and reasonable, and he has recommended that such order be issued.

The other respondents named in the amended charging letter of May 10, 1951, have requested an oral hearing pursuant to the regulations issued by the Office of International Trade, and the evidence pertaining to their part in these transactions has not been considered.

The report and recommendations of the Compliance Commissioner have been carefully considered together with the afore-mentioned proposal for a consent order and the amended charging letter, and it appears that such report is satisfactory and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses issued to or held by respondents and each of them are hereby revoked and shall be returned forthwith to the Office of International Trade for cancellation, except validated export license No. A1-331-05321; for which license the restrictions of this Order are waived only for the purpose and to the extent of permitting respondents, or each of them, to complete the transaction for which said license was issued.

(2) Respondents, and each of them, are hereby denied the privileges of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the export to any destination of any commodity on the Positive List, as such list may be constituted at the time of any proposed shipment, for a period of three years or until the termination of export controls, whichever occurs earlier. Such denial of export license privileges shall be deemed to include and prohibit participation by the respondents, and each of them, as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated licenses in any manner or capacity, including the financing, forwarding, transporting, or other servicing of exports for any of the aforesaid Positive List commodities.

(3) Such revocation and denial of export license privileges shall extend not only to the named respondents, and to any person connected in any official capacity or as a stockholder with respondent Yangtze Trading Corporation, but also to any person, firm, corporation, or other business organization with which they or any of them may be now or hereafter related by ownership, control or other connection, or with which they or any of them may hold a position of responsibility in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall not be deemed to deny to respondents, and to each of them, the privileges of making exportations from the United States under general licenses, or to file applications for validated licenses, where required, to export commodities not on the Positive List at the time of a particular shipment.

Dated: June 12, 1951.

W. S. THOMAS,
Deputy Assistant Director, for Export Supply.

[F. R. Doc. 51-6989; Filed, June 18, 1951; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 14]

UNDER SECRETARY AND ASSISTANT SECRETARIES

GENERAL DELEGATIONS OF AUTHORITY

JUNE 13, 1951.

1. Paragraph (a) of section 1 of Order No. 2509, as amended (15 F. R. 7389), is further amended to read as follows:

SECTION 1. *Under Secretary and Assistant Secretaries.* (a) The Under Secretary may exercise all the authority of the Secretary of the Interior with respect to any matter, including any defense matter concerning electric power, fishery commodities, metals and minerals, or solid fuels, which comes before him, except:

(1) The signing of correspondence addressed to the President;

(2) The issuance of orders delegating the authority of the Secretary;

(3) The exercise of powers delegated by the President to the Secretary without any authorization for subdelegation; and

(4) The making of appointments under section 710 of the Defense Production Act of 1950.

* * * * * *

2. Subparagraph (4) of paragraph (b) of section 1 of Order No. 2509, as amended (15 F. R. 7389), is further amended to read as follows:

(b) * * *

(4) The exercise of powers delegated by the President to the Secretary with-

out any authorization for subdelegation; and

* * * * *

(Sec. 2, Reorg. Plan No. 3 of 1950 (15 F. R. 3174); sec. 6, E. O. 10200, 16 F. R. 61)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6980; Filed, June 18, 1951; 8:45 a. m.]

[Order 2605, Amdt. 4]

DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

ESTABLISHMENT OF ADMINISTRATIONS

JUNE 13, 1951.

Section 2 of Order No. 2605 (16 F. R. 2231) is amended to read as follows:

SEC. 2. *Establishment of administrations.* There are established a Defense Minerals Administration, a Defense Electric Power Administration, a Defense Solid Fuels Administration, and a Defense Fisheries Administration. Each of the defense- administrations shall be headed by an Administrator, who shall be appointed by the Secretary of the Interior.

(Sec. 2, E. O. 10200, 16 F. R. 61)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6981; Filed, June 18, 1951; 8:45 a. m.]

[Order 2640]

NATIONAL PARK SERVICE

DELEGATIONS OF AUTHORITY

JUNE 11, 1951.

Sec.
1. Associate and Assistant Directors.
2. Member of National Capital Park and Planning Commission.
3. Member of Zoning Commission of the District of Columbia.
4. Member of D. C. Recreation Board.
5. Acceptance of gifts and loans.
6. Land purchases.
7. Acceptance of deeds.
8. Acquisition of personal property.
9. Acceptance of donations of money
10. Acceptance of offers in settlement of timber trespasses.
11. Sale of timber.
12. Cooperative forest protection agreements.
13. Functions relating to surplus land.
14. Destruction or disposal of animals.
15. Collection of scientific specimens.
16. Concessioners and concession contracts.
17. Revocable permits.
18. Nonprofit societies.
19. Approval of rates for hire of animals, vehicles, and equipment.
20. Emergency procurement of supplies, etc.
21. Location of new roads.
22. Meetings of the Advisory Board on National Parks.
23. Functions with respect to Franklin D. Roosevelt Library.
24. Waiver of fees.
25. Purchase of personal equipment and supplies.
26. Procurement by Government of services or other accommodations.
27. Temporary care and removal of indigents.
28. Reimbursement for property lost, damaged, or destroyed.
29. Procurement of property from employees.
30. Approval of construction programs.
31. Redelegation.
100. Revocations—saving clause.

SECTION 1. *Associate and Assistant Directors.* Under the supervision of the Director, the Associate and Assistant Directors of the National Park Service may exercise all of the authority of the Director with respect to any matter which may come before them.

SEC. 2. *Member of National Capital Park and Planning Commission.* The function of serving as a member and executive officer of the National Capital Park and Planning Commission is hereby assigned to the Director of the National Park Service, and, in his absence or inability to function at any time, to the Associate Director of the National Park Service, and, in his absence or inability to function at any time, to the Assistant Director of the National Park Service present and whose existing appointment bears the earliest date.

SEC. 3. *Member of Zoning Commission of the District of Columbia.* The function of serving as a member of the Zoning Commission of the District of Columbia is hereby assigned to the Director of the National Park Service, and, in his absence or inability to function at any time, to the Associate Director of the National Park Service, and, in his absence or inability to function at any time, to the Assistant Director of the National Park Service present and whose existing appointment bears the earliest date.

SEC. 4. *Member of D. C. Recreation Board.* The function of serving as a member of the District of Columbia Recreation Board is hereby assigned to the Superintendent, National Capital Parks, and, in his absence or inability to function at any time, to the Associate Superintendent, National Capital Parks.

SEC. 5. *Acceptance of gifts and loans.* The Director may accept offers of museum materials, either as loans or as gifts, for display or study within the areas administered by the National Park Service.

SEC. 6. *Land purchases.* The Director may approve and accept options and offers to sell to the United States lands, or interests in lands, within areas under the jurisdiction or control of the National Park Service.

SEC. 7. *Acceptance of deeds.* The Director is authorized to accept deeds conveying to the United States lands, or interests in lands, within areas under the jurisdiction or control of the National Park Service.

SEC. 8. *Acquisition of personal property.* The Director may contract for and accept bills of sale or other evidence of title to personal property which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the National Park Service.

SEC. 9. *Acceptance of donations of money.* The Director may accept on behalf of the United States donations of money for the purposes of the areas under the jurisdiction or control of the National Park Service.

SEC. 10. *Acceptance of offers in settlement of timber trespasses.* The Director is authorized to settle timber trespasses on lands administered by the National Park Service upon payment in full of the damages thereto as determined by the Director.

SEC. 11. *Sale of timber.* The Director may provide for the cutting of timber pursuant to section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1946 ed., sec. 3), and may approve the sale or other disposition of such timber.

SEC. 12. *Cooperative forest protection agreements.* Pursuant to the provisions of the act of September 20, 1922 (42 Stat. 857; 16 U. S. C., 1946 ed., sec. 594), the Director is authorized to enter into cooperative agreements with other departments of the Federal Government, with States, or with owners of timber, for the protection and preservation of forest growth owned by the United States within the areas administered by the National Park Service.

SEC. 13. *Functions relating to surplus land.* The Director is authorized to determine, in accordance with subsection (h) of section 13 of the Surplus Property Act of 1944, as amended by the act of June 10, 1948 (62 Stat. 350; 50 U. S. C., Appendix, 1946 ed., Supp. III, sec. 1622 (h)), whether surplus land is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, and to inform disposal agencies of such determinations.

SEC. 14. *Destruction or disposal of animals.* The Director is authorized to destroy in the most humane manner or otherwise dispose of, in conformity with applicable regulations and statutory requirements, wild or exotic animals, or domestic animals that have reverted to a wild state, which are determined by him (1) to be surplus to the needs of the area involved and which are damaging the land or its vegetative cover, (2) to be habitually destructive to buildings, shade trees, essential vegetation within developed areas, or other property of appreciable value, (3) to be seriously injured, crippled, "spoiled," or decrepit, or (4) to jeopardize the welfare of visitors to the area.

SEC. 15. *Collection of scientific specimens.* The Director is authorized to permit the collection by Federal employees, for scientific or educational purposes, of specimens of animal life in areas administered by the National Park Service where it is administratively determined that the collecting of such specimens will not be unduly detrimental to such areas and is desirable in the interest of science or education and will contribute to the conservation of the natural objects and the wildlife within the areas.

SEC. 16. *Concessioners and concession contracts.* The Director is authorized to perform, in accordance with current policies of the Department, all functions relating to the administration, supervision, management, and control of all concession activities in areas administered by the National Park Service, including the execution of concession contracts, using where applicable the approved standard concession contract provisions, and permits, and the approval of all schedules of rates at which accommodations, goods, and services are furnished or sold by commercial enterprises operating under contract or permit with the Department of the Interior in areas administered by the National Park Service, subject in any event to an appeal to the Secretary. Such appeal shall be in writing and shall be submitted to the Secretary within 30 days after receipt by the aggrieved party of notice of the action taken by the Director.

SEC. 17. *Revocable permits.* The Director is authorized to issue revocable permits authorizing grazing and agricultural uses of the federally-owned lands within the areas administered by the National Park Service. (Cross reference: 36 CFR 1.20)

SEC. 18. *Nonprofit societies.* The Director is authorized to designate the nonprofit scientific and historical societies engaged in educational work in the various areas administered by the National Park Service for cooperation with which appropriations may be used for the services of field employees of the Service.

SEC. 19. *Approval of rates for hire of animals, vehicles, and equipment.* The Director is authorized to approve rates for the hire by that Service, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment without compliance with the provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C., 1946 ed., sec. 5), pursuant to section 10 of the act of May 26, 1930 (46 Stat. 383; 16 U. S. C., 1946 ed., sec. 17i).

SEC. 20. *Emergency procurement of supplies, etc.* Pursuant to the provisions of section 4 of the act of May 26, 1930 (46 Stat. 382; 16 U. S. C., 1946 ed., sec. 17c), the Director is authorized in emergencies, when no other source is available for the immediate procurement of supplies, materials, or special services, to aid and assist grantees, permittees, or licensees conducting operations for the benefit of the public in the areas administered by the National Park Service.

SEC. 21. *Location of new roads.* The Director is authorized to approve plans for the location of new roads in areas administered by the National Park Service.

SEC. 22. *Meetings of the Advisory Board on National Parks.* The Director is authorized to call meetings of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments whenever he shall deem such meetings to be desirable.

SEC. 23. *Functions with respect to Franklin D. Roosevelt Library.* The Director shall perform the functions of the Commissioner of Public Buildings under section 206 of the act of July 18, 1939 (53 Stat. 1062), with respect to the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library, and the functions of the Archivist of the United States under section 207 of the act with respect to the collection of fees from persons visiting and viewing the exhibit rooms or museum portion of said library, excluding the fixing of charges to be collected but including all other regulations with respect to such collection. Such regulations shall be submitted to the Secretary for approval. Any funds derived from such fees shall be paid, held, administered, and expended in consonance with the proviso in section 207 of the act of July 18, 1939. (Sec. 401, Reorg. Plan No. 3 of 1946, 5 U. S. C., 1946 ed., sec. 133y-16, note p. 130)

SEC. 24. *Waiver of fees.* (a) The fees prescribed by the rules and regulations, as approved from time to time by the Secretary, for the areas administered by the National Park Service, may be waived by the Director when, in his judgment, such action is deemed to be in the best interests of the United States, as, for instance, in the case of officials of adjacent or nearby States, counties, and municipalities; semi-public cooperating agencies; newspaper and magazine representatives visiting the areas for information; groups from reputable educational institutions, when under the supervision of official instructors, for the purpose of prosecuting class work or studies; veterans' organizations; persons under the care and support of charitable institutions and their attendants; and employees of the Federal Government and of the concessioners on official business.

SEC. 25. *Purchase of personal equipment and supplies.* The Director is authorized to purchase personal equipment and supplies for employees of the National Park Service, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

SEC. 26. *Procurement by Government of services or other accommodations.* The Director is authorized to contract for services or other accommodations provided in the areas administered by the National Park Service for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by him for the furnishing of such services or accommodations to the Government and without compliance with the provisions of section 3709 of the Revised Statutes, as amended.

SEC. 27. *Temporary care and removal of indigents.* Subject to the limitations contained in section 6 of the act of May 26, 1930 (46 Stat. 382; 16 U. S. C., 1946 ed., sec. 17e), the Director is authorized to provide, out of moneys appropriated for the general expenses of the national parks, for the temporary care and removal from the parks of indigents, and in case of death to provide for their burial, in those national parks not under local jurisdiction for these purposes.

SEC. 28. *Reimbursement for property lost, damaged, or destroyed.* The Director is authorized to reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of such employee or the Department of the Interior, under authorization, contract, or loan, for necessary fire fighting, trail, or other official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment would be properly chargeable.

SEC. 29. *Procurement of property from employees.* The Director is authorized to hire, rent, or purchase personal property from employees of the National Park Service whenever the public interest will be promoted thereby.

SEC. 30. *Approval of construction programs.* The Director is authorized to approve the apportionment of funds and construction program schedules required under section 1.3 (a) and (b) of the regulations approved jointly by the Secretary of the Interior on April 7, 1944, and the Federal Works Administrator on April 29, 1944, covering the administration of appropriations for roads in national parks, national monuments, national parkways, and other areas administered by the National Park Service.

SEC. 31. *Redelegation.* The Director may, by an order to be published in the FEDERAL REGISTER, redelegate or authorize the delegation of any authority vested in him by this order to any qualified officer or employee of the Service in Washington or in the field. Any such order of redelegation or authorization pursuant to this section must be approved by the Secretary of the Interior.

SEC. 100. *Revocations—saving clause.* This order supersedes paragraphs (b) and (c) of § 4.650 and §§ 4.652 to 4.672, inclusive, Subpart I—National Park Service, Part 4, 43 CFR, 1946 Supp., as amended (Orders Nos. 2225, 2238, 2318, 2402, 2446, 2543, 2563, and 2563, so far as those orders relate to the National Park Service). Delegations of authority to subordinate officials of the National Park Service and redelegations of authority which have been made pursuant to 43 CFR, 1946 Supp., Part 4, Subpart I, as amended, or the orders mentioned above, and which are in force on the effective date of this order, shall remain in force until revoked or superseded by redelegations made under this order.

(5 U. S. C., 1946 ed., sec. 22; Reorg. Plan No. 3 of 1950)

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6982; Filed, June 18, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

DEFENSE PRODUCTION POOLS

EXEMPTION FROM PROVISIONS OF SECTION 1 (A) OF PUBLIC CONTRACTS ACT

Pursuant to the provisions of section 708 of the Defense Production Act of 1950, many small business enterprises are taking steps to form production pools

for the purpose of jointly obtaining and performing defense contracts. Each such pool would be composed of a group of small business manufacturers which collectively have facilities capable of defense production, and which have agreed among themselves to use such facilities for such production.

Section 1 (a) of the Public Contracts Act requires that Government contracts for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000 must include a stipulation that the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract.

In view of the fact that such Defense Production Pools may not come within the terms "manufacturer" or "regular dealer" as those terms are used in section 1 (a) of the Public Contracts Act, the Departments of Army, Navy, and Air Force have requested that an exception be granted to section 1 (a) of the act so as to permit the award of contracts subject to the act to Defense Production Pools which have been approved by the Administrator of the Defense Production Administration pursuant to section 708 of the Defense Production Act of 1950. This request was based upon a finding by the Heads of the Departments of Army, Navy, and Air Force that contracting with such Pools will be in the public interest and beneficial to the defense effort, and that the conduct of Government business will be seriously impaired unless the requested exception is granted.

Accordingly, pursuant to authority vested in me by section 6 of the Public Contracts Act I hereby exempt all contracts entered into between contracting agencies of the United States and Defense Production Pools approved by the Administrator of the Defense Production Administration pursuant to section 708 of the Defense Production Act of 1950, from the requirement of section 1 (a) of the Public Contracts Act. This action shall not in any way be construed as exempting such contracts from other requirements of section 1 or any other provisions of the act.

Signed at Washington, D. C., this 14th day of June 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-7025; Filed, June 18, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 72]

INTERWOVEN STOCKING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Interwoven Stocking Company, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's socks manufactured by Interwoven Stocking Company, 390 Georgia Street, New Brunswick, New Jersey, having the brand name "Interwoven" and described in the manufacturers' application dated March 8, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices carry terms of 2/10-30 Extra, F. O. B., Martinsburg, West Virginia.

MEN'S SOCKS

Manufacturer's selling price (per dozen pairs)	Ceiling price at retail (per pair)	Ceiling price at retail (per 2 pairs)
$4.50	$0.65	$1.25
5.40	.75	----------
6.10	.85	----------
7.20	1.00	----------
7.90	1.10	----------
9.00	1.25	----------
10.75	1.50	----------
12.00	1.75	----------
13.50	1.95	----------
14.00	2.00	----------
18.00	2.50	----------
25.00	3.50	----------
27.50	3.95	----------
21.50	2.95	----------

2. (a) Men's socks having the series number 1922.00D in the manufacturer's application dated March 8, 1951, so long as they have a manufacturer's selling price of $7.00 per dozen pairs, shall have a ceiling price at retail of $1.00 per pair. This price carries terms of 2/10—30 Extra, f. o. b., Martinsburg, West Virginia. Sales may, of course, be made at less than these ceiling prices.

(b) Men's socks having the series numbers 8000.00D, 6000.00, 6000.00B and D, 6000.00N, and 6243.00 in the manufacturer's application dated March 8, 1951, so long as they have a manufacturer's selling price of $21.00 per dozen pairs, shall have a ceiling price at retail of $2.95 per pair. This price carries terms of 2/10—30 Extra, f. o. b., Martinsburg, West Virginia. Sales may, of course, be made at less than these ceiling prices.

(c) Men's socks having the series numbers 7121.00C and 7135.00B in the manufacturer's application dated March 8, 1951, so long as they have a manufacturer's selling price of $21.00 per dozen pairs, shall have a ceiling price at retail of $3.00 per pair. This price carries terms of 2/10—30 Extra, f. o. b., Martinsburg, West Virginia. Sales may, of course, be made at less than these ceiling prices.

(d) Men's socks having the series numbers 6265.00 and 6266.00 in the manufacturer's application dated March 8, 1951, so long as they have a manufacturer's selling price of $24.50 per dozen pairs, shall have a ceiling price at retail of $3.50 per pair. This price carries terms of 2/10—30 Extra, f. o. b., Martinsburg, West Virginia. Sales may, of course, be made at less than these ceiling prices.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 16, 1951, Interwoven Stocking Company must mark each article listed in paragraph 1, 2 (a), (b), (c), and (d), of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), (b), (c), and (d) of this special order or changes the retail ceiling price of a listed article, Interwoven Stocking Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), (b), (c), and (d) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 15, 1951.

[F. R. Doc. 51-7026; Filed, June 15, 1951; 9:00 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 74]

SILK SKIN, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Silk Skin, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of ladies' girdles and pantie girdles manufactured by Silk Skin, Inc., 10 East Thirty-ninth Street, New York 16, N. Y., having the brand names "Silk Skin" and described in the manufacturer's catalog enclosed with the manufacturer's application dated March 16, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices carry terms of 8/10 EOM.

GIRDLES AND PANTIE GIRDLES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$42.00	$5.95
45.00	6.50
48.00	7.50
60.00	8.95
84.00	12.50
96.00	15.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 16, 1951, Silk Skin, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ ------

On and after August 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Silk Skin, Inc., must comply, as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 15, 1951.

[F. R. Doc. 51-7028; Filed, June 15, 1951; 9:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

REVISED MARITIME SERVICE RULES

JUNE 14, 1951.

1. The Federal Communications Commission today announced a Report and Order making over-all revisions to Parts 7 and 8 of its Rules Governing Coastal and Marine Relay Services, and Ship Service, respectively (Docket No. 9797). The revised Parts 7 and 8 are promulgated under new titles, "Rules Governing Stations on Land in the Maritime Services" and "Rules Governing Stations on Shipboard in the Maritime Services", respectively. The new rules are to become effective July 23, 1951.

2. The proposed revision of Parts 7 and 8 of the Commission's rules was published as a Notice of Proposed Rule Making in the September 22, 1950 issue of the FEDERAL REGISTER, and additional, and amended, proposals were published as a Further Notice of Proposed Rule Making in the November 22, 1950 issue of the FEDERAL REGISTER. Certain controversial issues, as shown in the Report and Order of the Commission, have been designated for Oral Argument before the Commission in Washington, D. C.

3. The revised rules (Parts 7 and 8) incorporate information relative to procedures to be followed in the licensing of stations in the maritime services; they expand, and in many cases clarify the former rules; and, reflect applicable international treaties and agreements in these services.

4. The former experimental use of certain very high frequencies (VHF) in the maritime service has been regularized. Stations which will be authorized to operate on those certain very high frequencies will be classified, basically, as "public" or "limited", depending on whether or not the station is licensed as a public correspondence station. Further, a new class of limited station has been established which will be authorized to operate on either shore or ship. This class of station will be known as a Marine-Utility station. It will be of low power and portable in nature, using VHF radiotelephone frequencies, and its scope of operations will be confined to designated local geographic areas. This class of station is intended to serve the communication needs of maritime interests, such as harbor pilots, who find small portable sets of communication equipment useful in the performance of their duties.

5. In regularizing the former experimental use of frequencies, an additional class of station entitled "Marine Fixed" has been established. This class of station will be authorized to communicate with public coast stations using telephony and is intended to meet the communication needs of the petroleum industry engaged in off-shore oil well drilling. There will be available for this class of station the regular public service ship-to-shore frequencies for telephony in the 2100–2210 kilocycle band.

6. There have been established three new classes of stations which will be operated as Operational Fixed stations. These stations are entitled "Marine Control," "Marine Repeater," and "Marine Relay," and will be authorized for operation on the recently made available frequencies within the 72–76 megacycle band. Marine Control and Marine Repeater stations will provide for remote control of transmitters, and for relay of received signals by radio in lieu of wire lines. The Marine Relay station will be authorized for communication between coast stations for the purpose of exchanging operating signals and for forwarding and relaying ship-to-shore message traffic. The former class of "Marine Relay" station which used telegraphy and which was authorized to communicate with other marine relay stations for the purpose of expediting the transmission of telegraph message traffic to ships has been abolished; however, such function has been included in the scope of operations of a coast station when using telegraphy.

7. The VHF channels in the frequency band 152–162 megacycles are assignable according to their use and geographic areas. There is attached hereto a list of assignable frequencies in this band showing their functions in the various general geographic areas.

8. In providing for public correspondence duplex ship-to-shore frequency channels in the 152–162 megacycle band, two duplex channels were made available for various port areas, with the exception of Chicago, Illinois, where only one duplex channel has been provided. While the Commission realizes the need for two duplex channels common to all areas, certain restrictions contained in Part 2 of the Commission's rules on one of the frequencies involved prevent such assignment at this time. The Commission has under advisement the question of initiating Rule Making procedures in the near future for the purpose of relieving this latter condition.

9. In the proposed rules previously issued by the Commission certain restrictions were proposed for the frequency 2638 kilocycles as a ship-to-ship telephone frequency including a limitation which would restrict its assignment to ocean going vessels exclusively. In adopting its revised rules the Commission has modified these proposals so as to provide for the use of 2638 kc by any ship station using telephony in any area (except the Great Lakes area where 2003 kilocycles is available in accordance with existing regulations) primarily for safety communication and secondarily for communication concerning the safe, expeditious or economical operation of ships.

10. The comments received on § 8.304 of the proposed rules indicated a desire on the part of some ship owners that public radiotelephone stations located on ships which are also provided with public radiotelegraph stations not be required to make the ship telephone station available to the shipboard public. It was indicated that to furnish such service would interfere with the use of the radiotelephone station by officers on the ship for ship operational purposes. No change has been made in the proposed rules in this respect as the Commission is of the opinion that all those facilities of a public ship station which are available through licensing of public correspondence radio-channels, should be available to any person on board subject to the limitations set forth in § 8.304. Under such circumstances, navigational and business communications in behalf of the ship or its officers is afforded appropriate protection by means of the Order of Priority of Communications (§§ 8.176 and 8.177), and the authority of the master over the ship station under the Communications Act of 1934, as amended.

11. Provision is made in the revised rules (parts 7 and 8) for type approval or type acceptance of transmitters and other radio equipment to be used for specific purposes. Type acceptance will be given for a readily identifiable type of transmitting equipment upon proper showing made by the manufacturer or applicant that the equipment is capable of meeting requirements for licensing purposes. Type approval, as distinguished from type acceptance, will be given by the Commission only after suitable tests have been made to determine the ability of a type of equipment to meet specific requirements, for which type approval is requested. With the exception of radar equipment, type approval is applicable only to radio equipment compulsory installed on ships for safety purposes (such as main transmitters, emergency transmitters, auto-alarms, etc.). The revised rules provide for type approval of radar equipment to be used in radar installations either on ship or on shore, since such equipment requires special care in testing and special testing techniques to determine its adequacy for licensing purposes.

12. The revised rules (parts 7 and 8) are intended to enhance safety of life at sea by inaugurating the provision of a radiotelephone distress frequency (2182 kilocycles) for the maritime mobile services of the United States. In this respect the Commission invites attention to the fact that this frequency is not yet guarded or monitored by stations of the United States for calls from mobile or land stations in the maritime mobile service except in the Great Lakes area. Although this frequency is proposed internationally as the calling and distress frequency for the maritime mobile telephone service and has received world-wide recognition in the form of certain proposed international regulations (Radio Regulations of Atlantic City, 1947, and Fourth Inter-American Radio Agreement, 1949), the particular regulations in question are not yet finally adopted. Hence, it is not possible at this time to state with assurance that this frequency is guarded or monitored by any foreign stations. The Commission has proposed certain rules (§§ 7.189 (c) and 8.223) looking to the future provision of adequate guarding or monitoring of this frequency by non-government stations of the United States primarily for safety purposes. In view of objections thereto, however, which have been filed in Docket No. 9797 by certain interested parties, these rule sections are designated for oral argument and further consideration prior to final action thereon by the Commission.

13. The frequency 2182 kc is currently in use as the general radiotelephone calling and safety frequency of the maritime telephone service on the Great Lakes. As soon as the revised rules, Parts 7 and 8, become effective, the frequency 2182 kc may be used by stations of the United States in any area on a voluntary basis for purposes of calling and distress and for safety communication within certain prescribed limitations (see revised rules, §§ 7.305 (a), 7.312 (a), (b) and (c), 8.352, 8.353, 8.353 (a) and 8.366). Until such time as the frequency 2182 kc is effectively guarded or monitored for the reception of distress calls in areas outside the Great Lakes region, mobile stations in regions of the United States (other than the Great Lakes region) equipped to use telephony on frequencies in the band 2000 to 3000 kc may, in case of distress only, call stations of the U. S. Coast Guard on the Government frequency 2670 kc. In the Great Lakes region, the frequency 2182 kc should continue to be used when possible for distress calls transmitted by means of telephony in the maritime mobile service.

14. Designation of the radiotelegraph frequency 8280 kc as "the interim United States high frequency" for distress is not included in the revised rules since the need for this designation existed mainly during the latter part of World War II, and the use of this frequency for distress is not recognized on an international basis. It is designated in the revised rules, however, as one of the martime calling frequencies for telegraphy, and in particular for use in connection with high frequency lifeboat radio apparatus, pending international recognition of the frequency 8364 kc for this purpose.

15. Provision is made in the revised rules (§ 8.155 (a)) for waiver of the requirement for a licensed operator during normal course of service of certain classes of ship stations using telephony only on frequencies above 30 megacycles. The waiver is conditioned upon the use by a ship station of equipment type accepted by the Commission for this purpose. Under the waiver the equipment must not be that required by statute or treaty, and certain tests and adjustments must be made by an appropriately licensed operator.

16. The new rules (Parts 7 and 8) require installation of automatic-alarm-signal keying devices on ships compulsorily equipped with radiotelegraph installations. Such keying devices will provide a needed method for automatically and correctly transmitting the alarm signal. Also, new technical requirements are established as the basis of approval of any type of auto-alarm not approved prior to January 1, 1951, for use on compulsory equipped ocean-going ships.

17. The revised rules (Parts 7 and 8) provide that schedules of transmissions by coast stations to ship stations of information of general benefit to mariners (except storm warnings and urgency and safety messages) shall be subject to the approval of the Commission. The Commission intends to make a study of the matter and it will consult with coast station licensees regarding such schedules. Due notice will be given to such licensees with regard to schedules requiring approval.

18. It will not be possible for the Commission to supply copies of these voluminous rules (some 300 pages). However, the complete text will be published in a future single issue of the FEDERAL REGISTER, the date of which remains to be determined, and the same may be purchased by mail or in person from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at approximately 20 cents a copy. This particular edition of the FEDERAL REGISTER can be ordered singly or in quantity from that source direct, prior to publication.

Adopted: June 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

UTILIZATION OF VERY HIGH FREQUENCIES MARITIME MOBILE SERVICE FM TELEPHONY

Frequency band 156.25 through 162.0 Mc. Except where otherwise specified primarily for ship-shore, secondarily for ship-to-ship

[Legend: C. T.—Commercial transport. Govt.—Municipal or State government]

Carrier frequency in Mc	Great Lakes area	Mississippi River and tributaries and Gulf of Mexico Intercoastal Waterway	All other areas
156.3 156.4	All ships—ship-to-ship only [1]. C. T. vessels and Govt. vessels regularly used as ferries.	All ships—ship-to-ship only [1]. C. T. vessels and Govt. vessels navigated primarily within harbor or port areas.	All ships—ship-to-ship only.[1] C. T. vessels and Govt. vessels navigated primarily within harbor or port areas.
156.5	C. T. vessels and Govt. vessels used in marine construction activities; and commercial fishing vessels.	C. T. vessels and Govt. vessels (1) navigated primarily within harbor or port areas and (2) such vessels when navigated primarily between separate harbors or ports or outside harbor or port areas.	C. T. vessels and Govt. vessels (1) navigated primarily within harbor or port areas and (2) such vessels when navigated primarily between separate harbors or ports or outside harbor or port areas.
156.6	All ships—for ship to ship only; communication between tugboats and between tugboats and other ships relative to maneuvering and docking operations.	All ships—for communication solely in connection with harbor or port operations.[1]	All ships—for communication solely in connection with harbor or port operations.[1]
156.7	All ships—for ship to ship only; for safety communication and communication necessary for the operational and business needs of ships.	All ships—for communication essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area; where not required for this purpose this frequency may be assigned for any communication of benefit to C. T. vessels.	All ships—for communication essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area; where not required for this purpose this frequency may be assigned for any communication of benefit to commercial transport vessels.
156.8 156.9	Calling and safety—all ships [1]. C. T. vessels and Govt. vessels classified as tugs or tugboats.	Calling and safety—all ships [1]. For any communication of benefit to C. T. vessels.	Calling and safety—all ships.[1] Primarily for use by pilot vessels, normally stationed at the entrance to a harbor or port, that regularly supply ship arrival and departure information; where not required for this purpose this frequency may be assigned for any communication of benefit to C. T vessels.
157.0	C. T. vessels and Govt. vessels—ship to ship only.	C. T. vessels and Govt. vessels—ship to ship only.	C. T. vessels and Govt. vessels navigated primarily within harbor or port areas.
157.1	Primarily ship to shore (with 162 Mc); secondarily shore to ship conditionally; public correspondence only.	Primarily ship to shore (with 162 Mc); secondarily shore to ship conditionally; public correspondence only.	Primarily ship to shore (with 162 Mc); secondarily shore to ship conditionally; public correspondence only.

[1] International agreement.

Carrier frequency in Mc	Great Lakes area		Mississippi River and tributaries and Gulf of Mexico Intracoastal Waterway	All other areas
	Chicago area only	Outside Chicago area		
157.4	Ship to shore and shore to ship conditionally; public correspondence only.	Primarily ship to shore (with 161.9 Mc); secondarily shore to ship conditionally; public correspondence only.[1]	Primarily ship to shore (with 161.9 Mc); secondarily shore to ship conditionally; public correspondence only.[1]	Primarily ship to shore (with 161.9 Mc); secondarily shore to ship conditionally; public correspondence only.[1]
161.9	Not available	Shore to ship only; public correspondence only (with 157.4 Mc).[1]	Shore to ship only; public correspondence only (with 157.4 Mc).[1]	Shore to ship only; public correspondence only (with 157.4 Mc).[1]
[2]162.0	Shore to ship only; public correspondence only (with 157.1 Mc).	Shore to ship only; public correspondence only (with 157.1 Mc).	Shore to ship only; public correspondence only (with 157.1 Mc).	Shore to ship only; public correspondence only (with 157.1 Mc).

[1] International agreement.
[2] On condition that 161.9 Mc is in full use in same area; also on condition that no interference is caused to U. S. Government radio stations.

[F. R. Doc. 51-7012; Filed, June 18, 1951; 8:49 a. m.]

[Docket No. 9904]

COMMONWEALTH BROADCASTING CORP. (WLOW)

ORDER CONTINUING HEARING

In re application of Commonwealth Broadcasting Corporation (WLOW), Norfolk, Virginia, Docket No. 9904, File No. BML-1438, for modification of license to change main studio location.

The Commission having under consideration a petition filed on June 1, 1951 by Commonwealth Broadcasting Corporation (WLOW), Norfolk, Virginia, to continue the hearing in the above-entitled matter now scheduled for June 11, 1951;

It is ordered, This 8th day of June 1951, that the petition is granted, and that the hearing in the above-entitled matter is continued to August 1, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7011; Filed, June 18, 1951; 8:49 a. m.]

[Docket No. 9961]

SPRINGFIELD BROADCASTING CO. (WJKO)

ORDER CONTINUING HEARING

In re application of Springfield Broadcasting Company (WJKO), Springfield, Massachusetts, Docket No. 9961, File No. BP-7878, for construction permit.

The Commission having under consideration a petition filed May 31, 1951 by Springfield Broadcasting Company (WJKO), Springfield, Massachusetts, for a sixty-day continuance of the hearing now scheduled for June 26, 1951, in Washington, D. C., on the above-entitled application; and

It appearing, that the time within which opposition to said petition could be filed has expired and no opposition thereto has been filed, and that the public interest would be served by a grant of said petition;

It is ordered, This 7th day of June 1951, that the petition be, and it is hereby, granted, and the hearing on the above-entitled application now scheduled for June 26, 1951, is continued to 10 o'clock a. m., August 27, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7010; Filed, June 18, 1951; 8:49 a. m.]

[Docket Nos. 8736, 8975, 9175, 8976]

TELEVISION BROADCAST SERVICE

ORDER DENYING PETITION

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

1. The Commission has before it in the above-entitled proceeding three petitions, filed by the Federal Communications Bar Association, Trent Broadcasting Corporation and WKMH, Inc., respectively, directed to the legality of one or more of the proposals or procedures set forth in the Commission's Third Notice of Further Proposed Rule Making in the instant proceeding, and requesting that if the Commission does not see fit to adopt their positions on the basis of their written pleadings, petitioners be afforded oral argument before the commencement of the city-by-city portion of the hearings scheduled to begin July 9, 1951. In addition, the Joint Committee on Educational Television has filed an opposition to the petition of the Bar Association in which it requests the right to participate in any oral argument which may be held thereon. All three petitions challenge the legality of the Commission's proposal to adopt as part of its rules, a revised assignment table under which channels have been proposed to be assigned to the various communities of the United States in accordance with a schedule of priorities and engineering standards of allocation set out in Appendices A and B of the Third Notice of Further Proposed Rule Making. In addition, the petition filed by WKMH, Inc., challenges the authority of the Commission to reserve a certain number of television channels in both the VHF and UHF bands for exclusive use by non-commercial educational stations; challenges the authority of the Commission to restrict the procedures by which persons may participate in further proceedings in the manner set out in the Third Notice; and objects to the issuance of orders to show cause to 31 existing licensees or permittees whose licenses or permits would be modified by the new assignment table.

2. With respect to the questions raised by the petitions relating to the authority of the Commission to issue a table of station assignments and to reserve channel assignments for noncommercial educational stations, as a part of its rules, it is ordered that the petitions of the Federal Communications Bar Association, Trent Broadcasting Corporation and WKMH, Inc., insofar as they relate to these two questions are designated for oral argument before the Commission in Washington, D. C., on June 28, 1951, at 10:00 a. m. in Room 6121, New Post Office Building, Twelfth and Pennsylvania Avenue. Such argument will be directed soley to the question of the legal authority of the Commission. It is requested that participants in the oral argument give particular attention to the following questions:

A. Whether pursuant to the provisions of sections 1, 4 (i) and (j), 303 (a), (b), (c), (d), (f), (g) and (r), of the Communications Act, the Commission may, as public convenience, interest, or necessity requires,

(1) Prescribe as a part of its rules and subject to change through rule making a table specifying the channels upon which television station assignments may be made in specified communities and areas; and

(2) Designate and reserve certain of the assignments provided in such table for use by noncommercial educational television stations.

B. Whether and to what extent the provisions of section 307 (b) of the Communications Act affect the authority of the Commission to make such provision for television channel assignments.

C. Whether the provisions of section 307 (b) of the Communications Act, if applicable, are met, if

(1) The assignment table prescribed by the Commission provides reasonably for a fair, efficient, and equitable distribution of services among the several states and communities, and

(2) The rules and procedure of the Commission provide a reasonable opportunity for change or modification of the table through rule making, rather than through consideration of individual applications inconsistent with the table, whether or not they are mutually exclusive with other applications, and

(3) The Commission in acting upon mutually exclusive applications consistent with the table takes into account the provisions of section 307 (b) with respect to fair, efficient, and equitable distribution of services among states and communities.

D. Whether the provisions of section 309 (a) of the Communications Act with respect to hearings on applications preclude the Commission from adopting through rule making engineering standards, tables of channel assignments, or other rules or regulations which prescribe the basis upon which applications may be considered.

E. Whether the provisions of section 307 (c) of the Communications Act limit in any respect the Commission's authority to reserve channels in the assignment table for use by noncommercial educational television stations.

3. All persons who have heretofore participated in this proceeding pursuant to the Third Notice of Further Proposed Rule Making, who wish to participate in the oral argument, must file a notice of appearance with the Commission on or before June 25, 1951, and such notice shall set forth in brief whether the party intends to support or oppose the Commission's authority to take either of the proposed forms of action and the amount of time desired for argument. The Commission will determine the time to be afforded to any person or to any group presenting the same viewpoint in such manner as may appear to be appropriate. Supporting briefs will be accepted provided they are filed at least two days prior to the date of oral argument. It should be particularly noted by all interested parties that the Commission does not presently contemplate that the holding of this oral argument will result in any substantial delay in the commencement of such further proceedings in this matter which may appear appropriate after the oral argument.

4. In addition to the matter discussed above, WKMH, Inc. argues in its petition that the Commission has, in violation of section 4 of the Administrative Procedure Act, limited the scope of the comments that may be filed by interested parties with respect to Appendices A and B of the Third Notice by the requirement, in paragraph 11 of the Notice, that persons objecting to the proposals refer to the volume and page number of the transcript or exhibit containing the evidence on which their objection is based. WKMH alleges that Appendices A and B contain proposals advanced for the first time, and without prior notice and that, accordingly, it would be "impossible to refer to '* * *' the volume and page number of the transcript or exhibit containing the evidence on which their objection is based.'" WKMH apparently misconceives the true nature of Appendices A and B, and the comments that may be filed with respect to the proposals contained therein. Appendices A and B are in effect a proposed decision based on the record in the extensive hearings which the Commission has recently concluded. The comments filed with respect to Appendices A and B are, in substance, exceptions to such proposed decision. WKMH has had full opportunity to present any comments it wished prior to the beginning of the oral testimony held in this proceeding and was afforded the opportunity to introduce any evidence and to cross examine any witnesses with respect to the matters arising in the proceeding. If it was of the opinion that proposals in Appendices A and B were not supported by the record in these proceedings, it was entitled, within the contemplation of paragraph 11 of the Notice, to make appropriate objection. Petitioner makes no claim that any proposals in Appendices A and B are outside the scope of the issues raised by the Notices, comments and evidence in this proceeding. Accordingly, the Commission is of the opinion that the provisions of the Administrative Procedure Act, which afford persons an opportunity to comment on proposed rule changes in Appendices A and B, have been fully complied with.

WKMH objects also to the fact that with respect to comments relating to Appendices C and D, filed pursuant to paragraph 12 of the Third Notice, engineering statements are required by the Commission. However, WKMH overlooks the fact that the Commission has heretofore publicly stated that, under the applicable provisions of the Notice, engineering statements are not required where there are no engineering matters involved in a comment directed by Appendices C and D. Thus, the Commission informed the Joint Committee on Educational Television by public letter of April 4, 1951, that it was not required to file engineering statements in connection with comments that merely urged that a channel, already proposed for a community, be reserved for noncommercial educational purposes, or that a channel, so reserved be available instead for commercial use. However, where engineering matters are involved, the Commission obviously has authority to require that pleadings contain appropriate engineering information.

5. WKMH's objection to the fact that the Commission has issued show cause orders proposing to change the frequency of 31 stations now on the air is not based on any alleged procedural or substantive illegality but rather on the grounds that the proposed action "may further delay lifting of the freeze since hearings on show cause orders must be formal quasi-judicial hearings" and that litigation may result from this action. But this is clearly not an argument based on the illegality of the Commission's action but rather an argument, based on purely hypothetical facts, that the action taken by the Commission was unwise.

6. For the above reasons the WKMH petition, in so far as it relates to the contentions discussed in paragraphs 4 and 5 above, is denied without further proceedings.

Adopted: June 15, 1951.

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7058; Filed, June 18, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6349]

FLORIDA POWER CORP.

NOTICE OF ORDER APPROVING CONSOLIDATION AND ISSUANCE OF SECURITIES

JUNE 14, 1951.

Notice is hereby given that, on June 12, 1951, the Federal Power Commission issued its order entered June 12, 1951, in the above-entitled matter, authorizing and approving merger or consolidation, by Florida Power Corporation, of certain facilities, of Florida Power & Light Company, and issuance of securities in payment therefor.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7000; Filed, June 18, 1951; 8:48 a. m.]

[Docket No. E-6354]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE OF ORDER APPROVING MERGER AND DENYING REQUEST FOR DISMISSAL OF APPLICATION

JUNE 14, 1951.

Notice is hereby given that, on June 13, 1951, the Federal Power Commission issued its order entered June 12, 1951, in the above-entitled matter, authorizing and approving merger of certain facilities, of Indiana Power and Light Company with Public Service Company of Indiana, Inc., and denying request for dismissal of application for want of jurisdiction.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6999; Filed, June 18, 1951; 8:48 a. m.]

[Docket Nos. G-1632, 1656, 1665, 1673]

SOUTHERN NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JUNE 14, 1951.

In the matters of Southern Natural Gas Company, Docket No. G-1632; Texas Gas Transmission Company, Docket No. G-1656; Michigan-Wisconsin Pipe Line Company, Docket No. G-1665; and Republic Light, Heat and Power Company, Inc., Docket No. G-1673.

Notice is hereby given that, on June 13, 1951, the Federal Power Commission issued its orders entered June 12, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-6998; Filed, June 18, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26163]

SLAG FROM MT. PLEASANT AND SIGLO, TENN., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Slag (except ground open hearth basic slag or basic phosphate slag), carloads.

From: Mt. Pleasant and Siglo, Tenn.

To: Joplin, Mo., Muskogee, Sand Springs and Tulsa, Okla., Temple, Waco, and Wichita Falls, Tex.

Grounds for relief: Circuity, rail competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7031; Filed, June 18, 1951; 8:48 a. m.]

[4th Sec. Application 26164]

MOTOR-RAIL-MOTOR RATES; N. Y., N. H. & H. R. R. Co.

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Intercity Transportation Company.

Commodities involved: All commodities.

Between: Boston, Mass., Providence, R. I., Springfield and Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7002; Filed, June 18, 1951; 8:48 a. m.]

[4th Sec. Application 26165]

MOTOR-RAIL-MOTOR RATES; N. Y., N. H. & H. R. R. Co.

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and D. & N. Motor Transportation Co.

Commodities involved: All commodities.

Between: Boston and Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7003; Filed, June 18, 1951; 8:48 a. m.]

[4th Sec. Application 26166]

RUBBER TIRES FROM TRUNK LINE TERRITORY TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-911, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Points in trunk-line territory.

To: Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7004; Filed, June 18, 1951; 8:49 a. m.]

[4th Sec. Application 26167]

SALT CAKE FROM CERTAIN POINTS TO KANSAS CITY

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238 and to Agent C. W. Boin's tariff I. C. C. No. A-850.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Akron, Ohio, Baltimore, Md., and other specified points in official territory.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4238, Supp. 34; C. W. Boin's tariff I. C. C. No. A-850; Supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7005; Filed, June 18, 1951; 8:49 a. m.]

[4th Sec. Application 26168]

PAPER BAGS FROM BALDWIN AND PINE BLUFF, ARK., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3895.

Commodities involved: Paper bags, carloads.

From: Baldwin and Pine Bluff, Ark.

To: New Orleans, La.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3895, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7006; Filed, June 18, 1951; 8:49 a. m.]

[4th Sec. Application 26169]

WOODPULP FROM ST. MARYS, GA., TO GILMAN, VT.

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanlinger's tariff I. C. C. No. 1051.

Commodities involved: Woodpulp, not powdered, carloads.

From: St. Marys, Ga.

To: Gilman, Vt.

Grounds for relief: Circuitous routes and competition with water, or water-rail carriers.

Schedules filed containing proposed rates:

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7007; Filed, June 18, 1951; 8:49 a. m.]

[4th Sec. Application 26170]

COAL FROM CERTAIN POINTS TO ALABAMA

APPLICATION FOR RELIEF

JUNE 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs listed in exhibit "A" of the application.

Commodities involved: Coal, carloads.

From: Mines in Alabama, Kentucky, Tennessee, and southwest Virginia.

To: London, Pike Road, Perry's Mill, Barachias, Dingley, Steiner, and Montgomery, Ala.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates:

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7008; Filed, June 18, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

PITTSBURGH STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on June 8, 1951, by the Pittsburgh Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 for the disposal of all applications, reports, and documents filed with that Exchange prior to January 1, 1946, pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file more than five years.

Information contained in the material proposed to be disposed of pursuant to the plan of the Pittsburgh Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Pittsburgh Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before July 2, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 12, 1951.

[F. R. Doc. 51-6988; Filed, June 18, 1951; 8:46 a. m.]

[File No. 70-2631]

GAS SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1951.

The Gas Service Company ("Gas Company"), a subsidiary of Cities Service Company, a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Gas Company, pursuant to the competitive bidding requirements of Rule U-50, of $5,400,000 principal amount of First Mortgage Bonds due 1971, the net proceeds of which will be applied to the payment of Gas Company's outstanding 2¼ percent promissory note in the principal amount of $1,300,000, the construction of additional improvements to its properties, and to reimburse its treasury in part for construction work heretofore completed; and orders approving the proposed transaction having been issued by the Public Service Commission of Missouri, and the Nebraska State Railway Commission, and the State Corporation Commission of Kansas having issued its memorandum opinion indicating that it will issue an appropriate certificate after the results of competitive bidding are known; and Gas Company having requested that the Commission's order permit shortening of the ten-day period for inviting sealed bids pursuant to Rule U-50; and

Said declaration having set forth the fees and expenses incurred and to be incurred by Gas Company in connection with the proposed transaction in the aggregate estimated amount of $68,000, including legal fees of Fruecauff, Burns, Ruch & Farrell, company counsel, in the amount of $13,500, Arthur Young & Company, company accountants, in the amount of $4,850, and engineering fees of $5,000; and legal fees to be paid by the underwriters to Chadbourne, Hunt,

Jaeckel & Brown in the amount of $5,250; and

Said declaration having been duly filed on May 11, 1951 and the last amendment thereto having been filed on June 8, 1951 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that the fees and expenses in connection therewith are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to the said bonds be, and hereby is, shortened to six days, so that bids may be opened on June 19, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6984; Filed, June 18, 1951; 8:46 a. m.]

[File No. 70-2639]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of June A. D., 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary, Appalachian Electric Power Company ("Appalachian"), an electric utility company, having filed an application-declaration, and an amendment thereto, pursuant to sections 6, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, with respect to the following transactions:

Appalachian proposes to issue and sell $17,000,000 principal amount of its First Mortgage Bonds, -- percent series, due 1981, to be issued under and secured by Appalachian's present indenture dated as of December 1, 1940, as heretofore supplemented, and to be supplemented by an indenture to be dated as of June 1, 1951. The bonds are to be sold pursuant to the competitive bidding requirements of Rule U-50, for a price to the company of not less than 100 percent nor more than 102¾ percent of the principal amount thereof plus accrued interest.

Appalachian also proposes to issue and sell, and American Gas, the holder of all the issued and outstanding no par value common stock of Appalachian, proposes to acquire, 1,600,000 additional shares of such common stock for a cash consideration of $10,500,000.

Of the net proceeds from the sale of the said securities, it is anticipated that $8,000,000 will be applied to the prepayment, without premium, of a like aggregate principal amount of Notes Payable to Banks, issued for Appalachian's construction purposes, and the balance of the proceeds will be used in connection with the construction program of Appalachian. It is estimated that Appalachian's construction program will require expenditures aggregating about $103,000,000 during the three year period 1951 through 1953. Appalachian estimates that, based upon the present level of earnings and current expectation as to the progress of the construction program, and assuming the receipt of proceeds from the sale of the said securities, it will be enabled to meet substantially all of the costs of its construction program through the year 1951.

Appalachian is organized in Virginia and transacts its utility business in that State and in Tennessee and West Virginia. The proposed issue and sale of the bonds of Appalachian have been approved by the State Corporation Commission of Virginia and the Tennessee Railroad and Public Utilities Commission, and the issue and sale of Appalachian common stock have been approved by those Commissions and the Public Service Commission of West Virginia.

Notice of the filing of the application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, subject to a reservation of jurisdiction over fees and expenses as hereinafter provided, and deeming it further appropriate to grant the request of applicants-declarants that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional terms and conditions:

(1) That the proposed issuance and sale by Appalachian of $17,000,000 principal amount of First Mortgage Bonds, -- percent series, due 1981, shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved;

(2) That jurisdiction be reserved as to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6986; Filed, June 18, 1951; 8:46 a. m.]

[File No. 70-2642]

AMERICAN NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1951.

American Natural Gas Company ("American Natural"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed issue and sale of additional shares of its common stock:

American Natural proposes to issue and sell 334,935 shares of its authorized but unissued common stock without par value. The stock is to be offered on or about June 15, 1951 to common stockholders of record as of the close of business on or about June 12, 1951 at $27.50 per share. Such stockholders will be given rights to subscribe for one share of additional common stock for each ten shares held and the further Conditional Purchase Privilege to subscribe for shares of additional common stock not purchased pursuant to the exercise of subscription rights. If there are insufficient shares to satisfy all subscriptions pursuant to the Conditional Purchase Privilege, the available shares will be allotted pro rata among those exercising the Conditional Purchase Privilege in proportion to the subscription rights they have exercised.

One right will attach to each share of common stock of American Natural outstanding on the record date. Transferable Warrants will be issued to evidence the rights and the accompanying Conditional Purchase Privilege. The Warrants will expire at 3:00 p. m., e. d. s. t., on June 29, 1951. The exercise of ten rights will be required to purchase one share of additional common stock, and no fractional shares of additional common stock will be issued. Rights to purchase less than one share may be used in combination with similar rights representing in the aggregate one or more whole shares. American Natural proposes to enter into an arrangement with The National City Bank of New York, New York, Agent, pursuant to which the holder of a Warrant, when forwarding or presenting his Warrant to the Agent for exercise of his rights, may place an order, without charge, either to purchase such additional rights as are necessary for subscription to one full share of stock or for the sale of rights in excess of those necessary for subscription for a full share of stock, subject to the Agent's ability to find a seller or purchaser of such rights, as the case may be. It is further stated that it will be possible to purchase or sell rights through the usual investment channels, and that it is contemplated that arrangements will be made for admission of rights to trading on the New York Stock Exchange.

Orders for the purchase or sale of rights received during each day prior to the expiration date will be executed as soon as practicable after receipt by set-off and any remaining balance of sale or purchase orders will be executed on the New York Stock Exchange or otherwise. Purchasers of rights will be billed and sellers will receive payment on the basis of the average price paid or received by the Agent for such rights on the New York Stock Exchange or otherwise during the day on which their orders are executed. The proceeds from the sales of rights will be remitted to sellers as soon as possible.

Stockholders whose addresses of record are not within the continental limits of the United States and Canada will be notified by air mail of the offering to common stockholders of additional common stock, but the Warrants to which such stockholders would be entitled will be held by the Agent for their account. Such stockholders may, prior to 3:00 p. m., e. d. s. t., on June 27, 1951, instruct the Agent with respect to the exercise, sale or other disposition of their Warrants. All Warrants with respect to which instructions are not received prior to such time will, if practicable and to the extent permitted by law, be sold and the proceeds remitted to or held for the account of the respective stockholders entitled thereto.

The declaration states that American Natural may effect transactions on the New York Stock Exchange, in the open market or otherwise for the purpose of stabilizing the price of its common stock, and that such transactions, if commenced, may be terminated at any time and in any event not later than the time fixed for the expiration of the Warrants. It is further stated that, in connection with such stabilizing transactions, American Natural will at no time acquire a long position in shares of its common stock which shall be in excess of 10 percent of the shares of common stock being offered. If all the additional shares of stock are sold upon the exercise of rights and the Conditional Purchase Privilege, it is proposed to sell shares acquired in stabilizing activities in ordinary brokerage transactions on the New York Stock Exchange.

It is stated that the net proceeds from the sale of the common stock will be added to the corporate funds of American Natural to be used for corporate purposes, including additional investments in the common stocks of its subsidiaries and to reimburse the treasury for funds used for that purpose.

The declaration having been filed May 24, 1951, and the last amendment thereto having been filed on June 12, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission having received no request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said declaration having stated that the estimated fees and expenses, other than costs incident to stabilization activities, to be incurred and paid in connection with the proposed transactions aggregate $125,000, including $36,695 for services and $10,263 for expenses of the Agent, $14,000 for accounting services, $3,500 for engineering services, $1,500 for the fees and expenses of the system service company, and a total of $10,500 for legal services, and it appearing that such estimated fees and expenses are not unreasonable; and

The Commission finding that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary with respect to said declaration, as amended, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, subject to the terms and conditions set forth below; and the Commission further deeming it appropriate that the request for acceleration of the effective date of this order be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6985; Filed, June 18, 1951; 8:46 a. m.]

[File No. 70-2645]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF PROPOSED ADVANCES ON OPEN ACCOUNT TO FIVE SUBSIDIARY COMPANIES BY PARENT COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June A. D. 1951.

In the matter of The Columbia Gas System, Inc., The Ohio Fuel Gas Company, United Fuel Gas Company, The Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, and Home Gas Company; File No. 70-2645.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and five of its gas utility subsidiary companies, namely, The Ohio Fuel Gas Company ("Ohio Fuel"), United Fuel Gas Company ("United Fuel"), The Manufacturers Light and Heat Company ("Manufacturers"), Central Kentucky Natural Gas Company ("Central Kentucky"), and Home Gas Company ("Home"), have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and have designated section 12 (b) of the act and Rule U-45 promulgated thereunder as being applicable to the proposed transactions.

All interested persons are referred to said joint declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to advance varying amounts aggregating not in excess of $11,265,000 to its subsidiaries on open account during the year 1951 as follows:

Ohio Fuel	$4,300,000
United Fuel	3,900,000
Manufacturers	2,100,000
Central Kentucky	565,000
Home	400,000

Such advances would bear an interest rate of 2¾ percent per annum, which is stated to be the present commercial bank rate for such short-term loans, and the above-named five subsidiary companies propose to repay the advances in three equal installments on January 20, February 20, and March 20, 1952.

The declarants state that the proceeds will be used by the subsidiaries to finance purchased gas for their current inventories.

The joint declaration states that the proposed advances to United Fuel and to Central Kentucky are subject to the jurisdiction of the Public Service Commission of West Virginia and the Public Service Commission of Kentucky, respectively.

Notice is further given that any interested person may, not later than June 28, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint declaration, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 28, 1951, said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such

transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6987; Filed, June 18, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17940]

NETHERLANDS TRADING SOCIETY EAST, INC.

In re: Accounts maintained in the name of Netherlands Trading Society East, Inc., Dover, Delaware, and owned by persons whose names are unknown. D-49-485.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Netherlands Trading Society East, Inc., Dover, Del.]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Securities, head office a/c Rotterdam a/c nonresidents a/c (FS86317), (b) securities of determinable and indeterminable value, head office a/c Amsterdam a/c nonresidents a/c (FS86315); as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 324.	
Do	(a) Bank deposit, head office account, Amsterdam a/c old a/c; (b) bank deposit, head office account, Rotterdam a/c old a/c; as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 143.	$5,132.04 from the head office account, Rotterdam a/c old a/c which, according to information submitted by The Netherlands Embassy, is the property of Wodan Handelmaatschappij N. V.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7016; Filed, June 18, 1951; 8:50 a. m.]

[Vesting Order 17944]

LEU & CO.'S BANK LIMITED

In re: Accounts maintained in the name of Leu & Co.'s Bank Limited, or Leu & Company, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-99, F-63-99-A-1, F-28-30030-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Leu & Co.'s Bank Limited, or Leu & Co., Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Guaranty Trust Co., of New York, 140 Broadway, New York, 15, N. Y.	(a) Miscellaneous portfolio of stocks and bonds held in a/c XC-1252, (b) identified Swiss-Germany account, general ruling No. 11A account XC-59006, and (c) XC-59007; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0013; (d) Leu & Co.'s Bank Ltd., 32 Bahnhofstrasse, Zurich, Switzerland; (e) Leu & Co.'s Bank Ltd., general ruling No. 6 account, 32 Bahnhofstrasse, Zurich, Switzerland; and (f) Leu & Co.'s Bank Ltd., identified Swiss-Germany general ruling No. 11A account, 32 Bahnhofstrasse, Zurich, Switzerland; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 153.
2. Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) General ruling 6 account, shipments—B; (b) general ruling 6/17, and (c) miscellaneous portfolio of securities general ruling 17; as described by the Swiss Bank Corp., New York Agency in its report on Form OAP-700, bearing its Serial No. 0068.
3. The National City Bank of New York, 55 Wall St., New York, N. Y.	(a) Current account, general ruling No. 6 a/c as described by The National City Bank of New York in its report on Form OAP-700 bearing its Serial No. 0128; (b) B 8678 (neither identified nor certified); (c) B 28661 general ruling No. 6 (GR 17); (d) B 32694 identified GR 17 Voegeli-Holzhalf Sche Family Foundation, Zurich, blocked Swiss German, and (e) miscellaneous portfolio of foreign dollar bonds; as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. B 18.

[F. R. Doc. 51-7017; Filed, June 18, 1951; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 119

Washington, Wednesday, June 20, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW JERSEY

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

NEW JERSEY

County	Average value	Investment limit
Monmouth	$20,000	$12,000
Warren	20,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 14th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7050; Filed, June 19, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW YORK

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

NEW YORK

County	Average value	Investment limit
Chenango	$9,200	$9,200
Jefferson	10,000	10,000
Lewis	11,000	11,000
St. Lawrence	8,500	8,500

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 14th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7049; Filed, June 19, 1951; 8:47 a. m.]

Subchapter D—Water Facilities Loans

PART 351—APPROVAL AUTHORITY

MISCELLANEOUS AMENDMENTS

1. Section 351.1 in Title 6, Code of Federal Regulations (13 F. R. 9425), is revised to delete reference to loans approved by Regional Directors; to raise the amounts of loans to individuals and corporations which can be approved by State Directors; and to require that loan applications be referred to the National Office for approval in cases in which debt settlement actions are pending, contemplated or approved. Such revision is accomplished by amending paragraph (a) and subparagraphs (1) and (2) of paragraph (c), and by adding paragraph (d), to read as follows:

§ 351.1 *Authorization to State Directors.* (a) State Directors are authorized to close Water Facilities loans requiring the approval of the Administrator, subject to all of the conditions contained in loan approval letters and documents issued by the Administrator.

(b) Loans in excess of the amounts and authority specified in this section

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FEDERAL REGISTER

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1949 Edition

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[1061 (51)-1, Supp. 5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 National Agricultural Conservation Program, issued September 6, 1950 (15 F. R. 6109), as amended October 6, 1950 (15 F. R. 6813), October 24, 1950 (15 F. R. 7201), February 6, 1951 (16 F. R. 1225), and February 21, 1951 (16 F. R. 1815), is further amended as follows:

1. Section 701.210 (a) is amended by inserting the following as the third sentence therein:

§ 701.210 *Conservation practices and maximum rates of assistance.* (a) • • • Prior approval of the county committee is also required for all other practices contained in this subpart in all States, except Delaware, Florida, Georgia, Iowa, Kentucky, New Jersey, Tennessee, Virginia, and West Virginia. • • •

2. Section 701.279 is amended by deleting the words "designated by the ACP Branch as an area" in the first sentence, and adding the following at the end of the section:

§ 701.279 *Breaking out permanent vegetative cover.* • • • For the purposes of the 1951 program, the areas subject to serious wind erosion shall include all counties in Kansas, Montana, Nebraska, New Mexico, North Dakota, and Wyoming; Larimer, Boulder, Jefferson, Douglas, Teller, El Paso, Pueblo, Huerfano, and Las Animas Counties, and all counties east thereof, in Colorado; Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward Counties in Oklahoma; Bennett, Brule, Buffalo, Butte, Campbell, Charles Mix, Corson, Custer, Dewey, Edmunds, Fall River, Faulk, Gregory, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jones, Lawrence, Lyman, McPherson, Meade, Mellette, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Walworth, Washabaugh, and Ziebach Counties in South Dakota; Armstrong, Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, and Sherman Counties in Texas.

3. Section 701.292 is amended by adding the following at the end thereof:

§ 701.292 *Time and manner of filing applications and information required.* • • • The final date for filing an application for payment is January 31, 1952, in New Hampshire; March 15, 1952, in New York; April 1, 1952, in Maine; April 30, 1952, in New Jersey and Rhode Island; May 1, 1952, in Nevada; May 15, 1952, in Florida; June 30, 1952, in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Louisiana, Mississippi, Montana, North Carolina, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, Washington, and Wyoming; July 1, 1952, in Maryland; August 31, 1952, in Minnesota; December 31, 1952, in California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1952, the State committee may extend the final date to a date not later than December 31, 1952, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7048; Filed, June 19, 1951; 8:47 a. m.]

or of present borrowers for whom a debt settlement action is pending or is contemplated, will be referred to the National Office for approval.

(Sec. 6, 50 Stat. 870; 16 U. S. C. 590w. Interprets or applies sec. 2, 50 Stat. 869; 16 U. S. C. 590s)

2. Section 351.2 in Title 6, Code of Federal Regulations (13 F. R. 9425) is revised to increase the loan approval authority which may be redelegated to county supervisors by amending paragraph (b) (2) to read as follows:

§ 351.2 *Authorization to State Directors to redelegate loan approval authority.* • • •

(b) State Directors are authorized to redelegate to County Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except that County Supervisors may not be authorized to approve:

(1) Loans for irrigation purposes.

(2) Any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness in excess of $1,500.

(3) Loans to establish a water facilities group service.

(Sec. 6, 50 Stat. 870; 16 U. S. C. 590w)

Dated: June 6, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 14, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7051; Filed, June 19, 1951; 8:48 a. m.]

will be submitted to the Administrator for approval.

(c) State Directors are authorized to approve Water Facilities loans subject to applicable loan making policies and to the following limitations:

(1) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one individual in excess of $8,000.

(2) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one incorporated mutual water company, water association, or irrigation district, in excess of $35,000.

(3) The aggregate of loans made to all individuals in connection with any one water facilities group service will not exceed $20,000.

(d) Water Facilities loan applications of former borrowers for whom a debt settlement action has been approved,

[1061 (P. R. 51)-1, Supp. 2]

PART 702—SPECIAL AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1951

FERTILIZER FOR COFFEE TREES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 Special Agricultural Conservation Program; Puerto Rico, issued November 1, 1950 (15 F. R. 7420), as amended December 19, 1950 (15 F. R. 9180), is further amended as follows:

Section 702.114 is amended by revising "Maximum assistance" to read as follows:

§ 702.114 *Practice 4: Applying to coffee trees fertilizer of grades approved for coffee by the Insular Department of Agriculture.* • • •

Maximum assistance. The lesser of $35 or 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the State office.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-7096; Filed, June 19, 1951; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATES OF ASSESSMENT FOR THE 1951–52 SEASON

On May 25, 1951, notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4943) regarding the expenses and the fixing of the rates of assessment for the 1951–52 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.205 *Expenses and rates of assessment for the 1951–52 season*—(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1951–52 season for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $19,927.19;

(2) Early varieties of plums, $15,891.83;

(3) Late varieties of plums, $17,717.40; and

(4) Elberta peaches, $11,296.08.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 15 mills ($0.015) per hundred pounds of Bartlett pears;

(2) 25 mills ($0.025) per hundred pounds of early varieties of plums;

(3) 25 mills ($0.025) per hundred pounds of late varieties of plums; and

(4) 15 mills ($0.15) per hundred pounds of Elberta peaches.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1951–52 season; (2) shipments of plums have already commenced and shipment of Elberta peaches are expected to begin on or about June 28, 1951, with shipments of Barlett pears following on or about July 1, 1951; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-7083; Filed, June 19, 1951; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 596—CONTRACT CLAUSES AND FORMS

EDITORIAL NOTE: The original document designated F. R. Doc. 51-6881, published at page 5656 of the issue for Thursday, June 14, 1951, has been corrected as follows:

Section 596.584 has been changed to read "§ 596.585."

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 10]

CPR 22 — MANUFACTURERS' GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 10 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on April 25, 1951, of Ceiling Price Regulation 22, questions raised by industry, and further study of the problems involved, have indicated the need for clarifying some of the provisions of the regulation and amending it in certain particulars and making certain corrections of typographical errors.

This amendment permits the manufacturer to add to his recomputed payroll his increased cost between the end of his base period and March 15, 1951, due to required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any State or local unemployment compensation law. The amount of these payments is directly affected by an increase in wage rates and it was the original intent of the regulation to permit manufacturers to reflect such increases. This amendment, therefore, expressly permits the reflection of these increases in cost.

In addition, the treatment of retroactive wage increases is clarified by this amendment which provides that any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though granted or determined prior to April 25, 1951 (the date of the issuance of Ceiling Price Regulation 22) and retroactive to March 15, 1951, or any prior date, and pursuant to a contract in effect on March 15, 1951, is not to be included in the "labor cost adjustment." The regulation has been interpreted in this manner before the issuance of this amendment by Interpretation 5 of CPR 22 (16 F. R. 4440).

This amendment also provides three additional optional methods for determining the cost of a manufacturing material as of the dates prescribed by Ceiling Price Regulation 22. Under the provisions of Ceiling Price Regulation 22, as originally issued, a manufacturer could not use the net invoice price of a manufacturing material if delivery of that material was received more than 30 days prior to the prescribed date, or if delivery was made pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date. Where the manufacturer cannot determine his cost of a material as of a prescribed date by the use of the methods originally contained in Ceiling Price Regulation 22, he may use the net price per unit of the material shown on the invoice for the last delivery of the material to him even though made more than 30 days prior to the prescribed date, or if this price is not available, the price in the last contract, even though that contract was entered into more than 60 days prior to the prescribed date. A similar treatment is accorded written offers. These methods for determining the cost of a manufacturing material as of a prescribed date are optional and need not be used if the manufacturer believes that the material cost change determined under them does not reflect the appropriate change in his material cost. Experience under this regulation has shown that in many cases the manufacturer was not able to determine his net cost of a manufacturing material as of the prescribed date because of the restrictions with respect to the delivery, contract or offer date. This amendment will enable many of these manufacturers to compute the permitted increased cost of materials without resorting to the filing of applications with the Office of Price Stabilization.

Section 33 provides a method for determining ceiling prices by borrowing a price from a manufacturer's most closely competitive seller. It was intended by this section that a manufacturer should have as his ceiling price under this regulation, the ceiling price of his competitor established under this regulation. This amendment is intended to clarify section 33 and state its requirements in more precise language.

This regulation originally provided that after reporting a ceiling price or proposed ceiling price no redetermination could be made except in the case of an increase in cost of agricultural commodities or products processed therefrom or to correct purely arithmetical errors. Amendments, supplements, revisions and interpretations may allow changes in the computation of ceiling prices or may provide additional periods or provisions for filing reports of ceiling prices. This amendment permits recomputation of ceiling prices based upon changes resulting from these amendments, revisions and interpretations and refiling under these circumstances. Amendment 6 to this regulation extended the effective date of this regulation and the time for filing Public Form No. 8. This amendment permits those manufacturers who filed their Public Form No. 8 to file an amended Public Form No. 8 and redetermine their ceiling prices provided they file the amended Public Form No. 8 by July 2, 1951. Provision is made also for redeterminations where the manufacturer has not calculated either one or both of the adjustments ("labor cost adjustment" or "materials cost adjustment") on his Public Form No. 8.

To eliminate some uncertainty which has arisen from use of the phrase "and other allied products" in paragraph (g) of Appendix A dealing with certain exempt lumber products, this paragraph is amended to specify in greater detail the commodities intended to be exempt by this paragraph of Appendix A. In addition, the words "shuttle points" are corrected to read "shuttle blocks" and the words "picker sticks" are corrected to read "picker stick blanks."

Some misunderstanding exists as to the line of demarcation between chemicals in general which are not exempt from Ceiling Price Regulation 22 under Appendix A, and drugs, which are exempt from Ceiling Price Regulation 22 and remain subject to the General Ceiling Price Regulation. After a study of the problem, and consultation with various members of the chemical and drug industries, it has been determined that the list of drugs and medicines found in Major Group 65 of the Standard Commodity Classification, a document prepared under the supervision of the Bureau of the Budget, provides an acceptable basis for classifying exempt drugs. This amendment, therefore, uses Major Group 65 as a basis for defining the scope of the term "drugs." Many of the commodities listed in Major Group 65, however, are used on occasion for medicinal purposes, but are used to a considerably greater extent for nonmedicinal purposes. Some examples of such commodities are phenol U. S. P., aluminum sulfate and magnesium sulfate, which are used in the main for industrial purposes. Commodities of the latter class are, therefore, excluded from the definition of drugs and are thus subject to Ceiling Price Regulation 22. The test as to whether a commodity is a drug or not is the purpose for which it is sold generally and not the use which the customers or the individual manufacturer may make of the commodity. A commodity which falls within the definition of a drug in this regulation is exempt from Ceiling Price Regulation 22 and remains subject to the General Ceiling Price Regulation regardless of the container size in which it is being shipped and priced.

This amendment also clarifies the term "fatty acids", as used in subparagraph (9) of paragraph (i) of Appendix A. The term was originally intended to include as indicated by this amendment, only those fatty acids found in most vegetable and animal oils in the form of glyceride esters. Higher carbon fatty acids such as stearic, palmitic, oleic, and lauric acids are therefore included, but acids such as acetic and butyric acid are not included in the term "fatty acids."

The change in paragraph (v) of Appendix A is to make the description more exact and more clearly express the original intent as to the scope of the term "all non-metallic minerals" now listed in Appendix A.

In the interest of consistency and to establish a uniform definition, a change is made in the definition of precious stones and precious jewelry which is also to be incorporated in a General Overriding Regulation.

Appendix B sets forth the manufacturing materials for which the change in net cost may be calculated up to March 15, 1951. Paragraph 1 of Appendix B refers to all commodities listed in Appendix A. This was intended to refer to all the commodities specifically listed in Appendix A to many of which a numbered regulation applied on the date of the issuance of Ceiling Price Regulation 22. The listing of exempted "commodities" in Appendix A is contained in (b) and subsequent paragraphs. Paragraph (a) of Appendix A exempts certain sales, including sales of all commodities the ceiling prices of which were at that time or subsequently established by a numbered regulation. These exempt sales were not intended to be included within Appendix B as commodities listed in Appendix A. An official interpretation to this effect has been issued. To assure the most widespread awareness of this result, however, this amendment is issued in order to clarify which manufacturing materials are included among those as to which the change in net cost may be calculated up to March 15, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, as amended, is further amended in the following respects:

1. Paragraph (c) of section 8 is amended by inserting before the last sentence the following: "You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though, for example, such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951."

2. Section 18 (f) is redesignated 18 (i).

3. The fourth sentence from the end of the paragraph in the text preceding paragraph (a) in section 18 is amended to read as follows: "If you use paragraphs (c), (d), (e), (f), (g) or (h) of this section, you must disregard any price based upon a departure from your normal buying practices."

4. A new paragraph (f) is added to section 18 to read as follows:

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

5. A new paragraph (g) is added to section 18 to read as follows:

(g) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

6. A new paragraph (h) is added to section 18 to read as follows:

(h) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

7. Section 33, paragraph (a), subparagraph (1) is amended by inserting before the words "of your most closely competitive seller" the following words "under this regulation," so that paragraph (a) (1) reads as follows:

(a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price under this regulation of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

8. Section 37 is amended to read as follows:

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

(a) Increase in cost of agricultural commodities or products processed therefrom in accordance with section 21 of this regulation.

(b) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(c) Extension of the effective date of this regulation pursuant to Amendment 6 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(d) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(f) The filing of an amended Form No. 8 under this section is subject to the provisions of section 48 of this regulation.

9. Paragraph (g) of Appendix A is amended to read as follows:

(g) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, clothespins, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts such as, doubletrees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood products" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine) such as unassembled furniture parts, handles, wooden skewers, wooden heels and lasts, wedgies, wood shanks for shoes and shoe pegs.

(3) However, this regulation does apply to wooden products which are completed and ready for ultimate household, recreational or farm use. Such completed products are not exempt under this paragraph unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate household, recreational or farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

Examples of commodities not included within the exemption of this paragraph are the following wood products: Furniture, assembled furniture frames, brooms, mops, carpet sweepers, toys, games, baseball bats, bowling pins, checkers, chess men, billiard cues, drumsticks, golf tees, wooden spoons, wooden bowls, toothpicks, rolling pins, potato mashers, medical applicators, stepladders, wooden coat hangers, picture frames, caskets, coffins and wooden matches.

10. Subparagraph (5) of paragraph (i) of Appendix A is amended to read as follows:

(5) Cosmetics, proprietary drug products, and drugs and medicines of the kind listed in Major Group 65, *Standard Commodity Classification, Technical Paper No. 26, Volume 1, United States Government Printing Office, 1943*, except those commodities (such as phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

11. Subparagraph (9) of paragraph (i) of Appendix A is amended to read as follows:

(9) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

12. Paragraph (v) of Appendix A is amended to read as follows:

(v) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. The term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following:

(i) *Dimension and Building Stones as follows:* Basalt and related stones. Granite: Building, ornamental and monumental. Greenstone: Interior, or exterior building, structural, ornamental, and monumental. Limestone: Building, ornamental, and monumental. Marble: Slabs—buildings, structural, and decorative; ornamental and monumental marble; grave vaults. Sandstone: Building, structural, ornamental, floor and flagging (including bluestone and brownstone). Slate: Structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

(ii) *Monuments and Memorials* of granite, greenstone, limestone, marble and sandstone.

13. Paragraph (aa) of Appendix A is amended to read as follows:

(aa) Precious stones and precious jewelry. A "precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined above, when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

14. Paragraph 1 of Appendix B is amended to read as follows:

1. All commodities listed in Appendix A, as amended, under paragraph (b) and all succeeding paragraphs.

(Sec. 704, Pub Law 774, 81st Cong.)

Effective date. This amendment to Ceiling Price Regulation 22 shall become effective June 19, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7134; Filed, June 19, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amendment 4]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CHANGES, CLARIFICATIONS AND CORRECTIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 4 to Ceiling Price Regulation 30 (16 F. R. 4108) is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on May 4, 1951, of Ceiling Price Regulation 30, questions raised by industry and further study of some of the problems involved have indicated the need for clarifying some of the provisions of the regulation and amending it in certain particulars.

The same changes are made in the method of calculating increases in material costs and in the simplification of procedure when applying to the Office of Price Stabilization, for an increase in material costs as are made by Amendment 3 to Ceiling Price Regulation 22, issued May 17, 1951. As to these changes, the Statement of Considerations for Amendment 3 is equally applicable here.

This amendment, in addition, permits the manufacturer to add to his recomputed payroll his increased cost, between the end of the manufacturer's base period and March 15, 1951, due to required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment compensation law. The amount of these payments is directly affected by an increase in wage rates and it was the original intent of the regulation to permit manufacturers to reflect such increases. This amendment, therefore, expressly permits the reflection of these increases in cost as labor cost increases.

The treatment of retroactive wage increases is clarified by this amendment which provides that any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though granted or determined prior to May 4, 1951 (the date of the issuance of Ceiling Price Regulation 30) and retroactive to March 15, 1951, or any prior date, and pursuant to a contract in effect on March 15, 1951, is not to be included in the "labor cost adjustment". The regulation has been interpreted in this manner before the issuance of this amendment.

This amendment also provides three additional optional methods for determining the cost of a manufacturing material as of the dates prescribed by Ceiling Price Regulation 30. Under the provisions of Ceiling Price Regulation 30, as originally issued, a manufacturer could not use the net invoice price of a manufacturing material if delivery of that material was received more than 30 days prior to the prescribed date, or if delivery was made pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date. Where the manufacturer cannot determine his cost of a material as of a prescribed date by the use of the methods originally contained in Ceiling Price Regulation 30, he may use the net price per unit of the material shown on the invoice for the last delivery of the material to him even though made 30 days prior to the prescribed date, or if this price is not available, the price in the last contract, even though that contract was entered into more than 60 days prior to the prescribed date. A similar treatment is accorded written offers. These methods for determining the cost of a manufacturing material as of a prescribed date are optional and need not be used if the manufacturer believes that the material cost change determined under them does not reflect the appropriate change in his material cost. Experience under this regulation has shown that in many cases the manufacturer was not able to determine his net cost of a manufacturing material as of the prescribed date because of the restrictions with respect to the delivery, contract or offer date. This amendment will enable many of these manufacturers to compute the permitted increased cost of materials without resorting to the filing of applications with the Office of Price Stabilization.

In the case of commodities whose base period price is determined under section 8 or 9 of CPR 30, and where the manufacturer cannot determine his base period cost for a manufacturing material, this amendment makes it clear that the manufacturer may apply his base period markup over factory cost to the current legal cost of such manufacturing material. The regulation always has contained this provision. However, it was felt necessary to clarify the language accomplishing this result.

This regulation originally provided that after reporting a ceiling price or proposed ceiling price no redetermination could be made except to correct purely arithmetical errors. This amendment permits the recomputation of ceiling prices when amendments, supplements, revisions, and interpretations are issued, in order that manufacturers may reflect such changes in their ceiling prices.

Amendment 3 to this regulation extended to July 2, 1951, on a permissive basis, the effective date of this regulation and the time for filing Public Form No. 8. This amendment extends the same advantage to those manufacturers who have already filed Public Form No. 8 by permitting them to redetermine their ceiling prices and file an amended Form No. 8, provided that they file this amended Form No. 8 by July 2, 1951. Also, a manufacturer who has filed his Public Form No. 8 without calculating either one or both of the adjustments (labor cost adjustment, or materials cost adjustment) is permitted to redetermine his ceiling prices at any time in order to reflect the omitted adjustment or adjustments, provided he files an amended Form No. 8 at the time he makes such a redetermination.

Ships, coke oven doors and jambs, and fabricated track work are included within the coverage of CPR 30 because the pricing problems of the manufacturers of these commodities are substantially the same as those of the manufacturers of the other commodities covered by CPR 30. This amendment does not recontrol those ships which are now exempt from price control by the provisions of GOR 9.

The coverage of CPR 30 with regard to furnaces is clarified by excluding from CPR 30 only those types of industrial and laboratory furnaces which are in the nature of construction projects. Also, this amendment makes it clear that it covers only those parts and subassemblies that are in such form as to permit their use only in a commodity listed in Appendix A of the regulation and that castings are not covered by the regulation. These clarifications of the coverage of the regulation are in keeping with the original intent of the regulation.

Both CPR 22 and CPR 30 permit increases in the cost of some materials to be reflected to March 15, 1951. CPR 22 permits the March 15, 1951, date to be used for all commodities listed in Appendix A of that regulation. CPR 30, as originally issued, incorporated in its Appendix B (which lists those commodities for which the March 15, 1951, date may be used) those commodities contained in Appendix A of CPR 22 which are used in the manufacture or production of commodities covered by CPR 30. Amendments 3 and 10 of CPR 22 made certain changes in its coverage of Appendix A commodities. This amendment makes the corresponding changes in Appendix B of CPR 30.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. Section 10 (b) (3) is amended to read as follows:

(3) You determine your current cost, not in excess of the applicable ceiling price, of the "item" you disregarded in the computation under subparagraph (1) of this paragraph and add to this your markup over factory costs (total costs, less selling and general administrative expense) which is provided in the price determining method you used in subparagraph (1).

2. Section 12 (c) is amended to read as follows:

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 45 *(Definitions)* of this regulation. This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piecework, or any other system of wage payments used by you.

3. In section 22 the text preceding paragraph (a) is amended to read as follows:

SEC. 22. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating the "materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, or March 15, 1951.) To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the first of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of the issuance of this regulation. If you use paragraphs (b), (c), (d), (e), (f) or (g) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States) or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 42 of this regulation.

4. Section 22 (b) is amended to read as follows:

(b) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph. If, within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30 day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950, you may use an accounting month terminating not later than June 30, 1950.

5. Section 22 (e) is renumbered section 22 (h).

6. A new section 22 (e) is added to read as follows:

(e) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

7. Section 22 (f) is added to read as follows:

(f) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may choose not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

8. Section 22 (g) is added to read as follows:

(g) The net price per unit of the material stipulated in the written offer for the sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may choose not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

9. Section 23 is amended to read as follows:

SEC. 23. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of a commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, or March 15, 1951, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 17), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

10. Section 35 is amended to read as follows:

SEC. 35. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified.

(a) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(b) Extension of the effective date of this regulation pursuant to Amendment 3 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(c) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(d) Purely arithmetical errors, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(e) The filing of an amended Form No. 8 under this section is subject to the provisions of section 46 of this regulation.

11. Section 45 is amended by inserting immediately after the heading "Definitions and explanations" the following sentence: "Unless the context otherwise requires, the definitions and explanations in this section shall be controlling."

12. Section 45 (y) is added to read as follows:

(y) *Casting.* This term means any product produced from molten metal or alloy which is formed in a mold or die and on which no further operations are performed, except cleaning, snagging, rough grinding, inspecting, testing, rough drilling, or machining but only for the purpose of inspecting or cleaning. It also means any such product upon which further operations are performed, but only if it is designed solely to meet the buyer's specifications.

13. Appendix A is amended in the following respects:

a. The item "Coke oven doors and jambs" is inserted between the item "Coal preparation equipment" and the item "Compressors, except those used with condensing units under 25 horsepower or 25 tons".

b. The item "Track work, fabricated (including but not limited to frogs, switches and cross-overs)" is inserted between the item "Tools, power-driven, portable or non-portable" and the item "Tractors".

c. The item "Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces, open hearth furnaces, Bessemer converters, and soaking pits, coke ovens, and industrial furnaces used solely for the manufacture of pig iron and steel", is amended to read, "Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces, open hearth furnaces, Bessemer converters, soaking pits and coke ovens".

d. The item "Ships (any ship or boat powered by an inboard engine and barges and cargo carrying barges whether powered or not)" is inserted between the item "Sharpening and filing equipment" and the item "Shoe manufacturing and repairing machinery".

e. The item "Engines, gasoline and kerosene, except toy and portable and outboard motors" is amended to read "Engines, gasoline and kerosene, except toy, and portable outboard motors."

f. The item "Parts and subassemblies of any item listed in this Appendix except mechanical rubber goods" is amended to read, "Parts and subassemblies of any commodity listed in this Appendix, where the part or subassembly is in such form as to permit its use only in a commodity listed in this Appendix, except castings and mechanical rubber goods". The term "castings" is defined in section 45 *Definitions.*

g. The term "Aircraft parts (all parts, subassemblies and unfinished parts and components of aircraft which are in such form as to permit their use only as aircraft parts)" is amended to read "Aircraft parts (all parts, subassemblies and unfinished parts and components of aircraft which are in such form as to permit their use only as aircraft parts, except tires and tubes)".

14. Appendix B is amended in the following respects:

a. Paragraph (e) is amended to read as follows:

(e) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts, such as double trees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood product" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine).

(3) Wooden products which are completed and ready for ultimate farm use are not included unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

b. Paragraph (m), including subparagraphs (1) through (8), is amended to read as follows:

(m) The following specified building materials:

(1) Cement, including standard Portland Cement; Special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oilwell, sulphate-resisting, white Portland; or any other cement generally classified as Special Portland Cement; alumina cement, natural cement, puzzolan (slaglime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

c. Subparagraph (6) of paragraph (f) is amended to read as follows:

(6) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

d. Paragraph (n) is amended to read as follows:

(n) Primary metals, metallic alloys metallic oxides; and metallic by-products.

e. Paragraph (r) is amended to read as follows:

(r) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. This term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following dimension and building stone: Basalt and related stones; granite: building, ornamental and monumental; greenstone: interior, or exterior building, structural, ornamental, and monumental; limestone: building, ornamental, and monumental; marble: slabs-building, structural, and decorative; and ornamental and monumental marble; sandstone: building, structural, ornamental, floor and flagging (including bluestone and brownstone); slate: structural, electrical, roofing, floor, and flagging.

f. Paragraph (s) is amended to read as follows:

(s) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

g. Paragraph (t) is amended to read as follows:

(t) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

h. The following new paragraphs (y), (z) and (aa) are added to read as follows:

(y) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(z) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops; bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(aa) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

(Sec. 704, Pub Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 19, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7133; Filed, June 19, 1951; 4:00 p. m.]

[General Overriding Regulation 4, Amendment 1]

GOR 4—EXEMPTIONS OF CERTAIN CONSUMER SOFT GOODS

CERTAIN INDIAN AND ESKIMO HANDICRAFT OBJECTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 1 to General Overriding Regulation No. 4 is issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 4 adds to the commodities already exempted by that regulation from any ceiling price restrictions imposed by the Office of Price Stabilization. The commodities added are Indian and Eskimo handicraft objects produced by the manual skill of American Indians, Alaskan Indians or Eskimos. Such objects are already exempted from the General Ceiling Price Regulation and like the other commodities exempted by General Overriding Regulation 4, are of minor significance. They have but a trifling effect on the cost of living, the cost of the defense effort or general current industrial costs. These commodities are not so related to any other commodities which are important to the cost of living, the cost of the defense effort or to general current industrial costs as to have any effect on the controls of other commodities remaining under ceiling price restrictions. Moreover, these commodities are often bartered and therefore cannot practically be included in such regulations as Ceiling Price Regulation 7. Furthermore, any ceiling price restrictions im-

posed on these commodities would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control.

In view of the nature of the commodities exempted, this amendment to General Overriding Regulation 4 will not have any material effect on the general level of prices.

AMENDATORY PROVISION

General Overriding Regulation 4 is amended by adding a new section 4 to read as follows:

SEC. 4. *Certain Indian and Eskimo handicraft objects.* Indian and Eskimo handicraft objects produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to General Overriding Regulation 4 shall become effective June 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7131; Filed, June 19, 1951; 10:47 a. m.]

[General Overriding Regulation 5, Amendment 2]

GOR 5—EXEMPTIONS OF CERTAIN CONSUMER DURABLE GOODS

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 2 to General Overriding Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5 extends the coverage of that exempting regulation. Precious stones and precious jewelry are exempt from any ceiling price restrictions imposed by the Office of Price Stabilization. These commodities have been exempt from price control since its inception, but have been variously described in the regulations. (See exemption provisions in GCPR, section 14 (i); CPR 7, Appendix B, headnote preceding category 970; CPR 22, Appendix A, (aa).) The purpose of this amendment is to establish a uniform definition of these commodities which have been and are now entitled to exemption.

The commodities exempted by this amendment have but a trifling effect upon the cost of living, the cost of the defense effort, or the general current of industrial costs. These commodities are not so related to any other commodities which are important to the cost of living, to the cost of the defense effort, or to the general current of industrial costs as to have effect on the controls of other commodities remaining under ceiling price restrictions. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative enforcement burden out of all proportion to the importance of placing such commodities under price control.

In view of the nature of the commodities exempted, this amendment will not have any material effect on the general level of prices.

AMENDATORY PROVISIONS

General Overriding Regulation 5 is hereby amended in the following respects:

1. A new section designated section 5 is added to read as follows:

SEC. 5. *"Precious stones" and "precious jewelry".* (a) "Precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more.

(b) "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined in paragraph (a) of this section when the value of the "precious stone" or ("precious stones") exceeds the value of the total of the other component parts of the finished article.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7135; Filed, June 19, 1951; 4:00 p. m.]

[General Overriding Regulation 6, Amendment 2]

GOR 6—EXEMPTIONS RELATING TO SPECIFIED NONPROFIT ORGANIZATIONS

SALES BY THE SALVATION ARMY, 4–H CLUB SUPPLIES AND CAMP FIRE GIRL SUPPLIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 2 to General Overriding Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 6 adds certain merchandise sales to those exempted by the regulation from any price regulations issued by the Office of Price Stabllization. The sales here exempted are sales of used and waste goods by the Salvation Army, of official 4–H Club supplies by the National Committee of Boys and Girls Club Work, Incorporated, and of official Camp Fire Girl supplies. The Salvation Army is a religious and charitable nonprofit organization which, in the furtherance of a rehabilitation program, accepts donations of merchandise from the public which are sold in the same condition received or after reconditioning by the beneficiaries of the program. The National Committee on Boys and Girls Club Work is a nonprofit organization which as one of its activities furthers the work of the 4–H Clubs by selling 4–H Club supplies to persons connected with the clubs. Camp Fire Girls, Inc., is a nonprofit organization which receives a royalty on all official Camp Fire Girl Supplies sold. The articles sold, the quality of the merchandise, the manner of distribution and the price at which sold are strictly controlled by Camp Fire Girls, Inc.

This amendment, in addition to exempting the sales referred to also amends the title of General Overriding Regulation 6 to broaden the description of the regulation to include such sales.

In general, the considerations stated in support of General Overriding Regulation 6 are likewise applicable to the sales here referred to. In the judgment of the Director of Price Stabilization, it is not necessary for ceilings to be applied to these transactions.

AMENDATORY PROVISIONS

General Overriding Regulation 6 is amended in the following respects:

1. The title of the regulation is revised to read as set forth above.

2. By adding the following new sections numbered 4, 5 and 6:

SEC. 4. *Sales by the Salvation Army.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by the Salvation Army of used and waste goods donated by members of the public to that organization and sold in the condition received or as reconditioned by the organization.

SEC. 5. *Sales of 4–H supplies.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by National Committee on Boys and Girls Club Work, Incorporated, of articles bearing the official emblem, motto, pledge or other distinguishing mark of the 4–H Clubs.

SEC. 6. *Sales of Camp Fire Girls Supplies.* No price regulation issued by the Office of Price Stabilization applies to sales at wholesale or retail of articles bearing the official emblem, motto, pledge or other distinguishing mark of Camp Fire Girls, Inc.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to General Overriding Regulation 6 shall become effective June 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7132; Filed, June 19, 1951; 10:47 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1, as Amended]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951), amended at 16 F. R. 4199 (May 8, 1951), amended at 16 F. R. 4802 (May 23, 1951), and amended at 16 F. R. 5432–33 (June 8, 1951), is hereby amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)—CRITICAL DEFENSE HOUSING AREAS[1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. Corona	do	May 8, 1951
3. Colorado Springs	Colorado	Do.
4. Star Lake	New York	May 23, 1951
5. Fort Leonard Wood area	Missouri	Do.
6. Camp Cooke area	California	June 8, 1951
7. Bremerton	Washington	Do.
8. San Marcos	Texas	Do.
9. Valdosta	Georgia	June 20, 1951
10. Tullahoma	Tennessee	Do.
11. Camp Pendleton area	California	Do.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-7053; Filed, June 19, 1951; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

In § 34.95 *Parcels addressed to certain A. P. O.'s* (15 F. R. 8165, 16 F. R. 2152) make the following changes:

1. In the caption of paragraph (b) strike the words "*A. P. O. 55 and 58*" and insert in lieu thereof the words "*A. P. O.'s 10, 11, 55 and 58.*"

2. In the text of paragraph (b) strike the words "A. P. O. 55 or A. P. O. 58" and insert in lieu thereof the words "A. P. O. 10, 11, 55 or 58."

3. Amend the caption of paragraph (c) to read as follows:

(c) *List of Military Post Offices to which parcels may not be dispatched unless accompanied with the required customs declaration on Form 2966 or 2967–A:*

4. In paragraph (c) amend the table of A. P. O.'s to read as follows:

10	55	125
11	58	147
30	124	179

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7035; Filed, June 19, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the revision of FCC Form 501–A, Application for Ship Radiotelephone Station License, and the amendment of § 1.318 (b) (5) of the Commission's rules and the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations"; and

It appearing, that certain editorial changes have been made for the purpose of clarification and the deletion of certain other questions the answers to which are no longer required by the Commission; and

It further appearing, that processing of applications will be expedited by combining the application (FCC Form 501–A) and authorization (FCC Form 551–A) both of which will be completed by the applicant and upon approval by the Commission the authorization portion will be authenticated and returned to the applicant as his official station license; and

It further appearing, that there is no longer any need for filing FCC Form 500 in triplicate; and

It further appearing, that certain editorial changes in the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations" are necessary to conform with a previous amendment to § 1.320 (c); and

It further appearing, that the changes herein contained are editorial in nature, involving no substantive change requiring general notice of proposed rule-making under section 4 (a) of the Administrative Procedure Act; and

It further appearing, that blank copies of the application form herein adopted (FCC Form 501–A) will be made available to the public as soon as practicable through the Commission's offices in Washington, D. C., as well as through its field offices throughout the United States, its territories and possessions; and

It further appearing, that authority for the ordered revisions and amendments is contained in sections 4 (i), 303 (r), and 308 (b) of the Communications Act of 1934, as amended:

It is ordered, That, effective July 23, 1951, FCC Form 501–A, Application for Ship Radiotelephone Station License, is revised as set forth in the attachment hereto;[1] and

It is further ordered, That, effective July 23, 1951, Part 1 of the Commission's rules is amended as set forth below:

1. Section 1.318 (b) (5) is amended to read:

(5) FCC Form 500, "Ship Radio Station Equipment"—to be filed with FCC Form 501 in duplicate.

2. The "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations" is amended as follows:

a. Change "502——1.320 (c) (6)" to read "502——1.320 (c) (5)."

b. Change "501–A——1.320 (c) (9)" to read "501–A——1.320 (c) (8)."

c. Change "501–B——1.320 (c) (10)" to read "501–B——1.320 (c) (9)."

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 308, 48 Stat. 1082, as amended, 1084; 47 U. S. C. 303, 308)

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7064; Filed, June 19, 1951; 8:50 a. m.]

[Docket No. 9958]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules and regulations and the related interpretation in Case 6–R–1 of Telephone Accounting Bulletin No. 1 (Appendix A to Part 31);

It appearing, that on May 10, 1951, the Commission published in the FEDERAL REGISTER (16 F. R. 4341) a notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, which notice set forth a revision of Part 31 and the aforementioned related case interpretation No. 6–R–1 with respect to original cost accounting by Class A and Class B Telephone Companies, and that the period in which interested persons were afforded an opportunity to submit comments expired on June 1, 1951, and that no comments have been received during that period; and

It further appearing, that in addition to the rule amendment set forth in the notice of proposed rule making, the amendment herein provides for the following change in § 31.614:

[1] Filed as a part of the original document.

Immediately following the present text of § 31.614, add the following sentence: "This account may also be charged or credited with amounts described in subparagraph (c) (3) of account 100.4;" and

It further appearing, that the aforesaid change does not alter the substance of the amendment set forth in the notice of proposed rule making but comprises appropriate cross-referencing and clarifying language in a related section of Part 31 of the rules, and therefore compliance with requirements of section 4 of the Administrative Procedure Act is not necessary; and

It further appearing, that authority for the promulgation of this amendment is contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective January 1, 1952, Part 31 of the Commission's rules and regulations and the related case interpretation No. 6–R–1 of Telephone Accounting Bulletin No. 1 are amended as set forth below: *Provided, however*, That any carrier may make this amendment effective at any date subsequent to the date of this order.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: June 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend subparagraph (2) of § 31.100:4 (c) to read as follows:

(2) Credit amounts shall be disposed of in such manner as this Commission may approve or direct, except for credit amounts referred to in subparagraph (3) of this section.

2. Immediately following subparagraph (2) of § 31.100:4 (c), insert the following new subparagraph:

(3) Within one year from the date of inclusion in this account of a debit or credit amount with respect to a current acquisition, the company may dispose of the total amount (other than that portion relating to land) arising from an acquisition of telephone plant by a lump-sum charge or credit, as appropriate, to account 614, "Amortization of telephone plant acquisition adjustment," without further approval of the Commission, provided that such amount does not exceed $2,000 and that the plant was not acquired from an affiliated company.

3. Immediately following the present text of § 31.614, add the following sentence: "This account may also be charged or credited with amounts described in paragraph (c) (3) of account 100.4."

4. In Telephone Accounting Bulletin No. 1 (Appendix A to Part 31), redesignate "Case 6–R–1 (Cancels Case 6)" issued on July 13, 1939, and amended on June 20, 1944 as "Case 6–R–2 (Cancels Case 6–R–1)." Delete the present note and amend the first paragraph of the "answer" to read as follows:

Answer: Paragraphs (a) and (b) of § 31.2–21 of the effective system of accounts for telephone companies (the former of which paragraphs includes the expression, "a substantially complete telephone system, exchange, or toll line") shall be interpreted to mean that acquisitions of telephone plant of the types set forth in subparagraphs (a) to (i), inclusive, of the second paragraph of this answer, shall be accounted for in accordance with the provisions of aforementioned paragraphs (a) and (b) of § 31.2–21; *Provided, however*, That telephone plant acquired from a nonaffiliate at a cost not exceeding $25,000 in the case of Class A companies, and $5,000 in the case of Class B companies may be accounted for on the basis of acquisition cost in accordance with the provisions of paragraph (c) of § 31.2–21.

[F. R. Doc. 51–7059; Filed, June 19, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION AND HEARING THEREON

On February 17, 1937, pursuant to authority vested in him by the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture, after full hearing under an order of inquiry and notice of hearing, issued an order prescribing various maximum rates to be assessed by respondent for stockyard services at the Denver Stock Yards, Denver, Colorado.

Since February 17, 1937, various temporary or interim orders have been issued in the proceeding prescribing other and different rates for stockyard services. The respondent is presently operating under authority of an order dated June 8, 1948 (7 A. D. 451) as modified and extended by subsequent orders in the proceeding.

On June 12, 1951, respondent, by its attorney, filed a petition alleging that the findings of fact with respect to respondent's rate base are "out of date" and do not reflect the current values attributable to the property used and useful at this time by the respondent for stockyard purposes. In the order of February 17, 1937, respondent's rate base was found to be $2,792,700; whereas, respondent alleges that the rate base is presently not less than $3,450,000. By its petition respondent requests (1) that findings of fact which will reflect the current values of respondent's used and useful property be made, (2) that maximum rates and charges established by the order of February 17, 1937, be found to be unreasonable, (3) that findings of fact be made, after hearing, to the effect that rates and charges identical with the rates and charges currently in effect are reasonable rates and charges at this time, and (4) that an order be issued prescribing rates and charges identical with the rates and charges currently in effect as respondent's rates and charges for stockyard services.

Pursuant to the provisions of section 310 of the Packers and Stockyards Act, 1921, as amended, and the rules governing proceedings under the act (9 CFR 202), a public hearing upon the matters covered by the petition filed by respondent on June 12, 1951, and described above herein, will be held in Room 110, Administration Building, United States Department of Agriculture, at 10:00 a. m., e. s. t., on July 11, 1951.

Respondent's petition is part of the official docket in P. & S. Docket No. 450, in the files of the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., and is available there for inspection. A copy may be secured by any interested party upon request addressed to the Hearing Clerk.

Any interested person who wishes to be heard or who wishes to submit written evidence, or who wishes to be heard and to submit written evidence upon the matter, shall notify the Hearing Clerk of this desire by communication which must be received by the Hearing Clerk on or before July 5, 1951.

Done at Washington, D. C., this 15th day of June 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51–7082; Filed, June 19, 1951; 8:52 a. m.]

[7 CFR, Part 55]

SAMPLING, GRADING, GRADE LABELING AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, AND EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of an amendment to the rules governing sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs (7 CFR Part 55), to become effective July 1, 1951, pursuant to the authority contained in the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). The provisions of the regulations which

apply to butter and cheese will be superseded as of July 1, 1951, and will be contained in Part 58 of the Code of Federal Regulations. Thereafter Part 55 will be applicable only to eggs and egg products. The currently effective provisions of the regulations applicable to eggs and egg products remain unchanged with the exception of the proposed revision of those sections which deal with the internal organization of the Administration which are changed to reflect the delegation of authority within the organization of the Production and Marketing Administration charged with the administration of the service provided in the aforesaid regulations, and the hourly rate for rendering service on an intermittent fee basis which has been raised from $3.00 to $3.60. The legislation authorizing the performance of these services provides that they be operated on a self-supporting basis and it has been determined that an hourly rate of $3.60 is necessary in order to defray the increased cost in rendering the services.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the 5th day after publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Revise paragraph (z) "National supervisor" in § 55.2 to read as follows:

(z) "National supervisor" means (1) the officer in charge of the egg grading service of the Administration and (2) such other employees of the Administration as may be designated by him.

2. Revise the provisions of § 55.33 *Who may be licensed*, to read as follows:

§ 55.33 *Who may be licensed.* Any person possessing proper qualifications, as determined by an examination for competency, may be licensed by the Secretary as a grader, inspector, sampler, or supervisor of packaging. Such examination shall be held at such time and in such manner as may be prescribed by the Administrator. All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration. Any prospective licensee, other than a Federal or State employee, shall, prior to the granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the act and this part.

3. Revise the provisions of § 55.34 *Limited license may be issued* to read as follows:

§ 55.34 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to perform the following functions: (a) To candle and grade eggs on the basis of Official United States Standards of Quality of Individual Shell Eggs, issued by the Department on January 2, 1943, with respect to eggs purchased from producers or eggs to be packaged with official identification, and (b) to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs (whether shell, liquid, or frozen) which are graded and inspected by any such person shall thereafter be check-graded and check-inspected by a grader or an inspector. All limited licenses, issued as aforesaid, shall be countersigned by the aforesaid officer in charge of the poultry grading and inspection service of the Administration.

4. Revise the provisions of § 55.35 *Suspension of license* to read as follows:

§ 55.35 *Suspension of license.* Pending final action by the Secretary the aforesaid officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

5. Revise the provision of § 55.39 *On a fee basis* to read as follows:

§ 55.39 *On a fee basis.* • • •

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 55.44 to § 55.49, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(Pub. Law 759, 81st Cong.).

Issued in Washington, D. C., this 15th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–7052; Filed, June 19, 1951; 8:48 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

CANVAS PRODUCTS INDUSTRY

NOTICE OF HEARING WITH RESPECT TO PREVAILING MINIMUM WAGE

Pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45) it is proposed to hold a hearing for the purpose of determining the prevailing minimum wage in the Canvas Products Industry.

The Canvas Products Industry, for the purpose of this hearing, is defined as that Industry which manufactures or furnishes products such as awnings, tents, covers, tarpaulins, sails, etc., manufactured from canvas or other heavy fabric or from canvas substitutes (such as nylon, orlon, etc.).

Now, therefore, notice is hereby given, that a public hearing will be held on July 26, 1951 at 10:00 a. m. in Room 1214, Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the Canvas Products Industry; (2) as to whether there should be included in any determination for this Industry provision for employment of learners, beginners (or probationary workers), or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Tabulations of wage data released by the Bureau of Labor Statistics, as of April 14, 1951, based on a payroll period in August 1950, together with other tabulations prepared by that Bureau at the request of the Wage and Hour and Public Contracts Divisions, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the Industry since the time of the survey.

In the discretion of the presiding officer, a period not to exceed 30 days may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. If such

supplemental statements are received, an original and four copies of each should be filed.

Signed at Washington, D. C., this 12th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-7033; Filed, June 19, 1951; 8:45 a. m.]

Wage and Hour Division

[29 CFR, Part 661]

BANKING, INSURANCE AND FINANCE INDUSTRIES IN PUERTO RICO

NOTICE OF PROPOSED DECISION WITH RESPECT TO MINIMUM WAGE RATES

On October 19, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403, appointed Special Industry Committee No. 9 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the banking, insurance and finance industries in Puerto Rico, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the banking, insurance and finance industries in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the banking, insurance and finance industries, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the banking, insurance and finance industries in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 58 cents an hour to be paid to employees in the banking, insurance and finance industries in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on March 27, 1951, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on April 24, 1951, at which all interested persons were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the banking, insurance and finance industries in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 9 for Puerto Rico of a Minimum Wage Rate in the Banking, Insurance and Finance Industries in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 2683), that I propose to approve the recommendation of the Committee for the banking, insurance and finance industries and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
661.1 Approval of recommendation of industry committee.
661.2 Wage rate.
661.3 Notices of order.
661.4 Definition of the banking, insurance and finance industries in Puerto Rico.

AUTHORITY: §§ 661.1 to 661.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 661.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 661.2 *Wage rate.* Wages at a rate of not less than 58 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the banking, insurance and finance industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 661.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the banking, insurance and finance industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 661.4 *Definition of the banking, insurance and finance industries in Puerto Rico.* The business, whether or not for profit, carried on by any banking, insurance or other financial institution or enterprise.

Signed at Washington, D. C., this 13th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-7065; Filed, June 19, 1951; 8:50 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Parts 51, 52]

[Docket No. FDC-54]

CANNED CORN; DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY, AND FILL OF CONTAINER

NOTICE OF PROPOSED RULE MAKING

In the matter of fixing and establishing definitions and standards of identity for canned corn and canned field corn; establishing a standard of quality for canned corn and standards of fill of container for canned corn and canned field corn:

There was published in the FEDERAL REGISTER on April 12, 1950 (15 F. R. 2060), a tentative order by the Federal Security Administrator which contained findings of fact and regulations proposing to amend the definitions and standards of identity for canned corn and canned field corn and to establish standards of quality and fill of container for canned corn. No final order has been promulgated in this matter. On consideration of the entire record to date, including the exceptions filed to the proposed order, and on the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on February 4, 1949 (14 F. R. 489), it is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), the following order be made:

Findings of fact.[1] 1. Canned corn is the food the principal component of which is the succulent kernels from husked, silked ears of sweet corn. The kernel consists of an outer hull (pericarp), the main inner portion (endosperm), the germ (embryo), and the tip cap. The tip cap portion of the kernel in usual preparation remains attached to the cob when the kernels are cut from it, and is not properly included in canned corn. There are five types of canned corn as described hereinafter in findings 3 through 6 and finding 8,

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

and the method of preparing the corn ingredient varies with the type of canned corn being prepared. Water is generally added for proper preparation and to aid in processing. Salt and sugar (sucrose) are generally added as seasoning ingredients. The salt and sugar are usually first dissolved in the water to form a solution, generally designated in the canning industry as a brine, which is then added to the corn ingredient. The food is sealed in a container, and is processed by heat to prevent spoilage. The evidence indicates the possibility of the development of other methods of processing, but no such methods have yet come into use. (R. 20, 22–23, 31, 34, 70–78, 281–285, 300, 308, 613–614, 707, 947–948; Ex. 1, OP 14, OP 20)

2. Red or green sweet peppers or mixtures of these are sometimes added to canned corn for seasoning or garnishing. There is no reason why red or green hot peppers could not be similarly used. The added peppers may be fresh, packed in brine, frozen, or canned or mixtures of these forms. The amount used varies, and generally is added without weighing. The labels of canned corn containing peppers customarily show the kind of peppers used. The consumer can be adequately informed by the statement "with ---------- peppers," the blanks being filled in with the word "red" or "green" or both to show the color of the peppers used, and the words "sweet" or "hot" or both to show the type of peppers used. (R. 22, 34–35, 114–120, 122–128, 135–141, 142–149, 283, 288–289; Ex. 1, OP 14)

3. The corn ingredient of whole-kernel or whole-grain corn consists of kernels cut from the ear above the tip cap. In packing whole-kernel corn brine is added to aid in processing. In one style of pack enough brine is added to cover the corn ingredient. In another style of pack a considerably lower proportion of brine to the corn ingredient is used, and the containers are sealed under conditions creating a high vacuum in the container in order to prevent a change in the color of kernels not covered by brine. This latter type of pack has come to be known as vacuum pack or vacuum packed. These terms originated with the use of machines for obtaining a high vacuum in the containers by mechanical means. It is in the interest of consumers buying this type of corn to restrict the amount of brine used, because a lower ratio of brine to the total weight of the food in the container is the principal distinguishing characteristic of vacuum-pack whole-kernel corn. The weight of brine drained from the corn ingredient should not exceed 20 percent of the net weight of the food in the container. (R. 21–23, 25, 27, 31, 37–38, 68–69, 73–74, 83, 130–131, 172–185, 186–228, 229–255, 284–287, 299, 303, 908–909, 1215–1217; Ex. 1, FDA 1, OP 10–12, OP 14)

4. The corn ingredient of fritter corn is prepared by slitting the kernels on the cob and scraping out the inner portion, or by scraping out the inner portion after cutting off and removing the top part of the kernel. The corn ingredient consists almost wholly of endosperm and germ. Brine is added to season the food and as an aid in processing. (R. 24–25, 74–77, 287–288, 551–552; Ex. 1, OP 14)

5. The corn ingredient of ground corn is obtained by grinding or comminuting corn kernels. Brine is added to season the food and as an aid to processing. This corn ingredient has not acquired a common name, but the designation "ground corn" adequately describes the product and differentiates it from other corn ingredients. (R. 24–25, 40, 287–288, 529; Ex. 1, OP 14)

6. The corn ingredient of cream-style corn consists of cut kernels, together with portions of kernels that have been scraped from the ear, or a mixture of cut kernels and ground corn or fritter corn or both. Brine is generally added, and the mixture is often given a preliminary heat treatment. A small amount of starch is sometimes added to secure a smooth product, particularly where the corn ingredient is quite immature. There is a possibility that the use of starch may be abused, in that by its use water in excess of that necessary for proper preparation and processing can be incorporated in the product. The evidence, however, does not furnish a basis for setting a numerical maximum limit on the water used. Consistency of cream-style corn, fritter corn, and ground corn was proposed as a factor of identity for the purpose of limiting the amount of water used; however, the consistency of canned corn is affected by other factors than the amount of water used, and is a factor of quality rather than identity. Whenever starch has been used, the label has customarily borne a statement to reveal the addition. Cream-style corn has at times been designated as "crushed corn." In recent years, however, this term has been gradually discontinued as a designation for this style of pack. (R. 24–26, 30, 34, 39–46, 59–60, 77–81, 85–88, 259–276, 279, 295, 307–308, 554–556, 564, 856–857, 861, 905–907, 947–948, 1000–1001; Ex. 1, 2, OP 2, OP 4, OP 14)

7. The material retained on an 8-mesh sieve when cream-style corn is mixed with water and passed over such a sieve is referred to as washed drained residue. There was considerable evidence indicating that some definite proportion of washed drained residue should be required in cream-style corn, or that cream-style corn containing less than a certain amount of washed drained residue should be designated as substandard in quality. Because of the wide variations in the amounts of washed drained residue found in cream-style corn and the divergent opinions expressed as to the significance of washed drained residue, it is inadvisable to prescribe a limit for washed drained residue, either as an identity factor or as a quality factor. (R. 87–88, 90–94, 105, 319, 323, 397–433, 483–497, 529, 534–536, 543–554, 565–569, 575–583, 588–595, 624–652, 681–682, 698–706, 718, 762–763, 768–773, 800–829, 839–856, 866–906, 918–940, 943–956, 966–968, 998–1000; Ex. 1, FDA 5–7, FDA 14A, FDA 14B, FDA 15–16, OP 4, OP 16–18, OP 20, OP 24, OP 25A, OP 25B, OP 26–27)

8. A relatively small amount of a type of canned corn resembling whole-kernel corn, except that the kernels are dried before canning, is packed. In the usual method of preparation the shucked, silked ears of succulent sweet corn are cooked; the kernels are cut from the cob and are partially dehydrated in a blast of hot air. The dried kernels are placed in containers with brine, and the containers are sealed and processed. This type of canned corn is commonly known as evaporated corn. The drying of the kernels results in the corn ingredient having a taste and appearance that distinguish it from whole-kernel corn as described in finding 3. (R. 23–24, 36–37, 158–167, 303–306; Ex. OP 8–9)

9. Under 21 CFR 52.990 provision was made for canned corn on the cob. Manufacture of this product was discontinued during the late war, and the record does not show that it has been resumed. The evidence of record does not furnish a basis for including this form of corn in the definition and standard of identity, standard of quality, or standard of fill of container for canned corn. Canned corn on the cob, if its production is resumed, can best be treated as a food for which no applicable standard exists. (R. 22, 36; Ex. 2)

10. Kernels of yellow sweet corn and white sweet corn are occasionally mixed in preparing canned corn. Due to cross-pollination, canned yellow corn may occasionally contain a few kernels of white corn, and canned white corn may obtain a few kernels of yellow corn. The record does not show that any minimum limit for yellow corn in white corn (or vice versa) is needed. Intentional admixtures should be permitted under proper labels. (R. 26–27, 281–282, 1233–1237, 1241–1244; Ex. 1, OP 14)

11. Field corn has not generally been considered suitable for canning because it is not as sweet and not as tender as sweet corn. Field corn is more starchy than sweet corn. Nothwithstanding its less palatable characteristics, it is canned to a limited extent, either alone or mixed with sweet corn. In mixtures of field corn and sweet corn the latter has been used in proportions of from 20 to 40 percent to improve the appearance and flavor. Although it is generally packed only in the cream-style form, there is no reason why it could not be packed in all the forms previously described in findings 3 through 6 and finding 8. It is in the interest of consumers that a standard be adopted so that if field corn is used the finished food can be definitely differentiated by the consumer from canned sweet corn. To accomplish this it is reasonable to require that the food prepared from field corn or any mixture of field corn with sweet corn bear on the label the name "field corn." (R. 20, 149–158; Ex. 2, OP 6–7)

12. The common or usual name of canned corn includes the generic name "corn," sweet corn," or "sugar corn"; a designation of the color group of the corn, or mixture of color groups used; the words "whole kernel" or "whole grain" when the corn ingredient is that described in finding 3, together with the supplemental statement "vacuum pack" or "vacuum packed," when the conditions characterizing vacuum-pack corn outlined in finding 3 are met; the word "fritter" when the corn ingredient de-

scribed in finding 4 is used; the word "ground" when the corn ingredient described in finding 5 is used; the words "cream style" when the corn ingredient described in finding 6 is used; and the word "evaporated" when the corn ingredient described in finding 8 is used. Many canners wish to use the varietal name of the corn as a part of the name of the canned food. Consumers are sometimes interested in knowing the variety of corn used, and it is in the interest of consumers to provide for a variety designation in the name. The arrangement of the different parts of the name of canned corn varies according to the preference of the packer, and it is reasonable to provide that the different parts of the name be arranged in any order not misleading to the consumer. The same facts apply to the name of field corn, except the words "corn," "sweet corn," and "sugar corn" are replaced by the words "field corn," and the term "golden field corn" is not used. (R. 20, 27, 38, 40, 98–101, 152–153, 163, 287–288, 291, 425, 551–552, 861; Ex. 1, OP 2, OP 6–9, OP 14)

13. The appearance of canned corn is marred by the presence of black or brown discolored kernels or pieces of kernels. Any unit that has upon it a brown or black discolored area is objectionable. For the purpose of a quality standard it is reasonable that only those discolored kernels or pieces of kernels of such size that they remain on an 8-mesh sieve be counted. The presence of more than one such brown or black discolored kernel or piece of kernel in each 2 ounces of drained weight of whole-kernel or evaporated corn, or more than one such brown or black discolored kernel or piece of kernel in each 2 ounces of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality. The caramelized color imparted to canned corn in the processing of the evaporated product is not a brown or black discoloration. (R. 23, 314, 439–440, 499–500, 750–751; Ex. FDA 2–7, OP 18)

14. The eating quality of canned corn is adversely affected by the presence of pieces of cob. Cob is inedible, and even a small piece is objectionable. For the purpose of a quality standard it is reasonable that only those pieces of cob of such size that they remain on an 8-mesh sieve be included in the measurement of cob. A practicable method for measuring the amount of such cob is to segregate it and measure its volume by displacement. The presence of more than 1 cubic centimeter of cob remaining on an 8-mesh sieve in each 14 ounces of drained weight of whole-kernel or evaporated corn or in each 20 ounces of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality. (R. 315, 321, 323, 447–453, 530–531, 612; Ex. FDA 2–7, OP 18)

15. The appearance and also the eating quality of canned corn are adversely affected by the presence of husk. For the purpose of a quality standard it is reasonable that only those pieces of husk of such size that they remain on an 8-mesh sieve be included in the measurement of husk. A practicable method for measuring the amount of such husk is to segregate the pieces and aggregate their areas. The presence of pieces of husk of such size that they remain on an 8-mesh sieve, and in such an amount as to aggregate more than 1 square inch in each 14 ounces of drained material of whole-kernel or evaporated corn, or in each 20 ounces of net weight of fritter, ground, or cream-style corn, so lowers the quality of the food that its label should bear a statement of substandard quality. (R. 316, 321, 323, 454A–459, 598, 652; Ex. FDA 2–7, OP 18)

16. The appearance and also the eating quality of canned corn are adversely affected by the presence of silk. Silk is unsightly and unpleasant to the taste. There are two different color groups of silk: light green or white, and dark brown. These two color groups are equally objectionable when eaten, but dark-brown silk is more unsightly than lighter colored silk. It is impracticable to distinguish between colors when measuring the amount of silk present. Large pieces of silk are more objectionable to the consumer than small ones, and when the length of a piece is less than ½ inch it ceases to be a significant quality factor. For this reason, when the amount of silk present is measured, pieces less than ½ inch in length should not be counted. A practicable method for measuring the amount of silk is to segregate the pieces ½-inch long or longer remaining on the 8-mesh sieve and determine the aggregate length. The presence of a total length of more than 7 inches of silk for each 1 ounce of drained material of whole-kernel or evaporated corn, or more than a total length of 5 inches of silk in each 1 ounce of net weight of fritter, ground, or cream-style corn so lowers the quality of the food that its label should bear a statement of substandard quality. (R. 316–318, 321, 323, 425, 531–534, 598–599, 771–771A, 989–994; Ex. FDA 2–7, OP 18)

17. In cream-style corn consistency has long been known as a factor of quality. Thinness and wateriness detract from the quality of cream-style corn. Thinness and wateriness may be due to the use of too much water, the use of very young corn, or both. When a thin consistency is due to the use of very young corn, the cream-style corn is acceptable to some buyers despite its relatively thin consistency. When such very young corn is used, the alcohol-insoluble-solids content of the washed drained material, as measured by the method set forth in finding 21, will be less than 20 percent. For many years it has been the practice in the trade dealing in canned corn to judge its consistency by observing its spread when emptied from the container onto a flat surface or by spooning the product, but these methods lack the precision which is necessary in a standard of quality. In the trade more accurate methods, which utilize instruments known as consistometers, have been developed for measuring consistency. The method set forth in finding 21 is practicable, well known, and sufficiently precise for use in a standard of quality. When the consistency of cream-style corn is tested by this method and the sample spreads over an approximately circular area having an average diameter of more than 10 inches in the case of cream-style corn the washed drained material of which has an alcohol-insoluble-solids content of over 20 percent, or spreads over more than 12 inches in the case of cream-style corn the washed drained material of which has an alcohol-insoluble-solids content of 20 percent or less, the quality of the cream-style corn is below standard, and its label should bear a statement of substandard quality. Thinness and wateriness also detract from the quality of fritter corn and ground corn. It is reasonable to determine the consistency of fritter corn and ground corn by the method used for determining consistency of cream-style corn. When the consistency of fritter corn or ground corn is tested by this method and the sample spreads over an approximately circular area having an average diameter of more than 12 inches, its quality is below standard, and its label should bear a statement of substandard quality. (R. 25–26, 34, 59–61, 85, 260–273, 289–292, 319, 322–323, 387–388, 503–507, 556–557, 560–561, 564–565, 709, 853–854, 889, 1000–1001; Ex. 1, FDA 5–7, OP 4, OP 13, OP 18)

18. The eating quality of canned corn is affected by the maturity of the corn used. As corn grows more mature the flavor changes and the corn becomes tough and hard. Accompanying these changes there is an increase in the alcohol-insoluble-solids content of the kernels. Alcohol-insoluble solids comprise certain substances, mostly starch, which are insoluble in warm 80-percent ethyl alcohol. Evidence relating to the determination of alcohol-insoluble solids was confined to the cream-style and whole-kernel corn ingredients. When the percent of alcohol-insoluble solids as determined according to the method set forth in finding 21 for cream-style corn or whole-kernel corn exceeds 27, the product is of such low quality that its label should bear a statement of substandard quality. (R. 32–33, 60, 122–123, 318, 354–356, 433–439, 465–473, 516–517, 561, 611–612, 661, 736–737, 748–750, 760, 762–764, 969–980, 986–987, 996, 1102; Ex. 1, FDA 2–8, OP 28–29)

19. The eating quality of canned corn is adversely affected by the presence of pulled kernels. A pulled kernel is a kernel, or portion of kernel, from which not all of the tip cap has been removed. The tip cap of the kernel is composed of a hard, fibrous material that is unpleasant to chew. All the samples on which pulled kernels were reported showed relatively small numbers of such kernels, and on the basis of the evidence it is difficult to fix a reasonable dividing line between canned corn of standard quality and canned corn that is substandard in quality because of this defect. It is inadvisable at present to include a limit on pulled kernels in a quality standard for canned corn. (R. 314–315, 321–323, 440–447, 454, 500–501, 507–516, 534–535, 596, 738–740, 767–768; Ex. FDA 2–7, OP 18)

20. The determination of the proportionate amounts of black or brown discolored kernels, cob, husk, and silk present in whole-kernel and evaporated corn should be based upon the drained weight of the corn, in order to allow for different proportions of brine, but in fritter, ground, and cream-style corn, where it is impracticable to separate the corn ingredient from the packing medium, such proportionate amounts should be based upon the net weight of the contents of the container. (R. 317–318, 320–324; Ex. FDA 2–7)

21. A practicable method for determining whether canned corn is of substandard quality is as follows:

A. *In the case of whole-kernel corn and evaporated corn.* Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an 8-mesh circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of drained material. Remove pieces of silk more than ½-inch long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 1 ounce of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

If the corn is whole kernel, comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i. e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to the nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 300 cubic centimeters of 80-percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80-percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

B. *In the case of fritter corn, ground corn, and cream-style corn.* Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4\frac{27}{32}$ inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

Transfer the material from the plate, cone, and pan onto an 8-mesh sieve as prescribed in the first paragraph of part A. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. Set the sieve in a pan. Add enough water to bring the level within $\frac{3}{8}$ inch to $\frac{1}{4}$ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

From the material remaining on the 8-mesh sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of net weight. Remove pieces of silk more than ½-inch long, husk, cob, and other material which is not corn (i. e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn, take a representative 100-gram sample of the material remaining on the 8-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed above for whole-kernel corn. (R. 26, 49–58, 320–324, 354–355, 435–438, 449, 455–457, 468–470, 506, 529, 530, 561, 612, 709, 746–749, 889, 989–990; Ex. 1, FDA 1–8).

22. When canned corn falls below the standard of quality, a label statement that fairly and accurately informs the consumer of that fact is the general statement of substandard quality specified in 21 CFR 10.2 (a). A more specific and equally acceptable statement may be obtained by substituting for the second line, "Good Food—Not High Grade," the words specified after the corresponding number of one of the findings 13 through 17, when the quality facter described in the finding is the only one which such corn fails to meet, as follows:

a. "Excessive discolored kernels." (Finding 13)
b. "Excessive cob." (Finding 14)
c. "Excessive husk." (Finding 15)
d. "Excessive silk." (Finding 16)
e. "Excessive liquid." (Finding 17)

(R. 314–316, 324–325, 473–474; Ex. 1, 2)

23. A reasonable requirement for the fill of container for fritter corn, ground corn, and cream-style corn is a requirement that these foods occupy not less than 90 percent of the total capacity of the container as determined by the general method of fill of container in 21 CFR 10.1 (b). This requirement can be readily met in general practice by canners of fritter corn, ground corn, and cream-style corn. This method of measuring fill is a simple and practicable one, and provides accurate measurement for all shapes of containers. A small proportion of the corn canned in these styles is packed in large-size containers, commonly known as number 10 cans, for restaurant and institutional use. Some care is necessary to remove entrapped air from these large containers to obtain a 90-percent fill. It is reasonable to require that this care be taken, and that the same fill of container requirement be established for all commercial-size containers. When canned corn falls below the standard of fill of container, the consumer should be so informed. A label statement which fairly and accurately informs the consumer of that fact is the general statement of substandard fill of container (21 CFR 10.2 (b)). (R. 1085–1086, 1087, 1088, 1164–1165; Ex. 1, 2.)

24. In the case of whole-kernel and evaporated corn, a requirement based on the total volume occupied by the corn and the packing medium would not be satisfactory, since water added to aid in

processing occupies a large proportion of the volume of the container.

Evidence was received tending to show that a requirement fixing a minimum drained weight of corn in relation to the capacity of the container would be a reasonable and effective method of establishing a standard of fill for whole-kernel corn. This evidence, however, showed the need for differentiating between corns of different maturities when fixing minimum drained-weight requirements, but did not furnish an adequate basis for making separate requirements. It is therefore inadvisable on the basis of the evidence now available to include in this order a standard of fill of container for whole-kernel and evaporated corn. (R. 1018–1146, 1146–1166, 1167–1169, 1171–1184; Ex. 1, FDA 17–30, OP 30–33)

25. Although there is no evidence in the record on fill of container for canned field corn specifically, the similarity of canned field corn to canned corn is such that it is reasonable to make the same requirements for fill of container and label statement of substandard fill for canned fritter field corn, ground field corn, and cream-style field corn as for the same types of canned sweet corn. (R. 149–158; Ex. OP 6–7)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact it is concluded that it will promote honesty and fair dealing in the interest of consumers:

1. To amend the regulations fixing and establishing definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR 52.990) by deleting therefrom all references to corn and field corn.

2. To fix and establish the specific definitions and standards of identity for canned corn and canned field corn as hereinafter set forth.

3. To fix and establish a standard of quality for canned corn as hereinafter set forth, consideration having been given to and due allowance made for the different characteristics of the several varieties of corn.

4. To fix and establish standards of fill of container for fritter, ground, and cream-style corn and for fritter, ground, and cream-style field corn as hereinafter set forth.

It is further concluded that the record does not furnish a satisfactory basis for establishing standards of fill of container for whole-kernel corn and evaporated corn.

1. Therefore, it is proposed to amend Part 51—Canned Vegetables; Definitions and Standards of Identity; Quality; and Fill of Container by adding the following new sections:

§ 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.* (a) Canned corn, canned sweet corn, canned sugar corn is the food consisting of one of the corn ingredients specified in paragraph (b) of this section, with water necessary for proper preparation and processing. It may be seasoned or garnished with one or more of the following optional ingredients:

(1) Salt.

(2) Sugar (sucrose).

(3) Pieces of sweet red peppers or sweet green peppers or hot red peppers or hot green peppers or a mixture of any two or more of these.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The corn ingredients referred to in paragraph (a) of this section consist of succulent sweet corn of the white or yellow color groups, or mixtures of these, and are as follows:

(1) Cut kernels from which the hulls have not been separated.

(2) Pieces of the inner portion of the corn kernel substantially free from hull.

(3) Ground kernels from which the hulls have not been separated.

(4) A mixture of the form described in subparagraph (1) of this paragraph with one or both of the forms described in subparagraphs (2) and (3) of this paragraph. When necessary to insure smoothness, starch may be added, in a quantity not more than sufficient for that purpose.

(5) Cut and cooked kernels from which most of the moisture has been evaporated.

In preparing each of the foregoing corn ingredients, the tip caps are removed.

(c) (1) The name of the food is: "Corn" or "Sweet Corn" or "Sugar Corn" with the name of the color group used, "White," "Yellow," or "Golden," or with the names of the color groups used, "White and Yellow" or "White and Golden," when the white color group predominates, and "Yellow and White" or "Golden and White," when the yellow color group predominates, and with:

(i) The words "Whole Kernel" or "Whole Grain," when the corn ingredient specified in paragraph (b) (1) of this section is used. When the weight of the liquid in the container, as determined by the method prescribed in § 51.21 (b) (1), is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container, the words "Vacuum Pack" or "Vacuum Packed" also are part of the name.

(ii) The word "Fritter," when the corn ingredient specified in paragraph (b) (2) of this section is used.

(iii) The word "Ground," when the corn ingredient specified in paragraph (b) (3) of this section is used.

(iv) The words "Cream Style," when the corn ingredient specified in paragraph (b) (4) of this section is used.

(v) The word "Evaporated," when the corn ingredient specified in paragraph (b) (5) of this section is used.

(2) The parts of the name as specified in subparagraph (1) of this paragraph may be arranged in any order of precedence. The varietal name of the corn used may intervene between parts of the name of the food. For the purpose of arrangement of the name, the words "Sweet" and "Corn" may be treated as separate parts of the name. When the varietal name immediately precedes or follows the name or intervenes between parts of the name of the food and it accurately designates the color of the corn ingredient, no other designation of the color group need be made.

(d) (1) When the optional seasoning or garnishing ingredient specified in paragraph (a) (3) of this section is used, the label shall bear the words "With _____ _____ peppers," the blanks being filled in with the words "red" or "green" or both, to show the color of peppers used, and "sweet" or "hot" or both, to show the kind of peppers used, as for example "With green sweet peppers" or "With hot red peppers."

(2) When the optional starch ingredient specified in paragraph (b) (4) of this section is used, the label shall bear the statement "Starch added to insure smoothness."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by paragraph (d) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the corn used may so intervene.

§ 51.21 *Canned corn, canned sweet corn, canned sugar corn; quality; label statement of substandard quality.* (a) The standard of quality for canned corn is as follows:

(1) When tested by the method prescribed in paragraph (b) of this section, canned corn in which the corn ingredient is whole-kernel corn (§ 51.20 (b) (1)) or evaporated corn (§ 51.20 (b) (5)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of drained weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 14 ounces of drained weight;

(iii) Contains not more than 1 square inch of husk for each 14 ounces of drained weight; and

(iv) Contains not more than 7 inches of silk for each 1 ounce of drained weight.

(2) When tested by the method prescribed in paragraph (c) of this section, canned corn in which the corn ingredient is fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)):

(i) Contains not more than one brown or black discolored kernel or piece of kernel for each 2 ounces of net weight;

(ii) Contains not more than 1 cubic centimeter of pieces of cob for each 20 ounces of net weight;

(iii) Contains not more than 1 square inch of husk for each 20 ounces of net weight;

(iv) Contains not more than 5 inches of silk for each 1 ounce of net weight; and

(v) Has a consistency such that the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 12 inches, except that, in the case of cream-style corn the washed drained material of which contains more than 20 percent of alcohol-insoluble solids, the average diameter of the approximately circular area over which the prescribed sample spreads does not exceed 10 inches.

(3) (i) The weight of the alcohol-insoluble solids of whole kernel corn (§ 51.20 (b) (1)) does not exceed 27 percent of the drained weight, when tested by the method prescribed in paragraph (b) of this section.

(ii) The weight of the alcohol-insoluble solids of the washed drained material of cream-style corn (§ 51.20 (b) (4)) does not exceed 27 percent of the weight of such material, when tested by the method prescribed in paragraph (c) of this section.

(b) The method referred to in paragraph (a) of this section for testing whole-kernel corn (§ 51.20 (b) (1)) and evaporated corn (§ 51.20 (b) (5)) is as follows:

(1) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of an 8-mesh circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches of such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of drained material. Remove pieces of silk more than ½-inch long, husk, cob, and any pieces of material other than corn. Measure the aggregate length of such pieces of silk and calculate the length of silk per 1 ounce of drained weight. Spread the husk flat, measure its aggregate area, and calculate the area of husk per 14 ounces of drained weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume can be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 14 ounces of drained weight.

(3) If the corn is whole kernel (§ 51.20 (b) (1)), comminute a representative 100-gram sample of the drained corn from which the silk, husk, cob, and other material which is not corn (i. e., peppers) have been removed. An equal amount of water is used to facilitate this operation. Weigh to nearest 0.01 gram a portion of the comminuted material equivalent to approximately 10 grams of the drained corn into a 600-cubic centimeter beaker. Add 200 cubic centimeters of 80-percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° C., covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing to the nearest 0.001 gram. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80-percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° C. Place the cover on the dish, cool it in a desiccator, and promptly weigh to the nearest 0.001 gram. From this weight subtract the weight of the dish, cover, and paper as previously found. Calculate the remainder to percentage.

(c) The method referred to in paragraph (a) of this section for testing fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), and cream-style corn (§ 51.20 (b) (4)) is as follows:

(1) Allow the container to stand at least 24 hours at a temperature of 68° F. to 85° F. Determine the gross weight, open, transfer the contents into a pan, and mix thoroughly in such a manner as not to incorporate air bubbles. (If the net contents of a single container is less than 18 ounces, determine the gross weight, open, and mix the contents of the least number of containers necessary to obtain 18 ounces.) Fill level full a hollow, truncated cone so placed on a polished horizontal plate as to prevent leakage. The cone has an inside bottom diameter of 3 inches, inside top diameter of 2 inches, and height of $4^{27}/_{32}$ inches. As soon as the cone is filled, lift it vertically. Determine the average of the longest and shortest diameters of the approximately circular area on the plate covered by the sample 30 seconds after lifting the cone. Dry and weigh each empty container and subtract the weight so found from the gross weight to obtain the net weight.

(2) Transfer the material from the plate, cone, and pan onto an 8-mesh sieve as prescribed in paragraph (b) (1) of this section. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. Set the sieve in a pan. Add enough water to bring the level within $^3/_8$ inch to ¼ inch of the top of the sieve. Gently wash the material on the sieve by combined up-and-down and circular motion for 30 seconds. Repeat washing with a second portion of water. Remove sieve from pan, incline to facilitate drainage, and drain for 2 minutes.

(3) From the material remaining on the 8-mesh sieve, count, but do not remove, the brown or black discolored kernels or pieces of kernel and calculate the number per 2 ounces of net weight. Remove pieces of silk more than ½-inch long, husk, cob, and other material which is not corn (i. e., peppers). Measure aggregate length of such pieces of silk and calculate the length per ounce of net weight. Spread the husk flat and measure its aggregate area and calculate the area per 20 ounces of net weight. Place all pieces of cob under a measured amount of water in a cylinder which is so graduated that the volume may be measured to 0.1 cubic centimeter. Take the increase in volume as the aggregate volume of the cob and calculate the volume of cob per 20 ounces of net weight. If the corn is cream-style corn (§ 51.20 (b) (4)), take a representative 100-gram sample of the material remaining on the 8-mesh sieve (if such material weighs less than 100 grams take all of it) and determine the alcohol-insoluble solids as prescribed in paragraph (b) (3) of this section for whole-kernel corn.

(d) If the quality of canned corn falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; however, if the quality of the canned corn falls below standard with respect to only one of the factors of quality specified by subdivisions (i) to (iv) of paragraph (a) (1) of this section, or by subdivisions (i) to (v) of paragraph (a) (2) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade," a new line as specified after the corresponding subdivision designation of paragraph (a) of this section which the canned corn fails to meet:

(1) (i) or (2) (i) "Excessive discolored kernels."

(1) (ii) or (2) (ii) "Excessive cob."

(1) (iii) or (2) (iii) "Excessive husk."

(1) (iv) or (2) (iv) "Excessive silk."

(2) (v) "Excessively liquid."

§ 51.22 *Canned corn, canned sweet corn, canned sugar corn where the corn ingredient is in one of the forms known as fritter corn, ground corn, or cream-style corn; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned corn where the corn ingredient is in one of the forms known as fritter corn (§ 51.20 (b) (2)), ground corn (§ 51.20 (b) (3)), or cream-style corn (§ 51.20 (b) (4)) is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned fritter corn, canned ground corn, or canned cream-style corn falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 51.30 *Canned field corn; identity; label statement of optional ingredients.*

(a) Canned field corn conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned corn by § 51.20, except that the corn ingredient consists of succulent field corn or a mixture of succulent field corn and succulent sweet corn.

(b) The name of the food conforms to the name specified in § 51.20 (c), except that the words "Corn," "Sweet Corn," and "Sugar Corn" are replaced by the words "Field Corn," and the term "Golden Field Corn" is not used.

§ 51.32 *Canned field corn where the corn ingredient is in one of the forms known as fritter field corn, ground field corn, or cream-style field corn; fill of container; label statement of substandard fill.* Each of the foods canned fritter field corn, canned ground field corn, and canned cream-style field corn conforms to the standard of fill of container and label statement of substandard fill prescribed for canned fritter corn, canned ground corn, and canned cream-style corn by § 51.22 (a) and (b).

2. It is also proposed to amend Part 52—Canned Vegetables Other Than Those Specifically Regulated; Definitions and Standards of Identity in the following respects:

a. In § 52.990 *Canned vegetables; identity; label statement of optional ingredients*, paragraph (b), delete from the table in column I the ten listed references to canned corn, beginning with the words "White sweet corn or" and ending with the words "Field corn", and in column II delete the ten lines beginning with "Seed cut from ears of white sweet corn" and ending with "Seed cut and scraped from ears of field corn" and in column III the eight lines beginning with "Whole grain or whole kernel" and ending with "Cream style or crushed".

b. In § 52.990 (c) (3), delete subdivision (i) and renumber subdivision (ii) as subparagraph (3).

c. In § 52.990 (f) (1), delete the second sentence.

Any interested person whose appearance was filed at the hearing may, within fifteen days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5440, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: June 14, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-7054; Filed, June 19, 1951; 8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SR-7-201]

WESTAIR TRANSPORT

NOTICE OF ORAL ARGUMENT

In the matter of C. F. Horne, Administrator of Civil Aeronautics, Complainant v. Aviation Corporation of Seattle, d/b/a Westair Transport, Respondent.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral argument in this case is reassigned to be heard July 9, 1951, at 10:00 a. m. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7075; Filed, June 19, 1951; 8:51 a. m.]

[Docket No. 2624 et al.]

MACKEY AIR TRANSPORT, INC., ET AL.; FLORIDA-BAHAMAS SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Mackey Air Transport, Inc. and other applicants for certificates or amendments of certificates of public convenience and necessity pursuant to section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing scheduled air transportation of persons, property and/or mail betwen points in east Florida and points in the Bahama Islands.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 12, 1951, at 10:00 a. m. e. d. s. t. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7076; Filed, June 19, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 6, Supplement 10]

CHIEFS OF BRANCHES OF CONSUMER SOFT GOODS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Consumer Goods Divisions of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Consumer Soft Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on June 19, 1951.

HAROLD B. WESS,
Director, Consumer Goods Division, Office of Price Operations.

JUNE 18, 1951.

[F. R. Doc. 51-7097; Filed, June 18, 1951; 10:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9956, 9957]

BRAZOSPORT BROADCASTING CO. AND BRAZORIA BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Kelly Bell and J. C. Stallings, d/b as Brazosport Broadcasting Company, Freeport, Texas, Docket No. 9956, File No. BP-7910; King H. Robinson and Wayne E. Marcy, d/b as Brazoria Broadcasting Company, Freeport, Texas, Docket No. 9957, File No. BP-8042; for construction permits.

The Commission having under consideration a motion filed on June 1, 1951, by King H. Robinson and Wayne E. Marcy, d/b as Brazoria Broadcasting Company, requesting that the hearing on the above-entitled applications, which is now scheduled to be held on June 18, 1951, in Washington, D. C., be continued for a period of thirty days in order to afford the petitioner a sufficient period in which to take field intensity measurements throughout the proposed service areas of both of the applicants herein; and

It appearing, that all of the parties to this proceeding have consented to a grant of the above motion;

It is ordered, This 8th day of June 1951, that the above motion be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, July 18, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7061; Filed, June 19, 1951; 8:49 a. m.]

[Docket No. 9960]

TWIN VALLEY BROADCASTERS, INC. (WTVB)

ORDER CONTINUING HEARING

In re application of Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan, Docket No. 9960, File No. BP-7829, for construction permit.

The Commission having under consideration a petition filed on June 1, 1951, by Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan, requesting that the hearing in the above-entitled matter now scheduled for June 22, 1951, be continued for aproximately sixty days; and

It appearing, that the applicant has simultaneously filed a petition for enlargement of the issues in this proceeding which merits consideration and action by the Commission en banc, and further that the applicant desires additional time within which to secure field intensity measurement data pertinent to the issues herein; and

It further appearing, that no opposition to the granting of this petition has been filed with the Commission, and that a grant thereof as herein ordered will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 8th day of June 1951, that the petition is granted, and that the hearing in the above-entitled matter is continued from June 22, 1951, to August 22, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7062; Filed, June 19, 1951; 8:49 a. m.]

[Docket Nos. 9778, 9930]

KINSTON BROADCASTING CO. (WFTC) AND FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER CONTINUING HEARING

In re applications of Kinston Broadcasting Company (WFTC) Kinston, North Carolina, Docket No. 9778, File No. BP-7752; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9930, File No. BP-7979; for construction permits.

The Commission having under consideration a petition filed June 4, 1951, by Farmers Broadcasting Service, Inc. (WELS), applicant herein, requesting a continuance of the further hearing in the above-styled proceeding from June 4, 1951, to July 9, 1951; and

It appearing that there is now pending before the Commission an application (File No. BTC-1111) for the transfer of control of Farmers Broadcasting Service, Inc. (WELS) and that testimony concerning the sale of stock in the Farmers Broadcasting Service, Inc. (WELS) has been received in evidence in the above-entitled proceeding for the purposes of determining the comparative qualifications of the two applicants; and

It appearing that the application to transfer control of Farmers Broadcasting Service, Inc. (WELS) (BTC-1111), may receive consideration by the Commission at an early date, and that the orderly administration of Commission business suggests that the hearing should be continued until after the Commission has had an opportunity to consider the application to transfer control of Farmers Broadcasting Service, Inc. (WELS); and

It appearing that Counsel for the competing applicant, Kinston Broadcasting Company (WFTC), while expressing a desire to have the hearing period proceed on June 4, has agreed that the Examiner may act on such petition immediately; Commission Counsel having consented to immediate action on the petition; and good cause having been shown that the petition should be granted;

It is ordered, This the 4th day of June, 1951, that the petition be and it is hereby granted, and further hearing in the above-entitled proceeding is continued to July 9, 1951, at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7063; Filed, June 19, 1951; 8:49 a. m.]

[Docket No. 9989]

DON H. MARTIN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Don H. Martin, Salem, Indiana, Docket No. 9989, File No. BP-7481, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1951;

The Commission having under consideration the above-entitled application for a construction permit to erect a new standard broadcast station to be operated on the frequency 1220 kilocycles, with 250 watts of power, daytime only, in Salem, Indiana;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the standards of good engineering practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 3, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WINN, Louisville, Kentucky, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to excessive population within the 250 mv/m blanket contour.

It is further ordered, That Kentucky Broadcasting Corporation, Inc., licensee of Station WINN, Louisville, Kentucky, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7060; Filed, June 19, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26171]

FERRO-SILICON FROM BIRMINGHAM AND NORTH BIRMINGHAM, ALA., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

JUNE 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Ferro-silicon, silico-manganese and zirconium-ferro-silicon, carloads.

From: Birmingham and North Birmingham, Ala.

To: Houston, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7055; Filed, June 19, 1951; 8:49 a. m.]

[4th Sec. Application 26172]

SCRAP IRON OR STEEL FROM NORTH ATLANTIC PORTS TO FRANKLIN, PA.

APPLICATION FOR RELIEF

JUNE 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs listed below.

Commodities involved: Scrap iron or steel, carloads.

From: North Atlantic ports.

To: Franklin, Pa.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-914, Supp. 21; I. N. Doe's tariff I. C. C. No. 591, Supp. 38; R. B. LeGrande's tariff I. C. C. No. 238, Supp. 90; G. F. Smith's tariff I. C. C. No. 118, Supp. 67; Reading Co. tariff I. C. C. No. 2330, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7056; Filed, June 19, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1710]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

JUNE 12, 1951.

Transcontinental Gas Pipe Line Corporation (Transcontinental) field on March 26, 1951, its initial Rate Schedules EM-1 and EX-1. Rate Schedule EM-1 is to cover the sale of natural gas on an emergency basis at a price of 31.6 cents per Mcf. Rate Schedule EX-1 is to cover the exchange of natural gas with a 31.6 cents per Mcf price for any deliveries not returned within 60 days. Deliveries under these rate schedules are to consist of gas not required by Transcontinental to meet its delivery obligations and deliveries are subject to curtailment or interrupations at any time. Transcontinental has also filed a form of service agreement for service under the EX-1 Rate Schedule.

Transcontinental has on file with the Commission its Rate Schedule E, containing a rate of 22 cents per Mcf for gas deliveries which appear to be substantially the same in character as described above for Rate Schedules EM-1 and EX-1.

The pricing provisions of the Rate Schedules EM-1 and EX-1 may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission on its own motion institute an investigation and enter upon a hearing, pursuant to the authority contained in the Natural Gas Act and particularly sections 5, 14, and 15 thereof, concerning the lawfulness of any rate, charge, or classification demanded, observed, charged, or collected by Transcontinental Gas Pipe Line Corporation in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, pursuant to the provisions of its Rate Schedules EM-1 or EX-1, filed on March 26, 1951, and concerning the lawfulness of any rule, regulation, practice, or contract affecting such rate, charge, or classification.

The Commission orders:

(A) An investigation be and the same hereby is instituted for the purpose of enabling the Commission to determine whether any rate, charge, or classification demanded, observed, charged, or collected by Transcontinental Gas Pipe Line Corporation in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, pursuant to the provisions of its Rate Schedules EM-1 or EX-1, filed on March 26, 1951, or any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory, or preferential.

(B) A public hearing be held commencing on August 6, 1951 at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters referred to in paragraph (A) hereof.

(C) The order of procedure at the public hearing referred to in paragraph (B) hereof shall be for Transcontinental to proceed first with the presentation of data, if any there be, showing any differences in the nature of the services to be rendered under Rate Schedules EM-1 and EX-1, on the one hand, and Rate Schedule E, on the other, any differences in the costs of such services, the circumstances under which each such Rate Schedule will be applicable, and any other evidence relevant to the foregoing differences, and the order of presentation of evidence by any other participants, including the staff of the Federal Power Commission, shall be as determined by the presiding officer.

(D) If, after hearing, the Commission shall find that any rate, charge, classification, rule, regulation, practice, or contract referred to in paragraph (A) hereof is unjust, unreasonable, unduly discriminatory, or preferential, it will determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force.

Date of issuance: June 14, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-7034; Filed, June 19, 1951; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

APRIL 19, 1951.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1951 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $6.00 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list set forth below and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

Where in the opinion of the Project Superintendent it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Superintendent that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All operation and maintenance charges shall be due and payable on January 1 of each year for the preceding calendar year.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1951 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $6.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot. All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under Public Notice.* Irrigation water will be furnished during the calendar year 1951 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $16.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $2.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $10.00. Where an applicant requests water service for more than one such lot in the same city or town the charge per calendar year for each additional lot shall be $4.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

E. A. MORITZ, *Regional Director.*

SANDY AREAS IN THE RESERVATION DIVISION UNDER PUBLIC NOTICE

Township 15 South, Range 23 E., S. P. M., California

Section	Farm unit	Description	Acres sandy
32	D	SE¼NE¼	28.00
	E	SW¼SE¼	5.00
	G	NW¼SE¼	17.60
	H	NE¼SE¼	19.00
	J	SE¼SE¼	19.00
33	E	SW¼NW¼	30.00
	F	W½SE¼NW¼	19.50
		E½SE¼NW¼	19.50
	H	SE¼NE¼	9.40
	J	NE¼SE¼	39.00
	K	NW¼SE¼	38.00
	L	NE¼SE¼	38.00
	M	NW¼SW¼	29.00
	N	SW¼SW¼	37.00
	O	SE¼SW¼	38.00
	P	SW¼SE¼	37.00
	Q	That part of the SE¼SE¼ north of the Reservation Main Canal	28.08
		That part of the SW¼SW¼, sec. 34, north of the Reservation Main Canal	3.92
	V	NE¼NW¼	19.80
	W	SW¼SE¼	29.00
34	C	NE¼NW¼	32.96
	M	NW¼NW¼	10.00
	N	That part of SW¼SW¼ south of Reservation Main Canal	30.20
		That part of SE¼SE¼, sec. 33, south of Reservation Main Canal	5.80
	T	Lot 1, sec. 34; and Lot 6A, sec. 35	23.50

Township 16 South, Range 23 E., S. B. M., California

3	B	NE¼NW¼	10.00
	C	NW¼NW¼	44.00
	D	Part of S½NW¼	20.00
	J	W½NW¼SW¼	15.00
	K	N½SW¼SW¼	10.00
4	A	NE¼NE¼	44.00
	B	NW¼NE¼	34.50
	C	NE¼NW¼	21.00
	D	NW¼NW¼	20.00
	E	SW¼NW¼	29.00
	F	SE¼NW¼	30.00
	G	SW¼NE¼	20.00
	H	SE¼NE¼	31.50
	J	Part of N½SE¼	35.00
	K	Part of N½SE¼	13.00
	M	Part of S½SE¼	10.00
8	B	NW¼NE¼	10.00
	C	NE¼NW¼	18.00
	D	N½NW¼NW¼	21.00
	E	SW¼NW¼	38.00
	F	SE¼NW¼	38.00
	G	SW¼NW¼	18.00
	H	SE¼NE¼	37.00
	J	NE¼SE¼	3.00
	K	NW¼SE¼	13.00
	L	NE¼SW¼	20.00
	M	NW¼SW¼	28.00
	O	SE¼SW¼	27.00
	P	That part of the SW¼SE¼ lying east of drain	6.00
	Q	SE¼SE¼	10.00
6	A	NE¼NE¼	10.00
	E	SW¼NW¼	20.00
	F	SE¼NE¼	39.00
	G	NE¼SE¼	29.00
	H	NW¼SE¼	30.00
	J	NE¼SW¼	30.00
	K	NW¼SW¼	25.00
	L	SW¼SW¼	26.20
	M	SE¼SW¼	40.00
	N	SW¼SE¼	28.00
7	B	NW¼NE¼	29.00
	C	NE¼NW¼	18.00
	D	NW¼NW¼	30.20
9	A	Part of N½NW¼	31.00
	B	Part of N½NW¼	29.00
	C	SW¼NW¼	30.00
	D	N½SE¼NW¼	10.00
	E	N½SE¼NW¼	6.00
	F	Part of N½SW¼	12.00
	G	W½NW¼SE¼	3.00
	H	E½NW¼SE¼	16.00
	J	W½NE¼SE¼	14.00
	P	SE¼NE¼	22.00
	Q	SW¼NE¼	16.00

[F. R. Doc. 51—7029; Filed, June 19, 1951; 8:45 a. m.]

SHOSHONE PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 19, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 25 E.,
Sec. 1, NE¼, S½;
Sec. 4, W½NW¼;
Sec. 5, NE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 6, Lots 1 to 4, incl., S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 10, NW¼NW¼;
Sec. 11, W½NW¼, NE¼SE¼, S½SE¼;
Sec. 12, N½SW¼;
Sec. 13, E½, S½NW¼, SW¼;
Sec. 14, SE¼NE¼, SW¼NW¼, NW¼SW¼, E½SE¼;
Secs. 22 to 27, incl., all;
Sec. 31, Lots 4, 5, 6;
Sec. 33, Lot 2;
Sec. 34, all;
Sec. 35, Lot 1, N½, N½SW¼.

T. 9 S., R. 26 E.,
Secs. 6, 7, and 18, all;
Sec. 19, Lots 3, 4, E½SW¼, SE¼;
Sec. 29, SW¼;
Secs. 30 and 31, all;
Sec. 32, W½.

The above areas aggregate 11,616.94 acres.

WESLEY R. NELSON, *Assistant Commissioner.*

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, Jr., *Associate Director, Bureau of Land Management.*

MAY 31, 1951.

Notice for Filing Objections to Order Withdrawing Public Lands for the Shoshone Project, Montana

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the Shoshone Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where oponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON, *Assistant Commissioner.*

[F. R. Doc. 51-7030; Filed, June 19, 1951; 8:45 a. m.]

RAPID VALLEY PROJECT, SOUTH DAKOTA

ANNUAL WATER RENTAL CHARGES

MAY 31, 1951.

1. *Water rental.* Pursuant to Article 13 of the Contract of July 27, 1943, among the United States of America, Rapid City, South Dakota, and the Rapid Valley Conservancy District, water will be released for delivery to the District when available during the water year 1951, and thereafter until further notice, in accordance with requests by the Rapid Valley Conservancy District, made at least twenty-four (24) hours in advance of such time as delivery is needed by the District, acting through a person designated in writing for that purpose.

2. *Charges and terms of payment.* The rental charges shall be, until further notice, $1.00 per acre-foot for each acre-foot released to the District. These charges shall be payable by the District to the United States on May 1 of the year succeeding release for delivery.

Pursuant to Article 17 of the Contract, for each 1,000 acre-feet of water or fraction thereof released for delivery to the District from its share of the stored waters during water year 1951, and during each succeeding year until further notice, the District shall pay to the municipality of Rapid City, South Dakota, the amount of $333.33 which is one-eighth (⅛) of fifty three and one-third (53⅓) per cent of the total operation and maintenance charge of $5,000 as noticed in letter of October 5, 1948, to the City of Rapid City.

3. *Delivery of water.* Water will be delivered and measured by governmental personnel at the outlet works of Deerfield Dam.

4. *Penalties.* On all payments to the United States not made on or before the due dates, there shall be added on the following day a penalty of one-half of one per cent of the amount unpaid and a like penalty of one-half of one per cent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. Applications for water release shall be received by the gate tender at Deerfield Dam and payments to the United States should be made payable to Treasurer, United States, and forwarded to the Bureau of Reclamation, Missouri-Oahe District Office, Huron, South Dakota.

K. F. VERNON,
Regional Director.

[F. R. Doc. 51-7031; Filed, June 19, 1951; 8:45 a. m.]

RAPID VALLEY PROJECT, SOUTH DAKOTA

NOTICE OF APPROVED RATES AND TERMS FOR RENTAL OF SURPLUS WATER

MAY 31, 1951.

1. Pursuant to Article 18 of the Contract of July 27, 1943, the following rates and terms are approved for temporary rental of surplus water to the District by the municipality for the calendar year 1951; and for successive years until further notice:

a. Construction charge component—$1.30 per acre-foot.

b. Operation and maintenance charge component—$0.33 per acre-foot.

c. Payment for such surplus water delivered is to be made by the District to the municipality prior to December 31 of each year in which water is delivered.

2. *Delivery of water.* Water will be delivered and measured by governmental personnel at the outlet works of Deerfield Dam.

K. F. VERNON,
Regional Director.

[F. R. Doc. 51-7032; Filed, June 19, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-89]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF APPLICATION REQUESTING EXTENSION OF TIME AND GIVING OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June A. D. 1951.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, on behalf of itself and its subsidiary companies, namely, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup") has filed an application with this Commission; pursuant to section 11 (c) of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may not later than June 29, 1951, at 5:30 p. m., e. d. s. t., request this Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if this Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 29, 1951, said application, as filed or as amended, may be granted.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the nature of the application which is summarized as follows:

EUA requests that this Commission, by order, extend the time for compliance by it and its subsidiary companies with this Commission's order, dated April 4, 1950, and issued pursuant to sections 11 (b) (1), 11 (b) (2) and certain other sections of the act. This order provides, in part, that (1) EUA, within one year from the date of said order, shall terminate its existence and distribute its assets to its security holders pursuant to a fair and equitable plan, filed with and approved by this Commission, or (2) if EUA, within such year, shall have acquired, directly or indirectly, all interests in excess of 10 per cent held outside its system, then, EUA shall, within such year, pursuant to a fair and equitable plan filed with and approved by this Commission, reclassify its Common and Convertible shares into a single class of shares and allocate such new shares among its security holders, or, in the alternative, terminate its existence and distribute its assets to its security holders. This order, in effect, further requires the disposition of the gas properties owned by Blackstone, within one year from the date of said order.

On May 22, 1950, EUA filed a plan of reorganization under section 11 (e) of the act for the purpose of complying with said Commission's order, dated April 4, 1950. This plan, adopting the second alternative of said order, was divided into two steps, the first of which, after hearings thereon, was approved by order of this Commission, dated August 17, 1950. Pursuant to Step 1 and this Commission's order of August 17, 1950, EUA acquired all but 2,662 shares of Fall River's capital stock held outside its system and now owns 98½ percent of that company's voting power.

On March 20, 1951, EUA filed its amended plan of reorganization dividing Step 2 into two parts, the first of which covers the acquisition of all of the properties and assets of Brockton, Fall River and Montaup and all of Blackstone's securities by a newly organized holding operating company, and the permanent financing of such company and the second of which covers the allocation of the new company's common stock between EUA's Common and Convertible shareholders. After appropriate notice, hearings on the amended plan were reconvened on May 8, 1951, and have been continued subject to further order of the Commission.

With respect to the disposition of Blackstone's gas properties, the application states that EUA has taken, and is taking, steps to interest possible purchasers in such properties. In this connection it is further stated that although the advent of natural gas to Blackstone's service area is expected by the end of 1951, the exact manner in which natural gas is to be furnished to this area is unsettled.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7043; Filed, June 19, 1951; 8:47 a. m.]

[File No. 70-2066]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

ORDER EXTENDING TIME FOR DISPOSITION OF INTEREST IN WATER AND ICE PROPERTIES AND BUSINESSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of June 1951.

The North American Company ("North American"), a registered holding company and its public utility subsidiary, Union Electric Company of Missouri ("Union"), also a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, with respect to the transfer by North American to Union of all of the outstanding common stock, consisting of 1,500,000 shares, par value $5 per share, of Missouri Power & Light Company ("Missouri"), a public utility subsidiary of North American, in exchange for 600,000 additional shares of common stock, without par value, of Union; and

The Commission, by order dated December 28, 1950, having granted and permitted to become effective said application-declaration, as amended, subject, among other things, to the following condition:

"(1) That within six months after the receipt by Union of the Missouri common stock, or such further time as the Commission may grant upon good cause shown, Union shall cause the disposition of its interest in Missouri's water and ice properties and businesses and Missouri's electric properties located at Clinton, Missouri; and that North American shall cause Union to take such action;" and

Union and Missouri, on March 14, 1951, having notified the Commission, pursuant to Rule U-44 (c) under the act, of the proposed sale of Missouri's ice manufacturing equipment located in the City of Mexico, Missouri, to Mexico Ice Company, a non-affiliated company, and the Commission having determined on March 22, 1951, that the filing of a declaration was not required in connection with such transaction; and

The Commission, by order dated June 4, 1951, having permitted the proposed sale by Missouri of its electric properties located at Clinton, Missouri, to Missouri Public Service Company, a non-affiliated public utility company; and

Union and Missouri, by letters dated June 1, 1951, having stated that despite diligent efforts the companies will be unable to dispose of Missouri's remaining water and ice properties and businesses within the time specified in the aforementioned condition, and having requested the Commission to extend for an additional six months the time for compliance with the said condition; and

The Commission having considered such request and the reasons advanced in support thereof and deeming that the public interest and the interests of investors and consumers will not be affected adversely by granting such request:

It is ordered, That the time prescribed for compliance by Union and North American with the above recited condition be, and hereby is, extended to December 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7040; Filed, June 19, 1951; 8:46 a. m.]

[File No. 70-2563]

WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED OVER FEES AND EXPENSES FOR SERVICES IN CONNECTION WITH COMMON STOCK OFFERING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, having heretofore filed with this Commission an application-declaration, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder, proposing, among other things, an offer to its stockholders of rights to subscribe for the purchase of 320,000 additional shares of its no par value common stock on the basis of one additional share for each ten shares of common stock held together with certain privileges to regular full time employees to subscribe for shares of the new common stock not subscribed for by stockholders; and further proposing to offer to underwriters, pursuant to the competitive bidding requirements of Rule U-50, shares not subscribed for by stockholders or employees; and the Commission by orders dated February 21, 1951, and March 8, 1951, having granted the application and permitted the declaration to become effective subject to certain terms and conditions including a reservation of jurisdiction over certain fees and expenses incurred by West Penn Electric in connection with the proposed transactions;

West Penn Electric now having completed the record with respect to the details of fees and expenses applicable to the proposed transactions, these data indicating the following requested fees and expenses:

(a) Sullivan & Cromwell, New York, New York, as counsel to West Penn Electric, $10,000 fee and $100 expenses; (b) Cravath, Swaine & Moore, New York, New York, as counsel for the successful bidders, $6,000 fee and $1,500 expenses; (c) Price Waterhouse & Co., New York City, as independent accountants for West Penn Electric, $16,250 fee and $1,683.41 expenses; (d) City Bank Farmers Trust Company, New York City, as New York subscription agent and common stock transfer agent, $34,022.09 fee and $13,048.47 expenses; (e) City National Bank and Trust Company of Chicago, as Chicago subscription agent, $2,724.50 fee and $1,069.36 expenses; (f) Bank of America National Trust and Savings Association, San Francisco, California, as San Francisco subscription agent, $770.00 fee and $35.05 expenses; (g) Guaranty Trust Company of New York, New York City, as common stock registrar, $1,307.10 fee; and

The Commission having considered these requested fees in the light of the special circumstances of this case and having concluded that said fees and expenses are not unreasonable;

It is ordered, That jurisdiction heretofore reserved herein with respect to fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7036; Filed, June 19, 1951; 8:46 a. m.]

[File No. 70-2626]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER AUTHORIZING SALE OF BONDS AND RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June A. D. 1951.

Public Service Company of New Hampshire ("Public Service"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding, inter alia, the sale, at competitive bidding, of $3,000,000 principal amount of First Mortgage Bonds, Series F, -- percent, due 1981; and

The Commission having, by order dated May 31, 1951, granted said application, as amended, subject to the condition, among others, that the proposed sale of bonds should not be consummated (a) until the supplemental order of the Public Service Commission of New Hampshire with respect to the results of competitive bidding should have been entered and made a part of the record herein and (b) until the results of competitive bidding, pursuant to Rule U-50, should have been made a matter of record in this proceeding and a further order should have been entered by this Commission in the light of the record so completed; and subject to a reservation of jurisdiction with respect to the payment of fees and expenses of counsel for Public Service and independent counsel for the underwriters incurred or to be incurred in connection with the proposed transactions; and

Public Service having, on June 13, 1951, filed a further amendment to its application setting forth action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids with respect to the bonds, the following bids were received:

Bidder	Annual interest rate (percent)	Price to company[1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co., Inc.	3¼	101.81	2.4[illegible]2
The First Boston Corp. and Coffin & Burr, Inc.	3¼	101.0599	3.0643
White, Weld & Co., Kidder, Peabody & Co., and Blyth & Co., Inc.	3¼	100.631	3.7404
	3⅜	101.30	3.[illegible]820

[1] Exclusive of accrued interest from June 1, 1951.

The amendment further stating that Public Service has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.738 percent of their principal amount, plus accrued interest from June 1, 1951, resulting in an underwriting spread of 0.928 percent of the principal amount of the bonds or an aggregate of $27,840; and

The amendment also including a copy of the supplemental order of the Public Service Commission of New Hampshire authorizing the issuance and sale of the bonds at the price and interest rate set forth above; and

The record having been completed with respect to the fees and estimated expenses of counsel for Public Service and independent counsel for the underwriters incurred or to be incurred in connection with the proposed transactions, for which requests for payment have been made in the following amounts:

Counsel for Public Service:	
Ropes, Gray, Best, Coolidge & Rugg	$6,500
Sulloway Piper Jones Hollis & Godfrey	1,620
E. H. Maxcy	551
Counsel for Underwriters:	
Choate, Hall & Stewart:	
Payable by the underwriters	3,500
Disbursements for blue sky qualification payable by Public Service	500

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread; and also finding that the fees and estimated expenses of counsel for Public Service and independent counsel for the underwriters are not unreasonable, and that jurisdiction with respect thereto should be released; and

It appearing that the Public Service Commission of Vermont has issued its order authorizing the issuance and sale of the bonds to the extent that such bonds are issued on account of property or expenditures within Vermont and that a copy of said order has been filed in the record herein:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competi- [illegible]

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 51-7041; Filed, June 19, 1951; 8:47 a. m.]

[File No. 70-2641]

WASHINGTON WATER POWER CO.

ORDER AUTHORIZING BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

The Washington Water Power Company ("Washington"), an electric utility subsidiary company of American Power & Light Company, a registered holding company, having filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Washington proposes to borrow from Guaranty Trust Company of New York, Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania, and Seattle-First National Bank (Spokane and Eastern branch), Spokane, Washington, under a revolving credit, an aggregate principal amount of not to exceed $26,000,000, from time to time prior to June 15, 1954, and to issue notes in evidence thereof. The notes evidencing the loans would bear interest at the rate of 2¾ percent per annum from their respective dates until June 15, 1952, and 2⅞ percent thereafter to maturity. All such notes would mature not later than June 15, 1954. Each of the above-named banks would participate in the proposed borrowings in amounts not to exceed those designated in the Credit Agreement between the three banks and Washington. Under the Credit Agreement, Washington would pay a commitment fee of ½ of 1 percent per annum on the daily average unused amount of such commitment to June 15, 1954.

Washington proposes to use a portion of the proceeds from the above-mentioned loans to repay the entire balance of the Company's 2 percent bank loans from Seattle-First National Bank (Spokane and Eastern branch), of which a maximum principal amount of $7,150,000 will be outstanding prior to their maturity on October 31, 1951. The balance of the proceeds would be used to meet [illegible]

sufficient, it proposes thereafter to issue additional first mortgage bonds to the extent possible and the proceeds from such additional bonds would be used toward reducing the Company's bank loans. Washington states that, at the time of its first permanent debt financing, it will pursue a program for the complete refinancing of all of the bank loans and such program will provide for the retirement of the Company's presently outstanding $6 Preferred Stock.

The Company estimates that fees and expenses in connection with the transactions will aggregate $10,165, of which $2,500 will be for legal fees.

The Company requests that the Commission's order granting the application be effective upon issuance.

Said application having been filed on May 24, 1951, and amendments thereto having been filed on June 1st and 12th, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed transaction having been expressly authorized by the Washington Public Service Commission, which is the regulatory Commission of the State in which the Company is organized and doing business, and by the Public Utilities Commission of the State of Idaho, the only other State in which the Company operates; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 51-7039; Filed, June [illegible] 8:4[illegible] a. m.]

[illegible]

Company, South Penn Power Company; File No. 70-2646.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the Potomac Edison Company ("Potomac Edison"), a registered holding company and a public utility company, and three of its direct and wholly owned public utility subsidiaries, namely, Northern Virginia Power Company ("Northern Virginia"), Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"). The filing has designated sections 6, 7, 9, 10 and 12 of the act and Rules U-43 and U-44 promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than June 29, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows: Northern Virginia, Potomac Light and South Penn propose to issue and sell additional shares of their authorized and unissued capital stock and Potomac Edison proposes to acquire such shares in each case for a cash consideration equal to the aggregate par or stated value thereof as follows: (a) Northern Virginia, 4,500 shares common stock par value $100 per share, aggregating $450,000; (b) Potomac Light, 6,250 shares common stock par value $100 per share, aggregating $625,000; and (c) South Penn, 70,000 [illegible] capital stock no par stated value [illegible] aggregating $350,000.

[illegible]

to be issued at this time and acquired by Potomac Edison will be pledged under said indenture in accordance with the requirements thereof.

The filing states that Potomac Edison presently has in its treasury funds in excess of the aggregate purchase price of the shares of capital stocks proposed to be acquired and that accordingly no financing by Potomac Edison is required in connection with its acquisition of such shares. The filing further states that expenses involved in the proposed transactions are estimated in total at less than $3,200.

The filing indicates that authorizations from the Public Service Commission of Maryland, the Public Service Commission of West Virginia, the State Corporation Commission of Virginia, and the Public Utility Commission of Pennsylvania are to be obtained with respect to certain aspects of the various transactions.

The joint application-declaration requests that any order of this Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 51-7042; Filed, June 19, 1951; 8:47 a. m.]

[File No. 812-687]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS SYNDICATE OF CANADA, LTD.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

Notice is hereby given that Investors Diversified Services, Inc., a registered investment company and its wholly owned subsidiary, Investors Syndicate of Canada, Limited, have filed jointly an application under sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of sections 17 (a) (1) and 17 (a) (2) of that act certain proposed transactions between the applicants.

The proposed transactions for which exemption is requested involve the sale by Investors Diversified Services, Inc., to its wholly owned subsidiary, Investors Syndicate of Canada, Limited, of [illegible]

application, as amended, which is on file at the office of the Commission in Washington, D. C.

Notice is further given that the Commission will issue an order granting the application, pursuant to the provisions of sections 6 (c) and 17 (b) of the act, subject to the provisions to be stated therein, at any time after the 28th day of June 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the Investment Company Act of 1940. Any interested person may not later than the 25th day of June, 1951, at 5:30 p. m. e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such application or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 51-7044; Filed, June 19, 1951; 8:47 a. m.]

[File No. 812-734]

BLUE RIDGE MUTUAL FUND, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

Notice is hereby given that Blue Ridge Mutual Fund, Inc. ("applicant"), of New York, New York, a registered investment company, has filed an application for an order pursuant to section 6 (c) of the Investment Company Act of 1940 exempting applicant from the provisions of sections 15 (a), 15 (a) (3), 18 (i), 22 (c), and 32 (a) (1) and (2) of the act.

Section 15 (a) makes it unlawful for a person to act as investment adviser for a registered investment company except pursuant to a written contract containing certain specified statutory terms [illegible]

The amendment further stating that Public Service has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.738 percent of their principal amount, plus accrued interest from June 1, 1951, resulting in an underwriting spread of 0.928 percent of the principal amount of the bonds or an aggregate of $27,840; and

The amendment also including a copy of the supplemental order of the Public Service Commission of New Hampshire authorizing the issuance and sale of the bonds at the price and interest rate set forth above; and

The record having been completed with respect to the fees and estimated expenses of counsel for Public Service and independent counsel for the underwriters incurred or to be incurred in connection with the proposed transactions, for which requests for payment have been made in the following amounts:

Counsel for Public Service:	
Ropes, Gray, Best, Coolidge & Rugg	$6,500
Sullaway Piper Jones Hollis & Godfrey	1,620
E. H. Maxcy	551
Counsel for Underwriters:	
Choate, Hall & Stewart:	
Payable by the underwriters	3,500
Disbursements for blue sky qualification payable by Public Service	500

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread; and also finding that the fees and estimated expenses of counsel for Public Service and independent counsel for the underwriters are not unreasonable, and that jurisdiction with respect thereto should be released; and

It appearing that the Public Service Commission of Vermont has issued its order authorizing the issuance and sale of the bonds to the extent that such bonds are issued on account of property or expenditures within Vermont and that a copy of said order has been filed in the record herein:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds, under Rule U-50, be, and the same hereby is, released, and that said application, as further amended, be and the same hereby is granted, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved over payment of fees and expenses of counsel for Public Service and independent counsel for the underwriters incurred or to be incurred in connection with the proposed transactions be, and the same hereby is, released.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7041; Filed, June 19, 1951; 8:47 a. m.]

[File No. 70-2641]

WASHINGTON WATER POWER CO.

ORDER AUTHORIZING BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

The Washington Water Power Company ("Washington"), an electric utility subsidiary company of American Power & Light Company, a registered holding company, having filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Washington proposes to borrow from Guaranty Trust Company of New York, Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania, and Seattle-First National Bank (Spokane and Eastern branch), Spokane, Washington, under a revolving credit, an aggregate principal amount of not to exceed $26,000,000, from time to time prior to June 15, 1954, and to issue notes in evidence thereof. The notes evidencing the loans would bear interest at the rate of 2¾ percent per annum from their respective dates until June 15, 1952, and 2⅞ percent thereafter to maturity. All such notes would mature not later than June 15, 1954. Each of the above-named banks would participate in the proposed borrowings in amounts not to exceed those designated in the Credit Agreement between the three banks and Washington. Under the Credit Agreement, Washington would pay a commitment fee of ½ of 1 percent per annum on the daily average unused amount of such commitment to June 15, 1954.

Washington proposes to use a portion of the proceeds from the above-mentioned loans to repay the entire balance of the Company's 2 percent bank loans from Seattle-First National Bank (Spokane and Eastern branch), of which a maximum principal amount of $7,150,000 will be outstanding prior to their maturity on October 31, 1951. The balance of the proceeds would be used to meet necessary expenditures to be incurred in connection with the Company's construction program.

Washington states that it proposes to take the first step toward a permanent financing program in the latter part of 1951 or early in 1952, at which time the Company proposes to issue first mortgage bonds to the maximum amount possible and to retire a large part or all of the bank loans of the Company then outstanding. The Company further states that, conditional upon earnings being sufficient, it proposes thereafter to issue additional first mortgage bonds to the extent possible and the proceeds from such additional bonds would be used toward reducing the Company's bank loans. Washington states that, at the time of its first permanent debt financing, it will pursue a program for the complete refinancing of all of the bank loans and such program will provide for the retirement of the Company's presently outstanding $6 Preferred Stock.

The Company estimates that fees and expenses in connection with the transactions will aggregate $10,165, of which $2,500 will be for legal fees.

The Company requests that the Commission's order granting the application be effective upon issuance.

Said application having been filed on May 24, 1951, and amendments thereto having been filed on June 1st and 12th, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed transaction having been expressly authorized by the Washington Public Service Commission, which is the regulatory Commission of the State in which the Company is organized and doing business, and by the Public Utilities Commission of the State of Idaho, the only other State in which the Company operates; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7039; Filed, June 19, 1951; 8:46 a. m.]

[File No. 70-2646]

POTOMAC EDISON CO. ET AL.

NOTICE OF FILING REGARDING THE ISSUANCE OF COMMON STOCK BY WHOLLY OWNED SUBSIDIARY COMPANIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of June 1951.

In the matter of the Potomac Edison Company, Northern Virginia Power Company, Potomac Light and Power Company, South Penn Power Company; File No. 70-2646.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "Act") by the Potomac Edison Company ("Potomac Edison"), a registered holding company and a public utility company, and three of its direct and wholly owned public utility subsidiaries, namely, Northern Virginia Power Company ("Northern Virginia"), Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"). The filing has designated sections 6, 7, 9, 10 and 12 of the act and Rules U-43 and U-44 promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than June 29, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows: Northern Virginia, Potomac Light and South Penn propose to issue and sell additional shares of their authorized and unissued capital stock and Potomac Edison proposes to acquire such shares in each case for a cash consideration equal to the aggregate par or stated value thereof as follows: (a) Northern Virginia, 4,500 shares common stock par value $100 per share, aggregating $450,000; (b) Potomac Light, 6,250 shares common stock par value $100 per share, aggregating $625,000; and (c) South Penn, 70,000 shares capital stock no par stated value $5 per share, aggregating $350,000.

Each of the subsidiary companies of Potomac Edison proposes to use proceeds from the sale of such additional shares of capital stock for the construction of property additions, and in the case of Potomac Light also to discharge its open account indebtedness amounting to $100,000 payable to Potomac Edison.

Potomac Edison at the present time owns all of the capital stocks of Northern Virginia, Potomac Light and South Penn, as well as the outstanding indebtedness of Potomac Light. All of the outstanding shares of capital stocks of these three subsidiary companies are at the present time pledged under the indenture of Potomac Edison securing its First Mortgage and Collateral Trust Bonds, it being proposed that the additional shares to be issued at this time and acquired by Potomac Edison will be pledged under said indenture in accordance with the requirements thereof.

The filing states that Potomac Edison presently has in its treasury funds in excess of the aggregate purchase price of the shares of capital stocks proposed to be acquired and that accordingly no financing by Potomac Edison is required in connection with its acquisition of such shares. The filing further states that expenses involved in the proposed transactions are estimated in total at less than $3,200.

The filing indicates that authorizations from the Public Service Commission of Maryland, the Public Service Commission of West Virginia, the State Corporation Commission of Virginia, and the Public Utility Commission of Pennsylvania are to be obtained with respect to certain aspects of the various transactions.

The joint application-declaration requests that any order of this Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7042; Filed, June 19, 1951; 8:47 a. m.]

[File No. 812-687]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS SYNDICATE OF CANADA, LTD.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

Notice is hereby given that Investors Diversified Services, Inc., a registered investment company and its wholly owned subsidiary, Investors Syndicate of Canada, Limited, have filed jointly an application under sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of sections 17 (a) (1) and 17 (a) (2) of that act certain proposed transactions between the applicants.

The proposed transactions for which exemption is requested involve the sale by Investors Diversified Services, Inc., to its wholly owned subsidiary, Investors Syndicate of Canada, Limited, of loans and mortgages or other first liens on Canadian real estate securing the same, owned or to be acquired by Investors Diversified Services, Inc., subject to certain limitations set forth in the application. In previous orders of the Commission, Investors Diversified Services, Inc., and Investors Syndicate of America, Inc., have been granted exemptions from the provisions of sections 17 (a) (1) and 17 (a) (2) of the Investment Company Act of 1940 for the sales by the former to the latter of loans, mortgages and other first liens on United States real estate.

For a more detailed statement of the matters of fact and law therein asserted, all interested persons are referred to said application, as amended, which is on file at the office of the Commission in Washington, D. C.

Notice is further given that the Commission will issue an order granting the application, pursuant to the provisions of sections 6 (c) and 17 (b) of the act, subject to the provisions to be stated therein, at any time after the 28th day of June 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the Investment Company Act of 1940. Any interested person may not later than the 25th day of June, 1951, at 5:30 p. m. e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such application or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7044; Filed, June 19, 1951; 8:47 a. m.]

[File No. 812-734]

BLUE RIDGE MUTUAL FUND, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

Notice is hereby given that Blue Ridge Mutual Fund, Inc. ("applicant"), of New York, New York, a registered investment company, has filed an application for an order pursuant to section 6 (c) of the Investment Company Act of 1940 exempting applicant from the provisions of sections 15 (a), 15 (a) (3), 18 (i), 22 (e), and 32 (a) (1) and (2) of the act.

Section 15 (a) makes it unlawful for a person to act as investment adviser for a registered investment company except pursuant to a written contract containing certain specified statutory terms which has been approved by the vote of a majority of its outstanding voting securities. Applicant requests exemption from this provision pending approval or disapproval of the written advisory contract at the annual meeting of applicant's stockholders to be held in 1952.

Section 15 (a) (3) requires an investment advisory contract to provide, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors or by majority vote of the outstanding voting securities of the registered investment company on not more than sixty days' written notice to the investment adviser. Applicant requests exemption from this

provision until the annual meeting in 1952 or nine months from the effective date of the merger of Blue Ridge Corporation into applicant, whichever period is longer.

Section 18 (i) provides that every share of stock issued by a registered investment company shall be a voting stock and have equal voting rights with every other outstanding voting stock. Applicant requests exemption from this provision for the issuance of scrip for fractional shares expiring within six months after the aforementioned merger.

Section 22 (e) prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of any redeemable security in accordance with its terms for more than seven days after tender for redemption except under certain conditions not here pertinent. Applicant requests exemption from this provision during an initial period after its open-ending in accordance with the plan of reorganization of its predecessor and the merger agreement hereinafter described.

Section 32 (a) (1) and (2) makes it unlawful for a registered management company to file with the Commission any financial statement signed or certified by an independent public accountant unless such accountant has been selected by a certain specified majority of the board of directors within a designated period and such selection has been submitted to the stockholders for ratification or rejection. Applicant requests exemption from these provisions until the ratification or rejection of the selected accountant may be submitted to stockholders at the annual meeting in 1952.

It appears from the application that applicant was incorporated under the laws of Delaware on January 17, 1950, as Central States Electric Corporation (Del.), which changed its name to that of applicant on May 15, 1951; that Central States Electric Corporation (Va.) is now in process of reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the Eastern District of Virginia; that the plan of reorganization proposed for Central States Electric Corporation (Va.) provides for the transfer of its cash and securities to a new Delaware corporation, i. e., Central States Electric Corporation (Del.), followed by the merger into it of Blue Ridge Corporation; that Central States Electric Corporation (Va.) and its subsidiary, Blue Ridge Corporation, are registered closed-end, management investment companies; that said plan of reorganization was recommended for approval by this Commission to said District Court, was approved and confirmed by said Court after acceptance by interested security holders and is now being consummated after denial of petitions for certiorari by the United States Supreme Court on appeals from the United States Court of Appeals for the Fourth Circuit affirming the orders of approval and confirmation of the plan and the order denying a motion to dismiss the reorganization proceedings; that said plan and merger agreement provide that applicant shall be an open-end, management, investment company, the shares of which will be redeemable at the holder's option, subject to certain restrictions on redemption during an initial period; that said redemption restrictions provide that stock presented for redemption during the first six months after the open-ending shall be redeemable at net asset value sixty days after the date of presentation and stock presented for redemption during the sixty-day period immediately following said six-month period shall be redeemable on the last day of said sixty-day period, unless in each case the board of directors shall fix a shorter period; that said plan and merger agreement provide for the issuance of scrip for fractional shares which shall expire and become void within six months after said merger unless presented with other fractional scrip certificates for exchange for full shares of stock; that said plan and merger agreement provide for the employment of investment managers by means of an investment advisory contract, and in pursuance thereof, an investment advisory contract was entered into with Research-Distributing Corporation after approval by said reorganization court upon notice to all interested security holders; that said contract provides for its termination without penalty by the board of directors or by majority vote of its stockholders except that the board of directors shall not terminate the contract until the next annual meeting of stockholders or nine months after said merger, whichever period is longer, without the approval of a majority of the outstanding stock; that at a meeting on May 10, 1951, a majority of the board of directors of applicant who are not investment advisers or affiliated therewith, or officers or employees of applicant, slected the firm of Lybrand, Ross Bros. & Montgomery as independent public accountants for the year 1951.

Applicant asserts that under the circumstances, the requested temporary exemptions are necessary and appropriate in aid of consummation of said plan of reorganization and merger agreement; that the issuance of scrip, the execution of the investment advisory contract, and the initial non-redeemability of stock are pursuant to said plan and merger agreement which have been passed upon by this Commission and approved by the reorganization court after notice thereof to all interested security holders; that the investment advisory contract was executed and Lybrand, Ross Bros. & Montgomery selected at the time to enable applicant to file registration statements with this Commission under the Investment Company Act and the Securities Act of 1933 and to commence business as an investment company by offering its shares to the public; that after the first year of operation, none of the requested exemptions will be in effect; that at the next annual meeting in 1952, the approval of said investment advisory contract and selection of a firm of independent public accountants will be submitted to the vote of stockholders.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application, which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, subject to such terms and conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after June 29, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 27, 1951, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7037; Filed, June 19, 1951; 8:46 a. m.]

[File No. 812-735]

LEHMAN CORP. AND CHICAGO CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of June A. D. 1951.

Notice is hereby given that the Lehman Corporation (Lehman), a registered investment company, One William Street, New York 4, New York, and the Chicago Corporation (Chicago), 135 South LaSalle Street, Chicago, Illinois, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of said act a proposed transaction in which Lehman is to sell and Chicago is to purchase 1,725 shares of the capital stock of Gulf Plains Corporation (Gulf Plains) at $1,569.62 per share, or an aggregate purchase price of $2,707,594.50.

The application discloses that Gulf Plains is a Texas corporation organized in 1939 for the purpose of acquiring certain gas and leasehold estates near Corpus Christi, Texas, and constructing and operating a natural gas and recycling plant adjacent to such leasehold properties. Gulf Plains presently has outstanding 5,953 shares of capital stock, of which Chicago owns 3,978 shares, Lehman owns 1,725 shares and Maracaibo Oil Exploration Corporation (Maracaibo) owns the remaining 250 shares. Chicago, Lehman and Maracaibo, in arm's-length bargaining, entered into an agreement dated June 8, 1951, which provides for the purchase by Chicago, subject to the granting of the application by order of the Commission, of the Gulf Plains stock owned by Lehman and Maracaibo at the price per share stated above. Lehman and Chicago are affiliated persons of Gulf Plains within the meaning of section 2 (a) (3) of the act and as a consequence, since Lehman is a registered investment company, section 17 (a) prohibits Chicago from purchasing the stock of Gulf Plains owned by Lehman unless the Commission issues an order of exemption pursuant to the provisions of section 17 (b) of the act. The transaction in which Chicago proposes to purchase the stock of Gulf Plains owned by Maracaibo is not subject to the provisions of section 17 (a) of the act but the obligation of Chicago to purchase the stock owned by Lehman or Maracaibo is subject to the condition that all of the 1,975 shares owned by the sellers shall be sold to Chicago.

Gulf Plains, according to a report by a petroleum geologist and engineer dated January 1, 1950, had through leases recoverable gas reserves of 498,569,000 Mcf and condensate reserves of 9,180,067 barrels. The financial statements of Gulf Plains, included in the application, indicate that per share earnings on its outstanding stock amounted to approximately $137 in 1949, $103 in 1950 and $24 in the three-months period ended March 31, 1951. Dividends paid on the stock amounted to $150 and $170 per share in 1949 and 1950, respectively.

All interested persons are referred to said application, which is on file in the Washington, D. C., office of the Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after June 28, 1951, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 27, 1951, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7038; Filed, June 19, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17977]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown, F-63-60 (Zurich), Temporary No. II.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of Institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the Account as of Oct. 2, 1950, excluded from this vesting order [1]
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	(a) Miscellaneous portfolio of stocks and bonds, regular account XC 238, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 6084, (b) Regular Deposit Account, and (c) general ruling No. 6 account; as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 148.	12 common shares United States Steel Co., $5,600, 7½ percent Europ. Mortgage Series B Corp. due February 1, 1966, $10,000 7½ percent Europ. Mortgage Series C Corp., due September 15, 1967, $8,500, 4½ percent Kingdom of Hungary due August 1, 1979 stpd., and $2,000 7 percent Ital. Publ. Utility Credit Institute, due January 1, 1952, which, according to the report on Form OAP-700 filed by Guaranty Trust Co. of New York, bearing its Serial No. CU 6084, is property of persons domiciled in Hungary; $80.22 of the general ruling No. 6 account, which according to the report on Form OAP-700 filed by Guaranty Trust Co. of New York, bearing its Serial No. FB 148, is property of persons domiciled in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7066; Filed, June 19, 1951; 8:50 a. m.]

[Vesting Order 17978]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F63-60 (Zurich) Temporary No. 111.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on the shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Miscellaneous stocks and bonds of determinable value, and (b) miscellaneous stocks and bonds of indeterminable value; as described by Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 25. (c) Custodian cash A/C general ruling No. 6 a/c, and (d) Bonds: as described by Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 24.	$1,000 6½ percent Imperial Japanese Government due Feb. 1, 1954, which, according to the report on Form OAP-700 filed by Bankers Trust Co., bearing its Serial No. CU 25, is property of persons domiciled in Hungary; $7,000 6½ percent Berlin City Electric Co., due Dec. 1, 1951, Nos. 5490, 5505, 6708, 6666, 15119, 15923/24; $1,000 5½ percent German Government, due June 1, 1965, Nos. B 854 and B 1103; the proceeds of $600 3 percent Province of Buenos Aires, due Mar. 1, 1984, Nos. 3713/18, and $15,000 4½ percent, 4% percent Province of Buenos Aires, due Mar. 1, 1977, which is claimed to be property of Rolf von Paur, Nelly von Paur, Fritz Prager and the heirs of Lilly Prager; $1,016.10, which, according to the report on Form OAP-700 filed by Bankers Trust Co., bearing its Serial No. CU 25, is property of a person domiciled in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7067; Filed, June 19, 1951; 8:50 a. m.]

[Vesting Order 17750, Amdt.]

TOSHIHIKO ONO ET AL.

In re: Real and personal property, property insurance policies, postal savings account and bank account owned by Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, and others. D-39-9701.

Vesting Order 17750, dated April 30, 1951, is hereby amended as follows and not otherwise:

By deleting the number 2619 from subparagraph 5 of said Vesting Order 17750 and substituting therefor the number 2618.

All other provisions of said Vesting Order 17750 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7072; Filed, June 19, 1951; 8:51 a. m.]

[Vesting Order 17979]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich), Temporary No. IV.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Credit Suisse, Zurich, ordinary account, blocked account; (b) Credit Suisse, Zurich, general ruling No. 6 account; (c) Credit Suisse, Zurich, special account EMA blocked account; (d) Credit Suisse, Zurich remittances of Coupons called and matured securities; and (3) Credit Suisse, Zurich, special account EMA general ruling No. 6; as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 35; (f) Credit Suisse, Zurich, ordinary account, blocked account; (g) Credit Suisse, Zurich, general ruling No. 6 account; (h) Credit Suisse, Zurich, special account EMA blocked account; and (i) Credit Suisse, Zurich, special account EMA general ruling No. 6 account; as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 36.	$309.48 of Credit Suisse, Zurich, general ruling No. 6 account, which, according to the report on form OAP-700 filed by Brown Bros. Harriman & Co., bearing its Serial No. 35, is property of a person domiciled in Hungary; $234.42 of Credit Suisse, Zurich, general ruling No. 6 account, which, according to a letter dated Mar. 19, 1951, from Credit Suisse, New York Agency, represents part of the "Non-German" interest in the estate of Emil Tottien; 20 shares no par value common stock Dome Mines, Ltd., and 20 shares $10 par value common stock F. W. Woolworth Co., which according to the report on Form OAP-700, filed by Brown Bros. Harriman & Co., bearing its Serial No. 36, is property of persons domiciled in Hungary, three-tenths (3/10th) interest in those certain Kingdom of Denmark 4½ percent bonds, having an aggregate face value of $2,000 and in those certain City of Copenhagen 4½ percent bonds, having an aggregate face value of $500, the remaining seven-tenths (7/10ths) interest having been vested by V. O. 17615.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7068; Filed, June 19, 1951; 8:50 a. m.]

[Vesting Order 17986]

ROTTERDAMSCHE BANK N. V.

In re: Accounts maintained in the name of Rotterdamsche Bank N. V., The Hague, The Netherlands, and owned by persons whose names are unknown. F-49-702.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Rotterdamsche Bank N. V., The Hague, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) "Nontreaty account" a/c XC 9062, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0079. (b) Rotterdamsche Bank, N. V., Kneuterdijh, The Hague, Holland, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 95.

[F. R. Doc. 51-7070; Filed, June 19, 1951; 8:51 a. m.]

NATIONAL ARCHIVES

AGENZIE GENERALI ESTREMO ORIENTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Agenzie Generali Estremo Oriente, Milan, Italy; Claim No. 35838; $868.25 in the Treasury of the United States.

Executed at Washington, D. C., on June 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-7073; Filed, June 19, 1951; 8:51 a. m.]

FRANCOIS-THEOPHILE WENIGER AND ANNA-MARIE LINCK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francois-Theophile Weniger, Paris, France, Anna-Maria Linck, Colmar (Haut-Rhin), France; Claim No. 41454; $1,911.38 in the Treasury of the United States in two equal shares of $955.69 each, one to Francois-Theophile Weniger and one to Anna-Maria Linck.

Executed at Washington, D. C., on June 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-7074; Filed, June 19, 1951; 8:51 a. m.]

[Vesting Order 17983]

NEDERLANDSCHE BANK VOOR ZUID AFRICA N. V.

In re: Accounts maintained in the name of Nederlandsche Bank voor Zuid Africa N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-855.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Nederlandsche Bank voor Zuid Africa N. V., Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the Account as of Oct. 2, 1950 excluded from this vesting order [1]
Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Bonds and stock-depot "B" (both of determinable and indeterminable value), as described by the Bank of the Manhattan Company in its reports on Form OAF-700, bearing its serial No. 045. (b) Bank deposit-depot "B", as described by the Bank of the Manhattan Co., in its report on Form OAF-700, bearing its Serial No. 046.	From bonds and stock-depot "B", $5,000.00 Kingdom of Denmark 6/42 bonds, Nos. M 36, M 1970, M 26266, M 26315, D 556, D 2605, and $10,000.00 Kingdom of Denmark 5½/55 bonds, Nos. M 3702, M 5791, M 8755, M 10101, M 10643, M 14096, M 19712, M 25523, M 25894, D 559, D 1828, which, according to license application No. NY 870923 filed by Harry A. Gottlieb, are claimed by Dr. Jacob Miang, a citizen and resident of Denmark. From bank deposit-depot "B", $16,579.03 which, according to license application No. NY 870923 filed by Harry A. Gottlieb, is claimed by Dr. Jacob Miang, a citizen and resident of Denmark, and represents interest payments on the above described bonds and the proceeds of redeemed bonds.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights, and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip, and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7069; Filed, June 19, 1951; 8:51 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 16 NUMBER 120

Washington, Thursday, June 21, 1951

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

PART 207—INVESTIGATIONS OF INJURY TO DOMESTIC PRODUCERS RESULTING FROM TRADE AGREEMENT CONCESSIONS

RULES OF PRACTICE AND PROCEDURE FOR APPLICATIONS FOR INVESTIGATIONS

Applications for investigations under section 7 (a) of the Trade Agreements Extension Act of 1951 (Pub. Law 50, 82d Cong.) shall be subject to the rules now set forth in Part 207 of the rules of practice and procedure of the United States Tariff Commission (19 CFR, 1950 Supp., Part 207), except that 15 clear copies of the application shall be submitted instead of 5 copies as specified in such rules.

[SEAL] OSCAR B. RYDER,
Chairman, United States Tariff Commission.

[F. R. Doc. 51-7106; Filed, June 20, 1951; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 382]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 377]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 382 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 377 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 35a, is amended to describe the counties in the Defense-Rental Area as follows:

San Joaquin County, except the Cities of Manteca and Stockton, and all unincorporated localities.

This decontrols the City of Manteca in San Joaquin County, California, a portion of the Sacramento, California, Defense-Rental Area.

2. Schedule A, Item 70, is amended to describe the counties in the Defense-Rental Area as follows:

De Kalb County, except the Cities of Decatur and Pine Lake; Clayton County, except the City of Forest Park and that portion of the City of College Park located therein; Fulton County, except the Cities of Fairburn, East Point and Hapeville, that portion of the City of College Park located therein, the Town of Union City and that portion of the Town of Palmetto located therein.

This decontrols (1) all unincorporated localities in Cobb County, Georgia, a portion of the Atlanta, Georgia, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remaining incorporated localities in said Cobb County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines and Park Ridge, and the Villages of Kenilworth, Lansing, Mount Prospect, Oak Forest, Palatine, Riverdale, Westchester, Wilmette, and Winnetka; Du Page County; Kane County; and Lake County, except the City of Lake Forest.

This decontrols the Villages of Kenilworth and Oak Forest in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

4. Schedule A, Item 89, is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County, except the Cities of Moline and Rock Island, and all unincorporated localities.

Scott County, except the City of Davenport, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Walcott, and all unincorporated localities.

This decontrols the City of Moline in Rock Island County, Illinois, a portion of the Quad Cities, Illinois, Defense-Rental Area.

5. Schedule A, Item 143, is amended to describe the counties in the Defense-Rental Area as follows:

Barnstable County, except the Towns of Brewster, Eastham and Orleans; Bristol County; Middlesex County; Norfolk County;

(Continued on p. 5895)

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CODIFICATION GUIDE—Con.

Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County, except the Borough of New Wilmington;

the knitted wear industry for 480 hours or more in the occupation of machine

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Suffolk County; and in Plymouth County the City of Brockton, and the Towns of Abington, Bridgewater, East Bridgewater, Hingham, Mattapoiset, Middleboro, Plymouth, Rockland, West Bridgewater and Whitman.

This decontrols the Towns of Brewster, Eastham and Orleans in Barnstable County, Massachusetts, portions of the Eastern Massachusetts Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

6. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Rose, Springfield, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Plymouth and Roosevelt Park, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Cities of Grosse Pointe Park and Grosse Pointe Woods in Wayne County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

7. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Boroughs of Bethel and Elizabeth, and the Townships of Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Borough of New Wilmington in Lawrence County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment, except those in items 2 and 5 thereof, are based entirely on section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective June 21, 1951.

Issued this 18th day of June 1951.

ED. DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7119; Filed, June 20, 1951; 8:56 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS IN KNITTED WEAR INDUSTRY

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup. 1001) notice was published in the FEDERAL REGISTER on May 22, 1951 (16 F. R. 4764) of the Acting Administrator's proposed decision to amend the regulations contained in this part relating to the knitted wear industry (§§ 522.68 to 522.79) so as to clarify the definition of the industry and of the phrase "experienced worker" included therein.

As provided in the notice interested parties were given an opportunity to submit data, views, or arguments pertaining to this matter within 15 days from the date of publication of the notice. Following such notice comments were received from the Underwear Institute and the National Knitted Outerwear Association. After consideration of such comments I have determined that the definition of experienced worker contained in the proposed paragraph (b) of § 522.77 be limited to persons employed in manufacture of men's and boys' woven underwear. Since it was my intention to so limit these amendments, a change in wording of proposed § 522.77 (b) is necessary.

Therefore, §§ 522.77 and 522.79 are revised to read as set forth in the notice of proposed rule making published in the FEDERAL REGISTER on May 22, 1951 (16 F. R. 4764) except that the proposed paragraph (b) of proposed § 522.77 is changed.

1. Amend § 522.77 to read as follows:

§ 522.77 *Definition of "experienced worker".* For the purposes of §§ 522.68 to 522.79 an experienced worker is defined as follows:

(a) Any person who has been employed within the previous two years in the knitted wear industry for 480 hours or more in the occupation of machine knitter; or 320 hours or more in the occupations of machine stitcher or presser; or 240 hours or more in the occupations of winder, dyeing machine operator, brush machine operator or dryer operator; or

(b) Any person employed in the manufacturing of men's and boys' underwear from any woven fabric who has been employed within the previous two years in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes, and leather and sheep-lined garments divisions of the apparel industry, as defined in § 522.161, for 320 hours or more in the occupations of machine stitcher or presser.

2. Amend § 522.79 to read as follows:

§ 522.79 *Definition of the "knitted wear industry".* For the purposes of §§ 522.68 to 522.79 the knitted wear industry is defined as follows:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments; excluding, however, all fleece-lined garments made from purchased knitted fabric, except fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Knitted towels or cloths.

(c) Knitted shirts of cotton or any other fiber or any mixture of fibers which have been manufactured in the same establishment as that where the knitting process is performed.

(d) The manufacturing of men's and boys' underwear from any woven fabric.

(e) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided*, That the manufacturing, dyeing or other finishing of gloves, mittens, and hosiery shall not be included.

The above amendments shall become effective July 23, 1951.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

Signed at Washington, D. C., this 14th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-7088; Filed, June 20, 1951; 8:45 a. m.]

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK

Price Stabilization as to whether, in the event there has been default on a futures contract, the exchange may (1) legally

price for middling 15/16" cotton the published average premium or discount,

duction and Marketing Administration—Cotton Branch, Memphis, Tennessee,

used in producing a shoe under this regulation you must allocate the permitted

representatives, including trade associ-

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN NEEDLEWORK INDUSTRIES

ESTABLISHMENT OF MINIMUM PIECE RATE

On May 25, 1951, notice was published in the FEDERAL REGISTER (16 F. R. 4944) that the Acting Administrator of the Wage and Hour Division, United States Department of Labor, proposed to establish a minimum piece rate of 32 cents per gross for homeworkers in Puerto Rico for the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, cutting a shank at one end of the strip with a hand-cutting machine, trimming both ends by cutting the excess leather off and inserting the ends into the knot. The notice stated that it is not intended by this action to revoke or change in any way the minimum piece rate of 53⅓ cents per gross established by an order dated August 8, 1950 (15 F. R. 5155) for the hand-braiding of leather buttons, 24 to 30 ligne, by another method specified in said order.

Interested persons were afforded an opportunity to submit data, views, or arguments pertaining thereto within 15 days from the date of publication of the notice. A letter in opposition to the establishment of this minimum piece rate was received from the Dugan Manufacturing Company. The contents of this letter have been considered, but I find that the objections contained therein do not warrant rejection of the proposed minimum piece rate. Time tests by the Wage and Hour Division of homeworkers engaged in the hand-braiding operations described in this order indicate that establishment of a 32 cents per gross minimum piece rate for homeworkers is commensurate with and should yield to the worker of ordinary skill a minimum wage rate of 40 cents per hour.

Accordingly, pursuant to the authority under section 6 (a) (2) of the Fair Labor Standards Act, as amended (sec. 6 (a) (2), 63 Stat. 912; 29 U. S. C. 206 (a) (2)), a minimum piece rate of 32 cents per gross for hand-braiding of leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico is hereby established for the operations as defined above. This order is to become effective July 23, 1951.

(Sec. 6, 52 Stat. 1062, as amended; 29 U. S. C. and Sup. 206)

Signed at Washington, D. C., this 14th day of June 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-7108; Filed, June 20, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Interpretation 1]

GEN. INT. 1—ASSESSMENT OF DAMAGES FOR DEFAULTS ON COMMODITY EXCHANGES

Several commodity exchanges have requested an opinion from the Office of Price Stabilization as to whether, in the event there has been default on a futures contract, the exchange may (1) legally establish a settlement price in excess of the applicable spot ceiling price, and (2) assess a penalty for the default where so required by the rules of the exchange.

It is the opinion of the Chief Counsel of the Office of Price Stabilization that section 707 of the Defense Production Act of 1950 precludes the establishment of a settlement price for default on futures contracts in excess of the spot ceiling price for the commodity involved. The legal maximum market value for the commodity is fixed by ceiling price regulations. To require a defaulting seller to pay damages based on a market value in excess of the ceiling price would be to assume as a basis for settlement an illegal market price.

If the rules of an exchange in effect at the time the contract was entered into require the assessment of a predetermined amount as a penalty for defaulted futures contracts, the assessment of such a penalty would not be in contravention of the Defense Production Act or of applicable price ceiling regulations. Such penalties are not based on any assumption concerning the market price or the ceiling price, but are intended to promote the integrity of exchange contracts, and are agreed upon as penalties for failure to deliver. They are not a violation of the letter or spirit of any ceiling price regulation, unless the regulation expressly so provides.

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

JUNE 19, 1951.

[F. R. Doc. 51-7169; Filed, June 19, 1951; 4:39 p. m.]

[CPR 37, Interpretations 1-2]

CPR 37—PRIMARY COTTON TEXTILE MANUFACTURERS' REGULATION

INT. 1—DETERMINATION OF COST INCREASES OR DECREASES FOR COTTON

Section 2 (c) (1) of this regulation provides that in determining a cost increase or decrease for cotton, a manufacturer must find the physical amount of cotton used in a unit of the yarn or fabric to be priced. He then is to multiply that amount by the increases or decreases in the unit cost of cotton between the published average of the spot prices in the 10 "designated markets" on the date of his base period price adjusted for the grade and staple he was then using, and March 15, 1951, adjusted for the grade and staple he is currently using. The date of his base period price is the date of the contract, written offer, or price list from which he found his base period price, in accordance with section 2 (b), for the yarn or fabric he is pricing.

(a) In adjusting the unit cost of cotton, for the grade and staple used, for both the date of his base period price and March 15, 1951, a manufacturer must apply to the published average spot price for middling 15/16" cotton the published average premium or discount, for the grade and staple used, in the 10 "designated markets" for such dates.

(b) If a manufacturer adjusts the unit cost of cotton, on the date of his base period price or on March 15, 1951, for staple lengths of 1 3/32" through 1 1/4", the premium or discount to be applied must be the premium or discount published for the Memphis Exchange for the date of his base period price or March 15, 1951.

(c) If a manufacturer adjusts the unit cost of cotton, for the date of his base period price or March 15, 1951, for staple lengths of under 15/16", the premium or discount to be applied is the published average premium or discount for 15/16" in the 10 "designated markets" for the date of his base period price or March 15, 1951.

(d) In determining the published average premium or discount for a staple length of 15/16", a manufacturer must use the published average premium or discount for 15/16" in the 10 "designated markets", even though the published "10 market average" may represent an average of premiums or discounts for only those of the 10 "designated markets" which quote premiums or discounts for a staple length of 15/16".

(e) Where a manufacturer has bought cotton on the basis of a type or description other than a grade set forth in the Official Cotton Standards of the United States he should compute the cost increase or decrease for such cotton in the following manner:

(1) Where the type or description he bought was equal to a grade set forth in the Official Cotton Standards of the United States, he should use such equal official standard grade as the basis for his computations;

(2) Where the type or description he bought was above one grade set forth in the Official Cotton Standards of the United States, and below another, he should use the lower of the two official standard grades as the basis for his computation.

(f) The term cotton does not include loose and irregular cotton or spinnable cotton waste such as combing waste, white spinner waste, card room roving, top strip, vacuum strip, and card fly. Such items are "manufacturing materials", and cost increases or decreases are to be computed for them under section 2 (c) (3).

INT. 2—PUBLISHED PRICES AND PREMIUMS AND DISCOUNTS

The published average of the spot prices, and the published average premium or discount for the grade and staple used, in the 10 "designated markets", referred to in Ceiling Price Regulation 37, are to be obtained from the "Cotton Quotations—Ten Designated Spot Markets" showing the prices for basis of M 15/16", and premiums and discounts for other grades and staple lengths, in the 10 designated spot markets, published daily by the United States Department of Agriculture, Production and Marketing Administration—Cotton Branch, Memphis, Tennessee.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel.

JUNE 21, 1951.

[F. R. Doc. 51-7191; Filed, June 20, 1951; 11:36 a. m.]

[Ceiling Price Regulation 41, Amendment 1]

CPR 41—SHOE MANUFACTURERS' REGULATION

CLARIFICATION AND CORRECTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 1 to Ceiling Price Regulation 41 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 41 clarifies sections 5 (a) and 6 (a) of the regulation which tell how to compute material and labor costs. It is intended that material and labor costs be computed as of the last day of the base period selected and March 15, 1951. This amendment clarifies the instructions with respect to the use of cost sheets in that regard.

Section 10 which tells how to compute material and labor costs for unit shoes instructs the manufacturer to subtract March 15, 1951 costs from base period costs to obtain cost increases. This inadvertent error is corrected by this amendment and the manufacturer is instructed to obtain his total cost increase by subtracting his base period total labor and material costs from his March 15, 1951 total material and labor costs.

AMENDATORY PROVISIONS

Ceiling Price Regulation 41 is amended in the following respects:

1. Section 5 (a) is amended to read as follows:

(a) *Material costs and method of computation.* Material cost means the cost of all materials entering directly into the completed shoe or used directly in the manufacturing processes from which the shoe results. In addition, it includes the cost of packaging material, machinery royalties and rentals, machine replacement parts, lasts, dies, and patterns allocable to the unit shoe you desire to price. It includes also the total cost of manufacturing material which you produced in one unit of your business and transferred to another unit of your business and which you used in producing the shoes you desire to price. It does not include the cost of materials used in replacing, maintaining or expanding your plant. If you customarily use cost sheets, you must use a cost sheet adjusted to reflect your costs on the last day of your selected base period and on March 15, 1951. If you do not customarily use cost sheets, your material cost is your replacement cost on those days. In allocating the unit cost of material used in producing a shoe under this regulation you must allocate the permitted material cost according to your customary accounting method. The same accounting method for allocation and determination of costs must be used in all calculations of unit costs of materials.

2. Section 6 (a) is amended to read as follows:

(a) *Labor costs and method of computation.* Labor cost means the cost of labor that enters directly into the fabrication of the shoe and is paid for at hourly or piece rates. In addition, it includes the cost of labor for factory supervision, materials control, ordinary maintenance, warehouse help and inspection allocable to the unit shoe you desire to price. It may include the allocable equivalent on an hourly or piece rate basis of so-called "fringe benefits" (for example, pension plans, paid vacation, make-up pay and insurance). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement and expansion of plant and equipment. If you customarily use cost sheets, you must use a cost sheet adjusted to reflect your costs on the last day of your selected base period and on March 15, 1951. If you do not customarily use cost sheets, your labor cost is your labor cost on those days. In allocating the cost of labor for a shoe under this regulation, you must allocate the permitted labor costs according to your customary accounting method. The same accounting method for allocation and determination of costs must be used in all calculations of unit costs of labor.

3. Section 10 is amended to read as follows:

SEC. 10. *How to compute your material and labor cost increases.* Compute base period and your March 15, 1951 cost of material and labor for that shoe by the methods presented in sections 5 (a) and 6 (a) of this regulation. Subtract the base period total material and labor cost from the March 15, 1951 total material and labor cost to determine your total cost increase for that shoe.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on June 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 20, 1951.

[F. R. Doc. 51-7189; Filed, June 20, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-36, as Amended June 20, 1951]

M-36—GOVERNMENT ORDERS FOR PAPER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-36 by adding two grades of paperboard to list B and by making certain minor changes in sections 2 and 3. As so amended, NPA Order M-36 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Directives.
5. Release of reserve production.
6. Report of Government orders.
7. Rated orders.
8. Application for adjustment or exception.
9. Communications.
10. Records.
11. Audit and inspection.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to paper manufacturers and provides rules for placing, accepting, and scheduling Government orders for paper. Its purpose is to make possible maximum production of paper and reduce to a minimum any disruption of normal distribution by providing for the equitable sharing of Government orders among paper manufacturers. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of Reg. 2 continue to apply to the paper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Paper" means any kind of primary paper, including, but not limited to, the grades listed on Census Form M-14A, and also those grades of paperboard designated in list "B" of this order.

(b) "Grade", as hereinafter used, means any category of paper as listed in Census Form M-14A, or any subtype of such category although not specifically mentioned in such form.

(c) "Produce" and "manufacture" mean and include all making and finishing operations necessary to the production of primary paper prior to packing or packaging.

(d) "Schedule" means the completion of all steps ordinarily taken by the manufacturer preliminary to actual manufacture, including acknowledgment to buyer, establishment of detailed specifications, and determination of the time when the order will be manufactured and shipment made.

(e) "Government order" means (1) any DO rated order and (2) any order, whether rated or not, for direct or indirect delivery to any activity on list A except those orders for paper intended for resale at retail, such as supplies for post exchanges.

SEC. 3. *Reserve production.* (a) Each manufacturer shall reserve for the month of February 1951, and for each calendar month thereafter, machine time, material, and supplies, sufficient to

produce and deliver within such month

LIST B

(a) "Person" means any individual,

son pursuant to the same project or plan

produce and deliver within such month a total amount of paper to be calculated by applying the percentage specified for each grade in list B of this order to his average monthly production of such grade during the most recent calendar quarter, as originally reported on Form M–14–A as revised. Each manufacturer shall furnish the NPA with a record of his paper production for the fourth quarter 1950 and January 1951, on the basis of instructions to be issued by NPA pursuant thereto.

(b) The National Production Authority may from time to time increase or decrease manufacturers' reserve production by changing the percentages in list B of this order or applying the same or different percentages to other types, grades, or combinations of grades.

SEC. 4. *Directives.* On or before the tenth day of any month, the National Production Authority may direct any manufacturer to produce during such month any grade of paper which such manufacturer is qualified to produce, in total tonnage not exceeding the amount of his reserve production for such month less the Government orders he has already scheduled for that month. The National Production Authority may direct a manufacturer to sell and deliver such tonnage to fill any Government order or orders that it may designate.

SEC. 5. *Release of reserve production.* If on or before the tenth day of any month a manufacturer has not received from the National Production Authority directives as to the disposition of all production reserved for such month, in excess of the Government orders he has already scheduled for such month, he may apply that production for which no directives have been received as he may desire, subject to the provisions of this order and other orders and regulations of National Production Authority.

SEC. 6. *Report of Government orders.* (a) Each manufacturer shall report at the close of each month on Form M–14–A, as provided therein, such Government orders, including directed tonnage, as are qualified under this order which he has produced in such month and those Government orders, excluding directed tonnage, which he has scheduled for production in the second and third subsequent months. For example, the February 1951 report will show the actual total of Government orders produced in February and the Government orders, excluding directed tonnage, for April and May production. Having once reported a qualified order as scheduled in a given forward month, the manufacturer shall produce such orders as scheduled and so reported, and shall report the same order as scheduled for a different month only if requested by the buyer to so reschedule.

(b) If in any month a manufacturer's total scheduled Government orders for a subsequent month shall change materially (25 percent of his reserve production or 10 tons, whichever is greater) from his previous report, he may file Form NPAF–27 showing his revised schedule of Government orders, excluding directed tonnage.

(c) He shall initially file Form NPAF–27 by February 20, 1951, to show his Government order schedule for the month of March 1951.

(d) The manufacturer's reserve tonnage position as shown in the monthly Form M–14–A, in the interim reports, NPAF–27, if any, and directives will be taken into consideration by the National Production Authority in issuing such directives as may be found necessary under this order.

SEC. 7. *Rated orders.* (a) No manufacturer shall be required to accept DO rated orders for paper for shipment in any one month in excess of his reserve production for that month less his tonnage of Government orders already scheduled for that month.

(b) Unless specifically directed by the National Production Authority, no manufacturer need accept a DO rated order which is received less than 40 days prior to the first day of the month in which shipment is requested.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–36.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

1. United States Department of Defense, including all groups and subgroups.
2. Atomic Energy Commission.
3. United States Coast Guard.
4. National Advisory Committee for Aeronautics.
5. Civil Aeronautics Administration.
6. Tennessee Valley Authority.
7. U. S. Department of Justice, Bureau of Prisons.
8. United States Government Printing Office.
9. United States Bureau of Engraving and Printing.
10. General Services Administration.
11. United States Post Office.
12. Reconstruction Finance Corporation, Office of Rubber Reserve.
13. The Secretary of the Senate and the Clerk of the House of Representatives.
14. Producers of products or parts thereof for any of the activities listed above to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered on a contract or purchase order issued by such activity.
15. Any activity of the United States Government not listed above normally required to obtain paper and printed matter through or from the United States Government Printing Office if and when the GPO grants a waiver of such requirement, and manufacturers of products using paper for any such activity, to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered, on a contract or purchase order issued by such activity if and when such a waiver is granted. Any such waiver must have been granted for the specific contract or purchase order concerned and an adequate identification of the waiver number and date of issuance thereof must be endorsed upon the contract or purchase order.

LIST B

Grade	M–14–A code numbers	Percent
Newsprint	1000	5
Groundwood paper, uncoated	1100–1160	10
Paper-machine coated papers, book papers, and fine papers (except rag writing papers)	1200–1360, 1420–1460	10
Rag writing papers	1410	15
Coarse papers (unbleached kraft grades only)	1511, 1521, 1530, 1591	10
Coarse papers (other than unbleached kraft grades)	1512, 1519, 1522, 1529, 1592, 1599	5
Special industrial papers	1600	15
Sanitary tissue stock	1700	5
Crepe wadding for packing	1870	25
Tissue papers (except sanitary and crepe wadding for packing)	1890	5
Absorbent papers	1900	5
Special food boards	2295	5
Cardboard	2900	10

[F. R. Doc. 51–7192; Filed, June 20, 1951; 11:40 a. m.]

[NPA Order M–70]

M–70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. DO rating assigned.
4. Water transportation system consumer's use of rating and quota limitations.
5. Supplier's use of rating, increase of inventory, and inventory limitation.
6. Ship repair yard's use of rating, increase of inventory, and inventory limitation.
7. Foreign flag vessel's use of rating.
8. Canadian flag vessel's use of rating.
9. Application and certification of rating.
10. Limitation on application of rating.
11. Limitation on extension of rating.
12. Prohibited deliveries.
13. Application to other orders and regulations.
14. Records, reports, audit, and inspection.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby maintenance, repair, and operating supplies, as well as minor capital additions, for water transportation systems may be obtained during the third calendar quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used for the application of DO ratings during the said third quarter.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Water transportation system" means any domestically owned American flag vessel of any type on the inland waterways, or Great Lakes, or in coastwise, intercoastal, or seagoing service, except a vessel subject to the jurisdiction of the Coast Guard or to the jurisdiction of the Department of Defense as a claimant agency under DPA Order 1, except floating equipment owned by a railroad when MRO is furnished or performed by such railroad, and except vessels operated exclusively for pleasure.

(c) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(d) "Foreign flag vessels" means those vessels registered in countries other than the United States or Canada.

(e) "Canadian flag vessels" means those vessels registered in the Dominion of Canada.

(f) "Supplier" means a distributor of marine MRO or minor capital additions for the use of water transportation systems.

(g) "Ship repair yard" means any person, located in the United States, its territories or possessions, who regularly provides MRO or minor capital additions for boats and vessels.

(h) "Maintenance" means the minimum upkeep necessary to continue any unit of water transportation or a part or a component thereof in sound working condititon. "Maintenance" also means the reactivation of vessels in storage or not in usable condition.

(i) "Repair" means the restoration to sound working condition of any vessel or a part or a component thereof when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(j) "Maintenance" and "repair" include the replacement of any marine equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes addition to a unit of water transportation or a part or a component thereof which is in sound working condition with material of a new or different kind, quality, or design. Where a replacement is more economical than a repair, such replacement shall not be undertaken under any provision of this order in the absence of the specific approval of the National Production Authority.

(k) "Operating supplies" means material, other than fuel, which is used or consumed in the course of operations of a water transportation system.

(l) "Minor capital additions" means any improvement, addition, betterment, or conversion of a kind carried as capital by a water transportation system, but no such improvement, addition, betterment, or conversion shall exceed $750 in cost. In computing the cost of such improvement, addition, betterment, or conversion for purposes of this order, the cost of all materials obtained by the person pursuant to the same project or plan shall be included even though the respective materials are ordered or delivered at different times and are obtained from different sources of supply. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing limitations. "Minor capital addition" does not include conversions covered by present or future orders or directives issued by the National Production Authority.

(m) "MRO" means maintenance, repair, and operating supplies as defined in this section but exclusive of fuel, and does not include minor capital additions. The latter term is specifically used in this order wherever the meaning so requires. Materials or products sold by a supplier thereof or a ship repair yard for "MRO" shall not be deemed "MRO" as to such supplier. While the order applies to water transportation system consumers, suppliers, and ship repair yards and supersedes NPA Reg. 4, as amended, with respect to their marine MRO, it does not provide for their other "MRO" and minor capital additions, the procurement of which remains subject to all of the provision of NPA Reg. 4, as amended.

(n) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule 1 of CMP Regulation No. 1.

(o) "NPA" means the National Production Authority.

SEC. 3. *DO rating assigned.* Subject to the limitations of section 4 of this order with respect to water transportation system consumers, section 5 of this order with respect to suppliers, section 6 with respect to ship repair yards, section 7 with respect to foreign flag vessels, and section 8 with respect to Canadian flag vessels, the NPA hereby assigns to such persons the right to apply a DO–91P rating to obtain MRO and minor capital additions for delivery during the third calendar quarter of 1951. The DO–91P rating shall be applied as provided in section 9 of this order.

SEC. 4. *Water transportation system consumer's use of rating and quota limitations.* A water transportation system consumer who desires to apply the DO rating herein assigned shall apply the rating only to the extent and in the manner prescribed by this section as follows:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO–91P rating to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use the first calendar quarter of 1951 may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water

not be in the interest of the national defense or in the public interest. In ex-

ment under this program, or on July 1, 1956, whichever occurs first.

Sec.
105.5 Dead line for applications for pay-

(b) *Charges against quota.* Any water transportation system consumer who applies the DO–91P rating for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered for delivery during the quarter, whether or not obtained by use of the DO–91P rating, and

(2) The cost of all minor capital additions ordered for delivery during the quarter only if obtained by use of the DO–91P rating.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during the third calendar quarter of 1951 a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

SEC. 5. *Supplier's use of rating, increase of inventory, and inventory limitation.* A supplier may apply the DO–91P rating to obtain stocks of inventory for delivery during the third calendar quarter of 1951 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end of the month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 6. *Ship repair yard's use of rating, increase of inventory, and inventory limitation*—(a) *Controlled materials.* No ship repair yard shall apply the DO–91P rating to obtain MRO of controlled materials. Ship repair yards will obtain controlled materials in accordance with the provisions of CMP Regulations 1 and 3.

(b) *Increase of inventory and inventory limitation on materials other than controlled materials.* A ship repair yard may apply the DO–91P rating to obtain stocks of inventory of materials other than controlled materials for delivery during the third calendar quarter of 1951 to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end of the month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 7. *Foreign flag vessel's use of rating.* The DO–91P rating herein assigned may not be applied to obtain MRO or minor capital additions for foreign flag vessels unless authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF–104 and filed with the National Production Authority, Washington 25, D. C. Where a foreign flag vessel is damaged at sea and cannot continue safely to its own port, either under its own power or otherwise, but is able to reach a port in the United States for repairs, application may be made by telegraph or radiogram stating such facts, the identification of the vessel, and any other facts believed pertinent. Such telegraph or radiogram application shall be supported, as soon as possible, by filing completed Form NPAF–104 in triplicate with NPA.

SEC. 8. *Canadian flag vessel's use of rating.* Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as provided in section 7 of this order and, when authorized, shall apply the DO–91P rating and not the DO–47 rating authorized by said Reg. 3.

SEC. 9. *Application and certification of rating*—(a) *By water transportation system consumer and supplier.* The DO rating may be applied by a water transportation system consumer or supplier by placing on an order, or on a separate piece of paper attached to the order, the symbol "DO–91P," together with the words "Certified under NPA Order M–70 and NPA Reg. 2." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification constitutes a representation to the recipient and to NPA that the person using the DO–91P rating is authorized to use it as provided in this order.

(b) *By ship repair yard.* (1) The DO rating and certification on an order by a ship repair yard for materials other than controlled materials shall be applied and certified in accordance with paragraph (a) of this section.

(2) The DO rating and certification on an order by a ship repair yard for controlled materials shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

(c) *By foreign flag and Canadian vessels.* The DO rating and certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

SEC. 10. *Limitation on application of rating.* No person shall apply the DO–91P rating to obtain material:

(a) For any unauthorized purpose or in amounts greater than required for an authorized purpose under this order,

(b) Which can be obtained within the time required without the use of a rating,

(c) The use of which can be eliminated without serious loss of efficiency by substitution of less scarce material.

SEC. 11. *Limitation on extension of rating.* A supplier or ship repair yard may apply the DO–91P rating assigned by this order and within its limitations, but neither a supplier nor a ship repair yard may extend, either to obtain materials other than controlled materials normally carried in his inventory or to obtain controlled materials, a DO–91P rating received by him from another person.

SEC. 12. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, material which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 13. *Application to other orders and regulations.* The provisions of NPA Reg. 4, as amended, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO–91P rating may not be applied under this order to the items listed in list A of NPA Reg. 2, or table I of NPA Reg. 4, as they may be amended from time to time. The provisions of NPA Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that they are inconsistent with this order.

SEC. 14. *Records, reports, audit, and inspection.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, and the quarterly volume of such business or other activity since January 1, 1950. The applicant shall state the total amount spent for MRO in each quarter since January 1, 1950, and, if increase in quota is requested, specify the amount of increase requested.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–70.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7159; Filed, June 19, 1951; 4:25 p. m.]

Chapter XIV—General Services Administration

TUNGSTEN REGULATION; DOMESTIC TUNGSTEN PROGRAM

DURATION OF PROGRAM

Section 5, 16 F. R. 4373, is amended to read as follows:

SEC. 5. *Duration of the program.* The program shall terminate and be of no further force or effect when 3,000,000 short ton units of tungsten have been delivered to and accepted by the Govern-

ment under this program, or on July 1, 1956, whichever occurs first.

(Sec. 704, Pub. Law 774, 81st Cong.)

Dated: June 18, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51–7152; Filed, June 20, 1951; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 728]

CALIFORNIA

AMENDMENT OF PUBLIC LAND ORDER NO. 556 OF FEBRUARY 8, 1949, TRANSFERRING LANDS FROM AND TO THE PLUMAS AND LASSEN NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Secretary of Agriculture, it is ordered that Public Land Order No. 556 of February 8, 1949, transferring lands from and to the Plumas and Lassen National Forests, be, and it is hereby, amended as follows:

1. That part of the description of the land in T. 27 N., R. 6 E., M. D. M., reading "Sec. 15, E½" is corrected to read: "Sec. 15, NE¼, NW¼SE¼ and E½SE¼".

2. That part of the description of the land in T. 27 N., R. 7 E., M. D. M., reading "Sec. 6, lot 6" is corrected to read: "Sec. 6, lot 5".

3. That part of the description of the land in T. 28 N., R. 12 E., M. D. M., reading "Secs. 16 and 17, those parts north of the Diamond Mountain Divide" is corrected to read: "Sec. 16, that part north of the Diamond Mountain Divide".

4. The effective date of the transfer of lands from the Lassen National Forest to the Plumas National Forest is changed from July 1, 1947, to July 1, 1948.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 14, 1951.

[F. R. Doc. 51–7096; Filed, June 20, 1951; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR PUBLIC SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES

APPLICATIONS AND PAYMENTS

Sec.
105.1 Definitions.
105.2 Scope.
105.3 Basis for assistance; administrative policy.
105.4 Applications.
105.5 Dead line for applications for payments from funds appropriated for fiscal year 1951.
105.6 Applications received after dead line not considered for payment.
105.20 Notification of approval of application.
105.21 Payments.
105.22 Payments from fiscal year 1951 appropriations.

AUTHORITY: §§ 105.1 to 105.22 issued under sec. 7, Pub. Law 874, 81st Cong. Interpret or apply secs. 1–6, 8, 9, Pub. Law 874, 81st Cong.

APPLICATIONS AND PAYMENTS

§ 105.1 *Definitions.* All terms used in this part which are defined in Public Law 874, 81st Congress, 64 Stat. 1100, 20 U. S. C. 236–244, and not defined in this section shall have the meaning given to them in such act. As used in this part, the following terms shall have the meaning indicated in the following paragraphs.

(a) *Act.* Public Law 874, 81st Congress (64 Stat. 1100, 20 U. S. C. 236–244).

(b) *Applicant.* Any local educational agency, as defined in the act, which files an application for financial aid under the act and this part.

(c) *Application.* The document or documents including amendments thereto and, to the extent indicated by the applicant, communications in support thereof, filed by an applicant requesting financial assistance under the act and this part.

(d) *Financial assistance.* The payments made under section 5 (b), 64 Stat. 1106, 20 U. S. C. 240 (b) to the applicant by the Secretary of the Treasury upon certification by the United States Commissioner of Education.

(e) *Entitlement.* The amount of assistance which, if the appropriations for a fiscal year were adequate to pay all claims, the applicant would receive under the formulae of the act.

§ 105.2 *Scope.* The regulations in this part govern the granting of Federal assistance under the act to local educational agencies within the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

§ 105.3 *Basis for assistance; administrative policy.* Pursuant to section 1 of the act, assistance will be provided to those local educational agencies upon which the United States has placed financial burdens by reason of the fact that: The United States has acquired real property; or such agencies provide education for children residing on, or whose parents are employed on, Federal property; or Federal activities have caused substantial increases in school attendance. The Commissioner will consult the State educational agencies in the administration of the law and will utilize the facilities and services of other Federal departments in carrying out his functions under the act. The Commissioner will request that other Federal departments receiving appropriations for fiscal year 1951 for the same purposes as contained in the act carry out, in so far as practicable, their commitments until June 30, 1951.

§ 105.4 *Applications.* Any local educational agency believing itself to be en-

which should have been paid for such prior quarter.

Washington, D. C., on the 13th day of June 1951;

The Commission having under con-

Division, United States Department of Labor, by Administrative Order No. 403, as amended by Administrative Order

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001)

FEDERAL SECURITY AGENCY

Food and Drug Administration

§ 105.4 *Applications.* Any local educational agency believing itself to be entitled to assistance under the act may file with the Commissioner of Education, through the appropriate State educational agency, on forms prescribed by the Commissioner, an application for financial assistance for public school operating expenses, showing entitlement under the terms and conditions of the act. Each Applicant shall be deemed to have undertaken to submit such reports as the Commissioner may reasonably require to determine the amount to which the Applicant is entitled under the act and to make its records available to the Commissioner or his designee upon request for the purpose of examination or audit.

§ 105.5 *Dead line for applications for payments from funds appropriated for fiscal year 1951.* June 30, 1951, at 12:00 o'clock noon is hereby fixed as the time on or before which all applications, or supplementary information necessary to complete applications, for payments out of funds appropriated for the fiscal year 1951 shall be received by the Commissioner.

§ 105.6 *Applications received after dead line not considered for payment.* Applications received by the Commissioner after June 30, 1951, at 12:00 o'clock noon will not be considered for payment from funds appropriated for the fiscal year 1951.

§ 105.20 *Notification of approval of application.* Each Applicant will be notified within a reasonable time of the Commissioner's approval or disapproval of its application and the amount of payment, if any, to be made.

§ 105.21 *Payments.* Payment of the amount to which an Applicant is entitled under the act will be made by the Secretary of the Treasury upon certification of the amount due for each calendar quarter by the Commissioner. The amount so certified for any quarter will be reduced or increased, as the case may be, by any sum by which the Commissioner finds that the amount paid to the Applicant for any prior quarter was greater or less than the amount which should have been paid for such prior quarter.

§ 105.22 *Payments from fiscal year 1951 appropriations.* As prescribed by section 5 (c), 64 Stat. 1106, 20 U. S. C. 240 (c), if the funds appropriated for the fiscal year 1951 for such purposes are not sufficient to pay in full the total amounts which all local educational agencies whose applications have been considered for payment pursuant to § 105.5 are entitled to receive for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5 (b), 64 Stat. 1106, 20 U. S. C. 240 (b), for such fiscal year for payment to each such agency by the percentage by which the funds so appropriated are less than the total necessary to pay such agencies the full amount which they are entitled to receive under the act and the showings under and pursuant to their respective applications.

Dated: June 18, 1951.

[SEAL] EARL J. McGRATH,
U. S. Commissioner of Education.

Approved: June 19, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-7151; Filed, June 20, 1951; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

REVISION OF FORM REGARDING APPLICATION FOR NEW OR MODIFIED RADIO STATION CONSTRUCTION PERMIT (OTHER THAN BROADCASTING)

In the matter of revision of FCC Form 401, Application for New or Modified Radio Station Construction Permit (Other Than Broadcasting).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the revision of FCC Form 401, Application for New or Modified Radio Station Construction Permit (Other Than Broadcasting); and

It appearing, that Items 19 and 20 require modification in order to conform with certain requirements of Part 17, rules concerning the Construction, Marking and Lighting of Antenna Structures, which became effective February 15, 1951; and

It further appearing, that certain editorial changes in Items 4, 12, and 30 are desirable for the purpose of clarification and in the instructions on page 5 in order to facilitate completion of the application form by applicants; and

It further appearing, that the primary revisions contained herein reflect changes in rules which changes were adopted by the Commission after giving notice in accordance with the provisions of section 4 (a) of the Administrative Procedure Act, and that other changes herein are in effect merely editorial in nature; and therefore, general notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority to make the changes in the form is contained in sections 4 (i), 303 (r) and 308 (b) of the Communications Act of 1934, as amended.

It is ordered, That FCC Form 401, Application for New or Modified Radio Station Construction Permit (Other Than Broadcasting) is revised as set forth in the attachment hereto[1]; and

It is further ordered, That this order shall be effective August 1, 1951.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended, 1084; 47 U. S. C. 303, 308)

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7114; Filed, June 20, 1951; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 58]

GRADING AND INSPECTION OF DAIRY PRODUCTS

EXTENSION OF TIME

Notice is hereby given of the extension until June 26, 1951, of the period of time within which written data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of the proposed regulations governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese and other manufactured or processed dairy products.

The proposed regulations are set forth in the notice of rule making which was published in the FEDERAL REGISTER (F. R. Doc. 51-6481; 16 F. R. 5280) on June 5, 1951.

Done at Washington, D. C., this 18th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7099; Filed, June 20, 1951; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 705]

DECORATIONS AND PARTY FAVORS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

Pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403, as amended by Administrative Order No. 404, appointed Special Industry Committee No. 9 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in said orders, including the decorations and party favors industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the decorations and party favors industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the decorations and party favors industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the decorations and party favors industry in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 30 cents an hour to be paid to employees in that industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on March 27, 1951, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on April 24, 1951, at which all interested persons were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the decorations and party favors industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 9 for Puerto Rico of a Minimum Wage Rate in the Decorations and Party Favors Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 2684), that I propose to approve the recommendation of the Committee for the decorations and party favors industry and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
705.1 Approval of recommendation of industry committee.
705.2 Wage rate.
705.3 Notices of order.
705.4 Definition of the Decorations and Party Favors Industry in Puerto Rico.

AUTHORITY: §§ 705.1 to 705.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 705.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 705.2 *Wage rate.* Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the decorations and party favors industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 705.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the decorations and party favors industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 705.4 *Definition of the decorations and party favors industry in Puerto Rico.* The manufacture of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character.

Signed at Washington, D. C., this 15th day of June 1951.

WM. R. McCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-7109; Filed, June 20, 1951; 8:53 a. m.]

[1] Filed as a part of the original document. Copies may be obtained from the Federal Communications Commission.

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 18]

[Docket No. FDC-7-C-1]

MILK AND CREAM

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amending the definition and standard of identity for evaporated milk:

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to a notice published in the FEDERAL REGISTER on January 26, 1951 (16 F. R. 731), the following order be made:

Findings of fact.[1] 1. The definition and standard of identity for evaporated milk (21 CFR 18.520), which was promulgated by an order published in the FEDERAL REGISTER of July 2, 1940 (5 F. R. 2443), recognizes added vitamin D as a permitted optional ingredient and requires that its presence be declared on the label. The standard fixes the minimum level for vitamin D, when this optional ingredient is used, at 7.5 U. S. P. units per avoirdupois ounce of the finished evaporated milk, and prescribes that vitamin D be determined by the method prescribed in "The Second Supplement of the Pharmacopoeia of the United States of America Eleventh Decennial Revision." (R. Ex. 3)

2. The method prescribed for determining vitamin D requires, among other things, that "U. S. P. 'Reference Cod Liver Oil'" be used as the vitamin D standard. The organization of the Pharmacopeia, has only a small quantity of U. S. P. "Reference Cod Liver Oil" remaining, and the supply will not be renewed because by the revision of the United States Pharmacopeia which became official November 1, 1950, the vitamin D standard was changed from U. S. P. "Reference Cod Liver Oil" to U. S. P. Vitamin D Reference Standard. A method specially adapted to the determination of U. S. P. units of vitamin D in evaporated milk is given in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950, beginning on page 788, under the heading "Vitamin D in Milk—Official." This method is commonly known as the A. O. A. C. method. It utilizes the new U. S. P. Vitamin D Reference Standard, which is readily available. The A. O. A. C. method is the preferred method of a number of laboratories making determinations of vitamin D in evaporated milk. (R. 6-11, 20-23)

3. Although the minimum level for vitamin D prescribed by the standard is

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

7.5 U. S. P. units per avoirdupois ounce, it has become the general commercial

than 0.1 percent by weight of the finished evaporated milk.

panying vitamin A when such vitamin D in such concentrate is obtained from

(5) (a) Acquisition of rights to a proportion of the profits, sales, sales price, or

10:00 a. m., August 10, 1951, to close of business on November 8, 1951.

the authorized officer of the Bureau of Land Management, be definitely located

7.5 U. S. P. units per avoirdupois ounce, it has become the general commercial practice of manufacturers to increase the vitamin D content to not less than 25 U. S. P. units per fluid ounce. It has been possible for consumers to note that vitamin D has been increased to this level from label statements on vitamin D increased evaporated milks made in compliance with regulations prescribing label statements relating to vitamins in foods for special dietary uses (21 CFR 125.3). It is reasonable to raise the minimum level for vitamin D specified in the standard for evaporated milk to not less than 25 U. S. P. units per fluid ounce of the vitamin D increased evaporated milk so that this food will not contain less vitamin D than consumers have been receiving in vitamin D increased evaporated milk for the past several years. (R. 12–14, 16–17, 21–22, 23–24, 27, 33–35)

Conclusions. It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for evaporated milk so that as amended it will read as follows:

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U. S. P. units per fluid ounce of the finished evaporated milk.

It may be homogenized. It is sealed in a container and so processsed by heat as to prevent spoilage.

(b) When optional ingredient (a) (2) is present, the label shall bear the statement, "with increased vitamin D content" or "vitamin D content increased." Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk," without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 249 and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 248 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950, page 788 et seq., under the heading "Vitamin D in Milk—Official."

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5440, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U. S. C. 341.)

Dated: June 15, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-7027; Filed, June 20, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

FOREIGN TRADE AND FINANCIAL INVESTMENTS IN JAPAN

ENTRY REQUIREMENTS AND BUSINESS ACTIVITIES

The following material, promulgated by the Supreme Commander for the Allied Powers, Japan, contains regulations of interest to American citizens. Included is SCAP Circular 4, amending SCAP Circular 11, as published in 15 F. R. 4955, August 2, 1950.

ENTRY REQUIREMENTS AND BUSINESS ACTIVITIES IN JAPAN

[Circular No. 4, April 12, 1951]

Paragraphs 25 and 26a, Circular 11, General Headquarters, Supreme Commander for the Allied Powers, 1950, are rescinded and the following substituted:

25. *Permission to do business.* (a) All business shall be conducted pursuant to and in compliance with all laws and regulations of the Japanese Government and the Supreme Commander for the Allied Powers.

(b) Persons engaging in business activities involving the admission or dissemination, commercial or non-commercial, of magazines, books, motion pictures, news and photograph services, and other media of mass communication are required, under the provisions of Circular 8, General Headquarters, Supreme Commander for the Allied Powers, 1950, to obtain a specific license from the Supreme Commander for the Allied Powers prior to authorization by or registration with the Japanese Government. Applications shall be filed with General Headquarters, Supreme Commander for the Allied Powers.

(c) The conduct of business activities with occupation force agencies and personnel involving the transfer of foreign exchange or transfers between convertible accounts is prohibited unless specifically authorized in writing by the Supreme Commander for the Allied Powers. Persons and firms seeking to do business with occupation force agencies and personnel will register properly with and obtain necessary licenses from the Japanese Government in accordance with Japanese law before applying to the Supreme Commander for the Allied Powers for authorization. Applications shall be filed with General Headquarters, Supreme Commander for the Allied Powers.

(d) Non-Japanese nationals and foreign-controlled firms engaging in the business of airline transportation are required to obtain a specific license from the Japanese Government.

(e) The conduct or solicitation of any business in military installations, including billets and other quarters, is prohibited without specific written authority of the area commander.

26. (a) Non-Japanese nationals and foreign controlled firms are authorized to acquire or lease properties and rights in Japan in accordance with Japanese law, except that acquisition by such persons of property interests and rights in the following categories from Japanese nationals, from firms in which Japanese nationals or firms have a proprietary interest, or from Japanese Government agencies, will be void unless validated by the Japanese Government:

(1) Acquisition of title to stocks and shares excepting, however, acquisitions which create additional assets for the juridical person concerned.

(2) Acquisition of title to land and/or residence for business purposes, and to commercial and industrial buildings and installations, and plant and facilities attached thereto. (Land and residences reasonably required by an individual for full or part-time residence are not considered business properties.)

(3) Leases for periods in excess of five years, mortgages or other hypothecations and arrangements or options for future acquisition of properties in the categories indicated in paragraph 26a (1) and (2).

(4) Acquisition of patents of Japanese origin and rights thereunder.

(5) (a) Acquisition of rights to a proportion of the profits, sales, sales price, or output of an enterprise for a period in excess of one year by transfer of patent rights or technology; continuing technical or factory management assistance agreements; patent license agreements or otherwise.

(b) Acquisition of rights to a specified periodical payment covering a period in excess of one year, as consideration for transfer of patent rights or technology; continuing technical or management assistance agreements; patent license agreements or similar contracts.

AG 014.331 (Apr. 12, 1950) ESS

By command of Lieutenant General Ridgeway:

DOYLE O. HICKEY,
Major General, General Staff Corps,
Acting Chief of Staff.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting Adjutant General.

[F. R. Doc. 51-7105; Filed, June 20, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 8, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following-described land in the Los Angeles, California, land district, embracing approximately 800 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 278

For lease and sale for homesites only:

T. 4 N., R. 3 W., S. B. M.:
Sec. 9, NE¼,
Sec. 10, NW¼,
Sec. 11, W½,
Sec. 17, E½E½.

The lands are situated in San Bernardino County, California, in a desert area known locally as Apple Valley. They are in an area that is being developed extensively for desert homesites. The lands are generally level, are easily accessible, and are considered to be one of the most desirable areas for homesite development. The nearest town that possesses all of the usual community services is Victorville, California, approximately 12 miles distant from the lands.

2. As to applications regularly filed prior to 3:12 p. m., April 30, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 10, 1951, to close of business on November 8, 1951.

(b) Advance period for veterans' simultaneous filings from 3:12 p. m., April 30, 1946, to 10:00 a. m., August 10, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1951.

(a) Advance period for simultaneous non-preference filings from 3:12 p. m., April 30, 1946, to 10:00 a. m., November 9, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately five acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre for the lands in Secs. 9, 10, and 11, and $15.00 per acre for the lands in Sec. 17, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-7118; Filed, June 20, 1951; 8:56 a. m.]

ALASKA

PUBLIC SALE ACT, CLASSIFICATION NO. 2

JUNE 14, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, § 2.70, dated August 16, 1950, and by 43 CFR 75.26 (a), 15 F. R. 2841, the following described lands in the East Addition, Anchorage Townsite, are classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 48 U. S. C. 364a–364e), for commercial and/or industrial purposes:

Tract A: Beginning at a point 300' north of the southwest corner of Block 42, thence 140' south, thence 207.86' east, thence 140' north, thence 207.86' west to the point of beginning;

Tract B: Beginning at the southwest corner Block 42, thence 207.86' east, thence 140' north, thence 207.86' west, thence 140' south to the point of beginning;

Tract C: Beginning at a point 300' north of southeast corner Block 41, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract D: Beginning at a point 300' north and 150' west of southeast corner Block 41, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract E: Beginning at a point 150' west of the southeast corner of Block 41, thence 140' north, thence 150' west, thence 140' south, thence 150' east to the point of beginning;

Tract F: Beginning at the southeast corner Block 41, thence 140' north, thence 150' west, thence 140' south, thence 150' east to the point of beginning;

Tract G: Beginning at a point 300' north and 150' east of the southwest corner Block 41, thence 140' south, 150' east, thence 140' north, thence 150' west to the point of beginning;

Tract H: Beginning at a point 300' north of the southwest corner Block 41, thence 140' south, thence 150' east, thence 140' north, thence 150' west to the point of beginning;

Tract I: Beginning at the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning;

Tract J: Beginning at a point 150' east of the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning;

Tract K: Beginning at the northeast corner Block 32, thence 150' west, thence 140' south, thence 150' east, thence 140' north, to the point of beginning;

Tract L: Beginning at a point 150' west of the northeast corner Block 32, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract M: Beginning at a point 300' south and 150' west of the northeast corner Block 32, thence, 140' north, thence 150' west, thence 140' south, thence 150' east to the point of beginning;

vitamin D has been increased to this level from label statements on vitamin D increased evaporated milks made in compliance with regulations prescribing label statements relating to vitamins in foods for special dietary use (21 CFR 125.3). It is reasonable to raise the minimum level for vitamin D specified in the standard for evaporated milk to not less than 25 U. S. P. units per fluid ounce of the vitamin D increased evaporated milk so that this food will not contain less vitamin D than consumers have been receiving in vitamin D increased evaporated milk for the past several years (R. 12 14, 16 17, 21 22, 23 24, 27, 33 35).

Conclusion. It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for evaporated milk so that as amended it will read as follows:

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more

It may be homogenized. It [illegible] in a container and so processed [illegible] as to prevent spoilage.

(b) When optional ingredient [illegible] is present, the label [illegible] ment, "with increased vitamin D content" or "vitamin D content [illegible]" Such statements [illegible] conspicuously [illegible]

[illegible]

written, printed, or [illegible] [illegible]

[illegible] trated sweet skim milk.

(3) The quantity of milk fat [illegible] mined by the method prescribed under "Fat—Official" on page 249 and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 248 of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accom-

(5) The quantity of vitamin D [illegible] termined by the method prescribed [illegible] "Official Methods of Analysis of the [illegible] sociation of Official Agricultural C[illegible] [illegible] Seventh Edition, 1950, [illegible] under the heading "V[illegible] in Milk—Official."

[illegible]

[illegible] of this tentative order [illegible] Federal Register, file with the [illegible] Federal Security Agency [illegible] Federal Security Building [illegible] Independence Avenue, Washington, D. C. [illegible] Exceptions shall [illegible] [illegible] of the testimony [illegible] which such exceptions [illegible] Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. [illegible] terprets or applies sec. 401, 52 Stat. [illegible] U. S. C. 341)

Dated: June 15, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-7027; Filed, June 20, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

FOREIGN TRADE AND FINANCIAL INVESTMENTS IN JAPAN

ENTRY REQUIREMENTS AND BUSINESS ACTIVITIES

The following material, promulgated by the Supreme Commander for the Allied Powers, Japan, contains regulations of interest to American citizens. Included is SCAP Circular 4, amending SCAP Circular 11, as published in 15 F. R. 4955, August 2, 1950.

ENTRY REQUIREMENTS AND BUSINESS ACTIVITIES IN JAPAN

[Circular No. 4, April 12, 1951]

Paragraphs 25 and 26a, Circular 11, General Headquarters, Supreme Commander for the Allied Powers, 1950, are rescinded and the following substituted:

25. *Permission to do business.* (a) All business shall be conducted pursuant to and in compliance with all laws and regulations of the Japanese Government and the Supreme Commander for the Allied Powers.

(b) Persons engaging in business activities involving the admission or dissemination, commercial or non-commercial, of magazines, books, motion pictures, news and photograph services, and other media of mass communication are required, under the provisions of Circular 8, General Headquarters, Supreme Commander for the Allied Powers, 1950, to obtain a specific license from the Supreme Commander for the Allied Powers prior to authorization by or registration with the Japanese Government. Applications shall be filed with General Headquarters, Supreme Commander for the Allied Powers.

(c) The conduct of business activities with occupation force agencies and personnel involving the transfer of foreign exchange or transfers between convertible accounts is prohibited unless specifically authorized in writing by the Supreme Commander for the Allied Powers. Persons and firms seeking to do business with occupation force agencies and personnel will register properly with and obtain necessary licenses from the Japanese Government in accordance with Japanese law before applying to the Supreme Commander for the Allied Powers for authorization. Applications shall be filed with General Headquarters, Supreme Commander for the Allied Powers.

(d) Non-Japanese nationals and foreign-controlled firms engaging in the business of airline transportation are required to obtain a specific license from the Japanese Government.

(e) The conduct or solicitation of business in military installations, in billets and other quarters, is prohibited without specific written authority of the [illegible] commander.

26. (a) Non-Japanese nationals and foreign controlled firms are authorized to acquire or lease properties and rights in Japan in accordance with Japanese law, except [illegible] acquisition by such persons of property interests and rights in the following categories from Japanese nationals, from firms in which Japanese nationals or firms have a proprietary interest, or from Japanese Government agencies, will be void unless validated by the Japanese Government:

(1) Acquisition of title to stock shares excepting, however, acquisitions which create additional assets for the juridical person concerned.

(2) Acquisition of title to land [illegible] residence for business purposes, and commercial and industrial buildings and installations, and plant and facilities attached thereto. (Land and residences reasonably required by an individual for full or part-time residence are not considered business properties.)

(3) Leases for periods in excess of [illegible] years, mortgages or other hypothecations, arrangements or options for future acquisition of properties in the categories indicated in paragraph 26a (1) and (2).

(4) Acquisition of patents of Japanese origin and rights thereunder.

[illegible] Acquisition [illegible] [illegible] payment covering [illegible] period in excess of one year, as consideration for transfer of rights or technical [illegible] continuing [illegible] agreements [illegible] [illegible]

[illegible] (Apr. 12 1951) ESS [illegible] General Headquarters [illegible]

[illegible]

Acting Chief of Staff.

WM. F. BERGIN,
Major General, U. S. Army,
Acting Adjutant General.

[F. R. Doc. 51-[illegible]; Filed, [illegible]; 8:[illegible] a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION OF [illegible]

JUNE 8, 1951

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following-described land in the Los Angeles, California, land district, embracing approximately 800 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 278

For lease and sale for homesites only:

T. 4 N., R. 3 W., S. B. M.;
Sec. 9, $NE\frac{1}{4}$,
Sec. 10, $NW\frac{1}{4}$,
Sec. 11, $W\frac{1}{2}$,
Sec. 17, $E\frac{1}{2}E\frac{1}{2}$.

The lands are situated in San Bernardino County, California, in a desert area known locally as Apple Valley. They are in an area that is being developed extensively for desert homesites. The lands are generally level, are easily accessible, and are considered to be one of the most desirable areas for homesite development. The nearest town that possesses all of the usual community services is Victorville, California, approximately 12 miles distant from the lands.

2. As to applications regularly filed prior to 3:12 p. m., April 30, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 10, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from [illegible] application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 9, 1951.

(a) Advance period for simultaneous non-preference filings from 3:12 p. m., April 30, 1946, to 10:00 a. m., November 9, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 [illegible]

[illegible]

A veteran shall accompany [illegible] with a complete photostatic or [illegible] copy, both sides, of his certificate [illegible] discharge, or an official document of his branch of the service [illegible] honorable discharge [illegible] as defined in [illegible] 81-6 of Title 43 of the Code of Federal Regulations or [illegible] evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately five acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre for the lands in Secs. 9, 10, and 11, and $15.00 per acre for the lands in Sec. 17, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of [illegible] Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-7[illegible]08; Filed, June [illegible], 1951; 8:[illegible] a. m.]

[illegible]

[illegible] SMALL TRACT CLASSIFICATION [illegible] 2

JUNE 14, 1951

[illegible] delegated [illegible] Bureau of Land Management [illegible] No. 427 [illegible] [illegible] [illegible] the following [illegible] Tract Addition, [illegible] is classified for disposal [illegible] Act of [illegible] [illegible] U. S. C. [illegible] commercial and/or industrial purposes:

Tract A: B[illegible] point [illegible] of the southeast corner Block 42 thence 140' south, thence 207.86' east, thence 140' north, thence 207.86' west to the point of beginning;

Tract B: Beginning at the southwest corner Block 42, thence 207.86' east, thence 140' north, thence 207.86' west, thence 140' south to the point of beginning;

Tract C: Beginning at a point 300' north of southeast corner Block 41, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract D: Beginning at a point 300' north and 150' west of southeast corner Block 41, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract E: Beginning at a point 150' west of the southeast corner of Block 41, thence 140' north, thence 150' west, thence 140' south, thence 150' east to the point of beginning;

Tract F: Beginning at the southeast corner Block 41, thence 140' north, thence 150' west, thence 140' south, thence 150' east to the point of beginning;

Tract G: Beginning at a point 300' north and 150' east of the southwest corner Block 41, thence 140' south, 150' east, thence 140' north, thence 150' west to the point of beginning;

Tract H: Beginning at a point 300' north of the southwest corner Block 41, thence 140' south, thence 150' east, thence 140' north, thence 150' west to the point of beginning;

Tract I: Beginning at the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning;

Tract J: Beginning at a point 150' east of the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning;

Tract K: Beginning at the northeast corner Block 32, thence 150' west, thence 140' south, thence 150' east, thence 140' north, to the point of beginning;

Tract L: Beginning at a point 150' west of the norteast corner Block 32, thence 150' west, thence 140' south, thence 150' east, thence 140' north to the point of beginning;

Tract M: Beginning at a point 300' south and 150' west of the northeast corner Block 32, thence, 140' north, thence 150' west, thence 140' south, thence 1[illegible]' east to the point of beginning;

Tract N: Beginning at a point 300' south

DEPARTMENT OF COMMERCE

Algiers, Italy, Greece, Turkey, Syria, Israel, Egypt, and Trieste)

Docket No. 7334, File No. BP-4062; Plains Radio Broadcasting Company (KFYO),

It is ordered, Pursuant to § 1.853 (c) of the rules and regulations, that oral

[Docket Nos. 9742, 9824]

Tract N: Beginning at a point 300′ south of the northeast corner Block 32, thence 140′ north, thence 150′ west, thence 140′ south, thence 150′ east, to the point of beginning;

Tract O: Beginning at a point 150′ east of the northwest corner Block 32, thence 140′ south, thence 150′ east, thence 140′ north, thence 150′ west to the point of beginning.

Tract P: Beginning at the northwest corner of Block 32 thence 140′ south, thence 150′ east, thence 140′ north, thence 150′ west to the point of beginning;

Tract Q: Beginning at a point 300′ south of the northwest corner Block 32, thence 150′ east, thence 140′ north, thence 150′ west, thence 140′ south to the point of beginning;

Tract R: Beginning at a point 300′ south and 150′ east of the northwest corner Block 32, thence 150′ east, thence 140′ north, thence 150′ west, thence 140′ south to the point of beginning;

Tract S: Beginning at a point 300′ north and 150′ east of the southwest corner Block 32, thence 140′ south, thence 150′ east, thence 140′ north, thence 150′ west to the point of beginning;

Tract T: Beginning at a point 300′ north of the southwest corner Block 32, thence 140′ south, thence 150′ east, thence 140′ north, thence 150′ west to the point of beginning;

Tract U: Beginning at the southwest corner of Block 32, thence 150′ east, thence 140′ north, thence 150′ west, thence 140′ south to the point of beginning;

Tract V: Beginning at a point 150′ east of the southwest corner Block 32, thence 150′ east, thence 140′ north, thence 150′ west, thence 140′ south to the point of beginning.

Tracts A and B contain 29,100 square feet and Tracts C through V contain 21,000 square feet. The above descriptions are according to the plat of Anchorage Townsite and additions approved December 19, 1917. All distances, direction, and area measurements are approximate.

The above lands will be offered for sale in accordance with regulations contained in 43 CFR 75.32. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-7087; Filed, June 20, 1951; 8:45 a. m.]

ORDER OF MAY 2, 1951, COVERING MODIFICATION OF STOCK DRIVEWAY WITHDRAWAL NO. 188, WYOMING NO. 31; CORRECTED

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865 (43 U. S. C. 300) and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The township and range contained in the land description in the second paragraph of the order of May 2, 1951, covering the modification of Stock Driveway Withdrawal No. 188, Wyoming No. 31, should be changed to read T. 34 N., R. 84 W., instead of R. 84 E., as shown in that order.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7117; Filed, June 20, 1951; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

OSAKA SHOSEN KAISHA, LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement 7823, between Osaka Shosen Kaisha, Ltd. and Shinnihon Steamship Co., Ltd., covers the establishment and maintenance of a joint cargo and limited passenger service under the trade name "OSK-Shinnihon New York Line" in the trade between Japan, Philippines, and Pacific, Atlantic and Gulf Coast ports of United States, but not including transportation within the purview of the coastwise laws of the United States. The joint service may participate in conference or other agreements as a single party only, being represented by Osaka Shosen Kaisha, Ltd.

Agreement 7860-5, between the member lines of the Swiss/North Atlantic Freight Conference, modifies the basic agreement of that Conference (No. 7860) to provide that the maximum commission to the members' regular Swiss Agents shall be 1 percent of the net ocean freight on gold shipments and 5 percent of the net ocean freight on all other cargo. The basic agreement presently provides that the maximum commission shall be 5 percent of the net ocean freight on all cargo.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 18, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-7120; Filed, June 20, 1951; 8:57 a. m.]

[Docket No. M-34]

PRUDENTIAL STEAMSHIP CORP.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on June 28, 1951, at 10 o'clock a. m., e. d. s. t., in Room 4823 Department of Commerce Building, before Examiner F. J. Horan, upon the application of Prudential Steamship Corporation to bareboat charter two Victory-type vessels for use in applicant's berth service between United States Atlantic-Gulf ports and ports in the Mediterranean (including Morocco, Algiers, Italy, Greece, Turkey, Syria, Israel, Egypt, and Trieste).

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: June 14, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-7121; Filed, June 20, 1951; 8:57 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 413]

SPECIAL INDUSTRY COMMITTEE NO. 10 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT OF NEW MEMBER

Pursuant to authority vested in me under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignation of Nicolas Nogueras-Rivera, as an employee member of Special Industry Committee No. 10 for Puerto Rico, and appoint to serve on said Committee in his stead as employee member, Pedro A. Perez of San Juan, Puerto Rico.

Signed at Washington, D. C., this 12th day of June 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-7107; Filed, June 20, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7334, 7335, 9448]

LUBBOCK COUNTY BROADCASTING CO. ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Lubbock County Broadcasting Company, Lubbock, Texas, Docket No. 7334, File No. BP-4062; Plains Radio Broadcasting Company (KFYO), Lubbock, Texas, Docket No. 7335, File No. BP-4391; for construction permits; Lubbock County Broadcasting Company (KVLU), Lubbock, Texas, for modification of construction permit; Docket No. 9448, File No. BMP-3124.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the initial decision in the above-entitled proceeding, released December 1, 1950; the exceptions and requests for oral argument filed; a petition for leave to amend its application filed by Lubbock County Broadcasting Company; and oppositions to the petition for leave to amend filed by Plains Radio Broadcasting Company and the General Counsel of the Commission; and

It appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the Initial Decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

Accordingly, it is ordered, That oral argument in this proceeding is scheduled for August 3, 1951, commencing at 3:30 p. m.; and that the participants herein are afforded an opportunity to address themselves not only to the initial decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings.

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7112; Filed, June 20, 1951; 8:54 a. m.]

[Docket No. 9189]

HUSH-A-PHONE CORP. ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of Hush-A-Phone Corporation and Harry C. Tuttle, complainants v. American Telephone and Telegraph Company, et al., defendants; Docket No. 9189.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration its initial decision herein, the exceptions thereto, and the reply briefs to such exceptions, filed by the participants;

It appearing, that while none of the participants has on its own account requested oral argument, because of the nature of the proceeding, oral argument should be held before the Commission en banc;

It is ordered, Pursuant to § 1.853 (c) of the rules and regulations, that oral argument here is scheduled for July 27, 1951, beginning at 2:30 p. m.

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7110; Filed, June 20, 1951; 8:54 a. m.]

[Docket Nos. 9675, 9676]

NORTH PLAINS BROADCASTING CORP. (KDDD) AND NEW-TEX BROADCASTING

ORDER SCHEDULING ORAL ARGUMENT

In re applications of North Plains Broadcasting Corporation (KDDD), Dumas, Texas, Docket No. 9675, File No. BP-7256; Wallace Simpson and H. S. Boles, d/b as New-Tex Broadcasting, Clovis, New Mexico, Docket No. 9676, File No. BP-7538; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the initial decision in the above-entitled proceeding, released April 17, 1951; the exceptions and requests for oral argument filed; the petition for severance and grant filed May 21, 1951, by New-Tex Broadcasting; the opposition to the petition for severance and grant filed June 5, 1951, by North Plains Broadcasting Corporation (KDDD); the motion to strike the above opposition filed June 8, 1951, by New-Tex Broadcasting; and the response to the motion to strike filed June 12, 1951, by North Plains Broadcasting Corporation (KDDD); and

It appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the initial decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

Accordingly, it is ordered, That oral argument in this proceeding is scheduled for August 3, 1951, commencing at 2:00 p. m.; and that the participants herein are afforded an opportunity to address themselves not only to the initial decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings.

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7113; Filed, June 20, 1951; 8:54 a. m.]

[Docket Nos. 9742, 9824]

SKY WAY BROADCASTING CORP. AND STEPHEN H. KOVALAN

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 9742, File No. BP-7655; Stephen H. Kovalan, Wellston, Ohio, Docket No. 9824, File No. BP-7879; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the initial decision in the above-entitled proceeding, released February 26, 1951; the exceptions and requests for oral argument filed; the "Reply to Exceptions, and in the Alternative, Petition to Reopen Record and Other Relief," filed by Sky Way Broadcasting Corporation; the "Opposition of the General Counsel to Petition to Reopen Record and Other Relief"; and the reply to the opposition of the General Counsel filed by Sky Way; and

It appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the initial decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

Accordingly, it is ordered, That oral argument in this proceeding is scheduled for July 16, 1951, commencing at 3:00 p. m.; that the participants herein are afforded an opportunity to address themselves not only to the initial decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings.

Released: June 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7111; Filed, June 20, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1440]

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF APPLICATION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 15, 1951.

Take notice that Louisiana Nevada Transit Company (Applicant), a Nevada corporation with its principal place of business at Ada, Oklahoma, filed on June 1, 1951, an application for amendment and modification as hereinafter set forth of the certificate of public convenience and necessity heretofore granted it by the findings and order of the Federal Power Commission issued September 19, 1950 (Docket No. G-1440), or, in the alternative, for a certificate

of public convenience and necessity authorizing Applicant to sell and deliver additional natural gas as hereinafter set forth.

Applicant proposes to increase the amount of natural gas to be made available to the City of De Queen, Arkansas, from 3000 Mcf per day as previously authorized by the Commission (Docket No. G-1440) to 5000 Mcf per day. Under an agreement entered into on April 12, 1951, the City of De Queen proposes to sell and deliver up to 2,000 Mcf per day of natural gas to the City of Mena, Arkansas, which in turn will construct a compressor station and a pipeline from a point near the City of De Queen on the latter's pipeline to the City of Mena for ultimate distribution of up to 2,000 Mcf per day to its customers.

Applicant will construct no new facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR or 1.10) on or before the 5th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7091; Filed, June 20, 1951; 8:50 a. m.]

[Docket No. G-1700]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 15, 1951.

Take notice that on June 4, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application with the Federal Power Commission pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove in part, and relocate in part the following described natural gas facilities:

(A) Facilities to be abandoned and removed:

(Compressor units)

1. 1—750 hp. gas engine unit (Bridgeport Station).
2. 2—80 hp. gas engine units (Bristol Station).
3. 6—250 hp. gas engine units (Craig Station).
4. 1—400 hp. gas engine unit (Hawkins Station).
5. 2—60 hp. gas engine units (Hawkins Station).
6. 2—60 hp. gas engine units (Jack Evans Station).
7. 2—300 hp. gas engine units (Lightsburn Station).
8. 2—165 hp. gas engine units (McMillan Station).
9. 1—650 hp. gas engine unit (Milford Station).
10. 4—400 hp. gas engine units (Peora Station).
11. 6—80 hp. gas engine units (Salem Station).
12. 1—180 hp. gas engine unit (Salem Station).
13. 2—200 hp. gas engine unit (Ward Station).
14. Auxiliary equipment and buildings at: Brinkmier Station, Marshall County, W. Va.; Bristol Station, Harrison County, W. Va.; Hawkins Station, Marion County, W. Va.; Jack Evans Station, Roane County, W. Va.; Lightburn Station, Harrison County, W. Va.; McMillan Station, Doddridge County, W. Va.; Milford Station, Harrison County, W. Va.; Peora Station, Harrison County, W. Va.; Salem Station, Harrison County, W. Va.; Ward Station, Lewis County, W. Va.; Wolf Summit Station, Harrison County, W. Va.

(B) Facilities to be removed and relocated:

1. 1—470 hp. gas engine compressor unit (Brinkmier Station) to be relocated at Bridgeport Station.
2. 2—470 hp. gas engine compressor units (Wolf Summit Station) to be relocated at Craig Station.

(C) Facilities to be removed and stored for future use:

1. 1—470 hp. gas engine compressor unit (Milford Station).
2. 1—200 hp. gas engine compressor unit (Ward Station).
3. 1—165 hp. gas engine compressor unit (Ward Station).
4. 1—80 hp. gas engine compressor unit (Ward Station).

Applicant states that as a result of proposed abandonments and relocations, (1) it will eliminate operating costs and maintenance of the facilities affected, (2) there will be no abandonment or curtailment of any service either in Applicant's own production, purchases from others or in the sales of gas in intrastate or interstate business, and (3) it will be to the best interest of Applicant and customers.

Applicant further describes accounting entries covering these proposed abandonments, which abandonments have an original cost on the books of the company in the amount of $750,944.80.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7090; Filed, June 20, 1951; 8:49 a. m.]

[Docket No. G-1701]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 15, 1951.

Take notice that on June 4, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation, address, New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 6,600 horsepower compressor station to be known as Applicant's Ithaca Compressor Station and to be located along an existing 20-inch pipeline of Applicant in the Town of Dryden, Tompkins County, New York; and approximately 35.2 miles of 20-inch loop pipeline paralleling Applicant's existing pipeline and extending north from the proposed Ithaca Compressor Station to a proposed compressor station to be known as Therm City Compressor Station and to be constructed in 1953 at a point in Onondaga County, New York.

Applicant proposes the construction and operation of the facilities hereinbefore described in order to provide additional pipeline capacity to assure the delivery at Therm City, Auburn, Albany and intermediate points in New York of the estimated future gas requirements of Applicant's customers. Applicant proposes to install 3,300 horsepower in the proposed Ithaca Compressor Station in 1951, 1,100 horsepower in 1952, and the remaining 2,200 horsepower in 1953. Construction of the proposed loop pipeline will be made in 1953.

The total overall cost of the proposed facilities is estimated to be $3,620,500.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7089; Filed, June 20, 1951; 8:49 a. m.]

[Docket No. G-1705]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 15, 1951.

Take notice that on June 11, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

(1) 2,000-hp. compressor unit with appurtenant facilities and piping at Tuscola Compressor Station.

(2) 2—2,000 hp. compressor units with appurtenant facilities and piping at Edgerton Compressor Station.

(3) 6.56-miles of 26-inch O. D. steel welded loop pipeline parallel to present facilities beginning at a point near Main Line Gate Setting No. 206, 49.1-miles east of Houstonia Compressor Station, and terminating at a point near Main Line Gate Setting No. 207.

(4) 7.24-miles of 30-inch O. D. steel welded loop pipeline parallel to present facilities beginning at a point near Main Line Gate Valve Setting No. 206, 61.5-miles northeast of Zionsville Compressor Station, and terminating at a point near Main Line Gate Valve Setting No. 200.

(5) 18.2-miles of 26-inch O. D. steel welded loop pipeline parallel to present facilities beginning at the discharge side of Edgerton Compressor Station and terminating at a point near Main Line Gate Valve Setting No. 202.

Applicant states that from operating experience certain modifications and minor additions are required to be made in and to facilities originally certificated in Docket No. G-876; that in order to achieve the full capacity contemplated by the certificate in Docket No. G-876, it will be necessary to install the compressor units and facilities described above, the compressor units being in lieu of (a) 1—1,600-hp. compressor unit and appurtenant facilities certificated for Tuscola Compressor Station and (b) 2—1,600-hp. compressor units and appurtenant facilities certificated for Edgerton Compressor Station.

Estimated over-all capital cost of the facilities is $3,085,500, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7092; Filed, June 20, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Temporary Order 4, Amdt. 4]

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS AND DIRECTOR, PREFABRICATED HOUSING LOANS

DELEGATION OF AUTHORITY WITH RESPECT TO RELEASE OR SUBSTITUTION OF ANY COLLATERAL

1. *Delegation of authority.* The Commissioner, Community Facilities and Special Operations, and the Director, Prefabricated Housing Loans, each is hereby authorized, on behalf of the Housing and Home Finance Administrator, to consent to and to effect the release or substitution, or both, of any collateral, and to sign documents effecting or evidencing such release or substitution, or both, provided that the said Commissioner or Director determines that such action will not materially affect adversely the interests of this Agency.

2. *Withdrawal.* The notice of the specific delegation to the Agency Accounting Officer and to the Assistant Agency Accounting Officer of authority to approve vouchers for the disbursement of funds to participating banks under Bank Participation Agreements and to the Reconstruction Finance Corporation in adjustment and settlement of transferred loans and funds (in connection with the Prefabricated Housing Loan Program), published in the FEDERAL REGISTER on February 7, 1951 (16 F. R. 1157), as Amendment 2 of Temporary Order 4 (though actually Amendment No. 3), is hereby withdrawn, it being determined that no express delegation of authority to said officers to take such actions is necessary under Temporary Order No. 4 (15 F. R. 6035, September 7, 1950), any amendment thereof or any other issuance.

The Administrator's Temporary Order No. 4, effective September 7, 1950, 15 F. R. 6035 (1950), as previously amended, is hereby amended to the extent of this delegation and change but in no other respect.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948) as amended, 12 U. S. C., 1946 ed. Supp. III 1701c; 63 Stat. 413, 4440 (1949), as amended, 12 U. S. C., 1946 ed. Supp. III 1701d-1; Pub. Law 475, 81st Cong., 2d sess., sec. 503 (1) (Apr. 20, 1950); Reorg. Plan No. 23 of 1950, 15 F. R. 4366 (1950))

Effective as of the 13th day of April 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-7100; Filed, June 20, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26173]

PAPER LABELS FROM AND TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JUNE 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3905 and 3928.

Commodities involved: Paper articles, viz: labels, carloads.

From, to, and between points in southwestern territory.

Grounds for relief: Circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3928, Supp. 9; D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7102; Filed, June 20, 1951; 8:52 a. m.]

[4th Sec. Application 26174]

ALCOHOL FROM NEW ORLEANS AND PORT CHALMETTE, LA. TO CERTAIN STATES

APPLICATION FOR RELIEF

JUNE 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Alcohol and neutral spirits, carloads.

From: New Orleans and Port Chalmette, La.

To: Cincinnati, Ohio, Terre Haute, Ind., St. Louis, Mo., Peoria, Pekin, and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7103; Filed, June 20, 1951; 8:52 a. m.]

[4th Sec. Application 26175]

GRAIN FROM MISSOURI AND KANSAS TO TEXAS PORTS

APPLICATION FOR RELIEF

JUNE 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Grain and grain products, carloads.

From: Kansas City, Mo.-Kans., St. Joseph, Mo., Atchison and Leavenworth, Kans.

To: Texas ports (for export).

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: AT&SF RY. tariff I. C. C. No. 14530, Supp. 18; CRI&P RY. tariff I. C. C. No. C-13346, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

ing dealers and others for acquiring shares of additional common stock not

same interest and having the same maturity to be issued by Statler Dallas

derwriting contracts would remain subject to the requirements of the act. The

allowing the claim, which is incorporated by reference herein and filed herewith

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7104; Filed, June 20, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1312]

ALUMINUM CO. OF AMERICA

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of June A. D. 1951.

The Pittsburgh Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Aluminum Company of America, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 2, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7093; Filed, June 20, 1951; 8:50 a. m.]

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER GRANTING AUTHORITY TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK BY ISSUANCE OF SUBSCRIPTION WARRANTS TO COMMON STOCKHOLDERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of June 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 ("act") with respect to the issuance and sale of 504,657 additional shares of common stock pursuant to a subscription rights offering and with respect to the acquisition or rights and the acquisition and sale of GPU common stock for the purposes of stabilizing the market prices of such rights and stock, all as more fully set forth in Holding Company Act Release No. 10599; and

The Commission by order dated June 5, 1951, having granted and permitted to become effective said application-declaration, as amended, except that the proposed transactions were not to be consummated until certain specified information had been filed by further amendment and made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of June 5, 1951, with respect to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions; and

GPU having filed a further amendment to the application-declaration which amendment sets forth: (a) The subscription price, which is to be $16.50 per share; (b) the record date, which is to be June 14, 1951; (c) the duration of the subscription period, which is to commence on June 16, 1951, and expire at 3:00 p. m., e. d. s. t., July 9, 1951; (d) the minimum price of 5 cents per right which GPU will pay to record holders who sell their right to GPU during the period commencing with the date of issuance of the subscription warrants (June 16, 1951) and ending at the close of business on June 29, 1951; (e) the fixed amount of 18 cents per share which is to be added to the closing quoted asked price of the GPU common stock on the preceding business day in order to determine the upper price limit at which the additional common stock not taken up by subscription and the common stock acquired by GPU for stabilization purposes may be acquired and sold by the participating security dealers or others; and (f) the fee (30 cents per share) which GPU will pay to participating dealers who solicit the exercise of subscription warrants: *Provided, however,* That the maximum aggregate fees payable to one or more participating dealers with respect to such solicitation from any single stockholder shall not exceed $250, and the fee (35 cents per share) which GPU will pay to participating dealers and others for acquiring shares of additional common stock not taken up by subscription, and for purchasing shares acquired for stabilization purposes; and

Said amendment also having modified the application-declaration, as heretofore amended, by providing that the price which GPU will pay per right on purchasing rights from the stockholders of record will be the higher of (a) 5 cents per right or (b) the closing quoted price for rights on the New York Stock Exchange on the preceding business day; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms or conditions with respect to said matter.

It is ordered, That the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and that the jurisdiction heretofore reserved with respect to the information which has been supplied by further amendment be, and the same hereby is, released.

It is further ordered, That jurisdiction be, and the same hereby is, continued with respect to any and all fees and expenses incurred or to be incurred in connection with the proposed transactions, except those proposed to be paid to the participating security dealers and others, as hereinabove set forth.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7095; Filed, June 20, 1951; 8:51 a. m.]

COSMOPOLITAN HOTEL CO. OF DALLAS, INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of June A. D., 1951.

Cosmopolitan Hotel Company of Dallas, Inc. (Cosmopolitan) has filed an application under section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting such applicant from all provisions of the act.

Cosmopolitan is registered under the act as a non-diversified closed-end management investment company. It was incorporated under the laws of the State of Texas on May 3, 1950, by a committee of the Chamber of Commerce of Dallas, Texas, as a civic venture to obtain a new first-class hotel for the City of Dallas.

Cosmopolitan has outstanding 100 shares of common stock which are owned in 10 share blocks by the ten persons who were members of the Chamber of Commerce committee and who paid $10 per share for the stock. Cosmopolitan proposes to issue debentures bearing interest at the rate of 2 percent in an amount of $1,500,000 and to use the proceeds from the sale thereof to buy an equal amount of debentures bearing the same interest and having the same maturity to be issued by Statler Dallas Company, Inc., a company organized to construct, own and operate a hotel in the City of Dallas. The debentures of each company have been registered under the Securities Act of 1933 and the indentures under which they are to be issued have been qualified pursuant to the Trust Indenture Act of 1939. The application indicates that Cosmopolitan will have no assets other than the debentures of Statler Dallas Company, Inc. and that all of its expenses will be paid by the Chamber of Commerce of Dallas.

Cosmopolitan is an "investment company" as that term is defined in section 3 (a) (3) of the act in that it will be engaged in the business of owning and holding securities not issued by the United States of America or an instrumentality thereof, an employees' securities company or a majority-owned subsidiary of Cosmopolitan, having a value in excess of 40 percent of the total assets of Cosmopolitan. It therefore is subject to all applicable provisions of the act unless an exemption therefrom is granted under the authority conferred upon the Commission by section 6 (c).

The basis for the application requesting exemption from the provisions of the Investment Company Act is that the primary purpose for the organization of Cosmopolitan was to assist the Chamber of Commerce of Dallas in obtaining a new hotel in that city and that the other activities of the applicant arise in connection with the accomplishment of its primary objective. Consequently, it is alleged that Cosmopolitan was not organized to deal with any one hotel company or to acquire and hold securities. Moreover, it is asserted that Cosmopolitan is a civic entity being in effect an incorporated committee of the Dallas Chamber of Commerce, a non-stock, non-profit corporation, and that Cosmopolitan is itself a non-profit corporation the stock of which was issued to aid a Chamber of Commerce activity as a contribution thereto and no part of the net earnings of Cosmopolitan, if there should be net earnings, would inure to the benefit of any stockholder or other person.

If an application is granted exempting Cosmopolitan from all provisions of the act except sections 8 (b) (1) and (2), 8 (e), 9 (a), 12 (a), 12 (d), 13 (a), 15 (a), 15 (b), 15 (c), 15 (d), 16 (a), 17 (a), 17 (d), 17 (e), 17 (i), 23, 24 (d), 25 (a), 25 (b), 30 (a), 33 (a), 33 (b), 35 (a), 35 (b), 35 (d), 36, 37, and 49, the company would file that portion of the registration statement for management investment companies relating to its fundamental policies and would remain subject to many of the substantive provisions of the act. The Commission would retain authority to take action in the event the company did not file the reports required by the act, certain persons would be ineligible to serve in certain capacities with the company and the investments of the company would be subjected to the limitations imposed by sections 12 (a) and 12 (d). Changes in the investment policy of the company would require a vote of a majority of its outstanding voting securities and the company's investment advisory and underwriting contracts would remain subject to the requirements of the act. The company would also remain subject to the restriction of the act regarding transactions with affiliated persons and underwriters and the distribution and repurchase of its securities. The company would be required to file annual reports and financial statements with the Commission. The Commission would retain its jurisdiction over plans of reorganization and its power to institute proceedings in the event of gross abuse of trust or gross misconduct on the part of the company's officers or directors and the criminal provisions of section 37 and the penalty provisions of section 49 would be applicable.

Notice of the filing of said application has been duly given in the manner and form prescribed in Rule N-5 under the act. The Commission has not received a request for a hearing within the period prescribed in said notice and a hearing does not appear necessary or appropriate in the public interest or for the protection of investors.

Wherefore, the Commission having considered the application finds that the exemption requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act;

It is ordered, therefore, That Cosmopolitan Hotel Company of Dallas, Inc. be and hereby is exempted from all provisions of the act except, insofar as they may be applicable, sections 8 (b) (1) and (2), 8 (e), 9 (a), 12 (a), 12 (d), 13 (a), 15 (a), 15 (b), 15 (c), 15 (d), 16 (a), 17 (a), 17 (d), 17 (e), 17 (i), 23, 24 (d), 25 (a), 25 (b), 30 (a), 33 (a), 33 (b), 35 (a), 35 (b), 35 (d), 36, 37 and 49.

It is further ordered, That the exemption hereby granted shall continue so long as at least 95 percent of the assets of Cosmopolitan Hotel Company of Dallas, Inc. are invested in debentures of Statler Dallas Co., Inc., or until the Commission, pursuant to the jurisdiction hereby reserved and after appropriate notice and opportunity for hearing, deeming it necessary in the public interest and for the protection of investors, shall enter a further order setting aside, modifying or extending the terms of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7094; Filed, June 20, 1951; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 987]

CHARLES NICOLLE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Charles Nicolle, Paris, France; Claim No. 29501; May 5, 1951 (16 F. R. 4169); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 206,498 (now United States Letters Patent No. 2,358,246), Patent Application Serial No. 268,442 (now United States Letters Patent No. 2,363,014) and Patent Application Serial No. 293,601. This return shall not be deemed to include the rights of any licensees under the above patents and patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7115; Filed, June 20, 1951; 8:55 a. m.]

[Return Order 994]

GAULT MACGOWAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gault MacGowan, La Celle-St. Cloud, Seine et Oise, France; Claim No. 59190; May 15, 1951 (16 F. R. 4518); $4,026.98 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7116; Filed, June 20, 1951; 8:55 a. m.]

[Vesting Order 18039]

ELFRIEDE E. KOENIG

In re: Lots and stock owned by Elfriede E. Koenig, nee Schulte. F-28-31465.

Under the authority of the Trading With the Enemy Act, as amended, Ex-

rence

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elfriede E. Koenig, nee Schulte, whose last known address is Bahnhofstrasse No. 1, Brilon, Westphalia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Lots 8, 9 and 15 in Section "A" Triangle, Calumet Park Cemetery, Crown Point, Indiana, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for refunds, benefits or other payments, arising from the ownership of such property, and

b. Sixty (60) shares of $100 par value capital stock of Calumet Park Cemetery Corporation, Crown Point, Indiana, evidenced by certificates numbered 301 and 9 for forty (40) and twenty (20) shares, respectively, registered in the name of E. E. Schulte, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7071; Filed, June 19, 1951; 8:51 a. m.]

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Washington, Friday, June 22, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED APPLE EXPORT PROGRAM SMX 95A (FISCAL YEAR 1952)

Sec.
518.301 General statement.
518.302 Firm sales contracts.
518.303 Period for exportation.
518.304 Application for participation.
518.305 Approved countries.
518.306 Re-entry, diversion, re-exporation, or loss.
518.307 Rate of payment.
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518.315 Assignment.
518.316 Amendment.
518.317 Termination.
518.318 Persons not eligible for payment.
518.319 Definitions.
518.320 Information and forms.

AUTHORITY: §§ 518.301 to 518.320 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.301 *General statement.* In order to encourage the exportation from the United States of dried apples, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, hereby announces a Dried Apple Export Program, pursuant to which he will make payments upon the terms and conditions set forth in § 518.302 to § 518.320, inclusive, to United States exporters who comply therewith.

§ 518.302 *Firm sales contracts.* The exporter must, on or after the effective date hereof and prior to 12 o'clock midnight, e. s. t., August 15, 1951, have entered into a firm sales contract covering the sale of dried apples, as defined in § 518.319 (i) for exportation to an approved country of destination as listed in § 518.305.

§ 518.303 *Period for exportation.* Exportation from continental United States in fulfillment of the firm sales contract shall be accomplished on or after the date of the sale and prior to 12 o'clock midnight, e. s. t., September 15, 1951.

§ 518.304 *Application for participation.* The exporter must file with and have approved by the Director an application to participate in this program. Such application shall be made in quadruplicate in the form of a copy attached hereto with respect to a then existing firm sales contract or a proposed firm sales contract thereafter to be entered into. An exporter may file one or more applications, but each application shall relate to only one sales contract. In lieu of submitting an application in quadruplicate in the form of the copy attached hereto, an exporter may apply to the Director by telegram containing all of the information required to be furnished by the exporter on the attached form. If telegraphic application is approved, the approval will be given by mail in the form of the copy of application attached hereto unless the exporter requests telegraphic approval by collect telegram. If the application covers an existing firm sales contract, it must be received by the Director within 10 calendar days following the date of sale. If the application covers a proposed firm sales contract, written notification by the exporter that a firm sales contract has been effected must be received by the Director within 10 calendar days after the date of sale. All applications will be considered for approval in the order in which they are received by the Director, or on such other basis as is determined by the Director to be equitable, and as long as funds are available. The Director will give prompt notice to the exporter of the approval or non-approval of his application. The notification furnished by the exporter that a sales contract has been effected shall include a statement of the contracted quantity of dried apples, the gross sales price (see § 518.307), the net sales price charged to the foreign buyer (see § 518.308), the port of exportation, destination, and name and address of the foreign buyer. If within 20 calendar days after approval of an application with respect to a proposed firm sales contract the Director does not receive notice from the

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1949 Edition

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exporter that a firm sales contract has been entered into, the Director may cancel the approval of the application. The Director reserves the right to withdraw approval of any application based on a proposed firm sales contract, but such withdrawal will be made only prior to receipt of notice that the firm sales contract has been effected. An exporter may make his sales contracts under this program subject to the condition that his application for participation is approved by the Director or that the Secretary will make an export payment in connection with such sale.

§ 518.305 *Approved countries.* Approved countries of destination for dried apples sold for export and exported under this program shall be limited to:

Austria.
Belgium.
Denmark.
France.
Germany, Federal Republic of.
Greece.
Iceland.
Ireland.
Israel.
Italy.
Luxembourg.
Netherlands.
Norway.
Portugal.
Spain.
Sweden.
Switzerland.
Trieste (Free Territory).
Turkey.
United Kingdom.
Yugoslavia.

§ 518.306 *Re-entry, diversion, re-exportation, or loss.* If any quantity of dried apples exported under this program re-enters the continental United States, or is diverted or re-exported to U. S. territories or possessions or is diverted or re-exported to Canada or Mexico, payment will be withheld or, if payment has already been made by the United States Government, the exporter shall refund the amount received on such quantity of dried apples: *Provided*, That if the dried apples with respect to which payment may be withheld or refund required under this section are damaged after exportation, the payment withheld or refund required shall be an amount determined by the Director, which, however, shall not exceed the amount realized or which might reasonably be realized by the exporter over the net price at which he sold to the foreign buyer. In case of complete loss or destruction of the dried apples or any part thereof after exportation, without fault or negligence of the exporter, no refund of the payment shall be required for the quantity so lost or destroyed. The exporter shall notify the Director immediately upon becoming cognizant of any such re-entry, diversion or re-exportation of, or damage to the dried apples with respect to which refund may be required under this section and shall furnish information as to any claim he may have in connection with such event.

§ 518.307 *Rate of payment.* The rate of payment applicable to dried apples exported in conformity with the terms and conditions contained in §§ 518.301 to 518.320 shall be the lower of the following: (a) 10 cents per pound, or (b) 50 percent of the gross sales price (computed before deduction of such payment) as determined by the Director, basis free-alongside-ship, United States ports of exportation: *Provided, however*, That if shipment from packing plant or warehouse to the nearest United States port from which dried apples are customarily exported would result in a lower rate payable under this program, the dried apples shall be deemed to have been exported from such nearest port.

§ 518.308 *Net price to foreign buyer.* The net price per unit of weight charged the foreign buyer shall be established by deducting the rate of export payment under this offer from the gross sales price of such unit of weight. The total of the amounts invoiced the foreign buyer and the Secretary shall not exceed the gross sales price as described in § 518.307.

§ 518.309 *Minimum grade and inspection.* Dried apples exported under this program shall meet the requirements of U. S. Grade C or better, as defined in "United States Standards for Grades of Dried Apples," effective November 1, 1943, and shall have been inspected not more than 15 calendar days prior to shipment from the packing plant or warehouse to the United States port of exportation. Each exporter shall furnish, at no expense to the Secretary, a certificate of inspection for each lot of dried apples exported pursuant to this program. The inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Division, United States Department of Agriculture.

§ 518.310 *Shipping containers.* All dried apples to be exported under this program shall be suitably packed for export in containers acceptable for export shipment in accordance with standard commercial practice for export and in a manner which will reasonably assure their arrival in good condition in the country of destination.

§ 518.311 *Filing claims for payment.* The exporter shall file claim for payment hereunder in accordance with § 518.312 not later than 12 o'clock midnight, e. s. t., October 15, 1951 unless such date is extended by the Director. Each claim for payment shall be filed with E. M. Graham, Representative of the Secretary, Fruit and Vegetable Branch, United States Department of Agriculture, Washington 25, D. C. Each claim for payment shall be filed in an original and three copies on voucher form FDA–564.

§ 518.312 *Proof of claim.* (a) Each claim for payment shall be supported by (1) two signed or certified true copies of the sales contract, (2) two copies of the applicable on-board ocean carrier bill

of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (3) the original or a signed copy and one copy of the inspection certificate required in § 518.309, (4) a certification in duplicate that the dried applies have been exported to an approved country of destination, and (5) such other documents as may be required by the Director as evidence of sale and exportation of the dried apples on which payment is claimed.

(b) Each sales contract shall show the date of sale, the gross sales price as described in § 518.307, the net price per unit of weight charged to the foreign buyer, the quantity (net weight) of dried apples sold, and the country of destination. An exporter who sells to a foreign buyer on a price basis other than free-alongside-ship, United States port, shall certify on the copies of the sales contract accompanying his claim, or on a statement attached thereto, the gross price in cents per pound, f. a. s. United States port, which is the equivalent of the price invoiced to the buyer, and shall show in such certification the charges on the basis of which such f. a. s. price is computed from the price invoiced to the buyer.

(c) Each on-board ocean carrier bill of lading shall show the number of boxes, markings, and gross weight, the date and place of loading on vessel, the name of the vessel, the destination of the dried apples, and the name and address of both the person exporting the dried apples and the person to whom they are shipped. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the sales contract, the exporter shall furnish with his claim a waiver by such shipper or consignor of any right to claim payment under this program for exportation of the quantity of dried apples covered by such bill of lading. If the bill of lading shows the name of a person different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification in duplicate that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

§ 518.313 *Records and accounts.* Each exporter shall maintain accurate records and preserve them until at least August 15, 1953, showing the quantities, sales prices, and deliveries of dried apples exported in connection with this offer. Such records, accounts, and other documents relating to any transaction in connection herewith shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture.

§ 518.314 *Set-off.* The Director may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 518.315 *Assignment.* No exporter shall, without the written consent of the Director, assign any claim of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such claim. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended, any claim for payment hereunder, or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Director may set off any claim against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States against the exporter based on facts existing at the time of receipt of the notice of assignment.

§ 518.316 *Amendment.* This program may be amended by the Director at any time by public announcement of such amendment. Notice of any amendment will be transmitted promptly to every exporter participating in the program on record with the Director. No amendment shall be made adversely applicable to any firm sales contract entered into prior to the effective date of such amendment.

§ 518.317 *Termination.* This program may be terminated by the Director at any time by public notice of such termination. Notice of termination will be transmitted promptly to every exporter participating in the program on record with the Director. Termination shall not be applicable to any dried apples covered by an approved application based on either a firm sales contract or a proposed firm sales contract.

§ 518.318 *Persons not eligible for payment.* (a) Payments under this offer will not be made to any department, agency, or establishment of the United States Government administering any law providing for the furnishing of assistance or relief to foreign countries.

(b) No member of or delegate to Congress, or resident Commissioner shall be admitted to any share or part of any contract resulting from this program or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit.

§ 518.319 *Definitions.* As used in this offer, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, or any authorized representative of the Secretary within such Branch to whom the Director has subdelegated authority to perform the functions vested in the Director in §§ 518.301 to 518.320.

(c) "Exporter" means any individual, corporation, partnership, association, or other business entity, located within the continental United States and selling dried apples for export.

(d) Dried apples shall be deemed to have been "exported" when, pursuant to a sale made under this program, dried apples are loaded on board an ocean carrier for shipment to an approved country of destination listed in § 518.305.

(e) "Ocean carrier" means the vessel on which final shipment from the United States is intended to be made pursuant to a sale made under this program.

(f) "Sale" or "sales contract" includes a contract to sell. The contract shall consist of a written instrument signed by the buyer and seller or a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters.

(g) "Date of sale" means the date on which both buyer and seller have signed a firm sales contract or the date of written acceptance of either a written offer or counter offer to buy or sell by which a firm sales contract is effected.

(h) "Firm sales contract" means a contract for the sale of dried apples under which the seller is clearly obligated to sell and the buyer is clearly obligated to buy a definite quantity of dried apples. This definition may include a sales contract entered into by an exporter with a foreign buyer under this program subject to the condition that his application for participation is approved by the Director or that the Secretary will make an export payment in connection with such sale.

(i) "Dried apples" means dried apple rings, quartered dried apples, or sliced dried apples, as such terms are defined in "United States Standards for Grades of Dried Apples," effective November 1, 1943, processed in the United States from fresh apples produced in the United States.

(j) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 518.320 *Information and forms.* Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained from the following:

E. M. Graham, Representative of the Secretary, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C. Tel. No. REpublic 4142, Ext. 5053.

W. J. Broadhead, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg. Tel. No. ATwater 7131, Ext. 32 and 33.

W. Allmendinger, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, P. O. Box 3638, 333 Fell Street, San Francisco 2, Calif. Tel. No. UNderhill 1-2423.

Effective date. This program shall become effective at 12:01 a. m., e. s. t., June 21, 1951.

Dated this 19th day of June 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

APPLICATION FOR PARTICIPATION

In Dried Apple Export Program SMX 95a (Fiscal Year 1952)

(To be executed in an original and three copies and mailed to E. M. Graham whose address is shown in § 518.320 Telegraphic applications also should be sent to E. M. Graham)

The undersigned exporter hereby applies for participation in the above-named program in accordance with the terms and conditions of such program. Exporter states that this application is based on a firm sales contract or a proposed firm sales contract, as checked below, and that if it is based on a proposed firm sales contract, he will notify the Director of the details of the firm sales contract as provided in § 518.304.

This application is based on (check one):

A firm sales contract ☐ entered into on _____ (date), or a proposed firm sales contract ☐, and involves the following:

Pounds of dried apples	Gross f. a. s. sales price per pound	Net f. a. s. sales price per pound	Port of exportation	Export destination	Name and address of buyer

Date:_____ Exporter's application No._____
Name of exporter_____
Address_____
By_____
Title_____
Approved this_____day of_____, 19_____
U. S. D. A. contract number_____

_____
Representative of the Secretary of Agriculture.

Agriculture—Washington.

[F. R. Doc. 51-7173; Filed, June 21, 1951; 8:58 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP CORN RESEAL LOAN PROGRAM

This bulletin states the requirements with respect to a program (hereinafter referred to as the Corn Reseal Loan Program) to extend loans on 1950-crop corn in farm-storage and to make farm-storage loans available on 1950-crop corn covered by purchase agreements. The program has been formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) as part of the 1950-Crop Corn Price Support Program (15 F. R. 6878, 7167 and 16 F. R. 64, 3425). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
601.121 Applicable sections of 1950 CCC Grain Price Support Bulletin 1, and Supplement 1, Corn.
601.122 Availability.
601.123 Eligible producer.
601.124 Eligible corn.
601.125 Approved storage.
601.126 Approved forms.
601.127 Quantity eligible for resealing.
601.128 Additional service charges.
601.129 Transfer of producer's equity.
601.130 Storage and track-loading payments.
601.131 Maturity and satisfaction.
601.132 Support rates.
601.133 PMA Commodity Offices.

AUTHORITY: §§ 601.121 to 601.133 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714 b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1441.

§ 601.121 *Applicable sections of 1950 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Corn.* The following sections of the 1950 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Corn, published in 15 F. R. 3147 and 15 F. R. 6878 shall be applicable to the 1950 Corn Reseal Loan Program: § 601.1 *Administration;* § 601.5 *Approved lending agencies;* § 601.8 *Liens;* § 601.10 *Set-offs;* § 601.11 *Interest rate;* § 601.13 *Safeguarding the commodity;* § 601.14 *Insurance of farm-storage loans;* § 601.15 *Loss or damage to the commodity;* § 601.16 *Personal liability of the producer for the commodity;* § 601.17 *Release of the commodity under loan;* § 601.19 *Removal of the commodity under loan;* § 601.20 *Purchase of notes;* § 601.115 *Determination of quantity;* § 601.116 *Determination of quality;* § 601.118 *Support rates;* § 601.119 *Settlement.* Other sections of the 1950 Corn Price Support Program shall be applicable to the extent indicated in §§ 601.121 to 601.133.

§ 601.122 *Availability*—(a) *Area.* The reseal program will be available in all areas where farm-storage loans were available under the 1950 Corn Price Support Program. Under this program, 1950-crop farm-storage loans will be extended and farm-storage loans will be made on 1950-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers during the extended availability period.

(b) *Time.* The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to reseal his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee. The producer who has signed a purchase agreement on farm-stored corn must, not later than July 31, 1952, notify the county committee if he intends to deliver the corn to CCC or convert his purchase agreement into a farm-storage loan. The producer who has notified the county committee of his intentions to deliver his farm-stored corn under a purchase agreement may obtain a farm-storage loan thereon by making application to the county committee at any time prior to the final date for delivery specified in the delivery instructions issued by the county committee.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by PMA State offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 601.123 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1950 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1950 crop.

§ 601.124 *Eligible corn.* To be eligible, the corn must have been produced in 1950, must be in farm storage, must never have been commingled with corn produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(b) *Farm-storage corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan. Corn covered by a purchase agreement and being placed under loan must, except for moisture content, be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for Corn. The moisture content of ear corn being placed under loan shall not exceed 15.5 percent. The moisture content of shelled corn being placed under loan shall not exceed 13.5 percent.

§ 601.125 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 601.6 of the 1950 CCC Grain Price Support Bulletin 1. Consent for storage for

any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1952, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1952.

§ 601.126 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 601.127 *Quantity eligible for reseal-ing.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has been previously converted to a loan or (2) on which he exercises his option to sell to CCC.

§ 601.128 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay any additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 601.129 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the corn under loan or his remaining interest may be restricted by CCC.

§ 601.130 *Storage and track-loading payments*—(a) *Storage payment.* A producer who participates in the reseal loan program and in accordance with instructions of the county committee, delivers the corn to CCC on or after July 31, 1952, or prior to July 31, 1952, pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer, will receive a storage payment, computed at the rate of 10 cents per bushel on the quantity delivered under the reseal loan program. If the corn is delivered to CCC prior to July 31, 1952, upon request of the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the amount of the storage payment will be prorated, depending upon the length of time the corn was in store, provided delivery was not made as a result of a demand for a repayment due to any fraudulent representation on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 1/20 of a cent per bushel a day beginning on October 1, 1951 and ending on the date delivery is accomplished or ending on the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, but not to exceed 10 cents per bushel, on the quantity delivered under the reseal program. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 601.131 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1952. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided it was stored in the structure(s) in which the corn under loan was stored. The provisions in § 601.119 (a) of 1950 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, will be applicable in determining the settlement value of corn delivered to CCC under a reseal loan.

(b) If the settlement value of the corn delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the PMA State office.

(c) If the settlement value of the corn delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(d) In the event the farm is sold or there is a change of tenancy, the corn may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 601.132 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 601.118 of 1950 CCC Grain Price Support Program Bulletin 1, Supplement 1, Corn and any amendments thereto.

(b) Any discounts or premiums established for variation in quality as shown in the 1950 Corn Price Support Program Bulletin shall apply.

§ 601.133 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street: Arizona, California, Nevada, Utah.

Issued this 19th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-7172; Filed, June 21, 1951; 8:58 a. m.]

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 16 F. R. 4287 and containing the requirements for the 1951-Crop Oats Price Support Program are hereby amended as follows:

Under § 601.958 *Support rates,* the following corrections in support rates per bushel for oats grading No. 3, or better, are made:

County	From—	To—
CALIFORNIA		
Tehama	$0.85	[illegible]
KANSAS		
Hodgeman	$0.75	[illegible]
MONTANA		
Custer	$0.65	[illegible]
Fallon	.65	[illegible]
TEXAS		
Newton	$0.81	$0.81

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714; 7 U. S. C. Sup., 1447, 1421)

Issued this 19th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-7175; Filed, June 21, 1951; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS INSPECTION, CERTIFICATION, AND STANDARDS

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR APPLES

On May 12, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-5509; 16 F. R. 4468) regarding a proposed revision of the United States Standards for Apples to supersede United States Standards for Apples (S. R. A.-P. M. A. 154) issued October 1937 and reissued October 1947. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Apples are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

§ 51.104 *Standards for apples*—(a) *Grades*—(1) *U. S. Extra Fancy.* U. S. Extra Fancy consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(2) *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(3) *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting": *Provided,* That, the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent: *And further provided,* That, the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(4) *U. S. No. 1 Cookers.* U. S. No. 1 Cookers consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See Tolerances, paragraph (c) of this section, and Condition after Storage of Transit, paragraph (f) of this section.)

(5) *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(6) *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously deformed; free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(7) *Combination grades.* Combinations of the above grades can be used as follows:

Combination U. S. Extra Fancy and U. S. Fancy.
Combination U. S. Fancy and U. S. No. 1.
Combination U. S. No. 1 and U. S. Utility.

(i) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(8) *U. S. Hail grade.* U. S. Hail grade consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the applies are fairly well formed. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(9) *Color requirements.* In addition to the requirements specified for the above grades, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this subparagraph. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided,* That, an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided,* That, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1
Solid Red:	*Percent*	*Percent*	*Percent*
Black Ben	75	50	25
Gano	75	50	25
Winesap	75	50	25
Other similar varieties [1]	75	50	25
Red Sport varieties [2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties [3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Turley	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties [4]	50	25	15
Hubbardson	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10
Red June	50	15	(5)
Williams	50	15	(5)
Other similar varieties	50	15	(5)
Gravenstein	25	10	(5)
Other similar varieties [6]	25	10	(5)
Red checked or blushed:			
Malden Blush	(7)	(8)	(8)
Twenty Ounce	(7)	(8)	(8)
Winter Banana	(7)	(8)	(8)
Other similar varieties	(7)	(8)	(8)
Green varieties	(9)	(9)	(9)
Yellow varieties	(9)	(9)	(9)
Golden Delicious	(10)	(10)	(10)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.
[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).
[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.
[5] Tinge of color.
[6] Duchess, Red Astrachan, Smokehouse, Summer Rambo.
[7] Blush cheek.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color. NOTE: "Characteristic color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

(b) *Unclassified.* Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided,* That, not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(1) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(2) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(d) *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(e) *Basis of calculating percentages.* (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the apples are in bulk, percentages shall be calculated on the basis of weight.

(f) *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) *Size requirements.* (1) The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(2) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(3) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(4) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(5) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided,* That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

(h) *Packing requirements.* (1) Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(2) Boxes: (i) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(ii) Apples packed in other type boxes, such as nailed wooden boxes, wire-bound boxes, and fibreboard boxes, may be place packed, jumble packed faced, or jumble packed, and all packs shall be well filled.

(iii) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(iv) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(3) Baskets: Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(4) Barrels: Apples packed in barrels shall be tightly packed.

(5) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

(i) *Suggestions for marking containers.* (1) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(i) U. S. Ex. Fcy. for U. S. Extra Fancy.
(ii) U. S. Fcy. for U. S. Fancy.
(iii) U. S. No. 1 for U. S. No. 1.
(iv) U. S. Util. for U. S. Utility.
(v) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

(j) *Standards for export, as applied to condition factors.* (1) The apples in any lot shall be generally tightly packed when in barrels or baskets, and generally fairly tightly or tightly packed, when in boxes.

(2) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(3) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(4) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided,* That,

(i) Not more than 2 percent shall be allowed for apples affected by decay;

(ii) Not more than 2 percent shall be allowed for damage by internal breakdown;

(iii) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(5) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That, no sample from the containers in any lot is found to exceed double the percentages specified.

(k) *Definitions.* (1) "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(i) "Hard" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(ii) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(iii) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(iv) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(4) "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(*a*) Smooth net-like russeting, when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*b*) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(*c*) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(*d*) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(*a*) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(*b*) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(*c*) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(*d*) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(*e*) Diseases: (*1*) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(*2*) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(*3*) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(*f*) Insects: (*1*) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(*2*) Worm holes.

(7) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(*a*) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(*b*) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*d*) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(*e*) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(*a*) Sunburn or spray burn which has caused blistering or cracking of the skin,

[1] The area refers to that of a circle of the specified diameter.

or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(b) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(c) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(d) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(e) Diseases: (1) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(f) Insects: (1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(2) Worm holes.

(9) "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(i) The following types and amounts of russeting shall be considered as serious damage:

(a) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided*, That, any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(b) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(c) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That, no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(d) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(e) Visible water core which affects an area of more than one-half inch in diameter.[1]

(f) Diseases: (1) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(g) Insects: (1) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(2) Worm holes.

Effective time and supersedure. The United States Standards for Apples contained in this section and which supersede the United States Standards for Apples (S. R. A.—P. M. A. 154) shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 18th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7174; Filed, June 21, 1951; 8:59 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR SWEETPOTATOES FOR CANNING

On May 12, 1951, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-5511; 16 F. R. 4467) regarding proposed United States Standards for Sweetpotatoes for Canning. After consideration of all relevant matters presented, including the proposals set forth in this aforesaid notice, the following United States Standards for Sweetpotatoes for Canning are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

§ 51.372 *Standards for sweetpotatoes for canning*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, fairly well shaped, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not more than 5 inches in length, or more than 2 inches in diameter or less than 1½ inches in diameter. (See Tolerances, paragraph (c) of this section.)

(2) *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not more than 9 inches in length, or more than 2¼ inches in diameter or less than 1¼ inches in diameter. (See Tolerances, paragraph (c) of this section.)

(b) *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

(c) *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between the buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

(d) *Definitions.* (1) "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

(2) "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

[1] The area refers to that of a circle of the specified diameter.

(3) "Fairly well shaped" means that the sweetpotato is not materially curved, crooked, constricted, grooved, flattened, or otherwise materially misshapen for canning purposes.

(4) "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

(5) "Damage" means any injury or defect which materially affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, including peel covering the defective area.

(6) "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent, by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

(7) "Serious damage" means any injury or defect which seriously affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

(8) "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

(e) *Effective time.* The aforesaid United States Standards for Sweetpotatoes for Canning contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 19th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7176; Filed, June 21, 1951; 8:59 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

On May 12, 1951, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-5508; 16 F. R. 4467) regarding proposed United States Standards for Sweetpotatoes for Dicing or Pulping. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Sweetpotatoes for Dicing or Pulping are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950).

§ 51.373 *Standards for sweetpotatoes for dicing or pulping*—(a) *Grades* (1)—*U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See Size and Tolerances, paragraphs (c) and (d) of this section.)

(2) *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, free from soft rot, black rot, cull material, freezing injury, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, scald, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See Size and Tolerances, paragraphs (c) and (d) of this section.)

(b) *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

(c) *Size.* The minimum or the minimum and maximum sizes for the foregoing grades may be specified by agreement between buyer and seller. Size shall be stated in terms of diameter.

(d) *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 15 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-third of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

(e) *Definitions.* (1) "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white-fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

(2) "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

(3) "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

(4) "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

(5) "Damage" means any injury or defect which materially affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

(6) "Serious damage" means any injury or defect which seriously affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 25 percent of the total weight of the sweetpotato, including peel covering the defective area.

(7) "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

(f) *Effective time.* The United States Standards for Sweetpotatoes for Dicing or Pulping contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 18th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7170; Filed, June 21, 1951; 8:57 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 62 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 374—PROJECT LICENSES

PART 379—EXPORT CLEARANCE

MISCELLANEOUS AMENDMENTS

1. Part 370 *Scope of export control by Department of Commerce* is amended by adding thereto a new § 370.7a to read as follows:

§ 370.7a *Vessels, other than vessels of war.* The export of vessels, other than vessels of war, shall be governed under authority of sections 9 and 37 of the Shipping Act, 1916, as amended (46 CFR Part 221), by the U. S. Maritime Administration.

This part of the amendment shall become effective as of June 14, 1951.

2. Section 371.2 *General provisions* is amended in the following particulars:

Paragraph (b) *Use of general license symbol* is amended to read as follows:

(b) *Use of general license symbol.* A person exporting any commodity pursuant to any general license established in this part shall enter on the shipper's export declaration, when such declaration is required, the designation or symbol of the general license authorizing the exportation. In the case of exportations by mail, the designation or symbol of the general license shall be written in ink on the address side of the wrapper of the parcel and shall be followed by the words, "Export License Not Required." The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

EXAMPLE: If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the export declaration the symbol GUS to indicate that the exportation is licensed.

This part of the amendment shall become effective as of June 14, 1951.

3. Section 371.9 *General in-transit license GIT*, paragraph (c) *Excepted Commodity List* is amended in the following particulars:

The title of paragraph (c) and the introductory sentence preceding the commodity list are amended to read as follows:

(c) *Commodities excepted from the provisions of this general license.* Commodities identified on the Positive List of Commodities (§ 399.1) by means of a star (★) following the Schedule B number may not be exported to any destination under this general license.

NOTE: All shipments of merchandise for which the shipper's export declaration for in-transit goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Washington 25, D. C.

Regardless of whether so designated on the Positive List of Commodities, the following commodities are excepted from the provisions of this general license. (See Current Export Bulletin 625.[1])

The following commodities are added to the excepted commodity list:

Commodity	Schedule B No.	Schedule S No.[1]
OTHER NONMETALLIC MINERALS (PRECIOUS INCLUDED)		
Abrasives:		
Diamond grinding wheels, sticks, hones, and laps	510605	[illegible]
Diamond bearings	599028	[illegible]
IRON AND STEEL MANUFACTURES		
Tools (iron and steel chief value):		
Diamond saws, except circular	617605	[illegible]
Tools incorporating industrial diamonds, n. e. s. (include metal alloy slugs containing diamonds).	617891	[illegible]
MINING, WELL, AND PUMPING MACHINERY		
Mining and quarrying machinery:		
Core drills, except chilled shot type	731100	[illegible]
Rock drill bits, detachable, when containing diamonds	731150	[illegible]
Petroleum field and refining equipment and parts:		
Oil and gas well drill bits, when containing diamonds	731240	[illegible]
METALWORKING MACHINERY, EXCEPT MACHINE TOOLS		
Diamond dies for power-driven metalworking machinery (state size)	745503	[illegible]
OTHER INDUSTRIAL MACHINERY		
Diamond penetrators	774020	[illegible]
Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales).	774020	[illegible]
Industrial machinery and parts, n. e. s.:		
Parts for diamond penetrators	775098	[illegible]
Parts and accessories for metal hardness testers which incorporate or are adapted to the incorporation of diamond penetrators (indenters-brales).	775098	[illegible]
SCIENTIFIC AND PROFESSIONAL INSTRUMENTS, APPARATUS, AND SUPPLIES, N. E. S.		
Diamond disk points and other dental instruments containing diamonds	915090	[illegible]

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S, as well as Schedule B.

This part of the amendment shall become effective as of June 14, 1951.

4. Section 371.16 *Export of certain vessels VMC* is hereby deleted.

This part of the amendment shall become effective as of June 14, 1951.

5. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

Paragraph (d) *Partial shipments* is amended to read as follows:

(d) *Partial shipments.* Partial shipments may be made against a validated export license; however, when shipped by mail, only one shipment, whether complete or partial, may be made.

This part of the amendment shall become effective as of June 14, 1951.

6. Section 374.6 *Export clearance* is amended in the following particulars:

Paragraph (a) *Presentation of license* is amended to read as follows:

(a) *Presentation of license.* When clearing shipments for export under any project license, the licensee must present, upon demand of the collector of customs at the port of exit, either the original or a photostatic copy of the license, and any supplementary validated documents.

Shipment under any project license cannot be made by mail unless the shipper has applied for and obtained an individual export license covering the particular commodities to be exported by mail. Application should be made on Form IT-375 in the usual way, except that the license holder should indicate on the face of the form that shipment of the commodities listed is to be made by mail. An individual license will be issued on the safety paper license form (Form IT-628). Clearance against such individual license must be effected in accordance with the procedures for shipments by mail outlined in § 379.1 (f) of this subchapter.

This part of the amendment shall become effective as of June 14, 1951.

7. Section 379.1 *Presentation for export* is amended in the following particulars:

a. Subparagraphs (2) and (3) of paragraph (a) *Commodities; use of license or other authorization for export shipments* are amended to read as follows:

(2) *Filing of validated license at time of first shipment.* Notwithstanding any other provision of Parts 370 to 399, inclusive, of this subchapter, all validated licenses, except project licenses, must be presented to and filed with the collector of customs or postmaster, as the case may be, when the first shipment is cleared for exportation against that license.

(3) *Subsequent shipments from port where validated license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the collector until complete shipment is made.[1] On any subsequent shipments under that license from the same port, duly executed shipper's export declarations shall be presented, as provided in this section and § 379.2 of this subchapter, for clearance of the shipment.

b. Paragraph (b) *Presentation of shipper's export declarations* is amended to read as follows:

(b) *Presentation of shipper's export declarations.* In every case, as provided above in paragraph (a) of this section, where a validated export license is required to be presented [2] to and filed with a collector of customs or postmaster, as the case may be, a duly executed shipper's export declaration (in the number of copies provided in paragraph (c) of this section) also shall be presented at the same time. In the case of shipments made pursuant to general license or pursuant to an unexpired validated export license on file with a collector of customs, a duly executed declaration (in the number of copies provided in paragraph (c) of this section) shall be presented to the collector of customs or postmaster, as the case may be, at the same time and in the same manner as provided for in the first sentence of this paragraph.

Shipper's export declarations duly executed on Commerce Form 7525–V (revised November 1948) must be presented on and after January 1, 1949, where such type of declaration is applicable to the exportation.

c. A new paragraph (f) is added thereto to read as follows:

(f) *Shipments via mail.* In exporting merchandise by surface or air parcel post, the sender (exporter) must (a) present a validated license to the postmaster or (b) place the appropriate general license symbol on the address side of the wrapper, followed by the words, "Export License Not Required." The symbol and the phrase will constitute certification to the postmaster and the Office of International Trade that a validated export license is not required for the shipment.

If the sender is shipping a gift parcel under provisions of the general license for gift parcels (see § 371.23 of this subchapter), he must place the words "Gift—Export License Not Required," on the address side of the wrapper and the word "Gift" on the customs declaration tag. In this instance, the word "Gift" is the general license symbol.

Only one shipment may be made against a validated export license if exportation is by mail. In all cases the sender must surrender his license to the postmaster at the time of shipment.

All exportations via mail should conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc.

NOTE: It is the responsibility of the shipper in each case to determine whether exportation of his parcel is permissible under a general license or whether a validated license is required.

This part of the amendment shall become effective as of June 14, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7130; Filed, June 21, 1951; 8:47 a. m.]

[1] This amendment was published in Current Export Bulletin No. 625, dated June 14, 1951.

[1] As set forth in Current Export Bulletin 625, at such time as the commodities listed in this paragraph are identified on the Positive List, this list will be discontinued.

[1] Only one shipment, whether complete or partial, may be made against an export license if exportation is to be made by mail (see § 372.11 (d) of this subchapter and paragraph (f) of this section).

[2] Par. (b) of this section requires declarations to be presented to customs officials before the time that goods are first deposited on a dock or pier or other place of lading for loading onto an exporting carrier. This reflects an interpretation of the phrase contained in par. (a) in this section, "presented * * * for loading," as meaning deposit on pier or dock for the purpose of loading onto an exporting carrier.

[5th Gen. Rev. of Export Regs., Amdt. P. L. 53 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
208900	High pressure rotary drilling hose	Lb	RUBR	25	RO

This part of the amendment shall become effective as of 12:01 a. m., June 19, 1951.

2. Certain commodities are changed from R to RO commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
812100	Biologics: Human blood plasma[1]		DRUG	None	RO

[1] By this amendment the GLV dollar-value limit for human blood plasma is reduced from $25 to none. The present entry on the Positive List is revised to read as follows: "Serums, antitoxins and toxoids, for human use (except human blood plasma), GLV value 25, validated license required, R."

This part of the amendment shall become effective as of 12:01 a. m., June 19, 1951.

3. The following revision is made in commodity description. This revision makes no substantive change, but merely deletes the word "mohair", which was inadvertently used to describe cashmere goat wool. Angora goat hair (mohair) and Angora goat (mohair) noils and waste remain on the Positive List under Schedule B Nos. 360911 and 362600, respectively.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
362600	Wool noils and waste, mill waste (carnetted, picked, and carded included) except noils of cashmere goat, camel, and vicuna.	Lb	TEXT	250	RO

This part of the amendment shall become effective as of June 14, 1951.

4. The following revision is made in commodity description:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
799998	Parts for watercraft for pleasure purposes, whether or not engine-equipped, 18 feet in length and over; parts for merchant vessels (including tankers, tank barges, whaling factories, and other watercraft) for commercial and industrial purposes, 18 feet in length and over.[1]		TRAN	100	RO

[1] The effect of this amendment is to add to the Positive List parts for whaling factories and to extend the coverage for all commodities covered by this entry from R to RO control. (See Part 5 below for deletion of watercraft from this Schedule B number.)

[1] This amendment was published in Current Export Bulletin No. 625, dated June 14, 1951.

This part of the amendment shall become effective as of 12:01 a. m., June 19, 1951.

5. The following commodities are deleted from the Positive List. Exportation of these commodities is under the exclusive jurisdiction of the U. S. Maritime Administration.[1]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
795510	Tankers and whaling factories	No.	TRAN	None	RO
795510	Other merchant vessels and watercraft (including hulls) for commercial and industrial purposes, whether or not engine-equipped, 18 feet in length and over.	No.	TRAN	None	R
795550	Watercraft for pleasure purposes, engine-equipped, 18 feet in length and over.	No.	TRAN	None	R
795668	Watercraft for pleasure purposes, except engine-equipped, 18 feet in length and over.[1]		TRAN 9	100	R

[1] The watercraft and vessel parts covered by this Schedule B number remain under the jurisdiction of the Office of International Trade for export control purposes. The revised entry for this Schedule B number is set forth in Part 4 above.

This part of the amendment shall become effective as of 12:01 a. m., June 14, 1951. Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2 and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 19, 1951, may be exported under the previous general license provisions up to and including July 14, 1951. Any such shipment not laden aboard the exporting carrier on or before July 14, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7129; Filed, June 21, 1951; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4970]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CARTER PRODUCTS, INC. AND STREET & FINNEY

Subpart—*Advertising falsely or misleadingly:*

§ 3.30 *Composition of goods;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* Subpart—*Using misleading name—Goods:* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution of the product now designated "Carter's Little Liver Pills," or any other product of substantially similar composition or possessing substantially similar properties under whatever name sold, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said preparation in commerce, which advertisements represent, directly or by implication, (a) that said preparation represents a fundamental principle of nature in self-treatment; (b) that said preparation will bring on or restore regularity of bowel movement, or is a cure, remedy or competent or effective treatment for constipation, or has any beneficial value in the treatment of any of the symptoms thereof in excess of the temporary relief afforded by its laxative action; (c) that said preparation does not contain strong medicines; (d) that said preparation is unqualifiedly safe; (e) that said preparation is an effective treatment for sluggish liver function or that it will have any therapeutic action on any condition, disease or disorder of the liver; (f) that said preparation will make bile flow freely, increase or beneficially influence the formation, secretion or flow of bile, or prevent or overcome discomforts caused by overindulgence in food or other pleasures; (g) that said preparation will provide two-way relief or that it possesses therapeutic properties in addition to those afforded by laxative action; (h) that said preparation will cause the proper flow of, or beneficially affect, the gastric juices or digestive juices, or lessen food decay; (i) that said preparation is based on the fundamental principle of the operation of the digestive system; (j) that said preparation will help food digestion, or regulate digestion or the digestive system; (k) that said preparation will have any influence in inducing a state of "bounce", vigor or well-being except in those instances in which a lack thereof is due solely to constipation; (l) that constipation poisons the body; (m) that said preparation has any value in the treatment of headache, ugly complexion, bad breath, coated tongue or a bad taste in the mouth, or for those conditions in which an individual feels "Down-and-out," "blue," "down-in-the dumps," "worn out," "sunk," "logy," "depressed," "sluggish," "all-in," "listless," "mean," "low," "cross," "tired," "stuffy," "heavy," "miserable," "sour," "grouchy," "irritable," "cranky," "peevish," "fagged out," "dull," "sullen," "what's-the-use," "bogged down," "grumpy," "run-down," or "gloomy," in excess of such temporary relief therefrom as may be afforded by an evacuation of the bowels in those cases in which such symptoms or conditions are associated with and caused by constipation; (n) that said preparation is a competent or effective treatment for indigestion or retarded digestion; or, (o) that said preparation is a competent or effective treatment for billiousness; or any advertisements in which the word "liver" is used in the trade name for respondent's preparation; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Carter Products, Inc. et al., Docket 4970, March 28, 1951]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore designated by it, the report of the trial examiner upon the facts and the exceptions filed thereto, briefs and supplemental briefs in support of and in opposition to the complaint, and oral arguments; and the Commission having made its findings as to the facts and its conclusion that the respondent therein named has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Carter Products, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the product now designated "Carter's Little Liver Pills," or any other product of substantially similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication—

(a) That said preparation represents a fundamental principle of nature in self-treatment;

(b) That said preparation will bring on or restore regularity of bowel movement, or is a cure, remedy or competent or effective treatment for constipation, or has any beneficial value in the treatment of any of the symptoms thereof in excess of the temporary relief afforded by its laxitive action;

(c) That said preparation does not contain strong medicines;

(d) That said preparation is unqualifiedly safe;

(e) That said preparation is an effective treatment for sluggish liver function or that it will have any therapeutic action on any condition, disease or disorder of the liver;

(f) That said preparation will make bile flow freely, increase or beneficially influence the formation, secretion or flow of bile, or prevent or overcome discomforts caused by overindulgence in food or other pleasures;

(g) That said preparation will provide two-way relief or that it possesses therapeutic properties in addition to those afforded by laxative action;

(h) That said preparation will cause the proper flow of, or beneficially affect, the gastric juices or digestive juices, or lessen food decay;

(i) That said preparation is based on the fundamental principle of the operation of the digestive system;

(j) That said preparation will help food digestion, or regulate digestion or the digestive system;

(k) That said preparation will have any influence in inducing a state of "bounce," vigor or well-being except in those instances in which a lack thereof is due solely to constipation;

(l) That constipation poisons the body;

(m) That said preparation has any value in the treatment of headache, ugly complexion, bad breath, coated tongue or a bad taste in the mouth, or for those conditions in which an individual feels "Down-and-out," "blue," "down-in-the dumps," "worn out," "sunk," "logy," "depressed," "sluggish," "all-in," "listless," "mean," "low," "cross," "tired," "stuffy," "heavy," "miserable," "sour," "grouchy," "irritable," "cranky," "peevish," "fagged out," "dull," "sullen," "what's-the-use," "bogged down," "grumpy," "run-down," or "gloomy," in excess of such temporary relief therefrom as may be afforded by an evacuation of the bowels in those cases in which such symptoms or conditions are associated with and caused by constipation;

(n) That said preparation is a competent or effective treatment for indigestion or retarded digestion;

(o) That said preparation is a competent or effective treatment for billiousness.

(2) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in which the word "Liver" is used in the trade name for respondent's preparation.

(3) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraphs (1) and (2) hereof.

It is further ordered, That the charges of the complaint as they relate to respondent Street & Finney, a corporation, be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further action as future conditions may warrant.

It is further ordered, That the respondent, Carter Products, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 28, 1951.

By the Commission.[1]

[SEAL] D. C. DANIEL,
Secretary

[F. R. Doc. 51-7148; Filed, June 21, 1951; 8:50 a. m.]

[1] See F. R. Doc. 51-7130, *supra*, for Amendment No. 62 adding § 370.7a and deleting § 371.16 of this subchapter.

[Docket 4918]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

C. HOWARD HUNT PEN CO.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1255 *Manufacture or preparation;* § 3.1325 *Source or origin—Maker or seller.* Subpart—*Using misleading name—Goods:* § 3.2310 *Manufacture or preparation;* § 3.2345 *Source or origin—Maker.* In connection with the offering for sale, sale or distribution in commerce, of fountain pen points, (1) representing, through the use on fountain pen points of the term "14 Kt. Gold Plated" or "14 K. Gold Plate", or any other term or mark, that such points are coated or covered with an alloy of substantial thickness and not less than 14/24ths by weight of gold, when such is not the fact; or misrepresenting in any manner the quantity or quality of the gold coating or covering on any fountain pen points; (2) representing in any manner, directly or by implication, that fountain pen points are made of an alloy of gold when such points are in fact made of other materials and are merely coated or covered with an alloy of gold; (3) using the word "Iridium" or the words "Iridium Tipped", or any simulation thereof, either alone or in conjunction with other words, to designate, describe or refer to any fountain pen points which are not in fact tipped with the element iridium; or, (4) using the word "Waltham" as an imprint on or in connection with the sale of any fountain pen points; or otherwise representing that any of the respondent's fountain pen points are the products of the Waltham Watch Manufacturing Company of Waltham, Massachusetts; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, C. Howard Hunt Pen Company, Docket 4918, March 29, 1951]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, testimony and other evidence introduced before trial examiners of the Commission theretofore duly designated by it, the report of the original trial examiner upon the evidence and exceptions to such report, the recommended decision of the substitute trial examiner and exceptions thereto, briefs in support of and in opposition to the complaint and oral argument thereon and briefs and oral argument in opposition to and in support of a tentative order to cease and desist attached to the Commission's order of May 22, 1950, rejecting the trial examiner's recommended order to cease and desist and affording the respondent an opportunity to show cause why said tentative order should not be entered as the Commission's order to cease and desist; and the Commission, having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, C. Howard Hunt Pen Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fountain pen points, do forthwith cease and desist from:

(1) Representing, through the use on fountain pen points of the term "14 Kt. Gold Plated" or "14 K. Gold Plate", or any other term or mark, that such points are coated or covered with an alloy of substantial thickness and not less than 14/24th by weight of gold, when such is not the fact; or misrepresenting in any manner the quantity or quality of the gold coating or covering on any fountain pen points.

(2) Representing in any manner, directly or by implication, that fountain pen points are made of an alloy of gold when such points are in fact made of other materials and are merely coated or covered with an alloy of gold.

(3) Using the word "Iridium" or the words "Iridium Tipped", or any simulation thereof, either alone or in conjunction with other words, to designate, describe or refer to any fountain pen points which are not in fact tipped with the element iridium.

(4) Using the word "Waltham" as an imprint on or in connection with the sale of any fountain pen points; or otherwise representing that any of the respondent's fountain pen points are the products of the Waltham Watch Manufacturing Company of Waltham, Massachusetts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 29, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7149; Filed, June 21, 1951; 8:51 a. m.]

[Docket 5729]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EARL ARONBERG ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution

[1] Statement by Commissioner Carson filed as a part of the original document.

in commerce, of respondents' Shadz Color Shampoo, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, directly or indirectly disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, that said product will color hair; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Earl Aronberg et al. t. a. The Ronald Company, Docket 5729, April 5, 1951]

In the Matter of Earl Aronberg and Lewis Potter, Individuals Trading as The Ronald Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on December 22, 1949, issued and subsequently served its complaint in this proceeding upon the respondents, Earl Aronberg and Lewis Potter, individuals trading as The Ronald Company, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence were introduced before a trial examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On January 9, 1951, the trial examiner filed his initial decision, which was served on the respondents on January 20, 1951.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on February 26, 1951, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a tentative decision of the Commission attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That respondents, Earl Aronberg and Lewis Potter, individually and trading as The Ronald Company, or under any other name, their employees, agents, and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of Shadz Color Shampoo, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference, that said product will color hair.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains the representation prohibited in paragraph 1 of this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 5, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-7147; Filed, June 21, 1951; 8:50 a. m.]

[Docket 5779]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KIMBERLEY GIRL COATS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of ladies' coats or other wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as defined in said Act, misbranding such ladies' coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 54 Stat. 1128; 15 U. S. C. 45, 68) [Cease and desist order, Kimberley Girl Coats, Inc. et al., Docket 5779, April 5, 1951]

In the Matter of Kimberley Girl Coats, Inc., a Corporation, and Samuel Plotkin and Leon Waisman, Individually and as officers of Respondent Kimberley Girl Coats, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into by and between Daniel J. Murphy, Chief, Division of Litigation, of the Commission, and counsel for respondents, in which stipulation the respondents waved all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Kimberley Girl Coats, Inc., a corporation, and its officers, and Samuel Plotkin and Leon Waisman, individually, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce as "commerce" is defined in the aforesaid Acts, of ladies' coats or other wool products as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool", or "reused wool", as those terms are defined in said Act, do forthwith cease and desist from misbranding such ladies' coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 5, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-7150; Filed, June 21, 1951; 8:51 a m.]

[1] Filed as a part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52752]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

VOUCHERS; VENDORS' BILLS OF SALE; INVOICES

The form of certification made by the payee on vouchers, vendors' bills of sale, or invoices for purchases or for services other than personal has been revised by Circular Letter No. A-49009, A-51607, dated May 1, 1950, of the Comptroller General of the United States, (29 Comp. Gen. 574), and new standard forms have been prescribed for the public voucher for transportation charges, Government transportation requests, and bills of lading.

Accordingly, § 24.34, Customs Regulations of 1943 (19 CFR 24.34), is amended as follows:

1. Paragraph (a) is amended by substituting the following form of certification for the form of certification appearing therein:

I certify that the above bill is correct and just and that payment therefor has not been received.

2. Paragraph (g) is deleted and paragraph (f) is amended to read as follows:

(f) Vouchers for passenger transportation furnished customs officers or employees on Government transportation requests, standard Form 1139, and vouchers for transportation of freight and express furnished on Government bills of lading, standard Form 1103, issued by customs officers or employees shall be rendered on Public Voucher for Transportation Charges, standard Form 1113, with memorandum copy, standard Form 1113a, to the customs office to be billed as indicated on the transportation request or bill of lading. Charges for freight or express must not be included on the same voucher with charges for passenger transportation. The words "Passenger," "Freight," or "Express" as the case may be should be printed or otherwise placed by the carrier immediately above the title of the voucher form. Original Government bills of lading, standard Form 1103, or transportation requests, standard Form 1139, or certificates in lieu thereof, standard Forms 1108 or 1158, respectively, shall be attached to these vouchers.

(R. S. 161, 251, sec. 22, 28 Stat. 210, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 41 U. S. C. 21)

Comptroller General Circular Letter No. A-49009, A-51607, 5/1/50 (29 Comp. Gen. 574), and General Regulations No. 51, Supplement No. 11, 9/7/50, shall be cited as the marginal reference opposite § 24.34 (a).

General Regulations No. 97-Revised (25 Comp. Gen. 924), General Regulations No. 108 (26 Comp. Gen. 978) and Supplement No. 3-Revised, 5/14/51, shall be cited as the marginal reference opposite § 24.34 (f).

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 15, 1951.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 51-7158; Filed, June 21, 1951; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5845]

PART 411—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE RAILROAD RETIREMENT TAX ACT

USE OF FEDERAL RESERVE BANKS AND AUTHORIZED COMMERCIAL BANKS

On May 8, 1951, notice of proposed rule making, regarding amendments to Regulations 114 (26 CFR Part 411) relating to the payment of employers' tax and employees' tax under the Railroad Retirement Tax Act, was published in the FEDERAL REGISTER (16 F. R. 4256). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 114 set forth below are hereby adopted.

PARAGRAPH 1. Immediately preceding § 411.601, the row of asterisks following the provisions of paragraph (1) of section 3310 (f) of the Internal Revenue Code, added by Treasury Decision 5794, approved July 6, 1950, is striken, and the following provisions of law, being paragraph (2) of such section 3310 (f), are inserted in lieu thereof:

(2) *Use of Government depositaries.* The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the collector.

PAR. 2. Immediately after § 411.605, the following new section is inserted:

§ 411.606a *Use of Federal Reserve banks and authorized commercial banks in connection with payment of employers' tax and employees' tax with respect to compensation paid on or after July 1, 1951*—(a) *In general.* If the amount of employees' tax deducted during a calendar month after June 30, 1951, plus the amount of employers' tax imposed for such month, exceeds $100 in the case of an employer, it will be the duty of such employer to deposit the aggregate amount of such taxes with a Federal Reserve bank. The employer, at his election, may forward the remittance to a commercial bank authorized by the Secretary of the Treasury to accept remittances of the aforementioned taxes for transmission to a Federal Reserve bank. If a portion of the aforementioned taxes for a calendar month is reportable under § 411.601 on the return on Form CT-1 for the tax-return period immediately preceding such month, it will be the duty of the employer to deposit such portion in the same manner as if it were for the last calendar month in such tax-return period, except that no deposit shall be made for a calendar month prior to July 1, 1951.

(b) *Procedure.* The deposit of the taxes for the first or second calendar month of a tax-return period shall be made on or before the fifteenth day after the close of the month for which the deposit is made. The deposit of the taxes for the third calendar month of a tax-return period shall be made on or before the last day of the first calendar month following the close of such period. Each deposit shall be accompanied by a Railroad Retirement Depositary Receipt (Form 515), which shall be prepared in accordance with the instructions applicable thereto. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return on Form CT-1 for the tax-return period with respect to which such deposits are made, in part or full payment of the taxes shown thereon, depositary receipts so validated. If the taxes due for such tax-return period exceed the aggregate amount of the depositary receipts so attached, the employer shall pay to the collector the balance due. If the aggregate amount of such depositary receipts exceeds such taxes, a credit or refund may be obtained; and in the event a credit is taken on the return on Form CT-1 for a subsequent quarter,

the employer shall reduce the amount of the deposit otherwise required under paragraph (a) of this section for one of the months of such subsequent quarter by the amount of such credit.

(c) *Procurement of prescribed form.* Initially, Form 515, Railroad Retirement Depositary Receipt, will so far as possible be furnished the employer by the collector. An employer not supplied with the proper form should make application therefor to the collector in ample time to have such form available for use in making his initial deposit within the time prescribed in this section. Thereafter a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of the identification number to be shown on his depositary receipts. The identification number to be shown by an employer on each depositary receipt should be the same as the identification number required to be shown by the employer on each quarterly return, Form 941, to be filed with the collector pursuant to Regulations 116 (26 CFR Part 405), relating to the collection of income tax at source on wages. The address of the employer, as shown on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(53 Stat. 183, 467; 26 U. S. C. 1535, 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: June 19, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7156; Filed, June 21, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

Part 512 is revised to read as follows:

Sec.
512.1 Clemency.
512.2 Correspondence and visits.

AUTHORITY: §§ 512.1 and 512.2 issued under sec. 2, 38 Stat. 1085, as amended; 10 U. S. C. 1453. Interpret or apply secs. 1, 2, 38 Stat. 1074, 1075, 1085, 1086; 10 U. S. C. 1455, 1457, 1457a, 1457b.

SOURCE: AR 600-830, May 8, 1951, AR 600-345, May 23, 1951, and SR 600-330-1, May 8, 1951.

§ 512.1 *Clemency.* Sentence review, and consideration for clemency and restoration will be in accordance with the provisions of the Manual for Courts Martial (16 F. R. 1303) and paragraphs (a) and (b) of this section.

(a) *Authority to mitigate, remit, and suspend sentences.* (1) Any commanding officer who has immediate authority to appoint for the command in which a person under sentence may be, a court of the kind that imposed the sentence, or any superior military authority, may mitigate, remit, or suspend, in whole or in part, any executed portion of a sentence (including all uncollected forfeitures) adjudged by a court martial, other than a sentence extending to death or dismissal or affecting a general officer, with the following exception: Only the Secretary of the Department or other person designated by him may mitigate, remit, or suspend such sentences in the cases of those persons confined in United States disciplinary barracks or in institutions under the control of The Attorney General.

(2) After being informed of the decision of the Board of Review in a case referred to it, The Judge Advocate General may, prior to taking the action prescribed in paragraph 100c (1), Manual for Courts-Martial 1951 (16 F. R. 1303), mitigate, remit, or suspend in whole or in part any unexecuted portion of a sentence other than a sentence extending to death or dismissal or affecting a general officer (including all uncollected forfeitures) adjudged by a court martial.

(b) *Time of clemency review.* (1) Sentences adjudged by courts martial or other military tribunals which involve dismissal, dishonorable or bad-conduct discharge, and confinement will be reviewed for clemency wherever the prisoner is confined as follows:

(i) In cases in which the sentence to confinement is less than 8 months, as soon as practicable.

(ii) In cases in which the sentence to confinement is 8 months or more and less than 2 years, not earlier than 4 months nor later than 6 months from the date the sentence to confinement became effective, and annually thereafter.

(iii) In cases in which the confinement is 2 years or more, not earlier than 6 months nor later than 8 months from the date the sentence to confinement became effective, and annually thereafter.

(iv) In any case at any time prior to completion of the sentence, upon recommendation of appropriate authority for cause.

NOTE: The date on which the initial clemency review is due will be extended by any inoperative time.

(2) In addition to the reviews for clemency otherwise required, written application for a special clemency review, setting forth a basis for the application and containing sufficient grounds for further clemency review, may be made by the prisoner or in behalf of the prisoner, and forwarded through channels to the appropriate convening authority having court-martial jurisdiction if the prisoner is confined in a place other than a disciplinary barracks or Federal institution. If the prisoner is confined in a disciplinary barracks or Federal institution, such application will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C.

(3) A prisoner released on parole or conditionally released will be considered annually for clemency until expiration of the full term of his sentence or sentences without credit for abatements.

§ 512.2 *Correspondence and visits—*(a) *Authorized correspondents and visitors.* No limitations will be imposed as to the number of persons who may be approved for the purpose of visiting or corresponding with a prisoner. The prisoner's wife, children, parents, brothers, and sisters should be approved uniformly unless disapproval is required in the interest of safe administration or the prisoner's welfare. Other persons may be approved as correspondents and visitors when this appears to be in the best interest of the prisoner.

(b) *Mail.* (1) Incoming and outgoing mail will be inspected.

(2) Restrictions will not be placed on the number of letters to or from authorized correspondents, except as necessary for security and control, prevention of unreasonable individual excesses, or to prevent delays in processing mail. Normally, sentenced prisoners will be permitted to write at least two letters each week and to receive all incoming letters from authorized correspondents. Mail privileges for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Letters to members of Congress, to Federal officials, to higher military authority, or to inspectors general, and correspondence regarding legal matters in which the prisoner has a legitimate interest, will be forwarded to the addressee subject to inspection. Other special purpose correspondence may be permitted in the discretion of the commanding officer. Letters containing accusations, charges, or complaints will be forwarded through proper channels to officials who have the authority to correct the complaints or alleged wrongs.

(3) Vulgar or obscene language or any violations of postal laws will not be permitted.

(4) Postage for all authorized mail will be furnished as a regular item of the health and comfort issue and will be provided from the $3 monthly health and comfort allowance. Prisoners will not be permitted to have postage stamps in their personal possession.

(c) *Visits.* (1) Restrictions on the number and length of visits and on the number of authorized persons permitted to visit at any one time will be limited to those which are necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities. Normally, sentenced prisoners should be permitted to receive visits of 1 to 2 hours' duration on non-workdays (weekends and holidays) at least twice monthly. However, in determining the need for exceptions, consideration should be given to the distance traveled by visitors, the frequency of visits, and other pertinent factors. Visits for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Reasonable exceptions as to time and length of visits will be made for attorneys to interview their clients regarding pending legal affairs.

(2) All visits to prisoners will be supervised for custodial purposes.

(d) *Other.* The receiving of articles other than correspondence may be authorized by commanding officers. Telegraphic communications may be authorized only when warranted by existing circumstances. Telephone calls to or by prisoners, at the expense of the caller will be permitted only in emergencies when no other means of communication will suffice, will be monitored, and will be limited to the emergency subject.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 51-7153; Filed, June 21, 1951; 8:51 a. m.]

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

BURIAL EXPENSES

In § 536.51, subdivision (iv) of paragraph (a) (2) is rescinded, subdivisions (i) and (ii) (*a*) and (*b*) of paragraph (a) (6) are revised, subparagraph (5) of paragraph (b) is revised, and subparagraph (2) of paragraph (f) is revised, as follows:

§ 536.51 *Expenses allowable—*(a) *For personnel of the Army of the United States and Regular Army (§ 536.50 (a) and civilian employees of the Department of the Army described in § 536.50 (c) (1) and (2).* * * *

(2) *Transportation.* * * *

(iv) *Reimbursement for transportation costs when remains are shipped to next of kin prior to interment in a national or post cemetery.* [Rescinded.]

* * * * *

(6) *Interment expenses.* * * *

(i) *Interment in a private cemetery.* When remains are shipped to a funeral director selected by the next of kin and subsequently interred in a private cemetery, an interment allowance not to exceed $125 is authorized. Relatives are responsible for paying the bill of the receiving funeral director. Upon request, the Government will reimburse the person who paid iterment expenses for such expenses up to but not in excess of $125; any expenses over and above this amount must be borne by the person who incurred the expenses. A certificate signed by the person who paid the expenses, showing the total amount of interment expenses actually paid and the name and location of the cemetery in which interment was made should be submitted by such person to the purchasing and contracting officer who arranged for shipment of the remains. The purchasing and contracting officer, upon receipt of such certificate, will place it in line for payment by the disbursing officer.

(ii) *Interment in a national or post cemetery.* (*a*) When remains are shipped to a funeral director selected by the next of kin and subsequently interred in a national or post cemetery, relatives are responsible for paying the bill of the receiving funeral director. Upon request, the Government will reimburse the person who paid any expenses incurred prior to interment for such expenses up to but not in excess of $75; any expenses over and above this amount must be borne by the person who incurred the expenses. A certificate signed by the person who paid the expenses, showing the total amount of expenses actually paid and the name and location of the cemetery in which interment was made, should be submitted by such person to the purchasing and contracting officer who arranged for shipment of the remains. The purchasing and contracting officer concerned, upon receipt of such certificate, will place it in line for payment by the disbursing officer.

(*b*) When remains are shipped direct to a national or post cemetery for interment, superintendents of national cemeteries or commanding officers of post cemeteries will make all necessary arrangements for receiving the remains at a common carrier terminal and for transporting them to the national or post cemetery, including necessary personnel to handle the casketed remains and storage, if required. Government facilities will be used if available; otherwise services will be obtained in each individual case as required unless there is a contract in effect which was awarded under Army Regulations. The funeral director rendering any of the services called for will be required to submit a properly certified itemized invoice to the national cemetery superintendent or commanding officer of the post cemetery concerned, who will place thereon the following certification, and then forward it to the appropriate Army purchasing and contracting officer for processing and payment: "I certify that the services itemized on this invoice have been satisfactorily rendered."

* * * * *

(b) *For components other than the Regular Army (§ 536.50 (b)).* * * *

(5) Interment expenses as provided in paragraph (a) (6) of this section.

* * * * *

(f) *For military prisoners.* * * *

(2) Interment at the place of death or, if remains are released to an individual for interment, interment expense as provided in paragraph (a) (6) (i) of this section.

[C 6, AR 30-1830, 4 June 1951] (R. S. 161; 5 U. S. C. 22. Interprets or applies 45 Stat. 251, as amended, secs. 2-5, 52 Stat. 398, 399; 10 U. S. C. 916, 916 a-d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 51-7154; Filed, June 21, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 11]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXEMPTION OF CERTAIN PAPER GIFT DRESSINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (16 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 11 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from Ceiling Price Regulation 22 certain decorative paper gift dressings by placing these products in Appendix A. This exemption will apply only to those commodities produced for over-the-counter sale during the year 1951.

The principal outlet for this industry is the syndicate or variety store. Manufacturers' prices are adjusted by varying the number of units included in a package in order to maintain the established system of retail pricing at 5¢, 10¢, 15¢, 25¢ and $1.00. Preparation for a Christmas season, for example, customarily begins from 18 to 27 months in advance of the period by designing lay-outs, art work, and color schemes, following which dies and plates are ordered. Prices, design and count usually are established with major buyers in the month of June, which is 18 months prior to the applicable season. The manufacture, including marking and packaging, is started immediately thereafter in July and August, and catalogues publish the offering prices the following December, an entire year before the intended use of the product by the ultimate consumer.

To calculate new prices for these commodities under the provisions of CPR-22 would impose an insurmountable burden on manufacturers. While the effect of such calculations are not specifically known, the Office of Price Stabilization has been advised that a price variation of each style package might occur either forward or backward, of ¼ or ½ cent, and in either event there would be no practicable method of conforming with the new ceiling prices except by repackaging the commodities in new containers and reprinting the retail prices. The cost of so doing plus the time element, the republication of price catalogues and the uneven price results that will occur sufficiently warrant the continuation of the old pricing practices for the remainder of the year 1951.

It should also be pointed out that at least 75 percent of the estimated production for 1951 had been completed prior to the General Ceiling Price Regulation. An insistence upon a charge under CPR 22 causing dissimilar prices and uneven counts in identical packages for the remainder of the production would not be feasible. These commodities are not cost-of-living items and would have no important adverse effect upon the defense effort.

So-called Christmas greeting and other similar special occasion cards are not included within this exemption.

For these reasons the Director of Price Stabilization finds that exempting sales for the year 1951 only is necessary to prevent hardship and inequities, and is not inconsistent with the objectives of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by adding a new paragraph (gg) to Appendix A to read as follows:

(gg) Decorative paper gift dressings produced for over-the-counter sale for special occasions during 1951, including but not limited to enclosure cards, tags, seals, plain and printed gift wrap papers, labels and gift money envelopes, which are usually but not necessarily pre-packaged, and usually but not necessarily bear printed price and count identification on the package. Not included are so-called Christmas and similar special occasion greeting cards.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment to Ceiling Price Regulation 22 shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7235; Filed, June 21, 1951; 10:58 a. m.]

[Ceiling Price Regulation 46]

CPR 46—COPPER SCRAP AND COPPER ALLOY SCRAP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), and in accordance with Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation No. 46 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for copper scrap and copper alloy scrap.

Copper scrap and copper alloy scrap are important as a source of metals ultimately utilized in a wide range of products important to the national defense program and the civilian economy. Copper refineries and smelters use scrap to supplement their supply of primary metal and ordinarily about one-fourth of their output is derived from such material. Brass and bronze ingot manufacturers depend upon scrap as their principal raw material, using primary metal only as a means of obtaining ingot with the desired combination of metals. Although nonferrous foundries generally produce their castings from brass or bronze ingot, some large foundries consume scrap directly.

The various grades of copper scrap and copper alloy scrap ordinarily sell at prices somewhat below the value of the constituent metals and it is through this spread that the copper refineries and ingot manufacturers are able to recover their costs and earn a profit on their operations. The grades of copper scrap having a high copper content ordinarily sell at a relatively small and uniform differential below the prevailing price for primary metal while the poorer grades sell at lower prices either because they have less intrinsic metal value or because of the cost involved in processing them into higher grade material. The prices for copper alloy scrap, on the other hand, fluctuate more widely in response to changes in the supply or demand for ingot. In the period preceding the outbreak of the Korean crisis, the price for copper scrap reflected the differential below the price of new metal which had prevailed for two or three years while the prices for copper alloy scrap were somewhat depressed, in terms of the value of constituent metals, because ingots were in relatively good supply as the result of shipments from abroad.

Following the outbreak of hostilities in Korea and as a result of the increased demand arising out of our defense program, prices for all grades of copper scrap and copper alloy scrap rose disproportionately in the period between June 24, 1950 and January 26, 1951, and by the time the General Ceiling Price Regulation was issued on January 26, 1951, they bore little or no relation to the value of metal content measured in terms of the prevailing prices for new metal. Thus during the base period described in that regulation (December 19, 1950, to January 25, 1951) a considerable volume of copper scrap was sold at 30 cents or more per pound even though the prevailing price for electrolytic copper was only 24½ cents per pound.

This abnormal price relationship, reflected in ceiling prices established by the General Ceiling Price Regulation, has resulted in serious distortion in the normal flow of scrap and has caused hardship to some producers. These circumstances, and the accompanying confusion among both buyers and sellers, constitutes a serious threat to the continued output of needed civilian items and materials and equipment essential to our defense program.

The ceiling prices established in this regulation are designed to correct this situation by rolling back the prices for scrap. The ceiling prices established for No. 1 heavy copper and copper wire, containing a minimum of 98.5 percent copper, is 19.25 cents per pound or approximately 80 percent of the prevailing price (24½ cents per pound) for domestic electrolytic copper. This reflects the differential which existed in the pre-Korea period and the ceiling prices for other grades of copper scrap are established at corresponding levels.

The ceiling prices for copper alloy scrap, on the other hand, are established at levels which reflect differentials below the prevailing prices for new metals which existed during periods of high, but not abnormal, industrial activity. Although these differentials are somewhat lower than those which existed in the period preceding the Korea outbreak, they are considered necessary not to prevent the flow of copper alloy scrap into channels where it can be most economically used. Copper refiners who recover only the copper content of scrap ordinarily are unable to compete for copper alloy scrap with brass and bronze ingot manufacturers because the products of such manufacturers contain, in addition to copper, the other metals (tin, lead, and zinc) present in such alloy materials, and consequently they are able to pay higher prices. If under existing conditions of shortage ceiling prices for copper alloy scrap were set at too low a level, copper refiners would be in a position to use such material and important quantities would be diverted from consumers who can utilize it most economically.

Although there does not appear to have been any trade practice in the marketing of copper scrap and copper alloy scrap insofar as quantity premiums are concerned, it does appear that sellers ordinarily are able to obtain some premium in connection with the sale of relatively large lots of such material. In recognition of this fact and to encourage the accumulation and distribution of needed supplies, the regulation establishes appropriate quantity premiums. Similarly preparation premiums have been provided to encourage the flow of scrap to foundries in a form acceptable for direct use.

Copper scrap and copper alloy scrap cannot be exported without specific authorization from the Office of International Trade, but it is considered appropriate to permit an exporter who receives such authority to charge a premium to compensate him for the added risk involved in this type of transaction. A packing and preparation premium for export shipments has also been provided, but it may be charged only when such operations are performed by a person other than the exporter and the latter may pass on only the amount which he pays for such packing or preparation.

This regulation applies to all sales of copper scrap and copper alloy scrap by industrial producers, railroads, and government agencies; to sales by any person to a consumer, a dealer affiliated with a consumer, and to exporters; and to sales by importers and exporters. Transactions between dealers who are not affiliated with consumers have been exempted from all price control. Substantial quantities of copper scrap and copper alloy scrap enter the market through a large number of relatively small dealers who obtain such material from many different sources and sell it to larger dealers who accumulate scrap in quantities which can be sold to consumers. Because of these circumstances and the fact that the provisions of this regulation require that ceiling prices be determined on the basis of the copper and other metallic content it would be extremely difficult to achieve compliance in such dealer-to-dealer transactions and the administrative burdens involved would be incommensurate with the benefits derived.

Although representatives of certain segments of the industry have recommended that the coverage of the regulation be limited to sales to consumers and that all sales to dealers be exempted from price control, it is believed that such action would be detrimental to the stabilization program. Large quantities of copper scrap and copper alloy scrap are sold by industrial producers, railroads, and governmental agencies and because such sellers can readily ascertain the material from which their scrap is generated they will have little difficulty in determining ceiling prices under the regulation.

If no price controls were imposed upon material from these sources when sold to dealers, it is likely that under existing conditions prices for such transactions would rise substantially. It has been urged that the imposition of ceiling prices upon sales to consumers would prevent dealers from paying more for scrap than they could afford, but experience has shown that a limitation upon the price at which a dealer may resell scrap does not operate as an effective check upon the price which he is willing to pay. In all likelihood, dealers bidding against each other for material which is in extremely short supply would raise the level of prices to the point where they would be unable to obtain adequate margins and this would lead to pressure for higher ceiling prices on sales to consumers and to attempt to make up losses by resort to tie-in transactions and other evasive practices. Furthermore, some quantities of scrap customarily move directly from industrial producers, railroads, and government agencies to consumers and if dealers and consumers were not placed on an equal footing in purchasing such material, it would be diverted from the normal channels of distribution. Since some consumers also act as dealers, either directly or through affiliated organizations, it is considered necessary to limit the prices at which their affiliated dealers may purchase scrap from industrial producers, railroads, or government agencies in order to prevent them from having an undue advantage in obtaining such materials.

In order to avoid undue hardship upon dealers, the regulation permits, for 14 days, deliveries at prices in excess of ceiling prices in order to carry out contracts entered into before the issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by, or was in transit to, the seller. Although the time allowed for contract completion in this regulation is shorter than the 30 day period allowed for nickel scrap by Ceiling Price Regulation 29 and longer than the 7 day period allowed for zinc scrap by Ceiling Price Regulation 43, the distinction is justified by the different considerations which affect each of these materials. The 30 day period for nickel scrap was allowed because certain quantities are imported, but such an extended period is unnecessary in the case of copper scrap and copper alloy scrap since little of such material comes from sources outside of the United States. On the other hand, considerable quantities of copper scrap and copper alloy scrap which require processing and sorting move through dealers and a 7-day period like that allowed for zinc scrap (most zinc scrap requires no preparation and moves directly from generator to consumer) would be insufficient to permit a dealer to handle material which may be in transit to him at the time the regulation is issued and which he purchased at prices in excess of the ceiling prices established by this regulation to fulfill a contract with his customer. It is believed that the period allowed by this regulation for contract completion will be sufficient to protect dealers against undue loss in this connection.

Some railroads have agreements, of many years standing, with certain foundries whereby these foundries will take the scrap railroad castings from the roads and use them to produce new castings under an agreed conversion charge. Since this is an economical use of the metal which involves no actual sale and since the conversion charge is regulated under the General Ceiling Price Regulation, these railroad scrap conversion transactions are exempted under this regulation.

In the judgment of the Director of Price Stabilization, the provisions of Ceiling Price Regulation 46 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating Ceiling Price Regulation 46, the Director consulted with representatives of the industry affected to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of Ceiling Price Regulation 46 and their effect upon business practices, cost practices, or means or aids to distribution in the industry have also been considered. To the extent that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Products covered by this regulation.
2. Transactions covered by this regulation.
3. Persons covered.
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8. General pricing provisions.
9. Ceiling base prices.
10. Quantity premiums.
11. Preparation premiums for sales of prepared scrap to any person other than a copper refiner or brass or bronze ingot manufacturer.
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14. Definitions.
15. Excise, sales, and similar taxes.
16. Record-keeping requirements.
17. Penalties.
18. Petitions for amendment.

AUTHORITY: Sections 1 to 18 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Products covered by this regulation.* This regulation establishes ceiling prices for all grades of copper scrap and copper alloy scrap. Copper scrap or copper alloy scrap does not include:

(a) Cupro-nickel scrap, other than copper-nickel solids and borings;

(b) Brass mill scrap. Such scrap includes all kinds and grades of nonferrous scrap materials which are the waste or by-product of any kind of fabrication of new sheet, tube, wire, rod or other brass mill products; uncontaminated, fired or demilitarized brass cartridge and artillery cases; and any new sheet, tube, wire, rod or other brass mill products sold for remelting purposes, whether such products are in the form originally sold by the brass mill or have been further fabricated, processed, altered or assembled. Brass mill scrap does not include, however, any material which meets the foregoing requirements but which is unsuitable for brass mill use.

(c) Copper-bearing material, such as ashes, skimmings, buffings, grindings, spatters, washings, mud and all similar residues containing copper, and irony brass or similar material which does not meet the specifications herein for any grade of copper scrap or copper alloy scrap.

SEC. 2. *Transactions covered by this regulation.* (a) This regulation applies to the following transactions:

(1) All sales of copper scrap or copper alloy scrap by an industrial producer, railroad, or governmental agency (whether Federal, State, or local) except as set forth in paragraph (b) (2) of this section;

(2) Sales and deliveries of copper scrap and copper alloy scrap by any person to a consumer, a dealer affiliated with a consumer, or an exporter;

(3) Sales and deliveries of copper scrap and copper alloy scrap by an importer or exporter.

(b) This regulation does not apply to the following transactions:

(1) Sales and deliveries of copper scrap and copper alloy scrap to a dealer by any person except an industrial producer, railroad, governmental agency, a consumer, a dealer affiliated with a consumer, an importer or an exporter.

(2) Sales and deliveries of copper scrap and copper alloy scrap in connection with the conversion of railroad scrap.

(c) For the purposes of this section the term "Conversion of railroad scrap" means a transaction, consummated pursuant to a written agreement, in which all of the following conditions are satisfied:

(1) A person owning, operating, or maintaining railroad rolling stock sells or delivers to a foundry copper scrap or copper alloy scrap generated from such person's use or processing of castings or other products of the type produced by the foundry;

(2) The foundry converts copper scrap or copper alloy scrap into castings or

other products of the type from which the scrap was generated; and

(3) The foundry returns to the person from whom it obtained such scrap an equivalent amount of castings or other products of the type from which the scrap was generated.

SEC. 3. *Persons covered.* This regulation applies to any person who engages as a seller in any of the transactions covered by this regulation. It also applies to any person who in the regular course of trade or business buys or receives copper scrap or copper alloy scrap from such seller.

SEC. 4. *Geographical applicability.* This regluation applies in the forty-eight States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 5. *Exemptions.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all transactions described in section 2 (b) of this regulation are exempt from price control.

SEC. 6. *Prohibitions* — (a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in section 7 of this regulation), on and after the effective day of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any copper scrap or copper alloy scrap at a price in excess of the applicable ceiling price set forth in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell copper scrap or copper alloy scrap on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person covered by this regulation who buys copper scrap or copper alloy scrap in the regular course of trade or business shall participate in any such tie-in transaction.

(c) *Against evasion.* No person covered by this regulation shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery or transfer of copper scrap or copper alloy scrap, alone or in conjunction with any other product, or by way of any commission, service, transportation, or other charge, or discount, premium, or other trade understanding or otherwise.

SEC. 7. *Permission to carry out certain prior contracts.* Regardless of any provisions of this regulation, until July 10, 1951, any person covered by this regulation may deliver copper scrap or copper alloy scrap at a price in excess of the applicable ceiling price established herein in order to carry out any contract entered into before June 21, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before June 21, 1951, it was received by, or was in transit to, the person making delivery.

SEC. 8. *General pricing provisions*— (a) *Pricing basis.* Section 9 of this regulation sets forth ceiling base prices for various grades of copper scrap and copper alloy scrap. Sections 10, 11 and 12 of this regulation set forth certain premiums which may be charged, when applicable, in addition to the ceiling base prices.

The ceiling base prices in section 9 of this regulation apply f. o. b. point of shipment, but the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the ceiling delivered price set forth in section 13 of this regulation.

When copper scrap or copper alloy scrap is sold on a "where is" basis, the applicable ceiling base price in section 9 must be reduced by an amount no less than the cost to the buyer of loading such material on the conveyance in which it is transported to the buyer's receiving point.

(b) *Mixed shipments.* When grades of copper scrap and copper alloy scrap having different ceiling prices under the provisions of this regulation are shipped in one vehicle, the ceiling price for the entire shipment shall be the ceiling price applicable to the lowest priced grade contained therein unless each grade is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

SEC. 9. *Ceiling base prices.* The ceiling base price, f. o. b. point of shipment, for each grade of copper scrap or copper alloy scrap listed in Table A is the applicable price set forth in that table.

Payment shall be made on the basis of the weight and classification of material determined at the buyer's receiving point.

Unless otherwise specified in Table A, borings and turnings shall be classified on the basis of button analysis in accordance with accepted laboratory standards and payments shall be computed on the basis of the wet or natural analysis. Solids shall be classified on the basis of analysis in accordance with accepted laboratory standards.

The following deductions, when applicable, must be made in the applicable price set forth in Table A:

(a) For each grade preceded by an asterisk, a deduction of not less than .25 cents per pound for each .10 percent or fraction thereof of the following impurities, singly or combined: Antimony, alloyed iron, aluminum, silicon, and manganese;

(b) For copper alloy borings and turnings containing more than 3 percent free iron which can be removed by magnetizing, a deduction of not less than .15 cents per pound for each 1 percent or fraction thereof of iron in excess of 3 percent;

(c) Borings and turnings containing more than 10 percent free iron or containing any free iron which cannot be removed by magnetizing shall be classified as refinery brass if they meet the specifications set forth in Table A for that grade.

TABLE A

GROUP I. COPPER SCRAP AND REFINERY BRASS

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
No. 1 heavy copper and No. 1 copper wire.	Consists of unalloyed clean, unsweated copper wire, copper cable, and pieces, having a copper content of not less than 98.5 percent. Must be free of wire and cable smaller than 16 B & S wire gauge; ashy wire and cable; burnt wire and cable which is brittle; and brazed, soldered, tinned, plated and painted material.	19.25 For No. 1 heavy copper, a deduction of not less than 0.25 cent per pound must be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length.
No. 2 copper wire and mixed heavy copper.	Consists of copper wire, cable and pieces having a copper content of not less than 95 percent. Must be free of silicon bronze, aluminum bronze, and copper-nickel alloys.	17.75 For mixed heavy copper, a deduction of not less than 0.25 cent per pound must be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length. For copper content less than 96 percent a deduction of not less than 0.242 cent per pound must be made. For copper content in excess of 96 percent an addition of 0.242 cent per pound may be made for each 1 percent or fraction thereof of copper in excess of 96 percent.
Copper tuyeres	Consists of copper tuyeres, including Bosh plates.	17.50 A deduction of not less than 0.242 cent per pound must be made for each 1 percent or fraction thereof of adhering iron and non-metallics in excess of 5 percent.
Light copper	Consists of miscellaneous copper having a copper content of not less than 90 percent. Must be free of radiators, gaskets, bronze and brass screens, and electrotype shells.	16.50 For copper content less than 92 percent, a deduction of not less than 0.242 cent per pound must be made for each 1 percent or fraction thereof of copper below 92 percent. For copper content in excess of 92 percent, an addition of 0.242 cent per pound may be made for each 1 percent or fraction thereof of copper in excess of 92 percent.
No. 1 copper borings	Consists only of unalloyed copper borings and turnings, having a copper content of not less than 98.5 percent. Must be free of all other material and contamination other than free iron, oil, moisture and nonmetallics.	19.25

TABLE A—Continued

GROUP II. COPPER ALLOY SCRAP—Continued

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
*High lead bronze solids and borings.	Must have a copper content of not less than 70 percent, a tin content of not less than 2 percent and a zinc content of not more than 4 percent. May not contain more than 0.50 percent antimony, 0.50 percent alloyed iron, 0.50 percent aluminum, silicon, and manganese combined.	19.25 cents per pound of copper content plus 84 cents per pound of tin content. In the case of shipments of less than 10,000 pounds, a flat price of 20 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification. 19.50
Soft red brass solids (No. 1).	Consists of clean red brass castings having a copper content of not less than 82 percent and a tin content of not less than 4 percent.	19.25 cents per pound of copper content plus 84 cents per pound of tin content.
*Soft red brass borings (No. 1 composition borings).	Must have a copper content of not less than 77 percent, a tin content of not less than 3 percent, and a lead content of not more than 6 percent. May not contain more than 0.35 percent antimony, 0.35 percent alloyed iron, 0.35 percent aluminum, 0.35 percent silicon, and silicon combined.	19.25 cents per pound of copper content plus 78 cents per pound of tin content.
*Mixed brass borings.	Must have a copper content of not less than 70 percent and a tin content of not less than 2 percent. May not contain more than 0.35 percent antimony, 0.35 percent alloyed iron, 0.35 percent aluminum, manganese, and silicon combined.	
Copper-nickel solids and borings.	Consists of solids, borings, and turnings having a copper content of not less than 95 percent, balance nickel.	17.75
Bronze paper mill wire cloth.	Consists of bronze Fourdrinier wire cloth and screen, having a copper content of not less than 87 percent, a tin content of not less than 3 percent, and a lead content of not more than 1 percent.	21.50
Ford aluminum bronze gears.	Consists of clean aluminum bronze Ford gears	18.25
Aluminum bronze solids.	Consists of aluminum bronze solids, other than Ford gears.	17.25 cents per pound of dry copper content for material having a dry copper content in excess of 60 percent. 17 cents per pound of the dry copper content for material having a dry copper content of 50 to 60 percent, inclusive. For shipments of less than 10,000 pounds a deduction of $15 per shipment must be made.
Contaminated shilling metal solids and borings.	Must have a copper content of not less than 83 percent.	17.25
Unlined standard rod car boxes.	Consists of clean standard unlined railroad boxes free of yellow boxes and iron-backed boxes.	19.25
Lined standard rod car boxes.	Consists of clean standard lined railroad boxes free of yellow boxes and iron-backed boxes.	18.25
Cocks, faucets, and fittings.	Consists of clean mixed red and yellow cast cocks and faucets, red hose couplings, and mixed red and yellow brass valves. The cocks and faucets must contain a minimum of 85 percent red cocks and faucets, and must be free of zinc die cast cocks and faucets.	16.75
Mixed brass screens	Consists of all clean copper and brass screens, other than bronze paper mill wire cloth, having a copper content of not less than 75 percent.	16.00
Zinney bronze solids and borings.	Must have a copper content of not less than 78 percent. Must not contain more than 2 percent impurities (including lead and tin). Balance zinc.	16.25

TABLE A—Continued

GROUP II. COPPER ALLOY SCRAP—Continued

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
No. 2 copper borings	Consists of copper borings and turnings having a lead content of not less than 0.6 percent. Must be free of aluminum bronze borings and copper-nickel alloy borings.	17.75 For copper content less than 96 percent, a deduction of not less than 0.242 cent per pound must be made for each 1 percent or fraction thereof of copper below 96 percent. For copper content in excess of 96 percent, an addition of 0.242 cent for each 1 percent or fraction thereof of copper in excess of 96 percent may be made. The ceiling price is the sum of: the ceiling price set forth in this table for the copper scrap content; plus the ceiling price for tin content; minus 0.75 cent per pound of material.
Lead-covered copper wire and cable.	Consists of tinned and unfinned copper wire and cable covered with a sheathing of lead. May contain rubber, jute, cotton, and/or paper insulation, but must be free of steel armored and other metallically armored material.	
Insulated copper wire and cable.	Consists of tinned and unfinned copper wire, cable and pieces covered with rubber, plastic, paint, enamel, fabric, and other insulation. Must be free of steel-armored and other metallically armored material, asbestos covering, and porcelain.	The ceiling price is the ceiling price set forth in this table for the copper scrap content, minus 0.75 cent per pound of material.
Refinery brass	Consists of any copper scrap which has a dry copper content of 50 percent or more but which fails to meet the specifications for any other grade of copper scrap set forth in this table.	17.25 cents per pound of dry copper content for material having a dry copper content in excess of 60 percent. 17 cents per pound of the dry copper content for material having a dry copper content of 50 to 60 percent, inclusive. For shipments of less than 10,000 pounds a deduction of $15 per shipment must be made.

GROUP II. COPPER ALLOY SCRAP

All moisture, oil, grease, free iron, dirt, pith and other non-metallics must first be deducted before determining the weight of any of the following grades of scrap for pricing purposes

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Bellmetal	Must have a copper content of not less than 80 percent, a tin content of not less than 20 percent, and a lead content of not more than 1 percent.	36.25
High grade bronze gears.	Must have a copper content of not less than 87 percent, a tin content of not less than 9 percent, and a lead content of not more than 1 percent.	29.75
*Tinny phosphor bronze solids and borings.	Must have a copper content of not less than 88 percent, a tin content of not less than 7.5 percent, a lead content of not more than 1 percent. Combined silicon, manganese, and aluminum must not exceed 0.10 percent.	29.25 cents per pound of copper content plus 123 cents per pound of tin content. In the case of shipments of less than 5,000 pounds, a flat price of 22.25 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.
*High grade low lead bronze solids and borings.	Must have a copper content of not less than 75 percent, a tin content of not less than 5 percent and a lead content of not more than 0.40 percent. May not contain more than 0.50 percent aluminum, manganese, iron, or 0.35 percent aluminum, manganese, and silicon combined.	For material with a lead content of 1.01 percent to 2 percent: 19.75 cents per pound of copper content plus 110 cents per pound of tin content. For material with a lead content of 2.01 percent to 3 percent: 19.25 cents per pound of copper content plus 100 cents per pound of tin content. In case of shipments of less than 5,000 pounds, a flat price of 21.25 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.
*High grade low lead bronze solids and borings.	Must have a copper content of not less than 86 percent, a tin content of not less than 4 percent, and a lead content of not more than 1 percent. May not contain more than 0.50 percent aluminum, manganese, iron, or 0.35 percent aluminum, manganese, and silicon combined.	For material with a lead content of 1 percent or less: 20.25 cents per pound of copper content plus 123 cents per pound of tin content. For material with a lead content of 1.01 percent to 2 percent: 19.75 cents per pound of copper content plus 110 cents per pound of tin content. For material with a lead content of 2.01 percent to 3 percent: 19.25 cents per pound of copper content plus 100 cents per pound of tin content. In case of shipments of less than 5,000 pounds, a flat price of 21.25 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.

TABLE A—Continued

GROUP II. COPPER ALLOY SCRAP—continued

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Red brass breakage (irony composition).	Consists of irony red brass castings, including red brass carburetors, free of aluminum and zinc die cast attachments. May not contain more than 10 percent adhering iron.	16.25
Automobile radiators..	Consists of mixed copper and brass unsweated automobile and truck radiators.	15.50
Nickel silver solids and turnings.	Consists of nickel silver having a minimum copper content of 55 percent and minimum nickel content of 8 percent. Must be free of stainless steel and all foreign material.	14.25
*Copper lead solids and borings.	Must have a copper content of not less than 40 percent. Must not contain more than 1 percent antimony and 1 percent other impurities combined. Balance lead.	14.00
Heavy yellow brass solids.	Consists of clean yellow brass solids free of silicon bronze, aluminum bronze, manganese bronze, and iron.	14.00
Yellow brass borings..	Consists of yellow brass borings. May not contain more than 0.25 percent antimony, 0.50 percent alloyed iron, and 0.35 percent aluminum, manganese, and silicon combined.	13.00
Manganese bronze propellers.	Consists of clean manganese bronze propellers having a minimum copper content of 55 percent and a maximum lead content of 0.40 percent.	16.75 A deduction of not less than 1 cent per pound must be made for the weight of material exceeding 3½ feet in any dimension.
Manganese bronze solids.	Consists of clean manganese bronze solids, having a minimum copper content of 55 percent and a maximum lead content of 0.40 percent. Must be free of aluminum bronze, silicon bronze and adhering iron.	15.50 A deduction of not less than 1 cent per pound must be made for the weight of material exceeding 3½ feet in any dimension.
Manganese bronze borings.	Shall consist of borings, turnings and chips having a copper content of not less than 55 percent and a lead content of not more than 0.40 percent. Must be free of aluminum bronze and silicon bronze.	14.75
Fired rifle shells.....	Consists of contaminated fired rifle shells free of gun powder, bullets, and iron.	18.25
Brass pipe.....	Consists of brass pipe and tubing free of Muntz metal, Admiralty tubing, soldered, tinned, plated, corroded, and aluminum-painted material, and material with cast brass connections.	16.50
Admiralty condenser tubes.	Consists of clean sound Admiralty condenser tubing, plated or unplated, free of nickel, silver, cupro-nickel, and corroded material.	15.50
Muntz metal condenser tubes.	Consists of sound Muntz metal condenser tubes, plated or unplated. Must be free of nickel silver, cupro-nickel, and corroded material.	15.25
Old rolled brass.....	Consists of old sheet brass free of soldered, tinned, plated, corroded and aluminum-painted material, and free of Muntz metal.	15.50
Plated rolled brass sheet, pipe and reflectors.	Consists of clean plated brass sheet, pipe, tubing, and reflectors. Must be free of Muntz metal, Admiralty tubing, soldered, tinned, corroded, and aluminum-painted material, and material with cast brass connections.	15.25

SEC. 10. *Quantity premiums.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a quantity premium may be charged in accordance with the provisions of this section.

No quantity premium may be charged for any scrap for which a preparation premium is charged in accordance with section 11 of this regulation.

(a) *Delivery period.* The applicable quantity premium set forth in Table B below may be charged if the seller delivers, within a period of three calendar days (excluding Saturdays, Sundays, and holidays), the specified quantity of material (1) to a public carrier for transportation to the buyer, (2) to the buyer at his receiving point by a carrier owned or controlled by the seller, or (3) upon a conveyance owned or controlled by the buyer. The amount of material delivered during any one day may be counted only once in determining whether a quantity premium may be charged and paid.

TABLE B

Quantity	Premium (cents per pound)
40,000 pounds or more of either Group I or Group II material, singly or combined	1¼
60,000 pounds or more of either Group I or Group II material	1¾

(b) *Determination of weight.* Whether a delivery or series of deliveries qualifies for a quantity premium shall be determined on the basis of the weight of the scrap (or in the case of Refinery Brass, the pounds of dry copper content) determined at the buyer's receiving point and the following shall be deducted from the total weight of the material delivered:

(1) The weight of all containers, dunnage, and other tare;

(2) The weight of insulation on insulated copper wire and cable;

(3) The weight of all material which is not copper scrap or copper alloy scrap;

(4) The weight of all copper scrap and copper alloy scrap for which a preparation premium is charged in accordance with section 11 of this regulation.

SEC. 11. *Preparation premiums for sales of prepared scrap to any person other than a copper refiner or brass or bronze ingot manufacturer*—(a) *Ordinary preparation.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a preparation premium may be charged in accordance with the provisions of this paragraph.

The premiums set forth in Tables C and D may be charged only for scrap sold to a person who is not a copper refiner or a brass or bronze ingot manufacturer. Such premiums may be charged only for:

(1) Solids in crucible shapes or briquettes; and

(2) Borings which have been demagnetized and do not contain more than 0.25 percent free iron.

TABLE C

The premiums set forth herein apply to deliveries in any quantity:

Grade of Scrap	Premium (cents per pound)
No. 1 heavy copper and No. 1 copper wire	3.75
No. 2 copper wire and mixed heavy copper	3.50
No. 1 copper borings	2.50
High grade low lead bronze solids	3.25
High grade low lead bronze borings	2.50
High lead bronze solids	3.25
High lead bronze borings	2.50
Soft red brass solids	3.25
Soft red brass borings	2.50
Unlined standard red car boxes	2.50
Cocks, faucets and fittings	3.00
Heavy yellow brass solids	3.25
Yellow brass borings	2.50
Manganese bronze propellers	3.25
Manganese bronze solids	4.00
Aluminum bronze solids	4.00

TABLE D

The premiums set forth herein apply only to deliveries of 40,000 pounds or more of one or more of the specified grades.

Grade of Scrap	Premium (cents per pound)
Brass pipe	2.75
Admiralty condenser tubes	2.75
Muntz metal condenser tubes	2.75
Old rolled brass	2.75
Plated rolled brass sheet, pipe, and reflectors	2.75

(b) *Special preparation.* Any consumer of copper scrap or copper alloy scrap, other than a copper refiner or brass or bronze ingot manufacturer, who desires to purchase such scrap prepared to his specifications in a form not covered in paragraph (a) of this section shall apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a preparation premium. Any such application shall set forth the following information: The name and address of the applicant; the nature of the applicant's business; the purpose for which the specially prepared material will be used; the name and address of the person or persons from whom the applicant will buy such material; the date of the authorization from the National Production Authority permitting the applicant to purchase copper scrap or copper alloy scrap; a statement of the specifications for the specially prepared material; a description of the manner in which such material will be prepared; if the applicant previously purchased similar material, the price last paid prior to the issuance of this regulation; and a proposed preparation premium.

The premium established by the Office of Price Stabilization shall be in line with the preparation premiums otherwise established in this regulation.

(c) *Export packing and preparation premium.* Any person other than an exporter who packs in bales, drums, or other containers, or prepares in briquettes, copper scrap or copper alloy scrap for export may charge a premium of 2.75 cents per pound in addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation.

No quantity or preparation premium (except as provided in this paragraph) may be charged for copper scrap or copper alloy scrap sold to an exporter.

SEC. 12. *Other premiums*—(a) *Exporter premiums.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, an exporter of copper scrap or copper alloy scrap may charge the following premiums:

(1) The amount of any export packing or preparation premium, as provided for in paragraph (c) of section 11 of this regulation, paid to another person;

(2) An amount not to exceed 5 percent of the applicable ceiling base price.

No quantity or preparation premiums (except as provided in this paragraph) may be charged by an exporter.

(b) *Premiums for gold and silver content.* Any person who sells copper scrap or copper alloy scrap containing gold or silver to a refiner who customarily recovers such precious metals may charge a premium not exceeding the ceiling price for the gold and silver content of the scrap in addition to the applicable ceiling price otherwise established in this regulation.

SEC. 13. *Ceiling delivered prices.* The ceiling delivered price for copper scrap or copper alloy scrap is the applicable ceiling base price, f. o. b. point of shipment, determined in accordance with sections 8 and 9 of this regulation, plus the applicable premiums determined in accordance with sections 10, 11 and 12 of this regulation, plus whichever of the following transportation charges is applicable:

(a) When delivery is made to the buyer's receiving point by a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable motor common carrier charge (not including transportation taxes) for transporting the quantity of copper scrap or copper alloy scrap being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a series of deliveries which qualifies for a quantity premium, the published and applicable motor common carrier charge shall be determined on the basis of the total quantity involved even though separate deliveries are made in lesser quantities, and such charge shall be prorated over the quantities contained in each delivery.

SEC. 14. *Definitions.* When used in this regulation, the term:

(a) "Briquette" means any power compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches.

(b) "Consumer" includes any person whose business consists, in whole or in part, of smelting, refining, melting, or otherwise processing copper scrap or copper alloy scrap into a form other than scrap or having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by an officer, director, partner, or proprietor of a consumer, shall also be considered to be a consumer for the purposes of this regulation even though such person may act as dealer.

(c) "Copper alloy scrap" refers to the grades of scrap listed in Group II in Table A.

(d) "Copper bearing material" includes ashes, skimmings, buffings, grindings, spatters, washings, mud and all other similar residues which contain copper. It also includes irony brass and any similar material which does not meet the specifications for any grade of copper scrap or copper alloy scrap.

(e) "Copper scrap" refers to the grades of scrap listed in Group I in Table A.

(f) "Crucible shape" means clean scrap of uniform grade in lengths not exceeding 16 inches, containing no free iron or other harmful material, and suitable for direct use by the consumer without further preparation.

(g) "Dealer" means any person whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage materials.

(h) "Dealer affiliated with a consumer" means a dealer who is the parent or subsidiary of a consumer, who is owned or operated by, or under common control with, a consumer, or who is owned, operated, or controlled by an officer, director, or partner of a consumer. It also included any dealer who owns or operates a consumer or who has an officer, director, or partner who owns, operates, or controls a consumer.

(i) "Dry Copper Content" means the copper content as determined by electrolytic assay less 1.3 units (26 pounds of copper per net ton of material).

(j) "Exporter" means a person who last sells copper scrap or copper alloy scrap which is transported from a point in the United States, its Territories and Possessions to a point outside thereof.

(k) "Importer" means a person who first sells copper scrap or copper alloy scrap which is transported, either before or after such sale, from a point outside the United States, its Territories and Possessions to a point inside thereof.

(l) "Industrial producer" means any person engaged in manufacturing, fabricating, repairing, mining, or refining or in furnishing communication or transportation services, who produces copper scrap or copper alloy scrap as a by-product of such operations or from obsolescence.

(m) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(n) "Point of shipment" means the point from which copper scrap or copper alloy scrap is loaded on a conveyance for shipment to buyer's receiving point. In the case of copper scrap or copper alloy scrap sold by an importer and delivered into the continental United States, its Territories, or Possessions by water, the point of shipment means the place within the continental United States, its Territories or Possessions where the material is loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of copper scrap or copper alloy scrap sold by an importer and transported to the buyer overland from Mexico or Canada the point of shipment means the freight station in the United States at or nearest the point at which the material first enters the United States.

(o) "Scrap" includes all materials which are the waste or by-product of any kind of metal working or processing and articles which have been discarded on account of obsolescence, failure, or other reasons. It does not include copper bearing materials, nor does it include articles which are still useful in their existing state when sold and purchased for re-use in such state.

SEC. 15. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of scrap covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the tax collected.

SEC. 16. *Record-keeping requirements.* Every person purchasing or selling the scrap materials covered by this regulation shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate rec-

ords of each purchase and sale showing: The date thereof; the name and address of the seller and buyer; the quantity and analysis of each grade of copper scrap or copper alloy scrap sold or purchased; the price charged or paid, f. o. b. point of shipment, for each such grade of scrap; the premiums, if any, charged or paid; the point, or points, of shipment and the buyer's receiving point; and the disposition of transportation charges.

SEC. 17. *Penalties.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions and suits for damages provided for in the Defense Production Act of 1950.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation shall become effective June 26, 1951.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Report Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7240; Filed, June 21, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 6]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides alternative pricing methods to all manufacturers of paints, varnishes, and lacquers, which for the purposes of this supplementary regulatiton include the following: (1) Paints, mixed and ready for use or in dry or paste form; (2) varnishes, including spirit varnishes but not including shellac gum; (3) lacquers and enamels; (4) fillers, putty, and top dressings; (5) paint and varnish removers; (6) "water-proofing" compounds excepting metallic compounds but including roof coating and roof cements; and (7) artists' oils and water colors. It includes sales of these commodities by manufacturers at retail, because many such sales are priced and made by manufacturers in direct relation to their wholesale sales.

The considerations involved in the issuance of the Manufacturers' General Ceiling Price Regulation, Ceiling Price Regulation 22, are in general entirely applicable to the paint, varnish and lacquer industry.

The primary alternative pricing provision found in the supplementary regulation is one which, at the option of a manufacturer, permits him to determine his ceiling prices by increasing his base period prices by 15 percent. This percentage factor was derived in a test of a representative sample of manufacturers' production costs in the base period, April 1 through June 24, 1950, as affected by increases in labor and material costs, subject to the limitations set forth in Ceiling Price Regulation 22. The test disclosed that the CPR 22 formula would give manufacturers in the paint industry an average increase of at least 15 percent over their base period prices. This alternative method of pricing by a straight increase of 15 percent over base period prices, therefore, affords to the many small manufacturers in this industry a speedy and simple method of determining ceiling prices consistent with the standards of Ceiling Price Regulation 22. Because this factor is related to experience in the curtailed second quarter of 1950, the method permits relation only to such second quarter 1950 prices.

The other important change brought about by the supplementary regulation imposes limitations in the use of the price computation provisions of CPR 22. First, it eliminates the manufacturers' choice among base periods and establishes a single base period April 1 through June 24, 1950. Consultations with representatives of the industry and with the Industry Advisory Committee establish that this is a representative base period for all manufacturers concerned. Confinement to this base period further permits the use of stipulated increases in the costs of several hundred of the major raw material items used by the industry in the production of paints, varnishes and lacquers.

These materials cost increase factors are set forth in Appendix A to this supplementary regulation. The items listed primarily are, or are derived from, agricultural products which are free from price control because they are still under "parity". The increase factors stated in Appendix A are derived from spot price quotations published in the industry's two leading trade journals. They measure the cost differences occurring from June 1, 1950 to March 15, 1951, the latter date being applicable to these raw materials under provisions of CPR 22. It is found that these cost increases accurately represent the experience of the great majority of companies producing paints, varnishes and lacquers. A small minority of companies enjoyed price advantages during the pre-Korea period by reason of their ability to buy under long-term contracts, but market conditions about March 15, 1951 have deprived them of this advantage. Accordingly, the cost increases experienced by this group will be somewhat greater than as reflected in Appendix A. In the opinion of the Director of Price Stabilization the increases as measured in Appendix A are accurately representative for the great majority of manufacturers and may therefore be deemed generally fair and equitable for the industry as a whole.

The manufacturers of the subject commodities will use the cost increase factors for any materials listed which are ingredients of their products; they find cost increases for other materials under the provisions of CPR 22. The use of the appendix to this supplementary regulation will facilitate computation for the persons affected and will simplify administration by the Office of Price Stabilization. Further, for these reasons, and the reasons previously given, it will contribute greatly to the restoration of the normal price relationship among the affected manufacturers as they existed in the pre-Korea base period April 1 through June 24, 1950.

In general, the supplementary regulation does not operate to compel changes in business practices, cost practices, or methods, or means of addition to distribution, established in the industry, and to the extent that such changes are involved the action is found to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. Sellers and sales covered.
2. Commodities covered.
3. "Manufacturer".
4. Establishment of ceiling prices.
5. Alternative pricing method; percentage increase.
6. Fillings and sales.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; CFR, 1950 Supp.

SECTION 1. *Commodities covered.* The commodities covered by this supplementary regulation are paints, varnishes, and lacquers. "Paints, varnishes and lacquers" are the following:

1. Paints, mixed and ready for use or in dry or paste form;
2. Varnishes, including spirit varnishes but not including shellac gum;
3. Lacquers and enamels;
4. Fillers, putty, and top dressings;
5. Paint and varnish removers;
6. "Water-proofing" compounds excepting metallic compounds but including roof coating and roof cements;
7. Artists' oils and water colors.

SEC. 2. *Sellers and sales covered.* This supplementary regulation covers you if you are a manufacturer of paints, varnishes, and lacquers and if you are located in the United States, its territories or possessions, or the District of Columbia. It applies to all your sales of paints, varnishes, and lacquers which you manufacture, including your sales at retail. All the provisions of Ceiling Price Regulation 22 shall be applicable to you in your sales of the commodities covered by this supplementary regulation except as those provisions are modified and supplemented by the alternative pricing provisions set forth in sections 4, 5 and 6 of this supplementary regulation. You must notice also that this supplementary regulation does not exempt any sales by you nor may you elect not to use this supplementary regulation. To this extent Section 1 of Ceiling Price Regulation 22 is superseded.

SEC. 3. *"Manufacturer".* For the purpose of this supplementary regulation, the term "manufacturer" means any person who produces, processes, packages or repackages paints, varnishes and lacquers on his own premises or with his own equipment for sale under his own brand or trade name or under the brand or trade name of any other person.

SEC. 4. *Establishment of ceiling prices.* Unless you are eligible and choose to use the alternative pricing method set forth in section 5 of this supplementary regulation, you shall establish your ceiling prices under the provisions of Ceiling Price Regulation 22 but subject to the following limitations with respect to base period and to your determination of your materials cost increase factors.

(a) *Base period.* The base period which you must use for all purposes shall be the period April 1, 1950 through June 24, 1950. The option given in CPR 22 to use one of the three preceding quarters as a base period is not available to you.

(b) ***Materials cost increase factors; use of Appendix A hereof.*** In calculating your materials cost adjustment in the computation of your ceiling price you must, for the raw materials which you use and which are listed in Appendix A of this supplementary regulation, apply the materials cost increase factors set forth in Appendix A of this supplementary regulation.

SEC. 5. ***Alternative pricing method; percentage increase*—(a) *Who may use this section.*** This section applies to sales by you of paints, varnishes and lacquers for which you had a base period price and paints, varnishes and lacquers in the same categories as those for which you had a base period price. This section furnishes a method you may elect to use in lieu of section 4 of this supplementary regulation and the pricing provisions set forth in sections 7 through 16 of Ceiling Price Regulation 22. If you elect to use this alternative method you must apply it to all paints, varnishes and lacquers in categories in which you dealt during the base period and which you now manufacture and sell. Once made, your election is final. The base period you must use for purposes of this section is the period April 1 through June 24, 1950.

(b) *Ceiling prices for commodities with base period prices.* If a commodity you are now selling had a base period price, your ceiling price for sales of that commodity is 115 percent of your base period (i. e., April 1 through June 24, 1950) price. This method of determining your ceiling prices shall be in lieu of the materials cost adjustment and labor cost adjustment provided for in section 4 of this supplementary regulation and in Ceiling Price Regulation 22.

(c) If you establish ceiling prices under paragraph (b) of this section you need not file OPS Public Form No. 8, but you must, in lieu of filing that form, file a statement showing your base period prices for these commodities or for any commodity falling in the same category. Your statement shall include your price list or lists and any applicable discount schedules you last had in effect on or before June 24, 1950 as to any paints, varnishes or lacquers for which you had a list price.

(d) *Ceiling prices for other commodities for which you cannot establish prices under paragraph (b) of this section.* If a commodity you are now selling or propose to sell did not have a base period (i. e., April 1 through June 24, 1950) price but falls within a category in which you dealt during that base period, you determine your ceiling price in accordance with instructions given in section 32 of Ceiling Price Regulation 22; except that with respect to the comparison commodity you must use a ceiling price determined under paragraph (b) of this section. For the meaning and selection of a "category" and a "comparison commodity," refer to Ceiling Price Regulation 22.

SEC. 6. *Filings and sales.* On or before July 16, 1951, your OPS Public Form No. 8 report, or the statement required to be filed under section 5 (c) of this supplementary regulation (as the case may be) shall be filed with the Office of Price Stabilization by registered mail directed to: Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. The prices computed and reported in accordance with this supplementary regulation shall constitute your ceiling prices for the sales of the affected commodities immediately upon your mailing of the Form 8 report or the section 5 (c) statement as provided in this section 6.

Effective date. The effective date of this regulation is July 16, 1951, or such earlier date between June 21, 1951, and July 16, 1951, as you may select. If you select such an earlier date, the supplementary regulation becomes effective as to you upon that date for all of your commodities covered by this supplementary regulation.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

APPENDIX A

MATERIALS COST INCREASE FACTORS

There are listed in this Appendix various materials for which you must use the increase factor in the Appendix if you are pricing under section 4 of this Supplementary Regulation 6. The first column lists the material. The second column lists the unit to which the increase factor shown in the third column shall apply. The third column in some instances indicates the dollars and cents increase for the indicated unit of the material, and in other cases indicates the percentage increase factor to be applied to your cost of the listed material in the base period April 1, 1950 through June 24, 1950. The percentage factor applied to your base period cost for the indicated unit of material is the dollars and cents amount to be applied as the increase in cost for that unit of material. In some cases the third column indicates a decrease in cost for a listed material. In respect to those materials the decrease in cost must be computed and recognized in the same manner as the indicated cost increases.

Material	Unit for price	Unit price increase (dollars or percent)
Acids:		
Abietic, commercial	Pound	$0.02.
Castor oil, split	Pound	$0.09.
Chromic, 99½–99¾	Pound	$0.015.
Coconut oil, double distilled.	Pound	$0.06.
Cottonseed oil, distilled.	Pound	$0.1075.
Cresylic, imported, 75% at 215° C.	Gallon	163.0%.
Linseed oil, regular distilled.	Pound	$0.04.
Naphthenic 220–230	Pound	$0.01.
Soybean, double distilled.	Pound	$0.085.
Stearic, double pressed	Pound	$0.1025.
Alcohol:		
Allyl	Pound	No increase.
Amyl, fermentation, ref. 126–132°	Pound	No increase.
Butyl, fermentation, normal.	Pound	154.0%.
Denatured, SDI	Gallon	102.0%.
Ethyl, tax free	Gallon	127.0%.
Allyl Starch, 40% solution.	Pound	$0.033.
Aluminum:		
Naphthenate, liquid, 1.7%	Pound	$0.0375.
Paste, standard	Pound	$0.015.
Powder, varnish, std	Pound	$0.10.
Stearate, dibasic	Pound	$0.125.
Ammonium linoleate, tech.	Pound	No increase.
Antimony oxide	Pound	84.5%.
Antimony sulphide, 62–64%	Pound	$0.21.
Arsenic, trioxide, USP	Pound	No increase.
Arsenic, metal, lump	Pound	No increase.
Asbestos, Canadian fiber, 3T.	Short ton	$83.50.
Asphaltum, cut-back	Gallon	No increase.
Asphalt, gilsonite, select	Ton	$0.30.
Asphalt, Trinidad, Manjack No. 10.	Pound	No increase.
Baryte ore	Short ton	No increase.
Black, bone	Pound	No increase.
Butyl acetate, fermentation, normal.	Pound	163.0%.
Butyl, lactate, fermentation.	Pound	$0.07.
Cadmium metal, imports	Pound	$0.55.
Calcium chromate	Pound	No increase.
Calcium naphthenate, 4% Ca.	Pound	$0.0225.
Calcium Resinate, precip.	Pound	$0.035.
Casein, domestic, standard.	Pound	$0.195.
Casein, imported, ground	Pound	$0.175.
Castor beans	Long ton	$185.00.
Cashewnut liquid, treated	Pound	No increase.
China clay, imported, white, powd.	Short ton	No increase.
Chromium acetate solution 7½ percent.	Pound	$0.005.
Coaltar, refined	Gallon	$0.005.
Cobalt acetate	Pound	$0.175.
Cobalt linoleate, fused 8½ Co.	Pound	$0.045 decrease.
Cobalt naphthenate, 6 percent Co.	Pound	$0.05.
Cobalt resinate, 3 percent Co.	Pound	$0.0375.
Copper naphthenate 8 percent Cu.	Pound	$0.035.
Creosote, coaltar, refined	Gallon	$0.035.
Cresols, tech.	Pound	$0.045.
Dextrin, corn, Canary	100pounds	$1.15.
Diatomaceous earth, imported, Mexican.	Short ton	No increase.
Dibutyl phthalate, fermentation.	Pound	$0.115.
Diethylethanolamine, fermentation.	Pound	$0.06.
Dipentene, steam-dist	Gallon	$0.01 decrease.
Ethyl acetate, fermentation, 85–88 percent.	Pound	$0.10.
Ethyl lactate, fermentation.	Pound	$0.0325.
Ethyl Silicate, 40 percent	Pound	No increase.
Glue, bone, 110 jellygrams	Pound	$0.05.
Glue, Hide, 229–330	Pound	$0.05.
Glycerin, refined, 98 percent.	Pound	$0.32.
Graphite, imported, Crystal.	Pound	No increase.
Green, chrome, CP, 26–30 percent blue.	Pound	$0.06.
Green, chromium oxide, hydrated.	Pound	$0.20.
Gum:		
Copal, Congo, No. 1	Pound	$0.005.
Copal, Manila DBB	Pound	$0.05.
Pontianak, chips	Pound	$0.115.
Dammar, Batavia, A/E, East India, Batu, bold.	Pound	No increase.
Singapore No. 1	Pound	$0.04.
Elemi	Pound	$0.06.
Ester, gum resin, imported	Pound	$0.055.
	Pound	$0.060.

Material	Unit for price	Unit price increase (dollars or percent)
Gum—Continued		
Karaya, powdered No. 1	Pound	$0.07.
Kauri	Pound	No increase.
Gypsum, crude	Short ton	$12.65.
Irish moss, prime	Pound	$0.12.
Iron acetate, 28°	Pound	No increase.
Iron naphthenate, 6% Fe	Pound	$0.03.
Lanolin, anhydrous, USP	Pound	No increase.
Lead acetate, gran	Pound	$0.0325.
Blitg, basic sulphate	Pound	$0.045.
Metallic, paste	Pound	$0.0725.
Naphthenate, 24% Pb	Pound	$0.045.
Red, 95% Pb_3O_4	Pound	$0.0625.
Red, 97% Pb_3O_4	Pound	$0.0525.
Red, 98% Pb_3O_4	Pound	$0.055.
Resinate, precip	Pound	$0.035.
Tallate, liquid, 16% Pb	Pound	$0.03.
White, basic carbonate	Pound	$0.0375.
White, basic sulphate	Pound	$0.045.
White, basic silicate	Pound	24.0%.
Leaded zinc oxide, 35%	Pound	$0.0375.
Lecithin, tech., bleached	Pound	$0.07.
Litharge, powd	Pound	$0.0525.
Lithopone, ordinary	Pound	$0.0125.
Lithopone, titanated	Pound	$0.01375.
Magnesium carbonate, USP	Pound	$0.005.
Manganese, borate, tech	Pound	$0.01.
Manganese, dioxide, 84–87%	Short ton	No increase.
Manganese, linoleate, liq., 4.35%	Pound	$0.08¾ decrease.
Manganese, linoleate, sol., 8.2%	Pound	$0.08 decrease.
Manganese, naphthenate, 6% Mn	Pound	$0.025.
Manganese, resinate, precip, Mn	Pound	$0.03.
Mannitol, commercial	Pound	No increase.
Metacresol	Pound	$0.20.
Methyl abietate	Pound	No increase.
Methyl abietate, hydrogenated	Pound	No increase.
Mercury, quicksilver	76-pound flask	$145.00.
Mica, dry grd	Pound	$0.0025.
Molasses, blackstrap	Gallon	280.0%.
Naphthalene, refined, industrial	Pound	$0.02¾.
Naphthenic acid 230–240	Pound	No increase.
Nitrocellulose, ester soluble 30–40 sec.	Pound	$0.05.
Nitrocellulose, spirits soluble 40–50 sec.	Pound	$0.12.
Oils:		
Castor, blown	Pound	$0.17½.
Castor, dehydrated, bodied	Pound	$0.186.
Castor, refined and deodorized	Pound	$0.173.
Castor, sulphonated, 50%	Pound	$0.07.
Coconut, crude	Pound	$0.06¾.
Cottonseed, crude	Pound	$0.08½.
Linseed, raw	Pound	$0.057.
Menhaden, refined, alkali	Pound	$0.115.
Oiticica, liquid	Pound	$0.16.
Peanut, refined	Pound	$0.11¼.
Pine, steam distilled	Pound	$0.022.
Safflower	Pound	$0.014.
Sardine, refined, alkali	Pound	$0.115.
Soybean, refined alkali	Pound	$0.07.
Tall, refined	Pound	$0.0075.
Tar, pine	Pound	$0.006.
Tung, domestic	Pound	$0.17.
Tung, imported	Pound	$0.18.
Orange, cadmium lithopone	Pound	$0.55.
Orange, chrome	Pound	$0.07.
Orange, molybdated	Pound	$0.05.
Orthocresol, pure	Pound	No increase.
Paracresol, 99%	Pound	No increase.
Phetar, retort	Pound	$0.006.
Pitch:		
Coaltar, 150° F	Short ton	$1.50.
Cottonseed	Pound	$0.03.
Linseed	Pound	No increase.
Soybean	Pound	$0.0025.
Potassium cyanide	Pound	No increase.
Potassium bichromate	Pound	$0.0025.
Protein, soya, chem. isolated	Pound	$0.04.
Red, cadmium light	Pound	$0.70.
Red, cadmium, orange	Pound	$0.65.
Red, Cadmium, Lithopone, deep	Pound	$0.52.
Red, iron oxide, 75–78% coppers	Pound	No increase.
Red, mercury oxide	Pound	$2.22.
Red, Persian Gulf	Pound	No increase.
Red, Spanish oxide, grade 1	Pound	$0.0012.
Red, Turkey	Pound	No increase.
Red, quicksilver	Pound	$0.12 decrease.
Rosin, wood, FF	100 pounds	$2.30.
Rosin, gum, WG	100 pounds	$3.99.
Shellac, bleached, bone dry	Pound	$0.10.
Shellac, superfine	Pound	$0.20.
Sodium Bichromate	Pound	No increase.
Sodium Chromate	Pound	No increase.
Sodium molybdate, anhy	Pound	$0.06.
Sodium prussiate, yellow	Pound	$0.01.
Sorbitol, cryst	Pound	No increase.
Starch, corn	100 pounds	$1.03.
Tale, fibrous, 98.5–99.5%, 325 mesh	Short ton	5.9%.
Titanium dioxide, chalk resist	Pound	$0.01¾.
Titanium pigment, calcium-rutile	Pound	$0.006.
Tributyl phosphate, fermentation	Pound	$0.07.
Tributyl citrate, tech., fermentation	Pound	No increase.
Tricresyl phosphate, coaltar, imported	Pound	$0.06½.
Turpentine, gum	Gallon	$0.52.
Turpentine, wood, steam dist	Gallon	$0.36.
Wax, bees, bleached, USP	Pound	$0.19.
Wax, Candelilla, refined	Pound	$0.25½.
Wax, Carnauba, North country	Pound	$0.48.
Wax, Orioury, refined	Pound	$0.24.
Wax, Japan	Pound	$0.13.
Wax, Montan, refined	Pound	No increase.
Wax, sugar cane, imported	Pound	$0.12.
Whiting, Paris white	Short ton	No increase.
Woodflour, 40 mesh	Short ton	No increase.
Yellow, barium chromate CP	Pound	$0.0475.
Yellow, Cadmium, CP, all shades	Pound	$0.55.
Yellow, Cadmium lithopone, all shades	Pound	$0.37.
Yellow, Chrome, CP	Pound	$0.07.
Yellow, iron oxide, natural	Pound	No increase.
Yellow, mercury oxide	Pound	$2.22.
Yellow, zinc	Pound	$0.06.
Zein	Pound	$0.65.
Zinc cyanide	Pound	$0.072.
Zinc dust	Pound	$0.091.
Zinc naphthanate, 8% Zn liquid	Pound	$0.0325.
Zinc oxide, pigment, acicular	Pound	$0.0325.
Zinc resinate, precip	Pound	$0.04.
Zinc stearate, tech	Pound	$0.12.
Zinc sulphide, pure	Pound	$0.04.
Zinc cadmium sulphide, fluorescent	Pound	$0.10.

Appendix A is amended by striking out from paragraph (i) subparagraph (10), the words "Paints, varnishes, and lacquers" and by substituting therefor the words "Shellac gum and metallic waterproofing compounds."

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective June 21, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7237; Filed, June 12, 1951; 10:58 a. m.]

[Ceiling Price Regulation 22, Amendment 12]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

PAINTS, VARNISHES, AND LACQUERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes the exemption of paints, varnishes, and lacquers from Ceiling Price Regulation 22. Shellac gum and metallic waterproofing compounds continue to be exempted. There is being issued a regulation supplementary to CPR 22 which will bring paints, varnishes, and lacquers under the coverage of CPR 22 and will afford certain alternative pricing methods for manufacturers of these commodities.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended as follows:

[F. R. Doc. 51-7236; Filed, June 21, 1951; 10:58 a. m.]

[Ceiling Price Regulation 47]

CPR 47—BRASS MILL SCRAP

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), and in accordance with Economic Stabilization General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation No. 47 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for various grades of brass mill scrap. Brass mill scrap includes all kinds and grades of nonferrous scrap materials which are the waste or byproduct of any kind of fabrication of new brass mill products and any new brass mill product which is sold for remelting purposes, regardless of whether such product is in the form originally sold by a brass mill or whether it has been further fabricated, processed, altered, or assembled. Brass mill scrap also includes uncontaminated, fired or demilitarized brass cartridge and artillery cases. Any such material, however, which is unsuitable for brass mill use does not come within the classification of brass mill scrap.

Most brass mill scrap consists only of material which is generated in the manufacture of articles from new sheet tube, wire, or other brass mill product and it does not include any scrap material obtained through the wrecking of such things as automotive equipment, industrial machinery, or buildings. Ordinarily, there is a reciprocal movement of material between the brass mills and the consumers of their products. Brass mills sell their sheet, wire, tube and other products to manufacturers and fabricators and these in turn sell the scrap which results from their operations to the brass mills. Certain quantities of brass mill scrap customarily move through dealers, but since little or no preparation of such material is necessary, the principal operation of the dealer consists of the accumulation and sorting of material from small manufacturers and fabricators and reselling it in quantities which can be conveniently handled by the brass mills. Under conditions of shortage such as those which now exist, the dealer function takes on added importance because it returns to the mills needed material which might otherwise be lost to them.

Brass mill scrap is a direct substitute for the prime metals which it contains and in period of increased production it constitutes anywhere from 20 to 70 percent of the raw material used in the production of various grades of brass mill products. Ordinarily, scrap sells at a price below the mixture value of its component metals and this differential remains relatively fixed. The data set forth in the following table indicate the relationship between the prices of new metal and the prices for an important grade of scrap during the period from January 1, 1950, to June 8, 1950.

Date	Copper	Zinc	New metal value 70/30 brass	Base price differential	
				70/30 brass scrap	New metal over scrap
Jan. 1, 1950	18.50	10.72	16.166	12.50	3.666
May 1, 1950	19.50	11.47	17.091	13.375	3.716
May 24, 1950	20.50	12.97	18.241	14.625	3.616
June 8, 1950	22.50	15.47	20.391	16.75	3.641

As in the case of virtually all scrap metals, however, the outbreak of hostilities in Korea and the inauguration of our defense program upset this customary relationship and the prices for brass mill scrap rose more sharply than the prices for new metal. During the base period of the General Ceiling Price Regulation (December 19, 1950, to January 25, 1951, inclusive) the market for brass mill scrap was extremely chaotic and some sellers were able to obtain prices for scrap which reflected metal values in excess of the prices prevailing for new metal. Thus while new copper was selling at 24½ cents per pound, brass mills were compelled to pay as much as 28 cents or more per pound for copper in scrap. Similarly, 70/30 Yellow Brass scrap having a value, in terms of new metal prices, of 22½ cents a pound was selling for as much as, and in some cases more than, 26 cents per pound.

This abnormal price relationship, reflected in ceiling prices established under the General Ceiling Price Regulation, has disrupted the normal flow of scrap and is causing some hardship to consumers. These circumstances, and the accompanying uncertainty and confusion among both buyers and sellers, constitutes a serious threat to the continued output of brass mill products essential to both the defense program and the civilian economy.

The ceiling prices established by this regulation are designed to correct this situation by rolling back the ceiling prices for brass mill scrap to a level which will restore, generally, the same cents per pound differential between the prices for such scrap and the prices for new metal which prevailed in the period preceding the Korean crisis. Thus the ceiling price for clean heavy copper scrap has been established at 21½ cents per pound based upon the 3 cent pre-Korea differential for this grade below the prevailing ceiling price for prime domestic copper (24½ cents per pound). Similarly the ceiling prices for the alloy grades of brass mill scrap, with the exception of phosphor bronze, represent the pre-Korean cents per pound differentials below the ceiling prices for the metals which such scrap contains.

The ceiling prices established for phosphor bronze scrap reflect a somewhat smaller differential below prevailing prices for new metals than that which existed in the pre-Korea period in order to prevent the diversion of such material from brass mill consumers. During the pre-Korea period, the prices for phosphor bronze brass mill scrap were relatively low, in terms of the value of its constituents metals, because there was little demand for phosphor bronze material on the part of brass and bronze ingot manufacturers. Phosphor bronze scrap which is contaminated and unsuitable for brass mill use comes within the category of copper alloy scrap and the ceiling prices for such material are being established at levels which will not encourage its use by copper refiners and will not prevent its flow to brass and bronze ingot manufacturers. If the ceiling prices for phosphor bronze brass mill scrap (which contains only uncontaminated material and is restricted to brass mill use by the National Production Authority) were set at too low a level, it would encourage the contamination of such material in order to bring it within the classification of copper alloy scrap and needed material would be diverted from the brass mills. The ceiling prices for phosphor bronze brass mill scrap, therefore, have been established at a slightly higher level than the ceiling prices for comparable copper alloy scrap.

Although there does not appear to be any customary trade practice in the marketing of brass mill scrap insofar as quantity premiums are concerned, it does appear that deliveries in relatively large quantities ordinarily command some premiums over deliveries in lesser amount. In recognition of this fact and in order to encourage the accumulation and distribution of needed brass mill scrap, the regulation establishes certain premiums for a delivery or series of deliveries in specified quantities. Furthermore, premiums have been established for inter-dealer transactions in order to encourage smaller dealers to dispose of their scrap instead of holding it until they have accumulated amounts for which a quantity premium might be charged. No quantity premium may be charged where such inter-dealer premiums are applicable.

In order to permit dealers to operate and to provide an incentive for their collection of scrap from many small and scattered sources, the regulation establishes ceiling prices for sales by dealers which are ½ cent per pound higher than the ceiling prices applicable to sales by persons other than dealers. This provision reflects the recommendation of both dealers and consumers.

Since brass mill scrap, with the exception of demilitarized cartridges and shells, is new scrap generated directly from brass mill products, the grades established in this regulation conform to the various grades of brass mill products. When the generator sells his scrap either directly to a brass mill or to a dealer he must specify on the bill of sale the trade or alloy name of the brass mill product from which it was generated and the name of the brass mill producer. Such information must also be set forth on all subsequent bills of sale. Although it might have been possible to distinguish between grades of scrap on the basis of analysis of metallic content, such method of classification would have created problems of enforcement which are avoided by the technique adopted in the regulation.

In order to avoid undue hardship upon dealers, the regulation permits, for 7 days, deliveries at prices in excess of ceiling prices in order to carry out contracts entered into before the issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by, or was in transit to, the seller. Although the time allowed for contract completion in this regulation is shorter than the 30 day period allowed for nickel scrap by Ceiling Price Regulation 29 and the 14 day period allowed by Ceiling Price Regulation 46 for copper scrap and copper alloy scrap, the distinction is justified by the different considerations which affect each of these materials. The 30 day period for nickel scrap was allowed because certain quantities are imported, but such an extended period is considered unnecessary for brass mill scrap since virtually no such material comes from sources outside of the United States. Since most brass mill scrap moves from generator to consumer in the form in which it is generated, the considerations which justified a 14 day period for contract completion in the case of copper scrap and copper alloy scrap are not present here. The 7 day period allowed in this regulation corresponds with that provided for in Ceiling Price Regulation 43—Zinc Scrap, and it is considered sufficient to protect dealers against undue loss in this connection.

In the judgment of the Director of Price Stabilization, the provisions of Ceiling Price Regulation 47 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating Ceiling Price Regulation 47, the Director consulted with representatives of the industry affected to the extent practicable under existing

circumstances, and has given full consideration to their recommendations.

The provisions of Ceiling Price Regulation 47 and their effect upon business practices, cost practices, or means or aids to distribution in the industry have also been considered. To the extent that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

1. Coverage of this regulation.
2. Exemptions.
3. Prohibitions and permission to carry out certain contracts.
4. Ceiling prices, f. o. b. point of shipment.
5. Ceiling delivered prices.
6. Ceiling prices for unlisted grades and specially prepared brass mill scrap.
7. Definitions.
8. Excise, sales, and similar taxes.
9. Invoicing and record-keeping requirements.
10. Penalties.
11. Petitions for amendment.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Products covered.* This regulation establishes ceiling prices for all grades of brass mill scrap. Brass mill scrap includes all kinds and grades of nonferrous scrap materials which are the waste or by-product of any kind of fabrication of new sheet, tube, wire, rod or other brass mill product. It also includes uncontaminated, fired or demilitarized brass cartridge and artillery cases and any new sheet, tube, wire, rod or other brass mill product sold for remelting purposes, regardless of whether such brass mill product is in the form originally sold by a brass mill of whether it has been further fabricated, processed, altered or assembled. Brass mill scrap does not include, however, any material which qualifies under the foregoing provisions, but which is unsuitable for brass mill use.

(b) *Transactions covered.* This regulation applies to all sales and deliveries of brass mill scrap except sales or deliveries between a parent corporation and its wholly owned subsidiary or between subsidiary corporations wholly owned by the same parent corporation.

(c) *Persons covered.* This regulation applies to any person, including an importer or exporter, who engages as a seller in any of the transactions covered by this regulation. It also applies to any person who, in the regular course of trade or business, buys brass mill scrap from any such seller.

(d) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Exemptions.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all sales and deliveries and purchases and receipts of brass mill scrap which are not covered by this regulation are exempt from price control.

SEC. 3. *Prohibitions and permission to carry out certain contracts*—(a) *Prohibitions*—(1) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in paragraph (b) of this section), on and after the effective date of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, brass mill scrap at a price in excess of the applicable ceiling price established by this regulation. No person covered by this regulation shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(2) *Against tie-in transactions.* No person covered by this regulation shall sell brass mill scrap upon condition (i) that the buyer purchase from any person any commodity or service, or (ii) that the buyer sell to any person any commodity or service. No person covered by this regulation who buys brass mill scrap in the regular course of trade or business shall participate in any such tie-in transaction.

(3) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of brass mill scrap, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by upgrading, trade understanding, or otherwise.

(b) *Permission to carry out certain contracts.* Regardless of any other provisions of this regulation, until July 3, 1951, any person may deliver brass mill scrap at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 21, 1951, if the material so delivered was purchased at a price in excess of the ceiling prices established herein and if before June 21, 1951, it was received by, or was in transit to, the person making delivery.

SEC. 4. *Ceiling prices, f. o. b. point of shipment*—(a) *Sales by any person other than a dealer.* (1) The ceiling price, f. o. b. point of shipment, for any grade of brass mill scrap listed in Table A below when sold by any person other than a dealer is the applicable price set forth in that table. Note, however, that the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the applicable ceiling delivered price set forth in section 5 of this regulation.

When any brass mill scrap is sold on a "where is" basis, an amount no less than the cost to the buyer of loading the scrap in the conveyance in which it is to be transported must be deducted from the applicable price set forth in Table A.

Certain quantity premiums may be charged in accordance with subparagraph (2) of this paragraph and provisions for pricing mixed shipments are set forth in subparagraph (3) of this paragraph.

Each grade of scrap listed in Table A designates the grade of brass mill product from which such scrap is generated.

TABLE A

[*Ceiling prices (cents per pound)*]

Kind or grade of scrap (trade or alloy name)	Clean heavy scrap	Rod and rod ends	Turnings
Copper	21.50	21.50	20.75
Gilding 95 percent	20.50	20.25	19.75
Commercial bronze 90 percent	20.50	20.25	19.75
Red brass 85 percent	20.25	20.00	19.375
Low brass 80 percent	20.125	19.875	19.375
Best quality brass	19.875	18.875	17.875
Cartridge brass 70 percent	19.125	18.875	17.875
Yellow brass	19.125	18.875	17.875
Muntz metal	18.125	17.875	17.375
Naval brass	18.75	18.50	18.00
Manganese bronze	18.75	18.50	18.00
Silicon bronze	20.875	20.625	19.875
Cupro nickel 30 percent	25.50		
Nickel silver:			
5 percent	19.875	19.625	9.9375
8 percent	21.125	20.875	10.5625
10 percent	21.50	21.25	10.75
12 percent	22.00	21.75	11.00
15 percent	22.625	22.375	11.3125
18 percent	23.50	23.25	11.75
Phosphor bronze:			
5 percent	27.00	26.75	25.75
8 percent	30.00	29.75	28.75
10 percent	32.00	31.75	30.75
Under 4 percent	25.00	24.75	23.75
Beryllium copper:			
0.020 inch and thicker	30.00		25.00
Thinner than 0.020"	25.00		
Uncontaminated fired or demilitarized cartridge and artillery cases	19.125		

(2) *Quantity premiums.* In addition to the ceiling prices determined in accordance with subparagraph (1), of this paragraph, the quantity premiums set forth in Table B may be charged if the seller, within a period of three consecutive calendar days (excluding Saturdays, Sundays, and legal holidays) delivers from one or more shipping points the specified quantity of material (i) to a public carrier for transportation to the buyer's receiving point, (ii) to the buyer at his receiving point in a conveyance owned or controlled by the seller, or (iii) upon a conveyance owned or controlled by the buyer. The amount of material delivered during any calendar day may be counted only once in determining whether a quantity premium may be charged.

Whether a delivery or series of deliveries qualifies for a quantity premium shall be established on the basis of the actual weight of brass mill scrap determined at the buyer's receiving point. The weight of containers, dunnage, or other tare may not be included in determining whether a quantity premium may be charged.

TABLE B

Quantity:	*Premium per pound of scrap (cent)*
20,000 to 40,000 pounds	½
40,000 pounds or more	1

(3) *Mixed shipments.* When grades or forms of brass mill scrap having different ceiling prices under the provisions of this regulation are shipped in one vehicle, the ceiling price for the entire shipment shall be the ceiling price applicable to the lowest priced grade or form contained therein unless each grade or form is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

(b) *Sales by a dealer*—(1) *To a consumer.* The ceiling price, f. o. b. point of shipment, for the sale of brass mill scrap by a dealer to a consumer is the price determined in accordance with paragraph (a) of this section plus an amount not to exceed ½ cent per pound.

(2) *To a dealer.* The ceiling price, f. o. b. point of shipment, for the sale of brass mill scrap by a dealer to a dealer is the price determined in accordance with paragraph (a) of this section plus an amount not to exceed 1½ cents per pound: *Provided, however,* That no quantity premium may be charged in connection with the sale of brass mill scrap by one dealer to another dealer.

SEC. 5. *Ceiling delivered prices.* The ceiling delivered price for brass mill scrap is the applicable ceiling price, f. o. b. point of shipment, determined in accordance with section 4 of this regulation, plus whichever of the following charges is applicable:

(a) When delivery is made to the buyer's receiving point by a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable motor common carrier charge (not including transportation taxes) for transporting the quantity of brass mill scrap being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a series of deliveries which qualifies for a quantity premium, the published and applicable motor common carrier charge shall be determined on the basis of the total quantity involved even though separate deliveries are made in lesser quantities, and such charge shall be prorated over the quantities contained in each delivery.

SEC. 6. *Ceiling prices for unlisted grades and specially prepared brass mill scrap*—(a) *Unlisted grades.* The ceiling price for any grade of brass mill scrap not listed in Table A shall be the price established by the Office of Price Stabilization upon application by the seller. Any application pursuant to this paragraph shall be filed with the Office of Price Stabilization, Washington 25, D. C., and shall set forth the following information: The name and address of the seller; a description of the grade of brass mill scrap for which a ceiling price is to be established; the name and address of the generator of the scrap; the trade name, if any, of the brass mill product from which the scrap was generated; and a proposed ceiling price.

The ceiling price established by the Office of Price Stabilization under the provisions of this section shall be in line with the ceiling prices otherwise established in this regulation.

A person who files an application in accordance with this paragraph may sell the product covered at a price not in excess of his proposed ceiling price provided that he furnishes the buyer with a copy of his application and agrees with the buyer that he will refund the amount, if any, by which the sales price exceeds the ceiling price established by the Office of Price Stabilization.

(b) *Specially prepared brass mill scrap.* Any consumer of brass mill scrap, other than a producer of brass mill products, who desires to purchase brass mill scrap specially prepared to his specifications in a form not listed in Table A shall apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price for such material. Any application pursuant to this paragraph shall set forth the following information: The name and address of the applicant; the nature of the applicant's business; the purpose for which the specially prepared material will be used; the name and address of the person or persons from whom the applicant will buy such material; the date of the authorization from the National Production Authority permitting the applicant to purchase brass mill scrap; a statement of the specifications for the specially prepared material; a description of the manner in which such material will be prepared; if the applicant previously purchased similar specially prepared material, the price last paid prior to the issuance of this regulation; and a proposed ceiling price.

The ceiling price established by the Office of Price Stabilization under provisions of this paragraph shall be in line with the ceiling prices otherwise established in this regulation.

SEC. 7. *Definitions.* When used in this regulation, the term:

(a) "Consumer" includes any person whose business consists in whole or in part of smelting, refining, melting or otherwise processing brass mill scrap into a form other than scrap or having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by an officer, director, partner, or proprietor of a consumer shall also be considered to be a consumer for the purposes of this regulation.

(b) "Dealer" means any person whose business includes the acquisition of any material for the purpose of sale as waste, scrap, or salvage materials.

(c) "Exporter" means a person who last sells brass mill scrap which is transported, after such sale, from a point in the United States, its Territories or Possessions to a point outside thereof.

(d) "Importer" means a person who first sells brass mill scrap which is transported, either before or after such sale, from a point outside the United States, its Territories or Possessions to a point inside thereof.

(e) "Parent Corporation" means a corporation which owns all of the capital stock, except qualifying shares, of one or more corporations.

(f) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of the foregoing.

(g) "Point of shipment" means the point at which brass mill scrap is loaded on a conveyance for transportation to the buyer's receiving point. In the case of brass mill scrap sold by an importer and delivered into the United States, its Territories or Possessions, by water, the point of shipment shall be deemed to be the place within the limits of the continental United States, its Territories or Possessions where the material is loaded on a conveyance for transportation to the buyer's receiving point. In the case of brass mill scrap sold by an importer and transported directly to the buyer's receiving point overland from Mexico or Canada, the point of shipment shall be deemed to be the freight station in the United States at or nearest the point at which the scrap first enters the United States.

(h) "Wholly owned subsidiary" means a corporation in which the parent corporation owns all of the capital stock except qualifying shares.

SEC. 8. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of brass mill scrap if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 9. *Invoicing and record-keeping requirements*—(a) *Invoicing requirements.* Invoices and bills of sale for brass mill scrap must contain full information identifying by the alloy or trade name the brass mill product from which the particular scrap (other than uncontaminated, fired or demilitarized cartridge and artillery cases) being sold was generated, and the name of the producer of such brass mill product.

(b) *Record-keeping requirements.* Every person selling or purchasing brass mill scrap shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of each sale or purchase showing: The date thereof; the name and address of the seller and the buyer; the quantity of each grade sold or purchased; information identifying by the alloy or trade name the brass mill product from which the particular scrap was generated and the name of the producer of such brass mill product; the price charged or paid, f. o. b. point of shipment, for each grade of brass mill scrap; the premiums, if any, charged or paid; the point or points of shipment and the buyer's receiving point; and the disposition of transportation charges.

SEC. 10. *Penalties.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance

amendment, the submitting company

seed oil and soybean oil in the drying oils

AUTHORIZED CONSTRUCTION SCHEDULES ALLOT-

with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation shall become effective June 26, 1951.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7241; Filed, June 21, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 15, Amendment 3]

GCPR, SR 15—EXCEPTIONS FOR CERTAIN SERVICES

ADJUSTABLE PRICING

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 15 (16 F. R. 2908), is hereby issued.

STATEMENT OF CONSIDERATIONS

The orderly functioning of the transportation industry is vital to the accomplishment of many of the objectives of the mobilization program as enunciated in the Defense Production Act of 1950. A major part of these essential transportation services are rendered by that group of motor carriers commonly referred to as "contract carriers." The large packers and processors of food products, nationwide chain store systems and many manufacturers and distributors in the mercantile field depend almost exclusively upon services of these contract carriers. Although the charges for this transportation amount to only a very small part of the total cost or price of the goods transported, the continued efficient maintenance of the transportation service is a major concern to the shippers using those services and to the public generally.

The services supplied by these particular motor carriers are distinctive in that they are not supplied under a general offer or holding-out to the public but, instead, are afforded only as a continuing bilateral obligation under individual written agreements, which agreements specifically state the agreed terms and conditions for performance of the particular service involved. Such contracts, naturally, are for definite fixed terms or, as is most common, they are continuing agreements subject to reopening at stated periods or to cancellation by either party on prior notice. These arrangements are characteristic of the whole "contract carrier" industry. In addition, certain segments of the "contract carrier" industry are also subject to conditions, trade practices and characteristics peculiar to a particular type of operation all varying substantially; and these variations require separate treatment in the formulation of proper ceiling price regulations.

Formal Industry Advisory Committees have been appointed separately for the Contract Carriers generally, except Tank Truck Transportation, Contract Carriers of Liquid Commodities in Tank Trucks, and for the Truck and Passenger Car Rental Operators. Meetings have been had with each of these committees, and their recommendations confirm the necessity of following the procedure adopted by the Office of Price Administration in World War II in establishing separate regulations for each of these distinctive parts of the whole industry. While the formulation of these different regulations is being pressed with all vigor within the limitations of time and staff, it has become apparent that the delays unavoidably incident to selection and appointment of committees, arrangements of meetings, study of industry data, and actual formulation of the regulations have brought about a condition which seriously threatens the maintenance of these essential transportation services.

Ceiling rates for all transportation service, other than those performed by common carriers, and ceiling rates for the commercial rental of trucks and automobiles (directly associated with the motor carrier industry) are subject to the General Ceiling Price Regulation, which establishes as maximum the highest rates charged during the period December 19, 1950 to January 25, 1951. Because of the characteristic of the industry, previously mentioned, under which services generally are performed pursuant to long term contracts, many of the "base period" rates of these carriers actually reflect rates agreed upon long prior to the prescribed "base period." Many of these carriers, with their rates thus frozen at inequitable and unrealistic levels and with no means yet available for adjustment, have demonstrated that present operations under such ceiling rates subject them to substantial financial hardships; and the growing effect of this condition has brought about a real and serious threat to the continuance of their services. Shippers as well as carriers have urged that means be provided immediately whereby reasonable bases of operations can be arrived at pending definite determination of fair and equitable adjusted rates under the regulations to be issued. For these reasons the Director of Price Stabilization deems it necessary, in order to effectuate the purposes of the Act, to permit immediately the making of new long term contracts with agreement between the parties that any adjustment by OPS of the carriers' existing ceilings may be "carried back" to the date of such agreement. Upon issuance and effectiveness of the particular regulations enabling such adjustments to be made, this limited authority for adjustable pricing will become inoperative.

AMENDATORY PROVISIONS

Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended as follows:

1. At the end of section 1 the period is changed to a comma and the following is added: "or to provide adjustable pricing authority as to sellers of certain services."

2. A new section 2a, to be inserted between section 2 and section 3, is added, to read as follows:

SEC. 2a. *Adjustable pricing authority.* (a) Contract carriers by motor vehicle, as defined herein, and lessors of trucks and passenger cars, may enter into "long-term contracts" with their shippers or lessees for the furnishing of future transportation service at rates no higher than their existing ceiling rates but such contracts may contain the condition that such service as may be rendered thereunder subsequent to the effective date of this amendment shall be subject to any increase in rates applicable to such service as may be established or approved by the Office of Price Stabilization subsequent hereto.

(b) Definitions: "Contract carriers by motor vehicle" means motor carriers engaged in rendering transportation service by motor vehicle under individual contracts or agreements. "Long-term contracts" means written bilateral contracts or agreements providing for the performance of specified services for fixed periods of 90 or more days or for indefinite periods of not less than 90 days but containing no provisions for cancellation by either party during the first 90 days thereof.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment 3 to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become effective June 21, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7238; Filed, June 21, 1951; 10:58 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 25, Amendment 1]

GCPR, SR 25—COUPON EXCHANGE RATES AND OTHER PREMIUM PROGRAMS

REMOVAL OF REQUIREMENT FOR DIRECTOR'S APPROVAL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation No. 25 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes the requirement that changes in premium catalogues may not be made without the prior approval of the Director of Price Stabilization. This approval would have led to undue delay in securing the necessary approvals. Supplementary Regulation 25 states the conditions under which these proposed changes in premium catalogues would be approved. When these changes are submitted to this Agency in appropriate form they will be subjected to careful review. Under this amendment, the submitting company need not wait upon any express approval of this Agency before putting such changes into effect but may put them in effect after a fifteen day waiting period, if the proposal has not been disapproved in the meantime. The Director does retain the right to disapprove of any of the proposed changes at any time. This method of obtaining approval is comparable to that provided in Ceiling Price Regulation 22.

AMENDATORY PROVISIONS

Supplementary Regulation 25 to the General Ceiling Price Regulation is amended in the following respects:

1. The last sentence in sections 4 (c) (1), (2), and (3) is deleted.

2. A paragraph is added to the end of section 4 which reads as follows:

You may not put your proposed changes in your coupon exchange plan into operation until the expiration of fifteen days following the date of the mailing of any report under this section. The Director of the Office of Price Stabilization reserves the right to disapprove of any proposed change at any time.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7239; Filed, June 21, 1951; 10:59 a. m.]

[General Overriding Regulation 7, Amdt. 2]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES, INEDIBLE PRODUCTS

SALES OF SAFFLOWER OIL AND SEED

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment to General Overriding Regulation 7 is hereby issued.

STATEMENTS OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 exempts safflower oil and safflower seeds from price control. These products are difficult to price equitably under the General Ceiling Price Regulation or under CPR-22 because only scatterd sales were made during the base period of either regulation. No parity price has been computed by the Department of Agriculture and the data available to price these commodities properly are meager. The volume of safflower oil produced is small. It has been estimated from unofficial acreages and yields of seed, and the oil yield of that seed, that approximately 150 tank-cars was produced from the 1950 crop. The price that safflower oil can command is determined not by its own weight in the market but by the prices of linseed oil and soybean oil. Safflower seed oil is principally used as a substitute for linseed oil and soybean oil in the drying oils field. Since both linseed oil and soybean oil are under price control, it is not felt that the decontrol of this substitute material will allow such material to rise beyond a fair price in relation to linseed and soybean oils.

Under these circumstances it is clear that safflower oil and seeds have but a trifling effect upon the cost of living, the cost of the defense effort, or the general current of industrial costs. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative burden out of all proportion to the importance of keeping such commodities under price control.

Exemption of these commodities from price regulations by the Office of Price Stabilization will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by adding a new section 5 to read as follows:

SEC. 5. *Safflower oil and safflower seeds.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the following products:

1. Safflower oil.
2. Safflower seeds.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7243; Filed, June 21, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 6]

CMP REG. 6—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects many different industries.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. General construction schedule and allotment procedure.
4. Statements of requirements.
5. Applications for authorized construction schedules and allotments.

AUTHORIZED CONSTRUCTION SCHEDULES, ALLOTMENTS, AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

Sec.
6. How construction schedules are authorized.
7. How allotments are made.
8. Designation and use of allotment numbers.
9. Allotments by contractors and consumers.
10. How to cancel or reduce allotments.
11. Transfer of allotments.
12. Alternative procedure for simultaneous allotments.
13. Restrictions on placing authorized controlled material orders, and on use of allotments and materials.
14. Adjustments for changes in requirements.
15. How to place orders with controlled materials producers and distributors.

GENERAL PROVISIONS

16. Applicability of other regulations and orders.
17. Records and reports.
18. Applications for adjustment or exception.
19. Communications.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* The purpose of this regulation is to explain how to get materials for construction under the Controlled Materials Plan. Manufacturers of class A products for use in construction may receive authorized production schedules and allotments under this regulation, but they must comply with all applicable provisions of CMP Regulation No. 1. Controlled materials for the manufacture of class B products are not obtained under this regulation. A manufacturer of class B products for use in construction may obtain allotments from the appropriate Industry Division or Claimant Agency in accordance with the provisions of CMP Regulation No. 1. This regulation will be supplemented from time to time by the issuance of procedures, forms, interpretations, directions, and instructions.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Construction project" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of products and materials which are to be an integral and permanent part of the building, structure, or project.

(d) "Construction program" means a statement of the types and amounts of construction projects to be provided in specified periods of time.

(e) "Authorized construction program" means a construction program specifically approved by the Require-

ments Committee of the Defense Production Administration.

(f) "Construction schedule" means a statement of the type and amount of construction project or projects to be provided by a contractor.

(g) "Authorized construction schedule" means a construction schedule specifically approved by a Claimant Agency or by an Industry Division with respect to a prime contractor, or specifically approved by a prime contractor or a subcontractor with respect to a subcontractor.

(h) "Production schedule" means a statement of the amounts of a class A product or group of class A products for use in construction to be produced by a secondary consumer in specified periods of time.

(i) "Authorized production schedule" means a production schedule for class A products to be used in construction specifically approved by a prime contractor, a subcontrator, or a secondary consumer with respect to a secondary consumer.

(j) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(k) "Industry Division" means the division or other unit of NPA which is charged with supervision over particular types of construction.

(l) "Claimant Agency" means any Government agency or subdivision thereof designated as such by the Defense Production Administration.

(m) "Prime contractor" means any person who receives an authorized construction schedule and an allotment of controlled material from a Claimant Agency or an Industry Division. A prime contractor shall be the person who is to be the owner of the construction, or the person designated by such owner to act as the prime contractor for him.

(n) "Subcontractor" means any person who receives an authorized construction schedule and an allotment of controlled material from a prime contractor or another subcontractor.

(o) "Secondary consumer" means any person who receives an authorized production schedule for a class A product to be used in construction and an allotment of controlled material from a prime contractor, a subcontractor, or another secondary consumer.

(p) "Allotment" means (1) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which a Claimant Agency may receive and/or allot during a specified period, or (2) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which an Industry Division may allot during a specified period, or (3) an authorization by a Claimant Agency or an Industry Division, of the amount of controlled materials which may be received and/or allotted by one of its prime contractors during a specified period, or (4) an authorization by a prime contractor or a subcontractor, of the amount of controlled materials which may be received and/or allotted by one of its subcontractors or secondary consumers during a specified period, or (5) an authorization by a secondary consumer, of the amount of controlled materials which may be received and/or allotted by one of its secondary consumers during a specified period.

(q) "Class A product" means any product which is not a class B product (as defined in paragraph (r) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of CMP Regulation No. 1, other than any controlled material which may be contained in class B products incorporated in it.

(r) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time.

(s) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(t) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in section 15 of this regulation or which is specifically designated to be such an order by any regulation or order of NPA.

SEC. 3. *General construction schedule and allotment procedure.* (a) Each Claimant Agency or Industry Division shall authorize construction schedules of prime contractors pursuant to authorized construction programs. Each prime contractor who has an authorized construction schedule shall, pursuant thereto, authorize construction schedules of his subcontractors; and each subcontractor who has an authorized construction schedule shall, pursuant thereto, authorize construction schedules of his subcontractors.

(b) Each Claimant Agency or Industry Division shall make allotments to prime contractors, for the purpose of fulfilling related authorized construction schedules, pursuant to allotments which it has received. Each prime contractor who has received an allotment shall, pursuant thereto, make allotments to his subcontractors to fulfill related authorized construction schedules; and each subcontractor who has received an allotment shall, pursuant thereto, make allotments to his subcontractors to fulfill related authorized construction schedules.

(c) Each prime contractor or subcontractor who has an authorized construction schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing class A products for it; and each secondary consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing class A products for it.

(d) Each prime contractor or subcontractor who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing class A products for it, to fulfill related authorized production schedules; and each secondary consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing class A products for it, to fulfill related authorized production schedules.

(e) Nothing in this regulation shall be interpreted to prohibit construction by a person who does not have an authorized construction schedule for such construction: *Provided, however,* That such construction must comply with the provisions and limitations of NPA Order M–4 and all other applicable regulations and orders of NPA.

SEC. 4. *Statements of requirements.* (a) The basis for an allotment to a prime contractor, subcontractor, or secondary consumer shall be his actual requirements (including those of his subcontractors and/or secondary consumers) for controlled materials in connection with the fulfillment of an authorized construction schedule or an authorized production schedule, after taking inventories into account to the extent required by CMP Regulation No. 2. A statement of requirements is to be furnished as provided in section 5 of this regulation.

(b) When a person who has furnished a statement of requirements ascertains that he has substantially overstated his requirements or those of his subcontractors or secondary consumers for any material or product, he shall report such error immediately to the person to whom the statement of requirements was furnished.

(c) If any person receives any statement of requirements which he knows or has reason to believe to be substantially excessive, with respect to controlled materials, he shall withhold any allotment based thereon in an amount sufficient to correct such excess and shall report the facts immediately to the appropriate Claimant Agency or Industry Division.

SEC. 5. *Applications for authorized construction schedules and allotments.* (a) Except where otherwise specifically provided by NPA, construction schedules may be authorized and related allotments made on the basis of information furnished by application on Form CMP–4C, or in such other manner as may be prescribed.

(b) Any contractor, upon the request of a Claimant Agency or contractor, shall furnish to such Claimant Agency or contractor, the information called for in Form CMP–4C. Such information shall be submitted on Form CMP–4C or in such other manner as may be prescribed.

(c) Any prime contractor who desires to undertake construction shall submit an application on Form CMP–4C (or in such other manner as may be prescribed) to the appropriate Claimant Agency or industry Division for authorization to commence construction where required by the provisions of NPA Order M–4 or any other applicable regulation or order of NPA.

(d) Any prime contractor who desires to undertake construction, whether or not authorization to commence construction is required by the provisions of NPA Order M–4 or any other applicable regulation or order of NPA, may submit an application on Form CMP–4C (or in such other manner as may be prescribed) to the appropriate Claimant Agency or Industry Division for an authorized construction schedule and related allotment.

(e) Any prime contractor who has received authorization to commence construction under the provisions of NPA Order M–4, may submit an application on Form CMP–4C (or in such other manner as may be prescribed) for an authorized construction schedule and related allotment.

(f) Applications pursuant to paragraphs (c) and (d) of this section may be combined in a single Form CMP–4C (or in such other manner as may be prescribed).

(g) Any producer of class A products, upon the request of a prime contractor, a subcontractor, or a secondary consumer for whom he produces class A products for use in construction, shall furnish the information called for in Form CMP–4A by submitting such form (or by furnishing the information in such other manner as may be prescribed) to the person making the request. Such producer shall receive an authorized production schedule and allotment under this regulation, but he must comply with all applicable provisions of CMP Regulation No. 1.

AUTHORIZED CONSTRUCTION SCHEDULES, ALLOTMENTS, AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

SEC. 6. *How construction schedules are authorized.* (a) A construction schedule for each prime contractor undertaking construction pursuant to an authorized construction program will be authorized by the appropriate Claimant Agency or Industry Division on such form or in such manner as may be prescribed. A Claimant Agency may, in particular cases, authorize a construction schedule through an Industry Division.

(b) A construction schedule for each subcontractor shall be authorized pursuant to an authorized construction schedule by the appropriate prime contractor or subcontractor, on such form or in such manner as may be prescribed.

(c) A production schedule for each secondary consumer producing a class A product for use in construction shall be authorized by the contractor or secondary consumer for whom such class A product is to be produced, pursuant to an authorized construction schedule or an authorized production schedule, on such form as may be prescribed. A contractor having several authorized construction schedules bearing the same allotment number, and a secondary consumer having several authorized production schedules bearing the same allotment number, may, pursuant thereto, authorize a single production schedule of a secondary consumer producing class A products for him.

(d) Except where otherwise specifically provided by NPA, no person shall authorize a construction schedule or a production schedule unless at the same time he makes an allotment as provided in section 7 of this regulation, and no person shall make an allotment unless at the same time he authorizes a related construction schedule or a related production schedule as provided in this section.

(e) When the construction schedule of a prime contractor or a subcontractor, or the production schedule of a secondary consumer, is authorized and a related allotment is made to him, a DO rating shall be assigned or applied to such schedule by the person authorizing the schedule, for use as provided in paragraph (f) of this section.

(f) A contractor who has received a DO rating for an authorized construction schedule as provided in paragraph (e) of this section may use such rating with the related allotment number on delivery orders only: (1) To acquire products and materials other than controlled materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill such schedule; or (2) to replace in his inventory products and materials other than controlled materials used to fulfill authorized construction schedules; or (3) to acquire production machinery and production equipment necessary for the operation of the completed construction project covered by the authorized construction schedule to which such DO rating relates. A delivery order placed by a contractor pursuant to this paragraph must contain, in addition to a DO rating with an allotment number, a certification in the following form: "Certified under CMP Regulation No. 6," which shall be signed manually or as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this regulation to obtain the products or materials covered by the delivery order. When a contractor converts a delivery order for products or materials other than controlled materials, pursuant to section 5 of CMP Regulation No. 3, he shall use the certification provided in this paragraph in lieu of the certification provided in CMP Regulation No. 3. In all other respects the provisions of CMP Regulation No. 3 shall apply to a DO rating used by a contractor in connection with delivery orders for products and materials other than controlled materials. A secondary consumer who has received a DO rating for an authorized production schedule as provided in paragraph (e) of this section shall use such rating in accordance with the provisions of CMP Regulation No. 3.

SEC. 7. *How allotments are made.* (a) Each Claimant Agency, Industry Division, or contractor authorizing a construction schedule, as provided in section 6 of this regulation, shall concurrently make a related allotment, pursuant to allotments which it has received, to the contractor whose construction schedule has been authorized, on such form or in such manner as may be prescribed.

(b) Each contractor or secondary consumer authorizing a production schedule as provided in section 6 of this regulation, shall concurrently make a related allotment, pursuant to allotments which it has received, to the secondary consumer whose production schedule has been authorized, on such form as may be prescribed.

(c) Except where otherwise specifically provided by NPA, the allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized construction schedule or related authorized production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown.

(d) The allotment shall be identified by an allotment number as provided in section 8 of this regulation.

(e) Advance allotments by Claimant Agencies or Industry Divisions to prime contractors may be made within such limits as may be specified by the Requirements Committee of the Defense Production Administration. Prime contractors receiving such advance allotments shall, in turn, make advance allotments to their subcontractors and secondary consumers, and such subcontractors and secondary consumers shall make advance allotments, in the same manner as in the case of regular allotments, but no contractor or secondary consumer shall make any allotment before receiving his own allotment.

(f) A Claimant Agency, Industry Division, contractor, or secondary consumer may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 8. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a Claimant Agency letter symbol and one digit designating the authorized construction program of such Claimant Agency.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number K–2 which is valid for the fourth quarter of 1951 shall be designated as follows: K–2–4Q51. The date or dates on which delivery is required must also be specified on such delivery order.

(c) Delivery orders for products and materials other than controlled materials required for completion of an authorized construction schedule shall show the DO rating and the related allotment number, for example, DO–K–2. The date or dates on which delivery is required must also be specified on such delivery order.

SEC. 9. *Allotments by contractors and consumers.* (a) Each prime contractor receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized construction schedule, and shall allot the remainder to his sub-

contractors and secondary consumers producing class A products for him to cover their requirements for controlled materials for related authorized construction schedules and authorized production schedules. Allotments by subcontractors to subcontractors and secondary consumers, and allotments by secondary consumers to secondary consumers supplying them, shall be made in the same fashion.

(b) No contractor or secondary consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(c) No contractor or secondary consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized construction schedule of the subcontractor or the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any subcontractors and/or secondary consumers supplying them).

(d) A contractor may make an allotment to his subcontractor or secondary consumer, and a secondary consumer may make an allotment to his secondary consumer, on such form (including Form CMP–5 set forth in Schedule II of CMP Regulation No. 1) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 15 days.

SEC. 10. *How to cancel or reduce allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If and to the extent that cancellation or reduction is impracticable because of shipments already made to him pursuant to such allotment, he may use or dispose of controlled materials or class A products which he gets with such allotment in the manner provided in section 13 of this regulation.

SEC. 11. *Transfer of allotments.* No contractor shall transfer or assign any allotment (as distinct from making an allotment) unless concurrently he transfers or assigns the related authorized construction schedule, and unless such transfers or assignments are approved in writing by the authorizing Claimant Agency, Industry Division, or contractor.

SEC. 12. *Alternative procedure for simultaneous allotments.* A contractor who has several subcontractors and/or secondary consumers in different degrees of remoteness, may, at his option, authorize individual construction and/or production schedules and make simultaneous direct allotments to all such subcontractors and/or secondary consumers of all degrees of remoteness. The person who is to make the allotment under this alternative procedure (the originating contractor) may request each supplier of all degrees of remoteness to furnish him directly with information regarding such supplier's requirements for controlled materials, and each such supplier shall comply with such request. If this procedure is followed, each supplier shall include in the information he furnishes to the originating contractor only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized construction schedules, authorized production schedules, and allotments, shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 13. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) In no event shall a contractor request delivery of any controlled material in a greater amount or on an earlier date than required to fulfill his authorized construction schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of NPA. If the quantity of any controlled material required by a contractor is less than the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1, and is not procurable from a distributor, he may accept delivery of the full minimum shown in such schedule.

(b) No contractor shall use an allotment, or any controlled material or class A product obtained pursuant to an allotment for any purpose except: (1) To fulfill the related authorized construction schedule, or (2) to fulfill any of his other authorized construction schedules which bear the same allotment number, or (3) to replace in inventory, controlled materials or class A products used to fulfill any of such authorized construction schedules, subject to the provisions of CMP Regulation No. 2 or any other applicable regulation or order of NPA. Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

(c) If a contractor's needs for a controlled material or class A product are reduced before he has ordered or received delivery of them, he must immediately return the allotment as explained in section 14 of this regulation unless he uses the allotment for the purposes permitted in paragraph (b) of this section. If he has already placed authorized controlled material orders or delivery orders for class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and class A products, in which case his use of them is covered by paragraph (d) of this section.

(d) If it develops, after a contractor has received delivery of controlled materials or class A products, that he cannot use them for a purpose permitted under paragraph (b) of this section, he may use or dispose of them subject to restrictions of other orders or regulations of NPA.

(e) If, before using or disposing of controlled materials or class A products in a way permitted by this section, the contractor receives instructions from NPA as to disposition or use of the same, he must comply with such instructions. Also, he must comply with any instructions he receives from a Claimant Agency with respect to his use of controlled materials or class A products which he obtained by use of an allotment from that Claimant Agency, in any construction program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

(f) A contractor need not segregate inventories of controlled materials or class A products which he obtained by use of his allotments, even though different allotment numbers are used in ordering them, nor does he have to earmark them for a particular construction schedule. Although a contractor must charge the appropriate allotment account when placing an authorized controlled material order or making an allotment, he may keep all controlled materials and class A products received in a common inventory and in withdrawing from inventory he does not have to charge the withdrawal against the allotment account.

SEC. 14. *Adjustments for changes in requirements.* (a) If a contractor's requirements for controlled materials or class A products needed to fulfill an authorized construction schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a contractor finds that he has been allotted substantially more than he needs, he must return the excess. As of the first of each month, each contractor must check up on his anticipated requirements for the quarter and determine whether he has been allotted more than he anticipates he needs. If he has, he must return the excess by the tenth of the month. He need not take a physical inventory for this purpose, but must merely check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a subcontractor to return an allotment to the person from whom he received it, he may make the return directly to the appropriate Claimant Agency or Industry Division.

SEC. 15. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4) for controlled material shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in section 8 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) A contractor who has received an allotment may place an authorized controlled material order with any controlled materials producer or distributor unless otherwise specifically directed. An allotment to a prime contractor may include an instruction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the prime contractor shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to subcontractors and secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no contractor or secondary consumer shall impose any such restriction in any allotment made by him.

(c) Every authorized controlled material order placed by a contractor must contain a certification in addition to an allotment number. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following form: "Certified under CMP Regulation No. 6," and shall be signed manually or as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this regulation to obtain the controlled materials covered by the delivery order.

(d) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(e) A delivery order for controlled materials placed by a contractor before he has received his authorized construction schedule and allotment, calling for delivery after June 30, 1951, may be converted into an authorized controlled material order, after receipt of such schedule and allotment, either by furnishing a revised copy of the order conforming to the requirements of this section or by furnishing in writing information clearly identifying the order and bearing the certification required by paragraph (c) of this section.

(f) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(g) Authorized controlled material orders shall take precedence over other orders for controlled materials to the extent provided in CMP Regulation No. 3. A delivery order for controlled materials not covered by an allotment shall not be combined with an authorized controlled material order. However, such orders shall be combined if the total of both does not exceed the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1, provided that the controlled materials involved are not procurable from a distributor. Where such orders are combined, the portion covered by allotment must be specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in paragraph (c) of this section.

GENERAL PROVISIONS

SEC. 16. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized construction schedule, he shall immediately report the matter to the Claimant Agency which authorized the schedule and to NPA, or to the Industry Division which authorized the schedule. NPA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by NPA, such person shall comply with the provisions of such regulation or order.

SEC. 17. *Records and reports.* (a) Each contractor making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct subcontractors and direct secondary consumers. Such records shall be kept separately by allotment numbers, pursuant to section 8 of this regulation, and shall include separate entries under each number for each contractor, Claimant Agency, or Industry Division from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each contractor shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 18. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 19. *Communications.* All communications concerning this regulation, except as otherwise specified in this regulation, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 6.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

This regulation shall take effect on June 21, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7242; Filed, June 21, 1951; 11:16 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretation 36]

REG. X—REAL ESTATE CREDIT

INT. 36—DETERMINATION OF VALUE OF RESIDENTIAL PROPERTY

Inquiries have been received concerning the application of section 2 (i) (2) (B) of Regulation X to a case where, through unforeseen delays, credit is extended more than one year after the acquisition of property.

A typical example might be as follows: On June 5, 1950, an individual purchased a lot. On December 5, 1950, a Registrant committed himself to provide permanent financing to the extent of the maximum loan value computed on the basis of bona fide estimated cost. Because of unforeseen delays, however, construction will not be completed until July 1951. The question raised is whether the Registrant must now base the maximum loan value on his appraisal rather than the estimated cost, or whether the commitment to extend credit may be considered an extension of credit.

The Board has ruled in other cases in the past that a commitment to extend credit cannot be considered an extension of credit. Therefore, it will be necessary in such cases for the Registrant to base his loan on an appraisal rather than on estimated cost.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 602, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-7123; Filed, June 21, 1951; 8:45 a. m.]

[Regulation W, Interpretations 39, 40, 41]

REG. W—CONSUMER CREDIT

INT. 39—FREE MERCHANDISE AND REBATES

An instalment vendor of a listed article is not prohibited by the regulation from giving a discount or rebate on the sales price of a listed article or from making a bona fide "free" gift of other merchandise to the buyer of a listed article. However, in the case of a cash discount or rebate, and also in the case of a "free" gift which allows the customer to make a selection among a variety of merchandise or which is otherwise similar or equivalent to cash, the down payment to be obtained on the article must be net of the amount received by the purchaser from the vendor. In the case of other "free" gifts, the down payment must be obtained on the gross price of the listed article without any deduction for the "free" gift.

This interpretation supersedes the interpretation published in 15 F. R. 7827 (12 CFR 222.118 (b) (8)) on the same subject.

INT. 40—COOKING STOVES AND RANGES

The classification "cooking stoves and ranges" does not include cooking equipment designed for commercial use in restaurants and hotels; nor does it include any cooking equipment with less than three heating surfaces.

This interpretation supersedes the interpretation published in 15 F. R. 7827 (12 CFR 222.118 (b) (49)) on the same subject.

INT. 41—SUCTION CLEANER ATTACHMENTS

Questions have been raised concerning the status under Regulation W of certain devices or attachments frequently offered for sale and usable in connection with suction cleaners.

"Suction cleaners designed for household use," whether tank-type or upright brush-type, are articles listed in item 10 of Group B of section 9 (the Supplement to the regulation). Devices or attachments which may be fitted to a suction cleaner power unit by means of a flexible hose, wand, or by other means, are "accessories" within the meaning of section 8 (j) (7) of the regulation and must be included in the "cash price" of the listed article when sold in connection with the suction cleaner power unit. Such attachments include nozzles, sometimes equipped with bristles, adapted for cleaning rugs, furniture, floors, walls, draperies, radiators and the like.

To be so classified as "accessories" within section 8 (j) (7), it is not necessary that the device or attachment be usable exclusively with the suction cleaner power unit or for cleaning in the more ordinary sense. It is sufficient that the device or attachment is usable in connection with the suction cleaner power unit. The fact that the device or attachment may be operated manually or with other power units is immaterial. Thus, attachments for scrubbing or polishing floors, vaporizing moth crystals, or spraying rugs, fabrics, etc., are likewise "accessories" within the meaning of section 8 (j) (7). The same would be true, for example, of a garment bag equipped with a fitting to accommodate an attachment for vaporizing moth crystals, a self-winding extension cord device or attachment, and a device especially designed for holding or storing some or all of the attachments mentioned above.

The fact that some or all such devices or attachments may be available for purchase independently of the suction cleaner power unit also is immaterial, as is the fact that they may be priced separately.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-7124; Filed, June 21, 1951; 8:45 a. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 35 (OPR-2)]

NSA 35 (OPR-2)—VOYAGE DATA

Sec.
1. What this order does.
2. Voyage numbers.
3. Voyage commencements.
4. Voyage terminations.
5. Idle status period.
6. General provisions.

AUTHORITY: Sections 1 to 6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* The General Agents, as appointed by the National Shipping Authority, promulgated under GAA, 3/19/51, shall be instructed in the manner of recording voyage activities of dry cargo vessels operated for the account of the National Shipping Authority.

SEC. 2. *Voyage numbers.* (a) The voyages of National Shipping Authority vessels shall be numbered consecutively commencing with voyage No. 1 having the prefixed designation NSA and followed by the General Agents' abbreviated designation and voyage number, as NSA-1/ABC-1.

(b) The continuity of NSA voyage numbers shall not change with berth agency operations or in the transfer of vessels to other General Agents.

(c) The General Agents' designated abbreviation and voyage numbers shall terminate upon transfer of the vessel and the succeeding General Agent shall affix his abbreviated designation and initial voyage numbers, as NSA-13/XYZ-1.

SEC. 3. *Voyage commencements.* (a) All voyages shall commence at 0001 hours of the date on which any of the following activities occur first:

(1) Vessel goes on loading berth, or

(2) Vessel sails outward on a new voyage, or

(3) Following termination of the previous voyage as prescribed in section 4 (a) of this order.

(4) Following termination of an idle status period as prescribed in section 5 (a) and (b) of this order.

SEC. 4. *Voyage terminations.* (a) All voyages shall terminate at a continental United States port at 2400 hours of the date on which any of the following activities were completed, whichever occurs last:

(1) Final discharge of cargo or ballast.

(2) Paying off of crew from sea articles.

(3) Completion of voyage repairs.

SEC. 5. *Idle status period.* (a) The General Agent shall place a vessel in idle status during the period of reactivation notwithstanding the fifteen (15) day minimum period as provided for in paragraph (b) of this section.

(b) The General Agent shall place a vessel in idle status, although the voyage may have commenced, whenever and as soon as it is anticipated that the minimum period of inactivity will exceed fifteen (15) days, due, but not limited to: (1) Repairs, (2) labor, (3) awaiting allocation, (4) awaiting cargo.

(c) Should the anticipated period of inactivity terminate prior to the expiration of the 15 day minimum idle status period, except as provided in paragraph (a) of this section, the General Agent shall cancel the idle status and antedate the succeeding voyage commencement to the termination of the previous voyage as prescribed in section 4 (a) of this order.

(d) Should an idle status period be established after a voyage has commenced, the voyage shall be suspended for the duration of the idle status period and resumed when the idle status period is terminated.

(e) Idle status periods as defined in this order, shall be established only in continental United States ports.

(f) Idle status periods shall be treated as separate accounting periods.

SEC. 6. *General provisions.* (a) In cases of overlapping activities and all other questions arising in respect to voyage commencements, terminations and idle status periods as defined in sections 3, 4 and 5 of this order, the General Agent shall immediately inform the nearest Coast Director, or his local representative of the circumstances and submit recommendations for terminating a voyage. The resulting recommendations, decisions and instructions shall be confirmed in writing to the General Agent, with a copy of such correspondence being sent to the Division of Operations, N. S. A., Washington 25, D. C.

(b) In the event a vessel is employed in intermediate voyage or voyages, or in cross trading outside the continental United States, the voyage shall continue until terminated at a continental United States port.

(c) There shall be no voyage terminations outside continental United States ports except in cases of,

(1) Total loss or constructive total loss of the vessel.

(2) Transfer of operations.

Effective date. This order shall be effective on date of publication in the FEDERAL REGISTER.

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-7179; Filed, June 21, 1951; 8:59 a. m.]

[NSA Order 36 (DRO-27)]

NSA 36 (DRO-27)—RATE ON IRON ORE IN BULK FROM NARVIK TO BALTIMORE OR PHILADELPHIA

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204.49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rate and charter terms and conditions for the transportation of full cargoes of Iron Ore, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Narvik to Baltimore or Philadelphia, effective on vessels commencing to load on and after May 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

RATE: $4.25 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies on cargoes loaded at one port for one port of discharge only.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate* (insert rate as above set forth). Freight shall be determined on the cargo outturn weight and shall be due and payable in accordance with Clause 6 of Part II hereof.

Demurrage. Charterers to pay demurrage at the rate of $------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. No despatch shall be payable.

F. *Stevedoring.* Loading, trimming and discharging shall be performed by charterer at charterer's risk and expense.

G. *Loading time.* Loading to be at the rate of 2,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in loading due to whether preventing loading shall not count as laytime.

H. *Discharging time.* Cargo shall be discharged at the rate of 1,500 tons of 2,240 pounds per day. Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Laydays are not reversible.

2. Charterer to have liberty to load and/or discharge at night, on Sundays and holidays, vessel paying all overtime charges except for stevedores.

3. Owners or Master to telegraph Malmexport, Stockholm and Malmexport, Narvik six (6) days notice of expected arrival date and readiness at port of loading together with time of departure from the last port of call.

4. Charterer, at least 3 days prior to vessel's expected arrival off Delaware Capes, shall declare to owner by telegraph name of discharging port and berth.

5. No cargo to be loaded in deep tanks or in hatches smaller than 16' by 16'.

6. General average clause: The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

7. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

8. This contract is subject to the approval of the National Shipping Authority.

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-7178; Filed, June 21, 1951; 8:59 a. m.]

[NSA Order 37 (DRO-28)]

NSA 37 (DRO-28)—RATE ON IRON ORE IN BULK FROM MONROVIA, LIBERIA, TO BALTIMORE OR PHILADELPHIA

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rate and charter terms and conditions for the transportation of full cargoes of Iron Ore, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Monrovia, Liberia, to Baltimore or Philadelphia, effective on vessels commencing to load on and after May 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

RATE: $6.00 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies on cargoes loaded at one port for one port of discharge only.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. *Freight rate* (insert rate as above set forth). Freight shall be determined on the cargo outturn weight and shall be due and payable in accordance with Clause 6 of Part II hereof.

Demurrage. Charterers to pay demurrage at the rate of $------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. No despatch shall be payable.

F. *Stevedoring.* Loading, trimming and discharging shall be performed by charterer at charterer's risk and expense.

G. *Loading time.* Loading to be at the rate of 2,000 tons of 2,240 pounds per day, Sundays and holidays excepted unless used.

[1] (Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.)

Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time.* Cargo shall be discharged at the rate of 1,500 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Laydays are not reversible.

2. Charterer to have liberty to load and/or discharge at night, on Sundays and holidays, vessel paying all overtime charges except for stevedores.

3. Owners or Master to telegraph Amsaline, Monrovia, Liberia, six (6) days notice of expected arrival date and readiness at port of loading together with time of departure from the last port of call.

4. Charterers, at least 3 days prior to vessel's expected arrival off Delaware Capes, shall declare to owner by telegraph name of discharging port and berth.

5. No cargo to be loaded in deep tanks or in hatches smaller than 16' by 16'.

6. General average clause: The adjustment and settlement of general average claims, pursuant to Clause 21, Part II, shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

7. Wherever the words "United States Maritime Commission" appear in Part II hereof, same shall be understood to mean National Shipping Authority.

8. This contract is subject to the approval of the National Shipping Authority.

C. H. McGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-7177; Filed, June 21, 1951; 8:59 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

COOPERATION WITH USER ORGANIZATIONS

By virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulation A-9 of the regulations relating to the occupancy, use, protection and administration of the national forests, which constitutes § 211.1, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 211.1 *Cooperation with user organizations.* (a) Permittees who use a national forest or a portion thereof for like purposes and desire to cooperate with the Forest Service in the systematic betterment of conditions and facilities controlling their use of the national forest lands may do so by organizing (1) associations in which all permittees of like character within an area are eligible to membership, or (2) advisory boards without associations representing the permittees and requesting official recognition by the Forest Service. The request should be addressed to the Forest Supervisor who will act on all requests. To obtain recognition, an association must show that its membership includes a majority of all persons holding permits for like purposes in the area involved and that an advisory board has been elected whose agreements on behalf of the association shall be binding upon all members thereof. An advisory board without an association representing the permittees, to obtain recognition, must show that it represents a majority of all persons holding permits for like purposes in the area involved and that its agreements shall be binding upon all permittees that it represents. Upon recognition by the Forest Supervisor, the advisory board of an association or advisory board without an association representing the permittees shall be entitled to receive notice of proposed action and have an opportunity to be heard in reference to any proposed changes likely to affect materially the use or interest in the forest or a portion thereof enjoyed by the persons using the area.

(b) Upon receiving a request and recommendation from an advisory board representing an association or an advisory board without an association representing the permittees, the Forest Supervisor may establish special rules to prevent damage to the national forest lands, to regulate their use and occupancy, and to promote their development and improvement for the purposes and in the ways for which such permits are issued. Upon the establishment of special rules they will be made a part of the permits and shall be binding on the permittees.

(c) Upon receiving a request and recommendation of a majority of the members of an association or from a majority of the permittees of an area represented by an advisory board, the Forest Supervisor may authorize the operation by the association or advisory board, of services or utilities of general character and benefit which promote the protection and improvement of the forest lands by the permittees.

(d) A majority of the permittees of each national forest or the advisory board representing such permittees may either elect or appoint one of the permittees on such national forest as their representative on an advisory board representing a group of national forests. Upon such election or appointment, the regional forester will recognize the permittee so elected or appointed as a member of the advisory board representing a particular group of national forests.

(30 Stat. 35, as amended; 16 U. S. C. 551. Interpret or apply sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 19th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7137; Filed, June 21, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; RECOGNITION OF GAIN IN CERTAIN CORPORATE REORGANIZATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to the provisions of Public Law 814, 81st Congress, approved September 23, 1950.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 206, relating to recognition of gain in certain corporate reorganizations, of the Revenue Act of 1950 (81st Congress, 2d Session), approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (b) (7)-1 the following:

SEC. 206. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS [REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950].

(a) *Amendment of section 112 (b) (7).* Section 112 (b) (7) (relating to recognition of gain in certain corporate liquidations) is hereby amended as follows:

(1) Clauses (i) and (ii) of subparagraph (A) are hereby amended to read as follows:

(i) The liquidation is made in pursuance of a plan of liquidation adopted after December 31, 1950, whether the taxable year of the corporation began on, before, or after January 1, 1951; and

(ii) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1951.

(2) Subparagraph (B), clause (ii) of subparagraph (E), and clause (i) of subparagraph (F) are each amended by striking out "December 10, 1943" and inserting in lieu thereof "August 15, 1950".

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1950.

PAR. 2. Section 29.112 (b) (7)-1, as added by Treasury Decision 5356, approved April 19, 1944, is amended as follows:

(A) By inserting in the heading and in the section immediately after "in 1944", wherever "in 1944" appears therein, the following: "or 1951".

(B) By inserting in the first sentence of paragraph (b), immediately after "February 25, 1944", the following: ", if the liquidation occurs within one calendar month in 1944, and after December 31, 1950, if the liquidation occurs within one calendar month in 1951."

(C) By striking therefrom the second sentence of paragraph (b) and inserting in lieu thereof the following: "In the case of a liquidation occurring in 1944, the plan may be adopted at any time after February 25, 1944, and before the first distribution under the liquidation occurs. In the case of a liquidation occurring in 1951, the plan may be adopted at any time after December 31, 1950, and before the first distribution under the plan occurs."

PAR. 3. Section 29.112 (b) (7)-2, as added by Treasury Decision 5356, is amended as follows:

(A) By inserting in the first sentence immediately after "December 10, 1943", the following: "(in the case of a liquidation occurring within one calendar month in 1944), or August 15, 1950 (in the case of a liquidation occurring within one calendar month in 1951)".

(B) By striking from the first sentence of the example "1944" and inserting in lieu thereof the following: "1951".

PAR. 4. Section 29.112 (b) (7)-4, as added by Treasury Decision 5356, is amended as follows:

(A) By inserting in the first sentence of paragraph (b) (2) immediately after "December 10, 1943" the following: "(in the case of a liquidation occurring within one calendar month in 1944), or after August 15, 1950 (in the case of a liquidation occurring within one calendar month in 1951)".

(B) By striking therefrom the second sentence of paragraph (b) (2) and inserting in lieu thereof the following: "The mere replacement after December 10, 1943, or after August 15, 1951, whichever date is applicable, of lost or destroyed certificates or instruments acquired on or before such date, or the mere conversion of certificates or instruments into certificates or instruments of larger or smaller denomination will not constitute an acquisition within the meaning of the phrases 'acquired after December 10, 1943' and 'acquired after August 15, 1950'".

(C) By inserting immediately before the period at end of paragraph (b) (2) the following: ", or from the issuance after August 15, 1950, of certificates of stock in connection with a subscription made and accepted on or before August 15, 1950".

(D) By striking from the example in paragraph (c) of such section "December 10, 1943," wherever "December 10, 1943," appears in such example and inserting in lieu thereof "August 15, 1950,"; and by striking from such example "1944" and inserting in lieu thereof "1951".

PAR. 5. Section 29.112 (b) (7)-5, as added by Treasury Decision 5356, is amended by inserting immediately after "December 10, 1943" the following: ", in the case of a liquidation occurring in 1944, or after August 15, 1950, in the case of a liquidation occurring in 1951".

PAR. 6. There is inserted immediately preceding § 29.113 (a) (18)-1 the following:

SEC. 206. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS [REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950].

* * * * * *

(b) *Basis of property.* Section 113 (a) (18) (relating to basis of property received in certain corporate liquidations) is hereby amended by inserting after the word "Chapter" the following "(whether before or after its amendment by the Revenue Act of 1950)".

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1950.

PAR. 7. Section 29.113 (a) (18)-1, as added by Treasury Decision 5356, is amended as follows:

(A) By striking "and" at the end of paragraph (a) (2) (ii) and inserting in lieu thereof the following:

", or

"(iii) Pursuant to a plan of liquidation adopted after December 31, 1950, in accordance with which the distribution is in complete cancellation or redemption of all the stock and the transfer of all the property in the liquidation occurs within some one calendar month of the calendar year 1951; and".

(B) By inserting immediately before the period at the end of paragraph (a) the following: ", or after August 15, 1950, if subparagraph (2) (iii) is applicable".

PAR. 8. Section 29.148-2, as amended by Treasury Decision 5356, is amended as follows:

(A) By inserting in the heading of paragraph (b) (2) immediately after "of 1944", the following: "or 1951".

(B) By striking from the first sentence of paragraph (b) (2) ", adopted after February 25, 1944," and by inserting in such sentence immediately after "calendar year 1944" the following: "or 1951".

(C) By inserting in paragraph (b) (2) (iii) immediately after "shareholders as of December 10, 1943", the following: "(in the case of a liquidation within one calendar month in 1944) or as of August 15, 1950 (in the case of a liquidation within one calendar month in 1951)".

(D) By inserting in paragraph (b) (2) (iii), immediately after "between December 10, 1943," the following: "or August 25, 1950, whichever date is applicable,".

PAR. 9. Section 29.148-3, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by striking from the second sentence of paragraph (b) thereof "adopted after February 25, 1944," and by inserting in such sentence immediately after "calendar year 1944" the following: "or 1951".

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[F. R. Doc. 51-7157; Filed, June 21, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 27]

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN-EGYPTIAN COTTON

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering a revision of the standards for grades of cotton of varieties known as American-Egyptian, to be effective on and after August 1, 1952, pursuant to the authority contained in section 9 of the United States Cotton Futures Act of August 11, 1916 (39 Stat. 476; as amended March 4, 1919, 40 Stat. 1348, 1351; May 31, 1920, 41 Stat. 725; and February 26, 1927, 44 Stat. 1248; 26 U. S. C. 1926) and by section 6 of the United States Cotton Standards Act of March 4, 1923 (42 Stat. 1517; 7 U. S. C. 51-65).

In response to the urgent need for a revision in the grade standards for American-Egyptian cotton our specialists have (1) carefully surveyed the 1950-51 crop of this cotton; (2) assembled a proposed set of new grade standards that would replace the present standards; (3) presented these proposed boxes to various members of the cotton industry and trade for suggestions; and (4) where practical incorporated these suggestions into the proposed standards and prepared a revised set of grade boxes. Said standards shall supersede the present standards for grades of American-Egyptian cotton which were promulgated by the Secretary of Agriculture on March 19, 1940.

Before recommending the promulgation of these new and revised standards, they will be on display in Washington. Various groups in the industry who are interested in American-Egyptian cotton are invited to examine the new boxes in our classing room on the sixth floor of the Agricultural Annex, Twelfth and C Streets SW., Washington, D. C., at 10:00 o'clock a. m., on June 25, 1951. Should you wish to send a representative we shall be glad to have him in attendance.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed boxes should file same, in duplicate, with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later

than 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7171; Filed, June 21, 1951; 8:58 a. m.]

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

JAPANESE BEETLE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending §§ 301.48, 301.48-2, 301.48-3 (b), 301.48-4 (a) (2), 301.48-5 (c), and 301.48-9 of notice of quarantine No. 48 and supplementary regulations, as amended (7 CFR and Supp. 301.48, 301.48-2, 301.48-3 (b), 301.48-4 (a) (2), 301.48-5 (c), and 301.48-9), in the following respects:

1. Amend § 301.48 by inserting therein the words "North Carolina" after the words "New York"; by deleting therefrom the words "(c) cut flowers"; and by changing the present "(d)" to "(c)".

2. Amend § 301.48-2 to include the following additional counties, cities, and towns, or parts thereof, including all minor civil divisions therein:

New York. All nonregulated portions of the counties of Monroe and Warren, and the towns of Granby, Hannibal, Mexico, Minetto, New Haven, Palermo, Scriba, and Volney, in Oswego County.

North Carolina. Counties of Beaufort, Bertie, Buncombe, Cabarrus, Camden, Carteret, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Edgecombe, Forsyth, Gates, Greene, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Randolph, Rowan, Sampson, Tyrrell, Washington, Wayne, and Wilson; township of Beaver Dam and city of Canton in Haywood County.

Ohio. Townships of Lafayette, Linton, Oxford, and Tuscarawas, in Coshocton County; township of Chester, in Geauga County; township of Prairie, in Holmes County; township of Hanover, in Licking County; townships of Benton, Jackson, Lee, Ohio, Salem, and Switzerland, in Monroe County; townships of Adams, Cass, Falls, Hopewell, Highland, Jackson, Jefferson, Licking, Madison, Monroe, Muskingum, Perry, Salem, Union, and Washington, in Muskingum County; and townships of Adams, Belpre, Dunham, Fearing, Grandview, Independence, Lawrence, Liberty, Ludlow, Muskingum, Salem, and Warren, in Washington County.

Pennsylvania. All nonregulated portions of Mercer County.

West Virginia. County of Hampshire.

3. Amend § 301.48-3 (b) to read as follows:

(b) *Articles the movement of which is regulated.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine and except as hereinafter otherwise provided, the movement of the following articles from regulated areas to points outside thereof is subject to the regulations in this subpart;

(1) Soil, humus, compost, and decomposed manure moved independent of or in connection with nursery stock or any other articles or things.

(2) Nursery stock.

(3) Fresh fruits and vegetables.

4. Amend § 301.48-4 (a) (2) by deleting the comma following "(b)" and deleting "and (4)" preceding the word "only."

5. Amend § 301.48-5 (c) by deleting the word "sanitation" preceding the word "safeguards."

6. Amend § 301.48-9 by deleting the title *"Inspection in transit"* and substituting therefor *"Inspection of shipments en route."*

This proposal to continue the Japanese beetle quarantine, with amendments to quarantine the State of North Carolina and to regulate portions thereof as well as additional areas in New York, Ohio, Pennsylvania, and West Virginia, has been decided upon after a thorough study of testimony presented at a public hearing held in Washington on March 30, 1951. The purpose of the proposed amendments is to accomplish these changes, to eliminate cut flowers as a quarantined product, and to clarify the phraseology of several regulations.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 19th day of June 1951.

[SEAL] CHARLES F. BRANNAN.
Secretary of Agriculture.

[F. R. Doc. 51-7136; Filed, June 21, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 104]

WHITE LABORATORIES, INC.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of White Laboratories, Inc., Respondent, 113 North Thirteenth Street, Newark 7, New Jersey.

This proceeding was begun on April 12, 1951, by the transmission of a charging letter to the above-named respondent, wherein the Office of International Trade charged respondent with having violated the Export Control Act of 1949, and the regulations promulgated thereunder, by making application to the Office of International Trade, on January 16, 1951, for export license to ship one 30-gallon drum of vitamin fortified halibut liver oil of respondent's fabrication, in which application respondent knowingly made certain false representations to the effect that respondent held an accepted order for this drug, that the purchaser and named ultimate consignee was in Hong Kong, and that Hong Kong was the country of ultimate destination, whereas respondent well knew it held no order whatever for this drug from the named consignee in Hong Kong but held an order therefor from another purchaser in Shanghai, China, for the exportation of which the Office of International Trade had denied to respondent an export license on January 9, 1951.

Following receipt of the said charging letter, respondent by and through its responsible officials discussed the charges as aforesaid with appropriate officials of the Office of International Trade and with the Compliance Commissioner, and upon the basis of such discussion submitted to the Office of International Trade a duly authorized statement to the effect that it admitted, for the purposes of this compliance proceeding only, the charges made in said charging letter of April 12, 1951, that it waived all right to a hearing on such charges, and that it consented to the entry of an order the terms of which are set forth hereinbelow.

The investigation report and other evidentiary material in the possession of the Office of International Trade, together with the said charging letter and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review; that upon the basis of such review and upon the discussions as aforesaid he has found that respondent dealt with two independent customers bearing the identical name, one customer being located in Hong Kong, the other in Shanghai, China; that respondent periodically received orders from and shipped to each of such customers a certain specified halibut liver oil preparation of respondent's fabrication which each such customer thereafter packaged and marketed under an identical trade-name; that respondent held an order for one 30-gallon drum of said oil preparation from such customer in Shanghai, China, but was unable to obtain export license to ship the commodity to Shanghai; that respondent assuming that such customer in Hong Kong required and could use this 30-gallon drum of halibut liver oil in that place, but holding no order therefor, applied to the Office of International Trade for export license to ship this specific drum to its Hong Kong customer without giving the Office of International Trade the true facts; that in reliance on the false statements contained in said application the Office of International Trade issued an export license to respondent, but that said license was thereafter cancelled and returned to the Office of International Trade and that the said commodity was not shipped by respondent.

The Compliance Commissioner has accordingly found, to the extent above indicated, that the charges as set forth in the charging letter with regard to respondent corporation are supported by the evidence, that the terms and conditions of the proposed order as consented to by respondent are fair and reasonable, and that such order should be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the above-described evidentiary material, the charging letter, and the afore-mentioned proposal for a consent order, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, As follows:

(1) Respondent corporation is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the export to any destination of any commodity on the Positive List, as such list may be constituted at the time of any proposed shipment, for a period of three months from the date of this order.

(2) Such denial of export license privileges shall be deemed to include and prohibit participation by the respondent as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated license, in any manner or capacity, including the financing, forwarding, transporting, or other servicing of exports for any of the aforesaid Positive List commodities.

(3) Such denial of export license privileges shall extend not only to respondent corporation but also to any person, firm, corporation, or other business organization with which said respondent may be now or hereafter related by ownership, control or other connection, or with which said respondent may hold a position of responsibility in the conduct of trade involving exportation from the United States or services connected therewith.

(4) This order shall not be deemed to deny to respondent the privilege of making exportation from the United States under general licenses, or to file applications for validated licenses where required to export commodities not on the Positive List at the time of a particular shipment.

Dated: June 15, 1951.

WALLACE S. THOMAS,
Acting Assistant Director for Export Supply.

[F. R. Doc. 51-7146; Filed, June 21, 1951; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LUMBER AND BUILDING MATERIALS DEALERS

NOTICE OF HEARING RELATING TO APPLICATION OF EXEMPTIONS

Notice was published in the FEDERAL REGISTER on June 1, 1951, of a hearing to be held in this matter before an authorized representative of the Administrator on June 27, 1951.

Requests have been received from parties who intend to appear to present evidence in this matter that additional time be allowed for the preparation of pertinent material. I have considered such requests and find them to be reasonable.

Notice is hereby given that the hearing in this matter will be held on July 25, 1951, in Room 2325, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 18th day of June 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-7138; Filed, June 21, 1951; 8:48 a. m.]

EMPLOYMENT OF LEARNERS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6360).

Alabama Textile Products Corp., Crestview, Fla., effective 6-8-51 to 12-7-51; 20 learners for expansion purposes in the manufacture of men's woven pajamas only (men's woven underwear).

Ashland Crafts, Inc., Eighteenth and Carter Avenue, Ashland, Ky., effective 6-11-51 to 12-10-51; 20 learners for expansion purposes only (children's dresses).

Blue Bell, Inc., Natchez, Miss., effective 1-15-51 to 7-14-51; 54 may be employed for expansion purposes only (cotton trousers and shirts) (replacement certificate).

Carlisle Manufacturing Co., Manti, Utah, effective 6-8-51 to 12-7-51; 75 learners for expansion purposes only (men's khaki shirts).

Guin Manufacturing Corp., Guin, Ala., effective 6-15-51 to 6-14-52; for normal labor turnover, not to exceed 10 learners (men's and boys' shirts and pajamas).

F. Jacobson & Sons, Inc., Salisbury, Md., effective 6-8-51 to 12-7-51; for expansion purposes only, 10 learners (men's shirts).

Kelly Shirt Co., 209 Monroe Street, NW., Grand Rapids, Mich., effective 6-11-51 to 6-10-52; for normal labor turnover purposes, four learners (custom made shirts).

Sherrod Shirt Co., Independence, Va., effective 6-11-51 to 12-10-51; for expansion purposes only, 45 learners (work pants).

Boris Smoler & Sons, 507 Jefferson Street, La Porte, Ind., effective 6-6-51 to 6-5-52; 10 percent of total productive factory force, for normal labor turnover (wash dresses).

Boris Smoler & Sons, Church and Maple Streets, Salem, Ill., effective 6-6-51 to 6-5-52; 10 percent of total productive factory force, for normal labor turnover (cotton dresses).

Boris Smoler & Sons, 3021 North Pulaski Road, Chicago, Ill., effective 6-6-51 to 6-5-52; 10 percent of total productive factory force, for normal labor turnover (wash dresses).

Boris Smoler & Sons, Crawford and Prospect Streets, Elkhart, Ind., effective 6-6-51 to 6-5-52; 10 percent of total productive factory force, for normal labor turnover (wash dresses and housecoats).

I. Taitel & Sons, Scottsburg, Ind., effective 6-8-51 to 6-7-52; for normal labor turnover, not to exceed 10 learners (men's and boys' odd outerwear jackets).

Tamco Corp., 6341 South Harper Avenue, Chicago, Ill., effective 6-8-51 to 12-7-51; for expansion purposes only, 10 learners (boys' sport shirts).

Wallick Dress Co., 305 West Lincoln Highway, Coatesville, Pa., effective 6-5-51 to 6-4-52; 10 percent of total productive factory force or five learners, whichever is greater (ladies' cotton dresses).

Wallick Dress Co., Gap, Pa., effective 6-5-51 to 6-4-52; 10 percent of total productive factory force or five learners, whichever is greater (cotton dresses).

Wallick Dress Co., Honeybrook, Pa., effective 6-5-51 to 6-4-52; 10 percent of total productive factory force, or five learners, whichever is greater (cotton dresses).

Wallick Dress Co., Elkton, Md., effective 6-5-51 to 6-4-52; 10 percent of total productive factory force, or five learners, whichever is greater (cotton dresses).

Wallick Dress Co., Third and Fleetwood Streets, Coatesville, Pa., effective 6-5-51 to 6-4-52; 10 percent of total productive factory force for normal labor turnover (cotton dresses).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Wamego Telephone Co., Wamego, Kans., effective 6-8-51 to 6-7-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Alabama Textile Products Corp., Crestview, Fla., effective 6-8-51 to 6-7-52; 5 percent of the total number of productive factory workers engaged in the manufacture of men's woven shorts only.

Iredell Knitting Mills, Inc., Statesville, N. C., effective 6-8-51 to 6-7-52; 5 percent of the total number of productive factory workers, not including office or sales personnel.

Iredell Knitting Mills, Inc., Statesville, N. C., effective 6-8-51 to 12-7-51; five additional learners for expansion purposes only (supplemental certificate).

Mullins Textile Mills, Inc., Mullins, S. C., effective 6-11-51 to 12-10-51; 100 learners for expansion purposes only.

Rita's Fashions, Moscow, Pa., effective 6-11-51 to 6-10-52; five learners.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Clapp Shoe Co., Inc., Main Street, Naples, N. Y., effective 6-11-51 to 12-31-51; four learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Edward Alden Studios, Inc., 1425 Broadway, Detroit, Mich., effective 6-6-51 to 12-5-51; 10 learners; hand and machine sewers only, 320 hours; 55 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (lamps and shades).

Fallen's Electric, 209 South Dallas Street, Ennis, Tex., effective 6-6-51 to 12-5-51; three learners; rewinder and machinist, 480 hours each; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (rebuilding of automobile generators and armatures).

Lakeland Tanning Co., Inc., Lakeland, Fla., effective 6-8-51 to 12-7-51; 10 percent of the total number of productive factory workers, not including office or sales personnel; toggling, staking, shaving, buffing, seasoning, trimming, embossing, graining, spraying and sorting, 320 hours, 60 cents per hour (shoe leather).

Paramount Cap Manufacturing Co., Gerald, Mo., effective 6-5-51 to 6-4-52; six learners; sewing machine operators, 240 hours; 60 cents per hour (cloth caps).

Sparta Pipes, Inc., Sparta, N. C., effective 6-18-51 to 12-17-51; 10 percent of the productive factory workers, not including office or sales personnel; pipemakers, 240 hours; 60 cents per hour (smoking pipes).

Worcester Felt Pad Corp., P. O. Box No. 5036, Tucson, Ariz., effective 6-5-51 to 12-4-51; two learners; sewing machine operators, 160 hours; 60 cents per hour (ironing board pads and covers).

Zion Industries, Inc., 2669-77 Sheridan Road, Zion, Ill., effective 6-8-51 to 12-7-51; three learners; sewing machine operator, 240 hours; 60 cents per hour (curtain and drapery fabrics).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Pan American Crafts, San Juan, P. R., effective 6-4-51 to 12-3-51; 80 learners as sewing machine operators; 200 hours at 25 cents an hour (manufacture of brassieres).

Jem Manufacturing Co., Santurce, P. R., effective 6-4-51 to 12-3-51; 80 learners as sewing machine operators; 200 hours at 25 cents an hour (manufacture of brassieres).

Jem Manufacturing Co., Bayamon, P. R., effective 6-4-51 to 12-3-51; 80 learners as sewing machine operators; 200 hours at 25 cents an hour (manufacture of brassieres).

U. S. Textile Importing Co., Santa Isabel, P. R., effective 5-21-51 to 11-20-51; 30 learners in occupation of machine embroidering; 240 hours at 22½ cents per hour (machine embroidering).

Miranda Hermanos & Co. S. EN C., 1256 Ponce de Leon Avenue, Santurce, P. R., effective 5-17-51 to 11-16-51; 26 learners in the occupation of machine and hand sewing; 120 hours at 24 cents an hour and 120 hours at 30 cents an hour (men's clothing).

The Shawy Hand Bag Co., P. R., Inc., Caguas, P. R., effective 6-4-51 to 12-3-51; 20 learners, corde for ladies handbags; 160 hours at 25 cents an hour and 160 hours at 29 cents an hour (corde handbags).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-7122; Filed, June 21, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

[General Order 8, Amdt.]

SALARY STABILIZATION BOARD

AMENDMENT TO ORGANIZATION STATEMENT

1. Section 3 (a) of General Order No. 8, dated May 10, 1951, is amended to read as follows:

SEC. 3. *Organization*—(a) *Salary Stabilization Board.* There shall be a Salary Stabilization Board which shall consist of five public members, one of whom shall be designated as Chairman. The Chairman of the Wage Stabilization Board shall serve as an ex-officio nonvoting member of the Salary Stabilization Board, advising the Board in respect to the terms of section 5 (b) of this order.

2. The designation "Salary Stabilization Division" as used throughout the order is amended to read "Office of Salary Stabilization."

Issued at Washington, D. C., June 19, 1951, 3:15 p. m.

ERIC JOHNSTON,
Administrator.

[F. R. Doc. 51-7207; Filed, June 21, 1951; 8:52 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 75]

HAMILTON WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hamilton Watch Company, Columbia Avenue, Lancaster, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of watches manufactured by Hamilton Watch Company, Columbia Avenue, Lancaster, Pennsylvania, having the brand name(s) "Hamilton" shall be the proposed retail ceiling prices listed by Hamilton Watch Company in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 21, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Hamilton Watch Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 21, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 21, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers.	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	unit, dozen, etc.
Terms	net, percent EOM, etc.
	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7217; Filed, June 21, 1951; 9:14 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 76]

SKYWAY LUGGAGE CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Skyway Luggage Company, 10 Wall Street, Seattle 1, Washington, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of luggage manufactured by Skyway Luggage Company, 10 Wall Street, Seattle 1, Washington, having the brand name(s) "Skyway" shall be the proposed retail ceiling prices listed by Skyway Luggage Company in its application dated April 26, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 21, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Skyway Luggage Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 21, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 21, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an

article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per	unit. dozen. etc.
Terms net. percent EOM. etc.	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7218; Filed, June 21, 1951; 9:14 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 77]

SWANK, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Swank, Inc., Attleboro, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's belts, wallets, wallet inserts, secretaries, slim billfolds, key cases, comb and file sets and manicure sets manufactured by Swank, Inc., Attleboro, Massachusetts, having the brand name(s) "Swank" shall be the proposed retail ceiling prices listed by Swank, Inc., in its application dated March 27, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 21, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Swank, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 21, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 21, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per	unit. dozen. etc.
Terms net. percent EOM. etc.	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7219; Filed, June 21, 1951; 9:14 a. m.]

JURISDICTIONAL CHANGES IN CERTAIN DISTRICT OFFICES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987) and as amended March 3, 1951 (16 F. R. 2028), April 20, 1951 (16 F. R. 3444), and May 12, 1951 (16 F. R. 4476) is further amended to include the following changes in District Office boundaries:

Region II (New York, New Jersey). The County of St. Lawrence heretofore served by the Albany District Office will now be served by the Syracuse District Office.

Region VII (Illinois, Indiana, Wisconsin). The District Office in Chicago, Illinois heretofore limited to Cook County, Illinois, will assume service operations in the area comprised of Lake, Kane, Cook, Du Page, and Will Counties in the State of Illinois and Lake County in the State of Indiana.

The District Office in Peoria, Illinois will serve the Northern portion of the State of Illinois except Lake, Kane, Cook, Du Page and Will Counties, its Southern boundary being composed of Hancock, McDonough, Fulton, Tazewell, McLean, Ford and Iroquois Counties.

The District Office in Indianapolis, Indiana will serve the State of Indiana except Lake County.

The changes herein designated shall be effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7234; Filed, June 21, 1951; 10:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6363]

IOWA POWER AND LIGHT CO.

NOTICE OF APPLICATION

JUNE 18, 1951.

Take notice that on June 15, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Power and Light Company, a corporation organized under the laws of the State of Iowa and doing business in said State with its principal business office in Des Moines, Iowa, seeking an order authorizing the issuance of 50,000 shares of 4.40 percent cumulative preferred stock. The applicant proposes to issue and sell said stock to a group of sixteen institutional investors and requests exemption of the issuance and sale of said stock from the competitive bidding requirements of the Commission's rules and regulations; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 9th day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7145; Filed, June 21, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ATTESTING OFFICERS

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III c, *Field organization and final delegations of authority,* is amended as follows:

c. *Attesting officers.* Effective April 24, 1951, in each Field Office the Chief of the Production and Document Control Section and the Production and Document Control Assistant next subordinate to the Chief are designated Attesting Officer and Alternate Attesting Officer, respectively, in respect to all documents requiring attestation. The Attesting Officer shall affix the official seal to such documents as may require its application and is authorized to certify that copies of documents, leases, contracts and other papers, duly approved, are identical with the originals. The Alternate Attesting Officer shall have the same duties, functions and authority vested in the Attesting Officer.

Date approved: June 8, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-7125; Filed, June 21, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26176]

PERLITE FROM NEW ORLEANS AND PORT CHALMETTE, LA., TO CAIRO, ILL., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application.

Commodities involved: Perlite, carloads.

From: New Orleans and Port Chalmette, La.

To: Cairo, Ill., and Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7139; Filed, June 21, 1951; 8:48 a. m.]

[4th Sec. Application 26177]

GLASSWARE BETWEEN OFFICIAL TERRITORY AND THE SOUTH

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A-726.

Commodities involved: Glassware, other than cut, viz: bottles, carboys, etc., carloads.

Between: Trunk-line (including Buffalo-Pittsburgh territory) and New England territories, on the one hand, and southern territory, on the other.

Grounds for relief: Circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 228.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7140; Filed, June 21, 1951; 8:48 a. m.]

[4th Sec. Application 26178]

MERCHANDISE FROM GREENSBORO, N. C., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: Merchandise in mixed carloads.

From: Greensboro, N. C.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes and competition with rail and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7141; Filed, June 21, 1951; 8:49 a. m.]

[4th Sec. Application 26179]

MERCHANDISE FROM CINCINNATI, OHIO TO DUNBARTON, S. C.

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: Merchandise in mixed carloads.

From: Cincinnati, Ohio.

To: Dunbarton, S. C.

Grounds for relief: Circuitous routes and competition with rail and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7142; Filed, June 21, 1951; 8:49 a. m.]

[4th Sec. Application 26180]

BENZOL FROM MINNEQUA, COLO., TO BROWNSVILLE, TEX.

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3715.

Commodities involved: Benzol (benzene), in tank-car loads.

From: Minnequa, Colo.

To: Brownsville, Tex.

Grounds for relief: Circuitous routes, competition with rail carriers, and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3715, Supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7143; Filed, June 21, 1951; 8:49 a. m.]

[4th Sec. Application 26181]

FERRO-SILICON FROM CALVERT, KY., TO ALCOA, TENN.

APPLICATION FOR RELIEF

JUNE 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and Southern Railway Company.

Commodities involved: Ferro-Silicon, carloads.

From: Calvert, Ky.

To: Alcoa, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1079, Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7144; Filed, June 21, 1951; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 210]

VITRIFIED CHINA ASSN., INC.

APPLICATION FOR INVESTIGATION

JUNE 19, 1951.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
The following articles provided for in par. 212 of the Tariff Act of 1930: Tableware, kitchenware, and table and kitchen utensils, not containing 25 percent or more of calcined bone (except hotel or restaurant ware and utensils): Plates, not over 6⅝ inches in diameter and valued not over $2.55 per dozen, or over 6⅝ but not over 7⅞ inches in diameter and valued not over $3.45 per dozen, or over 7¾ but not over 9⅛ inches in diameter and valued not over $5 per dozen, or over 9⅛ inches in diameter and valued not over $6 per dozen; cups, valued not over $4.45 per dozen; saucers, valued not over $1.50 per dozen; and articles other than plates, cups, or saucers, valued not over $11.50 per dozen articles; all the foregoing, whether or not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner.	Increase in duty.	June 18, 1951	Vitrified China Association, Inc. Washington, D. C.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-7155; Filed, June 21, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-193, 54-140, 54-65, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER DIRECTING DISPOSITION OF SECURITIES AND ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of June A. D. 1951.

In the matter of The United Gas Improvement Company, File Nos. 54-193, 54-140, 54-65, and The United Gas Improvement Company and Subsidiary Companies, Respondents, File No. 59-6.

The United Gas Improvement Company ("UGI"), a registered holding company having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for approval of a plan involving

the exchange by UGI of certain of its portfolio assets for shares of its outstanding capital stock; and

The Commission having heretofore instituted proceedings pursuant to section 11 (b) (1) of the act to determine the status of the UGI holding company system under that section; and

The Commission having consolidated the proceedings with respect to the status of the UGI holding company system under section 11 of the act with the proceedings with respect to the application of UGI for approval of a plan under section 11 (e) of the act and having ordered a hearing be held with respect to said consolidated proceedings; and

UGI having requested that the Commission find that the carrying out of the proposed exchange plan is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and in granting the application for approval of said plan, enter an order conforming to the requirements of the Internal Revenue Code, as amended, including sections 371 and 1808 (f); and

A public hearing having been held after appropriate notice and the Commission having considered the record in these matters and having made and filed its Findings and Opinion herein; and

The Commission having concluded that the standards of section 11 (b) (1) of the act require that UGI dispose of certain securities of nonsubsidiary companies; and

The Commission finding that said plan of UGI is necessary to effectuate the provisions of section 11 (b) (1) of the act and is fair and equitable to the persons affected thereby:

It is ordered, Pursuant to section 11 (b) (1) of the act that UGI, a registered holding company, sever its relationships with the companies hereinafter designated by disposing or causing the disposition in any appropriate manner not in contravention of the applicable provisions of the act or the rules and regulations promulgated thereunder of its direct and indirect ownership, control and holding of securities issued by Central Illinois Light Company, Consumers Power Company, Delaware Power & Light Company, Niagara Mohawk Power Corporation, Philadelphia Electric Company, Public Service Electric and Gas Company and Delaware Coach Company.

It is further ordered, That said plan of UGI be, and the same hereby is, approved, subject however to the terms and conditions contained in Rule U-24 and to the reservation of jurisdiction with respect to all legal fees and expenses incurred in connection with the plan.

It is further ordered and recited, That the transactions herein described and recited proposed in the plan filed by UGI are necessary or appropriate to effectuate the provisions of section 11 (b) of the act:

(1) The transfer and delivery to UGI stockholders and the acquisition by UGI stockholders pursuant to the plan of not more than (a) 145,314 shares of the common stock of Consumers Power Company, and (b) not more than 217,970 shares of the common stock of Philadelphia Electric Company; all in exchange for not more than 363,285 shares of the outstanding capital stock (par value $13.50) of UGI on the basis of the exchange of 3 shares of the common stock of Philadelphia Electric Company and 2 shares of the common stock of Consumers Power Company for each 5 shares of said outstanding capital stock of UGI, and (2) The disposition by UGI on the New York Stock Exchange of such shares of the common stocks of Philadelphia Electric Company and Consumers Power Company (otherwise exchangeable for UGI stock under the plan) as will be necessary to provide the cash required to be exchanged for UGI stock held in lots of 1 to 4 shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7127; Filed, June 21, 1951; 8:46 a. m.]

[File No. 70-2632]

UNITED CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED EXCHANGE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of June A. D. 1951.

The United Corporation ("United"), a registered holding company, having filed an application-declaration pursuant to the provisions of sections 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43 and U-44 promulgated thereunder with respect to the following proposed transactions:

Under the provisions of a plan heretofore filed under section 11 (e) of the act by The United Gas Improvement Company ("UGI"), a registered holding company, and approved by order of the Commission dated June 15, 1951, the holders of the capital stock of UGI are afforded an opportunity to exchange, for each unit of five shares of UGI's capital stock, to the extent of but not exceeding 363,285 shares of such stock, three shares of common stock of Philadelphia Electric Company and two shares of common stock of Consumers Power Company.

United, as the owner of 80,832 shares of the capital stock of UGI, proposes to tender all, or the major portion, of such shares to UGI under the terms of the Plan. Consummation of the proposed exchange by United would result in United's receiving not more than 0.51 percent of the voting securities of Consumers Power Company and not more than 0.45 percent of the voting securities of Philadelphia Electric Company;

Said application-declaration having been filed on May 15, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7126; Filed, June 21, 1951; 8:46 a. m.]

EDWIIN HAWLEY CO.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of June A. D. 1951.

In the matter of Edwiin Hawley, Edwin Riley Hawley, or E. R. Hawley doing business as Edwiin Hawley Co., Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona.

These proceedings were instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") and section 203 (d) of the Investment Advisers Act of 1940 ("Advisers Act") to determine whether the registration as a broker and dealer of Edwiin Hawley (also known as Edwin Riley Hawley and E. R. Hawley), doing business as Edwiin Hawley Co., a sole proprietorship, should be revoked, and whether his registration as an investment adviser should be revoked or suspended.[1] The order for proceedings alleges that the registrant willfully violated sections 15 (b) and 17 (a) of the Exchange Act and Rules X-15B-2 and X-17A-5 thereunder and that he violated section 207 of the Advisers Act.

The proceedings were instituted on April 5, 1951, by notice and order for hearing, copies of which were sent by registered mail to the business and residence addresses last furnished us by the registrant and to a previous business address. These registered notices were returned to us by the Post Office Department with notations indicating that the registrant could not be found at any of those addresses.[2]

Registrant's registration as a broker and dealer became effective on October 12, 1945, and his registration as investment adviser became effective on April 26, 1946. Neither registration has been withdrawn, cancelled, suspended or revoked.

Rule X-15B-2, promulgated under section 15 (b) of the Exchange Act, provides that registered brokers and dealers must file with us supplemental statements to their applications for registration to report changes, not previously reported, which render no longer accurate any information previously submitted in such applications. Section 207 of the Advisers Act makes it unlawful willfully to misstate or omit to state material facts in any registration application or report filed with the Commission under section 203 or 204.

Pursuant to Rule X-15B-2, and to Rule R-204-1 under Section 204 of the Advisers Act,[3] the registrant filed with us, until January 1949, supplemental statements and reports reporting his current business and residence addresses in Phoenix, Arizona. The order for proceedings does not allege that these reports misstated this information as of the times of filing. However, the record shows that since the end of January 1949 the registrant has not maintained any office or residence at the last designated addresses or at any address in that city and has not notified us of his current addresses.

Upon review of the record in these proceedings, we have concluded that the registrant violated section 15 (b) of the act and Rule X-15B-2 thereunder by failing to report to us his current business and residence addresses, and that such violation was willful. We have also concluded that he violated section 207 of the Advisers Act in that the last addresses stated in his registration application as amended are now false, and that, in view of his failure to continue the filing of reports to keep that information current, such misstatement is willful within the meaning of that section.

Section 17 (a) of the Exchange Act and Rule X-17A-5 thereunder provide, among other things, that every registered broker or dealer must file with us a report of financial condition during each calendar year. We specifically referred the registrant to the requirements of this rule in a letter dated October 12, 1945, and thereafter he filed financial reports for a few years. However, he did not file the required report for the calendar year 1950. Upon review of the record in these proceedings we have concluded that the registrant violated section 17 (a) of the Exchange Act and Rule X-17A-5 thereunder as a result of his failure to file such report. We conclude also that such violation was willful within the meaning of section 15 (b).

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke registrant's registrations as a broker and dealer and as an investment adviser. However, in view of the fact that our records do not show whether he actually received personal notice of the scheduled hearing, and to avoid any possible prejudice to him, our order will provide that the revocation of registrations be without prejudice to a motion by the registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation.

Accordingly it is ordered, That the registrations as a broker and dealer and as an investment adviser of Edwin Hawley, Edwin Riley Hawley, or E. R. Hawley, doing business as Edwin Hawley Co. be, and they hereby are, revoked without

[1] Section 15 (b) of the Exchange Act provides in part:

The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder.

Section 203 (d) of the Advisers Act provides in part:

The Commission after hearing may by order • • • revoke or suspend the registration of an applicant under this section, if the Commission finds that such • • • revocation, or suspension is in the public interest and that such investment adviser. • • •

• • • • • •

(3) has violated the provisions of Section 207 of this title.

[2] Our order and notice instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to May 14, 1951. Pursuant to this provision the order and notice was published in the FEDERAL REGISTER of April 11, 1951. 16 F. R. 3203-4.

[3] Rule R-204-1 requires registered investment advisers to file semi-annual reports keeping current the information contained in registration applications.

prejudice to a motion by him to reopen the record in the proceedings and, upon a proper showing, to set aside this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7128; Filed, June 21, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17818]

MASCHINENFABRIK AUGSBURG-NUERNBERG A. G. AND GENERAL MACHINERY CORP.

In re: Interests of Maschinenfabrik Augsburg-Nuernberg A. G. in a license agreement dated October 1, 1936, with General Machinery Corporation.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maschinenfabrik Augsburg-Nuernberg A. G., the last known address of which is Augsburg, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor), created in Maschinenfabrik Augsburg-Nuernberg A. G., by virtue of an agreement dated October 1, 1936, by and between Maschinenfabrik Augsburg-Nuernberg A. G. and General Machinery Corporation (including all modifications thereof and supplements thereto, if any), which agreement relates, among other things, to certain United States Letters Patent;

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7160; Filed, June 21, 1951; 8:54 a. m.]

[Vesting Order 17991]

UNITED STATES CURRENCY OWNED BY PERSONS UNKNOWN

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Bank Deutscher Laender, Frankfurt/Main, Germany, on or about April 21, 1951, shipped to the Federal Reserve Bank of New York, United States currency in the aggregate amount of $27,470 which said Bank Deutcher Laender had previously received from the Office of the United States High Commissioner for Germany for the purpose of such shipment;

2. That the aforesaid currency was captured in Germany by United States Military Forces and was subsequently delivered to the Office of the United States High Commissioner for Germany;

3. That the Office of the United States High Commissioner for Germany has been unable to determine the identities of the persons who are the owners of the aforesaid currency;

4. That the persons referred to in subparagraph 3 hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and which, if partnerships, corporations, associations or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

5. That the property described as follows: United States currency in the aggregate amount of $27,470 shipped on or about April 21, 1951 by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York, and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 4 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraph 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7161; Filed, June 21, 1951; 8:54 a. m.]

[Vesting Order 17916]

PRAG-FILM A. G.

In re: Rights in motion pictures owned by Prag-Film A. G.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ufa-Film G. m. b. H., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Prag-Film A. G., the last known address of which is Prague-Barrandow, Czechoslovakia, and which there is reasonable cause to believe is a corporation organized under the laws of Czechoslovakia, is or, on or since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Ufa-Film G. m. b. H., and is a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibits A and B set forth below and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures,

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States,

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Prag-Film A. G., and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A and B,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A and B,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1) and 3 (b) (2) of this vesting order,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b) of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 2 and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That Prag-Film A. G., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24. 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Titles of feature motion pictures produced by Prag-Film A. G.

Glueck unterwegs.
Himmel, wir erben ein Schloss.
Die Jungfern von Bischofsberg.
Komm zu mir zurueck.
Liebe, Leidenschaft und Leid.
Leuchtende Schatten.
Schicksal am Strom.
Das Schwarze Schaf (1943).
Seine beste Rolle.
Sieben Briefe.
Spiel.
Dir Zuliebe.
Der Zweite Schuss.

EXHIBIT B

Titles of motion picture short subjects produced by Prag-Film A. G.

Deutsche Baustile.
Egerland.
Greif, der Polizeihund.
Hochzeit im Korallenmeer.
Johann Gregor Mendel.
Kopernikus.
Niederschlesien.
Oberschlesien.
Das Orchester.
Perpetuum mobile.
Posen, Stadt im Aufbau.
Prager Barock.
Ruebezahl.

[F. R. Doc. 51-7162; Filed, June 21, 1951; 8:55 a. m.]

[Vesting Order 17917]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 2 of Exhibits A, B and E set forth below and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the producers of the motion pictures listed in Exhibits C and D set forth below and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibits A, B, C, D and E, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraphs 1 and 2 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibits A, B, C, D and E, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits ... B, C, D and E

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A, B, C, D and E

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1) and 3 (b) (2) of this vesting order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b), of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Title and producer and/or distributor

Abschied, Universum-Film A. G. "Ufa", Berlin, Germany.
An heiligen Wassern, Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Die andere Seite, Candofilm Verleih und Vertriebs G. m. b. H., Berlin, Germany.
Arme kleine Eva, Gustav Althoff-Film, Berlin, Germany.
Baby, Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Berge in Flammen, Vandal & Delao Tonfilm Produktions G. m. b. H., Berlin, Germany.
Bobby geht los, Deutsche Universal-Film A. G., Berlin, Germany.
Bomben auf Monte Carlo, Universum-Film A. G. "Ufa", Berlin, Germany.
Boykott, Emelka-Konzern, Munich, Germany.
Der brave Sünder, Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Das brennende Herz, Terra-Film A. G., Berlin, Germany.
Bruder Bernhard, Münchner Lichtspielkunst A. G., Munich, Germany.
Ein Burschenlied aus Heidelberg, Universum-Film A. G. "Ufa", Berlin, Germany.
Die Cousine aus Warschau, Cine Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Cyankali, Atlantis Film G. m. b. H., Berlin, Germany
D-Zug 13 hat Verspätung, Universum-Film A. G. "Ufa", Berlin, Germany.
Delikatessen, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Dolly macht Karriere, Universum-Film A. G. "Ufa", Berlin, Germany.
Donauwalzer, Aafa-Film A. G., Berlin, Germany.
Das Donkosakenlied, Deutsche Universal-Film A. G., Berlin, Germany.
Dreigroschenoper (German version only), Tonbild Syndikat A. G., Berlin, Germany.
Die Ehe, Velde-Film, Berlin, Germany.
Einbrecher, Universum-Film A. G. "Ufa" Berlin, Germany.
Eine Woche Glück, Greenbaum Film G. m. b. H., Berlin, Germany.
Er und seine Schwester (1931 production), Ondra-Lamac Film G. m. b. H., Berlin, Germany.
Erotik, Vereinigte Star-Film G. m. b. H., Berlin, Germany.
Es flüstert die Liebe (1929 production), Aafa-Film A. G., Berlin, Germany.
Es wird schon wieder besser, Universum-Film A. G. "Ufa", Berlin, Germany.
Der falsche Ehemann, Universum-Film A. G. "Ufa", Berlin, Germany.
Die Faschingsfee, Greenbaum Film G. m. b. H., Berlin, Germany.
Die fidele Herrenpartie, Aafa-Film A. G., Berlin, Germany.
Das Flötenkonzert von Sanssouci, Universum-Film A. G. "Ufa", Berlin, Germany.
Fräulein Else, Poetic-Film G. m. b. H., Berlin, Germany.
Die Frau, die Dich niemals vergisst, Bayerische-Film G. m. b. H., Munich, Germany.
Die Frau, nach der man sich sehnt, Terra-Film A. G., Berlin, Germany.
Die Frau, von der man spricht, Aafa-Film A. G., Berlin, Germany.
Frauen am Abgrund, Ilma-Film Produktions G. m. b. H., Berlin, Germany.
Der Frechdachs, Universum-Film A. G. "Ufa", Berlin, Germany.
Die 5 verfluchten Gentlemen, Vandal & Delac Tonfilm Produktions G. m. b. H., Berlin, Germany.
Ein ganz verflixter Kerl, Orplid-Film G. m. b. H., Berlin, Germany.
Gassenhauer, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Der Gefangene der Bernina, Emelka-Konzern, Munich, Germany.
Der Geheimagent (Ein Mann fällt vom Himmel), Deutsche Universal Film A. G., Berlin, Germany.
Das Geheimnis der roten Katze, Erich Engels Film G. m. b. H., Berlin, Germany.
Das Gespensterschiff (Das Schiff ohne Hafen), Harry Piel Film G. m. b. H., Berlin, Germany.
Gigolo, der schöne arme Tanzleutnant, Haase-Film, Berlin, Germany.
Glück über Nacht, H. M.-Film, Berlin, Germany.
Die grosse Sehnsucht (Achtung-Aufnahme), Cicero-Film G. m. b. H., Berlin, Germany.
Der Günstling von Schönbrunn, Greenbaum-Film G. m. b. H., Berlin, Germany.
Die Halbwüchsigen, Gustav Althoff-Film, Berlin, Germany.
Hans in allen Gassen, Froehlich-Film G. m. b. H., Berlin, Germany.
Hasenklein kann nichts dafür, Central-Film, Fett & Co., Berlin, Germany.
Die heiligen drei Brunnen, Hom-Film G. m. b. H., Berlin, Germany.
Heute Nacht-eventuell, Orplid-Film G. m. b. H., Berlin, Germany.
Hier Nachtgespenst-wer dort, Henny Porten Film Produktion G. m. b. H., Berlin, Germany.
Hingabe, Orplid Film G. m. b. H., Berlin, Germany.
Der Hochtourist (1931 production), Universum-Film A. G. "Ufa", Berlin, Germany.
Hokus-Pokus, Universum-Film A. G. "Ufa", Berlin, Germany.
Ihre Hoheit befiehlt, Universum-Film A. G. "Ufa", Berlin, Germany.
Ihre Majestät die Liebe (German version only) Deutches Lichtspiel Syndikat A. G., Berlin, Germany.
Im Banne des Eulenspiegels, Kollektiv-Film G. m. b. H., Berlin, Germany.
In einer kleinen Konditorei, Emelka Konzern, Munich, Germany.
Die Jagd nach der Million, Aafa-Film A. G., Berlin, Germany.
Jenseits der Strasse, Prometheus Film Verleih und Vertriebs G. m. b. H., Berlin, Germany.
Jonny braucht Geld, P. D. C.-Film, Berlin, Germany.
Jonny stichlt Europa, Harry Piel Film G. m. b. H., Berlin, Germany.
Kaiserin Elisabeth von Österreich (Der Leidensweg einer Frau) Gottschalk Tonfilm Produktions G. m. b. H., Berlin, Germany.
Kampf, Majestic-Film G. m. b. H., Berlin, Germany.
Kasernenzauber, Hegewald-Film G. m. b. H., Berlin, Germany.
Katherine Knie, Erich Engels Film G. m. b. H., Berlin, Germany.
Der keusche Joseph, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Die keusche Kokotte, Emelka Konzern, Munich, Germany.
Kiki, Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Der kleine Seitensprung, Universum-Film A. G., "Ufa", Berlin, Germany.
Kohlhiesels Töchter (1930 production), Henny Porten Film Produktion G. m. b. H., Berlin, Germany.
Der Korvettenkapitän, Aafa-Film A. G., Berlin, Germany.
Kriminalreporter Hohn, Engels & Schmidt Tonfilm G. m. b. H., Berlin, Germany.
Das Land des Lächelns, Richard Tauber Tonfilm G. m. b. H., Berlin, Germany.

Laubenkolonie (Die lustigen Musikanten), Aafa Film A. G., Berlin, Germany.
Liebe und Champagner, Greenbaum-Film G m. b. H., Berlin, Germany.
Liebesabenteuer, Vandal & Delac Tonfilm Produktions G. m. b. H., Berlin, Germany.
Der Liebling der Götter, Universum-Film A. G., "Ufa", Berlin, Germany.
Das Lied der schwarzen Berge, Deutsche Eidophon-Film G. m. b. H., Berlin, Germany.
Das Lied einer Nacht, Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Ludwig II, Deutsche Universal-Film A. G., Berlin, Germany.
Lügen auf Rügen, Aafa-Film A. G., Berlin, Germany.
Der Lumpenball, Karl Heinz Produktion, Berlin, Germany.
Der lustige Witwer, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Madame hat Ausgang, Vandal & Delac Tonfilm Produktions G. m. b. H., Berlin, Germany.
Madonna oder Dirne, Mondial-Film G. m. b. H., Berlin, Germany.
Das Mädchenschiff, Hegewald-Film G. m. b. H., Berlin, Germany.
Männer ohne Beruf, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Mamsell Nitouche, Vandor-Film, Berlin, Germany.
Man braucht kein Geld, Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Der Mann, der den Mord beging, Terra-Film A. G., Berlin, Germany.
Der Mann, der seinen Mörder sucht, Universum-Film A. G. "Ufa", Berlin, Germany.
Mascottchen, Greenbaum-Film G. m. b. H., Berlin, Germany.
Mein Herz sehnt sich nach Liebe, Aafa-Film A. G., Berlin, Germany.
Mein Glück-bist Du, May-Film A. G., Berlin, Germany.
Menschen im Feuer, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
• • • mit Küchenbenutzung, Erich Engels Film G. m. b. H., Berlin, Germany.
Mitternachtsliebe, Froehlich Film G. m. b. H., Berlin, Germany.
Mutter Krausens Fahrt ins Glück, Prometheus Film Verleih und Vertriebs G. m. b. H., Berlin, Germany.
Mutterliebe (1929 production), Henny Porten Film Produktion G m. b. H., Berlin, Germany.
Die Nacht ohne Pause, Deutsche Universal-Film A. G., Berlin, Germany.
Das närrische Glück, Aafa-Film A. G., Berlin, Germany.
Napoleon auf St. Helena, der gefangene Kaiser, Peter Ostermayr Produktion G. m. b. H., Berlin, Germany.
Nie wieder Liebe, Universum-Film A. G. "Ufa", Berlin, Germany.
Niemandsland, Candofilm Verleih und Vertriebs G. m. b. H., Berlin, Germany.
Nur Dich hab ich geliebt, Aafa-Film A. G., Berlin, Germany.
Nur Du, Deutsches Lichtspiel Syndikat, A. G., Dresden, Germany.
Oh Mädchen, mein Mädchen, wie lieb ich Dich, Aafa-Film A. G., Berlin, Germany.
Opernredoute, Greenbaum-Film G. m. b. H., Berlin, Germany.
Der Orlow, H. R. Sokal Film G. m. b. H., Berlin, Germany.
Panik in Chicago, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Rasputin (Der Damonder Frauen), Gottschalk Tonfilm Produktions G. m. b. H., Berlin, Germany.
Rauschgift, Universum-Film A. G. "Ufa", Berlin, Germany.
Der Rebell (Die Feuer rufen), Deutsche Universal Film A. G., Berlin, Germany.
Reserve hat Ruh, Aafa-Film A. G., Berlin, Germany.
Rosenmontag, Universum-Film A. G. "Ufa", Berlin, Germany.
Der Ruf des Nordens, Hom-Film G. m. b. H., Berlin, Germany.
Schachmatt, Gnom-Tonfilm G. m. b. H., Berlin, Germany.
Das Schicksal der Renate Langen, Aafa-Film A. G., Berlin, Germany.
Das Schiff der verlorenen Menschen, Max Glass Produktion G. m. b. H., Berlin, Germany.
Der Schlemihl, Biograph Film G. m. b. H., Berlin, Germany.
Das schöne Abenteuer, Universum-Film A. G. "Ufa", Berlin, Germany.
Schützenfest auf Schilda, Gottschalk Tonfilm Produktions G. m. b. H., Berlin, Germany.
Schuss im Morgengrauen, Universum-Film A. G. "Ufa", Berlin, Germany.
Schuss im Tonfilm-Atelier, Universum-Film A. G. "Ufa" Berlin, Germany.
Der schwarze Domino, Aafa-Film A. G., Berlin, Germany.
Der schwarze Husar, Universum-Film A. G. "Ufa", Berlin, Germany.
Sein Scheidungsgrund, Universum-Film A. G. "Ufa" Berlin, Germany.
Seine Frau, die Hochstaplerin, Universum-Film A. G. "Ufa", Berlin, Germany.
Seitensprünge (1931 production), Deutche Universal-Film A. G., Berlin, Germany.
Sensation im Wintergarten, Lothar Stark-Film G. m. b. H., Berlin, Germany.
Der Sieger, Universum-Film A. G. "Ufa", Berlin, Germany.
Die Somme, Candofilm Verleih und Vertriebs G. m. b. H., Berlin, Germany.
Spielereien einer Kaiserin, Greenbaum-Film G. m. b. H., Berlin, Germany.
Spuren im Schnee (1929 production) Emelka Konzern, Munich, Germany.
Ein steinreicher Mann, Deutsche Universal-Film A. G., Berlin, Germany.
Der Storch streikt, Deutsche Universal-Film A. G., Berlin, Germany.
Strich durch die Rechnung, Universum-Film A. G. "Ufa", Berlin, Germany.
Stürme der Leidenschaft, Universum-Film A. G. "Ufa", Berlin, Germany.
Tarakanowa, die falsche Zarentochter, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Tempo-Tempo, Aafa-Film A. G., Berlin, Germany.
Der Tiger, Universum-Film A. G. "Ufa", Berlin, Germany.
Ein toller Einfall, Universum-Film A. G. "Ufa", Berlin, Germany.
Der träumende Mund, Emelka Konzern, Munich, Germany.
Troika, Hisa-Film G. m. b. H., Berlin, Germany.
. . . und das ist die Hauptsache, May-Film A. G., Berlin, Germany.
Unter falscher Flagge, Deutsche Universal-Film A. G., Berlin, Germany.
Vater und Sohn, Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Die verkaufte Braut, Reichsliga-Film, Berlin, Germany.
Voruntersuchung, Universum-Film A. G. "Ufa", Berlin, Germany.
Die Wasserteufel von Hieflau, Deutsche Universal-Film A. G., Berlin, Germany.
Der Weg durch die Nacht, Maxim-Film Gesellschaft Ebner & Co., Berlin, Germany.
Wehe, wenn er losgelassen, Ondra-Lamac Film G. m. b. H., Berlin, Germany.
Die weisse Hölle von Piz Palu, H. R. Sokal Film G. m. b. H., Berlin, Germany.
Der weisse Rausch, H. R. Sokal Film G. m. b. H., Berlin, Germany.
Die weissen Teufel (Die neuen Wunder des Schneeschuhs), H. R. Sokal Film G. m. b. H., Berlin, Germany.
Wenn der weisse Flieder wieder blüht, Münchner Lichtspielkunst A. G., Munich, Germany.
Wenn die Liebe Mode macht, Universum-Film A. G. "Ufa", Berlin, Germany.
Wo die Wolga fliesst (Auferstehung), Deutsche Universal-Film A. G., Berlin, Germany.
Zapfenstreich am Rhein, Delog-Film, Berlin, Germany.
Zwei glückliche Tage, Aafa-Film A. G., Berlin, Germany.
Zweierlei Moral, Klangfilm G. m. b. H., Berlin, Germany.
Zweimal Hochzeit, Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.

EXHIBIT B

Title and producer and/or distributor

Aufregung in Manila, Terra-Film A. G., Berlin, Germany.
Colon-Panama Canal, Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.
Crossing the Andes by Water, Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.
The Danube from the Black Forest to Vienna, Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.
Germany's Lure of Sunshine and Show, Tofa, Tonfilmfabrikations G. m. b. H., Berlin, Germany.
Der Herr Bürovarsteher, Elite-Tonfilmproduktions G. m. b. H., Berlin, Germany.
In old Hessen, Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.
Der kleine Schwindlerin, T. K.-Tonfilmproduktions G. m. b. H., Berlin, Germany.
Der moderne Student, Atlantic-Film Hans Arnau & Co., Berlin, Germany.
Thousand Year old Cities, Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

EXHIBIT C

Title and director

Der Kampf ums Matterhorn (alternate titles: (1) Der Herr der Berge, (2) Die Musketiere, vom Matterhorn); Luis Trenker, who is also the principal actor in the picture.
Wiegenlied, Karl Lamac.

EXHIBIT D

Titles of motion pictures

Du bist verrückt mein Kind.
German Winter Sports,- Championships 1935.
Homeland.
Leningrad.
Melodien.
Richard Wagner where he lived and died.
Russia.
Ruthenia.
Stuttgart.
The Violin.
Wie es damals war.
Winter Olympics.
Winter Sports at Garmisch-Partenkirchen.

EXHIBIT E

Title and producer and/or distributor

Orgelklänge, Universum-Film A. G. "Ufa", Berlin, Germany.
Von Schwarzkitteln und Schauflern, Universum-Film A. G. "Ufa", Berlin, Germany.

[F. R. Doc. 51-7163; Filed, June 21, 1951; 8:56 a. m.]

ALICE M. TEGETMEIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alice M. Tegetmeier, New York, N. Y.; Claim No. 11725; $1,735.48 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Alice Tegetmeier in and to trusts created under the will of Otto Pressprich, Jr., deceased.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7164; Filed, June 21, 1951; 8:56 a. m.]

SIMON LOEWI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Simon Loewi, Nuremberg, Germany; Claim No. 43034; $1,925.07 in the Treasury of the United States.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7165; Filed, June 21, 1951; 8:56 a. m.]

RENE VELUT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rene Velut, Francueil (Indre et Loire), France; Claim No. 41463; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,048,902.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7166; Filed, June 21, 1951; 8:56 a. m.]

ROMUALDO DI GIUSEPPE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Romualdo Di Giuseppe, a/k/a Aide Di Giuseppe, Ercole Di Giuseppe, a/k/a Arcolino Di Giuseppe, and Domenico Di Giuseppe individually and as legal guardian of Carmela, Umberto and Vito Di Nicola, Casoli, Italy; Claim No. 36468; all right, title, interest, and claim of any kind or character whatsoever of Assunta Di Giuseppe, Dominico Di Giuseppe, Arcolino Di Giuseppe and Aide Di Giuseppe, and each of them, in and to the estate of Palmerino Di Giuseppe, deceased.

Executed at Washington, D. C., on June 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7167; Filed, June 21, 1951; 8:56 a. m.]

PIERRE PAUL AND RENE JEAN RATIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Pierre Paul Ratie, a/k/a Pierre Paul Ratier, Chatillon-sous-Bagneux, France; Claim No. 41629; Rene Jean Ratie, a/k/a Rene Jean Ratier, Sceaux, France; Claim No. 41630; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 388,128 (now Patent No. 2,417,176), an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7168; Filed, June 21, 1951; 8:57 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 122

Washington, Saturday, June 23, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2931

ACTIVATION AND OPERATION OF VESSELS FOR TRANSPORTATION OF SUPPLIES UNDER SECTION 5 OF THE INDIA EMERGENCY FOOD AID ACT OF 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 5 of the India Emergency Food Aid Act of 1951, approved June 15, 1951, provides that, notwithstanding the provisions of any other law, to the extent that the President, after consultation with appropriate Government officials and representatives of private shipping, finds and proclaims that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under the said Act, the Reconstruction Finance Corporation is authorized and directed to make certain advances to the Department of Commerce as the President shall determine, for activation and operation of vessels for such transportation under the conditions specified in this said section 5; and

WHEREAS I have consulted with appropriate Government officials and representatives of private shipping concerning the availability on reasonable terms and conditions of private shipping for transportation of supplies made available under the said Act, as required by section 5 thereof; and

WHEREAS as a result of such consultation it appears that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under the said Act; and

WHEREAS I accordingly deem it necessary and appropriate to exercise the authority set forth in section 5 of the said Act, in effectuation of the purposes of the Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including the said India Emergency Food Aid Act of 1951 (hereinafter referred to as the Act) and the act of August 8, 1950, c. 646, 64 Stat. 419, do find and proclaim as follows:

1. After consultation with appropriate Government officials and representatives of private shipping, I find and proclaim that private shipping is not available on reasonable terms and conditions for transportation of supplies made available under the India Emergency Food Aid Act of 1951.

2. The Reconstruction Finance Corporation is hereby authorized and directed to make advances not to exceed in the aggregate $20,000,000 to the Department of Commerce for activation and operation of vessels for such transportation, subject to the terms and conditions of the Act, and in the manner hereinafter specified.

3. The Director of the Bureau of the Budget is hereby authorized and directed to determine the amounts of such advances and the times when they may be made, subject to the limitations and provisions of section 5 of the Act, and the Reconstruction Finance Corporation shall make advances thereunder pursuant only to such determinations by the Director of the Bureau of the Budget.

4. The Secretary of Commerce may place such advances in any funds or accounts available for such purposes, and, pending repayment of such advances, may place receipts from vessel operations in such funds or accounts and may use such receipts for activating and operating vessels.

5. Each officer or agency mentioned in this proclamation may issue such regulations or orders as are deemed necessary to carry out his or its functions under the provisions of the Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-7312; Filed, June 22, 1951; 12:21 p. m.]

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FEDERAL REGISTER

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1949 Edition

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EXECUTIVE ORDER 10255

FURTHER EXEMPTION OF CLAUDE L. DRAPER FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Claude L. Draper, a member of the Federal Power Commission, was exempted by Executive Order No. 9780 of September 19, 1946, from compulsory retirement for age for an indefinite period of time not extending beyond the duration of his appointment or term of office; and

WHEREAS his present term of office will expire June 22, 1951; and

WHEREAS the said Claude L. Draper has been appointed for a further five-year term of office as a member of the Federal Power Commission; and

WHEREAS, in my judgment, the public interest requires that the said Claude L. Draper be further exempted from compulsory retirement as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby further exempt the said Claude L. Draper from compulsory retirement for age for a period of five years expiring June 22, 1956.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 22, 1951.

[F. R. Doc. 51-7303; Filed, June 22, 1951; 12:11 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 3]

PART 5—DETERMINATION OF PARITY PRICES

DECIDUOUS AND OTHER FRUITS

"Determination of parity prices" (15 F. R. 837) as amended (15 F. R. 9374) and (16 F. R. 2865) is further amended as follows:

1. Section 5.4 is amended by deleting the commodities "apricots for canning," "figs for canning," "peaches for canning, Clingstone and Freestone," "olives canned," "pears for canning," "plums for canning," and "prunes for canning," and adding at the end of the paragraph headed *Deciduous and other fruits*, the following commodities: "apricots for processing (except dried)," "figs for processing (except dried)," "olives for processing (except crushed for oil)," "Clingstone peaches for processing (except dried)," "Freestone peaches for processing (except dried)," "pears for processing (except dried)," "plums for processing (except dried)," and "prunes for processing (except dried)."

2. Section 5.7 is amended by deleting the commodities "apricots for canning," "figs for canning," "peaches for canning, Clingstone and Freestone," "olives canned," "pears for canning," "plums for canning," and "prunes for canning," and adding at the end of the paragraph headed *Deciduous and other fruits*, the following commodities: "apricots for processing (except dried)," "figs for processing (except dried)," "olives for processing (except crushed for oil)," "Clingstone peaches for processing (except dried)," "Freestone peaches for processing (except dried)," "pears for processing (except dried)," "plums for processing (except dried)," and "prunes for processing (except dried)."

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 19th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7190; Filed, June 22, 1951; 8:47 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 39—UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK SOLIDS

TEST METHODS; CORRECTION

In Federal Register document 51-6657, appearing in the issue for Friday, June 8, 1951, in the second column on page 5421, paragraph (b) (2) (i) of § 39.5 *Test methods* is corrected to read:

(2) *Roller process nonfat dry milk solids.* (i) Place 200 ml. of a hot (80°–90° C.) 10 percent sodium citrate solution in the mixing jar of a high speed mixer (such as, a Waring Blendor). Turn on the mixer and add 25 grams of roller process nonfat dry milk solids. Add approximately 0.5 ml. of diglycol laurate (defoaming agent). Mix for 30 seconds and filter (aspirator or pressure type filtering apparatus necessary) immediately through a 1¼" lintine disc (1⅛" filtering surface). Rinse mixing container with hot water, and pass all rinsings through the filter disc.

Done at Washington, D. C., this 19th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7213; Filed, June 22, 1951; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing

agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Tragedy plums grown in the State of California. *It is therefore ordered*, As follows:

The provisions of paragraph (b) (1) of § 936.401 (Plum Order 5) (16 F. R. 5832) shall, during the period beginning at 12:01 a. m., P. s. t., June 21, 1951, and ending at 12:01 a. m., P. s. t., October 2, 1951, read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 21, 1951, and ending at 12:01 a. m., P. s. t., October 2, 1951, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7215; Filed, June 22, 1951; 8:54 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.403 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 23, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1951, and ending at 12:01 a. m., P. s. t., October 11, 1951, no shipper shall ship any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plus, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7277; Filed, June 22, 1951; 8:53 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.404 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 27, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1951, and ending at 12:01 a. m., P. s. t., October 11, 1951, no shipper shall ship any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed two hundred (200) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7278; Filed, June 22, 1951; 8:53 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.405 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing

agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1951; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1951, and ending at 12:01 a. m., P. s. t., October 11, 1951, no shipper shall ship from any shipping point during any day any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7279; Filed, June 22, 1951; 8:54 a. m.]

[Lemon Reg. 387, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.494 (Lemon Regulation 387, 16 F. R. 5740) are hereby amended to read as follows:

(ii) District 2: 675 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7280; Filed, June 22, 1951; 8:54 a. m.]

[Lemon Reg. 388]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.495 *Lemon Regulation 388*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 20, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 24, 1951, and ending at 12:01 a. m., P. s. t., July 1, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 387 (16 F. R. 5740), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7281; Filed, June 22, 1951; 8:53 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.308 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 3, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policies of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop Irish potatoes grown in the production area will have begun by the effective date of this section, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the administrative committee for Area 3 to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning July 1, 1951, and ending May 31, 1952, both dates inclusive, no handler shall ship potatoes of any variety, grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2, or better, grades (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949; 14 F. R. 3979), and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerance set forth therein.

(2) During the period beginning July 1, 1951, and ending November 1, 1951, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank variety grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not comply with the grade and size requirements set forth in subparagraph (1) of this paragraph and which are more than moderately skinned, which means that not more than 10 percent of the potatoes in any lot have more than ½ of the skin missing or feathered, as such terms are defined in the U. S. Standards for Potatoes; and (ii) potatoes of any variety, except the Russet Burbank variety, grown in Area No. 3, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not comply with the grade and size requirements set forth in subparagraph (1) of this paragraph, and in which more than 20 percent of the potatoes in any lot have more than ½ of the skin missing or feathered, as such terms are defined in the U. S. Standards for Potatoes: *Provided*, That a total of not to exceed 100 hundredweight of potatoes of each producer may be handled without regard to the skinning requirements set forth in this

paragraph if the handler thereof reports to the administrative committee for Area No. 3, prior to such handling, the name and address of the producer of the potatoes shipped under this exemption.

(3) The requirements set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(4) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1951, to be effective July 1, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7214; Filed, June 22, 1951; 8:54 a. m.]

[Orange Reg. 377]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.523 *Orange Regulation 377*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 21, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., June 24, 1951, and ending at 12:01 a. m., P. s. t., July 1, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 900 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 22d day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., June 24, 1951, to 12:01 a. m., P. d. s. t., July 1, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0745
A. F. G. Corona	.0433
A. F. G. Fullerton	.6997
A. F. G. Orange	.3759
A. F. G. Riverside	.1307
A. F. G. San Juan Capistrano	.0272
A. F. G. Santa Paula	.5081
Eadington Fruit Co., Inc.	5.5841
Hazeltine Packing Co.	.3583
Krinard Packing Co.	.2090
Placentia Cooperative Orange Association	.5030
Placentia Pioneer Valencia Growers Association	.5098
Signal Fruit Association	.1005
Azusa Citrus Association	.5110
Covina Citrus Association	1.0783
Covina Orange Growers Association	.5336
Damerel-Allison Association	.7214
Glendora Citrus Association	.4101
Glendora Mutual Orange Association	.3369
Valencia Heights Orchard Association	.3979
Gold Buckle Association	.4552
La Verne Orange Association	.7036
Anaheim Valencia Orange Association	1.2966
Fullerton Mutual Orange Association	2.6792
La Habra Citrus Association	1.1260
Yorba Linda Citrus Association, The	.9879
Escondido Orange Association	2.3456
Alta Loma Heights Citrus Association	.0578
Citrus Fruit Growers	.1497
Etiwanda Citrus Fruit Association	.0322
Old Baldy Citrus Association	.1099
Rialto Heights Orange Growers	.0565
Upland Citrus Association	.3324
Upland Heights Orange Association	.1057
Consolidated Orange Growers	1.8327
Frances Citrus Association	1.1423
Garden Grove Citrus Association	1.7597
Goldenwest Citrus Association	1.7327
Irvine Valencia Growers	3.3814
Olive Heights Citrus Association	2.4400
Santa Ana-Tustin Mutual Citrus Association	.9156
Santiago Orange Growers Association	3.7403
Tustin Hills Citrus Association	1.9537
Villa Park Orchards Association	2.0595
Bradford Bros., Inc.	.9094
Placentia Mutual Orange Association	3.7273
Placentia Orange Growers Association	8.2592
Yorba Orange Growers Association	.8347
Call Ranch	.0698
Corona Citrus Association	.4662
Jameson Co.	.1313
Orange Heights Orange Association	.5916
Crafton Orange Growers Association	.2655
East Highlands Citrus Association	.0606
Redlands Heights Groves	.1980
Redlands Orangedale Association	.1649

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Rialto-Fontana Citrus Association	0.0961
Break & Son, Allen	.0462
Bryn Mawr Fruit Growers Association	.1055
Mission Citrus Association	.1477
Redlands Cooperative Fruit Association	.2617
Redlands Orange Growers Association	.1496
Redlands Select Groves	.2243
Rialto Orange Co.	.1998
Southern Citrus Association	.1191
United Citrus Growers	.2168
Zilen Citrus Growers	.0378
Arlington Heights Citrus Co.	.1160
Brown Estate, L. V. W.	.1312
Gavilan Citrus Association	.1433
Highgrove Fruit Association	.0603
McDermott Fruit Co.	.1236
Monte Vista Citrus Association	.2433
National Orange Co.	.0500
Riverside Heights Orange Growers Association, The	.0328
Sierra Vista Packing Association	.0421
Victoria Ave. Citrus Association	.1937
Claremont Citrus Association	.1043
College Heights Orange and Lemon Association	.3526
Indian Hill Citrus Association	.2241
Pomona Fruit Growers Exchange	.3211
Walnut Fruit Growers Association	.5412
West Ontario Citrus Association	.1852
El Cajon Valley Citrus Association	.2031
Escondido Cooperative Citrus Association	.2922
San Dimas Orange Growers Association	.3193
Canoga Citrus Association	.9019
North Whittier Heights Citrus Association	.8171
San Fernando Heights Orange Association	.7760
Sierra Madre-Lamanda Citrus Association	.3349
Camarillo Citrus Association	1.3565
Fillmore Citrus Association	3.0967
Mupu Citrus Association	1.9435
Ojai Orange Association	.6706
Piru Citrus Association	2.1401
Rancho Sespe	.7858
Santa Paula Orange Association	1.0615
Tapo Citrus Association	.9785
Ventura County Citrus Association	.3777
Limoneira Co.	.4070
East Whittier Citrus Association	.3552
Murphy Ranch Co.	.8124
Anaheim Cooperative Orange Association	1.8205
Bryn Mawr Mutual Orange Association	.1427
Chula Vista Mutual Lemon Association	.0895
Euclid Ave., Orange Association	.5894
Foothill Citrus Union, Inc.	.1208
Fullerton Cooperative Orange Association	.3997
Garden Grove Orange Cooperative, Inc.	1.2806
Golden Orange Groves, Inc.	.1771
Highland Mutual Groves, Inc.	.0091
Index Mutual Association	.4203
La Verne Cooperative Citrus Association	1.7202
Olive Hillside Groves, Inc.	.5744
Orange Cooperative Citrus Association	1.9607
Redlands Foothill Groves	.4142
Redlands Mutuals Orange Association	.1540
Ventura County Orange & Lemon Association	1.1793
Whittier Mutual Orange & Lemon Association	.1554
Babijuice Corp. of California	.9631
Banks, L. M.	0.7208
Becker, Samuel Eugene	.0095
Bennett Fruit Co.	.1167
Borden Fruit Co.	.5562
Cappos Bros. Produce	.0074
Cherokee Citrus Co., Inc.	.1096
Chess Co., Meyer W.	.4165
Dozier, Paul M.	.0127
Dunning Ranch	.0496
Evans Bros. Packing Co.	.9301
Gold Banner Association	.1759
Granada Hills Packing Co.	.0334
Granada Packing House	1.0215
Hill Packing Co., Fred A.	.0635
Knapp Packing Co., John C.	.5191
L Bar S Ranch	.1107
Lawson, William J.	.0069
Lima & Sons, Joe	.1153
Orange Belt Fruit Distributors	1.3199
Orange Hill Groves	.0116
Otte, Arnold	.0632
Panno Fruit Co., Carlo	.4893
Paramount Citrus Association	.7428
Pattiucci, Frank L.	.0092
Placentia Orchard Co.	.5306
Prescott, John A.	.0194
Redlands Fruit Association, Inc.	.0150
Riverside Citrus Association	.0238
Ronald, P. W.	.0214
San Antonio Orchard Co.	.3123
Schwaer, Erwin & Arthur	.0000
Stephens, T. F.	.2271
Summit Citrus Packers	.0166
Treesweet Products Co.	.2454
Wall, E. T., Grower-Shipper	.1358
Western Fruit Growers, Inc.	.4828

[F. R. Doc. 51-7301; Filed, June 22, 1951; 11:10 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 18, Revision 1, Amendment 1]

CPR 18 REV. 1—MANUFACTURERS' PRICES FOR WOOL YARNS AND FABRICS

CHANGES AND CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 18, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The changes and clarifications incorporated in this amendment to Ceiling Price Regulation 18, Revision 1, are intended to clarify some of the provisions of the revised regulation and to make certain additions to it.

As originally worded, all base period prices obtained from contracts to sell were required by section 3 (c) (1) to be taken from contracts with the class of purchaser which bought the largest amount, during the base period, of the yarns or fabrics in the category in which the yarn or fabric being priced fell. This resulted in some manufacturers being unable to obtain a base period price for yarns or fabrics for which they had a contract price, but not with the class of purchaser buying the largest amount of the category in which the yarn or fabric fell. Section 1 of this amendment allows such manufacturers to obtain their base period price in such cases by taking the contract price with the class of purchaser which bought the largest amount of that particular yarn or fabric during the base period.

Sections 2, 5, 6 and 8 of this amendment clarify the position of those manufacturers who buy woolens and worsted fabric or yarn in the greige or unfinished state and convert it to a finished fabric or yarn. The term "manufacturing material" is clarified to include purchased yarn or greige fabric, and the "terminal" cost of such yarn or fabric is specified as the ceiling price of such yarn or fabric under this revised regulation. Furthermore, explicit instructions are given as to how to compute the material cost adjustment of a finished yarn. Although the converting of yarn and greige fabric is of much smaller volume in the woolen and worsted industry than in other textile industries, it was important to clarify the position of those converters who are in the industry. This amendment makes explicit the intention of CPR 18, Rev. 1, to cover such converters.

Manufacturers of apparel interlinings who sell such interlining as piece goods, have been included, and their method of computation indicated, in Ceiling Price Regulation 18, Revision 1, by sections 4, 5, 7 and 14 of this amendment. Because the product which they manufacture may contain many different kinds of raw materials, they might previously have been covered by one or more of three regulations, CPR 18, Rev. 1, CPR 37, and CPR 22, depending on the kinds and proportion of raw materials used. After consultation with the industry it was ascertained that CPR 18, Rev. 1 was suitable for the determination of ceiling prices for apparel interlining, and accordingly the definition of "wool" was amended to include animal hair when used in the manufacture of apparel interlining. No changes in the ceiling price levels which would have been established for this industry under CPR 37 and 22, are expected to result from this amendment.

Section 9 of this amendment provides that freight-in, insurance, and applicable duty may be included in determining the materials cost adjustment. However, it should be noted that if these charges are included in determining the terminal cost of a material, they must be included in the determination of the base period cost of such material. The inclusion of this provision is made necessary by the varying methods by which wool and other materials are purchased. This variation often results in some invoices containing freight, insurance, and duty charges and others omitting such charges. The amendment equalizes the position of all manufacturers with regard to what they may or may not include in the base period and terminal costs of materials, and provides for a consistent method of computing cost increases.

Section 10 of this amendment should remove any ambiguity from section 4 (b) (1) of CPR 18, Rev. 1, which clearly

expresses the intention of this revised regulation, that only in cases where wool top is purchased, i. e., where base period invoices are available, may manufacturers compute their material cost adjustment for wool on the basis of wool top. Integrated mills who comb all of their own top, and consequently have base period invoices for wool fiber but not for top, must compute their material cost adjustment for wool on the basis of wool fiber. Manufacturers who use both purchased top and top which they comb themselves may compute their material cost adjustment for wool on either a wool fiber or a top basis, and section 10 of this amendment emphasizes that if the latter method is used, the labor cost adjustment, computed by such manufacturers shall not include increases in the cost of combing top in their own mill.

Section 11 of this amendment reduces to two years, the period of time for which current records of prices charged under this revised regulation must be kept and made available for examination by the Office of Price Stabilization.

Sections 3, 12 and 13 of this amendment make such changes in the revised regulation as are necessary for conformity with other changes made by this amendment.

Finally, section 15 of this amendment, amends the revised regulation to allow manufacturers of wool yarns and fabrics to use either CPR 18, Rev. 1, CPR 18, or the General Ceiling Price Regulation, to determine their ceiling prices, until July 16, 1951. On and after July 16, 1951, they must use CPR 18, Rev. 1 to determine their ceiling prices. This extension of time was made necessary by the fact that many nonintegrated manufacturers must use the ceiling prices of their suppliers, under CPR 18, Rev. 1, in computing their own ceiling prices. The additional time allowed by this amendment insures that such manufacturers will not be forced to halt shipments due to their inability to compute their ceiling prices. It also will provide manufacturers of apparel interlining with sufficient time to compute their ceiling prices. In view of the fact that CPR 18, Rev. 1 does not contemplate price roll-backs, except in certain cases, this extension of time will not affect the level of prices existing in the woolen and worsted industry.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

In formulating this amendment the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 18, Revision 1, is amended in the following respects:

1. Paragraph (c) (1) of section 3 is amended by inserting at the end of the second sentence immediately after the words "class of purchaser." and before the parenthesis, a new sentence to read as follows: "If, during your base period for the category in which the yarn or fabric falls, you did not contract in writing to sell that yarn or fabric to the class of purchaser which, during that base period, contracted in writing to buy from you the largest dollar amount of yarns or fabrics in the same category as the yarn or fabric to be priced, but you did contract in writing to sell it to another class of purchaser, find the highest price at which you contracted in writing to sell that yarn or fabric to the class of purchaser which, during that base period, contracted in writing to buy from you the largest dollar amount of that yarn or fabric. (Exclude sample quantity contracts)."

2. Paragraph (a) (1) of section 4 is amended by inserting between the second and third sentences immediately after the words "yarn or fabric." a new sentence to read as follows: "It also refers to purchased yarn and purchased greige fabric." so that paragraph (a) (1) of section 4, as amended, will now read as follows:

(a) *Manufacturing material and cost of labor.* (1) You will need to become familiar with the terms "manufacturing material" and "cost of labor" in this section. "Manufacturing material" refers to material other than wool and wool waste (see definitions, section 25), entering directly into the yarn or fabric being priced or used directly in the manufacturing processes from which the yarn or fabric results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the yarn or fabric. It also refers to purchased yarn and purchased greige fabric. It does not include materials or subcontracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the yarn or fabric being priced.

3. Paragraph (b) of section 4 is amended by deleting the figure "(5)" in the first sentence, and inserting in its place the figure "(6)".

4. Paragraph (b) (2) (i) of section 4 is amended by inserting after the words "camels hair," the words "other animal hair when used in the manufacture of apparel interlining," so that paragraph (b) (2) (i) of section 4, as amended, will now read as follows:

(i) Your "terminal" unit cost of wool (other than cashmere, vicuna, camels hair, other animal hair when used in the manufacture of apparel interlining, and wool used in the manufacture of carpet yarns) is the price for that wool established in Ceiling Price Regulation 35.

5. Paragraph (b) (2) (ii) of section 4 is amended by inserting in the first sentence after the words "camels hair," the words "other animal hair when used in the manufacture of apparel interlining", and by inserting after the words "(other than purchased yarn" the words "and purchased greige fabric" so that paragraph (b) (2) (ii) of section 4, as amended, will now read as follows:

(ii) Your "terminal" unit cost of wool waste, cashmere, vicuna, camels hair, other animal hair when used in the manufacture of apparel interlining, wool used in the manufacture of carpet yarns, and manufacturing material (other than purchased yarn and purchased greige fabric and other than those materials which you import directly from a seller not subject to the regulations of the Office of Price Stabilization) is the ceiling price on March 15, 1951, for sales of such commodities by your customary source of supply, under the particular regulation of the Office of Price Stabilization applicable to such sales.

6. Paragraph (b) (2) (iii) of section 4 is amended by inserting after the words "cost of purchased yarn" the words "and purchased greige fabric", and by inserting after the words "for sales of such yarn" the words "or fabric" so that paragraph (b) (2) (iii) of section 4, as amended, will now read as follows:

(iii) Your "terminal" unit cost of purchased yarn and purchased greige fabric is the ceiling price, under this regulation, for sales of such yarn or fabric by your customary source of supply.

7. Paragraph (b) (2) (iv) is amended by inserting in the first sentence after the words "camels hair" the words "other animal hair when used in the manufacture of apparel interlining", and by inserting in the third sentence after the words "camels hair" the words "other animal hair when used in the manufacture of apparel interlining" so that paragraph (b) (2) (iv) of section 4, as amended, will now read as follows:

(iv) Your "terminal" unit cost of the wool waste, cashmere, vicuna, camels hair, other animal hair when used in the manufacture of apparel interlining, wool used in the manufacture of carpet yarns, and manufacturing material, which you import directly from a seller not subject to the regulations of the Office of Price Stabilization, is the average net price per unit of such material shown on invoices for deliveries of such material to you within 30 days prior to March 15, 1951, provided they were pursuant to contracts bearing firm prices entered into within 60 days prior to March 15, 1951. You obtain this average net price by dividing the net amount you paid for all deliveries of the material during the 30-day period by the total number of units of the material delivered to you during such period. If you had no deliveries of such wool waste, cashmere, vicuna, camels hair, other animal hair when used in the manufacture of apparel interlining, wool used in the manufacture of carpet yarns, or such manufacturing material, during the thirty days prior to March 15, 1951, you may use as the "terminal" unit cost of such material, the net price per unit of the material stipulated in the last written contract for the material which you entered into prior to March 15, 1951, provided that it was entered into not more than 60 days prior thereto.

8. Paragraph (b) (5) of section 4 is amended by inserting after the words "If in a fabric" the words "or finished yarn"; by inserting after the words "cost adjustment for that fabric" the words "or finished yarn"; by deleting the word "that" after the words "'terminal' cost of" and inserting in its place the word "the"; by inserting after the words "of that yarn" the words "you spin yourself"; by deleting the word "that" after the words "or wool waste used in" and inserting in its place the word "the"; and by inserting after the words "used in that yarn" the words "you spin yourself" so that paragraph (b) (5) of section 4, as amended, will now read as follows:

(5) If in a fabric or finished yarn you are pricing you use yarn which you spin yourself, you shall, in determining your materials cost adjustment for that fabric or finished yarn, use, instead of the difference in the "base period" and "terminal" cost of the yarn which you spin yourself, the difference in the "base period" and "terminal" cost of the wool or wool waste used in the yarn you spin yourself.

9. Paragraph (b) of section 4 is amended by inserting a new subparagraph (6) at the end of subparagraph (5) to read as follows:

(6) You may include in your "base period" and "terminal" costs of wool, wool waste or manufacturing material, applicable duty, insurance, and transportation costs for delivery of the material to you. If your "terminal" cost of wool, wool waste, or manufacturing material includes such duty, insurance, or transportation costs, then your "base period" cost of that material must include, on the same basis, such duty, insurance, or transportation costs.

10. Paragraph (c) of section 4 is amended by inserting in the second sentence after the words "increases in the cost of" the word "purchased" so that paragraph (c) of section 4, as amended, will now read as follows:

(c) *Labor cost adjustment.* Find the increase between the end of your base period and March 1, 1951, in your cost of labor per unit of that yarn or fabric. This is your labor cost adjustment. If, for a particular yarn or fabric, you computed your material cost adjustment for wool on the basis of increases in the cost of purchased wool top, you must compute your labor cost adjustment on the basis of increases in the cost of labor for converting top into a unit of that yarn or fabric.

11. Paragraph (a) of section 20 is amended by deleting, in the first sentence, the words "for the life of the Defense Production Act of 1950 and" and the word "thereafter" so that paragraph (a) of section 20, as amended, will now read in part as follows:

SEC. 20. *Records.* (a) You must keep and make available for examination by the Office of Price Stabilization for a period of two years the records you customarily maintain showing the prices you charge for yarn or fabric sold or delivered after the effective date of this regulation. You must also preserve until two years after the expiration of the Defense Production Act of 1950 all of the data required to be reported by section 21, and in addition:

12. Paragraph (a) (2) of section 20 is amended by inserting in the last sentence after the words "camels hair" the words "other animal hair when used in the manufacture of apparel interlining" so that paragraph (a) (2) of section 20, as amended, will now read as follows:

(2) All invoices for, and written contracts to purchase, wool, wool waste and manufacturing material received or entered into, between July 1, 1949 through June 24, 1950. For materials which you import directly from sellers not subject to the regulations of the Office of Price Stabilization, preserve all written contracts to purchase, and invoices for such materials, entered into, or received, within 60 days prior to March 15, 1951. If you are establishing for the purpose of computations under this revised regulation a net invoice cost for such supplies through a supplier's delivery price, obtain and preserve a statement, signed by the principal owner or an officer of the supplying company, of the highest price at which this supplier delivered such supply, to a purchaser of the class in which you fall, and the date of such delivery. For wool waste, cashmere, vicuna, camels hair, other animal hair when used in the manufacture of apparel interlining, wool used in the manufacture of carpet yarns, and manufacturing material preserve a statement of the name and address of the supplier whose ceiling price you used to determine your "terminal" cost under section 4 (b) (2).

13. Paragraph (c) (2) of section 21 is amended by deleting the words "which bought the largest amount of yarns or fabrics in the category in which the yarn or fabric being priced falls, during the base period" and inserting in their place the words "which you chose in accordance with the instructions contained in section 3 (c)" so that paragraph (c) (2) of section 21, as amended, will now read as follows:

(2) A description of the class of purchaser which you chose in accordance with the instructions contained in section 3 (c), and your customary differentials, if any, between that class of purchaser and your other classes of purchasers.

14. Paragraph (b) of section 25 is amended by inserting after the words "and shall include" the words "other animal hair when used in the manufacture of apparel interlining, and" so that paragraph (b) of section 25, as amended, will now read as follows:

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat or of the camel, alpaca, llama or vicuña, and shall include other animal hair when used in the manufacture of apparel interlining, and tops and noils, but shall not include wool wastes.

15. In sections 1 and 22, wherever the date "June 11, 1951" appears, it is amended to read "July 16, 1951."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on June 22, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7294; Filed, June 22, 1951; 10:57 a. m.]

[Ceiling Price Regulation 18, Revision 1, Supplementary Regulation 1]

CPR 18 REV. 1—MANUFACTURERS' PRICES FOR WOOL YARNS AND FABRICS

SR 1—PRODUCT LINE METHOD OF COMPUTING CEILING PRICES FOR MANUFACTURERS OF WOVEN WOOLEN INDUSTRIAL FELTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 18, Revision 1, as amended, is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 18, Revision 1, provides that in computing the material and labor cost adjustments to determine ceiling prices, manufacturers are to use a unit cost method for each fabric to be priced. This method is suited to the customary accounting procedures of the great majority of manufacturers covered by CPR 18, Revision 1.

Manufacturers of woven woolen industrial felts produce a far greater variety of styles and sizes of products than do any other manufacturers covered by CPR 18, Rev. 1. Such felts may range in width from 20 to 300 inches, in length

from 6 to 235 feet, and in finished weight from one ounce per square foot to 23 ounces. These disparities in style and size exist because these felts are used on a wide variety of industrial machinery. In most cases particular felts are woven to purchasers' specifications to be used for particular machines. Some manufacturers of felts sell as many as 9,000 separate products. This would possibly require an equivalent number of computations of material and labor cost adjustments to determine individual ceiling prices, if the present provisions of CPR 18, Revision 1, were to be applied.

Accordingly, this supplementary regulation provides manufacturers of woven woolen industrial felts with an alternate method of computing ceiling prices with respect to product lines. The product line method of computation is one under which material and labor cost adjustments are calculated only for the best selling felt in each product line. The resulting adjustment is converted to a percentage of the base period price of this particular felt and applied to the base period price of all other felts in that product line to determine the ceiling prices of the other felts. The number of required computations is consequently reduced to manageable proportions.

This supplementary regulation also provides the method by which manufacturers of woven woolen industrial felts, who use the product line method, are to determine their ceiling prices for "new" felts, and for felts which were not dealt in during the base period but which are "similar" to, or "comparable" to felts dealt in during the base period. The pertinent sections of CPR 18, Revision 1, as amended, are modified to allow the manufacturer, using the product line method, to in-line, by the method prescribed, the ceiling price of the felt being priced with the ceiling price of the "similar", "comparable", or "most nearly like" felt as determined by the product line method rather than as determined under section 3, 4 and 5 of CPR 18, Revision 1, as amended. In this manner the ceiling prices for felts not dealt in during the base period will be kept in proper relationship with the ceiling prices for felts dealt in during the base period and falling in the same product line.

Furthermore, in order to provide a reasonably sufficient period of time within which to determine ceiling prices under this method, manufacturers of woven woolen industrial felts who elect to use this method may, until July 16, 1951, deliver such felts at ceiling prices determined either under the General Ceiling Price Regulation, CPR 18, Revision 1, as amended, or this Supplementary Regulation.

The prices determined by the method permitted by this supplementary regulation will not be substantially different from the average level of prices of woven woolen industrial felts computed item by item under CPR 18, Revision 1, as amended. The over-all effect of any upward revisions of some prices will be balanced, on the average, by a corresponding downward movement of others.

The provisions of this supplementary regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been considered. Generally only such changes in such practices or methods have been effected as are necessary to prevent circumvention or evasion of the supplementary regulation and to effectuate the policies of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization, based upon presently available data, the provisions of this supplementary regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

In formulating this supplementary regulation the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for felts dealt in during the base period, using the product line method.
3. Ceiling prices for felts not dealt in during the base period.
4. Records.
5. Reports.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies Ceiling Price Regulation 18, Revision 1, as amended, by allowing manufacturers of woven woolen industrial felts, who are otherwise subject to the provisions of Ceiling Price Regulation 18, Revision 1, as amended, to use the product line method of computation in determining ceiling prices for such felts.

If you elect to use the product line method of determining your ceiling prices, you may, during the period between the issuance of this supplementary regulation and July 16, 1951, sell and deliver woven woolen industrial felts at ceiling prices fixed by this Supplementary Regulation 1, Ceiling Price Regulation 18, Revision 1, as amended, or the General Ceiling Price Regulation, as amended, but on and after July 16, 1951, you must use this supplementary regulation to fix ceiling prices for such felts.

Except as modified by this supplementary regulation all other provisions of Ceiling Price Regulation 18, Revision 1, as amended, apply to you.

SEC. 2. *Ceiling prices for felts dealt in during the base period, using the product line method.* This method of computing your ceiling prices is essentially the same as that contained in sections 2 through 5 of Ceiling Price Regulation 18, Revision 1, as amended, except that the calculations are made only for the best selling felt in a product line. To calculate your ceiling prices under this method, you do the following:

(a) Select the best selling felt in the product line of which the felt being priced is a part.

(1) "Product line" refers to a group of closely related felts which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. To be in the same product line felts must serve substantially the same purpose on substantially the same machine in the same industry and must be made by the same manufacturing process from substantially the same types and amounts of materials. Examples of product lines are Common Wet Felts, Pulp Felts, and Slasher Cloth. For the purposes of this supplementary regulation, all of your product lines will be in the same category, i. e., non-apparel fabrics other than blankets.

(2) "The best selling felt" refers to the felt in a product line which accounted for the greatest dollar amount of sales in the product line in your base period.

(b) Find the base period price of your best selling felt according to the provisions of section 3 of CPR 18, Rev. 1, as amended.

(c) Using the best selling felt, make the calculations prescribed in section 4 of CPR 18, Rev. 1, as amended. This will give you "the material and labor cost adjustment" for the best selling felt.

(d) Divide "the material and labor cost adjustment" by the base period price of the best selling felt. The resulting percentage is referred to as your "material and labor cost adjustment factor."

(e) Apply your "material and labor cost adjustment factor" to the base period price (found in accordance with section 3 of CPR 18, Rev. 1, as amended) of each felt in the product line. The resulting figure is "the material and labor cost adjustment" for each such felt.

(f) Add the "material and labor cost adjustment" for each felt in the product line to the base period price of that felt. This gives you the ceiling price for a unit of that felt to the same class of purchaser as the one which you used in determining your base period price for that felt. To this ceiling price apply the provisions of section 15 of CPR 18, Rev. 1, as amended (conditions of sale and classes of purchaser). Before you deliver a felt at a ceiling price fixed by this section, you must file the report required by section 5 of this supplementary regulation.

(g) If you use this section for one felt you must use it for all felts in the same product line.

SEC. 3. *Ceiling prices for felts not dealt in during the base period.* (a) If you compute ceiling prices for woven woolen industrial felts by the method prescribed in this supplementary regulation, and you want to sell a felt which you cannot price under section 2 of this supplementary regulation, your ceiling price for such a felt is determined by applying, with the qualifications contained in paragraphs (b) and (c) of this section, the provisions of sections 6, 7–10, or 11 of CPR 18, Rev. 1, as amended, whichever is applicable. Before you deliver a felt at a ceiling price fixed by this section, you must file the report required by section 5 of this supplementary regulation.

(b) Wherever sections 6, 7–10, or 11 of CPR 18, Rev. 1, as amended, refer to the ceiling price of the "similar", "comparable", or "most nearly like" felt, such ceiling price shall be that determined under section 2 of this supplementary regulation, rather than that determined under sections 3, 4 and 5 of CPR 18, Rev. 1, as amended.

(c) In selecting a comparable felt under section 9 (a) of CPR 18, Rev. 1, as amended, make your selection from felts for which you can establish ceiling prices under section 2 of this supplementary regulation and which are in the same product line as the felt being priced.

SEC. 4. *Records.* If you compute ceiling prices for woven woolen industrial felts by the method prescribed in this supplementary regulation you must keep and make available for examination by the Office of Price Stabilization, the data required in section 20 of CPR 18, Rev. 1, as amended, for the periods specified therein. In addition you must keep and make available for examination by the Office of Price Stabilization, for the life of the Defense Production Act of 1950 and for a period of two years thereafter:

(a) All of the data required to be reported by section 5 of this supplementary regulation,

(b) A list and complete description of every felt in each product line you price under this supplementary regulation;

(c) The base period price of each felt you price under this supplementary regulation (found in accordance with section 3 of CPR 18, Rev. 1, as amended).

SEC. 5. *Reports.* Prior to making any deliveries of woven woolen industrial felts for which ceiling prices are established by this supplementary regulation, you must file by registered mail, the report required by this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may deliver, upon filing the required report, unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported under this section so as to bring them into line with the level of ceiling prices otherwise established by this supplementary regulation.

Your report shall contain the following information:

(a) For each best selling commodity in each product line which you price under this supplementary regulation, your report should include the following:

(1) All of the information required to be reported by paragraphs (a) through (e), inclusive, of section 21 of CPR 18, Revision 1, as amended;

(2) The estimated dollar volume of net sales for the product line and for the best selling felt, for your last fiscal year which ended prior to December 31, 1950;

(3) The "material and labor cost adjustment factor" you computed under section 2 (d) of this supplementary regulation.

(b) With respect to each felt which you are pricing under section 3 of this supplementary regulation and with respect to the similar, comparable, or most nearly like felt used in computing your ceiling prices, your report should include the following:

(1) All of the information required by subparagraphs (1), (2), (3), (5), (6) and (7) of section 21 (d) of CPR 18, Rev. 1, as amended;

(2) The ceiling price under section 2 of this supplementary regulation of the similar, comparable, or most nearly like felt.

SEC. 6. *Definitions.* (a) "Woven woolen industrial felt" means a woven fabric which has been subjected to a felting operation, and which is used for machine clothing.

(b) The pronoun "you" as used in this supplementary regulation indicates the person subject to the regulation.

All definitions used in Ceiling Price Regulation 18, Rev. 1, as amended, which are pertinent to this supplementary regulation are incorporated in this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 22, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7295; Filed, June 22, 1951; 10:57 a. m.]

[Ceiling Price Regulation 22, Amendment 10, Correction]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EDITORIAL NOTE: Due to an error the words "prior to the prescribed date" were omitted at the end of the first sentence of Amendatory Provision 4 of Amendment 10 to Ceiling Price Regulation 22, issued and effective June 19, 1951 (16 F. R. 5864). It is clear from the Statement of Considerations and the text of Amendatory Provisions 5 and 6 of Amendment 10 that these quoted words were inadvertently omitted. Accordingly, Amendatory Provision 4 of Amendment 10 to Ceiling Price Regulation 22 is corrected to read as follows:

4. A new paragraph (f) is added to section 18 to read as follows:

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

[Ceiling Price Regulation 22, Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR-7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to CPR 22 will bring together certain modifications of that regulation or alternative provisions which are applicable to manufacturers of chemicals, either generally or under the conditions and to the extent indicated in the various sections of the supplementary regulation. Except as otherwise provided in this supplementary regulation, however, the provisions of CPR 22 will continue to be applicable.

At the present time the supplementary regulation contains provisions covering only the matters listed below. Requests for other modifications are now under consideration, and from time to time additional special provisions for manufacturers of chemicals may be added.

1. Section 2 of this supplementary regulation contains an alternative method for computing ceiling prices for chemical joint products or by-products. Under section 22 of CPR 22, a manufacturer of joint products or by-products, resulting from the same manufacturing operation or from common materials, who is unable to compute unit manufacturing materials for each product, may establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. He then computes a uniform percentage increase in manufacturing materials cost which he may apply to the base period price of each of the commodities in the combined unit of production.

Manufacturers of chemicals frequently produce joint or by-products on which they are unable to compute separate unit manufacturing materials costs, and yet which are of such a nature that a uniform percentage increase over base period prices would not be appropriate. Under this supplementary regulation, within certain limitations, the manufacturer may apply a nonuniform percentage increase to the base period price of each of the commodities included in the combined unit of production. The resulting aggregate dollar increase for the combined unit, however, may not exceed the aggregate dollar increase which would result by applying the uniform percentage increase under CPR 22.

Before selling any commodity for which a ceiling price is determined under section 2 of this supplementary regulation, the manufacturer must file a report with OPS setting forth his proposed ceiling prices for the commodities in the combined unit of production, the calculations he has made and the reasons for not using the uniform increase derived under CPR 22.

2. Section 3 of this supplementary regulation provides an alternative method of computing the cost of sulphur as a manufacturing material. Sulphur is customarily supplied pursuant to long-term contracts of a year or more which do not contain any provisions for quarterly or other periodic price changes. Section 18 of CPR 22 contains certain restrictions on the use of prices stipulated in contracts entered into more than 60 days prior to a prescribed date, which in many cases would result in a manufacturer being required to apply to OPS for approval of an appropriate cost increase under paragraph (f) of section 18. The alternative method set forth in section 3 of this supplementary regulation is intended to facilitate the computation of net cost of sulphur as a manufacturing material and to eliminate insofar as possible the necessity for filing applications under section 18 (f) of CPR 22.

Subsequent to June 24, 1950, there were general announcements of price increases made by the major suppliers of sulphur, which they put into effect in the latter part of 1950 as various long-term contracts expired and new contracts were executed. As additional long-term contracts expired prior to March 15, 1951, new contracts were also entered into at the higher prices announced and put into effect in the latter part of 1950. As to some other users of sulphur, however, the higher prices did not become effective prior to March 15, 1951 solely because of the existence of long-term contracts extending beyond that date, but those users become subject to the higher prices as their old contracts expire and they enter into new ones. Under CPR 22, manufacturers may compute their increase in the cost of sulphur as a manufacturing material up to March 15, 1951, since sulphur itself is excluded from CPR 22, under Appendix A, as a non-metallic mineral, and the March 15 date applies to all commodities named in Appendix A.

The alternative method for computing the cost of sulphur, set forth in this supplementary regulation, permits a manufacturer to determine the net cost to him per unit of sulphur used as a manufacturing material by using the price stipulated in the long-term contract in effect on the prescribed date with his principal supplier at each location. If he uses such contract price for the base period date, he must also use that supplier's long-term contract price in effect at the later prescribed date, provided, however, that if prior to the later prescribed date, such supplier had announced a price increase which was not effective as to that manufacturer solely because of the existence of the long-term contract, the manufacturer may use the increased price so announced. This alternative method achieves the result that OPS would seek to achieve in approving applications under section 18 (f) of CPR 22, but eliminates the necessity for a formal application.

3. Ceiling Price Regulation 22 does not permit the inclusion of increases in maintenance and repair materials in determining increases in materials cost. The manufacture of chemicals, however, generally involves conditions which are marked by high expenditures for maintenance and repair materials. This is because many chemicals and chemical processes are highly corrosive to the materials of construction and chemical reactions require either the application or removal of large quantities of heat and the use of very high pressures.

For example, the basic process in the huge alkali and chlorine industry is the electrolysis of common salt, which is split up under the influence of a large amount of direct current into the very corrosive chlorine gas and a solution of caustic soda of varying concentrations. The manufacture of sulphuric acid involves the corrosive reaction of sulphur or pyrites to sulphur dioxide and its subsequent oxidation to sulphuric acid. The latter in turn is used in the manufacture of hydrochloric, nitric, phosphoric and hydrofluoric acids, all involving highly corrosive processes. As a result of conditions involving high temperatures, pressures and corrosive actions, chemical manufacturing processes consume maintenance and repair materials in much the same way as they do the manufacturing materials themselves. Under these circumstances, maintenance and repair materials expenditures, instead of having the more or less fixed features of typical overhead costs, increase as the volume of production increases above normal rates.

It is therefore consistent with the spirit and intent of CPR 22 to allow a manufacturer of chemicals to add to his base period prices increases in costs of these materials just as he does increases in costs of manufacturing materials. Section 4 of this supplementary regulation therefore permits a manufacturer of chemicals to compute a maintenance and repair materials cost adjustment which he may add to his base period prices together with his labor cost adjustment and manufacturing materials cost adjustment in computing new ceiling prices under CPR 22.

The adjustment is computed as follows: The manufacturer takes from his federal income tax return for his last fiscal year ended not later than December 31, 1949, those maintenance and repair materials expenditures which are of a kind which the Bureau of Internal Revenue has already allowed in his previous income tax returns as current operating expenses. He then determines the ratio of these allowable expenditures to his total net sales, and multiplies that ratio by 12 percent. The resulting figure is his maintenance and repair materials cost adjustment factor which he applies to his base period prices to obtain his maintenace and repair materials cost adjustment.

The 12 percent figure used in this calculation was derived from a study of representative items which are customarily used as repair and maintenance materials in the chemical industries, with a view to determining an average percentage increase in such costs from June 1950 to December 1950. The average increase was then adjusted downward so that the maintenance and repair materials cost adjustment should exclude changes in normal maintenance materials costs which are not peculiar to the chemicals industry.

Before a manufacturer takes the maintenance and repair materials cost adjustment, he must file with OPS a statement setting forth the cost adjustment factor he has computed. This statement may be filed with his Public Form No. 8 under CPR 22, but in any event it must be filed on or before August 1, 1951.

Prior to the issuance of this regulation, the Director consulted with representatives of the industry and has taken into consideration the recommendations of several Industry Advisory Committees. The Director finds that the provisions of this supplementary regulation are generally fair and equitable and consistent with the basic objectives of CPR 22.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Alternative method for computing ceiling prices for chemical joint products or by-products.
3. Alternative method of computing the cost of sulphur as a manufacturing material as of a prescribed date.
4. Maintenance and repair materials cost adjustment.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong., interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3c FR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation sets forth certain modifications of CPR 22 or alternative provisions, applicable to manufacturers of chemicals, either generally or under the conditions and to the extent indicated in the later sections of this regulation. Except as otherwise provided in this supplementary regulation, however, the provisions of CPR 22 continue to be applicable to you as a manufacturer of chemicals.

SEC. 2. *Alternative method for computing ceiling prices for chemical joint products or by-products*—(a) *Applicability of this section.* This section applies to you if you are a manufacturer of chemical joint products or by-products and calculate your "materials cost adjustment", under section 22 of CPR 22, on the basis of an appropriate combined unit of production in which are represented the several joint or by-products in the proportions in which they result from the same manufacturing operation or from common materials. In that event, you may use this section 2 of this supplementary regulation as an alternative method of computing your ceiling prices under CPR 22 for such joint products or by-products.

(b) *Alternative method of computing ceiling prices.* If the application of a uniform materials cost adjustment determined under section 22 of CPR 22 for a combined unit of production, is not appropriate for the chemical joint products or by-products in that combined unit, you need not apply your labor and materials cost adjustments uniformly to each of the several chemicals represented in the combined unit of production. Instead, you may apply a non-uniform percentage increase to the base period prices of each of the commodities included in your combined unit of production in determining its respective ceiling prices, provided that the resulting aggregate dollar increase for the combined unit of production will not exceed the aggregate dollar increase which would result if you followed CPR 22 as to each chemical. For example: Suppose that your combined unit of production consisted of one ton of chemical A and two tons of chemical B, and that your base period prices were $10.00 per ton for A and $8.00 per ton for B. The base period dollar value of your combined unit of production was, therefore, $10.00 plus $16.00 or $26.00. Assume that under CPR 22 your labor and material cost adjustment together per combined unit of production was $2.60 or 10 percent. Under the provisions of Sections 3 and 22 of CPR 22 you could therefore increase the base period price for each chemical by 10 percent, or to $11.00 for A and $8.60 for B. Under this section, however, you could increase your base period price for chemical A to only $10.40. In that case, you could raise your base period price for chemical B to $9.10 instead of $8.80. This would make your increase over the base period price $.40 for one ton of A and $2.20 (two tons at $1.10 each) for B, giving an aggregate increase for the combined unit of production of $2.60, which is the amount permitted in this alternative method. You may not, however, use this alternative method unless the following conditions are complied with:

(1) Your percentage increase over your base period price for any of the commodities in the combined unit of production shall not exceed twice the permissible uniform percentage increase for the combined unit of production derived under CPR 22, unless written permission is granted by the Office of Price Stabilization.

(2) For any commodity represented in the combined unit of production which you use in the same or other departments or plants of your business, or sell or transfer to any companies with which you are directly affiliated, you may not, in making the calculations under this section, apply a lessor percentage increase over your base period price than the uniform percentage increase derived under CPR 22.

(c) *Reports.* Before selling any commodity for which you have determined a ceiling price under this section, you must file a report with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C., setting forth your proposed ceiling prices for each of the commodities represented in the combined unit of production, the calculations you employed in arriving at these ceiling prices and your reasons for not using the uniform percentage increase derived under CPR 22. After mailing the report, you may sell the commodity at your proposed ceiling price unless and until you are notified by the Office of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

SEC. 3. *Alternative method of computing the cost of sulphur as a manufacturing material as of a prescribed date*—(a) *Applicability of this section.* This section applies to you if, under CPR 22, you are figuring the change, between the prescribed dates, in the net cost to you per unit of sulphur as a manufacturing material, and you had in effect on either prescribed date a long-term contract for the purchase of sulphur. A long-term contract, for the purposes of this section, means a contract covering a period of a year or more, entered into more than 60 days prior to the prescribed date, and which does not include any provision for periodic price changes every period of three months or less.

(b) *Use of long-term contract prices for computation of cost of sulphur.* Notwithstanding the provisions of section 18 of CPR 22, to determine the net cost to you per unit of sulphur used as a manufacturing material as of a prescribed date, you may use the price stipulated in the long-term contract in effect on such prescribed date with your principal supplier at each location: *Provided, however,* That if you use such contract price for the base period date, you must also use that supplier's long-term contract price in effect on the later prescribed date: *Provided further, however,* That if prior to the later prescribed date such supplier had announced a price increase on sulphur, which was not effective as to you solely because of the existence of the long-term contract, you may use the increased price so announced.

SEC. 4. *Maintenance and repair materials cost adjustment*—(a) *Applicability of this section.* Under this section you may compute a maintenance and repair materials cost adjustment which you may add to your ceiling prices determined under section 3 of CPR 22 for chemicals. The term "maintenance and repair materials" means those materials which are of a kind which has been allowed by the Bureau of Internal Revenue as current operating expenses in your previous income tax returns. It does not include materials or subcontracted services used in the replacing or expanding of your plant or equipment.

(b) *Calculation of your maintenance and repair materials cost adjustment.* To calculate your maintenance and repair materials cost adjustment, you do the following:

(1) Determine the last fiscal year which ended not later than December 31, 1949 for which you filed an income tax return with the Bureau of Internal Revenue of the U. S. Treasury Department. If the first fiscal year for which you filed such an income tax return ended later than December 31, 1949, then use the first fiscal year for which you filed a return.

(2) Find the total current maintenance and repair materials expenditures reflected in that return which are of a kind which had been previously allowed by the Bureau of Internal Revenue as current operating expenses, for either your entire business, or for a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced, or for a group of such units. If under subparagraph (1) of this paragraph you are required to use the first income tax return you have filed, find from that return only those current maintenance and repair materials expenditures which would be allowable as current operating expenses under the Federal Income Tax Act and the rules and regulations of the Bureau of Internal Revenue. If you select a unit smaller than your entire business, you may not use the expenditures applicable to that unit in your calculations for your other units or the remainder of your business.

(3) Find the dollar amount of your net sales for the same year, for either your entire business, or for a unit of your business, or for a group of units, whichever you are using under subparagraph (2) of this paragraph.

(4) Divide the dollar amount of these maintenance and repair materials expenditures by your net sales figure determined in subparagraph (3) of this paragraph. This is your maintenance and repair materials cost ratio. Note that subparagraphs (1), (2), and (3) of this paragraph are only for the purpose of determining the ratio of your maintenance and repairs materials expenses to your net sales.

(5) Multiply your maintenance and repair materials cost ratio by 12 percent. This is your maintenance and repair materials cost adjustment factor.

(6) Apply this maintenance and repairs material cost adjustment factor to the base period price of each commodity in your business, or in the unit or groups of units selected by you in subparagraph (2) of this paragraph. This is your maintenance and repair materials cost adjustment, which may be added to your ceiling prices under section 3 of CPR 22. If your cost ratio was computed on a unit basis, the maintenance and repairs material cost adjustment computed for a unit of your business or a group of units may be applied only to the commodities produced in that unit or group of units.

(c) *Reports.* If you wish to add a maintenance and repair materials cost adjustment to your base period prices, you must file with the Rubber, Chemicals and Drugs Division, Office of Price Stabilization, Washington 25, D. C., on or before August 1, 1951, a statement of the maintenance and repair materials cost adjustment factor or factors which you have computed, identifying the unit of your business or groups of units for which each such factor is computed. Thereafter you may add to your ceiling prices under section 3 of CPR 22 the

maintenance and repair materials cost adjustment permitted by this section.

Effective date. This supplementary regulation is effective June 27, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7296; Filed, June 22, 1951; 10:58 a. m.]

[Ceiling Price Regulation 48]

CPR 48—PULPWOOD CONTRACT LOGGING SERVICES IN THE NORTHEASTERN STATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 48 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices for contract logging services rendered in connection with the production or transportation of pulpwood cut from mill-owned or controlled stumpage in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York, except nine of the counties comprising the southern tier of that State. This regulation supersedes Ceiling Price Regulation 34 (Services) insofar as that regulation applies to contract logging services in the Northeastern States. Contract logging services include, but are not limited to, the felling, bucking, yarding, peeling and hauling of wood as well as the building of roads and establishment of camps which are frequently incidental to pulpwood cutting operations.

One-third of the total quantity of domestic wood and one-fifth of the total amount of wood annually consumed by the mills in this area is procured through contract logging services. It is estimated that in 1951 approximately 700 thousand cords of pulpwood may be obtained by such contract logging arrangements. The remainder of the wood requirements of these mills will be met through purchases from farmers and dealers and through company operations.

Inasmuch as contracts for logging services are usually on an annual basis and are consummated in the spring of the year, the prices for such services were frozen under the General Ceiling Price Regulation at the level which existed in the spring of 1950. This level of prices was, in general, perpetuated by Ceiling Price Regulation 34 (Services). The ceiling prices for contract logging services established in this regulation were determined by subtracting the average prices of stumpage from the appropriate ceiling prices established for pulpwood in this area by Ceiling Price Regulation 38 (Ceiling Prices for Pulpwood Produced in Northeastern States). The ceiling prices on contract logging services therefore will tend to equate the cost of pulpwood obtained in this manner by the consuming mills to the cost of wood obtained by such mills in the open market. As a protection to buyers of such services, as well as to the price stabilization program, a safeguard is provided in the regulation to the effect that in no event may the sum of the prices paid for contract logging services and other elements of cost, including stumpage, exceed the appropriate ceiling prices for pulpwood as provided in Ceiling Price Regulation 38. However this regulation does recognize that individual hardship situations may arise due to weather, terrain, and other factors which have an important bearing on the cost of contract logging of pulpwood, and a provision is included for individual adjustments in these situations.

The level of ceiling prices for contract logging services established by this regulation is higher than the level of ceiling prices for such services under the General Ceiling Price Regulation and CPR 34. The permitted increases are found to be necessary because the prices in effect in the period December 19, 1950, to January 25, 1951, inclusive, did not reflect increases in labor, material and operating costs subsequent to the spring of 1950. It is necessary to recognize these cost factors in order to assure an adequate supply of pulpwood to the mills in this area and in order to preserve the seller's pre-Korea margins of profit.

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave full consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent that this regulation compels changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such changes are necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this ceiling price regulation does.
2. Exempted services.
3. Definitions.
4. Records and reports.
5. Transfers of business and equipment.
6. Evasion.
7. Penalties.
8. Petitions for amendment.
9. Applications for adjustment.
10. Adjustable pricing.
11. Prohibitions.
12. Less than ceiling prices.
13. Ceiling prices for contract logging services.

AUTHORITY: Sections 1 to 13 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R. 1950 Supp.

SECTION 1. *What this ceiling price regulation does.* This regulation supersedes Ceiling Price Regulation 34 (Services) in the area covered by this regulation. It applies to all sales of pulpwood contract logging services performed on mill-owned or controlled stumpage in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts, and all of the State of New York except the counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange and Rockland.

SEC. 2. *Exempted services.* Sales of the services of driving, booming, and rafting of pulpwood in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts and all of the State of New York except the counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange and Rockland are exempted from the provisions of this regulation and from the provisions of any other regulation including Ceiling Price Regulation 34 (Services) by Amendment 2 to General Overriding Regulation 8.

SEC. 3. *Definitions.* (a) When used in this regulation, the term:

(1) "Contract logging services" covers only services rendered by independent contractors to consumers who own or control the stumpage involved. It does not include transactions where commodities, as distinguished from services, are sold; in that case, the ceiling on pulpwood (CPR 38) governs the transaction. The term "logging service" includes all services in connection with the transportation and/or production of pulpwood, including all operations in connection therewith, such as, but not limited to, hauling, road construction, felling, bucking, skidding, yarding, peeling, rossing, loading and reloading and trucking. It also covers the transportation of gravel, building materials, machinery and the like when performed solely in connection with a logging operation.

(2) "Cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which when properly prepared and stacked, contains 128 cubic feet, or when pulpwood is sold in the form of logs, means that quantity of logs which would, if cut into 4 foot bolts, pile up one cord of pulpwood as defined above. The log rule commonly in use in the area where such pulpwood is cut will be used to determine the cubical content of such logs and the conversion ratio commonly used in the said area will be used in converting log scale to cords.

(3) "Driving, booming and rafting" comprise those services necessary to the movement of pulpwood by water.

(4) "Hemlock wood" includes hemlock (Tsuga canadensis), and tamarack (Larix laricina).

(5) "Lake or stream" has reference to wood which has been properly landed and boomed in the lake or on the bank of or in the stream by which it is to be carried to the consumer.

(6) "Northern hardwoods" include beech (Fagus grandifolia) paper birch (Betula papyrifera), yellow birch (Betula lutea), gray birch (Betula populifolia), sugar maple (Acer saccharum), red maple (Acer rubrum), and all other northern deciduous species except those referred to in subparagraph (10) of this paragraph.

(7) "Peeled pulpwood" includes any pulpwood which has been sap peeled or barked prior to its delivery to consumer.

(8) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(9) "Pine" includes any species of the genus Pinus.

(10) "Poplar wood" includes basswood (Tilia americana), butternut (Juglana cinerea), cucumber (Magnolia acuminata), yellow poplar (Liriodendron tulipifera) and any species of the genus Populus, sometimes referred to as the "soft-hardwood group."

(11) "Pulpwood" means any sepcies of wood, exclusive of mill waste or mill by-products, sold for manufacture into wood pulp.

(12) "Purchaser" means any person who buys contract logging services which term includes a wholly owned subsidiary of such person.

(13) "Roadside" is any point at which pulpwood can be loaded on a truck for delivery.

(14) "Rossed pulpwood" includes hand shaved pulpwood and any pulpwood from which the bark has been removed by any mechanical rosser, prior to its delivery to a consumer.

(15) "Rough pulpwood" means pulpwood from which the bark has not been removed.

(16) "Sell" includes supply, dispose, barter, exchange, transfer and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

(17) "Spruce and fir wood" includes black spruce (Picea mariana), white spruce (Picea glauca), red spruce (Picea rubra), and balsam fir (Abies balsamea).

(18) "Stumpage" means a tree whether green or dead, standing or down, of all species, classes and sizes where the tree has not been severed from the stump.

(19) "Stumpage cost" means the actual acquisition cost of the standing timber (exclusive of values ascribed to the land and for other rights).

(b) Unless the context otherwise requires, the definitions set forth in the General Ceiling Price Regulation shall apply to other terms used herein.

SEC. 4. *Records and reports.* (a) On and after the effective date of this regulation, every person making sales or purchases of pulpwood contract logging services in the states covered by this regulation shall keep for inspection by the Director of Price Stabilization for the life of the Defense Production Act of 1950 and for two years thereafter, records of each sale or purchase of such services which show the following:

(1) Date of purchase or sale.

(2) Name and address of other party to the contract.

(3) Location of the operations involved.

(4) Prices per cord including all direct or indirect considerations given or received and pricing point under section 13 (a) of this regulation to which wood was delivered at contractor's expense.

(5) Type of service rendered such as felling, peeling or road construction.

(6) Stumpage cost (only applies to purchasers of logging services).

(b) Persons required to keep records shall submit such reports to the Director of Price Stabilization as he may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Further, each contractor shall preserve the records required by section 16 (a) of the General Ceiling Price Regulation (base period records) which show, in general, the prices charged for and a description of the services offered for sale or supplied during the base period and by section 16 (b) (current records) of the same regulation, which requires each seller of logging services to prepare and preserve for a period of two years such customary records showing the prices charged for logging services supplied, or the basis upon which ceiling prices were determined for such services as were not supplied nor offered for sale during the base period. Those records under section 16 (b) of the General Ceiling Price Regulation relate to the sales of contract logging services, now covered by this ceiling price regulation, between January 26, 1951, and May 16, 1951, the effective date of Ceiling Price Regulation 34 (Services). For the period from May 16, 1951, to the effective date of this regulation the record and reporting requirements of CPR 34 shall apply. The base period under the General Ceiling Price Regulation and CPR 34 is December 19, 1950, to January 25, 1951, inclusive.

SEC. 5. *Transfers of business and equipment.* If business assets or equipment are sold, or otherwise transferred, after the effective date of this regulation, and the transferee carries on the business or continues to deal in the same type of service or commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 6. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to devices making use of premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 7. *Penalties.* Persons violating any provision of this Ceiling Price Regulation 48 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 8. *Petitions for amendment.* Persons seeking any amendment of this Ceiling Price Regulation 48 may file petitions for amendment in accordance with the provisions of Price Procedural Regulation 1, revised (16 F. R. 4974).

SEC. 9. *Applications for adjustment*—(a) *When adjustments may be granted.* (1) The Director of Price Stabilization may adjust the ceiling prices of pulpwood contract logging services established by this regulation in any case in which he finds that the contractor encounters costs which render him unable to undertake or maintain his production at these ceiling prices and that either:

(i) Undertaking or continuance of such service is required to meet a military or essential civilian need, or

(ii) Loss of the contractor's services will force the consumer to resort to higher priced methods or sources of supply, and that no adequate substitute for that service is available to the consumer at a price equal to or lower than the adjusted ceiling price which he requests.

(2) The Director of Price Stabilization may permit a consumer to incur a total cost in excess of the appropriate ceiling price established by Ceiling Price Regulation 38 (Ceiling Prices for Pulpwood Produced in Northeastern States) if he finds:

(i) That the stumpage cost, if acquired after May 16, 1951, is reasonable, and that

(ii) The stumpage cost plus contract logging services must exceed the appropriate ceiling price in Ceiling Price Regulation 38 if the pulpwood is to be produced.

(3) Notwithstanding any of the above provisions of this section, the Director of Price Stabilization may deny any application filed under said section if he finds:

(i) That the proposed adjustment would be used by the purchaser to obtain a buying advantage over competing purchasers of pulpwood or logs, or of contract logging services of any sort or description, or

(ii) That the purchaser cannot absorb the amount of the adjustment in the ceiling price or prices for his end product or products legally established and in effect at the time the application for adjustment is filed.

(b) *Amount of adjustment.* The relief granted under this section shall be limited to the amount necessary to permit the production of the pulpwood involved.

(c) *Form of application, place and time of filing.* All applications for adjustment filed under paragraphs (a) (1) and (2) of this section must be filed with the Office of Price Stabilization, Forest Products Division, Pulp, Paper and Paperboard Branch, Washington 25, D. C., by the contractor and purchaser jointly, except when the sole service provided is trucking; then only the purchaser need file in the above manner.

At least 20 days prior to the commencement of any operation, an application should be filed in the above manner on OPS Public Form No. 31 (Application for Adjustment of Pulpwood Contract Logging Services) to show an estimated cost analysis; such estimated cost analysis need not be filed for contracts which are in the process of being fulfilled on the effective date of this regulation. Prior to final settlement of any contract involving an adjustment under this section, OPS Public Form No. 31 (Application for Adjustment of Pulpwood Contract Logging Services) showing actual cost analysis, must be filed in the above manner except for the exclusive service of trucking, in which case only the purchaser shall file a statement that the contract has been completed and setting forth the actual price to be paid. The above named form may be obtained from the Office of Price Stabilization, Forest Products Division, Pulp, Paper and Paperboard Branch, Washington 25, D. C. or from the local District or Regional Office of the Office of Price Stabilization.

(d) *Effective date of adjustment.* Unless the Director of Price Stabilization shall by notice mailed to the applicants within 20 days from the date of filing either estimated cost analysis or actual cost analysis on OPS Public Form No. 31 (Pulpwood Contract Logging Services) respectively, disapprove, adjust, request additional information, or extend the time within which to do any of the foregoing, such application shall be deemed to have been conditionally approved, subject to retroactive written adjustment at a later time by the Director of Price Stabilization, but not later than 20 days following the filing of the actual cost report.

SEC. 10. *Adjustable pricing.* Any seller of logging services may agree to sell or sell at a price which can be increased up to the ceiling price in effect at the time of the completion of such services, but no such seller may agree to sell or sell at prices to be adjusted upward in acordance with any increase in a ceiling price after performance or completion of contract logging services. However, where applications for adjustment pursuant to section 9 of this regulation have been filed, logging service contracts may be consummated in accordance with the provisions of that section.

SEC. 11. *Prohibitions.* (a) On and after June 27, 1951, regardless of any contract, lease, agreement or other obligation, no person shall sell or provide contract logging services rendered in connection with the production and/or transportation of pulpwood cut from mill-owned or controlled stumpage in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts and all of the State of New York except the counties of Chautauqua, Catteraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange and Rockland, and no person shall buy or receive such contract logging services, in the regular course of trade or business, at prices in excess of the ceiling prices established by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) On and after June 27, 1951, regardless of any contract, lease, agreement or any other obligation, no purchaser, in the regular course of trade or business, of contract logging services rendered in connection with the production and/or transportation of pulpwood in the aforesaid states, shall incur a total cost for such pulpwood, including stumpage, production and delivery costs, in excess of the appropriate ceiling prices provided in Ceiling Price Regulation 38 (Ceiling Prices for Pulpwood Produced in the Northeastern States) nor shall any such purchaser agree, offer, solicit, or attempt to do any of the foregoing except as provided in section 9 of this regulation.

SEC. 12. *Less than ceiling prices.* Lower prices than those set forth in section 13 of this regulation may be charged, demanded, paid or offered.

SEC. 13. *Ceiling prices for contract logging services.* (a) The ceiling price per cord for contract logging services rendered in connection with the production and/or transportation of pulpwood in each of the zones hereinafter indicated shall not exceed the following when such pulpwood is delivered at the seller's expense at the points indicated.

ZONE 1—STATE OF MAINE

	F. o. b. car	Lake or stream	Roadside	Delivered mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$17.00	$16.25	$14.00	$17.25
Rough	13.00	12.25	9.50	13.25
Hemlock:				
Peeled	17.00	16.25	14.00	17.25
Rough	13.00	-------	9.50	13.25
Poplar:				
Peeled	16.00	15.25	13.00	16.25
Rough	12.50	-------	9.00	12.75
Northern hardwood:				
Peeled	18.25	-------	14.75	18.50
Rough	14.00	-------	10.00	14.25
Pine:				
Peeled	16.00	15.25	13.00	16.25
Rough	12.50	-------	9.00	12.75

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 3) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price, a sum not to exceed the appropriate differential provided below.

Distance, miles	Rough spruce, fir, poplar, hemlock and pine, and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.25	$1.40	$1.10
40-60	2.50	2.80	2.20
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.45
Over 120	5.25	5.80	4.65

ZONE 2

The State of New Hampshire and in the State of Vermont the Counties of Essex, Caledonia, Orleans, Lamoille, Washington, Orange, Chittendon, Franklin, Grand Isle and the Towns of Norwich, Hartford, Hartland, West Windsor, Windsor, Weathersfield, and Springfield in Windsor County and that portion of the State of Massachusetts East of the Connecticut River.

Price group	F. o. b. car	Lake or stream	Roadside	Delivered mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$19.75	$19.25	$16.50	$20.00
Rough	14.75	14.25	11.00	15.00
Hemlock:				
Peeled	18.50	18.00	15.25	18.75
Rough	14.00	-------	10.25	14.25
Poplar:				
Peeled	17.75	17.25	14.50	18.00
Roush	13.75	-------	10.00	14.00
Northern hardwood:				
Peeled	20.25	-------	16.50	20.50
Rough	15.25	-------	11.00	15.50
Pine:				
Peeled	17.25	16.75	14.00	17.50
Roush	13.25	-------	9.50	13.50

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 3) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price a sum not to exceed the appropriate differential provided below.

Distance, miles	Rough spruce, fir, poplar, hemlock and pine, and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.50	$1.70	$1.30
40-60	2.75	3.10	2.45
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.45
Over 120	5.25	5.80	4.65

ZONE 3

In the State of Vermont, the counties of Addison, Rutland, Bennington and Windham and the Towns of Rochester, Bethel, Royalton, Sharon, Stockbridge, Barnard, Pomfret, Bridgewater, Woodstock, Plymouth, Reading, Ludlow, Cavendish, Baltimore, Weston, Andover, and Chester in Windsor County, that portion of the State of Massachusetts west of the Connecticut River and all of the State of New York except Chautauqua Co., Catteraugus Co., Allegany Co., Steuben Co., Chemung Co., Tioga Co., Sullivan Co., Orange Co., and Rockland Co., and the State of Connecticut.

Price group	F. o. b. car	Lake or stream	Roadside	Delivered mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$20.75	$19.75	$17.50	$21.00
Rough	15.75	14.75	12.00	16.00
Hemlock:				
Peeled	18.75	-------	15.50	19.00
Rough	14.25	-------	10.50	14.50
Poplar:				
Peeled	17.75	-------	14.50	18.00
Rough	13.75	-------	10.00	14.00
Northern hardwood:				
Peeled	20.75	-------	17.00	21.00
Rough	15.75	-------	11.50	16.00
Pine:				
Peeled	17.75	-------	14.50	18.00
Rough	13.75	-------	10.00	14.00

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 3) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price a sum not to exceed the appropriate differential provided below.

Distance, miles	Rough spruce, fir, poplar, hemlock and pine, and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.50	$1.70	$1.30
40-60	2.75	3.10	2.45
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.45
Over 120	5.25	5.80	4.65

(b) *Salvage timber differential.* When the consumer and contractor can demonstrate that a payment is necessary to cover abnormal expenses incurred in the salvage of timber damaged in the November, 1950, hurricane; and further, provided that this payment is the least expensive means of procuring such pulpwood, the appropriate ceiling prices for pulpwood contract logging services set forth in paragraph (a) of this section may be increased by no more than $3.00 per cord. Such payments for salvage timber may be paid only to a contractor and only if application is made to the Office of Price Stabilization, Forest Products Division, Pulp, Paper and Paperboard Branch, Washington 25, D. C., in each separate instance for approval to make such payment and prior to such payment. The application shall set forth the reasons why such payment is necessary and shall include a statement prepared by the contractor and consumer showing stumpage, labor and equipment costs necessitating the payment of this differential in excess of the ceiling prices established in the tables set forth in paragraph (a) of this section. The application shall also include a signed statement from the state or local forest fire official having jurisdiction over the area, stating that such salvage is in the public interest, and outline any special measures which the forest fire service prescribes to be followed in such salvage work. Unless the Office of Price Stabilization shall, by notice mailed to the applicant within 20 days from the date of filing such application, disapprove, adjust, request additional information, or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Stabilization.

(c) *Highway taxes and toll charges.* When it is necessary for the contractor performing a trucking service to pay per ton mile road taxes on highways to a state or other governmental agency in addition to the regular truck registration fee, or to pay toll fees on highways, bridges and ferries, a sum not to exceed the actual charges may be added to the appropriate ceiling price.

(d) Any person or persons may sell and any person or persons may buy one or more partial logging services at prices acceptable to both parties: *Provided, however,* That at the point where the pulpwood is delivered to the consumer, the total of all the prices paid for the individual partial operations which comprise the complete logging service may not exceed the appropriate ceiling price or prices established under this regulation.

Effective date. This Ceiling Price Regulation 48 shall become effective June 27, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7297; Filed, June 22, 1951; 10:58 a. m.]

[Distribution Regulation 1, Amendment 6]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

INCREASED QUOTAS FOR DELIVERIES TO ARMED FORCES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 6 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. Immediately after livestock slaughter quotas were established under Distribution Regulation 1 many suppliers of meat to the Armed Forces were confronted with the problem of supplying their proportion of the civilian needs at the same time that they were committed to make substantial deliveries to the Armed Forces. In order to alleviate this condition, Class 1 (federally inspected) slaughterers who supplied the Armed Forces were permitted to make application to the Office of Price Stabilization for additional quota to meet the Armed Forces commitments. The adjustments were made on the basis of an increase of quota to the extent that the deliveries to the Armed Forces exceeded the deliveries made by the slaughterer to the Armed Forces during the corresponding period in 1950. These adjustments were made on an individual basis and imposed a great administrative burden on the Office of Price Stabilization. These individual adjustments also had a strong tendency to disrupt the livestock markets in particular areas. For instance, if a number of quota adjustments were made for slaughterers in the Los Angeles area the amount of livestock needed to fill the Armed Forces orders caused a severe shortage of livestock in that particular market. Conversely, other areas in which adjustments were not made because Armed Forces contracts were not available had an ample supply of livestock and slaughterers could obtain enough supplies to fulfill their quotas. As a result of this condition, the Armed Forces were unable to secure meat to meet their needs. This method of obtaining supplies for the Armed Forces was also deficient in that it did not provide a means for non-slaughtering contractors to secure meat to fulfill their contracts.

After conferences among officials of Office of Price Stabilization, the Armed Forces, and the Department of Agriculture, it was agreed that some more positive method of securing supplies for the Armed Forces would have to be adopted. As an interim measure this amendment to Distribution Regulation 1 is issued. This will permit all Class 1 slaughterers (Class 2 or non-federally inspected slaughterers do not furnish meats on Armed Forces contracts) to increase their quota on cattle and their quota on swine to the extent to which they transfer meat resulting from such slaughter to the Armed Forces or for ultimate delivery to the Armed Forces. The quota increase may not exceed 15 percent of the slaughterers' quota for cattle and 15 percent of his quota for swine. The amendment also requires the meat to be transferred within 30 days from the time of slaughter; requires slaughterers to obtain evidence from non-slaughtering contractors that the meat they receive is to be used for the fulfillment of contracts with the Armed Forces; sets forth in an appendix to the regulation the conversion factors for various meat products; requires certain reports to be made by the Class 1 slaughterer covering transfers of meat for the Armed Forces.

As soon as a permanent method of securing meat supplies for the Armed Forces has been determined, Distribution Regulation 1 will be amended accordingly.

AMENDATORY PROVISIONS

Distribution Regulation 1 is amended in the following respects:

1. Section 16 is added to read as follows:

SEC. 16. *Quota adjustments for sales to the Armed Forces.* (a) If you are a registered Class 1 slaughterer your quota for cattle and your quota for swine for accounting periods beginning on or after June 3, 1951 may be increased to the extent to which you transfer meat, resulting from your slaughter of cattle and swine, to the Armed Forces or for ultimate delivery to the Armed Forces, subject to the following conditions:

(1) The quantity of quota increase may not exceed 15 percent of your quota for cattle and 15 percent of your quota for swine for the accounting period;

(2) The transfer of meat to the Armed Forces or for ultimate delivery to the Armed Forces must be in fulfillment of a valid contract with the Armed Forces or if you are not the prime contractor your transfer of meat must be made only to persons who will fulfill prime contracts with the Armed Forces or to persons who are supplying prime contractors;

(3) The meat resulting from your slaughter of cattle and swine under this section must be transferred to the Armed Forces within 30 days from the time of slaughter;

(4) The transfer of meat to persons who will fulfill prime contracts with the Armed Forces or to persons who are supplying prime contractors may only be made after the Class 1 slaughterer has

received evidence that the meat is to be used for the fulfillment of contracts with the Armed Forces.

(b) You will determine the number of pounds live weight of cattle and swine you may slaughter pursuant to paragraph (a) of this section by applying the appropriate conversion factors set forth in Appendix A to this regulation.

(c) At the time you file Form LS–149 under section 12 of this regulation you must include with such form a summary of (1) transfers of meat to the Armed Forces; (2) transfers to persons who are supplying meat to the Armed Forces; and (3) transfers to persons who are supplying others for delivery to the Armed Forces. The summary must include the quantity of meat transferred by type (beef or pork), the date of slaughter of the cattle and swine for such transfer, the persons to whom the meat was transferred, the addresses of such persons, the dates of transfer, the Armed Forces contract dates and numbers and the names of the persons with whom such contracts were made.

2. Appendix A is added to read as follows:

APPENDIX A—CONVERSION TABLE

(Under Section 16)

To arrive at live weight, multiply the meat transferred in the following forms by the multipliers listed below; the live weight, not to exceed 15 percent of your quota, is then added to your quota under Section 3.

Description of product	Conversion factor (multiplier)
BEEF:	
Fresh or frozen:	
Carcass, Army specifications, bone-in	1.69
Army specifications, boneless	2.42
Boneless fresh cuts	3.24
Other boneless fresh cuts	2.42
Bone-in fresh cuts:	
Forequarter	1.75
Hindquarter, flank off	1.31
Hindquarter, flank on	1.64
Back	1.80
Brisket	1.64
Chuck, square cut	1.88
Chuck, cross cut	1.80
Loin, full, kidney and suet in	1.61
Loin, full, kidney and suet out	1.93
Loin, short, kidney and suet in	1.32
Loin, short, kidney and suet out	1.93
Plate, regular	1.76
Plate, short or navel	1.76
Rib, regular	1.71
Round, rump and shank on	1.64
Round, rump and shank off	2.00
Rump	1.29
Sirloin or sirloin butt	1.92
Sirloin strip	1.93
Triangle or rattle	1.78
Cured Beef:	
Corned beef	2.30
Dried or chipped beef, sliced and unsliced	4.86
PORK, fresh or frozen (excluding lard):	
Carcass, packer style	1.75
Boneless cuts	2.07
Bone-in cuts:	
Boston butts	1.93
Fatbacks	1.84
Hams, regular	1.65
Hams, skinned, fatted	1.75
Loins, regular	1.77
Loins, semi-boneless	1.93
Picnics, regular	1.72

Description of product	Conversion factor (multiplier)
PORK, fresh or frozen (excluding lard)—Continued	
Bone-in cuts—Continued	
Shoulders, regular	1.86
Shoulders, skinned	1.89
Spareribs	1.42
PORK, smoked, cured and prepared:	
Bacon, Canadian	2.23
Bacon, slab, skin on	2.12
Bacon, slab, skin off	2.30
Bacon, sliced	2.30
Fatbacks	1.91
Hams, regular	1.65
Hams, skinned, fatted	1.75
Picnics, regular	1.72
Other pork, smoked, cured or preserved: Boneless and/or skinless	1.93

CANNED MEATS:	Beef	Pork
Bacon, slab or sliced	----	2.30
Beans, oven baked with pork	----	.26
Baked beans with pork and tomato sauce	----	.07
Beans with frankfurter chunks	.42	.32
Beef and gravy	2.72	----
Beef and pork loaf	2.20	.28
Beef and vegetables with gravy	1.30	----
Chili con carne with beans	.85	----
Chili con carne without beans	1.30	----
Chopped ham	----	2.11
Chopped ham and eggs	----	1.05
Cooked ham	----	2.11
Corned beef	3.54	----
Corned beef hash	1.67	----
Frankfurters	1.40	1.05
Ground meat and spaghetti	1.27	----
Ham and lima beans	----	1.23
Ham chunks	----	2.00
Hamburgers with gravy	2.23	----
Hamburgers without gravy	4.52	----
Meat and beans with tomato sauce	1.22	.21
Meat balls and spaghetti	1.22	----
Pork and applesauce	----	1.68
Pork and beef luncheon meat	1.52	1.05
Pork and gravy	----	1.89
Pork luncheon meat	----	2.11
Pork sausage	----	2.04
Pork sausage links	----	1.96
Pork sausage patties with gravy	----	1.81
Pork sausage patties without gravy	----	2.07
Smoked ham	----	2.11
Sausages and meat loaves, not canned:		
Bologna	1.26	.95
Bologna, beef	2.52	----
Cocktail sausage	2.52	----
Frankfurters	1.26	.95
Frankfurters, beef	2.52	----
Head cheese	----	.35
Liverwurst or liver sausage	----	1.07
Luncheon meat	.76	1.54
Pork sausage, fresh	----	2.12
Salami, cooked	1.28	1.14
Vienna sausage	1.37	.95
Other sausages and meat loaves	1.09	.88

NOTE. The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51–7300; Filed, June 22, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 36]

GCPR, SR 36—RESELLERS OF DRUMMOND DOLOMITE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 36 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued in order to eliminate a replacement "squeeze" on resellers of dolomite stone quarried by Drummond Dolomite, Inc., and shipped by water from Drummond Island, Michigan. The quarrier in this situation stopped shipments prior to December 1950, when the waterways froze over. There having been no deliveries by the quarrier during the base period of the General Ceiling Price Regulation, the quarrier had no ceiling prices. He applied for the establishment of a ceiling price for his sales of dolomite stone under section 7 of the General Ceiling Price Regulation. The ceiling prices so established (by Order L–9 under GCPR, section 7) were prices lower than generally prevailing in the area for similar stone received from other sources.

Following their past practices, resellers of this product had stocked up, and were able to make deliveries of the stone throughout the winter at prices based upon their costs for shipments received in 1950, and consequently were frozen at such prices under section 3 of the General Ceiling Price Regulation. This supplementary regulation permits them to increase their prices based on their 1950 cost by the amounts of increase over the 1950 price given to the manufacturer. Further, since the cost of shipping a ton of this stone virtually equals its f. o. b. price per ton, it is not fair and equitable to require the reseller to absorb any increases in such freight costs. This action, therefore, also permits the reseller to pass through the dollar-and-cents amount of the cost increase incurred by him by reason of increased rates for water shipment.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Modification of ceiling prices.
3. Miscellaneous.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this supplementary regulation is to modify ceiling prices for resellers of dolomite (high magnesium) stone, quarried at Drummond Island, Michigan, and shipped by lake vessel from that point.

SEC. 2. *Modification of ceiling prices.* (a) Resellers of dolomite (high magnesium) stone purchased from Drummond Dolomite, Inc. and received by water shipment may increase their ceiling prices as otherwise established under section 3 of the GCPR, by the following amounts for the respective grades and basic sizes of such stone:

Grade	Basic size	Increase per ton
1	2½ by 6 inches	10¢
3	2½ by 1¼ inches	10¢
4	1¼ by ¾ inches	10¢
5	¾ by ⅜ inches	10¢
6L	⅜ by ⅛ inches	(1)
6S	⅜ by ¼ inches	(1)
7	¼ by ⅛ inches	(1)

[1] Where resellers' GCPR prices were based on quarrier's 1950 f. o. b. price of $1.00 per ton, reseller adds 40 cents, where based on quarrier's 1950 f. o. b. price of $1.33 per ton, add 17 cents.

(b) *Freight.* Resellers may also add to their ceiling prices the dollar-and-cent amount by which the cost of freight incurred by them on inbound water shipment of dolomite stone has increased since the close of the 1950 shipping season.

SEC. 3. *Miscellaneous.* Except as herein specifically modified all of the provisions of the General Ceiling Price Regulation remain in effect.

Effective date. This Supplementary Regulation 36 to the General Ceiling Price Regulation shall become effective on the 22nd day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51–7298; Filed, June 22, 1951; 10:58 a. m.]

[General Overriding Regulation 8, Amendment 2]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SERVICES OF DRIVING, BOOMING AND THE RAFTING OF PULPWOOD IN THE NORTHEASTERN STATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 2 to the General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 8 created a clearing house for future exemptions for specific paper, paperboard, converted paper and paperboard products, allied products and services. This amendment exempts from all price control the services of driving, booming and rafting of pulpwood in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts, and all of the State of New York except nine of the counties comprising the southern tier of the State.

The services of driving, booming and rafting are performed in connection with the floating of pulpwood to the consuming mill. At one time the bulk of the wood consumed by mills in the area covered by this amendment was transported to mills by this means. In recent years, however, as timber in close proximity to the rivers has been harvested, rail and truck movements of wood have predominated. It is estimated that in 1951 only about 100 thousand cords, or 3 percent, of the pulpwood consumed in this area will be "driven" to mills; the balance will move by rail and truck.

The driving of wood is initiated in the Spring of the year, when, following the melting of snow and ice, favorable water conditions exist. It is necessary, therefore, that the required labor and equipment be assembled at the proposed scene of operations in advance of the Spring break-up; sometimes, an assembled crew must wait several weeks for favorable driving conditions. The duration of a drive and size of the crew required are greatly affected by the quantity of wood to be transported and by water conditions, and drives normally extend from early Spring to Fall. Contracts are now being made for pulpwood to be driven in 1952. The presence of the variables indicated above results in a different level of costs for each operation, and makes it impossible to establish ceiling prices for these services which would be fair and equitable and would be administratively practicable.

This action decontrolling the prices of driving, booming and rafting services will not result in inflationary prices for such services or for the wood involved because of the very limited amount of wood transported by this means and because the products manufactured from pulpwood are controlled.

Therefore, in consideration of the above facts, the Director of Price Stabilization finds that Amendment 2 to General Overriding Regulation 8 is generally fair and equitable and contains such exemptions as in his judgment are necessary and proper to effectuate the purposes of the Defense Production Act of 1950.

AMENDATORY REGULATIONS

General Overriding Regulation 8 is amended in the following respects:

1. Section 1 (a) is amended by the addition of subparagraph (4) after subparagraph (3) to read as follows:

(4) Sales of the services of driving, booming and rafting of pulpwood in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts and all of the State of New York except the counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange and Rockland.

2. Section 2 (a) is amended by the addition of subparagraph (4) after subparagraph (3) to read as follows:

(4) "Driving, booming and rafting" comprise those services necessary to the movement of pulpwood by water.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51–7299; Filed, June 22, 1951; 10:58 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 7—POSTAL REVENUES AND OTHER PUBLIC FUNDS; SOURCES AND DISPOSAL OF

PART 70—GENERAL PROVISIONS

PART 71—ISSUE OF DOMESTIC MONEY ORDERS

PART 72—PAYMENT OF DOMESTIC MONEY ORDERS

PART 73—REPAYMENT OF MONEY ORDERS: DUPLICATE ORDERS; PAYMENT OF INVALID ORDERS BY WARRANT

PART 75—SEMIDOMESTIC MONEY ORDER SERVICE

PART 77—MONEY ORDER BUSINESS ON RURAL ROUTES

PART 155—FORMS OF THE POST OFFICE DEPARTMENT

REVISION OF THE MONEY ORDER SYSTEM

The following regulations are issued under authority of R. S. 161, 396, 4027, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 711, 712.

1. In § 7.9 *Deposits* strike out paragraph (e).

2. In § 70.6 *Correspondence* amend paragraph (c) to read as follows:

(c) *Inquiries relating to payment of money orders.* Inquiries concerning the payment of money orders may be made of a postmaster who will complete form 6401 addressed to the regional accounting office which serves the region in which the office of issue is located. An inquiry should not be sent until 15 days after issue of the order, unless the remitter exhibits a letter from the payee denying receipt, written after ample time has elapsed for the order to have been received.

3. Amend § 71.1 *Offices upon which orders may be drawn* to read as follows:

§ 71.1 *Orders not to be drawn on a particular post office.* Money orders shall be issued on the domestic form for payment at any post office in the United States and its outlying possessions and dependencies, including the Canal Zone, and at any post office in the foreign countries with which the United States transacts money order business on the domestic basis.

4. In § 71.6 *Identification of payee by signature* amend paragraphs (a) and (b) to read as follows:

§ 71.6 *Identification of payee by signature*—(a) *When remitter and payee are same.* When the remitter of a money order purchases it in favor of himself, the issuing postmaster shall question the applicant, and if he is not sure that he can prove his identity at the post office at which he intends to present the order for payment, the postmaster shall procure and transmit to the postmaster at that office a specimen of the signature of the remitter-payee on Form 6339, on the back of which the correct particulars of the money order shall be entered. In such case the issuing

postmaster shall write or stamp on the back of the money order the words "Specimen signature of payee sent on Form 6339." When a postmaster has no Form 6339, a slip of paper describing the order and bearing the signature together with a statement of the issuing postmaster that it is the signature of the payee may be substituted.

(b) *When remitter and payee are different.* When the remitter and payee are different persons the issuing postmaster upon request shall attach a specimen of the payee's signature to Form 6339 and transmit it to the postmaster at the office at which the payee intends to present the order for payment. The Form 6339 shall be sent in a sealed penalty envelope with a statement to the effect that the signature was furnished by the remitter.

5. In § 71.10 *Application for money order* amend paragraph (b) as follows:

a. Strike out the words "and coupon" in the first sentence.

b. Strike out the second sentence and substitute in lieu thereof the following: "The application form should not be prepared for the remitter by a postal employee."

6. In § 71.10 *Application for money order* strike out paragraph (c).

7. Amend § 71.11 *Issue of money order* to read as follows:

§ 71.11 *Issue of money order.*—(a) *Not drawn on a particular post office.* A money order shall not be drawn on a particular post office.

(b) *Stamp, number, and fee on application.* The impression of the office dating stamp showing date of issue, the serial number of the order to be issued, and the fee to be charged shall be entered on the application. The issuing employee shall initial the application in the space to the left of the word "Fee."

(c) *Number to be stated in correspondence.* The serial number printed on the upper right corner of the money order shall be used in designating the order in accounts and correspondence. In correspondence, the complete number (including the region number prefix) shall be stated, as No. 8-11,373,896.

(d) *Date.* The date affixed to the order and receipt by the issuing postmaster shall be the actual date of issue.

(e) *Purchaser's receipt.* The money order, with purchaser's receipt partially removed, shall be delivered to the remitter, who shall retain the receipt and forward the order to the payee.

(f) *Limit of amount.* The maximum amount for which a single money order may be issued is $100 (see § 71.7); but there is no restriction as to the number of domestic money orders which may be issued to the same remitter.

(g) *In payment for c. o. d. parcels*—(1) *Procedure.* Money orders issued in payment for c. o. d. parcels shall, if possible, be mailed the same day the parcels are delivered. If not, they shall be issued and mailed without fail on the following business day. The name of the sender of the c. o. d. parcel shall be entered as payee on the money order, and the name of the addressee (not the name of the postmaster nor the person receipting for addressee) as remitter. The money order in each case shall be mailed in a penalty envelope to the payee (sender of the parcel). The number of the c. o. d. parcel shall be written or stamped in the space provided for that purpose on the money order. A separate money order shall be issued for the charges collected on each c. o. d. parcel. Where the charges amount to more than $100, two money orders shall be issued in payment of the charges, in which case the serial number of each order shall be entered on the c. o. d. tag constituting the application.

(2) *Purchasers' receipts*—(i) *First-class offices.* At each first-class post office were a. c. o. d. station has been established, money orders in payment for c. o. d. charges shall be issued in the money order section at the main office on groups of money order forms allotted for use by the c. o. d. station, and the separate file of c. o. d. tags constituting the applications for money orders shall be kept there. In the issuance of a c. o. d. money order the purchaser's receipt portion shall be completed by inserting the amount of the order and placing an impression of the office dating stamp in the space provided therefor; in addition, the last two digits of the c. o. d. parcel number shall be written on the purchaser's receipt in the space to the left of the money order serial number. The purchasers' receipts shall be removed from the orders and filed in numerical sequence according to money order serial numbers. In the event of an inquiry relating to a specific c. o. d. money order, this file of purchasers' receipts shall first be consulted; the related c. o. d. tag may then be located by reference to the last two digits of the c. o. d. number recorded on the purchaser's receipt. At first-class offices not having a c. o. d. station, the procedure described in subdivision (ii) of this subparagraph will be followed.

(ii) *Second-class offices.* Money orders in payment of charges on c. o. d. mail shall, if practicable, be issued in consecutive order according to the serial numbers of the money orders, so that the c. o. d. tags for each day's business will be filed together in the money order application file. The c. o. d. tags shall be filed in the money order section with other applications for money orders. The blank purchasers' receipts shall be disposed of as waste paper, except that, in those instances in which a c. o. d. station is authorized at a second-class office, the procedure in subdivision (i) of this subparagraph will be followed.

(iii) *Third- and fourth-class offices.* At third- and fourth-class post offices, the purchasers' receipts from c. o. d. money orders shall be removed and disposed of as waste paper.

8. Amend § 71.12 *Requirement as to name of payee,* to read as follows:

§ 71.12 *Requirement as to payee*—(a) *Name of payee.* An order shall be made payable to only one person or firm. If more than one payee is named in the application, the patron shall be required to submit another application naming but one payee. A money order may be made payable to the remitter if he so desires. If only the surname of the payee is given, the postmaster shall decline to issue the order unless the payee's street address is given for entry with the surname in the order. The order may be issued, however, without the street address under the following circumstances:

(1) If the single name given is the business name of the payee, as "Mason's", "Johnson's Store", or "Madam Saville".

(2) If the payee is designated only by an official title indicative of the capacity in which he is to receive payment, as "Cashier, First National Bank".

(3) If the payee is designated by a name adopted under membership in a religious order, the name and address being so combined as to indicate clearly the person intended, as "Sister Theresa, Academy of Visitation", or "Brother Joseph, St. Anselmo's College".

(b) *Name of remitter.* While only one person can be named payee of a money order, obligations sometimes rest upon two persons and in such instances both may be named as remitters. In such cases, if repayment is desired, both remitters should indorse the order, or one of them should indorse it to the other who should then affix his indorsement.

9. Amend § 71.15 *Error discovered before purchaser has left window* to read as follows:

§ 71.15 *Errors and corrections; before purchaser leaves post office.* No alteration, change, erasure, or substitution, either of words or figures, shall be made in issuing a money order. If an error of any kind occurs in issuing an order, and is discovered before the purchaser leaves the post office, no attempt should be made to change the order in any way, but it shall be treated as "Not Issued" and another one issued and delivered to the remitter. No fee shall be charged for an order treated as "not issued".

10. In § 71.16 *Request for change in order,* amend paragraph (b) to read as follows:

(b) *Money order returned for correction.* If, after the completion of the transaction by delivery to the postmaster of the amount of the order and its fee and the acceptance of the order by the purchaser, the remitter, payee, or other holder of the order should return it for the purpose of changing any of the particulars thereon, it shall be treated as repaid and a new order issued, for which another fee shall be paid. If the order is returned because of a mistake made by the issuing postmaster, the fee for the new order shall be paid by him from his personal funds; or if the remitter prefers the return of the money instead of a new order, the amount of the fee shall be refunded to the remitter from the personal funds of the postmaster.

11. In § 71.17 *Advices* strike out paragraph (c).

12. Section 71.18 *Signing of money orders* is rescinded.

13. Section 71.20 *Blank money order forms* is rescinded.

14. Section 71.21 *"Not issued" form* is rescinded.

15. Section 71.22 *Responsibility for safety of forms* is rescinded.

16. Section 71.23 *Theft of forms* is rescinded.

17. In § 72.2 *Provision for payment of orders* make the following changes:

a. In paragraph (a) strike out the words "drawn upon" in the first sentence and insert in lieu thereof the words "presented at."

b. In paragraph (b) strike out the words "drawn upon" in the first sentence and insert in lieu thereof the words "presented at."

18. In § 72.3 *Payable at any money order office* make the following changes:

a. Amend paragraphs (b), (c), and (d) to read as follows:

(b) *Repayment upon application of remitter; authorization.* The postmaster issuing a money order shall repay the amount of it upon the application of the person who obtained it, and the return of the order; but the fee paid for it shall not be returned. * * * (R. S. 4039, as amended; 39 U. S. C. 728.)

(c) *Terms of payment.* A domestic money order shall be paid at its face value if presented by the payee, remitter, or indorsee at any post office within the period of validity, which is one year from the last day of the month in which issued. A money order may be cashed at a station or branch as well as the main office.

(d) A money order variously receipted or indorsed if presented by the payee, remitter or first indorsee may be paid. Any unnecessary signatures or indorsements should be crossed out.

b. Rescind paragraph (e).

19. Amend § 72.4 *Precautions in paying orders* to read as follows:

§ 72.4 *Precautions in paying orders*—(a) *Examination of order.* When a money order is presented for payment, the paying employee shall examine it to see that it is properly drawn and stamped by the issuing post office, and assure himself that it is not issued on a form reported stolen, and that it is signed by the payee or by a person authorized by the payee to receive payment. If one year or more has elapsed since the last day of the month in which the order was issued, the order shall not be paid; in such event, the instructions contained in § 73.14 shall be observed.

(b) *Discrepancies or alterations.* In case any discrepancy whatever is found between the amount written in the dollars and cents block on the order and the amount written in words and figures in the body of the order, or if the order bears an alteration, the postmaster shall apply immediately to the issuing postmaster on Form 6006 for a correct statement of particulars which shall be given on the reverse of that form. When such application is made, a memorandum thereof shall be written on the reverse of the order by the postmaster, but he shall not retain possession of the order unless he has made a payment or an advance thereon as provided in paragraph (g) of this section. When payment is made in accordance with particulars furnished by a separate advice, such advice shall be filed in the office and retained three years.

(c) *Omission of issuing office dating stamp.* A money order may be paid if the issuing office dating stamp has been omitted, provided the order is regular in all other respects and the payee is known by the postmaster to be a responsible person. In such cases, the paying postmaster shall forward an application for a separate advice (Form 6006) to the appropriate regional accounting office for reference to the issuing postmaster, and hold the indorsed order as cash until in receipt of the required separate advice, properly stamped and dated; the date and office of issue, as stated in the separate advice, shall then be entered on the order in the space "issuing office stamp." The separate advice shall be filed at the paying office and retained three years.

(d) *Omission of remitter's name.* An order may be paid notwithstanding the omission of the name of the remitter, and, unless desired by the payee, request need not be made for a separate advice giving this information.

(e) *Omission of amount.* In case the amount is omitted from the dollars and cents block on the order, but appears in words and figures in the body of the order and as there entered is free of alteration, payment may be made and credit taken therefor without sending for a separate advice, provided the amount paid be written by the paying employee on the face of the order, thus: "Paid $____." Similarly, if the amount is omitted from the space provided in the body of the order for it to be written in words and figures, but appears in the dollars and cents block in the upper right corner and as there entered is free of alteration, payment may be made without sending for a separate advice, provided the amount paid be written by the paying employee on the face of the order, thus: "Paid $____." Defects of this kind, however, shall be reported by letter to the Bureau of Finance.

(f) *Amount expressed improperly.* Payment of an order shall not be withheld because the amount in the body of the order is expressed wholly in figures, if the amount thus expressed is the same as that entered in the dollars and cents block in the upper right corner. Words, and not figures, shall always be employed to express the number of dollars in the space provided therefor in the body of the order. The paying postmaster shall report to the Bureau of Finance every case where figures instead of words have been employed in the space for entry of the number of dollars in the body of the order.

(g) *Discrepancy in amount.* In any case of discrepancy between the amount entered in the dollars and cents block in the upper right corner of the order and that written in words and figures in the body of the order, payment may be made on receipt of a separate advice, Form 6006, naming either of those two amounts, if the order is not otherwise irregular. Pending receipt of response to request for a separate advice in such a case, the smaller of the two amounts named, respectively, in the dollars and cents block in the upper right corner of the order and in the body of the order, may be paid if the payee so desires. For any sum thus advanced, the paying employee shall take from the payee a written receipt and hold it (with the order) as representing a corresponding sum in cash until the required separate advice is received. The proper amount shall then be paid, and the formal indorsement of the payee obtained on the order itself. If the sum named in the dollars and cents block on the order differs from that paid, the paying employee shall draw a line across that amount and write across the face of the order a statement of the amount paid, thus: "Paid $_____, in accordance with separate advice." In addition, the amount paid shall be written above the dollars and cents block. Similarly, if the sum named in the body of the order differs from that paid, he shall write across the face of the order the words, "Paid $_____, in accordance with separate advice." The separate advice shall be filed at the paying office and retained three years.

(h) *Discrepancy in c. o. d. order.* When an order issued in payment of a c. o. d. shipment is presented at the shipping office and shows a discrepancy between the amount entered in the dollars and cents block in the upper right corner and that written in the body of the order, the postmaster shall consult his c. o. d. records and pay whichever of the two amounts agrees with those records without awaiting the return of Form 6006, which shall, however, be promptly sent to the issuing office. Upon receipt of the separate advice, if the amount given as correct is the same as that paid, the form shall be filed at the paying office and retained three years. Should the issuing office name another amount as correct, the paying postmaster shall refer the order and returned Form 6006 to the Bureau of Finance for adjustment. All other provisions of these instructions relating to the payment of money orders, not inconsistent, are to be observed in connection with c. o. d. money orders.

(i) *Stolen forms.* Money orders issued on stolen forms shall not be accepted as valid vouchers for disbursements. Notice of every new robbery is printed in bold-faced type in the list of stolen money order forms published in the Postal Bulletin and Supplements to the Official Postal Guide. Postmasters shall keep a current record file of such orders for ready reference, and if a person presents one for payment, he should be detained for questioning, if possible, and a post office inspector and local officers summoned. If the offender flees, the postal employee should record the description of the fugitive and of any accompanying person, with the number of State license and make of car used, if any. The information should be telegraphed or telephoned to the post office inspector in charge if an inspector is not available.

20. Amend § 72.5 *Requirements when paying orders* to read as follows:

§ 72.5 *Requirements when paying orders*—(a) *Identification.* Unless the ap-

plicant for payment is personally known by the postmaster or paying employee to be the owner of the order, he shall be required to prove his identity. Personal indentification by a person financially responsible may be required. Letters, receipted bills, drivers' permits, social security cards, and similar articles cannot be accepted as conclusive proof of identity as they are frequently stolen with money orders. It is expected, however, that after exercise of reasonable precaution money orders will be paid. In no other way can the public make full use of the money order service. Handling cases of identification requires tact and good judgment. Postmasters and paying employees should be courteous and patient and avoid attracting unnecessary attention to the transaction. If a clerk is unable to satisfy himself that an applicant for payment is the owner of the order he should bring the case to the attention of his supervisor, who, when necessary, should take the applicant to the postmaster. The postmaster should assist the applicant so far as practicable to establish his identity as rightful holder of the order, but if the former determines to his satisfaction that an attempt to defraud is being made he should, if possible, communicate with a post office inspector without delay. The initials of the person paying a money order shall be entered on the back of the order, and, if identification is required the paying employee, for his own protection, shall make a brief notation thereon of the proof of identity furnished. Immediately upon payment, the paying employee shall affix an impression of the office dating stamp below the indorsement on the reverse of each money order.

NOTE: See § 71.6 regarding payee who is also remitter and specimen signatures sent as aids to identification.

(b) *Signature by mark.* If signature of payee or indorsee is by mark, it shall be witnessed by a person who can write, and the witness shall be some one other than the postmaster or paying employee.

(c) *Signature different from name on order.* Any signature of the payee not inconsistent with the name given on the order may be accepted by the paying postmaster as sufficient, provided he is satisfied it is the genuine signature of the payee intended.

(d) *Signature of officer.* An order drawn in favor of a public official or officer of a corporation, company, or association, as such, may be paid to his successor, if presented by the latter, who, in receipting for same, shall be required to indicate in writing the capacity in which he acts, thus: "William Jones, treasurer, successor to George Thompson."

(e) *When payee is society or corporation.* When the payee is a society or corporation, the person who has authority to receive payment of moneys due such payee shall receipt the order in his official capacity, and, if occasion arises, the postmaster may require satisfactory proof of such authority.

(f) *Stamped signature in receipt.* All of the requisite signatures to a money order—those of payee, indorsee, or witness to payment—shall be written, preferably in ink; but a stamped signature may be used in place of the written signature of payee or agent of payee in receipts on money orders drawn in favor of, or made payable to, a firm, corporation, association, society, or individual, if beneath it is written the signature of the person receiving payment or executing the indorsement. Under no circumstances shall an indorsement be made by means of a perforating device.

(g) *Signature of agent.* The paying postmaster shall affix or cause to be affixed to the signature of the person receiving payment of a money order any such word or words as may be necessary to explain the right of such person to collect the amount. For instance, where an order drawn in favor of a company is paid to its local manager, the word "Manager" should be made to appear beneath or opposite his signature to the indorsement.

(h) *Use of titles.* The paying postmaster shall not insist on the inclusion or the omission of a title or prefix such as "Dr.," "Rev.," "Prof.," "Madam," or "Mrs.," in the signature to an order, whether or not the payee is designated by such title or prefix in the body of the order.

21. Section 72.6 *Payment of orders from out-of-town banks or Government agencies* is rescinded.

22. Amend § 72.8 *Alleged wrong payment,* to read as follows:

§ 72.8 *Alleged wrong payment.* When a postmaster is notified of the wrong payment of a money order, he shall promptly report the matter to the Bureau of Finance, and on Form 6965 request the regional accounting office to furnish a photostat of the paid order for examination by the complainant. If, after examining the order, the postmaster will obtain his affidavit in duplicate on Form 6337. Both copies thereof, together with the photostat and any other information available, should be transmitted promptly to the Post Office Inspector in Charge of the Division in which the order was cashed.

23. Section 72.9 *Stamping of paid money orders* is rescinded.

24. Amend § 72.11 *Payment to other than person named as payee* to read as follows:

§ 72.11 *Payment to other than person named as payee*—(a) *Transfer of orders.* The payee or remitter of a money order may, by his written indorsement thereon, direct it to be paid to any other person or firm, and the order shall be paid or repaid to the person thus designated upon proper identification. When a money order is presented for payment which purports to have been indorsed by the payee to another person and the postmaster is not in a position to judge whether the signature to the indorsement is the genuine signature of the payee, he should require that the indorsement be guaranteed by someone he has reason to believe is financially responsible. A money order shall not be paid to a second person without written transfer or indorsement to such person by the payee or the remitter in the prescribed form provided on the reverse of the order, except in the following cases:

(1) *On power of attorney.* When the payee or remitter has, by a duly executed power of attorney, appointed some person to collect moneys due or to become due him, in which case the person so appointed should be required, before payment is made to him, to file at the office of payment a copy of such power of attorney.

(2) *On separate written order of payee or remitter.* When the payee or remitter has filed with the postmaster a separate written order authorizing payment to another person, and designating such person by name as the one to receive payment of and to receipt for any specified order, or for all orders payable by the same postmaster to the payee.

(3) *Upon assignment.* When a person or firm makes an assignment, and the assignor intends that money orders payable to him shall be paid to assignee, he should execute a power of attorney or give such written order separate from the instrument of assignment, to be filed in the post office. The person designated to receive payment should receipt the money order as such, indicating beneath his signature the capacity in which he acts.

(4) *On death of payee or remitter.* A money order belonging to a deceased remitter or payee may be paid or repaid to the executor or administrator of the estate appointed by a court. A certified copy of the appointment shall be filed with the postmaster. If the estate is small and administration is not desired, the claimant should submit a copy of Standard Form No. 1055, which should be sent by the postmaster to the Bureau of Finance for instructions. Payments shall be made in accordance with the laws of the State in which the decedent was a resident. Funeral expenses and the doctor's bill for services rendered the decedent during the last illness are prior claims and money orders in the estate may be paid to the undertaker and physician without submission of Form 1055, unless the accounts are disputed, and the orders are not invalid by reason of age.

(5) *To concern which has ceased to exist.* A money order payable to a firm, bank, or company which has ceased to exist shall be paid to the legal representative thereof.

(6) *To committee or guardian.* When a committee, guardian or other person is appointed by a court to act for a person declared incompetent money orders shall not be paid to the ward. All money orders showing the ward as payee or indorsee shall be paid only to the committee, guardian, or other duly designated person, who shall exhibit to the postmaster the authority thus to act for the ward. Such money orders shall be receipted in the name of the ward, followed by the signature and legal designation of the committee, guardian, or other authorized agent.

(7) *To minors.* A money order payable to a minor or remitted by him may be paid to the father or mother thereof as natural guardian, unless legal proceedings have been instituted which make questionable the claim of the father or mother, in which case the facts should be reported to the Bureau of Finance.

(b) *Stamped impressions of collecting banks not considered indorsements.* The stamp impressions which banks ordinarily place upon orders left with or sent to them for collection are not regarded as indorsements transferring ownership of the orders or within the meaning of the statute which forbids more than one indorsement.

25. Section 72.12 *Order presented by payee after being indorsed by others* is rescinded.

26. Amend § 72.13 *Substitution by payee or remitter of name written in error* to read as follows:

§ 72.13 *Substitution by payee or remitter of name written in error.* The payee or the remitter of an order, but no one else, may substitute any other name for one which he has already written by mistake in the body of the first indorsement thereon, and payment may be made to the person whose name has thus been substituted, if the order is regular in other respects.

27. Section 72.14 *Payment to bank* is rescinded.

28. Section 72.15 *Payment to remitter* is rescinded.

29. In § 72.16 *Payment of orders withheld* amend paragraph (a) to read as follows:

§ 72.16 *Payment of orders withheld*—(a) *Circumstances.* Payment of money orders shall be withheld under the following circumstances:

(1) When the order is presented after the expiration of one year from the last day of the month of its issue.

(2) When the person presenting the order is a second or subsequent indorsee.

(3) When a money order is presented by a person for whom a guardian has been legally appointed and the postmaster has been notified of such appointment, payment of the order shall be refused and the guardian notified that it will be paid when presented by the guardian or by someone to whom he has properly indorsed it.

30. Section 72.19 *Payment by issue of new order* is rescinded.

31. Section 72.20 *Filing of separate advice* is rescinded.

32. Amend § 72.21 *Disposition of coupons and paid orders* to read as follows:

§ 72.21 *Disposition of paid money orders*—(a) *At post offices.* Punch card domestic money orders paid at post offices will be transmitted by official registered mail to the respective central accounting post offices as deposits of surplus funds, except that where the average daily volume does not exceed 25 such orders they may be deposited in local banks for credit to the postmasters' official checking accounts if mutually satisfactory arrangements can be made between the postmasters and the local banks. At post offices where banking facilities are not available or mutually satisfactory arrangements to use such facilities cannot be effected, paid money orders, accompanied by adding machine tapes (or Form 1841 at district offices), shall be forwarded by official registered mail to the central accounting office with the next remittance of surplus funds. Paid money orders shall be listed on adding machine tapes or Form 1841 by amounts only; serial numbers shall not be listed. Postmasters at first-class offices shall not take credit in the money order account for paid punched-card domestic money orders; the only entry in that item of the money order account shall be for paid old-style paper domestic money orders, paid international money orders, and paid money orders issued in the foreign countries with which money order business is transacted on the domestic basis.

(b) *At central accounting office.* Each central accounting office shall consolidate money orders paid at the local office with those received in remittances from other offices and deposit them in the local Federal Reserve Bank or Branch, if such facility is available. If there is no local Federal Reserve Bank or Branch, the paid money orders shall be forwarded by official registered mail to the Federal Reserve Bank or Branch of the district in which the central accounting office is located. All such deposits shall be made for credit in the account of the Postmaster General for surplus money order funds (symbol No. 48–050). The paid money orders will be accompanied by adding machine tapes and Treasury Department Form No. 6594 (certificate of deposit for surplus money order funds) to be receipted and returned by the bank.

(c) *Deposits in Federal Reserve Bank by certain postmasters.* The postmasters of Buffalo, New York; Memphis, Tennessee; El Paso, Houston, and San Antonio, Texas; and Los Angeles, California, will deposit paid money orders in the branch Federal Reserve Bank located in each of those cities, for credit in the account of the Postmaster General for surplus money order funds (symbol No. 48–050). The paid orders will be accompanied by adding machine tapes and Treasury Department Form No. 6594 to be receipted and returned by the bank.

NOTE: All punched-card money orders paid by a bank will be forwarded through banking channels to a Federal Reserve Bank or Branch. These paid orders will not be delivered to a post office for reimbursement.

33. Section 73.1 *Repayment upon application of remitter* is rescinded.

34. Section 73.2 *Repayment to agent of remitter* is rescinded.

35. Amend § 73.5 *Duplicate of lost valid order* to read as follows:

§ 73.5 *Duplicate money orders*—(a) *Application.* Any postmaster may accept from the remitter, payee, or endorsee an application (Form 6402) for a duplicate of a lost or destroyed money order, mutilated money order, or one rendered void by too many endorsements, within one year from the last day of the month of issue of the original. If the Form 6402 is filed at a post office other than the one that issued the original order, it shall be transmitted to the issuing office for certification.

(b) *When application shall be forwarded.* The postmaster at the issuing office shall not certify or forward an application for a duplicate order prior to the expiration of 36 days following the date on which the original was issued and not prior to the 75th day if the remitter or payee is a member of the armed forces. An application may be accepted, certified, and forwarded at once (see paragraph (g) of this section) if the mutilated order accompanies it or the person in whose favor the application is made shall execute a good and sufficient bond of indemnity (Form 6116) in a penal sum not less than the amount of the order, conditioned upon the refund of the amount paid on the duplicate in the event that after payment thereof any other person shall establish a valid claim to the original order, or in case the original has been paid to the rightful owner.

(c) *Certification by issuing postmaster.* In certifying an application for a duplicate order, the issuing postmaster shall compare the particulars of the order as entered therein with the remitter's application from which the original order was issued, to see if all particulars are correctly given. When the application for duplicate is certified by the issuing postmaster, the following shall be written or stamped across the remitter's application from which the original order was issued: "Duplicate applied for in favor of _____ (remitter, payee, or indorsee, as the case may be), _____ 19____."

(d) *Consent of payee or indorsee.* A duplicate of an order lost before indorsement shall be issued to the payee upon his application, but if the order was indorsed the consent of either payee or indorsee shall be obtained before the duplicate is issued to the other; likewise, if the remitter applies for a duplicate in his favor, a waiver of claim by the payee and indorsee, if any, shall be obtained unless the order was lost before mailing or the mutilated order accompanies the application. The consent of payee or indorsee may be obtained either on the reverse of Form 6402 or on Form 6045–B.

(e) *Certificate of genuineness of consent: bond.* When an application for a duplicate order contains one of the forms of waiver of claim required by paragraph (d) of this section, the genuineness of the signature thereto shall be certified by the postmaster at the place where the payee or indorsee resides. Other postmasters shall aid, so far as they may be able, in obtaining the waiver required by this section. If the payee or indorsee is dead, his legal representative shall sign the form and shall be required to exhibit to the postmaster who certifies to such waiver the documentary evidence of his authority to act in that capacity. After the lapse of a reasonable time, if the payee or indorsee, or his legal representative, cannot be found, satisfactory evidence of that fact shall be forwarded to the Bureau of Finance, with the application for duplicate. A blank bond of indemnity, in a penal sum of the amount

of the lost order, shall then, if necessary, be sent to the remitter for execution and return to the Department. The condition of such bond shall be that if, after the issue and payment of a duplicate to the remitter, any other person shall establish a valid adverse claim to the original order, the amount paid on the duplicate will be refunded to the Department upon demand.

(f) *If payee refuses consent.* When an application is made by the remitter of a lost order for a duplicate thereof payable to himself, if the payee will not sign consent to repayment, the postmaster before whom the payee appears shall complete and certify to an application signed by the payee or indorsee for a duplicate to be drawn in favor of such applicant and, after writing across the face of the first application the words "Consent for duplicate in favor of the remitter refused," shall send both applications to the postmaster at the office of issue. The latter shall then notify the remitter that the payee or indorsee demands the duplicate order, and, after changing his records and destroying the application in favor of the remitter, forward the application in favor of the payee or indorsee.

(g) *Forwarding of application to regional accounting office.* Upon completion, each Form 6402 (including those accompanied by a bond of indemnity or by a mutilated, defaced, or illegally indorsed money order) shall be forwarded to the regional accounting office which serves the region in which the issuing office is located, for certification and transmission to the Bureau of Finance.

(h) *Report of money order lost in transit.* When it appears that the money order was lost in the mail, Form 1510 should be completed and handled in accordance with the instructions for Form 1510. If sent by other than registered mail, and the payee indicated on the application for a duplicate that the money order failed to reach him, no further inquiries need be made of him or the postmaster at the office of address before referring both copies of Form 1510 to the proper Post Office Inspector in Charge. In the event the money order was sent by registered mail, Form 1510 shall be sent to the office of address.

36. Section 73.6 *Application for duplicate order* is rescinded.

37. Amend § 73.7 *Recovery of lost order* to read as follows:

§ 73.7 *Recovery of lost order.* When a money order alleged to have been lost comes into the possession of the remitter, payee, or indorsee thereof after application for a duplicate has been made, the postmaster to whom the order is presented shall notify the Bureau of Finance, using Form 6435–A. If a duplicate has not been issued in lieu thereof, the Department may then authorize the payment of such original order. If a duplicate has been issued, the postmaster to whom the order is presented shall write across it the words "Canceled—Duplicate issued." If the person who presents the order requests the postmaster to return it to him, he may do so; but if not, the order shall be sent to the Bureau of Finance, for disposal.

38. Amend § 73.9 *Application for duplicate of order mutilated, defaced, or illegally indorsed* to read as follows:

§ 73.9 *Application for duplicate of order mutilated, defaced, or illegally indorsed.* Application for duplicate of an illegally indorsed or mutilated or defaced money order shall be made on Form 6402 and may be accepted at any post office. The money order shall be forwarded with the application to the regional accounting office.

39. Amend § 73.11 *Where duplicate order may be repaid or paid* to read as follows:

§ 73.11 *Where duplicate order may be paid.* A duplicate money order may be paid at any post office, under the same conditions governing the payment of original money orders.

40. Section 73.12 *Record of payment or repayment of duplicate order* is rescinded.

41. Amend § 73.13 *Precautions against double payment* to read as follows:

§ 73.13 *Precautions against double payment at issuing office.* When a money order more than 36 days old is presented at the issuing office for payment, the postmaster shall examine the related money order applications to ascertain whether an application for a duplicate has been certified and forwarded. Paying employees at stations and branches shall, in case of presentation of such an order, inquire of the main office whether an application for a duplicate has been certified and forwarded. If an application has been certified and forwarded, the postmaster shall retain the money order and notify the Bureau of Finance, using Form 6435–A for that purpose. The Assistant Postmaster General, Bureau of Finance, may then authorize the payment or repayment of the original order, provided a duplicate has not been issued in lieu thereof. If a duplicate has been issued, the postmaster to whom the order was presented shall write across it, with ink, the words "Canceled—Duplicate Issued." If the person who presented the order then requests the postmaster to return it to him, he may do so; but if not, the order shall be sent to the Bureau of Finance, for disposal.

42. In § 73.14 *Payment of invalid money orders* amend paragraphs (d) and (e) to read as follows:

(d) *Application for settlement check.* The holder of an original or duplicate money order which remains unpaid after the lapse of one year from the last day of the month of issue of the original, in order to obtain payment of the amount thereof, shall present such original or duplicate order to the postmaster at any office, who shall assist the patron in completing an application for a settlement check, Form 6403, attach the order thereto, and forward it directly to the Bureau of Finance. However, if the original order is not available, the application should be sent to the issuing postmaster, who shall compare the particulars on Form 6403 with the remitter's application on Form 6001, and if correct, he shall certify in the space provided for that purpose and transmit the Form 6403 to the Bureau of Finance. If the Department is satisfied that the order has not been paid or repaid and that the applicant is entitled thereto, a settlement check for the amount thereof, drawn on the Treasurer of the United States, will be issued without charge to the applicant and mailed to his address.

(e) *Bond of indemnity: application by legal representative.* The Department, however, before issuing a settlement check for the amount of an invalid money order, whether to the remitter, payee, or endorsee, or legal representative, heirs, or assigns of either, may require him or them to furnish a bond of indemnity in a penal sum of the amount of the money order, for the purpose of securing the Department against loss in the event that any other person shall establish a valid adverse claim to the order. In case the owner of the money order is deceased or incompetent, application shall be made by the legal representative of the deceased or incompetent person by executing Standard Form No. 1055. When application is made by administrator or executor, a legal representative of an insolvent bank or firm, or an assignee or trustee, the applicant shall be required to furnish the Department documentary evidence of the appointment to act in that capacity.

43. In § 73.15 *Payment of lost invalid money order* amend paragraphs (b) and (c) to read as follows:

(b) *Application for settlement check.* Application for the issue of a settlement check in lieu of an order invalidated by age, which is alleged to have been lost, shall be made in accordance with § 73.14.

(c) *Conditions for issuance of settlement check.* The regulations governing applications for duplicate money orders, except as otherwise provided in §§ 73.14 and in paragraphs (a) and (b) of this section, shall apply to applications for settlement checks in payment of orders which have become invalidated by age.

44. Amend § 75.2 *Domestic regulations govern* to read as follows:

§ 75.2 *Domestic regulations govern.* With the exceptions stated in §§ 75.3 and 75.4 the regulations concerning domestic money order business shall govern the issuance of money orders for payment in certain foreign countries with which money order business is transacted on the domestic basis. The names of such countries will be found under the title "Postal Money Order System" in Table 1, which apears in Part 1 of the Official Postal Guide. Such orders shall be issued on the domestic form. The money order shall be delivered to the remitter for transmission to the payee.

45. Amend § 75.3 *Form of order* to read as follows:

§ 75.3 *Form of order.* Money orders intended for payment in any of the countries named in Table 1 (Part 1, Official Postal Guide) shall be drawn on the domestic form and shall be delivered to the remitter for transmission to the payee.

46. Amend § 75.4 *Form of application* to read as follows:

§ 75.4 *Form of application.* Applications for the issue of money orders payable in the countries with which business is conducted on the domestic basis shall be made on Form 6001.

47. Amend § 75.5 *Limitation and fees* to read as follows:

§ 75.5 *Limitation and fees.* A money order shall not be issued for more than $100, and the fees shall be the same as for other domestic orders. (For schedule see § 71.7.)

48. Amend § 75.6 *Full particulars in application,* to read as follows:

§ 75.6 *Full particulars in application.* The postmaster shall examine every application for a domestic-international money order and require that the necessary particulars be given therein. The full name and exact address of the payee shall be stated, including the name of the State, colony, or island and the province or parish.

49. Amend § 75.7 *Advices* to read as follows:

§ 75.7 *Orders issued for payment in Canada.* Upon presentation of an application for a money order for payment in Canada, the current authorized discount table shall be consulted. In issuing the money order, the amount received in United States money shall be inserted in the dollars and cents block of the order, and the initials "U. S." shall be inserted in the space to the left of the dollars and cents block. The correct amount in Canadian money, as indicated in the proper discount table, but in no case in excess of one hundred dollars ($100.00), will be written in the space "pay _____ Dollars _____ cents," and the word "Canadian" will be written immediately above the word "dollars" appearing in that space. In indicating the amount of the order by check mark (√) in one of the squares to the left of the dollars and cents block, the check mark will be placed in the space indicating the amount that is equal to or next higher than the amount of the order in United States money.

50. Amend § 75.10 *Correspondence* to read as follows:

§ 75.10 *Correspondence*—(a) *With Canada.* Postmasters are expressly forbidden to correspond with the postal administration of Canada or with Canadian postmasters regarding money orders except when it is necessary to apply for the particulars of an order by means of a separate advice or to forward a separate advice of an order to Canada. Inquiries concerning the payment of orders intended for payment in Canada shall be addressed to the regional accounting office serving the post office at which the order was issued. All other correspondence shall be referred to the Bureau of Finance.

(b) *With other countries.* Inquiries concerning the payment of money orders intended for payment in all other countries named in Table 1 (Part 1, Official Postal Guide) shall be addressed to the regional accounting office serving the post office at which the order was issued. All other correspondence shall be referred to the Bureau of Finance. However, requests for correct particulars of orders issued in all countries named in Table 1 (Part 1, Official Postal Guide), including Canada, may be sent direct to the post offices of issue. (See paragraph (d) of this section.)

(c) *Form.* If within a reasonable time after the issue of an order intended for payment in any of the countries named in Table 1 (Part 1, Official Postal Guide), including Canada, the remitter informs the postmaster that it has not been paid, inquiry shall at once be made of the regional accounting office serving the post office at which the order was issued, using Form 6401.

(d) *Request for correct particulars.* When request for correct particulars of a money order is received by a postmaster in the United States, Form 6006 shall be completed and sent directly to the postmaster from whom the request was received. The same form shall be used to obtain the correct particulars of a money order issued in any country named in Table 1 (Part 1, Official Postal Guide).

51. Amend § 75.11 *Repayment* to read as follows:

§ 75.11 *Repayment*—(a) *How effected.* Repayment of an order issued for payment in one of the countries with which business is conducted on the domestic basis may be effected upon presentation before it has become invalid by reason of age, provided an application for a duplicate has not been certified.

(b) *Return of advice.* When a notice is received from the issuing postmaster abroad that an order drawn on an office in the United States has been repaid, the postmaster shall transmit the corresponding advice or a certificate of nonpayment (Form 6028), to the Bureau of Finance, with the notice from the foreign country, provided a duplicate has not been paid. A memorandum advice on Form 6006, giving the particulars of the order and bearing a notation that the advice or a certificate of nonpayment has been sent to the Department with the notice of repayment, shall be filed with the unpaid advices and retained for one year. If, however, a duplicate has been paid the postmaster shall report the date of payment.

52. Amend § 75.12 *Applications for duplicate orders* to read as follows:

§ 75.12 *Applications for duplicate orders*—(a) *Disposition.* Duplicates of orders are issued in the country of origin. Applications for duplicates of orders issued in the United States shall be forwarded to the proper regional accounting office. Applications for duplicates issued in any of the countries named in Table 1 (Part 1, Official Postal Guide) shall be forwarded to the Bureau of Finance.

(b) *Record.* If the order was issued in any of the countries named in Table 1 (Part 1, Official Postal Guide), the postmaster at the office on which drawn shall, by copying from the application for the duplicate or from the advice of the unpaid order, prepare and file in his office a description of the lost order on Form 6002–A or 6002–B, upon which he shall make a memorandum as follows: "Duplicate applied for in favor of _____ (payee or remitter), _____, 19____," the date to be inserted being that of the certificate.

53. Section 75.13 *Invalid order* is rescinded.

54. In § 77.1 *Money order facilities at rural postal stations* make the following changes:

a. Amend paragraph (a) to read as follow:

§ 77.1 *Money order facilities at rural postal stations*—(a) *Authorization.* Rural postal stations shall be supplied with money order facilities upon their establishment, and money orders shall be issued by clerks in charge of such stations, under the direction of the postmasters at the offices to which the stations are tributary.

b. Amend paragraph (b) (2) to read as follows:

(2) *Permitted to cash orders conditionally.* Clerks in charge of rural stations who are supplied with sufficient funds for the purpose may, with the approval of the postmasters of the offices to which the stations are attached, cash for payees who prove their identity, or for such duly authorized persons as may present the same, money orders presented at such stations for payment. In every case the clerk in charge shall immediately affix to the back of the order, directly below the signature of the payee or indorsee, an impression of station dating stamp or M. O. B. stamp.

55. In § 77.7 *Delivery of order to applicant* amend paragraph (c) to read as follows:

(c) *Treatment of receipt and money order at post office.* When the order is mailed direct to the payee by the postmaster, the purchaser's receipt form, duly stamped and showing the amount, shall be detached from the money order and mailed in a sealed penalty envelope (No. 4) to the remitter.

56. In § 77.9 *Payment of orders through carriers* amend paragraph (c) to read as follows:

(c) *Receipt of carrier for money from postmaster.* In such case the carrier, upon receiving the money from the postmaster, shall execute a receipt therefor on the back of such request.

57. In Part 155, Forms of the Post Office Department (39 CFR Part 155) insert the following new sections in Subpart D.

§ 155.3150 *Form 6401.* This form is used when inquiry is made by a remitter concerning payment of a money order. It is sent by the postmaster to the appropriate regional accounting office and contains space for request of information and space for reply by the Regional Director. The completed form is then transmitted to the remitter.

§ 155.3151 *Form 6402.* This form is the application for duplicate of a lost or mutilated domestic money order or of an order rendered void by too many endorsements. The form contains spaces for data required of the applicant and

space for applicant's signature. It also contains spaces for certification of issuing postmaster and of the regional accounting office and their signatures. On the reverse side are instructions, and space for consent to issue of the duplicate money order by payee or endorsee.

§ 155.3152 *Form 6403.* This form is application for payment of domestic money order invalidated by reason of age. It contains space for data required of the applicant; signature of applicant, and signature of witness. It contains space for the particulars of the money order and for consent of the payee or endorsee. On the reverse side are instructions and also spaces for the certificates of the issuing postmaster and of the regional accounting office.

(R. S. 161, 396, 4027, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 711, 712)

The foregoing amendments shall become effective July 1, 1951: *Provided, however,* That the payment and handling of any money order issued prior to July 1, 1951 shall be made pursuant to the regulations in force and effect on the date of issuance.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7204; Filed, June 22, 1951; 8:51 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

EXPORT LICENSES REQUIRED FOR PARCEL POST PACKAGES ADDRESSED TO FOREIGN COUNTRIES

The following regulations are interpretative of the regulations issued by the Office of International Trade, Department of Commerce, as applied to the Postal Service.

1. Amend § 127.85b *Export licenses required for articles and parcels addressed to certain foreign countries* (16 F. R. 2657) by the addition of a new paragraph (d) to read as follows:

(d) *Parcel post.* The procedures set forth in this paragraph shall be followed in accepting parcel post packages (surface or air) presented for mailing to foreign countries, except Canada. These instructions do not apply to parcels for United States possessions. It is the responsibility of the mailer in each case to determine whether his shipment is permissible under a general license or whether a validated license is required. If a validated license is required it must be surrendered at the post office when mailing the parcel or parcels comprising the shipment.

(1) *Procedure when the mailer presents a validated license.* The accepting clerk shall compare the contents of the parcel as shown on the customs declaration with the commodities indicated on the license. If the contents appear to be inconsistent with the commodities on the license, the parcel must not be accepted for mailing until the sender presents satisfactory evidence that it contains only the licensed commodities. If no inconsistency is noted in the contents, the accepting clerk shall mark the export license number on the wrapper and accept the parcel for mailing if it is mailable to the country concerned. The export license shall be taken from the mailer and the accepting clerk shall endorse the license on the back with the word "Completed" and apply a legible postmark showing the date and place of mailing, and transmit the completed license under official cover to the Office of International Trade, Department of Commerce, Washington 25, D. C. Partial shipments by mail can no longer be made against a validated export license unless, upon being apprised of the foregoing regulation, the mailer elects to make a partial shipment and surrenders the license with the understanding that it may not be used again. In such cases, before accepting the parcel, the clerk shall require the mailer to enter on the back of the license the amount being shipped. The license is then to be postmarked and disposed of as indicated above.

(2) *Procedure when the mailer does not present a validated license.* (i) As stated in subparagraph (1) of this paragraph, it is the responsibility of the mailer to determine whether a shipment is admissible under general license. The Office of International Trade has provided a general license covering the exportation of gift parcels not exceeding $25 in value mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family, and limited to items normally sent as gifts, such as food, clothing, medicines, etc. If a gift parcel conforming to these conditions is presented for mailing, it may be accepted after the sender has placed the words "Gift—Export License Not Required" on the address side of the wrapper and the word "Gift" on the customs declaration. If the parcel does not meet these conditions so as to qualify for a gift, it may not be accepted for mailing (*a*) unless the sender knows that it is exportable under some other form of general license of the Office of International Trade and certifies to that fact by placing the words "Export License Not Required" and the appropriate general license symbol (such as GRO, GLV, GUS, etc.) on the address side of the wrapper, or (*b*) unless the parcel is licensed for export by some other U. S. Government agency.

(ii) Patrons should be referred to the Office of International Trade, Department of Commerce, Washington 25, D. C., or to any field office of that Department, for information as to whether their parcels require an export license and as to the procedure for applying for one if needed.

(iii) Validated export licenses are required for all parcels for the following countries, except "gift parcels" as defined in this section.

Albania.	Hungary.
Bulgaria.	Latvia.
Czechoslovakia.	Lithuania.
Estonia.	Macao.
Germany (Soviet Zone, including Soviet sector of Berlin).	Poland.
Hong Kong.	Rumania.
	Union of Soviet Socialist Republics.

(3) *General information.* (i) Arrangements have been made by the Office of International Trade, with the concurrence of the Post Office and Treasury Departments, whereby parcel post packages (surface and air) addressed to certain foreign destinations will be subject to inspection of the contents by United States customs officers at dispatching exchange offices to detect violations of export control regulations.

(ii) In cases where the inspection at dispatching exchange offices discloses that parcels not covered by validated licenses actually require such licenses, or that unlicensed commodities are enclosed in any parcel, such parcels will be suitably endorsed and returned to the senders or seized by the customs inspectors. In cases of such return, postage, if claimed, may be refunded, less 10 per cent as usual in instances in which the Postal Service was not at fault.

(iii) Postmasters will cause immediate action to be taken to comply with the above instructions and will give as much publicity to the matter as possible without expense to the Department.

(4) *Special note.* The regulations in this paragraph reflect the regulations of the Office of International Trade insofar as they can be applied in the international postal service. It is the responsibility of the mailers to comply with any regulations of the Office of International Trade not contained in this section.

Patrons inquiring as to the procedure for applying for export licenses may be referred to the Office of International Trade, Department of Commerce, Washington 25, D. C., or to any field office of that Department.

2. In § 127.85 *Export declarations* (39 CFR 127.85) make the following changes:

a. Amend paragraph (h) to read as follows:

(h) In accordance with the export control regulations of the Office of International Trade, Department of Commerce, exporters of merchanise requiring individual export licenses must surrender the licenses at the post office when the relative shipments are mailed. Postmasters will require accepting empoyees to endorse these licenses on the back with the word "Completed" and to apply a legible postmark showing the date and place of mailing. Partial shipments may not be made against a validated export license unless, upon being apprised of the foregoing, the mailer elects to make a partial shipment and surrenders the license with the understanding that it may not be used again. In such cases, before accepting the parcel, the clerk shall require the mailer to enter on the back of the license the amount being shipped, and shall postmark. The licenses are to be transmitted under official cover to the Office of International Trade, Department of Commerce, Washington 25, D. C.

b. In paragraph (i) delete the words "Export Operation Division."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7188; Filed, June 22, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 905]

[Docket No. AO 209-A2]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 609, County Court House, 321 Northwest First Street, Oklahoma, beginning at 10:00 a. m., c. s. t., July 11, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture. The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

Amendments Proposed by the Central Oklahoma Milk Producers Association:

1. Delete § 905.6 and substitute therefor the following:

§ 905.6 *Oklahoma City, Oklahoma, marketing area.* "Oklahoma City, Oklahoma, marketing area," hereinafter called the marketing area, means all the territory within the boundaries of Oklahoma and Pottawatomie Counties, and the Townships of Moore, Taylor, Case, Liberty, Norman and Noble in Cleveland County, all in the State of Oklahoma.

2. Delete § 905.7 and substitute therefor the following:

§ 905.7 *Approved plant.* "Approved plant" means a milk processing plant which has been approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the marketing area and from which milk, skim milk, buttermilk, flavored milk drinks or cream is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores), or provided that such an approved plant located outside the marketing area which during any delivery period does not dispose of an amount of milk equal to 20 percent or more of such plant's total receipt of producer milk on wholesale or retail routes (including plant stores) within the marketing area, shall not be construed as an approved plant for the purpose of having its milk pooled (included in the computation of the uniform price to be paid dairy farmers).

3. Delete § 905.31 (c) and substitute therefor the following:

(c) *Payroll reports.* The nature and amount of any authorized deductions or charges involved in such payments.

4. Amend the provisions of § 905.41 (a) to specifically provide for the inclusion of yogurt and concentrated milk in Class I.

5. Amend the provisions of § 905.51 (b) to provide for the payment for Class II milk at the rate computed for the butter-powder part of the basic formula computed pursuant to the provisions of § 905.50 (b) (1) and (2), or on the basis of the average field prices reported to have been paid by the manufacturing plants specified in § 905.51 (b), whichever is higher.

6. Add the following as § 905.62:

§ 905.62 *Handler located outside the marketing area who does not meet the qualifications as set forth in § 905.7.* Each handler located outside the marketing area who does not meet the qualifications as set forth in § 905.7 shall pay, with respect to all skim milk and butterfat other than that transferred to the approved plant of another handler, disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price. Payments made pursuant to this section shall be made to the market administrator for deposit to the Producers Settlement Fund on or before the 12th day after the end of each delivery period.

7. Delete § 905.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding, by 122.

8. Add the following as § 905.80 (c):

(c) Each handler shall furnish each producer a supporting statement for each delivery period in such form as may be retained by the producer which shall show the daily pounds per shipment, the nature and amount of all deductions and such other data as the Market Administrator shall prescribe to reflect the basis for the payment.

Proposed by The Central Dairy Products Company:

9. Amend § 905.41 (b) so that Class II milk shall be all skim milk and butterfat used in the production of cottage cheese, and that a third classification (Class III milk) shall be established for all skim milk and butterfat used to produce any other products that come under this former classification in the original Order No. 5.

10. Amend § 905.51 (b) to provide for the payment for Class II milk that is used for cottage cheese to be computed at the rate of the butter-powder part of the basic formula computed in the original Order No. 5, and to provide for the payment for Class III milk on the basis of the average field prices reported to have been paid by the manufacturing plants specified in § 905.51 (b) of the original Order No. 5.

Proposed by the Dairy Branch, Production and Marketing Administration:

11. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 227 North West Twenty-third Street, Room 202, Oklahoma City, Oklahoma, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 22, 1951.

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-7282; Filed, June 22, 1951; 9:38 a. m.]

[7 CFR, Part 907]

[Docket No. AO-212-A3]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on May 22-24, 1951, pursuant to notice thereof issued on May 15, 1951 (16 F. R. 4662).

The material issues of record related to:

(1) Revision of the price differentials (over the basic formula price) for Class I milk and Class II milk;

(2) Reinstatement of the provisions relating to the computation of "base milk" and "excess milk," and payment therefor, with certain proposed modifications;

(3) Revision of the provisions relating to exempt milk;

(4) The introduction of a "market-wide pool" to replace "individual-handler pools";

(5) The reclassification of skim milk from Class I milk to Class II milk;

(6) The classification of milk, flavored milk and flavored milk drink in concentrated form as Class I milk;

(7) Revision of the price factor (credit) applied in connection with the

reconciliation of the computed class volumes of milk with producer milk receipts;

(8) Revision of certain definitions and other provisions for clarification of the order; and

(9) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Issues numbered (1), (3) and (9) above are covered by the findings and conclusions made in this decision. It is determined that early action is required on such issues. Decision on the remaining issues is reserved to a later date. They require further analysis and appraisal but should not be permitted to delay action on the issues herein covered.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The price differentials added to the basic formula price for Class I milk and Class II milk should be revised to provide for (i) an increase in differentials for July, and (ii) the adoption of a supply-demand adjustment.

A proposal affecting the differentials for Class I milk and Class II milk in two ways was offered. Producers proposed that the Class I and Class II milk differentials for July should be increased 20 cents and 10 cents, respectively. The proposal provides also for a price adjustment equivalent to the "supply-demand" price adjustment adopted in a recent decision on amendments to Order 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

A proposal submitted by handlers would provide for an April decrease in the Class I and Class II differentials by 20 cents and 10 cents, respectively.

Producers contend that from a supply standpoint the Milwaukee market must remain competitive with the Chicago market and that to accomplish this the price provisions of the two orders in certain respects should be identical under present circumstances. In this connection it was testified that if the price of milk to producers is increased in Chicago it must be increased in the same amount to Milwaukee producers or the supply of milk for the Milwaukee market will be threatened.

Geographically, the Chicago and Milwaukee markets are very closely related, Milwaukee being located about 85 miles from Chicago and within an important segment of the Chicago milkshed. Farms of producers for both the Milwaukee and Chicago markets are intermingled to a large extent in certain zones of the Chicago production area, and are affected similarly by the prices and supplies of feeds and other production conditions in these locations.

At least one handler under the Chicago order (as recently revised) operates distribution routes in the Milwaukee marketing area in competition with Milwaukee handlers. In recognition of the exceedingly close competitive relationship between the two marketing areas as to both the purchase of milk from producers and the distribution of milk by handlers, it was concluded in connection with the promulgation of the original Milwaukee order that the class prices should correspond with the zone 3 prices of the Chicago order. The result has been to maintain a close relationship of prices for milk disposed of in fluid form as milk and cream in the two markets.

It has been determined that a "supply-demand" adjustment provision should be included in the Chicago order to vary the Class I and Class II price differentials automatically as changes occur in the relationship between producer receipts and Class I and Class II sales under such order. In view of the showing of a high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas, it is concluded that any adjustment in the Class I and Class II price differentials under such provision of the Chicago order would be equally appropriate at this time in connection with the Class I and Class II price differentials under the Milwaukee order and would tend to promote orderly marketing conditions. It is concluded also that as further means to maintain a proper price pattern in relation to that of the Chicago market the July price differentials for Class I and Class II milk should be increased 20 cents and 10 cents, respectively, and that the April differentials should remain unchanged. Although available information does not indicate identical seasonal production patterns in the two markets, the variation in the production zones where overlapping occurs is not sufficiently large to warrant different class price schedules seasonally. Since some milk is distributed within the Milwaukee marketing area by a handler regulated by the Chicago order it is deemed important to maintain a close alignment on a monthly basis. The proximity of portions of the enlarged marketing area recently adopted under the Chicago order to the Milwaukee marketing area also indicates the desirability of maintaining such price alignment.

(2) The provisions relating to exempt milk should be revised.

Milk regulated by the Suburban Chicago milk order is exempt from the provisions of this order if a greater volume of milk is disposed of by the handler in the Suburban Chicago marketing area than he disposes of in the Milwaukee marketing area. In view of the contemplated merger of the Suburban Chicago and Chicago orders, continued reference in the Milwaukee order to the application of the Suburban Chicago order would be inappropriate and obsolete. However, in order to avoid duplication of obligations as to persons who otherwise would be handlers under both the Milwaukee and Chicago orders, provision should be made for exemption from the Milwaukee order in the case of any handler who is regulated by the Chicago order on the principle heretofore applied in connection with the Suburban Chicago order. This change should provide a satisfactory coordination of the regulatory provisions of the respective orders.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The omission of the recommended decision and filing of exceptions thereto was requested on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of the Milwaukee Cooperative Milk Producers, the Pure Milk Products Cooperative, and the Blochowiak Dairy et al. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point set forth in the briefs which relates to the issues covered by this decision was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Determination of representative period. The month of April 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the attached amending order is approved or favored by producers, who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below, which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 907.50 (c) and substitute therefor the following:

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

2. Delete paragraphs (a) and (b) of § 907.51 and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June $0.46; July through November, inclusive, $0.86; and all other months $0.66: *Provided,* That for each percent that the "current supply-demand ratio" computed pursuant to paragraph (e) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (e) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other months $0.03: *And provided further,* That any adjustment made pursuant to the above proviso of this paragraph shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other months; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 46 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other months, $0.40: *Provided,* That such amount for the month shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) of this section; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the months of July through November, inclusive, or less than 30 cents in all other months.

3. Add the following as § 907.51 (e):

(e) *Supply-demand adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6 months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Month subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for months prior to the effective date of this paragraph.

4. Delete § 907.91 (a) (2) and substitute therefor the following:

(2) The other order is that regulating the handling of milk in the Chicago, Illinois, marketing area and the Secretary determines that the quantity of Class I milk so disposed of by such person within the marketing area (§ 907.6) is greater than the quantity so disposed of within the marketing area defined in such other order. This subparagraph shall apply only with respect to milk received at the plant(s) of such person from which the Class I milk was so disposed of within the marketing area and milk received at each receiving station (§ 907.9) serving such plant(s).

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Milwaukee, Wisconsin, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area) who, during the month of April 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending such order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

H. H. Erdmann is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 20th day of June 1951.

[F. R. Doc. 51-7216; Filed, June 22, 1951; 8:54 a. m.]

[7 CFR, Part 928]

[Docket No. AO-227 RO2]

HANDLING OF MILK IN NEOSHO VALLEY (KANSAS-MISSOURI) MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held in Chanute, Kansas, November 13–17, 1950 and June 12, 1951, on a proposed marketing agreement and a proposed order regulating the handling of milk in the Neosho Valley (Kansas-Missouri) marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the proposed marketing agreement and order, and more particularly with respect to the findings and conclusions contained in the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, issued March 28, 1951 (16 F. R. 2841), and to receive evidence concerning additional proposals with respect to the extent of the marketing area received in connection with the exceptions filed to such recommended decision. Neither the proposals set forth below nor the recommended findings and conclusions have been approved by the Secretary of Agriculture.

The reopened hearing will be held in the Community Room, Memorial Building 101 South Lincoln Street, Chanute, Kansas, July 9, 1951, beginning at 9:00 a. m., c. s. t.

The additional proposals are as follows:

Proposed by Banner Daily Products, Fort Scott, Kansas; Batten's Dairy, Fort Scott, Kansas; Beatrice Food Company, Parsons, Kansas; Camfield Jersey Farm, Neosho, Missouri; Community Dairy Products Company, Joplin, Missouri; Fees Paramount Dairy, Parsons, Kansas; Gateway Creamery Company, Joplin, Missouri; Hildebrant's Dairy, Pittsburg, Kansas; Neosho Milk Company, Neosho, Missouri; Neosho Valley Co-op Creamery Association, Erie, Kansas; Oldham's Dairy, Pittsburg, Kansas; Page Milk Company, Coffeyville, Kansas; Pittsburg Ice Cream Company, Pittsburg, Kansas; Premium Dairy Food, Inc., Independence, Kansas; Puritan Dairy Company, Pittsburg, Kansas; and Willson's Dairy, Parsons, Kansas.

1. Delete § 928.6 of the order included in the recommended decision and substitute therefor the following:

§ 928.6 *Neosho Valley marketing area.* "Neosho Valley marketing area," hereinafter called the "marketing area," means all of the territory within the counties of Wilson, Woodson, Montgomery, Allen, Neosho, Labette, Bourbon, Crawford and Cherokee, all in the State of Kansas.

2. In the event that any territory within the State of Missouri is included, the marketing area should include in addition to the area specified in Proposal No. 1, all of the territory within the counties of Jasper, Newton, MacDonald, Barton and Vernon, all in the State of Missouri.

Copies of this notice of hearing may be procured from the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 21, 1951, Washington, D. C.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-7247; Filed, June 22, 1951; 9:08 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-20]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF FURTHER HEARING ON APPLICATION TO BAREBOAT CHARTER AN ADDITIONAL GOVERMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL

Notice is hereby given that a further hearing will be held in the above-entitled proceeding on July 2, 1951, at 10:00 a. m. of that day in Room 4821, Department of Commerce Building, Washington 25, D. C., before Examiner Robert Furness, upon application of American President Lines, Ltd., to take further testimony relative to the need of 5 vessels in its Atlantic/Straits service (Service C-2, Trade Route 17) which applicant alleges was not available at the time of the hearing in this proceeding.

The purpose of this hearing is to receive further evidence pursuant to Section 3, P. L. 591, 81st Congress, with respect to whether the service for which application is made for bareboat charter of an additional Government-owned, war-built, dry-cargo vessel is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. The further evidence should be confined primarily to the question whether such additional vessel is needed in the above-mentioned service.

All persons having an interest in such application will be given an opportunity to be heard, if present.

Interested parties may have oral argument before the Examiner immediately following the close of the hearing, in lieu of briefs, and the Examiner will issue a recommended decision. Parties may have five (5) days within which to file exceptions to or memoranda in support of the Examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: June 21, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-7260; Filed, June 22, 1951; 8:47 a. m.]

Office of International Trade

[Case No. 103]

ADOLPH FROMER AND AMERICAN MAROCAN PRODUCTS EXCHANGE

REVOCATION AND DENIAL OF LICENSE PRIVILEGES

In the matter of Adolph Fromer, American Marocan Products Exchange, respondents, Twelve, Rue du Caporal Grebert, Casablanca, French Morocco, Ten Calle Francisco Victoria, Tangier, Case No. 103.

This proceeding was begun on March 21, 1951, by the transmission of a charging letter to the above-named respondents, wherein the Office of International Trade charged respondents with having violated the Export Control Act of 1949 and the regulations promulgated thereunder.

The letter alleged that in June 1950, respondents cabled an order in behalf of a purported Swiss customer to an exporter in New York City for 100 tons of silicon carbide to be shipped to such customer in Switzerland, and concealed from the American exporter the material fact that the intended country of ultimate destination for such shipment was not Switzerland and the ultimate consignee was not the purchaser named in said order, and, also, concealed from the American exporter the material fact that respondents intended to have such commodity diverted or transshipped to Czechoslovakia as the country of ultimate destination.

It is further alleged in said charging letter that in reliance upon the false representations and statements contained in the order, as aforesaid, the American exporter filed an application with the Office of International Trade, on June 22, 1950, for an export license for authority to ship 100 tons of silicon carbide, therein designating as the ultimate consignee the purchaser named in said order, the intermediate consignee as being respondent American Marocan Products Exchange, and the country of ultimate destination as Switzerland.

It is further alleged in said charging letter that by such actions respondents knowingly and falsely stated and represented to the Office of International Trade that the country of ultimate destination for which the silicon carbide was intended was Switzerland, when in fact respondents then knew and intended such ultimate destination to be Czechoslovakia; falsely described and named the ultimate consignee and concealed from the applicant for the export license and from the Office of International Trade the true identity of the ultimate consignee; and submitted an order for the purchase from the United States of said commodity with the intention not to abide by such order and not to perform the terms thereof.

Respondents' eligibility as parties to any validated export license or to any exportations effected thereunder were, by the terms of the charging letter, suspended pending the determination of the administrative compliance proceeding thereby instituted.

The above-named respondents, after receiving the above-mentioned charging letter, submitted to the Office of International Trade, with the advice of counsel and through such counsel, a statement to the effect that they admitted, for the purposes of this compliance proceeding only, the charges made in said charging letter of March 21, 1951, that they waived all right to a hearing on such charges, and that they consented to the entry of an order the terms of which are set forth hereinbelow.

It appears that the investigation report and other evidentiary material in the possession of the Office of International Trade, together with the said charging letter and the above-mentioned proposal for a consent order, have been submitted to the Compliance Commissioner for review; that upon the basis of such review he has found that respondents knowingly made the false representations set forth in the charging letter for the stated purpose of ultimately shipping the silicon carbide to Czechoslovakia, but that in consequence of an investigation made by the Office of International Trade, no export license was issued nor shipment made pursuant to said application.

The Compliance Commissioner has accordingly found that the charges as set forth in the charging letter are supported by the evidence, that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable, and that such order should be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the above-mentioned evidentiary material, the said charging letter and the proposal for a consent order, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) Respondents, and each of them, are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for a period of two years from the date of this order. Such denial of export license privileges shall be deemed to include and prohibit participation by the respondents, and each of them, directly or indirectly, as a party or as a representative of a party or otherwise, to any export license application or to any exportation under either general or validated licenses in any manner or capacity, including the financing, forwarding, transporting, or other servicing of exports.

(2) Such revocation and denial of export license privileges shall extend not only to the named respondents, but also to any person, firm, corporation or other business organization with which they or any of them may be now or hereafter related by ownership, control or other connection, or with which they or any of them may hold a position of responsibility in the conduct of trade involving exports from the United States or services connected therewith.

Dated: June 16, 1951.

WALLACE S. THOMAS, *Acting Assistant Director for Export Supply.*

[F. R. Doc. 51-7193; Filed, June 22, 1951; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

MINIMUM WAGE RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE FOR THE VIRGIN ISLANDS

NOTICE OF HEARING

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), by Administrative Order No. 409 dated January 16, 1951 (16 F. R. 584) as amended by Administrative Order No. 410 dated January 20, 1951 (16 F. R. 908), appointed a Special Industry Committee for the Virgin Islands, composed of residents of the Virgin Islands and of the United States outside of the Virgin Islands, to investigate conditions in and to recommend minimum wage rates for all employees in said islands who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting those employees exempt by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

The Committee included disinterested persons representing the public, a like number of persons representing employees, and a like number representing employers in these industries.

This Special Industry Committee for the Virgin Islands has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued thereunder, for each of the industries investigated.

The Administrator is required under section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of the Special Industry Committee if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearings and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds

otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of the Special Industry Committee for the Virgin Islands for employees engaged in commerce for the industries investigated are as follows:

ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL INDUSTRY

Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the alcoholic beverages and industrial alcohol industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce:

(1) For operations performed in the manufacture of rum on the Island of St. Croix wages at a rate of not less than 40 cents per hour.

(2) For all operations other than those in the manufacture of rum on the Island of St. Croix wages at a rate of not less than 45 cents per hour.

BAY RUM AND OTHER TOILET PREPARATIONS INDUSTRY

Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the bay rum and other toilet preparations industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

SHIPPING AND TRANSPORTATION INDUSTRY

1. Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the shipping and transportation industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

2. Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wind-driven vessel division of the shipping and transportation industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

WHOLESALING AND TRUCKING INDUSTRY

Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wholesaling and trucking industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

BANKING, INSURANCE, AND REAL ESTATE INDUSTRY

Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the banking, insurance, and real estate industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

COMMUNICATIONS AND OTHER PUBLIC UTILITIES INDUSTRY

Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the communications and other public utilities industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

CONSTRUCTION INDUSTRY

Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the construction industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

WEARING APPAREL INDUSTRY

Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wearing apparel industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Fruit and vegetable packing and farm products assembling industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

DOLL INDUSTRY

Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the doll industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

SHIP AND BOAT BUILDING AND EQUIPMENT INDUSTRY

Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the ship and boat building and equipment industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

HAND-MADE ART LINEN INDUSTRY

Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-made art linen industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

1. For hand-sewing operations, wages at a rate of not less than 20 cents per hour.

2. For all operations other than hand-sewing, wages at a rate of not less than 35 cents per hour.

HAND-MADE STRAW GOODS INDUSTRY

Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-made straw goods industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce:

1. For hand-weaving and hand-sewing operations, wages at a rate of not less than 15 cents per hour.

2. For all operations other than hand-weaving and hand-sewing, wages at a rate of not less than 35 cents per hour.

MEAT PACKING INDUSTRY

Wages at a rate of not less than 37 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the meat packing industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

PEARL BUTTON INDUSTRY

Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the pearl button industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

MISCELLANEOUS INDUSTRIES

Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous industries in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

B. The definitions of the above-named industries in the Virgin Islands for which the Special Industry Committee has made the foregoing separate minimum wage recommendations are as follows:

ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL INDUSTRY

This industry shall include the manufacture, including, but not by way of limitation, the distilling, rectifying, blending or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine, beer, and other alcoholic beverages, and of industrial and other types of alcohol.

BAY RUM AND OTHER TOILET PREPARATIONS INDUSTRY

This industry shall include the manufacture (including bottling and packaging) of bay oil, bay rum, perfumes, colognes, toilet waters, and other similar toilet preparations.

SHIPPING AND TRANSPORTATION INDUSTRY

This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operations of common or contract carriers, the operation of piers, wharves and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus, and travel and ticket agencies.

On the basis of its investigation of the Shipping and Transportation Industry, as above defined, and after due consideration of economic and competitive conditions in the industry and other relevant factors, including those set forth in section 8 (c) of the Fair Labor Standards Act of 1938, as amended, the Committee has determined that the general division and the wind-driven vessel division, as hereinafter defined, constitute distinct divisions of the shipping and transportation industry which are separable from each other; that each division constitutes in itself a distinct and separable industry; and that it is reasonable and necessary to divide the industry in accordance with the following recommendations into separable divisions for the purpose of fixing for each division of the industry a minimum wage rate (1) which will not give such division a competitive advantage over any industry in the United States outside of the Virgin Islands, and (2) which is the highest minimum rate (not in excess of 75 cents an hour) which will not substantially curtail employment in such division and will not give a competitive advantage to any group in the industry. The Committee has also determined that competitive conditions between each of the separable divisions of the industry are such that the approval, disapproval, or subsequent cancellation of the rate recommended for either of such divisions will not give a competitive advantage to, or substantially curtail employment in, any group in the shipping and transportation industry.

The Committee recommends, therefore, that the shipping and transportation industry in the Virgin Islands be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

1. *General division.* This division shall include all activities in the shipping and transportation industry other than those included within the wind-driven vessel division.

2. *Wind-driven vessel division.* This division shall include the transportation of cargo and passengers by vessels driven entirely by wind and having no auxiliary propulsion motors.

WHOLESALING AND TRUCKING INDUSTRY

This industry shall include the wholesaling, warehousing and other distribution of commodities, including, but not by way of limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including mail order sales agencies and manufacturers selling agencies; and the industry carried on by any common or contract carrier engaged in the transportation of property by motor vehicle.

BANKING, INSURANCE, AND REAL ESTATE INDUSTRY

This industry shall include the business carried on by any banking, insurance, financial, or real estate institution, agency, or enterprise.

COMMUNICATIONS AND OTHER PUBLIC UTILITIES INDUSTRY

This industry shall include the activities carried on by any wire or radio system of communication or by any messenger service; by any concern engaged in the production or distribution of electricity; by any concern engaged in the distribution of water or the operation of sanitation facilities; and by any concern engaged in other public utility operations.

CONSTRUCTION INDUSTRY

This industry shall include the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but not by way of limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

Provided, however, That this industry shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

WEARING APPAREL INDUSTRY

This industry shall include the manufacture of all wearing apparel except that made entirely by hand.

FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

This industry shall include the assembling and preparing for market of fresh fruits and vegetables and other related products.

DOLL INDUSTRY

This industry shall include the manufacture of machine-sewn doll's clothing and the preparation, assembling, and finishing of dolls with such clothing.

SHIP AND BOAT BUILDING AND EQUIPMENT INDUSTRY

This industry shall include the building, repairing, and maintenance of ships and boats and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

HAND-MADE ART LINEN INDUSTRY

This industry shall include the manufacture from any woven material of hand-made handkerchiefs and hand-made household art linens, including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, and towels.

HAND-MADE STRAW GOODS INDUSTRY

This industry shall include the manufacture by hand from straw, raffia, sisal, or similar materials, of hats, baskets, purses, mats, trays, bottle coverings, or other articles.

MEAT PACKING INDUSTRY

This industry shall include the slaughtering of meat animals and the dressing and packing of meat, and all operations incidental thereto.

PEARL BUTTON INDUSTRY

This industry shall include the manufacture of buttons and buckles from ocean pearl and other natural shells.

MISCELLANEOUS INDUSTRIES

This industry shall include the manufacture of ice, sugar, jams and jellies, cocoa butter, and flavoring extracts; printing or publishing; the manufacture, processing or assembling of jewelry; and the manufacture of furniture, woodenware and wooden novelties; and all other industries not included in other specific industries defined herein.

C. The full texts of the reports and recommendations of the Special Industry Committee for the Virgin Islands for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m., and 4:30 p. m., at the following offices of the United States Department of Labor, Wage and Hour and Public Contracts Divisions:

Old South Building, 18 Oliver Street, Boston 10, Mass.

Room 525, Lafayette Building, 437 Chestnut Street, Philadelphia 6, Pa.

Perry-Paine Building, 740 Superior Avenue NW., Cleveland, Ohio.

3000 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

150 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Telephone Building, 150 Ninth Avenue North, Nashville, Tenn.

900 U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

1007 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.

Room 222, 1114 Commerce Street, Dallas 2, Tex.

1200 Merchandise Mart Building, Merchandise Mart Plaza, Chicago 54, Ill.

Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce 29, P. R.

14th Street and Constitution Avenue NW., Washington 25, D. C.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico.

D. Public hearings will be held in Room 5406, Department of Labor Building, Washington 25, D. C., at 10:00 a. m., on July 24, 1951, for the purpose of taking evidence of whether the separate recommendations of the Industry Committee set forth above shall be approved or disapproved. These hearings will be conducted before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place.

E. Any interested person supporting or opposing any of the recommendations of the Special Industry Committee for the Virgin Islands which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That, not later than seven days preceding the hearings, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, Puerto Rico, notice of his intention to appear, which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of the Special Industry Committee for the Virgin Islands in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of the Industry Committee may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, in Washington, D. C.

G. The records made at the public hearings on conditions in the above-named industries in the Virgin Islands held before the Industry Committee in Charlotte Amalie, St. Thomas, Virgin Islands, February 20, through February 27, 1951 and in Christiansted, on the Island of St. Croix from February 28 through March 2, 1951 may be examined by any interested person at the office of the Wage and Hour Division, United States Department of Labor, at Fourteenth and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above-named industries in the Virgin Islands will be offered in evidence at the public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue, Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be offered in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be offered in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear and the Administrator, before issuing a subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written request shall be received from persons appearing in the proceeding for permission to make oral argument before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which oral argument shall be heard. If such requests are allowed, all persons appearing at the hearing shall be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing thereat. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit, for the consideration of the Administrator, an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the Industry Committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 20th day of June 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-7212; Filed, June 22, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 78]

WAMSUTTA MILLS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Wamsutta Mills, New Bedford, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sheets, pillow cases, towels and piece goods manufactured by Wamsutta Mills, New Bedford, Massachusetts, having the brand name(s) "Wamsutta" shall be the proposed retail ceiling prices listed by Wamsutta Mills in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application undated). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 21, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Wamsutta Mills must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 21, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 21, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per	{unit, dozen, etc.}
Terms {net, percent EOM, etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 21, 1951.

[F. R. Doc. 51-7264; Filed, June 21, 1951; 4:02 p. m.]

FEDERAL POWER COMMISSION

[Docket No. ID-1017]

E. J. SHAPIRO

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JUNE 19, 1951.

Notice is hereby given that, on June 14, 1951, the Federal Power Commission issued its order entered June 12, 1951, in the above-designated matter, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7181; Filed, June 22, 1951; 8:45 a. m.]

[Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF OPINION NO. 214 AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 19, 1951.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, Complainant, v. Panhandle Eastern Pipe Line Company, Defendant, Docket No. G-1379.

Notice is hereby given that, on June 13, 1951, the Federal Power Commission issued its Opinion No. 214 and interim order entered June 12, 1951, modifying, amending and further conditioning order issued May 4, 1950, issuing certificates of public convenience and necessity, published in the FEDERAL REGISTER May 12, 1950 (15 F. R. 2855); consolidating proceedings, in the above-entitled matters, for purposes of hearing, with Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; Central West Utility Company, Docket No. G-1615; and the City of Auburn, Illinois, Docket No. G-1659; and setting hearing for July 23, 1951.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7183; Filed, June 22, 1951; 8:46 a. m.]

[Docket No. G-1306]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 14, 1951.

Notice is hereby given that, on June 14, 1951, the Federal Power Commission issued its order entered June 12, 1951, modifying order, published in the FEDERAL REGISTER November 8, 1950 (15 F. R. 7775), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7182; Filed, June 22, 1951; 8:45 a. m.]

[Docket Nos. G-1210, G-1236, G-1264]

ERIE GAS SERVICE CO., INC., ET AL.

NOTICE OF CONTINUANCE OF HEARING

JUNE 19, 1951.

In the matters of Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264.

Upon consideration of the motion of Grand River Gas Transmission Company, filed June 18, 1951, for postponement of the hearing now scheduled for June 25, 1951, in the above-designated matters;

Notice is hereby given that the hearing be and it is hereby continued to June 28, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7184; Filed, June 22, 1951; 8:46 a. m.]

[Docket No. G-1622]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

JUNE 20, 1951.

Notice is hereby given that, on June 19, 1951, the Federal Power Commission issued its findings and order entered June 19, 1951, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7185; Filed, June 22, 1951; 8:46 a. m.]

[Docket No. G-1654]

SOUTHWESTERN VIRGINIA GAS TRANSMISSION CO.

ORDER REOPENING PROCEEDING AND FIXING DATE OF HEARING THEREON

JUNE 19, 1951.

Southwestern Virginia Gas Transmission Company (Applicant) on December 18, 1950, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission pipeline facilities for the transportation and sale of natural gas to serve Southwestern Virginia Gas Company,[1] and for an order pursuant to section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to supply natural gas for ultimate distribution in Martinsville, Virginia.

The Presiding Examiner's Decision of May 18, 1951, in the above entitled matter dismissed the application of Applicant.

On June 7, 1951, Southwestern Virginia Gas Transmission Company filed a motion to amend its application, reopen the above-entitled proceeding, and remand the matter to the Presiding Examiner for the taking of further evidence with reference to its proposed amendment.

By its proposed amendment to its application, applicant requests a certificate of public convenience and necessity under section 7 (c) to construct and operate the transmission pipeline heretofore described in its initial application, for the sole purpose of transporting gas for the account of the Southwestern Virginia Gas Company.

The Commission finds: Good cause has been shown and public interest requires receiving for filing Applicant's amendment to its application, reopening the above-entitled proceeding, and remanding the record to the Presiding Examiner as hereinafter ordered.

The Commission orders:

(A) Southwestern Virginia Gas Transmission Company's proposed amendment filed on June 7, 1951, be and it hereby is received for filing and the record in the above-entitled matter be and it hereby is reopened.

(B) The record in this proceeding be and it hereby is remanded to the Presiding Examiner heretofore designated for the limited and sole purpose of hearing and taking additional evidence bearing upon Southwestern Virginia Gas Transmission Company's amendment referred to in Paragraph (A) above, and for the rendering of an appropriate supplemental decision thereon unless the Commission should otherwise provide by subsequent order.

(C) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing concerning the matters referred to in Paragraph (A), in the above-entitled proceeding be held commencing on July 23, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 20, 1951.

By the commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7197; Filed, June 22, 1951; 8:49 a. m.]

[1] Southwestern Virginia Gas Company, an affiliate of Southwestern Virginia Gas Transmission Company, presently distributes butane air gas in the City of Martinsville, Virginia, and vicinity. The former company, in the matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1411, obtained an allocation of 500 Mcf per day of natural gas for distribution.

[Docket No. G-1654]

UNITED NATURAL GAS CO. AND EQUITABLE GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 19, 1951.

On April 4, 1951, United Natural Gas Company (United) a Pennsylvania corporation having its principal place of business at Oil City, Pennsylvania, and Equitable Gas Company (Equitable), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the exchange of gas for a limited period pursuant to the terms of an agreement between the applicants dated April 2, 1951, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the joint application, including publication in the FEDERAL REGISTER on April 25, 1951 (16 F. R. 3542-43).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 10, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 19, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7187; Filed, June 22, 1951; 8:47 a. m.]

[Docket No. G-1703]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 19, 1951.

Take notice that on June 11, 1951, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation with its principal office in Minneapolis, Minnesota, filed an application with the Federal Power Commission pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove the following described natural-gas facilities:

75.01-miles of 8-inch natural-gas transmission pipeline extending from Applicants Cabin Creek Compressor Station, Fallon County, Montana, to its Miles City Border Station in Custer County, Montana.

Applicant states that it proposes to make use of 5.01-miles of pipe in the said transmission pipeline to be abandoned and removed in providing distribution mains to serve farm-line customers and that it has a need for the balance in the construction of a new line to be part of an intrastate system in Montana to supplement the gas supply of Havre, Chinook, and Harlem, all in Montana.

Applicant further states the proposed abandonment will have no effect on reserves of the Baker-Bowdoin system as there will be no changes in the market and no change in its operation with respect to the production, transportation, transmission, and distribution of natural gas. The line to be abandoned is paralleled by a 12-inch transmission line constructed under certificate authorization issued in Docket No. G-1229.

The application recites that the book cost at March 31, 1951, of the property to be abondoned as transmission facilities was $752,887.17; of which amount $50,318.78 would be transferred to distribution plant and the balance of $702,568.39 charged to retirement reserve. Gross salvage, based on original cost, is estimated at $324,600, and the cost of removal at $146,820.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7196; Filed, June 22, 1951; 8:48 a. m.]

[Docket No. E-6360]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 20, 1951.

Notice is hereby given that, on June 19, 1951, the Federal Power Commission issued its order entered June 19, 1951, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7186; Filed, June 22, 1951; 8:47 a. m.]

[Project No. 1901]

HIGHLAND MARY MINES, INC.

NOTICE OF APPLICATION FOR AMENDMENT TO LICENSE

JUNE 19, 1951.

Public notice is hereby given that Highland Mary Mines, Inc., of Kansas City, Missouri, has filed application pursuant to the provisions of the Federal Power Act (16 U. S. C. 797) for amendment to the license of Project No. 1901 regarding the repair of the breach in the main project dam on Cunningham Creek near Silverton, San Juan County, Colorado, located upon lands of the United States within the San Juan National Forest.

Any protest against the approval of this application or request for hearing thereon, giving the reasons for such protest or request, together with the name and address of protestant, party or parties requesting the hearing, should be made on or before the 31st day of July 1951, to the Federal Power Commission, Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7194; Filed, June 22, 1951; 8:48 a. m.]

[Docket No. G-1702]

JERSEY CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

JUNE 19, 1951.

Take notice that Jersey Central Power and Light Company (Applicant) a New Jersey Corporation having its principal office at 501 Grand Avenue, Asbury Park, New Jersey, filed on June 8, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain natural-gas pipeline facilities as hereinafter described.

Applicant proposes to construct and operate approximately 1.6 miles of 6⅝-inch O. D. welded steel pipeline for the transmission of natural gas from a point on the transmission pipeline of Algonquin Gas Transmission Company in Parsippany-Troy Hills Township, Morris

County, New Jersey to a point on the existing gas transmission facilities of Applicant in Denville Township, Morris County, New Jersey. Upon the completion of said transmission line, Applicant proposes to deliver natural instead of manufactured gas to 14 communities now served by it in Morris County, New Jersey. Applicant further proposes to convert a gas manufacturing plant to enable it to manufacture a high B. t. u. gas to be used for standby or emergency service and for peak shaving when necessary.

The estimated cost of the proposed facilities, including metering and regulating facilities, is $91,249. Applicant expects initially to finance the construction out of cash on hand and other cash reserves.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7195; Filed, June 22, 1951; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

The following entries in section 22 (b) (5) are amended as indicated:

1. Delete the address "New Post Office Bldg." opposite "Cleveland, Ohio" and substitute therefor the following address: "1510 Euclid Ave."

2. Delete the address "New Post Office Bldg." opposite "Minneapolis, Minnesota" and substitute therefor the following address: "Third Fl. Produce Bank Bldg., 100 No. 7th St."

3. Delete the address "405 N. Second St." opposite "Albuquerque, New Mexico" and substitute therefor the following address: "Bass Bldg., Tenth St. & Park Ave."

4. Delete the address "Chamber of Commerce Bldg." opposite "Charleston, West Virginia" and substitute therefor the following address: "304 Embleton Bldg., 922 Quarrier St."

[SEAL] OSBORNE KOERNER,
Director,
Administrative Services.

[F. R. Doc. 51-7180; Filed, June 22, 1951; 8:45 a. m.]

Office of the Administrator

CERTAIN DESIGNATED OFFICIALS

DELEGATION OF AUTHORITY WITH RESPECT TO ORDER M-4 OF THE NATIONAL PRODUCTION AUTHORITY

The delegation of authority to officials in the Housing and Home Finance Agency with respect to Order M 4 of the National Production Authority, originally issued at 16 F. R. 5720 (June 15, 1951), is hereby amended to read as follows:

The authority of the Housing and Home Finance Administrator under Delegation No. 14 of the National Production Authority, effective June 7, 1951, to approve or deny applications for authorization to commence residential and related construction under section 6 of NPA Order M-4 (16 F. R. 4196, 4463), applications for adjustment or exception under section 11 of said order, and appeals from denials of such applications, is hereby delegated as follows:

1. To the Federal Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction to be assisted by mortgage, loan, or yield insurance under the National Housing Act, as amended.

2. To each Regional Representative and Acting Regional Representative of the Office of the Administrator, and to the Regional Engineers of the Office of the Administrator field offices located in Kansas City, Missouri, Fort Worth, Texas, and Denver, Colorado, with respect to multi-unit residential and related construction by an educational institution (except as to any such construction included in paragraph 1 hereof).

3. To the Public Housing Commissioner and his designated representatives with respect to multi-unit residential and related construction by Federal, State, or local public agencies (except as to any such construction included in paragraph 1 or paragraph 2 hereof).

4. To the Director, Defense Liaison Staff (Division of Plans and Programs) of the Housing and Home Finance Agency with respect to residential and related construction not included in paragraph 1, paragraph 2, or paragraph 3 hereof.

(Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Del. 1, May 15, 1951 (16 F. R. 4594); E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Dept. of Commerce Order 123, Sept. 28, 1950, 15 F. R. 6726; NPA Del. No. 14, June 7, 1951, 16 F. R. 5401)

Effective as of the 18th day of June 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-7203; Filed, June 22, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26182]

OLD TIN CANS FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Tin cans, old or used, having value for detinning purposes only, carloads.

From: Southern territory.

To: Points in Official territory.

Grounds for relief: Competition with rail carriers and emergency rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7198; Filed, June 22, 1951; 8:49 a. m.]

[4th Sec. Application 26183]

FERTILIZER BETWEEN POINTS IN OHIO, VIRGINIA, KENTUCKY, AND WEST VIRGINIA

APPLICATION FOR RELIEF

JUNE 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to the tariffs named in the attached list.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Points in Kentucky, Ohio, Virginia, and West Virginia.

To: Points in Virginia, Kentucky, and Ohio.

Grounds for relief: Circuitous routes and competition with rail and motor carriers.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
L. C. Schuldt's	3765	[illegible]
R. B. LeGrande's	240	[illegible]
C&O Ry	12828 12841	[illegible]
N&W Ry	12860 9440 9421	[illegible]

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7199; Filed, June 22, 1951; 8:49 a. m.]

[4th Sec. Application 26184]

PROPORTIONAL RATES ON NEWSPRINT PAPER FROM ST. LOUIS, MO., AND CERTAIN MISSISSIPPI RIVER CROSSINGS TO TEXAS

APPLICATION FOR RELIEF

JUNE 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3912 and 3899.

Commodities involved: Newsprint paper, carloads.

From: St. Louis, Mo., and upper Mississippi River crossings in Illinois (when originating in Canada).

To: Points in Texas.

Grounds for relief: Competition with rail carriers and equalization of present combination rates over competing routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 59; D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7200; Filed, June 22, 1951; 8:49 a. m.]

[4th Sec. Application 26185]

GRAIN BETWEEN KANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

JUNE 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for The Atchison, Topeka and Santa Fe Railway Company, Missouri-Kansas-Texas Railroad Company, and Union Pacific Railroad Company.

Commodities involved: Grain, grain products, and seeds, carloads.

Between: Points in Kansas and Oklahoma.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3942, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7201; Filed, June 22, 1951; 8:50 a. m.]

[4th Sec. Application 26186]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to their respective tariffs I. C. C. No. A-911 and I. C. C. No. 580, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7202; Filed, June 22, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

ORDER AUTHORIZING INITIAL BOARD OF DIRECTORS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of June A. D. 1951.

Green Mountain Power Corporation ("Green Mountain"), a public utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application requesting authorization by this Commission of its initial Board of Directors. Green Mountain's plan of reorganization provides that the company's initial Board of Directors shall consist of nine persons, of whom not more than four shall be officers, employees or counsel of Green Mountain and none of whom shall be a representative of NEES; that not less than two of said directors shall be residents of the State of Vermont; and that if prior to the date of consummation of the plan there has been sufficient agreement upon the initial Board of Directors among the security holders of Green Mountain and if the Board so agreed upon shall afford sufficient representation among such security holders, sufficient in either case to meet the approval of this Commission, such Board shall take office on said date of consummation.

Green Mountain and the Committees representing the holders of more than 50 percent of its preferred stock having agreed upon the persons submitted to

constitute the initial Board of Directors and it appearing that said Board affords sufficient representation among Green Mountain's security holders and complies with the terms and provisions of the plan:

It is hereby ordered, That said application with respect to the initial Board of Directors of Green Mountain, filed pursuant to the terms and provisions of its plan of reorganization under section 11 (e) of the Public Utility Holding Company Act of 1935, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7205; Filed, June 22, 1951; 8:51 a. m.]

[File Nos. 54-160, 59-94]

GREEN MOUNTAIN POWER CORP.

MEMORANDUM OPINION AND ORDER APPROVING PRICE AND SPREAD

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of June A. D. 1951.

The Commission, by order dated May 3, 1951, approved the amended plan of reorganization of Green Mountain Power Corporation ("Green Mountain"), a public utility subsidiary company of New England Electric System, a registered holding company. Said plan provides, among other things, for the sale of 104,094 shares of new common stock to the public for cash, subject to subscription and over-subscription rights by the holders of Green Mountain's presently outstanding preferred stock. Said order granted Green Mountain's request for an exemption from the competitive bidding requirements of Rule U-50 promulgated under the Public Utility Holding Company Act of 1935. In addition, it reserved jurisdiction with respect to, among other things, the price, spread and maintenance of competitive conditions in connection with Green Mountain's proposal to sell new common stock for cash and the reasonableness of all fees and expenses in connection with this proceeding. Subsequently, by order dated June 4, 1951, the United States District Court for the District of Vermont approved the plan and directed Green Mountain to carry out its terms and provisions.

On June 18, 1951, Green Mountain filed an application herein, and the hearings were reconvened in connection therewith, for the purpose of completing the record with respect to the price to be paid Green Mountain for the new common stock and the underwriting commission to be paid by Green Mountain.

The record shows that Green Mountain invited sealed bids from nine underwriting firms. This invitation stated that all bids would be opened at 3 p. m., e. d. s. t., June 15, 1951. However, the only bid received was a bid submitted by Kidder, Peabody & Co. acting for itself, Allen & Co., and Townsend, Dabney & Tyson. Thereupon Green Moutain decided to return this bid unopened and enter into negotiations with Kidder, Peabody & Co., reserving the right to negotiate with all firms which had evidenced an interest in the proposed sale of common stock. The record further shows that, after further negotiations with Kidder, Peabody & Co. representing itself, Allen & Co., and Townsend, Dabney and Tyson, Green Mountain entered into a contract with such firms on the following basis:

1. A price of $13 per share of common stock, as the amount to be paid to Green Mountain.

2. A stand-by fee of 33 cents per share on the entire 104,094 shares of common stock proposed to be sold, said fee to be paid by Green Mountain to the underwriters.

3. The following underwriting commissions to be paid by Green Mountain for each share of Common Stock acquired by the underwriters. If the number of such shares be not more than 12 percent of the 104,094 shares proposed to be issued—30 cents per share; if more than 12 percent but not more than 25 percent—45 cents per share; if more than 25 percent but not more than 51 percent of such shares—60 cents per share; if more than 51 percent of such shares—75 cents per share.

Green Mountain states in its application that the firm of Messrs. Choate, Hall & Stewart of Boston, Massachusetts, has been selected as independent counsel for the underwriters and, for services rendered and to be rendered, said firm requests approval of its fee and expenses estimated not to exceed $5,000 and $500, respectively. According to the underwriting agreement said fee and expenses will be paid by the underwriters.

The Commission has examined the record herein and finds no basis for imposing terms and conditions with respect to the proposed sale of common stock. The fee of $5,000 and the estimated amount of $500 as reimbursement for expenses of counsel for the underwriters does not appear to be unreasonable. The reservation of jurisdiction with respect to all other fees and expenses in connection with the amended plan of reorganization of Green Mountain will continue.

It is therefore ordered, That the jurisdiction, heretofore reserved with respect to the price, spread and maintenance of competitive conditions in connection with the proposed sale of new common stock be, and the same hereby is, released and said application of Green Mountain, be and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-42.

It is further ordered, That jurisdiction, heretofore reserved with respect to the payment of legal fees and expenses to counsel for the underwriters in connection with the proposed sale of new common stock be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7206; Filed, June 22, 1951; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17966]

K. INOUYE

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of K. Inouye, also known as Kiyoshige Inouye, deceased. D-39-18857-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of K. Inouye, also known as Kiyoshige Inouye, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain debts or other obligations of the American Express Company, 65 Broadway, New York, represented by thirty (30) Travellers Checks, issued by the aforesaid company, said checks having an aggregate value of $400.00 and numbered as set forth below:

C6245510/519
L6377950/959
J5798770/779

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Travellers Checks, and

b. That certain debt or other obligation of the Treasury Department, Washington, D. C., in the amount of $23.10 as of August 23, 1945, presently on deposit in a Trust Fund Receipt account, Account No. 148881 entitled "Unclaimed Moneys of Individuals Whose Whereabouts are unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of K. Inouye, also known as Kiyoshige Inouye, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of K. Inouye, also known as Kiyoshige Inouye, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7209; Filed, June 22, 1951; 8:52 a. m.]

[Vesting Order 17954]

ROSAMOND DOVE BLANCHARD ET AL.

In re: Trust agreement dated October 26, 1903, between Rosamond Dove Blanchard, grantor, and John A. Blanchard and Francis C. Welch, trustees. File No. F-28-7310.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Irene Elisabeth Helene von Courten, Selina Bertha Olga Rosamond Annemarie Rommel, Nicholus Theodor Hans Jurgen Rommel and Candida Eleonore Elisabeth Charlotte Rommel, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated October 26, 1903, between Rosamond Dove Blanchard, grantor, and John A. Blanchard and Francis C. Welch, trustees, presently being administered by John A. Blanchard and Richard Bancroft, 10 Glenridge Road, Dedham, Massachusetts, as Trustees, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7208; Filed, June 22, 1951; 8:52 a. m.]

[Vesting Order 17971]

TOHO ELECTRIC POWER CO., LTD.

In re: Bank accounts owned by Toho Electric Power Company, Ltd., also known as Toho Denryoku Kabushiki Kaisha, or its successor, Japan Electric Generation & Transmission Co., Inc. F-39-961-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toho Electric Power Company, Ltd., also known as Toho Denryoku Kabushiki Kaisha, and its successor, Japan Electric Generation & Transmission Co., Inc., the last known addresses of which are Tokyo, Japan, are corporations, partnerships, associations or other business organizations, organized under the laws of Japan, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Tokyo, Japan, and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or nature whatsoever of Toho Denryoku Kabushiki Kaisha (Toho Electric Power Company, Limited) and its successor, Japan Electric Generation & Transmission Co., Inc., in and to a certain bond redemption account on deposit with Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, entitled "Toho Denryoku Kabushiki Kaisha (Toho Electric Power Company, Limited) First Mortgage (Kansai Division) Sinking Fund 7 percent Gold Bonds, Series A, due March 15, 1955", maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account, entitled "Toho Denryoku Kabushiki Kaisha (Toho Electric Power Company, Limited) First Mortgage (Kansai Division) Sinking Fund 7 percent Gold Bonds, Series A, due March 15, 1955", maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a note redemption account, entitled "Toho Denryoku Kabushiki Kaisha (Toho Electric Power Company, Limited) 3-year 6 percent Gold Notes, due July 1, 1932", maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account, entitled "Toho Denryoku Kabushiki Kaisha (Toho Electric Power Company, Limited) 3-year 6 percent Gold Notes, due July 1, 1932", maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Toho Electric Power Company, Ltd., also known as Toho Denryoku Kabushiki Kaisha, or its successor, Japan Electric Generation & Transmission Co., Inc., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7210; Filed, June 22, 1951; 8:53 a. m.]

[Vesting Order 17973]

gand, deceased, and identified by Social Security Claim Number 102-01-8889-G-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET

[Vesting Order 17973]

MARGARETE WEIGAND

In re: Claim of Margarete Weigand. F-28-31472.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Weigand, whose last known address is Hohenzollernstr, 83, Koblenz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights and claims of Margarete Weigand to January 1, 1947 under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess. 49 Stat 620) arising out of the death of Kurt F. Weigand, deceased, and identified by Social Security Claim Number 102-01-8889-G-1, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7211; Filed, June 22, 1951; 8:53 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 NUMBER 123

Washington, Tuesday, June 26, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10256

AMENDMENT OF PARAGRAPH 126*e* OF THE MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1951

By virtue of the authority vested in me by the Uniform Code of Military Justice (established by the act of May 5, 1950, 64 Stat. 107), and as President of the United States, it is ordered that the second sentence of paragraph 126*e* of the Manual for Courts-Martial, United States, 1951 (prescribed by Executive Order No. 10214 of February 8, 1951), be, and it is hereby, amended to read as follows:

"Unless otherwise prescribed in regulations promulgated by the Secretary of the Department concerned, in the case of an enlisted person of other than the lowest pay grade, a sentence which, as ordered executed or as finally approved and suspended, includes (1) dishonorable or bad conduct discharge, whether or not suspended, (2) confinement, or (3) hard labor without confinement, immediately, upon being ordered executed or upon being finally approved and suspended, shall reduce such enlisted person to the lowest enlisted pay grade; provided, that the rate of pay of the person so reduced shall be commensurate with his cumulative service."

HARRY S. TRUMAN

THE WHITE HOUSE,
June 23, 1951.

[F. R. Doc. 51-7366; Filed, June 25, 1951; 10:27 a. m.]

EXECUTIVE ORDER 10257

AMENDMENT OF EXECUTIVE ORDER NO. 7397 OF JUNE 20, 1936, AS AMENDED, ESTABLISHING THE FEDERAL FIRE COUNCIL

By virtue of and pursuant to the authority vested in me as President of the United States, and in consonance with the provisions of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (63 Stat. 377), it is ordered that paragraphs 1 and 2 of Executive Order No. 7397 of June 20, 1936, entitled "Establishing the Federal Fire Council as an Advisory Agency in Matters Relating to the Protection of Federal Employees and Property from Fire," as amended by Executive Orders No. 8194 of July 6, 1939, and No. 9594 of July 28, 1945, be, and they are hereby, amended to read as follows:

"1. The Federal Fire Council, hereinafter referred to as the Council, is hereby established in the General Services Administration, as an official advisory agency in matters relating to the protection of Federal employees and property from fire. The functions of the Council shall be performed under the direction and supervision of the Administrator of General Services.

"2. The Council shall have a governing body composed of the Commissioner of Public Buildings, who shall serve as Chairman; the Archivist of the United States; the Assistant Postmaster General in charge of the Bureau of Facilities; the Chief of Engineers, United States Army; the Chief of the Bureau of Yards and Docks, United States Navy; the Director of Installations, Office of the Deputy Chief of Staff, Matériel, Headquarters, United States Air Force; the Director of the National Park Service; and the Director of the National Bureau of Standards. The Chairman shall appoint such other officers and committees as he may deem necessary to carry out the functions of the Council."

The said Executive Orders No. 8194 and No. 9594 are hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 23, 1951.

[F. R. Doc. 51-7367; Filed, June 25, 1951; 10:27 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, AND EGGS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4660) regarding the

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 55) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of shell eggs, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 55.104 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each plant survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.69 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

Computation of administrative service charges:	
0 to 750 cases	$25.00
750 to 1,250 cases	27.50
1,250 to 1,750 cases	30.00
1,750 to 2,250 cases	32.50
2,250 to 2,750 cases	35.00
2,750 to 3,250 cases	37.50
3,250 to 3,750 cases	40.00
3,750 to 4,250 cases	42.50
4,250 to 5,000 cases	45.00
5,000 to 6,000 cases	47.50
6,000 to 8,000 cases	50.00
8,000 or more cases	55.00

(d) The applicant shall designate, in writing, the employees of the applicant who will

be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activties to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)

By ---

(Street)

(City) (State)

(Date)

Approved:

By ---

(Title)

(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of shell eggs now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7275; Filed, June 25, 1951; 9:00 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, AND EGGS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4660) regarding the approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 55) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 55.105 *Application for grading service with respect to egg products.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

Name of plant ---
Street address ---
City and State ---

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.60 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
0 to 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 300,000 pounds	45.00
300,000 to 400,000 pounds	50.00
400,000 to 600,000 pounds	55.00
600,000 to 800,000 pounds	60.00
800,000 to 1,000,000 pounds	65.00
1,000,000 to 1,500,000 pounds	70.00
1,500,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The service to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)

By ---

(Street)

(City) (State)

(Date)

Approved:

By ---

(Title)

(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of egg products now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7276; Filed, June 25, 1951; 9:00 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

SUBPART C—FORMS AND INSTRUCTIONS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY AND READY-TO-COOK POULTRY

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4661) regarding the approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 70) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of live poultry, dressed poultry, and ready-to-cook poultry, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 70.203 *Application for grading service with respect to live poultry, dressed poultry, and ready-to-cook-poultry.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

Name of plant ---
Street address ---
City and State ---

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA") PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the Administration, of the grading service covered hereby: *Provided*, That, if at the time of submission of this application for poultry grading service such designated plant is an official plant in which inspection service is performed by the Administration and poultry grading service has not been performed by the Administration in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in subparagraph (ii) of this paragraph;

(ii) A charge for each additional survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.60 per hour for the time consumed in making the survey;

(iii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iv) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iv) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(v) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(vi) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vii) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(viii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(ix) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(x) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
0 to 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 250,000 pounds	45.00
250,000 to 300,000 pounds	50.00
300,000 to 400,000 pounds	55.00
400,000 to 500,000 pounds	60.00
500,000 to 600,000 pounds	65.00
600,000 to 700,000 pounds	70.00
700,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)

By ---

(Street)

(City) (State)

(Date)

Approved:

By ---

(Title)

(Date)

Production and Marketing Administration, U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of live poultry, dressed poultry, and ready-to-cook poultry now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7244; Filed, June 25, 1951; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52753]

PART 66—IMPORTATION OF ARTICLES IN CONNECTION WITH JAPANESE TRADE FAIR, AT SEATTLE, WASH.

The following regulations under Public Law No. 46, 82d Congress,[1] approved June 12, 1951, relate to the entry of articles in connection with the Japanese Trade Fair to be held at Seattle, Washington, June 17 to July 3, 1951.

Sec.

66.1 Invoices; marking; bond.
66.2 Entry; appraisement; procedure.
66.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
66.4 Detail of customs officers to protect revenue; expenses.
66.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 66.1 to 66.5 issued under Pub. Law 46, 82d Cong.

[1] All articles which shall be imported from foreign countries for the purpose of exhibition at the Japanese Trade Fair, to be held at Seattle, Washington, from June 17 to July 3, 1951, inclusive, by the International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be no tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1524). (Public Law No. 46, 82d Cong.)

§ 66.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public Law No. 46, 82d Congress, and valued at more than $100, must be covered by consular invoices certified as provided for in § 8.14 of the Customs Regulations of 1943 (19 CFR 8.14). Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 46, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 66.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ---

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under ---, I. T. No. ---, ex ---, from ---, on the ---day of ---, 1951, for exhibition purposes under Public Law No. 46, of the 82d Congress, approved June 12, 1951.

Mark	Number	Package and contents	Quantity	Invoice	Value

INTERNATIONAL TRADE FAIR, INCORPORATED,
By ---

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 66.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 66.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations 1943 (19 CFR 8.33).

§ 66.3 *Compliance, provisions of Plant Quarantine Act of 1912 and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, and 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 66.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the fair buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 66.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the General Tariff Law, involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 46 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned

to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government. (532.2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 18, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7258; Filed, June 25, 1951; 8:56 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

PLACEMENT PROCESS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, and Reorganization Plan No. 2 of 1949, 5 U. S. C. A. 1332, § 604.1 (b) is hereby amended to read as follows:

§ 604.1 *The placement process.* It is the policy of the United States Employment Service: • • •

(b) To obtain from an applicant only that information which is necessary to determine his qualifications for employment and facilitate his placement on a job.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 19th day of June 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-7221; Filed, June 25, 1951; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5846]

PART 182—INDUSTRIAL ALCOHOL

SPECIALLY DENATURED ALCOHOL FORMULA

1. The appendix to Regulations 3, approved March 6, 1942 (26 CFR Part 182), is hereby amended by modifying Formula 2-B for the manufacture of specially denatured alcohol to read as follows:

FORMULA NO. 2-B

To every 100 gallons of ethyl alcohol add: 2-B. One-half gallon benzol or one-half gallon rubber hydrocarbon solvent. (This formula must be used in a closed and continuous process unless it is shown that it is not practicable to do so.)

2. The appendix is further amended by inserting in the specifications for denaturants in specially denatured alcohol, immediately following the specifications for pyridine bases, specifications for rubber hydrocarbon solvent, as follows:

RUBBER HYDROCARBON SOLVENT

Rubber hydrocarbon solvent is a product derived from petroleum meeting the following requirements:

Distillation range (according to A. S. T. M. Specifications D 86-40). When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 72 degrees Centigrade (162 degrees Fahrenheit) nor less than 49 degrees Centigrade (120 degrees Fahrenheit). When 90 percent has been recovered in the receiver the thermometer shall not read more than 121 degrees Centigrade (250 degrees Fahrenheit).

3. The purposes of these amendments are to modify specially denatured alcohol Formula No. 2-B to permit the use of either benzol or rubber hydrocarbon solvent as a denaturant, and to prescribe specifications for the latter material.

4. This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 355, 358; 26 U. S. C. 3070, 3105)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: June 19, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7259; Filed, June 25, 1951; 8:57 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 213—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITARY BANKS OF EMPLOYER AND EMPLOYEE TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; INCOME TAXES WITHHELD ON WAGES UNDER SECTION 1622 OF THE INTERNAL REVENUE CODE AND EMPLOYER AND EMPLOYEE TAXES UNDER THE RAILROAD RETIREMENT ACT [1]

Part 213, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 848, dated November 10, 1949, as amended) is hereby revised effective July 1, 1951, to read as follows:

Sec.
213.1 Definition of terms.
213.2 Authorization of Federal Reserve Banks.
213.3 Designation of banks which may be qualified to act as Depositaries for Federal Taxes.
213.4 Qualification of designated banks as Depositaries for Federal Taxes.
213.5 Procedure to be followed by Depositaries for Federal Taxes.
213.6 Issuance of replacement receipts; inquiries from employers.
213.7 Termination of the qualification of a Depositary for Federal Taxes.
213.8 Treatment by collector of internal revenue of validated depositary receipts.
213.9 Functions to be performed by Federal Reserve Banks.
213.10 Amendment or revocation of regulations in this part.

AUTHORITY: §§ 213.1 to 213.10 issued under sec. 15, 38 Stat. 265, sec. 8, 40 Stat. 291, as amended, 53 Stat. 399, as amended, sec. 10, 56 Stat. 356; 12 U. S. C. 391, 31 U. S. C. 771, 26 U. S. C. and Sup., 3310, 12 U. S. C. 265.

SOURCE: Secs. 2 to 11 of Treasury Department Circular No. 848 (Revised) dated June 25, 1951, correspond respectively to §§ 213.1 to 213.10 of this part.

§ 213.1 *Definition of terms.* When used in this part, the terms listed below shall have the following meaning, unless otherwise expressly stated:

(a) "Federal Taxes" shall mean (1) income taxes withheld by employers pursuant to section 1622 of the Internal Revenue Code; (2) employer taxes under section 1410 of such Code and employee taxes withheld under section 1401 of such Code (Social Security employment taxes); and (3) employer taxes under section 1520 of such Code and employee taxes withheld under section 1501 of such Code (Railroad Retirement taxes);

(b) "Federal Reserve Bank" shall mean any of the several Federal Reserve Banks, as fiscal agent of the United States;

(c) "Depositary for Federal Taxes" shall mean a designated bank or trust company that has qualified, in accordance with the provisions of this part as originally published, or in its present form, to receive from employers deposits of Federal Taxes, as defined in paragraph (a) of this section, and unless otherwise expressly stated the word "depositary" when used herein shall refer to a "Depositary for Federal Taxes".

(d) "Depositary receipt" shall mean (1) U. S. Treasury Department Forms 450 and 450-A (Rev. Jan. 1951)—"Federal Depositary Receipt", for use by employers in making deposits of withheld income taxes and Social Security employment taxes; and (2) U. S. Treasury Department Form 515—"Railroad Retirement Depositary Receipt", for use by employers in making deposits of Railroad Retirement taxes.

§ 213.2 *Authorization of Federal Reserve Banks.* Pursuant to the authority contained in section 3310 (f) (2) of the Internal Revenue Code and the Federal Reserve Act, as amended, the several Federal Reserve Banks, in their capacity as fiscal agents of the United States, are hereby authorized and directed, subject to the provisions of this part, to receive from employers or other persons, hereinafter referred to as employers, deposits of Federal Taxes and to perform such other functions as may be prescribed by the Secretary of the Treasury in connection with the handling and processing of such tax deposits. The functions to be performed by Federal Reserve Banks are outlined hereinafter, and will be described in detail, together with the detailed procedure to be followed in performing the required functions, in instructions to the Federal Reserve Banks.

§ 213.3 *Designation of banks which may be qualified to act as Depositaries for Federal Taxes.* (a) Pursuant to the authority contained in section 3310 (f) (2) of the Internal Revenue Code, all insured incorporated banks, within the meaning of section 10 of the act of June 11, 1942, and all uninsured incorporated banks and trust companies designated as "Special Depositaries of Public Moneys" under the provisions of the act of Congress approved September 24, 1917, as amended, are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers deposits of Federal Taxes; *Provided*, That no such bank or trust company shall perform any of the acts covered by this designation until it has qualified, in the manner herein prescribed, to so act. Banks and trust companies that qualify for the purpose of receiving deposits of Federal Taxes from employers will be known as "Depositaries for Federal Taxes".

(b) Banking institutions which have heretofore been designated as depositaries for withheld income taxes, in accordance with the provisions of Part 212 of this chapter or as depositaries and financial agents of the Government for the performance of certain classes of fiscal duties, will be required to qualify under the terms of this part in order to act as Depositaries for Federal Taxes. Banking institutions that have qualified as Depositaries for Federal Taxes, in accordance with the provisions of this part, as originally published, 14 F. R. 7061, will not be required to requalify in accordance with the provisions of this part in its present form.

(c) Incorporated banks or trust companies located in the territories and insular possessions of the United States, which are not insured banks within the meaning of section 10 of the act of June 11, 1942, but which are otherwise eligible for designation as depositaries or financial agents of the United States, may be specifically designated by the Secretary of the Treasury under the act of June 19, 1922 (31 U. S. C. 473), governing depositaries outside of the continental United States, to act as Depositaries for Federal Taxes, upon qualification substantially in accordance with the provisions of § 213.4. Banks and trust companies located in the Territories of Alaska and Hawaii should transmit applications for such designation to the Federal Reserve Bank of San Francisco, and banks and trust companies located in Puerto Rico, the Virgin Islands and the Panama Canal Zone should transmit applications for such designation to the Federal Reserve Bank of New York.

§ 213.4 *Qualification of designated banks as Depositaries for Federal Taxes.* Any designated bank or trust company which desires to qualify, under the terms of this part, for receiving from employers deposits of Federal Taxes without compensation for its services, should apply for qualification through the Federal Reserve Bank of the district in which it is located. Such application shall be made on Application-Agreement, Depositary for Federal Taxes (Form No. 469-Revised). Copies of this form and instructions regarding the application may be obtained from the Federal Reserve Bank. No designated bank, which has made application for qualification, shall act as a Depositary for Federal Taxes under the terms of this part until it receives from the Federal Reserve Bank notice of approval of the application. Upon receipt of such notice, each designated bank is hereby authorized to receive deposits of Federal Taxes from employers.

§ 213.5 *Procedure to be followed by Depositaries for Federal Taxes.* There are outlined below the basic requirements of the procedure that will be observed by qualified Depositaries for Federal Taxes with respect to deposits of Federal Taxes. More detailed instructions will be furnished such depositaries, through the Federal Reserve Banks.

(a) Depositaries shall accept from employers, who desire to make deposits of Federal Taxes with such depositaries, cash or remittances in the form of check, money order, etc., covering the amount of the Federal Taxes, accompanied by an appropriate depositary receipt form on which the employer has inscribed, in ink or by typewriter, his name, address, employer's identification number, and total amount of taxes: *Provided*, That depositaries will not be required to, but may at their own risk, accept from employers funds which are not immediately available to the depositary at the time of deposit. Depositaries shall not accept from employers any type of depositary receipt form, accompanying their remittances, other than the depositary receipt forms prescribed in this part, and shall not accept Treasury Savings Notes or other public debt securities of the United States as deposits of Federal Taxes under this part.

(b) If requested to do so by employers, depositaries will issue a memorandum or counter receipt to employers evidencing receipt of funds by the depositary. It is important that memorandum receipts issued by depositaries clearly state that employers must not attach such memorandum receipts to their tax returns as evidence of deposit of taxes, since only official depositary receipts, which have been validated by a Federal Reserve Bank, will be accepted by collectors of internal revenue. A suggested form of memorandum receipt, which shall be provided by the depositaries at their own expense, is shown as the appendix of this part.

(c) Depositaries will endorse each depositary receipt in the space provided on the reverse thereof, indicating the name of the depositary and the date on which the tax deposit was received by the depositary.

(d) Depositaries shall forward daily to the Federal Reserve Bank of their district the depositary receipts inscribed by employers, together with payment in funds immediately available at the Federal Reserve Bank point or advice that funds have been credited in the Treasury Tax and Loan Account of the depositary, covering the aggregate amount of all Federal Tax deposits received during that day. (Regulations governing deposits in Treasury Tax and Loan Accounts are contained in Part 203 of this chapter.) Each transmittal will be accompanied by a transmittal letter in the form prescribed by the Federal Reserve Banks. It is important that the depositary receipts be forwarded daily in order that they may be validated by the Federal Reserve Bank and returned directly to the respective employers without delay, together with a blank depositary receipt for the employer's use in making his next deposit.

(e) Depositaries will establish, prior to transmittal to the Federal Reserve Bank, an adequate record of all deposits received from employers, so that the depositary will be able to identify deposits in the event depositary receipts are lost in shipment between depositaries and Federal Reserve Banks. For this purpose, it will only be necessary to maintain a record of the date of payment, the employer's identification number and the total amount of tax deposit; therefore, copies of memorandum receipts and copies of the depositary's transmittal letter, if individual deposits and employers' identification numbers are listed separately, could be used to provide the necessary information.

§ 213.6 *Issuance of replacement receipts; inquiries from employers.* (a) In the event a depositary receipt, which has been validated by a Federal Reserve Bank, is lost, stolen, or destroyed before it is forwarded to a collector of internal revenue with the employer's quarterly Federal tax return, the employer will be issued a replacement receipt upon proper application and submission of required evidence to the Federal Reserve Bank which validated the receipt. Such issuance of replacement receipts will be governed by requirements and procedure prescribed by the Secretary of the Treasury. Depositaries should instruct employers to execute "Application for Issuance of Replacement Depositary Receipt", indicating thereon the type of taxes, the date and amount of deposit, employer's name, address, and identification number, and the serial number of the validated depositary receipt, and should indicate whether deposit was made with the Depositary for Federal Taxes or directly with the Federal Reserve Bank.

(b) In the event an employer makes inquiry of a depositary with respect to a deposit made with such depositary, for which he has not received a validated depositary receipt from the Federal Reserve Bank, the depositary should furnish the required information, stated in the preceding subsection, to the Federal Reserve Bank to enable it to investigate the matter.

(c) If a depositary receipt without the employer's identification number inscribed thereon is presented to a depositary by an employer when he makes his deposit of Federal Taxes, the depositary should request him to inscribe the identification number in the space provided. In the event the employer has not been assigned an employer's identification number, the depositary should nevertheless accept the deposit. If the employer has not made application for an identification number to the collector for his district, the depositary should request him to do so.

[1] The forms mentioned in this part were filed as a part of the original document with the Division of the Federal Register. Copies may be obtained upon request from the several Federal Reserve Banks.

§ 213.7 *Termination of the qualification of a Depositary for Federal Taxes.* The Secretary of the Treasury may terminate at any time the qualification of any Depositary for Federal Taxes. Failure upon the part of a depositary to comply with the provisions of this part, and any amendments or supplements thereof, or with instructions issued pursuant thereto, may, in the discretion of the Secretary of the Treasury, constitute grounds for termination of qualification. Likewise, any depositary may terminate its qualification upon formal notice to the Secretary of the Treasury, through the Federal Reserve Bank of its district.

§ 213.8 *Treatment by collector of internal revenue of validated depositary receipts.* (a) Deposits of Federal Taxes made by employers with Depositaries for Federal Taxes and Federal Reserve Banks shall be treated as payment of such taxes to collectors of internal revenue upon the filing of the employer's quarterly tax return and the presentation therewith to such collectors of properly executed and validated depositary receipts. Collectors of internal revenue will deposit all such depositary receipts, as internal revenue collections, with the Federal Reserve Bank of the district in which the collector's head office is located. Each such deposit shall be accompanied by an appropriate certificate of deposit which shall not include any class of deposit other than depositary receipts.

(b) In any case in which a depositary receipt is deposited by a collector of internal revenue with a Federal Reserve Bank, and it is determined that the employer failed to pay to a depositary or a Federal Reserve Bank the amount stated thereon, the Federal Reserve Bank may return such item to the collector of internal revenue, under procedure prescribed by the Secretary of the Treasury.

§ 213.9 *Functions to be performed by Federal Reserve Banks.* The functions to be performed by Federal Reserve Banks, as fiscal agents of the United States, with respect to Federal Taxes, will be prescribed in detailed instructions to such banks. The Federal Reserve Banks will perform such additional functions relating to the deposit of Federal Taxes as may be required from time to time by the Secretary of the Treasury. In general, Federal Reserve Banks will:

(a) Receive directly from employers deposits of Federal Taxes, accompanied by inscribed depositary receipts, and establish appropriate accounting control for such deposits. The requirements upon employers with respect to inscribing depositary receipts and use of the prescribed receipt forms described in § 213.5 (a) shall be applicable to tax deposits made directly with Federal Reserve Banks.

(b) Be responsible for the qualification of designated banks as Depositaries for Federal Taxes and for the general supervision of depositaries' operations under such qualification.

(c) Receive from depositaries remittances and inscribed depositary receipts, relating to tax deposits made with depositaries by employers, and establish appropriate accounting control for such tax deposits.

(d) Validate depositary receipts, relating to tax deposits made with depositaries, as well as directly with the Federal Reserve Bank, and return such validated receipts to employers, together with blank depositary receipt forms for use by the employers in making their next deposit of Federal Taxes.

(e) Perform the necessary functions to provide for crediting deposits of Federal Taxes in Treasury Tax and Loan Accounts of depositary banks, with respect to deposits of such taxes made by employers with banks acting in their capacity as Depositaries for Federal Taxes.

(f) Receive deposits of validated depositary receipts from collectors of internal revenue for appropriate credit and clearance in the central accounts of the Treasury Department.

(g) Perform appropriate matching and auditing functions to verify that the tax deposits, represented by the depositary receipts deposited by collectors of internal revenue, were previously received by the Federal Reserve Bank from depositaries or directly from employers.

(h) Issue replacement receipts, referred to in § 213.6, for validated depositary receipts which are lost, stolen or destroyed.

§ 213.10 *Amendment or revocation of regulations in this part.* The Secretary of the Treasury may revoke or amend any or all provisions of this part at any time or from time to time.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JUNE 25, 1951.

[F. R. Doc. 51-7274; Filed, June 25, 1951; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT IN ARMY MEDICAL SERVICE SECTIONS

Paragraph (a) (2) (ii) of § 561.18 is amended to read as follows:

§ 561.18 *Appointment in Army Medical Service Sections—(a) General.* • • •

(2) *Limitation on appointments in Active Reserve.* • • •

(ii) Appointments in the Volunteer Reserve will be limited to:

(*a*) Those necessary to meet the need for officers for extended active duty when qualified officers of the Active or Inactive Reserve are not available.

(*b*) Qualified personnel indicated in paragraphs (a) (1) (ii) (*a*), (*b*), and (*c*), (*f*), and (*g*) of this section in grade for which qualified, but not above the grade of Captain.

• • • • •

[C4, SR 140-105-6, June 11, 1951] (R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] WM. E. BERGIN,
Major General, U. S. A.,
Acting The Adjutant General.

[F. R. Doc. 51-7222; Filed, June 25, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amendment 4]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

DIRECT WAREHOUSING AND DELIVERY OF FROZEN FOODS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits certain Group 3 and Group 4 stores an additional allowance in computing "net cost" for frozen foods under certain prescribed circumstances.

The standard trade practice in the distribution of frozen foods has changed a great deal for certain large operators since the end of World War II. Formerly, Group 3 and Group 4 stores, for the most part, purchased frozen foods from a local distributor who made delivery directly to the retail stores. The 27 percent markup allowed in MPR 422 under OPA and presently allowed in CPR 15 for frozen foods to Group 3 and Group 4 stores assumes the above practice. Of recent years the method of distribution for certain large retailers has changed in that they now perform a direct warehouse and delivery operation for frozen foods. These functions entail, among other things, the added expense of warehousing facilities and refrigerated trucks for delivery to retail outlets. In such cases the 27 percent markup does not reflect an allowance for the added expense. A retailer performing such functions for the distribution of frozen foods has a lower "net cost" on which to apply the 27 percent markup than that of a competitor purchasing frozen foods through a local distributor who makes delivery directly to him. Available facts indicate that some adjustment is necessary in order to permit those retailers performing these functions to recapture their expenses. A substantial proportion of retailers performing the warehousing and delivery functions of frozen foods were consulted and upon the data obtained from them it was determined that the average cost of performing these functions was eight percent of the net cost of the items handled in this manner. Accordingly, this regulation provides that where a retailer owns, leases or controls all of the warehousing, assembly and delivery facilities, he multiplies his "net cost" by 1.08 before applying the markup allowed for his store group in Table A of CPR 15. In those cases where the retailer does not own, lease or control all of the facilities, or performs only part of such warehousing and delivery functions, he must report his direct costs to his OPS district office, which may authorize him an allowance, not to exceed 8 percent of his "net cost" for any item of frozen foods handled in such manner, to compensate for the actual expenses he incurs incident to such handling.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives, however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. A new section, 21a, is inserted between section 21 and section 22 to read as follows:

SEC. 21a. *Additional allowance for warehousing and delivery of frozen foods.* If the price you pay for any item of frozen foods is no higher than the manufacturer's or processor's ceiling price for the item, you may, in determining your ceiling price for the item use whichever of the following is applicable.

(a) *Complete warehousing and delivery.* If you receive, handle and deliver any item of frozen foods in the following manner, you may multiply your "net cost" of the item by 1.08 before applying the markup allowed for your store group in Table A:

(1) Your usual receiving point of the item is a warehouse owned, leased, or controlled by you, which is designed for the purpose of maintaining frozen foods at proper temperatures, and the item is stored in such a warehouse.

(2) You accept title to the item prior to, or at the time, it is first placed in storage in such warehouse.

(3) You assemble orders for delivery in such warehouse or in a breakup room in such warehouse.

(4) You ship or deliver the item to your retail store in special containers, or in trucks that are designed to maintain frozen foods at proper temperatures, and such containers or trucks are owned, leased, or controlled by you.

If, at any time, you discontinue entirely the above method of doing business for the item you may no longer multiply your "net cost" of that item of frozen foods by 1.08 before applying the markup allowed for your store group in Table A. In the event, however, your method of performing the above functions changes in part for the item, you must immediately report the circumstances to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, and apply in writing under the provisions of paragraph (b) of this section. Pending action by such district office on your application under the provisions of paragraph (b) of this section, you may upon filing such application begin to add the additional percentage figure, not to exceed 8 percent of the "net cost" for the item, set forth in answer to paragraph (b) (3) of this section to your "net cost" for the item of frozen foods before applying the markup allowed for your store group in Table A.

(b) *Partial and contract warehousing and delivery.* If you do not receive, handle and deliver an item of frozen foods in the precise manner and in all the respects outlined in paragraph (a) of this section, but you do perform some of these functions, or you contract to have some or all of such functions performed for you, you may apply in writing to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, for authority to add a specific percentage markup, not to exceed 8 percent, to your "net cost", to reflect an allowance for your actual warehousing, assembly and delivery costs for the item. Your application must be filled in duplicate with such OPS district office and must contain for your calendar or fiscal year 1950, (if not in business all of 1950 use your most recent fiscal period) the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions performed by you or which you contract to have performed for you in connection with the distribution of frozen foods which you own.

(2) A statement showing, for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the "net cost" of frozen foods so handled, and the actual out-of-pocket expenses incurred by you because of the performance of such warehousing, assembly and delivery functions which you would not have incurred if you had not handled frozen foods in such manner. If you cannot segregate your handling costs because you contract for more than one of the functions described above and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your contractual arrangements.

(3) A statement showing such actual warehousing, assembly and delivery costs incurred by you in terms of a percentage of your "net cost", not to exceed 8 percent, for frozen foods handled in such manner.

If such OPS district office does not notify you within 10 days from the date that you file your application, you may begin to add the additional percentage figure set forth in answer to sub-paragraph (3) of this paragraph, to your "net cost" of the item of frozen foods before applying the frozen food markup for your store group in Table A, subject to any action which may be later taken by such OPS district office. In no event may such percentage markup exceed 8 percent of the "net cost" for any item of frozen foods. If, any time, after you are authorized to use such percentage markup, your method of performing these warehousing, assembly and delivery functions changes in any material respect, you must report the circumstances to such OPS district office, and upon a review of the facts your percentage markup allowance, not to exceed 8 percent of the "net cost" for the item, may be adjusted to reflect the changes in your method of operation.

(c) *Retailers who have not previously performed partial or contract warehousing and delivery.* If you did not perform any of the warehousing, assembly and delivery functions outlined in paragraph (a) of this section prior to the effective date of this amendment and you now desire to perform some of such functions or contract to have some or all of such functions performed for you, you may apply to the OPS district office for the area where the warehouse in which you will receive your frozen foods is located, for authority to add a specific markup to your "net cost" not to exceed 8 percent, to reflect an allowance for the actual warehousing, assembly and delivery costs for any item of frozen foods you handle in the proposed manner. Your application must be filed in duplicate with the OPS district office and must contain the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions which you intend to perform or which you will contract to have performed for you in connection with the distribution of frozen foods.

(2) A statement showing for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the estimated "net cost" of frozen foods to be so handled, and the actual out-of-pocket expenses which you estimate will be incurred by you because of the performance of such warehousing, assembly and delivery functions which you will not incur if you do not handle frozen foods in such manner. The figures contained in this statement shall be estimated for a six months period from the date of your application. If you cannot segregate your handling costs because you are contracting for more than one of the functions described above, and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your proposed contractual arrangements.

(3) A statement showing an estimated percentage markup, not to exceed 8 percent, to your "net cost" for frozen foods which will be necessary to reflect an allowance for the actual warehousing, assembly and delivery cost which will be incurred by you if you handle frozen foods in such manner.

You may not operate under this section until you are notified in writing by such OPS district office of the additional percentage markup, not to exceed 8 percent, which you will be allowed to use. In addition, within twenty-five days after the close of the first six months of operation you shall submit to such OPS district office a new application under the provisions of paragraph (b) of this section using your actual cost data for this six months period, so that your percentage markup, not to exceed 8 percent, may be adjusted to reflect your actual warehousing, assembly and delivery costs.

(d) If you price any item of frozen foods under the provisions of this section you may not use the provisions of section 21, paragraph (a) in arriving at your "net cost."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 25th day of June, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7370: Filed, June 25, 1951; 11:25 a. m.]

[Ceiling Price Regulation 49]

CPR 49—WOOD PULP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation No. 49 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices for 12 standard grades of wood pulp produced in the United States for domestic consumption or for export. A procedure is set forth for determining the ceiling prices for special grades of wood pulp in line with the ceiling prices for the standard grades. Ceiling prices also are established on four grades of wood pulp comprising the bulk of imports from overseas countries and a method is set forth for pricing all other grades from such countries. Ceiling prices are not fixed for wood pulp imported from Canada because the Canadian Department of Defense Production has taken action to stabilize the prices of wood pulp sold to consumers in this country and has given assurance to the United States Government that no general price increase will be authorized without prior consultation with the United States.

Description of the Market Wood Pulp Industry. Production of wood pulp in the United States exceeds that of any other country, amounting to approximately 40 percent of the world total. This country, however, consumes almost 50 percent of the world supply of wood pulp and purchases about one-third of the wood pulp moving in international trade. Wood pulp production in the United States is chiefly by integrated mills for their own use in the manufacture of paper and paperboard. Domestically produced market wood pulp, i. e. wood pulp made for sale, constitutes only about 10 percent of domestic output. Total sales of domestic and imported market wood pulp, however, amounted to about 20 percent of United States consumption in 1950. United States exports of wood pulp are equal to less than 1 percent of domestic production.

TABLE 1.—WOOD PULP: UNITED STATES PRODUCTION, EXPORTS, IMPORTS, IN SPECIFIED YEARS, 1947–50

[In thousands of tons]

Year	Production	Exports	Imports
1947 [1]	11,946	130	2,323
1949 [2]	12,172	122	1,763
1950 [2]	14,827	96	2,379

[1] Source: U. S. Department of Commerce, Bureau of the Census.
[2] Source: U. S. Wood Pulp Producers Association.

The wood pulp industry of the United States consists of about 260 mills which, in 1950 produced 14.8 million tons of wood pulp. Normally, only 15 to 20 of these mills produce wood pulp exclusively for sale. The remainder of the domestic supply of market wood pulp is from integrated mills, which sell in the market generally when the return from sales of wood pulp exceeds the return from sales of paper and paper products. In 1950, according to statistics of the U. S. Wood Pulp Producers Association, the American paper industry purchased 2.9 million tons of wood pulp, of which 900,000 tons were domestic production, 1.3 million tons were imported from Canada, and 700,000 tons were from Europe, chiefly Sweden and Finland. In the same year, the rayon and other chemical converting industries purchased about 680,000 tons of special grades of sulphite wood pulp of which approximately 440,000 tons were from United States mills and 240,000 tons were imported, almost wholly from Canada. Of the 2.9 million tons of market wood pulp consumed by the paper industry, 1.5 million tons were bleached and unbleached sulphite wood pulp and 975,000 tons were bleached and unbleached sulphate wood pulp. About one-third of the sulphite wood pulp and three-fourths of the sulphate wood pulp were imported. Canada was the source of most of the sulphite wood pulp and European countries supplied most of the sulphate wood pulp.

The principal consumers of market wood pulp are non-integrated mills which are located chiefly in the Northeastern and North central states. To a large degree these mills manufacture high priced specialty-type paper composed of several grades of wood pulp. Of the total quantity of market wood pulp consumed in this country in 1950, 50 percent was by non-integrated mills, 30 percent by integrated and partially integrated mills, and 20 percent by the rayon and other chemical converting industries.

Necessity for this Ceiling Price Regulation. With the outbreak of the Korean war, average domestic wood pulp prices rose substantially. Between June 1950 and January 1951, the domestic price of bleached sulphite rose from $118.00 to $135.00–$165.00 per ton, and the price for unbleached sulphate wood pulp rose from $80.00–$85.00 to $130.00–$200.00 (Table 2). Similar advances in domestic prices were recorded for the other major grades during this period.

The ranges of domestic and import prices pre-Korea, under General Ceiling Price Regulation, and in the second quarter of 1951 are shown in the following table:

TABLE 2.—RANGE IN DOMESTIC AND IMPORT PRICES OF MAJOR GRADES OF WOOD PULP

Grade of wood pulp	June 1950	Under GCPR	Second quarter 1951
Domestic prices:			
Bleached sulphite	$118	$135–$165	$135–$165
Unbleached sulphate	$80–85	130–200	----------
Import prices:			
Bleached sulphite:			
Canada [2]	118	145–160	160–170
Finland [3]	118	183	225
Sweden [3]	118	175	275–290
Unbleached sulphate:			
Canada [2]	82–85	135–155	155–170
Finland [3]	85	153	200
Sweden [3]	85	153	250–275

[1] Full freight allowed.
[2] Varying freight allowances.
[3] On dock.

Source: Compiled from data supplied by U. S. Wood Pulp Producers Association, price lists of market wood pulp firms, and Industry Advisory Committee.

The advance in domestic wood pulp prices after Korea was overshadowed by the sharp increases in the prices of imported wood pulp—particularly European wood pulp. Between June 1950 and January 1951, the price of bleached sulphite from Canada rose from $118 to $145–$160. In the same period the Finnish price for this grade increased from $118 to $183 and the Swedish price from $118 to $175. This upward price movement continued unabated in the second quarter of 1951 when the Canadian prices of bleached sulphite ranged from $160–$170, the Finnish price reached $225, and Swedish prices were spread from $275 to $290 (Table 2). The prices of unbleached sulphate from foreign countries rose at an even greater rate. The Canadian price for this grade of wood pulp increased from $82–$85 per ton in June 1950 to $135–$155 per ton in the first quarter of 1951 and continued upward to $155–$170 per ton in the second quarter. Starting from the same pre-Korea level the Finnish price reached $153 in the first quarter of 1951 and $200 in the second quarter of this year. The Swedish second quarter price was $250–$275.

The higher level of prices in the American wood pulp market in the second half of 1950 was to a large extent justified by increased costs for producers. This is especially pronounced in the case of pulpwood, which represents from 45 to 65 percent of manufacturing cost. In the Northeastern states, price advances

of 14 percent to 32 percent have been reported for spruce and fir pulpwood between June 1950 and January 1951. To encourage production of an adequate supply, ceilings were recently established under Ceiling Price Regulation 38 for pulpwood in this area above the pre-Korean levels although somewhat below the highest prices frozen under the General Ceiling Price Regulation. In the Lake states region price increases ranging from 4 percent to 30 percent have been reported. Some increases in wood pulp manufacturing costs have resulted from higher labor and chemical costs, which together represent 20 percent of total cost.

Prior to issuance of this regulation the prices of domestic and imported wood pulp were subject to the provisions of the General Ceiling Price Regulation. These prices, however, are unsatisfactory because (1) they embody inflationary price increases which occurred subsequent to June 1950, (2) the existing spread of prices for each grade of wood pulp due to non-uniform price increases since June 1950, if continued, might cause serious dislocations in the industry, and (3) continued purchases of foreign wood pulp at inordinately high prices would pose a serious threat to the stabilization of prices of paper, paperboard and their converted products.

The level of ceiling prices under this regulation. In establishing ceiling prices under this regulation, consideration has been given to the level of prices prevailing pre-Korea and to the increased manufacturing costs which occurred up to the first quarter of 1951. It was also recognized that the substantial rollback of import prices would probably cause a decline in European exports of wood pulp to the United States. Therefore, the domestic ceiling prices must be high enough to cause mills which normally sell all or part of their production to make available the maximum amount of wood pulp. For the same reasons, these ceilings must be high enough to be an adequate compensation to the integrated companies, which, at the direction of the National Production Authority, will curtail their own production of paper or paperboard by diverting part of their wood pulp to the partially integrated and non-integrated companies.

Domestic prices. The level of ceiling prices established for domestically produced wood pulp are in the lower range of prices in effect during the period December 19, 1950–January 25, 1951, inclusive. Some wood pulp producers, consequently, will find it necessary to reduce their prices established under the General Ceiling Price Regulation by substantial amounts.

As a result of extensive consultation with representative sellers and buyers of domestic and imported wood pulp and with representatives of the National Production Authority, it was determined that the price of standard bleached sulphite wood pulp, the principal domestic grade sold, should serve as the base to which the ceiling prices of all other grades would be related. The price of $140 per ton for this grade, established by this regulation, is $22 higher than the price prevailing before Korea. This should be sufficient to cover adequately all increases in manufacturing costs which have occurred since Korea.

The differentials applied to the price of bleached sulphite to arrive at the prices for other grades of wood pulp reflect historical differentials in price, the costs of bleaching wood pulp, and the need for an increased supply of certain grades if the anticipated curtailment of imports occurs as a result of the rollback of prices of overseas wood pulp.

Export prices. Under this regulation the prices established for wood pulp to be exported are the same as the domestic prices except that mills will absorb the amount of freight only to the nearest port of export.

Ceiling prices for imported wood pulp. Ceiling prices for imported wood pulp have been established for wood pulp originating only in overseas countries. They have not been established for wood pulp from Canada because the Canadian Government has given assurances that no general increase will be authorized in the export price of Canadian wood pulp to the United States without prior consultation with the appropriate agencies of the United States Government. Under this arrangement, American buyers will continue to pay prices for Canadian wood pulp which, although higher than the prices of domestic wood pulp, will be substantially less than the ceiling prices for wood pulp from overseas countries.

The ceiling prices for wood pulp from overseas countries represent the lowest level of prices in effect for such wood pulp during the second quarter of 1951 and, for certain grades, are as much as $65.00 per ton less than some of the prices for wood pulp from these countries.

Transportation allowances. The "basic transportation allowance" pricing system for domestic wood pulp used in this regulation is derived from the system used successfully by the Office of Price Administration. The freight absorption relationships among the various domestic producing areas and for wood pulp of different moisture content have been retained but the specific maximum amounts of freight charges that must be absorbed by the seller have been increased to reflect the higher transportation rates in effect at the present time. This pricing system will assist paper and paperboard mills far-removed from wood pulp producing areas to obtain needed supplies.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and the National Production Authority, the Department of State, the Economic Cooperation Administration, and the Department of Commerce, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent that this regulation compels changes in business practices, cost practices or methods, or means of aids of distribution established in the industry, such changes are necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability and prohibitions.
3. Definitions.
4. Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States.
5. Basic transportation allowances.
6. Ceiling prices for domestic sales of certain special grades of wood pulp produced within the continental limits of the United States.
7. Export sales and sales for export.
8. Ceiling prices for imports of overseas wood pulp.
9. Less than ceiling prices.
10. Resales.
11. Petitions for amendment.
12. Applications for individual price adjustment.
13. Adjustable pricing.
14. Records and reports.
15. Evasion.
16. Enforcement.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for standard grades of wood pulp either produced in the United States, exported, or imported into the United States from overseas areas. Methods are also provided by which producers may establish their ceiling prices for certain special grades of wood pulp. The ceiling prices of this regulation supersede those established by the General Ceiling Price Regulation.

SEC. 2. *Applicability and prohibitions.*—(a) *Applicability.* The provisions of this regulation are applicable to the United States and the District of Columbia but shall not be applicable to the territories and possessions of the United States. If on or prior to the effective date of this regulation any domestically produced wood pulp has been received by a carrier for shipment to a purchaser, or any overseas wood pulp is in transit on either an ocean carrier or on a North American inland carrier for delivery to a domestic consumer, then the provisions of the General Ceiling Price Regulation and not this regulation shall apply.

(b) *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation:

(1) You shall not sell or deliver wood pulp at prices higher than the ceiling prices established by this regulation.

(2) You shall not buy or receive wood pulp, in the course of trade or business,

at prices higher than the ceiling prices established by this regulation.

(3) You shall not agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 3. *Definitions.* (a) When used in this regulation, the term:

(1) "Bleached soda pulp" consists of wood pulp produced by the soda process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of 66 or more.

(2) "Bleached sulphate" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of above 65.

(3) "Bleached sulphite" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphite process from the wood of coniferous or broadleaf trees and bleached to a G. E. Brightness of 70 or above.

(4) "Consumer" includes any person who purchases wood pulp for his own consumption, the Government of the United States, any foreign government or any agency thereof.

(5) "Domestic sales" include any sale between a producer and a consumer both located within the continental limits of the United States.

(6) "G. E. Brightness" means the degree of brightness of wood pulp, as determined by the G. E. Brightness test, as that test is defined in the most recent modification of T. A. P. P. I. Standard Method T 217.

(7) "Groundwood (Mechanical wood pulp)" consists of wood pulp produced mechanically by grinding wood from coniferous or broadleaf trees on revolving wood pulp stones.

(8) "Groundwood screenings" consist of the residuum of wood pulp resulting from and remaining after the production of groundwood wood pulp.

(9) "Lake Central area" includes the states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North and South Dakota, and those parts of Montana, Wyoming, and Colorado east of the Continental Divide.

(10) "Northeast area" includes the states of Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

(11) "Overseas areas" include all countries other than those of North America.

(12) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(13) "Producer" includes any person who produces wood pulp.

(14) "Resales" include any domestic sales to a consumer, by a consumer or producer, of wood pulp owned but not produced by such consumer or producer.

(15) "Semi-bleached sulphate" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of not less than 45 nor more than 65.

(16) "Short air dry ton" means a ton of 2,000 pounds composed of 90 parts of oven dry fibre and 10 parts of water by weight.

(17) "Southern area" includes all parts of the United States south of the North East and Lake Central areas, and east of the West Coast area.

(18) "Standard newsprint side-runs" consist of side trim rolls of standard newsprint paper sold for and used as wood pulp.

(19) "Sulphate screenings" consist of the residuum of wood pulp resulting from and remaining after the production of any grade of sulphate wood pulp.

(20) "Sulphite screenings" consist of the residuum of wood pulp resulting from and remaining after the production of any grade of sulphite wood pulp.

(21) "Unbleached sulphate" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and either unbleached or bleached to a G. E. Brightness of less than 45.

(22) "Unbleached sulphite" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphite process from the wood of coniferous or broadleaf trees and other unbleached or bleached to a G. E. Brightness of less than 70.

(23) "Unbleached sulphate side-runs" consist of side trim rolls of paper or paperboard manufactured from unbleached sulphate wood pulp and sold for and used as wood pulp.

(24) "West Coast area" includes the area of the United States west of the Continental Divide.

(25) "Wood pulp" includes any pulped fibre material which has been produced either mechanically or chemically from any fibrous cellulose raw material and from which, by a suitable process of manufacture, paper, paperboard, rayon, nitrocellulose, plastics, and any related products can be made, and also side-run paper or paperboard in rolls when sold for manufacture into any of the aforesaid paper products, or any related products.

SEC. 4. *Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States.* Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States are per short air dry ton, delivered consumer mill including the basic maximum transportation allowances as provided in section 5 of this regulation.

Bleached sulphite	$140.00
Unbleached sulphite	132.50
Bleached sulphate	145.00
Semi-bleached sulphate	140.00
Unbleached sulphate	132.50
Bleached soda pulp	140.00
Groundwood pulp	92.50
Sulphite screenings	72.50
Sulphate screenings	$67.50
Groundwood screenings	60.00
Unbleached sulphate side-runs	132.50
Standard newsprint side-runs	92.50

SEC. 5. *Basic transportation allowances.* (a) The table below establishes the maximum freight charges per short air dry ton that sellers of domestic wood pulp are required to absorb on shipments to domestic consumer mills.

Area of production of domestic wood pulp	Below 50 percent air dry weight	50–80 percent air dry weight	Above 80 percent air dry weight
Northeast	$16.00	$14.00	$11.00
Lake Central	16.00	14.00	11.00
Southern	20.00	18.00	15.00
West coast	23.50	21.50	18.50

(b) If the actual freight costs exceed the basic transportation allowances given in paragraph (a) of this section, the delivered ceiling prices stated in section 4 of this regulation may be increased by a sum per short air dry ton not in excess of the difference between (1) the basic transportation allowance for the area in which the wood pulp was actually produced, and (2) the actual freight cost per short air dry ton involved in transporting such wood pulp from the point where it was produced to the consumer's mill by direct shipment.

SEC. 6. *Ceiling prices for sales of certain special grades of wood pulp produced within the continental limits of the United States.* (a) This section shall apply to the following special grades of wood pulp.

(1) Dissolving, high alpha and special chemical sulphite.

(2) Dissolving, high alpha and special chemical sulphate.

(3) Specification glassine and mitscherlich sulphite.

(4) Specification condenser sulphate.

(5) Semi-chemical wood pulp.

(6) Unbleached soda pulp.

(7) Bleached groundwood.

(8) Wood pulp produced in whole or in part from rags, paper stock or any fibrous material other than wood.

(9) Wood pulp shipped pursuant to N. P. A. orders and produced upon equipment not designed for the production of such wood pulp for sale in the open market.

(b) Domestic producers of special grades of wood pulp listed in paragraph (a) of this section shall establish ceiling prices for their sales of these grades by filing a report with the Office of Price Stabilization, Washington 25, D. C., giving the following facts:

(1) Grade identification and trade names of wood pulp for which ceiling prices are proposed to be established under this section.

(2) Special characteristics which bring the grade or grades involved within the provisions of this section.

(3) Proposed sales price per short air dry ton, and terms of sales (i. e., delivered with full freight allowed, delivered with a specified freight allowance, f. o. b. mill, etc.).

(4) Names and addresses of customers to whom such grades were sold in the first quarter of 1951, and the prices at which these sales were made.

(5) A statement explaining why the prices proposed under this section are in line with the level of ceiling prices established by this regulation for standard grades of wood pulp.

(c) After the report referred to in paragraph (b) of this section has been received by the Office of Price Stabilization, the applicant may sell and deliver any special grade of wood pulp covered by this section at his proposed price, provided he agrees with each customer to adjust the proposed price retroactively, if necessary, to conform with any order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not issue within 30 days from the date the application is received, a letter order establishing a ceiling price lower than the price proposed by the applicant, the applicant may complete any transactions made by him in this thirty day period at his proposed price. The applicant may then continue to sell such grades at prices not in excess of his proposed price unless and until the Office of Price Stabilization establishes by letter order a lower ceiling price, which will not be retroactive.

SEC. 7. *Export sales and sales for export.* (a) The base ceiling price for export sales by a domestic producer, and for sales by a domestic producer to an exporter who is not a producer, shall be the applicable ceiling price per short, air dry ton established in either sections 4 or 6 of this regulation delivered f.o.b cars at the port of exit that is nearest to the producing mill and is normally used for exporting wood pulp. If at the request and for the convenience of the buyer, shipment is made to a port other than this normal port, an amount may be added to the base price equal to the difference between (1) the inland freight incurred in transporting the pulp to the actual port of exit and (2) what would have been incurred if the pulp were shipped to the normal port of exit.

(b) To the base ceiling price established in paragraph (a) of this section the following may be added:

(1) The actual cost of packing for export or special fabrication if such cost was customarily charged as a separate item during the period July 1, 1949 through June 30, 1950.

(2) On sales f.a.s. vessel., f.o.b. vessel, c. & f. or c.i.f. destination, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurance or other standard charge.

(3) On sales by an exporter who is not a producer, an amount not exceeding the highest commission or markup charged by him during the second calendar quarter of 1950: *Provided, however,* That not more than one commission or markup shall be charged on any export sale, but such commission or markup may be shared or divided among two or more such exporters involved in such export sale.

An exporter who is not a producer and who did not export wood pulp during the second calendar quarter of 1950 shall file an application in writing with the Office of Price Stabilization, Washington 25, D. C., for the commission or markup he proposes to charge. The applicant may then charge his proposed commission or markup provided he agrees with each customer to make whatever adjustment is necessary to conform with any letter order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not within 30 days from the date the application is received, issue a letter order establishing a commission or markup lower than that proposed by the applicant, the applicant may complete any transactions made by him at his proposed commission or markup. He may then continue to charge his proposed commission or markup unless and until the Office of Price Stabilization establishes by letter order a lower commission or markup, which will not be retroactive.

SEC. 8. *Ceiling prices for imports of overseas wood pulp.* Ceiling prices for imports of overseas wood pulp are per short air dry ton, on dock Atlantic Seaboard:

(a) Standard grades of unbleached sulphite and sulphate wood pulp, $200.00.

(b) Standard grades of bleached sulphite wood pulp, $225.00.

(c) Standard grades of bleached sulphate wood pulp, $230.00.

(d) For all other grades, ceiling prices shall not exceed the prices that are in line with those established in paragraphs (a), (b) and (c) of this section. Each buyer shall, before buying such overseas wood pulp report the following to the Office of Price Stabilization, Washington 25, D. C.:

(1) Grade identification and trade name of wood pulp which is proposed to be purchased under this paragraph.

(2) Special characteristics which bring the grade or grades involved within the provisions of this paragraph.

(3) Name and address of overseas producer.

(4) Prices per short air dry ton, and terms of sales, which the United States buyer proposes to pay for these grades.

(5) Prices paid for these grades during the first and second calendar quarters of 1951, or during the most recent quarter in which purchases of the grades were made.

(6) A statement explaining why the prices proposed in subparagraph (4) of this paragraph are in line with the level of prices given in paragraphs (a), (b) and (c) of this section.

(e) After the report referred to in paragraph (d) of this section has been received by the Office of Price Stabilization, applicant may buy overseas wood pulp covered by paragraph (d) of this section at his proposed price, provided he agrees with each producer, importer or agent selling the overseas wood pulp that the price will be adjusted retroactively, if necessary, to conform with any letter order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not issue within 30 days from the date the application is received, a letter order establishing a ceiling price lower than the price proposed by the applicant, the applicant may complete any transactions entered into by him during the 30 day period at his proposed price. The applicant may then continue to buy such grades at prices not in excess of his proposed price unless and until the Office of Price Stabilization establishes by letter order a lower ceiling price, which will not be retroactive.

SEC. 9. *Less than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 10. *Resales.* (a) No resales as defined in section 3 (a) (14) of this regulation may be made at a price exceeding the sum of the following:

(1) The reseller's actual cost of acquisition per short air dry ton, plus

(2) The actual costs incurred by the reseller in handling and transporting the wood pulp from the reseller's mill or warehouse to the consuming purchaser.

SEC. 11. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised, issued by the Office of Price Stabilization, 16 F. R. 4974.

SEC. 12. *Applications for individual price adjustments.* Applications for individual price adjustments may be filed in accordance with the provisions of General Overriding Regulation 10, issued by this Office.

SEC. 13. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell wood pulp at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 14. *Records and reports.* (a) On and after the effective date of this regulation, every person making sales, purchases or exchanges of wood pulp shall, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, keep for inspection by the Office of Price Stabilization for so long as the Defense Production Act of 1950 is in effect and for a period of two years thereafter his records of each purchase, sale or exchange of wood pulp, showing the following:

(1) Date of purchase, sale or exchange.

(2) Name and address of the buyer or seller.

(3) Grade and air dry percentage of wood pulp purchased, sold or exchanged.

(4) Quantity of each grade purchased, sold or exchanged.

(5) Prices, including terms of sales, paid or received.

(b) Persons required to keep records shall submit such reports to the Office of Price Stabilization and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Stabilization may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 15. *Evasion.* Any practice which results in obtaining a higher price than is permitted by this regulation is a violation of this regulation. Such practices include but are not limited to, devices making use of commissions, services,

cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 16. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for damages as provided by the Defense Production Act of 1950.

Effective date. This regulation shall become effective June 30, 1951.

NOTE: The record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7369; Filed, June 25, 1951; 11:25 a. m.]

[General Ceiling Price Regulation, Amendment 4 to Supplementary Regulation 5]

GCPR, SR-5 RETAIL PRICES FOR NEW AND USED AUTOMOBILES

RETAIL PRICES OF NEW MODELS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 4 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The formula for establishing the ceiling price for retail sales of new automobiles under this regulation is based upon the manufacturer's suggested list price in effect prior to January 26, 1951. However, the Director of Price Stabilization may establish a new manufacturer's wholesale ceiling price on a new model automobile not a counterpart of one previously produced, which ceiling price may be higher than on a previous model of the same series. In such instance, the suggested list price for sale at retail first published by the manufacturer may then be too low to permit the retailer to obtain the same percentage markup that he obtained on the same brand or series previously sold by him. This amendment sets forth a procedure whereby the Director of Price Stabilization, whenever he establishes a manufacturer's wholesale ceiling price on a new model automobile, will at the same time by special order establish a dollars and cents list price to be used by the dealer in determining the ceiling price for the automobile. This dollars and cents price will embody the same percentage markup over the manufacturer's wholesale ceiling price established for such new model that the dealer obtains on the best selling model of the same series.

AMENDATORY PROVISION

1. Section 3 (a) is amended to read as follows:

(a) The manufacturer's suggested list price, f. o. b. factory, in effect prior to January 26, 1951, for that make and model car. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951, must be used except, however, in those cases in which the Director of Price Stabilization establishes a list price for such new model by special order pursuant to section 8 of this regulatiton. The suggested list price shall include all equipment that was standard for each such make and model on January 26, 1951, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the manufacturer's suggested list price shall be reduced by the standard charge which the seller had in effect to the same class of purchaser on January 26, 1951, for the standard equipment which has been eliminated. If the seller had no standard charge for such standard equipment in effect on January 26, 1951, he shall determine his standard charge for the standard equipment eliminated in the following manner:

(1) The seller shall first determine the price, f. o. b. factory, which he had in effect to the same class of purchaser for the complete automobile on January 26, 1951.

(2) The seller shall then divide this price by the cost, f. o. b. factory, in effect to him for the complete automobile on January 26, 1951.

(3) The seller shall then multiply the allowance which the manufacturer makes to him because of the elimination of such standard equipment by the quotient determined under subparagraph (2) of this section. The resulting dollars and cents figure is the standard charge which the seller must deduct from the net price which he had in effect on January 26, 1951, to the same class of purchaser.

2. A new section, section 8, is added as follows:

SEC. 8. *List prices established by Director of Price Stabilization.* Whenever the Director of Price Stabilization establishes a manufacturer's wholesale ceiling price, f. o. b. factory, on a new model automobile not a counterpart of one previously produced by the manufacturer, the Director will, by special order pursuant to this section, establish a dollars and cents price to be used by the dealer in place of the sum of those items specified in sections 3 (a) and (h) of this regulation, in determining the ceiling price for the automobile under section 3 of this regulation. Such dollars and cents price will embody the same percentage markup over the manufacturer's wholesale price established for such new model that dealers obtained on the best selling model of the same series after March 1, 1951.

(Sec. 704, Public Law 774, 81st Cong.)

This amendment shall become effective June 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7368; Filed, June 25, 1951; 11:24 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[Enforcement Resolution 1]

ER 1—ENFORCEMENT OF WAGE STABILIZATION PROGRAM

The Wage Stabilization Board recognizes that by and large labor and industry will comply with the provisions of the Defense Production Act of 1950 with regard to wage stabilization and the orders and rules promulgated thereunder. However, it is also recognized that violations of the law will occur. The Board has already received reports of a substantial number of such violations. To disregard such violations, whether they be wilful or made through honest mistake or ignorance, can and will impair the entire anti-inflation program. It also places violators in a decidedly advantageous position in obtaining manpower, and leads to the practice of pirating critical manpower. To insure compliance with the law, it is, therefore, necessary that strong enforcement action be undertaken as soon as possible.

Section 405 (a) of the Defense Production Act provides, "It shall be unlawful * * * for any person * * * to do or omit to do any act, in violation of this title or of any regulation, order, or requirement issued thereunder, or to offer, solicit, attempt, or agree to do any of the foregoing."

Section 405 (b) of the act provides, "No employer shall pay, and no employee shall receive, any wage, salary, or other compensation in contravention of any regulation or order promulgated by the President under this title. The President shall also prescribe the extent to which any wage, salary or compensation payment made in contravention of any such regulation or order shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation."

Section 704 of the Defense Production Act provides, "The President may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this act. Any regulation or order under this act may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this act, or to prevent circumvention or evasion, or to facilitate enforcement of this act, or any rule, regulations, or order issued under this act."

On September 9, 1950, by Executive Order 10161, (amended by Executive Order 10233 on April 21, 1951), the President delegated to the Economic Stabilization Administrator, among other functions, the functions conferred upon the President by the above quoted sections of the act, and on January 24, 1951, by General Order #3 the Administrator redelegated such functions to the Wage Stabilization Board.

Notwithstanding any action which may be taken pursuant to the following resolution, persons who engage or are about to engage in any acts or practices which constitute or will constitute a violation of section 405 of the act, may be subject to action under section 409 (a) and (b) and section 706 of the act.

In addition to the provisions of the following resolution implementing section 405 (b) of the act, the Wage Stabilization Board deems it necessary to provide for supplementary action to reach those cases of violation where the provisions of Section 1 of the resolution may be ineffectual or inadequate to facilitate enforcement of the act. Such action is provided for in Section 2 of this resolution.

Accordingly, the Wage Stabilization Board in discharge of its responsibilites under the provisions of the Defense Production Act of 1950, Executive Order 10161, (as amended by Executive Order 10233), General Order #3 of the Economic Stabilization Administrator and the orders promulgated thereunder resolves:

Sec.
1. Disallowance of unlawful payments.
2. Recommendation on withholding of priorities assistance and materials allocation.
3. Enforcement Commission.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st. Cong.

SECTION 1. *Disallowance of unlawful payments.* (a) Where any wage, salary, or other compensation payment is found by the Wage Stabilization Board to have been made by an employer in contravention of the Defense Production Act of 1950, or the regulations, rulings or orders promulgated thereunder, the Executive Departments and other agencies of the government, shall, upon certification by the Wage Stabilization Board, disregard and disallow (except as provided in paragraph (b) of this section) the entire amount of such payment and not merely an amount representing the increase made in such wage or salary in contravention of the act, regulations, rulings or orders promulgated thereunder, for the following purposes:

(1) In calculating deductions under the revenue laws of the United States,

(2) In determining costs or expenses under any contract made by or on behalf of the United States, either directly or indirectly,

(3) In the setting or approving any maximum price ceilings, and

(4) In determining costs or expenses of any such employer for the purpose of any other law or regulation, whether heretofore or hereafter enacted or promulgated.

(b) The Board, in order to effectuate the purpose of the Defense Production Act of 1950 and the wage stabilization provisions thereunder, may determine in any case where it finds extenuating and mitigating circumstances: (1) An amount, less than the full amount prescribed hereinabove which shall be disregarded and disallowed by the Executive Departments and other agencies of the government and, (2) the particular departments or other agencies of the government by which the amount shall be disregarded and disallowed, in which event, the particular departments of other agencies of the government shall disregard and disallow the lesser amount determined and certified by the Board.

(c) Any such determination made by the Board under paragraphs (a) and (b) of this section shall be conclusive for the purpose therein stated. The executive departments and other agencies of the government which receive certifications of such determinations shall disregard and disallow the amount thus certified.

SEC. 2. *Recommendation on withholding of priorities assistance and materials allocation.* Where any wage, salary, or other compensation payment is determined by the Board to have been made in contravention of the act, the Board may recommend to the Executive Departments and agencies of the government responsible for the issuance and granting of priorities and material allocations that such Department or agency withhold priorities assistance and the allocation of materials from the employer who has made such payment.

SEC. 3. *Enforcement Commission.* (a) The Chairman of the Wage Stabilization Board is empowered to conclude agreements with the Executive Departments and agencies of the government relative to the procedures and actions to be taken in effectuating the provisions of this resolution.

(b) There shall be established a National Enforcement Commission composed of three persons who are not members of the Wage Stabilization Board, one of whom shall be designated Chairman. A similar commission shall be established in each regional office. Such commissions shall make the recommendations, determinations and certifications provided for in this resolution. Such commissions shall be subject to the general policies of the Wage Stabilization Board in making their determinations.

Adopted unanimously, June 13, 1951.

GEORGE W. TAYLOR,
Chairman,
Wage Stabilization Board.

[F. R. Doc. 51-7302; Filed, June 25, 1951; 8:45 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

Sec.
1. Purpose.
2. Definitions.
3. Application of this order.
4. Use of metal products in consumer durable goods and related items.
5. Exemptions.
6. Seasonality.
7. Effect on other orders and regulations.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.
12. Superseder of Amendment 1 to NPA Order M-47.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose.* The purpose of this order is to limit the use of iron and steel, copper, and aluminum in the manufacture and assembly of specified items of consumer durable goods and certain related products. Because large amounts of these metals must be used for defense and defense supporting activities, only limited amounts remain available for production of the items covered by this order. This order is, therefore, necessary to promote an equitable distribution of these metals, and of parts made therefrom, among manufacturers and assemblers of such items.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means:

(1) As to items included in list A set forth below, except as otherwise provided in section 6 of this order, the 6-month period ending June 30, 1950.

(2) As to items included in list B set forth below, the 3-month period ending March 31, 1951.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means,

(d) "Metal product" means any of the following:

(1) The iron and steel products listed in table I of NPA Order M–1, as amended, hereinafter referred to as "iron and steel products."

(2) The forms and products of copper or copper-base alloys listed in section 2 of NPA Order M–11, hereinafter referred to as "copper products." The term "copper products" includes copper powder.

(3) The aluminum forms and products listed in section 2 of NPA Order M–5, as amended, hereinafter referred to as "aluminum products."

(e) "Third quarter" means the calendar quarter commencing July 1, 1951.

(f) "Item" means the various products included in the listing following each Arabic numeral in list A or list B set forth below, except as otherwise provided in the initial paragraph of section 4 of this order.

(g) "Part" means any part or component made wholly or partly from a metal product, and includes partially fabricated material which lost its identity as a metal product prior to its acquisition by the manufacturer or assembler of an item.

SEC. 3. *Application of this order.* This order applies to a person who uses any metal product or part made wholly or partly therefrom in the manufacture or assembly of any item in list A or list B set forth below. This order also applies to any person who manufacturers parts specifically designed for any item in list A or list B, to the extent that such part may contain copper or aluminum used for ornamental or decorative purposes. This order does not apply to the production of metal products.

SEC. 4. *Use of metal products in consumer durable goods and related items.* The provisions of this section shall apply separately to iron and steel products, to copper products, and to aluminum products. However, in computing the permitted and base-period use or rate of assembly of copper products, aluminum products, or parts containing either such material, all items on list A shall be considered a single item, and all items on list B shall be considered a single item, except for the purposes of the second alternative limitation under paragraph (b) of this section. In computing use or rate of assembly during the base period of copper products, aluminum products, or parts containing either such material, as to items on list B, no use or rate of assembly may be considered to the extent that it may have exceeded the use or rate of assembly permitted by any applicable NPA order. Subject to the exemptions stated in section 5 of this order, or unless specifically authorized in writing by the National Production Authority, the following provisions shall apply to the use of metal products or parts in the manufacture or assembly of items in list A or list B:

(a) No person shall use during the third quarter, in the manufacture of any item, a total quantity by weight of any metal product in excess of his use of such material in such manufactured item during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section. However, if such person used a metal product in the manufacture of one or more units of a part for an item during the applicable base period, and uses one or more purchased units of that part containing such material in such item during the third quarter, he shall include the weight of such metal product used in the manufacture of each such part, whether by himself or another, in computing his use of such metal products during the applicable base period and during the third quarter. Paragraph (b) of this section shall also apply to any person subject to this paragraph, to the extent that he assembles in his manufactured item purchased parts which he did not manufacture in the base period.

(b) Except as to parts subject to the second sentence of paragraph (a) of this section, any person who uses purchased parts in the assembly of an item during the third quarter shall, as to such item, comply with one of the following limitations as to parts containing a metal product, which limitations shall apply separately as to each metal product:

(1) He shall not use a number of units of any part containing such metal product in excess of the number of units of such part which he used during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

(2) He shall not assemble a number of units of an item containing such metal product in excess of the number of units of such item which he assembled during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

(3) He shall not use a total quantity by weight of all such parts containing such metal product in excess of his use by weight of all such parts during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section. Such weight shall be computed upon the weight of the metal product content of the parts as used. Any person complying with this limitation may increase his permitted use of any metal product for an item under paragraph (a) of this section to the extent and in the amount that the total weight of such metal product contained in all parts used in an item is less than the total weight of such metal product permitted to be contained in such parts by this limitation.

(c) In computing permitted use or rate of assembly of each metal product or of parts made wholly or partly therefrom, the following percentage rates shall be applied:

LIST A ITEMS

Type of products or parts:	Percentage of average quarterly use or rate of assembly in base period
Iron and steel products and parts	70
Copper products and parts	60
Aluminum products and parts	50

LIST B ITEMS

Type of products or parts:	Percentage of use or rate of assembly in base period
Iron and steel products and parts	85
Copper products and parts	80
Aluminum products and parts	75

However, in the manufacture or assembly of any item, or in the manufacture or assembly of any part specifically designed for use in the assembly of any item, no person shall use a greater quantity or better grade of copper products or aluminum products, or any part which contains a greater quantity or better grade of either such material, than is necessary for functional or operational purposes, or use copper products, aluminum products, or parts containing either such material, for any ornamental or decorative purpose.

(d) During any month of the third quarter, no use in manufacture or rate of assembly subject to the limitations of this section shall exceed 40 percent of the permitted quarterly use or rate of assembly.

(e) The manufacture or assembly of any item in list A or list B to fill rated orders, or to meet any mandatory order of the National Production Authority, shall be subject to the limitations of this order: *Provided, however,* That in cases where such limitations will delay or prevent the filling of such orders, application may be made for adjustment or exception pursuant to section 8 of this order.

SEC. 5. *Exemptions.* (a) Any person shall be exempt from the provisions of this order with respect to any metal product if his total output of manufactured and assembled items in list A and list B during the third quarter has a content by weight of that metal product not in excess of the following quantities, subject to the provisions of paragraph (c) of section 4 of this order relating to the use of copper and aluminum products for ornamental or decorative purposes.

Type of material:	Amount
Carbon steel	5 short tons.
Alloy steel (except stainless steel)	1,000 pounds.
Copper products	500 pounds.
Aluminum	500 pounds.

The terms "carbon steel" and "alloy steel" are used as defined in Schedule I of CMP Regulation No. 1. In computing metal product content under this paragraph, there shall be considered both the use of such metal product and the estimated quantity of such metal product contained in parts purchased from others which are used in an item.

(b) Any person whose total output of manufactured and assembled items in list A and list B during the third quarter has a content by weight of any metal product (including the estimated amount of such metal product in parts purchased from others) of less than the following applicable maximum quantity may adjust his permitted use or rate of assembly as to such material as computed under section 4 of this order by increasing such permitted use by 25 percent, to the extent that such use or rate of assembly does not then exceed the applicable maximum quantity:

Type of product:	Maximum quantity short tons
Iron and steel products	100
Copper products	5
Aluminum products	5

SEC. 6. *Seasonality.* (a) Any person may, at his option, determine his permitted use or rate of assembly under this order for items in list A by using as a base period the 6-month period ending December 31, 1949: *Provided, however,* That such person shall then use that base period for all such manufactured and assembled items.

(b) If, because of seasonal factors, the use of the base period specified for items in list B imposes undue or exceptional hardship upon any person who manufactures or assembles any item in such list, such person may apply for adjustment or exception pursuant to section 8 of this order.

SEC. 7. *Effect on other orders and regulations.* (a) Nothing contained in this order shall impair or affect any CMP Regulation. Any person who receives an allotment for a CMP Class B product subject to this order shall not thereafter be subject to this order as to such product: *Provided, however,* That such product shall not thereafter be included within any item on list A or list B for the purpose of computing permitted use or rate of assembly for such item.

(b) The provisions of CMP Regulation No. 2 apply to any person subject to this order.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–47A.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 12. *Superseder of Amendment 1 to NPA Order M–47.* Amendment 1 of June 2, 1951, to NPA Order M–47 is hereby superseded.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, issued June 20, 1951, shall take effect July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

The items on list A and list B, made in whole or in part from metal products or containing parts made wholly or partly therefrom, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of list A or list B.) The listing following each Arabic numeral shall be considered a separate item hereunder.

LIST A

I. Metal and Wood Household Furniture (Excluding Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Household furniture predominantly of wood materials, including upholstered furniture (excluding products using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; and excluding wood beds with metal bedrails), and including but not limited to living room, dining room, kitchen, breakfast room, and bedroom furniture.

2. Household furniture predominantly of metal materials, including upholstered furniture, including but not limited to beach, recreation room, kitchen, sunroom, garden, porch, and lawn furniture.

II. Other Furniture and Fixtures (Excluding Medical, Dental, and Hospital Specialities, Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Restaurant furniture and fixtures, including tray stands and serving tables.

2. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.

3. Soda fountain, counter, bar, beer and other malt beverage-dispensing equipment and fittings (including bar rails).

4. All other office, commercial, or industrial furniture, including but not limited to: all types of desks; stools; sofas; bookcases; tables; chairs; stands; booths; filing cabinets; transfer cases (including card and document cases); clothing racks; costumers; and theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types, including portable bleachers; flower pots, boxes, stands, and holders for same; and window boxes; but excluding seats and desks designed for school use.

III. Partitions, Shelving, Lockers, and Fixtures (Excluding Medical, Dental, and Hospital Specialties)

1. Lockers; partitions and shelving (excluding specially designed factory partitions and shelving); book stacks; luggage racks; household cabinets, such at kitchen, wardrobe, broom, and medicine cabinets; and telephone booths.

2. Show and display cases (including wall types), show and display tables, and counters.

3. Store and office decorative and ornamental fixtures.

IV. Appliances, Machines, and Equipment

1. Cooking stoves, ranges, combination cooking stoves, and combination ranges (domestic).

2. Small household type electric appliances including but not limited to: broilers; coffee percolators and urns; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand hair dryers; vibrators; non-industrial electric air space heaters; electric steam radiators; flat irons, including steam irons; immersion heaters and portable electric water heaters (excluding electric heatings pads, dry shavers and electric soldering irons).

3. Electric fans (except industrial types), including all desk-bracket, wall, pedestal, and floor or hassock fans 16 inches and under; attic, household, window ventilating, and kitchen exhaust fans of all sizes.

4. Floor waxing and polishing machines, furniture polishers, vacuum cleaners, and carpet sweepers (household).

5. Portable electric lamps, including office types, such as floor, bridge, desk, torch, and table; pin-up lamps; lamp shades; and incandescent vehicular lighting equipment.

6. Home laundry equipment, including but not limited to clothes dryers (gas and electric), mechanical ironers and mangles, electric and gasoline type washing machines, ironing boards, wash boards, drain boards, and washing boilers; dishwashing machines, automatic food and garbage disposal units, and water softeners (household).

7. Household refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately; home and farm food freezers (under 13 cubic foot capacity) and cabinets for same sold separately; bottled beverage coolers (all types); and bulk beverage dispensers (all types).

8. Packaged air conditioning units (window and console types ¾ horsepower and under); dehumidifiers for home and office including self-contained types with complete refrigeration cycle.

9. Clothes poles and clothes hanging dryers.

10. Flexible cord sets; coated electric tubing; and Christmas tree lighting outfits.

V. Utensils and cutlery

1. Cooking and kitchen utensils, vitreous enameled and stamped and spun (excluding hospital specialties).

2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets; pocket knives; and cutlery handles.

5. Vacuum bottles and jugs over one quart, and silverware and plated ware types of all sizes; picnic boxes, kits, trunks, jugs, grills, and equipment.

VI. Radio, television, and phonographs

1. Radio receivers, home, portable, and broadcast band automobile receivers; radio-phonograph combinations (including combinations with recorders).

2. Television receivers; radio-television receivers; television phonograph combination (including combinations with recorders); and radio-television-phonograph combinations (including combinations with recorders).

3. Phonographs and record players, and phonograph needles and cutting styli.

VII. Transportation equipment

1. Motorcycles, motor scooters, motor bikes.

2. Bicycles.

3. Ships, boats and canoes, except military and commercial, including fittings of all kinds, fastenings, and hardware for same.

4. Aircraft, except military and commercial.

VIII. Miscellaneous Items

1. Automatic merchandising machines; coin-operated scales; home bathroom scales; nonmechanical and nonelectrical beverage coolers; household, nonelectric ice cream freezers; and coin operated musical devices or machines.

2. All games, toys, toy whistles, and children's vehicles (not including baby carriages, walkers, and strollers, not of play or toy type).

3. Jewelry (except religious goods); jewelry cases; novelties, ornaments; souvenirs, insignia, decorations, emblems, medals and badges (except religious and military); jeweler's findings and materials; buttons and button parts, civilian type (except machine-attached tack buttons, and rivets and burrs for the work clothing industry); dress ornaments and fittings; millinery accessories and frames; statues and statuettes; artificial flowers; key chains and catches and fasteners therefor.

4. Garden tools, lawn mowers, rollers, seeders, and tampers; hedgeclippers and snips; lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels.

5. Musical instruments, including equipment, stands, and cases; chimes and bells.

6. Pianos and organs, including parts and materials.

7. Paper weights; penholders and desk sets; desk and document trays; letter openers; smokers' articles such as: ash trays, cigar tubes and cases, cigarette and match cases, holders, lighters, tobacco pipes, pipe cleaners, humidors and smoking stands; match, cigarette, and typewriter ribbon boxes; book-ends; calendars, calendar stands, and desk pads; shoe stretchers and trees.

8. Venetian blinds, slats, fittings and accessories; and shades.

9. Fireplace fixtures and equipment, such as dampers, irons, and fire screens.

10. Sporting and athletic goods; weight reducing and exercising machines; rowing machines.

11. Morticians' goods and equipment such as caskets, coffins, urns, vaults, hearses, and memorial tablets (excluding morticians' instruments, supplies, and wooden coffin hardware).

12. Signs, markers, and advertising displays (excluding safety and traffic control signs and markers): metal letters, numbers, and plates (except for industrial or public utility control, identification, or instruction).

13. Mirror and picture frames.

14. Garment hangers, hooks, brackets, racks, and rods; wire guards; wire florists' designs; bird and pet cages, houses, aquariums, accessories and equipment.

15. Grocery and retail market type baskets and carts.

16. Gambling and amusement devices or machines.

17. Luggage and trunks; handbags and purses; and small leather goods.

18. Beverage mixing and serving equipment such as coasters, bottle coolers, cocktail shakers, ice buckets and pails, and ice chippers and shavers.

19. Awnings and canopies.

20. Containers for bath salts, cosmetics (except collapsible tubes), gifts, and powder.

21. Bathroom accessories including soap dishes; tooth brush, tumbler and paper holders; and towel bars.

22. Binoculars and opera glasses (except precision types).

23. Umbrellas, parasols, walking sticks, canes, and batons; weather vanes; sundials; arbors and trellises.

24. Mops; mud scrapers; stairs and threshold treads and edging; cuspidors; and tags, collars, and harness for pets.

25. Clothes hampers; clothes-line hardware and clothespins; curtain and drapery hardware including fasteners, rods, and rings; carpet hardware; furniture grommets; robe hooks.

26. Hair brushes and combs; dresser sets; hair curlers, beauty cream jars; mesh bags; atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).

27. Cups and soda fountain cup holders; flasks.

28. Any other end-product not included in any item in list A or list B of this order, as to a person who receives no CMP allotment for such product for the third quarter. (The term "end-product" shall not include any product normally incorporated as a part, component, or sub-assembly of any other product whether or not such other product is included in any item in list A or list B of this order.) However, this item shall not include any product covered by NPA Order M-68.

IX. Accessories

1. Accessories for any single item in this list A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

2. Automobile accessories including but not limited to radio-antennae, heaters, defrosters, lighters, curb feelers, radiator ornaments, etc.

NOTE: With respect to items in this list A, an "accessory" shall mean any product not specifically listed in list A or list B which is used with or attachable to an item described in this list A or to a "passenger car" as defined in NPA Order M-68, and which is generally known in the trade as an "accessory".

LIST B

1. Pails, ash and garbage cans (except shipping containers), household buckets, washing tubs and tub covers; spray guns (except paint-spraying equipment and agricultural sprays).

2. Household furniture predominantly of wood materials (including upholstered furniture) using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; wood beds with metal bedrails.

3. Dual-purpose sleeping equipment.

4. Furniture and fixtures designed for medical, dental, and hospital use (medical, dental, and hospital specialties).

5. Partitions and shelving specially designed for factory use.

6. Furniture and cabinet hardware, including casters, caster cups, glides and floor protective devices; and casket and casket shell hardware.

7. Baby carriages, walkers, and strollers.

8. Hospital specialty cooking and kitchen utensils.

9. Sewing machines, household.

10. Farm food freezers over 13 cubic feet.

11. Safety and traffic control signs and markers.

12. Incandescent hand portable lighting equipment (such as flashlights, lanterns, miners' and emergency warning hand portable lights); nonelectric lighting equipment, civilian type (such as: carbide, gasoline, and kerosene lamps and lanterns; nonelectric lighting equipment parts and accessories; and nonelectric lighting reflectors); lamp components, including cold cathode fluorescent lamp electrodes, electric lamp bases, and all electric lamp components except bulb blanks.

13. Domestic electric automatic controls for air conditioning, heating, and refrigeration.

14. Bottling machinery (except dairy).

15. Beauty and barber shop equipment (except products included in list A) such as: cold waving end wraps, processing caps and rods, hair clippers, lather mixers, permanent waving equipment and supplies, and manicure implements.

16. Clocks, clock cases, watches, and watchcases, including movements and parts (except: products and parts not designated by an asterisk (*) in Product Class Code 3871 of the Official CMP Class B Product List).

17. Safety razors, blades, and blade magazines.

18. Electric soldering irons, heating pads, and electric dry shavers.

19. Electric fans (except industrial) other than types and sizes included in list A.

20. Home workshop machine tools and home woodworking machinery.

21. Stationery tablets, greeting cards, and related products; library and loose-leaf binders; lead pencils; pens, mechanical pencils, and pen points; paper clips; hand stamps; marking branding irons; marking dies; stamping and inking pads; stencil marking devices; and rubber and metal stamps.

22. Flat glass, except plate and sheet.

23. Brooms and brushes (except for types used in electric motors and generators).

24. Buttons and button parts (only machine-attached tack buttons, and rivets and burrs for the work clothing industry.)

25. Horse-drawn buggies, sleighs, and sulkies.

26. Vacuum bottles and jugs, one quart and under (other than silverware and plated ware type); lunch boxes for industrial and school use.

27. Accessories for any single item in this list B shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

NOTE: With respect to items in this list B, an "accessory" shall mean any product not specifically listed in list A or in list B which is used with or attachable to an item described in this list B and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-7321; Filed, June 22, 1951; 4:37 p. m.]

[CMP Regulation 1, Direction 3]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 3—RESTRICTIONS ON PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. Unless previously authorized in writing by NPA, no prime consumer who has received an allotment of controlled materials shall place orders calling for delivery of more than 35 percent of the quantity of controlled materials stated in such allotment during any one month of the quarter for which the said allotment is valid. The provisions of this direction do not require the reduction of a delivery order below the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3. 1951, 16 F. R. 61)

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7384; Filed, June 25, 1951; 11:42 a. m.]

[NPA Regulation 2, Direction 1]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 1—AUTOMATIC CONVERSION OF DELIVERY ORDERS BEARING CERTAIN RATINGS

This direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this direction has been rendered impracticable due to the need for immediate action and the fact that the direction affects a large number of different trades and industries.

Sec.
1. What this direction does.
2. Conversion of certain DO rated orders.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* The purpose of this direction is to provide for the automatic conversion of certain outstanding DO rated orders identified by two digits, which call for delivery after June 30, 1951, of products or materials other than controlled materials under programs of the Department of Defense, the United States Coast Guard, and the Atomic Energy Commission, to the new rating and allotment numbers required by CMP Regulation No. 1. Under CMP Regulation No. 1, certain delivery orders are identified by a DO rating and allotment number consisting of a letter and one digit (e. g. DO-A-1) instead of a DO rating with two digits (e. g. DO-01). CMP Regulation No. 3 explains, in section 5 of that regulation, how delivery orders bearing a DO rating with two digits may be converted by the persons who placed them. This direction explains how certain rated delivery orders which are identified with two digits shall be automatically converted. The effect of this conversion is to give such delivery orders the preferential status specified in section 5 of CMP Regulation No. 3.

SEC. 2. *Conversion of certain DO rated orders.* (a) Notwithstanding the provisions of CMP Regulation No. 3, all delivery orders outstanding on the effective date of this direction for products or materials other than controlled materials bearing a DO rating identified by two digits which is listed in column 3 of Schedule I of this direction, calling for delivery after June 30, 1951, are hereby converted to delivery orders bearing a DO rating with the appropriate allotment number as indicated in column 4 of said Schedule I. When a DO rating identified by two digits which is listed in said Schedule I is applied or extended to a delivery order for products or materials other than controlled materials, calling for delivery after June 30, 1951, the person so applying or extending the rating may use the related DO rating with the appropriate allotment number in lieu of the DO rating with two digits, except as provided in paragraph (b) of this section. As converted under this direction, all such delivery orders shall have the preferential status specified in section 5 of CMP Regulation No. 3.

(b) Under section 6 of CMP Regulation No. 3, a manufacturer of Class B products who has received an authorized production schedule with a DO rating and an allotment number is not permitted to extend any rating received by him from a customer for such production. Such manufacturers shall convert their delivery orders related to such authorized production schedules in the manner provided by section 5 of CMP Regulation No. 3. When a supplier is notified by his customer that a delivery order bearing a DO rating identified by two digits which is listed in column 3 of Schedule I of this direction is converted to a delivery order bearing a DO rating and allotment number which is not contained in column 4 of said Schedule I, such notification shall replace the automatic conversion provided in this direction.

(c) As used in this direction, "delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time, and "controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Agency	Type of program	Present 2 digit DO code	Allotment No.
Department of Defense	Aircraft	01	A-1
Department of Defense	Guided missiles	02	A-2
Department of Defense	Ships	03	A-3
Department of Defense	Tank-automotive	04	A-4
Department of Defense	Weapons	05	A-5
Department of Defense	Ammunition	06	A-6
Department of Defense	Electronic and communications equipment	07	A-7
Department of Defense	Fuels and lubricants	08	A-8
Department of Defense	Clothing and equipage	09	A-9
Department of Defense	Building supplies and equipment for construction-troop.	11	B-1
Department of Defense	Subsistence	12	B-2
Department of Defense	Transportation-equipment	10	B-3
Department of Defense	Production-equipment	19	B-9
Department of Defense	Department of Defense construction	22	C-2
Department of Defense	MRO	23	C-3
Department of Defense	Miscellaneous	21	C-9
Department of Defense	Production equipment for certain private contractors.	98	Z-9
Atomic Energy Commission	Construction	41,42	E-1
Atomic Energy Commission	Operations (including MRO)	40	E-2
Atomic Energy Commission	Privately owned facilities	43,44	E-3
Coast Guard	Aircraft	61	A-1
Coast Guard	Ships	63	A-3
Coast Guard	Construction	62	C-2
Coast Guard	Miscellaneous	60	C-9

[F. R. Doc. 51-7385; Filed, June 25, 1951; 11:42 a. m.]

[CMP Regulation 3, Direction 1]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 1—STATUS OF ORDERS FOR DELIVERY OF CONTROLLED MATERIALS DURING SEPTEMBER 1951

This direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. It is the purpose of this direction to minimize disruption of mill schedules by allowing sufficient time for conversion of DO rated orders, calling for delivery of controlled materials during September 1951, into authorized controlled material orders.

SEC. 2. Notwithstanding the provisions of sections 4 (a) and 4 (b) of CMP Regulation No. 3, on and prior to July 7, 1951, a DO rated order calling for delivery of controlled material during September 1951 shall have equal preferential status with an authorized controlled material order (as defined in section 2 (q) of CMP Regulation No. 1) for delivery during September 1951. Subsequent to July 7, 1951, the provisions of said sections 4 (a) and 4 (b) of CMP Regulation No. 3 shall govern delivery orders for controlled materials.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7383; Filed, June 25, 1951; 11:42 a. m.]

[NPA Reg. 4, Direction 2 as amended June 25, 1951]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 2—REPLACEMENT PARTS AND ACCESSORIES FOR EXPORT

This amended direction to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because of the need for immediate action and because the direction affects many exporters in a wide variety of trades and industries, it has been impracticable to consult with representatives of all affected trades and industries.

This amendment affects Dir. 2 to NPA Reg. 4 by substituting a new section 16. As so amended, Dir. 2 to NPA Reg. 4 reads as follows:

Sec.
1. Purpose and effect.
2. Items subject to this direction.
3. Assignment of rating authority.
4. How to apply the rating.
5. Reports of 1950 MRO exports.
6. Establishment of May-June MRO export quota.
7. Use of rating before approval of quota.
8. Charges against quota.
9. Excess of quota prohibited.
10. Exports requiring validated license.
11. Relation to other NPA regulations.
12. Records to be kept.
13. Applications for adjustment or exception.
14. Communications.
15. Violations.
16. Application during July 1951.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and effect.* This direction establishes a procedure whereby exporters, during the months of May and June 1951, may obtain the right to use a DO-97 rating to secure specified types and quantities of replacement parts and accessories for machinery and equipment, or the materials and components with which to manufacture such replacement parts and accessories, for shipment to all countries except Canada and those countries in subgroup A as defined in the export regulations of the Office of International Trade. This direction does not include delivery of replacement parts or accessories for installation on vessels in United States ports but does include shipment thereof for installation on vessels in foreign ports. It is necessary to issue this direction because NPA Reg. 4 has no application to procurement of materials for use as maintenance, repair, and operating supplies outside of the United States, its territories, and possessions. Although issued as a direction to NPA Reg. 4, this direction is a completely independent document, and no part of NPA Reg. 4 is to be construed as applicable to procurement for export of the items subject to this direction.

SEC. 2. *Items subject to this direction.* The only items to which this direction applies are replacement parts and accessories used directly for maintenance, repair, or operation of agricultural, industrial, or other commercially employed machinery or equipment but not including materials or components incorporated in or delivered with the product of such machinery or equipment. All such items to which this direction applies are hereinafter collectively referred to as "MRO" but it will be noted that the term "MRO" as used in this direction has a more limited meaning than as used in NPA Reg. 4. This direction does not apply, however, to procurement of any items appearing in List A of NPA Reg. 2 (other than farm equipment) nor any items appearing in Table I of NPA Reg. 4. These excluded items are the following:

LIST A OF NPA REG. 2

Electric power.
Fertilizer, commercial.
Food.
Fuels, solid.
Gas.
Petroleum.
Source and fissionable materials.
Transportation services, domestic, storage and port facilities.
Communications services.
Ice.
Mineral aggregates:
  Sand.
  Gravel.
  rushed stone.
  Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

TABLE I, OF NPA REG. 4

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Items appearing in List A of NPA Order M-47, as the same may be amended from time to time.
Nylon fibers and yarns.
Packaging materials and containers.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Photographic film.
Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
Rubber tires and tubes.

SEC. 3. *Assignment of rating authority.* Exporters are hereby authorized, during the months of May and June 1951, to apply a DO-97 rating, subject to the quantity limitations and other provisions set forth in subsequent sections of this direction, to obtain for export (as permitted by applicable export controls) to any country except Canada and subgroup A countries, any MRO items to which this direction applies and for which such exporters then hold firm export orders, or, in the case of manufacturing exporters, any materials or components (except those included in List A of NPA Reg. 2 and in Table I of NPA Reg. 4) incorporated or to be incorporated in any such items. In any case where an exporter might properly apply this rating to secure such items for export (or their constituent materials or components), but instead supplies them from inventory during May or June 1951, he may apply the rating to replace in inventory such items (or their constituent materials or components). Exporters remain subject, however, to the inventory controls of NPA Reg. 1.

SEC. 4. *How to apply the rating.* To apply the rating authorized by section 3, the exporter places on his order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under Direction 2 to NPA Reg. 4." This certification, which must be signed by an authorized person, constitutes a representation to the supplier and to NPA that the exporter is authorized to use the rating to secure the materials ordered.

SEC. 5. *Reports of 1950 MRO exports.* In order to qualify for the right to use the DO-97 rating, and before making any use of it, an exporter must prepare and submit to the Office of International Trade, Department of Commerce, Washington 25, D. C., a signed report in duplicate, on OIT Form IT-818 showing the total dollar value (computed f. a. s., not c. i. f.) of his exports of MRO in 1950 to all countries except Canada and subgroup A countries. Only those replacement parts and accessories which are subject to this direction, as provided in section 2, may be included in such calculation and statement. The total dollar value shown must be broken down into the categories set forth below (as provided in the form):

(a) Replacement parts for the following types of machinery and equipment:

Agricultural.
Construction.
General industrial.
Metalworking.
Mining (including oil field).
All other types of machinery and equipment.

(b) Accessories:

Cutting tools.
All other accessories.

SEC. 6. *Establishment of May-June MRO export quota.* Upon receipt of the exporter's report described in section 5, the Office of International Trade, after making such revisions and adjustments as may be appropriate, will compute and certify to the exporter, as his combined MRO export quota for the 2 months, May and June 1951, one-sixth of the total dollar value (as revised or adjusted) of his 1950 MRO exports to all countries except Canada and subgroup A countries. Such certification, duly authenticated by the Office of International Trade, will be made on the duplicate copy of the exporter's report (OIT Form IT-818) which will then be returned to him, and will take the following form:

Your MRO export quota for May-June 1951 is hereby approved and established under Direction 2 to NPA Reg. 4 in the aggregate amount of $------.

SEC. 7. *Use of rating before approval of quota.* Upon filing with the Office of International Trade his report of 1950 MRO exports pursuant to section 5, an exporter may proceed (subject to section 10 of this direction) to apply the DO-97 rating assigned by section 3 of this direction without waiting for certification of his approved MRO export quota under section 6 of this direction, but he may make such advance use of the rating only to obtain MRO items (and their constituent materials or components) having an aggregate export sales value (f. a. s.) not exceeding one-twelfth of his reported total MRO exports for 1950. He may make no further use of the rating until he has received the certified approval of his MRO export quota for the May-June period.

SEC. 8. *Charges against quota.* An exporter for whom an MRO export quota is established under section 6 of this direction must charge against such quota, in the dollar amount of their export sales value (f. a. s.), all MRO items subject to this direction which he orders (or for the manufacture of which he orders constituent materials or components) in the months of May and June 1951 for export to countries other than Canada and subgroup A countries. He must charge all such items against his quota regardless of whether or not he uses the DO-97 rating to procure them or their constituent materials or components: *Provided, however,* That if he uses the DO-97 rating to procure for export items (or constituent materials or components for items) having an aggregate export sales value not exceeding 20 percent of his approved MRO export quota, he need not charge against such quota the items which he procures (or for which he procures constituent materials or components) without use of a rating.

SEC. 9. *Excess of quota prohibited.* An exporter for whom an export MRO quota is established under section 6 of this direction may not place orders in May and June 1951 for MRO items for export, or for materials or components to be incorporated in MRO items for export, which are chargeable against his quota, having an aggregate export sales value (f. a. s.) in excess of the amount of his quota. Orders for replacement of inventory are to be treated in the same way as orders for items for direct export or as orders for materials or components to be incorporated in items for direct export.

SEC. 10. *Exports requiring validated license.* No person may use the DO-97 rating to procure any item (or materials or components for any item) requiring a validated license for its export unless such person has been granted and then holds an unexpired validated license for its export issued by the Office of International Trade.

SEC. 11. *Relation to other NPA regulations.* NPA Reg. 2, which sets forth the basic rules of the priorities system, governs the use and extendability of the DO-97 rating assigned by this direction. In general, when an exporter applies the DO-97 rating to an order pursuant to this direction, his supplier may extend the rating to secure the item rated or the materials and components needed for its manufacture. The DO-97 rating may not be extended, however, to secure materials included in List A of NPA Reg. 2 nor the materials included in Table I of NPA Reg. 4. Nothing in this direction shall be construed as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 12. *Records to be kept.* Each person for whom an approved MRO quota is established pursuant to section 6 of this direction must make and preserve for 2 years accurate and complete records showing all orders, receipts, and shipments of MRO for export during May and June 1951, regardless of whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this direction have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals. All records required by this direction shall be made available at the usual place of busines where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 13. *Applications for adjustment or exception.* Any person affected by any provision of this direction may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this direction, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC 14. *Communications.* All communications concerning this direction shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: Dir. 2 to NPA Reg. 4.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this direction or who wilfully conceals a material fact or furnishes false information in the course of operation under this direction is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 16. *Application during July 1951.* This direction, as originally issued on May 1, 1951, provided that it would expire June 30, 1951. However, in order to allow additional time for preparation of a new regulation, the operation of this direction is hereby extended through July 1951, subject to the following provisions:

(a) Upon issuance and the taking effect of CMP Regulation No. 5, this direction shall be considered as a direction to that regulation.

(b) The DO-97 rating authorized by section 3 of this direction for use in May and June 1951, may also be used during July 1951, except that after CMP Regulation No. 5 takes effect, the rating symbol to be used shall be DO-MRO.

(c) An exporter's MRO export quota for July 1951 is 60 percent of the quota certified to him as his May-June quota pursuant to section 6 of this direction.

(d) An exporter who has no certified May-June MRO export quota may, upon filing the report prescribed by section 5 of this direction, secure a certified quota for July 1951. In such event section 7 of this direction shall have no application.

(e) MRO items ordered in July 1951 shall be charged against the exporter's July quota to the same extent, and subject to the same prohibition against exceeding the quota, as provided in sections 8 and 9 of this direction, respectively, with regard to May and June 1951.

(f) The record-keeping and other provisions of this direction applicable to the May-June period shall be applicable in like manner to July 1951.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 USC 139-139F).

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7386; Filed, June 25, 1951; 11:42 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9797]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Report and order of the Commission. On September 13, 1950, the Commission adopted a Notice of Proposed Rule Making (Docket No. 9797) with respect to the revision of Parts 7 and 8 of the Commission's Rules Governing Coastal and Marine Relay Services, and Ship Service, respectively. This notice provided for the filing of comments on the proposed revision on or before November 15, 1950. Thereafter, on November 13, 1950, the Commission adopted a Further Notice of Proposed Rule Making with respect to amending the proposed revision by adding thereto additional proposed rules, and by correcting certain errors and inconsistencies therein. In addition, at that time (November 13, 1950), it appeared desirable to delete from the proposed Part 7 of the Rules, provisions relating to procedures for filing applications for authority under section 214 of the Communications Act of 1934, as amended, to discontinue, reduce or impair service provided by public coast stations. Accordingly, the deletion was made in the Further Notice of Proposed Rule Making. Proposed amendments to Part 63 of the Commission's Rules, "Extension of Lines and Discontinuance of Service by Carriers", are set forth in a separate Notice of Proposed Rule Making, Docket No. 9828, embodying provisions covering applications for authority to discontinue, reduce or impair service provided by public coast stations. The Further Notice also extended the time within which comments might be filed from November 15 to December 15, 1950, and provided that comments in reply to the original comments might be filed on or before January 2, 1951. Further, on December 27, 1950, the Commission denied requests made by interested parties for an extension of time, beyond December 15, 1950, within which written statements or briefs might be filed.

After consideration of the submitted comments many of the proposed rules were changed to conform substantially with the relevant comments received thereon. One of the proposed new rules (§ 7.135—Suppression of receiver radiation) has been deleted, pending further study by the Commission of the subject covered by that proposed rule.

Certain other of the proposed rules on which comments were received present substantial issues on which it appears appropriate to hold oral argument before making a final determination thereon. Accordingly, concurrently with the issuance of this report and order, there is being issued an order designating such matters for oral argument. Pending the conclusion of this proceeding, however, relevant portions of former Parts 7 and 8 will be continued under new section numbers in the revised rules to avoid a hiatus.

The remainder of the rules on which comments were received are ordered finalized without substantial modification since it did not appear that the public interest, convenience, or necessity would be served by incorporating the suggested changes. The Commission, however, has given careful consideration to all the suggestions and the significant comments which suggested changes in these rules are discussed below together with the reasons for their rejection.

(1) Section 8.304—Requiring public radiotelephone stations on board ships to be available to the shipboard public. Comments received suggest that a shipboard radiotelephone station, when licensed as a public ship station, should not in fact be available to the shipboard public unless it is also a common carrier (tariffs on file establish charges for the service), as in many instances the purpose of making the (radiotelephone) installation is solely to provide the master with an additional means of communication which is more satisfactory than radiotelegraphy under certain conditions for the conduct of business (ship to shore) and operational communication (inter-ship). The comments alleged that radiotelephone installations aboard ships of the class to which reference is made are almost invariably located on the bridge of the vessel and that it would be unrealistic, therefore, to expect that the telephone facilities could be relinquished to others as a matter of practice without causing undue complication to the operation of the vessel. The comments further indicate that the master should have the right to restrict "public" use of the ship communication facilities to those facilities which are "common carrier" in fact.

Since one or more extension telephones could be readily provided, not located on the bridge or in other restricted quarters, the Commission is of the opinion that all those facilities of a public ship station, which are available through the licensing of public correspondence radiochannels, should be available to any person on board subject to the limitations set forth in § 8.304. Under such circumstances, ship navigational and business communications are afforded appropriate protection by means of the order of priority of communications (§§ 8.176 and 8.177).

(2) Rules requiring equipment modifications by specified dates. Comments were received on various of the proposed rules which require equipment modifications by specified dates. It was suggested to the Commission that an informal meeting be held to "develop a program of appropriate and equitable timing for each required change."

In the interest of expediting completion of the framework of the new rules, the finalized rules in this regard have not been changed at this time in any substantial detail. However, it is contemplated that consideration will be given, at a future appropriate date, to the feasibility of devising a "program" as suggested.

(3) Rules relating to plan of assignment of VHF frequencies. The rules establish VHF facilities for radiotelephone public correspondence. The two duplex radio-channels allocated for this service are (1) 161.9 Mc coast paired with 157.4 Mc ship, and (2) 162.0 Mc coast paired with 157.1 Mc ship. The availability of these channels is subject to certain controlling factors set forth in Part 2 of the Commission's Rules, and by certain international agreements. These controlling factors are:

(a) One of these channels (161.9 and 157.4 Mc) is, by certain international agreement, the common international channel for ship-shore public correspondence. Under the limitations of Part 2 of the Commission's Rules, however, one of these frequencies (161.9 Mc) is not available for the maritime service in the area of Chicago, Illinois;

(b) Further, under the limitations of Part 2 of the Commission's rules, both of these channels cannot be licensed in the same area until one of them (161.9 and 157.4 Mc) is first in use to full capacity; and

(c) Further, under the limitations of Part 2 of the Commission's rules, one of these channels (162.0 and 157.1 Mc) is assignable only at locations where interference will not be caused to the service of any United States Government station. It has not been possible to obtain a list of specific locations or areas where such interference may be expected to occur if this channel were to be used at those locations or in those areas.

The rules are drafted to take account of these factors. It was suggested that it would be desirable to establish some plan (not specifically stated) to assure alternate assignment of each of these two channels at adjacent Great Lakes ports, without qualifying conditions, but the limiting factors set forth in Part 2 of the Commission's rules do not permit the adoption of such a plan. Even if it were possible, the Commission is of the opinion that it would not be good regulatory practice to designate, arbitrarily, specific lake ports to the exclusion of others which are to utilize these channels. As an alternative method, the rules do not exclude any port in any area (except necessarily the Chicago area in respect to one of these channels) as eligible for a public coast station using either or both of these channels. The rules do, however, indicate that certain ports of higher importance (based on official shipping statistics) shall be assured of priority of this service in relation to other ports of less importance (§ 7.308). While some of the comments do not favor such listing of specific ports by regulation, the Commission is of the opinion that the rule provisions intended to assure satisfactory VHF public service to the more important ports is sound regulatory policy.

Many objections were received to the unavailability under the proposed rules of the duplex channel 161.9 Mc (coast) and 157.4 Mc (ship) at Chicago. It was claimed that Chicago is an important port upon which no discrimination should be placed, that this common international radio-channel should be assignable at Chicago as it is elsewhere, and that equipment and operational difficulties will arise as the result of this restriction. However, such comments are, in effect, directed toward the same restriction now contained in Part 2 of the Commission's Rules, and responsive action would require modification of Part 2 which issue is not included in Docket 9797. The Commission has under advisement the question of initiating at an early date Rule Making procedures for the purpose of relieving this situation.

(4) Section 7.105 (b)—Requiring limitation of height of VHF coast station antennas. A number of unfavorable comments were received with respect to the proposed control of VHF coast station antenna heights to limit the interference range of public coast stations. No factual information, however, was supplied to support such comments. Hence, the Commission holds to the opinion that this specific proposal is sound from an engineering point of view to accomplish the intended purpose.

(5) Section 7.351—Precluding the operation of limited coast stations by common carriers. Comments recommended that this rule should be amended to permit common carriers to be licensees of limited coast stations. However, to permit limited coast stations to be licensed to and operated by common carriers for the purpose of providing communications would be inconsistent with the basic theory upon which the limited coast station classification is based.

Following is a summary of certain major provisions of the rules as finally adopted:

Ship reporting service. The rules as finalized provide for rendition by limited coast stations of ship arrival and departure harbor reporting service. This kind of service is currently rendered by the Western Union Telegraph Company at the port of New York under Experimental Class 2 licenses.

Radiotelephone distress frequency. The revised rules are intended to enhance safety of life at sea by inaugurating the provision of a radiotelephone distress frequency (2182 kilocycles) for the maritime mobile service of the United States. This action is in accordance with proposed international regulations which are pending finalization.

Petroleum industry stations on rigs or moored barges. Radiotelephone stations of the petroleum industry located on rigs or moored barges in certain United States coastal waters which have heretofore been licensed as Experimental Class 2 (Maritime), for operation on maritime mobile frequencies in the 2–3 megacycle band for conditional communication with public coastal harbor stations, will, under § 7.5 (d) of the revised rules, be regularized as Marine Fixed stations and will be permitted to communicate with Public Class II coast stations using telephony.

Nature of public ship service. A public ship station is a ship station (not necessarily a common carrier) open to public correspondence. In addition to such messages as are necessary for compliance with § 8.303 of the attached rules, and except as may be otherwise limited by the attached rules governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand shall provide a service of public correspondence for any person who, while on board in any status or capacity requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however,* That unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

Nature of service of limited coast and ship stations, and marine-utility stations. The revised rules provide for the establishment of certain new classes of stations specified as Limited Coast, and Limited Ship stations. Such stations will not be open to public correspondence and their purpose will be to serve the operational and business needs of ships. The establishment of this class of station will provide for regularization of the present Experimental Class 2 VHF Specialized Operational Radiotelephone Maritime stations authorized for the purpose of conducting experimental radiotelephone communication in connection with the development and testing of ship-to-ship and ship-to-shore radiotelephone systems designed to serve the business and operational needs of ships. The "Limited" class of stations will also provide for the continuance of the service of stations of the type heretofore classified as Limited Governmental, which classification is omitted from the revised rules.

A new class of limited station is created which will be authorized to operate either on ship or on shore. The station will be known as a Marine-Utility station. It will be of portable nature and of low power, using VHF radiotelephone frequencies and will be confined in its operation to a designated local geographic area. This type of station is intended to serve the general short-range communication needs of maritime interests such as harbor pilots who find small portable sets of communication equipment useful in the performance of their duties. Use of this class of station either aboard ship or ashore will be permissible under a single station license authorizing this flexibility in location.

Type approval and type acceptance of radio and radar equipment. The revised rules provide for type approval or type acceptance of transmitters and other radio equipment to be used for specific purposes. Type acceptance will be given for a readily identifiable type of transmitting equipment upon proper showing made by the manufacturer or applicant that the equipment is capable of meeting requirements for licensing purposes. Type approval, as distinguished from type acceptance, will be given by the Commission only after suitable tests have been made to determine the ability of a type of equipment to meet specific requirements for which type approval is requested. With the exception of radar equipment, type approval is applicable only to radio equipment to be compulsorily installed on ships for safety purposes (such as main transmitters, emergency transmitters, auto-alarms, etc.). The revised rules provide for type approval of radar equipment to be used in radar installations either on ship or on shore since such equipment, although not compulsorily installed, requires special care in testing and special testing techniques to determine its adequacy for licensing purposes.

Waiver of operator license requirement for VHF ship stations under certain conditions. Provision is made in Subpart F of Part 8 of the revised rules for waiver of the requirement of a licensed operator during normal course of service of certain classes of ship stations using telephony only on frequencies above 30 megacycles, exclusively. It is intended this waiver will encourage the use of VHF telephony by ship owners who do not need to use frequencies lower than 30 megacycles. The waiver is conditioned upon the use by a ship station of equipment type accepted by the Commission for this purpose. Under the waiver the equipment must not be that required by statute or treaty, and all tests and adjustments must be made by a duly licensed operator.

In view of the foregoing, the Commission is of the opinion that due consideration has been given to the comments filed in Docket No. 9797 and finds that the public interest, convenience, and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to authority contained in the Communications Act of 1934, as amended: *It is ordered*, This 13th day of June 1951, that:

1. The foregoing report is adopted.

2. The rules set forth in the attachment hereto are adopted and shall become effective on the 23d day of July 1951.

3. The present Parts 7 and 8 of the Commission's Rules Governing Coastal and Marine Relay Services, and Ship Service, respectively, are repealed effective the 23d day of July 1951.

Adopted: June 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

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AUTHORITY: §§ 7.1 to 7.52 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 7.1 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land. For the purpose of this part, the following definitions shall be applicable.[1]

SUBPART A—DEFINITION OF TERMS

§ 7.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.[2]

(b) *Statutes and international agreements.* (1) Communications Act: The Communications Act of 1934, as amended.

(2) International Radio Regulations: The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(c) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a radio communications service.

(g) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(i) *Permittee.* A person who holds a valid station construction permit.

(j) *Station licensee.* A person who holds a valid station license or special temporary authorization.

(k) *Operator licensee.* A person who holds a valid license or valid permit for the actual operation of a licensed station.

(l) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(m) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(n) *Landing area.* Any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(o) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and specific area of inspection associated therewith are designated by Appendix I to this part.

(p) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(q) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(r) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station to which the pertinent rule or regulation involving the use of this term is applied.

§ 7.3 *Maritime mobile service*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.[3]

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion.

(e) *Coast station.* A land station in the maritime mobile service carrying on a service with ship stations.[3]

(f) *Public coast station.* A coast station open to public correspondence.

(g) *Limited coast station.* A coast station, not open to public correspondence, which serves the operational and business needs of ships.

(h) *Class I coast station.* A coast station (public or limited) licensed to provide a maritime mobile service to ships at sea, including such service over distances up to several thousand miles, whose frequency assignment for this purpose includes appropriate frequencies below 150 kc or between 5,000 kc and 25,000 kc.

(i) *Class II coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a regional character, whose frequency assignment does not include any frequency below 150 kc, or between 5,000 kc and 25,000 kc except on a secondary basis under specified conditions intended to minimize the possibility of interference to other stations having priority on these frequencies.

(j) *Class III coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local character, whose frequency assignment does not include any frequency below 25,000 kc.

(k) *Operational designator.* The letter "A", "B", or "F", appended to the term "class I", "class II", or "class III", as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile.[4]

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(n) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (l) and (m) of this section, at the time it is being operated.

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[1] For other definitions, refer to Part 2, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations; Part 8, Rules Governing Stations on Board Ships In The Maritime Services; and Part 14, Rules Governing Radio Stations in Alaska—Other than Amateur and Broadcast.

[2] The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

[3] Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

[4] Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I–A, Public III–B, Limited II–A, Limited III–BF, Public II–AD, etc.

§ 7.4 *Maritime radiolocation service*—(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radiolocation.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation land station.* A station in the radiolocation service not intended for operation while in motion.

(f) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(g) *Shore radiolocation-training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiolocation.

(h) *Shore radiolocation-test station.* A shore radiolocation station used solely for testing maritime radiolocation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(i) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(j) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(k) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(l) *Radionavigation station.* A station in the radionavigation service.

(m) *Radionavigation land station.* A station in the radionavigation service not intended for operation while in motion.

(n) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(o) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their position.

(p) *Primary radar.* Radar using reflection only.

(q) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(r) *Shore-radar station.* A shore radionavigation station utilizing radar for the purpose of detecting above-water objects (primarily ships) with a determination of their direction and distance from the station.

(s) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emission.

(t) *Radio direction-finding station.* A radio location station intended to determine only the direction of other stations by means of transmissions from the latter.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 7.5 *Maritime fixed services*—(a) *Fixed service.* A service of radio-communication between specified fixed points.

(b) *Fixed station.* A station in the fixed service.

(c) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(d) *Marine fixed station.* A fixed station, used primarily for safety communication[1] which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(e) *Marine control station.* An operational fixed station used to control the emissions or operation of a coast station at a separate location.

(f) *Marine repeater station.* An operational fixed station used to retransmit, to a point of destination or to a message routing center, radiocommunications received at a coast station from ship or aircraft stations in the maritime mobile service.

(g) *Marine relay station.* An operational fixed station used for communication between coast stations or between a coast station and an associated remote control point, which is intended to expedite the movement of message traffic to or from mobile stations in the maritime mobile service.

(h) *Marine receiver-test station.* A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

§ 7.6 *Developmental maritime stations on land*—(a) *Developmental land station.* A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental land station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiolocation service (including maritime radio navigation service), and the maritime fixed services, are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public Class III coast station (developmental)".

§ 7.7 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary to the conduct of the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

(d) *Distress signal.* (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radio telegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "Mayday", pronounced as the French expression "m'aider".[2]

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "Pan" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorlogical warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of the French word "Securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulation) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver—

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(m) *Control point.* An operating position associated with a particular station or stations which is—

(1) Under the control and supervision of the station licensee or his authorized agent; and

(2) A place at which the required monitoring and control facilities are available; and

(3) A place at which a duly licensed operator (or other person if the requirement for a licensed operator is waived by the Commission) responsible for the operation of the transmitter(s) is stationed.

(n) *Dispatch point.* A place from which radiocommunication may be transmitted under supervision of a responsible operator at a control point.

§ 7.8 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunciation set up for the transmission of speech or, in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Selective-calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(j) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(k) *Carrier frequency.* The frequency of the carrier.[3]

(l) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(m) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted, by applicable regulations or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(n) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(o) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(p) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(q) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power.[4]

(r) *Interference guard bands.* The two frequency-bands additional to and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(s) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(t) Authorized frequency band authorized for use by a station.

(u) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.[5]

(v) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by—

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(w) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(x) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 per cent modulation.

(y) *Percentage modulation.* The modulation factor expressed in percent.

(z) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(aa) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier[1] is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(bb) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(cc) *Frequency swing.* In frequency modulation, the peak difference between

[1] See § 7.7 (a) defining "safety communication".

[2] In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

[3] For the definition of "carrier", see § 2.1 of this chapter.

[4] This definition coincides with the definition of "Bandwidth Occupied by an Emmission", which appears as par. 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signaling.

[5] This definition coincides with the definition of "Frequency Assigned to a Station" which appears as par. 57 of the International Radio Regulations of Atlantic City, 1947.

the maximum and the minimum values of the instantaneous frequency.

(dd) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(ee) *Antenna (aerial).* A means for radiating or intercepting Hertzian waves.

(ff) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(gg) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(hh) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(ii) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(jj) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(kk) *Authorized transmitter - power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna; without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(ll) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 7.7, such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

Subpart B—Applications [1]

§ 7.21 *Authorization required for operation and construction of station.* (a) Any radio station required by the Communications Act to be licensed shall not be operated in the maritime mobile service, in the maritime radiolocation service, or in any maritime fixed service except under and in accordance with a valid station authorization granted by the Commission.[2] Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

(b) No license shall be issued by the Commission for the operation of any station subject to this part, unless a permit for construction has first been granted by the Commission upon written application therefor.

§ 7.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station as designated below:

(1) Public class I coast stations.
(2) Public class II coast stations.
(3) Public class III coast stations.
(4) Limited class I coast stations.
(5) Limited class II coast stations.
(6) Limited class III coast stations.
(7) Marine-utility stations.

(b) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station as designated below:

(1) Shore radiolocation stations.
(2) Shore radiolocation-training stations.
(3) Shore radiolocation-test stations.

(c) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station as designated below:

(1) Shore radionavigation stations.
(2) Shore-radar stations.

(d) Stations in the fixed service subject to this part are licensed according to the class of station as designated below:

(1) Marine fixed stations.
(2) Marine control stations.
(3) Marine repeater stations.
(4) Marine relay stations.
(5) Marine receiver-test stations.

§ 7.23 *Statutory eligibility for station license.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 7.24 *Application precedent to authorization.* Except as otherwise provided in §§ 7.26 and 7.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form [3] first is filed with the Commission. Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part. Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Secretary of the Commission at Washington 25, D. C. Except as otherwise provided in §§ 7.32, 7.36 and 7.41, an application should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date. The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

§ 7.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If application is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why the application is not made by the applicant. Applications filed on behalf of eligible governmental entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. When more than one copy of an application is required to be filed with the Commission, only the original need be signed or verified; copies may be conformed.

§ 7.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and, except as provided in § 7.41, the original copy shall be subscribed and verified as provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.27 *Defective applications.* (a) An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the defect.

(b) An application which is not made in accordance with the Commission's rules, regulations, or other requirements, will be considered defective unless accompanied either (1) by a petition to amend the rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 7.28 *Amendments of applications.* (a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 7.29 *Dismissal of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

§ 7.30 *Partial grant of application.* Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing in the same manner as other applications are set for hearing.

§ 7.31 *Establishment of station.* (a) Application for permit to construct a station subject to this part [4] shall be submitted on FCC Form 401.[5] When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401A (revised), "Description of Proposed Antenna Structure", shall be submitted in quadruplicate with duplicate set of FCC Form 401 in each instance when:

(1) The antenna structures [6] proposed to be erected will exceed an over-all height of 170 feet above ground level; or

(2) The antenna structures [6] proposed to be erected will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A need be filed.

(c) There shall be attached to each copy of FCC Form 401A (revised) a sketch showing the antenna structures and a map showing the location of the antenna structure, landing areas in the vicinity thereof, and all structures that may affect the marking of the antenna structures.

(d) The location of the control point shall be specified in the application for construction permit. The location of the control point may be the same as that of the transmitting equipment or it may be a separate location. More than one control point for the same transmitting equipment is permissible if specified in the application and authorized by the Commission.[7]

(e) Each application for construction permit shall include such supplementary information as is prescribed in other applicable sections of this part, with respect to the particular class of station for which a station authorization is requested.

§ 7.32 *Changes prior to completion of station.* (a) When, during the term of a construction permit, any change is to be made in respect to the station which would result in a deviation from the

[1] For additional information concerning applications and for information concerning procedure relative to hearings, oral arguments, petitions, etc., refer to Part 1 of the Commission's Rules Relating to Practice and Procedure.

[2] The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15, Rules Governing Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

[3] Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices.

[4] With respect to applications for marine-utility stations, see § 7.33.

[5] This form may be obtained without cost, upon request made to the Washington 25, D. C., office of the Commission or to any of the Commission's engineering field offices.

[6] The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

[7] See § 7.71 in respect to authority for control points.

terms of the permit, application for modification of such permit shall be filed on FCC Form 401.

(b) FCC Form 401A (revised), in quadruplicate, shall be submitted with FCC Form 401 in duplicate, whenever any change is to be made in the antenna structures [9] if such structures, as the result of such change, will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed; or whenever the over-all height of the antenna structures, as a result of such change, will exceed 170 feet above ground level; or whenever the antenna structure already is required to be painted or lighted in accordance with Part 17 of the Commission's rules. In such cases, there shall be attached to Form 401A (revised) a sketch and a map as prescribed in paragraph (c) of § 7.31.

(c) FCC Form 701 shall be used whenever it is necessary to request an extension of the time limit specified on a valid construction permit. Such application shall be filed at least 30 days prior to the expiration date of the permit if the facts supporting such application for extension are known to the applicant in time to allow such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of the reason for filing within less than 30 days prior to the expiration date. Such application shall contain specific and detailed information showing that failure to complete construction within the authorized period is the result of causes beyond the control of the permittee, or that the applicant has been diligent in his efforts to complete the construction of the proposed station.

§ 7.33 *Application concerning marine-utility stations.* (a) A permit for construction of a marine-utility station is not required when such station is to be used and operated solely on board mobile vessels. In such circumstances, the marine-utility station is subject to the provisions of Part 8 of the Commission's rules and application for station license may be filed in accordance with the applicable sections of that part.

(b) Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of this part [9] and an application for construction permit to establish such station shall be filed with the Commission.

[9] The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

[9] See paragraph (b) of § 7.21; also see §§ 7.39 and 7.40.

§ 7.34 *Temporary and permanent station locations.* (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary. An application for construction permit relative to such station shall specify the station location as temporary, and shall designate each temporary location at which the station is to be used and operated or shall specify the general geographic area within which the use and operation of the station will be confined.[10]

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and shall be designated accurately in the application for construction permit.[11]

§ 7.35 *Application for station license.* Upon completion [12] of construction in accordance with the terms of the construction permit (as modified if a modified permit has been issued), an application for station license shall be submitted on FCC Form 403.

§ 7.36 *Changes during license term.* (a) When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license, an application for construction permit or modification of license, as the case may require, shall be filed as prescribed in paragraphs (b), (c), and (d) of this section.

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in paragraph (b) of § 7.32, shall be requested by filing an appropriate application for construction permit on FCC Form 401. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of the necessary application. Upon completion [12] of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction permit, an appropriate application for modification of station license shall be submitted on FCC Form 403.

(c) Authority for any change in the use and operation of the station, other than physical changes of the nature prescribed in paragraph (b) of this section, shall be requested by filing an appropriate application on FCC form 403 [13] for modification of station license.

(d) In accordance with § 7.24, an application for modification of a station license shall be submitted not less than 60 days prior to the date contemplated for such modification of license in order that action thereon may be taken by that date.

§ 7.37 *Renewal of license.*[14] Application for renewal of station license shall be submitted on FCC Form 405. Unless otherwise directed by the Commission, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action thereon may be taken by that date.

§ 7.38 *Reinstatement of license.* When the use and operation of a station has been discontinued due to the station license having expired by its own terms, and an application for renewal of such station license has not been submitted within a period of 60 days from the expiration date of such license, an applicant shall, if authority is desired to resume operation in exact accordance with the terms of the expired license, submit simultaneously applications for construction permits and licenses on FCC Forms 401 and 403, respectively.

§ 7.39 *Applications filed concurrently.* (a) Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(1) Application for modification of station license and for renewal of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(2) Application for construction permit and for station license or related modification of license where the complete transmitter(s) is (are) available for immediate use and operation, including all accessory apparatus required for the service to be rendered, and where no construction is involved: *Provided*, The associated antenna structures [15] are available for immediate use and do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(3) Application for modification of construction permit and for station license: *Provided*, Such application for modification of construction permit does not request authority for any additional construction, extension of time in which to complete construction, or change in construction of the station (including the height of the antenna or supporting structures): *And further provided*, That the complete transmitter(s) and all accessory apparatus required for the service to be rendered are available for immediate use and operation in accordance with the terms of the modified permit desired.

(4) Application for modification of station license and for consent to voluntary assignment or transfer of control of station license.

(5) Application for renewal of station license and for consent to voluntary assignment or transfer of control of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

§ 7.40 *One application for plurality of stations.* (a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section: *And provided*, The individual stations covered by each application are clearly identified therein:

(1) Applications for construction permits and for station licenses for marine-utility stations to be used and operated in the same geographic area;

(2) Application for modification of construction permits for marine-utility stations to be used and operated in the same geographic area when the modification requested is the same for all stations covered by the application;

(3) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(4) Application for renewal of station licenses for any class of station subject to this part;

(5) Application for consent to assignment or control of station authorizations.

(b) The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the involved stations at the time the application is filed:

(1) Applicant;

(2) Nature of service and class of station;

(3) Legal control of the station;

(4) Expiration date of the station authorization when application is made for modification or renewal thereof.

§ 7.41 *Application for special temporary authority for installation and operation of transmitting apparatus.* (a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed three months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiolocation service (provided the proposed operation is not in conflict with the rules and regulations of the Commission) with a station classification in accordance with §§ 7.6 or 7.22, under the following conditions:

(1) In cases which require the immediate use of existing and available radio transmitting apparatus not already authorized for the desired operation: *Provided*, The associated antenna structures [16] (if not covered by an existing station authorization) do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed;

(2) In cases where an urgent need is shown for operation of an authorized station (without the addition of more radio transmitting apparatus or increase in height of antenna structures) for a limited time only, in a manner or for a period of time other than that specified in the existing station authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, authority shall be requested for the developmental operation only, and those sections of this part applicable to developmental stations shall govern the nature of the application.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in the applicable section(s) of this part. When necessary, however, such applications may be filed as an informal application as prescribed in § 7.26. The form(s) to be used and the procedure in filing shall be governed by the provisions of this part applicable to the type of document (construction permit, license, modification thereof, etc.) which would be requested normally in a particular case in lieu of special temporary authority.

(c) An application for special temporary authority shall be filed in written form not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet this time limitation is included with the application form.

(d) Each application for special temporary authority shall contain the following information:

(1) Name and address of applicant;

(2) Official call letters of any valid station authorization already held by applicant, and the station location;

(3) Relation of applicant to the owner of any transmitting equipment for which initial authority is requested;

(4) Class of station and nature of service; [17]

(5) Station(s) or class of station with which communication will be carried on;

(6) Carrier frequency or frequencies, class of emission, and emisson-bandwidth to be employed,[18] if these elements are involved.

(7) Equipment to be used, specifying the manufacturer, model number, the normal plate input power to the last radio stage, and frequency tolerance that can be maintained [18] if these elements are involved;

(8) The date(s) and time(s) of the proposed operation;

(9) Complete particulars concerning purpose, nature, and location of proposed operation;

(10) Explanation of the need for special temporary authority in lieu of normal type of authorization.

(e) Each application for special temporary authority submitted by an applicant who does not hold a valid station authorization issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (c) of this section, contain such factual statements as may be necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

§ 7.42 *Application for consent to assignment or transfer of control of construction permit or station license*—(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license covering a station subject to this part, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may require, at least 60 days prior to the contemplated effective date of assignment of transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability; and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 702 or FCC Form 703, as the case may require, shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 7.43 *Application precedent to hearing.* Whenever the Commission regards

[10] A general area may be designated in terms of a specific city, county, state, region, etc., or more than one of these designations may be specified. See also §§ 7.70 and 7.71.

[11] With respect to a subsequent change in permanent station location, see §§ 7.32 and 7.36.

[12] See § 7.64 concerning operation for test purposes upon completion of construction.

[13] See § 7.42 if assignment of the license or a change in corporate control of the licensee is involved.

[14] See § 7.46 (b).

[15] The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

[16] The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

[17] See §§ 7.6 and 7.22.

[18] See pars. (k), (l) and (q) of § 7.8.

[18] See pars. (m), (gg), (hh) and (kk) of § 7.8.

an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 7.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 7.45 *Inconsistent or conflicting applications.* When an application has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

§ 7.46 *Applications for authority to discontinue, reduce or impair service provided by a public coast station.* (a) Procedures relating to applications under section 214 of the Communications Act for authority to discontinue, reduce or impair service provided by a public coast station are set out in Part 63 of this chapter.

(b) Licensees of public coast stations who propose to discontinue service at the end of any license period shall file an appropriate application for discontinuance of service, as provided in Part 63 of this chapter. Any licensee of a public coast station who has filed, or who proposes to file, an application for authority to discontinue service provided by such station shall, during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

§ 7.47 *Request for amendment or waiver of rules.* (a) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile service, maritime radiolocation service, or fixed service subject to this part. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

SUBPART C—STATION AUTHORIZATION

§ 7.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the installation ready for operation, unless otherwise determined by the Commission in any particular case.

§ 7.62 *Forfeiture of construction permit.* A radio station construction permit shall be automatically forfeited if the construction authorized by such permit is not completed within the time specified therein or within such further time as the Commission may have allowed for completion, unless prevented by causes not under the control of the holder of the construction permit.[1]

§ 7.63 *Changes in licensed station.* (a) A change may be made in licensed transmitting equipment without making application to the Commission and without specific authorization from the Commission: *Provided:*

(1) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved.

(2) A description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required[2] before the following antenna changes may be made at any station other than a marine-utility station:

(1) Any change that will increase or decrease by more than five feet the overall height of an antenna used for transmission on any frequency or frequencies above 100 Mc.

(2) Any change that will appreciably modify the power gain or radiation pattern of an antenna used for transmission on any frequency or frequencies.

(3) Any change in the antenna structures[3] which will result in such structures exceeding an over-all height of 170 feet above ground level.

(4) Any change in the antenna structures[3] or their location which will result in such structures exceeding an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(5) Any change in antenna structures[3] or their location when such structures already are required to be marked in accordance with Part 17 of this chapter.

(c) Changes, except as designated in paragraph (b) of this section, may be made in the antenna or antenna supporting structures of a licensed station without specific authorization from the Commission, provided that, for stations other than marine-utility stations:

(1) The Commission at Washington, D. C., and the Commission's engineer in charge of the inspection district in which the station is located are notified in advance of such changes; and

(2) A description of such changes is incorporated in the next application for renewal or modification of the station license.

§ 7.64 *Equipment and service tests.* (a) Equipment and service tests of any radio transmitting facilities authorized by a construction permit issued by the Commission in respect to a station subject to this part may be conducted as prescribed in paragraphs (b), (c), and (d) of this section: *Provided,* That necessary precautions are taken to avoid interference to the service of other authorized stations.

(b) Equipment test: Upon completion of construction or installation of radio transmitting facilities in a station in exact accordance with the terms of the related construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and prior to the filing of an application for license or modification of license, the permittee is authorized to test the equipment in accordance with applicable terms of the construction permit for a period not to exceed 10 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(c) Service test: When equipment tests have been completed, and after application for station license or modification thereof has been filed with the Commission showing the transmitting equipment and associated apparatus to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of such tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(d) Limitations: The authorization for tests embodied in paragraphs (b) and (c) of this section shall not be construed as constituting a license to operate but as a necessary part of the authorized construction. Equipment and service tests shall not commence after the expiration date of the construction permit.

(e) Common carrier service tests: When new stations in common carrier services are ready in all respects to be placed in service, equipment and service tests are authorized to be conducted as outlined in paragraphs (b) and (c) of this section: *Provided,* All necessary precautions are taken to avoid interference to any other authorized station. No service may be furnished to the public during the equipment test period. Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs.[4]

§ 7.65 *Normal license period.* (a) A license for a coast station shall be issued for a period of two years, unless otherwise specified in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new coast station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration date of the current license term, the new license shall be issued for the unexpired period of the current license term only.

(b) A license for any class of station subject to this part, other than a coast station or a developmental station, shall be issued for a period of one year, unless otherwise stated in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the new license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration of the current license term, the license shall be issued for the unexpired period of the current license term only.

(c) A license for a developmental station subject to this part shall be issued on a temporary basis and shall be valid for a specified period of time extending not more than one year from the date on which the license becomes effective.

§ 7.66 *Period of modified license.* When an application for modification of station license is granted, a superseding license shall, unless otherwise ordered, be issued for the unexpired period of the superseded license.

§ 7.67 *Simultaneous modification and renewal.* When an application is granted which necessitates the issuance of a modified station license less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewel of said license is granted subsequent or prior thereto, but within 30 days of expiration of the present license, the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 7.68 *One license for plurality of marine-utility stations.* (a) Unless otherwise determined by the Commission, one station license may be granted to authorize the use and operation of a designated maximum number of marine-utility stations, normally in multiples of ten stations, whenever the following license elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The local geographic area to which use of the particular station will be confined;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);

(5) The authorized transmitter power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment, and the authorized transmitter-power, and class or classes of emission authorized for each radio-channel.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

§ 7.69 *Transfer or assignment of station authorization.* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.[5]

§ 7.70 *Authorized station location.* (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary and shall be designated in the station authorization as temporary, together with either a specific temporary location or locations or within a prescribed geographic area, in accordance with information included in the related application for station authorization.

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and the particular location shall be specifically designated in the station authorization.

(c) When a station (other than a marine-utility station) which is authorized to be used and operated at a temporary location or locations remains at any single location for more than six consecutive months, an application for modification of the station license to specify such station location as permanent shall be filed not more than thirty days after the expiration of the six month period involved.

(d) When a station (other than a marine-utility station) which is authorized to be used and operated at more than one temporary location, is moved from one radio inspection district to another for use and operation in the latter district, the station licensee shall so notify the Commission's engineers in charge of the respective districts. Such notification shall, if practicable, be given prior to such change in location but in any event not later than forty-eight hours thereafter.

(e) Prior authorization from the Commission is required before a station may be used and operated at any station location not authorized by either the station authorization or applicable rules and regulations of the Commission.[6]

§ 7.71 *Authorized control point.* (a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall be designated in the station license as stated herewith:

(1) When no control point location is designated in an application, the control point shall be not more than 500 feet from the location of the authorized radio transmitting apparatus.

(2) When the control point is at a location more than 500 feet from that of the authorized radio transmitting apparatus, the control point location shall be designated as follows:

(i) In urban areas, the street address shall be specified.

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[1] A notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

[2] See § 7.36.

[3] The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

[4] See § 61.62 of the Commission's Rules Governing the Construction, Filing, and Posting of Charges for Interstate and Foreign Communications Service.

[5] See § 7.42 in respect to filing related applications.

[6] See §§ 7.32 and 7.34 relative to the filing of pertinent applications.

(ii) In rural areas, the approximate location shall be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively; or in distance and direction from the center of a nearby established community in terms of statute miles and geographical quadrant, respectively.

(b) Prior authorization from the Commission is required before a change may be made in the location of an authorized control point or before any control point not authorized by the station license, or by applicable rules and regulations, may be utilized in respect to the particular station.[1]

(c) A dispatch point or points may be installed and used without obtaining any instrument of authorization from the Commission: *Provided*, That in respect to public coast stations using telegraphy and limited coast stations using telegraphy, information relative to the location of each permanently established dispatch point, is submitted by the station licensee to the Commission for record purposes at the earliest practicable date relative to the date such dispatch point(s) is (are) permanently established.

§ 7.72 *Assignment of call signs.* (a) Stations subject to this part shall be assigned call signs in accordance with applicable provisions of the International Radio Regulations and the Communications Act as set forth in the following paragraphs of this section.

(b) Class I and class II coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) Class III coast stations (public or limited shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(d) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters followed by four digits, taken from the group KA through KZ.

(e) Stations on land in the maritime radiolocation service (including the maritime radionavigation service) shall be assigned individual call signs each consisting of three letters followed by three digits taken from either the group KAA through KZZ or the group WAA through WZZ.

(f) Marine fixed stations and marine relay stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(g) Marine control stations and marine repeater stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(h) Marine receiver-test stations shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(i) Developmental stations shall be assigned call signs of the category assignable under the provisions of this section to the class of station associated with the respective developmental station.

(j) In accordance with the preceding paragraphs of this section, call signs shall be assigned on a strict sequence basis, without advance reservation of particular call signs for specific stations or specific purposes.

§ 7.73 *Operation during emergency.* (a) The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the operation of such stations: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the engineer in charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineers in charge be notified immediately when such special use of the station is terminated: *And, provided further*, That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station, during a period of national emergency, to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy or Air Force.

§ 7.74 *Notice of involuntary discontinuance, reduction or impairment of service.*[2] (a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify the Commission at Washington 25, D. C., and the Commission's engineer in charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification thereof shall be given to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification thereof shall be given to the Coast Guard and to the Commission's engineer in charge.

(b) Notification need not be given with respect to involuntary suspension or substantial reduction of the normal service of a limited coast station (provided a watch normally kept by such station on 500 kc or 2182 kc is not reduced or suspended thereby) or any other station subject to this part, except public coast stations as provided in paragraph (a) of this section, during any period of involuntary reduction or suspension not exceeding 10 days. Whenever the period of such involuntary suspension or reduction exceeds 10 days, notification thereof shall be given, except by marine-utility stations, to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the known or estimated time of resumption of normal operation. In the event any reduction or suspension of the service of a limited coast station causes a reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch.

§ 7.75 *Notice of voluntary discontinuance, reduction or impairment of service.*[2] When the service of any station subject to this part (other than a marine-utility station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification thereof shall be given to the Commission's engineer in charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days. In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

§ 7.76 *Cancellation of license.*[3][10] In all cases of permanent discontinuance of operation of stations subject to this part, the licensee shall immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 7.101 *Inspection of stations.* Pursuant to section 303 (n) of the Communications Act, all stations subject to this part and all station records required by this part shall be available for inspection by authorized representatives of the Commission at such times and intervals which, within the discretion of the Commission, are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements.

§ 7.102 *Posting of station license.* (a) The current station authorization for each station (other than a marine-utility station) subject to this part, which is authorized for use and operation at a permanent location,[1] or at a single temporary location [1], shall be posted in a conspicuous place at the principal control point of that station. At all other control points designated in the station authorization, a photocopy of the authorization shall be posted. In addition, a Transmitter Identification Card (FCC Form 452–C), properly executed, shall be affixed to each transmitter of such station when such transmitter is not in view of, and readily accessible to, the responsible operator at the principal control position. The following information shall be entered on the Transmitter Identification Card by the permittee or station licensee:

(1) Name of permittee or licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station authorization and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the permittee or licensee, or his duly authorized agent.

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this part, which is of portable nature and is authorized for use and operation of two or more temporary locations, shall be posted either at the control point of the station or retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside of any cabinet or other structure in which the transmitting apparatus is contained.

(c) With respect to a plurality of marine-utility stations authorized by one station license in accordance with the provisions of § 7.68, the station license shall be retained by the licensee at any location where it is accessible to Commission inspection. In lieu of posting the license, a Transmitter Identification Card (FCC Form No. 452-C Revised) properly executed shall be affixed to each authorized transmitter: *Provided*, That where the transmitting equipment (such as may be installed in a land vehicle) is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the station operating position. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

§ 7.103 *Requirements concerning station location.* (a) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class I public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall, when such apparatus is to be used and operated on any frequency assignment below 5000 kc, be located as close as practicable to the open sea.

(b) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class II public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall be installed at a location which, according to generally established engineering principles and standards, should not result in abnormally high attenuation of emission, insofar as such attenuation is caused by land intervening between that location and the majority of ship stations with which communication is to be effected.

(c) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class III public coast station, the construction of which is authorized by the Commission subsequent to July 1, 1952, shall be centrally located, insofar as practicable, in relation to the center of the geographic water area to which ship-shore communication is to be provided by the particular coast station, as specified in the related application for construction permit.

(d) Applicants for construction permits to establish coast stations for transmission on any frequency assignment(s) within the frequency-band 156.35 Mc to 162.05 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States Government stations.

§ 7.104 *Facilities required for public coast stations.* (a) As a minimum, public coast stations using telegraphy shall be provided with the facilities designated herewith:

(1) Stations having a frequency assignment within the band 365 to 515 kc shall—

(i) Be equipped to transmit efficiently with classes A1 and A2 emission on the general maritime calling frequency (500 kc assigned frequency) and on at least one additional radio-channel authorized for working within the band 365 to 515 kc;

(ii) Be equipped to receive efficiently classes A1 and A2 emission on all radio-channels authorized for the maritime mobile service of telegraphy within the frequency-band 365 to 515 kc.

(2) Stations having a frequency assignment below 150 kc shall—

(i) Be equipped to transmit efficiently with class A1 emission on at least one radio-channel authorized for working within the band 100 to 150 kc;

(ii) Be equipped to receive efficiently class A1 emission on all radio-channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100 to 150 kc.

(3) Stations having a frequency assignment above 4000 kc shall—

(i) Be equipped to receive efficiently on each assigned frequency, and on each assigned frequency for ship stations using radiotelegraphy as designated in Part 8 of this chapter when such ship station frequency is in the same characteristic portion of the spectrum as is the coast station assigned frequency.

(b) Pending final decision of the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, each coast station licensed to transmit by means of telephony on one or more frequencies within the band 2500–2600 kc must be capable of transmitting by telephony and shall be licensed to transmit by telephony on the radio-channel of which 2182 kc is the authorized carrier frequency, and shall be capable of receiving telephony on this radio-channel: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the circumstances relative to the operation of that station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(c) All coast stations shall comply with the following requirements:

(1) Each coast station which is licensed to transmit on the radio-channel

[1] See § 7.34.

[2] For rules covering the filing of applications for authority under sec. 214 of the Communications Act, see Part 63 of this chapter.

[1] See §§ 7.34 and 7.70.

[3] See § 7.46.

[10] See § 61.57 of the Commission's rules for procedure in canceling applicable tariffs.

of which 2182 kc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (A3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 2000 to 3500 kc.

(2) Each coast station which is licensed to transmit on the radio-channel of which 156.8 Mc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (F3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 156.35 Mc to 162.05 Mc.

(3) Marine utility stations used on shore shall comply with the requirement of subparagraph (2) of this paragraph.

§ 7.105 *Special provisions relative to VHF facilities.* (a) Coast stations at locations separated by less than 150 statute miles, which transmit on a radio-channel above 100 Mc, shall minimize any interference between the particular stations using the same radio-channel above 100 Mc by a mutually agreeable time-sharing arrangement, subject to direction by the Commission if agreement cannot be attained by the involved station licensees. In addition, where practicable, such licensees shall use directive antennas to minimize interference between the particular stations.

(b) Coast stations at locations separated 150 statute miles or more, which transmit on a radio-channel above 100 Mc, shall minimize interference between the particular stations using the same radio-channel above 100 Mc in so far as is practicable by adjustment of radiated power (provided the authorized transmitter power is not exceeded), by adjustment of antenna height (within the physical limitations approved by the Commission with respect to air navigation), or by employing appropriate antenna directivity. Appropriate remedial action in this respect may be specifically required of particular station licensees when, in the discretion of the Commission, such requirement must be imposed by a specific directive.

(c) Coast stations which transmit on a radio-channel above 100 Mc and are located within interference range on such channel of any station within a foreign country bordering on the United States, shall take such measures of the nature prescribed in paragraphs (a) and (b) of this section as may be practicable and appropriate to minimize interference to the involved foreign station(s), and shall keep the Commission fully informed of all pertinent developments.

§ 7.106 *Operating controls.* (a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Effective on and after January 1, 1952, such operating controls as necessarily are used for commencing and discontinuing normal operation of each coast station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(c) Effective on and after January 1, 1952, every coast station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Effective on and after January 1, 1952, every coast station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(e) Effective on and after January 1, 1952, every cost station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Effective on and after January 1, 1953, every coast station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within the same characteristic portion of the spectrum below 515 kc within a period of five seconds: *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Effective on and after the dates hereinafter designated in this paragraph, every coast station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within—

(1) A period of five seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc to 4000 kc; effective on and after January 1, 1953; or

(2) A period of three seconds, when changing from the ceiling channel to a working channel and vice versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

§ 7.107 *Antenna requirements.* (a) The antenna(s) of each public coast station shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a coast station (public or limited) or a marine-utility station operated on shore, using telephony on any frequency assignment within the frequency band 30 Mc to 200 Mc normally shall be polarized vertically at the source: *Provided,* The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by mobile stations.

(c) Pending final decision by the Commission in Docket 9797 in respect to this paragraph, the following provision shall continue in effect. The licensee of any coast station using telephony on frequencies within the band 2000 kc to 3500 kc or on frequencies above 25 Mc shall operate the station so as to provide, in respect to such use of telephony, a specified field strength pattern with respect to transmission and reception of signals, if and when directed to do so by the Commission. For the purpose of determining the need for a particular field strength pattern, the Commission may require the licensee, prior to renewal of the station license, to conduct an appropriate field strength survey and to file the resultant data as part of the application for renewal of license.

§ 7.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 7.109 *Measurement of emission frequencies.* (a) The licensee of each station subject to this part shall be responsible [2] for measurement of each carrier frequency in use by the station as stipulated in the following paragraphs of this section: *Provided,* That when a carrier does not exist (except for radar transmitters) [2] measurement shall be made of the frequency coinciding with the center frequency of the emission-

[2] The licensee of a station on land using a radar transmitter shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 7.133.

bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modluation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency deter-determining elements of the transmitting apparatus, and the measuring equipment shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-band width has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a radar transmitter) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided,* That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 7.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter of a coast or fixed station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, in so far as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 and 80 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a coast or fixed station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided,* That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a coast or fixed station, subject to this part, as rated by the manufacturer, is capable of being more than 120 percent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of amplitude modulation, the term "power", as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

§ 7.111 *Modulation adjustments for telephony.* (a) Coast stations, fixed stations, and marine-utility stations subject to this part and using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Coast stations, fixed stations and marine-utility stations subject to this part using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 percent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 7.112 *General requirements for receiving apparatus.* (a) The radio equipment of each coast station, or marine-

utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast or marine-utility station on the associated transmitting frequency.

§ 7.113 *Facilities for busy signal in telephony.* (a) A "busy" signal, when used by a coast station in accordance with the provisions of paragraph (e) of § 7.312 may be transmitted by appropriately modulating the carrier wave of the station by means of a single audio frequency regularly interrupted, as follows:

1. Modulating frequency: Not less than 100 nor more than 1100 cycles per second, provided the frequency used for this purpose shall not cause auto-alarms or selective-ringing devices to be operated.
2. Rate of interruption: 60 times per minute.
3. Duration of each interruption: 0.5 second.
4. Tolerance for each of the factors 2 and 3: 10 percent.

(b) As an alternative to the technical factors set forth in paragraph (a) of this section, other appropriate technical factors may be authorized by the Commission for the purpose of a "busy" signal pursuant to paragraph (e) of § 7.312.

§ 7.114 *Required coast station clock:* (a) A reliable clock with a second hand shall be installed at the radio operating control point of each coast station licensed for telegraphy on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. In each coast station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.

(b) On each day the coast station is operated, the time indicated by this clock, shall be compared with standard time and if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time: *Provided,* That this requirement shall not preclude adjustment of this clock to Greenwich mean time pursuant to the International Radio Regulations.

§ 7.115. *Retention and availability of radio station logs.*[1] (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complainant has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

§ 7.116 *Requirements as to control points.* At each control point of each coast or fixed station subject to this part the following facilities shall be provided:

(a) A carrier-operated device which will provide continuous visual indication whenever the transmitting apparatus is supplying power at radio-frequency to the antenna; or, in lieu thereof, a pilot lamp or meter or equivalent device which will provide continuous visual indication whenever the transmitter control circuits have been placed in a condition to actuate the radio transmitting apparatus: *Provided, however,* That the provisions of this paragraph shall not apply to marine-utility stations;

(b) Equipment to permit the responsible operator to aurally monitor all transmissions originating at dispatch points under such operator's supervision, if dispatch points are utilized;

(c) Facilities which will readily permit the responsible operator either to disconnect the dispatch point circuits from the radio transmitting apparatus or to render such apparatus inoperative from any dispatch point under the supervision of such operator; and

(d) Facilities which will permit the responsible operator to energize and de-energize the radio transmitting equipment at will. For this purpose the term "de-energize" means to suppress completely all emission from the transmitting antenna. The use of a telegraphic key or keying device as a means of compliance with this provision is acceptable when it is readily possible for the responsible operator to de-energize the station by means of such key or keying device.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 7.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances[1] authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency-band 1,600 kc to 25,000 kc:

Frequency ranges	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
	Percent	*Percent*
(1) From 14 to 515 kc	0.1	0.02
(2) From 1,600 to 25,000 kc	.02	.005

(c) Authorized frequency tolerances for coast stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency range	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
	Percent	*Percent*
(1) From 2100 to 2210 kc: Marine fixed stations and marine receiver-test stations	0.01	0.005
(2) From 72 to 76 Mc: Marine control, marine repeater, and marine relay stations	0.005	
(3) From 100 to 200 Mc: Marine receiver-test stations	.005	

(e) The frequency tolerance authorized for stations on land operating in the maritime radiolocation service shall be:

(1) When using radar transmitter(s) only, within a frequency-band above 2400 Mc, the frequency tolerance is prescribed as follows: the frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

§ 7.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

FREQUENCY-BAND AND CLASSES OF EMISSION AUTHORIZED[1]

(1) Coast stations using telegraphy:	
14 to 100 kc	A1, and for brief testing A0;
160 to 515 kc	A1, A2,[2] A2a,[3] A2b,[3] and for brief testing A0;
2,200 to 25,000 kc	A1, A2,[2] A2a,[3] A2b,[3] and for brief testing A0.
(2) Coast stations and marine-utility stations using telephony:	
1600 kc to 30 Mc.[3]	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0;
30 Mc to 50 Mc	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0;
156.35 Mc to 162.05 Mc.[3]	F3; and for brief operating signals F1 and F2; also for brief testing F0;
For other frequencies or frequency-bands.	As designated in the station authorizations.
(3) Marine fixed stations:	
2100 to 2210 kc	A3, A3a A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
Marine receiver-test stations:	
2100 to 2210 kc	Primarily A3, A3a, A3b; secondarily for test calling signals: A0, A1, A2, A2a, A2b;
156.35 Mc to 157.45 Mc	Primarily F3; secondarily for test calling signals; F0, F1, F2.
Marine control, marine repeater and marine relay stations:	
72 Mc to 76 Mc	A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing A0, F0.
(4) Stations using radar transmitters only:	
Above 2400 Mc	P0.

[1] The letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier.

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 23,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 33 of the International Radio Regulations of Atlantic City, 1947, becomes effective.

[3] See §§ 7.312 (a) (2) and 7.368 (a) (2).

Stations of any category not designated in subparagraphs (1), (2), (3) and (4) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.[2]

§ 7.133 *Authorized emission-bandwidths.*[1] (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 7.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters (the authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternatively shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided that for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class P0 emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 7.132 shall be as follows:

[1] See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

[1] "Frequency tolerance" is defined by par. (m) of § 7.8.

[1] "Frequency tolerance" is defined by par. (m) of § 7.8.

[2] For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

[2] For definition of the term "emission-bandwidth", see par. (g) of § 7.8.

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)[1] Frequency-band in which transmission occurs					
	2,000-4,000 kc		4,000-5,000 kc		5,000-25,000 kc	
	Day	Night	Class I station	Class II station	Class I station	Class II station
	Watts	*Watts*	*Kilowatts*	*Watts*	*Kilowatts*	*Watts*
Class C—plate or plate and screen-grid modulated	1,500	700	70	1,500	70	1,500
Class C—control, screen, or suppressor-grid modulated	3,000	1,400	140	3,000	140	3,000
Class C—cathode modulated	2,400	1,120	112	2,400	112	2,400
Class B—linear	3,000	1,400	140	3,000	140	3,000
Class BC—high efficiency	1,500	700	70	1,500	84	1,500
Other classes	As specified in the station authorization					

[1] See § 7.366 (a) (3).

(d) **For coast stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM):** the maximum authorized transmitter-power shall be:

Class of radio frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)	
	Coast stations	Marine-utility stations
	Watts	*Watts*
Class C—plate, or plate and screen-grid modulated	100	10
Class C—control, screen, or suppressor-grid modulated	200	20
Class C—cathode modulated	160	16
Class B—linear	200	20
Class BC—high efficiency	120	12
Other classes	As specified in the station authorization	

(e) **For coast stations and marine-utility stations using telephony on any frequency assignment within one or more of the following frequency-bands, and employing frequency modulation (FM), the maximum authorized transmitter-power shall be:**

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)		
	Public coast stations	Limited coast stations	Marine-utility stations
	Watts	*Watts*	*Watts*
35 Mc to 44 Mc	100	100	10
156.35 to 157.45 Mc	250	100	10
161.85 to 162.05 Mc	1,000		

(f) **For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:**

Frequency-band in which operation occurs:	*Maximum authorized transmitter-power (when no modulation is present) (watts)*
Marine fixed stations and marine receiver-test stations using telephony (amplitude modulation):	
2100 kc to 2210 kc:	
Class C—plate, or plate and screen-grid modulated	150
Class C—control, screen, or suppressor-grid modulated	300
Class C—cathode modulated	240
Class B—linear	300
Class BC—high efficiency	180
Other classes as specified in station authorization	
Marine receiver-test stations (using telephony frequency modulation): 156.35 Mc to 157.45 Mc	200

(g) **For marine control, marine repeater, and marine relay stations operating within the frequency band 72 to 75 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.**

(h) (1) For the purpose of assuring adherence to the requirements of this section, or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (hh) and (kk) of § 7.8, may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class A2 or special emission for operating signals), the authorized transmitter-power shall, in all instances, be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (D'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this subparagraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current indicated for the purpose of this subparagraph.

§ 7.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 7.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type-acceptance or as may be required by the Commission), over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 7.137 *Special requirements for radiotelephone transmitters.* (a) Except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after January 1, 1952, for use and operation in a coast station, a marine-fixed station or a marine-utility station on shore, and all radiotelephone transmitters licensed by the Commission after July 1, 1953, for use and operation in such classes of stations shall be used with a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) (1) Each radiotelephone transmitter authorized in a coast station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 7.136.

(2) Before being finally considered for type-acceptance, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, with 100 per cent modulation applied, the frequency deviation shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibles or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 7.8 (kk):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

§ 7.138 *Special requirements for radar transmitters.* (a) Each radar transmitter authorized for use in the maritime radiolocation service by any station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

(b) (1) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

(2) The provisions of § 7.136 governing the procedure to be followed for the purpose of obtaining type-acceptance of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type-approval thereof as required by paragraph (a) of this section.

SUBPART F—OPERATOR REQUIREMENTS

§ 7.151 *Authorized operator required.* (a) The actual operation of all transmitting apparatus in any radio station subject to this part shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter, subject, however, to the following provisions:

(1) When the station is used for telephony, the person actually operating the transmitting apparatus (normally a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter), may if authorized by the station licensee to do so, permit any person to speak over the

[1] In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved.

[2] In the case of class F0 emission, the emission designator and the authorized emission-bandwidth will vary according to the specific characteristics of the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 7.131, paragraph (e) (1) concerning authorized frequency tolerance for radar transmitters.

Class of emission	Emission designator	Emission-band width authorized for transmission of intelligence
A0	None	None.
A1	0 16 A1	224 cycles per second.
A2	2 00 A2	2,724 cycles per second.
A2b	1 93 A2b	2,724 cycles per second.
A3	2 00 A3	2,724 cycles per second.
A3a	A3a	5,000 cycles per second.
A3b	A3b	4,500 cycles per second.
F0	None.	None.
F1:		
Class	Variable [1]	40,000 cycles per second.
For 35 Mc to 76 Mc	Variable [1]	40,000 cycles per second.
F2:		
Class	36 F2	40,000 cycles per second.
For 35 Mc to 76 Mc	36 F2	40,000 cycles per second.
For 156.35 to 162.05 Mc		
F3:		
For 35 Mc to 76 Mc	36 F3	40,000 cycles per second.
For 156.35 to 162.05 Mc	36 F3	40,000 cycles per second.
F0	Variable [2]	Variable. [2]

[3] See pars. (x), (y), and (cc) of § 7.8.

station microphone; provided, that during such transmission the station licensee or the licensed operator (acting in this respect as the station licensee's agent) shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations. In this respect, a microphone (located, for example at a dispatch point) used in connection with any land-wire telephone circuit which is electrically connected to the modulating system of the radiotelephone transmitting apparatus shall be construed for the purpose of this paragraph to be the station microphone.

(2) When the station is used for telegraphy, transmitted manually by means of the International Morse Code, the transmitting telegraph key shall, wherever its location, be manipulated only by a person who holds an operator license of the class valid for the operation of the particular class of station being operated.

§ 7.152 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at an authorized control point[1] of that station and shall be responsible for proper operation of the station as controlled from that location.

(b) Subject to the conditions stipulated in § 7.151, an unlicensed person at a dispatch point[2] may, after being authorized by the station licensee to do so, operate from that point a coast station or a fixed station: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person holding an operator license of the proper class issued by the Commission, who is on duty at an authorized control point associated for this purpose with the respective dispatch point.

§ 7.153 *Unattended operation of fixed stations.* (a) No person, whether or not a licensed operator, is required to be in attendance at any marine repeater station subject to this part which is licensed for operation solely on frequencies above 72 Mc with an authorized transmitter power not in excess of 100 watts when such station is being used and operated for re-transmission by self-actuating means of signals or communications being received simultaneously at that station from a marine control station, a marine relay station, or another marine repeater station: *Provided*—

(1) The emission of the station is controlled positively and solely by the received radio signals which, in accordance with the station authorization, are intended to effect such control.

(2) The activation and de-activation of the station is controlled positively by either radio or wire-line signals transmitted from an authorized control point at which a duly licensed operator exercises such control.

(b) Nothing contained in paragraph (a) of this section shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the marine-repeater station or for proper functioning and operation of the station in accordance with law.

§ 7.154 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart, all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 7.155 *Posting of operator license.*[3] When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided,* That the foregoing requirement shall not apply in the case of marine-utility stations on shore, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758–F) attesting to the existence of that license.

Subpart G—General Operating Requirements

§ 7.171 *International Regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 7.172 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radiochannel authorized for use by a station subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radiochannels.

§ 7.173 *Secrecy of communication.* The station licensee, and the responsible radio operators, as well as all persons who may have knowledge of the text or of the existence of the radio communications transmitted or received by a land or fixed station subject to this part, or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.[4]

§ 7.174 *Unauthorized transmissions.* Stations operating in the maritime mobile service or in any fixed service subject to this part shall not engage in radiocommunication which is superfluous or unnecessary in that service. Except in an emergency which requires otherwise, the transmission by such stations of signals or communications not addressed to an authorized station or stations in an authorized maritime service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 7.175 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 7.176 *Service of public coast stations.* (a) Each public coast station shall, within the scope of its normal operations, be bound to exchange radiocommunication with any ship or aircraft station at sea: *Provided,* That such exchange of radio-communication shall be without distinction as to radio systems or instruments adopted by each station.

(b) Each public coast station shall, within the scope of its normal operations and without discrimination, acknowledge all calls and receive all messages and communications from mobile stations (except land mobile stations) within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile (except land mobile stations) stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

§ 7.177 *Service of limited coast stations and marine-utility stations.* (a)

[1] The term "control point" is defined by par. (m) of § 7.7. See also §§ 7.31 and 7.71.

[2] The term "dispatch point" is defined by par. (n) of § 7.7. See also §§ 7.31 and 7.71.

[3] See also §§ 13.72 and 13.74 of this chapter.

[4] See sec. 501, 502 and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

In addition to such messages as are necessary for compliance with § 7.178, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited coast station or a marine-utility station operated on shore is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

§ 7.178 *General obligations of land stations.* (a) With respect to distress and the safety of navigation, life, or property, each coast station or marine-utility station shall, within the scope of its normal operation, acknowledge all such safety calls and receive all such safety communication[2] addressed or directed to it by ship or aircraft stations. Notwithstanding the terms and conditions of the station license, such stations may transmit safety communication to any ship or aircraft station in the maritime mobile service.

§ 7.179 *Message charges.* (a) (1) No charge shall be made for the service of any public coast station unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of Section 203 of the Communications Act and Part 61 of this chapter.

(2) No charge shall be made for the service of any station subject to this part, other than a public coast station, except as provided by and in accordance with § 7.352.

(b) No charge shall be made by any station in the maritime mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(c) No charge shall be made by any station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in paragraph (b) of § 8.303 of this chapter, originating on a ship of the United States or of a foreign country.

(d) Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

(e) Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 7.180 *Priority of communications to be observed.* Stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 7.181; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 7.181 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS) international automatic-alarm signals for distress purposes,[3] distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX".

(3) Communications preceded by the international radiotelegraph safety signal "TTT".

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal "Mayday" and the telegraphic distress signal SOS transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal "Pan", or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal "Securite," or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 7.182 *Control by coast station.* When communicating with a mobile station in the maritime mobile service, coast stations may, for the sole purpose of reducing or avoiding interference, expediting communication and rendering an efficient service give instructions to the mobile station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station. This provision, however, shall not apply in the event of distress, either actual or impending, except as provided, in respect to distress situations, by § 7.187 and applicable provisions of the International Radio Regulations.[4]

§ 7.183 *Prevention of interference.* (a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a coast station (or in a public coast station using telephony the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the coast station transmitting frequency, to determine in so far as is practicable whether transmission by the coast station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area:[5] *Provided,* That this requirement may be waived by the Commission upon application therefor in behalf of individual coast stations which employ other effective means to avoid interference.

(b) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 7.181 The station requesting this cessation

[2] Par. (a) of § 7.7 defines "safety communication".

[3] The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

[4] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[5] For example, all stations in the Great Lakes region are considered to be in the same interference area.

must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(d) Coast stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the coast station: *Provided*, That this provision shall not apply in event of distress, either actual or imposing.

§ 7.184 *Transmission of traffic lists by coast stations.* (a) Public coast stations are authorized to transmit lists of official call signs (or in the use of telephony, the names of the respective ships) of mobile stations for whom they have public correspondence awaiting transmission. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency (including the assigned frequency 500 kc) that they are ready to begin transmission of such call lists on a specified radiochannel authorized for working.

(b) In operating pursuant to paragraph (a) of this section, public coast stations using telegraphy shall be governed by the applicable provisions of the International Radio Regulations.[6]

§ 7.185 *Transmission to plurality of mobile stations.* Information for the general benefit of mariners (including storm warnings and ordinary weather and hydrographic information) and press material may be transmitted by a coast station simultaneously to a plurality of mobile stations in the maritime mobile service: *Provided*, That the times at which such transmissions (except storm warnings and urgency and safety measures) are scheduled to begin, the maximum duration of each such transmission, and the specific radio-channels and class of emission used therefor, shall, with respect to each coast station, be subject to approval by the Commission.

§ 7.186 *Hours of service of land stations.* (a) Each coast station or marine-utility station on shore whose hours of service are not continuous shall not suspend operation before having concluded all communication required in connection with a distress call or distress traffic.

(b) Each public coast station whose hours of service are not continuous shall not suspend operation before having concluded all communication (in addition to that designated in paragraph (a) of this section), within the scope of its normal operations, involving messages or calls originating in or destined to mobile stations or marine fixed stations which are within normal range of the coast station and which, in the case of mobile stations, have signalled their presence before the effective suspension of operation of the coast station.

(c) Unless otherwise authorized by the Commission upon adequate showing of need therefor, each class I public coast station shall maintain continuous hours of service during the entire period of validity of the station license.

(d) Unless otherwise specified by the Commission for particular stations, the hours of service of each class II and class III public coast station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station.

(e) Unless otherwise specified by the Commission for particular stations, the hours of service of limited coast stations and marine-utility stations on shore shall be determined by the station licensee in accordance with the requirements of the respective ships served by each station.

(f) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of a public coast station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

§ 7.187 *Procedure relative to distress communication.* In addition to the governing provisions of the International Radio Regulations[7] applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section.[8]

(a) *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

(b) *Form of acknowledgment by telegraphy.* The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);
(2) The signal "de";
(3) Call sign of the station acknowledging receipt (transmitted 3 times);
(4) The signal "RRR"; and
(5) The distress signal.

(c) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(2) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(3) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) is used to impose silence for this purpose.

(4) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (. — . . .) followed by the word "distress" and the call sign of the station imposing silence.

(5) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (. . . — — — . . .) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(6) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(d) *Supplemental transmissions.* (1) A coast station equipped for telegraphy and located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate by the licensed radiotelegraph operator on duty at that station, transmit the radiotelegraph alarm signal[9] on the frequency 500 kc using the maximum available power and class A2 emission, when—

(A) A distress call has been transmitted and was not preceded by the alarm signal; or

(B) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(2) When a coast station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful[10]. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

§ 7.188 *Radiotelegraph watch by coast stations.* (a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the frequency-band 365 to 515 kc shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc, except when the operator is transmitting on 500 kc, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc if required as provided by paragraph (c) of this section) if it is not possible to maintain at the same time, by any practicable means,[11] the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in paragraph (a) of this section.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in paragraph (a) of this section, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 7.189 *Radiotelephone watch by coast stations.* (a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio-channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio-channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio-channel(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 kc to 3500 kc; assigned frequency 156.8 Mc, comparable to working channels within the band 100 to 200 kc).

(c) Pending final decision by the Commission in Docket 9797 in respect to this paragraph, the following provision shall continue in effect. Each coast station in the Great Lakes area using telephony and licensed to transmit on one or more frequencies within the band 2500 to 2600 kc shall maintain, during its hours of service, an efficient[12] watch for the reception of class A3 emission (telephony) on the frequency 2182 kc.

(d) With respect to those provisions of paragraphs (a), (b) and (c) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

§ 7.190 *Maintenance tests.* Stations subject to this part are authorized to engage in a minimum amount of test transmissions when considered by the station licensee to be necessary for the proper maintenance of the station: *Provided*, That precautions shall be taken always to avoid, in so far as may be possible, interference to other stations: *Further provided*, That this test transmission shall conform to such test operating procedure as is prescribed elsewhere in this part for the particular class of station involved.

§ 7.191 *Inspection of antenna tower lighting.* (a) The licensee of a station subject to this part which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act shall:

(1) Make a daily check of the tower lights not later than one hour after local sunset either by visual observation of the tower lights or by observation of an automatic indicator to insure that all such lights are functioning properly as required;

(2) Report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of any code and/or rotating beacon light(s) if such failure(s) is (are) not corrected within 30 minutes after observation thereof, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination; and

(3) Inspect at intervals of at least once each 3 months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) The station licensee or his representative shall make entries in the radio station log appropriate to the require-

[6] See Article 30, paragraph 3 of the International Radio Regulations, Atlantic City, 1947.

[7] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[8] See also Subpart J of Part 8 of this chapter pertaining to mobile stations.

[9] This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (. . . — — — . . .) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc.

[10] In the Great Lakes region, the frequency 2182 kc may be used with class A3 emission, and additionally in other regions where its use may prove beneficial in securing assistance for the mobile unit in distress.

[11] Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

[12] This watch will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc from ship stations while the coast station is transmitting on any other authorized frequency or frequencies.

ments of paragraph (a) of this section, as follows:

(1) The date and time of each day that the tower lights are turned on and off, if manually controlled;

(2) The time that the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of the tower lighting:

(i) Nature of such failure;

(ii) Date and time that the failure was observed;

(iii) Date, time, and nature of the adjustments, repairs, or replacements made;

(iv) Entry showing the identification of the Airways Communication Station (Civil Aeronautics Administration) which was notified of the failure of any code and/or rotating beacon light(s) not corrected within 30 minutes after observation and an entry of the date and time that such notice was given;

(v) Date and time that notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed;

(4) Upon completion of the periodic inspection required by subparagraph (3) of paragraph (a) of this section:

(i) The date of the inspection and the condition of all required lights and associated lighting control devices, together with the measured voltage under normal load at a reference point in the lighting circuit and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 7.192 *Maintenance of station log.* (a) Each station subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following paragraphs of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 7.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—COAST STATIONS, USE OF TELEGRAPHY

§ 7.201 *Supplemental eligibility requirements for public coast station authorization.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or State or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act, provided the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.202 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radiochannels, public coast stations using telegraphy are authorized to communicate—

(1) With any ship station or aircraft station operating in the maritime mobile service, for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, Government ship stations, aeronautical public service stations on board aircraft, and Government aircraft stations, for the transmission or reception of public correspondence—

(i) When the mobile station uses telegraphy on a frequency assignment available under the provisions of Part 8 of this chapter for use by ship stations for communication by means of telegraphy with public coast stations, or—

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telegraphy on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telegraphy with public coast stations.

(b) Upon application, a public coast station using telegraphy may be authorized to transmit press material, and meteorological and marine navigational information of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

(c) Each public coast station using telegraphy is authorized to communicate additionally with other public coast stations [1] using telegraphy when such communication is necessary to facilitate the disposal of message traffic (public correspondence or safety communication) destined to or originated at mobile stations (public ship stations or aeronautical public service stations aboard aircraft) subject to and in accordance with the express conditions hereinafter set forth:

(1) For the interchange of operating signals, brief service messages or safety communication;

(2) For the transmission or receipt of message traffic destined to a mobile station which, by reason of its known or reported geographic location at the time, can be communicated with more effectively or more expeditiously by the coast station which receives such message traffic for relay to the mobile station: *Provided, however*, That this procedure shall not be used for normal routing of radio traffic, but only when the coast station initially concerned is unable to communicate in an effective manner directly with such mobile station;

(3) For the transmission or receipt of message traffic, which originated at a mobile station, by a public coast station in the Great Lakes region exclusively, when the use of available point-to-point communication facilities would unduly delay the delivery of such message traffic to the addressee(s).

(4) Such communication as is permissible under subparagraphs (2) and (3) of this paragraph shall be conducted only in exceptional circumstances and with discretion, without incurring additional charges: *Provided*, Such utilization of radiotelegraphy shall not in any way replace or be used in lieu of point-to-point communication facilities which are available for the forwarding of message traffic to and from the particular coast stations involved;

(5) Only radio-channels authorized for working with ship stations (and used primarily for that purpose) shall be employed for this communication between coast stations and, in so far as may be practicable, only authorized frequencies within the band 415 kc to 5000 kc shall be used;

(6) All communications engaged in under the provisions of this paragraph shall be confined exclusively to that which is actually required to facilitate the transmission or reception of ship-shore public correspondence or to enhance safety at sea;

(7) Neither harmful interference nor intolerable delay shall be caused to communication between mobile stations and land stations or to communication between mobile stations.

§ 7.203 *Supplemental eligibility requirements for limited coast station authorization.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station using telegraphy may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, The applicant is—

(1) Regularly engaged in performing a service for one or more governmental agencies; or

(2) An organization of which all persons who are members or shareholders are regularly engaged in performing a service for one or more governmental agencies; or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in performing a service for one or more governmental agencies.

(b) Each application for station authorization for a limited coast station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.204 *Points of communication of limited coast stations.* (a) Limited coast stations using telegraphy are authorized to communicate normally with the categories of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radiochannels:

(1) Any ship station using telegraphy on the assigned frequency 500 kc;

(2) Specified limited ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(3) Specified public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(b) With respect to the terms of paragraphs (a) (2) and (3) of this section, the specific ship stations with which a limited coast station is authorized to communicate shall be designated appropriately in the license of such coast station.

§ 7.205 *Nature of service of limited coast stations.* (a) Limited coast stations using telegraphy shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used for the transmission of press material or news items which are not required to serve a governmental purpose.

(4) Be used exclusively to serve governmental purposes including the transmission of safety communication.[2]

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telegraphy through the medium of one or more public coast stations or United States government stations, limited coast stations shall not duplicate that service. In all other respects, limited coast stations may transmit by means of telegraphy such weather and hydrographic information as is required for the ships with which they normally communicate.

§ 7.206 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency [3] for use by coast stations (public or limited) employing telegraphy subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided*, That frequencies below 150 kc are assignable to class I coast stations only; frequencies above 5000 kc are assignable primarily to class I coast stations, and secondarily to class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any class I coast station:

[4] 105	[5] 173	4705	[5] 11310
[4] 107	[5] 174	4780	[5] 11325
[4] 109	[5] 176	4785	[5] 11340
[4] 110	[5] 177	4790	[5] 11355
111	[5] 178	5520 calling	12420 calling
112	[5] 179	5540	12495
114	[5] 180	5545	12510
116	[5] 181	5550	12525
117	[5] 182	5555	12550
118	[5] 183	5560	12555
119	[5] 184	5565	12570
120	[5] 186	6210 calling	12580
121	[5] 187	6250	12585
123	[5] 188	6260	12590
124	[5] 189	6270	12592.5
125	[5] 191	6280	12630
126	[5] 193	6290	12645
127	[5] 392	6300	12660
129	[5] 394	6310	12675
130	[5] 406	6320	12720
131	[5] 408	6330	12735
133	[5] 410	6340	12750
134	418	6350	13050
135	420	6360	13065
136	422	6370	13080
137	[5] 425	6380	13170
138	430	6390	16560 calling
139	432	6400	16670
140	436	6410	16690
141	438	6440	16700
143 calling	442	6450	16720
145	[5] 448	8280 calling	16740
146	[5] 452	8350	16760
147	[5] 454	8360	16770
148	[5] 460	8370	16780
149	[5] 462	8375	16785
150	466	8380	16790
[5] 161	472	8390	16800
[5] 162	474	8420	16840
[5] 163	476	8430	16860
[5] 164	478	8435	16880
[5] 165	482	8440	16900
[5] 166	484	8445	16920
[5] 167	500 calling only	8450	16930
[5] 168	[5] 2274	8452.5	16970
[5] 169	[5] 3030	[5] 8480	16980
[5] 170	4140 calling	[5] 8490	16990
[5] 171	4462.5	[5] 8495	[5] 21750
		[5] 8500	21775
		[5] 8570	21800
		[5] 8580	21825
		8640	21850
		8670	21875
		8680	21900
		8687.5	21950
		8690	21975
		11040 calling	22080 calling
		11115	22225
		11130	22250
		11145	22275
		11160	22300
		11175	22325
		11190	22350
		11200	22400
		11205	22425
		11220	22450
		11235	22475
		11250	22500
		11265	22550
		11280	22600
		[5] 11295	22650

(b) (1) The frequency 410 kc shall not be used to communicate with ship stations on the Great Lakes or on inland waters; further, the use of this frequency for communication between coast stations pursuant to paragraph (c) of § 7.202 is authorized only for coast stations located on or near the seacoast which serve primarily ships at sea.

(2) In consideration of the fact that the frequency 455 kc is widely used as a standard intermediate frequency for the superheterodyne type of radio receiver, applications requesting assignment of one or more of the frequencies 448, 452, 454, 460, and 462 kc will be considered in relation to the possibility of general

[1] Includes Government stations open to public correspondence.

[2] See par. (a) of § 7.7 which defines "safety communication".

[3] The definition of "assigned frequency" is set forth in paragraph (u) of § 7.8.

[4] Not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947, the development of long-distance radionavigation systems is authorized in the frequency-band 90 to 110 kc. This band will become exclusively allocated wholly or in part for the use of any one such system as soon as such system is internationally adopted. During the experimental period prior to the international adoption of any long-distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

[5] Subject to the special conditions and limitations set forth in par. (b) of this § 7.206.

interference with the operation of receiving equipment of this type.

(3) The frequency 2274 kc is authorized for use in communicating with ship stations on the Great Lakes or on inland waters exclusively, upon the express condition that interference shall not be caused to stations of Canada.

(4) The frequency 3030 kc is authorized solely for use by coast stations located in the vicinity of the Mississippi River and connecting inland waters (other than the Great Lakes), upon the express condition that interference shall not be caused to stations of Canada.

(5) The frequencies 8,480, 8,490, 8,495, 8,500, 8,570, 8,580, 11,295, 11,310, 11,325, 11,340, and 11,355 kc are authorized for use by coast stations upon the express condition that interference shall not be caused to intercontinental aeronautical services.

(6) Each of the frequencies 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 191, 193, 392, 394, 406, 408, 410, 425, and 454 kc is assignable only to a coast station whose frequency assignment, prior to the effective date of this section, included the particular frequency to be authorized, as an assigned frequency for that station. Beginning not later than the date on which Paragraph (4) of Article I of the Inter-American Radio Agreement, Washington, 1949, becomes effective or not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947, whichever first occurs, these frequencies will not be assignable in accordance with international agreement to coast stations.

(7) The assigned frequency 21750 kc is authorized for use by coast stations upon the express condition that interference shall not be caused to any international broadcasting service.

(8) Except as otherwise provided in subparagraph (9) of this paragraph, specific frequencies, other than those listed in paragraph (a) of this section must be requested as set forth in § 7.47 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

(9) In addition to the frequency assignment designated for telegraphy in the license of a coast station (public or limited), such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

§ 7.207 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be appropriately used by any coast station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. A coast station, however, may reply to calls by transmitting on a working frequency, when a mobile station requests the use of this procedure. (In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations normally request coast stations to answer by means of their normal working channel.) In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). (When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with a coast station, it normally calls that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise.) [6] This frequency is authorized to be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 7.206, are the assigned frequencies and shall be used primarily for calling and answering; with the exception of 8,280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 7.208.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 kc to 23,060 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 7.208 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 7.206, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; any other use of this channel for working is prohibited.

(c) Coast stations having frequency assignments within the band 5,000 kc to 25,000 kc shall conduct their operations so as to reserve, in so far as is practicable, the use of frequencies within this band for communication over the relatively long distances for which these frequencies are particularly effective.

[6] Coast stations reply on their normal working frequency in this band.

(d) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by means of telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 194 kc when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And Provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 425 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(3) Coast stations are authorized to direct ship stations to operate in accordance with the provisions of this section, whenever such means of operation is possible and appropriate.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section "working", the radio-channels within the band 4,000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 7.206 for "calling" may be used, occasionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

§ 7.209 *Use of Morse Code required.* (a) The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 7.210 *Identification of stations.* (a) All radiotelegraph emissions of a coast station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 7.209 and the procedure set forth in the International Radio Regulations, and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 20 minutes whenever transmission is sustained for a period exceeding 20 minutes.

§ 7.211 *Procedure in testing.* (a) Coast stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 365–515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 7.212 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions by coast stations must cease within the band 485 to 515 kc during each 500 kc silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 7.213 *Station documents.* (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license or licenses, available in accordance with the provisions of § 7.102;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(7) Such provisions of the General Radiocommunication Regulations (Revision of Cairo, 1938), including Article 7, paragraph 7 thereof as are necessary for the operation of the radiocommunication service rendered by the coast station;

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29, 30, 31, 32, 35, 37, 38, 39, 40, and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station;

(9) Parts 7 and 8 of the rules of the Commission.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (7), (8), and (9) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 7.214 *Station records.* (a) Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service, as hereinafter specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),[7] except that in the Great Lakes region, the time shall be expressed in eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight), and for coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (EST, CST, etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (EST in the Great Lakes area) (EST, CST, etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kc during the 500 kc silent periods, a positive entry shall be made in respect to each such silent period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silent period is prohibited. Further, in respect to coast stations which, under applicable provisions of Subpart G of this part, are required to maintain a watch on 500 kc during their hours of service (i. e. not limited solely to the 500 kc silent periods), a positive entry shall be made at least once in each 15 minutes stating whether or not signals were received on this radio-channel (assigned frequency 500 kc) and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception.

(5) All distress calls, alarm signals, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channels on which such signals or messages were transmitted or received, and the position of any ship or other mobile unit in need of assistance, if this can be determined.

(6) All calls transmitted from or received by the coast station, together with a brief notation of any messages transmitted or received, shall be entered, showing the respective times, official call signs of the mobile or land stations communicated with, and the assigned frequency(s) on which the operations occurred.

(7) Whenever harmful interference is experienced by or reported to the re-

[7] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

sponsible operator an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Limited coast stations using telegraphy shall maintain an accurate radiotelegraph log, during their hours of service, in the same manner and to the same extent as is required by paragraph (a) of this section for public coast stations using telegraphy; provided, however, that the entries specified by subparagraphs (6) and (10) thereof shall not be required for limited coast stations.

SUBPART I—PUBLIC COAST STATIONS—USE OF TELEPHONY

§ 7.301 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided,* The applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.302 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telephony are authorized to communicate—

(1) With any ship station or aircraft station operating in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations, for the transmission or reception of public correspondence—

(i) When the mobile station uses telephony on a frequency assignment designated in Part 8 of this chapter for shipshore public correspondence by means of telephony;

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telephony on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telephony with public coast stations.

(4) With marine fixed stations when the coast station uses for this purpose a frequency assignment below 4000 kc upon the express condition that neither harmful interference nor intolerable delay is caused to communication with mobile stations.

(b) Upon application, a public coast station using telephony may be specifically authorized by the terms of its station authorization to communicate with a designated station (government or non-government) at a remote fixed location isolated from the mainland where other communication facilities are not available: *Provided,*

(1) The station with which communication is carried on is duly authorized to communicate with the particular coast station involved; and

(2) The station with which communication is carried on shall transmit by telephony to the coast station—

(i) On a frequency assignment available for ship-shore public correspondence in accordance with the provisions of Part 8 of the Commission's rules for public ship stations using telephony; or

(ii) On any other frequency assignment designated for this purpose in any other section of the Commission's rules or, with respect to United States Government stations, on any government frequency assignment duly authorized by the Government for this purpose.

(3) Any communication carried on shall be confined exclusively to that absolutely necessary for public safety or the protection of life or property; and

(4) Neither harmful interference nor intolerable delay is caused to safety communication with ship stations.

(c) Upon application, a public coast station using telephony may be authorized to transmit meteorological and marine navigational information, of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided,* A sufficient need for such authorization is shown to exist.

§ 7.303 *Duplication of facilities.* A public coast station shall not be authorized to provide a very high frequency maritime mobile service by the use of any frequency assignment above 100 Mc solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and, among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that the applicant's proposed facilities involving a frequency assignment above 100 Mc will serve the very high frequency communication needs in such area.

§ 7.304 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency [1] for use by public coast stations employing telephony by means of amplitude modulation subject to and in accordance with paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,182	2,590	6,455	12,810
2,506	2,598	6,460	12,940
2,514	2,782	6,470	17,080
2,522	4,162.5	6,480	17,090
2,530	4,177.5	8,540	17,100
2,538	4,272.5	8,550	17,120
2,550	4,280	8,585	21,890
2,558	4,282.5	8,630	22,675
2,566	4,387.5	8,660	22,700
2,572	4,752.5	8,840	
2,582	6,240	11,090	

Additionally, each public coast station licensed prior to the effective date of this section for the use of telephony on the radio-channel of which 2738 kc is the authorized carrier frequency may continue to be licensed for use of this radio-channel until expiration of the current term of the particular coast station license which provides such authorization.[2]

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8 161.9 162.0

(c) (1) The following specific frequencies may be licensed as authorized carrier frequencies for use by those public coast stations using telephony which, prior to September 1, 1950, were authorized to use a carrier frequency within the band 30 Mc to 40 Mc:

Carrier frequency:	*For assignment to public coast station(s) in the vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

[1] The definition of "authorized carrier frequency" is set forth in par. (1) of § 7.8.

[2] See § 7.365.

(2) The stations authorized to transmit on the radio-channel of which either 35.14 Mc or 35.18 Mc is the authorized carrier frequency, may employ either frequency modulation or amplitude modulation. Each of these carrier frequencies is available for use on a shared basis with limited coast stations, ship stations, marine-utility stations, and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public coast station authorization, or modification or renewal of station authorization, whose applications request authority to the transmit on 35.14 or 35.18 Mc may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(d) Assignment of the specific carrier frequencies designated in paragraphs (a) and (b) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph.

(1) The frequency 2182 kc is the radiotelephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use primarily by ship stations and secondarily by coast stations employing telephony, on a shared basis with stations of other countries: *Provided, however,* That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, for working.

(2) The frequencies 2530, 2538, 2558 and 2598 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(3) The frequencies 2514, 2522, 2550,[3] 2572, and 2582 kc are authorized for use upon a shared basis with stations of Canada: *Provided,* That stations of the United States shall not cause interference to stations of Canada in the Great Lakes area which operate on the frequency 2582 kc.[4]

(4) The frequency 2782 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(5) The frequency 4162.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) The frequency 4272.5 kc is authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(7) In the Great Lakes region, the frequencies 4282.5, 6470 and 8585 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(8) The frequencies 6,240, 6,455 and 11,090 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(9) Use of the frequency 8840 kc by coast stations serving vessels on the Mississippi River and connecting inland waters (except the Great Lakes) is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on this frequency for this purpose during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(10) Use of the frequencies 8540 kc and 8550 kc is authorized upon the express condition that interference shall not be caused to the intercontinental aeronautical services.

(e) Except as otherwise provided in paragraph (f) of this section, specific frequencies other than those listed in paragraphs (a), (b) and (c) of this section must be requested as set forth in § 7.47 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

(f) In addition to the frequency assignment designated for telephony in the license of a public coast station, such station when communicating by telephony with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel, shall be designated by the government station or the responsible government department or agency.

§ 7.305 *Frequencies for calling and distress.* (a) The general radiotelephone calling and distress frequency for the maritime mobile service of the United States [5] is 2182 kc; it may be used as a carrier frequency for these purposes by public coast stations subject to the following conditions and limitations:

(1) Aside from transmissions relative to distress as provided in Subpart G of this part, this frequency may be used for urgency and safety signals and for urgency messages (other than public correspondence).

(2) This frequency is authorized for call and reply only when the use of a different carrier frequency for this function appears to be impracticable by reason of the operating or equipment limitations of a mobile station.

(3) In addition, this frequency may be used to announce transmissions, to be made soon thereafter on other frequencies by the same coast station, when the transmissions which are to follow on other frequencies are of general interest to ships, including ordinary weather and hydrographic information; or lists of ship stations with whom the coast station desires to communicate.

(4) The use of this frequency for purposes other than distress within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, shall not cause interference to stations of the Maritime mobile service which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 Mc to 162.05 Mc is 156.8 Mc. It may be used by public coast stations as prescribed in § 7.309.

[3] In practice, stations of Canada in the Great Lakes area do not operate extensively on the frequency 2550 kc.

[4] In practice in the Great Lakes region, coast stations of Canada equipped to do so transmit on 2550 kc to ships of the United States only; coast stations of the United States transmit on 2582 kc to ship stations of Canada only.

[5] The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2 and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling," the radio-channels authorized in this subpart for "working" may be used for call and reply: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 7.306 *Availability of frequencies below 30 Mc.* (a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That the designated carrier frequencies below 5000 kc are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency below 5000 kc also designated herewith—

(1) Working frequencies below 5000 kc:

Coast station transmitting carrier frequency [1] (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2506	San Francisco, Calif.	2110
2530	Hawaiian Islands	2134
2590	New York, N. Y.	2198
4177.5	do	4402.5
4280	Hawaiian Islands	4402.5
4762.5	San Francisco, Calif.	4422.5
	New York, N. Y.	4457.5

[1] These frequencies are those which may be specified in applications for coast station authorizations.

(2) Working frequencies between 5000 kc and 30 Mc:

6.460	8.550	12.840	17.120
6.470	8.630	17.080	21.890
6.480	8.660	17.090	22.675
8.450	12.810	17.100	22.700

(b) The carrier frequencies designated herewith are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency also designated herewith:

Coast station transmitting carrier frequency [1] (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2506	Boston, Mass.	2110
	San Francisco, Calif.	
	Eureka, Calif.	
2514	Miami, Fla.	2118
	Great Lakes area	
2522	Seattle, Wash.	2126
	New York, N. Y.	

[1] These frequencies are those which may be specified in applications for coast station authorizations.

Coast station transmitting carrier frequency [1] (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2530	Galveston, Tex.	2134
	Hawaiian Islands	
	San Juan, P. R.	
2538	Norfolk, Va.	2142
	Quantico, Va.	
2550	Tampa, Fla.	2158
	Great Lakes area	
2558	Wilmington, Del.	2166
	New York, N. Y.	
	Charleston, S. C.	
2566	Jacksonville, Fla.	2174
	Los Angeles, Calif.	
2582	Great Lakes area	[2] 2206
	Hawaiian Islands	2198
2590	New York, N. Y.	2198
	New Orleans, La.	
2598	Portland, Oreg.	2206
	Astoria, Oreg.	
	Boston, Mass.	4412.5
4177.5	New York, N. Y.	4412.5
	Hawaiian Islands	4402.5
4280	San Francisco, Calif.	4422.5
	Los Angeles, Calif.	
4282.5	Great Lakes area	4422.5
4287.5	Miami, Fla.	4402.5
4762.5	New York, N. Y.	4457.5
6470	Great Lakes area	6660
8885	do	8820

[2] For reception from ship stations of Canada only.

The carrier frequency 2582 kc is assignable to public coast stations in the Great Lakes area for transmission to ship stations of Canada only.

In addition to the foregoing frequencies below 30 Mc, the frequencies 2572 kc and 4272.5 kc are assignable as carrier frequencies for telephony to class II public coast stations at locations where their use will not cause interference to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. Further, use of the carrier frequency 4272.5 kc shall not cause interference to the service of any station of Canada.

(c) The carrier frequencies designated herewith are assignable for working purposes to class II public coast stations using telephony and serving vessels on the Mississippi River and connecting inland waters (other than the Great Lakes); when the coast station and the mobile station transmit alternately on the same radio-channel:

2782 kc	6240 kc	8840 kc
4162.5 kc	6455 kc	11090 kc

(d) The use of the working frequencies authorized in paragraphs (a), (b) and (c) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 7.304. Further, and insofar as is practicable, class II coast stations shall use frequency assignments within the band 4000 kc to 30 Mc only when the use of frequency assignments outside this band will not provide effective communication.

§ 7.307 *Availability of frequencies above 100 Mc.* (a) Carrier frequencies which are assignable for use by public coast stations employing frequency modulation for telephony are designated herewith, these frequency assignments are not authorized for use in communicating with stations on board aircraft) for the transmission or reception of public correspondence:

(1) For transmission and reception on the same radio-channel:

156.8 Mc for calling and safety purposes;
157.1 Mc and 157.4 Mc for working (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) at locations where interference is not caused to the use of either of these frequencies for reception from ship stations as contemplated under subparagraph (2) of this paragraph;

(2) For transmission on one radio-channel and associated reception on a different radio-channel:

	For reception (Mc)
For transmission:	
161.9 Mc (except within 75 statute miles of Chicago, Ill.)	157.4
162 Mc (subject to paragraph (c) of this section)	157.1

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(b) Subject to the provisions of § 7.308, the carrier frequency 161.9 Mc may be authorized for use by public coast stations using telephony at any location except Chicago, Illinois, and locations within 75 statute miles thereof.

(c) Subject to the provisions of § 7.308, the carrier frequency 162 Mc may be authorized for use by public coast stations at any location where, as a result of such use, harmful interference will not be caused to United States Government stations using frequencies in the government frequency-band 162–174 Mc.

§ 7.308 *Conditions imposed upon assignments in 156–162 Mc band.* (a) The carrier frequency 161.9 Mc is assignable primarily to public coast stations employing frequency modulation for telephony which provide service to one or more of the harbors or ports designated herewith:

Portland, Maine.
Albany, N. Y.
Boston, Mass.
Providence, R. I.
New Haven, Conn.
New York, N. Y.
Philadelphia, Pa.
Baltimore, Md.
Norfolk, Va.
Newport News, Va.
Hampton Roads, Va.
Charleston, S. C.
Savannah, Ga.
Jacksonville, Fla.
Miami, Fla.
Tampa, Fla.
Mobile, Ala.
New Orleans, La
Baton Rouge, La.
Lake Charles, La.
Port Arthur, Tex.
Beaumont, Tex.
Texas City, Tex.
Galveston, Tex.
Houston, Tex.
Corpus Christi, Tex.
Port Aransas, Tex.
San Diego, Calif.
Long Beach, Calif.
Wilmington, Calif.
Port San Luis, Calif.
Estero Bay, Calif.
San Francisco, Calif.
Coos Bay, Oreg.
Portland, Oreg.
Takoma, Wash.
Seattle, Wash.
Everett, Wash.
Duluth, Minn.
Superior, Wis.
Two Harbors, Minn.
Ashland, Wis.
Presque Isle (Marquette County), Mich.
Marquette, Mich.
Port Inland, Mich.
Escanaba, Mich.
Green Bay, Wis.
Milwaukee, Wis.
Ludington, Mich.
Calcite (Rogers City), Mich.
Detroit, Mich.
Toledo, Ohio
Sandusky, Ohio
Lorain, Ohio
Cleveland, Ohio
Ashtabula, Ohio
Conneaut, Ohio
Erie, Pa.
Buffalo, N. Y.
Pittsburgh, Pa.
Louisville, Ky.
St. Louis, Mo.
Memphis, Tenn.

Public coast stations (except stations located at Chicago, Ill., or within 75 statute miles thereof) which provide service to any harbor or port not specifically designated in this paragraph may be assigned the carrier frequency 161.9 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to the use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in this paragraph, and (2) subject to the provisions of §§ 7.180 and 7.181 interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(b) The carrier frequency 162 Mc is assignable to public coast stations employing frequency modulation for telephony which are located at Chicago, Ill., or within 75 statute miles thereof and provide service to one or more of the harbors or ports designated herewith:

Chicago, Ill., Indiana Harbor, Ind., Gary, Ind.

Public coast stations which provide service to any other harbor or port within 75 statute miles of Chicago, Ill., may be assigned the carrier frequency 162 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in this paragraph and (2) interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(c) In addition to the provisions of paragraph (b) of this section, the carrier frequency 162 Mc is assignable to any public coast station employing frequency modulation for telephony and located more than 75 statute miles from Chicago, Illinois: *Provided*,

(1) The carrier frequency 162 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequency 161.9 Mc to provide service to the particular harbor(s) or port(s) involved and who is utilizing the latter assigned frequency at maximum capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 162 Mc is not in a position to use the carrier frequency 161.9 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use this carrier frequency; and

(2) The licensee of any coast station to which the carrier frequency 161.9 Mc is already assigned who applies for additional authority to use the carrier frequency 162 Mc shall fully justify a need for such additional frequency assignment; and

(3) Any other applicant for authority to use the carrier frequency 162 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc.

§ 7.309 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used for safety communication [4] as an alternative to the radiotelephone calling and distress frequency 2182 kc, when appropriate, by public coast stations employing telephony for short-distance communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used when necessary by public coast stations for—

(1) Call, reply, and the exchange of brief operating signals;

(2) Brief operating signals preparatory to working on another radio-channel;

(3) Announcing transmission to be made soon thereafter, on another radio-channel, which transmission is of general interest to ship stations, including ordinary weather and hydrographic information.

(c) The use of this radio-channel by public coast stations for transmissions of any other category is not authorized.

(d) Although use of the assigned frequency 156.8 Mc by public coast stations for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.310 *Identification of station.* (a) All radiotelephone emissions of a public coast station shall be clearly identified by voice transmission therefrom in the English language of either the official call sign assigned to that station by the Commission or the approximate geographic location of the station as approved [5] in each case by the Commission upon request made by the station licensee or permittee: *Provided*, That in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved [6] for this purpose by the Commission. Identification as herein prescribed shall be made—

(1) Upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose.

§ 7.311 *Procedure in testing.* (a) Public coast stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4 * * * etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 Mc to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15-minute period.

GENERAL RADIOTELEPHONE OPERATING PROCEDURE

§ 7.312 *Limitations on calling.* (a) (1) Except when transmitting a general call to all stations within range for an-

[4] See par. (a) of § 7.7 for the definition of safety communication.

[5] Such voice identification as "Washington marine operator" to indicate that the station is located at or near Washington, D. C., may be approved if there will be no conflict with identification of any other station.

[6] The conditions to be met by such a device in order to obtain the approval of the Commission will be determined and will be incorporated in proposed rule making.

nouncing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations may use authorized [8] classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2181 kc or 15.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In the event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each public coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio-channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(6) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission by coast stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, coast stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

(d) Pending final decision of the Commission in Docket 9797 in respect to this paragraph as proposed in that docket under date of September 13, 1950, the following provisions shall continue in effect:

(1) In general in the Great Lakes area, any one exchange of communication with a ship station by a coast station transmitting by means of telephony on the frequency 2514, 2550, 2582, 4282.5, 6470, or 8585 kc shall not exceed 15 minutes in duration.

(2) In general, with respect to coast stations when communicating with ship stations on the Mississippi River and connecting inland waters, any one exchange of communication with a ship station by a coast station transmitting by means of telephony on the frequency 2,782, 4,162, 6,455, 8,840 or 11,090 kc shall not exceed 15 minutes in duration.

(3) In exceptional circumstances, with respect to coast stations subject to the limitations of subparagraph (1) or (2) of this paragraph, an exchange of telephone communications directly between the ship station and a land-line telephone station via the coast station may be continued by direction of the coast station beyond the 15-minute period on condition that other ship-shore traffic is not unduly delayed.

(e) *Use of busy signal.* A public coast station, when communicating with a ship station which transmits to the coast station on a radio-channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship stations is being received and during such other periods of time, pending completion of any one exchange of communications with a particular ship station, as may be considered necessary by the coast station to avoid or minimize interference from other stations.

(f) *Limitation on 6470 kc and 8585 kc on Great Lakes.* Public coast stations in the Great Lakes area, authorized to use the carrier frequency 6470 kc or 8585 kc pursuant to § 7.304, paragraph (d), subparagraph (7), shall, during the periods from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 7.313 *Station documents.* Public coast stations using telephony shall be provided with and have readily available during their hours of service to the responsible operator (except as otherwise permitted by § 7.102 or § 7.155) the documents hereinafter specified—

Document	*Class of public coast station which must be provided with the document listed in the column at the left*
Parts 7 and 8 of this chapter	Classes I, II, and III.
A valid station license available in accordance with the provisions of § 7.102.	Classes I, II, and III.
The necessary operator license or licenses available in accordance with the provisions of § 7.155.	Classes I, II, and III.
Station log required by this part	Classes I, II, and III.
Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and class II stations that provide communication with ocean-going vessels.
List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and class II stations that provide communication with ocean-going vessels.

§ 7.314 *Station records.* (a) Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT), except that, in the Great Lakes region, the time shall be expressed in Eastern Standard Time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight) and for public coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (EST, CST, etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (EST in the Great Lakes area) (EST, CST, etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to public coast stations, which by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), or on the radiotelephone calling channel above 100 Mc (assigned frequency 156.8 Mc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) All calls transmitted from or received by a coast station shall be entered, showing the call signs or names of vessels; the time, and the assigned frequencies involved: *Provided, however,* That when the manual operations of switching and handling of telephone calls directly between a ship telephone station and landline telephone facilities are not normally performed by a licensed radio operator, the entries prescribed by this paragraph may be omitted from the station log upon the express condition that equivalent records shall be currently maintained by the station licensee. Such records shall be made available upon request of an authorized Commission representative. The equivalent records shall include the time and such other notations as are necessary to identify the frequency(s) employed and the station(s) communicated with or heard. In addition, for each communication handled, a notation shall be made of the points of origin and destination of the Communication. Local standard time may be used to record the occurrence in the equivalent record in lieu of Greenwich mean time or Eastern Standard Time prescribed by subparagraph (3) of this paragraph: *Provided,* That the licensee may be required, upon request of an authorized Commission representative, to convert the standard time recorded to that specified in subparagraph (3) of this paragraph.

(7) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

SUBPART J—LIMITED COAST STATIONS AND MARINE-UTILITY STATIONS—USE OF TELEPHONY

§ 7.351 *Supplemental eligibility requirements.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station or a marine-utility station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is—

(1) Regularly engaged in the operation of one or more commercial transport vessels,[1] or one or more vessels of a municipal or state government, or is

(2) An organization of which all persons who are members or shareholders are regularly engaged in the operation of one or more commercial transport vessels,[1] or is

(3) Legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial transport vessels,[1] or is

(4) Capable of providing a maritime mobile service not open to public correspondence, to commercial transport vessels [1] or to vessels of a municipal or state government exclusively, for use solely by one or more persons or government agencies regularly engaged in activities essential in connection with the operation or business of commercial transport [1] vessels, or vessels of a municipal or state government, or is

(5) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are engaged in the operation of one or more commercial transport vessels.[1]

(b) Each application for station authorization for a limited coast station or a marine-utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.352 *Cooperative use of facilities.* (a) A person, state or local government subdivision, or any agency of the Federal Government subject to the provisions of section 301 of the Communications Act, engaged in the operation of one or more commercial transport vessels [1] or government vessels may receive maritime mobile service from a limited coast station or a marine-utility station used on shore even though not the licensee of the limited coast station or the marine-utility station. The rendition of such service, however, will not be required of the licensee of the limited coast station or the marine-utility station without his consent, except as may be necessary in the enforcement of paragraph (c) of this section. The necessary cooperative arrangements for this purpose will be governed by the following provisions:

(1) Such persons, state or local government subdivisions or Federal agencies may, and in the case of foreign persons shall themselves, be the licensees of the radio stations installed on board their respective vessels: *Provided,* That prior to receiving an authorization to render service to the involved ship station(s), the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be notarized but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate on the coast station or marine-utility station authorization the persons or government agencies to whom service may be rendered.

(2) The licensee of a limited coast station or marine-utility station used on shore may install licensed ship radio stations on board United States commercial transport vessels of other persons or on board vessels of appropriate government agencies: *Provided,* That in each case such persons or government agencies shall enter into a written agreement verifying that the ship station licensee has the sole right of control of the involved ship stations, that the vessel operators shall use the ship stations subject to the orders and instructions of the licensee of the coast station or marine-utility station on shore, and that the said licensee shall have, at all times, such access to and control of the ship station equipment as will enable him to carry out his responsibilities under the ship station license. A copy of the agreement with vessel owners required hereby shall be kept with the coast station or marine-utility station records and held available for inspection by Commission representatives.

(3) All provisions of this section applicable to ship stations are applicable also to marine-utility stations while the latter are used on board vessels, and to stations on board commercial transport vessels of any foreign country.

[8] See those provisions of Subpart E of this part relative to authorized classes of emission.

[1] See par. (p) of § 7.2 which defines "commercial transport vessel".

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the coast station or the marine-utility station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons or government agencies who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the licensee of the coast station or the marine-utility station and held available for inspection by Commission representatives. A financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted by the licensee of the coast station or the marine-utility station annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

(c) If, in a particular geographic area, the use and operation of limited coast stations and (or) marine-utility stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this subpart relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary maritime mobile service within the affected area by a single station licensee.

§ 7.354 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radiochannels, limited coast stations and marine-utility stations are authorized to communicate—

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With the following categories of ship stations for the transmission or reception of communication essential to the business or operational needs of ships:

(i) Specified limited ship stations, and specified marine-utility stations on board ship, licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or marine-utility stations on shore;

(ii) Specified public ship stations licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or marine-utility stations on shore;

(iii) Specified ship stations of any foreign country using telephony on the radio-channel of which 156.6 Mc is the authorized carrier frequency.

(b) With respect to the terms of subparagraph (3) of paragraph (a) of this section, the specific ship stations or marine-utility stations on board ship with which a limited coast station or a marine-utility station on shore is authorized to communicate shall be designated appropriately in the license of such coast station or marine-utility station.

(c) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized by the terms of their respective station licenses to communicate on a secondary basis between themselves, *Provided,*

(1) Any communication carried on shall be confined exclusively to that absolutely necessary for the business or operational needs of the ship(s) with which at least one of the involved coast stations is authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall occur only on a frequency assignment above 30 Mc except on the radio-channel of which 156.6 Mc or 156.8 Mc is the authorized carrier frequency.

§ 7.355 *Nature of service.* (a) Limited coast stations and marine-utility stations using telephony shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used to transmit program material of any kind for use in connection with radio broadcasting;

(4) Not be used for the transmission of press material or news items which are not required to serve the business or operational needs of ships;

(5) Be used exclusively to serve the operational and business needs of ships, including the transmission of safety communication.[2]

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telephony through the medium of one or more public coast stations or United States Government stations, limited coast stations and marine-utility stations on shore shall not duplicate that service. In all other respects, limited coast stations and marine-utility stations on shore may transmit by means of telephony such weather and hydrographic information as is required for the business and operational needs of the ships with which they normally communicate.

(c) Each marine-utility station on shore shall be used and operated exclusively within the limits of the geographic area specified in the particular station license. Except as specifically provided otherwise in this part, each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations.

§ 7.356 *Assignable frequencies above 30 Mc.* (a) Carrier frequencies above 100 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore, employing frequency modulation for telephony, and for transmission and reception on the same radio-channel, are designated herewith:

(1) (i) For calling and safety purposes:

156.8 Mc

(ii) For working: (for communication pertaining only to the business and operational needs of ships)

156.4 Mc
156.5 Mc
156.6 Mc
156.7 Mc
156.9 Mc
157.0 Mc (this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Great Lakes, or of the Mississippi River or any tributary thereof, or within 100 miles of any portion of the Gulf of Mexico intracoastal waterway)

(2) Each of these assignable frequencies is available on a shared basis only, and shall not be construed as available for the exclusive use of any one station licensee in any area.

(b) The carrier frequency of each radio-channel which is assignable to a limited coast station or a marine-utility station as the initial working channel for communication with a specified class or classes of vessels is designated herewith; an additional radio-channel or channels for each function herein designated may be assigned to a particular station in accordance with paragraph (a) of this section provided that a sufficient need therefor is shown to exist:

(1) For use in all areas except the Great Lakes area—

(i) For communication with commercial transport vessels and government vessels which are navigated primarily within harbor or port areas; one of the following carrier frequencies:

156.4 Mc
156.5 Mc
156.6 Mc
157.0 Mc subject to the limitations specified in sub-subparagraph (a) (1) (ii) of this section.

(ii) For communication with vessels of any class in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, etc.:

156.6 Mc

(iii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port:

156.5 Mc

(iv) For communication with vessels of any class when such communication is essential to the effective operation of any duly authorized maritime radiolocation service which is available to all ships within the radiolocation service area:

156.7 Mc

In areas where the use of this carrier frequency is licensed for communication essential to radiolocation, the use of the radio-channel for such communication shall have absolute priority over any other use except for distress signals and distress traffic.

In areas where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(v) For communication with pilot vessels, normally stationed at the entrance to a harbor or port, primarily for obtaining regularly from such vessels information concerning the arrival and departure of ships moving to and from that harbor or port, when such information is required by and supplied to persons or government agencies on shore in connection with the business or operation of ships:

156.9 Mc

In areas where the use of this carrier frequency for such communication with pilot vessels is not required, for the foregoing purpose, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case.

(2) For use in the Great Lakes area—

(i) For communication with commercial transport vessels, and government vessels which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock), between established marine terminals:

156.4 Mc

(ii) For communication with commercial transport vessels which are used in the fishing industry:

156.5 Mc

(iii) For communication with commercial transport vessels and government vessels which are used in marine construction activities:

156.5 Mc

(iv) For communication with commercial transport vessels and government vessels which are classified as tugboats:

156.9 Mc

(c) Carrier frequencies within the band 30 Mc to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel of communication pertaining only to the business and operational needs of ships, are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.06 Mc	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc	Atlantic coast area.
35.18 Mc	Mid-continent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(d) Any coast station not open to public correspondence and licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed as a limited coast station for use of this radio-channel with class of emission, authorized frequency-band, type of modulation, and maximum power as licensed prior to March 1, 1949, upon the condition that the carrier frequency shall be maintained within 0.01 percent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

§ 7.357 *Conditions imposed upon assignments in 35–36 Mc band.* (a) Each application which requests assignment of a carrier frequency designated in paragraph (c) of § 7.356 shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the coast station or the marine-utility station on shore is located. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (c) of § 7.356 for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not clearly within one of the geographical areas designated in paragraph (c) of § 7.506, the applicant may obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

§ 7.358 *Conditions imposed upon assignments in 156–162 Mc band.* Normally, a limited coast station or a marine-utility station on shore shall be authorized to use, for working, one radio-channel only, within the frequency-band 156.35 Mc to 157.05 Mc in accordance with the terms of paragraph (b) of § 7.356. Application for authority to use more than one radio-channel for working shall include a satisfactory showing of need for such additional facility.

§ 7.359 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used when appropriate by limited coast stations and marine-utility stations employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.[2]

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used by limited coast stations and marine-utility stations for—

(1) Call, reply, and the exchange of brief operating signals; and

(2) Operating signals preparatory to message traffic on another radio-channel within the frequency-band 156.35 Mc to 157.05 Mc.

(c) The use of this radio-channel by limited coast stations or marine-utility stations for transmission of any other category is not authorized.

§ 7.360 *Call and reply on working channels.* Although use of the assigned frequency 156.8 Mc by limited coast stations and marine-utility stations on shore for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.361 *Use of assigned frequency 156.6 Mc.* The radio-channel of which 156.6 Mc is the authorized carrier frequency is designated primarily for communication concerning port operations. It may be used by limited coast stations and marine-utility stations, with discretion, to serve other business and operational needs of ships on condition that such use shall not interfere with nor delay the exchange of port operational message traffic.

§ 7.362 *Limitations on use of marine-utility stations.* (a) Marine-utility stations on shore shall be used and operated solely within the local geographic area specified in the particular station license.

(b) The antenna structures of a marine-utility station on shore shall meet all applicable requirements of Part 17 of the Commission's rules.

(c) Marine-utility stations on shore shall not be used or operated in the immediate vicinity of any radio transmitting or receiving installation of a coast station, a base station in any land mobile service, or a U. S. Government station, which transmits or receives on any radio-channel(s) above 30 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s), that interference is not caused by such operation to the service of the coast, base, or government station(s) concerned.

[2] See par. (a) of § 7.7 which defines "safety communication".

[2] See par. (a) of § 7.7 for the definition of "safety communication".

§ 7.363 *Use of working frequencies for calling.* In addition to any radio-channel of which the carrier frequency is specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.364 *Time limitation on communication.* All communication engaged in by limited coast stations and marine-utility stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

§ 7.365 *Frequencies below 3000 kc for business and operational purposes.* (a) In addition to availability of the carrier frequency 2738 kc primarily for inter-ship communication as prescribed in § 8.358 of Part 8 of this chapter, this frequency may, in response to proper application therefor, be specifically authorized in limited coast station licenses for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such ship stations as are designated in the respective coast station license: *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different comparable frequency, or a frequency above 30 Mc, normally authorized for ship-shore communication (public correspondence or otherwise), is necessary to serve an important business or operational need of one or more commercial transport vessels or government vessels (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for inter-ship communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessels or government vessels (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the license of a limited coast station for use exclusively at locations at which interference is not caused to the service of any United States Government station, in communicating by telephony (amplitude modulation) with such ship station(s) on board commercial transport vessel(s) or government vessels (when they use this same carrier frequency for transmission) as are designated in the particular coast station license: *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of commercial transport vessel(s) or government vessels (other than public correspondence); and

(2) The communication carried on by the limited coast station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessel(s) or government vessels (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

§ 7.366 *Availability of 2182 kc for limited coast stations*—(a) *Frequencies for calling.* The general radiotelephone calling[4] frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by limited coast stations operating in the maritime mobile service subject to the following conditions and limitations—

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety messages (other than ordinary business or operational messages).

(2) This frequency is authorized for call and reply only when the use of a different carrier frequency for this function appears to be impracticable by reason of the operating or equipment limitations of a mobile station.

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean[5] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

(4) The use of this frequency for purposes other than distress within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

§ 7.367 *Procedure in testing.* (a) Limited coast stations and marine-utility stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, * * * etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15 minute period.

[4] The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (worldwide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

[5] As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949. Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation". (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

§ 7.368 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations may use authorized[6] classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each limited coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio-channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter has transmitted the call sign or name of the particular shore station with which it desires to communicate.

(6) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, land stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

§ 7.369 *Station documents.* (a) Limited coast stations using telephony shall be provided with and have readily available to the responsible operator (except as otherwise permitted by §§ 7.102 and 7.155) during their hours of service, the following documents:

(1) A valid station license available in accordance with § 7.102;

(2) The necessary operator license or licenses available in accordance with § 7.155;

(3) The station log required by this part for stations of this category.

(4) Parts 7 and 8 of this chapter.

§ 7.370 *Station records.* (a) Limited coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as hereinafter specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in local standard time (EST, CST, etc.) counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "EST", "CST", etc., shall be marked at the head of the column in which the time is entered.

(4) With respect to limited coast stations, which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel above 100 Mc designated for calling (assigned frequency 156.8 Mc) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(7) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(8) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(9) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(10) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Marine-utility stations on shore shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include notation of the geographic area(s) in which the stations is operated; the date and local standard time of operation of the station; official call sign of the marine-utility station, the name and signature of the licensed operator (or other person in accordance with Subpart F of this chapter) who is responsible for operation of the marine-utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly em-

[6] See those provisions of Subpart E of this part relative to authorized classes of emission.

ployed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

SUBPART K—STATIONS ON LAND IN THE MARITIME RADIOLOCATION SERVICE[1]

§ 7.401 *Limitation on station authorizations.* Pending further development of the use and operation of stations on land in the maritime radiolocation service, and until the requirements of this service have been more completely determined, only developmental station authorizations will be granted, subject to the applicable provisions of Subpart M of this part (including supplemental eligibility requirements) and in accordance with the following sections of this subpart.

§ 7.402 *Assignable frequencies.* (a) The following frequency-bands are authorized for use by shore radionavigation stations (including shore-radar stations) in the maritime radionavigation service; the maximum power shall be designated in each instrument of authorization: *Provided,* That for stations other than shore radar stations, the classes of emission, the frequency tolerance, and the bandwidth occupied by the emission may be designated in each station authorization:

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by shore radiolocation stations in the maritime radiolocation service; the class of emission; the frequency tolerance; the bandwidth occupied by the emission; and the maximum power may be designated in each station authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 7.403 *Special conditions imposed.* (a) An authorization granted for the construction and/or operation of a shore radionavigation station shall be subject to the express condition that in so far as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, United States Coast Guard, as provided in section 759, Title 33, U. S. Code.

(b) Upon the grant of an authorization for the construction and/or operation of a shore radionavigation station, the Commission will forward to the Commandant, U. S. Coast Guard, Washington, D. C., notification thereof together with a copy of the authorization.

[1] The classes of stations established in this service are defined in § 7.4.

SUBPART L—FIXED STATIONS ASSOCIATED WITH THE MARITIME MOBILE SERVICE

MARINE FIXED STATIONS[1]

§ 7.451 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any person who is engaged in—

(1) Prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested; or

(2) An activity in the immediate vicinity of the marine fixed station requested which is necessary to a construction project of a public character.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commisson representatives.

§ 7.452 *Points of communication.* Marine fixed stations are authorized to communicate by means of telephony solely with class II public coast stations in the United States when these stations render a communication service of telephony in direct connection with the general public service land-line telephone system, provided the marine fixed station, in each instance, is located not more than 300 statute miles from each coast station of this class with which it communicates.

§ 7.453 *Showing of need.* Applicants for authority to establish and operate marine fixed stations must satisfy the Commission, through information contained in the application or as otherwise determined by the Commission, that a need for the desired communication exists primarily in respect to the safety of life or property, and that the use of any communication facility to satisfy such need, other than a marine fixed station, is impossible or impracticable for the purpose involved.

§ 7.454 *Assignable frequencies.* (a) Carrier frequencies within the band 2100 kc to 2210 kc, which are authorized by Part 8 of this chapter for use by public ship stations employing telephony for the transmission of public correspondence to public coast stations (normally providing direct connection with public service land-line telephone systems), are assignable to marine fixed stations for the same purpose; upon the condition that neither harmful interference nor intolerable delay is caused to communication between coast stations and mobile stations.

(b) In addition to the assignable frequencies designated in paragraph (a) of this section, the carrier frequency 2182 kc is assignable to marine fixed stations solely for use in transmitting, by means of telephony with an antenna power not exceeding 100 watts (when no modulation is present), distress calls and distress traffic, and urgency and safety signals and messages. The use of this radiochannel by marine fixed stations for ordinary calls and replies is prohibited.

§ 7.455 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.456 *Scope of communication.* Marine fixed stations shall be used primarily for safety communication, as defined in paragraph (a) of § 7.7: *Provided, however,* That other than safety communication may be carried on, by these stations, with discretion and to the extent required in behalf of the specific activities set forth in § 7.451: *Provided,* That, in this respect priority at all times shall be given to use of the assigned radio channel(s) for ship to shore transmission.

§ 7.457 *Station documents.* (a) Each marine fixed station shall be provided with the following documents:

(1) A valid station license.
(2) The necessary operator license or licenses.
(3) The station log required by § 7.458.
(4) Parts 7 and 8 of this chapter.

§ 7.458 *Station records.* (a) Marine fixed stations shall maintain an accurate radiotelephone log during their hours of service as follows: all entries shall be made by the licensed operator on duty at the station, except as otherwise provided in subparagraph (2) of this paragraph:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radiochannel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(5) All test transmissions shall be entered, including the date, time, and purpose thereof.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation, E. S. T., C. S. T., etc., shall be marked at the head of the column in which time is entered.

§ 7.459 *Station identification.* For the purpose of station identification, the provisions of paragraph (a) of § 8.364 of this chapter shall apply to marine fixed stations.

§ 7.460 *Procedure in testing.* For the purpose of conducting operational or maintenance tests, the provisions of paragraph (a) of § 8.365 of this chapter shall apply to marine fixed stations.

§ 7.461 *Operating procedure.* In the use and operation of marine fixed stations, these stations shall be governed by the provisions of paragraph (a) and (h) of § 8.366 of this chapter.

[1] This class of station is defined by par. (d) of § 7.5.

MARINE RECEIVER-TEST STATIONS[1]

§ 7.471 *Eligibility requirements.* An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency-band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc.

§ 7.472 *Scope of service.* A marine receiver-test station shall be used solely for brief transmissions intended for interception by the regularly used radiotelephone receiving apparatus of an associated public coast station of the same station licensee; the purpose of such transmissions shall be limited to necessary determinations of the technical performance of such receiving apparatus. No other signals or communications shall be transmitted by marine receiver-test stations.

§ 7.473 *Assignable frequencies.* The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 kc to 3300 kc or 156.35 Mc to 162.05 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.356 of this chapter.

§ 7.474 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine receiver-test stations are set forth in Subpart E of this part.

§ 7.475 *Station identification.* The official call sign and the general geographic location of the marine receiver-test station shall be announced at the conclusion of each completed test transmission.

§ 7.476 *Operating limitations.* The station licensee shall exercise such control over the transmissions of a marine receiver-test station as is necessary to avoid interference to calls from ship stations and to the exchange of public correspondence between ship and shore. The maximum amount of transmission time permitted on any one radio-channel authorized for use by a particular marine receiver-test station in a region of heavy radio traffic on the involved radiochannel shall not exceed 24 minutes in each 24-hour period.

§ 7.477 *Station records.* (a) An accurate log shall be maintained with respect to the operation of each marine receiver-test station. The station licensee shall be responsible for compliance with this requirement. This log may be maintained and located at an authorized control point associated with the station.

(b) All log entries shall be made by the licensed operator responsible for operation of the station or by a person authorized and directed by the station licensee to make such entries.

(c) The log shall be maintained and entries made therein as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever interference to other stations is reported to the station licensee or to the responsible operator, an entry shall be made by the letter to that effect, stating the source of the interference report and the station(s) to which interference has been caused, if known.

(5) All test transmissions shall be entered, including the date, time, duration of the transmission, the class of emission and particular radio-channel used.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures (from 00:00 to 24:00 beginning at midnight /local standard time); additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation EST, CST, etc., shall be marked at the head of the column in which time is entered.

MARINE CONTROL STATIONS, MARINE REPEATER STATIONS AND MARINE RELAY STATIONS[2]

§ 7.481 *Eligibility requirements.* Authorizations for marine control stations, marine repeater stations, and marine relay stations will be issued only to licensees of coast stations who have made a satisfactory showing of need therefor in relation to the particular coast station or stations of which they are the station licensee.

§ 7.482 *Showing of need.* Applicants for such authorization must show that (a) a need exists for a point-to-point radio circuit for control, repeater, or marine relay purposes, (b) that telecommunication facilities other than a marine control, marine repeater, or marine relay station are not available, or if available would not provide effective results, and (c) that the service to be rendered through use of the marine control station, marine repeater, or marine relay station is necessary for, or will prove beneficial to, the service rendered by the associated coast station(s).

§ 7.483 *Points of communication.* (a) Marine control stations are authorized to transmit exclusively to the particular coast station whose operation or emission is being controlled by such transmissions.

(b) Marine repeater stations are authorized to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations are authorized to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 7.484 *Frequencies assignable.* In any area in the continental United States, a maximum of four carrier frequencies assignable in accordance with Part 2 of this chapter within either or both of the bands 72.02 Mc to 74.58 Mc and 75.42 Mc to 75.98 Mc are available in the aggregate for use by marine control stations, marine repeater stations and marine

[1] This class of station is defined by par. (h) of § 7.5.

[2] These classes of stations are defined in pars. (e), (f), and (g) of § 7.5.

relay stations on condition that harmful interference shall not be caused to:

(1) Reception by the general public of emissions from television stations on television channels 4 and 5;

(2) The service of existing and previously authorized marine control stations, marine repeater stations, or marine relay stations;

(3) The service of existing and previously authorized stations operating in any aviation service.

Pursuant to Part 2 of this chapter, assignable frequencies for this purpose are spaced 40 kc apart, beginning with the frequencies 72.02 Mc and 75.45 Mc and ending with the frequencies 74.58 Mc and 75.98 Mc, respectively. Should the Commission find that public interest, convenience, or necessity would be served thereby, licensees of marine control stations, marine repeater stations, and marine relay stations authorized to operate on one or more frequencies within these bands shall be required to share, on a coordinated non-interference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

§ 7.485 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.486 *Limitation on station authorizations.* Pending additional development of the use and operation of marine control, marine repeater, and marine relay stations, and until the necessary scope of service required to be rendered by these classes of stations has been more completely determined, such stations will be authorized exclusively on a developmental basis in accordance with the provisions of Subpart M of this part. In addition to the provisions of this subpart, the relevant conditions and limitations set forth in Subpart M shall apply to these classes of stations.

Subpart M—Developmental Stations

§ 7.501 *Supplemental eligibility.* An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 7.502 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 7.503 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-bands designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands may be licensed as an assigned frequency or as authorized frequency-band, respectively, for use by developmental stations subject to the applicable provisions of this part as follows:

Available for coast stations:
- 3,500–3,700 Mc
- 6,425–6,575 Mc
- 11,700–12,200 Mc

Available for coast stations and fixed stations:
- 26,000–30,000 Mc and
- 2,450–2,500 Mc
- 16,000–18,000 Mc

on condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment.

Available for operational fixed stations:
- 952–960 Mc
- 1,850–1,990 Mc
- 2,110–2,200 Mc
- 2,500–2,700 Mc
- 6,575–6,875 Mc
- 12,200–12,700 Mc

The class of emission, the frequency tolerance, the emission-bandwidth, and the maximum transmitter-power for use on the foregoing frequencies which are above 2,400 Mc shall be designated in each station authorization.

§ 7.504 *Use of developmental stations.* (a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements [1] contained in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 7.505 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 7.506 *Report of operation required.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program if such need exists.

(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 7.507 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station shall be clearly identified in the manner provided for the corresponding established class of station.

(b) The facsimile emissions of a developmental station shall be identified either by telegraphy or by telephony as provided in paragraph (a) of this section.

(c) All other classes of emission of a developmental station shall be identified as prescribed in the respective station authorization.

[1] Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents, assignment of call sign.

Appendix I—Location of Engineering Field Offices and Monitoring Stations—Continued

Radio district	Address of the engineer in charge	States	Territory within district—Counties
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except District 8.
8	Suite 400, 410 P. O. Bldg., Tampa, Fla.	Alabama	Baldwin and Mobile.
	400 Audubon Bldg., New Orleans 16, La.	Arkansas	All counties.
	Suboffice, 324 U. S. Courthouse Ala. Customhouse, Mobile 10	Florida	Escambia.
		Mississippi	All counties.
		Texas	Do.
9	324 U. S. Appraisers Bldg., 7300 Harrisburg St., Houston 11, Tex.		City of Texarkana only.
	Subroute 2, Room 1250, U. S. Post Office Bldg., Beaumont, Tex.		Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kinney, Kleberg, LaSalle, Lavaca, Lee, Liberty, Live Oak, Madisonville, Madison, Matagorda, Maverick, McMullen, Medina, Montgomery, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Schlee, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Ship office: 406 Post Office Bldg., Galveston, Tex.		Do.
10	P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico	All counties.
		Oklahoma	Do.
		Texas	All except District 9 and the city of Texarkana.
11	239 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	Arizona	All counties.
	Subroute No. 15, U. S. Customhouse, Custom House Plaza and F Sts., San Diego 1, Calif.	California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
	Ship office: Room 328 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Nevada	Clark.
12	323A Customhouse, San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except Clark.
13	307 Fitzpatrick Bldg., 917 Southwest Oak St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Whitman, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	521 New Customhouse, Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
16	208 Tiploma Post Office and Federal Courts Bldg., 5th and Washington Sts., Sta. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft except District 15.
		South Dakota	All except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
		Iowa	All except District 15.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except District 7.
17	3200 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	Illinois	All counties except District 18.
		Indiana	Do.
		Iowa	All counties except District 15.
18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	Illinois	All counties except District 15.
		Indiana	Do.
		Michigan	All except Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

Subpart N—Violations

§ 7.551 *Answers to notice of violation.* (a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgement made within such three-day period, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

§ 7.552 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

Appendix I—Location of Engineering Field Offices and Monitoring Stations

Radio district	Address of the engineer in charge	States	Territory within district—Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	706 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	1075 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	936 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware	Kent and Sussex.
		District of Columbia	All.
		Maryland	All counties.
		Virginia	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Hancock, Jefferson, Marshall, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402 New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
	Ship office: Room 106, U. S. Post Office Bldg., Newport News, Va.	Virginia	All except District 4.
6	611 Federal Annex, Atlanta 3, Ga.	Alabama	All except District 8.
	Subroutes: P. O. Bldg., Jacksonville, Fla.; Post Office Bldg., Savannah, Ga.	Georgia	All counties.
		North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Michigan.	do	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	328 Federal Bldg., Buffalo 3, N. Y.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	609 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2067, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico. Virgin Islands.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska. Suboffice: P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.	Alaska.	

The office of the regional managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:

North Atlantic Region: 506 Federal Building, 641 Washington Street, New York 14, N. Y.

Great Lakes Region: 1029 New Federal Building, Detroit 26, Mich.

South Atlantic Region: 411 Federal Annex, Atlanta 3, Ga.

Gulf States Region: 332 U. S. Appraisers Building, 7300 Wingate Street, Houston 11, Tex.

North Pacific Region: 801 Federal Office Building, Seattle 4, Wash.

Alaska Region: Room 52 U. S. Post Office and Courthouse, P. O. Box 644, Anchorage, Alaska.

South Pacific Region: 323-A Customhouse, San Francisco 26, Calif.

Hawaiian Region: P. O. Box 1142, Lanikai, Oahu, T. H.

Central States Region: 876 U. S. Courthouse, Chicago 4, Ill.

The primary monitoring stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H. (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2210 Northeast 148 Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Secondary monitoring stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, P. O. Box 300, Bay St. Louis, Miss. (near New Orleans.

Federal Communications Commission, P. O. Box 187, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine; main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

APPENDIX II—INTERNATIONAL RADIO REGULATIONS IN FORCE BETWEEN THE GOVERNMENT OF THE UNITED STATES AND OTHER CONTRACTING GOVERNMENTS

(a) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947):

The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947), in part, as follows:

Articles 1, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 47;

Article 5 (with the exception of the table of allocation of frequencies covering the bands below 27,500 kilocycles);

Article 29 (with the exception of paragraph 621);

Article 37 (with the exception of paragraph 869);

Article 44 (with the exception of paragraphs 1025 and 1032); and

Appendices 2, 9, 11, 13, 14, 15, 16, A, B, and C.

(b) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947) *and* the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1932):

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932), in part, as follows:

The table of frequency allocations below 27,500 kilocycles as reflected in Article 7; and

The procedure for notification and registration of frequencies as provided in Article 16.

(c) Between the Government of the United States and a Government which is not a party to the International Telecommunication Convention (Atlantic City, 1947), but which is a party to a prior Convention, the regulations of the most recent of the following Conventions to which the contracting Government is a party:

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932);

The General Radio Regulations annexed to the International Telecommunication Convention (Madrid, 1932);

The General Regulations annexed to the International Radiotelegraph Convention (Washington, 1927); and

The Service Regulations affixed to the International Radiotelegraph Convention (London, 1912).

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Appendix I—Location of Engineering Field Offices and Monitoring Stations.

Appendix II—International Radio Regulations in Force Between the Government of the United States and Other Contracting Governments.

AUTHORITY: §§ 8.1 to 8.602 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 145. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303

§ 8.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radiocommunication and radiolocation for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installation on board ships for safety purposes, the details as to location, manner of installation, use and availability, of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress. For the purposes of this part, the following definitions shall be applicable.[1]

SUBPART A—DEFINITION OF TERMS

§ 8.2 *General*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.[2]

(b) *Statutes and international agreements.* (1) *Communications Act.* The Communications Act of 1934, as amended.

(2) *Ship Act.* The act approved June 24, 1910, as amended, requiring apparatus and operators for radio communication on certain Great Lakes steamers.

(3) *Safety Convention.* The International Convention for the Safety of Life at Sea, in force, including the Regulations annexed thereto.[3]

(4) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(5) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5, paragraph 3, of the Radio Regulations of Atlantic City, 1947.

(c) *Telecommunications.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radiocommunication service.

(g) *Station authorization.* Any valid station license or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(i) *Station licensee.* The holder of a valid station license.

(j) *Operator licensee.* The holder of a valid license or valid permit for the actual operation of a licensed station.

(k) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(l) *Day.* (1) Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to the provisions of section 353, subsection (c), of the Communications Act or the radio provisions of the Safety Convention, such use of the word "day" shall be construed to mean the calendar day, from midnight to midnight, local ship's time.

(m) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer in charge whose official address and the specific area of inspection associated therewith are designated by Appendix I of this part.

(n) *Ship or vessel.* "Ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(o) *Categories of ships.* (1) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the provisions of Part II of Title III of the Communications Act, such use of the term shall be construed as follows: A ship is a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers. A cargo ship is any ship not a passenger ship.

(2) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the radio provisions of the Safety Convention, such use of the term shall be construed as follows: A ship is a passenger ship if it carries more than twelve passengers. A cargo ship is any ship not a passenger ship.

(3) A "commercial transport vessel" is any ship or vessel which is used primarily in commerce (i) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(p) *Safety Convention Certificates*—(1) *Exemption Certificate.* A certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.

(2) *Safety Certificate.* A certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention.

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the requirements of the Safety Convention.

(q) *Installed.* As used in this part with respect to the requirements of radio apparatus authorized under the provisions of this part for use on board ship or in stations subject to this part, the term "installed" means installed on board the particular ship or in the particular station to which the pertinent rule or regulation, involving the use of this term, is applied.

§ 8.3 *Maritime mobile service*—(a) *Mobile service.* A service of radio-communication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.[4]

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

(e) *Public ship station.* (1) A ship station open to public correspondence.

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service for telegraphy as designated herewith:

First Class. These stations carry on a continuous service of public correspondence.

Second Class. These stations carry on a designated service of public correspondence of prescribed but limited duration; at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Third Class. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the Second Class, or is not prescribed but is determined by the master of vessel pursuant to his authority under section 358 of the Communications Act.

(f) *Limited ship station.* A ship station not open to public correspondence.

(g) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(h) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(i) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations, and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (g) and (h) of this section, at the time it is being operated.

§ 8.4 *Maritime radiolocation service*—(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radio location.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(f) *Ship-radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(g) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(h) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(i) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(j) *Radionavigation station.* A station in the radionavigation service.

(k) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(l) *Ship-radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(m) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or re-transmitting properties of objects in order to determine their positions.

(n) *Primary radar.* Radar using reflection only.

(o) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(p) *Ship-radar station.* A ship-radionavigation station[5] utilizing radar for the purpose of detecting above-wave objects, with a determination of their direction and distance from the ship.

(q) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emissions.

(r) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(s) *Direction-finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

(t) *Direction-finder receiver.* A radio receiver which is a component of a radio direction finder.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

(v) *Ship radiolocation-test station.* A ship-radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing, and/or maintenance.

§ 8.5 *Developmental Maritime stations on board ship*—(a) *Developmental mobile station.* A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental mobile station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Classification.* The classes of developmental stations on board ships in the maritime mobile service and in the maritime radiolocation service are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example, "limited ship station (developmental)".

§ 8.6 *Operational*—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with law.

(d) *Distress signal.* (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "MAYDAY", pronounced as the French expression "m'aider".[6]

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each

[1] For other definitions, refer to Part 2, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations; Part 7, Rules Governing Stations On Land In The Maritime Services; and Part 14, Rules Governing Stations in Alaska in the Maritime Services.

[2] The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

[3] The International Convention for the Safety of Life at Sea, London, 1929, became effective for the United States on November 7, 1936. It is expected that this Convention will be superseded by the International Convention for the Safety of Life at Sea, London, 1948; pertinent information may be obtained by inquiry to the Commission.

[4] Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

[5] Where reference is made, in official documents issued by the Commission prior to the effective date of this section, to ship-radar stations in the "ship service", the term "ship service" shall be construed, with respect to such stations, to mean "maritime radionavigation service."

[6] In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signay is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three repetitions of the French word "securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 14 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver—

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

§ 8.7 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Carrier frequency.* The frequency of the carrier.[7]

(j) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(k) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted by applicable regulations, or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(l) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(m) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency-band.

(n) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(o) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power.[8]

(p) *Interference guard bands.* The two frequency-bands additional to, and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(q) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(r) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(s) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.[9]

(t) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by—

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth in relation to the authorized carrier frequency,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(u) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(v) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(w) *Percentage modulation.* The modulation factor expressed in percent.

(x) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(y) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier[10] is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(z) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(aa) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(bb) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(cc) *Antenna (aerial).* A means of radiating or intercepting Hertzian waves.

(dd) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(ee) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(ff) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(gg) *Antenna power.* The power supplied by a particular radio transmitter

[7] For the definition of "carrier", see § 2.1 of this chapter.

[8] This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.

[9] This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.

[10] For the definition of "carrier", see § 2.1 of this chapter.

to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(hh) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(ii) *Authorized transmitter - power.* The power of a particular transmitter as designated in the respective station license or in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(jj) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(kk) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 8.6, such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

(ll) *Energize.* The term "energize", as applied in this part to transmitters, receivers, and other component equipment of ship radio installations required for safety purposes, means to supply with power as necessary to provide normal and effective operation of such equipment.

§ 8.8 *Installation for safety communication*—(a) *Main antenna.* An antenna installed in a fixed position on board a ship, and regularly available for use in connection with a main installation on the same ship.

(b) *Main radio transmitter.* A radio transmitter regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(c) *Main radio receiver.* A radio receiver regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(d) *Main power supply.* A normally available source of power on board a ship capable of simultaneously energizing all other components of the main installation.

(e) *Main installation.* A radio installation on board a ship including a main antenna, a main transmitter, a main receiver, and a main power supply; capable of being used for safety communication with other stations in the maritime mobile service.

(f) *Emergency antenna.* An antenna installed in a fixed position on board a ship, and immediately available for use in connection with (1) an emergency or reserve installation on the same ship, or (2) a main installation on the same ship (if a cargo ship) which complies also with all the requirements of an emergency or reserve installation.

(g) *Emergency radio transmitter.* A radio transmitter immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(h) *Emergency radio receiver.* A radio receiver immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(i) *Emergency power supply.* An immediately available source or sources of power on board a ship, capable of simultaneously energizing, independently of the propelling power of the ship and any other electrical system, all other components of the emergency or reserve installation.

(j) *Emergency or reserve installation.* A radio installation on board a ship; including an emergency antenna, an emergency radio transmitter, an emergency radio receiver, emergency electric lights, and an emergency power supply; capable of being used when energized solely by its emergency power supply, for safety communication with other stations in the maritime mobile service.

(k) *Automatic alarm receiver.* A complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations.

(l) *Auto-alarm.* An automatic alarm receiver approved as specified by the provisions of section 3 (x) of the Communications Act.

(m) *Automatic alarm-signal keying device.* A device capable of automatically keying a radiotelegraph transmitter so as to transmit the international automatic-alarm signal, as this signal is specified by the International Radio Regulations.

SUBPART B—APPLICATIONS

§ 8.21 *Authorization required for operation of a radio station.* Radio stations required by the Communications Act to be licensed shall not be operated in the maritime mobile service or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission.[1] Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

§ 8.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:[2]

(i) First class;

(ii) Second class;

(iii) Third class;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

(3) Limited ship stations;

(4) Marine-utility stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by paragraph (e) of § 8.3), it is licensed as a public ship station; if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with subparagraph (1) of paragraph (a) of this section.

(e) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations.

(f) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station, normally as designated below:

(1) Ship radionavigation stations.

(2) Ship radar stations.

§ 8.23 *Statutory eligibility for station license.* Section 310 of the Communications Act places the following express limitations on the granting and holding of station licenses:

(a) A station license shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by

[1] The Commission has exempted certain low power radio devices from its general licensing requirements as set forth in Part 15, Rules Governing Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

[2] See § 8.3 (e) (2).

any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(8) Nothing in subparagraphs (1) through (7) of this paragraph shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

§ 8.24 *Application precedent to authorization.* Except as otherwise provided in §§ 8.26 and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form[3] first is filed with the Commission at its offices in Washington 25, D. C. Except as provided in paragraphs (c) and (f) of § 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

§ 8.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need to be signed and verified; copies may be conformed.

§ 8.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission[4] is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.27 *Defective applications.* (a) An application which is not made in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive or petition to amend the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request or petition shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application (other than an application made in an emergency and not in written form) is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

§ 8.28 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.29 *Partial grant of application.* Whenever the Commission, without a hearing grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for hearing in the same manner as other applications are set for hearing.

§ 8.30 *Request for amendment or waiver of rules.* (a) Any provisions of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radio-location service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provision of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 8.31 *Applications concerning marine-utility stations.* Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels), such station is subject to the applicable provisions of Part 7 of this chapter and an application for construction permit to establish such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

§ 8.32 *Application for station license.* (a) In accordance with § 8.24 application for station license to authorize the use and operation of radio transmitting apparatus on board ship shall be submitted on the appropriate Federal Communications Commission form as prescribed in § 8.36.

(b) Each application for a public ship station license which requests authority to employ telegraphy for public correspondence shall designate the class of station desired to be authorized, in accordance with the terms of paragraph (e) of § 8.3.

[3] Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C., or from any of its field offices.

[4] Standard forms are prescribed herein for use in connection with the majority of applications and reports submitted for Commission consideration. These forms may be obtained from the Commission at Washington, D. C., or from any of its field offices.

§ 8.33 *Changes during license term.* When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license and/or any supplemental instrument of authorization, application for modification of license on the appropriate FCC form as prescribed in § 8.36 shall be submitted in accordance with § 8.24 not less than 60 days prior to the date contemplated for such modification of license in order that action therein may be taken by that date.

§ 8.34 *Renewal of license.* Application for renewal of station license shall be submitted on the appropriate FCC form as prescribed in § 8.36. Unless otherwise directed by the Commission, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action therein may be taken by that date.

§ 8.35 *Reinstatement of license.* When the use and operation of a station has been discontinued due to the station license having expired by its own terms, and application for renewal of station license has not been submitted within a period of time acceptable to the Commission for the purpose of renewal, application for station license on the appropriate FCC form as prescribed in § 8.36 shall, if authority is desired for resumption of operation, be submitted in accordance with § 8.24.

§ 8.36 *Application forms for station authorizations.* (a) The forms hereinafter designated in this section shall be used for filing formal applications for station authorizations:

(1) For ship stations employing telegraph transmission only, or employing both telegraph and telephone transmission:

For ship station license: FCC Form 501 together with supplementary FCC Form 500.
For modification of ship station license: FCC Form 503 together with supplementary FCC Form 500.
For renewal of ship station license: FCC Form 502.

(2) For ship stations employing radiotelephone transmission (for this purpose, the use of incidental telegraphic emission for calling or operating signals is included in the term "radiotelephone transmission") and for marine-utility stations to be operated on board mobile vessels exclusively:

For ship station license, or renewal or modification thereof: FCC Form 501-A.

(3) For ship stations employing facsimile transmission, composite transmission, or transmission not designated in any of the foregoing categories; and for ship radiolocation or radionavigation stations (other than ship-radar stations):

For station license: FCC Form 501.
For modification of station license: FCC Form 503.
For renewal of station license: FCC Form 502.

(4) For ship-radar stations:

For license, or renewal, or modification thereof: FCC Form 501-B.

(5) For stations on board ship which employ two or more of the foregoing types of transmissions (other than as indicated in subparagraph (1) of this paragraph) and for developmental stations on board ship:

For license, or renewal, or modification thereof: Each of the form or forms herein specified for the corresponding type or types of transmission.

§ 8.37 *Application for consent to voluntary assignment or transfer of control of station license.* (a) Application for consent to voluntary assignment of a license covering any class of station governed by this part, or for consent to voluntary transfer of control of a corporation holding such license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may be, at least 60 days prior to the contemplated effective date of assignment or transfer of control in order that action therein may be taken by that date.

(b) In the case of stations on board ship licensed to operate in any service governed by this part, involuntary assignment of licenses will not be made. Upon the death or legal disability of the licensee, such licenses shall be surrendered for cancellation.

§ 8.38 *Applications filed concurrently.* Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(a) Applications for modification of station license and for renewal of station license;

(b) Applications for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(c) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

§ 8.39 *One application for plurality of stations.* (a) One application may be filed for several station authorizations to cover similar stations on board different ships: *Provided,* The following elements are the same for all stations covered by such application:

(1) Nature of application (license, modification of license, renewal of license, or special temporary authority);
(2) Applicant;
(3) Licensee (when request is for modification or removal);
(4) Nature of service and class of station as set forth in § 8.22;

(b) Paragraph (a) of this section shall apply only when the individual stations covered by such application are clearly identified therein and properly related to the information supplied which is applicable to the respective authorization requested for each station.

§ 8.40 *Application for station of portable nature (other than marine-utility station).* (a) Upon application as appropriate under §§ 8.26, 8.36 or 8.42 including a supplemental statement as prescribed in subparagraphs (1) and (2) of this paragraph, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiolocation service which is readily portable for use as the occasion requires on board a ship or ships of the United States: *Provided,* The applicant makes a satisfactory showing that:

(1) The station will be operated as an established class of station on board ship in conformity with all applicable rules of the Commission, and

(2) Unusual circumstances exist whereby a station license to cover such operation is necessary to eliminate the necessity of frequently filing applications for special temporary authority, licenses, or modifications of license in order to permit on short notice the temporary operation of specified apparatus on board a designated ship or ships of the United States.

§ 8.41 *Application for exceptional authority to communicate with amateur stations.* Upon proper application, including a supplemental statement as herein prescribed, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting a ship telegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of class A1 or A2 emission on authorized ship telegraph frequencies within the band 2000 kc to 25,000 kc, for the purpose of exchanging radiotelegraph communications directly with licensed amateur stations[5] on land in accordance with the provisions of § 8.70: *Provided,* The applicant includes a supplemental statement satisfactorily showing that:

(a) Unusual circumstances during the contemplated voyage(s) are anticipated which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is used or is intended to be used;

(b) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction; and

(c) Transmission for this purpose will be conducted on a secondary basis so as to avoid interference to commercial message traffic and other authorized emissions of stations operating in the maritime radiolocation service.

§ 8.43 *Application precedent to hearing.* Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hear-

[5] For information concerning amateur stations, see Part 12 of this chapter.

ing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 8.44 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. Where an applicant fails to respond within a reasonable time to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 8.45 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

NOTE: §§ 8.46 to 8.49, inclusive, relate only to ship radio installations required by law for safety purposes.

§ 8.46 *Application for inspection.* Pursuant to section 360 (b) of the Communications Act, a ship of the United States which, by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is required to be fitted with a radio installation for safety purposes, shall, at least once in each 12-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radio installation. A formal application, FCC Form 801, "Application for Ship Radio Inspection", for such inspection shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. The application for such inspection shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster. In the case of passenger ships, such application shall be filed preferably at a time to provide for such inspection coincident with the annual inspection of the vessel by the United States Coast Guard.

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate or a Safety Radiotelegraphy Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and certification of the result of such inspection to the United States Coast Guard for the issuance of a Convention Certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and when appropriate may be combined with the application for annual inspection prescribed by § 8.46.

§ 8.48 *Extra compensation for overtime services by inspectors.* Pursuant to section 4 (f) (2) of the Communications Act, inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Act at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

(a) The rates of extra compensation are payable in cases where the services of such inspectors have been duly requested and they have reported for duty, even though no actual service may be performed.

(b) The extra compensation for overtime services is in addition to the regular compensation paid by the government in the case of inspectors whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(c) Extra compensation for "waiting time" will not be allowed unless and until the inspector actually reports for duty.

(d) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between midnight and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as may be designated national holidays by the President or by Congress.

(e) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the said 8 hours provided that the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(f) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the established closing hour", one-half day's pay shall be one-half of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2-hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the inspector to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from the established closing hour, even though such services may not actually begin until later, provided that the inspector rendering the service remained on duty after the established closing hour, in which case the time between the established closing hour, and the time of beginning the actual services shall be computed as waiting time. Where the performance of actual service is preceded by such a waiting time there should be an affirmative statement that the inspector was required to remain on duty between the established closing hour and the time of beginning the actual services.

(g) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(h) The same considerations shall apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(i) For any authorized services performed on Sundays and holidays, totalling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(j) When inspectors are in travel status overtime shall apply the same as at official station. However, compensation for such overtime shall not include travel time.

(k) Assessments and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(l) An application on a form prescribed by the Commission shall be filed with the office being requested to furnish overtime services before such assignment can be made.

(m) Overtime services shall be billed to the steamship companies as soon as possible after the services have been performed and on collection voucher provided for that purpose. Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated recipt account.

(n) Protests against the exaction of extra compensation shall be forwarded to the Commission at Washington, D. C., and a copy thereof sent to the office which furnished the overtime services.

§ 8.49 *Application for exemption.* (a) In accordance with the provisions of section 352 (b) of the Communications Act and/or the appropriate provisions* of the Safety Convention, application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

* Article 28 of the 1929 Safety Convention; Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948.

SUBPART C—STATION AUTHORIZATIONS

§ 8.61 *Authority for distress communication.* No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.

§ 8.62 *Changes in equipment of licensed station.* A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission: *Provided,* (a) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or ship master, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; and (c) a description of the change is incorporated in the next application for renewal or modification of license.

§ 8.63 *Normal license period.* (a) The period of time during which a license is valid for a station on board ship in the maritime mobile or maritime radiolocation service (other than licenses for developmental stations) normally shall begin at 3:00 A. M., E. S. T., and normally shall be—

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewed license becomes effective.

§ 8.64 *License period for developmental station.* A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a specified period of time not to exceed one year from the date on which the license becomes effective.

§ 8.65 *Issuance of modified and renewed license simultaneously.* When an application is granted by the Commission which necessitates the issuance of a modified station license to become effective less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of the date of expiration of the outstanding license, the modified license as well as the renewed license shall be issued as one document in accordance with the combined action of the Commission.

§ 8.66 *One license for plurality of stations.* (a) Unless otherwise determined by the Commission in exceptional circumstances, one station license may be granted to authorize the use and operation of a designated maximum number of stations in the maritime mobile service—normally in multiples of ten stations—on board two or more ships of the United States which do not engage on voyages to any foreign country whenever telephony is the sole type of transmission authorized and the following license elements are the same for each station and the requirements specified in paragraph (b) of this section are fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The class of station and nature of service;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);

(5) The authorized transmitter-power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment and the authorized transmitter-power and class or classes of emission authorized on each radio-channel.

(b) The issuance of one station license as provided in paragraph (a) of this section shall be contingent upon compliance by the applicant and station licensee with the following requirements:

(1) The licensee shall, at the time the application(s) for license is(are) filed and during the entire period in which the station license is valid, keep the Commission at Washington, D. C. and the Commission's engineer in charge of each radio district in which the stations are operated currently informed in writing of the names, registration number and respective classes of ships which are provided with stations authorized in accordance with the terms of the station license;

(2) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use of such equipment for safety purposes;

(3) The transmitting equipment shall not be authorized in any other instrument of authorization issued by the Commission.

§ 8.67 *Transfer or assignment of station authorization (see also § 8.37).* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 8.68 *Authority for lifeboat radio station.* Whenever, in an application for ship station license, additional radio transmitting equipment described therein is designated as intended for use solely in a lifeboat or other survival craft associated with the principal vessel to which the application applies, operation of such lifeboat radio equipment, for maintenance tests and safety communication only, will be specifically authorized by the ship station license issued in response to that application.

§ 8.69 *Authority for transmission from cable buoy.* Provided the transmitting equipment to be used on a cable marker buoy is adequately described and the necessary technical data is supplied in an application for station license for a ship station on board a cable-repair ship with which the buoy is associated, the use of such transmitting equipment for radiolocation in accordance with § 8.407 will be specifically authorized by the related ship station license.

§ 8.70 *Authority to communicate with amateur stations.* (a) A ship station shall not communicate with or transmit to any amateur station unless it is specifically authorized by the Commission to do so. When authorized to communicate with duly licensed amateur stations, a ship station shall conduct all operation for this purpose in conformity with the relevant terms of its station license and, except as otherwise permitted by the station license, shall, for this purpose,

(1) Transmit by means of A1 or A2 emission only on a frequency between 2000 kc and 25,000 kc authorized for such emission;

(2) Not cause harmful interference to stations in the maritime mobile service nor to stations in the radiolocation service;

(3) Not engage in any communications relating directly or indirectly to a commercial transaction.

(b) Communication with amateur stations of foreign countries shall be limited to communications with such amateur stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall, in addition to the requirements of paragraph (a) of this section, be in accordance with the International Radio Regulations and in conformity with the regulations of the foreign administration(s) having jurisdiction over the amateur stations(s) involved.

§ 8.71 *Limitations concerning stations of portable nature (other than marine-utility stations).* Advance notice in writing or by telegram shall be given to the Commission and to the engineer in charge of the radio district where the operation is to take place by the licensee of a station of a portable nature (other than a marine-utility station) auhorized for use on board ship prior to any operation contemplated on board a particular ship. Such notice shall state the call sign of such station, name of licensee, approximate date(s) of intended operation on board the designated ship, and the geographic area in which the ship is to be navigated. A station of a portable nature, (other than a marine-utility station) authorized to be operated on board a ship or ships, shall not be retained on board any one ship during any continuous period exceeding three months without giving further notice to the Commission and to the engineer in charge of the radio district where the operation is to take place: *Provided*, That the foregoing requirements shall not apply to operation of a station of a portable nature on board small boats (tenders, dories, lifeboats, etc.), which are regularly associated with a parent ship, when such station is specifically identified in the license of such parent ship.

§ 8.72 *Authority for ship-radar station.* Any license issued for a ship-radar station shall be subject to the condition that the station licensee in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

§ 8.74 *Assignment of call signs.* (a) Ship stations in the maritime mobile service other than those designated in paragraphs (b), (c), (d) and (e) of this section shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or the letter "W". (Examples: KBCD or WBDC.)

(b) Ship stations authorized to use telephony (except those specified in paragraph (c) of this section), but not authorized to use telegraphy except secondarily for purposes incidental to the use of telephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(c) Normally, an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service, provided that a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 8.66 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

(d) Stations of lifeboats, liferafts and other survival craft carried aboard ships shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter). (Example: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD 45).

(e) Ship-radar stations shall be assigned call signs for administrative purposes only. Such stations located on board ships having a ship station licensed in the maritime mobile service shall be assigned the same call sign as that ship station. If in a particular case the ship has no ship station licensed in the maritime mobile service, the ship-radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W". (Examples: If a ship station licensed in the maritime mobile service with call sign WA2000, or KBCD, or WBCD, the ship-radar station call sign shall be respectively, WA2000, or KBCD, or WBCD. If the ship has no station licensed in the maritime mobile service, the ship-radar station call sign shall be of the type WA2000.) In case of a ship having, or eligible for, signal letters assignable by the United States Treasury Department, the Commission may if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign a call sign of such character as is legally permissible and as it may deem appropriate in each particular case.

(f) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters (taken from the group KA through KZ) followed by four digits (the digits 0 and 1 may not immediately follow a letter).

§ 8.75 *Operation during emergency.* (a) The licensee of any ship station or developmental station in the maritime mobile service on board ship, may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the maritime mobile service: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineer in charge be notified immediately when such special use of the station is terminated: *And provided further*, That in no event shall any ship station or developmental station on board ship engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided for by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station governed by this part during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

Subpart D—General Station Requirements

§ 8.101 *Inspection of station.*[1] (a) Pursuant to section 303 (n) of the Communications Act, the radio installation on board any ship of United States registry shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws, and treaties.

(b) The governments or appropriate administrations of countries, where a ship equipped with a radio station calls, may require the production of the station license for examination. The operator of the station, or the person responsible for the station, must facilitate this examination. The station license must be available so that it can be produced without delay. When the license cannot be produced or when manifest irregularities are observed, governments or administrations may inspect the radio installation in order to satisfy themselves that the installation conforms to the conditions imposed by the International Radio Regulations.

§ 8.102 *Posting of station license.* (a) Except for certain stations to which paragraph (b) of this section is applicable and except for stations authorized in accordance with § 8.66, the original license for each station on board ship subject to this part shall be posted in a conspicuous place at the principal location on board at which the station is operated: *Provided*, That the ship-radar station license shall be posted in a conspicuous place at the principal radar operating position.

(b) With respect to stations of a portable nature, including marine-utility stations but excluding stations authorized in accordance with § 8.66, where posting of the station license is impracticable, the requirement of paragraph (a) of this section shall not apply: *Provided*, That in lieu thereof the original station license or a photocopy thereof is retained on board the vessel (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) With respect to a plurality of stations authorized by one station license in accordance with the provisions of § 8.66, the station license shall be retained by the licensee at any location where it is accessible to governmental inspection. In lieu of posting the license on board ship, a Transmitter Identification Card (FCC Form No. 452–C Revised) properly executed shall be affixed to the authorized transmitting equipment on board each ship: *Provided*, That where the transmitting equipment is not visible from the operating position on the ship or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the principal station operating position on board. The following information shall be entered on the Transmitter Identification Card by the station licensee:

(1) Name of station licensee;

(2) Station call sign assigned by the Commission;

(3) Exast location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

§ 8.103 *Location of station.* All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations of this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 8.75, or (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship, for the purpose of assuring compliance with any applicable safety radio requirement of law.

§ 8.104 *Operating controls.* (a) In each ship station, effective on and after January 1, 1953, operating controls capable of being used to—

(1) Commence and discontinue normal operation of the station;

(2) Change normally from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum; and

(3) Change normally from transmission to reception and vice-versa,

shall be readily available at the principal operating location of the station for instant use by the authorized operator in accordance with the provisions of § 8.154, whenever the station is being used for transmission.

(b) Effective on and after January 1, 1952, every ship station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(c) Effective on and after January 1, 1956, every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time: *Provided*, That ship stations and marine-utility stations using telephony on any frequency assignment above 30 Mc shall, with respect to operation on such frequencies, comply with this requirement, effective on and after January 1, 1952.

(d) Effective on and after January 1, 1952, every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

(i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum; or

(ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum;

Provided, however, That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(2) The requirements of subparagraph (1) of this paragraph shall be effective—

(i) With respect to radio-channels below 515 kc, on and after January 1, 1956; and

(ii) With respect to radio-channels within the frequency-band 2000 kc to 25000 kc, on and after the effective date of Article 28, paragraph 12, of the Radio Regulations of Atlantic City, 1947, or on and after January 1, 1962; whichever date first occurs.

(f) Effective on and after the dates hereinafter designated in this paragraph, every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel to another operating radio-channel for transmission or reception by means of telephony within—

(1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency-band 1600 kc to 4000 kc; effective on and after January 1, 1962; or

(2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

(g) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

[1] See also §§ 8.261 and 8.501.

(h) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using telegraphy on frequencies within the band 365 kc to 515 kc must, with respect to the use of any transmitter capable of a plate input power in excess of 450 watts and completed in construction subsequent to January 1, 1952, be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts. Each such transmitter shall be furnished with a durable nameplate with the month and year of its completion permanently inscribed thereon.

(2) The requirement of subparagraph (1) of this paragraph shall not apply when there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the international calling frequency 500 kc and at least one working frequency within the band 365 kc to 485 kc, capable of being energized by a source of power other than an emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on such frequencies.

§ 8.105 *Required radio-channels for telegraphy.* (a) Each ship station using telegraphy on frequencies within the band 365 kc to 515 kc (except stations on lifeboats or survival craft) shall be capable of transmitting and receiving classes A1 and A2 emission on the radio-channel of which 500 kc is the assigned frequency, and on at least one additional radio-channel within this band which is authorized for working. When a radiotelegraph installation is compulsorily fitted for safety purposes, a third radio-channel which is authorized specifically for direction-finding within this band must be provided also.

(b) Each ship station using telegraphy on frequencies within the band 100 kc to 160 kc shall be capable of transmitting and receiving class A1 emission on the radio-channel of which 143 kc is the assigned frequency, and on at least two additional radio-channels within this band (except within the band 140 kc to 146 kc) which are authorized for working.

§ 8.106 *Required radio-channels for telephony.* (a) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, each ship station using telephony and licensed to transmit on one or more frequencies within the band 2000–2200 kc must be capable of transmitting and receiving, and shall be licensed to transmit, on the frequency 2182 kc.

(b) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable also of receiving telephony on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working in this band.

§ 8.107 *Antenna requirements.* (a) The antenna(s) of each public ship station and of each ship station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a ship station, or a marine-utility station on board ship, using telephony on any frequency assignment within the frequency-band 30 Mc to 200 Mc normally shall be polarized vertically at the source when the vessel carrying the station is in a normal vertical plane: *Provided,* The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by other stations in the maritime mobile service.

§ 8.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 8.109 *Measurement of emission frequencies.* (a) The licensee of each station on board ship subject to this part shall be responsible[2] for measurement of each carrier frequency in use by the station as stipulated in the paragraphs (b) through (f) of this section: *Provided,* That when a carrier does not exist (except for ship-radar stations)[3] measurement shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequence shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a ship-radar station) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided,* That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

[2] Paragraph 7, Article 28, of the International Radio Regulations (Atlantic City, 1947), which becomes effective when the new International Frequency List becomes effective (as provided by Article 47 of those Regulations), provides that when the ship station transmitter itself cannot be controlled in such a way that its frequency satisfies the tolerance specified in Appendix 3 of those Regulations, the ship station must be provided with a device, having a precision at least equal to one-half of this tolerance, for measuring the frequency of emission. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for ship stations prescribed by § 8.131.

[3] The licensee of a ship-radar station shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 8.133.

§ 8.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter in a ship station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, insofar as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 per cent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 per cent and 80 per cent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter in a ship station which is rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a ship station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided,* That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a ship station, subject to this part, as rated by the manufacturer, is capable of being more than 120 per cent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of class A3 emission, the term "power," as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

§ 8.111 *Modulation adjustments for telephony.* (a) Ship stations and marine-utility stations using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 per cent. Insofar as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Ship stations and marine-utility stations using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per cent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 per cent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 8.112 *General requirements for receiving apparatus.* (a) The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 8.181 and 8.240, can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

§ 8.113 *Installation of power source.* The exact location and physical arrangement on board a vessel of any storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed radio station subject to this part and located on board such vessel, and the method of ventilating the battery or engine compartment, shall be in accordance with applicable rules or regulations promulgated by the United States Coast Guard. If the Commission finds that such rules or regulations are not complied with by a particular station of this category, an application for license or modification or renewal of license thereafter filed in behalf of that station may be designated by the Commission for hearing to determine whether or not the granting of such application would meet the public interest, convenience or necessity.[4]

§ 8.114 *Clock required.* (a) Each ship station licensed to operate on frequencies below 515 kilocycles shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto-alarm (if installed) for response to signals from the testing device. Stations which are compulsorily installed on board ship for safety purposes shall, in addition, meet such supplementary requirements for clocks as are prescribed in Subpart R of this part.

(b) Each ship station licensed for operation on frequencies above 1500 kilocycles only, shall, as may be necessary during operation, have available to the operator a suitable timepiece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and the International Radio Regulations.

§ 8.115 *Retention of radio station logs.*[5] (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such ad-

[4] Inquiries concerning applicable regulations of the Coast Guard may be addressed to The Commandant, United States Coast Guard, Washington, D. C., or to the nearest District Headquarters Office of the Coast Guard.

[5] See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

ditional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station or as otherwise authorized by the applicable provisions of this part, and during use shall be located in the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Hawaii, Alaska, Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof [4]) dating from the last departure of the vessel from a United States port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided [4]) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 8.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances [1] authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc.

Frequency ranges	Applicable to transmitters installed prior to Jan. 1, 1953, until Jan. 1, 1957, or until a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs	Applicable to transmitters installed after Jan. 1, 1953, and applicable to all transmitters after Jan. 1, 1957, or after a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs
	Percent	*Percent*
(1) From 100 to 515 kc (except for emergency transmitters of the class specified in (2) and (3) below)	0.3	0.1
(2) From 100 to 515 kc; emergency transmitters only, whose use is confined solely to safety communication as defined in § 8.6 (a)	.3	.3
(3) 500 kc transmitters intended for use solely in lifeboats or other survival craft	.5	.5
(4) From 1,600 kc to 3,500 kc inclusive (except for lifeboat transmitters under the condition specified below in (5))	.04	.02
(5) For transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2,182 kc, or on such frequency as may be designated by the Commission for telegraph calling in the frequency-band 1,600 to 3,500 kc	.05	.05
(6) Stations when using frequencies within the band 4,000 to 25,000 kc, other than those specified in (7) below	.02	
(7) Stations (including lifeboat transmitters) when using frequencies within the following bands:		
From 4,115 to 4,165 kc, inclusive	.05	
From 5,500 to 5,550 kc, inclusive	.05	
From 6,200 to 6,250 kc, inclusive	.05	
From 8,230 to 8,330 kc, inclusive	.05	
From 11,000 to 11,100 kc, inclusive	.05	
From 12,340 to 12,500 kc, inclusive (except 12,440 and 12,460 kc)	.05	
12,440 and 12,460 kc	.02	
From 14,400 to 16,700 kc, inclusive (except 16,530, 16,575, and 16,590 kc)	.05	
16,530 and 16,590 kc	.025	
16,575 kc	.02	
22,000 to 22,200 kc	.05	
(8) Stations when using frequencies within the band 4,000 to 25,000 kc		[1] .005 [2] .02

[1] When using telephony.
[2] When not using telephony.

(c) Authorized frequency tolerances for ship stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts	0.02
For all other stations	.01
(2) From 100 to 200 Mc:	
For stations on survival craft intended for use in emergencies only	.01
For stations licensed to operate with a plate input power not in excess of 3 watts	.01
For all other stations	.005

(d) For stations in the maritime radiolocation service (other than ship-radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

(e) The frequency tolerance authorized for ship-radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

§ 8.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of authorization, stations on board ship subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

Frequency-band and classes of emission authorized [1]	
(1) Ship stations using telegraphy:	
100 to 160 kc	A1, and for brief testing AO.
160 to 515 kc	A1, A2[2], A2a[3], A2b[3], and for brief testing AO.
2,200 to 25,000 kc	A1, A2[2], A2a[3], A2b[3], and for brief testing AO.
(2) Ship stations using telephony:	
1,600 kc. to 30 Mc [4]	A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO.
30 Mc to 50 Mc	A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing AO, FO.
152 Mc to 162 Mc	In Regions 1, 2, and 3, F3; and for brief operating signals F1 and F2; also for brief testing FO; additionally in Regions 1 and 3 only, A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing AO.
For other frequencies or frequency-bands	As designated in the station authorization.
(3) Ship-radar stations: Above 3,000 Mc	PO.

(4) Stations of any category not designated in subparagraphs (1), (2), and (3) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

[1] The letter "a" following class A2 or A3 emission means the emission of a single sideband, with reduced carrier. The letter "b" following class A2 or A3 emission means the emission of two independent sidebands, with reduced carrier.
[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 23,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 33 of the International Radio Regulations of Atlantic City, 1947, becomes effective.
[3] See § 8.366 (a) (3).

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.[2]

§ 8.133 *Authorized emission-bandwidths.*[3] (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, a station on board ship subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 8.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

[2] For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.
[3] For definition of the term "emission-bandwidth", see paragraph (o) of § 8.7.

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwith, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective-signalling code intended to acuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, That for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, The frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth;

(11) Class PO emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship-radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0	None	None.
A1	0.16 A1	224 cycles per second.
A2	2.66 A2	2,724 cycles per second.
A2a	1.33 A2a	1,362 cycles per second.
A2b	2.66 A2b	2,724 cycles per second.
A3	6 A3	8,000 cycles per second.
A3a	3 A3a	4,000 cycles per second.
A3b	6 A3b	8,000 cycles per second.
F0	None	None.
F1:		
For 35 to 76 Mc	Variable [1]	40,000 cycles per second.
For 156.35 to 162.05 Mc	Variable [1]	40,000 cycles per second.
F2:		
For 35 to 76 Mc	36 F2	40,000 cycles per second.
For 156.35 to 162.05 Mc	36 F2	40,000 cycles per second.
F3:		
For 35 to 76 Mc	36 F3	40,000 cycles per second.
For 156.35 to 162.05 Mc	36 F3	40,000 cycles per second.
PO	Variable [2]	Variable.[2]

[1] In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved.
[2] In the case of class PO emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 8.131 (e) concerning authorized frequency tolerance for radar transmitters.

(2) When a specific "emission designator", as expressed in subparagraph (1) of this paragraph appears in a station authorization applicable to any station subject to this part, such designator specifies, for that station and for the particular radio-channel(s) involved, the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a ship station, unless otherwise provided by the station authorization:

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 8.134 *Authorized transmitter-power.* (a) Stations on board ship subject to this part may use such antenna power [4] as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the

[4] See § 8.353 (a) (3).

[4] Duplicate logs are not required by the provisions of this paragraph, unless the original log is removed prior to opportunity for official inspection.

[1] Frequency tolerance is defined by par. (k) of § 8.7.

provisions of paragraph (a) of § 8.110, not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in paragraph (ii) of § 8.7) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power.

(b) For ship stations on board passenger vessels of 5000 gross tons and over, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 8000 watts (with or without modulation).
For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2,000–4,000 kc band, except on U. S. inland waters [1]		4,000 to 25,000 kc band, except on U. S. inland waters [1]	2,000 to 25,000 kc band, on U. S. inland waters [1]
	Ship to shore	Ship to ship		
Class C—plate or plate and screen-grid modulated	1,000	150	3,000	150
Class C—control, screen, or suppressor-grid modulated	2,000	300	6,000	300
Class C—cathode modulated	1,600	240	4,800	240
Class B—linear	2,000	300	6,000	300
Class BC—high efficiency	1,200	180	3,600	180
Other classes	As specified in the station authorization			

[1] Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(c) For ship stations on board any category of vessel, other than the class of passenger ship prescribed in paragraph (b) of this section, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 2000 watts (with or without modulation).
For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2,000–4,000 kc band, except on U. S. inland waters [1]		4,000 to 25,000 kc band, except on U. S. inland waters [1]	2,000 to 25,000 kc band, on U. S. inland waters [1]
	Ship to shore	Ship to ship		
Class C—plate or plate and screen-grid modulated	400	150	1,000	150
Class C—control, screen, or suppressor-grid modulated	800	300	2,000	300
Class C—cathode modulated	640	240	1,600	240
Class B—linear	800	300	2,000	300
Class BC—high efficiency	480	180	1,200	180
Other classes	As specified in the station authorization			

[1] Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(d) For ship stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM):

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)	
	Ship stations	Marine-utility stations
Class C—plate, or plate and screen-grid modulated	100 watts	10 watts.
Class C—control, screen, or suppressor-grid modulated	200 watts	20 watts.
Class C—cathode modulated	160 watts	16 watts.
Class B—linear	200 watts	20 watts.
Class BC—high efficiency	120 watts	12 watts.
Other classes	As specified in the station authorization	

(e) For ship stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc or 156.25 Mc to 157.45 Mc and employing frequency modulation (FM), the maximum authorized transmitter-power (with or without modulation) is 100 watts. For marine-utility stations under the condition prescribed in this paragraph for ship stations, the maximum authorized transmitter-power is 10 watts.

(f) For ship stations and marine-utility stations using telephony in Region 1 or 3, by means of amplitude modulation (AM) on any frequency assignment within the frequency-band 156.25 Mc to 157.45 Mc, the maximum authorized transmitter-power is the same as that designated in paragraph (d) of this section for operation within the band 35 Mc to 44 Mc.

(g) For stations on board ship which are authorized to transmit on frequencies above 157.45 Mc, the power authorized to be used shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (ff) and (ii) of § 8.7, may be computed for electron-tube transmitters by the method set forth in the following paragraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily class A2 or special emission for operating signals) the authorized transmitter-power may be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (d'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable: *Provided*, A wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this paragraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current measured for the purpose of this paragraph.

§ 8.135 *Suppression of receiver radiation.* (a) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect. The use or operation of the following types of receiving equipment is prohibited on board any ship of the United States (other than a ship of less than 1600 gross tons) which departs from, or has departed from, any harbor or port of the continental United States on or after January 15, 1942, for a voyage in the open sea:

(1) Radio receiving equipment which, when used or operated on any frequency in connection with an actual antenna equivalent in its electrical constants to the average receiving antenna(s) used on shipboard, creates an electromagnetic field of more than 0.1 microvolt per meter at a distance over seawater of more than one nautical mile from the receiver.

(2) Radio receiving equipment which, when operated on any frequency, is capable of delivering more than 400 micromicrowatts of power to an artificial antenna having electrical characteristics designated [4] by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard.

Provided, That this section shall not apply to any ship which is navigated solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States; nor to radio receiving equipment which is used solely in connection with a loop antenna, upon the condition that exemplary compliance with the limitation of subparagraph (1) is satisfactorily demonstrated to the Commission.

§ 8.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 8.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type acceptance or as may be required by the Commission) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C., One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purposes of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 8.137 *Special requirements for radiotelephone transmitters.* (a) Except as provided otherwise in paragraph (b) of this section, and except for transmitters authorized solely for developmental stations, each radiotelephone transmitter authorized in a ship station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc., and all radiotelephone transmitters authorized in a ship station license or marine-utility station license granted, modified, or renewed after January 1, 1960, shall be used with a device that will automatically prevent modulation in excess of 100 per cent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) Each radiotelephone transmitter of a ship station or a marine-utility station shall be type accepted by the Commission prior to its operation by any unlicensed person pursuant to the provisions of paragraph (a) of § 8.155. In addition to complying with all other applicable rules and regulations such a transmitter shall meet the following requirements:

(1) Operation of the transmitter shall require only the use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(2) The required radio frequency stability of the transmitter must be maintained (at all times during such operation by an unlicensed person) by the transmitter itself;

(3) None of the operations necessary to be performed during the course of normal rendition of service to the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(4) The transmitter shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(c) (1) Each radiotelephone transmitter authorized in a ship station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 8.136.

(2) Before being finally considered for type-acceptance such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, with 100 percent [6] modulation applied, the frequency deviation [6] shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 8.7 (ii):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

§ 8.138 *Special requirements for ship-radar transmitters.* (a) Each radar transmitter authorized in any ship-radar station license granted, modified or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

In addition to meeting all other applicable requirements such transmitters shall comply with the limitations and conditions set forth in the following paragraphs.[7]

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part;

(3) The provisions of § 8.136 governing the procedure to be followed for the purpose of obtaining type-acceptance

[4] An artificial antenna having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles shall be employed for the measurement of the power output of receiving equipment at frequencies between 350 kilocycles and 515 kilocycles. The constants of artificial antennas for tests at other frequencies will be supplied upon request to the Commission.

[6] See paragraphs (v), (w), and (aa) of § 8.7.

[7] See also § 8.155.

of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type approval thereof as required by paragraph (a) of this section.

SUBPART F—OPERATOR REQUIREMENTS

§ 8.151 *Authorized operator required.* (a) Except as otherwise provided in § 8.155, the actual operation of all transmitting apparatus in any radio station in the maritime mobile or maritime radiolocation service on board a ship of the United States shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter.

(b) When the station is a public ship station used for telephony, the person actually operating the station shall, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of communication set forth in § 8.177, permit any person to speak over the station microphone: *Provided,* That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(c) When the station is a limited ship station used for telephony, the person actually operating the station may, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of the communications set forth in § 8.177, permit any person to speak over the station microphone: *Provided,* That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(d) For the purpose of paragraphs (b) and (c) of this section, any microphone, without regard to its location on board ship, may be construed to be the station microphone when it is electrically connected to the modulating system of the radiotelephone transmitting apparatus.

§ 8.152 *Operator required by statute for safety.* (a) The radio installation required by Part II of Title III of the Communications Act or by the Safety Convention, for purposes of safety on board a ship of the United States, shall be in charge of and shall be operated only by one or more qualified operators [1] who shall be subject to the lawful authority of the master.

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radio installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

[1] A qualified operator for the purpose of this section on a ship of the United States is a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission. See Part 13 of this chapter and/or any applicable orders promulgated by the Commission.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention [2] to be fitted with a radio installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified [3] operator. If not fitted with an auto-alarm in proper operating condition, at least two qualified operators shall be carried for this purpose by—

(1) A passenger ship of the United States;

(2) A cargo ship of the United States of more than 5500 tons gross tonnage.

§ 8.154 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station in the maritime mobile service subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (insofar as such provisions require the actual operation of such apparatus only by a person holding an operator's license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at the place where such transmitting apparatus is located, and, subject to the lawful authority of the master, shall be in charge of the station: *Provided,* That in lieu of the transmitter location, such operator may be on duty at a different location on the ship when—

(1) Such apparatus is installed and protected so that it is not accessible to and may not be placed in an operating condition by other than duly authorized persons; and

(2) The transmitting and associated receiving apparatus can be operated from such other location in a manner which will fully comply with all applicable rules of the Commission (in particular § 8.104) and the terms of the station license; and without any delay in normal operation being introduced by such arrangement.

[2] As prescribed by the Safety Convention, London, 1929, this requirement as well as others are subject to change when the Safety Convention, London, 1948, becomes effective.

[3] A qualified operator for this purpose is a person holding a certificate complying with the provisions of the International Radio Regulations (see Article 24 of the Radio Regulations of Atlantic City, 1947): *Provided, however,* That the operation of transmitting apparatus in all ship stations of the United States is subject to the provisions of § 8.151.

§ 8.155 *Waivers of operator license.* (a) *For VHF telephony.* Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any ship station (including developmental ship stations) or marine-utility station on board ship, in the maritime mobile service, when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radiochannels above 30 Mc: *Provided:*

(1) The person who operates the transmitting equipment is the station licensee or is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of the person who, at the time, occupies the position of the master of the ship on which the station is located;

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony; and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention-signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety;

(3) The station is authorized to use transmitting equipment only of a type which is acceptable to the Commission for operation in this service by unlicensed persons in accordance with this paragraph;

(4) The transmitting equipment operated by an unlicensed person in accordance with this paragraph is not required on board the ship for safety purposes by any statutory provisions or by any international agreement or treaty in force;

(5) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of the Commission's rules;

(6) Subsequent to any transmitter adjustments made in accordance with subparagraph (5) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions established by the Commission relative to acceptance of the particular type of equipment for the purpose of operation by unlicensed persons;

(7) The station licensee or the person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 8.154 as though he were a licensed operator;

(8) Nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the station or for proper functioning and operation of the station in accordance with law;

(9) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

(b) *For ship-radar.* (1) Effective on and after January 2, 1951, no radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship-radar stations licensed in the radiolocation [4] service: *Provided,* That the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse-type magnetron;

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph (1), must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship-radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however,* That nothing in this subparagraph shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this subparagraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 8.156 *Posting of operator license.* [5] When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the principal location on board ship at which the station is operated: *Provided,* That the foregoing requirement shall not apply in the case of stations of a portable nature, including marine-utility stations, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

[4] Ship-radar stations heretofore licensed in the ship service are construed to be licensed in the maritime radiolocation service (including the maritime radionavigation service).

[5] See also §§ 13.72 and 13.74 of this chapter.

§ 8.157 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart (except § 8.155 (b) (2) which specifically covers ship radar stations), all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 8.171 *International regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 8.172 *Authority in event of distress.* No provision of the International Radio Regulations shall prevent a ship in distress from using any means of telecommunication available to it for drawing attention, signalling its position, and obtaining help. A distress call and message, however, shall be transmitted only on the authority of the master of, or the person responsible for, the ship from which this call and message are transmitted. No person shall, by means of any station subject to this part, knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communications relating thereto.

§ 8.173 *Authority of the master.* Except as may be regulated by law or international agreement or by the rules of the Commission, the radio service of each station on board ship shall at all times be under the supreme control of the master. However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

§ 8.174 *Secrecy of communication.* The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radio communications transmitted or received by a station on board ship or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.[1]

§ 8.175 *Intercommunication in mobile service.* Each ship station in the maritime mobile service at sea shall, within the scope of its normal operations, be bound to exchange radio communication or signals with any other ship station or aircraft station in the maritime mobile service at sea or with any public coast station in the maritime mobile service: *Provided,* That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

§ 8.176 *Priority of communications to be observed.* Ship stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 8.177; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 8.177 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS), international automatic-alarm signals for distress purposes,[2] distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX".

(3) Communications preceded by the international radiotelegraph safety signal "TTT".

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

[1] See secs. 501, 502, and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

[2] The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radio-communication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal "Mayday" and the telegraphic distress signal "SOS" transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal "Pan", or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal "Securite", or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 8.178 *Unauthorized transmissions.* Stations operating in the maritime mobile service shall not engage in radiocommunication which is superfluous or unnecessary in this service. Except in an emergency which requires otherwise, the transmission by ship stations of signals or communications not addressed to an authorized station or stations in the maritime mobile service is prohibited unless radiotelegraphy is used and the transmission preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 8.179 *Control by coast or government station.* When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station or government station. This provision, however, does not apply in the event of distress, either actual or impending.

§ 8.180 *Cooperative use of frequency assignments.* Unless provided otherwise in this part, or in the particular station authorization, each radio-channel authorized for use by a station on board ship subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 8.181 *Prevention of interference.* (a) From the standpoint of interference the operation of a ship radio station (including receiving equipment, auto-alarm, and direction-finder) required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other radio apparatus on board the same vessel.

(b) Before commencing transmission (other than signals of distress) a ship station shall, insofar as is practicable, make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated in § 8.177.

(c) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 8.177. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(d) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of public coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(e) Ship stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: *Provided,* That this provision shall not apply in event of distress, either actual or impending.

§ 8.182 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee, or upon notification by the Commission, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 8.183 *Hours of service of ship stations.* (a) Ship stations whose service is not continuous may not close before:

(1) Finishing all operations resulting from a distress call, or urgency or safety signal;

(2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have indicated their presence before the actual cessation of communication.

§ 8.184 *Maintenance of station log.* (a) Each station on board ship subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall in addition, comply with the applicable provisions of paragraphs (b) and (c) of this section; the station licensee and the licensed radio operator (when a licensed radio operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 8.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

Subpart H—Watches and Auto-Alarms for Safety Purposes

§ 8.201 *Watch required by International Radio Regulations.* All ship stations employing telegraphy (either compulsorily or voluntarily provided with a radiotelegraph installation) and normally keeping watch on frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, take the necessary measures to insure an efficient watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (GMT). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required for maritime mobile service.

§ 8.202 *Watch required by Communications Act.* (a) Each ship of the United States required by Part II of Title III of the Communications Act and the rules of the Commission to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, while being navigated outside a harbor or port, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators: *Provided, however,* That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day,[1] in the aggregate, shall be maintained as herein prescribed by means of a qualified radiotelegraph operator: *Provided further,* That in either instance such operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(b) In accordance with the requirement set forth in paragraph (a) of this section for a cargo ship fitted with an auto-alarm in proper operating condition, when such vessel is navigated outside a harbor or port, the watch as prescribed in paragraph (a) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.203 *Watch required by Safety Convention.* (a) Paragraphs (b) through (f) of this section are applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(b) Each ship of the United States, except cargo ships of 5500 tons gross tonnage or less, required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators.

(c) Each cargo ship of the United States of 5,500 tons gross tonnage or less required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep an efficient watch on the international distress frequency 500 kc by means of a qualified radiotelegraph operator for at least eight hours per day, in the aggregate.

(d) In keeping the watch prescribed in paragraphs (b) and (c) of this section, the operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(e) The use of a certified watcher in lieu of a qualified radiotelegraph operator for the purpose of complying with this section is not authorized for ships of the United States.

(f) In accordance with the requirement set forth in paragraph (c) of this section for cargo ships of 5,500 tons gross tonnage or less and not fitted with an auto-alarm in proper operating condition, when such vessel is at sea, the watch as prescribed in paragraph (c) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the watch prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

(b) While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers or amateur transmitters or receivers) not actually required for maritime mobile service.

(c) During the period of this watch and subject to the provisions of § 8.205, the operator may temporarily interrupt the required listening on the frequency 500 kc while he is transmitting or receiving signals or messages to or from a station operating in the maritime mobile service if it is not possible for the operator to maintain at the same time, by any practicable means, the watch on 500 kc. The provisions of this paragraph shall not relieve the ship station from the obligation of complying with the provisions of § 8.201.

(d) With respect to the provisions of paragraph (c) of this section, the term "by any practicable means" as used in that paragraph shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for nonwatch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency.

§ 8.205 *Compulsory use of auto-alarm.* (a) The auto-alarm, when provided on a ship compulsorily fitted with a radiotelegraph installation for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, shall be in operation, connected to the main antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port when a qualified operator is not on watch duty.

(b) Unless the use of an auto-alarm, compulsorily provided as specified in paragraph (a) of this section, is impracticable under the condition hereinafter designated, such auto-alarm shall be in operation, connected to a suitable[2] antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port, when a qualified operator is on watch duty but the watch is temporarily interrupted (as contemplated under the provisions of paragraph (c) of § 8.204) for an extended period, and it is not possible for such operator to maintain, at the same time by any practicable means, the watch on 500 kc. Nothing contained in this paragraph shall relieve the ship station from the obligation of complying with the provisions of § 8.201.

§ 8.206 *Procedure in use of auto-alarm.* (a) Paragraphs (b) and (c) of this section shall apply to the use of an auto-alarm which is provided for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention on a ship compulsorily fitted with a radiotelegraph installation under that act or under the radio provisions of that convention.

(b) While the ship is being navigated outside a harbor or port, the auto-alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A test also shall be made to determine that the auto-alarm mechanism is operated in a normal manner by signals from other stations which are received on the frequency 500 kc. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.[3]

(c) The qualified operator, when going off watch, shall report to the officer on watch on the bridge whether or not the auto-alarm has been placed in use and adjusted for effective operation as prescribed in paragraph (a) (1) of § 8.205.

Subpart I—General Purpose Watches

§ 8.221 *Watch on 500 kc.* Ship stations using frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc except when the operator is transmitting on 500 kc, operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc as provided by § 8.222) if it is not possible for the operator to maintain at the same time, by any practicable means, the watch for calls on 500 kc. The term "by any practicable means" as used herein shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is adjusted or tuned for effective reception

[1] The term "day" for the purposes of this subpart is defined in par. (1) of § 8.2.

[2] For example, a main antenna, an emergency antenna, or an auxiliary antenna (see §§ 8.8 (a), 8.8 (f), and 8.518).

[3] See subpar. (5) of par. (b) of § 8.330.

on the radio-channel of which 500 kc is the assigned frequency. The provisions of this section, however, shall not relieve the ship from complying with the requirements for a safety watch as prescribed in §§ 8.201, 8.202 and 8.203.

§ 8.222 *Watch on 143 kc.* On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in §§ 8.201, 8.202 and 8.203, each ship station equipped for working by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, normally keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 8.223 *Watch on 2182 kc.* Pending Final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. Each ship station in the Great Lakes area licensed to use telephony on one or more frequencies within the band 2000 kc to 2200 kc shall maintain, during its hours of service, an efficient watch for the reception of class A3 emission (telephony) on the frequency 2182 kc whenever it is not engaged in communication on other frequencies.

Subpart J—Procedure in Event of Distress

§ 8.231 *Applicable regulations.* In addition to the governing provisions of the International Radio Regulations [1] applicable to the transmission and interception of distress signals and the handling of distress traffic and the special provisions of §§ 8.61 and 8.172, mobile stations which are subject to this part shall, in cases of distress, be governed by the following sections of this subpart.

§ 8.232 *Radio-channels for distress.* (a) In case of distress in the maritime service, the frequency to be used shall be the international distress frequency 500 kc [2] with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc [3] or use A2 emission shall, if possible use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) Until such time as the frequency 2182 kc [2] is effectively guarded for the reception of distress calls [3] mobile stations in regions of the United States (other than the Great Lakes region) not capable of using 500 kc but equipped to use telephony on medium frequencies may, in case of distress only, communicate with stations of the United States Coast Guard on the frequency 2670 kc.[4] In the Great Lakes region, the frequency 2182 kc [3] should be used at any time for radiotelephone distress calls in lieu of the frequency 2670 kc.

§ 8.233 *Form of distress call.* (a) The distress call transmitted by radiotelegraphy comprises:

(1) The international distress signal ... — — — ... formed as a single signal in which the dashes must be emphasized so as to be distinguished clearly from the dots (this signal in each instance is transmitted 3 times);

(2) The signal "de"; and

(3) The call sign of the mobile station in distress (transmitted 3 times in each instance).

(b) (1) The distress call, when transmitted by radiotelephony, is generally preceded by the signal ... — — — ... produced by a whistle or any other suitable means.

(2) The distress call, when transmitted by radiotelephony, comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This Is," followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

§ 8.234 *Radiotelegraph alarm signal.* The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the international alarm signal transmitted by means of class A2 emission on 500 kc. This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (... — — — ...) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress message on 500 kc, to allow time for operators warned by these signals to go on watch.

§ 8.235 *Distress message.* (a) The distress call, must be followed, as soon as possible, by the distress message which comprises:

(1) The distress call;

(2) The name of the mobile station in distress;

(3) The particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired; and

(6) Any other information which might facilitate rescue.

(b) When telegraphy is used, the distress message shall be transmitted by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) Where no reply to the distress signals or distress message has been received, these signals or this message shall be repeated at intervals (in radiotelegraphy especially during the 500 kc international silent periods), until a reply is received.

(d) When the mobile station in distress receives no answer to a distress message transmitted on a distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.236 *Transmission for radiolocation.* After the transmission of its distress message, a mobile station at sea when equipped for telegraphy shall when possible transmit a signal in the form of 2 telegraphic dashes of approximately 10 seconds duration each, followed by its call sign, to permit radio direction-finding stations (or other stations equipped for radiolocation) to determine its position. This transmission may be repeated by the mobile station, subject to the provisions of § 8.240, whenever it is requested to do so by other stations endeavoring to determine its position.

§ 8.237 *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is, beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

§ 8.238 *Form of acknowledgment by telegraphy.* (a) The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

§ 8.239 *Information from acknowledging stations.* (a) Every mobile station which acknowledges receipt of a distress signal or message must, on the order of the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station, transmit in message form, as soon as possible, the following information in the order shown:

(1) Its name;

(2) Its position;

(3) The course and speed at which it is proceeding towards the vessel, aircraft, or other unit in distress; and

(4) Estimated time of arrival at the scene of distress.

(b) Before transmitting this message, the station must insure that it will not interfere with the transmissions of other stations which are better situated to render immediate assistance to the vessel, aircraft, or other unit in distress.

§ 8.240 *Control of distress traffic.* (a) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(b) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(c) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (... — — — ...) is used to impose silence for this purpose.

(d) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (.— ...) followed by the word "distress" and the call sign of the station imposing silence.

(e) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (... — — — ...) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(f) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

§ 8.241 *Supplementary transmissions.* (a) A mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate, upon authorization of the master or person responsible for the station, transmit the radiotelegraph alarm signal on the frequency 500 kc using the maximum available power and class A2 emission, when—

(1) A distress call has been transmitted and was not preceded by the alarm signal; or

(2) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(b) When a mobile station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

Subpart K—Foreign Ship Stations in United States Waters

§ 8.261 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City, 1947, and Articles 53, 54 and 55 of the Safety Convention, London, 1929, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any Act, treaty, or convention binding on the United States, shall be available, at any reasonable time in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as within the discretion of the Commission will insure compliance with applicable rules, regulations, laws, and treaties.

§ 8.262 *Installation for safety purposes.* (a) The provisions of Part II of Title III of the Communications Act, insofar as such provisions require certain radio apparatus in operating condition and one or more qualified [1] operators on board a ship which leaves or attempts to leave any harbor or port of the United States for a voyage in the open sea, apply to a ship of any foreign country except—

(1) A cargo ship of less than 1600 gross tons;

(2) A ship of war;

(3) A ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

(4) A yacht of less than 600 gross tons not subject to the radio provisions of the Safety Convention;

(5) A vessel in tow; and

(6) A vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States or navigating solely on any of these waters.

§ 8.263 *Limitations on transmission.* (a) Sections 301 and 318 of the Communications Act, relative to station licenses and operator licenses, respectively, are not applicable to any person sending radiocommunications or signals on a foreign ship while the same is within the jurisdiction of the United States; however, such communications or signals shall be transmitted only in accordance with applicable rules of the Commission intended to prevent interference including, among others, the following subparagraphs:

(1) The frequency or frequencies and the class or classes of emission used shall be available for the operation being conducted pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the United States is a party;

(2) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used;

(3) The station shall comply with the applicable provisions of the International Radio Regulations and other applicable infernational treaties and agreements to which the United States is a party;

(4) The operation of transmitting apparatus employing Class B emission is prohibited in any harbor or port of the United States except for emergency communication or for necessary tests of brief duration.

(b) Any transmission by a station on board a foreign ship, in addition to the provisions of paragraph (a) of this section, be governed also by the following provisions:

(1) Transmission by radio from any foreign man-of-war while the same is within the territorial waters of the United States is prohibited unless authorized by appropriate United States authorities and carried on in conformity with the provisions of paragraph (a) of this section. Normally, a request from a foreign man-of-war to use its radio transmitting apparatus while in United States ports and territorial waters shall be made to one of the United States naval district commandants [2] or, after

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[1] See Article 37 of the International Radio Regulations, Atlantic City, 1947.

[2] This frequency corresponds to the carrier frequency or (when a carrier is not present) the frequency in the center of the emission-bandwidth.

[3] See §§ 8.106, 8.223, and 8.352.

[1] For this purpose, a qualified operator is defined by the Communications Act to be "a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs."

[2] The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk: Charleston, South Carolina: San Diego, San Francisco, Seattle; Pearl Harbor, Territory of Hawaii; and Balboa, Canal Zone. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports.

arrival in port, to the senior United States Navy Officer present. When a Navy Officer is not present, request shall be made to the port authorities, or to the United States Navy at Washington, D. C.

SUBPART L—MESSAGE CHARGES

§ 8.271 *Distress messages.* No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

§ 8.272 *Danger messages.* No charge shall be made by any ship station or other station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b), originating on a ship of the United States or of a foreign country.

§ 8.273 *Tariff filing required.* No charge shall be made for the service of any station on board ship subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of the Commission's rules and regulations.

§ 8.274 *Responsibility for payment.* (a) Each ship station shall be responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(b) The transmission by any ship station of information concerning dangers to navigation, made in compliance with the provisions of § 8.303 (b), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

§ 8.275 *Ship position reports.* Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

§ 8.276 *Free safety service.* Notwithstanding any other provision of law, any ship station may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea: *Provided*, That the Commission, from time to time under particular circumstances, may impose specific limitations on such free service to the extent that it finds desirable in the public interest.

§ 8.277 *Free service for national defense.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

SUBPART M—NATURE OF SERVICE PROVIDED BY SHIP STATIONS AND SHIPBOARD MARINE-UTILITY STATIONS

§ 8.301 *Supplemental eligibility requirements.* Subject to the basic eligibility requirements set forth in § 8.23, authorizations for limited ship stations, marine-utility stations, or public ship stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That when the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies: *And provided further*, That:

(a) An applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(b) An applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

§ 8.302 *Points of communication.* Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio-channels, limited ship stations, marine-utility stations on board ships, and public ship stations are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communication: *Provided, however*, That for purposes of public correspondence between ship and shore, public ship stations are authorized to communicate only with public coast stations and United States Government coast stations open to public correspondence.

§ 8.303 *Service requirements for all ship stations.* (a) Unless prohibited by the terms of the station license or by other sections of this part relative to the limited use of a specifically designated frequency, each ship station shall:

(1) Within the scope of its normal operations and without discrimination, acknowledge all calls directed to it, and receive from stations operating in the maritime mobile service, all messages and communications which are addressed to the ship or to any person or persons on board and which are for termination on such ship.

(2) At the request of any station operating in the maritime mobile service, a ship station may, within the scope of its normal operation accept messages or communications as requested for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, it shall be incumbent upon that station to retransmit the message as directed, with the least delay possible.

(b) The master of every ship, equipped with licensed radio transmitting apparatus capable of providing communication with other ships or with a coast station, on meeting with a direct danger to the navigation of other ships such as dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted, in so far as is possible, all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities provided that such procedure, in the discretion of the master, will not be a repetition of action already taken for this purpose by another station.

§ 8.304 *Service requirements for public ship stations.* In addition to such messages as are necessary for compliance with § 8.303, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand, shall provide, subject to the order of priority prescribed in § 8.177, a service of public correspondence for any person who, while on board in any status or capacity, requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however*, That, unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

§ 8.305 *Service of limited ship stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 8.303 and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited ship station or a marine-utility station is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

SUBPART N—USE OF RADIOTELEGRAPHY

§ 8.321 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy by means of amplitude modulation in accordance with the provisions of paragraph (b) of this section and Subpart E of this part.

143 calling	8300
152	8320
153	8330
154	11020
155	11025
156	11030
157	11040 calling
158	11050
160	11055
[1] 355	11060
[1] 375	11070
[1] 394	12360
[1] 400	12375
[1] 410	12390
425	12420 calling
[1] 444	12440
454	12450
468	12460
[1] 480	12480
500 calling and distress	16480
	16500
[1] 2274	16520
[1] 3030	16530
4140 calling	16560 calling
4150	16575
[1] 4160	16590
[1] 4165	16600
5510	16605
5512.5	16640
5515	16660
5520 calling	22025
5525	22040
5527.5	22050
5530	22060
5535	22075
[1] 6210 calling	22080 calling
6220	22100
6230	22110
8240	22120
8250	22125
8260	22140
8280 calling	

Except as may be otherwise specified herein or in the particular station license, the radio channels of which the above frequencies are the assigned frequencies may be employed for communication with ship stations or coast stations (public or limited): *Provided, however*, That if the assigned frequency is above 5000 kc, the radio-channel thereof is authorized primarily for communication with coast stations.

(b) (1) The frequencies 355 kc and 444 kc are assignable exclusively for communication with United States Government stations; their use for any other communication (except distress) is not authorized. The radio-channel of which 444 kc is the assigned frequency shall, whenever practicable, be used for this purpose: *Provided*, That harmful interference shall not be caused to the service of any coast station. Effective when ordered by the Commission relative to implementation of certain international agreements, use by ship stations of the radio-channel of which 355 kc is the assigned frequency shall be discontinued.

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio-channel of which 375 kc is the assigned frequency may be used for communication by radiotelegraphy with direction-finding stations in connection with established international operating procedure, relative to radiolocation by means of direction-finding. Effective when ordered by the Commission relative to implementation of certain international agreements, the frequency 410 kc shall be assignable for this purpose in Region 2 in lieu of 375 kc: *Provided*, That in Regions 1 and 3, ship stations may transmit, for purposes of direction-finding, on the radio-channel of which 410 kc (in lieu of 375 kc) is the assigned frequency, if directed to do so by a coast station or direction-finding station located in either of those Regions.

(3) Any radio-channel, of which 394, 400, 410, 4165, or 6210 kc is the assigned frequency, shall not be used on the Great Lakes or on the inland waters of the United States.

(4) The radio-channel of which 480 kc is the assigned frequency is authorized for use only in European coastal regions in accordance with paragraph (b) of § 8.324.

(5) The frequency 2274 kc is assignable for use only on the Great Lakes or on inland waters of the continental United States, on condition that interference is not caused to the service of any station of Canada.

(6) The frequency 3030 kc is assignable for use only on the Mississippi River and tributaries thereof, on condition that interference is not caused to the service of any station of Canada.

(c) Except as otherwise provided in paragraphs (f) and (g) of § 8.324, specific frequencies other than those listed in paragraph (a) of this section must be requested as set forth in § 8.30, and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

[1] Subject to the special conditions and limitations set forth in par. (b) of this section.

§ 8.322 *Frequencies for use in distress.* (a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship or aircraft stations, using frequencies in the band 365 to 515 kc, when requesting assistance from the maritime services. It is used, preferably with class A2 emission, for the distress call and distress traffic.

(b) The frequency 8280 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4,000 kc to 23,000 kc and desiring to establish, with stations of the maritime mobile service, communications relating to search and rescue. Effective when ordered by the Commission, this frequency will be replaced by the frequency 8364 kc.

§ 8.323 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be used by any ship station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations shall request coast stations to answer by means of their normal working channel. In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call.[1] When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 8.321, are the assigned frequencies shall be used primarily for calling and answering; with the exception of 8,280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 8.324.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 kc to 23,000 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 8.324 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 8.321, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) Ship and aircraft stations using telegraphy and working on frequencies within the band 390 to 485 kc shall use, whenever practicable, an authorized working channel of which 425 kc or 468 kc is the assigned frequency: *Provided*, That in the European coastal regions where message traffic is congested, ship and aircraft stations when using class A2 emission in this band shall use, if practicable, an authorized working channel of which either 425 kc or 480 kc is the assigned frequency: *Provided further*, That working by means of telegraphy between aircraft and ship stations

[1] Coast stations reply on their normal working frequency in this band.

shall, whenever practicable, take place on an appropriate radio-channel designated in this paragraph.

(c) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; except for the applicable provisions of §§ 8.402 and 8.403 relative to radiolocation, any other use of this channel for working is prohibited.

(d) In so far as is practicable, ship stations shall use frequency assignments within the high frequency-band (3,000 to 23,000 kc) only when other frequency assignments will not provide effective communication.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section for "working", the radio-channels within the band 4,000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 8.321 for "calling" may be used, occasionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

(f) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 124 kilocycles (except within the band 140 kc to 146 kc) when directed to do so by the coast station for which the channel is authorized; *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 485 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(g) In addition to use of the frequency assignment designated for telegraphy in the license of a ship station, such station when communicating by telegraphy with a mobile or land station of the United States Government may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station assigned frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency: *Provided*, That on frequencies below 160 kc the emission shall be class A1 only.

§ 8.325 *Use of Morse Code required.* The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 8.326 *Identification of stations.* (a) All radiotelegraph emissions of a ship station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

§ 8.327 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the service of a coast station or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(2) The operator shall transmit the the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 365-515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 500 kc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on the frequency 500 kc, no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 8.328 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 480 to 520 kc during each 500 kilocycles silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 8.329 *Station documents.* (a) All ship stations on board ships compulsorily fitted with a radiotelegraph installation shall be provided with the following documents:

(1) A valid station license and FCC Form 500;

(2) The necessary operator license or licenses;

(3) The station log required by this part for stations of this category;

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(7) Such provisions of the General Radiocommunication Regulations (Revision of Cairo, 1938), including Article 7, Paragraph 7 thereof, as are necessary for the operation of the radiocommunication service on board ship.

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 23, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 44, and 45, as are necessary for the operation of the radiocommunication and radiolocation service on board ship;

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;

(10) Part 8 of the rules of the commission.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 8.330 *Station records.* (a) (1) Each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc shall maintain an accurate radiotelegraph log. The first page of each portion of the log covering each voyage shall consist of a "title page" which, upon completion of all entries for the particular voyage, shall contain the following information:

(i) Name of ship and call letters of ship station;

(ii) Period of time covered by such portion of the log;

(iii) Number of pages constituting such portion of the log;

(iv) A statement as to whether or not such portion of the log contains distress entries; if so, the pages containing such entries shall be designated;

(v) Operator's signature, mailing address, and radio operator license data (number, class, and date of issuance).

In addition the log shall be maintained as follows:

(2) (i) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include the name of the vessel, official call letters of the ship station and the name of the operator on watch.

(ii) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received shall be entered, stating the time and frequencies, and the call letters of the station communicated with or heard. (If desired, the names of the stations or ships also may be entered.) In addition, a notation of any messages exchanged shall be entered stating the time, the frequency in kilocycles, and the call letters of the station(s) heard, or communicated with. (If desired, the names of the stations or ships also may be entered.) In so far as possible, a positive entry with respect to reception on 500 kilocycles shall be made at least once in each 15 minutes. The entries required by paragraph (e) of this section shall be acceptable as positive entries: *Provided*, Operating conditions are such as to prevent additional entries being made.

(4) The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT), except that in the Great Lakes region the time shall be expressed in eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[3] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbrevation "GMT" (EST in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(5) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles during this period. If no signals are heard on 500 kilocycles, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(6) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(7) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(8) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(9) An entry shall be made of the date and time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(10) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(11) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(12) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communications shall be entered.

(b) In addition to the radio log requirements stipulated in paragraph (a) of this section, the radio log of each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc, shall, when the ship is required by law and regulations to keep a radiotelegraph watch on 500 kc for safety purposes by means of a qualified operator, comply also with the following provisions:

(1) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(2) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on communication (other than a watch for safety purposes), stating the approximate period of time of such use.

(3) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such lifeboat equipment shall be entered.

(4) On a cargo vessel equipped with an auto-alarm, the entry "auto-alarm on", "sensitivity set at (The actual setting of the sensitivity control at the time the auto-alarm is placed in operation should be designated)", and the entry "auto-alarm off", respectively, shall be made whenever the operator places the auto-alarm in and out of operation. Results of the required auto-alarm tests shall be entered daily, including the sensitivity-control setting and the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(5) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospherics or other interference), remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating conditions.

(6) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the auto-alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible

[3] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto-alarm was restored to proper operating condition.

(c) Each ship station authorized to use telegraphy, on frequencies above 550 kc exclusively (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States), shall maintain an accurate radiotelegraph log as prescribed in paragraph (a) of this section: *Provided*, That subparagraphs (3) and (5) of paragraph (a) shall, in this case, not be applicable.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to use telegraphy, on frequencies above 550 kilocycles exclusively, shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communication; and any incidents or occurrences which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation of concurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed as follows:

(i) For vessels navigated on the Great Lakes:

Eastern standard time (EST) (counted from 00:00 to 24:00 o'clock beginning at midnight.[3] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "EST" shall be marked at the head of the column in which the time is entered.

(ii) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (EST, CST, etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[3] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "EST" or "CST", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

(e) In all ship stations authorized to transmit on frequencies within the band 365 to 515 kilocycles, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 375 kc and 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

(f) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

SUBPART O—USE OF RADIOTELEPHONY

§ 8.351 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations employing telephony by means of amplitude modulation subject to and in accordance with the provisions of paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,003	2,214	6,660	13,245
2,110	2,638	6,670	13,260
2,118	2,738	8,810	13,275
2,126	2,782	8,820	17,600
2,134	4,162.5	8,830	17,610
2,142	4,402.5	8,840	17,620
2,158	4,412.5	8,850	17,640
2,166	4,422.5	11,090	17,660
2,174	4,457.5	13,200	17,680
2,182	6,240	13,210	23,000
2,198	6,455	13,220	
2,206	6,650	13,230	

[3] For example, 7:01 p. m. eastern standard time would be entered as 1901 EST; 7:30 a. m. eastern standard time would be entered as 0730 EST; 6:45 p. m. eastern standard time would be entered as 1845 EST.

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations or marine-utility stations on board ship employing telephony by means of either amplitude modulation or frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart, and Subpart E of this part:

35.06 35.10 35.14 35.18 43.02

(c) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations and/or marine-utility stations as respectively designated herein which employ telephony by means of frequency modulation in Region 2 or by means of either frequency modulation or amplitude modulation in Regions 1 and 3, subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

(1) Available for ship stations and marine-utility stations:

156.3	156.5	156.7	156.9
156.4	156.6	156.8	157.0

(2) Available for ship stations only:

157.1 157.4

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph:

(1) The frequency 2003 kc is authorized for use by ship stations on the Great Lakes only. Availability of this frequency for this use is temporary, in the sense that its assignment as prescribed in this subpart shall be subject to cancellation or modification by the Commission without the necessity of a hearing if in the discretion of the Commission such action is necessary or desirable in connection with implementation of the Table of Frequency Allocations set forth in Article 5 of the Radio Regulations, Atlantic City, 1947. The use of this frequency is shared with ship stations of other countries in the Great Lakes area for the purposes hereinafter prescribed in this subpart.

(2) The frequencies 2134, 2142, 2166, and 2206 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada: *Provided*, That in the Great Lakes area, the frequency 2206 kc may be used for communication exclusively with coast stations in Canada.

(3) The frequencies 2118 kc and 2158 kc are authorized for use on a shared basis with stations of Canada: *Provided*, That in the Great Lakes area, the frequency 2158 kc shall be used for communication exclusively with coast stations in the United States.

(4) The frequency 2182 kc is the radiotelephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use on a shared basis with stations of other countries and without distinction as to location or area of use: *Provided, however*, That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, inclusive, for working.

(5) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government station.

(6) The frequency 2638 kc is authorized for use in all areas, except the Great Lakes, on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(7) The frequency 2738 kc is authorized for use in all areas, except the Great Lakes, on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(8) The frequency 2782 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(9) The frequency 4162.5 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(10) On the Great Lakes, the frequencies 4422.5, 6660 and 8820 kc are authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(11) The frequencies 6240 kc, 6455 kc and 11090 kc are authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that intereference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which intereference is caused.

(12) On the Mississippi River and connecting inland waters (except the Great Lakes), use of the frequency 8840 kc is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(13) Use of the frequencies 8810 kc and 8850 kc is subject to coordination with stations operating in the fixed service in order that interference shall be avoided or reduced to a minimum.

(e) Except as otherwise provided in §§ 8.357 and 8.363, specific frequencies other than those listed in paragraphs (a), (b) and (c) of this section must be requested as set forth in § 8.30 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

§ 8.352 *Frequencies for use in distress.* (a) Subject to the provisions of paragraph (b) of this section, the radiotelephone distress frequency for the maritime mobile service of the United States is 2182 kc.[1] It may be used as a carrier frequency for this purpose by ship or aircraft stations employing telephony in the band 1605 kc to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Until such time as the frequency 2182 kc becomes guarded effectively for distress calls in United States areas other than the Great Lakes region,[2] ship stations using telephony in event of distress only may call stations of the United States Coast Guard on the Government frequency 2670 kc. Transmission on the Government frequency 2670 kc for any purpose other than distress is strictly forbidden. In the Great Lakes region, the distress frequency 2182 kc is to be used at all times for radiotelephone distress calls and traffic.

§ 8.353 *Frequencies for calling.* (a) The general radiotelephone calling frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by ship stations and aircraft stations operating in the maritime mobile service subject to the following conditions and limitations:

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety signals and for urgency and safety messages (other than public correspondence);

(2) In addition, this frequency is authorized only for call and reply, and for signals preparatory to working on other frequencies;

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean[3] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

(4) The use of this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their current respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 Mc to 162.05 Mc is 156.8 Mc. It may be used as a carrier frequency for this purpose by these stations for call and reply, and by ship stations additionally as prescribed in paragraph (c) of § 8.359.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 8.354 *Frequencies below 5000 kc for public correspondence.* (a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations located at, or in the vicinity of, the specific harbors, ports or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

(1) Frequencies available for use when different radio-channels are used

[1] The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

[2] In the Great Lakes region, the frequency 2182 kc has been in use as the general radiotelephone calling frequency for several years, and its use in time of distress in that area has proven effective.

[3] As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949, Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation." (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

alternately for transmission by the ship station and the coast station:

Ship station transmitting carrier frequency (kilocycles) [1]	Coast station(s) located in vicinity of—	Ship station receiving carrier frequency (kilocycles)
2110	Boston, Mass. San Francisco, Calif. Eureka, Calif.	2506
2118	Miami, Fla. Great Lakes (U. S. and Canada)	2514
2126	Seattle, Wash. New York, N. Y.	2522
2134	Galveston, Tex. Hawaiian Islands. San Juan, P. R.	2530
2142	Norfolk, Va. Quantico, Va.[2]	2538
2158	Tampa, Fla. Great Lakes (U. S. only)	2550
2166	Wilmington, Del. New York, N. Y.[3]	2558
2174	Charleston, S. C.[4] Jacksonville, Fla.[4] Los Angeles, Calif.	2566
2198	New York, N. Y. Hawaiian Islands.	2590 2582
2206	New Orleans, La. Astoria, Oreg.[5] Portland, Oreg.[5] Great Lakes (Canada only)	2598 2582
4402.5	Miami, Fla. Hawaiian Islands.	4287.5 4177.5
4412.5	New York, N. Y. Boston, Mass.[6]	4177.5
4422.5	San Francisco, Calif. Great Lakes. Los Angeles, Calif.[7]	4280 4282.5 4280
4457.5	New York, N. Y.	4752.5

[1] These frequencies are those which may be specified in applications for ship station authorizations.
[2] On these channels, Quantico shares circuit-time with Norfolk.
[3] On these channels, New York shares circuit-time with Wilmington.
[4] On these channels, Jacksonville shares circuit-time with Charleston.
[5] On these channels, Portland shares circuit-time with Astoria.
[6] On these channels, Boston shares circuit-time with New York.
[7] On these channels, Los Angeles shares circuit-time with San Francisco.

(2) Frequencies available for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast station transmit alternately on the same radio-channel:

2782 kc [4] 4162.5 kc [4]

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, and in so far as is practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication.

(c) Additionally, each ship station licensed prior to the effective date of this section for communication, by telephony on the radio-channel of which 2738 kc is the authorized carrier frequency, with one or more public coast stations using telephony on this radio-channel, may continue to be licensed for such operation until expiration of the current term of the particular ship station license which provides such authorization.[8]

§ 8.355 *Frequencies from 5000 kc to 30 Mc for public correspondence.* (a) Carrier frequencies within the band 5000 kc to 30 Mc which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) Frequencies authorized for use by ship stations on board ocean-going vessels primarily for long-distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart, these frequencies shall not be used by ship stations on the Great Lakes or inland waters of the continental United States:

6,650 kc	8,840 kc	13,245 kc	17,640 kc
6,660 kc	8,850 kc	13,260 kc	17,660 kc
6,670 kc	13,200 kc	13,275 kc	17,680 kc
8,810 kc	13,210 kc	17,600 kc	23,000 kc
8,820 kc	13,220 kc	17,610 kc	
8,830 kc	13,230 kc	17,620 kc	

(2) Frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different radio-channels. Ship stations shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

Ship station transmitting carrier frequency [4]	*Ship station receiving carrier frequency*
6660 kc	6470 kc
8220 kc	8585 kc

(3) Frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast stations transmit alternately on the same radio-channel:

6240 kc [4] 6455 kc [4]
8640 kc [4] 11090 kc [4]

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, in so far as is practicable, ship stations shall use frequency assignments within the band 5000 kc to 30 Mc only when frequency assignments below 5000 kc or above 30 Mc will not provide effective communication.

§ 8.356 *Frequencies above 30 Mc for public correspondence.* (a) Carrier frequencies above 156 Mc which are authorized for use by public ship stations employing telephony by means of frequency modulation (or in Regions 1 and 3, amplitude modulation when required) for the transmission of public correspondence exclusively, are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) For ship station transmission to public coast stations when the same radio-channel is used for transmission by the coast station (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) or (3) of this paragraph would not be practicable) in areas where interference is not caused to the use of either of these frequencies by ship stations working as contemplated under subparagraphs (2) and (3) of this paragraph:

157.1 Mc and 157.4 Mc

(2) For transmission to public coast stations except coast stations within 75 statute miles of Chicago, Illinois, when a different radio-channel is used for transmission by the coast station:

For ship station transmission [4]	*For ship station reception* [4]
157.4 Mc	161.9 Mc

(3) For transmission to public coast stations including coast stations at Chicago, Illinois, and locations within 75 statute miles thereof, when a different radio-channel is used for transmission by the coast station:

For ship station transmission	*For ship station reception*
157.1 Mc	162 Mc

(b) (1) Carrier frequencies within the band 30 Mc to 40 Mc which, subject to and in accordance with the conditions and limitations hereinafter set forth in this paragraph are authorized for use by public ship stations employing telephony by means of either frequency modulation or amplitude modulation for transmission and reception of public correspondence exclusively on the same radio-channel, only when communicating with public coast stations licensed to transmit on frequencies within this band prior to the effective date of this section and located within the vicinity of the respective harbor(s), port(s), or place(s) designated herein opposite the particular carrier frequency.

Carrier frequency:	*For communication only with coast stations within the vicinity of—*
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) Each of these carrier frequencies is available for use on a shared basis with limited coast stations, limited ship stations, marine-utility stations and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public ship station licenses or renewal or modification of such licenses whose applications request authority to transmit on 35.14 Mc or 35.18 Mc for the purpose of communicating with public coast stations as specifically set forth in this section, may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Ship stations (except stations operating under appropriate licenses granted prior to the effective date of this paragraph) shall not use the carrier frequencies 35.14 Mc or 35.18 Mc for public correspondence unless such stations are specifically authorized to do so by the terms of the respective ship station license. Notwithstanding the provisions of Subpart M of this part, ship stations shall not be classified as public ship stations because of their authority to transmit on 35.14 Mc and/or 35.18 Mc, unless they are specifically authorized by the terms of their station licenses to use these carrier frequencies for public correspondence as prescribed in this section.

§ 8.357 *Additional frequencies for public correspondence.* In addition to the frequency assignment designated for public correspondence by means of telephony in the license of a public ship station, such station, when working by telephony with a foreign coast station for this purpose may, on condition that interference shall not be caused to the service of any station which in the discretion of the Commission may have priority on the involved radio-channel(s), transmit to such coast station when directed to do so by that station on a specific frequency assignment designated by the coast station for the service being carried on.

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies which are authorized for working between ship stations (ship-to-ship) employing telephony for transmission and reception on the same radio-channel by means of amplitude modulation, primarily for the transmission of safety communication,[1] are designated herewith:

2003 kc (Great Lakes area only).
2638 kc (other than Great Lakes area).
2738 kc (other than Great Lakes area).

The use of these carrier frequencies for public correspondence is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in the following paragraphs of this section.

(b) The frequency 2003 kc is the general working frequency for ship-to-ship telephony in the Great Lakes area exclusively, primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The transmission of other than safety communication on this radio-channel is authorized upon the express condition that interference shall not be caused to safety communication. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2003 kc would provide effective safety communication.

(c) The frequency 2738 kc is the general working frequency for ship-to-ship telephony (except in the Great Lakes area), primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The transmission of other than safety communication on this radio-channel is authorized upon the express condition that interference shall not be caused to safety communication. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2738 kc would provide effective safety communication.

(d) The frequency 2638 kc is the primary working frequency for ship-to-ship telephony (except in the Great Lakes area) for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The radio-channel of which 2638 kc is the authorized carrier frequency may be used—

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious, or economical operation of ships.

Even though licensed for this purpose, this carrier frequency is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2638 kc would provide effective safety communication.

§ 8.359 *Frequencies above 156 Mc for safety purposes.* (a) Carrier frequencies which are authorized for use by ship stations and by marine-utility stations on board ship, employing telephony for transmission and reception on the same radio-channel by means of frequency modulation (or by means of amplitude modulation in Regions 1 and 3 when required) primarily for the transmission of safety communication, are designated herewith:

156.8 Mc: For calling and safety; available for any ship station or marine-utility station on board ship in any area.

156.3 Mc: For intership (ship-to-ship) communication exclusively; available for any ship station or marine-utility station on board ship in any area.

156.7 Mc: In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radiolocation service; in the Great Lakes area—for intership (ship-to-ship) communication exclusively. Available for any ship station or marine-utility station on board ship in any area.

157.0 Mc: For intership (ship-to-ship) communication exclusively; for this purpose available only for ship stations and marine-utility stations on board commercial transport vessels [9] and vessels of municipal or state governments for use exclusively on the Great Lakes, the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in (b) through (f) of this section.

(b) The carrier frequency 156.7 Mc or 157.0 Mc is assignable to ship stations and marine-utility stations on board ship, for ship-to-ship communication on the Great Lakes (and 157.0 Mc on the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway), only when such stations are capable also of transmitting and receiving on the intership radio-channel of which 156.2 Mc is the authorized carrier frequency, and are authorized to communicate on that radio-channel. (One application, however, may be submitted when this requirement is fulfilled, for ship station license for initial authority to transmit for this purpose on 156.3 Mc and either 156.7 Mc or 157.0 Mc or both the latter frequencies.) The requirement of this paragraph shall not apply to a marine-utility station when the ship station on board the same vessel complies therewith.

(c) (1) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes in ship-to-ship and ship-shore communication. It may be used when appropriate by ship stations and marine-utility stations on board ship employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(2) In accordance with the provisions of subparagraph (1) of this paragraph, this radio-channel may be used by ship stations and marine-utility stations on board ship for:

(i) Call, reply, and the exchange of brief operating signals;

(ii) Operating signals preparatory to message traffic on a different radio-channel;

(iii) The transmission from ship to ship of brief messages within the category of safety communication.

(3) The use of this radio-channel by ship stations, or marine-utility stations on board ship, for transmission not strictly in accordance with subparagraphs (1) and (2) of this paragraph is prohibited unless the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land. Under the latter circumstances, this radio-channel may be used for ship-to-ship communication of any nature necessary for the safe, ex-

[4] These frequencies are those which may be designated in applications for ship station authorizations.

[8] See § 8.362.

[4] In accordance with arrangements between the United States and certain foreign countries.

[1] The term "safety communication" is defined in par. (a) of § 8.6.

[9] See par. (o) of § 8.2 which defines "commercial transport vessel".

peditious or economical operation of ships.

(d) The radio-channel of which 156.3 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. When a ship station or a marine-utility station on board ship is authorized to transmit on one radio-channel only (within the frequency-band 156.25 Mc to 157.45 Mc) exclusively for intership communication, the authorized carrier frequency of such intership radio-channel shall, in all cases, be 156.3 Mc: *Provided*, This condition shall not apply to a marine-utility station on board ship when the ship station on board the same vessel is authorized to transmit on the assigned frequency 156.3 Mc. This radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(e) The radio-channel of which 157.0 Mc is the authorized carrier frequency is designated, with respect to its use by ship stations and marine-utility stations on board ship on the Great Lakes, Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway, exclusively for intership communications. Its use for intership communication is authorized for stations on board commercial transport vessels and vessels of municipal or state governments only. For intership communication, this radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondarily, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(f) (1) Except in the Great Lakes area, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated primarily for communication with limited coast stations when such communication is essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area. In areas where this carrier frequency is assigned for this function, its use as a communication facility for purposes of radiolocation shall have absolute priority over any other use except for distress. In areas (other than the Great Lakes) where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for any communication of benefit to the operation of commercial transport vessels, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(2) In the Great Lakes area only, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. It may be used for stations on board any class of vessel for safety communication and communication necessary for the operational and business needs of ships.

§ 8.360 *Frequencies above 156 Mc for business and operational purposes.* (a) Carrier frequencies which are authorized for use by ship stations and marine-utility stations employing telephony by means of frequency modulation (or amplitude modulation in Regions 1 and 3 when required) for transmission and reception on the same radio-channel, are designated herewith; these carrier frequencies (except where intership use only is specified) are authorized primarily for communication with limited coast stations and marine-utility stations on shore, and secondarily with ship stations and marine-utility stations on board ship:

156.4 Mc: All areas.[9]
156.5 Mc: All areas.[9]
156.6 Mc: All areas[9] (limited to harbor or port operation traffic); intership only—in Great Lakes area.
156.9 Mc: All areas.
157.0 Mc: All areas, except not available for ship-shore communication on the Great Lakes, the Mississippi River or any tributary thereof, the Gulf of Mexico Intracoastal Waterway, nor any location within 100 statute miles of any portion of these waters.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in paragraphs (b) through (i) of this section.

(b) Each of the radio-channels of which the frequencies designated in paragraph (a) of this section are the authorized carrier frequencies is available on a shared basis only to serve the business and operational needs of ships and they shall not be construed as available for the exclusive use of any one station licensee or any specific ship or ships. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(c) For all areas other than the Great Lakes area, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily within harbor or port areas:

156.4 Mc 156.5 Mc

157.0 Mc subject to the limitation specified in paragraph (a) of this section.

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navigated primarily outside harbor or port areas:

156.5 Mc

When such vessels have need for an additional radio-channel for use within harbor or port areas, one or more of the carrier frequencies specified in other subparagraphs of this paragraph may be additionally assigned.

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, etc.:

156.6 Mc

(4) For assignment primarily to ship stations on board pilot vessels, normally stationed at the entrance to a harbor or port, and secondarily for assignment to other classes of commercial transport vessels for use in each case in accordance with the provisions of paragraph (f) of this section:

156.9 Mc

(d) For the Great Lakes area only, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock) between established marine terminals:

156.4 Mc

(2) For assignment to ship stations on board commercial transport vessels which are used in the fishing industry:

156.5 Mc

(3) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used in marine construction activities:

156.5 Mc

(4) For assignment to ship stations on board any class of vessel solely for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas:

156.6 Mc

(5) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are classified as tugs or tugboats:

156.9 Mc

(e) The carrier frequency 156.6 Mc is authorized for use within, or within the vicinity of, all harbor or port areas primarily for communication concerning port operations; in such areas it may be used additionally, on a secondary basis, to serve other business and operational needs of ships upon the express condition that such secondary use shall not interfere with nor delay the exchange of port operational message traffic.

(f) The carrier frequency 156.9 Mc is authorized primarily for use by pilot vessels, normally stationed at the entrance to a harbor or port, that regularly supply information (via one or more limited coast stations using this carrier frequency for such communication) to marine interests on shore concerning the arrival and departure of ships moving to and from that harbor or port. This carrier frequency may be assigned, in areas where its use is not required for the foregoing purpose, for any communication of benefit to the operation of commercial transport vessels.

(g) In order to avoid interference in certain geographic areas to the use of an exclusive intership radio-channel of which 157.0 Mc is the authorized carrier frequency, the use of this carrier frequency for ship-shore communication is prohibited (except for distress purposes) on the Great Lakes, the Mississippi River and tributaries, the Gulf of Mexico Intracoastal Waterway, and at any location within 100 statute miles of any portion of those waters.

(h) All communication on any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency shall be limited solely to safety communication and communication necessary for the operational and business needs of ships; in particular, communication of a personal nature not relative to safety or the operational or business needs of ships is strictly forbidden. Whenever these radio-channels are used on a secondary basis for ship-to-ship communication, such use shall not willfully interfere with nor delay any communication between ship and shore.

(i) Notwithstanding any of the provisions of this section, any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships when the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land.

§ 8.361 *Frequencies within the band 30 to 50 Mc for general communication.* (a) Carrier frequencies which are authorized for any communication necessary for the safe, expeditious or economical operation of ships (other than public correspondence) for use by ship stations and marine-utility stations on board ship employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel are designated herewith:

Carrier frequency:	*Normal geographic area of use*
35.9 Mc	Gulf-Caribbean area north of 15° north latitude (includes Puerto Rico and Virgin Islands, does not include Florida east coast area).
35.10 Mc	Pacific area within Region 2 and north of 15° north latitude.
35.14 Mc	Atlantic area within Region 2 and north of 15° north latitude (includes Florida east coast area).
35.18 Mc	Mid-continent area (includes Great Lakes).

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(b) Each application which requests assignment of a carrier frequency designated in paragraph (a) of this section shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the station is to be operated. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (a) for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not, or will not be, clearly within one of the geographic areas designated in paragraph (a), the applicant shall obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

(c) Each of these carrier frequencies is assignable for communication (other than public correspondence) by means of telephony with limited coast stations, ship stations, and marine-utility stations on ship or shore, which for this purpose transmit on the same radio-channel. In addition, when required to serve a maritime purpose, each of these carrier frequencies is assignable in accordance with the geographic areas specified in paragraph (a) of this section for use by mobile stations on board aircraft at sea for communication by telephony with ship stations, limited coast stations, and marine-utility stations on board ship, when each of the involved stations transmits and receives on the same radio-channel; subject to this provision, ship stations and marine-utility stations are authorized to communicate additionally on such radio-channel(s) with mobile stations on board aircraft appropriately licensed for this purpose. Such stations on board aircraft shall be governed in the use of any of these frequency assignments by the same rules and regulations that apply to ship stations using the same frequency assignment.

(d) Any ship station licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed for use of this radio-channel for communication only with limited coast stations and with ship stations using this same radio-channel for that purpose. The class of emission, authorized frequency-band, type of modulation, and maximum power as licensed prior to March 1, 1949, continue to be authorized for such licensed stations, upon the condition that the carrier frequency shall be maintained within 0.01 per cent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

(e) In addition to the provisions of paragraph (d) of this section, the carrier frequency 43.02 Mc may be authorized for use by ship stations employing telephony by means of either amplitude modulation or frequency modulation for ship-to-ship communication exclusively at locations or in areas (primarily outside the continental United States) where, as the result of transmission by ship stations on the radio-channel of which this frequency is the authorized carrier frequency, interference is not caused to any other service operating on the same or adjacent radio-channels.

§ 8.362 *Frequencies below 3000 kc for business and operational purposes.* (a) In addition to availability of the carrier frequency 2738 kc primarily for intership communication as prescribed in § 8.358, this frequency may, in response to proper application therefor, be specifically authorized in ship station licenses or specifically by order of the Commission for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such limited coast stations as are designated in the respective ship station license or in any applicable order of the Commission: *Provided:*

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different frequency normally authorized for ship-shore communication (public correspondence or otherwise) is necessary to serve an important business or operational need of the vessel on which the ship station is located (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for intership communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other

[9] In accordance with arrangements between the United States and certain foreign countries.

station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the license of a ship station for use, subject to the applicable limitation set forth in paragraph (d) of § 8.351, in communicating by telephony (amplitude modulation) with such limited coast station(s) and with such ship stations (when they use this same carrier frequency for transmission) as are designated in the particular ship station license; *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of the vessel on which the station is located (other than public correspondence); and

(2) The communication carried on by the ship station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other station using this same frequency in accordance with a similar station authorization.

(c) In addition to availability of the carrier frequencies 2638 kc and 2738 kc primarily for intership communication as prescribed in section 8.358, either of these carrier frequencies may, in response to proper application therefor, be specifically authorized in private aircraft station licenses for communication by means of telephony (amplitude modulation) with a ship station or stations: *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that such communication is necessary to serve an important business or operational need of the involved ship station(s) while they are engaged in commercial fishing activities; and

(2) Harmful interference will not be caused to the service of ship-to-ship communications; and

(3) The maximum plate input power to be used shall not exceed 50 watts; and

(4) The aircraft-to-ship and ship-to-aircraft communication which takes place on the radio-channel of which either 2638 kc or 2738 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel(s) on which the ship stations(s) is(are) located while such vessel(s) is(are) engaged in commercial fishing activities; and

(5) All of the provisions of this part (in particular § 8.366) in respect to authorization and use of the carrier frequencies 2638 kc and 2738 kc for intership communication (except as otherwise specified in this paragraph with respect to maximum plate input power) shall apply to all aircraft stations authorized for this purpose under the provisions of this paragraph; and

(6) Authority for use of the carrier frequency 2638 kc under the foregoing provisions of this paragraph may be granted only to those private aircraft stations which, prior to the effective date of this section, were licensed to transmit on this carrier frequency for communication by telephony with ship stations for the purpose expressed in this paragraph.

§ 8.363 *Use of U. S. Government frequencies for telephony.* In addition to use of the frequency assignment designated for telephony in the license of a ship station, such station when communicating by telephony with a mobile or land station of the United States Government, may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station carrier frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency.

§ 8.364 *Identification of station.* (a) Pending final decision of the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect.

(b) The name of the vessel on which a ship station is located shall be announced at the beginning and upon completion of any radiotelephone communication carried on by such station.

(c) The name, the call letters, and the type of station (portable) of a portable-type station authorized to be operated on board ships shall be transmitted at the beginning and upon completion of any communication carried on by such station.

§ 8.365 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur;

(2) The official call sign of the testing station, followed by the word "test", shall be announced on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, • • • etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding ten seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 2182 kc or 156.8 Mc in a region of heavy traffic, a period of at lease five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc, within the band 156.75 Mc to 156.85 Mc, within the band 460 kc to 510 kc (lifeboat transmitters only), or within the band 8275 kc to 8285 kc (lifeboat transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Lifeboat stations using telephony shall not be tested on the assigned frequency 500 kc during the 500 kc silent periods.

§ 8.366 *General radiotelephone operating procedure*—(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of one minute. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(3) The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(b) *Use of calling frequency required.* Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, before transmitting on the frequency 2003 kc, ship stations shall first establish communication with each other on the frequency 2182 kc by initially calling and answering on the latter frequency.

(c) *Calling coast stations.* (1) Use of the carrier frequency 2182 kc by ship stations for calling coast stations, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(2) Use of the carrier frequency 156.8 Mc by ship stations and marine-utility stations on board ship for calling coast stations and marine-utility stations on shore, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(d) *Time limitation on calling frequency.* Transmission by ship stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(e) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, stations on board ship shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channels.

(f) *Shared use of 2003, 2638 and 2738 kc.* (1) In regions of heavy radio traffic, any one exchange of communications between any two ship stations on the radio-channel of which 2003, 2638, or 2738 kc is the authorized carrier frequency, or between a ship and a limited coast station on the 2738 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638 or 2738 kc channel shall not again be used for communication between the same two stations until 5 minutes have elapsed: *Provided,* That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(2) All transmission on the radio-channels of which 2638 kc and 2738 kc are the authorized carrier frequencies by two or more stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these channels. For this purpose, the stations involved shall transmit and receive on the same channel: *Provided,* That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of single-channel communication cannot be used.

(g) *Authorized use of 2003, 2638 and 2738 kc.* (1) The radio-channels of which 2003 kc, 2638 kc, or 2738 kc are the authorized carrier frequencies, shall be used by ship stations for safety communication and for communication necessary for and relating directly to maritime operations. Other classes of communication, including those of a purely personal or social nature which do not relate in any way to safety or a maritime purpose, are construed, with respect to the use of these radio-channels, to be superfluous communication as defined in § 8.6 (b), and under the provisions of § 8.178 are prohibited.

(2) Ship stations licensed to transmit on the radio-channel of which 2638 kc is the authorized carrier frequency, shall, when on inland waters of the United States, restrict the use of this channel to a necessary minimum.

(h) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect. Unless otherwise directed by a coast station, any one exchange of communications by a ship station in the Great Lakes area transmitting on the frequency 2118, 2158, 4422.5, 6660 or 8820 kc, or by a ship station on the Mississippi River or connecting inland waters transmitting on the frequency 2782, 4162.5 6455, 8340, or 11090 kc shall not exceed 15 minutes in duration. Subsequent to any one exchange of communications, the same frequency shall not again be used by that ship station until 15 minutes have elapsed: *Provided,* That this limitation shall not apply to distress or emergency communication.

(i) *Limitation on business and operational traffic.* All ship-to-ship communication and communication with limited coast stations and marine-utility stations on shore engaged in by ship stations and marine-utility stations on board ship shall be limited, on radio-channels above 30 Mc, to the minimum practicable transmission time. In the conduct of ship-shore communication (other than distress), stations on board ship shall comply with instructions given by the limited coast station or marine-utility station on shore, with which they they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

(j) *Limitation on use of high frequencies on inland waters.* (1) Ship stations in the Great Lakes area, authorized to use the carrier frequency 6660 kc or 8820 kc pursuant to § 8.351, paragraph (d), subparagraph (10), shall, during the period from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

(2) Ship stations on the Mississippi River and connecting inland waters, authorized to use one or more of the carrier frequencies 6240, 6455, 8840, and 11090 kc pursuant to § 8.351 (d) (11) and (12), shall, during the period from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 8.367 *Station documents.* (a) Ship stations using telephony, but not authorized to employ telegraphy except for calling purposes incidental to the use of telephony, shall be provided with the documents hereinafter specified:

(1) Ship stations on board vessels engaged on international voyages other than those voyages designated in subparagraph (2) of this paragraph:

(i) A valid station license;

(ii) The necessary operator license or licenses;

(iii) The station log required by this part for stations of this category;

(iv) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(v) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(vi) Part 8 of the rules of the Commission.

(2) Ship stations on board vessels not navigated on international voyages or engaged on international voyages solely on inland waters of the United States and Canada, including the Great Lakes; the documents listed in items (i), (ii), (iii) and (vi) of subparagraph (1) of this section.

§ 8.368 *Station records.* (a) Pending final decision by the Commission in Docket 9797 in respect to this section as proposed in that docket, the following provisions shall continue in effect.

(b) Each ship station authorized to use telephony on any frequency or frequencies within the band 2000 kc to 30 Mc (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States) shall maintain an accurate radio log, when using telephony on frequencies within this band, in accordance with the following requirements:

(1) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include official call letters of the ship station and the name of the operator on watch.

(2) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) [10] The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (G. M. T.), except that in the Great Lakes region the time shall be expressed in Eastern Standard Time (EST) (counted from 00:00 to 24:00

[10] As amended by the Commission, effective November 14, 1939.

o'clock, beginning at midnight.[11] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "G. M. T." (EST in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(4) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(6) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(7) An entry shall be made of the time of departure and arrival of the vessel in each port, including in each entry the name of the port.

(8) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(9) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(10) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(c) Each ship station (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States) which is authorized to operate on any frequency within the band 1,500 to 3,000 kilocycles or in any band above 30,000 kilocycles shall maintain an accurate log, when operating on any frequency within these bands, as follows:

[11] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

(1) Each sheet of the log shall be numbered in sequence and shall include official call letters of the ship station and the name of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of vessel, the call letters and the name of the station communicated with, the time of the communication, and the nature of the messages or signals exchanged.

(3) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communications; and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[12] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(6) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to operate on any frequency or frequencies above 550 kilocycles shall maintain an accurate log when operating on such frequencies, as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communications; and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation of occurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The time of making an entry shall be shown opposite the entry and shall be expressed as follows:

(i) For vessels navigated on the Great Lakes:

Eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight.[13] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "EST" shall be marked at the head of the column in which the time is entered.

(ii) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (EST, CST, etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[13] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviations "EST" or "CST", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

SUBPART P—USE OF RADIOLOCATION

§ 8.401 *Assignable frequencies for direction-finding.* (a) The frequency 375 kc is the assigned frequency in Region 2 for direction-finding exclusively. Effective when ordered by the Commission this frequency shall be replaced, with respect to stations of the United States, by the frequency 410 kc. In Regions 1 and 3, the frequency 410 kc may be used in those areas where the use of this frequency (in lieu of 375 kc) for direction-finding is the prevailing procedure.

(b) As an exception, on condition that signals of distress, urgency and safety, and calls and answers, are not interfered with, the calling channel of which 500 kc is the assigned frequency may be

[12] For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

[13] For example, 7:01 p. m. eastern standard time would be entered as 1901 EST; 7:30 a. m. eastern standard time would be entered as 0730 EST; 7:45 p. m. eastern standard time would be entered as 1945 EST.

used additionally and with discretion, by ship stations for direction-finding; exclusively in Regions 1 and 3 outside areas of heavy radio traffic.

(c) In the event of distress, the following frequencies may be used for radiolocation for purposes of search and rescue by any licensed station on board ship, without regard to whether or not these frequencies are designated in the station license:

375 kc	2182 kc
410 kc	8280 kc
500 kc	

§ 8.402 *Use of direction-finding frequency.* Except in event of distress, transmission on the direction-finding frequency (375 kc or 410 kc as designated in § 8.401) is permissible only when authorized by the terms of the station license. The operating procedure used shall comply with that set forth in the International Radio Regulations applicable to the use of this frequency; the exchange of signals and communications on this frequency by means of radiotelegraphy which is a necessary adjunct to direction-finding, together with the actual process of direction-finding, constitutes a maritime radionavigation service.

§ 8.403 *Radiolocation by cable-repair ship.* Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated for direction-finding on the frequency 278 kc (or such other comparable frequency as may be authorized by the Commission specifically for this purpose) under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts. The call signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.

§ 8.404 *Assignable frequencies above 2400 Mc.* (a) The following frequency-bands are authorized for use by ship-radionavigation stations (including ship-radar stations) in the maritime radionavigation service;[1] the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than ship-radar stations,[2] the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization.

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by ship-radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power shall be designated in each instrument of authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 8.405 *Special provisions applicable to ship-radar stations.* (a) Every ship-radar station licensed, prior to the effective date of this section, in the former "ship service" shall, subsequent to the effective date of this section, be regarded as licensed in the maritime radionavigation service[3] and the use and operation of such stations shall be governed accordingly.[4]

(b) Each ship-radar station installation the manufacture of which was completed on or after 1947 shall be furnished with a durable name plate with the manufacturer's name, transmitter model number; and month and year of completion of manufacture permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal radar operating position or to some other component of the radar installation which is readily accessible for inspection.

(c) Each ship-radar station license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law, and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

(d) Effective on and after January 2, 1951, the following provisions shall apply to ship-radar stations:

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and date thereof.

(vi) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

(e) Until the Commission shall otherwise provide, the ship-radar station licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of the ship-radar station. For assistance in preparing these reports, daily records, when the radar installation is tested or used, should, when practicable, be kept showing at least the following:

(1) Approximate number of hours of use while the ship is in operation;

(2) Number of service failures, and duration, nature, and cause of each failure if known;

(3) Performance under local weather conditions which are unfavorable for marine navigation; and

(4) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of the ship.

(f) In addition to the installation and maintenance record required by paragraphs (d) and (e) of this section, the following documents shall be available for reference on board each radar-equipped vessel whose ship-radar station is licensed by the Commission:

(1) Part 8 of the Commission's rules.

(2) At least one set of instructions from the respective manufacturer relative to the use and operation of the particular type of ship-radar installation.

(g) No provisions of this part shall require any ship-radar station to transmit any signal(s) intended solely for the purpose of identifying that station.[5]

SUPPART Q—DEVELOPMENTAL STATIONS

§ 8.431 *Supplemental eligibility.* An authorization for developmental operation of a station on board ship in any

[1] The associated transmitting frequencies of U. S. Government radar beacons (racons) are respectively, as follows: 3256, 5450, and 9310 megacycles.

[2] With respect to ship-radar stations, see §§ 8.131, 8.132, and 8.133.

[3] See par. (1) of § 8.4.

[4] See § 8.138 relative to type-acceptance of ship-radar transmitters.

[5] See § 8.74 in respect to call signs of ship-radar stations.

of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 8.432 *Showing and statement required.* (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station on board ship shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 8.433 *Assignable frequencies.* (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-band designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands available for the maritime mobile service may be licensed as an assigned frequency or as an authorized frequency-band, respectively, for use by developmental ship stations subject to the applicable provisions of this part:

3500	Mc	to 3700	Mc
6425	Mc	to 6575	Mc
11,700	Mc	to 12,000	Mc
26,000	Mc	to 30,000	Mc

and

1600	Mc	to 18,000	Mc
2450	Mc	to 2500	Mc

on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment. The class of emission, the frequency tolerance, the emission-bandwidth and the maximum transmitter-power for use on frequencies within these bands above 2400 Mc shall be designated in each station authorization.

§ 8.434 *Use of developmental stations.* (a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements [1] contained in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 8.435 *Developmental program.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 8.436 *Report of operation required.* (a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labelled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation;

(2) Pertinent results of operation to date;

(3) Analysis of the results obtained;

(4) Copies of any published reports;

(5) Need for continuation of the program if such need exists;

(6) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 8.437 *Identification of station.* (a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

Subpart R—Compulsory Shipboard Radio Installations [1]

§ 8.501 *Inspection of installation.* [2] (a) In accordance with paragraph (a) of § 8.101 and pursuant to section 360 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate [3] in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that convention or that, pursuant to the provisions of Article 28 of that convention, such vessel is exempt from those provisions of that convention.

(b) In accordance with Article 54 of the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate or Exemption Certificate is subject, when in a port of any foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, in so far as that control is directed towards verifying that there is on board a valid convention certificate, and if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the ship can proceed to sea without danger to the passengers and the crew.[4]

§ 8.502 *Main and emergency installations.* (a) A radio installation on board a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a separate [5] emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(1) A main radio transmitter and an associated main radio receiver shall be installed;

(2) A separate emergency radio transmitter and an associated separate emergency radio receiver shall be installed;

(3) Emergency electric lights shall be installed;

(4) An emergency power supply shall be installed.

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 354 of the Communications Act,[6] this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

§ 8.503 *Requirements of main installation.* (a) All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The main antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and the required radio installation. For the purpose of insuring adequate protection against failure of the main antenna installation when severe mechanical stress is suddenly applied, an approved "safety link" [7] shall be provided as a component of this installation.

(2) The main transmitter shall be of the electron-tube type [8] and shall be capable of meeting the requirements of § 8.552.

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles and 350 to 515 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver [9] capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker [9] is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power [10] and the main receiver; and at the same time to charge, at the required rate(s), all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, the potential(s) of the main power supply at the radio room terminals shall not deviate from its rated electrical potential(s) by more than 10 per cent on vessels completed on or after July 1, 1941, nor by more than 15 per cent on vessels completed before that date.

(5) For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room.

§ 8.504 *Requirements of emergency or reserve installation.* (a) All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The emergency installation shall be capable of being placed in operation (by a qualified operator who is on duty at the operating location) within a maximum time of 1 minute after the need arises for its use.

(2) The emergency antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation in time of an emergency, and so as not to endanger the ship and the required radio installation.

(3) The emergency transmitter shall be of the electron-tube type [8] and shall be capable of meeting the requirements of § 8.553.

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 350 to 515 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver [9] capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 354 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power [10] and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea.

(6) There shall be provided emergency electric lights of not less than 10 watts per unit, capable of being energized solely by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls and radio station clock. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of any emergency batteries. The provisions of this subparagraph or of paragraph (j) of § 8.8 shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.

(7) All emergency power supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits.

(8) No electrical load circuits except those of the emergency installation (includes the required radio station emergency light(s)) shall be connected to the emergency power supply: *Provided*, That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emer-

[1] Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents and assignments of call signs.

[1] With respect to required operators, watches, and use of auto-alarms, see Subparts F and H.

[2] See §§ 8.46, 8.47, 8.48 and 8.49.

[3] See sec. 359 of the Communications Act.

[4] The privileges of the Safety Convention may not be claimed in favor of any ship unless it holds a proper valid certificate. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to inform the United States Consul of all the circumstances in which intervention is deemed to be necessary.

[5] Sec. 354 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve installation: *Provided, however*, That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted."

[7] A safety link may be described as a device which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna-supporting elements.

[8] Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this regulation will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

[9] See par. (kk) of § 8.7.

[9] The antenna power specified in § 8.552.

[10] The antenna power specified in § 8.553.

gency power supply furnishing power to the emergency transmitter: *Provided further*, That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

(9) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided*, That the location of such power supply complies with all applicable rules and regulations of the United States Coast Guard.

(10) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(b) (1) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subparagraphs (2), (3), (4) and (5) of this paragraph or by such other means as may be deemed necessary, that the emergency installation satisfies the 6-hour operating requirement of law.

(2) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(3) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(4) The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be computed as the sum of all electrical loads presented by all other apparatus of the ship's radio installation which are connected to the emergency power supply under test. Allowances for intermittent use of such apparatus shall be made only in accordance with the following:

(i) The current supplied to the emergency transmitters may be computed as the current supplied when the transmitter is partially energized with the radiotelegraph key open plus one-fourth the difference between the current supplied when such key is open and the current supplied when such key is closed.

(ii) The current drawn by the automatic-alarm-signal keying device specified in subparagraph (8) of this section (if such device is connected to the emergency power supply) may be computed as one-sixth of the current supplied when this device is properly energized.

(iii) The current drawn by an audible warning apparatus associated with an approved auto-alarm receiver specified in subparagraph (8) of this section may be considered as negligible.

(5) At the conclusion of the tests specified in subparagraphs (2) and (3) of this paragraph, no part of the emergency source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

§ 8.505 *Tests of emergency installation.* (a) On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port [11] (but not necessarily more than one each day) and on each day the vessel is outside a harbor or port. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery and voltage readings under normal load as are necessary to determine the state of charge of emergency storage batteries of other types shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.508, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

§ 8.506 *Use of emergency installation.* (a) The emergency installation on board a vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication [12] except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(b) When more than one storage battery is installed on board a ship for the purpose of providing an emergency power supply in compliance with Title III of Part II of the Communications Act, any one of these batteries may be designated at any time as the required emergency power supply or a part thereof, upon the express condition that such battery, whenever so designated, is capable of energizing (independent of the propelling power of the ship and any other electrical system) the associated component or components of the emergency installation for a period of at least 6 consecutive hours.

(c) The emergency power supply on board a cargo vessel (on which a separate [13] main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication [12] except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(d) Any storage battery whether or not it is the emergency power supply or a part thereof may be used at any time to maintain a watch for safety purposes upon the express condition that such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours as required by paragraph (f) of section 354 of the Communications Act.

§ 8.507 *Routing of electrical wiring.* The electrical conductors connecting the main [14] power supply to the main radio installation and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long, indirect routing is necessary, an additional equivalent circuit shall be provided in each case over an alternate route.

§ 8.508 *Automatic-alarm-signal keying device.* After Jan. 1, 1952, each passenger ship of the United States and after July 1, 1952, each ship of the United States, which is subject to Title III, Part II, of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.555.[15]

[11] It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled.

[12] See par. (a) of § 8.6.

[13] See par. (b) of § 8.502.

[14] Any source of power on board ship that constitutes a main power supply, as defined in § 8.8 (d), while it is being used as that type of power supply.

§ 8.509 *Installation of automatic-alarm-signal keying device.* (a) The automatic-alarm-signal keying devices required by § 8.508 shall be installed in an accessible location in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only. Only one control shall be provided for starting and stopping each automatic-alarm-signal keying device: this control shall be located in the radio room.

(b) The required automatic-alarm-signal keying device shall be capable of operating automatically for a continuous period of at least 1 hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply or the storage battery used to energize a required automatic-alarm receiver.

(c) Each automatic-alarm-signal keying device installed on board a vessel pursuant to § 8.508, shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer.

§ 8.510 *Auto-alarm.* (a) An auto-alarm which is installed and used on board a cargo vessel of the United States pursuant to the provisions of § 8.205, shall be a type of auto-alarm approved by the Commission in accordance with paragraph (x) of section 3 of the Communications Act.

(b) The Commission shall be informed in writing on the prescribed form [16] immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

§ 8.511 *Installation of auto-alarm.* (a) A vessel shall be considered as fitted with an auto-alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto-alarm is a type approved by the Commission as prescribed by § 8.510 and the auto-alarm installation on board such vessel complies with the conditions prescribed in the following paragraphs of this section.

[15] The provisions of § 8.508 supersede Order No. 114 of the Commission, and said order is hereby canceled.

[16] FCC Form No. 500, available upon request, should be used for this purpose.

(b) Each auto-alarm of a type approved by the Commission when first installed on board a vessel of the United States, shall bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of auto-alarms (approved prior to the effective date of § 8.554) are designated as follows:

(1) Radiomarine Corporation of America Models AR–8600 and AR–8600–X auto-alarms. One combined receiver and selector unit, without regard to container; one control and terminal box.

(2) Radiomarine Corporation of America Model AR–8601 auto-alarm. One combined receiver and selector unit, without regard to container; one control and terminal unit.

(3) Mackay Radio and Telegraph Company auto-alarms, Types 101–A and 101–B manufactured by Federal Telegraph Company. One selector unit without regard to container; one receiver unit, without regard to container.

(4) Mackay Radio and Telegraph Company auto-alarm, Type 5001–A. One combined receiver and selector unit, without regard to container.

(c) The auto-alarm shall be located in the main radiotelegraph operating room and shall be adequately installed and protected so as to insure proper operation. Means shall be provided for placing the entire system in or out of operation from the main radiotelegraph operating room. A simple change-over switch shall be provided to (1) disconnect the main antenna from all other equipment and connect it to the auto-alarm receiver and place the auto-alarm system in effective operating condition and conversely (2) de-energize the auto-alarm system and reconnect the main antenna to other equipment. In addition, suitable means of determining the supply voltages are within the limits required for proper operation of the auto-alarm system shall be provided.

(d) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge. This apparatus shall operate continuously after the auto-alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(e) Failure of the auto-alarm (if of a type approved prior to the effective date of § 8.554) to function normally because of prolonged atmospherics (static) or other prolonged interference, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the United States Coast Guard.

(f) When an auto-alarm is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits, such auto-alarm shall be fitted with an auxiliary device which (1) will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified by the Commission for the particular type of alarm involved; or (2) will automatically connect the auto-alarm to an auxiliary power supply, the voltage of which is within the specified limits.

(g) The testing device [17] of the auto-alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

§ 8.512 *Auto-alarm instructions.* (a) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

§ 8.513 *Interior communication system.* Pursuant to paragraph (g) of section 354 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction-finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the compartment

[17] See § 8.206 relative to required testing of the auto-alarm.

normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

§ 8.514 *Requirements for interior communication systems.* The interior communication systems required by § 8.513 shall be capable of providing efficient signalling and communication, shall be independent of any other communication system on the ship, and shall be a type of system approved by the United States Coast Guard. Further, the location and termination of individual systems shall be subject to approval by the Commission.

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and an hour dial not less than 5 inches in diameter, and shall be capable of operation for at least 8 days on one winding: *Provided*, That deviations from the requirements may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit properly timed auto-alarm signals. A request for approval of any deviation from these requirements must be accompanied by a sample of the proposed clock face.

§ 8.516 *Direction-finder.* Each passenger ship of 5,000 gross tons or over which is subject to the requirement set forth in paragraph (a) (2) of section 351 of the Communications Act shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission in accordance with paragraph (h) of section 354 of the Communications Act and § 8.517.

§ 8.517 *Requirements for direction-finder.* (a) Pending final decision by the Commission in Docket 9797 in respect to this section as proposed in that docket, the following provisions shall continue in effect.

(b) The radio direction-finder apparatus (radio compass) installed on board a passenger vessel of 5,000 gross tons or over, in compliance with the requirements of law, shall be capable of efficiently receiving signals (at least types A2 and B emissions) on any frequency between 285 and 515 kilocycles, shall be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined, and shall be available for use whenever the vessel is being navigated outside a harbor or port.

(c) In addition to the provisions of paragraph (b) of this section, the radio direction-finding apparatus, to be approved by the Commission, shall be capable of efficiently receiving types A1, and A2 and B emissions if installed after January 1, 1940. If in the discretion of the Commission the direction-finding apparatus requires recalibration at any time as the result of official inspection or pertinent facts coming to the attention of the Commission, approval may be withdrawn pending such recalibrations.

§ 8.518 *Auxiliary receiving antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators,[18] an effective auxiliary receiving antenna or other approved arrangement shall be provided whenever necessary to avoid unauthorized [18] interruption or reduced efficiency of this watch by reason of unavailability of the normal receiving antenna for use during the period of time when a radio direction-finder on board the same vessel is being operated.

§ 8.519 *Lifeboat radio facilities.* Pursuant to section 355 of the Communications Act, every motor lifeboat required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation which complies with all requirements set forth in the following § 8.520.

§ 8.520 *Lifeboat radio installation.* (a) Each lifeboat radio installation which complies with the requirements of this section shall be deemed to be efficient for the purpose of section 355 of the Communications Act and to meet all requirements for such installations which the Commission has found necessary to promote the safety of life.

(b) The lifeboat radio installation shall include the following components, as a minimum:

(1) An antenna for transmitting and receiving, either fixed in usable position in the lifeboat or capable of being quickly placed in usable position by a person in the lifeboat while afloat; together with such antenna accessories as are necessary;

(2) An emergency radio transmitter, with radiotelegraph key;

(3) An emergency radio receiver, with headset;

(4) An emergency power supply of required capacity;

(5) The necessary material or device for a "ground" connection to the water when the lifeboat is afloat;

(6) Necessary operating instructions;

(7) Necessary auxiliary equipment and spare parts.

(c) Each of the components specified in paragraph (b) of this section shall be a type of apparatus or shall comprise such items as are approved by the Commission in accordance with the provisions of § 8.556, and, when applicable, §§ 8.557 and 8:556. When all components of any particular lifeboat radio installation have been approved by the Commission, the installation, as such, may be identified specifically as a complete type-approved lifeboat radio installation.

(d) A storage battery power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with subparagraph (5), paragraph (a), of § 8.504. With the exception of the electric starter of the lifeboat motor, the storage battery or batteries may be used, however, to operate equipment other than radio: *Provided*, Such additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing 6-hour radio operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.

(e) Any storage battery provided as a power supply for a lifeboat radio installation, or as a reserve power supply therefor, shall be kept adequately charged at all times while at sea. When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. The charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. For new radio installations completed after January 1, 1940, in motor lifeboats of oceangoing passenger vessels, the charging circuit for the lifeboat radio storage battery or batteries (when such batteries are used as a source of power) shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit, and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(f) In addition to the foregoing, lifeboat radio installations of the type set forth in §§ 8.557 and 8.558 shall comply with the following requirements:

(1) Storage batteries, if provided, shall be mounted in suitable containers that will provide protection from salt-water spray and also allow proper ventilation, subject to approval of the United States Coast Guard.

(2) Provision shall be made in so far as practicable, to shield the operator from the elements when the lifeboat is afloat in a heavy sea.

(3) The use of metal masts and stays, unless broken by insulators or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however*, That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

(g) The lifeboat radio installation shall be inspected and tested [19] by a qualified representative of the licensee within 24 hours prior to the ship's departure for sea from each port (except not necessarily more than once each week), and with the lifeboat afloat in a harbor or port of the United States when required by an engineer of the Commission. Such inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna(s) erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna. The general result of any such inspection and test, whether or not made in a Commission engineer's presence shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. Inspection of batteries shall be made at least once every seven days by a qualified representative of the licensee, and their condition, and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type batteries (including dry batteries when such batteries are permitted) shall be reported to the master and entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The shipowner, operating company, or station licensee, if directed by the Commisssion or its authorized representative shall prove by demonstration, as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as is stipulated for an emergency power supply in paragraph (b) of § 8.504.

[18] See Subparts H and I of this part.

[19] Subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. See § 8.68.

§ 8.521 *Auxiliary equipment and components.* (a) On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment are designated in §§ 8.522 to 8.524, inclusive. Pursuant to the provisions of § 8.525, they shall be located so as to be readily accessible to the radio operator in an emergency.

(b) In addition to the spare parts required by § 8.522, and the auxiliary equipment required by § 8.523, spare parts as are specifically designated in special lists [20] promulgated by the Commission pursuant to the provisions of section 356 (a) (2) of the Communications Act shall be provided for transmitters, receivers, auto-alarms, direction-finders, lifeboat radio installations, and other required equipment which have been given type approval by the Commission.

§ 8.522 *General spare parts.* (a) The following spare parts are considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act:

(1) Sufficient wire of good electrical conductivity and suitable insulators for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire and not less than two such insulators; or an assembled single-wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna.

(2) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(3) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(4) Renewable fuse-cartridges of each type used in connection with units of the radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(5) One spare electric light bulb for each emergency light required by § 8.504 (a) (6).

§ 8.523 *General auxiliary equipment.* (a) The following auxiliary equipment is considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(1) One 1- to 2-inch screwdriver with approximately ⅛-inch blade.

(2) One 4- to 6-inch screwdriver.

(3) One set of assorted end wrenches or socket wrenches, or one adjustable end wrench.

(4) One pair 5- to 8-inch side-cutting pliers.

(5) One high-resistance direct-current voltmeter having a resistance of at least 1,000 ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of at least 3 percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts direct current, the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least 3 percent.

(6) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least 10 feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(7) One hydrometer for use with lead-acid batteries when this type of battery is installed.

(8) Approximately one gallon or more of distilled water, or the same amount of any kind of water suitable for use in the type of storage batteries installed.

(9) Instruction book(s) and circuit diagrams, including modifications covering transmitter(s), receiver(s), and direction-finder, if a direction-finder is required.

(10) Effective on and after January 1, 1953, one electric soldering iron of at least 100 watts rated power, which is capable of operating from a source of power available in the room or cabin housing the required radio apparatus; and at least one-half pound of solder with appropriate non-corrosive soldering flux (for example, rosin-core solder).

§ 8.524 *Spare parts for specific apparatus.* (a) Prior to the Commission's approval of a particular type of marine transmitter, receiver or direction-finder, and prior to the issuance of associated specific lists [20] of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment relative to specific apparatus shall be provided in addition to those stipulated in §§ 8.522 and 8.523.

(1) For each electron tube transmitter (other than lifeboat transmitter). One radio-frequency oscillator tube, one tube for each radio-frequency amplifier stage, and, if used to provide A2 emission, one audio-frequency oscillator tube. One tube for a main transmitter or two tubes for an emergency transmitter intended for use in the radio-frequency circuit of transmitters of the self-rectified, simple oscillator type. One anode power-supply rectifier tube for each such tube used. One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid-blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(2) *Receivers (other than lifeboat receivers).* One complete spare set of tubes for the receiver(s). One headset (telephone receiver) complete with connecting cord, and, if used, a cord-terminal plug.

(3) *Direction-finders.* One complete set of tubes for the radio receiver incorporated in the direction finder, when a direction-finder is required.

(4) *Lifeboat radio installations.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of installation which is type-approved in accordance with § 8.556, and when applicable §§ 8.557 and 8.558.

(5) *Auto-alarms.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of auto-alarm which is type-approved in accordance with § 8.554.

§ 8.525 *Location of spare parts.* (a) Spare parts for the direction-finder re-

[20] Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.

ceiver shall be kept in the same compartment or room in which this receiver is located.

(b) Spare parts and auxiliary equipment for the radio-equipped lifeboat shall be kept in the lifeboat cabin housing the radio equipment.

(c) The spare emergency light bulb(s) shall be mounted in close proximity to the corresponding emergency light socket(s).

(d) The antenna wire, antenna insulators, and distilled water, respectively, may be retained in the radio operating or elsewhere: *Provided*, The antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained preferably in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room, or, if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) of this section shall be used *only* for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.

SUBPART S—TYPE APPROVAL OF COMPULSORY SHIPBOARD EQUIPMENT

§ 8.551 *Scope of type approval.* (a) Approval by the Commission of a particular type of equipment in accordance with the provisions of any section or sections of this subpart, for use on board ships for the purpose of compliance with Part II of Title III of the Communications Act, is extended to all equipment of the same identical type, design, and construction, which is manufactured by the same person.

(b) For the purpose of determining compliance with sections 351 (a), 354 (c), (d), (e), and 356 (a) of the Communications Act, the term "transmitter" means a transmitter proper, together with all auxiliary equipment which is deemed necessary to make this unit operate efficiently as a main and/or emergency transmitter in a ship station at sea. For this purpose, each separate motor-generator, rectifier or other unit required to convert the power available as a primary source or sources on the ship, to the phase, frequency, and/or voltage necessary to energize the transmitter proper is construed to be a component of the transmitter.

§ 8.552 *Requirements for main transmitter.* (a) A main electron-tube transmitter, regardless of the date of its completion, installation, or modification, will be type-approved by the Commission as capable of meeting the relevant requirements of section 354, paragraphs (c) and (d), of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the specific requirements of paragraphs (b), (c), and (d) of this section: *Provided*, That if deemed necessary, a demonstration of the capabilities of an individual main transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued type approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage [1] modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.	If installed prior to Jan. 1, 1953: 0.3 percent; after Jan. 1, 1957, or after a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs, such transmitters shall maintain 0.1 percent tolerance. If installed after Jan. 1, 1953: 0.1 percent.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 100 watts into an average ship station antenna.
375 kc.[2] and one authorized working frequency in the band 415 to 490 kc.	do	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 100 watts into an average ship station antenna.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

[2] The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics.

(c) A main transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and when energized by the main power supply of the ship station in which it is installed or a power supply equivalent thereto: *Provided*, That the potential of the main power supply or equivalent power supply is maintained within the tolerance specified in § 8.503; shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies; and shall conform with all other applicable rules of this part.

(d) A main transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

(g) (1) A main transmitter, completed prior to January 1, 1952, shall be provided with an arrangement for conveniently reducing the plate input power of such transmitter to approximately one-half of its rated plate input power.

(2) A main transmitter, completed in construction subsequent to January 1, 1952, which is capable of a plate input power exceeding 450 watts, shall be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts; unless there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the radio-channels required for a main transmitter, capable of being energized by a source of power other than the emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on frequencies within the band 365 kc. to 515 kc.

§ 8.553 *Requirements for emergency transmitter.* (a) An emergency electron-tube transmitter will be type-approved by the Commission as capable of meeting the relevant requirements of section 354 (c) and (f) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of meeting the requirements of paragraphs (b), (c) and (d) of this section when energized for a period of at least six continuous hours by a power supply equivalent to the radio station emergency power supply which is, or will be, available on board the vessel on which the transmitter is, or will be, installed and operated: *Provided*, That if deemed necessary a demonstration of the capabilities of an individual emergency transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage [1] modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.	If installed prior to Jan. 1, 1953: 0.3 percent; after Jan. 1, 1957, or after a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947) whichever date first occurs, such transmitters shall maintain 0.1 percent tolerance. If installed after Jan. 1, 1953: 0.1 percent. The requirement of 0.1 percent tolerance, however, need not be met by emergency transmitters whose use is confined solely to safety communication as defined in sec. 8.6 (a); such transmitters shall maintain a frequency tolerance of 0.3 percent with no limiting date applicable.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
375 kc.[2] and 1 authorized working frequency in the band 415 to 490 kc.	do	A2	do	do	Do.

[1] In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

[2] The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics.

(c) In addition to the foregoing specific requirements, an emergency transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and, when energized by the emergency power supply of the ship station in which it is installed or by a power supply equivalent thereto, shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies, and shall conform with all other applicable rules of this part.

(d) An emergency transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure the current in the antenna circuit and, if completed by the manufacturer after January 1, 1944, the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.554 *Requirements for auto-alarm.* (a) To be approved by the Commission pursuant to section 8 (x) of the Communications Act subsequent to January 1, 1951, each type of auto-alarm not approved prior to that date shall comply with the following requirements: *Provided, however*, That the Commission may, in its discretion, approve an automatic alarm receiver which complies with these requirements and can be actuated by the distress signal ... — — — ...: *Provided, further*, That prior to the effective date of the Safety Convention (London, 1948) the Commission may, in its discretion, approve subsequent to January 1, 1951, a type of auto-alarm which is not less efficient nor less reliable than any type approved prior to that date, and which complies with some, but not necessarily all, of the requirements set forth in this section.

(1) *Basic technical requirements.* (i) The auto-alarm shall be capable of being operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.

(ii) In the absence of interference of any kind, without manual adjustment during operation, the auto-alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(*a*) A2 (carrier modulated 30 percent at each modulation frequency from 300 to 1350 cycles per second, inclusive).

(*b*) B (at each tone frequency from 300 to 1350 cycles per second, inclusive).

(iii) The overload capacity must be sufficient to enable the auto-alarm to operate with inputs from the antenna circuit up to 1 volt, under normal operating conditions.

(iv) The auto-alarm shall respond to the alarm signal through interference (provided it is not continuous) caused by atmospherics and powerful signals other than the alarm signal. In the presence of atmospherics or interfering signals, the auto-alarm shall automatically adjust itself so that within a reasonably short time it approaches, in so far as is practicable, the condition in which it can most readily distinguish the alarm signal.

(v) The auto-alarm receiver shall be capable of operating when the received auto-alarm signals have a radio frequency of 500 kilocycles with a sensitivity as set forth in subdivision (ii) of this subparagraph and shall, in addition, respond without adjustment and with the same sensitivity to signals having any radio frequency from 492 to 508 kc, inclusive. With respect to the reception of signals having a radio frequency outside the band 492 to 508 kc, the sensitivity of the auto-alarm shall decrease as rapidly as possible, in conformity with the best engineering practice.

(vi) The auto-alarm must not be operated, so as to actuate the warning device, by atmospherics or by any signal from the antenna circuit other than the alarm signal: *Provided*, That received signals other than the alarm signal itself do not in fact constitute a signal falling within the tolerance limits indicated in subdivision (i) of this subparagraph.

(vii) When operated by an alarm signal, or in the event of failure of the

auto-alarm apparatus, the auto-alarm shall cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin, and on the bridge. In so far as may be practicable, the audible alarm shall also be given in the event of any failure of the auto-alarm system, as a whole, which results in the auto-alarm becoming inoperative.

(viii) For the purpose of regularly testing the auto-alarm, without connection to the antenna, the apparatus shall include a generator pre-tuned to the 500 kc distress frequency and a keying device by means of which an alarm signal of minimum strength approximately as indicated in subdivision (ii) of this subparagraph is produced solely for actuating the particular auto-alarm and is not radiated beyond the immediate area of the vessel.

(2) *Requirements as to construction.* (i) The auto-alarm shall consist essentially of:

(*a*) A radio receiver capable of receiving emissions of classes A2 and B over the entire frequency range 492 to 508 kc, inclusive.

(*b*) A selector device capable of selecting the alarm signal specified under subparagraph (1) (i) of this paragraph.

(*c*) A suitable form of audible alarm (minimum of 3 units required).

(*d*) A testing device to determine locally that the auto-alarm system is effectively operative.

(ii) The auto-alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(iii) A telephone jack shall be provided to permit reception, if desired, by a telephone receiver.[1]

(iv) Tuning and timing controls shall not be accessible to the exterior of the device and shall be so designed and housed as to permit adjustment with special tools only.

(v) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(vi) A nonlocking or momentary-throw switch shall be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto-alarm system is being tested.

(vii) The receiver and selector shall be of rugged construction throughout, capable of withstanding continuous and severe vibration equivalent to conditions that may be experienced on board a ship under the worst possible conditions and capable of continuous operation over long periods of time.

(viii) All units of the auto-alarm system shall be designed and constructed in accordance with generally accepted principles and practices of modern electronic engineering.

(ix) The auto-alarm system shall not be affected by sudden changes in ambient temperature between zero degrees centigrade and 50 degrees centigrade, shall not be affected by salt atmosphere, and by humidity conditions as high as 90 percent at a temperature of 40 degrees centigrade.

(x) Condensers, transformers, or other units shall not contain compounds which will flow at temperatures below 85 degrees centigrade, which will crack at temperatures above 0° centigrade, which are hygroscopic or which contain any corrosive substance.

(3) *Requirements as to testing and approval.* (i) Before an auto-alarm receiver will be approved by the Commission pursuant to paragraph (x) of section 3 of the Communications Act, a sample type of such auto-alarm receiver must be submitted for the purpose of demonstrating by means of suitable laboratory and field tests, that it complies with these requirements. Such tests will be conducted by the Commission, and other cooperating United States Government departments or agencies as may be appropriate, under the test specifications set forth under subparagraph (5) of this paragraph.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the unit or component involved and the immediate rejection of the entire apparatus.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the provisions of subparagraph (4) of this paragraph.

(iv) Laboratory tests conducted by the Commission and/or by any other cooperating United States Government department or agency as may be appropriate, under test specifications prescribed by the Commission shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other Government department, will be available to the Commission only: *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in affidavit form showing that such tests have been made as hereinafter required prior to submission of a working model for type tests: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

(*a*) The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of condensers shall be measured and data recorded for the information of the Commission.

(*b*) Transformers and/or electromagnet coils shall be energized continuously under normal conditions of operation for a period of one hour at an ambient temperature of 25 degrees centigrade. For purposes of making this test, maximum rated voltage at rated frequency with the secondary of transformers normally loaded and with the frame or enclosure grounded will be applied. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction and the temperature rise of the unit undergoing test shall not exceed 40 degrees centigrade at the end of one hour.

(*c*) Immediately after each transformer and/or electromagnet coil has been tested under subdivision (a) of this subparagraph, a test for breakdown capability will be made by applying between windings and between each winding and the core or enclosure, for a period of five minutes, a potential ten times the maximum rated effective potential of the circuit in which the coil or winding is connected.

(*d*) All components containing wax or other sealing, insulating or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees centigrade and maintained for a period of 15 minutes. If sealing, insulating or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components in the device. The electrical characteristics of each unit shall be measured at these temperatures and any deviations from their normal ratings that would adversely affect the operation of the auto-alarm device shall preclude the use of that component.

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted at the Commission's Laboratory at Laurel, Maryland, and shall be at the expense of the manufacturer or person submitting the auto-alarm for approval. The report of these tests will be furnished to the Commission only. Tests will be conducted as described in the following paragraphs with the auto-alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 micromicrofarad capacitor and a 5 ohm resistor connected in series. The received will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified.

(*a*) Test of sensitivity of the auto-alarm at the radio frequency 500 kc to determine operation of the aural warning device.

(*1*) Measurement of minimum alarm signal input, A2 emission, 30 per cent modulated with a 300 cycles per second tone, required to operate aural warning device.

(2) Test of operation using 100 microvolts alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(3) Test of operation using 1 volt alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*4*) Using A2 emission, 30 percent modulated with a 1350 cycles per second tone, test as in (*1*), (2), and (3) of this subdivision.

(*5*) Test of aural warning device operation with 50 microvolts noise input and 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*b*) Test to determine operation of aural warning device from a 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kc, inclusive.

(*c*) Test of auto-alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kc will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, A2 emission, 30 percent modulation with an 800 cycles per second tone on 492 kc and 200,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 350 kc; similar tests with the same alarm signal and a 25,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 460 kc; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kc will operate aural warning device with simultaneous input of A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 540 kc at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kc at 200,000 microvolts.

(*d*) Test of selector response to dashes from 3.5 up to 6.0 seconds in duration when the spaces between the dashes have a duration from 10 milliseconds to 1.5 seconds. These tests shall be made on the radio frequency 500 kc with an input of 100 microvolts, A2 emission, 30 percent modulated with 300 cycles per second tone.

(*e*) Test of ability to avoid selector response to the radio telegraph radiolocation signal "MO," the "M" being sent in 3.5 seconds and the "O" in 4.5 seconds with 0.1 second space between dashes. These tests shall be made on the radio frequency 500 kc using 100 microvolts input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(*f*) Test of ability of the aural warning device to operate satisfactorily when the auto-alarm becomes inoperative under the following conditions:

(*1*) Filament burn-out of any electron tube in the apparatus;

(2) Failure of power supply.

(*g*) Tests to determine capability of proper operation of auto-alarm over long periods of time under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions.

(*i*) The auto-alarm device shall be placed in operation for a period of one hour while subjected to each of the following conditions of temperature and relative humidity:

(*i*) 50 degrees centigrade and 50 percent relative humidity;

(*ii*) 30 degrees centigrade and 95 percent relative humidity;

(*iii*) Zero centigrade and 50 percent relative humidity.

(2) The auto-alarm device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(*i*) While the device is being rocked in such manner as to simulate a roll and pitch of 45 degrees from the vertical.

(*ii*) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude [2] of at least 0.03 inch in a direction at an agle of 30 to 45 degrees with the base of the device.

(*h*) Test of the testing device incorporated in the auto-alarm.

(*i*) Tests to determine satisfactory operation of the apparatus on a 500 kc alarm signal at temperatures of approximately 20 and 50 degrees centigrade. Tests to be made on the frequencies 500, 492 and 508 kc with an input of 100 microvolts, A2 emission, modulated 30 per cent with a 300 cycles per second tone.

(*j*) General inspection of electrical and mechanical features.

(6) *Requirements as to field test.* (i) This test shall be conducted 24 hours a day for a period of not less than 30 consecutive days and shall be for the purpose of ascertaining the reliability of the auto-alarm and its freedom from false operation under practical interference conditions. For this test the auto-alarm shall be connected to an antenna typical of the average main antenna on shipboard and its operation shall be observed continuously during this period.

(ii) During this test period a minimum of 500 test alarm signals shall be transmitted locally while the test antenna is connected to the auto-alarm. The power used for the production of this test alarm signal shall be produced by a suitable radio frequency generator coupled to the antenna system. The receiver internal sensitivity adjustment (if provided) shall be set at the value designated by the manufacturer. During the official test period, adjustment of the auto-alarm shall not be made more than once in each 12 consecutive hours.

(iii) Tests for response to the alarm signal shall be made on at least the radio frequencies 492, 500, and 508 kc in a proportion on each frequency as determined by the Commission.

(b) Each type of auto-alarm approved by the Commission prior to the effective date of this section is approved, as to its type for use on board ship as provided by section 353 of the Communications Act or by the applicable provisions of the Safety Convention until such time as the Commission in consideration of developments with respect to improved types of auto-alarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.[3]

(c) No change shall be made in any auto-alarm under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(d) Type approval of an auto-alarm when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approved means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

§ 8.555 *Requirements for automatic-alarm-signal keying device.* (a) To be approved by the Commission for use in compliance with § 8.508 and to be recognized as being capable of functioning in compliance with §§ 8.508 and 8.509. Each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

(b) No change shall be made in any automatic-alarm-signal keying device under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(c) Type approval of an automatic-alarm-signal keying device when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

(1) *Basic technical requirements.* (i) The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

(ii) The device shall be designed so as to properly operate, on board ships at

[1] See par. (kk) of § 8.7.

[2] 0.03 inch total excursion, 1. e., 0.015 inch each side of the position of rest.

[3] The provisions of this paragraph supersede any provisions of any order heretofore promulgated by the Commission which are in conflict herewith.

sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934, as amended.[4]

(iii) Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

(iv) The keying mechanism shall operate so as to repeatedly transmit the alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

(v) A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without further attention for a period of not less than one hour.

(vi) The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power independent of the propelling power of the ship and independent of any other system: *Provided, however*, That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

(vii) When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operating within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from the conditions occur.

(viii) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(ix) Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(2) *Requirements as to construction.* (i) The design of the automatic-alarm-signal keying device shall be in accordance with the modern engineering practice and the device shall be capable of operating under conditions of constant and severe vibrations and extreme variations of temperature and humidity equivalent to those experienced on board ships at sea under the worst possible conditions. This requirement applies only to use of the device on board such types of vessels as are normally subject to Title III, Part II of the Communications Act.

(ii) A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for type testing and approval.

(3) *Requirements as to testing and approval.* (i) Before an automatic-alarm-signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided*, That the Commission, within its discretion, may relax to a reasonable extent the provisions of subparagraph (4), Requirements as to manufacturers' tests, with respect to an automatic-alarm signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these requirements and type tests.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "manufacturers' tests" and at the expense of the manufacturer or person submitting the device for approval.

(iv) Laboratory tests shall be conducted by the Commission, and/or by any other cooperating United States Government department as may be appropriate, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other government department, will be available to the Commission only: *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) Tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

(ii) Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device.

(5) *Requirements as to laboratory tests.* (i) The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934.[5] For the purpose of demonstrating compliance with this requirement the transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test, arcing shall not occur when the keying contacts are operated which would unduly affect the duration of the dashes and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

(ii) The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(*a*) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic alarm receiver storage battery power supply of vessels on which the device is to be used,[6] or from a separate and independent source of power furnished as an integral part of the device. For this operation test the potential of the electrical power supply, if used, shall be varied over a voltage range of plus or minus 15 per cent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(*b*) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph.

(*a*) The keying device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relatively humidity:

(*1*) 50 degrees centigrade and 50 percent relative humidity.

(*2*) 30 degrees centigrade and 95 percent relative humidity.

(*3*) Zero centigrade and 50 percent relative humidity.

(*b*) The keying device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(*1*) While the keying device is being rocked in such a manner as to simulate a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(*2*) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude [7] of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(*3*) The keying device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair, when in service.

(*4*) The keying device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions, together with precautions taken to prevent tampering with adjustments.

(5) Indicating instruments (when provided [8]) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capable of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

§ 8.556 *Requirements for lifeboat radio equipment.* (a) Each type of lifeboat radio installation shall, in order to be approved by the Commission pursuant to section 355 of the Communications Act and § 8.519 of this part, comply with the specific requirements set forth in either § 8.557 or § 8.558, and additionally in paragraphs (b) and (c) of this section.

(b) The components and assembly of the entire lifeboat radio installation shall insure the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(c) Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the lifeboat radio equipment in operation and how to transmit appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction-finders, to determine the position of the lifeboat.

§ 8.557 *Requirements for non-portable lifeboat radio equipment.* (a) The following minimum requirements apply to lifeboat radio installations which are not intended to be portable in nature and which are designed primarily for fixed installations in the larger class of motor lifeboat:

(1) Assigned frequency on which transmitter operates: 500 kc.

(2) Class of emission of transmitter: A2.

(3) Frequency tolerance of transmitter: 0.5 percent.

(4) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that specified in subparagraph (5) of this paragraph.

(5) Antenna: A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(6) Receiver: Electron tube type, continuous frequency range of at least 350 to 550 kc and capable of reception of classes A1, A2, and B emission; equipped with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(7) The type of power supply shall be: for the transmitter—a storage battery; for the receiver—dry cell battery and/or storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(8) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

(b) In addition to compliance with the requirements of paragraph (a) of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver, one pair of side-cutting pliers, and one artificial antenna capacitor.

(c) In addition to compliance with the requirements of paragraph (a) of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) At least 35 feet of insulated wire suitable for use as antenna wire.

(2) Two antenna insulators.

(3) Two tubes for radiotelegraph transmitters, except when transmitter employs a single transmitting tube, in which case one tube is required.

(4) One complete set of tubes for the radiotelegraph receiver.

(5) One panel electric light bulb, if used.

(6) Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If fuse wire is used, sufficient wire shall be provided to permit six complete fuse replacements.

§ 8.558 *Alternate requirements for lifeboat radio equipment.* (a) The minimum requirements set forth in the following paragraphs of this section apply to lifeboat radio installations which are provided in lieu of the type of installation described in § 8.557.

(b) The lifeboat radio installation shall consist of an efficient and reliable emergency transmitter and emergency receiver (such radio receiver to be provided with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive), an emergency power supply, an antenna wire and insulator assembly for use with a lifeboat sailing mast, an antenna wire and reel assembly for use with a balloon and a kite, an approved container of gas for inflating the balloon, an approved kite, a ground system, an artificial antenna, and such auxiliary equipment and spare parts as are prescribed in paragraphs (i) and (j) of this section, and shall comply with the following general requirements:

(1) The transmitter, receiver and power supply shall be enclosed in a single container: *Provided*, That operational parts of these components not adversely affected by immersion in sea water need not be so enclosed; and not more than two containers shall be required to house the complete installation. The container enclosing the transmitter, receiver

[4] A list of transmitters approved by the Commission for this purpose will be furnished upon request.

[5] A list of the types of transmitters approved by the Commission for this purpose will be furnished upon request.

[6] Radio station emergency power supplies having potentials of 12, 24, and 110 volts are commonly used on board vessels of the United States. Twelve volt emergency power supplies are most common on these vessels. Some of the approved automatic alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 or 24 volts.

[7] 0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

[8] See subpar. (1) (vii) and (viii) of this paragraph.

and power supply shall be water-tight and capable of withstanding complete submersion in sea water for a continuous period of two hours without leakage. This container shall be capable of withstanding this submersion with all manual operating controls and all indicating devices and instruments unprotected from contact with sea water. Any other container provided shall be of durable and splash proof construction. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the microphone and the head telephone(s), against physical harm from accidental or inadvertent blows, and from the adverse effects of prolonged exposure to the weather. The container enclosing the transmitter, receiver and power supply shall be durably constructed of steel or aluminum, or alloys thereof, and shall be suitably protected against the adverse effects of sea water and saline dampness.

(2) The container housing the transmitter, receiver and power supply shall be provided with a non-corrosive cartridge type desiccator installed in a manner which will permit convenient inspection, maintenance and replacement.

(3) The physical dimensions and shape of the container(s) shall require the minimum amount of space consistent with the design of the equipment.

(4) The weight of the complete installation shall not exceed 160 pounds.

(5) The design and construction of the entire installation shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(6) All component parts used in the installation shall be of acceptable quality for marine service.

(7) The complete installation shall be efficient and reliable in its operation and shall be ruggedly constructed and capable of withstanding the shock and vibration to which a lifeboat may be subjected.

(8) Each installation shall be equipped with a durable name plate mounted on the transmitter, receiver, power supply or control panel, or made an integral part thereof, showing at least the following: The type or model number, the name of the manufacturer, the month and year of manufacture, and the rated power output for each frequency and each type of emission into each artificial antenna specified in § 8.205 (b) (1).

(9) Suitable printed instructions together with sketches covering the erection of the antenna(s) and operation of the equipment shall be permanently and conspicuously attached to the control panel or the surface of the transmitter, receiver and power supply container, or shall be made an integral part thereof. These instructions shall be as simple as possible consistent with the amount of detail required by an unskilled person to operate the equipment for automatic radiotelegraph communication and for radiotelephony. In addition, these instructions shall include sufficient information to permit an unskilled person to manually transmit the radiotelegraph distress signal . . . — — — . . . and the auto-alarm signal and a statement that the latter signal is effective only if transmitted on the frequency 500 kilocycles. These instructions shall be durable and waterproof.

(10) Each installation shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the apparatus.

(c) (1) The radio transmitter shall comply with the following requirements:

Operating carrier frequencies	Frequency tolerance (percent)	Class of emission	Modulation percentage	Modulation frequency	Power into antenna supported by kite or balloon	Power into antenna supported by lifeboat mast
500 kc.	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1250 c. p. s.	Not less than 5 watts.	Not less than 2 watts.
500 kc.	.5	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s.	Not less than 4 watts unmodulated carrier.	Not less than 1.5 watts unmodulated carrier.
8280 kc.	.02	A1			Not less than 4 watts.	Not less than 3 watts.
8280 kc.	.02	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s.	Not less than 4 watts unmodulated carrier.	Not less than 3 watts unmodulated carrier.

(2) The transmitter radio frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) The indicated modulation percentage shall be determined as the average of the modulation percentages of the positive and negative peaks.

(4) The indicated power into the antenna supported by the kite or balloon shall be developed on 500 kilocycles into an artificial antenna of 500 micromicrofarads capacitance and 15 ohms resistance, and on 8280 kilocycles into an artificial antenna of 300 ohms resistance.

(5) The indicated power into the antenna supported by the lifeboat sailing mast shall be developed on 500 kilocycles into an artificial antenna of 100 micromicrofarads capacitance and 10 ohms resistance, and on 8280 kilocycles into an artificial antenna of 50 ohms resistance.

(6) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating frequency to antennas having the following characteristics at 500 kilocycles; 80 to 750 micromicrofarads of capacitance and 10 to 20 ohms of resistance. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(7) Provision shall be made for keying the transmitter manually and by automatic means on 500 kilocycles and 8280 kilocycles. Provision shall be made for automatic transmission of the international radiotelegraph distress signal, in one or more groups of three such signals, followed by a continuous dash not less than 12 seconds nor more than 20 seconds in duration. Provision shall be made for automatically changing the operating frequency of the transmitter from 500 kilocycles to 8280 kilocycles, and vice versa, with a frequency transfer time interval not to exceed five seconds so that the automatically keyed transmission sequence specified herein will take place alternately on 500 kilocycles and 8280 kilocycles. The speed of automatic telegraph transmission shall not exceed 16 words per minute. Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in operation in accordance with any of the three required modes of transmitter operation; that is, manual radiotelegraph, automatic radiotelegraph and manual radiotelephone operation: *Provided*, That not more than one manual switch adjustment shall be made to place the transmitter in operation for automatic radio-telegraph transmission, and under this condition of operation the receiver shall be completely de-energized. The transmitter and the receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for manual radiotelegraph communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than ten seconds.

(8) The transmitter shall be equipped with reliable visual indicators (such as neon tubes) to indicate antenna resonance at each operating frequency with any antenna normally provided. Failure of these indicators shall have no effect on the actual operation of the transmitter.

(d) The emergency receiver shall comply with the following requirements:

(1) The receiver shall provide reception on the frequency 500 kilocycles and shall be capable of manual tuning between the frequencies 8100 and 8600 kilocycles for operation on the frequency 8280 kilocycles.

(2) The receiver shall be capable of responding to classes A2 and A3 emission on the frequency 500 kilocycles and on all frequencies in the range 8100 to 8600 kilocycles.

(3) The sensitivity of the receiver shall be such that at least 6 milliwatts of audio power is developed in a non-inductive load resistor having an ohmic value equal to the value of the load resistance into which the output audio amplifier stage is designed to operate, at a signal to noise power ratio of not less than 10 to 1 when the receiver is supplied through the appropriate artificial antennas specified in paragraph (f) of this section with the following radio frequency signals:

Carrier frequency kilocycles	Signal strength microvolts	Modulation factor	Modulation frequency (cycles per second)
500	25	0.3	400
8280	100	.3	400

The noise power present in the output of the receiver when the receiver is adjusted for reception of classes A2 and A3 emission on the frequencies 500 kilocycles and 8280 kilocycles shall be determined with an unmodulated input signal of the indicated strength.

(4) The receiver shall be equipped with only one manually operated volume control. The effect of this control together with an automatic sensitivity control circuit, if used, shall permit the receiver to operate normally without overload when an input signal of one volt modulated 20 percent at 400 cycles per second is applied to the receiver input terminals through the appropriate artificial antennas specified in paragraph (c) of this section.

(5) The receiver shall be capable of maximum "undistorted" audio frequency output power of 10 milliwatts.

(6) The over-all electric fidelity of the receiver shall be such that with a zero decibel 1000 cycle reference the maximum response deviation at any frequency between 400 and 2000 cycles per second will not exceed 4 decibels.

(7) The selectivity of the receiver shall be at least as follows:

Ratio of input voltage off resonance to input voltage at resonance	Bandwidth at 500 kilocycles	Bandwidth at 8280 kilocycles
	Kilocycles	*Kilocycles*
10	20	30
100	40	60
1000	60	90

(e) The emergency power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation.

(2) The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute or the cycle of operation of the propelling lever(s) shall not be greater than 70 cycles per minute.

(3) The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(f) The antenna assemblies shall comply with the following requirements:

(1) The antenna assembly required for use with a balloon and a kite shall consist of a reliable reel constructed of materials resistant to the corrosive effects of sea water and saline dampness, containing 300 feet of flexible stranded or braided copper or copper alloy wire of high conductivity having a tensile strength of not less than 60 pounds. This wire shall be securely fastened at one end to the reel and effectively insulated electrically. If an insulating cord is used it shall have a tensile strength at least equal to that of the antenna wire, and the material(s) used therein shall be such that the cord is not weakened by kinking or wetting. This reel shall be associated with the container housing the transmitter, receiver and power supply in a manner which will provide mechanical protection and protection from the weather to the reel, and shall be designed and mounted in a manner which will permit convenient unwinding and rewinding of the antenna wire. Means shall be provided for conveniently and effectively connecting the antenna wire to the proper radio installation antenna terminal.

(2) The required balloon when inflated with gas shall be capable of effectively supporting the 300-foot antenna wire and shall comply with the requirements of § 8.560.

(3) The required container of gas shall be capable of effectively inflating the balloon, and shall comply with the requirements of § 8.560.

(4) The required kite shall be capable of effectively supporting the 300-foot antenna wire, and shall comply with the requirements of § 8.559.

(5) The required antenna assembly for use with a lifeboat sailing mast shall consist of a length of not less than 40 feet of No. 10 stranded copper wire having at least 80 strands, with the antenna insulators necessary for effective insulation of the antenna when used with a lifeboat sailing mast.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter, for test purposes at the frequencies 500 kilocycles and 8280 kilocycles, of approximately the same electrical characteristics as the mast supported antenna required by paragraph (c) (5) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals for the necessary characteristics. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled. The physical dimensions of this container shall permit convenient storage of the unit in one of the containers specified in paragraph (b) of this section.

(h) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be provided with a grounding conductor consisting of a length of not less than 20 feet of No. 10 bare stranded copper wire of equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the radio installation.

(i) In addition to compliance with the requirements of the foregoing paragraphs of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver and one pair of side-cutting pliers.

(j) In addition to compliance with the requirements of the foregonig paragraphs of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) One electron tube of each type used for normal operation of the radio installation in accordance with the requirements governing the installation, including neon or any other type of tube or lamp employed as resonance indicator(s).

(2) Six fuses of each type used which shall be of the same rating and interchangeable therewith.

(3) Where a kite and balloon are used for an antenna support, one spare 300-foot length of antenna wire of the type used which shall be of the same rating and interchangeable therewith.

§ 8.559 *Requirements for lifeboat antenna kites.* (a) Each type of kite supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Frame.* The frame may be of wood or of metal. It must be strong and be collapsible or be easily disassembled for storage. If of wood, the wood must be treated to prevent absorption of water, unless it naturally does not take up much water. If of metal, all the metal parts must be treated with a corrosion resistant finish, unless they are of non-corrodible material.

(2) *Cloth.* The cloth shall be of a strong and durable material. It shall have a thread count in warp and fill of not less than 115 and a tensile strength (grab method) of not less than 30 pounds in warp and fill. The material shall be fast dyed a bright yellow. The cloth shall be adequately treated so as to be water repellent. The finished cloth shall not be stiff or tacky even under wide ranges of temperatures.

(3) *Buoyant material.* The kite, when assembled for flying, must be buoyant. Any buoyant material added must be securely fastened to the kite and not seriously interfere with its flight.

(4) *Dimensions and shape.* The kite may be of any desired shape, such as box, etc., provided it can be easily assembled and handled.

(5) *Antenna connector.* Each kite shall be provided with a strong and secure means for the attachment of the antenna to the kite.

(6) *Instructions.* Each kite shall be accompanied by a set of instructions written in simple and clear language so that a person may assemble and fly the kite even though he may have had no previous experience with kites.

(7) *Container.* Each kite shall be packed in a rigid and sealed container. The container shall be as small as possible and shall be rigid enough to protect the kite even though it may be stepped upon by persons getting in a lifeboat. The container shall be easy to open and not require the use of tools. A metal tear-strip with a key removably soldered to the top is acceptable. The provision is not applicable if the kite is stowed in a watertight compartment with other components of the radio installation.

(8) *Marking.* Each container shall be permanently marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the kite.

(b) *Tests.* Any samples or manufactured kites may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the kite may be subjected to Fahrenheit temperatures between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The kite shall be removed from its container and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The kite shall function properly and the cloth shall show no signs of serious cracking, brittleness, tackiness or other evidence of deterioration.

(3) *Launching test.* The kite shall be assembled, the antenna wire attached, and successfully launched by a person sitting in a lifeboat, the wind being of a velocity between 7 and 10 miles per hour.

(4) *Life test.* The kite shall raise and hold aloft in even flight an antenna approximately 300 feet long and weighing approximately 12 ounces. It shall maintain its flight at an angle of not less than 30 degrees in a wind of not more than 10 miles per hour.

§ 8.560 *Requirements for lifeboat antenna balloons.* (a) Each type of balloon and associated inflating apparatus supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Material.* The balloon may be constructed of any gas impermeable flexible material that can be relied upon to stand storage for long periods in a folded condition and will also withstand the effect of sunlight, temperature change, humidity, etc., likely to be encountered at sea. The material must be of such a nature that it can be easily packed, together with the valve and other gas filling fittings, into a rigid container of not more than 70 cubic inches capacity.

(2) *Gas.* The gas to be used for inflating the balloon must be non-flammable and at the same time provide adequate buoyancy. The gas shall be furnished in a strong steel cylinder having an over-all length of not over 30 inches and a diameter of not over 8 inches. A quantity of gas sufficient to inflate the balloon to a volume of 38 to 44 cubic feet shall be furnished in the steel cylinder. In lieu of steel cylinder filled with gas, a gas generator may be furnished. The generator must be fireproof and the gas generated must not be of a flammable or explosive nature. A fitting or other means shall be supplied with the cylinder or the generator so that the balloon may be quickly and easily inflated and without excessive loss of gas even by an inexperienced person. Neither the gas cylinder, together with its gas, nor the gas generator, together with its chemicals, shall weigh over 40 pounds.

(3) *Dimensions and shape.* If spherical, the balloon shall be approximately 48 inches in diameter when inflated so as to provide a buoyancy of 20 ounces available for supporting an antenna. The balloon may be of any desired shape provided it supplies the 20 ounce lift. The use of fins or other means for providing stable flight of the balloon during windy periods is acceptable provided that the balloon can be packed away easily in the 70 cubic inch container.

(4) *Antenna connection.* Each balloon shall be provided with a strong and secure means for the attachment of the antenna to the balloon.

(5) *Valve.* Each balloon shall be fitted with a valve which will allow the balloon to be filled with gas in a quick and simple manner. If a gas generator is provided, the fitting shall be of such a nature that the balloon may be drained of any liquid that may have collected inside. Any metal parts of the valve must be made of non-corrodible material.

(6) *Instructions.* Simple, clear and concise instructions shall accompany each balloon so that a person who has never operated one before may successfully inflate it without injury to the balloon or excessive loss of gas. The instructions may be made in a permanent manner on the outside of the container.

(7) *Container.* Each balloon shall be packed in a rigid airtight container. The container shall not exceed 70 cubic inches capacity nor shall it be over 6 inches in any one dimension. Preferably, the container shall be filled with an inert gas so as to preserve the balloon. The can must be easy to open. A metal tear-strip around the top with a key removably soldered to the top is satisfactory.

(8) *Marking.* Each container shall be marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the balloon.

(b) *Tests.* Any samples of manufactured balloons may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the balloon may be subjected to Fahrenheit temperature between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The balloon shall be removed from its container and inflated and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The balloon shall function properly and show no signs of serious cracking, tackiness, stickiness or other evidences of deterioration.

(3) *Lift test.* The balloon shall be inflated with about 35 cubic feet of helium gas so as to inflate the balloon to its regular size. It shall then support an antenna of approximately 300 feet length and weighing approximately 12 ounces at an angle of not less than 30 degrees from the horizontal during a wind of not over 15 miles per hour. In the above lift tests, the balloon shall maintain the antenna aloft for 48 hours without further addition of gas.

SUBPART T—VIOLATIONS

§ 8.601 *Answers to notice of violation.* (a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy, pertaining to any provision of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document as issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, then the instructions issued by the Commission's representative shall supersede those set forth in paragraph (a) of this section.

§ 8.602 *Reports of infringments of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

APPENDIX 1—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	Territory within district— States	Counties
10	P. O. Box 5328, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico	All counties.
		Oklahoma	Do.
		Arizona	Do.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	All except District 9 and the city of Texarkana.	
		Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.	
	Subsidiary: Room 235, U. S. Customhouse, Second and Harbor Streets, San Pedro, Calif.	Clark.	
		Nevada	
12	323 U. S. Customhouse, 555 Battery St., San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except District 14.
13	307 Fitzpatrick Bldg., 917 Southwest Oak St., Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
15	521 New Customhouse Denver 2, Colo.	Washington	All except District 13.
		Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
16	398 Uptown Post Office and Federal Court Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
17	3200 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	South Dakota	All counties except District 15.
		North Dakota	All counties except District 18.
		Wisconsin	All counties except District 18.
		Iowa	All counties except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All counties except District 15.
18	1200 U. S. Courthouse Bldg., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jefferson, Johnson, Jones, Lee, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	All counties except District 19.
		Do	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Greenup, Harlan, Henry, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, Mercer, Montgomery, Morgan, Owen, Owsley, Pendleton, Perry, Pike, Powell, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe and Woodford.
		Ohio	All counties except District 20.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
		New York	All except District 2.
		Pennsylvania	All except District 3.
20	328 Federal Bldg., Buffalo 3, N.Y.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
		New Jersey	Do.
	248 Federal Bldg., 641 Washington St., New York 14, N. Y.		Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
1	1007 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	398 Old Town Bank Bldg., Cor. St. and Fallaway, Baltimore 2, Md.	Delaware	Kent and Sussex.
		District of Columbia	All.
		Maryland	All counties.
		Virginia	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Berkeley, Brooke, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except District 6.
	Ship Office: Room 106, U. S. Post Office Bldg., Newport News, Va.	Virginia	All except District 6.
6	411 Federal Annex Bldg., 311 E. Bay St., Jacksonville 2, Fla.	Alabama	All except District 8.
	Suboffice: P. O. Box 2118 Post Office Bldg., Savannah, Ga.	Georgia	All except Albany.
		North Carolina	Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except District 8.
	Suboffice: 409-410 P. O. Bldg., Tampa, Fla.		
8	440 Audubon Bldg., New Orleans 16, La.	Alabama	Baldwin and Mobile.
	Suboffice: 321 U. S. Courthouse and Customhouse, Mobile 10, Ala.	Arkansas	All counties.
		Louisiana	Do.
		Mississippi	All counties.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Bldg., 700 Wilcox St., Houston 1, Tex.	do	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cameron, Colorado, Comal, Dallas, Dewitt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Harlin, Hays, Hidalgo, Hood, Jackson, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kleberg, Lavaca, Lee, Liberty, Live Oak, Madagorda, Madison, Maverick, McMullen, Medina, Montgomery, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Subsidiary: Room 1, Federal Office Bldg., Galveston, Tex.		

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	Territory within district— States	Territory within district— Counties
21	699 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2667, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico, Virgin Islands.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska. Suboffice: P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.	Alaska.	

The office of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:

North Atlantic Region: 506 Federal Building, 641 Washington Street, New York 14, N. Y.

Great Lakes Region: 1029 New Federal Building, Detroit 26, Mich.

South Atlantic Region, 411 Federal Annex, Atlanta 3, Ga.

Gulf States Region: 332 U. S. Appraisers Building, 7300 Wingate Street, Houston 11, Tex.

North Pacific Region: 801 Federal Office Building, Seattle 4, Wash.

Alaska Region: Room 52, U. S. Post Office and Courthouse, P. O. Box 644, Anchorage, Alaska.

South Pacific Region: 323-A Customhouse, San Francisco 26, Calif.

Hawaiian Region: P. O. Box 1142, Lanikai, Oahu, T. H.

Central States Region: 876 U. S. Courthouse, Chicago 4, Ill.

The Primary Monitoring Stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H., (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O Box 989, Livermore, Calif.

Federal Communications Commission, 2310 Northeast 148th Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Secondary Monitoring Stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, P. O. Box 300, Bay Saint Louis, Miss. (near New Orleans).

Federal Communications Commission, P. O. Box 187, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine. Main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

APPENDIX II—INTERNATIONAL RADIO REGULATIONS IN FORCE BETWEEN THE GOVERNMENT OF THE UNITED STATES AND OTHER CONTRACTING GOVERNMENTS

(a) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947):

The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947), in part, as follows:

Articles 1, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 47;

Article 5 (with the exception of the table of allocation of frequencies covering the bands below 27,500 kilocycles);

Article 29 (with the exception of paragraph 621);

Article 37 (with the exception of paragraph 869);

Article 44 (with the exception of paragraphs 1025 and 1032); and

Appendices 2, 9, 11, 13, 14, 15, 16, A. B, and C.

(b) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947) and the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932):

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932), in part, as follows:

The table of frequency allocations below 27,500 kilocycles as reflected in Article 7; and

The procedure for notification and registration of frequencies as provided in Article 16.

(c) Between the Government of the United States and a Government which is not a party to the International Telecommunication Convention (Atlantic City, 1947), but which is a party to a prior Convention, the regulations of the most recent of the following Conventions to which the contracting Government is a party:

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932);

The General Radio Regulations annexed to the International Telecommunication Convention (Madrid, 1932);

The General Regulations annexed to the International Radiotelegraph Convention (Washington, 1927); and

The Service Regulations affixed to the International Radiotelegraph Convention (London, 1912).

[F. R. Doc. 51-7320; Filed, June 25, 1951; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 729]

KENTUCKY

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the site of Camp Breckenridge Military Reservation, Kentucky, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Army to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Army:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Army to the Department of the Interior:

PERIMETER DESCRIPTION CAMP BRECKINRIDGE, UNION, WEBSTER AND HENDERSON COUNTIES, KENTUCKY

Situated in the State of Kentucky, Counties of Union, Webster and Henderson Counties, approximately 2 miles east of Morganfield, more particularly described as follows:

Beginning at the point of intersection of south right-of-way line U. S. Highway No. 60 with the left bank (west) low water line of Lost Creek; thence crossing said Lost Creek and with the south right-of-way line of said U. S. Highway;

N. 78° 10' E., 238.5 poles to the point in the center of Little Air Line Road (Young-Harris Road); thence continuing with the south right-of-way line of said U. S. Highway No. 60;

N. 78° 10' E., 53.71 poles to a corner common to land formerly owned by the R. E. A. Corporation; thence continuing with said Highway right-of-way line;

N. 78° 10' E., 6.06 poles to a corner common to land formerly owned by Minnie Thomas; thence continuing with said Highway right-of-way line;

N. 78° 10' E., 107.96 poles to a corner common to land formerly owned by Hattie Abell; thence still with said Highway right-of-way;

N. 78° 10' E., 66.66 poles to a corner common to 2-acre tract formerly owned by J. E. Casey; thence with said Highway right-of-way line;

N. 78° 10' E., 24.9 poles to a corner common to land formerly owned by Maggie Willett; thence with said Highway right-of-way line;

N. 78° 10' E., 99.1 poles to a point in the center of McClure Road; thence continuing with said U. S. Highway No. 60 south right-of-way line;

N. 78° 10' E., 57.3 poles to a corner common to land formerly owned by B. G. Waller; thence still with said Highway right-of-way line;

N. 78° 10' E., 112.5 poles to a corner common to land formerly owned by Margaret I. Drury; thence continuing with said Highway right-of-way;

N. 78° 10' E., 23 poles; thence continuing with said right-of-way;

N. 72° 25' E., 86 poles to a corner common to the land formerly owned by the Nazareth Benevolent Institute; thence continuing with said Highway right-of-way;

N. 72° 25' E., 70 poles to a corner common to land formerly owned by Pearl Rahm, said corner being in the center of an abandoned road; thence continuing with said Highway right-of-way line;

N. 72° 25' E., 64.5 poles to another point in said right-of-way, said point being a corner common to land formerly owned by P. S. Roberts; thence continuing with said Highway right-of-way;

N. 72° 25' E., 155 poles to the point of intersection of the center of Beaver Dam Road with the south right-of-way line of U. S. Highway No. 60; thence continuing with said right-of-way line;

N. 72° 25' E., 7 poles to a corner common to the land formerly owned by Earle Clements; thence with said Highway right-of-way;

N. 72° 25' E., 99 poles more or less to the point of intersection of said U. S. Highway No. 60 right-of-way;

N. 72° 25' E., 24.7 poles more or less to a corner common to the land formerly owned by John C. Roberts heirs; then continuing with said right-of-way line;

N. 72° 25' E., 87.0 poles; thence leaving said Highway line and with the lines of town lots (City of Waverly);

S. 49° 55' E., 92 poles to a point in the center of Highland Lick Road; thence with the center of said Highland Lick Road;

N. 41° 00' E., 3 poles to a corner common to the land formerly owned by Pearl Nally and said corner being in the center of Highland Lick Road and Beaver Dam Road; thence with the center of said Beaver Dam Road;

N. 38° 30' E., 20.5 poles to a point in the center of said road, corner common to land formerly owned by Della Willett; thence continuing with the center of Beaver Dam Road;

N. 38° 30' E., 15.7 poles to a corner common to land formerly owned by John C. Roberts heirs; thence continuing with the center of Beaver Dam Road;

N. 38° 30' E., 59.6 poles to a corner common to a 91.6 acre tract formerly owned by Chas. R. Thomas; thence with the west line of said Thomas tract;

N. 3° E., 67 poles to a point in the south right-of-way line of U. S. Highway No. 60; thence with said right-of-way line;

N. 85° 10' E., 112 poles to a corner common to 9.55 acre tract formerly owned by Frank C. Rapier; thence continuing with said Highway right-of-way;

N. 85° 10' E., 80.6 poles to a corner common to land formerly owned by E. R. Rapier, said corner being in the center of Beaver Dam Road and the south right-of-way line of U. S. Highway No. 60; thence continuing with said right-of-way line;

N. 85° 10' E., 132 poles; thence leaving said right-of-way line and running with the north and easterly reservation lines;

S. 54° 40' E., 93 poles to a corner common to the lands of Herman Greenwell; thence

S. 38° 25' W., 44 poles to a corner common to a tract formerly owned by Susan Mills; thence with said Mills line and the northeasterly reservation boundary;

S. 56° E., passing Greenwell's corner in the old bed of Casey Creek at 130 poles and continuing with a line of Nettie Martin, in all 160 poles to the north corner of H. S. Thomas; thence with his lines as follows:

S. 46° 32' W., 91 poles; thence

S. 33° 30' W., 34 poles to a point in the old bed of Casey Creek a corner common to a 181.3 acre tract formerly owned by Leroy Thomas; thence with lines of said Thomas;

S. 49° 15' E., 67.5 poles; thence

S. 50° 45' E., with J. L. Raley's south line 104 poles to a west corner of Wm. and Thomas Gerger's land; thence with their line;

S. 38° 40' W., 33 poles to the north corner of J. T. Morehead's property, and continuing in the same course and with his line 50 poles to a north corner of a tract formerly owned by Lillie Hosman et al.; thence with the lines of said Hosman tract;

S. 53° E., 58 poles; thence

S. 38° 05' W., 116 poles to the most northerly corner of a 1.06 acre school lot formerly owned by Union Co. Board of Education; thence with said school lot and J. T. Morehead's lines;

S. 50° 20' E., 17 poles; thence

S. 38° 05' W., 10 poles to a corner common to a tract formerly owned by Irene Fowler; thence with the line common to Fowler and J. T. Morehead;

S. 53° 20' E., 119.2 poles to the north corner of the former Mary Ann Higginson Estate; thence with said Higginson Estate line and a line common to J. T. Morehead's tract;

S. 53° 20' E., 29.5 poles to a west corner of the W. R. Johnson tract, and continuing in the same course with Johnson's line, in all 42.5 poles; thence

S. 52° 25' E., 37 poles, more or less, to the north corner of a 2 acre church lot; thence with said church lot lines as follows:

S. 31° 45' W., 16 poles to a stake; thence

S. 59° 15' E., 20 poles to a stake; thence

N. 31° 15' E., 16 poles to a corner common to said Higginson estate; thence with Higginson's line;

S. 52° 25' E., 119 poles, more or less, to the north line of a tract formerly owned by William A. Roberts et al; thence with Roberts north line and the south line of Martha and Regina Hite;

S. 54° 50' E., 148 poles to a corner of a tract formerly owned by Mary Katherine Roberts et al; thence with Roberts lines as follows:

S. 54° 51' E., 77 poles; thence

N. 28° 05' E., 27.5 poles; thence

N. 38° 50' E., 22 poles to a point in the center of Highland Creek Ditch and the Henderson-Union County line, also corner to J. W. Morehead; thence with his line and the center of the Highland Creek Ditch and the Henderson-Union County line as follows:

S. 11° 00' E., 15 poles; thence

S. 21° 00' E., 5 poles; thence

N. 86° 00' E., 15 poles; thence

S. 20° 30' E., 35 poles; thence

S. 84° 00' E., 15 poles; thence

S. 63° 00' E., 20 poles; thence

S. 33° 00' E., 10 poles; thence

S. 45° 00' W., 10 poles; thence

S. 73° 10' W., 27 poles; thence leaving the old Highland Creek bed and the Henderson-Union County line, and continuing with J. W. Morehead's south line and Mary Katherine Roberts north line;

S. 54° 45' E., 113 poles to a point in the center of the Herman-Corydon Road and a corner common to land formerly owned by W. H. Puryear; thence with Puryear's line and the center of the Herman-Corydon Road (House Bridge Road);

N. 39° 30' E., 39 poles, thence continuing with center line of road and Puryear's line;

N. 37° 00' E., 119 poles to a point in the center of the intersection of the Herman-Corydon (House Bridge) Road with the Duncan Road; thence with the center of Duncan Road;

S. 51° 35' E., 123 poles to a corner of a tract formerly owned by Ashley G. Pritchett; thence with his lines and the center of the Duncan Road as follows:

S. 51° 35' E., 118 poles; thence

S. 36° 35' W., 94 poles; thence

S. 54° 00' E., 85 poles to a corner common to a tract formerly owned by Barbara Tapp et al; thence with Tapp's line and the center line of Duncan Road;

S. 53° 00' E., 46 poles to a corner of a 8.8 acre tract formerly owned by Barbara Tapp et al; thence with said tract and the center of Duncan Road;

S. 54° 45' E., 21.5 poles to a corner common to a tract formerly owned by H. K. Tapp et ux; thence with Tapp's line and the center of Duncan Road;

S. 54° 45' E., 70 poles to a corner of a tract formerly owned by Barbara Tapp et al; thence with the lines of Tapp and the center of Duncan Road the following:

S. 54° 45' E., 39 poles; thence

N. 39° 20' E., 47 poles; thence

S. 56° 00' E., 36 poles to a corner common to a tract formerly owned by Nealfe Tapp et al; thence with the lines of Tapp and the center of Duncan Road;

S. 56° 00' E., 57 poles to a point in the center of the intersection of the Duncan Road with the White Lick Road; thence with the center of White Lick Road;

S. 37° 00' W., 20 poles to a corner common to a tract formerly owned by Byron Tapp et ux; thence leaving center line of the White Lick Road and following north line of said Tapp tract;

S. 55° 10' E., 197 poles to a point in the west line of a tract formerly owned by Nannie Tapp et al; thence with the west line of said tract and the center line of Poole Road;

N. 38° 25' E., 10 poles; thence leaving center line of said road and continuing with the lines of the Nannie Tapp tract;

S. 52° 30' E., 124 poles; thence

S. 38° 40' W., 159 poles passing the Henderson-Webster County line to a point in the north property line of a tract formerly owned by E. C. Tapp et ux; thence with the lines of the E. C. Tapp tract;

S. 51° 20' E., 34 poles; thence

S. 37° 30' W., 75 poles to a corner common to a tract formerly owned by Jewel C. Duncan et vir; thence with the lines of Jewel C. Duncan's tract as follows:

S. 57° 25' E., 125 poles; thence

S. 7° 40' W., 27 poles; thence

S. 81° 40' E., 12 poles; thence

S. 10° 35' W., 30.5 poles to a point in the north line of a tract formerly owned by Mary Jane Melton et al; thence with the north line of said tract;

S. 79° 00' E., 90 poles to a point in the center of the Jonestand Road; thence with the center of Jonestand Road and the lines of Mary Jane Melton tract;

S. 37° 30' W., 96 poles; thence

S. 24° 20' W., 19 poles; thence

S. 9° 10' E., 25 poles to a point in the north line of a tract formerly owned by R. C. Bumpus et al.; thence with the center of the Jonestand Road so as to sever the property of R. C. Bumpus Estate as follows:

S. 6° 35' W., 17 poles; thence

S. 38° 00' E., 17.25 poles; thence

S. 2° 30' E., 14 poles; thence

S. 18° 35' E., 15 poles; thence

S. 47° 30' E., 8 poles to a corner common to a tract formerly owned by J. W. Tapp et ux; thence with the center of the Jonestand Road and the lines of the J. W. Tapp tract;

S. 17° 45' E., 29 poles; thence

S. 5° 45' W., 4 poles to a corner of a tract formerly owned by G. M. Gibson et ux; thence continuing along the center line of the Jonestand Road and severing the Gibson lands the following courses and distances:

S. 18° 00' W., 8 poles; thence

S. 7° 55' W., 18 poles; thence

S. 27° 35' W., 24.5 poles; thence

S. 1° 25' E., 37.5 poles; thence

S. 12° 25' W., 29 poles; thence

S. 14° 30' W., 35 poles; thence

S. 5° 20' W., 67 poles to a point in the north line of a tract formerly owned by T. T. Fulcher et ux; thence severing the T. T. Fulcher lands along the center line of Jonestand Road as follows:

S. 5° 00' W., 56 poles; thence

S. 17° 45' E., 28 poles to a corner common to a tract formerly owned by R. A. Tapp et ux; thence with said R. A. Tapp property line and the center of the Jonestand Road;

S. 3° 20' W., 49 poles to the southeast corner of reservation; thence leaving the center of the Jonestand Road and continuing with the south and easterly reservation line;

N. 86° 55' W., 15 poles; thence

S. 3° 20' W., 7.3 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence with said right-of-way line and R. A. Tapp's property line;

N. 87° 55' W., 68 poles; thence

N. 76° 15' W., 23 poles; thence leaving north right-of-way line and continuing with R. A. Tapp's line;

N. 6° 35' E., 20 poles to a corner common to a tract formerly owned by Lula Melton et al; thence along the north line of the Amelia Berry tract, the General Baptist Church tract and severing the Lula Melton tract;

N. 78° 45' W., 53 poles; thence

N. 78° 10' W., 22 poles to a corner common to a tract formerly owned by Gardie Tapp et ux; thence with the Gardie Tapp tract;

N. 76° 15' W., and severing the above tract 31 poles to a point in the east line of a tract formerly owned by David Tapp et ux; thence along David Tapp's east line;

S. 3° 30' W., 16 poles more or less to a point in the north right-of-way line of Kentucky State Highway No. 56; thence along the north right-of-way line;

N. 71° 05' W., 19 poles to a point; thence

N. 77° 45' W., 25 poles to a point and severing the David Tapp tract, said point being in the east line of a tract formerly owned by Jake Tapp et ux; thence along the north right-of-way line of the above mentioned highway and severing the Jake Tapp tract;

N. 68° 5' W., 39.8 poles to a point in the east line of a tract formerly owned by Crockett Tapp et ux; thence severing said Crockett Tap tract and along the north right-of-way line of Kentucky State Highway No. 56;

N. 68° 55' W., 77.5 poles to a point in the east line of a 0.69 acre tract formerly owned by Trustees, New Highland United Baptist Church; thence severing the church tract and along the north right-of-way line of Highway 56;

N. 68° 55' W., 5 poles; thence

N. 62° 00' W., 6 poles to a point in the east line of a tract formerly owned by A. J. Morehead et ux, said point also being the intersection of the Tilden Road and Kentucky State Highway 56; thence severing A. J. Morehead's tract and continuing with the north right-of-way line;

N. 62° 00' W., 22 poles; thence

N. 79° 40' W., 20.5 poles to a point in the east line of a tract formerly owned by A. J. Gibson et ux; thence severing the Gibson tract and along the north right-of-way line of Kentucky State Highway 56;

N. 80° 50' W., 44 poles to a corner of a tract formerly owned by F. M. Tapp et ux; thence with the F. M. Tapp tract and the north right-of-way line of Kentucky State Highway 56;

N. 81° W., 49.5 poles to a corner of a 1.20 acre tract formerly owned by Joe Cates et ux; thence severing Cates' tract and continuing with said Kentucky State Highway 56 right-of-way line;

N. 83° 25' W., 18 poles to a corner of a tract formerly owned by D. V. Duncan et al.; thence with the lines of D. V. Duncan and the north line of Kentucky State Highway 56 as follows:

N. 79° 30' W., 112 poles; thence

N. 68° 20' W., 19 poles to a point in the easterly property line of a tract formerly owned by R. H. Todd; thence severing the lands of R. H. Todd and along the north right-of-way of same highway;

N. 81° 50' W., 66 poles to a point in the property line of a tract formerly owned by Ravas Todd; thence severing the lands of Todd and continuing along the north right-of-way line of the Kentucky State Highway No. 56;

N. 81° 50' W., 5 poles to a point in the property line of a tract formerly owned by R. L. Higginson; thence with the northerly right-of-way line of Kentucky 56 so as to sever the property of R. L. Higginson;

Due west 65.25 poles to a point in the property line of a tract formerly owned by Mary Sue Lynn et al.; thence with the north right-of-way line of Kentucky State Highway 56 and severing the property of Mary Sue Lynn;

Due west 74 poles to a point in the easterly property line of a tract formerly owned by Mary T. Lynn et al.; thence severing said tract and continuing along the north line of the Kentucky State Highway 56;

Due west 96 poles to a point in the property line of a tract formerly owned by Earl J. Lambert et ux; thence along the north right-of-way line of the aforesaid highway and severing the tract;

Due west 37 poles to a point in the property line of a tract formerly owned by Arpah Caton and Iama Stanley; thence severing said tract and along the north right-of-way line of the Kentucky State Highway 56;

Due west 74 poles to a point in the north line of a tract formerly owned by I. C. Russell et ux; thence severing said tract and continuing along the north right-of-way line of the Kentucky State Highway 56;

Due west 43.75 poles; thence

N. 74° 31' W., 112.50 poles passing the Union and Webster County line and continuing with the north right-of-way line;

N. 80° 40' W., 24.25 poles to a point in the New Liberty Church-Givens Road (Caton Road) and the intersection of the north line of the Kentucky State Highway No. 56 same also being a corner common to a tract formerly owned by Rosabella Liles et vir; thence with Liles tract and the north right-of-way line of Highway 56 as follows:

N. 78° 05' W., 20.5 poles; thence

N. 76° 45' W., 40 poles; thence

N. 78° 30' W., 43 poles to the southeast corner of a tract formerly owned by J. E. Canton; thence with the lines of the J. E. Canton tract and the north right-of-way line of the Kentucky State Highway No. 56 with the following:

N. 77° 55' W., 21.2 poles; thence

N. 71° 45' W., 9 poles; thence

N. 60° 00' W., 9 poles; thence

N. 55° 23' W., 118.36 poles; thence

N. 62° 20' W., 12 poles; thence

N. 72° 39' 30'' W., 24.66 poles to a corner of a tract formerly owned by Nora Wood et al.; thence with the Wood tract and continuing along the north margin of the right-of-way of the said highway

N. 72°39'30'' W., 87.90 poles to a corner common to a tract formerly owned by Ernest Stone et al.; thence with the lines of said tract and the north line of the Kentucky State Highway;

N. 72° 22' W., 16.5 poles; thence

N. 81° 50' W., 99 poles to a south corner to the former Jessie Woods property; thence with their line and the north right-of-way of said road;

N. 83° 30' W., 60.5 poles; thence

N. 72° 30' W., 10 poles to a corner common to a tract formerly owned by Sarah P. Lynn et al.; thence with said tract and the north right-of-way line of Kentucky State Highway 56;

N. 70° 14' W., 46.5 poles to a point in the middle of the Anderson Creek, same point being the corners of a 0.25 acre and 1.00 acre tract formerly owned by Mollie Kennedy, also a south corner of a tract formerly owned by Auddie Kennedy; thence leaving said creek and continuing along the north right-of-way line of same State highway and with the line of Mollie Kennedy's 0.25 acre tract;

N. 62° 43' W., 18.3 poles to another corner of a tract formerly owned by Auddie Kennedy; thence with said Auddie Kennedy tract and the north right-of-way line of the State highway;

N. 62° 43' W., 114 poles to a south corner of a tract formerly owned by Ella Bruce Waller; thence with the lines of Ella Bruce Waller and the north line of the Kentucky State Highway No. 56;

N. 62° 43' W., 93.5 poles to a point in the north right-of-way line of the Kentucky State Highway 56 and the intersection with the Richards Road; thence leaving the north right-of-way line of said state highway and continuing with the Ella Bruce Waller tract and the center of the Richards Road;

S. 40° 47' W., 25 poles to the northeast corner of a tract formerly owned by Florence Fowler; thence with Fowler's line and the center of the Richards Road;

S. 40° 47' W., 43.6 poles to the northeast corner of a tract formerly owned by William Norris Waller; thence with the property lines of the Waller tract and the west line of the Osborne Springer tract;

S. 40° 47' W., 62.3 poles (leaving the center of the Richards Road at 20 poles) to a point in the north line of the John Springer property; thence with his line and the line of the said Waller tract;

N. 80° 81' W., 11.4 poles; thence

N. 72° 45' W., 91 poles to the northeast corner of a tract formerly owned by Martha Farmer; thence with her line and the west line of the John Springer property;

S. 36° 00' W., 26.1 poles to the east corner common to a tract formerly owned by Dan Newman; thence with the line of the Newman tract and the west line of John Springer property;

S. 36° 00' W., 86.7 poles to a point in the north line of the J. C. and Addie Stanley property; thence with their line and continuing with the line of the Newman tract;

N. 77° 39' W., 115 poles to a point in the center of the Kentucky State Highway No. 141 same point being a corner common to a tract formerly owned by Posey M. Moore; thence leaving center of said road and continuing with the lines of Posey M. Moore;

S. 40° 40' W., 32 poles more or less; thence

S. 14° 00' W., 20 poles to the old Dixon Road at a north corner of Tom L. Evans; thence with said old Dixon Road;

N. 64° 15' W., 143 poles to a corner of a tract formerly owned by George N. Berry; thence with the line of said Berry tract and a north line of Jones W. and Jonsie Bartley;

N. 52° 30' W., 87 poles to a point in the northeasterly property line of a tract formerly owned by John R. Bell estate; thence with Bell's line;

S. 38° 15' W., 95 poles more or less to a corner common to a tract formerly owned by V. E. Cowan; said corner being a point in the Cullen Road about 95 poles south of its intersection with the old Dixon Road at the south corner of John R. Bell in John Lancaster's west line; thence with the said Cullen Road and continuing with the line of Cowan;

S. 38° 15' W., 92 poles to a corner of a tract formerly owned by George Curtis; thence with the lines of Curtis and the Cullen Road;

S. 38° 15' W., 95 poles; thence leaving said road;

N. 50° 15' W., 112 poles to a point in the corner of a tract formerly owned by Minnie Long; thence with the lines of Long as follows:

N. 50° 15' W., 10 poles; thence

S. 40° 40' W., 6 poles; thence

N. 52° 15' W., 90 poles to a corner common to a tract formerly owned by Christine Smith; thence with Smith's line and the north line of the Margaret I. Drury tract;

N. 52° 30' W., 73 poles to a point in the center of the Sulphur Spring Road at a corner of a tract formerly owned by Roy Alvey; thence with the lines of the Roy Alvey tract and the north line of Margaret I. Drury;

N. 52° 00' W., 56 poles to a corner in C. M. Campbell's east line; thence with same;

N. 37° 55' E., 15 poles to a point in the south line of a tract formerly owned by George Curtis; thence with his line;

N. 51° 00' W., 20 poles to the south corner of a tract formerly owned by W. L. Duncan; thence with Duncan's tract and the north line of C. M. Campbell;

N. 51° 00' W., 127 poles to a corner common to a tract formerly owned by C. M. Campbell; thence with his line;

N. 51° 00' W., 64 poles to a corner common to a tract formerly owned by Henry C. Newcomb; thence

N. 51° 00' W., 49.5 poles to a corner of a tract formerly owned by C. M. Campbell; thence with said tract;

N. 51° 00' W., 44.5 poles to a corner of a tract formerly owned by Hattie Ramsey Abell; thence with the line of Abell;

N. 51° 00' W., 20 poles to a corner common to a tract formerly owned by Victor Callender; thence with the lines of Victor Callender as follows:

S. 37° 40' W., 48 poles; thence

N. 51° 00' W., 88 poles; thence

S. 39° 10' W., 30 poles to a point in the little Union and Cullen Road (Bordley Road); thence with same;

N. 17° 26' W., 29 poles; thence leaving the road;

S. 72° 35' W., 6 poles; thence

S. 30° 30' W., 23 poles; thence

N. 48° 46' W., 42 poles; thence

N. 40° 20' E., 20 poles to a corner common to a tract formerly owned by W. H. Utley; thence with said tract;

N. 44° 45' W., 64 poles to a southeast corner of a tract formerly owned by Matilda Ellen Girten Mills; thence with her lines;

N. 44° 45' W., 22 poles; thence

S. 42° 15' W., 61 poles; thence

N. 44° 50' W., 35 poles to a corner common to a tract formerly owned by J. R. Utley; thence with the line of said tract;

N. 44° 50' W., 45 poles to a corner of a tract formerly owned by Ed Nally; thence with Nally's line;

N. 44° 50' W., 59 poles to a point in an east line of a tract formerly owned by A. C. Campbell; thence with the lines of Campbell;

S. 39° 30' W., 24 poles to a point at the turn of the Bertsville Road; thence with said road as follows:

N. 51° 08' W., 146 poles; thence

N. 51° 45' W., 26 poles to a corner of a tract formerly owned by D. R. Waller; thence with the said tract and continuing along the center of the Bertsville Road;

N. 51° 45' W., 47.5 poles to a point in said road at the mouth of a private lane leading to the former Waller residence; thence continuing with said Bertsville Road;

N. 51° 21' W., 49 poles to a corner of a tract formerly owned by Benjamin Wright estate; thence with said tract and the Bertsville Road;

N. 51° 41' W., 3.5 poles to a corner of a tract formerly owned by George E. Hendrickson; thence with the lines of said Hendrickson tract and center of the Bertsville Road;

N. 51° 21' W., 114 poles to the southwest corner of the reservation; thence leaving said road and continuing with the line of Hendrickson's tract and running with the southwesterly reservation boundary;

N. 38° 00' E., 232 poles to a point in the south line of a tract formerly owned by E. R. McBride; thence with said tract lines;

N. 49° 05' W., 33 poles; thence

N. 40° 00' E., 86 poles to the southwest corner of a tract formerly owned by B. G. Waller thence with the Waller tract;

N. 40° 00' E., 93 poles to the southwest corner of a tract formerly owned by T. S. Waller, Jr.; thence with said Waller tract;

N. 40° 00' E., 148.50 poles to the southwest corner of a tract formerly owned by Walter W. Leiter; thence with the line of said tract;

N. 40° 00' E., 153 poles to a point in the north line of Kentucky State Highway No. 56 same point also corner to a tract formerly owned by Lonnie Baird; thence with the property lines of the Lonnie Baird tract and running with the North right-of-way line of said state highway;

N. 26° 25' W., 28.20 poles; thence leaving said highway,

N. 58° 20' E., 92.50 poles; thence

N. 37° 55' E., 149.20 poles to a point in the center of Beaver Dam Road, said point also in the line of a tract formerly owned by Waller Young; thence with the center of Beaver Dam Road;

N. 49° 45' W., 56.30 poles; thence leaving said road and running with the west bank of Lost Creek the following courses and distances:

N. 3° 50' W., 8.3 poles,

N. 7° 48' E., 25.5 poles,

N. 11° 08' W., 13.2 poles,

N. 49° 55' E., 8.0 poles,

N. 2° 14' W., 13.7 poles,

N. 47° 16' E., 6.33 poles,

N. 23° 45' E., 64.8 poles, and

N. 0° 45' W., 82.0 poles to the point of beginning containing 35,839.88 acres.

All as shown on project plats consisting of nine sheets on file in the Bureau of Land Management, Misc. No. 59600.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Army over the lands for military purposes.

4. Prior to execution of any lease or development authorized by the Department of the Interior the approval of the Department of the Army shall be obtained to assure that there is no interference with the primary use of the lands.

5. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 19, 1951.

[F. R. Doc. 51-7220; Filed, June 25, 1951; 8:45 a. m.]

[Public Land Order 725]

MONTANA

RESERVATION OF LANDS WITHIN NATIONAL FORESTS AS ADMIISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

Correction

In Federal Register Document 51-6608 appearing at page 5444 of the issue for Friday, June 8, 1951, the land description for the Knotty Pine Administrative Site under Deerlodge National Forest, Montana, is changed to read as follows:

T. 8 N., R. 13 W.,
Sec. 22, S½NE¼NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, SW¼NW¼SW¼SE¼, and NW¼SW¼SW¼SE¼.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 878-A]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June A. D. 1951.

Upon further consideration of Service Order No. 878 (16 F. R. 5768), and good cause appearing therefor: It is ordered, that:

Section 95.878 Service Order No. 878, *Requirements for loading canned goods and foodstuffs*, be, and it is hereby suspended until 12:01 a. m., July 16, 1951.

It is further ordered, that this order shall become effective at 12:01 a. m., July 1, 1951; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7252; Filed, June 25, 1951; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 967]

[Docket No. AO–170–A5]

HANDLING OF MILK IN THE SOUTH BEND-LA PORTE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at South Bend, Indiana on February 15–16, 1951, pursuant to notice thereof duly published in the FEDERAL REGISTER (16 F. R. 730) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 25, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 30, 1951 (16 F. R. 5068; Doc. 51–6215).

Within the period reserved for exceptions a producer organization and certain handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues, findings (including general findings), conclusions and rulings of the recommended decision (16 F. R. 5068; Doc. 51–6215) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full herein, subject to the following modifications:

1. Delete the last two sentences of the first paragraph beginning in column 2, 16 F. R. 5070 and substitute therefor the following: "This will necessitate also removal of the 'floor' under the present Class III price."

2. Add the following at the end of the last paragraph beginning in column 2, 16 F. R. 5070: "The definition of Class I milk should include milk, flavored milk and flavored milk drink which have been concentrated but not sterilized. It may be noted from the April 27 decision on amendments to the Chicago order that some handlers in the nearby market of Chicago, from which substantial quantities of milk are received in the South Bend-La Porte marketing area, are experimenting with these products. In view of the form of these products and their intended uses, it is concluded that orderly marketing will be facilitated through classification, at such time as they may be distributed by handlers, on a basis similar to that of fresh, whole milk sold for consumption in fluid form and flavored milk and milk drink made from fluid milk or skim milk."

3. Add the following as the third paragraph beginning in column 1, 16 F. R. 5071:

In their exceptions handlers suggested that the partial payment, if adopted, be required on or before the 10th day after the end of each delivery period and final payment on or before the 25th day after the delivery period. It was stated that to allow the additional time requested would simplify, from an accounting standpoint, the computation and execution of the partial payment since such payment would be based on the producer's monthly total of milk deliveries rather than on a 15-day total.

The position that the requirements set forth in the recommended decision in connection with the partial payment imposed and unreasonable burden upon handlers is not supported by testimony in the record. From an accounting point of view there is no material saving to be realized from the counter plan suggested, and it has not been shown that handlers do not have ample time to compute and make such payment within the time limits provided. It would not be reasonable, on the grounds presented, to delay payment as requested. Therefore, it is concluded that the provisions as set forth in the recommended decision should be adopted.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of June, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete §§ 967.8 and 967.9 and substitute therefor the following:

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

2. Delete § 967.12 and substitute therefor the following:

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

3. Delete in § 967.22 (i) (1) the cross-reference "§ 967.5" and substitute therefor the cross-reference "§ 967.51."

4. Delete §§ 967.40 through 967.46, inclusive, and substitute therefor the following:

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (b) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized and not otherwise specified under paragraph (b) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1) and in (1), (2), (3) and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to the other class;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2), or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II milk on the basis of utilization mutually indicated in writing to the market administrator by both the receiver and transferor handler on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such statement, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided,* That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in

Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (b) (7)), in series beginning with Class II milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class II milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

5. Delete §§ 967.50 through 967.53, inclusive, and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the price of Class I milk for the delivery period shall be the highest of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a), (b) and (c) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5;

(c) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June $0.60; July through November, inclusive, $1.00; and all others $0.80: *Provided*, That for each percent that the most recent "current supply-demand ratio" computed pursuant to paragraph (d) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts for the delivery period indicated: May and June, $0.02; July, August, September, October and November, $0.04; all others $0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this paragraph shall be limited to 16 cents for the delivery periods of May and June; 30 cents for the delivery periods of July through November; and 24 cents for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 60 cents.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through November, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the provisos of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) by the amount obtained in subparagraph (1) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-month period appearing in the following schedule;

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this paragraph.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class II milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to paragraph (c) of this section, and divide the remainder by 0.965.

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

6. Delete from § 967.60 the words "and Class II."

7. Delete from § 967.70 the phrase "from the various classes"; delete also from such section the cross-reference "§ 967.46 (d)" and substitute therefor "§ 967.46 (e)."

8. Delete § 967.80 and substitute therefor the following:

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk and Class II milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for 3.5 percent milk last announced by the market administrator, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

Order of Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk in South Bend-La Porte, Ind., Marketing Area, and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Ralph Plummer is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-7245; Filed, June 25, 1951; 8:52 a. m.]

[7 CFR, Part 975]

[Docket No. AO-179-A7 and 8]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Cleveland, Ohio, on December 27-29, 1950, and March 21, 1951, pursuant to notices thereof which were issued December 7, 1950 (15 F. R. 8783) and March 12, 1951 (16 F. R. 2476) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearings and the records thereof, the Assistant Administrator, Production and Marketing Administration, on April 2, 1951, and on May 4, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions. Notices of the filing of such recommended decisions and opportunity to file written exceptions thereto were published in the FEDERAL REGISTER on April 6, 1951 (16 F. R. 3014) and on May 10, 1951 (16 F. R. 4354).

Within the period reserved for filing exceptions, exceptions were submitted on behalf of producers and handlers. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Preliminary statement. The material issues presented on the record of the

hearing were whether the order should be amended to provide for:

(1) An increase in the Class I price differentials;

(2) The classification of skim milk and butterfat in concentrated milk as Class I;

(3) A change in the classification of fluid cream with appropriate price changes;

(4) The elimination of certain transfer provisions applicable to transfers of milk between plants during delivery periods in which other source milk is received and a change in the method of allocating other source milk;

(5) A revision of the delivery performance requirements relating to the qualification of milk plants as "pool plants" and the elimination from the order of a listing of pool plants;

(6) A revision of the location adjustments applicable to producer milk received at country plants and on milk moved by handlers from country plants to the marketing area;

(7) The inclusion of a special provision for the classification and pricing of milk disposed of in other marketing areas covered by a Federal order;

(8) A change in the pool value computation provisions;

(9) Payment of the difference between the Class I and Class III prices of other source milk in Class I under certain conditions by the operator of the bottling plant handling such milk.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The average annual minimum Class I price differential should be increased approximately 21 cents per hundredweight.

The present Class I price differentials, which are added to manufacturing milk prices to reflect supply and demand conditions affecting the market for approved fluid milk, average $1.05 per hundredweight. Different amounts are added in the different seasons of the year, primarily to provide seasonal prices to producers as an incentive for more even production throughout the year. These differentials are 85 cents in May and June, $1.00 in March, April, July and August, and $1.15 September through February.

These differentials have not been sufficient to maintain an adequate supply of milk for the Cleveland market. Dairy farmers supplying other fluid markets in Pennsylvania and Ohio and whose farms are located in the same areas as producers who supply the Cleveland market, have received higher prices for milk than the minimum prices provided by Order 75. Handlers subject to Order 75 testified that because of these differences in prices and in order to prevent producers from shifting to these other markets, it has been necessary to pay premiums over order prices. The record shows that premiums have been paid in every month since the order became effective in September 1946.

Because of the large size of the city and its location on Lake Erie, it is necessary to secure about half of the milk supply of the City of Cleveland from production areas so far distant that direct shipment from the farms to marketing area plants is not economical. Milk from these distant areas is received at country stations, minimum prices to the producers who deliver it are subject to location adjustment deductions, and handlers are allowed a location credit on such milk moved to the marketing area. Most of the country stations receiving this milk are located within the milksheds of smaller cities and receive milk from dairy farms located among farms from which milk is shipped directly to bottling plants in the smaller cities. The price paid for such milk is not subject to location adjustments. A comparison of Class I prices in the areas where the various milksheds overlap (city prices less transportation costs) for the period from August 1949 through July 1950 show that minimum Class I prices under Order 75 were below the other markets by the following amounts: Akron, 24 cents; Columbus, 20 cents; Dayton, 34 cents; Springfield (Grade B), 9 cents; Lima, 24 cents; Toledo, 11 cents. The Cleveland Class I price adjusted to the Fort Wayne production area was six cents higher than for the latter market. In several markets the Class I prices have increased relative to Cleveland prices since the period for which these comparisons were made. Obviously, Class I minimum order prices in the Cleveland market must be increased or substantial premium payments must be continued to keep a large number of producers from shifting to these other Ohio markets. Handlers have been meeting this competitive situation by premium payments. The testimony shows, however, that even with the payment of premiums some producers have already been lost to other markets. The proposed adjustment in the minimum Class I differentials will to a large extent incorporate in the Class I price an amount no greater than that previously returned to producers in the form of premium payments. Handlers' costs, therefore, on the average, will not be increased.

The amount of milk which is required to supply fluid consumption in the Cleveland area increased each month in 1950 over the corresponding month of 1949. Although total producer milk receipts increased in the early part of 1950 over 1949, the ratio of producer receipts to fluid sales by the fall months of 1950 was less than the corresponding period of a year ago. By November 1950 producer receipts were actually less than November 1949 while Class I utilization increased more than a million pounds. The testimony indicates that during 1951 the demand will be greater and the supply not any more or perhaps less than it was in 1950 and if the present pricing arrangements are not adjusted the market will be confronted with a serious shortage of producer milk. While the basic formula prices to which the Class I price differentials are added have increased in recent months, this increase will be reflected in the prices paid in the other competing markets which have similar pricing arrangements.

Upon the basis of these facts, it is concluded that a twenty-one cent adjustment in the average annual Class I minimum price differential coupled with the other changes provided in this decision is necessary to bring minimum prices under Order 75 into appropriate relationship with prices in the major competing markets, reflect the prevailing supply and demand conditions and provide the Cleveland market with an adequate supply of milk.

In the interest of promoting a greater inducement for more uniform production throughout the year and to provide relatively higher prices during the seasons of the year when handlers have found it necessary to pay substantial premiums, the increase in the Class I differentials should obtain chiefly in the fall and winter months. During March and April and July and August the Class I differential should be increased 10 cents per hundredweight and during the period September through February the increase should be 35 cents per hundredweight. This seasonal arrangement of Class I differentials also will be consistent with the pattern of seasonal pricing followed in most of the other major competing markets.

(2) Skim milk and butterfat disposed of as concentrated milk, other than in bulk or in hermetically sealed cans, should be classified as Class I.

Producers stated that a new product, concentrated milk, is being produced from Cleveland pool milk and sold to consumers in the same containers and through the same distribution outlets as fluid milk and cream. It was shown that this product is promoted as a substitute in household use for both fluid milk and cream. An official of the health department testified that milk used to produce concentrated milk for distribution to consumers must meet the same sanitary requirements as milk to be distributed for fluid consumption.

Objection was made by a handler to classifying and pricing milk used in concentrated milk as Class I. It was contended that this product is used as a substitute for cream and evaporated milk as well as fluid milk and that a price incentive is necessary to insure consumer acceptance. A price 45 cents per hundredweight below Class I was suggested to allow about one cent per quart lower cost to handlers than Class I milk.

The quality of milk required for concentrated milk is the same as that required for other products now included in Class I. Concentrated milk appears to be largely used as a replacement for fluid milk which is the principal Class I product. A lower price for one approved milk use will require in the long run higher prices for other uses. A lower cost to the consumers of concentrated milk at the expense of consumers of fluid milk does not appear to be justified. All products which must be made from approved milyk should contribute equally to the returns to producers necessary to attract a sufficient supply of approved milk. It is concluded, therefore, that skim milk and butterfat used to produce concentrated milk should be classified as Class I milk. Such classification should apply only when this product is distributed for fluid consumption. If used or disposed of in bulk for use in ice cream or other manufactured products, or put up in hermetically sealed cans, it should be considered as included in the Class III listing of bulk condensed milk or evaporated or condensed milk in hermetically sealed cans.

The transfer provisions (§ 975.53 and paragraph (a) (2) of § 975.51) should apply to transfers of concentrated milk in the same manner as to other products named in Class I, and the application of these provisions is based on movement in the form of concentrated milk.

(3) Milk contained in cream for fluid consumption should be included in Class I, but at a price 45 cents lower than milk for other Class I uses.

Producers proposed that cream for fluid consumption be included in Class I, but at a 45-cent per hundredweight lower price than other Class I milk and that the Class II butterfat price be lowered to the level of the Class III butterfat price. It was contended that since cream must be made from the same quality of milk as that used for fluid consumption, cream should be a Class I product and the prices for skim milk and butterfat so used should be related directly to the regular Class I price.

Milk used for cream was classified as Class I in the order as initially issued but was later classified as Class II milk after a showing that inspection requirements were less rigid for milk used in cream for fluid consumption. A representative of the Cleveland Health Department testified that after the effective date of the new Grade A regulations, only Grade A milk may be received in a Grade A plant and any cream made in such a plant must be made from milk of the same quality as that used for bottled Grade A milk. It appears that a large proportion of the cream sold in the marketing area will be made from Grade A milk. However, plants will still be allowed to sell Grade B milk and it is expected that some plants will not qualify as Grade A plants. Such plants may make cream from milk not meeting Grade A standards and sell it in competition with cream made from Grade A milk. A price lower than the Class I price for milk sold as fluid milk was therefore proposed for milk used to produce cream. All parties represented at the hearing favored a price for such milk 45 cents per hundredweight lower than the Class I price for milk disposed of for fluid consumption. Such a price appears appropriate under the circumstances, and it is concluded that the Class I and Class I definitions should be revised to include milk used for cream for fluid consumption in Class I and a Class I price proviso should be added to price such milk 45 cents below milk for other Class I uses.

(4) The provisions pertaining to the allocation of other source milk (§ 975.56) and the transfer of such milk (§ 975.53) should be revised in the manner set forth below.

Under the current provisions of the order other source milk is allocated to the lowest price classification available, except during the months of October through January when each handler who receives less producer milk than 110 percent of his Class I sales is permitted to allocate other source milk received to Class I milk. This exception is permitted to the extent of the difference between 110 percent of Class I sales and producer milk receipts. Milk, the handling of which the Secretary determines to be subject to the pricing and payment provisions of another Federal order is termed exempt milk and allocated as other source milk.

Handlers proposed that other-order milk be allocated to the class in which the handler reported its use. Handlers also proposed that the pool plant qualification provisions of the order be changed to permit a plant to qualify as a pool plant in any month in which 50 percent of the dairy farm receipts are furnished to the market. In conjunction with this proposal, it was suggested that some of the objections to the current pool plant provisions also could be overcome by the proration of the receipts of other source milk, thus classifying other source milk in the same manner as producer milk. The testimony indicated that such a provision is necessary primarily during the months of lowest milk production and its application could very well be limited to that period.

Under the Cleveland health regulations, other source milk and cream which is approved for transfer from a non-pool plant to a pool plant must be produced and handled in accordance with the same health regulations as are applicable to milk designated as producer milk under Order 75. However, to be considered as producer milk under the order, this approved milk must be received at a plant designated as a pool plant. There are some plants which hold Cleveland permits as approved sources of milk and cream but are not qualified as pool plants under the order. The market has not received sufficient milk from designated pool plants to fulfill the requirements at all times of the year, and approved milk has been acquired from these non-pool plants.

There are several problems involved in ascertaining promptly pool plants status on the basis of a single month's performance, particularly of plants which may furnish relatively widely fluctuating quantities of milk or of plants which are not regular sources of supply. Producers opposed the proposal for a single month pool plant status on the basis that plants which do not conform with the present pool plant qualification provisions of the order demonstrate that their primary interest is in other markets and their receipts should not be included in the market-wide pool. Some assurances should be given regular producers that their milk is not displaced in the higher valued uses by other source milk. Such protection, however, should not place an unreasonable restriction on the use of approved milk which is first received at a non-pool plant and transferred to a pool plant which does not have an adequate supply of producer milk. It is concluded, therefore, that during the months of October through January other source milk and cream which is approved under the applicable health regulations for fluid uses should be prorated in accordance with the total utilization of milk in the receiving handler's plant provided that the handler receives less than 110 percent of his Class I utilization as producer milk. This will replace the present provision for the allocation of other source milk under similar circumstances. During these months when additional milk may be needed it will be allocated to various classifications the same as a regular producer's milk. During the months when other source milk is not needed in the market, regular producers will be assured of securing an appropriate share of the market since the proration provision will apply only in the short supply months. Other source milk will not be allocated to the higher value uses in any month unless the handler receiving such milk does not have an adequate supply of producer milk.

The method of classifying milk transferred from a pool plant to the pool plant of another handler is set out in § 975.53 (a) of the order. Specific provisos are applicable for this classification procedure in plants receiving both producer and other source milk. Handlers proposed that these provisos be deleted from the order.

The first proviso to which objection was made requires the market administrator to classify these transfers so as to return the highest valued class utilization to producer milk. The second proviso, which applies to transfers of producer and other source milk among several plants, provides for the allocation of the other source milk transferred to each plant on the basis of the percentage which such other source milk bears to the total quantity of the milk transferred to the receiving plant. In case other source milk is involved in transfers of milk to a bottling plant, and interhandler milk may be transferred in any class agreed upon between seller and receiver, it is necessary to prevent the replacement of producer milk in the higher valued uses by other source milk. The testimony indicates that the present provisions are reasonable in accomplishing this intent. Handlers objections go primarily to the method of allocating other source milk. In view of the proposed changes in the method of allocating other source milk during October through January, it is concluded that the transfer provisions should not be changed.

(5) The performance requirements of country plants in order to establish pool plant status should not be changed.

It is now provided that a nonpool plant which does not operate a route in the marketing area may become a pool plant only by delivering to a pool bottling plant 50 percent or more of the milk received from dairy farms during each of 6 consecutive months. It was proposed to also permit a plant to qualify as a pool plant in any single month when such an amount of milk was delivered to a bottling plant. A pool plant qualified under present order provisions remains a pool plant so long as at least 50 percent of its milk receipts from dairy farms is delivered to pool bottling plants in three of the four months of October through January and at least 10 percent in all months except April through July.

Revision of the provision was proposed so as to qualify a plant as a pool plant any month in which at least 50 percent of its dairy farm milk receipts were delivered to a pool bottling plant.

A representative of the health department testified that the amount of milk available to the market, other than from country plants, is decreasing and that more country plant milk will be needed to meet increasing requirements. The lowest supply of milk in relation to sales occurs in November and December. The six months qualifying period provided in the current order must include one of the months of January, February, or March and the preceding 5 months. Since a country plant must begin to make the 50 percent shipment not later than October to qualify as a pool plant, it was claimed that present requirements make it extremely difficult to develop new sources of pool milk in the months when additional milk is needed. It was also pointed out that the use of other source milk resulted in a prohibitive cost to handlers because other source milk is allocated to the lowest value uses in the receiver's plant, except for the allocation of a limited amount to Class I milk under certain conditions.

Statistical data indicate that in October 1950 nearly 1.5 million pounds more of country pool plant milk was transferred to bottling plants than in October 1949. Receipts of producer milk at country pool plants for the two periods were about the same but for the two preceding months were over 1.5 million pounds lower in 1950. In October 1949 transfers to city plants were 67.66 percent of country pool plant receipts and 72.58 percent in October 1950.

The need for a more readily available source of approved milk in the short supply season is indicated. However, it has been concluded in connection with other issues decided upon herein that the proration of other source milk to all uses in bottling plants having an inadequate supply of producer milk in October through January should be provided. This would in effect give milk shipments from a nonpool country plant the same status as producer milk in any plant in need of such milk for Class I and Class II uses. This change will accomplish substantially the same purpose that proponents desired to accomplish by amending the pool plant provisions. It is concluded therefore that no further change in pool plant qualification provisions is required at this time.

Handlers proposed that the listing of certain plants in the order and the requirement for the publication of a list of qualified pool plants by the market administrator each month be eliminated. They pointed out that 8 of the 18 plants listed in the order are no longer pool plants. The continuation of an obsolete list is confusing to persons not familiar with the details of the pool plant qualifications provisions of the order. The list which the market administrator is required to publish each month must be determined on the basis of handlers' reports for prior months and such determinations may be changed upon audit of handlers' records. Therefore, handlers who may be interested in the status of individual plants cannot rely solely on the list published by the market administrator. For these reasons it appears that the listing of pool plants in the order and the monthly publication of a list of such plants performs no useful purpose and should be discontinued. A conforming change is required in § 975.32 of the order to limit the application of the disqualification provisions to country pool plants.

Handlers also proposed elimination of the proviso which exempts from the pool plants disqualification provisions of § 975.32 (b) a plant located within the marketing area owned by the Milk Producers Federation of Cleveland. Certain handlers testified that the association had refused to handle excess milk which they offered to the association during the flush production months in 1950. This plant has not been in operation during the past year. The plant had been qualified in order to permit the Association, in an emergency, to handle milk of member producers and to pay these producers the market blend price. Pool plant status of the association plant may be necessary for this purpose, and the pool plant disqualification provisions should not be made applicable to this plant.

(6) The provisions for making location adjustments in the blend prices paid producers for milk received at country pool plants and location allowances to handlers on such milk moved to the marketing area should be revised.

Under the current provisions of the order pool plants located more than thirty miles from the Public Square in Cleveland may deduct from payments to producers 15 cents per hundredweight for plants located more than 30 but less than 45 miles distant. For each additional 15 miles up to 90 miles the rate of permissible deductions is increased by 2 cents per hundredweight. For each 15 mile zone beyond 90 miles the rate is increased by one cent per hundredweight.

Producers and handlers contend that these rates are not adapted to the needs of the market, since premiums have been paid to country station shippers at a rate per hundredweight higher than has been paid direct shippers. The higher premium payments at country stations tends to indicate that there is not a proper relationship between minimum prices provided in the order for milk delivered directly to the marketing area and to country stations.

The Cleveland market not only competes with manufacturing plants for milk but, as previously shown, increased requirements of milk in several other fluid markets have caused their milksheds to be extended into areas which formerly were exclusive suppliers for the Cleveland market. In most cases these areas are located nearer to the competing market than to Cleveland. Because of the factor of location the competing markets, even with a somewhat lower level of prices f. o. b. the market, have been able to provide higher prices at the farm than the minimum prices under Order 75.

These differences in prices may be equalized in part by increasing the class prices f. o. b. Cleveland and to a limited extent by reducing the location deductions. It is evident from the record and from the facts previously stated that any significant changes in prices at country points must be accomplished by increasing the Class I price differentials.

Producers proposed that no location deductions be made from the prices paid to producers at plants located not more than 60 miles from the marketing area and no allowance be given to handlers on milk moved from such plants. A major portion of the milk which is received at plants which are located not more than 60 miles from the marketing area is produced in areas from which milk may be safely and economically shipped directly to the marketing area.

A detailed study of hauling rates for the month of March 1949 shows that the average hauling rate on milk which is moved from the farm directly to handlers' plants located in the Cleveland marketing area is 33.6 cents per hundredweight. Some direct shipped milk originates as far as 100 miles from the marketing area.

Because the average distance traveled by about three-fourths of the truck routes on which more than 60 percent of the direct shipped milk is moved is less than 70 miles, it is apparent that a major portion of the direct shipped milk originates at farms within a 60-mile radius of the market. The weighted average hauling rate applicable to this milk is 31.6 cents per hundredweight.

The weighted average hauling rate from farms to country pool plants located within 60 miles of the city is 25.3 cents per hundredweight. The present location adjustments in this zone are 15 and 17 cents. Thus, under the provisions of the order and on the average, direct shippers located within 60 miles of the city realize at the farm between 9 and 10 cents per hundredweight more for their milk than shippers to country stations. Under these conditions it would be expected that many of the country station shippers would become direct shippers. The testimony indicated, however, that producers continue to sell their milk to these country stations for several reasons. At times larger premiums have been paid country station shippers than to direct shippers. Farmers have sold their milk through these local plants for a number of years and are reluctant to change their method of sale. Approximately 20 of the bottling plants located within the marketing area have not installed equipment to handle milk received directly from producers and prefer to secure their supplies in tank truck from nearby country plants. Under these circumstances, it would appear that either the handlers who do not maintain receiving facilities should pay the extra cost of acquiring milk through these country plants or producers who are in a position to ship direct to the marketing area and prefer to sell their milk through country stations should bear part of this additional cost. These objectives can be accomplished by eliminating a fixed location adjustment to handlers on milk moved to the marketing area from these nearby plants and permitting the operators of such plants to deduct from the price paid producers, if competitive conditions permit, a location adjustment on such milk. Such a deduction would replace the present handler location allowance. Additional costs of acquiring milk through these nearby country stations would then be contributed by either the individual handlers or the producers involved, rather than by all producers as under the present pooled handler allowances. Such a provision for permissive adjustments in the prices paid to producers should promote costs of milk to bottling plants supplied by the nearby country plants more comparable with costs of milk of competing handlers who receive their supplies either directly from producers or from their own country plants. Producers supplying these nearby country plants may also realize a hundredweight return more nearly in accord with the return of producers who ship their milk directly to the marketing area. It is concluded that a maximum allowable deduction at plants located in the 30- to 60-mile zone should be 13 cents per hundredweight. This rate is the equivalent of the rates recommended for the more distant zones.

Handlers proposed that the location adjustments to producers be reduced to 10 cents on milk received at plants located more than 30 and not more than 75 miles from Cleveland and an additional one cent allowed for each 15-mile zone thereafter. They proposed no change in the location allowance rate to handlers.

The adjustment of prices to be paid producers who may deliver milk to country plants is intended to result in prices which reflect the economic value of this milk to the principal market for which it is produced. The location adjustments to handlers are also intended to equalize the cost of milk among handlers who may procure their supplies at different locations in the production area. The value of milk at the various locations in the milkshed is influenced primarily by differences in transportation costs. This principle was followed in establishing the adjustments which were provided in Order 75 at the time it was issued in 1946.

If, as contended by handlers, location adjustments to producers must be reduced to meet competitive prices for milk of other markets at any particular point in the supply area, it follows that the cost to handlers of milk moved to the marketing area from the same point (f. o. b. price less the location allowance to handlers) should also reflect this competitive situation.

Obviously, any reduction in the producer location adjustment at country points will tend to increase the returns of producers delivering to such points but the effects of such a proposal have several serious long run economic consequences. Under the pooling arrangements of Order 75, any reduction in the producer location adjustment at country plants without a corresponding reduction in the handler location allowance reduces returns to producers who ship milk directly to the marketing area. Slightly more than 50 percent of the total receipts from producers is shipped directly from the farm to pool plants located in the marketing area. In order to encourage and maintain the production of milk in the nearby areas, only minor reductions in prices received by Cleveland producers in these areas relative to the prices received by more distant producers, therefore, should be made. Without other safeguards this would permit the development of more distant sources of fluid milk supplies and increase the costs of acquiring an adequate supply for the market.

The decisions by handlers as to whether or not sources of supply will be developed at country points depends on the allowances given to handlers on milk moved in the marketing area. If these allowance rates are reduced to correspond with the reduction in location adjustments to producers, to something less than the actual cost of moving milk to the marketing area, some of the advantages of building up supplies at more distant points are removed. The reduction in the prices received by direct shippers relative to country station shippers is maintained at a minimum.

It appears that some adjustment may be made in the relative prices which country station producers receive for milk without encouraging uneconomic developments in securing the milk supply. It appears that a reasonable adjustment may be accomplished by applying in the 60 to 75 mile zone the present 15 cent rate which now applies in the 30 to 45 mile zone and allowing an additional one cent increase in the rate for each additional 15 mile zone. This change will increase the returns of producers who ship milk to the more distant country stations by 4 cents per hundredweight relative to direct shippers. Any increase in handlers' costs from the change in the location adjustment will be limited primarily to the amount of milk and cream moved to the marketing area from country stations while producers delivering milk to these plants will receive a relatively higher return on their total deliveries. This change should assist in eliminating the necessity for the payment of premiums to producers at country plants and promote a more equitable price structure than has prevailed under the present order.

It has been concluded that a 21 cent increase should be made in the Class I price differential. This increase in conjunction with the above-mentioned change in location adjustments will result in an increase in the minimum blend order prices to producers of approximately 15 cents for direct shippers, 17 to 19 cents for producers shipping to country stations within 60 miles of the marketing area and approximately 19 cents for other country station shippers.

(7) No special provision should be made for milk disposed of in other areas covered by a Federal order.

It was proposed that the order provide for pricing milk disposed of in the marketing area of another Federal order at the price for the use of such milk under that order if higher than such price under the Cleveland order. The specific problem presented was the disposition of butterfat and skim milk in the Columbus, Ohio, area by a Cleveland handler for use in ice cream.

In opposition to the proposal it was pointed out that dairy products, particularly cream, are sold by Cleveland handlers in many distant markets and in areas where the conditions determining the use values of milk are greatly different from conditions in the Cleveland area. Prices in these distant areas are not to be appropriately applied to producer milk at Cleveland. Ice cream manufactured and sold in Columbus by a person who does not operate a milk distributing plant is not subject to the order in that market. The proposal, however, would apply certain pricing provisions of the Columbus order to such a person who happened to be a handler under the Cleveland order. It appears that any problems of inequitable pricing may better be handled under the provisions of the order regulating the area where the milk is finally utilized.

(8) No change should be made in the pool value computation provisions.

The order provides that the value of milk of handlers who are in default in payments required to be made to the producer-settlement fund for the preceding period be excluded in computing the uniform price. Handlers proposed that this provision be eliminated. It was shown that under extreme conditions of almost universal default in payments, unwarranted variations in the uniform price might occur. However, such a situation is highly improbable. This same change was proposed at a previous hearing and it was concluded at that time that the provisions objected to was intended to insure the solvency of the producer-settlement fund and should not be deleted. No evidence was submitted to indicate that this conclusion should be changed.

(9) A handler operating a bottling plant receiving less than 50 percent of its milk supply as producer milk should be required to pay to the producer-settlement fund the difference between the highest Class III and the Class I prices on other source skim milk and butterfat allocated to Class I.

Section 975.72 (b) of the order provides for a payment similar to that recommended above but the obligation to make the payment is placed on the operator of the non-pool plant from which the milk is shipped rather than the operator of the pool bottling plant at which the milk is received. It was proposed by the Dairy Branch to put this obligation on the operator of the bottling plant to simplify and make more effective the administration of the provision. The bottling plant handler makes monthly reports to the market administrator, monthly payments are made to or received from the producer-settlement fund, regular audits are made of the plant operations and the plant is located in or near the marketing area. The market administrator normally has no contact with the non-pool plant and it may be located at a great distance from Cleveland. Also the operator of the pool plant can usually avoid the situation in which such payment is required while the non-pool plant operator usual-

ly has no control over or no knowledge of this situation.

Producers and handlers approved the change proposed, but producers suggested also changing the percentage of producer milk received from less than 50 percent to less than 90 percent. Handlers objected to such a change for several reasons, including the lack of consideration by interested parties because no proposal for such a change was included in the notice of hearing. It is concluded that no change should be made in the percentage at this time and that any such change should be based on more thorough consideration at a future hearing.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Cleveland, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area*

§ 975.0 *Findings and determinations.* The findings and determinations set forth in this subpart are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this subpart.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Cleveland, Ohio, on December 27–29, 1950, and on March 21, 1951, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.30 (b) and substitute therefor the following:

(b) A plant other than a plant named in paragraph (a) of this section which either was a qualified pool plant on December 31, 1950, or has become a pool plant pursuant to paragraph (c) of this section.

2. Delete § 975.51 (a) (1) and substitute therefor the following:

(1) Disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, or used to produce concentrated milk disposed of for fluid consumption.

3. Delete § 975.51 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat in frozen cream or used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

4. Redesignate paragraphs (e) and (f) of § 975.56 as paragraphs (d) and (e) respectively, and delete paragraphs (b), (c) and (d) and substitute therefor the following:

(b) For the delivery periods of October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 110 percent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(c) Except as provided in paragraph (b) of this section, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk.

5. Delete § 975.61 (a) and (b) and substitute therefore the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period	*Amount*
May and June	$0.85
March, April, July and August	1.10
All others	1.50

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

6. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a pool plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a pool plant so located there shall be deducted in the computation of the handler's pool value with respect to such amounts moved or disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from the Public Square, Cleveland, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 17 cents per hundredweight and an additional 1 cent for each additional 15 mile zone; *Provided,* That such adjustment shall be limited to an amount of the specified items so moved which could be derived from the milk received from producers at such plants.

7. Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference between the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

8. Insert "(b)" following the figure "975.81" in paragraph (c) of § 975.73.

9. Delete § 975.81 and substitute therefor the following:

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers at a plant outside the marketing area and located, as determined by the market administrator, by shortest highway distance from the Public Square in Cleveland, Ohio:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents; and

(b) More than 60 miles but not more than 75 miles, an amount not to exceed 15 cents, more than 75 miles but not more than 90 miles, an amount not to exceed 17 cents, and an additional 1 cent for each additional 15 mile zone.

10. Insert following "§ 975.80" in paragraph (a) of § 975.84 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)".

11. Insert following "§ 975.80" in § 975.85 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)".

12. Insert following the word "under" in the first sentence of § 975.32 the following: § 975.30 (b) or (c) under".

Order of the Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to the Cleveland, Ohio, Marketing Area; and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Cleveland, Ohio, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Howard G. Fisaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 51-7224; Filed, June 25, 1951; 8:46 a. m.]

[7 CFR, Part 991]

[Docket No. AO-194-A-4]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Rockford, Illinois, on May 25, pursuant to notice thereof issued on May 15, 1951, and on amended notice issued May 17, 1951 (16 F. R. 4665; 4727).

The material issues of record related to:

(1) Revision of the price differentials (over basic formula price) for Class I milk and Class II milk; also minor revisions to other price provisions;

(2) The introduction of a "market-wide pool" to replace the "individual-handler pools";

(3) The classification of milk, flavored milk and flavored milk drink in concentrated form as Class I milk;

(4) Modification of the provisions applicable to other source milk and its allocation in determining the classification of producer milk;

(5) Other revisions for administrative purposes and to clarify the regulation; and

(6) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The class price differentials should be revised to the extent necessary to maintain a close alignment between the prices of Class I milk and Class II milk under the order and the prices of Class I milk and Class II milk for the Chicago, Illinois, marketing area.

Farms of producers supplying milk to the Chicago and Rockford-Freeport marketing areas are intermingled in an area in the vicinity of the latter market, and are affected comparably by the prices and supplies of feeds and other production conditions in this area. Certain handlers regulated by the present Chicago and Suburban Chicago orders operate distribution routes in the Rockford-Freeport marketing area in competition with locally regulated handlers. It was testified that as much as 52 percent of the bottled milk distributed in the city of Rockford originates at plants under the Chicago or Suburban Chicago orders. It appears that Grade A milk priced under the latter orders is readily available to both major communities in the Rockford-Freeport marketing area. The exceedingly close competitive relationship between the Chicago and Rockford-Freeport markets as to both the purchase of milk from producers and the distribution of milk by handlers must be recognized in establishing a price level for Rockford-Freeport. This is appropriate also because the Chicago market (a) is the primary source of supplemental, or emergency, milk supplies for the Rockford-Freeport market, and (b) in the past has received for disposition substantial quantities of milk of Rockford producers with the effect of reducing the seasonal excesses of milk on the latter market.

It is concluded in view of these circumstances that the Class I price differential should be set so as to keep the Class I and Class II prices in close relationship, respectively, with the prices of milk disposed of for fluid milk and cream consumption under the Chicago order. It has been determined recently that a "supply-demand adjustment" provision be included in the Chicago order to vary the Class I price differential automatically as changes occur in the relationship between producer receipts and Class I and Class II sales. In view of the showing of a high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas, any adjustment in the Class I and Class II price differentials under such provision of the Chicago order would be equally appropriate at this time in connection with the Class I and Class II price differentials under the Rockford-Freeport order and should be made. As further means to maintain a proper price relationship between the markets, the fall price differential should be made to apply under the Rockford-

Freeport order from July through November rather than to the August–November period.

Producers' organizations in the market contended that Class I and Class II prices should be established so as to exceed the Chicago "70-mile zone" (or 55–70 mile zone under recently issued decision on amendments to the Chicago order) prices by 10 cents per hundredweight. This contention was predicated on record information indicating hauling subsidies of as much as 10 cents per hundredweight paid Chicago producers in a portion of the area from which Rockford milk supplies are drawn. Current Class I and Class II prices are equivalent to Chicago Class I and Class II prices for the 70-mile zone. On this point it should be noted also from the record that the city of Rockford is located approximately 85 miles from Chicago near the perimeter of zone 2 in the Chicago order zoning structure. A substantial proportion of the supply of Rockford handlers is drawn from the area included in this zone (70–85 miles from Chicago) of the Chicago milkshed and the overlapping of supplies for the two markets occurs most frequently in this zone. The milk of one handler who operates distribution routes in Rockford and who will be under the provisions of the Chicago order (as revised) is priced at the zone 2 level under the latter order. The city of Freeport (a smaller consuming center than Rockford) is about 34 miles farther west from Chicago and the milkshed for such community lies primarily in zones 3 and 4 of the Chicago milkshed.

In view of all the circumstances outlined in the preceding paragraphs, it is concluded that the Class I price under the Rockford-Freeport order should be aligned with the minimum price of Class I milk for zone 2 under the Chicago order (the difference between the zone 1 and zone 2 prices for Class II milk under the latter order is not substantial). On the basis of the price schedule adopted, the monthly minimum uniform price for milk delivered to Rockford plants may be expected (based on data for the last six months) to result in net returns to Rockford-Freeport producers at least as favorable as those received by Chicago producers under the minimum price provisions of the Chicago order for milk delivered to a plant in the 55–70 mile zone.

Revision of the basic price formula which employs the market prices of butter and nonfat dry milk solids has been made to provide for the use of the prices of spray process nonfat dry milk solids in lieu of the average of prices of nonfat dry milk solids by both spray process and roller process. This change is made to keep the formula in line with the butter-nonfat dry milk solids price formula in the Chicago order as revised in the recently adopted decision. The level of the price to result from such formula will not be affected appreciably by this change under present conditions. A change has been made also in the butter-cheese price formula to employ prices of "Cheddars" at all times rather than as an alternate to prices of "Twins." This will prevent any variation in the price level resulting from this formula from that resulting under a formula employed similarly in the Chicago order.

(2) A "market-wide pool" should be adopted to replace "individual-handler pools."

Under the individual-handler method of distributing returns for milk to producers, the cooperative association representing producers in the Freeport segment of the marketing area has been placed at a disadvantage because such pooling plan does not, in view of the established organization of the market and prevailing practices for handling the milk supply, provide for a sharing of the burden of "surplus" milk by all producers under the order to a sufficient degree. The Freeport association assumes responsibility for disposing of inspected milk to manufacturing outlets whenever it is not needed by Freeport handlers. In so doing, the comparatively low value of the "surplus" milk of the market so disposed of is reflected in net returns to the producer members of the association. This is particularly significant in connection with their proceeds for milk during the months of seasonally high milk production. A substantial proportion of the supply for the Freeport market is received by a handler from farms not operated by members of the association. Such handler purchases supplemental supplies as necessary, in the precise quantities desired, from the association. Thus, such handler is in a position to keep at a minimum his milk supply in excess of actual Class I and Class II needs and to pay higher prices to producers than are possible under the order for association members, as long as the latter performs the desirable service of disposing of market surpluses. Also, milk is being distributed in the city of Freeport by a handler at Rockford and to the extent that such handler gains in Class I sales in Freeport, the Freeport producers receive less in net returns pursuant to the order as compared with producers supplying Rockford handlers.

The introduction of a market-wide method of distributing returns for milk to producers will provide for an equitable sharing among all producers of the lower value of surplus milk as compared with milk used for fluid milk and cream and make it possible for all producers supplying the marketing area to receive comparable returns as computed under the minimum price provisions of the order.

(3) The definition of Class I milk should be revised to include milk, flavored milk and flavored milk drinks which have been concentrated but not sterilized.

In recent months a product referred to in the trade as "concentrated milk" has been introdueed in a number of markets. This product is made by concentrating fresh, whole milk at a low temperature with a high vacuum. The product is not sterilized and is disposed of to consumers for consumption in fluid form by the addition of water; or it may be used in the concentrated form for addition to coffee, cereals, etc. Its appeal for use as a beverage is stressed in promotional advertising. The product is being distributed currently in markets fairly close to the Rockford-Freeport marketing area. Also, milk is being distributed in nearby markets as frozen concentrated milk and as flavored milk or milk drink in concentrated, frozen form. It appears that milk of the quality equivalent of regular bottled milk is necessary to its disposition within the marketing area.

In view of the above, it is concluded that they should be grouped, for classification purposes, with fresh, whole milk sold for consumption in fluid form and flavored milk and milk drinks made from fluid milk or skim milk at such time as they may be distributed by handlers under the order.

(4) The provisions under which other source milk is allocated in milk classification should be modified.

Rockford handlers proposed the addition of a definition of "emergency milk" to the order. If adopted this would establish two separate categories of milk and milk products received by a handler from sources other than producers or other handlers for allocation purposes. In connection with this proposal, it was complained that milk received as supplemental supplies, particularly from plants regulated by the Chicago order where it is paid for by the Chicago handler as Class I milk, should not be allocated first to Class III utilization in the Rockford handler's plant. It was stated further that milk or cream is received from such a source only when needed for Class I or Class II uses in Rockford plants since such plants do not maintain facilities for converting substantial quantities of milk into manufactured milk products and that milk or cream of Grade A quality purchased would be too costly for manufacture. The months of greatest need for such supplies were stated to be the fall months of seasonally low production.

The principal sources of supplementary milk supplies for Class I and Class II uses by Rockford-Freeport handlers are plants under the Chicago order. The record discloses also that certain Chicago plants have received and handled during the past several months milk transferred from the Rockford market which otherwise would have been available locally to satisfy Class I requirements. The proximity of the Chicago plants relieves in a large measure the necessity for Rockford handlers to carry substantial quantities of milk over their fluid milk and cream needs. This tends to increase the uniform price for Rockford-Freeport producers. Under these circumstances, the Chicago producers should receive the benefit as Class I and Class II milk of any sales of milk, skim milk and cream to Rockford and Freeport handlers, as is provided by the Chicago order. Correspondingly, such milk, skim milk or cream received at Rockford-Freeport plants should not be allocated in series beginning with Class II milk. It is concluded, therefore, that in the months of September through December, when local supplies are at their lowest levels, outside supplies received from plants regulated by other orders in the form of milk or skim milk should be allocated first to Class I milk, and cream received from such sources should be allocated to Class II milk. By limiting such allocation to these months, the uniform price to Rockford-Freeport producers should not be reduced by an inordinate amount. Other source milk not received from such sources or received in other forms should continue to be allocated in series beginning with Class III milk.

(5) Minor revisions should be made for administrative purposes and for clarification.

Certain other changes are necessary to make the entire order conform with the amendments adopted and to relate the provisions of this order properly with those of the order in effect in the Chicago marketing area. Such changes are self-explanatory and are reflected in the amendments adopted.

(6) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to all proposals considered was indicated by both producers and handlers on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Rulings on briefs. A brief was filed on behalf of the Rockford, Illinois, handlers. The brief contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Determination of representative period. The month of April 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusion. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of June, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete in § 991.22 (d) the cross-reference "§ 991.82" and substitute therefor "§ 991.85".

2. Delete in § 991.22 (d) (3) the cross-reference "§ 991.83" and substitute therefor "§ 991.86".

3. Delete § 991.22 (f) (3) and substitute therefor the following:

(3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

4. Delete § 991.41 (a) (1) and substitute therefor the following:

(1) Disposed of (except as provided in paragraph (c) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; or

5. Delete § 991.46 (a) (2) and renumber subparagraphs (3) and (4) of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 991.46 (a) as subparagraphs (5) and (6), respectively, of such paragraph.

6. Add the following as subparagraphs (2), (3) and (4) of § 991.46 (a):

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk or skim milk in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the pounds of skim milk in Class II milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as cream in fluid form from a plant as described in subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced available use, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraphs (2) and (3) of this paragraph.

7. Delete paragraphs (b) and (c) of § 991.50 and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

8. Delete §§ 991.51 and 991.52 and substitute therefor the following:

§ 991.51 *Class I milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class I milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.48; July through November, inclusive, $0.88; and all other delivery periods, $0.68: *Provided*, That for each percent that the "current supply-demand ratio" computed pursuant to § 991.55 is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) of such section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other delivery periods, $0.03: *And provided further*, That any adjustment made pursuant to the above proviso of this section shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 48 cents.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class I milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

§ 991.52 *Class II milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class II milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other delivery periods, $0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of § 991.51; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the delivery periods of July through November, inclusive, or less than 30 cents in all other delivery periods.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

9. Add the following as § 991.55:

§ 991.55 *Supply-demand adjustment.* On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule.

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

10. Delete in § 991.60 the cross reference "991.84" and substitute therefor "991.87".

11. Add the word "and" at the end of § 991.61 (b).

12. Delete the word "and" from § 991.61 (c) and replace the semi-colon (;) with a period (.).

13. Delete § 991.61 (d) in its entirety.

14. Add the following as § 991.62.:

§ 991.62 *Pricing and payment for Grade A and non-Grade A producer milk.* Grade A and non-Grade A producer milk shall be classified separately under the procedure established in §§ 991.40 through 991.46, inclusive. The values of such respective types of milk shall be computed separately under the provisions of § 991.70 and separate uniform prices shall be computed pursuant to the procedure described in § 991.71. Separate producer-settlement funds shall be established and operated pursuant to §§ 991.82 through 991.84.

15. Delete §§ 991.70 through 991.72 and substitute therefor the following:

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds in each class pursuant to § 991.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to § 991.46 (a) (6) and § 991.46 (b) by the respective applicable class prices.

§ 991.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for producer milk (3.5 percent butterfat content) as follows:

(a) Combine into one total the values computed pursuant to § 991.70 for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test differs from 3.5 percent by the butterfat differential computed pursuant to § 991.81 and multiplying the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest cent) from the amount computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

16. Delete §§ 991.80 through 991.84 and substitute therefor the following:

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of such milk computed at the uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is less than the total of amounts to be paid pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense under another Federal marketing agreement or order issued pursuant to the act) received during the delivery period.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5¢ per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 13th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Rockford-Freeport, Illinois, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area) who, during the month of April 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-7246; Filed, June 25, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-30]

APPROVAL OF EQUIPMENT AND CORRECTION OF PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, and the following correction to FEDERAL REGISTER Document dated March 21, 1951, 16 F. R. 2580, shall be made:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/104/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.7-1, 59.56, 60.49, 76.53, 113.46, 160.009)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/3/1, Davis Type BLS fresh air hose mask assembly with velocity blower, Davis Unit Nos. 4066, 4067, 4087, 4088, 4090, 4091, 4092, or 4093 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1906 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J. (Supersedes Aprpoval No. 160.011/3/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davis Unit Nos. 4402, 4403, 4408, or 4409 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J. (Supersedes Approval No. 160.011/9/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 35.4-5, 61.16, 77.18, 95.17, 114.18, 160.11)

LIFE RAFTS

Approval No. 160.018/10/0, Type B life raft, for other than ocean and coastwise service, 12.25' x 7.5' x 3.17', 15 person capacity, identified by construction dwg. No. 3331, dated April 20, 1951, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 246, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.018)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/20/0, Container for emergency provisions, dwg. No. 202-P, dated March 26, 1951, and Specification 202-S-1, dated April 6, 1951, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 59.11)

LIFEBOATS

Approval No. 160.035/121/1, 22.0' x 6.67' x 3.0' steel, car-propelled lifeboat, 25-person capacity, identified by dwg. No. 22-6/8-25-2, dated August 16, 1950, manufactured by Frank Morrison and Son Co., 1330 West Eleventh Street, Cleveland, Ohio. (Supersedes Approval No. 160.035/121/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/197/1, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 18-2, dated October 14, 1947, and revised April 19, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/197/0, published in the FEDERAL REGISTER dated February 12, 1948.)

Approval No. 160.035/216/1, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 14-1, dated January 26, 1948, and revised April 16, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/216/0, published in the FEDERAL REGISTER dated May 15, 1948.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10, 160.035)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/41/0, Sound powered telephone station signal relay control, for operation with hand generator, manual release, splashproof, dwg. No. 19, Alt. 1, dated June 1950, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9-4, 63.11, 79.12, 97.14, 116.10)

VALVES, SAFETY

Approval No. 162.001/64/1, Type 1515B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VH953, issued March 30, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Supersedes Approval No. 162.001/64/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/65/1, Type 1515C, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VH953 issued March 30, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Supersedes Approval No. 162.001/65/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/66/1, Type 1515A, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VH953 issued March 30, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Supersedes Approval No. 162.001/66/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/153/0, Type 1555A, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VD953 issued April 13, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/154/0, Type 1555B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VD953 issued April 13, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/155/0, Type 1555C, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VD953 issued April 13, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/156/0, Type 1555D, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VD953 issued April 13, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/157/0, Type 1556HA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/158/0, Type 1556A, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for sizes 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/159/0, Type 1556HB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/160/0, Type 1556B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/161/0, Type 1556HC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating 900° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/162/0, Type 1556C, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for sizes 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/163/0, Type 1556HD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/164/0, Type 1556D, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/165/0, Type 1557HRA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951; approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/166/0, Type 1557HRB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 750° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951; approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/167/0, Type 1557HRC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 900° F. maximum temeperature, dwg. No. 3VE953 issued April 13, 1951; approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/168/0, Type 1557HRD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 1,000° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951; approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/169/0, Type 1557A, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/170/0, Type 1557RA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/171/0, Type 1557B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/172/0, Type 1557RB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/173/0, Type 1557C, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/174/0, Type 1557RC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for sizes 2", 2½" and 3", manufactured by Manning Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/175/0, Type 1557D, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

Approval No. 162.001/176/0, Type 1557RD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VF953 issued April

13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

(R. S. 4405, 4417a, 4418, 4426, 5533, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275, 46 CFR 52.65)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/46/0, Magic Chef Model HD–17 Roast Oven, approved by the American Gas Association, Inc., under Certificate No. 11–22–28.901, dated November 14, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/47/0, Magic Chef Model HD–18 Deep Fat Fryer, approved by the American Gas Association, Inc., under Certificate No. 13–9–1.011, Supplement serial number 3, dated June 7, 1949, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9–11, 61.25, 95.24, 114.25)

BULKHEAD PANELS

Approval No. 164.008/30/0, Jackson Snap-In Panel, hollow steel, insulation board lined Bulkhead Panel identical to that described in A. L. Jackson dwg. No. 6, dated April 9, 1951, approved as meeting Class B–15 requirements in a 1 7/16 inch thickness when lined each side with 3/16 inch asbestos millboard, manufactured by A. L. Jackson, 1146 Ogden Avenue, New York 52, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.008)

CORRECTION TO PRIOR DOCUMENT

The approval of the National Aer-O-Foam Marine Foam Fire Extinguishing System, published in the FEDERAL REGISTER March 21, 1951, 16 F. R. 2580, superseded the approval of the same extinguishing system published in the FEDERAL REGISTER Sept. 5, 1946, 11 F. R. 9785.

Dated: June 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–7257; Filed, June 25, 1951; 8:56 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

[Gen. Order 4]

OPERATION OF THE RAILROADS

JUNE 13, 1951.

I. By Executive Order No. 10155, issued August 25, 1950, the President directed the Department of the Army to assume possession, control and operation of the transportation systems owned by the principal railroad companies of the United States. This order was issued to avert strike action on the part of the Order of Railway Conductors and the Brotherhood of Railroad Trainmen. The order was made effective on August 27, 1950, after the Department of the Army had obtained agreement of the two brotherhoods that all operating personnel then concerned in the dispute would continue to work on behalf of the Government during the period of federal control. The Department of the Army, with the full understanding and agreement of all parties to the dispute between carriers and the brotherhoods, left the settlement of that dispute to them. Negotiations continued until on May 25, 1951, agreement was reached between carriers and the Brotherhood of Railroad Trainmen. The dispute between the roads and the Order of Railway Conductors has not been resolved.

II. It is hereby directed that there shall be placed in effect all of the adjustments in wages and working conditions set forth in the agreements reached on May 25, 1951, between the Brotherhood of Railroad Trainmen and the owning carriers represented by powers of attorney granted to the Eastern, Western and Southeastern Carriers Conference Committees, as to those employees on the rail transportation systems seized pursuant to Executive Order No. 10155, dated August 25, 1950, who are covered by contracts held by the Brotherhood of Railroad Trainmen and who have had no adjustment in wages (other than pursuant to General Order No. 2, dated February 8, 1951) during the progress of the disputes leading to the seizure.

III. It is directed that the rail transportation systems under Army control pursuant to the provisions of Executive Order No. 10155 publish forthwith this general order to their personnel, both labor and management, who are engaged in the operation of said systems and to post this order at conspicuous places.

IV. This order is effective 4:00 p. m., e. d. s. t., June 13, 1951.

By order of the Secretary of the Army.

[SEAL] KARL R. BENDETSEN,
Assistant Secretary of the Army.

[F. R. Doc. 51–7223; Filed, June 25, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 12 as amended June 26, 1951]

OFFICE OF INTERNATIONAL TRADE

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS AND ASSIGN RATINGS

1. Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), there is hereby delegated to the Director of the Office of International Trade the authority to make allotments of controlled materials for export and to assign to exporters the right to apply DO ratings and allotment numbers and symbols for procurement of materials which such exporters are licensed to export.

2. The authority herein delegated shall be exercised within such export program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, record-keeping and reporting requirements, and policy directives as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority and in conformity with operating procedures set forth in current export bulletins and export regulations issued by the Office of International Trade with the approval of the National Production Authority.

3. Allotments shall be made, and the right to apply the DO rating and allotment numbers and symbols herein authorized shall be assigned, by endorsement on the export license or other appropriate document of a certification, duly authenticated by the Office of International Trade, identifying the allotment made and the applicable allotment and DO numbers and symbols to be used by the exporter.

4. The Director of the Office of International Trade may redelegate the authority herein delegated, and may authorize its successive redelegation, to any other officials of the Office of International Trade.

This amended delegation shall take effect on June 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7382; Filed, June 25, 1951; 11:42 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 79]

JOHN B. STETSON CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Co., Philadelphia Division, Philadelphia 22, Pa., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be maked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's hats and Army and uniform hats and cap covers manufactured by John B. Stetson Co., Philadelphia Division, Philadelphia 22, Pa., having the brand name(s) "Stetson" shall be the proposed retail ceiling prices listed by John B. Stetson Co., Philadelphia Division in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, John B. Stetson Co., Philadelphia Division must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per ------- {unit. dozen. etc.}	
Terms {net. percent EOM. etc.}	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51–7310; Filed, June 22, 1951; 12:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 80]

LINDER BROS., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Linder Bros., Inc., 1043 Capouse Ave., Scranton, Pa. has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of misses' and women's fur trimmed and untrimmed coats manufactured by Linder Bros., Inc., having the brand name(s) "Shagmoor" shall be the proposed retail ceiling prices listed by Linder Bros., Inc., in its application dated May 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Linder Bros., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit. dozen. etc.
Terms	{net. percent EOM. etc.
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7311; Filed, June 22, 1951; 12:18 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1704]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 20, 1951.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address, Oklahoma City, Oklahoma, filed on June 11, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acquisition, construction and operation of certain natural-gas pipeline and underground storage facilities hereinafter described.

Applicant proposes to acquire certain production properties in the depleted Colony Gas Field located in and about the town of Colony, in Anderson County, Kansas, approximately six miles south of Applicant's Welda compresor station, and certain production properties in the depleted McLouth Gas Field located in Leavenworth and Jefferson Counties, in Kansas, approximately nine miles northwest of Applicant's Tonganoxie compressor station. In addition to authorization to construct and operate the facilities necessary to develop and utilize said properties for underground storage of natural gas, applicant requests authorization to construct and operate approximately ten miles of 26-inch natural-gas pipe line between Applicant's Welda and Ottawa compressor stations to replace its existing ten miles of double 16-inch pipelines between said stations.

Applicant proposes to inject sufficient natural gas into the storage fields which it proposes to acquire and develop to restore the original rock pressure thereof, and estimates that with full utilization of said fields the ultimate delivery capacity will be approximately 60,000 Mcf per day of natural gas from each field. Applicant states that the replacement of its existing 16-inch pipelines with a single 26-inch line has a direct relationship with the proposed development of the Colony storage project and that such replacement will make available the 16-inch pipe for use as gathering lines which are urgently needed to connect new wells to Applicant's system.

The estimated total over-all capital cost of the proposed facilities is $3,471,627. Applicant proposes to finance the cost of the proposed facilities through the issuance of $12,000,000 of First Mortgage Pipeline Bonds, at par, 3¼ percent series, due in 1971. Sale of such securities will be made privately to five insurance companies who have purchased $7,200,000 of this series of bonds, and have entered into a purchase agreement providing for taking up and paying for the balance periodically prior to and including April 1, 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7225; Filed, June 25, 1951; 8:48 a. m.]

[Docket No. G-1711]

TEXAS EASTERN TRANSMISSION CORP. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 20, 1951.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, address, Shreveport, Louisiana, and New York State Natural Gas Corporation (New York State Natural), a New York corporation, address, Pittsburgh, Pennsylvania (hereinafter sometimes referred to as Applicants), filed on June 12, 1951, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing, for a limited period, the emergency delivery and transportation of base storage gas for the Oakford Storage Pool, Westmoreland County, Pennsylvania, pending the completion by Texas Eastern of its lateral pipeline to said storage pool.

Applicants state that Texas Eastern now has natural gas available for injection into the Oakford Storage Pool during the storage months of April through October, 1951, but due to delay in receipt of materials, its lateral pipe line required for such deliveries into storage has not been completed. Applicants state that Texas Eastern is now delivering gas to New York State Natural under an existing service agreement at a point in Greene County, Pennsylvania, where New York State Natural's line 9 and Texas Eastern's pipelines intersect. On the basis of present estimates, New York State Natural will have available capacity in its line 9 during the summer of 1951 to transport certain quantities of base storage gas delivered by Texas Eastern for injection in said Storage Pool.

Applicants propose that quantities of natural gas up to 50,000 Mcf per day be delivered by Texas Eastern to New York State Natural in Greene County, Pennsylvania, and that said gas be pumped along with gas regularly received at New York State Natural's Preston Compressor Station and delivered ultimately into the Oakford Storage Pool. Applicants have agreed upon the terms of an agreement for the delivery of natural gas as hereinbefore described. The proposed arrangement represents an alternative method of delivery base storage gas to that heretofore authorized by the Commission in Docket No. G-1646 whereby base storage gas is being delivered by Texas Eastern at the Mullett Farm connection of The East Ohio Gas Company and delivered into storage in the Oakford Storage Pool through the combined facilities of The East Ohio Gas Company and New York State Natural. Applicants request the inclusion in any certificate authorizing the proposed arrangement of a condition limiting the term of the authorization until the 36 miles of 30-inch lateral pipeline from the facilities of Texas Eastern to the Oakford Storage Pool are completed, or until November 1, 1951, whichever occurs first.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The joint application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7226; Filed, June 25, 1951; 8:48 a. m.]

[Docket No. G-1712]

MONTANA POWER CO.

NOTICE OF APPLICATION

JUNE 21, 1951.

Take notice that on June 14, 1951, The Montana Power Company (Applicant), a New Jersey Corporation, having its principal office at Butte, Montana, filed an Application pursuant to section 3 of the Natural Gas Act seeking authorization to import natural gas from Alberta, Canada. Applicant states that the importation of such gas is necessary to provide continued service to Anaconda Copper Mining Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8, 1.10) on or before the 9th of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7248; Filed, June 25, 1951; 8:54 a. m.]

[Docket No. G-1717]

MONTANA POWER CO.

NOTICE OF APPLICATION

JUNE 21, 1951.

Take notice that on June 18, 1951, The Montana Power Company (Applicant), a New Jersey Corporation, having its principal office at Butte, Montana, filed an application pursuant to Executive Order No. 8202 seeking a Presidential Permit to import natural gas from Alberta, Canada.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7249; Filed, June 25, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30833]

CHICAGO, SOUTH SHORE AND SOUTH BEND RAILROAD

ILLINOIS INTRASTATE FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of June A. D. 1951.

It appearing, that by petition filed April 3, 1951, the Chicago, South Shore and South Bend Railroad requests modification of the Commission's outstanding section—13 order of January 16, 1923, as subsequently modified by order in No. 11703, Intrastate Rates Within Illinois, and by other orders, to permit petitioner to increase its 54-trip and to establish 44-trip commutation ticket fares for interstate travel in Illinois to the same bases as approved by this Commission for application on interstate travel in Investigation and Suspension Docket No. 5779, Chicago, S. S. & S. B. R. Fares, 279 I. C. C. 663; and for good cause appearing:

It is ordered, That the said petition of the Chicago, South Shore and South Bend Railroad be, and it is hereby assigned for hearing on July 23, 1951, at 9:30 o'clock a. m., U. S Standard Time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Morrison Hotel, Chicago, Illinois, before Examiner Burton Fuller;

It is further ordered, That the evidence in chief on behalf of petitioner shall be submitted in written form as prepared statements by the respective witnesses, with accompanying exhibits, and be filed, one copy with the Interstate Commerce Commission, and three copies with the Illinois Commerce Commission, Springfield, Ill., on or before July 9, 1951;

And it is further ordered, That the State of Illinois be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Illinois Commerce Commission at Chicago, Ill.; that a copy of this order be served upon petitioner; and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7250; Filed, June 25, 1951; 8:54 a. m.]

[No. 30834]

CHICAGO NORTH SHORE AND MILWAUKEE RAILWAY CO.

INCREASED PASSENGER FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of June A. D. 1951.

It appearing, that by petition filed April 16, 1951, the Chicago North Shore and Milwaukee Railway Company requests appropriate authority to increase its basic one-way interstate passenger fares in Wisconsin and Illinois to three cents a mile for distances exceeding the minimum fare distance up to a maximum distance of twenty-two (22) miles, the rate a mile thereafter to be graduated downward until the present rate of fare of not to exceed 2.5 cents a mile is reached, with a round-trip fare of 90 percent of double the one-way fare; to file and publish such increased one-way and round-trip fares on not more than five days' notice in simple form of tariff publication; and for modification of the Commission's outstanding section-13 orders of June 14, 1921, in No. 11558, Intrastate Fares of Chicago North Shore & Milwaukee Railroad Within Illinois, 62 I. C. C. 188, and of December 12, 1927, in No. 19920, Intrastate Fares of C. N. S. & M. R. R. Co., 136 I. C. C. 165, as subsequently modified, to permit petitioner to make like increases in its fares for intrastate travel within the States of Wisconsin and Illinois; and for good cause appearing:

It is ordered, That the said petition of the Chicago North Shore and Milwaukee Railway Company be, and it is hereby, assigned for hearing July 25, 1951, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Morrison Hotel, Chicago, Illinois, before Examiner Burton Fuller:

It is further ordered, That the evidence in chief on behalf of petitioner shall be submitted in written form as prepared statements by the respective witnesses, with accompanying exhibits, and be filed, one copy with the Interstate Commerce Commission, and three copies with the Illinois Commerce Commission, Springfield, Ill., on or before July 11, 1951.

And it is further ordered, That a copy of this order be served upon the Governors and the rate regulatory authorities of the States of Wisconsin and Illinois; also upon petitioner, and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7251; Filed, June 25, 1951; 8:55 a. m.]

[4th Sec. Application 26187]

TIN OR TERNE PLATE FROM SOUTHERN AND OFFICIAL TERRITORIES TO ARLINGTON, TEX.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Tin or terne plate, and tin mill black plate, carloads.

From: Specified points in southern and official territories.

To: Arlington, Tex.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7256; Filed, June 25, 1951; 8:56 a. m.]

[4th Sec. Application 26188]

FERTILIZER FROM ARMOUR, FLA., TO ALBANY, GA.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Seaboard Air Line Railroad Company.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Armour, Fla.

To: Albany, Ga.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7255; Filed, June 25, 1951; 8:55 a. m.]

[4th Sec. Application 26189]

FERTILIZER FROM KENTUCKY, OHIO, VIRGINIA, AND WEST VIRGINIA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 975.

Commodities involved: Fertilizer and fertilizer materials, carloads.

Between: Points in Kentucky, Ohio, Virginia, and West Virginia, on the one hand, and points in southern territory, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 172.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7254; Filed, June 25, 1951; 8:55 a. m.]

[4th Sec. Application 26190]

MOULDING SAND FROM BLUE POND, ALA., TO TYLER, TEX.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Moulding sand, carloads.

From: Blue Pond, Ala.

To: Tyler, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 169.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7253; Filed, June 25, 1951; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9900, 9936]

RADIO CALIFORNIA AND CAPITOL RADIO ENTERPRISES

ORDER CONTINUING HEARING

In re applications of Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7736; Irving James Schwartz, William Stephen George, John Matranga and Samuel A. Melincoe, d/b as Capitol Radio Enterprises, Sacramento, California, Docket No. 9936, File No. BP-7998; for construction permits.

The Commission having under consideration a petition filed June 4, 1951, by Knox LaRue and Arnold C. Werner, d/b as Radio California: (1) Requesting a continuance for not less than thirty days of the consolidated proceeding upon the above-entitled applications presently scheduled for July 9, 1951; and (2) opposing petition of Capitol Radio Enterprises, filed May 22, 1951, to change place of hearing and adjust hearing date; and

It appearing, that Arnold C. Werner, partner and 50 percent owner of applicant Radio California, who is now on foreign duty in the United States Navy, believes it will be possible for him to obtain leave some time early in August in order to permit him to be present at the hearing on the above-entitled applications in Washington, D. C.; and

It further appearing, that no opposition to the grant of the instant petition has been filed and that the showing made constitutes good and sufficient cause for the grant of the request for continuance; and

It further appearing, that the above-mentioned petition of Capitol Radio Enterprises requesting change in place and date of the hearing was filed on May 22, 1951, and that the time for filing opposition thereto expired prior to the filing of the instant petition; and that furthermore the aforementioned petition to change place and date of hearing was denied in a Memorandum Opinion and Order dated May 31, 1951;

It is ordered, This 19th day of June 1951, that the petition, insofar as it requests leave to continue the hearing for a period of not less than thirty days, be, and it is hereby, granted; the hearing on the above-entitled applications now scheduled for July 9, 1951, be, and it is hereby, continued to August 8, 1951; and the petition, insofar as it opposes petition of Capitol Radio Enterprises to change place of hearing and adjust hearing date is dismissed as moot.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-7262; Filed, June 25, 1951; 8:57 a. m.]

[Docket No. 9916]

CENTERVILLE BROADCASTING CO. (KCOG)

ORDER CONTINUING HEARING

In re application of Centerville Broadcasting Company (KCOG), Centerville, Iowa, for modification of license; Docket No. 9916, File No. BML-1439.

The Commission having under consideration a petition filed June 14, 1951, by Centerville Broadcasting Company (KCOG), Centerville, Iowa, requesting a continuance of the hearing presently scheduled for July 5, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for modification of license; and

It appearing, that the other parties to this proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 15th day of June 1951, that the petition is granted; and that the hearing is continued to 10:00 a. m., Thursday, August 9, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-7263; Filed, June 25, 1951; 8:57 a. m.]

[Docket No. 9992]

STONE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Stone Broadcasting Corporation, Emporia, Virginia, for construction permit; Docket No. 9992, File No. BP-7948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on frequency 1400 kilocycles, with 250 watts power, unlimited time at Emporia, Virginia;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice particularly with reference to population residing within the 250 mv/m blanket contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on August 8, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WLOW, Portsmouth, Virginia, WHLF, South Boston, Virginia, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 250 mv/m blanket contour.

It is further ordered, That Commonwealth Broadcasting Company and John L. Cole tr/as Halifax Broadcasting Company, licensees of Stations WLOW, Portsmouth, Virginia and WHLF, South Boston, Virginia, respectively, are made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-7261; Filed, June 25, 1951; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2631]

GAS SERVICE CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1951.

The Gas Service Company ("Gas Company"), a subsidiary of Cities Service Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50 of $5,400,000 principal amount of First Mortgage Bonds, due 1971; and

The Commission having, by order dated June 12, 1951, permitted said declaration to become effective, subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

Gas Company having, on June 20, 1951, filed a further amendment to said declaration in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Annual interest rate (percent)	Price to gas company [1] (percent of principal)	Annual cost to gas company (percent)
Merrill Lynch, Pierce, Fenner, & Beane and White, Weld & Co.	3¾	101.656	3.632794
Halsey, Stuart & Co., Inc.	3¾	101.437	3.648154
Blyth & Co., Inc., and Kidder, Peabody & Co.	3¾	101.33	3.655676
The First Boston Corp. Lehman Bros. and Stone & Webster Securities Corp.	3¾	101.30	3.657795
	3¾	100.6250	3.705415

[1] Exclusive of accrued interest from June 1, 1951.

The amendment further stating that Gas Company has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co., for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 102.485 percent of principal amount thereof, resulting in an underwriters' spread of 0.829 percent; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the redemption prices thereof, the interest rate thereon and the underwriters' spread:

It is ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7231; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2633]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER AUTHORIZING PROPOSED BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Indiana & Michigan Electric Company ("Indiana & Michigan"), an electric utility subsidiary company of American Gas and Electric Company; a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Indiana & Michigan proposes to borrow not to exceed in the aggregate $7,000,000, from time to time prior to December 31, 1952, from certain banking institutions and to issue promissory notes in evidence thereof. The proposed borrowings would be made in the indicated amounts from the following banks:

Name of bank	Address	Amount
Irving Trust Co.	New York, N. Y.	$2,250,000
Guaranty Trust Co. of New York	do	2,250,000
Bankers Trust Co.	do	1,250,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	1,250,000

The notes to be issued by Indiana & Michigan evidencing such borrowings will be dated as of the date the money is borrowed in each case and will mature 9 months or less after the date of issuance. It is expected that the initial borrowing will be in the aggregate amount of $2,000,000 and will be made on or before July 1, 1951. The notes evidencing such initial borrowing will bear interest from the date thereof at the then current prime credit rate which is presently 2½ percent per annum. Subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate. In that connection, Indiana & Michigan states that at least 10 days prior to each proposed subsequent borrowing, it will file an amendment to its application setting forth the amount of the proposed borrowing and the rate of interest to be charged thereon. Applicant requests that each such amendment become effective 10 days after the filing thereof without further order of the Commission, provided no action is taken by the Commission with respect thereto within such 10 day period.

The Company requests that the Commission's order granting the application be effective upon issuance.

Said application having been filed on May 16, 1951, and an amendment thereto having been filed on June 13, 1951, and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed transaction having been expressly authorized by the Public Service Commission of Indiana, which is the regulatory Commission of the State in which the Company is organized and doing business; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7232; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2635]

MISSOURI POWER & LIGHT CO.

SUPPLEMENTAL ORDER APPROVING SALE OF PRINCIPAL AMOUNT FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING AND RELEASING JURISDICTION OVER ALL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June 1951.

Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri and the North American Company, both registered holding companies, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and the applicable provisions of the general rules and regulations promulgated thereunder, regarding the issuance and sale at competitive bidding, pursuant to the provisions of Rule U-50, of $4,000,000 principal amount of First Mortgage Bonds, —% Series due 1981 ("new bonds"); and

The Commission, by order dated June 7, 1951, having granted said application, as amended, subject to the conditions that (1) the issuance and sale of the new bonds shall not be consummated until the results of competitive bidding have

been supplied by a further amendment and a further order shall have been entered in connection therewith, and (b) jurisdiction be reserved with respect to all fees and expenses incurred in connection with the proposed transactions, including the fee and expenses of counsel for the successful bidders; and

Missouri Power having filed, on June 19, 1951, a further amendment to its application, as amended, setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the new bonds were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
White, Weld & Co.	3⅜	100.201	3.61397
Halsey, Stuart & Co., Inc.	3¾	101.814	3.65

[1] Exclusive of accrued interest from June 1, 1951.

Said amendment having further set forth that Missouri Power has accepted the bid of White, Weld & Co., for the purchase of the new bonds, as set forth above, and that the new bonds will be offered for sale to the public at a price of 101.125 percent of the principal amount thereof, plus accrued interest from June 1, 1951, resulting in an underwriter's spread of 0.924 percent of the principal amount of the new bonds or an aggregate amount of $36,960; and

The Missouri Public Service Commission having entered an order authorizing the sale of the new bonds at the proposed price and terms; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated in the aggregate amount of $53,114.53 as follows:

S. E. C. registration fee	$412.00
Missouri Public Service Commission fee	1,300.00
U. S. issue tax	4,400.00
Mortgage recording fee	1,600.00
Printing and engraving	27,265.00
Trustees' charges for authentication of bonds	2,500.00
Company counsel:	
Doran, Kline, Cosgrave, Jeffrey & Russell:	
Fee	5,000.00
Expenses	587.53
Keyes & Bushman—fee	400.00
Lester G. Seecat—fee	400.00
Price Waterhouse & Co., accountants, fee (including expenses)	4,750.00
Miscellaneous	4,500.00
Total	53,114.53

It also appearing that the fee and expenses of Beekman & Bogue, independent counsel for the purchasers of the new bonds, which are to be paid by said purchasers, are estimated at $5,000 and $537.25, respectively; and

The Commission having examined the record in the light of the said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Missouri Power for the new bonds, the interest rate, the underwriters spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing appropriate to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the sale of the new bonds and over-all fees and expenses to be paid in connection with the proposed transactions, including the fee and expenses of counsel for the successful bidders be, and hereby is, released and that said application, as amended, is granted forthwith, subject, however, to the terms and conditions prescribed by Rule 24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7229; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2636]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION WITH RESPECT TO PROPOSED ACQUISITION OF UTILITY ASSETS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of the United Corporation, a registered holding company, having filed an application pursuant to the provisions of section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the acquisition by it of the hydro electric power plant, together with the lands, certain water rights and electric generating and other equipment in connection therewith of Northern New York Power Corporation, a non-affiliate, for the sum of $625,000; and the Public Service Commission of the State of New York having, by order dated June 12, 1951, approved the transfer of such property by Northern New York Power Corporation to Niagara Mohawk; and

Said application having been filed on May 21, 1951, and the last amendment thereto having been filed on June 18, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7230; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2652]

AMERICAN & FOREIGN POWER CO., INC.

NOTICE OF PROPOSED EXTENSION OF LOAN AGREEMENT AND BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company, designating sections 6 (a) and 7 of the act as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

On December 30, 1949, the Commission issued its findings, opinions, and order which, among other things, permitted Foreign Power to obtain a 5-year 3½ percent bank loan in the amount of $15,000,000, pursuant to a Loan Agreement dated December 16, 1949, from Bankers Trust Company, Mellon National Bank and Trust Company, and the National City Bank of New York ("Banks"). Pursuant to that Loan Agreement, Foreign Power borrowed on December 30, 1949, the principal amount of $10,000,000 retaining the right to borrow the remaining $5,000,000 at any time on or before July 1, 1951.

Foreign Power now proposes (a) the extension from July 1, 1951, to July 1, 1952, pursuant to a Supplemental Loan Agreement dated June 11, 1951, of the period during which it shall have the right to borrow the remaining $5,000,000 of the original $15,000,000 credit available to the company under the Loan Agreement dated December 16, 1949, with the Banks and (b) the borrowing by Foreign Power, if such borrowing is decided necessary, of all or any part of said remaining $5,000,000 at any time on or before July 1, 1952. Such borrowing, if made, would be evidenced by promissory notes made payable to the Banks. The Supplemental Loan Agreement provides, among other things, that the interest rate, if such borrowing is made, would be 3½ percent per annum and that a commitment fee of ½ of 1 percent per annum would continue to be payable by the Company on the daily average unused portion of the commitment of each of the three Banks until

the expiration or cancellation of the commitment.

The declarant represents that, if the proposed borrowing is made, the proceeds would be used to aid its subsidiaries in financing extensive construction programs to be carried out over the next few years. It is further represented that the actual borrowing is contingent upon whether Foreign Power is successful in obtaining a line of credit from the Export-Import Bank of Washington for use in aiding the construction program of the Company's subsidiaries.

Notice is further given that any interested person may, not later than June 29, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request, the nature of his interest, and the issues of fact or law raised by said declaration, as filed or as subsequently amended, which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 29, 1951, said declaration, as filed or as amended, may be declared to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7233; Filed, June 25, 1951; 8:51 a. m.]

[File No. 812-730]

INDEPENDENCE FUND DECLARATIONS OF TRUST ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1951.

In the matter of Independence Fund Declarations of Trust, Independence Fund Declarations of Trust and Agreement, National Securities Series and National Securities & Research Corporation; File No. 812-730.

Notice is hereby given that National Securities & Research Corporation (herein called "National"), a corporation organized under the laws of the State of New York, the sponsor of Independence Fund Declarations of Trust (D. T.) and Independence Fund Declarations of Trust and Agreement (D. T. A.), both registered open-end management investment companies, and National Securities Series, "Balanced Series", a registered open-end diversified registered management investment company, has filed an application under section 11 (a) of the Investment Company Act of 1940 for an order granting approval of an offer of exchange of shares of National Securities Series, "Balanced" Series, for shares of D. T. and D. T. A.

The application discloses the following:

D. T.'s are agreements executed by the Founder or Investor, Empire Trust Company, as Trustee, and National Securities & Research Corporation. Each Founder, upon signing his agreement, specified whether he desired an Income Type, a Capital Type or a Distributive Type of investment. In the Capital Type all distributions are reinvested by the Trustee as Agent of the Founder. In the Income Type, distributions of profits are similarly reinvested, distribution of income being paid to the Founder. In the Distributive Type, distributions are made to the Founder quarterly at the rate of 1½ percent of the face amount of the Declaration of Trust. Such distributions are paid out of income, then from realized profits, if any, and if necessary, from principal. If income and profits are more than adequate to cover such a distribution, any excess is reinvested.

D. T. A.'s are similar to D. T.'s except that the latter are purchased by lump sum payments while the former are purchased by an initial payment and 118 to 119 additional payments, and except that income and realized profits are distributed quarterly but at direction of the Founder are generally reinvested although they may be received in cash.

D. T.'s and D. T. A.'s were first sponsored by National Securities & Research Corporation in 1935. They have not been offered since December 1942.

On April 5, 1951, there were 464 Founders of D. T.'s, of whom 175 held a Capital Type, 116 a Distributive Type and 173 an Income Type.

On April 5, 1951, there were 444 Founders of D. T. A.'s, 267 of whom had completed their payments. Payments have not been completed in the case of 177 Founders, who, to complete their payments, would be permitted to make payments of $119.765 (68 accounts with insurance permitting payments of $28,100 and 109 accounts without insurance permitting payments of $91,665).

The Founders of D. T.'s have made payments of $1,056,240 in the aggregate. The liquidating value of such investments, plus the reinvestment of distributions from time to time, on April 5, 1951, was $1,158,617.36 (exclusive of $61,583.60 of partial withdrawals permitted under the Agreements). Such payments and liquidating values, on said date, were allocated between the Capital, Distributive and Income Types as follows:

	Number of accounts	Initial payments	Liquidating value	Partial withdrawals
Capital	175	$326,740	$525,951.35	$28,857.71
Distributive	116	208,500	188,560.12	16,924.19
Income	173	421,000	444,105.91	15,801.70
Total		1,056,240	1,158,617.36	61,583.60

The Founders of D. T. A.'s have made The liquidating value of their investment payments of $832,735 in the aggregate. on April 5, 1951, was $995,706.51 (exclusive of $99,554.46 of partial withdrawals permitted under the Agreements).

The Founder of the D. T.'s paid Applicant a creation fee or load of 7½ percent on the first $1,000, 5 percent on the next $2,000, $4 percent on the next $3,000, 3 percent on the next $6,000, and on all over $12,000, 2 percent of amount paid, and a management fee of 3/10 of 1 percent quarterly based upon the current value of the Trust, deductible from distributions. This is equivalent to ¾ of 1 percent annually.

The Founders of D. T. A.'s paid Applicant a creation fee or load dependent upon the size of the account established and pays an investment management fee in the amount of ½ of 1 percent of the face amount of the account, deductible from the principal of the Trust.

In addition to the foregoing charges in connection with each of the Trusts, there is also a fee payable to the Trustee.

National proposes to offer to the holders of D. T.'s and D. T. A.'s such number of shares of National Securities Series, "Balanced" Series, at net asset value, as can be purchased from the proceeds of liquidation of D. T.'s and D. T. A.'s. No sales load will be charged to the holders of D. T.'s or D. T. A.'s in connection with any purchases of "Balanced" Series. The liquidation value is the net asset value after deducting brokerage and is not the net asset value in effect for the purpose of determining the offering price, in which case brokerage would be added. The application states that the offer may be withdrawn at any time upon 90 days' notice of withdrawal.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after July 9, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 3, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7227; Filed, June 25, 1951; 8:49 a. m.]

[File No. 70-2649]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

NOTICE OF PROPOSED ACQUISITION BY REGISTERED HOLDING COMPANY OF ADDITIONAL COMMON STOCK OF SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

In the matter of New England Gas and Electric Association, Cambridge Steam Corporation, Cape & Vineyard Electric Company, Dedham and Hyde Park Gas Company, Plymouth County Electric Company, Worcester Gas Light Company; File No. 70-2649.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by New England Gas and Electric Association ("Negea"), a registered holding company, and five of its subsidiaries, Cambridge Steam Corporation ("Cambridge Steam"), Cape & Vineyard Electric Company ("Cape & Vineyard"), Dedham & Hyde Park Gas Company ("Dedham"), Plymouth County Electric Company ("Plymouth"), Worcester Gas Light Company ("Worcester"). The applicants-declarants have designated sections 6 (b), 9 and 12 (f) of the act and Rule U-50 (a) (1) and Rule U-50 (a) (4) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 6, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Negea proposes to acquire and the subsidiaries propose to issue and sell to Negea additional shares of their respective common capital stocks as follows: 1,500 shares of $100 par value capital stock of Cambridge Steam for $150,000; 6,000 shares of $25 par value capital stock of Cape & Vineyard for $300,000; 6,000 shares of $25 par value capital stock of Dedham for $150,000; 3,000 shares of $25 par value capital stock of Plymouth for $105,000; 30,000 shares of $25 par value capital stock of Worcester for $750,000.

The filing states that the proceeds from the sales by Cape & Vineyard, Dedham, Plymouth and Worcester are to be used to partially reimburse their respective Plant Replacement Fund Assets accounts for expenditures made therefrom to finance additions to plant and property, and that the proceeds from the sale by Cambridge Steam are to be used to partially reimburse its treasury for expenditures made therefrom to finance additions to plant and property.

The filing also states that the transactions proposed by Cape & Vineyard, Dedham, Plymouth and Worcester have been approved by the Massachusetts Department of Public Utilities and that the transactions proposed by Cambridge Steam are not subject to the jurisdiction of any state regulatory body.

The applicants-declarants request that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7228; Filed, June 25, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17951]

GERMAN-LANGUAGE MOTION PICTURES

In re: Rights in German-language motion pictures distributed in the United States.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the producers of the motion pictures listed in Exhibit A attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibit A attached hereto and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all right to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts,

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of all persons (including individuals, partnerships, associations, corporations or other business organizations), who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b) and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or

held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—TITLES OF FEATURE MOTION PICTURES

Alpine Passion.
Das alte Lied (1938 release).
Aus Liebe zum Vaterland.
Because I love you.
Die blonde Nachtigall.
Die Blumenfrau von Lindenau.
Das Cabinet des Dr. Larifari.
Cavalry, Attention.
College.
College Girl.
Comrades of 1914.
Dangerous Crossing.
Dock on the Havel.
Drunter und drüber (1932 release).
Echo of a Dream.
Eleven who were loyal.
Eva and the Grasshopper.
Der falsche Feldmarschall.
Fortune from Heaven.
Eine Frau so goldig wie Du.
Die galavorstellung.
Gefahren der Liebe.
General Confusion.
Der grosse Tenor.
Der Hampelmann (1931 release).
Hearts in Love.
Heimatsklänge.
Herthas Erwachen.
Herzblut.
Higher Learning.
His Life for his Country.
Jede Frau hat etwas (German version only).
Kaiserliebchen.
Königin der Liebe.
Liebe auf Befehl.
Liebe über alles.
Little Bit of German Homeland.
Little Damozel.
Love in Stunt Flying.
Luise, Königin von Preussen.
Manon Lescaut (1926 release).
Melo.
Melodie der Liebe.
Menschen, die vorüberziehen.
Mill of the Gods.
Minor Love and the real Thing.
Moritz macht sein Glück.
My Life is at Stake.
Nacht-Bummler.
Das Nachtigall Mädel.
The poor Plutocrats.
Eines Prinzen junge Liebe.
Rendezvous.
Ronny.
Royal Box.
Sajenko the Soviet.
Die Schlacht von Bademünde.
Der schüchterne Felix.
Sixth Form Girl.
Ski Chase.
So ein Mädel vergisst man nicht.
Der Sohn der weissen Berge.
Spiel ums Glück.
Stimme der Blutes.
Der Storch hat uns getraut.
Stork Club.
Story of Peter the Cat.
Strangers in Sudetenland.
Streets of Algiers.
Student sein.
Der Tanz geht weiter.
Tausend für eine Nacht.
Tempest.
Der Teufelsbruder.
Theaterbesuch.
Theaternächte von Berlin.
Thief.
Thirteen Men and a Girl.
Tiger Murder Case.
Trial of Donald Westof.
Tropennächte.
Der Tyrann.
Um Freiheit und Liebe.
Versuchen Sie meine Schwester.
Der wackere Schustermeister.
Walzerkönig.
(German version only).
Wenn die Soldaten.
When Duty calls.
Wie man Männer fesselt.
Wie sag ich's meinem Mann.
The World's in Love.
Zlata Katerina.
Zwei Herzen und ein Schlag.

[F. R. Doc. 51-7265; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 17952]

HOFFMANN PHOTOGRAPHIC COLLECTION

In re: Rights in Photographic Collection designated as "Hoffmann Photograph Collection, 1920–1944."

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Presse-Illustrationen-Heinrich Hoffmann, the last known address of which is Berlin, Germany, is an organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Heinrich Hoffmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several states, territories and possessions thereof, in, to and under the following:

(i) Every right, copyright, claim of copyright and right to copyright in the works embodied in the photographs and photograph negatives included in the photographic collection identified in Exhibit A attached hereto and made a part hereof, including, but not limited to the right to publish, print, reprint, copy and vend such works,

(ii) All rights of renewal, reversion and revesting, in the foregoing,

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the German Government, the persons referred to in subparagraphs 1 and 2 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(i) All photographs, photograph negatives and albums included in the photographic collection identified in said Exhibit A and the lists appertaining thereto

(ii) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3(a) and 3(b)(i) of this Vesting Order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3(a) and 3(b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b) and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and/or nationals thereof, referred to in subparagraphs 1, 2 and 3 (b) hereof, and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by the aforesaid designated enemy country (Germany) and/or nationals thereof;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

That certain photographic collection in the custody of the Office of the Adjutant General, Department of the Army, Washington, D. C., which is designated by that Office as the "Hoffmann Photograph Collection, 1920–1944" and which consists of (a) about 115,000 glass negatives, (b) about 1,800 feet of other negatives, and (c) 132 albums containing about 7,120 Leica film strips of positive pictures.

[F. R. Doc. 51-7266; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 17965]

ACCOUNTS OWNED BY GERMANY

In re: Accounts owned by Germany, F-28-2124-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That State of Bremen, also known as Free Hanseatic City of Bremen, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a demand deposit account numbered C-1544, entitled "State of Bremen (Free Hanseatic City of Bremen) Ten-Year 7 Percent External Gold Bonds due September 1, 1935", maintained at the office of the aforesaid Guaranty Trust Company of New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account, entitled "State of Bremen (Free Hanseatic City of Bremen) Ten-Year 7 percent External Gold Bonds due September 1, 1935", maintained at the office of the aforesaid Guaranty Trust Company of New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7267; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 17972]

TOKYO ELECTRIC LIGHT CO., LTD.

In re: Bank accounts owned by Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co. F-39-967.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co., the last known addresses of which are Tokyo, Japan, are corporations, partnerships, associations or other business organizations organized under the laws of Japan and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Tokyo, Japan, and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account entitled "Tokyo Electric Light Co., Ltd., First Mortgage 1953 6 Percent Dollar Series", maintained with the aforesaid trust company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account entitled "Tokyo Electric Light Co., Ltd., three year 6 Percent Notes" maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7268; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 18035]

LAMBERT JOHN ABRAMS ET AL

In re: Interest in bank accounts owned by Lambert John Abrams and others, F-28-18075-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Lambert John Abrams, 41 Mozart Strasse, Wilhelmshaven, Germany.
Johannes Henry Abrams, Germany.
Carl Franz Abrams, Germany.
Maria Helena Abrams, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided four-fifths (4/5ths) interest in that certain debt or other obligation of Citizens and Southern National Bank of South Carolina, 46–48 Broad Street, Charleston, South Carolina, arising out of a savings account, Account No. 24675, entitled "Gerhard Abrams", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. An undivided four-fifths (4/5ths) interest in that certain debt or other obligation of Citizens and Southern National Bank of South Carolina, 46–48 Broad Street, Charleston, South Carolina, arising out of a checking account, entitled "C. B. Schachte for Gerhard Abrams, a National of Germany", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lambert John Abrams, Johannes Henry Abrams, Carl Franz Abrams and Maria Helena Abrams, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7269; Filed, June 25, 1951; 8:59 a. m.]

[Vesting Order 18040]

CLARA ADOLPHINE JOHANNA AND WERNER WALTHER LUDDEKE

In re: Debt owing to Clara Adolphine Johanna Luddeke also known as Clara Adolphine Johanna Lueddeke and Werner Walther Luddeke also known as Werner Walther Lueddeke. F-28-31470.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Adolphine Johanna Luddeke also known as Clara Adolphine Johanna Lueddeke and Werner Walther Luddeke, also known as Werner Walther Lueddeke, whose last known addresses are Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of George P. Reinberg, 82 Beaver Street, Room 905, New York 5, New York, representing funds collected and received from Fritz Brahm in satisfaction of an indebtedness of said Fritz Brahm to Kurt Lueddeke, deceased, arising from a loan by Kurt Lueddeke, deceased, to said Fritz Brahm with accumulated and unpaid interest thereon, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Adolphine Johanna Luddeke also known as Clara Adolphine Johanna Lueddeke and Werner Walther Luddeke, also known as Werner Walther Lueddeke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7270; Filed, June 25, 1951; 8:59 a. m.]

[Vesting Order 18052]

MAX ZOPF AND MARIA ZOPF STROBEL

In re: Bank account owned by Max Zopf and Maria Zopf Strobel. F-28-14584-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Zopf, whose last known address is Frankfort/Main-Niedenad, Schwarzwaldstrasse 42, Germany and Maria Zopf Strobel, whose last known address is Frankfort/Main-Niederrad, 28 Waldstrasse, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Marine Midland Trust Company of New York, 110 William Street, New York, New York, arising out of a savings account, account number 18995 entitled "Estate of Ottilie Gessner", and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Zopf and Maria Zopf Strobel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7272; Filed, June 25, 1951; 8:59 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER SERVICE IN THE ARMED FORCES

Part 35 is revised and amended to read as set out below. Substantive changes have been made to conform with recent amendments to the Universal Military Training and Service Act of 1950. These changes will require that restoration rights be given to permanent employees who serve not more than four years on active duty in the armed forces, (under the former act the length of service was three years and restoration rights were limited to one enlistment) and that a leave of absence be granted to employees for the purpose of entering or determining physical condition to enter the armed forces and for training duty.

In addition, certain changes have been made as a result of new policy. These changes will require that restoration rights be granted to indefinite employees serving in defense establishments with reemployment rights back to their original agency under Part 8 of the Commission's Regulations, so that these employees may regain their Federal employment and preserve their reemployment rights back to their original agency; that a permanent employee who has received promotion of more than one grade be offered restoration to the next best available position for which qualified, if he cannot be restored to his former position (present policy provides that if the employee cannot be restored to the position he left, he will be restored to the next lower position in which he served under indefinite promotion); that the agency positively identify the position the employee leaves (agencies formerly were required to review the job description which the employee held on a permanent basis and to furnish him with a copy of that description at the time he entered the armed forces); and that agencies give consideration for promotion to employees serving in the armed forces to the same extent as they would have received had they not been absent (present policy permits this consideration but does not require it).

These amendments are effective upon publication in the FEDERAL REGISTER.

Sec.
35.1 Coverage.
35.2 Agency action at time employee leaves.
35.3 Agency action while employee is absent.
35.4 Requirements for restoration.
35.5 Agency action at time employee returns.
35.6 Appeals to the Commission.
35.7 Commission action on appeal.

AUTHORITY: §§ 35.1 to 35.7 issued under sec. 9, 62 Stat. 614; 50 U. S. C. App. Sup. 459. E. O. 10180, Nov. 13, 1950, 15 F. R. 7745; 3 CFR 1950 Supp.

§ 35.1 *Coverage.* The regulations in this part apply to any person who, subsequent to June 24, 1948, leaves other than a temporary position in the executive branch of the Federal or the District of Columbia Government and enters on active duty for service in the armed forces of the United States. The regulations in this part also apply to any permanent employee who has been indefinitely promoted or reassigned to the position he leaves to enter such service, and to any employee who has been given an indefinite appointment with reemployment rights under Part 8 of this chapter.

§ 35.2 *Agency action at time employee leaves*—(a) *Military furlough or separation*—(1) *Recording of action.* Each employee entering the armed forces for active service shall be furloughed or separated for military service at the option of the agency. At the time he returns to duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by law or the regulations in this part.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence.* Agencies shall grant a leave of absence to an employee for the purpose of entering, determining physical fitness to enter, or performing training duty in the armed forces of the United States. Upon application within 30 days after release from training duty or after rejection the employee shall be returned to his position without reduction in seniority, status, or pay, except as

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FEDERAL REGISTER

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1949 Edition

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such reduction may be made for all employees similarly situated.

§ 35.3 *Agency action while employee is absent*—(a) *Reallocations.* If the employee's position is reallocated upward during his absence, personnel action shall be taken placing him in the reallocated position unless it is clearly shown that he is not qualified for the position. If the position is reallocated downward during his absence, no personnel action shall be taken until he returns and is restored. At that time the downgrading must be processed under section 14 of the Veterans' Preference Act of 1944, as amended.

(b) *Promotions.* An employee absent on military duty shall be given the same consideration for promotion as employees who are serving in the agency at that time. He shall be considered for any and all promotions for which he would normally have been considered had he not been absent on military duty. Agencies will be held responsible for maintaining adequate records to assure such consideration during the time he is absent. Any such promotion shall be effected as of the date it would have been made notwithstanding the absence for military duty.

(c) *Reorganizations.* In the event of any reorganization within an agency which affects the position of any employee absent on military duty, the agency is responsible for determining the position of comparable grade to which the employee shall be assigned and for recording the same on official records.

(d) *Abolition of the agency or transfer of functions.* If any functions of any agency are transferred to another agency or to a continuing or successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in the agency. If this is not done, the head of the receiving agency shall be responsible for taking official action transferring the employee to said agency. In event the agency is abolished and the functions are not transferred to any other agency, it shall be the responsibility of the head of the agency which is being abolished to furnish to the Commission a list of all employees absent in the armed forces and to note the Official Personnel Folders accordingly. This list shall contain, in addition to the names of the employees, the date of birth, position, grade, and salary, and the organizational unit of the agency in which they were employed.

(e) *Notice of right to appeal.* When an agency refuses to restore, or determines that it is not feasible to restore an employee as provided in this part, the agency shall notify the employee in writing to this effect and of his right to appeal to the Commission. A copy of the notice shall be forwarded to the Commission.

§ 35.4 *Requirements for restoration.* Any employee covered by the regulations in this part, who after June 24, 1948 is inducted, enlists, or is ordered or called into the armed forces of the United States for active service is entitled to restoration if he serves not more than four years (exclusive of any additional service imposed according to law); receives a certificate of Satisfactory Completion of Training and Service; Makes application for restoration within 90 days after discharge or from hospitalization continuing after discharge for not more than 1 year; and is qualified to perform the duties of the position.

§ 35.5 *Agency action at time employee returns*—(a) *Time limit for restoration.* Restoration shall be made as soon as possible, and in no event later than 30 days after the employee's application is received in the agency.

(b) *Order of restoration of permanent employees.* Permanent employees of the agency shall be restored to employment in the following order:

(1) *Positions to which indefinitely promoted.* If a final date for termination of indefinite promotions has not been set, the employee shall be restored to the position indicated or one of like seniority, status and pay, unless such position is occupied by an employee with greater retention preference:

(i) To the position to which promoted while in the military service;

(ii) To the position in which he was serving under indefinite promotion at the time he entered military service;

(iii) To the next best available position for which he is qualified.

(2) *Permanent positions.* If the employee is not entitled to restoration to a position to which indefinitely promoted, he shall be restored to the position indicated or if it does not exist, to a position of like seniority, status and pay:

(i) To the position to which he was promoted on a permanent basis while in the military service;

(ii) To his last permanent position;

(iii) To the next best available position for which he is qualified.

(c) *Order of restoration of indefinite employees with reemployment rights.* Employees given indefinite appointments with reemployment rights under Part 8 of this chapter shall be restored to employment in the following order:

(1) *In the agency left to enter military service.* Unless the position concerned is occupied by an employee with greater retention preference, the employee shall be restored to the position indicated or one of like seniority, status and pay:

(i) To the position to which indefinitely promoted while in the military service;

(ii) To the position in which he was serving at the time he entered military service;

(iii) To the next best available position for which he is qualified.

(2) *In the agency in which he has reemployment rights.* If the employee is unable to be restored in the agency he left to enter military service, he shall be reemployed in the agency in which he has reemployment rights in accordance with Part 8 of this chapter.

(d) *Physical qualifications.* A returning employee who is not qualified to perform the duties of the position to which he is entitled to be restored because of disability sustained during service in the armed forces but who is qualified to perform the duties of any other position in the agency, shall be restored to such other position in such a way as to provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(e) *Conflicting rights.* In case two or more employees are entitled to be restored to the same position restoration action shall be taken as follows:

(1) *Restoration to permanent position.* If the employees left a permanent position, the employee who left such position first shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status and pay for which he is qualified, if there is such a position not occupied by an employee with equal or greater retention preference. If such an assignment is impossible, the second employee shall be offered restoration to the next best available position for which he is qualified.

(2) *Restoration to positions to which indefinitely promoted and of employees*

with reemployment rights. If restoration is to be made to a position to which indefintely promoted, or to an indefinite position from which the employee has reemployment rights, the employee who would have greater retention preference shall have the prior right to be restored thereto. The second employee shall be assigned to a position of like seniority, status and pay for which he is qualified. If such assignment is impossible the second employee shall be offered restoration to the next best available position. In neither case may an employee be restored to a position occupied by an employee with greater retention preference.

(f) *Restoration to position to which indefinitely promoted.* Restoration to a position based on the employee's indefinite promotion shall not cause such indefinite promotion to extend beyond the date it would otherwise be terminated.

§ 35.6 *Appeals to the Commission—*(a) *Executive branch and District of Columbia employees.* An employee may appeal to the Commission to establish his rights to restoration as follows:

(1) *Former agency not in existence.* If the agency in which he was employed is no longer in existence and its functions have not been transferred to another agency, appeal must be filed not later than 10 days after expiration of the 90-day period following discharge or hospitalization continuing after discharge for not more than one year.

(2) *Not feasible to restore.* Appeal from the decision of an agency that it is not feasible for him to be restored to employment must be filed not later than 10 days after receipt of notice from the agency.

(3) *Failure of restoration.* If the agency fails to restore him within 30 days after receipt of his application, appeal must be filed not later than 10 days after expiration of this 30-day period.

(4) *Refusal of restoration.* If the agency refuses to restore him to employment, appeal must be filed not later than 10 days after receipt of notice from the agency.

(5) *Improper restoration.* If the agency has improperly restored him to employment, appeal must be filed not later than 10 days after such improper restoration.

(6) *Delayed appeals.* An appeal filed after expiration of the 10-day filing period may be accepted in the discretion of the Commission where the employee shows good cause for not filing within that period.

(b) *Legislative employees.* An employee of the legislative branch of the Government who is eligible to acquire a competitive status under section 2 (b) of the act of November 26, 1940 may file an appeal with the Commission when it is not possible for him to be restored in the legislative branch. The appeal must be filed not later than 10 days after expiration of the 90-day period following discharge or hospitalization continuing after discharge for not more than one year.

§ 35.7 *Commission action on appeal—*(a) *Restoration of permanent employees—*(1) *Agency not in existence or not feasible to restore.* When the Commission finds that the employee cannot be restored to his permanent position because the agency is no longer in existence and its functions have not been transferred, or that it is not feasible for the employee to be restored, it shall determine whether there is a position in any other agency in the executive branch of the Government or the government of the District of Columbia for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined the employee shall be restored to such position as directed by the Commission.

(2) *Legislative employees.* When the Commission finds that the employee is eligible to acquire a competitive status in accordance with section 2(b) of the act of November 26, 1940, it shall determine whether there is a position in any agency for which the employee is qualified and which is vacant or held by a temporary employee. When it is so determined he shall be restored to such position as directed by the Commission.

(3) *Failure or refusal to restore.* When the Commission finds that a permanent employee has not been restored to a permanent position in accordance with the regulations in this part, or that an agency has failed or refused to restore an employee in accordance with subparagraphs (1) or (2) of this paragraph, it shall issue an order specifically requiring such agency of the Government or the government of the District of Columbia to restore the employee and to compensate him for any loss of salary suffered by reason of refusal or failure to comply with the regulations in this part. Such compensation shall be less any amount received by him through other employment, unemployment compensation, or readjustment allowances. An affidavit of the employee, subject to verification of any amounts claimed to have been received, shall be required for the employing agency to determine the compensation due.

(b) *Restoration to positions to which indefinitely promoted.* When the Commission finds that a permanent employee is entitled to be restored to a position of a higher grade than his last permanent position, it shall notify and require the agency to restore the employee in accordance with the regulations in this part.

(c) *Restoration of indefinite employee with reemployment rights.* When the Commission finds that an indefinite employee with reemployment rights has not been restored by the agency he left to enter military service, it shall notify and require that agency to restore the employee in accordance with the regulations in this part. If such agency is no longer in existence, or it is not feasible for the employee to be restored in such agency, the Commission will notify the employee to exercise his reemployment rights in his former agency in accordance with Part 8 of this chapter.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7313; Filed, June 26, 1951; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951 was supplemented by 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Grain Sorghums, 16 F. R. 4179, containing the specific requirements applicable to price support operations on grain sorghums of the 1951-crop. These regulations are further supplemented as follows:

§ 601.911 *Support rates.* Basic support rates for grain sorghums placed under loan and for grain sorghums delivered under purchase agreement are as set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per 100 pounds for grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per 100 pounds
Omaha, Nebr.	$2.61
Sioux City, Iowa	2.61
Kansas City, Mo.	2.64
Galveston, Tex.	2.71
Houston, Tex.	2.71
New Orleans, La.	2.71
Saint Louis, Mo.	2.82
Memphis, Tenn.	2.85
Los Angeles, Calif.	2.96
San Francisco, Calif.	2.96

(b) *Basic county support rates.* The following basic county support rates per 100 pounds are established for grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the grain sorghums are stored.

	Rate per 100 pounds
ALABAMA	
All counties	$2.34
ARIZONA	
Cochise	$2.22
Graham	2.14
Greenlee	2.00
Maricopa	2.52
Pima	2.42
Pinal	2.52
Yuma	2.54
ARKANSAS	
All counties	$2.34

CALIFORNIA

County	Rate per 100 pounds	County	Rate per 100 pounds
Alameda	$2.76	Sacramento	$2.69
Butte	2.64	San Benito	2.70
Colusa	2.65	San Bernardino	2.68
Contra Costa	2.75	San Joaquin	2.72
Fresno	2.64	San Luis Obispo	2.63
Glenn	2.62	Shasta	2.52
Imperial	2.62	Solano	2.73
Kern	2.64	Stanislaus	2.70
Kings	2.64	Sutter	2.66
Los Angeles	2.73	Tehama	2.61
Madera	2.66	Tulare	2.64
Merced	2.69	Yolo	2.70
Placer	2.66		
Riverside	2.66		

COLORADO

Adams	$2.10	Las Animas	$2.10
Arapahoe	2.10	Lincoln	2.10
Baca	2.12	Logan	2.10
Bent	2.11	Morgan	2.10
Cheyenne	2.13	Otero	2.10
Crowley	2.10	Phillips	2.13
Denver	2.10	Prowers	2.13
Elbert	2.10	Pueblo	2.10
El Paso	2.10	Sedgwick	2.11
Jefferson	2.10	Washington	2.10
Kiowa	2.12	Weld	2.10
Kit Carson	2.13	Yuma	2.12

GEORGIA

All counties	$2.39

IOWA

All counties	$2.19

KANSAS

County	Rate per 100 pounds	County	Rate per 100 pounds
Allen	$2.31	Labette	$2.30
Anderson	2.33	Lane	2.19
Atchison	2.35	Leavenworth	2.38
Barber	2.22	Lincoln	2.24
Barton	2.22	Linn	2.33
Bourbon	2.32	Logan	2.17
Brown	2.33	Lyon	2.30
Butler	2.25	McPherson	2.25
Chase	2.28	Marion	2.25
Chautauqua	2.28	Marshall	2.30
Cherokee	2.30	Meade	2.18
Cheyenne	2.15	Miami	2.36
Clark	2.19	Mitchell	2.25
Clay	2.28	Montgomery	2.30
Cloud	2.26	Morris	2.27
Coffey	2.32	Morton	2.14
Comanche	2.20	Nemaha	2.31
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Jackson	2.32	Smith	2.24
Jefferson	2.36	Stafford	2.22
Jewell	2.25	Stanton	2.15
Johnson	2.38	Stevens	2.15
Kearny	2.16	Sumner	2.25
Kingman	2.24	Thomas	2.18
Kiowa	2.22	Trego	2.22
Wabaunsee	2.31	Wilson	2.30
Wallace	2.16	Woodson	2.31
Washington	2.28	Wyandotte	2.39
Wichita	2.16		

LOUISIANA

All counties	$2.34

MINNESOTA

All counties	$2.14

MISSISSIPPI

All counties	$2.34

MISSOURI

All counties	$2.34

NEBRASKA

County	Rate per 100 pounds	County	Rate per 100 pounds
Adams	$2.25	Jefferson	$2.28
Antelope	2.26	Johnson	2.30
Arthur	2.14	Kearney	2.23
Banner	2.08	Keith	2.13
Blaine	2.19	Keye Paha	2.20
Boone	2.28	Kimball	2.10
Box Butte	2.12	Knox	2.24
Boyd	2.22	Lancaster	2.34
Brown	2.19	Lincoln	2.18
Buffalo	2.25	Logan	2.19
Burt	2.33	Loup	2.23
Butler	2.33	McPherson	2.18
Cass	2.35	Madison	2.28
Cedar	2.26	Merrick	2.28
Chase	2.14	Morrill	2.10
Cherry	2.17	Nance	2.29
Cheyenne	2.10	Nemaha	2.31
Clay	2.25	Nuckolls	2.25
Colfax	2.32	Otoe	2.33
Cuming	2.32	Pawnee	2.31
Custer	2.22	Perkins	2.14
Dakota	2.29	Phelps	2.22
Dawes	2.09	Pierce	2.27
Dawson	2.22	Platte	2.30
Deuel	2.12	Polk	2.30
Dixon	2.28	Red Willow	2.19
Dodge	2.34	Richardson	2.31
Douglas	2.35	Rock	2.20
Dundy	2.13	Saline	2.30
Fillmore	2.28	Sarpy	2.36
Franklin	2.22	Saunders	2.34
Frontier	2.19	Scotts Bluff	2.08
Furnas	2.21	Seward	2.32
Gage	2.30	Sheridan	2.12
Garden	2.12	Sherman	2.25
Garfield	2.24	Sioux	2.08
Gosper	2.21	Stanton	2.30
Grant	2.14	Thayer	2.27
Greeley	2.27	Thomas	2.18
Hall	2.26	Thurston	2.32
Hamilton	2.28	Valley	2.24
Harlan	2.22	Washington	2.34
Hayes	2.16	Wayne	2.26
Hitchcock	2.16	Webster	2.24
Holt	2.24	Wheeler	2.27
Hooker	2.16	York	2.29
Howard	2.26		

NEW MEXICO

Bernalillo	$1.97	McKinley	$1.93
Catron	1.75	Mora	1.93
Chaves	2.02	Quay	2.06
Colfax	1.98	Roosevelt	2.07
Curry	2.07	Sandoval	1.93
De Baca	2.02	San Juan	1.74
Eddy	2.00	San Miguel	1.88
Grant	1.81	Santa Fe	1.86
Guadalupe	1.93	Sierra	1.93
Harding	1.88	Socorro	1.93
Hidalgo	1.98	Torrance	1.96
Lea	2.06	Union	1.97
Luna	1.93	Valencia	1.93

NORTH CAROLINA

All counties	$2.39

NORTH DAKOTA

All counties	$2.09

OKLAHOMA

County	Rate per 100 pounds	County	Rate per 100 pounds
Adair	$2.25	Le Flore	$2.27
Alfalfa	2.20	Lincoln	2.17
Atoka	2.21	Logan	2.17
Beaver	2.10	Love	2.17
Beckham	2.14	McClain	2.17
Blaine	2.17	McCurtain	2.20
Bryan	2.19	McIntosh	2.22
Caddo	2.17	Major	2.17
Canadian	2.17	Marshall	2.17
Carter	2.17	Mayes	2.25
Cherokee	2.23	Murray	2.17
Choctaw	2.20	Muskogee	2.24
Cimarron	2.05	Noble	2.20
Cleveland	2.17	Nowata	2.28
Coal	2.20	Okfuskee	2.20
Comanche	2.17	Oklahoma	2.17
Cotton	2.17	Okmulgee	2.20
Craig	2.28	Osage	2.20
Creek	2.20	Ottawa	2.27
Custer	2.17	Pawnee	2.20
Delaware	2.25	Payne	2.16
Dewey	2.16	Pittsburg	2.22
Ellis	2.13	Pontotoc	2.19
Garfield	2.19	Pottawatomie	2.17
Garvin	2.18	Pushmataha	2.23
Grady	2.17	Roger Mills	2.13
Grant	2.20	Rogers	2.25
Greer	2.16	Seminole	2.19
Harmon	2.14	Sequoyah	2.25
Harper	2.12	Stephens	2.17
Haskell	2.24	Texas	2.09
Hughes	2.20	Tillman	2.17
Jackson	2.17	Tulsa	2.24
Jefferson	2.17	Wagoner	2.23
Johnston	2.17	Washington	2.27
Kay	2.21	Washita	2.17
Kingfisher	2.17	Woods	2.19
Kiowa	2.17	Woodward	2.14
Latimer	2.24		

SOUTH CAROLINA

All counties	$2.39

SOUTH DAKOTA

All counties	$2.14

TENNESSEE

All counties	$2.34

TEXAS

County	Rate per 100 pounds	County	Rate per 100 pounds
Andrews	$2.08	Collin	$2.19
Aransas	2.26	Collingsworth	2.10
Archer	2.13	Colorado	2.43
Armstrong	2.09	Comal	2.26
Atascosa	2.21	Comanche	2.17
Austin	2.44	Concho	2.13
Bailey	2.09	Cooke	2.17
Bandera	2.17	Coryell	2.25
Bastrop	2.36	Cottle	2.09
Baylor	2.13	Crosby	2.09
Bee	2.26	Culberson	1.99
Bell	2.30	Dallam	2.04
Bexar	2.23	Dallas	2.21
Blanco	2.24	Dawson	2.09
Borden	2.09	Deaf Smith	2.09
Bosque	2.22	Delta	2.20
Bowie	2.29	Denton	2.18
Brazoria	2.46	Dewitt	2.34
Brazos	2.40	Dickens	2.09
Briscoe	2.09	Donley	2.09
Brooks	2.14	Duval	2.16
Brown	2.17	Eastland	2.16
Burleson	2.40	Ellis	2.22
Burnet	2.22	Erath	2.18
Caldwell	2.32	Falls	2.31
Calhoun	2.33	Fannin	2.17
Callahan	2.13	Fayette	2.40
Cameron	2.07	Fisher	2.12
Carson	2.09	Floyd	2.09
Castro	2.09	Foard	2.12
Cherokee	2.30	Franklin	2.25
Childress	2.11	Frio	2.18
Clay	2.17	Gaines	2.29
Cochran	2.09	Galveston	2.47
Coke	2.09	Garza	2.09
Coleman	2.16	Gillespie	2.17

TEXAS—continued

County	Rate per 100 pounds	County	Rate per 100 pounds
Glasscock	$2.09	Milam	$2.35
Goliad	2.32	Mills	2.19
Gonzales	2.33	Mitchell	2.10
Gray	2.09	Montague	2.17
Grayson	2.17	Montgomery	2.45
Grimes	2.43	Moore	2.05
Guadalupe	2.28	Motley	2.09
Hale	2.09	Navarro	2.26
Hall	2.09	Nolan	2.10
Hamilton	2.20	Nueces	2.21
Hansford	2.05	Ochiltree	2.07
Hardeman	2.13	Oldham	2.09
Harris	2.46	Palo Pinto	2.15
Hartley	2.05	Parker	2.19
Haskell	2.12	Parmer	2.09
Hays	2.30	Pecos	2.01
Hemphill	2.10	Polk	2.42
Hidalgo	2.05	Potter	2.09
Hill	2.23	Presidio	1.98
Hockley	2.09	Randall	2.09
Hood	2.19	Reagan	2.07
Houston	2.38	Real	2.13
Howard	2.09	Reeves	2.01
Hudspeth	1.99	Refugio	2.31
Hunt	2.17	Roberts	2.09
Hutchinson	2.06	Robertson	2.36
Irion	2.08	Rockwall	2.20
Jack	2.14	Runnels	2.09
Jackson	2.40	San Jacinto	2.44
Jeff Davis	1.98	San Patricio	2.24
Jim Hogg	2.11	San Saba	2.20
Jim Wells	2.22	Schleicher	2.07
Johnson	2.21	Scurry	2.10
Jones	2.12	Shackelford	2.12
Karnes	2.27	Sherman	2.05
Kaufman	2.21	Somervell	2.19
Kendall	2.17	Stephens	2.13
Kent	2.09	Sterling	2.09
Kerr	2.16	Stonewall	2.09
Kimble	2.16	Swisher	2.09
King	2.11	Tarrant	2.20
Kleberg	2.19	Taylor	2.11
Knox	2.12	Terry	2.09
Lamar	2.20	Throckmorton	2.13
Lamb	2.09	Tom Green	2.09
Lampasas	2.21	Travis	2.32
La Salle	2.15	Upton	2.02
Lavaca	2.38	Uvalde	2.13
Lee	2.38	Van Zandt	2.21
Leon	2.35	Victoria	2.35
Limestone	2.31	Waller	2.45
Lipscomb	2.09	Ward	2.02
Live Oak	2.24	Washington	2.43
Llano	2.21	Webb	2.09
Loving	2.01	Wharton	2.44
Lubbock	2.09	Wheeler	2.09
Lynn	2.09	Wichita	2.09
McCulloch	2.17	Wilbarger	2.14
McLennan	2.27	Willacy	2.09
McMullen	2.19	Williamson	2.31
Martin	2.09	Wilson	2.25
Mason	2.17	Wise	2.18
Matagorda	2.42	Young	2.14
Maverick	2.03	Yoakum	2.09
Medina	2.20	Zapata	2.01
Menard	2.16	Zavala	2.10
Midland	2.08		

WYOMING

All counties	$2.09

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 2, 62 Stat. 1070, as amended, secs. 301, 401, 63 Stat. 1053, 1054; 7 U. S. C. Sup., 1447, 1421)

Issued this 22d day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-7347; Filed, June 26, 1951; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-filler-52)-3]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER TOBACCO MARKETING QUOTA REGULATIONS, 1952-53 MARKETING YEAR

GENERAL

Sec.
723.371 Basis and purpose.
723.372 Definitions.
723.373 Extent of calculations and rule of fractions.
723.374 Instructions and forms.
723.375 Applicability of §§ 723.371 to 723.388.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.376 Determination of harvested acreage for old farms.
723.377 Determination of 1952 preliminary acreage allotments for old farms.
723.378 1952 old farm tobacco acreage allotment.
723.379 Adjustment of acreage allotments for old farms.
723.380 Reallocation of allotments released from farms removed from agricultural production.
723.381 Farms divided or combined.
723.382 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.383 Determination of acreage allotments for new farms.
723.384 Time for filing application.
723.385 Determination of normal yields.

MISCELLANEOUS

723.386 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.387 Approval of determinations made under §§ 723.371 to 723.386.
723.388 Application for review.

AUTHORITY: §§ 723.371 to 723.388 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.371 *Basis and purpose.* The regulations contained in §§ 723.371 to 723.388 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1952 farm acreage allotments and normal yields for cigar-filler tobacco. The purpose of the regulations in §§ 723.371 to 723.388 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler tobacco for the 1952–53 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.371 to 723.388, public notice (16 F. R. 4471) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.371 to 723.388, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.372 *Definitions.* As used in §§ 723.371 to 723.388, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1952 for the first time since 1946.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1947 through 1951.

(e) *Cropland.* "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type; and produced principally in Lancaster County, Pennsylvania, and the adjoining counties; as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 723.373 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.374 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary, for carrying out §§ 723.371 to 723.388. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.375 *Applicability of §§ 723.371 to 723.388.* Sections 723.371 to 723.388 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1952. The applicability of §§ 723.371 to 723.388 is contingent upon the proclamation of a national marketing quota for cigar-filler tobacco by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.376 *Determination of harvested acreage for old farms.* The county committee shall determine from the best available data the actual harvested acreage for each of the years 1947–51 for all old tobacco farms. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases.

§ 723.377 *Determination of 1952 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the largest of the following:

(a) The average acreage of tobacco harvested on the farm in the five years 1947–51, except that if the five-year average is in excess of the three-year, 1949–51, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average.

(b) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1949–51.

(c) 45 percent of the acreage of tobacco harvested on the farm in 1951.

§ 723.378 *1952 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.377 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.379 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.379 *Adjustment of acreage allotments for old farms.* The allotment for an old farm may be adjusted if the community committee, with the approval of the county committee, finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted), land, labor, and equipment available for the production of tobacco, and crop-rotation practices, than the average of the allotments for other old farms in the community in relation to such factors: *Provided*, That the allotment as adjusted shall not exceed the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm. The acreage available for increasing allotments under this section shall not exceed 4 percent of the 1952 State acreage allotment.

§ 723.380 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in the State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.381 *Farms divided or combined.* (a) If land operated as a single farm in 1951 will be operated in 1952 as two or more farms, the 1952 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1947–51 five-year average of tobacco harvested on each such tract bore to the 1947–51 five year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1952 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1951 are combined and operated in 1952 as a single farm, the 1952 preliminary allotment shall be the sum of the 1952 preliminary allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1952 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.382 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the four years 1946–49, (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.383 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an al-

lotment made under § 723.380, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested during one of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements of this subparagraph if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a cigar-filler (type 41) tobacco allotment is established for the 1952–53 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1952 national marketing quota shall, when converted to an acreage allotment by use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.384 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1952, unless the farm operator was discharged from the armed services subsequent to December 31, 1951, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.385 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.386 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.371 to 723.385, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1947–51 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1947–51, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.387 *Approval of determinations made under §§ 723.371 to 723.386.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 723.371 to 723.386. All acreage allotments and yields shall be approved by the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 723.388 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 22d day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–7344; Filed, June 26, 1951; 8:53 a. m.]

[1023 (Maryland–52)–3]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1952–53 MARKETING YEAR

GENERAL

Sec.
727.311 Basis and purpose.
727.312 Definitions.
727.313 Extent of calculations and rule of fractions.
727.314 Instructions and forms.
727.315 Applicability of §§ 727.211 to 727.229.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

727.316 Determination of harvested acreage for old farms.
727.317 Determination of 1952 preliminary acreage allotments for old farms.
727.318 1952 old farm tobacco acreage allotment.
727.319 Adjustment of acreage allotments for old farms.
727.320 Determination of harvested acreage for divided or combined farms.
727.321 Reallocation of allotments released from farms removed from agricultural production.
727.322 Farms divided or combined.
727.323 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

727.324 Determination of acreage allotments for new farms.
727.325 Time for filing application.
727.326 Determination of normal yields.

MISCELLANEOUS

727.327 Determination of acreage allotments and normal yields for farms returned to agricultural production.
727.328 Approval of determinations made under §§ 727.311 to 727.327.
727.329 Application for review.

AUTHORITY: §§ 727.311 to 727.329 issued under sec. 375, 52 Stat. 66; as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 333, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.311 *Basis and purpose.* The regulations contained in §§ 727.311 to 727.329 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1952 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.311 to 727.329 is to provide the procedure for allocating on an acreage basis, the State marketing quota for Maryland tobacco for the 1952–53 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.311 to 727.329, public notice (16 F. R. 4471) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.311 to 727.329, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.312 *Definitions.* As used in §§ 727.311 to 727.329, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless th context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1952 for the first time since 1946.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1947 through 1951.

(e) *Cropland.* "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be

determined by an examination of the tobacco.

§ 727.313 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 727.314 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 727.315 *Applicability of §§ 727.311 to 727.329.* Sections 727.311 to 727.329 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1952. The applicability of §§ 727.311 to 727.329 is contingent upon the proclamation of a national marketing quota for Maryland tobacco by the Secretary, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.316 *Determination of harvested acreage for old farms.* The county committee shall determine from the best available data the actual harvested acreage for each of the years 1947–51 for all old tobacco farms. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions, and plant bed and other diseases.

§ 727.317 *Determination of 1952 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the largest of the following:

(a) The average acreage of tobacco harvested on the farm in the five years 1947–51, except that if the five-year average is in excess of the three-year, 1949–51, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average.

(b) 90 percent of the average acreage of tobacco harvested on the farm in the three years 1949–51.

(c) 50 percent of the acreage of tobacco harvested on the farm in 1951.

§ 727.318 *1952 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.317 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 727.319 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) the acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 727.319 *Adjustment of acreage allotments for old farms.* The allotment for an old farm may be adjusted if the community committee, with the approval of the county committee, finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted), taking into consideration the effect of plant bed and other diseases; land, labor, and equipment available for the production of tobacco, and crop-rotation practices, than the average of the allotments for other old farms in the community in relation to such factors: *Provided*, That the allotment as adjusted shall not exceed the acreage capacity of barn space which is in usable condition and available for curing tobacco produced on the farm. The acreage available for increasing allotments under this section shall not exceed 5 percent of the 1952 State acreage allotment.

§ 727.320 *Determination of harvested acreage for divided or combined farms.* (a) If land operated as a single farm in any of the five years 1947–51 has since been divided into two or more tracts, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm may be apportioned among the tracts in the same proportion as the average acreage of tobacco harvested on each such tract bore to the average of the acreage of tobacco harvested on the entire farm in such years.

(b) If land operated as two or more farms in any of the five years 1947–51 has since been combined into one farm, the harvested acreage of tobacco for the farm shall be the sum of the harvested acreage on the separate tracts.

§ 727.321 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been de-

termined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 727.322 *Farms divided or combined.* (a) If land operated as a single farm in 1951 will be operated in 1952 as two or more farms, the 1952 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1947–51 five-year average of tobacco harvested on each such tract bore to the 1947–51 five-year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1952 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1951 are combined and operated in 1952 as a single farm, the 1952 preliminary allotment shall be the sum of the 1952 preliminary allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1952 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 727.323 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946–49, (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.324 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.321, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested during one of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements of this subparagraph if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Maryland tobacco allotment is established for the 1952–53 marketing year; and

(4) The farm will not have a 1952 allotment for any kind of tobacco other than that for which application is made under this part.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1952 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.325 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1952, unless the farm operator was discharged from the armed services subsequent to December 31, 1951, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.326 *Determination of normal yields.* The normal yield per acre for a new farm shall be that which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.327 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.311 to 727.326, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1947–51 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1947–51, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.328 *Approval of determinations made under §§ 727.311 to 727.327.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 727.311 to 727.327. All acreage allotments and yields shall be approved by the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 727.329 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 22d day of June 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7345; Filed, June 26, 1951; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.4]

PART 863—SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES DURING PERIOD JULY 1, 1951 THROUGH JUNE 30, 1952

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 5, 1951, the following determination is hereby issued:

§ 863.4 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1951 through June 30, 1952*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1951 through June 30, 1952, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after July 1, 1951, or the date of issuance of this determination, whichever is later, not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
(a) All workers except as otherwise specified	50.0
(b) Tractor drivers and operators of mechanical harvesting or loading equipment	60.0
(c) Workers between 14 and 16 years of age (maximum employment per day for such workers, without deduction from payments under the act to the producer, is 8 hours)	43.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the worker, without charge, the perquisites customarily furnished by him such as a habitable house, garden plot, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker, and, after making such investigation as it deems necessary, notify the producer and worker in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee, Seagle Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATION

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1951, through June 30, 1952, as one of the conditions for payment under the Act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the period for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2), the differences in conditions among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on May 5, 1951, at which interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period from July 1, 1951 through June 30, 1952. In addition, investigations have been made on conditions affecting such wage rates. In this determination consideration has been given to the testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) costs of production; (4) cost of living; (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Wage determinations for sugarcane work in Florida have been issued each year since 1937. The first wage determination covered work in the harvesting of the 1937 crop while subsequent determinations covered all work applicable to production, cultivation and harvesting. Prior to July 1, 1946, separate wage determinations were issued for production and cultivation work during a calendar year and for the harvesting of each crop. Both time and piecework rates were provided for in these determinations. Beginning July 1, 1946, a single wage determination for harvest and nonharvest work during the subsequent 12-month period was issued and in conjunction therewith the previous differential in basic time rates between nonharvest and harvest work was abolished. At the same time specific harvesting piecework rates were omitted from the wage determinations and provision was made for piecework rates as agreed to by producers and workers subject to a minimum hourly guarantee of the worker's earnings. The omission of specific piecework rates from the wage determinations was made because the use of tonnage rates was discontinued by producers in favor of row rates for harvesting. The many variable factors made it impracticable to establish per row rates for harvesting in subsequent determinations.

Generally, the level of rates established in the early determinations reflected the wage-income relationship prior to 1938. In the wage determination for the 1944–45 crop an adjustment was made in the wage-income relationship after reappraisal of the factors influencing wage rates. As a result of changes in the economic factors affecting wage rates, together with adjustments in the wage-income relationship, the weighted average basic time rates have been increased from 17.9 cents per hour in 1938 to 45.8 cents per hour in 1950–51. No major changes were made in the 1950–51 wage determination.

(d) *1951–52 wage determination.* In the 1951–52 wage determination basic wage rates for all classes of workers are increased 5 cents per hour above the rates provided in the 1950–51 wage determination. The differential rate for female workers which has been provided in prior wage determinations has been eliminated. The weighted average basic time rate for all workers under this de-

termination will be approximately 51 cents per hour.

An examination has been made of the factors customarily considered in wage determinations. Current sugar and molasses prices are at levels which are favorable compared with such prices a year ago. Producer returns are likely, therefore, to exceed those for the previous crop. Prices paid by producers for commodities used in production also have risen during the past year but the increases have been offset in some degree by improved production resulting in lower unit costs. In addition, during recent years major improvements have been made in labor productivity on the farm. Prices of food and clothing as measured by the Consumers' Price Index have risen substantially during the past year.

The differential rate for work performed by female workers has been eliminated from the rate structure because female workers are not generally used in this area. Should the employment of female workers become prevalent, an appropriate rate for such workers may be provided in subsequent determinations upon showing of their proper performance capabilities as compared with other workers.

In this area a considerable portion of cultivation and harvesting work is performed on a piecework basis and workers' earnings are considerably above the minimum rates established. During 1950–51 the earnings of workers employed on piecework in cultivation were reported to average about 60 cents per hour and between 73 and 98 cents per hour for cutting sugarcane during the harvest. In a number of instances the actual hourly rates paid to workers employed on a time basis also were significantly above the minimum rates provided. In addition to these wages, producers furnish workers without charge the customary perquisites such as housing, water, garden plot and medical attention.

At the public hearing it was recommended that the minimum guarantee of earnings to workers employed on a piecework basis be eliminated from the determination. While consideration has been given to this recommendation it is believed that the absence of a minimum guarantee of earnings in cases where minimum piecework rates are not specified would deny to the majority of workers the protection of the minimum wage provisions of the act.

After consideration of the economic factors affecting the production of sugarcane in Florida and testimony presented at the public hearing, the increases provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 22d day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7343; Filed, June 26, 1951; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.309 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 9, 1951, to May 31, 1952, both dates inclusive, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1 limiting shipments to U. S. No. 2 or better grades (General Cull Regulation—published in the FEDERAL REGISTER, July 16, 1949; 14 F. R. 3979), and which are of sizes smaller than 2 inches minimum diameter or 4 ounces minimum weight as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerance set forth therein.

(2) During the period from September 1, 1951, to October 31, 1951, both dates inclusive, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to (i) potatoes shipped for seed purposes which have been officially certified as seed potatoes by the official Colorado seed certifying agency and which are in containers bearing official Colorado seed certification tags, and (ii) potatoes shipped for consumption by a charitable institution, for relief purposes, or for manufacturing purposes for conversion into by-products.

(4) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7346; Filed, June 26, 1951; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5678]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FASHION TOWNE, INC. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act;* § 3.1900 *Source or origin; Wool Products Labeling Act.* In connection with the introduction or manufacture—for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of ladies' suits or other wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as defined in said act, misbranding such ladies' suits or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 2, 54 Stat. 1128; 15 U. S. C. 15, 68) [Cease and desist order, Fashion Towne, Inc., et al., Docket 5678, April 3, 1951]

In the Matter of Fashion Towne, Inc., a corporation, and Morton Davis and Anna Davis, Individually and as officers of Fashion Towne, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into by and between Daniel J. Murphy, Chief, Division of Litigation, of the Commission, and respondents, in which stipulation the respondents waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Fashion Towne, Inc., a corporation, and its officers, and Morton Davis and Anna Davis, individually, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce as "commerce" is defined in the aforesaid acts, of ladies' suits or other wool products as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such ladies' suits or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939: *Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7314; Filed, June 26, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 383]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 378]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MAINE

Amendment 383 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 378 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 135, is amended to read as follows:

Name of defense-rental area	State	County or counties under rent regulation	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed
(135) Bangor	Maine	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This recontrols the entire Bangor, Maine, Defense-Rental Area, which Defense-Rental Area was heretofore decontrolled as of September 16, 1949.

2. A new item is hereby incorporated in Schedule B to read as follows:

86. Provisions relating to the Bangor, Maine, Defense-Rental Area.

Recontrol of the Bangor, Maine, Defense-Rental Area. Effective June 27, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Bangor, Maine, Defense-Rental Area, except as modified by the following provisions:

a. As to housing accommodations in the Bangor, Maine, Defense-Rental Area, all orders in effect on September 15, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on June 27, 1951, there was a ground for adjustment under § 825.5 (a) or 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before July 27, 1951, the adjustment shall be effective as of June 27, 1951.

c. If, on June 27, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before July 27, 1951 requesting approval of the decreased services. If, on June 27, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or 825.83, the landlord shall file, on or before July 27, 1951, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph c, the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which on June 27, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time the same time period shall be applicable but such time period shall be counted from June 27, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to June 27, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective June 27, 1951.

Issued this 22d day of June 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7319; Filed, June 26, 1951; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter S—Moneys: Tribal and Individual

PART 221—INDIAN MONEY ACCOUNTS

Sections 221.1 to 221.40 inclusive, of Part 221 are repealed and §§ 221.1 to 221.12 as hereinafter set forth are substituted therefor. The title of this part is changed to "Indian Money Accounts".

Sec.
221.1 Definitions.
221.2 Osage Agency.
221.3 Individual accounts.
221.4 Minors.
221.5 Adults under legal disability.
221.6 Voluntary deposits.
221.7 Payments by other Federal agencies.
221.8 Purchase orders.
221.9 Restrictions.
221.10 Funds of deceased Indians.
221.11 Funds of deceased Indians of the Five Civilized Tribes.
221.12 Supervision; appeal.

AUTHORITY: §§ 221.1 to 221.12 issued under R. S. 161; 5 U. S. C. 22.

§ 221.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning herein stated:

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Area Director" means the officer in charge of an area office for the Bureau of Indian Affairs.

(c) "Superintendent" means the superintendent or other officer in charge of an Indian reservation, agency or establishment.

(d) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

(e) "Indian Money Accounts" are those accounts under the control of superintendents or disbursing agents containing funds, regardless of derivation, belonging to individuals.

§ 221.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 222.

§ 221.3 *Individual accounts.* Individuals shall have the right to withdraw funds in their Indian money accounts and upon their request the superintendent shall disburse the funds to them at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 221.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 221.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 221.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 221.7 *Payments by other Federal Agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 221.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 221.9 *Restrictions.* Funds obligated under assignments made pursuant to Part 30 of this chapter shall be disbursed only in accordance with the terms thereof. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 81 and 82 of this title.

§ 221.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and state estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 221.12 *Supervision; appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 19, 1951.

[F. R. Doc. 51-7316; Filed, June 26, 1951, 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 572—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

CONTRACT SURGEONS

Sections 572.1 through 572.5 are rescinded and the following substituted therefor:

Sec.
572.1 Authority to employ.
572.2 Duties and privileges.
572.3 Pay and allowances.
572.4 Qualifications.
572.5 Contracts.

AUTHORITY: §§ 572.1 to 572.5 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 18, 31 Stat. 752, sec. 504, 63 Stat. 827; 10 U. S. C. 107, 37 U. S. C. 304.

§ 572.1 *Authority to employ.* When authorized by the Secretary of the Army, and to the extent deemed necessary by him, full-time or part-time contract surgeons may be employed by The Surgeon General. The commanding generals of the continental Army areas may act for The Surgeon General within their respective Army areas in contracting for the services of such full-time or part-time contract surgeons. Employment of all other contract surgeons will be accomplished by The Surgeon General.

§ 572.2 *Duties and privileges.* The professional and administrative duties of contract surgeons are identical to those of a Medical Corps officer, except so far as they are limited by the fact that contract surgeons do not perform their functions by virtue of military rank or commission. Contract surgeons are not eligible for detail on courts martial, but may be detailed to serve on medical boards convened pursuant to AR 40-610 (Army regulation pertaining to administration of medical treatment facilities), and on other administrative boards when authorized by law or regulation.

§ 572.3 *Pay and allowances*—(a) *Full-time contract surgeons.* Contract surgeons serving full time with any of the uniformed services are entitled to be paid the minimum basic pay, the basic allowances, and such other allowances as are authorized by the act of October 12, 1949 (Pub. Law 351, 81st Cong.), to be paid to commissioned officers in pay grade O-2.

(b) *Part-time contract surgeons.* (1) Contract surgeons who are serving part time with any of the uniformed services receive only the pay specifically stipulated in their contracts and are not entitled to basic subsistence allowance or basic quarters allowance.

(2) Contract surgeons who are serving part time with any of the uniformed services are entitled to receive the allowances for travel and transportation prescribed for commissioned officers under the same conditions and in the same amounts.

(3) Part time contract surgeons are not authorized to make allotments of pay.

(c) *Pay while on leave.* (1) When contracts so provide, contract surgeons will be entitled to full pay and allowances while on sick or ordinary leave, under the same rules as apply to commissioned officers.

(2) Contract surgeons who have served continuously under two or more contracts are not entitled while serving under their present contracts to credit for leave which accrued but was not taken under prior contracts.

§ 572.4 *Qualifications.* To be eligible for employment as a contract surgeon, the candidate must be a graduate of a medical school legally authorized to confer the degree of doctor of medicine and acceptable to the appointing authority. The candidate must also be a licensed practitioner in good standing and must possess acceptable moral, professional, and physical qualifications.

§ 572.5 *Contracts.* The policy of the Department of the Army is to make or authorize full-time contracts only under exceptional circumstances and upon a full representation of the necessity therefor.

[AR 35-1360, 11 June 1950 and AR 40-30, June 5, 1951]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-7288; Filed, June 26, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 12, Amendment 1]

CPR 12—MILLED RICE

ESTABLISHING DIFFERENTIAL FOR UNPOLISHED CALIFORNIA PEARL RICE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 12 establishes the differential for each grade of unpolished California Pearl rice at $.50 below the ceiling price of milled rice of the same grade of that variety.

CPR 12 established dollars-and-cents ceiling prices for milled rice of all varieties and provided that the differentials customarily used by millers during the GCPR base period be used in determining the ceiling price for rice of a lower degree of milling.

Historically, sales of unpolished rice have been limited to very infrequent sales for export. There appears to be little or no demand for it in the United States. California Pearl rice is milled only by a very small number of millers, none of whom made any sales of undermilled or unpolished rice during the GCPR base period. Moreover, in view of the infrequency of such sales, these millers did not customarily offer unpolished rice for sale at a quoted differential but determined the differential on the basis of conditions prevailing at the time of each sale. Consequently, these millers are now unable to determine the proper differential to be applied in determining their ceiling prices for unpolished rice.

Due to the lack of satisfactory data, the differential fixed by the Office of Price Administration under MPR 150 for unpolished California Pearl rice has been taken as a basis for the differential established by this amendment. This differential was then adjusted to reflect approximately the rise in the ceiling price of milled rice since that time.

In view of the limited demand for unpolished rice, it is not believed necessary to fix differentials for all varieties of unpolished rice at this time. This amendment is therefore restricted to California Pearl rice.

Complete revision of CPR 12 is contemplated in the near future when the necessary pricing data are available. Consequently, the differential established by this amendment is temporary and subject to change.

Special circumstances have rendered impracticable consultation with formal industry advisory committees or trade association representatives. However, the Director has given consideration to information received from members of the industry affected by this amendment.

In formulating this amendment, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950. In his judgment, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISION

Ceiling Price Regulation 12 is amended as follows:

1. Section 4 (d) is amended by adding an undesignated paragraph: So that section 4 (d) shall read as follows:

(d) *Differentials for grade and quality.* Your differentials, above or below the prices listed in paragraph (a) of this section for grade, quality and lower degree of milling, which you customarily used during the base period established by the GCPR, shall continue to prevail and apply.

Your differential for each grade of California Pearl rice, unpolished, shall be $.50 below your ceiling price for the same grade of milled California Pearl rice.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 26, 1951.

[F. R. Doc. 51-7433; Filed, June 26, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 35]

GCPR, SR 35—CATSUP AND CHILI SAUCE BOTTLES DURING 1951 BOTTLING SEASON

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 35 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

Catsup and chili sauce bottling is performed during a very short season which in most parts of the country occurs during August and September. Many bottlers are unable to determine their precise demands for catsup and chili bottles until the size of the tomato crop is known. The result has been that bottlers have been unable, or at any rate reluctant, to place orders for bottles early enough so as to enable manufacturers of bottles to plan their production. To meet this situation manufacturers of bottles have at times in the past offered a pre-season discount. This has taken the form either of a reduction of the price in effect during the preceding season or the postponement until late spring of the effective date of price increases announced during the fall or winter.

As a result of this practice, sellers of catsup and chili sauce bottles found themselves during the base period with delivered prices which reflected the pre-season discount. Some of them had announced higher prices in effect for deliveries during the 1951 bottling season. To compensate for the seasonal discount this supplementary regulation allows manufacturers to increase their prices by 15 cents per gross.

The allowance for pre-season purchases was not stated as a percentage. It is clear that in 1949 leading manufacturers stated the allowance specifically at 15 cents a gross. In 1950 it was first stated as a like dollar-cent allowance from list prices which were carried over from the 1949 season, and retained as published list prices until, in March and April of 1950, the companies announced and published new prices to become effective for the 1950 packing season. These were set at 25 cents a gross higher than the "pre-season" prices, and 10 cents higher than the previous list prices. It is not possible to separate from that

25-cent differential the proportion attributable to pre-season inducement and that proportion representing prospective increased costs for the seasonal production. This supplementary regulation, therefore, recognizes the 1949 discount as the only reasonably well defined pre-season allowance.

This supplementary regulation is made applicable only to the 1951 bottling season. It is expected that a tailored regulation will be ready in time for subsequent seasons.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.
3. Miscellaneous.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation ceiling prices for sales of glass containers used for catsup and chili sauce when sold for use during the 1951 bottling season.

SEC. 2. *Ceiling prices.* The ceiling price for glass containers used for catsup and chili sauce, sold by manufacturers, is the price established under the General Ceiling Price Regulation plus 15 cents per gross.

SEC. 3. *Miscellaneous.* Except as herein specifically modified all of the provisions of the General Ceiling Price Regulation remain in effect.

Effective date. This Supplementary Regulation 35 to the General Ceiling Price Regulation shall become effective on the 26th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 26, 1951.

[F. R. Doc. 51-7430; Filed, June 26, 1951; 9:48 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 37]

GCPR, SR 37.—CEILING PRICES FOR SPRING LAMB

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides that spring or new crop lamb carcasses and cuts must be priced on the same basis as winter or old crop lamb carcasses and cuts under the General Ceiling Price Regulation and may not be priced as though they were different commodities. This is in line with a press release issued by the Office of Price Stabilization on March 2, 1951.

Spring lamb and winter lamb are similar commodities. However, under normal market conditions, lamb prices decline during the summer and fall months and rise in the spring and thus winter lamb prices are generally lower than spring lamb prices. In the inflation following Korea, prices departed from this normal pattern and lamb prices continued to rise throughout the latter half of 1950 and the early part of 1951.

Pending further study prior to the issuance of dollars and cents regulations governing wholesale and retail prices of lamb carcasses and cuts, the January level provides a fair and equitable basis for interim pricing of these carcasses and cuts. The prices for winter lamb carcasses and cuts frozen under the General Ceiling Price Regulation are sufficiently high to reflect a fair price to producers of live spring lambs. The highest average farm price of lambs in the period May 24–June 24, 1950, was $26.40 per cwt. The parity price as of May 15, 1951, was $21.70 per cwt. so that the effective legal minimum is $26.40 per cwt.

The farm prices of lambs for the first five months of this year are set out in the following table:

January 15, 1951	$30.00
February 15, 1951	33.30
March 15, 1951	35.00
April 15, 1951	34.30
May 15, 1951	32.60

It is clear from these figures that the freeze ceilings for lamb carcasses and cuts reflect a price for live lambs at a level of about 140 to 150 per cent of parity and substantially in excess of the legal minimum.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive, and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodity classification of lamb.

AUTHORITY: Sections 1 to 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation classifies each carcass and each wholesale and retail cut of lamb as a single commodity irrespective of type except where cuts and carcasses were classified by grade during the base period.

SEC. 2. *Commodity classification of lamb.* (a) In determining your ceiling prices for carcasses and wholesale and retail cuts of every type of lamb (including regular lamb, old crop lamb, winter lamb, spring lamb, genuine spring lamb, and new crop lamb) you shall treat each carcass and each wholesale and retail cut of lamb as a single commodity. For example, a spring lamb carcass shall be deemed to be the same commodity as a winter lamb carcass.

(b) If, however, it was your practice to treat different grades of lamb as separate commodities, then you shall treat each carcass and each wholesale or retail cut of the same grade of lamb as a single commodity irrespective of the type of lamb. For example, a prime spring lamb carcass shall be deemed to be the same commodity as a prime winter lamb carcass.

Effective date. This supplementary regulation shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 26, 1951.

[F. R. Doc. 51-7429; Filed, June 26, 1951; 9:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 51-29]

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

REQUIREMENTS FOR DOCUMENTS BEARING SECURITY CLEARANCE INDORSEMENT

Pursuant to the authority of 33 CFR 6.10-3, Executive Order No. 10173 (15 F. R. 7007), the Commandant may require that all licensed officers and certificated men employed on other than exempted designated categories of merchant vessels of the United States be holders of specially validated documents. The purpose of the following new regulation, designated as § 121.16, is to require that all persons employed on merchant vessels of the United States of 100 gross tons and over engaged in trade on the Great Lakes shall be holders of a specially validated document as a condition precedent to employment thereon. This is the first of a series of similar requirements covering the categories of vessels listed in 33 CFR 121.02 (16 F. R. 817). Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.10-3 at the earliest practicable date and because of the national emergency declared by the President, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order No. 10173, the following regulation is prescribed which shall become effective on and after August 1, 1951:

Part 121 is amended by adding a new § 121.16 reading as follows:

§ 121.16 *Requirements for documents bearing security clearance indorsement.* (a) On and after August 1, 1951, all persons employed on merchant vessels of the United States of 100 gross tons and upwards engaged in trade on the Great Lakes shall be required as a condition of employment to be in possession of a document bearing a special validation indorsement for emergency service prior to acceptance of employment as members of crews of such vessels. The issuance of documents bearing security clearance shall be in the form and manner prescribed by §121.15.

Dated: June 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-7317; Filed, June 26, 1951; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Subpart A is amended so as to read as follows:

SUBPART A—INVENTIONS BY EMPLOYEES

Sec.
6.1 Definitions.
6.2 Report of invention.
6.3 Action by supervisory officials.
6.4 Action by Solicitor.
6.5 Rights in inventions made before January 23, 1950.
6.6 Rights in inventions made on or after January 23, 1950.
6.7 Appeal by employee.
6.8 Domestic patent protection.
6.9 Foreign patent protection.
6.10 Publication and public use of invention before patent application is filed.
6.11 Publicity concerning invention after patent application is filed.
6.12 Condition of employment.

AUTHORITY: §§ 6.1 to 6.12 issued under R. S. 161; 5 U. S. C. 22. E. O. 10096, 15 F. R. 389; 3 CFR, 1950 Supp.

SUBPART A—INVENTIONS BY EMPLOYEES

§ 6.1 *Definitions.* As used in this subpart:

(a) The term "Department" means the Department of the Interior.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "Solicitor" means the Solicitor of the Department of the Interior.

(d) The term "Chairman" means the Chairman of the Government Patents Board.

(e) The term "invention" means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

(f) The term "employee" includes a part-time consultant or a part-time employee of the Department in so far as inventions made during periods of official duty are concerned, except when special circumstances in a specific case require an exemption in order to meet the needs of the Department, each such exemption to be subject to the approval of the Chairman.

§ 6.2 *Report of invention.* (a) Every invention made by an employee of the Department shall be reported by such employee through his supervisor and the head of the bureau or office to the Solicitor, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor and shall be signed by all employees participating in the making of the invention. The original and three copies of the invention report shall be furnished to the Solicitor. The Solicitor may prescribe the form of the report.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice, and the necessity for protecting any rights of the Government in the invention. Although it is not necessary to withhold the report until the process or device is completely reduced to practice, reduction to practice assists in the preparation of a patent application and, if diligently pursued, protects the interests of the Government and of the inventor. If an invention is reduced to practice after the invention report is filed, the Solicitor must be notified forthwith.

(c) For the protection of the rights of the Government and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

(d) An invention report shall contain the following information:

(1) The title of the invention;

(2) The full name, residence, office address, bureau or office and division, position or title, and official working place of the inventor;

(3) A statement of the evidence that is available as to the making of the invention, including information relative to conception, disclosure to others, and reduction to practice;

(4) Information concerning any publication or public use of the invention;

(5) The problems which led to the making of the invention;

(6) The objects, advantages, and uses of the invention;

(7) A description of the invention;

(8) Experimental data;

(9) Information which the inventor may have obtained as to the prior art;

(10) The inventor's opinion as to the foreign countries in which the invention would be most useful and would have the greatest commercial value;

(11) Either a statement that the employee is willing to assign the rights in the invention to the Government, or a request pursuant to paragraph (e) of this section for a determination of the respective rights of the Government and of the inventor.

(e) If the inventor believes that he is not required by the regulations in this subpart to assign to the Government the entire domestic right, title, and interest in and to the invention, and if he is unwilling to make such an assignment to the Goverment, he shall, in his invention report, request that the Solicitor determine the respective rights of the Government and of the inventor in the invention, and he shall include in his invention report information on the following points, in addition to the data called for in paragraph (d) of this section:

(1) The circumstances under which the invention was made and developed;

(2) The employee's official duties, as given on his job sheet or otherwise assigned, at the time of the making of the invention;

(3) Whether the employee wishes a patent application to be prosecuted under the act of March 3, 1883, as amended (35 U. S. C. 45), if it should be determined that he is not required to assign all domestic rights in the invention to the Government; and

(4) Whether the employee would be willing, upon request, voluntarily to assign foreign rights in the invention to the Government if it should be determined that an assignment of such rights to the Government is not required.

§ 6.3 *Action by supervisory officials.* (a) The preparation of an invention report and other official correspondence on patent matters is one of the regular duties of an employee who has made an invention, and the supervisor of such employee shall see that he is allowed sufficient time from his other duties to prepare such documents. The supervisor shall ascertain that the invention report and other papers are prepared in conformity with these regulations; and, before transmitting the invention report to the head of the bureau or office, shall check its accuracy and completeness, especially with respect to the circumstances in which the invention was developed, and shall add whatever comments he may deem to be necessary or desirable. The supervisor shall add to the file whatever information he may have concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(b) The head of the bureau or office shall make certain that the invention report is as complete as circumstances permit. He shall provide whatever information may be available in his agency concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(c) If the employee inventor requests that the Solicitor determine his rights in the invention, the head of the bureau or office shall state his conclusions with respect to such rights.

(d) The head of the bureau of office shall indicate whether, in his judgment,

the invention is liable to be used in the public interest, and he shall set out the facts supporting his conclusion whenever the employee's invention report does not contain sufficient information on this point.

§ 6.4 *Action by Solicitor.* (a) If an employee inventor requests, pursuant to paragraph (c) of § 6.2, that such determination be made, the Solicitor shall determine the respective rights of the employee and of the Government in and to the invention. The Solicitor's determination respecting an invention made before January 23, 1950, shall be final; but his determination respecting an invention made on or after January 23, 1950, shall be subject to review by the Chairman in proper cases under Executive Order 10096 and the rules and regulations issued by the Chairman with the approval of the President.

(b) If the Government is entitled to obtain the entire domestic right, title, and interest in and to an invention made by an employee of the Department, the Solicitor, subject to review by the Chairman in proper cases, may take such action respecting the invention as he deems necessary or advisable to protect the interests of the United States.

§ 6.5 *Rights in inventions made before January 23, 1950.* (a) The provisions of this section shall be applied in determining the respective rights of the Government and of an employee of the Department in and to any invention made by the employee prior to January 23, 1950.

(b) Each employee of the Department is required, upon request, to assign to the United States, as represented by the Secretary, all domestic and foreign rights to any invention made by the employee within the general scope of his governmental duties, unless such requirement is waived in writing by the Solicitor. An invention will be considered as having been made within the general scope of the governmental duties of an employee (1) whenever his duties include research or investigation, or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned, or (2) whenever the invention was in a substantial degree made or developed through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

(c) An employee of the Department is entitled to all rights resulting from any invention which was made by him outside the general scope of his governmental duties, as defined in paragraph (b) of this section.

(d) If the Solicitor finds that an invention made by an employee of the Department outside the general scope of his governmental duties is used or liable to be used in the public interest, and executes a certificate to that effect, the employee may, if he wishes to do so, request that an application for a patent be filed and prosecuted at the expense of the Government under the act of March 3, 1883, as amended (35 U. S. C. 45). Under such circumstances, the invention may be manufactured and used by or for the Government for governmental purposes without the payment of any royalty.

(e) The requirement relative to the assignment of domestic patent rights to the United States, set forth in paragraph (b) of this section, may be waived in whole or in part, in writing, by the Solicitor in the case of any invention as to which he finds, upon grounds to be specified by him, that the interests of the United States do not require the full assignment of such rights.

(f) The requirement relative to the assignment of foreign patent rights to the United States, set forth in paragraph (b) of this section, may be waived in whole or in part, in writing, by the Solicitor if a determination is made by competent authority pursuant to section 3 of Executive Order No. 9865 (12 F. R. 3907) that no foreign patent protection shall be procured by the Government as to an invention or that foreign patent protection shall be procured by the Government only in specified foreign jurisdictions. An employee of the Department shall not file in any foreign jurisdiction any patent application relating to an invention made within the general scope of his governmental duties unless the Solicitor has waived in writing the requirement that foreign rights be assigned to the United States.

§ 6.6 *Rights in inventions made on or after January 23, 1950.* (a) The rules prescribed in this section shall be applied in determining the respective rights of the Government and of an employee of the Department in and to any invention made by the employee on or after January 23, 1950.

(b) (1) Except as indicated in the succeeding subparagraphs of this paragraph, the Government shall obtain the entire domestic right, title, and interest in and to any invention made by an employee of the Department (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph, the Solicitor, subject to the approval of the Chairman, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of any particular invention, it shall be presumed that any invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, or (ii) to conduct or perform research, development work, or both, or (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of subparagraph (4) of this paragraph.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title, and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph, nor (ii) reserves a non-exclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Solicitor, subject to the approval of the Chairman, shall leave the entire right, title, and interest in and to the invention in the employee, subject to law.

(c) In the event that the Solicitor determines, pursuant to subparagraph (2) or subparagraph (4) of paragraph (b) of this section, that title to an invention will be left with an employee, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of inventor and his employment status; and

(3) Statement of the Solicitor's determination and reasons therefor.

The report in a case falling within the provisions of subparagraph (2) of paragraph (b) of this section shall be made after the expiration of the period prescribed in § 6.7 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the Solicitor's determination. The Chairman thereupon will review the determination of the Solicitor, and his decision respecting the matter shall be final, subject to the right of the inventor to submit to the Chairman, within 30 days (or such longer period as the Chairman may, for good cause, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision if it gives to the Government greater rights than the Solicitor's determination. A copy of any such petition must also be filed by the inventor with the Solicitor within the prescribed period.

§ 6.7 *Appeal by employee.* (a) Any employee who is aggrieved by a determination of the Solicitor pursuant to subparagraph (1) or subparagraph (2) of paragraph (b) of § 6.6 may obtain a review of the determination by filing, within 30 days (or such longer period as the Chairman may, for good cause, fix in any case) after receiving notice of such determination, a written appeal with the Chairman and a copy of the appeal with the Solicitor.

(b) In the event of the filing of an appeal pursuant to this section, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, furnish the Chairman in writing, promptly upon the filing of the appeal, the following information concerning the invention involved in the appeal:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status, including a detailed statement of his official duties and responsibilities at the time of making the invention; and

(3) Detailed statement of the nature of the dispute or controversy, together with copies of the Solicitor's determination, of any briefs or written arguments that may have been filed, of any statements or other evidence that may have been considered by the Solicitor, and of other relevant material.

(c) The decision of the Chairman upon any appeal taken pursuant to this section shall be final.

§ 6.8 *Domestic patent protection.* (a) The Solicitor, upon determining that an invention coming within the scope of subparagraph (1) or subparagraph (2) of paragraph (b) of § 6.6 has been made, shall thereupon determine whether patent protection will be sought in the United States by the Department for such invention. A controversy over the respective rights of the Government and of the inventor in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of subparagraph (2) of paragraph (b) of § 6.6, action by the Department looking toward such patent protection shall be contingent upon the consent of the inventor.

(b) Where there is a dispute as to whether subparagraph (1) or subparagraph (2) of paragraph (b) of § 6.6 applies in determining the respective rights of the Government and of an employee in and to any invention, the Solicitor will determine whether patent protection will be sought in the United States pending the Chairman's decision on the dispute, and, if he determines that an application for patent should be filed, he will take such rights as are specified in subparagraph (2) of paragraph (b) of § 6.6, but this shall be without prejudice to acquiring the rights specified in subparagraph (1) of that paragraph should the Chairman so decide.

(c) Where the Solicitor has determined to leave title to an invention with an employee under subparagraph (2) of paragraph (b) of § 6.6, the Solicitor will, upon the filing of an application for patent and pending review of the determination by the Chairman, take the rights specified in that subparagraph, without prejudice to the subsequent acquisition by the Government of the rights specified in subparagraph (1) of paragraph (b) of § 6.6 should the Chairman so decide.

(d) In the event that patent protection is sought by the Department for an invention made by a Government employee, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon the filing of an application for patent, the following information concerning the invention:

(1) Brief description of the invention;

(2) Name of the inventor and his employment status; and

(3) Serial number, title of invention, and date on which the application was filed.

(e) In the event that the Solicitor determines that an application for patent will not be filed on an invention made under the circumstances specified in subparagraph (1) of paragraph (b) of § 6.6, giving the United States the right to title thereto, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status; and

(3) Statement of the Solicitor's determination and reasons therefor.

The Chairman may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, cause an application for patent to be filed or cause the invention to be fully disclosed by publication thereof.

(f) Whenever a patent hereafter issues on an invention made by an employee of the Department in respect to which the Government has any right, title, or interest, including a license, in and to the invention, the Solicitor shall, promptly upon the issuance of the patent, furnish to the Chairman:

(1) An abstract of the invention;

(2) Name of the inventor and his employment status;

(3) A copy of the patent; and

(4) Statement of the nature and extent of the right, title, or interest of the Government in the invention.

§ 6.9 *Foreign patent protection.* (a) Immediately upon the filing of an application for United States patent and receiving from the Commissioner of Patents the serial number of such application on an invention in and to which the Government, as represented by the Secretary, has obtained title or the right to file foreign patent applications thereon, or holds an option to obtain such right, the Solicitor shall, in accordance with the procedure prescribed by the Chairman, ascertain whether the United States will seek foreign patent protection for such invention, and, if so, in what foreign jurisdictions such patent protection will be sought. When the foreign patent rights in an invention made by a Department employee have not been assigned to the Government but the Government may, at its option or on request, acquire such rights, and a decision is made that the Government will not seek a foreign patent in any particular foreign country, the inventor may apply for patent in such country, subject to a non-exclusive, irrevocable, royalty-free license to the Government for governmental purposes.

§ 6.10 *Publication and public use of invention before patent application is filed.* (a) Publication or public use of an invention constitutes a statutory bar to the granting of a patent for the invention unless a patent application is filed within one year of the date of such publication or public use. In order to preserve rights in unpatented inventions, it shall be the duty of the inventor, or of his supervisor if the inventor is not available to make such report, to report forthwith to the Solicitor any publication or use (other than experimental) of an invention, irrespective of whether an invention report has previously been filed. If an invention report has not been filed, such a report, including information concerning the public use or publication, shall be filed at once. If an invention is disclosed to any person who is not employed by the Department or working in cooperation with the Department upon that invention, a record shall be kept of the date and extent of the disclosure, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

(b) No description, specification, plan, or drawing of any unpatented invention upon which a patent application is likely to be filed shall be published, nor shall any written description, specification, plan, or drawing of such invention be furnished to anyone other than an employee of the Department or a person working in cooperation with the Department upon that invention, unless the Solicitor is of the opinion that the interests of the Government will not be prejudiced by such action. If any publication disclosing the invention, not previously approved by the Solicitor, comes to the attention of the inventor or his supervisor, it shall be the duty of such person to report such publication to the Solicitor.

§ 6.11 *Publicity concerning invention after patent application is filed.* In order that the public may obtain the greatest possible benefit from inventions in which the Secretary has transferable interests, inventions assigned to the Secretary upon which patent applications have been filed shall be publicized as widely as possible, within limitations of authority, by the Department, by the

originating agency, by the division in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent, in the register in the Patent Office established for that purpose, as available for licensing.

§ 6.12 *Condition of employment.* (a) The regulations in this subpart, as were those of Departmental Orders Nos. 1763 (7 F. R. 10161) and 1871 (8 F. R. 12523), as amended (10 F. R. 9722), shall be a condition of employment of all employees of the Department and shall be effective as to all inventions made during any period of employment since November 17, 1942, except that the provisions relating to foreign patent rights and foreign patent applications shall not apply to inventions which, prior to the effective date of the regulations in this subpart, have been reported to the Solicitor and upon which foreign patent applications already have been filed in accordance with the provisions of Orders Nos. 1763 and 1871. The regulations in this subpart shall be effective without regard to any existing or future contracts to the contrary entered into by any employee of the Department with any person other than the Government.

(b) If a patent application is filed upon an invention which has been made by an employee of the Department under circumstances that entitle the Government to the entire domestic right, title, and interest in and to the invention, but which has not been reported to the Solicitor pursuant to the regulations in this subpart, title to such invention shall immediately vest in the Government, as represented by the Secretary, and the contract of employment shall be considered an assignment of such rights.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 21, 1951.

[F. R. Doc. 51-7293; Filed, June 26, 1951; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 10]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of June A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175), and good cause appearing therefor: *It is ordered*, That:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby further suspended until 7:00 a. m., August 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, That this amendment shall become effective at 7:00 a. m., July 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384 as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7305; Filed, June 26, 1951; 8:48 a. m.]

[S. O. 865, Amdt. 11]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of June, A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175), and good cause appearing therefor: *It is ordered*, That:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1951.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7306; Filed, June 26, 1951; 8:48 a. m.]

[Rev. S. O. 867, Amdt. 3]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of June, A. D. 1951.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895), and good cause appearing therefor: *It is ordered*, That:

Section 95.867 *Restrictions on trap and ferry cars*, of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1951.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7307; Filed, June 26, 1951; 8:48 a. m.]

[S. O. 868, Amdt. 2]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of June, A. D. 1951.

Upon further consideration of Service Order No. 868 (15 F. R. 6314, 6452, 6671; 16 F. R. 2895), and good cause appearing therefor: *It is ordered*, That:

Section 95.868 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 868 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1951.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7308; Filed, June 26, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in designated counties in Idaho and in Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1952, will amount to $20,000.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR, Part 957).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7342; Filed, June 26, 1951; 8:52 a. m.]

[7 CFR, Part 986]

[Docket No. AO 196-A 1]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and order (7 CFR Part 986) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, (hereinafter called the "order"). Such order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter called the "act"), and any amendments which may be adopted as a result of this proceeding will also be effective pursuant to the said act. Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the 12th day after publication of this recommended decision in the FEDERAL REGISTER, except that, if such 12th day should fall on a Saturday, Sunday, or holiday, they must be filed not later than the next succeeding work day. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which this recommended decision is based, was held at Portland, Oregon, on March 19, 20, and 21, 1951. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (16 F. R. 2127) on March 7, 1951. Said notice contained amendments to the order which had been proposed to the Secretary of Agriculture (hereinafter called the "Secretary") by the Hop Control Board (hereinafter called the "board"), the administrative agency for order operations. The United States Hop Growers Association joined the board in a request for a hearing on the proposed amendments. In addition the notice contained three comparatively routine amendments which were proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

The material issues, presented on the record of the hearing, are as follows:

(1) The amendment of § 986.1 (f) to clarify the definition of "grower."

(2) The amendment of § 986.6 (c) (1) (ii) to delete the requirement that preliminary estimates of hop production be made for each grower.

(3) The amendment of § 986.6 (c) (2) (ii) (*a*) (*b*) to:

(a) Require the issuance of preliminary salable allotments (not to exceed 50 percent of their probable final salable allotments) only to those growers who apply therefor; and

(b) Provide for the issuance to growers who apply therefor, of supplementary salable allotments up to 80 or 90 percent of their probable final salable allotments, depending upon the completeness of available information regard their respective productions.

(4) The amendment of § 986.9 to require:

(a) Reports from each grower showing the quantities and locations of all uncertificated hops owned or controlled by him; and

(b) That all dispositions of uncertificated hops be under the supervision of the board.

(5) The amendment of § 986.6 (f) to:

(a) Restrict or eliminate the exercise of the present diversion privileges with respect to unharvested hops; and

(b) Provide for the exercise of the diversion privileges with respect to certificated hops which have been destroyed or damaged after leaving the control of a grower.

(6) The amendment of § 986.6 (c) (1) (i) and (vi) to require that harvested, unharvested, and total hop production be shown separately in crop determination reports.

(7) The amendment of § 986.6 (c) (2) (i) to:

(a) Authorize the increasing of the salable percentage to compensate for any deficits in the quantity of hops available for market by reason of the failure of individual growers to harvest their entire salable allotments; and

(b) "Provide for increasing the salable percentage to 100 percent when the total quantity harvested is less than the salable quantity.

(8) The amendment of § 986.7 (b) (1) to provide for the payment of assessments on hops handled as replacements for hops which are diverted after leaving the control of the grower.

(9) The amendment of § 986.1 to add a definition of "part" and "subpart."

(10) The renumbering of the sections, paragraphs, subparagraphs, and subdivisions throughout the order in accordance with the revised Federal Register regulations.

(11) The making of such other changes in the order as may be necessary to make the entire order conform with any amendments thereto which may result from the hearing.

Findings and conclusions. The following findings and conclusions on the aforementioned material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended in respect to the definition of "grower" (§ 986.1 (f) of the present order) so as to clarify the meaning of this term. The present definition is that such term "is synonymous with 'producer' and means any person who is engaged, in a proprietary capacity, in the commercial production of hops." It is stated in rather broad, general language, and this has resulted in the arising of questions as to whether or not certain persons desiring to be classified as growers, particularly in connection with leasing arrangements should be so classified. In other words, the situation is now such that the present definition should be changed and reworded so as to set up such additional standards, or criteria, as may be necessary to provide adequate bases for the making of such determinations.

As one of the means of accomplishing this objective, it is concluded that the present definition should have added thereto a statement as to the specific kinds of farming arrangements whereunder persons should be considered as being growers of hops. Such kinds of arrangements should be as follows: (i) A person who owns and farms land, resulting in his or its ownership of the hops produced thereon; (2) a person who rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (3) a person who owns land which he or it does not farm and, as rental for such land, obtains the ownership of all or a portion of the hops produced thereon.

It is obvious that a person who falls within the category numbered (1) should be regarded as a grower. With respect to the category numbered (2), such category would include all persons who produce hops on lands which they rent. Such renters would fall in two general classes, namely: (a) Those who pay a specified amount of money for the rental of the property in question and have the ownership of all of the hops which are produced thereon; and (b) those who operate under a crop-share rental arrangement, whereunder the ownership of the crop produced thereon is divided between the tenant and the landlord on an agreed basis. In the situation mentioned under (a), the tenant would be the sole grower with respect to the particular crop. However, in the situation mentioned under (b), the tenant would be one of two producers with respect to such crop, the other being the landlord. The category numbered (3) is intended primarily for the purpose of making it clear that the landlord in such a share-crop arrangement would also be a grower, i. e., with respect to his share of the crop. This would be in accordance with general legal concepts as applied to such situations. Also, such categories are the same as those which are set forth in the definition of "producer" which is contained in the required procedure for the conduct of referenda among producers in connection with marketing orders (except those applicable to milk and its products) (15 F. R. 5176). Those procedural rules govern the basis on which producers (growers) are entitled to vote in connection with the determination as to whether orders of this nature, or amendments to such orders, are approved. It is reasonable and proper that persons who are eligible to vote in a referendum in regard to the adoption or amendment of a hop marketing order should be the same persons as those whose produce is to be regulated. Ownership of, or lease-hold interest in land, and the acquisition, in any manner other than as hereinbefore set forth, of legal title to hops grown thereon, should obviously not be deemed to result in such owners or lessees becoming growers, since the aforementioned categories cover all who should be considered as growers.

Also, as a further means of accomplishing this objective, clarification is needed with respect to one aspect of the meaning which should be assigned to the term "person" as used in such definition. The term last referred to is defined (see § 986.1 (c)) as meaning any "individual, partnership, corporation, association, or any other business unit." The same definition of that term is set forth in the act. Experience has shown that the term "partnership" has caused difficulty from the standpoint of the business arrangements which it covers. It is concluded that the term "partnership" should be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property. These cover situations which are generally found to exist in connection with the operation of orders of this nature, and they are commonly considered to be partnership arrangements.

Referring back to the categories numbered (2) and (3), the proponents took the position at the hearing that, in case of a crop-share arrangement, the landlord should not be considered to be a grower because he does not produce the crop by farming the land, such function being performed wholly by the renter. This position ignores the fact that, in such a situation, the landlord acquires a vested interest, in his part of the hop crop, which must be recognized. This is particularly true with respect to the issuance of salable allotments. This situation is clearly one of joint ownership of the hop crop, and would normally call originally for the issuance of a joint salable allotment, pursuant to the provisions of § 986.6 (c) (3) (i) of the present order, to both the landlord and the tenant as the growers. As is also provided for in that section, in the event that thereafter the interests of the joint growers should be segregated, they are entitled, upon filing written application therefor, to have the salable allotment for the crop segregated and distributed "in accordance with their respective segregated interests in the crop." This means, of course, that such a landlord must be considered as a grower in connection with that crop to the extent of his interests therein.

The aforementioned discussion as to renters should not be considered as being confined to persons who are the initial renters of the property in question. That is to say, it is possible that such an initial renter may, in turn, rent the same land to someone else, and the latter conduct the actual farming operations. In such a situation the renter who actually conducts the farming operations will be a grower. A number of questions were asked on cross-examination which were designed to obtain categorical answers as to who should be considered to be growers in connection with various hypothetical situations involving leasing arrangements. In view of the potential varied ramifications which such arrangements might entail, and particularly in view of the fact that past experience in that regard has indicated that some of such arrangements were not entered into in good faith, it is not practicable to make a general ruling which will apply to all such situations. Each such situation must necessarily be viewed in the light of its attendant facts and circumstances. It is sufficient to say that, if such attendant facts and circumstances indicate that the arrangements were entered into in good faith, the aforementioned rules and guides should apply thereto.

A question was also raised at the hearing as to who should be considered to be the grower in the event that the person who had qualified as a grower with respect to a particular hop crop dies. It seems clear that, in such a situation, the successors in interest of the deceased person should be regarded as the growers. In other words, if the ownership is acquired by specified persons, such persons should be regarded as occupying the same position as the deceased person would have occupied if he had lived. Also, in case the property should be held under a trust arrangement, the trustees should be regarded as occupying that position.

(2) Section 986.6 (c) (1) (ii) of the present order should be amended to delete the requirement that preliminary estimates of each grower's production be made prior to the start of harvest, or as soon as practicable thereafter, except in cases where the issuance of preliminary salable allotments are requested by growers. When the order was promulgated it was believed necessary that these estimates be made as the basis for the early issuance of preliminary allotments to growers. Experience under the order has shown that in many instances it is not necessary that growers obtain preliminary salable allotments, since by the time they are needed, adequate information as to their production is generally available to the board, and such growers are then eligible to receive supplementary allotments covering much larger quantities. The board, therefore, should not be required to incur the expense involved in making a preliminary production estimate for any grower who does not request a preliminary salable allotment, as is discussed under (3) below.

The requirement for the preliminary estimate of total production should remain unchanged so that an indication of the salable percentage for that crop can be had as early as practicable. However, this estimate should be based on Federal or Federal-State crop estimates, whichever is available, and such other relevant data as are available, and the requirements for physical examination of each hop yard and examination of each yard's historical production should be deleted.

Evidence adduced at the hearing shows that, for the years 1947 to 1950, inclusive, the variation between the Federal-State estimate of hop production as of August 1 and the final estimate issued by it in December was in no instance more than two percent. The Federal-State preliminary estimate of production as of August 1 is available about August 10 each year, which is prior to the date on which a preliminary estimate of production will be needed by the board for use in computing the estimated salable percentage. The Federal-State preliminary report issued as of August 1 would, therefore, be a satisfactory basis for use in computing an estimated salable percentage. Also, its use should result in no complications in connection with the computations of any preliminary salable allotments or of the supplementary salable allotments. In this latter connection, preliminary allotments may not be in excess of 50 percent of the probable final salable allotments, and, it is proposed that the supplementary allotments shall not exceed 90 percent of the probable final salable allotments. In view of the slight variation between the advanced and final crop estimations, there appears to be no probability that the use of the proposed new method will result in the issuance of higher preliminary and supplementary salable allotments than will be issued finally.

(3) Section 986.6 (c) (2) (ii) (*a*) and (*b*) of the present order should be amended to require the issuance of preliminary salable allotments (which may not exceed 50 percent of the probable final salable allotments) only to those growers who apply therefor, and to provide for the issuance of supplementary salable allotments of not to exceed 80 or 90 percent of their probable final salable allotments, depending upon the completeness of available information regarding the applying growers' production. Under the present provisions of the order, the board is required to issue to each grower a preliminary salable allotment. The purpose of this provision is to provide an allotment for each grower early in the season without the necessity of his making application therefor. However, as is indicated in (2) above, many growers have not found preliminary salable allotments to be necessary. The deletion, therefore, of the requirement for the issuance of such preliminary allotments to all growers would result in the elimination of expenses which have been incurred by the board in that regard which are now deemed to be unnecessary. When any grower desires a preliminary salable allotment he should make application therefor to the board, either directly or through his agent. In such an event, the board should make a preliminary estimate of the applying growers' hop production, which should be based upon a physical examination of his hop yard. If such examination should justify the issuance of a supplementary allotment rather than a preliminary allotment, it could be issued to him, thus eliminating the necessity for computation and issuance of a preliminary salable allotment. This would provide the grower with the maximum practicable allotment at the earliest practicable date.

Under the present provisions of the order, supplementary salable allotments not to exceed 80 percent of their respective probable final allotments may be issued to growers without action by the Secretary. In other words, any such issuance in excess of 80 percent has to be approved specially by the Secretary. During each of the past two years, the board has requested and received the approval of the Secretary for the issuance of supplementary salable allotments up to 90 percent of any grower's probable final salable allotment when complete information was available as to that grower's production for that year. It has been found that a 90 percent allotment can safely be issued under such circumstances, and without the possibility of exceeding any grower's final salable allotment. Since the estimated salable percentage at the time of the issuance of supplementary allotments is based almost entirely upon latest official crop estimates, which in turn, are based largely on actual harvest information, any subsequent change in the salable percentage will, in all likelihood, be small. The remaining margin of 10 percent of each grower's probable final salable allotment has been found to be ample to assure adequate protection against abnormal conditions causing a change in the salable percentage. The bases for calculating both the 80 percent and the 90 percent supplementary allotments are set forth in detail in the proposed amendments. The issuance of an 80 percent supplementary allotment to a grower should be based on adequate, but not necessarily complete, crop production information available to the board including, but not limited to, bale count data or other reasonably accurate information as to such grower's hop production for that year. The issuance of a 90 percent supplementary allotment to a grower should be based on complete crop information available to the board including, but not limited to, complete weight data on such grower's harvested production and the recommended determination as to any of his unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of the applicable minimum standard requirements for quality, by all harvested hops of such grower for that year. The above-mentioned requirements would provide adequate assurance against issuance of supplementary salable allotments in excess of the respective final salable allotments, and the board, therefore, should be authorized to issue such supplementary allotments up to 90 percent without prior approval by the Secretary.

(4) The provisions of § 986.9 of the present order should be amended by adding at the end thereof a provision requiring reports by growers to the board as to the quantities and locations of uncertificated hops and hop products which they own. During the last two years, lack of adequate information in this regard has hampered proper administration of the order, particularly from the standpoint of discovering violations. The requiring of such reports would also tend to discourage violations of the order in regard to the handling of uncertificated hops or hop products. In the past the board has endeavored to obtain this information from growers on a voluntary reporting basis, but the information obtained has not been complete, due to the fact that some growers have not made such reports. Reports of this kind should be prepared as of June 1, since by that time practically all hops of the production of the then current marketing season, eligible for certification, will have been certificated, and it is a date near the beginning of the succeeding marketing season. A reasonable time after June 1 of each year for filing the reports with the board should be allowed, and it is concluded that 15 days should be ample time for this purpose. The reports should be filed by June 15. It is possible that the board may find it necessary for administrative purposes to have available reports of this kind as of some other date or dates than June 1. It should therefore be provided that reports containing the aforesaid information should be furnished by growers as of such other date or dates as the board might specify.

The order should also be amended to require that all dispositions by growers of uncertificated hops should be under the supervision of the board, and that growers desiring to make such dispositions should arrange with the board for

supervision to assure that the disposition is in accordance with the order provisions. Principal methods of disposition of uncertificated hops, consistent with the provisions of the order, should include, but are not limited to, destruction, farm use, or sale pursuant to the provisions of § 986.6 (f) of the present order which authorizes replacement of diverted hops by uncertificated hops. Under the provisions of the present order, growers may dispose of uncertificated hops outside normal trade channels without reporting such action to the board or obtaining its supervision. Experience in administering the order has shown that one of the most important enforcement problems is preventing uncertificated hops from entering normal trade channels. The requiring of periodic reports to the board as to holdings of uncertificated hops and hop products by each grower and the requiring of board supervision of disposition of such hops will facilitate enforcement of the order.

In regard to the commodities which are required to be regulated pursuant to the provisions of section 8c (6) of the act, hops and hop products occupy a special and unique position. That is to say, in the case of most, if not all, of the other commodities there are disposal outlets for the surplus portions which are not competitive with the normal market outlets for such commodities. In each such instance, it is practicable to defer the regulation, or control, of the particular commodity until it has been received by recognized handlers, and, insofar as surpluses are concerned, it is feasible to require those handlers to set aside, and to hold for disposition by the administrative agency for program operations in channels which are not competitive with the normal market channels, the surplus portions of such commodities, as is provided for particularly in sections 8c (6) (D) and (E) of the act. A typical disposal outlet for such a surplus portion which would not be competitive with the normal market outlets for such commodity is for animal feed. This method of handling the surplus is followed in cases where such action is feasible.

In the case of hops and their products, however, the disposition by the board of the surplus portion in channels which are not competitive with normal market channels is not feasible or practicable, in that the only market demand for hops and hop products is in what are considered to be normal market channels. According to testimony which was presented at the promulgation hearing which preceded the issuance of the present order, approximately 98 percent of all hops and hop products sold are used in the brewing of malt beverages. The balance is disposed of in the manufacture of certain other preparations. All of these outlets are considered by the hop industry as normal market outlets for hops and hop products, and all of such outlets are, and must be, considered in computing the salable quantity of hops for a year. Testimony was also presented at such hearing to the effect that, while it is possible to use hops in such non-competitive channels as mulch, fertilizer (humus), and animal bedding, there is no market demand for those uses.

The result of the aforementioned situation with respect to hops and hop products is that the surplus portions must be left in the control of the respective growers. The necessity for this way of handling hops and hop products has been specifically recognized by Congress, in that it has enacted special provisions to cover the regulation of hops and hop products in section 8c (6) (G) of the act, wherein specific authorization is set forth for the equitable apportionment among hop growers of the salable quantity of hops which may be sold by them. It is obvious that, if the board is to perform its functions adequately, it must be considered as having the authority to exercise all appropriate and necessary supervision over surplus hops to insure that they will not be disposed of in normal market channels. Since surplus hops are in the possession of the growers, such supervision necessarily entails supervision over their actions in that regard. It is obvious that the proposed requirements as to reporting by growers and supervision by the board are necessary to operate a more fully effective control program over hops and hope products.

The aforementioned situation, including the attendant enforcement difficulties, is recognized and provided for, to some extent, in the present order, in that it is provided, in § 986.6 (e) of the present order, that no person shall handle any hops or hop products covered thereunder which have not been duly certificated as being within the salable portion of the particular grower and as meeting the applicable quality standards, as well as that each bale or other container of such hops or hop products had been duly marked or tagged "for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated." However, as is indicated above, the present provisions on the matter have not been adequate from the standpoint of insuring that surplus hops and hop products do not find their way into normal market outlets. The proposed additional requirements should tend further to discourage such violations, as well as tend to facilitate the discovery by the board of any violations in that regard which may occur in the future.

(5) Section 986.6 (f) of the present order should remain unchanged, except that hop products should be included as eligible for diversion and minor changes in wording should be made to clarify the meaning.

Under the present order provisions, the exercise of the diversion privilege is restricted to hops which are in the control of the grower and which "are destroyed, or are so damaged or deteriorated as in the judgment of the grower to be unmarketable, or if because of quality or type such hops are unsatisfactory to the grower." Experience has shown that some growers convert at least some of their hops to hop products before selling them. Up to this time, such hop products have been primarily lupulin and hop oil. It is also possible that a hop product may be destroyed, or become damaged or deteriorated, or that its quality may be unsatisfactory to the grower. Therefore, hop products should be included as eligible for diversion. However, any replacement for a diverted hop product should be in the form of hops in a quantity computed in accordance with the conversion ratios which are prescribed in § 986.6 (b) (6) of the present order. It is necessary that any such replacement be made in the form of hops because there is no provision or other authorization for the production of hop products from surplus hops. This extension of the diversion privilege is intended to cover a situation which it is expected will seldom arise, since it appears that there has been little need for such action in that regard in the past. However, the order should contain authorization for such action to cover cases where such need arises.

The proposed amendment of this section, as set forth in the notice of hearing, provided for restricting the diversion privileges to harvested hops, except in so-called hardship cases. Such cases were proposed to be those in which the Growers Allocation Committee should find and determine that any substantial portion, or all, of any grower's production (which has been brought to maturity) has been damaged seriously by flood, frost, hail, disease, insects, or other factors, and where such a cause is found by the Growers Allocation Committee, with the approval of the Secretary, to be of a nature which is not within the control of hop growers generally. In such a situation, it was proposed that the grower be issued an exemption certificate by the board entitling him to replace such hops within his salable allotment.

However, at the hearing, the proponents of the aforementioned proposal, in lieu thereof, made a new proposal which differed from the original in two main respects, namely: (a) The so-called hardship clause was eliminated; and (b) the diversion privilege, in addition to applying to harvested hops, would be allowed with respect to one-half of the unharvested production of any grower, within his salable allotment. With respect to the so-called hardship provision, all testimony in regard thereto was that such a provision was impracticable and unnecessary, and that it should not be adopted. With respect to the proposed relaxation of the diversion privilege, as set forth in the hearing notice, in connection with unharvested hops from zero to 50 percent, it developed that the change in the proposal resulted from a compromise which had been reached at an industry meeting held just prior to the beginning of the hearing. Other than the argument that such a compromise would promote favorable acceptance of the proposal on the part of the greatest number of growers practicable, no persuasive testimony as to why such percentage should be adopted was adduced. One segment of the industry argued at the hearing in favor of the adoption of the original proposal with the so-called hardship clause eliminated.

The preponderance of the testimony of those favoring the limitation of the diversion privilege as applied to unharvested hops was to the effect that the provisions of the present order permitting the unrestricted diversion of unharvested hops, within the salable allotments are encouraging the planting of additional acreage to hops for allocation purposes, and with no intention of harvesting the hops produced thereon, and encouraging the retention in production of acreage which would otherwise go out of production. Further expansion of acreage, it was claimed, would add to the present burdensome surplus. In other words, the primary intended purpose of the amendment in that regard is to limit, or restrict, hop acreage.

As has been indicated to the board in the past, the legislative history of the act, and particularly with respect to sections 8c (6) (B) and (G), demonstrates that it is the intent of Congress that a program of this nature is not to be utilized for the limitation of acreage and production of the commodity which is being regulated. In other words, any such limitation must be effected pursuant to the authority contained in other laws which specifically authorize such action. Since this is the admitted primary purpose of the proposed amendment, it follows that its adoption would not be permissible legally. However, in view of the fact that some segments of the hop industry contend that this situation is disrupting the market, it is concluded that the matter should also be discussed from an economic standpoint.

Total hop acreage increased from 37,550 acres in 1949 (the year the present order became effective) to 38,800 acres in 1950, or three percent. Of this increased acreage, Oregon accounted for 100, California for 200, Washington for 800, and Idaho for 150. Testimony indicated that hop acreage in Washington will increase by approximately 2,000 acres in 1951, and that substantial new acreage is being planted in Idaho, with smaller new plantings elsewhere. Evidence showed that the average price received by growers for hops was 57.0 cents per pound for the 1949 crop and 66.1 cents per pound for the 1950 crop. Testimony indicated that the total cost of producing hops (preharvest and harvesting costs) ranges generally between 40 and 50 cents per pound. It appears, therefore, that under normal practices, a grower who harvested his salable hops in 1949 and 1950, would have a considerable margin of profit. It seems probable, therefore, that the indicated increases in acreage are due in considerable degree to the relative profitability of hop production.

The States of Washington and Idaho, where the largest percentage increases in acreage are taking place, are (1) the States with the highest average yield per acre, which results in a lower cost per pound of production; (2) the States which produce the highest proportion of seedless hops (which command a premium generally averaging 10 cents per pound); and (3) the States in which a greater proportion of the total production is harvested by mechanical means, thereby further tending to reduce the cost per pound of production. These factors appear to be influencing a shift in acreage among the States in the production area. Testimony indicated that during 1949 and 1950 the quantity of hops left unharvested and diverted represented only about six percent of the respective salable quantities. No persuasive evidence was introduced into the record to show that the diversion privilege was a significant factor in influencing acreage increases.

In some instances, contracts for diversion of unharvested hops were made early in the season and prior to the time that an estimate could be made as to the quality of the hops being diverted. It was also testified that many yards were left unharvested due to obvious indications of low quality and the inability of some growers to complete harvest in time to prevent serious deterioration of the hops. If growers of poor quality hops are precluded from diverting such hops in the unharvested state, they would probably harvest them rather than lose all or part of the certification rights to which they are entitled. After having invested harvesting costs ranging generally from 20 to 25 cents a pound in addition to their preharvest costs in these hops, they would not be able to pay much for hops produced by other growers who had harvested surplus hops, and still sell at a profit at the market price. Other growers, who had produced good quality hops in excess of their salable allotments, might not be willing to incur the costs of harvesting the surplus if they could not recover at least the amount of such costs. This would tend to reduce the quantity of harvested surplus hops available for replacement purposes. To the extent the quantity to be diverted exceeded the quantity available for replacement, the diversion privilege would become inoperative. The low quality hops which could not be diverted would be marketed, thus tending to defeat the primary purpose for which the diversion privilege was intended. On the other hand, should the hops be harvested and replaced with better quality surplus hops, such action would involve an unnecessary waste of labor and materials.

Both the original and the modified proposals could result in inequities among growers. The order provides that the Secretary may increase the salable quantity at any time when the continued withholding of surplus would result in season average prices in excess of parity, or upon due consideration of either the needs of brewers or a recommendation of the board that the salable quantity be increased. If restrictions were placed on the diversion of unharvested hops, as proposed, any increase in the salable quantity, and consequent increase in the salable percentage, made after the completion of harvest could result in inequities among growers. Those growers who harvested only their original salable allotments would be unable to use all or a portion of their increased salable allotments, and the burden of surplus would not be equitably apportioned among all growers. Under the present order, growers who had harvested only their original allotments could, by means of the diversion of unharvested hops, share in the increased salable quantity to the extent they could find surplus hops of other growers for replacement. While there is no assurance that such replacement hops would be available, under the present provisions of the order, these growers are not precluded from participation in sales resulting from an increase in the salable percentage. It is also possible that some growers may unintentionally fail to harvest their entire salable allotments. The present diversion privilege affords an equitable means of permitting them to sell their full allotments.

Proponents expressed concern in regard to the accuracy of the board's estimates of unharvested hops left in the field. The estimating of yields on unharvested acreage has been one of the major difficulties in connection with administration of the order. In estimating production on an entire yard which is left unharvested, the board has had to rely for yield data on a sample pick of a portion of the yard. In general, for any yard, accuracy of estimates improves as the acreage harvested increases. It was testified that both the original and the modified proposals would encourage the harvesting by each grower of his salable quantity, thereby providing the board with a sound basis for estimating the production on the unharvested acreage. A grower having more than one yard might still be able to allow an entire yard to remain unharvested in satisfaction of his surplus obligation and the board would still be obliged to estimate production on yards from which no hops had been harvested. Furthermore, by means of bona fide leases, growers could obtain ownership of hops produced on other acreage and allow them to remain unharvested in satisfaction of surplus. The proposals, therefore, would not provide a complete or equitable method of improving the accuracy of production estimates. It was proposed at the hearing that the salable allotments be applied to individual yards if either one of the proposals should be adopted. The "tying in" of allotments with individual yards would require changes in the order which were not contemplated nor set forth in the notice of hearing, and were not substantiated by evidence at the hearing. One problem which would arise in this connection would be that of developing satisfactory guides for determining what should be considered as an individual yard, and no evidence was presented at the hearing on the basis of which such guides could be formulated.

In regard to the further proposal that the diversion privilege be applicable to hops after they have left the control of the grower, the proponents testified that in 1949, 190,000 pounds of hops in possession of a brewer had been destroyed by fire, and in 1946, about 180,000 pounds in possession of another brewer had been destroyed. Each of these losses represents less than four-tenths of one percent of the 1950 crop salable quantity of 50,000,000 pounds. There was no evidence that such losses after leaving control of the grower have been or are likely to be of significant volume. It was testified that it might be impossible to re-

place such hops, in respect to quality and type, from the salable hops available. It was therefore proposed that the owner of such destroyed hops be allowed to purchase for replacement uncertificated hops from growers, thereby enabling the selling growers to sell additional quantities of hops, which they would not otherwise be able to sell. There is no assurance that the hops of the particular quality or type as those which were destroyed would be available in the surplus hops held by growers. Even if the desired qualities and types were available in the surplus quantity, sales of such hops would customarily be at prices lower than the market price for salable hops. While this may be advantageous to the individual grower who is thus able to dispose of additional surplus hops, it does not necessarily follow that the entire industry has benefited. Under the present order, when hops are destroyed while in the hands of dealers or brewers, they must be replaced from the salable quantity at regular market prices. Once hops have left the growers' hands they have been marketed insofar as the order is concerned. The purposes of the order do not include making available at lower prices to dealers and brewers replacement hops for those damaged or destroyed while in their possession. If this amendment were adopted, and a dealer or brewer did not have such hops insured, his loss due to destruction of hops in his possession would be reduced. If he had insurance, replacement costs incurred by the insurance company would be reduced, or insurance rates charged the owner of such hops would be lowered. In any event such a provision can only benefit persons other than growers generally, and reduce the total returns to growers for hops sold. Ordinarily, such losses can be replaced from the salable quantity established for that crop, and would be reflected in a reduction in the quantity of growers' salable hops carried over into the succeeding marketing season. If the quantity destroyed is so great that it could not be replaced from available supplies, there is provision in the order for increasing the salable quantity to make up the deficit. Under the present order and under the proposed amendment growers would sell the same total quantity of hops, but in the former case such hops would be sold at a higher average price, and the benefits would accrue to all growers.

Under questioning regarding administrative problems which might arise in connection with the diversion of hops outside the production area, proponents of the amendment testified that the checking of nearly all claims could be handled by correspondence, with the aid of insurance companies. In instances, however, where no insurance companies are involved, it seems likely that it would be necessary to send representatives out to investigate and report on the loss. This could involve considerable expense by the board, and since no provision is made for recovery of such expense, it would have to come out of the regular assessment fund.

Therefore, the proposal for the diversion of hops after they have left the control of the grower should be denied.

(6) It was proposed to amend § 986.6 (c) (1) (i) and (vi) of the present order to include provision for determining separately for each grower his harvested, unharvested, and total production of hops. The present order requires that the total production of hops be determined. The reason advanced for requiring these separate determinations was that, if § 986.6 (f) should be amended in accordance with the hearing notice proposal or a modification thereof, it would be necessary to have available for administrative use separate data on harvested and unharvested hops. However, it has been concluded that the proposal to change or modify the diversion privilege should be denied. Therefore, the proposal to require separate determinations of harvested and unharvested hops should also be denied. Section 986.6 (c) (1) (i) of the present order should, however, be amended to authorize the use by the Growers Allocation Committee of all available information in determining a grower's production in the event that such grower fails or refuses to make available to said committee information relative to his hop crop which the committee finds to be desirable in order properly to make such determination. Under the present provisions, in such a situation, the committee is required to make such a determination "on the basis of an estimate of the grower's acreage, the average crop conditions in the area, and the probable yield per acre on the grower's acreage." Experience under order operations has shown that the committee may have available other pertinent information which should be considered in making such a determination, and it should be authorized, in such an event, to consider such other available information. This would tend to insure that the determination would have the maximum accuracy obtainable.

(7) Section 986.6 (c) (2) (i) of the present order should remain unchanged. The first part of the proposed amendment of this section provided for increasing the salable percentage to compensate for deficits in hops available for market by reason of the failure of individual growers to harvest their entire salable allotments. Under the proposed amendment of the provisions regarding the diversion privilege, it is conceivable that, although the quantity harvested by all growers in any year may exceed the salable quantity established for that year, the entire salable quantity would not be available for market. Since it is herein concluded that no changes should be made in the present order in regard to the diversion privilege, it is unnecessary to change the provisions of the aforesaid section relating to the salable percentage. The diversion privilege set forth in the present order provides for the diversion of hops, either harvested or unharvested, and also provides for their replacement by surplus hops which have been harvested. In this manner the deficit due to individual growers failing to harvest their salable quantities may be offset by the quantities harvested by other growers in excess of their salable quantities. Therefore, if the quantity harvested by all growers in any year is equal to or in excess of the salable quantity for that year's crop, the entire salable quantity would be potentially available for market.

The second part of the proposed amendment of this section provided for increasing the salable percentage to 100 percent when the total quantity harvested is less than the salable quantity. As in the case mentioned hereinabove, if the proposed amendment to the diversion privilege were adopted, this amendment would be necessary to allow the total quantity harvested to become available for market. However, it has been concluded that the proposed change in the diversion provisions should not be adopted, and the present provisions regarding diversion are such as will allow the total quantity harvested, if it is less than the salable quantity, to become available for market. Furthermore, any increase in the salable percentage, based on the quantity harvested, could result in inequities among the proportionate salable quantities applicable to growers. Those growers who harvested quantities in excess of their salable quantities would be able to sell all such hops, whereas those growers who had left a portion, or all, of their hops unharvested in anticipation of utilizing the provisions of the diversion privilege would be unable to sell as much of their salable quantities as they can under the present order.

These proposed amendments should not, therefore, be adopted.

(8) It was proposed to amend § 986.7 (b) (1) of the present order so as to provide for payment of assessments on hops handled as replacements for hops which are diverted after leaving the control of a grower, even though assessments had been paid on the diverted hops. Since it has been concluded that § 986.6 (f) should not be amended to provide for the diversion of hops which have been destroyed or damaged after leaving the control of the grower, it is not necessary to make provisions for payment of assessments on such hops. The proposed amendment should therefore be denied. However, since a grower may produce hop products from hops which he obtains as replacements for diverted hops, it should be stated that said grower shall not be deemed to be the first handler of such hop products insofar only as payment of assessments may be concerned.

(9) The provisions of § 986.1, "Definitions", of the present order should be amended by adding thereto a definition of "part" and "subpart." The term "part" should mean the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order should be a subpart of such part. The use of such terms having those meanings would be in conformity with requirements of the Federal Register Division for orders of this nature.

(10) The order, as it may be amended, should be rewritten in its entirety so that its sections, paragraphs, subparagraphs, and subdivisions will be renumbered in accordance with the requirements of the revised Federal Register regulations, which require a system of numbering different from that used in the present order. The change would not affect the meaning and intent of the provisions of the order. Inasmuch as it is the established policy to number the provisions of the marketing agreement in the same manner as the order, similar changes in numbering should be made in the marketing agreement.

(11) It was testified at the hearing that changes should be made in any provisions of the order not directly involved in connection with specific amendments which are necessary to make such other provisions conform with any amended provisions which might result from this proceeding. It was emphasized that any such changes should be limited strictly to those which are obviously appropriate and necessary, and that, other than to the extent indicated, such changes should not affect the present meaning of such provisions. A careful review of such other provisions discloses that the only such conforming changes which will be necessary in connection with this proceeding is to delete references to preliminary estimates of the productions of individual growers as set forth in §§ 986.6 (c) (1) (iii), (iv) and (v) of the present order. These deletions are necessary and appropriate in the light of the fact that it has been concluded herein that the provisions of § 986.6 (c) (1) (ii) of the present order should be amended so as to delete therefrom the requirement for the making of preliminary estimates of each grower's production of hops.

SUBPART—ORDER RELATIVE TO HANDLING

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (7 CFR Part 986); and said previous findings and determinations are hereby ratified and confirmed except the finding with respect to the base period for the parity determination, and except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(d) There are no differences in the production and marketing of hops in the production area covered by this order, as herein proposed to be amended, which make necessary different terms applicable to different parts of such area.

Order relative to handling. It is, therefore, ordered that the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, shall, from the effective time hereof, be in conformity to, and in compliance with, the terms and conditions of the following order:

DEFINITIONS

§ 986.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

§ 986.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

§ 986.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 986.4 *Hops.* "Hops" means, except as otherwise specifically indicated in this subpart, the pistillate cones, either in the green or the dried state, of the vine Humulus lupulus or Humulus americanus grown in the States of Oregon, California, Washington, or Idaho.

§ 986.5 *Hop product.* "Hop product" means any substance which is (a) derived, either in whole or in part, from hops, including, but not limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extracts or concentrates, and (b) capable of being used for a purpose for which hops are used.

§ 986.6 *Grower.* "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (a) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of all or a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as hereinbefore set forth, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

§ 986.7 *Dealer.* "Dealer" means any person, other than a grower or brewer, who is a handler of hops or hop products for his or its own account.

§ 986.8 *Grower-dealer.* "Grower-dealer" means any grower, other than a brewer, who is a handler for his or its own account of any hops or hop products other than those of his or its own production: *Provided,* That handling transactions pursuant to § 986.81 shall not be within this definition.

§ 986.9 *Brewer.* "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage for commercial purposes.

§ 986.10 *Handler.* "Handler" means any person who, either personally or through another person, handles hops or any hop product: *Provided,* That a person who handles hops which have been previously certificated and handled by another person shall not thereby be deemed to be a handler with respect to such hops.

§ 986.11 *Handle.* "Handle" means, except as provided in § 986.81, (a) to market, ship, or transport (except as a common or contract carrier for others) to or for market, or to use, any hops or hop product, or (b) to purchase, take consignment of, accept delivery of (except as a common or contract carrier) in connection with a purchase or sale or otherwise acquire, within the States of Oregon, California, Washington, or Idaho, hops or any hop product from a grower or any other person.

§ 986.12 *Consumptive demand.* "Consumptive demand" means that quantity of hops and hop products (expressed in terms of dried hops) which it is anticipated will be required in all trade outlets, both domestic and foreign, during the period September 1 of the respective year through the following August 31.

§ 986.13 *Marketing season.* "Marketing season" means the 12 months from August 1 to the following July 31, both dates inclusive.

§ 986.14 *Federal-State inspection service.* "Federal-State inspection service" means that inspection service on hops or hop products which is performed within the States of Oregon, California, Washington, or Idaho by the United States Department of Agriculture or by said Department under a cooperative arrangement with any of such States pursuant to authority contained in any act of Congress.

§ 986.15 *Part and Subpart.* "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

HOP CONTROL BOARD

§ 986.20 *Establishment.* A Control Board consisting of eighteen members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this subpart, of whom, with their respective alternates, nine shall represent growers of hops, two shall represent grower-dealers, three shall represent dealers, and four shall represent brewers. The grower members of the Control Board shall be growers of hops who are not grower-

dealers, of whom three shall be growers of hops in and residents of the States of Oregon or Idaho, three shall be growers of hops in and residents of the State of California, and three shall be growers of hops in and residents of the State of Washington. One of the grower-dealer members of the Control Board shall be a grower-dealer having his or its principal office in that regard in the States of Oregon, California, Washington, or Idaho, and the other grower-dealer member shall be a grower-dealer having his or its principal office in that regard outside of such States. Each of the four brewer members of the Control Board shall be a brewer. Each of the three dealer members of the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit other than an individual person shall be eligible for membership or alternate membership on the Control Board in the category in which such business unit belongs pursuant to the provisions hereof. No person shall be selected as a member or alternate member of the Control Board who is not actively engaged, as his principal business occupation, in the business of the group which he represents, and may be an officer, agent, or employee of a business unit engaged in such business.

§ 986.21 *Designation of original members and alternates.* The original members of the Control Board, and their respective alternates, shall be selected by the Secretary, subject to the requirements as to district representation, occupation, and residence which are set forth in § 986.20, and shall serve for a term ending on March 31, 1950, except that, if the respective successor to such original member or alternate member has not been selected and qualified by March 31, 1950, such original member or alternate member shall serve until his respective successor has been selected and has qualified. For the consideration of the Secretary in making such selection, nominations for original members and alternate members of the Control Board may be submitted to him not later than the date on which this subpart is issued by the Secretary, but may be submitted prior thereto. Nominations for the original nine grower members and their alternates may be made by any grower, or by any association or other group of growers. Nominations for the original two grower-dealer members and their alternates may be made by any grower-dealer, or by any group of grower-dealers. Nominations for the original four brewer members and their alternates may be made by any brewer, or by any organization of brewers. Nominations for the original three dealer members and their alternates may be made by any dealer, or by any group of dealers. However, the Secretary, in making his selection of the original members and their alternates shall not be bound to make such selections from nominations thus received, but he shall make such selections in his discretion.

§ 986.22 *Nomination and selection of successor members and alternates*—(a) *General.* Members and alternates of the Control Board selected for terms commencing April 1, 1950, and thereafter, shall serve for terms of two years ending March 31 or until such time thereafter as their successors have been selected and have qualified. Selection of successor members of the Control Board and their alternates shall be made by the Secretary for each of the aforementioned groups from the nominations submitted for that purpose by the respective groups and/or from among other qualified persons. Such nominations for each respective group shall be made to the Secretary on or before March 1 of each election year in the manner hereinafter described.

(b) *Grower members.* Each of the growers Advisory Committees, established pursuant to § 986.40, shall nominate to the Secretary the names of three qualified persons as grower members, and three qualified persons as their alternates, from the State or States represented by the respective committee. The persons receiving in consecutive order the highest number of votes for members shall be the nominees for members of the respective committees, and a corresponding provision shall apply to nominees for alternate members.

(c) *Grower-dealer member, Western.* The grower-dealers whose principal offices are within the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as the grower-dealer member, and one qualified person as his alternate.

(d) *Grower-dealer member, Eastern.* The grower-dealers whose principal offices are outside the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as grower-dealer member, and one qualified person as his alternate.

(e) *Dealer members.* The dealers shall nominate to the Secretary by means of elections in which all (and only) dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular dealer, as the first handler thereof, other than a grower, and for that dealer's own account, during the next preceding marketing season, three qualified persons as dealer members and three qualified persons as their alternates. Nominations for one of such members and his alternate shall be made by each of the following categories of dealers: (1) Those handling less than 10,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; (2) those handling between 10,000 and 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; and (3) those handling over 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season.

(f) *Brewer members.* Of the four qualified persons to be nominated by the brewers for selection as brewer members of the Control Board, and their respective alternates, two of such nominations for members and their respective alternates may be made to the Secretary by the United States Brewers Foundation, Inc., whose present office address is 21 East Fortieth Street, New York, N. Y., and two such nominations for members, and their respective alternates, may be made by the Small Brewers' Association whose present office address is 183 West Randolph Street, Chicago, Ill. However, nominations may also be made by any individual brewer or by any other associations or groups of brewers.

(g) *Elections of nominees for membership.* Each election for the purpose of nominating grower, grower-dealer and dealer members or alternates of the Control Board to succeed those whose terms of office expire on March 31, of any year, shall be held on or before the preceding March 1, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing the election of nominees as hereinbefore provided, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before November 1, 1949; and such regulations as shall be approved by the Secretary shall govern each such election. Reports of the results of elections of nominees shall be submitted to the Secretary by the Control Board.

(h) *Time limitation on nominations.* In the event any of the group nominations are not submitted to the Secretary within twenty days after the time hereinbefore specified, the Secretary may select each such member or alternate without waiting for the nomination or nominations to be made. If no qualified person is available from any category in any such group, the Secretary may appoint such member or alternate from another category within such group.

(i) *Qualification of members and alternates.* Each person selected as a member or alternate of the Control Board, including original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(j) *Qualifications requirements for alternates.* Each alternate shall meet the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(k) *Substitutes for members or alternates.* In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member of the same group as that represented by the absent member may be designated by the absent member to serve in the stead of the absent member, or pending such designation the Secretary may designate such temporary substitute.

§ 986.23 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected (insofar as is appropriate) in the manner specified in this subpart, for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for vacancy is not made within thirty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

§ 986.24 *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties hereunder.

§ 986.25 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 986.26 *Duties.* The duties of the Control Board shall be, among others, as follows:

(a) *Intermediary.* To act as intermediary between the Secretary and any grower, handler, dealer, grower-dealer, or brewer;

(b) *Minutes, books and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(c) *Scientific studies and research.* To provide, subject to prior approval by the Secretary, for the making of scientific and other studies and for the conducting of research appropriate in connection with the performance of its official duties;

(d) *Assembling data.* To gather and assemble data on the growing, handling, shipping and marketing conditions relative to hops and hop products, appropriate or desirable in connection with the performance of its official duties;

(e) *Information.* To furnish to the Secretary such available information with respect to hops as the Board may deem appropriate or as the Secretary may request;

(f) *Audit.* To cause the books and other records of the Control Board to be audited by one or more competent accountants at least once each marketing season and at such other times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(g) *Managing agent.* To employ a managing agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof or financially interested in the production of, dealing in, or use of hops and hop products, and who shall serve as the Secretary of the Control Board and the secretary of the Growers Allocation Committee and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such managing agent, employees, agents and representatives;

(h) *Notice to Secretary of meetings.* To give to the Secretary the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(i) *Issuance of necessary regulations.* To issue, with the approval of the Secretary, any regulations which are necessary and appropriate for the carrying out of the provisions of this subpart in accordance with their terms.

§ 986.27 *Procedure*—(a) *Rules and officers.* The Control Board shall adopt rules governing the performance of its powers and duties hereunder, and shall select a chairman and such other officers as it may deem advisable.

(b) *Quorum.* A quorum shall consist of twelve members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than ten affirmative votes.

(c) *Permissive methods of voting.* The Control Board may vote by mail or telegraph upon due notice to all members and when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

§ 986.28 *Funds and other property*—(a) *Uses.* All funds received by the Control Board pursuant to this subpart shall be used solely for the purposes specified in this subpart; and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(b) *Accountability of members.* Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements under this subpart and deliver all property, funds, books, and other records (in his possession or control) of the Control Board, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such member.

(c) *Legal action for collection of assessments.* The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, a suit against any handler subject to the provisions of this subpart for the collection of such handler's pro rata share of expenses.

GROWERS ALLOCATION COMMITTEE

§ 986.35 *Members.* The grower members and the grower-dealer members of the Control Board shall constitute the Growers Allocation Committee. Said committee shall have such duties and powers as are expressly specified in this subpart for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

§ 986.36 *Procedure.* The Growers Allocation Committee shall select one of its members as its chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or telegraph upon due notice to all members and when any such proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Growers Allocation Committee.

§ 986.37 *Alternates.* The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

GROWERS ADVISORY COMMITTEES

§ 986.40 *Establishment and membership.* A Growers Advisory Committee of 12 members is hereby established for each of the States of Washington and California, and of 13 members for the combined States of Oregon and Idaho. Each of the said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Oregon and Idaho shall be a grower or an officer or employee

thereof, engaged in growing hops in and a resident of the State of Idaho.

§ 986.41 *Original members.* The original members of the Growers Advisory Committees shall be the members of the existing advisory committees organized by the United States Hop Growers Association, an association of hop growers whose present address is Mills Building, San Francisco, California. Each of the original members shall serve for a term ending on January 31, 1950, and in the event that the respective person's successor has not been selected by February 1, 1950, such person shall serve until his successor has been selected.

§ 986.42 *Election of successor members.* Successor members of Growers Advisory Committees, beginning with those elected for terms beginning on and after February 1, 1950, shall serve a two year term ending January 31. Election shall be at meetings held under the supervision of the managing agent or his designated representative by the growers and grower-dealers in each of the hereafter designated districts. In such election each grower and each grower-dealer residing or producing hops in the district shall have an opportunity to participate, and at such election shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote to fill the vacancy or vacancies occurring in his district. No grower or grower-dealer shall vote in more than one district in any one Sate. Voting shall be by ballot; there shall be no voting by proxy. The nominee having the highest number of votes shall be the member for the district or, in the districts electing more than one member, the nominees receiving in consecutive order the highest number of votes shall be the members for that district. In the case of a tie vote, where vacancies are insufficient to give membership to each, a run-off election shall be held on the vacancy in question.

§ 986.43 *Washington Advisory Committee.* The State of Washington is hereby delimited into four election districts, as follows:

District No. 1. That portion of Yakima County lying east of the Yakima River and north of Parker Ridge, and all counties of the State of Washington not delineated in other districts.

District No. 2. Benton County, Klickitat County, and that portion of Yakima County lying south of Parker and Ahtanum Ridges.

District No. 3. That portion of Yakima County lying north of Ahtanum Ridge and west of the Yakima River.

District No. 4. All counties of the State of Washington lying west of Districts 2 and 3, or lying west of the Cascade Mountains.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district three members of the Advisory Committee.

§ 986.44 *California Advisory Committee.* The State of California is hereby delimited into three election districts, as follows:

District No. 1. Sacramento County and all other counties of the State of California not delineated in other districts.

District No. 2. Sonoma, Napa and Marin Counties.

District No. 3. Mendocino and Lake Counties.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

§ 986.45 *Oregon-Idaho Advisory Committee.* The States of Oregon and Idaho are hereby delimited into twelve election districts, as follows:

District No. 1 (Grants Pass). Douglas, Jackson, Josephine, Coos, and Currie Counties.

District No. 2 (Eugene, etc.). Lane County and that portion of Linn County not delineated in District 3.

District No. 3 (Albany, Corvallis, etc.). Benton County and those areas of Marion and Linn Counties described as follows: Beginning at Jefferson, Oregon, thence north along U. S. Highway 99 East to a point east of Tice Island in the Willamette River, thence due west along a straight line to Tice Island, thence south along the meanderings of the Willamette River to the confluence of the Luckiamute and Willamette Rivers, thence due southwest to the northeast corner of Benton County, thence south along the boundary of Benton and Linn Counties to a point due west of Brownsville, Oregon, thence in an easterly direction to Brownsville to include all growers operating hop yards in the Brownsville area, thence continuing to the eastern boundary of Linn County to include all growers operating yards in Linn County north of the line as described.

District No. 4 (Independence, Dallas, etc.). All of Polk County not delineated in District 6, all of that portion of Marion County adjacent to Independence and not delineated in Districts 3, 5 and 6, and that portion of Yamhill County not delineated in Districts 10 and 11.

District No. 5 (Silverton, etc.). Beginning at the North Howell Grange building in Marion County, Oregon, thence due south along a straight line to Stayton, Oregon, thence due east along a straight line to the headwaters of the Abiqua River, thence following the meanderings of the Abiqua River in a northwesterly direction to a point due east of the North Howell Grange, thence due west along an imaginary line to point of beginning.

District No. 6 (Salem, etc.). Beginning at Rickreall, Oregon, thence north along west side of U. S. Highway 99W, to a point due west of Wheatland, thence due east along a straight line to Wheatland to include all growers in the area in the vicinity of Wheatland, Oregon, thence northeast along a straight line to Fairfield, thence east following the Fairfield road to Aral Corners, thence due north from Aral Corners to the St. Louis Road to the corner of the "Old Miller Place," thence east to the Southern Pacific Railway and continuing east to U. S. Highway 99 East, thence south following U. S. Highway 99 East, to the intersection of U. S. Highway 99 East and the Parkersville Road, known as the "Manning Corner," thence east to Parkersville, thence south to the Central Howell School, thence due south following a straight line to the Santiam River, thence north and west following the meanderings of the Santiam River to Jefferson, thence due north following U. S. Highway 99 to Sunnyside, thence due west following a straight line to the Willamette River to a point south of Roberts' Station, thence north following the meanderings of the Willamette River to Salem, thence west following the Dallas-Salem Highway to Rickreall, point of beginning.

District No. 7 (Wilder, Ontario, etc.). The State of Idaho and Malheur County in the State of Oregon.

District No. 8 (Mount Angel, etc.). Beginning at the North Howell Grange, thence south and east following the meanderings of the Abiqua River to the foothills of the Cascade Mountains to a point due south of Mollalla, thence due north following a straight line to Molalla, thence west following the Woodburn-Molalla highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence south from Gervais to the Manning Corner, thence east to Parkersville, thence south to the North Howell Grange, the place of beginning.

District No. 9 (Donald, Woodburn, Aurora, etc.). Beginning at Oregon City, thence south along the Oregon City-Molalla highway to Molalla to include all growers operating hop yards within a one-mile radius of Mulino, thence west following the Woodburn-Molalla Highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence west following the direct highway to St. Louis, thence north following the meanderings of Champoeg Creek to its confluence with the Willamette River, thence in a northerly direction following the meanderings of the Willamette River to Wilsonville, thence continuing in a north and easterly direction along the meanderings of the Willamette River to the place of beginning.

District No. 10 (St. Paul, etc.). Beginning at Wilsonville, thence north following U. S. Highway 99 West to Jurgens Park on the Tualatin River, thence northwesterly following a straight line to the southwest corner of Multnomah County, thence southwesterly following a straight line to Laurel, thence southwest following a straight line to McMinnville, thence south following the west side of U. S. Highway 99 West to a point due west of Wheatland, thence due east following a straight line to Wheatland, thence northeast to Fairfield, thence continuing east to Aral Corners, thence north to Champoeg Creek, thence continuing in a northerly direction and following the meanderings of Champoeg Creek to the Willamette River, thence continuing in a northeasterly direction following the meanderings of the Willamette River to Wilsonville, the point of beginning.

District No. 11 (Hillsboro, Forest Grove, etc.) Beginning at the southwest corner of Multnomah County, thence in a southwesterly direction following a straight line to Laurel, thence southwesterly following a straight line to McMinnville, thence west following a straight line to the western boundary of Yamhill County. Close any short gap by a straight line and follow County line to the point of beginning.

District No. 12 (Portland, Hermiston, etc.). Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River and Multnomah Counties, and that portion of Clackamas County described as follows: Beginning at Sellwood, Oregon, thence south following the meanderings of the Willamette River to Oregon City, thence south following the Oregon City-Molalla Highway to Lewis Station due east of Canby thence due east along a straight line to the Cascade Mountains, thence north along the eastern boundary of Clackamas County to the northern boundary of Clackamas County, thence due west to place of beginning and all other Counties or portion of Counties of Oregon not delineated in other districts.

Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district two members of the Advisory Committee, one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district one member of the Advisory Committee.

§ 986.46 *Changes in districts.* The number of districts or the area covered by each in any State or States may be changed by the Secretary in an equitable manner giving consideration to quantity of hops produced, number of growers, geographical characteristics or other factors and upon recommendation of the Control Board or of the Advisory Committee for such State or States.

§ 986.47 *Alternates.* Each member of an Advisory Committee may designate, in writing, addressed to the managing agent, an alternate having the same membership qualifications as are applicable to the member. Such alternate may act at any meeting of the Advisory Committee at which the member is not present.

§ 986.48 *Vacancies.* A vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a person of the membership qualifications of the former member, selected by majority vote of the remaining members of that committee.

§ 986.49 *Expenses.* The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

§ 986.50 *Functions*—(a) *Nomination of successor Control Board members.* Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(b) *Officers and other functions.* Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings after notice to its members, upon the call of four members, or upon the call of its chairman, or the Control Board, or the managing agent. Each Advisory Committee shall serve the Control Board in an advisory capacity concerning the administration hereof in the State or States for which such committee is established, and in general shall perform such ministerial functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

CONTROL OF QUALITY

§ 986.60 *Minimum standards of quality and grading and inspection requirements*—(a) *Establishment.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of the Control Board's recommendations, prescribe minimum standards of quality for hops with respect to their leaf and stem content or other factors of quality and maturity for which grading and inspection procedure has been developed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture and is in general use; and shall prescribe grading and inspection requirements therefor. The term "leaves and stems," as used in this subpart, shall include all leaves and stems of the hop plant, except the stems (petioles) which bear the individual cones, and all extraneous matter. Hop seeds which are naturally within the hops under inspection shall not be considered as extraneous matter. To aid the Secretary in prescribing minimum standards and requirements, the Control Board shall furnish to the Secretary the information upon which it acted in recommending such standards and requirements, and shall furnish such other available data pertaining thereto as the Secretary shall request.

(b) *Initial standards and requirements.* Until such time as other standards and requirements for leaf and stem content are prescribed under this section, no hops shall be deemed merchantable or entitled to certification which contain over fifteen percent by weight, of leaves and stems as defined in this section and as determined by the Federal-State inspection service.

(c) *Operation irrespective of price.* The provisions of this subpart relating to minimum standards of quality and maturity, and to grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for hops is in excess of the parity level specified in section 2 (1) of the act.

§ 986.61 *Inspection and certification.* Each grower shall be entitled, upon application to the Control Board or its representative, and subject to the meeting by him of any applicable provisions of § 986.60 and §§ 986.70 through 986.81, to the certification of hops harvested after the effective date of this subpart: *Provided*, That such hops have been inspected by the Federal-State Inspection Service within the States of Oregon, California, Washington, or Idaho, and their official certificate presented by such grower showing such hops to meet said standards and requirements. No person shall handle any hops harvested after the effective date of this subpart unless such hops have been so certificated by the Control Board.

§ 986.62 *Regulations.* Such certification as to minimum quality shall be based on information on a Federal-State Inspection Certificate and shall include substantially the following wording: "Hops covered by this certificate are of the ---------- crop and are covered (year) by Federal-State Inspection Certificate No. -------- as meeting minimum standards of quality prescribed pursuant to applicable Federal-Marketing Agreement and Order." Such certification shall be executed by authorized representatives of the Control Board, the grower and the handler. The bale or other container shall also be marked or tagged to furnish proper identification as to producer and lot. Such marking or tagging shall comply with the requirements for marking included in § 986.79. This method of marking may be changed by the Conrtol Board, subject to the approval of the Secretary.

CONTROL OF SURPLUS

§ 986.70 *Application.* The provisions of §§ 986.70 through 986.81 shall apply only during marketing seasons in which the estimated season average price of hops to growers is at or below the parity level specified in section 2 (1) of the act.

§ 986.71 *Determination of salable quantity*—(a) *Total carryover.* As early in the respective year as it shall find it to be feasible, but not later than August 1, the Control Board shall ascertain or estimate the total carryover, within the United States, of hops and hop products, expressed in terms of dry hops, produced in or outside the area covered hereby prior to that year and which, if produced within such area, are eligible for handling pursuant to the terms of this subpart.

(b) *Consumptive demand.* At the same time, the Control Board shall estimate the total consumptive demand for hops produced during the respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity estimated to be used in the form of hop products.

(c) *Recommendation by Control Board.* Immediately thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (net dry weight), produced during that respective year which should, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(d) *Determination by Secretary of salable quantity.* On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to this section, and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which may be handled in the form of hops and in the form of any hop product. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the salable quantity of that respective year's crop of hops.

§ 986.72 *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for the crop of any year in which the continued withholding of surplus would result in a season average price to growers in excess of the parity level specified in section 2 (1) of the act, or upon due consideration of

either the needs of brewers or a recommendation of the Control Board that the salable quantity be increased. The Secretary may not decrease said salable quantity.

§ 986.73 *Conversion ratios.* In computing the hops equivalent of hop products, and unless changed as hereinafter provided, one pound of lupulin shall be considered equivalent to 20 pounds of dry hops and one pound of hop oil to 400 pounds of dry hops. In the case of hop extracts or concentrates for which conversion ratios are not established herein, the Control Board, or its authorized representative may temporarily establish such conversion ratios for a period not exceeding 90 days. Conversion factors referred to in this subpart may be changed by regulation of the Control Board, subject to approval of the Secretary.

§ 986.74 *Determination of quantity available for market*—(a) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight), meeting the requirements of § 986.60, available for market by each grower from his production of hops during that year. Such determination shall include the quantity, if any, of such hops found to have been converted into hop products, except lupulin sweepings shall be included, in the computation, only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained and from which hops have not been picked, and which have not been removed from the wires or poles. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions hereof, the Growers Allocation Committee shall determine or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, the Growers Allocation Committee shall, by means of addition, compute the total production by all growers.

(b) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will become available for market by all growers from that year's crop. Said preliminary estimate shall be based upon then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

(c) *Determinations for and protests by members of committee.* The determinations pursuant to paragraph (a) of this section for each member of alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representative shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(d) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination, pursuant to paragraph (a) of this section, of the respective grower's production for the respective year, and also, the computation of the total quantity determined, pursuant to paragraphs (a) and (b) of this section, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(e) *Protests by growers.* Any grower who may be dissatisfied with the determinations, pursuant to paragraph (a) of this section or § 986.75, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(f) *Determination by Secretary.* Upon expiration of the time for protest specified in paragraph (e) of this section, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it, pursuant to paragraph (a) of this section, together with the data on which the same were based. On the basis of such findings, determinations, computations, data and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the total quantity of hops (net dry weight) meeting the requirements of § 986.60 available for market by each grower from his production of hops during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is hereinafter referred to as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

§ 986.75 *Computation of growers' allotments; salable percentage.* The "salable percentage" of the aggregate production, determined pursuant to § 986.74, shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.71, by the aforesaid aggregate production, and multiplying the quotient by 100. After computing the growers' salable percentage on this basis, the percentage shall be adjusted to the nearest tenth of a percent. Each grower's allotment of the salable quantity of that year's crop shall be that same salable percentage applied to that grower's production as determined pursuant to § 986.74: *Provided*, That, in lieu of the method of computing growers' allotments described in the preceding sentence, the Secretary may make effective, at the beginning of any marketing season, the following procedure pursuant to a recommendation of the Control Board to that effect (such recommendation of the Board to be pursuant to and in accordance with a prior recommendation to it by the Growers Allocation Committee); each grower's allotment of the salable quantity of that year's crop shall be computed by first subtracting from said grower's poundage of merchantable production, the leaf and stem content thereof and applying the salable percentage to the remainder, then dividing the resulting quantity by the average percentage of clean hops (hops exclusive of leaf and stem content) in the aggregate production of hops for the preceding marketing season. The quotient will be the grower's allotment of the salable quantity, in pounds of hops as prepared for market by him. The Board shall include in any recommendation pursuant to this proviso full information and data on which such recommendation is based. Said recommendation shall specify in regard to the "percentage of clean hops" to be used in the computation, whether such percentage shall be computed and applied for the production area as a whole or separately by States, and the Secretary if he approves the Board's recommendation shall state in his approval which procedure in regard thereto, shall be followed: *And provided further*, That, if this substitute method of computing growers' allotments is made effective, the Board may recommend (following a recommendation to it by the Growers Allocation Committee) to the Secretary the readoption of the original method at the beginning of any subsequent marketing season, supplying full information and data upon which such recommendation is based, and the Secretary may make such original method again effective.

In any year in which the salable percentage, determined pursuant to this section, exceeds 98 percent, each grower's allotment shall be the total quantity produced by such grower, determined pursuant to § 986.74. Each allotment determined under this subpart shall be expressed in pounds, net dry weight of hops, and shall be known as the respective grower's "salable allotment" of that respective year's crop.

§ 986.76 *Preliminary and supplementary allotments*—(a) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall estimate will not be in excess of 50 percent (or such lower percentage as the Control Board, with the approval of the Secretary, may specify) of that grower's estimated salable allotment for that year's crop. Said estimate shall be based upon physical examination of the hop yard, or yards, upon the historical production thereof, upon official crop estimates, and upon such other relevant data as are available.

(b) *Supplementary, eighty percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(c) *Supplementary, ninety percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to, complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for in the order, by all harvested hops of such grower for that year.

(d) *Eligibility for certification.* After issuance to a grower of such preliminary or supplemental allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and handling as though the final allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(e) *Notice to growers.* The Growers Allocation Committee shall mail to each grower who has requested a preliminary or supplementary allotment (either or both) notice thereof, and to each grower notice of his final salable allotment computed by that committee as herein provided. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at each of its offices, where the same shall be available during all reasonable hours for inspection by any interested person.

§ 986.77 *Joint allotment*—(a) *Joint ownership.* In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Growers Allocation Committee, then a single salable allotment shall cover such joint production. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Growers Allocation Committee, or its authorized representative, upon written application signed by all of said interested growers shall segregate and distribute said salable allotment among said growers in accordance with their respective segregated interests in the crop.

(b) *Associations.* Upon application of any bona fide incorporated cooperative association of growers which is authorized to market hops or hop products included within the salable allotments of those of its members who have authorized the association to sell and pool their hops for them, the individual salable allotments of such members shall be pooled and hops produced by those members during that season, and hop products derived from such hops, may be certificated and handled by that association without regard to the limits of the individual allotments of the members: *Provided*, That, (1) any such application is made in writing by the association to the Growers Allocation Committee prior to determination of the salable allotments to which it is to apply, (2) such application is signed by the duly authorized officers of the association, (3) such application is accompanied by satisfactory evidence that the submission of it has been approved by the membership of the association, by official action at a meeting or otherwise during the particular calendar year, and (4) such application is also accompanied by satisfactory evidence that each of the individual members who will be affected by the pooling arrangement has authorized the association to handle his hops under such a pooling arrangement.

§ 986.78 *Revision of allotments*—(a) *Revision and new allotments.* In the event that at the normal time, no determination, pursuant to § 986.74, has been made as to a particular grower entitled thereto pursuant to the provisions of this subpart, or a previous determination as to a particular grower is substantially in error, the Growers Allocation Committee shall make the determination or correct the erroneous determination, or shall cause such determination or correction to be made. The same requirements of determination and approval by the Secretary, notice to the grower and rights of protest and appeal, shall be effective with respect to such determination, as in the case of a timely or original determination.

(b) *Correction of clerical errors.* In the event that the Growers Allocation Committee or the Managing Agent shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Managing Agent shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

§ 986.79 *Certification*—(a) *Hops harvested during effective period of order.* Each grower for whom a salable quantity is determined may, upon application to the Control Board or its representative and subject to the limitations of §§ 986.60 through 986.62, have the eligible quantity of hops or hop products certificated for handling. Such certification shall consist of the indelible marking of each bale or other container of such hops or hop products by an authorized representative of the Control Board and the issuance and delivery of a "handling certificate." Such marking shall be placed on the bale cover or other container or on a tag securely attached to such other container, and shall show the year of production, the handling certificate number, and the words "Certificated, Hop Control Board." This method of marking may be changed by the Control Board, subject to the approval of the Secretary. Such handling certificate shall certify that pursuant to the provisions hereof a specified quantity of hops or hop products has been duly certificated, for the grower and handler named in said certificate, as being eligible for handling pursuant to the terms hereof, and shall be executed by authorized representatives of the Control Board, the grower, and the han-

dler. Such certification may exceed any grower's salable quantity by not over 100 pounds, provided such excess quantity is included entirely within the weight of the last bale or container certificated for said quantity.

(b) *Hops harvested prior to effective date of subpart.* Any person who owns or is in the possession of hops harvested or hop products from hops harvested prior to the effective date of this subpart, is entitled upon application, within 30 days after the effective date of this subpart, to the Control Board or its representatives, to have such hops or hop products certificated free of charge without regard to any salable quantity, or minimum standard of quality. The Control Board may extend such time for good cause.

§ 986.80 *Limitation of handling to certificated hops or hop products.* No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops harvested or hop products from hops harvested subsequent to the effective date of this subpart, unless: (a) Prior to such handling, the Control Board shall have issued a "handling certificate" pursuant to § 986.79 applicable to such hops or hop products; (b) each bale or other container of said hops or hop products shall have been duly marked or tagged as prescribed in this subpart, for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated. However, hops harvested prior to the effective date of this subpart and hop products produced from such hops may be certificated for handling without regard to the salable allotment or the quality restriction

§ 986.81 *Diversion privileges.* In the event hops, whether harvested or unharvested, or hop products, in the control of the respective grower thereof, are destroyed, or are so damaged or deteriorated as in the judgment of the grower to be unmarketable, or if, because of quality or type, such hops or hop products are unsatisfactory to the grower, the grower thereof may, if the lupulin has not been removed from such hops, replace such hops, or hop products, within the limits of his salable allotment for that respective year, by acquiring uncertificated hops of that year's crop from the growers thereof (in the case of diversion of hop products, and replacement thereof by hops, conversion ratios, as provided in § 986.73, shall be used in computing the poundage of hops to be used in replacement of such hop products): *Provided*, That such purchasing grower shall first submit a written statement to the Growers Allocation Committee setting forth the year of production, location, and the quantity of hops, or hop products, which such grower desires so to replace (and, if the hops, or hop products, to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, or its authorized representatives), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee or its authorized representatives whereby the unmarketable or unsatisfactory hops, or hop products, which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further*, That such hops shall not be diverted or disposed of into hop products, as defined in § 986.5. The selling grower as defined in this subpart shall not be regarded as handling hops within the meaning of this subpart nor shall the hops sold be considered a part of the selling grower's allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers known to have uncertificated hops for sale pursuant to the provisions of this section; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this section. The Growers Allocation Committee shall make such lists available to any grower of hops at each office of the Control Board.

EXPENSES AND ASSESSMENTS

§ 986.90 *Expenses.* The Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing season for the maintenance and functioning by it and for such purposes as the Secretary may, pursuant to the provisions of this subpart determine to be appropriate. Such expenses shall be paid from the funds acquired pursuant to this section. The recommendation of the Control Board as to its expenses for each such marketing season, or a portion thereof, together with all data supporting such recommendation, shall be submitted to the Secretary within 45 days from the effective date of this subpart and in succeeding marketing seasons on or before September 15 of the marketing season for which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided. The expenses to be incurred during the partial marketing season immediately following the effective date of this subpart may be included with the expenses for the 1949 season.

§ 986.91 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided hereinafter with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (1) such hops or hop products as are duly certificated pursuant to § 986.79 (b) and (2) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided*, That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops producer by that grower, or hops acquired pursuant to § 986.81 or hop products produced from such hops, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph are concerned, and the person who handles such hops or hop products next following such handling by said grower shall be considered the first handler thereof within the provisions of this section. Said assessment shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

(b) *Rate of assessment.* Beginning with the effective date of this subpart, the aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73.

§ 986.92 *Refunds.* Any money collected as assessments during any marketing season and not expended in connection with that season's operations, may be used by the Control Board during a period of five months subsequent to such marketing season in paying the expenses of the Control Board incurred in connection with the new marketing season. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing season, credit or upon request make available, within six months after the beginning of the new marketing season, the aforesaid excess carried into the new season, to each handler from whom an assessment was collected in the preceding marketing season, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said preceding marketing season.

COMPLIANCE WITH PROVISIONS OF AGREEMENT AND ORDER

§ 986.95 *Compliance.* Each handler shall comply strictly with all provisions of this subpart and all regulations duly effective under this subpart. No handler shall handle any hops or any hop product in violation of any of the provisions of this subpart or in violation of any regulation effective pursuant to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 986.101 *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep books and other records which will clearly show the details of its handling of hops and hop products.

§ 986.102 *Reports by handlers.* To enable the Control Board, the Growers Allocation Committee, and each Advisory Committee to perform its functions under this subpart, each handler shall furnish to the managing agent, (a) on June 1, or as of that date and within 15 days thereafter or on any other date or dates which the Control Board may specify, complete information as requested by the Control Board relating to the total quantity of hops and hop products owned by the respective handler; and (b) on or before December 1, or on any other date or dates which the Control Board may specify, complete information relating to (1) the volume of hops and hop products handled during the next preceding marketing season; (2) the names and addresses of the growers and other persons from whom such hops or hop products were acquired; and (3) the quantity of hops grown by that handler during such period. Such information furnished to the managing agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided*, That the managing agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The managing agent shall not disclose any information acquired under this section, except as herein expressly authorized.

§ 986.103 *Uncertificated hops and hop products*—(a) *Reports by growers.* Each grower shall report to the Control Board, or its authorized representatives, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned by him as of the preceding June 1, and each grower shall also furnish to the Control Board reports containing such information as of such other date or dates as the Control Board may specify.

(b) *Supervision of disposition.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession shall first arrange with the Control Board, or its authorized representatives, for supervision of such disposition. The Control Board, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the Control Board, or its authorized representatives, and such supervision shall be sufficient to assure disposition consistent with the provisions of this section. The requirements set forth in this paragraph shall cover, but are not limited to, any disposition by destruction, or by sale pursuant to the provisions of § 986.81.

MISCELLANEOUS PROVISIONS

§ 986.105 *Amendments.* Amendment of this subpart may from time to time be proposed by the Control Board or by the Secretary.

§ 986.106 *Agents.* The Secretary may, by a designation in writing, name any person, including but not being limited to, any officer or employee of the United States Department of Agriculture, or any Division thereof, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.107 *Effective time suspension, and termination*—(a) *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated or suspended in one of the ways hereinafter specified, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination or suspension.* The Secretary may, at any time, terminate or suspend the provisions of this subpart whenever he finds that the provisions of this subpart obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

The Secretary shall terminate the provisions of this subpart whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be detremined by the Secretary, have ben engaged in the production of hops within said States for market: *Provided*, That such majority have, during such period, produced for market more than fifty percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

The provisions of this subpart shall terminate in any event whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* Upon the termination of the provisions of this subpart the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination; but the procedural rules governing the activities of said trustees; including, but not limited to, the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant hereto. Any funds collected for expenses pursuant to §§ 986.90 through 986.92 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this subpart. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 986.108 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination of this subpart except with respect to acts done under and during the existence of this subpart; and the benefits, privileges, and immunities conferred hereby upon any party signatory to this subpart shall cease upon the termination hereof as to such party except with respect to acts done under and during the existence of this subpart.

§ 986.109 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.110 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.111 *Right of the Secretary.* Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative or employee apointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.112 *Liability of Control Board members.* No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, or employee, shall be held liable individually in any way whatsoever to any other person for errors in judgement, mistakes, or other acts either of commission or omission as such member, employee, representative, except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

§ 986.113 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Filed at Washington, D. C., this 22d of June 1951.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 51-7349; Filed, June 26, 1951; 8:50 a. m.]

[7 CFR Part 993]

[Docket No. AO 201-A 1]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 51-6955, appearing at page 5794 of the issue for Saturday, June 16, 1951, the following changes should be made.

1. On page 5795, first column, subparagraph (3), the word "infected" should read "infested".

2. On page 5797, first column, tenth line from the bottom, the figure "303" should read "305".

3. On page 5800, third column, the first sentence of the last paragraph should read as follows:

The present provisions of § 993.5 (e) (1) (ii) (*a*) authorize, in addition to sales as aforesaid, sales in situations where foreign markets are developed in countries which were not considered in estimating the salable percentage. * * *

4. On page 5801, third column, the first sentence of the last paragraph should read as follows:

The present provisions of § 993.5 (e) (1) (v) (*a*) authorize, in addition to sales as aforesaid, sales in situations where expansion occurs in manufacturing outlets which were not provided for in estimating the salable percentage. * * *

5. On page 5804, second column, twelfth line, the word "production" should read "productions".

6. On page 5804, third column, twenty-second line, the word "terms" should read "term".

7. On page 5805, third column, the first line of item 6 should read: "6. Amend § 993.2 (l) (6) of the order,".

8. On page 5809, first column, nineteenth line, the word "much" should read "such".

9. On page 5810, the fifth line of § 993.26, the word "group" should read "groups", and in the eleventh line of § 993.26, the word "proportion" should read "proportions".

10. On pages 5818 and 5819, the following changes should be made in § 993.97:

a. In item I. A. (2), the word "conditions" should read "condition", and in item I. A. (9), the word "infestations" should read "infestation".

b. In item I. B. (3), the word "mean" should read "means".

c. Item II. A. (8) should read "(8) Imbedded dirt;".

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 65th Supp.]

PROVIDENCE WASHINGTON INDEMNITY CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JUNE 20, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, (6 U. S. C. secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $354,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 51-7318; Filed, June 26, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[District No. 6, Amdt. 1]

COLORADO

MODIFICATION OF GRAZING DISTRICT

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, sec. 2.22, 15 F. R. 5643, it is ordered as follows:

The Government-owned lands in the following-described areas are added to Colorado Grazing District No. 6, as heretofore established and modified (Misc. No. 1609199):

SIXTH PRINCIPAL MERIDIAN

T. 9 N., R. 91 W.,
Secs. 1 to 18 inclusive.
T. 10 N., R. 91 W.,
Secs. 5 to 8 inclusive;
Sec. 9, lots 3, 4, 5, 6, 9, 11, 12, 13, 14, 15, 16;
Sec. 10, lots 10, 11, 12, 13, 14, 15;
Sec. 13, lots 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 15, lots 3, 4, 5, 6, 11, 12, 13, 14;
Secs. 16 to 36 inclusive.
Tps. 9 and 10 N., Rs. 92, 93, and 94 W.
T. 9 N., R. 95 W.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.

The areas described include 27,580.99 acres of public land, 33,848.67 acres of acquired land, and 124,523.31 acres of non-public land.

WILLIAM ZIMMERMAN, JR., *Associate Director.*

[F. R. Doc. 51-7315; Filed, June 26, 1951; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4161]

TRANS AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the revocation of Letter of Registration No. 1760 issued to Trans American Airways, Inc., Letter of Registration No. 810 issued to Great Lakes Airlines, Inc., Letter of Registration No. 1519 issued to Golden Airways, Inc., and the alleged unauthorized air transportation activities and operations of Edward Ware Tabor and Sky Coach Air Travel, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 19, 1951, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-7339; Filed, June 26, 1951; 8:52 a. m.]

[Docket No. 3966 et al.]

WEST COAST AIRLINES, INC. AND UNITED AIR LINES, INC.; WEST COAST CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the renewal and amendment of the temporary certificate of public convenience and necessity for route No. 77 held by West Coast Airlines, Inc., and the temporary suspension in part of the certificates of public convenience and necessity for routes Nos. 1 and 57 held by United Air Lines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on July 17, 1951, at 10:00 a. m., e. d. s. t., in room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 22, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-7340; Filed, June 26, 1951; 8:52 a. m.]

[Docket No. 4972]

TRANS WORLD AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Trans World Airlines, Inc., for redesignation of the intermediate point Allentown Bethlehem, Pennsylvania, as Allentown Bethlehem Easton, Pennsylvania.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 2, 1951, at 2:30 p. m. e. d. t. in Room E-210 Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., June 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-7341; Filed, June 26, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

OFFICE OF AUDIT

ORGANIZATION AND FUNCTIONS

I. *General.* The Office of Audit is established as a staff office in the Production and Marketing Administration. The principal office is located in Washington, D. C., at the South Agriculture Building.

II. *Responsibilities.* The Office of Audit is responsible for the planning, directing and performing of commercial type audits and examinations of the Administration, its agents and contractors, and making cost analyses for use in renegotiating or terminating contracts.

III. *Field offices.* Field offices are primarily responsible for the performance of audits and the preparation of reports and recommendations on audits and examinations conducted. The field offices are located at: Atlanta, Georgia (Southeast area); Chicago, Illinois (Midwest area); Dallas, Texas (Southwest area); New York City, New York, (Northeast area); and San Francisco, California (Western area).

IV. *Availability of records and information.* Any person desiring information or to make submittals or requests with respect to the programs of this Office, should address his request to the Chief, Office of Audit, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The records of the Office are available for examination in acordance with rules and designations of records issued by the Secretary (7 CFR 1.1-1.10).

Done at Washington, D. C., this 21st day of June 1951.

[SEAL] G. F. GEISSLER, *Administrator.*

[F. R. Doc. 51-7348; Filed, June 26, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1553]

NEW JERSEY ZINC CO.

NOTICE OF ORDER ISSUING NEW LICENSE

JUNE 21, 1951.

Notice is hereby given that, on May 24, 1951, the Federal Power Commission issued its order entered May 22, 1951, issuing new license (Minor-Part) in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-7285; Filed, June 26, 1951; 8:45 a. m.]

[Project No. 344]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AMENDING LICENSE

JUNE 21, 1951.

Notice is hereby given that, on April 20, 1951, the Federal Power Commission issued its order entered April 18, 1951, amending license (Major) in the above-designated matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-7286; Filed, June 26, 1951; 8:46 a. m.]

[Docket No. G-1414]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER REOPENING RECORD FOR RECEIVING EVIDENCE AND MODIFYING ORDER

JUNE 21, 1951.

Notice is hereby given that, on June 20, 1951, the Federal Power Commission issued its order entered June 19, 1951, reopening record for receiving evidence and modifying order issued January 26, 1951, published in the FEDERAL REGISTER February 1, 1951 (16 F. R. 953), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-7287; Filed, June 26, 1951; 8:46 a. m.]

[Docket No. G-1635]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 20, 1951.

On March 13, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation having its principal place of business at Clarksburg, West Virginia, filed an application as supplemented on April 27, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 24, 1951 (16 F. R. 2667).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 11, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 21, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 51-7283; Filed, June 26, 1951; 8:45 a. m.]

[Docket No. G-1694]

SOUTHWEST GAS CORP., LTD.

ORDER FIXING DATE OF HEARING

JUNE 20, 1951.

On April 13, 1951, Southwest Gas Corporation, Ltd. (Applicant), a California corporation having its principal place of business at Barstow, California, filed an application as supplemented on May 29, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities, all as more fully de-

[illegible] the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 26, 1951 (16 F. R. 3690).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 11, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 21, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7284; Filed, June 26, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[General Overriding Regulation 10, Special Order 1]

VI-JON LABORATORIES, INC.

CEILING PRICES FOR SALES BY MANUFACTURER AND FOR SALES AT RETAIL

Statement of considerations. In accordance with General Overriding Regulation 10, the applicant named in the accompanying special order, Vi-Jon Laboratories, Incorporated, has applied to the Office of Price Stabilization for an adjustment of the manufacturer's ceiling prices on all of its products and for an adjustment of the ceiling prices for sales at retail on certain of its products listed below.

Applicant has submitted the information required by section 3 of the regulation and has produced evidence which in the judgment of the Director established that the applicant is eligible for an adjustment provided by the regulation.

Upon the [illegible] it appears that [illegible] existing ceiling prices [illegible] to operate at a loss [illegible] over-all manufacturing [illegible] the adjusted ceiling prices [illegible] applies are not out of line [illegible] ing prices established for [illegible] similar commodities.

It further appears that [illegible] be due to a substantial [illegible] material and labor costs [illegible] involved [illegible] attributable [illegible] existing ceiling prices and [illegible] [illegible] if the proposed [illegible]

[illegible] adjusted ceiling prices is [illegible] the applicant [illegible] more than a break-even point.

Special provisions. For the [illegible] set forth in the statement of considerations and pursuant to General Overriding Regulation 10, this special order is hereby issued.

1. The following adjusted ceiling prices [illegible] for sales after the effective date of this special order [illegible] at retail of the products [illegible]

CEILING PRICES FOR SALES BY VI-JON LABORATORIES, INC., ST. LOUIS, MO., AND CHICAGO, ILL.

No.	Size	Product	New cost (per dozen) ceiling price to retailers	New retail ceiling price (per unit)
			Dollars	*Dollars*
100	4 oz.	Velvet Night Tale		
41	4 oz.	Bubble Bath Colloidors		
18	1 oz.	Bath Crystals Colloidors		
111		Mascara (all shades)		
28	½ fl. oz.	Merthiolate		
29	1 oz.	Merthiolate		
102	1 oz.	Mercurochrome		
104	1 oz.	Mercurochrome		
106	½ oz.	Mercurochrome		
107	1 oz.	Hair Lacquer		
109	½ oz.	Hair Lacquer		

Those prices above listed which are for sales by Vi-Jon Laboratories, Inc., Oakland, Calif., [illegible] the following discounts, allowances and trade practices:
All shipments f. o. b. Oakland or Los Angeles. Minimum order [illegible] pounds one delivery [illegible].

2. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

3. The provisions of this special order are applicable to sales of the above listed commodities in the 48 states of the United States and in the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7350; Filed, June 25, 1951; 8:54 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5 Section 8, Special Order 1]

CERTAIN CHRYSLER AUTOMOBILES

RETAIL LIST PRICES

Statement of Considerations. The Director of Price Stabilization has recently established wholesale ceiling prices on certain new models of automobiles not counterparts of those previously produced, for the Chrysler Corporation pursuant to section 4 (d) of Ceiling Price Regulation 1. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation and in conformance with the standards set forth therein, the Director has determined to establish dollar and cents prices for such models, which prices shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine retail ceiling prices under section 3.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 1 is hereby issued.

1. The following prices for automobiles with four tires are established for use by retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation.

Chrysler New Yorker, C 52:	
6 passenger Sedan	$3,074.57
Club Coupe	2,946.78
Convertible Coupe	3,352.54
Newport	3,240.12
Town and Country Wagon	3,478.03
Chrysler Imperial, C 54:	
6 passenger Sedan	$3,175.93
Club Coupe	3,165.64
Convertible Coupe	3,809.73
Newport	3,496.18
Crown Imperial, C 53:	
8 passenger Sedan	$5,702.89
8 passenger Limousine	5,805.41

2. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective June 30, 1951.

EDWARD F. PHELPS, Jr.
Acting Director of
Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7371; Filed, June 25, 1951; 11:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 81]

UNION UNDERWEAR CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Union Underwear Company, Inc., 350 Fifth Avenue, New York 1, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and boys' underwear manufactured by Union Underwear Company, Inc., 350 Fifth Avenue, New York 1, N. Y., having the brand name "Fruit of the Loom", shall be the proposed retail ceiling prices listed by Union Underwear Company, Inc., in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Union Underwear Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ less ------ percent	Your discount, etc.
Terms ------ percent E. O. M. etc.	
	$ ------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7372; Filed, June 25, 1951; 11:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 82]

ROSEDALE KNITTING CO.

CEILING PRICE AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rosedale Knitting Company, Reading, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hosiery manufactured by Rosedale Knitting Company, Reading, Pennsylvania, having the brand name(s) "Rosedale", shall be the proposed retail ceiling prices listed by Rosedale Knitting Company, in its application dated May 7, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Rosedale Knitting Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order,

and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____ {unit. dozen. etc.}

Terms {net. percent EOM. etc.}

$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7373; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 83]

CHIPMAN KNITTING MILLS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Chipman Knitting Mills, Easton, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specific cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hosiery manufactured by Chipman Knitting Mills, Easton, Pennsylvania, having the brand name(s) "Roman Stripe Hosiery", shall be the proposed retail ceiling prices listed by Chipman Knitting Mills, in its application dated May 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Chipman Knitting Mills, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____ {unit. dozen. etc.}

Terms {net. percent EOM. etc.}

$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7374; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 84]

GRUEN WATCH CO.

CEILING PRICE AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, the Gruen Watch Company, Time Hill, Cincinnati 6, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in

specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and ladies' watches, manufactured by the Gruen Watch Company, Time Hill, Cincinnati 6, Ohio, having the brand name(s) "Gruen", shall be the proposed retail ceiling prices listed by the Gruen Watch Company, in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated May 7, 1951, and May 18, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, the Gruen Watch Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailers' ceilings for articles of cost listed in column 1

$_____ per_____ {unit. dozen. etc.}

Terms {net. percent EOM. etc.}

$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7375; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 85]

TRU BALANCE CORSETS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Tru Balance Corsets, Inc., 38 East 32d Street, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's girdles and panty girdles manufactured by Tru Balance Corsets, Inc., 38 East 32d Street, New York 16, New York, having the brand name(s) "Tru Balance" and "Miss Tru Balance", shall be the proposed retail ceiling prices listed by Tru Balance Corsets, Inc., in its application dated April 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Tru Balance Corsets, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per-------{unit, dozen, etc.}	
Terms {net, percent EOM, etc.}	
	$.

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7376; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 86]

WHITE STAG MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, White Stag Manufacturing Co., 67 West Burnside Street, Portland 9, Oreg., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's, women's, and children's outerwear and head gear manufactured by White Stag Manufacturing Co., 67 West Burnside Street, Portland, Oreg., having the brand name(s) "White Stag", shall be the proposed retail ceiling prices listed by White Stag Manufacturing Co., in its application dated March 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, White Stag Manufacturing Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailers' ceilings for articles of cost listed in column 1
$------- per-------{unit, dozen, etc.}	
Terms {net, percent EOM, etc.}	
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7377; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 87]

A-1 MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A-1 Manufacturing Company, 1049 South Los Angeles Street, Los Angeles 15, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceil-

ing prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and boys' jackets, slacks and shorts manufactured by A–1 Manufacturing Company, 1049 South Los Angeles, Los Angeles 15, California, having the brand name(s) "Suppldrape Marine Blue Denims", shall be the proposed retail ceiling prices listed by A–1 Manufacturing Company, in its application dated April 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, A–1 Manufacturing Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per-------	{unit, dozen, etc.
Terms	{net, percent EOM, etc.
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51–7378; Filed, June 25, 1951; 11:26 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 88]

GOTHAM HOSIERY CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Gotham Hosiery Company, Inc., 200 Madison Avenue, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's nylon hosiery manufactured by Gotham Hosiery Company, Inc., 200 Madison Avenue, New York 16, New York, having the brand name(s) "Gotham Gold Stripe", shall be the proposed retail ceiling prices listed by Gotham Hosiery Company, Inc., in its application dated May 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Gotham Hosiery Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailers' ceilings for articles of cost listed in column 1
$------- per-------	{unit, dozen, etc.
Terms	{net, percent EOM, etc.
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by t he Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51–7379; Filed, June 25, 1951; 11:27 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 89]

LONGINES-WITTNAUER WATCH CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Longines-Wittnauer Watch Co., Inc., 580 Fifth Avenue, New York 19, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of watches manufactured by Longines-Wittnauer Watch Co., Inc. (a New York corporation), 580 Fifth Avenue, New York 19, N. Y., having the brand name(s) "Longines" and "Wittnauer" shall be the proposed retail ceiling prices listed by Longines-Wittnauer Watch Co., Inc., in its application dated May 21, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Longines-Wittnauer Watch Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a labal, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$-------per-------{unit. dozen. etc.	
Terms {net. percent EOM. etc.	
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7380; Filed, June 25, 1951; 11:27 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 90]

COPELAND & THOMPSON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Copeland & Thompson, Inc., 206 Fifth Avenue, New York 10, New York (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of imported Spode china and earthenware sold at wholesale by Copeland & Thompson, Inc., 206 Fifth Avenue, New York 10, New York, having the brand name(s) "Spode", shall be the proposed retail ceiling prices listed by Copeland & Thompson, Inc., in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after July 26, 1951, Copeland & Thompson, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the

applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$-------per-------{unit. dozen. etc.	
Terms {net. percent EOM. etc.	
	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7381; Filed, June 25, 1951; 11:27 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 91]

TRUNDLE BUNDLE PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Trundle Bundle Products Co., 326 West Michigan Street, Duluth 2, Minnesota, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of babies' sleeping garments manufactured by Trundle Products Co., 326 West Michigan Street, Duluth 2, Minnesota, having the brand name(s) "Trundle Bundle" shall be the proposed retail ceiling prices listed by Trundle Bundle Products Co., in its application dated March 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Trundle Bundle Products Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of

each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$ ..... per	unit, dozen, etc.
Terms	net, percent EOM, etc.
	$ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

JUNE 25, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-7387; Filed, June 25, 1951; 12:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 92]

ANNIS SPORTSWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Annis Sportswear, Inc., 1384 Broadway, New York 18, New York has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of swim suits manufactured by Annis Sportswear, Inc., 1384 Broadway, New York 18, New York, having the brand name(s) "Sea Glamour" shall be the proposed retail ceiling prices listed by Annis Sportswear, Inc., in its application dated May 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Annis Sportswear, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$ ..... per	unit, dozen, etc.
Terms	net, percent EOM, etc.
	$ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7388; Filed, June 25, 1951; 12:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 93]

ABBEY IMPORTS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Abbey Imports, Inc., 350 Fifth Avenue, New York 1, N. Y. (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of wool socks sold at wholesale by Abbey Imports, Inc., 350 Fifth Avenue, New York 1, New York, having the brand name(s) "Byford 98" shall be the proposed retail ceiling prices listed by Abbey Imports, Inc., in its application dated May 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after July 26, 1951, Abbey Imports, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shal be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$ ..... per	unit, dozen, etc.
Terms	net, percent EOM, etc.
	$ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or

amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7389; Filed, June 25, 1951; 12:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 94]

OLYMPIC KNITWEAR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Olympic Knitwear, Inc., 1372 Broadway, New York 18, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sweaters manufactured by Olympic Knitwear, Inc., 1372 Broadway, New York 18, N. Y. having the brand name(s) "Tish-U-Knit" shall be the proposed retail ceiling prices listed by Olympic Knitwear, Inc. in its application dated April 26, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Olympic Knitwear, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$-------- per--------	{unit, dozen, etc.}
Terms	{net, percent EOM, etc.}
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE.
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7390; Filed, June 25, 1951; 12:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 95]

GLADDING, MCBEAN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Gladding, McBean & Co., 2901 Los Feliz Boulevard, Los Angeles 39, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of earthenware and vitrified china manufactured by Gladding, McBean & Co., 2901 Los Feliz Boulevard, Los Angeles 39, California, having the brand name(s) "Franciscan Ware" and "Franciscan Fine China" shall be the proposed retail ceiling prices listed by Gladding, McBean & Co. in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Gladding, McBean & Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$-------- per--------	{unit, dozen, etc.}
Terms	{net, percent EOM, etc.}
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7391; Filed, June 25, 1951; 12:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 96]

FOLEY MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Foley Manufacturing Company, 3300 Northeast Fifth Street, Minneapolis 18, Minnesota, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of kitchen utensils manufactured by Foley Manufacturing Company, 3300 Northeast Fifth Street, Minneapolis 18, Minnesota having the brand name(s) "Foley" shall be the proposed retail ceiling prices listed by Foley Manufacturing Company, in its application dated May 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Foley Manufacturing Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per-------	{unit, dozen, etc.}
Terms {net, percent EOM, etc.}	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent armendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7392; Filed, June 25, 1951; 12:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 97]

SITROUX INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Sitroux, Incorporated, 468 Fourth Avenue, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of facial tissues manufactured by Sitroux, Incorporated, 468 Fourth Avenue, New York 16, N. Y., having the brand name(s) "Sitrue" shall be the proposed retail ceiling prices listed by Sitroux, Incorporated, in its application dated April 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Sitroux Incorporated, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per-------	{unit, dozen, etc.}
Terms {net, percent EOM, etc.}	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. The special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7393; Filed, June 25, 1951; 12:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 98]

ATLANTIC PRODUCTS CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Atlantic Products Corporation, Trenton 5, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of wardrobe luggage manufactured by Atlantic Products Corporation, Trenton 5, New Jersey, having the brand name(s) "Val-A-Pak" and "Lady Val-A-Pak" shall be the proposed retail ceiling prices listed by Atlantic Products Corporation in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 25, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 26, 1951, Atlantic Products Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a lable, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec., 43—CPR 7
Price $ --------

On and after August 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	
Terms {net, percent EOM, etc.}	
	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisons of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7394; Filed, June 25, 1951; 12:35 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26191]

WROUGHT IRON PIPE FROM WHARTON, N. J., TO SOUTHWEST

APPLICATION FOR RELIEF

JUNE 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Iron or steel pipe, wrought iron, welded or seamless, and related articles, carloads.

From: Wharton, N. J.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Circuity, rail competition, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 81

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7304; Filed, June 26, 1951; 8:48 a. m.]

[Rev. S. O. 876, General Permit 7-L]

COMMON CARRIERS BY RAILROAD

PERMISSION REGARDING CERTAIN SHIPMENTS OF LUMBER AND LUMBER PRODUCTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620, 4276), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to shipments of lumber and lumber products from transit points where identity of the particular shipment has been preserved and the outbound shipment represents all of the material after processing received at the transit point.

This general permit shall become effective at 12:01 a. m., June 21, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of June 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-7309; Filed, June 26, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5787 (22-417)]

HOUSEHOLD FINANCE CORP.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1951.

Notice is hereby given that Household Finance Corporation (Company) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 (act) for a finding by the Commission that trusteeship of J. P. Morgan & Co. Incorporated (Morgan) under an Indenture dated July 1, 1945 (1945 Indenture), which was heretofore qualified under the act, and trusteeship by Morgan under an Indenture dated July 1, 1948 (not qualified under the act) for which an exemption was granted July 27, 1948, pursuant to the provisions of section 310 (b) (1) (ii) of the act (hereinafter referred to as the 1948 Indenture) and under a proposed New Indenture to be dated July 1, 1951 (not to be qualified under the act), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1945 Indenture.

Section 310 (b) of the act, which is included in section 8 of Article Seven of the 1945 Indenture, provides in part that if an indenture trustee under an indenture qualified under the act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an issuer and becomes trustee under another indenture of the same issuer. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden or proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges: (1) that it proposes to issue $25,000,000 aggregate principal amount of 3½ percent Sinking Fund Debentures, due July 1, 1966, under a New Debenture under which Morgan is to be named Indenture Trustee; that said Debentures will be sold to one institutional investor which will purchase for investment and not with a view to distribution; and, that the New Indenture is exempted from qualification under the act by section 304 (b) (1) thereof; (2) that it has outstanding $15,000,000 principal amount of unsecured 2¾ percent Sinking Fund Debentures, due July 1, 1970, issued under the qualified 1945 Indenture, under which Morgan is Trustee; (3) that the 1945 Indenture names Morgan as Trustee and contains language substantially similar to that of section 310 (b) (1) of the act, including clause (ii) thereof; (4) that it also has outstanding $25,000,000 principal amount of 3 percent Sinking Fund Debentures, due July 1, 1964, under the 1948 Indenture, executed by the Company with Morgan, as Trustee, which were purchased by two institutional investors for investment and not with a view to distribution; (5) that the Commission on July 27, 1948, granted an application for exemption under section 310 (b) (1) (ii) of the act for Morgan to become Trustee under the 1948 Indenture without becoming disqualified under the 1945 Indenture; (6) that the 1945 Indenture, the 1948 Indenture and the New Indenture will be wholly unsecured; that the provisions of the New Indenture will in all other respects be substantially the same as the 1945 Indenture and the 1948 Indenture except that the New Indenture will contain different dates, redemption prices, sinking fund amounts and certain covenants, and the effectiveness of certain provisions conforming to the act will be deferred until the New Debenture is qualified thereunder; (7) that it is not in default under the 1945 Indenture or the 1945 Debentures, or under the 1948 Indenture or the 1948 Debentures; and (8) that differences existing between the 1945 Indenture, 1948 Indenture and the New Indenture are not likely to involve a conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 5, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than July 2, 1951, at 5:30 p. m., e. d. s. t., in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7289; Filed, June 26, 1951; 8:46 a. m.]

[File No. 7-1316]

ALUMINUM CO. OF AMERICA

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, no par value, of Aluminum Company of America, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7291; Filed, June 26, 1951; 8:47 a. m.]

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER CONTAINING RECITALS IN ACCORDANCE WITH SUPPLEMENT R OF INTERNAL REVENUE CODE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, being the owner of approximately 22,000 shares of the common stock of Florida Power & Light Company, and being under commitment to dispose of said shares, having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935 of its intention to sell 3,200 shares of the common stock of Florida Power & Light Company, at a price of $21,625 per share, to The Pennroad Corporation, without payment of any fees or commissions; and

The Commission having notified Bond and Share pursuant to Rule U-44 (c) that no declaration need be filed with respect to the proposed sale; and

Bond and Share having requested the Commission to issue an order containing findings and recitations in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 3,200 share of common stock of Florida Power & Light Company to The Pennroad Corporation is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share

Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7290; Filed, June 26, 1951; 8:47 a. m.]

[File No. 70-2621]

NORTH PENN GAS CO.

SUPPLEMENTAL ORDER APPROVING PRICE AND SPREAD, WITH RESPECT TO ISSUANCE AND SALE OF DEBENTURES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

North Penn Gas Company ("North Penn"), a registered holding company and a gas utility company which is a subsidiary of Pennsylvania Gas & Electric Corporation, also a registered holding company, having filed an application - declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder, with respect to, among other things, the issuance and sale by North Penn, pursuant to the competitive bidding provisions of Rule U-50, of $2,700,000 principal amount of -- percent Debentures, due June 1, 1971; and

The Commission, by order dated June 7, 1951, having granted and permitted to become effective the aforesaid application-declaration, subject to the condition, among others, that the proposed issuance and sale of such debentures by North Penn should not be consummated until the results of the competitive bidding pursuant to Rule U-50 held with respect thereto shall have been made a matter of record in this proceeding and a further order entered with respect thereto; and

Jurisdiction having been reserved with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

North Penn having filed a further amendment to the application-declaration in which it is stated that in accordance with the permission granted by said order of the Commission dated June 7, 1951, it offered such debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and received a single bid therefor, namely:

Bidder	Annual interest rate (percent)	Price to company[1] (percent of principal	Annual cost to company (percent)
Halsey, Stuart & Co. Inc.	3	100.20	4.98

[1] Exclusive of accrued interest from June 1, 1951.

Said amendment having further stated that North Penn has accepted the bid of Halsey, Stuart & Co., Inc., for the debentures, as set forth above, and that the debentures will be offered for sale to the public at a price of 103.20 percent of their principal amount, plus accrued interest, resulting in an underwriters' spread of 3.0 percent of the principal amount, aggregating $81,000; and

Said amendment having set forth estimated fees and expenses to be incurred in connection with the proposed transactions in an aggregate amount of $68,247, including the following fees: $8,000 to Winthrop, Stimson, Putnam & Roberts, $1,000 to McWilliams, Wagoner & Troutman, and $500 to W. Earle Costello, as counsel to the company; $5,000 to Hughes, Hubbard & Reed, as counsel for, and to be paid by, the underwriters; and $6,000 to Arthur Anderson & Co., for accounting services; and

The Commission having received a request from representatives of the Protective Committee for the Class A Common Stock of Pennsylvania Gas & Electric Corporation that a public hearing be held with respect to the results of such competitive bidding, such request having been joined in by counsel for the Division of Public Utilities; the Commission having directed that a hearing be held and such hearing having been duly convened; the Commission having examined the record as now completed and finding that the applicable provisions of the act have been satisfied and observing no reason for imposing special terms and conditions with respect to said matter, and finding that the fees and expenses incurred and to be incurred in connection with the proposed transactions are not unreasonable;

It is ordered, That the application-declaration, as further amended, be granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the issuance and sale of the debentures with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7292; Filed, June 26, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18042]

ASBACH & CO. A. G. AND ANNI HELENE JOHANNA EVA WILHELM OEHMICHEN

In re: Debt owing to Asbach & Co. A. G. and claim owned by Anni Helene Johanna Eva Wilhelm Oehmichen also known as A. H. J. Oehmichen. D-28-739.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asbach & Co. A. G., the last known address of which is Ruedesheim, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That Anni Helene Johanna Eva Wilhelm Oehmichen also known as A. H. J. Oehmichen, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Asbach & Co. A. G., by United States Imports and Exports, Inc., c/o Office of Alien Property, New York, New York, representing merchandise purchased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Asbach & Co. A. G., the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: All right, title, interest and claim of any kind or nature whatsoever of Anni Helene Johanna Eva Wilhelm Oehmichen also known as A. H. J. Oehmichen, against United States Imports and Exports Inc., % Office of Alien Property, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anni Helene Johanna Eva Wilhelm Oehmichen also known as A. H. J. Oehmichen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7271; Filed, June 25, 1951; 8:59 a. m.]

[Vesting Order 500A-289]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

In re: Copyrights.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A.

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Column 1 Copyright Numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
E. for. 4467	Metamorphosen (Full score). A study for 23 solo strings. 1946.	Richard Strauss, a citizen of Germany (nationality, German)	Boosey & Hawkes, Ltd., 295 Regent St., London W. 1, England.	Author.
D. 69276	Intermezzo (textbook libretto). (Eine bürgerliche Komödie, mit sinfonischen Zwischenspielen in 2 Aufzügen). 1924.	do	Adolph Fürstner, Viktoriastrasse 34-A, Berlin W., Germany (nationality, German).	Author and owner.

[F. R. Doc 51-7273; Filed, June 25, 1951; 8:59 a. m.]

[Vesting Order 18003]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation or Societe de Banque Suisse, Geneva, Switzerland, and owned by persons whose names are unknown. F-69-2745.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their

principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation or Societe de Banque Suisse, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	Societe de Banque Suisse, Geneva, ordinary account, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700 bearing its Serial No. 73.
2. Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary account consisting of cash in the amount of $74,346, (b) Ordinary account consisting of securities payable in dollars, valued at $8,371 and securities payable in dollars, of indeterminable value, (c) Ordinary account general ruling 6/17 consisting of cash in the amount of $2,460.00, (d) Ordinary account general ruling 6/17 consisting of cash in the amount of $181 and securities payable in dollars, valued at $648.00, (e) Ordinary account general ruling 6/17 consisting of cash in the amount of $843.00, (f) Ordinary account general ruling 6/17 consisting of cash in the amount of $71.00, (g) Special depot 14430, (h) Special depot 15858, (i) Certified 405, (j) Certified 1035, (k) Special depot 18096, (l) Special depot 70192, (m) Special depot 120378, (n) Ordinary account consisting of securities payable in dollars, of indeterminable value and securities not payable in dollars of indeterminable value, (o) Ordinary account consisting of securities payable in dollars, valued at $88 and securities payable in dollars, of indeterminable value, (p) Ordinary account general ruling 6/17 consisting of cash in the amount of $60, (q) Special depot 5192/487, and (r) Special depot 5192/487 general ruling 6/17; as described by the Swiss Bank Corp., New York Agency in its report on Form OAP-700, bearing its Serial No. 0069.

[F. R. Doc. 51-7322; Filed, June 26, 1951; 8:50 a. m.]

[Vesting Order 18004]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse Basle, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Brown Bros., Harriman & Co., 59 Wall St., New York 5, N. Y.	Societe de Banque Suisse, Basle, ordinary account, blocked account, as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 72.

[F. R. Doc. 51-7323; Filed, June 26, 1951; 8:50 a. m.]

[Vesting Order 18005]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse Basle, Switzerland, and owned by persons whose names are unknown F-63-2748 (Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp., or Societe de Banque Suisse, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order.[1]
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	1. Societe de Banque Suisse, Basle, ordinary account, blocked account, and 2. Societe de Banque Suisse, Basle, general ruling No. 6 account; as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 71.	$5,000 from general ruling No. 6 account, (2) which according to photostatic copy of letter from Swiss Bank Corporation, Basle to Brown Bros. Harriman & Co., dated Nov. 7, 1950, Re "Assets still blocked under E. O. 8389 as amended", attached to Form OAP-700 filed by Brown Bros. Harriman & Co., bearing its Serial No. 71, represents claims of persons domiciled in Roumania.
2. Swiss Bank Corp., 15 Nassau St., New York, N. Y.	1. Ordinary a/c consisting of cash in the amount $131,162.00, 2. Ordinary a/c consisting of securities payable in dollars, valued at $41,494 plus securities also payable in dollars, of indeterminable value, and securities not payable in dollars, valued at $153.00, 3. Ordinary a/c general ruling 6/17 consisting of cash in the amount of $15,364.00, as described on page 1 of the rider to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its serial No. 87, 4. Special a/c 1684, 5. Special a/c 1815, 6. Special a/c 1815 general ruling 6/17, 7. Special a/c 2252, 8. Special a/c 2252 general ruling 6/17, 9. Special a/c 3524, 10. Special a/c 4931, 11. Special a/c 6086, 12. Special a/c 6086 general ruling 6/17, 13. Special a/c 6249, 14. Special a/c 6249 general ruling 6/17, 15. Special a/c 9105/249, 16. Special a/c 25542, 17. Special a/c 30089, 18. Special a/c 31272, 19. Special a/c 31273, 20. Special a/c 31274, 21. Special a/c 31298, 22. Special a/c 31455, 23. Special a/c 32257, 24. Special a/c 32257 general ruling 6/17, 25. Special a/c 32528, 26. Special a/c 32968, 27. Special a/c 32968 general ruling 6/17, 28. Special a/c 33340, 29. Special a/c 33432, 30. Special a/c 34328, 31. Special a/c 34328 general ruling 6/17, 32. Special a/c 35638, 33. Special a/c 35638 general ruling 6/17, 34. Special a/c 35667, 35. Special a/c 36189, 36. Special a/c 36189 general ruling 6/17, 37. Special a/c 36435, 38. Special a/c 36685, 39. Special a/c 36685, general ruling 6/17 40. Special a/c 36947, 41. Special a/c 36947 general ruling 6/17, 42. Special a/c 38203, 43. Special a/c 38203 general ruling 6/17, 44. Special a/c 38204, 45. Special a/c 38204 general ruling 6/17, 46. Special a/c 38579, 47. Special a/c 38579 general ruling 6/17, 48. Special a/c 38903, 49. Special a/c 39903, 50. Special a/c 40536, 51. Special a/c 40536 general ruling 6/17, 52. Special a/c 50460, 53. Special a/c 51959 general ruling 6/17, 54. Ordinary depot consisting of securities payable in dollars valued at $1,340 as described on page 4 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 55. Ordinary account general ruling 6/17 consisting of cash in the amount of $309 as described on page 4 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 56. Special depot 30577 general ruling 6/17, 57. Ordinary depot consisting of securities payable in dollars valued at $5,060 as described on page 4 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 58. Ordinary account general ruling 6/17 consisting of cash in the amount of $2,139 as described on page 4 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 59. Special depot 34961, 60. Special depot 32676, 61. Special account 32676 general ruling 6/17, 62. Ordinary depot consisting of securities payable in dollars valued at $804 as described on page 5 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87,	$80,289.05 from ordinary a/c (1), which according to license application NY 86057 filed by by Swiss Bank Corp. New York Agency, represented claims of persons domiciled in Hungary and Roumania.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

EXHIBIT A—Continued

[Accounts maintained in the name of Swiss Bank Corp., or Societe de Banque Suisse, Basle, Switzerland]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order.[1]
2. Swiss Bank Corp., 15 Nassau St., New York, N. Y.	63. Ordinary account general ruling 6/17 consisting of cash in the amount of $265 as described on page 5 of the rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 64. Ordinary depot consisting of securities payable in dollars of indeterminable value as described on page 5 of rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 65. Special depot 7517, 66. Special a/c 7517 general ruling 6/17, 67. Special a/c 40729, 68. Special a/c 25572 44036, 69. Ordinary a/c, the balance therein, which as of Oct. 2, 1950, consisted of cash in the amount of $4,469 as described on page 6 of rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 70. Ordinary a/c General Ruling 6/17 consisting of cash in the amount of $91 as described on page 6 of rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, 71. General ruling 6a/c incorporated a/c consisting of cash in the amount of $2 as described on page 7 of rider attached to Form OAP-700 filed by Swiss Bank Corp. New York Agency, bearing its Serial No. 87, and 72. Special a/c 41749: as described by Swiss Bank Corp. New York Agency, in its report on Form OAP-700 bearing its Serial No. 87.	

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7324; Filed, June 26, 1951; 8:50 a. m.]

[Vesting Order 18014]

JULIUS BERNHARD CASPAR

In re: Estate of Julius Bernhard Caspar, deceased. File No. F-28-28123; E. T. sec. 17104.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Caspar also known as Dorothy B. Caspar, who on or since the effective date of Executive Order 8389 as amended and on or since December 11, 1941 has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Heinz Caspar, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them, in and to the Estate of Julius Bernhard Caspar, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Francis J. Mulligan, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York:

and it is hereby determined:

5. That the national interest of the United States requires that the said Dorothea Caspar also known as Dorothy B. Caspar be treated as a national of a designated enemy country (Germany);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7325; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18017]

MOTIEJUS ELGERMANUS

In re: Estate of Motiejus Elgermanus, also known as Motjies Elgermanus, and Matthaus Holgermann, deceased. File No. D-28-12693; E. T. sec. 16869.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Endrulat who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany is a national of a designated enemy country (Germany);

2. That Olga Scherwas, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Motiejus Elgermanus, also known as Motjies Elgermanus, and as Matthaus Holgermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Eleanor March Moody, 80 Federal Street, Boston 10, Massachusetts, as administratrix, acting under the judicial supervision of the Probate Court, Suffolk County, Boston, Massachusetts;

and it is hereby determined:

5. That the national interest of the United States requires that Emma Endrulat be treated as a national of a designated enemy country (Germany);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7326; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18021]

ANNA KUKOWSKI ET AL.

In re: Rights of Anna Kukowski et al. under insurance contract. File No. F-28-31460-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Kukowski, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kukowski, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 74 232 438, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Anna Kukowski, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Anna Kukowski or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unkown, of Anna Kukowski, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kukowski, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7327; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18030]

JOHANN SCHMITZ

In re: Rights of Johann Schmitz under Insurance Contract. File No. F-28-24452-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Schmitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6 759 058 C, issued by the Metropolitan Life Insurance Company, New York, New York, to Wilhelm Schmitz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7332; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18025]

CHARLES NIRMAIER

In re: Trust under Will of Charles Nirmaier, deceased. File No. D-28-11620; E. T. sec. 15832.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Schuler, Barbara Nirmaier, Susanna Nirmaier and Peter Nirmaier, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Charles Nirmaier, deceased, and in and to trust created under the will of Charles Nirmaier, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph J. Croak and Joseph J. Gunther, as executors, acting under the judicial supervision of the Surrogate's Court, County of Nassau, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7330; Filed, June 26, 1951; 8:51 a. m.]

[Return Order 978]

JOHANNA DOBNER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johanna Dobner, Baden near Vienna, Austria; Claim No. 13071; April 24, 1951 (16 F. R. 3525); $6,159.24 in the Treasury of the United States. Scrip Certificate No. 39 for 24/100th of one share of Citizens Utilities Company (Delaware) 5 percent cumulative convertible series preferred stock (void November 1, 1948), presently in the custody of Office of Alien Property, New York, N. Y.

The following securities, registered in the name of the Alien Property Custodian, and presently in the custody of Federal Reserve Bank of New York; one $5,000 United States Savings Bond, Series G, 2½ percent, due September 1, 1955, numbered 619,846; 8 shares of $1 par value capital stock of Citizens Utilities

Company (Delaware), evidenced by Certificate No. 16,825; 20 shares of $50 par value 5 percent cumulative preferred stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 2801; 40 shares of no par value common stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 3908.

Real property in Monterey County, California, described as follows: Lot (27) as said lot is delineated and so designed on that certain Map entitled, "Maps of Laureles Outing Club", being part of Lot 1 and 2 and all of Lot 3, Section 29, Township 16 South, Range 2 East, M. D. M., filed for record March 7, 1927 in the office of the County Recorder of the County of Monterey, State of California, in Map Book 3, Cities and Towns, page 37 there.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7333; Filed, June 26, 1951; 8:52 a. m.]

[Return Order 979]

BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSN. AND NICOLA BONFIGLIO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bank of America National Trust and Savings Association, as Administrator with the will annexed of the estate of Nicola Bonfiglio, a/k/a Giambattista Nicola Giulio Bonfiglio, deceased, Los Angeles, Calif.; Claim No. 41021; January 6, 1951 (16 F. R. 219), $14,021.90 in the Treasury of the United States. An undivided one-fifth interest in real property situated in Los Angeles, Calif., known as: 1561 W. 20th Street, 1567 W. 20th Street, 1553 W. 20th Street, 1556 Washington Boulevard, and 1562 Washington Boulevard.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7334; Filed, June 26, 1951; 8:52 a. m.]

[Return Order 982]

SOCIETE NOBEL FRANCAISE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Nobel Francaise, Paris, France; Claim No. 43869; May 2, 1951 (16 F. R. 3874); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,105,208; 2,211,266, and 2,245,123. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7335; Filed, June 26, 1951; 8:52 a. m.]

[Return Order 985]

ELSA KLIER ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Elsa Klier, Georg Lorenz Klier, Oskar Klier, Hof on the Saale, Germany; and Else Kunzel, nee Klier, Doernigheim near Frankfurt on the Main, Germany; Claim No. 40906; May 2, 1951 (16 F. R. 3874); returnable to Elsa Klier: $10,054.32 in the Treasury of the United States and her interest in the estate and the trust created under the Will of Oskar Ludwig, deceased. Returnable to the other claimants in equal shares: The interest of the issue of Elsa Klier in the said estate and trust.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7337; Filed, June 26, 1951; 8:52 a. m.]

[Return Order 983]

SOCIETE CENTRALE DE CHEMINS DE FER ET D'ENTREPRISES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Centrale de Chemins de Fer et d'Entreprises, Le Mans (Sarthe), France; Claim No. 41903; May 4, 1951 (16 F. R. 3966); property described in Vesting Order No. 665 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,134,628. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7336; Filed, June 26, 1951; 8:52 a. m.]

[Return Order 986]

GEORGES SAUERWEIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

George Sauerwein, Paris, France; Claim No. 30288; May 2, 1951 (16 F. R. 3874), property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,230,655. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7338; Filed, June 26, 1951; 8:52 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 16 NUMBER 125

Washington, Thursday, June 28, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10258

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed in part by Executive Order No. 9938 of August 20, 1948, in part by Executive Order No. 10001 of September 17, 1948, and in part by Executive Order No. 10116 of March 9, 1950, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1626.11 of Part 1626, *Appeal to appeal board*, is amended to read as follows:

§ 1626.11 *How appeal to appeal board is taken.* (a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the name and identity of the person appealing so as to show the right of appeal. The language of any such notice shall be liberally construed in favor of the person filing the notice so as to permit the appeal.

(b) Whenever an appeal to the appeal board involves a claim for the occupational deferment of a registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located and is located in the area of another appeal board, the person appealing may, at the time he files the notice of appeal, file with the local board a written request that the appeal be submitted to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant.

(c) The local board shall enter on the Classification Questionnaire (SSS Form No. 100), under the heading "Minutes of Action by Local Board and Appeal Board", the date on which an appeal is filed.

2. Section 1626.13 of Part 1626 is amended to read as follows:

§ 1626.13 *Local board to prepare appeal record and forward file.* (a) Immediately upon an appeal being taken to the appeal board by a person entitled to appeal, the local board shall prepare the Individual Appeal Record (SSS Form No. 120) in duplicate, attaching the original to the inside of the registrant's Cover Sheet (SSS Form No. 101) and placing the duplicate copy in the local board files. If the written request referred to in paragraph (b) of § 1626.11 has been filed, the local board shall enter on the Individual Appeal Record (SSS Form No. 120) a notation that such request has been filed together with the principal place of employment of the registrant and the address thereof. The local board shall carefully check the registrant's file to make certain that all steps required by the regulations in this chapter have been taken and that the record is complete. If any facts considered by the local board do not appear in the written information in the file, the local board shall prepare and place in the file a written summary of such facts.

(b) The file of a registrant who appeals or on whose behalf an appeal is taken shall be forwarded by the local board to the appeal board, or appropriate panel thereof, for the area in which the local board having jurisdiction over the registrant is located, unless the written request referred to in paragraph (b) of § 1626.11 has been filed with the local board. If such request has been filed, the file of the registrant shall be forwarded by the local board through the State Director of Selective Service to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant, but if such principal place of employment is not located in the area of any appeal board the file of the registrant shall be forwarded to the appeal board, or appropriate panel thereof, for the area in which the local board having jurisdiction over the registrant is

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1949 Edition

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located: *Provided*, That the State Director of Selective Service may direct the channels through which the files of registrants shall be forwarded to the appeal boards in his State, and when the appeal board to which a file is to be forwarded is located in another State he shall forward the file through the State Director of Selective Service for that State.

3. Paragraph (a) of § 1642.41 of Part 1642, *Delinquents*, is amended to read as follows:

(a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form No. 252) or an Order for Transferred Man to Report for Induction (SSS Form No. 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form No. 301): *Provided*, That if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form No. 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form No. 301) shall be placed in the delinquent's Cover Sheet (SSS Form No. 101). The local board may report any other delinquent registrant to the United States Attorney by letter stating all the circumstances. A copy of such letter shall be placed in the delinquent's Cover Sheet (SSS Form No. 101).

4. Section 1642.44 of Part 1642 is amended to read as follows:

§ 1642.44 *Local board record of delinquents.* (a) The local board shall open and maintain a Record of Delinquents (SSS Form No. 302), listing thereon all currently delinquent registrants including both those who have been reported and those who have not been reported to the United States Attorney on Delinquent Registrant Report (SSS Form No. 301). A person suspected of being an unregistered delinquent shall not be entered upon such report unless and until his registration has been accomplished. On the last day of March, June, September, and December the local board shall forward one copy of the Record of Delinquents (SSS Form No. 302) to the State Director of Selective Service having jurisdiction over the area in which such local board is located.

(b) On the last day of March, June, September, and December the local board shall post a copy of the current Record of Delinquents (SSS Form No. 302) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

5. Section 1642.45 of Part 1642 is revoked.

6. Section 1642.46 of Part 1642 is amended to read as follows:

§ 1642.46 *State Record of Delinquents.* The State Director of Selective Service shall prepare a Summary of Delinquencies (SSS Form No. 303) on or before the 15th day of January, April, July, and October and forward one copy to the Director of Selective Service, Washington, D. C.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 26, 1951.

[F. R. Doc. 51-7469; Filed, June 26, 1951; 4:27 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.406 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when

this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 29, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 1, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1951, and ending at 12:01 a. m., P. s. t., October 1, 1951, no shipper shall ship any package or container of Duarte plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days,

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7426; Filed, June 27, 1951; 8:57 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.407 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 29, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 5, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1951, and ending at 12:01 a. m., P. s. t., October 1, 1951, no shipper shall ship any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7428; Filed, June 27, 1951; 8:57 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.408 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 29, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 5, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1951, and ending at 12:01 a. m., P. s. t., October 31, 1951, no shipper shall ship any package or container of Becky Smith plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar days if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7427; Filed, June 27, 1951; 8:57 a. m.]

PART 998—HANDLING OF IRISH POTATOES GROWN IN NEW JERSEY

LIMITATION OF SHIPMENTS

§ 998.302 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998) regulating the handling of Irish potatoes grown in New Jersey, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the New Jersey Potato Marketing Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policies of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the New Jersey Potato Marketing Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning July 2, 1951, and ending December 29, 1951, both dates inclusive, no handler shall ship potatoes grown in New Jersey which do not meet the requirements of U. S. Commercial, or better, grade, of which not less than 85 percent are of U. S. No. 1 quality, and which are of sizes not less than 2 inches minimum diameter, as such grades, qualities, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein, except that handlers may ship, in addition to the aforesaid potatoes, any potatoes grown in New Jersey which meet the requirements of U. S. No. 1, or better, grade, and are of sizes not less than 1½ inches minimum diameter, as such grades and sizes are defined in the aforementioned U. S. Standards for Potatoes, including the tolerances set forth therein.

(2) The aforesaid grade and size limitations shall not apply to shipments of potatoes for grading or storing within the production area, shipments for export, shipments of potatoes for canning, shipments of potatoes for sale to the Federal Government, under programs authorized by the Secretary of Agriculture, shipments of seed potatoes, and shipments of potatoes for livestock feed: *Provided*, That each handler, prior to making shipments for the aforesaid purposes, except shipments for grading or storing within the production area, or for sale to the Federal Government, shall comply with the applicable provisions of §§ 998.101 to 998.104, inclusive (Exemption Certificates and Safeguards, 15 F. R. 5332), and in addition to the aforesaid safeguards all potatoes shipped for livestock feed must be appropriately marked with dye as required by the New Jersey Potato Marketing Committee: *Provided further*, That each handler making shipments pursuant to this paragraph shall pay assessments on such shipments, except for shipments for grading or storing within the production area.

(3) During the period of regulation, § 998.62 (Inspection and certification) of Order No. 98 is suspended with respect to (i) each shipment of potatoes grown in District No. 3 and in the counties of Atlantic and Cape May in District No. 2 of the production area, (ii) each shipment of not more than 3,000 pounds of potatoes grown in the remaining counties within the production area, and (iii) each shipment made pursuant to subparagraph (2) of this paragraph: *Provided*, That each shipment of potatoes exempted from inspection and certification pursuant to subdivisions (i) and (ii) of this subparagraph shall meet the grade and size requirements set forth in paragraph (b) of this section, and shall pay the rate of assessment established by the Secretary.

(4) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1951, to be effective July 2, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7424; Filed, June 27, 1951; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 50]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.255 is amended to read:

§ 600.255 *Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio).* From the Burlington, Iowa, radio range station via the Peoria, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range to the Chicago Heights, Ill., omnirange station. From the South Bend, Ind., radio range station via the Goshen, Ind., radio range station; the Findlay, Ohio, non-directional radio marker beacon to the Columbus, Ohio, radio range station.

2. Section 600.284 is amended to read:

§ 600.284 *Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.).* From the Lafayette, La., non-directional radio beacon via the intersection of a bearing of 113° True from the Lafayette, La., non-directional radio beacon with a bearing of 277° True from a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range to a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range. From the Callendar, La., non-directional radio beacon via the intersection of a bearing 70° True from the Callendar, La., non-directional radio beacon with the southwest course of the Biloxi, Miss., Keesler AFB radio range to the Biloxi, Miss., Keesler AFB radio range station. From the Meridian, Miss., radio range station via the Montgomery, Ala., Maxwell AFB, radio range station; the intersection of the east course of the Maxwell AFB radio range and the northwest course of the Lawson AFB, Columbus, Ga., radio range; Lawson AFB radio range station; the intersection of the north course of the Lawson AFB radio range and the south course of the Campbellton, Ga., radio range excluding the portion which overlaps danger areas, to the intersection of the south course of the Campbellton, Ga., radio range and the southwest course of the Atlanta, Ga., radio range.

3. Section 600.285 is amended to read:

§ 600.285 *Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.)* From the Dayton, Ohio, radio range station to the Mansfield, Ohio, non-directional radio beacon. From the Akron, Ohio, radio range station via the Butler, Pa., non-directional radio beacon to the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range.

4. Section 600.300 is added to read:

§ 600.300 *Red civil airway No. 100 (Chicago, Ill., to Fort Wayne, Ind.).* From the Chicago Heights, Ill., omnirange station to the Fort Wayne, Ind., omnirange station.

5. Section 600.301 is added to read:

§ 600.301 *Red civil airway No. 101 (Vandalia, Ill., to Evansville, Ind.).* From the Loogootee, Ill., omnirange station to the Evansville, Ind., omnirange station.

6. Section 600.302 is added to read:

§ 600.302 *Red civil airway No. 102 (Chicago, Ill., to Cincinnati, Ohio).* From the Chicago Heights, Ill., omnirange station via the intersection of the Chicago Heights omnirange 136° True and the Indianapolis omnirange 342° True en route radials; the Indianapolis, Indiana, omnirange station to the Cincinnati, Ohio, omnirange station.

7. Section 600.303 is added to read:

§ 600.303 *Red civil airway No. 103 (Indianapolis, Ind., to Findlay, Ohio).* From the Indianapolis, Ind., omnirange station to the Findlay, Ohio, omnirange station.

8. Section 600.304 is added to read:

§ 600.304 *Red civil airway No. 104 (Bradford, Pa., to Elmira, N. Y.).* From the Bradford, Pa., non-directional radio beacon to the Elmira, N. Y., omnirange station.

9. Section 600.305 is added to read:

§ 600.305 *Red civil airway No. 105 (Pittsburgh, Pa., to Philipsburg, Pa.).* From the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range to the Philipsburg, Pa., omnirange station.

10. Section 600.306 is added to read:

§ 600.306 *Red civil airway No. 106 (Indianapolis, Ind., to Louisville, Ky.).* From the Indianapolis, Ind., omnirange station via the intersection of the Indianapolis omnirange 137° True en route radial and the Louisville omnirange 356° True en route radial to the intersection of the Louisville omnirange 356° True en route radial and the Cincinnati, Ohio, omnirange 241° True en route radial.

11. Section 600.307 is added to read:

§ 600.307 *Red civil airway No. 107 (Huron, S. Dak., to Redwood Falls, Minn.).* From the Huron, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station.

12. Section 600.308 is added to read:

§ 600.308 *Red civil airway No. 108 (Watertown, S. Dak., to Redwood Falls, Minn.).* From the Watertown, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station.

13. Section 600.639 *Blue civil airway No. 39 (Knoxville, Tenn.-U. S.-Canadian Border)*, is amended by including the following portion after "to the Elmira, N. Y., radio range station." to read: "From the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station."

14. Section 600.683 is added to read:

§ 600.683 *Blue civil airway No. 83 (Janesville, Wis., to Madison, Wis.).* From the Janesville, Wis., omnirange station to the Madison, Wis., outer marker.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., July 1, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7353; Filed, June 27, 1951; 8:45 a. m.]

[Amdt. 54]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.12 is amended to read:

§ 601.12 *Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Miles City, Mont., omnirange station to the Golva, N. Dak., omnirange station via the direct en route and 15° north altitude change radials; from the Golva, N. Dak., omnirange station to the Dickinson, N. Dak., omnirange station via the direct en route and 15° north altitude change radials; from the Dickinson, N. Dak., omnirange station to the Bismarck, N. Dak., omnirange station via the direct en route and 15° north altitude change radials; from the Bismarck, N. Dak., omnirange station to the Jamestown, N. Dak., omnirange station via the direct en route and 15° north altitude change radials; from the Jamestown, N. Dak., omnirange station to the Fargo, N. Dak., omnirange station via the direct en route and 15° north altitude change radials; from the Fargo, N. Dak., omnirange station to the Alexandria, Minn., omnirange station via the direct en route and 15° northeast altitude change radials; from the Alexandria, Minn., omnirange station to the Minneapolis, Minn., omnirange station via the direct en route and 15° northeast altitude change radials; from the Minneapolis, Minn., omnirange station to the La Crosse, Wis., omnirange station via the direct en route and 15° northeast altitude change radials; from the La Crosse, Wis., omnirange station to the Lone Rock, Wis., omnirange station via the direct en route and 15° northeast altitude change radials; from the Lone Rock, Wis., omnirange station to the Milwaukee, Wis., omnirange station via the direct en route and 15° north altitude change radials; from the Milwaukee, Wis., omnirange station to the Muskegon, Mich., omnirange station via the direct en route and 15° north altitude change radials; from the Muskegon, Mich., omnirange station to the Lansing, Mich., omnirange station via the direct en route and 15° south altitude change radials; from the Lansing, Mich., omnirange station via the Lansing 103° True en route radial to its point of inter-

section with the Detroit, Mich., omnirange 343° True en route radial.

2. Section 601.14 is amended to read:

§ 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Albuquerque, N. Mex., omnirange station to the Otto, N. Mex., omnirange station via the direct en route and 15° south altitude change radials; Otto, N. Mex., omnirange station to the Anton Chico, N. Mex., omnirange station via the direct en route radials; Anton Chico, N. Mex., omnirange station to the Tucumcari, N. Mex., omnirange station via the direct en route and 15° north altitude change radials; from the Tucumcari, N. Mex., omnirange station to the Amarillo, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Amarillo, Tex., omnirange station to the Gage, Okla., omnirange station via the direct en route and 15° northwest altitude change radials including all that area bounded on the south and southeast by Green civil airway No. 4 and on the northwest by the Amarillo-Gage direct en route radials; Gage, Okla., omnirange station to the Anthony, Kans., omnirange station via the direct en route and 15° northwest altitude change radials; from the Anthony, Kans., omnirange station to the Wichita, Kans., omnirange station via the direct en route and 15° northwest altitude change radials; from the Wichita Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route radials and the Wichita 15° north altitude change radial to its intersection with the Hutchinson, Kans.-Emporia, Kans., omnirange direct en route radials including all that area bounded on the north by the Hutchinson-Emporia direct en route radials, on the south by the Wichita-Emporia direct en route radials and on the west by the Wichita 15° north altitude change radial; Emporia, Kans., omnirange station to the Kansas City, Mo., omnirange station via the direct en route and 15° northwest altitude change radials; Kansas City, Mo., omnirange station to the Columbia, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Columbia, Mo., omnirange station to the St. Louis, Mo., omnirange station via the direct en route and 15° north altitude change radials; from the St. Louis, Mo., omnirange station to the Loogootee, Ill., omnirange station via the direct en route and 15° north and south altitude change radials including all that area bounded on the north by Green civil airway No. 4, on the southwest and southeast by the St. Louis-Loogootee and the Loogootee-Terre Haute direct en route radials; from the Loogootee, Ill., omnirange station to the Terre Haute, Ind., omnirange station via the direct en route and 15° north and south altitude change radials; from the Terre Haute, Ind., omnirange station to the Indianapolis, Ind., omnirange station via the direct en route and 15° north altitude change radials; from the Indianapolis, Ind., omnirange station to the Dayton, Ohio, omnirange station via the direct en route and 15° north altitude change radials; from the Dayton, Ohio, omnirange station to the Columbus, Ohio, omnirange station via the direct en route and 15° north altitude change radials; from the Columbus, Ohio, omnirange station to the Pittsburgh, Pa., omnirange station via the direct en route and 15° south altitude change radials; from the Pittsburgh, Pa., omnirange station to the Harrisburg, Pa., omnirange station via the direct en route radials; from the Harrisburg, Pa., omnirange station to the Lancaster, Pa., non-directional radio beacon via the Harrisburg omnirange direct en route radial.

3. Section 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.)*, is amended by adding the following portion to the present control areas: "from the St. Louis, Mo., omnirange station to the Springfield, Ill., omnirange station via the direct enroute and 15° northwest altitude change radials; from the Springfield, Ill., omnirange station to the Pontiac, Ill., omnirange station via the direct en route and 15° southeast altitude change radials; from the Pontiac, Ill., omnirange station to the Naperville, Ill., omnirange station via the direct en route and 15° southeast altitude change radials. From the Chicago Heights, Ill., omnirange station to the Milwaukee, Wis., omnirange station via the intersection of the Chicago Heights omnirange 342° True and the Milwaukee omnirange 179° True en route radials."

4. Section 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border)*, is amended by adding the following portion to the present control areas: "from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station via the intersection of the Bowling Green omnirange 48° True and the Louisville omnirange 189° True en route radials and the 15° east altitude change radials from the Louisville, Ky., omnirange station to the Cincinnati, Ohio, omnirange station via the direct en route and 15° southeast altitude change radials; from the Cincinnati, Ohio, omnirange station to the Columbus, Ohio, omnirange station via the intersection of the Cincinnati omnirange 45° True and the Columbus omnirange 246° True en route radials; from the Columbus, Ohio, omnirange station to the Mansfield, Ohio, omnirange station via the direct enroute and 15° west altitude change radials; from the Mansfield, Ohio, omnirange station to the Cleveland, Ohio, omnirange station via the direct enroute radials."

5. Section 601.203 is amended to read:

§ 601.203 *Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).* All of the Red civil airway No. 3 including all that area 5 miles either side of the direct en route radials from the Philipsburg, Pa., omnirange station to the Harrisburg, Pa., omnirange station.

6. Section 601.205 is amended to read:

§ 601.205 *Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Sioux Falls, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station via the direct enroute and 15° southeast altitude change radials; from the Redwood Falls, Minn., omnirange station to the Minneapolis, Minn., omnirange station via the direct en route and 15° south altitude change radials including all that area bounded on the southeast by Red civil airway No. 5, on the northwest by the Redwood Falls-Sioux Falls direct en route radial and on the northeast by the Redwood Falls-Minneapolis direct en route radial.

7. Section 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.)*, is amended by adding the following portion to the present control areas: "from the St. Louis, Mo., omnirange station to the Evansville, Ind., omnirange station via the direct en route and 15° south altitude change radials including all that area bounded on the north by Red civil airway No. 11, on the northeast by the Evansville-Loogootee direct en route radial and on the southwest by the St. Louis-Evansville direct en route radial; from the Evansville, Ind., omnirange station to the Louisville, Ky., omnirange station via the intersection of the Evansville omnirange 79° True and the Louisville omnirange 269° True en route radials and the 15° north altitude change radials. From the Elmira, N. Y., omnirange station to the Binghamton, N. Y., omnirange station via the direct en route radials."

8. Section 601.212 is amended to read:

§ 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.).* All of Red civil airway No. 12 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kansas City, Mo., omnirange station to the Kirksville, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Kirksville, Mo., omnirange station to the Burlington, Iowa, omnirange station via the direct en route and 15° south altitude change radials; from the Burlington, Iowa, omnirange station to the Bradford, Ill., omnirange station via the direct en route and 15° north altitude change radials; from the Bradford, Ill., omnirange station to the Naperville, Ill., omnirange station via the direct en route and 15° south altitude change radials; from the Naperville, Ill., omnirange station to the South Bend, Ind., omnirange station via the direct en route radials, and from the Naperville, Ill., omnirange station to the South Bend, Ind., omnirange station via the intersection of the Naperville omnirange 69° True and the South Bend omnirange 287° True en route radials; from the South Bend, Ind., omnirange station to the Litchfield, Mich., omnirange station via the direct en route and 15° north and south altitude change radials; from the Litchfield, Mich., omnirange station via the direct en route and 15° north altitude change radials. From the Erie, Pa., omnirange station to the Philipsburg, Pa., omnirange station via the direct en route radials.

9. Section 601.214 is amended to read:

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Huntington, W. Va.).* All of Red civil airway No. 14 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Lone Rock, Wis., omnirange station to the Janesville, Wis., omnirange station via the direct en route and 15° southwest altitude change radials including all that area bounded on the southwest by Red civil airway No. 14, on the northeast by the Janesville-Lone Rock direct en route radial and on the southeast by the Janesville-Moline direct en route radial. From the Chicago Heights, Ill., omnirange station to the Lafayette, Ind., omnirange station via the direct en route and 15° northeast and southwest altitude change radials; from the Lafayette, Ind., omnirange station to the Indianapolis, Ind., omnirange station via the direct en route and 15° southwest altitude change radials; from the Indianapolis, Ind., omnirange station to the Louisville, Ky., omnirange station via the intersection of the Indianapolis omnirange 170° True and the Louisville omnirange 333° True en route radials and and the 15° southwest altitude change radials; including all that area bounded on the west by Red civil airway No. 14, on the south by Red civil airway No. 11, and on the northeast by the Louisville 333° True en route radial.

10. Section 601.217 is amended to read:

§ 601.217 *Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).* All of Red civil airway No. 17 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Fort Wayne, Ind., omnirange station to the Findlay, Ohio, omnirange station via the direct en route and 15° south altitude change radials; from the Findlay, Ohio, omnirange station to the Mansfield, Ohio, omnirange station via the direct en route and 15° north altitude change radials; from the Mansfield, Ohio, omnirange station to the Bergholz, Ohio, non-directional radio beacon via the Mansfield omnirange direct en route radial; from the Bergholz, Ohio, non-directional radio beacon to the Pittsburgh, Pa., omnirange station via the Pittsburgh omnirange direct en route radial.

11. Section 601.218 is amended to read:

§ 601.218 *Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Elkins, W. Va., omnirange station to the Front Royal, Va., omnirange station via the direct en route and 15° south altitude change radials; from the Front Royal, Va., omnirange station to the Herndon, Va., omnirange station via the direct en route radials.

12. Section 601.219 is amended to read:

§ 601.219 *Red civil airway No. 19 control areas (Goshen, Ind., to Norfolk, Va.).* All of Red civil airway No. 19 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Millersburg, Ind., omnirange station to the Fort Wayne, Ind., omnirange station via the direct en route radials; from the Fort Wayne, Ind., omnirange station to the Dayton, Ohio, omnirange station via the direct en route and 15° southwest altitude change radials.

13. Section 601.220 is amended to read:

§ 601.220 *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* All of Red civil airway No. 20 including all that area within 5 miles either side of the en route radials from the Lansing, Mich., omnirange station via the Lansing omnirange 74° True en route radial to its point of intersection with the Detroit, Mich., omnirange 343° True en route radial. From the Cleveland, Ohio, omnirange station to the Pittsburgh, Pa., omnirange station via the intersection of the Cleveland omnirange 116° True en route radial and the Pittsburgh omnirange 320° True en route radials including all that area bounded on the north by Red civil airway No. 85, on the east by Blue civil airway No. 21 and on the southwest by Red civil airway No. 20; from the Pittsburgh, Pa., omnirange station to the Martinsburg, W. Va., omnirange station via the direct en route radials.

14. Section 601.226 is amended to read:

§ 601.226 *Red civil airway No. 26 control areas (Syracuse, N. Y., to Allentown, Pa.).* All of Red civil airway No. 26 including all that area within 5 miles either side of the en route radials from the Syracuse, N. Y., omnirange station to the Binghamton, N. Y., omnirange station via the direct en route radials; from the Binghamton, N. Y., omirange station to the Wilkes-Barre, Pa., radio range station via the Binghamton omnirange direct en route radial; from the Wilkes-Barre, Pa., radio range station to the Allentown, Pa., omnirange station via the Allentown omirange direct en route radial.

15. Section 601.227 is amended to read:

§ 601.227 *Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).* All of Red civil airway No. 27 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Cincinnati, Ohio, omnirange station to the Dayton, Ohio, omnirange station via the direct en route and 15° west altitude change radials; from the Dayton, Ohio, omnirange station to the Findlay, Ohio, omnirange station via the direct en route and 15° west altitude change radials; from the Findlay, Ohio, omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials; from the Toledo, Ohio, omnirange station to the Detroit, Mich., omnirange station via the direct en route and 15° west altitude change radials, and from the Toledo, Ohio, omnirange station via the Toledo-Lansing direct en route radial to its point of intersection with the west course of the Detroit, Mich., radio range, including all that area bounded on the southwest by the Toledo-Lansing direct en route radial, on the north by the Detroit-Litchfield direct en route radial and on the southeast by the Detroit-Fort Wayne direct en route radial.

16. Section 601.228 is amended to read:

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit Mich.).* All of Red civil airway No. 28 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Janesville, Wis., omnirange station to the Chicago Heights, Ill., omnirange station via the intersection of the Janesville omnirange 112° True en route radial and the Chicago Heights omnirange 340° True en route radial including all that area bounded on the south by Red civil airway No. 28, on the northwest by Red civil airway No. 57 and on the northeast by the Janesville omnirange 112° True en route radial. From the Lansing, Mich., omnirange station to the Detroit, Mich., omnirange station via the direct en route and 15° north altitude change radials.

17. Section 601.229 is amended to read:

§ 601.229 *Red civil airway No. 29 control areas (Rochester, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29 including all that area within 5 miles either side of the en route radials from the Elmira, N. Y., omnirange station to the Williamsport, Pa., radio range station via the Elmira omnirange direct en route radial including all that area bounded on the east by Red civil airway No. 29, on the southwest by the Elmira-Williamsport direct en route radial and on the northeast by the Elmira-Wilkes-Barre direct en route radial; from the Williamsport, Pa., radio range station to the Selinsgrove, Pa., omnirange station via the Selinsgrove direct en route radial; from the Selinsgrove, Pa., omnirange station to the Harrisburg, Pa., omnirange station via the direct en route radials; from the Harrisburg, Pa., omnirange station to the Baltimore, Md., omnirange station via the direct en route radials.

18. Section 601.233 is amended to read:

§ 601.233 *Red civil airway No. 33 control areas (Richmond, Va., to Boston, Mass.).* All of Red civil airway No. 33 including all that area within 5 miles either side of the en route radials from the Allentown, Pa., omnirange station to the Lancaster, Pa., non-directional radio

beacon via the Allentown omnirange direct en route radial.

19. Section 601.236 is amended to read:

§ 601.236 *Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).* All of Red civil airway No. 36 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Minneapolis, Minn., omnirange station to the Rochester, Minn., omnirange station via the direct en route and 15° west altitude change radials; from the Rochester, Minn., omnirange station to the La Crosse, Wis., omnirange station via the direct en route and 15° south altitude change radials.

20. Section 601.255 is amended to read:

§ 601.255 *Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio.* All of Red civil airway No. 55 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Burlington omnirange direct en route to the Peoria, Ill., radio range station via the Burlington omnirange direct en route radial; from the Peoria, Ill., radio range station to the Pontiac, Ill., omnirange station via the Pontiac omnirange direct en route radial; from the Pontiac, Ill., omnirange station to the Chicago Heights, Ill., omnirange station via the intersection of the Pontiac omnirange 56° True and the Chicago Heights omnirange 228° True en route radials and the 15° southeast altitude change radials. From the South Bend, Ind., omnirange station to the Millersburg, Ind., omnirange station via the direct en route radials; from the Millersburg, Ind., omnirange station to the Findlay, Ohio, omnirange station via the direct en route radials; from the Findlay, Ohio, omnirange station to the Columbus, Ohio, omnirange station via the direct en route and 15° southwest altitude change radials.

21. Section 601.257 is amended to read:

§ 601.257 *Red civil airway No. 57 control areas (Moline, Ill., to Youngstown, Ohio).* All of Red civil airway No. 57 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Moline, Ill., omnirange station to the Janesville, Wis., omnirange station via the direct en route and 15° northwest altitude change radials; from the Janesville, Wis., omnirange station to the Milwaukee, Wis., omnirange station via the direct en route and 15° northwest altitude change radials; from the Milwaukee, Wis., omnirange station to the Litchfield, Mich., omnirange station via the direct en route radials; from the Litchfield, Mich., omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials.

22. Section 601.262 is amended to read:

§ 601.262 *Red civil airway No. 62 control areas (Lansing, Mich., to Altoona, Pa.).* All of Red civil airway No. 62 including all that area within 5 miles either side of the en route radials from the Lansing, Mich., omnirange station via the Lansing-Toledo direct en route radial to its point of intersection with the west course of the Detroit, Mich., radio range. From the Cleveland, Ohio, omnirange station to the Bergholz, Ohio, nondirectional radio beacon via the Cleveland omnirange direct en route radial.

23. Section 601.274 is amended to read:

§ 601.274 *Red civil airway No. 74 control areas (Louisville, Ky., to Dayton, Ohio).* All of Red civil airway No. 74 including all that area within 5 miles either side of the en route radials from the Louisville, Ky., omnirange station to the Cincinnati, Ohio, omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True en route radials.

24. Section 601.284 is amended by changing caption to read: "*Red civil airway No. 84 control areas (Lafayette, La., to Atlanta, Ga.).*"

25. Section 601.285 is amended to read:

§ 601.285 *Red civil airway No. 85 control areas (Dayton, Ohio, to Martinsburg, Pa.).* All of Red civil airway No. 85 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Dayton, Ohio, omnirange station to the Mansfield, Ohio, omnirange station via the direct en route and 15° northwest altitude change radials.

26. Section 601.289 is amended to read:

§ 601.289 *Red civil airway No. 89 control areas (St. Louis, Mo., to Peoria, Ill.).* All of Red civil airway No. 89 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kirksville, Mo., omnirange station to the Quincy, Ill., omnirange station via the direct en route and 15° south altitude change radials; from the Quincy, Ill., omnirange station to the Peoria, Ill., radio range station via the Quincy omnirange direct en route radial.

27. Section 601.300 is added to read:

§ 601.300 *Red civil airway No. 100 control areas (Chicago, Ill., to Fort Wayne, Ind.).* All of Red civil airway No. 100 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Chicago Heights, Ill., omnirange station to the Fort Wayne, Ind., omnirange station via the direct en route and 15° south altitude change radials.

28. Section 601.301 is added to read:

§ 601.301 *Red civil airway No. 101 control areas (Vandalia, Ill., to Evansville, Ind.).* All of Red civil airway No. 101 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Loogootee, Ill., omnirange station to the Evansville, Ind., omnirange station via the direct en route and 15° northeast altitude change radials.

29. Section 601.302 is added to read:

§ 601.302 *Red civil airway No. 102 control areas (Chicago, Ill., to Cincinnati, Ohio).* All of Red civil airway No. 102 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Chicago Heights, Ill., omnirange station via the Chicago Heights omnirange 136° True and the Indianapolis omnirange 342° True en route radials; from the Indianapolis, Ind., omnirange station to the Cincinnati, Ohio, omnirange station via the direct en route and 15° northeast and southwest altitude change radials.

30. Section 601.303 is added to read:

§ 601.303 *Red civil airway No. 103 control areas (Indianapolis, Ind., to Findlay, Ohio).* All of Red civil airway No. 103 from the Indianapolis, Ind., omnirange station to the Findlay, Ohio, omnirange station via the direct en route radials.

31. Section 601.304 is added to read:

§ 601.304 *Red civil airway No. 104 control areas (Bradford, Pa., to Elmira, N. Y.).* All of Red civil airway No. 104 from the Bradford, Pa., non-directional radio beacon to the Elmira, N. Y., omnirange station via the Elmira omnirange direct en route radial.

32. Section 601.305 is added to read:

§ 601.305 *Red civil airway No. 105 control areas (Pittsburgh, Pa., to Philipsburg, Pa.).* All of Red civil airway No. 105 from the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range to the Philipsburg, Pa., omnirange station via the Philipsburg omnirange direct en route radial.

33. Section 601.306 is added to read:

§ 601.306 *Red civil airway No. 106 control areas (Indianapolis, Ind., to Louisville, Ky.).* All of Red civil airway No. 106.

34. Section 601.307 is added to read:

§ 601.307 *Red civil airway No. 107 control areas (Huron, S. Dak., to Redwood Falls, Minn.).* All of Red civil airway No, 107 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Huron, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station via the direct en route and 15° south altitude change radials.

35. Section 601.308 is added to read:

§ 601.308 *Red civil airway No. 108 control areas (Watertown, S. Dak., to Redwood Falls, Minn.).* All of Red civil airway No. 108 including all that area within 5 miles either side of the enroute and altitude change radials and the area between the altitude change and en route radials from the Watertown, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station via the direct en route and 15° northeast altitude change radials.

36. Section 601.602 is amended to read:

§ 601.602 *Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).* All of Blue civil airway No. 2 including all that area 5 miles either side of the en route radials from the Elkins, W. Va., omnirange station to the Morgantown, W. Va., radio range station via the Elkins omnirange direct en route radial; from the Morgantown, W. Va., radio range station to the Pittsburgh, Pa., omnirange station via the Pittsburgh omnirange direct en route radial; from the Pittsburgh, Pa., omnirange station to the Erie, Pa., omnirange station via the direct en route radials.

37. Section 601.603 *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste. Marie, Mich.),* is amended by adding the following portion to present control areas: "From the Evansville, Ind., omnirange station to the Terre Haute, Ind., omnirange station via the direct en route and 15° west altitude change radials; from the Terre Haute, Ind., omnirange station to the Lafayette, Ind., omnirange station via the direct en route and 15° west altitude change radials including all that area bounded on the west and northwest by Blue civil airway No. 3 and on the southeast by the Terre Haute-Lafayette direct en route radials."

38. Section 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.),* is amended by adding the following portion to present control areas: "From the Springfield, Ill., omnirange station to the Peoria, Ill., radio range station via the Springfield omnirange direct en route radial from the Peoria, Ill., radio range station to the Bradford, Ill., omnirange station via the Bradford omnirange direct en route radial. From the South Bend, Ind., omnirange station to the Muskegon, Mich., omnirange station via the direct en route radials."

39. Section 601.609 *Blue civil airway No. 9 control areas (Columbia, Mo., to U. S.-Canadian Border),* is amended by adding the following portion to present control areas: "From the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange station via the direct en route and 15° southeast altitude change radials including all that area bounded on the east and southeast by Blue civil airway No. 9 and on the northwest by the Mason City-Rochester direct en route radials. From the Minneapolis, Minn., omnirange station to the Grantsburg, Wis., omnirange station via the direct en route radials, from the Grantsburg, Wis., omnirange station to the Duluth, Minn., omnirange station via the direct en route radials."

40. Section 601.611 is amended to read:

§ 601.611 *Blue civil airway No. 11 control areas (Toledo, Ohio, to Niagara Falls, N. Y.).* All of Blue civil airway No. 11 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Cleveland, Ohio, omnirange station to the Erie, Pa., omnirange station via the direct en route and 15° northwest altitude change radials.

41. Section 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.),* is amended by adding the following portion to present control areas: "From the Mason City, Iowa, omnirange station to the Minneapolis, Minn., omnirange station via the direct en route and 15° west altitude change radials."

42. Section 601.615 is amended to read:

§ 601.615 *Blue civil airway No. 15 control areas (Huntington, W. Va., to Erie, Pa.).* All of Blue civil airway No. 15 including all that area within 5 miles either side of the en route radials from the Columbus, Ohio, omnirange station to the Youngstown, Ohio, omnirange station via the intersection of the Columbus omnirange 51° True and the Youngstown omnirange 231° True en route radials; from the Youngstown, Ohio, omnirange station to the Erie, Pa., omnirange station via the direct en route radials.

43. Section 601.630 is amended to read:

§ 601.630 *Blue civil airway No. 30 control areas (Brownsville, Tex., to Amarillo, Tex.).* All of the Blue civil airway No. 30 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the San Angelo, Tex., omnirange station to the Big Spring, Tex., omnirange station via the direct en route and 15° northeast altitude change radials, including all that area bounded on the south by Red civil airway No. 63, on the southwest by Blue civil airway No. 30 and on the northeast by the San Angelo-Big Spring direct en route radials; from the Big Spring, Tex., omnirange station to the Lubbock, Tex., omnirange station via the intersection of the Big Spring omnirange 331° True and the Lubbock omnirange 180° True en route radials; from the Lubbock, Tex., omnirange station to the Amarillo, Tex., omnirange station via the direct en route and 15° east altitude change radials.

44. Section 601.631 is amended to read:

§ 601.631 *Blue civil airway No. 31 control areas (Quincy, Ill., to Madison, Wis.).* All of Blue civil airway No. 31 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Quincy, Ill., omnirange station to the Burlington, Iowa, omnirange station via the direct en route radials; from the Burlington, Iowa, omnirange station to the Moline, Ill., omnirange station via the direct en route and 15° west altitude change radials, including all that area bounded on the east by Blue civil airway No. 31, on the south by Red civil airway No. 12 and on the west by the Burlington-Moline direct en route radials.

45. Section 601.639 is amended to read:

§ 601.639 *Blue civil airway No. 39 control areas (Knoxville, Tenn., to U. S.-Canadian Border).* All of Blue civil airway No. 39 including all that area 5 miles either side of the en route radials from the Philipsburg, Pa., omnirange station to the Elmira, N. Y., omnirange station via the direct en route radials; from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station via the direct en route radials.

46. Section 601.644 *Blue civil airway No. 44 control areas (Advance, Mo., to the U. S.-Canadian Border),* is amended by adding the following to present control areas: "including all that area within 5 miles either side of the en route radials from the Evansville, Ind., omnirange station to the Indianapolis, Ind., omnirange station via the direct en route radials; from the Indianapolis, Ind., omnirange station to the Kokomo, Ind., non-directional radio beacon via the Indianapolis omnirange direct en route radials; from the Kokomo, Ind., non-directional radio beacon to the Fort Wayne, Ind., omnirange station via the Fort Wayne omnirange direct en route radials; from the Fort Wayne, Ind., omnirange station to the Detroit, Mich., omnirange station via the direct en route radials, and from the Fort Wayne, Ind., omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials.

47. Section 601.647 is amended to read:

§ 601.647 *Blue civil airway No. 47 control areas (Front Royal, Va., to Dunkirk, N. Y.)* All of Blue civil airway No. 47 including all that area 5 miles either side of the en route radials from the Philipsburg, Pa., omnirange station to the Bradford, Pa., non-directional radio beacon via the Philipsburg omnirange direct en route radial.

48. Section 601.662 is amended to read:

§ 601.662 *Blue civil airway No. 62 control areas (Ypsilanti, Mich., to Traverse City, Mich.).* All of Blue civil airway No. 62 including all that area within 5 miles either side of the en route radials from the Detroit, Mich., omnirange station to the Flint, Mich., non-directional radio beacon via the Detroit omnirange 343° True en route radial.

49. Section 601.673 is amended to read:

§ 601.673 *Blue civil airway No. 73 control areas (Brookville, Pa., to Buffalo, N. Y.).* All of Blue civil airway No. 73 including all that area within 5 miles either side of the en route radials from the Bradford, Pa., nondirectional radio beacon to the Buffalo, N. Y., omnirange station via the Buffalo omnirange direct en route radial.

50. Section 601.683 is added to read:

§ 601.683 *Blue civil airway No. 83 control areas (Janesville, Wis., to Madison, Wis.).* All of Blue civil airway No. 83 from the Janesville, Wis., omnirange station to the Madison, Wis., outer

marker via the Janesville omnirange 331° True en route radial.

51. Section 601.1002 is amended to read:

§ 601.1002 *Control area extension (Austin, Tex.).* All that area within a 25 mile radius of the Austin, Tex., radio range station, excluding the portion which overlaps the Randolph AFB Caution Area.

52. Section 601.1019 *Control area extension (Nashville, Tenn.) is amended* by adding the following portion to the present control area extension: "and all that area within a 15 mile radius of the Nashville, Tenn., omnirange station."

53. Section 601.1024 is amended to read:

§ 601.1024 *Control area extension (Burlington, Iowa).* All that area within a 15 mile radius of the Burlington omnirange station.

54. Section 601.1042 *Control area extension (Columbus, Ohio)* is amended by adding the following to the present control area extension: "including all that area within a 15 mile radius of the Columbus omnirange station."

55. Section 601.1043 *Control area extension (Bowling Green, Ky.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Bowling Green omnirange station."

56. Section 601.1058 *Control area extension (Martinsburg, W. Va.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Martinsburg omnirange station."

57. Section 601.1060 *Control area extension (Elkins, W. Va.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Elkins omnirange station."

58. Section 601.1067 is amended to read:

§ 601.1067 *Control area extension (Dayton, Ohio).* All that area within a 15 mile radius of the Dayton, Ohio, omnirange station including the area extending 5 miles either side of the west course of the Dayton radio range from the radio range station to its intersection with the northeast course of the Indianapolis, Ind., radio range and extending from the Dayton ILS localizer 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

59. Section 601.1080 *Control area extension (Louisville, Ky.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Louisville omnirange station excluding the portion which overlaps Danger Areas."

60. Section 601.1083 *Control area extension (Memphis, Tenn.)* is revoked.

61. Section 601.1083 is added to read:

§ 601.1083 *Control area extension (Bartlesville, Okla.).* All that area within a 20 mile radius of the Phillips Airport, Bartlesville, Okla.

62. Section 601.1084 *Control area extension (Quincy, Ill.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Quincy omnirange station."

63. Section 601.1088 *Control area extension (Alexandria, Minn.)* is amended by adding the following to the present control area extension: "and all that area within a 15 mile radius of the Alexandria omnirange station."

64. Section 601.1089 *Control area extension (Cincinnati, Ohio)* is amended by adding the following to present control area extension: "including all that area within a 15 mile radius of the Cincinnati omnirange station."

65. Section 601.1091 *Control area extension (Dayton, Ohio)* is revoked.

66. Section 601.1091 is added to read:

§ 601.1091 *Control area extension (Detroit, Mich.).* All that area within a 15 mile radius of the Detroit omnirange station.

67. Section 601.1092 *Control area extension (Dickinson, N. Dak.)* is amended by adding the following to present control area extension: "including all that area within a 15 mile radius of the Dickinson omnirange station."

68. Section 601.1093 *Control area extension (Fargo, N. Dak.),* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Fargo omnirange station."

69. Section 601.1095 is amended to read:

§ 601.1095 *Control area extension (Fort Wayne, Ind.).* From the Fort Wayne, Ind., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles southeast of the outer marker, and all that area within a 15 mile radius of the Fort Wayne omnirange station.

70. Section 601.1099 *Control area extension (Indianapolis, Ind.)* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Indianapolis omnirange station."

71. Section 601.1100 *Control area extension (Lone Rock, Wis.)* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Lone Rock omnirange station."

72. Section 601.1102 *Control area extension (Minneapolis, Minn.)* is amended by adding the following to present control area extension: "including all that area within a 15 mile radius of the Minneapolis omnirange station."

73. Section 601.1103 is amended to read:

§ 601.1103 *Control area extension (Minot, N. Dak.).* All that area within a 15 mile radius of the Minot, N. Dak., omnirange station.

74. Section 601.1105 *Control area extension (Muskegon, Mich.)* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Muskegon omnirange station."

75. Section 601.1119 *Control area extension (St. Louis, Mo.)* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the St. Louis omnirange station."

76. Section 601.1134 *Control area extension (Miami, Fla.)* is revoked.

77. Section 601.1134 is added to read:

§ 601.1134 *Control area extension (Columbus, Ga.).* From the Lawson AFB radio range station Columbus, Ga., extending 5 miles either side of the southwest course of the Lawson AFB radio range to a point 20 miles southwest of the radio range station, excluding the portion which overlaps Danger Areas.

78. Section 601.1154 is amended to read:

§ 601.1154 *Control area extension (Bismarck, N. Dak.).* All that area within a 15 mile radius of the Bismarck omnirange station including all that area 5 miles either side of the ILS localizer course extending from the localizer to a point 20 miles southeast of the outer marker.

79. Section 601.1159 *Control area extension (Moline, Ill.),* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Moline omnirange station."

80. Section 601.1160 *Control area extension (South Bend, Ind.)* is amended by adding the following portion to present control area extension: "and all that area within a 15 mile radius of the South Bend omnirange station."

81. Section 601.1161 *Control area extension (Chicago, Ill.)* is amended by adding the following portion to present control area extension: "and all that area within a 15 mile radius of the Chicago Heights omnirange station."

82. Section 601.1180 is amended to read:

§ 601.1180 *Control area extension (San Antonio, Tex.).* All that area within a 60 mile radius of the San Antonio, Tex., radio range station.

83. Section 601.1188 *Control area extension (Milwaukee, Wis.),* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the Milwaukee omnirange station."

84. Section 601.1243 *Control area extension (La Crosse, Wis.),* is amended by adding the following to present control area extension: "and all that area within a 15 mile radius of the La Crosse omnirange station."

85. Section 601.1244 *Control area extension (Terre Haute, Ind.),* is amended by adding the following to present control area extension: "including all that area within a 15 mile radius of the Terre Haute omnirange station."

86. Section 601.1246 is added to read:

§ 601.1246 *Control area extension (Evansville, Ind.).* All that area within a 15 mile radius of the Evansville omnirange station excluding the portion which overlaps Danger Areas.

87. Section 601.1247 is added to read:

§ 601.1247 *Control area extension (Toledo, Ohio).* All that area within a 15 mile radius of the Toledo, Ohio, omnirange station excluding the portion which overlaps the Danger Areas and Caution Areas.

88. Section 601.1248 is added to read:

§ 601.1248 *Control area extension (Grantsburg, Wis.).* All that area within a 15 mile radius of the Grantsburg omnirange station excluding the portion which overlaps Caution Areas.

89. Section 601.1249 is added to read:

§ 601.1249 *Control area extension (Aberdeen, S. Dak.).* All that area within a 15 mile radius of the Aberdeen omnirange station.

90. Section 601.1250 is added to read:

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15 mile radius of the Jamestown omnirange station.

91. Section 601.1251 is added to read:

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15 mile radius of the Mansfield omnirange station.

92. Section 601.1252 is added to read:

§ 601.1252 *Control area extension (Janesville, Wis.).* All that area within a 15 mile radius of the Janesville omnirange station.

93. Section 601.1253 is added to read:

§ 601.1253 *Control area extension (Bradford, Ill.).* All that area within a 15 mile radius of the Bradford omnirange station.

94. Section 601.1254 is added to read:

§ 601.1254 *Control area extension (Pontiac, Ill.).* All that area within a 15 mile radius of the Pontiac omnirange station.

95. Section 601.1255 is added to read:

§ 601.1255 *Control area extension (Findlay, Ohio).* All that area within a 15 mile radius of the Findlay omnirange station.

96. Section 601.1256 is added to read:

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that area within a 15 mile radius of the Pittsburgh omnirange station.

97. Section 601.1257 is added to read:

§ 601.1257 *Control area extension (Millersburg, Ind.).* All that area within a 15 mile radius of the Millersburg omnirange station.

98. Section 601.1258 is added to read:

§ 601.1258 *Control area extension (Lafayette, Ind.).* All that area within a 15 mile radius of the Lafayette omnirange station.

99. Section 601.1259 is added to read:

§ 601.1259 *Control area extension (Huron, S. Dak.).* All that area within a 15 mile radius of the Huron omnirange station.

100. Section 601.1260 is added to read:

§ 601.1260 *Control area extension (Redwood Falls, Minn.).* All that area within a 15 mile radius of the Redwood Falls omnirange station.

101. Section 601.1261 is added to read:

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15 mile radius of the Lansing omnirange station.

102. Section 601.1262 is added to read:

§ 601.1262 *Control area extension (Mason City, Iowa).* All that area within a 15 mile radius of the Mason City omnirange station.

103. Section 601.1263 is added to read:

§ 601.1263 *Control area extension (Rochester, Minn.).* All that area within a 15 mile radius of the Rochester omnirange station.

104. Section 601.1264 is added to read:

§ 601.1264 *Control area extension (Miles City, Mont.).* All that area within a 15 mile radius of the Miles City omnirange station.

105. Section 601.1265 is added to read:

§ 601.1265 *Control area extension (Golva, N. Dak.).* All that area within a 15 mile radius of the Golva omnirange station.

106. Section 601.1266 is added to read:

§ 601.1266 *Control area extension (Litchfield, Mich.)* All that area within a 15 mile radius of the Litchfield omnirange station.

107. Section 601.1267 is added to read:

§ 601.1267 *Control area extension (Springfield Ill.)* All that area within a 15 mile radius of the Springfield omnirange station.

108. Section 601.1268 is added to read:

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* All that area within a 15 mile radius of the Sioux Falls omnirange station.

109. Section 601.1269 is added to read:

§ 601.1269 *Control area extension (Watertown, S. Dak.)* All that area within a 15 mile radius of the Watertown omnirange station.

110. Section 601.1270 is added to read:

§ 601.1270 *Control area extension (Harrisburg, Pa.).* All that area within a 15 mile radius of the Harrisburg omnirange station.

111. Section 601.1271 is added to read:

§ 601.1271 *Control area extension (Front Royal, Va.).* All that area within a 15 mile radius of the Front Royal omnirange station.

112. Section 601.1272 is added to read:

§ 601.1272 *Control area extension (Baltimore, Md.).* All that area within a 15 mile radius of the Baltimore omnirange station, excluding the portion which overlaps Danger Areas.

113. Section 601.1273 is added to read:

§ 601.1273 *Control area extension (Syracuse, N. Y.).* All that area within a 15 mile radius of the Syracuse omnirange station.

114. Section 601.2248 is amended to read:

§ 601.2248 *San Antonio, Tex., control zone.* Within a 5 mile radius of the San Antonio Airport extending 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek fan marker.

115. Section 601.2286 is added to read:

§ 601.2286 *Columbus, Ga., control zone.* Within a 5 mile radius of the Muscogee County Airport, Columbus, Ga., extending 2 miles either side of the north course of the Lawson AFB radio range to include a 5 mile radius of Lawson Air Force Base, Columbus, Ga., and extending 2 miles either side of the southwest course of the Lawson AFB radio range from the radio range station to a point 10 miles southwest of the radio range station, excluding the portion which overlaps Danger Areas.

116. Section 601.2287 is added to read:

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5 mile radius of Randolph Air Force Base, San Antonio, Tex., extending 2 miles either side of the southeast course of the Randolph AFB radio range to a point 10 miles southeast of the radio range station.

117. Section 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.),* is amended before "North Platte, Nebr., by deleting the words: "the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range;" and by adding the following compulsory reporting point in lieu thereof: "the Sidney, Nebr., nondirectional radio beacon;"

118. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.),* is amended after "Andrews, Md., radio range station;" by deleting the words: "the intersection of the southeast course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range;" and by adding the following compulsory reporting point in lieu thereof: "the intersection of the south course of the New Castle, Del., radio range and the southwest course of the Millville, N. J., radio range;"

119. Section 601.4284 is amended by changing caption to read: *"Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.)".*

120. Section 601.4300 is added to read:

§ 601.4300 *Red civil airway No. 100 (Chicago, Ill., to Fort Wayne, Ind.).* No reporting point designation.

121. Section 601.4301 is added to read:

§ 601.4301 *Red civil airway No. 101 (Vandalia, Ill., to Evansville, Ind.).* No reporting point designation.

122. Section 601.4302 is added to read:

§ 601.4302 *Red civil airway No. 102 (Chicago, Ill., to Cincinnati, Ohio).* No reporting point designation.

123. Section 601.4303 is added to read:

§ 601.4303 *Red civil airway No. 103 (Indianapolis, Ind., to Findlay, Ohio).* No reporting point designation.

124. Section 601.4304 is added to read:

§ 601.4304 *Red civil airway No. 104 (Bradford, Pa., to Elmira, N. Y.).* No reporting point designation.

125. Section 601.4305 is added to read:

§ 601.4305 *Red civil airway No. 105 (Pittsburgh, Pa., to Philipsburg, Pa.).* No reporting point designation.

126. Section 601.4306 is added to read:

§ 601.4306 *Red civil airway No. 106 (Indianapolis, Ind., to Louisville, Ky.).* No reporting point designation.

127. Section 601.4307 is added to read:

§ 601.4307 *Red civil airway No. 107 (Huron, S. Dak., to Redwood Falls, Minn.).* No reporting point designation.

128. Section 601.4683 is added to read:

§ 601.4683 *Blue civil airway No. 83 (Janesville, Wis., to Madison, Wis.).* No reporting point designation.

129. Section 601.5001 *Other reporting points* is amended by adding the following compulsory reporting point: "Graham, Tenn., omnirange station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., July 1, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7354; Filed, June 27, 1951; 8:46 a. m.]

[Amdt. 2]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REPORTING REQUIREMENTS

Part 620 is hereby amended in order to rephrase § 620.12 (b) (2) in accordance with a request received from the Department of State. The amendment is made in the interest of foreign relations of the United States and does not impose additional burdens upon interested persons. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrator Procedure Act is not required.

1. Section 620.12 (b) (2) is amended to read:

§ 620.12 *Reporting points.* • • •

(b) *Aircraft entering the United States through a Coastal ADIZ* • • •

(2) *Foreign aircraft.* The pilot in command of a foreign aircraft shall not enter the United States without (i) making position reports as prescribed for United States aircraft in subparagraph (1) of this paragraph or (ii) reporting to an appropriate aeronautical facility when the aircraft is not less than one hour and not more than two hours average cruising distance via the most direct route, from the United States. Thereafter, reports shall be made as instructed by the facility receiving the original report.

NOTE: Operators of foreign aircraft who exercise the optional position reporting method described in subdivision (ii) of this subparagraph are cautioned that this procedure does not eliminate the position reporting requirements prescribed for the control of air traffic.

(Secs. 205, 308, 52 Stat. 984, 986, as amended; 49 U. S. C. 425, 458. Interprets or applies secs. 1201-1203, Pub. Law 778, 81st Cong.; E. O. 10197, Dec. 20, 1950, 15 F. R. 9180)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7352; Filed, June 27, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 2888]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ACME BREWERIES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondents' product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements contain the words "Dietetically Non-Fattening", or which otherwise represent, directly or by implication, that their beer will not increase the weight of the consumer, unless such representations be qualified by the statement, made clearly and conspicuously, in immediate conjunction therewith, "when taken in substitution for foods of equal or greater caloric value and not in addition to the normally required diet", or other statement of similar meaning; prohibited.

(Sec 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Acme Breweries (d. b. a. California Brewing Association) et al., Docket 2888, April 9, 1951]

In the Matter of Acme Breweries, a Corporation, Also Doing Business as California Brewing Association; Acme Brewing Company, a Corporation; and Bohemian Distributing Company, Ltd., a Corporation.

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, respondents' answer thereto, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and brief of counsel supporting the complaint (no brief having been filed by respondents, and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Acme Breweries, a corporation, also doing business as California Brewing Association, Acme Brewing Company, a corporation, and Bohemian Distributing Company, Ltd., a corporation, and their respective officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of their product designated as Acme Beer, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains the words "Dietetically Non-Fattening", or otherwise represents, directly or by implication, that their said beer will not increase the weight of the consumer, unless such representation be qualified by the statement, made clearly and conspicuously, in immediate conjunction therewith, "when taken in substitution for foods of equal or greater caloric value and not in addition to the normally required diet", or other statement of similar meaning.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains the representation prohibited in paragraph 1 of this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 9, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7405; Filed, June 27, 1951; 8:52 a. m.]

[Docket No. 5563]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

E. G. SALES & MFG. CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* §3.1290 *Qualities or properties:* §3.1340 *Tests.* In connection with the offering for sale, sale or distribution in commerce, of respondent's mechanical devices designated "E. G. Supercharger", "Ignition Supercharger", "E. G. Super-Ignitioniter", and "E. G. Super-Ignitioner", or any substantially similar devices whether sold under the same name or any other name, representing directly or by implication (1) that said products will cause motors, under all conditions, to operate better or more economically, will insure quick starting, or, under all conditions, afford increased mileage, power, acceleration, or pickup; (2) that said products will prolong motor life or increase the life of plugs or points; (3) that said products will reduce or prevent carbon; (4) that said products will afford "atomic starting"; (5) that said products will have any value in improving motor starting or operation, or in causing a spark to be produced when plugs are fouled by oil or grease unless said statements be expressly limited to such temporary value as may be afforded when starting failure, or impaired operation, is caused by failure of the spark to occur due to fouling of one or more spark plugs by carbon within those rarely encountered and narrow limits of fouling in which an auxiliary spark gap may be of assistance in causing a spark to occur; or, (6) that said products have been tested or approved by a laboratory or other organization equipped with trained personnel and scientific facilities for the performance of authoritative tests and experiments on commercial products when such is not the case; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15, U. S. C. 45) [Cease and desist order, Eleanor Schultz Baden et al., t. a. E. G. Sales & Manufacturing Company, Docket 5563, April 18, 1951]

In the Matter of Eleanor Schultz Baden, Also Known as Eleanor Schultz, and George Baden, as Individuals and as Copartners Trading as E. G. Sales & Manufacturing Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on May 28, 1948, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereinabove charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the issuance of said complaint and the filing by respondents of their joint answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission theretofore duly designated by it and such testimony and other evidence were duly recorded and filed in the office of the Commission. On July 7, 1950, the trial examiner filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an adequate disposition of the matter, on August 14, 1950, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondents an apportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in the tentative decision of the Commission attached to said order. Thereafter, this proceeding regularly came on for final consideration by the Commission upon the record herein on review, including the memorandum of objections filed on August 28, 1950, by respondent George Baden; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondents Eleanor Schultz Baden and George Baden, individually and trading as E. G. Sales & Manufacturing Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' mechanical devices designated "E. G. Supercharger", "Ignition Supercharger", "E. G. Super-Ignitioniter", and "E. G. Super-Ignitioner", or any substantially similar devices whether sold under the same name or any other name, do forthwith cease and desist from representing directly or by implication:

(1) That said products will cause motors, under all conditions, to operate better or more economically, will insure quick starting, or, under all conditions, afford increased mileage, power, acceleration, or pickup;

(2) That said products will prolong motor life or increase the life of plugs or points;

(3) That said products will reduce or prevent carbon;

(4) That said products will afford "atomic starting";

(5) That said products will have any value in improving motor starting or operation, or in causing a spark to be produced when plugs are fouled by oil or grease unless said statements be expressly limited to such temporary value as may be afforded when starting failure, or impaired operation, is caused by failure of the spark to occur due to fouling of one or more spark plugs by carbon within those rarely encountered and narrow limits of fouling in which an auxiliary spark gap may be of assistance in causing a spark to occur;

(6) That said products have been tested or approved by a laboratory or other organization equipped with trained personnel and scientific facilities for the performance of authoritative tests and experiments on commercial products when such is not the case.

It is further ordered, That those additional charges of the complaint pertaining to respondents' use of the terms "Supercharger," "Super-Ignitioniter" and "Super-Ignitioner," be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further or other action in the future as may be warranted by the then existing circumstances.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 18, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7403; Filed, June 27, 1951; 8:52 a. m.]

[1] Filed as a part of the original document.

[Docket No. 5819]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PACIFIC GAMBLE ROBINSON CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended; Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.810 *Buyers' corporate agent.* I. In connection with the purchase of fruits, grocery, household and other products of whatsoever nature in commerce, and on the part of respondent Pacific Gamble Robinson Co. and its officers, etc., (1) receiving or accepting from any seller anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof on or in connection with purchases made for respondent's own account, either directly or by or through respondent International Brokerage Company; or (2) receiving or accepting from respondent International Brokerage Company in the form of money, credit, services, or otherwise, any commission or brokerage or any compensation, allowance or discount in lieu thereof, or any part thereof, received by said International Brokerage Company as an intermediary or agent for said respondent or while subject to the direct or indirect control of said respondent; and, II, in said connection, and on the part of respondent International Brokerage Company and its officers, etc., (1) receiving or accepting from any seller anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made by respondent International Brokerage Company while acting under the control of and in fact for and on behalf of respondent Pacific Gamble Robinson Co.; (2) receiving or accepting from any seller, anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, on or in connection with purchases made for respondent's own account or while acting for or in behalf of a purchaser as an intermediary or agent or subject to the direct or indirect control of such purchaser; or, (3) paying, transmitting or delivering to or for the benefit of any

such purchaser either directly or in any form of money, credit, advertising or other services of whatsoever nature, any commission or brokerage, or any compensation, allowance or discount in lieu thereof, or any part thereof, received from any seller while acting as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser; prohibited.

(Sec. 2, 38 Stat. 370, as amended; 15 U. S. C. 13) [Cease and desist order, Pacific Gamble Robinson Co. et al., Docket 5819, April 5, 1951]

In the Matter of Pacific Gamble Robinson Co., a Corporation, and International Brokerage Company, a Corporation

This proceeding was heard by Webster Ballinger, trial examiner, upon the complaint of the Commission and respondents' joint answer in which they admitted all material allegations of fact set forth in said complaint and waived all further hearings as to said facts and all intervening procedure, on the condition that said admissions were solely for the purpose of the proceeding before the Commission, or the courts on review, or for enforcement of any final order that might be entered, or to recover any penalty for violation thereof.

Thereafter the proceeding regularly came on for consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and answer (all intervening procedure having been waived) and said trial examiner, having duly considered the record in the matter, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission April 5, 1951.

It is ordered, that the respondent Pacific Gamble Robinson Co. and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the purchase of fruits, grocery, household and other products of whatsoever nature in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from directly or indirectly—

1. Receiving or accepting from any seller anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof on or in connection with purchases made for respondent's own account, either directly or by or through respondent International Brokerage Company.

2. Receiving or accepting from respondent International Brokerage Company in the form of money, credit, services, or otherwise, any commission or brokerage or any compensation, allowance or discount in lieu thereof, or any part thereof, received by said International Brokerage Company as an intermediary or agent for said respondent or while subject to the direct or indirect control of said respondent.

It is further ordered, That respondent International Brokerage Company and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of fruits, grocery, household and other products of whatsoever nature in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from directly or indirectly—

1. Receiving or accepting from any seller anything of value as a commission or brokerage, or any compensation, allowance, or discount in lieu thereof, on or in connection with purchases made by respondent International Brokerage Company while acting under the control of and in fact for and on behalf of respondent Pacific Gamble Robinson Co.

2. Receiving or accepting from any seller, anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, on or in connection with purchases made for respondent's own account or while acting for or in behalf of a purchaser as an intermediary or agent or subject to the direct or indirect control of such purchaser.

3. Paying, transmitting or delivering to or for the benefit of any such purchaser either directly or in any form of money, credit, advertising or other services of whatsoever nature, any commission or brokerage, or any compensation, allowance or discount in lieu thereof, or any part thereof, received from any seller while acting as an intermediary or agent for such purchaser or while subject to the direct or indirect control of such purchaser.

By "Decision of the Commission and order to file report of compliance", Docket 5819, April 5, 1951, which announced and decreed fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 5, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-7404; Filed, June 27, 1951; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 777—GENERAL STATEMENT AS TO METHODS OF PAYMENT UNDER FAIR LABOR STANDARDS ACT AND APPLICATION OF SECTION 3 (m) THERETO

MISCELLANEOUS AMENDMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 63 Stat. 920; 29 U. S. C. 201) this part is amended as follows:

1. Section 777.0 (a) is amended to read as follows:

§ 777.0 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the Administrator of the Wage and Hour Division as to the methods of payment of the compensation required to be paid employees under the act, and the application of section 3 (m) thereto, have been expressed in interpretations issued from time to time in various forms. This part, as of the date of its publication in the FEDERAL REGISTER, supersedes and replaces such prior interpretations. Its purpose is to make available in one place general interpretations of the Administrator which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[1] The interpretations contained in this part indicate, with respect to the methods of paying the compensation required by sections 6 and 7 and the application thereto of the provisions of section 3 (m) of the act, the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. The interpretations contained in this part are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act,[2] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

[1] Skidmore v. Swift & Co., 323 U. S. 134. Under Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950 and pursuant to General Order No. 45A issued by the Secretary of Labor on the same date, interpretations of the provisions (other than the child labor provisions) of the Fair Labor Standards Act, as amended, are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor, subject to the general direction and control of the Secretary. See 15 F. R. 3290.

Section 16 (c) of the Fair Labor Standards Amendments of 1949 (63 Stat. 910) provides:

"Any order, regulation, or interpretation of the Administrator of the Wage and Hour Division or of the Secretary of Labor, and any agreement entered into by the Administrator or the Secretary, in effect under the provisions of the Fair Labor Standards Act of 1938, as amended, on the effective date of this act, shall remain in effect as an order, regulation, interpretation, or agreement of the Administrator or the Secretary, as the case may be, pursuant to this act, except to the extent that any such order, regulation, interpretation, or agreement may be inconsistent with the provisions of this act, or may from time to time be amended, modified, or rescinded by the Administrator or the Secretary, as the case may be, in accordance with the provisions of this act."

[2] Public Law 49, 80th Cong., 1st sess. (61 Stat. 84), discussed in Part 790 (statement on effect of Portal-to-Portal Act of 1947). See in this connection Reorganization Plan No. 6 of 1950 (15 F. R. 3174) and footnote 1, above.

2. Section 777.2 is amended as follows:

(a) In paragraph (a) footnote 4 is amended to read as follows:

[4] Section 6 requires the payment of a minimum wage rate of not less than 75 cents per hour, except in certain industries in Puerto Rico and the Virgin Islands. Section 7 in general requires the payment of overtime compensation at not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in a workweek. The general wage and hours provisions of the law are subject to qualifications contained in sections 7 (b)–(g), 13 and 14. See Parts 779–784 of this chapter. Tips may be credited or offset against the wages payable under the act in certain circumstances, if the employment agreement is such that the tips belong to the employer. See *Williams* v. *Jacksonville Terminal Co.*, 315 U. S. 386. Cf. *Southern Ry. Co.* v. *Black*, 127 F. (2d) 280 (C. A. 4); *Townsend* v. *New York Central R. R. Co.*, 141 F. (2d) 483 (C. A. 7), certiorari denied, 323 U. S. 717; *Harrison* v. *Terminal R. R. Assn.*, 126 F. (2d) 421 (C. A. 8); *Harrison* v. *Kansas City Terminal Ry. Co.*, 126 F. (2d) 422 (C. A. 8); *Ryan* v. *Denver Union Terminal Ry. Co.*, 126 F. (2d) 782 (C. A. 10). See in this connection the record-keeping requirements contained in § 516.19 of this chapter.

3. Section 777.7 (c) is amended by adding a footnote numbered 7a to read as follows:

[7a] For a discussion of reimbursement for expenses such as "supper money", "travel expenses", etc., see § 778.7 (b) of Part 778—Overtime Compensation.

4. Section 777.11 (a) is amended to read as follows:

§ 777.11 *Nonovertime workweeks.* (a) When no overtime is worked by the employee, section 3 (m) and Part 531 of this chapter are applicable only to the minimum wage of 75 cents per hour for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of 75 cents an hour and is paid $30 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4.00, no consideration need be given to the question of whether such facilities meet the requirements of section 3 (m) and the regulations, since the employee has received in cash the statutory minimum wage of 75 cents for all hours worked. Similarly, where an employee is employed at a rate of 85 cents an hour and during a particular workweek works 40 hours for which he is paid $30 in cash, the employer having deducted $4.00 from his wages for facilities furnished, whether such deduction meets the requirements of section 3 (m) and Part 531 need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of 75 cents per hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the reasonable cost of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the reasonable cost of the facilities) below the required minimum. Accordingly, if an employee employed at a rate of 85 cents an hour works 40 hours in a workweek and is paid only $25 in cash, $9.00 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3 (m) and Part 531 of this chapter to determine if the employee has received the minimum of $30 (40 hours x 75 cents) in cash or in facilities which may be legitimately included in "wages" payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $25 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $5.00, the requirements of the act are met.[8] [Footnote 8 designated herein remains unchanged.]

5. Section 777.12 is amended as follows:

(a) The fourth sentence of paragraph (a) is amended to read as follows: "For example, if an employee is employed at a rate of 85 cents an hour (10 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 10 cents or $4.00 (see § 777.11)."

(52 Stat. 1069, as amended; 29 U. S. C. and Sup. 201–219)

Signed at Washington, D. C., this 22d day of June, 1951.

WM. R. MCCOMB, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 51-7357; Filed, June 27, 1951; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE, ARTICLE ONE HUNDRED AND THIRTY-NINE

Section 536.25 is rescinded and the following substituted therefor:

§ 536.25 *Claims under the Uniform Code of Military Justice, Article One Hundred Thirty-Nine* — (a) *Scope.* Claims for damage to or loss or destruction of property by members of the Armed Forces are, subject to the limitations of paragraph (b) of this section, within Article 139, Uniform Code of Military Justice, provided such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property right as to carry an implication of guilty intent.

(b) *Limitations of application*—(1) *Claims payable under other regulations.* Claims for damage to or loss or destruction of property which are payable under other regulations (§§ 536.12–536.23, 536.26, 536.27 and 536.29) are not payable under the provisions of this section, and no stoppage of pay will be made under the provisions of this section to reimburse the Government for payments made under such other regulations.

(2) *Claims resulting from negligence.* Claims for damage to or loss or destruction of property resulting from simple negligence, whether or not within the scope of employment, are not payable under the provisions of this section.

(3) *Claims of subrogees.* Claims of subrogees are not within the provisions of this section. Any portion of the claim covered by insurance carried by the claimant, the offender, or a third party, will be disapproved.

(4) *Claims for personal injury or death.* Claims for personal injury or death are not payable under the provisions of this section.

(5) *Acts or omissions within scope of employment.* Claims for damage to or loss or destruction of property resulting from acts or omissions while the offender is acting within the scope of his employment, even though otherwise within the scope of Article 139, are not payable under the provisions of this section. See §§ 536.12–536.23 and 536.29.

(6) *Absence of riotous, violent, and disorderly conduct.* Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct, are not payable under the provisions of this section.

(7) *Government property.* Reimbursement for damage to or loss or destruction of property of the United States may not be required under the provisions of this section.

(8) *Contributory negligence.* Negligence or wrongful act of the claimant or his agent or employee acting within the scope of his employment, in whole or in part the proximate cause of the incident giving rise to the claim, bars payment under the provisions of this section.

(9) *Time limitation.* If a claim is to be considered under the provisions of this section, a complaint must have been made within 60 days of the date of the incident giving rise to the claim, unless the commanding officer taking action on the report of the board of officers determines that good cause has been shown for the delay in making the complaint. Such commanding officer's determination that good cause has or has not been shown is final.

(10) *Limitation on damages.* No assessment will be made except for the damage, loss or destruction of property caused directly by the acts of the offender.

(c) *Action by injured party.* Any person who believes that his property was willfully damaged or wrongfully taken by a member of the Armed Forces may complain, orally or in writing, to the commanding officer of the person alleged to be the offender. If the unit of the alleged offender is unknown, the injured party may complain to the commanding officer of the nearest unit or

installation. The complaint may be accompanied by a claim for damages. Such a claim should be in writing, in triplicate, and for a definite amount. Where appropriate, such a claim may be regarded as the complaint.

(d) *Effect of court-martial proceedings.* Administrative action under the provisions of this section is separate and distinct from, and is not affected by, any disciplinary action taken, or to be taken, against the offender; consequently such a person may be tried and punished for any military offense involved without regard to proceedings under the provisions of this section. In such cases the two proceedings, one disciplinary and the other administrative, are legally independent of each other and action in one proceeding is not determinative in the other.

(e) *Conditions of payment.* Prior to payment of any claim within the provisions of this section, each of the following conditions must be fulfilled:

(1) The claim must be in writing and for a definite amount.

(2) The complaint to which the claim relates must have been presented within 60 days of the incident unless good cause for the delay is shown.

(3) The damage to or loss or destruction of the property must not have been covered by insurance.

(4) The amount of the damage, loss, or destruction must be determined.

(5) The claim must relate to property only, not including property of the Government.

(6) Claims resulting from simple negligence will not be recognized.

(7) Riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights, must be a proximate cause.

(8) Subrogation claims will not be recognized.

(9) The negligence or act of the claimant, his employee or agent, must not have contributed to the cause of the incident from which the claim arose.

(10) Payment must be recommended in the board of officers' report and be approved personally by the offender's commanding officer.

(11) The commanding officer must have ordered a stoppage of pay.

(12) Claims payable under §§ 536.12–536.23, 536.26, 536.27, and 536.29 are not payable under the provisions of this section.

(f) *Claims arising prior to May 31, 1951.* Claims under Article of War 105 (sec. 1, 41 Stat. 808; 10 U. S. C. 1577) arising from incidents occurring prior to May 31, 1951 will continue to be processed under regulations then in effect (§ 536.25, 13 F. R. 5980). See section 4, act of May 5, 1950 (Pub. Law 506, 81st Cong.)

[AR 25–80, May 29, 1951] (Pub. Law 506, 81st Cong.)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–7351; Filed, July 27, 1951; 8:45 a. m.]

Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

Correction

In Federal Register Document 51–7153, published at page 5930 of the issue for Friday, June 22, 1951, the word "executed" in the eighth line of subparagraph (1) of § 512.1 (a) should read "unexecuted".

Chapter XVI—Selective Service System

PART 1626—APPEAL TO APPEAL BOARD

PART 1642—DELINQUENTS

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 1626.11, 1626.13, 1642.41, 1642.44 and 1642.46, and revocation of § 1642.45, see Executive Order 10258, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 9, Amendment 2]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

ADDITIONAL EXEMPTIONS OF CERTAIN MILITARY ITEMS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment frees from ceiling price restrictions imposed by the Office of Price Stabilization, certain sales of additional military commodities which fall within the broad category of industrial manufactured goods. Since this amendment is an addition of certain commodities to those items already exempted by certain provisions of Amendment 1 to this regulation, the statement of considerations involved in the issuance of Amendment 1 to this regulation is equally applicable to the issuance of this amendment.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respect:

1. Section 2 (a) (5) (i) is amended to read as follows:

(i) Aircraft, armored trains, electric and communication devices, ground handling equipment for aircraft, instruments, radar, range finders, sonar, military tactical trucks and trailers, tanks, self-propelled artillery, cargo tractors, amphibious cargo tractors, and armored infantry carriers.

(Sec. 704, Pub. Law 774, 81st Cong.)

This Amendment 2 to General Overriding Regulation 9 shall be effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51–7506; Filed, June 27, 1951; 11:40 a. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 2]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 2—MACHINE TOOLS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits a manufacturer of machine tools or machine tool attachments to increase his ceiling prices determined under CPR 30 to reflect increased costs due to the increased use of overtime and shift premium hours and increased subcontracting since the end of the manufacturer's base period. These increases in cost are to be determined on a current basis.

Adequate production of machine tools is basic to the defense effort. However, the current production of this industry has been at a relatively low level. Within the past five months, orders have been placed by the armed services and persons producing military goods for the armed services to such an extent that the average delay in delivery of machine tools is twenty to twenty-two months.

In recognition of the essentiality of machine tool production the National Production Authority issued Orders M–40 and M–41 on February 28, 1951. These orders require machine tool manufacturers to reserve 70 percent of their production for the armed services or for contractors specified by the armed services. Further, machine tool manufacturers are required to file the orders they receive with the National Production Authority and to make deliveries in accordance with directives from that Agency in an order of preference established by them in consultation with the Munitions Board representing the armed services.

As of March 1, 1951, the machine tool industry was producing at the rate of $432,000,000 a year. It is expected that by the end of 1951 this industry will be producing at an annual rate of $1,000,000,000 a year in order to provide a firm mobilization base. This production goal can be realized only by the extended use of subcontracting and the use of overtime and second and third shift operations. In many cases this method of operation will greatly increase the costs of production. The procurement agencies have, nevertheless, requested maximum use of these methods of operation.

In view of the fact that these increased costs are necessary to the defense program, the Director of Price Stabilization has determined that the ceiling prices of machine tools and machine tool attachments may be increased to reflect these increased costs.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sellers and sales covered by this supplementary regulation.
3. Modification of labor cost adjustment for increased overtime hours.
4. Modification of labor cost adjustment for increased shift premium hours.
5. Addition for increase in subcontracting.
6. Redetermination of ceiling prices.
7. Applicability of provisions of CPR 30.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits you to reflect in your ceiling prices for machine tools and machine tool attachments increases in your costs due to increased overtime or shift premium hours or increased subcontracting since the end of your base period. Increased costs for overtime and shift premiums are reflected in your ceiling prices by modifying the method of determining your labor cost adjustment set forth in CPR 30. Increased costs due to subcontracting are added to your ceiling prices determined under CPR 30.

This section is intended only as a general description to aid in understanding this supplementary regulation; the following sections are controlling.

SEC. 2. *Sellers and sales covered by this supplementary regulation.* This supplementary regulation covers you if you are a manufacturer located in the United States, its territories or possessions, or the District of Columbia. It applies to any sale of any new and unused machine tool or machine tool attachment, as to which you are the manufacturer, except sales at retail. The terms "machine tool" and "machine tool attachment" are defined in section 8 (Definitions).

SEC. 3. *Modification of labor cost adjustment for increased overtime hours.* This section permits you to reflect increased overtime hours in your ceiling prices by modifying the provisions of CPR 30 dealing with the calculation of your labor cost adjustment (sections 12 and 13 of CPR 30). You may do this either on the basis of the percentage increase in your total labor costs due to increased overtime hours (this method is set forth in paragraph (a) of this section) or on the basis of the percentage increase in your labor costs, due to increased overtime hours for each classification of labor (this method is set forth in paragraph (b) of this section).

(a) *Percentage increase of total labor costs.* If you figure your adjustment for increased overtime hours on this basis, you shall do the following:

(1) Select any four consecutive payroll periods after the end of your base period which end not later than the date when you file the report required by section 46 of CPR 30.

(2) Determine the total amount you paid for overtime premium for the payroll periods you selected under subparagraph (1) of this paragraph.

(3) Divide the amount determined under subparagraph (2) of this paragraph by the dollar amount of your total payroll, less payment for overtime premium, for the payroll periods you selected under subparagraph (1) of this paragraph.

(4) On the basis of your current wage payments, e. g. hourly rates, piecework or any other system of wage payments used by you (exclusive of overtime premium), determine the dollar amount of your total payroll for the last payroll period ended not later than the end of your base period.

(5) Multiply the amount determined under subparagraph (4) of this paragraph by the percentage determined under subparagraph (3) of this paragraph.

(6) Make the calculations required by paragraphs (a), (b) and (c) of section 12 of CPR 30.

(7) Add the amount determined under subparagraph (5) of this paragraph to your recomputed payroll determined under section 12 (c) of CPR 30.

(8) Make the remaining calculations required by paragraphs (d), (e) and (f) of section 12 of CPR 30, using in these calculations your recomputed payroll determined under subparagraph (7) of this paragraph. The result is your labor cost adjustment which is to be applied to your base period price determined under CPR 30.

(9) Where you are calculating your labor cost adjustment upon the basis of a unit of your business under section 13 of CPR 30, make the same calculations as those required by subparagraphs (1) through (8) of this paragraph for the unit of your business for which you are calculating your labor cost adjustment under section 13 of CPR 30.

(b) *Percentage increase for each classification of labor.* If you figure your adjustment for increased overtime for each classification of labor separately, you shall do the following:

(1) Make the calculations required by paragraph (a) (1) through (5) of this section for each classification of labor.

(2) Total the amounts determined under subparagraph (1) of this paragraph for each classification of labor.

(3) Make the calculations required by paragraph (a) (7) through (9) of this section.

SEC. 4. *Modification of labor cost adjustment for increased shift premium hours.* You shall modify your labor cost adjustment for increased shift premium hours in the same manner as that set forth in section 3 of this regulation for modifying your labor cost adjustment for increased overtime hours, except that you shall use shift premium hours and shift premium, instead of overtime hours and overtime premium. If you have different shift premiums, depending upon the particular shift in which an employee works, you may determine your adjustment separately for each shift for which you have a different shift premium in effect. Also, if your accounting records permit you to do so, you may compute your overtime and shift premium adjustments together, instead of individually.

SEC. 5. *Addition for increase in subcontracting.* If, during your base period, you produced or processed an item and you are now subcontracting the production or processing of that item, you may add to your ceiling price determined under CPR 30, an amount equal to your increase in cost resulting from this change in your operations. (As used in this section, the word "item" means any complete machine tool or machine tool attachment, any part, subassembly or component of a machine tool or machine tool attachment, or any material used in the manufacture of a machine tool or machine tool attachment.) You must calculate the addition to your ceiling price due to increased subcontracting in one of three ways depending upon the manner in which you wish to charge the purchaser for your increased cost due to subcontracting. Paragraph (a) of this section applies to those cases where you charge the purchaser for your increased costs due to increased subcontracting for a particular machine tool or machine tool attachment; paragraph (b) of this section applies where you charge the purchaser a lump sum for your increased costs due to increased subcontracting for all machine tools or machine tool attachments he purchases pursuant to a contract with you; and paragraph (c) of this section applies where you wish to allocate your increased costs due to increased subcontracting over your entire sales of machine tools and machine tool attachments or over a portion of your entire sales. Your increased costs due to increased subcontracting shall be figured by using your current contract prices for subcontracting and those costs, if any, due to increased subcontracting (determined on a current basis) caused by the furnishing of tools or patterns to the subcontractor, the use of your employees in the subcontractor's plant, the use of engineering and supervising employees in your own plant on subcontracted work, and transportation expenses to and from the subcontractor's plant. Where you include the cost of the tools and patterns in your computation of your increased cost due to subcontracting, the cost of these tools or patterns must be allocated over the entire production in which they will be used. Once you have allocated the entire cost of tools or patterns you may not include the cost of such tools or patterns in computing your increased costs, due to subcontracting, for any subsequent contracts in which such tools or patterns are used.

(a) *Individual machine tool or machine tool attachment.* In order to determine your addition for increased subcontracting on an individual machine

tool or machine tool attachment basis, you do the following:

(1) Determine your current cost (not in excess of the applicable ceiling price as certified, in writing, by the subcontractor) of all subcontracted work entering into the production of the machine tool or machine tool attachment, which you performed in your own plant during the base period.

(2) Determine those costs, if any, due to increased subcontracting since the end of your base period (determined on a current basis) which enter into the production of the machine tool or machine tool attachment and are caused by the furnishing of tools or patterns to the subcontractor, the use of your employees in the subcontractor's plant, the use of engineering and supervisory employees in your own plant on subcontracted work, and transportation expenses to and from the subcontractor's plant.

(3) Total the amounts determined under subparagraphs (1) and (2) of this paragraph.

(4) Subtract from the amount determined under subparagraph (3) of this paragraph your current cost (estimated, if necessary) of performing this subcontracted work in your own plant. The result is the amount which you may add to your ceiling price of the machine tool or machine tool attachment.

(b) *Entire contract.* In order to determine your addition for increased subcontracting for all machine tools or machine tool attachments sold by you pursuant to a single contract, you do the following:

(1) Determine your current cost (not in excess of the applicable ceiling price as certified, in writing, by the subcontractor) of all subcontracted work, entering into the production of machine tools or machine tool attachments pursuant to the contract, which you performed in your own plant during your base period.

(2) Determine those costs, if any, due to increased subcontracting since the end of your base period (determined on a current basis) which enter into the production of machine tools or machine tool attachments pursuant to the contract and are caused by the furnishing of tools or patterns to the subcontractor, the use of your employees in the subcontractor's plant, the use of engineering and supervisory employees in your own plant on subcontracted work, and transportation expenses to and from the subcontractor's plant.

(3) Total the amounts determined under subparagraphs (1) and (2) of this paragraph.

(4) Subtract from the amount determined under subparagraph (3) of this paragraph your current cost (estimated, if necessary) of performing this subcontracted work in your own plant. The result is the amount which you may add to your ceiling price for the entire contract.

(c) *Allocation of increased subcontracting costs over your entire production or a portion of your production.* Where you wish to allocate your increased costs due to increased subcontracting over your entire production or a portion of your production, you must allocate the amount of such increased costs over the unit of your production, for which you have made the calculation, in such manner that you make the same percentage increase for each commodity which you produce in that unit of your production. You shall determine this percentage increase for increased costs, due to increased subcontracting, as follows:

(1) Estimate, for the next twelve months period, the total amount of your increase in costs, due to increased subcontracting, for the unit of your production for which you are making the calculation. You shall estimate this amount by making the calculation as required by paragraph (b) of this section, except that you shall make these calculations for the unit of your production over which you wish to allocate these increased costs and you shall make this estimate for the succeeding twelve months period.

(2) Estimate, for the next twelve months period, the total sales price of all machine tools and machine tool attachments, which you will deliver, during the succeeding twelve months period, in the unit of your production for which you are making the calculation. The total sales price that you must use for the purpose of this subparagraph must be the total of the ceiling prices, established by CPR 30 without reference to the increases permitted by this section for the machine tools and machine tool attachments.

(3) Divide the amount determined under subparagraph (1) of this paragraph by the amount determined under subparagraph (2) of this paragraph. The result is the percentage by which you may increase your ceiling price, established by CPR 30 without reference to the increases permitted by this section, to reflect increased costs due to increased subcontracting.

(4) You may use the percentage determined under subparagraph (3) of this paragraph for those deliveries which you make during the three months period immediately following the date when you calculated this percentage. At the end of this three months period, you shall recalculate your percentage increase to reflect increased costs, due to increased subcontracting. You shall make this recalculation for the same twelve months period, for which you made your original calculation. Also, you shall make this recalculation in the manner set forth in subparapraphs (1) through (3) of this paragraph, except that you shall reflect in this recalculation your actual experience during the past three months period and any changes which have occurred in your projected operations for the succeeding nine months period. The resulting percentage increase may only be used for the three months period immediately succeeding the date of your recalculation.

(5) You shall recalculate your percentage increase for increased costs due to increased subcontracting at the end of six and nine months in the manner set forth in subparagraph (4) of this paragraph. Again, the percentage increase which you calculate may be used only for the succeeding three months period.

(6) When twelve months have elapsed since the date when you made your original estimate of your increased costs, due to increased subcontracting, for that twelve months period, you shall determine the actual total dollar amount of your increased costs due to increased subcontracting (for the unit of your production for which you have made the calculation) during the twelve months period. If the total dollar amount by which you have increased (to reflect increased costs due to increased subcontracting) the total sales prices of all deliveries which you made during this twelve months period, exceeds by more than five percent the actual dollar amount of your increased costs, due to increased subcontracting, during this period, you must refund the entire excess to your customers. You must make this refund within sixty days after the twelve months period has elapsed.

(7) You shall determine the refund required by subparagraph (6) of this paragraph as follows: First, for the twelve months period, in question, divide the actual total dollar amount of your increased costs due to increased subcontracting, for the unit of your production for which you have made the calculation, by the total dollar amount of your deliveries for this unit of your production. Then, subtract this percentage from the percentage by which you have increased the sales price (to reflect increased costs due to increased subcontracting) for each delivery which you made during this twelve months period. You then determine the amount of the refund by applying the resultant percentage to the price (excluding the addition made for increased costs due to increased subcontracting) at which you delivered the machine tool or machine tool attachment.

(8) If, during the twelve months period the amount, which you have added for increased costs, due to increased subcontracting, exceeds the actual amount of such increased costs for that period by 5 percent or less, you need not make a refund to your customers. However, you must decrease the amount of your estimate of increased costs, due to increased subcontracting, for the next twelve months period, to reflect the amount of such excess. Also, you must subtract the amount of such excess from your actual increased costs, due to increased subcontracting, for the next twelve months period, for the purpose of determining the refund, if any, which you must make to your customers.

(9) After twelve months have elapsed after your first calculation of increased costs, due to increased subcontracting, you shall determine your addition for such increased costs for the ensuing twelve months period in the manner set forth in subparagraphs (1) through (5) of this paragraph. Also, at the end of this twelve months period, you must determine the refund, if any, which you must make to your customers in the manner set forth in subparagraphs (6) through (8) of this paragraph.

SEC. 6. *Redetermination of ceiling prices*—(a) *Increased overtime and shift premium hours.* On October 1, 1951 and every three months thereafter you shall redetermine the modification of your labor cost adjustment to reflect increased overtime and shift premium hours. You shall make this redetermination in the manner set forth in section 3 of this regulation, except that you shall use in your calculations any four consecutive payroll periods in the three months period immediately preceding the date when you are required to make this redetermination.

(b) *Addition for increase in subcontracting.* Where you are determining your increased costs due to increased subcontracting separately for each machine tool or machine tool attachment, or where you are determining such increased costs for each contract, you must redetermine such increased costs separately for each machine tool or machine tool attachment, or each contract, as the case may be. Where you are allocating such increased costs over your entire production or a portion of your production, you must redetermine your addition for such increased costs every three months in the manner set forth in section 5 (c) of this regulation.

(c) *Prohibition against redetermination of ceiling prices.* Except as required by paragraphs (a) and (b) of this section, you may not redetermine your ceiling prices to reflect increased costs due to increased subcontracting or increased overtime and shift premium hours.

SEC. 7. *Applicability of provisions of CPR 30.* Except to the extent expressly modified or supplemented by this supplementary regulation, all provisions of CPR 30 shall be applicable to any manufacturer subject to CPR 30 who uses this supplementary regulation. Thus, by way of illustration, reports on Public Form 8 must be filed in accordance with sections 44 and 46 of CPR 30; the 15-day waiting period prescribed by those sections in cases where a ceiling price higher than that under the General Ceiling Price Regulation is reported, must be observed; and the limitations upon the use of sections 17 and 20 of CPR 30 must be complied with.

SEC. 8. *Definitions*—(a) *CPR 30.* This term means Ceiling Price Regulation 30 issued by the Director of Price Stabilization on May 4, 1951.

(b) *Machine tool.* This terms means any power driven machine used for shaping metal by cutting, abrading, straightening, forcing, forging or forming under pressure.

(c) *Machine tool attachment.* This term means any accessory equipment furnished with a machine tool, or separately for use on a machine tool. This term does not include engines, motors, drives, oil pumps or similar items.

All definitions used in CPR 30 which are pertinent to this supplementary regulation are incorporated in this supplementary regulation by this reference.

Effective date. The effective date of this supplementary regulation is June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7509; Filed, June 27, 1951; 12:26 p. m.]

[Distribution Regulation 1, Supplement 1, Amendment 2]

DR I—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPP. I—QUOTA PERCENTAGES FOR LIVESTOCK PERIODS ON AND AFTER JULY 1, 1951

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 2 to Supplement 1 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. Based on preliminary information as to indicated marketings of livestock during July, it appears that in order to obtain equitable distribution of livestock which is expected to come to market quotas for the several species must be established at the percentages of the comparable period of 1950 shown below:

Cattle	90
Calves	85
Sheep and Lambs	85
Swine	105

These percentages apply to the slaughter of livestock for the civilian supply of meats. The Armed Forces requirements for meats derived from the slaughter of cattle and swine are provided for by the 15 percent quota adjustment granted to Federally inspected slaughterers under Amendment 6 to Distribution Regulation 1, issued June 22, 1951. Pursuant to that amendment Federally inspected slaughterers, without prior approval from OPS, are permitted to increase their quotas for cattle and swine to the extent that they supply the resulting meat to the Armed Forces or to persons supplying the Armed Forces. Such increase in quotas for cattle and swine may not exceed 15 percent of the slaughterers' civilian quota for those species.

The quota percentages shown above apply to slaughterers' accounting periods beginning on or after July 1, 1951.

Amendatory provisions. Table 1 of Supplement 1 to Distribution Regulation 1 is amended by adding the following paragraph:

(c) For quota periods beginning on or after July 1, 1951:

	Percent
Cattle	90
Calves	85
Sheep and Lambs	85
Swine	105

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7510; Filed, June 27, 1951; 12:26 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Amendment No. 1 to NPA Order M-2, as amended May 21, 1951]

M-2—RUBBER

This amendment is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this amendment consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-2, as amended May 21, 1951, is further amended in the following respects:

1. Section 20 is hereby redesignated section 21 and all subsequent sections redesignated accordingly.

2. A new section designated section 20 shall be added to read as follows:

SEC. 20. *Limitation on high-tenacity rayon for rubber products.* (a) No person shall, in the third calendar quarter of 1951, or in any calendar quarter thereafter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (other than those products required to fill any contract of the Department of Defense or any division thereof or of the Atomic Energy Commission) than his average quarterly use of high-tenacity rayon in such manufacture during the 6 months ending June 30, 1951.

(b) No person shall, during any such quarter, order more high-tenacity rayon than the quantity he is permitted to use during such quarter pursuant to paragraph (a) of this section.

(c) "High-tenacity rayon" as used in this section includes singles yarn, plies, cord, and cord fabric.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7456; Filed, June 26, 1951; 2:53 p. m.]

[NPA Order M-45, Schedule 7]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHEDULE 7—SEBACIC ACID

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

Sec.
1. Definition.
2. General provisions.
3. Filing date and unit of measure.

Sec.
4. Termination of NPA authorization to use.
5. Limitation on inventory.
6. Certified statement of proposed use.
7. Supplier's application of Form NPAF-47.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Public Law 774, 81st Cong.

SECTION 1. *Definition.* "Sebacic acid" means the organic dibasic acid having the general formula $HOOC(CH_2)_8COOH$.

SEC. 2. *General provisions.* Sebacic acid is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is July 1, 1951. The allocation period is the calendar month. There is no small order exemption.

SEC. 3. *Filing date and unit of measure.* The filing date for Form NPAF-47 is the twentieth day of the month before the proposed delivery month. Applications relating to the allocation period commencing July 1, 1951, should be filed as soon as possible. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* An authorization by NPA for any person to use sebacic acid shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to sebacic acid.

SEC. 6. *Certified statement of proposed use.* Every person who purchases sebacic acid from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45. Where more than one end-use is listed for a particular product, a separate quantity should be specified for each such end-use.

SEC. 7. *Supplier's application on Form NPAF-47.* Every supplier of sebacic acid is required to apply on Form NPAF-47 for authorization to deliver or to use any quantity of sebacic acid. General instructions on preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. A supplier who wishes to use any sebacic acid which he has produced himself should list his own name as a customer on Form NPAF-47.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-45, Schedule 7.

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This schedule shall take effect, except as otherwise provided herein, on June 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7460; Filed, June 26, 1951; 2:55 p. m.]

[NPA Order M-45, Schedule 8]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHEDULE 8—METHYL CHLORIDE

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

Sec.
1. Definition.
2. General provisions.
3. Filing date and unit of measure.
4. Termination of NPA authorization to use.
5. Limitation on inventory.
6. Certified statement of proposed use.
7. Supplier's application on Form NPAF-47.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definition.* "Methyl chloride" (CH_3Cl) means technical grade, non-corrosive, liquefiable gas.

SEC. 2. *General provisions.* Methyl chloride is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is July 1, 1951. The allocation period is the calendar month. The small order exemption is one cylinder, of a capacity not in excess of 90 pounds, per person, per month.

SEC. 3. *Filing date and unit of measure.* The filing date is the fifteenth day of the month before the proposed delivery month. Applications relating to the allocation period commencing July 1, 1951, should be filed as soon as possible. The basic unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* An authorization by NPA to any person to use methyl chloride shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to methyl chloride.

SEC. 6. *Certified statement of proposed use.* Every person who purchases methyl chloride from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45. This statement should specify the products and end-uses for which the methyl chloride is being purchased. Where more than one end-use is listed for a particular product, a separate quantity should be specified for each such end-use.

SEC. 7. *Supplier's application on Form NPAF-47.* Every supplier of methyl chloride is required to apply on Form NPAF-47 for authorization to deliver or to use any quantity of methyl chloride in excess of the small order exemption. General instructions on the preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. Each supplier shall list individual purchasers and should specify in column (2) product and end-use, as for example, "retarder for use in rubber manufacture" or "coolant for refrigeration." A supplier who wishes to use any methyl chloride which he has produced himself should list his own name as a customer on Form NPAF-47.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-45, Schedule 8.

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, (5 U. S. C. 139-139F).

This schedule shall take effect, except as otherwise provided herein, on June 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7459; Filed, June 26, 1951; 2:54 p. m.]

[NPA Order M-71]

M-71—PRIORITIES ASSISTANCE TO TECHNICAL AND SCIENTIFIC LABORATORIES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different kinds of laboratories performing different functions and engaged in a wide variety of projects.

Sec.
1. What this order does.
2. Definitions.
3. How a laboratory may obtain a small quantity of controlled materials.
4. Class A products.
5. Authorization of ratings for products and materials other than controlled materials.
6. Applications for quota assistance.
7. Restrictions on priorities assistance.
8. Relation to other regulations and orders.
9. Applications for adjustment or exception.
10. Communications.
11. Records.
12. Audit and Inspection.
13. Reports.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide assistance to technical and scientific laboratories in the procurement of needed supplies and materials. To accomplish this purpose, such laboratories, as defined in this order, are permitted to apply an allotment symbol and certification to obtain a small quantity of controlled materials and a rating and certification to obtain a small quantity of products and materials other than controlled materials. In the event that more than a small quantity of controlled materials, and products and materials other than controlled materials, is required, a mechanism is provided by section 6 of this order under which laboratories will be assigned a quota of such controlled materials, and products and materials other than controlled materials on a quarterly basis.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government, or of any other government.

(b) "Laboratory" means any person located in the United States, its territories or possessions, who carries on scientific or technological investigation, testing, or development or experimentation as his regular business or in the course of his business and who buys any materials especially for that purpose, even though he does not have a separate department or organization in his company or institution for these activities. The term "laboratory" includes, without limitation, research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale or public distribution even though the place in which the products are manufactured may be called a laboratory.

(c) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind. The term includes, but is not limited to, maintenance, repair, and operating supplies for laboratories, equipment and instruments designed for use in laboratories, and other materials needed to carry on scientific or technological investigation, testing, or development or experimentation. The term also includes such items as hand tools and safety equipment purchased by a laboratory for sale to its employees for use only in the laboratory activities.

(d) "Delivery order" means any purchase order, contract, or shipping or any other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(e) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(f) "Small quantities of controlled materials" means not in excess of the amounts for each material for any one calendar quarter as specified in the list below:

Carbon steel (including wrought iron)	5 tons.
Alloy steel (except stainless steel)	½ ton.
Stainless steel	300 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	500 pounds.
Aluminum	500 pounds.

(g) "NPA" means the National Production Authority.

SEC. 3. *How a laboratory may obtain a small quantity of controlled materials.* On delivery orders calling for delivery after June 30, 1951, a laboratory may obtain controlled materials in small quantities (as defined by section 2 (f) of this order) which are needed for carrying on scientific or technological investigation, testing, or development or experimentation by placing on its delivery orders the allotment symbol X1 and a certification which shall read as follows:

Certified under NPA Order M-71

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of this order to obtain the products or materials covered by the delivery order. Such orders are authorized controlled material orders for the purpose of all CMP regulations, as provided by section 2 (q) of CMP Regulation No. 1.

SEC. 4. *Class A products.* (a) In order to obtain class A products (as defined in section 2 (j) of CMP Regulation No. 1) needed for carrying on scientific or technological investigation, testing, or development or experimentation, a laboratory must ascertain from its supplier the quantity of controlled materials required in the manufacture of the said class A products. In the event that the quantity of controlled materials required for the manufacture of the said class A products for the calendar quarter in which it is desired to place such a delivery order, including the laboratory's own requirements for controlled materials for the same calendar quarter, does not exceed the small quantity of controlled materials, as defined in section 2 (f) of this order, the laboratory may make an allotment thereof to its supplier of class A products in the same manner as prescribed in section 12 of CMP Regulation No. 1, on Form CMP-5 as set forth in Schedule II of CMP Regulation No. 1, which shall be attached to the delivery order.

(b) In cases where an order for class A products for any one calendar quarter will cause a laboratory to exceed the small quantity limitations prescribed in sections 2 (f) and 3 of this order, a laboratory may obtain such products by applying for a quota under section 6 of this order and including in the application Form NPAF-109 the controlled materials requirements of its class A product suppliers. After a quota is assigned, the laboratory may make an allotment within the limits thereof to its supplier of class A products in the same manner as prescribed in paragraph (a) of this section.

(c) In every case covered by paragraphs (a) or (b) of this section the delivery order involved shall bear the rating DO-X1, the calendar quarter for which the allotment is valid (as prescribed by section 11 (b) of CMP Regulation No. 1), and the certification prescribed in section 5 of this order.

(d) The provisions of this section shall apply only to delivery orders calling for delivery after June 30, 1951.

SEC. 5. *Authorization of ratings for products and materials other than controlled materials.* On delivery orders calling for delivery after June 30, 1951, a laboratory is hereby authorized to apply the rating DO-X1 to obtain delivery of its requirements of products and materials other than controlled materials which are needed for carrying on scientific or technological investigations, testing, or development or experimentation: *Provided, however,* That the total purchase price for all such products and material shall not exceed $3,000 during any one quarter. In such case the delivery order shall bear the rating DO-X1 and a certification which shall read as follows:

Certified under NPA Order M-71

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this order to obtain the products or materials covered by the delivery order.

SEC. 6. *Applications for quota assistance.* (a) A laboratory which estimates that its requirements of controlled materials (including the requirements thereof of its supplier of class A products, as provided in section 4 of this order) for any one calendar quarter will exceed the small quantities of controlled materials as defined by section 2 (f) of this order, may apply to the National Production Authority, Washington 25, D. C., on Form NPAF-109, in triplicate, for a quota of such materials. NPA may assign a quota of controlled materials to such a laboratory by returning a copy of the said form to the laboratory with the allowable quota inserted in the appropriate space on the form.

(b) A laboratory which estimates that its requirements of products and materials other than controlled materials for any one calendar quarter will exceed the quantity allowed by section 5 of this order, may apply to the National Production Authority, Washington 25, D. C., on Form NPAF-109, in triplicate, for a quota of such products and materials. NPA may assign a quota of products and materials other than controlled materials to such laboratory by returning a copy of the said form to the laboratory with the allowable quota inserted in the appropriate space on the form.

(c) Where a laboratory is assigned a quota by NPA as provided by paragraphs (a) and (b) of this section, it is hereby authorized to place on its delivery orders the same allotment symbol and certification in the case of controlled materials as provided by section 3 of this order and to apply the same rating and certification in the case of products and materials other than controlled materials as pro-

vided by section 5 of this order: *Provided, however*, That in no case may such a laboratory exceed its authorized quota for any one calendar quarter without express permission in writing from NPA.

(d) Forms NPAF–109, applications for quota assistance, will be available at all regional offices of NPA and may be filed for the third calendar quarter at any time after the effective date of this order. Subsequent to the third calendar quarter of 1951, however, such application forms must be filed on or before the fifteentn day preceding the first day of the calendar quarter.

(e) Quotas under this section will be assigned only to laboratories which are engaged in scientific or technological investigation, testing, or development or experimentation, and then only in cases where NPA determines that the project or projects for which quotas are desired are highly essential to the national defense or affect the public health or safety.

SEC. 7. *Restrictions on priorities assistance.* (a) No person may use any of the materials or products obtained under the provisions of this order for use in activities other than scientific or technological investigation, testing, or development or experimentation.

(b) No person may make trial production runs of experimental models which are made with materials or products obtained under this order.

(c) No person may use any of the materials or products obtained under the provisions of this order for the manufacture of experimental models which are to be distributed for the purpose of promoting sales or creating a consumer demand for the article. However, the provisions of this order may be used to get materials or products for the production of experimental models which are intended to be used only for scientific or technological investigation, testing, or development or experimentation.

SEC. 8. *Relation to other regulations and orders.* (a) This order supplements NPA Reg. 2, as amended, which sets forth the basic rules of the priorities system, and provisions of that regulation govern the use of the DO rating herein assigned, except to the extent that the provisions of this order are inconsistent with that regulation.

(b) The provisions of this order do not authorize the use of any materials where such use is prohibited by any other applicable NPA order, but any laboratory which uses the DO rating herein assigned may use any materials or parts so obtained regardless of the limitations on the rate of use stated in any applicable NPA order, except insofar as such order may limit the specifications of a product as to material content. No provision of this order, however, shall supersede any requirement of any other applicable NPA order that any material or part may be obtained only by allocation; nor shall any provision of this order supersede any such provision of CMP regulations, except to the extent that the provisions of this order are inconsistent therewith.

(c) Within 30 calendar days of the effective date of this order, a laboratory must make an election either to continue to avail itself of the provisions of NPA Reg. 4 or to operate under the provisions of this order. Under no circumstances may it avail itself of the provisions of both NPA Reg. 4 and this order. In the event that a laboratory uses the provisions of this order for any purpose whatsoever, it will be considered to have made an election to operate under the provisions of this order, and such election may not thereafter be altered in any way without specific authorization in writing by NPA. A laboratory electing to continue to avail itself of the provisions of NPA Reg. 4 must notify NPA of such election within 30 calendar days of the effective date of this order, or it will be assumed that the laboratory has elected to operate under the provisions of this order.

(d) A laboratory electing to operate under the provisions of this order may use any of its provisions to obtain the chemicals described in item 1, table I, of NPA Reg. 4, but may not use any of its provisions to obtain any other item appearing in the said table I of NPA Reg. 4, as the same may be amended from time to time. This exemption, however, shall not be applicable to a laboratory which elects to continue to operate under NPA Reg. 4. The limitations contained in table II of NPA Reg. 4 and section 31 (list A) of NPA Reg. 2, as the said regulations may be amended from time to time, with respect to certain items and materials which are subject to regulation by other Government agencies, or which are not subject to rating by NPA, shall continue to apply under this order.

(e) Notwithstanding any of the foregoing provisions of this section, this order shall not be construed as revoking or preventing the use of any authority delegated by NPA to any other Government agency to use any other rating that may have been assigned to it to obtain any of the products or materials for which such rating has been assigned.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–71.

SEC. 11. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 12. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of receiving further deliveries of products or materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7458; Filed, June 26, 1951; 2:54 p. m.]

[NPA Order M–72]

M–72—CHEMICAL WOOD PULP

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Relation to other NPA orders and regulations.
4. Inventories.
5. Limitation on consumption.
6. Reserve production.
7. Reports.
8. Applications for adjustment or exception.
9. Communications.
10. Records.
11. Audit and inspection.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of market chemical wood pulp. It also limits the consumption of market chemical wood pulp to 95 percent of 1950 use so that the anticipated decreased supply may be distributed equitably through normal channels of distribution. In order to assure the maximum production of paper and paper products and to spread the supply of pulp fairly throughout the industry, this order also provides for a 3 percent production reserve of chemical wood pulp manufactured by integrated mills and of captive chemical wood pulp.

SEC. 2. *Definitions.* As used in the order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Chemical wood pulp" means all grades of wood pulp, whether bleached or unbleached, produced by the sulfite, sulfate, or soda processes for any type of wood. It does not mean semichemical, groundwood, defibrated, or exploded wood fiber pulps, or screenings from any process.

(c) "Market chemical wood pulp" means any chemical wood pulp which is sold, purchased, or otherwise exchanged between two persons irrespective of where such transactions take place, excluding captive chemical wood pulp.

(d) "Captive chemical wood pulp" means any chemical wood pulp produced by a person in the United States or elsewhere and consumed by or subject to the disposition of the same person or a person under the same ownership or control at a separate geographical location in the United States. Such captive pulp becomes market pulp when sold or otherwise transferred to a person not affiliated with its producer.

(e) "Base consumption" means one-quarter of that quantity of market chemical wood pulp used by a person during the calendar year 1950 in the manufacture of paper and paperboard.

(f) "Producer" means any person who manufactures chemical wood pulp or any person who controls, through a foreign affiliate, deliveries of chemical wood pulp, captive or market, in the United States.

(g) "Production" means a producer's production of chemical wood pulp, his deliveries of chemical wood pulp, captive or market, in the United States from a foreign affiliate, or both.

(h) "NPA" means National Production Authority.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or any other order which are inconsistent with this order are superseded, but in all other respects such regulations and other orders shall continue to apply. Nothing in this order shall be deemed to remove wood pulp from List A of NPA Reg. 2.

SEC. 4. *Inventories.* (a) On and after September 1, 1951, no person who consumes market chemical wood pulp shall receive or accept delivery of any quantity of such pulp if his inventory of all grades of such pulp combined (including on hand and stored for his account) is, or by such receipt or delivery would become, more than a 45-day supply (50 percent of his current quarterly consumption) or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less, to the nearest carload: *Provided, however*, That the inventory restrictions of this order shall not apply to nitrating grades of dissolving pulp for ordnance purposes.

(b) On and after July 1, 1951, no person who consumes market chemical wood pulp shall receive or accept delivery of any quantity of such pulp sold out of reserve production, in accordance with section 6 of this order, if his inventory is, or by such receipt or delivery would become, more than that allowed by paragraph (a) of this section.

SEC. 5. *Limitation on consumption.* (a) On and after July 1, 1951, no person shall consume, put into process, or otherwise use for the manufacture of paper or paperboard, an amount of market chemical wood pulp in any calendar quarter greater than 95 percent of his base consumption: *Provided, however*, That, if a person's actual consumption of such material in any calendar quarter subsequent to July 1, 1951, falls below 95 percent of his base consumption, he may use an additional amount equivalent to such deficiency in the next succeeding calendar quarter to maintain his average use at a 95 percent rate.

(b) A person who both consumes and sells market chemical wood pulp may consume all or part of the pulp that he is required by paragraph (b) of section 6 to offer for sale provided he reduces his consumption of market chemical wood pulp by an equivalent amount below the consumption otherwise authorized by this section. (See example following section 6 (f)).

SEC. 6. *Reserve production.* (a) For the calendar quarter beginning July 1, 1951, and for each calendar quarter thereafter, each producer shall reserve 3 percent of his estimated production of each grade of chemical wood pulp, including his estimated deliveries of each grade of captive chemical wood pulp during such quarter: *Provided, however*, That any producer who manufactures several grades of chemical wood pulp may file a written application with NPA requesting authorization to concentrate his reserve production in one or more grades of such pulp.

(b) If, however, in the first quarter of 1951, such producer delivered a percentage of his production of chemical wood pulp to unaffiliated persons in the United States, he shall, except as qualified by paragraph (b) of section 5 of this order, offer for sale the same percentage of his estimated production in each calendar quarter, and the 3 percent reserve required by this section shall apply to the balance of his estimated production for such quarter.

(c) Each producer shall, during the month preceding the calendar quarter to which the reserve production requirement applies, and until the fifteenth day of the third month of such quarter, offer for sale to persons in the United States authorized by this order to consume market chemical wood pulp a total tonnage not less than the amount of such producer's reserve production as determined under this section, except that this paragraph shall not apply to the month of June 1951.

(d) On the fifteenth day of each calendar month, beginning July 15, 1951, each producer shall notify NPA by telegram of the amount of its reserve production, by grades, sold and not sold, for the current calendar quarter, in accordance with paragraph (c) of this section. Any consumer of market chemical wood pulp unable to obtain his minimum operating requirements may, at any time prior to the fifteenth day of the final month of each calendar quarter, secure from NPA the names of producers with unsold reserve production. At any time up to and including the fifteenth day of the final month of the quarter, any reserve balances that a producer has not sold must be sold pursuant to such directives as NPA may issue with respect thereto. Any reserve balances which, after the fifteenth day of the final month of the quarter, have not been sold or which have not then been covered by a directive from NPA are released and may be used or otherwise disposed of by a producer.

(e) Any chemical wood pulp which a producer sells in any calendar quarter pursuant to this order shall be shipped as nearly as practicable pro rata over such quarter, and all shipments shall be completed not later than the last day of the calendar quarter to which the reserve production requirement applies.

(f) A producer who also consumes market chemical wood pulp may retain and use all or part of his reserve production provided he reduces by an equivalent amount his consumption of market chemical wood pulp below the amount he is authorized to consume by section 5 of this order.

Example showing application of sections 5 (b), 6 (b), and 6 (f): The A B C Paper Company consumed, in 1950, 12,000 tons of market chemical wood pulp and 16,000 tons of bleached sulfate produced by its subsidiary, the X Y Z Pulp Company. In the first quarter of 1951, it sold 20 percent of the X Y Z Pulp Company's total production of bleached sulfate. It estimates that, for the third quarter of 1951, its production of bleached sulfate at X Y Z Pulp Company will total 5,000 tons.

For the third quarter of 1951, the A B C Paper Company has the following options:

(1) It may consume 2,850 tons of market chemical pulp (95 percent of average quarterly consumption in 1950), sell 1,120 tons of bleached sulfate produced at X Y Z (20 percent of its estimated total production plus 3 percent of balance), and consume the remaining 3,880 tons of X Y Z's estimated

production. (Estimated production of 5,000 tons less sales of 1,120 tons.)

(2) It may withdraw entirely from the sale of bleached sulfate, consume 5,000 tons of X Y Z's production (3,880 tons plus 1,120 tons), and reduce its consumption of market chemical pulp to 1,730 tons (2,850 tons minus 1,120 tons).

(3) It may withdraw from sale any amount of bleached sulfate up to 1,120 tons reserved and reduce its consumption of market chemical pulp by an equivalent amount.

(g) If, in any calendar quarter, a producer's actual production of any grade of chemical wood pulp is more or less than his estimated production for purposes of paragraphs (a) and (b) of this section, such producer's reserve production for the succeeding calendar quarter must be increased or may be decreased by the amount of such differences.

SEC. 7. *Reports.* (a) Every producer or consumer of wood pulp shall report each month his production, transfer, shipments, receipts, consumption, and inventory of pulpwood, wood pulp, waste paper, and other fibers on Census Forms M–14A and M–14E.

(b) Every consumer of wood pulp in the manufacture of paper and paperboard shall also report his consumption of all grades of wood pulp, waste paper, and other fibres for the year 1950 as instructed by NPA.

(c) Every producer who imports or controls the disposition of imported chemical wood pulp, captive or market, shall also report his receipts and deliveries to others of all grades of such pulp in the United States for each month commencing January 1, 1951, and monthly thereafter as instructed by NPA.

(d) A producer shall report to NPA, as instructed, on the fifteenth day of each month by telegram the information required by paragraph (d) of section 6.

(e) All persons subject to this order shall make such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139 f).

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provisioning of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–72.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall keep and preserve, for as long as this or any successor order shall remain in effect and for 2 years thereafter, accurate and complete records of receipts, deliveries, inventories, and use of chemical wood pulp of all grades, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, except where otherwise specifically provided, shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7457; Filed, June 26, 1951; 2:54 p. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[EO–3]

NONUTILITY ELECTRIC POWER PROJECTS: INFORMATION TO BE FILED

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade associations representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definition.
3. Reports to be filed.
4. Effect of filing.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; DPA Delegation 1, as amended May 15, 1951, 16 F. R. 4594; DPA Order 1, 16 F. R. 4913.

SECTION 1. *What this order does.* This order applies to all persons other than electric utilities. It establishes procedures for the collection of information on certain power projects. This information is needed in connection with scheduling the production and delivery of heavy electric power equipment.

SEC. 2. *Definition.* As used in this order, "electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, supplying, or having facilities built for supplying, electric power, directly or indirectly for general use by the public or for use by its members.

SEC. 3. *Reports to be filed.* Persons other than electric utilities responsible for any project which involves an installation of any item of alternating current power generating equipment with name plate rating of 2,000 kw. or larger, scheduled for delivery on or after July 1, 1951, shall file with Defense Electric Power Administration Form DEPA–5A and such reports on the program of construction and installation as may be required by DEPA from time to time. Each of the items in List I of this order which is ordered for use in connection with any such project shall be listed in Section II of Form DEPA–5A. If a manufacturer has accepted, prior to the effective date of this order, a delivery order for any item designated in List I of this order, Form DEPA–5A covering a project, subject to this order, for which such item was ordered shall be filed prior to July 6, 1951. Form DEPA–5A for any other project subject to this order shall be filed as soon as any manufacturer has accepted a delivery order for any List I item required in such project.

SEC. 4. *Effect of filing.* Each Form DEPA–5A will be reviewed by DEPA. On the basis of this review, DEPA will arrange with the National Production Authority for scheduling, pursuant to NPA Order M–44, the production and delivery of items of heavy power equipment listed in Section II of the DEPA–5A.

SEC. 5. *Communications.* All communications concerning this order and requests for Form DEPA–5A shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

This order shall take effect immediately.

CLIFFORD B. MCMANUS,
Administrator,
Defense Electric Power Administration.

LIST I—HEAVY POWER EQUIPMENT ITEMS TO BE INCLUDED ON FORM DEPA–5A

Item (a)	Unit of measure for showing capacity in column (b) of section II of DEPA–5A (b)
1. Steam turbine A. C. generator sets: Include only steam propelled turbine generator sets, 2000 kw and over.	Name plate kw.
2. Gas turbine A. C. generator sets: Designed for the generation of power, 2000 kw and over.	Name plate kw.
3. Diesel engine A. C. generator sets: Designed for the generation of power, 2000 kw and over.	Name plate kw.
4. Steam boilers: Include only steam boilers designed for the generation of power.	Pounds steam per hour.
5. Steam condensers: Include only steam condensers of the surface, jet, or barometric type, inter and after condensers and steam jet air ejectors, or any combination thereof designed for use in the generation of power.	Surface area sq. ft.
6. Hydraulic turbines: Hydraulic and hydroelectric turbines and water wheels.	Name plate hp.
7. Hydraulic turbine generator sets: Hydraulic (water) turbine driven generator sets, 2,000 kw and over.	Name plate kw.
8. Oil circuit breakers: All oil circuit breakers.	Voltage.
9. Metal enclosed switchgear: With air circuit breakers, 600 volts and below except AB, ET or similar.	Voltage.
10. Metal clad switchgear: 2,200 volts and above.	Voltage.
11. Bus, isolated phase or segregated phase: 2,200 volts and above.	Voltage.
12. Switches, disconnecting: 5,000 volts and above.	Voltage.
13. Transformers: 501 kva and larger..	Name plate kva.

[F. R. Doc. 51–7497; Filed, June 27, 1951; 11:12 a. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 38 (DRO–29)]

DRO–29—RATES ON COAL IN BULK FROM HAMPTON ROADS, BALTIMORE OR PHILADELPHIA TO KIEL, GERMANY

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order hereby authorizes the following freight rates and charter terms and conditions for the transportation of full cargoes of Coal, in bulk, under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from Hampton Roads, Baltimore or Philadelphia to Kiel, Germany, effective on vessels commencing to load on and after June 1, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944:*

Rate: $11.25 U. S. currency per ton of 2,240 pounds.

NOTE: Foregoing rate applies to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharged add fifty cents (50 cents) U. S. currency per ton for each such additional port, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and the charterers.

The following clauses are to be inserted in paragraphs E, F, G, H, and I of Part I of "Warshipvoy":

E. Freight rate. (Insert applicable rate as above set forth, including, if applicable, additions for extra ports of discharge.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage. Charterers to pay demurrage at the rate of $--------[1] per day for each and every day or pro rata for part of a day for all time used in loading or discharging in excess of allowed laytime.

Despatch. Despatch if earned at loading or discharging port will be payable at the rate of one-half (½) the demurrage rate per day or pro rata for part of a day for all laytime saved in loading or discharging.

F. Stevedoring. Loading and trimming expenses shall be for vessel's accounts; discharging expenses shall be for charterer's account.

G. Loading time. Loading to be at the rate of 1,500 tons per day, Sundays and holidays excepted unless used.

H. Discharging time. Cargo shall be discharged at the rate of 2,500 tons per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. Special provisions. 1. Charterers have the option of shipping not more than 250 tons of Coke at the same rate of freight as the Coal, charterers paying all additional expenses.

2. Any lightening required to enable vessel to reach her destination to be at charterer's risk and expense and time occupied to count as laytime.

3. *General average clause.* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof same shall be understood to mean National Shipping Authority.

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51–7406; Filed, June 27, 1951; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CHINA AND GERMANY

a. In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard)* (39 CFR 127.231) amend subparagraphs (5) and (6) of paragraph (b) to read as follows:

(5) *Observations.* (1) Parcel post service is available only to Taiwan (Formosa).

(ii) Import licenses must be obtained by the addressees for all parcels except (*a*) samples without commercial value and (*b*) gifts not exceeding $25 in value, limited to articles for the addressee's personal use or for his household.

(6) *Prohibitions.* Tobacco, woolen, silk or artificial silk piece goods, cosmetics and luxury items.

b. In § 127.264 *Germany* (39 CFR 127.264) make the following changes:

1. Subdivisions (i), (iii), (iv) of subparagraph (8) of paragraph (a) are rescinded.

2. Amend subdivision (xiii) of subparagraph (8) of paragraph (a) to read as follows:

(xiii) The following are prohibited only to the Soviet Zone, including the Soviet sector of Berlin:

Codes, ciphers, signs or other forms of secret correspondence.
Stenographic notes.
Used, cancelled or censored envelopes as containers for correspondence.
Photographic or microphotographic films.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–7362; Filed, June 27, 1951; 8:49 a. m.]

[1] (Insert applicable demurrage rate, i. e., fifteen hundred dollars ($1,500) for Liberty type vessels and eighteen hundred dollars ($1,800) for Victory type vessels.)

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF DELAWARE MEMORIAL BRIDGE BY COMMON AND CONTRACT MOTOR CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 12th day of June A. D. 1951.

The Commission has received inquiries regarding the use of the Delaware Memorial Bridge by common and contract motor carriers subject to the Interstate Commerce Act.

The Delaware Memorial Bridge is a recently built modern bridge crossing the Delaware River between a point approximately one mile north of New Castle, Del., and Pennsville, N. J., and will be accessible from newly improved and constructed highways extending between U. S. Highway 13 (near Farnhurst, Del.) on the west and junction of U. S. Highway 130 and newly constructed New Jersey Turnpike on the east.

Upon the completion and opening of the bridge to traffic the latter part of July 1951, the New Castle-Pennsville Ferry will discontinue its ferry service between New Castle and Pennsville, and there will be no other available crossing of the Delaware River in this vicinity other than by the Delaware Memorial Bridge. In view of the discontinuance of the ferry service across the river, it appears that the use of the Delaware Memorial Bridge by common and contract motor carriers subject to the Interstate Commerce Act who are authorized

to engage in operations across the Delaware River over presently located U. S. Highway 40 and the New Castle-Pennsville Ferry between New Castle, Del., and Pennsville, N. J., will be required by public convenience and necessity in the case of common carriers, and will be consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers. It is ordered, that:

§ 211.2 *Use of Delaware Memorial Bridge by motor carriers subject to the act.* (a) Common and contract motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations across the Delaware River over presently located U. S. Highway 40 and the New Castle-Pennsville Ferry between New Castle, Highway 40 and the New Castle-Pennsville Ferry between New Castle, Del., and Pennsville, N. J., may, without obtaining prior authority therefor, use the Delaware Memorial Bridge and such additional highways as may be required in traveling via the shortest practicable route between the authorized highways and the Bridge in performing their authorized operations.

(b) This permission to use the Delaware Memorial Bridge by common and contract motor carriers does not authorize such carriers to serve new points or points they are not now authorized to serve and they will continue to furnish reasonable and adequate service at points on the old routes which they are authorized to serve.

(c) Motor carriers whose authority is limited to operations not requiring the crossing of the river at the points above-named, but who desire to use the Bridge as an alternate or connecting route in performing their authorized service, must apply for such authority on Form BMC 78 (§ 7.78 of this chapter) and receive authority before using the Bridge.

(d) If a motor carrier is authorized to operate between points both west and east of the Delaware River, over irregular routes, no specific authority is required from this Commission to use the Delaware Memorial Bridge in performing the authorized service.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended; 553, as amended; 49 U. S. C. 308, 309)

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7395; Filed, June 27, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR STEAM RAILROADS

RENT PAID FOR EQUIPMENT LEASED FOR MORE THAN ONE YEAR

JUNE 19, 1951.

Pursuant to the provisions of section 20 (3) of the Interstate Commerce Act, the Commission has approved modification of the Uniform System of Accounts for Steam Railroads so that payments to insurance companies, or others, for lease of cars and locomotives for periods in excess of one year, will be included in net railway operating income, if not made under contracts covering lease of road. To accomplish this, the provision for "specific equipment held under a lease for one year or more," will be removed from the texts of accounts 509, Income from Lease of Road and Equipment, and 542, Rent for Leased Roads and Equipment. Also, the restriction to equipment leased for less than one year will be removed from the texts of the following accounts:

503. Hire of Freight Cars—Credit Balance.
504. Rent from Locomotives.
505. Rent from Passenger-Train Cars.
506. Rent from Floating Equipment.
507. Rent from Work Equipment.
536. Hire of Freight Cars—Debit Balance.
537. Rent for Locomotives.
538. Rent for Passenger-Train Cars.
539. Rent for Floating Equipment.
540. Rent for Work Equipment.

Any interested party may on or before July 20, 1951, file with the Commission written views or arguments to be considered in this connection. Unless otherwise found necessary after consideration of all representations so received, an order will be entered to make the modifications as outlined above, such order to become effective September 1, 1951.

[SEAL] W. P. BARTEL, *Secretary.*

[P. R. Doc. 51-7396; Filed, June 27, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, North Carolina, effective 6/12/51 to 6/11/52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (cotton work pants and shirts).

Blue Bell Midsouth Division, Inc., Booneville, Miss., effective 6/15/51 to 6/14/52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (work shirts).

Colonial Shirt Corp., Woodbury, Tenn., effective 6/11/51 to 12/10/51; for expansion purposes only, five learners (men's dress and sport shirts).

Connie Lee Frocks, 12-14 South Street, Wilkes-Barre, Pa., effective 6/14/51 to 12/13/51; for expansion purposes only, 20 learners (contractor of dresses).

The Essex Manufacturing Co., 620-6 Franklyn Avenue, Essex, Baltimore, Md., effective 6/12/51 to 6/11/52; 10 percent of the productive factory workers for normal labor turnover (work pants).

Linden Apparel Corp., Linden, Tenn., effective 6/15/51 to 12/14/51; for expansion purposes only, 50 learners (work shirts).

Mays Landing Manufacturing Corp., Mill Street, Mays Landing, N. J., effective 6/14/51 to 12/13/51; for expansion purposes only, 16 learners (ladies blouses).

Warner Brothers Co., Malone, N. Y., effective 6/15/51 to 12/14/51; for expansion purposes only, 50 learners (corsets and brassieres).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Acca Hosiery Mills, Henderson, N. C., effective 6/20/51 to 2/19/52; five additional learners for expansion purposes (supplemental certificate).

Acca Hosiery Mills, Henderson, N. C., effective 6/20/51 to 6/19/52; five learners.

Ardmore Hosiery Co., Inc., 320 Isley Street, P. O. Box 2762, Greensboro, N. C., effective 6/20/51 to 6/19/52; five learners.

Beloit Hosiery Co., South Beloit, Ill., effective 6/20/51 to 6/19/52; 5 percent of the total number of the productive factory workers.

Hamilton Hosiery Finishers, Inc., 915 Morning Glory Avenue, Durham, N. C., effective 6/13/51 to 6/12/52; 5 percent of the total number of productive factory workers.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

C. S. T. Knitting Mills, Marlton, N. J., effective 6/15/51 to 6/14/52; five learners.

Indian River Fabrics, Inc., Marietta, Ga., effective 6/15/51 to 6/14/52; five learners.

The Short Manufacturing Co., 735 O Street, Lincoln, Nebr., effective 6/15/51 to 12/14/51; five additional learners for expansion purposes (supplemental certificate).

Waterville Textile Mills, Inc., 379 Putnam Street, Waterville, N. Y., effective 6/18/51 to 6/17/52; 5 percent of the total number of productive factory workers.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Better Coils, Inc., Goodland, Ind., effective 6/16/51 to 12/15/51; five learners; coil winders, finishers and assemblers, 160 hours; 60 cents per hour (transformers).

Guilford Products Co., White Street, Greensboro, N. C., effective 6/18/51 to 12/17/51; 20 learners; sewing machine operators, 240 hours; 65 cents per hour (flannel diapers).

Palm Beach Co., 522 Baxter Avenue NW., Knoxville, Tenn., effective 6/11/51 to 6/10/52; 7 percent of the total number of productive factory workers for normal labor turnover; machine operating, pressing, handsewing, 480 hours each; 60 cents for first 240 hours and 65 cents for remaining 240 hours (tropical coats).

Puerto Rico. The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Interland Manufacturing Co., Inc., Santurce, P. R., effective 6/4/51 to 12/3/51; 60 learners as operators, cutters, finishers; 250 hours each at 34 cents per hour (fur coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 19th day of June 1951.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 51-7356; Filed, June 27, 1951; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 61732]

NEBRASKA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE NORTH PLATTE PROJECT

JUNE 22, 1951.

An order of the Bureau of Reclamation dated May 3, 1951, concurred in by the Associate Director, Bureau of Land Management, June 1, 1951, revoked the Departmental Orders of February 11, 1903 and August 10, 1908, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the North Platte Project, Nebraska, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 54 W.,
Sec. 29, NW¼SE¼.

The land is agricultural in character.

No applications for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, JR., *Associate Director.*

[F. R. Doc. 51-7355; Filed, June 27, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

KENAF PROGRAM

NOTICE OF 1951-CROP PLANTING

Notice is hereby given that the Commodity Credit Corporation will under-

take a program to encourage the planting of kenaf in the United States in 1951 under which the Corporation will sell kenaf seed which it is able to obtain for planting in those portions of the United States to which it is adaptable and purchase the kenaf seed and fiber produced from such plantings. The purpose of the program is to place the United States in a position to expand the production of kenaf fiber, a jute substitute, to meet essential civilian and defense needs, should such action become necessary. The program requires the negotiation of a contract prior to planting, and the acreage to be contracted is limited. Information regarding the program is available from the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Issued this 25th day of June 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-7425; Filed, June 27, 1951; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4340 et al.]

FRONTIER AIRLINES, INC., AND UNITED AIR LINES, INC.; FRONTIER RENEWAL PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the renewal of the temporary certificates of public convenience and necessity for Routes No. 73 and 74 held by Frontier Airlines, Inc., and the suspension of service by United Air Lines, Inc., at Rock Springs and Cheyenne, Wyoming.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-indicated proceeding is assigned to be held on July 23, 1951, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 22, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7402; Filed, June 27, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 99]

M. WILE AND COMPANY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, M. Wile and Company, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's suits and sport coats, manufactured and distributed by M. Wile and Company, Inc., 77 Goodell Street, Buffalo 3, N. Y., having the brand name "Don Richards" and described in the manufacturer's application dated March 30, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices listed below carry terms of Net 30.

SUITS AND SPORT COATS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$16.76	$28.50
19.82	33.50
21.12	36.50
25.32	42.50
26.87	45.50
28.26	47.50
32.72	55.00
84.52	59.50
86.76	61.50
42.47	70.00
44.77	75.00

2 (a) Wool suits having the lot numbers 1275 through 1281 in the manufacturer's application dated March 30, 1951, so long as they have a manufacturer's selling price of $32.22 per unit, shall have a ceiling price at retail of $55.00 per unit, subject to the terms enumerated in paragraph 1 above. Sales may, of course, be made at less than these ceiling prices.

(b) Wool suits having the lot numbers 1300 through 1362 in the manufacturer's application dated March 30, 1951, so long as they have a manufacturer's selling price of $41.97 per unit, shall have a ceiling price at retail of $70.00 per unit, subject to the terms enumerated in paragraph 1 above. Sales may, of course, be made at less than these ceiling prices.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 27, 1951, M. Wile and Company, Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after August 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, M. Wile and Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 26, 1951.

[F. R. Doc. 51-7431; Filed, June 26, 1951; 9:48 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 100]

VANITY FAIR MILLS, INC.,

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Vanity Fair Mills Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of slips, pettiskirts, gowns, pajamas, negligees, culottes, camisoles, chemises, panties and bandeaux manufactured by Vanity Fair Mills Inc., Gordon near Buttonwood Street, Reading, Pa., having the brand name "Vanity Fair" and described in the manufacturer's application dated March 14, 1951.[1] The manufacturer's prices listed below carry terms of 1/10 EOM, Net 60.

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$10.50	$1.50
12.25	1.75
14.00	2.00
15.75	2.25
17.50	2.50
19.25	2.75
21.00	2.95
22.75	3.25
24.50	3.50
28.00	3.95
31.50	4.50
35.00	4.95
49.00	6.95
56.00	7.95
63.00	8.95
70.00	9.95
77.00	10.95
91.00	12.95
105.00	14.95
112.00	15.95
119.00	16.95
124.00	19.95
143.00	22.95
156.00	25.00
186.00	29.95
218.00	35.00
249.00	39.95
311.00	49.95
374.00	59.95
623.00	99.95
780.00	125.00

2. Panties having the style number 5-4-16 in the manufacturer's price list attached to the manufacturer's application dated March 14, 1951, so long as they have a manufacturer's selling price of $21.00 per dozen, shall have a ceiling price at retail of $3.00 per unit.[1] This price carries terms of 1/10 EOM, Net 60.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 27, 1951, Vanity Fair Mills, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

[1] Sales may, of course, be made at less than the ceiling prices.

On and after August 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Vanity Fair Mills, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 26, 1951.

[F. R. Doc. 51-7432; Filed, June 26, 1951; 9:48 a. m.]

[Delegation of Authority 10]

ASSISTANT DIRECTOR OF PRICE OPERATIONS

DELEGATION OF AUTHORITY TO DISAPPROVE OR REQUEST FURTHER INFORMATION REGARDING CHANGES IN COUPON EXCHANGE PLANS PURSUANT TO SECTION 4 OF SR 25 TO GCPR

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Assistant Director of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted for approval proposed changes in a coupon exchange plan or other premium program pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation. The authority herein delegated may be redelegated to the Directors of the Divisions and the Chiefs of the Branches to the Office of Price Operations, Office of Price Stabilization.

2. Authority is hereby delegated to the Assistant Director of Price Operations, Office of Price Stabilization, to disapprove proposed changes in a coupon exchange plan or other premium program submitted for approval pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

This delegation of authority shall take effect on June 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7505; Filed, June 27, 1951; 11:40 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1650]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF AMENDMENT TO APPLICATION

JUNE 22, 1951.

Take notice that on June 8, 1951, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an amendment to its application of May 7, 1951, whereby Applicant requests authorization pursuant to section 7 (b) of the Natural Gas Act to abandon, by sale to The Manufacturers Light & Heat Company, certain facilities hereinafter more fully described, and authority pursuant to section 7 (c) of the act for the construction and operation of one valve and nipple at each of the three delivery points hereinafter more fully described.

Applicant seeks authorization to abandon certain facilities near Donaldson, Pennsylvania, which include 170 feet of 8-inch pipeline together with a meter station and appurtenant facilities. The cost of these facilities, including land and land rights, approximates $14,038. In addition, Applicant seeks authorization to construct and operate a gate valve and nipple interconnecting its pipe-line project with that of Manufacturers near Donaldson, Pennsylvania, and similar valves and nipples at each of the two interconnections with the facilities of the Atlantic Seaboard Corporation in the vicinity of Rockville and Ellicott City, Maryland.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 12th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7358; Filed, June 27, 1951; 8:48 a. m.]

[Docket No. G-1707]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 22, 1951.

Take notice that on June 11, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the installation of a meter station at a point near the terminus of its San Manuel Copper Corporation line in Pinal County, Arizona. Applicant proposes by this facility to sell and deliver natural gas to Marshall A. Moody, d/b/a San Pedro Utilities for resale and distribution, enclusive of mining operations, to consumers in the vicinity of San Manuel Copper Corporation's San Manual Project, near Mammoth, Arizona. These consumers have no gas utility service at present.

Through the proposed facility, Applicant expects to deliver an estimated 117,369 Mcf. per year with a peak-day delivery of about 1,100 Mcf of natural gas in the fifth year of operation. The cost of this facility is estimated to be $2,700, which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7361; Filed, June 27, 1951; 8:49 a. m.]

[Docket No. G-1708]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 22, 1951.

Take notice that on June 11, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 1,100 feet of 6⅝ inch pipeline as a tie-in between Applicant's Ajo and Superior lines in Pinal County, Arizona. Applicant proposes by these facilities to sell and deliver natural gas at a minimum pressure of 375 pounds per square inch to Arizona Edison Company, Inc., at the metering station authorized in Docket No. G-1619, for resale and distribution in the towns of Ray and Sonora, Arizona.

The cost of these facilities is estimated to be $4,700 which will be paid from general funds of Applicant. Arizona Edison Company, Inc., has agreed to pay Applicant $2,000 toward this cost of construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7360; Filed, June 27, 1951; 8:48 a. m.]

[Docket No. E-6365]

PUBLIC SERVICE CO. OF INDIANA, INC.

NOTICE OF APPLICATION

JUNE 20, 1951.

Take notice that on June 18, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Public Service Company of Indiana, Inc. (hereinafter called "Indiana Company"), a corporation organized under the laws of the State of Indiana and doing business in said State with its principal business office at Plainfield, Indiana, seeking an order dismissing the application for want of jurisdiction, or, in the alternative, an order authorizing the acquisition by Indiana Company of all the issued outstanding stock of Madison Light and Power Company (hereinafter called "Madison Company"), an Indiana corporation doing business in said State with its principal business office at Madison, Indiana. Indiana Company proposes to take or cause to be taken all such steps as are necessary or desirable in order that Madison Company may be liquidated and dissolved and its properties, business and assets acquired by Indiana Company at the earliest practicable date. Indiana Company, and the owners of all of the issued and outstanding common stock of Madison Company have entered into an agreement under which the latter will exchange their shares of common stock for shares of common stock without par value of Indiana Company on the basis of 3½ shares of Indiana Company common stock for each share of Madison Company common stock; all as more fully appears in the application on file with the Commission.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7359; Filed, June 27, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26192]

PETROLEUM PRODUCTS FROM CERTAIN STATES TO HALE AND DISMAL YARD, VA.

APPLICATION FOR RELIEF

JUNE 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 8802.

Commodities involved: Petroleum products, carloads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

To: Hale and Dismal Yard, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3802, Supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7397; Filed, June 27, 1951; 8:50 a. m.]

[4th Sec. Application 26193]

PETROLEUM PRODUCTS FROM CERTAIN STATES TO EAST RALEIGH AND GLENWOOD YARD, N. C.

APPLICATION FOR RELIEF

JUNE 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3802.

Commodities involved: Petroleum products, carloads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

To: East Raleigh and Glenwood Yard, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3802, Supp. 92.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7398; Filed, June 27, 1951; 8:50 a. m.]

[4th Sec. Application 26194]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO NORFOLK, VA.

APPLICATION FOR RELIEF

JUNE 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), crude, carloads.

From: Texas producing points and Port Sulphur, La.

To: Norfolk, Va.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7399; Filed, June 27, 1951; 8:51 a. m.]

[4th Sec. Application 26195]

VARIOUS COMMODITIES FROM POINTS IN TRUNK LINE AND NEW ENGLAND TERRITORIES TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

JUNE 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doc, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-823, and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities.

From: Points in trunk-line and New England territories.

To: Points in central territory.

Grounds for relief: Circuitous routes and competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to

investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7400; Filed, June 27, 1951; 8:51 a. m.]

[4th Sec. Application 26196]

GRAIN FROM CERTAIN STATES TO LOUISIANA

APPLICATION FOR RELIEF

JUNE 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Grain, grain products, and seeds, carloads.

From: Superior, Nebr., and points in Colorado, Kansas, and Oklahoma.

To: Points in Louisiana.

Grounds for relief: Circuitous routes, competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3940, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position that they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7401; Filed, June 27, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2620]

ALGONQUIN GAS TRANSMISSION CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF FIRST MORTGAGE PIPELINE BONDS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 21st day of June A. D. 1951.

Algonquin Gas Transmission Company ("Algonquin"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Algonquin, a natural gas pipeline company, proposes to issue and sell privately to insurance companies $24,000,000 aggregate principal amount of its First Mortgage Pipeline Bonds, 3¾ percent series, due 1971. Under certain circumstances described below, the company may issue and sell an additional principal amount of such bonds not to exceed 15 percent of the $24,000,000 specified above. The names of the companies to which the bonds are to be sold and the respective amounts of bonds to be sold to each of them, subject, in the cases of John Hancock Mutual Life Insurance Company and New England Mutual Life Insurance Company, to a possible increase of up to 15 percent of each of the amounts shown and, in the case of Metropolitan Life Insurance Company, to a possible increase of up to 17.5 percent of the amount shown, are as follows:

Metropolitan Life Insurance Co.	$12,000,000
John Hancock Mutual Life Insurance Co	8,500,000
Massachusetts Mutual Life Insurance Co	2,000,000
New England Mutual Life Insurance Co	1,500,000

The bonds are to be issued under and secured by a First Mortgage and Deed of Trust to be dated as of March 1, 1951. In accordance with the terms of a bond purchase agreement entered into between Algonquin and the purchasers, the bonds are to be sold for cash at 100 percent of principal amount, plus accrued interest, and will be issued and sold in lots of not less than $4,080,000, principal amount when and as funds are required. A commitment fee will be paid at the rate of ½ of 1 percent per annum for the unused balance of the total commitment from the date of the purchase contract to the date the commitment is exercised.

The filing indicates that the proceeds from the issuance and sale of the bonds will be used to provide a portion of the funds required for the development and construction of pipe line facilities to supply natural gas to distribution companies in New Jersey, Connecticut, Rhode Island, and Massachusetts. It also indicates that, based on present price levels, the estimated cost of such development and construction, including an allowance of about $2,000,000 for working capital, amounts to approximately $32,000,000. Of this amount, $5,609,325 has been obtained through the issuance and sale of common stock, and subscriptions have been received for the purchase of additional common stock in the amount of $2,390,675 or an aggregate of $8,000,000.

The applicant-declarant states that the cost of labor and material and of acquiring rights of way may increase during the period of construction. In such event, Algonquin contemplates increasing its capitalization by not more than 15 percent in such a manner as to maintain the presently contemplated ratio of bonds and common stock to total capitalization of 75 and 25 percent, respectively.

Applicant-declarant requests an exemption from the competitive bidding requirements of Rule U-50.

Said application-declaration having been filed on April 24, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that all the applicable statutory standards are satisfied and that there is no basis for adverse findings, and deeming it appropriate in the interest of investors and consumers and that said application-declaration, as amended, including the request for exemption from the competitive bidding requirements of Rule U-50, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, including the request for exemption from the competitive bidding requirements of Rule U-50, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the reservation of jurisdiction with respect to fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7363; Filed, June 27, 1951; 8:49 a. m.]

[File No. 70-2637]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION WITH RESPECT TO ISSUANCE AND SALE OF COMMON STOCK THROUGH RIGHTS OFFERING, ISSUANCE AND SALE OF BONDS AND RELATED TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1951.

United Gas Corporation ("United"), a subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to the issuance and sale by United of 1,055,320 shares of its $10 par value common

stock, pursuant to a rights offering to its present stockholders; the issuance and sale by United of $50,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, pursuant to the competitive bidding requirements of Rule U-50; the issuance and sale by Pipe Line to United of $25,000,000 principal amount of Pipe Line's 4 Percent First Mortgage Bonds, and $45,000,000 principal amount of Pipe Line's 4½ Percent Sinking Fund Debentures; and the payment by Pipe Line to United of $7,000,000 of unsecured indebtedness;

Appropriate notice having been given of the filing of the said joint application-declaration, and a public hearing having been held thereon at which evidence was received concerning the proposed transactions, and the Commission having issued its Findings and Opinion with respect to said transactions in which the Commission finds that such transactions are in accordance with the applicable standards of the Act, which Findings and Opinion are filed herewith;

It is ordered, That the joint application-declaration of United Gas Corporation and United Gas Pipe Line Company, as amended, be and is hereby granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 under the Public Utility Holding Company Act, and subject to the further condition that the issuance and sale of the First Mortgage Bonds by United Gas Corporation shall not be consummated until a further order shall have been entered in the light of the facts shown upon the completion of the record with respect to the results of the competitive bidding.

It is further ordered, That jurisdiction be and is hereby reserved with respect to the fees and expenses of counsel, auditors, accountants and financial agents, pending completion of the record and the entry of a further order with respect to such matters.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7364; Filed, June 27, 1951; 8:50 a. m.]

[File No. 16-1A35]

OSCAR F. KRAFT & CO.

MEMORANDUM OPINION AND ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1951.

In the matter of application of National Association of Securities Dealers, Inc., for approval of continuance of Oscar F. Kraft & Co., in membership in the association with Carter Harrison Corbrey as a controlled person, File No. 16-1A35.

National Association of Securities Dealers, Inc. ("the NASD"), a registered national securities association, has applied, pursuant to section 15A (b) (4) of the Securities Exchange Act of 1934 ("the act"), for our approval of the continuance of Oscar F. Kraft & Co. ("Kraft") in membership in the NASD, with Carter Harrison Corbrey as a registered representative thereof.

Appropriate public notice was given of the filing of the application and interested persons were afforded an opportunity to request a formal hearing. No such request has been filed. On the basis of our review of the record we make the following findings.

As applicable to this case, under section 15A (b) (4) of the act and Article I, Section 2, of the NASD bylaws, except in cases where the Commission approves or directs admission to or continuance in membership as appropriate in the public interest, no broker or dealer may be a member of the NASD if any person controlled by such broker or dealer is subject to an order of this Commission revoking his registration pursuant to section 15 of the act, or expelling him from membership in the NASD.

On April 12, 1949, we revoked the broker-dealer registration of Carter H. Corbrey & Co. (not Inc.), the name under which Corbrey had been engaged in business, and expelled him from membership in the NASD, pursuant to sections 15 (b) and 15A (*l*) (2) of the act.[1] As bases for our disciplinary actions we found that Corbrey, in willful violations of our rules and statutory provisions, had falsified his books and records and an annual financial statement and that he had used the mails to effect security transactions with customers otherwise than on a national securities exchange at a time when his aggregate indebtedness exceeded 2,000 per cent of his net capital.

Kraft, a registered broker and dealer[2] and a member of the NASD, now proposes to employ Corbrey as a salesman and has applied to the NASD for Corbrey's registration as its registered representative. Because of Corbrey's disabilities, Kraft, in accordance with the provisions of the Act and the NASD by-law previously cited, may not remain a member in the NASD with Corbrey as its controlled person except with our approval.

In its application, the NASD stated that its District Committee for District No. 2, after reviewing the entire matter, particularly the representations by Kraft as to the manner of supervision and type of activity to be engaged in by Corbrey, has recommended to the Board of Governors of the NASD that Kraft be continued in membership with Corbrey as a registered employee.[3] The application further states that the Board of Governors has approved the recommendation and has concluded that our approval of Kraft's continuance in membership would be consonant with the stated purposes and policies of the act.

After consideration of all the circumstances, and giving due weight to the recommendation of the NASD, we find it is appropriate in the public interest to approve the continuance of Oscar F. Kraft & Co. in membership in the NASD with Carter Harrison Corbrey as its registered representative.

It is ordered, therefore, Pursuant to section 15A (b) (4) of the act that the continuance of Oscar F. Kraft & Co. in membership in National Association of Securities Dealers, Inc., with Carter Harrison Corbrey as a registered representative thereof be, and it hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7365; Filed, June 27, 1951; 8:50 a. m.]

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[1] Carter H. Corbrey & Co. (not Inc.), — S. E. C. — 1949, Securities Exchange Act Release No. 4244.

[2] Oscar F. Kraft is the sole proprietor of Kraft, which has been registered with us since 1943.

[3] Oscar F. Kraft has stated that Corbrey will be under his direct supervision and that all of Corbrey's transactions will be approved by him before execution.

Corbrey has submitted affidavits stating that he ceased doing business on October 15, 1948, and that he has paid in full all debts due customers, except for one balance due of $2,500, upon which he is making payments on an installment basis in accordance with an agreement made with the customer.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18023]

MAX MELZER

In re: Estate of Max Melzer, deceased. File No. D-28-13007; E. & T. sec. No. 17135.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Fluche, Elise Noske, and Hildegard Ruter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Max Melzer, Deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Thomas M. Brady as administrator acting under the judicial supervision of the Probate Court for the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7328; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18029]

GEORG EDWIN SCHEFFLER ET AL.

In re: Rights of Georg Edwin Scheffler et al. under insurance contracts. Files No. F-28-31445-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Edwin Scheffler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Edwin Scheffler, who there is a reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 203 566 and 203 922, issued by the West Coast Life Insurance Company, San Francisco, California, to Georg Edwin Scheffler, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Georg Edwin Scheffler or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Edwin Scheffler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Edwin Scheffler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7329; Filed, June 26, 1951; 8:51 a. m.]

[Supplemental Vesting Order 17961]

ALICE WILKENS

In re: Ex Parte in the matter of the Trust Estate of Alice Wilkens. (File F-28-12511; E. T. sec. 7712.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marion von Doderer, Christian von Buchwaldt, Elisazeth von Buchwaldt, Adelheid von Buchwaldt, and Friedrich von Buchwaldt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants of issue of Alice Wilkens von Buchwaldt, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain deed of trust dated October 8, 1900, by and between Alice Wilkens, settlor and Gustav A. Schlens, trustee, and in and to all property held thereunder by the Mercantile Trust Company of Baltimore, and Chester A. Albrecht, substituted trustees, both of Baltimore, Maryland, not heretofore vested under Vesting Order 2896 is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Mercantile Trust Company of Baltimore, and Chester A. Albrecht, substituted trustees, acting under the judicial supervision of the Circuit Court No. 2 of Baltimore City, Baltimore, Maryland;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and descendants of issue of Alice Wilkens von Buchwaldt, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7331; Filed, June 26, 1951; 8:51 a. m.]

[Vesting Order 18024]

JOHN MOLLNER

In re: Estate of John Mollner, deceased. File No. D-28-13004.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Oswald, Marie Oswald Hauzinger, Elizabeth Oswald Weiss, Juliane Oswald Mollner, Theresia Oswald Ummertan, Peter Mollner, and Johann Unger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of John Mollner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7407; Filed, June 27, 1951; 8:52 a. m.]

[Vesting Order 18018]

BEATA ELTER

In re: Estate of Beata Elter, deceased. File No. D-28-13019.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Elter, Herman Baumbusch, Karl Baumbusch, Rosa Baumbusch, Karoline Baumbusch, Karl Alfons Renner, Monika Renner Stahl, Wilhelm Elter, Elise Hess and Apollonia Schnorr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Beata Elter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7408; Filed, June 27, 1951; 8:59 a. m.]

[Vesting Order 18020]

BERTHA JOHNSON

In re: Estate of Bertha Johnson, deceased. File No. D-28-13014; E. T. sec. 17139.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Hamberger, Gertrude Wozabal Urbas, Maria Wozabal Durwen and Franz Wozabal, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anton Wozabal, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of Bertha Johnson, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herbert W. Johnson, administrator, acting under the judicial supervision of the County Court of Door County, State of Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anton Wozabal, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7409; Filed, June 27, 1951; 8:53 a. m.]

[Vesting Order 18026]

ROLANDA NOEGGERATH

In re: Estate of Rolanda Noeggerath, deceased. File No. F-28-6700; E. T. sec. 4032.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl T. Noeggerath and Felix J. Noeggerath, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the estate of Rolanda Noeggerath, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Martin H. Wehncke, as executor, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7410; Filed, June 27, 1951; 8:53 a. m.]

[Vesting Order 18031]

ELIZABETH SCHNITZER

In re: Estate of Elizabeth Schnitzer, Deceased. File No. D-28-12810; E. & T. sec. No. 16980.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Meinhardt, Max Meinhardt, Jakob (Jacob) Meinhardt, Elsa Braun, Karl Metz, Julius Metz, Frederich Metz, Ruth Metz, Willi Metz, Anneliese Bertolino, Lore Metz and Marie Meinhardt Uhle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Elizabeth Schnitzer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Philip Meinhardt, as Administrator, C. T. A., acting under the judicial supervision of the Probate Court of the County of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7411; Filed, June 27, 1951; 8:54 a. m.]

[Supplemental Vesting Order 18032]

HERMINE STEGMAN

In re: Estate of Hermine Stegman, deceased. File D 28-9792 E. T. sec 13776.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustav Doermann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Hermine Stegman, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred W. Grosse, Executor, acting under the judicial supervision of the Probate Court of Cuyahoga County, State of Ohio;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustav Doermann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7412; Filed, June 27, 1951; 8:54 a. m.]

[Vesting Order 18036]

M. FUJITA

In re: Bank account owned by M. Fujita, D-39-19312-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Fujita who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, in Liquidation, Seattle, Washington, Valentine C. Hammack, 314 Federal Office Building, San Francisco, California, Liquidating Trustee, arising out of a savings account, account number 9531, entitled "M. Fujita," maintained with the aforesaid bank in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, M. Fujita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7413; Filed, June 27, 1951; 8:54 a. m.]

[Vesting Order 18041]

KENICK NISHII

In re: Debt owing to Kenick Nishii. D-39-19313-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenick Nishii, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kenick Nishii by The Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, evidenced by a Time Certificate of Deposit numbered 15076, issued by the aforesaid bank to Kenick Nishii, in the principal amount of $801.17, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under the aforementioned Time Certificate of Deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kenick Nishii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7414; Filed, June 27, 1951; 8:54 a. m.]

[Vesting Order 18046]

K. SHIGENO

In re: Bank account owned by K. Shigeno. D-39-472-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Shigeno, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, in Liquidation, Seattle, Washington, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, arising out of a savings account, Account Number 7544, entitled "K. Shigeno" maintained with the aforesaid bank in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, K. Shigeno, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7415; Filed, June 27, 1951; 8:54 a. m.]

[Vesting Order 18051]

K. YOSHIHARA

In re: Debt owing to K. Yoshihara, D-39-19311-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Yoshihara, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Yoshihara by The Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, evidenced by a Time Certificate of Deposit numbered 15171, issued by the aforesaid bank to K. Yoshihara, in the principal amount of $151.65, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforementioned Time Certificate of Deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, K. Yoshihara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7416; Filed, June 27, 1951; 8:54 a. m.]

[Return Order 990]

RAYMOND MAILLET

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Raymond Maillet, Paris, France; Claim No. 81755; May 12, 1951 (16 F. R. 4482); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 254,743 (now United States Letters Patent No. 2,420,672). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7417; Filed, June 27, 1951; 8:54 a. m.]

ARTHUR VAN DEN BRUGGEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued

thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arthur Van den Bruggen, Paris, France; Claim No. 40471; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 1,910,137.

Executed at Washington, D. C., on June 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7418; Filed, June 27, 1951; 8:55 a. m.]

HANNELORE PITZELE, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property and Location

Hannelore Pitzele, Haifa, Israel; Claim No. 28213; John G. Kinstead, Gloucester, England; Claim No. 36237; Margot Klestadt, London, England; Claim No. 37856; $3,553.62 in the Treasury of the United States and all right, title and interest of Ernst Klestadt in and to the Estate of Herman Stearns, deceased, returnable to the claimants in equal shares.

Executed at Washington, D. C., on June 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7421; Filed, June 27, 1951; 8:55 a. m.]

A/S. DEN HORSKE REMFABRIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

A/S. Den Horske Remfabrik, 2, Chr. Krohgsgt, Oslo, Norway; Claim No. 37219; property described in Vesting Order No. 672 (8 F. R. 5020 April 17, 1943), relating to U. S. Letters Patent No. 2,054,000.

Executed at Washington, D. C., on June 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7422; Filed, June 27, 1951; 8:55 a. m.]

OLGA MAZZOLENI MAURI AND SOFIA MAZZOLENI LUZZANA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos.; and Property and Location

Olga Mazzoleni Mauri, Bergamo, Italy; Claim No. 42923; Sofia Mazzoleni Luzzana, Bergamo, Italy; Claim No. 42924; $1,874.88 in the Treasury of the United States in two equal shares of $937.44, one each to Olga Mazzoleni Mauri and to Sofia Mazzoleni Luzzana.

Executed at Washington, D. C., on June 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7419; Filed, June 27, 1951; 8:55 a. m.]

CHARLES GABRIEL PETTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Charles Gabriel Petter, Montreux, Switzerland; Claim No. 41771; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,139,203.

Executed at Washington, D. C., on June 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7420; Filed, June 27, 1951; 8:55 a. m.]

KURT ZIEGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provisions for taxes and conservatory expenses:

Claimant, Claim, Property and Location

Kurt Ziegler, Long Island, New York; Claim No. 58410; $560.60 in the Treasury of the United States.

Executed at Washington, D. C., on June 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7423; Filed, June 27, 1951; 8:56 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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Washington, Friday, June 29, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2932

ENLARGING THE MUIR WOODS NATIONAL MONUMENT, CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Muir Woods National Monument, California, was established by Proclamation No. 793 of January 9, 1908 (35 Stat. 2174), and was enlarged by Proclamations No. 1608 of September 22, 1921 (42 Stat. 2249), and No. 2122 of April 5, 1935 (49 Stat. 3443), to protect a most extraordinary growth of redwood trees (Sequoia Sempervirens) of primeval character; and

WHEREAS the said monument is comprised of various parcels of land conveyed to the United States, as donations, from time to time for national-monument purposes, as separately described and set out in the above-mentioned proclamations; and

WHEREAS the William Kent Estate Company, a corporation of the State of California, has conveyed to the United States, as a donation, a tract of land adjoining the southwesterly boundary of the monument to afford better protection to the monument and to promote its administration and development; and

WHEREAS the United States has acquired from the State of California a leasehold interest in a tract of land adjoining the southeasterly boundary of the monument to afford better protection to the monument and to promote its administration and development; and

WHEREAS there lies at the entrance to the monument a tract of land belonging to the William Kent Estate Company which is needed for additional visitor parking space and for other purposes incident to the proper development and administration of the monument and which is in process of acquisition by the United States for such purposes; and

WHEREAS it appears that it would be in the public interest (1) to enlarge the Muir Woods National Monument by adding thereto the said tract of land donated to the United States by the William Kent Estate Company and the said tract of land leased to the United States by the State of California, (2) to extend the boundaries of the monument so as to include therein such additional lands and the said tract of land owned by the William Kent Estate Company, and (3) to provide that the last-mentioned tract of land shall become a part of the monument upon acquisition of title thereto or control thereof by the United States:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to all valid existing rights, the lands within the following-described boundaries which are now owned or controlled by the United States shall constitute the Muir Woods National Monument, and that the above-described tract of land within such boundaries which is now owned by the William Kent Estate Company shall become a part of such monument upon the acquisition of title thereto or control thereof by the United States:

Beginning at a point shown as A-14 on the map included with and made a part of Presidential Proclamation No. 793, dated January 9, 1908 (35 Stat. 2174), establishing the Muir Woods National Monument, which is the northernmost point of the said monument as presently constituted.

From the initial point,
S. 17° 18′ E., 2828.40 ft.;
S. 4° 10′ E., 930.00 ft.;
S. 45° 17′ W., 262.80 ft.;
S. 26° 58′ 30″ E., 198.13 ft.;
S. 55° 11′ 10″ E., 565.58 ft.;
S. 5° 18′ W., 126.37 ft.;
S. 84° 42′ E., 83.23 ft.;
S. 84° 42′ E., 245.41 ft.;
S. 64° 46′ E., 216.16 ft.;
along a curve to the north with a radius of 1025.0 ft. for a distance of 28.325 ft.;
S. 66° 21′ E., 150.94 ft.;
thence along a curve to the south with a radius of 275.0 ft. for a distance of 95.073 ft.;
S. 38° 05′ W., 143.10 ft.;
S. 8° 12′ 30″ E., 491.22 ft.;
N. 74° 56′ W., 894.16 ft.;
N. 74° 56′ W., 204.76 ft.;
S. 64° 12′ W., 20.85 ft.;
S. 83° 37′ W., 779.66 ft.;
N. 75° 57′ W., 850.32 ft.;
N. 47° 27′ W., 1450.00 ft.;
N. 47° 48′ W., 1050.00 ft.;
S. 49° 34′ W., 93.44 ft.;
S. 85° 53′ W., 462.81 ft.;
N. 11° 36′ E., 199.28 ft.;
N. 78° 24′ W., 78.62 ft.;
N. 84° 39′ W., 187.00 ft.;
N. 68° 59′ W., 88.00 ft.;
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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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N. 31° 49' W., 258.89 ft.;
S. 51° 52' W., 449.53 ft.;
S. 52° 34' W., 877.94 ft.;
S. 49° 34' W., 299.10 ft.;
N. 70° 42' W., 200.00 ft.;
N. 52° 26' W., 499.39 ft.;
S. 73° 17' W., 239.73 ft.;
N. 85° 35' W., 319.84 ft.;
N. 65° 37' W., 539.52 ft.;
N. 42° 28' W., 378.05 ft.;
N. 42° 28' W., 75.00 ft.;
N. 59° 57' E., 3626.90 ft.;
S. 89° 39' E., 1341.70 ft.;
S. 65° 41' E., 1017.20 ft.;
N. 83° 42' E., 857.50 ft.;
N. 55° 28' E., 1550.00 ft. to the point of beginning;

containing 504.271 acres, more or less.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the said Muir Woods National Monument, as provided in the act of August 25, 1916, ch. 408, 39 Stat. 535, and acts additional thereto or amendatory thereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-7565; Filed, June 27, 1951; 5:14 p. m.]

EXECUTIVE ORDER 10259

DELEGATING TO THE SECRETARY OF STATE THE AUTHORITY VESTED IN THE PRESIDENT BY TITLE V OF THE FOREIGN ECONOMIC ASSISTANCE ACT OF 1950 RELATING TO INTERNATIONAL CHILDREN'S WELFARE WORK

By virtue of the authority vested in me by section 1 of the act of August 8, 1950, 64 Stat. 419 (Public Law 673, 81st Congress), and as President of the United States, I hereby delegate to the Secretary of State and to any Assistant Secretary of State designated by him the authority vested in the President by Title V of the Foreign Economic Assistance Act of 1950 (64 Stat. 209, Public Law 535, 81st Congress) relating to international children's welfare work.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 27, 1951.

[F. R. Doc. 51-7537; Filed, June 27, 1951; 4:20 p. m.]

EXECUTIVE ORDER 10260

DESIGNATING CERTAIN AGENCIES PURSUANT TO SECTION 103 (a) OF THE RENEGOTIATION ACT OF 1951

By virtue of the authority vested in me by the Renegotiation Act of 1951 (Public Law 9, 82nd Congress), hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

1. The Federal Civil Defense Administration, the National Advisory Committee for Aeronautics, the Tennessee Valley Authority, and the United States Coast Guard, each of which exercises functions having a direct and immediate connection with the national defense, are hereby designated, pursuant to section 103 (a) of the Act, as agencies of the Government included within the definition of the term "Department" for the purposes of Title I of the Act.

2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with each agency designated in paragraph 1 of this order, and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of July 1951, whether such contracts or subcontracts were made on, before, or after that date.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 27, 1951.

[F. R. Doc. 51-7536; Filed, June 27, 1951; 4:20 p. m.]

EXECUTIVE ORDER 10261

AMENDMENT OF EXECUTIVE ORDER NO. 10000 [1] OF SEPTEMBER 16, 1948, PRESCRIBING REGULATIONS GOVERNING ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

By virtue of the authority vested in me by sections 303, 443, and 853 of the For-

[1] 13 F. R. 5453, 6075; 3 CFR, 1948 Supp.

eign Service Act of 1946 (60 Stat. 1002, 1006, 1024; 22 U. S. C. 843, 888, 1093), by the act of August 8, 1950 (64 Stat. 419; 3 U. S. C. 301–303), and as President of the United States, it is ordered as follows:

1. Sections 402, 503, and 601 of Executive Order No. 10000 of September 16, 1948, are hereby amended to read as follows:

"SEC. 402. *Salary differentials.* Foreign Service staff officers and employees at the posts referred to in section 401, above, shall, while such posts remain Foreign Service differential posts, be paid additional compensation in the form of salary differentials at rates not to exceed 25 percent of the basic salary rates of the staff corps pay schedule, in accordance with such regulations as the Secretary of State may prescribe."

"SEC. 503. *Designation and cancellation of designation of unhealthful posts.* The Secretary of State is hereby authorized and empowered to exercise the authority vested in the President by section 853 of the Foreign Service Act of 1946 (22 U. S. C. 1093) to establish from time to time a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts and to cancel the designation of any places as unhealthful. Each place designated as unhealthful by the Secretary hereunder shall be so designated as of January 1, 1942, or as of a later date to be fixed by the Secretary. The provisions of sections 501 and 502 of this Executive order shall be subject to the authority delegated to the Secretary of State by this section."

"SEC. 601. *Publication.* Regulations prescribed by the Secretary of State and the Civil Service Commission, and designations of places and rates fixed by them, under or pursuant to this order shall be published in the FEDERAL REGISTER."

2. Section 404 of the said Executive Order No. 10000 is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 27, 1951.

[F. R. Doc. 51-7538; Filed, June 27, 1951; 4:20 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE; COURT OF MILITARY APPEALS

Effective upon publication in the FEDERAL REGISTER, a new paragraph (d) is added to § 6.104 as follows:

§ 6.104 *Department of Defense.*

* * *

(d) *Court of Military Appeals.* (1) One private secretary and two technical assistants to each Judge of the Court.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633; E. O. 9880, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7468; Filed, June 28, 1951; 8:47 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MAXIMUM STIPENDS

Effective May 31, 1951, the maximum stipends prescribed in § 27.2 under the heading *All other Federal hospitals* are amended to read as set out below:

§ 27.2 *Maximum stipends prescribed.*

* * *

All other Federal hospitals:	
Approved internship, per year	$2,200
First year approved residency	3,400
Second year approved residency	3,800
Third year approved residency	4,200
Fourth year approved residency	4,700

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7467; Filed, June 28, 1951; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

[Farm Credit Administration Order 524]

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Effective July 1, 1951, § 10.4 of Title 6 of the Code of Federal Regulations, as amended (14 F. R. 851), is hereby amended to read as follows:

§ 10.4 *Interest rates on loans made through associations.* Approval is hereby given to an interest rate of 4 per centum per annum on loans by banks through associations generally, and to an interest rate of 4½ per centum per annum on:

(a) Loans by the Federal Land Bank of Springfield applied for through associations on and after January 1, 1949; and

(b) Loans by the Federal Land Bank of Baltimore applied for through associations on and after October 1, 1951;

and to an interest rate of 5 per centum per annum on loans by the Federal Land Bank of Columbia applied for through associations on and after July 1, 1951; notwithstanding such loan interest rates exceed by more than 1 per centum per annum the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans (but for higher interest rates approved for loans on special classes of property in the continental United States, see § 10.5). [22]

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665. Interprets or applies secs. 4, 12 "Second," 17, 39 Stat. 362, 370, 375, as amended; 12 U. S. C. 672, 771 "Second," 831)

[SEAL] I. W. DUGGAN,
Governor,
Farm Credit Administration.

[F. R. Doc. 51-7481; Filed, June 28, 1951; 8:46 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; ARIZONA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

ARIZONA

County	Average value	Investment limit
Greenlee	$22,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7483; Filed, June 28, 1951; 8:45 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; RHODE ISLAND

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Rhode Island.

RHODE ISLAND

County	Average value	Investment limit
Bristol	$15,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7479; Filed, June 28, 1951; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; RHODE ISLAND

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

RHODE ISLAND

County	Average value	Investment limit
Kent	$15,000	$12,000
Newport	15,000	12,000
Providence	15,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018.)

Issued this 26th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7480; Filed, June 28, 1951; 8:46 a. m.]

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

MAKING AND SERVICING OF DISASTER LOANS

The introduction to § 381.6 in Title 6, Code of Federal Regulations (16 F. R. 3970), is amended to provide that disaster loans approved on or after July 1, 1951, will bear interest at the rate of 5 percent per annum, and as so amended reads as follows:

§ 381.6 *Rates and terms.* Disaster loans approved on or after July 1, 1951, will bear interest from the date of the advance at the rate of 5 percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment in accordance with the following policies:

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 44; 12 U. S. C. 1148a–2)

DERIVATION: § 381.6 contained in FHA Instruction 445.1.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JUNE 21, 1951.

Approved: June 26, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7477; Filed, June 28, 1951; 8:47 a. m.]

PART 382—FUR LOAN PROGRAM

RATES AND TERMS

The introduction to § 382.5 in Title 6, Code of Federal Regulations (14 F. R. 4775), is amended to provide that fur loans approved on or after July 1, 1951, will bear interest at the rate of 5 percent per annum, and as so amended reads as follows:

§ 382.5 *Rates and terms.* The amount of the loan will be determined by the minimum actual needs of the applicant. Fur loans approved on or after July 1, 1951, will bear interest from the date of the advance at the rate of 5 percent per annum on the unpaid principal. Such loans will be scheduled for repayment in installments extending over the minimum period of time consistent with the applicant's anticipated ability to repay, as determined from an analysis of his operations, subject to the following:

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 63 Stat. 43; 12 U. S. C. 1148a–1)

DERIVATION: § 382.5 contained in FHA Instruction 446.1.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JUNE 21, 1951.

Approved: June 26, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7478; Filed, June 28, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-363]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

PART 61—SCHEDULED AIR CARRIER RULES

LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of June 1951.

Special Civil Air Regulation SR-346 which currently expires June 30, 1951, provides special operating rules for scheduled air carriers operating in accordance with Part 61 at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. in long-distance operations. At the time that special regulation was adopted it was anticipated that a revision of Parts 40 and 61, which would incorporate provisions similar to those contained in SR-346, would be completed prior to June 30, 1951. However, while the Board's Bureau of Safety Regulation has been actively engaged in that project, the revision has not been completed. It is, therefore, deemed desirable to extend, in the interest of continuity in scheduled air carrier operations, the effective date of SR-346 until June 30, 1952, or until such earlier date as the projected revision may become effective.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective immediately, to read as follows:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.45 Right-side traffic, § 61.252 Deviation from route, or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of § 60.43 Air traffic clearance, § 60.21 Adherence to air traffic clearances, § 60.47 Radio communications, and § 61.171 (c) Weather reports, except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in these operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That, when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-346, and shall terminate June 30, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7484; Filed, June 28, 1951; 8:45 a. m.]

[Supp. 2, Amdt. 15]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–12 *Green Civil Airway No. 2*, is amended by adding:

From—	To—	Minimum altitude
Bismarck, N. Dak. (VOR) via direct or 15° N. altitude radial.	Jamestown, N. Dak. (VOR) via direct or 15° N. altitude radial.	3,400
Jamestown, N. Dak. (VOR) via direct or 15° N. altitude radial.	Fargo, N. Dak. (VOR) via direct or 15° N. altitude radial.	2,800
Fargo, N. Dak. (VOR) via direct or 15° NE altitude radial.	Alexandria, Minn. (VOR) via direct or 15° NE. altitude radial.	2,800
Alexandria, Minn. (VOR) via direct or 15° NE. altitude radial.	Minneapolis, Minn. (VOR) via direct or 15° NE. altitude radial.	[1] 2,600
La Crosse, Wis. (VOR) via direct or 15° NE. altitude radial.	Lone Rock, Wis. (VOR) via direct or 15° NE. altitude radial.	2,500

[1] 2,500'—Minimum continuous VOR reception altitude.

2. Section 60.17–13 *Green Civil Airway No. 3*, is amended by adding:

From—	To—	Minimum altitude
Naperville, Ill. (VOR) via radial 120.	Chicago Heights, Ill. (VOR) via radial 300.	2,300
Chicago Heights, Ill. (VOR) via direct or 15° S. altitude radial.	Millersburg, Ind. (VOR) via direct or 15° S. altitude radial.	2,100
Millersburg, Ind. (VOR) via radial 90.	Archbold, Ohio (INT).	[1] 2,300
Archbold, Ohio (INT).	Toledo, Ohio (VOR) via radial 273.	2,000
Millersburg, Ind. (VOR) via radials 75 or 105.	Toledo, Ohio (VOR) via radials 258 or 288.	[1] 2,300
Toledo, Ohio (VOR) via radial 095.	Sandusky, Ohio (INT).	2,000
Sandusky, Ohio (INT).	Cleveland, Ohio (VOR) via radial 278.	1,900
Cleveland, Ohio (VOR) via direct 15° N. altitude radial.	Youngstown, Ohio (VOR) via direct or 15° N. altitude radial.	2,600
Toledo, Ohio (VOR) via radial 121.	Int. Toledo, Ohio (VOR) radial 121 and W. crs. Wellington, Ohio (VAR).	2,200
Int. Toledo, Ohio (VOR) radial 121 and W. crs. Wellington, Ohio (VAR).	Wellington, Ohio (VAR) via VAR.	2,200
Wellington, Ohio (VAR) via VAR.	Int. E. crs. Wellington, Ohio (VAR) and Youngstown, Ohio (VOR) radial 255.	2,600
Int. E. crs. Wellington, Ohio (VAR) and Youngstown, Ohio (VOR) radial 255.	Youngstown, Ohio (VAR) via radial 255.	2,600

[1] 3,000'—Minimum continuous VOR reception altitude.

3. Section 60.17–14 *Green Civil Airway No. 4*, is amended by adding:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR) via direct or 15° N. and S. altitude radials.	Loogootee, Ill. (VOR) via direct or 15° N. and S. altitude radials.	2,000
Loogootee, Ill. (VOR) via direct or 15° N. and S. altitude radials.	Terre Haute, Ind. (VOR) via direct or 15° N. and S. altitude radials.	2,000
Terre Haute, Ind. (VOR) via direct or 15° N. altitude radial.	Indianapolis, Ind. (VOR) via direct or 15° N. altitude radial.	2,100
Indianapolis, Ind. (VOR) via direct or 15° N. altitude radial.	Dayton, Ohio (VOR) via direct or 15° N. altitude radial.	2,300
Dayton, Ohio (VOR) via direct or 15° N. altitude radial.	Columbus, Ohio (VOR) via direct or 15° N. altitude radial.	2,300

[1] This route is associated with this airway since the route lies within the control area established for this airway.

4. Section 60.17–105 *Amber Civil Airway No. 5*, is amended by adding:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR) via direct or 15° W. altitude radial.	Springfield, Ill. (VOR) via direct or 15° W. altitude radial.	2,000
Springfield, Ill. (VOR) via direct or 15° E. altitude radial.	Pontiac, Ill. (VOR) via direct or 15° E. altitude radial.	2,200
Pontiac, Ill. (VOR) via direct or 15° E. altitude radial.	Naperville, Ill. (VOR) via direct or 15° E. altitude radial.	2,000
Int. Milwaukee, Wis. (VOR) radial 179 and Chicago Heights, Ill. (VOR) radial 340.	Milwaukee, Wis. (VOR) via radial 179.	2,100

5. Section 60.17–10 *Amber Civil Airway No. 6*, is amended by adding:

From—	To—	Minimum altitude
Nashville, Tenn. (VOR) via direct or 15° E. altitude radial.	Bowling Green, Ky. (VOR) via direct or 15° E. altitude radial.	2,000
Bowling Green, Ky. (VOR) via radial 45.	Louisville, Ky. (VOR) via radial 187.	2,200
Bowling Green, Ky. (VOR) via 15° E. altitude radial.	Louisville, Ky. (VOR) via 15° E. altitude radial.	[1] 2,200
Louisville, Ky. (VOR) via radials 258 or 288.	Cincinnati, Ohio (VOR) via direct or 15° E. altitude radial.	2,100
Columbus, Ohio (VOR) via direct or 15° W. altitude radial.	Mansfield, Ohio (VOR) via direct or 15° W. altitude radial.	2,500
Mansfield, Ohio (VOR) via direct radial.	Cleveland, Ohio (VOR) via direct radial.	2,000

[1] 2,600'—Minimum continuous VOR reception altitude.

6. Section 60.17–211 *Red Civil Airway No. 11*, is amended by adding:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR) via direct or 15° S. altitude radial.	Evansville, Ind. (VOR) via direct or 15° S. altitude radial.	[1] 2,100
Evansville, Ind. (VOR) via radial 76 or 15° N. altitude radial.	Louisville, Ky. (VOR) via radial 267 or 15° N. altitude radial.	[2] 2,100

[1] 4,400'—Minimum continuous VOR reception altitude.
[2] 2,500'—Minimum continuous VOR reception altitude.

7. Section 60.17–212 *Red Civil Airway No. 12*, is amended by adding:

From—	To—	Minimum altitude
Naperville, Ill. (VOR) via radial 88.	Int. Chicago (Midway), Ill. ILS localizer crs. and Chicago Heights, Ill. (VOR) radial 331.	2,000
Int. Chicago (Midway), Ill. ILS localizer crs. and Chicago Heights, Ill. (VOR) radial 331.	South Bend, Ind. (VOR) via radial 271.	2,000
South Bend, Ind. (VOR) via radial 75.	Int. South Bend, Ind. (VOR) radial 75 and Millersburg, Ind. (VOR) radial 344.	2,000
Int. South Bend, Ind. (VOR) radial 75 and Millersburg, Ind. (VOR) radial 344.	Litchfield, Mich. (VOR) via radial 258.	2,100
South Bend, Ind. (VOR) via 15° N. altitude radial.	Litchfield, Mich. (VOR) via 15° N. altitude radial.	2,100
Litchfield, Mich. (VOR) via direct or 15° N. altitude radial.	Detroit, Mich. (VOR) via direct or 15° N. altitude radial.	2,100

8. Section 60.17–214 *Red Civil Airway No. 14*, is amended by adding:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR) via direct or 15° W. altitude radial.	Lafayette, Ind. (VOR) via direct or 15° W. altitude radial.	2,100
Lafayette, Ind. (VOR) via direct or 15° E. and W. altitude radials.	Chicago Heights, Ill. (VOR) via direct or 15° E. and W. altitude radials.	2,000

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR) via radial 340.	Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E. altitude radial 138.	[1] 2,100
Int. Indianapolis, Ind. (VOR) radial 340 and Chicago Heights, Ill. (VOR) 15° E. altitude radial 138.	Int. Chicago Heights, Ill. (VOR) 15° E. altitude radial 138 and Lafayette, Ind. (VOR) 15° E. altitude radial via Chicago Heights, Ill., 15° E. altitude radial 138.	[1] 2,100
Chicago Heights, Ill. (VOR) via radial 331.	Int. Chicago (Midway), Ill. ILS localizer crs. and Chicago Heights, Ill. (VOR) radial 331.	2,000
Janesville, Wis. (VOR) via direct or 15° SW. altitude radial.	Lone Rock, Wis. (VOR) via direct or 15° SW. altitude radial.	3,100

[1] 3,700'—Minimum continuous VOR reception altitude.

9. Section 60.17–217 *Red Civil Airway No. 17*, is amended by adding:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR) via direct or 15° S. altitude radial.	Findlay, Ohio (VOR) via direct or 15° S. altitude radial.	2,200
Findlay, Ohio (VOR) via direct or 15° N. altitude radial.	Mansfield, Ohio (VOR) via direct or 15° N. altitude radial.	2,500
Mansfield, Ohio (VOR) via direct radial.	Bergholz, Ohio (RBN).	2,700
Bergholz, Ohio (BRN)	Pittsburgh, Pa. (VOR) via direct radial.	2,700

10. Section 60.17–227 *Red Civil Airway No. 27*, is amended by adding:

From—	To—	Minimum altitude
Cincinnati, Ohio (VOR) via direct or 15° W. altitude radial.	Dayton, Ohio (VOR) via direct or 15° W. altitude radial.	2,300
Findlay, Ohio (VOR) via radial 026.	Bowling Green, Ohio (FM).	2,100
Bowling Green, Ohio (FM).	Toledo, Ohio (VOR) via radial 288.	1,900

11. Section 60.17–246 *Red Civil Airway No. 46*, is amended by adding:

From—	To—	Minimum altitude
Aberdeen, S. Dak. (VOR) via direct radial.	Jamestown, N. Dak. (VOR) via direct radial.	2,800

12. Section 60.17–255 *Red Civil Airway No. 55*, is amended by adding:

From—	To—	Minimum altitude
Burlington, Iowa (VOR) via direct radial.	Peoria, Ill. (LFR).....	2,000
Peoria, Ill. (LFR).....	Pontiac, Ill. (VOR) via direct radial.	2,000
South Bend, Ind. (VOR) via direct radial.	Millersburg, Ind. (VOR) via direct radial.	2,200
Findlay, Ohio (VOR) via direct or 15° SW. altitude radial.	Columbus, Ohio (VOR) via direct or 15° SW. altitude radial.	2,500

13. Section 60.17–289 *Red Civil Airway No. 89*, is amended by adding:

From—	To—	Minimum altitude
Quincy, Ill. (VOR) via direct radial.	Peoria, Ill. (LFR).....	1,900

14. Section 60.17–606 *Blue Civil Airway No. 6*, is amended by adding:

From—	To—	Minimum altitude
Springfield, Ill. (VOR) via direct radial.	Peoria, Ill. (LFR).....	2,000
Peoria, Ill. (LFR).....	Bradford, Ill. (VOR) via direct radial.	2,000

15. Section 60.17–613 *Blue Civil Airway No. 13*, is amended by adding:

From—	To—	Minimum altitude
Mason City, Iowa (VOR) via direct or 15° W. altitude radial.	Minneapolis, Minn. (VOR) via direct or 15° W. altitude radial.	2,600

16. Section 60.17–644 *Blue Civil Airway No. 44*, is amended by adding:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR) via direct radial.	Kokomo, Ind. (RBN).	2,100
Kokomo, Ind. (RBN).	Fort Wayne, Ind. (VOR) via direct radial.	2,100

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 6, 1951.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7440; Filed, June 28, 1951; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2 to Rev. May 7, 1949]

PART 560—REIMBURSEMENT FOR DAMAGE TO PUBLIC AIRPORTS BY FEDERAL AGENCIES

MISCELLANEOUS AMENDMENTS

The following amendments are designed to implement a provision contained in the appropriation headed "Claims, Federal Airport Act", appearing in Public Law 45, 82d Congress, as follows:

• • • no request for reimbursement of the cost of rehabilitation or repair of a public airport filed under Section 17 of the Federal Airport Act shall be considered by the Secretary unless filed prior to July 1, 1951, and the Secretary shall make no certification to Congress after July 1, 1952, of the actual or estimated cost of such rehabilitation or repair.

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 560 of the regulations of the Administrator of Civil Aeronautics as follows:

1. Section 560.3 is hereby amended by adding a new paragraph (e) thereto, reading as follows:

§ 560.3 *Eligible requests for reimbursement.* To be eligible for consideration by the Administrator, a request for reimbursement must: • • •

(e) Be supplemented and supported by the supporting information and materials required by § 560.10 (a), submitted sufficiently in advance of July 1, 1952, to permit the Administrator to ascertain and determine the amount due and certify such amount to the Congress on or before July 1, 1952, as required by Public Law 45, 82d Congress (see § 560.10 (d).

2. Section 560.6 (b) is hereby amended by adding a second proviso thereto, so that said §560.6 (b) will read as follows:

§ 560.6 *Time limitations.* • • •

(b) No request will be considered by the Administrator unless such request is submitted within six months after the occurrence of the damage upon which such request is based: *Provided, however*, That in the event the damage was caused by operations of a military nature during World War II, such request must be submitted within six months after October 10, 1949, unless the airport was under the control or management of the United States on October 10, 1949, in which event the request may be submitted to the Administrator within six months after transfer of such control or management of the airport to the public agency involved: *And provided further*, That no request will be considered by the Administrator unless submitted prior to July 1, 1951.

3. Section 560.10 is hereby amended by adding thereto a new paragraph (d), reading as follows:

§ 560.10 *Form and content of requests.* • • •

(d) In order that the Administrator may have sufficient time to consider, ascertain and determine the amount due and certify such amount to the Congress on or before July 1, 1952, as required by Public Law 45, 82d Congress, all of the supplementary and supporting information and materials required by this section should be submitted to the District Airport Engineer not later than September 1, 1951.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 17, 60 Stat. 179, as amended; 49 U. S. C. 1116)

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7441; Filed, June 28, 1951; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdt. 380]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdt. 375]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respect:

A. Paragraph numbered 5 of Amendment 380 to §§ 825.1 to 825.12 and Amendment 375 to §§ 825.81 to 825.92 is corrected to read as follows:

5. a. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Rose, Springfield, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester, and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Township of Novi in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

b. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County, except the City of Roosevelt Park.

This decontrols the City of Roosevelt Park in Muskegon County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This correction shall be effective June 7, 1951.

Issued this 26th day of June 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7465; Filed, June 28, 1951; 8:48 a. m.]

[Controlled Housing Rent Reg., Corr. to Amdt. 382]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdt. 377]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respect:

A. Paragraph numbered 6 of Amendment 382 to §§ 825.1 to 825.12 and Amendment 377 to §§ 825.81 to 825.92 is corrected to read as follows:

6. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Rose, Springfield, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Cities of Grosse Pointe Park and Grosse Pointe Woods in Wayne County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This correction shall be effective June 21, 1951.

Issued this 26th day of June 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7466; Filed, June 28, 1951; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

PART 23—CONSOLIDATED INCOME TAX RETURNS

SUPERSEDURE

EDITORIAL NOTE: For regulations which supersede Part 23 for taxable years ending after December 31, 1949, see Part 24 relating to consolidated income and excess profits tax returns, *infra*.

Subchapter A—Income and Excess Profits Taxes

[Regulations 129]

PART 24—CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

Sec.

24.0 Introductory.

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24.11 Consolidated returns for subsequent years.
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COMPUTATION OF TAX, RECOGNITION OF GAIN OR LOSS, AND BASIS

24.30 Computation of tax, recognition of gain or loss, and basis.
24.31 Bases of tax computation.
24.32 Method of computation of income for period of less than twelve months.
24.33 Gain or loss from sale of stock or bonds.
24.34 Sale of stock; basis for determining gain or loss.
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24.36 Limitation on allowable losses on sale of stock or bonds.
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24.41 Sale and retirement by corporation of its bonds.
24.42 Capital loss limitation and carry-over.
24.43 Credit for foreign taxes.
24.44 Methods of accounting.

AUTHORITY: §§ 24.0 to 24.44 issued under 53 Stat. 58, as amended; 26 U. S. C. 141.

SEC. 141, I. R. C. CONSOLIDATED RETURNS.

(a) *Privilege to file consolidated returns.* An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all corporations which at any time during the taxable year have been members of the affiliated group consent to all the consolidated return regulations prescribed under subsection (b) prior to the last day prescribed by law for the filing of such return. The making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year, the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

(b) *Regulations.* The Secretary shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income- and excess-profits-tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

(c) *Computation and payment of tax.* In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; except that the tax imposed under section 15 or section 204 shall be increased by 2 per centum of the consolidated corporation surtax net income of the affiliated group of includible corporations. If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the Western Hemisphere trade corporations included in such group. For the purposes of the tax imposed by section 430, the sum of the excess profits credit and the unused excess profits credit adjustment of the affiliated group shall not be increased under the last sentence of section 431 to an amount in excess of $25,000 for the entire group.

(d) *Definition of "Affiliated Group".* As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(e) *Definition of "includible corporation".* As used in this section, the term "includible corporation" means any corporation except—

(1) Corporations exempt from taxation under section 101.

(2) Insurance companies subject to taxation under section 201 or 207.

(3) Foreign corporations.

(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from sources within possessions of the United States.

(5) Corporations organized under the China Trade Act, 1922.

(6) Regulated investment companies subject to tax under Supplement Q.

(7) Any corporation described in section 449, or in section 454 (d), (f), and (g) (without regard to the exception in the initial clause of section 454), but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year ending after June 30, 1950, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary.

(8) Regulated public utilities described in section 448 (d) which compute their excess profits credit under section 448 but not including any such regulated public utility which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit without regard to section 448. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

(f) *Includible insurance companies.* Despite the provisions of paragraph (2) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of this chapter shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

(g) *Subsidiary formed to comply with foreign law.* In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this chapter as a domestic corporation.

(h) *Suspension of running of statute of limitations.* If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

(i) *Allocation of income and deductions.* For allocation of income and deductions of related trades or businesses, see section 45.

(j) *Includible regulated public utilities.* Despite the provisions of paragraph (8) of subsection (e), two or more regulated public utilities each of which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit under section 448 only, shall be considered as includible corporations for the purpose of the application of subsection (d) to such regulated public utilities alone. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

§ 24.0 *Introductory.* (a) The regulations in this part, authorized by section 141 (b)[1] of the Internal Revenue Code, are prescribed as a supplement to the income tax regulations and the ex-

[1] In connection with the revision of section 141 of the Code as enacted by section 301 of the Excess Profits Tax Act of 1950, the report of the Committee on Ways and Means (Rept. No. 3142, 81st Cong., 2d Sess., p. 74), after describing certain substantive changes proposed, states:

"Aside from these substantive changes in section 141 for taxable years ending after June 30, 1950, and several clerical amendments to the section, the other general rules and provisions of the section are continued unchanged."

With respect to the corresponding section of the Revenue Act of 1928, the report of the Committee on Finance (S. Rept. No. 960, 70th Cong., 1st sess., p. 15) accompanying the revenue bill of 1928 contains the following statement (a similar statement being contained also in the statement of the managers on the part of the House, accompanying the conference report upon the bill, see H. Rept. No. 1882, 70th Cong., 1st sess., pp. 16–17):

"Among the regulations which it is expected that the Commissioner will prescribe are: (1) The extent to which gain or loss shall be recognized upon the sale by a member of the affiliated group of stock issued by any other member of the affiliated group or upon the dissolution (whether partial or complete) of a member of the group; (2) the basis of property (including property included in an inventory) acquired, during the period of affiliation, by a member of the affiliated group, including the basis of such property after such period of affiliation; (3) the extent to which and the manner in which net losses sustained by a corporation before it became a member of the group shall be deducted in the consolidated return; and the extent to which and the manner in which net losses sustained during the period for which the consolidated return is filed shall be deducted in any taxable year after the affiliation is terminated in whole or in part; (4) the extent to which and the manner in which gain or loss is to be recognized, upon the withdrawal of one or more corporations from the group, by reason of transactions occurring during the period of affiliation; and (5) that the corporations filing the consolidated return must designate one of their members as the agent for the group, in order that all notices may be mailed to the agent, deficiencies collected, refunds made, interest computed, and proceedings before the Board of Tax Appeals conducted as though the agent were the taxpayer."

The report of the Committee on Ways and Means (Rept. No. 1860, 75th Cong., 3d sess., p. 44) accompanying the revenue bill of 1938 (the pertinent provisions of which were reenacted without change in substance in the Internal Revenue Code) contains the following statement:

"Among the matters to be detailed in regulations which the Commissioner is expected to prescribe under the provisions of subsection (b) of this section are (a) the treatment of inter-company dividend distributions, (b) definitions of the 'net income,' the 'adjusted net income,' and the 'special class net income,' of the affiliated group, and (c) the computation of the 'net operating loss,' the 'basic surtax credit,' the 'dividend carry-over,' the 'dividends paid credit,' and the 'capital gains and losses,' insofar as these several factors may pertain to the case of an affiliated group."

In connection with the original enactment authorizing the filing of consolidated excess profits tax returns, the report of the Committee on Finance (Rept. No. 2114, 76th Cong., 3d sess., p. 17) accompanying the

cess profits tax regulations applicable generally under the Code. They are applicable, in the case of all corporations (with certain statutory exceptions), to all taxable years ending after December 31, 1949. With respect to taxable years to which these regulations are applicable, they supersede all prior consolidated returns regulations.

(b) The several sections of the regulations in this part, have been given numbers corresponding respectively to the section numbers of prior consolidated returns regulations but with the Code number 24.

GENERAL PROVISIONS

§ 24.1 *Privilege of making consolidated returns.* (a) Section 141 gives to the corporations of an affiliated group the privilege of making a consolidated income and excess profits tax return for the taxable year in lieu of separate returns. This privilege is given, however, upon the condition that all corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to these regulations, and any amendments thereof duly prescribed prior to the last day prescribed by law for the filing of the return; and the making of the consolidated return is considered as such consent. The last day prescribed by law for the filing of the return includes the last day of the period of any extension of time granted by the Commissioner.

(b) The tax liability of the members of the affiliated group for the taxable year involved will be determined in accordance with the provisions of the regulations to which consent is given and without regard to any changes of the rules therein prescribed made subsequent to the last day prescribed by law for the filing of the return for such year.

§ 24.2 *Definitions*—(a) *Code.* The term "Code" means the Internal Revenue Code, as amended, and the sections of statutory law referred to in these regulations, unless otherwise stated, are sections of that Code.

(b) *Affiliated group.* (1) The term "affiliated group" includes the common parent corporation and every other corporation for the period during which such corporation is a member of the affiliated group within the meaning of section 141 of the Code as amended; it does not include (i) any corporation which, under section 141, as amended, cannot be included in a consolidated return, (ii) an insurance company taxable under section 201 or 207 in the case of a consolidated return for corporations taxable under section 13, 14, or 204, (iii) a corporation taxable under section 13, 14, or 204 in the case of a consolidated return for insurance companies taxable under section 201 or 207, (iv) an insurance company taxable under section 201 in the case of a consolidated return for insurance companies taxable under section 27, (v) an insurance company taxable under section 207 in the case of a consolidated return for insurance companies taxable under section 201, (vi) a regulated public utility computing its excess profits credit under section 448 in the case of a consolidated return for corporations other than such regulated public utilities, or (vii) a corporation other than a regulated public utility consenting under section 141 (j) to compute its excess profits credit under section 448 in the case of a consolidated return for such regulated public utilities.

(2) In the case of a domestic corporation owning or controlling, directly or indirectly, 100 percent of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of Canada or of Mexico and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for income tax purposes as a domestic corporation. The option to treat such foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. If the election is exercised to treat such foreign corporation as a domestic corporation, it must be included in the consolidated return of the affiliated group of which it is a member for each consecutive year thereafter for which such group makes or is required to make a consolidated return.

(3) An affiliated group of corporations, within the meaning of section 141 of the Code, is formed at the time that the common parent corporation, which is an includible corporation, becomes the owner directly of stock possessing at least 95 percent of the voting power of all classes of stock and at least 95 percent of each class of nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends) of another includible corporation; a corporation becomes a member of such an affiliated group at the time that one or more members of such group become the owners directly of stock possessing at least 95 percent of the voting power of all classes of its stock and at least 95 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends); and a corporation ceases to be a member of such an affiliated group at the time that the members of such group cease to own directly stock possessing at least 95 percent of the voting power of all classes of its stock, or at least 95 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends).

(4) In the determination of the includible corporations of the affiliated group for a taxable year ending after June 30, 1950, a personal service corporation as described in section 449 or a corporation otherwise entitled to exemption from excess profits tax under section 454 (d), (f), or (g) shall be treated as an includible corporation only if it has made and filed pursuant to section 141 (e) (7) its consent to be treated as an includible corporation for such year or for a prior taxable year ending after June 30, 1950.

(5) A regulated public utility as described in section 448 (d) shall be treated as an includible corporation only if it has made and filed—

(i) In the case of an affiliated group consisting wholly of regulated public utilities or of one or more regulated public utilities together with other corporations, a consent to compute its excess profits credit without regard to section 448; or

(ii) In the case of an affiliated group consisting wholly of regulated public utilities, a consent to compute its excess profits credit under section 448 only, and without regard to sections 435 and 436.

(c) *Consolidated return period.* The term "consolidated return period" means the taxable year 1929, or any subsequent taxable year, for which a consolidated return is made or is required, income tax return, excess profits tax return, or both, including the period during which a subsidiary corporation is engaged in distributing its assets in liquidation.

(d) *Subsidiary.* The term "sudsidiary" means a corporation (other than the common parent corporation) which is a member of the affiliated group during any part of the consolidated return period.

(e) *Tax.* The term "tax" means the normal tax, the excess profits tax, and any surtax imposed by chapter 1, and the surtax imposed by subchapter A of chapter 2, and includes any interest, penalty, additional amount, or addition to the tax, payable in respect thereof.

(f) *Excess profits tax taxable year.* For excess profits tax purposes, in the case of an affiliated group filing a consolidated return for the taxable year, the prior taxable years of the group shall be the prior taxable years of the common parent corporation, whether or not consolidated returns were filed and whether or not the members of the group were affiliated for such prior taxable years. For any period during which the common parent was not in existence, the taxable year of the group shall be determined with respect to such members of the group as were in existence on the basis of the annual accounting period established by the common parent for its first taxable year. If the common parent was in existence on July 1, 1950, the first excess profits tax taxable year of the group is the first taxable year of the common parent ending after June 30, 1950. If the common parent was not in existence on July 1, 1950, the first excess profits tax taxable year of the group is the first taxable year of the group ending after June 30, 1950, determined under this paragraph, during which any member of the group was in existence.

(g) *Terms defined in Internal Revenue Code.* Terms which are defined in the Code shall, when used in the regulations in this part, have the meaning assigned to them by the Code, unless specifically otherwise defined.

§ 24.3 *Applicability of other provisions of law.* Any matter in the determination of which the provisions of the regulations in this part are not applicable shall be determined in accordance with the provisions of the Code or other law applicable thereto.

ADMINISTRATIVE PROVISIONS

§ 24.10 *Exercise of privilege*—(a) *When privilege must be exercised.* The privilege of making a consolidated return under these regulations for any taxable year of an affiliated group must be exercised at the time of making the return of the common parent corporation for such year. Under no circumstances can such privilege be exercised at any time thereafter. The filing of separate returns for a taxable year does not constitute an election binding upon the corporations in subsequent years. If the privilege is exercised at the time of making the return, separate returns cannot thereafter be made for such year. (See, however, § 24.18, relating to failure to comply with the regulations in this part.)

(b) *Effect of tentative returns.* In no case will the privilege under paragraph (a) of this section be considered as exercised at the time of making a so-called "tentative return" (made, for example, in order to obtain an extension of time for making the return required by law). However, if any such tentative return is made upon the basis of a consolidated return or a separate return, the return required by law must be made upon the same basis, unless upon the making of the return required by law (either a separate return or a consolidated return, as the case may be) the payments theretofore made and to be made are adjusted in a manner satisfactory to the Commissioner.

§ 24.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under the regulations in this part for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) subsequent to the exercise of the election to make consolidated returns, chapter 1 of the Code to the extent applicable to corporations, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, regardless of the effective date of such amendment, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

(b) *Effect of separate returns when consolidated return is required.* If the making of a consolidated return is required for any taxable year, the tax liability of the members of the affiliated group shall be computed in the same manner as if a consolidated return had been made, even though separate returns are made; amounts assessed upon the basis of separate returns shall be considered as having been assessed upon the basis of a consolidated return; and amounts paid upon the basis of separate returns shall be considered as having been paid by the common parent corporation. In such cases the making of separate returns shall not be considered as the making of a return for the purpose of computing any period of limitation or any deficiency. If a consolidated return for such taxable year is thereafter made, such return shall, for the purpose of computing periods of limitation and any deficiency be considered as the return for such year.

(c) *When affiliated group remains in existence.* For the purpose of the regulations in this part, an affiliated group shall be considered as remaining in existence if the common parent corporation remains as a common parent and at least one subsidiary remains affiliated with it, whether or not such subsidiary was a member of the group at the time the group was formed and whether or not one or more corporations have become subsidiaries or have ceased to be subsidiaries at any time after the group was formed.

(d) *When affiliated group terminates.* For the purpose of the regulations in this part, an affiliated group shall be considered as terminated if the common parent corporation ceases to be the common parent or if there is no subsidiary affiliated with it.

§ 24.12 *Making consolidated return and filing other forms*—(a) *Consolidated return made by common parent corporation.* A consolidated return shall be made on Form 1120 by the common parent corporation for the affiliated group. Such return shall be filed at the time, and in the office of the collector of the district, prescribed for the filing of a separate return by such common parent corporation.

(b) *Authorizations and consents.* (1) Each subsidiary must prepare duplicate originals of Form 1122, consenting to these regulations and authorizing the common parent corporation to make a consolidated return on its behalf for the taxable year and authorizing the common parent (or, in the event of its failure, the Commissioner or the collector) to make a consolidated return on its behalf (as long as it remains a member of the affiliated group), for each year thereafter for which, under § 24.11 (a), the making of a consolidated return is required. One of such forms as prepared by each subsidiary shall be attached to the consolidated return, as a part thereof; and the other shall be filed, at or before the time the consolidated return is filed, in the office of the collector for the district prescribed for the filing of a separate return by such subsidiary. No such consent can be withdrawn or revoked at any time after the consolidated return is filed.

(2) The filing of Form 1122 for a taxable year ending after June 30, 1950, by a subsidiary which is either a personal service corporation as described in section 449 or a corporation described in section 454 (d), (f), or (g) shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

(3) If the common parent corporation is a personal service corporation as described in section 449 or a corporation described in section 454 (d), (f), or (g), the making and filing of the consolidated return for a taxable year ending after June 30, 1950, shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

(4) A corporation which consents under section 141 (e) (7) to be treated

"Second Revenue Act of 1940" contains the following statement:

"The regulations which the Commissioner is authorized to prescribe are such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the excess-profits tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability in addition to the matters which, in the light of current and previous consolidated returns regulations, are expected to be covered in detail in the regulations to be issued by the Commissioner, are the extent to which and the manner in which the following items, among others, will be computed and given effect in determining the excess-profits-tax liability of an affiliated group: (a) Equity invested capital, borrowed capital, and invested capital, (b) admissible and inadmissible assets, and excluded capital, (c) net capital additions and reductions, (d) consolidated net operating losses, net operating losses incurred by members of the group in taxable years prior to that for which the consolidated return is filed, and the net operating loss deduction of members of the group in taxable years following that for which the consolidated return was filed, and (e) excess-profits net income and adjusted excess-profits net income."

The report of the Committee on Finance (Rept. No. 1631, 77th Cong., 2d sess., p. 133) accompanying the revenue bill of 1942, amending section 141, contains the following statement:

"The consolidated normal tax net income, the consolidated corporation surtax net income, and the consolidated capital gains and losses of the group are among those factors with respect to which the Commissioner, in view of experience with current and past consolidated returns regulations, is expected to prescribe regulations in order to reflect clearly the income and excess profits tax liability of the group and of each member thereof and the various factors necessary for the determination of such liability. In addition to these matters, your committee expects that such regulations will provide for the application of the excess profits relief provisions, and the provisions of section 710 (a) (1) (B) limiting excess profits taxes, in cases where consolidated returns are filed. Although the present regulations with respect to the determination of consolidated net income quite properly limit the deduction of the net operating loss carry-over of a member of a group from years prior to that in which its income is first included in a consolidated return to the amount of the separate income of such member, this section provides that such limitation shall not be applied to prevent the portion of the net operating loss carry-over which is attributable to a 1941 war loss of the member (see sec. 158 of the bill) being taken into account in computing consolidated net income."

as an includible corporation for a taxable year ending after June 30, 1950, shall be treated as an includible corporation for all subsequent years, regardless of whether the affiliated group of which such corporation is a member during such subsequent years is the same as the affiliated group of which such corporation was a member when such consent was filed. No consent to be treated as an includible corporation under section 141 (e) (7) can be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed.

(5) A subsidiary which is a regulated public utility as described in section 448 (d) shall indicate on its Form 1122 filed for a taxable year ending after June 30, 1950, whether it consents, pursuant to section 141 (e) (8), to compute its excess profits credit without regard to section 448, or, pursuant to section 141 (j), to compute such credit under section 448 only.

(6) If the common parent corporation is a regulated public utility as described in section 448 (d) or (e), the making and filing of a consolidated return for a taxable year ending after June 30, 1950, subject to the provisions of section 141 (e) (8), or to the provisions of section 141 (j), shall constitute the making and filing of its consent to compute its excess profits credit without regard to section 448, or to compute such credit under section 448, respectively.

(7) A consent made by a regulated public utility under either of the two preceding paragraphs cannot be withdrawn or revoked at any time after the consolidated return is filed, and shall be applicable to the taxable year for which such consent is made and to each consecutive subsequent taxable year for which a consolidated return is made or is required.

(c) *Affiliations schedule filed by common parent corporation.* The common parent corporation shall prepare Form 851 (Affiliations Schedule), which shall be attached to and made a part of the consolidated return.

(d) *Persons qualified to execute returns and forms.* Each return or form required to be made or prepared by a corporation must be executed by the persons authorized under section 52 to execute returns of separate corporations. In cases where receivers or trustees in bankruptcy are operating the property or business of corporations, each return or form required to be made or prepared by such corporation must be executed by the receiver or trustee, as the case may be, pursuant to an order or instructions of the court, and be accompanied by a copy of such order or instructions.

(e) *Signatures in case subsidiary has left affiliated group.* Since Form 1122 is required even though, during the taxable year of the common parent corporation, the subsidiary (because of a dissolution or sale of stock, or otherwise) has ceased to be a member of the affiliated group, it may be advisable for the common parent to obtain the proper signatures to the form prior to the time the subsidiary ceases to be a member of the group.

§ 24.13 *Change in affiliated group during taxable year*[2]—(a) *General rule.* Except as hereinafter provided, a consolidated return must include the income of the common parent corporation and of each subsidiary for the entire taxable year of the affiliated group.

(b) *Formation of affiliated group after beginning of year.* If an affiliated group is formed after the beginning of the taxable year of the corporation which becomes the common parent corporation, the consolidated return must include the income of the common parent for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and the income of each subsidiary from the time it became a member of the affiliated group.

(c) *Complete termination of affiliated group prior to close of taxable year.* If an affiliated group is terminated prior to the close of the taxable year of the group, the consolidated return must include the income of the common parent corporation for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and of each subsidiary for the period prior to the termination. (See paragraphs (c) and (d) of § 24.11, in determining whether the group has terminated.)

(d) *Addition to affiliated group of a subsidiary during year.* If a corporation becomes a member of the affiliated group during the taxable year of the group, the consolidated return must include its income from the time when it became a member of the group.

(e) *Elimination from affiliated group of a subsidiary during year.* If a subsidiary ceases to be a member of the affiliated group during the taxable year of the group, the consolidated return must include its income for the period during which it was a member of the group.

(f) *Period of 30 days or less may be disregarded.* A subsidiary may at its option be considered as having been a member of the affiliated group during the entire taxable year of the group (or during the entire period of the existence of the subsidiary, whichever is shorter) if the period during which it was not a member of such group does not exceed 30 days. If a corporation has been a member of the affiliated group for a period of less than 31 days during the taxable year of the group, it may at its option be considered as not having been a member of the group during the taxable year. An option under this paragraph must be exercised at or before the time when the consolidated return is made.

(g) *Separate returns for periods not included in consolidated return.* If a corporation, during its taxable year (determined without regard to the affiliation), becomes a member of an affiliated group, its income for the portion of such taxable year not included in the consolidated return of such group must be included in a separate return (or, if a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return). If a corporation ceases to be a member of the affiliated group during the taxable year of the group, its income for the period after the time when it ceased to be a member of the group must be included in a separate return (or, if it becomes a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return).

(h) *Time for making separate returns for periods not included in consolidated return.* If a corporation, during its taxable year (determined without regard to the affiliation), becomes a member of an affiliated group, the separate return required for the portion of such taxable year during which it was not a member of the group must be made on or before the 15th day of the third month following the close of its taxable year (determined without regard to the affiliation). For example, Corporation P, reporting its income on a calendar year basis, acquires on January 1, 1951, all the stock of Corporation S, which reports its income on a fiscal year basis ending March 31. P and S elect to make a consolidated return for the calendar year 1951. The separate return of S for the taxable period April 1, 1950, to December 31, 1950, should be made on or before June 15, 1951.

§ 24.14 *Accounting period of an affiliated group.* (a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, upon having elected to file consolidated returns, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, and if the requirements of § 29.46–1 of this chapter (Regulations 111), relating to notice of change, cannot otherwise be complied with, such notice shall be furnished at or before the time of filing the consolidated return.

(c) With respect to computations for years involved in the change to the consolidated basis, see § 24.32.

§ 24.15 *Liability for tax*—(a) *Several liability of members of affiliated group.* Except as provided in paragraphs (b) and (c) of this section, the common parent corporation and each subsidiary, a member of the affiliated group during any part of a consolidated return period, shall be severally liable for the tax (including any deficiency in respect thereof) computed upon the consolidated net income of the group.

[2] This section has no bearing upon the question whether a consolidated return may or must be made, but relates only to the effect of changes in the affiliated group during the taxable year.

(b) *Liability of a corporation in bankruptcy or receivership.* If, at the time of filing a consolidated return, one or more, but not all, of the members of the affiliated group are in bankruptcy under the laws of the United States or in receivership in any court of the United States or of any State, Territory, or the District of Columbia, then the liability under paragraph (a) of this section of each such member of the group with respect to the period covered by such return shall not exceed such portion of the consolidated tax liability for such period as the several corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of such an agreement, an amount equal to its liability for such year computed as if a separate return had been filed.

(c) *Liability of subsidiary after withdrawal.* If a subsidiary has ceased to be a member of the affiliated group, its liability under paragraph (a) of this section shall remain unchanged, except that if such cessation occurred prior to the date upon which any deficiency is assessed and resulted from a bona fide sale of stock for fair value, the Commissioner may, if he believes that the assessment or collection of the balance of the deficiency will not be jeopardized, make assessment and collection of such deficiency from such former subsidiary in an amount not exceeding the portion thereof allocable to it upon the bases of income used in the computations respectively of the normal tax, any surtax, and the excess profits tax, included in such deficiency.

(d) *Effect of intercompany agreements.* Any agreement entered into by one or more members of the affiliated group with any other members of such group or with any other person shall in no case have the effect of reducing the liability prescribed under this section.

(e) *Liability of transferee not affected.* This section shall not be considered as extinguishing or diminishing any liability, at law or in equity, of a transferee of property of a taxpayer, including any liability under any provision of law, State or Federal, relating to liabilities pursuant to corporate dissolution or transfer or distribution of assets, whether or not in connection with a merger or consolidation.

§ 24.16 *Common parent corporation agent for subsidiaries*—(a) *Scope of agency of common parent corporation.* Except as provided in paragraphs (b) and (c) of this section—

The common parent corporation shall be for all purposes (other than the making of the subsidiary consent required by § 24.12 (b)), in respect of the tax for the taxable year for which a consolidated return is made or is required, the sole agent, duly authorized to act in its own name in all matters relating to such tax, for each corporation which during any part of such year was a member of the affiliated group. The corporations, other than the common parent, shall not have authority to act for or to represent themselves in any such matter. For example, all correspondence will be carried on directly with the common parent; notices of deficiencies will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each such corporation; notice and demand for payment of taxes will be given only to the common parent, and such notice and demand shall be considered as a notice and demand to each such corporation; the common parent will file petitions and conduct proceedings before The Tax Court of the United States, and any such petition shall be considered as having also been filed by each such corporation; the common parent will file claims for refund or credit; refunds will be made directly to and in the name of the common parent and will discharge any liability of the Government in respect thereof to any such corporation; and the common parent in its name will give waivers, give bonds, and execute closing agreements, offers in compromise, and all other documents, and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, shall be considered as having also been given or executed by each such corporation. Notwithstanding the provisions of this paragraph, however, any notice of deficiency, in respect of the tax for a consolidated return period, will name each corporation which was a member of the affiliated group during any part of such period, and any assessment (whether of the original tax or of a deficiency) will be made in the name of each such corporation (but a failure to include the name of any such corporation will not affect the validity of the notice of deficiency or the assessment as to the other corporations); any notice and demand for payment will name each corporation which was a member of the affiliated group during any part of such period (but a failure to include the name of any such corporation will not affect the validity of the notice and demand as to the other corporations); and any distraint (or warrant in respect thereof), any levy (or notice in respect thereof), any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made. The provisions of this paragraph shall apply whether or not a consolidated return is made for any subsequent year, and whether or not one or more subsidiaries have become or have ceased to be members of the group at any time. Notwithstanding the provisions of this paragraph, the Commissioner may, if he deems it advisable, deal directly with any member of the group in respect of its liability, in which event such member shall have full authority to act for itself.

(b) *Effect of withdrawal of subsidiary.* For the purpose of the assertion, assessment, and collection of any deficiency, and of a credit or refund of any amount paid by a former subsidiary as a deficiency determined under § 24.15 (c), but for no other purpose, the agency of the common parent corporation in respect of any subsidiary which has ceased to be a member of the affiliated group shall be terminated upon the expiration of 30 days (or prior thereto if the Commissioner consents) from the date upon which such subsidiary files written notice with the Commissioner that it has ceased to be a member of the affiliated group and that it is terminating such agency. For example, if a subsidiary has ceased to be a member of the group (and if the 30-day period has expired) prior to the mailing of a notice of deficiency to the common parent, a separate notice of deficiency will be mailed in due course to the subsidiary in respect of its deficiency if it becomes necessary to enforce its liability.

(c) *Effect of dissolution of common parent corporation.* If the common parent corporation contemplates dissolution, or is about to be dissolved, or if for any other reason its existence is about to terminate, it shall forthwith notify the Commissioner of such fact and designate, subject to the approval of the Commissioner, another member of the affiliated group to act as agent in its place, to the same extent and subject to the same conditions and limitations as are applicable to the common parent. If the notice thus required is not given by the common parent, the remaining members of the group may, subject to the approval of the Commissioner, designate another member of the group to act as such agent, and notice of such designation shall be given to the Commissioner. Until a notice in writing designating a new agent has been received by the Commissioner, any notice of deficiency or other communication mailed to the common parent shall be considered as having been properly mailed to the agent of the group; or, if the Commissioner has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member of the group in respect of its liability.

§ 24.17 *Waivers*—(a) *Effect of waiver given by common parent corporation.* Any consent given by the common parent corporation (or by an agent in accordance with paragraph (c) of § 24.16) extending the time within which an assessment may be made or distraint or proceeding in court begun, in respect of the tax for a consolidated return period, shall be applicable (1) to each corporation which was a member of the affiliated group during any part of such period (whether or not any such corporation has ceased to be a member of the group), and (2) to each corporation the income of which was included in the consolidated return, or which filed Form 1122, for such period, even though it is subsequently determined that such corporation was not a member of the group.

(b) *Acceptance of waivers from common parent corporation and alleged subsidiary.* In no case will a separate waiver be accepted from a corporation the income of which was included in the consolidated return (for example, a corporation which the Commissioner determines was not a member of the affiliated group), or which filed Form 1122, unless a waiver is also obtained from the common parent, or unless the Commissioner is dealing directly with such corporation to enforce its liability.

§ 24.18 *Failure to comply with regulations*—(a) *Exclusion of a subsidiary from consolidated return.* If there has been a failure to include in the consolidated return the income of any subsidiary, or a failure to file any of the forms required by the regulations in this part, notice thereof shall be given the common parent corporation by the Commissioner, and the tax liability of each member of the affiliated group shall be determined on the basis of separate returns unless such income is included or such forms are filed within the period prescribed in such notice, or any extension thereof, or unless under § 24.11 a consolidated return is required for such year.

(b) *Common parent corporation incorrectly designated in consolidated return.* If a consolidated return includes a corporation as the common parent and such corporation was not (under the provisions of section 141) the common parent, the tax liability of each corporation included in the return will be computed in the same manner as if separate returns had been made, unless, upon application, the Commissioner approves the making of a consolidated return, or unless under § 24.11 a consolidated return is required for such year.

(c) *Inclusion of one or more subsidiaries not members of affiliated group.* If a consolidated return includes a corporation as a subsidiary and such corporation was not a member of the affiliated group during the consolidated return period, the tax liability of such corporation will be determined upon the basis of a separate return (but see paragraph (a) of this section), and the consolidated return shall be considered as including only the corporations which were members of the group during such period. If the consolidated return includes two or more corporations which are not members of the group but which constitute a separate affiliated group, the tax liability of the corporations constituting the separate group will be computed in the same manner as if separate returns had been made by such corporations, unless the Commissioner, upon application, approves the making of a consolidated return for the separate group, or unless under § 24.11 a consolidated return is required for the separate group.

(d) *Effect of authorization and consent filed pursuant to notice.* If Form 1122 is filed by any corporation, pursuant to a notice under paragraph (a) of this section, such corporation shall be considered for all purposes as having joined in the making of the consolidated return.

(e) *Allocation of payments in the event of change by one or more corporations to separate returns.* In any case in which amounts have been assessed and paid upon the basis of a consolidated return and the tax liability of one or more of the corporations included in the consolidated return is to be computed in the same manner as if separate returns had been made, the amounts so paid shall be allocated between the affiliated group composed of the corporations properly included in the consolidated return and each of the corporations the tax liability of which is to be computed on a separate basis, in such manner as the corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of an agreement, upon the bases used in the respective computations of the normal tax, any surtax, and the excess profits tax, as shown upon the consolidated return.

§ 24.19 *Tentative carry-back adjustments*—(a) *Groups with constant membership; consolidated returns only.* In the case of an affiliated group the membership of which remains unchanged and for which consolidated returns are made or are required for the taxable years involved, any statement filed under section 3779 of the Code with respect to an expected carry-back and any application for a tentative carry-back adjustment filed under section 3780 shall be filed by the common parent corporation and shall disclose all material facts and circumstances relating to the group as a whole. Such statement or application shall be filed on the appropriate form prescribed for such purpose, Form 1138 or Form 1139, as the case may be. Any refunds allowable under any such application will be made directly to and in the name of the common parent. The making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c) or 294 (e), together with any interest or penalty assessed in connection therewith.

(b) *Groups with changing membership; cases involving a separate return period.* (1) The membership of an affiliated group may change during a taxable year for which a net operating loss or an unused excess profits credit arises, or in the preceding taxable year affected by such net loss or unused credit. Or an affiliated group making a consolidated return for the year of such net loss or unused credit may have made separate returns for the preceding year; or a group making separate returns for the year of the net loss or unused credit may have made a consolidated return for the preceding year. In any such case, the statement provided for in section 3779 (b) of the Code and the application for the tentative carry-back adjustment provided for in section 3780 (a) shall be a joint statement or application concurred in and executed by each corporation which was a member of the group at any time during either of the taxable years involved in the deferment or adjustment sought. The time for the payment of taxes shall be extended under section 3779 and the adjustment provided for in section 3780 shall be made only in accordance with an agreement of the several corporations involved to be made a part of such statement or application. Any refund allowable under any such application with respect to a consolidated return period will be made directly to and in the name of the common parent corporation, and the making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c) or 294 (e), together with any interest or penalty assessed in connection therewith.

(2) In the absence of an agreement between the several corporations, or in the event of their failure to set forth the provisions of such an agreement as a part of their statement or application, no extension of time for the payment of any tax under the provisions of section 3779 shall be granted, and no tentative adjustment shall be made under section 3780.

(3) Nothwithstanding any agreement between the several affiliated corporations, no tentative adjustment shall be made with respect to either a consolidated or a separate return period in disregard of the several liability of the several corporations with respect to any taxable year for which a consolidated return was made or was required.

COMPUTATION OF TAX, RECOGNITION OF GAIN OR LOSS, AND BASIS

§ 24.30 *Computation of tax*—(a) *General rule.* In the case of an affiliated group which makes, or is required to make, a consolidated return for any taxable year, the tax liability of each corporation for the period during such year that it was a member of such group shall be computed, subject to the provisions of paragraph (b) of this section, upon the consolidated normal-tax net income and the consolidated corporation surtax net income of the group, or, in the case of the taxes imposed by section 102, section 201, subchapter A, and subchapter D, upon the consolidated undistributed section 102 net income, the consolidated adjusted normal-tax net income and the consolidated adjusted corporation surtax net income, the consolidated undistributed subchapter A net income, or the consolidated adjusted excess profits net income, as the case may be, determined in each case in accordance with the regulations in this part. In the case of an affiliated group realizing long-term capital gains and computing its tax under the alternative tax provisions of section 117 (c), the tax shall be computed with reference to the consolidated net income, and the excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss.

(b) *Special rules.* The general rule prescribed in paragraph (a) of this section is subject to the following special rules:

(1) *In the case of Western Hemisphere trade corporations*—(i) *Years beginning after June 30, 1950, and calendar year 1950.* If the affiliated group filing a consolidated return for a taxable year beginning after June 30, 1950, or for the calendar year 1950, includes a Western Hemisphere trade corporation, as defined in section 109, the increase of 2 percent provided in section 141 (c) in the corporation surtax rate shall be applied only on that portion of the consolidated corporation surtax net income attributable to the members of the group other than the Western Hemisphere trade corporation.

(ii) *Other taxable years.* In the case of an affiliated group filing a consolidated return for a taxable year other than one subject to the provisions of subdivision (i) of this subparagraph, and including as a member of the group a Western Hemisphere trade corporation, as defined in section 109, the surtax of the group shall be an amount which bears the same ratio to the surtax computed on the consolidated corporation surtax net income as the portion of the consolidated corporation surtax net income attributable to the other members of the group bears to the entire consolidated corporation surtax net income.

(2) *In case of abnormalities.* If the affiliated group for any taxable year is subject to the provisions of section 456 (relating to abnormalities)—

(i) The excess profits tax liability of the group for the taxable year in which the whole of the abnormal income would, without regard to section 456, be includible shall not exceed the sum of (*a*) the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, plus (*b*) the aggregate of the increase in the excess profits tax which would have resulted for the taxable year (computed under subdivision (*a*)) and for each previous taxable year to which any portion of such net abnormal income is attributable, computed as if an amount equal to such portion had been included in the gross income for such previous taxable year of the corporation deriving such portion;

(ii) The excess profits tax liability of the group for any future taxable year shall be the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed with the inclusion in gross income of the net abnormal income attributable to such future taxable year, but shall not exceed the sum of (*a*) the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed without the inclusion in excess profits net income of the portion of the net abnormal income which is attributable to such year, and (*b*) the decrease in the excess profits tax for the previous taxable year in which the whole of such abnormal income would, without regard to section 456, be includible, which decrease resulted by reason of the exclusion of the whole or a part of the abnormal income from the gross income for such previous taxable year; but the amount of such decrease shall be diminished by the aggregate of the increases in the excess profits tax which would have resulted for the future taxable year (computed under subdivision (*a*)) and for the taxable years intervening between such previous taxable year and such future taxable year because of the inclusion in gross income of the portions of such net abnormal income attributable to such intervening years.

(iii) Whether or not an abnormality within the meaning of section 456 exists shall be determined in the light of the aggregate business and of the collective experience during the four previous taxable years of the several members of the group.

(3) *In case of Merchant Marine contracts.* If the affiliated group for any taxable year includes a corporation subject to the provisions of section 457, relating to corporations completing contracts under the Merchant Marine Act of 1936, the excess profits tax liability of the group shall be the tax under section 430 computed on the consolidated adjusted excess profits net income or the tax computed in accordance with the provisions of section 457 (b), whichever is the lesser. The computation under section 457 (b) shall be made as if the consolidated adjusted excess profits net income and the payments made or to be made to the Federal Maritime Board were the adjusted excess profits net income of and payments made or to be made by a separate corporation.

(4) *In case of profits from mining strategic minerals.* If the affiliated group for any taxable year includes a corporation a portion of the income of which is, pursuant to section 450, exempt from excess profits tax by reason of such corporation having engaged in the mining of strategic minerals, the excess profits tax liability of the group shall be an amount which bears the same ratio to the excess profits tax computed on the consolidated adjusted excess profits net income as the portion of the consolidated adjusted excess profits net income not exempt from excess profits tax bears to the entire consolidated adjusted excess profits net income. The portion of the consolidated adjusted excess profits net income not exempt from excess profits tax shall be determined in the same manner as if the consolidated adjusted excess profits net income were the adjusted excess profits net income of a separate corporation.

(c) *Limitation on excess profits tax.* The consolidated excess profits tax liability shall be whichever of the following amounts is the lesser:

(1) An amount equal to 30 percent of the consolidated adjusted excess profits net income, or

(2) An amount equal to the excess of 62 percent of the consolidated section 433 (a) excess profits net income for the taxable year over the tax which would be imposed for the taxable year under sections 13, 14, and 15, supplement G, and supplement Q, whichever are applicable to the affiliated group, computed (subject to section 108, if applicable, and to section 141 (c)) as if the amount of the consolidated normal-tax net income and the amount of the consolidated corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the consolidated section 433 (a) excess profits net income for such year.

(d) *Several liability.* With respect to the liability of the several members of the group, see § 24.15.

§ 24.31 *Bases of tax computation.* In the case of an affiliated group of corporations which makes, or is required to make, a consolidated return for any taxable year, and except as otherwise provided in the regulations in this part, the tax liability determined under § 24.30 shall be determined subject to the definitions and rules of computation set forth in paragraphs (a) and (b) of this section.

(a) *Definitions*—(1) *Consolidated net income.* The consolidated net income shall be the combined net income of the several affiliated corporations—

(i) Minus the sum of—

(*a*) Any consolidated net operating loss deduction,

(*b*) Any consolidated section 117 (j) net loss, relating to net losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and

(*c*) The aggregate amount of any contributions or gifts made by the several affiliated corporations during the taxable year, subject to the provisions of section 23 (q), but not in excess of 5 percent of the consolidated net income computed without regard to such contributions or gifts, and

(ii) Plus any consolidated net capital gain, or

(iii) Minus, in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, the combined additional capital loss deductions of such corporations authorized by section 204 (c) (5), but in an amount not in excess of the consolidated net capital loss.

(2) *Consolidated net operating loss deduction.* The consolidated net operating loss deduction shall be an amount equal to the aggregate of the consolidated net operating loss carry-overs and of the consolidated net operating loss carry-back to the taxable year reduced by the amount, if any, by which the consolidated net income (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) exceeds the consolidated normal-tax net income (computed without any net operating loss deduction and without the credits provided in section 26 (h), relating to dividends paid by public utilities on certain preferred stock, and section 26 (i), relating to western hemisphere trade corporations).

(3) *Consolidated net operating loss carry-overs.* The consolidated net operating loss carry-overs to the taxable year shall consist of—

(i) The consolidated net operating losses, if any, for the five preceding taxable years (not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950) to the extent that the consolidated net operating loss for any such preceding taxable year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and was not absorbed as a carry-over or carry-back by the consolidated or separate net income for preceding or intervening taxable years,

and, with respect to a net operating loss sustained by a corporation in a taxable

year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in section 24.31 (b) (3),

(ii) The amount of the net operating losses, if any, of such corporation for the five preceding taxable years (not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950) to the extent that the net operating loss for any such preceding taxable year was not absorbed as a carry-over or carry-back by consolidated or separate net income for preceding or intervening taxable years.

(4) *Consolidated net operating loss carry-back.* The consolidated net operating loss carry-back to the taxable year shall consist of—

(i) The amount of the consolidated net operating loss, if any, for the succeeding taxable year to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and with respect to a net operating loss sustained by a corporation which, for the succeeding taxable year, files a separate return or joins in a consolidated return filed by another affiliated group but subject to the limitations prescribed in § 24.31 (b) (3),

(ii) The amount of the net operating loss, if any, of such corporation for the succeeding taxable year.

(5) *Consolidated net operating loss.* The consolidated net operating loss, computed for the purpose of the net operating loss deduction, shall be an amount equal to the excess of the sum of—

(i) The combined net operating losses of the several affiliated corporations having net operating losses (computed subject to the exceptions, additions, and limitations provided in section 122 (d)), and

(ii) The consolidated section 117 (j) net loss, over the sum of—

(iii) The combined net income of the several affiliated corporations having net income (adjusted with respect to the exceptions, additions, and limitations provided in section 122 (d) in connection with the computation of net operating losses), and

(iv) The consolidated net capital gain.

(6) *Consolidated section 117 (j) net loss.* The consolidated section 117 (j) net loss shall be the excess of the aggregate of the recognized losses of the character described in section 117 (j) sustained by the several affiliated corporations over the aggregate of the recognized gains of the character described in section 117 (j) realized by the several affiliated corporations.

(7) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations, and

(ii) The consolidated section 117 (j) net gain, over the sum of—

(iii) The aggregate of the capital losses of such corporations, and

(iv) The aggregate of the consolidated net capital loss carry-overs to the taxable year.

(8) *Consolidated section 117 (j) net gain.* The consolidated section 117 (j) net gain shall be the excess of the aggregate of the recognized gains of the character described in section 117 (j) realized by the several affiliated corporations over the aggregate of the recognized losses of the character described in section 117 (j) sustained by the several affiliated corporations.

(9) *Consolidated net capital loss carry-over.* The consolidated net capital loss carry-overs to the taxable year shall consist of—

(i) The consolidated net capital losses, if any, for the five preceding taxable years to the extent that such losses were not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and were not absorbed by net capital gains for intervening taxable years pursuant to the provisions of section 117 (e) (1), consolidated or separate, as the case may be,

and, with respect to net capital losses sustained by a corporation for taxable years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The net capital losses, if any, sustained by such corporation for its five preceding taxable years to the extent that such losses were not absorbed by the net capital gains of such corporation (or, if the income of such corporation was included in a consolidated return, by the consolidated net capital gain) for intervening taxable years pursuant to the provisions of section 117 (e) (1).

(10) *Consolidated net capital loss.* The consolidated net capital loss shall be the excess of the aggregate of the capital losses of the several affiliated corporations over the sum of—

(i) The aggregate of the capital gains of such corporations, and

(ii) The consolidated section 117 (j) net gain,

reduced, in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, but only for the purpose of net capital loss carry-over computations, by whichever of the following amounts is the lesser:

(iii) The combined additional capital loss deductions of such corporations authorized by section 204 (c) (5), or

(iv) The consolidated corporation surtax net income computed without regard to capital gains and losses.

(11) *Consolidated normal-tax net income.* The consolidated normal-tax net income shall be the consolidated adjusted net income minus—

(i) The consolidated section 26 (b) credit, relating to dividends received,

and, for taxable years beginning after June 30, 1950, and for the calendar year 1950—

(ii) In the case of an affiliated group including as a member a public utility as defined in section 26 (h) (2) (A), the consolidated section 26 (h) credit; and

(iii) In the case of an affiliated group including as a member a western hemisphere trade corporation as defined in section 109, the consolidated section 26 (i) credit.

(12) *Consolidated adjusted net income.* The consolidated adjusted net income shall be the consolidated net income minus the consolidated section 26 (a) credit, relating to interest on certain obligations of the United States and Government corporations.

(13) *Consolidated section 26 (a) credit.* The consolidated section 26 (a) credit, relating to interest on certain obligations of the United States and Government corporations, shall be an amount equal to the aggregate of the interest, of the class with respect to which credit is allowed by section 26 (a), received by the several affiliated corporations.

(14) *Consolidated section 26 (b) credit.* The consolidated section 26 (b) credit, relating to dividends received, shall be—

(i) An amount equal to 85 percent of the aggregate dividends, of the class with respect to which credit is allowed by section 26 (b) received by the several affiliated corporations, not including dividends on preferred stock of public utilities subject to the provisions of (ii), and

(ii) With respect to the aggregate dividends received by the several affiliated corporations on the preferred stock of a public utility described in section 26 (h)—

(*a*) For taxable years beginning after June 30, 1950, an amount equal to 59 percent of the aggregate of such dividends received in such year, or

(*b*) For the calendar year 1950, an amount equal to 57 percent of the aggregate of such dividends received in such year,

but in an amount not greater than 85 percent of the consolidated adjusted net income computed without regard to the consolidated net operating loss deduction.

(15) *Consolidated section 26 (h) credit.* The consolidated section 26 (h) credit, relating to dividends paid by public utilities on preferred stock, shall be—

(i) With respect to a taxable year beginning after June 30, 1950, and the calendar year 1950, an amount equal to 30 percent (33 percent for the calendar year 1950) of the lesser of—

(*a*) The aggregate of the dividends paid by members of the affiliated group which are public utilities within the meaning of section 26 (h) (2) (A) on preferred stock within the meaning of section 26 (h) (2) (B), or

(*b*) The portion of the consolidated adjusted net income attributable to such members minus the portion of the consolidated section 26 (b) credit attributable to such members; and

(ii) With respect to other taxable years, an amount equal to the aggregate of the dividends paid by members of the affiliated group which are public utilities within the meaning of section 26 (h) (2) (A) on preferred stock within the meaning of section 26 (h) (2) (B), but in an amount not greater than that portion of the consolidated corporation

surtax net income (computed without regard to this credit) attributable to such members.

(16) *Consolidated section 26 (f) credit.* For taxable years beginning after June 30, 1950, and the calendar year 1950, the consolidated section 26 (f) credit shall be an amount equal to 30 percent (33 percent for the calendar year 1950) of the portion of the consolidated normal-tax net income, computed without regard to this credit, attributable to those members of the affiliated group which are western hemisphere trade corporations.

(17) *Consolidated corporation surtax net income.* The consolidated corporation surtax net income shall be the consolidated net income minus the sum of—

(i) The consolidated section 26 (b) credit relating to dividends received (computed for taxable years beginning prior to July 1, 1950, other than the calendar year 1950, without regard to dividends received of the class with respect to which a public utility is allowed a dividends paid credit under section 26 (h));

(ii) In the case of an affiliated group including as a member a public utility as defined in section 26 (h) (2) (A), the consolidated section 26 (h) credit; and

(iii) In the case of an affiliated group including as a member a western hemisphere trade corporation as defined in section 109, for taxable years beginning after June 30, 1950, and for the calendar year 1950, the consolidated section 26 (i) credit.

(18) *Consolidated net long-term capital gain.* The consolidated net long-term capital gain shall be the excess of the sum of—

(i) The aggregate of the long-term capital gains of the several affiliated corporations, and

(ii) The consolidated section 117 (j) net gain, over

(iii) The aggregate of the long-term capital losses of such corporations.

(19) *Consolidated net short-term capital loss.* The consolidated net short-term capital loss shall be the sum of—

(i) The aggregate of the short-term capital losses of the several affiliated corporations, and

(ii) The consolidated net capital loss carry-over, minus

(iii) The aggregate of the short-term capital gains of such corporations.

(20) *Consolidated section 102 net income.* The consolidated section 102 net income shall be the consolidated net income, computed without regard to any capital loss carry-over and without regard to any net operating loss deduction, minus the sum of—

(i) The combined Federal income, war-profits, and excess-profits taxes (other than a tax imposed by subchapter E of Chapter 2 of the Code for taxable years beginning after December 31, 1940) paid or accrued during the taxable year by the several affiliated corporations, to the extent not allowed as a deduction by section 23, but not including the tax imposed by section 102 of the Code, or by a corresponding section of prior income tax laws,

(ii) The combined contributions or gifts of the several affiliated corporations, payment of which is made within the taxable year, not otherwise allowed as a deduction, to or for the use of donees described in section 23 (o) of the Code for the purposes therein specified, and

(iii) The excess of the sum of the capital losses of the several affiliated corporations (computed without regard to any capital loss carry-over) over the sum of the capital gains of such corporations.

(21) *Consolidated undistributed section 102 net income.* The consolidated undistributed section 102 net income shall be the consolidated section 102 net income minus the consolidated basic surtax credit.

(22) *Consolidated subchapter A net income.* The consolidated subchapter A net income shall be the consolidated net income computed with the adjustments provided in section 505.

(23) *Consolidated undistributed subchapter A net income.* The consolidated undistributed subchapter A net income shall be the consolidated subchapter A net income minus the sum of—

(i) The consolidated dividends paid credit with the exceptions and limitations provided in section 504 (a),

(ii) The aggregate amount, subject to the provisions of section 504 (b), used or irrevocably set aside by the several affiliated corporations to pay or to retire indebtedness incurred prior to January 1, 1934, not including such portion of any such indebtedness as was owned on January 1, 1934, or at any time thereafter, directly or indirectly, by another member of the group, and

(iii) The aggregate amount of dividends paid by the several affiliated corporations after the close of the taxable year, subject to the provisions of section 504 (c).

(24) *Consolidated dividends paid credit.* The consolidated dividends paid credit shall be the sum of—

(i) The consolidated basic surtax credit, and

(ii) The consolidated dividend carry-over.

(25) *Consolidated basic surtax credit.* The consolidated basic surtax credit shall be the sum of—

(i) The excess of the aggregate amount of dividends paid by the several affiliated corporations during the taxable year (computed, in the case of the tax imposed by subchapter A, of Chapter 2, with the qualifications provided in section 504 (a), relating to dividends paid after the close of the taxable year) over the consolidated section 26 (h) credit, relating to dividends paid by public utilities on certain preferred stock, and

(ii) The combined consent dividends credit of the several affiliated corporations provided in section 28,

and, in an aggregate amount not exceeding the consolidated section 102 net income or the consolidated subchapter A net income, as the case may be, the sum of—

(iii) The consolidated net operating loss credit, and

(iv) In the case of an affiliated group including one or more holding company affiliates of a bank as defined in section 2 of the Banking Act of 1933, the consolidated section 26 (d) credit, relating to earnings or profits devoted to the acquisition of readily marketable assets other than bank stock.

(26) *Consolidated dividend carry-over.* The consolidated dividend carry-over for the taxable year shall be the sum of—

(i) The amount, if any, by which the consolidated basic surtax credit for the first preceding taxable year exceeds the consolidated subchapter A net income for such year, to the extent that such credit and such income are not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group, for the taxable year,

(ii) The amount of the consolidated basic surtax credit for the second preceding taxable year reduced by the consolidated subchapter A net income for such year and further reduced by the amount, if any, by which the consolidated subchapter A net income of the first preceding taxable year exceeds the sum of—

(*a*) The consolidated basic surtax credit for such year, and

(*b*) The excess, if any, of the consolidated basic surtax credit for the third preceding taxable year over the consolidated subchapter A net income for such year,

to the extent that any such basic surtax credit and any such subchapter A net income are not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to the unused basic surtax credit of a corporation for taxable years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(iii) The amount, if any, by which the basic surtax credit of such corporation for the first preceding taxable year exceeds the subchapter A net income of such corporation for such year, and

(iv) The amount of the basic surtax credit of such corporation for the second preceding taxable year reduced by the subchapter A net income of such corporation for such year and further reduced by—

(*a*) The excess, if any, of the subchapter A net income of such corporation for the first preceding taxable year over the sum of—

(*1*) The basic surtax credit of such corporation for such year, and

(*2*) The amount, if any, by which the basic surtax credit of such corporation for the third preceding taxable year exceeds the subchapter A net income of such corporation for such year, or

(*b*) If the income of such corporation is included in the consolidated return for the first preceding taxable year, the excess, if any, of the consolidated subchapter A net income for the first preceding taxable year over the sum of—

(*1*) The consolidated basic surtax credit for such year, and

(*2*) The amount, if any, by which the basic surtax credit of such corporation

for the third preceding taxable year exceeds the subchapter A net income of such corporation for such year.

(27) *Consolidated net operating loss credit.* The consolidated net operating loss credit shall be an amount equal to the sum of—

(i) The consolidated net operating loss for the preceding taxable year, computed for the purpose of the credit, to the extent not attributable to those corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year,

(ii) The net operating loss of such corporation for such preceding taxable year, computed subject to the exceptions and limitations provided in section 26 (c) (2), and further limited, as the case may be, to that portion of the consolidated section 102 net income, or the consolidated subchapter A net income, attributable to such corporation for the taxable year,

but not in excess of the consolidated section 102 net income for the taxable year, or the consolidated subchapter A net income, as the case may be.

(28) *Consolidated net operating loss for purpose of credit.* The consolidated net operating loss, computed for the purpose of the net operating loss credit, shall be the excess of the sum of—

(i) The combined net operating losses of the several affiliated corporations having net operating losses, computed subject to the exceptions and limitations provided in section 26 (c) (2),

(ii) The consolidated section 117 (j) net loss, and

(iii) In the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, the combined additional capital loss deductions of such corporations authorized by section 204 (c) (5),

over the sum of—

(iv) The combined net income, computed with respect to the exceptions and limitations provided in section 26 (c) (2) in connection with the computation of net operating losses, of the several affiliated corporations having net income, and

(v) The consolidated net capital gain.

(29) *Consolidated section 26 (d) credit.* The consolidated section 26 (d) credit, relating to bank affiliates, shall be an amount equal to the aggregate of the earnings or profits of members of the group which are holding company affiliates of a bank as defined in section 2 of the Banking Act of 1933 devoted to the acquisition of readily marketable assets other than bank stock (not including any asset acquired, directly or indirectly, from another member of the group), subject, in the case of each such affiliate, to the limitations imposed by section 26 (d) determined without regard to the qualifications expressed in (b) (1) (ii) and (iii) of this section.

(30) *Consolidated adjusted normal-tax net income of life insurance companies.* The consolidated adjusted normal-tax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201, shall be the consolidated normal-tax net income minus the consolidated section 202 (b) credit, and plus the consolidated section 202 (c) adjustment.

(31) *Consolidated adjusted corporation surtax net income of life insurance companies.* The consolidated adjusted corporation surtax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201, shall be the consolidated corporation surtax net income minus the consolidated section 203 (b) credit, and plus the consolidated section 202 (c) adjustment.

(32) *Consolidated section 202 (b) credit.* The consolidated section 202 (b) credit, relating to reserve and other policy liabilities, shall be the consolidated normal-tax net income multiplied by a figure to be determined and proclaimed by the Secretary for each taxable year pursuant to section 202 (b).

(33) *Consolidated section 202 (c) adjustment.* The consolidated section 202 (c) adjustment, relating to certain reserves provided in section 202 (c), shall be an amount equal to 3¼ percent of the combined unearned premiums and unpaid losses of the several affiliated corporations on contracts other than life insurance or annuity contracts, computed in the case of each corporation pursuant to the provisions of section 202 (c), but the combined unearned premiums shall not be considered to be less than 25 percent of the combined net premiums on such other contracts written during the taxable year.

(34) *Consolidated section 203 (b) credit.* The consolidated section 203 (b) credit, relating to reserve and other policy liabilities, shall be the consolidated corporation surtax net income multiplied by a figure to be determined and proclaimed by the Secretary for each taxable year pursuant to section 202 (b).

(35) *Consolidated section 433 (a) excess profits net income.* The consolidated section 433 (a) excess profits net income for any taxable year ending after June 30, 1950, shall be the consolidated normal-tax net income increased or decreased, as the case may be, by the consolidated section 433 (a) adjustment.

(36) *Consolidated section 433 (a) adjustment.* The consolidated section 433 (a) adjustment shall be the net amount of the aggregate adjustments provided in section 433 (a) (1) (D), (E), (F), (G), (I), (K), (L), (M), (N), (O), (P), and (Q), computed and determined in the case of the several affiliated corporations, except as otherwise provided in (b) of this section, in the same manner and subject to the same conditions as if separate returns were filed, increased or decreased, as the case may be, with respect to—

(i) The excess of the aggregate amount of the dividends received by the several corporations of the class with respect to which adjustment is provided for in section 433 (a) (1) (A), computed subject to the limitation relating to dividends in kind, over the consolidated section 26 (b) credit;

(ii) The sum of the consolidated section 26 (h) credit, relating to dividends paid by a public utility, and the consolidated section 26 (i) credit, relating to western hemisphere trade corporations;

(iii) The amount of—

(a) The consolidated net capital gain, or

(b) The combined additional capital loss deductions authorized by section 204 (c) (5), but not in excess of the consolidated net capital loss.

(iv) In the case of life insurance companies subject to the tax imposed by section 201—

(a) If the consolidated excess profits credit is based on income, the excess of the product of the figure determined and proclaimed under section 202 (b) and the consolidated section 433 (a) excess profits net income, computed without regard to this adjustment over the consolidated section 202 (c) adjustment, relating to certain reserves, or

(b) If the consolidated excess profits credit is based on invested capital, 50 percent of the excess of the product of the figure determined and proclaimed under section 202 (b) and the consolidated section 433 (a) excess profits net income, computed without regard to this adjustment, over the consolidated section 202 (c) adjustment;

(v) The consolidated net operating loss deduction adjustment.

(37) *Consolidated net operating loss deduction adjustment.* The consolidated net operating loss deduction adjustment shall be the difference between the amount of the consolidated net operating loss deduction for the taxable year otherwise computed under these regulations and the amount of such consolidated net operating loss deduction computed subject to the provisions of section 433 (a) (1) (J).

(38) *Consolidated adjusted excess profits net income.* The consolidated adjusted excess profits net income shall be the consolidated section 433 (a) excess profits net income minus whichever is the greater—

(i) The amount of $25,000, or

(ii) An amount equal to the sum of—

(a) The consolidated excess profits credit, and

(b) The consolidated unused excess profits credit adjustment.

(39) *Consolidated excess profits credit.* The consolidated excess profits credit shall be—

(i) In general—

(a) The consolidated excess profits credit based on invested capital, or

(b) In the case of an affiliated group one or more of the members of which would have been entitled in a separate return to an excess profits credit based on income, either the consolidated excess profits credit based on income or the consolidated excess profits credit based on invested capital, whichever results in the lesser excess profits tax; or

(ii) In the case of an affiliated group consisting wholly of regulated public utilities, in conformity with consents made under section 141 (e) (8) or section 141 (j) applicable to the taxable year, either a credit determined under the general rule of this paragraph, or the consolidated section 448 excess profits credit.

(40) *Consolidated excess profits credit based on invested capital.* The consolidated excess profits credit based on invested capital shall be the sum of—

(i) The consolidated invested capital credit reduced by the consolidated inadmissible asset adjustment, and

(ii) The consolidated new capital credit.

(41) *Consolidated invested capital credit.* The consolidated invested capital credit shall be the sum of—

(i) Twelve precent of that portion of the consolidated invested capital not in excess of $5,000,000,

(ii) Ten percent of that portion of the consolidated invested capital in excess of $5,000,000 but not in excess of $10,000,000, and

(iii) Eight percent of that portion of the consolidated invested capital in excess of $10,000,000.

(42) *Consolidated invested capital.* The consolidated invested capital for the taxable year shall be—

(i) In general—

(a) The consolidated adjusted invested capital for such year, or

(b) At the election of the affiliated group exercised by the common parent corporation at the time of the making of the consolidated return for the taxable year, the consolidated historical invested capital for such year, or

(ii) In the case of an affiliated group of mutual insurance companies taxable under section 207, the sum of—

(a) The mean of the combined surplus of the several affiliated corporations, and

(b) Fifty percent of the mean of the aggregate of all reserves of the several affiliated corporations required by law,

such surplus and reserves being computed in the case of each affiliated corporation pursuant to the provisions of section 437 (b) (3) and as if such corporation were making a separate return.

(43) *Consolidated adjusted invested capital.* The consolidated adjusted invested capital for the taxable year shall be the sum of—

(i) The consolidated equity capital as of the beginning of the taxable year,

(ii) The combined capital addition for the taxable year of the several affiliated corporations,

(iii) Seventy-five percent of the consolidated average borrowed capital for the taxable year, and

(iv) The consolidated recent loss adjustment,

minus the sum of—

(v) The combined capital reduction for the taxable year of the several affiliated corporations, and

(vi) If the amount of the consolidated adjusted invested capital so determined, but without regard to this subdivision (subdivision (vi)), exceeds $5,000,000, the consolidated net new capital addition.

(44) *Consolidated equity capital.* The consolidated equity capital as of any time shall be—

(i) The aggregate of the total assets of the several affiliated corporations held at such time in good faith for the purpose of the business, reduced by the aggregate of the total liabilities of such corporations at such time, or

(ii) In the case of an affiliated group including one or more insurance companies (other than mutual and other than life or marine), an amount determined under (i) increased by the sum of—

(a) Fifty percent of the combined reserves of such insurance companies required by law (other than reserves used in computing borrowed capital under section 439 (b) (2)), and

(b) The combined organization expenses of such insurance companies.

(45) *Consolidated recent loss adjustment.* The consolidated recent loss adjustment shall be the excess of the combined net operating losses of the several affiliated corporations for the taxable years in the consolidated recent loss period, computed under section 437 (f), over the combined net income of such corporations for the taxable years in such period, computed under section 437 (f).

(46) *Consolidated recent loss period.* The consolidated recent loss period shall be whichever of the following results in the higher consolidated recent loss adjustment:

(i) The consolidated base period, or

(ii) The period beginning on January 1, 1940, and ending December 31, 1949.

(47) *Consolidated net new capital addition.* The consolidated net new capital addition for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily new capital additions for each day of the taxable year, over the aggregate of the consolidated daily new capital reductions for each such day, reduced (but not below zero) by

(ii) The consolidated increase in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated increase in inadmissible assets over an amount computed under (i) without regard to the amounts determined under (48) (iii) and (49) (iii), relating to borrowed capital.

(48) *Consolidated daily new capital addition.* The consolidated daily new capital addition for any day of the taxable year shall be the sum of—

(i) The aggregate of the amounts of money and property (other than excluded equity capital) paid in to the several members of the affiliated group for stock or as paid-in surplus or as a contribution to capital, after the beginning of such taxable year and prior to such day;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the taxable year minus the amount of the aggregate of the excluded equity capital paid in to the several members of the group before the beginning of the taxable year and after the beginning of the first excess profits tax taxable year of the group exceeds the consolidated equity capital at the beginning of such first excess profits tax taxable year; and

(iii) Seventy-five percent of the excess of—

(a) The amount by which the consolidated daily borrowed capital for such day is greater than the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group, over

(b) The amount by which the consolidated excluded borrowed capital for such day is greater than the consolidated excluded borrowed capital for the first day of the first excess profits tax taxable year.

(49) *Consolidated daily new capital reduction.* The consolidated daily new capital reduction for any day of the taxable year shall be the sum of—

(i) The aggregate of the distributions by the several members of the affiliated group to shareholders (other than members of the group) previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group plus the amount of the aggregate of the excluded equity capital paid in to the several members of the group after the beginning of such first excess profits tax taxable year and before the beginning of the taxable year exceeds the amount of the consolidated equity capital at the beginning of the taxable year; and

(iii) Seventy-five percent of the amount, if any, by which the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group exceeds the consolidated daily borrowed capital for such day.

(50) *Consolidated daily borrowed capital.* The consolidated daily borrowed capital for any day shall be the aggregate of the daily borrowed capital of the several members of the affiliated group for such day.

(51) *Consolidated excluded borrowed capital.* The consolidated excluded borrowed capital for any day shall be the aggregate of the excluded borrowed capital of the several members of the affiliated group for such day.

(52) *Consolidated increase in inadmissible assets.* The consolidated increase in inadmissible assets shall be the excess of the consolidated average inadmissible assets for the taxable year over the consolidated original inadmissible assets.

(53) *Consolidated average inadmissible assets.* The consolidated average inadmissible assets for the taxable year shall be the aggregate of the average inadmissible assets of the several members of the affiliated group for the taxable year.

(54) *Consolidated original inadmissible assets.* The consolidated original inadmissible assets shall be the aggregate of the original inadmissible assets of the several members of the affiliated group.

(55) *Consolidated historical invested capital.* The consolidated historical in-

vested capital for the taxable year shall be the sum of—

(i) The combined average invested capital for the taxable year of the several affiliated corporations computed in the case of each corporation without including any accumulated earnings and profits, and

(ii) The consolidated accumulated earnings and profits as of the beginning of such taxable year.

(56) *Consolidated accumulated earnings and profits.* The consolidated accumulated earnings and profits as of the beginning of the taxable year shall be an amount equal to the excess of the combined accumulated earnings and profits as of the beginning of such year of the several affiliated corporations having accumulated earnings and profits over the combined deficit in accumulated earnings and profits as of the beginning of such year of the several affiliated corporations having such deficits.

(57) *Consolidated inadmissible asset adjustment.* The consolidated inadmissible asset adjustment shall be an amount which bears the same ratio to the consolidated invested capital credit as the aggregate inadmissible assets of the several affiliated corporations bears to the aggregate admissible and inadmissible assets of such corporations.

(58) *Consolidated new capital credit.* The consolidated new capital credit for any taxable year shall be an amount equal to 12 percent of the consolidated net new capital addition for the taxable year except that such credit shall not be allowed—

(i) If the consolidated invested capital for the taxable year (computed without reduction by the amount of the consolidated net new capital addition) is $5,000,000 or less;

(ii) If the consolidated invested capital is the consolidated historical invested capital; or

(iii) If the affiliated group is composed of mutual insurance companies (other than life or marine).

(59) *Consolidated excess profits credit based on income.* The consolidated excess profits credit based on income for any taxable year shall be the sum of—

(i) Eighty-five percent of the consolidated average base period net income,

(ii) Twelve percent of the amount of the consolidated base period capital addition, and

(iii) Twelve percent of the consolidated net capital addition for the taxable year,

minus 12 percent of the consolidated net capital reduction for the taxable year.

(60) *Consolidated average base period net income.* The consolidated average base period net income shall be the consolidated section 435 (d) average base period net income unless the affiliated group is entitled to the benefits of sections 435 (e), 442, 443, 444, 445, or 446, in which case the consolidated average base period net income shall be whichever of the following, applicable to the group, results in the lowest excess profits tax for the taxable year:

(i) The consolidated section 435 (d) average base period net income,

(ii) The consolidated section 435 (e) average base period net income,

(iii) The consolidated alternative average base period net income.

(61) *Consolidated section 435 (d) average base period net income.* The consolidated section 435 (d) average base period net income shall be one-third of the aggregate of the consolidated section 433 (b) excess profits net income for each month in the consolidated selected base period.

(62) *Consolidated selected base period.* The consolidated selected base period shall be—

(i) The 36 months in the consolidated base period remaining after eliminating the 12 consecutive months having the lowest aggregate consolidated section 433 (b) excess profits net income, or

(ii) The 36 consecutive months in the consolidated base period having the highest aggregate consolidated section 433 (b) excess profits net income,

whichever produce the higher aggregate consolidated section 433 (b) excess profits net income.

(63) *Consolidated base period.* The consolidated base period shall be the base period of the common parent corporation.

(64) *Consolidated section 433 (b) excess profits net income.* The consolidated section 433 (b) excess profits net income for any month shall be an amount equal to the excess of the combined excess profits net income of the several affiliated corporations for such month determined under section 433 (b) over the combined deficits in excess profits net income of such corporations for such month determined under section 433 (c).

(65) *Consolidated section 435 (c) average base period net income.* The consolidated section 435 (c) average base period net income shall be whichever of the following is the highest:

(i) The aggregate, divided by two, of the consolidated section 433 (b) excess profits net income for the last 24 months in the consolidated base period; or

(ii) The aggregate of the consolidated section 433 (b) excess profits net income for the last 12 months in the consolidated base period; or

(iii) The sum of the aggregate of the consolidated section 433 (b) excess profits net income for the six months beginning July 1, 1949, and ending December 31, 1949, and the aggregate of the consolidated weighted excess profits net income for the six months beginning January 1, 1950, and ending June 30, 1950; or

(iv) In the case of an affiliated group entitled to the benefits of section 435 (e) (2) (G), the sum of the aggregate of the consolidated section 433 (b) excess profits net income for the six months beginning July 1, 1948, and ending December 31, 1948, and the aggregate of the consolidated weighted excess profits net income for the six months beginning January 1, 1950, and ending June 30, 1950.

(66) *Consolidated weighted excess profits net income.* The consolidated weighted excess profits net income for any month shall be an amount equal to the excess of the combined weighted excess profits net income of the several affiliated corporations for such month over the combined weighted deficit in excess profits net income of such corporations for such month.

(67) *Consolidated base period capital addition.* The consolidated base period capital addition shall be the sum of—

(i) The amount by which the consolidated yearly base period capital for the first excess profits tax taxable year of the affiliated group exceeds, whichever is greater, the consolidated yearly base period capital for the immediately preceding taxable year or the consolidated yearly base period capital for the second preceding taxable year, and

(ii) Fifty percent of the amount by which the consolidated yearly base period capital for such first excess profits tax taxable year or the consolidated yearly base period capital for the immediately preceding taxable year, whichever is lesser, exceeds the consolidated yearly base period capital for the second preceding taxable year.

(68) *Consolidated yearly base period capital.* The consolidated yearly base period capital for a taxable year shall be the sum of—

(i) The consolidated equity capital at the beginning of the first day of such taxable year, and

(ii) An amount equal to 75 percent of the consolidated daily borrowed capital for such first day, reduced by the sum of—

(iii) The aggregate of the inadmissible assets of the several members of the affiliated group at the beginning of such first day minus 25 percent of the excess, if any, of such aggregate over the consolidated equity capital at the beginning of such first day,

(iv) Seventy-five percent of the consolidated controlled group indebtedness for such first day, and

(v) Seventy-five percent of the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) of the several members of the group for such first day.

(69) *Consolidated controlled group indebtedness.* The consolidated controlled group indebtedness for any day shall be the aggregate of the indebtedness owed to each of the several members of the affiliated group by other corporations which are members on such day of the same controlled group, as defined in section 435 (g) (6), as such member of the affiliated group.

(70) *Consolidated net capital addition.* The consolidated net capital addition for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital addition for each day of the taxable year over the aggregate of the consolidated daily capital reduction for each such day, reduced (but not below zero) by

(ii) The consolidated increase in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated increase in inadmissible assets over an amount computed under (i) without regard to section 435 (g) (3) (C), relating to borrowed capital.

(71) *Consolidated net capital reduction.* The consolidated net capital reduction for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital reduction for each day of the taxable year over the aggregate of the consolidated daily capital addition for each such day, reduced (but not below zero) by

(ii) The consolidated decrease in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated decrease in inadmissible assets over an amount computed under (i) without regard to section 435 (g) (4) (C) and (E), relating to borrowed capital and loans to members of a controlled group.

(72) *Consolidated daily capital addition.* The consolidated daily capital addition for any day of the taxable year shall be the sum of—

(i) The aggregate of the amounts of money and property paid in to the several members of the affiliated group for stock or as paid-in surplus or as a contribution to capital, after the beginning of such taxable year and prior to such day;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the taxable year exceeds the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group; and

(iii) Seventy-five percent of the excess of the consolidated average borrowed capital for the taxable year over the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group.

(73) *Consolidated daily capital reduction.* The consolidated daily capital reduction for any day of the taxable year shall be the sum of—

(i) The aggregate of the distributions by the several members of the affiliated group to shareholders (other than members of the group) previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group exceeds the consolidated equity capital at the beginning of the taxable year;

(iii) Seventy-five percent of the amount, if any, by which the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group exceeds the consolidated average borrowed capital for the taxable year;

(iv) The consolidated section 435 (g) (6) adjustment, relating to increase in certain inadmissible assets; and

(v) Seventy-five percent of the consolidated section 435 (g) (7) adjustment, relating to increase in certain loans to members of a controlled group.

(74) *Consolidated average borrowed capital.* The consolidated average borrowed capital for the taxable year shall be the aggregate of the consolidated daily borrowed capital for each day of the taxable year divided by the number of days in the taxable year.

(75) *Consolidated decrease in inadmissible assets.* The consolidated decrease in inadmissible assets shall be the excess of the consolidated original inadmissible assets over the consolidated average inadmissible assets for the taxable year.

(76) *Consolidated section 435 (g) (6) adjustment.* The consolidated section 435 (g) (6) adjustment for any day shall be whichever of the following amounts is the lesser:

(i) The excess of the consolidated controlled group stock for such day over the consolidated original controlled group stock; or

(ii) The excess of the aggregate of the inadmissible assets held by the several members of the group at the beginning of such day over the consolidated original inadmissible assets.

(77) *Consolidated controlled group stock.* The consolidated controlled group stock for any day of the taxable year shall be the aggregate of the adjusted basis of the stock held by the several members of the affiliated group at the beginning of such day which is stock in a corporation included in a controlled group (as defined in section 435 (g) (6)) which also includes a member of the affiliated group.

(78) *Consolidated original controlled group stock.* The consolidated original controlled group stock shall be the consolidated controlled group stock for the first day of the first excess profits tax taxable year of the group.

(79) *Consolidated section 435 (g) (7) adjustment.* The consolidated section 435 (g) (7) adjustment shall be the excess of the consolidated controlled group indebtedness for such day over the consolidated original controlled group indebtedness.

(80) *Consolidated original controlled group indebtedness.* The consolidated original controlled group indebtedness shall be the consolidated controlled group indebtedness for the first day of the first excess profits tax taxable year of the group.

(81) *Consolidated alternative average base period net income.* The consolidated alternative average base period net income shall be one-third of the aggregate of the consolidated alternative excess profits net income for each month in the consolidated alternative selected base period.

(82) *Consolidated alternative selected base period.* The consolidated alternative selected base period shall be—

(i) The 36 months in the consolidated base period remaining after eliminating the 12 consecutive months having the lowest aggregate consolidated alternative excess profits net income, or

(ii) The 36 consecutive months in the consolidated base period having the highest aggregate consolidated alternative excess profits net income,

whichever produce the higher aggregate consolidated alternative excess profits net income.

(83) *Consolidated alternative excess profits net income.* The consolidated alternative excess profits net income for any month shall be an amount equal to the sum of—

(i) The combined excess profits net income for such month determined under section 433 (b) for the several affiliated corporations other than the affiliated corporations described in (ii) and other than the affiliated corporations to which (iii) is applicable for such month,

(ii) In the case of any member of the affiliated group to which section 442 (d), 443, 444, 445, or 446 is applicable, one-twelfth of the average base period net income separately computed under such section for such member, and

(iii) In the case of any member of the group (other than a member described in (ii)) to which section 442 (c) is applicable, and for which such month is a month identified under section 442 (c) (3), the substitute excess profits net income for such month separately computed under section 442 (c) for such member,

minus the combined deficits in excess profits net income for such month determined under section 433 (c) for the several affiliated corporations other than the corporations described in (ii) and other than the affiliated corporations to which (iii) is applicable for such month.

(84) *Consolidated section 448 excess profits credit.* The consolidated section 448 excess profits credit shall be the sum of—

(i) The tax imposed upon the affiliated group by sections 13, 14, 15, and 141 (c) for the taxable year, and

(ii) The excess of the consolidated section 448 (b) gross amount over the consolidated section 448 inadmissible asset adjustment.

(85) *Consolidated section 448 (b) gross amount.* The consolidated section 448 (b) gross amount shall be the excess of an amount determined by multiplying the applicable percentage prescribed by section 448 (c) (determined as if the affiliated group were a single corporation) by the sum of—

(i) The consolidated adjusted invested capital for the taxable year computed without regard to the consolidated net new capital addition and without regard to the consolidated average borrowed capital, and

(ii) The consolidated average borrowed capital for the taxable year,

over the aggregate of the amount of the interest deduction of the several members of the group for the taxable year with respect to indebtedness included in the consolidated average borrowed capital.

(86) *Consolidated section 448 inadmissible asset adjustment.* The consolidated section 448 inadmissible asset adjustment shall be an amount which bears the same ratio to the consolidated section 448 (b) gross amount as the aggregate inadmissible assets of the several affiliated corporations bear to the aggregate admissible and inadmissible assets of such corporations.

(87) *Consolidated unused excess profits credit adjustment.* The consolidated unused excess profits credit adjustment shall be an amount equal to the sum of the consolidated unused excess profits credit carry-overs and the

consolidated unused excess profits credit carry-back to the taxable year.

(88) *Consolidated unused excess profits credit carry-over.* The consolidated unused excess profits credit carry-overs to the taxable year shall consist of—

(i) The consolidated unused excess profits credits, if any, for the five preceding taxable years (not including any taxable year ending prior to July 1, 1950) to the extent that the consolidated unused excess profits credit for any such preceding taxable year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and was not absorbed as a carry-over or carry-back by the consolidated or separate adjusted excess profits net income for preceding or intervening taxable years,

and, with respect to an unused excess profits credit of a corporation for a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in section 24.31 (b) (21),

(ii) The amount of the unused excess profits credits, if any, of such corporation for the five preceding taxable years (not including any taxable year ending prior to July 1, 1950) to the extent that the unused excess profits credit for any such preceding taxable year was not absorbed as a carry-over or carry-back by consolidated or separate adjusted excess profits net income for preceding or intervening taxable years.

(89) *Consolidated unused excess profits credit carry-back.* The consolidated unused excess profits credit carry-back to the taxable year shall consist of—

(i) The amount of the consolidated unused excess profits credit, if any, for the succeeding taxable year, to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to an unused excess profits credit of a corporation which, for the succeeding taxable year, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in § 24.31 (b) (21),

(ii) The amount of the unused excess profits credit, if any, of such corporation for the succeeding taxable year.

(90) *Consolidated unused excess profits credit.* The consolidated unused excess profits credit for any taxable year ending after June 30, 1950, shall be an amount equal to the excess of the consolidated excess profits credit over the consolidated section 433 (a) excess profits net income for such taxable year, both computed on the basis of the consolidated excess profits credit applicable to such taxable year, and computed without the allowance of any consolidated net operating loss deduction for such taxable year, except that—

(i) In the case of a taxable year of the affiliated group of less than 12 months, such amount shall be reduced to an amount which is such part thereof as the number of days in the taxable year of the group is of the number of days in the 12 months period ending with the close of such taxable year;

(ii) In the case of a taxable year of the group beginning before July 1, 1950, and ending after June 30, 1950, such amount shall be reduced to an amount which is such part thereof as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year;

(iii) In the case of a taxable year of the group beginning before July 1, 1953, and ending after June 30, 1953, such amount shall be reduced to an amount which is such part thereof as the number of days in such taxable year before July 1, 1953, is of the total number of days in such taxable year; and

(iv) In the case of a taxable year for which the group is exempt from the excess profits tax, such amount shall be zero.

(b) *Computations.* In the case of affiliated corporations which make, or are required to make, a consolidated return, and except as otherwise provided in the regulations in this part—

(1) *Net income.* The net income of each corporation shall be computed in accordance with the provisions covering the determination of net income of separate corporations, except—

(i) There shall be eliminated unrealized profits and losses in transactions between members of the affiliated group and dividend distributions from one member of the group to another member of the group (referred to in these regulations as intercompany transactions);

(ii) No net operating loss deduction shall be taken into account;

(iii) No capital gains or losses shall be taken into account;

(iv) There shall be disregarded all gains and losses from involuntary conversions and from sales and exchanges of property subject to the provisions of section 117 (j);

(v) In the computation of the deduction under section 23 (v), relating to amortizable bond premium, there shall be disregarded the bonds of one member of the group owned by another member of the group during the taxable year;

(vi) In the computation of the net income of a corporation for the taxable year in which it became the common parent corporation of the affiliated group filing a consolidated return, the aggregate deductions of such corporation for such year otherwise allowable in excess of the gross income of such corporation for such year shall be excluded to the extent that such excess is attributable to that portion of such year preceding the date upon which such corporation became the common parent corporation of the group. Any amount excluded under this subdivision shall, to the extent that it constitutes a net operating loss within the provisions of section 122 or a net capital loss within the provisions of section 117, be considered as a net operating loss or a net capital loss, as the case may be, separately sustained by such corporation and subject to the provisions of (a) (3) (ii) or (a) (9) (ii) of this section;

(vii) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, allowable deductions shall be determined subject to the qualifications prescribed in subparagraph (11) of this paragraph; and

(viii) No deduction under section 23 (q) with respect to charitable or other contributions shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated net income, consolidated normal-tax net income, consolidated corporation surtax net income, or consolidated adjusted excess profits net income, shall not be eliminated. For the purpose of the regulations in this part, a transaction not involving a sale or exchange of a capital asset or of property subject to the provisions of section 117 (j) shall not be considered an intercompany transaction if such transaction occurs in the regular course of the trade or business of the members of the group and if such members adopt, with the consent of the Commissioner and subject to such conditions as he deems proper, a consistent accounting practice of taking into account in the computation of consolidated net income the gains and losses reflected in such transactions. As used in this paragraph, the term "net income" includes the case in which the allowable deductions of a member (not including any net operating loss deduction) exceed its gross income.

(2) *Other computations on separate basis.* The various other computations required by the regulations in this part to be made by the several affiliated corporations shall be made in the case of each such corporation in the same manner and under the same conditions as if a separate return were to be filed, but with the following exceptions:

(i) *Net income.* The net income used in any such computation shall be the net income of the corporation determined in accordance with the provisions of this section.

(ii) *Dividends received.* In the computation of the dividends received, there shall be excluded all dividends received from other members of the affiliated group.

(iii) *Capital gains and losses.* Capital gains and losses, short-term capital gains and losses, long-term capital gains and losses, and the additional capital loss deduction authorized by section 204 (c) (5) shall be determined without regard to

(a) Gains or losses arising in intercompany transactions,

(b) Gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j),

(c) The net capital loss carry-overs provided in section 117 (e) (1), and,

(d) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, capital losses to the extent

disallowed pursuant to the provisions of subparagraph (11) of this paragraph.

(iv) *Net operating loss.* In the computation of the net operating loss as defined, either in section 26 (c) (2) or in section 122 (a), the provisions of this section pertaining to the determination of net income shall apply.

(v) *Dividends paid.* In the computation of dividends paid, there shall be excluded all dividends paid by one member of the group to another.

(vi) *Consent dividends credit.* In the computation of the consent dividends credit, no amounts shall be included with respect to consents given by other members of the group.

(vii) *Federal income tax.* In the computation of the Federal income tax, there shall be used the consolidated tax, or a proportionate part thereof, if the tax payable is properly computed on the basis of the consolidated return.

(viii) *Dividends paid by public utility.* In the computation of dividends paid on the preferred stock of a public utility, there shall be excluded all dividends paid by such public utility to another member of the group.

(ix) *Gains or losses under section 117 (j).* Gains and losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) shall be determined without regard to—

(a) Gains or losses from intercompany transactions, and

(b) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, such portion of any such loss as is disallowed pursuant to the provisions of subparagraph (11) of this paragraph.

(x) *Capital addition.* In the computation of the capital addition under section 437 (d), there shall be disregarded money and property paid in during the taxable year for stock, or as paid-in surplus, or as a contribution to capital, by one member of the group to another member of the group.

(xi) *Capital reduction.* In the computation of the capital reduction under section 437 (e), there shall be disregarded distributions made during the taxable year by one member of the group to another member of the group.

(xii) *Borrowed capital.* In the computation of the average borrowed capital under section 439 (a), in the computation of the daily borrowed capital under section 439 (b), and in the computation of excluded borrowed capital under section 438 (f), there shall be excluded from borrowed capital the amount of any outstanding indebtedness of the corporation owing to another member of the affiliated group.

(xiii) *Total assets for equity capital purposes.* In the computation of the total assets for consolidated equity capital purposes, the following rules shall apply:

(a) In the case of a corporation owning stock of another member of the affiliated group, there shall be subtracted an amount equal to the adjusted basis of such stock for determining gain,

(b) In the case of a corporation the stock of which is held by other members of the group with a basis for equity capital purposes determined to be a cost basis, the adjusted basis of its assets attributable to the stock so held on the date on which such corporation became a member of the group (whether such date falls before, on, or after July 1, 1950, and whether such date falls within a consolidated or separate return period) shall be determined as if, on such date, the adjusted basis of its assets were equal to the fair market value of such assets as of such date. If the aggregate cost basis of the stock of such corporation held by other members of the group as of the date on which such corporation became a member of the group differs, plus or minus, from the aggregate fair market value of all assets of such corporation (other than goodwill) reduced by the aggregate of its liabilities as of such date, the difference, to the extent attributable to such stock, shall be considered as an intangible asset of such corporation, positive goodwill or negative goodwill, as the case may be, which shall be taken into account in determining total assets. The adjusted basis of any assets held by such corporation during the taxable year with a basis fixed, in whole or in part, by reference to the basis of other assets held by such corporation as of the date on which it became a member of the group shall be properly adjusted, for consolidated equity capital purposes, so as to reflect the unrealized appreciation or depreciation in the value of such other assets recognized for consolidated equity capital purposes as of such date.

(c) If additional stock of a corporation is acquired by other members of the group subsequent to the date on which the corporation became a member of the group and is held by such other members with a basis determined for consolidated equity capital purposes to be a cost basis, an adjustment similar to that prescribed in (b) shall be made in determining the adjusted basis of the assets of such corporation attributable to such stock as of the date on which such stock was acquired.

(d) In the case of assets subject to the provisions of (b) or (c) which are transferred, either in a consolidated or separate return period, from one member of the group to another member of the group in a transaction in which the basis to the transferee is determined, in whole or in part, by reference to the basis of such assets in the hands of the transferor, the basis determined and adjusted under (b) or (c) in the case of the transferor shall be given effect for consolidated equity capital purposes in the determination of the basis of such assets in the hands of the transferee.

(xiv) *Net income and net operating loss for consolidated recent loss period.* In computing the net income and net operating loss for the consolidated recent loss period—

(a) In the case of two or more members of the affiliated group (including any component corporation of any such member as defined in section 461) affiliated with each other within the meaning of section 141 during any of the years in the consolidated recent loss period, whether or not consolidated returns were filed for any of such years, there shall be excluded intercompany profits and losses resulting from transactions between such corporations to the extent that such profits and losses would otherwise be taken into account;

(b) In the case of a corporation which became a member of the group after the beginning of the consolidated recent loss period, there shall be excluded its net income and net operating losses for the period prior to the date on which it became a member of the group, to the extent attributable to its stock held with a cost basis on such date;

(c) In the case of a corporation, additional stock of which is acquired with a cost basis after the date on which such corporation became a member of the group and after the beginning of the consolidated recent loss period, there shall be excluded its net income and net operating losses for the period prior to the date of acquisition of such stock, to the extent attributable to such stock.

(xv) *Money and property paid in for stock, etc., and excluded equity capital.* In computing (for the purpose of the consolidated adjusted invested capital, the consolidated net new capital addition, and the consolidated net capital addition and reduction) the amount of money and property paid in for stock or as paid-in surplus or as a contribution to capital, and in the computation of excluded equity capital—

(a) There shall be disregarded any amount paid in by one member of the affiliated group to another member of the group;

(b) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group, there shall be disregarded the amount paid in prior to the date on which it became a member of the group, to the extent attributable to its stock held with a cost basis on such date;

(c) In the case of a corporation, additional stock of which is acquired with a cost basis after the date on which such corporation became a member of the group and after the beginning of the first excess profits tax taxable year of the group, there shall be disregarded the amount paid in prior to the date of the acquisition of such stock, to the extent attributable to such stock;

(d) There shall be disregarded any amount paid in which consists of the stock of a corporation which is already a member of the group; and

(e) For the purpose only of computing the consolidated net capital addition or reduction, if a corporation becomes a member of the group during the taxable year, and if, during the taxable year and on or before the date on which it became a member of the group, stock of such corporation was paid in to other members of the group, the amount so paid in shall be disregarded for each day after such date.

(xvi) *Distributions of stock of members of affiliated group.* For the purpose of computing the consolidated adjusted invested capital, the consolidated net new capital addition, and the con-

solidated net capital addition or reduction, a distribution of stock of a member of the group shall be disregarded if such distribution does not break the affiliation.

(xvii) *Distributions prior to affiliation.* For the purpose of computing the consolidated adjusted invested capital, the consolidated net new capital addition, and the consolidated net capital addition or reduction, in the case of a corporation which becomes a member of the group after the beginning of the taxable year, there shall be disregarded distributions made by such corporation during the taxable year and prior to the date such corporation became a member of the group, to the extent attributable to its stock held with a cost basis on such date.

(xviii) *Admissible and inadmissible assets.* In the computation of admissible and inadmissible assets—

(*a*) There shall be excluded all intercompany items;

(*b*) Inventories shall be computed pursuant to the provisions of § 24.39;

(*c*) Except for the purpose described in (*d*), such assets shall be determined under the rules applicable in determining total assets for consolidated equity capital purposes;

(*d*) For the purpose of computing the consolidated invested capital credit based upon the consolidated historical invested capital, proper adjustment shall be made with respect to any unrealized appreciation and depreciation in assets reflected in consolidated historical invested capital; and

(*e*) In determining the consolidated increase in inadmissible assets for the purpose of computing the consolidated net capital addition, the inadmissible assets of a corporation, a member of the affiliated group, for any day shall be decreased by the portion of the consolidated section 435 (g) (6) adjustment for such day attributable to such corporation.

(xix) *Average invested capital.* In the computation of average invested capital (which, under this section, may be a minus amount), the following rules shall apply:

(*a*) There shall be excluded any accumulated earnings and profits.

(*b*) Intercompany distributions made during the taxable year shall be disregarded.

(*c*) Money or property paid in for stock or as paid-in surplus or as a contribution to capital during the taxable year by one member of the group to another member of the group shall be disregarded.

(*d*) With respect to the stock of another member of the affiliated group held with a basis for consolidated invested capital purposes determined to be a basis other than cost, there shall be subtracted from equity invested capital otherwise computed an amount equal to such basis adjusted by an amount equal to the adjustments proper under section 115 (1) for determining earnings and profits, except that no adjustment shall be made with respect to—

(*1*) Transactions referred to in (*b*) and (*c*), and

(*2*) Losses of the issuing corporation subsequent to the acquisition of such stock which losses were included in a consolidated income or excess profits tax return.

(*e*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for consolidated invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group that portion of its equity invested capital attributable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, that portion of its equity invested capital attributable to shares of stock similarly acquired and held by other members of the group; no addition shall be made on account of money or property (not including stock of another member of the group held with a basis determined to be a basis other than cost) thereafter paid in for stock held by any other member of the group or as paid-in surplus or a contribution to capital paid in with respect to shares of stock subject to the provisions of this sentence; and no reduction shall be made on account of any distribution thereafter made to any other member of the group.

(*f*) With respect to distributions made in a consolidated income or excess profits tax return period prior to the taxable year by one member of the affiliated group to another member of the group, the average invested capital of the distributee shall not be increased by any amount in excess of the amount by which the average invested capital of the distributor or its earnings and profits, accumulated before March 1, 1913, were decreased.

(*g*) The average invested capital of a corporation which is a member of the affiliated group for only a part of the taxable year shall be its aggregate daily invested capital computed with the adjustments set forth in this section for each day of such taxable year during which it is a member of the group (excluding the day on which it became a member) divided by the number of days in the taxable year of the group.

(xx) *Accumulated earnings and profits.* In the computation of accumulated earnings and profits or the deficit in accumulated earnings and profits as of the beginning of the taxable year, the following rules shall apply:

(*a*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for consolidated invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group that portion of its earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, any earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to any shares of stock similarly acquired and held by other members of the group.

(*b*) There shall be excluded profits and losses unrealized by the affiliated group reflected in the opening inventory of the taxable year, whether or not a consolidated return was filed for the preceding taxable years, together with all other unrealized profits and losses reflected in transactions between members of the affiliated group in prior taxable years for which a return was made or was required on a consolidated basis, whether under section 141 or under the provisions of any prior income or excess profits tax law.

(*c*) With respect to distributions from such accumulated earnings and profits made during the taxable year by one member of the affiliated group to another member of the group, such accumulated earnings and profits of the distributee shall be increased in an amount equal to that by which such accumulated earnings and profits of the distributor are decreased.

(*d*) With respect to distributions in stock, as defined by section 453 (f) (1), made prior to the taxable year by one member of the affiliated group to another member of the group, the accumulated earnings and profits of the distributee shall not be increased in any amount in excess of that by which the sum of the average invested capital and the accumulated earnings and profits of the distributor is decreased.

(*e*) With respect to distributions made in a prior taxable year for which a return was made or was required on a consolidated basis, whether under section 141 or under the provisions of any prior income or excess profits tax law, by one member of the group to another member of the group, the accumulated earnings and profits of the distributee shall not be increased by any amount in excess of the amount by which either the average invested capital or the earnings and profits of the distributor were decreased.

(*f*) If the invested capital of the affiliated group is computed pursuant to the provisions of subdivision (xix) (*e*) of this subparagraph, proper adjustment shall be made with respect to the amount of any realizations prior to the beginning of the taxable year upon any unrealized appreciation or depreciation in assets previously reflected in consolidated historical invested capital.

(*g*) In the case of a corporation which is a member of the affiliated group for only a part of the taxable year, the accumulated earnings and profits or the deficit in accumulated earnings and profits as of the beginning of the taxable year shall be an amount equal to its accumulated earnings and profits or its deficit in accumulated earnings and profits as of the beginning of the taxable year of the group or the beginning of the day following the day on which it becomes a member of the group, as the case may be, multiplied by the number of days of such year during which it is a member of the group (excluding the day on which it becomes a member) and divided by the total number of days in such year.

(*h*) In the case of distributions from earnings and profits made by a member of the group with respect to stock held by another member of the group with a cost basis, there shall be subtracted from the earnings and profits of the distributee an amount equal to the aggregate of such distributions as were made between the date of acquisition of such stock and the date as of which the distributor became a member of the group.

(xxi) *Equity invested capital.* In the computation of equity invested capital (which, under this section, may be a minus amount), effect shall be given to the adjustments prescribed in subdivision (xix) of this subparagraph (relating to the computation of average invested capital) to the extent that such adjustments pertain to the computation of equity invested capital.

(xxii) *Determination of excess profits net income under section 433 (b) and (c).* In computing the excess profits net income under section 433 (b) or the deficit in excess profits net income under section 433 (c) of a corporation, the following rules shall apply:

(*a*) The excess profits net income under section 433 (b) for any month or the deficit in excess profits net income under section 433 (c) for any month shall be the excess profits net income under section 433 (b), or the deficit in excess profits net income under section 433 (c), as the case may be, for the taxable year of the corporation in which such month falls, divided by the number of full calendar months in such taxable year.

(*b*) If two or more members of the affiliated group (including any component corporation of any such member within the meaning of section 461) were affiliated with each other during any taxable year, whether or not a consolidated return was filed for such year, there shall be excluded intercompany profits and losses resulting from transactions between such corporations to the extent that such profits and losses would otherwise be taken into account.

(*c*) The amount of the adjustment under section 433 (b) (5), relating to repayment of processing taxes to vendees, shall be computed without regard to any repayment or credit to another member of the affiliated group.

(*d*) In the case of an affiliated group of life insurance companies determining the adjustment under section 433 (b) (14), there shall be computed a tentative adjustment as if such corporations were affiliated and were filing a consolidated return for such taxable year, and the adjustment of each corporation shall be the portion thereof attributable to such corporation.

(*e*) In the case of a corporation which is a member of the affiliated group for only a part of a taxable year for which the excess profits credit is being computed, the amount to be included with respect to the taxable year for which excess profits net income is being computed shall be limited to an amount which bears the same ratio to its excess profits net income or its deficit in excess profits net income for such year, as the case may be, as the number of days of the taxable year for which the credit is being computed during which it was a member of the group (excluding the day on which it becomes a member) bears to the total number of days in such taxable year.

(*f*) If the stock of a subsidiary corporation owned by other members of the group at any time during the taxable year for which the credit is being computed was acquired by such members, or by other members of the group, at any time on or after the first day of the taxable year for which excess profits net income is being computed, but only to the extent to which the consideration for such acquisition was not the issuance of the stock of the acquiring corporation (not including an acquisition from another member of the group which was affiliated with the acquiring corporation at the time of such acquisition, whether or not a consolidated return was filed for the year in which such acquisition occurred), or if the stock of another subsidiary owned at any time during the taxable year for which the credit is being computed was owned by such first subsidiary, the stock of which was so acquired, as of the date of such acquisition, there shall be excluded in the computation of the excess profits net income of each such subsidiary corporation, or of its deficit in excess profits net income, a proportionate part of the amount thereof otherwise computed, such proportionate part to be determined pursuant to the provisions of section 462 (j) (1), as if such subsidiaries were component corporations within the provisions of section 461 (b).

(xxiii) *Weighted excess profits net income and weighted deficit in excess profits net income.* The weighted excess profits net income and the weighted deficit in excess profits net income of a corporation for any month shall be the weighted excess profits net income, or the weighted deficit in excess profits net income, for the taxable year in which such month falls, divided by the number of full calendar months in such taxable year. The weighted excess profits net income and the weighted deficit in excess profits net income for any taxable year shall be the excess profits net income determined under section 433 (b), or the deficit in excess profits net income determined under section 433 (c), as the case may be, for such taxable year, reduced to an amount which is the same percentage thereof as the percentage, applicable to such taxable year, specified in section 435 (e) (2) (E).

(xxiv) *Controlled group indebtedness.* The indebtedness included in computing consolidated controlled group indebtedness for any day shall be determined under the following rules:

(*a*) The amount of such indebtedness shall be ascertained under the rules applicable in determining total assets for consolidated equity capital purposes;

(*b*) The indebtedness of one member of the affiliated group owed to another member of the group shall be disregarded; and

(*c*) There shall be included only indebtedness which constitutes daily borrowed capital for such day of the corporation owing such indebtedness.

(xxv) *Stock in member of controlled group.* For the purpose of determining the consolidated section 435 (g) (6) adjustment for any day, the adjusted basis of stock held by a member of an affiliated group in a corporation included in a controlled group (as defined in section 435 (g) (6)) which also includes a member of the affiliated group, shall be determined under the following rules:

(*a*) The adjusted basis of such stock shall be determined under the rules applicable in determining total assets for consolidated equity capital purposes; and

(*b*) Stock of a member of the affiliated group shall be disregarded.

(xxvi) *Average base period net income computed under section 442, 443, 444, 445, or 446.* In computing the average base period net income of any member of the affiliated group under section 442, 443, 444, 445, or 446, the following rules shall apply:

(*a*) In computing total assets as of any day after December 1, 1950 (the date of introduction in the House of Representatives of the Excess Profits Tax Bill of 1950)—

(*1*) The total assets otherwise computed shall be reduced by an amount equal to—

(i) The cash, and

(ii) The adjusted basis of those assets having a basis determined in whole or in part by reference to their basis in the hands of another member of the group,

acquired from another member of the group after December 1, 1950, properly adjusted with respect to any money paid or property (other than stock or securities of a member of the group) exchanged for such cash or assets; and

(*2*) The total assets otherwise computed shall be reduced by the outstanding indebtedness incurred after December 1, 1950, to another member of the group, properly adjusted with respect to any such indebtedness incurred in the transactions described in (*1*).

(*b*) If total assets are determined for any day after December 1, 1950, the total interest paid or incurred by such member for any period including such day shall be determined without regard to the amount paid or incurred to another member of the group with respect to indebtedness which reduced such total assets under (*a*) (2).

(*c*) In determining total facilities for the purpose of applying section 444 to a member of the group, any facility held by such member on the last day of the consolidated base period which was acquired from another member of the group with a basis determined in whole or in part by reference to its basis in the hands of such other member shall be deemed to have been held by the member to which section 444 is applicable from the date of its acquisition by a member of the group.

(*d*) If the stock of a subsidiary corporation owned by other members of the group at any time during the taxable year for which the credit is being computed was acquired by such members, or by other members of the group, at any time on or after the first day of the consolidated base period, but only to the extent to which the consideration for such acquisition was not the issuance of the stock of the acquiring corporation (not including an acquisition from another member of the group which was affiliated with the acquiring corporation at the time of such acquisition, whether or

not a consolidated return was filed for the year in which such acquisition occurred), or if the stock of another subsidiary owned at any time during the taxable year for which the credit is being computed was owned by such first subsidiary, the stock of which was so acquired, as of the date of such acquisition, there shall be excluded in the computation of the average base period net income under such section of each such subsidiary corporation, a proportionate part of the amount thereof otherwise computed, such proportionate part to be determined pursuant to the provisions of section 462 (j) (1), as if such subsidiaries were component corporations within the provisions of section 461 (b).

(e) For the purpose of such computations, if the taxable year of the member is different from the taxable year of the group, the taxable year of the group shall be used.

(xxvii) *Base period capital addition and net capital addition or reduction if alternative average base period net income is used.* In computing the base period capital addition or the net capital addition or reduction of a member of the group for the purpose of determining the consolidated base period capital addition or the consolidated net capital addition or reduction if the consolidated alternative average base period net income is used, the items involved in such computation shall be properly adjusted to reflect the amounts thereof which would be included in computing the consolidated base period capital addition or the consolidated net capital addition or reduction if such consolidated alternative average base period net income were not used. For the purpose of such computations, if the taxable year of the member is different from the taxable year of the group, the taxable year of the group shall be used.

(3) *Limitations on net operating loss carry-overs and carry-backs from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carry-overs under paragraph (a) (3) (ii) of this section (relating to the net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as a consolidated net operating loss carry-back under paragraph (a) (4) (ii) of this section (relating to a net operating loss sustained by a corporation in the year subsequent to the last taxable year in respect of which its income is included in the consolidated return), an amount exceeding in the aggregate the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) included in the computation of the consolidated net income for the taxable year increased by its separate net capital gain and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j).

(4) *Minimum deduction involving carry-overs and carry-backs from separate return years.* If a portion of the consolidated net operating loss deduction arises as a carry-over pursuant to the provisions of paragraph (a) (3) (ii) of this section (relating to net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), or as a carry-back pursuant to the provisions of paragraph (a) (4) (ii) of this section (relating to a net operating loss sustained by a corporation in the year subsequent to the last taxable year in respect of which its income is included in the consolidated return), the consolidated net operating loss deduction shall not be less than the amount of such portion reduced by the amount, if any, by which the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) exceeds the normal-tax net income of such corporation (computed without any net operating loss deduction, but taking into account the additional capital loss deduction authorized by section 204 (c) (5)), or, in the case of two or more such corporations, the sum of such portions so reduced.

(5) *Limitation on absorption of net operating loss carry-overs.* In the computation of the consolidated net operating loss deduction for the taxable year, if there is involved a net operating loss sustained in a prior year by a corporation filing a separate return for such prior year, or joining in a consolidated return for such prior year filed by another affiliated group, together with a consolidated net income for a consolithere are involved net operating losses of two or more members of the group so separately sustained, no portion of the consolidated net operating loss, or, if dated return period of the group intervening between the year of the loss and the taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (3) (ii) of this section, relating to the computation of the consolidated net operating loss carry-overs originating in separate return years.

(6) *Limitation on absorption of unused basic surtax credits.* If, in the computation of the consolidated dividend carry-over for the second consolidated return period in respect of which the income of a corporation is included in the consolidated return of the group, there is involved a separate unused basic surtax credit of such corporation for the second preceding taxable year together with a consolidated unused basic surtax credit for the second preceding taxable year, or if, for the second consolidated return period in respect of which the income of two or more members of the group is included in the consolidated return of the group, there are involved the separate unused basic surtax credits of such corporations for the second preceding taxable year, no portion of the excess of the consolidated subchapter A net income over the consolidated basic surtax credit for the first preceding taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (26) (ii) and (iv) of this section (relating to the computation of that part of the consolidated dividend carry-over attributable to the unused basic surtax credits of the second preceding taxable year).

(7) *Apportionment of consolidated net operating loss.* If an affiliated group filing a consolidated return sustains a consolidated net operating loss within the provisions of section 26 (c), relating to the net operating loss credit, or within the provisions of section 122, relating to the net operating loss deduction, and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, either in the preceding taxable year or in a succeeding taxable year, the portion of such consolidated net operating loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to the net losses (capital net losses and ordinary net losses alike) of the several affiliated corporations having net losses, to the extent that such losses were taken into account in the computation of the consolidated net operating loss.

(8) *Apportionment of consolidated net capital loss.* If an affiliated group filing a consolidated return sustains a consolidated net capital loss, and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such consolidated net capital loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being an amount which bears the same ratio to the consolidated net capital loss which the net capital loss of such corporation bears to the aggregate of the net capital losses for the taxable year sustained by the several affiliated corporations having net capital losses.

(9) *Apportionment of unused consolidated basic surtax credit.* If an affiliated group filing a consolidated return has an unused consolidated basic surtax credit, and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such unused consolidated basic surtax credit attributable to such corporations severally shall be determined for the purpose of the dividend carry-over, such portion in the case of any such corporation being determined in an amount proportionate to the dividends paid, the consent dividend credits, the several factors involved in the computation of the consolidated net operating loss credit, and the subchapter A net incomes of the several affiliated corporations, to the extent that such items were taken into account in the computation of the consolidated basic surtax credit and the consolidated subchapter A net income.

(10) *Limitation on net capital loss carry-over from separate return year.* In no case shall there be included in the computation of the consolidated net capital gain for the taxable year as a consolidated net capital loss carry-over under paragraph (a) (9) (ii) of this section (relating to net capital losses separately sustained) an amount exceeding in the aggregate net capital gains of such corporation (determined without regard to any net capital loss carry-over) included in the computation of the consolidated net capital gain for the taxable year increased with respect to its separate net gains from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j).

(11) *Qualifications on deductions where group membership changed after March 14, 1941.* In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated net income for the taxable year, and for prior and subsequent taxable years to the extent affected by carry-backs and carry-overs from the taxable year, shall be determined subject to the following qualifications:

(i) There shall be excluded in the case of the common parent corporation and in the case of any subsidiaries which were members of the group on March 14, 1941, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable exceed in the aggregate—

(e) In the case of capital losses, the excess of the aggregate capital gains over the aggregate capital losses of such corporations for the taxable year, or

(f) In the case of ordinary losses, the aggregate of the ordinary net income of such corporations for the taxable year, increased in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses and such ordinary net income being determined pursuant to the provisions of the regulations in this part but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph and without regard to the losses in question;

(ii) There shall be excluded in the case of a subsidiary corporation which became a member of the affiliated group subsequent to March 14, 1941, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable are attributable to events preceding the date upon which such corporation became a member of the group, and

(e) Being capital losses, exceed—

(f) The capital gains reduced by all other capital losses of such corporation for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(2) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of the regulations in this part in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the aggregate capital gains reduced by the aggregate of all other capital losses of such corporation and of such other members of the group, or

(f) Being ordinary losses, exceed—

(1) The ordinary net income of such corporation for the taxable year increased in an amount equal to any excess of capital gains over capital losses for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(2) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of the regulations in this part in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the ordinary net income of such corporation for the taxable year increased by the aggregate of the ordinary net income and decreased by the aggregate of the ordinary net losses of other members of the affiliated group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, and increased further in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses, and ordinary net income and net losses, as the case may be, being determined pursuant to the provisions of the regulations in this part but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph (b) and without regard to the losses in question;

(iii) The portion of any loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivisions (i) and (ii) of this subparagraph shall, to the extent that it constitutes a net capital loss within the provisions of section 117 or a net operating loss within the provisions of section 122, be considered as a net capital loss or a net operating loss, as the case may be, in respect of those members of the group by reference to which the amount of the deduction disallowed under subdivisions (i) and (ii) of this subparagraph was determined, originating, for the purpose of the carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) of this subparagraph shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941—

(a) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(b) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(c) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(d) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated net income computed with respect to the affiliated group but without regard to those subdivisions will not serve to distort the income tax liability of the group or of any of its members.

(e) If, upon consideration of the facts and circumstances presented by the particular case, the Commissioner determines that the general purpose of the provisions of subdivisions (i) and (ii) would be better served in a particular respect by adherence to a date subsequent to March 14, 1941, such subdivisions shall be administered in that respect as if the appropriate date determined by the Commissioner were substituted in such subdivisions in lieu of the date March 14, 1941.

(12) *Basis of intercompany stockholdings.* For the purpose of computing the consolidated excess profits credit for the

taxable year, the following rules shall apply:

(i) *Basis other than cost.* Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a basis other than cost if—

(*a*) Such stock is held with a basis fixed by reference to the basis of other property previously held by the corporation, but not including—

(*1*) Stock acquired from another corporation in exchange for property previously held with a cost basis if, at the time of such acquisition or immediately thereafter—

(*i*) The acquiring corporation or its shareholders were in control of the corporation from which such stock was acquired, or

(*ii*) The corporation from which such stock was acquired or its shareholders were in control of the acquiring corporation; or

(2) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis; or

(*b*) Such stock is held with a basis fixed by reference to its basis in the hands of a preceding owner, but not including—

(*1*) Stock acquired from another member of an affiliated group of corporations in a taxable year for which the acquiring corporation and the transferring corporation filed a consolidated income or excess profits tax return if, immediately prior to such acquisition—

(*i*) Such stock was held by the transferring corporation with a cost basis, or

(*ii*) The stock of the transferring corporation or of any other member of the affiliated group holding stock in the transferring corporation, directly or indirectly, was held by other members of the group with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis,

but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2) or in an exchange described in (3);

(2) Stock acquired in an intercorporate liquidation if, immediately prior to such liquidation—

(*i*) Such stock was held by the liquidated corporation with a cost basis, or

(*ii*) The stock of the liquidated corporation was held with a cost basis;

(*3*) Stock acquired from another member of a controlled group of corporations if, immediately prior to such acquisition—

(*i*) Such stock was held by the transferring corporation with a cost basis, or

(*ii*) The stock of the transferring corporation or of any other member of the controlled group holding stock in the transferring corporation, directly or indirectly, was held with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis, but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2); or

(*4*) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis.

(ii) *Cost basis.* Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a cost basis in all cases other than those in which the stock is determined to be stock held with a basis other than cost pursuant to the provisions of subdivision (i) of this subparagraph.

(iii) *Intercompany stock transfers.* In the case of stock of one member of the affiliated group held by another member of the group subject to the application of subdivision (i) (*b*) (*1*) (*ii*) of this subparagraph, relating to intercompany acquisitions during a consolidated return period, or (i) (*b*) (*3*) (*ii*), relating to acquisitions from another member of a controlled group of corporations, such stock shall have a basis for consolidated excess profits credit purposes in an amount equal to the basis which such stock would have in the hands of its present owner determined pursuant to the provisions of section 470 (a) and (b) or section 472 (c) (1) and (e) if such stock were acquired as the result of an intercorporate liquidation of the corporation transferring such stock and of each member of the group owning stock of the transferring corporation, directly or indirectly, through which such stock would have passed prior to its acquisition by its present owner.

(iv) *Definitions.* In determining whether stock of one member of the affiliated group held by another member of the group is held with a cost basis or a basis other than cost, the following definitions are applicable:

(*a*) The term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation (except nonvoting stock which is limited and preferred as to dividends).

(*b*) The term "controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock entitled to vote and at least 80 percent of each class of the nonvoting stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and the common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other corporations. As used in the preceding sentence, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(c) The term "intercorporate liquidation" means the receipt by a corporation of property in complete liquidation of another corporation to which—

(*1*) The provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, are applicable, including the case in which an election has been made pursuant to the last sentence of section 113 (a) (15) of the Revenue Act of 1936, as amended by section 808 of the Revenue Act of 1938, or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon such receipt, including a provision of the regulations applicable to a consolidated income or excess profits tax return, but not including the provisions of section 112 (b) (7) of the Revenue Act of 1938 relating to certain complete liquidations occurring during December 1938, the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in 1944 or 1951, the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations, or the provisions of section 112 (b) (10) relating to reorganizations of corporations in certain receivership and bankruptcy proceedings,

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(v) *Rules applicable in determination of basis.* In determining the total assets of a member of an affiliated group for consolidated equity capital purposes under subparagraph (2) (xiii) of this paragraph (b), or in determining the extent to which the equity invested capital of a subsidiary corporation is to be excluded under subparagraph (2) (xix) (*e*) of this paragraph (b), by reference to intercompany stockholding interests at a higher level in the corporate chain held with a cost basis (subparagraph (12) (i) (*b*) (*4*) of this paragraph (b)), and in adjusting the accumulated earnings and profits of a corporation the stock of which is held with a cost basis, either by reference to the date as of which such corporation became a member of the affiliated group or the date of any subsequent acquisition of its stock (subparagraph (2) (xx) (*a*) of this paragraph (b)), or by reference to realizations upon unrealized appreciation or depreciation of assets previously reflected in consolidated invested capital (subparagraph (2) (xx) (*f*) of this paragraph (b)), such determination and adjustment shall be made subject to the following rules:

(*a*) The determination and adjustment shall be made by reference to those acquisitions and holdings of stock held in the corporate chain with a cost basis, and by reference to those acquisitions and holdings only, which, considering the time of such acquisitions and the position in the corporate chain in which such holdings appear, reflect the ultimate cost acquisition and the resulting ownership, direct or indirect, by the group of those economic interests of the group underlying such stockholding acquisitions.

Example (1). Suppose that A acquired for cash in 1930 all of the stock of B; that P subsequently, in 1935, acquired for cash all of the stock of A; and that the P–A–B group files a consolidated return for 1951. P's cash acquisition and holding of the stock of A acquired in 1935 reflects the group acquisition and holding of the entire subsidiary chain. Every adjustment of earnings and profits prescribed by these regulations, and every determination made by reference to stock acquired and held with a cost basis, those in the cases of A and B alike, will be made with respect to the costs incurred in 1935 and with respect to that date. The cost of the stock of B incurred in 1930 is a matter of no significance in the computation of consolidated invested capital for the taxable year.

Example (2). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A acquired the stock of B in 1940 instead of 1930. This change in the order of acquisition renders the cash acquisition by A of the stock of B a matter of significance in the consolidated computation. The cash outlay incurred by P in 1935 did not serve to bring within the group that portion of the group enterprise reflected by the business and assets of B. The assets and the earnings and profits of B will be adjusted accordingly as of 1940 and by reference to the cost of its stock then incurred; those of A will be adjusted as of 1935 and by reference to 1935 costs.

Example (3). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost. Adjustments to be made in the computation of consolidated equity capital, of equity invested capital, and of earnings and profits will be made precisely as in example (1), and for the same reasons, notwithstanding the character of A's stockholding interest in B. P holds the stock of B indirectly with a cost basis determined in character by reference to P's acquisition of the stock of A in 1935.

Example (4). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost, and this acquisition was effected in 1940, instead of 1930, without breaking the affiliation between P and A. The stock of B acquired in 1940 is not to be considered as a part of the enterprise in respect of which P incurred costs in 1935. The higher-level holdings with a cost basis bear no significant relationship to the acquisition and holding by A of the stock of B. The stock of B is not to be considered to be held with a cost basis. No adjustment will be made in computing the earnings and profits of B.

Example (5). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: P's acquisition of the stock of A in 1935 was made with a basis other than cost. B will be regarded for the purpose of the adjustments prescribed in subparagraph (2) (xiii) and (xix) (*e*) of this paragraph (b) as having become "a member of the group" as of 1930, the year in which its stock was acquired by A, regardless of the subsequent acquisition by P of the stock of A. The assets and the earnings and profits of B will be adjusted as of 1930, and by reference to the cost of its stock then incurred.

Example (6). If A had acquired the stock of B with a cost basis at a date subsequent to P's acquisition of the stock of A with a basis other than cost, the adjustment of B's assets and earnings and profits would be made by reference to the later date and by reference to the costs then incurred.

(*b*) The adjustment will be made by reference to the most recent acquisition of the required holdings of the stock of the corporation in the case of a corporation the stock of which was once held by other members of the affiliated group to the extent provided in section 141 (d), was later disposed of in whole or in part, and was subsequently reacquired.

(*c*) The adjustment will be made without regard to any exclusion of the corporation from the affiliated group in intervening years by reason of a loss of the voting control prescribed by section 141 (d) if such loss of voting control was attributable to the fact that stock which did not possess voting power at the time control was originally acquired later became entitled to vote.

(*d*) Except as otherwise provided in (*f*), if stock of the corporation held with a cost basis was acquired from another corporation which had held such stock with a cost basis, and if the cost basis with which such stock is held by the present owner is fixed by reference to the basis of such stock in the hands of such other corporation, the adjustment will be made as if the present owner had acquired such stock as of the date upon which such stock was acquired by such other corporation.

(*e*) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock of the liquidated corporation was held by the acquiring corporation with a cost basis but the stock acquired was held by the liquidated corporation with a basis other than cost, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which it had acquired the stock of the liquidated corporation.

(*f*) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, and if the stock so acquired was held by the liquidated corporation and the stock of the liquidated corporation was held by the acquiring corporation, both with a cost basis, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which such stock was acquired by the liquidated corporation, or as of the date upon which the acquiring corporation acquired the stock of the liquidated corporation with respect to which the distribution was made, whichever date was the later.

(*g*) If stock of the corporation held with a cost basis is deemed to be so held by virtue of the fact that the basis of such stock is fixed by reference to the cost basis of other stock in the hands of the present owner, such stock shall be deemed to have been acquired as of the date of acquisition of such other stock.

(*h*) If the basis of the stock of the corporation held by another member of the affiliated group was increased as the result of a statutory merger or consolidation of such corporation with another corporation, or as the result of a transaction having the effect of a statutory merger or consolidation, and if the stock of such other corporation was held by such member of the affiliated group with a cost basis, that portion of such member's stockholding interest in such corporation represented by the increase shall be deemed to have been acquired as of the date upon which such member acquired the stock of such other corporation.

Example. Suppose that P acquired all of the stock of A in 1930 with a basis other than cost in the amount of $10,000; that it acquired for $15,000 in cash in 1935 all of the stock of B; that it caused B to be merged into A in 1936 without the issuance by A of any additional shares of stock; and that the P-A group files a consolidated return for 1951. The $15,000 cost incurred by P in 1935 will be reflected in the increased basis with which P holds the stock of A. P will be deemed to have acquired for cash in 1935 a portion of its stockholding interest in A; the total assets of A for consolidated equity capital purposes will be adjusted accordingly; the earnings and profits of A, to the extent that they reflect the earnings and profits originally accumulated by B, will be adjusted as of 1935; and the earnings and profits of A will be further adjusted with respect to realizations by B and A upon the unrealized appreciation or depreciation in the assets of B as of 1935 reflected in the consolidated invested capital.

(13) *Consolidated computations involving changes in membership*—(i) *Equity capital.* For the purpose of computing the consolidated net new capital addition and the consolidated net capital addition or reduction—

(*a*) If the affiliated group at the beginning of the taxable year includes a corporation which was not a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated equity capital for such first day shall include such portion of the equity capital of such corporation for such first day as is not attributable to the stock of such corporation held with a cost basis by other members of the group on the day on which such corporation became a member of the group, and the consolidated equity capital shall not include the stock in such corporation held on such first day with a basis other than cost;

(*b*) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated equity capital for such first day shall be computed as if such corporation were not a member of the group.

(ii) *Borrowed capital.* The following rules shall apply with respect to borrowed capital:

(*a*) For the purpose of computing the consolidated daily new capital addition or reduction for any day of the taxable year—

(1) If the group includes for such day a corporation which was not a member of the group on the first day of the first excess profits tax taxable year of the group, the borrowed capital for such first day shall include such portion of the borrowed capital of such corporation for such first day as does not consist of indebtedness owed to corporations which are members of the group on such day of the taxable year;

(2) If the group does not include for such day a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the borrowed capital for such first day of the members of the group shall be computed as if such corporation were not a member of the group.

(b) For the purpose of computing the consolidated net capital addition or reduction for any taxable year, if any corporation is a member of the affiliated group for only part of the taxable year, the consolidated daily borrowed capital of the group for the first day of the first excess profits tax taxable year of the group shall be the consolidated daily borrowed capital for such day computed as if such corporation were not a member of the group for such day, increased or decreased, as the case may be, by such portion of the difference between the consolidated daily borrowed capital so computed and the consolidated daily borrowed capital computed as if such corporation were a member of the group for such first day, as the number of days during the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(iii) *Capital addition or reduction.* (a) If a corporation becomes a member of the group after the beginning of the taxable year of the group, proper adjustment shall be made in computing the consolidated adjusted invested capital and the consolidated net new capital addition by reflecting as property paid in to the members of the group in a transaction described in section 438 (e) or as a distribution by such members, as the case may be, on the date such corporation becomes a member of the group, the difference between the adjusted basis of the stock of such corporation held with a basis other than cost immediately after such corporation becomes a member of the group and the portion of the equity capital of such corporation as of the beginning of the taxable year of the group not attributable to stock held with a cost basis immediately after such corporation became a member of the group.

(b) If a member of the group holds during the taxable year stock in a corporation which ceases to be a member of the group during the taxable year, proper adjustment shall be made in computing the consolidated adjusted invested capital and the consolidated net new capital addition by reflecting as property paid in to such member in a transaction described in section 438 (e), or as a distribution by such member, as the case may be, on the date such corporation ceased to be a member of the group, the difference between the adjusted basis of stock held immediately before such corporation ceased to be a member of the group and—

(1) If such corporation was a member of the group at the beginning of the taxable year, an amount equal to the portion of the consolidated equity capital at the beginning of the taxable year attributable to such corporation, or

(2) If such corporation became a member of the group after the beginning of the taxable year, the amount with respect to such corporation deemed paid in to a member of the group during the taxable year for stock or as paid-in surplus or as a contribution to capital,

properly adjusted in either case for capital changes with respect to such corporation occurring during the taxable year and prior to the date on which affiliation is broken.

(iv) *Consolidated increase or decrease in inadmissible assets.* For the purpose of computing the consolidated increase or decrease in inadmissible assets—

(a) In the case of a corporation which became a member of the group after the beginning of the first day of the first excess profits tax taxable year of the group and prior to the beginning of the taxable year, the consolidated original inadmissible assets shall include the inadmissible assets of such corporation on such first day (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes), and shall not include any stock in such corporation held by other members of the group;

(b) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original inadmissible assets for such first day shall be computed as if such corporation were not a member of the group;

(c) In the case of a corporation which is a member of the affiliated group for only part of the taxable year, the consolidated original inadmissible assets—

(1) Shall include such portion of the amount of the adjusted basis of the inadmissible assets of such corporation on the first day of the first excess profits tax taxable year of the group (properly adjusted to reflect the adjusted basis of such assets recognized for consolidated equity capital purposes), and

(2) Shall not include such portion of the adjusted basis of the stock of such corporation held by other members of the group at the beginning of such first day,

as the number of days during the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(v) *Base period capital addition.* For the purpose of computing the consolidated base period capital addition—

(a) If the affiliated group at the beginning of the taxable year includes a corporation which was not a member of the group on the first day of a taxable year for which consolidated yearly base period capital is computed (the first excess profits tax taxable year of the group or either one of the two taxable years preceding such first taxable year)—

(1) The consolidated equity capital shall include with respect to such corporation only such portion of the equity capital of such corporation for such first day as is not attributable to the stock of such corporation held with a cost basis by other members of the group on the day on which such corporation became a member of the group, and the consolidated equity capital shall not include the stock in such corporation held on such first day with a basis other than cost;

(2) The consolidated daily borrowed capital for such first day shall include such portion of the borrowed capital of such corporation for such first day as does not consist of indebtedness owed to other members of the group;

(3) The aggregate of the inadmissible assets of the group for such first day shall include the portion of the inadmissible assets (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) of such corporation for such first day as does not consist of stock of other members of the group, and shall not include any stock of such corporation held by other members of the group;

(4) The consolidated controlled group indebtedness for such first day shall include the portion of the indebtedness (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) described in section 435 (f) (4) owed to such corporation on such first day, which does not consist of indebtedness owed by other members of the affiliated group; and

(5) The aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) shall include such adjustment determined under section 435 (f) (5) for such corporation on such first day, computed without regard to any borrowed capital owed to another member of the group;

(b) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of a taxable year for which yearly base period capital is computed, the consolidated equity capital, the consolidated daily borrowed capital, the aggregate of the inadmissible assets, the consolidated controlled group indebtedness, and the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) for such first day shall be computed as if such corporation were not a member of the affiliated group; and

(c) If a corporation is a member of the affiliated group for only part of the taxable year, the consolidated equity capital, the consolidated daily borrowed capital, the aggregate of the inadmissible assets, the consolidated controlled group indebtedness, and the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) for the first day of each taxable year for which yearly base period capital is computed shall be determined as if such corporation were not a member of the group, and each such item so determined shall be increased or decreased, as the case may be, by an amount which is such portion of the difference between such item so determined and such item determined as if (a) were applicable as the number of

days in the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(vi) *Section 435 (g) (6) inadmissible asset adjustment.* For the purpose of computing the section 435 (g) (6) adjustment for any day—

(a) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original inadmissible assets shall include the inadmissible assets of such corporation for such first day (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes), and shall not include any stock in such corporation held by other members of the group; and

(b) If the affiliated group at the beginning of such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original inadmissible assets for such first day shall be computed as if such corporation were not a member of the group.

(vii) *Stock in member of controlled group.* For the purpose of determining the consolidated section 435 (g) (6) adjustment for any day—

(a) In the case of a corporation which became a member of the affiliated group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original controlled group stock—

(1) Shall not include any stock of such corporation held by other members of the affiliated group on the first day of the first excess profits tax taxable year of the group, and

(2) Shall include the aggregate of the adjusted basis (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) of the stock held by such corporation on such first day which was stock described in section 435 (g) (6) (A) of a member of a controlled group; and

(b) If the affiliated group for such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original controlled group stock shall not include any amount with respect to stock held by such corporation, and the stock of such corporation held by other members of the affiliated group on such first day shall be taken into account in determining the consolidated original controlled group stock as if such corporation were not a member of the affiliated group.

(viii) *Section 435 (g) (7) adjustment.* For the purpose of computing the consolidated section 435 (g) (7) adjustment for any day—

(a) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original controlled group indebtedness shall include the indebtedness described in section 435 (g) (7) owed to such corporation on such first day (properly adjusted to reflect the adjusted basis of such indebtedness recognized for consolidated equity capital purposes), and shall not include any indebtedness described in section 435 (g) (7) owed by such corporation to any other member of the affiliated group; and

(b) If the affiliated group at the beginning of such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original section 435 (g) (7) indebtedness for such first day shall be computed as if such corporation were not a member of the affiliated group.

(ix) *Additional adjustment.* In computing an amount for which an adjustment is required by reason of the affiliated group including a corporation which was not a member of the group on a prior day or by reason of the group not including a corporation which was a member on a prior day, proper adjustment shall be made for the case in which—

(a) Such corporation was created on or after such prior day, directly or indirectly, by another member of the group in a transaction in which the bases of its assets are determined by reference to the bases of the assets in the hands of the other member of the group, or

(b) Such corporation was absorbed on or after such prior date by a member of the group in a transaction in which the bases of its assets became the bases of such assets in the hands of the transferee.

(14) *Consolidated section 435 (d) average base period net income.* In computing the consolidated section 435 (d) average base period net income, the following rules shall apply:

(i) In no case shall the consolidated section 433 (b) excess profits net income for any month be less than zero; and

(ii) The consolidated section 433 (b) excess profits net income for any month during no part of which any member of the group was in existence shall be zero.

(15) *Eligibility requirements for consolidated section 435 (e) average base period net income.* For the purpose of determining whether an affiliated group may compute its consolidated average base period net income by reference to the consolidated section 435 (e) average base period net income, the following rules shall apply:

(i) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section, if at least one member of the affiliated group commenced business before the beginning of the consolidated base period, and if—

(a) The sum of the aggregate of the total assets of the several members of the affiliated group as of the beginning of the first day of the consolidated base period and the aggregate of the total assets as of such first day of any other corporation which was affiliated with a member of the group for the first taxable year of such member ending after June 30, 1950, if such other corporation commenced business prior to such first day, does not exceed $20,000,000; and either

(b) The aggregate of the total payroll (determined under section 435 (e) (4)) for the last half of the consolidated base period of those members of the group which had commenced business before the beginning of the consolidated base period is 130 percent or more of the aggregate of the total payroll of such members for the first half of the consolidated base period; or

(c) The aggregate of the gross receipts (determined under section 435 (e) (5)) for the last half of the consolidated base period of those members of the group which had commenced business before the beginning of the consolidated base period is 150 percent or more of the aggregate of the gross receipts of such members for the first half of the consolidated base period.

(ii) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section if at least one member of the group commenced business before the beginning of the consolidated base period, and if—

(a) The aggregate of the net sales for the period beginning January 1, 1950, and ending June 30, 1950, of those members of the group which had commenced business before the beginning of the consolidated base period, equals or exceeds 75 percent of the average of the aggregate of the net sales for the calendar years 1946 and 1947 of such members of the group; and

(b) Forty percent or more of the aggregate of the net sales for the calendar year 1950 of those members of the group which had commenced business before the beginning of the consolidated base period is attributable to a product, or class of products (including any article in which such product or class of products is the principal component and including any article which is a component of such product or class of products), of a kind not generally available to the public at any time prior to January 1, 1946; and

(c) The aggregate of the net sales for the calendar year 1946 of the members described in (b) which is attributable to the product or class of products described in (b) is 5 percent or less of the aggregate of the net sales of such members so attributable for the calendar year 1949.

(iii) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (iv) of this section if it is eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section, solely by reason of (ii) of this subparagraph, and if the aggregate of the consolidated section 433 (b) excess profits net income for the 12 months in the calendar year 1949 is not more than 25 percent of the aggregate of the consolidated section 433 (b) excess profits net income for the 12 months in the calendar year 1948, the consolidated section 433 (b) excess profits net income being computed in each instance without regard to any member of the group which com-

menced business after the beginning of the consolidated base period.

(16) *Computations under section 435 (e).* For the purpose of computing the consolidated section 435 (e) average base period net income, and for the purpose of applying subparagraph (15) of this paragraph relating to eligibility requirements, the following rules shall apply:

(i) In computing the consolidated section 433 (b) excess profits net income or the consolidated weighted excess profits net income for any month,—

(*a*) There shall be excluded the excess profits net income, or the deficit in excess profits net income, as the case may be, of any member of the affiliated group which did not commence business before the beginning of the consolidated base period; and

(*b*) There shall be included an amount equal to one-twelfth of the amount which would be determined as the consolidated alternative average base period net income if computed with respect to the excess profits net income determined under section 433 (b), the deficit in excess profits net income determined under section 433 (c) or the average base period net income computed under section 445, as the case may be, of those members of the group only which commenced business after the beginning of the consolidated base period.

(ii) In computing as of the beginning of the consolidated base period, the aggregate of the total assets of the corporations described in subparagraph (15) (i) (A) of this paragraph—

(*a*) There shall be included the cash and property other than cash held by each such corporation for the purpose of the business;

(*b*) Such property shall be included in an amount equal to its adjusted basis for determining gain upon sale or exchange; and

(*c*) There shall be disregarded stock of one such corporation held by another such corporation.

(iii) The consolidated section 435 (e) average base period net income shall not exceed the sum of—

(*a*) If those members of the affiliated group which were members of the group on June 30, 1950, would be eligible to use the consolidated section 435 (e) average base period net income on the basis of a computation limited to those members only, an amount which would be the consolidated section 435 (e) average base period net income or the consolidated section 435 (d) average base period net income, whichever is higher, if computed with respect to the excess profits net income or deficit in excess profits net income of those members only;

(*b*) If those members of the group which were not members of the group on June 30, 1950, but which were affiliated with each other on that day, would be eligible to use the consolidated section 435 (e) average base period net income on the basis of a computation limited to those members only, an amount which would be the consolidated section 435 (e) average base period net income or the consolidated section 435 (d) average base period net income, whichever is the higher, if computed with respect to the excess profits net income or deficit in excess profits net income of those members only;

(*c*) In the case of each member of the affiliated group which was not affiliated with any other member of the group on June 30, 1950, and which would be eligible to use the average base period net income computed under section 435 (e) if a separate return were filed, the average base period net income under section 435 (e) or the average base period net income under section 435 (d), whichever is the higher, computed separately for such member but subject to the rules provided in § 24.31 (b) (2); and

(*d*) In the case of those members of the group which commenced business after the beginning of the consolidated base period, an amount equal to the consolidated alternative average base period net income computed under (i) (*b*) of this subparagraph; and

(*e*) An amount which would be the consolidated section 435 (d) average base period net income if computed without regard to the excess profits net income or deficit in excess profits net income of any member of the group which is described in (*a*), (*b*), or (*c*) above.

(17) *Computation of consolidated alternative average base period net income.* For the purpose of determining the consolidated alternative average base period net income, the following rules shall apply:

(i) In the application of section 442 (c), 442 (d), 443, 444, or 446, in the case of those members of the affiliated group which commenced business before the beginning of the consolidated base period and which were affiliated with each other at the close of the consolidated base period and at all subsequent times involved in the application of such section—

(*a*) Such section shall be applied to all such members as a unit;

(*b*) All computations involved shall be made on the basis of the aggregate of the items separately determined for each such member; and

(*c*) Such section shall be considered applicable to such members only if such application results in a lower excess profits tax on the affiliated group for the taxable year.

Example. In the case of such members, the requirement of section 443 (a) (2) would be met as to all such members if the aggregate of the gross income or net income of such members attributable to new products or services of one or more of such members constitutes, respectively, more than 40 percent of the aggregate of the gross income, or 33 percent of the aggregate of the net income, separately computed for such members.

(ii) Section 442, 443, 444, 445, or 446 shall be considered applicable to any member of the affiliated group other than a member described in (i) only if such section would be applicable to such member if it filed a separate return, and only if the application of such section to such member results in a lower excess profits tax of the group for the taxable year.

(iii) Section 442, 443, 444, 445, or 446 shall not be considered applicable to the members of the group described in (i) or to any member of the group described in (ii) unless a proper application therefor is filed under section 447.

(iv) In the case of a corporation which is a member of the affiliated group for only a part of the taxable year for which the excess profits credit is being computed, and to which section 442, 443, 444, 445, or 446 is applicable, the amount to be included with respect to such corporation in computing the consolidated alternative average base period net income for the purpose of the consolidated excess profits credit for such taxable year shall be limited to an amount which bears the same ratio to the amount which would be included if such corporation were a member of the group throughout the taxable year as the number of days in the taxable year for which the credit is being computed during which it was a member of the group (excluding the day on which it became a member) bears to the total number of days in such taxable year.

(18) *Base period capital addition.* In the computation of the consolidated base period capital addition, the following rules shall apply:

(i) If the consolidated average base period net income is the consolidated alternative average base period net income, the consolidated base period capital addition shall be computed as if the affiliated group did not include those members for which amounts computed under sections 442 (d), 443, 444, 445, or 446 are included in the consolidated alternative average base period net income, or for which a substitute excess profits net income under section 442 (c) is included in the consolidated alternative excess profits net income for any month in the first excess profits tax taxable year of the group or in the two immediately preceding taxable years. The consolidated base period capital addition computed under the preceding sentence shall be increased by an amount equal to the base period capital addition separately computed under section 435 (f) (3) (C) for any member of the group for which a substitute excess profits net income computed under section 442 (c) (1) was included in the consolidated alternative excess profits net income for any month in the second taxable year preceding the first excess profits tax taxable year of the group.

(ii) If the consolidated average base period net income is the consolidated section 435 (e) average base period net income, the consolidated base period capital addition shall be computed as if the affiliated group included only those members which commenced business after the beginning of the consolidated base period, other than any such member for which an amount computed under section 445 is included in the consolidated section 435 (e) average base period net income.

(19) *Net capital addition or reduction in case section 443 or 445 is applicable.* If the consolidated average base period net income is the consolidated alternative average base period net income, the consolidated net capital addition or reduction shall be computed as if the affiliated group did not include those members for which amounts computed under section 443 or section 445 are included in computing the consolidated alternative average base period net income. If the consolidated average base period net income is the consolidated section 435 (e) average base period net income, the consolidated net capital addition or reduction shall be computed as if the group did not include those members for which amounts computed under section 445 are included in computing the consolidated section 435 (e) average base period net income. The consolidated net capital addition or reduction so computed in either instance shall be properly increased or decreased, as the case may be, by the net capital addition or reduction separately computed for each such member.

(20) *Computations under section 448.* In the computation of the consolidated section 448 excess profits credit, the consolidated section 448 gross credit, and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (A), (c) (1) (B), (c) (2) or (c) (4), the corporate books of account of which are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners:

(i) The sum specified in paragraph (a) (85) of this section shall be computed without regard to any amount with respect to such member otherwise includible in such computation, and the sum so computed shall be increased or decreased, as the case may be, by an amount equal to—

(*a*) The sum of—

(*1*) The average outstanding common and preferred capital stock accounts for its taxable year plus the capital surplus and earned surplus accounts (or minus any deficits therein) at the beginning of its taxable year as properly recorded on the corporate books of account of such member, and

(*2*) Its average borrowed capital of such member for the taxable year, minus

(*b*) The average for the taxable year of the amount, as properly recorded on the corporate books of account, of the stock of other members of the group held by such member.

(ii) For the purpose of computing the consolidated section 448 inadmissible asset adjustment, the amounts attributable to the assets of such member shall be determined according to the amounts properly recorded in its corporate books of account.

(iii) In the case of any such member which is a member of the group for only part of the taxable year, the amount referred to in (i) shall be reduced to an amount which is such part thereof as the number of days in the taxable year during which such corporation is a member of the group (excluding the day on which it became a member of the group) is of the total number of days in the taxable year.

(21) *Limitation on separate carry-overs or carry-backs of unused excess profits credit.* In no case shall there be included in the consolidated unused excess profits credit adjustment for the taxable year—

(i) As a consolidated unused excess profits credit carry-over under (a) (88) (ii) of this section, relating to the unused excess profits credit of a corporation for a year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, and

(ii) As a consolidated unused excess profits credit carry-back under (a) (89) (ii) of this section, relating to the unused excess profits credit of a corporation for a year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group,

an amount in excess of the portions thereof which could have been availed of by such corporation as unused excess profits credit carry-overs and as a carry-back if a separate return had been filed for such taxable year, but with its net income computed subject to the provisions of subparagraph (1) (i) of paragraph (b) of this section.

(22) *Limitation on consolidated unused excess profits credit in case of liquidation, etc.* If any member of the affiliated group distributes during the taxable year substantially all of its assets in liquidation or completes the conversion of substantially all of its assets into assets not held in good faith for the purpose of the business, appropriate adjustment shall be made in the computation of the consolidated unused excess profits credit for such taxable year in accordance with section 432 (c) upon the basis of the portion of the consolidated unused excess profits credit attributable to such corporation.

(23) *Limitation on absorption of unused excess profits credit carry-overs.* In the computation of the consolidated unused excess profits credit adjustment for the taxable year, if there is involved an unused excess profits credit for a prior year of a corporation filing a separate return for such prior year or joining in a consolidated return for such prior year filed by another affiliated group, together with a consolidated unused excess profits credit, or if there are involved such separate unused excess profits credits of two or more members of the group, no portion of the consolidated adjusted excess profits net income for a consolidated return period of the group intervening between the year of the unused excess profits credit and the taxable year shall be taken into account more than once in giving effect to the provisions of (a) (88) (ii) of this section, relating to the computation of the consolidated unused excess profits credit carry-overs originating in separate return years.

(24) *Qualifications on excess profits credit where group membership changed after March 14, 1941.* In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated excess profits credit for the taxable year shall be determined subject to the following qualifications:

(i) The portion of the consolidated excess profits credit otherwise allowable with respect to the common parent corporation and with respect to any subsidiaries which were members of the group on March 14, 1941, shall not exceed—

(*a*) The portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such common parent corporation, in the case of a group formed subsequent to March 14, 1941, or

(*b*) In the case of a group formed prior to March 15, 1941, but having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the aggregate of the portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to the common parent corporation and to the several subsidiary corporations which were members of the group on March 14, 1941.

(ii) The portion of the consolidated excess profits credit otherwise allowable with respect to a subsidiary corporation which became a member of the group subsequent to March 14, 1941, shall not exceed—

(*a*) The portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such subsidiary corporation in the case in which such subsidiary corporation was not on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(*b*) If such subsidiary corporation was a member of an affiliated group on March 14, 1941, an amount which, together with that portion of the consolidated excess profits credit computed subject to the provisions of these regulations and attributable to other members of the group during the taxable year which were affiliated with such subsidiary corporation on March 14, 1941, within the meaning of section 141, does not exceed the aggregate of the portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such subsidiary corporation and to such other members of the group.

(iii) The portion of the consolidated excess profits credit otherwise allowable for the taxable year which is disallowed pursuant to the provisions of (i) and (ii) shall be considered as an unused excess profits credit in respect of those members of the group by reference to which the amount of the credit disallowed under (i) and (ii) was determined, originating, for the purpose of the unused excess profits credit carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the unused excess profits credit carry-over provisions, in a taxable year prior to the first taxable year in respect of

which their income was included in a consolidated return.

(iv) The provisions of subdivisions (i) and (ii) shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941—

(*a*) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(*b*) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(*c*) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(*d*) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated excess profits credit computed with respect to the affiliated group but without regard to subdivisions (i) and (ii) will not serve to distort the excess profits tax liability of the group or of any of its members.

(*e*) If, upon consideration of the facts and circumstances presented by the particular case, the Commissioner determines that the general purpose of the provisions of subdivisions (i) and (ii) would be better served in a particular respect by adherence to a date subsequent to March 14, 1941, such subdivisions shall be administered in that respect as if the appropriate date determined by the Commissioner were substituted in such subdivisions in lieu of the date March 14, 1941. Ordinarily, under the preceding sentence, the provisions of subdivisions (i) and (ii) shall not apply with respect to the formation or expansion of an affiliated group occurring after December 31, 1946, and before July 1, 1950.

(25) *Loss to group of investment in an affiliate.* In the case of a loss to one or more members of an affiliated group sustained during the taxable year as the result of the worthlessness of the investment of such members in another affiliate, whether such investment was reflected in the stock, bonds, or open account advances to such other affiliate—

(i) Such losses shall be taken into account in the computation of consolidated net income for the year of the loss in an amount not greater in the aggregate than the excess of the consolidated net income for such year computed without regard to any such loss over that portion of such consolidated net income so computed attributable to such other affiliate; and

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of (i) shall be considered as a consolidated net operating loss to be taken into account as a consolidated carry-back to the preceding taxable year and as consolidated carry-overs to succeeding taxable years, but in an amount not greater for any such year than the excess of the consolidated net income for such year, computed without regard to such carry-back or carry-over, as the case may be, over that portion of such consolidated net income so computed for such year attributable to such other affiliate.

(26) *Allocation of unused excess profits credit.* If an affiliated group filing a consolidated return has a consolidated unused excess profits credit for the taxable year, and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, either for the preceding taxable year or for a succeeding taxable year, the portion of such consolidated unused excess profits credit attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount bearing the same ratio to the consolidated unused excess profits credit for the taxable year which the excess, if any, of that portion of the consolidated excess profits credit attributable to such corporation over that portion of the consolidated excess profits net income, if any, attributable to such corporation bears to the aggregate of such excesses in the case of the several affiliated corporations having such excesses for the taxable year.

(27) *Consolidated normal tax net income for excess profits tax purposes.* If there are involved in the computation of the consolidated normal tax net income, computed for normal tax purposes, net operating loss carry-overs, net short-term capital loss carry-overs, bases for determining gain or loss upon a sale or exchange, or other factors, in amounts different from the net operating loss carry-overs, net short-term capital loss carry-overs, bases for determining gain or loss upon a sale or exchange, or such other factors, determined for excess profits tax purposes, the consolidated normal tax net income, computed for the purpose of the excess profits tax, shall be used for excess profits tax purposes in lieu of the consolidated normal tax net income used in the computation of the normal tax.

(c) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the several schedules required by the instructions on the return must be prepared and filed by the common parent corporation in columnar form so that the details of the items of gross income, deductions, invested capital, and credits, for each member of the affiliated group, may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each such corporation, together with a reconciliation of the consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members of the group, shall accompany the consolidated return prepared in a form similar to that required for reconciliation of surplus.

(d) *Net operating loss deduction, net operating loss credit, and dividend carry-over before or after consolidated return period.* The consolidated net operating loss (whether computed for the purpose of the deduction or the credit) of an affiliated group, or the unused consolidated basic surtax credit of such group, shall be used in computing the consolidated net operating loss deduction, the consolidated net operating loss credit, or the consolidated dividend carry-over, as the case may be, notwithstanding that one or more corporations, members of the group in the taxable year in which such loss or such unused basic surtax credit originates, make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year), but only to the extent that such consolidated net operating loss or such unused consolidated basic surtax credit is not attributable to such corporations; and such portion of such consolidated net operating loss or such unused consolidated basic surtax credit as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year) shall be used by such corporations severally as carry-overs, or as carry-backs, in such separate returns, or in such consolidated returns, of the other affiliated group. Any unused basic surtax credit of a corporation separately produced for a year prior to a taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the dividend carry-over of such corporation (or the consolidated dividend carry-over of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused basic surtax credit was not absorbed in the computation of the consolidated dividends paid credit for the intervening consolidated return period. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or, in the year immediately following a consolidated return year) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carry-over or as a carry-back) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(e) *Unused excess profits credit before or after consolidated return period.* The consolidated unused excess profits credit of an affiliated group shall be used in computing the consolidated unused excess profits credit adjustment notwithstanding that one or more corporations, members of the group in the taxable year in which such unused excess profits credit originates, make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year), but only to the extent that such consolidated unused excess profits credit is not attributable to such corporations; and such portion of such consolidated unused excess profits credit as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year) shall be used by such corporations severally as carry-overs, or as carry-backs, in such separate returns, or in such consolidated return of the other affiliated group. Any unused excess profits credit of a corporation for a year prior to a taxable year in respect of which its income is included in the consolidated return of the group (or, for the year immediately following a consolidated return year) shall be used in computing the unused excess profits credit adjustment of such corporation (or the consolidated unused excess profits credit adjustment of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused excess profits credit was not absorbed (either as a carry-over or as a carry-back) in the computation of the consolidated unused excess profits credit adjustment for consolidated return periods.

(f) *Taxable year of less than 12 months.* Any period of less than 12 months for which either a separate return or a consolidated return is filed, under the provisions of § 24.13, shall be considered as a taxable year, and the excess profits net income or the consolidated section 433 (a) excess profits net income for such year, as the case may be, shall be placed on an annual basis pursuant to the provisions of section 433 (a) (2).

§ 24.32 *Method of computation of income for period of less than 12 months.* If a corporation, during the taxable year of the group, becomes a member or ceases to be a member of an affiliated group which makes or is required to make a consolidated return for such year, the income of such corporation to be included in the consolidated return shall be computed on the basis of its income as shown by its books if the accounts are so kept that the income for the period during which it is a member of the group can be clearly and accurately determined. If the accounts are not so kept, the income to be included in the consolidated return shall be computed on the basis of that proportion of its income (subject to the elimination of items exempt from taxation and the addition of items not allowable as deductions) for the full period covered by its books which the number of days for which its income is included in the consolidated return bears to the number of days in the full period covered by its books; but, in the discretion of the Commissioner, there may be eliminated before the proration is made items of income or deduction clearly and accurately determined to be attributable to particular periods, and, after the proration is made, such eliminated items will be added to (if items of income) or deducted from (if deductible items) the income determined by proration for the period to which such items are applicable. The credits allowable under sections 13 and 15 of the Code shall be given for the period to which they are properly applicable under the facts in the case.

§ 24.33 *Gain or loss from sale of stock, or bonds or other obligations.* Gain or loss from the sale or other disposition (whether or not during a consolidated return period), by a corporation which during any period of time has been a member of an affiliated group which makes or is required to make a consolidated return, of any share of stock or any bond or other obligation issued or incurred by another corporation which during any part of such period was a member of the same group, shall be determined, and the extent to which such gain or loss shall be recognized and shall be taken into account shall also be determined, in the same manner, to the same extent, and upon the same conditions as though such corporations had never been affiliated (see sections 111 to 115, inclusive, and section 117, and the regulations thereunder), except—

(a) In the case of a disposition (by sale, or in complete or partial liquidation not involving cash in an amount in excess of the adjusted basis of both the stock and the bonds and other indebtedness liquidated, or otherwise) during a consolidated return period to another member of the group (see §§ 24.31 and 24.37);

(b) That the basis for determining the gain or loss, in the case of shares of stock, or in the case of bonds or other obligations, held during any part of a consolidated return period, shall be determined in accordance with §§ 24.34 and 24.35; and

(c) As provided in § 24.36 (imposing certain limitations upon losses otherwise allowable upon sales of stock, or bonds or other obligations).

§ 24.34 *Sale of stock; basis for determining gain or loss*—(a) *Scope of section.* This section prescribes the basis for determining the gain or loss upon any sale or other disposition (hereinafter referred to as "sale") by a corporation which is (or has been) a member of an affiliated group which makes (or has made) a consolidated return for any taxable year, of any share of stock issued by another member of such group (whether issued before or during the period that it was a member of the group and whether issued before, during, or after the taxable year 1929), and held by the selling corporation during any part of a period for which a consolidated return is made or required under these regulations. For the basis in the case of a sale of bonds, see § 24.35.

(b) *Sales made while selling corporation is member of affiliated group.* If the sale is made within a period during which the selling corporation is a member of the affiliated group, whether or not during a consolidated return period, and whether or not, as a result of such sale, the issuing corporation ceases to be a member of the group, the basis shall be determined as follows:

(1) The aggregate bases of all shares of stock of the issuing corporation held by each member of the affiliated group (exclusive of the issuing corporation) immediately prior to the sale, shall be determined separately for each member of the group, and adjusted in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11) relating to losses of the issuing corporation sustained by such corporation after it became a member of the group.

(2) From the combined aggregate bases as determined in subparagraph (1) of this paragraph, there shall be deducted the sum of—

(i) All losses of such issuing corporation sustained during taxable years for which consolidated income tax returns were made or were required (whether the taxable year 1929 or any prior or subsequent taxable year) after such corporation became a member of the affiliated group and prior to the sale of the stock to the extent that such losses could not have been availed of by such corporation as net loss or net operating loss in computing its net income for such taxable years if it had made a separate return for each of such years,

(ii) With respect to each of such taxable years for which consolidated returns were made or were required both for income and for excess profits tax purposes, the excess, if any, of all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income or consolidated section 433 (a) excess profits net income, over the amount of such losses for such year computed under subdivision (i) of this subparagraph to the extent that such excess could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate return for each of such years, and

(iii) With respect to each of such taxable years for which consolidated returns were made or were required for excess profits tax purposes only, all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income,

to the extent that such losses could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate excess profits tax return for each of such years.

reduced by any losses of the issuing corporation apportioned under this section to its stock sold or otherwise disposed of in a prior transaction, disregarding any transaction between members of the affiliated group during a consolidated income or excess profits tax return period which did not constitute a partial liquidation of the issuing corporation. For any taxable year in which the group sustained a consolidated loss not availed of in prior or subsequent years as a deduction under net loss or net operating loss provisions, the amount deducted under this subparagraph shall be further reduced by an amount equal to that proportion of such consolidated loss which the loss of the issuing corporation for the year in which such loss was sustained bears to the aggregate losses of the members of the group for such year.

(3) The sum of the aggregate bases of all shares of stock, after making the deduction under subparagraph (2) of this paragraph, shall then be apportioned among the members of the affiliated group which hold stock of the issuing corporation, by allocating to each such member that proportion of the sum of the aggregate bases so reduced which the aggregate basis of the stock in the issuing corporation held by such member bears to the sum of the aggregate bases.

(4) The aggregate basis as determined under subparagraph (3) of this paragraph for each member of the affiliated group shall then be equitably apportioned among the several classes of stock of the issuing corporation held by such member according to the circumstances of the case—ordinarily by allocating to each class of such stock that proportion of the aggregate basis which the basis of each class of such stock held by it at the time of the sale is to the sum of the bases of the several classes of such stock held by it.

(5) The basis of each share of stock of each class held by a member of the affiliated group shall then be determined by dividing the basis apportioned to such class under subparagraph (4) of this paragraph, by the total number of shares of such class held by it.

(c) *Sales after selling corporation has ceased to be member of affiliated group.* If the sale is made after the selling corporation has ceased to be a member of the affiliated group, such basis shall be determined in accordance with paragraph (b) of this section, except that—

(1) The aggregate basis (under paragraph (b) (1) of this section) shall be determined for all shares of the issuing corporation held by each member of the group immediately prior to the time the selling corporation ceased to be a member of the group (rather than immediately prior to the sale);

(2) The reduction (under paragraph (b) (2) of this section) with respect to losses apportioned to stock sold or otherwise disposed of in prior transactions shall be determined without regard to the transaction which terminated the affiliation and all subsequent transactions;

(3) The allocation (under paragraph (b) (3) of this section) shall be made to each member of the group which held stock of the issuing corporation immediately prior to the time the selling corporation ceased to be a member of the group (rather than to the members holding such stock at the time of the sale); and

(4) The basis of each share of stock held by the selling corporation (determined, as above, as of the time the selling corporation ceased to be a member of the group) shall then be adjusted in accordance with the Code (see, particularly, sections 111 to 115, inclusive) in order to determine the basis at the time of the sale.

(d) *Definition of "loss," "consolidated loss," and "net loss" or "net operating loss".* As used in this section, the term "loss" means the excess over the gross income of the issuing corporation of the sum of its allowable deductions (not including any net loss or net operating loss deduction) plus the proportionate part properly attributable to such corporation of the credits relating to interest on certain Government obligations and dividends received allowable in computing consolidated normal-tax net income, the consolidated special class net income, or consolidated net income subject to tax; the term "consolidated loss" means the excess of the sum of the losses, separately computed, over the sum of the normal-tax net income, the special class net income, or the net income subject to tax, separately computed, of the several members of the affiliated group, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period; and the term "net loss" or "net operating loss" means the net loss or net operating loss, as the case may be, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period.

§ 24.35 *Sale of bonds or other obligations; basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income tax or excess profits tax return for any taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929) and held by the selling corporation during any part of a period for which a consolidated return is made or required under these regulations, the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, determined in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11), shall be decreased (except as otherwise provided in this section) by the excess, if any, of the aggregate of the deductions computed under paragraph (b) (2) or (c) of § 24.34 over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (b) (1) or (c) of § 24.34, as the case may be, held by the members of the group. The adjustment with respect to so much of such deductions as is based upon losses sustained during the taxable year 1929 and subsequent taxable years for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945 (the date on which Treasury Decision 5441 was filed with the Division of the Federal Register), and availed of on consolidated returns filed for such years shall be made only in those cases in which the sales or other disposition of such bonds or other obligations resulted in a loss. See, also, § 24.40, relating to disallowance of loss upon intercompany bad debts.

§ 24.36 *Limitation on allowable losses on sale of stock, or bonds or other obligations.*—(a) *General rule.* No loss shall be allowed under § 24.33, § 24.34, or § 24.35 upon the sale or other disposition of stock or bonds or obligations to the extent that such loss is attributable to (1) transfers of assets within the affiliated group (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period in which the corporations were affiliated (whether or not a consolidated return was made), or (2) a distribution during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group.

(b) *Qualification of general rule.* Paragraph (a) of this section shall not be considered as in any way limiting the operation of the provisions of the Code relating to the basis for determining gain or loss upon the sale or other disposition of property (see sections 111 to 115, inclusive), but as being in amplification of and not in substitution for such provisions; subject, however, to this qualification: that to the extent that the transfers of assets referred to in paragraph (a) of this section are taken into account under the terms of the Code in making adjustments in the basis, such transfers will not be taken into account in denying losses under paragraph (a) of this section.

§ 24.37 *Liquidations; recognition of gain or loss.*—(a) *During consolidated return period.* (1) Gain or loss shall not be recognized upon a distribution during a consolidated return period, by a member of an affiliated group to another member of such group, in cancellation or redemption of all or any portion of its stock, except—

(i) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, and falls without the provisions of section 112 (b) (6), and is the result of a bona fide termination of the business and operations of such member of the group, in which case the adjustments specified in §§ 24.34 and 24.35 shall be made, and § 24.36 shall be applicable; or

(ii) Where such a distribution without the provisions of section 112 (b) (6) is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess.

(2) When the business and operations of the liquidated member of the affiliated group are continued by another member of the group, it shall not be considered a bona fide termination of the business and operations of the liquidated member. With respect to the acquisition of its bonds by the issuing company, see § 24.41 (b).

(3) For the purpose of determining whether an affiliated corporation receiving property in a liquidating distribution qualifies under the provisions of section 112 (b) (6) (A), the aggregate amount of the stock of the liquidated corporation owned by the several members of the affiliated group on the date of the adoption of the plan of liquidation and at all times subsequent thereto and prior to the receipt of the property in liquidation shall be considered as owned by the distributee.

(b) *After consolidated return period.* In case any such distribution is made after a consolidated return period, whether in complete or partial liquidation, except a complete liquidation within the provisions of section 112 (b) (6), with respect to stock and with respect to bonds, debentures, notes, certificates, and other indebtedness of the liquidated corporation acquired prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments specified in §§ 24.34 and 24.35 shall be made, and § 24.36 will be applicable.

§ 24.38 *Basis of property.*—(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) of this section and except as otherwise provided in §§ 24.34 and 24.39, the basis during a consolidated return period for determining the gain or loss from the sale or other disposition of property, or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed, shall be determined and adjusted in the same manner as if the corporations were not affiliated (see sections 111 to 115, inclusive), whether such property was acquired before or during a consolidated return period. Except as otherwise provided in § 24.39, such basis immediately after a consolidated return period (whether the affiliation has been broken or whether the privilege of making a consolidated return is not exercised) shall be the same as immediately prior to the close of such period.

(b) *Intercompany transactions.* The basis prescribed in paragraph (a) of this section shall not be affected by reason of a transfer during a consolidated return period, other than upon liquidation as provided in paragraph (c) of this section (whether by sale, gift, dividend, or otherwise) from a member of the affiliated group to another member of such group.

(c) *Basis after liquidation.* (1) Where property is acquired upon a distribution described in § 24.37 (a) in which gain or loss is recognized to the distributee, the basis of such property shall be its fair market value at date of acquisition.

(2) Where property is acquired upon a distribution in which gain or loss to the distributee is not recognized pursuant to the provisions of section 112 (b) (6), the basis of such property shall be the same as it would be in the hands of the transferor.

(3) Where property is acquired upon a distribution (not a complete liquidation within the provisions of section 112 (b) (6)) in which gain or loss to the distributee is not recognized as provided in § 24.37 (a), the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and §§ 24.34 and 24.35) of the stock and the bonds and other obligations exchanged therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distributions during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group; and

(iii) Cash received in the distribution.

(4) Where property was acquired upon a distribution in which gain or loss to the distributee was recognized pursuant to the provisions of section 112 (b) (7), or the corresponding provisions of the Revenue Act of 1938, the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and § 24.34) of the stock exchange therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distribution during a consolidated return period of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group;

(iii) Cash received in the distribution; and

(iv) The amount of gain recognized to the distributee in the liquidation.

(d) *Basis not affected by acquisition or sale of stock.* Neither the acquisition of stock of a corporation nor its sale or other disposition shall affect the basis of the property of such corporation for determining gain or loss or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed.

§ 24.39 *Inventories.*—(a) *Consolidated return for first year of affiliation.* If the income of an affiliated corporation is included in a consolidated return for the period immediately following the date upon which such corporation became a member of the affiliated group, the value of its opening inventory to be used in computing the consolidated net income shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year.

(b) *Consolidated return after separate return by affiliates.* If a corporation which is a member of the affiliated group for the first consolidated return period was a member of the group in the preceding taxable year, the value of its opening inventory to be used in computing the consolidated net income for the first consolidated return period shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year decreased in the amount of profits or increased in the amount of losses reflected in such inventory which arose in transactions between members of the affiliated group and which have not been realized by the group through final transactions with persons other than members of the group.

(c) *Separate returns made after consolidated returns.* If a corporation which was a member of an affiliated group in a consolidated return period makes or is required to make a separate return for the succeeding taxable year, the value of its opening inventory to be used in computing its net income for such succeeding taxable year shall be the proper value of its closing inventory used in computing consolidated net income for the last consolidated return period increased in the amount of profits or decreased in the amount of losses eliminated in the computation of such inventory as profits or losses arising in transactions between members of the affiliated group, but in an amount not exceeding, in the case of profits, either the amount of profits arising from such intercompany transactions reflected in the closing inventory of such corporation for such succeeding taxable year or the amount of such intercompany profits eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section, and not exceeding, in the case of losses, either the amount of losses arising from intercompany transactions reflected in the closing inventory for such corporation for such succeeding taxable year or the amount of such intercompany losses eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section.

(d) *Years in consolidated base period, etc.* For each of the years in the consolidated recent loss period, in the consolidated base period, or in any other period involved in the computation of the consolidated average base period net income, proper adjustment with respect to unrealized profits or losses in transactions between members of the affiliated

group (including any component corporation of any such member as defined in section 461) which were affiliated with each other during such year shall be made in the opening and closing inventories of each such affiliated corporation.

§ 24.40 *Bad debts.*—(a) *Deduction during consolidated return period.* No deduction shall be allowed during a consolidated return period to any member of the affiliated group on account of worthlessness in whole or in part of any obligation (including accounts receivable, bonds, notes, debts, and claims of whatsoever nature) of any other corporation which was a member of the group as of the last day of the taxable year or which was liquidated by the group during such year, except as a loss resulting from a bona fide termination of the business and operations of such other corporation, whether in liquidation or otherwise, in which case the loss shall be computed subject to the adjustments specified in § 24.35, and the provisions of § 24.36 shall be applicable.

(b) *Limitation of allowance after consolidated return period.* With respect to obligations (including accounts receivable) of a member of an affiliated group acquired in any way by another member of the group prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments prescribed with respect to the allowance of losses upon the sale of bonds shall be applicable to the allowance of any bad debt deduction for any period subsequent to the consolidated return period. See § 24.35.

§ 24.41 *Sale and retirement by corporation of its bonds.*—(a) *Issued at discount or premium.* If a corporation which during any taxable year has been a member of an affiliated group which makes or is required to make a consolidated return, has issued its bonds at a discount or premium (whether or not during a consolidated return period), deduction will be allowed for the amortization of the discount, and income included for the amortization of the premium, in the same manner, to the same extent, and upon the same conditions as if the corporation had never been affiliated, except that no deduction for amortization of discount shall be allowed, and no income shall be included for amortization of premium, during a period for which a consolidated return is made, on bonds of one member of the group owned by another member of the group.

(b) *Acquisition of bonds by issuing company.* If a corporation which has been a member of an affiliated group which makes or is required to make a consolidated return, acquires its bonds (whether or not from another member of such group and whether or not during a consolidated return period), gain or loss shall be recognized in the same manner, to the same extent, and upon the same conditions as if the corporation had never been affiliated, except that, if such bonds are acquired from another member of the group during a consolidated return period, and in a transaction other than a distribution in a liquidation in which gain or loss to the distributee is recognized pursuant to § 24.37 (a), in determining the gain or loss to the issuing company from such acquisition, the basis thereof to such other member of the group shall be deemed the purchase price.

§ 24.42 *Capital loss limitations and carry-over.* (a) The provisions of sections 23 (g) and (k), 117 (d), (e), and (j), 122 (d), and 204 (c) (5), with respect to gains and losses from sales or exchanges of capital assets shall be applied, in respect of such gains and losses sustained during a consolidated return period as if the affiliated group were the taxpayer.

(b) With respect to a net capital loss sustained by a corporation in a taxable year prior to the first consolidated return period in respect of which its income is included in a consolidated return, such loss (in an amount not in excess of the net capital gain of such corporation for succeeding consolidated return periods) shall, for the purposes of section 117 (e), relating to net capital loss carry-overs, be treated as if such net capital loss had been sustained by the affiliated group.

(c) A consolidated net capital loss of an affiliated group for a consolidated return period shall be considered as a consolidated short-term capital loss in subsequent consolidated return periods notwithstanding that one or more corporations, members of the group in the taxable year in which such loss was sustained, make separate returns for subsequent taxable years (or join in a consolidated return made by another affiliated group), but only to the extent that such consolidated net capital loss is not attributable to such corporations; and such portion of such consolidated net capital loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be considered as a short-term capital loss in such separate returns, or in such consolidated return of the other affiliated group, but only to the extent that such portion of such consolidated net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be. Any net capital loss sustained by a corporation prior to the first taxable year in respect of which its income is included in the consolidated return shall be considered as a short-term capital loss in the separate return of such corporation (or the consolidated return of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be.

§ 24.43 *Credit for foreign taxes.* The credit allowed to an affiliated group for taxes paid or accrued during the consolidated return period to any foreign country or to any possession of the United States (under section 131) shall be computed and allowed as if the affiliated group were the taxpayer, and as if the aggregate taxes paid by the several members of the group and the credits allowed with respect to such payments were payments made by and credits allowed to the group.

§ 24.44 *Methods of accounting.*—(a) *In general.* All members of the affiliated group shall adopt that method of accounting which clearly reflects the consolidated net income. A method of accounting which does not treat with reasonable consistency all items of gross income and deductions of the various members of the group shall not be regarded as clearly reflecting the consolidated net income. For example, one member of the group will not be permitted to report items of income or deductions on the cash method of accounting, while another member of the same group reports the same or similar items on the accrual method. The provisions of this paragraph are subject to the exceptions stated in paragraph (b) of this section.

(b) *Combination of methods.* If the members of an affiliated group have established different methods of accounting, each member may retain such method with the consent of the Commissioner, provided that the consolidated net income and the consolidated section 433 (a) excess profits net income are clearly reflected: *And provided further,* That intercompany transactions affecting such consolidated items shall be eliminated, and adjustments on account of such transactions shall be made with reference to a uniform method of accounting to be selected by the members of the group with the consent of the Commissioner.

(c) *Change to accrual method.* In the case of a corporation which previously has reported its income (whether in a separate or a consolidated return) in accordance with a method other than the accrual method and is required under this section to report its income for the taxable year under the accrual method, items of income which accrued prior to the taxable year but were properly omitted in the determination of net income under the method of accounting formerly followed shall be included in the income for the taxable year of the change in accounting method, and items of income which were properly included in the determination of net income under the method of accounting formerly followed shall not be included in the income for the taxable year of the change or any subsequent year. In such a case, deductions which accrued prior to the taxable year but which were properly omitted in the determination of net income under the method of accounting formerly followed shall be allowed for the taxable year of the change in accounting method, and deductions which were properly included in the determination of net income under the method of accounting formerly followed shall not be allowed in the determination of net income for the taxable year of the change or any subsequent year.

In pursuance of the Internal Revenue Code, the foregoing regulations are hereby prescribed.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: June 27, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7499; Filed, June 28, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 14]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

LEATHER CUT STOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 14 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds leather cut stock to the list of commodities to which Ceiling Price Regulation 22 does not apply.

Leather cut stock consists of all items cut from tanned hides and skins. Included are outer soles, welting, counters, box toes, inner soles, lining, heel lifts, midsoles, and other such products. Most leather cut stock is used in the fabrication of shoes, although the business of manufacturing these items is conducted primarily as a separate enterprise. However, a good share of the production of welting and of outer and inner soles is by shoe manufacturers who either do their own tanning or purchase tanned hides for this use.

Depending upon their grade and quality, leather bends, bellies, shoulders and heads can be used to make the same or similar items of cut stock. The cost of these various leather parts will vary, however. As a further complicating factor entering into the pricing of these commodities, there are many varieties of most cut stock items. Cut sole varieties, for example, aggregate several hundred items, all or most of which may be produced by one manufacturer.

Already the experience of leather stock cutters who have attempted to price under CPR 22 shows that distortions of prices will result in many cases. The many varieties of leather that may be used and the great number of cut products that may be derived will often cause unrealistic prices when CPR 22 formulas are applied. Frequently, ceiling prices so determined would be unjustifiably above the present general level of prices in this industry. These distorted and high cut stock prices would be passed on to shoe manufacturers and eventually would be reflected in their ceiling prices, which are now established by CPR 41—Shoe Manufacturers' Regulation.

Ceiling prices for tanned and finished leather are still fixed by the General Ceiling Price Regulation, pending issuance of a tailored regulation. Such prices, of course, largely determine the price of leather cut stock. In view of this and of the complications and distortions which result from the application of CPR 22, as above noted, it has been concluded that leather cut stock should also remain under the General Ceiling Price Regulatio pending issuance of a tailored leather regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended so that paragraph (o) of Appendix A reads as follows:

(o) Leather, tanned and finished, and leather cut stock.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7580; Filed, June 28, 1951; 10:52 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 8]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 8—METHOD FOR DETERMINING CEILING PRICES FOR CERTAIN RUBBER PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

When CPR 22 was issued on April 25, 1951, it was pointed out in the Statement of Considerations that:

"Even in the administration of this regulation, supplementary regulations may be issued for particular industries so as to promote the objectives of the price stabilization program. For example, in appropriate cases it may be possible to announce a general labor cost increase factor, or a materials cost increase factor, or both, for application by an entire industry, or to specify a particular base period for the industry. These and similar techniques will permit the achievement of much of the goal of a uniform industry regulation even before the entire tailored regulation is ready for issuance. They will also afford a means of rectifying any wide disparities between the ceiling prices established for competing sellers of the same or similar commodities."

It was further provided in section 42 of CPR 22 that "The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate."

This supplementary regulation is just such a regulation in that it provides that ceiling prices for each manufacturer of certain listed rubber products shall be his prices during a specified base period, adjusted by a specified industry-wide cost adjustment factor which takes into account certain changes in both materials and labor costs since the base period, and which has been calculated by the methods provided in CPR 22. In the cases of certain kinds of commodities the GCPR ceiling prices rather than the base period prices are multiplied by factors adjusted in accordance with the principles of SR 2 to CPR 22, to arrive at the new ceiling prices. These industry-wide price adjustments are not only consistent with the provisions of CPR 22 and its Statement of Considerations, but they have been adopted for a number of specific reasons. A large majority of rubber products are normally sold at standard list prices, less discounts. Under normal market conditions, a certain balance or equilibrium exists between competitors' prices. Some companies sell at a premium above average and others at lower levels. Such differences compensate for advantages enjoyed or lacked by individual competitors with respect to public acceptance of brands, service, quality of product, method of selling and other factors. Tires and tubes, rubber footwear, many mechanical goods such as belts and hose, heels and soles, rubber drug sundries, reclaimed rubber and other items follow this pricing pattern. This pricing method is not new, but has been developed in these industries over a period of many years. If all manufacturers adjust their prices, which had certain well established competitive relationships in the base period, by the same factor, their new ceilings will maintain that same normal relationship. Individual price adjustments based on individual calculations would tend to destroy or impair the established pattern. This pricing action thus continues the past pricing practices of these industries, in accordance with the tenor of Section 402g of the Defense Production Act of 1950.

Furthermore, the clarity of pricing resulting from the application of uniform increase factors will contribute to compliance and enforcement. In addition, this technique minimizes for many small companies the burden of compiling individual cost increase factors as required by CPR 22.

To arrive at the ceiling prices provided by this supplementary regulation, OPS made four important types of determinations:

Determination 1—The exact grouping of commodities to which any specific base period and adjustment factor would apply.

Determination 2—The selection for each grouping of the most representative of the four base periods permitted by CPR 22.

Determination 3—The calculation of cost increase factors for the groupings to reflect weighted average changes in cost from the base period to the cutoff date.

Determination 4—Whether to apply SR 2 to CPR 22 to the prices resulting from the above determination.

OPS made the first two determinations after receiving the advice and recommendations of the various rubber Industry Advisory Committees, with particular attention given to the specific differences of the various segments of the rubber industry. Then, with a view to making the third and fourth determinations, the manufacturers of rubber commodities were sent either OPS Public Form 15 or 16, depending on whether Method 2 or 4 under CPR 22 was found to be more suited in determining the materials cost adjustment for that group of commodities. These Forms 15 and 16 call for the same information as is required by OPS Public Form 8, and accordingly, manufacturers subject to this supplementary regulation are not required to file Form 8. Also, since all Forms 15 and 16 are received and analyzed by OPS before a uniform cost adjustment factor is approved and made effective under this regulation, there is no need for a 15 day waiting period such as is required by CPR 22 in cases where new ceiling prices exceed GCPR ceiling prices.

The uniform cost increase factors were generally calculated on the basis of information submitted by at least 50 percent of the subject manufacturers by number who represented at least 70 percent of the production of the commodities in each group. The figures were weighed according to 1950 net sales, or physical units, consideration being given both to the median and the weighted-mean increase. Where, after consultation with and on the recommendation of the Industry Advisory Committee, it was felt that there would be less disruption of the pricing structure by applying equivalent factors to GCPR prices, instead of the original factors to base period prices, the principles of SR 2 were applied.

As respects rubber footwear, reports were received from 11 of the 16 rubber footwear manufacturers in the U. S. representing over 90 percent of the waterproof rubber footwear and over 80 percent of fabric upper, rubber soled footwear, by volume of production. The weighted average cost increase factor for waterproof rubber footwear was found to be 23.43 percent and the median was 22.0 percent.

The cost adjustment factor of 1.22 based on the median cost increase was divided by 1.1884, the weighted average price increase between the pre-Korea base period and the GCPR base period, to give a price adjustment factor of 1.0266 as applied to GCPR prices. Although the cost adjustments and price increases were slightly different for fabric upper, rubber soled footwear, vulcanized as a unit, the price adjustment factor was almost identical, 1.0268. The IAC, however, unanimously recommended that the present GCPR prices be retained, i. e., that the factors 1.0266 and 1.0268 be reduced to 1.00, but without waiving any rights to claim full consideration of all ceiling price increases over the general GCPR price level to which they are entitled in any subsequent recalculation of their ceiling prices. In making this recommendation the IAC pointed out that the rubber footwear industry does not customarily issue new price lists where the average change is but 2 or 3 per cent from the existing list, nor are prices ordinarily changed at this time of year for such footwear. The retention of GCPR price levels under these circumstances would therefore be both in keeping with usual practices of this industry and consistent with the principles of CPR 22. Furthermore, holding the line at the GCPR level was done in view of the lower world market price of crude rubber which will be reflected to the manufacturers in the third quarter of 1951, according to an announcement made by GSA on June 21, 1951.

As respects heels and soles, calculations were made for five groups of commodities on the basis of 27 company returns, representing about 90 per cent of the production of approximately 40 producers. Increased allocations of high cost crude rubber by NPA in May, 1951 and the temporary shortage of synthetic rubber helped to contribute to a price adjustment ratio which was higher for rubber heels and soles than those calculated for rubber footwear and which was deemed to be but temporary. The ratios for high-styrene heels and soles were just over 1.00. The IAC unanimously agreed to follow the pattern established for the rubber footwear industry of accepting GCPR ceilings but not waiving any rights in subsequent recalculations to full consideration of their higher price adjustment ratios.

As respects rubber sundries, eight groups of commodities were established, six of which were adjusted to the GCPR level. Reports were filed by 21 firms producing over four-fifths of all such products. Again the industry advisory committee recommended that GCPR ceilings not be increased because the ratios above 1.00 were very small, because this was not the season to change prices, and because of the possible decline in the cost of natural rubber. In the case of rubber bands the industry average cost adjustment over pre-Korea prices amounted to 41.5 per cent. This, however, will, on the average, result in a roll back of GCPR prices by over ten per cent to the level in effect in August, 1950. In the case of erasers, on the other hand, with an industry average cost adjustment of only 9 per cent, present ceiling prices will be rolled forward since manufacturers, except on a few items, did not raise prices from pre-Korea to the GCPR base period.

As all calculations have been made by the individual rubber companies in accordance with the provisions of CPR 22 and its Supplementary Regulation No. 2, and as all calculations by the OPS are based on these company figures and are weighted by actual dollar sales or physical units of production, the ceiling prices established by this Supplementary Regulation are in line with the ceiling prices established by CPR 22.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. How you figure your ceiling prices.
3. Reports.
4. Price Adjustment Table.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation provides a method of computing ceiling prices for manufacturers of certain kinds of rubber products listed in section 4 of this supplementary regulation, by the application of either a specified cost increase factor to the prices in effect in one of the four specified base periods under Ceiling Price Regulation 22, or a specified factor adjusted in accordance with Supplementary Regulation 2 to Ceiling Price Regulation 22 to ceiling prices in effect under the General Ceiling Price Regulation. If you are a manufacturer of any rubber product listed in section 4 of this supplementary regulation, you must compute your ceiling prices for such product under this supplementary regulation instead of under Ceiling Price Regulation 22. This supplementary regulation does not apply to rubber products normally produced and supplied only for military use. All provisions of Ceiling Price Regulation 22, not inconsistent with this supplementary regulation, however, will continue to apply.

SEC. 2. *How you figure your ceiling prices.* Notwithstanding the provisions of Ceiling Price Regulation 22, if you are a manufacturer of rubber products of the kinds listed in section 4, except those normally produced and supplied only for military use, you shall determine your ceiling prices for such products as follows:

For each such product, you find the highest price you charged your largest buying class of purchaser during the "factor base period" specified in section 4 for that kind of rubber product, and multiply that price by the "factor" shown in section 4 for that kind of product.

You then determine your ceiling prices to your other classes of purchasers by applying your customary differentials last in effect before the end of the "original base period" specified in section 4 to the ceiling prices determined above for your largest buying class of purchaser. You must maintain conditions of sale which are at least as favorable to each class of purchaser as those you customarily had in effect during the "original base period."

If, for example, you use a price list with discounts from that list to your various classes of purchasers, and if your factor base period and your original base period are the same, or if your discounts and differentials to each of your classes of purchasers were the same in both periods, you multiply your price list and the net prices to each class of purchasers in the factor base period by the factor shown in the table in section 4. However, in other cases, you recalculate your new list and net prices in the following manner:

For each such product you first find the highest net price you charged your largest buying class of purchaser during the "factor base period" specified in section 4 for that kind of rubber product and multiply that net price by the factor shown in section 4 for that kind of product. This will give you your new net ceiling price to your largest buying class of purchaser. You then determine your new list price by applying to your new net ceiling price to your largest buying class of purchaser the percentage markup which your "original base period" list price bore to your "original base period" net price to your largest buying class of purchaser. You then determine your new net ceiling prices to your other classes of purchasers by applying to your new list price your customary discounts given to each such class of purchaser during the "original base period."

SEC. 3. *Reports.* (a) As to commodities subject to this supplementary regulation, you need not file Form 8 and you are not subject to the 15 day waiting period prescribed in sections 46 (b) and 48 (c) of Ceiling Price Regulation 22.

(b) Before accepting payment for any sale of products subject to this supplementary regulation, you must file with the Rubber Branch of the Office of Price Stabilization, Washington 25, D. C., a complete list of your ceiling prices and discounts under this supplementary regulation, which list may be a printed price list. However, if you have already filed any of your ceiling prices and discounts with the Office of Price Stabilization, and this supplementary regulation does not change them, then as to such prices and discounts, you need only file a statement that the information required by this section has already been furnished, giving the date when such information was filed.

SEC. 4. *Price adjustment table.* The following facters are applicable only to those kinds of rubber products which are listed except those normally produced and supplied only for military use.

Kind of rubber product [1]	Factor base period	Factor [2]	Original base period
Rubber footwear vulcanized as a unit	Dec. 19, 1950, to Jan. 25, 1951.	1.00	Oct. 1, 1949, to Dec. 31, 1949.
Fabric upper, rubber-soled footwear, vulcanized as a unit	do	1.00	Do.
High styrene heels, soles, slabs, sheets sold in the shoe-factory trade.	do	1.00	Apr. 1, 1950, to June 24, 1950.
Rubber heels, soles, slabs, sheets sold in the shoe-factory trade.	do	1.00	Do.
High styrene heels, soles, slabs, sheets sold in the shoe-repair trade.	do	1.00	Do.
Rubber heels sold in the shoe-repair trade	do	1.00	Do.
Rubber soles, slabs, sheets sold in the shoe-repair trade	do	1.00	Do.
Rubber stationers' bands	Apr. 1, 1950, to June 24, 1950.	1.415	Do.
Rubber erasers	do	1.104	Do.
Molded rubber drug sundries [3]	Dec. 19, 1950, to Jan. 25, 1951.	1.00	Oct. 1, 1949, to Dec. 31, 1949.
Hand-made rubber drug sundries	do	1.00	Do.
Dipped rubber drug sundries and gloves except rubberized fabric and surgeons' gloves,[4]	do	1.00	Do.
Dipped rubber surgeons' gloves	do	1.00	Do.
Dipped rubberized fabric gloves	do	1.00	Do.
Rubber bathing caps, including molded, hand made, machine made, but not dipped.	do	1.00	Do.

[1] Rubber means only natural, synthetic, and reclaimed rubber, unless otherwise specified.
[2] In the case of rubber bands or other rubber products, if instead of increasing your base period prices, you choose to decrease the quantity of your base period package pursuant to section 31 of CPR 22, then you divide the base period quantity by the applicable factor here to obtain the minimum quantity package permitted.
[3] Except nipples, pessaries and prophylactics.
[4] A manufacturer of dipped natural-rubber latex drug sundries and gloves, except rubberized fabric and surgeons' gloves, may elect to apply the stated factor of 1.00 to his prices in effect during the factor base period specified, or to apply the factor 1.09 to his prices in effect during the original base period specified.

Effective date. The effective date of this supplementary regulation is July 2, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7585; Filed, June 28, 1951; 4:01 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 9]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 9—RETURNABLE CONTAINER COST ADJUSTMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 9 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under section 10 of CPR 22, manufacturing material, for which a manufacturer may calculate changes in cost, is defined to include packaging material and containers other than returnable containers. Accordingly, manufacturers who in the base period and now sell on a returnable container basis may not include in their cost adjustments increased cost in connection with the use of returnable containers.

Returnable containers were not included in the term "manufacturing material" because it was thought that it would not be possible objectively to determine increased cost with respect to such containers in the same way as increased cost for non-returnable containers can be computed. It is recognized however, that the cost incident to the use of returnable containers is in the same category as cost of non-returnable containers and should be recognized to the same extent insofar as practicable. Accordingly, after consultation with various representatives of manufacturers who normally sell their products on a returnable container basis, a method for calculating increases between the base period and December 31, 1950 or March 15, 1951, as the case might be, in the cost of returnable containers has been devised which is incorporated in this supplementary regulation. This provision will put a manufacturer selling on a returnable container basis in substantially the same position insofar as CPR 22 is concerned as the manufacturer who sells on a non-returnable basis. The returnable container cost adjustment may be calculated and added to base period prices without the necessity of recomputing the other cost adjustment factors, so that manufacturers who have already made their calculations in whole or in part under CPR 22 will not be required to go over that work again in order to take advantage of this provision.

The manufacturer will calculate his returnable container cost adjustment as follows: He will first find the change, between the end of his base period and December 31, 1950, or March 15, 1951, as the case may be in the cost to him of a new container of the kind involved. He will then find the last factor which he was using in his base period cost records as representing the average number of trips of a container of that type and multiply this number by the number of units of the commodity being priced that is customarily packed in such container. The increase in the cost of a new container is then divided by this resulting figure which gives the manufacturer his returnable container cost adjustment per unit of the commodity being priced, which he may add to his ceiling price under section 3 of CPR 22 for sales in returnable containers of that type.

REGULATORY PROVISIONS

Sec.
1. Applicability of this regulation.
2. Calculation of returnable container cost adjustment.
3. Cost based on normal buying practices.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of this regulation.* This regulation applies to you if, during your base period under CPR 22, you customarily sold products on a returnable container basis. Under this regulation, you may compute a returnable container cost adjustment which you may add to your ceiling price for sales in returnable containers as determined under section 3 of CPR 22.

SEC. 2. *Calculation of returnable container cost adjustment.* To calculate your returnable container cost adjustment, you do the following:

(a) Under section 3 of CPR 22, determine your ceiling price per unit of the commodity involved for sales in the returnable containers.

(b) Find the increase in net cost to you of a new container of the kind involved between the end of your base period and December 31, 1950, using the methods outlined in section 18 of CPR 22. If, however, the container involved is one of the commodities named in paragraph (b) and subsequent paragraphs in Appendix A of CPR 22, you may compute the increase in cost of such container up to March 15, 1951.

(c) Find the last factor which you were using in your base period cost records as representing the average number of trips your experience had indicated could be expected from returnable containers of the type involved, and multiply this number by the number of units of the product being priced that is customarily packed in such container.

(d) Divide the cost increase determined under paragraph (b) of this section by the resultant figure obtained under paragraph (c) of this section. The resulting amount is your returnable container cost adjustment per unit of the product being priced, which may be added to your ceiling price under section 3 of CPR 22 for sales in returnable containers of that type. You may not, however, use this section to add a returnable container cost adjustment to your ceiling prices after August 1, 1951.

Example: Under section 3 of CPR 22, you have computed a ceiling price of 60 cents per gallon of product A in returnable 55 gallon drums. Using the provisions of section 18 of CPR 22, you compute your net cost of a new drum to be $6.00 at the end of your base period and $8.00 on December 31, 1950. Your base period cost records used an experience cost factor of 15 as representing the average number of trips per drum and your normal loading of a 55 gallon drum was 54 gallons. You multiply 15 by 54, the number of gallons per drum, obtaining 810. You then divide the increase in the cost of a new drum, $2.00, by 810, thus obtaining $.00246 as the increase per gallon per trip in the cost of returnable containers. This is added to your ceiling price of 60 cents per gallon for sales in returnable containers. You may round this price so that it is expressed in the nearest fraction of a cent you normally employ, but only as permitted by section 25 of CPR 22.

SEC. 3. *Costs based on normal buying practices.* In making the computations in section 2 of this supplementary regulation, you must disregard any costs based upon a departure from your normal buying practices, such as a change in your source of supply from a manufacturer to a reseller or warehouseman, or from a domestic to a foreign source, or other departures from normal buying practices prohibited by section 18 of CPR 22.

Effective date. This supplementary regulation is effective July 2, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7581; Filed, June 28, 1951; 10:52 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 10]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 10—POSTPONEMENT OF PRICE CALCULATIONS FOR CERTAIN RUBBER PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress) Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this supplementary regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

By the terms of CPR 22, as amended, manufacturers calculate their ceiling prices by adding certain cost adjustments to their pre-Korea prices to arrive at a new ceiling price. It was intended that such ceiling price determinations be made on or before July 2, 1951. This supplementary regulation is to defer such price determinations for specified rubber products.

Certain mechanical rubber goods. This supplementary regulation permits manufacturers of certain molded, extruded and cut mechanical rubber goods to postpone, for a limited time, their ceiling price calculations under CPR 22 for any such item whose sales value during the second calendar quarter of 1951 amounted to less than $10,000.

The molded, extruded and cut goods branch of the mechanical rubber goods industry is composed of some 900 to 1,100 manufacturers each of whom makes hundreds or thousands of small parts for autos, appliances and machines. These items are sold on a specification, bid basis rather than as standard list price goods. Many of the smaller firms have limited accounting records. Several industry advisory committee and informal trade meetings have been held in an effort to devise ways and means of having members of this industry adapt their prices to CPR 22. As a result, OPS decided upon the following action:

1. Some important product lines made to a common specification by several manufacturers will have industry-wide cost adjustment factors prescribed by OPS before July 2, 1951 for use under a supplementary regulation to CPR 22. These lines are therefore excluded from this supplementary regulation.

2. Instructions have been issued under methods 3 or 4 of CPR 22 governing choice of products for grouping in product lines or categories which will enable some manufacturers to calculate their ceiling prices under CPR 22 for certain other lines with greater ease.

3. The balance of the products in this branch of the mechanical rubber goods industry may be divided into two categories: Miscellaneous items having relatively little sales value and miscellaneous items with relatively high sales value. Under this supplementary regulation, the relatively unimportant miscellaneous items will not have to be priced under CPR 22, pending the issuance of an easier price determining method which OPS is now formulating. For the purposes of this regulation, if a manufacturer's sales of an item were less than $10,000 in the second calendar quarter of 1951, it is presumed that the item is relatively unimportant.

These relatively unimportant items, made on a custom basis, and differing in specification between manufacturers, may continue to bear their General Ceiling Price Regulation ceiling prices, if the manufacturer so chooses. The Director recognizes however, that a manufacturer of these products may find that his General Ceiling Price Regulation ceiling does not reflect substantial cost increases sustained since pre-Korea. To avoid hardship in this type of case, this supplementary regulation makes the postponement of price ceiling calculations under CPR 22 optional for manufacturers of these relatively unimportant, miscellaneous, custom made mechanical rubber goods. It is estimated that only 10–15 percent of the sales of the mechanical rubber goods industry will be affected by this optional postponement provision. Preliminary evidence based on several Form 8 reports indicates that the temporary maintenance of GCPR prices for those manufacturers who will use this supplementary regulation will not, in general, result in a higher price level than that which would be determined under CPR 22.

Certain tires and tubes. This supplementary regulation also postpones the ceiling price calculations of CPR 22 for manufacturers of replacement tires and tubes and original equipment tires and tubes.

During the period between June 1950 and January 1951, prices for natural rubber rose from approximately 25¢ to 66¢ per pound, the price for GRS synthetic rubber rose from 18½¢ to 24½¢ per pound, that of GR–I butyl rubber rose from 18½¢ to 20¾¢ per pound, and there were indications of increases in labor and other material costs entering into the manufacture of tires and tubes. Following the increases in the cost of manufacturing tires and tubes, the prices of tires and tubes advanced by stages during the same period; the last price increase, for replacement tires and tubes, however, took place in late October and early November of 1950, and the last price increase for original equipment tires and tubes was announced December 19, 1950, to be effective January 1, 1951, in accordance with the normal industry practice of changing prices on a calendar quarter basis. At the time of these price changes in both replacement and original equipment tires and tubes the cost of the natural rubber being used averaged about 53¢ per pound, according to information submitted by the industry.

After the issuance of CPR 22, OPS, with the advice of, and after consultation with, the Tire and Tube Industry Advisory Committee, devised Form 15, a substitute for the Form 8 required under CPR 22. OPS requested and received individual reports on these Forms 15 as to cost increases sustained on certain designated key items, which are the best-selling items of the several tire and tube product lines. The sample included all 20 tire companies as well as two of the largest specialty tube companies.

These reports showed a substantial increase over pre-Korea base period prices, which would indicate a rise in individual GCPR ceiling prices averaging approximately 4.18 percent for replacement tires and tubes, and averaging approximately 5.95 percent for original equipment tires and tubes.

Within recent weeks, there has been a downward trend in the world rubber market. The General Services Administration of the U. S. Government, which buys and sells rubber, has announced a significant reduction in its sales price of natural rubber. Consequently, the cost data collected and evaluated, based upon the natural rubber price level of 66¢ in March 1951, will require revision to conform with the lower cost that will prevail in the immediate future.

The drop in the price of natural rubber is expected to be sufficient to offset the price increase otherwise indicated. The Director has concluded that to permit price increases for tires and tubes for but a short period appears undesirable and impractical.

The manufacturers' advisory committee agreed unanimously with these conclusions, and recommended that the ceiling prices fixed by CCPR be held until new calculations could be made. Practically the entire industry has agreed to cooperate with OPS in its effort to hold the line on rising prices. Consequently this order avoids the creation of a temporarily higher ceiling price for tires and tubes. When this postponement of calculation is ended by the revocation of this section of the regulation, ceiling prices will be determined pursuant to the provisions of CPR 22 unless by that time OPS has issued a "tailored" regulation covering such sales, in which case, ceiling prices will be governed by such "tailored" regulation.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Optional postponement of ceiling price calculations for manufacturers of certain molded, extruded and cut mechanical rubber goods.
3. Postponement of ceiling price calculations for certain tires and tubes.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Congress. Interpret or apply Title IV, Pub. Law 774, 81st Congress E. O. 10161, Sept. 9, 1950, F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation gives manufacturers of certain specified rubber products the option of pricing under GCPR or CPR 22, and requires manufacturers of other specified products to price under GCPR. Such option or requirement is to be effective until the applicable section of this supplementary regulation is revoked, except where an additional alternative cutoff date is specified. Unless otherwise specified in this or other supplementary regulations to CPR 22, however, manufacturers of rubber products must price under CPR 22.

SEC. 2. *Optional postponement of ceiling calculations for manufacturers of certain molded, extruded and cut mechanical rubber goods.* (a) "Cut" mechanical rubber goods include those that are lathe cut, strip cut, hand cut, die cut, or made by other cutting processes.

(b) "Molded, extruded and cut mechanical rubber goods" as used in this section, does not include these product groups:

(1) Hydraulic brake cups and parts.
(2) Boots, hydraulic.
(3) Molded tires.
(4) Automobile floor mats (original equipment).
(5) Platens for typewriters and business machines.

(c) If you manufacture molded, extruded, or cut mechanical rubber goods items as defined in paragraphs (a) and (b) of this section and your sales during the second calendar quarter of 1951 for any one such item totaled less than $10,000, then as to such item instead of calculating your ceiling price under CPR 22 you may elect to continue your GCPR ceiling price until September 30, 1951, or until section 2 of this supplementary regulation is revoked, whichever is earlier.

SEC. 3. *Postponement of ceiling price calculations for certain tires and tubes.* If you are a manufacturer of original equipment tires or tubes, or replacement tires or tubes, as defined below, your ceiling prices for such items are your GCPR ceiling prices, notwithstanding the provisions of CPR 22, and shall continue to be so until this section is revoked.

"Original equipment tires and tubes" means new rubber tires and tubes sold for the original equipment of automobiles, trucks, buses, trailers, off-the-road equipment, farm implements, tractors, industrial equipment, airplanes, bicycles and motorcycles, and includes tires and tubes sold directly to any agency of the U. S. Government.

"Replacement tires and tubes" means new rubber tires and tubes sold for the replacement of the tires and tubes with which the vehicle was originally equipped, not including, however, such tires and tubes when sold to the brand owner thereof, and not including sales to U. S. Government agencies.

Effective date: The effective date of this supplementary regulation is July 2, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7584; Filed, June 28, 1951; 4:01 p. m.]

[Ceiling Price Regulation 31, Amendment 4]

CPR 31—IMPORTS

NAVAL STORES 90

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 4 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 31 is made necessary by the issuance of Ceiling Price Regulation 52 which establishes ceiling prices on all sales of gum rosin and gum turpentine other than import sales. Ceiling Price Regulation 31 excepts from its coverage certain commodities including naval stores as described in paragraph 90 of the current U. S. Tariff Schedule as published by the U. S. Tariff Commission.

The effect of this amendment is to bring sales of imported gum rosin and gum turpentine within the coverage of Ceiling Price Regulation 31.

AMENDATORY PROVISIONS

Appendix A of Ceiling Price Regulation 31 is amended in the following respect:

Change *"Naval Stores—90"* to read:

Naval Stores 90
(Except gum rosin and gum turpentine)

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall be effective June 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7557; Filed, June 27, 1951; 4:57 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 1, Correction]

CPR 24—SERVICES

SR 1—WHOLESALE DRY CLEANING, FINISHING AND DYEING IN THE NEW YORK CITY AREA

Due to clerical error, certain wholesale ceiling prices were incorrectly listed in Schedule A of Supplementary Regulation 1 to CPR 34 effective June 14, 1951 (16 F. R. 738). Accordingly, the following wholesale ceiling prices, per garment or item, as set forth in Schedule A, are corrected to read as follows:

1. $0.20 for "Men's White Suit" and "Men's Linen Suit" under "Sales to Commissioners, Cleaned Only".
2. $0.19 for "Children's Coats" under "Sales to Commissioners, Cleaned Only".
3. $0.22 for "Children's Coats" under "Sales to Commissioners, Finished Only".
4. $0.28 for "Ladies Suit" under "Sales to Outlets, Cleaned Only".
5. $0.35 for "Ladies Evening Gown" under "Sales to Outlets, Cleaned Only".
6. $0.35 for "Ladies Evening Gown (with train or pleated)" under "Sales to Outlets, Cleaned Only".

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7582; Filed, June 28, 1951; 10:52 a. m.]

[Ceiling Price Regulation 52]

CPR 52—Gum Rosin and Gum Turpentine

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 52 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sales of gum rosin and gum turpentine produced in the United States. Ceiling Price Regulation 31 is being amended simultaneously to make it applicable to sales of imported gum rosin and gum turpentine. Sales by sellers who sell principally to individual consumers other than industrial, institutional or governmental consumers remain under the General Ceiling Price Regulation. Sales for export and export sales will be governed by a ceiling price regulation on exports.

Gum rosin and gum turpentine are distilled from the crude gum which is exuded from the living pine tree. Both are products important to industry. Rosin is used in the manufacture of paper and paper size, chemicals and pharmaceuticals, ester gum and synthetic resins, paint, varnish and lacquer, soap, linoleum and floor covering, rubber and other products. Turpentine is an important paint thinner and solvent. The available stocks of rosin have shown a marked decline; the gathering of the current crop has been delayed by unseasonable weather since the first of the year. Past experience indicates that production losses attributable to a late start of the gathering season are not made up later on.

The General Ceiling Price Regulation froze the prices of gum rosin and gum turpentine during a period which is normally a non-producing period. As a result, many customary sellers were out of the market on some grades of rosin and a few had no supplies of any grade to offer. In consequence, the poorer grades of rosin were selling at abnormal prices in relation to other grades. As to turpentine, which was frozen under General Ceiling Price Regulation at about a 92¢ figure f. o. b. Southern producing points, there was a price break to a 75¢ level during the month of May. At the present time, heavy export inquiries exist for gum rosin, and a tailored regulation is necessary to correct the anomalous rosin price structure frozen by the General Ceiling Price Regulation and to secure a more realistic ceiling on turpentine in the light of current quotations than the 92¢ figure generally frozen under the General Ceiling Price Regulation.

The price of crude gum is not subject to price control, and it is not feasible to control it because it is not a homogeneous commodity. Not only are there wide differences in the dirt and impurities contained in the gum delivered by farmers for which it is impossible to establish a uniform schedule of discounts, but the quality of the crude gum itself, in terms of quantitative content of the better grades of rosin, is a variable in the course of the producing season.

This regulation seeks to meet the present price problems of the industry by establishing uniform dollar and cents ceiling prices on the processor's sales, f. o. b. processing point. In recent years, the central processing plants have grown in importance as focal points for the gathering of crude pine gum from farmers and for the distribution of the resulting distilled gum rosin and gum turpentine. They have all but supplanted the individual farmer's stills. The processor's selling price for turpentine and rosin has been a major factor in determining the price which the farmer has received for his crude gum at the processing plant. The establishment of uniform ceiling prices at the processor's level corrects the price distortions frozen by the General Ceiling Price Regulation. Also, the levels at which the prices are set make it possible for processors to pay a price sufficient to encourage the farmer to gather the vitally needed gum. The dollar and cents ceiling prices will enable the farmer to receive a price substantially above parity for his crude gum. The ceiling prices established are approximately at current levels.

A turpentine ceiling price of 80 cents per gallon at the processor's level is established. Rosin prices are established at $9.50 per 100 pounds for grade N. The differentials for the other grades are those obtained from the Department of Agriculture, based on the weighted average of sales on the Savannah market for 1950.

The dollar and cents ceilings at the processor's level establish a fixed base for the determination of resale prices by subsequent sellers in the industry. Each reseller, other than a retail seller who sells principally to individual consumers, is permitted his customary mark-up above the processor's dollar and cents ceilings in establishing his own ceiling prices. In this respect, a processor who also has a selling organization is permitted a mark-up as a dealer of gum rosin and gum turpentine over the ceilings established on the processing phase of his business. Dealers who acquire their supplies from sources other than a processor will add their mark-up to a cost of acquisition which in turn is based on the dollar and cents ceilings established at the processor's level. The mark-up is computed on the basis of sellers' margins during a base period April 1, 1950–July 31, 1950. The use of this period will give to sellers their normal margin which they enjoyed before the impact of the Korean emergency. Retail sellers who sell principally to individual consumers, other than industrial, institutional or governmental consumers, are left under the General Ceiling Price Regulation in order to minimize the number of different pricing rules applying to them.

Resellers must report their mark-up determinations to the Rubber, Chemicals & Drugs Division of the Office of Price Stabilization within 60 days after the effective date of the regulation. The Director of Price Stabilization may disapprove any mark-up if he finds it was wrongly computed or is otherwise out of line, or which does not represent the performance of a recognized distributive function. This latter is necessary to control the interjection into the distributive channels of middlemen who do not perform a recognized function in the trade.

Sellers who cannot compute their ceiling prices for any type of sale because they did not make such a sale during the base period, or for other reasons, may apply to the Director for the establishment of a ceiling price.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. So far as practicable the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950. In formulating this regulation the Director of Price Stabilization has given careful consideration to the recommendations made by representatives of the industry, who convened as a regularly appointed industry advisory committee.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Relation to other ceiling price regulations.
3. Definitions.
4. Processor's ceiling prices for gum rosin.
5. Processor's ceiling prices for gum turpentine.
6. Dealers' ceiling prices for gum rosin and gum turpentine.
7. Computation of dealers' permitted percentage mark-up.
8. Report of your permitted percentage mark-up.
9. Application to Director for establishment of a ceiling price.
10. Multiple handling.
11. Recalculation of ceiling prices.
12. Prohibitions.
13. Evasion.
14. Charges lower than ceiling prices.
15. Petition for amendment.
16. Adjustable pricing.
17. Statement required on invoices.
18. Commissions and brokers' fees.
19. Records which you must keep.

Authority: Sections 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this regulation does.* This regulation establishes ceiling prices for sales of gum rosin and gum turpentine, in the 48 states of the United States and the District of Columbia, except sales of such commodities which have been imported and sales made by a seller who sells principally to individual consumers other than industrial, institutional or governmental consumers.

This regulation does not establish ceiling prices on sales of crude pine gum.

Sec. 2. *Relation to other ceiling price regulations.* This regulation supersedes the General Ceiling Price Regulation with respect to all sales of gum rosin and gum turpentine covered by this regulation. GCPR remains applicable to sellers who sell principally to individual consumers other than industrial, institutional or governmental consumers. Ceiling Price Regulation 31, as amended, applies to sales of imported gum rosin and gum turpentine. A ceiling price regulation covering exports will apply to export sales and sales for export.

Sec. 3. *Definitions.* This regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Gum turpentine means gum spirits of turpentine obtained in the distillation of the oleoresin exuded from the living pine tree.

Gum rosin means the vitreous transparent or translucent mass remaining after the extraction of gum spirits of turpentine in the distillation of oleoresin exuded from the living pine tree.

Grade means the grade of gum rosin as established by the Naval Stores Act of 1923 (42 Stat. 1435; 7 USC, Sec. 91–99) and the regulations of the Secretary of Agriculture issued thereunder.

Base period means the period from April 1, 1950 to July 31, 1950.

Processor means one who produces gum rosin and gum turpentine by the distillation of oleoresin exuded from the living pine tree.

Dealer means one who purchases gum rosin or gum turpentine for resale without changing its form and includes a processor dealer.

Processor dealer is one who, in addition to being a processor, also performs functions similar to those of a dealer in that he:

(1) Transfers the gum rosin or gum turpentine from his processing unit to his dealer unit, which unit performs the normal functions and assumes the normal risks of a dealer, or

(2) Buys gum rosin and gum turpentine for his own account from another processor for the purpose of resale, or

(3) Performs both functions (1) and (2).

A factor for gum rosin or gum turpentine is one who performs the functions of a factor as defined by the applicable state law.

Bags as used herein refers to bags of a size and type customarily used for sales of gum rosin.

Sec. 4. *Processor's ceiling prices for gum rosin*—(a) *Sales in drugs.* The ceiling prices for sales of gum rosin by a processor in drums from his stocks, drums included, are:

Ceiling price per 100 pounds net f. o. b. processor's yard (drums included)

Grade:	
X	$9.79
WW	9.79
WG	9.60
N	9.50
M	9.49
K	9.49
I	9.48
H	9.48
G	9.47
F	9.43
E	9.22
D	9.16
B	9.08

(b) *Sales in tank cars.* The ceiling prices for sales of gum rosin in tank cars, f. o. b. processor's yard, are the prices established in paragraph (a) of this section, minus $0.25 per 100 pounds net weight.

(c) *Sales in bags.* The ceiling prices for sales of gum rosin in bags, f. o. b. processor's yard, are the prices established in paragraph (a) of this section, minus $0.10 per 100 pounds net weight.

(d) *Loading charges.* If a processor loads the gum rosin on cars he may add to the ceiling prices set forth above a loading charge not to exceed the prevailing loading charge made by him during the base period, as defined in section 3 of this regulation, to the same class of purchaser.

(e) *Containers.* No extra charge for containers may be made by a processor.

(f) *Factorage charges.* A factor's charges may not be added to the above ceiling prices.

Sec. 5. *Processors' ceiling prices for gum turpentine*—(a) *Sales from storage tanks.* The ceiling price for any domestic sale of gum turpentine by a processor from his storage tank in his yard is $.80 per 7.2 pound gallon.

(b) *Sales in tank cars.* The ceiling price for sales in tank cars is the processor's ceiling price of gum turpentine established in paragraph (a) of this section plus a loading charge as determined in paragraph (c) (3) of this section.

(c) *Sales in drums.* The ceiling price for sales in drums, drums included, is the processor's ceiling price of gum turpentine established in paragraph (a) of this section plus:

(1) The actual cost of the container from his normal source of supply.

(2) A filling charge not to exceed the prevailing filling charge customarily made by the processor during the base period, for filling the same type and size container for sale to the same class of purchaser.

(3) A loading charge not to exceed the prevailing loading charge made by him during the base period.

(d) *Factorage charges.* A factor's charge may not be added to the above ceiling prices.

Sec. 6. *Dealers' ceiling prices for gum rosin and gum turpentine*—(a) *Sales in containers specified in sections 4 and 5 of this regulation*—(1) *Gum rosin or gum turpentine acquired from a processor.* If you are a dealer, the ceiling price, f. o. b. your customary shipping point, for sales in containers specified in sections 4 and 5 of this regulation for gum rosin or gum turpentine which you acquired from a processor, is computed as follows:

(i) Determine from section 4 or 5 of this regulation the ceiling price for like sales by processors.

(ii) If you are a dealer other than a processor dealer, determine your intransportation charges, of the kind which you normally incurred during the base period, per unit of the commodity.

(iii) Determine your permitted percentage mark-up as provided in section 7 of this regulation.

(iv) Multiply the sum of (i) and (ii) by the percentage determined in (iii).

(v) Add (i), (ii), and (iv) and the result is your ceiling price.

(2) *Gum rosin or gum turpentine acquired from a non-processor.* If you are a dealer, your ceiling price, f. o. b. your customary base period shipping point, for sales in containers specified in sections 4 or 5 of this regulation, of gum rosin or gum turpentine acquired from a source other than a processor is your laid down cost for the product in the container being priced, plus a percentage of that amount equivalent to the permitted percentage mark-up calculated under section 7 of this regulation.

(b) *Sales in containers other than those specified in sections 4 and 5 of this regulation*—(1) *Gum rosin or gum turpentine acquired from a processor.* For gum rosin or gum turpentine which you acquire from a processor, your ceiling price on sales as a dealer in containers other than those specified in section 4 or 5 of this regulation is the price determined as follows:

(i) Determine the ceiling price for sales by processors of the gum rosin as established in section 4 (a) of this regulation, or of the gum turpentine, as established in section 5 (a) of this regulation.

(ii) If you are a dealer other than a processor dealer, determine your intransportation charges of the kind normally incurred by you during the base period, per unit of the commodity.

(iii) Determine your permitted percentage mark-up as provided in section 7 of this regulation.

(iv) Multiply the sum of (i) and (ii) by the percentage determined in (iii).

(v) Add (i), (ii) and (iv) and the result is your ceiling price.

(2) *Gum rosin or gum turpentine acquired from a non-processor source.* For gum rosin or gum turpentine which you acquire from a source other than a processor, your ceiling price, f. o. b. your customary base period shipping point, for sales by you as a dealer in containers other than those specified in sections 4 and 5 of this regulation, is your laid-down cost for the product plus your applicable permitted percentage mark-up, which you have calculated under section 7 of this regulation.

Sec. 7. *Computation of dealers' permitted percentage mark-up.* Your permitted percentage mark-up must be computed separately for each type of sale, e. g. quantity and container sizes, to each class of purchaser. You must also compute your mark-ups separately for gum rosin and gum turpentine. Your permitted percentage mark-up is computed as follows:

(a) If sales of gum rosin and gum turpentine were made during the base period:

(1) Determine from your records the dollar amount of your sales of gum rosin or gum turpentine, whichever commodity you are pricing, made by you during the base period for each type of sale and for each class of purchaser.

(2) Determine the laid-down cost of the number of units represented by your sales in subparagraph (1) of this paragraph. If you are a processor dealer, the laid-down cost is the transfer price shown on your books. If you are not a proc-

essor dealer, the laid-down cost is the actual cost of the commodity delivered to your warehouse or plant.

(3) Subtract (2) from (1) and the result is your gross margin for the type of sale.

(4) Divide your gross margin (3) by your laid-down costs (2) and multiply by 100. The result is your permitted percentage mark-up for the type of sale. You must file a report of your mark-up as provided in section 8 of this regulation.

SEC. 8. *Report of your permitted percentage mark-up.* (a) Within 60 days after the effective date of this regulation, you must file a report with the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., showing:

(1) Your name and address.

(2) The nature of your business.

(3) The types of sales made by you and classes of purchasers to which you sell.

(4) Your permitted percentage mark-ups as computed by you.

(5) How you computed those percentage mark-ups.

(b) The Director of Price Stabilization may modify or disapprove your permitted percentage mark-up if he finds any of the following:

(1) A mark-up was incorrectly computed.

(2) The mark-up is out of line with the prevailing mark-up for others performing substantially the same selling function.

(3) Your mark-up results in ceiling prices which are out of line with the ceiling prices established by this regulation.

(4) You do not perform a recognized distributive function in accordance with the usual practice of the trade.

SEC. 9. *Application to Director for establishment of a ceiling price*—(a) *Application.* If you cannot compute your ceiling price for any type of sale because you did not make such sale during the base period, or for any other reason, or if you cannot compute your permitted percentage mark-up, you may apply to the Director of Price Stabilization for the establishment of a ceiling price or an appropriate mark-up. Your application should be addressed to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C. and should contain the following information:

(1) Your name and address.

(2) Why you cannot compute your ceiling price or mark-up under this regulation.

(3) The name and address of your most closely competitive seller.

(4) His ceiling price for the same type of sale which you propose to make.

(5) The ceiling price or mark-up which you believe should be established for your proposed sale, and why you believe it is in line with the ceiling prices established by this regulation.

(b) *What you may do after you file your application.* If your application shows that there is a seller closely competitive to you who has an established ceiling price for the type of sale you propose to make, you may, after 15 days from the date you file your application, sell at the ceiling price of your most closely competitive seller unless or until the Director of Price Stabilization requests further information from you or notifies you that your application has been disapproved. If there is no seller closely competitive to you who has a ceiling price established for the type of sale you propose to make, you may not make the type of sale you propose until a ceiling price has been established by the Director.

The Director of Price Stabilization may at any time disapprove a price reported by you, and may revoke or modify any order establishing a ceiling price, and may establish ceiling prices which he finds meets the requirements of this regulation and are in line with the prices established by this regulation.

SEC. 10. *Multiple handling.* For the purposes of this regulation, dealer mark-ups shall be allowed only when it can be established that the dealer performs a recognized distributive function in accordance with the usual practice of the trade.

SEC. 11. *Recalculation of ceiling prices.* If you are a dealer and your first receipts of gum rosin and gum turpentine after the effective date of this regulation are at prices below your supplier's ceiling prices, you are permitted to recalculate your ceiling prices whenever your replenishment costs increase, and your supplier certifies to you, in accordance with section 17, of this regulation that such increase is permitted by this regulation.

SEC. 12. *Prohibitions.* (a) After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of trade or business, any gum rosin or gum turpentine at prices higher than the ceiling prices established by or under this regulation.

(b) You shall not agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 13. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 14. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1, as revised.

SEC. 16. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or from offering to sell gum rosin or gum turpentine at:

(a) The ceiling price in effect at the time of delivery, or

(b) A fixed price, or the ceiling price at the time of delivery, whichever is lower.

You may not, however, unless authorized by the Office of Price Stabilization, deliver or agree to deliver gum rosin or gum turpentine at prices to be adjusted upward in accordance with any increases in your ceiling prices after delivery.

SEC. 17. *Statement required on invoices.* If you sell gum rosin or gum turpentine to one who is expected to resell it you must state on the invoice that the price charged is not in excess of the ceiling price permitted by this regulation.

SEC. 18. *Commissions and brokers' fees.* The ceiling prices established by this regulation shall not be increased by any charges for commissions or brokers' fees. If a sale is made through a broker or other agent acting for the buyer, the commission, fee, or other charge received by the broker or other agent, when added to the price paid to the seller, may not result in a sum exceeding the ceiling price established by this regulation.

SEC. 19. *Records which you must keep.* On and after the effective date of this regulation, the following records must be kept for a period of 2 years after such effective date or after the sale or purchase recorded whichever is later:

(a) *Current records.* If you sell gum rosin or gum turpentine, you must maintain and retain records of every sale made by you after the effective date of this regulation, showing the date of sale, the name and address of the purchaser, the commodity and quantity sold, and the price contracted for and received.

(b) *Existing records.* You must also retain your existing records of purchases and sales of gum rosin and gum turpentine made since June 1, 1950.

Effective date. This regulation shall be effective June 27, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7558; Filed, June 27, 1951; 4:58 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) and last amended at 16 F. R. 5871 (June 20, 1951), is hereby further amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)—CRITICAL DEFENSE HOUSING AREAS[1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. Corona	do	May 8, 1951
3. Colorado Springs	Colorado	Do.
4. Star Lake	New York	May 23, 1951
5. Fort Leonard Wood Area	Missouri	Do.
6. Camp Cook Area	California	June 8, 1951
7. Bremerton	Washington	Do.
8. San Marcos	Texas	Do.
9. Valdosta	Georgia	June 20, 1951
10. Tullahoma	Tennessee	Do.
11. Camp Pendleton Area	California	Do.
12. Solano County	do	June 29, 1951
13. Quad Cities Area[2]	Iowa-Illinois	Do.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa, and Moline, East Moline, and Rock Island, Ill.

RAYMOND FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-7442; Filed, June 29, 1951; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

REPAYMENT OF VALUE OF TRAINING SUPPLIES

A new § 21.114 is added to read as follows:

§ 21.114 *Repayment of value of training supplies—Part VIII, Veterans Regulation Ia, as amended (38 U. S. C. ch. 12 note).* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to repay the value of expendable supplies nor will he be required to pay the reasonable value of nonexpendable supplies in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and, in making such determination, the trainee will be given the benefit of any reasonable doubt. Determination of the presence or absence of fault will be made by the registration officer, and the findings will be filed in the R&E folder.

(b) In cases found to be meritorious, as defined in paragraph (d) of this section, even though the veteran is found to be at fault, the veteran will not be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense.

(c) The veteran will be deemed to be at fault if his training is discontinued:

(1) When he withdraws from the institution at the request of the institution; or

(2) When his course is discontinued by the Veterans' Administration because of unsatisfactory conduct or progress or both; or

(3) When the failure to complete the course is due to his negligence or misconduct; or

(4) When he voluntarily discontinues his training after pursuing training for less than 3 months or less than one-half of the prescribed duration of the course whichever be the lesser period.

(d) A case will be considered meritorious under paragraph (b) of this section even though the veteran may have been at fault if:

(1) The veteran since withdrawing from his course of training has reentered or is known to be in process of reentering the armed forces; or

(2) The veteran completed satisfactorily one-half or more of the term or period for which enrolled and during which supplies were issued; or

(3) The veteran certified that he retained the supplies furnished to him for use in connection with his employment; or

(4) The value of the supplies was less that $10; or

(5) The veteran dies while in a training status.

(e) When repayment is in order the veteran will be required to pay the value at which the nonexpendable supplies were issued to him less a percentage equivalent to the percentage of the term or period completed. For example, a veteran who discontinued training after completing one-third of a term during which supplies were issued would be required to repay two-thirds of the issue value. However, if no supplies were issued during such period he would not be required to repay any amount. Under no circumstances will supplies be accepted in lieu of repayment.

(f) The provisions of this section will apply equally to cases where training is discontinued on or after June 29, 1951, and to cases where training was discontinued prior to June 29, 1951, but a disposition of the case was not made under the regulations in this part in effect at that time.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g. ch. 12 note)

The regulation is effective June 29, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-7443; Filed, June 28, 1951; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 166]

ISSUANCE OF RESIDENT ALIENS' BORDER CROSSING IDENTIFICATION CARDS

NOTICE OF PROPOSED RULE MAKING

JUNE 15, 1951.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following rule relating to the issuance of resident aliens' border crossing identification cards. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1063, Temporary Federal Office Building X, 19th and East Capitol Streets NE., Washington 25, D. C., written data, views and arguments relative to the substantive provisions of the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Section 166.1, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 166.1 *Resident alien's border crossing identification card; qualifications to obtain.* A resident alien's border crossing identification card may be issued to any alien who, upon application therefor, submits satisfactory evidence that he (a) has been legally admitted to the United States for permanent residence and has not relinquished the status of a permanent resident, (b) has complied with the applicable provisions of the Alien Registration Act, 1940, as amended, and (c) has a legitimate purpose and reasonable need to make a temporary visit or visits to Canada or Mexico, with no single visit to exceed a period of six months: *Provided, however,* That no such card shall be issued, nor shall any such card previously issued be renewed, in any case in which there is reason to believe that probable grounds for exclusion from the United States would exist as to the applicant or holder, nor unless the applicant or holder is a person who is permitted to depart from the United States under the terms of laws, regulations, Executive orders, or other governmental restrictions regulating the departure of aliens from the United States in effect at the

time application for such card or renewal thereof is made.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner,
Immigration and Naturalization.

Approved: June 22, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-7445; Filed, June 28, 1951; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 683]

WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES IN PUERTO RICO

MINIMUM WAGE RATES

On October 19, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403, appointed Special Industry Committee No. 9 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the wholesaling, warehousing, and other distribution industries, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the wholesaling, warehousing, and other distribution industries in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the wholesaling, warehousing, and other distribution industries, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the wholesaling, warehousing, and other distribution industries in Puerto Rico, the Committee filed with the Administrator a report containing its recommendations for a minimum wage rate of 65 cents an hour to be paid to employees in the wholesaling, warehousing, and other distribution industries who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on March 27, 1951, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on April 24, 1951, at which all interested persons were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the wholesaling, warehousing, and other distribution industries in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 9 for Puerto Rico of a Minimum Wage Rate in the Wholesaling, Warehousing, and Other Distribution Industries in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 2684), that I propose to approve the recommendation of the Committee for the wholesaling, warehousing, and other distribution industries and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
683.1 Approval of recommendation of industry committee.
683.2 Wage rate.
683.3 Notices of order.
683.4 Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.

AUTHORITY: §§ 683.1 to 683.4 issued under section 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 683.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 683.2 *Wage rate.* Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 683.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 683.4 *Definition of wholesaling, warehousing, and other distribution industries in Puerto Rico.* The wholesaling, warehousing, and other distribution industries in Puerto Rico to which this part shall apply, is hereby defined as follows: The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico.

Signed at Washington, D. C., this 25th day of June 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-7463; Filed, June 28, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 302]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 51-6932, published at page 5704 of the issue for Friday, June 15, 1951, the following corrections are made:

1. In § 302.39 (b) the word "dependent" in the 5th, 8th, and 27th lines should read "deponent".

2. In the first column on page 5718, the headnote for Subpart F should be designated Subpart E.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 462

JUNE 22, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2225 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Jamestown Bay, Alaska, identified as U. S. Survey 2729 containing approximately 1.63 acres (Homestead Settlement Claim, Petition for Free Survey, and Shorespace Restoration of Francis J. O'Brian, Anchorage 011031).

A tract of land located on Zimovia Strait identified as Lot 17, U. S. Survey 2589 containing approximately 2.83 acres (Homesite Application of Russell Grande, Anchorage 015308).

A tract of land located on Auke Bay, Alaska, identified as Lot D, U. S. Survey 2391, comprising 4.81 acres (Homesite Application of John Sherman Tanner, Anchorage 014976).

A tract of land located on Chilkoot Inlet, Alaska, identified as U. S. Survey 974 containing approximately 46.36 acres (Indian Allotment of Sam Dennis, deceased, Anchorage 01464).

A tract of land located on Kenai Lake, Alaska, identified as U. S. Survey 3097 containing approximately 1.08 acres (Homesite Application and Petition for Free Survey and Shorespace Restoration of Ray W. McCann, Anchorage 018191).

A tract of land located on Cook Inlet, Alaska, more particularly described as follows: Commencing at the meander line at mean high tide at the west end of the section line that divides Sections 20 and 29, T. 8 N., R. 11 W., S. M., this to be known as Corner No. 1; thence following the meanders of the beach in a northerly direction for a distance of 660 feet to Corner No. 2; thence turning a direct right angle and in an easterly direction for a distance of 330 feet to Corner No. 3; thence turning in a direct right angle and in a southerly direction for an approximate distance of 660 feet and stopping at the Section line separating Sections 20 and 29, T. 8 N., R. 11 W., S. M., to Corner No. 4; thence following the section line in a westerly direction for an approximate distance of 330 feet to Corner No. 1 and place of beginning.

(Headquarters Site Application of Fred Earl William Seater, Anchorage 010752, containing approximately 5 acres.)

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-7436; Filed, June 28, 1951; 8:56 a. m.]

[Blackfoot 011516]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 20, 1951.

Pursuant to the provisions of the Carey Act of August 18, 1894 (28 Stat. 422; 43 U. S. C. sec. 641), the State of Idaho found that the hereinafter-described lands are unsuitable for irrigation and reclamation, and accordingly reconveyed such lands to the United States:

BOISE MERIDIAN

T. 15 S., R. 32 E.,
Sec. 35, $E\frac{1}{2}SW\frac{1}{4}$.
T. 16 S., R. 32 E.,
Sec. 2, $SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, lot 3 ($SE\frac{1}{4}NW\frac{1}{4}$);
Sec. 4, $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 8, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 9, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 22, $NW\frac{1}{4}NW\frac{1}{4}$.

The lands are not susceptible to practical irrigation.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

At 10:00 a. m. on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7444; Filed, June 28, 1951; 8:54 a. m.]

Geological Survey

MITILIJA, PIRU AND SESPE CREEKS, CALIFORNIA

POWER SITE CLASSIFICATION NO. 414

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification

shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 18 W.
Sec. 3, lot 9, S½;
Sec. 4, lots 3, 4, 5, 7, 8, 9, and 10, N½ SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 5, lots 8, and 9, NE¼SW¼, and SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½NE¼, SE¼NE¼, N½NW¼, and SE¼SE¼;
Sec. 10, W½NE¼, and S½;
Sec. 11, SE¼;
Sec. 14, NE¼, SE¼NW¼, SW¼, and W½ SE¼;
Sec. 15, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, and SE¼;
Sec. 16, NE¼NE¼, SE¼SW¼, and SW¼ SE¼;
Sec. 21, N½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, N½NW¼;
Sec. 27, lots 1, and 2, NW¼NE¼, and W½NW¼;
Sec. 28, N½SW¼, SW¼SW¼, NE¼SE¼, N½SW¼SE¼, and SW¼SW¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, SW¼NW¼.
T. 6 N., R. 18 W.,
Sec. 22, SW¼SW¼;
Sec. 27, W½NW¼, SE¼NW¼, and SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼;
Sec. 34, N½NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼.
T. 4 N., R. 20 W.,
Sec. 2, lot 5.
T. 5 N., R. 20 W.,
Sec 25, W½SW¼;
Sec. 26, W½SW¼, SE¼SW¼, and NE¼ SE¼;
Sec. 27, NE¼SE¼ and S½SE¼;
Sec. 34, E½;
Sec. 35, W½NE¼, and W½;
Sec. 36, W½W½.
T. 6 N., R. 20 W.,
Sec. 26, SE¼SW¼;
Sec. 27, SE¼NE¼SW¼, and SW¼NW¼ SE¼;
Sec. 28, E½SE¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 36, S½NW¼NW¼, and SW¼SW¼.
T. 6 N., R. 22 W.,
Sec. 32, SE¼NE¼, and NE¼SE¼;
Sec. 33, SW¼SW¼.
T. 5 N., R. 23 W.,
Sec. 2, lot 5;
Sec. 3, lot 2;
Sec. 19, SE¼SE¼;
Sec. 20, S½SW¼;
Sec. 29, SW¼NW¼, and NE¼SW¼.

The area described aggregates 6,897.80 acres.

Dated: June 22, 1951.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 51-7461; Filed, June 28, 1951; 8:49 a. m.]

Office of the Secretary

[Order No. 2642]

HEADS OF BUREAUS OR OFFICES

REDELEGATION OF AUTHORITY TO DISPOSE OF AND TO TRANSFER PERSONAL PROPERTY UNDER THEIR JURISDICTION

JUNE 19, 1951.

SECTION 1. *Authority redelegated.* (a) The authority delegated to the Secretary to dispose of and to transfer personal property excess to the needs of the Department of the Interior, including the authority to donate and to execute transfers and deliveries of donable property, in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the Administrator of General Services, is redelegated to the head of each bureau or office with respect to personal property under his jurisdiction.

(b) The authority delegated in paragraph (a) may be further redelegated, in writing, by the head of each bureau or office.

(41 U. S. C., 1946 ed., Supp. III, Sec. 201 et seq.; Reorg. Plan No. 3 of 1950, 15 F. R. 3174; 5 U. S. C., 1946 ed., sec. 22)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-7434; Filed, June 28, 1951; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; AREA DESIGNATIONS

Pursuant to authority contained in Public Law 760, 81st Congress (64 Stat. 769), the mineral interests covered by said act and located in (1) the counties listed by States in Schedule A set forth below, are hereby designated as areas in which mineral interests are to be sold for their fair market value, and (2) the counties listed by States in Schedule B set forth below, are hereby designated as areas in which mineral interests covered by a single application are to be sold for a consideration of $1.00.

The Acting Secretary's orders dated January 30, 1951, and February 19, 1951 (16 F. R. 1150, 1774) are hereby superseded.

Done at Washington, D. C. this 26th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

SCHEDULE A—FAIR MARKET VALUE AREAS

(Pub. Law 760, 81st Cong.)

Alabama:
Baldwin.
Barbour.
Bibb.
Blount.
Butler.
Calhoun.
Cherokee.
Chilton.
Choctaw.
Clarke.
Clay.
Cleburne.
Coffee.
Colbert.
Conecuh.
Coosa.
Covington.
Crenshaw.
Cullman.
Dale.
De Kalb.
Escambia.
Etowah.
Fayette.
Franklin.

Alabama—Con.
Geneva.
Greene.
Henry.
Houston.
Jackson.
Jefferson.
Lamar.
Limestone.
Macon.
Marengo.
Marion.
Mobile.
Monroe.
Montgomery.
Pickens.
St. Clair.
Shelby.
Sumter.
Talladega.
Tallapoosa.
Tuscaloosa.
Walker.
Washington.
Wilcox.
Winston.

Arizona:
Cochise.
Maricopa.
Pima.
Pinal.
Yuma.

Arkansas:
Arkansas.
Baxter.
Benton.
Boone.
Bradley.
Calhoun.
Carroll.
Chicot.
Cleburne.
Cleveland.
Conway.
Crawford.
Crittenden.
Drew.
Faulkner.
Franklin.
Grant.
Hempstead.
Jefferson.
Johnson.
Lee.
Lincoln.
Little River.
Logan.
Lonoke.
Madison.
Marion.
Miller.
Monroe.
Montgomery.
Nevada.
Newton.
Ouachita.
Phillips.
Pike.
Poinsett.
Polk.
Pope.
Prairie.
Pulaski.
Saline.
Scott.
Searcy.
Sebastian.
Van Buren.
Washington.
White.
Yell.

California:
Alameda.
Butte.
Colusa.
Contra Costa.
Del Norte.
El Dorado.
Fresno.
Glenn.
Humboldt.
Imperial.
Kings.
Lake.
Lassen.
Los Angeles.
Madera.
Mariposa.
Mendocino.
Merced.
Modoc.
Monterey.
Napa.
Nevada.
Orange.
Placer.
Plumas.
Riverside.
Sacramento.
San Benito.
San Bernardino.
San Diego.
San Joaquin.
San Luis Obispo.
Santa Clara.
Santa Cruz.
Shasta.
Solano.

California—Con.
Sonoma.
Stanislaus.
Sutter.
Tehama.
Tulare.
Ventura.
Yolo.
Yuba.

Colorado:
Adams.
Alamosa.
Arapahoe.
Baca.
Bent.
Chaffee.
Cheyenne.
Conejos.
Costilla.
Crowley.
Custer.
Delta.
Elbert.
El Paso.
Fremont.
Garfield.
Huerfano.
Kiowa.
Kit Carson.
Larimer.
La Plata.
Las Animas.
Lincoln.
Logan.
Mesa.
Moffat.
Montezuma.
Montrose.
Morgan.
Otero.
Ouray.
Phillips.
Prowers.
Pueblo.
Rio Blanco.
Rio Grande.
Routt.
Saguache.
Teller.
Washington.
Weld.
Sedgwick.
Yuma.

Florida:
Columbia.
Jefferson.
Leon.
Madison.
Marion.
Santa Rosa.

Georgia:
Calhoun.
Dooly.
Early.
Elbert.
Grady.
Hancock.
Hart.
Jasper.
Jeff Davis.
Madison.
Oglethorpe.
Putnam.
Ware.
Washington.
Wheeler.
White.

Idaho:
Ada.
Bonneville.
Boundary.
Gem.
Jerome.
Kootenai.
Payette.
Twin Falls.

Illinois:
Adams.
Alexander.
Bond.
Brown.
Bureau.

Illinois—Con.
Calhoun.
Christian.
Coles.
Edgar.
Fayette.
Fulton.
Greene.
Hamilton.
Hancock.
Iroquois.
Jersey.
Jo Daviess.
Johnson.
Kane.
Kankakee.
Lake.
La Salle.
McDonough.
McHenry.
Macon.
Macoupin.
Madison.
Marshall.
Massac.
Monroe.
Montgomery.
Morgan.
Peoria.
Pike.
Pope.
Pulaski.
Randolph.
Rock Island.
St. Clair.
Saline.
Sangamon.
Schuyler.
Scott.
Shelby.
Stephenson.
Tazewell.
Union.
Vermilion.
Wabash.
Washington.
White.
Whiteside.
Will.

Indiana:
Benton.
Crawford.
Daviess.
Decatur.
Dubois.
Fountain.
Gibson.
Greene.
Jasper.
Knox.
Lawrence.
Martin.
Perry.
Pike.
Posey.
Ripley.
Shelby.
Spencer.
Sullivan.
Warrick.

Iowa:
Adams.
Fremont.
Lucas.
Madison.
Mills.
Montgomery.
Pottawattamie.

Kansas:
Allen.
Anderson.
Atchison.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.

Kansas—Con.
Cloud.
Coffey.
Comanche.
Cowley.
Crawford.
Decatur.
Dickinson.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearney.
Kingman.
Kiowa.
Labette.
Lane.
Leavenworth.
Linn.
Logan.
Lyon.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Morton.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Rawlins.
Reno.
Republic.
Riley.
Rice.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Smith.
Stanton.
Stevens.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.
Wyandotte.

Kentucky:
Allen.
Breckenridge.
Butler.
Caldwell.
Christian.
Daviess.
Edmonson.

Kentucky—Con.
Grayson.
Hopkins.
Laurel.
Logan.
McLean.
Muhlenberg.
Ohio.
Pike.
Todd.
Trigg.
Union.
Warren.
Webster.

Louisiana:
Avoyelles.
Bienville.
Bossier.
Caldwell.
Claiborne
Concordia.
De Sota.
East Carroll.
Franklin.
Jackson.
Madison.
Morehouse.
Natchitoches.
Plaquemines.
Rapides.
Red River.
Richland.
Sabine.
St. Landry.
Tensas.
Terrebonne.
West Carroll.

Maine:
Knox.
Oxford.
Sagadahoc.
Somerset.

Maryland:
Garrett.

Michigan:
Allegan.
Antrim.
Baraga.
Barry.
Bay.
Berrien.
Calhoun.
Cass.
Charlevoix.
Chippewa.
Clinton.
Delta.
Dickinson.
Emmet.
Genesee.
Gogebic.
Grand Traverse.
Houghton.
Huron.
Ionia.
Iron.
Isabella.
Kalamazoo.
Kalkaska.
Kent.
Lapeer.
Livingston.
Manistee.
Marquette.
Mason.
Mecosta.
Missaukee.
Monroe.
Montcalm.
Muskegon.
Newaygo.
Oceana.
Ogemaw.
Ontonagon.
Osceola.
Otsego.
Ottawa.
Saginaw.
St. Clair.
Shiawassee.
Tuscola.

Michigan—Con.
Van Buren.
Wayne.
Wexford.

Minnesota:
Aitkin.
Beltrami.
Cass.
Crow Wing.
Fillmore.
Hubbard.
Itasca.
Koochiching.
Marshall.
Morrison.
Ottertail.
Pennington.
St. Louis.
Todd.
Traverse.
Wadena.
Wilkin.

Mississippi:
Adams.
Amite.
Attala.
Carroll.
Chickasaw.
Claiborne.
Clarke.
Clay.
Copiah.
Covington.
Forrest.
Franklin.
George.
Greene.
Grenada.
Hinds.
Holmes.
Humphreys.
Issaquena.
Itawamba.
Jackson.
Jasper.
Jefferson.
Jefferson Davis.
Jones.
Kemper.
Lafayette.
Lamar.
Lauderdale.
Lawrence.
Leake.
Lee.
Lincoln.
Madison.
Marion.
Marshall.
Montgomery.
Neshoba.
Newton.
Noxubee.
Oktibbeha.
Panola.
Pearl River.
Perry.
Pike.
Rankin.
Scott.
Sharkey.
Simpson.
Smith.
Stone.
Tallahatchie.
Tate.
Union.
Walthall.
Washington.
Wayne.
Wilkinson.
Yalobusha.
Yazoo.

Missouri:
Adair.
Atchison.
Audrain.
Barry.
Barton.
Bates.
Benton.
Bollinger.

Missouri—Con.
Boone.
Butler.
Caldwell.
Callaway.
Carroll.
Cass.
Christian.
Clark.
Clay.
Clinton.
Cole.
Cooper.
Crawford.
Dade.
Daviess.
De Kalb.
Franklin.
Gentry.
Greene.
Harrison.
Henry.
Hickory.
Holt.
Howell.
Iron.
Jasper.
Johnson.
Knox.
Laclede.
Lawrence.
Lewis.
Linn.
Livingston.
McDonald.
Macon.
Maries.
Mercer.
Miller.
Moniteau.
Monroe.
Morgan.
Newton.
Nodaway.
Osage.
Pemiscot.
Perry.
Pettis.
Platte.
Putnam.
Ralls.
Randolph.
Ray.
Ripley.
St. Clair.
St. Francois
Ste. Genevieve.
Schuyler.
Scotland.
Stoddard.
Sullivan.
Vernon.
Warren.
Washington.
Wayne.
Worth.

Montana:
Big Horn.
Blaine.
Carbon.
Carter.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Gallatin.
Garfield.
Golden Valley.
Hill.
Judith Basin.
Liberty.
Lincoln.
McCone.
Petroleum.
Phillips.
Pondera.
Powder River.
Prairie.

Montana—Con.
Ravalli.
Richland.
Roosevelt.
Rosebud.
Sanders.
Sheridan.
Stillwater.
Sweetgrass.
Teton.
Toole.
Treasure.
Valley.
Wibaux.
Yellowstone.

Nebraska:
Banner.
Blaine.
Box Butte.
Brown.
Buffalo.
Burt.
Cass.
Chase.
Cherry.
Cheyenne.
Dawes.
Dawson.
Deuel.
Dundy.
Fillmore.
Franklin.
Frontier.
Furnas.
Garden.
Gosper.
Hall.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Logan.
McPherson.
Morrill.
Otoe.
Perkins.
Phelps.
Redwillow.
Richardson.
Saunders.
Scottsbluff.
Seward.
Sheridan.
Sherman.
Sioux.
Thomas.
Thurston.
Wheeler.

Nevada:
Churchill.
Lyon.
Pershing.
White Pine.

New Mexico:
Colfax.
Curry.
Debaca.
Dona Ana.
Grant.
Harding.
Guadalupe.
Quay.
Roosevelt.
San Miguel.
Union.
Valencia.

New York:
Allegany.
Cortland.
Jefferson.
Lewis.
Oneida.
Schuyler.
St. Lawrence.
Tompkins.

North Carolina:
Beaufort.
Bladen.
Chatham.
Clay.
Henderson.
Jones.
McDowell.
Onslow.
Randolph.
Tyrrell.
North Dakota:
Adams.
Barnes.
Benson.
Billings.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Belmont.
Gallia.
Guernsey.
Hardin.
Holmes.
Licking.
Lorain.
Meigs.
Monroe.
Oklahoma:
Atoka.
Beaver.
Beckham.
Blaine.
Bryan.
Caddo.
Canadian.
Carter.
Cherokee.
Cimarron.
Comanche.
Craig.
Creek.
Custer.
Dewey.
Ellis.
Garvin.
Grant.
Grady.
Greer.
Harmon.
Harper.
Haskell.
Hughes.
Jackson.
Jefferson.
Johnson.
Kay.
Kiowa.
Latimer.
Le Flore.
Lincoln.
Logan.
Love.
Major.
Marshall.
Mayes.
McClain.
McIntosh.
Murray.
Muskogee.
Noble.
Nowata.
Okmulgee.
Osage.
Ottawa.
Pawnee.
Payne.
Pittsburg.
Pontotoc.
Pottawatomie.
Roger Mills.
Rogers.
Sequoyah.
Stephens.
Texas.
Tillman.
Tulsa.
Wagoner.
Washington.
Washita.
Woods.
Woodward.
Oregon:
Deschutes.
Douglas.
Grant.
Jackson.
Jefferson.
Josephine.
Lane.
Malheur.
Pennsylvania:
Armstrong.
Blair.
Bradford.
Centre.
Crawford.
Fayette.
Huntingdon.
Lycoming.
Northampton.
Perry.
Tioga.
Union.
Warren.
Wyoming.
South Carolina:
Aiken.
Allendale.
Bamberg.
Florence.
Greenville.
Laurens.
Lexington.
Orangeburg.
Spartanburg.
South Dakota:
Brule.
Butte.
Campbell.
Corson.
Custer.
Dewey.
Edmunds.
Fall River.
Faulk.
Haakon.
Hand.
Harding.
Hughes.
Hyde.
Jackson.
Jones.
Lawrence.
Lyman.
McPherson.
Meade.
Pennington.
Perkins.
Potter.
Spink.
Stanley.
Walworth.
Ziebach.
Tennessee:
Carroll.
Chester.
Fentress.
Hardeman.
Henderson.
Henry.
Houston.
Madison.
Marion.
Putnam.
Robertson.
Wayne.
Texas:
Anderson.
Andrews.
Angelina.
Armstrong.
Atascosa.
Bastrop.
Bell.
Bexar.
Blanco.
Bosque.
Bowie.
Brazos.
Briscoe.
Brown.
Burnet.
Caldwell.
Callahan.
Cameron.
Camp.
Carson.
Cass.
Castro.
Cherokee.
Childress.
Cochran.
Coke.
Collin.
Collingsworth.
Comal.
Comanche.
Cooke.
Coryell.
Cottle.
Crosby.
Dallam.
Dallas.
Dawson.
Deaf Smith.
Delta.
Denton.
De Witt.
Dickens.
Dimmitt.
Donley.
Eastland.
Ellis.
Erath.
Falls.
Fannin.
Fayette.
Floyd.
Freestone.
Garza.
Gillespie.
Gonzales.
Gray.
Grayson.
Grimes.
Guadalupe.
Hale.
Hall.
Hamilton.
Hardeman.
Harris.
Harrison.
Hartley.
Haskell.
Hays.
Hemphill.
Henderson.
Hidalgo.
Hill.
Hockley.
Hood.
Hopkins.
Houston.
Hudspeth.
Hunt.
Hutchinson.
Jasper.
Jim Wells.
Johnson.
Jones.
Karnes.
Kaufman.
Kent.
Knox.
Lamar.
Lamb.
LaSalle.
Lavaca.
Lee.
Leon.
Limestone.
Lipscomb.
Lubbock.
Lynn.
McLennan.
Madison.
Matagorda.
Medina.
Milam.
Mills.
Mitchell.
Moore.
Morris.
Motley
Nacogdoches.
Navarro.
Newton.
Nolan.
Nueces.
Oldham.
Panola.
Parmer.
Polk.
Presidio.
Rains.
Randall.
Red River.
Reeves.
Roberts.
Robertson.
Rockwall.
Runnels.
Sabine.
San Augustine.
San Jacinto.
San Patricio.
San Saba.
Scurry.
Shelby.
Sherman.
Smith.
Stonewall.
Swisher.
Tarrant.
Taylor.
Travis.
Trinity.
Tyler.
Upshur.
Uvalde.
Van Zandt.
Walker.
Washington.
Wheeler.
Wichita.
Wilbarger.
Williams.
Wilson.
Wise.
Wood.
Zavala.
Utah:
Box Elder.
Daggett.
Davis.
Duchesne.
Emery.
Garfield.
Iron.
Juab.
Millard.
Piute.
Rich.
Salt Lake.
Sanpete.
Sevier.
Summit.
Tooele.
Uintah.
Utah.
Wasatch.
Virginia:
Giles.
Montgomery.
Page.
Rockbridge.
Rockingham.
Tazewell.
Washington:
Benton.
Chelan.
Clallam.
Clark.
Grays Harbor.
King.
Kitsap.
Kittitas.
Lewis.
Skagit.
Snohomish.
Spokane.
Stevens.
Thurston.
Whatcom.
Yakima.
West Virginia:
Mason.
Mineral.
Wisconsin:
Ashland.
Door.
Florence.
Grant.
Iowa.
Iron.
Jackson.
Lafayette.
Wyoming:
Albany.
Big Horn.
Campbell.
Carbon.
Converse.
Crook.
Fremont.
Goshen.
Hot Springs.
Johnson.
Laramie.
Niobrara.
Platte.
Sheridan.
Sweetwater.
Uinta.
Weston.
Territory of Hawaii.

SCHEDULE B—ONE DOLLAR AREAS
(Pub. Law 760, 81st Cong.)

Alabama:
Autauga.
Bullock.
Chambers.
Dallas.
Elmore.
Hale.
Lauderdale.
Lawrence.
Lee.
Lowndes.
Madison.
Marshall.
Morgan.
Perry.
Pike.
Randolph.
Russell.
Arkansas:
Clark.
Clay.
Desha.
Fulton.
Greene.
Howard.
Izard.
Jackson.
Lawrence.
Mississippi.
Perry.
Randolph.
Sharp.
St. Francis.
Stone.
Florida:
De Sota.
Indian River.
Okaloosa.
Georgia:
Barrow.
Bleckley.
Bullock.
Burke.
Butts.
Candler.
Carroll.
Chattooga.
Coweta.
Dougherty.
Dodge.
Fulton.
Greene.
Gwinnett.
Harris.
Henry.
Irwin.
Jackson.
Jefferson.
Jenkins.
Johnson.
Laurens.
Lee.
Lowndes.
Macon.
Meriwether.
Miller.
Mitchell.
Morgan.
Oconee.
Peach.
Pike.
Pulaski.
Randolph.
Screven.
Seminole.
Spalding.
Stewart.
Sumter.
Tallaferro.
Terrell.
Tift.
Troup.
Turner.
Warren.
Wilkes.
Worth.
Illinois:
Cass.
Champaign.
Henderson.
Mason.
Idaho:
Canyon.
Minidoka.

Indiana:
Brown.
Elkhart.
Warren.
Tippecanoe.
Iowa:
Adair.
Case.
Clarke.
Decatur
Iowa.
Kossuth.
Page.
Palo Alto.
Ringgold.
Sioux.
Union.
Woodbury.
Wright.
Kansas:
Doniphan.
Greeley.
Lincoln.
Sherman
Louisiana:
Ascension.
Beauregard.
Caddo.
Calcasieu.
E. Baton Rouge.
Labourche.
Livingston.
Webster.
Maine:
Androscoggin.
Cumberland.
Franklin.
Hancock.
Kennebec.
Lincoln.
Penobscot.
Piscataquis.
Waldo.
Washington.
Massachusetts:
Plymouth.
Worcester.
Michigan:
Alcona.
Alger.
Alpena.
Benzie.
Branch.
Cheboygan.
Eaton.
Hillsdale.
Ingham.
Iosco.
Jackson.
Leelanau.
Lenawee.
Mackinac.
Macomb.
Menominee.
Oakland.
St. Joseph.
Sanilac.
Schoolcraft.
Minnesota:
Anoka.
Becker.
Benton.
Big Stone.
Blue Earth.
Brown.
Carlton.
Carver.
Chippewa.
Chisago.
Clay.
Clearwater.
Cottonwood.
Dakota.
Dodge.
Douglas.
Freeborn.
Goodhue.
Grant.
Hennepin.
Houston.
Isanti.
Jackson.
Kanabec.
Kandiyohi.
Kittson.
Lac Qui Parle.
La Sueur.
Lincoln.
Lyon.
McLeod.
Mahnomen.
Meeker.
Mille Lacs.
Mower.
Murray.
Norman.
Olmstead.
Pine.
Pipestone.
Polk.
Pope.
Ramsey.
Red Lake.
Redwood.
Renville.
Rice.
Rock.
Roseau.
Scott.
Sherburne.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Wabasha.
Waseca.
Washington.
Winona.
Wright.
Yellow Medicin
Mississippi:
Alcorn.
Benton.
Bolivar.
Calhoun.
Choctaw.
Coahoma.
Lowndes.
Monroe.
Pontotoc.
Prentiss.
Quitman.
Sunflower.
Tippah.
Tishomingo.
Tunica.
Webster.
Winston.
Missouri:
Andrew.
Buchanan.
Camden.
Cedar.
Charlton.
Dallas.
Dent.
Douglas.
Dunklin.
Lincoln.
Marion.
Mississippi.
New Madrid.
Pike.
Polk.
Pulaski.
Scott.
Shannon.
Shelby.
Stone.
Taney.
Texas.
Webster.
Wright.
Montana:
Lake.
New York:
Cayuga.
Chenango.
Delaware.
Madison.
Onondaga.
Ontario.
Oswego.
Schoharie.
Seneca.
Nebraska:
Adams.
Antelope.
Boone.
Boyd.
Butler.
Cedar.
Clay.
Colfax.
Cuming.
Custer.
Dakota.
Dixon.
Dodge.
Douglas.
Gage.
Garfield.
Greeley.
Hamilton.
Holt.
Howard.
Johnson.
Keya Paha.
Knox.
Madison.
Nance.
Nemaha.
Nuckolls.
Pawnee.
Pierce.
Platte.
Polk.
Rock.
Sarpy.
Stanton.
Thayer.
Valley.
Washington.
Wayne.
Webster.
York.
North Carolina:
Alleghany.
Anson.
Columbus.
Craven.
Duplin.
Greene.
Halifax.
Harnett.
Hoke.
Iredell.
Johnston.
Moore.
Northampton.
Pamlico.
Pender.
Richmond.
Robeson.
Rutherford.
Sampson.
Stokes.
Wake.
Washington.
Wayne.
Wilkes.
Wilson.
North Dakota.
Ohio:
Crawford.
Fayette.
Logan.
Madison.
Marion.
Pickaway.
Ross.
Union.
Washington.
Oklahoma:
Choctaw.
Delaware.
McCurtain.
Oregon:
Clackamas.
Columbia.
Polk.
Washington.
Yamhill.
Pennsylvania:
Cumberland.
South Carolina:
Abbeville.
Anderson.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Edgefield.
Fairfield.
Greenwood.
Lancaster.
Lee.
Newberry.
Richland.
Saluda.
Sumter.
Union.
South Dakota:
Aurora.
Beadle.
Bennett.
Bon Homme.
Brookings.
Brown.
Buffalo.
Charles Mix.
Clark.
Clay.
Davison.
Day.
Deuel.
Douglas.
Grant.
Gregory.
Hanson.
Hutchinson.
Jerauld.
Kingsburg.
Lake.
McCook.
Mellette.
Miner.
Minnehaha.
Moody.
Roberts.
Sanborn.
Shannon.
Sully.
Todd.
Tripp.
Washbaugh.
Yankton.
Tennessee:
Clay.
Crockett.
Gibson.
Greene.
Haywood.
Lawrence.
Virginia:
Caroline.
Essex.
King George.
King & Queen.
King William.
Madison.
Orange.
Pittsylvania.
Rappahannock.
Southampton.
Spotsylvania.
Wisconsin:
Adams.
Barron
Bayfield.
Brown.
Buffalo.
Burnett.
Calumet.
Chippewa.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Douglas.
Dunn.
Eau Claire.
Fond du Lac.
Forest.
Green.
Green Lake.
Jefferson.
Juneau.
Kenosha.
Kewaunee.
La Crosse.
Langlade.
Lincoln.
Manitowoc.
Marathon.
Marinette.
Marquette.
Monroe.
Oconto.
Oneida.
Outagamie.
Ozaukee.
Pepin.
Pierce.
Polk.
Portage.
Price.
Racine.
Richland.
Rock.
Rusk.
St. Croix.
Sauk.
Sawyer.
Shawano.
Sheboygan.
Taylor.
Trempealeau.
Vernon.
Vilas.
Walworth.
Washburn.
Washington.
Waukesha.
Waupaca.
Waushara.
Winnebago.
Wood.
Utah:
Cache.
Morgan.

[F. R. Doc. 51-7482; Filed, June 28, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 101]

BENRUS WATCH COMPANY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Benrus Watch Company, Inc., 200 Hudson Street, New York 13, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and women's wristwatches, pocket watches, watch bracelets, and women's watch and costume jewelry sets manufactured by Benrus Watch Company, Inc., 200 Hudson Street, New York 13, New York, having the brand name(s) "Benrus" shall be the proposed retail ceiling prices listed by Benrus Watch Company, Inc., in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 1, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 2, 1951, Benrus Watch Company, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 1, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 1, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1.
$_____ per _____{unit / dozen / etc.}	Terms {net / percent EOM. / etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 27, 1951.

[F. R. Doc. 51-7532; Filed, June 27, 1951; 3:54 p. m.]

REGIONAL AND DISTRICT BOUNDARIES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105) as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987), and as amended March 3, 1951 (16 F. R. 2028), April 20, 1951 (16 F. R. 3444), May 12, 1951 (16 F. R. 4476), and June 21, 1951 (16 F. R. 5959) is further amended as follows:

REGIONAL BOUNDARIES

Region II, New York, New York. The regional boundaries of Region II, heretofore encompassing the States of New York and New Jersey, now encompass the State of New York and the State of New Jersey north of the southern boundaries of Burlington and Ocean Counties.

Region III, Philadelphia, Pennsylvania. The regional boundaries of Region III, heretofore encompassing the States of Pennsylvania and Delaware, now encompass the States of Pennsylvania and Delaware and the State of New Jersey south of the southern boundaries of Burlington and Ocean Counties.

Region IV, Richmond, Virginia. The regional boundaries of Region IV heretofore encompassing the States of Maryland, North Carolina, Virginia, West Virginia and the District of Columbia, now encompass the States of Maryland, North Carolina, Virginia, West Virginia, the District of Columbia and the State of Tennessee east of the western boundaries of Sullivan and Washington Counties.

Region V, Atlanta, Georgia. The regional boundaries of Region V, heretofore encompassing the States of Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee, now encompass the States of Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee west of the western boundaries of Sullivan and Washington Counties.

Region VII, Chicago, Illinois. The regional boundaries of Region VII, heretofore encompassing the States of Illinois, Indiana, and Wisconsin, now encompass the State of Illinois, except St. Clair and Madison Counties, the State of Indiana and the State of Wisconsin, except Douglas County.

Region VIII, Minneapolis, Minnesota. The regional boundaries of Region VIII, heretofore encompassing the States of Minnesota, North Dakota, South Dakota, and Montana, now encompass the States of Minnesota, North Dakota, South Dakota, Montana, and Douglas County, Wisconsin.

Region IX, Kansas City, Missouri. The regional boundaries of Region IX, heretofore encompassing the States of Iowa, Kansas, Missouri, and Nebraska, now encompass the States of Iowa, Kansas, Missouri, Nebraska, and St. Clair and Madison Counties, Illinois.

DISTRICT BOUNDARIES

Region X, Dallas, Texas. The counties of Kent, Surry and Mitchell, Texas, heretofore serviced by the Fort Worth District Office, will now be serviced by the Lubbock District Office.

The County of Shelby, Texas, heretofore serviced by the Houston District Office, will now be serviced by the Dallas District Office.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7583; Filed, June 28, 1951; 10:52 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION TO DIRECTOR OF DIVISION OF EMPLOYMENT AND SECURITY OF MINNESOTA REGARDING REDUCED RATES OF CONTRIBUTIONS

The Division of Employment and Security of the State of Minnesota having duly submitted to the Secretary of Labor, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Minnesota Employment and Security Law; and

The Secretary of Labor having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Secretary of Labor hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Secretary of Labor hereby directs that the foregoing findings be certified to the Director of the Division of Employment and Security of the State of Minnesota.

Signed at Washington, D. C., this 25th day of June, 1951.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 51-7462; Filed, June 28, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1714]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 25, 1951.

Take notice that on June 15, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

1. Approximately 3 miles of 6-inch lateral pipeline from Applicant's main line to Defiance, Ohio, town border.

2. Approximately 3 miles of 4-inch lateral pipeline from the town border station in (1) above to the General Motors plant in Defiance.

3. Main Line regulator station.

4. Town Border Station at Defiance, Ohio; (a) Measuring station for Glass Fibers; (b) Regulator station for General Motors; (c) Measuring station for Toledo Edison.

5. Measuring station at General Motors plant.

Applicant proposes to construct and operate the described facilities for the purpose of selling natural gas to Glass Fibers, Inc., and General Motors Corporation in accordance with the terms of industrial sales contracts executed by the parties, dated March 8 and January 18, 1951, respectively, and for the purpose of increasing the volumes of gas delivered to Toledo Edison for resale to ultimate consumers in Defiance, Ohio. Deliveries are not to exceed 3,000 Mcf daily to Glass Fibers and 2,500 Mcf daily to General Motors.

The application recites that the 6-inch lateral to be constructed by Applicant will be used for the delivery of natural gas to The Toledo Edison Company and for the delivery of gas to the named industries. Toledo Edison now serves Glass Fibers, and General Motors has no gas service. Applicant states Toledo Edison has no objection to Panhandle's taking over service to Glass Fibers and making the proposed deliveries to General Motors.

The estimated cost of the facilities proposed to be constructed is approximately $148,300 of which $104,430 will be incurred and financed from current funds of Applicant. Approximately 3-miles of 4-inch connecting pipeline will be constructed and operated by Applicant, but the construction cost will be borne by General Motors. Glass Fibers will construct and operate 1.4 miles of 6-inch pipeline extending from the Town Border Station to its plant site.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7452; Filed, June 28, 1951; 8:51 a. m.]

[Docket No. G-1715]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 25, 1951.

Take notice that on June 15, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

Physical connection, measuring and regulating station, and appurtenant facilities at the point of connection of the City of Jacksonville's proposed pipeline with Applicant's Jacksonville lateral.

Applicant proposes to construct and operate the described facilities for the purpose of making sales of natural gas to the City of Jacksonville, Illinois, on a "dump" basis in accordance with the terms of a contract with the City, dated February 15, 1951, of volumes not to exceed 1,000 Mcf daily, for a primary contract period of seven (7) years, at a price of 28 cents per Mcf, renegotiable as to price at the end of the third and fifth years of the said contract.

The application recites that Applicant will have available from time to time quantities of natural gas for sale on a "dump" basis, which the City is desirous of purchasing for use as fuel in its electric generating plant. The City will construct and operate approximately 4,112 feet of 4-inch I. D. pipeline from its electric generating plant to the measuring and regulating station to be constructed by Applicant on its existing 8-inch I. D. Jacksonville lateral.

The estimated cost of the facilities proposed to be constructed by Applicant is approximately $6,425, which will be financed out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7453; Filed, June 28, 1951; 8:51 a. m.]

[Docket No. E-6358]

MISSOURI PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OR CONSOLIDATION OF CERTAIN FACILITIES

JUNE 26, 1951.

Notice is hereby given that, on June 22, 1951, the Federal Power Commission issued its order entered June 21, 1951, in the above-entitled matter, authorizing and approving merger or consolidation of certain facilities, of Missouri Power & Light Company, by Missouri Public Service Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7455; Filed, June 28, 1951; 8:51 a. m.]

[Docket No. E-6359]

IOWA PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JUNE 26, 1951.

Notice is hereby given that, on June 22, 1951, the Federal Power Commission issued its order entered June 21, 1951, authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7454; Filed, June 28, 1951; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

CENTRAL OFFICE

Section II, *Central Office organization and final delegations of authority to Central Office officials*, is amended as follows:

Paragraph II j 1 is amended as follows:

1. The authority delegated to the Assistant Commissioner for Management in paragraph b 1 (b), (c), and (d), is hereby delegated to the Assistant Commissioner for Low-Rent Housing, and in addition, effective June 15, 1951, the Assistant Commissioner for Low-Rent Housing shall hear and determine appeals from actions of the Field Office Directors and Assistant Directors for Development in connection with applications for authorization to commence construction, pursuant to section 6 of NPA Order M-4, and in connection with applications for adjustment or exception based upon a claim of unreasonable hardship, or upon a claim that prohibition of the construction is not in the interest of national defense, pursuant to section 11 of NPA Order M-4.

Date approved: June 20, 1951.

JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-7435; Filed, June 28, 1951; 8:58 a. m.]

DESCRIPTIONS OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

FIELD ORGANIZATION

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph 12 is added to paragraph III b, as follows:

12. Effective June 15, 1951, pursuant to NPA Order M-4 and NPA Delegation 14, to exercise that authority (exclusive of action on appeals) delegated to me by the Administrator of the Housing and Home Finance Agency, effective June 15, 1951, which authority was delegated to the Administrator of the Housing and Home Finance Agency by Delegation 14 of the NPA (16 F. R. 5401). This delegation is with respect to the multi-unit residential and related construction by Federal, State, and Local Public Agencies, except with respect to such construction by an educational institution, or to such construction to be assisted by mortgage or loan insurance under the National Housing Act or to such construction under the control of the Atomic Energy Commission, or housing on military reservations. This authority is:

(a) To receive, consider, pass upon, and to take action in his own name, upon applications for authorization to commence construction, pursuant to section 6 of NPA Order M-4;

(b) To receive, consider, pass upon, and take action in his own name, upon applications for adjustment or exception based upon a claim of unreasonable hardship, or upon a claim that prohibition of the construction is not in the interest of national defense, pursuant to section 11 of NPA Order M-4.

Paragraph j is added to section III, as follows:

j. *Delegation of authority to Assistant Director for Development.* 1. Effective June 15, 1951, pursuant to NPA Order M-4 and NPA Delegation 14 there is hereby delegated to the Assistant Director for Development in each Field Office that authority (exclusive of action on appeals) delegated to me by the Administrator of Housing and Home Finance Agency effective June 15, 1951, which authority was delegated to the Administrator of the Housing and Home Finance Agency by Directive 14 of the National Production Authority (16 F. R. 5401). This delegation is with respect to multi-unit residential and related construction by Federal, State, and Local Public Agencies, except with respect to such construction by an educational institution, or to such construction to be assisted by mortgage or loan insurance under the National Housing Act or to such construction under the control of the Atomic Energy Commission, or housing on military reservations. This authority is:

(a) To receive, consider, pass upon, and take action in his own name, upon applications for authorization to commence construction, pursuant to Section 6 of NPA Order M-4;

(b) To receive, consider, pass upon and take action in his own name, upon applications for adjustment or exception based upon a claim of unreasonable hardship, or upon a claim that prohibition of the construction is not in the interest of national defense, pursuant to section 11 of NPA Order M-4.

Date approved: June 20, 1951.

JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-7485; Filed, June 28, 1951; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26197]

MOTOR-RAIL-MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Chicago Great Western Railway Company and Union Transfer Co., d/b/a Union Freightways.

Commodities involved: All commodities.

Between: St. Paul, Minn., on the one hand, and Chicago, Ill., Council Bluffs, Iowa, and Kansas City, Mo., as the case may be, on the other, and between Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7446; Filed, June 28, 1951; 8:52 a. m.]

[4th Sec. Application 26198]

GRAIN FROM SIOUX CITY, IOWA, TO IOWA, MINNESOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Rock Island and Pacific Railroad Company and Chicago, St. Paul, Minneapolis and Omaha Railway Company.

Commodities involved: Grain, grain products, and seeds, carloads.

From: Sioux City, Iowa.

To: Points in Iowa, Minnesota, and South Dakota.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3866, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7447; Filed, June 28, 1951; 8:52 a. m.]

[4th Sec. Application 26199]

NEWSPRINT PAPER FROM COOSA PINES AND CHILDERSBURG, ALA., TO HOUSTON AND GALVESTON, TEX.

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. C. Neely, Attorney, for rail carriers parties to Agent D. Q. Marsh's tariff I. C. C. No. 3905.

Commodities involved: Newsprint paper, carloads.

From: Coosa Pines and Childersburg, Ala.

To: Houston and Galveston, Tex.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7448; Filed, June 28, 1951; 8:52 a. m.]

[4th Sec. Application 26200]

CORDAGE FROM NEW ORLEANS AND PORT CHALMETTE, LA., TO ILLINOIS, MISSOURI, AND WISCONSIN

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Cordage, viz: manilla and sisal rope and twine, and lath yarn, carloads.

From: New Orleans and Port Chalmette, La.

To: Chicago and East St. Louis, Ill., St. Louis, Mo., Madison, Wis., and related points.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7449; Filed, June 28, 1951; 8:52 a. m.]

[4th Sec. Application 26201]

CINDERS, CLAY OR SHALE FROM OTTAWA, KANS., TO SOUTHWEST

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Cinders, clay or shale, in open top cars, carloads.

From: Ottawa, Kans.

To: Points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 171.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7450; Filed, June 28, 1951; 8:52 a. m.]

[4th Sec. Application 26202]

FORMALDEHYDE FROM TEXAS AND OKLAHOMA TO LOUISVILLE, KY., AND KANKAKEE, ILL.

APPLICATION FOR RELIEF

JUNE 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Liquid formaldehyde, in tank-car loads.

From: Bishop and Winnie, Tex., and Tallant, Okla.

To: Louisville, Ky., and Kankakee, Ill.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 45; D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7451; Filed, June 28, 1951; 8:22 a. m.]

SECURITIES AND EXCHANGE COMMISSION

MIDWEST STOCK EXCHANGE ET AL.

SPECIAL OFFERING PLANS; EXTENDING TIME OF EFFECTIVENESS

The Securities and Exchange Commission acting pursuant to the Securities

Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b–2 (d) (Rule X-10B–2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare the special offering plans of the Midwest Stock Exchange, New York Curb Exchange, New York Stock Exchange, and San Francisco Stock Exchange as now effective, to continue to be effective indefinitely on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of any or all of said plans by sending at least ten days written notice to the particular exchange or exchanges.

The Commission for good cause finds that the notice and public procedure specified in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the above special offering plans are the same plans as those heretofore declared effective for such Exchanges; and the Commission finds further that paragraph (d) of Rule X-10B–2 and the action taken have the effect of granting exemption and relieving restriction and that therefore this action may be and is hereby declared to be effective June 30, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 25, 1951.

[F. R. Doc. 51–7437; Filed, June 28, 1951; 8:56 a. m.]

MIDWEST STOCK EXCHANGE ET AL.

RECORD DISPOSAL PLANS

The Securities and Exchange Commission today announced that it had declared effective Plans filed on May 15, 1951, by the Midwest Stock Exchange, Philadelphia-Baltimore Stock Exchange, and San Francisco Stock Exchange, pursuant to § 240.17a–6 (Rule X-17A–6) under the Securities Exchange Act of 1934, for the disposal of the following material.

Midwest Stock Exchange. Applications, reports, and documents filed with the Exchange prior to January 1, 1946, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

Philadelphia-Baltimore Stock Exchange. Applications, reports, and documents filed with the Exchange prior to January 1, 1946, pursuant to sections 12, 13 and 16 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

San Francisco Stock Exchange. The following applications, reports and documents filed with the Exchange prior to January 1, 1946:

(1) Forms 1–J, 2–J, 15–AN, and AN–4 filed pursuant to section 12 of Securities Exchange Act of 1934 or the rules and regulations thereunder, and

(2) Reports filed pursuant to sections 13 and 16 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

Each of the above Plans was declared effective on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors, the Commission may suspend or terminate the effectiveness of any of said Plans by sending at least 10 days' written notice to the particular Exchange.

Each of the Exchanges proposes to commence the disposition of the material specified as soon as practicable. The Plan of each Exchange also provides for the regular disposition of similar material which has been on file with said Exchange more than five years, as soon as practicable after January 1st of each year. Notice of the Commission's proposal to declare these Plans effective was published for comment in Securities Exchange Act Release No. 4607.

The purpose of the Plans is to alleviate the record storage problems of each of the Exchanges and to facilitate the availability of material filed with the Exchanges within five years. Information contained in the material to be disposed of by the Exchanges is on file with the Commission where it will continue to be available.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and § 240.17a–6 (Rule X-17A–6) thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Plans filed on May 15, 1951 by the Midwest Stock Exchange, Philadelphia-Baltimore Stock Exchange, and San Francisco Stock Exchange, pursuant to Rule X-17A–6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of any of said Plans by sending at least 10 days' written notice to the particular Exchange.

The Commission finds that Rule X-17A–6, and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action therefore may be and is hereby declared to be effective June 25, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 25, 1951.

[F. R. Doc. 51–7438; Filed, June 28, 1951; 8:56 a. m.]

[File No. 70–2648]

DERBY GAS & ELECTRIC CORP.

NOTICE OF FILING REGARDING ISSUANCE OF DEBENTURES AND OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of June A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Derby Gas & Electric Corporation ("Derby"), a registered holding company. Applicant has designated sections 6 (a), 7 and 12 (b) of the act and Rules U-45 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 6, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 6, 1951, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Derby, a Delaware corporation, has three operating subsidiaries, The Derby Gas and Electric Company, a Connecticut corporation ("Derby Subsidiary"), The Wallingford Gas Light Company, a Connecticut corporation ("Wallingford"), and The Danbury and Bethel Gas and Electric Light Company, a Connecticut corporation ("Danbury"). Derby proposes to issue and sell $900,000 aggregate principal amount of debentures and such number of shares of its common stock as may be necessary to raise the amount of approximately $275,000, the number of shares sold, however, in no event to equal such number as will cause the aggregate offering price to the public to exceed $300,000.

The debentures will be issued under an indenture supplemental to the Derby indenture to Manufacturers Trust Company, Trustee, dated as of July 1, 1947. It is expected that the additional debentures will be purchased by an institutional investor for investment. The details of the terms and conditions of such additional debentures and such supplemental indenture are presently subject to negotiation and will be supplied by amendment. Such amendment will include as exhibits copies of the purchase agreement and of the supplemental indenture.

The new debentures are expected to bear interest at the rate of approximately 3½ percent per annum, to be redeemable, and to mature July 1, 1957. It is anticipated that the supplemental indenture will provide for sinking fund payments of $9,000 per annum. The supplemental indenture may also provide for the payment of the entire $900,000 proceeds into a special fund from which Derby may draw, upon the basis of property additions since January 1, 1951.

The presently authorized capital stock of Derby consists of 400,000 shares of no par value common stock, of which 269,237 such shares are outstanding. In view of the present market value of Derby's common stock, it is expected that approximately $275,000 can be realized through the sale of approximately 12,500 additional shares of common stock.

According to the provisions of Derby's certificate of incorporation relating to preemptive rights, its stockholders will have no preemptive rights with respect to the shares of common stock proposed to be sold since such shares will be issued in accordance with a declaration that has become effective under the act.

It is proposed that approximately 12,500 shares of common stock of Derby which are the subject of this Declaration will be offered for sale to the public through an underwriter or underwriters pursuant to a negotiated transaction. The identity of the underwriter or underwriters as well as the number of shares to be sold, the price at which the shares are to be sold and the underwriting spread will be supplied by amendment.

All of the proceeds of the proposed sale of debentures and common stock of Derby will be applied toward the 1951 construction program of the Derby system, including the repayment of money which has already been borrowed from Manufacturers Trust Company and utilized for this purpose. At the date hereof Derby has borrowed $200,000 from Manufacturers Trust Company under an agreement providing for borrowing not in excess of $500,000 on short term notes. The total construction expenses are estimated to be $1,742,450. Of this amount $1,120,625 is for construction costs in connection with the electric service furnished by Derby's subsidiaries, $339,725 is in connection with the gas service furnished by Derby's subsidiaries and $282,100 is being spent in connection with the conversion of consumers' appliances to the use of natural gas, such latter amount not being a capital expense.

The funds for the 1951 construction program, other than the aforesaid $282,100 to be spent for conversion of consumers' appliances to the use of natural gas, will be donated by Derby to its subsidiaries as capital contributions. The $282,100 to be spent for conversion of consumers' appliances as aforesaid will be loaned by Derby to its subsidiary companies in the form of non-interest bearing, open-account advances. No notes or other evidences of indebtedness will be issued by the subsidiary companies. It is anticipated that the indebtedness will be liquidated by monthly payments made to Derby in amounts equal to the amounts at which the cost of the conversion of consumers' appliances is amortized over a period of years, as approved by the Public Utilities Commission of Connecticut.

The filing requests that the order of the Commission herein permitting effectiveness to the declaration become effective forthwith upon issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–7439; Filed, June 23, 1951; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18054]

ELIZABETH M. LAISE

In re: Estate of Elizabeth M. Laise, deceased. File No. D–28–10133; E. T. sec. 14426.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Grete Ebeling, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, in and to the estate of Elizabeth M. Laise, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by H. David Zerman, Jacob Levine and Imgard Killinger, Co-executors and Co-trustees, acting under the judicial supervision of the County Court of Bergen County, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51–7473; Filed, June 28, 1951; 8:47 a. m.]

[Vesting Order 17987]

ROTTERDAMSCHE BANK, N. V.

In re: Accounts maintained in the name of Rotterdamsche Bank N. V., or Rotterdamsche Bankvereeniging N. V., or Rottendamsche Bank, or Rotterdamsche Bankvereeniging, Rotterdam, The Netherlands, and owned by persons whose names are unknown. F–49–702.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned, or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Rotterdamsche Bank N. V., or Rotterdamsche Bankvereeniging N. V., or Rotterdamsche Bank or Rotterdamsche Bankvereeniging, Rotterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Stock (nontax treaty a/c), as described by the Bankers Trust Co., in its report on Form OAP-700, bearing its Serial No. CU No. 12. (b) Bullion, currency, and deposits, as described by the Bankers Trust Co., in its report on Form OAP-700, bearing its Serial No. BK-10. (c) Miscellaneous stocks (tax treaty a/c), as described by the Bankers Trust Co., in its report on Form OAP-700, bearing its Serial No. CU No. 11.
2. Irving Trust Co., 1 Wall St., New York 15, N. Y.	(a) Demand deposit account, as described by the Irving Trust Co., in its report on Form OAP-700, bearing its Serial No. 0031. (b) Miscellaneous stocks (blocked Dutch residents account), as described by the Irving Trust Co., in its report on Form OAP-700, bearing its Serial No. 45.
3. Bank of the Manhattan Co. 40 Wall St., New York, N. Y.	Bank deposit, as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 090.
4. Continental Illinois National Bank & Trust Co. of Chicago, 231 South LaSalle St., Chicago 90, Ill.	Bank deposit, as described by the Continental Illinois National Bank & Trust Co. of Chicago in its report on Form OAP-700, bearing its Serial No. 32.
5. Seattle-First National Bank, 201 at Cherry St., Seattle, Wash.	Checking account, as described by the Seattle-First National Bank in its report on Form OAP-700, dated Nov. 14, 1950.
6. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current uncertified account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0120.
7. Guaranty Trust Co., of New York, 140 Broadway, New York, N. Y.	(a) Rotterdamsche Bank N. V., 110 Coolsingel, Rotterdam, Holland, as described by the Guaranty Trust Company of New York in its report on Form OAP-700, bearing its Serial No. FB 90. (b) Miscellaneous portfolio of stocks and bonds regular account, a/c XC-8180, as described by the Guaranty Trust Company of New York in its report on Form OAP-700, bearing its serial No. CU 0078.
8. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old account, blocked Holland, (b) Clients a/c (set up a/c), blocked Holland, Germany, France, Portugal, Belgium, and Spain, and (c) Old a/c a/c F blocked Holland; as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 289, (d) Designated clients a/c Dutch residents a/c (FS-86276), and (e) Designated clients a/c non-residents a/c (FS-86574), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 332.

[F. R. Doc. 51-7470; Filed, June 28, 1951; 8:47 a. m.]

[Vesting Order 18087]

GEORGE MOLHOFF

In re: Estate of George Molhoff, also known as Gus Molhoff, deceased. Files: D-28-12753 and D-28-12753-C-1; E. T. sec. 16972.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Molhoff, Christhof Molhoff, Karl Molhoff, a son of Christhof Molhoff, Albert Molhoff, Else Molhoff, Herman Molhoff, George Molhoff, Luise Molhoff, Karl Molhoff, a brother of George Molhoff, also known as Gus Molhoff, Minnie Molhoff and Augusta Warnecke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Julius Molhoff, deceased, and of Christhof Molhoff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the sum of $9,822.47, deposited with the State Treasurer of Colorado, Denver, Colorado, pursuant to an order of the County Court for the City and County of Denver, Denver, Colorado, dated March 2, 1943, in the Matter of the Estate of George Molhoff, also known as Gus Molhoff, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Julius Molhoff, deceased, and of Christhof Molhoff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7474; Filed, June 28, 1951; 8:48 a. m.]

[Vesting Order 18007]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2748.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained.

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the account as of Oct. 2, 1950, excluded from this vesting order
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	1. Ordinary a/c consisting of cash in the amount of $424,502 as described on page 1 of the rider Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 2. Ordinary a/c General Ruling 6/17 consisting of cash in the amount of $4,481.00 as described on page 1 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, as amended by its letter of January 30, 1951, 3. Ordinary a/c General Ruling 6/17 consisting of cash in the amount of $2,202 as described on page 1 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 4. Ordinary a/c General Ruling 6/17 consisting of cash in the amount of $8,271 as described on page 1 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 5. Ordinary a/c general ruling 6/17 consisting of cash in the amount of $3 as described on page 1 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 6. Ordinary a/c general ruling 6, 7. Ordinary a/c consisting of securities payable in dollars, of indeterminable value, and securities not payable in dollars, of indeterminable value, as described on page 2 of the Rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 8. Ordinary a/c consisting of securities payable in dollars, valued at $57,156 as described on page 2 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 9. Ordinary a/c general ruling 6/17 consisting of cash in the amount of $2,983 and securities payable in dollars, valued at $25, as described on page 2 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 10. Ordinary a/c consisting of securities payable in dollars, valued at $60,541, as described on page 2 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 11. Ordinary a/c general ruling 6/17 consisting of cash in the amount of $12,340 as described on page 2 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 12. Special a/c A. R. Vulpius, 13. Special a/c A. G. Vulpius, 14. Special a/c 8139, 15. Special a/c 8139, general ruling 6/17, 16. Special a/c 8265, 17. Special a/c 9007, 18. Special a/c 9007, general ruling 6/17, 19. Special a/c 9007, Kunden, 20. Special a/c 9007 Kunden general ruling 6/17, 21. Special a/c 9039, 22. Special a/c 9039 Kunden, 23. Special a/c 9039 Kunden general ruling 6/17, 24. Special a/c 10381-850, 25. Special a/c 10381-850 general ruling 6/17, 26. Special a/c 10388-5, 27. Special a/c 10388-5 general ruling 6/17, 28. Special a/c 11472, 29. Special a/c 11990, 30. Special a/c 19482, 31. Special a/c 19482 general ruling 6/17, 32. Special a/c 20645 general ruling 6/17, 33. Special a/c 20645 general ruling 6/17, 34. Special a/c 23242, 35. Special a/c 23242 general ruling 6/17, 36. Special a/c 24990, 37. Special a/c 24990 general ruling 6/17, 38. Special a/c 28837, 39. Special a/c 28837 general ruling 6/17, 40. Special a/c 26993, 41. Special a/c 27597, 42. Special a/c 27597 general ruling 6/17 43. Special a/c 27748 general ruling 6/17 44. Special a/c 27780, 45. Special a/c 27780 general ruling 6/1 46. Special a/c 27885, 47. Special a/c 28594, 48. Special a/c 28686, 49. Special a/c 28686 general ruling 6/17 50. Special a/c 29688, 51. Special a/c 30027, 52. Special a/c 30027 general ruling 6/17 53. Special a/c 32356, 54. Special a/c 32356 general ruling 6/17, 55. Special a/c 33596, 56. Special a/c 33596 general ruling 6/17, 57. Special a/c 33743, 58. Special a/c 33743 general ruling 6/17, 59. Special a/c 34408 general ruling 6/17, 60. Special a/c 34768, 61. Special a/c 34768 general ruling 6/17, 62. Special a/c 35102, 63. Special a/c 37092, 64. Special a/c 37400, 65. Special a/c 42360, 66. Special a/c 43046, 67. Special a/c 43046 general ruling 6/17, 68. Special a/c 43073, 69. Special a/c 43073 general ruling 6/17,	$144,366.68 which according to license application No. NY 376023 filed by Swiss Bank Corporation, New York Agency, on behalf of Swiss Bank Corporation, Zurich, is owned by persons domiciled in Bulgaria, Roumania and Hungary.

See footnote at end of table.

EXHIBIT A—Continued

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	70. Special a/c 60190, 71. Special a/c 60258, 72. Special a/c 60311, 73. Special a/c 60311 general ruling 6/17, 74. Special a/c 60512, 75. Special a/c 60512 general ruling 6/17, 76. Special a/c 61534, 77. Special a/c 61643, 78. Special a/c 61643 general ruling 6/17, 79. Ordinary a/c CD 82, 80. Ordinary a/c CD 189 81. Ordinary a/c CD 235, 82. Special a/c 60080 83. Ordinary a/c general ruling 6/17 consisting of cash in the amount of $2,072 as described on page 6 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, as amended by its letter of Jan. 30, 1951, 84. Ordinary account general ruling 6/17 consisting of cash in the amount of $38 as described on page 6 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 85. Ordinary account general ruling 6/17 consisting of cash in the amount of $141 as described on page 6 of the rider to Form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0079, 86. Special a/c 26762, 87. Special a/c 26762 general ruling 6/17, 88. Special a/c 60847, 89. Special a/c 61903, 90. Special a/c 35943 general ruling 6/17, 91. Special a/c 39861 general ruling 6/17, 92. Special a/c 38031, 93. Special a/c 39123, 94. Special a/c 39123 general ruling 6/17, 95. Special a/c 44066, 96. Special a/c 60232, 97. Special a/c 60232 general ruling 6/17, and 98. Ordinary a/c ident. 593; as described by the Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0079, as amended by its letter of Mar. 15, 1951.	

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities, (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7472; Filed, June 28, 1951; 8:47 a. m.]

[Return Order 998]

ELISA FERIGO, ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Elisa Ferigo, Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero, Udine, Italy; Lucia Milani, Venezia, Italy; Claim No. 39857; February 2, 1951 (16 F. R. 1782); $71,795.11 in the Treasury of the United States, and all right, title, interest and claim of any kind or character whatsoever of Joseph Ferigo, deceased, in and to the following property: property located at 190 Hutchinson Boulevard, Mt. Vernon, New York; property located at 433 W. 46th Street, New York, N. Y., Life Annuity Contract No. 1280 issued by the Metropolitan Life Insurance Company to Joseph Ferigo, dated May 2, 1921; and a claim for $35,037.90 balance owed as of September 19, 1941 by Ashforth and Company, Ltd., formerly doing business at 501 Fifth Avenue, New York, N. Y.; Elisa Ferigo to receive a ⅝ interest and Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero and Lucia Milani to receive a ⅛ interest each.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7476; Filed, June 28, 1951; 8:48 a. m.]

[Return Order 992]

WALTER HECHT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Walter Hecht, Sinabelkirchen, Steiermark, Austria; Claim No. 37789; May 15, 1951 (16 F. R. 4517); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to U. S. Letters Patent No. 2,261,368 and Vesting Order No. 205 (7 F. R. 8669, October 27, 1942), relating to Patent Application Ser. No. 388188 (now U. S. Letters Patent No. 2,369,391). This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7475; Filed, June 28, 1951; 8:48 a. m.]

[Vesting Order 18006]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation or Societe de Banque Suisse Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2748.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation or Societe de Banque Suisse Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Harris, Upham & Co., 14 Wall St., New York 5, N. Y.	(a) General ruling No. 6 account, and (b) miscellaneous portfolio of securities; as described by Harris, Upham & Co. in its report on Form OAP-700.
2. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Societe de Banque, Suisse, Zurich, general ruling No. 6 account as reported by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 29; (b) Societe de Banque, Suisse, Zurich, as reported by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 30.
3. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Societe de Banque, Suisse, Zurich, general ruling No. 6 account as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its serial No. 76; (b) Societe de Banque, Suisse, Zurich, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 77.

[F. R. Doc. 51-7471; Filed, June 28, 1951; 8:47 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10262

SUSPENSION OF PROFESSIONAL EXAMINATIONS FOR PROMOTION OF MEDICAL, DENTAL, AND VETERINARY OFFICERS IN THE REGULAR ARMY AND AIR FORCE

By virtue of the authority vested in me by section 507 (b) of the Officer Personnel Act of 1947 (61 Stat. 893), it is hereby ordered as follows:

The operation of all provisions of law requiring professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, and in the United States Air Force of officers designated as medical, dental, and veterinary officers thereof, are hereby suspended for the duration of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 28, 1951.

[F. R. Doc. 51-7637; Filed, June 29, 1951; 10:00 a. m.]

EXECUTIVE ORDER 10263

TRANSFER OF THE PANAMA CANAL (THE WATERWAY), TOGETHER WITH FACILITIES AND APPURTENANCES RELATED THERETO, AND OTHER FACILITIES AND APPURTENANCES MAINTAINED AND OPERATED BY THE PANAMA CANAL (THE AGENCY), TO THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, 50 Stat. 487, and by section 256 of title 2 of the Canal Zone Code, as added by section 10 of the act of September 26, 1950, 64 Stat. 1042, and as President of the United States, it is ordered as follows:

SECTION 1. There are hereby transferred to the Panama Railroad Company, a corporate agency and instrumentality of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Panama Canal Company, (a) the Panama Canal (the waterway), together with all the facilities, buildings, structures, and improvements related thereto, and (b) all other facilities, buildings, structures, and improvements whatsoever now maintained and operated by The Panama Canal, an independent agency of the United States which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government: *Provided, however*, that there are excepted from such transfer the following-described facilities, buildings, structures, and improvements, situated on the Isthmus of Panama, which shall be for use and administration by the agency which upon the effective date of this order shall, pursuant to the said act of September 26, 1950, be known as the Canal Zone Government:

(a) The following-described buildings and structures situated in the Canal Zone:
(1) The Administration Building (Bldg. No. 1105), Cristobal.
(2) The Civil Affairs Building and Annex (Bldgs. Nos. 0610 and 0610-B), Ancon.
(3) The Dentist's Office (Bldg. No. 320), Ancon.
(4) The Office Building of the Experimental Garden (Bldg. No. 16), Summit.
(b) All buildings and structures of the Health Bureau of The Panama Canal.
(c) The following-described classes of civic buildings and structures:
(1) Schoolhouses and such recreational buildings and structures as are maintained in connection with the schools' program.
(2) Police buildings and structures.
(3) Prison buildings and structures.
(4) Fire stations and related structures.
(5) Courthouses.
(6) Post office buildings.
(d) Those general improvements in permanent town sites in the Canal Zone which consist of grading, excavation, fills, and landscaping.
(e) The improvements consisting of roads, streets, and sidewalks.
(f) The sewerage systems in the Canal Zone.
(g) The street lighting systems.
(h) The cemeteries in the Canal Zone.

SEC. 2. There are hereby transferred to the Panama Railroad Company (a) all property other than facilities, buildings, structures, and improvements, (b) all records, (c) all other assets, and (d)

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1949 Edition

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all contracts, obligations, and liabilities of The Panama Canal immediately prior to the effective date of this order, with the exception of (a) property other than facilities, buildings, structures, and improvements, (b) records, (c) other assets, and (d) contracts, obligations, and liabilities, shown in the accounts and records of The Panama Canal as of June 30, 1951, as appertaining to civil government, including health, sanitation, and protection: *Provided, however*, that nothing in this section shall be construed as effecting a transfer to the Panama Railroad Company of any of the unobligated balance of the appropriation for "Construction of additional facilities, Panama Canal" remaining on June 30, 1951.

SEC. 3. There are hereby transferred to the Panama Railroad Company all of the personnel on the rolls of The Panama Canal immediately prior to the effective date of this order with the exception of the Governor of The Panama Canal and of the personnel of the Civil Affairs Bureau, the courts, the Health Bureau, the Civil Intelligence Branch, and the Civil Defense unit.

SEC. 4. Nothing in this order shall be construed as effecting a transfer to the Panama Railroad Company of any of the right, title, or interest of the United States in or to the lands in the Canal Zone, or in or to any of the lands now owned by the United States and held by The Panama Canal as custodian in territory under the jurisdiction of the Republic of Panama.

SEC. 5. The transfers to the Panama Railroad Company made by this order shall, as provided by law, be deemed to have been accepted and assumed by the said company without the necessity of any act or acts on the part of the company except as otherwise stipulated in section 246 of title 2 of the Canal Zone Code, as added by the act of June 29, 1948, 62 Stat. 1076.

SEC. 6. In view of the transfers made by this order, and in effectuation of the purposes of the said act of September 26, 1950, there are hereby revoked (a) section 17 of Executive Order No. 1888 of February 2, 1914, and (b) the order of the Secretary of War designated as Canal Zone Order No. 4 of January 24, 1947, the provisions of which section and order relate to the assignment of, and rental rates for, quarters furnished employees, and the rates to be charged for supplies and services related to quarters.

SEC. 7. The transfers effected by this order are hereby made subject to the reservation that the President may hereafter make such adjustments or corrections in respect of such transfers as he may deem necessary or expedient.

SEC. 8. This order shall become effective on July 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 29, 1951.

[F. R. Doc. 51-7655; Filed, June 29, 1951; 12:09 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective July 1, 1951, §§ 6.103, 6.123, and 6.208 are amended as set out below:

1. Subparagraph (1) of § 6.103 (i) is amended to read as follows:

§ 6.103 *Treasury Department.* * * *

(i) *United States Savings Bonds Division*—(1) *NC/PD.* Until June 30, 1952, positions of State Director and Deputy State Director.

(2) Subparagraph (1) of § 6.123 (c) is revoked.

3. Paragraphs (a), (b) and (c) of § 6.208 are amended to read as follows:

§ 6.208 *State Department*—(a) *NC/PD.* Until September 30, 1951, political, economic, financial, and other technical professional positions (not including information positions) in grade GS-9 and above, requiring specialized foreign relations knowledge, training, or experience with respect to a particular foreign area, foreign language of foreign affairs problem.

(b) *NC/PD.* Until June 30, 1952, persons formerly employed abroad in the foreign service for a period of at least 4 years for service in executive and administrative positions, or employed abroad for at least 2 years for professional positions, in grade GS-9 and above.

(c) *NC/PD.* Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade GS-12 and above, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.; E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7539; Filed, June 29, 1951; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 525]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATES ON LOANS

Effective July 1, 1951, §§ 70.5, 70.6, and 70.9 of Chapter I, Title 6 of the Code of Federal Regulations are hereby amended as follows:

The rate of interest which may be charged by the Baltimore, St. Louis, and Wichita Banks for Cooperatives as specified in §§ 70.5 and 70.6 of Chapter I, Title 6 of the Code of Federal Regulations is hereby changed to 2½ percent on continental loans, and to 3 percent on loans made in Puerto Rico by the Baltimore Bank for Cooperatives, effective on and after July 1, 1951.

Section 70.9 of Chapter I, Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 70.9 *Interest rates on loans made by the Central Bank for Cooperatives.* The rate of interest on a continental loan or a loan made in Puerto Rico by the Central Bank for Cooperatives shall be the same as the prevailing rate charged for a similar type loan by each district bank for cooperatives of the farm credit district in which the cooperative borrowing from the Central Bank for Cooperatives has its principal place of business, except that, effective July 1, 1951, the rate of interest on all loans upon the security of commodities or Commodity Credit Corporation loan documents made by the Central Bank for Cooperatives shall be 2½ percent on continental loans and 3 percent in Puerto Rico.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 51-7561; Filed, June 29, 1951; 9:01 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS[1] (INSPECTION, CERTIFICATION AND STANDARDS)

MISCELLANEOUS AMENDMENTS

The following amendments to the revised regulations (7 CFR Part 51) governing the inspection and certification of fruits, vegetables and other products are hereby promulgated, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), to become effective July 16, 1951.

This amendment increases certain inspection and certification fees by 20 percent to cover corresponding increases in the cost of rendering the service provided pursuant to the aforesaid regulations and, in accordance with said statutes, establishes such fees as will be reasonable and as nearly as may be cover the cost for the services rendered.

For the reasons hereinafter set forth, it is hereby found and determined that it is impractical and contrary to the public interest to give preliminary notice and engage in public rule making procedure and that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.). The fees to be charged for the service are required by the statutes authorizing the service to be "reasonable and as nearly as may be to cover the cost for the service rendered." The determination of such cost depends upon facts wholly within the knowledge of the United States Department of Agriculture.

It has been determined that the fees prescribed herein must be charged in order to cover the cost of the service to be rendered, and such fees are reasonable.

It is in the public interest to enable all interested parties to avail themselves of the service without undue delay, and that the benefits to be derived should be provided as soon as practicable.

The provision in § 51.37 *Basis for charges*, and § 51.40 *Fees for appeal inspections*, are amended in the following manner:

1. In paragraph (a) of § 51.37 *Basis for charges*, delete the listed sums and insert, in lieu thereof, the indicated applicable sums:

Delete	*Insert*
$7.50	$9
5	6
15	18
6	7.20
4	4.80
12	14.40

2. In paragraph (b) of § 51.37 delete the sum "$10" and insert, in lieu thereof, the sum "$12."

3. In paragraph (c) of § 51.37 delete the sum "$3" and insert, in lieu thereof, the sum "$3.60."

4. In § 51.40 *Fees for appeal inspections*, delete the sum "$20" and insert, in lieu thereof, the sum "$24."

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 27th day of June 1951, to become effective July 16, 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7562; Filed June 29, 1951; 9:01 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

MISCELLANEOUS AMENDMENTS

On June 20, 1951, a notice of a proposed amendment to the regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs (7 CFR Part 55) was published in the FEDERAL REGISTER (16 F. R. 5872). The amendment hereinafter promulgated is pursuant to authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950) and will become effective on July 1, 1951.

The provisions of the regulations (7 CFR Part 55) which apply to butter and cheese will be superseded as of July 1, 1951, and will be contained in Part 58 of the Code of Federal Regulations. Thereafter Part 55 will be applicable only to eggs and egg products. The currently effective provisions of the regulations applicable to eggs and egg products remain unchanged, with the exception of the revision of those sections which deal with the internal organization of the Administration which are changed to reflect the delegation of authority within the organization of the Production and Marketing Administration charged with the administration of the services provided in the aforesaid regulations, and the hourly rate for rendering service on an intermittent fee basis which has been raised from $3.00 to $3.60. The legislation authorizing the performance of these services provides that they be operated on a self-supporting basis and it has been determined that an hourly rate of $3.60 is necessary in order to defray the increased cost of rendering the service.

The Department finds that it is impracticable and unnecessary and contrary to public interest to give a 30 days' notice of the effective date of these regulations for the reasons that: (1) on July 1, 1951 the hourly rate for performing grading with respect to poultry will be raised from $3.00 to $3.60, and since the same personnel grade both poultry and eggs it is desirable that these regulations become effective at the same time to avoid inconsistency in the fees charged, (2) most of the provisions of this amendment relate to internal management and do not affect the operation of the program with respect to the services provided the industry, and (3) compliance with the provisions hereof will not require any special preparation on the part of persons subject thereto which cannot be accomplished by the effective time hereinafter specified; and therefore the regulations here issued are to be effective July 1, 1951, after publication in the FEDERAL REGISTER.

The regulations are hereby amended as follows:

1. Revise definition (z) "National supervisor" in § 55.2 to read as follows:

(z) "National supervisor" means (1) the officer in charge of the egg grading service of the Administration and (2) such other employees of the Administration as may be designated by him.

2. Revise the provisions of § 55.33 *Who may be licensed*, to read as follows:

§55.33 *Who may be licensed.* Any person possessing proper qualifications, as determined by an examination for competency, may be licensed by the Secretary as a grader, inspector, sampler, or supervisor of packaging. Such examination shall be held at such time and in such manner as may be prescribed by the Administrator. All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration. Any prospective licensee, oth-

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

er than a Federal or State employee, shall, prior to the granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the act and this part.

3. Revise the provisions of § 55.34 *Limited license may be issued*, to read as follows:

§ 55.34 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to perform the following functions: (a) To candle and grade eggs on the basis of Official United States Standards of Quality of Individual Shell Eggs, issued by the Department on January 2, 1943, with respect to eggs purchased from producers or eggs to be packaged with official identification, and (b) to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs (whether shell, liquid, or frozen) which are graded and inspected by any such person shall thereafter be check-graded and check-inspected by a grader or an inspector. All limited licenses, issued as aforesaid, shall be countersigned by the aforesaid officer in charge of the poultry grading and inspection service of the Administration.

4. Revise the provisions of § 55.35 *Suspension of license*, to read as follows:

§ 55.35 *Suspension of license.* Pending final action by the Secretary the aforesaid officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

(5) Revise the provisions of paragraph (b) of § 55.39 *On a fee basis*, to read as follows:

§ 55.39 *On a fee basis.* (a) • • •

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and others items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 55.44 to § 55.49, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(Pub. Law 759, 81st Cong.)

Issued in Washington, D. C., this 27th day of June 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7498; Filed, June 29, 1951; 8:48 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

SUBPART C—FORMS AND INSTRUCTIONS

On April 25, 1951, a notice of proposed instructions governing the administration of poultry inspection where a Federal-State service is desired was published in the FEDERAL REGISTER (16 F. R. 3535), under the authority of the regulations governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 70; 16 F. R. 5210). These regulations were promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). Interested persons were given an opportunity to submit written data, views, and arguments concerning the proposed instructions published in the FEDERAL REGISTER, and the suggestions received have been given consideration.

The Administration finds that it is impracticable, unnecessary and contrary to the public interest to give a 30 days' notice of the effective date of these instructions for the reasons that (1) the industry is not directly affected by these instructions; (2) the aforesaid regulations become effective on July 1, 1951, and the instructions set forth herein are designed to implement the application of the service provided in the aforesaid regulations; (3) no preparation is necessary to comply with the provisions hereof; and (4) nothing would be gained by delaying the effective date of these instructions; therefore, the instructions here issued are to be effective July 1, 1951, after publication in the FEDERAL REGISTER.

The instructions are as follows:

§ 70.202 *Instructions governing the administration of poultry inspection where a Federal-State service is desired*—(a) *Basis of providing Federal-State inspection service.* Inspection service rendered pursuant to the regulations governing the grading and inspection of poultry and edible products thereof (7 CFR Part 70) may be furnished on a Federal basis or on a Federal-State basis as provided in this section. Inspection service in accordance with the regulations shall be furnished on a Federal basis in any State where arrangements have not been made with cooperating State agencies for service on a Federal-State basis. Inspection service shall be furnished on a Federal-State basis in any State in which the cooperating State agency makes a request, and becomes a party to a cooperative agreement which provides for such Federal-State service. Such cooperating parties within the State may be any responsible and qualified agency interested in promoting orderly marketing of poultry products.

(b) *Supervision.* All inspection service which is provided under the aforesaid regulations and cooperative agreements shall be technically and administratively supervised by the Production and Marketing Administration (hereafter referred to as PMA) through its national and regional supervisory organization. It shall be the responsibility of PMA to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a satisfactory manner, that the actual post-mortem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. In a State where a Federal-State supervisor of inspection is provided, this supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of PMA at a higher administrative level shall have the authority to observe independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary. Supervisory direction should be applied through the Federal-State supervisor.

(c) *Federal-State inspection service when provided, shall be subject to the following conditions*—(1) *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. PMA shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

(2) *Qualifications of Federal-State supervisor.* The Federal-State supervisor of inspection service shall meet the following qualifications.

(i) He shall have a veterinary degree from an accredited school.

(ii) He shall have such technical knowledge, experience, and administrative and supervisory ability as will qualify him for satisfactorily performing the duties of a Federal-State supervisor. These qualifications shall be checked by and be acceptable to PMA.

(iii) He shall have had experience in the Federal poultry inspection service or have successfully completed a course of training at an interne station which is under the supervision of the Federal poultry inspection service of PMA.

(iv) He shall be given a joint Federal-State or a full Federal appointment.

(v) He shall perform supervisory functions in a manner satisfactory to PMA. The Federal-State supervisor may at the discretion of PMA be removed from his position and replaced by another qualified employee whenever such action is in the best interests of PMA.

(3) *Duties of the Federal-State supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by PMA and the cooperating agencies in such States, except that a Federal-State supervisor shall not have more than 35 plants under his supervision. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and be accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within his State and present his recommendation for action on such applications in writing accompanied by appropriate supporting evidence to the Federal office of the inspection service. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and PMA. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

(4) *Employment and licensing of State inspectors.* (i) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State Service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by PMA, and it shall be understood that PMA shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector) in accordance with the provisions of the regulations. The licensed State inspector shall not under any circumstance, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(ii) Each prospective State inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to the prospective State inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry grading and inspection service of PMA that the inspector is qualified for such a position.

(5) *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

(6) *Replacement of Federal inspectors.* When Federal-State inspection service is inaugurated in a State, and when such service will replace Federal inspection service furnished in the State at that time, the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by PMA.

(7) *Collection of fees.* Either the cooperating State agency or PMA, as agreed upon, may assume the responsibility for the collection of all fees for Federal-State inspection service in the State. The contract providing for Federal-State inspection service shall be between each firm under Federal-State inspection service and the agency responsible for the collection of fees, and each such contract, in either case, shall be approved or concurred in by PMA.

(8) *Reimbursement of PMA by State cooperating agency.* When the cooperating State agency assumes the responsibility for the collection of fees, it shall reimburse PMA from fees collected or from State appropriations, or both, for the following:

(i) An amount equal to that part of the Federal-State supervisor's salary paid by PMA.

(ii) An amount equal to salaries of any Federally employed inspectors who perform inspection service in any plant operating under Federal-State inspection service, such salary costs to cover the periods of such assignments.

(iii) An amount to cover accrued leave both annual and sick and travel costs incurred by persons referred to in subdivisions (i) and (ii) of this subparagraph, during periods such persons are performing Federal-State service.

(iv) An amount equal to 7 percent of the amounts referred to in subdivisions (i), (ii), and (iii) of this subparagraph.

(v) An amount sufficient to cover overhead in excess of that specified in subdivision (iv) of this subparagraph, general supervision and other costs and expenses incurred by the Administration in rendering the inspection service.

(9) *Reimbursement of cooperating State agency by PMA.* When PMA assumes the responsibility for the collection of fees, it shall reimburse the cooperating State agency for the salaries of the State inspectors, for periods during which such inspectors perform Federal-State inspection service, and for such annual and sick leave as may be authorized by the State, and agreed to by PMA.

(10) *Additional provisions.* The cooperating State agency shall, without cost to PMA, furnish office space, office furniture and equipment, heat, light, clerical assistance, and telephone service for use by the Federal-State supervisor.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 26th day of June 1951, to become effective July 1, 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7563; Filed, June 29, 1951; 9:01 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Maryland-52)-3]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1952-53 MARKETING YEAR

EDITORIAL NOTE: The original document designated F. R. Doc. 51-7345, appearing at page 6172 of the issue for Wednesday, June 27, 1951, has been corrected as follows:

In the table of contents, the headnote for § 727.315 should read "727.315 Applicability of §§ 727.311 to 727.329."

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 907—MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional finding.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on July 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Milwaukee marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on May 22–24, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (April 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.50 (c) and substitute therefor the following:

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

2. Delete paragraphs (a) and (b) of § 907.51 and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June $0.46; July through November, inclusive, $0.86; and all other months $0.66: *Provided*, That for each percent that the "current supply-demand ratio" computed pursuant to paragraph (e) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (e) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other months $0.03: *And provided further*, That any adjustment made pursuant to the above proviso of this paragraph shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other months; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 46 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other months, $0.40; *Provided*, That such amount for the month shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) of this section; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the months of July through November, inclusive, or less than 30 cents in all other months.

3. Add the following as § 907.51 (e):

(e) *Supply-demand adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ration is above or below the percentage for the corresponding 6 months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Month subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for months prior to the effective date of this paragraph.

4. Delete § 907.91 (a) (2) and substitute therefor the following:

(2) The other order is that regulating the handling of milk in the Chicago, Illinois, marketing area and the Secretary determines that the quantity of Class I milk so disposed of by such person within the marketing area (§ 907.6) is greater than the quantity so disposed of within the marketing area defined in such other order. This subparagraph shall apply only with respect to milk received at the plant(s) of such person from which the Class I milk was so disposed of within the marketing area and milk received at each receiving station (§ 907.9) serving and Sup. 608c)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

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[Docket No. AO 225]

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER REGULATING HANDLING OF MILK

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AUTHORITY: §§ 924.1 to 924.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 924.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2 cents per hundredweight or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all producer milk (including such handler's own production) received during the month.

(b) *Additional Findings.* In view of the number of handlers involved, the widely scattered locations of their plants, and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. It is hereby found and determined, in view of the aforementioned facts and circumstances, that good reason exists for making § 924.1 through 924.15, 924.20 through 924.22 (e), 924.30 through 924.33, 924.40 through 924.47, 924.86, 924.120 through 924.123, and 924.130 and 924.131 effective August 1, 1951, and §§ 924.22 (f), (g), (h), (i) and (j), 924.50 through 924.53, 924.60 through 924.65, 924.70 through 924.72, 924.80 through 924.85, 924.87, 924.90, 924.91, 924.100 through 924.102, and 924.110 effective on September 1, 1951.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order) of more than 50 percent of the volume of milk covered by the aforesaid order which is marketed within the Detroit, Michigan, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during March 1951, (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Fort Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means:

(a) A person who operates a plant in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area;

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, except such a plant from which less than 10 percent of its dairy farm supply of milk is moved to a plant described in paragraph (a) of this section in each of the months of November and December of each year after 1950.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a plant described in § 924.6 (except such plant as described in § 924.101) or is diverted for a handler's account from such a plant to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk.

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30 and 924.31, or (2) payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part, and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers or from a cooperative association (except as provided in § 924.43 (c)), (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk or buttermilk; and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sterilized flavored milk drings or sweet or sour cream; or (2) used to produce ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened disposed of in bulk or in hermetically sealed cans, butter, or livestock feed, or dumped; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferrer handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferrer handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler (except as provided in paragraph (c) of this section, other than a handler described in § 924.101, in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided*, That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk by a handler to a person not a handler or to a handler described in § 924.101 shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submitted pursuant to § 924.30, and a statement certifying to such Class II utilization is received by the market administrator from the operator of the plant to which such milk or skim milk is moved not later than the last day of the month following the month of such movement.

(2) The operator of such plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Producer milk transferred in bulk from a plant operated by a cooperative association from which no milk is disposed of on a route(s) in the marketing area to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the plant of the transferor cooperative and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Cooperville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily average wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Kraft Cheese Co., Clare, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Carnation Milk Co., Sheridan, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk price.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35.

(b) Beginning in the third month after this order becomes effective, the percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator, and for the following month the Class I price shall be decreased 15 cents if such percentage is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage: *Provided,* That when the price has been so decreased or increased it shall not be next increased or decreased, respectively, in the following month unless such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month	Percentages	Month	Percentages
January	122.5	July	149.8
February	126.5	August	145.5
March	134.1	September	140.6
April	144.3	October	131.0
May	159.3	November	123.4
June	167.5	December	125.9

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2 and then by 3.5.

(2) From the simple average of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., subtract 5.5 cents and then multiply by 8.2.

(b) The price per hundredweight as described in § 924.50 (d).

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 924.82.

(b) *Class II milk.* Divide the amount computed pursuant to § 924.52 (a) (1) by the price computed pursuant to § 924.52 (a), multiply the price determined pursuant to § 924.52 (b) by the resulting percentage and then divide by 35 and round off to the nearest one tenth cent.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraph (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (c) and § 924.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 924.46 and § 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who receives milk from producers (1) at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall and from which no milk is disposed of on a route in the marketing area or (2) at a plant which is located outside the marketing area and more than 34 miles by shortest highway distance from the boundary of the marketing area and from which milk is disposed of on a route in the marketing area shall receive a credit with respect to producer milk disposed of as Class I utilization other than to a handler, and with respect to producer milk moved in bulk from such plant to a plant from which milk is disposed of on a route in the marketing area, computed on the weight of milk so moved which is not in excess of the amount of such milk classified as Class I utilization in the plant to which such milk is moved (pro rating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
1	More than 34 miles but not more than 49 miles	$0.14
2	More than 49 miles but not more than 57 miles	.15
3	More than 57 miles but not more than 65 miles	.16
4	More than 65 miles but not more than 73 miles	.17
5	More than 73 miles but not more than 81 miles	.18
6	More than 81 miles but not more than 89 miles	.19
7	More than 89 miles but not more than 97 miles	.20
8	More than 97 miles	.21

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and

(b) Subtracting not less than 4 cents or more than 5 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined by adding 17 cents to the Class II price determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.65 *Notification.* On or before the 11th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base previous to August 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, in the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by .8, in January and February by .75, in March by .7, in April and July by .6, and in May and June by .4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) From the effective date of this order until bases are established pursuant to this section, producers and cooperative associations shall be paid the uniform price for all milk delivered.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family.

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the

butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80, and

(b) who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order, and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Detroit marketing area, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32 and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, 924.33 and 924.60 (b).

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any of all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.131 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of June 1951. Sections 924.1 through 924.15, 924.20 through 924.22 (e), 924.30 through 924.33, 924.40 through 924.47, 924.86, 924.120 through 924.123 and 924.130 and 924.131 shall be effective on and after the 1st day of August 1951, and §§ 924.22 (f), (g), (h), (i) and (j), 924.50 through 924.53, 924.60 through 924.65, 924.70 through 924.72, 924.80 through 924.85, 924.87, 924.90, 924.91, 924.100 through 924.102, and 924.110 shall be effective on and after the first day of September 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7578; Filed, June 29, 1951; 8:56 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.383 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett pear Commodity Committee until June 20, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 20, 1951, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 5, 1951; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 5, 1951, and ending at 12:01 a. m., P. s. t., December 1, 1951, no shipper shall ship any box or container of Bartlett pears unless:

(i) Such pears are well matured and grade, except with respect to shape and damage by hail, at least U. S. Combination Grade: *Provided,* That not less than seventy (70) percent by count of the pears contained in such box or container, grade not less than U. S. No. 1 except that of the foregoing percentage not more than fifteen (15) percent may be damaged by hail: *And provided further,* That while the pears in such box or container need not be fairly well formed, they shall not be seriously misshapen; and

(ii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Bartlett pears contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnished the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all other provisions of this regulation applicable to such shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in § 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. Combination Grade," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (summer and fall), 7 CFR 51.331.

(5) "Pears are well matured" means that the pears meet the maturity standards for Bartlett pears prescribed in section 804 of the Agricultural Code of California: *Provided*, That (i) if the inspection is on the basis of the average pressure test, it does not exceed 21 pounds; (ii) if the inspection is on the basis of the soluble solids, it is not less than 14 percent; and (iii) if the inspection is on the basis of color, the pears show a distinctly yellowish-green color: *Provided further*, That pears which have equivalent maturity, as determined by the Federal-State Inspection Service, may be passed as well matured.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit & Vegetable Branch, Production & Marketing Administration.

[F. R. Doc. 51-7642; Filed, June 29, 1951; 11:43 a. m.]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 941.0 to 941.100, inclusive, issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 941.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products.

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning

of such agency will require the payment by each handler as his pro rata share of such expenses, an amount not exceeding 2¢ per hundredweight as the Secretary may prescribe, with respect to all milk received by such handler during each delivery period from producers, from his own farm production and as other source milk allocated to Class I milk and Class II milk.

(b) *Additional findings.* It is hereby found that good cause exists for making this order, as amended, effective not later than July 1, 1951. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held January 22–31, 1951, and the decision having been executed by the Secretary on June 13, 1951. Reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (February 1951), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 941.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 941.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 941.3 *Chicago, Illinois, marketing area.* "Chicago, Illinois, marketing area", called the "marketing area" in this subpart means the territory lying within the townships of Warren, Waukegan, Libertyville, Shields, Vernon, West Deerfield, Deerfield, and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox, and Frankfort in Will County, all in the State of Illinois; and the townships of North, Calumet and Hobart in Lake County, Indiana.

§ 941.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 941.5 *Dairy Farmer.* "Dairy farmer" means any person who produces milk.

§ 941.6 *Pool plant.* "Pool plant" means any plant which meets the requirements of § 941.66.

§ 941.7 *Producer.* "Producer" means a dairy farmer whose milk is

(a) Received at a pool plant directly from the farm where produced, or

(b) Qualified, upon satisfactory proof furnished to the market administrator, to be received at a pool plant and is caused by a handler to be delivered during part or all of the months of December through July, inclusive, for his account to a nonpool plant. Milk caused to be delivered pursuant to this paragraph shall be deemed to have been received at the pool plant from which diverted.

§ 941.8 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others:

(a) Operates a pool plant;

(b) Processes or packages any Class I milk product, part or all of which is disposed of in the marketing area for consumption in fluid form;

(c) Processes or packages any Class II milk product which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk, part or all of which is disposed of in the marketing area, or

(d) In a brokerage capacity, engages in buying milk, in bulk, from a person named in paragraphs (a), (b), or (c) of this section.

§ 941.9 *Regulated plant.* "Regulated plant" means a pool plant or a plant where any Class I milk product or Class II milk product (which any health authority having jurisdiction in any portion of the marketing area requires to be made from approved milk) is processed or packaged, all or part of which is disposed of in the marketing area.

§ 941.10 *Market administrator.* "Market administrator" means the agency which is described in § 941.20 for the administration of this subpart.

§ 941.11 *Delivery period.* "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

§ 941.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to have its entire activities under the control of its members, and to have and to be exercising full authority in the sale of milk of its members.

§ 941.13 *Frozen cream.* "Frozen cream" means cream which is held in an approved cold storage warehouse at an average temperature below zero degrees Fahrenheit for seven (7) consecutive days, as shown by charts of a recording thermometer.

§ 941.14 *Grade A milk.* "Grade A milk" means milk in fluid form labeled Grade A milk and milk from which milk in fluid form labeled Grade A may be obtained.

§ 941.15 *Grade B milk.* "Grade B milk" means milk other than Grade A milk.

§ 941.16 *Other source milk.* "Other source milk" means any milk or milk products (except those milk products covered by the Class III milk, Class III (a), or Class IV milk definitions which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers, or (c) plants where milk is priced under a marketing agreement or order issued pursuant to the act for any other milk marketing area.

MARKET ADMINISTRATOR

§ 941.20 *Selection, removal and bond.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 941.21 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 941.22 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 941.23 *Duties.* The market administrator, in addition to the duties described in this subpart, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 941.30, or made payments required by §§ 941.80 through 941.84, 941.86, 941.87 and 941.88 (b);

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart; and

(h) Pay, out of the funds received pursuant to § 941.86, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses, except those incurred under § 941.87, which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

§ 941.24 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 941.52 and the differential pursuant to § 941.82.

(b) Not later than the 14th day after the end of each delivery period, the uniform prices computed pursuant to § 941.71.

REPORTS OF HANDLERS

§ 941.30 *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) On or before the 10th day after the end of each delivery period:

(1) The pounds and butterfat test of and the butterfat pounds in milk and milk products received from producers (including his own farm production), from other handlers, from plants under other Federal marketing agreements and orders, and as other source milk; and

(2) The utilization of all receipts of milk and milk products for the delivery period.

(b) On or before the 25th day after the end of each delivery period, his producer payroll, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The net amount of payment to such producer made pursuant to § 941.80 (b),

(3) Any deduction and charges made by the handler, and

(4) Such other information with respect thereto as the market administrator may request.

§ 941.31 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and by such investigation as the market administrator deems necessary. Each handler shall keep adequate records of receipts and utilization of milk and, during the usual hours of business, shall make available to the market administrator such records and facilities as will enable him to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to § 941.30 and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers and to associations of producers as prescribed in §§ 941.80 and 941.88 (b).

§ 941.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 941.40 *Basis of Classification.* All milk and milk products received by a handler (including his own farm production) shall be reported by the handler in the classes set forth in paragraph (b) of this section: *Provided,* That

(a) Any milk moved as milk or skim milk in fluid form from a regulated plant to a plant at which the handling of milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization. If this paragraph is applicable, then paragraphs (b), (c), (d) and (e) of this section do not apply.

(b) Any milk moved as milk or skim milk in fluid form from a regulated plant to any plant located outside the following area (hereinafter referred to as "surplus milk manufacturing area") shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana: the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien, in the State of Michigan, and the county of Van Wert in the State of Ohio.

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to the establishment of a commercial food or drug processor located within the surplus milk manufacturing area or to an unregulated milk plant so located, which milk plant manufactured during the delivery period butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein or ice cream powder shall be classified under § 941.41 according to its utilization at the latter plant or establishment, as shown by adequate daily records: *Provided,* That (1) If in such unregulated plant or establishment, such receipts from a regulated plant are commingled with its other receipts, the receipts of the regulated milk or skim milk shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of regulated cream shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk, and Class I milk, in that sequence; and (2) If such unregulated plant or establishment does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk or skim milk received from a regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk, and Class I milk, in that sequence.

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk.

(e) Any milk moved from a regulated plant to a regulated plant of another handler shall be reported as Class I milk if moved as milk or skim milk in fluid form, and shall be reported as Class II milk if moved as cream in fluid form, unless utilization in another class is indicated in writing to the market administrator by both handlers on or before the 10th day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total used in such class by the receiving handler.

§ 941.41 *Classes of utilization.* Subject to the conditions set forth in §§ 941.40, 941.42, 941.43, 941.44, and 941.45, the classes of utilization of milk shall be as follows:

(a) Class I milk shall be all milk and milk products (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, or flavored milk drink, (2) Disposed of in fluid or frozen form as concentrated milk, flavored milk, or flavored milk drinks, not sterilized and not otherwise specified under paragraph (c) of this section, and (3) Not accounted for (i) under subparagraphs (1) and (2) of this paragraph, and (ii) as Class II milk, Class III milk, Class III (a) milk, and Class IV milk, except that this definition shall not include milk disposed of in bulk as any product mentioned in subparagraphs (1) or (2) of this paragraph to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

(b) Class II milk shall be all milk and milk products the butterfat from which is contained in sweet or sour cream, any cream product in fluid form having more than 6 percent butterfat, butter cream, filled cream, frozen cream, plastic cream, powdered cream, eggnog, yogurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this paragraph, except that this definition shall not include butterfat:

(1) In cream or cream products in fluid form, powdered cream, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such; and

(2) Derived from Grade B milk and used in frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) if such use is not in violation of the applicable health requirements.

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, and nonfat dry milk solids (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

(2) Any other product not included in Class I milk, Class II milk, or Class IV milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant to the exceptions in paragraphs (a) and (b) (1) of this section; and

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b) (2) of this section.

(d) Class IV milk shall be all milk and milk products the butterfat from which is:

(1) Contained in butter, cheese (except cottage cheese), inventory variations, and products lost in transit by a handler; and

(2) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided,* That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.42 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any milk received from producers shall be classified as Class I milk unless the handler who receives such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler(s), or by any unregulated plant(s).

§ 941.43 *Correction of classification and reclassification.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler, or by the first unregulated plant or establishment located within the surplus milk manufacturing area where used in processing milk, milk products, other food products or drugs shall be reclassified by the market administrator in accordance with such latter use or disposition: *Provided,* That any classification made pursuant to § 941.40 (a), (b), (c) or (d) shall not be subject to reclassification.

(c) If, in the application of paragraph (a) or (b) of this section, the ultimate use or disposition of the affected milk or milk product was at a plant or establishment receiving milk or milk products from more than one handler, the market administrator may assign the change, or correction, in classification to the major supplying handler(s), but not to an extent greater than the amount received from such supplying handler(s).

(d) If the application of paragraph (a), (b), or (c) of this section discloses a higher classification than that reported pursuant to § 941.30 (a) with respect to milk or milk products received by a handler from a cooperative association, the market administrator shall notify the receiving handler of such change and of the amount of money involved and such handler within five days thereafter shall pay such amount to the cooperative association.

§ 941.44 *Computation of milk in each class.* For each delivery period, each handler, with respect to all milk and milk products received by him (including his own farm production), shall compute, in the manner and on forms prescribed by the market administrator, the amounts in each class, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(b) Determine the total pounds of butterfat received as follows: Multiply by their respective average butterfat tests the weights of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(c) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in case of nonconcentrated flavored milk and flavored milk drinks 2 pounds per quart) the volume disposed of in each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product.

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat

contained therein); and add the results so obtained.

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by .035; and

(4) Add together the results obtained pursuant to subparagraphs (1) and (3) of this paragraph;

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(e) Determine the total pounds of Class III milk (with Class III (a) milk items computed separately) as follows:

(1) Multiply the actual weight of each of the several items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(f) Determine the total pounds in Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraph (1) and (2) of this paragraph;

(4) Add to the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2), and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amount determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by .035; and

(g) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by .035.

§ 941.45 *Allocation of classified milk.* The pounds remaining in each class after making the following computations shall be the pounds of producer milk in such class:

(a) Subtract pro rata from the pounds in each class, the pounds of milk received from the handler's own farm production;

(b) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from other handlers and assigned to such class (§ 941.40 (e));

(c) Subtract from the remaining pounds in each class, the pounds of milk equivalent of frozen cream or any other product (not including inventory variation) that has been classified in an earlier delivery period and used in such class in the current delivery period;

(d) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from a handler or plant under another Federal milk marketing agreement or order on the basis of classification which is comparable to the class of utilization of such milk or milk product under the marketing agreement or order covering the transferor handler or plant;

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk or Class IV milk, the pounds of such other source milk used as Class I milk and Class II milk, respectively, from the remaining pounds in the class of use;

(f) Subtract for the delivery periods of December through July, inclusive, from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraph (e) of this section;

(g) Subtract for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in Classes II, III, III (a) and IV (except the pounds in inventory variation and shrinkage) the pounds of other source milk received in products other than milk in fluid form and those items deducted pursuant to paragraph (e) of this section;

(h) Subtract, for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) the pounds of other source milk received as milk in fluid form;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If deductions have been made pursuant to paragraphs (e), (f), (g) or (h) of this section, and the remaining amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a), and IV milk are greater than the amount of milk received from producers, deduct the difference from the remaining amount of Class I milk; and

(k) In the event the total pounds remaining in the several classes is greater, or less, than the pounds of milk received from producers (excluding the handler's own farm production) reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the class to which the lowest announced price is applicable.

MINIMUM PRICES

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to paragraphs (c) and (d) of § 941.52 for the delivery period next preceding.

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handler's reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) The amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) The amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computation specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

§ 941.52 *Class prices.* Subject to the appropriate location adjustment credits, as set forth in § 941.53, each handler, at the time and in the manner set forth in § 941.80, shall pay per hundredweight of milk received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this section:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.50; July, August, September, October, and November, $0.90; all others, $0.70: *Provided*, That for each percent that the current supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price differential shall be increased or decreased, respectively, by the following amounts for the delivery periods indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others, $0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to $0.16 for the delivery periods of May and June; $0.30 for the delivery periods of July through November; and $0.24 for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than $0.50.

(2) The price for Grade B Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class I milk less $0.10.

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.30; July, August, September, October and November, $0.50; all others, $0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of paragraph (a) (1), but in no event shall the Class II price differential computed pursuant to this subparagraph be less than $0.40 for the delivery periods of July through November or less than $0.30 for all other delivery periods.

(2) The price for Grade B Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class II milk less $0.10.

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph and in paragraph (d) of this section: *Provided*, That the price resulting from the formula set forth in subparagraph (1) of this paragraph shall apply at all times to Class III (a) milk.

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator.

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed from the following formula:

(i) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, by 6;

(ii) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(iii) Divide by 7;

(iv) Add 30 percent thereof; and

(v) Multiply by 3.5.

(d) *Class IV Milk.* The price per hundredweight for Class IV milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

§ 941.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as milk or skim milk in fluid form from such pool plant to a regulated plant which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such plant shipping is located more than 70 miles from the City Hall in Chicago, but not to exceed a total credit of 42 cents per hundredweight: *Provided*, That there shall be no location adjustment credit with respect to Class I milk pursuant to § 941.41 (a) (3).

(b) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) Which is moved as cream in fluid form from such pool plant to a regulated plant engaged in the processing of any Class I milk or Class II milk product which is located less than 70 miles from the City Hall in Chicago, or (2) Which is classified as Class II milk but did not move in the manner described in subparagraph (a) (1) of this section or in subparagraph (1) of this paragraph, shall be ascertained by dividing the pounds of butterfat contained therein by 0.36 and applying to the result the applicable rate per hundredweight specified in the following table:

Distance from the pool plant to the City Hall in Chicago:	*Cents per hundredweight*
0 to 70 miles (zone 1)	0
70.1 to 85 miles (zone 2)	5
85.1 to 115 miles (zones 3 and 4)	10
115.1 to 160 miles (zones 5, 6, and 7)	20
160.1 to 220 miles (zones 8, 9, 10, and 11)	30
220.1 to 250 miles (zones 12 and 13)	35
250.1 to 310 miles (zones 14, 15, 16, and 17)	40
310.1 and over (zones 18 and over)	50

(c) The burden rests upon the handler who receives the milk from pro-

ducers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

APPLICATION OF PROVISIONS

§ 941.60 *Handlers who are also producers.* No provision of this subject shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 941.61 *Payment for other source milk.* In the event a handler uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area or other source milk originating from a plant under suspension pursuant to § 941.67, and such other source milk is allocated to Class I milk or Class II milk pursuant to § 941.45 (e), (f), (g), or (h) the market administrator is computing the net pool obligation for such handler pursuant to § 971.70 shall add an amount determined by multiplying the pounds of other source milk so allocated to Class I milk or Class II milk by the difference between the value at the appropriate class price and the value at the lowest announced price per hundredweight applicable for the delivery period.

§ 941.62 *Payment for overrun.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.44 (g) by the appropriate price pursuant to its allocation in § 941.45 (i): *Provided*, That if the handler did not receive milk directly from producers, an amount obtained by multiplying the quantity of overrun by the lowest announced price per hundredweight shall be subtracted from the amount obtained above in this section.

§ 941.63 *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to §§ 941.40 through 941.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.30 (a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 941.64 *Separate classification of Grade A milk and Grade B milk.* (a) Subject to paragraphs (b) and (c) of this section, Grade A milk and Grade B milk shall be separately classified.

(b) All milk received from producers at a plant from which any Grade A milk is disposed of shall be deemed to be Grade A milk unless such milk is identified and handled in accordance with the conditions set forth in paragraph (c) of this section.

(c) In the case of milk received from producers at a plant which a health authority having jurisdiction in any portion of the marketing area has approved for receiving, processing, and distributing both Grade A milk and Grade B milk and the Grade A milk is received from producers specifically designated by such health authority as qualified to produce such milk, the market administrator shall determine the classification of Grade A milk and Grade B milk, respectively, in the following manner:

(1) If the handler operating such a plant maintains adequate accounts and records of quantities of each grade of milk and practices complete segregation of Grade A milk and Grade B milk receipts, the market administrator, in applying §§ 941.40 through 941.45, shall determine separate classification for Grade A milk and Grade B milk in such plant.

(2) In the event adequate records are not maintained or complete segregation is not practiced, the receipts of Grade A milk shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a), and Class IV milk, in that sequence.

§ 941.65 *Determination of Mileages.* All mileages relating to location adjustment credits to handlers pursuant to § 941.53, location adjustments to producers pursuant to § 941.81, and payment for milk pursuant to § 941.80, shall be computed by the market administrator by rail or highway distance, whichever is shorter: *Provided*, That the rail distance shall be the sum of the following:

(a) The highway distance between the handler's plant and the railroad loading point (but not to exceed 25 miles);

(b) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(c) The highway distance between the appropriate rail terminal and the City Hall in Chicago.

Mileage shall be subject to redetermination at all times and in the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request.

Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

§ 941.66 *Pool plant.* "Pool plant" means any plant which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1), all or a part of which is disposed of in the marketing area for consumption in fluid form, or;

(b) Is approved by the Board of Health for receiving milk which may be disposed of as Class I milk or Class II milk in Chicago, Illinois, and which is not the type of plant described in paragraph (a) of this section and is not under suspension as a pool plant pursuant to § 941.67; or

(c) Is not approved by the Board of Health of Chicago, Illinois, and which ships during the delivery period at least 50 percent of the butterfat received from dairy farmers as milk or cream in fluid form to a plant(s) described in paragraph (a) of this section. Any plant which fulfills this requirement for each of the months of September, October and November of the same year shall be a pool plant until September 1 of the following year: *Provided*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months: *Provided further*, That the plant operator does not notify the market administrator that the plant should be withdrawn from the pool; in the event such notification is given, the plant will no longer be a pool plant, starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during delivery period(s) in which the condition set forth in the first sentence of this paragraph is fulfilled: *And provided further*, That any plant which shipped, as verified by the market administrator, at least 50 percent of the butterfat received from dairy farmers during September, October and November 1950 as milk or cream in fluid form to a plant(s) where the handling of milk was regulated pursuant to Federal order 41 or 69 (regulating the handling of milk in the Chicago, Illinois, and Suburban Chicago, Illinois, marketing areas) shall be a pool plant from the effective date of this order until September 1, 1951, if the plant operator notifies the market administrator in writing of his desire to have such status.

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of February through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk received from dairy farmers at such plant during each of the delivery periods of September, October and November is (i) Shipped as milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) Disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing not later than the 10th day of the delivery period in each of the delivery periods of September, October, and November that it is able and willing to ship as milk or cream in fluid form to any plant(s) which processes and packages Class I milk or Class II milk all or part of which is disposed of in the marketing area, at

prices and terms therein stated, a specified amount of milk or cream in fluid form during the remaining portion of the delivery period covered by said notice, which together with such amount as it has disposed of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s) in said delivery period), shall be not less than 50 percent of the butterfat received by it from dairy farmers during the preceding delivery period. Upon receipt of said notice, the market administrator shall forthwith make the offer and terms thereof public by transmitting the same to all handlers.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

§ 941.68 *Milk under more than one Federal order.* (a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions or to §§ 941.80 through 941.88, except that if the price per hundredweight for the class of utilization under the other subpart is less than the price per hundredweight of the applicable class of utilization under this order with respect to such item(s) (each price to be adjusted to 3.5 percent butterfat content and by any applicable location differential), an amount of money representing the difference in such prices multiplied by the quantity (in the case of Class II milk items the 3.5 percent milk equivalent of butterfat) so disposed of within the Chicago, Illinois, marketing area shall be paid to the market administrator by the handler operating such plant on or before the 16th day after the delivery period for deposit in the producer settlement fund (§ 941.83).

(b) Milk received from producers at a pool plant shall be exempt from the class price provisions and §§ 941.80 through 941.88 if (1) The Secretary determines that the quantity of Class I milk, as defined in § 941.41 (a), disposed of from such plant to any outlet(s), other than a milk processing or milk distributing plant, in a marketing area defined in a marketing agreement or order issued pursuant to the act for another marketing area is greater than the quantity of Class I milk disposed of from such plant within the Chicago, Illinois, marketing area, and (2) the milk at such plant would be subject to the class price and payment provisions of the other marketing agreement or order upon being made exempt from this subpart.

DETERMINATION OF UNIFORM PRICE

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk received from producers shall be computed for each handler (based upon his reports as corrected), as follows:

(a) Multiply the producer milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount of any payments required to be made pursuant to §§ 941.61 and 941.62;

(c) Subtract all location adjustment credits computed pursuant to § 941.53; and

(d) Subtract 6 cents per hundredweight on all milk received from producers at a regulated plant located within the marketing area.

§ 941.71 *Computation of uniform prices.* The market administrator shall compute separate uniform prices per hundredweight of Grade A milk and Grade B milk for each delivery period. Each computation shall be made in the following manner:

(a) Combine into one total the net pool obligation of all handlers computed pursuant to § 941.70;

(b) Add the aggregate of all allowable location adjustments computed pursuant to § 941.81;

(c) Add an amount representing the unobligated cash balance in the applicable producer-settlement fund on hand at the close of business on the last day of the delivery period;

(d) Divide the result by the total hundredweight of producer milk of all handlers whose net pool obligations are included pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents as a producer-settlement fund reserve. The result shall be the uniform price per hundredweight (for the grade of milk involved) of milk containing 3.5 percent of butterfat received from producers at pool plants located more than 55 miles but not more than 70 miles from the City Hall in Chicago, Illinois.

PAYMENTS

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53 and to a butterfat differential computed as in § 941.82, plus 4 cents per hundredweight if the milk was received from producers at a pool plant located within the marketing area and 2 cents if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

(b) On or before the 18th day after the end of each delivery period each handler shall pay to each producer per hundredweight of milk received from him during such delivery period not less than the uniform price, subject to the location adjustment and butterfat differential provided by §§ 941.81 and 941.82: *Provided*, That if the milk was received from such producer at a pool plant located within the marketing area, an additional payment of 10 cents per hundredweight of such milk shall be made, and if the milk was received from such producer at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago, an additional payment of 2 cents per hundredweight of such milk shall be made.

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b), each handler shall deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles.

§ 941.82 *Butterfat differential on producer milk.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth cent.

§ 941.83 *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "Producer-Settlement Funds" for Grade A milk and Grade B milk, respectively, into which he shall deposit all payments made by handlers pursuant to § 941.84 (including any adjustments thereto pursuant to § 941.88 (b) (1) and § 941.68; and out of which he shall make all payments to handlers pursuant to § 941.85 (including any adjustments thereto pursuant to § 941.88 (b) (2)). Immediately after computing the uniform prices for each delivery period, the market administrator shall compute the amount(s) by which each handler's net pool obligation(s) is greater or less than the sum obtained by multiplying such handler's producer milk by the applicable uniform price for Grade A milk or Grade B milk, subject to the location adjustment pursuant to § 941.81, and shall enter such amount(s) on such handler's account(s) as a pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account(s).

§ 941.84 *Payments to the producer-settlement funds.* On or before the 16th day after the end of each delivery pe-

riod, each handler shall make full payment to the market administrator for deposit in the appropriate producer-settlement fund of any pool debit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period.

§ 941.85 *Payments out of the producer-settlement funds.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler from the appropriate producer-settlement fund the pool credit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period, less any unpaid obligations of the handler, pursuant to §§ 941.84, 941.86, 941.87 (a), and 941.88 (b) (1). If at such time the balance(s) in the appropriate producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler, who, on the 18th day of the month, has not received such payments in full from the market administrator shall not be deemed to be in violation of § 941.80 (b), if he reduces his total payments for milk delivered by producers during the preceding delivery period by not more than the reduction in payment from the producer-settlement fund; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to § 941.80 (b) next following that on which such balance of payment was received from the market administrator.

§ 941.86 *Expense of administration.* As his prorata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during such delivery period from producers, from his own farm production, and as other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f), (g) and (h): *Provided*, That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a pool plant of such cooperative association or caused to be delivered by such cooperative association to an unregulated plant.

§ 941.87 *Marketing services.* (a) In making payments to producers pursuant to § 941.80 (b), each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct an amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to § 941.80 (b) as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.88 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due.

(b) Payments resulting from adjustments pursuant to paragraph (a) of this section shall be made on or before the next date for making payments to producers following notification by the market administrator or within 5 days following notification by the market administrator if payment is due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any cooperative association which is a handler from another handler.

§ 941.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted prior to August 1, 1949, under section 9c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION OF ORDER

§ 941.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 941.91.

§ 941.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 941.92 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person, as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 941.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 941.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July, 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7502; Filed, June 29, 1951; 8:49 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

[Lemon Reg. 389]

LIMITATION OF SHIPMENTS

§ 953.496 *Lemon Regulation 389*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the state of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 27, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 1, 1951, and ending at 12:01 a. m., P. s. t., July 8, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: June 24, 1951]
DISTRICT NO. 2

[12:01 a. m. July 1, 1951, to 12:01 a. m. July 15, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.413
American Fruit Growers, Inc., Fullerton	.983
American Fruit Growers, Inc., Upland	.363
Badington Fruit Co	.614
Hazeltine Packing Co	.286
Ventura Coastal Lemon Co	1.041
Ventura Pacific Co	1.970
Glendora Lemon Growers Association	1.740
La Verne Lemon Association	.755
La Habra Citrus Association	2.127
Yorba Linda Citrus Association, The	1.233
Escondido Lemon Association	3.351
Alta Loma Heights Citrus Association	.514
Etiwanda Citrus Fruit Association	.335
Mountain View Fruit Association	.338
Old Baldy Citrus Association	.864
San Dimas Lemon Association	1.608
Upland Lemon Growers Association	5.049
Central Lemon Association	1.327
Irvine Citrus Association, The	1.141
Placentia Mutual Orange Association	.906
Corona Citrus Association	.510
Corona Foothill Lemon Co	2.374
Jameson Co	1.200
Arlington Heights Citrus Co	1.058
College Heights Orange & Lemon Association	2.685
Chula Vista Citrus Association, The	1.010
El Cajon Valley Citrus Association	.093
Escondido Co-operative Citrus Association	.262
Fallbrook Citrus Association	1.890
Lemon Grove Citrus Association	.500
Carpinteria Lemon Association	1.878
Carpinteria Mutual Citrus Association	2.276
Goleta Lemon Association	3.944
Johnston Fruit Co	4.949
North Whittier Heights Citrus Association	.959
San Fernando Heights Lemon Association	.564
Sierra Madre-Lamanda Citrus Association	1.027
Briggs Lemon Association	2.530
Culbertson Lemon Association	2.017
Fillmore Lemon Association	1.588
Oxnard Citrus Association	5.100
Rancho Sespe	1.183
Santa Clara Lemon Association	3.615
Santa Paula Citrus Fruit Association	4.692
Saticoy Lemon Association	2.788
Seaboard Lemon Association	3.972

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Somis Lemon Association	2.642
Ventura Citrus Association	.915
Ventura County Citrus Association	.018
Limoneira Co	2.729
Tague-McKevett Association	.994
East Whittier Citrus Association	1.014
Lemingwell Rancho Lemon Association	.976
Murphy Ranch Co	2.040
Chula Vista Lemon Association	.514
Index Mutual Association	.712
La Verne Cooperative Citrus Association	2.349
Orange Belt Fruit Distributors	.856
Ventura Company Orange & Lemon Association	2.281
Whittier Mutual Orange & Lemon Association	.129
Ayoob, Fred	.001
Cappos Bros. Produce	.000
Evans Bros. Packing Co	.002
Johnson, Fred	.000
Latimer, Harold	.026
MacDonald Fruit Co	.002
Paramount Citrus Association, Inc.	.177
San Antonio Orchard Co	.000
Uyeji, Kikuo	.001

[F. R. Doc. 51-7524; Filed, June 29, 1951; 9:00 a. m.]

[Orange Reg. 378]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.524 *Orange Regulation 378*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on June 28, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 1, 1951, and ending at 12:01 a. m., P. s. t., July 8, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 950 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement:

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement;

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4," shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of June 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. (P. d. s. t.) July 1, 1951, to 12:01 a. m. (P. d. s. t.) July 8, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0796
A. F. G. Corona	.0431
A. F. G. Fullerton	.8956
A. F. G. Orange	.4293
A. F. G. Riverside	.1302
A. F. G. San Juan Capistrano	.6251
A. F. G. Santa Paula	.5064
Eadington Fruit Co., Inc	5.5651
Hazeltine Packing Co	.3571
Krinard Packing Co	.2083
Placenti Cooperative Orange Association	.5073
Placentia Pioneer Valencia Growers Association	.5977
Signal Fruit Association	.1002
Azusa Citrus Association	.5093
Covina Citrus Association	1.0746
Covina Orange Growers Association	.5318
Damerel-Allison Association	.7189
Glendora Citrus Association	.4318
Glendora Mutual Orange Association	.3797
Valencia Heights Orchard Association	.4268
Gold Buckle Association	.4537
La Verne Orange Association	.7013
Anaheim Valencia Orange Association	1.2921
Fullerton Mutual Orange Association	3.0058
La Harbra Citrus Association	1.1325
Yorba Linda Citrus Association, The	1.1103
Escondido Orange Association	2.3376
Alta Loma Heights Citrus Association	.0600
Citrus Fruit Growers	.1403
Etiwanda Citrus Fruit Association	.0320
Old Baldy Citrus Association	.1096
Rialto Heights Orange Growers	.0562
Upland Citrus Association	.3612
Upland Heights Orange Association	.1053
Consolidated Orange Growers	1.8265
Frances Citrus Association	1.1434
Garden Grove Citrus Association	1.7699
Goldenwest Citrus Association	1.7268
Irvine Valencia Growers	3.3700
Olive Heights Citrus Association	2.4695
Santa Ana-Tustin Mutual Citrus Association	.9191
Santiago Orange Growers Association	3.7276
Tustin Hills Citrus Association	1.9470
Villa Park Orchards Association	2.0525
Bradford Bros., Inc	.9063
Placentia Mutual Orange Association	3.7198
Placentia Orange Growers Association	3.2481
Yorba Orange Growers Association	.8319
Call Ranch	.0605
Corona Citrus Association	.3704
Jameson Co	.1308
Orange Heights Orange Association	.5693
Crafton Orange Growers Association	.2646
East Highlands Citrus Association	.0004
Redlands Heights Groves	.1973
Redlands Orangedale Association	.1614
Rialto-Fontana Citrus Association	.1023
Break & Son, Allen	.0460
Bryn Mawr Fruit Growers Association	.1052
Mission Citrus Association	.1471
Redlands Cooperative Fruit Association	.2609
Redlands Orange Growers Association	.1491
Redlands Select Groves	.2235

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Rialto Orange Co	.1992
Southern Citrus Association	.1187
United Citrus Growers	.2160
Zilen Citrus Co	.0377
Arlington Heights Citrus Co	.1156
Brown Estate, L. V. W.	.1308
Gavilan Citrus Association	.1428
Highgrove Fruit Association	.0600
McDermont Fruit Co	.1232
Monte Vista Citrus Association	.1868
National Orange Co	.0498
Riverside Heights Orange Growers Association, The	.0327
Sierra Vista Packing Association	.0419
Victoria Ave. Citrus Association	.1623
Claremont Citrus Association	.1050
College Heights Orange & Lemon Association	.3507
Indian Hill Citrus Association	.2233
Pomona Fruit Growers Exchange	.3200
Walnut Fruit Growers Association	.5394
West Ontario Citrus Association	.1645
El Cajon Valley Citrus Association	.2024
Escondido Cooperative Citrus Association	.2913
San Dimas Orange Growers Association	.3182
Canoga Citrus Association	.8088
North Whittier Heights Citrus Association	.8144
San Fernando Heights Orange Association	.7733
Sierra Madre-Lamanda Citrus Association	.3337
Camarillo Citrus Association	1.3519
Fillmore Citrus Association	3.0802
Mupu Citrus Association	1.9369
Ojai Orange Association	.6683
Piru Citrus Association	2.1329
Rancho Sespe	.7631
Santa Paula Orange Association	1.0579
Tao Citrus Association	.9752
Ventura County Citrus Association	.3764
Limoneira Co	.4056
East Whittier Citrus Association	.3540
Murphy Ranch Co	.8096
Anaheim Cooperative Orange Association	2.2610
Bryn Mawr Mutual Orange Association	.1422
Chula Vista Mutual Lemon Association	.0882
Euclid Avenue Orange Association	.5874
Foothill Citrus Union, Inc	.1204
Fullerton Cooperative Orange Association	.3983
Garden Grove Orange Cooperative, Inc	1.2763
Golden Orange Groves, Inc	.1765
Highland Mutual Groves, Inc	.0091
Index Mutual Association	.4189
La Verne Cooperative Citrus Association	1.7274
Olive Hillside Groves, Inc	.5725
Orange Cooperative Citrus Association	1.9541
Redlands Foothill Groves	.4127
Redlands Mutual Orange Association	.1535
Ventura County Orange & Lemon Association	1.1753
Whittier Mutual Orange & Lemon Association	.1548
Babijuice Corp. of California	.9222
Banks, L. M.	.7183
Becker, Samuel Eugene	.0094
Bennett Fruit Co	.1024
Borden Fruit Co	.5380
Cappos Brothers Produce	.0073
Cherokee Citrus Co., Inc	.1093
Chess Co., Meyer W	.4150
Dozier, Paul M	.0128
Dunning Ranch	.0494
Evans Bros. Packing Co	.7106
Gold Banner Association	.1753
Granada Hills Packing Co	.0333
Granada Packing House	.7758
Hill Packing Co., Fred A	.0633
Knapp Packing Co., John C	.5570
L Bar S Ranch	.1103
Lawson, William J	.0069
Lima & Sons, Joe	.1091
Orange Belt Fruit Distributors	1.3153
Orange Hill Groves	.0116
Otte, Arnold	.0630
Panno Fruit Co., Carlo	.4003
Paramount Citrus Association	.7402
Patitucci, Frank L	.0092
Placentia Orchard Co	.5288
Prescott, John A	.0193
Redlands Fruit Association, Inc	.0149
Riverside Citrus Association	.0238
Ronald, P. W	.0212
San Antonio Orchard Co	.2424
Stephens, T. F	.2263
Summit Citrus Packers	.0174
Treesweet Products Co	.2446
Wall, E. T., Grower-Shipper	.1353
Western Fruit Growers, Inc	.4713

[F. R. Doc. 51-7641; Filed, June 29, 1951; 11:43 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1951, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the South Bend-La Porte, Indiana, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held February 15–16, 1951, and the decision having been executed by the Secretary on June 21, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the South Bend-La Porte, Indiana, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete §§ 967.8 and 967.9 and substitute therefor the following:

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

2. Delete § 967.12 and substitute therefor the following:

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

3. Delete in § 967.22 (i) (1) the cross-reference "§ 967.5" and substitute therefor the cross-reference "§ 967.51."

4. Delete §§ 967.40 through 967.46, inclusive, and substitute therefor the following:

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (b) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized and not otherwise specified under paragraph (b) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1) and in subparagraphs (1), (2), (3), and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to the other class;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2), or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II milk on the basis of utilization mutually indicated in writing to the market administrator by both the receiver and transferor handler on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such statement, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (b) (7)), in series beginning with Class II milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section:

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class II milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

5. Delete §§ 967.50 through 967.53, inclusive, and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the price of Class I milk for the delivery period shall be the highest of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a), (b) and (c) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5;

(c) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June $0.60; July through November, inclusive, $1.00; and all others $0.80: *Provided*, That for each percent that the most recent "current supply-demand ratio" computed pursuant to paragraph (d) of this section is greater or less than the applicable-percentage contained in the schedule set forth in paragraph (d) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts for the delivery period indicated: May and June, $0.02; July, August, September, October and November, $0.04; all others $0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this paragraph shall be limited to 16 cents for the delivery periods of May and June; 30 cents for the delivery periods of July through November; and 24 cents for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 60 cents.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through November, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the provisos of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-month

period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February
August through January	79	March
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this paragraph.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class II milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to paragraph (c) of this section, and divide the remainder by 0.965.

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

6. Delete from § 967.60 the words "and Class II."

7. Delete from § 967.70 the phrase "from the various classes"; delete also from such section the cross-reference "§ 967.46 (d)" and substitute therefor "§ 967.46 (e)."

8. Delete § 967.80 and substitute therefor the following:

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further,* That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim and butterfat in such handler's Class I milk and Class II milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for 3.5 percent milk last announced by the market administrator, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7503; Filed, June 29, 1951; 8:50 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), public hearings were held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area; and a decision was made with respect to amendments by the Secretary on June 20, 1951. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesale milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Cleveland, Ohio, marketing area and will disrupt orderly marketing. The changes affected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended is hereby further amended as follows:

1. Delete § 975.30 (b) and substitute therefor the following:

(b) A plant other than a plant named in paragraph (a) of this section which either was a qualified pool plant on December 31, 1950, or has become a pool plant pursuant to paragraph (c) of this section.

2. Insert following the word "under" in the first sentence of § 975.32 the following: "§ 975.30 (b) or (c) under."

3. Delete § 975.51 (a) (1) and substiture therefor the following:

(1) Disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, or used to produce concentrated milk disposed of for fluid consumption;

4. Delete § 975.51 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat in frozen cream or used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

5. Redesignate paragraphs (e) and (f) of § 975.56 as paragraphs (d) and (e) respectively, and delete paragraphs (b), (c) and (d) and substitute therefor the following:

(b) For the delivery periods of October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 110 percent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(c) Except as provided in paragraph (b) of this section, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk.

6. Delete § 975.61 (a) and (b) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July and August	1.10
All others	1.50

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

7. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a pool plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a pool plant so located there shall be deducted in the computation of the handler's pool value with respect to such amounts moved or disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from the Public Square, Cleveland, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 17 cents per hundredweight and an additional 1 cent for each additional 15 mile zone: *Provided,* That such adjustment shall be limited to an amount of the specified items so moved which could be derived from the milk received from producers at such plants.

8. Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference betwen the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

9. Insert "(b)" following the figure "975.81" in paragraph (c) of § 975.73.

10. Delete § 975.81 and substitute therefor the following:

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers at a plant outside the marketing area and located, as determined by the market administrator, by shortest highway distance from the Public Square in Cleveland, Ohio:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents; and

(b) More than 60 miles but not more than 75 miles, an amount not to exceed 15 cents, more than 75 miles but not more than 90 miles, an amount not to exceed 17 cents, and an additional 1 cent for each additional 15 mile zone.

11. Insert following the figure "975.80" in paragraph (a) of § 975.84 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

12. Insert following the figure "975.80" in § 975.85 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of June, 1951, to be effective on and after the first day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7579; Filed, June 29, 1951; 8:56 a. m.]

PART 991—MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as

amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1951, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Rockford-Freeport, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held May 25, 1951, and the decision having been executed by the Secretary on June 21, 1951. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Rockford-Freeport, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (April 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete in § 991.22 (d) the cross-reference "§ 991.82" and substitute therefor "§ 991.85".

2. Delete in § 991.22 (d) (3) the cross-reference "§ 991.83" and substitute therefor "§ 991.86".

3. Delete § 991.22 (f) (3) and substitute therefor the following:

(3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

4. Delete § 991.41 (a) (1) and substitute therefor the following:

(1) Disposed of (except as provided in paragraph (c) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; or

5. Delete § 991.46 (a) (2) and renumber subparagraphs (3) and (4) of § 991.46 (a) as subparagraphs (5) and (6), respectively, of such paragraph.

6. Add the following as subparagraphs (2), (3) and (4) of § 991.46 (a):

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk or skim milk in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the pounds of skim milk in Class II milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as cream in fluid form from a plant as described in subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced available use, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraphs (2) and (3) of this paragraph.

7. Delete paragraphs (b) and (c) of § 991.50 and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

8. Delete §§ 991.51 and 991.52 and substitute therefor the following:

§ 991.51 *Class I milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class I milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.48; July through November, inclusive, $0.88; and all other delivery periods, $0.68: *Provided,* That for each percent that the "current supply-demand ratio" computed pursuant to § 991.55 is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) of such section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, $0.02; July through November, inclusive, $0.04; all other delivery periods, $0.03: *And provided further,* That any adjustment made pursuant to the above proviso of this section shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 48 cents.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class I milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

§ 991.52 *Class II milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class II milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, $0.30; July through November, inclusive, $0.50; all other delivery periods, $0.40: *Provided,* That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of § 991.51; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the delivery periods of July through November, inclusive, or less than 30 cents in all other delivery periods.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

9. Add the following as § 991.55:

§ 991.55 *Supply-demand adjustment.* On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule.

6-months included in supply-demand ratio computation	Percent	Delivery-period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

10. Delete in § 991.60 the cross reference "991.84" and substitute therefor "991.87".

11. Add the word "and" at the end of § 991.61 (b).

12. Delete the word "and" from § 991.61 (c) and replace the semi-colon (;) with a period (.).

13. Delete § 991.61 (d) in its entirety.

14. Add the following as § 991.62.

§ 991.62 *Pricing and payment for Grade A and non-Grade A producer milk.* Grade A and non-Grade A producer milk shall be classified separately under the procedure established in §§ 991.40 through 991.46, inclusive. The values of such respective types of milk shall be computed separately under the provisions of § 991.70 and separate uniform prices shall be computed pursuant to the procedure described in § 991.71. Separate producer-settlement funds shall be established and operated pursuant to §§ 991.82 through 991.84.

15. Delete §§ 991.70 through 991.72 and substitute therefor the following:

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds in each class pursuant to § 991.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to § 991.46 (a) (6) and § 991.46 (b) by the respective applicable class prices.

§ 991.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for producer milk (3.5 percent butterfat content) as follows:

(a) Combine into one total the values computed pursuant to § 991.70 for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test differs from 3.5 percent by the butterfat differential computed pursuant to § 991.81 and multiplying the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest cent) from the amount computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

16. Delete §§ 991.80 through 991.84 and substitute therefor the following:

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such delivery period: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further,* That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of such milk computed at the uniform

price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is less than the total of amounts to be paid pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense under another Federal marketing agreement or order issued pursuant to the act) received during the delivery period.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5¢ per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 13th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of June 1951, to be effective on and after the 1st day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7501; Filed, June 29, 1951; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5106]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WISPESE, INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure;* § 3.1845 *Composition.* Subpart—*Using misleading name—Goods;* § 3.2310 *manufacture or preparation.* I. In connection with the offering for sale, sale, or distribution of wearing apparel in commerce, (a) using the term "full-fashioned" or any other expression of similar import containing the word "fashioned" to designate, describe or refer to girdles which have not been shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation; or, (b) advertising, offering for sale, or selling garments composed in whole or in part of rayon made to resemble silk, or having the appearance and feel of silk, without clearly disclosing such rayon content or representing in any other manner that garments containing no silk are composed in whole or in part of silk; and, II, in connection with the offering for sale, sale, or distribution of girdles in commerce, representing, directly or by implication, that girdles not shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation are manufactured or shaped by the same process by which full-fashioned stockings are made; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Wispese, Inc, et al., Docket 5106, April 13, 1951]

In the Matter of Arthur R. Lewis and Ben A. Hensler, Individually and as Copartners Trading as Vawne Foundations. Arthur R. Lewis and Jean Lewis Individually and as Copartners Trading as Vawne Foundations Co. Wispese Inc., a Corporation, Arthur R. Lewis, Jean L. Gross, and Harold B. Gross, Individually and as Officers of Wispese Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer filed by certain of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and briefs filed in support of and in opposition to the amended and supplemental complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered*, That respondent Wispese Inc., a corporation, and its officers, agents, representatives, and employees, and respondent Arthur R. Lewis, individually and as an officer of Wispese Inc., and trading as a co-partner under the name Vawne Foundations, or under any other name, and his agents, representatives, and employees, and respondents Jean L. Gross (formerly known as Jean Lewis) and Harold B. Gross, individually and as officers of Wispese Inc., and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Using the term "full-fashioned" or any other expression of similar import containing the word "fashioned" to designate, describe or refer to girdles which have not been shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation;

(b) Advertising, offering for sale, or selling garments composed in whole or in part of rayon made to resemble silk, or having the appearance and feel of silk, without clearly disclosing such rayon content or representing in any other manner that garments containing no silk are composed in whole or in part of silk.

II. *It is ordered*, That respondent Arthur R. Lewis, individually and trading as a co-partner under the name of Vawne Foundations or under any other name, and his agents, representatives, and employees, in connection with the offering for sale, sale, or distribution of girdles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from representing, directly or by implication:

That girdles not shaped in the knitting by a narrowing process involving the transfer of loops or stitches from one needle to another during the dropping of needles in such knitting operation are manufactured or shaped by the same process by which full-fashioned stockings are made.

III. *It is further ordered*, That this proceeding be, and the same hereby is, dismissed as to respondent Ben A. Hensler, deceased.

IV. *It is further ordered*, That the charges of this proceeding as they relate to the issue as to whether respondents' products function effectively as girdles be, and the same hereby are, dismissed.

V. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 13, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7523; Filed, June 29, 1951; 8:54 a. m.]

[File No. 21-432]

PART 201—SEAM BINDING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1941, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1951.

Statement by the Commission. Trade practice rules for the Seam Binding Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations and organizations engaged in manufacturing, distributing or marketing "seam binding" as such term is delineated in the definition preceding the rules.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade and the public may be protected from the harmful effects of such competitive methods, and that the conduct of business throughout the industry may be effectively maintained on a high plane of free and fair competition.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for the consideration of the Commission. Thereafter, proposed rules in appropriate form were released and made available and public notice given of hearing thereon, whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions or objections respecting the proposed rules as they desired to offer. Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules hereinafter appearing.

Such rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
201.0 Definition of "seam binding."

GROUP I

201.1 Misrepresentation and misbranding.
201.2 Identification and disclosure of fiber or material content.
201.3 Disclosure of yardage.
201.4 Deception respecting type of edge.
201.5 Deception as to origin.
201.6 Selling below cost.
201.7 False invoicing.
201.8 Consignment distribution.
201.9 Combination or coercion to fix prices, suppress competition, or restrain trade.
201.10 Prohibited discrimination.
201.11 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 201.0 to 201.11 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 201.0 *Definition of "Seam Binding".* As used in this part, the term "seam binding" shall be understood as embracing any narrow fabric (other than bias binding) having a woven, cut, or other kind of edge, and which is of the type used in the manufacture of wearing apparel to prevent ravelling or fraying at seams and hems.

General statement. The unfair trade practices embraced in the rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I

§ 201.1 *Misrepresentation and misbranding.* It is an unfair trade practice for any member of the industry to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, mark, brand, label, designation, or other form of representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the grade, quality, freedom from imperfections, color-fastness, washability, fiber or material content, yardage, size, origin, fabrication, type of edge, manufacture, finishing, or distribution of any seam binding, or which is false, misleading, or deceptive in any other material respect. [Rule 1]

§ 201.2 *Identification and disclosure of fiber or material content.* (a) In the sale, offering for sale, or distribution of seam binding, it is an unfair trade practice to misrepresent or deceptively conceal the fiber or material content of any such product.

(b) Seam binding containing rayon, silk, or linen shall be identified as to its fiber and material content in labels, invoices, and advertisements, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the rayon industry, silk industry, and linen industry: *Provided*, That seam binding containing, purporting to contain, or in any way represented as containing wool, reprocessed wool, or reused wool, shall be labeled in accordance with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder.

NOTE: A copy of the above-mentioned trade practice rules, and of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder, may be obtained from the Commission by any industry member making request therefor.

[Rule 2]

§ 201.3 *Disclosure of yardage.* In order that purchasers may not be deceived as to the yardage of seam binding and that misrepresentation and deceptive concealment in respect thereto may

be avoided and prevented, the minimum yardage of the article should be clearly and nondeceptively marked on the product or on the disks, spools, bolts, cards, or other form of immediate packaging of the product; and the sale, offer for sale, or distribution of any seam binding not so marked, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public, is an unfair trade practice.

NOTE: In cutting seam binding in the greige or after finishing, adequate allowance should be made for any subsequent shrinkage or contraction of such products, to the end that purchasers may be assured the full yardage represented.

[Rule 3]

§ 201.4 *Deception respecting type of edge.* To the end that misunderstanding, confusion, misrepresentation, and deception respecting the type of edge on seam binding may be avoided and prevented, clear, legible, and nondeceptive disclosure of the type of edge on such binding should be made on each disk, spool, bolt, card, or other form of immediate packaging thereof, by tag, label, stamp, or mark so affixed as to ensure that it will remain thereon until such binding reaches the ultimate user; and it is an unfair trade practice to misrepresent the type of edge on seam binding, or to cause any seam binding to be offered for sale, sold, or distributed, without making adequate, nondeceptive disclosure of the type of edge thereon, where failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers.

The following are illustrative examples of the type of disclosure provided for in this section:

"CUT EDGE SEAM BINDING"
or
"SEAM BINDING, CUT FUSED EDGE"
or
"WOVEN EDGE SEAM BINDING"

[Rule 4]

§ 201.5 *Deception as to origin.* With respect to any seam binding which has been imported from a foreign country into the United States in the greige or other unfinished state, or in a finished or semi-finished state, it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such seam binding under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public into the belief (1) that such seam binding was woven or fabricated in the United States, when such is not the fact; or (2) that it was dyed, finished, redyed, or refinished elsewhere than in the United States, when such is not true; or

(b) To offer for sale, sell, or distribute any such seam binding without the same being marked, stamped, branded, or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the seam binding, or (2) that such seam binding was woven or fabricated in said country and was dyed or finished or redyed or refinished in the United States, as the case may be, where the failure, refusal, or omission to so mark, stamp, brand, or label such seam binding has the capacity and tendency or effect of thereby promoting, abetting, or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers, prospective purchasers, or the consuming public.

NOTE: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with requirements of the customs laws or regulations, or other applicable provisions of law or regulations, relating to the marking of imported articles.

[Rule 5]

§ 201.6 *Selling below cost.* The practice of selling seam binding at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and where the effect may be unreasonably to restrain trade, tend to create a monopoly, or substantially lessen competition.

All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in the section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 6]

§ 201.7 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 201.8 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping seam binding on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or unreasonably to restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of seam binding in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected; nor shall anything in this section be construed to authorize any agreement, understanding, or common course of action by and between industry members to mutually conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 8]

§ 201.9 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 9]

§ 201.10 *Prohibited discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this part shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this part shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this part shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor—(See sec. 2 (b) Clayton Act.)

[Rule 10]

§ 201.11 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part [Rule 11]

Issued: June 27, 1951.

Promulgated by the Federal Trade Commission June 30, 1951.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7555; Filed, June 29, 1951; 8:59 a. m.]

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[1] See footnote on page 6368.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52757]

PART 22—DRAWBACK

MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS

In order to simplify the handling of applications for the exportation of merchandise not conforming to sample or specifications pursuant to the provisions of section 313 (c), Tariff Act of 1930, it has been found desirable that such applications should be accepted from either the importer of record or the actual owner although an owner's declaration may have been timely filed. For this reason the first sentence of § 22.36 (b), Customs Regulations of 1943 (19 CFR 22.36 (b)), as amended by T. D. 52464, 15 F. R. 2515, is hereby further amended to read as follows:

§ 22.36 *Application; samples and specifications.* • • •

(b) All applications for the exportation of merchandise not conforming to sample or specifications shall be executed in the name of the importer of record, unless another person has been named in the entry as the actual owner and the declaration of such owner has been timely filed, in which case the application may be filed in the name of either such owner or the importer of record.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1313)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 21, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7507; Filed, June 29, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 384]

[Controlled Rooms in Rooming Houses and other Establishments Rent. Reg., Amdt. 379]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 384 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 379 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 40a, is amended to read as follows:

(40a) [Revoked and decontrolled.]

This decontrols (1) the City of Oxnard in Ventura County, California, a portion of the Ventura, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remaining incorporated localities in said Defense-Rental Area, if any, on the Housing Expediter's own initiative in accordance with section 204 (c) of said Act.

2. Schedule A, Item 63, is amended to describe the counties in the Defense-Rental Area as follows:

Escambia County, except the City of Pensacola.
Okaloosa County.
Santa Rosa County.

This decontrols the City of Pensacola in Escambia County, Florida, a portion of the Pensacola, Florida, Defense-Rental Area.

3. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Brookfield, Flossmoor, Kenilworth, La Grange, Lansing, Mt. Prospect, Oak Forest, Palatine, Riverdale, River Forest, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Steger located therein; Du Page County; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, and that portion of the Village of Barrington located therein.

This decontrols the following portions in the State of Illinois of the Chicago, Illinois, Defense-Rental Area: (1) the City of Elgin in Cook and Kane Counties, (2) the Villages of Brookfield, Flossmoor, La Grange and River Forest in Cook County, (3) the Village of Barrington in Cook and Lake Counties, and (4) that portion of the Village of Steger located in Cook County.

4. Schedule A, Item 86, is amended to describe the counties in the Defense-Rental Area as follows:

Will County, except that portion of the Village of Steger located therein.

This decontrols that portion of the Village of Steger located in Will County, Illinois, a portion of the Joliet, Illinois, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Point, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Berkley and the Townships of Pontiac and Troy in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

6. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County, except the Cities of Muskegon and Roosevelt Park.

This decontrols the City of Muskegon in Muskegon County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

7. Schedule A, Item 175f, is amended to read as follows:

(175f) [Revoked and decontrolled.]

This decontrols (1) the City of Helena in Lewis and Clark County, Montana, a portion of the Helena, Montana, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City of Helena being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remaining incorporated portions of Lewis and Clark County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

8. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon and the Villages of Canal Fulton, Louisville and North Canton.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York.

This decontrols the Village of North Canton in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

9. Schedule A, Item 261, is amended to describe the counties in the Defense-Rental Area as follows:

In Erie County, the City of Erie, the Boroughs of Fairview, North Girard, Middleboro, Northeast, Paletea, Wattsburg and Wesleyville, and the Townships of Fairview, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, McKean, Millcreek, Northeast, Summit and Venango.

This decontrols the Borough of Girard in Erie County, Pennsylvania, a portion of the Erie, Pennsylvania, Defense-Rental Area.

10. Schedule A, Item 262, is amended to describe the counties in the Defense-Rental Area as follows:

Cumberland County, except the Borough of Lemoyne; Dauphin County; Lebanon County, except the Borough of Richland; and in Perry County, the Townships of Rye, Penn, and Wheatfield, and the municipalities of Marysville, Perdix and Duncannon.

Franklin County.

This decontrols the Borough of Richland in Lebanon County, Pennsylvania, a portion of the Harrisburg, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment, except those in Items 1 and 7 thereof, are based entirely on section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective June 30, 1951.

Issued this 27th day of June 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-7540; Filed, June 29, 1951; 8:57 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

On June 1, 1951 (16 F. R. 5134) there was published a notice of intention to amend § 130.63 (25 CFR Part 130) to increase the annual rate of assessments for the operation and maintenance of the Joint Works part of the San Carlos Indian Irrigation Project, Arizona, (the works serving the Indian and non-Indian lands) from 80¢ per acre to $1.20 per acre, for the 100,000 acres of project lands. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs, with headquarters at Phoenix, Arizona, not later than June 16, 1951. Within the time allowed objections were filed with the Director by the San Carlos Irrigation and Drainage District. The District proposed to eliminate certain items included in the estimated costs for operation, maintenance and equipment purposes amounting to a total of $15,600. After reviewing the figures and eliminating certain items included in the estimates and bearing in mind the substantial increase in costs of operating and maintaining the Joint Works since 1948 when the amount of such costs then estimated at $80,000 annually was fixed, I have concluded that the total amount of the estimated assessment should be $115,000 or $1.15 per acre annually, effective for the fiscal year 1953 and thereafter until further notice.

Accordingly § 130.63 (25 CFR Part 130) is amended to read as follows:

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos irrigation and drainage district, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a to 130.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian irrigation project for the fiscal year 1953 is estimated to be $115,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.15 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for that part payable by the San Carlos irrigation and drainage district being due in advance of such fiscal year on March 1; for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116, inclusive.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

D. S. MYER,
Commissioner.

JUNE 26, 1951.

[F. R. Doc. 51-7494; Filed, June 29, 1951; 8:47 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

JUNE 26, 1951.

On June 1, 1951 (16 F. R. 5134) there was published a notice of intention to amend § 130.110 (25 CFR Part 130) to increase the annual rate of assessments for the operation and maintenance of the Indians' interest in the Joint Works part of the San Carlos Indian Irrigation Project, Arizona (the works serving the Indian and non-Indian lands) from 80¢ per acre to $1.20 per acre, for the 100,000 acres of project lands. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs, with headquarters at Phoenix, Arizona, not later than June 16, 1951. Within the time allowed objections were filed with the Director by the Pima Indian Tribal Council on behalf of the Indian landowners. They proposed the elimination of certain items included in the estimated costs for operation, maintenance and equipment purposes amounting to a total of $20,100. After reviewing the figures and eliminating certain items included in the estimates and bearing in mind the substantial increase in costs of operating and maintaining the Joint Works since 1948 when the amount of such costs then estimated at $80,000 annually was fixed, I have concluded that the total amount of the estimated assessment should be $115,000 or $1.15 per acre annually, effective for the fiscal year 1953 and thereafter until further notice.

Accordingly § 130.110 (25 CFR Part 130) is hereby amended to increase the basic per acre rate for the Indian lands from $3.50 to $3.85 which rate includes the Indians' share of the cost of operation of the Joint Works, to read as follows:

§ 130.110 *Basic charge.* Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U. S. C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1953 and the subsequent years unless changed by further order, is hereby fixed at $3.85 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1953 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 130.111 to 130.116, inclusive.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

D. S. MYER,
Commissioner.

JUNE 26, 1951.

[F. R. Doc. 51-7495; Filed, June 29, 1951; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1951 Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1951

JULY 1, 1951.

§ 129.14 *Calendar year 1951.* * * *

(c) *Quarter beginning July 1, 1951.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1951, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.6931	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.65637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.583018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7508; Filed, June 29, 1951; 8:51 a .m.]

TITLE 29—LABOR

Chapter IV—Child Labor Branch, Department of Labor

[Child Labor Reg. 32]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

§ 402.1 *Designation of States.* Pursuant to the provisions of Part 401 of this chapter (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060 as amended; 29 U. S. C. 201):

Alabama.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Dakota.
Tennessee.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

(Secs. 3 (1), 11 (b), 52 Stat. 1061, 1066 as amended; 29 U. S. C. 203 (1), 211 (b))

This designation shall be effective from July 1, 1951 until June 30, 1952, unless amended or revoked prior to such date.

Signed at Washington, D. C., this 26th day of June 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-7464; Filed, June 28, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amendment 8]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 8 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 adds various categories of merchandise to the coverage of that regulation. These categories cover toys, Christmas decorations, and also hand knitting yarn and crochet thread, laces and trimmings, and ribbons. The economic considerations leading to the promulgation of the regulation are equally applicable to the regulation with this extended coverage; those considerations are set forth in the statement of considerations accompanying Ceiling Price Regulation 7 issued February 27, 1951.

Not only will many retailers be required to file supplemental charts, but in addition, some retailers who formerly were not covered by the regulation or who had an option to remain under the General Ceiling Price Regulation because their volume of sales was, without the new categories, sufficiently low to permit them to elect General Ceiling Price Regulation coverage, will now be required to file pricing charts under the regulation.

As a list date for Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons, June 23, 1951 has been selected.

Because of the seasonal character of toys and Christmas decorations, it is not possible to use a recent "list date" in the preparation of pricing charts for those articles. Use of a recent list date would not presently be feasible because currently many retail stores do not stock toys, or at least carry an unrepresentative stock. To use a single list date during the peak of the toy season (before Christmas) would also not be feasible, since it would be difficult, if not impossible, for retailers to reconstruct the prices and markups of merchandise offered for sale on any single remote date. A more practical way to enable the retailer to prepare a pricing chart representative of his customary markup practice is to allow him to use invoices received during the period in which toy stocks customarily are built up for Christmas selling and the selling prices based on those invoices. Accordingly, the retailer is permitted to compile his charts for the toy categories by listing all merchandise offered for sale based on invoices received between October 1 and December 10, 1950.

In addition, the accompanying amendment to Ceiling Price Regulation 7 allows a retailer to handle each "classification" in Category 908 and Category 919 as a separate category. It has been brought to the attention of the Office of Price Stabilization that many retailers use markups for some of the classifications in Categories 908 and 919 that differ considerably from the markup of the entire category. Accordingly, the Director of Price Stabilization has allowed retail establishments to use this modified method of chart preparation for these categories.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Section 3 (a) (2) is amended by substituting for the phrase "Categories 101 through 895" the phrase "Categories 101 through 607; 610 through 620; 701 through 895;"

2. Section 3 (a) (3) is amended by changing the comma at the end thereof to a semicolon and by adding thereto the following: "1050 through 1070,"

3. Section 5 (a) is amended by inserting after the "(a)," following the section heading, the subparagraph designation "(1)" and by adding a new subparagraph (2) to read as follows:

(2) Whenever new categories are added to this regulation after June 30, 1951, you may begin to use the applicable pricing rules after you file your chart, but you must begin to use the applicable pricing rules not later than 3 months after the effective date of the amendment which adds the new categories (unless you are a mail order establishment subject to paragraph (b) of this section).

4. Section 11 is amended by adding new paragraphs (d) and (e) to read as follows:

(d) If you are a seller who has already filed a pricing chart, and by the addition of categories to this regulation you are required to file a chart for the new categories, you must prepare two copies of a supplemental chart for the new categories in accordance with this regulation, numbering the pages as if they followed the last page of the chart already filed. One copy of the supplemental chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office[2] within 3 months after the effective date of the amendment which adds the categories.[2a]

(e) If by the addition of categories to this regulation you are for the first time a seller subject to this regulation, you must prepare two copies of a list date pricing chart for all categories in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office[2] within 3 months after the effective date of the amendment which adds the categories.[2a]

5. A new footnote 2a is added to read as follows:

[2a] For Categories 1050 through 1070 a special method for preparing charts and determining what articles were offered on the list date is provided in section 7 of Supplementary Regulation 2.

6. Section 12 is amended by inserting the paragraph designation "(a)" after the section heading and adding a new paragraph (b) to read as follows:

(b) If by the addition of new categories after June 30, 1951, you become subject to the regulation as to any categories, you may not offer, sell or deliver any article covered by any categories for which you are required to or elect to file a chart unless you file that chart within 3 months after the effective date of the amendment which adds the categories. On and after 30 days from the last date for filing that chart you may not offer, sell, or deliver any article in the categories covered by that chart unless you have received from the OPS an acknowledgment of the filing of that chart.

7. Section 13 (b) is amended to read as follows:

(b) *Your list date or list dates.* Your list date is February 24, 1951, except:

(1) It is March 31, 1951 for Categories 860 to 895; 901 to 924; and 940 to 985, or for all categories (other than Categories 610 through 620 and 1050 through 1070) if you first became subject to or first elected to become subject to the regulation between April 10, 1951 and June 30, 1951;

(2) It is June 23, 1951 for Categories 610 through 620 or for all categories (except Categories 1050 through 1070) if you first become subject to or first elect to become subject to the regulation on or after June 30, 1951.

(3) It is December 10, 1950 for Categories 1050 through 1070.[2a]

In the event you were not open for business on the appropriate list date, except where your list date is December 10, 1950, your list date is the most recent date in 1951 before that date on which you were open for business and offered for sale any article covered by the regulation.

8. Section 15 is amended by adding the following paragraph at the end thereof:

For the purpose of listing categories, you may list as a separate category or amend your chart to list as a separate category each of the separate descriptive classifications in Categories 908 and 919 (for example, 908-4—Cleaning Supplies; 919-2—Closet Shop Accessories). If you treat any descriptive classification in Category 908 or in Category 919 as a separate category, you must so treat each classification within the category.

9. Section 22 (a) is amended by inserting after the heading "Amendment by seller" the subparagraph designation "(1)" and by adding a new subparagraph (2) to read as follows:

(2) Whenever under a provision of Ceiling Price Regulation 7 added to this regulation after May 30, 1951, you are required or permitted to amend your chart, you must file the amendment to your chart with your OPS office on or before the thirtieth day following the effective date of that provision. You must attach to the amendment a statement which will designate under what provision you are filing.

Example of statement. This amendment is filed pursuant to Amendment 8 to Ceiling Price Regulation 7, effective June 30, 1951. This amendment allows retailers to handle each classification in Category 908 and Category 919 as a separate category.

You must, when you amend your chart, pursuant to this subparagraph, use the amendment to your chart in fixing ceiling prices after the date you file the amendment to your chart. You may not offer, sell, or deliver any article covered by the amendment to your chart after thirty days from the date you file your amendment unless you have received an acknowledgment from your OPS office of receipt of the amendment.

10. Section 39 (c) is amended by substituting for the date "February 24, 1951" the phrase "your list date."

11. Section 51 is amended by adding after the introductory sentence the following new sentence:

If, however, you become subject to the regulation after June 30, 1951, as to particular categories, you may not offer or sell any article in those categories after the last date for filing your chart, unless it is marked or tagged in accordance with this section.

12. Section 52 (a) (2) is amended by substituting for the phrase "not later than May 30" the phrase: "not later than the date you are required to begin using the pricing rules under section 5 (a) of this regulation;"

13. Section 52 (b) (1) is amended by substituting for the phrase "On and after February 27, 1951" the phrase "On and after the effective date of the regulation or any amendment applicable to you."

14. Section 52 (b) (2) is amended by substituting for the phrase "on or after February 27, 1951" the phrase "on or after the effective date of the regulation or any amendment applicable to you."

15. Appendix B is amended as follows:

a. The title to paragraph (B) following the text for Category 410 is amended to read as follows:

(B) *Categories of Household Textile Commodities, Drapery Hardware, Certain Yard Goods, Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.*

b. A new subparagraph (3) and new Categories 610, 615, and 620 are added to paragraph (B) following the text of Category 607 to read as follows:

(3) Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.

Category 610—Hand Knitting Yarn and Crochet Thread.

Category 615—Laces and Trimmings.

Examples of articles included are:
- Laces up to 35" wide (See Category 606 for width 35" or over).
- Val lace.
- Venice lace.
- Irish crochet.
- Alencon.
- Frogs, fringes, braids, edgings.
- Plumes and feather trimmings.
- Veils and veiling.
- Fur fabric trimming.

Category 620—Ribbons.

The articles included are ribbons of all materials and all widths.

c. The text of Category 908—General Housewares—is amended to read as follows:

The following 20 classifications of housewares are all covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 908-4-Cleaning Supplies.

d. The headnote and text of Category 919—General Notions—is amended to read as follows:

The following 14 classifications of notions are covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 919-2—Closet Shop Accessories.

e. Following the text of Category 1030, add a paragraph (E) and new Categories 1050 through 1070 to read as follows:

(E) *Toys, Games, and Christmas Decorations.*

Category 1050—Dolls.

Examples of articles included are:
- Dolls.
- Doll accessories.
- Stuffed toys.

Category 1051—Toy Miniature Movie Projectors and Toy Cameras.

Examples of articles included are:
- Toy slides.
- Toy movie projectors.
- Films for toy projectors.
- Toy cameras.

Category 1052—Box Goods.

Examples of articles included are:
- Games.
- Kindergarten materials.
- Paint sets.
- Crayons.
- Coloring books.
- Cut outs.
- Clay.
- Blocks.

Category 1053—Toy Phonographs, Toy Musical Instruments, and Musical Toys.

Examples of articles included are:
- Toy phonographs.
- Toy drums.
- Toy horns.
- Musical tops.
- Musical toys.

Category 1054—Electric Trains and Accessories.

Category 1055—Construction Toys and Scientific Toys.

Examples of articles included are:
- Chemical sets.
- Scientific toys.
- Construction toys.

Category 1056—Toy Guns and Related Items.

Examples of articles included are:
- Toy guns.
- Toy pistols.
- Toy holsters.

Category 1057—Masks and Masquerade Outfits.

This category does not include costumes described in Category 113.

Category 1058—Plastic and Rubber Toys.

This category includes plastic and rubber toys and all kinds of infants' novelty toys, other than those you listed under Category 310 on your chart.

Category 1059—Large Juvenile Toys.

Examples of articles included are:
- Pool tables.
- Blackboards.
- Hobby horses.
- Shoofflies.

Category 1060—Wheel Toys and Sleds.

This category does not include bicycles which are covered in Category 923.

Examples of articles included are:
- Doll carriages.
- Velocipedes.
- Tricycles.
- Wagons.
- Scooters.
- Autos.
- Hand cars.
- Sleds.

Category 1061—Wood and Hobby Toys.

Examples of articles included are:
- Pre-school toys.
- Pull toys.
- Doll houses.
- Doll house furniture.
- Aeroplane kits.
- Kites.

Category 1062—Small Metal Toys.

Examples of articles included are:
- Mechanical toys.
- Mechanical trains and accessories (non-electric).
- Metal doll houses.
- Service stations.
- Cast iron toys.

Category 1063—Athletic Toys.

Category 1064—Toy Housewares.

Examples of articles included are:
- Toy laundry.
- Toy cleaning equipment.
- Toy cooking and tableware items.

Category 1070—Christmas Home Decorations.

Examples of articles included are:
- Tree ornaments.
- Lights (electric).
- Stands.

15. Appendix E is amended in the following respects:

a. Insert the following between the lines for Categories 607 and 701:

Category you are pricing	*Percentage markup on cost*
610	69
615	69
620	69

b. Add following the lines for Category 1030 the following:

Category you are pricing	*Percentage markup on cost*
1050	69
1051	72
1052	69

Category you are pricing	Percentage markup on cost
1053	69
1054	69
1055	72
1056	69
1057	66
1058	69
1059	78
1060	78
1061	78
1062	75
1063	75
1064	69
1070	81

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 30th day of June 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7643; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 9]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

ACKNOWLEDGMENTS, IN-LINE MARKUPS AND MISCELLANEOUS ADDITIONS TO APPENDICES

Pursuant to the Defense Production Act of 1950 (64 Stat. 812), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 9 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment changes from June 30, 1951 to July 31, 1951, the date until which retailers may continue to offer, sell, or deliver any article covered by this regulation without receipt of an acknowledgment from the Office of Price Stabilization for the filing of price charts pursuant to Ceiling Price Regulation 7. The tremendous number of charts filed by retailers pursuant to this regulation at a time when the staff of Office of Price Stabilization is still undermanned has made it necessary to extend the time for this office to acknowledge the filing of these charts.

Section 39 of the regulation provides a method of determining ceiling prices for sellers who cannot price under other sections of the regulation. It has come to the attention of the Office of Price Stabilization that certain classes of retailers which determine ceiling prices pursuant to section 39 normally operate on markups lower than those set forth in Appendix E; hence, in order to permit OPS to require such sellers to continue to operate on markups lower than those set forth in Appendix E, it is necessary to amend section 39 so that the OPS may establish for such sellers markups in line with the markups for sellers of the same class.

Appendices C, D, E, and F have been expanded to include Categories 211A, 510, 1009A, 1010A, and 1011A which were included in Appendix B of the original Ceiling Price Regulation 7. The data for inclusion of these categories in the aforementioned appendices were incomplete at the time of issuance of the original regulation. With the compilation of the necessary data, these categories are now added to the appendices.

This amendment also makes certain corrections and clarifications and minor changes in the text of Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

1. Section 12 is amended by changing the date "June 30, 1951" as it appears in the second sentence thereof, to "July 31, 1951."

2. In section 39 (a) (1) delete the first clause reading as follows: "If you have never priced an article under this section," and change the following word "you" to "You."

3. A new subparagraph (3) is added to section 39 (a) to read as follows:

(3) *Reduction of Appendix E markups.* If you use Appendix E markups, your OPS office may, by order, reduce your markups to bring your markups into line with markups for sellers of the same class.

4. In Appendix C, following Categories 509, 1009, 1010 and 1011, insert Categories 510, 1009A, 1010A, and 1011A, respectively, and their comparable categories. The appropriate comparable categories for the newly inserted categories are listed below:

Categories you are pricing	Comparable categories		
	First	Second	Third
510	509		
1009A	1011		
1010A	1011	1010	1008
1011A	1012	1013	1021

5. Appendix D is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

211A—26.9, 40.2, 43.4, 46.7, 50.0, 53.3, 56.5, 59.8, 63.1, 66.4, 69.6, 72.9, 76.2, 79.4, 82.7, 86.0, 89.3, 92.5, 95.8, 99.1, 102.4, 105.6, 108.9.

b. Insert between the lines for Categories 1009 and 1010, the following:

1009A—33.8, 37.5, 41.2, 44.9, 48.6, 52.3, 56.0, 59.7, 63.4, 67.1, 70.8, 74.5, 78.2, 81.9, 85.6, 88.7, 92.4, 96.1, 99.8, 103.5, 107.2, 110.9, 114.6, 118.3, 122.0.

c. Insert between the lines for Categories 1010 and 1011, the following:

1010A—31.7, 35.2, 38.7, 42.1, 45.5, 48.9, 52.4, 55.8, 59.2, 62.7, 66.1, 69.5, 73.0, 76.4, 79.8, 83.3, 86.7, 90.1, 93.6, 97.0, 100.4, 103.9, 107.3, 110.8, 114.2.

d. Insert between the lines for Categories 1011 and 1012, the following:

1011A—30.4, 33.8, 37.2, 40.6, 44.0, 47.4, 50.8, 51.2, 54.6, 58.0, 62.4, 65.8, 69.2, 73.6, 78.0, 78.4, 82.8, 86.2, 89.6, 93.0, 96.4, 99.8, 103.2, 106.6, 110.0.

6. Appendix E is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

"211A—69.5"

b. Insert between the lines for Categories 1009 and 1010 the following:

"1009A—75.0"

c. Insert between the lines for Categories 1010 and 1011, the following:

"1010A—70.2"

7. Appendix F is amended in the following respects:

a. Insert between the lines for Categories 211 and 212, the following:

"211A—1.092"

b. Insert between the lines for Categories 1009 and 1010, the following:

"1009A—1.064"

c. Insert between the lines for Categories 1010 and 1011, the following:

"1010A—1.004"

d. Insert between the lines for Categories 1011 and 1012, the following:

"1011A—.974"

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 30th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7644; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 4 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

ALTERNATIVE METHOD OF CHART PREPARATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 4 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies the method of chart preparation as to chains of stores which centrally determine uniform prices for articles added to the coverage of Ceiling Price Regulation 7 by an amendment to Ceiling Price Regulation 7 issued simultaneously herewith. This amendment to Supplementary Regulation 1 is required in order to permit certain chain stores to consider as offered for sale on the "list date" these additional articles which they charged to their outlets within specified periods of time.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

The first sentence in paragraph (b) of section 2 is amended to read as follows:

(b) *Alternative method of chart preparation.* A group of outlets of a chain which elects to do so may prepare list date pricing charts for its uniformly priced categories as if its members were offering for sale on the list date each different article, style, model, or lot number covered by Ceiling Price Regulation 7 which it charged to them:

(1) Between December 1, 1950 and February 27, 1951 (where the list date is February 24, 1951);

(2) Between January 1, 1951 and March 31, 1951 (where the list date is March 31, 1951);

(3) Between March 1, 1951 and May 31, 1951 (where the list date is May 31, 1951);

(4) Between October 1, 1950 and December 10, 1950 (where the list date is December 10, 1950).

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 30, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7646; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 7, Amendment 5 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (64 Stat. 812), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 5 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes from June 30, 1951 to July 31, 1951 the date after which the purchase offices of chain stores are prohibited from stating on their invoices to retail outlets a net price for any article exceeding "net costs" without first receiving an acknowledgment of the filing of a statement of customary service charges pursuant to section 6 of this supplementary regulation. This amendment reflects a concurrent action in an amendment to Ceiling Price Regulation 7 which changes from June 30, 1950 to July 31, 1950 the date beyond which no seller may offer, sell, or deliver any article covered by the regulation unless he has received an acknowledgment of his pricing chart.

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

AMENDATORY PROVISIONS

1. Section 6 (c) (3) is amended by changing the date "June 30, 1951" to "July 31, 1951."

2. Section 6 (d) is amended by changing the date "June 30, 1951" to "July 31, 1951."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 30th day of June 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7647; Filed, June 29, 1951; 11:22 a. m.]

[Ceiling Price Regulation 7, Amendment 2 to Supplementary Regulation 2]

CPR 7—RETAIL CEILING PRICES FOR CONSUMER GOODS

SR 2—ALTERNATIVE AND SPECIAL METHODS FOR PREPARING LIST DATE PRICING CHARTS AND PRICING

TOYS, ATHLETIC TOYS, GAMES AND CHRISTMAS DECORATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment 2 to Supplementary Regulation 2 of Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment reflects action taken in an amendment to Ceiling Price Regulation 7 issued simultaneously herewith. The grounds for changes in chart preparation required by this amendment for toys, games, and Christmas decorations are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 2 to Ceiling Price Regulation 7 is amended in the following respects:

1. The caption of Ceiling Price Regulation 7, Supplementary Regulation 2, is amended to read as set forth above (Alternative and Special Methods for Preparing List Date Pricing Charts and Pricing).

2. Following the text of section 6, add the following new section 7.

SEC. 7. *Special method for preparing charts for Categories 1050 through 1070.* If you prepare a chart for Categories 1050 through 1070, and price under Ceiling Price Regulation 7, you must apply all the provisions of Ceiling Price Regulation 7 (other than Sections 16 (a) and 17 (a)), except:

(a) You must prepare your list date pricing chart for Categories 1050 through 1070 as if you were offering for sale on the list date (December 10, 1950) each different article, style, model or lot number covered by these categories for which you received an invoice in the period October 1 through December 10, 1950.

(b) In Column 2 of your chart, you list each different "net cost" shown on the invoice last received in the period October 1 through December 10, 1950 at which you bought any article in that category in that period. In order that markups on your chart may as nearly as possible reflect your normal markups, if your last invoice was received after November 15, 1950 and your offering price after receipt of that invoice was unchanged from the initial offering price based on the next to the last invoice which you had received for that article, you may list the net cost on the next to the last invoice. "Net cost" is defined in section 31 of Ceiling Price Regulation 7.

(c) In Column 3, opposite each cost listed in Column 2, list as offering prices each different price at which you offered any article in that category, having that net cost. You list as the "price at which you offered" an article the initial offering price of the article based on the last invoice you received for the article in the period October 1 through December 10, 1950.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 30, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7645; Filed, June 29, 1951; 11:21 a. m.]

[Ceiling Price Regulation 22, Amendment 13]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXEMPTION OF FISH AND RELATED COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

There has been some confusion in the trade as to when fish is and is not considered a manufactured product for purposes of CPR 22. Consequently, many in the fish industry have not been able to determine definitely whether or not their ceiling prices are to be calculated under CPR 22. To clarify matters, Appendix A is here amended to state specifically what types of fish and related commodities are excluded from coverage. It is now clearly stated that all fish, shellfish, seafood, and all products thereof are excluded from CPR 22, except fish,

shellfish, seafood, or products thereof which have been sterilized in hermetically sealed containers. Canned salmon, however, is excluded at this time from coverage by CPR 22 because a tailored regulation covering this product will be issued in the near future.

AMENDATORY PROVISIONS

Subparagraph (24) is added to paragraph (c) of Appendix A to read as follows:

(24) All salmon and salmon products, in any form; and all other fish, shellfish, seafood, and the products thereof, except when sterilized in hermetically sealed containers.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7650; Filed, June 29, 1951; 4:00 p. m.]

[Ceiling Price Regulation 24, Amendment 3]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this amendment 3 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 24 makes several substantive changes as well as certain clarifications of a minor nature.

(1) When the ceiling price for imported cured boneless processing beef was originally established in Amendment 2 to CPR 24, the authorization to take the wholesaler's addition was inadvertently omitted. Accordingly, this amendment authorizes wholesalers to add the wholesaler's mark-up on sales of imported cured boneless processing beef.

(2) Historically, packers have not sold substantial quantities of fabricated beef cuts to hotel supply houses or combination distributors. Ordinarily, these hotel and restaurant suppliers purchased sides, quarters, and wholesale cuts of beef and performed the fabrication work themselves. However, the industry advisory group representing this segment of the industry recommended that hotel and restaurant suppliers be authorized to sell fabricated cuts to each other, and for that reason CPR 24 permitted the interchange among all sellers of both wholesale cuts and fabricated cuts.

After CPR 24 became effective, some hotel supply houses found it difficult to purchase the larger, unfabricated cuts since their suppliers found it more profitable to sell them fabricated cuts. This had the effect of raising the price which hotel supply houses and combination distributors had to pay for their beef. To restore normal business practices and to prevent evasions of this regulation, this amendment prohibits the sale of fabricated cuts by a packer or packer branch house to anyone other than purveyors of meals, ship suppliers, and peddler truck operators.

Peddler truck operators have normally bought and resold some fabricated beef cuts to small purveyors of meals. When CPR 24 was originally issued, no provision was made authorizing the sale of fabricated beef cuts to peddlers. This amendment permits the resumption of this customary trade practice, defines the method of determining the ceiling prices for sales to peddlers, and sets up a schedule of ceiling prices for sales of fabricated beef cuts by peddler truck operators. If packers and wholesalers do not have to incur the expense of selling fabricated cuts directly to purveyors of meals, they can effect a substantial saving in their operating expense. Therefore, this amendment provides that the ceiling prices for sales of fabricated cuts to peddlers will be 3 percent below the ceiling prices on sales of fabricated cuts by packers and wholesalers to purveyors of meals. The peddler truck operators will be permitted to sell fabricated cuts at the ceilings fixed for sales by combination distributors, and, consequently, they will have a 6 percent margin on this type of sale. This is in line with the margin normally enjoyed by this segment of the industry.

(3) The Department of Defense has asked that a ceiling price be established for tenderloins meeting military specifications. Accordingly, a new price for tenderloins meeting military specifications is established in Schedule III (sec. 22).

(4) CPR 24 originally allowed an addition of $1.50 per cwt. on kosher forequarters derived from cattle slaughtered in Zone 4a. This allowance was to compensate for the tissue shrink incurred in bringing live cattle to Zone 4a slaughter plants from midwest markets. No addition for kosher boneless processing beef derived from this cattle was permitted because a considerable quantity of the lower grade cattle suitable for the production of processing beef was available in Zone 4a. However, it has been ascertained that a substantial number is also normally brought from the midwest. Therefore, it is necessary to provide an addition on kosher boneless beef to compensate for the transit shrink on that portion of the cattle slaughtered in Zone 4a which are brought in from the midwest. Accordingly, an addition of $1.00 per cwt. is authorized on kosher processing beef derived from cattle slaughtered in Zone 4a.

(5) This amendment corrects a typographical error in the ceiling price for non-kosher brains, and makes changes in the ceiling prices for kosher hanging tenders, kosher lungs, and kosher melts in accordance with the recommendations of industry members.

(6) This amendment sets up three distinct grades of beef tongues in line with the customary practice in the trade. CPR 24 fixed only one price for beef tongues because it was felt that sellers would recognize the normal differential which traditionally existed in the trade and that they would discount the lower grades of tongues. However, since CPR 24 was issued, practically all tongues have sold at the ceiling price for top grade tongues. Consequently, this amendment defines the three different types of beef tongues in accordance with the standards which were in general use in the industry and prescribes the ceiling prices for each of the three types.

(7) Some confusion has arisen concerning the applicability of the zone differential for variety meats in Zones 2 and 2a, since in most instances it is impracticable to determine the grade of cattle from which the particular type of variety meat was obtained. This amendment specifically provides that the zone differential for variety meats will be the same as for prime and choice beef.

(8) The definition of wholesaler in the regulation excluded those affiliated with slaughtering plants. It has come to the attention of the Director of Price Stabilization that this denial of the wholesaler's addition to all slaughterer affiliates has caused considerable hardship and threatens the existence of many customary wholesaler operations. The fact of affiliation alone does not necessarily produce economies and differences in methods of operation sufficient to justify the denial of a wholesaler's margin. A more significant basis for determining the need for a wholesaler's mark-up is the source of supply from which the affiliated operator obtains his beef. For example, if a person sells only non-kosher products purchased from others, it seems reasonable that he should be classified as a wholesaler even though he is affiliated with a slaughterer handling only kosher products. Although in this and other cases, an affiliated wholesaler may have customarily procured a substantial part of his meat from sources other than the slaughtering affiliate, CPR 24 as originally issued prevented him from securing any portion of the wholesaler's addition.

After careful consideration of the problem, the Director finds that those persons who customarily purchased a substantial percentage of their total supplies for resale from independent nonaffiliated sources should be entitled to receive the wholesaler's addition on the supplies customarily and currently received from independent sources. This amendment therefore grants to those businesses, which could not qualify as wholesalers solely because of affiliation with slaughtering plants, an addition on their purchases of beef for resale from independent sources.

In order to prevent circumvention by means of cross sales between two or more unaffiliated slaughterers, the regulation precludes the use of the wholesaler's mark-up where the seller makes any sales of carcasses or wholesale cuts to a slaughterer or a person affiliated with a slaughterer. Those sellers who obtain part of their supply from affiliated sources and part from unaffiliated sources will be entitled to add the regular mark-up on that portion of their supply derived from unaffiliated sources so long as the beef items are readily distinguishable from those products derived from affiliated sources. To preserve historic patterns, provision is made that this addition cannot be taken on a greater volume than the volume purchased for resale in the last quarter of 1950 from independent sources. As an added measure of precaution, these sellers will be required to submit quarterly reports to the Regional Office showing the total quantity of beef purchased from unaffiliated sources as well as the total quantity of such beef products on which the wholesaler's mark-up was charged.

Whenever a wholesaler who has slaughtering affiliations sells beef procured from unaffiliated sources, he must indicate separately on each invoice of sale the name of the unaffiliated supplier from whom the meat was obtained.

Also, this amendment corrects the wholesaler's addition with respect to sales of variety meats to purveyors of meals. It was not intended that the addition apply on these sales since the variety meat schedule already contains a special price to purveyors of meals for all sellers including adequate compensation for wholesalers. CPR 24 is corrected, therefore, to eliminate the addition on these sales.

(9) The allowance of 35 cents per cwt. for wrapping beef carcasses and wholesale cuts was intended to cover the cost of wrapping beef in a combination krinkle kraft paper and stockinette covering. Many sellers have added the 35 cents per cwt. wrapping charge even though they merely covered the meat with a piece of plain wrapping paper which costs only a few cents. In order to effectuate the intention of the regulation, this amendment specifically defines the type of wrapping for which the addition may be charged.

(10) Since the issuance of CPR 24, many complaints have been received about the shipping container allowances in section 45. Historically, very few wholesale cuts were actually shipped in returnable containers or sacks. Immediately after the issuance of the regulation, wholesalers and others were unable to buy wholesale cuts, etc. without paying for the returnable containers or sacks. This amendment therefore eliminates the additions for returnable containers and sacks and thereby restores normal industry practices.

(11) A combination distributor was originally defined in CPR 24 as a seller who during 1950 sold at least 25 percent of its volume to purveyors of meals. No distinction was made between affiliated and unaffiliated combination distributors. It was reported that some packer branch houses could qualify as combination distributors and thereby derive an extra $2.00 per cwt. on all sales of primal cuts to retailers as well as to purveyors of meals. This would have given the packers who had this type of branch house a decided advantage over packers who did not operate in this manner. In order to eliminate this unfair advantage, the regulation was amended to provide that sellers who were affiliated with packers could qualify as combination distributors only if they had sold at least 70 percent of their 1950 volume to purveyors of meals.

Under the amended regulation, some of the packer-owned selling establishments qualified as combination distributors. These distributors continued their sales to retailers and obtained the $2.00 mark-up. Prior to CPR 24, these sellers had customarily purchased ribs and loins for sale to the hotel and restaurant trade, but under the regulation these sellers began to purchase quarters and sides of beef for sale to the retail trade and to take over part of the functions of the packer branch houses in order to obtain the higher mark-up. If this practice were to continue, it would be possible for the packers who owned these establishments to channel a substantial portion of their beef through these affiliates and thereby derive an extra $2.00 per cwt. on their sales to retailers. Moreover, while the amended regulation eliminated certain packer branch houses from the category of combination distributors, it had the effect of disqualifying certain selling establishments which were customarily combination distributors.

Accordingly, the term "combination distributor" is redefined as a selling establishment which during 1950 sold at least 25 percent of its volume to purveyors of meals, and no distinction is made as between affiliated and unaffiliated establishments. However, the combination distributors are separated into two classes for pricing purposes. The unaffiliated combination distributor is permitted to add the $2.00 per cwt. to the prices in sections 20 and 22 on sales to all buyers of primal cuts and boneless cuts, while the affiliated combination distributor is permitted to add the $2.00 only when the cuts priced in sections 20 and 22 are sold to purveyors of meals.

(12) This amendment redefines "wholesaler" to permit a person who has made a substantial investment in a plant or in equipment prior to February 9, 1951, but who had not commenced operations prior to that date, to apply for classification as a wholesaler.

(13) The definition of Zone 1 is amended to exclude the municipality of St. Louis and the County of St. Louis. This puts the City of St. Louis in Zone 4 as was originally intended.

CONCLUSION

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives as far as practicable and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability. To the extent that this amendment compels changes in business practices, such changes are necessary to prevent circumvention or evasion of this regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 4 (b) (2), as amended, is amended by eliminating the period at the end thereof and adding the following: "except the wholesaler's addition in section 42 of this regulation."

2. Section 21 is amended as follows:

a. Section 21 (b) is amended by deleting the first sentence thereof and substituting therefor the following:

(b) For sales of fabricated beef cuts by a peddler truck seller or a combination distributor to purveyors of meals. • • •

b. Section 21 (c) is amended by deleting the first sentence thereof and substituting therefor the following:

(c) For sales of fabricated beef cuts by packing or slaughtering plants, packer branch houses and wholesalers to purveyors of meals and to ship suppliers, and for sales of fabricated beef cuts by wholesalers to hotel supply houses and combination distributors. • • •

c. A new paragraph (d) is added to section 21 to read as follows:

(d) Your ceiling price for sales of fabricated beef cuts to peddler truck sellers shall be 97 percent of the prices listed in paragraph (c) of this section rounded to the nearest ten cents, plus any of the applicable additions and adjustments permitted by paragraph (c).

d. Section 8 (b) (3) is deleted and the following substituted therefor:

(3) Selling or invoicing fabricated beef cuts to buyers other than purveyors of meals, hotel supply houses, combination distributors, ship suppliers or peddler truck sellers.

3. a. Section 22, as amended, is amended by adding within the table captioned "Schedule III" immediately below the line beginning "17. Shank meat" a new line and prices for columns (2) through (8), consecutively, reading as follows:

18. Tenderloins (military specifications) 103.50, 104.20, 104.90, 105.60, 106.30, 107.00, 107.70.

b. Appendix 3 (a), as amended, is amended by adding, immediately following Appendix 3 (a) (17) the following:

(18) *Tenderloins (military specifications)* means tenderloins trimmed according to military specifications, weighing not less than 4 pounds, packaged in 50 pound V 3 S boxes or in 50 to 100 pound wirebound or solid fibre boxes. They shall be packaged in the presence of an official inspector designated by the U. S. Army or Navy or other U. S. Government Agency.

4. Section 23 is amended by adding at the end of footnote 1 to Schedule IV the following sentence:

To the prices designated in columns 2 and 4, you may add $1.00 per cwt. where the beef is derived from cattle slaughtered in Zone 4a.

5. Section 26 is amended as follows:

a. In the line beginning "1. Brains," delete "$7.00" and substitute in lieu thereof "$17.00"; delete "$9.00" and substitute in lieu thereof "$19.00."

b. In the line beginning "3. Hanging tender," delete "62.00" and substitute in lieu thereof "55.00."

c. In the lines beginning "10. Lungs" and "11. Melts," delete "18.00" and substitute in lieu thereof "13.00."

6. a. Section 26 is amended by deleting item "15. Tongues" and the prices provided therefor and substituting the following:

Item	Non-kosher	Kosher	Sales to purveyors of meals
15 (a). Tongues (type No. 1)	37.00	50.00	45.00
15 (b). Tongues (type No. 2)	33.00	45.00	40.00
15 (c). Tongues (type No. 3)	30.00	35.00	33.00

b. Appendix 6 (a) 15 is amended by adding at the end thereof the following paragraphs:

Tongues are divided into the following classifications:

(i) Type No. 1 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat or black skin, having no surface bruise or blood clot and no hair sore cut larger than one inch, or, if it has such hair sore cut, has no side knife cuts.

(ii) Type No. 2 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat, having no surface bruise or blood clot, but not otherwise meeting the definition of Tongue (Type No. 1).

(iii) Type No. 3 tongue means any beef tongue not qualifying as a Type No. 1 or a Type No. 2 tongue.

7. Section 40 (b) and (c) are amended by inserting in each after the phrase "For beef graded prime or choice" the words "and for the beef variety meats and by-products listed in section 26 of this regulation."

8. Section 42 is deleted and the following substituted therefor:

SEC. 42. *Addition 3. Wholesaler's addition.* On the sale of any beef product (not obtained through custom slaughtering):

(a) (1) To retailers, you may add $2.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2) of this regulation, or

(2) To purveyors of meals, you may add $2.25 per cwt. to the prices specified in Schedule I, III, and section 4 (b) (2), or

(3) To another wholesaler, you may add $0.75 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2), or

(4) To other buyers, you may add $1.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2).

You may not add this wholesaler's selling addition unless you are a wholesaler as defined in section 50, and unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(i) Your name.

(ii) The address of your selling establishment.

(iii) The date that you began doing business as a wholesaler.

(iv) The type or types of customers to whom you regularly and customarily sell your product.

(b) *Addition for certain affiliated wholesalers.* (1) If you do not qualify as a wholesaler, only by reason of the fact that you do not meet the requirements of section 50 (u) (2) of this regulation, you may add the appropriate wholesaler's addition on sales of those beef products you buy for resale from unaffiliated sources, *Provided:*

(i) The product is readily distinguishable as having been purchased for resale (i. e., it bears the registration number required by section 3 (f) or 4 (f) of Distribution Regulation 1 or any wrapping or packaging bearing the name or identification of the non-affiliated slaughterer from whom you bought);

(ii) The name of the person from whom you bought for resale is stated on your invoice. (If the item is a wrapped or packaged item, the name of the person whose identification appears on the package or wrapper must be shown.)

(iii) After July 1, 1951, you do not sell any beef carcasses or wholesale cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith;

(iv) You do not, during any calendar quarter beginning on or after July 1, 1951, take the addition on a greater volume, by weight, of beef than you obtained from unaffiliated sources and resold during the last quarter of 1950;

(v) You file with your Regional Office, on or before August 1, 1951, a statement showing the volume by weight of beef you obtained from unaffiliated sources and resold during the last quarter of 1950;

(vi) You file with your Regional Office, on or before October 15, 1951, and on or before the 15th day following the end of each calendar quarter ending on or after December 31, 1951, a statement showing, for the calendar quarter ended prior to the reporting date:

(*a*) The total volume by weight of beef obtained for resale from unaffiliated sources, and

(*b*) The total volume by weight of beef sold on which the wholesaler's addition was charged.

9. Section 44 is deleted and the following is substituted therefor:

SEC. 44. *Addition 5. Wrapping.* If you completely wrap any beef carcass or wholesale cut both in krinkle kraft paper and in a stockinette, you may add to the price specified in Schedule I an amount equal to the cost of such wrapping, but such addition shall not be in excess of 35¢ per cwt.

10. Section 45 is amended by:

a. Deleting the line "All returnable containers $0.50" and the line "Sacks—0.50".

b. Inserting "$" before the numbers "1.80" on the line beginning "5/15 Lbs. Wood."

11. a. Section 50 (g) (2), as amended, is amended by deleting "70 percent" where it appears therein and substituting therefor "25 percent."

b. Section 20 (a) and (b) are amended by deleting (4) under "Special Adjustments" and substituting therefor the following:

(4) If you are a combination distributor not affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above, and if you are a combination distributor affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above on sales to purveyors of meals only.

c. Section 22 is amended by deleting (2) under "Special Additions" and substituting therefor the following:

(2) If you are a combination distributor not affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above, and if you are a combination distributor affiliated with a slaughterer you may add $2.00 per cwt. to the prices listed above on sales to purveyors of meals only.

12. Section 50 (u) (4) is amended by adding at the end thereof the following: "If, however, you have not operated in this manner at any time between January 1, 1950, and April 30, 1951, but you have made a substantial investment in plant or equipment prior to February 9, 1951, you may file an application with the Director of Price Stabilization, Washington, D. C., requesting that you be qualified as a wholesaler. Your application shall state the nature and extent of your investment in plant or equipment and when such investment was made. If the Director finds that you have made such an investment prior to February 9, 1951, he may, by order, qualify you as a wholesaler under the appropriate provision of this section.

13. Appendix 1 (a) is amended by deleting the words "The entire State of Missouri, except St. Louis County"; and substituting therefor the following: "The entire State of Missouri, except the City of St. Louis and St. Louis County."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 5, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7652; Filed, June 29, 1951; 4:14 p. m.]

[Ceiling Price Regulation 50]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

Article II of this regulation establishes specific ceiling prices at retail for kerosene imported in steel drums and sold in the Virgin Islands of The United States.

Kerosene is an important cost-of-living commodity in the Virgin Islands, where it constitutes one of the principal fuels used. It is entirely imported and is shipped in steel drums of 53–54 gallon capacity. The absense of natural gas in these islands has necessitated the use of kerosene for fueling cooking stoves and illuminating lamps in the rural areas. Its importance as a fuel is established by the fact that during the calendar year 1950, over 500,000 gallons were imported.

At the time of issuance of Ceiling Price Regulation 13, which is a cost-plus method of pricing petroleum products, and is applicable to the territories and possessions, it was recognized that it was of a temporary nature, pending the issuance of tailored type regulations to fit the specific needs of the territories. Kerosene is the first petroleum product to be removed from under CPR–13 for the establishment of uniform ceilings at retail.

An analysis of costs and selling prices of this commodity disclosed that the establishment of uniform dollars-and-cents ceiling prices at retail is feasible. Kerosene prices have not increased significantly as a result of the Korean hostilities.

A retail ceiling of 29 cents per gallon has been established for sales of kerosene imported in steel drums and sold in the island of St. Croix, and of 30 cents per gallon in St. Thomas to reflect additional transportation costs and a sales tax. Retailers in St. John have been allowed the customary differential of $0.01 per gallon above the St. Thomas retail level to cover further costs of transportation. The ceiling price represents the same average dollars-and-cents markup over direct cost as that in effect before the Korean hostilites.

Article II of the regulation standardizes the treatment of sellers in the different zones in the Virgin Islands, gives guidance to the consuming public, and provides a simple, more enforceable pricing method than is embodied in Ceiling Price Regulation No. 13.

In the formulation of this regulation special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this regulation incorporate the recommendations of persons representing substantial segments of the trade.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

As far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prevailing prices during the period from May 24, 1950 to June 24, 1950, inclusive, and to relevant factors of applicability.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Evasion.

ARTICLE II—KEROSENE

11. Ceiling prices for sales of kerosene at retail.
12. Records.
13. Posting.
14. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Public Law 774, 81st Congress. Interpret or apply Title IV, Public Law 774, 81st Congress; E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation establishes retail ceiling prices for kerosene sold at retail in the Virgin Islands of the United States.

SEC. 2. *Applicability.* The provisions of this regulation are applicable to the Virgin Islands of the United States.

SEC. 3. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross-sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade undertakings.

ARTICLE II—KEROSENE

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene	Gallon	$0.29	$0.30	$0.31
	Quart	.08	.08	.08
	⅕ quart	.07	.07	.07
	Two ⅕ quarts	.13	.13	.13

SEC. 12. *Records.* Every person selling kerosene at retail shall preserve and keep available for inspection by the Office of Price Stabilization, for a period two years, accurate records of each purchase of kerosene in steel drums made by the seller, the date thereof, the name and address of the wholesaler, the price paid at wholesale, and the quantity purchased.

SEC. 13. *Posting requirements.* On and after the date the sale of kerosene becomes subject to this regulation, every person offering to sell such kerosene at retail shall mark the ceiling price of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling prices shall be posted at the place in the establishment where such kerosene is offered for sale. The ceiling prices shall be indicated in the form:

Ceiling prices:
$____ per gallon.
$____ per quart.
$____ per ⅕ quart.
$____ per two ⅕ quarts.

SEC. 14. *Definitions.* When used in this article the terms:

"Kerosene" means a mixture of hydrocarbons obtained from petroleum and boiling between arbitrary limits of temperature.

"Seller at retail" means any person who sells kerosene to an ultimate consumer.

"One gallon" is equivalent to 128 fluid ounces.

"One quart" is equivalent to 32 fluid ounces.

"One ⅕ quart" is equivalent to 25.6 fluid ounces.

Effective date: This regulation shall become effective July 5, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Report Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7648; Filed, June 29, 1951; 11:22 a. m.]

[Ceiling Price Regulation 51]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for food products sold in Puerto Rico. Article 2 of this regulation establishes ceiling prices for fish sold in Puerto Rico. Section 2.1 of this regulation establishes ceiling prices for sales of salted codfish at all levels of distribution.

Salted codfish is the most important source of protein in the diet of the low-income class of Puerto Rico. In recent years the island's average annual importation of codfish has approximated 33,297,200 pounds. Most of the island's supply of codfish comes from the province of Newfoundland in Canada. Puerto Rico is the most important single market for the codfish of the province of Newfoundland. The island purchases are about 20 percent of the total production of Newfoundland. Importations from Newfoundland represent about 95 percent of total importations of codfish. Other sources of supply have been Norway, St. Pierre de Miquelon and Faeroes Islands.

Codfish has been under price control since 1942 when the first regulation of the OPA was issued. At the expiration of Federal Price Control after World War II, the General Supplies Administration of Puerto Rico continued price control of codfish. The General Ceiling Price Regulation established the prices of codfish under the Office of Price Stabilization. On March 7, 1951, this regulation was superseded by CPR–9. The pricing technique of CPR–9

eliminated the uniform dollars-and-cents ceiling prices of codfish established under the previous Federal and Insular price regulations. In the codfish trade there are bound to be large numbers of sellers with varying dollars-and-cents markups. Enforcement becomes difficult because the purchaser does not know whether he is being overcharged unless an investigation is made of the markups of the seller. This regulation returns a commodity highly demanded by the low-income class of the island to specific ceiling prices.

Two basic types of salted codfish are customarily imported into Puerto Rico, namely: "Shore" and "Labrador". There has been a price differential in these types. Importers' selling price differential has ranged from a pre-Korean (February to June, 1950) average of 89 cents per hundredweight to $1.90 in April, 1951. Regardless of the price differential at the importers' level, both types of salted codfish have been sold generally at one price at the retail level. It has been a practice in the trade at the import and wholesale level, in sales to one purchaser of both types of codfish, to sell at one averaged price. Following this practice, the regulation fixes one price for both types of codfish at the different levels of distribution. Different ceilings for each type would create difficulties in enforcing the regulation.

The prices in this regulation are designed to maintain a generally fair and equitable margin for all sellers of salted codfish in relation to the margin existing before the Korean conflict. An analysis of historical prices and markups relationship indicates that the ceilings fixed are generally in line with the pre-Korean prices and markups.

A special provision is established in the regulation requiring all sellers of codfish, except at retail level, to supply the purchaser with a statement of the ceiling prices fixed by this regulation at time of each delivery. The regulation also requires that retailers post the ceiling price of salted codfish in a manner plainly visible to the purchasing public. These requirements will aid in the enforcement of the regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this section of the regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950. The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE 1—GENERAL PROVISIONS

Sec.
1.1 What this regulation does.
1.2 Applicability
1.3 Compliance required.
1.4 Evasion.
1.5 Posting and notification to retailers.
1.6 Sales slips and receipts.
1.7 Records.
1.8 Enforcement.
1.9 Petitions for amendment.
1.10 More or less than unit specified.
1.11 Definitions.

ARTICLE 2—FISH

2.1 Salted codfish.

AUTHORITY: Sections 1.1 to 2.1 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R., 1950 Supp.

ARTICLE 1—GENERAL PROVISIONS

SECTION 1.1 *What this regulation does.* This regulation establishes ceiling prices for certain articles of food at various levels of distribution. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

SEC. 1.2 *Applicability.* The provisions of this regulation shall apply only to the Territory of Puerto Rico.

SEC. 1.3 *Compliance with this regulation required*—(a) *Prohibition against selling or delivery of commodities listed at prices above the ceiling.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any commodity covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section.

(b) *Less than ceiling prices.* Prices lower than the ceiling prices may be charged, demanded, paid or offered.

SEC. 1.4 *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of included commodities alone or in conjunction with any other commodity, or by way of any commission, service, transportation or any other charge, or discount, premium or other privileges or by tie-in agreement or other trade understanding, or by a change in the quality of the product or otherwise, except when such change in quality takes place in compliance with a regulation issued by an agency of the United States or the Government of Puerto Rico.

SEC. 1.5 (a) *Notification to retailers.* On and after the effective date of this regulation every person selling the commodities listed herein, except at retail, shall with each delivery supply the purchaser with a statement of the ceiling prices of the commodities at time of delivery as follows: "The Office of Price Stabilization has established fixed ceiling prices for this commodity at $____ on sales to wholesalers; at $____ on sales at wholesale; and at $____ on sales at retail".

(b) *Posting.* On and after the effective date of this regulation every person offering to sell the listed commodities at retail shall mark the ceiling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling price may be marked on the commodity itself or may be posted at the place in the establishment where the commodity is offered for sale. The ceiling price and selling price shall be indicated in the form of "Ceiling price $____", or "Our ceiling $____", and "Our selling price $____".

SEC. 1.6 *Sales slips and receipts.* Every seller at retail of the commodities listed herein, who has customarily given purchasers sales slips or receipts, shall continue to do so. Upon request from a purchaser, every seller of such commodity, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity and description of the commodity, and the price received for it.

SEC. 1.7 *Records.* If you purchase or sell listed commodities at the wholesale level, in the course of trade or business, you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, complete and accurate records for each purchase and sale. These records must include: (1) The date of the sale or purchase; (2) the name and address of the seller or purchaser; (3) the price paid or received; (4) a description of the commodities sold or purchased; (5) the quantity sold or purchased.

SEC. 1.8 *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided by the Defense Production Act of 1950.

SEC. 1.9 *Petitions for amendment.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 1.10 *Price for more or less than unit specified.* The ceiling price for a quantity of a commodity which constitutes a fraction or multiple of the unit in terms of which a commodity is priced in this regulation, shall be proportionately computed unless otherwise provided hereafter.

SEC. 1.11 *Definitions and explanations.* (a) "Person". This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or its political subdivisions or agencies.

(b) "Records". This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(c) "Sales at retail", and "Retailer". Sale at retail means a sale to an ultimate consumer. A seller who in the regular course of trade or business makes sales at retail is a retailer.

(d) "Sale at wholesale", and "wholesaler". Sale at wholesale means a sale by a person who buys a commodity and resells it to any person other than an ultimate consumer and includes any sale to the United States, or any government, or any of its political subdivisions, any religious, educational or charitable institution for the sick, deaf, blind, disabled, aged, or insane, or any school, hospital, library, commercial or industrial user, or any agent of the foregoing. A seller who in the regular course of trade or business makes sales at wholesale is a wholesaler.

(e) "Sales to wholesalers". This term means a sale by the first distributor or importer of a commodity to a wholesaler.

(f) "You". The program "you", as used in this regulation, indicates the person subject to the regulation.

(g) "Listed commodity". This term means any commodity the ceiling price of which is fixed by this regulation.

ARTICLE 2—FISH

SEC. 2.1 *Salted codfish*—(a) *Definition.* "Salted codfish". This term refers to the varieties of codfish, whether dried or semi-dried, known as: "Shore", commonly called "amarillo"; "Labrador", commonly called "blanco"; and "Pollock", commonly called "pesca".

(b) *Ceiling prices.* Ceiling prices for salted codfish are established as follows:

Salted codfish:
Sales to wholesaler_ $16.30 (Per 100 lbs.)
Sales at wholesale_ $17.20 (Per 100 lbs.)
Sales at retail____ $0.20 (Per lb.)

Effective date: This regulation shall become effective July 5, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7649; Filed, June 29, 1951; 11:22 a. m.]

[General Ceiling Price Regulation, Amendment 2 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF EXPIRATION DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 2 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation would expire, by its own terms, at midnight June 30, 1951. In setting this expiration date it was expected that a permanent regulation would have been prepared and issued on or before that date to replace the present temporary regulation. It was also deemed necessary to conduct surveys of the various segments of the industry covered by the regulation prior to the preparation of a permanent regulation. Although a survey of part of the industry has been completed, the survey of the entire industry is not yet completed. Until this is done, a permanent regulation will not be prepared or issued.

It is deemed necessary therefore that the present regulation be extended for a period of three months to provide adequate time for completion of the industry surveys and the preparation of a permanent regulation, which will undoubtedly involve meetings of the industry advisory committees representing the various segments of the Coke, Coal Chemicals and Coke Oven Gas industry. The amendment extends the expiration date to midnight, September 30, 1951. It also amends section 3 (c) to provide that the producers shall not exceed their 1950 gross margin during the period from February 1, 1951, to September 30, 1951, inclusive.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation as amended, is further amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) Nothing in this supplementary regulation shall authorize or permit a producer to increase his operating margin per ton of raw material carbonized for the period February 1, 1951, to midnight, September 30, 1951, inclusive, above his operating margin during the base period January 1 to December 31, 1950, inclusive.

2. The last paragraph of the regulation is amended to read:

Expiration date. This supplementary regulation and its amendments to the General Ceiling Price Regulation shall expire at midnight, September 30, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment 2 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective June 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7651; Filed, June 29, 1951; 4:00 p. m.]

[Ceiling Price Regulation 53]

CPR 53—LEAD SCRAP MATERIALS, SECONDARY LEAD, AND ANTIMONIAL LEAD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), E. O. 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 53 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for battery lead scrap and other lead scrap materials, secondary lead, and primary and secondary antimonial lead. It also establishes ceiling prices which any person may charge for brokerage services rendered in connection with the sale of scrap battery lead plates.

With the exception of primary antimonial lead, the commodities covered by this regulation constitute the raw materials and products of the secondary lead industry. Primary antimonial lead is a by-product of the smelting of primary lead and has been included in this regulation because it is marketed in the same channels as lead scrap and secondary lead.

The operation by which lead scrap is restored to a form in which the metal can be used is relatively simple, consisting principally of melting and casting in customary shapes. Battery lead scrap, obtained mainly from obsolescent storage batteries, contains both lead and antimony and is processed to produce secondary antimonial lead which is used principally in the manufacture of new storage batteries. Currently, about 80% of the total antimonial lead produced in the United States is secondary material. Other lead scrap materials, comprised of waste generated in industrial operations and of obsolescent products containing lead, are processed into secondary lead of various grades. In all, about half of the total tonnage of lead produced in the United States comes from secondary services.

Under ordinary circumstances, secondary lead (other than antimonial lead) containing not less than 99.85% lead sells at about the same price as primary lead (poorer grades sell at differentials based upon their lower lead content) while the lead scrap materials from which such secondary lead is produced sell at somewhat lower prices with the differentials varying in response to changes in demand. The prices for both primary and secondary antimonial lead ordinarily reflect the value of their lead and antimony content, measured in terms of the prevailing prices for new metal and scrap battery lead plates sell at a price which reflects the current price for secondary antimonial lead less a charge to cover the cost of smelting. Although there was some fluctuation in the price level and price relationships of those commodities in the pre-Korea period, the changes were slight and the pattern described above generally prevailed.

The outbreak of hostilities in Korea and the inauguration of our defens program, however, resulted in price move-

ments which completely upset the normal price relationships of the secondary lead industry. The prices of all secondary lead and lead scrap rose disproportionately to the price of primary metal and during the base period of the General Ceiling Price Regulation (December 19, 1950 to January 25, 1951) some sellers were obtaining 21 cents or more a pound for secondary lead while primary lead was selling generally for 17 cents a pound. The same chaotic conditions existed in the case of antimonial lead with substantial quantities being sold at a price well above the new metal value of the lead and antimony content. The lead scrap market also reflected this confusion with some scrap being sold at prices as high as, or even higher than, the prices for primary lead.

These abnormal price relationships, now reflected in the ceiling prices established by the General Ceiling Price Regulation, have resulted in serious distortion in the normal flow of scrap, in resort to various evasive practices on the part of both buyers and sellers, and in serious hardship to some consumers. These conditions constitute a serious threat to the stabilization program and to the continued output of needed civilian items and materials and equipment essential to our defense program.

The ceiling prices established by this regulation are designed to correct this situation by rolling back the prices for the commodities covered to levels which in general will restore the relationships, on the basis of current ceiling prices for primary metals, which prevailed during periods of active but not abnormal demand. Thus the new ceiling price for secondary lead containing not less than 99.85 percent lead is 17 cents per pound while the ceiling prices for poorer grades reflect their lower value in terms of lead content. The new ceiling prices of 15.25 cents per pound for lead scrap, other than battery lead scrap is considered high enough to encourage collection of such material and yet leave a sufficient margin (1.75 cents per pound) to cover the costs of smelting.

The ceiling prices for antimonial lead have been established on the basis of 17 cents a pound for lead content and 51 cents per pound for antimonial content. The value of 51 cents per pound for antimony is within the range of ceiling prices for this metal under the General Ceiling Price Regulation. The new ceiling price for scrap battery lead plates, the most important grade of battery lead scrap, is 17 cents per pound of combined lead and antimony content less a smelting charge of 2 cents per pound of scrap. This charge was established after consultation with representatives of the industry and in the opinion of the Director it provides an adequate margin for the smelting operations involved. The ceiling price for used storage batteries sold as scrap has been established at a level which will permit profitable operations by persons who buy such batteries and recover the scrap battery lead plates contained therein.

In accordance with industry practice, this regulation establishes ceiling prices for deliveries of secondary lead and antimonial lead, in specified base quantities with additions for deliveries in lesser quantities designed to cover the extra costs involved in handling such smaller lots. Since some consumers ordinarily purchase scrap battery lead plates through brokers, the regulation permits such brokers to charge, under specified conditions, the average commission per pound which they received during the period May 24 to June 24, 1950. Brokers who were not in business during that period are required to apply to the Office of Price Stabilization for the establishment of a commission.

This regulation also permits, for 14 days, deliveries of lead scrap at a price in excess of ceiling prices in order to carry out contracts entered into before issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by or was in transit to the seller. Similarly, the regulation permits, for 28 days and subject to certain conditions, deliveries by smelters of secondary lead and secondary antimonial lead at prices in excess of the ceiling in order to allow such persons to work out their high cost scrap inventories. The periods allowed for contract completion were determined upon after consideration of the relevant factors affecting the movement and marketing of lead scrap and the secondary commodities processed therefrom, and in the opinion of the Director they are adequate to prevent undue loss to sellers because of the ceiling price rollbacks accomplished by this regulation.

It is believed that the ceiling prices established in this regulation will restore the normal price relationships which prevailed in the industry, will remove the factors which have distorted the movement of commodities covered and will alleviate the hardship which some buyers have suffered. In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Prohibitions.
3. Permission to carry out certain contracts.
4. General pricing provisions.
5. Ceiling prices, f. o. b. point of shipment, for battery lead scrap.
6. Ceiling prices, f. o. b. point of shipment, for other lead scrap materials.
7. Ceiling prices, f. o. b. point of shipment, for secondary lead and antimonial lead.
8. Ceiling delivered prices.
9. Definitions.
10. Excise, sales, and similar taxes.
11. Record-keeping requirements.
12. Penalties.
13. Petitions for Amendment.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Commodities and services covered.* This regulation establishes ceiling prices for battery lead scrap, other lead scrap materials, secondary lead, and primary and secondary antimonial lead. It also covers brokerage services rendered in connection with the sale of scrap battery lead plates.

(b) *Persons covered.* This regulation applies to the following persons: (1) Any person who sells battery lead scrap or other lead scrap materials;

(2) Any smelter who sells secondary lead or primary and secondary antimonial lead;

(3) Any person who acts as a broker in connection with the sale of scrap battery lead plates to a smelter;

(4) Any importer or exporter of the commodities covered by this regulation; and

(5) Any person, who in the regular course of trade or business, buys any of the commodities or services covered by this regulation.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in section 3) on and after the effective date of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any of the commodities and services covered by this regulation at a price in excess of the applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in the regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell any of the commodities covered by this regulation on condition (1) that the buyer purchase from any person any product or service, or (2) that the buyer sell to any person any product or service.

No person who buys any commodity covered by this regulation in the regular course of trade or business shall participate in any such tie-in transaction.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the commodities covered by this regulation, either alone or in conjunction with any other commodity, or by way of any commission, service, transportation charge, discount, premium, or privilege, or by up-grading, trade understanding or otherwise.

SEC. 3. *Permission to carry out certain contracts.* (a) Regardless of any other provisions of this regulation, until July 13, 1951, any person other than a smelter may deliver battery lead scrap and other lead scrap materials at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 29, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before June 29, 1951, it was received by, or was in transit to, the person making delivery.

(b) Regardless of any other provision of this regulation, until July 27, 1951, any smelter may deliver secondary lead or secondary antimonial lead at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 29, 1951; *Provided*, That:

(1) Before June 29, 1951, the smelter bought or contracted to buy, lead scrap materials at prices in excess of the ceiling prices established herein and such scrap materials were received by, or were in transit to, the smelter before July 13, 1951; and

(2) The quantity of secondary lead or secondary antimonial lead delivered by the smelter after June 28, 1951, pursuant to the provisions of this paragraph (b) does not exceed the recoverable metallic content of the lead scrap materials which were secured by, or were in transit to the smelter, before July 13, 1951, and for which the smelter paid prices in excess of the ceiling prices established in this regulation.

SEC. 4. *General pricing provisions*—(a) *Pricing basis.* Sections 5, 6, and 7 set forth ceiling prices for the commodities covered by this regulation. These ceiling prices apply f. o. b. point of shipment, but the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the ceiling delivered prices set forth in section 8.

(b) *Sales on a "where is" basis.* When any commodity covered by this regulation is sold on a "where is" basis, the applicable ceiling price in sections 5, 6, or 7 must be reduced by an amount no less than the cost to the buyer of loading such commodity on the conveyance in which it is transported to the buyer's receiving point.

(c) *Mixed shipments.* When two or more of the commodities covered by this regulation having different ceiling prices are shipped in one vehicle, the ceiling price for the entire shipment is the lowest ceiling price applicable to any commodity contained therein unless each commodity is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

(d) *Determination of ceiling price on the basis of quantity.* Sections 5 and 7 set forth different ceiling prices for different quantities of material. The ceiling price applicable to a particular sale shall be determined on the basis of the total quantity of the commodity delivered by the seller within a period of three calendar days (excluding Saturdays, Sundays, and holidays) from one or more points of shipment to (1) a public carrier for transportation to the buyer's receiving point, (2) to the buyer at his receiving point in a conveyance owned controlled by the buyer. The amount of material delivered during any calendar day may be counted only once in determining the applicable ceiling price.

In determining the ceiling price applicable to a delivery or series of deliveries only the weight of the commodity involved shall be counted, and the weight of containers, dunnage, and other tare shall be disregarded.

SEC. 5. *Ceiling price, f. o. b. point of shipment, for battery lead scrap.* (a) The ceiling price, f. o. b. point of shipment, for battery lead scrap is the applicable price set forth in Table A below. Special provisions for the payment of brokerage commissions in connection with certain transactions are set forth in paragraph (b) of this section.

TABLE A

Commodity	Price	
	15,000 pounds or more	Less than 15,000 pounds
Battery lead plates	17 cents per pound of lead and antimony content less a smelting charge of 2 cents per pound of material.	17 cents per pound of lead and antimony content less a smelting charge of 2.25 cents per pound of material.
Used storage batteries (in boxes) drained of liquid.	6.60 cents per pound	6.40 cents per pound.

Payment shall be made on the basis of weight of material determined at the buyer's plant. Determination of the applicable price for storage batteries shall be made on the basis of weight after the boxes have been drained.

Unless otherwise specified in Table A, payment for battery lead plates shall be computed on the basis of combined antimony and lead content determined by sample assay made by the buyer at his plant. Such assay must satisfy the following requirements: A chemical assay shall be made of the metal and dross derived from the sample; the sample shall be selected from the shipment in a manner consistent with the established practice of the trade and shall be of a size not smaller than is consistent with such practice; the assay in every other respect shall be performed in a manner consistent with the purpose of determining accurately the lead and antimony content of the shipment of battery lead plates; and a part of the sample shall be retained by the buyer in an air-tight sealed container for sixty days after sampling.

(b) *Brokerage commissions.* (1) In addition to the ceiling prices set forth in paragraph (a) of this section, any person who acts as a broker in connection with the purchase of scrap battery lead plates for a smelter may charge a commission determined in accordance with subparagraph (2) of this paragraph if all of the following conditions are complied with: the broker contracts in writing with a smelter to have delivered to the smelter not less than 300 tons of battery lead plates within a 30 day period; complete delivery under the contract is made within a period of 30 days; the material is delivered directly to the smelter from a source other than the broker's warehouse, plant, or yard; the material delivered is not owned by the broker or by any seller in which broker has a substantial financial interest, either directly or indirectly; the seller does not hold such interest in the broker; the commission is shown as a separate item in billing or invoicing; the broker does not divide or split the commission with any other person; the broker supplies the seller, or sellers, with a copy of the smelter's weight and assay report; and the contract is fully performed before the commission or any portion thereof is paid.

(2) The commission shall not exceed the average commission per ton of battery lead plates received by the broker during the period May 24, to June 24, 1950. If the broker did not receive any commission during such period, the commission shall be the amount established by the Office of Price Stabilization upon application by the broker.

Any such application shall be filed with the Office of Price Stabilization, Washington 25, D. C. and shall contain the following information: the broker's name and address; the name and address of the smelter with whom he has a contract; and a copy of such contract. Any commission established by the Office of Price Stabilization pursuant to such application will be in line with the commission otherwise established in this sub-paragraph and shall apply to all subsequent similar transactions by the broker.

SEC. 6. *Ceiling prices, f. o. b. point of shipment, for other lead scrap materials.* The ceiling price, f. o. b. point of shipment, for any quantity of soft lead scrap, hard lead scrap, battery lugs, cable lead scrap, or the lead content of lead covered cable scrap is 15.25 cents per pound.

SEC. 7. *Ceiling prices, f. o. b. point of shipment, for secondary lead and antimonial lead.* The ceiling price, f. o. b. point of shipment, for secondary lead and

antimonial lead is the applicable price set forth in paragraph (a) of this section. Certain premiums for special shapes and packing may be charged in accordance with paragraph (b) of this section.

(a) The ceiling price for quantities of 40,000 pounds or more is the applicable price in Table B. When deliveries in lesser quantities are made, the following amounts may be charged in addition to the applicable price in Table B:

(1) For deliveries of from 2,000 pounds to 39,999 pounds, an amount per pound determined by subtracting the quantity delivered from 40,000, dividing the result by 1,000, rounding this figure to the next highest unit, and multiplying by 0.02 cent.

Example. Assume a delivery of 28,600 pounds. 28,600 subtracted from 40,000 equals 11,400. 11,400 divided by 1,000 equals 11.4. Rounding to the next highest unit gives a figure of 12. 12 times 0.02 cent equal 0.24 cent, the amount which may be added to the applicable price in Table D.

(2) For deliveries of less than 2,000 pounds, 0.76 cent per pound plus an amount determined by subtracting the quality delivered from 2,000, dividing the result by 100, rounding this figure to the next highest unit, and multiplying by 0.05 cent.

Example. Assume a delivery of 1,520 pounds. 1,520 subtracted from 2,000 equals 480. 480 divided by 100 equals 4.8. Rounding to the next highest unit gives a figure of 5. 5 times 0.05 cent equals 0.25 cent. 0.25 cent added to 0.76 cent equal 1.01 cents, the amount which may be added to the applicable price in Table B.

TABLE B

Description	*Prices*
Secondary pig lead:	
Containing not less than 99.85 percent lead.	17 cents per pound of material.
Containing 98.0 to 99.849 percent lead	16¾ cents per pound of material.
Containing less than 98.0 percent lead	15¼ cents per pound of material.
Antimonial lead prepared to buyer's specifications.	51 cents per pound of antimony content plus 17 cents per pound of lead content.
Crude antimonial lead	51 cents per pound of antimony content plus 17 cents per pound of lead content minus ¾ cent per pound of material.

(b) *Premiums for special shapes and packing.* In addition to the applicable ceiling price set forth in paragraph (a), of this section, premiums for special shapes and special packing may be charged in accordance with the provisions of this paragraph.

(1) The premium for special shapes or special packing listed in Table C is the applicable amount set forth in that table.

TABLE C

Description	*Premiums*
Small, sectional or linked ingots weighing 10 pounds or less.	1.25 cents per pound of material.
Bagging	20 cents per 100 pounds.
Boxing	50 cents per 100 pounds.
Strapping	50 cents per ton.
Strapping and palletizing.	85 cents per ton.

(2) The premium for sales by a smelter of secondary lead or antimonial lead in special shapes other than those listed in Table C shall be the premium established by the Office of Price Stabilization upon application by the smelter. Any such application shall be filed with the Office of Price Stabilization, Washington 25, D. C. and shall contain the following information: the name and address of the smelter; a description of the shape for which a premium is requested; a description of the special purpose for which the shape is used; a statement of the costs involved in making such shape; if such shape was made before the date of issuance of this regulation, a statement of the premium received on the last sale prior to such date; and the premium requested.

Any premium established by the Office of Price Stabilization pursuant to any such application will be in line with the premium for special shapes established in subparagraph (1) of this paragraph.

Any smelter who files an application pursuant to this sub-paragraph may charge the premium requested provided that he furnishes the buyer with a copy of his application and agrees with the buyer that he will refund the amount, if any, by which the premium charged exceeds the premium established by the Office of Price Stabilization.

SEC. 8. *Ceiling delivered prices.* When any of the commodities covered by this regulation is sold on a delivered basis, the ceiling price shall be the applicable price, f. o. b. point of shipment, determined in accordance with sections 5, 6, or 7 plus whichever of the following charges is applicable:

(a) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable common carrier charge (not including transportation taxes) for transporting the commodity being priced from the point or points of shipment to the buyer's receiving point.

SEC. 9. *Definitions.* When used in this regulation, the term:

(a) "Antomonial lead" includes both primary and secondary antimonial lead, and means any lead-antimony alloy containing not less than 98% antimony and lead combined, not less than ¼% antimony, and not more than ½% tin.

(b) "Antimonial lead prepared to buyer's specifications" means antimonial lead having an antimony content equivalent to that specified by the buyer and which may be used by the buyer without further alloying or refining.

(c) "Battery lead scrap" means scrap battery lead plates and used storage batteries in boxes. It does not include used storage batteries sold for re-use.

(d) "Crude antimonial lead" means antimonial lead having an antimony content which does not permit its use by the buyer without further alloying or refining.

(e) "Exporter" means a person who last sells any commodity covered by this regulation which is transported, after such sale, from a point in the United States, its Territories, or Possessions to a point outside thereof.

(f) "Importer" means a person who first sells any commodity covered by this regulation which is transported, either before or after such sale, from a point outside of the United States, its Territories, or Possessions to a point inside thereof.

(g) "Other lead scrap materials" means scrap materials the principal metallic content of which is lead and which contain other metals only as impurities.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representation of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of the foregoing.

(i) "Point of shipment" means the point from which the material is loaded on a conveyance for shipment to the buyer's receiving point. In the case of any commodity covered by this regulation sold by an importer and delivered into the continental United States, its Territories, or Possessions by water, the point of shipment shall be deemed to be the place within the continental United States, its Territories, or Possessions where the material is loaded on a conveyance for transportation directly to the buyer. In the case of any commodity covered by this regulation sold by an importer and transported directly to the buyer overland from Mexico or Canada, the point of shipment shall be deemed to be the freight station in the United States at or nearest the point on the boundary between the United States and Mexico or Canada, as the case may be, at which the shipment first enters the United States.

(j) "Scrap" or "scrap materials" includes all materials which are the waste or by-product of any kind of metal working, as well as materials which have been discarded on account of obsolescence, failure, or any other reason.

(k) "Secondary lead" means lead more than 50% of the lead content of which is obtained from scrap material.

(l) "Smelter" means any person, including a battery manufacturer, who melts or smelts battery lead scrap or other lead scrap materials. It also includes any person who makes pigs, ingots, linked ingots, sectional ingots, or billets of lead or antimonial lead.

SEC. 10. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of the commodities covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 11. *Record-keeping requirements.* (a) Every person selling or purchasing any commodity covered by this regulation shall keep for inspection by the Office of Price Stabilization, for a period of two years, complete and accurate records of each such sale or purchase showing: The date thereof; the name and address of the seller and the buyer; the quantity of each grade of the commodity sold or purchased; the price charged or paid, f. o. b. point of shipment for each such grade; the premiums, if any, charged or paid; the point or points of shipment and the buyer's receiving point; and the disposition of transportation charges;

(b) Every person rendering a brokerage service covered by this regulation shall keep for inspection by the Office of Price Stabilization, for a period of two years, complete and accurate records of each transaction for which such service is rendered, showing: the date thereof; the name and address of the person for whom such service is rendered; the terms of the contract under which the brokerage service is rendered; the name and address of the seller or sellers of the scrap battery lead plates; and the price charged and quantity delivered by each seller.

SEC. 12. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided by the Defense Production Act of 1950.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

Effective date. This regulation shall become effective on June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7667; Filed, June 29, 1951; 12:12 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-34 as amended June 28, 1951]

M-34—SOLE LEATHER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of the order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as amended June 28, 1951, however, consultation with industry representatives was rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-34 (as amended March 8, 1951) by amending paragraph (c) of section 4, by adding a new paragraph designated "(e)" in section 4, and by amending section 5.

NPA Order M-34 as amended reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning of sole leather.
4. Restrictions on cutting hides and on cutting and sale of sole leather.
5. Restrictions on sales, deliveries, and use of cut stock.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.
8. Applications for adjustment or exception.
9. Records.
10. Audit and inspection.
11. Reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to tanners, cutters, and any person who owns or possesses sole leather whole stock, midsoles of military weight and quality, or innersoles of military weight and quality. It does not apply to any person whose use of sole leather is confined exclusively to the repairing of shoes for the general public. The purpose of this order is to insure the production of military grade midsoles and innersoles in quantities necessary to meet military requirements. This order prescribes how sole leather must be processed and cut; prohibits the cutting of sole leather unless so cut as to produce the quantities of military grade midsoles and innersoles set forth in Schedule A at the end of this order, which schedule is hereby made a part of this order; and restricts the sale, delivery, processing, or other use of all such soles cut after the effective date of this order, to the filling of orders for military shoes. This order further provides for equitable distribution of rated orders among all sole cutters in order to make possible maximum production of such soles and to reduce to a minimum disruption of normal distribution. In addition, it calls for monthly reports by every sole cutter on the quantities of sole leather cut. This order supplements NPA Reg. 2, but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the sole leather industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Sole leather" means vegetable tanned sole leather commercially known as "manufacturers'" type.

(c) "Midsoles of military weight and quality" means men's cut soles of 7 to 8 iron, inclusive, of fine, semifine, imperfect fine, and No. 1 scratch grade or as otherwise required by the applicable specifications for military shoes.

(d) "Innersoles of military weight and quality" means men's soles of 5½ to 7½ iron, inclusive, first quality, full grain leather with strong fiber, of quality adapted to innersole use.

(e) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies, and belly centers.

(f) "Sole cutter" means any person who produces outer soles, midsoles, innersoles, blocks, squares, strips, or taps from sole leather, including an independent cutter, a tanner cutter, a packer-tanner cutter, a shoe manufacturer cutter, and a tanner-shoe manufacturer cutter. Such term does not include a person whose use of sole leather is confined exclusively to the repairing of shoes for the general public.

(g) "Military shoes" means shoes required to fill orders for the United States Department of Defense and the United States Coast Guard.

(h) "Put into process" with respect to midsoles and innersoles means the first step taken in the preparation of such cut stock for shoe making or for attachments to shoes or shoe uppers.

(i) "NPA" means National Production Authority.

(j) All trade terms shall have their usual trade significance unless otherwise specified in this order.

SEC. 3. *Restrictions on tanning of sole leather.* No person shall process sole leather except in accordance with the requirements of Federal Specification KK-L-261C, including any emergency alternate specifications, or amendments thereof.

SEC. 4. *Restrictions on cutting hides and on cutting and sale of sole leather.* (a) No person shall cut bellies from cattle hides processed for sole leather (excluding stags and bulls) except in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(b) No persons shall cut shoulders from cattle hides processed for sole leather (excluding stags and bulls) except in a line running perpendicularly to line of backbone at a point within the limits of the break in the foreflank.

(c) Except as provided in paragraph (e) of this section, no sole cutter shall cut any whole stock unless such cutting will produce at least the quantities of midsoles of military weight and quality and innersoles of military weight and quality set forth in Schedule A at the end of this order. Counters meeting military specifications may be cut in substitution for innersoles but only to the extent necessary to meet orders for military shoes and in the ratio set forth in said Schedule A. All such midsoles and innersoles shall be cut on Army size dies

or commercial patterns fitting the Munson last currently used for the Department of the Army, in sizes and widths to fit the sizes of shoes bought on U. S. Army tariffs as issued, or shall be cut in accordance with the shoe order schedules of the Department of the Navy or the United States Marine Corps. In the absence of such tariffs or schedules, the cut stock to which this order applies shall be of sizes meeting normal commercial cut stock casing practices.

(d) No person shall sell or deliver whole stock to any person other than a sole cutter or a person engaged in the business of selling and delivering whole stock to sole cutters exclusively.

(e) Commencing June 28, 1951, the provisions of paragraph (c) of this section shall not apply to any sole cutter who cut, during each of the months of March and April 1951, less than the designated number of each of the whole stock parts, as follows:

2,500 bends.
2,500 backs and crops, collectively.
5,000 bellies and belly centers, collectively.
5,000 single shoulders.

For the purpose of this paragraph, backs and crops collectively shall be deemed to be a whole stock part, and bellies and belly centers collectively shall be deemed to be a whole stock part.

SEC. 5. *Restrictions on sales, deliveries, and use of cut stock.* No sole cutter shall, after the effective date of this order, sell, deliver, put into process, or otherwise use any midsoles of military weight and quality or innersoles of military weight and quality which are cut pursuant to section 4 of this order, except to fill DO rated orders for military shoes: *Provided, however,* That commencing June 28, 1951, this section shall not apply to any sole cutter described in paragraph (e) of section 4 who is not a manufacturer of military shoes.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no sole cutter shall be required to accept DO rated orders for midsoles of military weight and quality or innersoles of military weight and quality for shipment in any one month in excess of his scheduled production of such midsoles or innersoles in that month, in accordance with the provisions of this order.

SEC. 7. *NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.* Any person who is unable to place a rated order for midsoles of military weight and quality or innersoles of military weight and quality due to a limitation imposed by section 6 of this order should apply to NPA, Ref.: Order M-34, specifying the sole cutters who refused to accept the order. NPA will arrange to assist him in locating sources of supply. A sole cutter may at any time apply to NPA for assistance in disposing of his inventories of midsoles and innersoles which may be accumulated as a result of this order. Provision is made for such requests in the form referred to in section 11 of this order.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every sole cutter shall, on or before the tenth day of each month, commencing March 10, 1951, file with NPA a report on Form NPAF-28, setting forth the number of pieces of sole leather cut and all other information required by such form. The first of such reports shall cover the period from the effective date of this order to and including February 28, 1951. Thereafter each such report shall cover the calendar month immediately preceding the month in which such report is required to be filed.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139f).

SEC. 12. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-34.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

Schedule A

From each day's cutting of whole stock (1) the total number of pairs of midsoles of military weight and quality shall be at least equal to the total number of pieces of the respective whole stock part (listed in Column A) cut that day, multiplied by the number of pairs, if any, in Column B set opposite the name of such respective whole stock part, and (2) the total number of pairs of innersoles of military weight and quality shall be at least equal to the total number of pieces of such respective whole stock part cut that day, multiplied by the number of pairs, if any, in Column C, or, in the case of belly and belly center parts, multiplied by the maximum possible number of pairs, as follows:

Column A	*Column B*	*Column C*
Whole stock part	*Pairs of midsoles per piece cut*	*Pairs of innersoles per piece cut* [1]
Bend, any weight [2]	1½	1 (5½ to 7½ iron, inclusive).
Crop, any weight	1½	3 (6 to 7½ iron, inclusive).
Back, any weight	1½	3 (6 to 7½ iron, inclusive).
Belly	0	Maximum possible (5½ to 7½ iron, inclusive).
Belly center	0	Maximum possible (5½ to 7½ iron, inclusive).
Single shoulder	0	2 (6 to 7½ iron, inclusive).

[1] Subject to the provisions of section 4 of Order M-34 (of which this schedule is a part), counters may be cut in substitution for innersoles to the extent required by military orders in the ratio of two pairs of counters to one pair of innersoles.

[2] Includes bend strips, blocks, or squares on the basis of ten pounds equals one bend.

[F. R. Doc. 51-7607; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-55A, Direction 1]

M-55A—FARM EQUIPMENT, THIRD QUARTER 1951

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-55A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* This direction explains the effect on producers of farm equipment of the receipt by such producers of authorized production schedules and allotments under CMP.

SEC. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-55A, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in Schedule I of NPA Order M-55A, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-55A. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-55A shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-55A is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7608; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-60, Direction 1]

M-60—MANUFACTURE OF CERTAIN COMPONENTS AND RELATED PRODUCTS

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-60 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* This direction explains the effect on producers of machine tools and related equipment of the receipt by such producers of authorized production schedules and allotments under CMP.

SEC. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-60, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in List A of NPA Order M-60, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-60. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-60 shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-60 is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7609; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-61, Direction 1]

M-61—MANUFACTURE OF MACHINE TOOLS AND CERTAIN RELATED EQUIPMENT

DIR. 1—EFFECT OF CMP REGULATIONS

This direction to NPA Order M-61 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has not been consultation with industry representatives due to the necessity for immediate action.

Sec.
1. What this direction does.
2. Effect of CMP regulations.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* This direction explains the effect on producers of certain components and related products of the receipt by such producers of authorized production schedules and allotments under CMP.

SEC. 2. *Effect of CMP regulations.* When any person, subject to the provisions of NPA Order M-61, receives an authorized production schedule and related allotment of controlled materials for the production of an item or items shown in List A of NPA Order M-61, the quantity of such item or items which he may produce in the third quarter of 1951 shall be limited by the related authorized production schedule pursuant to section 3 (c) of CMP Regulation No. 1 and shall not be subject to any limitations set out in NPA Order M-61. From the time of receipt of such authorized production schedule and allotment of controlled materials, NPA Order M-61 shall be superseded in all respects by the applicable CMP regulations: *Provided, however,* That no person is relieved of any obligations or liabilities incurred during the period of time while NPA Order M-61 is in effect nor deprived of any rights received or accrued during such period of time.

This direction shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7610; Filed, June 28, 1951; 4:39 p. m.]

[NPA Order M-68 as amended July 1, 1951]

M-68—PASSENGER CARS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this order as amended, however, consultation with industry representatives was found impracticable due to the necessity for immediate action.

NPA Order M-68 is hereby amended by substituting the following new sections and paragraphs for the corresponding sections and paragraphs as contained in the original order: Section 1; paragraphs (a) and (b) of section 2; paragraphs (a) and (b) of section 3; paragraphs (a) and (b) of section 4; section 5; and section 8. This amendment adds aluminum castings and aluminum forgings to the materials controlled in passenger car manufacture. As so amended, NPA Order M-68 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Authorized use of controlled materials, aluminum castings, and aluminum forgings.
4. Adjustment of average car usage.
5. Continued conservation of materials.
6. Use of secondary aluminum.
7. Rated orders.
8. Other orders or regulations.
9. Applications for adjustment or exception.
10. Records and reports.

Sec.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve materials required for the national defense. It limits the use of controlled materials, aluminum castings, and aluminum forgings, in the manufacture of passenger cars, but it does not limit by number the units of passenger cars which may be manufactured.

SEC. 2. *Definitions.* As used in this order:

(a) "Manufacture" means to put into process, machine, fabricate, or otherwise alter controlled materials (as defined in paragraph (e) of this section), aluminum castings, and aluminum forgings, by physical or chemical means.

(b) "Component parts" means parts which have been processed and which have lost their identity as controlled materials.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(d) "Passenger car" means any passenger vehicle (including a station wagon or a taxicab) manufactured in the United States having a seating capacity of less than 11 persons which is propelled by an internal combustion engine.

(e) "Controlled materials" means steel, copper, and aluminum in the forms and shapes indicated in schedule I of CMP Regulation No. 1.

(f) "Percentage of industry" means the percentage set forth in schedule A of this order for each person engaged in the manufacture of passenger cars.

(g) "Industry volume" means 1,200,000 passenger cars.

(h) "Average car usage" means the weight of each controlled material, aluminum castings, and aluminum forgings, used by a person in the manufacture of passenger cars during the month of January 1950, divided by the number of passenger cars manufactured by him during that month, and adjusted as provided in section 4 of this order.

(i) "NPA" means National Production Authority.

SEC. 3. *Authorized use of controlled materials, aluminum castings, and aluminum forgings.* (a) No person shall use in the manufacture of passenger cars during the third calendar quarter of 1951 a quantity by weight of each controlled material, aluminum castings, and aluminum forgings, in excess of the authorized quantity of each such material, aluminum castings, and forgings, which he shall determine as follows: He shall multiply the industry volume by his percentage of industry, and multiply the result thus obtained by his average car usage of each controlled material, aluminum castings, and aluminum forgings.

(b) The monthly use of any controlled material, aluminum castings, or aluminum forgings shall not exceed 40 percent of his authorized use thereof for purposes of the third calendar quarter of 1951.

SEC. 4. *Adjustment of average car usage.* A person engaged in the manufacture of passenger cars who changes his method of manufacture during the third calendar quarter of 1951 by purchasing a greater or lesser proportion of component parts per passenger car than he purchased during the month of January 1950, shall make one of the following adjustments in order to compute his average car usage:

(a) If he purchases a greater proportion of component parts, he shall deduct from his average car usage of each controlled material, aluminum castings, and aluminum forgings, the quantity by weight of each controlled material, aluminum castings, and aluminum forgings, which was used in the manufacture of the additional components so purchased per passenger car; or

(b) If he purchases a lesser proportion of component parts, he shall add to his average car usage of each controlled material, aluminum castings, and aluminum forgings, the quantity by weight of each controlled material, aluminum castings, and aluminum forgings, which he uses in the manufacture of component parts per passenger car which he no longer purchases.

SEC. 5. *Continued conservation of materials.* No person engaged in the manufacture of passenger cars who, after January 1950, made changes in the specifications thereof pursuant to or as a result of orders and regulations of NPA in order to conserve materials required for the national defense, shall, during the third calendar quarter of 1951, use a greater proportion of materials so conserved than he used on June 1, 1951. The quantity by weight of each controlled material, aluminum castings, or aluminum forgings, conserved by him as a result of changes made in specifications since January 1, 1950, shall be deducted from his average car usage of the controlled material, aluminum castings, or aluminum forgings subject to such conservation, and the quantity by weight of the substituted controlled material, aluminum castings, or aluminum forgings, if any, shall be added to such average car usage.

SEC. 6. *Use of secondary aluminum.* No person engaged in the manufacture of passenger cars shall use aluminum in the manufacture of passenger car engine pistons for passenger cars unless the aluminum therefor is produced from remelted aluminum scrap, and no person engaged in the manufacture of passenger cars shall purchase from another person passenger car engine pistons made of aluminum not produced from remelted aluminum scrap.

SEC. 7. *Rated orders.* The manufacture of passenger cars to fill orders that are rated under NPA Reg. 2, as amended, shall be subject to the limitations of this order: *Provided, however,* That where such limitations will delay or prevent the filling of such rated orders, applications may be made for adjustment or exception pursuant to section 9 of this order.

SEC. 8. *Other orders or regulations.* The provisions of this order do not authorize the use of any materials where such use in the manufacture of any product is prohibited by any other order or regulation of NPA, but any person may use controlled materials, aluminum castings, and aluminum forgings to the extent provided in this order in the manufacture of passenger cars, regardless of the limitations on the rate of use of such materials, castings, and forgings as stated in any other order or regulation of NPA. Orders or regulations which limit the rate of use of materials other than controlled materials, aluminum castings, and aluminum forgings, remain applicable and in full force and effect. The provisions of this order are subject to the provisions of other orders of NPA which limit the specifications of a product as to material content or which control the distribution of any material, part, or product by allocation.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the Motor Vehicle Division, National Production Authority, Washington 25, D. C., Ref: M–68.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

The percentage of industry for each person engaged in the manufacture of passenger cars is as follows:

	Percent
Checker Cab Manufacturing Corp.	0.10
Chrysler Corp.	21.65
Crosley Motors, Inc.	.35
Ford Motor Co.	21.35
General Motors Corp.	41.35
Hudson Motor Car Co.	2.95
Kaiser-Frazer Corp.	1.55
Nash-Kelvinator Corp.	3.30
Packard Motor Car Co.	2.15
Studebaker Corp.	4.25
Willys-Overland Motors, Inc.	1.00
Total	100.00

[P. R. Doc. 51-7611; Filed, June 28, 1951; 4:40 p. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order No. 3]

DFO–3—AGRICULTURAL IMPORTS

RESTRICTIONS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impracticable. All of the items subject to this import order are presently included among the items subject to similar controls under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113). The Agriculture-Import Order is being terminated at the close of June 30, 1951, with the expiration of the statutory authority pursuant to which it was issued. It is essential that import controls over the items covered by this Defense Food Order be continued effective July 1, 1951, with no gap intervening between the effective date of this order and the termination date of the Agriculture-Import Order. Accordingly, consultation with industry repesentatives has been omitted.

This order imposes import controls over flaxseed, flaxseed screenings, linseed oil, rice and rice products. Flaxseed, flaxseed screenings and linseed oil are important industrial commodities and rice and rice products are basic food commodities. It is necessary to restrict importations of these commodities into the United States in the interests of the national defense in order to prevent the diversion to the United States of the supplies of these commodities needed by other countries associated with this country in the present international emergency and the consequent disruption of the economies of those countries, particularly since such importations are not needed by this country. The order is also necessary to assure that shipping, storage, and other facilities required for national defense purposes will not be employed uselessly in handling imports of these commodities into the United States and consequent increased exports. Importation of the commodities listed, moreover, would discourage domestic production thereof and could result in dependence of the United States on foreign sources of supply in times of emergency. It is essential therefore to control imports of the specified commodities to promote the national defense.

Sec.
1. Definitions.
2. Restrictions on imports.
3. Applications for authorizations.
4. Restrictions on financing.
5. Exceptions.
6. Restrictions after importation.
7. Changes of commodities listed in Appendix A.
8. Standards and guides.
9. Records and reports.
10. Audits and inspections.
11. Communications.
12. Revocations.
13. Petitions for relief from hardship.
14. Delegation of authority.
15. Violations.
16. Effect on liability of removal of food from order.
17. Effective date.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply E. O. 10161 (15 F. R. 6105), E. O. 10200 (16 F. R. 61).

SECTION 1. *Definitions.* (a) "Consignee" means the person to whom a food is consigned at the time of importation.

(b) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(c) "Director" means the Director of the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(d) "Food" means an item or commodity listed from time to time in Appendix A.

(e) "Appendix A" means Appendix A to this order as from time to time amended.

(f) "Governing date" means the date as shown in Appendix A when such food becomes subject to this order.

(g) "Import" means to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States from any foreign country. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country.

(h) "In transit" means that food (1) is afloat, (2) has had an on-board ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, or the Virgin Islands, or any territory or possession of the United States.

(i) "Owner" means any person who has any property interest in food except a person whose interest is held solely as a security for the payment of money.

(j) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 2. *Restrictions on imports.* No person, except as authorized in writing by the Director, shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of any food listed in Appendix A after the governing date. The foregoing restrictions shall apply to the importation of any food listed in Appendix A regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such food. In the issuance of authorizations, the Director shall act in accordance with the standards and guides set forth in section 8.

SEC. 3. *Applications for authorizations.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the food to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form WFO–63–2, Form PMA–551, or such other form as may be issued for this purpose by the Director, addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall

apply only to the particular food and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director.

SEC. 4. *Restrictions on financing.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any food subject to this order, unless such bank or person either has received a copy of the authorization by the Director under the provisions of section 3 or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in section 5.

SEC. 5. *Exceptions.* Unless otherwise directed by the Director the restrictions set forth in this order shall not apply:

(a) To any United States Governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(b) To food of which any United States Governmental department, agency, or corporation is the owner at the time of importation; or

(c) To food which on the governing date was covered by an authorization issued under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113) provided such food is imported in strict compliance with such authorization; or

(d) To food added to Appendix A by the Administrator after the effective date of this order, which on the governing date was in transit; or

(e) To food consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or

(f) To food consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or

(g) To food shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada; or

(h) To inter-island shipments of food between Puerto Rico and the Virgin Islands; or

(i) To imports of food from the continental United States into Puerto Rico, the Virgin Islands or any territory or possession of the United States.

This order shall not affect any other regulations now or hereafter issued by any governmental authority covering shipments of food from the continental United States to Puerto Rico and the Virgin Islands, or to any territory or possession of the United States.

SEC. 6. *Restrictions after importation.* Unless otherwise provided by the terms of the authorization (or amendments thereof) issued pursuant to section 3, any food which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order; but all such transactions shall be subject to all applicable provisions of the regulations, orders, and directions of the United States Department of Agriculture which now or hereafter may be in effect with respect to such food.

SEC. 7. *Changes of commodities listed in Appendix A.* The Administrator may from time to time add commodities to or remove commodities from Appendix A.

SEC. 8. *Standards and guides.* In the issuance of authorizations, and in the addition of commodities to and the removal of commodities from Appendix A, the following standards and guides will be applied:

(a) In the addition of commodities to and the removal of commodities from Appendix A, the Administrator will be satisfied that the exercise of import controls with respect to the commodities listed in Appendix A is necessary or approprite to promote the national defense.

(b) In the issuance of authorizations, the Director shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group.

SEC. 9. *Records and reports.* (a) No food which is imported after the governing date, including food imported by or for the account of any United States Governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form WFO–63–1, Form PMA–550, or such other form as may be issued for this purpose by the Director. The filing of such form a second time shall not be required upon any subsequent entry of such food in the same importation through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any food from bonded custody of the United States Bureau of Customs, regardless of the date when such food was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports).

(b) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 10. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of imported foods of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 11. *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports).

SEC. 12. *Revocations.* Any import authorization issued hereunder may be revoked at any time by the Director. Such revocation shall not affect food in transit at the time of revocation.

SEC. 13. *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director. Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may obtain, by requesting the Director therefor, a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

SEC. 14. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. The Director may direct the disposition and use of any food which is imported without authorization as required by this order.

SEC. 16. *Effects on liability of removal of food from order.* The removal of any food from Appendix A shall not be construed to affect in any way any liability for violations of this order which accrued or were incurred prior to the date of removal.

SEC. 17. *Effective date.* This order shall be effective July 1, 1951.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of June 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

APPENDIX A—ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

[The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of August 1, 1950). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control]

Food	Commerce Import Class No.	Governing date
Flaxseed (linseed)	2233.000	July 1, 1951
Flaxseed screenings	2945.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.000	Do.
Rice:		
Paddy	1051.000	Do.
Undleaned or brown rice	1051.100	Do.
Cleaned or milled rice	1053.000	Do.
Patna rice, cleaned, for use in canned soups	1054.000	Do.
Rice meal, flour, polish and bran	1059.100	Do.
Rice starch	2815.100	Do.
Broken	1059.200	Do.

[F. R. Doc. 51-7640; Filed, June 29, 1951; 10:38 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

PART 63—NATIONAL HEART INSTITUTE TRAINEESHIPS

TERMINATION OF FELLOWSHIPS AND TRAINEESHIP

1. Section 61.13 is hereby amended to read as follows:

§ 61.13 *Termination of fellowships.* Upon the recommendation of a Fellowship Board, the Surgeon General may terminate an appointment before its expiration date on the request of the fellow, or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the fellowship. The Surgeon General may also terminate an appointment upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, as amended by Executive Order 10241, that, on all the evidence, there is a reasonable doubt, where the fellow is a citizen of the United States, as to his loyalty to the Government of the United States or, where not such a citizen, that he has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization and advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and, with respect to regular fellows, a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but not the right of appeal to the Loyalty Review Board.

2. Section 63.7 is hereby amended to read as follows:

§ 63.7 *Termination of traineeship.* The Surgeon General may terminate any traineeship prior to the date it would otherwise expire either on request of the trainee or because of unsatisfactory performance, unfitness or inability to carry out the purposes of the traineeship. The Surgeon General may also terminate a traineeship upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835 as amended by Executive Order 10241, that, on all the evidence, there is reasonable doubt, where the trainee is a citizen of the United States, as to his loyalty to the Government of the United States, or where not such a citizen, that he has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but shall not include the right of appeal to the Loyalty Review Board.

Effective date. The foregoing amendments shall be effective upon date of publication in the FEDERAL REGISTER.

(Secs. 208, 301, 402, 58 Stat. 686, as amended, 692, 707, sec. 3, 62 Stat. 464, sec. 3, 62 Stat. 598; 42 U. S. C. 209, 241, 282, 287a)

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: June 26, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-7521; Filed, June 29, 1951; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 730]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR TOWN-SITE PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for town-site purposes, to be hereafter disposed of under applicable town-site laws:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼.
T. 9 N., R 2 W.,
Sec. 12, NE¼NE¼, E½NW¼NE¼.

The areas described aggregate 180 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7487; Filed, June 29, 1951; 8:45 a. m.]

[Public Land Order 731]

ALASKA

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

Beginning at a point in the valley of the Tatalina River, from which the intersection of the centerline of the Kuskokwim Landing-Takotna Highway Bridge and center of the Tatalina River, approximate latitude 62°53'30" N., longitude 155°56'30" W., bears North, 1,000 feet, thence by metes and bounds:
West, 2.5 miles;
North, 4.0 miles;
East, 1.5 miles;
South, 2.0 miles;
East, 2.0 miles
South, 2.0 miles;
West, 1.0 mile to point of beginning.

The tract described contains 6,400 acres.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7489; Filed, June 29, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 435]

MARKET AGENCIES AT DENVER UNION STOCK YARDS

NOTICE OF PETITION REGARDING SCHEDULED RATES AND CHARGES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 12, 1950 (9 A. D. 703) prescribing respondents' rates for the period beginning July 1, 1950 and ending September 30, 1951.

By petition filed on June 13, 1951, respondents have requested permission to file and establish the schedule of rates and charges attached to and made a part of the petition (Tariff No. 14). The rates set out in the proposed tariff are as follows:

ARTICLE 2—SELLING, RESELLING AND BUYING CHARGES

SECTION A

Cattle:	Per head
Consignments of 1 head and 1 head only	$1.30
Consignments of more than 1 head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	1.00

NOTE: Maximum charges on a consignment of cattle arriving by rail shall not exceed an amount equal to $33 multiplied by the number of cars in which the consignment arrives at the market.

SECTION B

Calves:	Per head
Consignments of 1 head and 1 head only	$0.75
Consignments of more than 1 head:	
First 5 head in each consignment	.65
Next 10 head in each consignment	.60
Each head over 15 in each consignment	.50

NOTE: Maximum charges on a consignment of calves arriving by rail shall not exceed an amount equal to $33 multiplied by the number of single-deck cars in which the consignment arrives plus $44 multiplied by the number of double-deck cars in which the consignment arrives at the market.

SECTION C

Bulls:	Per head
Sold for slaughter or as feeders, irrespective of the mode of arrival or departure	$1.75

SECTION D

Hogs: (irrespective of the mode of arrival or departure):	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.45
Next 15 head in each consignment	.40
Each head over 25 in each consignment	.30

ARTICLE 2—SELLING, RESELLING AND BUYING CHARGES—Continued

SECTION E

Sheep:	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each 250 head in each consignment	.40
Next 50 head in each 250 head in each consignment	.21
Next 60 head in each 250 head in each consignment	.12
Next 130 head in each 250 head in each consignment	.08

NOTE: Maximum charges on any consignment of sheep arriving by rail shall not exceed an amount equal to $22 multiplied by the number of single-deck cars plus $33 multiplied by the number of double-deck cars in which the consignment arrives at the market.

SECTION F

Dairy and breeding animals:	Per head
Purebred or registered bulls	$8.00
Purebred or registered cows or heifers	6.00
Milk cows with or without calf at side	1.75
Rams for breeding purposes	1.25
Ewes for breeding purposes (1 year and over)	1.00

SECTION G

On all carloads of livestock that are put through the auction sales ring during Stock Show Week, one and only one regular selling commission shall be charged by the market agency, provided the carload is of the same ownership and same identity.

SECTION H

Any sale of livestock made at the auction sales ring during stock show week shall be contingent and not final until the buyer of said livestock has made satisfactory settlement or arrangements with the market agency handling the said livestock. But in the event that the market agency has issued release or releases to the buyer of the livestock then all liability for payment of said livestock to the owner or owners must be assumed and made by the market agency.

ARTICLE 3—EXTRA SERVICE CHARGES

The following extra service charges are applicable to all species:

SECTION A

When a buyer who has purchased livestock from a commission firm requests any service and/or assistance, and/or elects to have the firm place billing order or orders and service is actually rendered, one-fourth of the regular buying commission shall be charged for such service. This service charge shall not be assessed to purchasers of registered or purebred cattle bought for breeding purposes during the week of the stock show, or when regular buying commission is charged.

SECTION B

When livestock bought from other firms by the purchaser himself is paid for and/or picked up and/or billed out or any other assistance is rendered in the purchase of the stock, one-half the regular buying commission shall be charged to the buyer.

SECTION C

For each additional weight draft over 3, on account of sales classification (not to exceed $3 on any one owner): $0.25.

No extra draft charges shall be made on a purchase order.

For each additional check, each additional account of sales, each proceeds deposited or bank credit, over 2: $0.05.

SECTION D

When buys are made to complete a purchase order from more than two agencies and/or dealers, a charge of 50 cents shall be made for each additional agency and/or dealer in excess of two.

SECTION E

On all livestock passing through the sales ring of the Denver Union Stockyards at the feeder auction sales there shall be collected in addition to the regular selling commission the following auctioneer's fee:

Cattle or calves: $0.50 for each head.

Cattle or calves: $5 for each carload.

(Lots of 10 head or more to be assessed at the carload rate.)

Any number of head of cattle in excess of 35 head arriving other than by rail an additional auctioneer's fee of 15 cents per head shall be charged.

Any number of head of calves in excess of 60 head arriving other than by rail an additional auctioneer's fee of 10 cents per head shall be charged.

For the purpose of the auctioneer's fee a maximum of 35 head of cattle shall be considered a carload.

For the purpose of the auctioneer's fee a maximum of 60 head of calves shall be considered a carload.

The definition of cattle and calves as set forth under Article 1 shall be applicable at these feeder auction sales.

The rate of auctioneer's fees set forth above shall be applicable only to auction sales of feeder cattle or calves held other than during Stock Show Week.

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 26th day of June 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-7559; Filed, June 29, 1951; 9:00 a. m.]

[7 CFR, Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS[1]

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the adoption of the proposed regulations set forth below in lieu of the existing regulations and requirements for Plants Operating under Continuous Inspection on a Contract Basis (7 CFR Part 52), pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950) and the Agricultural Marketing Agreement Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed changes concern the increasing of fees for inspection services due to increased costs incurred by the Administration in the performance of the services provided in the aforesaid Regulations. A proposed revision is made in the sampling rates for officially drawn samples to accord with more efficient inspection and other minor changes.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision of the regulations, shall file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER. The relevant data, views, and arguments so presented will be considered in the final formulation and adoption of the revised regulations.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950), or any other act of Congress conferring similar authority:

AGRICULTURAL MARKETING ACT OF 1946

* * * To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. * * *

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1950

Market inspection of farm products. For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered. * * *

Marketing farm products. For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world * * *

(b) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(c) "Applicant" means any interested party who requests inspection service under the regulations in this part.

(d) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(e) "Certificate of loading" means a statement, either written or printed, pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

(f) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(g) "Class" means a grade or rank of quality.

(h) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper storage or improper handling.

(i) "Department" means the United States Department of Agriculture.

(j) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of;

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(m) "Interested party" means any person who has a financial interest in the commodity involved.

(n) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(o) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(p) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(q) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

(r) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(s) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(t) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, to be used for inspection.

(u) "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged fruit for shipping.

(v) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(w) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(x "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or any other person not authorized by the Administrator pursuant to the regulations in this part.

(y) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited, to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired; and an up-to-date list of the Standardization and Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Administrator (a) for non-compliance by the applicant with the regulations in this part, or (b) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any processed product sample that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal or Quartermaster Corps specifications, written buyer and seller contract specifications or any written specification by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible accurately to ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided*, That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product check loaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificates have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the

Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I.—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS, AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY, MAPLE SYRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of Sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container of less volume than a No. 300 size can (300 x 407). Any type of container of a volume equal to that of a No. 300 size can (300 x 407) or greater but not exceeding that of a No. 3 cylinder size can (404 x 700). Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700) but not exceeding that of a No. 12 size can (603 x 812).	1 container for each 4,000 containers or fraction thereof. 1 container for each 2,000 containers or fraction thereof. 1 container for each 1,000 containers or fraction thereof.	1 container for each 4,800 containers or fraction thereof. 1 container for each 2,400 containers or fraction thereof. 1 container for each 1,200 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof. 1 container for each 4,000 containers or fraction thereof. 1 container for each 1,500 containers or fraction thereof.
	From lots containing 200 containers or less	From lots containing 201 to 500 containers	From lots exceeding 500 containers
Any type of container of a volume exceeding that of a No. 12 size can (603 x 812) but not containing more than 60 pounds of the product.	1 approximate 8-ounce sample from each 4 percent of the containers.	1 approximate 8-ounce sample from each of 3 percent of the containers.	1 approximate 8-ounce sample from each 2 percent of the containers.
	From lots containing 100 containers or less	From lots containing 101 to 200 containers	From lots exceeding 200 containers
Any type of container containing more than 60 pounds of the product.	1 approximate 32-ounce sample from each 10 percent of the containers.	1 approximate 32-ounce sample from each 7 percent of the containers.	1 approximate 32-ounce sample from each 5 percent of the containers.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE II.—CANNED AND FROZEN, SINGLE-STRENGTH CITRUS JUICES AND GRAPE JUICES, AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container containing 10 fluid ounces or less of the product.	1 container for each 4,800 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.
Any type of container containing more than 10 fluid ounces but not more than 50 fluid ounces of the product.	1 container for each 2,400 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.
Any type of container containing more than 50 fluid ounces of the product.	1 container for each 1,200 containers or fraction thereof.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE III—FROZEN FRUITS AND VEGETABLES AND FROZEN FRUIT AND VEGETABLE PRODUCTS, EXCEPT FROZEN SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and Type of Container	Rate of Sampling [1]
Any type of container of 1 pound or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container over 1 pound but less than 4 pounds, net weight.	1 container for each 1,600 containers or fraction thereof.
Any type of container of 4 pounds or more, but less than 10 pounds, net weight.	1 container for each 1,200 containers or fraction thereof.
Frozen vegetables only: Any type of container of 10 pounds or more, net weight.	One 2-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 2-pound sample for each additional 5,000 pounds, or fraction thereof in excess of 18,000 pounds.
Frozen fruits and berries only: Any type of container of 10 pounds or more net weight.	One 3-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 3-pound sample for each additional 5,000 pounds or fraction thereof, in excess of 18,000 pounds. When determined by the inspector that 3-pound sub-samples do not reflect the quality of the product in the container one or more entire containers may be substituted for any one or more sub-samples.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE IV—FROZEN, AND CANNED CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and type of container	Rate of sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container containing 10 fluid ounces or less of the product when thawed.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.	1 container for each 12,000 containers or fraction thereof.
Any type of container containing more than 10 fluid ounces but not more than 50 fluid ounces of the product when thawed.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.
Any type of container containing more than 50 fluid ounces of the product when thawed.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from 1 lot.

TABLE V—DRIED FRUIT

Number of pounds in lot	Shipping container sizes		
	Less than 20 pounds net weight	20 pounds to and including 30 pounds net weight	Exceeding 30 pounds but not exceeding 50 pounds net weight
	Rate of sampling [1]		
	Approximately 8 ounce samples	Approximately 16 ounce samples	Approximately 16 ounce samples
500 pounds or less	[2] 8	[2] 4	[2] 4
501 to 2,000 pounds	9	5	4
2,001 to 4,000 pounds	10	6	5
4,001 to 6,000 pounds		Approximately 8 ounce samples	
6,001 to 8,000 pounds	11	7	5
8,001 to 10,000 pounds	12	8	6
10,001 to 12,000 pounds	14	9	6
12,001 to 14,000 pounds	16	10	7
Over 14,000 pounds	Each additional 1,500 pounds or fraction thereof. 1 approximately 8 ounce sample.	Each additional 2,000 pounds or fraction thereof. 1 approximately 8 ounce sample.	Each additional 3,000 pounds or fraction thereof. 1 approximately 16 ounce sample.

[1] In no case, shall the total of all the samples drawn yield less than 25 ounces of dates; 100 figs or 200 fig slices; or 56 ounces of other dried fruit.

[2] When lot consists of 500 pounds or less, draw 4 approximately equal samples, except that when the lot consists of less than 4 shipping containers, a sample shall be drawn from each shipping container.

TABLE VI—DEHYDRATED FRUITS AND VEGETABLES

Size and type of container	Rate of sampling [1]
Any type of container of 5 pounds or less net weight. Any type of container in excess of 5 pounds, net weight.	1 container for each 2,400 containers or fraction thereof. One 20-ounce (approximate weight) sample for each 4,000 pounds or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE VII—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

Size and type of container	Rate of sampling [1]
Any type of container irrespective of its size or volume capacity.	At a rate that will represent the lot as may be determined by the inspector.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a sampling certificate. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, such fees and charges shall be paid in advance. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of three (3) dollars and sixty (60) cents per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [1]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple syrup and concentrates packed 6 or more cans per case but not exceeding 48 cans per case.*

OFFICIALLY DRAWN SAMPLES

Each lot other than canned pineapple and canned pineapple juice inspected in Puerto Rico: [2]

Minimum fee for 600 cases or less	$6.00
For each additional 200 cases, or fraction thereof, in excess of 600 cases	1.60

Each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
Minimum fee for any lot	6.000

[1] Inspection of large quantities other than of canned pineapple and canned pineapple juice inspected in Puerto Rico: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.40 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

[1] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 4 containers of any type of a volume not in excess of that of a No. 3 size can (404 x 414), per container	.75
For more than 2 containers of any type of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812), per container	1.50

(2) *Frozen fruits and vegetables and frozen fruit and vegetable products.*

OFFICIALLY DRAWN SAMPLES

Each lot other than when inspected in Puerto Rico:

Minimum fee for 10,000 pounds or less	$6.00
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00
Each lot inspected in Puerto Rico:	
Minimum fee for 10,000 pounds or less	$7.20
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.40

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 2 samples of any type or weight, per sample	1.50

(3) *Dried fruits other than Figs and Dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 12,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 8,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	1.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.60 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of three (3) dollars and sixty (60) cents per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of three (3) dollars and sixty (60) cents per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* (a) The following charges shall be made for micro, chemical and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [1]

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses		
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	3.00
Alcohol insoluable solids	3.00	2.00
Alcohol	2.00	2.00
Ascorbic acid (vitamin C)	6.00	2.00

[1] When any of these analyses are made at the request of an appplicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 20%.

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses—Continued		
Ash	$2.00	$2.00
Ash, salt free	4.00	4.00
Ash, acid insoluble	4.00	4.00
Ash, water insoluble	4.00	4.00
Crude fiber	10.00	5.00
Ether extract (crude fat)	5.00	5.00
Fiber, green and wax bean	3.00	2.00
Iodine number	8.00	8.00
Moisture (air oven method)	2.00	2.00
Moisture (vacuum oven method)	2.00	2.00
Nitrogen	3.00	2.00
Non-volatile ether extract	6.00	6.00
Oil of lemon and orange extract (precipitation method)	3.00	3.00
Oil of lemon extract with oil base (distillation method)	4.00	4.00
Phosphorus pentoxide (P_2O_5)	8.00	8.00
Phosphorus pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	15.00	15.00
Recoverable oil	2.00	2.00
Reducing sugars	6.00	6.00
Starch or carbohydrates (direct hydrolysis)	12.00	10.00
Carbohydrates (by difference)	12.00	10.00
Sulphur dioxide (direct titration)	3.00	1.00
Total solids (by drying)	3.00	2.00
Vanillin and coumarin	10.00	10.00
Volatile and non-volatile ether extract	8.00	8.00
Water extract	4.00	4.00
Water insoluble, inorganic residue examination for adulteration, and particle count	8.50	6.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [1]

Type of analysis	For first analysis	For each additional analysis
Catalase	$2.40	$1.20
Peroxidase	2.40	1.20
Titrations: citric, lactic, acetic, or fatty acids, sodium chloride	1.20	1.20
Soluble solids (by refrac.)	2.40	1.20
Total solids (by refrac.)	2.40	1.20

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of three (3) dollars and sixty (60) cents per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of fifty cents for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

[1] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

§ 52.50. *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of three (3) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection service pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fradulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [1]

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Administrator will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(1) These regulations, including, but not limited to, the requirements contained in §§ 52.81 through 52.87; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample

[1] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.80 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel, health.* In addition to such other requirements as may be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be compiled with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 27th day of June 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7500; Filed, June 29, 1951; 8:49 a. m.]

[7 CFR Part 160]

REGULATIONS AND FEE SCHEDULE CONCERNING NAVAL STORES AND RELATED COMMODITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that there is under consideration in the Department of Agriculture a proposal to amend the regulations for the enforcement of the Naval Stores Act (7 CFR 160.1–160.100) and the schedule of fees for inspection of naval stores and related commodities (7 CFR 160.201–160.204), and to adopt regulations for the inspection of such related commodities upon request pursuant to section 4 of the Naval Stores Act (7 U. S. C. 94) and sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as follows:

1. Section 160.1 (e) would be amended to read:

(e) "Licensed inspector": A person licensed by the Secretary upon recommendation of an accredited processor to act as an official inspector with respect to naval stores produced at an eligible processing plant of such processor.

2. Section 160.1 (f) would be amended to read:

(f) "Eligible processing plant": A plant which on examination by the Secretary has been found to be designed, operated, and staffed so as to permit proper samplings and inspections of the naval stores produced thereat, and where a substantial proportion of the output comes from oleoresin obtained from trees growing on land not owned or leased by the processor himself, or from oleoresin contained within felled trees or stumps removed from such land.

3. Section 160.1 (j) defining "Regulations" would be deleted and a new § 160.1 (j) would be inserted in lieu thereof to read:

(j) "Cooperative agreement": A written agreement between the Department and any person specifying the conditions under which special inspection personnel may be designated and procedures established, not otherwise available under existing inspection programs, in order to make possible a continuous, day-by-day inspection of naval stores for such person, or to provide facilities for carrying out experimental studies on authentic naval stores related to the inspection and marketing thereof.

4. Section 160.1 would be further amended by adding thereto a new paragraph (r) to read:

(r) "Person": Any individual, partnership, association, corporation, firm, company, joint stock company, society, or agency.

5. Section 160.3 would be amended to read:

§ 160.3 *Rosin defined.* Except as provided in § 160.6, rosin is the vitreous, well-strained, transparent, solid resin which (a) remains after the volatile terpene oils are distilled from (1) the oleoresin collected from living trees or (2) the oleoresin extracted from wood; or (b) remains after distillation of the fatty acids from tall oil recovered from wood in the course of its chemical disintegration to produce cellulose. In addition to the free resin acids, rosin may contain relatively small proportions of fatty acids, resin esters and other esters, unsaponifiable resenes, and non-resinous foreign matter.

6. Section 160.4 would be amended to read:

§ 160.4 *Kinds of rosin.* (a) Rosin within the meaning of the act and the regulations in this part shall be designated as "gum rosin", "wood rosin", or "tall oil rosin", as the case may be.

(b) The designation "gum rosin" shall refer to the kind of rosin remaining after the distillation of gum spirits of turpentine from the oleoresin (gum) obtained from living pine trees.

(c) The designation of "wood rosin" shall refer to the kind of rosin recovered after the distillation of the volatile oil from the oleoresin within or extracted from pine wood by any suitable chemical or physical process, followed by any necessary further refinement.

(d) The designation "tall oil rosin" shall refer to the kind of rosin remaining after the removal of the fatty acids from tall oil by fractional distillation, and having the characteristic form and appearance and other physical and chemical properties normal for other kinds of rosin.

7. The center heading "Administration" preceding § 160.6, and § 160.6 itself, would be deleted, § 160.15 would be redesignated as § 160.6, and the center heading "Standards For Spirits of Turpentine" preceding § 160.7 would be deleted.

8. Section 160.7 would be amended to read:

§ 160.7 *Kinds of turpentine.* Spirits of turpentine within the meaning of the act and the regulations in this part shall be designated as "gum spirits of turpentine", "steam distilled wood turpentine", "destructively distilled wood turpentine", or "sulphate wood turpentine", as the case may be.

9. A center heading "General" would be inserted preceding § 160.12 and the center heading "Standards And Grades For Rosin" preceding § 160.13 would be deleted.

10. Section 160.13 would be amended to read:

§ 160.13 *Standards for rosin.* The Official Naval Stores Standards of the United States for rosin consist of the standards for grades exemplified by the rosin types authorized by the act, and such other standards of identity and grade as are provided in the act or by the Secretary thereunder.

11. A center heading "administration" would be inserted following § 160.14 and a new § 160.15 would be inserted to read:

§ 160.15 *Authority.* The Secretary has delegated to the Administrator of the Production and Marketing Administration of the Department authority to take all actions necessary or appropriate in the administration of the act and the provisions in this part, subject to limitations contained therein and under the general supervision of the Secretary. This authority has been redelegated by the Administrator to the Director of the Tobacco Branch of the Administration, and by him to the Chief of the Naval Stores Division of the Branch.

12. Section 160.30 would be amended to read:

§ 160.30 *Containers to remain intact.* The results of any analysis, classification, or grading of naval stores will be certifiable only if the containers of the naval stores remain intact as sampled until the analysis, classification, or grading has been completed and the results reported, except when the container is a tank car subject to demurrage.

13. Section 160.31 would be amended to read:

§ 160.31 *Contents of containers to be declared.* Prior to inspection at the request of the producer, containers of naval stores, other than tank cars, shall have marked thereon a declaration by such producer of the kind or identity of the product in accordance with the standard of identity provided therefor by or under the act.

14. Sections 160.32 and 160.33 would be deleted and a new § 160.32 would be inserted to read:

§ 160.32 *Time and manner of sampling.* Except when batch sampling is authorized at an eligible processing plant using licensed inspectors, samples of naval stores to be used for official inspection and certification shall be taken direct from the commercial containers of such naval stores by or under the immediate supervision of the inspector at the time of inspection.

15. Sections 160.34–160.38 would be redesignated, respectively, as §§ 160.33–160.37.

16. Section 160.39 would be redesignated as § 160.38 and amended to read:

§ 160.38 *Prior marks to be removed.* Any mark, appearing on a container to be used for naval stores, relating to the kind, classification, grade, certification, or method of inspection of naval stores shall be removed by the user whenever the marking does not in all respects describe the kind, classification, grade, certification, and method of inspection of the naval stores to be placed therein.

17. Sections 160.40–160.44 would be redesignated, respectively, as §§ 160.39–160.43.

18. Section 160.45 would be redesignated as § 160.44 and amended to read:

§ 160.44 *Licensed inspector to be disinterested.* In so far as possible, no person who determines or controls sales policies or methods of distribution or the selling prices of the naval stores processed at an eligible processing plant shall be licensed as an inspector at such plant.

19. Section 160.46 would be redesignated as § 160.45.

20. Section 160.47 would be redesignated as §160.46 and amended to read:

§ 160.46 *Conditions governing licensed inspection.* The work of official inspectors performed by licensed inspectors shall be supervised and reviewed by authorized representatives of the Secretary, who shall issue to such licensed inspectors recommendations and instructions for taking samples; marking and maintaining the identity of containers; preparing, issuing, and disposing of certificates; the keeping of adequate records of inspection; and such other inspection and certification procedures as may be necessary in carrying out the licensed inspection. The handling, sampling, grading, marking and certification of naval stores at an eligible processing plant by a licensed inspector shall be conducted in accordance with such instructions and the regulations and standards in this part.

21. A new § 160.47 would be added to read:

§ 160.47 *Identification of containers.* Containers of naval stores inspected, classified, graded, and certified by a licensed inspector at an eligible processing plant shall be marked to show the name and location or other acceptable identification of the plant, and the legend "U. S. Graded" or "U. S. Inspected", and in the case of rosin, the batch number indicating the date of production.

22. The first sentence in § 160.62 would be amended to read: "A certificate as provided for by section 4 of the act shall be issued in duplicate to the interested person on naval stores examined at his request, and upon request additional copies may be obtained from the inspector."

23. The first sentence in § 160.64 would be amended to read: "A certificate shall not be issued for naval stores of which the samples were not taken by or under the direction of an official inspector direct from the containers in which the naval stores are placed for shipment, or which have not been packed, sampled, marked, and identified as required by the regulations in this part, or for any material which does not conform with the standard provided therefor by the act or by the Secretary thereunder."

24. Section 160.67 would be amended by inserting the word "classification" after the word "sampling".

25. Sections 160.71 and 160.72 would be deleted, and corresponding provisions would be added to the schedule of fees in §§ 160.205 and 160.206.

26. Sections 160.73–160.84 would be redesignated, respectively, as §§ 160.71–160.82.

27. Section 160.85 would be redesignated as § 160.83 and the proviso therein would be amended by deleting the phrase "may be" and substituting therefor the word "is".

28. Sections 160.86–160.100 would be redesignated, respectively, as §§ 160.84–160.98.

29. References made in present §§ 160.43, 160.57, 160.77, 160.78, 160.79 and 160.99 to other sections redesignated by the proposed amendment would be changed to conform with such redesignations.

30. After § 160.100 a new heading would be added to read "Related Naval Stores Commodities," and a new

§ 160.150 would be added thereunder, as follows:

§ 160.150 *Request inspection of related naval stores commodities.* Inspection and certification of the class, quality, quantity and condition of pinene, dipentene, pine oil, other terpene oils, pine tar, pine pitch, tarene, tall oil, B wood resin, and other miscellaneous resins, shipped or received in interstate commerce, may be obtained upon request of any interested person and the payment of fees prescribed in §§ 160.201–160.206, inclusive. Such inspection and certification will be conducted in accordance with such provisions in this part as the Secretary determines are applicable.

31. Section 160.201 would be amended to read:

§ 160.201 *Fees payable to the United States for inspecting and certifying grades and weights of naval stores and related commodities.* (a) Inspection and certification by licensed inspectors at eligible processing plants.

(1) Turpentine:	
For barrel or drum	$0.05
Per tank car	2.00
(2) Rosin:	
Per drum	$0.03
Per bag of 100 pounds	.006
Per tank car	2.00

(b) Inspection and certification by regularly employed inspectors of the U. S. Department of Agriculture.

(1) Turpentine:	
Per barrel or drum	$0.09
Per tank car	4.00
Per bulk lot delivered from storage into tank car or tank steamer	See note.

NOTE: The fee to be charged for inspection of turpentine loaded from bulk storage will depend on the location of point of loading, and perhaps on other conditions. An approximation of the probable charges, in writing, will be furnished on request to any interested person, after receipt of application supplying the necessary information.

(2) Rosin:	
(i) At approved warehouse or concentration yard:	
Grading and weighing, per drum	$0.10
Weighing of rosin previously certified as to grade at another point, per drum	.05
(ii) At country stills:	
Grading only, per drum:	
Up to 400 drums in a lot	$0.10
All over 400 drums	.05
Weighing, extra, per drum	.05
(iii) At eligible processing plant, on call:	
Grading by batch samples:	
Per drum	$0.07
Per bag	.015
(3) Related naval stores commodities:	
(i) Pine oil and other related terpene hydrocarbon oils, per drum	$0.09
(ii) Pine tars, tarene, pitch, resins and tall oils, per drum	.07

32. Section 160.202 would be amended to read:

§ 160.202 *Fees payable to the United States for laboratory analysis and testing of naval stores and related commodities.* (a) Turpentine, pine oil, and related terpene hydrocarbon oils.

(1) Comprehensive and involved analysis and tests to determine purity, specification conformance, or related chemical and physical properties:	
Single sample	$18.00
Each additional sample, same kind at same time	10.00
(2) Limited laboratory testing as to kind, grade, or physical condition related to relative quality of the material:	
Each sample tested	$3.00

(b) Rosin, and related naval stores commodities not included in paragraph (a) of this section.

Single sample	$15.00–$25.00
Each additional sample, same kind at same time	10.00– 20.00

NOTE: The type of work required and time spent on such work usually varies widely with the material and purposes of the tests. In general, the interested person requesting such tests shall be notified of the probable cost thereof, and his authority to proceed obtained before the work is undertaken.

33. Section 160.203 would be amended to read:

§ 160.203 *Permit fees for eligible processing plants under licensed inspection.*

Initial permit fee	$10.00
Annual renewal permit fee	10.00

The renewal permit fee shall be reduced to $5.00 when the inspection fees paid by the processor aggregate $100 or more during the preceding fiscal year ended June thirtieth, and shall be waived when such fees aggregate $200 or more during such fiscal year. Such reduced permit fee shall apply only in case the processor has made continued use of the licensed inspection service.

34. A new § 160.205 would be added to read:

§ 160.205 *Charges for laboratory examination.* For laboratory work involved in the examination, analysis, classification, or grading of naval stores or any samples thereof, when the charges for such service, computed in accordance with established fees, do not compensate the United States for the full cost of the services rendered, or when no fee rate has been provided, then in lieu thereof the person requesting such service shall pay for such laboratory work an amount computed at the rate of $30.00 per eight hour day or $4.00 per hour for fractional part of a day less than 4 hours. The person requesting such service will be advised as to the approximate cost of doing the work covered by the request, and his authority to proceed shall be obtained before analysis or other examination is made.

35. A new § 160.206 would be added to read:

§ 160.206 *Charges for other inspection work.* Whenever in complying with a request for examination, inspection, classification or grading of naval stores an inspector must make a special trip or deviate from his regular schedule of travel, and the charges to be collected for such services, when computed in accordance with established inspection fees, are insufficient to cover the full cost of the services rendered, then the person requesting such services shall pay such full cost, including allowances for time spent in collecting and preparing samples, obtaining identification records, travel, or other necessary work, and in addition any official travel and subsistence expense incurred in connection therewith. The charge for time shall be computed at the rate of $24.00 per eight hour day or $3.50 per hour for fractional part of a day less than 4 hours.

The United States standards for opaque rosin, FF rosin, and sulphate wood turpentine, the modification of the United States standards for rosin grades, and the United States standard for tall oil rosin, heretofore promulgated under the act, would be set forth respectively in §§160.301, 160.302, 160.303, 160.304, and 160.305 of this part.

The heading for Part 160 of Title 7, Code of Federal Regulations, would be redesignated as: "Part 160—Regulations and Standards for Naval Stores and Related Commodities".

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director of the Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington, 25, D. C. on or before July 20, 1951.

(Sec. 4, 42 Stat. 1436; secs. 203 and 205, 60 Stat. 1087; 7 U. S. C. 94; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., this 27th day of June 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7564; Filed, June 29, 1951; 9:01 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $23,985;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of June 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7560; Filed, June 29, 1951; 9:00 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

CANE SUGAR INDUSTRY IN LOUISIANA

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW

In the matter of the application to include the extraction and processing of calcium aconitate within that portion of the cane sugar industry which is located in Louisiana and has been determined to be of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

On November 16, 1939, the Administrator of the Wage and Hour Division issued a determination (4 F. R. 4615) that the portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (section 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

The aforesaid determination was amended by the Administrator on July 13, 1944 (9 F. R. 8175) to include the dehydrating of bagasse within the definition of the branch of the industry and further amended on September 7, 1945 (10 F. R. 11643) to include certain sugar refining operations.

On January 11, 1951, the Administrator gave notice that an application had been filed requesting that the aforesaid determination be further amended to include certain operations involving the extraction and processing of calcium aconitate from "B" molasses and that a public hearing would be held on January 26, 1951, before Nathan Rubinstein, an authorized representative of the Administrator who was authorized to receive evidence and hear argument for the purpose of determining: "Whether the aforesaid determination of November 16, 1939 (4 F. R. 4615) as amended shall be further amended to include the extraction and processing of calcium aconitate from "B" molasses, and if so, subject to what conditions and limitations."

Following such hearing, the representative of the Administrator duly made his findings of fact and determined as follows:

(1) That portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, which was found to be of a seasonal nature under the determination of November 16, 1939 as amended July 13, 1944 to include the dehydrating of bagasse, and further amended September 7, 1945 to include certain sugar refining operations, now also engages in the extraction of calcium aconitate from "B" molasses and in the subsequent drying of calcium aconitate.

(2) The extraction from "B" molasses and the subsequent drying of calcium aconitate takes place during the same season as the operations included in the industry heretofore determined to be of a seasonal nature, is dependent upon the sugarcane grinding operations, and does not lengthen the operating season for that industry. The industry, including the calcium aconitate operations, operates during a regularly, annually recurring part of the year, and ceases operations because, owing to climate or other natural conditions, the raw materials become unavailable during the remainder of the year.

(3) The industry, including the extraction from "B" molasses and the subsequent drying of calcium aconitate, is of a seasonal nature within the meaning of section 7 (b) (3)) of the Fair Labor Standards Act and the regulations issued thereunder.

(4) The determination of November 16, 1939, as amended, should be further amended to include the following operations when performed in Louisiana on the premises of a sugarcane processing mill while the sugarcane is being processed: the extraction of calcium aconitate from "B" molasses produced from sugarcane ground on the premises, including the drying of the cake, the handling, sacking, and storage of the aconitate, and any operations necessary and incident to the foregoing, including the placing of the product in storage or transportation facilities on or near the premises.

As amended, the determination will apply to: the unloading of sugarcane at the mill; the processing of sugarcane into sugar, syrup and molasses; and the following operations when performed on the premises of a sugarcane processing mill while the sugarcane is being processed; the immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Louisiana cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Louisiana is refined during the cane processing season; the burning, removing from the premises, or dehydrating of bagasse resulting from the processing of sugarcane; the extraction of calcium aconitate from "B" molasses, including the drying of the cake; the handling, baling, bagging, packing and storing of the sugar, syrup, molasses, bagasse, or calcium aconitate, and any operations necessary and incident to the foregoing, including the placing of these products in storage or transportation facilities on or near the premises.

The petition is granted in accordance with the above finding.

The aforesaid findings and determination were duly filed with the Administrator on June 25, 1951 at the National Offices of the Wage and Hour Division, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington 25, D. C., and are available for examination by all interested parties.

Notice is hereby given pursuant to § 526.7 of the regulations that any person aggrieved by the said determination may within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based. If no petition for review is filed within the 15 days, the findings and determination of the authorized representative of the Administrator will become final and the exemption for the branch of the industry as redefined in the said findings and determination will become effective 30 days after publication of notice to that effect in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of June, 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division.

[F. R. Doc. 51-7531; Filed, June 29, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 50486, 61826]

CALIFORNIA AND OREGON

RESTORATION ORDER 1300 UNDER FEDERAL POWER ACT

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public land and revested Oregon and California Railroad Grant land, so far as they are withdrawn or reserved for power purposes, are hereby restored to disposition under the applicable public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-724 California	Power site classification No. 163 of Jan. 14, 1927.	Under the applicable public-land laws.	California: T. 23 N., R. 14 E., M. D. M., sec. 31, NE¼NE¼, containing 40 acres, within the Plumas National Forest.
DA-219 Oregon	Power site reserve No. 661 of Dec. 12, 1917; and water power designation No. 14 of Dec. 12, 1917.	For exchange under the act of Aug. 28, 1937 (50 Stat. 874), in aid of a Federal land program.	Oregon: T. 21 S., R. 1 W., W. M., sec. 31, NE¼SE¼, containing 40 acres.

The above-described lands shall be subject to application by the States of California and Oregon, respectively, for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise affect the status of the lands until the ninety-first day after the date of publication of this order in the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-7493; Filed, June 29, 1951; 8:47 a. m.]

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR TOWNSITE PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7486; Filed, June 29, 1951; 8:45 a. m.]

[1] See F. R. Doc. 51-7487, Title 43, Ch. I, *supra*.

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7488; Filed, June 29, 1951; 8:45 a. m.]

[1] See F. R. Doc. 51-7489, Title 43, Ch. I, *supra*.

Office of the Secretary

SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

OIL AND GAS OPERATIONS

This is a fourth supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), and April 23, 1951 (16 F. R. 3623).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations to and including August 31, 1951. This supplementary authorization is subject to the conditions prescribed in Part II.

This does not authorize the drilling of, or production from, any oil or gas well the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 25, 1951.

[F. R. Doc. 51-7490; Filed, June 29, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF TRANSPORTATION ACTIVITIES

Paragraph 3 of the material appearing under the above heading (15 F. R. 8739, as amended by 16 F. R. 1130) is hereby further amended to read as follows:

3. *Delegation of authority.* (a) The Under Secretary of Commerce for Transportation shall perform the functions and exercise the powers, authority and discretion conferred on the Secretary of Commerce by Executive Orders 10161 and 10200 (and Defense Production Administration Delegation 1), and Executive Order 10219 with respect to air transportation, and intercoastal, coastwise and overseas shipping, including the use thereof.

(b) The authority hereby delegated to the Under Secretary of Commerce for Transportation under subsection (a) above, which he is hereafter authorized to redelegate, includes the authority vested in the Secretary of Commerce under sections 902 and 903 of Executive Order 10161 and section 6b of Executive Order 10200, including the authority with respect to subpoena.

(c) The Under Secretary of Commerce for Transportation also shall perform the functions and exercise the powers, authority and discretion vested directly

in the Secretary of Commerce as a claimant under DPA Administration Order 1 of May 24, 1951.

(d) The Under Secretary of Commerce for Transportation shall perform the functions with reference to processing of applications under NPA Order M-4 (Construction), as amended, and exercise the powers, authority and discretion vested in the Secretary of Commerce with reference to those functions as set forth in NPA Delegation No. 14 of June 7, 1951, but subject to all provisions and limitations of such authority contained in said delegation.

(e) The functions and other authority delegated hereby may be redelegated by the Under Secretary of Commerce for Transportation to officers and agencies of the Department of Commerce, with or without authority for further redelegation.

(f) The material appearing at 15 F. R. 8090-8091, which designated claimant agencies to present requirements to the Secretary of Commerce with respect to materials and facilities placed under his jurisdiction by Executive Order 10161 of September 9, 1950, is revoked.

(g) All other orders, regulations, rulings, certificates, directives, and other actions hitherto issued or taken under 15 F. R. 8739, as amended and supplemented (16 F. R. 1130 and 16 F. R. 2553), shall remain in effect until hereafter amended or revoked under proper authority.

(h) Except for subparagraph (d), this notice is effective May 24, 1951. Subparagraph (d) is effective June 7, 1951.

(R. S. 161; 5 U. S. C. 22; Reorg. Plans Nos. 5 and 21 of 1950; E. O. 10161, 10200, 10219; DPA Administration Order 1; and NPA Delegation No. 14)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7535; Filed, June 29, 1951; 8:56 a. m.]

Under Secretary of Commerce for Transportation

MARITIME ADMINISTRATOR ET AL.

REDELEGATION OF CLAIMANCY FUNCTIONS AND AUTHORITIES

1. *Delegations of authority.* The functions, powers, authorities and discretion of the Secretary of Commerce as a claimant as set forth in DPA Administration Order 1 and delegated by the Secretary of Commerce to the Under Secretary of Commerce for Transportation, are hereby delegated to each of the officers hereinafter named:

(a) The Maritime Administrator with respect to coastwise, intercoastal, and overseas shipping, and merchant ship construction and repair;

(b) The Commissioner of Public Roads with respect to highway construction and maintenance, regardless of financing, including all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities, and appurtenant installations;

(c) The Chairman of the Civil Aeronautics Board with respect to construction of all new civil aircraft and concurrent spares for U. S. air carrier transportation;

(d) The Administrator of Civil Aeronautics with respect to all U. S. civil aircraft and U. S. civil aviation operations not covered in subparagraph (c) above, including but not limited to materials, parts and equipment for all civil aircraft, civil airports, and aeronautical communications facilities.

The designation of the Chairman of the Civil Aeronautics Board in subparagraph (c) above is made pursuant to section 3.01 (f) of Executive Order 10219 which provides that the Secretary of Commerce may utilize the services of the Civil Aeronautics Board and of such other Federal, State and local agencies as he deems desirable in the performance of his function under Part III of that Executive Order.

Each of the officers delegated authority by this notice may redelegate such authority or responsibilities thereunder to such persons or agencies as he may deem appropriate: *Provided*, That, no such redelegation of authority may be made to persons or agencies outside his organization without the approval of the Secretary of Commerce who will make any necessary clearances with the Defense Production Administration on such matters.

2. *Allocation authority.* In accordance with CMP Regulation 1 and other pertinent regulations, claimants may approve production schedules for prime consumers producing class A products pursuant to appropriately authorized programs, and for each such production schedule authorized concurrently make a related allotment, pursuant to allotments which it has received, to the consumer whose production schedule has been authorized.

Nothing in this notice shall be construed to authorize the allocation of completed aircraft.

3. *Effective date.* This notice is effective from the effective date of Defense Production Administration Order 1, May 24, 1951.

[SEAL] DELOS W. RENTZEL,
Under Secretary of Commerce for Transportation.

[F. R. Doc. 51-7533; Filed, June 29, 1951; 8:56 a. m.]

COMMISSIONER, BUREAU OF PUBLIC ROADS ET AL.

REDELEGATIONS OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4

1. *Delegations of authority.* The functions, powers, authorities, and discretion of the Secretary of Commerce with reference to processing of applications under NPA Order M-4 (Construction), as amended, as set forth in NPA Delegation No. 14 of June 7, 1951, and delegated by the Secretary of Commerce to the Under Secretary of Commerce for Transportation, are hereby delegated to each of the officers hereinafter named, but subject to all provisions and limitations of such authority contained in said delegation:

Commissioner, Bureau of Public Roads: Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities and appurtenant installations, regardless of financing.

Administrator, Civil Aeronautics Administration: Air navigation facilities, civil airports.

Administrator, Maritime Administration: Shipyards.

Each of the officers delegated authority by this notice may redelegate such authority or responsibilities thereunder to such persons or agencies as he may deem appropriate: *Provided*, That, no such redelegation of authority may be made to persons or agencies outside his organization without the approval of the Secretary of Commerce.

Each of said officers may, in accordance with prescribed Department regulations, issue such regulations as he may deem necessary to perform the functions and exercise the authority conferred upon him by this notice.

2. *Effective date.* This notice is effective June 7, 1951.

[SEAL] DELOS W. RENTZEL,
Under Secretary of Commerce, for Transportation.

[F. R. Doc. 51-7534; Filed, June 29, 1951; 8:56 a. m.]

National Production Authority

[NPA Delegation 1 as amended June 30, 1951]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO ALLOTMENTS OF CONTROLLED MATERIAL

1. Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, and Defense Production Administration Delegation 1, the Secretary of Defense is hereby delegated the authority (with power of redelegation) to make allotments of controlled material, to apply or assign to others the right to apply DO ratings and allotment numbers and symbols, as the case may be, with respect to contracts and purchase orders to meet authorized programs for which the Department of Defense is claimant under Defense Production Administration Order No. 1, and to meet such other programs as the National Production Authority may designate.

2. The Secretary of Defense is also hereby delegated authority (with power of redelegation) to assign to the following persons, with respect to the orders indicated, the right to apply DO ratings and allotment numbers and symbols:

(a) Certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized procurement programs of the Department of Defense or its delegate agencies.

(b) Certain contractors on orders for delivery of construction equipment for use on construction outside of the United States (48 States and the District of Columbia).

3. The authority herein delegated shall be exercised within the limits of such program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, and policy directives, as may be issued from time to time by the National Production Authority. The exercise of this authority shall also conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives as may be issued by the Munitions Board to implement policies and procedures issued by the National Production Authority.

4. In making allotments of controlled material and in applying DO ratings and allotment numbers and symbols, as the case may be, the certification prescribed by the appropriate regulation or order of the National Production Authority shall be used. In assigning to others the right to exercise this authority, the following certification shall be used: "By authority of the National Production Authority, the right is hereby assigned to (description of scope of assignment)." This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its delegate agency.

5. This authority shall not be used for (a) direct procurement or contractors' purchase of construction equipment for use in the United States (48 States and the District of Columbia); (b) civilian type items for resale in Military Exchanges, or packaging for such items other than packaging for export of such items; or (c) material purchased from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on June 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7653; Filed, June 29, 1951; 11:36 a. m.]

[NPA Delegation 13, Supp. 1]

ADMINISTRATOR OF PETROLEUM ADMINISTRATION FOR DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN MATERIALS

1. In addition to the authority conferred by NPA Delegation 13, there is hereby delegated to the Administrator of the Petroleum Administration for Defense, or any official of the Petroleum Administration for Defense duly authorized by him, authority to reschedule deliveries of controlled materials which are for delivery for use in petroleum or gas operations and which are represented by delivery orders placed upon and accepted by mills: *Provided, however,* That such authority (a) shall be applicable only to effect delivery of orders on which priorities assistance is or may be made available pursuant to orders in the M-46 series; and (b) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

2. The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority.

This supplement shall take effect on June 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7654; Filed, June 29, 1951; 11:37 a. m.]

CIVIL AERONAUTICS BOARD

[Regs. 5, Serial No. SR-364]

OPERATION BY TRANSOCEAN AIR LINES OF CERTAIN AIRCRAFT IN TRUST TERRITORY OF THE PACIFIC ISLANDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of June 1951.

On July 1, 1951, the Department of the Interior will assume the duty of administering the Trust Territory of the Pacific Islands, including the islands of Saipan, Yap, Koror, Truk, Ponape, Kwajalein, and Majuro. At the present time the administration of these islands is in the Department of the Navy, which has maintained air transport communications with Naval aircraft among the various islands and between these islands and Guam. As a part of the transfer of the civil administration, the Departments of the Navy and Interior are desirous of establishing on or before the date of transfer a civilian operation which will replace the airlift heretofore furnished by the Navy in government aircraft. To this end the Department of the Navy has entered into a contract with Transocean Air Lines, the principal provisions of which include the transfer to Transocean of four PBY-5A aircraft, the undertaking by Transocean Air Lines to furnish service thereunder by the carriage of passengers, property and mail as may be directed by the High Commissioner of the Trust Territory, and the payment to Transocean on an aircraft mile basis.

The four PBY Amphibians turned over to Transocean Air Lines pursuant to this contract are eligible for airworthiness certificates issued pursuant to Part 3 of the Civil Air Regulations with a maximum allowable gross weight of 28,000 pounds. The Department of the Navy, joined by representatives of the Department of the Interior, has now requested that this gross weight limitation be raised from 28,000 to 30,000 pounds, because of the fact that a gross weight of 28,000 pounds would permit little or no pay-load over the longest over-water leg of the proposed operation. In addition to this waiver of the Civil Air Regulations concerning gross weight limits, the Department of the Navy and the Director of the Office of Territories in the Department of the Interior have requested that certain operating rules relative to the conduct of operations of these aircraft be modified in certain respects.

The Board believes that the importance of maintaining air communications to and within the Trust Territory of the Pacific Islands, the fact that no other type of aircraft appears to be practicable in conducting the operations, the fact that the operation is basically governmental in nature and will not be open to members of the general public, and the fact that most of the landing areas utilized will be sea level airports or seadromes, with few en route obstructions are all factors which indicate that a relaxation of otherwise applicable safety rules would be reasonable and in the public interest.

Because Transocean Air Lines is the only carrier affected by this Special Civil Air Regulation and because it has requested the relief herein granted, public notice and procedure hereon are unnecessary, and since it relieves the said carrier from restriction the Board finds that good cause exists to make this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective immediately to read as follows:

1. Notwithstanding any provision of the Civil Air Regulations to the contrary, but subject to the conditions hereinafter set forth, the airworthiness certificates of four certain PBY Amphibian Flying Boats transferred to Transocean Air Lines pursuant to contract with United States Navy (No. N600s-d-12210) may be amended, or new airworthiness certificates may be issued in their stead, such new or amended certificates to provide for an allowable gross weight of 30,000 pounds for each aircraft; and the air carrier operating certificate of the said carrier may likewise be amended to the extent necessary to permit it to operate such aircraft between

Guam—Saipan.
Guam—Yap.
Yap—Koror.
Truk—Guam.
Truk—Ponape.
Majuro—Kwajalein.
Kwajalein—Ponape.
Ponape—Majuro.

(a) The airworthiness certificates referred to herein may be amended, or other certificates issued, only if full compliance with the provisions of Part 3 of the Civil Air Regulations is shown on the basis of 28,000 pounds maximum take-off weight.

(b) Each such amended airworthiness certificate or new airworthiness certificate shall bear the following legend—"This certificate is issued (or amended) pursuant to the provisions of Special Civil Air Regulation SR-364. To the extent it authorizes a maximum take-off weight in excess of 28,000 pounds, it is valid only for non-common carrier operations conducted by Transocean Air Lines between points in the Trust Territory of the Pacific Islands and between such islands and Guam."

(c) The air carrier operating certificate shall be amended only to the extent necessary to permit the use of the said PBY-5a aircraft in operations conducted pursuant to the said contract between Transocean Air Lines and the Department of the Navy.

(d) In conducting the operations specified above, Transcean Air Lines shall do so in accordance with the provisions of Part 42 of the Civil Air Regulations: *Provided,* That any provision of such part which would require any alteration or addition to the structure or component of the said PBY-5a aircraft certificated in accordance with this Special Civil Air Regulation or which would materially hinder Transocean Air Lines in performing its obligations under the said contract is hereby expressly waived.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7556; Filed, June 29, 1951; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9148, 9995]

HARDING COLLEGE, AND EDITH WOOD SWEEZY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Harding College, Searcy, Arkansas, Docket No. 9148, File No. BP-6740; Edith Wood Sweezy, Searcy, Arkansas, Docket No. 9995, File No. BP-6908; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1951;

The Commission having under consideration the above-entitled applications, each requesting a permit to construct a new standard broadcast station to operate on frequency 1450 kilocycles, with 250 watts power, unlimited time at Searcy, Arkansas;

It appearing that applicant, Harding College, is legally qualified to operate the proposed station;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of applicant, Harding College, to construct and operate its proposed station and the legal, technical, financial and other qualifications of applicant, Edith Wood Sweezy, to construct and operate her proposed station with particular reference to the terms of the agreement between Edith Wood Sweezy and one Earl Butler with regard to the acquisition of an interest in the proposed station by the said Earl Butler.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable intereference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7527; Filed, June 29, 1951; 8:54 a. m.]

[Docket 9993]

MACKINAC RADIO SERVICE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUE

In the matter of E. M. Tellefson, d/b as Mackinac Radio Service, Mackinac Island, Michigan; Docket No. 9993, File No. 1551-F1-R-F, application for renewal of license for public coastal telegraph station WHQ.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of June 1951;

The Commission, having under consideration the application of E. M. Tellefson, d/b as Mackinac Radio Service, filed January 25, 1951, for renewal of license for station WHQ at Mackinac Island, Michigan; and

It appearing that, by order dated September 28, 1949, in connection with the proceedings in Docket No. 9433, the licensee was made a party respondent to the proceedings therein and was directed to file a statement regarding his acceptance and delivery practices but that said licensee did not respond to such order nor appear at the hearing therein; and

It further appearing that, on July 5 and August 28, 1950, respectively, official communications were sent to the licensee requesting information with respect to the operation of station WHQ, but that, to date no reply thereto has been received; and

It further appearing that said licensee may have, from time to time, discontinued, reduced or impaired service to a community or part of a community, through station WHQ, without complying with the provisions of Part 63 of the Commission's Rules and section 214 of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission at Washington, D. C., commencing at 10:00 a. m. on August 20, 1951, upon the following issues:

(1) To determine whether the licensee has discontinued, reduced or impaired service to a community or part of a community, through station WHQ, in violation of the provisions of Part 63 of the Commission's Rules and Section 214 of the Communications Act of 1934, as amended.

(2) To determine whether the licensee has misrepresented to the Commission, in the instant application for renewal of license, the facts and circumstances relating to the operation of station WHQ.

(3) To determine the facts and circumstances with respect to the failure of the licensee to furnish a statement with respect to his acceptance and delivery practices, and to appear in the proceedings, as required by the Commission's order of September 28, 1949, in Docket No. 9433.

(4) To determine the facts and circumstances with respect to the failure of the licensee to respond to the Commission's official communications dated July 5 and August 28, 1950, respectively.

(5) To determine the need for a public coastal telegraph station at Mackinac Island.

(6) To determine whether the licensee is qualified to be a radio station licensee in the subject service.

(7) To determine whether the public interest, convenience, or necessity would be served by a grant of the instant application for renewal of license.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7528; Filed, June 29, 1951; 8:55 a. m.]

[Change List No. 8]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 30, 1951.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations modifying appendix containing assignments of Dominican Republic Broadcast Stations (mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
1116T	(Santiago) 19°28′ N-70°42′ W	1090 kilocycles, 1 kw	U	II	July 30, 1951

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7525; Filed, June 29, 1951; 8:54 a. m.]

[Mexican Change List No. 128]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 18, 1951.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEFJ	Tezlutlan, Puebla	680 kilocycles, 1 kw	D	II	Sept 15, 1951
XEAW	Monterrey, Nuevo Leon	1250 kilocycles, 500 w-N/3 kw-D (increase in daytime power).	U	III-B	Sept. 1, 1951
XEAS	Nuevo Laredo, Tamanlipas	1410 kilocycles, 250 w-N/1 kw-D (increase in daytime power).	U	IV	Do.
XELC	La Piedad, Michoacan	1600 kilocycles, 1 kw-N/5 kw-D (increase in daytime power).	U	III-A	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7526; Filed, June 29, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1720]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 26, 1951.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, of 831 Second Avenue South, Minneapolis 2, Minnesota, filed on June 18, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 44,500 feet of 4-inch natural gas transmission line extending from its Worland Compressor plant in Washakie County, Wyoming, to the pipeline of the General Petroleum Corporation in Washakie County, Wyoming.

The application states that the proposed 4-inch line will be operated as a part of its natural-gas utility system and will make available to Applicant additional gas reserves from the "Slick Creek Unit" and the "Sand Creek Unit" of the General Petroleum Corporation. Applicant does not contemplate serving any additional towns by virtue of the proposed construction.

The estimated total over-all capital cost of the proposed construction is $85,663.00, which will be financed out of current assets.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7491; Filed, June 29, 1951; 8:46 a. m.]

[Project No. 2084]

NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION FOR LICENSE

JUNE 26, 1951.

Public notice is hereby given that Niagara Mohawk Power Corporation, of Syracuse, New York, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed hydroelectric Project No. 2084 comprising 5 developments on the Raquette River, New York, at sites downstream from Carry Falls, known respectively as Stark, Blake Falls, Rainbow Falls, Five Falls, and South Colton. Each development will consist principally of a dam, a reservoir, a powerhouse, penstock, substation, and a transmission line. The combined installed horsepower capacity of the 5 developments would be 123,300 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before August 9, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7492; Filed, June 29, 1951; 8:46 a. m.]

[Docket Nos. G-1308 and G-1676]

SOUTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDING AND FIXING DATE OF HEARING

On April 4, 1951, Southern Natural Gas Company (Applicant) filed a petition, supplemented on June 4, 1951, to amend the order entered on May 18, 1950, at Docket No. G-1308, stating that it did not propose to construct the lateral transmission pipe lines to serve the communities of Hogansville and Grantville, Georgia, and Childersburg, Alabama, all as authorized in said order of May 18, 1950. Applicant requested an amendment to said order authorizing Applicant to construct measuring facilities on Applicant's existing system for the delivery of natural gas to these communities which would construct the necessary lateral transmission pipe lines.

On April 23, 1951, Southern Natural Gas Company (Applicant) filed an application, amended on May 14 and June 1, 1951, at Docket No. G-1676 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipe-line facilities, subject to the jurisdiction of the Commission, all as more fully described in such application, as amended, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on May 8, 1951 (16 F. R. 4263).

The Commission finds: It would be in the public interest to consolidate for purposes of hearing the proceeding on the petition to amend at Docket No. G-1308 with the proceeding on the application for a certificate at Docket No. G-1676.

The Commission orders:

(A) The proceedings on the petition to amend at Docket No. G-1308 and on the application for a certificate at Docket No. G-1676 be and the same are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 6, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings, as heretofore consolidated.

(C) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7529; Filed, June 29, 1951; 8:55 a. m.]

[Docket No. G-1685]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

On May 9, 1951, Transcontinental Gas Pipe Line Corporation, (Applicant) a Delaware corporation with offices at 2100 Niels Esperson Building, Houston 2, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act seeking authorization to construct and operate an auxiliary pipeline crossing the Delaware River at a point near Marcus Hook, Pennsylvania.

Temporary authorization was granted on May 31, 1951.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 23, 1951 (16 F. R. 4819).

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing be held on July 17, 1951 at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of Issuance: June 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7530; Filed, June 29, 1951; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26203]

CLAY, KAOLIN OR PYROPHYLLITE FROM GEORGIA AND SOUTH CAROLINA TO ALBERTVILLE, ALA.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, kaolin or pyrophyllite, crude, washed, shredded or ground, carloads.

From: Producing points in Georgia and South Carolina.

To: Albertville, Ala.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 809, Supp. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7511; Filed, June 29, 1951; 8:51 a. m.]

[4th Sec. Application 26204]

SLAG FROM COPPERHILL, TENN., TO GIANT, S. C.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Louisville and Nashville Railroad Company and other carriers named in the application.

Commodities involved: Slag, in open top cars, carloads.

From: Copperhill, Tenn.

To: Giant, S. C.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 173.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7512; Filed, June 29, 1951; 8:51 a. m.]

[4th Sec. Application 26205]

FOREIGN WOODS FROM LACOOCHEE, FLA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs or flitches of foreign woods, and dimension stock, built-up woods and veneer, carloads.

From: Lacoochee, Fla.

To: Southern territory.

Grounds for relief: Circuitous routes, competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7513; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26206]

MIXED FEED FROM AUBURNDALE AND OCALA, FLA. TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1132.

Commodities involved: Mixed feed, animal or poultry, carloads.

From: Auburndale and Ocala, Fla.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1132, Supp. 5.

Any interest person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7514; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26207]

SCRAP IRON FROM POINTS IN SOUTHERN TERRITORY TO PORTSMOUTH, OHIO

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers defendants in Docket No. 30251, Portsmouth Steel Corp. v. Norfolk & W. Ry. Co., 279 I. C. C. 537, and other carriers.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Portsmouth, Ohio.

Grounds for relief: Circuitous routes, competition with rail carriers, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7515; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26208]

GUY RODS AND ANCHORS FROM CENTRALIA, MO., TO TENNESSEE AND LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Gulf, Mobile and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Guy anchors and guy rods, iron or steel, carloads.

From: Centralia, Mo.

To: Memphis, Tenn., and lower Mississippi River crossings.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3615, Supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7516; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26209]

PULPBOARD OR FIBREBOARD FROM PANAMA CITY, FLA., AND GEORGETOWN, S. C., TO MASSACHUSETTS, NEW JERSEY, AND MARYLAND

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Panama City, Fla., and Georgetown, S. C.

To: Brighton, Mass., Brighton, N. J., and Baltimore, Md.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7517; Filed, June 29, 1951; 8:52 a. m.]

[4th Sec. Application 26210]

LUMBER FROM ALABAMA AND MISSISSIPPI TO MEMPHIS, JACKSON, AND DYERSBURG, TENN.

APPLICATION FOR RELIEF

JUNE 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Lumber and related articles, carloads.

From: Maplesville and Tuscaloosa, Ala., Columbus, Miss., and certain other points in Mississippi.

To: Memphis, Jackson, and Dyersburg, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates:

C. A. Spaninger's tariff I. C. C. No. 894, Supp. 219; C. A. Spaninger's tariff I. C. C. No. 926, Supp. 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7518; Filed, June 29, 1951; 8:53 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 48]

UNION PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Union Pacific Railroad Company, because of washouts, is unable to transport traffic routed over its lines in Kansas: *It is ordered*, That:

(a) Rerouting Union Pacific Railroad Company traffic: The Union Pacific Railroad Company is hereby authorized and directed to reroute or divert traffic moving on its lines in Kansas, routed via its lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1:00 p. m., June 23, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., July 23, 1951, unless otherwise modified, changed, suspended or annuled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., June 23, 1951.

INTERSTATE COMMERCE COMMISSION,
[SEAL] HOMER C. KING,
Agent.

[F. R. Doc. 51-7519; Filed, June 29, 1951; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2644]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

ORDER AUTHORIZING ISSUANCE OF PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June A. D. 1951.

Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"), having filed a joint declaration and an amendment thereto with this Commission pursuant to sections 6, 7 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 thereunder with respect to the following transactions:

Arkansas Louisiana has made certain loans from the Guaranty Trust Company of New York ("Bank") pursuant to a Loan Agreement dated October 15, 1947, and a Supplement thereto dated September 15, 1949. At present, the amounts owed the Bank under such agreements aggregate $23,000,000, evidenced by a 2¼ percent installment promissory note in the principal amount of $7,500,000 (payable in installments of $625,000 each, beginning October 15, 1951, and ending April 15, 1957), 2¾ percent promissory notes in the principal amount of $13,000,000 due September 15, 1952, and 2½ percent promissory notes in the principal amount of $2,500,000 due October 15, 1957.

Arkansas Louisiana proposes to enter into a Second Supplemental Bank Loan Agreement with the Bank pursuant to which it proposes to borrow additional sums not to exceed $4,000,000 on or prior to September 15, 1951. Such borrowings are to be evidenced by promissory notes to be issued by Arkansas Louisiana bearing interest at the rate of 2¾ percent per annum and maturing on September 15, 1952. In consideration of the commitment of the Bank to extend such credit, Arkansas Louisiana will pay the Bank a commitment fee computed at the rate of ½ of 1 percent per annum from April 1, 1951, the date of the Second Supplemental Agreement, on the daily average unused amount which the Bank is obligated to lend. The other terms and conditions of the Second Supplemental Agreement are substantially the same as those contained in the Loan Agreement dated October 15, 1947, as amended by the Supplemental Agreement dated September 15, 1949.

Arkansas Louisiana represents that it will use proceeds from the proposed borrowings for construction expenditures made, and to be made, during the calendar year 1951, estimated in the amount of $8,562,000.

It is proposed that, upon the execution of the Second Supplemental Loan Agreement, Arkansas Natural, Arkansas Louisiana and Bank will execute a Second Supplemental Subordination Agreement supplementing the Subordination Agreement of October 15, 1947, and the amendment thereto of September 15, 1949, executed in connection with the original Loan Agreement and the Supplemental Loan Agreement, providing for the subordination of the 4¼ percent Sinking Fund Debenture due 1955 of Arkansas Louisiana in the principal amount of $6,500,000 held by Arkansas Natural to the payment of principal and interest on the notes proposed to be issued under the Second Supplemental Loan Agreement and to appropriately note the subordination by legend to be placed on the Debenture.

The filing states that fees and expenses in connection with the proposed transactions, exclusive of commitment fees, are estimated at $7,000, of which $5,000 is for legal fees.

Declarants request that the Commission's order herein become effective forthwith upon issuance.

Said declaration having been filed on June 1, 1951, and an amendment having been filed on June 6, 1951, notice of filing having been duly given in the form and manner prescribed in Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the

applicable provisions of the act and the rules and regulations thereunder have been satisfied, that there is no basis for adverse findings, that the estimated fees and expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors or consumers to permit said declaration, as amended, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-7496; Filed, June 29, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17968]

MRS. NOYE KUBO ET AL

In re: Funds owned by and claims of Mrs. Noye Kubo and others. F-39-6923, F-39-6911, F-39-6957.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name:	*Address*
Mrs. Noye Kubo	Tokyo, Japan.
Mrs. Moto Itagaki	Yokohama, Japan.
Kimiyo Nakahara	Yokohama, Japan.

are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C. maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn for the payment of compensation to the persons whose names are listed below identified by the numbers and in the amounts as of January 1, 1947 as listed opposite each such name:

Name, and identifying nos.:	*Amount*
Mrs. Noye Kubo, 156435	$367.44
Mrs. Moto Itagaki, 156434	227.52
Kimiyo Nakahara, 156392	183.78

together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the United States Employees Compensation Act of September 17, 1916, as amended (Pub. Law 267, 64th Cong. 1st Sess. 39 Stat. 742) to January 1, 1947, of the persons whose names are listed below and identified by the Bureau of Employees Compensation, United States Department of Labor reference numbers listed opposite each such name:

Name:	*Identification Nos.*
Mrs. Noye Kubo	156435
Mrs. Moto Itagaki	156434
Kimiyo Nakahara	156392

together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7541; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18019]

HENRY FELDHAUSEN

In re: Estate of Henry Feldhausen, deceased. File No. D-28-12883; E. T. sec. 17045.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Feldhausen, John Feldhausen and Eliese Langreder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Henry Feldhausen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Feldhausen and Eleanor Feldhausen, as Executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7542; Filed, June 29, 1951; 8:57 a. m.]

[Vesing Order 18033]

RICHARD A. TIETJEN

In re: Estate of Richard A. Tietjen, deceased. File No. F-28-30149.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Tietjen and Minnie Spanut, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Richard A. Tietjen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry Tietjen, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7543; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18034]

THEODORE VOGLER

In re: Estate of Theodore Vogler, deceased. File No. D-28-12757; E. T. sec. 16932.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Roeder and Maria Lang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown of Therese Hohner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Theodore Vogler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by O. A. Eastman, as administrator, acting under the judicial supervision of the Circuit Court of the State of Oregon, for the County of Multnomah;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees, distributees, names unknown, of Therese Hohner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General. Director, Office of Alien Property.*

[F. R. Doc. 51-7544; Filed, June 29, 1951; 8:57 a. m.]

[Vesting Order 18048]

Y. TSUSHIMA

In Re: Debt owing to Y. Tsushima. D-39-19314-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Y. Tsushima, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Y. Tsushima by the Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, evidenced by a Time Certificate of Deposit numbered 12738, issued by the aforesaid bank to Y. Tsushima, in the principal amount of $605.87, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under the aforementioned Time Certificate of Deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Y. Tsushima, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7545; Filed, June 29, 1951; 8:58 a. m.]

[Vesting Order 18061]

KARL BULLING

In re: Estate of Karl Bulling, also known as Charles Bulling, deceased. File D-28-12988. E. T. Sec. 17120.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michael Bulling, Gottlieb Bulling, Pauline B. Maier, Herman Bulling, Karl Bulling and Anna B. Dietz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,738.33 in the possession of the County Treasurer of Ramsey County, Minnesota, pursuant to the order dated April 4, 1951 of the Probate Court of Ramsey County, Minnesota, in the matter of the estate of Karl Bulling, also known as Charles Bulling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Ramsey County, Minnesota, acting under the judicial supervision of the Probate Court of Ramsey County, Minnesota,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in

section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7546; Filed, June 29, 1951; 8:58 a. m.]

[Vesting Order 18078]

P. BEIERSDORF & CO. A. G. ET AL.

In re: Rights and Interests of P. Beiersdorf & Co. A. G. and Chemische Fabrik Pilot A. G. in Patent and Trademark Property of P. Beiersdorf, Inc.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That P. Beiersdorf & Co. A. G., whose last known address is Eidelstedterweg 48, Hamburg, Germany, is a corporation organized under the laws of Germany, which has, or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Chemische Fabrik Pilot A. G., whose last known address is Basel, Switzerland, is a corporation organized under the laws of Switzerland, which is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by P. Beiersdorf A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: All right, title and interest of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several states thereof, of P. Beiersdorf & Co. A. G. and Chemische Fabrik Pilot A. G., in and to any and all of the goodwill of the business in the United States of P. Beiersdorf, Inc., Stamford, Connecticut, its successors or assigns, and in and to any and all United States patents owned of record by P. Beiersdorf, Inc., and in and to any and all registered and unregistered trademarks and tradename appurtenant to said business of P. Beiersdorf, Inc., and in and to any copyrights, prints, or labels appurtenant to said business, and in and to any and every other agreement, license, privilege, power and writing or understanding of whatsoever kind or nature arising under or with respect to said business of P. Beiersdorf, Inc., its successors or assigns,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to patents, trademarks, copyrights, or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That Chemische Fabrik Pilot A. G. is controlled by or acting for or on behalf of P. Beiersdorf & Co. A. G., the aforesaid national of a designated enemy country (Germany), and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7547; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 993]

LEOPOLD KAUFMAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Leopold Kaufman, Portland, Oreg.; Claim No. 36614; May 15, 1951 (16 F. R. 4518); $753.48 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7548; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 1000]

AGOSTINO AND LUIGINA LAVAGETTO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Notice of Intention To Return Published, and Property

Agostino Lavagetto, Savignone, Italy, Claim Nos. 42571 and 42569; Luigina Lavagetto, Savignone, Italy, Claim Nos. 42570 and 42569; May 18, 1951 (16 F. R. 4673); $847.50 in the Treasury of the United States to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7549; Filed, June 29, 1951; 8:58 a. m.]

[Return Order 408, Amdt.]

GIO BATTA FAGGIONI

Return Order No. 408, dated September 1, 1949, published in the FEDERAL REGISTER on September 9, 1949 (14 F. R. 5551) is hereby amended as follows and not otherwise:

By deleting the following items:

Claimant and Claim No.:	*Amount*
Gio Batta Faggioni, Pisa, Italy; 39639	$730.22

All other provisions of said Return Order No. 408 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7550; Filed, June 29, 1951; 8:59 a. m.]

WILLIAM W. DENNIS AND BERTHA WATLING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration

thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

William W. Dennis, administrator of the Estate of Bertha Watling, deceased, Claim No. 32144; $664.92 in the Treasury of the United States. Certificate No. 10420, representing 64 shares of NPV common stock of Metal & Thermit Corp., New Jersey, in the custody of Federal Reserve Bank of New York.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7551; Filed, June 29, 1951; 8:59 a. m.]

WILLEM KAUFFMANN AND PIETER JOHANNES VAN DER LEE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Willem Kauffmann, Leeuwarden, The Netherlands; Pieter Johannes van der Lee, Gorinchem, The Netherlands; Claim No. 42757; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,183,141, one-half thereof to each claimant.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7552; Filed, June 29, 1951; 8:59 a. m.]

MRS. EDITH WENDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location
Location

Mrs. Edith Wendt, Sunnyside, Long Island, N. Y.; Claim No. 22529; $984.39 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Margarete Latte in and to the trust created under the last will and testament of Max Blaschko, deceased.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7553; Filed, June 29, 1951; 8:59 a. m.]

SAINT-DENIS KUHLMANN SAINT-CLAIR DYESTUFF CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Saint-Denis Kuhlmann Saint-Clair Dyestuff Corp., New York, N. Y.; Claim No. 42937; $3,928.14 in the Treasury of the United States.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7554; Filed, June 29, 1951; 8:59 a. m.]

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FEDERAL REGISTER

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Washington, Tuesday, July 3, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2933

TERMINATION OF COSTA RICAN TRADE AGREEMENT PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1 WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934 (ch. 474, 48 Stat. 943)) the President of the United States of America entered into a trade agreement with the President of the Republic of Costa Rica on November 28, 1936 (50 Stat., Pt. 2, 1583);

2. WHEREAS by Proclamation of July 3, 1937 (50 Stat., Pt. 2, 1582), the President proclaimed the said trade agreement specified in the first recital of this proclamation, effective on and after August 2, 1937;

3. WHEREAS the Government of the United States of America and the Government of the Republic of Costa Rica entered into an agreement on April 3, 1951, providing that the said trade agreement shall cease to be in force on and after June 1, 1951; and

4. WHEREAS section 350 (a) of the Tariff Act of 1930, as amended, authorize the President to terminate in whole or in part any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim that the said proclamation of July 3, 1937, is hereby terminated as of the close of May 31, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of June, in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-7671; Filed, June 29, 1951; 2:48 p. m.]

EXECUTIVE ORDER 10264

TRANSFER OF THE ADMINISTRATION OF AMERICAN SAMOA FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR

WHEREAS the Island of Tutuila of the Samoan group and all other islands of the group east of longitude 171 degrees west of Greenwich, known as American Samoa, were placed under the control of the Department of the Navy by Executive Order No. 125-A of February 19, 1900; and

WHEREAS the joint resolution of February 20, 1929, 45 Stat. 1253, provides that until the Congress shall provide for the government of such islands all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States may direct; and

WHEREAS a committee composed of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for American Samoa be transferred to a civilian agency of the Government at the earliest practicable date as determined by the President; and

WHEREAS plans for the orderly transfer of administrative responsibility for American Samoa from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on or about July 1, 1951; and

WHEREAS the transfer of administration of American Samoa from the

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Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951, appears to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the said joint resolution of February 20, 1929, and as President of the United States, it is ordered as follows:

1. The administration of American Samoa is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of American Samoa as embodied in the above-mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in American Samoa.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive order of February 19, 1900, is revoked, effective July 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 29, 1951.

[F. R. Doc. 51–7717; Filed, June 29, 1951; 5:05 p. m.]

EXECUTIVE ORDER 10265

TRANSFER OF THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR

WHEREAS the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was placed under the trusteeship system established by the Charter of the United Nations by means of a trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process; and

WHEREAS the United States, under the terms of the trusteeship agreement, was designated as the administering authority of the trust territory, and has assumed obligations for the government thereof; and

WHEREAS Executive Order No. 9875 of July 18, 1947, delegated authority and responsibility for the civil administration of the trust territory to the Secretary of the Navy on an interim basis; and

WHEREAS a committee of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for the trust territory be transferred to a civilian agency of the Government at the earliest practicable date; and

WHEREAS plans for the orderly transfer of administrative responsibility for the trust territory from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that memorandum, that such transfer should take effect on July 1, 1951; and

WHEREAS the transfer of administration of the trust territory from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951, appears to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of the trust territory is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of administration of the trust territory as embodied in the above-mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in the trust territory and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of

the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: *Provided, however,* that the authority to specify parts or all of the trust territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further,* that the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the trust territory affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning the trust territory which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to the trust territory shall be conducted through the Secretary of State.

4. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order No. 9875 of July 18, 1947, is revoked, effective July 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 29, 1951.

[F. R. Doc. 51-7718; Filed, June 29, 1951; 5:05 p. m.]

EXECUTIVE ORDER 10266

SUSPENSION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947, AS AMENDED, WHICH RELATE TO OFFICERS OF THE NAVY AND MARINE CORPS

By virtue of the authority vested in me by sections 301 and 426 (c) of the Officer Personnel Act of 1947, as amended, it is hereby ordered as follows:

1. Except as provided in paragraph 2 hereof, the operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the distribution in grades, promotion by selection, temporary promotion, and discharge on second failure of selection for promotion, of officers of the grades of lieutenant, lieutenant (junior grade), and ensign of the Navy, and of corresponding grades of the Marine Corps, are hereby suspended for the duration of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950.

2. Notwithstanding the provisions of paragraph 1 hereof, (a) the operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the promotion of officers of the grades of lieutenant and lieutenant (junior grade) of the Navy, and of corresponding grades of the Marine Corps, shall not be regarded as suspended in the case of any officer whose name is on this date on a promotion list as the result of selection for promotion pursuant to the said act, as amended, and (b) the operation of those provisions of Title III of the said act which relate to discharge on second failure of selection for promotion of officers of the said grades shall not be regarded as suspended in the case of any officer subject to discharge on June 30, 1951, under such provisions if the officer requests such discharge.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1951.

[F. R. Doc. 51-7720; Filed, July 2, 1951; 10:15 a. m.]

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AUTHORITY: §§ 930.0 to 930.96 issued under sec. 5, 49 Stat. 753, as amended; 74 S. C. and Sup., 608c.

§ 930.0 *Findings and determinations.* The findings and determinations set forth in this subpart are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this subpart.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on June 1, 1950, reopened on November 30, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will

tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1951), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 ed, 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area," called the "marketing area" in this subpart means the territory within the corporate limits of the cities of Toledo, Ohio, and Monroe, Michigan, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View and Trilby in Lucas County, Ohio, and the village of Rossford in Wood County, Ohio, and the territory within the boundaries of the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem and Oregon in Lucas County, Ohio, and Perrysburg, Ross and Lake in Wood County, Ohio, and Whiteford, Bedford, Erie, La Salle, Monroe, and Frenchtown in Monroe County, Michigan.

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition in the marketing area as Class I milk all, or a portion, of which is so sold or disposed of on the premises or from such plant (or facilities) to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

§ 930.7 *Producer.* "Producer" means any person who produces milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided,* That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

§ 930.8 *Handler.* "Handler" means (a) any person who operates a fluid milk plant, or (b) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

§ 930.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

§ 930.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 930.7.

§ 930.11 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any nonfluid milk product so received which is disposed of in the same form.

§ 930.12 *Nonhandler.* "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

§ 930.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its product for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 930.20 *Designation.* The agency for the administration of this subpart shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the secretary.

§ 930.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.73:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.74, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon

which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.73, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52 and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

(j) Upon request, supply on or before the 10th day after the end of each month to each cooperative association with respect to each producer specified in § 930.70 (a) the amounts of milk received, the average butterfat tests thereof, the amounts of authorized deductions and such other information necessary to carry out the provisions and intent of § 930.70.

REPORTS, RECORDS, AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s), and milk diverted pursuant to § 930.7 (b):

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator (except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request) on or before the 20th day after the end of each month his producer pay roll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 930.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 *Basis of classification.* All (a) producer milk received by a handler, (b) skim milk and butterfat in any form received by a handler from other handlers, and (c) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in § 930.41.

§ 930.41 *Classes of utilization.* Subject to the conditions set forth in §§ 930.42, 930.43, 930.44, 930.45, 930.46 and 930.47, the classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (1) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (2) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; or eggnog.

(c) Class III milk shall be all skim milk and butterfat accounted for (1) as used to produce a product other than those specified in paragraphs (a) and (b) of this section; (2) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (3) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 930.42 *Interhandler and nonhandler transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(b) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (1) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

§ 930.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 930.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 930.45 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to subparagraphs (2) and (3) of paragraph (c) of this section;

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(c) Determine the pounds of butterfat in other source milk to be prorated pursuant to paragraph (e) of this section as the smallest of the following amounts:

(1) The pounds of butterfat in other source milk received in the form of milk or skim milk,

(2) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants, and

(3) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk subtracted pursuant to paragraph (a) of this section;

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (1) butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section and (2) butterfat in other source milk determined pursuant to paragraph (c) of this section;

(e) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to paragraph (c) of this section; and

(f) Add to the pounds of butterfat remaining in Class III milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 930.46 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in § 930.45.

§ 930.47 *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to §§ 930.45 and 930.46 and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 930.50 *Class prices.* Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June	$0.75
March, April, July, August	1.60
All others	1.20

(2) For the second delivery period following any period of 12 consecutive months in which the total receipts of milk from producers by all handlers exceed 135 percent of the total Class I utilization of all handlers, and continuing until the beginning of the second delivery period following any period of 12 consecutive months in which such milk receipts are less than 125 percent of such utilization, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
May and June	$0.75
March, April, July, August	.95
All others	1.05

(b) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

(c) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

Company and Location

Pet Milk Co., Wauseon, Ohio.
Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (c) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.47, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10;

(b) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10; and

(c) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.

§ 930.53 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Value of milk.* The value of producer milk of each handler for each month shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.50, the amounts in each class computed pursuant to § 930.47, and adding together such amounts: *Provided,* That if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the month pursuant to § 930.30, has been credited to his producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 930.45 (f) and § 930.46 by the applicable class prices.

§ 930.61 *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiplied by 10;

(b) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section, for the previous month to the nearest cent;

(d) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 930.60; and

(e) Adjust the resulting figure to the nearest cent.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.73, 930.74, and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 13th day after the end of each month, each handler shall, upon request, pay to a cooperative association with respect to milk of producers for which it has received written authorization to collect payment a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section.

(b) On or before the 15th day after the end of each month, each handler shall pay each producer (other than those specified in paragraph (a) of this section) for milk received from him during such month, at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to § 930.72 less the amount of payment made pursuant to § 930.71.

§ 930.71 *Partial payments.* (a) On or before the last day of each month, each handler shall, upon request, pay to a cooperative association with respect to milk received during the first 15 days of the month from producers specified in paragraph (a) of this section, a total amount not less than the sum of the individual amounts for such producers, computed at not less than the uniform price for such handler for the preceding month.

(b) On or before the last day of each month each handler shall pay to each producer (other than those specified in paragraph (a) of this section) for milk received from him during the first fifteen (15) days of the month at not less than fifty cents (50 cents) under the uniform price for such handler for the preceding month: *Provided,* That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month and divide the result by 10.

§ 930.73 *Expense of administration.* As his prorata share of expense incurred pursuant to § 930.22 (d), each handler shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts, during the month, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.74 *Deductions for marketing services.* Except as set forth in § 930.75, each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

§ 930.75 *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in § 930.74, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in § 930.74, such deductions from payments required pursuant to § 930.70 as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 for

each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator pursant to §§ 930.73 or 930.74, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Milk subject to other Federal orders.* (a) Milk received at a plant of a handler other than from producers the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall be considered as other source milk.

(b) Milk distributed as described in § 930.6 directly from a plant at which the handling of such milk is subject to the pricing and payment provisions of any other Federal milk marketing agreement or order shall not be subject to any of the provisions of this subpart except §§ 930.30, 930.31, 930.32 and 930.33.

(c) The value of milk disposed of by a handler as Class I milk within the marketing area of any other Federal milk marketing agreement or order issued pursuant to the act, which milk is not subject to the pricing and payment provisions of such agreement or order, shall be computed pursuant to § 930.60 at the Class I price provided in such other agreement or order adjusted pursuant to any applicable location adjustments, if such Class I price is higher than the Class I price provided in this subpart.

§ 930.81 *Milk caused to be delivered by cooperative associations.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 930.82 *Diverted milk.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

§ 930.83 *Producer-handlers.* Sections 930.40, 930.50, 930.60, 930.70, 930.73, 930.74, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a), notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 930.96 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of June 1951, to be effective on and after the first day of September 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7627; Filed, July 2, 1951; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 16]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HOGS

On May 2, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 3841) regarding the proposed recognition by the Secretary of Agriculture of the Wessex Saddleback Section of the book of record of purebred hogs entitled "Herd Book of the National Pig Breeders' Association."

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Sup. III, sec. 1201, par. 1606) hereby recognizes the Wessex Saddleback Section of the said book of record, and hereby amends § 151.10, Chapter I, Title 9, Code of Federal Regulations, as amended, by adding to the subdivision of paragraph (a) of said section relating to hogs, the name "Wessex Saddleback" to the list of breeds in the said herd book which are currently so recognized, as follows:

Hogs

Name of breed	Book of record	By whom published
Berkshire Large White Middle White Tamworth Wessex Saddleback	Herd Book of the National Pig Breeders' Association.	National Pig Breeders' Association, A. R. Bennett, Secretary, Victoria House, Southampton Row, London, W. C. 1, England.

(Sec. 201, Par. 1606, 48 Stat. 673 as amended; 19 U. S. C. and Sup. 1201, Par. 1606)

The foregoing amendment shall become effective on the 2d day of August 1951.

Done at Washington, D. C., this 27th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7586; Filed, July 2, 1951; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

[Domestic Uranium Program Circular 6]

PART 60—DOMESTIC URANIUM PROGRAM

BONUS FOR INITIAL PRODUCTION OF URANIUM ORES FROM DOMESTIC MINES

§ 60.6 *Bonus for initial production of uranium ores from new domestic mines*—(a) *What this section does.* This section provides for bonus payments for initial and certain other production of uranium-bearing ores. It is intended to encourage and assist the development of new sources of domestic uranium production in the interest of the common defense and security.

(b) *Production bonus established.* The U. S. Atomic Energy Commission will pay a bonus under the conditons set forth in this section for delivery to a Commission ore-buying station or a qualified uranium mill (hereafter called station or mill) of uranium ores from an eligible mining property up to the maximum quantities specified in this section.

(c) *Term of this section.* This section will apply to deliveries made under its terms between March 1, 1951, and February 28, 1954, inclusive.

(d) *Payment of the bonus.* Bonus payments will be computed on the following basis:

Ores assaying less than 0.10 percent U_3O_8: no payment.

Ores assaying 0.10 percent U_3O_8 and more, as follows:

U_3O_8 assay:	*Payment per pound of U_3O_8*
0.10 percent	$1.50
0.11 percent	1.70
0.12 percent	1.90
0.13 percent	2.10
0.14 percent	2.30
0.15 percent	2.50
0.16 percent	2.70
0.17 percent	2.90
0.18 percent	3.10
0.19 percent	3.30
0.20 percent and more	3.50

Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent. Assays will be adjusted to the nearest 0.01 percent for purposes of payment. Weights are avoirdupois dry weights. Bonus payments made under this section will be in addition to any other payments for delivery of the ore. They will be paid directly by the Commission and not by the station or mill.

(e) *Maximum quantity of uranium ores for which bonus payments will be made.* Subject to the conditions of this section, bonus payments will be made on deliveries of uranium ore from an eligible mining property to a station or mill until bonus payments have been made on 10,000 pounds of contained uranium oxide less the number of pounds, if any, accepted by stations or mills (or any other uranium ore processing plants) from that mining property between April 9, 1948 and February 28, 1951, inclusive.

(f) *Ores for which bonus payments will be made.* Ores for which bonus payments will be made must have been delivered to and paid for by either a station or mill. However, in special cases, bonus payments may be made for ores which have been accepted by the station or mill but for which payment is still pending. Bonus payments will not be made for ores which a station or mill refuses to accept. The weights and final assays made to ascertain the amount of payment due from the station or mill shall be used to determine the amount of bonus payments under this section.

(g) *Which mining properties are eligible.* In order for a mining property to be eligible for bonus payments under this section,

(1) As required by paragraph (e) of this section, the total quantity of uranium oxide as contained in ore accepted by stations or mills (or any other uranium ore processing plants) from that property between April 9, 1948 and February 28, 1951, inclusive, must have been less than 10,000 pounds; and

(2) The property must be within the United States, its territories, possessions or the Canal Zone; and

(3) The property must be certified by the Commission as eligible using the following criteria as guides:

(i) *Purpose of the bonus.* The purpose of the bonus is to encourage and assist the development of new sources of domestic uranium production.

(ii) *Character of mining property.* The mining property may consist of a placer or lode location, or if not covered by location, a tract which the Commission finds to be comparable or otherwise appropriate. However, an entire holding consisting of contiguous locations or tracts will be regarded as only a single eligible unit of mining property if the locations or tracts are held in common in the manner set forth in the following paragraph.

(iii) *Title or interest of the holder of the property.* The title or interest in the mining property should be one of ownership or lawful possession of mining rights. This type of holding will generally be that of an owner or leaser (lessee). It is recognized that there are various arrangements such as split check leases, piece rate contracts and the like whereby persons either as employees or independent contractors conduct mining operations on designated areas of property held by another who also supplies certain of the mining services or equipment or both and who receives in return a percentage of the proceeds of the ore produced. In the case of such arrangements, the person who grants the right to conduct these mining operations will be considered as the holder of the mining property although others perform mining operations on it.

(iv) *Minimum size of mining property.* The mining property, if it is made up of a location or locations, should contain at least 15 acres. The minimum size of lands on Indian reservations will be established by the Commission after consultation with the Bureau of Indian Affairs of the Department of Interior. The minimum size of other mining properties will be established by the Commission in individual cases in the light of the purpose of the bonus.

(v) *Subdivision or consolidation of property.* Since the division of existing mining properties into smaller units might have the effect of increasing bonus payments without advancing the purpose of the bonus program, division of a single unit of mining property on or after March 1, 1951, will not be recognized in determining its eligibility for bonus payments under this section. In addition, consolidation or merger of contiguous mining properties on or after March 1, 1951, will not affect the eligibility of the separate properties for bonus payments.

(vi) *Special cases.* Since the above criteria are merely guides to assist the Commission in its decisions, areas which fail to meet all of the criteria may be certified by the Commission as eligible in special cases where it is determined that the deviations are not substantial or that their disqualification would cause serious inequities. In determining whether or not serious inequities would result, the physical characteristics and location of the deposit may be a factor. Under appropriate circumstances, a segment of a certified property may itself be certified as eligible. On the other hand, technical compliance with all the above criteria will not necessarily make a property eligible.

Properties leased to private operators by the Commission will not be eligible for bonus payments except under special circumstances and as provided for in the lease.

(h) *Determination by the Commission.* The Commission expressly reserves the right to decide the amount of any bonus payments to be made, whether the property should be certified as an eligible mining property, the person to whom the bonus should be paid and whether for any reason a bonus is not payable. These decisions shall rest in the sole discretion of the Commission and shall be final and conclusive. The Commission further reserves the right to establish procedures to carry out the bonus program. Any bonus payments made hereunder with respect to particular ores shall be the only such bonus payments made for those ores. The Commission will not consider any other application for bonus payments on those ores.

(i) *Application for certification.* Applications for certification of a property as eligible should be made to:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colorado.

The application should include a description of the mining property indicating its size, location, ownership, interest of the applicant and public recording. There should also be included a statement by the applicant that to the best of his knowledge the total quantity of uranium oxide contained in ore accepted by stations or mills (or any other uranium ore processing plants) from that property between April 9, 1948, and February 28, 1951, inclusive, was less than 10,000 pounds. A form prescribed by the Commission and obtainable at a station or mill should be used for supplying the above information. Certification by the Commission will be a prerequisite to payment of the bonus, but after certification, payments will be made for ores which are delivered before certification and which meet the requirements of this section. Normally certification will not be made before uranium deposits have been discovered on the property, but the Commission may issue certifications prior to discovery in special cases. The Commission reserves the right to revoke a certification if it determines that its issuance was based on fraud, misrepresentation or mistake or if the requirements of this section are not complied with. The Commission may require such information and right to make such inspections of the mining property as it finds necessary for the purpose of determining its eligibility for bonus payments and the amounts to be paid.

NOTE: Misrepresentation or falsification of facts in an application for certification or for bonus payments may subject the offender to criminal penalties under pertinent provisions of the United States Code including section 1001 of Title 18. Any such offenses also will disqualify the offender from receiving bonus payments.

(j) *Application for bonus payment.* Application for a bonus payment should be made on a prescribed form (obtainable at a station or mill) at intervals not more frequent than once a month during a period when ore deliveries from the property are believed to meet the requirements of this section. Applications may be addressed as follows:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colorado.

In addition to the application, the Commission may require such other information as it finds necessary.

(k) *Who may apply for bonus payments.* The person (other than a royalty payee or the like) who has lawfully received payment from a station or mill for the delivery of ore from a certified mining property may apply for bonus payments under this section. However, in special cases, the applications of persons whose ores have been accepted by the station or mill but for which payment is still pending will be considered.

(l) *Mill processing ores from its own mines.* In the event that an operator of a mill processes in the mill ores which it obtains from mining properties operated by it, the Commission will pay the bonus under the conditions set forth in this section to the same extent as if the mining properties were operated by another person who delivered ore to the mill and received payment for it from the mill. In such case, however, the weights and assays used to fix the amount of payment due as a bonus under this section shall be determined in accordance with practices satisfactory to the Commission.

(m) *Definitions.* As used in this section,

(1) "Commission" means the Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

(2) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or combination thereof. The term "person" shall not include the U. S. or any agency thereof or any officer or employee of the Commission.

(n) *Commission ore-buying stations and qualified uranium mills.* (1) *Stations.* The following are Commission ore-buying stations (that is, ore-buying stations operated on behalf of the Commission):

American Smelting & Refining Co., Monticello, Utah.
American Smelting & Refining Co., Marysvale, Utah.

(2) *Mills.* The following are qualified uranium mills:

United States Vanadium Company, Uravan, Colo.
United States Vanadium Company, Rifle, Colo.
Climax Uranium Co., Grand Junction, Colo.
Vanadium Corporation of America, Durango, Colo.
Vanadium Corporation of America, Naturita, Colo.
Vanadium Corporation of America, Hite, Utah.
Vitro Chemical Co., 600 West 33d St. South, Salt Lake City, Utah.

(3) *Modifications.* These lists may be modified from time to time by public announcement of the Commission.

(o) *Inquiries and communications.* Inquiries about this section and all other communications should be addressed as follows:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colo.

(p) *Records, rules and regulations.* The Commission may require applicants for bonus payments under this section to keep for Commission inspection such records concerning production and deliveries of uranium ores for which application is made as it finds proper and may issue such additional rules and regulations relating to bonus payments as it finds necessary or desirable.

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 27th day of June 1951.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 51-7522; Filed, June 29, 1951; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5353]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MIAMI MARGARINE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.25 *Competitors and their products;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.280 *Unique nature or advantages.* Subpart—*Disparaging competitors and their products—Competitors' products:* § 3.1015 *Quality.* In connection with the offer for sale, sale, or distribution of Nu-Maid margarine, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the

United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said product, which advertisements represent, directly or by implication: (a) that the said product is the only margarine product suitable for table use; (b) that a margarine product is not suitable for table use unless it is labeled "Table-Grade"; (c) that the said product, because of its Vitamin A content, provides the user thereof with increased pep, energy, vitality, vigor, strength or endurance; (d) that Vitamni A is properly characterized as the "pep-up" vitamin, or that Vitamin A provides the user thereof with increased pep, energy, vitality, vigor, strength or endurance; or, (e) that the said product has any therapeutic value in the treatment of disgestive troubles; prohibited.

(Sec. 6, 38 Stat. 721, 15 U. S. C. 46, sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

[Cease and desist order, the Miami Margarine Company et al., Docket 5353, April 19, 1951]

In the Matter of The Miami Margarine Company, a Corporation, and The Ralph H. Jones Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before trial examiners of the Commission theretofore duly designated by it, the recommended decision of a substitute trial examiner duly designated by the Commission for the purpose of preparing and submitting his recommended decision upon the record, the trial examiner previously designated being unavailable (briefs having been waived and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, the Miami Margarine Company, a corporation, and The Ralph H. Jones Company, a corporation, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Nu-Maid margarine, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the said product is the only margarine product suitable for table use.

(b) That a margarine product is not suitable for table use unless it is labeled "Table-Grade".

(c) That the said product, because of its Vitamin A content, provides the user thereof with increased pep, energy, vitality, vigor, strength or endurance.

(d) That Vitamin A is properly characterized as the "pep-up" vitamin, or that Vitamin A provides the user thereof with increased pep, energy, vitality, vigor, strength or endurance.

(e) That the said product has any therapeutic value in the treatment of digestive troubles.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such product, which advertisement contains any of the representations prohibited in the preceding paragraph 1 (a), (b), (c), (d) and (e).

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with it.

Issued: April 19, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-7592; Filed, July 2, 1951; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52759]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PROFESSIONAL EQUIPMENT AND TOOLS OF TRADE

Sections 10.31 and 10.36, Customs Regulations of 1943, relating to the entry under 6-months' bond of professional equipment and tools of trade imported for his own use by a nonresident sojourning temporarily in the United States, amended.

In order to facilitate the entry and clearance of professional equipment and tools of trade imported for his own use by a nonresident sojourning temporarily in the United States, it is desired that such articles be examined and passed by an inspector at the place of arrival on a baggage declaration under section 308 (9), Tariff Act of 1930, as amended, without the requirement of surety on the bond filed or a cash deposit in lieu of surety.

Provision should be made, however, for the denial of the privileges accorded by § 10.36 to any nonresident who, through fraud or culpable negligence, has failed to meet the requirement of his bond.

In order to accomplish the foregoing, §§ 10.31 and 10.36, Customs Regulations of 1943 (19 CFR 10.31 and 10.36), as amended, are hereby further amended as follows:

1. Section 10.31 (c) is amended by deleting "of the tariff act" in the last sentence and inserting in lieu thereof "or 308 (9) of the Tariff Act of 1930, as amended,"

(Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1308)

2. Section 10.36 is amended by changing the period at the end of the headnote thereof to a semicolon and adding thereto "professional equipment and tools of trade" and paragraphs (a) and (c) are amended to read as follows:

(a) Samples accompanying a commercial traveler who presents an adequate descriptive list or a certified invoice and professional equipment and tools of trade imported in his baggage for his own use by a nonresident sojourning temporarily in the United States may be entered on the importer's baggage declaration in lieu of formal entry and examination and may be passed under section 308 (3) or 308 (9), Tariff Act of 1930, as amended, at the place of arrival in the same manner as other passengers' baggage. The examination may be made by an inspector who is qualified, in the opinion of the collector, to determine the amount of the bond required by § 10.31 (c) to be filed in support of the entry. If the articles are a commercial traveler's samples and exceed $500 in value, a certified invoice or a descriptive list certified by an American consul shall be furnished.

* * * * *

(c) The privilege of clearance of commercial travelers' samples or professional equipment or tools of trade imported for his own use by a nonresident sojourning temporarily in the United States on a baggage declaration under bond without surety or cash deposit shall not be accorded to a commercial traveler or such nonresident who, through fraud or culpable negligence, has failed to comply with the provisions of such a bond in connection with a prior arrival. Such a commercial traveler or nonresident shall be required to file a formal entry under section 308 (3) or 308 (9), Tariff Act of 1930, as amended, with a bond supported by a surety or cash deposit in lieu of surety.

(Secs. 308, 498, 624, 46 Stat. 690, as amended, 728, 759; 19 U. S. C., 1308, 1498, 1624)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 27, 1951.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 51-7593; Filed, July 2, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 10]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 10—POSTPONEMENT OF PRICE CALCULATIONS FOR CERTAIN RUBBER PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Amendment 1 to SR 10 to CPR 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds 3 sections to SR 10 to CPR 22 postponing the effective date of CPR 22 as to all manufacturers of certain mechanical rubber goods, tire repair materials and reclaimed rubber. In the first two groups the manufacturers concerned have filed OPS Public Form 15 or 16 showing their cost adjustment factors calculated under CPR 22. The Office of Price Stabilization is now in the process of analyzing the data submitted so as to develop industry-wide cost adjustment factors such as were set forth in SR 8 to CPR 22. The processing of these figures will not be entirely completed by July 2, 1951, and so this amendment extends the effective date of CPR 22 for 4 weeks or until the factors are issued by OPS.

As to reclaimed rubber, OPS is preparing a tailored regulation covering this industry which will be issued shortly. It would be undesirable to require manufacturers to make calculations under CPR 22 which would be operative only until such tailored regulation is issued, since such regulation will eliminate many of these calculations. Therefore, this amendment directs that manufacturers of reclaimed rubber retain their present GCPR ceiling prices until the tailored regulation is issued.

AMENDATORY PROVISIONS

Supplementary Regulation 10 to CPR 22 is amended by adding the following sections:

SEC. 4. *Postponement of ceiling price calculations for manufacturers of certain mechanical rubber goods.*—If you are a manufacturer of the following listed mechanical rubber goods, as defined below, your ceiling prices for such items are your GCPR ceiling prices, notwithstanding the provisions of CPR 22, and shall continue to be so until July 30, 1951, or until this section is revoked, whichever is earlier.

a. Hard rubber parts: This group is limited to ground rods, sheets, ground tubes, pipes, fittings, and smoking pipe bits.

b. Battery parts: This group is limited to storage battery containers, automotive; storage battery cover parts, automotive; composition storage battery containers.

c. Latex foam rubber: This group is limited to head pillows, mattresses, solid uncored slabs, cored slabs, molded shaped cushions, small shapes such as shoulder pads and arm rests, automotive seat topper pads for original equipment.

d. Chemically blown sponge: This group is limited to slab sheets, continuous rolls, cut stock, windlace roe, weatherstripping, arm rests and pads, and miscellaneous molded parts.

e. Tank linings and rubber covered rolls: This group is limited to rubber linings for tanks, tank cars, pipes and fittings. Also paper and steel mill rolls.

f. Graphic arts: This group is limited to engravers' gums, unvulcanized printers' gums, offset blankets, and newspaper blankets.

g. Mats and matting: This group is limited to corrugated rubber, cloth inserted, cloth one side, switchboard, and stair treads.

h. Hydraulic brake cups and parts and boots.

i. Automotive mats—original equipment.

j. Typewriter platens.

k. Molded tires—zero pressure: This group is limited to toy tires, small lawn mowers tires, and industrial and agricultural tires.

SEC. 5. *Postponement of ceiling price calculations for manufacturers of tire repair materials.* If you are a manufacturer of tire repair materials, your ceiling prices for such items are your GCPR ceiling prices, notwithstanding the provisions of CPR 22, and shall continue to be so until July 30, 1951 or until this section is revoked, whichever is earlier.

SEC. 6. *Postponement of ceiling price calculations for manufacturers of reclaimed rubber.* (a) If you are a manufacturer of reclaimed rubber, as defined in paragraph (b) of this section, your ceiling prices for such items are your GCPR ceiling prices, notwithstanding the provisions of CPR 22, and shall continue to be so until this section is revoked.

(b) Reclaimed rubber means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Sup.)

Effective date. This amendment shall become effective July 2, 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JUNE 29, 1951.

[F. R. Doc. 51-7687; Filed, June 29, 1951; 4:06 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 12]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 12 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation extends at the option of the manufacturer, the effective date of Ceiling Price Regulation 22 for various commodities. These are commodities for which the Office of Price Stabilization expects to issue shortly regulations incorporating new pricing techniques of a substantially different character which it is believed are better suited to the particular commodities concerned than those presently provided by CPR 22. Unless the effective date of CPR 22 is extended, manufacturers of commodities likely to be covered by these specially tailored regulations might be required to compute their ceiling prices twice on a substantially different basis. To avoid imposing this double burden, it has been decided to extend the effective date of CPR 22 so as to permit the final development and issuance of these regulations. Manufacturers affected by this supplementary regulation will continue to sell at their present ceiling prices, determined under the General Ceiling Price Regulation. However, any manufacturer who has completed his calculations under CPR 22 and desires to come under it for the interim period is free to do so.

An extension of the effective date is also provided for certain other commodities, principally watches with imported movements, concerning which there has been considerable misunderstanding as to whether they were covered by CPR 22. Because doubts as to whether these commodities were "manufactured commodities" have only recently been resolved, many manufacturers have been unaware of their obligation to comply with the price computations required by CPR 22.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Title IV of the Defense Production Act of 1950.

In formulating this supplementary regulation, the Director has consulted with industry representatives to the extent practicable under existing circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

SECTION 1. *Optional postponement of effective date of CPR 22.*—(a) *Optional period.* Notwithstanding any provisions of Ceiling Price Regulation 22, you may, until further action by the Director of Price Stabilization elect not to use Ceiling Price Regulation 22 as to any of the commodities listed in paragraph (b) of this section and to continue to use as to these commodities ceiling prices determined under the General Ceiling Price Regulation. You may not, however, continue to use ceiling prices determined under the General Ceiling Price Regulation for any commodities covered by a numbered regulation or supplementary regulation which becomes effective on or after the date of issuance of this supplementary regulation.

(b) *Commodities covered by this supplementary regulation.*

1. Bolts, nuts, screws and rivets.
2. Refractories.
3. Metallic collapsible tubes, used as containers for dentrifices, pharmaceutical products, cosmetics, etc.
4. Metal or alloyed wire and cable, whether bare, solid or stranded, braided or knitted, covered or insulated.
5. Plumbing and drainage specialties except "plumbing fixture trim". Plumbing and drainage specialties are items specifically designed to meet local or national plumbing code requirements, as, for example:
   - Closet bends.
   - Clean out ferrules.
   - Back water valves (ball or flap.)
   - Floor drains.
   - Roof drains.
   - Shower drains.
   - Stock base fittings.
   - Santific tees.

Bell traps.
Vent caps.
Ferrules.
Closet flanges.
Drum traps.
Sink traps (cast iron only).
Conductor bends.
Back pressure flow valves and sewer valves.
Roof drains sumps.
Urinal drains.
Solder nipples.
Sisson or insertable joints.
Solder bushings.
Metal body interceptors for grease, gasoline, oil, hair, sediment and plaster.

6. Builders hardware, including the following:
Awning hardware including awning pulleys.
Bright wire hardware.
Builders hardware, including miscellaneous shelf hardware.
Cabinet hardware and locks.
Carded builders hardware.
Casket and casket shell hardware.
Garage hardware.
Key blanks.
Lavatory stall hardware.
Locks and lock sets.
Mail boxes (rural and residential).
Overhead door hardware.
Sash hardware, including sash pulleys.
Screen and screen door hardware, including grills and guards.
Show case hardware.
Window guards.
Butts and butt hinges.
Padlocks.
Checking floor hinges and liquid door closers.
Fire exit bolts.
Unit locks.
Night latches and dead locks.
Door holding devices.
Luggage locks and hardware.
Spring hinges.
Sash balances.
Upward acting doors and hardware.
Strap and tee hinges.
Screw hooks and straps.
Screw bolts and straps and hasps.

7. The following fittings and valves made from any metal or plastic, except cast iron soil pipe fittings or cast iron pressure pipe fittings:
Grease and oil pressure valves and fittings except automotive valves and valves covered by Ceiling Price Regulation 30.
Fittings, pipe and tubing, except conduit fittings.
Hose fittings, except garden hose fittings.
Nipples.
Sprinkler system fittings and valves, fire and lawn, except fittings and valves for portable lawn sprinklers.
Valves, automatic and manually operated, except tire valves, automotive valves and valves covered by Ceiling Price Regulation 30.

8. Ice.

9. Custom molded plastic products and custom fabricated plastic products: The term "custom molded plastic products" includes but is not limited to articles produced by injection molding, extrusion, compression molding, plunger molding, transfer molding, monofilament extrusion and blow molding. The term "custom fabricated plastic products" is limited to products fabricated from plastic sheets, rods, tubes and laminates. Both custom molded and custom fabricated plastic products are products made to one customer's specifications and sold only to that customer. The term "plastic" means any of the natural or synthetic organic materials made from cellulose, proteins, hydrocarbons or resins which can be molded under heat with or without pressure, under pressure alone, extruded, cast or fabricated into various shapes. Plastic does not include crude or synthetic rubber or balata.

10. Petroleum products: This term includes products derived from crude petroleum or natural gas, except for the following products: carbon black; resinous, viscous or elastic polymers; chemicals, such as styrone, synthesized from petroleum or natural gas hydrocarbons; and manufactured specialty products, such as candles, containing a major portion of petroleum derivatives but produced primarily by non-petroleum industries.

11. Watches cased in the United States containing imported movements. (Watches with both imported cases and imported movements are not under CPR 22 but are covered by CPR 31, Imports.)

12. Popcorn.

13. Plain shelled peanuts: This term means shelled peanuts that have not been further processed and that have not been packed in consumer-size packages.

14. Agricultural insecticides, fungicides and herbicides: This term includes dusts, spray materials, fumigants, poison baits and similar commodities used for the preparation of controlling insects on plants, trees, seeds, bulbs, crops, poultry and farm animals; for controlling fungus diseases of plants, trees, seeds, bulbs and crops; similar commodities used for the purpose of controlling weeds and other obnoxious plant growth in connection with crops and commercial plantings; and nutritional sprays.

15. Printing inks: This term means solutions or suspensions of dye stuffs or pigments designed for use in typographic, planeographic, intaglio, or silk screen processes that do not include materials used primarily to color or decorate woven factories nor materials, commonly called "inks", such as writing fluids, ball pen inks, drawing inks, stamp pad inks, show card inks, and stencil inks which are customarily applied by processes other than printing.

16. Mattresses and matching box springs customarily sold at identical prices.

17. Anti-freeze.

18. All soaps, cleansers, and synthetic detergents (and the products thereof), other than those covered by CPR 10.

19. The following printing products: Bound blank books; loose leaf binders, covers and fillers; index tabs, etc.; greeting cards, tags, seals and related products; social stationary, including announcements, invitations, calling cards, and the like; tablets, pads and related products; commercial paper supplies including forms, blotters, labels and the like; wallpaper; and the products of photo-engraving, typesetting, electrotyping, stereotyping and plate making.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This supplementary regulation shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7685; Filed, June 29, 1951; 4:06 p. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 3]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 3—OPTIONAL POSTPONEMENT OF EFFECTIVE DATE FOR MANUFACTURERS OF CERTAIN COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 3 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation extends, at the option of the manufacturer, the effective date of Ceiling Price Regulation 30 insofar as it applies to insulated electrical wire and cable and fabricated structural shapes, plates and related products.

The Office of Price Stabilization has under consideration regulations specially designed for the commodities affected by this action, but it appears that work thereon cannot be completed before July 2, 1951, the effective date of Ceiling Price Regulation 30. As presently contemplated these regulations will include pricing techniques differing from those set forth in Ceiling Price Regulation 30 and manufacturers might be required to compute their ceiling prices twice within a relatively short period of time unless they are relieved of the necessity of complying with that regulation. In order to avoid this burden, it has been determined to extend the effective date of Ceiling Price Regulation 30 for a sufficient period to permit decision on the specific regulations. Manufacturers affected by this action will continue, if they elect not to comply with Ceiling Price Regulation 30, to determine their ceiling prices under the General Ceiling Price Regulation.

REGULATORY PROVISIONS

SECTION 1. *Optional postponement of effective date of CPR 30.*—(a) *Optional period.* Notwithstanding any provisions of Ceiling Price Regulation 30, you may, until further action by the Director of Price Stabilization, elect not to use Ceiling Price Regulation 30 as to any of the commodities listed in paragraph (b) of this section and to continue to use as to those commodities ceiling prices determined under the General Ceiling Price Regulation.

(b) This supplementary regulation applies to you if you are a manufacturer of any of the following commodities:

(1) Insulated electrical wire and cable.

(2) Fabricated structural shapes, plates, and related products. This term includes products which are (i) fabricated from ferrous or nonferrous structural shapes, plates, bars, sheet, pipe mill products, and/or tubing; (ii) custom engineered; and (iii) custom fabricated to the buyer's specifications. The term does not include any products which are standardized and manufactured on a production line basis.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

Effective date. This Supplementary Regulation 3 shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7686; Filed, June 29, 1951; 4:06 p. m.]

[Ceiling Price Regulation 54]

CPR 54—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 54 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for aluminum scrap and secondary aluminum ingot.

Aluminum scrap is an important source of metal ultimately utilized in a wide variety of products important to the defense program as well as to the civilian economy. Primary aluminum producers use scrap to blend with their supplies of primary metal. The producers of secondary aluminum ingot, however, depend on scrap as their principal raw material, using primary metal only as a means of obtaining ingot with the desired combination of metals. About twenty-five percent of the total aluminum production in the United States is derived from scrap materials.

The outbreak of hostilities in Korea and the inauguration of our defense program sharply increased the demand for aluminum and upset the price relationships which ordinarily prevail in the industry. In the period between June 24, 1950, and January 26, 1951, the date of issuance of the General Ceiling Price Regulation, the prices of secondary aluminum ingot and aluminum scrap rose more sharply than the prices for primary metal and during the base period of that regulation (December 19, 1950, to January 25, 1951, inclusive) the prevailing price of primary aluminum ingot was about 20 cents per pound while secondary ingot was being sold at prices ranging between 30 to 35 cents per pound and scrap was being sold at 25 cents per pound. These abnormal relationships, reflected in the ceiling prices established by the General Ceiling Price Regulation have resulted in distortion in the movement of secondary aluminum ingot and aluminum scrap and have caused some hardship to consumers of these materials. These circumstances, and the accompanying confusion among buyers and sellers, constitute a serious threat to the output of essential military and civilian products and are an impediment to the allocation program for aluminum.

The ceiling prices established in this regulation are designed to correct this situation by rolling back the prices of secondary aluminum ingot and aluminum scrap to levels which reflect the value of their metallic content in terms of the ceiling prices prevailing for primary aluminum. Thus the new ceiling prices for grades of secondary ingots having the same alloy designation as grades of primary ingot are the same as the ceiling prices for the latter products established under the General Ceiling Price Regulation and the ceiling prices for other grades of secondary ingot have been established at corresponding levels in terms of the relative value of their metallic content. The ceiling prices for the various grades of aluminum scrap have been established at levels below the prices of secondary ingot which, in the opinion of the Director, will provide an adequate margin for the operations of the smelters and will encourage the collection and segregation of vitally needed scrap materials.

Although there does not appear to have been any established trade practice in the marketing of aluminum scrap insofar as quantity premiums are concerned, it does appear that sellers ordinarily are able to obtain some premium in connection with the sale of relatively large lots of such material. In recognition of this fact and in order to encourage the accumulation and distribution of needed scrap, this regulation provides for quantity premiums by establishing different levels of ceiling prices on the basis of four quantity brackets with the level of prices increasing as the quantity delivered increases.

The regulation applies to all persons who sell aluminum scrap and provides no premium for inter-dealer sales. Although some representatives of dealers in aluminum scrap have urged that such a premium be established, in effect, by permitting a dealer to charge, on sales to persons other than a consumer, the ceiling price applicable to the highest quantity bracket regardless of the quantity actually sold, it has been determined that such a provision would to some extent distort the normal flow of aluminum scrap and would not be consistent with the objectives of the stabilization program. It appears that smelters of secondary aluminum ingot, the principal consumers of aluminum scrap, ordinarily buy a substantial portion of their scrap in relatively small quantities from dealers of industrial generators of such material. The proposal mentioned above would permit any dealer to outbid a smelter for such small lots, and the latter thus would be unable to obtain material from his usual sources of supply.

This regulation also permits, for 15 days, deliveries of aluminum scrap at a price in excess of ceiling prices in order to carry out contracts entered into before issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it had been received by or was in transit to the seller. Similarly, the regulation permits, for 45 days and subject to certain conditions, deliveries of secondary aluminum ingot at prices in excess of the ceiling in order to allow smelters to work out their high cost scrap inventories. The periods allowed for contract completion were determined upon after consideration of the relevant factors affecting the movement and marketing of aluminum scrap and the secondary aluminum ingot processed therefrom, and in the opinion of the Director they are adequate to prevent undue loss to sellers because of the ceiling price rollbacks accomplished by this regulation.

It is believed that the ceiling prices established in this regulation will restore the normal price relationships which prevailed in the industry, will remove the factors which have distorted the movement of commodities covered and will alleviate the hardship which some buyers have suffered. In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Prohibitions.
3. Permission to carry out certain contracts.
4. General pricing provisions for aluminum scrap.
5. Ceiling prices, f. o. b. point of shipment, for aluminum scrap other than wrecked aircraft and irony aluminum; ceiling delivered prices for wrecked aircraft and irony aluminum.
6. Ceiling delivered prices for aluminum scrap other than wrecked aircraft and irony aluminum.
7. Ceiling prices for secondary aluminum ingot.
8. Definitions.
9. Excise, sales, and similar taxes.
10. Penalties.
11. Petitions for amendment.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Coverage of this regulation.*—(a) *Commodities covered.* This regulation establishes ceiling prices for aluminum scrap and secondary aluminum ingot.

(b) *Persons covered.* This regulation applies to any person who sells the commodities covered by this regulation,

including importers and exporters. It also applies to any person who buys such commodities in the regular course of trade or business.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Prohibitions.*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, except as provided in section 3 of this regulation, on and after the effective date of this regulation no person shall sell or deliver, or buy or receive in the regular course of trade or business, any aluminum scrap or secondary aluminum ingot at a price in excess of the applicable ceiling price set forth in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(b) *Against tie-in transactions.* No person, unless otherwise permitted by this subparagraph, shall sell any of the commodities covered by this regulation on condition (1) that the buyer purchase from any person any product or service, or (2) that the buyer sell to any person any product or service. No person who buys any of the commodities covered by this regulation shall participate in any such tie-in transactions. Nothing in this paragraph shall be construed to prohibit any person from entering into toll or conversion agreements.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the commodities covered by this regulation, alone or in conjunction with any other product, or by way of any commission, service, or transportation charge or discount, premium or other privilege, or by up-grading, trade understanding or otherwise.

SEC. 3. *Permission to carry out certain contracts.* (a) Regardless of any other provisions of this regulation, until July 14, 1951, any person may deliver aluminum scrap covered by this regulation at a price in excess of the ceiling price established herein in order to carry out any contract entered into before June 29, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein, and if before June 29, 1951, it was received by or was in transit to the person making delivery.

(b) Regardless of any other provision of this regulation, until August 13, 1951, any seller may deliver secondary aluminum ingot at a price in excess of the ceiling price established herein in order to carry out any contract entered in before June 29, 1951, provided that:

(1) Before June 29, 1951, the seller bought or contracted to buy aluminum scrap or secondary aluminum ingot at prices in excess of the ceiling prices established herein and such scrap materials or ingot were received by, or were in transit to, the seller before July 14, 1951; and

(2) The quantity of secondary aluminum ingot delivered by the seller after June 28, 1951 pursuant to the provisions of this paragraph does not exceed the weight of the aluminum scrap or secondary aluminum ingot which were received by, or were in transit to the seller, before July 14, 1951, and for which the seller paid prices in excess of the ceiling prices established in this regulation.

SEC. 4. *General pricing provisions for aluminum scrap.*—(a) *Pricing basis.* Section 5 of this regulation sets forth ceiling prices for aluminum scrap. Except for wrecked aircraft and irony aluminum, these prices apply f. o. b. point of shipment, but the delivered cost to the buyer may not exceed the ceiling delivered price set forth in section 6 of this regulation. The ceiling prices set forth in section 5 of this regulation for wrecked aircraft and irony aluminum apply on a delivered basis.

(b) *Standards of cleanness and freedom from contaminating material.* The ceiling prices established for each kind and grade of aluminum scrap apply to material which meets the applicable standard for cleanness and freedom from contamination set forth in Circular NF–50, "Standard Classification for Nonferrous Metals" issued by the National Association of Waste Material Dealers, Inc. and effective as of April 1, 1950.

(c) *Determination of quantity bracket.* (1) This regulation sets forth different ceiling prices, per pound, for aluminum scrap on the basis of different quantity brackets. The quantity bracket applicable to any sale shall be determined on the basis of the total weight of aluminum scrap delivered by the seller within a period of three calendar days (excluding Saturdays, Sundays, and legal holidays) from one or more points of shipment to (i) a public carrier (common or contract) for transportation to the buyer, (ii) to the buyer at his receiving point by a conveyance owned or controlled by the seller, or (iii) upon a conveyance owned or controlled by the buyer. The amount of aluminum scrap delivered during any one calendar day may be counted only once in determining the quantity bracket.

(2) For the purpose of determining the applicable quantity bracket, the weight of any delivery or series of deliveries shall be determined in accordance with the following provisions:

(i) If aluminum scrap is delivered by a public carrier (common or contract), the weight to be used shall be the weight certified or accepted by such carrier; or

(ii) If aluminum scrap is delivered by a conveyance owned or controlled by the seller or buyer, the weight to be used shall be determined at the buyer's receiving point.

(d) *Computation of total charge.* The total amount which may be charged for a sale of aluminum scrap shall be the applicable ceiling price per pound for each kind or grade sold multiplied by the weight of each such kind or grade. The weight to be used in computing such total charge shall be determined in accordance with the following provisions:

(1) *Borings and turnings.* When the quantity of borings or turnings delivered by the seller during a period of three calendar days (excluding Saturdays, Sundays, and legal holidays) is 2,000 pounds or more, the weight to be used is the actual clean dry weight as determined by the first consumer. When the quantity so delivered is less than 2,000 pounds, the clean dry weight may be estimated.

(2) *Wrecked aircraft and irony aluminum.* The weight to be used shall be the weight of the aluminum alloy recovered by the buyer making the first melt of the quantity used in determining the applicable quantity bracket in accordance with paragraph (c) of this section. When the seller and buyer so agree, such weight may be determined on the basis of a melt of a representative sample amounting to at least 20 percent of such quantity. When such quantity amounts to less than 10,000 pounds, the weight of recoverable aluminum alloy as estimated by the buyer may be used.

(3) *All other aluminum scrap.* If the material is delivered by a public carrier the weight to be used shall be the weight certified or accepted by such carrier. If the material is delivered by a vehicle owned or controlled by the seller or buyer, the weight to be used shall be determined at the buyer's receiving point.

(e) *Mixed shipments.* When grades of aluminum scrap having different ceiling prices under the provisions of this regulation are shipped in one vehcile, the ceiling price for the entire shipment shall be the ceiling price applicable to the lowest priced grade contained therein unless each grade is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

SEC. 5. *Ceiling prices, f. o. b. point of shipment for aluminum scrap other than wrecked aircraft and irony aluminum; ceiling delivered prices for wrecked aircraft and irony aluminum scrap*—(a) *Listed grades of aluminum scrap except reusable aluminum scrap.* (1) The ceiling price for each kind or grade of aluminum scrap listed in Table A is the applicable price set forth in that table. The prices in Table A for all grades other than wrecked aircraft and irony aluminum scrap apply f. o. b. shipping point. The prices in Table A for wrecked aircraft and irony aluminum scrap apply on a delivered basis.

Certain preparation premiums may be charged in accordance with subparagraph (2) of this paragraph.

TABLE A

Kind or grade	Price (cents per pound): 4,999 pounds or less	5,000 to 19,999 pounds	20,000 to 39,999 pounds	40,000 pounds and over
Segregated plant scrap				
Solids:				
S type copper free (2S, 3S, 4S, 50S, 60S series) except 56S	10.50	11.50	12.50	13.00
Dural S type (11S, 17S, 24S, 25S, 72S, 75S, 76S, 78S, 142, 18S, A612)	10.00	11.00	12.00	12.50
High grade (35S, 35S, 13, 43, A132, 32S, 75S)	10.25	11.25	12.25	12.75
Low grade (11S, 12, Piston, AXS, 10S, 13S, 195, 319)	9.00	10.00	11.00	11.50
Aluminum magnesium type (56S to be free of screen and hair wire, 214, 218, 220)	7.75	8.75	9.75	10.25
Borings and turnings				
High grade (all numbers except those listed in next three items)	8.50	9.50	10.50	11.00
Low grade (12, piston, AXS, 10S, 13S, 195, 319, PM754)	7.50	8.50	9.50	10.00
Special grade (11S, 72S, 75S, 76S, 78S, A612)	7.00	8.00	9.00	9.50
Aluminum magnesium type (214, 218, 220, 56S)	6.00	7.00	8.00	8.50
Mixed plant scrap				
Solids				
Dural type (free of 72S, 75S, 76S, 78S, A612, 750)	9.00	10.00	11.00	11.50
High grade (copper free)	10.00	11.00	12.00	12.50
Solids containing 72S, 75S, 76S, 78S, A612, 750	8.50	9.50	10.50	11.00
Borings and turnings:				
Containing less than 1 percent zinc, max. mag. 1.50 percent	7.50	8.50	9.50	10.00
Containing 1 to 2 percent zinc, max. mag. 1.50 percent	6.50	7.50	8.50	9.00
Containing 2 to 5 percent zinc, max. mag. 1.50 percent	6.00	7.00	8.00	8.50
Obsolete scrap				
Pure old cable (free of steel)	10.00	11.00	12.00	12.50
Sheet and sheet utensils	7.25	8.25	9.25	9.75
Old castings and forgings	7.75	8.75	9.75	10.25
Clean pistons, free of struts	7.75	8.75	9.75	10.25
Pistons with struts	5.75	6.75	7.75	8.25
Wrecked Aircraft and Irony Aluminum				
Having an aluminum alloy recovery of:				
At least 85 percent	7.75	8.75	9.75	10.25
At least 70 percent but less than 85 percent	7.50	8.50	9.50	10.00
At least 50 percent but less than 70 percent	7.00	8.00	9.00	9.50
At least 40 percent but less than 50 percent	6.25	7.25	8.25	8.75

Specified pig or ingot

Al	Zn	Fe	Mg	Pb	Cu—				
92 min.	0.30 max.	0.60 max.	1.50 max.	0.20 max.	0.60 max.	10.50	11.50	12.50	13.00
87 min.	.50 max.	.70 max.	1.50 max.	.30 max.		10.00	11.00	12.00	12.50
87 min.	.51–1.00	.71–1.00	1.50 max.	.30 max.		9.75	10.75	11.75	12.25
87 min.	1.01–1.50	1.01–1.25	1.51–1.75	.31–.50		9.50	10.50	11.50	12.00
87 min.	1.51–2.00	1.26–1.50	1.76–2.00	.31–.50		8.00	9.00	10.00	10.50
Under 87 percent aluminum or in excess of maximum limit for any one of other four elements not to exceed						7.50	8.50	9.50	10.00
Aluminum foil (not to exceed 0.006" thickness)									
Clean—new						9.50	10.50	11.50	12.00
Clean—old						6.25	7.25	8.25	8.75
All other aluminum foil scrap						5.25	6.25	7.25	7.75

(2) *Preparation premiums.* In addition to the price determined in accordance with subparagraph (1) of this paragraph, the premiums set forth in Table B may be charged when aluminum scrap is prepared as specified therein. No preparation premiums other than those set forth in Table B may be charged.

TABLE B

Preparation	Premium per pound (cents)
Baling of clippings, clean cable, foil, light weight extrusions, utensils, or old sheet aluminum	½
Briquetting of clippings, clean cable, foil, or light weight extrusions	1

(b) *Certain reusable aluminum scrap.* The ceiling price, f. o. b. point of shipment, for sheet remnants and other aluminum scrap materials which are segregated to meet the buyer's specifications, are suitable in their existing condition for further fabrication without remelting, and are sold for such use, is 22 cents per pound.

SEC. 6. *Ceiling delivered prices for aluminum scrap other than wrecked aircraft and irony aluminum.* The ceiling delivered price for aluminum, scrap, other than wrecked aircraft or irony aluminum, is the applicable price determined in accordance with sections 4 and 5 of this regulation plus a charge for transportation determined in accordance with the provisions of this section. If aluminum scrap is transported from the point of shipment to the buyer's receiving point by a public carrier (common or contract) and the buyer pays the charge made by such carrier, the applicable price determined in accordance with Sections 4 and 5 must be reduced by the amount by which the charge so paid exceeds the charge permitted by this Section.

If the actual clean dry weight of borings and turnings as determined by the first consumer establishes that such borings and turnings contained oil, water, or other forms of contamination in excess of 25 percent of the weight used in determining the applicable quantity bracket, the transportation charge set forth herein shall be reduced by the transportation charge applicable to the weight of the oil, water, or other forms of contamination in excess of 25 percent.

(a) Notwithstanding any other provisions of this section, when the point of shipment and the buyer's receiving point are located in the same switching district and aluminum scrap is delivered in a vehicle, or vehicles, owned or controlled by the seller, the transportation charge may not exceed ¼ cent per pound of scrap.

(b) When a delivery or series of deliveries which qualify for a price in the 20,000 or 40,000 pound bracket (as set forth in Table A) are made by a public carrier (common or contract), the charge for transportation may not exceed the applicable published public carrier charge based on the carload, if delivery is made by railroad, or truckload, if delivery is made by truck, rates (including transportation taxes) for transporting the quantity of aluminum scrap being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a series of deliveries, the applicable published public carrier charge shall be determined on the basis of carload or truckload rates even though separate deliveries are made in less than carload or truckload quantities and such charge shall be prorated over the quantities contained in each delivery. When a single shipment of 50,000 pounds or more is made in one railroad car and the published minimum carload rate is in excess of 50,000 pounds, a charge equal to the actual transportation cost (including transportation taxes) may be made.

(c) When a delivery or series of deliveries which qualify for a price in the 20,000 or 40,000 pound bracket (as set forth in Table A) are made in a vehicle, or vehicles, owned or controlled by the seller, the charge for transportation may not exceed the lowest published common carrier charge (not including transportation taxes) based on carload or truckload rates for transporting the quantity being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a delivery or series of deliveries, the lowest published public carrier charge shall be based on the carload or truckload rates even though separate deliveries are made in less than carload or truckload quantities and such charge shall be prorated over the quantity contained in each delivery.

(d) When a delivery or series of deliveries which qualify for a price in a quantity bracket under the 20,000 pound bracket (as set forth in Table A) are made by a public carrier (common or contract), the charge for transportation may not exceed the actual transportation cost (including transportation taxes).

(e) When a delivery or series of deliveries which qualify for a price in a quantity bracket under the 20,000 pound bracket (as set forth in Table A) are made in a vehicle, or vehicles, owned or controlled by the seller, the transportation charge may not exceed the lowest published and applicable common carrier charge (not including transportation taxes) for transporting the quantity being priced from the point, or points of shipment to the buyer's receiving point. In the case of a series of deliveries the lowest published and applicable common carrier charge shall be

determined on the basis of the total quantity being priced even though separate deliveries are made in lesser quantities and such charge shall be prorated over the quantity contained in each delivery.

(f) Notwithstanding any other provisions of this section, when aluminum scrap is shipped from a point in the Territories or Possessions of the United States to a buyer's receiving point in the continental United States, the charge for transportation is the actual cost (including dock handling charges) for transporting the material from the Territory or Possession from which it is shipped to the buyer's receiving point.

SEC. 7. *Ceiling price for secondary aluminum ingot.*—(a) *Listed grades.* (1) The ceiling delivered price for each kind of secondary aluminum ingot listed in Table C is the applicable price set forth in that table.

The prices in Table C apply when a total quantity of 10,000 pounds or more of one or more kinds of secondary aluminum ingot are sold at one time for shipment to one receiving point or are delivered at one time to one receiving point. Premiums for smaller quantities and special shapes may be charged in accordance with subparagraph (2) of this paragraph.

When the buyer's receiving point is located outside of the continental United States, the point of delivery is at the dock at the port of exit, or in the case of shipment overland to Mexico or Canada, the point of delivery is the freight station at or nearest the point of exit from the United States.

TABLE C

Alloy designation:	Price (*cents per pound*)
97.5 to 99 percent aluminum	19.0
13 (0.60 percent copper, max.)	20.8
13 (0.30 percent copper, max.)	21.0
43 (0.60 percent copper, max.)	20.4
43 (0.30 percent copper, max.)	20.6
85	20.6
108	20.6
A108	20.7
122	21.2
A132	21.8
D132	21.25
E132	21.25
Z132	21.25
138	20.75
142	21.4
195	20.8
B195	20.8
214	21.6
218	21.8
220	22.6
319	20.7
355	20.7
356	20.7
360	20.8
AXS 679 (or 380)	20.5
12 (grade 2)	19.5
6-6	20.5
7-5	20.5
Steel deoxidizing grades (steel deoxidizing aluminum, notchbar, granulated or shot, including any aluminum ingot (exclusive of hardeners) sold for other destructive uses or alloying purposes):	
Grade 1 (95–97½ percent aluminum)	18.00
Grade 2 (92–95 percent aluminum)	17.75
Grade 3 (90–92 percent aluminum)	17.25
Grade 4 (85–90 percent aluminum)	16.50

(2) *Premiums for special shapes and quantity.* In addition to the ceiling price determined in accordance with subparagraph (1) of this paragraph, the premium for special shapes or for quantity set forth in table D may be charged when applicable. No premiums other than those set forth in table D may be charged.

The applicable premium for quantity shall be determined on the basis of the total quantity of one or more kinds of secondary aluminum ingot sold at one time for shipment to one receiving point or delivered at one time to one receiving point, whichever is larger.

TABLE D

	Premium (*cents per pound*)
Special shapes:	
Shot	0
Deoxidizing ingot—2 pounds or more	0
Ingot—pig—25 pounds or more	0
Ingot—pig—15–24 pounds	¼
Ingot—pig—2–14 pounds	½
Ingot—pig—under 2 pounds	1
Grained aluminum	5
Stars, gears, cored cylinders or cored cones	3
Pigiets—3 ounces or less	1
Quantity Premiums:	
2,000 to 9,999 pounds	½
500 to 1,999 pounds	1
Less than 500 pounds	2

(b) *Unlisted grades.* The ceiling price for a kind or grade of secondary aluminum ingot not listed in Table C is the sum of the current delivered cost of the scrap and other constituent metals to the seller plus the margin which the seller received for the same kind of ingot delivered during the base period December 19, 1950, to January 25, 1951, inclusive.

When the seller delivers a kind of ingot not delivered during such base period, the ceiling price for such ingot is the sum of the current delivered cost of the scrap and other constituent metals to the seller plus the margin which the seller received for the most closely comparable kind of ingot delivered during such base period.

The current delivered cost of constituent metals may not exceed the ceiling price established in the applicable regulation issued by the Office of Price Stabilization. The margin which may be added to such cost must be determined by subtracting from the price received for the same kind of ingot delivered during the base period, the delivered cost of scrap and other constituent metals used in producing such ingot.

The ceiling prices determined in accordance with the provisions of this paragraph shall reflect the seller's customary price differentials, including discounts, allowances, premiums and extras, based upon differences in quantity, in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 8. *Definitions.* When used in this regulation the term:

(a) "Aluminum scrap" includes the kinds and grades of material listed in section 6 of this regulation.

(b) "Al" means aluminum.

(c) "Cu" means copper.

(d) "Fe" means iron.

(e) "Mg" means magnesium.

(f) "Pb" means lead.

(g) "Zn" means zinc.

(h) "Borings and turnings" does not include grindings, sweeping, buffings, and dirt.

(i) "Buyer's receiving point" means that aluminum scrap or secondary aluminum ingot has arrived at the buyer's plant, warehouse, or yard and is ready for unloading.

(j) "Consumer" includes any person whose business consists, in whole or in part of smelting, refining, melting, or otherwise processing scrap into a form other than scrap, exclusive of sweated pig and ingot. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by a consumer, and any person owned, operated, or otherwise controlled by an officer, director, partner, or proprietor of a consumer shall also be considered to be a consumer for the purposes of this Regulation.

(k) "Exporter" means a person who last sells any of the commodities covered by this regulation, which is transported from a point in the United States, its Territories and Possessions, to a point outside thereof.

(l) "Hardener" is an intermediate alloy which is not suitable for direct use without combination with other materials and which is designed to facilitate the introduction of one or more of the constituent metals into other alloys.

(m) "Importer" means a person who first sells any of the commodities covered by this regulation, which is transported, either before or after such sale, from a point outside the United States, its Territories and Possessions, to a point inside thereof.

(n) "Mixed plant scrap" means plant scrap which does not meet the definition of segregated plant scrap.

(o) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political sub-divisions, or any agency of the foregoing.

(p) "Plant scrap" means plant scrap which is generated in the course of manufacture or fabrication. It includes new materials, or parts which are rejected or discarded because of defectiveness, materials damaged in processing, materials which are a part of surplus or idle inventory, or otherwise unfit for use.

(q) "Point of shipment" means the point from which any commodity covered by this regulation is loaded on a conveyance for shipment directly to the buyer's receiving point. In the case of any commodity covered by this regulation sold by an importer and delivered by water into the Continental United States, its Territories or Possessions, the point of shipment means the place within the United States, its Territories or Possessions, where the commodity is loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of any commodity covered by this regulation sold by an importer and transported to the buyer overland from Mexico or Canada, the point of shipment means the freight station in the United States at or nearest the point at which the material first enters the United States.

(r) "Scrap" or "scrap materials" means aluminum scrap which is the waste or by-product of any kind of metal working or processing, or which has been discarded on account of obsolescence, failure, or other reason. It also includes sweated pig or ingot.

(s) "Secondary aluminum ingot" means all ingots, alloys, and hardeners containing 50 percent or more aluminum by weight, and of which 50 percent or more is obtained from scrap materials.

(t) "Segregated plant scrap" means plant scrap which consists of one alloy only, which may be so identified without the necessity of other than routine examination by a processor, and which is suitable for reprocessing into aluminum of the original alloy specifications.

(u) "Solids" means plant scrap which is generated by shearing, clipping, cutting, blanking, or similar process. It includes defective, rejected, and discarded wrought aluminum parts, castings, gates, sprues, risers, or similar foundry scrap.

(v) "Wrecked aircraft" means aluminum scrap (not including engines or engine parts) recovered from the wreckage of aircraft, obsolete aircraft, and from rejected airframes containing foreign materials after all possible non-aluminum parts have been removed.

SEC. 9. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of zinc scrap if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 10. *Penalties.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 11. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

Effective date. This regulation shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 29, 1951.

[F. R. Doc. 51-7719; Filed, June 29, 1951; 5:15 p. m.]

[General Overriding Regulation 13]

GOR 13—CONTINUATION OF CEILING PRICES IN EFFECT ON JUNE 30, 1951, FOR COMMODITIES OR SERVICES COVERED BY SPECIFIED MANUFACTURERS' REGULATIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 22 and companion regulations provided for a number of rollbacks to become effective after June 30, 1951. These rollbacks, however, are prohibited by the Joint Resolution enacted into law on June 30, 1951, which extended the Defense Production Act until July 31, 1951. That resolution provides that the authority of the Defense Production Act "shall not be exercised during the period June 30, 1951, to July 31, 1951, inclusive, to place into effect, or permit to become effective, a price ceiling for any material or service lower than the ceiling in effect for such material or service on the date of the enactment of this resolution."

This resolution was adopted as a temporary limitation, pending further consideration by Congress, following the passage of the Senate bill (S. 1717) limiting the authority for rollbacks in ceiling prices. The Senate Banking and Currency Committee, in reporting that bill expressed the intention that the limitation on rollbacks be accompanied in administration by a restriction, where practicable, of future rollforwards above the January 24–February 24, 1951, level. (Sen. Rep. 470, 82d Cong., 1st Sess. p. 18.) The debate in the House of Representatives indicates the general intention that the Resolution operate to preserve the status quo, pending further Congressional consideration. (97 Cong. Rec. pp. 7666–7, 7669, 7674, 7677)

The Director of Price Stabilization is of the opinion that pending further clarification and study manufacturers' ceiling prices should be kept at their existing level. The effect of this general overriding regulation is to eliminate all requirements for rollbacks after June 30, 1951 and to freeze price ceiling provisions in effect on June 30, 1951.

Sellers of commodities subject to CPR 22 and the companion regulations who have put those price ceiling regulations into effect on or before June 30, 1951, as to any commodity or service, continue to price under those regulations for that commodity or service. Otherwise the seller continues to apply the GCPR, except in the case of wool yarn and fabrics where he applies CPR 18.

Sellers who have not yet filed their reports under the regulations in question need not do so until further action by the OPS. This provision does not countermand reports already on file. But whether such reports containing proposed increases in ceiling prices became effective on June 30, 1951, may depend on the waiting provisions of the regulation. Under CPR 22, reports of ceiling price increases received by OPS after June 14, 1951, will not have the effect of establishing a ceiling price in effect on June 30, 1951, since the 15-day period after date of receipt will not have expired on or before June 30, 1951. Ceiling prices for commodities covered by such filings will, therefore, remain at their GCPR level.

Special circumstances have rendered impracticable consultation with industry representatives prior to the issuance of this regulation.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. What this regulation does.
3. Commodities or services first dealt in after June 30, 1951.
4. Reports not required.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage.* This General Overriding Regulation applies to you if you are subject to any of the following price ceiling regulations or regulations supplementary thereto:

CPR 18—Manufacturers' Prices for Wool Yarns and Fabrics.

CPR 18—Revision 1—Manufacturers' Prices for Wool Yarns and Fabrics.

CPR 22—Manufacturers' General Ceiling Price Regulation.

CPR 30—Machinery and Related Manufactured Goods.

CPR 37—Primary Cotton Textile Manufacturers' Regulation.

CPR 41—Shoe Manufacturers' Regulation.

CPR 45—Apparel Manufacturers' General Ceiling Price Regulation.

SEC. 2. *What this regulation does.* (a) If any of the price ceiling regulations listed in section 1 of this regulation was in effect as to you on June 30, 1951, for any commodity or service, your ceiling price for that commodity or service shall continue to be determined under that regulation. Otherwise, you shall compute your ceiling price for the commodity or service under the General Ceiling Price Regulation, or under CPR 18 in the case of wool yarns and fabrics.

(b) Even though you filed a report, under a regulation listed in section 1 of this regulation, of a proposed ceiling price with respect to a commodity or service, that regulation was not in effect as to you on June 30, 1951, for that commodity or service, if the requisite waiting period had not expired, or if the proposed ceiling price was not properly determined under the applicable regulation.

SEC. 3. *Commodities or services first dealt in after June 30, 1951.* If a commodity or service was not offered for sale, sold or delivered by you on or before June 30, 1951, you shall apply this section, and shall determine the ceiling price under the regulation applicable to the commodity or service which will yield ceiling prices most nearly in line with your ceiling prices in effect on June 30, 1951, for your related commodities or services. In the event you were not in business prior to June 30, 1951, you may use either the General Ceiling Price Regulation or the applicable regulation listed in Section 1 of this regulation to determine your ceiling prices.

SEC. 4. *Reports not required.* You need not after June 30, 1951, file any reports under any of the regulations listed in Section 1 except as to the extent that the regulation is applicable to

you after June 30, 1951, and except for reports required in connection with prices established under section 3 of this regulation.

Effective date. The provisions of this General Overriding Regulation are effective July 1, 1951, and shall continue in effect until further notice.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JUNE 30, 1951.

[F. R. Doc. 51-7733; Filed, July 2, 1951; 10:38 a. m.]

[Ceiling Price Regulation 6, Including Amdts. 1 to 9]

CPR 6—FATS AND OILS

Ceiling Price Regulation 6 is republished to incorporate the text of Amendments 1 through 9. Ceiling Price Regulation 6 was issued February 14, 1951 (16 F. R. 1501). Statements of considerations to Ceiling Price Regulation 6 and to Amendments 1 through 9, inclusive, as previously published are applicable to this republication. The effective dates of the original regulation and amendments are shown in a note preceding the first section of the regulation.

In the republication of Ceiling Price Regulation 6, the content of the regulation has been rearranged as indicated in the following table:

CPR 6 as republished	CPR 6 before republication
ARTICLE I—SCOPE OF REGULATION	
Sec.	Sec.
1. What this regulation does	1.
2. Applicability	2 (a).
3. Exceptions	2 (d).
ARTICLE II—GENERAL PROVISIONS	
11. Prohibitions	2 (c).
12. Evasion	6.
13. Enforcement	7.
14. Records	8.
15. Petitions for amendment	9.
16. Definitions	10, 16, 11 (n)
ARTICLE III—CEILING PRICES	
21. Sellers of cottonseed oil	3.
22. Sellers of crude soybean oil	4.
23. Sellers of corn oil	5.
24. Processors of shortening and salad and cooking oils	11, except paragraph (n).
25. Sellers of tallows and greases	12.
26. Imported tallows and greases	13.
27. Exported tallows and greases	14.
28. Fat-bearing and oil-bearing animal waste materials	15.
29. Vegetable oil soap stocks	17.
30. Sellers of fish oils	18.

The substance of Ceiling Price Regulation 6 as amended has not been changed or revised by this republication.

AUTHORITY: Sections 1 to 30 issued under sec. 704, Pub. Law 744, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

DERIVATION: Sections 1 to 30 contained in Ceiling Price Regulation 6, February 14, 1951, 16 F. R. 1501, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES:
CPR 6 (as originally provided in section 2 (b)), February 14, 1951, 16 F. R. 1501.
Amendment 1, March 12, 1951, 16 F. R. 2146.
Amendment 2, March 12, 1951, 16 F. R. 2224.
Amendment 3, March 26, 1951, 16 F. R. 2681.
Amendment 4, April 12, 1951, 16 F. R. 3157.
Amendment 5, May 5, 1951, 16 F. R. 3720.
Amendment 6, May 3, 1951, 16 F. R. 4104.
Amendment 7, May 19, 1951, 16 F. R. 4611.
Amendment 8, June 11, 1951, 16 F. R. 5398.
Amendment 9, June 16, 1951, 16 F. R. 5534.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for certain fats and oils. These ceiling prices supersede those established for such fats and oils by the General Ceiling Price Regulation. The regulation also allows written contracts for the sale of such fats and oils legally entered into prior to the effective date of this regulation to be carried out at the contract price.

SEC. 2. *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and possessions and the District of Columbia.

SEC. 3. *Exceptions.* If prior to March 12, 1951, as to commodities covered in sections 21 to 28 inclusive, you entered, consistently with any outstanding ceiling price regulation, into a written contract for the sale of fats and oils for which ceiling prices are provided by this regulation, you may carry out the contract according to its terms.

[Section 3 substituted by Amdt. 2]

ARTICLE II—GENERAL PROVISIONS

SEC. 11. *Prohibitions.* After the date of this regulation you shall not sell, and you shall not buy in the regular course of business or trade, at a price exceeding the ceiling price established by this regulation, any fats or oils for which a ceiling price or a method for computing a ceiling price is set forth in this regulation.

SEC. 12. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation, or other charge, or by tying-agreement, trade understanding, or otherwise.

SEC. 13. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 14. *Records.* If you sell fats or oils for which ceiling prices are established by this regulation, you must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, accurate records of each sale. These records must include:

(a) The date of the sale;
(b) The name of the purchaser;
(c) The price paid or received;
(d) The grade, quality, and amount sold.

SEC. 15. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the Provisions of Price Procedural Regulation 1, Revised, 16 F. R. 4974.

SEC. 16. *Definitions.* Terms used in this regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

Fats and Oils. The term "fats and oils" as used in this regulation means oil of the raw, crude, and refined fats and oils, their byproducts and derivatives, and greases, except "essential oils," mineral oils, butter, cocoa butter and poultry fat.

Hydrogenated shortening. The term "hydrogenated shortening" means a shortening which is (1) made from vegetable oils or (2) made from a mixture of vegetable oils and animal fats, each of which has been hydrogenated to some extent. It must conform with the following specifications:

No free oils: The shortening must contain no free oils.

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking except that shortening containing mono and diglycerides shall be exempted from this specification.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

Plasticity: The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.12 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

Iodine number: The iodine number must not exceed 80 (Hanus Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 429).

[Definition of "hydrogenated shortening" added by Amdt. 1]

Inedible greases. The term "inedible greases" as used in this regulation means those greases obtained by rendering fats from hogs. Also, the lower grades of rendered fats, such as those obtained from catch basin skimmings, are termed "greases" regardless of whether the source of the original raw material was from cattle, sheep, or hogs. In general, tallows are firmer in texture than greases, ranging in titre or hardness from 40° to 45° C., while greases range from 34° to 39.9° titre.

[Definition of "inedible greases" added by Amdt. 2.]

Inedible tallows. The term "inedible tallows" as used in this regulation means those tallows obtained from the rendering of fats from animals, such as cattle and sheep, as are not considered suitable for human consumption.

[Definition of "inedible tallows" added by Amdt. 2.]

North. The term "North" includes the following States: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Washington, D. C., West Virginia, Ohio, Indiana, Michigan, Illinois, Missouri, Kansas, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming.

[Definition of "North" added by Amdt. 1.]

Oil-bearing raw materials and waste animal fat. The term "oil-bearing raw materials and waste animal fat" means those materials whose principal use is in the rendering of inedible tallow and greases. It includes, but is not limited to, butcher shop fats; suet and trimmings; breast fats or rattles; offal; bones, except packer steamed dry bones, prairie bones or dry imported bones; cooked grease, clear, rough or mixed; and interceptor or trap grease.

[Definition of "oil-bearing raw materials and waste animal fat" added by Amdt. 9.]

Pacific Coast. The term "Pacific Coast" includes the following States: Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

[Definition of "Pacific Coast" added by Amdt. 1.]

Refined fats and oils. The term "refined fats and oils" as used in this regulation means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative.

Rendering. "Rendering" as used in this regulation means the process of separating the oil content from the solid materials in fatty animal tissues.

[Definition of "rendering" added by Amdt. 2.]

South. The term "South" includes the following States: Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico.

[Definition of "South" added by Amdt. 1.]

Standard shortening. The term "standard shortening" means a shortening which is (1) made from hardened vegetable oil or (2) made from a mixture of vegetable oil and animal fat and/or hardened marine animal oils. It must conform with the following specifications:

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June 1933).

Plasticity: The shortening must remain solid, and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.3 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

[Definition of "standard shortening" added by Amdt. 1]

ARTICLE III—CEILING PRICES

SEC. 21. *Sellers of cottonseed oil.* Your ceiling price for sale of cottonseed oil shall be as follows:

(a) *Crude cottonseed oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
Arizona (except Graham County); Illinois; North Carolina; South Carolina; Tennessee, Crittenden and Mississippi Counties, Arkansas; New Madrid, Dunklin, and Scott Counties, Mo.; Morgan County, Ala.	23⅝
Alabama (except Morgan County); Arkansas (except Crittenden and Mississippi Counties); Florida; Georgia; Louisiana; Mississippi; Missouri (except New Madrid, Dunklin, and Scott Counties); Graham County, Ariz.; Bowie County, Tex.	23½
Oklahoma; El Paso County, Tex.; New Mexico	23⅜
Texas (except El Paso County)	23¼
California (except Los Angeles County)	24
Los Angeles County, California	24¼

[Paragraph (a) amended by Amdts. 1, 3]

(1) These crude cottonseed oil ceiling prices shall be adjusted on a 9 percent settlement basis as provided in Rule 142 of the 1950-51 Rules of the National Cottonseed Products Association, Inc.

(2) Where (i) crude cottonseed oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customary for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling prices shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Refined cottonseed oil.* In cents per pound, delivered as follows:

	Bleachable prime summer yellow oil (in tank cars)	Cooking or deodorized and bleached summer oil (in tank cars)	Salad or winterized oil (in tank cars)	Hydrogenated or margarine oil (in tank cars)	Bleachable hydrogenated cottonseed oil (in bags)
Atlanta, Ga	25.97	28.32	28.57	28.82	29.62
Baltimore, Md	26.32	28.67	28.92	29.17	29.97
Birmingham, Ala	25.97	28.32	28.57	28.82	29.62
Boston, Mass	26.47	28.82	29.07	29.32	30.12
Charlotte, N. C	26.11	28.46	28.71	28.96	29.76
Chattanooga, Tenn	26.06	28.41	28.66	28.91	29.71
Chicago, Ill	26.12	28.47	28.72	28.97	29.77
Cincinnati, Ohio	26.13	28.48	28.73	28.98	29.78
Columbus, Ohio	26.22	28.57	28.82	29.07	29.87
Dallas, Tex	25.54	27.89	28.14	28.39	29.19
Denison, Tex	25.54	27.89	28.14	28.39	29.19
Denver, Colo	26.25	28.60	28.85	29.10	29.90
Detroit, Mich	26.25	28.60	28.85	29.10	29.90
Elgin, Ill	26.12	28.47	28.72	28.97	29.77
Ft. Worth, Tex	25.54	27.89	28.14	28.39	29.19
Greenville, S. C	26.08	28.43	28.68	28.93	29.73
Houston, Tex	25.54	27.89	28.14	28.39	29.19
Indianapolis, Ind	26.12	28.47	28.72	28.97	29.77
Kansas City, Mo	26.07	28.42	28.67	28.92	29.72
Los Angeles, Calif	26.40	28.75	29.00	29.25	30.05
Louisville, Ky	26.09	28.44	28.69	28.94	29.74
Macon, Ga	25.97	28.32	28.57	28.82	29.62
Memphis, Tenn	25.85	28.20	28.45	28.70	29.50
New Orleans, La	25.95	28.30	28.55	28.80	29.60
New York, N. Y	26.40	28.75	29.00	29.25	30.05
Norwalk, Ohio	26.21	28.56	28.81	29.06	29.86
Oklahoma City, Okla	25.80	28.15	28.40	28.65	29.45
Omaha, Nebr	26.25	28.60	28.85	29.10	29.90
Opelousas, La	25.85	28.20	28.45	28.70	29.50
Osceola, Ark	25.95	28.30	28.55	28.80	29.60
Philadelphia, Pa	26.36	28.71	28.96	29.21	30.01
Pittsburgh, Pa	26.25	28.60	28.85	29.10	29.90
Portland, Oreg	26.40	28.75	29.00	29.25	30.05
Portsmouth, Va	26.27	28.62	28.87	29.12	29.92
San Antonio, Tex	25.54	27.89	28.14	28.39	29.19
San Francisco, Calif	26.30	28.65	28.90	29.15	29.95
Savannah, Ga	26.05	28.40	28.65	28.90	29.70
Seattle, Wash	26.40	28.75	29.00	29.25	30.05
Sherman, Tex	25.54	27.89	28.14	28.39	29.19
St. Louis, Mo	25.97	28.32	28.57	28.82	29.62
Suffolk, Va	26.27	28.62	28.87	29.12	29.92
Terre Haute, Ind	26.12	28.47	28.72	28.97	29.77
Thomasville, Ga	26.12	28.47	28.72	28.97	29.77
Washington, D. C	26.32	28.67	28.92	29.17	29.97

[Paragraph (b) amended by Amdt. 1]

(1) *Differentials for other delivery points.* The customary differentials above or below these delivered prices shall apply to all other destinations.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate shall apply.

[Subparagraph (2) substituted by Amdt. 1]

(3) *Differentials for other grades.* The customary differentials for grade above or below these prices for basic grades shall continue to apply.

(4) *Adjustments for premium quality.* If you have customarily charged a premium over the market price for a grade of refined cottonseed oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the

premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in section 21 (b) of this regulation.

(5) *Alternative method of pricing bleachable prime summer yellow.* Any refiner shall have the alternative privilege of selling bleachable prime summer yellow f. o. b. his refinery, and his ceiling price shall be determined by adding two cents per pound to the ceiling price of crude cottonseed oil, as determined by section 21 (a) of this regulation, plus the amount of freight paid on the crude oil in bringing such oil to the refinery, such amount of freight to be supported by inbound freight bill on the crude oil, surrendered for the purpose of determining the balance of outbound freight to final destination for the refined oil.

[Subparagraph (5) added by Amdt. 3]

(c) *Cottonseed oil futures contracts.* The ceiling prices for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange shall be 26.40 cents per pound and 25.95 cents per pound, respectively.

SEC. 22. *Sellers of crude soybean oil.* Your ceiling price for sale of soybean oil shall be as follows:

(a) *Crude soybean oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
California, Oregon, Washington	21⅝.
Arizona	21⅛.
Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas.	20½.
Iowa, Minnesota, Nebraska, North Dakota, South Dakota.	20⅜.
Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin.	20½ cents plus freight from Decatur, Illinois, to New York, N. Y., minus freight from point of sale to New York, N. Y.: *Provided*, That in no case shall your ceiling be less than 20½ cents.

[Paragraph (a) amended by Amdt. 1]

(1) These crude soybean oil ceiling prices shall be adjusted on a 7 percent refining loss basis as provided in Rule 102 of the 1950–51 Rules of the National Soybean Processors Association.

(2) Where (i) crude soybean oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customary for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling price shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Crude soybean oil futures.* The ceiling price for crude soybean oil futures contracts traded on the New York Produce Exchange and the Chicago Board of Trade shall be 20.50 cents per pound.

(c) *Refined soybean oil.* Your ceiling price for sales of refined soybean oil shall be, in cents per pound, as follows:

For sales f. o. b. Decatur, Ill.	
Refined unbleached and undeodorized soybean oil for edible use	22.00
Once refined industrial soybean oil for inedible use	22.25
Once refined bleached industrial soybean oil for inedible use	22.75
Deodorized and bleached soybean oil	23.45
Soybean salad oil	23.55
Hydrogenated margarine soybean oil	24.20
High titre undeodorized hydrogenated soybean oil in bags	25.60

For sales at any other place. Wherever refining-in-transit freight rates apply from Decatur, Ill., through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Ill., price plus refining-in-transit freight from Decatur, Ill., through refinery location to final destination.

Wherever refining-in-transit rates do not apply from Decatur, Ill., through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Ill., price plus inbound freight from Decatur, Ill., and actual outbound freight from refinery location to final destination.

(1) *Differentials for other grades.* The customary differentials for grades above or below these prices for basic grades shall continue to apply.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate, shall continue to apply.

(3) *Adjustments for premium quality.* If you are an individual seller of refined soybean oil and have customarily charged a premium over the market price for a grade of such oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in Section 21 (b) of this regulation.

[Paragraph c amended by Amdt. 1]

SEC. 23. *Sellers of corn oil.* Your ceiling price for sale of corn oil shall be as follows:

(a) *Crude corn oil.* In tank cars, in cents per pound, as follows:

F. o. b. all mills in U. S., except Geneva, N. Y. and Wilkes-Barre, Pa.	24½
F. o. b. Geneva, N. Y., and Wilkes-Barre, Pa.	25

(b) *Refined corn oil.* In tank cars, in cents per pound, as follows:

Corn salad oil, basis f. o. b. Midwestern Refineries	27½

(1) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers shall continue to prevail.

(2) *Differentials for other grades.* The customary differentials for grade above or below these prices for basis grades shall continue to apply.

[Sec. 23 amended by Amdt. 1]

SEC. 24. *Processors of shortening and salad and cooking oils.*—(a) *Standard shortening.* The delivered ceiling prices of Armour and Co.'s "Star" and "Domino", Capital City Products Co.'s "Famous", Cotton Products Co.'s "Lou-Ana", The Cudahy Packing Co.'s "White Ribbon", The Glidden Co.'s (Durkee Famous Foods) "Snowflake", The Humko Co.'s "Humko", Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's" and "Southern Queen", The Procter and Gamble Co.'s "Fluffo" and "Flakewhite", Swift and Co.'s "Jewel" and "Sanco", Wesson Oil and Snowdrift Sales Co.'s "Crustene" and "Scoco", Wilson and Co.'s "Advance" and "Royal Aster", all other brands of standard shortening manufactured or distributed by the processors of these brands and all other brands of standard shortening manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	30.60	31.00
110-pound tins (per pound)	30.60	31.00
50-pound cubes (per pound)	29.75	30.25
50-pound tins (per pound)	30.50	31.50
	Dollars	*Dollars*
16⅔-pound cartons (per case)	14.85	15.35
48/1-pound cartons (per case)	15.00	15.50
6/8-pound pails (per case)	15.40	15.90
12/5-pound tins (per case)	12.15	12.50
36/1-pound tins (per case)	12.87	13.22

[Paragraph (a) amended by Amdt. 3]

(b) *Hydrogenated shortening (without mono- and di-glycerides).* The delivered ceiling prices of Armour and Co.'s "Kre-mit", Capital City Products Co.'s "B. B. S.", The Glidden Co.'s (Durkee Famous Foods) "Creamtex" and "Malvo", the Humko Co.'s "Kopald", Lever Bros. Co.'s "Covo", Mrs. Tucker's Foods, Inc.'s "Velvet", The Procter and Gamble Co.'s "Primex", Swift and Co.'s "Vream", Wesson Oil and Snowdrift Sales Co.'s "MFB", Wilson and Co.'s "Bakerite", all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	31.75	32.75
110-pound tins (per pound)	31.75	32.75
50-pound cubes (per pound)	31.50	32.50
50-pound tins (per pound)	32.25	33.25

[Paragraph (b) amended by Amdt. 3]

(c) *Hydrogenated shortening (with mono- and di-glycerides).* The delivered ceiling prices of Armour and Co.'s "Kremor", Capital City Products Co.'s "Hymo", The Glidden Co.'s (Durkee Famous Foods) "Betr Kake", The Humko Co.'s "Kopald Richmix", Lever Bros. Co.'s "Gilt Edge", Mrs. Tucker's Foods, Inc.'s "Gleam", The Procter and Gamble Co.'s "Sweetex", Swift and Co.'s "Vreamay", Wesson Oil and Snowdrift Sales Co.'s "Quick Blend", Wilson and Co.'s "Bakerite 140", all other brands of hydrogenated shortening (with mono- and diglycerides) manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (with mono- and diglycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	32.75	33.75
110-pound tins (per pound)	32.75	33.75
50-pound cubes (per pound)	32.50	33.50
50-pound tins (per pound)	33.25	34.25

[Paragraph (c) amended by Amdt. 3]

(d) *Household consumer hydrogenated shortening (with mono- and diglycerides).* (1) The delivered ceiling prices of Lever Bros. Co.'s "Spry", The Procter and Gamble Co.'s "Crisco" and Swift and Co.'s "Swiftning" shall be the following prices:

[Prior to any discount being deducted, but subject to a 2 percent cash discount]

North, South and Pacific Coast	*(Dollars)*
6/6-pound tins (per case)	12.87
12/3-pound tins (per case)	12.87
36/1-pound tins (per case)	13.59
24/1-pound tins (per case)	9.06

(2) The delivered ceiling price of Wesson Oil and Snowdrift Sales Co.'s "Snowdrift" shall be the following prices:

[Prior to any discount being deducted, but subject to a 1 percent cash discount]

North, South, and Pacific Coast	*(Dollars)*
6/6-pound tins (per case)	12.74
12/3-pound tins (per case)	12.74
36/1-pound tins (per case)	13.45
24/1-pound tins (per case)	8.97

(e) *Salad and cooking oil (made from cottonseed or corn oil).* The delivered ceiling prices of Armour and Co.'s "Star", Capital City Products Co.'s "Winco" and "Corn-O-May", Clinton Foods, Inc.'s "Clinton", The Corn Products Refining Co.'s "Argo", Cotton Products Co.'s "Lou Ana", Cudahy Packing Co.'s "Margherita", The Glidden Co.'s (Durkee Famous Foods) "Nonpareil" and "Contadina", The Humko Co.'s "Humko", Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's", Penick and Ford, Ltd., Inc.'s "Penick", The Procter and Gamble Co.'s "Fluffo" and "Puritan", The Quaker Oats Co.'s "Aunt Jemima", C. F. Simonin's Sons, Inc.'s "Yolanda" and "Liberty Maize", A. E. Staley Manufacturing Co.'s "Staleys", Swift and Co.'s "Jewel", Wesson Oil and Snowdrift Sales Co.'s "77" and "Blue Plate", Wilson and Co.'s "Certified", all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by the processors of these brands, and all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North	South	Pacific Coast
	Cents	*Cents*	*Cents*
Drums (per pound)	32.25	32.25	32.25
	Dollars	*Dollars*	*Dollars*
5-gallon (per case)	12.90	12.90	13.05
6/1-gallons (per case)	15.70	15.70	15.80
4/1-gallons (per case)	10.50	10.50	10.55
12/quarts (per case)	8.75	8.35	8.60
24/pints (per case)	9.00	8.55	8.80

[Paragraph (e) amended by Amdt. 3]

(f) *Household consumer salad and cooking oil (made from cottonseed or corn oil).* (1) The delivered ceiling prices of Wesson Oil and Snowdrift Sales Co.'s "Wesson Oil", shall be the following prices:

[Prior to cash discount, but after trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6/1-gallons (per case)	16.50	16.50	16.85
12/quarts (per case)	9.15	8.75	8.95
24/pints (per case)	9.40	8.95	9.15

The above prices shall also apply to Corn Products Refining Co.'s "Mazola" where trade discount is not customary.

(2) The delivered ceiling prices of Corn Products Refining Co.'s "Mazola" where trade discount is customary, shall be the following prices:

[Prior to cash discount and prior to 30% trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6/1-gallons (per case)	17.12	17.13	17.37
12/quarts (per case)	9.54	9.02	9.23
24/pints (per case)	9.77	9.23	9.43

(g) *Salad or cooking oil (made from soybean oil).* The delivered ceiling prices of The Glidden Co.'s (Durkee Famous Foods) "Capitano", The Procter and Gamble Co.'s "Atlas", C. F. Simonin's Sons, Inc.'s "Sayola", A. E. Staley Manufacturing Co.'s "Edsoy", Swift and Co.'s "Imperial", Spencer Kellog and Sons, Inc.'s "Spensoy", all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by the processors of these brands and all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	28.25	28.25
	Dollars	*Dollars*
1/5 gallons (per case)	11.35	11.50
6/1 gallons (per case)	13.85	13.95

(h) *Differentials*—(1) *Quantity differentials for shortenings.* The delivered ceiling prices of hydrogenated and standard shortenings are the prices for hydrogenated and standard shortenings when shipped in quantity to which the lowest price is applied in the processor's published price lists. For other quantities, the customary differentials shall apply.

(2) *Quantity differentials for salad and cooking oils.* The delivered ceiling prices of salad and cooking oils are the prices when shipped in the quantities named in the processor's published price lists. When salad and cooking oils are shipped in carload lots on which a refining-in-transit privilege is applicable, the customary discount (if any) from the delivered ceiling prices established in this section shall continue to apply. For other quantities the customary differentials shall apply.

(3) *Container.* When hydrogenated and standard shortening and salad and cooking oils are sold in containers of different sizes from the container sizes named in this section, the customary differentials for size of container shall apply.

(4) *Cash discounts.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established in this section are the delivered ceiling prices before cash discounts. The customary discount for receipt of payment within the period specified in the processor's published price lists shall apply.

(5) *Area.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established are base prices for the three areas named (North, South, and Pacific Coast). The customary differentials which have applied over base prices to some points within as well as to Territories and Possessions of the United States shall apply.

(i) *Ceiling prices for defense agencies.* A processor selling to a Defense Agency of the United States Government, or its agent, may charge a premium of not more than 2 cents per pound over the ceiling prices established by this section for shortening containing 100% cottonseed oil.

(j) *Branch houses and car routes for sales of shortening.* Where a processor sells standard or hydrogenated shortenings through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published

price lists, the processor's delivered ceiling price on such sales shall be 106 percent of the delivered ceiling price permitted him in this section.

(k) *Branch houses and car routes for salad and cooking oil.* Where the processor sells salad or cooking oil through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published price lists, the processor's delivered ceiling price on such sales shall be 110 percent of the delivered ceiling price permitted him in this section.

(l) *Delivered ceiling prices of other brands.* The delivered ceiling price of a brand of standard or hydrogenated shortening or of salad or cooking oil, the delivered ceiling price of which is not established in paragraphs (a) through (g) of this section shall be determined by applying the customary differential above or below the price of one of the brands named.

(m) *Applications for adjustment.* If the processor of a brand of shortening, or of a brand of salad and cooking oil has no ceiling price because there is no customary differential, or feels that his ceiling price is unduly low, he may file an application for adjustment with the Office of Price Stabilization. Such application should set forth in detail the reasons why the applicant believes his brand should be permitted to sell at the delivered ceiling price requested by the applicant in his application, or why there is no customary price relationship between the applicant's brand and one of the brands named.

[Section 24 added by Amdt. 1]

SEC. 25. *Sellers of tallows and greases.* The ceiling prices of inedible tallows and greases shall be as follows:

Tallows and greases. F. o. b., loaded on cars or trucks, at point of shipment:

	(1) Titre minimum	(2) F. F. A. maximum	(3) M. I. U. basis	(4) F. A. C. maximum untreated and unbleached	(5) Cents per pound
Tallows	° C.	*Percent*	*Percent*		
Edible	41.5	1	1	5	16¼
Industrial fancy acid or acidless tallow	41.5	2	1	5	15⅛
Fancy	41.5	4	1	7	15
Choice	41	5	1	9	14⅞
Prime, renderers' prime, prime packers, or extra	40.5	6	1	13 or 11B	11¼
Special	40.5	10	1	19 or 11C	13½
No. 1	40.5	15	2	33	11
No. 3	40.5	20	2	37	13¾
No. 2	40	35	2	No color	13
Naphtha extracted bone	40	20	3	do	11½
Greases					
Choice white	37	4	1	11	11⅝
A, white	37	8	1	15	14⅜
B, white	36	10	2	19 or 11C	13⅜
Yellow	36	15	2	37	13¼
House	35.5	20	2	39	13½
Brown	38	50	2	No color	12½
Fleshing and or glue grease No. 1	36	15	1	15	11¼
Fleshing and or glue grease No. 2	36	40	2	21	13½
No. 1 pig skin and pigskin	34	5	1	9	15½
Garbage grease	34	60	3	No color	11
No. 1 horse oil [1]	34	4	1	5	15
No. 2 horse oil [1]	34	15	2	37	13½

[1] Iodine value shall not be less than 70.
[2] Maximum titre.

(a) Materials of less than 40 titre shall be deemed greases and shall be priced only on the basis of the ceiling prices set forth above for greases; and materials of more than 39.9 titre shall be deemed tallows and shall be priced only on the basis of the ceiling prices set forth above for tallows:

(b) When prime and choice tallows are sold as "bleachable" the ceiling prices specified for those grades shall apply: *Provided*, That premiums may be paid if the tallow, on the basis of a refining and bleaching test in accordance with the official American Oil Chemists' Society methods, performed by the buyer after receipt meets specifications as follows:

Grade	Lovibond color through a 5¼ inch column	Allowable premium cents per pound
Choice	2.0 Red	¼
Prime	2.0 Red	¾
Prime	2.5 Red	¾

[Paragraph (b) added by Amdt. 4]

(c) Each type or grade of tallow or grease must be designated by the name customarily applied to it by the trade, and must be priced on the basis of the specifications prescribed in this section for such type or grade.

(d) The usual or normal differentials for grades, with specifications other than those listed above, shall continue to apply.

(e) When any of the above-named tallows or greases are sold in drums, barrels, or tierces at buyer's request, the ceiling prices for such tallows or greases shall be the prices set forth above, plus the differentials hereinafter set forth for the type of container in which the tallows or greases are shipped:

Container	*Differentials to be added in cents per pound*
Returnable drums, barrels or tierces	¾
Nonreturnable drums, barrels or tierces	1½

[Paragraphs (c), (d), and (e) redesignated by Amdt. 4]

(f) When tallows and greases are shipped in less than carload lots, the usual or normal premium shall continue to apply.

[Paragraph (f) added by Amdt. 4]

(g) When edible tallow shown in the table of this section is sold in smaller size containers than drums, barrels and tierces, your customary differentials shall apply.

[Paragraph (g) added by Amdt. 4]
[Sec. 25 added by Amdt. 2]

SEC. 26. *Imported tallows and greases.* The ceiling prices of imported tallows and greases, with duties and taxes paid, f. o. b. port of entry, shall be the ceiling prices set forth in section 25 of this regulation.

[Sec. 26 added by Amdt. 2]

SEC. 27. *Exported tallows and greases.* The ceiling prices for exported tallows and greases listed in section 25 of this regulation shall be the ceiling prices listed in such section plus the cost of additional expenses for preparing such tallows and greases for export. These additional costs shall include: sampling, analysis, stenciling of drums, surveying, cartage, lighterage and pumping to vessels deep tanks. These additional costs may not exceed a total of one quarter of one cent per pound.

[Sec. 27 added by Amdt. 2]

SEC. 28. *Fat-bearing and oil-bearing animal waste materials* (a) Ceiling prices for fat-bearing or oil-bearing animal waste materials are the highest prices at which such materials were delivered to a purchaser of the same class during the period from November 7 to December 7, 1950, inclusive. If such materials were not delivered during this period, the ceiling price shall be the highest price at which such materials were offered for delivery during this period to a purchaser of the same class. This offer must have been in writing. If no such materials were offered for delivery or dealt in during the above period, the ceiling prices for such materials shall be those of the seller's most closely competitive seller of the same class selling the same materials to the same class of purchaser.

(b) As an alternative to the method provided in paragraph (a) of this section, agencies of the United States Government, or any separate selling units of such agencies, who during the period from November 7 to December 7, 1950, inclusive, sold any of the waste materials covered by this section on the basis of fixed term contracts entered into with buyers of such materials prior to November 7, 1950, may determine their ceiling prices for future sales by adopting those of their most closely competitive seller.

[Sec. 28 added by Amdt. 2, substituted by Amdt. 8]

SEC. 29. *Vegetable oil soapstocks*—(a) *Ceiling prices of raw soapstocks.* The ceiling prices of the following raw soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW SOAPSTOCKS—BASIS 50 PERCENT T. F. A.:

[Cents per pound]

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil soapstocks (foots) including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	6.125	6	6

(1) Where any of the above soapstocks (foots) are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual normal differential that prevailed prior to January 1, 1951, between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(b) *Ceiling prices of acidulated soapstocks.* The ceiling prices of acidulated soapstocks, delivered in tank cars or tank wagons shall be the following prices:

ACIDULATED SOAPSTOCKS—BASIS 95 PERCENT T. F. A.

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil acidulated soapstock including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	12.625	12.5	12.5

(1) Where any of the above acidulated soapstocks are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the acidulated soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the acidulated soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(3) The usual or normal differential for type of container shall continue to apply.

(4) The terms "domestic vegetable oil soapstock" and "domestic vegetable oil acidulated soapstock" mean soapstocks derived from fats and oils not enumerated in section 14 of General Ceiling Price Regulation.

[Sec. 29 added by Amdt. 6]

SEC. 30. *Sellers of fish oils.* The ceiling prices of fish oils shall be as follows:

(a) Fish oils: Loaded on buyers' tank cars, tank trucks, or barge:

	Cents per pound
Menhaden oil, crude, f. o. b. producer's plant, Atlantic and Gulf Coasts	16
Sardine oil, crude, f. o. b. producer's plant, Atlantic Coast	16
Sardine oil, crude, f. o. b. producer's plant, Pacific Coast	16
Pilchard oil, crude, f. o. b. producer's plant, Pacific Coast	16
Herring oil, crude, f. o. b., Seattle	16
Herring oil, crude, f. o. b. producer's plant, Atlantic Coast	16
Crude tuna oil, mackerel oil, red fish oil, seal oil, hairyback fish oil, bottom fish oil, or other fish body oils produced by the reduction of the whole fish or the offal of such fish, f. o. b. plant of production	16

(b) If you import any of the oils specified in paragraph (a) of this section, your ceiling prices for the sale of such fish oils shall be the above ceiling prices, f. o. b. port of entry. These ceiling prices include all import duties and taxes.

(c) The usual and customary differentials for grades above or below these prices for basic grades shall continue to apply.

(d) The usual or customary differentials for types of conveyance or container shall continue to apply.

(e) Sales contracts for the grade and type of fish oil to be delivered, after the effective date of this amendment may be performed only at a price that does not exceed the ceiling prices set forth in paragraph (a) of this section.

(f) If you are a seller of fish oils to be sold at any of the price differentials specified in paragraphs (c) and (d) of this section, you must file, within thirty days from the effective date of this order, with the Fats and Oils Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., a schedule of prices which will indicate the customary differentials from the ceiling price of crude oil which you intend to apply in accordance with paragraphs (c) and (d) of this section.

(g) If you have customarily charged a premium for sales of fish oil to be used as a carrying medium for vitamins, you may apply in writing to the Fats and Oils Branch, Food and Restaurant Division, OPS, Washington, D. C., for an adjustment in your ceiling price for such sales. This application must be filed in duplicate and contain all pertinent information indicating the name and address of the buyer; documentary evidence that you have customarily charged the premium; and the proposed selling price for which you are seeking adjustment.

[Sec. 30 added by Amdt. 7]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By DAVID C. EBERHART,
Recording Secretary.

[F. R. Doc. 51-7745; Filed, July 2, 1951; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Regulation 3 as Amended June 29, 1951]

REG. 3—OPERATIONS OF THE PRIORITIES SYSTEMS BETWEEN CANADA AND THE UNITED STATES

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 and to implement the provisions of The Statement of Principles for Economic Cooperation issued by the Governments of the United States and Canada, dated October 26, 1950.

This amendment effects NPA Reg. 3, as amended June 15, 1951, by amending sections 2, 4, and 6; deleting section 7; adding new sections 7 and 8; and renumbering sections 8 and 9 to be 9 and 10.

As so amended, NPA Reg. 3 reads as follows:

Sec.
1. What this regulation does.
2. Definitions.
3. Rated orders from the United States under the United States defense program placed with Canadian suppliers.
4. Canadian orders for materials placed with United States suppliers.
5. Certifications by Canadian purchasers to suppliers in the United States.
6. Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada.
7. Status of orders rated DO-47.
8. Relation to other regulations and orders of NPA.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* In order that the control, priorities, and allocations systems of the two countries be comparable in effect, and in order to coordinate the defense economies of the two countries, this regulation describes how and to what extent contracts or orders in support of the United States defense program or the Canadian Defence Program may have the benefits of the priorities system of the United States. Instructions have been issued by the Canadian Government under appropriate Canadian legislation to provide for priority assistance in obtaining essential Canadian materials and services for the United States defense program.

SEC. 2. *Definitions.* For the purposes of this regulation: (a) "Person" means any individual, partnership, corporation, association, or any other organized group of persons, and includes specifically Canadian distributors and importers as well as any agency of the United States Government or any other government.

(b) "Maintenance, repair, and operating supplies" means MRO as defined in NPA Reg. 4.

(c) "Minor capital additions" means minor capital additions as defined in NPA Reg. 4.

(d) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule 1 of CMP Regulation No. 1.

(e) "Materials" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

SEC. 3. *Rated orders from the United States under the United States defense program placed with Canadian suppliers.* (a) If a rated order from a person in the United States, under NPA Reg. 2, is placed with a supplier located in Canada, either directly or through extension, the Canadian supplier may extend the rating received by him in order to acquire materials in the United States, to the extent permitted by the provisions of section 5 of NPA Reg. 2, and subject to the restrictions of section 6, NPA Reg. 2.

(b) A person located in Canada extending the rating to a supplier located in the United States, pursuant to this section, shall mark on his purchase order the prefix DO and the two-digit designation appearing on the rated order received by him, and shall affix thereto the additional statement to read as follows:

Certified under NPA Reg. 3.

Such certification shall be signed by him in the manner prescribed in section 8, NPA Reg. 2.

(c) If a supplier located in Canada requires priority assistance to obtain materials of Canadian origin to fill a rated order under the United States defense program, received by him from the United States, application should be made by him to the Priorities Division, Department of Defence Production, Ottawa, Canada, for appropriate action.

SEC. 4. *Canadian orders for materials placed with United States suppliers.* (a) Any Canadian Government Department, Corporation, or person charged with procurement under the Canadian Defence Program, or other approved purpose, placing a delivery order calling for delivery of materials to such person located in Canada by persons located in the United States, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for authority to apply to such delivery orders an allotment number to obtain controlled materials or a DO rating with allotment number to obtain products and materials other than controlled materials. All delivery orders to which allotment numbers or DO ratings shall be applied under the provisions of this regulation, shall have equal standing with delivery orders placed by persons in the United States, to which allotment numbers or ratings have been applied under NPA Reg. 2 or any NPA CMP Regulation.

(b) Any person who has been authorized pursuant to section 4 (a) of this regulation to apply allotment numbers or DO ratings to delivery orders shall, in accordance with such authorization and unless otherwise specifically provided by NPA, use (1) the allotment number G–6 on delivery orders for controlled materials for use in construction, (2) the allotment number G–7 on delivery orders for controlled materials for all other uses, (3) the rating DO–G6 for products and materials other than controlled materials for use in construction, and (4) the rating DO–G7 on delivery orders for products and materials other than controlled materials for all other uses. Such delivery orders shall also contain a certification in the following form: "Certified under NPA Reg. 3". Such certification shall be signed in manner prescribed in section 8 of NPA Reg. 2.

SEC. 5. *Certifications by Canadian purchasers to suppliers in the United States.* Certifications under sections 3 (b), 4 (b), and 6 (a) of this regulation constitute a representation to the supplier in the United States, to the National Production Authority, and to the Canadian Director of Priorities, Department of Defense Production, that the person signing such certification is either extending a rating received by him from a purchaser in the United States under the provisions of NPA Reg. 2, or is extending a rating specifically authorized by the National Production Authority under this regulation, which rating was applied for the purposes authorized.

SEC. 6. *Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada*—(a) *MRO assistance.* Any person located in Canada who, without priorities assistance, cannot obtain MRO and minor capital additions from United States sources, and who requires an allotment number to obtain controlled materials or a DO rating to obtain products and materials other than controlled materials from a United States supplier, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to the National Production Authority, Washington 25, D. C., for a quota and the right to apply such allotment number or rating to such requirements under arrangements made by the Department of Defence Production and NPA giving a comparable effect to the provisions of this regulation in respect to Canadian requirements. No such authorization will be issued by NPA unless the application therefor is approved by the said Priorities Division. Unless NPA shall otherwise provide, the allotment number G–7 shall be used on all delivery orders for controlled materials and the DO rating DO–G7 shall be used on all delivery orders for products and materials other than controlled materials placed pursuant to this section. In either case the delivery order shall also contain the certification specified in section 4 (b) of this regulation. No DO rating or allotment number shall be placed pursuant to this section on delivery orders to obtain items or materials specified in Table I or II of NPA Reg. 4, or Schedule I or II of CMP Regulation No. 5, when issued.

(b) *Industrial expansion and capital equipment assistance.* Under arrangements made with the Canadian Department of Defence Production, if a person located in Canada receives either a DO rated order from a person located in the United States, or an order for Canadian Defence or other approved purpose, and cannot fill such order without assistance in obtaining materials from the United States for plant improvement, expansion, or construction or obtaining machine tools or other items which he will carry as capital equipment, such Canadian supplier may apply to the Priorities Division, Department of Defence Production, Ottawa, Canada, for priorities assistance. Such request for assistance will be examined by the Priorities Division, and if approved by it, may be forwarded to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for action. Ratings for items included in this category may be applied only when so approved by NPA.

SEC. 7. *Status of orders rated DO–47.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, a delivery order for MRO or minor capital additions calling for delivery of controlled materials in the third calendar quarter of 1951 placed prior to the effective date of this amendment in accordance with the provisions of this regulation and bearing the rating DO–47 shall constitute an authorized controlled material order bearing the allotment number G–7 for the purposes of all CMP regulations and this regulation.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, a delivery order for MRO or minor capital additions requiring products and materials other than controlled materials calling for delivery in the third calendar quarter of 1951 placed prior to the effective date of this amendment in accordance with the provisions of this regulation and bearing the rating DO–47 shall constitute a rated order with the allotment number G–7 for the purpose of all CMP regulations.

(c) A delivery order for MRO or minor capital additions calling for delivery after the third calendar quarter of 1951, and placed prior to the effective date of this amendment but in accordance with the provisions of this regulation prior to this amendment, and bearing the rating DO–47, must be converted into an authorized controlled material order or into a rated order with the allotment number G–7, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(d) Rated orders placed prior to June 15, 1951, which bear the rating "DO–47" and the certification "Certified under NPA Reg. 4," and calling for delivery in the third calendar quarter of 1951, shall have the same force and effect as if certified under this regulation.

SEC. 8. *Relation to other regulations and orders of NPA.* All of the provisions of NPA Reg. 2 apply to all persons affected by the provisions of this regulation except to the extent that such provisions are inconsistent, in which event the provisions of this regulation prevail. All of the provisions of CMP Regulation No. 3 as to status of delivery orders shall apply to orders bearing an allotment number or DO rating pursuant to this regulation.

SEC. 9. *Communications.* All communications from persons located in Canada concerning this regulation shall be addressed to the Priorities Division, Department of Defence Production, Ottawa, Canada, and, where necessary, forwarded by that Division to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3.

SEC. 10. *Violations.* Certain provisions of this regulation may be subject to the penalties pursuant to regulations and orders issued under the Canadian Defence Production Act and the Canadian Emergency Powers Act.

This regulation as amended shall take effect on June 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7699; Filed June 29, 1951; 4:44 p. m.]

[NPA Order M–7, Revocation]

M–7—ALUMINUM FOR CIVILIAN USE

NPA Order M–7, as amended June 1, 1951, is revoked, effective July 1, 1951. The provisions of NPA Order M–7 have been incorporated in NPA Order M–47A to limit use in the third quarter, 1951, of aluminum in certain consumer durable goods and related products. The use of aluminum in most other items in the third quarter, 1951, will be regulated by the issuance of CMP allotments.

This revocation does not affect any liabilities incurred for violation of NPA Order M–7, as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions of the National Production Authority under it.

(Sec. 704, Pub. Law 774, 81st Cong.)

Issued this 29th day of June 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7700; Filed, June 29, 1951; 4:44 p. m.]

[NPA Order M–11 as Amended July 1, 1951]

M–11—COPPER AND COPPER-BASE ALLOYS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M–11 is amended in the following respects: §§ 29.1 through 29.14 are redesignated as sections 1 through 14, and the following new sections and paragraphs are substituted for the old sections and paragraphs: Section 1; paragraphs (c), (d), and (e) of section 2; the first sentence of section 3; section 4; paragraphs (a), (b), and (c) of section 5; section 6; paragraph (a) of section 7; paragraphs (a), (b), and (c) of section 8; and section 10. In addition, paragraph (c) of section 7 has been redesignated as paragraph (d), and a new paragraph (c) added; and the heading of section 7 has been changed. As so amended, NPA Order M–11 reads as follows:

Sec.
1. What this order does.
2. Copper and copper-base alloy forms and products to which this order applies.
3. Required shipment dates.
4. Rejection of authorized controlled material orders or rated orders.
5. Limitation for acceptance of authorized controlled material orders or rated orders.
6. Total tonnage limitations for acceptance of controlled material orders and rated orders.
7. Effect of authorized controlled material orders and rated orders for unalloyed copper and copper-base alloy ingot.
8. Distributors, jobbers, and warehousers.
9. Scheduled programs.
10. NPA assistance in placing authorized controlled material orders or rated orders.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers, sellers, and owners of refined copper and copper-base alloy ingot; producers of brass mill products, copper wire mill products, foundry copper products, and copper-base alloy products; and to distributors, jobbers, and warehousers, of copper and copper-base alloy controlled materials; and provides rules for placing, accepting, and scheduling authorized controlled material orders and rated orders for copper and copper-base alloy. The purpose is to make possible the maximum production of copper and copper-base alloy by reducing to a minimum disruption of normal distribution and by providing equitable distribution of authorized controlled material orders and rated orders upon all copper and copper-base alloy producers and fabricators and all distributors, jobbers, and warehousers of copper and copper-base alloy. It supplements NPA Reg. 2 and CMP Regulations Nos. 1 and 3, but only those provisions of such regulations which are inconsistent with this order are superseded, and all the provisions of those regulations continue to apply to the copper industry.

SEC. 2. *Copper and copper-base alloy forms and products to which this order applies.* This order applies to the following forms and products of copper and copper-base alloy:

(a) *Unalloyed copper.* (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(b) *Copper-base alloy.* Any alloy, the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It includes fired or demilitarized cartridge cases and artillery cases and all copper-base alloys as specified above in any form, including scrap.)

(c) *Brass mill products.* Brass mill products, for the purpose of this order, means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(d) *Copper wire mill products.* Copper wire mill products means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel, containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) *Foundry copper products and copper-base alloy products.* Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing.)

SEC. 3. *Required shipment dates.* An authorized controlled material order or a rated order for copper or copper-base alloy in any of the forms listed in section 2 of this order must specify shipment on a particular date or during a particular month which in no case may be earlier than required by the person placing the order. The producer of copper and copper-base alloy in any of the forms listed in section 2 of this order must schedule the order for shipment within the requested month as close to the required shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of authorized controlled material orders or rated orders.* Producers of copper and copper-base alloy controlled materials in the forms listed in section 2 of this order need not accept an authorized controlled material

order or a rated order which is received less than the number of days prior to the first day of the month in which shipment is requested as set forth in Schedule 3 of CMP Regulation No. 1 unless specifically directed to accept the order by the National Production Authority.

SEC. 5. *Limitations for acceptance of authorized controlled material orders or rated orders.* Subject to the tonnage limitations stated in section 6 of this order, or unless specifically directed by the National Production Authority:

(a) No producer of brass mill products shall be required to accept authorized controlled material orders and rated orders for shipment in any one month in excess of the following percentages of his scheduled monthly production of the products listed below:

	Percent
Unalloyed products:	
Plate, sheet, and strip	60
Rod, bar, wire, shape	90
Seamless copper tube (non-standard)	55
Alloy products:	
Plate, sheet, strip	75
Rod, bar, wire	80
Fourdrinier wire	100
Seamless tube	50
Standardized products:	
S. P. S. pipe and type B tube	20
Copper water tube	55
Copper refrigeration and automotive tube	55
Beryllium copper products:	
Sheet and strip plate	90
Rod, bar, wire	90
Tubing	50

(b) No producer of copper wire mill products shall be required to accept authorized controlled material orders and rated orders for any type or size range of a wire mill product listed in paragraph (d) of section 2 of this order for shipment in any one month in excess of 80 percent of his scheduled monthly production of the same product.

(c) No producer of foundry copper products or copper-base alloy products shall be required to accept authorized controlled material orders and rated orders for shipment in any one month in excess of the following percentages of his scheduled monthly production of the products listed below:

	Percent
Beryllium copper castings	90
All other castings	75

SEC. 6. *Total tonnage limitations for acceptance of controlled material orders and rated orders.* Unless specifically directed by the National Production Authority, no producer of brass mill products, copper wire mill products, foundry copper products, or copper-base alloy products, shall be required to accept authorized controlled material orders and rated orders for shipment in any one month of a total tonnage in excess of 75 percent of his scheduled monthly production of such products.

SEC. 7. *Effect of authorized controlled material orders and rated orders for unalloyed copper and copper-base alloy ingot.* (a) No producer, seller, or owner, of unalloyed copper shall be required to accept authorized controlled material orders or rated orders from any producer of brass mill products, copper wire mill products, foundry copper products, or copper-based alloy products, or from any ingot maker or other user of unalloyed copper, unless the buyer presents a copy of a specific authorization from the National Production Authority covering such authorized controlled material order or rated order.

(b) No producer, seller, or owner of copper-base alloy ingot shall be required to accept rated orders from any producer of brass mill products, foundry copper products, or copper-base alloy products, or from any other user of copper-base alloy ingot, unless the buyer presents a copy of a specific authorization from the National Production Authority covering such rated order.

(c) No producer of brass mill products, copper wire mill products, foundry copper products, or copper-base alloy products shall be required to accept authorized controlled material orders or rated orders from any other producer of brass mill products, copper wire mill products, foundry copper products, or copper-base alloy products.

(d) Nothing in paragraphs (a) or (b) of this section shall interfere with the acceptance of unrated orders for unalloyed copper or copper-base alloy ingot.

SEC. 8. *Distributors, jobbers, and warehousers.* Unless specifically directed by the National Production Authority:

(a) No distributor or jobber of brass mill products shall be required to accept authorized controlled material orders and rated orders for shipment in any one month for a total tonnage in excess of 75 percent of his average monthly shipments by products (including shipments made by others for his account) during the first 3 months of 1951.

(b) No distributor or wholesaler of copper wire mill products shall be required to accept authorized controlled material orders and rated orders for shipment in any one month of total poundage (copper content) of such products in excess of 75 percent of his total shipments from this warehouse stocks during the preceding monthly inventory period.

(c) No distributor or jobber of foundry copper or copper-base alloy products shall be required to accept authorized controlled material orders and rated orders for shipment in any one month of a total tonnage of such products in excess of 75 percent of his total shipments from his warehouse stocks during the preceding monthly inventory period.

SEC. 9. *Scheduled programs.* The National Production Authority will from time to time approve scheduled programs calling for production and delivery of copper and copper-base alloy for stated purposes over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued distributing such programs and specifying the manner in which they are to be carried out by the copper industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by the National Production Authority.

SEC. 10. *NPA assistance in placing authorized controlled material orders or rated orders.* Any person who is unable to place an authorized controlled material order or rated order for copper or copper-base alloy due to the limitations imposed by sections 5, 6, or 8 of this order should apply to the National Production Authority, Washington 25, D. C., Ref: M-11, specifying the producers, fabricators, distributors, warehousers, or jobbers, who refused to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-11.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7737; Filed, July 2, 1951; 11:56 a. m.]

[NPA Order M-8, as Amended July 1, 1951]

M-8—TIN

This order which amends and supersedes NPA Order M-8, dated April 2, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with industry representatives in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and the fact that the amendment affects a large number of different trades and industries.

NPA Order M-8 is amended by substituting new paragraphs and sections in place of the old paragraphs and sections of the order, as follows: paragraph (f) of section 2; section 5; section 6; paragraphs (a) and (b) of section 7; and subparagraphs (5) and (9) of paragraph (b) of section 8; and by effecting a number of other relatively minor clarifying changes. As so amended, NPA Order M-8 reads as follows:

Sec.
1. What this order does.
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5. Limitations on use of pig tin.
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AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order amends and supersedes NPA Order M-8. The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible. It prohibits the private importation of pig tin and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b) of this order, "tin" means pig tin and tin in any raw semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings, and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters, and metallics	6790.720
Tin bichloride, tin tetrachloride, and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	6380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles,

and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) No person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

SEC. 5. *Limitations on use of pig tin.* Subject to the limitations in section 4 of this order, or unless specifically directed by the National Production Authority, during the calendar quarter commencing July 1, 1951, no person shall use in the manufacture, processing, installation, construction, or treating of any item or product a total quantity by weight of pig tin in excess of 90 percent of his average monthly use of pig tin for such purposes during the base period except as permitted in the attached schedule: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That his use of pig tin for such purposes shall be in accordance with, and only to the extent permitted in, the attached schedules, and that no pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) No person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorizaiton will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limitations of the authorization. The National Production Authority may specifically direct the purposes for which a person may use pig tin in the manufacture, processing, installation, treating, or construction of any item or product, whether or not such pig tin has been directly allocated to such person. A person who has received pig tin pursuant to an allocation for the purpose of resale may dispose of such pig tin only by resale. The issuance of an allocation authorization by the National Production Authority shall not dispense with the necessity of complying with the requirements of section 8 of this order with regard to certification.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-7 not later than the twentieth day of the month preceding the month in which delivery is sought, and such application shall separately indicate the quantity of pig tin requested for use and the quantity requested for resale.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 6,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M-8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that his total receipt of pig tin in that month, including that covered by this order, will not exceed 6,000 pounds; and that the pig tin herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule _____, Item _____) as follows: [1]

(Specify end use)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule____, item____) as follows: [1]

(Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 3/32 inch in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

containing not more than 35 percent tin by weight; (5) babbitt for bearing purposes containing 10 percent or less tin; (6) babbitt for bearing purposes of any specifications in lots of 5 pounds or less; (7) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (8) liquor-finished wire; or (9) copper-base alloy scrap containing not more than 6 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter, such scrap when delivered to any other person and all other scrap containing 1.5 percent or more tin by weight may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin for tin plate	1. 120 days
2. Pig tin for all other uses	2. 60 days
3. Lead-base alloys	3. 45 days
4. All other materials and alloys containing 1.5 percent or more tin	4. 60 days

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of that regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions, any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950), except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 20, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M-8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, and the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) *Reports on pig tin.* (1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the tenth of December and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) *Reports on Customs Entry.* No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) *Records.* (1) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other

reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(d) *Submission of reports.* All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Tablets, markers, and memorials.
20. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
21. Toys and games.
22. Zinc galvanizing.
23. All other ornamental or decorative purposes.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

A. CAST COPPER-BASE ALLOYS

Alloys containing 3.5 percent or more by weight of tin may be cast for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts.	(2) 18.
(3) Jack nuts, feed nuts, and elevating nuts	(3) 14.
(4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings.	(4) 12.
(5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves.	(5) 10.
(6) Bearings produced by the process of powder metallurgy	(6) 10.
(7) Steam industrial and aircraft valves, fittings, and specialties.	(7) 6.5.
(8) All other castings	(8) 6.

B. WROUGHT ALLOYS

(1) Telephone drop wire, condenser tubes, engine beater bars, jordan bars, ductor blades, four dinier wire, and screen plates.	(1) 8.
(2) Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers.	(2) 10.
(3) For use as bearings, spectacle wire, and functional parts in all other items (except items in List A).	(3) 5.5.
(4) All other (except items in List A)	(4) 2.

C. COPPER NICKEL ALLOYS

(1) Seats, discs, and bearing surfaces of steam and industrial valves.	(1) 13.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(iii) Wire solder not over 5/32 inch in diameter for the hand repair of radiators	(iii) 40.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and busses (including the dipping of commutator segments).	(6) Unlimited.
(7) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(7) 50.
(8) Tin-zinc solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits.	(8) 60.
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(9) 40.
(10) For any other soldering operations	(10) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or busses.	(2) 90.
(3) For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery, and roll neck bearings 8 inches in diameter or larger.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment:	(1)
(i) New fluid milk shipping containers.	(i) Plg tin may be used only when and to the extent specifically authorized in writing by the NPA.
(ii) All other dairy equipment including the retinning of fluid milk shipping containers.	(ii) Plate, coat, or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire—0.032 inch nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032 inch nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0250 inch thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to 0.0001 inch in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(7) Steel wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 pounds per square inch for manufacture of stranded cable (not including picture wire, fishing leaders, and like items) but including musical instrument strings.	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake retraid.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	(7) Coat for purposes indicated.
(a) Stitching of magazines, books, booklets, and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot, or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials:	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches, or box and carton construction).	

B. TIN OXIDE

Production	*Permitted use*
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) For the production of green, pink, yellow, and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	*Permitted use*
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing, and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11)—
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead-base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin alloys containing tin*
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by the NPA. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M-24.
(9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 7 percent of tin, may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel-bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding 0.00006 inch.
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	*Maximum permissible tin content of foil (percent by weight)*
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil or dimensions 0.00035 inch by 1 inch or less.	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50 percent, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	*Permitted use*
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
(2) Tin chemicals (excluding tin oxide) produced from secondary tin-bearing drosses, residues, or scrap metal, having a tin content not over 10 percent and an impurity content too high for use in the production of other items permitted in the attached schedules.	(2) May be used for any purpose except to make items included in List A.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	*Permitted use*
(13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(13) (a) for items permitted by both Order M-48 and the schedules attached to Order M-8; the tin content is limited to that set forth in the schedules for the particular item and use. (b) For all other items permitted by Order M-48 and not included in the schedules attached to Order M-8, the tin content is limited to the minimum required for the particular use under Order M-48.
(14) Clutch and brake facings when produced by the process of powder metallurgy.	(14) Not more than 10 percent by weight of tin powder.
(15) Carbon brushes when produced by the process of powder metallurgy.	(15) Tin powder up to 12 percent of the copper content by weight.
(16) Hammer metal, die proofing metal, and filling and sealing metal.	(16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.

[F. R. Doc. 51-7697; Filed, June 29, 1951; 4:43 p. m.]

[NPA Order M-14 as Amended March 31, 1951, Amendment 1]

M-14—NICKEL

EXTENSION OF RESTRICTION ON CONSUMPTION

This amendment of June 29, 1951, to NPA Order M-14 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-14 as amended March 31, 1951, as follows:

It amends section 5 of NPA Order M-14 by extending, through the third calendar quarter of 1951, the restriction on the consumption of nickel.

Section 5 is hereby amended to read as follows:

SEC. 5. *Use of nickel.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed in writing by the National Production Authority, no person shall consume in production or processing during the first, second, or third calendar quarters of 1951 a quantity of nickel (as defined in paragraph (a) of section 3 of this order) by weight in excess of 65 percent of his average quarterly consumption of nickel for such purposes during the base period: *Provided, however,* That his consumption in any one month shall not exceed 40 percent of the permitted use during the quarter.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on June 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7704; Filed, June 29, 1951; 4:46 p. m.]

[NPA Order M-46, Supplement 1]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

SUPP. 1—AUTHORIZATION OF ALLOTMENT SYMBOLS AND RULES PERTAINING TO USE

This supplement to NPA Order M-46 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950.

PURPOSE AND SCOPE

Sec.
1. The allotment number.
2. Present assistance in NPA Order M 46.
3. What this supplement does.

ALLOTMENT NUMBERS

4. Authorization of allotment numbers.
4. Explanation of allotment numbers.
6. Use of non-controlled materials.
7. Use with specially assigned rating.

LIMITATIONS ON USE

8. Applicability of NPA Order M-46.
9. Restrictions and revalidation.
10. Current validity.
11. Effective time.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

PURPOSE AND SCOPE

SECTION 1. *The allotment number.* In order to get controlled material under the Controlled Materials Plan, it is necessary to identify quantities of controlled materials which may have been authorized. This identification is called an allotment number. Section 11 of CMP Regulation No. 1 describes these allotment numbers. The use of allotment numbers by individual operators must, however, be authorized either pursuant to the orders under which the operator is working or directly by a Claimant Agent. Accordingly, CMP Regulation No. 1 does not of itself make allotment numbers available and some additional means of doing this must be provided.

SEC. 2. *Present assistance in NPA Order M-46.* Order M-46 makes priorities assistance available to the petroleum and gas industries. At the time of its issuance, as amended, on June 1, 1951, no allotment numbers had been made available to the Petroleum Administration for Defense for use by petroleum or gas operators. The only assistance made available in that order was therefore the assistance of a DO rating.

SEC. 3. *What this supplement does.* Allotment numbers have now been assigned to petroleum and gas programs. It is therefore possible now to make them available to operators in the petroleum and gas industries. This supplement is accordingly issued for that purpose.

ALLOTMENT NUMBERS

SEC. 4. *Authorization of allotment numbers.* The following allotment numbers are hereby made available to an operator as defined in NPA Order M-46:

(a) H-9 may be used only to obtain MRO material;

(b) H-2 may be used only to secure material for use in a production operation;

(c) H-1 may be used only to secure material for use in a construction operation.

SEC. 5. *Explanation of allotment numbers.* (a) In using the numbers to secure delivery of controlled material, the operator must designate on his delivery order the calendar quarter in which he has been authorized to accept delivery of the controlled material. He does this by an abbreviation, the first number of which stands for the calendar quarter in which delivery is to be made, the letter of which stands for the word "quarter", and the last number for the year. Thus, a complete symbol for use on delivery orders for MRO material for delivery in the fourth quarter of 1951 would look like:

H-9-4Q51.

(b) A complete symbol covering delivery of oil country tubular goods in the fourth quarter would consist of the symbol H-2, followed by a dash and the letters 4Q51. The allotment number would therefore be:

H-2-4Q51.

If the operator had been authorized to get MRO materials for the third quarter, and the material was a controlled material, his allotment number would be H-9-3Q51. If the operator had been authorized to get controlled material in the first quarter of 1952 for use in a refining installation (construction operation), his allotment number would be H-1-1Q52.

SEC. 6. *Use of non-controlled materials.* To get materials which are not controlled material but for which priorities assistance may be or may have been authorized, the operator may use and apply the rating "DO", plus the proper allotment number indicated above. Thus, if he wanted MRO material and was authorized to use priorities assistance pursuant

to NPA Order M–46, he would identify the order as follows:

DO–H–9.

The symbol DO–H–9 must be used in place of the DO–97 symbol set forth in section 3 of NPA Order M–46. For material which is not controlled material but which is for use in a production operation, the operator must use the symbol DO–H–2 in place of the symbol DO–48. For material which is not a controlled material but which is for use in a construction operation, the operator must use the symbol DO–H–1 in place of the symbol DO–48.

SEC. 7. *Use with specially assigned rating.* Certain materials have in the past been rated by special action of NPA. The ratings thus assigned may be different from those presently assigned by NPA Order M–46. For example, an operator may previously have been authorized to use the rating DO–46 to get controlled material or fabricated items for a refining installation. In such circumstances, the operator may use the appropriate allotment number identified above for either controlled material or fabricated items which may have been authorized.

LIMITATIONS ON USE

SEC. 8. *Applicability of NPA Order M–46.* In using any of these symbols, the operator will be bound by all other requirements of NPA Order M–46. The authority contained in this supplement merely relates to revised allotment numbers and rating symbols and the substitution of these for those presently available in Order M–46. Thus, where DO–97 may not be used to obtain material (see Schedule D of Order M–46) the symbol H–9 or DO–H–9 may not be used.

SEC. 9. *Restrictions and revalidation.* (a) In using an allotment number to get controlled material, the operator may not use it for more than the quantity for which he has been authorized. Moreover, the operator may use the number only to get deliveries of controlled material during the calendar quarter in which he has been authorized to accept deliveries.

(b) If, as to authorizations granted prior to the date of this supplement, no calendar quarter has been specified, the operator may not use the allotment number for controlled material until he has obtained from the Petroleum Administration for Defense specific authority to use the number for deliveries during a particular calendar quarter. He may obtain this authority by filing with the Petroleum Administration for Defense 2 copies of his delivery order for controlled material, together with an explanatory statement as to his need for the controlled material during the quarter requested and what will happen if delivery is not timely made. The request should be filed with the Petroleum Administration for Defense, Attention: Materials Division, Ref: Supp. 1 to M–46.

(c) If an operator, who has been granted an allotment and who has used the allotment number for deliveries of controlled material during the third calendar quarter of 1951, does not receive the material in that quarter, his allotment and allotment number for that quarter expire. He must, therefore, request a revalidation of the allotment and use of the appropriate allotment number before he may accept delivery of controlled material, bearing that allotment number, in the fourth or any succeeding quarter. He makes this request by filing two copies of his delivery order for the controlled material with the Petroleum Administration for Defense, Attention: Materials Division, Ref: Supp. 1 to M–46. He should accompany these delivery orders with an explanatory letter telling the Petroleum Administration for Defense what he wants and why he wants it.

SEC. 10. *Current validity.* Allotment numbers for controlled material are not valid for deliveries from controlled material producers earlier than September 1951. Accordingly, the allotment number hereby made available should not be placed upon orders for controlled material, even though they be rated, which are to be fulfilled by controlled material producers prior to September. For material other than that to be obtained from controlled material producers, the allotment number, together with the DO rating, may be placed upon delivery orders for deliveries prior to September.

SEC. 11. *Effective time.* All outstanding delivery orders previously rated pursuant to NPA Order M–46, or specially rated for deliveries to operators in the petroleum and gas industries may be identified after the effective date of this supplement by the numbers and symbols authorized hereby, subject to the other provisions of the supplement.

NOTE: All reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139 F).

This supplement shall take effect on June 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7698; Filed, June 29, 1951; 4:43 p. m.]

[Amendment No. 1 to NPA Order M–62]

M–62—HORSEHIDES, HORSEHIDE PARTS, GOATSKINS, CABRETTAS, SHEEPSKINS, SHEARLINGS, AND KANGAROO SKINS

This amendment is found necessary and appropriate to promote the national defense, and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives, including trade association representatives, has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–62 by amending section 1 to refer to the extended period of time, and by amending paragraph (a) of section 5 to extend to July 31, 1951, the processing period specified therein, and to increase the percentage to 300 percent for the established period.

NPA Order M–62 is hereby amended as follows:

(1) In the next to the last sentence of section 1 the date "June 30, 1951" is changed to "July 31, 1951."

(2) In the first sentence of paragraph (a) of section 5, the date "June 30, 1951" is changed to "July 31, 1951," and the percentage "200" is changed to "300."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on June 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7701; Filed, June 29, 1951; 4:44 p. m.]

[NPA Order M–73]

M–73—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES FOR RAIL TRANSPORTATION SYSTEMS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Applications for quotas.
4. Delivery orders.
5. Effect on U. S. Freight Car Program.
6. Exceptions due to emergency conditions.
7. Transportation systems whose requirements are less than $25,000 per quarter.
8. Inventory limitations.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order provides a uniform procedure under which rail transportation systems may obtain their requirements for maintenance, repair, and operating supplies, and minor capital additions, to the extent provided in quotas of controlled materials and products or materials other than controlled materials issued quarterly by the National Production Authority after a review of such requirements as reported to the National Production Authority on Form NPAF–105.

SEC. 2. *Definitions.* For purposes of this order:

(a) "Rail transportation system" means a domestic common carrier railroad, a terminal railroad, a switching railroad, a private car line company, a rapid transit system (including a subway and elevated railroad), and a street railway system (including a trolley coach system).

(b) "Operator" means any person to the extent that he is engaged in the business of transporting passengers or property over a rail transportation system.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(d) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. "Maintenance" and "repair" include the replacement of any equipment (other than motive power and rolling stock) regardless of its accounting classification, but neither "maintenance" nor "repair" includes additions to plant or improvement of any plant, facility, or equipment by replacing materials or products which are in sound working condition. In routine maintenance, repair, and operations, the application of a superior part or a part of superior quality shall not be considered a capital addition, although under established accounting practices such application results in a charge to a capital account.

(e) "Operating supplies" means controlled materials and products or materials other than controlled materials used or consumed in the course of operations of a rail transportation system, except in maintenance, repair, and capital additions. Neither the term "operating supplies" nor any other provision of this order includes or applies to any item contained in List A of NPA Reg. 2.

(f) "MRO" means maintenance, repair, and operating supplies, as defined in this section, but does not include minor capital additions.

(g) "Minor capital additions" means any improvement or addition where the total cost of materials or products required does not exceed $750 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions.

(h) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(i) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to a quota of controlled materials as provided in this order.

(j) "Delivery order" means any purchase order, contract, shipping, or other instruction, calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(k) "NPA" means National Production Authority.

SEC. 3. *Applications for quotas—(a) Quotas of controlled materials.* (1) An operator of a rail transportation system may file an application with NPA on Form NPAF–105 for a quarterly quota of such controlled materials as he may require for MRO and minor capital additions. Form NPAF–105 shall contain the applicant's total quarterly requirements for such materials, in the manner prescribed therein, and shall be filed with NPA 60 days prior to the beginning of the calendar quarter in which delivery is required, but for purposes of the third calendar quarter of 1951, where time will not permit filing in this manner, an application shall be filed not later than July 5, 1951.

(2) Where NPA has approved an application wholly or in part, the quota issued to the applicant by NPA will specify the quantities of controlled materials with respect to which he may place authorized controlled material orders for delivery during the calendar quarter in which the quota is valid.

(3) After July 15, 1951, no operator of a rail transportation system shall order, with or without the use of the allotment symbol assigned in section 4 of this order, controlled materials for MRO or minor capital additions in the absence of the issuance by NPA of a quota covering such materials, except that NPA may from time to time issue advance quotas of controlled materials.

(4) No orders for controlled materials shall be placed by an operator of a rail transportation system pursuant to NPA Reg. 4, after July 15, 1951, except as provided in section 7 of this order. Where controlled materials have been ordered prior to the effective date of this order for delivery after June 30, 1951, with or without the use of a DO rating, an operator of a rail transportation system shall include them in the requirements reported on Form NPAF–105 for the calendar quarter in which delivery is scheduled to take place. Upon receipt of a quota of controlled materials issued pursuant to this order, any such delivery order may be converted into an authorized controlled material order in the manner provided in section 4 of CMP Regulation No. 3.

(5) A delivery order for controlled materials calling for delivery after June 30, 1951, which has been converted into an authorized controlled material order, shall be scheduled for delivery on the original delivery date, unless the operator who placed such order agrees to a different delivery date.

(b) *Quotas of products or materials other than controlled materials.* (1) An operator of a rail transportation system may also include on Form NPAF–105 the products or materials other than controlled materials which he requires each calendar quarter for MRO and minor capital additions. Such requirements shall be stated on the Form NPAF–105 used to report his quarterly requirements for controlled materials as provided in subparagraph (1) of paragraph (a) of this section and shall be filed in the manner therein specified.

(2) After July 15, 1951, no operator of a rail transportation system shall order, with or without the use of the rating assigned in section 4 of this order, products or materials other than controlled materials for MRO or minor capital additions in the absence of the issuance by NPA of a quota covering such products or materials, except that NPA may from time to time issue advance quotas of products or materials other than controlled materials.

(3) No delivery orders for products or materials other than controlled materials shall be placed by an operator of a rail transportation system pursuant to NPA Reg. 4 after July 15, 1951, except as provided in section 7 of this order. Products or materials other than controlled materials ordered for MRO or minor capital additions prior to the effective date of this order for delivery after June 30, 1951, with or without the use of a rating, shall be included in the requirements reported on Form NPAF–105 for the calendar quarter in which delivery is scheduled to take place. Upon receipt of a quota of products or materials other than controlled materials issued by NPA pursuant to this order, any delivery order so placed may be converted into a delivery order bearing the DO rating assigned in this order in the manner provided in section 5 of CMP Regulation No. 3, subject to the limitations specified in paragraph (c) of section 4 of this order.

(4) A delivery order for products or materials other than controlled materials calling for delivery after June 30, 1951, which has been converted into a delivery order bearing the DO rating assigned in this order, shall be scheduled for delivery on the original delivery date, unless the operator who placed such order agrees to a different delivery date.

SEC. 4. *Delivery orders—(a) Authorized controlled material orders.* Each operator of a rail transportation system who receives a quota of controlled materials pursuant to this order may place delivery orders for controlled materials not exceeding the quantities specified in the quota. He shall place on each such order, or on a separate piece of paper attached thereto, the allotment symbol "U–3," together with the abbreviated designation of the calendar quarter and year for which the quota is valid, such as "U–3–3Q51." Each delivery order shall bear the following certification: "Certified under NPA Order M–73." Such an order shall constitute an authorized controlled material order within the meaning of CMP regulations issued by NPA when signed as provided in section 8 of NPA Reg. 2. The certification shall serve as a representation to the supplier and to NPA that the operator of the rail transportation system is authorized under the provisions of this order to obtain the controlled materials covered by the authorized controlled material order.

(b) *Orders for products or materials other than controlled materials.* Each operator of a rail transportation system who receives a quota covering products

or materials other than controlled materials shall place on each delivery order therefor the rating "DO–U3" together with the words "Certified under NPA Order M–73." Such certification shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the operator of the transportation system is authorized under the provisions of this order to obtain the products or materials other than controlled materials covered by the delivery order.

(c) *Limitation on use of allotment symbol and rating.* Neither the allotment symbol assigned in paragraph (a) of this section nor the rating assigned in paragraph (b) of this section shall be applied or extended to obtain any item listed in either Table I or II of NPA Reg. 4 or Table I or II of CMP Regulation No. 5, when issued, except that an operator of a rail transportation system may obtain such items in any calendar quarter without the use of such symbol or rating to the extent provided in a quota issued by NPA pursuant to this order for purposes of that calendar quarter: *Provided, however,* That the limitations of this paragraph do not apply to rails, tie plates, track spikes, splice, rail joints, frogs, and switches.

SEC. 5. *Effect on U. S. Freight Car Program.* (a) For purposes of the fourth calendar quarter of 1951, and subsequent calendar quarters, every operator of a rail transportation system who has participated in the U. S. Freight Car Program shall include his requirements of controlled materials and products or materials other than controlled materials for the maintenance and repair of freight cars in Form NPAF–105 as provided in section 3 of this order. Requirements for maintenance and repair of freight cars already reported and authorized under the U. S. Freight Car Program for the third calendar quarter of 1951 shall be resubmitted on a separate copy of Form NPAF–105, and shall not be included in the MRO requirements reported in accordance with section 3 of this order for that quarter. Materials or products required for the construction of new freight cars shall not be so reported, however, and to this extent the U. S. Freight Car Program remains unaffected by the provisions of this order.

(b) An operator of a transportation system who has participated in the U. S. Freight Car Program is not required by this section to rerate or cancel delivery orders bearing the DO–38 rating which were placed pursuant to an authorization issued by NPA, regardless of their delivery dates, but he may convert such orders in accordance with the provisions of paragraphs (a) or (b) of section 4 of this order, whichever paragraph is applicable. After receipt from NPA of a quota of controlled materials and products or materials other than controlled materials, no operator of a rail transportation system shall apply the DO–38P rating to obtain products or materials for MRO purposes.

SEC. 6. *Exceptions due to emergency conditions.* An operator of a rail transportation system may at any time use the allotment symbol or the allotment symbol and rating assigned in section 4 of this order, whichever is applicable, to order for delivery controlled materials and products or materials other than controlled materials necessary for the maintenance or repair of property or equipment damaged or destroyed by extraordinary cause, such as explosion, fire, sabotage, acts of the public enemy, flood, storm, or similar emergency condition: *Provided, however,* That if an operator of a rail transportation system exceeds a quota issued by NPA for any quarter by virtue of placing a delivery order for any such purpose, the quantities of controlled materials or the amounts of products or materials other than controlled materials so ordered shall be reported to NPA within 10 calendar days on Form NPAF–105, which shall be accompanied by a statement of the reasons therefor.

SEC. 7. *Transportation systems whose requirements are less than $25,000 per quarter.* An operator of a rail transportation system whose aggregate requirements for MRO and minor capital additions for any calendar quarter are not in excess of $25,000 shall be subject to NPA Reg. 4, unless he elects to operate under the provisions of this order. In the event that an operator makes such an election, he shall so notify NPA in writing within 30 calendar days of the effective date of this order, in which case he shall be subject to the provisions of this order. In the absence of an election within the time prescribed, he shall comply with the provisions of NPA Reg. 4 for all purposes.

SEC. 8. *Inventory limitations.* Nothing in this order shall be deemed to authorize an operator of a rail transportation system to order or receive any controlled materials or products or materials other than controlled materials if acceptance thereof would increase his inventory above a practicable working minimum as provided in CMP Regulation No. 2 or NPA Reg. 1, whichever is applicable, or the limit fixed in any other applicable order or regulation of NPA, whichever is less. This does not prevent an operator from maintaining minimum stocks of controlled materials and products or materials other than controlled materials for emergency use or from acquiring reasonable stocks of printed matter or ties and lumber for seasoning in accordance with the provisions of this order. In addition, an operator may resell products or materials:

(a) To any other operator;

(b) To another person when such products or materials are to be physically incorporated in repairs of equipment which is used in the maintenance, repair, or operations of the operator's own property: *Provided, however,* That such products or materials could have been used by the operator in making his own repairs without violation of any of the provisions of this order;

(c) To the operator's own rail transportation system subsidiaries, or for the maintenance of track or equipment not owned but customarily maintained by the operator or his subsidiaries.

SEC. 9. *Applications for adjustment or exception.* An operator of any rail transportation system affected by any provision of this order may file with NPA a request for adjustment or exception on the ground that the controlled materials or products or materials other than controlled materials included in a quota for use in any quarter are insufficient, than a specified provision otherwise works an undue or exceptional hardship upon such a rail transportation system not suffered generally by similar systems, or that its enforcement against such a system would not be in the interest of national defense or in the public interest. If the relief sought is an increase in a quota for any calendar quarter, the request shall contain the following information:

(a) Statement of the quota with respect to which the adjustment or exception is requested.

(b) Statement of the additional controlled materials or products or materials other than controlled materials requested to be included in the quota.

(c) Detailed statement of necessity for larger quota.

(d) Statement of services rendered, such as ton-miles and passenger-miles, commencing with the first calendar quarter of 1950.

(e) Any additional information which may be pertinent to proper evaluation of the application.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–73.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7705; Filed, June 29, 1951; 4:46 p. m.]

[NPA Order M–25 as Amended July 1, 1951]

M–25—CANS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order and certain amendments hereto, including this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this order as amended has been rendered impracticable by the fact that the amendment to this order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M–25 as follows: It establishes quotas and limitations on cans made wholly of black plate; it establishes new quotas of cans which may be accepted and used by packers; it amends certain manufacturing and delivery preferences for cans and establishes certain new preferences; it further limits products which may be packed in cans by amending Schedule I; and it makes provision for the third quarter of 1951 and succeeding quarters. This order as hereby amended includes all provisions affecting cans (as herein defined) except Direction 1 to NPA Order M–25, as amended May 1, 1951.

As so amended NPA Order M–25 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of cans.
4. Other restrictions.
5. Restrictions on amount of cans that may be accepted.
6. Restrictions on amount of cans that may be used for packing.
7. Standards for adjustments.
8. Manufacturing and delivery preferences.
9. Exceptions.
10. Certification of delivery of cans.
11. Applications for adjustment or exception.
12. Records and reports.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon the acceptance of, the delivery of, and the uses of cans. Schedule I sets out required plate specifications which vary according to the products packed. NPA Order M–24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M–8 sets forth specifications for solder that may be used in the manufacture of cans.

SEC. 2. *Definitions.* As used in this order:

(a) "Can" means any unused container made in whole or in part of tin plate, terneplate, or black plate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tin plate, terneplate, or black plate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers, nor does it include crown closures for cone-topped cans.

(b) "Tin plate" means steel sheets coated with tin, and includes "primes," "seconds," and all other forms of tin plate, except waste and waste-waste.

(c) "Terneplate" means steel sheets coated with terne metal, and includes "primes" and "seconds." The term does not include terneplate, waste-waste, or terneplate waste. "Terne metal" means the lead-tin alloy used as the coating for terneplate, but does not include lead recovered from secondary sources which contains less than 1.5 percent residual tin.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tin plate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans, and tin plate and terneplate strips produced in the ordinary course of manufacturing tin plate and terneplate. The term also includes tin plate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Black plate" means steel sheets (other than tin plate or terneplate) 29-gage (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), "black plate rejects," chemically treated black plate (CTB), waste-waste, and waste.

(h) "Packer" means any person who either (1) purchases empty cans and fills such cans in packing any product or (2) purchases empty cans and has them filled for his account by another party, but who controls sale and distribution of the finished product after packing.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of cans.* Subject to the exceptions set forth in section 9 of this order, no packer shall purchase, accept delivery of, or use cans for any purpose other than for packing, in accordance with the can specifications and quota limitations set out in Schedule I appearing at the end of this order, a product listed in Schedule I.

SEC. 4. *Other restrictions.* No person shall manufacture, sell, or deliver cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the National Production Authority (hereinafter called "NPA"). No person shall sell or deliver cans which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions (unless such export is to Canada), except as permitted under paragraph (h) of section 9 of this order.

SEC. 5. *Restrictions on amount of cans that may be accepted.* No person shall accept delivery of any cans at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a practicable minimum working inventory (as defined in § 10.4 of NPA Reg. 1) of cans required by him for packing products listed in Schedule I of this order in accordance with the quota and material limitations set forth in Schedule I.

SEC. 6. *Restrictions on amount of cans that may be used for packing.* (a) This order, by previous amendments, required a packer, commencing with the second quarter of 1951, to choose as his base year either the calendar year 1949 or the calendar year 1950. Such requirement continues to apply to all packers. Any packer who has so chosen his base year for computing his permissible can quotas for a calendar quarter, and any packer who has not heretofore chosen but hereafter chooses a base year for such purpose, must predicate all computations required by paragraph (b) of this section, for the third calendar quarter of 1951 and succeeding quarters, on his base year so chosen.

(b) Commencing with the third calendar quarter of the year 1951 and each succeeding calendar quarter thereafter, until otherwise ordered by NPA, no packer may use cans for packing any particular product listed in Schedule I of this order in excess of an amount of cans determined by applying the percentage listed in Column (3) of Schedule I opposite a particular product to the amount of cans which he used for packing that particular product during the corresponding quarter of his selected base year. "The amount of cans," as the phrase is used in the preceding sentence and elsewhere in this order when applied to the corresponding quarter of his base year, means the total area of tin plate, terneplate, and black plate used in the manufacture of such cans. Where the word "unlimited" appears in Column (3) of Schedule I opposite a particular product, a packer may use the specified cans in an unlimited quantity to pack that particular product, subject to the inventory restriction contained in section 5 of this order. If a packer used less than the limited amount of cans permitted for packing a particular product during the first or second quarters of 1951, he may use the unused amount for packing that particular product at any time during the balance of the cal-

endar year 1951. If a packer uses less than the limited amount of cans permitted for packing a particular product during the third calendar quarter of 1951, he may use the unused amount for packing that particular product during the balance of the calendar year 1951. No packer may assign, transfer, or surrender, to or for the benefit of any other person, his permissible can quota for any calendar quarter or any part or parts of such quota.

(c) In certain instances Column (3) of Schedule I of this order authorizes one quota if a particultar product is packed in cans of larger size or sizes and a different quota if such product is packed in cans of smaller size or sizes. In such instances, the packer's base period usage for packing that product in cans of larger size or sizes determines his permitted base for packing such product in such larger size or sizes during the third quarter of 1951 and thereafter, and his base-period usage for packing such product in cans of smaller size or sizes determines his permitted base for packing such product in such smaller size or sizes during the third quarter of 1951 and thereafter. In any such instance, a packer, for packing such product, may increase his permitted base of cans of a larger size or sizes by that area of tin plate, terneplate, and black plate by which he decreases his permitted base of cans of a smaller size or sizes for packing such product, but he may not increase his permitted base of cans of a smaller size or sizes for packing such product by decreasing the area of tin plate, terneplate, and black plate used by him for cans of a larger size or sizes for packing such product.

SEC. 7. *Standards for adjustments.* In any case where the provisions of section 6 of this order may be subject to adjustment because of any of the reasons set forth in Direction 1 to NPA Order M-25, as amended May 1, 1951, or as from time to time hereafter amended, determinations of adjustments may be made by the packer in accordance with the standards and subject to the conditions stated in said Direction 1.

SEC. 8. *Manufacturing and delivery preferences.* (a) So far as practicable, every can manufacturer shall schedule his operations (including his ordering of tin plate, terneplate, and black plate) so as to permit delivery of cans in the quantities and at the times he reasonably anticipates will be required. Where he is unable to schedule all orders for cans for delivery at the times required, he shall schedule his operations and select the orders to be placed in his production schedule according to the following preferences:

(1) All DO rated orders and any other orders under NPA directives;

(2) Requirements for cans to pack products designated with the letter A in column (2) of Schedule I;

(3) Requirements for cans to pack products designated with the letter B in Column (2) of Schedule I.

(b) A can manufacturer must not fill orders for cans with preference B designations if by doing so he will make himself unable to meet deliveries which he reasonably anticipates will be required for cans with preference A designation. If, after filling all reasonably anticipated requirements for cans with preference A designations, a can manufacturer is unable to fill all his requirements for cans with preference B designations, he must equally distribute such shortage against all requirements for cans with preference B designations.

SEC. 9. *Exceptions.* (a) The can material specifications set out in Schedule I of this order do not apply to the use of any cans which were in the inventory of a packer or in the inventory of a can manufacturer or in process of manufacture on January 27, 1951, or to tin plate or terneplate which was either in process at a tin mill, or in the inventory of a tin mill for the account of a can manufacturer, or in the inventory of a can manufacturer on January 27, 1951. It is the intent of this section that any tin plate or terneplate intended for use in the manufacture of cans in inventory or in process on January 27, 1951, as aforesaid, shall be used notwithstanding the can material specifications of this order. However, the restrictions of section 6 of this order are not excepted by this paragraph.

(b) Any person who purchases cans for packing and not for resale and whose total use of cans for packing all products in any calendar year requires less than 250 base boxes of tin plate, terneplate, and black plate shall be exempt from the use limitations of section 6 of this order but not from the can material specifications of Schedule I. This exemption does not apply to any person who buys empty cans or parts thereof and sells such cans or parts thereof to a packer.

(c) The use limitations of section 6 of this order and the can material specifications in Schedule I do not apply to cans used to pack any product in home canning, community canning, or institutional (meaning such institutions as prisons, reform schools, and insane asylums) canning where the product is not to be sold. This exemption also applies to cans for packing laboratory samples and control samples, but not to cans for packing samples distributed for the purpose of advertising or for promoting the sale of a product, nor to any cans used for packing products which are later repacked and sold.

(d) Orders having a DO rating are exempt from the restrictions in sections 5 and 6 of this order on the amount of cans that may be accepted and used.

(e) The use of cans for packing any product which is required to be packed in cans, set aside and reserved for purchase by any authorized Government agency is exempt from the use limitations of this order, but not from the can material specifications in Schedule I: *Provided, however,* That if the can material specifications of Schedule I require that any product be packed in cans made in whole or in part of 0.25 tin plate, any No. 10 cans and any part or parts thereof, used for packing any such product or products which are so reserved and set aside, may be made of 0.50 tin plate.

(f) The can material specifications set out in Schedule I of this order shall not apply to orders having a DO rating requiring the packing of products in accordance with Military Specifications of the Department of Defense for use outside the 48 States of the United States and the District of Columbia by the Armed Forces of the United States, including the United States Coast Guard. The can material specifications set out in Schedule I shall apply, however, to all other orders having a DO rating.

(g) The restrictions of this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially, nor to cans for emergency rations and supplies for lifeboats.

(h) The provisions of this order shall not apply to the sale or delivery of cans where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be by letter in substantially the following form, the inapplicable words stricken therefrom, and shall be filed with each purchase order with the person selling or delivering to such other person cans for export:

To _____ Seller:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. _____ for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same will be in compliance with the said validated export license.

In cases of export to those countries where the Office of International Trade does not require an export license, no certificate shall be required until such time as an export license is required by the Office of International Trade.

SEC. 10. *Certification of delivery of cans.* No manufacturer, jobber, or distributor shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, jobber, or distributor, covers all future deliveries of cans from the manufacturer, jobber, or distributor to that purchaser:

To _____, manufacturer, jobber, or distributor:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, submitted on Form NPAF-38 in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. Form NPAF-38 must be executed as therein required.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Containers and Packaging Division, Washington 25, D. C., Ref: M-25.

SEC. 14. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

This order as amended shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

No. 128——6

SCHEDULE I—CAN SPECIFICATIONS

Columns 4 and 5 specify the weight of tin-coating per base box of tin plate and terneplate which may be used for the parts of cans for the products listed in Column (1). Any packer may also use for packing a listed product black plate cans or cans with a tin-coating lighter than that specified for that product. Wherever 0.25 pound electrolytic tin plate is specified, SCMT may be used. Tin plate menders arising in the production of electrolytic tin plate may be used only where hot-dipped tin plate is permitted in this schedule. When only a figure is given in Columns (4) and (5), this means that tin plate may be used for the part, and the figure given indicates the maximum weight of tin-coating on each base box of plate. Electrolytic 0.25 pound tin plate may be used in place of black plate in that part of a can which, after filling, is required to be hermetically closed by soldering, or that part of a can to which a nozzle is required to be attached by soldering: *Provided, however,* That the total area of 0.25 pound electrolytic tin plate used in such parts is limited to not more than the total area of plate used in such parts for packing a particular product during the corresponding period of 1949 or 1950.

Product	Preference	Quota	Can materials	
			Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Fruit and fruit products				
1. Apples, all types, quartered and sliced	A	Unlimited	1.25	0.50
2. Apple juices, all types, single strength	B	100 percent		
Enameled cans			1.50	1.50
Plain bodies			1.25	.50
3. Apple cider	B	70 percent		
Enameled cans			1.50	1.50
Plain bodies			1.25	.50
4. Apple sauce	A	Unlimited	1.25	.50
5. Apricots, whole or halves	A	Unlimited	1.25	.50
6. Bananas and banana pulp (except dehydrated)	B	75 percent	1.25	.50
7. Berries:				
Blueberries and huckleberries	A	Unlimited		
Enameled cans			1.50	1.50
Plain bodies			1.50	.50
Cranberries, whole or sauce	A	115 percent	1.50	1.50
Gooseberries	A	Unlimited	1.25	.50
All other berries	A	Unlimited	1.50	1.50
8. Cherries, dark sweet	A	Unlimited	1.50	1.50
9. Cherries, light sweet	A	Unlimited	1.25	.50
10. Cherries, Maraschino	B	75 percent	1.50	1.50
11. Cherries, red sour	A	Unlimited	1.50	1.50
12. Currents, including juice:				
No. 10 cans and larger	A	Unlimited		
Smaller than No. 10 cans	B	75 percent		
Enameled cans			1.50	1.50
Plain bodies			1.25	.50
13. Figs	A	Unlimited	1.25	.50
14. Fruitade base concentrates	A	Unlimited		
Frozen			.25	.25
Processed			1.50	1.50
15. Fruitades, ready to drink	B	70 percent		
Berryades			1.50	1.50
All others			1.25	1.25
16. Fruits, baked	B	75 percent		
Enameled cans			1.50	1.50
Plain bodies			1.50	.50
17. Fruit cocktail and mixed fruits			1.25	.50
Direct pack (excepting canned pineapple may be used)	A	Unlimited		
Repacked from metal cans where fruits other than canned pineapple is used	B	75 percent		
18. Fruit butters:				
No. 10 cans and larger	B	100 percent		
Smaller than No. 10 cans	B	75 percent		
Apple butter				
Enameled cans			1.50	1.50
Plain bodies			1.50	.50
All other fruit butters			1.50	1.50
19. Fruit concentrate	A	Unlimited		
Apricots			1.50	.50
Other fruits			1.25	.50
20. Fruits, dehydrated or dried (except prunes)	B	100 percent		
5-gallon square cans			.50	.50
Other can sizes			.25	.25
21. Fruits, frozen, all varieties	A	Unlimited	.25	.25
22. Fruit jams, jellies, marmalades and preserves:				
No. 10 cans and larger	B	100 percent		
Smaller than No. 10 cans	B	75 percent		
Light color			1.25	.50
Dark color			1.50	1.50
23. Fruit juices, concentrate	A	Unlimited		
Frozen, all varieties and blends			.25	.25
Processed, grapefruit and grapefruit juice blends			1.25	1.25
All other fruit juice concentrates, processed			1.50	1.50
24. Fruit juices, single strength (except apple):				
Citrus, pineapples, and blends	A	Unlimited		
Processed			1.25	1.25
Frozen			.25	.25
Grape juice:				
5-gallon cans and larger	A	Unlimited	1.25	1.25
Smaller than 5-gallon	B	100 percent	1.25	1.25
Prune juice	B	100 percent	1.50	1.50
All other single strength fruit juices	B	100 percent	1.50	1.50
25. Fruit nectars:				
Direct pack	B	100 percent		
Repacked from metal cans	B	75 percent		
Light-colored fruits			1.25	.50
Dark-colored fruits			1.50	1.50
26. Fruit pulp and purees (except baby food)	A	100 percent	Same as nonpureed fruits	

Product (1)	Preference (2)	Quota (3)	Can materials: Soldered or welded parts (4)	Can materials: Non-soldered parts (5)
Fruit and fruit products—Continued				
27. Fruit salad			1.25	0.50
Direct pack (except canned apricots and canned pineapple may be used).	A	Unlimited		
Repacked from metal cans, where fruits other than canned apricots and canned pineapple is used.	B	75 percent		
28. Fruits, spiced	B	75 percent		
Crab apples:				
Enameled cans			1.50	1.50
Plain bodies			1.50	.50
All others			1.50	.50
29. Grapes, processed:				
Colored	B	70 percent	1.50	1.50
Thompson seedless			1.25	.50
No. 10 can and larger	B	100 percent		
Smaller than No. 10 cans	B	75 percent		
Spiced, Thompson seedless	B	70 percent	1.50	1.50
30. Grapefruit and orange segments	A	Unlimited	1.25	1.25
31. Grapefruit segments	A	Unlimited	1.25	1.25
32. Nectarines	A	Unlimited	1.25	.50
33. Olives, whole or chopped:				
Green ripe	A	Unlimited	1.25	1.25
Green	B	70 percent	1.50	1.50
Ripe	A	Unlimited		
Enameled cans			1.50	1.50
Plain bodies			1.50	.50
34. Orange segments	B	100 percent	1.25	1.25
35. Papayas and papaya products	B	100 percent	1.25	1.25
36. Peaches, whole, halves, quarters, sliced, and diced	A	Unlimited	1.25	.50
37. Pears, whole, halves, quarters, sliced, and diced	A	Unlimited	1.25	.50
38. Pectin, liquid	B	100 percent	1.50	1.50
39. Pie and pastry filler (fruit filling only):				
Direct pack (including frozen)	B	100 percent		
Repack from metal cans (one or more components)	B	75 percent		
Enameled cans			1.50	1.50
Plain bodies			1.25	.50
Other than fruit fillings	B	75 percent	.25	.25
40. Pineapple	A	Unlimited	1.25	1.25
41. Plums	A	Unlimited		
Light-colored			1.25	.50
Dark-colored			1.50	1.50
42. Prunes, dehydrated or dried	B	100 percent	1.25	.50
43. Prunes, dried in syrup	B	100 percent	1.50	1.50
44. Prunes, fresh in syrup	A	Unlimited	1.50	1.50
45. Quinces	B	70 percent	1.25	.50
Vegetable and vegetable products				
46. Asparagus	A	Unlimited	1.25	1.25
47. Beans, dry, soaked, all varieties	B	100 percent		
With sweetened sauce (Boston style)			.25	.25
With chili sauce			.50	.50
With plain sauce or brine			.25	.25
With tomato sauce			1.25	.25
48. Beans, fresh shelled	A	Unlimited	.25	.25
49. Beans, green and wax	A	Unlimited	1.25	.25
50. Beets	A	Unlimited	1.25	1.25
51. Beet juice	B	75 percent	1.25	1.25
52. Beets, pickled	B	75 percent	1.50	1.50
53. Broccoli	B	70 percent	1.25	.25
54. Brussel sprouts	B	70 percent	1.25	.25
55. Carrots	A	Unlimited	1.25	.25
56. Carrots and peas	A	Unlimited		
Direct pack	B	100 percent		
Repack (either component from metal cans)	B	75 percent	1.25	.25
57. Carrot juice	B	70 percent	1.25	.25
58. Cauliflower	B	75 percent	1.25	.25
59. Celery	B	75 percent	1.25	1.25
60. Celery juice	A	Unlimited	.25	.25
61. Corn, cream style and whole grain	A	Unlimited		
62. Green leafy vegetables			1.25	.25
Leafy or chopped			1.25	1.25
Pureed	B	100 percent	.25	.25
63. Lentils, dried, soaked	A	Unlimited		
64. Mushrooms			1.25	.25
Whole, sliced, stems and pieces			.25	.25
Broiled in butter				.25
65. Okra, with and without tomatoes	A	Unlimited	1.25	1.25
66. Onions	B	75 percent	1.25	1.25
67. Peas, all varieties, dry soaked	B	100 percent	.25	.25
68. Peas, fresh	A	Unlimited	.25	.25
69. Peppers and pimientos	A	Unlimited	1.25	1.25
70. Pickles, pickled relishes, and chow-chow			1.50	1.50
No. 10 cans or larger	B	100 percent		
Smaller than No. 10	B	75 percent		
71. Potato salad	B	75 percent	1.25	1.25
72. Potatoes, sweet	A	Unlimited	1.25	.25
73. Potatoes, white	B	75 percent	1.25	.25
74. Pumpkin and squash	A	Unlimited	1.25	1.25
75. Rhubarb	B	75 percent	1.50	1.50
76. Rutabagas	B	75 percent	1.25	.25
77. Sauerkraut	A	Unlimited	1.50	1.50
78. Sauerkraut juice and blends	B	100 percent	1.50	1.50
79. Succotash			.25	.25
Direct pack	A	Unlimited		
Repack (one or more components from metal cans)	B	75 percent		
80. Tomatoes	A	Unlimited	1.25	.25

Product (1)	Preference (2)	Quota (3)	Can materials: Soldered or welded parts (4)	Can materials: Non-soldered parts (5)
Vegetable and vegetable product—Continued				
81. Tomato products (from fresh tomatoes)	A	Unlimited		
Tomato catsup, chili sauce, and cocktail sauce:				
Enameled cans			1.25	1.25
Plain bodies			1.25	.25
Tomato juice, aspic, cocktail and juice blends, containing 70 percent or more tomato juice:				
Enameled cans			1.25	1.25
Plain bodies			1.25	.25
Tomato juice concentrate, frozen:				
5-gallon square cans			.50	.50
Other can sizes			.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree.			1.25	.25
Tomato products (repacked from metal cans):				
Tomato aspic	B	75 percent	1.25	.25
Catsup, chili sauce, and cocktail sauce	B	100 percent		
Enameled cans			1.25	1.25
Plain bodies			1.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree.	B	100 percent	1.25	.25
82. Turnips	B	75 percent	1.25	.25
83. Vegetables, dehydrated	A	Unlimited		
5-gallon square cans			.50	CMQ
Other can sizes			CMQ	CMQ
84. Vegetables, frozen	A	Unlimited		
20-pound and larger			.25	.25
Smaller than 20-pound			.25	.25
Metal ends only				.25
85. Vegetables, mixed:				
Containing 70 percent or more vegetables which are not limited to less than 100 percent quota.			1.25	.25
Direct pack from all fresh vegetables	A	Unlimited		
Repack (one or more components from metal cans)	B	100 percent		
All other mixtures	B	70 percent		
Fish and shellfish				
86. Abalone	B	70 percent	.25	.25
87. Alewives	A	Unlimited	.25	.25
88. Caviar	B	70 percent	.25	.25
89. Chowder, all varieties	B	100 percent		
Inside enameled cans			.25	.25
Plain body cans			1.25	.25
90. Clam juice			.25	.25
1-gallon and larger cans	B	100 percent		
Other sizes	B	70 percent		
91. Clams, processed	B	100 percent	.25	.25
92. Codfish, salted, dry	B	70 percent	.25	.25
93. Crab and crabmeat			.25	.25
Deviled	B	100 percent		
Processed	A	Unlimited		
94. Crawfish	B	100 percent	.25	.25
95. Eels	B	70 percent	.25	.25
96. Finnan haddie	B	100 percent		
Round cans			.25	.25
Drawn cans			.50	.50
97. Fish and seafood, frozen or refrigerated	B	100 percent	.25	.25
98. Fishballs and cakes	B	100 percent	.25	.25
99. Fish flakes and ground fish for human consumption only, excluding tuna flakes.	B	100 percent	.25	.25
100. Fish frankfurters	B	100 percent	.25	.25
101. Fish livers	B	100 percent		
In reusable 5-gallon square cans			1.25	1.25
In nonreusable 5-gallon square cans and smaller size cans			.50	.50
102. Fish oil	B	100 percent	.50	.50
103. Fish paste	B	100 percent	.25	.25
104. Fish, pickled	B	70 percent	1.50	1.50
105. Fish roe	A	Unlimited		
In round double-seamed cans			.25	.25
In oval drawn cans			.50	.50
106. Halibut	B	70 percent	.25	.25
107. Herring, in oil or brine (including sardines, pilchards, mackerel, and anchovies) (1.25 tinplate may be used for scored covers).	A	Unlimited		
Round cans			.25	.25
¾ drawn cans			.25	.25
¾ square cans			.50	.50
Oval or oblong drawn (other than ¾ drawn)			.50	.50
108. Herring in tomato or mustard sauce (including sardines, pilchards, mackerel, and anchovies in oval, round, oblong, or drawn cans) (1.25 tin plate may be used for scored covers).	A	Unlimited	.50	.50
109. Lobster, processed or Newberg	B	100 percent	.25	.25
110. Menhaden	B	100 percent	.25	.25
111. Mullet	B	100 percent	.25	.25
112. Mussels, processed	B	100 percent	.25	.25
113. Oysters, processed	B	100 percent	.25	.25
114. Salmon	A	Unlimited		
In round double-seamed cans			1.25	.25
In oval or drawn cans			.50	.50
115. Scallops, processed	B	100 percent	.25	.25
116. Shad	A	Unlimited		
In round double-seamed cans			.25	.25
In oval or drawn cans			.50	.50
117. Shrimp, processed	A	Unlimited	.25	.25
118. Squid	B	100 percent		
Enameled cans			.25	.25
Plain bodies			1.25	.25
119. Tuna, including tuna flakes	A	Unlimited	.25	.25
120. Turtle	B	100 percent	.25	.25

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Dairy products				
121. Butter and butter substitutes	B	100 percent	0.25	0.25
122. Buttermilk, dry	B	90 percent	CMQ	CMQ
123. Butter oil	B	100 percent		
5-gallon square cans			.50	.50
Other cans			.25	.25
124. Cheese, cottage, grated, or processed	B	100 percent		
Returnable containers			1.25	1.25
Single trip containers			.25	.25
125. Chocolate and other flavored milk liquids	B	100 percent	.25	.25
126. Cream	A	Unlimited		
Fresh, frozen, or dry:				
5-gallon square cans			.50	.50
Other can sizes			.25	.25
Sterilized			.25	.25
127. Goat milk	A	Unlimited		
128. Ice cream:				
All metal cans	B	70 percent	.25	.25
Fiber body with metal trim	A	Unlimited		.25
129. Ice cream mix:				
Wet	B	100 percent	.25	.25
Dry	B	100 percent	CMQ	CMQ
130. Malted and other milk formulations, dry	B	100 percent	CMQ	CMQ
131. Milk, dry, non-fat solids:				
5-gallon and 50-pound cans	A	Unlimited	.50	.50
Sizes smaller than 5-gallon	B	70 percent	CMQ	*.25
132. Milk, dry, whole, including milk sugar and dietary dried milk base products.	A	Unlimited		
5-gallon and 50-pound cans			.50	.50
Sizes smaller than 5-gallon			.25	.25
Plate specifications through July 31, 1951.	A	Unlimited		
133. Milk, fresh, frozen, refrigerated, or processed				
5-gallon square cans			.50	.50
Other sizes			.25	.25
134. Milk, liquid, condensed, sweetened	A	Unlimited	.75	.75
135. Milk, liquid, evaporated, and modifications of evaporated milk.	A	Unlimited		
14½-ounce or larger:				
Body			1.25	
Ends			.75	.75
Under 14½-ounce			.75	.75
Poultry and poultry products				
136. Chicken and noodles	B	70 percent	.25	.25
137. Chicken fricassee	B	110 percent	.25	.25
138. Chicken or turkey a la king	B	100 percent	.25	.25
139. Chicken or turkey, boned	B	110 percent	.25	.25
140. Chicken or turkey spread	B	70 percent	.25	.25
141. Chicken or turkey, whole, half, or disjointed	B	110 percent	.25	.25
142. Eggs:				
Frozen	A	Unlimited	.25	.25
Dry, powdered—for export only	B	100 percent		
5-gallon square cans			.50	CMQ
Other can sizes			.25	CMQ
Meat (beef, veal, mutton, or pork)				
143. Bacon—export only	B	70 percent		
All seams soldered			1.25	1.25
Side seams only soldered			.25	.25
144. Barbecued meat	B	110 percent		
Enameled cans			.50	.50
Plain body			1.25	1.25
147. Beef and other gravies	B	75 percent	.25	.25
146. Beef, dried	B	75 percent	.25	.25
147. Beef, veal—mutton, or pork (boiled, broiled, braised, corned, roasted).	A	Unlimited		
All seams soldered			1.25	1.25
Side seams only soldered			.25	.25
148. Brains	B	100 percent	.25	.25
149. Chili con carne	B	120 percent	.50	.50
150. Frankfurters in brine	B	100 percent	.25	.25
151. Frankfurters with barbecue sauce	B	100 percent	1.25	1.25
152. Frankfurters with beans and tomato sauce	B	100 percent	1.25	.25
153. Frankfurters with sauerkraut	B	100 percent	1.50	1.50
154. Ham, deviled	B	110 percent	1.25	1.25
155. Ham, spiced or chopped (including luncheon meat)	A	Unlimited	1.25	.25
156. Hams, whole, halves, quarters, sections, and pork loins, boned and smoked.	A	Unlimited		
Round can—side seam only soldered			1.25	.25
Oblong cans, 3-pounds and larger			1.25	1.25
All seams soldered			1.25	1.25
157. Hamburger with or without onions	B	100 percent	.25	.25
158. Hash, meat (including corned beef hash)	B	110 percent	.25	.25
159. Meat and beans with tomato sauce	B	100 percent	1.25	.25
160. Meat and gravy (including goulash)	B	120 percent	.25	.25
161. Meat balls	B	100 percent	.25	.25
162. Meat in vinegar	B	70 percent	1.50	1.50
163. Meat loaf	B	110 percent	.25	.25
164. Meat, refrigerated (including fancy meats and/or edible organs).	B	110 percent	.25	.25
165. Meat spreads, with or without liver	B	100 percent	.25	.25
166. Potted meat	A	Unlimited	.25	.25

* One end only.

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Meat (beef, veal, mutton, or pork)—Continued				
167. Sausage (including bulk, casings, in oil, pork or vienna)	B	120 percent	0.25	0.25
168. Scrapple	B	75 percent	.25	.25
169. Spareribs and sauerkraut	B	100 percent	1.50	1.50
170. Stew, meat type (including beef, kidney and brunswick)	B	120 percent	.50	.50
171. Tamales	B	100 percent	.50	.50
172. Tongue	B	100 percent	.25	.25
173. Tripe	B	75 percent	1.50	1.50
Horsemeat				
174. Horsemeat, with or without gravy and/or vegetables, Federally inspected (for human consumption only).	B	75 percent	.25	25
Miscellaneous food products				
175. Aerosols for food	B	90 percent	.50	.50
176. Almond and poppy seed paste	B	75 percent	.25	.25
177. Animal and pet food	B	70 percent	.25	.25
178. Baby food	A	Unlimited		
Fruit			1.50	1.50
Vegetables			1.25	1.25
Meat			.50	.50
Fish			.50	.50
Dry, powdered, carbohydrate			CQM	CQM
Milk base, dry			.25	.25
Vegetable with meat			1.25	1.25
Cereal, pudding and custards with fruits			1.50	1.50
Cereal, pudding and custards without fruits			.50	.50
179. Baking mixes, dry	B	90 percent	CMQ	CMQ
180. Baking powder	B	100 percent	CMQ	CMQ
181. Bakery products, steamed in hermetically sealed cans	B	75 percent		
Pasteurized, over 15 percent moisture content			.25	.25
Less than 15 percent moisture content			.25	CMQ
182. Barbecue sauce	B	75 percent	1.25	.25
183. Beer and ale	B	70 percent	.25	.25
184. Bouillon cubes	B	90 percent	CMQ	CMQ
185. Candied fruit	B	70 percent	.50	.50
186. Candy and confectionery	B	90 percent	CMQ	CMQ
187. Cereals and flour	B	90 percent	CMQ	CMQ
188. Chicken broth	B	75 percent	.50	.50
189. Chinese food specialties	B	75 percent	1.25	.25
Bamboo shoots.				
Bean sprouts.				
Mixed Chinese vegetables.				
Chop suey vegetables.				
Chow mein.				
Chop suey.				
Water chestnuts.				
Egg foo yong.				
190. Chocolate and cocoa	B	100 percent	CMQ	CMQ
191. Chocolate pudding, dry	B	90 percent	CMQ	CMQ
192. Chocolate syrup	B	100 percent	.25	.25
193. Citrus peel, moist (5-gallon cans only)	B	100 percent	1.25	1.25
194. Coconut products:				
Containing more than 15 percent moisture	B	75 percent	.50	.50
Containing 15 percent or less moisture	B	90 percent	CMQ	CMQ
195. Coffee, dry	B	100 percent	.50	CMQ
10-pound and larger cans			CMQ	CMQ
5-pound and smaller cans			.25	.25
196. Coffee, liquid concentrate, frozen	B	75 percent	CMQ	CMQ
197. Coffee, soluble	B	90 percent	CMQ	CMQ
198. Coffee, substitutes, dry	B	100 percent	.25	.25
199. Corn meal mush	B	75 percent	CMQ	CMQ
200. Dessert powder	B	90 percent		
201. Dietary foods, special formula	B	100 percent	CMQ	CMQ
Dry			.50	.50
Wet			CMQ	CMQ
202. Dry food specialties, including but not limited to the following:	B	100 percent		
Popped corn.				
Pop corn.				
Peanuts and other edible nut meats.				
Potato chips.				
Macaroni.				
Noodles.				
Pretzels:				
3-pound and larger reusable containers	B	90 percent		
Smaller than 3-pound cans	B	100 percent	.25	.25
203. Enchiladas	B	100 percent		
204. Food colors, certified			.50	.50
5-gallon square cans			CMQ	CMQ
1-pound and 5-pound cans	B	90 percent	CMQ	CMQ
205. Food stabilizers				
206. Fountain fruits and syrups:			1.25	1.25
Fruit and other acid syrups			.25	.25
Toppings, non-acid in character			1.50	1.50
Carbonated beverages, base syrups	B	100 percent		
No. 10 cans and larger	B	75 percent	1.25	.25
Smaller than No. 10 cans	B	75 percent	.25	.25
207. Gelatin desserts, other than powder	B	100 percent		
208. Hominy, processed, wet			1.25	1.25
209. Honey:			.25	.25
All seams soldered	A	Unlimited		
Side seams only soldered	B	75 percent		
5-pound and larger cans	B	100 percent	.50	.50
Smaller than 5-pound			CMQ	CMQ
210. Lard				
Containers over 8 pounds			.25	.25
Containers 8 pounds and under	B	100 percent	1.25	
211. Macaroni, noodles and spaghetti, wet pack				

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Miscellaneous food products—Continued				
212. Mayonnaise (including salad dressing and other related products):				
5-gallon cans and larger	B	100 percent	1.50	1.50
All other sizes	B	70 percent	1.50	1.50
213. Mince meat	B	100 percent		
No. 10 cans	B	75 percent		
Smaller than No. 10	B	75 percent	1.25	.25
214. Mushroom sauce (from fresh mushrooms)				
215. Oils, edible:				
5-gallon square cans	B	100 percent	.50	.50
No. 10, 1-gallon cans and up to 5-gallon cans	B	100 percent	.25	.25
All other sizes	B	75 percent	.25	.25
216. Onions, french fried	B	75 percent	.25	CMQ
217. Peanut and other edible nut butters	H	100 percent	.25	CMQ
218. Potatoes, french fried, shoestring, sticks	B	90 percent	CMQ	CMQ
219. Puddings, fruit, including spiced pudding	B	75 percent	1.25	1.25
220. Ravioli	B	100 percent	1.25	.25
221. Rice, Spanish (including rice dinner)	B	75 percent	1.25	.25
222. Sauces, including cream, Newberg, and enchilada	B	75 percent	.25	.25
223. Shortening	B	100 percent	CMQ	CMQ
Only where can manufacturer is unable to supply satisfactory containers made wholly of black plate, through Sept. 30, 1951.	B	100 percent	.25	CMQ
224. Soups, dehydrated			.50	
5-gallon square cans only				
225. Soups, liquid:				
Seasonal from fresh vegetables only	A	Unlimited		
Tomato, vegetarian vegetable			1.25	.25
All other seasonal			.50	.50
Nonseasonal	B	100 percent		
Black bean, bean with bacon and beef			1.25	.25
Chicken with noodles or rice			.50	.50
All other nonseasonal			.75	.50
226. Soy bean milk (liquid, or dry powdered)	A	Unlimited	.25	.25
227. Spices and condiments:	B	100 percent		
Prepared			1.50	1.50
Dry			CMQ	CMQ
Dredges and sifter tops				.50
228. Steak sauce with mushrooms (from fresh mushrooms)	B	75 percent	1.25	.25
229. Syrups (includes the following syrups and blends: cane, corn, molasses, malt, maple, and sorghum):				
All seams soldered (No. 10 cans and larger)	B	100 percent	1.25	1.25
All seams soldered (smaller than No. 10 cans)	B	75 percent	1.25	1.25
Double-seamed oblong (1-gallon and larger)	B	100 percent	1.25	.25
Double-seamed oblong (smaller than 1-gallon)	B	75 percent	1.25	.25
Double-seamed round (No. 10 can and larger)	B	100 percent	.25	.25
Double-seamed round (smaller than No. 10 cans)	B	75 percent	.25	.25
Irregular-shaped	B	75 percent	.25	.25
230. Spaghetti with meat balls	B	100 percent	1.25	.25
231. Tea, dry	B	90 percent	CMQ	CMQ
232. Tortillas	B	100 percent	.25	.25
233. Welsh rarebit	B	75 percent	.25	.25
234. Yeast, dry, edible			CMQ	CMQ
Noactive	B	100 percent		
Active	B	90 percent		
235. All other nonprocessed foods	B	90 percent	CMQ	CMQ
236. All other processed foods	B	70 percent	.25	.25
Nonfood products				
237. Aerosols for nonfood	Same as specified for product involved			
238. Abrasives, grinding, and buffing compounds, not to be packed dry	B	100 percent	.25	CMQ
239. Acid, nitro-hydrochloric (outer container)	B	90 percent	CMQ	CMQ
240. Aircraft supplies for aircraft use only	B	90 percent		
Hydraulic oil			1.25	1.25
Hydraulic preservative oil			1.25	.25
Compass fluid			.25	.25
Grease, low temperature			.25	.25
Antifreeze compound for oxygen system			.25	.25
241. Aniline	B	90 percent	1.25	1.25
242. Antifreeze (all types)	H	100 percent	.25	.25
243. Antiphlogistine	B	90 percent	1.25	1.25
244. Artists and school supplies (including water color boxes, trays, pans, cuts, chalk and crayon boxes, and all other)	B	90 percent	CMQ	CMQ
245. Asphalt, pitch, and tar	B	90 percent	CMQ	CMQ
246. Auto supplies:				
Liquid radiator antirust compounds	B	90 percent	.50	.50
Radiator stop leaks	B	90 percent	.50	.50
Hydraulic brake fluid	B	90 percent	.25	.25
Shock absorber fluid	B	90 percent	.25	.25
Tire preserver	B	75 percent	.25	.25
Top dressing paste and liquid	B	75 percent	.25	.25
Carbon removers	B	90 percent	.25	.25
Gasoline additives	B	90 percent	.25	.25
All others	B	90 percent	CMQ	CMQ
247. Bee feeder cans	B	90 percent	.25	.25
248. Belt dressing	B	90 percent	CMQ	CMQ
249. Benzol, toluene, naphtha, xylene, gasoline, and kerosene	B	90 percent	.25	.25
250. Blood plasma (outer container)	A	Unlimited	.25	.25
251. Cements:				
Water base linoleum	B	90 percent	1.25	1.25
Rubber, latex type	B	90 percent	1.25	1.25
Rubber, neoprene	B	90 percent	1.25	1.25
Solvent base linoleum	B	90 percent	.25	.25
Rubber base liquid and paste	B	75 percent	.25	.25
All others	B	90 percent	CMQ	CMQ

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Nonfood products—Continued				
252. Chemicals, dry:				
Phenols	B	90 percent	1.50	1.50
Phosphorus	B	90 percent	1.25	1.25
Ammonium salts	B	90 percent	1.25	1.25
Hypochlorite powders	B	90 percent	.25	.25
Permanganates	B	90 percent	.25	.25
Sodium and potassium metals	B	90 percent	.25	CMQ
Vanadium, catalyst	A	100 percent	.25	.25
All others	B	90 percent	CMQ	CMQ
Cyanides	B	100 percent	1.25	1.25
253. Chemicals, liquid:				
Alcohols, CP and USP	A	100 percent	1.25	1.25
Chloroform and ether USP and other absolute ACS	A	100 percent	1.25	1.25
Aldehydes and halocenated hydrocarbons	B	90 percent	.25	.25
Carbon disulfide	B	90 percent	.25	.25
Carbon tetrachloride	B	90 percent	.25 or SCMT	.25
Ketones, ethers, glycols	B	90 percent	.25	.25
Sodium silicate	B	90 percent	.25	.25
Alcohol, industrial	B	90 percent	.25	.25
254. Cleaners:				
Window spray	B	70 percent	1.25	1.25
Wall paper	B	70 percent	1.25 or 5-lb. terne	1.25
Radiator, liquid	B	75 percent	.50	.50
Cleaners, liquid or paste	B	75 percent	.25	.25
Cleaning fluids, solvent type	B	75 percent	.25	.25
All others, dry or powder	B	90 percent	CMQ	CMQ
Cleaning and scouring powders, metal ends only	B	100 percent		CMQ
255. Compounds:				
Boiler, liquid	B	90 percent	.50	.50
Caulking or sealing	B	90 percent	.25	CMQ
Soldering or welding	B	90 percent	.25	CMQ
All others	B	90 percent	CMQ	CMQ
256. Cosmetic and toiletry supplies:				
Brushless shaving cream	B	70 percent	.75	.75
Hair dressings and pomades	B	70 percent	.50	.50
Cold creams, lotions and hair wave preparations	B	70 percent	.25	.25
Hair wave pads	B	70 percent	.25	CMQ
All others, including personal and other powders	B	90 percent	CMQ	CMQ
257. Dental supplies	B	90 percent		
Tooth powder, ammoniated			.25	.25
All other			CMQ	CMQ
258. Disinfectants and deodorizers:				
Household	B	75 percent		
Industrial	B	100 percent		
Creosote			.25	.25
Fumigants			.75	.50
Liquid formulations			.50	.50
Pine oil			.25	.25
259. Drugs:				
Ointment and salves	B	90 percent	.50	.50
Distilled water (outer container)	A	Unlimited	.25	.25
Ampoules	B	90 percent	.25	.25
Dry products	B	90 percent	CMQ	CMQ
260. Dyes:				
Pastes and liquids	B	90 percent	.50	.50
Dry	B	90 percent	.25	CMQ
261. Essential oils	B	90 percent	1.25	1.25
262. Exterminators, paste and powders	B	75 percent	.25	.25
263. Film boxes	B	90 percent	.50	.50
264. First aid cabinets and kits	B	90 percent	CMQ	CMQ
265. Glues and adhesives:				
Paste and liquid	B	75 percent	1.25	1.25
Dry	B	90 percent	CMQ	CMQ
266. Glycerine:				
CP and USP	A	100 percent	1.25	1.25
Industrial	B	90 percent	.50	.50
267. Grain fumigant	B	90 percent	.50	.50
268. Graphite:				
In oil	B	90 percent	.25	CMQ
Dry	B	90 percent	CMQ	CMQ
269. Inks	B	90 percent		
Spirit aniline			.50	.50
Rotogravure			.50	.50
Printing and duplicating			.25	.25
270. Insecticides:				
Household	B	75 percent		
Industrial	B	90 percent		
Nicotine sulphate			1.50	1.50
Water base			1.25	1.25
Emulsifiable concentrate			1.25	1.25
Oil base			.25	CMQ
Dry, household or industrial	B	90 percent	CMQ	CMQ
271. Leather dressing and saddle soap	B	90 percent	.50	.50
272. Lighter fluid	B	75 percent	.25	CMQ
273. Lubricating grease	B	90 percent	CMQ	CMQ
274. Lye, toilet bowl and drain cleaners	B	90 percent	CMQ	CMQ
275. Maleic Anhydride	B	90 percent	.50	.50
276. Oils (industrial):				
Animal or fish or vegetable	B	100 percent		
5-gallon square can			.50	.50
All other sizes			.25	.25
Transformer	B	90 percent	.50	.50
Soluble and cutting	B	90 percent		
Water base			.25	.25
Oil base			.25	CMQ
Lubricating and motor:				
5-gallon cans and larger than 5-quart	B	100 percent	SCMT	SCMT
1-quart and 5-quart round	B	90 percent	CMQ	CMQ
All other sizes	B	90 percent	.25	.25

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Non-soldered parts
(1)	(2)	(3)	(4)	(5)
Nonfood products—Continued				
277. Paint products	B	90 percent	or SCMT	
Antifouling paints			1.60 or 12-lb. terne	1.60
Water-base paints, including:				
Latex			.25 or SCMT	
Oil-base paints			CMQ	CMQ
Lacquers and thinners			.50	.50
Shellac			8-lb. terne	
Paint and varnish removers			.50	.50
Varnishes and oil stains			.25	CMQ
Shingle stains			.25	.25
Asphalt paints			CMQ	CMQ
Marine paints (ship storage)			.25	.25
Dry pigments, bronze powders			CMQ	CMQ
278. Plaster of paris	B	90 percent	CMQ	CMQ
279. Polishes and waxes:				
Water-base	B	75 percent	.50	.50
Solvent-base	B	75 percent	.25	CMQ
Shoe liquid	B	90 percent	8-lb. terne	
Shoe paste	B	80 percent	CMQ	CMQ
280. Putty	B	75 percent	.25	CMQ
281. Recreational supplies:				
Vacuum or pressure packages	B	70 percent	.25	CMQ
All other	B	90 percent	CMQ	CMQ
282. Seeds	B	90 percent	CMQ	CMQ
283. Seed inoculants, and seed disinfectants			.50	.50
284. Snuff:				
All-metal cans	B	75 percent	.50	.50
Fiber body, metal tops only	B	75 percent		.50
285. Soap and detergents:				
Liquid	B	75 percent	1.25	1.25
Paste	B	75 percent	.25	.25
Powders	B	90 percent	CMQ	CMQ
286. Stock and poultry food:				
Containing 15 percent or more moisture	B	75 percent	.25	.25
Containing less than 15 percent moisture	B	90 percent	CMQ	CMQ
287. Stock, pet and poultry remedies	B	100 percent		
Liquids: worm killer, sheep and cattle dip, sheep and horse drench:				
For internal use			1.25	1.25
For external use			.25	.25
Roose paint			1.25	1.25
Dry products			CMQ	CMQ
288. Surgical dressings and hospital supplies, bandages, adhesive tape, mustard plasters, etc.	B	90 percent	CMQ	CMQ
289. Tobacco:				
Cigars and cigarettes	B	70 percent	.25	CMQ
Pipe:				
7-ounce or larger	B	60 percent	CMQ	CMQ
2-ounce and less	B	100 percent	CMQ	CMQ
290. Turpentine	B	90 percent	.50	.50
291. Wood fillers	B	80 percent	.25	CMQ
292. Miscellaneous items:				
Bottle seal cap solution	B	70 percent	1.25	1.25
Brush keepers	B	70 percent	.25	CMQ
Cremation boxes	B	90 percent	.25	.25
Explosives	B	90 percent	.25	.25
Plastic wood	B	80 percent	1.25	1.25
Weed killers	B	75 percent	.50	.50
293. All other nonfood products	B	90 percent	CMQ	CMQ

[F. R. Doc. 51-7703; Filed, June 29, 1951; 4:46 p. m.]

[NPA Order M-66 as Amended June 30, 1951]

M-66—Artificial Graphite and Carbon Electrodes

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-66 by amending paragraph (a) of section 5 and adding new paragraphs (d) and (e) to section 5.

NPA Order M-66 as amended reads as follows:

Sec.
1. What this order does.
2. Application of this order.
3. Relation to other regulations.
4. Definitions.
5. Restrictions on delivery or use.
6. Exceptions from allocation requirements.
7. Inventory limitations.
8. Reports.
9. Audit and inspection.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

Authority: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* The purpose of this order is to conserve and provide for the distribution of the limited supply of artificial graphite products and carbon electrodes so as best to serve the interests of national defense and essential civilian production. This order establishes limits on inventory and brings artificial graphite and carbon electrodes under allocation by prohibiting, subject to a limited exception, any deliveries or acceptance of deliveries not covered by allocation authorizations to be issued quarterly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small businesses.

Sec. 2. *Application of this order.* This order applies to the delivery and receipt of artificial graphite and of carbon electrodes in the electrothermic, electrolytic, and special metallurgical and chemical fields.

Sec. 3. *Relation to other regulations.* The provisions of this order supersede all NPA regulations and orders to the extent that they are inconsistent herewith, but in all other respects such regulations and orders remain applicable to artificial graphite and carbon electrodes. The National Production Authority may from time to time issues special directives as to deliverics of artificial graphite and carbon electrodes and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

Sec. 4. *Definitions.* For purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government. In the case of any person as herein defined who operates more than one plant at different locations, the word "person" shall mean each such separate operation.

(b) "Artificial graphite" means: (1) Solid graphite electrodes, plain or threaded, for use in electric arc or resistor furnaces; (2) solid graphite anodes, plain, machined, or treated, for use in electrolytic cells; and (3) solid graphite shapes (round, square, or rectangular), unmachined and not otherwise processed by the producer, for use in metallurgical, chemical, or electronic applications.

(c) "Carbon electrodes" means that product produced in a baking furnace from a mixture of calcined anthracite coal and pitch or other suitable binders and includes graphite nipples.

Sec. 5. *Restrictions on delivery or use.* (a) On and after August 1, 1951, no person shall deliver or accept delivery of any artificial graphite or of any carbon electrodes, whether on rated or unrated orders, except in accordance with the terms of an allocation authorization issued by the National Production Authority on Form NPAF-97.

(b) Application for an allocation authorization must be filed with the National Production Authority by the purchaser on Form NPAF-97 not later than the 10th day of the month preceding the calendar quarter in which delivery is sought. Such application shall be in quadruplicate and must furnish all information required by the form.

(c) An authorization allocation (Form NPAF-97) will be sent by the National Production Authority to the appropriate supplier(s) specifying the amount authorized to be delivered to the applicant during the quarter period and the applicant will be notified of the issuance thereof. The authorization will permit the supplier to make delivery to the extent of the purchaser's orders within the limit of the authorization. In placing his orders the purchaser shall specify the date and the serial number of the applicable allocation authorization.

(d) The amount of any allocation authorization issued by the National Production Authority for the third calendar quarter of 1951 shall be reduced by the amounts actually shipped to the applicant prior to the receipt by the supplier of the allocation authorization.

(e) Notwithstanding the provisions of section 5 of CMP Regulation No. 3, rated orders for artificial graphite and carbon electrodes calling for delivery in July 1951 shall have the same status as DO rated orders with an allotment number or symbol calling for delivery of such material in July 1951.

Sec. 6. *Exceptions from allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries of graphite electrodes of less than 1-inch cross section.

(b) Deliveries of artificial graphite or of carbon electrodes to any person whose total receipts of artificial graphite and carbon electrodes from all sources during the current quarter are not thereby made to exceed 500 pounds and who so certifies to his supplier in substantially the following words on his order:

> The undersigned certifies to the supplier and to the National Production Authority that receipt of the material hereby ordered in the quarter requested will not bring his total receipts of artificial graphite and carbon electrodes during that quarter above 500 pounds.

Sec. 7. *Inventory limitations*—(a) *Artificial graphite anodes.* No person, notwithstanding any allocation made to him, shall accept delivery of artificial graphite anodes, at a time when his inventory of such products exceeds, or by acceptance of such delivery would be made to exceed, 20 weeks' minimum requirements at his then scheduled rate and method of operation.

(b) *Other artificial graphite and carbon electrodes.* No person shall accept delivery of any artificial graphite other than anodes or of any carbon electrodes, whether or not an allocation has been made to him at a time when his inventory of such material exceeds, or by acceptance of such delivery would be made to exceed, 4 weeks' minimum requirements at his then scheduled rate and method of operation: *Provided, however*, That a pool car buyer located west of the Mississippi River shall not accept delivery of such materials at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 8 weeks' minimum requirements at his then scheduled rate and method of operation.

Sec. 8. *Reports.* (a) Subject to the exceptions contained in section 6 of this order, every person who produces, ships, owns, or consumes any artificial graphite or any carbon electrodes during any calendar month commencing with May 1951 shall report to the National Production Authority on Form NPAF-97 on or before the 10th day of the following month. However, if any such person applies on such form for an allocation of artificial graphite products or carbon electrodes for delivery during the succeeding quarter, his application will also serve as the report required by this section for the preceding month.

(b) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require subject to the provisions of the Federal Reports Act of 1942 (5 U. S. C. 139–139F.)

Note: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

Sec. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

Sec. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-66.

Sec. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on June 30, 1951.

National Production Authority,
Manly Fleischmann,
Administrator.

[F. R. Doc. 51-7702; Filed, June 29, 1951; 4:45 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas

App. 1—Critical Defense Housing Areas

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) and last amended at 16 F. R. 6314 (June 29, 1951), is hereby further amended to read as follows:

Appendix 1 to CR 3 (as Amended)—Critical Defense Housing Areas[1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. Corona	do	May 8, 1951
3. Colorado Springs	Colorado	Do.
4. Star Lake	New York	May 23, 1951
5. Fort Leonard Wood Area	Missouri	Do.
6. Camp Cooke Area	California	June 8, 1951
7. Bremerton	Washington	Do.
8. San Marcos	Texas	Do.
9. Valdosta	Georgia	June 20, 1951
10. Tullahoma	Tennessee	Do.
11. Camp Pendleton Area	California	Do.
12. Solano County	do	June 29, 1951
13. Quad Cities Area[2]	Iowa-Illinois	Do.
14. Hanford AEC Operations Area	Washington	July 3, 1951
15. Barstow	California	Do.
16. Camp Roberts Area	do	Do.
17. Brazoria County	Texas	Do.
18. Tooele	Utah	Do.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Ill.

Raymond M. Foley,
Housing and Home Finance Administrator.

[F. R. Doc. 51-7666; Filed, July 2, 1951; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

Part 4—Dependents and Beneficiaries Claims

Death Compensation, Pension and Burial Allowance

A new § 4.454 is added to read as follows:

§ 4.454 *Death compensation, pension and burial allowance based on service*

rendered on or after June 27, 1950. For the purpose of effectuating the provisions of Public Law 28, 82d Congress (act of May 11, 1951), the following instructions are issued.

(a) *Cases affected.* The act authorizes the payment of certain death benefits based on service rendered on or after June 27, 1950, and prior to such future date as may be determined by Presidential proclamation or by concurrent resolution of the Congress. This includes the payment of death compensation under the rating criteria and at the rates provided by Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12); and, in those cases where death occurred after separation from service, the payment of death pension under the provisions of Public Law 312, 78th Congress, as amended, and the statutory burial allowance. In determining entitlement, the provisions of existing laws and regulations which are applicable in claims based on World War II service are for application.

(b) *Effective date.* Compensation and pension which is authorized solely by virtue of this act shall be payable from the day following the date of the veteran's death provided claim is filed within 1 year from that date, otherwise from the date of filing claim, but in no event prior to May 11, 1951. A claim pending on May 11, 1951, will be considered a claim under this act.

(c) *Current awards.* In awards of death compensation approved on and after May 11, 1951, the rates provided under Part I, Veterans Regulation 1 (a), as amended, will be applied for periods on and after May 11, 1951. In awards of death pension which are otherwise payable for periods on and after May 11, 1951, the rates provided under the act of June 28, 1934, as amended, will be applied.

(d) *Rating considerations.* Effective May 11, 1951, all rating criteria applicable to Part I, Veterans Regulation 1 (a), as amended, will be applicable to active service rendered on or after June 27, 1950, during the period contemplated by Public Law 28, 82d Congress. By virtue of Public Law 28, the provisions of section 4, Public Law 312, 78th Congress, as amended, are applicable effective May 11, 1951, to active service on or after June 27, 1950, and in determinations as to existence of disability at death under the latter law, the provisions of § 4.178 are controlling.

(e) *Burial allowance.* Under the act the statutory burial allowance provided by Veterans Regulation 9 (a), as amended, may be payable based on service of any person who served on or after June 27, 1950, and who dies or has died after separation from such service under conditions other than dishonorable. In reviewing XC-folders under this section, consideration will be given to the possibility of entitlement to the statutory burial allowance in those cases where the veteran died after separation from service. If no award of burial allowance has been authorized and there is no legal bar, VA Form 8–530 will be forwarded to prospective claimants by use of Form Letter 8–3. In those cases where death occurred prior to May 11, 1951, the time limit for filing claim is not extended. (Instruction 2, Public Law 28, 82d Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 3, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–7594; Filed, July 2, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

SHELLED WHITE SPANISH PEANUTS

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Shelled White Spanish Peanuts under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950) and the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) to supersede United States Standards for Shelled White Spanish Peanuts issued August 15, 1939. The standards are proposed to become effective during September 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.319 *Standards for shelled white Spanish peanuts* — (a) *Grades* — (1) *U. S. No. 1.* U. S. No. 1 consists of shelled white Spanish peanuts which are whole and free from small shriveled, noticeably discolored, damaged or unshelled peanuts, and are free from foreign material.

(i) In order to allow for variation incident to proper grading and handling, the following tolerances, by weight, shall be permitted in this grade:

(*a*) 1 percent for other varieties of peanuts;

(*b*) 2 percent for split or broken kernals;

(*c*) 2 percent for small shriveled kernels;

(*d*) 1 percent for damaged or unshelled kernels;

(*e*) 1 percent additional for kernels which are damaged by spotted flesh, but are not otherwise damaged;

(*f*) 1.25 percent for kernels with noticeably discolored skins, including not more than 0.25 percent (twenty-five one-hundredths) for kernels with badly discolored skins; and,

(*g*) 0.1 percent (one-tenth) for foreign material.

(2) *U. S. No. 2*[1] U. S. No. 2 consists of shelled white Spanish peanuts which may be split or broken, but which will not pass through a screen having $^{19}/_{64}$ inch round perforations, and which are free from damaged or unshelled peanuts, and foreign material.

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted in this grade:

(*a*) 1 percent for other varieties of peanuts;

(*b*) 6 percent for peanuts or pieces of peanuts which pass through a screen having $^{19}/_{64}$ inch round openings;

(c) 2.5 percent for damaged or unshelled kernels; and,

(*d*) 0.25 percent (twenty-five one-hundredths) for foreign material.

(b) *Definitions.* (1) "Small shriveled" means peanuts which are distinctly shriveled and which will pass through a screen having $^{15}/_{64}$ inch by $^{3}/_{4}$ inch perforations.

(2) "Foreign material" means sticks, stones, dirt, shells, portions of vines or any material other than peanut kernels.

(3) "Split peanuts" means the separated halves of peanut kernels.

(4) "Unshelled" peanuts are kernels from which the shell has not been removed.

(5) "Damaged peanuts" means:

(i) Peanuts which are rancid or decayed;

(ii) Moldy peanuts;

(iii) Peanuts showing sprouts extending more than $^{1}/_{8}$ inch from the tip of the kernel;

(iv) Dirty peanuts when the surface is distinctly dirty;

(v) Worm or insect injured peanuts when the insect or frass is present on the kernel or the insect has eaten a distinctly noticeable depression into the kernel;

(vi) Peanuts showing a dark yellow, brownish or darker surface discoloration of one-fourth or more of the kernel under the skin;

(vii) Peanuts showing yellow or brown discolored spots penetrating the kernel when the appearance of the flesh is materially affected; and,

(viii) Any defect which materially affects the edible quality of the kernel.

(6) "Noticeably discolored" means peanuts with more than 25 percent of the skin affected by dark brown, dark gray or dark blue discoloration, or lesser areas covered by darker discoloration having an equally objectionable appearance. Peanuts with a naturally pink, red or purple skin color or with an over-all skin color somewhat darker than kernels in the lot, shall not be classed as noticeably discolored.

(7) "Badly discolored" means peanuts with more than 50 percent of the skin affected by black or very dark discoloration of a blue, gray or brown color.

Done at Washington, D. C., this 27th day of June 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–7588; Filed, July 2, 1951; 8:48 a. m.]

[7 CFR Part 52]

GRADES OF FROZEN DICED CARROTS

U. S. STANDARDS[1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Diced Carrots, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). These standards, if made effective, will be the first issued by the Department of Grade Standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.218 *Frozen diced carrots.* Frozen diced carrots is the product prepared from the root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(b) *Grades of frozen diced carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess a good flavor and odor; that possess a good color; that are practically free from defects; that are tender; and that are of such quality with respect to size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen diced carrots that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing so that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to texture and for flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots.

(ii) If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen diced carrots possess the typical color of frozen carrots and such color may be slightly dull but not off color.

(iii) Frozen diced carrots that are off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(ii) If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished by brown or black internal or external discoloration, pathological injury or insect injury and units blemished by other means.

(*a*) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, excessively trimmed units, or damaged by other means.

(*b*) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ¼ inch in diameter.

(*c*) "Blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof or 5 percent, by weight, of all the units may consist of blemished units.

(iii) Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units, and of such 16 percent not more than one-half thereof or 8 percent, by weight, of all the units may consist of blemished units.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the tenderness of the carrots, and the degree of freedom from stringy or coarse fibers.

(ii) Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a uniform character.

(iii) If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in character but not tough or hard, and may possess a few stringy or coarse fibers.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen diced carrots, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen diced carrots.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Style		
Factors	**Score points**	
I. Color	25	(A) 21–25 (B) [1] 18–20 (SStd.) [1] 0–17
II. Uniformity of size and shape	15	(A) 12–15 (B) 8–11 (SStd.) [1] 0–7
III. Absence of defects	30	(A) 26–30 (B) [1] 22–25 (SStd.) [1] 0–21
IV. Texture	30	(A) 26–30 (B) [1] 22–25 (SStd.) [1] 0–21
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 27th day of June 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–7587; Filed, July 2, 1951; 8:48 a. m.]

[7 CFR Part 905]

[Docket No. AO 209–A2]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Correction

In Federal Register Document 51–7282, appearing on page 5997 of the issue for Saturday, June 23, 1951, the place for the public hearing, referred to in the first paragraph, should read "Room 609, County Court House, 321 Northwest First Street, Oklahoma City, Okla."

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 711]

ALASKA STEAMSHIP CO.; INCREASED RATES

NOTICE OF HEARING

Pursuant to order herein dated May 18, 1951, as amended by orders dated June 8, 1951, and June 27, 1951, notice is hereby given that a public hearing will be held in this proceeding at Seattle, Washington, on September 10, 1951, at 10 o'clock a. m., P. d. s. t., before Examiner F. J. Horan. Notice of hearing room and of any further hearings to be scheduled will be duly served upon parties hereto.

The purpose of the hearing, which will be held pursuant to sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, and sections 16, 18, and 22 of the Shipping Act, 1916, as amended, is:

(A) To afford respondent Alaska Steamship Company an opportunity to submit evidence in support of the justness, reasonableness, and nonprejudicialness of the rates and fares in question.

(B) To afford protestant Territory of Alaska an opportunity to submit evidence in support of its allegations (1) that the rates and fares in question are unjust and unreasonable; (2) that said rates are unduly preferential of so-called 'industry" traffic such as canned salmon, and unduly prejudicial to so-called "town" traffic; and (3) that respondent's practices in scheduling, loading, and unloading its vessels contribute to the alleged unlawfulness of said rates.

(C) To afford interveners an opportunity to present evidence pertinent to the issues stated above.

(D) To afford the Federal Maritime Board and all parties the opportunity to present any additional evidence material to the issues in this proceeding.

Under section 22 of the Shipping Act, 1916, any person may file with the Board a sworn complaint setting forth any violation of that act by a common carrier by water and asking reparation for the injury, if any, caused thereby. Any such complaint within the issues set forth above, if promptly filed, will be consolidated for hearing and disposition with this proceeding.

Dated: June 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–7628; Filed, July 2, 1951; 8:53 a. m.]

MEMBER LINES OF U. S. ATLANTIC AND GULF/HAITI CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement 5590–5 (Revised), between the member lines of the United States Atlantic and Gulf/Haiti Conference, modifies the Rules and Regulations attached to and made a part of the basic agreement of said Conference (No. 5590) to provide that member lines may equalize actual insurance differentials on cargo by reason of flag, overage or undersize disability of vessel or vessels or for other good and sufficient reasons, when authorized by unanimous agreement of the member lines. As presently worded the Rules and Regulations prohibit the equalization of marine insurance.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 28, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–7629; Filed, July 2, 1951; 8:53 a. m.]

National Production Authority

[NPA Del. 7 as Amended July 2, 1951]

DIRECTORS OF REGIONAL OFFICES AND MANAGERS OF DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M–4

NPA Del. 7 as amended June 7, 1951, is amended by making additions to List A.

Del. 7 as amended reads as follows:

1. Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M–4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A of this delegation:

(a) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for an authorization to commence construction pursuant to section 6 of the NPA Order M–4.

(b) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to section 11 of NPA Order M–4.

(c) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to section 11 of NPA Order M–4.

2. Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By_____
(Name and Title)

3. Whenever the Regional Director or District Manager is absent from his office for a period longer than 3 days, he is authorized to delegate to the person placed in charge of the office during his absence the right to sign the name of the Regional Director or the District Manager to actions taken pursuant to this delegation.

This delegation as amended shall take effect on July 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

REGIONAL OFFICES TO WHOSE DIRECTORS THIS DELEGATION EXTENDS

Region I—1800 Customhouse, Boston 9, Mass.
Region II—42 Broadway, New York 4, N. Y.
Region III—Jefferson Building, 1015 Chestnut Street, Philadelphia 6, Pa.
Region IV—Room 2, Mezzanine, 801 East Broad Street, Richmond 19, Va.
Region V—418 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Ga.
Region VI—410 Union Commerce Building, 925 Euclid Avenue, Cleveland 14, Ohio.
Region VII—1763 La Salle-Wacker Building, 221 North La Salle Street, Chicago 1, Ill.
Region VIII—207 Minnesota Federal Savings and Loan Building, 607 Marquette Avenue, Minneapolis 2, Minn.
Region IX—2400 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.
Region X—Room 1114, 1114 Commerce Street, Dallas 2, Tex.
Region XI—142 New Customhouse, Nineteenth and Stout Streets, Denver 2, Colo.
Region XII—315 Flood Building, 870 Market Street, San Francisco 2, Calif.
Region XIII—809 Federal Office Building, 909 First Avenue, Seattle 4, Wash.

DISTRICT OFFICES TO WHOSE MANAGERS THIS DELEGATION EXTENDS

312 Court Square Building, 200 East Lexington Street, Baltimore 2, Md.
731 Frank Nelson Building, Second Avenue and Twentieth Street, Birmingham, Ala.
719 James Building, Eighth and Broad Street, Chattanooga 2, Tenn.
1404 Federal Reserve Bank Building, 105 West Fourth Street, Cincinnati 2, Ohio.
601 Securities Building, 418 Seventh Street, Des Moines 9, Iowa.
1038 Federal Building, 230 West Fort Street, Detroit 26, Mich.
Chamber of Commerce Building, 310 San Francisco Street, El Paso, Tex.
224 Post Office Building, 135 High Street, Hartford 1, Conn.
602 Federal Office Building, Houston 14, Tex.
425 Federal Building, 311 West Monroe Street, Jacksonville 1, Fla.
1546 United States Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, Calif.
631 Federal Building, Louisville 2, Ky.
229 Federal Building, Memphis 3, Tenn.
947 Seybold Building, 36 Northeast First Street, Miami 32, Fla.
308 Federal Building, 109–13 St. Joseph Street, Mobile 10, Ala.
1508 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La.
502 W. O. W. Building, 1319 Farnam Street, Omaha 2, Neb.
1021 Clark Building, 717 Liberty Avenue, Pittsburgh 22, Pa.
217 Old United States Courthouse, 520 Southwest Morrison Street, Portland 4, Oreg.
327 Post Office Annex, Providence 3, R. I.
910 New Federal Building, 1114 Market Street, St. Louis 1, Mo.
528 Dooly Building, 109 West Second South Street, Salt Lake City 1, Utah.
518 Bedell Building, 118 Broadway, San Antonio, Tex.
411 Pennsylvania Building, Front and French Streets, Wilmington, Del.
116 Palmetto State Life Building, 1310 Lady Street, Columbia 1, S. C.
312 Trautman Building, 209 South High Street, Columbus, Ohio.
Dillingham Building, Honolulu, T. H.
205 Fidelity Building, 426 Yazoo Street, Jackson, Miss.
204 Guardian Building, 309 Center Street, Little Rock, Ark.
315 Beacon Building, 814 Elm Street, Manchester, N. H.
Willard Block Building, 79 Main Street, Montpelier, Vt.
8 Halsey Street, Newark 2, N. J.
324 Commercial National Bank Building, 302 S. Adams Street, Peoria, Ill.
808 N. First Street, Phoenix, Ariz.
3–F State Capitol Life Insurance Building, 2620 Hillsboro Street, Raleigh, N. C.
1479 Wells Avenue, Reno, Nev.
819 Commerce Building, 119 East Main Street, Rochester, N. Y.
502 Cutler Building, 301 S. Main Street, Rockford, Ill.
Chamber of Commerce Building, 435 West Broadway, San Diego, Calif.
2 Puerto Rican Reconstruction Admin. Ground, Building N, San Juan, P. R.
Belmont Building, 404½ Marshall Street, Shreveport, La.
306 Old Post Office Building, E. State & Montgomery Street, Trenton, N. J.
304 Wright Building, 115 West Third Street, Tulsa 3, Okla.
201 Dean Building, 107 Front Street, Worcester, Mass.

[F. R. Doc. 51–7696; Filed, June 29, 1951; 4:43 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 5, Amdt. 1]

COOPERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 5, under section 43 of Ceiling Price Regulation 7, issued on April 25, 1951, established ceiling prices for sales at retail of men's and boys' underwear manufactured by Coopers, Incorporated, under the brand name "Jockey." The special order required the manufacturer to mark each article listed in the special order with the retail ceiling price fixed under the special order, or to attach to each article a label, tag or ticket stating the retail ceiling price. Applicant was required to comply with this preticketing provision on and after July 1, 1951.

Coopers, Incorporated, has filed an application for an extension of time in which to meet this preticketing requirement. The application points out that the applicant's prices as a manufacturer

will be determined under Ceiling Price Regulation 45, issued on June 14, 1951, and that if its items are now pretic keted with prices determined under General Ceiling Price Regulation, it may be necessary to preticket with new prices after completing the computations required by Ceiling Price Regulation 45. Applicant would then be required to open thousands of cartons, remove old price labels, and affix new labels reflecting prices determined under Ceiling Price Regulation 45.

Under the special circumstances set forth by the applicant, the Director has determined that the requested amendment be granted.

Amendatory provisions. Special Order 5 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 4, substitute for the date "July 1, 1951," the date "August 15, 1951."

2. In paragraph 4, substitute for the date "August 1, 1951," the date "September 15, 1951," and following the sentence in which this appears add the following sentence: "Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order."

Effective date. This amendment shall become effective on June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7596; Filed, June 28, 1951; 4:08 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 102]

ROSE BROTHERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rose Brothers, Inc., 275-7th Avenue, New York, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's suits and slacks manufactured by Rose Brothers, Inc., having the brand name(s) "Surretwill", "Krisp-Spun", and "Airgora-Spun", shall be the proposed retail ceiling prices listed by Rose Brothers, Inc., in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Rose Brothers, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM. / etc.
	$-----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7597; Filed, June 28, 1951; 4:08 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 103]

DORA MILES CO.

CEILING PRICE AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Dora Miles Company, Branford, Connecticut, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of corsets and bras manufactured by the Dora Miles Company, Branford, Connecticut, having the brand name(s) "Dora Miles", shall be the proposed retail ceiling prices listed by the Dora Miles Company, in its application dated March 29, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, the Dora Miles Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM. / etc.
	$-----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7598; Filed, June 28, 1951; 4:08 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 104]

ENGER-KRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Enger-Kress Company, West Bend, Wisconsin, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information

required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of billfolds, purses, pocket secretaries, dial-a-key and key cases manufactured by Enger-Kress Company, West Bend, Wisconsin, having the brand name(s) "Enger-Kress," shall be the proposed retail ceiling prices listed by Enger-Kress Company, in its application dated April 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Enger-Kress Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM, / etc.
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7599; Filed, June 28, 1951; 4:08 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 105]

COBLENTZ BAG CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Coblentz Bag Company, Inc., 30 East 33d Street, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's handbags manufactured by Coblentz Bag Company, Inc., 30 East 33d Street, New York 16, N. Y., having the brand name "Coblentz", shall be the proposed retail ceiling prices listed by Coblentz Bag Company, Inc., in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Coblentz Bag Company, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM, / etc.
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7600; Filed, June 28, 1951; 4:09 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 106]

TRIFARI, KRUSSMAN & FISHEL, INC.

CEILING PRICES AT RETAIL

Statement of consideration. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Trifari, Krussman & Fishel, Inc., 16 East 40th Street, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of costume jewelry manufactured by Trifari, Krussman & Fishel, Inc., 16 E. 40th Street, New York 16, New York, having the brand name(s) "Trifari", shall be the proposed retail ceiling prices listed by Trifari, Krussman & Fishel, Inc., in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 17, 1951).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to

this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Trifari, Krussman & Fishel, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM. / etc.
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7601; Filed, June 28, 1951; 4:09 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 107]

BALI BRASSIERE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bali Brassiere Co., Inc., 8 West 30th Street, New York, N. Y., has applied to the office Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of brassieres manufactured by Bali Brassiere Co., Inc., 8 West 30th Street, New York, N. Y., having the brand name(s) "Bali", shall be the proposed retail ceiling prices listed by Bali Brassiere Co., Inc., in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Bali Brassiere Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit / dozen / etc.	Terms {net / percent EOM. / etc.
	$--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7602; Filed, June 28, 1951; 4:10 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 108]

BURLINGTON MILLS CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Burlington Mills Corporation, c/o Burlington Mills Corporation of New York, Hosiery Division, Room 6000, Empire State Building, New York 1, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hosiery manufactured by Burlington Mills Corporation, c/o Burlington Mills Corporation of New York, Hosiery Division, Room 6000, Empire State Building, New York 1, N. Y., having the brand name(s) "Bur-Mil Cameo", shall be the proposed retail ceiling prices listed by Burlington Mills Corporation, in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On an after August 3, 1951, Burlington Mills Corporation, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After

60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereof (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit / dozen / etc.	Terms {net / percent EOM. / etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7603; Filed, June 28, 1951; 4:10 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 109]

SALMANSON & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Salmanson & Co., Inc., 1107 Broadway, New York 10, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of unpainted furniture manufactured by Salmanson & Co., Inc., 1107 Broadway, New York 10, N. Y., having the brand name(s) "Aristo-Bilt", shall be the proposed retail ceiling prices listed by Salmanson & Co., Inc., in its application dated March 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Salmanson & Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit / dozen / etc.	Terms {net / percent EOM. / etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R. Doc. 51-7604; Filed, June 28, 1951; 4:10 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 110]

HAT CORP. OF AMERICA

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hat Corporation of America, 417 Fifth Ave., New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and woman's hats manufactured by Hat Corporation of America, 417 Fifth Ave., New York 16, N. Y., having the brand name(s) "Dobbs", "Crofut and Knapp", "Knapp-Felt", "Berg", "Cavanagh", "Knox", "Brown", "Dunlap", "Roxford", "Croxley", "Chalfonte", and "Bagatelle", shall be the proposed retail ceiling prices listed by Hat Corporation of America, in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 4, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 3, 1951, Hat Corporation of America, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 4, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the coresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit / dozen / etc.	Terms {net / percent EOM / etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manu-

facturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JUNE 28, 1951.

[F. R .Doc. 51-7605; Filed, June 28, 1951; 4:10 p. m.]

[Delegation of Authority 11]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON CERTAIN APPLICATIONS UNDER DISTRIBUTION REGULATION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 5 (16 F. R. 1273) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices, Office of Price Stabilization:

(a) To request further information from an applicant or to deny application of Class 2 Slaughterers for adjustments or for other relief made pursuant to section 9 of Distribution Regulation 1;

(b) To request further information from an applicant or to grant or deny applications for the sale or transfer of Class 2 slaughtering establishments made pursuant to section 10 of Distribution Regulation 1;

(c) To request further information from an applicant or to deny applications for registrations of new Class 2 slaughtering establishments made pursuant to section 11 of Distribution Regulation 1.

This delegation shall take effect on July 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7743; Filed, July 2, 1951; 12:17 p. m.]

[Delegation of Authority 12]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO GRANT OR DENY CERTAIN APPLICATIONS UNDER DISTRIBUTION REGULATION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 5 (16 F. R. 1273) this Delegation of Authority 12 is hereby issued.

1. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization:

(a) To request further information from an applicant or to grant or deny applications for adjustments or for any other relief made pursuant to section 9 of Distribution Regulation 1;

(b) To request further information from an applicant or to grant or deny applications for the sale or transfer of Class 1 or Class 2 slaughtering establishments made pursuant to section 10 of Distribution Regulation 1;

(c) To request further information from an applicant or to grant or deny applications for registrations of new Class 1 or Class 2 slaughtering establishments made pursuant to section 11 of Distribution Regulation 1.

2. The authority hereby delegated may be redelegated to the Director, Food and Restaurant Division, Office of Price Operations, with the authority to redelegate to the Chiefs of the Branches of the Food and Restaurant Division.

This delegation shall take effect on July 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7742; Filed, July 2, 1951; 12:17 p. m.]

[Delegation of Authority 12, Supp. 1]

DIRECTOR, FOOD AND RESTAURANT DIVISION

REDELEGATION OF AUTHORITY TO GRANT OR DENY CERTAIN APPLICATIONS UNDER DISTRIBUTION REGULATION 1

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization by Delegation of Authority No. 12, this Supplement 1 to delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director, Food and Restaurant Division, Office of Price Operations:

(a) To request further information from an applicant or to grant or deny applications for adjustments or for any other relief made pursuant to section 9 of Distribution Regulation 1;

(b) To request further information from an applicant or to grant or deny applications for the sale or transfer of Class 1 or Class 2 slaughtering establishments made pursuant to Distribution Regulation 1;

(c) To request further information from an applicant or to grant or deny applications for registrations of new Class 1 or Class 2 slaughtering establishments made pursuant to section 11 of Distribution Regulation 1.

(2) The authority hereby delegated may be redelegated to the Chiefs of the Branches of the Food and Resturant Division.

This delegation shall take effect on July 3, 1951.

EDWARD F. PHELPS,
Assistant Director for Price Operations.

JULY 2, 1951.

[F. R. Doc. 51-7744; Filed, July 2, 1951; 12:17 p. m.]

FEDERAL POWER COMMISSION

[Project No. 739]

APPALACHIAN ELECTRIC POWER CO.

ORDER FIXING DATE FOR HEARING

JUNE 26, 1951.

Under date of August 24, 1944, Appalachian Electric Power Company, Licensee of Project No. 739, pursuant to the provisions of the Federal Power Act and the license issued thereunder for Project No. 739, filed its statement of claimed actual legitimate original cost for that project, as of June 30, 1944, in the amount of $10,725,721.15. That amount was increased to $10,734,587.20, as of December 31, 1946, by Licensee's filing of claimed changes in project plant, accounts for the period July 1, 1944, through December 31, 1946.

Upon completion of a field examination of the project and the claimed cost by the Commission's staff, and after conferences between the staff and Licensee's representatives on certain items and amounts questioned by the staff, Licensee, on March 2, 1950, filed a revised claim in the amount of $10,231,045.74 as of December 31, 1946.

On July 20, 1950, the Commission's staff's report on the revised claim was duly served upon Licensee. In that report the staff recommended that $9,644,927.15 be allowed as actual legitimate original cost of the project as of December 31, 1946, and that $586,118.59 be disallowed. On September 20, 1950, Licensee filed a "Protest to Staff Report" in which it excepted to the staff's recommended disallowance of $586,118.59.

Subsequently, by letter dated May 3, 1951, Licensee requested the Commission to determine on the basis of the staff report and Licensee's protest that the $586,118.59 is a part of the actual legitimate original cost, asserting that such decision would make it "wholly unnecessary to have an elaborate record covering all possible arguments and contentions or for either the (Licensee) or the Commission's staff to undertake the considerable work and expense incident to the making of such a record—whether by stipulation or otherwise." Licensee, however, indicated that it would not accept a decision based on the staff report and protest which was adverse to its contentions on the $586,118.59, but would "feel it necessary to have the protection of a complete record covering every possible phase of the matter and supporting every possible contention."

The Commission finds: It is necessary or appropriate to carry out the provisions of the Federal Power Act that a hearing be held on the issues presented by the staff report and Licensee's protest with respect to the actual legitimate original cost of Project No. 739, as of December 31, 1946, in order that the issues thereby presented may be determined upon a complete record.

The Commission orders: A hearing be held commencing August 20, 1951, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., on the issues presented by the staff report and Licensee's protest with respect to the actual legitimate original cost of Project No. 739, as of December 31, 1946, and at that hearing, as provided by the Federal Power Act, the burden of proof to justify the inclusion of $586,118.59, or any part thereof, as part of the actual legitimate original cost of Project No. 739, shall be on the Licensee.

Date of issuance: June 27, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7566; Filed, July 2, 1951; 8:45 a. m.]

[Docket No. G-1692]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JUNE 26, 1951.

Take notice that Southern California Gas Company and Southern Counties Gas Company of California (Applicants), California corporations, address 810 South Flower Street, Los Angeles, California, filed on May 24, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation as tenants in common of certain transmission pipeline facilities hereinafter described.

This application is for authorization to construct, and operate in case of emergency a by pass pipeline for that segment of the Texas to Los Angeles, California, 30-inch diameter pipeline which crosses the Colorado River on a suspension bridge that is owned by Applicants. The purpose of this emergency bypass river crossing is to maintain uninterrupted gas service in case the original 30-inch pipeline which crosses the Colorado River is destroyed by enemy action or by any other unforeseen action. The project has been endorsed by the Director for Civilian Defense for California. The proposed bypass pipeline across the Colorado River will be suspended from an existing highway bridge and consist of a 16-inch O. D. pipe with 20-inch pipelines approaching such bridge crossing. The facilities to be owned and operated by Applicants will consist of those located on the California side to the center of the Colorado River. The El Paso Natural Gas Company will own and operate that portion of the integrated emergency facilities extending from the Arizona side of the Colorado River to the center of the bridge.

The estimated cost of the proposed facilities to Applicants is $43,725, which will be financed from current sources of funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7567; Filed, July 2, 1951; 8:45 a. m.]

[Docket No. G-1693, G-1473, G-1649]

TEXAS EASTERN TRANSMISSION CORPORATION ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

JUNE 26, 1951.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama - Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649.

On May 25, 1951, Texas Eastern Transmission Corporation, (Texas Eastern) a Delaware corporation, with its principal office at Texas Eastern Building, Shreveport, Louisiana, filed an application in Docket No. G-1693 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the sale of approximately 91,882 Mcf of natural gas which was left unallocated and unsold in the proceeding in Docket No. G-1012 where the capacity to transport such gas was authorized.

On September 5, 1950, Alabama-Tennessee Natural Gas Company, (Alabama-Tennessee) a Delaware corporation, with offices at Florence, Alabama, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Texas Eastern to establish physical connection of its facilities and the facilities of Alabama-Tennessee and to deliver to the latter a supply of natural gas (up to approximately 20,000 Mcf per day) to meet demands of its present and future customers for additional supplies of natural gas.

On April 2, 1951, Tennessee Gas Company (Tennessee Gas) a Tennessee corporation with offices at Murfreesboro, Tennessee, filed an application for an order pursuant to section 7 (a) directing Texas Eastern to sell and deliver natural gas to it for distribution in Murfreesboro, Tennessee, where Tennessee Gas is now distributing manufactured gas.

The Commission finds: Orderly procedure requires that the proceedings in Docket Nos. G-1693, G-1473, and G-1649 be consolidated for purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-1693, G-1473, and G-1649 be and they are hereby consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on July 24, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 27, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7571; Filed, July 2, 1951; 8:46 a. m.]

[Docket No. G-1722]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 27, 1951.

Take notice that on June 20, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

Physical connection, measuring and regulating station, and appurtenant facilities at the point of connection of the proposed pipeline to be constructed by The Alsey Brick & Tile Company, Alsey, Illinois, with Applicant's main line north of Alsey, Illinois.

Applicant proposes to construct and operate the described facilities for the purpose of making sales of natural gas to The Alsey Brick & Tile Company, on an interruptible basis in accordance with the terms of an industrial gas contract dated March 12, 1951, of volumes of natural gas not to exceed 1,500 Mcf daily, for use as fuel in the periodic kilns and dryers of buyers plant at Alsey, Illinois, for a primary contract period of three (3) years, at a price of 30 cents per Mcf.

The application recites that Applicant will have available sufficient quantities of natural gas at the agreed point of delivery to provide the contemplated interruptible service; that the proposed sale to The Alsey Brick & Tile Company is not a sale of natural gas for resale within the meaning of section 1 (b) of the Natural Gas Act; and that the only facilities proposed to be installed are

measuring and regulating facilities incidental to such direct sale. The Alsey Brick & Tile Company will construct and operate 0.58 mile of 3-inch service pipeline from its plant to the measuring and regulating station to be constructed by Applicant as described above.

The estimated cost of the facilities proposed to be constructed by Applicant is aprpoximately $7,525, which will be paid for out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7568; Filed, July 2, 1951; 8:45 a. m.]

[Docket No. G-1723]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 27, 1951.

Take notice that on June 20, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

Physical connection, measuring and regulating station, and appurtenant facilities at the point of connection of a connecting service line to be constructed by Clay City Pipe Company near Montezuma, Indiana, with Applicant's main line in Vermillion County, Indiana.

Applicant proposes to construct and operate the described facilities for the purpose of making sales of natural gas to Clay City Pipe Company, on an interruptible basis in accordance with the terms of an industrial gas contract dated March 12, 1951, of volumes of natural gas not to exceed 1500 Mcf daily, for use as fuel in boilers, dryers and kilns in its plant near Montezuma, Indiana, for a primary contract period of three (3) years, at a price of 30 cents per Mcf for the first two (2) years and 32 cents per Mcf for the third year.

The application recites that Applicant will have available sufficient quantities of gas at the agreed point of delivery to provide the contemplated interruptible service; that the proposed sale and service to Clay City Pipe Company is not a sale of natural gas for resale within the meaning of section 1 (b) of the Natural Gas Act, and that the only facilities proposed to be installed are measuring and regulating facilities incidental to such direct sale. The Clay City Pipe Company will construct and operate 0.80 mile of 3-inch service pipeline from its plant to the measuring and regulating station to be constructed by Applicant as described above.

The estimated cost of the facilities proposed to be constructed by Applicant is approximately $7,525, which will be paid for from current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7569; Filed, July 2, 1951; 8:45 a. m.]

[Docket No. G-1724]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 27, 1951.

Take notice that on June 20, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

Physical connection, measuring and regulating station, and appurtenant facilities at the point of connection of Springfield Clay Products Company's proposed connecting service line with Applicant's existing 10-inch South Springfield lateral pipe line, Sangamon County, Illinois.

Applicant proposes to construct and operate the described facilities for the purpose of making sales of natural gas to Springfield Clay Products Company, on an interruptible basis in accordance with the terms of an industrial gas contract dated March 12, 1951, of volumes of natural gas not to exceed 1000 Mcf daily, for use in burning clay products in buyer's plant near Springfield, Illinois, for a primary contract period of three (3) years, at a price of 30 cents per Mcf.

The application recites Applicant will have available sufficient quantities of gas at the point of delivery to provide the contemplated interruptible service; that the proposed sale and service to Springfield Clay Products Company is not a sale of natural gas for resale within the meaning of section 1 (b) of the Natural Gas Act, and that the only facilities proposed to be installed are measuring and regulating facilities incidental to such direct sale. Springfield Clay Products Company will construct and operate 0.83 mile of 4-inch service pipe line from its plant to the facilities to be constructed by Applicant as described above.

The estimated cost of the facilities proposed to be constructed by Applicant is approximately $4,075, which will be paid for from current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7570; Filed, July 2, 1951; 8:45 a. m.]

[Docket No. E-6366]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JUNE 26, 1951.

Take notice that on June 26, 1951, an application was filed by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the State of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 162,838 shares of Common Stock, par value $5 per share. Applicant proposes to offer the Common Stock for subscription by its present Common Stockholders pro rata on the basis of one share for each eight shares held. Applicant requests exemption of the issue and sale of said Common Stock from the competitive bidding requirements of the Commission's rules and regulations. Applicant has negotiated for the underwriting for the sale of the Common Stock with Blyth & Co., Inc.; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7572; Filed, July 2, 1951; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

FIELD ORGANIZATION

Section III, *Field organization and final delegations of authority*, is amended as follows:

1. Subparagraphs (u) and (v) are added to paragraph III b 7, as follows:

(u) Effective October 31, 1950, to execute on behalf of the PHA Annual Contributions Contracts after Presidential approval.

(v) Effective October 31, 1950, to execute on behalf of the PHA amendments to Annual Contributions Contracts: *Provided*, That amendments requiring Presidential approval may not be executed prior to such approval.

2. Subparagraphs (p), (q), and (r) are added to paragraph III b 8, as follows:

(p) Effective October 31, 1950, to execute on behalf of the PHA Annual Contributions Contracts after Presidential approval.

(q) Effective October 31, 1950, to execute on behalf of the PHA amendments to Annual Contributions Contracts: *Provided*, That amendments requiring Presidential approval may not be executed prior to such approval.

(r) Effective October 27, 1950, on behalf of the PHA to approve the award of the main construction contract and specifically to approve the amount thereof.

Date approved: June 22, 1951.

JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-7573; Filed, July 2, 1951; 8:47 a. m.]

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

FIELD ORGANIZATION

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph (h) is added to section III e 1 as follows:

(h) Effective April 1, 1951, pursuant to NPA Regulation 4, to assign defense order ratings (indentified by the symbol DO-97) to contracts and purchase orders for maintenance and repair materials, operating supplies, and materials for minor operating improvements (any improvement or addition for which the total cost of material does not exceed $750).

Date approved: June 25, 1951.

JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-7630; Filed, July 2, 1951; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26212]

CLASS AND COMMODITY RATES BETWEEN POINTS ON K. C. S. RY., AND L. & A. RY.

APPLICATION FOR RELIEF

JUNE 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern Railway Company, for itself and on behalf of The Arkansas Western Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Louisiana, Oklahoma, Kansas, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff M.F.-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7589; Filed, July 2, 1951; 8:48 a. m.]

[4th Sec. Application 26211]

GRAIN BETWEEN KANSAS POINTS

APPLICATION FOR RELIEF

JUNE 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Rock Island and Pacific Railroad Company and St. Louis-San Francisco Railway Company.

Commodities involved: Grain, grain products, and seeds, carloads.

Between: Points in Kansas.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3786, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7590; Filed, July 2, 1951; 8:49 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 49]

BALTIMORE AND OHIO RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, certain railroad carriers operating in Philadelphia, Pennsylvania, because of strike at Publicker Industries, Incorporated, are unable to dump all cars of coal routed over their lines at their facilities at Philadelphia, Pennsylvania, thereby causing congestion in the Philadelphia area: It is ordered, that:

(a) *Rerouting of traffic.* The Baltimore and Ohio Railroad is hereby authorized and directed to reroute or divert to the Reading Company for dumping at Port Richmond coal piers, the number of cars of coal on hand originally consigned to Publicker Industries, Incorporated, which the latter railroad will accept and dump for the B & O account. Billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective at 12:01 p. m., June 26, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 7, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 26, 1951.

INTERSTATE COMMERCE COMMISSION
HOMER C. KING,
Agent.

[F. R. Doc. 51-7591; Filed, July 2, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-184]

UNITED CORP.

MEMORANDUM OPINION AND ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June A. D. 1951.

On June 15, 1951, we issued our findings and opinion with respect to a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by The United Corporation ("United"), a registered holding company.[1] We found that such plan, which was proposed as a means of effecting compliance with section 11 (b) of the act and with our order of August 14, 1943, issued thereunder, could be approved by us as necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby if it were amended in certain respects as set forth in said Findings and Opinion.

United has filed amendments to its plan which are designed to conform with the views set forth in our findings and opinion. The principal changes relate to the terms of the offer to be made to stockholders of United who desire to withdraw from the company prior to completion of its transformation into an investment company. The plan as amended provides that holders of less than 100 shares of United common stock may, during a 14-day period beginning on the 15th day after the issuance of our order herein or as soon as practicable thereafter, surrender their shares for cash in an amount equal to the average net asset value of such stock based on the average of the closing market prices of United's portfolio on the days during the term of the offer on which the New York Stock Exchange is open. Holders of 100 or more shares of United common stock will be offered the opportunity, during such 14-day withdrawal period, to exchange their United common stock for Niagara Mohawk Power Corporation ("Niagara Mohawk") common stock having an average market value, based on the closing prices over said period, equal to 97 percent of the average net asset value computed as indicated above of the United stock surrendered. No fractional shares of Niagara Mohawk common stock are to be issued, and in lieu thereof cash will be paid equal to the average net asset value during the exchange period of the United common stock remaining after full shares are allocated. We shall reserve jurisdiction with respect to the material to be sent to the stockholders covering these transactions and our order herein will also be conditioned on United's publishing, during each day of the withdrawal period, the indicated cash payment and exchange rate under the withdrawal offers on the basis of the pertinent cumulative averages for the expired portion of the withdrawal period.

The amendments filed also remove the requirement, contained in the plan as earlier filed, that notice be given to the company of any intended exercise of cumulative voting privileges; provide that United's Certificate of Incorporation as well as its By-Laws shall be amended so that at all stockholders' meetings the quorum requisite for the transaction of business shall consist of the holders of 50 percent of the outstanding stock rather than of 25 percent as at present; and contain other minor changes consistent with our prior findings and opinion. In addition, the amendments provide that United's reduction of its holdings of voting stock of The United Gas Improvement Company to not in excess of 4.9 percent may be effected either through sales on the New York Stock Exchange or through acceptance of an exchange offer made by that company and approved by us since the issuance of our previous findings herein.[2]

The plan as amended requests that this Commission through its counsel seek enforcement of the parts of the plan which deal with the cancellation of United's outstanding option warrants and with the amendment of United's Certificate of Incorporation and By-Laws. No enforcement has been requested with respect to the other parts of the plan, including the voluntary withdrawal offers which, as noted, are to be made on the 15th day after the issuance of our order herein, or as soon as practicable thereafter. In view of the possibility of appeals from the parts of the plan as to which enforcement has not been requested and of the development of problems with respect to the availability in the appropriate forum of the record in the proceedings before us, we shall defer applying for court enforcement for the time being.

Having considered the aforesaid amendments in the light of our findings and opinion of June 15, 1951, and finding that as so amended United's plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected by it;

It is ordered: On the basis of the record herein and the said findings and opinion and this memorandum opinion, pursuant to section 11 (e) of the act and other applicable provisions of the act, that United's plan as amended be and it hereby is approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the provisions of the plan as amended relating to the cancellation of United's option warrants or to the amendment of United's Certificate of Incorporation or By-Laws until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said provisions.

2. United shall publish, during each day of the period that the withdrawal offers under the plan are open for acceptance, the indicated cash payment and exchange rate under the offers on the basis of the pertinent cumulative average prices and values for the expired portion of the withdrawal period.

3. Jurisdiction be and it hereby is specifically reserved with respect to the following matters:

a. The examination and approval of all material to be sent to stockholders of United dealing with the plan as amended and the withdrawal offers thereunder.

b. The modification, if consummation of the plan is delayed and such action should appear necessary, of the provisions of the plan limiting acceptance of the withdrawal offers to United stockholders of record and the shares held by them at the close of business on both the date of our order herein and the day preceding the effective date of the offers.

c. The reconsideration of the provision of the exchange offer limiting the total number of shares of Niagara Mohawk common stock to be exchanged to 700,000 shares, in the event of acceptances of the exchange offer in an amount which would require substantial prorating of Niagara Mohawk common stock.

d. The examination of the need for, and approval of, any loan by United pursuant to the provision of the plan relating to the borrowing of not in excess of $4,000,000 as may be necessary to make the cash payments required under the withdrawal offers.

e. The determination of the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan as amended, and the transactions incident thereto.

It is further ordered, That the proposed sale by United of all of its holdings of the common stock of South Jersey Gas Company be, and the same hereby is, exempted from the competitive bidding requirements of Rule U-50, subject to the terms and conditions prescribed by Rule U-24, and subject to our further order, to be issued after the detailed results of United's negotiations with private purchasers, including all offers made and the price to be paid to United by the purchaser making the offer sought to be accepted by United, have been set forth in the record and a showing has been made that competitive conditions were maintained.

It is further ordered, That United be and it hereby is directed to mail as soon as practicable to each of its common stockholders of record this date a copy of our findings and opinion of June 15, 1951, and a copy of this memorandum opinion and order.

It is further ordered and recited, that in accordance with the requirements of the Internal Revenue Code, as amended, including sections 371 and 1808 (f) thereof, said exchanges and transactions, namely,

(1) The acquisition by United of its common stock for cash from holders of 99 shares or less of such common stock, and the surrender by such holders of such common stock,

(2) The acquisition by United from holders of 100 shares or more of its common stock, and the surrender by such holders, of common stock of United in exchange for Niagara Mohawk common stock,

(3) The sales, if any, by United of additional common stock of Niagara Mohawk in an amount sufficient to reduce its holdings of voting stock of that corporation to not in excess of 4.9 percent,

(4) The sale by United of all of its holdings of the common stock of South Jersey Gas Company, and

(5) The sale by United of sufficient shares of the common stock of The Columbia Gas System, Inc. and of the capital stock of The United Gas Improvement Company to reduce its holdings of the voting stock of each of those companies to not in excess of 4.9 percent,

all pursuant to the plan as amended, are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7575; Filed, July 2, 1951; 8:47 a. m.]

[File Nos. 54-194, 59-12]

ELECTRIC BOND AND SHARE CO. AND NATIONAL POWER & LIGHT CO.

ORDER APPROVING PLAN, AND GRANTING APPLICATION WITH RESPECT TO SALE OF SECURITIES, AND MODIFICATION OF DISSOLUTION ORDER, AND TERMINATION OF REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June A. D. 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its registered holding company subsidiary, National Power & Light Company ("National"), having filed a joint application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan proposing (a) the sale by Bond and Share to Phoenix Industries Corporation ("Phoenix") of its holdings of 2,540,450 shares (46.5%) of the common stock of National at a price of 45 cents per share, and in further consideration of Phoenix offering to purchase the publicly held stock of National at the same price (subject to payment of transfer taxes); (b) modification of the Commission's order of August 23, 1941 (9 S. E. C. 978) directing the dissolution of National; and (c) entry of an order under section 5 (d) of the act terminating the registration of National as a registered holding company; and

A public hearing having been held on the proposed plan after appropriate notice, and the Commission having considered the record and having this day entered its findings and opinion approving said plan; having found that the proposed transactions meet the applicable statutory standards; and

The Commission finding that upon consummation of the sale of National stock by Bond and Share to Phoenix, National will cease to be a holding company, and the Commission also finding it appropriate to modify the order of dissolution directed to National for the reasons set forth in said findings and opinion:

Bond and Share having requested that the order of the Commission in so far as it relates to the transactions of Bond and Share, conform to the requirements of section 1808 (f) and supplement R of the Internal Revenue Code, as amended, and contain the findings therein specified:

It is ordered, Pursuant to section 11 (e) and the other applicable sections of the act that the said plan and the transactions therein proposed are approved and authorized effective forthwith, except as noted below:

It is further ordered, That effective upon consummation of the sale by Bond and Share to Phoenix of the former's holdings of the National stock:

(a) The dissolution order of August 23, 1941, directed to National be, and the same hereby is, modified so as to permit the continued existence of National; and

(b) Pursuant to section 5 (d) of the act National will have ceased to be a holding company, and the registration of that company will cease to be in effect.

It is further ordered and recited, That the sale by Bond and Share to Phoenix of the 2,540,450 shares of common stock of National owned by Bond and Share, and the transactions related thereto, are necessary or appropriate to the simplification of the holding company system of Bond and Share, and necessary or appropriate to effectuate the provisions of section 11 (b) of the act, within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7577; Filed, July 2, 1951; 8:47 a. m.]

[Filed No. 70-2614]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of June A. D. 1951.

Allentown-Bethlehem Gas Company ("Allentown"), a gas utility subsidiary company of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated under the Act regarding the following transactions:

Allentown proposes to issue and sell for $1,500,000 in cash, $1,500,000 principal amount of its First Mortgage Bonds due 1976. Such bonds are to be issued under and secured by the first mortgage dated April 1, 1924, of Allentown to Fidelity Trust Company, Trustee (under which Fidelity-Philadelphia Trust Company is Successor Trustee) and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of June 1, 1951, to be entered into between Allentown and said Trustee. The application, as amended, states that the proceeds from the sale of such bonds will be used by Allentown to repay short-term bank loans totaling $515,000; to repay the balance of certain advances made by The United Gas Improvement Company, presently totaling $595,000; and to apply the remaining amount, after expenses, toward Allentown's 1951 construction program estimated to cost in the aggregate $1,238,770.

The Commission, on May 17, 1951, having issued its order granting the request of Allentown for an exception from the competitive bidding requirements of Rule U-50 with respect to the sale of the bonds, after a public hearing, but having reserved jurisdiction with respect to the terms of the proposed bonds and all other aspects of the proposed transaction; and

Allentown having invited sealed bids for the purchase, as a whole, of its proposed bonds from eleven separate prospective purchasers and having filed an amendment stating that an agreement has been entered into for the sale of said bonds at the principal amount, providing an interest rate of 3.348 percent and representing the lower cost of money to the Company of two bids received, to the following institutions in the principal amounts indicated:

The Philadelphia Saving Fund Society, Philadelphia, Pa	$600,000
The Dollar Savings Bank, Pittsburgh, Pa	400,000
The Beneficial Saving Fund Society of Philadelphia	300,000
The Trustees of the University of Pensylvania, Philadelphia, Pa	200,000

Applicant having further stated that the proposed purchasers will acquire such bonds for their own account for investment and not for resale or distribution and having requested that the

[1] The United Corporation, — S. E. C. —, Holding Company Act Release No. 10614.

[2] The United Gas Improvement Company, S. E. C. — (1951), Holding Company Act Release No. 10624. United's acceptance of that exchange offer was approved by us in *The United Corporation*, Holding Company Act Release No. 10626. With respect to any Niagara Mohawk common stock in excess of 4.9 percent of the outstanding voting stock of that company which may still be held by United after the consummation of the exchange offer, the plan as amended provides that sale of such excess shall be made on the New York Stock Exchange and shall be pursuant to an effective registration statement filed under the Securities Act of 1933 if this Commission should determine that such registration is required.

Commission's order granting the application, as amended, be effective upon issuance; and

The Company having estimated the total expenses of the proposed transtion to be $6,000; and

The Commission having examined said amendments and finding that the proposed issue and sale of bonds have been expressly authorized by the Pennsylvania Public Utility Commission, which is the regulatory Commission of the State in which the Company is organized and doing business, and further finding no basis for the imposition of terms and conditions with respect to the issue and sale of said bonds other than those contained in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith;

It is ordered, That the jurisdiction heretofore reserved with respect to the issue and sale of said bonds, the result of negotiations, and other matters in connection with the proposed transactions be, and the same hereby is, released and that the application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7576; Filed, July 2, 1951; 8:47 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

ORDER PERMITTING ISSUANCE AND SALE OF MAXIMUM OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AND GRANTING REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of June 1951.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri; File No. 70-2647.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and Electric Energy Inc. ("Electric Energy"), a public utility subsidiary of Middle South and Union Electric, have filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 (the "act"), regarding (i) the issuance and sale by Electric Energy to two insurance companies of a maximum of $100,000,000 principal amount of 3 percent First Mortgage Sinking Fund Bonds, due December 1, 1979, and (ii) the execution by all the applicants-declarants of certain related contracts. Electric Energy has requested that said issuance and sale of bonds be exempted from the competitive bidding requirements of Rule U-50 promulgated under the act.

Said joint application-declaration, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the record in the matter and having filed this day its memorandum opinion herein and finding for the reasons set forth in said memorandum opinion that it is appropriate to grant the application and permit the declaration to become effective, and to grant the requested exemption from the competitive bidding requirements of Rule U-50;

It is ordered, Pursuant to Rule U-23 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, and that the issuance and sale of bonds by Electric Energy be, and the same hereby is, exempted from the competitive bidding requirements of Rule U-50, all subject to the terms and conditions prescribed in Rule U-24 and subject to the further conditions that this order, our prior opinion herein, as well as any contracts or relationships then existing will not be pleaded in any proceedings commenced in connection with the reserved issues under section 10 of the act.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7574; Filed, July 2, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18010]

K. P. MANUS

In re: Stock registered in the name of K. P. Manus, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1362.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of K. P. Manus, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. The United States Leather Company common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 5430.

2. Southern Railway Company common stock no par value evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

10-share certificates. 5408, 5409, 5410, 6775, 8228, 100209, 101243.

[F. R. Doc. 51-7612; Filed, July 2, 1951; 8:50 a. m.]

[Vesting Order 18011]

DUPONT & FURLAND

In re: Stock registered in the name of Dupont & Furland, Paris, France, and owned by persons whose names are unknown. F-27-6471.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Dupont & Furland (as stated by General Electric Company in its report on Form OAP-700, bearing its Serial No. 7), together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

General Electric Company no par value common stock evidenced by the certificates, whose numbers are set forth below, for the number of shares indicated:

	Shares
NYD 87551	12
NYD 94890	14
NYD 94984	14
NYD 251100	36
NYD 251183	42
NYD 251184	42

[F. R. Doc. 51-7613; Filed, July 2, 1951; 8:50 a. m.]

[Vesting Order 18012]

BANQUE DUPONT & FURLAND

In re: Stock registered in the name of Banque DuPont & Furland, Paris, France, and owned by persons whose names are unknown. F-27-6471.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Banque DuPont & Furland, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

General Electric Company no par value common stock evidenced by the certificates whose numbers are set forth below for the number of shares indicated:

	Shares
NYE 218275	1
NYE 218276	1
NYE 218277	2
NYE 218278	5
NYE 218279	5
NYE 218280	6
NYE 218281	6
NYE 218282	10
NYE 218283	10
NYE 218284	15
NYE 218285	20
NYE 218286	20
NYE 218287	20
NYE 218288	40
NYE 218289	50
NYE 218290	50

[F. R. Doc. 51-7614; Filed, July 2, 1951; 8:50 a. m.]

[Vesting Order 18015]

DORA AGNES CREDE AND KATHLEEN A. KUNATH

In re: Rights of Dora Agnes Crede and Kathleen A. Kunath under insur-

ance contracts. Files No. F–28–24783–H–1, H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Agnes Crede and Kathleen A. Kunath, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 6,774,851 and 9,142,876, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Dora Agnes Crede, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Dora Agnes Crede or Kathleen A. Kunath, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7615; Filed, July 2, 1951; 8:50 a. m.]

[Vesting Order 18027]

LUISE DEGEN REINBOLD

In re: Rights of Luise Degen Reinbold under insurance contract. File No. F–28–31448–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Degen Reinbold, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Luise Degen Reinbold under a contract of insurance evidenced by policy No. 127 075 898, issued by the Metropolitan Life Insurance Company, New York, New York, to Luise Degen Reinbold, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Otto Degen, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7616; Filed, July 2, 1951; 8:51 a. m.]

[Vesting Order 18028]

RICHARD ROHN ET AL.

In re: Rights of Richard Rohn et al. under insurance contract. File No. F–28–31144–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Rohn and Virginia Rohn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. M 3128705, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Richard Rohn, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Rohn or Virginia Rohn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7617; Filed, July 2, 1951; 8:51 a. m.]

[Vesting Order 18037]

YOSHICHI HATADA

In re: Cash owned by Yoshichi Hatada. D–39–3951.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshichi Hatada, whose last known address is Konu Gun Kamikawa Son Yasuda, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $350.00 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals whose Whereabouts are Unknown", in the name of Yoshichi Hatada, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7618; Filed, July 2, 1951; 8:51 a. m.]

[Vesting Order 18038]

SEIZO KIMURA ET AL.

In re: Funds owned by Seizo Kimura, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are listed in Exhibit A, set forth below and by reference made a part hereof, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn for the payment of tax refunds authorized by the Bureau of Internal Revenue for the persons whose names are listed on the aforesaid Exhibit A, and in the amounts as of January 1, 1947, as set forth opposite each such name, together with any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address	Amount deposited as of Jan. 1, 1947	Office of Alien Property file No.
Seizo Kimura, Japan	$5.65	F–39–2609
Wooyeno Mareo, Japan	276.16	F–39–6926
Y. Toyomoto, Japan	751.25	D–39–16992
Shigeto Tsuru, Japan	335.37	F–39–6945
Kazuko Tsurumi, Japan	31.14	D–39–16911

[F. R. Doc. 51–7619; Filed, July 2, 1951; 8:51 a. m.]

[Vesting Order 18056]

EDMUND AMMANN

In re: Estate of Edmund Ammann, deceased. File No. D–28–13005.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Haas, Marie Grune (Gruen) and Maria Scholz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Edmund Ammann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by S. Charles Savena, as substituted administrator, c. t. a., acting under the judicial supervision of the Bergen County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–7621; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 18076]

GESKEANNA SOEKEN

In re: Estate of Geskeanna Soeken, deceased. File D 28–13018 E. T. sec. 17144.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhardine Ostendoerp, nee Tebbens, Gretjelina Moehlmann, nee Tebbens, Heyo Tebbens, Hinrich Tebbens, Johannes Tebbens, Karl Tebbens, Hilkea Cordes, nee Heger, Casjen Heger, Hinriette Gesine Luehrsen, nee Heger, Joanna Gretchen Bernhardine Michelis, nee Heger, and Johanna Sophis Heger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Geskeanna Soeken, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Soeken, Administrator, acting under the judicial supervision of the Probate Court of Barton County, State of Kansas,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-7622; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 18088]

MARCEL W. STENGEL

In re: Estate of Marcel W. Stengel, deceased. File No. F-63-9775 and A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz George Max Kuhnle and Jacob Christian Kuhnle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Erna Kuhnel, nee Kuhnle, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marcel W. Stengel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by James J. Geraghty, as temporary administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Erna Kuhnel, nee Kuhnle, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7623; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 18043]

DR. LUDWIG RIECHELMANN ET AL.

In re: Stock owned by Dr. Ludwig Riechelmann and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Name and Addresses

Dr. Ludwig Riechelmann, Gotha, Germany.
Max Welz, Frankfort-on-Main, Germany.
Rudolph Kaul, Cologne, Germany.
F. Anton Mettel, Minden, Westphalia, Germany.
Anna Knoetzke, Berlin NW, Germany.
Fritz Ortenbach and Sophie Ortenbach, Heidelberg, Germany.
Karl Erich Dubuse, Eifel, Germany.
Johann Peter Arns, Remscheid, Germany.
Oskar de Roche, Wiesbaden, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock described in Exhibit A attached hereto and by reference made a part hereof, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, in a blocked account entitled "Banque Commerciale, S. A., Luxembourg", together with all declared and unpaid dividends thereon, and

b. A fractional one-half (½) share of no par value common capital stock of Wheeling Steel Corporation, Wheeling, West Virginia, a corporation organized under the laws of the State of Delaware, evidenced by a one-half (½) part of a certificate for one share of no par value common capital stock of the aforesaid corporation, presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, and by the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

Issuing company	Class of stock	Certificate Nos.	Number of shares
Adams Express Co., 40 Wall St., New York, N. Y.	Common..	NO134005...	3
Colgate-Palm Olive Peet Co., 105 Hudson St., Jersey City, N. J.	...do.....	NC/0136585-NO4102[1]....	2 1/20
International Paper Co., 220 East 42d St., New York 17, N. Y.	...do.....	NO59471.... NSB27301...	39 ½
Wheeling Steel Corp., Wheeling, W. Va.	...do.....	NC060450 NC011280	10 12

[1] Fractional script certificate in bearer form.

[F. R. Doc. 51-7620; Filed, July 2, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 129

Washington, Wednesday, July 4, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2934

SUPPLEMENTAL QUOTA ON IMPORTS OF LONG-STAPLE COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624), the President issued a proclamation on September 5, 1939 (No. 2351, 54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part or modified by the President's proclamations of December 19, 1940 (No. 2450, 54 Stat. 2769), March 31, 1942 (No. 2544, 56 Stat. 1944), June 29, 1942 (No. 2560, 56 Stat. 1963), February 1, 1947 (No. 2715, 61 Stat. 1049), June 9, 1947 (No. 2734, 61 Stat. 1071), July 20, 1948 (No. 2800, 62 Stat. 1534), September 3, 1949 (No. 2856, 63 Stat. 1294), October 4, 1950 (No. 2905, 15 F. R. 6801), and October 12, 1950 (No. 2907, 15 F. R. 6953); and

WHEREAS the said proclamation of September 5, 1939, as suspended in part and modified, provides that the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length which may be entered, or withdrawn from warehouse, for consumption in any year commencing February 1 shall not exceed 45,656,420 pounds; and

WHEREAS the limitation on the entry of cotton having a staple of 1⅛ inches or more in length was imposed by the said proclamation of September 5, 1939 after a finding by the President, on the basis of an investigation and report of the United States Tariff Commission made under the provisions of the said section 22 of the Agricultural Adjustment Act of 1933, as amended, that such cotton was being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended; and

WHEREAS the imposition of annual quotas on cotton having a staple of 1⅛ inches or more in length was recommended by the United States Tariff Commission in its report (Report No. 137, 2d Series) in connection with which it was stated, in finding No. 5, that the quotas recommended "will prevent imports from interfering with the cotton program and at the same time will permit American industry to secure needed supplies of specialized types of cotton"; and

WHEREAS the total quantity of cotton having a staple of 1⅛ inches or more but less than 1 11/16 inches in length which may be entered for consumption or withdrawn from warehouse for consumption under the said proclamation of September 5, 1939, as suspended in part and modified, during the quota year ending at the close of January 31, 1952, has already been entered, or withdrawn from warehouse, for consumption; and

WHEREAS pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as further amended by the acts of January 25, 1940, 54 Stat. 17, and July 3, 1948, 62 Stat. 1247, 1248, and by Public Law 579, 81st Congress, approved June 28, 1950, the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the said proclamation of September 5, 1939, to permit an additional quantity of harsh or rough cotton having a staple of 1⅛ inches or more but less than 1⅜ inches in length to be entered, or withdrawn from warehouse, for consumption during the remainder of the quota year ending at the close of January 31, 1952, in order to meet the special requirements of domestic manufacturers for this particular type of cotton; and

WHEREAS in the course of the said supplemental investigation, after due notice, a public hearing was held on June 13, 1951, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

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FEDERAL REGISTER

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1949 Edition

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WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture; and

WHEREAS the Commission has recommended that an additional quantity of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of $1\frac{3}{16}$ inches or more but less than $1\frac{3}{8}$ inches in length be permitted entry during the quota year ending at the close of January 31, 1952, in order to enable domestic users to obtain their essential requirements for such cotton:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the said supplemental investigation and report of the United States Tariff Commission, that changed circumstances require the modification of the said proclamation of September 5, 1939, as suspended in part and modified, so as to permit the entry for consumption, or withdrawal from warehouse for consumption, during the quota year ending at the close of January 31, 1952, of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of $1\frac{3}{16}$ inches or more but less than $1\frac{3}{8}$ inches in length, in addition to the quantity of cotton having a staple of $1\frac{1}{4}$ inches or more but less than $1\frac{11}{16}$ inches in length the entry of which has already been made during the said quota year under the said proclamation of September 5, 1939, as suspended in part and modified, which additional quantity I find should be permitted entry to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the said proclamation of September 5, 1939, so as to permit during the quota year ending at the close of January 31, 1952, the entry for consumption, or withdrawal from warehouse for consumption, of an additional quantity of 1,500,000 pounds of harsh or rough cotton (except cotton of perished staple, grabbots, and cotton pickings), white in color, and having a staple of $1\frac{3}{16}$ inches or more but less than $1\frac{3}{8}$ inches in length, which additional quantity I hereby find and declare may be entered for consumption, or withdrawn from warehouse for consumption, during such quota year without rendering or tending to render ineffective or materially interfering with the domestic program undertaken with respect to cotton, or reducing substantially the amount of any product processed in the United States from cotton produced in the United States.

This proclamation shall become effective on the fifth day after the date thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of June in the year of our Lord nineteen hundred and [SEAL] and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-7817: Filed, July 2, 1951; 4:47 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter C—Regulations Issued by the Federal Land Bank

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

FEES

Section 21.1 of Title 6, Code of Federal Regulations, is rescinded.

(Sec. 13 "Ninth", 39 Stat. 372; 12 U. S. C. 781 "Ninth") (Res. Bd. Dir. June 18, 1951)

FEDERAL LAND BANK OF SPRINGFIELD,
[SEAL] HAROLD F. JOHNSON,
Secretary.

[F. R. Doc. 51-7716; Filed, July 3, 1951; 9:01 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 643—OILSEEDS

SUBPART—1951-CROP CASTOR BEAN PRODUCTION AND PROCUREMENT PROGRAM

§ 643.567 *1951-crop castor beans.* In order to assure increased supplies of castor oil for National defense purposes, the Secretary of Agriculture is carrying out, through Commodity Credit Corporation, a program for the domestic production and procurement of 1951-crop castor beans on an estimated 78,000 acres. The program is being made available to farmers who enter into contracts either with Commodity Credit Corporation, or with private companies under contract with Commodity Credit Corporation, in areas for which adapted seed is available within the States of Oklahoma, Texas, California, Arizona, and any other State approved by the President of Commodity Credit Corporation. Detailed terms and conditions under which castor beans will be purchased are contained in such contracts with farmers. Generally, the price to be paid farmers for castor beans will be the higher of 10 cents per pound or the market price in effect at the time and place of delivery, upon the basis of the adjusted net weight determined by making certain deductions from the out-of-hull weight of the castor beans for excess moisture, foreign material, and cracked and broken beans. The market price will be determined under a formula approved by the President of CCC, using the estimated average yield of castor oil and pomace multiplied by the respective market prices for castor oil and pomace, less usual commercial margins for processing, storage, transportation, and other costs. Premiums above the prices so determined will be paid for certain improved varieties of castor beans retained for planting seed. The production of castor beans is being encouraged in concentrated areas to facilitate receiving and hulling of beans. Technical guidance will be available to farmers participating in the program, and harvesting machinery will be available for rental or purchase by farmers and toll operators of farm machinery. Information and contract forms with respect to the program may be obtained from the appropriate State committee of the Production and Marketing Administration in areas where the program is in operation or by writing to the Fats and Oils Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; sec. 704, Pub. Law 774, 81st Cong.; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 303, 304, Pub. Law 774, 81st Cong.; 15 U. S. C. Sup., 714c)

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corp.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corp.

[F. R. Doc. 51-7707; Filed, July 3, 1951; 8:57 a. m.]

PART 674—FARM STORAGE FACILITIES

SUBPART—FARM STORAGE FACILITY LOAN PROGRAM

This bulletin states the requirements with respect to the Farm Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
674.135 Administration.
674.136 Availability of loans.
674.137 Approved lending agencies.
674.138 Eligible borrowers.
674.139 Eligible structures.
674.140 Terms and conditions of loan.
674.141 Disbursement of loan.
674.142 Service fees.
674.143 Sale or conveyance of security.

AUTHORITY: §§ 674.135 to 674.143, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C. Sup., 714c.

§ 674.135 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State PMA and PMA county committees (hereinafter called state and county committees). State and county committees do not have authority to modify or waive any provisions of this bulletin or amendments or supplements hereto.

§ 674.136 *Availability of loans*—(a) *Area.* Loans will be available in all States.

(b) *Time.* Loan applications may be submitted from July 1, 1951, through June 30, 1952.

(c) *Source.* All forms and documents will be made available through the offices of county committees. Disbursements on loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the State committee.

§ 674.137 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans (Form PMA 97B or other form prescribed by CCC).

§ 674.138 *Eligible borrowers.* Any person who, as tenant, landlord, or land owner-operator, produces one or more of the commodities listed in § 674.139, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing or constructing a facility, will be eligible for loans for the purchase or construction of eligible storage facilities needed by them, except that tenants will not be eligible for loans on immovable facilities unless the property on which the facility is to be located is held under an assignable long term lease (i. e., a lease which will run at least ten years beyond maturity of the loan) and the tenant has obtained, either in the lease or separately, the written consent of the owner of the land to construct the facility thereon. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.139 *Eligible structures.* (a) New farm storage facilities of movable or immovable type, and additions to existing immovable facilities, which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date application is made, will be eligible under this program provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, or peanuts produced by or on land owned by the eligible borrower: *And provided, further,* That loans for the construction of immovable facilities for cottonseed, beans, peas, or peanuts, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available for the repair, remodeling, refinancing, or maintenance of existing facilities; for the purchase of secondhand facilities; to provide storage facilities for commodities which the borrower intends to purchase or store for others; or to provide storage facilities which the borrower intends to lease to others, except in the case of landlords who rent the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.140 *Terms and conditions of loan*—(a) Term. The maximum term of the loan will be approximately five years, except that the term of an individual loan may be extended for one year by the county committee in case of catastrophic losses of crops or other conditions beyond the control of the borrower. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitute a salable unit. A first mortgage will be required except that where a first mortgage is not obtainable, a second mortgage loan may be made provided the prior lien on the farm is small enough that the borrower's equity in the farm, in the opinion of the county committee, is sufficient to assure his continued tenure of the farm, and provided the prior lien-holder subordinates his lien as to the structure and the site on which it is located, with the right of access to the storage facility. No second mortgage loans will be made on structures not located on the farm.

(b) *Amount of loan.* The maximum amount loaned shall be $30 per ton of the rated storage capacity for cottonseed and forty-five cents (45¢) per bushel for all other commodities, or eighty-five percent (85%) of the cost incurred whichever is less. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated. In determining the cost incurred, the applicant's and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded. In computing the capacity of the storage facility, two and one-half (2½) cubic feet shall be considered equivalent to one bushel of ear corn, ninety (90) cubic feet equivalent to one ton of cottonseed, and one and one-fourth (1¼) cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning the next January 31 following the fiscal year period July 1 through June 30, in which the loan is made. CCC shall be authorized to prepay, or require the borrower to prepay, the amount of any annual installment out of the proceeds from any price support loan or purchase agreement due the borrower within 12 months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts (except amounts due the borrower out of appropriated funds when the loan is held by a lending agency) due the borrower under any program carried out by the Department of Agriculture. In addition, any farm-storage payments due the borrower by CCC for storage of commodities in such farm-storage facilities may be applied to any installment past due or next maturing, and any excess thereover may be applied on the remaining principal. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of farm-storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

(d) *Insurance.* If the total amount loaned is $1,000 or more, insurance on a movable storage facility shall be required in an amount sufficient to cover the loan and with coverage for hazards existent in the area. Insurance shall be required on an immovable storage facility in like amount and coverage regardless of the size of the loan. All insurance shall be maintained during the life of the loan and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of a note secured by the storage facility as their interests may appear.

(e) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid. The borrower shall not use the facility for any purpose other than the storage of grain in the production of which he has an interest without the written consent of the State PMA Committee, except that landlords may rent the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.141 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility or on a partial advance plan, as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 674.142 *Service fees.* There shall be collected from the applicant at the time the application is made, a service fee of eighteen cents (18¢) per ton of the rated storage capacity of the structure to be acquired or erected for the storage of cottonseed and a fee of ¼ cent per bushel of the rated capacity for all other commodities, but in no case shall the fee be less than $2.50. If the loan is rejected or is not completed, the minimum fee of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.143 *Sale or conveyance of security.* When a borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-7708; Filed, July 3, 1951; 8:57 a. m.]

PART 674—FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE THE PURCHASE OF MECHANICAL DRIERS FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program to Finance the Purchase of Driers for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
674.155 Administration.
674.156 Availability of loans.
674.157 Approved lending agencies.
674.158 Eligible borrowers.
674.159 Eligible driers.
674.160 Terms and conditions of loan.
674.161 Disbursement of loans.
674.162 Service charges.
674.163 Sale or conveyance of security.

AUTHORITY: §§ 674.155 to 674.163, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c.

§ 674.155 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State PMA and PMA County committees (hereinafter called state and county committees). State and county committees do not have authority to modify or waive any provisions of this bulletin or amendments or supplements hereto.

§ 674.156 *Availability of loans*—(a) *Area.* Loans will be available in any state in the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1951, through June 30, 1952.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Application for loan shall, in either case, be made to the county committee.

(d) *Approved forms.* Approved forms shall consist of "Application for Loan on Storage Equipment", "Storage Equipment Loan Commitment", "Promissory Note-Storage Equipment Loans", "Storage Equipment Chattel Mortgage", "Assumption Agreement", and such other forms as may be prescribed by CCC. Forms may be obtained from the office of the county committee for both direct and lending agency loans.

§ 674.157 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans (Commodity Credit Corporation Form 505 or other form prescribed by CCC).

§ 674.158 *Eligible borrowers.* Any person who as tenant, landlord, or land owner-operator produces one or more of the commodities listed in § 674.159, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing such equipment, will be eligible for loans for the purchase of mechanical driers needed by them, provided such persons have storage facilities suitable for adaptation to artificial drying. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.159 *Eligible driers.* (a) New mechanical driers of a mobile type which have been approved on the basis of the borrower's facilities and requirements by the county committee in accordance with instructions issued by the President of Commodity Credit Corporation will be eligible under this program provided such driers are to be used in connection with the storage of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flax, rice, dry edible beans and peas, peanuts, or cottonseed.

(b) Loans will not be available for repair, maintenance, or reconditioning of driers, nor for the purchase of second hand driers, nor for the purchase of driers for use in connection with the storage of commodities which the borrower intends to purchase or store for others.

§ 674.160 *Terms and conditions of loan*—(a) *Term.* The maximum term of the loan will be for a period of approximately three years, except that the term of particular loans may be extended, at the option of CCC, under conditions prescribed by the President, CCC. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages covering the driers.

(b) *Amount of loan.* The maximum amount to be loaned on any single drier will be seventy-five percent of the delivered cost to the producer of such drier.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning the next January 31 following the fiscal year period, July 1 through June 30, in which the loan is made. CCC shall be authorized to prepay or require the borrower to prepay the amount of any annual installment out of the proceeds from any price support loan or purchase agreement due the borrower within twelve months preceding the date on which the installment falls due. Any past due installment may be deducted and paid out of any amounts (except amounts due the borrower out of appropriated funds when the loan is held by a lending agency) due the borrower under any program carried out by the Department of Agriculture. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee should be requested to release the mortgage of record by filing an instrument of release or by a marginal release on the county records. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage. The chairman of each county committee is authorized to act as agent of CCC in executing or obtaining such releases.

(d) *Insurance.* The borrower will be required to provide insurance in an amount sufficient to cover the loan, and with coverage for fire and other hazards common to the area for such equipment, as determined necessary by the county committee. The insurance shall be maintained during the life of the loan, shall contain a loss payable clause in favor of the holder of the note and CCC, as their interest may appear, and the cost shall be borne by the borrower.

(e) *Maintaining driers.* The borrower shall be required to maintain the drier in good condition and repair.

§ 674.161 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or direct by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by State PMA Offices.

§ 674.162 *Service charges.* A service charge (fee) of $2.50 or .5 of one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.163 *Sale of conveyance of security.* When a borrower desires to sell or convey the mechanical drier securing a loan without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mechanical driers located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 29th day of June 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-7709; Filed, July 3, 1951; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

On June 5, 1951, notice was published in the FEDERAL REGISTER (F. R. Doc. 51-6481; 16 F. R. 5280) regarding proposed issuance of regulations governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any future act of Congress conferring like authority.

These regulations are essentially the same as Part 55 with respect to dairy products and the only principal revisions and additions made are as follows: The hourly rate for the grading service is increased from $3.00 to $3.60; a new fee schedule is included to cover the grading of swiss cheese; and a new section provides for denial of grading service under certain conditions involving fraudulent grade labeling practices by users of the service.

After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the Department finds that it is unnecessary and contrary to the public interest to postpone the effective date of these regulations until 30 days after publication in the FEDERAL REGISTER, because: (1) Promulgation of these rules and regulations superseding Part 55 with respect to Dairy Products, is necessary for continuation without interruption of the grading and inspection services on dairy products, and (2) Applicants for the service will not experience any hardship by virtue of any additional requirements that may be contained in Part 58, nor need there be any special preparations made; therefore, the rules and regulations hereinafter set forth are promulgated to become effective July 1, 1951.

The rules and regulations are as follows:

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AUTHORITY: §§ 58.1 to 58.64 issued under sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624.

DEFINITIONS

§ 58.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 58.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) *Act.* "Act" means the following provisions of the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong.), or any future act of Congress conferring like authority:

• • • For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered • • •

(b) *Administration.* "Administration" means the Production and Marketing Administration of the Department.

(c) *Administrator.* "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated by the Administrator, the authority to act in his stead.

(d) *Applicant.* "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(e) *Class.* "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(f) *Condition.* "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(g) *Department.* "Department" means the United States Department of Agriculture.

(h) *Grader.* "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, and condition of such products.

(i) *Grading.* "Grading" means (1) the act of determining, according to the regulations, the class, quality, or condition of any product by examining each unit thereof or a representative sample drawn by a grader or sampler; (2) the act of issuing a grading certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official identification pursuant to the act and this part.

(j) *Grading certificate.* "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the act and this part, relative to the class, quality, and condition of products.

(k) *Grading service.* "Grading service" or "continuous inspection" means (1) any grading, in accordance with the act and the regulations, of any product;

(2) continuous supervision, including quality control, in any official plant, of the preparation or packaging of any product; (3) any regrading of any previously graded product; or (4) any appeal grading of any previously graded product.

(l) *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the condition of products.

(m) *Interested party.* "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(n) *Office of grading.* "Office of grading" means the office of any grader, sampler, or inspector.

(o) *Official identification.* "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product.

(p) *Official plant.* "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(q) *Person.* "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(r) *Product or products.* "Product" or "products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, or condensed), and such other perishable farm products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product.

(s) *Quality.* "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(t) *Regulations.* "Regulations" means the provisions of this part.

(u) *Sampler.* "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(v) *Sampling.* "Sampling" means the act of taking samples of any product for grading.

(w) *Sampling report.* "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(x) *Secretary.* "Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(y) *Supervisor of packaging.* "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

ADMINISTRATION

§ 58.3 *Authority.* The administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement and administration of the provisions of the act and this part.

GRADING SERVICE

§ 58.4 *Kind of service.* Any grading service performed in accordance with this part may be for class, quality, and condition, or any combination thereof, and such service shall be subject to supervision at any time by the Administrator.

§ 58.5 *Where grading service is offered.* Any product may be graded, inspected, and sampled wherever a grader, sampler, or inspector is available and the facilities and the conditions are satisfactory for the conduct of the grading service.

§ 58.6 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

APPLICATION FOR GRADING, INSPECTION AND SAMPLING

§ 58.7 *Who may obtain grading, inspection and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 58.8 *How to make application.* An application for any grading service may be made in any office of grading, or with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

§ 58.9 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 58.10 *Granting of application.* An application for continuous inspection may be approved only with respect to an official plant.

§ 58.11 *When application may be rejected.* Any application for grading service or sampling service may be rejected by the Administrator (a) whenever the product involvd is owned by, or located on the premises of, a person currently denied the benefits of the act, or (b) for noncompliance by the applicant with the act or the regulations; and each such applicant shall be notified immediately of the reasons for the rejection.

§ 58.12 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.13 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required in the discretion of the Administrator.

§ 58.14 *Accessibility and condition of product.* Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, or condition of such product.

§ 58.15 *Disposition of graded product.* Any product, or sample thereof, which has been graded may be returned to the applicant at his request and at his expense if such request was made at the time of application for the grading service. In the event the aforesaid request was not made at the time of application for the grading service, the product or sample may be disposed of in such manner as the Administrator may approve.

§ 58.16 *Basis of grading service.* Products shall be graded in accordance with such standards, methods, and instructions as may be issued, or approved, by the Administrator. The supervision of packaging graded products shall be in accordance with such instructions as may be issued, or approved, by the Administrator.

§ 58.17 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal grading.

§ 58.18 *Grading certificates and sampling report forms.* Grading certificates (including appeal grading certificates and regrading certificates) and sampling report forms shall be issued on forms approved by the Administrator.

§ 58.19 *Grading certificate issuance.* Each grader and each inspector shall issue a grading certificate covering each product graded; but in no case shall a grader or inspector sign any certificate covering any product not graded by him.

§ 58.20 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 58.19, and not to exceed four copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 58.41.

§ 58.21 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at applicant's expense.

APPEAL GRADING AND REGRADING

§ 58.22 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 58.23 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor, (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 58.24 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 58.25 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

§ 58.26 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 58.27 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 58.17.

§ 58.28 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 58.29 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 58.30 *Regrading of a graded product; application for regrading of a graded product*—(a) *Regrading of a graded product.* Whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(b) *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 58.31 *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 58.18 to § 58.21, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 58.32 *Superseded certificates.* When any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedure, shall no longer represent the class, quality, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

AUTHORIZATION AND LICENSING OF GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 58.33 *Who may be authorized or licensed.* Any person possessing proper qualifications, as determined by an examination for competency, held at such time and in such manner as may be prescribed by the Administrator, may, (a) if an employee of the Department, be authorized by the Secretary, or (b) if not an employee, be licensed by the Secretary, as a grader, inspector, sampler, or supervisor of packaging for the performance of the applicable duties. Each prospective licensee, other than a State employee, shall, prior to the issuance of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such person as a licensee under the act and this part. Each authorization, and each license, issued by the Secretary shall be countersigned by the Administrator.

§ 58.34 *Suspension or revocation of authority or license.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the authority or license issued to any person pursuant to this part, by giving written notice of such suspension to such person, accompanied by a statement of the reasons therefor. Within seven days after receipt of the aforesaid notice, such person may file a written appeal with the Secretary, supported by any argument or evidence such person may wish to offer as to why his authority or license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation.

§ 58.35 *Cancellation of authority or license.* Upon termination of any person's services as a grader, inspector, sampler, or supervisor of packaging, he shall surender the authority or license, issued to him pursuant to this part, for cancellation by the Administrator.

§ 58.36 *Surrender of authority or license.* Each authority, and each license, that is suspended or revoked, or has expired, shall be surrendered by the holder thereof to his immediate superior.

FEES AND CHARGES

§ 58.37 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party, making the application for such grading service, in accordance with the applicable provisions of this section and § 58.38 to § 58.48, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service performed by any grader, inspector, or sampler who is a salaried employee of the Department, shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 58.38 *On a fee basis.* (a) Unless otherwise provided herein, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in § 58.43 to § 58.46, both inclusive.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 58.43 to § 58.46, both inclusive, but shall be based on the time required to perform such service and the travel of each grader, inspector, sampler, and supervisor of packaging at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that grading service be performed (1) on a holiday, he may be charged a rate double the rate otherwise applicable, and (2) on a non-work day, he may be charged a rate one and one-half times the otherwise applicable rate.

§ 58.39 *Fees for grading samples.* The fee to be charged for the grading of each lot of samples of any product shall be based on the actual time required to perform the service and shall be at the rate of $3.60 per hour, with a minimum charge of $1.80 for each such lot of samples.

§ 58.40 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fees specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 58.41 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 58.20, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five, or fewer copies.

§ 58.42 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service.

§ 58.43 *Butter and cheese grading fees.* For each grading or regrading of any lot of butter, cheddar cheese, or swiss cheese, the following fees, on the basis of the net weight of such lot or the actual number of churnings of butter, vats of cheddar cheese, or wheels of swiss cheese comprising such lot, shall be applicable:

(a) When all the packages in any such lot are not individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	2.70
For 1,501 to 3,000 pounds, inclusive	3.60
For 3,001 to 6,000 pounds, inclusive	4.50
For 6,001 to 10,000 pounds, inclusive	6.50
For 10,001 to 15,000 pounds, inclusive	8.50
For 15,001 to 20,000 pounds, inclusive	10.50
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds	2.50

(b) When all the packages in any such lot are individually identified by churning of butter or vat of cheddar cheese, the following fees shall be effective:

For 5 or less churnings or vats (total weight less than 18,000 pounds)	$2.00
For each additional churning or vat in excess of 5, an additional charge of	.30
For any lot of butter or cheddar cheese weighing at least 18,000 pounds, the minimum charge shall be	6.00

(c) When all the wheels of swiss cheese are individually identified by kettle of swiss cheese, the following fees shall be effective:

For 5 or less wheels	$2.00
For each additional wheel	.20

§ 58.44 *Milk sampling fees.* (a) For each sampling of any lot of dry milk, the following fees shall be applicable:

For 1,500 pounds or less	$1.75
For 1,501 to 3,000 pounds, inclusive	2.50
For 3,001 to 6,000 pounds, inclusive	3.25
For 6,001 to 10,000 pounds, inclusive	4.00
For each additional 10,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00

(b) For each lot of evaporated or condensed milk, the following fees shall be applicable:

For 50 packages or less	$1.75
For 51 to 200 packages, inclusive	2.50
For 201 to 400 packages, inclusive	3.25
For 401 to 600 packages, inclusive	4.00
For each additional 500 packages, or fraction thereof, in excess of 600 packages	1.00

§ 58.45 *Fees for laboratory analyses.* For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (i) of this section.

(a) *Dry milk.*

Scorched particles	$0.75
Moisture	1.50
Fat	2.00
Solubility	.50
Bacteriological plate count	1.00
Titratable acidity	.50
Flavor, color	.50
Alkalinity of ash	2.00
Whey protein test, single sample	1.50
Whey protein test (for each additional sample in the same shipment)	.75

(b) *Dry whey.*

Sediment	$0.75
Moisture	1.50
Fat	2.00
Bacteriological plate count	1.00
E. coli count	1.00
Total ash	1.50
Alkalinity of ash	2.00
Protein	2.50
Flavor, color	.50

(c) *Evaporated milk.*

Solids	$1.50
Fat	2.00
Flavor, color, body	.50
Net weight	.50

(d) *Sweetened condensed milk.*

Solids	$1.50
Fat	2.00
Sugar	3.00
Sediment	.75
Bacteriological plate count	1.00
Yeast and mold count	1.00
E. coli count	1.00
Net weight	.50
Flavor, color, body	.50

(e) *Natural cheese.*

Complete moisture test in duplicate	$4.00
Fat	2.00

(f) *Process cheese.*

Moisture	$2.00
Fat	2.00
Melting test	.50

(g) *Butter oil (milk fat).*

Moisture	$1.50
Fat	2.00

(h) *Butter.*

Moisture, salt, and curd	$1.50
Fat	2.00

(i) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor.*

Bacteriological plate count	$1.50
Bacteriological direct count	1.50
E. Coli count	1.80
Yeast and mold count	1.80
Sediment	1.00
pH	.75
Flavor, color	1.00

§ 58.46 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of $4.00 shall be charged in addition to the applicable rates specified in § 58.43 to § 58.45, both inclusive.

§ 58.47 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis, shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in § 58.38 to § 58.45, both inclusive.

§ 58.48 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

MARKING, BRANDING, AND IDENTIFYING PRODUCT

§ 58.49 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to § 58.49 to § 58.57, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. Any application for such authority shall be submitted to the Administrator in such form as he may require.

§ 58.50 *Approval of official identification.* Any grade label, inspection mark, or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Administrator.

§ 58.51 *Information required on official identification label.* Each grade or inspection label which is to be used as official identification shall conspicuously indicate the U. S. grade of the product it identifies and appropriate terminology if manufactured or processed under continuous inspection. It shall also include the appropriate phrase: "Officially graded," "Officially inspected," "Federal-State graded," or "Government graded." When required by the Administrator, the grade or inspection label shall also include all or any portion of the information set forth in paragraphs (a) and (b) of this section.

(a) The grade identification label on butter packaging material shall be stamped or perforated with the date of grading and the number of the grading certificate issued on the product.

(b) The grade or inspection label on packaging material for dairy products other than butter shall be stamped or perforated with a code number to indicate lot and date packed.

§ 58.52 *Time limit for packaging graded butter with grade identification labels.* Any lot of butter which is graded pursuant to this part may be packaged only within seven days immediately following the date of grading.

§ 58.53 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in § 58.50 to 58.57, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The authority to use grade or inspection identification labels may be granted by the Administrator only to applicants who utilize the services of a supervisor of packaging in accordance with this part.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 58.54 *Packing and packaging room and equipment shall be clean and sanitary.* Each applicant who is granted the authority to package any product with a grade identification label and who operates, for such purpose, a printing and packaging room, shall maintain the room and the equipment therein in a clean and sanitary condition and, in addition, in accordance with the instructions of the Administrator.

§ 58.55 *Facilities for incubating butter samples required.* Each applicant granted the authority, as aforesaid, to package graded butter with grade identification labels shall provide and maintain a cabinet of suitable construction, equipped with temperature control, for the purpose of incubating samples of graded butter. Suitable facilities for the purpose of cleaning and sterilizing the equipment used in performing such incubation also shall be provided by such applicant.

§ 58.56 *Incubation of butter samples to determine keeping quality.* Samples of butter may be taken by a grader, pursuant to the instructions of the Administrator, from any lot of butter which is submitted for grading and packaging with grade identification labels, for the purpose of determining, by subsequent examination, whether such butter possesses satisfactory keeping quality, as determined by the grader in accordance with such standards as the Administrator may prescribe.

§ 58.57 *Butter of known unsatisfactory keeping quality shall not be eligible for packaging with grade identification labels.* Any butter produced in a creamery whose production of butter, within 30 days prior to current grading, has shown unsatisfactory keeping quality, as evidenced by the keeping quality test pursuant to § 58.56, shall not be packaged with any grade identification label until it is determined, by the grader, that such butter possesses satisfactory keeping quality.

MISCELLANEOUS

§ 58.58 *Fraud or misrepresentation.* Any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service, appeal, or regrading service;

(b) The use of any grading certificate, issued pursuant to this part, or the use of any official identification;

(c) The use of the words "Government graded," "Officially graded," "Federal-State graded," or words of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U. S. grade of the product;

(d) The use of any of the aforesaid words or an official identification in the labeling or advertising of any product that has not been graded pursuant to this part;

(e) The use of a facsimile form which simulates in whole or in part any official identification for the purpose of purporting to evidence the U. S. grade of any product; or

(f) Any wilful violation of the regulations or the supplementary rules and instructions issued by the Administrator; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.59 *Fraudulent grade labeling practices.* The Administration will not render grading service for any person found or discovered to be wilfully using in the labeling of any product any words, numerals, letters, or facsimile form which simulates in whole or in part any identification purporting to be a grade when such product does not comply with any recognized standards in general use for such grade, and such activity may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

§ 58.60 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 58.61 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 58.62 *Interfering with a grader, inspector, or sampler.* Any further bene-

fits of the act may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, a grader, inspector, or sampler in the performance of his duties.

§ 58.63 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 58.64 *Identification.* Each grader, inspector, sampler, and supervisor of packaging shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7714; Filed, July 3, 1951; 9:00 a. m.]

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

THIRD APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1951

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1951, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	$2,480,528	$2,424,815	$55,713
Arizona	414,193	392,793	22,100
Arkansas	1,678,059	1,648,495	29,564
California	3,148,672	3,148,672	----------
Colorado	512,280	468,107	44,173
Connecticut	597,774	597,774	----------
Delaware	85,986	80,008	5,978
District of Columbia	215,783	215,783	----------
Florida	1,250,744	1,206,891	44,853
Georgia	2,408,573	2,408,573	----------
Idaho	306,282	297,282	9,000
Illinois	2,304,690	2,304,690	----------
Indiana	1,613,903	1,613,903	----------
Iowa	969,550	870,655	98,895
Kansas	824,855	824,855	----------
Kentucky	2,224,937	2,224,937	----------
Louisiana	1,796,974	1,796,974	----------
Maine	425,954	377,826	48,128
Maryland	713,214	630,531	82,683
Massachusetts	1,558,893	1,309,179	229,714
Michigan	2,410,144	2,119,721	290,423
Minnesota	1,265,210	1,090,004	175,206
Mississippi	2,179,304	2,179,304	----------
Missouri	1,606,215	1,606,215	----------
Montana	188,599	171,894	16,705
Nebraska	494,103	442,912	51,191
Nevada	47,738	47,060	678
New Hampshire	220,276	220,276	----------
New Jersey	1,467,843	1,190,074	277,769
New Mexico	397,293	397,293	----------
New York	3,742,108	3,742,108	----------
North Carolina	3,053,422	3,053,422	----------
North Dakota	277,904	251,464	26,440
Ohio	2,797,851	2,417,098	380,753
Oklahoma	1,485,538	1,485,538	----------
Oregon	655,183	655,183	----------
Pennsylvania	3,371,593	2,869,589	501,994
Rhode Island	245,259	245,259	----------
South Carolina	1,828,324	1,810,769	17,555
South Dakota	210,462	189,576	20,886
Tennessee	$2,310,385	$2,255,119	$55,266
Texas	3,993,698	3,993,698	----------
Utah	390,668	385,272	5,396
Vermont	184,007	184,007	----------
Virginia	1,698,641	1,646,321	52,320
Washington	914,811	863,390	51,421
West Virginia	1,260,747	1,233,156	27,591
Wisconsin	1,344,994	1,062,605	282,389
Wyoming	116,880	116,880	----------
Alaska	10,551	10,551	----------
Hawaii	73,320	57,521	15,799
Puerto Rico	2,377,490	2,377,490	----------
Virgin Islands	43,639	43,639	----------
Total	68,275,000	65,354,111	2,920,889

(60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: June 29, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7710; Filed, July 3, 1951; 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1952-53

Sec.
728.201 Basis and purpose.
728.202 National marketing quota for wheat for 1952-53 marketing year.
728.203 1952 acreage allotments for wheat.

AUTHORITY: §§ 728.201 to 728.203 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 304, 332, 333, 335, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1304, 1332, 1333, 1335, 1371.

§ 728.201 *Basis and purpose.* The regulations contained in §§ 728.201 to 728.203 are issued to announce that no national marketing quota for wheat shall be in effect during the marketing year beginning July 1, 1952, and that no national, State, county, or farm acreage allotments for wheat will be established for the 1952 crop under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

Section 335 of the act provides, in effect, that whenever in the calendar year 1951 the Secretary of Agriculture determines (a) that the total supply of wheat for the 1951-52 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (b) that the total supply of wheat for the 1950-51 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1951, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1952-53 marketing year. Section 332 of the act requires the Secretary, not later than July 15 of each marketing year, to ascertain and proclaim the total supply and the normal supply of wheat for such marketing year and proclaim the national acreage allotment for the next crop of wheat.

Section 371 (b) of the act authorizes the Secretary of Agriculture to dispense with marketing quotas or acreage allotments for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act, it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

The findings and determinations made in § 728.202, which are based on the latest available statistics of the Federal Government, show that no national marketing quota for wheat for the 1952-53 marketing year is required. Accordingly, § 728.202 states that no such quota will be in effect for that marketing year.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1952 wheat crop. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to dispense with national, State, county, and farm acreage allotments for the 1952 wheat crop. That action is made effective by the issuance of § 728.203.

Prior to taking the action herein, public notice was given (16 F. R. 5454), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1952 wheat crop, and to determine and proclaim the national acreage allotment for that wheat crop. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.202 *National marketing quota for wheat for the 1952-53 marketing year.* The total supply of wheat for the 1951-52 marketing year is determined to be 1,477 million bushels. The normal supply of wheat for such marketing year is determined to be 1,273 million bushels. This indicated total supply does not exceed the normal supply by more than 20 per centum. The average farm price for wheat has not been as low as 66 per centum of the parity price for wheat for three successive months in the 1950-51 marketing year. Therefore, no national marketing quota for wheat shall be in effect during the 1952-53 marketing year.

§ 728.203 *1952 acreage allotments for wheat.* No national, State, county, or farm acreage allotments will be established for the 1952 wheat crop.

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7706; Filed, July 3, 1951; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[957.308 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by Order No. 57, as amended

Order, as amended. The provisions of subparagraphs (2) and (3) of paragraph (b) (§ 957.308—16 F. R. 5833) are hereby amended to read as follows:

(2) During the period beginning 12:01 a. m., m. s. t., July 3, 1951, and ending 12:01 a. m., m. s. t., November 1, 1951, no handler shall ship Russet Burbank potatoes which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned," as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered; no handler shall ship red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered and no handler shall ship the White Rose variety of potatoes if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered: *Provided,* That during such period not to exceed 200 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) charity: *Provided,* That each handler making special purpose shipments pursuant hereto shall file an application with the committee to do so, shall have each of such shipments (except shipments of seed potatoes) inspected and shall pay assessments in connection therewith, and for each such shipment made pursuant to subdivisions (ii), (iv) and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further,* That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export certificate number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of June 1951, to become effective July 3, 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7713; Filed, July 3, 1951; 9:00 a. m.]

[Peach Order 1, Amdt. 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY SIZE

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. Shipments of peaches, grown in the State of Georgia, are currently subject to regulation by size (Peach Order 1, as amended; 16 F. R. 5314, 5741) pursuant to the said amended marketing agreement and order; recommendation as to the need for amending such size regulation not later than July 5, 1951, in order to effectuate the declared policy of the act, was made at the meeting of the said committee on June 28, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, and such recommendation and supporting information were promptly submitted to the Department; the said meeting of the committee was held, after due notice thereof, to consider the amendment of such size regulation, and interested persons were afforded an opportunity to submit their views thereon at this meeting; the provisions of this amendment, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers and growers of such peaches; and compliance with the provisions of this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof. *It is therefore ordered,* As follows:

The provisions in subparagraphs (1) and (2) of paragraph (b) of § 962.306 (Peach Order 1, as amended; 16 F. R. 5314, 5741) are hereby amended to read as follows:

(1) Any peaches of the Brackett, Early Elberta, Elberta, Early Hale, Hale Haven, Halberta, Hardin's Pride, J. H. Hale, Krummel, Murray Hale, Rio Oso Gem, Southland, Sullivan Elberta, White Hale, or Woodland Cling varieties of a size smaller than 1⅞ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1⅞ inches in diameter, but not more than fifteen

(15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅞ inches in diameter; or

(2) Any peaches of any variety not listed in subparagraph (1) of this paragraph of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of June 1951, to become effective at 12:01 a. m., e. s. t., July 5, 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7712; Filed, July 3, 1951; 8:59 a. m.]

[Peach Order 2, Amdt. 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY GRADE

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1951. Shipments of peaches, grown in the State of Georgia, are currently subject to regulation by grade (Peach Order 2; 16 F. R. 5741) pursuant to the said amended marketing agreement and order; recommendation as to the need for amending such grade regulation not later than July 5, 1951, in order to effectuate the declared policy of the act, was made at the meeting of the said committee on June 28, 1951, after consideration of all available information relative to the supply and demand conditions for such peaches, and such recommendation and supporting information were promptly submitted to the Department; the said meeting of the committee was held, after due notice thereof, to consider the amendment of such grade regulation, and interested persons were afforded an opportunity to submit their views thereon at this meeting; the provisions of this amendment, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers and growers of such peaches; and compliance with the provisions of this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof. *It is therefore ordered,* As follows:

The provisions in paragraph (b) (1) of § 962.307 (Peach Order 2; 16 F. R. 5741) are hereby amended to read as follows:

(1) During the period beginning at 12:01 a. m., e. s. t., July 5, 1951, and ending at 12:01 a. m., e. s. t., September 1, 1951, no handler shall ship to destinations other than in the adjacent markets any peaches which do not meet the requirements of the U. S. No. 1 grade, except that (i) not to exceed fifteen (15) percent, by count, of the peaches contained in any bulk lot or any lot of packages may consist of peaches which do not meet the requirements of such grade, but not more than ten (10) percent, by count, of the peaches in any such lot shall consist of peaches with defects causing serious damage, and not more than one (1) percent, by count, of the peaches in any such lot shall consist of peaches which are not free from decay, and (ii) not to exceed twenty-two (22) percent, by count, of the peaches contained in any individual package in any lot may consist of peaches which do not meet the requirements of such grade, but not more than fifteen (15) percent, by count, of the peaches contained in any such individual package shall consist of peaches with defects causing serious damage and not more than two (2) percent of the peaches contained in any such individual package shall consist of peaches which are not free from decay.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of June 1951, to become effective at 12:01 a. m., e. s. t., July 5, 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7711; Filed, July 3, 1951; 8:59 a. m.]

PART 987—IRISH POTATOES GROWN IN MAINE

ORDER TERMINATING MARKETING AGREEMENT AND ORDER AND PROVIDING FOR LIQUIDATION OF ASSETS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the marketing agreement and order (7 CFR Part 987) regulating the handling of Irish potatoes grown in Maine, hereinafter referred to as the "order," it is hereby found and determined that the provisions of said order will, on and after 11:59 p. m., e. s. t., June 30, 1951, no longer tend to effectuate the declared policy of the act.

It is therefore ordered, That, subject to the terms and conditions which are set forth below, the provisions of said order be, and they are hereby, terminated effective at 11:59 p. m., e. s. t., June 30, 1951.

Under date of May 11, 1951, there was issued an order (16 F. R. 4588) directing that a referendum be conducted among producers of Irish potatoes grown in Maine for the purpose of determining whether persons who were such producers during a representative period specified by the Secretary favored the termination of the order which is being terminated by this document. The referendum conducted pursuant to the aforesaid referendum order developed that, of the producers who voted in such referendum, 72.7 percent by number favored or approved termination of said order, and that such producers who favored or approved termination of said order produced for market 71.9 percent of the production represented in the referendum.

It is hereby further ordered, That the liquidation action in this instance shall be handled by the State of Maine Potato Committee as constituted at the effective time of the termination of the said order, and in accordance with the terms and conditions which are set forth therein for application to liquidation action, said terms and conditions being set forth in § 987.10 (c) thereof. To implement such indicated terms and conditions: *It is hereby further ordered,* As follows:

(1) Said committee members, as joint trustees, shall conduct the liquidation action subject to the general supervision and control of the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C.

(2) Said trustees shall keep books, and other appropriate records of their operations, which shall reflect clearly all of their acts and transactions as trustees, which books and other records shall be subject, at any time, to examination by the Secretary or his designated representative.

(3) Any furniture, fixtures, or other personal property shall be sold by the trustees under such conditions and in such manner as may be approved in writing by the aforesaid Director of the Fruit and Vegetable Branch; and any funds derived from such sales shall become a part of the liquid assets for distribution to handlers after all obligations have been paid.

(4) Any balance of money remaining in excess of liabilities shall be disbursed to persons who were handlers during the current fiscal year; and such disbursement shall be made to each handler in the proportion that his respective contribution to the assessment fund for that fiscal year bears to the total contributions to the assessment fund for that fiscal year by all handlers.

(5) Said trustees shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder, and each may receive compensation at a rate which shall not exceed $10 for each day, or portion thereof, spent by him on such work.

With respect to violations, rights accrued, or liabilities incurred under the order being terminated prior to the effective time of such termination action, all provisions of said order in effect prior to the effective time of such termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, or liability.

It is hereby found and determined that it is necessary, in the public interest, to make this termination and liquidation order effective not later than 11:59 p. m., e. s. t., June 30, 1951, since the current fiscal year will expire on that date, and it is desirable, administratively, to make such action effective as of that time; and the effect of said action will not impose liabilities on persons covered thereunder, but, to the contrary, will relieve them from existing liabilities. In these circumstances, it is impracticable, unnecessary, and contrary to the public interest to follow the requirements as to notice, public procedure thereon, and the delaying of the effective date of this action for 30 days after the publication of this order in the FEDERAL REGISTER, which would otherwise be necessary to be followed under section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 987.10)

Issued at Washington, D. C., this 29th day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7715; Filed, July 3, 1951; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs. Serial No. ER-164]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS; EXTENSION OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of June 1951.

By Amendment No. 1 to Part 291, adopted March 2, 1951, with an original effective date of April 6, 1951, the Board modified the operational limitations on the exercise of the temporary exemption to engage in air transportation granted to the Large Irregular Carriers pursuant to Part 291 and section 416 (b) of the Civil Aeronautics Act. These operational limitations relate to the number, frequency and regularity of flights conducted by such Large Irregular Carriers.

Since the adoption of Amendment No. 1 to Part 291 on March 2, 1951, the Board has by successive actions postponed the effective date of Amendment No. 1 to July 5, 1951, pending the result of the study of Amendment No. 1 by the Senate Select Committee on Small Business. On June 27, 1951, in an action brought in the United States District Court for the District of Columbia by two of the Large Irregular Carriers operating pursuant to Part 291, the Court entered a judgment granting to the plaintiffs a permanent injunction restraining the Board from enforcing Amendment No. 1. The Board has instructed its General Counsel to request the Solicitor General for permission to note an appeal to the Circuit Court of Appeals from this judgment.

In view of the ruling of the District Court and in order to clarify the status of Amendment No. 1 with respect to all Large Irregular Carriers to which it would by its terms be applicable, the Board has decided to postpone further the effective date of Amendment No. 1 until a reasonable time following the completion of the appeal proceedings referred to above.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the postponement may be made effective without prior notice.

The Civil Aeronautics Board hereby postpones the effective date of Amendment No. 1 to Part 291 to such date as may later be fixed by the Board following the completion of any appeal by the Board to the Court of Appeals from the judgment in American Air Transport et al. v. Civil Aeronautics Board, Civil Action No. 1295-51, U. S. D. C. D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7670; Filed, July 3, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS, DEFAULTS, CONSENT SETTLEMENTS

The Commission on June 26, 1951, amended § 2.5 of its rules of practice (§§ 2.1 to 2.31) so as to make said section read as follows, effective thirty days from date of publication in the FEDERAL REGISTER:

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman number in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints, defaults, consent settlements.* (a) Complaints: Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

(b) Defaults: In the "Notice" portion of the complaint there may be set forth a provisional order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such order, it shall also state that such order shall issue, unless the respondent shall file an answer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should be not be entered by the Commission, in which event such provisional order to cease and desist shall be without effect.

(c) Consent settlements: At any time after the issuance of complaint and prior to the commencement of the taking of evidence, all respondents in any case may jointly move the trial examiner to suspend proceedings before him for a reasonable time to permit negotiations by counsel upon a consent settlement dispositive of the proceeding.[1] Such suspension, and the time thereof, will be in the discretion of the trial examiner, after considering representations of counsel for both sides and the reasonable probability of an agreement being reached that would result in a substantial saving in time and expense.

(d) In the event a consent settlement is agreed upon by counsel, it shall be submitted to the Commission through the trial examiner, who shall transmit with such proposal any comment thereon he may deem appropriate and the record in the proceeding in which the settlement is tendered. In the event the proposal is rejected by the Commission, the case will be returned to the trial examiner to proceed in regular course and the proposal will not become a part of the record. In the event a consent settlement is accepted, the case will be concluded by the entry therein by the Commission of the order and other matters included in such settlement in accordance with its terms.

(e) Every consent settlement shall dispose of the entire proceeding as to all parties and shall include, in addition to

[1] In the case of proceedings already instituted, such motion may be made within thirty (30) days from the effective date of this rule, if the taking of evidence has not been completed and if a substantial saving in time and expense will result.

the order to cease and desist, admission of jurisdictional facts and also a statement of the acts and practices which the Commission had reason to believe were unlawful; but a respondent need not admit, though he may not deny, any of the matters contained in such statement. A consent settlement will not be accepted unless each respondent consents to the entry of the admitted jurisdictional facts and the said statement of acts and practices as the findings as to the facts of the Commission, and to the entry of the order to cease and desist.

(f) Pursuant to a change of law or facts, or when the public interest so requires, a consent settlement may be altered, modified, or set aside in whole or in part upon consent of all parties. All consent settlements shall contain an agreement that if consent to a change desired is not obtained, the Commission or any respondent may file a motion in the case to set aside such consent settlement in whole or in part on the grounds of change of law or fact or that the public interest so requires; and after opportunity for hearing upon the issues formed, the Commission may, if it finds that a change of law or fact, or the public interest so requires, set aside the consent settlement or any part thereof which is separable from the remaining provisions without changing their effect. Thereafter, the Commission may, by adversary proceedings pursuant to the original complaint, or a new or amended and supplemental complaint, undertake corrective action as to any acts or practices not prohibited by any remaining provisions of the consent settlement.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of June 26, 1951, effective 30 days from date of publication in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-7688; Filed, July 3, 1951; 8:55 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

DAY OF REGISTRATION

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), § 325.12 (c) (4) of the regulations of the Railroad Retirement Board under such act (9 F. R. 3192) is amended by Board Order 51-180, dated June 14, 1951, to read as follows:

§ 325.12 *Registration.* * * *

(c) *Day of registration.* * * *

(4) If an employee does not register with respect to any day within the time hereinabove specified, because, after making reasonable efforts, he was unable to find an unemployment claims agent to take his registration, or because an unemployment claims agent at an employment office where such employee would otherwise have registered was not ready and willing to take his registration, or because such employee was given misinformation by an unemployment claims agent, a countersigning agent, the supervisor of such claims agent or countersigning agent, a railway labor organization official, or an employee of the Board, such employee may register with respect to such day at any time within one year of such day, and shall submit to an unemployment claims agent, to a duly authorized field representative of the Board, or to an office of the Board, a written statement explaining why he did not register with respect to such day within the time specified.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

Dated: June 27, 1951.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 51-7632; Filed, July 3, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

REQUIRED SUPERVISION OF PRIVATE MORTGAGORS

Section 232.19 (c) (7) is hereby amended to read as follows:

(7) (i) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(ii) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iii) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iv) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(v) Compliance with the provisions of this subparagraph shall be evidenced at such time and in such manner as the Commissioner may prescribe.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7680; Filed, July 3, 1951; 8:54 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

REQUIRED SUPERVISION OF CERTAIN MORTGAGORS

Section 241.18 (c) (7) is hereby amended to read as follows:

(7) (i) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(ii) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iii) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(iv) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(v) Compliance with the provisions of this subparagraph shall be evidenced at such time and in such manner as the Commissioner may prescribe.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7681; Filed, July 3, 1951; 8:54 a. m.]

Subchapter I—War Rental Housing Insurance

PART 280—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

PREVAILING WAGE AND LABOR STANDARDS REQUIREMENTS

Section 280.39 is hereby amended to read as follows:

§ 280.39 *Prevailing wage and labor standards requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this section shall be evidenced at such time and in such maner as the Commissioner may prescribe.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7679; Filed, July 3, 1951; 8:53 a. m.]

Subchapter L—Yield Insurance

PART 290—ELIGIBILITY REQUIREMENTS FOR YIELD INSURANCE

PROJECT ELIGIBILITY REQUIREMENTS

Section 290.8 is hereby amended by adding at the end thereof the following new paragraph (h):

(h) (1) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(2) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(3) No project shall be eligible for insurance unless subsequent to completion of construction there is filed a certificate, executed by the general contractor, in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(Sec. 712, as added by sec. 401, Pub. Law 901, 80th Cong.)

Issued at Washington, D. C., June 29, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7683; Filed, July 3, 1951; 8:55 a. m.]

Subchapter M—Military Housing Insurance

PART 292—ELIGIBILITY REQUIREMENTS FOR MILITARY HOUSING INSURANCE

PREVAILING WAGE AND LABOR STANDARDS REQUIREMENTS

Section 292.41 is hereby amended to read as follows:

§ 292.41 *Prevailing wage and labor standards requirements.* (a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1 to 5.12 (16 F. R. 4430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of regulations of the Secretary of Labor, 29 CFR 5.6 (b) (16 F. R. 4431).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this section shall be evidenced at such

time and in such manner as the Commissioner may prescribe.

(Sec. 808, Pub. Law 211, 81st Cong.)

Issued at Washington, D. C., June 29, 1951, effective as to all mortgages with respect to which a commitment to insure shall be issued on or after July 1, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-7682; Filed, July 3, 1951; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE

Section 577.15 is hereby amended by adding a new paragraph (b) (3), and changing paragraphs (k) and (y), to read as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* • • •

(b) Dependents of personnel of the Armed Forces, including the following:

• • • • • •

(3) Unremarried widows of deceased Armed Forces personnel whose death occurred while on extended active duty or while in a retired status.

• • • • • •

(k) American seamen in continental United States, its Territories, and possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to above; those on privately owned and operated vessels; and active enrollees in United States Maritime Service and members of Merchant Marine Cadet Corps.

• • • • • •

(y) American seamen outside continental United States, its Territories, and possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency, those aboard time-chartered vessels other than those referred to above; and those on privately owned and operated vessels.

[C3, AR 40-506, June 14, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting Adjutant General.

[F. R. Doc. 51-7638; Filed, July 3, 1951; 8:47 a. m.]

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Sections 590.253 through 590.253–2 are added as follows:

§ 590.253 *Purchasing offices.*

§ 590.253–1 *Purchasing office.* A purchasing office is any Class II installation or activity, or a division, office, branch, section or unit of a Class I or Class II installation or activity, charged with a purchasing or procurement function, including post, camp and station purchasing and contracting offices (sections, etc.).

§ 590.253–2 *Principal purchasing offices.* The following are designated as the principal purchasing offices of the Army Establishment:

CHEMICAL CORPS

Atlanta Chemical Procurement District, 114 Marietta Street, NW., Atlanta 3, Ga.
Boston Chemical Procurement District, Boston Army Base, Boston 10, Mass.
Chicago Chemical Procurement District, 236 West Jackson Boulevard, Chicago 6, Ill.
Dallas Chemical Procurement District, 1114 Commerce Street, Dallas 2, Tex.
New York Chemical Procurement District, 111 East Sixteenth Street, New York 3, N. Y.
San Francisco Chemical Procurement District, Building 1, Wing 3, Oakland Army Base, Oakland 14, Calif.
Chemical Corps Procurement Agency, Army Chemical Center, Md.

CORPS OF ENGINEERS

Chicago Procurement Office, Corps of Engineers, 226 West Jackson Boulevard, Chicago 6, Ill.
District Engineer Office, New York District, Corps of Engineers, 80 Lafayette Street, New York 13, N. Y.
District Engineer Office, Philadelphia District, Corps of Engineers, City Centre Building, Philadelphia 1, Pa.
District Engineer Office, Pittsburgh District, Corps of Engineers, 925 New Federal Building, Pittsburgh 19, Pa.
District Engineer Office, St. Louis District, Corps of Engineers, Room 834, U. S. Court house and Customhouse, St. Louis 1, Mo.
Division Engineer Office, South Atlantic Division, Lumber Branch, Corps of Engineers, P. O. Box 1889, 536 Old Post Office Building, Atlanta 1, Ga.
District Engineer Office, Portland District, Lumber Branch, Corps of Engineers, 500 Pittock Block SW., Tenth and Washington Street, Portland 5, Oreg.

ARMY MEDICAL SERVICE

Armed Services Medical Procurement Agency, 84 Sands Street, Brooklyn 1, N. Y.

ORDNANCE CORPS

Aberdeen Proving Ground, Aberdeen Proving Ground, Md.
Ordnance Tank-Automotive Center, 1501 Beard Street, Detroit 9, Mich.
Ordnance Ammunition Center, Joliet, Ill.
Ordnance Small Arms Ammunition Center, 4800 Goodfellow Boulevard, St. Louis 20, Mo.
Detroit Arsenal, Center Line, Mich.
Frankford Arsenal, Bridesburg Station, Philadelphia 37, Pa.
Picatinny Arsenal, Dover, N. J.
Raritan Arsenal, Metuchen, N. J.
Rock Island Arsenal, Rock Island, Ill.
Springfield Armory, Springfield 1, Mass.
Watertown Arsenal, Watertown, Mass.
Watervliet Arsenal, Watervliet, N. Y.
Rossford Ordnance Depot, Toledo 1, Ohio.
Birmingham Ordnance District, 1706 Second Avenue, Birmingham, Ala.
Boston Ordnance District, Boston Army Supply Base, Boston 10, Mass.
Chicago Ordnance District, 209 W. Jackson Boulevard, Chicago 6, Ill.
Cincinnati Ordnance District, Big Four Building, Cincinnati 2, Ohio.
Cleveland Ordnance District, 1367 East Sixth Street, Cleveland 14, Ohio.
Detroit Ordnance District, 574 East Woodbridge Street, Detroit 31, Mich.
Los Angeles Ordnance District, 35 North Raymond Avenue, Pasadena 1, Calif.
New York Ordnance District, 180 Varick Street, New York 14, N. Y.
Philadelphia Ordnance District, 1500 Chestnut Street, Philadelphia 21, Pa.
Pittsburgh Ordnance District, 311 Old Post Office Building, Fourth Avenue and Smithfield Street, Pittsburgh 19, Pa.
Rochester, Ordnance District, Sibley Tower Building, Rochester 4, N. Y.
St. Louis Ordnance District, 4800 Goodfellow Boulevard, St. Louis 20, Mo.
San Francisco Ordnance District, Oakland Army Base, Oakland 14, Calif.
Springfield Ordnance District, Springfield Armory, Springfield 1, Mass.

QUARTERMASTER CORPS

Oakland Quartermaster Procurement Agency, 124 Grand Avenue, Oakland 12, Calif.
New York Quartermaster Procurement Agency, 111 East Sixteenth Street, New York 3, N. Y.
Quartermaster Supply Section, Columbus General Depot, U. S. Army, Columbus 15, Ohio.
Chicago Quartermaster Depot, 1819 West Pershing Road, Chicago 9, Ill.
Philadelphia Quartermaster Depot, 2800 South Twentieth Street, Philadelphia 45, Pa.
Jeffersonville Quartermaster Depot, Tenth and Morningside Streets, Jeffersonville, Ind.

SIGNAL CORPS

Signal Corps Procurement Agency, 2800 South Twentieth Street, Philadelphia 45, Pa.

TRANSPORTATION CORPS

Transportation Corps Central Procurement Agency, Marietta TC Depot, Marietta, Pa.

2. Paragraphs (b) and (d) of § 590.354–2 are rescinded and the following substituted therefor:

§ 590.354–2 *Applicability.* • • •

(b) Policies with respect to dissemination of information to unsuccessful bidders and offerors concerning awards are set forth in §§ 401.407, 591.407 and 592.150 of this title. Instructions pertaining to synopses of awards are set forth in §§ 590.355 to 590.355–4.

• • • • • •

(d) The procurement is effected by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 of this part and (2) all other field purchasing offices and activities located in the continental United States.

3. Sections 590.355 through 590.355–4 are added as follows:

§ 590.355 *Synopses of contract awards.*

§ 590.355–1 *Statement of policy.* It is the policy of the Army, consistent with security requirements, that information be disseminated as widely as possible, each week, with respect to awards of unclassified contracts, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.

§ 590.355–2 *Applicability.* In accordance with the policy stated in § 590.355–1, instructions in § 590.335 to 590.355–4 shall apply to all contracts (including contracts for the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, whether entered into after formal advertising or negotiation, When:

(a) The contract amount exceeds $25,000.

(b) The contract is unclassified and dissemination of information with respect thereto does not constitute a security risk.

(c) The contract is entered into by any purchasing office in the continental United States, including (1) principal purchasing offices listed in § 590.253–2 and (2) all other field purchasing offices and activities located in the continental United States.

§ 590.355–3 *Action by purchasing offices.* (a) Purchasing offices will obtain all necessary information for inclusion in synopses of contract awards from contract files and, when necessary, directly from contractors.

(b) Purchasing offices will obtain information, at the earliest possible time, as to whether suppliers are in need of assistance to locate and contact subcontractors. If such assistance is desired, the supplier will be requested to indicate (1) the industry, craft, process or component item in or for which he desires subcontractors in connection with the contract awarded or to be awarded, (2) any restrictions as to general area in which subcontractors should be located.

(c) Purchasing offices will prepare and forward single copies of synopses of contract awards to each of the addressees listed below, by air mail, before the close of business at the end of each week. If past experience indicates that ordinary mail will insure Monday delivery to any addressee, ordinary mail will be used.

(d) Addressees to be furnished with synopses of contract awards are:

(1) Procurement Information Center, Office of the Under Secretary of the Army, Old Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

(2) Small Business Division, U. S. Department of Commerce, Room 6427, Commerce Building, Washington 25, D. C.

(3) Administrative Office, U. S. Department of Commerce, Room 1014, 610 South Canal Street, Chicago 7, Illinois.

(e) A copy of each synopsis of contract awards shall be made available for examination by interested persons at each purchasing office.

(f) Where a contractor indicates need for assistance in letting subcontracts, a synopsis of award of the prime contract will be repeated and forwarded to the addressees listed above each week, as long as the need continues for such assistance. The purchasing office will aggressively encourage the contractor to employ this medium of publicizing his subcontracting requirements.

§ 590.355–4 *Contents of synopsis of contract awards.* Synopses of contract awards will contain the following information: (a) Name of purchasing office (b) name and address of the contractor (c) brief description of the commodity or service being procured; description will be clear, concise and abbreviated wherever possible, with a minimum number of words for description but sufficient for understanding by interested persons; it will consist of a minimum general description of the item or service procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc., but will not include information which, in the opinion of the purchasing office may constitute a security risk (d) statement of industries, crafts, processes or component items in or for which subcontracts are available and subcontractors are desired by prime contractors, in substantially the following form: "Prime contractor has subcontracts open for the following: (Insert here industries, crafts, processes or component item applicable)", (insert following clause where applicable) and desires that subcontractors be located in (insert here general area indicated by prime contractor, if any, such as: Southeast states, New England, West Coast, etc.).

4. Section 590.810 is added as follows:

§ 590.810 *Retention of Procurement Action Reports.* Individual Procurement Action Report (DD Form 350) and Procurement Action Report—Monthly Summary (DA AGO Form 377) or comparable forms submitted by contracting officers to higher headquarters indicating the status of Procurement Actions may be destroyed after six (6) months. Such material is considered nonrecord material under the provisions of paragraph 93, SR 345–920–1 (Special regulation pertaining to disposition of records).

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended by rescinding §§ 591.451 through 591.451–3 and substituting the following § 591.451 in lieu thereof:

§ 591.451 *Synopses of awards.* Synopses of awards of formally advertised contracts will be prepared and distributed as required by §§ 590.355 to 590.–355–4 of this subchapter.

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as indicated below:

1. Rescind § 592.151–2 and substitute the following in lieu thereof:

§ 592.151–2 *Synopses of awards.* Synopses of contract awards of negotiated contracts will be prepared and distributed as required by §§ 590.355 to 590.–355–4 of this subchapter.

2. Rescind § 592.408 and substitute the following in lieu thereof:

§ 592.408 *Letter contract.* The primary purpose of authorizing the use of letter contracts preliminary to definitive contracts is to expedite the beginning of production so that deliveries will be obtained in time to meet phased requirements, particularly in support of troops in combat and the expansion of the Armed Forces. It is essential, however, that letter contracts be converted to definitive contracts at the earliest practicable date.

3. Rescind § 592.408–3 and substitute the following in lieu thereof:

§ 592.408–3 *Supersedure by definitive contract.* (a) Letter contracts will be superseded by definitive contracts at the earliest practicable date. Consequently, definitive contracts will be executed promptly after proper consideration has been given, when possible, to such factors as:

(1) Reasonable assurance that the terms reached are the minimum acceptable to the contractor and are fair both to the Government and the contractor;

(2) Relationship to precedents as to price redetermination and profit established by similar contracts with Army, Navy, Air Force, or other Government agencies;

(3) The effect on future contract negotiation with the contractor; and

(4) The primary importance of meeting phased delivery requirements.

(b) In converting letter contracts to definitive contracts, the pricing elements involved in profit rates will be carefully evaluated: profit rates of 8 percent (of cost) or higher will be reviewed with particular care, and all definitive contracts containing a profit rate of 10 percent or higher will be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) for review and referral to the Under Secretary of the Army for approval, regardless of the contract amount involved.

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended by rescinding § 596.103–11 and substituting the following in lieu thereof:

§ 596.103–11 *Default*—(a) *Application.* (1) If the contractor (i) fails to make delivery of the supplies or to perform the services within the time specified in the contract, or (ii) fails to perform any provision of the contract other than the delivery schedules, or (iii) so fails to make progress as to endanger performance of his contract in accordance with the terms thereof, the contractor may be said to be in default.

(2) Defaults may be excusable or nonexcusable. Defaults are excusable when they arise out of the causes set forth in clause (b) of the Default article (see § 406.103–11) of this title).

(3) Paragraphs (b) through (i) of this section apply to contracts other than those under the Federal Supply Schedule. Paragraph (j) of this section applies to contracts under the Federal Supply Schedule.

(b) *Termination of contracts by agreement.* (1) When default occurs in the performance of a contract, the contract may be terminated by supplemental agreement with the contractor: *Provided:*

(i) If the default is not excusable, that the contractor agrees to pay excess costs

incurred in repurchase and damages resulting from delay.

(ii) If the default is excusable, that the Contracting Officer makes findings of fact to that effect and the contractor agrees to termination without cost to the Government.

(iii) If a performance bond has been filed, that the surety thereon is a party to the supplemental agreement.

(c) *Completion of contract after default.* (1) In the event that default has occurred in a contract by reason of nonexcusable delay, which results in actual damage to the Government, and the Contracting Officer deems it to be in the best interests of the Government to permit the contractor to complete performance of the contract, a supplemental agreement may be entered into providing for completion of performance notwithstanding such default, if the contractor assumes liability for the actual damages. The surety, if any, should either be a party to the supplemental agreement or should execute and deliver to the Contracting Officer, simultaneously with the execution of a supplemental agreement with the contractor, a written consent extending the terms of any performance bond to cover such supplemental agreement. The agreement should distinctly state that the Government's rights to accrued damages are not thereby waived.

(2) If a performance bond has been filed in connection with the contract, or otherwise, and action outlined in subparagraph (1) of this paragraph is not deemed to be in the best interests of the Government, an agreement may be entered into with the surety, providing for completion of performance of the contract upon the same terms and conditions as the original contract, less actual damages resulting from delay, and further providing for payment directly to the surety. Such agreement should clearly state that all rights against the contractor and the surety are reserved so far as the surety does not cure defaults of the contractor. The contractor will be furnished promptly with a findings of fact as indicated in paragraph (d) (2) of this section, adapting subdivision (iv) of that paragraph to the action taken.

(d) *Termination pursuant to Default Article.* (1) (i) Where the contractor and/or his surety elect not to complete performance of the contract after being afforded an opportunity to do so (see paragraph (c) of this section) or (ii) when the contracting officer deems it to be in the best interests of the Government to terminate the contract following default thereof, and the default consists of the failure on the part of the contractor to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, the procedure set forth in subparagraphs (2) to (4) of this paragraph will be followed.

(2) The contractor will be given notice in writing which will include the following:

(i) Reference to contract number, date, and portion of contract as to which his right to proceed is terminated.

(ii) That his right to proceed further with performance under the contract is thereby terminated.

(iii) A specific description of the acts or omissions constituting the default.

(iv) That the supplies, services or construction required by the contract will be procured in the open market against his account, and that he will be held liable for any excess costs.

(v) That the Government reserves all rights and remedies provided by law or under the contract, in addition to charging excess costs. (Where liquidated damages are provided for, substitute a reference thereto.)

(vi) That the notice constitutes a findings of fact pursuant to the Disputes article from which he has the right of appeal as specified therein.

(3) The same distribution will be made of the termination notice as was made of the contractual documents. In addition thereto, a copy will be furnished to the Disbursing Officer who will be advised to withhold further payments to the contractor pending additional instructions.

(4) Notice of termination of a contract will be furnished to the contractor within a reasonable time after the default occurs, or after efforts to arrange for compliance with the terms of the contract have resulted in failure. This requirement must be complied with in order to fulfill the Government's obligation to mitigate damages.

(5) If the default consists of the failure to perform any provision of the contract other than as specified in subparagraph (1) of this paragraph, or if the contractor so fails to make progress as to endanger performance of the contract, a notice of termination will not be issued unless the Contracting Officer has previously notified the contractor in writing of the specific default or failure, and has by the terms of such notice afforded the contractor an opportunity to cure such default or failure within a period of time which shall be not less than 10 days from the date of receipt of such notice. The notice of termination in such cases will refer to the notice of default.

(e) *Repurchase against contractor's account.* (1) In the event of termination of a contract for default, the Government is under a duty to mitigate damages.

(2) Accordingly, where the supplies or services are still required after termination, repurchase will be made against the contractor's account either from other contractors or Government facilities (i) as soon as possible after termination, (ii) of supplies or services similar to those called for in the contract, (iii) at as reasonable a price as practicable considering the quantity and quality required by the Government and the time within which the supplies or services are required; (iv) in construction contracts, the work will be let according to the same plans and specifications to such other responsible contractor who offers the lowest price or it will be completed by Government plant and hired labor.

(f) *Action by Contracting Officer.* (1) If repurchase will not be effected, compute actual or liquidated damages (when clause contained in § 406.105–5 of this title is used), and make written demand upon contractor for the amount thereof.

(2) If repurchase is effected, compute excess costs and actual (or liquidated damages, when clause contained in § 406.105–5 of this title is used), and make written demand upon the contractor for the total amount.

(3) Forward the report required by paragraph (g) of this section, together with any checks, money orders, or funds in any form received from the contractor. No report is required where the contract is unnumbered and no repurchase, or actual or liquidated damages are involved.

(g) *Report of Termination of Contract.* A Report of Termination of Contract will be furnished to the Disbursing Office, in quadruplicate, within thirty (30) days after such termination, setting forth the following information:

(1) Procuring activity involved.

(2) Fiscal year of procurement involved.

(3) Original appropriation involved.

(4) With respect to terminated contract:

(i) Name and address of contractor.

(ii) Contract or P. O. number.

(iii) Date of award or execution.

(iv) Contract item and specification.

(v) Contract quantity.

(vi) Unit price.

(vii) Quantity and/or time payment discount.

(viii) Total contract cost.

(ix) Status of payments and deliveries under contract, including voucher citations.

(x) Statement of amount withheld, if any.

(xi) Statement of actual or liquidated damages accrued, if any (other than excess costs on repurchase).

(xii) Description of default resulting in termination.

(5) Statement as to whether repurchase has been or will be effected. If applicable, a negative reply is desired, together with statement of reasons why repurchase has not been or will not be effected. If repurchase is effected subsequent to date of report, a follow-up report will be forwarded.

(6) If repurchase is effected, set forth information with respect to repurchase contract, adapting subparagraphs (4) (i) to (ix) of this paragraph to such repurchase contract.

(7) State amount of excess cost (subparagraph (6) (viii) of this paragraph minus subparagraph (4) (viii) of this paragraph).

(8) State total amount of excess cost and actual or liquidated damages.

(9) Whether efforts have been made to collect the amount set forth in subparagraph (8) of this paragraph. If collected, forward the check, money order or funds to Disbursing Officer with report. If uncollectible, a statement to that effect.

(10) Attach 4 copies of the following:

(i) Terminated contract.

(ii) Repurchase contract, if any.

(iii) Notice of termination.

(iv) Notice to cure default, if any (see paragraph (d) (5) of this section).

(v) Computation of liquidated or actual damages.

(vi) Correspondence from contracting officer to delinquent contractor relative to the indebtedness.

(11) Attach original and 3 copies of correspondence from delinquent contractor to contracting officer relative to indebtedness.

(12) Attach 4 copies of any other papers or documents deemed to be required as evidence for prosecution of claim or litigation against defaulting contractor.

(h) *Amount chargeable against defaulting contractor.* A purchase or purchases against the account of a defaulting contractor must not exceed the quantity originally ordered with consideration given, of course, to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. However, this does not preclude the Government from entering into one contract with the completing contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting contractor are determined as provided in the preceding sentence of this paragraph. In any event, actual damages (or liquidated damages, if clause contained in § 406.105–5 of this title is used) resulting from delay, may be assessed in addition to excess costs.

(i) *Action by Disbursing Officer.* (1) Upon receipt of the Report of Termination of Contract, the Disbursing Officer will proceed, when necessary, to effect collection of excess costs and actual or liquidated damages by deduction of the amount thereof from any funds payable to the defaulting contractor.

(2) If the entire amount is collected by set-off, such action will be indicated by indorsement to the Report of Terminated Contract, together with applicable voucher citations, and a statement of the name of the Disbursing Officer and D. O. Symbol No. The Report and indorsement will be disposed of as follows:

(i) The original and quadruplicate copy will be transmitted to the Chief of Finance, for forwarding of the original to the General Accounting Office.

(ii) The duplicate copy will be filed in the Office of the Disbursing Officer.

(iii) The triplicate copy will be sent to the Contracting Officer marked for information only.

(3) In the event that collection of excess cost and/or damages is effected by means of contractor's check, money order, cash, or any means other than set-off against another account due to the contractor, the Disbursing Officer will in addition to taking action required by subparagraph (2) of this paragraph, submit together with the Report, the required number of copies of Standard Form No. 1044 (Schedule of Collections), properly completed in accordance with AR 35–3510, dated May 2, 1951.

(4) If the Disbursing Officer finds it impracticable to collect the entire amount due, or if no repurchase, excess costs or damages are involved, he will indicate his action and recommendation by indorsement to the Report of Termination of Contract, and distribute the report and indorsement as follows:

(i) The original and quadruplicate copy to the Chief of Finance, for forwarding of the original to the General Accounting Office.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The triplicate copy will be transmitted to the Contracting Officer and, where applicable, with a notation to the effect that the excess costs and/or damages could not be collected and that the matter has been reported to the Chief of Finance, for reference to the General Accounting Office.

(j) *Action in connection with Federal Supply Schedule Contracts*—(1) *Action by Contracting Officer*—(i) *Ordering office.* Before declaring a contractor in default, it is suggested that ordinarily ordering offices should notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the purchase order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or set-off, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(ii) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept further performance by the contractor or place further purchase orders with him. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(2) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices will also report, as may be directed by the Federal Supply Service, all purchases made against the account of a contractor placed in default by the Federal Supply Service.

(k) *Excusable delay.* Where, following termination for default, it is subsequently determined that the contractor's delay was excusable, the procedure outlined in clause (e) of the Default article (see § 406.103–11 of this title) will be followed.

(l) *Applicability to oversea commands.* This section is applicable to oversea commands (so far as it is not in conflict with local law applicable to the contract), except that reports required by paragraphs (f) and (g) of this section will be furnished in quintuplicate and will be forwarded to the Officer of the oversea command, who will thereafter forward the original and one copy to the Chief of Finance, Department of the Army.

[Proc. Cir. 7, June 4, 1951, and Proc. Cir. 8, June 12, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
Acting Adjutant General.

[F. R. Doc. 51–7639; Filed, July 3, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 15]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXPANSION OF EXEMPTION OF SOFT SURFACE FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Because of the spiraling cost of imported wool, manufacturers who normally make carpets exclusively of wool or synthetic fibers are being forced to turn to substitute materials. Accordingly, Supplementary Regulation 11 to the General Ceiling Price Regulation is being broadened simultaneously with the issuance of this amendment to cover these substitute materials. Supplementary Regulation 11 to the General Ceiling Price Regulation as revised will embrace all floor coverings manufactured in the weaves, or by the manufacturing processes, customarily employed for carpets made of wool, regardless of the nature of the material actually used. This requires a corresponding change in Ceiling Price Regulation 22 so as to exclude from it, not only floor coverings made of wool and synthetic yarn, as it does at present, but also the floor coverings brought within Supplementary Regulation 11 by the new revision.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by changing subparagraph (3) of paragraph (e) of Appendix A to read as follows:

(3) Soft surface floor coverings which are either entirely made of wool or which, regardless of what material is employed, are woven on a chenille, wilton, velvet or axminster loom or are produced by the manufacturing process that produces punched felt. Ceiling prices for these floor coverings are established by Supplementary Regulation

11, Revision 2, to the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7832; Filed, July 3, 1951; 11:14 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2]

GCPR, SR 11, REV. 2—SOFT SURFACE FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revision of Supplementary Regulation No. 11 (16 F. R. 3830) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The wool carpeting manufactured in this country is made from wool imported from abroad. This imported wool is not subject to price control and has doubled in price since November, 1950. Since wool constitutes half the cost of the finished carpet, recognition has necessarily had to be given to its spiralling cost in fixing ceiling prices for carpet manufacturers. Less than two months after the issuance of the General Ceiling Price Regulation, this Office found it necessary because of the continued mounting cost of imported wool to permit manufacturers of carpeting to adjust upward the prices they had in effect during December, 1950, and January, 1951. This adjustment was designed to compensate for the increases in cost of raw wool and direct labor to that date and for the increases in cost up to December 31, 1950, of the other raw materials, such as cotton, jute and rayon, employed by carpet manufacturers. The result of this upward adjustment in selling prices necessitated by rising costs has been to raise carpet prices to the point where consumers who ordinarily would be in the market for wool carpeting find themselves unable to purchase at the prevailing prices. In order to recover their customary market, carpet manufacturers who under normal conditions manufacture only all-wool carpets are finding themselves forced to turn to substitute materials which will permit them to produce a product whose selling price will be in line with the buying habits and ability to pay of the consuming public. It is desirable that encouragement be given manufacturers to utilize such substitute and lower cost materials, in place of wool, since only in that way will lower price carpeting be kept on the market.

The primary purpose of this revision of Supplementary Regulation 11 is to provide a method for pricing the new carpets made of various substitute yarns. The fairest and most equitable method for pricing these new carpets is by reference to the ceiling prices of the all-wool carpets for which they are being substituted. In other regulations issued by this Office, where a new product is priced by reference to the ceiling price of an older one, the principle has been established that a new product is priced by applying to its direct cost the same percentage markup as its manufacturer would enjoy on the one used as the criterion. This is the principle adopted in this regulation for the bulk of the new carpetings being priced.

However, it was urged by representatives of the carpet industry that while this method is generally fair, here, where the substitute materials in the new product are markedly lower in cost than the materials customarily employed, this method of pricing new commodities would seriously reduce the manufacturers' dollar operating margin and would discourage the production of low end merchandise. Industry representatives have pointed out that the use of substitute materials will not affect any of their other costs of operation, and, in particular their overhead cost, and that they will be unable to produce and sell inexpensive carpeting unless they are permitted to sell this carpeting at a figure high enough to cover their normal operating expenses. To eliminate any obstacles to the production of low end merchandise, this regulation permits the manufacturer the same dollar operating margin on low price carpeting as he enjoyed on certain all-wool carpeting. It is believed that this will have the effect of making production of inexpensive carpeting attractive to manufacturers and of stimulating the search for substitute materials to replace imported wool. The selling prices below which the manufacturer will be permitted to retain his normal dollar markup have been fixed on an industry basis by taking the low end constituting approximately 20 percent of total industry production. Experience under the regulation will soon show whether or not the cut-off points selected are proper or not. Those cut-off points may be reexamined and changed in the light of such experience.

While, for the most part, the use of fibres other than wool for the production of carpeting on heavy carpet looms is the result of the various dislocations and shortages created by the present emergency, some manufacturers, even prior to the Korean incident had turned to such alternate fibres. In order to establish prices for all manufacturers on the same basis, regardless of when production of carpeting made of cotton or other fibres in place of wool started, the regulation requires that all carpeting be priced by reference to the ceiling prices of an all-wool product.

Carpet manufacturers are required to price by comparison to an all-wool carpeting because this is the product which they normally and customarily made and which is basic to the industry. While there are manufacturers who normally make only carpets of other natural fibres, they do so on different and lighter looms from those employed by manufacturers of wool carpets. Consequently, it is not believed that there are any manufacturers covered by this regulation for whom an all-wool carpeting is not the most representative of their pre-Korean products.

Supplementary Regulation 11 as originally issued, permitted retailers and other intermediate distributors only to "pass through" to the next buyer so much of the cost of a floor covering to them as was the result of the higher price of imported wool since the issuance of the General Ceiling Price Regulation. Retailers and other sellers to the ultimate consumer were not permitted to take their usual mark-up on this element of cost. The purpose was to hold to an absolute minimum the unavoidable increase in the cost of a finished product consequent on a rise in raw material costs. The retailer, it is believed, was adequately compensated for handling the merchandise by continuing to receive his usual margin on what would have been the cost of the merchandise to him but for the dramatic increase in the cost of imported wool.

To the extent, however, that manufacturers now turn to cheaper substitute materials for wool examination of the "pass through" provision is necessary. The retailer it is to be assumed will again be handling a large number of low cost units involving greater expense per unit. Moreover, encouragement should be given retailers to handle low end floor coverings just as it is given manufacturers to produce such coverings. Consequently the "pass through" has been eliminated on the same low end items on which the manufacturer is permitted to retain his dollar margin of profit.

On high cost floor coverings made of wool or of a blend of wool and synthetic materials the initial justification for the "pass through" is still present. To the extent that wool or a synthetic material is used, the manufacturer's selling price on a floor covering reflects the sharp rise in the cost of these raw materials since the beginning of this year. Protection of the consumer demands that the retailer be permitted only to "pass through" such higher cost of such raw materials and not be permitted to pyramid it further by taking his usual margin.

This is accomplished by extending to all higher cost floor coverings containing wool or synthetic material the division between the "basic price" and the "permitted increase" first applied to floor coverings dealt in during the period from December 19, 1950 to January 15, 1951. Sellers, who calculate their ceiling price by taking their normal markup on the cost of the merchandise to them, are not permitted to include the "permitted increase" either in figuring the cost of the floor covering to them or in calculating the amount of their markup but add it to the ceiling otherwise determined.

Normal industry practices are recognized in the provisions governing the ceiling prices of distributors. Wholesalers, who normally buy at a discount from the manufacturer and sell at the same price, are given the same ceiling price of the manufacturer.

Because the General Ceiling Price Regulation to which this is supplementary is a freeze regulation, it is inevitable that it caught and froze accidental inequities. Information has been submitted to this Office which indicated that during the period fixed by this supplementary regulation as a base period, the prices of certain manufacturers were out of line with those of their competitors. Since it is not the intention of this Office to disturb existing business patterns, provision is made in this regulation for the adjustment of prices of any seller who, due to special circumstances, was not in his normal competitive relationship during the base period.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

Prior to the issuance of this revision to SR 11, there has been repeated consultation with industry representatives. Representatives of this Office have met on April 27, May 10, May 11, and May 18, 1951 with a special sub-committee appointed by the Industry Advisory Committee on Soft Surface Floor Coverings. This sub-committee includes representatives of companies which account for approximately sixty per cent of the total production of soft surface floor coverings affected by this supplementary regulation. The recommendations made by this subcommittee have been given serious consideration in the formulation of this regulation.

REGULATORY PROVISIONS

Sec.

1. What this revised supplementary regulation does.
2. Ceiling prices on sales by a manufacturer of a floor covering of wool or synthetic material dealt in during the base period.
3. Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under section 2 of this regulation.
4. Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under either section 2 or section 3 of this regulation.
5. Ceiling prices on sales by a wholesaler.
6. Manufacturers and wholesalers who cannot price under other sections.
7. Sales to a wholesaler.
8. Notification of "permitted increase".
9. Addition of "permitted increase".
10. Retention of present ceilings.
11. Adjustment of a manufacturer's ceiling prices.
12. Modification of ceiling prices by the Director of Price Stabilization.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R. 1950 Supp.

SECTION 1. *What this revised supplementary regulation does.* This revised supplementary regulation establishes ceiling prices for sales of soft surface floor coverings which are either entirely made of wool or which are within the following categories: Chenille, wilton, velvet, axminster and punched felt. It does not establish ceiling prices for sales at retail, but does contain a provision affecting the determination of retail ceiling prices. Insofar as sales of floor coverings covered by this regulation are concerned, this regulation supersedes all regulations previously issued by OPS, including CPR 22 and the previous Revision 1 of Supplementary Regulation 11, except that all provisions of the General Ceiling Price Regulation, not inconsistent with the provisions of this regulation, remain in effect, and apply to floor coverings covered by this regulation.

SEC. 2. *Ceiling prices on sales by a manufacturer of a floor covering of wool or synthetic material dealt in during the base period.* If you are a manufacturer, your ceiling price for any unit of floor covering whose face is entirely made of wool, of synthetic materials, or of a blend of both, and which you sold or offered for sale during the period from December 19, 1950 to January 15, 1951, is your mill or zone price for the applicable zone for that unit of floor covering contained in your price list in effect for deliveries during that period, plus 15 percent of your mill price.

SEC. 3. *Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under section 2 of this regulation—(a) Punched felt, axminster, velvet and wilton floor coverings whose face is not 100 percent wool.* (1) If you are a manufacturer, you determine your ceiling price for a unit of punched felt, axminster, velvet or wilton floor covering whose face is not entirely made of wool, and for which you have no price under section 2 of this regulation, by the method outlined in subparagraph (2) of this paragraph, provided that the ceiling price so determined is no higher than: $2.10 a square yard at the mill for a unit of punched felt floor covering; $5.50 a square yard at the mill for a unit of axminster floor covering; $7.50 a square yard at the mill for a unit of velvet floor covering; and $9.50 a square yard at the mill for a unit of wilton floor covering.

(2) First, calculate the difference between the current unit direct cost of the new unit of floor covering being priced and the current unit direct cost of a "comparison floor covering". Paragraph (d) of this section explains how you select a comparison floor covering. If the current unit direct cost of the unit of floor covering being priced is greater than that of the comparison floor covering, you add the difference to the ceiling price of the comparison floor covering as determined under section 2 of this regulation; the result is your ceiling price for the unit of floor covering being priced. If the current unit direct cost of the unit of floor covering being priced is smaller than that of the comparison floor covering, you subtract the difference from the ceiling price of the comparison floor covering; the result is your ceiling price on the unit of floor covering being priced.

(b) *All other floor coverings (not in new categories nor sold to a new class of purchaser).* If you are a manufacturer, you determine your ceiling price for a unit of floor covering, other than one for which you are able to determine a ceiling price under either section 2 or paragraph (a) of this section, including a floor covering whose face is entirely made of wool, a chenille floor covering and a punched felt, axminster, velvet or wilton floor covering which cannot be priced under paragraph (a) of this section, by applying to the current unit direct cost of that floor covering the percentage markup over the current unit direct cost of a "comparison floor covering" (using your ceiling price for the comparison floor covering determined under section 2 of this regulation).

(c) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the floor covering at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the floor covering being priced and for the comparison floor covering shall be the same in every respect. The computation should be made on square yard basis.

(d) *Selection of a comparison floor covering.* The comparison floor covering to be used must be in the same category as the floor covering being priced; it must be a floor covering whose face is entirely made of wool; and must be one which you sold or offered for sale during the period from December 19, 1950 to January 15, 1951. The comparison floor covering used shall be the first of the following available:

(1) A floor covering that you are now manufacturing differing from the floor covering being priced only by reason of a minor change in color or pattern.

(2) A floor covering that you are no longer manufacturing differing from the floor covering being priced only by reason of a minor change in color or pattern.

(3) A floor covering that you are now manufacturing which is most nearly like the floor covering being priced and which has a current unit direct cost the same or lower than that of the floor covering being priced.

(4) A floor covering that you are no longer manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost would be the same or lower than that of the floor covering being priced.

(5) A floor covering that you are now manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost is next higher to that of the floor covering being priced.

(6) A floor covering that you are no longer manufacturing which is most nearly like the floor covering being priced and whose current unit direct cost would be next higher to that of the floor covering being priced.

(e) *Required report.* Before selling any floor covering for which you have determined a ceiling price under this section, you must file the report, required by paragraph (f) of this section on OPS Public Form No. 30, with the Director of Price Stabilization, Washington 25, D. C., and the sample required by paragraph (g) of this section. Copies of the form may be obtained upon request to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C. You may not sell the floor covering until 15 days after mailing your report and either the sample or a request for its waiver; thereafter, you may sell the floor covering at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(f) *Information required in report.* Your report should state the name and address of your company and the specifications of the floor covering being priced which shall include the following:

The category.
Your name, number or other designation of the article.
The pitch of the article.
The number of wires or rows, per inch.
The height of the pile, or the size of the wires, or the cut tuft length.
The number of frames.
The number of shots in the weave.
With respect to the pile yarn: The material and the weight per square yard.
With respect to the back, the chain, the stuffer, and the filling: The material and the weight per square yard.
The total weight per square yard.

In addition, your report should give your name, number or other designation of the comparison floor covering, the category in which it falls and should explain why you have selected it as a comparison floor covering. It should show a detailed breakdown of the current unit direct cost, computed on a square yard basis, of the comparison floor covering and of the floor covering being priced; the ceiling price of the comparison floor covering; the proposed ceiling price for the floor covering being priced. A report relating to a floor covering being priced under paragraph (b) of this section should also show the gross dollar margin per square yard and the percentage markup over current unit direct cost of the comparison floor covering. Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

(g) *Sample.* You should submit with your report a 9" x 12" sample of the floor covering being priced and a 9" x 12" sample of the comparison floor covering. The Director of Price Stabilization may waive this sample requirement at your request. A request for such waiver should either be submitted with your report or prior to filing it and should explain why the request is being made.

SEC. 4. *Ceiling prices on sales by a manufacturer of a floor covering which cannot be priced under either section 2 or section 3 of this regulation.* If you are a manufacturer and you cannot determine ceiling price under either section 2 or section 3 of this regulation for a unit of floor covering, your ceiling price for that unit of floor covering is the same as the ceiling price of your most closely competitive seller selling a comparable unit of floor covering to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation. You will be unable to price a floor covering under section 3 of this regulation, if during the period from December 19, 1950 to January 15, 1951 you neither sold nor offered for sale any comparison floor covering entirely made of wool in the same category as the floor covering you wish to price. You also will be unable to use section 3 of this regulation if you need to determine your ceiling price to a new class of purchaser.

(b) *Required report.* Before selling any unit of floor covering for which you have determined a ceiling price under this section, you must file the report required by paragraph (c) of this section with the Director of Price Stabilization, Washington 25, D. C., and the sample required by paragraph (d) of this section. You may not sell the floor covering until 15 days after mailing your report and the sample; thereafter, you may sell the floor covering at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(c) *Information required in report.* Your report should state the name and address of your company; the category in which the floor covering to be priced is; the most comparable categories dealt in by you during the period from December 19, 1950 to January 15, 1951; the name and address of your most closely competitive seller; a statement of his ceiling price on a comparable floor covering; his name or number for the comparable floor covering and a description of it; his customary price differentials; your proposed ceiling price, and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. Your report should also give the same specifications for the floor covering you are pricing as are listed in section 3 (f) of this regulation. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment.

(d) *Sample.* You should submit with your report a 9" x 12" sample of the floor covering to be priced and a 9" x 12" sample of the comparable unit of floor covering referred to in the report.

SEC. 5. *Ceiling prices on sales by a wholesaler.* If you are a wholesaler, your ceiling price for any unit of floor covering covered by this regulation shall be the same as the ceiling price of the manufacturer of such unit of floor covering to the same class of purchaser.

SEC. 6. *Manufacturers and wholesalers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a unit of floor covering under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C. for the establishment of a ceiling price.

(b) Your application should contain your proposed ceiling price, an explanation of why you are unable to determine your ceiling price under any other provision of this regulation and of the method used by you to determine your proposed ceiling price. If you are a manufacturer, your report should state the name and address of your company, the specifications and the current unit direct cost, computed on a square yard basis, of the unit of floor covering being priced. A 9" x 12" sample of the floor covering being priced should be submitted with your report. You may not sell the floor covering until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 7. *Sales to a wholesaler.* On any sale to a wholesaler no smaller percentage of discount shall be given than the discount in effect with the seller during the period from December 19, 1950 to January 15, 1951.

SEC. 8. *Notification of "permitted increase."* Any manufacturer or wholesaler of floor covering must break down his invoice price into two parts to show the "basic price" and the "permitted increase" on any sale except to a wholesaler of a unit of floor covering which contains any wool or synthetic material and whose ceiling price is not the same as its basic price as defined in section 13 of this regulation. To each invoice rendered in conection with a sale to a retailer or interior decorator shall be affixed (by rubber stamp or other convenient means) this statement:

The amount on this invoice shown as the "basic price" is the cost on which you apply your markup under OPS Ceiling Price Regulation 7. The amount shown as "permitted increase" may be added to your price after applying your mark-up. The total becomes your ceiling price.

SEC. 9. *Addition of "permitted increase."* (a) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering under section 3 of the General Ceiling Price Regulation, you may add to your ceiling price so established an amount equal to the "permitted increase." The result becomes your new ceiling price.

(b) If you are a seller, other than a manufacturer or wholesaler, and you determine your ceiling price for a unit of floor covering under section 5 of the General Ceiling Price Regulation and either your ceiling price on the comparison floor covering or the net invoice cost to you of the floor covering being priced includes a "permitted increase", such "permitted increase" should be ignored in making your calculation. Thus, if both your ceiling price for the comparison floor covering and the net invoice cost of the floor covering being priced include a permitted increase, you must treat the "permitted increase" as follows:

(1) First, subtract from your ceiling price on the comparison floor covering the "permitted increase".

(2) Next subtract from the result of paragraph (a) of this section, the "basic price" of the comparison floor covering. This will give you the dollar margin over cost of the comparison floor covering.

(3) Divide this dollar margin by the "basic price" of the comparison floor covering. This will give you your percentage mark-up.

(4) Apply this percentage mark-up to the "basic price" of the floor covering being priced. This will give you your dollar mark-up.

(5) Then add to the dollar mark-up the "basic price" and the "permitted increase" on the floor covering being priced. The result is your ceiling price on the unit of the floor covering being priced.

Example: You are pricing a unit of floor covering for which the invoice to you shows a "basic price" of $50.00 and a "permitted increase" of $2.50, the total cost to you being $52.50. Your comparison floor covering had a "basic price" of $60.00 and a "permitted increase" of $9.00. Your ceiling price on the comparison floor covering was $99.00. (1) $99.00 minus $9.00 is $90.00. $90.00 is your ceiling price minus the "permitted increase" of the comparison floor covering. (2) $90.00 minus $60.00 is $30.00. $30.00 is the dollar margin over cost which you received on the comparison floor covering. (3) $30.00 divided by $60.00 is 50 percent. This is the percentage mark-up for the comparison floor covering. (4) 50 percent of $50.00, the "basic price" of the floor covering being priced, is $25.00, your dollar mark-up. (5) $25.00 plus $50.00, the "basic price" plus $2.50, the "permitted increase" is $77.50. This is your ceiling price for the floor covering being priced.

SEC. 10. *Retention of present ceilings.* Until August 1951, you may continue to sell any floor coverings for which you determine your ceiling price under sections 3, 4, 5 or 6 of this regulation and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under a regulation previously issued by the OPS, at the ceiling price previously determined.

SEC. 11. *Adjustment of a manufacturer's ceiling prices.* The Director of Price Stabilization on an application for adjustment made in accordance with Price Procedural Regulation 1 may adjust your ceiling prices if, because of special circumstances during the period from December 19, 1950 to January 15, 1951, they are abnormally low in relation to the ceiling prices on comparable floor coverings sold by closely competitive manufacturers. An application for such an adjustment should be sent to the Director of Price Stabilization, Washington 25, D. C., and should set forth the facts as to the special circumstances which resulted in your ceiling prices being abnormally low in relation to those of your competitors. It should give the name or number, and the description of the floor coverings on which you are asking a price adjustment; the names and addresses of two of your most closely competitive sellers; a statement of their ceiling prices on floor coverings comparable to those sold by you and their name or number for the comparable floor coverings; and your present ceiling prices and your proposed ceiling prices.

SEC. 12. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 13. *Definitions.*

Basic price. The "basic price" and the manufacturer's ceiling price are the same on every unit of floor covering except one which contains some wool or synthetic material and whose ceiling price at the mill is higher than $2.10 a square yard for a unit of punched felt floor covering; $5.50 a square yard for a unit of axminister floor covering; $7.50 a square yard for a unit of velvet floor covering; and $9.50 a square yard for a unit of wilton floor covering. On a unit of floor covering which contains wool or synthetic material and whose ceiling price at the mill is higher than the amounts named for the types of floor covering referred to above, the "basic price" is the manufacturer's ceiling price minus the "permitted increase."

Category. This term refers to the type of weave, if woven on a loom, such as axminster, wilton, velvet or chenille type of weave, or to the manufacturing process, such as that which produces a punched felt floor covering. A change in the face material does not change the category.

Permitted increase. On a unit of floor covering, whose face is entirely made of wool, of synthetic materials or of a blend of both, the "permitted increase" shall be an amount equal to 13 percent of the manufacturer's ceiling price at the mill. On a unit of floor covering, whose face is made partially of wool, of synthetic materials, or of a blend of both and partially of some other face materials, the "permitted increase" shall be that proportion of 13 percent of the manufacturer's ceiling price at the mill established by this regulation which the cost of wool and synthetic material is to the total cost of face materials.

Unit. This term means the specific article of floor covering sold or offered for sale.

Wholesaler. This term means a person who resells floor coverings as a distributor, jobber, agent or broker, and includes a person who resells floor coverings to both ultimate consumers and others, but does not include a person who regularly purchases floor coverings from the manufacturer at no discount from the manufacturer's price list (with the exception of cash discounts and discounts for seconds, drops, imperfects, trial-runs, remnants, mill ends, or other similar units). This term does not include a decorator supply house or carpet contractor.

Effective date. This revision of Supplementary Regulation 11 to the General Ceiling Price Regulation shall become effective July 2, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 2, 1951.

[F. R. Doc. 51-7833; Filed, July 3, 1951; 11:14 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 8, Amendment 2]

GWR 8—COST OF LIVING INCREASES PROVIDED BY ESCALATOR CLAUSES AND WAGE AND SALARY PLANS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong., extended by Public Law 69, 82d Congress), Executive Order 10161 (15 F. R. 6105), and Executive Order 10233 (16 F. R. 3503), General Wage Regulation No. 8 (16 F. R. 2222) is amended by changing "June 30, 1951," in both section 4 and the undesignated paragraph which follows that section, to "July 31, 1951."

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503)

Issued: June 30, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-7834; Filed, July 3, 1951; 11:15 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended July 1, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the

formulation of this amendment, however, consultation with industry representatives, including trade association representatives, was found to be impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-4 as amended May 11, 1951, as follows: It adds a new paragraph (j) to section 3, a new paragraph (c) to section 4, and amends sections 5, 6, 15, 16, and 17.

As amended, NPA Order M-4 reads as follows:

Sec

1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures, or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.
17. List C—Additional construction where NPA authorization is required.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures, and projects unless specific exception is made, or authorization issued, by the National Production Authority. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures, or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures, or projects which do not support the defense effort or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project.

(c) "Commence construction" means substantial site clearance (including demolition of buildings or structures), preliminary to the start of or incident to the work on a new building, structure, or project; or to incorporate into a building, structure, or project, substantial quantities of materials which are to be an integral and permanent part of such building, structure, or project.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, and labor and services, used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure, or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(i) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

(j) "Calculated floor area" means the total floor area measured to the outside surfaces of exterior walls, including finished habitable attics and basement rooms, stairhalls, and closets, but excluding foundations, unfinished and nonhabitable portions of basements, garages, unfinished attics, open porches, balconies, and terraces.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, with respect to construction specified in section 16 (List B), and after midnight, May 3, 1951, with respect to construction specified in section 17 (List C), no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 (List B) or section 17 (List C), until a specific authorization therefor has been issued by the National Production Authority. The conditions which must exist before an authorization will be issued are set forth in section 6 of this order.

(2) In matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order, pursuant to section 11, with respect to types of construction specified in section 16 (List B) and section 17 (List C).

(c) Commencing July 1, 1951, no person shall use in or in connection with the construction of any building, structure, or project, any copper or aluminum in the forms and shapes indicated in Schedule 1 of CMP Regulation No. 1 for solely decorative or ornamental purposes, or use any copper in the forms and shapes indicated in Schedule 1, whether prefabricated, or fabricated, adapted, or fitted on the site of the construction, for any of the following purposes:

Cement flooring and composition flooring (except that (crude arsenical) copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored, and for places where explosive vapors may be present).
Cornices.
Downspouts and accessories thereto.
Facias.
Gutters and accessories thereto.
I. P. S. waste nipples.
Leaders and accessories thereto.
Linoleum stripping.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Pipe, iron pipe sizes, and fittings (except for industrial process piping and chemical and gas equipment; solder nipples, solder bushing, and ferrules; *and special hospital plumbing fixtures*), including unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and or brass pipe is permitted).
Roofing.
Store fronts.
Supply pipes, iron pipe sizes.
Terrazzo strips.
Tube, tubing, and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical, and gas equipment piping; and seamless tube for air temperature control apparatus).

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in section 15, 16, and 17 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernization, where the cost of all such work shall not exceed:

(1) In the case of interior alterations, additions, improvements, or modernization of hotels, store space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (List A), section 16 (List B), and section 17 (List C), $5,000 for any consecutive 12-month period. (In computing this cost, only construction cost shall be considered.)

(3) In addition, alterations, additions, improvement, or modernization may be made in the case of an industrial plant, factory, or facility, without authorization from the National Production Authority: *Provided,* That, after completion, the total use of steel in such alteration, addition, improvement, or modernization, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel, will not exceed 25 tons.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950: *Provided, however,* That the reconstruction work will not require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, the National Advisory Committee for Aeronautics, or the Office of Rubber Reserve of the Reconstruction Finance Corporation.

(e) Installation of personal property to be physically attached to a building, structure, or project (for example, TV transmitter; theatre seat), if the total cost incurred for such installation in any consecutive 12-month period does not exceed $2,000.

(f) Construction of an industrial plant, facility, or factory for which a certificate of necessity has been issued pursuant to the provisions of the Revenue Act of 1950, or a loan made pursuant to section 302 of the Defense Production Act of 1950.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 or section 17 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in sections 16 or 17 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense, or the Atomic Energy Commission; including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety, or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15, 16, or 17 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive, or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the appropriate field office of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be

punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited construction.*

All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure, or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement, or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework, or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure, or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment including, but not limited to, facilities for the publication of newspapers, books, and periodicals.
Restaurant.
Storage, distribution, display, or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse).
Storage warehouse for personal effects.
Tobacco auction warehouse.

SEC. 17. *List C—Additional construction where NPA authorization is required.*

Multiunit residential building in excess of three stories and basement.
Residential unit for single family occupancy with a calculated floor area in excess of 2500 square feet.
Building, structure, or project for radio broadcasting or television broadcasting.
Terminal warehouse.
Any and all other public or private buildings, structures, or projects of a type not listed above in this list C, and not listed in list A or in list B, of every kind except residential construction (including but not limited to an industrial plant, facility, or factory), which will require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F R. Doc. 51-7822; Filed, July 2, 1951; 4:56 p. m.]

[NPA Order M-12 as Amended July 2, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order effects a large number of different trades and industries.

Sections 1, 2, 3, 4, 5, 6, 7, and 9 (as renumbered) are amended; section 9 is renumbered 8; sections 8, 10, and 11 are deleted; sections 12, 13, 14, and 15 are renumbered as 9, 10, 11, and 12; references throughout the order to these sections are changed accordingly; and lists A & B are deleted. As so amended, NPA Order M-12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products, and foundry products.
6. Use of copper forms and products.
7. Liability for noncompliance.
8. Exemptions.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy, and to limit the use of copper where such limitation is not accomplished by allotments or other orders. It is the policy of the National Production Authority that copper and articles made of copper not required to fill authorized controlled material orders and rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include

fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill products," for the purpose of this order, means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemption stated in section 8, this order applies to all persons who produce brass mill products, copper wire mill products, or foundry products as listed in section 3 of this order, or who use any of the forms and products of copper defined in section 3 of this order in manufacture. This order does not apply to the use of copper which is limited or controlled by CMP allotments or other applicable NPA orders, or to the use of copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products, and foundry products.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall produce during July 1951 a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average monthly production of such products during the base period. The production of brass mill products and copper wire mill products pursuant to an authorized toll or conversion agreement whereby title to the material to be processed remains vested in the person who delivers it is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll or other similar agreements contained in NPA Order M-16.

(b) No person shall produce during July 1951 a total quantity by weight of foundry products in excess of 100 percent of his average monthly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority, during July 1951 and each month thereafter, no person shall use in any process (such as plating) or in the manufacture or production of any chemical, drug, pharmaceutical, or insecticide, or any product which is not listed in NPA Order M-47A or which is not a part of a product so listed, a quantity by weight of the forms and products of copper defined in section 3 of this order in excess of 75 percent of his average monthly use of such materials for such purposes during the base period: *Provided, however,* That this limitation shall not apply to the use of such material pursuant to an authorized production schedule received in accordance with CMP Regulation No. 1.

SEC. 7. *Liability for noncompliance.* Nothing contained herein shall relieve any person from liability for violations of any provision of this order which was in effect at the time of such violation.

SEC. 8. *Exemptions.* (a) The production of brass mill, copper wire mill, and foundry products, and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted by the provisions of sections 5 and 6 of this order.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of section 6.

(c) The provisions of section 6 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter: *Provided, however,* That persons who, by reason of the provisions of section 6, would be permitted to use less than 1,000 lbs. during any calendar quarter, may use, during such period, a quantity up to 1,000 pounds.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF-11, "Copper and Copper-Base Alloys: Producer's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 10. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries, and uses of copper forms and products defined in section 3 of this order commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-12.

SEC. 12. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended, including Lists A and B, shall take effect, except as otherwise specifically stated, on July 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7819; Filed, July 2, 1951; 4:55 p. m.]

[NPA Order M-74]

M-74—USE OF COPPER AND COPPER-BASE ALLOY IN CONSTRUCTION MATERIALS

This order is found necessary and appropriate to promote the national de-

fense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of copper.
4. Applications for adjustment or exception.
5. Records.
6. Audit and inspection.
7. Reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101 E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve copper and copper-base alloys so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a manufacturer or assembler of copper or copper-base alloy, or component parts made therefrom, in the manufacture or assembly of certain items.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in paragraph (c) of this section by physical or chemical means, and includes the use of copper in plating.

(c) "Copper and copper-base alloy" means the following forms and products of copper:

(1) *Unalloyed copper.* (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(2) *Copper-base alloy.* Any alloy, the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It includes fired or demilitarized cartridge cases and artillery cases and all copper-base alloys as specified above in any form, including scrap.)

(3) *Brass mill products.* Copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

(4) *Copper wire mill products.* Bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel, containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(5) *Foundry copper products and copper-base alloy products.* Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing.)

SEC. 3. *Restrictions on use of copper.* Commencing on July 1, 1951, no person shall use copper or copper-base alloy, as defined in section 2 of this order, or any component or part made therefrom in the manufacture or assembly of any item included in the attached List A except as permitted therein.

SEC. 4. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 5. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 7. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–74.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order includes List A hereto attached and shall take effect on July 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The use of copper or copper-base alloys, or any component or part made therefrom, in the items listed below is prohibited except to the extent permitted in the list.

Bands on pipe insulation.
Chimneys and flues.
Conduits (except instrument assemblies).
Door sills.
Door frames (not including hardware and attachments).
Doors (not including hardware and attachments).
Drains (except strainer grids for showers and urinals).
Drip pans.
Escutcheons and plates for floor, ceiling, and wall use.
Fittings for underfloor raceway systems.
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, for places where explosives are handled or stored, and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Lavatory legs (except for hospital use).
Louvers.
Ornamental metal work; including grille work, railings, and fittings.
Radiator covers and shields.
Railings and fittings.
Reglets, molding, and trim.
Skylights.
Straps and hangers for pipe supports.
Switch plates.
Traps (except tube traps in 20-gage without cleanouts; except traps cast from secondary metal; except brass plates for cast iron drum traps).
Thresholds and saddles.
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings, or parts necessary for conducting electricity, and for water or steam courses and headers).
Valve handles (except plumbing fixture trim).
Ventilators (except for current carrying parts).
Vents.
Window frames (not including butts, hinges, and hardware).
Window sills (not including butts, hinges, and hardware).

[F. R. Doc. 51–7821; Filed, July 2, 1951; 4:56 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

POLAND

In § 127.331 *Poland* (39 CFR 127.331) amend the table of rates in subdivision (i) of subparagraph (1) of paragraph (b) to read as follows:

(b) *Parcel post.* • • •

(1) *Table of rates.* (i) Surface parcels.

Pounds:	Rate	Pounds:	Rate
1	$0.17	23	$3.91
2	.34	24	4.08
3	.51	25	4.25
4	.68	26	4.42
5	.85	27	4.59
6	1.02	28	4.76
7	1.19	29	4.93
8	1.36	30	5.10
9	1.53	31	5.27
10	1.70	32	5.44
11	1.87	33	5.61
12	2.04	34	5.78
13	2.21	35	5.95
14	2.38	36	6.12
15	2.55	37	6.29
16	2.72	38	6.46
17	2.89	39	6.63
18	3.06	40	6.80
19	3.23	41	6.97
20	3.40	42	7.14
21	3.57	43	7.31
22	3.74	44	7.48

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–7636; Filed, July 3, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 12 since it was last recapitulated in the FEDERAL REGISTER (April 17, 1946, 11 F. R. 4240) there follows a recapitulation of Part 12 as revised to and including the Commission's action of June 6, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Sec.
12.0 Basis and Purpose.

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12.23 Classes and privileges of amateur operator licenses.
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12.60 Limitations on antenna structures.
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CALL SIGNS

12.81 Assignment of call signs.
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APPENDIX

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Radio districts.
Extracts from General Radio Regulations (Cairo Revision).
Extracts from Radio Regulations (Atlantic City, 1947).

AUTHORITY: §§ 12.0 to 12.162 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharging of passengers or cargo.

Amateur Operators

Licenses, Privileges

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra, class.[1]
Advanced class [2] (previously class A).
General class [2] (previously class B).
Conditional class [2] (previously class C).
Technician class.[4]
Novice class.[4]

[1] This class of operator license will become available to qualified applicants January 1, 1952.

[2] This class of license is the same as the Class A with change of name only. It (and the Class A) may be renewed as long as the holder to whom it was issued meets the renewal requirements current at the time renewal is applied for. New Advanced Class (or Class A) amateur operator licenses will not be issued after December 31, 1952.

[3] This class of operator license will become effective March 1, 1951.

§ 12.21 *Eligibility for license.*[5] Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes.

(b) *Advanced class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission, has held for a period of a year or more an amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes. New Advanced Class amateur operator licenses will not be issued after December 31, 1952. However, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

[4] This class of license will become available to qualified applicants July 1, 1951.

[5] For effective dates of the various classes of operator licenses, see footnotes 1 through 4.

§ 12.23 *Classes and privileges of amateur operator licenses.*[6]—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and conditional classes.* All authorized amateur privileges except the use of radiotelephony on the frequency bands 3800 to 4000 kilocycles, and 14200 to 14300 kilocycles, and except those which may be reserved to holders of the Amateur Extra Class license.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kilocycles, radiotelegraphy using only type A1 emission in accordance with the geographical restrictions set forth in § 12.111 (a) (2) (i).

(ii) 26.960 to 27.230 Mc., radiotelegraphy using only type A1 emission.

(iii) 145 to 147 megacycles, radiotelegraphy or radiotelephony using any type of emission except pulsed emissions and type B emission.

§ 12.25 *Availability of operator license.* The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this section shall be construed to prohibit the photocopying, for other purposes, of any amateur radio operator license.

§ 12.26 *Duplicate license.* Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destoyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Commission.

[6] By order dated and effective November 13, 1950, the Commission temporarily waived, to a limited extent, the requirement that all applications for renewal of an amateur operator license be accompanied by a showing that the applicant actually operated an amateur radio station or stations, in the manner and upon the occasions or for the period of time specified in section 12.27, in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States. This order is applicable to all amateur operator licenses which expire during the period January 1 to December 31, 1951, inclusive.

§ 12.27 *Renewal of amateur operator license.*[6] (a) An amateur operator license except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) The renewal application shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license may be filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate licenses shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

§ 12.30 *Order of suspension.* No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent, who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

Examinations

§ 12.41 *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46.

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (A): *Advanced radiotelephone.* Technical, operational and other matter specifically applicable to the operation of amateur radiotelephone stations.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *Advanced class.* Elements 1 (B), 2, 3 (B) and 4 (A).

(c) *General class.* Elements 1 (B), 2 and 3 (B).

(d) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(e) *Technician class.* Elements 1 (A), 2 and 3 (B).

(f) *Novice class.* Elements 1 (A) and 3 (A).

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a technician or Novice Class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

(b) Whenever the holder of a Conditional Class amateur operator license changes his actual residence or station location to a location where he would not have been eligible to apply for a Conditional Class license in the first instance, or whenever a new examining location is established in an area within which the holder of a Conditional Class amateur operator license would not have been eligible because of such examination location, to apply for a Conditional Class license such holder of Conditional Class license shall appear within 4 months thereafter at an examining location and time designated by the Commission and be examined for a General Class license. If, under such circumstances, the licensee fails to appear for the General Class examination, or fails to pass such examination, the Conditional Class license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for Amateur Advanced Class operator license will be given credit for examination element 4 (A) if within 2 years prior to the receipt of his application by the Commission he held Class A privileges or an Advanced Class license.

(c) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 *Grading.* (a) Code tests are graded as "passed" or "failed," separately for sending and receiving tests. Failure to pass the required code test for either sending or receiving will terminate the examination.

(b) Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than elements 4 (A) and 4 (B), required in qualifying for a particular license will be considered a single examination, and elements 4 (A) and 4 (B), will be considered as separate examinations.

§ 12.49 *Eligibility for re-examination.* An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for a General Class license following an examination for a Conditional Class license.

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43, shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes, counting five characters to the word, each numeral or punctuation mark counting as two characters.

Amateur Radio Stations

LICENSES

§ 12.60 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form No. 401–A, in triplicate.

(b) In cases where FCC Form No. 401–A is required to be filed, further details as to whether an aeronautical study and or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

§ 12.61 *Eligibility for amateur station license.* A license for an amateur station will be issued in response to proper application therefor to a licensed amateur operator who has made a satisfactory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

§ 12.63 *Application for amateur station license.* (a) Each application for an amateur station license shall comply with the Commission's rules and regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C., office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Rules Governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b), subparagraphs (1) through (5). Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in § 12.64 (b), subparagraphs (1) through (5).

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.* (a) An amateur station license may be renewed upon proper application filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951.

(b) The renewal application shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license.* Whenever the Commission shall institute a revocation proceeding against the holder of any radio station license under section 312 (a) of the Communications Act of 1934, as amended, it shall initiate said proceeding by serving upon said licensee an order of revocation effective not less than 15 days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within 15 days after receipt of said order. Upon filing of such written request for hearing by said licensee the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the

licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time hereinabove set forth, the order of revocation shall become final and effective, without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the Engineer in Charge of the district in which the licensee resides.

§ 12.70 *Modification of station license.* (a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to be and appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 *Assignment of call sign.* (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call sign" (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign the prefix of which consisted of not more than a single letter.

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

No.
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2. New York, New Jersey.
3. Pennsylvania, Delaware, Maryland, District of Columbia.
4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
6. California, Hawaii and Pacific possessions except those included in area 7.
7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
8. Michigan, Ohio, West Virginia.
9. Wisconsin, Illinois, Indiana.
0. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 *Transmissions of call signs.* (a) An operator of an amateur station shall transmit the call sign of the station called or being worked and the call sign assigned the station which he is operating at the beginning and end of each transmission and at least once every 10 minutes during every transmission of more than 10 minutes' duration. In the case of stations conducting an exchange of several transmissions in sequence, with each transmission less than 3 minutes' duration, the call signs of the communicating stations need be transmitted only once every 10 minutes of operation as well as at the beginning and at the termination of the correspondence.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character (DN) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

Example 1. Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station: W1ABC W1ABC W1ABC DE W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 $\overline{AR}$.

Example 2. Fixed amateur station answers the portable or mobile amateur station: W2DEF W2DEF W2DEF DE W1ABC K.

Example 3. Portable or mobile amateur station calls a portable or mobile amateur station: W3GHI W3GHI W3GHI DE W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 $\overline{AR}$.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

Example 4. Portable or mobile amateur radiotelephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international voyage, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) Mobile operations aboard a vessel.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile", to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) Mobile operations aboard aircraft.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. An amateur station operated under the provisions of this section shall not be operated during any period exceeding one month away from the fixed station location designated in the station license without giving additional notice to the Engineer in Charge of the radio inspection district in which the station is intended to be further operated, nor for more than four consecutive periods of 1 month each as portable at the same location. Mobile operation without return to the fixed transmitter location may be continued beyond the four consecutive periods of 1 month each provided that the above mentioned notice of mobile operation is given each month.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc. Within areas under the jurisdiction of a foreign government, operation is also limited to this band and then only with the permission of that government. Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

§ 12.93 *Special provisions for nonportable stations.* The specific provisions of these rules relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location may use the station at the temporary location if the station is to remain there for a period of not more than 4 months and the following requirements are met:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and to the Engineer in Charge of the district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in station location and for transfer of the station to the former permament location, or to a new permanent location before the transmitting apparatus is operated.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) The operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) The amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 *Points of communications.* An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 *No remuneration for use of station.* An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 *Broadcasting prohibited.* Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.

§ 12.104 *Radiotelephone tests.* The transmission of music by an amateur station is forbidden. However, single audiofrequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radiotelephone equipment.

§ 12.105 *Codes and ciphers prohibited.* The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

§ 12.106 *One-way communications.* In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

ALLOCATION OF FREQUENCIES[*]

§ 12.111 *Frequencies and types of emission for use of amateur stations.* (a) Subject to the limitations and re-

[*] The assignment and use of all frequencies below 25 megacycles contained in these regulations are subject to change in accordance with the Commission's final report of allocations below 25 megacycles, in Docket Proceeding No. 6651.

strictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation as follows:

(1) 1800 to 2000 kc and 2006 to 2050 kc. Use of this band by amateur radio stations is restricted as follows:

(i) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radio navigation. In any particular area the Loran system of radio navigation operates either on 1850 or 1950 kc, the band occupied being 1800 to 1900 or 1900 to 2000 kc. The amateur service may use in any area whichever bands, 1800 to 1825 and 1875 to 1900 kc, or 1900 to 1925 and 1975 to 2000 kc, are not required for Loran in that area, in accordance with the following limitations and conditions:

(*a*) Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico): 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 50 watts day, 200 watts night.

(*b*) Mississippi River to West Coast U. S. (except states bordering Gulf of Mexico): 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night, except in the State of Washington where daytime power is limited to 200 watts and nighttime power to 50 watts.

(*c*) Florida and states bordering Gulf of Mexico: 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 200 watts day, no operation at night.

(*d*) Puerto Rico and Virgin Islands: 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 50 watts night.

(*e*) Hawaiian Islands: 1900 to 1925 kc, and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*f*) The use of these frequencies by stations in the Amateur Service shall not cause harmful interference to the Loran system of radio navigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(*g*) The use of these frequencies by the Amateur Service shall not be a bar to expansion of the radio navigation (Loran) service, and such use, and the limitations and conditions of such use as set forth in this subparagraph, shall be considered temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radio navigation.

(ii) 2006 to 2050 kc. Not available for use.

(2) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A–1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3800 to 4000 kc, using type A3 emission and, on frequencies 3800 to 3850 kc, using narrow band frequency or phase modulation for radiotelephony, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission, or narrow band frequency or phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(3) 7000 to 7300 kc, using type A1 emission.

(4) 14000 to 14400 kc, using type A1 emission and, on frequencies 14200 to 14300 kc, type A3 emission and, on frequencies 14200 to 14250 kc, using narrow band frequency or phase modulation for radiotelephony, subject to the restriction that type A3 emission, or narrow band frequency of phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(5) 26.960 to 27.230 Mc, using A0, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120 Mc.

(6) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 144 to 148 Mc, using types A0 A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 220 to 225 Mc,[1] using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), provided that until January 1, 1952, if this band is required for distance measuring equipment at certain United States gateways and Canadian border locations, amateurs within interference range of those gateways and locations shall, after publication by the Commission of an order designating the areas involved, cease to use this band, but shall be entitled in lieu thereof to use the band 235 to 240 Mc.

(10) 235 to 240 Mc, using type A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) until January 1, 1952, provided that commencing with June 9, 1948, this band may be used only as a substitute for the band 220 to 225 Mc in those cases in which the band 220 to 225 Mc may not be used, as provided in subparagraph (9) of this paragraph.

(11) 420 to 450 Mc, using types A0, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(12) 1215 to 1300 Mc, using types A0, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(13) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

§ 12.114 *Types of emission.* (a) Type A0 emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A0 emission is specifically designated.

(b) [Deleted]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

EQUIPMENT AND OPERATION

§ 12.131 *Maximum authorized power.* Except on frequencies within the band 420 to 450 megacycles (where peak antenna power shall not exceed 50 watts), each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter.* The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A–3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.960 to 27.230 megacycles, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 144 megacycles unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, including the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once, provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

[1] In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°55′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 *Second notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 *Third notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent nor an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 *Operation in emergencies.* In the event of widespread emergency conditions affecting domestic communication facilities, the Commission may confer with representatives of the amateur service and others, and if deemed advisable, declare that a state of general communications emergency exists, designating the area or areas concerned (normally not exceeding 1,000 miles from center of the affected area), whereupon it shall be incumbent upon each amateur station in such area or areas to observe the following restrictions for the duration of such emergency:

(a) Transmissions, other than those relating to relief work or other emergency service, such as amateur station networks can provide, shall not be made within the 1750–2050-kilocycle or 3500–4000-kilocycle bands. Incidental calling, testing and working, including casual conversion or remarks not pertinent or necessary to constructive handling of the emergency situation shall be prohibited.

(b) Frequencies within the bands 2025–2050-kilocycle, 3500–3525-kilocycle and 3975–4000-kilocycle shall be reserved for emergency calling channels, for initial calls from isolated stations or first calls concerning very important emergency relief matters or arrangements. All stations having occasion to use such channels shall change, as quickly as possible, to other frequencies for carrying on their communications.

(c) A 5-minute listening period for the first 5 minutes of each hour shall be uniformly observed for initial calls of major importance, both in the designated emergency calling channels and throughout the 1750–2050-kilocycle and 3500–4000-kilocycle bands. Only stations isolated or engaged in handling official traffic of the highest priority may continue with transmissions in these listening periods. No replies to calls or resumption of routine traffic shall be made in the 5-minute listening periods.

(d) The Commission may designate certain amateur stations to assist in promulgation of its emergency announcement, to police the 1750–2050-kilocycle and 3500–4000-kilocycle bands and to warn noncomplying stations observed to be operating therein. The operators of these observing stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section. Such designated stations will act in an advisory capacity when able to provide information on emergency circuits. Their policing authority shall be limited to the transmission of information from responsible official sources, and full reports of noncompliance which may serve as a basis for investigation and action under section 502 of the Communications Act. Such policing authority shall apply only to the 1750–2050-kilocycle and 3500–4000-kilocycle bands. Individual policing transmissions shall refer to this section of the rules by number (§ 12.156) and shall specify briefly and concisely the date of the Commission's declaration and the area and nature of the emergency. Policing observer station shall not enter into discussions with other stations beyond the furnishing of essential facts relative to the emergency.

(e) The special conditions imposed under this section will cease to apply only after the Commission shall have declared such emergency to be terminated.

§ 12.157 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 12.162 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

APPENDIX

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Mobile, Ala.	Tampa, Fla.
Savannah, Ga.	Juneau, Alaska.
San Diego, Calif.	Anchorage, Alaska.

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

Birmingham, Ala.	Nashville, Tenn.
Charleston, W. Va.	Oklahoma City, Okla.
Cincinnati, Ohio.	Omaha, Nebr.
Cleveland, Ohio.	Phoenix, Ariz.
Columbus, Ohio.	Pittsburgh, Pa.
Corpus Christi, Tex.	St. Louis, Mo.
Davenport, Iowa.	Salt Lake City, Utah.
Des Moines, Iowa.	San Antonio, Tex.
Fort Wayne, Ind.	Schenectady, N. Y.
Fresno, Calif.	Sioux Falls, S. Dak.
Grand Rapids, Mich.	Syracuse, N. Y.
Indianapolis, Ind.	Tulsa, Okla.
Jackson, Miss.	Williamsport, Pa.
Knoxville, Tenn.	Winston-Salem, N. C.
Little Rock, Ark.	
Memphis, Tenn.	
Milwaukee, Wis.	

SEMIANNUAL

Albuquerque, N. Mex.	Louisville, Ky.
Amarillo, Tex.	Manchester, N. H.
Bakersfield, Calif.	Marquette, Mich.
Bangor, Maine.	Portland, Maine.
Boise, Idaho.	Roanoke, Va.
Butte, Mont.	Spokane, Wash.
El Paso, Tex.	Tallahassee, Fla.
Hartford, Conn.	Tucson, Ariz.
Hilo, Hawaii, T. H.	Wichita, Kans.
Jacksonville, Fla.	Wilmington, N. C.
Jamestown, N. Dak.	Wailuku, Maui, T. H.
Lihue, Kauai, T. H.	

ANNUAL

Billings, Mont.	Rapid City, S. Dak.
Cumberland, Md.	Reno, Nev.
Klamath Falls, Oreg.	Springfield, Mo.
Las Vegas, Nev.	

Arrangements have also been made, including cooperation of other Federal agencies, for classes A and B examinations in outlying areas as follows:

Alaska: United States Signal Corps stations.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

RADIO DISTRICTS

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Room 1005, New United States Customhouse, 2nd and Chestnut Sts., Philadelphia 6, Pa.	Delaware	New Castle.
		New Jersey	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		Pennsylvania	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	508 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware	Kent and Sussex.
		District of Columbia	All.
		Maryland	All counties.
		Virginia	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		West Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except district 6.
		Virginia	All except district 4.
6	411 Federal Annex, Atlanta 3, Ga.	Alabama	All except district 8.
		Georgia	All counties.
	Suboffice, P. O. Box 77, 214 Post Office Bldg., York and Bull Sts., Savannah, Ga.	North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except district 8.
	Suboffice, 410 P. O. Bldg., Florida Ave., Tampa 2, Fla.		
8	400 Audubon Bldg., New Orleans 16, La.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
	Suboffice, 324 U. S. Courthouse and Customhouse, Mobile 10, Ala.	Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
		Texas	City of Texarkana only.
9	324 U. S. Appraisers Stores Bldg., 7300 Wingate St., Houston 11, Tex.	Texas	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, LaSalle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Suboffice, P. O. Box 1527, 329 Post Office Bldg., 300 Willow St., Beaumont, Tex.		
10	P. O. Box 5238, 500 U. S. Terminal Annex Bldg., Houston, and Jackson Sts., Dallas 2, Tex.	New Mexico	All counties.
		Oklahoma	Do.
		Texas	All except district 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.
	Suboffice, 230 U. S. Customhouse and Courthouse Bldg., Union and "F" Sts., San Diego 1, Calif.	Nevada	Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except district 11.
		Nevada	All except Clark.
13	406 Central Bldg., 530 SW. 10th Ave., Portland 5, Oreg.	Idaho	All except district 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
		Montana	All counties.
		Washington	All except district 13.
15	521 New Customhouse, 19th St. between California and Stout Sts., Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington.

RADIO DISTRICTS—Continued

Radio district	Address of the engineer in charge	Territory within district: States, etc.	Territory within district: Counties
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All except district 15.
		North Dakota	All counties.
		Wisconsin	All except district 18.
17	3200 Fidelity Building, 911 Walnut Street, Kansas City 6c, Mo.	Iowa	Do.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All except district 15.
18	246 U. S. Courthouse, 219 South Clark St., Chicago, 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
		Kentucky	All except district 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	do	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford.
		Ohio	All counties.
		Michigan	All except district 16.
		West Virginia	All except district 4.
20	328 Post Office Bldg., Ellicott and Swan Streets, Buffalo 3, N. Y.	New York	All except district 2.
		Pennsylvania	All except district 3.
21	609 Stangenwald Bldg., 119 Merchant St., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2057, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico. Virgin Islands.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Third and Seward Sts., Juneau, Alaska. Suboffice, 53 U. S. P. O. and Court House, P. O. Box 644, Anchorage, Alaska.	Alaska.	

EXTRACTS FROM GENERAL RADIO REGULATIONS

(Cairo revision)

ARTICLE 5—CLASSIFICATION OF EMISSIONS

SECTION 1. Emissions shall be classified below according to the purpose for which they are used, assuming their modulation or their possible keying to be only in amplitude.

1. Continuous waves:

Type Aø. Waves the successive oscillations of which are identical under fixed conditions.[1]

Type A1. Telegraphy on pure continuous waves. A continuous wave which is keyed according to a telegraph code.

Type A2. Modulated telegraphy. A carrier wave modulated at one or more audible frequencies, the audible frequency or frequencies or their combination with the carrier wave being keyed according to a telegraph code.

Type A3. Telephony. Waves resulting from the modulation of a carrier wave by frequencies corresponding to the voice, to music, or to other sounds.

Type A4. Facsimile. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of a fixed image with a view to its reproduction in a permanent form.

Type A5. Television. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of fixed or moving objects.[2]

NOTE. The band widths to which these emissions correspond are indicated in appendix 3.

2. Damped waves:

Type B. Waves composed of successive series of oscillations the amplitude of which, after attaining maximum, decreases gradually, the wave trains being keyed according to a telegraph code.

SEC. 2. In the above classification, the presence of a carrier wave is assumed in all cases. However, such carrier wave may or may not be transmitted.

This classification does not contemplate exclusion of the use, by the administrations concerned, under specified conditions, of types of waves not included in the foregoing definitions.

APPENDIX 3

TABLE OF FREQUENCY-BAND WIDTHS OCCUPIED BY THE EMISSIONS

The frequency bands necessary for the various types of transmissions, at the present state of technical development, are indicated below. This table is based solely upon amplitude modulation. For frequency or phase modulation, the band widths necessary for the various transmissions are many times greater.

Type of transmission	Total width of the band in cycles for transmission with 2 side bands
Aø. Continuous waves, no signaling.	
A1. Telegraphy, pure, continuous wave. Morse code. Baudot code. Stop-start printer.	Numerically equal to the telegraph speed in bauds for the fundamental frequency, 3 times this width for the 3d harmonic, etc. (For a code of 8 time elements (dots or blanks) per letter and 48 time elements per word, the speed in bauds shall be equal to 0.8 times the speed in words per minute.)
Scanning-type printer	300–1,000, for speeds of 50 words per minute, according to the conditions of operation and the number of lines scanned (for example, 7 or 12). (Harmonics are not considered in the above values.)
A2. Telegraphy modulated to musical frequency.	Figures appearing under A1, plus twice the highest modulation frequency.
A3. Commercial radiotelephony.	Twice the number indicated by the C. C. I. F. opinions (about 6,000 to 8,000).[1]
Broadcasting	15,000 to 20,000.
A4. Facsimile	Approximately the ratio between the number of picture components[2] to be transmitted and the number of seconds necessary for the transmission.
A5. Television	Approximately the product of the number of picture components[2] multiplied by the number of pictures transmitted per second.

[1] It is recognized that the band width may be wider for multiple-channel radiotelephony and secret radiotelephony.

[2] Two picture components, one black and one white, constitute a cycle; thus, the modulation frequency equals one-half the number of components transmitted per second.

EXTRACTS FROM RADIO REGULATIONS

ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

(Atlantic City, 1947)

ARTICLE 42 [1]—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmissions between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, resource to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

SEC. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

SEC. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

SEC. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

[F. R. Doc. 51-7674; Filed, July 3, 1951; 8:52 a. m.]

[1] These waves used only in special cases, such as standard frequency emissions.

[2] "Objects" is used here in the optical sense of the word.

[1] Article 42 of the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) becomes effective on January 1, 1949 at which time it supersedes Article 8 of the General Radio Regulations, Cairo Revision, 1938).

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 879]

PART 95—CAR SERVICE

REDUCED RATES ON GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of June A. D. 1951.

It appearing, that there is a shortage of refrigerator cars in California and Arizona and that certain Transcontinental Freight Bureau tariffs contain rate penalties on the use of giant type refrigerator cars, in the opinion of the Commission an emergency exists requiring immediate action in California and Arizona. It is ordered, that:

§ 95.879 *Reduced rates on giant refrigerator cars.*—(a) *Rates applicable.* Common carrier by railroad subject to the Interstate Commerce Act serving points in Arizona and California, shall furnish without regard to ownership for loading with commodities, in carloads, suitable for transportation in refrigerator cars, and shall accept and transport such commodities in giant type refrigerator cars as defined in paragraph (b) of this section, at the freight rates applicable on the same commodities when loaded in standard refrigerator cars (cars with inside length between bulkheads—loading space—of less than 37 feet 6 inches).

(b) *Giant refrigerator car defined.* For the purpose of this section, the term "giant refrigerator cars" is defined as refrigerator cars (1) with inside measurement between bulkheads (loading space) of not less than 37 feet 6 inches, and (2) convertible refrigerator cars with collapsible bunkers having inside length between bulkheads (loading space) of less than 37 feet 6 inches with bulkheads in place, and in excess of 37 feet 6 inches with bulkheads collapsed.

(c) *Cars exempt from section.* The provisions of this section shall not be construed to include the following cars:

Initial:	*Number, inclusive*
BREX-BHIX	300–329
WFEX-WHIX	400–500
FOBX	600–697
FOBX	700–799
WOBX	501–550
NHIX	900–999
PFE	100,051–100,500
PFE	200,001–200,587
URT	89,000–89,099

(d) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with this section is hereby suspended.

(e) *Announcement of suspension.* Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth in this section.

(f) *Effective date.* This section shall became effective at 12:01 a. m. June 29, 1951.

(g) *Expiration date.* This section shall expire at 11:59 p. m. July 28, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Intreprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7668; Filed, July 3, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS ADMINISTRATION

[14 CFR Part 625]

NOTICE OF CONSTRUCTION OR ALTERATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following revision of Part 625 is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed revision shall send them to the Civil Aeronautics Administration, Airspace Utilization Branch, Office of Federal Airways, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

PART 625—NOTICE OF CONSTRUCTION OR ALTERATION

Sec.
625.1 Explanation of terms.
625.2 Structures requiring notice.
625.3 Structures exempt from notice.
625.4 Form and time of notice.

AUTHORITY: §§ 625.1 to 625.4 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 1101, 52 Stat. 1026, as amended; 49 U. S. C. 671.

§ 625.1 *Explanation of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "Alteration" shall mean any change in a completed structure which (1) increases the height of the top or any portion of the structure to, or above, the height specified in § 625.2, or (2) increases or decreases the height of the top or any portion of the structure which is above the height specified in § 625.2.

(c) "Boundary of a landing area" shall mean (1) any one of the limits of that portion of a landing area maintained for the use of land aircraft in taking off or landing or (2) any one of the limits of that portion of a landing area used for water aircraft in taking off or landing, which limits are defined as being five thousand feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits of the landing area so marked.

(d) "Ground level" and "mean water level" shall mean the ground level and/or mean water level at the base of the structure.

(e) "Landing area" shall mean any locality, either of land or water, including airports and intermediate landing fields, which is listed as an airport in the current issue of the Airmen's Guide [1] and is used for the landing and take-off of aircraft, whether or not facilities are provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.[2]

(f) "Structure" shall mean any form of construction of a permanent or temporary character, including any ap-

[1] "Airmen's Guide" may be examined in any office of the Civil Aeronautics Administration. It is for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., at 25¢ per copy or $6.00 per year.

[2] See section 1 (22) of the Civil Aeronautics Act of 1938 (52 Stat. 977; 49 U. S. C. 401).

paratus used in the construction, alteration, or repair of any such structure.

§ 625.2 *Structures requiring notice.* Except as otherwise provided in § 625.3, any person engaging in the construction or alteration of any of the following structures shall give notice thereof to the Administrator.

(a) Any structure along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become, by reason of such construction or alteration, greater than one hundred and fifty feet above ground level, or above mean water level (where the structure is, or will be, situated in, or over, navigable water).

(b) Any structure within fifteen thousand feet of the nearest boundary of a landing area located along, or within twenty miles of, a civil airway, the top or any portion of which is, or may become, by reason of such construction or alteration, greater than five feet above ground level, or above mean water level (where the structure is, or will be, situated in or over navigable water), for each five hundred feet or fraction thereof, of the distance that such structure is, or will be, situated from the nearest boundary of a landing area.

§ 625.3 *Structures exempt from notice.* A person engaging in the construction or alteration of the following structures is not required to give notice thereof to the Administrator:

(a) Any structure located in a city, town, or settlement, where the structure, after construction or alteration, will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure.

(b) Any structure located in a city where it is evident beyond all reasonable doubt that the structure will not interfere with safety in air commerce, whether or not the structure is, or will become, by reason of the construction or alteration, greater in height than that of surrounding structures of a permanent and substantial character.

§ 625.4 *Form and time of notice.* (a) The notice of construction or alteration shall be submitted to a representative of the Administrator in triplicate on a Form ACA–117,[1] at least thirty days, but not more than sixty days, prior to the date on which such construction or alteration is to begin: *Provided*, That in case of an emergency requiring immediate construction or alteration, such notice may be given to a representative of the Administrator in person, by telephone, by telegraph, or by other expeditious means, and the executed Form ACA–117 shall be submitted within five days thereafter.

(b) Any change in the date upon which the construction or alteration is to begin, or any other change in the data contained in the Form ACA–117 submitted in compliance with paragraph (a) of this section, shall be communicated to a representative of the Administrator on a Form ACA–117, by letter, or by telegraph.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–7635; Filed, July 3, 1951; 8:46 a. m.]

[1] This form has been approved by the Bureau of the Budget in compliance with the Federal Reports Act. Copies of the form may be obtained from the Civil Aeronautics Administration, Washington 25, D. C., or from the nearest regional or district office of the Civil Aeronautics Administration.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Notice No. 2; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JUNE 27, 1951.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act;

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, Commodity list (15 F. R. 8263, Dec. 2, 1950; 16 F. R. 5322, June 6, 1951; 49 CFR 72.5, Rev. 1950) as follows:

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail or vess
Change				
Bromacetone, liquid	Pois. A	No exemption, 73.329 (a).	Poison Gas	Not [illegible]
Chlorpicrin, liquid	Pois. B	No exemption, 73.357	Poison	24 pounds.
Chlorpicrin, absorbed	do	do	do	75 pounds.
Chlorpicrin, mixtures (containing no compressed gas or poisonous liquid, class A)	do	do	do	Do.
Chlorpicrin and methyl chloride mixtures	Pois. A	No exemption, 73.329 (b).	Poison Gas	Not [illegible]
Add				
Ethylene imine, inhibited	F. L	No exemption, 73.139	Red	5 pints.
Sodium bromate	Oxy. M	73.153, 73.154	Yellow	100 pounds.
Titanium metal powder, dry	F. S	No exemption, 73.208	do	75 pounds.
Zirconium, metallic, solutions or mixtures thereof, liquid.	F. L	No exemption, 73.140	Red	5 pints.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL, EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.22 paragraph (c) Table (15 F. R. 8276, Dec. 2, 1950; 49 CFR 73.22, Rev. 1950) to read as follows:

When these regulations call for specification numbers—	These specification containers may also be used—	
1A	1	Boxed carboy, glass or earthenware.
1B	1	Boxed carboy, lead.
1C	1	Carboy in keg, glass or earthenware.
3A	3, 25, 26	Cylinder
3AA	3, 25, 26	Do.
3B	26	Do.
3C	7	Do.
3D	33	Do.
3E	3	Do.
4A	26	Do.
4B	26, 38	Do.
4BA	26, 38	Do.
4C	7	Do.

2. Amend § 73.25 paragraph (a) and add paragraph (b) (15 F. R. 8277, Dec. 2, 1950; 49 CFR 73.25, Rev. 1950) to read as follows:

§ 73.25 *Specification containers in outside containers.* (a) Outside specification shipping containers containing no acids or other corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, or metal barrels or drums. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by these regulations to be marked "This Side Up" must be packed in the outside package with their filling holes, up, and the outside package must be marked "This Side Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

(b) Outside specification shipping containers containing acids or other corrosive liquids, except nitric acid, perchloric acid, or hydrogen peroxide solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in strong outside fiberboard or wooden boxes, or in wooden crates, provided such outside container shall not contain any other article except as provided in §§ 73.258 to 73.261. The outside container shall be marked with the prescribed name of contents and labeled as required and shall be marked "This Side Up." The outside container must also be marked "Inside Packages Comply With Prescribed Specifications", unless the specification markings on the inside packages are visible through openings in the outside package.

3. Amend § 73.31 paragraphs (a) and Table, (d), (e) and (f) (15 F. R. 8278, Dec. 2, 1950; 49 CFR 73.31, Rev. 1950) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) Tanks mounted on or forming part of a car and built in compliance with the American Railway Association's specifications for tank cars prior to July 1, 1927; or built in compliance with the Commission's specifications for tanks of tank cars in force prior to the effective date of Parts 71–78 of this chapter, including tanks already constructed or under construction on the effective date hereof in compliance with trial specifications for fusion-welded tanks of tank cars are authorized for service, until further order of the Commission, as follows:

Where these regulations call for specification numbers	These specification containers may also be used
103 [1]	A. R. A. II [1], III [1], IV [1].
103A [1]	A. R. A. II [1], and III [1].
103B [1]	A. R. A. II [1], and III [1], rubber lined.
104 [1]	A. R. A. IV. [1]
105A300	A. R. A. V. [1] I. C. C. 105 [2].
106A500	I. C. C. 27 cylinders mounted on or forming part of a car and classified as multi-unit tank car prior to Oct. 1, 1930. [3]
106ANSO	None.
107A	None.
108	Wooden tanks built and authorized prior to July 1, 1927.
108A	Wooden tanks built and authorized prior to July 1, 1927.

[No change in notes.]

* * * * *

(d) For repairs to ICC–106A or 110A type or tank or equipment (see §§ 78.275, 78.276, and 78.293 of this chapter) therefor requiring welding, the owner of the tank, or party authorized by the owner, must secure approval from the Association of American Railroads' committee on tank cars of such repairs, and the welding and stress-relieving must be the same as authorized for manufacture of tank. Tank must be retested as prescribed in paragraph (g) of this section, before being returned to service.

(e) A tank car other than of the ICC–106A or 110A (§§ 78.275, 78.276, and 78.293 of this chapter) and 107A (§ 78.277 of this chapter) type that bears evidence of damage to the metal by fire must be withdrawn from transportation service: *Provided, however,* That where the damage to the tank is local only or confined to a section not exceeding 25 percent of the tank surface, the damaged material may be replaced.

(1) Tanks of ICC–106A, 110A, and 107A (§§ 78.275, 78.276, 78.293, and 78.277 of this chapter) type exposed to the action of fire must not again be placed in service until they have been inspected inside and outside, to determine that no reduction in wall thickness has resulted, and properly heat-treated and retested. These operations must be carried out, supervised, and reported, as prescribed by these specifications for original heat-treatment and test.

(f) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the specifications, similar to that required in specifications 103, 103W, 104A, 104A–W, 105A300, 105A300W, 106A500, 107A, 108, and 110A500W (§§ 78.265, 78.280, 78.270, 78.285, 78.271, 78.286, 78.275, 78.277, 78.278, and 78.293 of this chapter), respectively, must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

4. Amend § 73.31 paragraph (1) Note 1 (15 F. R. 8279, Dec. 2, 1950; 49 CFR 73.31, Rev. 1950) to read as follows:

NOTE 1: Safety valves, now used on tank cars, A. R. A. classes II,[1] III,[1] and IV [1] and I. C. C. Specifications 103, 103W, 104 and 104W (§§ 78.265, 78.280, 78.269, and 78.284 of this chapter) are reported to permit slow leakage of vapor and it appears that material changes in the design and construction of these valves are necessary to make them tight. The Commission has notified the Association of American Railroads, representing the carriers, and the American Petroleum Institute, representing the shippers, that the necessary changes must be made with the least possible delay. To accomplish this result, new designs must be devised and tested experimentally, and in the meantime necessary shipments must be made in tank cars now available. Pending the accomplishment of these changes, tank cars with safety valves which permit only a slow leakage of vapor may be used.

5. Amend § 73.33 paragraph (o) (15 F. R. 8282, Dec. 2, 1950; 49 CFR 73.33, Rev. 1950) to read as follows:

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with a suitable automatic excess-flow valve or in lieu thereof may be fitted with quick closing internal valves operated by an independent fluid medium, or with automatic valves opened by pressure from the discharge side of pump provided such valves will close automatically when pump is shut off or in the event of breakage of lines on either side of pump. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably as to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

[Exception remains unchanged.]

6. Amend § 73.84 paragraph (f) (15 F. R. 8283, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(f) *Safety devices.* Each cylinder containing compressed gas, unless excepted in this paragraph, must be equipped with one or more safety devices capable of preventing explosion of the normally charged cylinder when it is placed in a fire, and safety devices must be approved by the Bureau of Explosives as to type, location, and number of devices on each cylinder. Cylinders shall not be shipped with leaking safety devices. Safety devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal. Safety devices are not required on the following:

(1) Cylinders, other than those made under specification ICC–9 (§ 78.63 of this chapter) or ICC–40 (§ 78.66 of this chapter), not over 12 inches long, exclusive of neck, nor over 4½ inches outside diameter, unless containing a liquefied gas for which this part prescribes a service pressure of 1800 pounds per square inch or higher or containing a nonliquefied gas having a pressure in the cylinder of 1800 pounds per square inch or higher at 70° F.

(2) Cylinders containing nonliquefied gas under pressure of 300 pounds per square inch or less at 70° F.

(3) Cylinders containing poisonous gas or liquid as defined in § 73.326 (a).

(4) Cylinders containing fluorine, methyl mercaptan, or mono, di, or trimethylamine, anhydrous. Cylinders containing not over 10 pounds of nitrosyl chloride, or cylinders containing less than 165 pounds of anhydrous ammonia.

(5) Drums containing liquefied petroleum gas as provided for in § 73.312 (a) (5) and (6).

7. Amend § 73.34 paragraph (g) (3) (15 F. R. 8283, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(3) By change of serial numbers or ownership marks or both; before remarking, report must be filed with the Bureau of Explosives, in sufficient detail and arranged consecutively according to registered ownership symbol and serial or lot numbers, so that specification marking, previous serial number, registered ownership symbol, and original test date can be determined for each cylinder.

8. Amend § 73.34 paragraph (k) and Table (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(k) The tests prescribed by paragraph (j) of this section, must be (for exceptions see paragraph (k) (1) to (11) of this section):

Specification under which cylinders were made	Minimum retest pressure (pounds per square inch)
ICC-3	3,000 pounds.
ICC-3A, ICC-3AA, ICC-3D, ICC-4A, ICC-26 marked for filling at over 450 pounds.	5/3 times the service pressure. (See § 73.301 (g).)
ICC-3B, ICC-3BN, ICC-4B, ICC-4BA, ICC-26 marked for filling at 450 pounds and below.	2 times the service pressure. (See § 73.301 (g).)
ICC-3C, ICC-3E, ICC-4C, ICC-8, ICC-8AL.	Quinquennial test not required.
ICC-7 when used as authorized in § 73.312 (a) (4).	300 pounds.
ICC-7 when not used under authority of § 73.312 (a) (4).	Quinquennial test not required.
ICC-4	700 pounds.
ICC-9	400 pounds.
ICC-25, ICC-38	500 pounds.
ICC-33	800 pounds.

9. Cancel Exception (6) to paragraph (k) § 73.34 (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950).

10. Amend Exception (7) to paragraph (k) § 73.34 (15 F. R. 8284, Dec. 2, 1950; (49 CFR 73.34, Rev. 1950) to read as follows:

(7) Cylinders made after January 1, 1920, in compliance with specification I. C. C. 4 (§ 78.48 of this chapter) may be retested decennially instead of quinquennially if the test is made at a pressure of not less than 700 pounds per square inch.

11. Amend § 73.34 paragraph (l) (15 F. R. 8284, Dec. 2, 1950; 49 CFR 73.34, Rev. 1950) to read as follows:

(l) Repair of specifications ICC-3A, 3AA, 3B, or 3C (§§ 78.36, 78.37, 78.38, or 78.40 of this chapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to § 78.36-9 (a) of this chapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 78.36-9 (a) of this chapter. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform to § 78.36-22 (a) of this chapter and substitute the word repaired in place of manufactured. Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and footrings and after replacement, which replacement was made by process of _____"
(Welding-brazing)

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.88 paragraph (b) (15 F. R. 8293, Dec. 2, 1950; 49 CFR 73.88, Rev. 1950) to read as follows:

(b) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

2. Amend § 73.93 paragraph (d) (4) (15 F. R. 8294, Dec. 2, 1950; 49 CFR 73.93, Rev. 1950) to read as follows:

(4) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars.

3. Amend § 73.94 paragraph (g) (4) (15 F. R. 8295, Dec. 2, 1950; 49 CFR 73.94, Rev. 1950) to read as follows:

(4) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars.

4. Amend § 73.100 paragraph (b) (16 F. R. 5323, June 6, 1951; 49 CFR 73.100, Rev. 1950) to read as follows:

(b) Small-arms ammunition, designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than .75, is fixed ammunition consisting of a metallic or paper cartridge case; a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer componerts, or incendiary compositions or mixtures, but not including bullets loaded with high explosives.

5. Amend § 73.108 paragraph (b) (1) (15 F. R. 8297, Dec. 2, 1950; 49 CFR 73.108, Rev. 1950) to read as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden Boxes. Gross weight not to exceed 200 pounds. When Spec. 15C boxes are used, devices must be packed in air-tight inside metal containers.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add Paragraphs (c) (13) and (c) (14) to § 73.118 (15 F. R. 8298, Dec. 2, 1950; 49 CFR 73.118, Rev. 1950) to read as follows:

(13) Ethylene imine, inhibited.

(14) Zirconium, metallic, solutions, or mixtures thereof, liquid.

2. Amend § 73.119 paragraph (f) (3) Note 3 (15 F. R. 8299, Dec. 2, 1950; 49 CFR 73.119, Rev. 1950) to read as follows:

NOTE 3: Spec. 104 or 104W (§§ 78.269 or 78.284 of this chapter) or ARA-IV[1] tank cars are authorized provided that they are equipped with approved fittings designed to provide for the loading, unloading, gauging, sampling, and taking temperature of the contents without removing the manhole closure; that safety valves are set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds), and are vapor tight at 28 pounds per square inch, gauge pressure; that bottom discharge outlets are of the same type as authorized for specification 104 or 104W tank cars; and that there is stenciled on each side of the tank above the specification mark, in letters and figures at least 1 inch high, "For vapor pressures not exceeding 40 pounds per square inch, absolute, at 100° F." Because of the present emergency and until further order of the Commission, spec. ICC 104 or 104W (§§ 78.269 or 78.284 of this chapter) tank cars, equipped with safety valves set to open at pressure of 35 pounds (with a tolerance of plus or minus 3 pounds) and which are vapor tight at 28 pounds per square inch, gauge pressure, are authorized provided that they are stenciled as required above.

3. Amend § 73.124 paragraph (a) (5) Note 1 (15 F. R. 8301, Dec. 2, 1950; 49 CFR 73.124, Rev. 1950) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, specification ARA-IV[1] and ICC-104 and 104W (§§ 78.269 and 78.284 of this chapter) tank cars, converted as follows, are authorized for use. Tanks must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed. Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied. Safety valves must be removed and replaced by two safety valves of the type and size used on ICC-104A or 104A-W (§§ 78.270 or 78.285 of this chapter) tank cars but set to open at 60 pounds per square inch instead of 75 pounds. The various approved dome fittings now required on ICC-104A or 104A-W (§§ 78.270 or 78.285 of this chapter) tank cars must be installed in an approved manner to provide for the loading, unloading, gauging, sampling, and taking of temperature of contents without removing the manhole closure. Tank jacket must be stenciled immediately above the mark ARA-IV,[1] ICC-104, or ICC-104W (§§ 78.269 or 78.284 of this chapter) with the words "For Ethylene Oxide Only".

4. Add § 73.139 paragraph (a) (15 F. R. 8302, Dec. 2, 1950; 49 CFR 73.139, Rev. 1950) to read as follows:

§ 73.139 *Ethylene imine, inhibited.* (a) Ethylene imine must be inhibited and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.165 or 78.169 of this chapter). Wooden boxes, with inside containers which must be securely sealed glass ampules, contents not over 100 grams each, in tightly closed metal cans. If more than one ampule is packed in a metal can, ampules must be separated by fiberboard partitions. Ampules must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

5. Add § 73.140 paragraph (a) (15 F. R. 8302, Dec. 2, 1950; 49 CFR 73.140, Rev. 1950) to read as follows:

§ 73.140 *Zirconium, metallic, solutions, or mixtures thereof, liquid.* (a) Zirconium, metallic, solutions, or mixtures thereof, liquid, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 15 individual glass jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITIONS AND PREPARATION

1. Amend § 73.163 paragraphs (a) (6) and (7), (15 F. R. 8305, Dec. 2, 1950; 49 CFR 73.163, Rev. 1950) to read as follows:

(6) Chlorates wet with 10 percent or more of water are authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter), when equally distributed therein.

(7) Chlorate of soda is authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Cars must be thoroughly cleaned before loading.

2. Amend § 73.176 paragraph (g) and cancel paragraph (g) (1), (15 F. R. 8306, Dec. 2, 1950; 49 CFR 73.176, Rev. 1950) to read as follows:

(g) Matches, strike-on-box, book and card, must be packed in outside fiberboard or wooden boxes. They may be packed in the same outside container with nonflammable articles when compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water, they are exempt from specification packaging and labeling requirements, but each outside container shall be marked "Book Matches", "Strike-On-Box Matches", or "Card Matches", as the case may be.

3. Amend § 73.206 paragraph (c) (1) (15 F. R. 8310, Dec. 2, 1950; 49 CFR 73.206, Rev. 1950) to read as follows:

(1) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter.) Tank cars, having exterior heater coils fusion welded to tank shell and properly stress-relieved, the material to be in molten condition when loaded into the tank and allowed to solidify before car is offered to the carrier.

4. Amend § 73.208 paragraph (a) and add paragraph (b) (15 F. R. 8311, Dec. 2, 1950; 49 CFR 73.208, Rev. 1950) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry*—(a) *Titanium metal powder, wet.* Titainum metal powder, wet, with not less than 20 percent water, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with inside metal can of not less than 22-gauge, not to exceed 10 gallons capacity, tightly and securely closed. Not more than one such inside container may be packed in one outside container.

(b) *Titanium metal powder, dry.* Titanium metal powder, dry, must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter.) Wooden boxes with inside metal containers, tightly and securely closed by push-in covers, held in place by soldering at least four joints, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net each. Inside containers must be cushioned by incombustible material such as rock wool or asbestos wool. Gross weight of outside package must not exceed 75 pounds each.

(2) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter). Metal barrels or drums (single-trip) with inside metal drum of not less than 20-gauge metal and with closure secured by positive means. The inside container shall be completely surrounded by not less than one inch of incombustible cushioning material.

5. Amend § 73.227 paragraph (a) (2) (16 F. R. 5325 June 6, 1951; 49 CFR 73.227, Rev. 1950) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums completely coated on the inside with a suitable wax, synthetic coating, or metal foil suitable to the lading; or fiber drums having a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222-4 or 78.223-4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraphs (a) (9) and (a) (10) to § 73.245 (15 F. R. 8313, Dec. 2, 1950; 49 CFR 73.245, Rev. 1950) to read as follows:

(9) Spec. 5D (§ 78.84 of this chapter). Rubber lined metal barrels or drums. Any barrel or drum that shows evidence of damage must be tested before shipment for defects in lining in the manner prescribed in § 78.84-15 (a) of this chapter.

(10) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums.

2. Amend § 73.246 paragraph (a) (1) (15 F. R. 8313, Dec. 2, 1950; 49 CFR 73.246, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42 78.38, 78.50, or 78.51 of this chapter). Cylinders closed by means of iron or steel threaded plugs.

3. Amend § 73.247 paragraph (a) (6) (15 F. R. 8314, Dec. 2, 1950; 49 CFR 73.247, Rev. 1950) to read as follows:

(6) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars except that for tin tetrachloride (anhydrous) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter) tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

4. Amend § 73.248 paragraphs (a) (4) and (a) (5) (15 F. R. 8314, Dec. 2, 1950; 49 CFR 73.248, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome.

(5) Spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter). Tank cars, provided the product is too viscous to be unloaded through the dome.

5. Amend § 73.254 paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950; 49 CFR 73.254, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars.

6. Amend § 73.255 paragraph (a) (4) (15 F. R. 8315, Dec. 2, 1950; 49 CFR 73.255, Rev. 1950) to read as follows:

(4) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars.

7. Amend § 73.262 paragraph (a) (6) (15 F. R. 8316, Dec. 2, 1950; 49 CFR 73.262, Rev. 1950) to read as follows:

(6) Spec. 103B or 103B-W (§§ 78.267 or 78.282 of this chapter). Tank cars.

8. Amend § 73.264 paragraph (a) (11) and add paragraph (a) (15) (15 F. R. 8317, Dec. 2, 1950; 49 CFR 73.264, Rev. 1950) to read as follows:

(11) Spec. 103B or 103B-W (§§ 78.267 or 78.282 of this chapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

* * * * * *

(15) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with welded bung flanges. Authorized only for aqueous hydrofluoric acid containing 65 percent to 81 percent acidity, as hydrofluoric acid, or other concentrations of acid not greater than 81 percent acidity, as hydrofluoric acid, which are suitably inhibited so as to be no more corrosive to drum steel than 70 percent hydrofluoric acid at 80° F.

9. Amend § 73.264 paragraph (b) (1) (15 F. R. 8317, Dec. 2, 1950; 49 CFR 73.264, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[1] or 38,[1] also Spec. 4B or 4C if not brazed. (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50 or 78.52 of this chapter.) Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

10. Amend § 73.265 paragraph (b) (3) (15 F. R. 8318, Dec. 2, 1950; 49 CFR 73.265, Rev. 1950) to read as follows:

(3) Spec. 103B or 103B-W (§§ 78.267 or 78.282 of this chapter). Tank cars, rubber-lined tanks.

11. Amend § 73.267 paragraphs (a) (2) and (a) (3) (15 F. R. 8319, Dec. 2, 1950; 49 CFR 73.267, Rev. 1950) to read as follows:

(2) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums. Spec. 5C drums to be fabricated of type 347 stainless steel only. (See paragraph (b) of this section.)

(3) Spec. 103A or 103A-W (§§ 78.266 or 78.281 of this chapter). Tank cars. (See paragraph (b) of this section.)

12. Amend § 73.268 paragraphs (b) (1) (15 F. R. 8319, Dec. 2, 1950; 49 CFR 73.268, Rev. 1950) to read as follows:

(1) Spec. 103C, 103C–W, or 103AL–W (§§ 78.268, 78.283, or 78.291 of this chapter). Tank cars.

13. Amend § 73.274 paragraph (a) (3) (15 F. R. 8321, Dec. 2, 1950; 49 CFR 73.274, Rev. 1950) to read as follows:

(3) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars.

14. Amend § 73.283 paragraph (a) (1) (15 F. R. 8322, Dec. 2, 1950; 49 CFR 73.283, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240 or 4B240 (§§ 78.36, 78.37, 78.42, 78.38, or 78.50 of this chapter). Cylinders.

15. Amend § 78.284 paragraphs (a) and (b) (15 F. R. 8322, 8323, Dec. 2, 1950; 49 CFR 73.284, Rev. 1950) to read as follows:

§ 73.284 *Bromine pentafluoride.* (a) Bromine pentafluoride, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders not over 120 pounds water capacity (nominal), filled to not over 210 percent of water capacity. Cylinders must be plugged and fitted with valve protection caps. Spec. 3E1800 (§ 78.42 of this chapter) cylinders must be packed in strong outside wooden boxes and contain not more than one pound of bromine pentafluoride.

(b) Bromine pentafluoride, when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 3A150, 3AA150, 3E1800, or 4B240 (§§ 78.36, 78.37, 78.42, or 78.50 of this chapter). Cylinders containing not more than one pound of bromine pentafluoride. Cylinders must be plugged and fitted with valve protection caps and must be packed in strong outside wooden boxes.

16. Amend § 73.285 paragraph (a) (1) (15 F. R. 8323, Dec. 2, 1950; 49 CFR 73.285, Rev. 1950) to read as follows:

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, or 4B240 (§§ 78.36, 78.37, 78.42, 78.38, or 78.50 of this chapter). Cylinders.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.306 paragraph (a) (1) (15 F. R. 8325, 8326, Dec. 2, 1950; 49 CFR 73.306, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, and 78.51 of this chapter), 25,[1] 26,[1] or 38,[1] also Spec. 9 or 40 (§§ 78.63 or 78.66 of this chapter), except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel, carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301 (g).)

2. Amend § 73.307 paragraph (a) (1) (15 F. R. 8326, Dec. 2, 1950; 49 CFR 73.307, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.48, 78.49, 78.50, 78.51, or 78.52 of this chapter), 7,[1] 25,[1] 26,[1] 33,[1] or 38.[1] (See §§ 73.34 and 73.301 (g).)

3. Amend § 73.308 paragraph (a), Table and Note 1 (15 F. R. 8326, Dec. 2, 1950; 49 CFR 73.308, Rev. 1950) to read as follows:

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e).
Anhydrous ammonia. (See Note 9)	54	ICC–4; ICC–3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC–3.
Carbon dioxide—nitrous oxide mixtures	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Chlorine. (See Note 6)	125	ICC–3A480; ICC–3AA480; ICC–25; ICC–3.
Cyclopropane	55	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–7–300; ICC–3; ICC–3E1800.
Dichlorodifluoromethane	119	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	(1)	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4A240; ICC–4B240; ICC–4BA240; ICC–9.
Difluoroethane	79	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Difluoromonochloroethane	100	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Dimethylamine, anhydrous	59	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Ethane	35.8	ICC–3A1800; ICC–3AA1800; ICC–3.
Do	36.8	ICC–3A2000; ICC–3AA2000.
Ethylene	31.0	ICC–3A1800; ICC–3AA1800; ICC–3.
Do	32.5	ICC–3A2000; ICC–3AA2000.
Hydrogen sulfide	68	ICC–3A480; ICC–3AA480; ICC–3B480; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480.
Insecticide, liquefied gas. (See Note 8)	(2)	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9; ICC–40.
Liquefied carbon dioxide. (See Notes 3 and 5).	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air. (See Note 10.)	(3)	ICC–3A300; ICC–3AA300; ICC–4B300; ICC–4BA300; ICC–4D300.
Methyl chloride. (See Note 4)	84	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–8; ICC–4; ICC–25; ICC–26–300; ICC–38.
Methyl mercaptan	80	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.
Monochlorodifluoromethane	105	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.
Monochlorotrifluoromethane	100	ICC–3A1800; ICC–3AA1800; ICC–3.
Monomethylamine, anhydrous	60	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Nitrosyl chloride	110	ICC–3BN400 only.
Nitrous oxide. (See Note 2)	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Propylene	44	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–8; ICC–4; ICC–25; ICC–26–300; ICC–38.
Sulfur dioxide	125	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–8; ICC–4; ICC–25; ICC–26–150; ICC–38.
Sulfur hexafluoride	110	ICC–3A1800; ICC–3AA1800; ICC–3.
Tetrafluoroethylene, inhibited	60	ICC–3A1200; ICC–3AA1200; ICC–3E1800.
Trifluorochloroethylene	115	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300.
Trimethylamine, anhydrous	57	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Vinyl chloride, inhibited. (See Note 7)	84	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–3A300; ICC–3AA300; ICC–25.
Vinyl methyl ether, inhibited. (See Note 7).	68	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–3A300, ICC–3AA300; ICC–3B300; ICC–25.

[1] Section 73.304 (a) and (b).
[2] Section 73.304 (a) and (b).
[3] Section 73.304 (a) and (b) and the pressure in the container must not at 130° F. exceed 5/4 the marked service pressure of the container.

NOTE 1: Cylinders complying with spec. 3E (§ 78.42 of this chapter) are also authorized for all gases named in this table for which steel cylinders are authorized except where ICC–3A2000 and 3AA2000 (§§ 78.36, 78.37 of this chapter) cylinders are specified.

4. Amend § 73.311 paragraph (a) (15 F. R. 8327, Dec. 2, 1950; 49 CFR 73.311, Rev. 1950) to read as follows:

§ 73.311 *Fluorine.* (a) Fluorine must be shipped in metal cylinders complying with spec. 3A2000, 3AA2000, or 3BN400 (§§ 78.36, 78.37, or 78.39 of this chapter), equipped with valve protection caps and subject to § 73.34 (f) (4); cylinders must not be charged to over 400 pounds per square inch, gauge, at 70° F.; cylinders must not contain over 6 pounds of gas.

5. Amend § 73.312 paragraph (a) (1) (15 F. R. 8327, Dec. 2, 1950; 49 CFR 73.312, Rev. 1950) to read as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (e) may be used.

[Notes 1 and 2 remain unchanged.]

6. Amend § 73.314 paragraph (a), Table, Notes 2, 8, 11 and 12, paragraphs (b) and (e) (15 F. R. 8328, 8329, Dec. 2, 1950; 16 F. R. 5325, 5326, June 6, 1951; 49 CFR 73.314, Rev. 1950) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) Compressed gases must not be shipped in tank cars except as provided in paragraphs (b) to (g) of this section, § 73.432, and in the following table:

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Anhydrous ammonia	50	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300, 105A300W.
Argon	Note 5	ICC–107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–104A, 104A–W, Note 9.
Chlorine	125	ICC–106A500, 106A500X, Note 12.
	125	ICC–105A300, 105A300W, Note 8.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC–105A300, 105A300W.
Dichlorodifluoromethane	119	ICC–106A500, 106A500X, 110A500W, Note 12.
	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, Note 12.
		ICC–105A300, 105A300W.
Difluoroethane	79	ICC–106A500, 106A500X, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, Note 12.
Dimethylamine, anhydrous	59	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Dimethyl ether	59	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Dispersant gas, n. o. s.	Note 16	ICC–106A500, 106A500X, Note 12.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X.
		ICC–105A300, 105A300W.
Helium	Note 5	ICC–107A.
Hydrogen	Note 5	ICC–107A, Note 7.
Hydrogen sulfide	68	ICC–106A800, 106A800X, Notes 12 and 13.
Liquid carbon dioxide	Note 10	ICC–105A500, 105A500W, 105A600, 105A600W, Note 11.
Liquid hydrocarbon gas	Note 6	Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–104A, 104A–W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note	ICC–105A300, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3	ICC–105A400, 105A400W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3	ICC–105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 4	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 3	ICC–105A600, 105A600W, Notes 5 and 9.
Methyl chloride	84	ICC–106A500, 106A500X, Note 12.
		ICC–105A300, 105A300W.
Methyl mercaptan	80	ICC–106A500, 106A500X, Note 13.
Monochlorodifluoromethane	105	ICC–106A500, 106A500X, 110A500W, Note 12.
	110	ICC–105A300, 105A300W.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, Note 12.
Monomethylamine, anhydrous	60	ICC–106A500, 106A500X.
	62	ICC–105A300, 105A300W.
Nitrogen	Note 5	ICC–107A.
Nitrosyl chloride	124	ICC–105A300W, Note 15.
Oxygen	Note 5	ICC–107A.
Sulfur dioxide	125	ICC–106A500, 106A500X, Note 12.
	126	ICC–105A300, 105A300W.
Trimethylamine, anhydrous	57	ICC–106A500, 106A500X.
	59	ICC–105A300, 105A300W.
Vinyl chloride, inhibited	84	ICC–106A500, 106A500X, Note 12.
	87	ICC–105A300, 105A300W.

* * * * * * *

NOTE 2: When tank cars marked ICC–105A300 or ICC–105A300W (§§ 78.271 or 78.286 of this chapter) are prescribed, tank cars marked ICC–105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.272, 78.287, 78.273, 78.288, 78.274 and 78.289 of this chapter) may also be used. When ICC–104A or ICC–104A–W (§§ 78.270 or 78.285 of this chapter) tank cars are prescribed, tank cars marked ICC–105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter), may also be used, and when ICC–106A500 and 106A500X (§§ 78.275 of this chapter) tank cars are prescribed, tank cars marked ICC–106A800 and 106A800X (§ 78.276 of this chapter) may also be used.

* * * * * * *

NOTE 8: For tank cars of other than ICC–106A type (§§ 78.275 or 78.276 of this chapter), used for shipping chlorine, tests prescribed in §§ 78.271–15 and 78.286–19 must be made at intervals of 2 years or less and interior pipes of liquid discharge valves must be equipped with check valves of approved design.

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NOTE 11: Before an ICC–105A500, 105A500W, 105A600, or 105A600W (§§ 78.273, 78.288, 78.274, or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree F. differential in temperature per hour. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tank must be equipped with two pressure-regulating valves of approved design, one set to open at three-fifths of the test pressure of the tank and one set to open at two-thirds of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the tank.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, and 105A600W (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter), and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, and 110A500W (§§ 78.275, 78.276, and 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

[Note 1 remains unchanged.]

* * * * * * *

(e) Tank cars containing compressed gasses must not be shipped unless they were loaded by or with the consent of the owner thereof; and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned. For cars of the ICC–106A and 110A500W (§§ 78.275, 78.276, and 78.293 of this chapter) type, the tanks must be placed in position and attached to car structure by the shipper.

SUBPART G—POISONOUS ARTICLES; DEFINITIONS AND PREPARATION

1. Amend § 73.326 paragraph (a) (1) (15 F. R. 8332, Dec. 2, 1950, 49 CFR 73.326, Rev. 1950) to read as follows:

(1) Bromacetone.

2. Amend § 73.329 paragraphs (a) and (b), cancel paragraphs (c) and (d) (15 F. R. 8332, Dec. 2, 1950; 16 F. R. 5326, June 6, 1951; 49 CFR 73.329, Rev. 1950) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures.* (a) *Bromacetone.* Bromacetone, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(b) *Chlorpicrin and methyl chloride mixtures.* Chlorpicrin and methyl chloride mixtures, in addition to containers prescribed in § 73.328, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, or 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

3. Amend § 73.332 paragraph (a) (3) (15 F. R. 8333, Dec. 2, 1950; 49 CFR 73.332, Rev. 1950) to read as follows:

(3) Spec. 3A480, or 3AA480 (§§ 78.36, 78.37 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal), minimum wall thickness 0.147 inch, and in no case shall the wall stress exceed 24,000 pounds per square inch when calculated by the formula in § 78.36–10 (b) of this chapter; valve protection cap must be used and be at least $\frac{3}{16}$ inch thick, gas-tight, with $\frac{3}{16}$ inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

4. Amend § 73.334 paragraph (a) (1) (15 F. R. 8333, Dec. 2, 1950; 49 CFR 73.334, Rev. 1950) to read as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.38, 78.49, 78.50, or 78.51 of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

5. Amend § 73.336 paragraphs (a) (2) and (a) (3) (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.336, Rev. 1950) to read as follows:

(2) Spec. 3A480 or 3AA480 (§§ 78.36, 78.37 of this chapter) or 25.[1] Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least $\frac{3}{16}$ inch thick, gastight, with $\frac{3}{16}$ inch faced seat for gasket and with United States standard form thread. Use of this container will be permitted because of the present emergency and until further order of the Commission.

(3) Spec. 106A500 or 106A500X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F.

6. Add paragraph (b) (8) to § 73.345 (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.345, Rev. 1950) to read as follows:

(8) Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A

7. Amend § 73.346 paragraph (a) (10) (15 F. R. 8334, Dec. 2, 1950; 49 CFR 73.346 Rev. 1950) to read as follows:

(10) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

8. Amend § 73.347 paragraph (a) (2) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.347, Rev. 1950) to read as follows:

(2) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

9. Amend § 73.352 paragraphs (a) (4) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.352, Rev. 1950) to read as follows:

(4) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter).

10. Amend § 73.353 paragraphs (a) (3), (5) and (b) (15 F. R. 8335, Dec. 2, 1950; 49 CFR 73.353, Rev. 1950) to read as follows:

(3) Spec. 3A300, 3AA300, 3B300, 3E1800, or 4B300 (§§ 78.36, 78.37, 78.38, 78.42, or 78.50 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates. (See § 73.25)

[No change in Note 1.]

* * * * *

(5) Spec. 104A, 104A–W, 106A500, or 106A500X (§§ 78.270, 78.285, or 78.275 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A or 104A–W (§§ 78.270 or 78.285 of this chapter), at 105° F., Spec. 106A500 or 106A500X (§ 78.275 of this chapter), at 130° F.

11. Amend § 73.354 paragraph (a) (4) (15 F. R. 8335, 8336, Dec. 2, 1950; 49 CFR 73.354, Rev. 1950) to read as follows:

(4) Spec. 105A300 or 105A300W (§§ 78.271 or 78.286 of this chapter). Tank cars. Stenciled on both sides of the tanks, "For Motor Fuel Antiknock Compound Only".

12. Add § 73.357 paragraphs (a), (b), and (c) (15 F. R. 8336, Dec. 2, 1950; 49 CFR 73.357, Rev. 1950) to read as follows:

§ 73.357 *Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A*—(a) *Chlorpicrin.* Chlorpicrin, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, spec. 12B (§ 78.205 of this chapter) at lease 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(3) Spec. 12B, (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard.

(b) *Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A.* Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, in addition to containers prescribed in paragraph (a) of this section, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

(1) Spec. 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.41, 78.42, 78.49, 78.50, 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

(2) Spec. 5A (§ 78.81 of this chapter). Metal drums of not exceeding 33 gallons capacity with welded seams.

NOTE 1: Because of the present emergency and until further order of the Commission, drums not exceeding 55 gallons capacity with welded seams are authorized for mixtures containing not over 15 percent by volume of chlorpicrin.

(c) Chlorpicrin and mixtures of chlorpicrin containing no compressed gas or poisonous liquid, class A, when offered for transportation by rail express must

be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C (§ 78.22 of this chapter). Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

(2) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, metal strapped, with chlorpicrin absorbed in an efficient absorbing material packed in hermetically sealed metal cans not exceeding 1 quart capacity each.

(3) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with inside glass bottles or tubes in hermetically sealed metal cans in individual unsealed one-piece corrugated fiberboard boxes, Spec. 12B (§ 78.205 of this chapter) at least 200-pound test. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 12 pounds.

(4) Spec. 12B (§ 78.205 of this chapter). One-piece corrugated fiberboard boxes at least 200-pound test with not more than one inside glass bottle or tube in a hermetically sealed metal can. Bottles must contain not over 1 pound of liquid, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

13. Amend § 73.365 paragraph (a) (13) (15 F. R. 8336, Dec. 2, 1950; 49 CFR 73.365, Rev. 1950) to read as follows:

(13) Spec. 103, 103W, 103A, or 103A–W (§§ 78.265, 78.280, 78.266, or 78.281 of this chapter). Tank cars.

14. Amend § 73.367 paragraph (b) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.367, Rev. 1950) to read as follows:

(b) Arsenical compounds n. o. s. containing not more than 6 percent arsenic of which not more than 0.5 percent is water soluble must be packed in specification containers as follows:

15. Amend § 73.369 paragraphs (a) (1) and (13) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.369, Rev. 1950) to read as follows:

(1) Spec. 5, 5A, 5B, 5C, 6A, 6B, or 6C (§§ 78.80, 78.81, 78.82, 78.83, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

* * * * *

(13) Spec. 103, 103W, 103AL–W, 103A, 103A–W, or 103A–AL–W §§ 78.265, 78.280, 78.291, 78.266, 78.281, or 78.292 of this chapter). Tank cars.

16. Amend § 73.370 paragraph (a) (1) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.370, Rev. 1950) to read as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F (§ 78.25 of this chapter).

17. Amend § 73.370 paragraphs (b) (1) and (2) (15 F. R. 8337, Dec. 2, 1950; 49 CFR 73.370, Rev. 1950) to read as follows:

(1) Cyanides, or cyanide mixtures, in tightly closed metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

(2) Cyanide mixtures in tightly closed metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 5 pounds.

18. Amend § 73.373 paragraph (a) (3) (16 F. R. 5326, June 6, 1951; 49 CFR 73.373, Rev. 1950) to read as follows:

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized gross weight of 400 pounds.

19. Amend § 73.374 paragraph (a) (2) (16 F. R. 5326, June 6, 1951; 49 CFR 73.374, Rev. 1950) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; drums must withstand prescribed tests when filled to authorized gross weight of 400 pounds.

20. Amend § 73.392 paragraph (a) (3) (15 F. R. 8339, Dec. 2, 1950; 49 CFR 73.392, Rev. 1950) to read as follows:

(3) The package must be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

21. Add § 73.395 paragraph (a) (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.395, Rev. 1950) to read as follows:

§ 73.395 *Cleaning cars and vehicles.* (a) Any railroad car or motor vehicle which has been contaminated by radioactive material must be thoroughly cleaned by the consignee, or by a qualified authorized agent of the consignee receiving the radioactive material, in such a manner as to remove all radioactive material from the car or vehicle, and a certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle.

22. Add § 73.396 paragraph (a) (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.396, Rev. 1950) to read as follows:

§ 73.396 *Radioactive materials handling.* (a) When radioactive materials are loaded in cars by the shipper, the shipper shall observe all applicable requirements of § 75.655 (j) of this chapter.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.402 paragraphs (a) and (a) (1) to (10) inclusive (15 F. R. 8340, Dec. 2, 1950; 49 CFR 73.402, Rev. 1950) to read as follows:

§ 73.402 *Labeling dangerous articles.* (a) Each package containing any dangerous article or combination or mixture of dangerous articles as defined by Part 73 of this chapter must be conspicuously labeled by the shipper as follows, except as otherwise provided:

(1) "Red label" as described in § 73.405 on containers of flammable liquids as defined in § 73.115, except when exempted from the regulations by § 73.118 or when "red" label is required by paragraph (a) (4) of this section.

(2) "Yellow label" as described in § 73.406 on containers of flammable solids and oxidizing materials as defined in § 73.150 and § 73.151, except when exempted from the regulations by § 73.153 and § 73.183.

(3) "White label" as described in § 73.407 (a) (1), (2) and (3) on containers of acids, alkaline caustic liquids or corrosive liquids as defined in § 73.240, except when exempted from the regulations by § 73.244.

(4) "Red label" as described in § 73.408 (a) (1) on containers of flammable compressed gases as defined in § 73.300, except when exempted from the regulations by § 73.302.

(5) "Green label" as described in § 73.408 (a) (2) on containers of nonflammable compressed gases as defined in § 73.300, except when exempted from the regulations by § 73.302 or when "red" label or "poison gas" label is required by paragraphs (a) (4) or (a) (6) of this section.

(6) "Poison gas" label as described in § 73.409 (a) (1) on containers of Class A poisons as defined in § 73.326.

(7) "Poison" label as described in § 73.409 (a) (2) on containers of class B poison liquids or solid as defined in § 73.343, except when exempted from the regulations by § 73.345 and § 73.364 or when "poison gas" label is required by paragraph (a) (6) of this section.

(8) "Radioactive materials" label as described in § 73.414 (a) on containers of Class D poisons, Group I and II as defined in § 73.391, except when exempted by § 73.392.

(9) "Radioactive materials" label as described in § 73.414 (b) on containers of Class C poisons, Group III as defined in § 73.391, except when exempted by § 73.392 or when red "radioactive mate-

rials" label is required by paragraph (a) (8) of this section.

(10) "Tear gas" label as described in § 73.409 (a) (3) on containers of poisons, Class C as defined in § 73.381, except when "poison gas" label is required by paragraph (a) (6) of this section.

2. Cancel § 73.403, paragraphs (a), (b) and (c) (15 F. R. 8341, Dec. 2, 1950; 49 CFR 73.403, Rev. 1950).

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART C—PLACARDS ON CARS

Amend § 74.541, paragraph (a) (1) (15 F. R. 8350, Dec. 2, 1950; 49 CFR 74.541, Rev. 1950) to read as follows:

(1) Cars containing one or more packages bearing red, yellow, white acid, or corrosive liquid caution labels, or white "poison" labels, as prescribed by §§ 73.405 to 73.408 and 73.409 (a) (2) of this chapter, or without labels as authorized in § 73.402 (c) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.43-9 paragraph (a) (15 F. R. 8397, Dec. 2, 1950; 49 CFR 78.43-9, Rev. 1950) to read as follows:

§ 78.43-9 *Neckrings and footrings.* (a) Welding for any purpose whatsoever is prohibited except as follows:

(1) Welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent.

(2) As permitted in § 78.43-8.

[No change in Note 1.]

2. Amend § 78.51-20 paragraph (a) Table I (16 F. R. 5328, June 6, 1951; 49 CFR 78.51-20, Rev. 1950) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max	0.05/0.12	0.06/0.12	0.045 max	0.07/0.15.
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.05 max.
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max	0.95 1.30	0.30/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	(3)	(3)	(3)	(3)	(3).
Maximum stress	35,000	35,000	35,000	35,000	35,000.

Designation	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max.
Manganese	0.60/1.00	0.75 1.10	0.50/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max	0.040 max	0.060/0.135	0.040 max	0.04 max.
Sulfur	0.045 max	0.04 max	0.04 max	0.050 max	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	(3)	(3)	(3)	(3)	(3).
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19-46.
[6] Only fully killed steel authorized.

3. Amend § 78.60-4 paragraph (a) Table I (16 F. R. 5328, June 6, 1951; 49 CFR 78.60-4, Rev. 1950) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent				
	1315 [2 4]	HIS [2 4]	MAY [2 4]	NAX [2 4]	COR [2 4]
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50.
Phosphorus	0.045 max	0.05/0.12	0.06/0.12	0.045 max	0.07/0.15.
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.05 max.
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25.
Molybdenum		0.08/0.18			
Zirconium				0.05/0.25	
Nickel		0.45/0.75	0.25/0.75		0.65 max.
Copper	0.40 max	0.95 1.30	0.30/0.70		0.25/0.55.
Aluminum		0.12/0.27			
Heat treatment authorized	(3)	(3)	(3)	(3)	(3).
Maximum stress	35,000	35,000	35,000	35,000	35,000.

Designation	SCX [2 4]	4017 [2 4]	OTY [2 4 5]	RDT [2 4 5 6]	YOL [2 4 5 6]
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max.
Manganese	0.60/1.00	0.75 1.10	0.50/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max	0.040 max	0.060/0.135	0.040 max	0.04 max.
Sulfur	0.045 max	0.040 max	0.040 max	0.050 max	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.30	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	(3)	(3)	(3)	(3)	(3).
Maximum stress	35,000	35,000	35,000	35,000	35,000.

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10 dated June 1945, are not exceeded or are approved by the Bureau of Explosives.
[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effects is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19-46.
[6] Only fully killed steel authorized.

SUBPART D — SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.80-8 paragraph (a) (15 F. R. 8432, Dec. 2, 1950; 49 CFR 78.80-8, Rev. 1950) to read as follows:

§ 78.80-8 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

2. Amend § 78.83-11 paragraph (a) (16 F. R. 5329, June 6, 1951; 49 CFR 78.83-11, Rev. 1950) to read as follows:

§ 78.83-11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter.

3. Amend § 78.86-8 paragraph (a) (15 F. R. 8437, Dec. 2, 1950; 49 CFR 78.86-8, Rev. 1950) to read as follows:

§ 78.86-8 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

4. Amend § 78.98-6 paragraph (a) (15 F. R. 8443, Dec. 2, 1950; 49 CFR 78.98-6, Rev. 1950) to read as follows:

§ 78.98-6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

5. Amend § 78.99-6 paragraph (a) (15 F. R. 8444, Dec. 2, 1950; 49 CFR 78.99-6, Rev. 1950) to read as follows:

§ 78.99-6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

6. Amend § 78.100-6 paragraph (a) (15 F. R. 8445, Dec. 2, 1950; 49 CFR 78.100-6, Rev. 1950) to read as follows:

§ 78.100-6 *Rolling hoops.* (a) Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops not permitted. Attachment to drum body by spot welding, except for continuous resistance method, not permitted. Welding of I bar type directly to body of drum in any manner not permitted.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MILLING TUBES

Amend § 78.214-15 paragraph (a) (15 F. R. 8430, Dec. 2, 1950; 49 CFR 78.214-15, Rev. 1950) to read as follows:

§ 78.214-15 *Authorized gross weight (when packed) and parts required.* (a) Box to be of solid fiberboard, special waterproofed, a least 300-pound test, and weighing at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1 piece with adjoining edges stitched, taped, or glued. Glued lap not less than 1¼ inch; others 1½ inch. Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

[Note 1 remains the same.]

APPENDIX

Section and paragraph	*Reason for amendment*
72.5, Commodity List	To correct section references; to provide for shipment of new products; and reclassification of one commodity.
73.22 (c) Table	To include containers not previously specified.
73.25 (a) and (b)	To provide for properly packed containers of acids and other corrosive liquids in additional outside containers.
73.31:	
(a) and Table	To eliminate reference to welded tank cars and spec. ICC 106A500X containers, inasmuch as these references are now properly covered in various sections of the regulation.
(d)	To provide for the repairing of ICC 110A type tanks.
(e) and (e) (1)	To provide for the inspection of ICC 110A type tanks which were exposed to the action of fire.
(f)	To provide a certificate to be furnished to the Bureau of Explosives and the Mechanical Division, A. A. R. when alterations are made on tank cars.
(1) Note 1	To include safety valves requirements for ICC 103W and 104W tank cars.
73.33 (e)	To permit automatic valves opened by pressure from the discharge side of pump to be used on cargo tank motor vehicles.
73.34:	
(f)	To clarify safety device requirements for cylinders and to provide for Bureau of Explosives approval as to the number of safety devices to be used on cylinders.
(g) (3)	Clarification of requirements relative to cylinder records which must be filed with the Bureau of Explosives.
(k) and Table	To provide for an additional container.
Exception (6)	Requirement canceled.
Exception (7)	To limit decennial retesting of cylinders to those of more recent manufacture.
(1)	To provide for the repair of a container not previously specified.
73.88 (b)	Clarification of definition for cannon ammunition, class B.
73.93 (d) (4)	To provide for the use of tank cars of welded construction for the transportation of smokeless powder for cannon (unstable, condemned or deteriorated) submerged in water.
73.94 (g) (4)	To provide for the use of tank cars of welded construction for the transportation of smokeless powder for small arms (unstable condemned or deteriorated) submerged in water.
73.100 (b)	Clarification of definition for small arms ammunition.
73.108 (b) (1)	To provide for shipment of railway fusees, flares or highway signals in a satisfactory container.
73.118:	
(c) (13)	To exclude ethylene imine, inhibited from exemptions authorized in § 73.118 (a) and (b).
(c) (14)	To provide for the shipment of zirconium, metallic, solutions, or mixtures thereof, liquid.
73.119 (f) (3) Note 3	To provide for the use of ICC 104W tank cars for the transportation of flammable liquids.
73.124 (a) (5) Note 1	To provide for the use of ICC 104W tank cars for the transportation of ethylene oxide.
73.139 (a)	To provide for the safe transportation and packing of ethylene imine, inhibited.
73.140 (a)	To provide for the safe transportation and packing of zirconium, metallic, solutions, or mixtures thereof, liquid.
73.163:	
(a) (6)	To provide for the use of welded tank cars for the transportation of chlorates wet with 10 percent or more of water.
(a) (7)	To provide for the use of welded tank cars for the transportation of chlorate of soda.
73.176:	
(g)	Clarification of exemptions of matches, strike-on-box, book and card.
(g) (1)	Canceled, requirement now included in paragraph (g).
73.206 (c) (1)	To provide for the use of tank cars of welded construction for the transportation of sodium or potassium, metallic, sodium amide, lithium metal, lithium silicon, and lithium hydride.
73.208:	
(a)	To provide for the safe transportation and packing of titanium metal powder, wet.
(b)	To provide for the safe transportation and packing of titanium metal powder, dry.
73.227 (a) (2)	To provide for the use of synthetic coating, or metal foil as lining material of fiber drums used for the transportation of urea peroxide.
73.245:	
(a) (9)	To provide for the use of additional container, rubber lined, for the transportation of acids and other corrosive liquids.
(a) (10)	To provide for the use of additional container, lead lined, for the transportation of acids and other corrosive liquids.
73.246 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of antimony pentafluoride.
73.247 (a) (6)	To provide for the use of tank cars of welded construction for the transportation of certain chlorides.
73.248:	
(a) (4)	To provide for the use of tank cars of welded construction for the transportation of acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.
(a) (5)	To provide for the use of tank cars of welded construction for the transportation of acid sludge or spent acid which is too viscous to be unloaded through the dome.
73.254 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

Section and paragraph	Reason for amendment
73.329:	
(a)	To provide for the safe transportation and packing of chlorbromacetone.
(b)	To provide for the safe transportation and packing of chloropicrin and methyl chloride mixtures.
73.332 (a) (3)	To provide an additional container for the transportation of hydrocyanic acid, liquid and hydrocyanic acid liquefied.
73.334 (a) (1)	To provide an additional container for the transportation of hexaethyl tetraphosphate, parathion, and tetraethyl pyrophosphate mixtures.
73.336:	
(a) (2)	To provide an additional container for the transportation of nitrogen dioxide, liquid.
(a) (3)	To provide for the use of ton containers of ICC spec. 106A500X for the transportation of nitrogen dioxide, liquid.
73.345 (b) (8)	To provide for the shipment of chloropicrin and chloropicrin mixtures as class B poisons but to permit no exemptions.
73.346 (a) (10)	To provide for the use of tank cars of welded construction for the transportation of poisonous liquids, class B.
73.347 (a) (2)	To provide for the use of tank cars of welded construction for the transportation of aniline oil.
73.352 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of liquid sodium or potassium cyanide.
73.353:	
(a) (3)	To provide for the use of an additional container and crating for the transportation of methyl bromide.
(a) (5)	To provide for the use of tank cars of welded construction and ton containers of ICC 106A500X type for the transportation of methyl bromide.
(b)	To provide outage requirements for tank cars of welded construction and ton containers of the 106A500X type transporting methyl bromide.
73.354 (a) (4)	To provide for the use of tank cars of welded construction for the transportation of motor fuel antiknock compound or tetraethyl lead.
73.357:	
(a)	To provide for the safe transportation and packing of chloropicrin.
(b)	To provide for the safe transportation of chloropicrin and mixtures of chloropicrin containing no compressed gas or poisonous liquid, class A.
(c)	To provide for the safe transportation and packing of chloropicrin and mixtures when shipments are offered for transportation by rail express.
73.365 (a) (13)	To provide for the use of tank cars of welded construction for the transportation of poisonous solids, class B.
73.367 (b)	To permit an increase in the water solubility of arsenical compounds.
73.369:	
(a) (1)	To provide for the use of an additional drum for the shipment of carbolic acid (not liquid).
(a) (13)	To provide for the use of tank cars of aluminum welded construction for the transportation of carbolic acid (not liquid).
73.370:	
(a) (1)	Glass bottles not over 5 pounds capacity have been eliminated as inside containers for the reason they are not considered suitable for the transportation of cyanides or cyanide mixtures.
(b) (1) and (b) (2)	Glass or earthenware inside containers have been eliminated for the reason they are not considered suitable for the transportation of cyanides.
73.373 (a) (3)	To provide additional container for the transportation of paranitraniline, and to eliminate special test of containers which experience has proved unnecessary.
73.374 (a) (2)	To provide additional container for the transportation of nitrochlorbenzene, meta or para.
73.392 (a) (3)	To correct an error in the regulations.
73.395 (a)	To require the cleaning of motor vehicles which have been contaminated by radioactive materials by the consignee, or by qualified authorized agent of the consignee.
73.396 (a)	To make provision for proper loading of radioactive materials by the shippers.
73.402 (a) and (a) (1) to (10), incl	To provide for adequate labeling of mixed shipments and/or materials having more than one hazard.
73.403 (a), (b) and (c)	Canceled. Labels for mixed packing is now covered by § 73.402.
74.541 (a) (1)	To eliminate reference to § 73.402 (d) as it is in error.
78.43-9 (a)	To permit attachment of neckrings to cylinders by welding.
78.51-20 (a) Table I	To permit the use of a modified steel.
78.60-4 (a) Table I	Do.
78.80-8 (a)	To prohibit I-bar attachment by welding found to be unsatisfactory and to permit continuous stitch welding on some types of rolling hoops.
78.83-11 (a)	To provide alternate method of marking.
78.86-8 (a)	To prohibit I-bar attachment by welding found to be unsatisfactory and to permit continuous stitch welding on some types of rolling hoops.
78.98-6 (a)	Do.
78.99-6 (a)	Do.
78.100-6 (a)	Do.
78.214-15 (a)	To permit glued lap joint on inside tubes.
73.255 (a) (1)	To provide for the use of tank cars of welded construction for the transportation of dimethyl sulfate.
73.262 (a) (6)	To provide for the use of tank cars of welded construction for the transportation of hydrobromic acid.
73.264:	
(a) (11)	To provide for the use of tank cars of welded construction for the transportation of hydrofluoric acid.
(a) (15)	To provide additional container for the transportation of aqueous hydrofluoric acid.
(b) (1)	To provide for the use of additional container for the transportation of hydrofluoric acid, anhydrous.
73.265 (b) (3)	To provide for the use of tank cars of welded construction for the transportation of hydrofluosilicic acid.
73.267:	
(a) (2)	To provide additional container for the transportation of mixed acid.
(a) (3)	To provide for the use of tank cars of fusion welded construction for the transportation of mixed acid.
73.268 (b) (1)	To provide for the use of tank cars of welded construction and also additional container for the transportation of nitric acid.
73.274 (a) (3)	To provide for the use of tank cars of welded construction for the transportation of fluosulfonic acid.
73.283 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of bromine trifluoride.
73.284 (a) and (b)	To provide for the safe transportation and packing of bromine pentafluoride.
73.285 (a) (1)	To provide for the use of ICC 3A cylinders having lower service pressure and also 3AA cylinders for the transportation of chlorine trifluoride.
73.306 (a) (1)	To include container not previously specified for the transportation of liquefied gases, except gas in solution or poisonous gas.
73.307 (a) (1)	To provide for an additional container for the transportation of nonliquefied gases, except gas in solution or poisonous gas.
73.326:	
(a) Table	To include the use of specification ICC 3AA cylinders and to provide proper maximum filling density for mixtures of dichlorodifluoromethane and difluoroethane of varying proportions.
Note 1	To limit the use of ICC 3E cylinders to commodities under 2000 pounds service pressure.
73.311 (a)	To provide for the use of additional container for the transportation of fluorine.
73.312 (a) (1)	To provide for additional container for the transportation of liquefied petroleum gas.
73.314:	
(a) and Table	To provide for the use of ICC 106A500X ton containers and tank cars of welded construction for the transportation of compressed gases.
Note 2	To provide for the use of tank cars of welded construction.
Note 8	To correct specification reference and omit provision which was canceled November 27, 1950.
Note 11	To provide for the use of tank cars of welded construction.
Note 12	To provide for the use of ICC 100A500X and 106A500X tanks for the transportation of certain compressed gases.
(b)	To provide for gas pressures for tank cars of welded construction and ICC 106A500X, 106A800X, and 110A500W tanks.
(c)	To provide for the transportation, loading and cleaning of 110A500W tanks.
73.326 (a) (1)	Clarification. Chloroplerin reclassified from class A poison to class B poison and bromacetone it now included in § 73.329.

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Part 53]

[Docket No. FDC-59]

CANNED TOMATOES

NOTICE OF HEARING TO AMEND DEFINITION AND STANDARD OF IDENTITY

In the matter of amending the definition and standard of identity for canned tomatoes:

Notice is hereby given that the Federal Security Administrator, upon application of a substantial portion of the interested industry stating reasonable grounds, and in accordance with sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of August 7, 1951, in room 5439, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of receiving evidence upon proposals to amend the regulations fixing and establishing a definition and standard of identity for canned tomatoes (21 CFR 53.40). At the hearing, evidence will be restricted to testimony and exhibits relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor.

Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing in place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is hereby required to certify the entire record of the proceeding to the Administrator for initial decision.

The proposed amendment set forth below for consideration at the hearing is subject to adoption, rejection, or modification by the Federal Security Administrator, in whole or in part, as the evidence adduced at the hearing may require.

It is proposed that § 53.40 *Canned tomatoes; identity; label statement of optional ingredients* be amended by deleting from paragraph (b) the requirement that the label bear a statement showing the presence of the optional ingredient described in paragraph (a) (3) of that section.

Dated: June 28, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-7678; Filed, July 3, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA GRAZING DISTRICT NO. 4 (SAFFORD)

FEDERAL RANGE CODE FOR GRAZING DISTRICTS; NOTICE OF RANGE IMPROVEMENT FEE IN DESIGNATED PORTIONS

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR Part 161) and upon the recommendation of the District Advisory Board, notice is hereby given that effective July 1, 1951, the Range Improvement Fee to be charged in the Fan and Murchison Areas on San Simon LU Project Area of Arizona Grazing District No. 4 (Safford) will be as follows:

12 cents per head per month for horses.
5 cents per head per month for cattle.
1 cent per head per month for sheep and goats.

This rate shall apply to all licenses and fee notices issued beginning July 1, 1951, and until changed by further notice.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-7673; Filed, July 3, 1951; 8:51 a. m.]

COLORADO GRAZING DISTRICT NO. 6 (YAMPA)

FEDERAL RANGE CODE FOR GRAZING DISTRICTS; NOTICE OF RANGE IMPROVEMENT FEE ON GREAT DIVIDE LU PROJECT AREA

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR, Part 161) and upon the recommendation of the District Advisory Board, notice is hereby given that effective July 1, 1951, the Range Improvement Fee to be charged on lands acquired under Title 3 of the Bankhead-Jones Act in the Great Divide LU Project Area in Colorado Grazing District No. 6 (Yampa) will be as follows:

29 cents per head per month for cattle and horses.
5.8 cents per head per month for sheep and goats.

This rate shall apply to all licenses and fee notices issued beginning July 1, 1951, and until changed by further notice.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-7672; Filed, July 3, 1951; 8:51 a. m.]

Geological Survey

CLEARWATER RIVER AND TRIBUTARIES, IDAHO

POWER SITE CLASSIFICATION 417

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2233 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

BOISE MERIDIAN, IDAHO

T. 37 N., R. 1 E.,
Sec. 14, SW¼NE¼;
Sec. 22, SE¼NE¼, and NE¼SE¼;
Sec. 23, W½SE¼;
Sec. 26, NW¼NE¼.
T. 38 N., R. 1 E.,
Sec. 25, NW¼NE¼.
T. 37 N., R. 2 E.
Sec. 7, SE¼SE¼.
T. 33 N., R. 3 E.,
Sec. 14, N½NE¼NE¼, SE¼NE¼NE¼, and NE¼NW¼NE¼.
T. 34 N., R. 3 E.,
Sec. 6, lot 3, SE¼NW¼;
Sec. 21, NE¼SW¼, and SW¼SE¼.

T. 41 N., R. 6 E.,
Sec. 25, N½SW¼;
Sec. 27, W½NE¼, and NE¼NW¼;
Sec. 28, lots 1, and 2, NW¼NE¼;
Sec. 29, NE¼NE¼;
Sec. 30, lot 2, SW¼NE¼;
Sec. 31, SE¼NE¼;
Sec. 32, lot 1, NW¼NE¼, NE¼NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 34, NW¼SE¼.
T. 40 N., R. 7 E.,
Sec. 6, lot 9, E½SW¼.
T. 41 N., R. 7 E.
Sec. 31, NW¼NE¼, and NE¼NW¼.
T. 40 N., R. 8 E. (unsurveyed); every smallest legal subdivision any part of which, when surveyed, will be adjacent to North Fork of Clearwater River under an altitude of 1,860 feet. Protraction of existing surveys indicates that the lands when surveyed will be in secs. 4, 5, 6, 7, 8, 9, 15, 16, 17, and 21.

The area described aggregates 2,964.90 acres.

Dated: June 27, 1951.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 51-7631; Filed, July 3, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry—Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Barnesville Manufacturing Co., Inc., 315-319 South Gardner Street, Barnesville, Ohio, effective 6-23-51 to 12-22-51; 40 learners for expansion purposes (ladies' and boys' pajamas).

Ben Weisberg & Co., 54-56 North Main Street, Carbondale, Pa., effective 6-20-51 to 12-19-51; 20 learners for expansion purposes (children's cotton dresses).

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 7-2-51 to 1-1-52; 107 learners for expansion purposes (dungarees, pants, sport shirts).

Blue Bell-Midsouth Division, Inc., Baldwin, Prentiss County, Miss., effective 6-20-51 to 12-19-51; 45 learners for expansion purposes only (8.2-oz. cotton khaki U. S. Army shirts).

Blue Bell-Midsouth Division, Inc., Baldwyn, Prentiss County, Miss., effective 6-20-51 to 6-19-52; for normal labor turnover, 10 percent of the productive factory workers (8.2-oz. cotton khaki U. S. Army shirts).

Clearfield Sportswear Co., Inc., Coalport, Pa., effective 6-23-51 to 12-22-51; 10 learners for expansion purposes (sport shirts).

Croyden Manufacturing Corp., 1511-15 West Beverley Street, Staunton, Va., effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (ladies' pajamas).

Diamond Blouse Co., Roebling, N. J., effective 6-20-51 to 6-19-52; for normal labor turnover, not to exceed 10 learners (ladies' blouses).

Mammoth Cave Garment Co., Cave City, Ky., effective 6-23-51 to 12-22-51; 30 learners for expansion purposes (men's and boys' denim dungarees).

Owego Textile Manufacturing Inc., 178-180 Front Street, Owego, N. Y., effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed six learners (dresses).

Rutherford Garment Co., Rutherford, Tenn., effective 6-22-51 to 6-21-52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (men's and boys' wool and cotton jackets, men's and boys' wool mackinaws).

Springville Manufacturing Co., Springville, Pa., effective 6-25-51 to 12-24-51; not to exceed 30 learners for expansion purposes (women's apparel, blouses, and dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F.R. 283).

The Batesville Co., Batesville, Miss., effective 6-18-51 to 6-17-52; 5 percent of the total number of productive factory workers.

Butler Hosiery Mills, Hartsville, S. C., effective 6-20-51 to 6-19-52; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dowling Textile Manufacturing Co., 23 City Square, McDonough, Ga., effective 6-21-51 to 12-20-51; 10 learners; sewing machine operators, 240 hours; 120 hours at 60 cents an hour and remaining 120 hours at 65 cents an hour (hemming towels, pillow cases, napkins).

Ed Friedrich, Inc., 1117 East Commerce, San Antonio, Tex., effective 6-20-51 to 12-19-51; 10 percent of the total number of productive factory workers; basic hand and machine operators on commercial refrigeration; 480 hours; 60 cents for first 320 hours and 65 cents for remaining 160 hours (commercial refrigeration equipment).

J. H. Grady Manufacturing Co., Licking, Mo., effective 6-21-51 to 12-20-51; 10 percent of the total productive factory workers; hand and machine sewers, baseball makers and molders only; 480 hours; 60 cents an hour for first 320 hours and 65 cents an hour for remaining 160 hours (athletic equipment).

Hardie-Arnita Gifts, Beverly Hills, Calif., effective 6-19-51 to 12-18-51; two learners; pottery makers, excluding helpers, floor hands, and clean-up laborers; 160 hours at 60 cents (ceramic giftware).

Puerto Rico: The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, and learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

A. C. T. Hankles, Inc., Santurce, P. R., effective 6-15-51 to 12-14-51; 18 learners; machine embroidering; 240 hours at 22½ cents per hour (laces).

General Fuse Co., Villalba, P. R., effective 6-20-51 to 9-19-51; 40 learners; assembly of fuses; 400 hours at 34 cents per hour (fuses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of June 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-7633; Filed, July 3, 1951; 8:47 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 10]

REQUEST TO COORDINATED MANUFACTURERS OF SANTA CLARA COUNTY, INC., TO OPERATE AS A SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

JUNE 22, 1951.

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the request to Coordinated Manufacturers of Santa Clara County, Inc. to operate as a small business enterprise production pool and the requests to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General, after consultations between representatives of the Director of the Office of Defense Mobilization, representatives of the Attorney General, and representatives of the Chairman of the Federal Trade Commission. The voluntary program, in accordance with which the pool shall operate, has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

REQUEST TO COORDINATED MANUFACTURERS OF SANTA CLARA COUNTY, INC.

You are requested to operate as a small business enterprise production pool in accordance with a voluntary program as set forth in the papers attached to your letter addressed to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C., dated April 4, 1951. Such operations shall be conducted within the limits as set forth therein.

In my opinion, the operations of your corporation, as a small business enterprise production pool, will greatly assist in the accomplishment of our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Cong.).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely,

CHARLES E. WILSON.

CONTENTS OF REQUEST TO PARTICIPATING COMPANIES

You are requested to participate in the operations of Coordinated Manufacturers of Santa Clara County, Inc., as a member thereof, which will operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers attached to the letter from Coordinated Manufacturers of Santa Clara County, Inc., dated April 4, 1951, addressed to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C. Your participation in such operations shall be within the limits set forth therein.

In my opinion, your participation in the operations of this corporation, as a small business enterprise production pool, will greatly assist in the accomplishment of our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Congress).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely,

CHARLES E. WILSON.

LIST OF COMPANIES REQUESTED TO PARTICIPATE

Allied Radio & Electronic Co., 57 South Fourth Street, San Jose, Calif.

Babbitt Bearing Co., 35 Vine Street, San Jose, Calif.

Bagley Wooden Products, P. O. Box 508, San Jose, Calif.

Baldwin & Carter, 50 West McClellan Avenue, San Jose, Calif.

Bean Rubber Manufacturing Co., 1623 South Tenth Street, San Jose, Calif.

B. E. Stokes, 38 South Fourth Street, San Jose, Calif.

Braman's Cabinet Shop, 270 Cambridge Avenue, Palo Alto, Calif.

Bridges Construction Co., 350 North Montgomery Street, San Jose, Calif.

The Cabinet House, 90 East Campbell Avenue, Campbell, Calif.

Caldwell's Woodworking Shop, 62 Scharff Avenue, San Jose, Calif.

Cascade Metal Corporation, 595 Emory Street, San Jose, Calif.

Cherry Furniture Co., 230 North San Pedro Street, San Jose, Calif.

John Christian Manufacturing Co., 1194 Lick Avenue, San Jose, Calif.

Custom Cabinet Shop, 1036 Lenzen Avenue, San Jose, Calif.

Edwards Wood Products Co., P. O. Box 1384, 1715 Del Monte Avenue, Monterey, Calif.

El Dorado Lumber Co., Elm and Newhall, San Jose, Calif.

Electronic Applications Co., 1086 Martin Avenue, Santa Clara, Calif.

Formway Machine Shop, 504 Almond Avenue, Los Altos, Calif.

Forsberg Machine Works, 980 Martin Avenue, Santa Clara, Calif.

Garden Mill & Supply Co., 967 Wistar Street, Santa Clara, Calif.

Gordon's Auto Top Shop, 2103 Alum Rock Avenue, San Jose, Calif.

Hancock Manufacturing Co., 1084 Martin Avenue, Santa Clara, Calif.

Holt's Cabinets, 226 Grand Avenue, San Jose, Calif.

Homan Tractor Co., Cottage Corners, P. O. Box 542, Hollister, Calif.

K & M Mill & Cabinet Shop, 350 Phelan Avenue, San Jose, Calif.

Lantz Mill & Cabinet Shop, 2900 Williams Road, San Jose, Calif.

Ledeit Glass Co., 762 Lenzen Avenue, San Jose, Calif.

Marshall's Cabinet Shop, 970 Martin Avenue, Santa Clara, Calif.

Mauer Machine Co., 132 Spencer Avenue, San Jose, Calif.

Mayfield Garage, 306 Cambridge Avenue, Palo Alto, Calif.

Meade Motor Works, 635 South First Street, San Jose, Calif.

Meyer-Robertson, Inc., P. O. Box 1021, Evelyn Avenue, Mountain View, Calif.

Midvale Furniture Co., 870 Savaker Avenue, San Jose, Calif.

O. C. McDonald Co., 367 East Santa Clara Street, San Jose, Calif.

Pacific Coast Fixtures & Refrigeration, 2860 Monterey Road, San Jose, Calif.

Palo Alto Foundry, 3295 Third Street, Palo Alto, Calif.

Perry's Pump & Machine Shop, 27 Grant St., San Jose, Calif.

P. G. Miller & Sons, 126 Alma Street, San Jose, Calif.

Revitt & Martin, 170 South Second Street, San Jose, Calif.

San Jose Fixture & Supply Co., 279 San Jose Avenue, San Jose, Calif.

Seger's Cabinet Shop, 655 Eunice Avenue, Mountain View, Calif.

S & N Cabinet Shop, 560 North Fifth Street, San Jose, Calif.

S & S Vending Machine Co., 670 Lincoln Avenue, San Jose, Calif.

Stanley & Son, 465 South Depot Street, Morgan Hill, Calif.

Streamline Fixture & Cabinet Co., 1091 North Tenth Street, San Jose, Calif.

Tomasello's Machine Shop, 235 West Humboldt, San Jose, Calif.

Trinchero & Arntzen, 618 South First Street, San Jose, Calif.

Tru-Bilt Fixtures, 51½ Glen Eyrie Avenue, San Jose, Calif.

Wallace Bros. Cabinet Shop, 16½ Shelburke Way, Los Gatos, Calif.

West Coast Steel Co., 1131 Auzerais Avenue, San Jose, Calif.

Western Sewing Products, 51 North First Street, San Jose, Calif.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.[1]

[F. R. Doc. 51-7818; Filed, July 2, 1951; 4:55 p. m.]

[1] The letter from the President, dated Apr. 27, 1951, to the Director of the Office of Defense Mobilization, conferred upon the Director of the Office of Defense Mobilization the powers delegated to the Defense Production Administrator by E. O. 10200 of Jan. 3, 1951, 16 F. R. 61, relating to voluntary agreements and programs under section 708 of the Defense Production Act of 1950, Pub. Law 774, 81st Cong., during the incumbency of the Acting Defense Production Administrator.

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

JUNE 22, 1951.

Pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Cong.) the following supplemental list of companies is herewith published which have accepted the request to participate in the voluntary plan, entitled "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, at 16 F. R. 1964. Additional lists of companies accepting such request were published on April 14, 1951, at 16 F. R. 3315, and on May 3, 1951, at 16 F. R. 3931.

The Harcon Steamship Co., Inc., 630 Fifth Avenue, New York, N. Y.

Jupiter Steamship Corp., c/o Orion Shipping & Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

United Waterways Corp., c/o Orion Shipping & Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

Dorac Shipping Corp., 17 State Street, New York 4, N. Y.

Olympia Oil Corp., 17 State Street, New York 4, N. Y.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 51-7820; Filed, July 2, 1951; 4:55 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470–890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of June 1951;

It appearing, that further hearings in the above designated matters are scheduled to commence on July 9, 1951; and

It further appearing, that the Commission heard oral argument on June 28, 1951, with respect to its legal authority to

(1) Prescribe as a part of its rules and subject to change through rule making a table specifying the channels upon which television station assignments may be made in specified communities and areas; and

(2) Designate and reserve certain of the assignments provided in such table for use by noncommercial educational television stations.

It is ordered, That the further hearings in the above-entitled proceeding now scheduled to commence on July 9, 1951, are continued until July 23, 1951, in order that the Commission may consider the matters presented at the above described oral argument.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7664; Filed, July 3, 1951; 8:55 a. m.]

[Docket Nos. 9984, 9985]

BLUE RIDGE BROADCASTING CO. (WGGA) AND LAMAR LIFE INSURANCE CO. (WJDX)

ORDER CONTINUING HEARING

In re applications of Blue Ridge Broadcasting Co. (WGGA), Gainesville, Ga., Docket No. 9984, File No. BP-7661; Lamar Life Insurance Co. (WJDX), Jackson, Miss., Docket No. 9985, File No. BP-7909; for construction permits.

The Commission having under consideration a petition filed June 14, 1951, by Lamar Life Insurance Company (WJDX), Jackson, Mississippi, requesting a continuance of hearing presently scheduled for July 31, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 22d day of June 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, October 1, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7675; Filed, July 3, 1951; 8:53 a. m.]

[Docket Nos. 9910-9911]

CITY BROADCASTING CORP. AND GARDNER BROADCASTING CO. (WHOB)

ORDER CONTINUING HEARING

In re application of City Broadcasting Corp., Nashua, N. H., Docket No. 9910, File No. BP-7919; for construction permit. The Gardner Broadcasting Co., Gardner, Mass. (WHOB), Docket No. 9911, File No. BP-7980; for construction permit to change frequency, etc.

The Commission having under consideration a petition filed by Gardner Broadcasting Company (WHOB) on June 20, 1951, requesting a continuance of the further hearing now scheduled for June 26, 1951; and

It appearing, that a continuance is requested in order to permit petitioner additional time to study an amendment which is expected to be filed by City Broadcasting Corporation, and that the General Manager of WHOB may be unable to attend the hearing on the now scheduled date; and

It further appearing, that all parties to the proceeding have informally consented to the continuance as hereinafter ordered, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 22d day of June 1951, that the petition is granted, and the hearing presently scheduled to commence on June 26, 1951, is continued to 10:00 a. m. Tuesday, July 24, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7676; Filed, July 3, 1951; 8:53 a. m.]

[Docket No. 9967]

PEOPLES BROADCASTING CORP. (WOL)

ORDER CONTINUING HEARING

In re application of Peoples Broadcasting Corporation (WOL), Washington, D. C., Docket No. 9967, File No. BR-1130; for renewal of license of synchronous amplifier located in Silver Spring, Maryland;

The Commission having under consideration a petition filed June 15, 1951, by Peoples Broadcasting Corporation (WOL), Washington, D. C., requesting a 90-day continuance of the hearing presently scheduled for July 10, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for Renewal of License to operate a sychronous amplifier; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, this 22d day of June 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Wednesday, October 10, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7677; Filed, July 3, 1951; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF LABOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR INSTRUCTIONAL AND RESEARCH PROGRAMS WITH COLLEGES, UNIVERSITIES AND EDUCATIONAL INSTITUTIONS

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), hereinafter called the act, authority is hereby delegated to the Secretary of Labor to exercise the following authority in connection with providing programs of instruction, information and research authorized by law:

a. To contract for the services of colleges, universities and other educational institutions in providing instructional, informational and research services, including job analyses; and in this connection to dispense with advertising in accord with section 302 (c) (5) of the act.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Labor subject to the limitations of section 307 of the act.

4. This delegation of authority shall be effective as of the date hereof, and shall supersede Delegation of Authority No. 87, dated May 26, 1951, to the Secretary of Labor.

Dated: June 28, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-7669; Filed, July 3, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26213]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, TEXAS, LOUISIANA, OKLAHOMA, AND KANSAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern Railway Company for itself and on behalf of Louisiana & Arkansas Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Texas, Louisiana, Oklahoma, and Kansas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7656; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26214]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, LOUISIANA, NEW MEXICO, AND TEXAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and Pacific Railway Company for itself and on behalf of Abilene & Southern Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Louisiana, New Mexico, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
143	39	26
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7657; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26215]

CLASS AND COMMODITY RATES BETWEEN POINTS IN ARKANSAS, LOUISIANA, NEW MEXICO, AND TEXAS

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and Pacific Railway Company for itself and on behalf of Abilene & Southern Railway Company and other carriers named in the application.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in Arkansas, Louisiana, New Mexico, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
169	63	3
143	39	26
168	62	14
158	54	17
162	57	17
161	56	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7658; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26216]

MOTOR-RAIL RATES BETWEEN POINTS IN SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. D. Hughett, Agent, for The Texas and Pacific Railway Company, The Weatherford, Mineral Wells and Northwestern Railway Company, and motor carriers parties to tariffs named on attached sheet.

Commodities involved: Class and commodity rates, less-than-carloads.

Between: Points in southwestern territory and between points in that territory and southern territory.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates:

SOUTHWESTERN MOTOR FREIGHT BUREAU, INC.

Tariff MF-I. C. C. No.	I. C. C. No.	Supp. No.
171	65	2
167	61	14
168	62	14
158	54	17
162	57	17
161	56	24
128	27	76
163	58	20

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7659; Filed, July 3, 1951; 8:48 a. m.]

[4th Sec. Application 26217]

STRIP STEEL FROM OFFICIAL TERRITORY TO THE WEST

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent for carriers parties to the tariffs listed below.

Commodities involved: Strip steel, carloads.

From: Points in official territory.

To: Points in Colorado, Nebraska, and Wyoming.

Grounds for relief: Circuitous routes, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4211, Supp. 12; C. W. Boin's tariff I. C. C. No. A-814, Supp. 44; I. N. Doe's tariff I. C. C. No. 604, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7660; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26218]

CAST IRON PIPE FROM HOUSTON, TEX.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3966.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Houston, Tex.

To: Points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3966, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7661; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26219]

SULPHURIC ACID FROM MCADORY, ALA., TO ALBANY, GA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company, The Georgia Northern Railway Company and Louisville and Nashville Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: McAdory, Ala.

To: Albany, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7662; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26220]

CRUSHED BITUMINOUS ROCK FROM CLARKSON AND ROCKY HILL, KY. TO OOLITIC AND PERKINS, IND.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1155.

Commodities involved: Bituminous rock, crushed or ground, carloads.

From: Clarkson and Rock Hill, Ky.

To: Oolitic and Perkins, Ind.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1155, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7663; Filed, July 3, 1951; 8:49 a. m.]

[4th Sec. Application 26221]

MOULDING SAND FROM LEXINGTON, TENN., TO RICHMOND, ILL.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, carloads.

From: Lexington, Tenn.

To: Richmond (McHenry County), Ill.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 174.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7664; Filed, July 3, 1951; 8:50 a. m.]

[4th Sec. Application 26222]

LUMBER FROM HATTIESBURG, MISS., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and Illinois Central Railroad Company.

Commodities involved: Lumber and related articles, carloads.

From: Hattiesburg, Miss., and points grouped therewith.

To: New Orleans, La., and points grouped therewith.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 926, Supp. 139.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7665; Filed, July 3, 1951; 8:50 a. m.]

[4th Sec. Application 26223]

ACETALDEHYDE FROM OKLAHOMA AND TEXAS TO KOBUTA, PA.

APPLICATION FOR RELIEF

JUNE 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Tallant, Okla., Bishop, Brownsville, Houston, Texas City, and Winnie, Tex.

To: Kobuta, Pa.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 46; D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7666; Filed, July 3, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2639]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER AUTHORIZING THE ISSUANCE AND SALE OF BONDS AND RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of June A. D. 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, and its subsidiary, Appalachian Electric Power Company ("Appalachian"), an electric utility company, having filed an application-declaration, and amendments thereto, pursuant to sections 6, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of $17,000,000 principal amount of First Mortgage Bonds 3¾ percent series, due 1981 and 1,600,000 shares of additional common stock to be acquired by American Gas for $10,500,000 cash; and

The Commission having, by order dated June 13, 1951, approved said application-declaration, as amended, subject to the condition that the proposed issuance and sale of the said bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed; and subject further to the reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions; and

Appalachian having, on June 26, 1951, filed a further amendment to its application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitations for competitive bidding with respect to the bonds the following bids were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co., Inc.	3¾	101.36999	3.674
The First Boston Corp., United Securities Corp. and Kuhn, Loeb & Co.	3¾	100.91	3.699
	3¾	100.31	3.733
Harriman Ripley & Co., Inc.	3¾	100.1799	3.739

[1] Exclusive of accrued interest from June 1, 1951.

The amendment further stating that Appalachian has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.25 percent of their principal amount, plus accrued interest from June 1, 1951, resulting in an underwriters' spread of 0.88001 percent of the principal amount of the bonds; and

Appalachian having completed the record with respect to the fees and expenses of the proposed transactions estimated in the amount of $104,355 including legal fees to company counsel as follows: Simpson, Thacher & Bartlett, $10,000; Hunton, Williams, Anderson, Gay & Moore, $5,000; Campbell, McClintic & James, $2,000; Penn, Hunter, Smith & Davis, $2,000; and legal fees of Winthrop, Stimson, Putnam & Roberts, counsel for underwriters in the amount of $6,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriters' spread; and also finding that the

estimated fees and expenses of the proposed transactions, including the fees of counsel for Appalachian and independent counsel for the underwriters are not unreasonable and that jurisdiction with respect thereto should be released; and

It appearing that the proposed issuance and sale of the bonds has been expressly authorized by the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and by the Tennessee Railroad and Public Utilities Commission and the Public Service Commission of West Virginia, being the regulatory commissions in the only other States in which the company operates:

It is ordered, That, jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50, be, and the same hereby is, released, and that said application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That, jurisdiction heretofore reserved over the payment of all fees and expenses incurred by Appalachian in connection with the proposed transactions be, and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-7634; Filed, July 3, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18089]

FREDERICK C. WEBER

In re: Estate of Frederick C. Weber, deceased. File No. F-28-31424.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugenie Augusta Pauline Strobel, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Eugenie Augusta Pauline Strobel in and to the sum of $6,056.39, deposited with the Treasurer of the Territory of Alaska pursuant to an order of the Probate Court, Anchorage Precinct, Third Division, Anchorage, Alaska, dated May 29, 1946 in the matter of the Estate of Frederick C. Weber, deceased, Probate Cause No. 759, including but not limited to all rights, claims, demands and causes of action of said Eugenie Augusta Pauline Strobel to sue for and demand delivery of the share in said sum so deposited to which she is entitled, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that Eugenie Augusta Pauline Strobel be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7624; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 18097]

XAVIER FUCHS ET AL.

In re: Interest in real property owned by Xavier Fuchs and others. F-28-28994-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Xavier Fuchs, Joseph Hecht, Helen Hecht and Antone Hecht, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided eight twenty-fifths (8/25ths) interest in and to real property situated in Tripp County, State of South Dakota, particularly described as the Southwest Quarter (SW¼) of Section Twenty-six (26), Township Ninety-seven North (97N), Range Seventy-eight West (78W) of the fifth Principal Meridian, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and,

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by E. B. Bradley & Company, Colome, South Dakota, arising out of the collection and receipt by said E. B. Bradley & Company of their share of the net rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7626; Filed, July 2, 1951; 8:53 a. m.]

[Vesting Order 18092]

MICHAEL J. CURTIN

In re: Trust under Will of Michael J. Curtin, deceased. File D 28-13012 E. T. sec. 17137.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth L. von der Goltz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the will of Michael J. Curtin, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That the property described in subparagraph 2 hereof, is in the process of administration by Jeremiah M. Curtin, Administrator de bonis non with will annexed of Eleanore F. Curtin, deceased trustee under the will of Michael J. Curtin, deceased, acting under the judicial supervision of the Milwaukee County Court, State of Wisconsin;

4. That the property described as follows: An undivided one-third interest in real property located at 464 Marshall Street, Milwaukee, Wisconsin, described as follows:

All that part of Lot 11 in Block 101, in the 7th Ward, City and County of Milwaukee, State of Wisconsin, bounded as follows, to-wit: Commencing on the West line of said Lot at the point of intersection of the extension of the center line of the partition wall between the Northern and middle brick dwelling houses of the brick block erected on said lot numbered Eleven (11) and on parts of Lots numbered Ten (10) and Twelve (12), in said Block with the West line of Lot numbered Eleven (11), being Forty-five (45) feet and Three (3) inches North of the South West corner of said Lot numbered Eleven (11) and running thence East along the extension of said center line and the said center line and along a line drawn in continuation of the same to the East line of said Lot numbered Eleven (11); running thence South along the East line of said Lot numbered Eleven (11), to the point of intersection of the center line of the partition wall between the middle and Southern dwelling houses of said brick block, extended to the East line of said Lot numbered Eleven (11), with said East line, said point being Twenty-two (22) feet and Three (3) inches distant from the South line of said Lot numbered Eleven (11) and running thence West along the extension of said last named center line and along said center line and along a line drawn in continuation thereof to the West line of said Lot numbered Eleven (11) and thence North along the said West line to place of commencement.

The aforesaid parcel of land being Twenty-three (23) feet wide, more or less, from North to South, running back the whole depth of said Lot numbered Eleven (11) and comprising the middle dwelling house of said brick block,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elizabeth L. von der Goltz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries;

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7625; Filed, July 2, 1951; 8:52 a. m.]

[Vesting Order 17993]

MARIE GSELL-ZINSSTAG

In re: Stock owned by Marie Gsell-Zinsstag. F-28-31451.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Gsell-Zingsstag, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of capital stock of Commonwealth & Southern Corporation on deposit with Dominick & Dominick, 14 Wall Street, New York 5, New York, in an account entitled "A. Sarasin & Cie., Basle", together with all declared and unpaid dividends thereon and all rights thereunder pursuant to the plan of liquidation of said Commonwealth & Southern Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7694; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 17964]

KLARA FINKELMAN ET AL.

In re: Funds owned by and claims of Klara Finkelman, also known as Klaere Leonhardt Finkelman and others. F-28-31398; F-28-31401; F-28-31403; F-28-31404.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Last Known Address

Klara Finkelman, also known as Klaere Leonhardt Finkelman; Kassel 129½ Wilhelmshohen, Allee, Germany.

Mrs. Anna Knuth; Geothestrasse 58, Wesermuende Lehe, Germany.

Mrs. Elsa Pilger; Rahlstedt Berthold Schwarz, Str. Hamberg, Germany.

Mrs. Sophie Vollbrecht, also known as Mrs. Sophie Vollbrecht Wittschlef; Louisenstrasse 8, Wessermuende-Lene, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of compensation to the persons whose names are listed below and identified by numbers and in the amounts as of January 1, 1947, listed opposite each such name:

Name	Identification No.	Amount
Klara Finkelman	WP610156	$74.05
Anna Knuth	212203	701.40
Elsa Pilger	1894023	238.66
Sophie Vollbrecht, also known as Sophie Vollbrecht Wittschef...	183967	631.81

together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the United States Employees Compensation Act of

September 17, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess. 39 Stat. 742) to January 1, 1947, of the persons whose names are listed below and identified by the Bureau of Employees Compensation, United States Department of Labor reference numbers listed opposite each such name:

Name:	Identification No.
Klara Finkelman	WP619156
Anna Knuth	212203
Elsa Pilger	18949023
Sophie Vollbrecht, also known as Sophie Vollbrecht Wittschief	183967

together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7691; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17992]

ELISE PROBSTHAIN ET AL.

In re: Debt owing to and bonds owned by Elise Probsthain, Alfred Probsthain and Margaret Schragenheim. F-28-31471.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Elise Probsthain, Kassel, Germany.
Alfred Probsthain, Vohren, Germany.
Margaret Schragenheim, Leifzig, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Dominion of Canada 3% Bonds due 1967 in the aggregate face value of $10,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any and all rights thereunder and thereto,

b. Republic of Argentine 4% Bonds due 1972 in the aggregate face value of $5,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any and all rights thereunder and thereto,

c. Conversion Office for German Debts 3% funding bonds in the aggregate face value of $4,000.00 and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York for the account of A. Sarasin & Cie., Basle, together with any all rights thereunder and thereto,

d. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York arising out of the receipt by the aforesaid Brown Brothers Harriman & Co. of interest payments on the bonds described in Subparagraphs a. and b. hereof and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elise Probsthain, Alfred Probsthain and Margaret Schragenheim, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7693; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 18075]

OSCAR SEEWALD

In re: Estate of Oscar Seewald, deceased. File No. 017-26850.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Junge, Friedrich August Seidel, Martha Rockstroh, Gertrud Seidel, Richard Seidel and Meta Mueller, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Hedwig Seidel, deceased, and of Lina Hoerig, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the sum of $4,468.70 paid to the State Controller of the State of California pursuant to order of the Los Angeles County Superior Court in the matter of the Estate of Oscar Seewald, deceased, and any accruals thereto, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Hedwig Seidel, deceased, and of Lina Hoerig, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7695; Filed, July 3, 1951; 8:57 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 NUMBER 130

Washington, Friday, July 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10267

INCLUDING CERTAIN LANDS IN THE NANTAHALA NATIONAL FOREST

WHEREAS on March 22, 1951, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (designated as a supplemental agreement of transfer) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Swain County, North Carolina, so that such lands might be included in and reserved as a part of the Nantahala National Forest, in accordance with the terms and conditions of the agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Nantahala National Forest would be in the public interest:

Now, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Nantahala National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of March 22, 1951, between the Tennessee Valley Authority and the United States Department of Agriculture.

LANDS INCLUDED IN THE NANTAHALA NATIONAL FOREST

TRACT 6

A tract of land lying in the Nantahala, Forneys Creek, and Charleston Townships of Swain County, State of North Carolina, on the east shores of the Little Tennessee and Nantahala River Arms of Fontana Lake and on the south shores of the Tuckasegee River Arm of the lake, and extending from a point on the Tuckasegee River Arm approximately 3½ miles downstream from Bryson City to a point on the Nantahala River Arm approximately 5 miles upstream from its confluence with the Little Tennessee River Arm, and being more particularly described as follows:

Beginning at a point (Coordinates: N. 6''',119; E. 661,436) in the center line of Laurel Branch and in the US-TVA Purchase Boundary, the said point being witnessed by an iron pipe and hemlock stump and being approximately 1825 feet upstream from the mouth of Laurel Branch in the Tuckasegee River Arm of Fontana Lake, the mouth of Laurel Branch being approximately 3½ miles downstream along the Tuckasegee River Arm from Bryson City,

From the initial point with the US-TVA Purchase Boundary, N 12° 21' W, 636 feet to an iron pipe,

N 20° 02' W, 511 feet to a fence corner (Coordinates: N. 645,220; E. 661,125);

N 74° 51' E, 516 feet to an iron pipe;

N 49° 39' E, 219 feet to an iron pipe;

N 21° 34' E, 214 feet to an iron pipe and 12-inch spanish oak tree;

N 2° 44' E, 125 feet to an iron pipe;

N 7° 10' E, 68 feet to an iron pipe;

N 32° 23' E, 100 feet to an iron pipe and 8-inch hickory tree;

N 14° 35' W, 310 feet to an iron pipe and 9-inch hickory tree;

N 3° 40' W, 456 feet to an iron pipe and 9-inch hickory tree;

N 9° 27' W, 136 feet to an iron pipe and 10-inch pine tree;

N 48° 34' W, 227 feet to an iron pipe;

N 45° 00' W, 339 feet to an iron pipe (Coordinates: N. 647,270; E. 661,400) and 12-inch pine tree;

N 84° 05' W, 292 feet to an iron pipe;

N 75° 12' W, 274 feet to an iron pipe;

N 45° 00' W, 156 feet to an iron pipe;

N 39° 48' W, 39 feet to an iron pipe;

N 48° 49' W, 53 feet to a stake;

N 45° 00' W, 71 feet to an iron pipe;

N 34° 10' W, 169 feet to an iron pipe;

N 12° 16' W, 118 feet to an iron pipe;

N 39° 10' W, 174 feet to an iron pipe and 12-inch red oak tree;

N 62° 45' W, 186 feet to an iron pipe and 22-inch black oak tree;

N 50° 56' W, 444 feet to Corner 26, an iron pipe and 4-inch chestnut tree;

S 54° 08' W, 1,024 feet to an iron pipe;

S 68° 56' W, 723 feet to an iron pipe and 4-inch white oak tree;

S 13° 40' E, 762 feet to an iron pipe;

N 55° 15' E, 437 feet to an iron pipe (Coordinates: N. 646,999; E. 658,914) and 10-inch spanish oak stump;

S 38° 08' E, 464 feet;

S 3° 37' W, 1,028 feet;

S 57° 24' W, 2,220 feet to an iron pipe and black oak tree;

S 48° 46' W, 205 feet to a 4-inch white oak tree (Coordinates: N. 644,277; E. 657,111);

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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N 26° 03' W, 1,050 feet to an iron pipe;
N 83° 40' W, 453 feet to an iron pipe and 4-inch chestnut oak tree;
S 2° 07' W, 270 feet to an iron pipe;
N 73° 44' W, 125 feet to an iron pipe;
S 61° 49' W, 731 feet to an iron pipe (Coordinates: N. 644,690; E. 655,426);
N 3° 49' W, 870 feet to an iron pipe;
S 66° 04' W, 1,084 feet to an iron pipe;
S 36° 05' W, 1,046 feet to an iron pipe and chestnut oak tree;
S 42° 55' E, 430 feet to an iron pipe;
S 61° 50' W, 129 feet to an iron pipe and 4-inch hickory tree;
S 24° 44' E, 104 feet to an iron pipe;
S 38°35' W, 774 feet to an iron pipe;
N 83° 21' W, 1,150 feet to a stake (Coordinates: N. 643,331; E. 652,359);
S 29° 53' W, 1,603 feet to a stake;
S 14° 56' E, 1,904 feet to an iron pipe (Coordinates: N. 640,101; E. 652,051);
S 88° 48' W, 286 feet to a stake;
N 45° 00' W, 205 feet to an iron pipe;
N 35° 32' W, 172 feet to a stake;
N 12° 12' W, 1,083 feet to an iron pipe (Coordinates: N. 641,439; E. 651,291);
S 87° 13' W, 391 feet to an iron pipe;
S 65° 42' W, 340 feet to an iron pipe;
N 86° 07' W, 296 feet to an iron pipe;
N 57° 07' W, 313 feet to an iron pipe;
N 33° 29' W, 368 feet to an iron pipe;
N 13° 03' W, 92 feet to an iron pipe;
N 41° 33' W, 289 feet to an iron pipe;
N 18° 11' W, 141 feet to an iron pipe;
S 67° 17' W, 477 feet to an iron pipe;
N 56° 29' W, 92 feet to an iron pipe;
N 7° 27' W, 216 feet to an iron pipe (Coordinates: N. 642,208; E. 649,027) and stone;
S 83° 44' E, 1,194 feet to an iron pipe (Coordinates: N. 642,162; E. 650,195);
N 8° 22' E, 683 feet to an iron pipe;
S 84° 14' E, 933 feet to an iron pipe and chestnut stump;
N 5° 20' E, 1,004 feet to an iron pipe;
N 84° 16' W, 936 feet to an iron pipe (Coordinates: N. 643,631; E. 650,398);
N 5° 34' E, 286 feet to an iron pipe;
N 74° 21' W, 1,564 feet to an iron pipe;
S 4° 59' W, 453 feet to an iron pipe;
N 83° 39' W, 1,340 feet to Corner 73 (Coordinates: N. 644,246; E. 647,561); an iron pipe and 8-inch hickory tree;
N 4° 57' E, 1,203 feet to an iron pipe in the center line of Flat Branch;
With the center line of Flat Branch as it meanders downstream approximately 1,680 feet to a point;
Leaving Flat Branch,
S 5° 16' W, 1,566 feet, passing a spruce pine tree at 30 feet, to an iron pipe and dead 20-inch black oak tree;
N 72° 49' W, 1,223 feet to an iron pipe (Coordinates: N. 644,201; E. 644,692) and stone;
N 71° 34' W, 155 feet to an iron pipe at the top of a ridge;
With the top of the said ridge as it meanders in a southerly direction approximately along the following bearings and distances: S 29° W, 300 feet, S 8° W, 440 feet, S 22° W, 370 feet, S 23° E, 275 feet, S 6° E, 290 feet to a 12-inch black oak tree, and S 66° 36' E, 194 feet to Corner 79 (Coordinates: N. 642,590; E. 644,568), an iron pipe and pine stump;
Leaving the ridge,
S 11° 14' E, 2,896 feet to an angle iron;
S 77° 24' E, 1,470 feet to a locust snag (Coordinates: N. 639,428; E. 646,576);
S 18° 31' W, 220 feet to a point at the top of a ridge;
With the top of the said ridge as it meanders in a general southerly direction approximately along the following bearings and distances: S 85° E, 365 feet; S 59° E, 580 feet, S 42° E, 595 feet, S 57° W, 85 feet to an 8-inch black oak stump, S 1° W, 165 feet to a 14-inch post oak tree, S 19° E, 335 feet to a black oak tree, S 49° E, 350 feet, S 23° E, 310 feet, S 29° W, 600 feet, S 24° W, 285 feet to an iron pipe, and S 3° W, 510 feet to a 20-inch pine stump;
Leaving the ridge,
S 60° 31' E, 975 feet to a rock (Coordinates: N. 635,611; E. 648,590);
S 77° 28' W, 239 feet to a rock;
S 31° 47' E, 133 feet to a 12-inch pine tree;
S 30° 22' W, 216 feet to a 5-inch hickory tree;
S 7° 46' E, 222 feet to a stake;
S 28° 44' W, 308 feet to an 8-inch apple tree in the center line of Sawyer Branch;
With the center line of Sawyer Branch as it meanders upstream approximately 70 feet to a stake;
Leaving the branch,
S 10° 37' W, 407 feet to a rock;
S 61° 12' W, 241 feet to an 18-inch hickory tree;
S 46° 17' W, 317 feet to a stake;
Due south, 177 feet to a 4-inch ash tree;
N 72° 40' W, 198 feet to a 24-inch white oak stump;
S 66° 01' W, 436 feet;
S 72° 51' W, 181 feet to an 8-inch chestnut tree;
S 61° 18' W, 555 feet to an iron pipe (Coordinates: N. 633,390; E. 646,501);
S 72° E, 280 feet to an 18-inch white oak tree;
S 52° E, 80 feet to a stake;
S 58° E, 115 feet to a 10-inch white oak tree;
S 41° E, 165 feet to a stake;
S 64° E, 225 feet to a 20-inch black oak tree;
S 5° E, 330 feet to a rock;
S 47° W, 110 feet to a stake;
S 10° W, 220 feet to a stake at the top of a ridge;
With the top of the said ridge as it meanders in an easterly direction approximately along the following bearings and distances: S 74° 30' E, 240 feet, N 80° 30' E, 560 feet, S 72° E, 200 feet to an 8-inch pine tree, S 58° 30' E, 420 feet, S 77° 30' E, 240 feet, S 75° E, 120 feet, and S 85° E, 230 feet to a point;
Leaving the ridge;
N 88° E, 165 feet to a 3-inch black gum tree (Coordinates: N. 632,013; E. 649,207);
N 36° 43' E, 144 feet to a stake;
S 33° 23' E, 263 feet to an 8-inch white oak tree;
S 30° 58' E, 58 feet to a stake on the southeast side of a county road;
S 28° 56' E, 703 feet to a 10-inch post oak tree;
N 45° 40' E, 308 feet to a 16-inch red oak tree;
N 05° 26' E, 251 feet to a stake;
S 81° 15' E, 197 feet to a 14-inch black oak tree;
N 74° 37' E, 207 feet to an 18-inch pine tree;
S 56° 36' E, 281 feet to an iron pipe;
S 76° 46' E, 175 feet to a 6-inch black oak tree;
S 33° 14' E, 173 feet to an iron pipe;
S 25° 01' E, 83 feet to an iron pipe;
S 84° 36' E, 372 feet to a 24-inch pine stump;
S 34° 50' W, 152 feet to a 20-inch black oak snag (Coordinates: N. 630,930; E. 651,493);
S 36° 59' E, 776 feet, passing an iron pipe at 612 feet, to a rock;
S 34° 34' W, 449 feet, passing an iron pipe at 221 feet, to a rock;
S 72° 11' E, 147 feet to a 10-inch poplar tree;
S 74° 03' E, 36 feet to a point in the center line of Alarka Creek;
With the center line of Alarka Creek as it meanders upstream approximately 230 feet;
Leaving the creek,
S 8° 36' E, 523 feet, passing a 6-inch dogwood tree at 20 feet, to a rock;
S 76° W, 288 feet to a rock;
S 87° 16' W, 248 feet to an 8-inch pine tree;
S 10° 35' W, 361 feet to an 8-inch pine tree;
S 46° 49' W, 136 feet to a point witnessed by post oak sprouts;
S 55° 38' W, 232 feet to a 12-inch pine tree;
S 66° 53' W, 394 feet to a 14-inch white oak tree;
S 76° 28' W, 992 feet to Corner 135 (Coordinates: N. 628,167; E. 649,862); a stake at the top of a ridge;
With the top of the said ridge as it meanders in a southwesterly direction approximately along a bearing and distance of S 24° 30' W, 482 feet to a 12-inch hickory tree;
Leaving the ridge,
S 84° 52' E, 78 feet to a 48-inch black oak stump;
S 35° 19' E, 1,114 feet to a chestnut stump at the top of a ridge;
With the top of a ridge as it meanders approximately along the following bearings and distances: S 80° E, 500 feet to a 10-inch black oak tree, N. 58° E, 270 feet, N 84° E, 360 feet to an 8-inch pine tree, S 43° E, 450 feet, S 67° E, 605 feet to a 4-inch red oak tree, S 30° E, 310 feet, S 48° E, 930 feet, S 63° E, 340 feet to a 5-inch black oak tree, S 13° W, 195 feet, and S 70° W, 185 feet to an iron pipe (Coordinates: N. 625,042; E. 653,252) and 12-inch black oak tree;
Leaving the top of the ridge,
S 6° 05' W, 310 feet to an iron pipe and 15-inch chestnut oak tree at the top of the said ridge;
S 58° 00' W, 503 feet to an iron pipe and 30-inch pine stump;
S 16° 50' W, 248 feet to an iron pipe;
S 8° 25' E, 427 feet to an iron pipe;
S 42° 30' E, 368 feet to an iron pipe;
S 5° 30' E, 622 feet to an iron pipe;
S 58° 06' E, 434 feet to an iron pipe (Coordinates: N. 622,687; E. 653,460) and 4-inch dogwood tree;
S 9° 39' W, 896 feet to a point in the center line of U. S. Highway No. 19;
With the center line of U. S. Highway No. 19 in a westerly direction and subsequently in a northwesterly direction for a total distance of approximately 1,830 feet, crossing the Little Tennessee River, to a point (Coordinates: N. 622,504; E. 651,602);
Leaving the highway,
S 3° 44' W, 937 feet to an iron pipe and a stone;
S 0° 42' E, 360 feet to an iron pipe and 18-inch post oak tree;
S 78° 44' W, 338 feet to an iron pipe;
S 87° 46' W, 230 feet to an iron pipe;
S 68° 03' W, 288 feet to an iron pipe;
S 27° 10' W, 283 feet to an iron pipe;
S 32° 27' W, 106 feet to a stone;
N 83° 10' W, 592 feet to an iron pipe;

N 5° 46' E, 1,775 feet, crossing U. S. Highway No. 19 at approximately 740 feet, to an iron pipe and 24-inch chestnut tree;

N 5° E, 241 feet to a point at a 300-foot elevation above the low water line of the Little Tennessee River;

With the 300-foot elevation line above the low water line of the Little Tennessee River as it meanders in a general northwesterly direction approximately 1,440 feet;

Leaving the 300-foot elevation line,

S 10° W, 873 feet to an iron pipe (Coordinates: N. 622,300; E. 648,978);

N 41° 58' W, 337 feet to an iron pipe and 21-inch spanish oak tree;

S 80° 53' W, 377 feet to an iron pipe;

S 30° 11' W, 242 feet to an iron pipe;

S 78° 27' W, 460 feet to an iron pipe and 12-inch pine tree;

N 36° 28' W, 671 feet to an iron pipe;

N 12° 41' W, 510 feet to an iron pipe;

S 89° 05' W, 288 feet to a 24-inch pine stump (Coordinates: N. 623,222; E. 647,010);

S 57° 22' W, 415 feet to an iron pipe;

S 3° 54' E, 114 feet to an iron pipe;

S 53° 59' E, 431 feet to an iron pipe;

S 41° 36' W, 288 feet to an iron pipe and 14-inch red oak tree;

S 70° 15' W, 506 feet to an iron pipe and 30-inch pine tree;

S 74° 38' W, 488 feet to an iron pipe and 18-inch white oak tree;

S 58° 31' W, 348 feet to an iron pipe and spanish oak tree;

S 35° 37' W, 603 feet to an iron pipe and white oak tree;

S 55° 44' W, 378 feet to an iron pipe;

S 67° 37' W, 691 feet to an iron pipe (Coordinates: N. 620,967; E. 644,280);

N 66° 02' W, 228 feet to an iron pipe;

N 5° 17' W, 290 feet to an iron pipe;

N 12° 43' E, 238 feet to an iron pipe and black oak tree;

N 53° 53' W, 326 feet to an iron pipe;

N 82° 45' W, 224 feet to an iron pipe;

N 55° 31' W, 301 feet to an iron pipe;

S 82° 03' W, 154 feet to an iron pipe and 20-inch white oak tree;

S 41° 23' W, 428 feet to an iron pipe (Coordinates: N. 621,629; E. 642,927) at the top of a ridge;

N 56° W, 180 feet to an iron pipe;

N 14° W, 179 feet to an iron pipe;

N 40° W, 212 feet to an iron pipe;

N 83° W, 35 feet;

S 13° E, 800 feet to a point at the top of a ridge;

S 70° 21' W, 74 feet;

S 21° 36' W, 109 feet;

S 39° 39' E, 99 feet;

S 22° 28' W, 256 feet;

S 10° 31' W, 285 feet to a 12-inch pine tree;

S 62° 26' E, 411 feet to a 7-inch pine tree;

S 67° 53' E, 178 feet to a 15-inch red oak tree;

S 57° 37' E, 387 feet to an iron pipe;

S 34° 03' W, 236 feet to an iron pipe;

S 18° 44' E, 918 feet to a spanish oak stump;

S 9° 15' W, 1,279 feet, crossing U. S. Highway No. 19 at approximately 410 feet, to a 19-inch post oak tree;

N 81° 26' W, 475 feet to a 10-inch black oak tree (Coordinates: N. 617,848; E. 642,893);

S 82° 20' W, 449 feet, crossing U. S. Highway No. 19 at approximately 210 feet, to an iron pipe;

N 56° 25' W, 449 feet to an iron pipe;

S 26° 07' W, 193 feet to a 12-inch pine tree;

S 76° 49' W, 243 feet to an iron pipe;

S 19° 41' W, 101 feet to a 14-inch post oak tree;

S 25° 38' W, 235 feet to an iron pipe;

S 7° 24' E, 249 feet to a 24-inch white oak tree (Coordinates: N. 617,254; E. 641,650);

S 25° 49' W, 240 feet to a 19-inch black oak tree;

S 5° 20' W, 287 feet to a 9-inch spanish oak tree;

S 20° 53' E, 131 feet to a 3-inch post oak tree;

S 8° 29' E, 199 feet to a 10-inch spanish oak tree;

S 64° 19' E, 112 feet to a 9-inch black oak tree;

S 53° 24' E, 222 feet to an iron pipe in the center line of an old road;

With the center line of the old road as it meanders in a general southerly direction approximately along the following bearings and distances: S 50° E, 275 feet, S 24° W, 250 feet, S 68° W, 160 feet, S 46° W, 220 feet, S 2° W, 265 feet, S 73° E, 275 feet, and S 69° W, 200 feet to a point (Coordinates: N 615,222; E. 641,738) in the center line of Buckner Branch witnessed by a 26-inch water oak tree;

With the center line of Buckner Branch as it meanders downstream approximately 410 feet to a point witnessed by a 15-inch poplar tree;

Leaving the branch,

S 81° 37' W, 240 feet to a 12-inch willow tree;

N 5° 35' W, 127 feet to a stake;

S 74° 45' W, 229 feet to a 12-inch poplar tree;

S 63° 15' W, 47 feet to an iron pipe;

N 86° 45' W, 936 feet to a point in the 1,723-foot contour;

With the 1,723-foot contour as it meanders in a southwesterly direction approximately 870 feet to a point (Coordinates: N. 614,355; E. 639,558);

Leaving the contour,

S 34° 51' E, 365 feet to a chestnut snag;

S 39° 22' E, 389 feet to a stake;

N 72° 14' W, 453 feet to a stake;

S 26° 38' W, 737 feet to a stake;

S 10° 40' W, 508 feet to a stake;

S 32° 27' E, 300 feet to a stake;

S 27° 28' W, 358 feet to a stake;

S 32° 28' E, 424 feet to an iron pipe;

S 45° 58' W, 1,203 feet to a rock (Coordinates: N. 610,983; E. 638,508);

S 86° 18' W, 1,572 feet to a locust post;

N 26° 38' E, 656 feet, passing a 16-inch red oak tree at 330 feet, to a concrete post 100 feet southwest of and opposite a point in the center line of the proposed relocation of a track of the Southern Railway;

With a line 100 feet southwest of and parallel to the center line of the proposed relocation of the track of the Southern Railway as it meanders in a northwesterly direction approximately along the following bearings and distances: N 58° 24' W, 282 feet, N 61° 19' W, 769 feet, N 53° 09' W, 230 feet, and N 45° 26' W, 819 feet;

With a line 100 feet from and parallel to the center line of the said proposed relocation as it curves to the left in a general westerly direction approximately 680 feet, the chord for the curve extending on a bearing of S 74° 11' W, for a distance of 551 feet;

With a line 100 feet east of and parallel to the center line of the said proposed relocation as it meanders in a southerly direction approximately along the following bearings and distances: S 14° 00' W, 422 feet, and S 25° 31' W, 486 feet to a concrete post;

Leaving the line parallel to the railway track,

N 27° 23' W. 169 feet to a 14-inch sourwood tree (Coordinates: N 611,850; E. 634,632);

N 78° W, 20 feet to a point in the 1,703-foot contour;

With the 1,703-foot contour as it meanders in a southwesterly direction approximately 550 feet;

Leaving the contour;

S 12° E, 20 feet to a stone;

S 42° 05' W, 167 feet to a stone;

S 30° 53' W, 255 feet to a stone;

S 50° 17' W, 560 feet to a stake;

S 44° 41' W, 72 feet to a stake;

S 33° 24' W, 119 feet to a stake;

S 44° 07' W, 131 feet to a stake;

S 85° 50' W, 55 feet to a point in the 1,703-foot contour;

With the 1,703-foot contour as it meanders in a southerly direction approximately 850 feet;

Leaving the contour,

S 11° 30' E, 40 feet to a stake (Coordinates: N. 609,703; E. 632,995);

S 6° 49' W, 98 feet to a stake;

S 27° 25' W, 228 feet to a stake;

S 41°53' W, 172 feet to a stake;

S 51° 37' W, 138 feet to a stake;

S 49° 23' W, 86 feet to a stake;

S 65° 10' W, 95 feet to a point in the 1,703-foot contour;

With the 1,703-foot contour as it meanders in a southwesterly direction approximately 930 feet to a stake;

Leaving the contour,

S 61° 29' W, 92 feet to a white pine tree;

S 73° 59' W, 112 feet to a stone (Coordinates: N. 608,276; E. 631,882);

S 42° 54' E, 620 feet to a stone;

S 49° 24' W, 28 feet to a point in the center line of Wesser Creek;

With the center line of Wesser Creek as it meanders downstream approximately 390 feet;

Leaving the creek,

N 73° W, 330 feet;

S 14° 22' W, 170 feet, crossing U. S. Highway No. 19 at approximately 80 feet;

S 24° 53' E, 214 feet;

S 83° 40' W, 320 feet, crossing U. S. Highway 19 at approximately 270 feet, to a stake on the right bank of the Nantahala River;

With the right bank of the Nantahala River as it meanders upstream approximately 5,530 feet to a stake;

N 37° W, 30 feet to a point in the center line of the Nantahala River;

With the center line of the Nantahala River as it meanders upstream approximately 2,120 feet;

N 35° E, 110 feet to a stake on the left bank of the Nantahala River;

With the left bank of the original channel of the Nantahala River as it meanders downstream approximately 7,750 feet to a point in the 1,710-foot contour at the head of the contour in the river;

Leaving the US-TVA Purchase Boundary,

Easterly with the 1,710-foot contour to a point in the center line of the Nantahala River;

With the center line of the original channel of the Nantahala River as it meanders downstream to its confluence with the Little Tennessee River;

With the center line of the Little Tennessee River as it meanders downstream to its confluence with the Tuckasegee River;

With the center line of the Tuckasegee River as it meanders upstream to a point in the US-TVA Purchase Boundary;

With the US-TVA Purchase Boundary,

S 80° W, 112 feet to a point on the left bank of the Tuckasegee River;

S 80° W, 25 feet to an iron pipe and 10-inch black gum stump;

S 10° E, 25 feet to a point in the center line of Laurel Branch witnessed by a beech stump;

With the center line of Laurel Branch as it meanders upstream approximately 1,800 feet to the point of beginning.

Except, therefrom, the following:

(1) All land lying below the 1,710-foot contour elevation;

(2) Approximately 6.9 acres owned by S. A. DeHart, lying within the boundaries of the described land, approximately 500 feet northwest of Corner 26, and more particularly described as follows: Beginning at a stake (Coordinates: N. 648,754; E. 659,684) witnessed by trees and in the US-TVA Purchase Boundary; thence with the US-TVA Purchase Boundary S 84° 56' W, 554 feet to a point in the center line of a drain witnessed by an iron pipe and 18-inch hemlock tree; thence with the center line of the drain as it meanders downstream to the head of the 1,710-foot contour; thence leaving the US-TVA Purchase Boundary and with the 1,710-foot contour as it meanders in a general northeasterly direction to a point at the top of a ridge and in the US-TVA Purchase Boundary and witnessed by a 14-inch black oak tree; thence with the US-TVA Purchase Boundary and the top of the ridge as it meanders in a southerly direction approximately along the following bearings and distances: S 0° 30' E, 245 feet, S 14° E, 300 feet, S 35° 30' E, 120 feet, and S 62° E, 150 feet to a stake witnessed by trees; thence, leaving the top of the ridge, S 20° 25' E, 100 feet to the point of beginning.

(3) Approximately 1.1 acres owned by the Trustees of Davis Cemetery, lying within the boundaries of the described land, approximately 1½ miles west of Corner 125, and more particularly described as follows: Beginning at a stone (Coordinates: N. 627,853; E. 642,066) in the US-TVA Purchase Boundary; thence with the US-TVA Purchase Boundary N 78° 05' W, 141 feet to a point; thence N 11° 02' W, 162 feet to a stone; thence N 73° E, 77 feet to a stone; thence S 66° 44' E, 240 feet to a stone; thence S 3° 32' W, 81 feet to a stone; thence S 50° 24' W, 182 feet to the point of beginning.

The land described above and designated as Tract 6 contains 4.892 acres, more or less. Included within the land described above but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company, the said land and land rights to be conveyed being included within a proposed strip of land lying within the boundaries of Tract 6 as described and having a center line length of approximately 14,100 feet and an average width of approximately 245 feet, and containing 80 acres, more or less.

TRACT 7

A tract of land lying in the Nantahala and Forneys Creek Townships of Swain County, State of North Carolina, on the south side of the Flat Branch Embayment of the Tuckasegee River Arm of Fontana Lake, the northeast corner of the said tract bearing S 4° 09' W at a distance of 456 feet from Corner 73 of the previously described Tract 6, the said Tract 7 being more particularly described as follows:

Beginning at an iron pipe (Coordinates: N. 643,623; E. 646,776) and black oak tree in the US-TVA Purchase Boundary, the most northwesterly corner of the tract herein described.

From the initial point with the US-TVA Purchase Boundary,

S 87° 34' E, 753 feet to an iron pipe and 38-inch chestnut tree;

S 8° 08' W, 35 feet to an iron pipe and white oak stump;

S 24° 03' E, 874 feet to an iron pipe and 18-inch chestnut tree;

S 70° 08' W, 127 feet to an iron pipe;

S 45° W, 332 feet to an iron pipe at the top of a ridge;

N 54° 52' W, 417 feet to an iron pipe;

N 21° 31' W, 600 feet to an iron pipe;

N 18° 26' W, 310 feet to an iron pipe;

N 60° 28' W, 103 feet to the point of beginning.

The tract as described above contains 15.1 acres, more or less.

TRACT 8

A tract of land lying in the Charleston Township of Swain County, State of North Carolina, on the south shores of the Tuckasegee River Arm of Fontana Lake, immediately west of Bryson City, and more particularly described as follows:

Beginning at a 5-inch pine tree (Coordinates: N. 639,119; E. 667,153) in the US-TVA Purchase Boundary,

From the initial point with the US-TVA Purchase Boundary,

N 38° 21' W, 379 feet to a 6-inch pine tree;

N 25° 54' W, 78 feet to a 14-inch spanish oak tree,

N 87° 33' W, 187 feet to a stake;

S 46° 13' W, 100 feet to a 10-inch black oak tree;

S 54° 41' W, 778 feet to a 5-inch locust tree;

N 64° 55' W, 259 feet to a locust post;

N 78° 41' W, 178 feet to a 6-inch locust tree;

N 61° 35' W, 332 feet to a 4-inch locust tree (Coordinates: N. 639,778; E. 665,268);

S 63° 40' W, 219 feet to an iron pipe;

N 75° 37' W, 179 feet to an iron pipe;

S 74° 08' W, 202 feet to a 5-inch black jack tree;

N 72° 54' W, 204 feet to a 6-inch black jack tree;

S 29° 29' W, 540 feet to an iron pipe;

N 44° 24' W, 404 feet to an iron pipe (Coordinates: N. 639,514; E. 663,707);

N 17° 49' E, 206 feet to a 10-inch pine tree;

N 15° 22' E, 825 feet to a stake;

N 39° 53' E, 128 feet to a stake on the left bank of the Tuckasegee River;

N 19° E, 220 feet to a point in the center line of the Tuckasegee River;

Leaving the US-TVA Purchase Boundary,

With the center line of the Tuckasegee River as it meanders upstream approximately 3,850 feet to a point in the US-TVA Purchase Boundary;

With the US-TVA Purchase Boundary and continuing with the center line of the Tuckasegee River as it meanders upstream approximately 1,705 feet;

Leaving the center line of the Tuckasegee River,

S 40° 14' W, 85 feet;

S 42° 47' W, 184 feet to a point on the left bank of the Tuckasegee River;

S 53° 08' W, 30 feet to Corner 24, a 6-inch ironwood tree;

S 74° 51' W, 524 feet to Corner 25;

S 64° 06' W, 421 feet to Corner 26, a double maple tree;

S 45° W, 51 feet to a point in the center line of Buckner Branch witnessed by a maple stump;

With the center line of Buckner Branch as it meanders upstream approximately along a bearing and distance of S 40° 44' W, 95 feet to a rock;

Leaving the branch

N 59° 56' W, 44 feet to a point in the center line of an old road;

With the center line of the old road as it meanders in a southerly direction approximately along a bearing and distance of S 12° 18' W, 399 feet;

Leaving the old road,

N 63° 26' W, 11 feet to a 5-inch black gum tree;

N 9° 28' E, 213 feet to a 4-inch dogwood tree;

N 12° 06' W, 72 feet to an iron pipe;

S 75° 40' W, 175 feet to a 12-inch pine tree;

S 65° 52' W, 274 feet to a 6-inch white oak tree;

N 52° 03' W, 374 feet to a stake;

S 34° 32' W, 171 feet to the point of beginning.

Except, therefrom, all land lying below the 1710-foot contour elevation.

The land as described above contains 147 acres, more or less.

The land described above and designated as Tract 8 contains a total of 147 acres, more or less. Included within Tract 8 as described but expressly excepted and excluded from the transfer are any land and land rights to be conveyed to the Southern Railway Company under an agreement dated June 17, 1943, between the Tennessee Valley Authority and the Southern Railway Company, the said land and land rights to be conveyed being included within a proposed strip of land lying within the boundaries of Tract 8 as described and having a center line length of approximately 1,300 feet and an average width of approximately 300 feet, and containing 9 acres, more or less.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The contour elevations are based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The corner numbers given are for description reference only and are not the numbers used in the Authority's records. The corner descriptions given are based partially on the Authority's surveys and partially on the Nantahala Power & Light Company's plats and surveys adjusted to the Authority's surveys.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 3, 1951.

[P. R. Doc. 51-7850; Filed, July 3, 1951; 2:12 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

FUTURE PAYMENT FUNDS REGULATIONS; RETIREMENT OF STOCK

Section 10.74 (c) of Title 6 of the Code of Federal Regulations is hereby amended by adding a second sentence so that such paragraph shall read as follows:

(c) If at any time the balance of unapplied future payment funds held for a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be retired out of such balance and stock proceeds. With the agreement or consent of the borrower, a bank may also provide that if at any time the balance of unapplied future payment funds held for a borrower's credit together with the interest allowance thereon and the amount of stock owned by the borrower in connection with a loan equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be retired out of such balance and stock proceeds. [241 (3)]

(Sec. 17, Eighteenth, 50 Stat. 708, 12 U. S. C. 781, Eighteenth)

A new § 10.91 is hereby added to Title 6 of the Code of Federal Regulations as follows:

§ 10.91 *Retirement of stock to complete payment of loan with future pay-*

ment funds. If a bank has provided in the terms and conditions under which it has accepted future payment funds that when the amount of stock and the future payment funds held in connection with the loan are sufficient to pay off the loan in full, they may be so applied, and if the board of directors of the bank has adopted a resolution providing for the retirement of the stock in such circumstances, the Administration approves, under section 7 of the Federal Farm Loan Act (12 U. S. C. 721), such retirement of stock. [279.51]

(Sec. 7, 39 Stat. 365; 12 U. S. C. 721)

[SEAL] J. R. ISLEIB,
Land Bank Commissioner.

[F. R. Doc. 51-7735; Filed, July 5, 1951; 8:49 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUE OF FARMS AND INVESTMENT LIMITS; LOUISIANA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the parishes identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said parishes, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said parishes.

LOUISIANA

Parish	Average value	Investment limit
Acadia	$20,000	$12,000
Allen	20,000	12,000
Ascension	18,000	12,000
Assumption	18,000	12,000
Avoyelles	14,000	12,000
Beauregard	12,000	12,000
Bienville	15,000	12,000
Bossier	16,500	12,000
Caddo	16,250	12,000
Calcasieu	20,000	12,000
Caldwell	16,000	12,000
Cameron	20,000	12,000
Catahoula	15,000	12,000
Claiborne	15,000	12,000
Concordia	15,000	12,000
De Soto	15,000	12,000
East Baton Rouge	18,000	12,000
East Carroll	15,000	12,000
East Feliciana	16,000	12,000
Evangeline	16,000	12,000
Franklin	15,000	12,000
Grant	14,500	12,000
Iberia	18,000	12,000
Iberville	18,000	12,000
Jackson	13,000	12,000
Jefferson	18,000	12,000
Jefferson Davis	20,000	12,000
Lafayette	16,000	12,000
Lafourche	18,000	12,000
La Salle	14,000	12,000
Lincoln	15,000	12,000
Livingston	12,500	12,000
Madison	15,000	12,000
Morehouse	15,000	12,000
Natchitoches	16,000	12,000
Orleans	18,000	12,000
Ouachita	16,000	12,000
Plaquemines	18,000	12,000

LOUISIANA—Continued

Parish	Average value	Investment limit
Pointe Coupee	$15,000	$12,000
Rapides	16,000	12,000
Red River	16,000	12,000
Richland	15,000	12,000
Sabine	12,000	12,000
Saint Bernard	18,000	12,000
Saint Charles	20,000	12,000
Saint Helena	15,000	12,000
Saint James	18,000	12,000
Saint John the Baptist	18,000	12,000
Saint Landry	16,000	12,000
Saint Martin	16,000	12,000
Saint Mary	18,000	12,000
Saint Tammany	15,000	12,000
Tangipahoa	15,000	12,000
Tensas	15,000	12,000
Terrebonne	18,000	12,000
Union	16,000	12,000
Vermilion	18,000	12,000
Vernon	12,000	12,000
Washington	15,000	12,000
Webster	15,000	12,000
West Baton Rouge	18,000	12,000
West Carroll	14,000	12,000
West Feliciana	16,000	12,000
Winn	13,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 29th day of June 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-7734; Filed, July 5, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 4395]

PART 163—OPERATIONS

SETTING UP, DESIGNATION, AND PURPOSE OF FEDERAL INSURANCE RESERVE

JUNE 27, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (16 F. R. 4666), § 163.11 of the rules and regulations for Insurance of Accounts (24 CFR 163.11) is hereby amended, effective July 6, 1951, to read as follows:

§ 163.11 *Setting up, designation, and purpose of Federal insurance reserve.* Each insured institution shall set up a Federal insurance reserve account which shall be used solely for the purpose of absorbing losses. No insured institution may pay dividends from its Federal insurance reserve account. Any insured state-chartered institution may by resolution of its board of directors or by other appropriate corporate action designate as its Federal insurance reserve account any reserve account which under the provisions of state law is established for the sole purpose of absorbing losses. Evidence of such action shall be filed with the Corporation. With the prior written approval of the Corporation, any other reserve account which by specific and adequate corporate action of an insured institution is made subject to charges for losses only, may be designated as its Federal insurance reserve account. The general reserves of Federal savings and loan associations operating under Charter K or Charter N are deemed to meet the requirements of this section.

Resolved further that the effect of this amendment being to remove a restriction upon insured institutions, deferment of the effective date of such amendment is not required, and it shall become effective upon July 6, 1951.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-7816; Filed, July 5, 1951; 9:04 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 2, Amendment 1]

GOR 2—SALES TO THE UNITED STATES GENERAL SERVICES ADMINISTRATION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 2, Amendment 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to General Overriding Regulation 2 exempts certain sales to the General Services Administration, or its agents, of strategic and critical materials under the Defense Production Act of 1950 or the Strategic and Critical Materials Stock Piling Act. The natural resources of the United States being deficient or insufficiently developed to supply the industrial and military needs of the country, Congress has authorized and directed the acquisition and retention of stocks of these materials in order to decrease and prevent wherever possible a costly and dangerous dependence of the United States upon foreign nations for supplies of these materials. Under these Acts, the General Services Administration, which acts as purchasing agent, enters into contracts for the production and procurement of vital metals and minerals for the national stockpile and for resale. Material constituting a part of the stockpile can be disposed of only with the express approval of Congress or upon order of the President when in his judgment such disposition is required for the common defense.

In connection with its procurement of strategic and critical materials from domestic sources, the General Services Administration has found it necessary in some instances to enter into contracts for the production or purchase of such materials at higher than ceiling prices where the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment makes it uneconomical to produce them at the ceiling price. Where the General Services Administration finds it necessary to purchase from foreign sources, it must, in many instances, pay the current world market price, which frequently is higher than the ceiling price.

Under the existing procedure, the General Services Administration is required to apply to the Office of Price Stabilization for an exemption or approval of each such transaction. This procedure is unduly cumbersome and imposes restrictions which may seriously interfere with the objectives of the stockpile program. It is to eliminate these difficulties that this amendment is being issued. This exemption applies only to sales to the General Services Administration and its agents and does not exempt the resale of any such materials.

In the judgment of the Director of Price Stabilization, this action is necessary to achieve the objectives of the Defense Production Act of 1950 and will not have any material effect upon the cost of living or upon the general level of prices.

AMENDATORY PROVISIONS

1. Section 2 of General Overriding Regulation 2, entitled "Definitions" is hereby renumbered section 3 and is amended by adding the following definition at the end thereof:

(d) "Strategic and critical materials" means the materials set forth on the official list prepared by the General Services Administration and approved by the Director of Price Stabilization, or any amendment or supplement thereto. The term includes ores, concentrates, mattes, speiss, bullion, blister and the various forms of refined metal in standard commercial shapes, including ferro-alloys, powders, and chemical compounds of such metal; but it does not include such materials as alloy ingot, wire bar or billet, or alloyed or unalloyed rod, sheet, tube or extruded shapes or any other form which customarily commands a premium.

2. A new section 2 is inserted reading as follows:

SEC. 2. *Sales of strategic and critical materials to the General Services Administration.* No price regulation shall apply to the sale to the General Services Administration or its agents, pursuant to Public Law 520, 79th Congress, or Public Law 774, 81st Congress, of

(a) Strategic and critical materials mined or produced outside the United States, its territories or possessions, or

(b) Strategic and critical materials mined or produced inside the United States, its territories, or possessions

(1) Under any contract executed prior to January 25, 1951, or

(2) Under any contract executed after January 25, 1951, with respect to which the General Services Administration has filed with the Office of Price Stabilization, Washington, D. C., a certification that the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment renders it uneconomical to produce such material at the ceiling price otherwise applicable.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This Amendment 1 to General Overriding Regulation 2 shall become effective July 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7849; Filed, July 3, 1951; 1:47 p. m.]

[General Overriding Regulation 8, Amendment 3]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPEBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SALES OF SPECIAL REPRODUCTION BOOK MATCHES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 8 created a clearing house for future exemptions for specific paper, paperboard, converted paper and paperboard products, allied products and services. Amendment 1 to General Overriding Regulation 8, among other things, exempted from price control all sales of advertising matter printed on paper except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising. This amendment merely broadens this exemption to cover all sales of "special reproduction" book matches and packages thereof. This exemption is not applicable to "resale" book matches or "monograms".

Special reproduction book matches are designed for use as advertising and are given away in connection with the business which they advertise. Such book matches are commonly purchased by hotels, restaurants and railroads for distribution to their patrons. This category of book matches does not include "resale matches", which are for resale or free distribution usually in connection with the sale of tobacco products. The advertising on such matches is sold for a separate revenue and is usually unrelated to the business of the person who distributes them. Resale book matches are also available for sale by retailers in caddies of 50 books.

The exemption of special reproduction book matches cannot affect the cost of living nor add to the cost of the defense effort. Moreover, since this type of match is especially tailored for each individual customer and because its value may be based on its unusual design, uniform and equitable pricing would be extremely difficult. Administration and surveillance of control over prices of this commodity would be burdensome and impracticable.

In view of the unusual economic nature of this commodity, the numerous types and thousands of individual designs for each type, and the administrative difficulties in instituting controls, it has been determined that the sale of special reproduction book matches should be exempted from price control.

In consideration of the above facts, the Director of Price Stabilization finds that Amendment 3 to General Overriding Regulation 8 is generally fair and equitable and in his opinion is necessary and proper to effectuate the purpose of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

1. Subparagraph (2) of section 1 (a) of General Overriding Regulation 8 is amended to read as follows:

(2) Sales of commodities whose primary value depends upon editorial content, expression of ideas or dissemination of information and the rates, fees, charges, or compensation for the services of printing, publishing, typesetting, platemaking, binding, or related services in connection with such commodities, including, but not limited to, books, magazines, periodicals, newspapers, material furnished for publication by any press association or feature service, pamphlets, leaflets, sheet music, music rolls, stamp albums, globes, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, not including special reproduction book matches and the packaging thereof, the form of which serves a purpose other than that of advertising) time tables, tariffs and price lists.

2. Section 2 (a) is amended by the addition of subparagraph (5) which reads as follows:

(5) "Special reproduction book matches" are paper matches in books which are specially designed through sketches, artwork, engraving and color prints as an advertising medium and are specially printed and manufactured to serve the advertising purposes of the purchaser. It does not cover "resale book matches" which include the following types of book matches:

(i) All paper book matches sold at the retail level including those specially initialed or monogrammed at the order of the purchaser.

(ii) Paper book matches bearing general advertising matter from which revenue is obtained independently of the price of the book matches.

(iii) Paper book matches bearing a patriotic slogan, emblem, design or pattern in place of or in connection with general advertising matter, which are for general distribution to or through a distributor or retailer.

(iv) Paper book matches commonly described as the "thank you" or "noprint" type, ordinarily free from printing and for general distribution to and through a distributor or retailer. Included in this group are paper book matches bearing a stock cut or design, trade-mark, slogan, color, monogram or pattern from which an advertising revenue is not obtained by the manufacturer and which are for general distribution.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR. 1950 Supp.)

Effective date. This amendment shall become effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7843; Filed, July 3, 1951; 1:47 p. m.]

[General Overriding Regulation 9, Amendment 3]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF CERTAIN DIMENSION AND BUILDING STONES, MONUMENTS, AND MEMORIALS, AND ARCHITECTURAL TERRA COTTA

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to provide for the exemption from price control of certain dimension and building stones, monuments and memorials, and architectural terra cotta. Production and sales of these commodities by producers and resellers are exempted by this regulation. Makers of monuments and memorials and installers of architectural terra cotta whose installed sales have hitherto been covered under CPR 34—Services, are also exempted by this amendment.

These exemptions are of insignificant importance to the cost of living or to the cost of the defense program. There is no likelihood that removal of control of these commodities will affect sales or prices of other commodities through diversion of materials, labor, or facilities. In addition, their control involves administrative and enforcement difficulties disproportionate to their economic significance. The commodities exempted by this regulation were also exempt for similar reasons by the Office of Price Administration during the last war.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (6) is added to read as follows:

(6) *Sales by producers and resellers of dimension and building stones.* "Producers" means persons engaged in quarrying, cutting, shaping, sizing, polishing, inscribing, designing, coloring, glazing or burning. "Dimension and building stones" includes the following: Basalt and related stones; granite, building, ornamental and monumental; greenstone, interior or exterior, building, structural, ornamental, and monumental; limestone, building, ornamental, and monumental; marble, slabs, building, structural, and decorative, and ornamental and monumental, and grave vaults; sandstone, building, structural, floor and flagging, including bluestone and brownstone; slate, structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

2. Section 2 (a) (7) is added to read as follows:

(7) *Sales and installation services by producers and resellers of monuments and memorials.* "Monuments and memorials" means markers, epitaphs, cenotaphs, statues, tablets, pillars, tombs, sarcophagi, and burial vaults intended to preserve the memory of a person or event, when made of granite, greenstone, limestone, marble or sandstone.

3. Section 2 (a) (8) is added to read as follows:

(8) *Sales and installation services by producers and resellers of architectural terra cotta.* "Architectural terra cotta" means a ceramic facing building material made from a mixture of clays and fusible materials fired in kilns and colored by the use of ceramic glazes. It is custom made and conforms to architects' designs and specifications as to size, shape, color and tolerances. The term does not include unglazed, salt or ceramic glazed structural facing units made from clays and other fusible materials which are not custom made and are usually sold on a unit basis.

Effective date. This amendment shall become effective July 3, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 3, 1951.

[F. R. Doc. 51-7847; Filed, July 3, 1951; 1:46 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9]

M-9—DISTRIBUTION OF ZINC

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

NPA Order M-9, Zinc, as originally set forth at 15 F. R. 7878, Nov. 18, 1950, and as amended at 16 F. R. 5015, May 29, 1951, is hereby revoked, an a new Order M-9 under the title, Distribution of Zinc, is hereby substituted therefor, to read as follows:

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of slab zinc.
5. Exemptions.
6. Delivery of slab zinc.
7. Specific directives.
8. Assistance in placing orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide for the distribution of the supply of slab zinc so as best to serve the interest of national defense and essential civilian production. It brings slab zinc under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small business. It also explains the conditions under which reports are required from producers, importers, and consumers of and dealers in slab zinc.

SEC. 2. *Application of this order.* This order applies to all persons who produce, consume, trade in, import, or hold in inventory, slab zinc as defined in section 3 (d) of this order. The provisions of this order supersede other National Production Authority regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to slab zinc. In particular, NPA Reg. 2 continues to apply to slab zinc, but deliveries on DO rated orders may be made only in accordance with allocation authorizations issued by the National Production Authority, except as otherwise provided in this order. The National Production Authority may from time to time issue special directives as to deliveries of slab zinc and, unless otherwise provided therein, such directives will prevail over the other provisions of this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Producer" means any person producing slab zinc and any person who has slab zinc produced for him under toll agreement.

(c) "Dealer" means any person who receives physical deliveries of slab zinc and sells or holds such slab zinc for resale without change in form. A person who produces any slab zinc or who has slab zinc produced for him under toll agreement is a producer as to such zinc and not a dealer.

(d) "Slab zinc" means all grades of metallic slab zinc (spelter) which have been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material.

SEC. 4. *Allocation of slab zinc.* (a) Commencing on August 1, 1951, and subject to the exemptions stated in section 5 of this order, no person shall accept delivery of slab zinc for any purpose in any month except in accordance with the terms of an allocation authorization issued to him for such month by the National Production Authority on Form NPAF-110. An allocation authorization will authorize the holder to accept delivery of slab zinc in a specified quantity and grade if shipped not later than the last day of the month for which the authorization is issued. Any order placed pursuant to an allocation authorization shall specify the date and serial number of the applicable authorization. This section shall apply with like effect to the acceptance of deliveries of slab zinc by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-110 not later than the fifteenth day of the month preceding the month in which delivery is sought. Such application must contain all information required by the form.

SEC. 5. *Exemptions.* The provisions of section 4 of this order shall not apply to any:

(a) acceptance of slab zinc by the General Services Administration for its stockpile of strategic materials;

(b) acceptance of slab zinc directly from a foreign source for the sole purpose of resale without change in form; or

(c) acceptance of slab zinc by any person (1) whose total receipts during the month in which such acceptance occurs are, or by such acceptance would become, not in excess of 20 short tons, (2) who has not applied to the National Production Authority for an allocation authorization for such month, and (3) who furnishes a signed certification to the supplier in substantially the following form:

The undersigned certifies, subject to statutory penalties, that receipt of this shipment in the month requested will be in compliance with NPA Order M-9, that such receipt will not bring the undersigned's total receipt of slab zinc during that month above 20 short tons, and that no application has been made to the National Production Authority for an allocation authorization for that month.

Such certification constitutes a representation to the supplier and to the National Production Authority that the purchaser is authorized to accept delivery of slab zinc pursuant to this paragraph.

SEC. 6. *Delivery of slab zinc.* No person shall deliver any slab zinc if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order.

SEC. 7. *Specific directives.* The National Production Authority may issue directives as to the source, destination, specific grades, and quantities of slab zinc to be delivered or acquired. NPA may also direct any producer to set aside a specific portion of his production of slab zinc for distribution according to directives issued by the National Production Authority.

SEC. 8. *Assistance in placing orders.* Any person who has received an allocation authorization for slab zinc and who is unable to place an order for the material covered by the authorization, should apply to the National Production Authority, Ref: M-9, specifying the efforts made to obtain such material. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 9. *Records and reports.* (a) All producers of slab zinc shall fill out and return Bureau of Mines Form 6-1150-M to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to their operations during the month of June and their anticipated production during the month of August, and on or before the twentieth day of each month thereafter with respect to their operations during the preceding month and their anticipated production during the next succeeding month.

(b) Any person who uses, ships, or receives 5 short tons or more of slab zinc in any calendar month, or who has 5 short tons or more of slab zinc in his possession or under his control on any day of any month shall fill out and return Bureau of Mines Form 6-1151-M, in the number of copies specified on the form, to the address specified on the form, on or before the fifteenth day of July 1951 with respect of such use, shipment, receipt, or possession during the month of June, and on or before the fifteenth day of each succeeding month with respect to such use, shipment, receipt, or possession during the next succeeding month.

(c) Commencing on July 20, 1951, any person who imports slab zinc for the sole purpose of resale without change in form shall advise the National Production Authority by letter in duplicate not less than 10 days before its expected arrival in the continental United States, of the quantity, grade, and country of origin of such slab zinc.

(d) Any person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit and for filling out the reports required in paragraphs (a), (b), (c), and (d) of this section. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(e) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* Except as otherwise specified, all communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-9.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

NPA Order M-9, as so revised and retitled, shall take effect on July 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7899; Filed, July 5, 1951; 10:57 a. m.]

[NPA Order M-18, as Amended July 3, 1951]

M-18—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

This order as amended is found necessary and appropriate to promote the

national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M–18 as amended March 30, 1951, as follows: It amends section 2, paragraphs (f) and (g); adds new paragraphs (h) and (i); and redesignates old paragraph (h) as paragraph (j). It amends section 3 by deleting the phrase "after March 30, 1951." It amends sections 4, 5, and 6, making material changes, and redesignates these sections as sections 6, 4, and 5, respectively. It amends section 7; deletes section 8, and renumbers the subsequent sections accordingly. It amends sections 8, 9, and 10 as renumbered. It changes the title and introductory paragraph of the attached brush schedule, and changes certain ferrule specifications contained in that schedule. As so amended NPA Order M–18 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Inventories.
4. Restrictions on the use of bristles.
5. Required mixture of other materials with bristles.
6. Limitations on the manufacture of painters' brushes.
7. Restriction on the sale and delivery of painters' brushes.
8. Restriction on the sale of bristles.
9. Prohibited deliveries of bristles, ferrules, and painters' brushes.
10. Reports.
11. Records.
12. Communications.
13. Applications for adjustment or exception.
14. Audit and inspection.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of bristles. It imposes limitations on the processing, mixing, or preparation for manufacture, of bristles and on the manufacture and distribution of brushes and other products containing bristles. It makes provisions for requiring the simplification and standardization of brushes manufactured from bristles. It imposes restrictions upon the export of brushes containing bristles. It calls for reports and explains the conditions under which reports are required in connection with the distribution, use, and inventories of bristles.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Bristles" means pigs' or hogs' bristles, including riflings, whether new, reclaimed, raw, dressed, imported, or domestic, but does not include engined shoemakers' bristles.

(c) "Dealer" means a person who regularly purchases and sells bristles without processing or changing their condition.

(d) "Dresser" means a person who grades, sorts, prepares, reclaims, or in any way processes bristles.

(e) "Process" means to boil, sterilize, comb, wash, drag, or mix bristles.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including its territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order, and requires the reports specified in section 11 of this order.

(g) "Painters' brush" means the type of brushes specified in the brush schedule annexed to this order.

(h) "Industrial brushes" means all types of brushes or brush-strips used as integral or fixed parts of production equipment in production operations of any industry.

(i) "Bristle products" means products, other than brushes and brush strips, which use bristles in the form of knots, tufts, or individual strands, and which are integral or fixed parts of production equipment in the production operations of any industry.

(j) "Ferrule" means the band by which the stock or filling material of a painters' brush is attached to the handle.

SEC. 3. *Inventories.* (a) Notwithstanding the provisions of NPA Reg. 1, no manufacturer utilizing bristles in the manufacture of brushes or other products containing bristles may order, purchase, arrange or contract to purchase for delivery, import, or receive bristles, if his inventory is, or by receipt of such bristle would become, more than a practicable minimum working inventory of bristles, or in excess of such bristles required for his scheduled production of brushes and other products containing bristles for a period of 120 days, whichever is less.

(b) No manufacturer utilizing bristles in the manufacture of brushes, or other products containing bristles, may place an order for delivery of such bristles on earlier dates or in larger amounts than he would be permitted to receive under this order.

(c) A "practicable minimum working inventory," as defined in NPA Reg. 1, may be computed for purposes of this order on the basis of the total quantity of bristles reported in section 1, parts A and B, of Form NPAF–14, as compared with the monthly consumption of such bristles as reported in section 2 of that form.

SEC. 4. *Restrictions on the use of bristles.* No person shall use any bristles longer than 2⅞ inches for any purpose, except:

(a) To manufacture painters' brushes of the types identified in the brush schedule appearing at the end of this order, excluding the following: No. 12, mucilage and paste; No. 13, painters' duster flat; No. 14, painters' duster round; No. 15, plasterers', and No. 35, whitewash.

(b) To manufacture industrial brushes or other products from bristles not longer than 4 inches, where such brushes or other products are required and used as integral or fixed parts of production equipment in the production operations of any industry.

(c) To manufacture billboard poster paste brushes from India bristles.

SEC. 5. *Required mixture of other materials with bristles.* No person shall manufacture brushes or products referred to in section 4 (a) and (c) of this order from bristles longer than 2⅝ inches, unless such brushes or products contain at least 30 percent by weight of filling material other than bristles as defined in this order: *Provided, however,* That this restriction shall not apply to painters' brushes required in the production of self-sealing fuel cells for military aircraft.

SEC. 6. *Limitations on the manufacture of painters' brushes.* No person shall manufacture any painters' brushes of types other than those specified in the brush schedule appearing at the end of this order. Ferrules for the brushes so specified shall be of the dimensions set forth for each type of brush in the schedule, except that such limitations shall not apply:

(a) To finished ferrules on hand as of March 30, 1951, regardless of who had possession thereof.

(b) To semifinished ferrules on hand as of March 30, 1951, where such ferrules had entered the cutting or slitting process of manufacture.

SEC. 7. *Restriction on the sale and delivery of painters' brushes.* No manufacturer of brushes shall sell or deliver painters' brushes containing bristles longer than 2⅞ inches, except in pursuance of DO rated orders or for export following authorization by the Office of International Trade, Department of Commerce, on Form IT–419.

SEC. 8. *Restriction on the sale of bristles.* No person may sell bristles except to a dealer, dresser, or manufacturer of brushes or products containing bristles, or to an agency purchasing for the account of the United States Government.

SEC. 9. *Prohibited deliveries of bristles, ferrules, and painters' brushes.* No person shall accept an order for, sell, deliver, or cause to be delivered, bristles, ferrules, or painters' brushes which he knows or has reason to believe will be accepted, held, or used, in violation of the provisions of this order.

SEC. 10. *Reports.* (a) Any person who imports, distributes, or has in his possession, bristles for the purpose of manufacture of brushes or other products containing bristles, or who otherwise may have bristles in his possession, must report each month his entries, receipts, deliveries, inventories, balance of entries, and all other transactions in bristles, by completing and filing in duplicate, with the Bureau of the Census, Form NPAF–14 with respect to all such operations and transactions, such report to be received by the Bureau not later than the tenth day of the month following the month for which the report is made.

(b) Any other person, except a common carrier, having any interest in or taking any action with respect to the importation of bristles or having control over bristles while they are physically in the continental United States, even though in bond or in transit, whether as owner, agent, consignee, or in any other capacity having bristles in his possession or under his control, shall file the report called for in paragraph (a) of this section and such other reports as may be required from time to time by the National Production Authority, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington, 25, D. C., Ref: M–18.

SEC. 13. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

BRUSH SCHEDULE

Ferrule dimensions are in inches. A maximum variation of 1/64 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Color—single thickness	1	½	14	1¼
		1	5/16	1¼
		1½	5/16	1¼
		2	⅜	1¼
		3	⅜	1¼
Fitch	2	¾	⅜	1½
		5/16	5/16	1½
		⅝	5/16	1⅝
		¾	⅜	1⅝
		⅞	½	1 13/16
		1	½	2 1/16
		1¼	⅝	2⅛
		1½	⅝	2⅛
		1¾	13/16	2¼
Flatting-wall master	3	4¼	1½	1
		4½	1½	1
		5	1½	1
		6	1½	1
		6½	1½	1
Flatting-wall utility	4	5	1¾	1
		6	1¾	1
Flowing fitch-single thickness	5	1	9/16	1¼
		1½	5/8	1¼
		2	⅝	1¼
		2½	¾	1¼
		3	¾	1¼
		4	13/16	1¼
Ox hair and civet hair flowing	6	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
		3	11/16	1¼
		4	11/16	1¼
Glue-flat	7	1	7/16	1¼
		2	9/16	1¼
		3	11/16	1¼
Glue-round	8	13/16	13/16	½
		1	1	½
		1 5/16	1 5/16	½
		1½	1½	¾
		2	2	¾
		2½	2½	⅞
Kalsomine-Dutch and semi-Dutch	9	7	2	1
		7¼	2¼	1
		7¾	1¾	1
Kalsomine-flat	10	7	⅞	1¼
		8	⅞	1¼
Mottling	11	½	5/32	1¼
		1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼

BRUSH SCHEDULE—Continued

Ferrule dimensions are in inches. A maximum variation of 1/64 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Mucilage and paste	12	1	5/16	1
		2	3/8	1⅛
		3	7/16	1⅛
Painters' duster flat	13	4	1¼	1
Painters' duster round	14	2½	2½	1
Plasterers'	15	7/32	1/8	1/16
Radiator	16	1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼
Sashtool-flat	17	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
Sashtool-angular	18	2½	5/8	1¼
		1	7/16	1½
		1½	½	1½
		2	17/32	1⅝
Sashtool-oval (seamless)	19	½	11/32	1¼
		1 1/16	½	1½
		1	5/8	1½
		1 1/16	¾	1¾
		1⅛	¾	1¾
		1 21/32	1 13/16	1¾
Sashtool-oval (locked seam)	20	½	11/32	1¼
		13/16	½	1½
		1	5/8	1½
		1 1/16	¾	1½
		1¼	¾	1½
		1 5/16	1 1/16	1½
Shipbottom (seamless or soldered) (wire ferrule)	21	2⅜	1 11/16	1
Signwriters'	22	2	2⅜	1
		¼	9/32	1⅛
		½	17/64	1⅛
		¾	13/64	1⅛
		1	19/64	1⅛
		1½	29/64	1⅛
Smoothing paper hanger (2 rows)	23	12	½	1
Smoothing paper hanger (3 rows)	24	12	5/8	1
Stencil (seamless ferrule)	25	⅞	⅞	1¼
		1	1	1¼
		1⅛	1⅛	1¼
		1⅜	1⅛	1¼
		1½	1½	1¼
		2	2	1¼
Stucco-open or solid center	26	3	1¼	13/16
		3½	1¼	13/16
		4	1⅜	13/16
		4½	1⅜	13/16
		5	1¼	1 1/16
Varnish-flat-double	27	1	7/16	1¼
		1½	½	1¼
		2	9/16	1¼
		2½	⅝	1¼
		3	11/16	1¼
Varnish-oval (seamless ferrules). Round dimensions may be ovaled to any size	28	17/16	17/16	1¼
		1 13/16	1 13/16	1¼
		1⅞	1⅞	1¼
		1⅝	1⅝	1¼
		2	2	1¼
		2 1/16	2 1/16	1¼
Varnish-flat single	29	½	¼	1
		1	¼	1¼
		1½	¼	1¼
		2	5/16	1¼
		2½	⅜	1¼
		3	7/16	1¼
Varnish-flat single X	30	1	5/16	1¼
Varnish-flat single X		1½	5/16	1¼
		2	⅜	1¼
		2	½	1¼
		3	½	1¼
Varnish-flat, triple	31	1	⅜	1¼
		1½	7/16	1¼
		2	⅜	1¼
		2½	1 1/16	1¼
		3	1 1/16	1¼
Wall-Master AA	32	3½	⅞	1¼
		3	1	1¼
		3½	1	1¼
		4	1	1¼
		4½	1	1¼
		5	1	1¼
Wall-Master A	33	⅜	1	1¼
		3	1	1¼
		3½	1	1¼
		4	1	1¼
		4½	1	1¼
		5	1	1¼

BRUSH SCHEDULE—Continued

Ferrule dimensions are in inches. A maximum variation of 1/16 of an inch is allowed in width and thickness, both of which are referred to by inside dimensions.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
Wall-medium, syndicate and utility	34	3	7/8	1 1/4
		3 1/2	7/8	1 1/4
		4	7/8	1 1/4
		4 1/2	7/8	1 1/4
		5	7/8	1 1/4
		6	7/8	1 1/4
Whitewash	35	7	1 1/8	1
		8	1 1/8	1
		9	1 1/8	1
Enamel, semioval	36	2 1/2	1 5/16	5/8
		3	1 5/16	7/8
		3 1/2	1 1/8	7/8

[F. R. Doc. 51-7878; Filed, July 3, 1951; 4:43 p. m.]

[CMP Regulation 3, Direction 2]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 2—AUTOMATIC CONVERSION OF DELIVERY ORDERS BEARING CERTAIN RATINGS

This direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, any delivery order for controlled materials bearing a DO rating listed in Schedule I of this direction, calling for delivery in the third calendar quarter of 1951, which has been accepted by a supplier and scheduled for delivery in the third quarter of 1951, prior to the effective date of this direction, shall have equal preferential status with authorized controlled material orders calling for delivery in that quarter.

SEC. 2. Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, any delivery order for products or materials other than controlled materials bearing a DO rating listed in Schedule I of this direction and calling for delivery in the third calendar quarter of 1951, which has been accepted by a supplier and scheduled for delivery in the third quarter of 1951, prior to the effective date of this direction, shall have equal preferential status with delivery orders bearing a DO rating with an allotment number or symbol calling for delivery in that quarter.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Public Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on July 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

DO-22	DO-46	DO-51
DO-38P	DO-47	DO-62
DO-41	DO-48	DO-96
DO-45	DO-49	

[F. R. Doc. 51-7879; Filed, July 3, 1951; 4:43 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SERVICEMEN'S INDEMNITY FOR DEATH

1. In Federal Register Document 51-5860 appearing on page 4716 of the issue for Saturday, May 19, 1951, make the following correction: The figure (1) in the first line of the last paragraph in column 3 should read (l).

2. In § 4.453, paragraphs (m), (n), and (o) are added to read as follows:

§ 4.453 *Servicemen's indemnity for death.* • • •

(m) *Designations of beneficiaries.* (1) It will be the responsibility of the Veterans' Administration to determine in all applicable cases the person or persons to whom the servicemen's indemnity is payable. The Veterans' Administration is assured that the service department concerned will maintain a record of all beneficiary designations and changes of beneficiary designations for this purpose. These designations and changes will be made on an appropriate service department form or forms. There will be obtained from each person in service a written and dated statement signed by him respecting the designation of beneficiary(ies). If no beneficiary is designated the statement will show that fact, and if a beneficiary(ies) is designated the statement will show the name and relationship of each beneficiary with the amount or share payable to each. Each time the serviceman desires to make a change in designation of beneficiary, an appropriate signed statement showing the new designation(s) will be obtained from him. It will not be necessary that these statements appear on any particular form or, in fact, on any form. They will be made usually, however, on the form or forms devised by the service departments.

(2) After the procedure outlined in subparagraph (1) of this paragraph goes into effect, in each case in which the serviceman dies in service, there will be furnished the Veterans' Administration routinely and automatically with the regular report of death, or shortly thereafter, photostatic copies of all the signed statements concerning the designation or change in designation of beneficiary (ies) for the serviceman's indemnity. These copies will be used in routine cases as outlined in the adjudication of claims for the indemnity. Where necessary in questionable or contested claims the service department concerned will, upon request, furnish on a loan basis, or permits the inspection of, the originals of the statements of designations of beneficiary(ies) signed by the serviceman.

(n) *Reference to beneficiary designation on death report.* Within the near future the service departments will cause to be inserted on each report of death in service which is forwarded to the Veterans' Administration one of the following notations, whichever is appropriate:

(1) No record designation of indemnity beneficiary under Public Law 23, 82d Congress.

(2) Deceased declined to designate indemnity beneficiary under Public Law 23, 82d Congress.

(3) Deceased designated indemnity beneficiary under Public Law 23, 82d Congress.

Where notation (1) appears on the death report no further information may be expected from the service department, and adjudication of a claim may proceed on the basis that no beneficiary was designated. Where, however, either notation (2) or (3) appears on the death report, photostatic copies of all statements made by the serviceman respecting beneficiary designation, if not received with the report of death, may be expected to be received soon thereafter. Such cases will be diaried for 30 days. Adjudication of claims is, of course, to be accomplished after the receipt of the photostatic copies.

(o) *Reference to beneficiary designation not on death report.* This paragraph concerns those instances in which reports of death in service on or after April 25, 1951, have been or will be received which do not include a notation concerning designation of indemnity beneficiary. In each of such cases where indenmity is payable, a request will be made upon the service department through the medium of VA Form 3101 or 3102 asking whether there is any record of designation or specific declination to designate an indemnity beneficiary by the serviceman under Public Law 23, 82d Congress, and, if so, that photostatic copies of all such designations or changes in designation be furnished. Upon receipt of the appropriate information the claim will be adjudicated. (Instruction No. 1-B, Part I, Pub. Law 23, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 6, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-7595; Filed, July 5, 1951; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 51-6550, published at page 5342 of the issue for Wednesday, June 6, 1951, the first line of subparagraph (1) (v) of § 21.104 (b) should read: "(v) Related institutional training on".

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

SELF-EMPLOYMENT INCOME

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 208 of the Social Security Act Amendments of 1950 (Public Law 734, 81st Congress), approved August 28, 1950, and to sections 221 (i) and (j) (1) of the Revenue Act of 1950 (Public Law 814, 81st Congress), approved September 23, 1950, regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.3-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST, 28, 1950).

• • • • • •

(d) (1) Section 3 of the Internal Revenue Code is amended by inserting at the end thereof the following:

Subchapter E—Tax on Self-Employment Income (the Self-Employment Contributions Act), divided into sections.

• • • • • •

PAR. 2. Section 29.3-1, as amended by Treasury Decision 5391, approved July 14, 1944, is further amended by changing the fifth sentence thereof to read as follows: "Subpart D relates to Victory Tax on Individuals for taxable years beginning prior to January 1, 1944, and to Tax on Self-Employment Income for taxable years beginning after December 31, 1950."

PAR. 3. There is inserted immediately preceding § 29.12-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

• • • • • •

(d) • • •

(2) Section 12 (g) of the Internal Revenue Code is amended by inserting at the end thereof the following:

(6) *Tax on self-employment income.* For tax on self-employment income, see subchapter E.

• • • • • •

PAR. 4. There is inserted immediately after section 31 of the Internal Revenue Code, as set forth preceding § 29.35-1, as added by Treasury Decision 5325, approved January 8, 1944, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPREVED AUGUST 28, 1950).

• • • • • •

(d) • • •

(3) Section 31 of the Internal Revenue Code is amended by inserting immediately after the words "the tax" the following: "(other than the tax imposed by subchapter E, relating to tax on self-employment income)" • • •.

• • • • • •

PAR. 5. There is inserted immediately after section 58 of the Internal Revenue Code, as set forth preceding § 29.58-1, as added by Treasury Decision 5305, approved November 12, 1943, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

• • • • • •

(d) • • •

(4) Section 58 (b) (1) of the Internal Revenue Code is amended by inserting immediately after the words "withheld at source" the following: "and without regard to the tax imposed by subchapter E on self-employment income".

• • • • • •

PAR 6. Section 29.58-3 (b), as added by Treasury Decision 5305 and amended by Treasury Decision 5687, approved February 16, 1949, is further amended by adding at the end thereof the following: "The estimated tax need not include an amount estimated as the tax on self-employment income imposed by section 480."

PAR 7. There is inserted immediately preceding § 29.107-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

• • • • • •

(d) • • •

(5) Section 107 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

(e) *Tax on self-employment income.* This section shall be applied without regard to, and shall not affect, the tax imposed by subchapter E, relating to tax on self-employment income.

• • • • • •

Par 8. Section 29.107-1; § 29.107-2, as amended by Treasury Decision 5458, approved June 15, 1945; and § 29.107-3, as added by Treasury Decision 5389, approved July 10, 1944, are amended by adding at the end of each the following new paragraph:

The provisions of section 107 and of this section shall be applied without regard to, and shall not affect, the tax on self-employment income imposed by section 480.

PAR. 9. There is inserted immediately preceding § 29.120-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

• • • • • •

(d) • • •

(6) Section 120 of the Internal Revenue Code is amended by inserting immediately after the words "amount of income" the following: "(determined without regard to subchapter E, relating to tax on self-employment income)".

• • • • • •

PAR. 10. Section 29.120-1 is amended by inserting in paragraph (b), immediately after the words "plus the aggregate amount of income", the following: "(determined without regard to the tax on self-employment income imposed by section 480)".

PAR. 11. There is inserted immediately preceding § 29.131-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

• • • • • •

(d) • • •

(3) • • • section 131 (a) of the Internal Revenue Code is amended by inserting immediately after the words "except the tax imposed under section 102" the following: "and except the tax imposed under subchapter E".

• • • • • •

PAR. 12. Section 29.131-1 is amended by adding at the end of paragraph (e) the following: "No credit for taxes shall be allowed against the tax on self-employment income imposed by section 480."

PAR. 13. Section 29.131-8, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by changing the last sentence of paragraph (a) to read as follows: "In computing the tax against which the credit is taken there must, for taxable years beginning before January 1, 1943, be excluded the tax, if any, imposed by section 102; for taxable years beginning after December 31, 1942, there must be excluded both the tax imposed by section 102 and the tax imposed by section 450 (prior to its repeal by section 6 (a) of the Individual Income Tax Act of 1944); and, in addition, for taxable years beginning after December 31, 1950, there must be excluded the tax imposed by section 480."

PAR. 14. There is inserted immediately preceding § 29.161-1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME [SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950].

• • • • • •

(d) • • •

(7) Section 161 (a) of the Internal Revenue Code is amended by inserting immediately after the words "The taxes imposed by this chapter" the following: "(other than the tax imposed by subchapter E, relating to tax on self-employment income)".

• • • • • •

PAR. 15. Section 29.161-1 (a), as amended by Treasury Decision 5488, approved December 29, 1945, is further amended by inserting in the first sentence immediately after the words "imposed upon individuals by chapter 1", the following: "(other than the tax on

self-employment income imposed by section 480)".

PAR. 16. There is inserted immediately preceding § 29.294–1, as added by Treasury Decision 5305 and amended by Treasury Decision 5448, approved March 28, 1945, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * * *

(d) * * *

(8) Section 294 (d) of the Internal Revenue Code is amended by inserting at the end thereof the following new paragraph:

(3) *Tax on self-employment income.* This subsection shall be applied without regard to the tax imposed by subchapter E, relating to tax on self-employment income.

PAR. 17. Section 29.294–1, as added by Treasury Decision 5305 and amended by Treasury Decision 5448, is further amended by adding at the end thereof the following:

(c) *Tax on self-employment income.* The provisions of section 294 (d) and of this section shall be applied without regard to the tax on self-employment income imposed by section 480.

PAR. 18. The title of Subpart D is changed to read as follows: "Subpart D—Victory Tax on Individuals and Tax on Self-Employment Income."

PAR. 19. There is inserted immediately preceding Subpart E, relating to personal holding companies, the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) Chapter 1 of the Internal Revenue Code is amended by adding at the end thereof the following new subchapter [consisting of sections 480, 481, and 482]:

SUBCHAPTER E—TAX ON SELF-EMPLOYMENT INCOME

SEC. 480. RATE OF TAX.

In addition to other taxes, there shall be levied, collected, and paid for each taxable year beginning after December 31, 1950, upon the self-employment income of every individual, a tax as follows:

(1) In the case of any taxable year beginning after December 31, 1950, and before January 1, 1954, the tax shall be equal to 2¼ per centum of the amount of the self-employment income for such taxable year.

(2) In the case of any taxable year beginning after December 31, 1953, and before January 1, 1960, the tax shall be equal to 3 per centum of the amount of the self-employment income for such taxable year.

(3) In the case of any taxable year beginning after December 31, 1959, and before January 1, 1965, the tax shall be equal to 3¾ per centum of the amount of the self-employment income for such taxable year.

(4) In the case of any taxable year beginning after December 31, 1964, and before January 1, 1970, the tax shall be equal to 4½ per centum of the amount of the self-employment income for such taxable year.

(5) In the case of any taxable year beginning after December 31, 1969, the tax shall be equal to 4¾ per centum of the amount of the self-employment income for such taxable year.

* * * * * *

§ 29.480–1 *Tax on self-employment income.* For taxable years beginning after December 31, 1950, there is imposed, in addition to other taxes, a tax upon the self-employment income of every individual at the rates prescribed in section 480. This tax shall be levied, assessed, and collected as part of the income tax imposed by Chapter 1 of the Internal Revenue Code and, except as otherwise expressly provided, will be included with the taxes imposed by sections 11 and 12 in computing any deficiency or overpayment and in computing the interest and additions to any deficiency, overpayment, or tax. Since the tax on self-employment income is part of the income tax, it is subject to the jurisdiction of The Tax Court of the United States to the same extent and in the same manner as the other taxes under Chapter 1 of the Code. However, this tax is not required to be taken into account in computing any estimate of the taxes required to be declared under section 58.

In general, self-employment income consists of the net earnings derived by an individual (other than a nonresident alien) from a trade or business carried on by him as sole proprietor or by a partnership of which he is a member, subject to certain exclusions, exceptions, and limitations.

SEC. 481. DEFINITIONS (ADDED BY SECTION 208 (A), SOCIAL SECURITY ACT AMENDMENT OF 1950, APPROVED AUGUST 28, 1950, AND AMENDED BY SECTION 221 (J), REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

For the purposes of this subchapter—

(a) *Net earnings from self-employment.* The term "net earnings from self-employment" means the gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by this chapter which are attributable to such trade or business, plus his distributive share (whether or not distributed) of the ordinary net income or loss, as computed under section 183, from any trade or business carried on by a partnership of which he is a member; except that in computing such gross income and deductions and such distributive share of partnership ordinary net income or loss—

(1) There shall be excluded rentals from real estate (including personal property leased with the real estate) and deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;

(2) There shall be excluded income derived from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 1426 (h); and there shall be excluded all deductions attributable to such income;

(3) There shall be excluded dividends on any share of stock, and interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), unless such dividends and interest (other than interest described in section 25 (a)) are received in the course of a trade or business as a dealer in stocks or securities;

(4) There shall be excluded any gain or loss (A) which is considered as gain or loss from the sale or exchange of a capital asset, (B) from the cutting or disposal of timber if section 117 (j) is applicable to such gain or loss, or (C) from the sale, exchange, involuntary conversion, or other disposition of property if such property is neither (i) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor (ii) property held primarily for sale to customers in the ordinary course of the trade or business;

(5) The deduction for net operating losses provided in section 23 (s) shall not be allowed;

(6) (A) If any of the income derived from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife;

(B) If any portion of a partner's distributive share of the ordinary net income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner, and no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner;

(7) (A) In the case of any taxable year beginning before the effective date specified in section 3810, the term "possession of the United States" when used in section 251 with respect to citizens of the United States shall include Puerto Rico;

(B) In the case of any taxable year beginning on or after the effective date specified in section 3810, a resident of Puerto Rico shall compute his net earnings from self-employment in the same manner as a citizen of the United States but without regard to the provisions of section 116 (1).

If the taxable year of a partner is different from that of the partnership, the distributive share which he is required to include in computing his net earnings from self-employment shall be based upon the ordinary net income or loss of the partnership for any taxable year of the partnership (even though beginning prior to January 1, 1951) ending within or with his taxable year.

(b) *Self-employment income.* The term "self-employment income" means the net earnings from self-employment derived by an individual (other than a nonresident alien individual) during any taxable year beginning after December 31, 1950; except that such term shall not include—

(1) That part of the net earnings from self-employment which is in excess of: (A) $3,600, minus (B) the amount of the wages paid to such individual during the taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For the purposes of clause (1) the term "wages" includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees) as would be wages under section 1426 (a) if such services constituted employment under section 1426 (b). In the case of any taxable year beginning prior to the effective date specified in section 3810, an individual who is a citizen of Puerto Rico (but not otherwise a citizen of the United States) and who is not a resident of the United States or of the Virgin Islands during such taxable year shall be considered, for the purposes of this subchapter, as a nonresident alien individual. An individual who is not a citizen of the United States but who is a resident of the Virgin Islands or (after the effective date specified in section 3810) a resident of Puerto Rico shall not, for the purposes of this subchapter, be considered to be a nonresident alien individual.

(c) *Trade or business.* The term "trade or business", when used with reference to self-employment income or net earnings from self-employment, shall have the same meaning as when used in section 23, except that such term shall not include—

(1) The performance of the functions of a public office;

(2) The performance of service by an individual as an employee (other than service described in section 1426 (b) (16) (B) performed by an individual who has attained the age of eighteen);

(3) The performance of service by an individual as an employee or employee representative as defined in section 1532;

(4) The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(5) The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public accountant, accountant registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer; or the performance of such service by a partnership.

(d) *Employee and wages.* The term "employee" and the term "wages" shall have the same meaning as when used in subchapter A of chapter 9.

§ 29.481–1 *Net earnings from self-employment*—(a) *Definition.* Subject to the special rules discussed in paragraph (c) of this section and to the exclusions discussed in § 29.481–3, the term "net earnings from self-employment" means:

(1) The gross income derived by an individual from any trade or business carried on by such individual, less the deductions allowed by Chapter 1 of the Internal Revenue Code which are attributable to such trade or business, plus

(2) His distributive share (whether or not distributed) of the ordinary net income (or minus the ordinary net loss) from any trade or business, as computed under section 183, carried on by any partnership of which he is a member.

(b) *Included in net earnings.* (The gross income and deductions of an individual attributable to a trade or business, for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sections 11 and 12. Thus, if an individual uses the accrual method of accounting in computing net income from a trade or business for the purpose of the taxes imposed by sections 11 and 12, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 44, to use the installment basis in computing income for the purpose of the taxes under sections 11 and 12, he must use the same basis in determining net earnings from self-employment.

The trade or business must be carried on by the individual, either personally or through agents or employees. Accordingly, income derived from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of such estate or trust.

Where an individual is engaged in more than one trade or business within the meaning of section 481 (c) and § 29.481–3, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in this section) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the ordinary net income or ordinary net loss from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of the ordinary net income or ordinary net loss of a partnership shall be computed under section 183, subject to the special rules set forth in section 481 (a) and in this section and to the exclusions provided in section 481 (c) and in § 29.481–3.

If the taxable year of a partner differs from that of the partnership, the partner shall include, in computing net earnings from self-employment, his distributive share of the ordinary net income or ordinary net loss of the partnership for its taxable year (even though beginning prior to January 1, 1951) ending with or within the taxable year of the partner.

For the purpose of determining net earnings from self-employment, a partnership is one which is recognized as such for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known at common law, but, also, a syndicate, group, pool, joint venture, or other unincorporated organization which carries on any trade or business, financial operation, or venture, which is not, within the meaning of the Internal Revenue Code, a trust, estate, or a corporation.

The net earnings from self-employment of a partner include his distributive share of the ordinary net income or ordinary net loss of the partnership of which he is a member, irrespective of the nature of his membership. Thus, in determining his net earnings from self-employment, a limited or inactive partner includes his distributive share of the ordinary net income or ordinary net loss of the partnership.

(c) *Excluded from net earnings.* For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the ordinary net income or ordinary net loss from any trade or business carried on by a partnership of which he is a member shall be computed in accordance with the following special rules:

(1) *Rentals from real estate.* Rentals from real estate (including personal property leased with the real estate), and the deductions attributable thereto, unless such rentals are received by an individual in the course of a trade or business as a real-estate dealer, are excluded. Whether or not an individual is engaged in the trade or business of a real-estate dealer is determined by the application of the principles followed in respect of the taxes imposed by sections 11 and 12. In general, an individual who is engaged in the business of selling real estate to customers with a view to the gains and profits that may be derived from such sales is a real-estate dealer. On the other hand, an individual who merely holds real estate for investment or speculation and receives rentals therefrom is not considered a real-estate dealer. Where a real-estate dealer holds real estate for investment or speculation in addition to real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, only the rentals from the real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, and the deductions attributable thereto, are included in determining net earnings from self-employment; the rentals from the real estate held for investment or speculation, and the deductions attributable thereto, are excluded.

Payments for the use or occupancy of entire private residence or living quarters in duplex or multiple-housing units are generally rentals from real estate. Except in the case of real-estate dealers, such payments are excluded in determining net earnings from self-employment even though such payments are in part attributable to personal property furnished under the lease.

Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, or for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate; consequently, such payments are included in determining net earnings from self-employment. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas, the furnishing of heat and light, the cleaning of public entrances, exits, stairways and lobbies, the collection of trash, and so forth, are not considered as services rendered to the occupant.

Except in the case of a real-estate dealer, where an individual or a partnership is engaged in a trade or business the income of which is classifiable in part as rentals from real estate, only that portion of such income which is not classifiable as rentals from real estate,

and the expenses attributable to such portion, will be included in determining net earnings from self-employment.

Example. A, an individual, owns a building containing four apartments. During the taxable year, he receives $1,400 from apartments numbered 1 and 2, which are rented without services rendered to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services rendered to the occupants. His fixed expenses for the four apartments aggregate $1,200 during the taxable year. In addition, he has $500 of expenses attributable to the services rendered to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 attributable thereto. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment for the taxable year.

(2) *Income from agricultural activity.* Income derived from any trade or business in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 1426 (h), and all deductions attributable to such income, are excluded. In case the services are in part agricultural and in part nonagricultural, the time devoted to the performance of each type of service is the test to be used to determine whether the major portion of the services would constitute agricultural labor. If more than half of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 1426 (h), all income, and the deductions attributable to the income, shall be excluded. If only half, or less, of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 1426 (h), all income, and the deductions attributable to the income, shall be included. In every case the time spent in performing the services will be computed by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on such trade or business and the members of his family) in performing such services. The operation of this special rule is not affected by section 1426 (c), relating to the included-excluded rule for determining employment.

This rule has no application where the nonagricultural services are performed in connection with an enterprise which constitutes a trade or business separate and distinct from the trade or business conducted as an agricultural enterprise. Thus, the operation of a roadside automobile service station on farm premises constitutes a trade or business separate and distinct from the agricultural enterprise, and the gross income derived from such service station, together with the deductions attributable thereto, are included in determining net earnings from self-employment.

(3) *Dividends and interest.* All dividends on shares of stock are excluded unless they are received by an individual in the course of his trade or business as a dealer in stocks or securities.

Interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof), is excluded unless such interest is received in the course of a trade or business as a dealer in stocks or securities. However, interest which is exempt under section 25 (a) from the normal tax imposed by section 11, that is, interest on certain obligations of the United States and its instrumentalities, is not included in net earnings from self-employment even though received in the course of a trade or business as a dealer in stocks or securities. Only interest on bonds, debentures, notes, or certificates, or other evidence of indebtedness, issued with interest coupons or in registered form by a corporation, is excluded in the case of all persons other than dealers in stocks or securities; other interest received in the course of any trade or business (such as interest received by a pawnbroker on his loans or interest received by a merchant on his accounts or notes receivable) is not excluded.

Dividends and interest of the character excludible under the preceding paragraphs received by an individual on stocks or securities held for speculation or investment are excluded whether or not the individual is a dealer in stocks or securities.

A dealer in stocks or securities is a merchant of stocks or securities with an established place of business, regularly engaged in the business of purchasing stocks or securities and reselling them to customers; that is, he is one who as a merchant buys stocks or securities and sells them to customers with a view to the gains and profits that may be derived therefrom. Persons who buy and sell or hold stocks or securities for investment or speculation, irrespective of whether such buying or selling constitutes the carrying on of a trade or business, are not dealers in stocks or securities.

(4) *Gain or loss from disposition of property.* There is excluded any gain or loss: (i) Which is considered as gain or loss from the sale or exchange of a capital asset; (ii) from the cutting or disposal of timber, even though held primarily for sale to customers, if section 117 (j) is applicable to such gain or loss; and (iii) from the sale, exchange, involuntary conversion, or other disposition of property if such property is neither (*a*) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, nor (*b*) property held primarily for sale to customers in the ordinary course of a trade or business. For the purpose of the special rule in subdivision (iii) of this subparagraph, it is immaterial whether a gain or loss is treated as a capital gain or loss or as an ordinary gain or loss for purposes other than determining net earnings from self-employment. For instance, where the character of a loss is governed by the provisions of section 117 (j), such loss is excluded in determining net earnings from self-employment even though such loss is treated under section 117 (j) as an ordinary loss. For the purposes of this special rule, the term "involuntary conversion" means a compulsory or involuntary conversion of property into other property or money as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof; and, the term "other disposition" includes the destruction or loss, in whole or in part, of property by fire, storm, shipwreck, or other casualty, or by theft, even though there is no conversion of such property into other property or money.

Example. During the taxable year 1951, A, who owns a grocery store, realized a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he sustained a loss of $2,000 as a result of damage by fire to the store building. In computing net income, all of these items are taken into account. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

(5) *Net operating loss deduction.* The deduction provided by section 23 (s), relating to net operating losses sustained in years other than the taxable year, is excluded.

(6) *Community income*—(i) *In case of an individual.* If any of the income derived by an individual from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income, and the deductions attributable to such income, shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife. For the purpose of this special rule, the term "management and control" means management and control in fact, not the management and control imputed to the husband under the community property laws. For example, a wife who operates a beauty parlor without any appreciable collaboration on the part of her husband will be considered as having substantially all of the management and control of such business despite the provision of any community property law vesting in the husband the right of management and control of community property; and the income and deductions attributable to the operation of such beauty parlor will be considered the income and deductions of the wife.

(ii) *In case of a partnership.* Even though a portion of a partner's distributive share of the ordinary net income or ordinary net loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner; no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner. In any case in which both spouses are members of the same partnership, the distributive share of the ordinary net income or ordinary net loss of each spouse is included in computing the net earnings from self-employment of that spouse.

(7) *Puerto Rico*—(i) *Residents.* In the case of any taxable year beginning on or after January 1, 1951, a resident of Puerto Rico, whether or not a bona fide resident thereof during the entire taxable year, and whether or not an alien, a citizen of the United States, or a citizen of Puerto Rico, shall compute his net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. For the purpose of the tax on self-employment income, the gross income of such a resident of Puerto Rico also includes income from Puerto Rican sources. Thus, under this special rule, income from Puerto Rican sources will be included in determining net earnings from self-employment of a resident of Puerto Rico engaged in the active conduct of a trade or business in Puerto Rico despite the fact that, under section 116 (1), such income may not be taken into account for the purpose of the taxes under sections 11 and 12.

(ii) *Nonresidents.* A citizen of Puerto Rico who is also a citizen of the United States and who is not a resident of Puerto Rico will compute his net earnings from self-employment in the same manner and subject to the same provisions of law and regulations as other citizens of the United States.

§ 29.481–2 *Self-employment income*—(a) *In general.* Except for the exclusions in paragraphs (b) and (c) and the exception in paragraph (d) of this section, the term "self-employment income" means the net earnings from self-employment derived by an individual during any taxable year beginning after December 31, 1950.

(b) *Maximum self-employment income.* The maximum self-employed income of an individual for any taxable year (whether a period of 12 months or less) is $3,600. If an individual is paid wage as defined in section 1426 (a), the maximum is the excess of $3,600 over the amount of such wages. For example, if during the taxable year no such wages are paid and the individual has $5,000 of net earnings from self-employment, he has $3,600 of self-employment income for such taxable year. If, in addition to having $5,000 of net earnings from self-employment, such individual is paid $1,600 of such wages, he has only $2,600 of self-employment income for the taxable year. For the purpose of this limitation, the term "wages" includes remuneration paid to an employee for services covered by an agreement entered into pursuant to section 218 of the Social Security Act, which section provides for extension of the Federal old-age and survivors insurance system to State and local government employees under voluntary agreements between the States and the Federal Security Administrator.

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of self-employment income. This would occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the individual also receives more than $3,200 but less than $3,600 of wages during that taxable year. For example, if an individual has net earnings from self-employment of $1,000 for a taxable year and also receives wages of $3,400 during that taxable year, his self-employment income for that taxable year is $600.

(d) *Nonresident aliens.* A nonresident alien individual never has self-employment income. For the purpose of the tax on self-employment income, an individual who is not a citizen of the United States but who is a resident of the Virgin Islands or of Puerto Rico is not considered to be a nonresident alien individual. While a nonresident alien individual who derives income from a trade or business carried on within the United States, Puerto Rico, or the Virgin Islands (whether by agents or employees, or by a partnership of which he is a member) may be subject to the applicable income tax provisions on such income, such nonresident alien individual will not be subject to the tax on self-employment income, since any net earnings which he may have from self-employment do not constitute self-employment income.

§ 29.481–3 *Trade or business*—(a) *In general.* It is necessary for an individual to carry on a trade or business, either as an individual or as a member of a partnership, in order for him to have net earnings from self-employment. Except for the exclusions discussed in paragraphs (b), (c), (d), (e), and (f) of this section, the term "trade or business", for the purpose of the tax on self-employment income, shall have the same meaning as when used in section 23. An individual engaged in one of the excluded activities specified in this section may also be engaged in carrying on a nonexcluded trade or business. Whether or not he is also engaged in an included trade or business will be dependent upon all of the facts and circumstances in the particular case.

(b) *Public office.* The performance of the functions of a public office does not constitute a trade or business. The term "public office" includes any elective or appointive office of the United States or any possession thereof, or of a State or its political subdivision, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a Member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(c) *Employees.* The performance of service by an individual as an employee, as defined in the Federal Insurance Contributions Act, with one exception, does not constitute a trade or business. The exception is as follows: Service performed by an individual, who has attained the age of 18, in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, does constitute a trade or business. As to when an individual is an employee see the applicable regulations under the Federal Insurance Contributions Act.

(d) *Individuals under Railroad Retirement System.* The performance of service by an individual as an employee or employee representative as defined in section 1532, that is, an individual covered under the railroad retirement system, does not constitute a trade or business. As to when an individual is an employee or employee representative under section 1532, see the applicable regulations under the Railroad Retirement Tax Act.

(e) *Ministers or members of religious orders.* The performance of service by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order does not constitute a trade or business. The duties of ministers include the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination.

(f) *Members of certain professions.* The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, Christian Science practitioner, architect, certified public account, accountant registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer does not constitute a trade or business. This exclusion applies only if the individual meets the legal requirements, if any, for practicing his profession in the place where he performs the service.

These designations are to be given their commonly accepted meaning. Thus, the term "physician" means an individual who is legally qualified to practice medicine; the term "lawyer" means an individual who is legally quali-

fied to practice law; and the term "professional engineer" means an engineer legally qualified to practice before the public in a consulting capacity.

In the case of a partnership engaged in the practice of any of the designated professions, the partnership shall not be considered as carrying on a trade or business for the purpose of the tax on self-employment income, and none of the distributive shares of the ordinary net income or the ordinary net loss of such partnership shall be included in computing net earnings from self-employment of any member of the partnership. On the other hand, where a partnership is engaged in a trade or business not within any of the designated professions, each partner must include his distributive share of the ordinary net income or the ordinary net loss of such partnership in computing his net earnings from self-employment, irrespective of whether such partner is also engaged in the practice of one or more of such professions and contributes his professional services to the partnership.

§ 29.481–4 *Employee and wages.* For the purpose of the tax on self-employment income, the term "employee" and the term "wages" shall have the same meaning as when used in the Federal Insurance Contributions Act. For an explanation of these terms, see the applicable regulations under that act.

SEC. 482. MISCELLANEOUS PROVISIONS (AS ADDED BY SECTION 208 (A), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) *Returns.* Every individual (other than a nonresident alien individual) having net earnings from self-employment of $400 or more for the taxable year shall make a return containing such information for the purpose of carrying out the provisions of this subchapter as the Commissioner, with the approval of the Secretary, may by regulations prescribe. Such return shall be considered a return required under section 51 (a). In the case of a husband and wife filing a joint return under section 51 (b), the tax imposed by this subchapter shall not be computed on the aggregate income but shall be the sum of the taxes computed under this subchapter on the separate self-employment income of each spouse.

(b) *Title of subchapter.* This subchapter may be cited as the "Self-Employment Contributions Act".

(c) *Effective date in case of Puerto Rico.* For effective date in case of Puerto Rico, see section 3810.

(d) *Collection of taxes in Virgin Islands and Puerto Rico.* For provisions relating to collection of taxes in Virgin Islands and Puerto Rico, see section 3811.

§ 29.482–1 *Returns*—(a) *In general.* For each taxable year beginning after December 31, 1950, every individual, other than a nonresident alien, having net earnings from self-employment of $400 or more for the taxable year shall make a return on Form 1040 in accordance with the instructions thereon, or issued therewith, and the provisions of the regulations applicable thereto. Such return shall be considered a return required under section 51 (a), and the provisions applicable to returns under section 51 (a) shall be applicable to this return. This return will be required if there is self-employment income even though the individual may not be required to make a return for the purpose of the taxes imposed by sections 11 and 12.

(b) *Joint returns.* In the case of a husband and wife filing a joint return under section 51 (b), the tax on self-employment income is computed on the separate self-employment income of each spouse, and not on the aggregate of the two amounts. The requirement of section 51 (b) that in the case of a joint return the tax is computed on the aggregate income of the spouses is not applicable with respect to the tax on self-employment income. Where the husband and wife each has net earnings from self-employment of $400 or more, it will be necessary for each to complete a separate schedule of Form 1040 with respect to such net earnings, despite the fact that a joint return is filed. If the net earnings from self-employment of either the husband or the wife are less than $400, such net earnings are not subject to the tax on self-employment income, even though they must be shown on the joint return for the purpose of the taxes imposed by sections 11 and 12.

Except as otherwise expressly provided, section 51 (b) is applicable to the return of the tax on self-employment income; therefore, the liability with respect to such tax in the case of a joint return is joint and several.

(c) *Social security account numbers.* Every individual making a return of net earnings from self-employment is required to show thereon his social security account number, or, if he has no such account number, to make application therefor on Form SS–5 prior to the filing of such return. However, the failure to apply for a social security account number will not excuse the individual from the requirement that he file such return on or before the due date thereof. Form SS–5 may be obtained from any field office of the Social Security Administration or from any collector. The application on Form SS–5 shall be filed with the field office of the Social Security Administration nearest the legal residence or principal place of business of such individual, or if he has no legal residence or principal place of business within the United States, Puerto Rico, or the Virgin Islands, with the office of the Social Security Administration at Baltimore, Maryland. An individual who has previously secured a social security account number as an employee shall use that account number on his return of net earnings from self-employment.

PAR. 20. There is inserted immediately preceding § 29.3801 (a) (1)–1 the following:

SEC. 208. SELF-EMPLOYMENT INCOME (SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

* * * * *

(c) Section 3801 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

(g) *Taxes imposed by Chapter 9.* The provisions of this section shall not be construed to apply to any tax imposed by chapter 9.

* * * * *

PAR. 21. Section 29.3801 (a) (1)–1 is amended by adding at the end thereof the following new sentence: "The provisions of section 3801 and of the regulations promulgated under such section shall not apply to any tax imposed by chapter 9, relating to employment taxes."

PAR. 22. There is inserted immediately after § 29.3808–4, as added by Treasury Decision 5508, approved April 15, 1946, the following:

SEC. 3810. EFFECTIVE DATE IN CASE OF PUERTO RICO (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

If the Governor of Puerto Rico certifies to the President of the United States that the legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of title II of the Social Security Act, the effective date referred to in sections 1426 (e), 481 (a) (7), and 481 (b) shall be January 1 of the first calendar year which begins more than ninety days after the date on which the President receives such certification.

§ 29.3810–1 *Effective date of self-employment tax in Puerto Rico.* Since the Governor of Puerto Rico has certified to the President of the United States that the Legislature of Puerto Rico has, by concurrent resolution, resolved that it desires the extension to Puerto Rico of the provisions of Title II of the Social Security Act, the certificate having been received by the President on September 28, 1950, the effective date specified in section 3810 is January 1, 1951. (See § 29.481–1 (c) (7).)

SEC. 3811. COLLECTION OF TAXES IN PUERTO RICO AND VIRGIN ISLANDS (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950, AND AMENDED BY SECTION 121 (I), REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Puerto Rico.* Notwithstanding any other provision of law respecting taxation in Puerto Rico, all taxes imposed by chapter 1, and by subchapters A and D of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement of any tax imposed upon the incomes of individuals, estates, and trusts by chapter 1 (including the provisions relating to The Tax Court of the United States), and of any tax imposed by subchapter A or by subchapter D of chapter 9, shall, in respect to such tax, extend to and be applicable in Puerto Rico in the same manner and to the same extent as if Puerto Rico were a State, and as if the term "United States" when used in a geographical sense included Puerto Rico.

(b) *Virgin Islands.* Notwithstanding any other provision of law respecting taxation in the Virgin Islands, all taxes imposed by subchapter E of chapter 1, and by subchapter A of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement of the tax imposed by subchapter E of chapter 1 (including the provisions relating to The Tax Court of the United States), and of any tax imposed by subchapter A of chapter 9, shall, in respect to such tax, extend to and be applicable in the Virgin Islands in the same manner and to the same extent as if the Virgin Islands were a State, and as if the term "United State" when used in a geographical sense included the Virgin Islands.

(c) *Definition.* As used in this section, the term "tax" includes any penalty with respect to the tax, any addition to the tax, and any additional amount with respect to the tax, provided for by any law of the United States.

SEC. 3812. MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS AND OTHER PROVISIONS IN CASE OF RELATED TAXES UNDER DIFFERENT CHAPTERS (AS ADDED BY SECTION 208 (B), SOCIAL SECURITY ACT AMENDMENTS OF 1950, APPROVED AUGUST 28, 1950).

(a) *Self-employment tax and tax on wages.* In the case of the tax imposed by subchapter E of chapter 1 (relating to tax on self-employment income) and the tax imposed by section 1400 of subchapter A of chapter 9 (relating to tax on employees under the Federal Insurance Contributions Act)—

(1) (i) If an amount is erroneously treated as self-employment income, or

(ii) If an amount is erroneously treated as wages, and

(2) If the correction of the error would require an assessment of one such tax and the refund or credit of the other tax, and

(3) If at any time the correction of the error is authorized as to one such tax but is prevented as to the other tax by any law or rule of law (other than section 3761, relating to compromises),

then, if the correction authorized is made, the amount of the assessment, or the amount of the credit or refund, as the case may be, authorized as to the one tax shall be reduced by the amount of the credit or refund, or the amount of the assessment, as the case may be, which would be required with respect to such other tax for the correction of the error if such credit or refund, or such assessment, of such other tax were not prevented by any law or rule of law (other than section 3761, relating to compromises):

(b) *Definitions.* For the purposes of subsection (a) of this section, the terms "self-employment income" and "wages" shall have the same meaning as when used in section 481 (b).

§ 29.3812–1 *Application of section.* Section 3812 may be applied in the correction of a certain type of error involving both the tax on self-employment income and the employee tax under section 1400 if the correction of the error as to one tax is, on the date the correction is authorized, prevented in whole or in part by the operation of any law or rule of law other than section 3761, relating to compromises. Examples of such law are sections 275, 311 (b) and (c), 322 (b) and (d), 1117 (e), 1635, 1636, 3746, and 3772; sections 272 (f) and 322 (c); section 3760; and sections 3770 (a) (2), 3774, and 3775.

If the liability for either tax with respect to which the error was made has been compromised under section 3761, the provisions of section 3812 limiting the correction with respect to the other tax do not apply.

Section 3812 is not applicable if, on the date of the authorization, correction of the effect of the error is permissible as to both taxes without recourse to such section.

If, because an amount of wages (as defined in section 1426 (a)) is erroneously treated as self-employment income (as defined in section 481 (b)), or an amount of self-employment income is erroneously treated as wages, it is necessary in correcting the error to assess the correct tax and give a credit or refund for the amount of the tax erroneously paid, and either, but not both, of such adjustments is prevented by any law or rule of law (other than section 3761), the amount of the assessment or of the credit or refund authorized shall reflect the adjustment which would be made in respect of the other tax (either the tax on self-employment income under section 480 or the employee tax under section 1400) but for the operation of such law or rule of law. For example, assume that during 1951 A paid $10 as tax on an amount erroneously treated as "wages", when such amount was actually self-employment income, and that credit or refund of the $10 is not barred. A should have paid a self-employment tax of $15 on the amount. If the assessment of the correct tax, that is, $15, is barred by the statute of limitations, no credit or refund of the $10 shall be made without offsetting against such $10 the $15, assessment of which is barred. Thus, no credit or refund in respect of the $10 can be made.

As another example, assume that during 1951 a taxpayer reports wages of $3,600 and net earnings from self-employment of $900. By reason of the limitations of section 481 (b) he shows no self-employment income. Assume further that by reason of a final decision by The Tax Court of the United States, further adjustments to his income tax liability are barred. The question of the amount of his wages, as defined in section 1426, was not in issue in the Tax Court litigation, but it is subsequently determined (within the period of limitations applicable under the Federal Insurance Contributions Act) that $700 of the $3,600 reported as wages were not for employment as defined in section 1426 (b), and he is entitled to the allowance of a refund of the $10.50 tax paid on such remuneration under section 1400. The reduction of his wages from $3,600 to $2,900 would result in the determination of $700 self-employment income, the tax on which is $15.75 for the year. The overpayment of $10.50 would be offset under section 3812 by the barred deficiency of $15.75, thus eliminating the refund otherwise allowable. If the facts were changed so that the taxpayer erroneously paid tax on self-employment income of $700, having been taxed on only $2,900 as wages, and within the period of limitations applicable under the Federal Insurance Contributions Act, it is determined that his wages were $3,600, the tax of $10.50 under section 1400, otherwise collectible, would be eliminated by offsetting under section 3812 the barred overpayment of $15.75. The balance of the barred overpayment, $5.25, cannot be credited or refunded.

Another illustration of the operation of this section is the case of a taxpayer who is erroneously taxed on $2,500 as wages, the tax on which is $37.50, and who reports no self-employment income. After the statute of limitations has run on the refund of the tax under the Federal Insurance Contributions Act, it is determined that the amount treated as wages should have been reported as net earnings from self-employment. The taxpayer's self - employment income would then be $2,500 and the tax thereon would be $56.25. Assume that the period of limitations under chapter 1 has not expired, and that a notice of deficiency may properly be issued. Under section 3812, the amount of the deficiency of $56.25 must be reduced by the barred overpayment of $37.50.

§ 29.3812–2 *Law applicable in determination of error.* The question of whether there was an erroneous treatment of self-employment income or of wages is determined under the provisions of law and regulations applicable with respect to the year or other taxable period as to which the error was made. The fact that the error was in pursuance of an interpretation, either judicial or administrative, accorded such provisions of law and regulations at the time of such action is not necessarily determinative of this question. For example, if a later judicial decision authoritatively alters such interpretation so that such action was contrary to such provisions of the law and regulations as later interpreted, the error is within the meaning of section 3812.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[F. R. Doc. 51–7813; Filed, July 5, 1951; 9:02 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). These standards, if made effective, will be the first issue by the Department of grade standards for these products.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.541 *Frozen field peas and frozen black-eye peas*—(a) *Style.* (1) "Frozen field peas" is the product prepared from

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the immature seed of the field pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product. "Frozen black-eye peas" is the product prepared from the immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(2) "Frozen peas" means frozen field peas or frozen black-eye peas.

(3) "Unit" means an individual field pea or black-eye pea in frozen peas.

(b) *Grades of frozen peas.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen peas that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good character; that possess a good typical color; that are practically free from defects; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen peas that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good character; that possess a reasonably good typical color; that are reasonably free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen peas that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen peas may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The score for the factors of color and absence of defects in frozen peas is determined after thawing so that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and for flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "15 to 20 points" means 15, 16, 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen peas that possess a good typical color may be given a score of 15 to 20 points. "Good typical color" means that the frozen peas possess a color that is typical of reasonably young field peas or black-eye peas of similar varietal characteristics, that possess not less than 40 percent, by count, of peas which show at least a tinge of green color, and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(ii) Frozen peas that possess a reasonably good typical color may be given a score of 10 to 14 points. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good typical color" means that the frozen peas possess a color that is typical of fairly young field peas or black-eye peas of similar varietal characteristics and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(iii) Frozen peas that are definitely off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, broken units, and units blemished by pathological injury, insect injury, or other means.

(a) "Extraneous vegetable matter" means hulls or pieces of hulls, unshelled pods or pieces of unshelled pods, leaves, stems, and other similar vegetable matter.

(b) "Blemished" means discolored or spotted by pathological injury, insect injury, or other means to such an extent that the appearance or eating quality of the unit is materially affected.

(ii) Frozen peas that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 2 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 2 percent, and the weight of blemished units does not exceed 1 percent of the weight of the frozen peas.

(iii) If the frozen peas are reasonably free from defects, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 4 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 3 percent of the weight of the frozen peas.

(iv) Frozen peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points and shall not be graded above. Substandard regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) This factor refers to the maturity of the field peas or black-eye peas and the tenderness of the units.

(ii) Frozen peas that possess a good character may be given a score of 35 to 40 points. "Good character" means that the units are tender and in a reasonably young stage of maturity.

(iii) If the field peas or black-eye peas possess a reasonably good character, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably tender and in a fairly young stage of maturity.

(iv) Frozen peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen peas, the grade for such lot will be determined by averaging the total scores of all containers if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total score, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen field peas and frozen black-eye peas.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	

Factors	Score points	
I. Color	20	(A) 15–20 (B) [1] 10–14 (SStd.) [1] 0–9
II. Absence of defects	40	(A) 35–40 (B) [1] 30–34 (SStd.) [1] 0–29
III. Character	40	(A) 35–40 (B) [1] 30–34 (SStd.) [1] 0–29
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7814; Filed, July 5, 1951; 9:03 a. m.]

[7 CFR Part 937]

[Docket No. AO-230]

HANDLING OF MILK IN WESTERN MICHIGAN MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Western Michigan marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United Sates Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed order were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Michigan Milk Producers Association on behalf of the Grand Rapids Milk Producers Association and the Muskegon Milk Producers Association and was held at Coopersville, Michigan, December 4–6, 1950, and at Grand Rapids, Michigan, December 7–12, 1950, pursuant to notice thereof which was issued on November 15, 1950 (15 F. R. 7886).

The material issues of record related to:

(a) Whether the handling of milk in the Western Michigan marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

(b) Whether the issuance of a marketing order for the Western Michigan marketing area will tend to effectuate the the declared policy of the act;

(c) The provisions to be included in an order if one is issued. The evidence on this issue involved:

(1) The extent of the marketing area;

(2) The definition of "handler", "pool plant", "producer", "other source milk", and other terms;

(3) The classification of milk and milk products;

(4) The determination and level of class prices;

(5) The method of distributing payments to producers;

(6) Administrative provisions.

Findings and conclusions. Upon the basis of evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(a) The handling of milk produced for the Western Michigan marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. Substantial interstate movement occurs with respect to milk and the milk products produced therefrom in the supply area for the Western Michigan fluid milk market. The milk supplies for these cities and towns in Western Michigan are procured in an area in which milk distributors operating in larger interstate markets, particularly Detroit, Michigan, and Chicago, Illinois, draw fluid milk and cream for those cities. Producers supplying milk to distributors in this Western Michigan area have their farms intermingled with those of dairy farmers who ship to milk plants which regularly supply Detroit and Chicago.

Also intermingled with the producers who supply this Western Michigan fluid milk market are a large number of producers who are shipping milk to milk plants at which evaporated milk, butter, cheese, sweet cream, and dried milk and skim milk products are manufactured for sale throughout the United States. In fact it is common practice during the season of flush milk production for farmers to deliver directly to manufacturing plants a part or all of their milk approved for fluid consumption.

The flow of milk into the Western Michigan fluid market is affected by the relationship of that market's prices to the prices paid by competing fluid markets and by the manufacturing milk plants. Price relationships which interrupt or interfere with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct, and affect interstate commerce in milk and its products.

The excess milk over and above fluid requirements for the Western Michigan market is normally transferred to plants which manufacture butter, evaporated milk, and nonfat dry milk solids for sale in interstate markets. More than 20 million pounds of milk produced for the Western Michigan fluid market was transferred in 1949 to milk manufacturing plants by the Grand Rapids Milk Producers Association and the Muskegon Milk Producers Association. These two producers associations handled a substantial part of the milk in excess of fluid requirements for the Western Michigan market. The transfers by these associations to milk manufacturing plants for the first nine months of 1950 amounted to 18½ million pounds of milk.

Prices paid for milk by the fluid market, if out of line with prices paid by manufacturing plants, tend to increase or reduce this quantity of milk which is produced under the sanitary requirements of the fluid market but must be utilized in manufactured products. Therefore, the prices paid producers supplying the fluid market must be maintained in reasonable alignment with prices paid to manufacturing producers. It is also necessary to prevent unfair competitive pricing of the fluid milk market's surplus which is transferred to manufacturing plants at a price lower than the price offered by manufacturing plants to their regular producers.

Although the direct sale of milk in interestate commerce for fluid consumption by milk distributors in the Western Michigan market is limited at the present time to supplying the usual interstate passenger carriers, the location of the area is such that milk could be transported readily into Ohio and Indiana if prices in the Western Michigan market drop to unreasonably low levels. On the other hand, producers in Ohio and Indiana are in a position to make their milk available for sale in the Western Michigan market if prices in that area are attractive in comparison to the opportunities for sale in Ohio and Indiana.

(b) Marketing conditions in the Western Michigan area indicate that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the Act with respect to milk produced for the Western Michigan fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be achieved in the Western Michigan marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality. A condition of unequal costs among handlers causes them to attempt to obtain such equality either by reducing prices to producers which will tend to set up successive price reductions by competitors or it will cause some handlers to reduce the quantity of their purchases of milk in order to obtain proportions of higher valued uses of milk as

nearly equal to competitors' utilization as possible. The latter reaction, however, may result in intermittent shortages of supply for the market and is, for that reason, unsatisfactory. The former method is oppressive to producers and over a longer period may jeopardize an adequate supply of milk. If producers receive widely varying prices for their milk they tend to shift around among milk dealers and to shift in and out of the market. These shifts engender unstable marketing conditions and militate against a dependable supply of pure and wholesome milk.

The record shows that conditions exist in the Western Michigan area which have resulted in the payment of widely varying prices to producers for milk of the same quality, and varying costs to milk distributors for milk for fluid consumption. These conditions must be remedied in order to establish and maintain such orderly marketing conditions as will establish prices to producers for milk delivered to the Western Michigan market that reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and milk products in the marketing area and will insure a sufficient quantity of pure and wholesome milk and be in the public interest.

The unsettled conditions which are disturbing the Western Michigan market result from the opportunity on the part of milk distributors to purchase milk from producers for fluid milk and cream sales within the area at widely varying prices. The price plans under which milk is presently purchased by distributors in the Western Michigan market include:

(1) A plan of payments according to class prices for determining the distributor's cost of milk, accompanied by a base and excess method of distributing payments to producers;

(2) A plan of one price for all milk which the distributor accepts for his fluid business with the understanding that producers will market their own excess milk through their own producer's association, combined with or without the base and excess plan of distributing returns to individual producers; and

(3) Various plans which price the base and excess milk delivered by each producer without regard to the utilization of the milk by the distributor.

The variety of buying plans employed in the market have resulted in purchasing advantages for certain distributors. To the extent that any distributor purchasing milk from producers without regard to its utilization uses more milk for fluid sales than the average used by other distributors, particularly those buying through cooperative associations which blend returns to their producers, that distributor can purchase milk for his fluid sales at about the average of prices paid by other distributors for their combined fluid and manufacturing milk. This results in a lower cost to this distributor of milk for fluid sales. Milk distributors in the area of course are aware of this opportunity. Some have laid off producers who were selling to them on the basis of a fluid price for milk used as fluid, and then have negotiated with other producers for an equivalent or larger quantity of milk at lower prices. The producers who are left without a market, particularly those delivering to the producers associations which guarantee a market for their members, have been forced to market their milk through manufacturing milk outlets thus depressing the average blend paid to members of the producers associations. Since these producers associations represent a large segment of the supply for the entire Western Michigan market, the influence of such lower prices tends to depress the prices received by all other producers in the area.

The plans under which distributors purchase milk from producers at prices based upon utilization are in many cases merely a vehicle for price bargaining since there is no obligation on the part of distributors to provide producers with an accounting for the use made of the milk purchased from them. In many instances producers do not know whether the distributor who paid them for milk at an excess price was utilizing that milk for bottled milk sales. It is evident, however, that payment for milk used for bottled milk sales at the excess or manufacturing milk price is not uncommon. It is possible also for a distributor to buy milk at the excess price and transfer it to another distributor who may use it for bottled milk sales. The distributor who received the transfer of excess milk would then reduce his purchases from producers by an equivalent amount.

(c) The provisions to be included in an order if one is issued should be those contained in the attached recommended order.

(1) *Marketing area.* The marketing area should be defined to include all of the territory within the outer boundaries of the cities of Grand Rapids, Muskegon and Grand Haven and the densely populated areas surrounding these cities. This may be accomplished by defining the marketing area to include all of the territory within the boundaries of 17 townships in Kent County, 12 townships in Muskegon County, 6 townships in Oceana County and 10 townships in Ottawa County.

This area covers one natural milk market in which the distributors whose plants are located in one part of the area deliver fluid milk and cream to consumers in competition with distributors whose plants are located in other parts of the area. The producers supplying the milk distributors in this marketing area are intermingled to such an extent that the supply of milk for any part of this market would be seriously affected by any disparity in prices paid to producers supplying other parts of the market.

The requirements imposed by the health authorities of the principal urban areas within the Western Michigan milk market, Grand Rapids, Muskegon, and Grand Haven are very similar. The health inspection required of producers supplying distributors whose plants are located in the smaller towns and villages are patterned after the Michigan Model Milk Ordinance which is substantially the same as the ordinances now in effect in the three principal cities.

A group of producers requested that the marketing area be limited to Kent County only. The milk produced by these producers would be subject to a marketing order even if it applied to Kent County areas only. However, representatives of producers supplying distributors doing business outside of Kent County requested the inclusion of the larger area so that their milk would be made subject to any order which might be issued. The producers who requested that the marketing area be confined to Kent County claimed that higher sanitation standards prevail with respect to milk produced for consumption in Grand Rapids, the principal urban area in Kent County, than prevailed with respect to milk for other parts of the marketing area. The record fails to support this contention.

No representatives of distributors who would be affected by the proposed regulation offered testimony in opposition to the boundaries of the marketing area as herein provided.

One group of producers testified to the effect that certain parts of the area as it was set forth in the hearing notice should be excluded. These areas represented largely rural territories and the Holland, Michigan market. Distributors doing business in the West Michigan market apparently do not compete to any large extent with the distributors who operate in the Holland area. Producers supplying milk to the Holland area did not request that Holland be included in the marketing area. There appears to be no necessity for including the Holland area or rural areas in the marketing area in order to maintain orderly marketing in the Western Michigan milk market.

(2) *Definition of terms.* A handler should be defined as any person who operates a plant from which fluid milk products are disposed of for fluid consumption directly to consumers in the marketing area, or a plant which supplies an appreciable amount of milk to such a plant. Such a definition is designed to include all persons whom it is necessary to regulate under the order to accomplish the purposes of the act. The definition should include also any cooperative association with respect to that milk for which the cooperative assumes the responsibility for obligations under the order, as in the case of surplus milk diverted for the account of the cooperative.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant. The proposed method of determining which plants are pool plants is discussed later in this decision.

The producer definition should allow a handler occasionally to divert the milk of some producers to nonpool plants if the handler reports the milk as producer receipts at his pool plant. This provision will facilitate interplant movements of milk for the purpose of adjusting to short-time variations in supply and requirements without depriving the farmers producing the milk of their status as producers.

Dairy farmers who distribute their own production but do not receive any milk from other dairy farmers would not be included in the definition of producer.

The determination of pool plant status is the essential part of the determination of which dairy farmers are to be included in the market-wide pool. Therefore, specific requirements for pool plants are needed to define the supply which is generally regarded as a part of the fluid market.

Since the supply area for the Western Michigan market overlaps the supply areas of other fluid markets and the manufacturing milk production area, the pool plant definition should include a requirement that a substantial portion of the milk received at the plant be disposed of as fluid products in the marketing area. This requirement is intended to provide for including in the pool all of the plants which have significant fluid milk and cream sales in the marketing area. Fluid milk plants which primarily serve markets outside the marketing area but make a few sales inside the area, and plants which are primarily manufacturing milk plants would be excluded. Such plants cannot be regarded as a part of the Western Michigan fluid milk and cream market.

The order proponents suggested a requirement that 10 percent of the receipts from dairy farmers be disposed of in the marketing area directly to consumers. This figure appears to be reasonable and no opposition to it was expressed at the hearing. Therefore, the 10 percent requirement standard should be adopted.

The producer proponents of the order proposed also that a plant operated by a cooperative association be a pool plant without meeting the delivery requirements to pool plants distributing milk in the marketing areas in certain months provided the cooperative association plant had transferred a substantial quantity of milk to the fluid market in previous months. This proposal was designed to maintain the producer status of those dairy farmers whose deliveries are made to a plant auxiliary to the fluid market but which does not distribute milk directly to consumers. The only plant of this type mentioned in the record is operated by a cooperative association. However, the auxiliary type of plant need not be confined to cooperative operation. Therefore, it appears that some provision should be made for the inclusion of any plant which regularly supplies milk for fluid sales to any handler.

Participation in the fluid market can be demonstrated by the shipment of a certain percentage of the plant's receipts of milk to those plants which distribute milk and cream directly to consumers in the marketing area. During some months of the year, that is when the market is already amply supplied, it would not be practical to require the shipment of milk to the marketing area in order to maintain pool plant status. Therefore, such plants should be permitted to maintain pool plant status if they have previously shipped at least 10 percent of their milk receipts to the market as milk in eight of the 12 preceding months. For such auxiliary plants, it should also be required that the producers delivering milk to the plant hold permits issued by one of the health authorities of the principal cities in the marketing area. If such auxiliary plants are required to serve the Western Michigan fluid milk market, it is only logical to assume that they would be needed to serve the larger centers of population. No such plants are contemplated, according to the record, to serve the smaller communities in the marketing area.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular milk supply for the fluid market which is priced under the order and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area, a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk to purchase surplus or manufacturing milk at a price advantage.

The provisions of a base and excess plan of payment requires a definition of "base", "base milk", and "excess milk." Other standard terms are defined for the purpose of facilitating the drafting of subsequent provisions of the order.

(3) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value and in the quality of milk required for different uses. Class I should include all skim and butterfat disposed of for consumption as milk, skim milk or cream for fluid consumption, flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat used to produce ice cream or ice cream mix, dried whole milk, nonfat dry milk solids, whole or skimmed, evaporated or condensed milk, sweetened or unsweetened, in bulk or in hermetically sealed cans, butter, cheese (including cottage cheese) or contained in buttermilk, livestock feed, or in milk dumped or in plant loss of producer milk not in excess of 2 percent and all plant loss of other source milk.

It was proposed that skim milk and butterfat in milk, flavored milk, skim milk and buttermilk for fluid consumption and milk not accounted for in other classes be included in Class I. That disposed of as sweet or sour cream for fluid consumption or used in cottage cheese was proposed as Class II and used in manufactured products except butter and nonfat dry milk solids, as Class III. Skim milk and butterfat used in butter, nonfat dry milk solids and livestock feed and in dumped milk and plant loss, limited to 2 percent in the case of producer milk, would make up Class IV.

Representatives of health departments in the major cities of the marketing area testified that milk sold for fluid consumption and that used to produce skim milk, flavored milk, or cream sold for fluid consumption must be produced and handled in compliance with the same sanitation standards. These standards are substantially uniform in all of the cities. The proposal for a separate classification for cream was based on the possibility that some handlers who operate only in portions of the marketing area not subject to city health regulations may sell cream not made from inspected milk. The volume of such sales would be relatively small and would not justify a lower price classification for all cream sold by handlers. The record does not indicate that there are any such sales.

It is concluded that milk disposed of for fluid consumption, or as any product which must be made from milk which meets all sanitary requirements of milk for fluid consumption, should be in Class I. This would include milk used for cream, flavored milk, and skim milk for fluid consumption.

It was proposed to classify milk for manufacturing uses into two classes with milk used to make butter or nonfat dry milk solids priced lower than that used in other products. The reason given for this classification was that it may be necessary to dispose of some milk as butter and skim powder at a lower return than that realized for milk for other manufacturing uses. Testimony indicated, however, that milk not needed for milk or cream for fluid consumption is normally diverted to plants for manufacture into products other than butter or powder.

Almost all of the more than 19.5 million pounds of milk moved to manufacturing plants by one cooperative in the first 10 months of 1950 went to plants manufacturing evaporated milk. No data were submitted to show how much inspected milk is used in the manufacture of butter and powder. There was no indication that an outlet for surplus milk in butter and powder manufacture is available to many handlers. In any event the amount so used appears to be too small to justify a separate classification at a lower price. Most of the excess milk in the market may be disposed of in the manufacture of products proposed to be included in Class II. It is concluded therefore that all skim milk and butterfat used in manufactured dairy products should be classified as Class II. This class also should include skim milk and butterfat in animal feed, dumped milk and plant loss, limited to 2 percent of receipts in the case of producer milk.

Since some handlers combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a method for allocating such other source milk to the classes of utilization. Since producer milk is the milk which is regularly available for fluid consumption in the marketing area, the method of allocation provides that producer milk shall be allocated to Class I to the extent that such use is available.

Producers proposed that plant loss up to 2 percent of producer milk received be

allowed in the lowest price class, any in excess of this amount to be in Class I. With plant operation of average efficiency, losses normally should not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted-for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should, therefore, be included in Class I. It was proposed that the 2 percent allowance be computed on milk deliveries received directly from dairy farms. Such a provision, as well as the standard provisions for prorating loss between producer and other source milk, and allowing for loss on diverted producer milk at the plant where actually received, should be included in the order.

Provision is made for classification of milk transferred between handlers and between handlers and persons not handlers. In the case of transfers between handlers, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Both handlers are required to report the transferred milk in the agreed classification, otherwise milk and cream transfers are classified as Class I.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the higher value uses in the transferee plant might make it difficult for handlers to dispose of surplus milk. It is concluded that transfers from a handler plant to a plant not operated by a handler in the form of milk, skim milk or cream should be in Class I, but that such transfers may be classified as Class II, if so shown on the transferor's report, such use is certified by the transferee not later than the last day of the following month, the transferee or another plant to which the product may be moved by the transferee has an equivalent use in Class II and keeps books and records which make it possible for the market administrator to verify such use. An exception is provided in the case of transfers to a plant disposing of Class I milk, in which case transfers are allocated to any excess Class I disposition over milk receipts at the plant from dairy farmers.

(4) *Class prices.* Since the Western Michigan fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. A differential should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(i) *Basic formula prices.* Producers proposed 4 alternate basic formulas for use in determining the Class I price. These formulas are based on market prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants, and prices paid by 3 Michigan dairy manufacturing plants. Three of the four price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of these price formulas with appropriate differentials added would correlate the Western Michigan Class I price with Class I prices in other markets such a Toledo, Detroit and Chicago. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula. The plants proposed handle a large amount of the excess milk of the Western Michigan area. It is concluded that the 4 alternate basic formulas proposed are appropriate as measures of the value of milk for manufacturing uses in the Western Michigan area and should be used for this purpose in the order.

Use of the highest formula prices as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The class I price should therefore be based on the formula representing the highest value of milk for manufacturing.

(ii) *Class I price.* The Class I price should be determined by adding $1.15 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second preceding two months and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.20 to be added to the basic formula price each month. Although records of milk prices, production and sales for the Western Michigan marketing area as a whole are not complete, satisfactory records are available for the Muskegon portion of the area and experience in this segment of the area is typical of the area as a whole. During the 12-month period ending with September 1949 the "plant requirements" price (which applied to a volume of milk slightly in excess of the amount which would fall in Class I (as defined herein) averaged $1.50 above the manufacturing milk price as represented by the highest of 3 of the 4 proposed basic formulas. During and following this period, the supply of milk in relation to plant requirements increased steadily, indicating that the price reflected to producers by pricing "plant requirements" milk at $1.50 over the manufacturing milk price was at a level which would eventually attract an oversupply of milk. In the following 12-month period, October 1949–September 1950, the "plant requirements" price averaged $1.13 above the manufacturing milk price. During the first few months of this period, milk deliveries remained relatively high in relation to Class I utilization, but later declined to slightly above the level of corresponding months of the previous year and appear to have stabilized at that level. These market records indicate that a "plant requirements" price averaging $1.13 above the price of milk for manufacturing has maintained about the proper supply of milk to meet market needs. A slightly higher price applying to Class I milk would be needed to maintain the blend price to producers at the level resulting from a $1.13 "plant requirements" price.

The milksheds for the Detroit and Western Michigan markets overlap. A location adjustment of 21 cents is deducted from payments to Detroit producers within the Grand Rapids milkshed. This would make the Class I price differential recommended for the Detroit market equivalent to $1.14 at a Detroit receiving plant in the Grand Rapids milkshed. Considering the price level necessary to attract a sufficient supply of approved milk as shown by Muskegon market records, and the desirability of correlating Western Michigan area producer prices with prices paid by competing markets, it is concluded that $1.15 should be added to the basic formula price each month to determine the Class I price.

To aid in insuring an adequate supply of milk and to correlate producer prices with those in the Detroit market, a supply-demand price adjustment is desirable to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding two months to be applied to the Class I price in the next following month. While no specific proposal for such a price adjustment was made, the desirability of such a provision was brought out in testimony.

A minimum milk supply for the market of 115 percent of Class I utilization is usually considered necessary in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 130 percent of

Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if the supply might be expected to exceed 130 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to the 115 percent-130 percent range in the shortest supply month may therefore be computed by adjusting the midpoint of these ratios by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at 7.5 percentage points below the ratio and a decrease at 7.5 percentage points above the ratio, as computed for each month, and an additional increase or decrease for each additional full 5 percentage points decrease or increase in the receipts—Class I utilization ratio. This price adjustment may require revision after complete data on the market supply and sales are available.

Records of producer milk receipts in relation to sales and to producer prices indicate that 15 cents for each 5 percentage points is a desirable rate of supply-demand adjustment of the Class I price differential. A differential of $1.50 seems to have been effective in stimulating an increased supply of milk. A ratio of producer milk receipts to Class I utilization indicating a 105–110 percent ratio in the shortest supply month would increase the differential to $1.45 at the recommended rate of adjustment and this price, on the basis of market records, may be expected to stimulate increased milk receipts and relieve the threatened shortage.

To avoid a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is affected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(iii) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Western Michigan milkshed. An appropriate price for this use is the higher of the average of the prices paid by 3 local dairy manufacturing plants and a price determined by a formula based on the market prices of butter and skim powder. The average of the prices paid by 3 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Western Michigan area which is not used for fluid consumption as milk or cream. The three plants selected are so located that their production areas include most of the Grand Rapids-Muskegon milkshed. They manufacture evaporated milk, dry milk and skim milk, cottage cheese and sweet cream. They are not operated or controlled by persons who will be handlers under the order. Two of these three plants handled over 19 million pounds of surplus milk from the Grand Rapids and Muskegon markets in the first 10 months of 1950, and represent the principal outlet for surplus milk for these markets. Two of these plants also are included in the 18 midwest plants used in determining the basic formula price in most Federal milk marketing orders and recommend for such use herein. Prices paid by the three plants over the last 4 years indicate the average of these prices will provide an appropriate alternate price for Class II milk.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporary depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses was proposed. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent, and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight of whole milk. Use of this formula price as an alternate Class II price would insure a price related to values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

Comparing the class prices here recommended with those proposed by producers, using October 1950 prices, the proposed Class I at $4.217 and Class II at $3.717, would be combined in Class I at $4.167, and the proposed Class III at $3.124 and Class IV at $2.864 would be combined in Class II at $3.124.

(iv) *Method of pricing.* The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give both skim milk and butterfat in producer milk preference over other source milk in the higher value uses. A continuation of the whole milk system of pricing is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials set forth below.

(v) *Handler butterfat differentials.* The Class I butterfat differential under the pricing method proposed by producers would be equivalent to the lower of 80 percent of the Class I hundredweight price or the percentage represented by the butter portion of the butter-powder formula, in either case divided by 35. Under present conditions, the 80 percent computation would be effective. Milk has not customarily been sold on a utilization basis in the market and the butterfat differential used in paying producers has been the only differential in use. At current price levels the Class I hundredweight price would be about 24 percent above the Class II price. The addition of 2 cents to the producer butterfat differential herein provided would provide a Class I butterfat differential 21 to 25 percent above the Class II butterfat value. This would bring about approximately the same relative differences between the Class I and II butterfat values and the Class I and II skim milk values. A differential so determined would give approximately the same result as the 80 percent computation proposed. It is concluded that the addition of 2 cents to the one-tenth percent producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

When the butter-powder formula is effective in setting the Class II price, the butterfat differential for that class should be based on the butterfat value determined by the formula. In the event the 3-plant average pay price is the effective Class II formula, an approximately equivalent butterfat differential may be determined by dividing 80 percent of such price by 35.

(5) *Payments to producers*—(i) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed by the producer representatives. Marketing conditions require the payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles the spring surplus production of its members and supplies several distributors with milk as needed. Some country plants may supply milk for fluid distribution only in the months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year-around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payment may be made to the producer or to the cooperative, as agreed between the cooperative and the handler.

(ii) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

Base plans have been in use in the Grand Rapids and Muskegon markets for several years, and a proposal was made to incorporate a base plan in the order in substantially the form now in use by the proponents. The effect of the base plan in encouraging more even production is shown by records of daily average deliveries per farm. In the Grand Rapids area deliveries in the highest month of 1942, the earliest year for which data were submitted, were 152 percent of the lowest month and in 1949 deliveries in the month of highest deliveries were only 135 percent of deliveries in the lowest month. Corresponding ratios for the Muskegon market were 172 percent for 1943 and 136 percent for 1949.

Fundamentally, the plan provides that each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the milk in excess of base. Each producer's base for the 12 months starting each February 1 is his average daily deliveries during the August 1–December 1 period of the preceding year.

The proponent cooperatives proposed that a new producer entering the market or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages would be fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed reflect the seasonal production pattern of new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. Also producers are not encouraged to enter the market in the months when there is an oversupply of milk. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 60 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price as discussed below. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or 80 percent of deliveries in the 3 months of October, November and December.

In the Western Michigan market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which require the stimulas to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. Deliveries of milk in the 5 months of the base period averaged over 89 percent of "plant requirements" in the Grand Rapids area in the last 5 years which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow a producer starting delivery not later than September 1 to establish a base on 100 percent of deliveries for 4 months, and for limited lapses in delivery during the period by those who ship for 5 months.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. The plan, therefore, should not discourage increased fall production by requiring payment for all or part of higher production at the excess price. It was proposed that a new producer, or an old producer desiring to establish a new base, be paid during the base forming months at the base price for 80 percent of his milk deliveries and at the excess price for 20 percent. However, no penalty should be imposed during these months when the supply of milk is shortest in relation to demand, either on new shippers entering the market or on old shippers who desire to increase the level of their milk deliveries. It is concluded, therefore, that during the base forming months a new shipper, or an old shipper, who relinquishes his base, should be paid the market blend price for all milk delivered during up to 3 of these months, and a base then be established at 80 percent of the average daily deliveries during 3 months. If deliveries are made for 4 or 5 of the base forming months, a new base of 100 percent of such average deliveries would become effective February 1. Only 80 percent of a producer's deliveries are allowed as base when the base is established on three months deliveries. Such deliveries are made at the uniform price. Deliveries of milk for two of the base forming months in the case of old shippers and one or two months in the case of new shippers are made under the previous base or the newly established 80 percent base in establishing a base on 100 percent of his deliveries. These provisions will require reexamination after data are available on the results of their operation to determine the possible restrictive tendencies.

A proposal that bases be reduced by the difference between the average base period deliveries and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price until the next February 1st. It was proposed that producers be permitted to reestablish a base in line with their normal production level by allowing any producer to relinquish his base and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unusual circumstances.

A period of one month is allowed following the end of the base period to computate new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market Administrator, until the next February 1. However, the record indicates that there are a large number of producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect, would make certain provisions of the order retroactive to periods several months before the order would become effective. The last objection also applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from repooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(iii) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago is now widely used in the market. This differential (7 cents for 90–95 cent butter, and changing ½ cent with each full 5-cent change in the market price of butter) appears to have resulted in a supply of producer milk of satisfactory butterfat test for the needs of the market. Approximately the same rate of differential is used by manufacturing plants in the area, and its use will maintain the same relative price relationship to manufacturing milk at the various tests. It is therefore recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3.5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(6) *Administrative provisions* — (i) *Administrative assessments.* The act provides that the costs of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 4 cents per hundredweight of milk received from producers was proposed for this purpose. Testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 4 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lower rate.

(ii) *Market services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall be required to deduct from payments to producers and pay to the cooperative such amounts as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It is provided, therefore, that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(iii) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices, the uniform price and the base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account, together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of the two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot always be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. On the other hand, producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

(7) *Other provisions.* Other source milk is not subject to the pricing provisions of the order. To discourage the diversion of Class I sales from producer milk to other source milk, which may be obtained at a lower cost to the handler, it is provided that a handler shall pay to the equalization account an amount computed by multiplying any quantity of other source milk allocated to Class I by the difference between the Class I and Class II prices for the month.

Producers are deprived of the use of money rightfully belonging to them if a handler refuses to pay an obligation when due. It is provided therefore that an added charge of one-half percent per month be added to overdue accounts which will compensate producers for being deprived of money due them and also remove the advantage which would accrue to a handler if he could delay payments and have the use of money due to producers at no cost.

To avoid the application of two or more Federal orders to the handling of the same milk, it is provided that if the Secretary determines the handling of any milk to be subject to the pricing and payment provisions of any other Federal milk marketing order, it shall be exempt from all except the reporting and auditing provisions of this order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand, for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer cooperatives and milk distributors in the area. The briefs contained statements of facts, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent

that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

RECOMMENDED MARKETING AGREEMENT AND ORDER

The following order is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 937.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 937.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 937.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 937.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 937.5 *Western Michigan Marketing Area.* "Western Michigan Marketing Area," referred to in this subpart as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the following townships in the State of Michigan:

Kent County:
Ada.
Alpine.
Algoma.
Byron.
Caledonia.
Cannon.
Cascade.
Courtland.
Gaines.
Grand Rapids.
Lowell.
Paris.
Plainfield.
Sparta.
Vergennes.
Walker.
Wyoming.

Muskegon County:
Blue Lake.
Dalton.
Fruitland.
Fruitport.
Laketon.
Montague.
Muskegon.

Muskegon County—Continued
Norton.
Ravenna.
Sullivan.
White River.
Whitehall.

Oceana County:
Claybanks.
Benona.
Golden.
Grant.
Hart.
Shelby.

Ottawa County:
Allendale.
Chester.
Crockery.
Georgetown.
Grand Haven.
Polkton.
Robinson.
Spring Lake.
Talemadge.
Wright.

§ 937.6 *Pool plant.* "Pool plant" means a plant (except a plant receiving milk from dairy farmers whose payments for milk are subject to the provisions of another Federal milk marketing agreement or order) at which milk is received directly from dairy farmers and from which during the month:

(a) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant is disposed of in the marketing area as Class I products other than to another pool plant; or

(b) An amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant was transferred to a plant(s) described in paragraph (a) of this section during 8 of the 12 months immediately preceding the current month: *Provided*, That such milk is approved by the authorized health agencies of Grand Rapids, Grand Haven or Muskegon, Michigan, for sale for fluid consumption in the marketing area.

§ 937.7 *Handler.* "Handler" means any person who operates a pool plant or a plant from which, during the month, products defined as Class I milk are disposed of directly for fluid consumption in the marketing area, and a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of the association.

§ 937.8 *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

§ 937.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 937.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received at a handler's plant other than from producers or other handlers.

§ 937.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which the Secretary determines:

(a) Is qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 937.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 937.70.

§ 937.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 937.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 937.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 937.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 937.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 937.85:

(1) The cost of his bond and of the bonds of his employees.

(2) His own compensation, and

(3) All other expenses, except those incurred under § 937.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 937.30 and 937.31, or (2) payments pursuant to §§ 937.80 and 937.83.

(g) Calculate a base for each producer in accordance with § 937.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to §§ 937.51 and 937.52, and the handler butterfat differential computed pursuant to § 937.53, and

(2) On or before the 10th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 937.62, 937.63 and 937.64, and the producer butterfat differential computed pursuant to § 937.81.

REPORTS, RECORDS AND FACILITIES

§ 937.30 *Monthly reports of receipts and utilization.* On or before the 5th day of each month, each handler who operates a pool plant shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the receipts at his pool plant from each of the following sources and the quantities of butterfat and skim milk contained in such receipts; the utilization of such receipts; and such other information with respect to such receipts and utilization as the market administrator may prescribe:

(a) All producer milk received, including diverted producer milk;

(b) All skim milk and butterfat in any form received from each other handler; and

(c) All other source milk received except any non-fluid milk product which is disposed of in the same form as received.

§ 937.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a pool plant shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer, or to a cooperative association; and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 937.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 937.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 937.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 937.30, shall be classified (separately as skim milk and butterfat) in the classes set forth in § 937.41.

§ 937.41 *Classes of utilization.* Subject to the conditions set forth in §§ 937.42 and 937.43 the classes of utilization shall be;

(a) Class I utilization shall be all skim milk and butterfat

(1) Disposed of for consumption in fluid form as milk, skim milk or flavored milk, or sweet cream or sour cream for consumption as cream; and

(2) Not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat accounted for—

(1) As used to produce ice cream, ice cream mix, or cottage cheese, or disposed of as whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, buttermilk, dried whole milk, nonfat dry milk solids, or butter;

(2) Dumped or disposed of as livestock feed;

(3) As actual shrinkage of skim milk and butterfat in producer milk, but not to exceed 2 percent of such receipts; and

(4) As actual shrinkage in other source milk.

§ 937.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 937.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 937.30: *Provided*, That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Milk moved in the form of whole milk from a pool plant to a plant not a pool plant but disposing of milk for Class I uses shall be allocated to Class I in an amount equal to any disposition of milk for Class I uses from such plant in excess of the amount of milk received at such plant from dairy farmers.

(c) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool to a plant not a pool plant shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his report submitted pursuant to § 937.30 and a statement certifying to such Class II utilization is received by the market administrator from the operator of the nonpool plant to which skim milk and butterfat was moved not later than the last day of the month following the month of such movement.

(2) The operator of such nonpool plant in the month of such movement had actually used an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

§ 937.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 937.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for each handler.

§ 937.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 937.41 (b) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other

handlers in such classes pursuant to § 937.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 937.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 937.46.

MINIMUM PRICES

§ 937.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c) and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A, deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Carnation Milk Co., Sparta, Mich.
Saranac Milk Products Co., Saranac, Mich.
Pet Milk Co., Wayland, Mich.

§ 937.51 *Class I milk price.* (a) Subject to the provisions of paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.15.

(b) The market administrator shall compute each month a "utilization ratio" which shall be the percentage that total receipts by all handlers of producer milk during the first and second months next preceding the current month, is of total Class I utilization of all handlers during such two-month period. For each month the Class I price shall be decreased 15 cents if the "utilization ratio" as computed in the next preceding month is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and the Class I price shall be increased 15 cents if such "utilization ratio" is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule. The Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such "utilization ratio" is above or below the percentage for the corresponding month in such schedule: *Provided*, That when the price has been so decreased or increased it shall not next be increased or decreased, respectively, until such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month:	*Percentage*
January	125.6
February	131.0
March	144.1
April	159.2
May	172.4
June	178.1
July	157.0
August	146.1
September	136.5
October	129.2
November	122.5
December	125.8

(c) The provisions of paragraph (b) of this section shall not apply until the fourth month after this subpart becomes effective.

§ 937.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant as described in § 937.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by multiplying the average price per pound of butter as described in paragraph (b) (1) of § 937.50 by 1.2 and then by 3.5 and adding the plus value computed pursuant to § 937.50 (b) (2).

(b) The price per hundredweight pursuant to § 937.50 (d).

§ 937.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 937.51 and 937.52 for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 937.81.

(b) *Class II milk.* Multiply the average price of butter as described in § 937.50 (b) (1) by 0.12. *Provided*, That when the Class II price is determined pursuant to § 937.52 (b), the butterfat differential shall be determined by multiplying such price by 0.8, dividing by 35, and rounding off to the nearest one-tenth cent.

§ 937.60 *Computation of value of milk for each handler.* (a) The value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 937.53 the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 937.46 and 937.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 937.46 (e) and § 937.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 937.46 and § 937.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 937.53 to the butterfat test of such other source milk.

§ 937.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to § 937.60 (a) adjusted by any charges or credits pursuant to § 937.90 (a) and (b).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 937.81 multiplied by 10.

(c) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 937.62 *Uniform price.* For each month the uniform price shall be computed by: (a) Dividing the amount computed pursuant to § 937.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and (b) subtracting not less than 4 cents or more than 5 cents.

§ 937.63 *Excess milk price.* For each month the excess milk price shall be the price of Class II utilization determined pursuant to § 937.52.

§ 937.64 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 937.70 (b) by the excess milk price for the month.

(b) Multiply the total amount of milk to be paid for at the uniform price by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 937.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 937.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 937.6.

§ 937.65 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month.

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 937.80, 937.83, 937.85, 937.86 and 937.90.

BASE RULES

§ 937.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to paragraph (c) of this section, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period.

(b) After January 31, 1952, a producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established by dividing the amount of milk paid for at the base price during such three months by the number of days in the three months.

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to paragraph (b) of this paragraph once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

(d) From the effective date of the subpart until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 937.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the bases may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

PAYMENT FOR MILK

§ 937.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price as provided in § 937.70 (b) or (c), or the base price for base milk and for milk to be paid for at the base price pursuant to § 937.70 (b) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 937.70 (b), adjusted by the butterfat differential pursuant to § 937.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 937.84, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 937.81 *Producer butterfat differential.* In making payments pursuant to § 937.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 937.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 937.82 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 937.83 and out of which he shall make all payments pursuant to § 937.84.

§ 937.83 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) Whose value of milk is required to be computed pursuant to § 937.60 (a) shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 937.80, and

(b) Who is required to make payment pursuant to § 937.60 (b) shall pay such amount to the market administrator.

§ 937.84 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall

pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 937.60 (a) is less than the total minimum amount required to be paid by him pursuant to § 937.80, less any unpaid obligations of such handler to the market administrator pursuant to § 937.83: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 937.85 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 13th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers.

§ 937.86 *Marketing services.* (a) except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 937.80 for milk received from each producer at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 937.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 937.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 937.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 937.83, 937.85, 937.86, and 937.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 937.100 *Milk caused to be delivered by cooperative association.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 937.101 *Handler exemption.* A producer-handler and a handler who does not operate a pool plant shall be exempt from all provisions of this subpart except §§ 937.31, 937.32, and 937.33.

§ 937.102 *Exempt milk.* Milk received at the plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act for any fluid milk marketing area shall be exempt from all provisions of this subpart except §§ 937.30, 937.31, 937.32, and 937.33.

TERMINATION OF OBLIGATIONS

§ 937.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 937.120 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 937.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 937.122 *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 937.123 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed, by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 937.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 937.131 *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-7815; Filed, July 5, 1951; 9:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH ADDITIONS TO ANCHORAGE TOWNSITE (GOVERNMENT HILL)

NOTICE OF PREEMPTION SALE

JUNE 26, 1951.

Notice is hereby given that persons who occupied any of the lots listed below at the time of the survey thereof in the field, or their assigns thereafter, and who own and have valuable improvements thereon will be given a preference right to purchase the lots occupied at prices listed below until December 29, 1951.

Claimants must file their applications to purchase lots at the Land Office, Room 39, Federal Building, Anchorage, Alaska. Each application must set forth the basis of the preference right claim. (18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.) Applications must be accompanied by money order or check payable to the Treasurer of the United States for the full purchase price of the lot. Any lot not applied for on or before December 29, 1951, will be subject to disposal at public sale. Patents for lots when issued will contain a reservation of fissionable materials.

Following are the lots subject to preference right filing and the purchase prices for each lot:

NORTH ADDITION NO. 2—U. S. SURVEY NO. 2920 A & B

(Date of survey in the field: Oct. 10, 1950)

Tract 1: Block 1: Lot 1	$400
Tract 2:	
Block 1: Lot 1	400
Block 2: Lot 1	350
Tract 3:	
Block 1: Lot 1	400
Block 2:	
Lot 1	525
Lot 2	450
Lot 3	525
Lot 4	525

NORTH ADDITION NO. 3—U. S. SURVEY NO. 2961 A & B

(Date of survey in the field: Oct. 27, 1949)

Block M: Lots 7–12	$300
Block N:	
Lots 7–9	300
Lots 10–12	350

NORTH ADDITION NO. 4—U. S. SURVEY NO. 3047, A & B

(Date of survey in the field: Oct. 10, 1950)

Block J:	
Lots 1 and 2	$300
Lots 3–5	400
Lots 11 and 12	300
Block K:	
Lots 4–6	300
Lots 7–12	450
Block L: Lots 1–12	300
Block M: Lots 1–6	300
Block N: Lots 1–6	300
Block O:	
Lot 5	100
Lot 6	200
Lots 7–12	400
Block Q:	
Lots 1 and 2	400
Lot 9	350
Lots 10–12	300
Block T:	
Lot 1	100
Lot 2	200
Lots 3–12	300
Block V	100
Block X:	
Lots 7–10	350
Lot 11	300

NORTH ADDITION NO. 5—U. S. SURVEY NO. 3061, A & B

(Date of survey in the field: Oct. 21, 1950)

Block 2: Lots 6–10	$300
Block 3: Lots 1–10	300
Block 4: Lots 1–10	300
Block 5: Lots 1–10	300
Block 6: Lots 6–10	300
Block 7: Lots 1–10	300
Block 8: Lots 1–5	300
Block 9:	
Lots 1 and 2	300
Lots 3–5 and 7	400
Lots 8 and 9	300
Lot 10	400
Block 10: Lots 1–6	300
Block 14:	
Lots 1 and 2	300
Lots 9 and 10	300

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-7736; Filed, July 5, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DIRECTOR OF BUREAU OF CENSUS

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS WITH RESPECT TO CENSUS OF GOVERNMENTS

The functions assigned to the Secretary of Commerce by Public Law 767, 81st Congress, an act to provide for the conduct of a periodic census of governments, shall be performed by the Director of the Bureau of the Census.

This notice is effective June 26, 1951.

(R. S. 161; 5 U. S. C. 22; Reorg. Plan No. 5 of 1950; and Pub. Law 767, 81st Cong.)

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7746; Filed, July 5, 1951; 8:50 a. m.]

ADMINISTRATOR OF NATIONAL PRODUCTION AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO DISTRIBUTION OF COAL CHEMICALS PRODUCED AS BY-PRODUCTS OF COKE MADE FROM COAL

Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, Defense Production Administration Delegation 1, and Defense Solid Fuels Administration Delegation 1, there are hereby delegated to the Administrator of the National Production Authority all functions delegated to the Secretary of Commerce by Defense Solid Fuels Administration Delegation 1, dated May 2, 1951, with respect to the distribution of coal chemicals produced as by-products of coke made from coal.

The functions herein delegated may be redelegated within the National Production Authority in the discretion of the Administrator.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-7747; Filed, July 5, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1633]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF AMENDMENT TO APPLICATION

JUNE 29, 1951.

Take notice that on May 8, 1951, the Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an amendment to its application of March 9, 1951, whereby Applicant seeks authorization, pursuant to section 7 of the Natural Gas Act, to acquire and operate certain pipeline facilities hereinafter described.

Applicant seeks to acquire from Transcontinental Gas Pipe Line Corporation certain pipeline facilities located in East Brandywine Township, Chester County, Pennsylvania, which include 170 feet of 8-inch pipeline, together with a metering station and appurtenant facilities. The cost of such facilities, including land and land rights, approximates $14,038.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7721; Filed, July 5, 1951; 8:45 a. m.]

[Docket No. G-1713]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant) a Delaware Corporation with its principal place of business in Houston, Texas, filed on June 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas as hereinafter set forth.

Applicant proposes to sell and deliver natural gas to Atlantic Seaboard Corporation and to Manufacturers Light and Heat Company through facilities presently interconnecting the pipeline system of Applicant with that of Atlantic Seaboard at Rockville, Maryland, and at Ellicott City, Maryland, and with that of Manufacturers Light and Heat at a point south of Manufacturers' Eagle Compressor Station in Chester County, Pennsylvania, all of which facilities are more fully described in Docket Nos. G-1621, G-1633, and G-1650. Said sales and deliveries of natural gas will be made under Applicant's rate schedule S-2, now on file with the Federal Power Commission, in presently underterminable quantities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7726; Filed, July 5, 1951; 8:47 a. m.]

[Docket No. G-1716]

AMERE GAS UTILITIES CO.

NOTICE OF APPLICATION

JUNE 28, 1951.

Take notice that Amere Gas Utilities Company (Applicant), a West Virginia corporation with its principal place of business at No. 1033 Quarrier Street, Charleston, West Virginia, filed on June 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipeline facilities described as follows:

(1) Approximately 2.0 miles of 3½-inch pipeline, together with the necessary regulating, measuring, and appurtenant equipment, from Applicant's 6-inch line in Slab Fork District, Wyoming County, West Virginia, east to Applicant's present 3-inch main line in the north section of the city of Mullens, West Virginia.

(2) Approximately 16.5 miles of 8⅝-inch loop line extending from the 20-inch line of Atlantic Seaboard Corporation in Pipe Stem District, Mercer County, West Virginia, to the City of Princeton, East River District, West Virginia.

(3) Approximately 15.1 miles of 8⅝-inch pipeline extending from a point near Dameron, Raleigh County, West Virginia, to the 20-inch line of Atlantic Seaboard Corporation at Flat Top, Mercer County, West Virginia.

The proposed construction is to provide additional capacity to meet peak-day requirements during the winter 1951-52, estimated at 16,300 Mcf for the cities of Beckley and Mullens, West Virginia, and estimated at 6,000 Mcf for the cities of Princeton and Athens, West Virginia, and Bluefield Gas Company. In addition, the proposed pipeline from Dameron to Flat Top will permit Applicant during off-peak periods to transport for Atlantic Seaboard Corporation gas produced by Columbian Carbon Company, purchased from Columbian by Atlantic Seaboard, and presently transported for Atlantic from Dameron to Atlantic's 20-inch line in Wyoming County, West Virginia by Godfrey L. Cobot, Inc., under an exchange arrangement.

The estimated cost of the proposed facilities is $802,340. Applicant proposes to finance the construction by the issuance and sale of its securities to its parent corporation, Atlantic Seaboard Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7725; Filed, July 5, 1951; 8:47 a. m.]

[Docket No. G-1718]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951 Southern California Gas Company, (Southern California) and Southern Counties Gas Company of California (Southern Counties), California corporations each having its principal place of business in Los Angeles, California, filed a joint application for a certificate of public convenience and necessity pursuant to section 7, of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicants propose to increase the capacity of their existing transmission system by 150,000 Mcf. per day in order to transport increased volumes of natural gas to be purchased from the El Paso Natural Gas Company, to and for distribution in southern California, and for such purpose to construct and operate approximately 6.3 miles of 30 inch loop line extending eastward from the Blythe compressor station to the California-Arizona boundary, approximately 81.3 miles of 30 inch loop line between Whitewater and Desert Center, California, and two additional 1760 hp. compressors at the Blythe compressor station.

The cost of the proposed facilities is estimated to be $7,767,525.

Applicants propose to finance this construction initially from funds on hand, and later to cover this investment in part by the sale of bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of July 1951. The application is on file with the Commission for public inspection.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7724; Filed, July 5, 1951; 8:46 a. m.]

[Docket No. G-1719]

GAFFNEY PIPELINE CO.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951, the Gaffney Pipeline Company (Applicant), a South Carolina Corporation having its principal place of business in the City of Gaffney, South Carolina, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities hereinafter described.

Applicant seeks authorization to construct and operate a 4½-inch O. D. natural-gas pipeline approximately 1.33 miles in length from Transcontinental Gas Pipe Line Corporation's existing transmission pipeline at a point southeast of Gaffney, extending to a proposed town-border station which Applicant proposes to contruct east of Gaffney where its proposed pipeline will connect with the existing distribution system of South Carolina Gas Company, now serving the City of Gaffney, South Carolina.

The estimated cost of the proposed construction approximates $27,215, which will be financed out of funds on hand, or by an advance from Applicant's parent company, United Cities Utilities Company.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of July 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7722; Filed, July 5, 1951; 8:45 a. m.]

[Docket No. G-1721]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 29, 1951.

Take notice that on June 18, 1951, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois corporation having its principal office in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 10-inch pipeline approximately 41 miles in length, extending from a point on the transmission pipeline of the Natural Gas Pipeline Company of America, in Washington County, Iowa, to a point in Applicant's Iowa City and Cedar Rapids districts in the State of Iowa, should it be ultimately determined that the proposed construction and operation are subject to the Commission's jurisdiction.

The estimated cost of the proposed construction is $1,000,000 which Applicant proposes to finance from funds on hand.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.10] before the 18th day of July 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7723; Filed, July 5, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26224]

MIXED CARLOADS OF MERCHANDISE FROM CHICAGO, ILL., TO GREENVILLE AND ORANGEBURG, S. C.

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 639, pursuant to fourth-section order No. 16101.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill.

To: Greenville and Orangeburg, S. C.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7738; Filed, July 5, 1951; 8:49 a. m.]

[4th Sec. Application 26225]

BRICK BETWEEN VIRGINIA AND SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1044.

Commodities involved: Brick and related articles, carloads.

Territory: From Richlands, Va., to destinations in southern territory, and from points in southern territory to stations in Virginia and North Carolina on the Norfolk and Western Railway.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1044, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7739; Filed, July 5, 1951; 8:50 a. m.]

[4th Sec. Application 26226]

CITRUS FRUITS FROM NEW ORLEANS, LA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of other carriers named in the application.

Commodities involved: Mandarines, oranges, tangerines, and satsumas, carloads.

From: New Orleans, La.

To: Points in Illinois, central, and trunkline territories.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7740; Filed, July 5, 1951; 8:50 a. m.]

[4th Sec. Application 26227]

ACETALDEHYDE FROM OKLAHOMA AND TEXAS TO ST. LOUIS, MICH.

APPLICATION FOR RELIEF

JULY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3919 and 3967.

Commodities involved: Acetaldehyde, in tank-carloads.

From: Tallant, Okla., Bishop, Brownsville, Houston, Texas City, and Winnie, Tex.

To: St. Louis, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 47; D. Q. Marsh's tariff I. C. C. No. 3967, Supp. 4.

Any interest person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7741; Filed, July 5, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-14, 54-159, 54-160, 54-162, 54-164]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

SUPPLEMENTAL ORDER AUTHORIZING DISTRIBUTION OF ESCROWED SUM

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D., 1951.

The Commission on June 13, 1950, having issued its supplemental findings, opinion and order approving, pursuant to section 11 (d) and other applicable provisions of the Public Utility Holding Company Act of 1935, certain proposals submitted by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), for the retirement of the outstanding debentures of IHES under Part II of his Second Plan for the liquidation and dissolution of IHES, and the Commission having reserved for later determination the demand of Chemical Bank and Trust Company, successor trustee under the trust indenture securing the said debentures of IHES, for the payment of 6% interest on certain deferred partial instalments of interest which became due after the debentures matured; and

The IHES trustee having on June 27, 1950, deposited in escrow with the indenture trustee the sum of $85,017.60, covering the interest, if any, which this Commission and the United States District Court for the District of Massachusetts shall determine to be payable on the deferred partial instalments of interest; and

A public hearing having been held, after appropriate notice, at which further evidence was received relating to the liability of IHES for the payment of interest on overdue interest on the debentures, and briefs having been filed; and

The Berkman Debenture Holders Group having requested the Commission to approve the payment of interest at the rate of 6 percent on the aforesaid amount of $85,017.60; and

The Commission having considered the record and having this day issued its second supplemental findings and opinion, concluding therein that payment to the debenture holders of the sum of $85,017.60 is fair and equitable to the security holders of IHES, and necessary and appropriate for the consummation of Part II of the trustee's plan, and that payment of interest on the said sum of $85,017.60 would not be fair and equitable:

It is ordered, Pursuant to section 11 (d), subject to the approval of the United States District Court for the District of Massachusetts, that the indenture trustee be, and it hereby is, authorized to distribute the escrowed sum of $85,017.60 pro rata to the holders of the debentures as of the time the debentures were retired or exchanged pursuant to the proposals of the IHES trustee; and

It is further ordered, That the request of the Berkman Group of Debenture Holders for an order approving the payment of interest on said sum of $85,017.60 be, and it hereby is, denied.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7732; Filed, July 5, 1951; 8:49 a. m.]

[Files Nos. 70-2507, 69-71]

PENN FUEL GAS, INC. AND JOHN H. WARE, 3D

ORDER AUTHORIZING CERTAIN ACQUISITIONS AND GRANTING EXEMPTION APPLICATION SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

In the matter of Penn Fuel Gas, Inc. and John H. Ware, 3d. File No. 70-2507; Penn Fuel Gas, Inc., File No. 69-71.

Penn Fuel Gas, Inc. ("Penn Fuel") and John H. Ware, 3d ("Ware"), the owner of all the outstanding common stock of Penn Fuel, having filed a joint application pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") in which the applicants request approval of the acquisition by Penn Fuel, from Ware, of all the outstanding securities, consisting of common stock and certain notes and open accounts, of Clearfield Gas & Fuel Company, Hamburg Gas & Fuel Company, Huntington Gas Company, Lock Haven Gas Company, Pen Argyl Gas Company, Renovo Gas & Fuel Company and Shippensburg Gas Company, said joint application also involving various related transactions as herein set forth; and

Penn Fuel having also filed an application pursuant to section 3 (a) (1) of the act for exemption of itself, as a holding company, and its subsidiaries, as such, from the provisions of the act otherwise applicable to them; and

A public hearing having been held upon the joint application of Penn Fuel and Ware to acquire the securities, as aforesaid, at which hearing evidence was taken concerning the proposed and related transactions, including evidence bearing upon the application for exemption, and Penn Fuel having requested that the Commission dispose of its application for exemption at this time, having waived a further hearing thereon and having consented to the entry of an order with respect to such exemption containing certain conditions, as hereinafter set forth; and

The Commission having considered the application of Penn Fuel and Ware to acquire the securities, and the application for exemption of Penn Fuel and its subsidiaries, and having issued its findings and opinion, which are filed herein, setting forth the findings of the Commission with respect to such matters, and having found therein that, subject to the conditions hereinafter set forth, no adverse findings need be made and that the applications should be granted:

It is ordered, That the application of Penn Fuel and Ware, under which Penn Fuel will acquire from Ware the securities of the companies hereinbefore mentioned, and under which certain other transactions will be carried out, be and the same hereby is granted, subject to the following terms and conditions:

(a) No sale or public offering will be made by Penn Fuel, or by any of its subsidiaries, or by Ware, or by Willard M. Ware of the Subordinated Note proposed to be issued to said Willard M. Ware as part of the proposed transactions, or of any other securities of Penn Fuel now outstanding or to be outstanding following such transactions, without a further application to and approval by this Commission;

(b) Penn Fuel will not make any payments, either of principal or interest, on said Subordinated Note, so long as there are outstanding any of the Collateral Trust Bonds of Penn Fuel or Bank Loan Notes to be issued by Penn Fuel, except upon application to and approval by this Commission.

(c) Penn Fuel and its subsidiary companies will not make any payments of salary to Ware, or to Willard M. Ware, except after 30 days' notice to this Commission.

It is further ordered, That the application of Penn Fuel for exemption of itself as a holding company, and its subsidiaries as such, pursuant to section 3 (a) (1) of the act, be and the same hereby is granted, subject to the following terms and conditions:

(1) Penn Fuel and its subsidiaries will not issue any securities, acquire any securities or assets, or engage in any other transactions which would, if Penn Fuel were a registered holding company, require the filing of a declaration or application with this Commission, unless Penn Fuel shall have given 30 days advance notice to this Commission of any such proposed transaction, subject, however, to the right of the Commission to grant a request for acceleration of such notice period in any particular case.

(2) Penn Fuel will, within 60 days of the end of each quarter, except the last quarter of each year, file with the Commission a copy of its quarterly operating statement of income and surplus and its current balance sheet, and will also file, as soon as practicable after the end of each calendar year, a copy of its complete audited financial statements, on a consolidating basis covering income and surplus and its year end balance sheet.

(3) If upon the receipt of any notice of a proposed transaction under condition (1) above, or upon the examination of information submitted under (2) above, or upon action by the Commission on its own motion, the Commission determines at any time that a substantial question exists as to whether the continued exemption of Penn Fuel is in the public interest or the interests of investors or consumers, the Commission may give notice thereof to the Company, whereupon, within five days of receipt of any such notice, Penn Fuel will register as a holding company, and in the event that Penn Fuel proposes to undertake any transaction which has been the subject of a notice under condition (1) above, Penn Fuel will file an appropriate application or declaration for that purpose, and Penn Fuel will not contest the entry of any order terminating such exemption.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7729; Filed, July 5, 1951; 8:48 a. m.]

[File No. 70-2619]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER REGARDING THE ISSUANCE OF SECURITIES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June A. D. 1951.

In the matter of the Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, Virginia Gas Transmission Corporation; File No. 70-2619.

Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Gas Transmission Corporation ("Transmission"), subsidiaries of Seaboard, having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, 122,000 shares of Seaboard's $25 par value common stock. Of the $3,050,000 of proceeds to be realized therefrom, Seaboard will use $1,525,000 to complete its 1951 construction program and will use the balance of $1,525,000 to purchase at par 13,200 shares of Amere's $25 par value common stock and $795,000 principal amount of Amere's 3¼ percent installment promissory notes; $125,000 principal amount of Distribution's 3¼ percent notes; and 11,000 shares of Transmission's $25 par value common stock. The notes to be issued by Amere and Distribution are to be paid in equal annual installments on February 15th of each of the years 1953 to 1977, inclusive. The proceeds of $1,125,000 to be realized by Amere, of $125,000 by Distribution and of $275,000 by Transmission from the sales of said securities to Seaboard will be used to finance their 1951 construction program.

The proposed issue and sale of the common stock and notes of Amere have been approved by the Public Service Commission of West Virginia, and the proposed issue and sale of notes by Distribution and of common stock by Transmission have been approved by the State Corporation Commission of Virginia.

Notice of the filing of the application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied and that there is no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, and deeming it further appropriate to grant the request of applicants-declarants that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7728; Filed, July 5, 1951; 8:47 a. m.]

[File No. 70-2643]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ACQUISITION OF STOCK OF UNITED GAS CORP. PURSUANT TO RIGHTS OFFERING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to the transactions summarized below, which application, while not admitting the necessity for the filing, requested approval of the transactions proposed under section 12 (f) of the act or such other sections as the Commission may deem applicable.

Bond and Share presently has 2,870,653 (26.95 percent) of the common stock of United Gas Corporation ("United"), held by Bond and Share pursuant to its application to acquire such shares in connection with the reorganization of United's former parent, Electric Power and Light Corporation ("Electric"). In that application, Bond and Share stated that it would "sell, distribute or otherwise dispose of, in such manner as the Commission may permit, all of the common stock of * * * United received by it under the Electric Plan not later than one year (unless such period is extended by the Commission) after the receipt of same by Bond and Share; *Provided, however*, That Bond and Share may, not later than 60 days after entry of an order of the Commission approving the Electric Plan, institute appropriate proceedings before the Commission for relief from its commitment to dispose of such common stock of United and for determination of its rights under the act to hold such common stock of United".

Subsequently, Bond and Share filed an application with the Commission for relief from that commitment and proposing that it be an exempt holding company holding the stock of United, the securities of American & Foreign Power Company, Inc., Ebasco Services, Incorporated, and cash available for investment. Proceedings embracing these proposals are pending before the Commission.

United has filed a separate application setting forth an overall program for financing its construction program (file Card No. 70-2637) which includes the issuance and sale, pursuant to a rights offering, of 1,065,330 shares of its $10 par value common stock. Bond and Share proposes to acquire for cash, from funds on hand, its proportionate interest pursuant to the rights offering, namely, 287,065 shares, and states that it may exercise the over-subscription privilege, if available, to the extent of an additional 287,065 shares of the United common stock.

The application-declaration states that in the event Bond and Share may not retain its present holdings of United (after exhaustion of all available appellate processes) it will dispose of any stock of United acquired under the application herein within the period within which it must dispose of the United stock presently held.

Said application-declaration having been filed on May 25, 1951, an amendment thereto having been filed on June 19, 1951, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission being of the view that the proposed acquisition is subject to the standards of sections 9 and 10 of the act, and that no adverse findings need be made under the standards of section 10 with respect to the proposed acquisition of shares of United common stock by Bond and Share in the light of the commitment to dispose of such shares as contained in the application, and the Commission observing that the order herein shall not be deemed in any wise to affect determination of the question of whether Bond and Share may obtain relief from its commitment to dispose of the shares of United presently held. (File No. 54–127)

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51–7727; Filed, July 5, 1951; 8:47 a. m.]

[File No. 70–2650]

NARRAGANSETT ELECTRIC CO.

NOTICE OF PROPOSED NOTE ISSUES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company. Narragansett has designated section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 9, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 9, 1951, said declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Narragansett proposes to issue, from time to time but not later than September 30, 1951, additional unsecured short-term promissory notes in an aggregate principal amount not in excess of $3,400,000 and further proposes that the total maximum principal amount of its unsecured short-term promissory notes outstanding at any one time prior to September 30, 1951 be not in excess of $5,800,000. The proposed notes will mature not later than six months after the respective dates thereof and will bear interest at the prevailing rates for such notes. Narragansett states in its declaration that it believes that such interest rate will not exceed 2½ percent. In the event that the interest rate of any of said notes should exceed 2¾ percent per annum, Narragansett proposes to file an amendment to this declaration setting forth therein the name of the bank or banks to which said notes are proposed to be issued and the terms of said note or notes, including the interest rate, at least five days prior to the execution and delivery thereof and, in this connection, Narragansett requests that, unless the Commission shall not notify it to the contrary within said five-day period, said amendment shall become effective at the end of such period. Narragansett further proposes to issue said unsecured promissory notes to one or more of the following named banks or trust companies:

Industrial Trust Co., Providence, R. I.
The Phenix National Bank of Providence, Providence, R. I.
Providence Union National Bank & Trust Co., Providence, R. I.
Rhode Island Hospital National Bank, Providence, R. I.
Rhode Island Hospital Trust Co., Providence, R. I.
The First National Bank of Boston, Boston, Mass.

Narragansett presently has outstanding $3,850,000 principal amount of unsecured short-term promissory notes. The proceeds to be derived from the proposed issuance of $3,400,000 principal amount of notes will be used by Narragansett to pay $1,450,000 principal amount of the presently outstanding notes due prior to September 30, 1951 and the balance of $1,950,000 will be used to finance construction requirements through September 30, 1951, or to reimburse the treasury because of prior construction expenditures.

The declaration states that Narragansett expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of its system gas properties located in Massachusetts.

Incidental services in connection with the proposed note issues will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Such cost is estimated in the declaration at not more than $750.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51–7731; Filed, July 5, 1951; 8:49 a. m.]

[File No. 70–2651]

MISSISSIPPI POWER CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Mississippi Power Company ("Mississippi Power"), a public utility subsidiary of The Southern Company, a registered holding company. The filing designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 9, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 9, 1951, said declaration, as filed, or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to this declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi Power proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 under the act, $4,000,000 principal amount of its First Mortgage Bonds, __ percent series, due 1981 to be issued under and secured by Mississippi Power's present indenture dated as of September 1, 1941, as heretofore supplemented, and to be supplemented by an indenture to be dated as of August 1, 1951.

The invitations for bids will provide that each bid shall specify the coupon rate for the new bonds, which shall be a multiple of ⅛ percent and the price to be paid the Company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from August 1, 1951.

The proceeds from the sale of the bonds will be utilized in connection with Mississippi Power's construction program which the Company estimates will require expenditures aggregating $16,500,000 during the three year period 1951 through 1953. The Company also estimates that, in order to finance its construction program, it will be necessary to raise about $5,000,000 of additional cash before the end of 1953 through the sale of additional securities of a type not yet determined.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51–7730; Filed, July 5, 1951; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

NATIONAL CHEESE INSTITUTE, INC.

APPLICATION FOR INVESTIGATION

Upon application of The National Cheese Institute, Inc., Chicago, Illinois, the United States Tariff Commission on the 29th day of June, 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the product described below is, as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such product under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 710----------	Blue-mold cheese (not including Roquefort cheese)

In the event that a public hearing is ordered in this investigation, public notice thereof will be given.

I certify that the above investigation was instituted by the Tariff Commission on the 29th day of June 1951.

[SEAL] DON N. BENT,
Secretary.

[F. R. Doc. 51–7811; Filed, July 5, 1951; 9:02 a. m.]

HARLEY-DAVIDSON MOTOR CO.

APPLICATION FOR INVESTIGATION AND NOTICE OF HEARING

Upon application of the Harley-Davidson Motor Company, Milwaukee, Wisconsin, the United States Tariff Commission on the 29th day of June, 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result, in whole or in part, of the duty or other customs treatment reflecting the concessions granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 369 (b)-------	Motorcycles, finished or unfinished.

Public hearing. The Commission on the 29th day of June 1951, ordered, as a part of the aforesaid investigation, that a public hearing be held on the 1st day of August 1951, at 10:00 a. m., in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its office in Washington, D. C., in advance of the hearing.

I certify that the above investigation was instituted and public hearing was ordered by the Tariff Commission on the 29th day of June 1951.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51–7812; Filed, July 5, 1951; 9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17990]

AUGUSTE SERVAY ET AL.

In re: Debt owing to Auguste Servay and others. D–28–13002–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Name and Last Known Address
Auguste Servay, Rothenberger Hof, Near Ruit, Germany.
Elisabeth Wettach, Frankfurt A. Main, Germany.
Lina Kirchner, Schlossplatz 20, Karlsruhe, Germany.
Lina Reinemuth, Finken-Kornstrasse 188, Kreiss Heilbronn, Germany.
Emilie Arny, Pforzheimer Strasse 4, Bauschlott, Germany.
Luise Arny, Hauptstrasse 10, Bauschlott, Germany.
Lisette Dehn, Pforzheimer Strasse 40, Bauschlott, Germany.
Emma Schaab, Im Pruefling 2, Frankfurt A. Main, Germany.
Auguste Schaab, Zaehringer Allee 21, Pforzheim, Germany.
Karl Schaab, Weitefeld A. D. Sieg, Germany.
August Schaab, Hauptstrasse 64, Bauschlott, Germany.
Emil Schaab, Bargen, Near Sinsheim, Germany.
Elsa Ehrler, Leopold Strasse 46, Karlsruhe, Germany.
Emilie Bauer, Erzberger Strasse 39, Karlsruhe, Germany.
Karl Dittus, Lange Strasse 38, Baden-Baden, Germany.
Wilhelm Dittus, Osten Strasse 6, Karlsruhe, Germany.
Wilhelm Schweickert, Hauptstrasse, Bauschlott, Germany.
Marie Schweickert, Hauptstrasse, Bauschlott, Germany.
Karl Lampert, Oelbronner Strasse, Bauschlott, Germany.
Emil Lampert, Hauptstrasse, Bauschlott, Germany.
Wilhelm Lampert, Hauptstrasse, Bauschlott, Germany.
Heinrich Heuser, Mannheim, Germany.
Auguste Sophie Heuser, also known as Mrs. Johann Georg Gember, Tal Strasse 35, Mannheim-Feudenheim, Germany.
Karl Heuser, Tal Strasse 35, Mannheim-Feudenheim, Germany.
Otto Heuser, Near Hanover, Germany.
Artur Walch, Scheunbergerstrasse, Pforzheim, Germany.
Emily Merwarth, also known as Emmy Merwarth, Heidelberg-Rohrbach, Germany.
Karl Schweikert, Heidelberg-Rohrbach, Germany.
Johanna Schertel, Ludwigshafen-Oppau, Germany.
Luise Hofsaess, Germany.
Ernestine Elsaesser, Pforzheimer Strasse 16, Bauschlott, Germany.
Emma Stoesser, Hauptstrasse 8, Bauschlott, Germany.
Carl Ludwig Schweigert, Germany.
Emma Bauman, Germany.
August Fredrich, Germany.
Luise Redinger, Germany.
Anna Fuchs, Germany.
Emily Frievogel, also known as Mrs. Wilhelm Frievogel, Germany.
Hermine Zentner, also known as Mrs. Osker Zentner, Germany.
Ida Klara Schabinger, also known as Mrs. Otto Schabinger, Germany.
Karoline Schwarz, also known as Mrs. Herman Schwarz, Germany.
Christian Weber (father), Germany.
Christan Weber (son), Germany.
Mina Meisenbacher, also known as Mrs. Max Meisenbacher, Germany.
Emil Weber, Germany.
Luise Schweitzer, also known as Mrs. Edmund Schweitzer, Germany.
Caroline Enzel, also known as Mrs. Christian Enzel, Germany.
Auguste Rothfuss, also known as Mrs. Matthew Rothfuss, Germany.
Emma Weber, also known as Mrs. Adolf Weber, Germany.
Emil Ziegler, Germany.
Frederich Ziegler, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation evidenced by a check dated April 14, 1951, drawn on The Elliott State Bank, Jacksonville, Illinois, by and payable to Joseph E. Winterbotham, in the amount of $3,200.00, and endorsed payable to the order of Harold I. Baynton, Assistant Attorney General, said check representing distributive shares from the Estate of Emma Swigart, deceased, and presently in the custody of the Attorney General of the United States, in an account entitled "Symbol Account 896-02, Collection Fund, Treasury Department", together with all rights in, to and under, including particularly but not limited to the right to presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, and by the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Emma Herb, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Luise Ziegler, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7692; Filed, July 3, 1951; 8:57 a. m.]

[Vesting Order 17967]

ALLRIKE KNOOP ET AL.

In re: Funds owned by Allrike Knoop and others. F-28-14778.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allrike Knoop, J. Allmer Knoop, Emilie Elisabeth Knoop, also known as Else Knoop, Johanne Knoop, also known as Johann Knoop, J. Hinrich Knoop and Gertrud Eva Hanna Knoop, each of whose last known address is Rechtenfleth, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", drawn for the payment of tax refunds authorized by the Bureau of Internal Revenue, Washington, D. C., to Ludor F. Knoop (deceased) in the amount of $60.96 as of January 1, 1947, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allrike Knoop, J. Allmer Knoop, Emilie Elisabeth Knoop, also known as Else Knoop, Johanne Knoop, also known as Johann Knoop, J. Hinrich Knoop and Gertrud Eva Hanna Knoop, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7748; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17963]

MARGARETTA BAETKE

In re: Funds owned by and claims of Margaretta Baetke. F-28-31367.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretta Baetke, whose last known address is Suelzburgerstrasse 263-I, Bei Droege Koeln-Lindenthal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of compensation to Margaretta Baetke, identified by Number 143-142-2 and in the amount of $1,150.14 as of January 1, 1947 together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to compensation benefits under the U. S. Employees Compensation Act of September 7, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess., 39 Stat. 742) to January 1, 1947 of Margaretta Baetke and identified by the Bureau of Employees Compensation, U. S. Department of Labor Reference No. 143-142-2, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7690; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17772]

NATIONALS OF GERMANY

In re: Inventions and disclosures thereof of Nationals of Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each of the inventors whose name and last known address are set forth in Exhibit A, set forth below and made a part hereof, is a resident of Germany, and is a national of a foreign country (Germany);

2. That the disclosures of the inventions identified in Exhibit B, set forth below and made a part hereof, originated in Germany, were received in the United States from Germany, and the owners of said disclosures and inventions, who there is reasonable cause to believe are inventors who are residents of Germany, are nationals of a foreign country (Germany);

3. That the property described as follows: The entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for letters patent for, the inventions shown or described in the disclosures identified in Exhibits A and B, set forth below and made parts hereof,

is property of the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

No. 130——6

EXHIBIT A

TC No.	Inventor	Last known address	Invention
3001	Werner Kunzer	44a Bechbettnerstrasse, Regensberg Bavaria, Germany.	Albuminous Spinning Fiber and Method of Its Production.
3002	Konrad Flader	Mühlburgweg, Erfurt-Hochheim, Germany.	Indicia Bearing Members for Calculating Machines.
3004	Johannes Linke and Arnold Schneider.	Residents respectively of Strasse 1, No. 62 Berlin-Tegel, Germany, and Bilber Allee 52, Dusseldorf, Germany.	Embrasure Shutter for Combat Planes.
3005	Georg Meier	217 Wetzendorferstrasse, Nuremberg, Germany.	Change Propelling Pencil.
3006	Hans Ulrich Amlong	28 Sauerlanderstrasse, Posen, Germany.	Method of Increasing the Yield of Plants.
3007	Hugo Schmelsser	5 Philosophenweg, Suhe, Thuringen, Germany.	A Detonating Machine Gun Dummy.
3008	Adolph Meutsch	20 Steenhausenstrasse, Essen, Germany.	Percussion Drill for Drilling Hard Rock.
3009	Joseph Ebert-Fritz Heinrich	Residing respectively at 5 Eschelbacherstrasse, Montabaur, Germany, and 5 Karlstrasse, Selters, Germany.	A Process for the Impregnation of Wood, Artificial Leather or the Like in Order to Protect Them From Animal Pest-Life, Fungi and Sponges.
3010	Herman Klaus	13 Kaiserstrasse, Berlin, Oberschöne-Weide, Germany.	Disc Brakes.
3011	Albert Pampel	80 Rauchstrasse, Hamburg-Wandsbeck, Germany.	Measuring Devices.
3012	Wilhelm Löbbe	Obraden near Lünen, Wesphalia, Germany.	A Mining Machine for Coal and Other Minerals.
3017	Gustav Fries	107 Bismarckstrasse, Berlin-Charlottenburg, Germany.	Speaking Machines.
3019	Herbert Berg; Paul Ernst; Julius Hiernels; Hans Machemer.	All residing at Berghauser Upper Bavaria, Germany	Method of Working Up High Molecular Polyvynl Chloride.
3020	Alois Detzel	10, Von Hessweg, Hamburg (26), Germany.	Process for the Purification of Heparin Preparations.
	Alexander Lang	23 Hammerberg, Hamburg 26, Germany.	
3021	Johann Heinrich	Bollestrasse 2, Berlin-Tegel, Germany.	Regulating Device.
3022	Walter Hass, Heinrich Sirnbig, Hans-Werner Faehr and Rolf Colberg. See also disclosures in German.	Klein-Machnow, Berlin, Germany, residing respectively at Telton near Berlin; Berlin Charlottenburg and Berlin-Lichterfelde, Germany.	Cathode Ray Tube Image Amplifier.
3024	Carl Zerbe	34 Klopstockstrasse Hamburg, Germany.	Refining Mineral Oil.
3026	Hermann Klein	17 Blucherstrasse, Varhingen-Rohr, Germany.	Starting Device for Internal Combustion Engines.
3030	Adelbert Stephan	78 Nisbuhrstrasse, Berlin-Charlottenburg, Germany.	Lighting Device for Cinematographic Projectors with Optical Equalization.
	Friedrich Schleich	11 Heubacherstrasse, Schwab, Gmünd, Germany.	Method of Rendering Washable Filter Paper for the Employment as Air and Gas Filter and the Production of Breathing Protectors from the Filter Paper.
	Friedrick Kocks	19 Weinheimer Strasse, Berlin-Schmargendorf, Germany.	Improvements in Plug Mills.
	Max Schaefer	c/o Otto Blankmeister, 10 Marienstrasse, Dresden 1, Germany.	Couplings.
	Paul Miller	c/o Dr. Oskar Arendt, 160 Karfurstendamm, Berlin-Halensee, Germany.	Safety Razors.
	Gustav Ringelhan	6 Augsburger Strasse, Dresden-A 19, Germany.	Lock.
	Otto Bochmann	37 Ringstrasse, Rhemscheid-Lennep, Germany.	Thread Guide Rollers.
	Otto Alfred Becker	201-205 Mainzer Strasse, Saarbruken, Germany.	Visible Index Card Holders.
	Christian Bossert	27 Kronprinzenstrasse, Pforzheim, Germany.	Magazine Pencil with Change Leads.
3031	Willi Fiedler	48 Hafelandstrasse, Berlin, 55, Germany.	Ear Caps.
3032	Heinrich Jungbluth	54 Karlstrasse Offenbach A. M., Germany.	Process of Tanning Chromo Leather.
	Karl Ludwig Lanninger	16 Auf der Insel, Fraukfort A. M., Rodelheim, Germany.	Method and Device for Driving in Nails.
3034	(a) Georg Wiggerman	15 Beethovenstrasse, Munchen-Gladbach, Germany.	Warping Machine.
	(b) Georg Wiggerman	do	Do.
	(c) Georg Wiggerman	do	Do.
	Walter Reiners and Stefan Furst.	54 Beethovenstrasse and 162 Viersenerstrasse, Munchen-Gladbach, Germany, respectively.	Yarn Guide.
	Carl Schwarz	7 Hardenbergstrasse, Berlin-Charlottenburg, Germany.	Reaction Contrivance for Shaft Furnaces.
3035	Waldemar Piltz and Johannes Ludecke.	46 Hazelhorster Damm Berlin-Hazelhorst, Germany, and 87 Weserstrasse Berlin-Neukölln, Germany, respectively.	Push Button Setting Device.
3037	Wilhelm Mennerich	3 Seestrasse, Potsdam, Germany	Antenna Amplifier.
3038	Hans Fricke	8 Lahnbergweg, Wetzlar, Germany	Optical System for Measuring Purposes.
	(a) Ludwig Leitz	15 Laufdorferweg, Wetzlar, Germany	Distance Meter.
	(b) Ludwig Leitz	do	Photographic Camera with Built-In Exposure Meter.
3038	Heinrich Broschke and Wilhelm Loh.	18 Helgebachstrasse and 28 Bruhlsbachstrasse, Wetzlar, Germany, respectively.	Indicating Device for Exposure Meters.
3042	Peter Burger	53 Theresienstrasse, Munich, Germany.	Air Flow Governing Means.
	Rudolph Kleeberger	7 Baehstelzenweg, Munich, Germany.	Device for Maintaining Constant Pressure in Conduits of Reservoirs Filled with Liquids or Gases.
3044	Bela Barényi and Karl Wilfert.	17 Johnstrasse Boblingen and 39 Calwerstrasse, Lindelfingen, Germany, respectively.	Suspension of Axle Aggregates.
	Karl Kollman and Victor Ulrich.	84 Schonbuchstrasse, Stuttgart Germany, 30 Friedrich Eltweinstrasse, Stuttgart, Bad-Cannstatt, Germany.	Device for the Regulation of the Output of Internal Combustion Engines, Especially for Aircraft.

EXHIBIT A—Continued

TC No.	Inventor	Last known address	Invention
3044	Karl Wilfert	39 Calwerstrasse, Lindelfingen, Germany.	Method of and Device for Controlling Change Speed Gears.
	Erwin Hitzelberger	5 Schonbuchstrasse, Rohr, Germany.	Collision Guard for Motor Vehicles.
3045	Richard Beck	1 Auf der Bastei, Mainz, Germany	A Process for Driving Out Occlusions of Gases from Surface Layers of Work Pieces.
3022	(d) Werner Hartmann	9 Landhausstrasse, Berlin-Wilmersdorf, Germany.	Process for the Manufacture of Photo-Cathodes and/or Secondary Remission Cathodes.
	(e) Rolf Möller	66 Heimdallstrasse, Klein-Machnow, Germany.	Control System for Braun Tubes.
	(f) Walter Hass	83 Erlenweg, Klein-Machnow, Germany.	Control for Candescent Cathodes.
	(g) Werner Hartmann	9 Landhausstrasse, Berlin-Wilmersdorf, Germany.	Method of Prolonging Life of Photo-Cathodes in Image Splitting Tubes, etc.
	(i) Wolfgang Dillenberger and Kurt Bruckerstein-kuhl.	80 Heimdallstrassee, Klein-Machnow, Berlin, Germany, and 6 Kausch-strasse, Berlin Friedenau, Ger., respectively.	Cathode Ray Tube with Magnetic Compensation.
	(j) Rudolf Behne and Walter Buhs.	5 Ansbacherstrasse, Berlin W. 50, Germany; 14 Ahrweiler Strasse, Berlin-Wilmersdorf, Germany.	Accumulation Tube for Separation of Images.
	(k) Rolf Golberg and Fritz Michels.	26 Schwattorstrasse, Berlin-Lichtenfelde, Germany; 98 (b) Schutzallee, Berlin Zehlendorf, Germany.	Pendulum Multiplier.
	(l) Peter Weinheimer	13 Elsheimerstrasse, Frankfort a/main, Germany.	Travelling Gantry Crane.

EXHIBIT B—INVENTION

Transmitter Tube for Television.
Compensation Switch for Television Tubes.
Process for the Elimination of Disturbances in Tubes Capturing Accumulating Images.

[F. R. Doc. 51-7689; Filed, July 3, 1951; 8:56 a. m.]

[Vesting Order 17969]

HANS MUSSEHL

In re: Funds owned by and debt and claim owing to Hans Mussehl. F-28-30556.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Mussehl, whose last known address is Henriettenstr. 77 b/ Sternkopf (24a) Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation evidenced by a check issued by the U. S. Treasury, payable to Hans Mussehl, said check numbered 40595283, dated September 26, 1946, in the amount of $3,036.85 and presently in the custody of the Claims Division, General Accounting Office, Washington, D. C. (Ref. No. 2691368), together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid check,

b. Those funds in the amount of $340.04 as of January 1, 1947, presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," and representing the proceeds of withheld checks drawn for the payment of compensation benefits to Hans Mussehl together with any and all rights to demand, enforce and collect the aforesaid funds, and

c. Any and all rights and claims to benefits under the U. S. Employees Compensation Act of September 7, 1916, as amended (Pub. Law 267, 64th Cong., 1st Sess., 39 Stat. 742), to January 1, 1947, of Hans Mussehl arising in connection with his employment by the Alaska Railroad and identified by Number EX 233311 and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Mussehl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7749; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17989]

JOHANNE RIETKOETTER

In re: Debts owing to and securities owned by Johanne Rietkoetter, also known as Johanna Rietkoetter. D-68-868.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Rietkoetter, also known as Johanna Rietkoetter, whose last known address is 21b Billerbeck 1/ West Osthellen 19, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by a trust certificate of the Seaboard Trust Company, in Dissolution, Hoboken, New Jersey, said certificate numbered 7932, in the face amount of $52.85, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid trust certificate,

b. Those certain debts or other obligations of the Seaboard Trust Company, in Dissolution, Hoboken, New Jersey, representing dividends payable to Johanne Rietkoetter on stock of the said Seaboard Trust Company, evidenced by two outstanding checks in the amount of $2.50 each, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under the aforesaid checks, and

c. Any and all rights, interests and claims in and to and arising out of a voting trust certificate, Numbered VT 6056, for five (5) shares of capital stock of the Seaboard Trust Company, Hoboken, New Jersey, including any and all rights in liquidation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanne Rietkoetter, also known as Johanna Rietkoetter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7750; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17994]

A. SARASIN & CIE.

In re: Accounts maintained in the name of A. Sarasin & Cie., Basle, Switzerland, and owned by persons whose names are unknown. F-63-2351.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of A. Sarasin & Cie, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) A. Sarasin & Cie., Basle, ordinary account, blocked account, (b) A. Sarasin & Cie., Basle, general ruling No. 6 account, (c) A. Sarasin & Cie., Basle, account provisoire, general ruling No. 6 account, as described by Brown Bros. Harriman & Co., in its OAP-700 report bearing its Serial No. 64. (d) A. Sarasin & Cie., Basle, ordinary account, blocked account, (e) A. Sarasin & Cie., Basle, general ruling No. 6 account; as described by Brown Bros. Harriman & Co., in its OAP-700 report bearing its Serial No. 65.
2. Dominick & Dominick 14 Wall St., New York 5, N. Y.	(a) A. Sarasin & Cie., Basle, consisting of cash, (b) A. Sarasin & Cie., Basle, general ruling No. 6 account, consisting of cash, (c) A. Sarasin & Cie., Basle, account No. 4214, general ruling No. 6 account, consisting of cash; as described by Dominick & Dominick in its OAP-700 report bearing its Serial No. 27. (d) A. Sarasin & Cie., Basle, consisting of stocks (both "payable in dollars" and "not payable in dollars"), (e) A. Sarasin & Cie., Basle, certified account, consisting of stocks; as described by Dominick & Dominick in its OAP-700 report bearing its Serial No. 28.

[F. R. Doc. 51-7751; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17995]

BANCA COMMERCIALE ITALIANA

In re: Accounts maintained in the name of Banca Commerciale Italiana (France), Marseille, France, and owned by persons whose names are unknown. F-38-961.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banca Commerciale Italiana (France) Marseille, France]

Column I Name and address of institution which maintains account	Column II Designation of account
Superintendent of Banks of the State of New York as liquidator of the business and property in New York of Banca Commerciale Italiana, 80 Spring St., New York, N. Y.	Liquidating dividend of 100 percent on 16 advised drafts outstanding, valued at $18,126 as described by the Superintendent of Banks of the State of New York as liquidator of the business and property in New York of Banca Commerciale Italiana on its report on Form OAP-700, bearing its Serial No. 20.

[F. R. Doc. 51-7752; Filed, July 5, 1951; 8:51 a. m.]

[Vesting Order 17998]

DE TWENTSCHE BANK

In re: Accounts maintained in the name of De Twentsche Bank, Rotterdam, Holland, and owned by persons whose names are unknown. F-29-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank Rotterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	De Twentsche Bank, Box 1117, Rotterdam, Holland, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 92.

[F. R. Doc. 51-7755; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 17996]

ROTTERDAMSCHE BANK N. V.

In re: Accounts maintained in the name of Rotterdamsche Bank N. V., or Rotterdamsche Bankvereeniging N. V., or Rotterdamsche Bankvereeniging, Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-702.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Rotterdamsche Bank N. V., or rotterdamsche Bankvereeniging N. V., or Rotterdamsche Bankvereeniging, Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Central Hanover Bank & Trust Co., 70 Broadway, New York 15, N. Y.	(a) Cash on deposit re distribution under plan of reorganization, and (b) Stock; as described by the Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 38.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old a/c blocked Holland, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 289; (b) a/c designated clients a/c-Dutch residents a/c (P.S 86273), and (c) a/c designated clients a/c-non-residents a/c as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 331.
3. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Ordinary blocked account, as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its serial No. 058; (b) Bonds and stocks, as described by the Bank of the Manhattan Co. in its report on form OPA-700, bearing its serial No. 059.
4. Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	(a) Rotterdamsche Bank N. V., Amsterdam, Holland, (b) Rotterdamsche Bank N. V., special Netherlands Belgium account, Amsterdam, Holland, and (c) Rotterdamsche Bank N. V., special Netherlands-Switzerland account, Amsterdam, Holland; as described by the Guaranty Trust Co. of New York in its report on Form OPA-700, bearing its Serial No. FB 94. (d) Rotterdamsche Bank N. V., blocked a/c tax treaty account (a/c IC 22486), Amsterdam, Holland, consisting of a miscellaneous portfolio of stocks and bonds; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0041; (e) Rotterdamsche Bank N. V., blocked account nontax treaty account (a/c XC 22487), Amsterdam, Holland, consisting of a miscellaneous portfolio of stocks and bonds, reported to be partly of undeterminable value; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0042.
5. Personal Trust, Irving Trust Co., 1 Wall St., New York 15, N. Y.	Blocked Dutch residents account, as described by the Personal Trust Division of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 43.
6. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Uncertified account, current account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0172.
7. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Deposit account, as described by the Bankers Trust Company in its report on form OAP-700, bearing its serial No. BK-5. (b) Miscellaneous stocks and bonds (tax treaty a/d), as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 9; (c) Miscellaneous stocks and bonds (nontax treaty a/c), as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 10.

[F. R. Doc. 51-7753; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 17999]

DE TWENTSCHE BANK N. V.

In re: Accounts maintained in the name of De Twentsche Bank N. V., The Hague, Holland, and owned by persons whose names are unknown. F-49-836.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank N. V., The Hague, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Custody cash account XC 16709, and (b) miscellaneous portfolio of stocks and bonds a/c XC 16709; as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0037.

[F. R. Doc. 51-7756; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 17997]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950 excluded from this vesting order [1]
Credit Suisse New Agency, 30 Pine St., New York 5, N. Y.	(a) Current account,	From the current account, $2,008,342.56, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, represents claims of Hungarian and Bulgarian organizations.
	(b) General ruling No. 6 account,	From the current account, $575, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, represents a claim of Mr. Alfred C. Turino.
	(c) Miscellaneous portfolio of stocks and bonds,	From the general ruling No. 6 account, $12,910.83, which, according to the report on Form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, is property of persons domiciled in Hungary and Roumania.
	(d) Miscellaneous portfolio of stocks and bonds (general ruling No. 6 account),	From miscellaneous portfolio of stocks and bonds (c), $76,350, European mortgage 7½ percent series B Corp. due 2/1/65, $105, coupons due 7/1/39 off $3,000, Hungarian Discount and Exchange Bank 7 percent 35 year S. F. communal G/Bd. due 7/1/63 and $1,085, coupons due 1/1/40 off $30,000, Hungarian discount & Exchange Bank 7 percent 35 year S. F. Communal G/Bd. due 7/1/63, which, according to the report on form OAP-700, filed by Credit Suisse New York Agency, bearing its Serial No. 27, is property of persons domiciled in Hungary.
	(e) Miscellaneous portfolio of stocks payable in foreign currencies,	From the current account, the following sums, as reported by Credit Suisse New York Agency in license application No. S-8-8-34, bearing its Serial No. 11572 AP (Zurich): $1,190.60 representing claims of persons or organizations domiciled in Bulgaria, Hungary and Roumania, $10,351.70 representing a claim of Julius Rosenwald, $205.20 representing a claim of Kurt Wolfgang Blumenthal, $285.05 representing a claim of Mrs. Marianne Boettner and $5,483.30 representing a claim of Paul Schulz.
	(f) Securities payable in dollars, of indeterminable value, and	From the current account, $346.20 and from the general ruling No. 6 account, $1,969.39, which, according to a letter dated Mar. 19, 1951, from Credit Suisse, New York Agency, represents part of the "Non-German" interest in the estate of Emil Tottien, threesteaths (2/10ths) interest in three (3).
	(g) Securities payable in foreign currencies, of indeterminable value; as described by Credit Suisse New York Agency in its report on Form OAP-700, bearing its Serial No. 27.	New York Central R. R. Co. Series A Ref. & Imp. Mtge. 4½ percent bonds, having an aggregate face value of $2,000, bearing the Numbers 62794, 91740, and 92068 and in one (1) Kingdom of Denmark 4½ percent bond of $1,000 face value, numbered M 30013, the remaining seven-tenths (7/10ths) interest having been vested by Vesting Order 17515.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7754; Filed, July 5, 1951; 8:52 a. m.]

[Vesting Order 18000]

DE TWENTSCHE BANK

In re: Accounts maintained in the name of De Twentsche Bank, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-833.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States:

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of De Twentsche Bank, Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Miscellaneous portfolio of stocks and bonds a/c XO 2710, as described by Guaranty Trust Co. of New York, in its report on Form OAP-700, bearing its Serial No. CU 0038.

[F. R. Doc. 51-7757; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18001]

INCASSO BANK N. V.

In re: Accounts maintained in the name of Incasso Bank N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-792 (Amsterdam).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Incasso Bank N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Incasso Bank N. V., Amsterdam, The Netherlands, blocked non-residents a/c (FS 46243), as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 257.
2. Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	Incasso Bank, N. V., Amsterdam, Holland, as described by the Central Hanover Bank & Trust Co., in its report on Form OAP-700, bearing its serial No. 5.
3. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, uncertified account, as described by The National City Bank of New York, in its report on Form OAP-700, bearing its Serial No. 0173.

[F. R. Doc. 51-7758; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18002]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, London, England, and owned by persons whose names are unknown. F-63-2748 (London).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated en-

emy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp., London, England]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) General ruling 6 a/c, (b) special a/c France-Switzerland, (c) special a/c Switzerland, and (d) special a/c Spain-Switzerland; as described by Swiss Bank Corp., New York Agency in its report on Form OAP-700, bearing its Serial No. 6078.

[F. R. Doc. 51-7759; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18009]

HOLLANDSCHE BANK UNIE N. V.

In re: Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1264.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
White, Weld & Co., 40 Wall St., New York 5, N. Y.	(a) Cash account, and (b) miscellaneous portfolio of stocks and bonds; as described by White, Weld & Co. in its report on Form OAP-700, bearing its Serial No. 5.	From the cash account the sum of $15,780 which according to Form OAP-700 bearing Serial No. 5 of White, Weld & Co., represents Hungarian and Bulgarian interests.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7761; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18016]

CARL FRIEDERICH DAUBE AND GABRIELE ELFRIEDE DAUBE

In re: Rights of Carl Friederich Daube and Gabriele Elfriede Daube under insurance contract. File No. F-28-31364-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Friederich Daube and Gabriele Elfriede Daube, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 964 392, issued by The Travelers Insurance Company, Hartford, Connecticut, to Carl Friederich Daube, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Carl Friederich Daube or Gabriele Elfriede Daube, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7762; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18022]

ISAO KUROMI

In re: Rights of Isao Kuromi, also known as Isao James Kuromi, under insurance contract. File No. F-39-5557-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isao Kuromi, also known as Isao James Kuromi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Isao Kuromi, also known as Isa James Kuromi, under a contract of insurance evidenced by policy No. 17 314 152, issued by the New York Life Insurance Company, New York, New York, to Isao Kuromi, also known as Isao James Kuromi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Ichie Kuromi, Toshiko Kuromi and Kiyoshi Kuromi, residents of the United States, and those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7763; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18007]

HOLLANDSCHE BANK UNIE N. V.

In re: Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands, and owned by persons whose names are unknown. F-49-1264.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hollandsche Bank Unie N. V., Amsterdam, the Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	$4,000 Prussia 6/52 A/O 15, as described by Carl M. Loeb, Rhoades & Co., in its report on Form OAP-700, bearing its Serial No. 4.
2. White, Weld & Co., 40 Wall St., New York, N. Y.	Miscellaneous portfolio of stocks and bonds, clients depot-Netherlands residents, as described by White, Weld & Co. in its report on Form OAP-700, bearing its Serial No. 6.

[F. R. Doc. 51-7760; Filed, July 5, 1951; 8:53 a. m.]

[Vesting Order 18044]

ALMA SCHMIDT

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased. F-28-14158.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one certificate of beneficial interest for 3.098 units in the Park Shore Liquidation Trust, Trust Number 2050, said certificate of beneficial interest bearing the number 849 and registered in the name of Alma Schmidt, together with any and all accruals to the aforesaid debt or obligation, and any and all rights to demand, enforce and collect the same, and all rights, in, to and under the aforesaid certificate of beneficial interest, including particularly but not limited to the proceeds of final distribution held by the Chicago City Bank and Trust Company, Halsted at 63rd, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Alma Schmidt, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7764; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18053]

MARCEL HEYMAN

In re: Accounts maintained in the name of Marcel Heyman, c/o Frederick Mayer, Executor, 111 South La Salle Street, Chicago, Illinois, and owned by persons whose names are unknown. F-27-10880.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Marcel Heyman (deceased), c/o Frederick Mayer, Executor, 111 South La Salle St., Chicago, Ill.]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
First National Bank in Houston, Houston, Tex.	Marcel Heyman (deceased) "special account", as described by the First National Bank in Houston, in its report on Form OAP-700, dated Jan. 11, 1951.	$6,132.00 in the "special account" which, according to the report on Form OAP-700 filed by the First National Bank in Houston, dated Jan. 11, 1951, is the property of Hippolite Bloch, 5 Rue de Turenne, Strasbourg, France.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-7769; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18045]

HEDWIG SCHULKE

In re: Stock owned by Hedwig Schulke. F-28-28809-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Schulke, whose last known address is Radeberg by Dresden, Otto Bauer Strasse 6, Saxonia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-one (21) shares of $25.00 par value Class A 7 percent stock of Hearst Consolidated Publications, Inc., Hearst Building, San Francisco 3, California, evidenced by certificates registered in the name of Hedwig Schulke and numbered as follows:

SFO-32291 for 1 share.
SFO-39668 for 2 shares.
SFO-39669 for 1 share.
SFO-44625 for 2 shares.
SFO-79662 for 2 shares.
SFO-80252 for 8 shares.
SFO-77813 for 3 shares.
SFO-82004 for 2 shares.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7765; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18047]

ELLA TRUNZER

In re: Debts owing to Ella Trunzer. F-28-26665-B-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Trunzer, whose last known address is Mark-Platz 13, Rodach bei Coburg, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ella Trunzer by Harold E. Korn, Standard Building, Fort Wayne 2, Indiana, representing funds received by the aforesaid Harold E. Korn for Ella Trunzer, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Old-First National Bank and Trust Company of Fort Wayne, Indiana, in Dissolution, evidenced by a check dated March 31, 1944, drawn on the Fort Wayne National Bank, Fort Wayne, Indiana, in the amount of $176.93, representing a sixth (final) and interest dividends payment of a claim, Claim Number 25400, proved against the aforesaid bank in dissolution, said check presently in the custody of the Comptroller of the Currency, Division of Insolvent National Banks, Washington 25, D. C., together with all rights in, to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ella Trunzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7766; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18058]

FREDRICK AND MARIA BECK

In re: Rights of Fredrick Beck and Maria Beck under insurance contract. File No. F-28-31449-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredrick Beck and Maria Beck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 26 687, issued by the Lutheran Mutual Life Insurance Company, Waverly, Iowa, to Fredrick Beck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Lutheran Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Fredrick Beck or Maria Beck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7772; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18049]

NOBORU FRANK TSUDA

In re: Funds owned by and claim of Noboru Frank Tsuda, also known as Noboro Tsuda. D-39-17146.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Noboru Frank Tsuda, also known as Noboro Tsuda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn for the payment of Social Security benefits to Noboru Frank Tsuda in the amount of $56.72 as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620), to January 1, 1947, of Noboru Frank Tsuda and identified by Federal Security Agency No. 565-18-5254-A, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7767; Filed, July 5, 1951; 8:54 a. m.]

[Vesting Order 18064]

CHARLOTTE HASSLER

In re: Rights of Charlotte Hassler under insurance contract. File No. F-28-31475-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Hassler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 255 387, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Herman R. Koetz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7777; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18050]

UJIGAWA ELECTRIC POWER CO., LTD.

In re: Account owned by Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha. F-39-698.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, the last known address of which is Umegaecho, Kitaku, Osaka, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, in and to a certain sinking fund account, a certain bond redemption account, and a certain coupon deposit account maintained with The National City Bank of New York, 55 Wall Street, New York, New York, entitled "Ujigawa Electric Power Company, Ltd., First Mortgage 7 Percent Sinking Fund Gold Bonds due March 15, 1945", together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ujigawa Electric Power Company, Ltd., also known as Ujigawa Denki Kabushiki Kaisha, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7769; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18055]

AUGUST DETLAF ALLHAUSEN

In re: Estate of August Detlaf Allhausen, deceased. File No. 017-26821.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Altwein, Lieselotte Horstmann, Anneliese Altwein, Mary Altwein, Fritz Neumann and Elizabeth Bauer, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the heirs, next-of-kin, legatees and distributees, names unknown, of August Detlaf Allhausen, deceased, except Ernest Kobisch, a resident of England, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Ernest Kobisch, a resident of England, and each of them, in and to the Estate of August Detlaf Allhausen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Sullivan County, New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Sullivan County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the heirs, next-of-kin, legatees and distributees, names unknown, of August Detlaf Allhausen, deceased, except Ernest Kobisch, a resident of England, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7770; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18057]

MARGUERITE E. BACHMANN, ET AL.

In re: Rights of Marguerite E. Bachmann, et al. under insurance contracts. Files No. F 28-22306 H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite E. Bachmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 20646663 and 29895811 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Marguerite E. Bachmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Marguerite E. Bachmann or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marguerite E. Bachmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7771; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18059]

FRED BREDEHOFT

In re: Rights of Fred Bredehoft under insurance contract. File No. F-28-29085-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Bredehoft, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. M 743 876 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Fred Bredehoft, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7773; Filed, July 5, 1951; 8:55 a. m.]

[Vesting Order 18060]

CARRIE BISHOP

In re: Estate of Carrie Bishop also known as Carrie W. Bishop, C. W. Bishop, Caroline Bishop, deceased. File No. D-28-13016; E. T. sec. 17141.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabetha (Lisette) Hey, nee Juelch, and Johannes Juelch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subpara-

graph 1 hereof, in and to the Estate of Carrie Bishop also known as Carrie W. Bishop, C. W. Bishop and Caroline Bishop, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7774; Filed, July 5, 1951 8:55 a. m.]

[Vesting Order 18062]

DR. LUDWIG BURGANER

In re: Rights of Dr. Ludwig Burganer under insurance contracts. Files No. F-28-31390-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Ludwig Burganer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Dr. Ludwig Burganer under contracts of insurance evidenced by policies No. 3299425 and 4130828, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ottilia E. Schindler, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7775; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18063]

LAURA DUNCAN AND ROSAMOND BLANCHARD VON COURTEN

In re: Trust under the will of Laura Duncan, deceased, for the benefit of Rosamond Blanchard von Courten. File No. F-28-14835; E. & T. sec. 6948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Irene Elisabeth Helene von Courten, Selina Bertha Olga Rosamond Annemarie Rommel, Nicholus Theodor Hans Jurgen Rommel, and Candida Eleonore Elisabeth Charlotte Rommel, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the trust established under the will of Laura Duncan, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by E. Sohier Welch and Archibald Blanchard as trustees, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7776; Filed, July 5, 1951; 8:56 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 131

Washington, Saturday, July 7, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10268

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE FORT RUGER MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands on the Island of Oahu, Territory of Hawaii, were reserved for military purposes by Executive Order No. 395–A of January 18, 1906, as modified by Executive Orders No. 1106 of July 1, 1909, No. 1377 of June 26, 1911, No. 1767 of April 28, 1913, and No. 6408 of November 7, 1933; and

WHEREAS the hereinafter-described parcels of such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described parcels of land comprising portions of the Fort Ruger Military Reservation, located on the Island of Oahu, Territory of Hawaii, are hereby restored to the jurisdiction of the Territory of Hawaii:

TRACT NO. 1

Beginning at concrete monument No. 19 at the west corner of this piece of land, on the southeasterly side of Lot 10 of Diamond Head Terrace, the coordinates of said point of beginning referred to Government Survey triangulation station "Diamond Head" being 349.65 feet south and 1,673.06 feet west, thence running by azimuths measured clockwise from true south:

1. 241° 30′ 00″ 330.69 feet along Diamond Head Terrace to concrete monument No. 18;
2. 310° 14′ 00″ 81.46 feet along the remainder of Tract I of Presidential Executive Order No. 6408 dated November 7, 1933;
3. 40 14′ 00″ 279.83 feet along the City and County of Honolulu's reservoir site to concrete monument 20;
4. 124° 32′ 50″ 218.43 feet to the point of beginning.

This tract is a portion of Tract No. 1 described in Executive Order No. 6408 of November 7, 1933.

The tract as described contains an area of 0.98 acre, more or less.

TRACTS NOS. 2, 3, AND 4

Tracts Nos. 2, 3, and 4 described in Executive Order No. 6408 of November 7, 1933.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 5, 1951.

[F. R. Doc. 51–7912; Filed, July 5, 1951; 4:23 p. m.]

LETTER OF JUNE 29, 1951

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE]

THE WHITE HOUSE,
Washington, June 29, 1951.

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951,[1] carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade and for other purposes.

Pursuant to the procedure described in Part I (b) (I) of that proclamation, I hereby notify you that the following (1) complete items in Part I of Schedule XX to the Torquay Protocol (in cases in which only the item designation is specified), and (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on and after July 7, 1951:

Item designation:	*Rate of duty*
31 (b) (1)	
218 (f)	22½% ad val.
304 [first]	
304 [second]	3/8¢ per lb. and 12½% ad val.
331 [second]	
353 [fourth]	
353 [fifth]	12½% ad val. [first such rate].
355	8¢ each and 17½% ad val.
	1¢ each and 12½% ad val. [first and second such rates].
	1¢ each and 17½% ad val. [second such rate].

[1] Proclamation 2929, 16 F. R. 5381.

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1949 Edition

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(For use during 1951)

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368 (g)	
372 [eighth]	12½% ad val.
397	12½% ad val. [first such rate].
774	1½¢ per lb.
1404	1¼¢ per lb. and 3¾% ad val.

Very sincerely yours,

HARRY S. TRUMAN

Honorable JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-7908; Filed, July 6, 1951; 8:54 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, a new paragraph (d) is added to § 6.155 as follows:

§ 6.155 *Economic Stabilization Agency.* * * *

(d) *Salary Stabilization Board*—(1) Chairman of the Board.

(2) Members of the Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 20.9 is amended to read as set out below. This amendment consists in the deletion of the word "fully" which occurs in two places in the present regulation. It is made because of complaints that some agencies, in the field service in particular, are applying the term "fully qualified" in such a manner that reassignments to continuing positions are unreasonably restricted.

§ 20.9 *Actions.* * * *

(b) *Reassignments to continuing positions in local commuting area.* Reassignment is required in lieu of separation or furlough, within the local commuting area, without interruption to pay status whenever possible, to an available position for which the employee is qualified, unless a reasonable offer of reassignment is refused. No displacement will be required to permit the reassignment of an employee unless such employee is qualified to perform the duties of the position in question without undue interruption to the work program. Subject to these conditions, reassignment is required in each of the following cases; * * *

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7880; Filed, July 6, 1951; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1951]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.314 *Fresh Pea Order 1—1951*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CPR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to the handling of fresh peas, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237), in that, as hereinafter set forth, the time intervening between the date when information upon which

this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as soon as possible. A reasonable determination as to the supply of, and the demand for such peas must await the development of the crop; adequate information with respect to acreage was not available to the Administrative Committee until June 11, 1951; the supply and quality of fresh peas is subject to change by weather conditions and adequate information thereon as a basis for recommendation as to the need for, and the extent of, regulation of shipments of such peas was therefore not available until a short time before the beginning of harvest; such recommendation was made by the Administrative Committee at a meeting on June 22, 1951, after consideration of all available information relative to the supply and demand conditions for such peas, and submitted to the Department; and the committee gave prompt and adequate notice to handlers and producers of the recommended regulation and effective time thereof; shipments of the current crop of such peas are expected to begin on or about July 10, 1951, and this section should be applicable to all shipments of such peas in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 10, 1951, and ending at 12:01 a. m., m. s. t., September 11, 1951, no handler shall handle any fresh peas unless such peas grade at least U. S. No. 1 and are of a minimum pod length of three (3) inches.

(2) As used in this section, the terms "peas," "handler," and "handle" shall have the same meaning as when used in the amended marketing agreement and order; and the term "U. S. No. 1" shall have the same meaning as set forth in the United States Standards for Fresh Peas (14 F. R. 564) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 910).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington this 3d day of July, 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-7875; Filed, July 6, 1951; 8:53 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

EDITORIAL NOTE: Federal Register Document 51-7642, appearing at page 6347 of the issue for Saturday, June 30, 1951, designated § 936.383, should be designated § 936.409.

[Lemon Reg. 390]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.497 *Lemon regulation 390*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 3, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 8, 1951, and ending at 12:01 a. m., P. s. t., July 15, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 389 (16 F. R. 6357), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 953; 14 F. R. 3612)

Done at Washington, D. C. this 5th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7926; Filed, July 6, 1951; 9:45 a. m.]

[Orange Reg. 379]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.525 *Orange regulation 379.*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 5, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 8, 1951, and ending at 12:01 a. m. P. s. t., July 15, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1000 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 6th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., July 8, 1951, to 12:01 a. m., P. d. s. t., July 15, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0786
A. F. G. Corona	.0425
A. F. G. Fullerton	.9985
A. F. G. Orange	.4161
A. F. G. Riverside	.1285
A. F. G. San Juan Capistrano	.6373
A. F. G. Santa Paula	.4997
Endington Fruit Co., Inc	5.5843
Hazeltine Packing Co	.3587
Krinard Packing Co	.2056
Placentia Cooperative Orange Association	.5380
Placentia Pioneer Valencia Growers Association	.5900
Signal Fruit Association	.0988
Azusa Citrus Association	.5027
Covina Citrus Association	1.2749
Covina Orange Growers Association	.5071
Damerel-Allison Association	.7096
Glendora Citrus Association	.4261
Glendora Mutual Orange Association	.3748
Valencia Heights Orchard Association	.4246
Gold Buck'e Association	.4478
La Verne Orange Association	.5506
Anaheim Valencia Orange Association	1.3356
Fullerton Mutual Orange Association	2.9470
La Habra Citrus Association	1.1177
Yorba Linda Citrus Association, The	1.0950
Escondido Orange Association	2.3071
Alta Loma Heights Citrus Association	.0593
Citrus Fruit Growers	.1409
Etiwanda Citrus Fruit Association	.0316
Old Baldy Citrus Association	.0630
Rialto Heights Orange Growers	.0555
Upland Citrus Association	.3403
Upland Heights Orange Association	.0394
Consolidated Orange Growers	1.8027
Frances Citrus Association	1.2858
Garden Grove Citrus Association	1.7403
Goldenwest Citrus Association	1.7043
Irvine Valencia Growers	3.7473
Olive Heights Citrus Association	2.5816
Santa Ana-Tustin Mutual Citrus Association	.9071
Santiago Orange Growers Association	3.6791
Tustin Hills Citrus Association	2.1808
Villa Park Orchards Association	2.0258
Bradford Bros., Inc	.8945
Placentia Mutual Orange Association	3.9462
Placentia Orange Growers Association	3.2058
Yorba Orange Growers Association	.8210
Call Ranch	.0687
Corona Citrus Association	.3655
Jameson Co	.1291
Orange Heights Orange Association	.5819
Crafton Orange Growers Association	.2612
East Highlands Citrus Association	.0596
Redlands Heights Groves	.1947
Redlands Orangedale Association	.1623

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

District No. 2—Continued

Handler	*Prorate base (percent)*
Rialto-Fontana Citrus Association	0.1009
Break & Son, Allen	.0454
Bryn Mawr Fruit Growers Association	.1039
Mission Citrus Association	.1451
Redlands Cooperative Fruit Association	.2575
Redlands Orange Growers Association	.1472
Redlands Select Groves	.2205
Rialto Orange Co	.1966
Southern Citrus Association	.1173
United Citrus Growers	.2106
Zilen Citrus Co	.0371
Arlington Heights Citrus Co	.1141
Brown Estate, L. V. W	.1291
Gavilan Citrus Association	.1410
Highgrove Fruit Association	.0592
McDermont Fruit Co	.1216
Monte Vista Citrus Association	.1844
National Orange Co	.0492
Riverside Heights Orange Growers Association, The	.0322
Sierra Vista Packing Association	.0414
Victoria Avenue Citrus Association	.1602
Claremont Citrus Association	.1137
College Heights Orange & Lemon Association	.3461
Indian Hill Citrus Association	.2204
Pomona Fruit Growers Exchange	.3159
Walnut Fruit Growers Association	.5323
West Ontario Citrus Association	.1822
El Cajon Valley Citrus Association	.1998
Escondido Cooperative Citrus Association	.2874
San Dimas Orange Growers Association	.3141
Canoga Citrus Association	.8641
North Whittier Heights Citrus Association	.7497
San Fernando Heights Orange Association	.7633
Sierra Madre-Lamanda Citrus Association	.3293
Camarillo Citrus Association	1.3343
Fillmore Citrus Association	3.0402
Mupu Citrus Association	1.9116
Ojai Orange Association	.6597
Piru Citrus Association	2.1050
Rancho Sespe	.7730
Santa Paula Orange Association	1.0441
Tapo Citrus Association	.7558
Ventura County Citrus Association	.3735
Limoneira Co	.4004
East Whittier Citrus Association	.3493
Murphy Ranch Co	.7991
Anaheim Cooperative Orange Association	2.2316
Bryn Mawr Mutual Orange Association	.1403
Chula Vista Mutual Lemon Association	.0871
Euclid Avenue Orange Association	.5091
Foothill Citrus Union, Inc	.1222
Fullerton Cooperative Orange Association	.3932
Garden Grove Orange Cooperative, Inc	1.3040
Golden Orange Groves, Inc	.1706
Highland Mutual Groves, Inc	.0090
Index Mutual Association	.4134
La Verne Cooperative Citrus Association	1.7049
Olive Hillside Groves, Inc	.7033
Orange Cooperative Citrus Association	2.0385
Redlands Foothill Groves	.4073
Redlands Mutual Orange Association	.1515
Ventura County Orange & Lemon Association	1.1600
Whittier Mutual Orange & Lemon Association	.1523
Babijuice Corp. of California	.8136

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

District No. 2—Continued

Handler	*Prorate base (percent)*
Banks, L. M.	0.7090
Becker, Samuel Eugene	.0093
Bennett Fruit Co.	.1074
Borden Fruit Co.	.5357
Cappos Bros. Produce	.0072
Cherokee Citrus Co., Inc.	.1079
Chess Co., Meyer W.	.4295
Dozier, Paul M.	.0126
Dunning Ranch	.0488
Evans Bros. Packing Co.	.6471
Gold Banner Association	.1731
Granada Hills Packing Co.	.0328
Granada Packing House	.6926
Hill Packing Co., Fred A.	.0624
Knapp Packing Co., John C.	.5116
L Bar S Ranch	.1089
Lawson, William J.	.0058
Lima & Sons, Joe	.1076
Orange Belt Fruit Distributors	1.2651
Orange Hill Groves	.0131
Otte, Arnold	.0622
Panno Fruit Co., Carlo	.3252
Paramount Citrus Association	.7278
Patitucci, Frank L.	.0091
Placentia Orchard Co.	.5219
Prescott, John A.	.0191
Redlands Fruit Association, Inc.	.0147
Riverside Citrus Association	.0235
Ronald, P. W.	.0210
San Antonio Orchard Co.	.2378
Stephens, T. F.	.2233
Summit Citrus Packers	.0172
Treesweet Products Co.	.2472
Wall, E. T., Grower-Shipper	.1336
Western Fruit Growers, Inc.	.4652

[F. R. Doc. 51-7946; Filed, July 6, 1951; 11:31 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

HEARINGS FOR THE PURPOSE OF TAKING EVIDENCE

1. Effective June 28, 1951, Part 263 is amended in the following respects:

a. Paragraph (j) of § 263.3 is amended to read as follows:

§263.3. *Hearings for the purpose of taking evidence.* • • •

(j) Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing, or requiring the production of documentary evidence, will be issued only by the Board, or such person as the Board may designate for this purpose, and as authorized by law. Application may be made either to the Secretary of the Board or to the person so designated by the Board. Such application must be in writing and must state, as definitely as practicable, the reasonable scope of the evidence sought (reasonably identifying any document desired) and the facts to be proved thereby, in sufficient detail to indicate the materiality and relevance thereof.

b. Paragraph (k) of § 263.3 is amended to read as follows:

(k) Witnesses summoned by the Board at the request of the respondent or of counsel for the Board will be paid the same fees and mileage that are paid to witnesses in the courts of the United States. Such payments as witnesses may be entitled to receive under this section shall be made by the party at whose instance the witnesses appear.

2. a. The purpose of these amendments is to clarify the provisions relating to the issuance of subpoenas and the payments of fees to witnesses.

b. Notice, public participation, and deferred effective date are not required by section 4 of the Administrative Procedure Act for rules of agency procedure or practice, and therefore were not provided in connection with the adoption of these amendments.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-7831; Filed, July 6, 1951; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 63 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 370.9 *In-transit shipments without unloading*, is amended by adding thereto a note reading as follows:

NOTE: Any commodity which is excepted from the provisions of General In-Transit License GIT (§ 371.9 (c)) and which is manifested to the United States requires a validated license for on-forwarding to all destinations, regardless of whether unladen from a vessel in waters subject to the jurisdiction of the United States.

Commodities which are not so excepted unless originating in Japan or Canada pursuant to § 371.9 (b)) may be on-forwarded under the provisions of § 371.9 to all destinations except Subgroup A countries, Hong Kong, and Macao, as provided in §§ 384.6 and 384.9.

This part of the amendment shall become effective as of June 28, 1951.

2. Section 373.5 *Special provisions for chemicals and medicinals*, is amended to read as follows:

§ 373.5 *Special provisions for chemicals and medicinals*—(a) *General.* All applications for dicense to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Bismuth salts and compounds.* All applications for licenses to export bismuth salts and compounds (bulk), Schedule B No. 813583, shall include (in addition to the total net weight of the commodity) the weight in pounds of bismuth contained in the commodity. This information shall be entered under item 9 (b) of Form IT-419.

This part of the amendment shall become effective as of June 28, 1951.

3. Section 373.16 *Special provisions for certain commodities: evidence of availability* is amended in the following particulars:

Paragraph (b) *Commodities* is amended to read as follows:

(b) *Commodities.* The requirements of this section are applicable to the following Positive List commodities:

Sulfur, crude, crushed, ground, refined, sublimed, and flowers: Schedule B Nos. 571400 and 571500.

All iron, steel, and nonferrous products with the processing codes STEE and NONF, except copper, steel, and aluminum in the shapes and forms described in Schedule I of CMP Regulation 1.[1] (A copy of Schedule I of CMP Regulation 1 is printed as Supplement 2 to Part 398.)

Rayon and special chemical grades of bleached sulfite wood pulp; sulfite wood pulp, bleached, other than rayon and special chemical grades; sulfite wood pulp, unbleached; soda wood pulp; sulfate wood pulp, unbleached; sulfate wood pulp, semi-bleached; ground-wood pulp; other wood pulp and screenings: Schedule B Nos. 460100 through 461900.[2]

Waste-waste tinplate: Schedule B No. 604000.

Construction, excavating and conveying machinery: Schedule B Nos. 720110 through 721500, 722200 through 723510, and 729100.[3]

Tractors, tracklaying type, and parts: Schedule B Nos. 787310 through 787560, and 788901.[3]

This part of the amendment shall become effective as of June 28, 1951.

4. Section 398.4 *Priority assistance for essential export requirements*, is amended by adding thereto a new paragraph (d) to read as follows:

(d) *Steel drums for shipment of petroleum products.* Requests for supply assistance for steel drums to contain petroleum products for export should be submitted pursuant to the provisions of paragraph (b) of this section. The request shall give the information required under paragraph (b) of this section. Information as to end use, effect upon the production or activity abroad, relationship of the production or activity abroad with any of the three categories of export requirements, and validated export license information (paragraphs (b) (5), (8), (11), and (12) of this section) shall relate to the petroleum products to be contained and exported in the drums. The information required by all other subparagraphs of paragraph (b) of this section shall relate to the steel drums.

In addition, the request for supply assistance for such steel drums shall state the name and address of the supplier from whom the applicant normally obtains his requirements for steel drums, the city or town in the United States where the drums will be filled, and a complete description of the petroleum products (including Schedule B number, quantity, and value) to be exported in the drums.

NOTE: Pursuant to a Directive by the National Production Authority, supply assistance will be granted for approximately 125,000 steel drums per month for use as export containers of petroleum products, during the months of June, July, August, and September 1951. Such drums will be 55 gallon capacity and of 18 gauge and lighter. It is estimated that 125,000 drums per month represent approximately 12.5% of the total number of drums necessary each month for the export of licensed quantities of petroleum products normally exported in drums.

The OIT will recommend action to be taken on individual requests (submitted to it) to the National Production Authority. Upon approval of the request, NPA will issue instructions to individual suppliers of steel drums to deliver a stated quantity of steel drums to a named exporter.

This part of the amendment shall become effective as of June 28, 1951.

5. Section 398.5 *Assignment of DO ratings by OIT for Controlled Materials Plan materials*, is amended, in the following particulars:

The following commodities are added to the materials listed in paragraph (c) *Transitional provisions*, subparagraph (2):

Dept. of Commerce Schedule B No.	Commodity
661000	Nickel silver, or German silver, in the following forms (if copper content is 40 percent and over): bars, rods and sheets (copper content) (specify by name).
664905	Beryllium metals, alloys, and scrap in the following forms: beryllium copper rods, beryllium copper strips, beryllium copper wire, and beryllium powder (copper content) (specify by name).
664998	Copper alloys, except brass, bronze, nickel, or gold, in the following forms (if copper content is 40 percent and over): bars, rods, bare wire, shapes, sheet, strip plate, rolls, pipe, tubing castings, and powder (copper content) (specify by name).
669198	Metal and metal composition manufactures, n. e. s. in the following forms: beryllium alloy castings, beryllium alloy tubes, beryllium metal castings, beryllium metal tubes, phosphor copper powder, cupro-nickel strips, cupro-nickel wire, copper nickel wire, nickel silver wire, and dumet wire (copper content) (specify by name).
	Electrical machinery and apparatus
709810	Building wire and cable.
709830	Weatherproof and slow burning wire.
709850	Insulated copper wire, n. e. s. (copper content) (specify by name).

[1] This amendment was published in Current Export Bulletin No. 626, dated June 28, 1951. The note added to § 370.9 was published in the reprint pages (dated June 28, 1951) for the Comprehensive Export Schedule. These pages were issued with Current Export Bulletin No. 626.

[1] The provisions of this section shall become effective July 16, 1951, with respect to commodities coded NONF made subject to such provisions by CEB 626.

[2] Effective July 2, 1951.

[3] Effective July 16, 1951.

This part of the amendment shall become effective as of June 28, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp. E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7824; Filed, July 6, 1951; 8:45 a. m.]

[5th Gen. Rev. of Report Regs. Amdt. P. L. 54 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities*, is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
706500	Electric incandescent and fluorescent lamp (bulb and tube) parts, except glass bulb and tube blanks: Tungsten contacts and filaments	.....	NONF	None	RO
707550	X-ray apparatus: Tungsten X-ray targets	.....	NONF	None	RO
709998	Electrical apparatus and parts, n.e.s.: Tungsten wire coils	.....	NONF	None	RO

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

2. Certain commodities are changed from R to RO commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
206000	Pneumatic tires and casings, new and used: Other truck and bus casings	No.	RUBR 9	250	RO
206030	Other off-the-road casings (except farm tractor and implement)	No.	RUBR 9	250	RO
206450	Farm tractor and implement casings	No.	RUBR 9	250	RO
206490	Other industrial casings	No.	RUBR 9	250	RO
206905	Tire sundries and repair materials: Camelback	Lb.	RUBR 9	100	RO
209800	Compounds of rubber or latex for use in further manufacture: Masterbatch	Lb.	RUBR 13	100	RO
608200	Wire and manufactures: Galvanized wire: Tie wires for reinforcing bars	Lb.	STEE 38	100	RO
609109	Coated wire, iron and steel, n. e. s., except alloy	Lb.	STEE 38	1,000	RO
609198	Other wire and manufactures: Other iron and steel wire manufactures, n. e. s.	Lb.	STEE 38	100	RO
620663	Carbonyl iron powder, for use in the manufacture of magnetic cores for radio and other electrical equipment, and also in pyrotechnics	Lb.	STEE 38	10	RO
663900	Tungsten carbide tool blanks, tips, and inserts (report tungsten carbide metal-cutting tools for machine operation in 744351).	Lb.	TOOL	25	RO
706200	Other electrical apparatus: Starting, lighting and ignition equipment, except spark plugs	.....	TRAN	100	RO
731150	Mining and quarrying machinery: Rock drill bits, detachable, tungsten carbide type	No.	MINE	None	RO
830980	Acids and anhydrides: Inorganic acids and anhydrides, n. e. s.: Tungstic acid and anhydride	Lb.	ACID	25	RO

This part of the amendment shall become effective as of 12:01 a. m., July 1, 1951.

3. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing Code and related commodity Group	GLV dollar value limits	Validated license required
209901	Synthetic rubbers (dry rubber content): Buna S (copolymers of butadiene and styrene) [1]	Lb.	RUBR 14	100	RO
733990	Parts for mining and quarrying machinery: Other parts for mining and quarrying machinery included on the Positive List under Schedule B Nos. 730500 through 733910 for which validated license is required to K and O country destinations.[2]	.....	CONS	100	RO
733990	Other parts for mining and quarrying machinery included on the Positive List under Schedule B Nos. 730500 through 733910 for which validated license is required to R country destinations.[2]	.....	CONS	100	R

[1] The effect of this amendment is to extend the coverage to include Buna-S synthetic rubbers other than GR-S type, which type is already on the Positive List.

[2] The above revised entries are substituted for the third entry presently on the Positive List under Schedule B No. 733990 (Other parts for mining and quarrying machinery, etc.). The effect of this amendment is to change from R to RO control the parts presently included in the third entry for the specific mining and quarrying machinery subject to RO control, under Schedule B Nos. 730500 through 733910.

[1] This amendment was published in Current Export Bulletin No. 626, dated June 28, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
761250	Cannery machinery and parts: Tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[2]	----------	GIEQ	25	RO
761600	Vegetable-oil mill machinery, and parts: Tanks, vats, kettles, piping, and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[2]	----------	GIEQ	25	RO
761950	Food-processing machinery and parts, n. e. s.: Tanks, vats, kettles, piping, and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined, 620915 if lined).[2]	----------	GIEQ	25	RO
839600	Other industrial chemicals: Tungsten chlorides, oxides, salts, and all compounds [4]	----------	SALT 65	25	RO

[1] The above revised entries are substituted for the present three entries on the Positive List for acid-resistant tanks, kettles, piping and fixtures made of alloy steel under Schedule B Nos. 761250, 761600, and 761950, respectively. The effect of these amendments is to extend the coverage of the present entries; to include all tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A"; to change from R to RO control all commodities included in the present entries; to add vats to the Positive List as RO commodities by including them in these revised entries; and to reduce the GLV dollar-value limits for the present entries for these commodities under Schedule B Nos. 761600 and 761950, respectively, from $100 to $25.

[4] The above revised entry is substituted for the entry on the Positive List under Schedule B No. 839600 for tungsten compounds, all. This changes the commodity description without making any substantive change in commodity coverage. The substantive effect of this amendment is to change from R to RO control the commodities included in the entry.

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

4. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodity listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
830300	Acids and anhydrides: Sebacic acid	None

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1951.

5. The following commodities are removed from the Positive List and placed on general license for exportation to all Group O destinations and to all Group R destinations except those in Subgroup A, Hong Kong, and Macao. Exporters are advised that only those items listed below opposite the specific Schedule B numbers are removed from the Positive List.

Dept. of Commerce Schedule B No.	Commodity
839200 839900	Other industrial chemicals: Nitrates, industrial:[1] Persulfates, n. e. s.:[2]

[1] Attention is directed to the fact that the following nitrates remain on the Positive List: cellulose nitrate, Schedule B Nos. 825200, 825300, and 825400; potassium nitrate, Schedule B No. 833600; ammonium nitrate, Schedule B No. 838100; guanidine nitrate, Schedule B No. 838500; and barium nitrate, Schedule B No. 839000.

[2] Attention is directed to the fact that the following persulfates remain on the Positive List: potassium persulfate, Schedule B No. 833900; sodium persulfate, Schedule B No. 837990; and ammonium persulfate, Schedule B No. 838600.

This part of the amendment shall become effective as of June 28, 1951.

6. Certain commodities are changed from RO to R commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing Code and related commodity group	GLV dollar value limits	Validated license required
825950	Plastic and resin materials: Synthetic gums and resins in all unfinished forms, except laminated (report laminated sheets, plates, strips, rods, and tubes in 826000): Synthetic gums and resins, including film, bristles, and bristle filament, n.e.s.: All other unfinished forms: Polyacrilic	Lb.	RESN 66	100	R

This part of the amendment shall become effective as of June 28, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2, 3 and 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 3, 1951, in the case of the changes set forth in Parts 1, 3 and 4 of this amendment, and prior to 12:01 a. m., July 1, 1951, in the case of the changes set forth in Part 2 of this amendment, may be exported under the previous general license provisions up to and including July 28, 1951. Any such shipment not laden aboard the exporting carrier on or before July 28, 1951, requires a validated license for export.

Section 399.2 *Appendix B—Interpretations: Positive List of Commodities,* is amended to read as follows:

APPENDIX B

COMMODITY INTERPRETATIONS

The commodity interpretations set forth herein are for use in determining (1) the appropriate Schedule B number under which certain commodities are classified, or (2) the validated license requirements for these commodities. They are intended to clarify the question of control where it has been demonstrated that such clarification may prove helpful to the export community, and where such control is not apparent from the Positive List and the regulations.

INTERPRETATION 1: PIPE: CASING AND OIL-LINE

(1) Casing and oil-line pipe, Schedule B Nos. 606250, 606290, 606350, and 606390, have in the past been exported in considerable quantities under general license as pump installation parts. Such shipments were permissible, since pump installation parts do not require validated licenses for export. However, it is necessary to set forth a limitation on the quantity of these commodities that may be exported under general license as pump installation parts.

(2) It has been decided, therefore, that a maximum of 250 feet of the above-described pipe or casing may be exported under general license provided such pipe accompanies the pump requiring its use for installation purposes and also provided such pipe is of appropriate size and type for use with that pump. A validated license is required for any quantity in excess of 250 feet. If, however, the pipe is being shipped separately from the pump, a validated license is required for the full amount of the shipment if it exceeds the GLV value of the commodity.

INTERPRETATION 2: EXPORT OF MACHINES CONTAINING A TOOL OR DEVICE INCORPORATING DIAMONDS

(1) Machines containing as an integral part thereof a tool or device incorporating diamonds are included on the Positive List, and a validated license is required for export of such a machine to any foreign destination.

(2) This interpretation in no way changes the special provisions for diamonds set forth in § 373.9.

INTERPRETATION 3: BALL AND ROLLER BEARINGS AND PARTS

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 769100–769315 (Ball and roller bearings and parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

INTERPRETATION 4: THERMOMETERS

Commodity	Schedule B No.
Thermometers, etched glass stem type	910098
Thermometers, clinical	915750
Thermometers, household type	984098
Other thermometers not falling within the above-named categories	774098

INTERPRETATION 5: PORTABLE SOIL IRRIGATION SYSTEMS

Commodity	Schedule B No.
Portable soil irrigation systems, consisting of specially fabricated pipe and fittings, regardless of length and diameter of such pipe.	787150
Pipe as spares or replacements: Specially fabricated [1] Not specially fabricated	787190 Report in tubular products, according to material.
Fittings as spares or replacements: Specially fabricated for soil irrigation systems Not specially fabricated for soil irrigation systems: If identifiable as pipe fittings If not identifiable as pipe fittings	787150 Report as "pipe fittings," according to type and material. Report as "manufactures," according to material (e. g., aluminum; 626538; iron and steel, 629950).
Pumps, whether or not shipped with the irrigation system	Report in appropriate pump classification.

[1] At least one of the following descriptions shall be applicable in describing portable soil irrigation pipe in order to consider it "specially fabricated":
1. Permanently attached handles for easy handling.
2. Attached quick-action couplings.
3. Beaded and/or cupped pipe ends for special adapters.
4. 10 percent or more of pipe area perforated.

This part of the amendment shall become effective as of June 28, 1951.

Section 399.3 *Appendix C—Commodity Processing Codes,* is amended in the following particulars:

The processing codes for certain commodities are amended to read as set forth below. By this part of the amendment changes are also made in processing codes for Positive List entries (§ 399.1, Appendix A).

Dept. of Commerce Schedule B No.	Commodity	Processing code
724600	Conveyors, bucket, chain, or belt, for coal-mining operations [1]	MINE
729100	Other conveying equipment and parts: Conveyors and parts for coal-mining operations; all-electric vibrating conveyors, and parts;[2]	MINE
729190	Magnetic pulleys and drums 30 inches in diameter and over, either induced or primary; and parts,[1]	MINE
730300–733600	Mining and quarrying machinery [1]	MINE
784010–787367	Tractors, track-laying [4]	CONS
787010–787860	Tractors, wheel type and garden [4]	AGMT
788601	Parts and accessories for track-laying tractors	CONS
788605	Parts, and accessories for wheel type tractors	AGMT

[1] In the Commodity Processing Code list the construction, excavating and conveying machinery classified under Schedule B Nos. 723410–724610 and 724300 except those specifically listed above retain the processing code of CONS.

[2] In the Commodity Processing Code list all the conveying equipment and parts classified under Schedule B No. 729100 except those specifically listed in the above two entries retain the processing code of CONS.

[3] In the Commodity Processing Code list all petroleum field and refining equipment, and parts; pumping equipment, and parts classified under Schedule B Nos. 734210–736260 retain the processing code of CONS. This includes both Positive List and non-Positive List commodities.

[4] The processing codes for the present entries on the Positive List under Schedule B Nos. 787310–787597 and 788601 are changed from FARM to CONS 1. This permits the filing of single applications for Positive List commodities having the same processing code symbol and number.

[4] The processing codes for the present entries on the Positive List under Schedule B Nos. 787610–787850 and 788605 are changed from FARM to AGMT.

This part of the amendment shall become effective as of July 1, 1951.

The processing codes for certain commodities are amended as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing code
706590	Electric incandescent and fluorescent lamps (bulb and tube) parts, except glass bulb and tube blanks: Tungsten contacts and filaments [1]	NONF
707550	X-ray apparatus: Tungsten X-ray targets [2]	NONF
709905	Electrical apparatus and parts, n. e. s.: Tungsten wire coils [2]	NONF

[1] The electrical machinery and apparatus classified under Schedule B Nos. 706710–706555 retain the processing code of CDGS.

[2] The X-ray apparatus classified under Schedule B Nos. 707510, 707550 (except those specifically listed above); and the electric therapeutic apparatus and parts, n. e. s. except X-ray, retain the processing code of SATE.

[3] The electrical machinery and apparatus classified under Schedule B Nos. 709890, 709905, and 709998 (except those specifically listed above), retain the processing code of ELME.

(Sec. 3, 63 Stat. 7; 50 U. S. C. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp. E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7823; Filed, July 6, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 385]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 380]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

VARIOUS STATES

Amendment 385 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 380 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 31, is amended to describe the counties in the Defense-Rental Area as follows:

Sutter County; and Yuba County, except the Cities of Marysville and Wheatland, and the portion of Yuba County described as follows:

All north and east of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North Range six (6) East MDB&M and running thence west along said Township line to the southwest corner of said Township; then north along the west line of Township seventeen (17) and eighteen (18) North, Range six (6) East to the poin' where said line intersects the line between Butte County and Yuba County.

Butte County, except the City of Gridley, and that portion described as follows:

All north and east of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T. 18 N., R. 5 E. and T. 18 N., R. 6 E., thence north in Butte County along the east lines of T. 18 N., R. 5 E., T. 19 N., R. 5 E. and T. 20 N., R. 5 E. to NE. corner of T. 20 N., R. 5 E.; thence west along north line of T. 20 N., R. 5 E. to SE. corner of T. 21 N., R. 4 E.; thence north along east lines of T. 21 N., R. 4 E., T. 22 N., R. 4E., and T. 23 N., R 4 E. to the NE. corner of T. 23 N., R. 4 E.; thence west along the north lines of T. 23 N., R. 4 E., T. 23 N., R. 3 E., and T. 23 N., R. 2 E. to the boundary line between Butte and Tehama Counties, California.

This decontrols the City of Gridley in Butte County, California, a portion of the Marysville-Chico, California, Defense-Rental Area.

2. Schedule A, Item 33a, is amended to describe the counties in the Defense-Rental Area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea and Salinas; and in Santa Cruz County, the Township of Watsonville.

This decontrols the City of Carmel-by-the Sea in Monterey County, California, a portion of the Monterey Bay, California, Defense-Dental Area.

3. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Brookfield,

Flossmoor, Kenilworth, La Grange, Lansing, Mt. Pospect, Oak Forest, Palatine, Riverdale, River Forest, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Stegar located therein; Du Page County, except the City of West Chicago, and the Village of Glen Ellyn; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, and that portion of the Village of Barrington located therein.

This decontrols the City of West Chicago and the Village of Glen Ellyn in Du Page County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

4. Schedule A, Item 87, is amended to describe the counties in the Defense-Rental Area as follows:

Kankakee County, except the Village of Bonfield.

This decontrols the Village of Bonfield in Kankakee County, Illinois, a portion of the Kankakee, Illinois, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Pleasant Ridge in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense Rental Area.

6. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County, except the Cities of Muskegon, Roosevelt Park and Whitehall.

This decontrols the City of Whitehall in Muskegon County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

7. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Boroughs of Audubon, Haddonfield and Merchantville, and the Township of Pennsauken; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the city of Millville, the Borough of Vineland and the Township of Landis.

This decontrols the Township of Pennsauken in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

8. Schedule A, Item 221e, is amended to describe the counties in the Defense-Rental Area as follows:

Davidson County, except the Town of Denton, and Lexington Township; and in Rowan County, Salisbury Township, the Cities of Salisbury and Spencer, and the Town of East Spencer.

This decontrols the Town of Denton in Davidson County, North Carolina, a portion of the Salisbury, North Carolina, Defense-Rental Area.

9. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Boroughs of Bethel, Elizabeth and Rosslyn Farms, and the Townships of Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Borough of Rosslyn Farms in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

10. Schedule A, Item 347, is amended to describe the counties in the Defense-Rental Area as follows:

Whatcom County, except the City of Bellingham, and the Town of Ferndale.

Skagit County, except the City of Mount Vernon.

This decontrols the Town of Ferndale in Whatcom County, Washington, a portion of the Bellingham, Washington, Defense-Rental Area.

11. Schedule A, Item 352, is amended to describe the counties in the Defense-Rental Area as follows:

Those parts of King County lying west of the Snoqualmie National Forest, except the City of Kent; and those parts of Pierce County lying west of the Snoqualmie National Forest, except the Cities of Puyallup, Sumner and Tacoma, and the Towns of Orting and Ruston.

This decontrols the City of Tacoma in Pierce County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area.

12. Schedule A, Item 355a, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison County, except the Town of Lumberport.

This decontrols the Town of Lumberport in Harrison County, West Virginia, a portion of the Clarksburg, West Virginia, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective as of July 7, 1951.

Issued this 3d day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-7853; Filed, July 6, 1951; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

JUNE 29, 1951.

On May 24, 1951, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify § 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges;* § 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges;* § 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project that are subject to the jurisdiction of the three irrigation districts. Interested persons were thereby given the opportunity to participate in preparing the proposed amendments by submitting their views and data, in writing, within 30 days from the date of publication of the notice. No written comments, data, or arguments having been received within the prescribed period, the said sections are hereby amended as follows and are effective for the season of 1952 and thereafter until further notice:

Charges applicable to all irrigable lands in the Crow Indian Irrigation Project that are included within the boundaries and subject to the jurisdiction of the three irrigation districts.

§ 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $16,900 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment involves an area of approximately 7,500 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $5,500 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3,300 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment involves an area of approximately 1,460 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(Sec. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-7825; Filed, July 6, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Salary Stabilization Regulation 1]

GSSR 1—STABILIZATION OF SALARIES AND OTHER COMPENSATION OF PERSONS EMPLOYED IN BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OR OUTSIDE SALESMEN CAPACITIES, NOT REPRESENTED BY LABOR ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 8 (16 F. R. 4356), as amended (16 F. R. 5956), this General Salary Stabilization Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Salary Stabilization Regulation is issued by the Economic Stabilization Administrator in discharge of his responsibilities under the provisions of the Defense Production Act of 1950 and Executive Order 10161, and pursuant to Economic Stabilization Agency General Order No. 8, as amended. It is designed to stabilize salaries and other compensation of persons who are employed in bona fide executive, administrative, professional or outside salesmen capacities, as each of such terms is defined in section 6.02 of Economic Stabilization Agency General Order No. 8, as amended, and to effectuate the purposes and intent of said Statute and Executive Order and of said General Order No. 8, as amended. Due consideration has been given to the standards established by section 402 of the act.

The purpose of this regulation is to incorporate in a single regulation pertaining solely to employees under the jurisdiction of the Salary Stabilization Board the provisions of General Wage Stabilization Regulation 1 and of the General Wage Regulations applicable with respect to such employees.

Prior to the issuance of General Wage Stabilization Regulation 1 and of the General Wage Regulations, the Wage Stabilization Board distributed to representative labor and industry groups a series of questions, the answers to which would provide such Board with essential information for the development of wage stabilization policies. Thereafter, the Wage Stabilization Board conducted conferences which were attended by representatives of labor and industry, which presented their views respecting the development of wage stabilization policies. In the formulation of General Wage Stabilization Regulation 1 and the Wage Stabilization Regulations there was thus consultation with industry and labor representatives, including trade association and labor union representatives, and consideration was given to their recommendations.

It is contemplated that this regulation will from time to time be supplemented and modified or amended by the Salary Stabilization Board as the Board develops its salary stabilization policy. The issuance of this regulation is not intended in any way to preclude the development of such policy by the Salary Stabilization Board.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Scope of this regulation.
3. General stabilization of salaries and other compensation.
4. Increase agreed to or determined and communicated on or before January 25, 1951.
5. Compliance with statutes and orders establishing minimum rates of compensation.
6. Increases in salaries and other compensation of state, county, municipal, and other non-Federal government employees.
7. Adjustments for individual employees.
8. Increases in salaries and other compensation to correct certain inequities.
9. Adjustments for employees of religious, charitable and educational organizations.
10. Cost of living increases provided by salary plans.
11. Salary schedules for new plants.
12. Tandem salary increases.
13. Modifications and amendments.
14. General Wage Regulations superseded.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Definitions.* As used in this regulation:

(a) The word "employees" shall mean persons employed in bona fide executive, administrative, professional or outside salesmen capacities. The terms "outside salesmen" and "bona fide executive, administrative, or professional capacity" shall have the same meaning as provided by regulations under section 13 (a) (1) of the Fair Labor Standards Act, as amended, except insofar as the Salary Stabilization Board, with the concurrence of the Chairman of the Wage Stabilization Board, may determine that certain categories of such employees properly should be under the jurisdiction of the Wage Stabilization Board.

(b) The words "salaries and other compensation" shall include all forms of remuneration to employees by their employers for personal services, including, but not limited to, vacation and holiday payments, night shift and other bonuses, incentive payments, year-end bonuses, employer contributions to or payments of insurance or welfare benefits, employer contributions to a pension fund or annuity, payments in kind, and premium overtime practices and rates.

(c) The word "Administrator" shall mean the Economic Stabilization Administrator.

(d) The word "Board" shall mean the Salary Stabilization Board.

(e) The words "Office of Salary Stabilization" shall mean the Office of Salary Stabilization, formerly designated the Salary Stabilization Division, created by General Order No. 8, as amended.

(f) The words "General Wage Regulations" shall mean the General Wage Regulations heretofore issued by the Administrator and the Wage Stabilization Board.

SEC. 2. *Scope of this regulation.* This regulation relates to all employees as defined in section 1 (a), but relates only to such employees.

SEC. 3. *General stabilization of salaries and other compensation.*[1] (a) Except as authorized by this regulation, no employer shall pay any employee and no employee shall receive "salaries and other compensation" at a rate in excess of the rate at which such employee was compensated on January 25, 1951, without the prior approval or authorization of the Office of Salary Stabilization. New employees shall not be compensated at rates higher than those in effect on January 25, 1951, for the jobs for which they are hired.

(b) Nothing in this regulation shall be construed to require the stabilization of salaries and other compensation for any job at a rate less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive.

(c) Petitions for the approval of any increase in salaries and other compensation not otherwise permitted by this regulation shall be filed with the Office of Salary Stabilization.

SEC. 4. *Increases agreed to or determined and communicated on or before*

[1] Based on General Wage Stabilization Regulation 1 issued by the Administrator on January 26, 1951, and General Wage Regulation No. 1 issued by the Wage Stabilization Board on January 30, 1951.

January 25, 1951.[2] (a) Increases in salaries and other compensation agreed to in writing or determined and communicated to the employees on or before January 25, 1951, but which, by the terms of such agreement or determination, were to become applicable only to work performed later than fifteen (15) calendar days after January 25, 1951, require the prior approval or authorization of the Office of Salary Stabilization.

(b) Authorization is hereby granted for the payment of increases in salaries and other compensation provided for by written agreement executed on or before January 25, 1951, or formally determined and communicated to the employees on or before said date, which increases, by the terms of said agreement or communications, were to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

(c) Authorization is hereby granted for the increases in salaries and other compensation resulting from the award or decision of an arbitrator or referee issued on or before January 25, 1951, which increases, by the terms of said award or decision, were to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

(d) Authorization is hereby granted also of payments pursuant to salary increase agreements entered into and effective prior to January 25, 1951, calling for application of a fixed amount of payroll increase to accomplish intra-plant adjustments, but which adjustments were not actually reflected in salary payments prior to that date because of the necessity for determining the allocation and method of applications of such increases among different job classifications.

(e) In all instances in which increases in salaries and other compensation were or are placed in effect under the terms of paragraphs (b) or (c) of this section 4, copies of the agreement, award, or decision providing for such increases, or, if no agreement, award, or decision exists, a statement of the amounts and manner in which the determination was formally made and communicated to the employees, and the date or dates, and place or places, shall, unless heretofore filed with the Wage Stabilization Board or the Office of Salary Stabilization, be filed with the Office of Salary Stabilization within thirty (30) days after the effective date of this regulation.

SEC. 5. *Compliance with statutes and orders establishing minimum rates of compensation.*[3] Increases are hereby authorized in salaries and other compensation of employees to bring such salaries and other compensation into compliance with any applicable statute or order of the duly constituted authorities acting under any law of the United States, or of any State, the District of Columbia, or any Territory or possession of the United States establishing minimum rates of compensation.

SEC. 6. *Increases in salaries and other compensation of State, county, municipal and other non-Federal government employees.*[4] (a) Increases in the salaries and other compensation of State, county, municipal and other non-Federal governmental employees, whose salaries and other compensation are fixed by statute, ordinance, or regulation of duly constituted authorities of such governmental bodies, may be made without the prior authorization of the Office of Salary Stabilization, subject to the provisions of paragraphs (b) and (c) of this section 6.

(b) State, county, municipal, and other non-Federal governments and agencies thereof, in making increases in salaries and other compensation of their employees, are expected to conform to the national wage stabilization policy as expressed in the Defense Production Act of 1950, Executive Order 10161, this regulation, and regulations and statements of policy issued by the Board pursuant thereto, and such orders or regulations as may from time to time be issued thereunder or in connection therewith.

(c) The Office of Salary Stabilization shall have the right to review increases made under the terms of paragraph (a) of this section 6, and to revoke or modify such increases when required in order to effectuate the policies of the Defense Production Act and the applicable orders or regulations issued thereunder or in connection therewith.

SEC. 7. *Adjustments for individual employees.*[5] Pending the issuance of further general regulations on the subjects covered in this Section 7, individual salary adjustments are authorized for employees, without prior approval of the Office of Salary Stabilization, subject to this Section 7.

(a) *Merit and/or length of service increases where plan exists.* Merit and/or length of service increases may be granted in accordance with a plan in effect on January 25, 1951, *Provided:*

(1) That such a plan existed—

(i) In the form of (*a*) a written statement of policy or procedure in effect on January 25, 1951, or (*b*) a written notice that had been furnished to or posted for the employees on or before January 25, 1951, and that

(ii) Such written statement, or notice, shall be kept available at all times for inspection by the Office of Salary Stabilization, and

(2) That such a plan contains job classification rate ranges with clearly designated maximum rates; and

(3) That in accordance with the normal operation of such a plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at the time the increase is granted, and

(4) That if the plan provides for increases in specific amounts or percentage increases shall not be granted in excess of such amounts or percentages; and

(5) That if the plan does not provide for increases in specific amounts or percentages, the amount of increase granted to any individual employee shall not exceed the figure reached by dividing the total amount of the merit and/or length of service increases granted to individual employees in that classification during the calendar year 1950 by the number of employees in that classification who received such increases. Where job classifications are grouped into labor grades or levels and salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(6) That no employee's rate shall be raised above the maximum rate of his job classification.

(b) *Merit and/or length of service increases in absence of plan.* In the absence of an established plan meeting the requirements of paragraph (a) of this section, merit and/or length of service increases may be granted subject to the following conditions:

(1) That the employee shall not have received a merit and/or length of service increase during the 12 calendar months preceding the effective date of such increase, and

(2) That the number of employees whose rates may be increased in any one calendar month shall not exceed the proportionate number of increases granted per month during the calendar year 1950 in each appropriate group of employees, and

(3) That the increase granted any employee shall not exceed in amount the figure reached by dividing the total amount of merit and/or length of service increases granted to employees in the same job classification during the calendar year 1950, by the number of employees in that classification who received such increases; *Provided*, That in an establishment that has no system of job classifications, the increase shall not exceed in amount a figure similarly computed which averages the increases granted to employees doing similar work during the calendar year 1950. Where job classifications are grouped into labor grades or levels and salary rate administration has been in terms of such grades or levels the average referred to may be computed for each such grade or level, and

(4) That no employee shall be raised to a rate higher than the maximum rate of the job classification, or in the absence of a formal system of rate ranges, then the highest rate paid to any employee doing similar work on January 25, 1951, except as such highest rate may have been raised pursuant to the terms of section 4 of this regulation or other actions of the Board or Office of Salary Stabilization authorizing increases in salary rates.

(c) *Promotions and transfers.* When a bona fide promotion or transfer of an employee to a higher paid job is made, the payment to such employee of the rate for such job is permissible provided:

(1) That the employee is required to perform the normal duties of the job to which he is promoted or transferred, and

(2) That if the job to which the employee is promoted or transferred has a rate range, the rate within the range which he may be paid shall be governed by the practice followed under a written statement of policy or procedure existing and in actual operation on January 25, 1951. If such written statement does not exist, the employer shall follow the same practice in determining such rate as he followed in the calendar year 1950. In no event shall the employee receive a rate in excess of the maximum of the rate range to which he is promoted or transferred.

(d) *New or changed jobs.* Rates for new or changed jobs may be established in accordance with plans or procedures in effect on January 25, 1951, or, if no plan or procedure was in effect on such date, the rates established must be in balance with the existing rate structure. Slight or inconsequential changes in job content shall not provide the basis for establishing new job classifications, rates or rate ranges nor justify changes in existing job classifications, rates or rate ranges.

(e) *Hiring of new employees.* A new employee may not be hired at a rate exceeding:

(1) The minimum of the rate range of the job classification into which he is hired, provided that an employee who has special ability and experience may be hired at a rate corresponding to such ability and experience within the rate range, or

(2) The rate of the job, or

(3) The minimum rate paid to any employee doing similar work during the pay period immediately preceding January 25, 1951, if the establishment has no system of job classification.

(f) *Permissible variations in earnings.* Variations in earnings of individual employees subsequent to January 25, 1951, resulting from the following are permissible; *Provided*, Such variations result from the operation of plans or practices in effect on or before January 25, 1951, and further provided that the method of application of such plans or practices is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(1) The normal operation or application of incentive rates or plans; or

(2) Change from one shift to another; or

(3) The normal operation of a system for payment of commission on sales or business transactions; or

(4) The payment of overtime, premium, or penalty rate; or

(5) Other similar auxiliary pay practices.

(g) *Rates subject to revision.* The rate or rate ranges within which this section 7 is to be operative may be revised pursuant to the other applicable sections of this regulation.

(h) *Record keeping required.* The employer shall keep records of each salary adjustment made pursuant to the terms of paragraphs (a) through (e) of this section 7 in readily accessible form for inspection by the Office of Salary Stabilization.

(i) *Increases shall not justify price increases.* Increases in the salary rates of employees granted under the terms of this section 7 shall not furnish a basis either to increase price ceilings or resist otherwise justifiable reductions in price ceilings.

SEC. 8. *Increases in salaries and other compensation to correct certain inequities*—(a) *Policy.* If general increases in salary levels in an appropriate employee unit have been less than ten (10) percent since the base pay period, future increases in salaries and other compensation may be permitted in amounts up to but not in excess of the difference between such past increases, if any, and the permissible ten (10) percent.[6]

(b) *Definitions under section 8 of this regulation*—(1) *Base pay period.* The base pay period shall be the first regular payroll period for each appropriate employee unit ending on or after January 15, 1950.

(2) *Appropriate employee unit.* An appropriate employee unit for the measurement of changes in salary levels is a group composed of all employees in a plant or other establishment, or in a department thereof, or in a major business division of an employer, or in a company, or in an industry, as best adapted to preserve historical or usual relationships: *Provided, however,* That each such unit shall consist only of employees as defined in paragraph (a) of section 1 of this regulation.

(3) *Salary levels.* Salary levels include time and incentive earnings, commission rates, and actual or prorated sums of any regularly paid bonuses and night shift differentials, but exclude overtime premium payments, employer contributions to or payments of insurance or welfare benefits, employer contributions to pension funds or annuities, and other like allowances. Salary levels may be computed on the basis of regularly scheduled weekly, bi-weekly, semi-monthly, or monthly pay periods.

(4) *General increases in salaries.* For the purpose of calculating prior increases in salary levels, general increases are defined as those increases in salary rates which raised straight-time earnings by one (1) percent or more in the appropriate employee unit. General increases do not include merit increases, promotions, reclassifications, length of service increases or other salary adjustments of the types covered by section 7 of this regulation.

(5) *Other compensation.* Increases in other compensation to be considered for the purpose of applying the policy herein set forth are prorated changes in compensation benefits such as night shift bonuses, overtime premium rates, vacation, holiday and like allowances, pension, insurance, and health and welfare benefits paid by employers, or contributions of employers on account thereof.

(6) *Proration.* Proration of bonuses, commissions, incentive earnings, etc., and of other compensation, to a payroll period shall be done by allocating to said payroll period a proportionate share of the total of such payments within the appropriate employee unit over the calendar year or such shorter period of time as is representative in the case of each class of payments.

(c) *Administration.* Subject to subsequent administrative arrangement increases in salaries and other compensation permissible under the terms of the policy set forth in paragraph (a) of this section 8 do not require the specific prior authorization of the Office of Salary Stabilization: *Provided, however,* That

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[2] Based on General Wage Regulation No. 2. The Statement of Considerations in such regulation includes the following statement:

"Collective bargaining conferences, arbitration proceedings and other proceedings directed to the resolution of wage questions were in progress prior to January 25, 1951, the effective date of General Wage Stabilization Regulation 1. In some instances collective bargaining agreements were reached, wage determinations made and awards issued prior to the effective date of that regulation. In the interest of furthering and maintaining sound working relations including collective bargaining and avoiding the imposition of inequities and hardships it is necessary and desirable to recognize and give effect to such agreements, determinations and awards applicable to work performed within a relatively short period of time after January 25, 1951, without prior approval of the Wage Stabilization Board."

[3] Based on General Wage Regulation No. 3.

[4] Based on General Wage Regulation No. 4.

[5] Based upon General Wage Regulation No. 5, as amended by Amendment 1. The Statement of Considerations in such regulation includes the following statement:

"The effective administration of wage stabilization program rests largely on the degree of success achieved in ensuring that individual wage and salary adjustments be not misused for the purposes of evading or avoiding the requirements of law. Efficient industrial management, harmonious labor-management relations and high level production cannot be attained unless a large measure of flexibility and discretion is reserved to management, or to management and labor, as the case may be, in the operation of sound systems for merit and/or length of service increases, promotions or transfers, establishing rates for new or changed jobs, new hirings, etc. It is the intention of the Board in the accompanying general regulation to permit the operation and administration of such systems subject to the standards and controls set forth therein."

[6] This section is based on General Wage Regulation No. 6. The Statement of Considerations in such Regulation includes the following statements:

"There were broad changes in wages, salaries, and other compensation paid employees during 1950 and in January 1951 until the issuance of General Wage Regulation No. 1 by the Economic Stabilization Administrator. These changes followed the period of late 1949 and early 1950, when wage and salary rates had remained relatively unchanged. The consumer price index was also relatively stable in that same period. In the spring of 1950 business conditions improved, and both wages and the cost of living commenced to rise. The outbreak of the Korean war accentuated these developments. Disparities arose as between different groups of employees as a consequence of such factors as different expiration or wage reopening dates in collective bargaining agreements or other special circumstances. Disparities also developed in various industries between increases in wage and salary rates and increases in the cost of living. These disparities were frozen as a result of the issuance of General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator. In order to deal with, and attempt to solve this time inequity, or 'catching up' problem, and to facilitate the effective prosecution of the national defense effort, the Wage Stabilization Board has determined and adopted the policies set forth below. These policies are designed to correct such inequities as have arisen because of disparities between increases in wages and salaries and the increase in the cost of living since January 15, 1950, or which may subsequently arise during the period covered by this policy."

no such increase shall be deemed permissible unless appropriate written reports are filed with the Office of Salary Stabilization within 10 days after such increases are made effective showing the essential facts and the method of calculation. These reports are subject to review and the increases on which they report are subject to revocation if they are found to exceed permissible amounts.

(d) *Base pay period abnormalities.* Companies, including appropriate employee units thereof, having no payroll period ending on or about January 15, 1950, because they were not in operation at that time, or having plainly abnormal pay levels during that period because of seasonal peculiarities, broad changes in product mix, wide swings in employment, and the like, may apply to the Office of Salary Stabilization for appropriate and supportable adjustments of the base period pay level figures against which employee compensation changes are to be measured. The Office of Salary Stabilization may give consideration on application to the special problems of seasonal industries; and to unusual cases involving firms or industries in which the rates on or about January 15, 1950, were grossly out of line with their normal relationships, provided the parties had no adequate opportunity to correct such misalignment by January 25, 1951.

(e) *Rare and unusual cases.* In rare and unusual cases where the critical needs of essential civilian or defense production require it, the Office of Salary Stabilization will consider the approval or authorization of increases in salaries and other compensation greater in amount than those specified in paragraph (a) of this section 8. Such cases will be limited to those situations where there are serious manpower shortages and in which other governmental agencies concerned with production and manpower problems certify to the Office of Salary Stabilization that a concerted program has been undertaken to remedy the shortages and that an increase in salaries or other compensation is indispensable to attract required labor to or retain it in essential civilian or defense industries or plants.

SEC. 9. *Adjustments for employees of religious, charitable and educational organizations.*[7] (a) Religious, charitable, scientific, literary, educational organizations, and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code may adjust the salaries or other compensation of their employees without prior approval of the Office of Salary Stabilization except as provided in paragraphs (b) and (c) of this section 9.

(b) The general authorization contained in paragraph (a) of this section 9 shall not apply to the salaries or other compensation of employees of a business enterprise owned or operated by an organization defined in paragraph (a), if the income of the business enterprise is not exempt from Federal income taxes.

(c) In adjusting salaries and other compensation authorized by paragraph (a), the specified employers are expected to conform to the national wage stabilization policies, as expressed in the Defense Production Act of 1950, Executive Order 10161, this Regulation and regulations and statements of policy issued by the Board pursuant thereto, and such orders or regulations as may from time to time be issued thereunder or in connection therewith.

(d) The Office of Salary Stabilization shall have the right (1) to review all salary adjustments made in pursuance of paragraph (a) of this section 9, and (2) to revoke the authorization granted by this section 9 with respect to any organization defined in paragraph (a) of this section. Without in any way limiting its right to modify or revoke any other section or any other provision of this regulation, the Board shall have the right to modify or revoke section 9 of this regulation at any time without prior notice.

SEC. 10. *Cost-of-living increases provided by salary plans*[8]—(a) *Definitions.* As used in section 10 of this regulation the term "cost-of-living provision" shall mean a provision in a written salary plan which establishes a defined relationship between the rates of salaries and other compensation covered by the plan and the cost-of-living index figure published by the Bureau of Labor Statistics, or such other cost-of-living indices as may be determined by the Administrator or the Board to be acceptable for the purposes of section 10 of this regulation.

(b) *Certain cost-of-living increases permissible without prior approval.* No prior approval is required for the putting into effect of increases which are required by the terms of a cost-of-living provision contained in a written salary plan which was formally determined and communicated to the employees on or before January 25, 1951.

(c) General increases agreed upon or formally determined and communicated to the employees after January 25, 1951, together with cost-of-living increases made pursuant to this section, shall not exceed the ten per cent formula provided in paragraph (a) of section 8 of this regulation.

(d) *Reports of increases made under section 10 of this regulation required.* Reports of increases made under section 10 of this regulation shall be filed with the Office of Salary Stabilization not more than twenty days after any general increase made hereunder is effective. Such reports shall include:

(1) Copies of the written salary plans containing the cost-of-living provisions, unless copies thereof have been filed under section 4 of this regulation.

(2) An identification of the cost-of-living provision in the salary plan, and a statement of the manner in which it was communicated.

(3) A statement of the amount of the increase and the unit of employees to which it is applicable.

(4) A statement of any general increases applicable to the same salaries and other compensation that have been put into effect after January 25, 1951.

(e) No increase herein authorized shall be made effective subsequent to July 31, 1951. This section shall be effective through July 31, 1951.

SEC. 11. *Salary schedules for new plants*[9]—(a) *Definitions.* The term "new plant" means a plant, enterprise, or other employment unit, which on January 25, 1951, had not commenced the production of the materials or services for which it is established or converted.

(b) *Criteria for establishing rates of salaries in new plants.* The following criteria shall be applied in determining and evaluating a schedule of rates of salaries in new plants:

(1) In a new plant of an existing enterprise, established at the same location, the rates of salaries for the jobs in the new plant shall be the same as the lawful rates for the same or comparable jobs in the existing enterprise.

(2) In all other cases the schedule of rates for the new plant shall not exceed:

(i) Rates for the same or comparable jobs in the same industry in the same local labor market area, or, if none

(ii) Rates for the same or comparable jobs in a comparable industry in the same local labor market area, or, if none

(iii) Rates for the same or comparable jobs in the same industry located in the most nearly comparable labor market area.

(3) For the purposes of subparagraph (2) of this paragraph, where only the comparable rates for key jobs are available in a given labor market, such rates may be selected, and the schedule may be constructed by interpolation with proper relationships between the rates of other jobs and the rates of the key jobs.

(c) *Procedures for establishing rates of salaries in new plants.* (1) A new plant shall file with the Office of Salary Stabilization a report containing the following:

[7] Based on General Wage Regulation No. 7.

[8] Based on General Wage Regulation 8. The Statement of Considerations in such regulation includes the following:

"Some collective bargaining contracts and some wage and salary plans in existence on January 25—the effective date of the first general price and wage control regulations—contain provisions for subsequent changes in wages and salaries. Such changes depend on the changes—up or down—in the cost of living. Those adjustments called for within the next few months will be upward because the cost of living has been rising since the Korean conflict.

"For the most part such increases will be covered by the ten per cent allowable rise in General Regulation No. 6. However, a few of the existing contracts and plans will provide in the near future for increases somewhat exceeding the allowable figure. General Regulation No. 6 makes no provision for such cases."

[9] Based on General Wage Regulation No. 9, including Amendment adding section 4 thereto. The Statement of Considerations included in such regulation includes the following statement:

"The purpose of this regulation is to provide procedures for obtaining approval of rates of wages, salaries, and other compensation for employees of new plants, enterprises, and other employment units. Insofar as practicable, these procedures preserve existing practices.

"In the formulation of the provisions hereof it has been impracticable to consult formally with industry and labor representatives."

(i) A statement of the facts relied upon to support the conclusion that it is a new plant; and

(ii) A schedule of the rates of salaries which are in effect for each job classification; and

(iii) A statement explaining how the criteria specified in paragraph (b) of this section 11 have been applied in determining the rates of salaries.

(2) The report required by subparagraph (1) of paragraph (c) of this section must be filed at least three weeks prior to the proposed date for hiring employees. If, after submitting the report, the employer receives no communications pertinent thereto from the Office of Salary Stabilization, the rates may be put into effect, subject to the condition, which shall be communicated by the employer to all employees affected by the schedule, that the rates are interim rates payable pending receipt of a ruling as to their approvability and subject to adjustment with respect to payroll periods beginning after the date of receipt by the employer of any ruling of partial disapproval.

(d) *Requests for modification.* The Office of Salary Stabilization, in accordance with regulations or statements of policy issued by the Board, will consider requests for modification of the criteria specified in paragraph (b) of this section 11 where the application of such criteria with respect to the internal structure of a salary schedule or with respect to supplemental compensation practices would be unworkable or would cause undue hardships in the circumstances of the particular case. Such requests should be accompanied by a full and clear statement of the circumstances on which the request is based. Terms of compensation not in accordance with paragraph (b) of this section 11 may not be put into effect without prior authorization by the Office of Salary Stabilization.

SEC. 12 *Tandem salary increases*[10]—(a) *Definitions.* As used in this section 12 the term:

(1) "Appropriate unit" means a group comprised of all employees in a plant or other establishment or in a department thereof; or in a company; or in an industry; or in a similar appropriate group; as best adapted to preserve the historical or usual relationships.

(2) "Tandem relationship" means a well established and maintained practice whereby the timing, amount and nature of general adjustments in the salaries and other compensation of employees in a given appropriate unit have been directly related to the salaries and other compensation of another unit of employees of the same employer or of other employers, including a unit of employees under the jurisdiction of the Wage Stabilization Board.

(b) *Approval of adjustments to restore tandem relationships.* The Office of Salary Stabilization will entertain petitions for approval of adjustments required to restore tandem relationships which have been disrupted. Such petitions shall contain (1) proof of a tandem relationship, including a statement of how adjustments in the appropriate unit involved have been related, in the past five years, to the adjustments in the unit with which the tandem relationship is claimed; (2) an explanation of the circumstances which have disrupted the tandem relationship; and (3) such other supporting data as the petitioner may deem pertinent. If the tandem relationship has existed for less than five years, a petition for approval may be filed, setting forth the circumstances in full.

SEC. 13. *Modifications and amendments.*[11] This regulation may be modified, amended or superseded by orders or regulations hereafter issued by the Board.

SEC. 14. *General Wage Regulations superseded.* (a) General Wage Stabilization Regulation 1 and the General Wage Regulations are hereby superseded insofar as they apply to employees under the jurisdiction of the Salary Stabilization Board; *Provided, however,* That nothing in this regulation shall affect the validity of the orders or rulings heretofore issued in writing by the Office of Salary Stabilization (formerly the Salary Stabilization Division) or of the orders or rulings issued in writing prior to May 10, 1951, by the Wage Stabilization Board or by the Wage and Hour and Public Contracts Division of the United States Department of Labor.

(b) All pending petitions and applications for rulings heretofore filed with the Wage Stabilization Board, the Wage and Hour and Public Contracts Division of the United States Department of Labor or the Office of Salary Stabilization (formerly Salary Stabilization Division) relating to employees as defined in section 1 (a) of this regulation shall be deemed to have been filed under this regulation.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: July 5, 1951.

ERIC JOHNSTON,
Administrator.

[F. R. Doc. 51-7904; Filed, July 5, 1951; 11:44 a. m.]

[10] Based on General Wage Regulation No. 10 as amended by Amendment 1. The Statement of Considerations in such regulation includes the following statements:

"The purpose of this general wage regulation is to permit the continuation of tandem wage relationships to the extent consistent with stabilization requirements. As defined in the regulation, 'tandem relationships' refers to an historical practice whereby adjustments of wages, salaries and other compensation for one group of employees have been directly related to those of another group. The other group may be employees of the same employer, or of other employers. Many of these relationships were disrupted because of the issuance of General Wage Stabilization Regulation 1 on January 26, 1951.

"General Wage Regulation 10, issued on March 8, 1951, by the Economic Stabilization Administrator, was designed to permit a limited continuation of these tandem relationships. Under that regulation, the 'follow-the-leader' adjustment, to be covered, would have taken effect and been applicable to work performed on or before February 9, 1951. This limitation as to date is no longer necessary or desirable. The amended regulation deletes this limitation. Experience shows that other modifications of the definition 'tandem relationship' are desirable at this time."

[11] Based on section 6 of the General Wage Stabilization Regulation 1 issued by the Administrator on January 26, 1951.

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 1, Amdt. 1]

DFO 1—CASTOR OIL; RESTRICTIONS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress, approved September 8, 1950) and delegations of authority thereunder.[1] In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with representatives of trade associations in the formulation of this order has been rendered impracticable inasmuch as there is no trade association, as such, with respect to the castor oil industry, and this order applies to numerous trades.

The amendments made by this order are designed to facilitate the administration of controls on the inventory and use of castor oil. The definition of the term "castor oil" is made more explicit and certain use liberalizations are made, such being intended to benefit, primarily, the so-called "small users" of castor oil.

The definition of castor oil is revised by the inclusion of the products which result from blending, hydrogenating, esterifying and fractionating castor oil. The small user exemption is raised to a maximum use of 4,200 pounds of castor oil, thereby permitting a person in this category to use, during a calendar quarter, the smaller of (a) 4,200 pounds, or (b) the quantity actually used by him during the base period. The permitted use of castor oil is increased for the "all others" class of products, and for use in the production of leather, rubber factice, lubricating grease, pigment, dye, paint, varnish, lacquer, and petroleum demulsifying agents. No restriction is imposed upon the production of castor resins, and blown, blended, dehydrated, esterified, fractionated, hydrogenated, saponified or sulfonated castor oil when such products are delivered during the then current calendar quarter, to other persons for use in accordance with the provisions of DFO–1 as amended. In effect, however, it is provided that such

[1] Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (15 F. R. 738), Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519), Memorandum of Agreement between the Administrator (PMA) and the Administrator, (NPA), 16 F. R. 3410, and NPA Delegation 10 (16 F. R. 3669).

production will be limited to such reasonable quantities as these producers may need to fill their delivery orders during the quarter and not maintain in inventory on the last day of such quarter an amount of such products in excess of their September 30, 1950, inventories.

Defense Food Order No. 1 (16 F. R. 2970) is hereby amended as follows:

A. By deleting the provisions in paragraph (a) of section 1 *Definitions* and inserting, in lieu thereof, the following:

(a) "Castor oil" means that oil, commonly known as castor oil, whether crude, raw, filtered or refined, produced from the castor bean. The term also includes the lipide products which result from the blowing, blending, dehydrating, esterifying, fractionating, hydrogenating, saponifying, sulfonating, or other processing of castor oil. Such term, however, does not include tank bottoms or residues from storage tanks in which castor oil was stored.

B. By deleting the provisions in section 2 *Restrictions on inventory and use of castor oil* and inserting, in lieu thereof, the following:

SEC. 2. *Restrictions on inventory and use of castor oil.* (a) No person shall receive, accept delivery of, or use castor oil except as provided in this order.

(b) Beginning July 1, 1951, and subject to the limitations in paragraph (d) of this section, no person, other than a producer, importer, public warehouseman, or distributor, shall, during any day, receive or accept delivery of any quantity of castor oil if such receipt or delivery when added to the total quantity of castor oil owned by such person during such day would exceed an amount equal to one-third of his permitted usage of castor oil during the then current calendar quarter: *Provided*, That

(1) if such person customarily purchases castor oil in drum lots he may continue to do so and may exceed the limitation provided above by an amount less than 420 pounds; or

(2) if such person customarily purchases castor oil in tank car quantities he may continue to do so and may exceed the limitation provided above by an amount less than the total capacity of a tank car.

(c) Commencing with the calendar quarter beginning on July 1, 1951, no person shall use, during any calendar quarter, in any class use listed in Appendix A an aggregate quantity of castor oil in excess of the quantity obtained by multiplying the quantity of castor oil he used in the same class use during the base period by the percent specified in Appendix A for such class use. However, any person who used during the base period castor oil in the form of castor resins which he acquired from another person for any class use listed in Appendix A may include as a part of his base period castor oil use 40 percent of the weight of the solids of the castor resins so used. The use of castor resins acquired from another person shall, for the purpose of this order, be deemed as a use of castor oil to the extent of 40 percent of the weight of the castor resins solids used.

(d) During any calendar quarter, any person may use castor oil in any amount in the production of castor resins, and blown, blended, dehydrated, esterified, fractionated, hydrogenated, saponified, or sulfonated castor oil: Provided, that the aggregate quantity of such products (irrespective of whether produced by such person) owned by him on the last day of such calendar quarter does not exceed the total quantity of the same products owned by him on September 30, 1950. However, the use of any such product is subject to the limitations prescribed in paragraph (c) of this section.

(e) Any person who used not more than a total of 4,200 pounds of castor oil during the base period may use, during any calendar quarter, an aggregate amount of castor oil which is not in excess of his actual base period use.

(f) Any person who used more than a total of 4,200 pounds of castor oil during the base period and whose use during any calendar quarter is otherwise limited under this order to less than 4,200 pounds may, during such calendar quarter, use an aggregate amount of castor oil not in excess of 4,200 pounds.

(g) The Director is authorized to amend Appendix A, from time to time, whenever he determines it to be necessary or appropriate to promote the national defense.

C. By deleting the provisions in paragraph (b) of Sec. 3 *Exemptions* and inserting, in lieu thereof, the following:

(b) This order shall not apply to any person whose use of castor oil during a calendar quarter does not exceed 60 pounds of castor oil.

D. By inserting the words "during any calendar quarter" immediately following the phrase "of castor oil" in the introductory clause of paragraph (a) of section 4 *Records and reports.*

E. By deleting the provisions in *Appendix A to Defense Food Order No. 1* and inserting, in lieu thereof, the following:

Class Use	*Percent*
Sebacic acid	Unlimited
Medicinal and pharmaceutical preparations	100
Protective linings for the inside of food containers	100
Demulsification of petroleum products	100
Synthetic, foam and natural rubber	100
Rubber factice	100
Hydraulic fluid	100
Electrical insulation	100
Leather	100
Textiles	60
Imitation leather and coated fabrics	60
Brake lining	60
Paint, varnish, and lacquer	60
Pigment and dye	60
Lubricating grease	60
Plastics	60
All other	30

This order shall become effective upon publication in the FEDERAL REGISTER. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order No. 1 prior to the effective time of the provisions hereof, all provisions of said Defense Food Order No. 1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: The reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.

Done at Washington, D. C., this 5th day of July 1951.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-7922; Filed, July 5, 1951; 5:01 p. m.]

[Defense Food Order No. 3]

DFO-3—AGRICULTURAL IMPORTS RESTRICTIONS

Correction

In Federal Register Document 51-7640, appearing at page 6389 of the issue for Saturday, June 30, 1951, the introductory paragraph should read as follows:

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impracticable. All of the items subject to this import order are presently included among the items subject to similar controls under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113). The statutory authority pursuant to which the Agriculture-Import Order was issued will expire at the close of June 30, 1951, unless it is extended. It is essential that import controls over the items covered by this Defense Food Order not be allowed to lapse. Time is not available to permit communication with representatives of the numerous segments of the economy affected by this order. Accordingly, consultation with industry representatives has been omitted.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

APPEALS FROM ADMINISTRATIVE ACTION

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), Regulation A-10 of the regulations relating to the occupancy, use, protection and administration of the national forests, which constitutes § 211.2, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 211.2 *Appeals from administrative action.* (a) An appeal may be taken from any administrative action or decision by filing with the officer who rendered the decision a written request for reconsideration thereof or notice of appeal. Decisions of forest officers shall be final unless appeal is taken therefrom within thirty days from the date of the decision or unless the appellant furnishes satisfactory reasons for allowing a longer time. The decision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was rendered; that is, in the following order: Forest supervisor, regional forester, Chief of the Forest Service, and Secretary of Agriculture.

(b) Unless the written notice of appeals or a subsequent written application contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file within thirty days after the filing of the notice of appeal a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs, together with all papers conprising the record in the case, shall then be transmitted to the officer to whom the appeal is made, who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

(c) The officer to whom an appeal is made, upon the written request of the appellant, will afford the appellant the opportunity to present his case at a hearing. Such officer will select the time and place at which the hearing will be held, and will designate the person to conduct the hearing.

(d) The appellant may be represented by an attorney at such a hearing. The Forest Service may request the Office of the Solicitor to represent it at such a hearing.

(30 Stat. 35 as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, D. C., this 2d day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7835; Filed, July 6, 1951; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

OFFICE OF HEARING EXAMINER; ASSIGNMENT AND DUTIES

In § 1.9 *Office of the Postmaster General* (39 CFR 1.9, 15 F. R. 4681), make the following changes:

a. Amend paragraph (b) to read as follows:

(b) *Officers attached to.* The Deputy Postmaster General, the Administrative Assistant to the Postmaster General, the Solicitor, the Chief Post Office Inspector, the Executive Assistant to the Postmaster General, the Chief Clerk and Director of Personnel, the Comptroller, the Purchasing Agent, and the Hearing Examiners.

b. In paragraph (f) (1) strike out "with the supervision of all proceedings before the department, arising out of the enforcement of the postal fraud, lottery and fictitious statutes, and with the making of recommendations to the Postmaster General relative to the issuance of orders pursuant to the provisions of such laws", and insert in lieu thereof "with the preparation and presentation before the hearing examiners of all cases in which final adjudication is required by the Administrative Procedure Act to be made upon the record after opportunity for agency hearing."

c. Add paragraph (l) to read as follows:

(l) *Hearing examiners.* The hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, are assigned, under the direction and control of the Postmaster General, the duty of hearing and receiving evidence in all proceedings before the Post Office Department wherein final adjudication is required by the Administrative Procedure Act to be made upon the record after opportunity for an agency hearing. The Chief Hearing Examiner and all hearing examiners assigned shall exercise all power and authority vested in them by law and by the rules of practice promulgated by the Postmaster General. In the absence of the Chief Hearing Examiner the hearing examiners in the order of their standing shall act in his stead.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; Reorg. Plan No. 3 of 1949; 5 U. S. C. 22, 133z-15, 369)

The foregoing amendments shall become effective July 8, 1951.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7951; Filed, July 6, 1951; 12:00 m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 106]

DRY BEAN WAREHOUSE REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture proposes to amend the Dry Bean Warehouse Regulations (7 CFR Part 106) under the United States Warehouse Act, as amended (7 U. S. C. 241-273) as follows:

1. Section 106.2 (q) defining "dockage" would be deleted.

2. Section 106.2 (r) would be redesignated as "(q)" and amended to read:

(q) "Defects" means defects as defined in the official bean standards of the United States.

3. A new § 106.3a would be added to read:

§ 106.3a *Space to be covered by application.* All space within the same city or town operated for the storage of beans by an applicant for a warehouseman's license shall be included in the application. Should a licensed warehouseman acquire any additional bean storage space within the same city or town in which his licensed warehouse is located, he shall file promptly an application to include such space in his license, or surrender the license.

4. The third sentence in § 106.7 would be amended by redesignating paragraph (e) thereof as (f), deleting the word "or" immediately preceding it and inserting a new paragraph (e) to read "has failed to file an application to include additional warehouse space under license as provided for in § 106.3a, or". The fourth sentence in said section would be amended to read: "Whenever any of the conditions mentioned in paragraphs (a) through (f) of this section shall come into existence it shall be the duty of the warehouseman to notify the Administrator immediately of such condition."

5. Section 106.16 (a) (9) would be amended to read "(9) the net weight of the beans including defects, if any".

6. Section 106.16 (a) would be further amended by deleting therefrom the phrase ", and (11) a statement indicating the amount of shrinkage and/or pickage agreed upon between the depositor and the warehouseman, in the case of nonidentity preserved beans,", adding a period at the end of the remaining portion of § 106.16 (a), and inserting the word "and" before the figure "(10)".

7. Section 106.16 would be amended by adding thereto new paragraphs (g), (h), and (i) reading, respectively, as follows:

(g) Every receipt issued for beans shall specify whether the beans covered by it are stored identity preserved or on a fungible basis.

(h) Every receipt issued for uncleaned beans or beans "in the dirt", stored on a fungible basis, shall embody within its written or printed terms a statement showing the percentage of sound beans, and the total percentage of defects, in addition to the other statements required by this section. Such a receipt may also provide that the beans covered by it may be cleaned while the receipt is outstanding.

(i) Every receipt issued for beans to be stored identity preserved shall provide for delivery of the identical beans deposited in the warehouse. Every receipt issued for beans which were cleaned before storage and are to be stored on a fungible basis shall provide for delivery of the net weight, class, and grade of beans specified in the receipt. Every receipt issued for uncleaned beans to be stored on a fungible basis shall provide for delivery of (1) if the beans are not cleaned while in storage, the net weight and class of beans containing not less than the percentage of sound beans specified in the receipt, and (2) if the beans are cleaned while in storage, beans grading U. S. No. 3 or better of the class specified in the receipt and of sufficient quantity to yield, after allowance for defects in the beans being delivered, the weight of sound beans covered by the receipt.

8. Section 106.18 (b) would be amended to read:

(b) Before such new or duplicate receipt may be issued the warehouseman and the person to whom it is to be issued shall comply with the applicable statutes of the United States or of any of the States relating to issuance of such a receipt. If there is no such statute applicable, the warehouseman shall require the person to whom the new or duplicate receipt is to be issued to make and file with the warehouseman (1) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (2) a bond in an amount double the value, at the time the bond is given, of the beans represented by the lost or destroyed receipt. Such bond shall be in the form approved for the purpose by the Secretary, or his designated representative, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such new or duplicate receipt, and shall have as surety thereon preferably a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, equal to the amount of the bond. However, when the beans for which a new or duplicate receipt is to be issued belong to a Federal Government Agency and there is no Federal statute applicable and compliance with the relevant State statutes or the requirements of this paragraph as set forth above would burden the proper performance of the functions of such agency, in lieu of such compliance a new or duplicate receipt may be issued upon the furnishing of bond by the United States Treasury Department under section 3b of the Government Losses In Shipment Act (5 U. S. C. 134b–2) or, if the commodity belongs to the Commodity Credit Corporation, upon the furnishing of a Certificate of Indemnity issued by an authorized official of the Commodity Credit Corporation.

9. Section 106.21 would be amended by adding at the end thereof a new sentence reading as follows: "Before delivery is made of the last portion of a lot of beans covered by a nonnegotiable receipt, the receipt itself shall be surrendered."

10. Section 106.27 relating to shrinkage of beans would be deleted and §§ 106.28 through 106.34 would be renumbered as §§ 106.27 through 106.33.

11. Present § 106.35 would be redesignated as § 106.34 and would be amended by adding at the end thereof the following sentence: "After beans stored as substandard grade beans in accordance with § 106.45 have been cleaned while in storage, their grade and weight shall promptly be redetermined and recertified by a licensed inspector and weigher and copies of the reinspection and reweighing certificates shall be disposed of as provided in § 106.54."

12. A new § 106.35 would be added to read:

§ 106.35. *Storage of uncleaned beans.* Uncleaned beans, or beans "in the dirt", stored on a fungible basis as substandard grade beans under § 106.45, may be cleaned while in storage without prior return of the receipt therefor if such receipt so provides and calls for the delivery of (a) in case the beans are not cleaned while in storage, the net weight and class of beans containing not less than the percentage of sound beans specified in the receipt; and (b) in case the beans are cleaned while in storage, beans grading U. S. No. 3 or better of the class specified in the receipt, and of sufficient quantity to yield, after allowance for defects in the beans being delivered, the weight of sound beans covered by the receipt. The obligation of a warehouseman to deliver beans under such a receipt may be discharged by a delivery as provided in either paragraphs (a) or (b) of this section. The warehouseman shall not make any milling or cleaning charge for beans delivered as provided in paragraph (a) of this section.

13. Section 106.36 would be amended to read:

§ 106.36 *Delivery of beans from storage.* Except as may be provided by law or by the regulations in this part, each warehouseman upon proper presentation of a receipt for beans and payment or tender of all advances and legal charges as stated in the receipt shall deliver beans in accordance with the terms of the receipt.

14. Section 106.37 would be amended to read:

§ 106.37 *System of accounts.* Each warehouseman shall use for his warehouse a system of accounts, approved by the Administrator, which shall show for all beans stored, the name of the depositor, the weight of the beans, the number of bags in each lot when beans are stored in bags, the grade when grade is required to be or is ascertained, the number of any inspection or weight certificate isued on the beans, the location in the warehouse, and the dates received for and delivered out of storage. In the case of beans the identity of which is to be preserved, the tag number or stencil identification mark provided for in § 106.32 shall be shown. A record shall also be kept of receipts issued and cancelled. A separate record of the foregoing shall be kept for each depositor. The accounts shall also include a detailed record of all moneys received and disbursed and of all effective insurance policies.

15. Section 106.42 would be amended to read:

§ 106.42 *Weighing apparatus.* The weighing apparatus used for ascertaining the weight of beans stated in a receipt or certicate shall be a part of the equipment of the warehouse, shall be so located that all beans can be weighed in and out of the warehouse, shall be under the control and supervision of the warehouseman at all times, and shall be subject to examination by representatives of the Department and to disapproval by the Administrator. If the Administrator disapproves any weighing apparatus it shall not thereafter be used in ascertaining the weight of any beans for the purposes of the act and the regulations in this part unless such disapproval in withdrawn.

16. Section 106.45 would be amended to read:

§ 106.45 *Uncleaned beans; beans unsuitable for storage.* Uncleaned beans, or beans "in the dirt", may be stored as substandard grade beans. However, a warehouseman shall not, under any circumstances, accept for storage any beans which have a moisture content in excess of 17 percent, or which contain foreign material likely to injure the keeping qualities of the beans or adversely affect their commercial value for their particular grade, or which are otherwise of a condition rendering them unsuitable for storage, but he may accept such beans for conditioning purposes and for storage after conditioning.

17. Section 106.54 would be amended to read:

§ 106.54 *Copies of certificates.* When an inspection or weight certificate has been issued by a licensed inspector or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the beans covered by such certificate are stored. Such copy shall become a part of the records of the warehouseman, In the case of beans cleaned while in storage and regraded and reweighed as required by § 106.34, the original copy of the certificates issued on such regrading and reweighing shall be filed with the warehouseman, and shall be used for the purpose of determining the class and grade of beans with which said cleaned beans may lawfully be mingled in storage. The number of the warehouse receipt issued for the beans covered by any certificate shall be written on the certificate before filing.

18. Section 106.63 (g) would be amended to read:

(g) the class, the grade, the total and individual percentages of defects as specfied in the official bean standards, the percentage of sound beans, and the condition of the beans for storage at the time of inspection.

19. A new § 106.63a would be added to read:

§ 106.63a *Defects.* Defects shall be calculated in terms of percentage based upon the total weight of the beans including the defects.

20. Section 106.64 (g) would be amended to read:

(g) the net weight of the beans including the defects, if any.

21. Wherever in the regulations in Part 106 the word "variety" appears, the word "class" would be substituted therefor, and wherever in said regulations the figures "§ 106.33" appear, the figures "§ 106.32" would be substituted therefor.

The primary purpose of the proposed amendments is to permit the storage in federally licensed warehouses of uncleaned beans on a fungible basis and the cleaning of such beans while in storage without the return of the warehouse receipts therefor. It is also proposed to impose stricter requirements with respect to the delivery of beans under receipts issued for beans "in the dirt" which are not cleaned while in storage. It is further proposed to require applications for warehouse licenses to cover all space used by the applicants for bean storage purposes in the same city or town; to provide different methods than are now prescribed in the regulations by which Federal Government agencies can obtain duplicates of lost or destroyed receipts for products owned by them; to enlarge upon the requirements for warehousemen's records and weighing apparatus; and to make certain formal changes in the regulations for consistency or clarity.

Any interested person who wishes to submit written data, views, or arguments concerning the foregoing proposed amendments may do so by filing them with the Director of the Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 3d day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7873; Filed, July 6, 1951; 8:53 a. m.]

[7 CFR Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1951–52 marketing year for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Subsection (a) of section 312 of the act requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. Marketing quotas were proclaimed for the 1951–52 marketing year for Burley tobacco (15 F. R. 8216) (16 F. R. 1931), flue-cured tobacco (15 F. R. 8216) (16 F. R. 1931), fire-cured tobacco (15 F. R. 8237), dark air-cured tobacco (15 F. R. 8237), and Virginia sun-cured tobacco (15 F. R. 8237).

Growers of Burley and flue-cured tobacco voting in referenda held on November 26, 1949, and July 23, 1949, respectively, approved marketing quotas for the marketing years 1950–51 through 1952–53. Growers of fire-cured and dark air-cured tobacco voting in referenda held on November 27, 1948, approved marketing quotas for the marketing years 1949–50 through 1951–52. Therefore, the regulations to be formulated with respect to fire-cured and dark air-cured tobacco for the 1952–53 marketing year will be contingent on referenda to be held this fall on quotas for such kinds of tobacco. Growers of Virginia sun-cured tobacco voting in a referendum held on December 15, 1949, approved marketing quotas for the marketing years 1950–51 through 1952–53.

It is proposed that the regulations for the 1952–53 marketing year be substantially the same as the regulations now in effect for the 1951–52 marketing year.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C. this 2d day of July 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-7836; Filed, July 6, 1951; 8:47 a. m.]

[7 CFR Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Public hearings, on the record of which the proposed marketing agreement and the proposed order, as amended, were called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed by the Falls Cities Cooperative Milk Producers' Association, Inc., Louisville, Kentucky. Additional proposals were submitted by Louisville Milk Dealers' Association, Ideal Pure Milk Company, Inc., and Dairy Branch, Production and Marketing Administration. The public hearings were conducted at Louisville, Kentucky on December 18–21, 1950 and on March 9 and 14, 1951 pursuant to notices duly published in the FEDERAL REGISTER (15 F. R. 8827 and 16 F. R. 2041, respectively).

The material issues presented on the record of the hearings were whether:

1. The level of Class I prices should be revised.

2. Deductions for the fall production incentive payment plan should be increased and the method of distributing payments should be revised.

3. An emergency exists which warrants immediate effectuation of the proposed amendments to the provisions relating to classification, pricing, and payments.

4. The order should be amended to provide for a definition of "pool plant" which is based on the extent to which the operations of such plants are associated with the marketing of fluid milk in the marketing area, and which would include all portions of such plants used during the month in the processing of producer milk.

5. The definition of "producer" should be amended to clearly define the regular

source of supply of graded milk for the market.

6. Provisions applicable to the procedure for determining plant shrinkage and the classification thereof should be amended.

7. Language of the order should be clarified with respect to responsibility of handlers in determining the classification and reclassification of skim milk and butterfat.

8. Class I and Class II milk should be included in one class.

9. The order should be clarified with respect to the classification of milk which was received from producers and transferred to other plants.

10. The level of the basic formula price should be revised.

11. The level of prices for Class III should be revised.

12. The Class I butterfat differential should be reduced.

13. Prices charged handlers for Class I milk and uniform prices to be paid producers for milk received at pool plants located 50 miles or more from Louisville should be adjusted by a location differential.

14. Other administrative changes should be made.

Findings and conclusions. The evidence introduced at the hearings and the record thereof indicated the need for prompt action with respect to issues Nos. 1 through 3. Accordingly, a recommended decision with respect to these issues was issued April 11, 1951 (16 F. R. 3307). After consideration of exceptions thereto, the Secretary issued a final decision April 23, 1951 (16 F. R. 3588) and an order April 25, 1951 (16 F. R. 3639) effective May 1, 1951. The following findings and conclusions on issues Nos. 4 through 14 are based upon the evidence introduced at the hearings and the record thereof and are supplementary to the findings and conclusions made with respect to the aforesaid decision.

4. The order should be amended to provide for a definition of "pool plant" which would make the participation of supply plants in the pool dependent upon the level of participation of such plants in the marketing of fluid milk in the marketing area, and which would include all portions of such plant used during the month in the processing of producer milk.

Currently, the order provides for the participation in the market wide pool of any plant at which milk is received from producers and from which milk or cream is disposed of in the marketing area for consumption as fluid milk or fluid cream, or any plant at which milk is received from producers and which is approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant from which milk or cream is so disposed.

Producers contend that the present provision is inadequate in that sources of milk which have not fully demonstrated themselves to be a part of the regular supply for the market, may be priced and included in the pool. The only requirement is that a plant be approved by the appropriate health authority in the marketing area for receiving producer milk which may be furnished to another plant which is also approved by such health authority for the distribution of fluid milk or fluid cream in the marketing area. There is no provision requiring that such milk, or any portion thereof, actually be furnished to the Louisville market.

The record indicates there are three so-called country plants or receiving stations in the Louisville milk shed at which producer milk is received and which have facilities approved by the appropriate health authority in the marketing area for receiving milk for shipment to a plant in the city for distribution on routes. One of these plants, located approximately equidistant from the Cincinnati, Ohio and Louisville marketing areas, is operated by a handler who does not process milk for distribution on routes, but who has made bulk shipments to another handler during the short production season when the milk was needed for bottling purposes. There is some question on the record whether the supply from this plant is available to other handlers for bottling purposes.

The remaining two approved country plants, located at Madison, Indiana and Taylorsville, Kentucky, are operated by a handler as receiving stations for his bottling plant located in the marketing area. The supply of these plants is channeled into manufacturing outlets when it is not needed for fluid uses.

It is not appropriate that approved supplies for Louisville be withheld for manufacturing uses when needed by other handlers for fluid uses. Such supplies are instrumental in determining the order price levels within the market, and therefore should be available for Class I use.

It is therefore concluded that during the period of October through March a receiving station (defined herein as a country plant) may participate in the pool during any of the months in which 10 percent of its receipts of milk from producers is delivered in the form of milk, skim milk, or cream to a plant where milk is processed and distributed as Class I milk on routes or through plant stores in the marketing area (defined herein as a city plant). During the period of April through September, a receiving station would participate in the pool only if more than 50 percent of its combined receipts from producers during the preceding period of October through February were delivered to city plants, unless the operator of such receiving station notifies the market administrator in writing on or before March 15 of the withdrawal of such plant from the pool for the April–September period. In such an event, the operator of the plant would be free of the obligation to pay the minimum order prices to suppliers. In this connection, the interest of producers and handlers in the uniformity of application of class price should be protected by requiring any handler to make a compensatory payment to the producer-settlement fund if he purchases Class I milk from such a plant or from an otherwise unregulated nonpool plant. This payment on milk sold as Class I under the Louisville order would be at the rate of the difference between the Class II and the Class I price adjusted by the butterfat differential to handlers.

Handlers receiving milk from producers and disposing of such milk in the marketing area as Class I would be exempted from certain provisions of the order in the event no more than 10 percent of receipts of producers at such plant is disposed of as Class I on routes or through plant stores in the marketing area. The operator of such a plant would be exempt from all of the provisions of the order except that he would be required to make reports to the market administrator with respect to the quantity of Class I milk disposed of in the marketing area, make payment to the producer-settlement fund of the amount which represents the difference between the value of such quantity of milk at the Class II price and the Class I price, and pay his pro rata share of the cost of administering the order on the quantity of milk disposed of in the marketing area. As now provided in the order such a handler would be included in the pool on the basis of any sales of Class I milk from routes in the marketing area. The proposal recommended would set up a minimum requirement with regard to the quantity of milk which a handler must sell in the area before he is required to have all his receipts of producer milk priced under the order. The minimum requirement of 10 percent would apply also during the months of October through March to those plants receiving milk from producers which milk is transferred to bottling plants. This would prevent having such a handler who had made an incidental sale of Class I milk in the market from being subject to the provisions of the order that month. Conversely, it sets up a qualification with which a plant must comply by shipping at least 10 percent of its receipts of milk from producers for fluid use in the marketing area in order to be considered as a pool plant.

Presently, a plant which is not approved by the local health authorities would not be considered a pool plant nor subject to the provisions of the order by reason of a sale of bottled milk in the marketing area. It is not likely, from the record, that the operator of such a plant would make such a sale without the approval of local health authorities as evidenced by the issuance of a permit to the plant and the farms supplying the milk. Nevertheless, it is necessary that the manner for applying the order provisions in such instances be specified in order to maintain equity among handlers until such time as the problem can be reviewed in detail at a future hearing. This can be accomplished by having such distributors make limited payments to the producer-settlement fund based on the quantity of Class I milk sold from delivery routes and plant stores in the marketing area, file reports with the market administrator, and pay a pro rata share of the cost of administering the order.

In the marketing area some handlers receive both graded and ungraded milk at their plants. In Louisville the Health Department does not permit milk from

ungraded producers to be received and handled in the same portion of a building in which the milk from graded producers is received and processed. In the Indiana portion of the marketing area the health authorities there permit the use of the same facilities for the handling of ungraded milk only after the receiving and processing of graded milk in that plant has been completed. The handlers in Louisville who receive milk from both graded and ungraded dairy farms maintain separate facilities for receiving and processing the milk from ungraded dairy farms. Milk received from graded producers which is in excess of the requirements of the graded plant is normally utilized in the ungraded operation. The quantities of graded milk and butterfat thus utilized may not always be determined nor accurately recorded. When graded milk is thus intermingled with ungraded receipts, it is not possible to isolate the utilization of the graded producer milk as distinguished from the utilization of the ungraded milk. As proposed herein, the total operation would be considered as one unit whenever graded and ungraded milk is intermingled in the same building. To determine and verify the quantities of graded milk which are utilized in the ungraded operation it is necessary to have full information of all operations involving the ungraded milk. Not only is this information necessary to determine the quantity of graded milk which was so utilized but such complete information is needed in order to allocate properly the shrinkage applicable to the graded milk. The problems involved in attempting to determine shrinkage on such milk without having full information of the operations in the ungraded operations to which such graded milk was moved is set forth fully in the discussion of issue No. 6. When no milk is moved between a graded and ungraded operation in the same building the interest of the market administrator would extend only to the operations of the graded section. However, when milk from the graded section is utilized in the ungraded operation the market administrator in order to effectuate the provisions of the act should consider as one plant the total operation and should obtain reports and verify by audit both the graded and ungraded operation in the same building for each month during which graded milk is moved from the graded to the ungraded section.

Producers proposed that in order for a country plant to be qualified to participate in the pool during the months of October through February not less than 40 percent of its receipts of milk from producers should be delivered to a city plant in the month of October, 75 percent in November, 65 percent in December, 55 percent in January, and 40 percent in February. Their proposal would also disqualify a country plant for pool plant status during the months of March through September if the required percentage of its receipts of milk from producers was not delivered to a city plant during each of the preceeding months of October through February. Such a plant after having failed to meet a percentage requirement in any month would not be eligible to become a pool plant until such plant met the percentage requirement beginning with October next following such disqualification. In view of the findings concerning issue No. 1 relative to the supply of and demand for milk, it is concluded that such proposal should be modified to the extent as proposed herein.

5. The "producer" definition should be revised so as to limit the extent to which handlers may divert producer milk during the months of short production. As presently provided in the order, a handler may divert milk of a producer indefinitely from a pool plant to a nonpool plant. The proposed definition would provide that milk of a producer be delivered to a pool plant on at least half of the days during each of the months of October through February in order to be considered a producer under the order for such month for milk diverted to nonpool plants. This proposed change ties in directly with the pool plant definition outlined above for qualifying a country plant as a pool plant. The standards herein proposed establish a reasonable basis for defining as producers those dairy farmers who "ordinarily deliver" fluid milk to the Louisville market and who are regularly associated with it.

The definition of producer should be clarified with respect to those dairy farmers delivering milk to plants which are approved for the sale of fluid milk to Fort Knox Military Reservation and other similer installations in the marketing area. The military installation at Fort Knox is part of the Louisville marketing area. The health authority for this military reservation is an army officer in charge of administering the standards for fluid milk and cream disposed of on the reservation. The standards used in Fort Knox with regard to the approval of producers is not carried on in the same manner as are those in Louisville and other parts of the marketing area. The record does not indicate the exact standards, or the manner of administering them, which are followed by the "appropriate health authority" in Fort Knox. The source of supply of milk for Fort Knox has been and is at present from handlers located in Louisville. In the past, the only physical inspection made directly by the Fort Knox authority has been the milk plants of Louisville handlers from which Class I milk is sold at Fort Knox. Since written dairy farm inspection permits are not issued to producers by the Fort Knox authorities, the producer definition should be so worded as to include in such definition dairy farmers whose milk is disposed of as Class I in Fort Knox, providing such farms meet the inspection standards prescribed by the Fort Knox authority. By so wording the order, provision likewise would be made for establishing the same qualifications for producers whose milk was disposed of to any other military reservation or similar installation of the United States Government which might be established in the marketing area.

6. The quantity of shrinkage which may be allocated to the lower class should be limited at each plant to 2 percent of the quantities of skim milk and butterfat in milk received directly from producers, except for the months of April through July when a maximum of 5 percent of such skim milk shrinkage would be permitted. Currently the order allows up to 2 percent of the butterfat and skim milk shrinkage in milk received from producers or diverted to a nonpool plant to be classified in Class III. When butterfat shrinkage is not in excess of 2 percent, all unaccounted for skim milk may be allocated to Class III. Handlers may also allocate to Class III the skim milk shrinkage above that required to "float" the butterfat in excess of 2 percent of producer milk. The butterfat test used in this computation is the average test of milk, skim milk and cream from producer milk available for use in Class III.

As proposed, the shrinkage allowance for butterfat will not be changed from the maximum allowance of 2 percent now provided in the order. Maximum skim milk shrinkage allocated to the lower class would be a specific percentage of producer receipts instead of varying amounts as heretofore. The current provision for determining the quantity of skim milk which may be included in Class III has tended to create inequities among handlers.

Handlers have experienced larger losses in skim milk than in butterfat. Greater than normal losses result during the period of flush production because of the abnormally large quantities of skim milk handled during such period. In some instances, small quantities of skim milk are dumped because the expense of moving it is greater than the value which can be realized from its sale. There is a demand for skim milk in the fall because the butterfat test of producer milk then is greater than the butterfat test required by handlers for bottling. Under these circumstances, additional skim milk is needed to standardize the excess fat, and consequently less waste and loss of skim milk is experienced during the short production months than in the flush season. A maximum skim milk shrinkage allowance of 5 percent during months of April through July should be adequate to cover unavoidable skim milk losses experienced by handlers during this period.

A study of the records of the individual handlers shows a wide range in their shrinkage experience and this might result from the manner currently provided for in the order for classifying skim milk shrinkage. Currently, handlers classify and report only milk from approved source of supply and the market administrator audits the records of handlers relative to that producer milk which is intermingled with ungraded milk in its ultimate disposition. It is proposed and recommended in another part of this decision that a handler also report and classify receipts of ungraded milk at a plant wherein producer milk is intermingled and processed with ungraded milk. Movement of producer milk is accomplished by: (a) Transfer or diversion to an ungraded plant at another location; (b) transfer by pipeline from the graded to the ungraded section of the same building; or (c) use in the same

plant, after completion of the graded milk operation, in combination with receipt of ungraded milk.

As now provided in the order, when producer milk is transferred to the ungraded portion of the same building, the shrinkage of skim milk and butterfat allowed on such milk is computed on a pro rata basis with the skim milk and butterfat contained in all milk, skim milk, and cream received in the ungraded portion. The shrinkage thus determined is added to the shrinkage of producer milk handled in the handler's graded operation. When "supporting transfer records satisfactory to the market administrator" are not available in connection with the intermingling of graded and ungraded milk, the total unaccounted for milk of the graded and ungraded operations is prorated over the total receipts from producers and from all other sources.

The recommended change, in conjunction with the proposal requiring handlers to report and classify ungraded receipts at a plant where producer milk is intermingled with it, would provide that the shrinkage in milk received from producers would be computed and allocated to producer milk on a pro rata basis with ungraded milk. This would provide uniform treatment for all handlers and would remove administrative difficulties which prevailed heretofore in determining the shrinkage of producer milk.

Handlers proposed that allocation of shrinkage to the lower class be allowed on producer milk received from other plants. This allowance would be in addition to that which is permitted on milk received directly from producers. In effect, this proposal would provide for allowing shrinkage twice on the same milk and would increase the quantity of producer milk which could be classified in the lower class. The prices charged for milk in inter-handler sales can give consideration to such shrinkage at may be involved. The producer's responsibility ends when his milk is delivered to the handler's plant and he should not be expected to stand any reduction in his return by providing increased shrinkage classification in the lower class because of inter-handler movements of milk.

It was brought out on the hearing record that a shrinkage allowance on producer milk diverted to a nonpool plant was not warranted. Milk so diverted is delivered directly from producers' farms to the nonpool plant and producers are paid for the quantity received at such plant. Permitting a shrinkage allowance on such milk arbitrarily increases the quantity of skim milk and butterfat which may be allocated to the lower class at the expense of producers. The order should be clarified so that shrinkage is not permitted on producer milk which does not actually pass through a pool plant.

7. The language of the order should be clarified with respect to responsibility of handlers in determining classification and reclassification of skim milk and butterfat. In conjunction with the proposal covered in issue No. 6, this rewording and clarification of the order requires that a handler establish the utilization of skim milk and butterfat in producer milk before allocating shrinkage on such milk to the lower class. The allocation of shrinkage to Class II would be permitted only after a handler had established that the quantities of skim milk and butterfat utilized were disposed of as milk and milk products. In the event such utilization was not established none of the handler's producer milk would be classified as shrinkage in Class II but all such unaccounted for milk would be classified as Class I. The proposed change would also spell out clearly the responsibility of the handler who first received milk from producers when reclassification of such milk after audit is made by the market administrator.

8. All skim milk and butterfat disposed of in fluid form as milk, cream, skim milk, buttermilk, milk drinks or any other milk or cream products which are required by the appropriate health authority in the marketing area to be made from approved milk or cream should be classified as Class I milk. Skim milk and butterfat used in the manufacture of milk products which need not be made from graded milk would be placed in Class II. Normally such manufactured dairy products are made from graded milk only when a handler's supply of such milk is in excess of his needs for fluid purposes.

As currently provided in the order, Class I milk is skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks and that milk which is not specifically accounted for as Class II or Class III milk. Skim milk and butterfat now considered in the category of Class II is that disposed of as fluid cream and any cream product disposed of in fluid form which is required by the appropriate health authority in the marketing area to be made from approved milk or cream. The Class III category contains the skim milk and butterfat used to produce products other than those specified in Classes I and II. The change herein proposed would result in all skim milk and butterfat heretofore considered as Class I and Class II being Class I, and the current Class III would be designated Class II.

The health authorities having jurisdiction in the marketing area require that milk disposed of for consumption as milk, cream, skim milk, buttermilk, and milk drinks be derived from milk produced in conformity with their standards. Accordingly, milk producers in the local supply area are inspected by the appropriate health authorities and those producers in the area who meet the standards are given permits to ship to the marketing area. Normally only inspected producers may supply milk to be disposed of as milk, cream, skim milk, buttermilk and milk drinks. In times of shortage, however, it has been the practice to allow the importation of milk, skim milk and cream from sources outside the milkshed. Such importations must meet sanitary standards similar to those applying to milk produced in the local supply area.

A principle of milk classification systems is that uses of milk with similar economic values be in the same classes. The transportation costs of milk from approved farms are the same whether such milk is used for milk or cream for approved fluid purposes. The cost of producing milk to meet the sanitary standards of the Louisville market are the same for all uses. In view of the foregoing, milk from producers so disposed of as to have been heretofore classified as Class I or Class II should be merged into one class designated as Class I.

At the hearing it was proposed that skim milk and butterfat disposed of as yogart be Class I. Provision is made above for yogart and similar products by providing that if such product is required by the local health authorities in the marketing area to be made from milk from approved sources, the skim milk and butterfat therein should be Class I.

Proposal was made by producers to delete from the order the provision that handlers make payment for Class I milk for relief distribution at the Class III price plus 12 cents. This provision was incorporated into the order at a time when economic conditions were such in the Louisville area so that a significant number of families were not able to purchase milk at the established prices and there was a surplus supply of milk for the market. Conditions have changed since the special category and pricing for "Class I milk for relief distribution" was incorporated in the order. The quantities sold in this category have declined to a negligible amount (0.24 of 1 percent of the total production in February of 1951), and the problem of burdensome surpluses of producer milk which prevailed in the early days of the order has been replaced by that of obtaining an adequate supply of milk for the market. It is concluded that all Class I milk for relief distribution should return to producers the same price as all other Class I milk.

9. The order should be clarified with respect to the classification of milk which was received from producers and transferred to other plants. This revision is necessary to carry out the change in the pool plant definition wherein the operation of the graded and ungraded milk sections of the same building are considered as one plant. Heretofore milk transferred from the graded to the ungraded side of the same plant was classified on the basis of the pro rata utilization of the milk handled in the ungraded side. The wording as proposed with regard to the classification of other source milk will more clearly carry out the intent of the order by preventing the classification of other source milk in such a manner as to allocate to producer milk a lower classification than such other source milk.

10. The basis for determining the value of the skim milk component of the butter-skim formula of the basic formula price should be revised. As now provided in the order the quotation for roller process, non-fat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area is used as the basis for the skim milk value of the butter-skim formula. The proposed change would replace this with the average quotation for spray and roller process skim milk powder. Currently, from the average of the roller powder quotations an amount of 5.5 cents per pound (make allowance) is deducted and each full half cent remaining is multiplied by 3.5 cents. The "make allowance" in the formula proposed would remain at 5.5 cents and the balance remaining after this deduction would be multiplied by 8.2. The net effect of the change proposed above would be to increase the skim milk value by about 15 to 17 cents per hundredweight relative to the present value. Because 15 cents is now added to the butter-powder formula in the basic price, the increase of 15 to 17 cents resulting from the change herein proposed will have the net effect of increasing the Class I price by about 0 to 2 cents per hundredweight.

With the change herein proposed, the basic formula price in the Louisville order will be determined in the same manner as the basic formula price in the Cincinnati order. The Cincinnati order provides for a basic formula price which is the higher of the butter-skim formula (as herein proposed) and the average price paid by 18 midwestern condenseries. These components would be provided for in the Louisville order. An additional alternative in the Louisville order would be the Class III price when that was higher than the other two determinants.

The production areas for the Louisville and Cincinnati markets overlap. Unless Class I prices under the Louisville and Cincinnati orders are maintained in appropriate relationship, producers who are needed to supply the Louisville market would be lost to Cincinnati handlers.

Producers proposed that the average price for 3.5 percent milk paid by the 18 condensaries be converted by direct ratio to the 3.8 percent basis used for pricing under the order. This would replace the Chicago butter price plus 20 percent as the basis for adjusting the announced 3.5 percent condensory price to the order price basis of 3.8 percent. The effect of this change would be to increase the basic formula price alternative derived from this quotation. Another price quotation used in the order is that for 4.0 percent milk at 7 local plants, which is one of alternative price basis for determining the Class III price. This price is reduced to the 3.8 percent basis of the Louisville order in the same manner as is now provided for converting the 18 condensory price to a 3.8 percent basis. Proponents contended that the direct ratio method is justified because it is used in some other markets in converting the 18 condensory price for 3.5 percent milk to a different test, and that some of the plants whose prices paid are used in determining the 18 condensory price pay butterfat differentials on a direct ratio basis. The proposal is not in keeping with the need for maintaining an appropriate relationship between the Louisville and Cincinnati Class I prices. It is concluded that this proposal should be denied.

Substitution of the quotations for spray process skim milk powder instead of roller process quotations in the butter-skim component of the basic formula was proposed by producer representatives. For the reasons set forth in connection with the decision made above to use the average of spray and roller quotations in the basic price this proposal is denied.

11. The price of Class II milk, i. e., that which is used for manufacturing purposes, should be increased during the months of August through March and decreased the flush production months of April through July. As now provided in the order, the pricing of Class III (hereinafter referred to as Class II, the designation used in this decision) is a butter-skim formula or the average price paid by seven local manufacturing plants, whichever is higher. The butter-skim formula price has been the determinant more frequently used as the basis for the Class II price. This price is computed by multiplying 120 percent of the average 92-score butter price by 3.8 and adding thereto 3.5 cents per hundredweight for each full one-half cent that the average quotation for nonfat dry milk solids by roller process for human consumption in the Chicago marketing area is above 5.5 cents. The payment by handlers for butterfat above or below 3.8 percent in Class II milk now provided in the order is at the rate of 120 percent of the Chicago butter price. An additional factor in the surplus class pricing provided in the order is the butter manufacturing credit, which during the months of April, May, and June allows handlers on butterfat in producer milk used in the manufacture of butter ten percent of the price of 92-score butter at Chicago per pound of butterfat. The amount of this credit is limited to ten percent of such handlers disposition of Class I butterfat during the same month.

As proposed, the Class II price for the months of August through March would be the price arrived at by the butter-skim formula which would be used in determining the basic formula price. This formula is described in the discussion of issue No. 10, and would result in an increase to producers for milk sold in the lower class of approximately 15 to 17 cents per hundredweight during the months of August through March. The butterfat differential during these months would remain at 0.12 of the Chicago butter price as now provided in the order. For the months of April through July the Class II price would be revised to provide for changing the butter-skim formula now provided in the order from 120 to 115 percent of the Chicago butter price multiplied by 3.8, and changing the yield factor for skim powder in this formula from 7 to 8.2, and deducting 8 cents. The butterfat differential would be 0.115 of the Chicago butter price. The provision crediting handlers for butter manufacture would be eliminated from the order.

The record shows that the yield of nonfat dry milk solids from 100 pounds of skim milk by roller process in plants operated by Louisville handlers ranged from a monthly average of 7.9 to 9.3 pounds. The average yield for the 2-year period was 8.5 pounds of nonfat dry milk solids from 100 pounds of skim milk. This average yield approximates that of 8.6 pounds per 100 pounds of skim milk which was obtained by the operator of a plant in the Louisville area who manufactures substantial quantities of skim milk powder. Converting this yield to give consideration to the skim milk in 100 pounds of milk establishes the 8.2 yield recommended herein as a reasonable figure. The deductions of 8 cents per hundredweight will maintain the value of skim milk in Class II milk during the months of April through July at approximately the same value as currently provided.

The lower price provided in the formula during the flush production months by the revised butter-skim formula would be offset by the discontinuance of the butter credit allowance to handlers. On the basis of the price quotations for the most recent month available at the time of the hearing, February 1951, the Class II price as determined by the butter-skim formula which is proposed for the months of April through July would have been 13.1 cents less than the current Class II butter-skim provision provides. The butter credit to handlers, which it is proposed to eliminate, would have been 6.9 cents per pound of butterfat or 26.2 cents per hundredweight of 3.8 percent producer milk used in the manufacture of butter. A lower price for all Class II butterfat during these months would provide relief to all handlers in the disposition of surplus milk. Heretofore only those handlers utilizing surplus milk for butter manufacture obtained such relief.

Testimony of handlers indicated that they were required to handle surplus milk from producers during the months of flush production in order to have adequate supply of milk in the fall months. The Class II uses of milk disposed of during the flush production season are not, on the whole, as profitable outlets to handlers as are those outlets in the fall of the year when the supply of producer-milk available for Class II is lower. With a limited supply of milk for Class II, the market for those products which will command the best return are served first; and conversely, during the months of flush production, when the supply is excessive, large quantities of milk are disposed of for use in those products which are least profitable or actually result in a loss to those handlers receiving the milk from producers.

The pricing of milk in the months of flush production should be at the rate at which milk produced for the market will be handled so that such surplus milk production will not disrupt the orderly marketing of milk. The higher prices for Class II milk during the months of short production will also encourage the transfer of milk from manufacturing uses to fluid uses in time of short supply in the fall and winter.

Revising the Class II price for April through July by changing the several factors in the butter-skim formula as outlined above and eliminating the "butter credit" heretofore allowed handlers as a reduction in their milk costs, would likely have the net effect of reducing slightly the Class II price during

these months from the level currently prevailing.

Producers proposed that the Class II price be increased by 30 cents per hundredweight for the months of September through December. They contended that by pricing milk for manufacturing uses at such higher prices during these months, handlers who had supplies above their fluid needs during this period of short production would be more inclined to make the milk available to other handlers who needed it for Class I purposes. They further contended that since there was less milk available from producers for Class II use during the September–December period, it "should be priced high." The price of Class II milk has been established on the basis of the price for which unapproved milk could be obtained since such milk, skim milk, and cream competes with producer milk for Class II uses. To ignore consideration of this basis of pricing milk for Class II uses will result in outlets being lost for such milk not only during the short season but also during the flush months when markets for surplus milk are badly needed. This proposal should be denied for these reasons.

The proposal that nonfat dry milk solids quotation for spray process be substituted for the roller processes quotation in computing a formula price for Class II milk should be denied. There are no spray process operations in the Louisville area and none of the producer milk is sold to any outlets making spray powder. There are some plants in the Louisville area having equipment for making roller process powder and such rollers are operated principally during the spring months. Other times during the year, the operations of these rollers may be negligible compared to the operations in the spring months. The demand for skim milk for uses other than for the manufacturing of nonfat dry milk solids is well below the supply during the spring months and to provide for using the higher spray quotations during that period is therefore not warranted. During the remaining months of the year, the roller process quotation for skim milk powder would be replaced by the average of the quotations for spray and roller powder. Although there are no spray plants in the market, the inclusion of the higher quotation in these months is believed to be more representative of value of the uses of skim milk in manufactured products during such months.

Handlers proposed that the butter credit which had heretofore been allowed on producer milk during the months of April through June be extended throughout all months of the year. An equivalent of the butter credit is proposed by reason of the change in the butterfat value of Class II milk and the butterfat differential during the months of April through July. To extend the butter credit or its equivalent during the other months of the year would give encouragement to the use of producer milk in the manufacture of butter when such milk might be needed by other handlers for Class I uses. The proposal for the butterfat credit throughout the year should be denied.

12. The present Class I butterfat differential of the average price of 92-score butter plus 30 percent should be reduced to the average price of 92-score butter plus 25 percent.

During the past two years the average monthly test of all Class I sales was between 3.5 and 3.6 percent, and that of milk received from producers was approximately 4.0 percent. The present differential does not encourage the sale of high test milk and does not properly reflect the value of the skim milk portion of whole milk. Because milk delivered by Louisville producers is at a higher test than that sold as Class I milk in the short production months it is necessary to obtain skim milk from outside sources to standardize producer deliveries of milk. Reducing the Class I butterfat differential as proposed would establish a more appropriate relationship in the value for the skim milk and butterfat in producer milk.

13. The order should not be amended to provide for location differentials applicable to milk received at pool plants located 50 miles or more from Louisville.

The order does not now provide for any location differentials of the type which were proposed. Handlers are required to pay the Class I price provided in the order for all producer milk classified as Class I regardless of the location of their plants, and producers likewise receive the same uniform prices regardless of the location of the plant to which their milk is delivered. Producers proposed that handlers be permitted a location differential to be deducted from the Class I prices on producer milk received at plants located 50 miles or more from Louisville, which was moved to city plants and classified as Class I milk. Producers making deliveries to these plants would receive a uniform price which would be reduced by the same amounts per hundredweight as was proposed for the handler location differential on Class I milk.

At the time of the hearing in December 1950 there was but one plant located more than 50 miles from Louisville which was approved for the shipment of fluid milk to the marketing area. The record fails to substantiate that a plant located more than 50 miles from Louisville and producers delivering to such plant have an advantage over other plants and other producers. The record also does not show that the location differential rates proposed can be justified or are proper when considered in the light of hauling rates presently being paid by producers delivering their milk to receiving stations located at substantial distances from the marketing area. Moreover, the record does not show that the best interests of the Louisville market would be served by establishing location differentials at this time. The proposed location differential should be denied.

14. Definitions should be included in the order for "cooperative associations," "producer milk," and "Chicago butter price." Heretofore none of these terms were specifically defined in the order. These definitions are proposed to shorten the language within the order when reference is made to these terms.

The definition of "delivery period" as defined in the order is deleted. The delivery periods to which reference is made in the order are calendar months and the proposed change would have "month" to replace "delivery period" throughout the order where reference was made thereto.

Duties of the market administrator as set forth in the order should be revised and clarified with regard to certain portions thereof. The provision that the market administrator shall publicly announce the failure of a handler to make reports or payments as required by the order within 15 days should be changed to "within 5 days." This provision is included in orders as a means of notifying producers and those who have an interest in compliance by handlers that a particular handler is not complying with the order so that they may take steps to protect themselves. A period of 5 days intervenes between the time that handlers are required to file reports and the administrator is required to complete the monthly pool computation. The shorter period of 5 days to replace the 15-day period heretofore provided is necessary in order to effectuate the intent of this provision.

The order should spell out within the section listing the duties of the market administrator, the requirement that he should verify all reports and payments which relate to utilization and classification of producer milk. The market administrator has been empowered to and has been performing this function. The change merely sets forth more specifically those duties which he is required to perform.

The market administrator should be required to obtain a bond covering employees who handle funds entrusted to him. Heretofore the order had stated only that the market administrator should be covered by a bond. The reasons for covering the market administrator by a bond apply equally as well to those in his employ who handle funds entrusted to him.

The reporting requirements of the order should be amended to provide that handlers report a breakdown of Class I sales showing quantities of Class I milk which are sold within the marketing area and the quantities sold outside the marketing area. Such information is not only of value to all interested parties for statistical purposes but it is also helpful in making determinations with respect to the supply and demand situation for the Louisville market.

Reports to the market administrator should be made by handlers listing the transportation rates paid by producers for the hauling of their milk from the farm to milk plants. This information is necessary to verify payments to producers and authorizations by them for the deduction of such transportation rates.

Provision should be made in the order to determine the extent to which the various provisions thereof shall apply with respect to a person who may be a handler under the Louisville order and who is also a handler under another order or marketing agreement issued pursuant to the act. Under such circumstances a conflict or duplication of obligations would result. The Louisville order at present does not provide a method whereby such a conflict or duplication could be resolved. It is recognized that any specific rule adopted in the order may be inadequate to resolve all the conflicts and duplications which could ensue under various circumstances and that a hearing might be needed to consider the circumstances of a particular situation. However, in view of the impracticability of amending orders by hearing processes prior to the time at which a conflict or duplication of obligations may arise, it is believed that a specific rule should be adopted. Furthermore, such rule should place the person on notice as to the extent of his obligations under the order. This can best be accomplished by exempting from the pricing and payment provisions of the Louisville order any person who is a handler under the Louisville order and who is also a handler under another order or marketing agreement issued pursuant to the act, with respect to the same milk, a greater portion of which is determined by the Secretary to be disposed of as Class I milk in the marketing area under another order. Such person should be required to make reports to the market administrator at such time and in such manner as the market administrator may request.

The date on which handlers are required to make payment to the producer-settlement fund should be changed from the 15th day to the 13th day after the end of the month and the date for payments by the market administrator to handlers from the producer-settlement fund should be changed from the 20th day to the 14th day after the end of the month. The present schedule of payments is not consistent with that provision of the order requiring that producers be paid on or before the 15th day of the month since handlers receiving payments from the producer-settlement fund could hold up payments to producers if such funds had not been received by the 15th. As herein proposed, with the pool computation completed on or before the 10th of the month as provided in the order, ample time is allowed for handlers to receive billings so as to make payment to the fund by the 13th of the month and the market administrator to make payment out of the fund by the 14th.

It was suggested at the hearing that the sections, paragraphs, subparagraphs, and subdivisions of the order be renumbered in accordance with the revised Federal Register procedure. In this connection, it is believed that the reissuance and publication of the present order in the form of an order, as amended, incorporating the proposed amendments will be of convenience to all interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order, As Amended

The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended.

Definitions

§ 946.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the city of Louisville, Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charleston, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used in the receipt of milk from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the period of April through September from which more than 50 percent of its combined receipts from dairy farmers who hold a dairy farm inspection permit issued by the appropriate health authority having jurisdiction in the marketing area during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plant from the pool for the months of April through September.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing,

processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant from which Class I milk is disposed of in the marketing area from delivery routes or plant stores during the month.

§ 946.12 *Producer.* "Producer" means any person who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (As used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area, which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk.), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted by a handler to a nonpool plant: *Provided*, That any such milk be diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further*, That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer.

§ 946.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or pool plants, except the receipt of any non-fluid milk product which is disposed of in non-fluid form.

§ 946.15 *Producer-handler.* "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

MARKET ADMINISTRATOR

§ 946.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.85;

(j) On or before the 15th day after the end of each month, report to each cooperative association the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. For the purpose of this report the milk so received shall be allocated in each class for each handler in the same ratio as milk received from all producers by such handler during the month.

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 10th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The quantities of milk in each class received by such handler from producers and the value thereof; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.83, 946.86 and 946.87.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in receipts from pool plants of other handlers (except the receipt of any nonfluid milk product which is disposed of in nonfluid form);

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I milk other than on routes and through plant stores operated wholly or partially within the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 946.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which may show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is received within the month by a handler and which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed, (2) disposed of in fluid form as any milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream, from sources approved by such authority and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) as disposed of in any form in bulk and used for non-fluid purposes by soda fountains, restaurants, bakeries, candy and soup manufacturers, and retail food establishments which, under the applicable health regulations, are permitted to receive milk, skim milk, and cream of other than Grade A quality for nonfluid uses, (4) in plant shrinkage of skim milk and butterfat in milk received from producers and other sources computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to paragraph (a) and subparagraphs (1) (2) and (3) of paragraph (b) of § 946.41 at such plant(s) shall be known as unaccounted for skim milk and butterfat and classified as follows: *Provided*, That if producer milk is diverted by such handler to a pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such receipts of milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage or unaccounted for skim milk and butterfat and shall be excluded from the receipts of skim milk and butterfat, respectively, in such computation for the diverting handler: *And provided further*, That if producer milk is so diverted to a nonpool plant the respective quantities of skim milk and butterfat contained therein shall be excluded from the receipts of the diverting handler in computing his plant shrinkage or unaccounted for skim milk and butterfat.

(a) Prorate the quantities of unaccounted for skim milk and butterfat between such handler's receipts of skim milk and butterfat, respectively, in the milk received from producers and other source milk.

(b) The following portion of the quantities computed pursuant to paragraph (a) of this section shall be known as shrinkage and classified as Class II milk: *Provided*, That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products is not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of milk from producers pursuant to paragraph (a) of this section shall be classified as Class I milk:

(1) That portion of skim milk and butterfat respectively prorated to receipts of other source milk;

(2) That portion which is prorated to skim milk in receipts of milk from producers but which, during the months of August through March, is not in excess of 2 percent of the total quantity of skim milk in such receipts and, during the months of April through July, is not in excess of 5 percent of the total quantity of skim milk in such receipts; and

(3) That portion which is prorated to butterfat in receipts of milk from producers but which is not in excess of 2 percent of the total quantity of butterfat in such receipts.

(c) That portion of skim milk and butterfat which is prorated to receipts of milk from producers, pursuant to paragraph (a) of this section, which is in excess of the amount of skim milk and butterfat, respectively, classified as Class II milk, pursuant to paragraph (b) of this section, shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if used or reused by such handler or by another handler except a producer-handler in another class.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of fluid milk, skim milk, or cream (excluding frozen cream) to a pool plant of another handler, unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity

shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of fluid milk, skim milk, or cream (excluding frozen cream).

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located less than 100 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the nonpool plant on or before the 5th day after the end of the month within which such transaction occurred;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided*, That if upon inspection of the records of the nonpool plant it is found that an equivalent of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract the plant shrinkage of skim milk in milk received from producers, determined pursuant to § 946.42 (b) (2), from the total pounds of skim milk in Class II;

(2) Subtract the pounds of skim milk in receipts of other source milk from the remaining pounds of skim milk in Class II: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract the pounds of skim milk in milk, skim milk, and cream received from pool plants of other handlers from the pounds of skim milk in the class to which it was assigned: *Provided*, That, if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(4) Add the plant shrinkage of skim milk in milk received from producers subtracted in subparagraph (1) of this paragraph, to the remaining pounds of skim milk in Class II; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraphs (1) and (2) of § 946.51 (b).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight computed by adding together the values pursuant to subparagraphs (1) and (2) of this paragraph, dividing by 7, adding 30 percent thereof, and then multiplying by 3.8.

(1) Multiply by 6 the Chicago butter price for the month.

(2) Multiply by 2.4 the simple average, as published by the Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 946.52 (b) for the month by 3.

§ 946.51 *Class prices.* Subject to the provisions of § 946.52, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus $1.25 per hundredweight.

(b) *Class II milk.* The price of Class II milk for the months of August through March shall be the price per hundredweight computed pursuant to § 946.50 (a), and for the months of April through July the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) From the average of the basic or field prices per hundredweight reported by, and ascertained by the market administrator to have been paid by the following concerns at the plants or places listed below, for ungraded milk of 4.0 percent butterfat content, without deductions for hauling or other charges to be paid by the farmer shipper, received from dairy farmers during the month:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract the amount computed by multiplying the butterfat differential computed pursuant to § 946.52 (b) for the month by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption,

f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents and multiply by 8.2, and then deduct 8 cents.

§ 946.52 *Butterfat differential to handlers.* If the weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each $\frac{1}{10}$th of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(a) *Class I milk.* Multiply by 1.25 the Chicago butter price for the month and divide the result by 10.

(b) *Class II price.* For the months of August through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April through July, multiply by 1.15 the Chicago butter price for the month and divide by 10.

APPLICATION OF PROVISIONS

§ 946.60 *Producer-handlers.* Sections 946.40 through 946.46, 946.50 through 946.52, 946.61, 946.70, 946.71, and 946.80 through 946.88 shall not apply to a producer-handler.

§ 946.61 *Handlers operating nonpool plants.* Sections 946.30 through 946.32, 946.50 through 946.52, 946.70, 946.71, 946.80 through 946.84, 946.86 and 946.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 5th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the difference between the price of Class II milk and the price of Class I milk adjusted by the butterfat differential to handlers; and

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of such milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices; and

(d) Add the amount computed by multiplying the pounds of other source milk which were allocated to Class I by the difference between the Class II and the Class I prices adjusted by the butterfat differential to handlers.

§ 946.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.83 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.84 (a), and less the aggregate of the amounts held pursuant to paragraph (c) of this section for payment pursuant to § 946.84 (b);

(e) Divide the resulting total by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall pay to each producer from whom he received milk during the month an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the producer butterfat differential, and less deductions authorized by such producer: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 946.84, he may reduce uniformly per hundredweight for all producers his payments pursuant to this section by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 946.81 *Producer butterfat differential.* In making payment to producers pursuant to § 946.80, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 946.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.83, and 946.85 and out of which he shall make all payments pursuant to §§ 946.84 and 946.85: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 946.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential.

§ 946.84 *Payments out of the producer-settlement fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 14th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (c) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest full cent per hundredweight) by the milk received from such producer during the month: *Provided*, That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.85 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.84, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers, and, on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.87 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 2.5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

§ 946.91 *Suspension and termination.* Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 *Continuing power and duty.* (a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 946.93. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, except §§ 946.35, 946.88, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 946.101 *Separability of provisions.* If any provisions of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provisions and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C. this 2d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-7876, Filed, July 6, 1951; 8:53 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.207 *Budget of expenses and rate of assessment.* (1) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $5,250.00.

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be three eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(3) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 3d day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7874; Filed, July 6, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JUNE 29, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 80 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 71

For lease and sale for homesites only:

T. 22 S., R. 61 E., M. D. M.
Sec. 9, W½SW¼.

The land is situated in Clark County, Nevada, about 7 miles south of Las Vegas, one of the largest towns in the state. It can be reached over U. S. Highway 91. The land is desert in character. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 10:00 a. m., March 29, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 31, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 31, 1951, to close of business on November 29, 1951.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., March 29, 1949, to 10:00 a. m., August 31, 1951.

4. Any of the land remaining unappropriated will become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 30, 1951.

(a) Advance period for simultaneous nonpreference filings from 10:00 a. m., March 29, 1949, to 10:00 a. m., November 30, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran will accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims will accompany their application by duly

corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet, except that along the west side of the subdivision there will be a row of tracts 330 by 660 feet, the longer dimension of which will extend east and west, which latter tracts will be subject to a 200-foot highway right-of-way. This highway extends north and south along the western side of said subdivision.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Leases will be for a period of three years. Homesite leases will be for a period of three years. Homesite leases will be at an annual rental of $5.00 and business site leases at an annual rental of $20.00, all of the rental to be paid in advance for the entire period of the lease. Leases will contain an option to purchase clause at the appraised value of $125.00 per tract, except that those tracts bordering the State Highway are appraised at $175.00 per tract. Application for purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to rights-of-way for road and public utilities as follows:

16½ feet along the north side of the NW¼SW¼ and SW¼SW¼
16½ feet along the south side of the NW¼SW¼
33 feet along the south side of the SW¼SW¼

Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-7852; Filed, July 6, 1951; 8:49 a. m.

[Misc. 1724268]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM BOISE PROJECT

JULY 2, 1951.

An order of the Bureau of Reclamation dated December 20, 1948, concurred in by the Director, Bureau of Land Management, December 27, 1948, revoked the Departmental orders of December 22, 1903, February 10, 1906, and April 26, 1938, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Boise Project, Idaho, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described:

BOISE MERIDIAN

T 11 N., R. 3 E.,
Sec. 2, lots 11 and 12.
T. 3 N., R. 3 W.,
Sec. 26, NW¼.

The lands in T. 11 N., R. 3 E., are definitely forest in type, and not of agricultural value, and it is unlikely that they will be classified for disposal under any public-land law. The NW¼ sec. 26, T. 3 N., R. 3 W. is chiefly valuable for gravel.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall become effective at 10:00 a. m. on the 35th day after the date hereof. At that time the surveyed public lands within the above-described area shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for those lands may be obtained on request from the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7826; Filed, July 6, 1951; 8:45 a. m.]

[Misc. 1216080]

MONTANA

NOTICE OF REMOVAL OF TRACT FROM PUBLIC WATER RESERVE NO. 107

Pursuant to the authority contained in Departmental Order No. 2583, section 1.1 (a) of August 16, 1950 (15 F. R. 5643), and the instructions of the Frst Assistant Secretary of the Interior of March 29, 1951, notice is hereby given that the following-described public land, which was construed by Public Water Interpretation No. 212 of January 18, 1935, to be included in Public Water Reserve No. 107 created by the Executive order of April 17, 1926, has been found to be unsuitable for withdrawal as a public water reserve and that Interpretation No. 212 will be deleted from the records:

PRINCIPAL MERIDIAN

T. 8 N., R. 41 E.
Sec. 24, SW¼SE¼.

The area described contains 40 acres.

The land is isolated and primarily valuable for grazing, and contains no water. It will not be subject to occupancy or disposition until it has been classified. It is unlikely that it will be classified as suitable for homestead, desert-land, or small-tract use.

This order shall become effective at 10:00 a. m. on the 35th day after the date of publication in FEDERAL REGISTER. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office at Billings, Montana.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7827; Filed, July 6, 1951; 8:46 a. m.]

[Misc. No. 1218080]

OREGON

NOTICE OF REMOVAL OF TRACTS FROM PUBLIC WATER RESERVE NO. 107

Pursuant to the authority contained in Departmental Order No. 2583, section 1.1 (a) of August 16, 1950 (15 F. R. 5643), and the instructions of the First Assistant Secretary of the Interior on March 29, 1941, notice is hereby given that the following-described land which was construed by Interpretation No. 199 of February 27, 1934, to be included in Public Water Reserve No. 107 created by Executive order dated April 17, 1926, has been found to be unsuitable for withdrawal as a public water reserve and that the Interpretation No. 199 will be deleted from the records:

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 21, SW¼.

The area described contains 160 acres.

The land affected by this notice is chiefly valuable for grazing. No application for this land may be allowed under the homestead, small tract, or desert-land laws, or any other non-mineral public-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall become effective at 10:00 a. m. on the 35th day after publication in the FEDERAL REGISTER. At that time the said land shall become subject to application, petition, location and selection, subject to the provisions of existing withdrawals, the requirements of applicable law and the 90-day preference right filing period for veterans and others entitled to preference

under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-7828; Filed, July 6, 1951; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

SPECIAL ASSISTANT TO ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO POWER CONTRACTS

Effective June 8, 1951, the following delegation of authority has been authorized:

Authority has been delegated to Ershel G. Keffer, Special Assistant to the Administrator, to approve, "for Claude R. Wickard, Administrator," large power contracts between REA borrowers in Region IX and consumers where such contracts are in accordance with the REA standard form of agreement for the purchase of power, or where such contracts follow a form previously approved by the Office of the Solicitor.

This delegation is in addition to and does not supersede existing delegations of authority.

Issued this 8th day of June 1951.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F R. Doc. 51-7877; Filed, July 6, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region III, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO AHTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total n[illegible] of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority shall take effect on July 7, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 6, 1951.

[F. R. Doc. 51-9730, Filed, July 6, 1951; 8:46 a. m.]

[Region III, Redelegation of Authority No. 2]

DIRECTORS OF DISTRICT OFFICES, REGION III

REDELEGATION OF AUTHORITY TO ACT ON ALL APPLICATIONS AND CERTAIN ADJUSTMENTS

Redelegation of authority to act on all applications for price action and adjustments under the provisions of sections 15 (c), 26a, 28a and 28b of CPR 14; sections 26, 26a, 27 and 30 (b) of CPR 15; and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to Delegation of Authority No. 8 (16 F. R. 738) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Philadelphia, Pittsburgh and Erie, Pennsylvania, and Wilmington, Delaware, Offices of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR 14; sections 26, 26a, 27, and 30 (b) of CPR 15; and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

This redelegation of authority shall take effect on July 7, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 6, 1951.

[F. R. Doc. 51-7931; Filed, July 6, 1951; 8:46 a. m.]

[Region VI, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 8 (16 F. R. 5659) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio.; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio, District Offices of the Office of Price Stabilization to act under sections 15 (c), 26a, 28a, and 28b of CPR 14, sections 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio, District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a and 28b of CPR 14, sections 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

This redelegation of authority shall take effect on July 7, 1951.

SYDNEY A. HESSE,
Director of Regional Office No. 4.

JULY 6, 1951.

[F. R. Doc. 51-7932; Filed, July 6, 1951; 8:46 a. m.]

[Region VI, Redelegation of Authority No. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio District Offices of the Office of Price Stabilization to authorize, by order, in accordance with section 39 (b) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Director of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio District Offices of the Office of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority shall take effect on July 7, 1951.

SYDNEY A. HESSE,
Director of
Regional Office No. 4.

JULY 6, 1951.

[F. R Doc. 51-7933; Filed, July 6, 1951; 8:46 a. m.]

[Delegation of Authority 8, Amendment 1]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

Delegation of Authority 8 (16 F. R. 5659) is amended by adding item 2 to read as follows:

2. *Authority to act under section 21a of CPR 15.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization. The delegation of authority in this item shall take effect on July 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 6, 1951.

[F. R Doc. 51-7949; Filed, July 6, 1951; 11:25 a. m.]

[Delegation of Authority 10, Supp. 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO DISAPPROVE OR REQUEST FURTHER INFORMATION REGARDING CHANGES IN COUPON EXCHANGE PLANS PURSUANT TO SECTION 4 OF SR 25 TO GCPR

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) by Office of Price Stabilization Delegation of Authority No. 10 (16 F. R. 6260), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted for approval proposed changes in a coupon exchange plan or other premium program pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

2. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to disapprove proposed changes in a coupon exchange plan or other premium program submitted by a seller pursuant to Supplementary Regulation 25, as amended, to the General Ceiling Price Regulation.

This delegation of authority shall take effect on July 7, 1951.

EDWARD F. PHELPS, JR.,
Assistant Director for
Price Stabilization.

JULY 6, 1951.

[F. R. Doc. 51-7950; Filed, July 6, 1951; 11:25 a. m.]

Wage Stabilization Board

[General Wage Regulation 12]

ESTABLISHMENT OF CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Wage Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes a tripartite Construction Industry Stabilization Commission to administer the wage stabilization functions in the building and construction industry. The considerations supporting this regulation are as follows:

The work of the industry is performed on separate project sites, rather than in fixed industrial plants. Both contractors and workers are mobile. Contractors move into an area, complete their project as required or allowed by such variables as weather conditions and contractual provisions, and move on to a new job site. Workers may be employed by a number of different contractors, on different projects, in the course of a single season. The employment relationship is thus temporary and intermittent.

The construction industry is highly organized both as to contractors and workers. Most of the approximately 2,500,000 employees belong to one of the 19 international unions affiliated with the Building and Construction Trades Department of the AFL, and most contractors, general, specialty or home builders, bargain through associations. Collective bargaining typically takes place between the unions and associations in a locality, and normally proceeds with each craft union negotiating separately. There may also be participation by the national unions and contractors associations. There are accordingly many thousands of separate agreements entered into each year. The wage rates determined through these negotiations are adopted in many cases by contractors who are not association members.

Wage rates for federally financed construction projects in the building and construction industry are determined by the Secretary of Labor under the Davis-Bacon and similar Acts which contain provisions stating that the minimum wages to be paid various classes of laborers and mechanics shall be based upon the wages that are determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality in which the work is to be performed. Inasmuch as it would be impractical and unstabilizing to have more than one rate for a particular craft and type of project in an area, rates established under the wage stabilization program and those established by Davis-Bacon determinations must be coordinated and integrated. This cannot be done effectively on a regional basis; it must be accomplished at the national level.

The organization and functions of the Commission are similar to those of the Wage Adjustment Board, which was responsible for wage stabilization in World War II, and continued operation after other wage controls were removed. This record led to the request, on February 9, 1951, by representatives of the Building and Construction Trades Department, AFL, and nine national contractors' associations that the Board establish a similar agency.

The regulation authorizes the Commission to stabilize wages on the basis of areas traditionally established for collective bargaining purposes. This is called for by the nature and practice of the industry and is in accord with stabilization experience.

The special characteristics of the industry make many of the Board's present regulations, intended for general applicability to industrial employment relations, technically unsuited to the building and construction industry. Effective administration of the wage stabilization function requires a specialized, expert Commission. In no other way can the case load and other problems posed by the operational and bargaining peculiarities of this industry be solved.

Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950. This regulation is in accord with a joint request signed by representatives of both contractor associations and labor organizations in the building and construction industry. The regulation is issued by a tripartite Board which has consulted representatives of labor and industry, including trade associations representatives. In the judgment of the Wage Stabilization Board, this regulation is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Organization of Construction Industry Stabilization Commission.
2. Functions of the Construction Industry Stabilization Commission.
3. Jurisdiction of the Construction Industry Stabilization Commission.

AUTHORITY: Sections 1 through 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161 (15 F. R. 6105); E. O. 10233 (16 F. R. 3503); General Order No. 3, Economic Stabilization Administrator (16 F. R. 739).

SECTION 1. *Organization of Construction Industry Stabilization Commission.* (a) The Wage Stabilization Board hereby establishes a Construction Industry Stabilization Commission. The Commission shall consist of twelve members appointed by the Board, of whom four, including the Chairman and the Vice Chairman, shall be representative of the public, four representative of labor in the building and construction industry, and four representative of management in the building and construction industry, including two representative of general contractors and two representatives of sub-contractors.

(b) The Board in consultation with the Secretary of Labor, and the Commission, will appoint the key personnel of the Commission. Other staff and services for the Commission shall be furnished by the United States Department of Labor. Employees assigned to the Commission by the Department shall be responsible to the Commission in respect to the functions to be performed by them for the Commission.

(c) The Commission is authorized to establish rules for its internal organization and procedure, including quorum rules, provision for and designation of alternate members, and establishment of panels and committees.

SEC. 2. *Functions of the Construction Industry Stabilization Commission.* (a) The Commission shall administer the wage stabilization functions in the building and construction industry. In performing these functions, the Commission shall conform to the regulations, policies, orders and decisions of the Board and its authority shall be limited to that provided in this regulation and in Executive Order 10161 and 10233. The Commission may issue other regulations, rulings, and procedures applicable to the building and construction industry, upon approval of the Board.

(b) The Commission shall stabilize rates of "wages, salaries and other compensation", as defined in section 702 (c) of the Defense Production Act of 1950, in the building and construction industry, on the basis of area rates so far as practicable. In securing wage data, the Commission shall utilize to the fullest practicable extent the information available in the Wage Determination Branch of the United States Department of Labor.

(c) Any ruling or decision issued by the Commission in a particular case shall be final unless reviewed and modified by the Board on its own motion or unless review by the Board is obtained pursuant to the procedural regulations of the Board.

SEC. 3. *Jurisdiction of the Construction Industry Stabilization Commission.* The jurisdiction of the Commission covers the administration of stabilization rules with respect to all wages and salaries paid to mechanics and laborers in the building and construction industry employed directly upon the site of the work.

(a) The term "mechanics and laborers" includes employees performing manual labor in connection with and at the site of any building and construction project, including working foremen and mechanic's apprentices. The term does not include employees whose work, although connected with building and construction projects, is non-manual or not performed directly and primarily at the site of a particular building project, such as executive, administrative, technical and clerical employees, and manual employees working in shops or away from the site of the project.

(b) The term "building and construction industry" includes all persons whether employers, contractors, employees or others, engaged in erecting, constructing, altering, remodeling, painting and decorating installations such as buildings, bridges, highways and the like. Work performed in the building and construction industry includes the transporting of materials and supplies to or from a particular building or construction project by the employees of the employer or contractor performing the construction and the manufacturing of materials, supplies or equipment on the site of a project by the employer or contractor for use thereon but does not otherwise include the manufacturing or furnishing of materials nor the performance of servicing or maintenance work. Maintenance work is work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition but does not include similar work performed on a contract basis, for various plants and facilities under different ownership.

(c) The term "site of the work" means the place or places at which the direct labor involved in a building or construction project is performed and includes temporary installations used in connection with a particular project even though such installations may not be directly on the site of the project. Installations of a permanent or commercial nature used to serve numerous projects are not considered as being on the site of construction.

(d) The term "project" means a particular building job or a particular construction job undertaken by an employer in the building and construction industry at a specified location. A project may be classified by the Commission as involving one of three types of construction, namely building construction, heavy construction and highway construction, and the approved wage rates for a particular job classification in a particular area may vary depending on the type of construction involved in a project.

(e) The term "area" means the geographical area, generally at least a county or metropolitan area, which is the historical basis for collective bargaining for the particular craft and type of construction.

Adopted by unanimous vote of the Board on May 31, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-7909; Filed, July 5, 1951; 1:46 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-227]

INVESTIGATION OF ACCIDENT NEAR REARDON, WASHINGTON

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-93054, which occurred near Reardon, Washington, on January 16, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be reconvened on Wednesday, July 11, 1951, at 9:30 a. m. (local time) in the Lowry Hotel, Fourth and Wabashaw Streets, St. Paul, Minnesota.

Dated at Washington, D. C., July 2, 1951.

ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 51-7872; Filed, July 6, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1725]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION FOR ORDER PERMITTING AND APPROVING PARTIAL ABANDONMENT OF SERVICE

JULY 2, 1951.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on June 21, 1951, an application pursuant to section 7 of the Natural Gas Act for an order permitting and approving partial abandonment of natural gas service as hereinafter set forth.

Applicant proposes to reduce its natural-gas deliveries to Michigan Consolidated Gas Company at Detroit, Michigan, from a daily maximum volume of 125,000 Mcf per day, as required under its existing contract, as supplemented, to a daily maximum volume of 87,500 Mcf per day, or 32 million Mcf per year. Said reduction is to become effective January 1, 1952. Applicant states that its existing contract with Michigan Consolidated will terminate on December 31, 1951, after which date it proposes to serve Michigan Consolidated on the reduced basis by virtue of findings and orders of the Federal Power Commission issued in Docket No. G-669, In the Mat-

ter of Michigan-Wisconsin Pipe Line. Applicant states that it will tender Michigan Consolidated Gas Company a new contract effectuating the proposed reduced natural gas service.

Protests or petitions to intervene may be filed with the Federal Power Comission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7829; Filed, July 6, 1951; 8:46 a. m.]

[Docket No. G-1727]

SHIPPENSBURG GAS CO.

NOTICE OF APPLICATION

JULY 2, 1951.

Shippensburg Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Shippensburg, Pennsylvania, filed on June 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 67,600 feet of 6-inch natural-gas transmission pipeline, extending from a point on the main natural-gas pipeline of Texas Eastern Transmission Corporation in Pennsylvania to Shippensburg's present manufactured-gas distribution system in the town of Shippensburg, Pennsylvania. Applicant proposes to purchase up to 376 Mcf of natural gas per day from Texas Eastern and to transport such gas through the proposed facilities for distribution in the Town of Shippensburg and environs. Applicant stated in its application that Texas Eastern proposes by its application in Docket No. G-1693 to sell up to 376 Mcf of natural gas per day to it.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7830; Filed, July 6, 1951; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Office of Education

ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

Section 751 of the uncodified material of the Federal Security Agency, Office of Education, covering the organization, delegations of final authority, and places at which information may be secured, is amended by substituting the following for the corresponding material which was published at 13 F. R. 7455-7457, and which was amended, supplemented, or otherwise affected by material published at 14 F. R. 5852-5853; 15 F. R. 2683-2685; and 15 F. R. 4300.

SEC. 751. *Office of Education.* (a) The Office of Education is headed by a Commissioner who functions under the general direction of the Federal Security Administrator. The Office of Education includes the following divisions which carry on activities relating to education:

Office of the Commissioner.
Division of State and Local School Systems.
Division of Higher Education.
Division of Vocational Education.

(b) *Office of the Commissioner.* (1) The Commissioner of Education administers the program of the Office.

(2) The Executive Officer directs the functions and activities of administrative management and services to the Office. This office also administers the collection of loans made to students under the Student War Loans Program (56 Stat. 576; 57 Stat. 501; 11 F. R. 177A).

(3) The Program Development and Coordination Branch studies and identifies emerging problems and trends in American education, plans and recommends Office programs and objectives, reviews proposed projects and activities for conformity to over-all goals, assists in implementation of programs, and reviews Division operations for effectiveness and conformity to policy. In addition it provides central statistical research services, informational services, and publication controls and services for the Office.

(4) There is also in the Office of the Commissioner an Assistant Commissioner who coordinates defense activities of the Office of Education and administers the National Scientific Register. The National Scientific Register Project has been established in the Office of Education under an agreement with the National Security Resources Board pursuant to the National Security Act of 1947 (61 Stat. 495).

(c) *Division of State and Local School Systems.* The Division of State and Local School Systems is headed by an Assistant Commissioner for State and Local School Systems. The Division provides educational leadership in the general field of elementary and secondary education. It furnishes advisory services to State and local school systems and educational organizations in the field of elementary and secondary education, on such matters as administration and supervision, instruction, and auxiliary services. The Division administers the program for the exchange of teachers and students between the United States and other countries and for the training of teachers from foreign countries under sec. 1, 53 Stat. 1290; 22 U. S. C. 501-502; and as delegated by the Department of State under 62 Stat. 6 (22 U. S. C. 1435; 22 C. F. R. 65.1-65.12 inclusive). The Division also administers the programs for financial assistance to local school districts in Federally affected areas for maintenance and operation (Public Law 874, 81st Cong.; 64 Stat. 1100; 20 U. S. C. 236-244), for school facilities inventories and surveys (Pub. Law 815, Title I, 81st Cong.; 64 Stat. 967; 20 U. S. C. 251-255), and for school construction (Public Law 815, Title II, 81st Cong., 64 Stat. 967; 20 U. S. C. 271-280).

(d) *Division of Higher Education.* The Division of Higher Education is headed by an Assistant Commissioner for Higher Education. The Division provides educational leadership in the general field of higher education. It furnishes advisory services to institutions of higher education on such matters as administration, supervision, and instruction. The Division also administers the grants-in-aid to land grant colleges under the provisions of the Morrill Act and supplementary acts (secs. 4 and 5, 12 Stat. 503; 14 Stat. 208; 22 Stat. 484; secs. 1 to 6, 26 Stat. 417; 34 Stat. 1281; 44 Stat. 247; sec. 22, 49 Stat. 439; 54 Stat. 39; 7 U. S. C. 301, 305, 307, 308, 321-326, 328, 329, 331; 5 U. S. C. 133t note). The Division studies the needs for and utilization of housing facilities in colleges and universities and makes recommendations to the Administrator of the Housing and Home Finance Agency with reference to the making of loans to these institutions to provide housing for their students and faculties (Pub. Law 475, 81st Congress). The Division studies foreign school systems and makes reports thereon. It also evaluates foreign credentials of students as requested by institutions of higher education.

(e) *Division of Vocational Education.* The Division of Vocational Education is headed by an Assistant Commissioner for Vocational Education. In his absence or disability the Assistant Director, State Plans and Grants, acts for him. The Division administers grants-in-aid for vocational education under the provisions of the Smith-Hughes Vocational Education Act and the Vocational Education Act of 1946 (sec. 1 to 18, 39 Stat. 929, as amended, and sec. 1 to 9, 60 Stat. 775; 20 U. S. C. 11-30; 45 CFR 102.1-102.219, inclusive), and provides leadership in the general field of vocational education. It also furnishes advisory services to State Boards for Vocational Education, other Federal agencies, and professional organizations on such matters as guidance and counseling, and vocational education in agriculture, home economics, trade and industry, and distributive and other commercial occupations.

[SEAL] EARL J. MCGRATH, *U. S. Commissioner of Education.*

Approved: July 2, 1951.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 51-7846; Filed, July 6, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26228]

CEREALS AND POULTRY FEED BETWEEN PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for carriers parties to his tariff ICC No. 1474.

Commodities involved: Cereals and cereal products, animal and poultry feed and related articles, and seeds, carloads.

Between: Points in Pacific coast territory.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: J. P. Haynes, Agent, ICC No. 1474, supp. 98.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7837; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26229]

CEMENT FROM KANSAS GAS BELT TO KANSAS AND MISSOURI

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. E. Kipp, Agent, for the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Cement, hydraulic, portland or natural, carloads.

From: Chanute, Kans., Dewey, Okla., Fort Scott, Humboldt and Iola, Kans.

To: Points in Kansas and Missouri.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3850, supp. 16; L. E. Kipp, Agent, ICC No. A-3815, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7839; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26230]

VARIOUS COMMODITIES BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff ICC No. 666.

Commodities involved: Sugar, clay, fullers earth, kaolin and rice hulls, carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers. To supply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. N. Roberts, Alternate Agent, ICC No. 666, supp. 148.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7840; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26231]

GRAIN FROM IOWA AND MINNESOTA TO GULF PORTS

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to Chicago, Milwaukee, St. Paul and Pacific Railroad Company tariff ICC No. B-7626.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Iowa and Minnesota.

To: Beaumont, Galveston, Houston, Orange, Port Arthur and Texas City, Tex., Lake Charles and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railroad Company tariff ICC No. B-7626, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7840; Filed, July 6, 1951; 8:47 a. m.]

[4th Sec. Application 26232]

PERLITE FROM NEW ORLEANS AND PORT CHALMETTE, LA. TO ILLINOIS, KENTUCKY, TENNESSEE, AND MISSISSIPPI

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and others.

Commodities involved: Perlite, other than crude, carloads.

From: New Orleans and Port Chalmette, La.

To: Cairo, Ill., Paducah, Ky., Jackson, Tenn., Jackson, Miss., and certain other points in Mississippi and Tennessee.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7841; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26233]

SCRAP IRON FROM ALBANY, GA., TO ALABAMA CITY AND GADSEN, ALA.

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Central of Georgia Railway Company and others.

Commodities involved: Scrap iron or steel, carloads.

From: Albany, Ga.

To: Alabama City and Gadsden, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 950, supp. 153.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7842; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26234]

CEMENT FROM KANSAS GAS BELT TO POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent for the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Cement, hydraulic, portland or natural, carloads.

From: Chanute, Kans., Dewey, Okla., Fort Scott, Humboldt and Iola, Kans.

To: Points in Oklahoma.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3934, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7843; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26235]

GRAIN FROM KANSAS AND COLORADO TO TEXAS

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Atchison, Topeka and Santa Fe Railway Company and Panhandle and Santa Fe Railway Company.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: Points in Kansas and Colorado.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3941, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7844; Filed, July 6, 1951; 8:48 a. m.]

[4th Sec. Application 26236]

SULPHURIC ACID FROM WILMINGTON, N. C., TO ALABAMA CITY, ALA.

APPLICATION FOR RELIEF

JULY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1200.

Commodities involved: Sulphuric acid, in tank-carloads.

From: Wilmington, N. C.

To: Alabama City, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1200, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7845; Filed, July 6, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2652]

AMERICAN & FOREIGN POWER CO. INC.

ORDER AUTHORIZING PROPOSED EXTENSION OF LOAN AGREEMENT FROM JULY 1, 1951 TO JULY 1, 1952 AND THE BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of June A. D., 1951.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company, having filed a declaration with the Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, regarding the following transactions:

The Commission, on December 30, 1949, issued its Findings, Opinion and Order authorizing Foreign Power to obtain a 5-year 3½ percent bank loan in the amount of $15,000,000 pursuant to a Loan Agreement dated December 16, 1949, from Bankers Trust Company, Mellon National Bank and Trust Company, and The National City Bank of New York ("Banks"). Pursuant to that Loan Agreement, Foreign Power borrowed on December 30, 1949, the principal amount of $10,000,000 retaining the right to borrow the remaining $5,000,000 at any time on or before July 1, 1951.

Foreign Power now proposes (a) the extension from July 1, 1951 to July 1, 1952, pursuant to a Supplemental Loan Agreement dated June 11, 1951, of the period during which it shall have the right to borrow the remaining $5,000,000 of the original $15,000,000 credit available to the Company under the Loan Agreement dated December 16, 1949, with the Banks and (b) the borrowing by Foreign Power, if such borrowing is decided necessary, of all or any part of said remaining $5,000,000 at any time on or before July 1, 1952. Such borrowing, if made, would be evidenced by promissory notes made payable to the Banks. The Supplemental Loan Agreement provides, among other things, that the interest rate, if such borrowing is made, would be 3½ percent per annum and that a commitment fee of ½ of 1 percent per annum would continue to be payable by the Company on the daily averaged unused portion of the commitment of each of the three Banks until the expiration or cancellation of the commitment.

The declarant represents that, if the proposed borrowing is made, the proceeds would be used to aid its subsidiaries in financing extensive construction programs to be carried out over the next few years. It is further represented that the actual borrowing is contingent upon whether Foreign Power is successful in obtaining a line of credit from the Export-Import Bank of Washington for use in aiding the construction program of the Company's subsidiaries.

Said declaration having been filed on June 13, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7851; Filed, July 6, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18065]

ERIKA HUYSSEN

In re: Rights of Erika Huyssen under insurance contract. File No. F-28-31474-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Huyssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Erika Huyssen under a contract of insurance evidenced by policy No. M 1081685, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Erika Huyssen, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7778; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18066]

KATHERINA IHRIG

In re: Estate of Katherina Ihrig, deceased. File No. D-28-12989.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Sommer, Katche Neureuther, Anna Nerbel, Hilda Ihrig, Marie Kaiser, Emma Ihrig, Martin Ihrig, Anna Geiger, Hilda Moar, Louise (Luise) Schattmueller, Fritz Gerhard, Werner Gerhard and Elsa Muller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Anna Gerhard, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherina Ihrig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John P. Fendt, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the said Anna Gerhard be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7779; Filed, July 5, 1951; 8:56 a. m.]

[Vesting Order 18067]

AUGUST J. W. JAHN

In re: Estate of August J. W. Jahn, also known as August John, deceased. File No. D-28-12992.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Hildegard Starnberger, also known as Lotte Lengefeld and Selma Lengfeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, also of Johanna Lengfeld and of Guenther Lengfeld, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of August J. W. Jahn, also known as August John, deceased, subject to the jurisdiction of the County Court, Clark County, South Dakota, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, also of Johanna Lengfeld and of Guenther Lengfeld, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7780; Filed, July 7, 1951; 8:57 a. m.]

[Vesting Order 18068]

WALTER AND SADYE JOHNSON

In re: In the matter of the application of Walter Johnson and Sayde Johnson, his wife, for an order cancelling mortgage. File No. D-28-12984; E. T. sec. 17119.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Schleicher, Bertha Schleicher, Mrs. Emilie Kreigshauser, and Hildegarde Schonhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the sum of $4,768.34, deposited with the Treasurer of Erie County, Buffalo, New York, pursuant to an order of the Supreme Court of the State of New York, in and for the County of Erie, in the matter of the application of Walter Johnson and Sadye Johnson, his wife, for an order under section 333b, of the Real Property Law, cancelling and discharging of record the mortgage recorded in Liber 2108 of Mortgages, at page 271, in the office of the Clerk of the County of Erie, and any accruals thereto, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Erie County, Buffalo, New York, as depositary, acting under the judicial supervision of the Supreme Court of the State of New York, in and for the County of Erie;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7781; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18069]

JOSEPHINE KLARER

In re: Estate of Josephine Klarer, deceased. File No. 017-26859.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caecilia Glocker whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Josephine Klarer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Comptroller of the State of New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Erie County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7782; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18070]

FRIEDA METTKE

In re: Estate of Frieda Mettke, deceased. File: D-28-12835; E. T. sec. 17003.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Mettke, Walli Mettke, Erwin Mettke and Wilhelm Mettke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the following described property:

(a) Five (5) shares of stock of the American Home Products Corporation bequeathed to Konrad Mettke under paragraph second of the will of Frieda Mettke;

(b) the residuary estate of Frieda Mettke devised and bequeathed to Walli Mettke, Erwin Mettke and Wilhelm Mettke under paragraph sixteenth of the will of Frieda Mettke

is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elizabeth Denninger, as executrix, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7783; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18071]

ROSA OMONSKY

In re: Estate of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky. File No. D-28-12992.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Hildegard Starnberger, also known as Lotte Lengefeld, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Estate of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, subject to the jurisdiction of the County Court, Clark County, South Dakota,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Omonsky, also known as Rosina Omonsky, nee Jahn, also known as Rose Omonsky, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7784; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18072]

MARKUS OSTERMEIER

In re: Estate of Markus Ostermeier, deceased. File No. D-28-13020; E. T. sec. 17146.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Ostermeier and Elizabeth Bauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alois Ostermeier, deceased, except Alois Ostermeier, Jr., a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Alois Ostermeier, Jr., a resident of the United States, and each of them, in and to the estate of Markus Ostermeier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alois Ostermeier, deceased, except Alois Ostermeier, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7785; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18073]

EMILIE SCHMELZKOPF RENSING

In re: Estate of Emilie Schmelzkopf Rensing, deceased. File No. D-28-11460; E. T. sec. 15692.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lieselotte R. Rensing, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Emilie Schmelzkopf Rensing, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by F. M. Hohwiesner, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7786; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18077]

PAUL ZWERSCHKE

In re: Estate of Paul Zwerschke, deceased. File No. D-28-13026; E. T. sec. 17149.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Linke whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Paul Zwerschke, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, California, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7788; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18074]

ANNIE SCHMELZKOPF SCHOENER

In re: Estate of Annie Schmelzkopf Schoener, deceased. File No. D-28-11459; E. & T. sec. 15690.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Enri Schoener, Ludwig Schoener, Jr., and Fritzi Schoener, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Ludwig Schoener, Jr., and Fritzi Schoener, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Annie Schmelzkopf Schoener, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by F. M. Hohwiesner, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Ludwig Schoener, Jr. and Fritzi Schoener are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7787; Filed, July 5, 1951; 8:57 a. m.]

[Vesting Order 18079]

FRITZ HAERTIG

In re: Stock owned by Fritz Haertig. F-28-31285.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Haertig, whose last known address is 65 Niederelsdorf, Leipzig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently in the custody of R. V. Hiscoe, 11 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and

(b) One hundred (100) shares of common capital stock of Butte and Superior Mining Company, evidenced by a certificate numbered NY 23873, registered in the name of Fritz Haertig and presently in the custody of R. V. Hiscoe, 11 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and any and all rights in and to the proceeds of liquidation of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Issuer	Type of stock	Number of shares	Certificate No.	Par value	Registered owner
Robert Reis & Co., 2 Park Ave., New York, N. Y.	Common	100	7888	$1.00	Reginald V. Hiscoe.
Callahan Zinc Lead Co., Empire State Bldg., New York, N. Y.	Capital	100	H-100834	1.00	Thomson & McKinnon.
Ahumada Lead Co., Warren, Ariz.	Common	100	C 31456		Brown Bros., Harriman & Co.
The Fisk Rubber Co.	do	100	C 62740		Fritz Haertig.
Jordan Motor Car Co., Inc.	do	100	CC 2056		Brown Bros., Harriman & Co.
	do	100	C2587		R. V. Hiscoe & Co.
National Radiator Corp	do	100	NY 4675		Fritz Haertig.
Seaboard Airline Ry. Co.	do	100	NY 23272		Brown Bros., Harriman & Co.

[F. R. Doc. 51-7789; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18080]

T. HARAGUCHI

In re: Debt owing to T. Haraguchi. F-39-7003-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Haraguchi, whose last known address is 732 Haraguchi Go, Ohmura Shi, Nagasaki Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or obligation owing to T. Haraguchi by Shanghai Power Company, 2 Rector Street, New York 6, New York, arising out of superannuation which became due the aforesaid T. Haraguchi on the date he left employ of Shanghai Power Company and representing a portion of funds held in the account of the Shanghai Power Company, maintained with the National City Bank of New York, 5 Wall Street, New York, New York, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7790; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18081]

R. KANEKO

In re: Bank account owned by R. Kaneko, also known as Reizo Kaneko, and as Ryataro Kaneko and Hyotaro Kaneko. D-39-5338-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Kaneko, also known as Reizo Kaneko, and as Ryotaro Kaneko and Hyotaro Kaneko, whose last known address is 37 Banchi Aza Kamiyachi, Oaza Narikawa Torikawa Mura Shinobu Gun, Fukushima Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, Seattle, Washington, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee, arising out of a savings account, Account Number 9975, entitled "R. Kaneko", maintained with the aforesaid bank in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, R. Kaneko, also known as Reizo Kaneko, and as Ryataro Kaneko and Hyotaro Kaneko, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7791; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18083]

LUXEMBOURGER UNION BANK, S. A.

In re: Bank account and portion of bank account owned by Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That members of the Ratjen family, including the personal representatives, heirs, next of kin, legatees and distributees of Gustav Ratjen, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, is a corporation organized under the laws of Luxembourg, whose principal place of business is located in Luxembourg, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid members of the Ratjen family, including the personal representatives, heirs, next of kin, legatees and distributees of Gustav Ratjen, deceased, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, by Swiss Bank Corporation, New York, New York, arising out of a Deposit Account entitled Luxembourg Union Bank maintained at the aforesaid Swiss Bank Corporation, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt of the proceeds of redemption of three hundred and thirteen (313) shares of 5½ percent cumulative, convertible, preferred stock of Shell Union Oil Corporation evidenced by certificates numbered 9856/8 for one hundred (100) shares each and certificate number 025834 for thirteen (13) shares, which proceeds are presently on deposit at said Chase National Bank of the City of New York in an account entitled Banque Internationale a Luxembourg, S. A. Old A/C, Luxembourg, Luxembourg, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the Luxembourger Union Bank, S. A., also known as Luxembourg Union Bank, and the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7792; Filed, July 5, 1951; 8:58 a. m.]

[Vesting Order 18084]

FRANK MASAICHI NISHIOKA

In re: Bonds owned by Frank Masaichi Nishioka, also known as F. M. Nishioka. E-39-7005.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Masaichi Nishioka, also known as F. M. Nishioka, whose last known address is Tozaki, Naruto Mura, Kuga Gun, Yamaguchi Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured evidenced by one (1) First Liberty Loan Converted 4 percent Bond of 1932-47, of $100 face value, bearing the number 85257, and one (1) First Liberty Loan Converted 4 percent Bond of 1932-47, of $50 face value, bearing the number 8556, registered in the name of F. M. Nishioka, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Frank Masaichi Nishioka, also known as F. M. Nishioka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7793; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18085]

HANS NITSCHMANN

In re: Securities owned by and debts owing to Hans Nitschmann. F-28-31482.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Nitschmann, whose last known address is Schenkensell, Schwarzw, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests evidenced by ten (10) certificates for North American Trust Shares of 1953, said certificates numbered X166829/36, X157263 and X157303, each for 10 shares, and representing a participating non-voting ownership in stock deposited with Distributors Group, Incorporated, New York and the Guaranty Trust Company of New York, as Trustee, together with any and all rights in, to and under the aforesaid certificates,

b. All rights and interests evidenced by two (2) certificates for North American Trust Shares of 1956, said certificates numbered DD32702 and DD37615, for 100 shares each, and representing a participating non-voting ownership in stock deposited with Distributors Group, Incorporated, New York, and the City Bank Farmers Trust Company, as Trustee, 22 William Street, New York 15, New York, together with any and all rights in, to and under the aforesaid certificates,

c. That certain debt or other obligation, matured and unmatured, evidenced by a Cities Service Power & Light Company 5½ percent Gold Debenture, due 1949, of $1,000.00 face value, bearing the number M-5388, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond, and

d. Those certain debts or other obligations, matured and unmatured, evidenced by coupons detached from two (2) Southern Pacific Company San Francisco Terminal First Mortgage 4 percent Bonds due 1950 numbered M 1207 08, said coupons due October 1, 1940 to October 1, 1944, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7794; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18102]

JOHN AND MARIE SCHWALM

In re: Bank accounts owned by and debts owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm. F-28-585.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Franklin Savings Bank of the City of Boston, 6 Park Square, Boston 16, Massachusetts, arising out of an account, account number 99476, entitled John Schwalm and Marie Schwalm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Workingmens Cooperative Bank, 73 Cornhill, Boston 8, Massachusetts, arising out of an account, account number 35503, entitled John or Marie Schwalm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, by Germania Cooperative Bank of Boston, 120 Tremont Street, Boston, Massachusetts, arising out of a dividend savings account, account number 85, entitled John or Marie Schwalm, maintained at the aforesaid said bank, and any and all rights to demand, enforce and collect the same,

d. Those certain debts or other obligations of Germania Co-operative Bank of Boston, 120 Tremont Street, Boston 8, Massachusetts, evidenced by three (3) matured share certificates, issued by the aforesaid Germania Co-operative Bank of Boston, numbered 368 for $2,000.00; 369 for $400.00 and 772 for $1,600.00, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said certificates, and

e. Those certain debts or other obligations of Merchants Co-operative Bank, 24 School Street, Boston 8, Massachusetts, evidenced by two (2) paid-up share certificates issued by the aforesaid Merchants Co-operative Bank, numbered 5196 for five (5) paid-up shares and 5197 for ten (10) paid-up shares, said certificates registered in the names of John or Marie Schwalm, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, John Schwalm, also known as Johann Schwalm and as John M. Schwalm and Marie Schwalm, also known as Maria Schwalm, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-7806; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18103]

ERWIN G. HANSEN

In re: Securities owned by Erwin G. Hansen, also known as Erwin Gunther Hansen. F-28-31384.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erwin G. Hansen, also known as Erwin Gunther Hansen, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain bonds described in Exhibit A set forth below and by reference made a part hereof, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, and constituting a portion of the securities held by J. Henry Schroder Banking Corporation in an account entitled "Rhodius Koenigs Handel-Maatschappij, N. V. First subaccount

Clients stocks", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erwin G. Hansen, also known as Erwin Gunther Hansen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Bond Nos.		
Hugo Stinnes Corp. 4½ (7%) gold notes, due July 1946 with deferred interest certificates.	22 @ $1,000	1883	4714	9828
		1884	4715	9829
		3964	4716	9830
		4709	5465	9831
		4710	5466	9832
		4711	5467	9833
		4712	6813	9835
		4713		
	6 @ $500	128	333	1050
		233	391	1057
Berlin City Electric Co., Inc. sinking fund 6½% debenture bonds due February 1959.	10 @ $1,000	5693	8586	8589
		8583	8587	8590
		8584	8588	8591
		8585		
German Consolidated Municipal Loan of German Savings Banks & Clearing Association, sinking fund 7% bonds due February 1947.	12 @ $1,000	7868	8432	18915
		8681	22714	18916
		15799	22715	4213
		13148	22716	18825

[F. R. Doc. 51-7807; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 16907, Amdt.]

SOPHIE VOSS

In re: Rights of Sophie Voss under contract of insurance. File No. F-28-26746-H-1.

Vesting Order 16907, dated January 4, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Voss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Sophie Voss under a contract of insurance evidenced by Policy No. 15578658, issued by the Metropolitan Life Insurance Company, New York, New York, to Sophie Voss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Henry Voss, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7808; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 17119, Amdt.]

SABURO SONODA

In re: Bonds owned by Saburo Sonoda. F-39-876-A-1.

Vesting Order 17119, dated January 17, 1951, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 17119 the figures "1970" set forth with respect to Ten (10) Taiwan Electric Power Company, Ltd., 5½ percent bonds and substituting therefor the figures "1971".

All other provisions of said Vesting Order 17119 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7809; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 17591, Amdt.]

DR. LUDWIG RIECHELMANN ET AL.

In re: Securities owned by and debts owing to Dr. Ludwig Riechelmann, and others. F-28-31094.

Vesting Order 17591, dated March 30, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 4-k therefrom in its entirety, and substituting therefor the following:

4-k. Ninety-two (92) shares of 5 par value common capital stock of General Motors Corporation, 3044 W. Grand Boulevard, Detroit, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by forty-six ninety-eighths (46/98) part of a certificate numbered G104371 for ninety-eight (98) shares of $10 par value common capital stock of said corporation registered in the name of Hallgarten & Co., 44 Wall Street, New York 5, New York, issued prior to the 2 for 1 stock split effective October 3, 1950, of said corporation, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 17591 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7810; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18101]

SANWA BANK, LTD.

In re: All rights and interests of Sanwa Bank, Limited, under certain drafts. F-39-827-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sanwa Bank, Limited, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: All rights and interests of Sanwa Bank, Limited to the net proceeds of collection, in partial or full settlement, of outstanding drafts held by the Chase National Bank of the City of New York, Pine Street, Corner of Nassau, New York 15, New York, for collection on behalf of the aforesaid Sanwa Bank, Limited, said drafts described in Exhibit A, attached hereto and by reference made a part hereof, including particularly but not limited to those funds in the amount of $11,486 77 as of June 6, 1951, received by the Chase National Bank of the City of New York, and presently on deposit in an account entitled "Accounts payable Division No. 6" maintained with the said bank,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Date of draft	Chase National Bank No.	Draft No.	Name of drawer	Name and address of drawee	Face amount of draft
May 8, 1940	59633	BB-5145	Asari Yoko	T. Sato & Co., Quayaquil, Ecuador.	$513.00
Aug. 16, 1940	22263	H-40001	Kitagawa Kabushiki Kaisha	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	2,020.20
Do	22264	H-40002	do	do	804.75
Sept. 23, 1940	26777	BB-10149	do	do	1,850.10
Do	29778	BB-10150	do	Elias Yacoman, San Pedro Sula, Honduras.	189.00
Do	29779	BB-10151	do	Bishara C. Yuja, San Pedro, Sula, Honduras.	336.54
Do	29780	BB-10152	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	376.75
Do	29781	BB-10143	do	Juan S. Canahuati, San Pedro Sula, Honduras.	428.56
Do	29782	BB-10145	do	Taufic G. Andonie, San Pedro Sula, Honduras.	824.86
Do	29783	BB-10146	do	Jacobo S. Canahuati, San Pedro Sula, Honduras.	350.00
Do	29784	BB-10147	do	do	643.14
Do	29785	BB-10148	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	606.36
Do	29786	BB-10153	do	Juan S. Canahuati, San Pedro Sula, Honduras.	910.75
Do	29787	BB-10154	do	Taufic Geo. Andonie, San Pedro Sula, Honduras.	298.02
Do	29788	BB-10155	do	Handal & Cia., Santa Rosa de Copan, Honduras.	1,134.40
Do	29789	BB-10156	do	Bishara C. Yuja, San Pedro Sula, Honduras.	300.00
Do	29790	BB-10157	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	268.56
Do	29794	BB-10158	do	Emilo Mourra, Tegucicalpa, Honduras.	329.28
Do	29795	BB-10159	do	Chucri Zablah, Tegucicalpa, Honduras.	729.12
Sept. 25, 1940	30255	BB-10162	do	Elias Yacaman, San Pedro Sula, Honduras.	267.05
Sept. 30, 1940	31501	BB-10198	do	Elias Salame, Tegucigalpa, Honduras.	284.20
Do	31502	BB-10169	do	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	2,379.76
Do	31503	BB-10170	do	Damasio Kattan & Hno., San Pedro Sula, Honduras.	141.83
Do	31504	BB-10171	do	Bishara C. Yuja, San Pedro Sula, Honduras.	189.00
Do	31506	BB-10173	do	Nicolas J. Facusse, Tegucicalpa, Honduras.	729.13
Do	31508	BB-10175	do	Constantino J. Larach & Hno., San Pedro Sula, Honduras.	400.00
Do	31509	BB-10176	do	do	1,397.20
Do	31510	BB-10177	do	H. Y. Kawas & Co., Honduras (La Ceiba).	214.20
Do	31511	BB-10178	do	Dip & Co., La Ceiba, Honduras.	315.00
Do	31512	BB-10179	do	Nicolas J. Facusse, Tegucicalpa, Honduras.	122.50
Do	31515	BB-10180	do	Facusse Hnos., Tegucicalpa, Honduras.	300.00
Oct. 4, 1940	32522	BB-8644	do	Nicolas J. Facusse, Tegucicalpa, Honduras.	164.64
Do	32527	BB-8644A	do	Facusse Hnos., Tegucicalpa, Honduras.	356.50
Oct. 21, 1940	3[illegible]	BB-10181	do	Elias Yacoman, San Pedro Sula, Honduras.	252.00
Oct. 28, 1940	37566	BB-10188	do	Handal & Co., Santa Rosa de Copan, Honduras.	520.80
Do	37568	BB-10189	do	Constantino J. Larach, & Hno., San Pedro Sula, Honduras.	412.51
Do	37569	BB-10191	do	Juan S. Canelnati, San Pedro Sula, Honduras.	1,531.00
Do	37570	BB-10192	do	Jacobo Simon, Tegucicalpa, Honduras.	909.00
Nov. 12, 1940	40483	BB-10194	do	Bishara C. Yuja, San Pedro Sula, Honduras.	435.05
Do	40484	BB-10195	do	Yuja Hnos., San Pedro Sula, Honduras.	850.75
Do	40485	BB-10196	do	Damasio Kattan & Hnos. San Pedro Sula, Honduras.	612.40
Do	40486	BB-10197	do	Chucri Zablah, Tegucigalpa, Honduras.	784.54
Do	40487	BB-10198	do	Felipe S. Canahuati, San Pedro Sula, Honduras.	1,695.00
Do	40488	BB-10199	do	Damasio Kattan & Hnos., San Pedro Sula, Honduras.	490.50
Do	40489	BB-10202	do	Dip & Co., La Ceiba, Honduras.	317.10
Do	40490	BB-10201	do	Yuja Hnos., San Pedro Sula, Honduras.	367.87
Do	40491	BB-10200	do	Taufic Geo., Andonie, San Pedro Sula, Honduras.	762.75
Do	40492	BB-10205	do	Dip & Co., Ceiba, Honduras	169.21
Do	40493	BB-10204	do	Antonio Kattan, San Pedro Sula, Honduras.	534.10
Do	40494	BB-10203	do	Larach Hnos, San Pedro Sula, Honduras.	118.58
Do	40495	BB-10206	do	Erich Engelhardt, Tela, Honduras.	372.40
Nov. 22, 1940	42967	BB-10210	do	H. Y. Kawas & Co., La Ceiba, Honduras.	343.19
Do	42968	BB-10211	do	Jorge Issa, Kawas, La Ceiba, Honduras.	474.17
Nov. 25, 1940	43485	BB-10207	do	Handal & Co., Santa Rosa de Copan.	478.40
Dec. 17, 1940	49111	BB-10212	do	Larach Hnos., San Pedro Sula, Honduras.	140.35
Sept. 30, 1940	31500	BB-10167	do	Taufic Geo. Andonie, San Pedro Sula, Honduras.	315.31

EXHIBIT A—Continued

Date of draft	Chase National Bank No.	Draft No.	Name of drawer	Name and address of drawee	Face amount of draft
Sept. 23, 1940	29796	BB-10160	Kitagawa Kabushiki Kaisha...	Jorge Facusse, Tegucigalpa, Honduras.	$955.26
Oct. 28, 1940	37567	BB-10189	....do....	Stiehle, Motz & Co. (Casa Rossner) Tegucigalpa.	311.79
Sept. 30, 1940	31314	BB-10181	....do....	....do....	475.30
Do.....	31307	BB-10174	....do....	Santos Soto Sora, Tegucigalpa.	531.89
Do.....	31305	BB-10172	....do....	Stiehle Motz & Co. (Casa Rossner), Tegucigalpa.	493.92
Sept. 23, 1940	29797	BB-10161	....do....	Casa Uhler, S. A. Tegucigalpa, Honduras.	319.48

[F. R. Doc. 51-7805; Filed, July 5, 1951; 9:01 a. m.]

[Vesting Order 18086]

LABOUCHERE & CO.

In re: Stock registered in the name of Labouchere & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-730.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Labouchere & Co., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

N. Y. Ontario & Western Railway common stock evidenced by the ten share certificates whose numbers are set forth below:

N 49862	N 49963	N 50005	N 50238
N 49884	N 49967	N 50006	N 50239
N 49885	N 49969	N 50007	N 50241
N 49888	N 49970	N 50008	N 50242
N 49888	N 49971	N 50009	N 50243
N 49890	N 49972	N 50012	N 50244
N 49891	N 49973	N 50013	N 50245
N 49892	N 49974	N 50014	N 50246
N 49893	N 49975	N 50015	N 50247
N 49895	N 49976	N 50016	N 50248
N 49896	N 49977	N 50017	N 50249
N 49897	N 49978	N 50018	N 50250
N 49898	N 49979	N 50019	N 50251
N 49899	N 49980	N 50022	N 50253
N 49900	N 49981	N 50023	N 50254
N 49902	N 49982	N 50024	N 50255
N 49903	N 49983	N 50033	N 50256
N 49904	N 49984	N 50034	N 50498
N 49905	N 49986	N 50035	N 50511
N 49906	N 49988	N 50036	N 50512
N 49907	N 49989	N 50040	N 50513
N 49908	N 49990	N 50041	N 50515
N 49909	N 49992	N 50042	N 50517
N 49910	N 49993	N 50228	N 50518
N 49911	N 49995	N 50229	N 50519
N 49912	N 49998	N 50230	N 50520
N 49913	N 49999	N 50231	N 50521
N 49918	N 50000	N 50232	N 50522
N 49919	N 50001	N 50233	N 50525
N 49963	N 50002	N 50234	N 50526
N 49964	N 50003	N 50235	N 50527
N 49965	N 50004	N 50236	N 50528
N 50529	N 50850	N 51124	N 52359
N 50530	N 50858	N 51125	N 52360
N 50531	N 50859	N 51126	N 52361
N 50532	N 50860	N 51127	N 52362
N 50533	N 50861	N 51128	N 52363
N 50534	N 50862	N 51129	N 52364
N 50535	N 50863	N 51130	N 52365
N 50536	N 50864	N 51134	N 52366
N 50537	N 50865	N 51135	N 52367
N 50538	N 50866	N 51449	N 52368
N 50540	N 50867	N 51452	N 52369
N 50541	N 50868	N 51453	N 52370
N 50543	N 50869	N 51454	N 52371
N 50544	N 50870	N 51455	N 52374
N 50545	N 50871	N 51456	N 52375
N 50546	N 50872	N 51457	N 52376
N 50550	N 50873	N 51458	N 52377
N 50551	N 50874	N 51460	N 52378
N 50552	N 50875	N 51461	N 52379
N 50553	N 50876	N 51462	N 52380
N 50554	N 50877	N 51463	N 52381
N 50555	N 50879	N 51464	N 52382
N 50556	N 50880	N 51465	N 52383
N 50557	N 50881	N 51466	N 52384
N 50559	N 50883	N 51717	N 52385
N 50560	N 50886	N 51718	N 52386
N 50561	N 50887	N 51719	N 52387
N 50562	N 50888	N 51722	N 52388
N 50563	N 50890	N 51724	N 52394
N 50564	N 50892	N 51725	N 52395
N 50565	N 50893	N 51726	N 52627
N 50566	N 50894	N 51727	N 52629
N 50570	N 50901	N 51728	N 52630
N 50571	N 50897	N 51729	N 52631
N 50572	N 50900	N 51730	N 52632
N 50573	N 50901	N 51731	N 52633
N 50574	N 50902	N 51732	N 52634
N 50575	N 50903	N 51733	N 52635
N 50576	N 50904	N 51734	N 52636
N 50577	N 50905	N 51735	N 52637
N 50578	N 50907	N 51736	N 52638
N 50580	N 50908	N 51767	N 52639
N 50581	N 50909	N 51788	N 52640
N 50582	N 50910	N 51789	N 52641
N 50583	N 50911	N 51790	N 52642
N 50584	N 50912	N 51793	N 52643
N 50585	N 50913	N 51794	N 52644
N 50586	N 50914	N 51795	N 52645
N 50587	N 50915	N 51883	N 52646
N 50588	N 50916	N 51884	N 52644
N 50590	N 50917	N 51885	N 53045
N 50591	N 50918	N 51886	N 53046
N 50593	N 50919	N 51887	N 53047
N 50595	N 50920	N 51888	N 53048
N 50597	N 50921	N 51889	N 53049
N 50811	N 50923	N 51901	N 53050
N 50812	N 50924	N 51903	N 53051
N 50813	N 50925	N 51904	N 53052
N 50814	N 50926	N 51905	N 53055
N 50815	N 50929	N 51906	N 53056
N 50816	N 50930	N 51907	N 53058
N 50817	N 50932	N 51908	N 53059
N 50818	N 50933	N 51909	N 53060
N 50819	N 50934	N 52037	N 53062
N 50821	N 50935	N 52038	N 53063
N 50822	N 50936	N 52039	N 53064
N 50823	N 50938	N 52040	N 53065
N 50824	N 50939	N 52041	N 53066
N 50825	N 50940	N 52042	N 53067
N 50826	N 50941	N 52043	N 53068
N 50827	N 50942	N 52044	N 53069
N 50828	N 50943	N 52045	N 53070
N 50829	N 50944	N 52046	N 53071
N 50830	N 50945	N 52047	N 53072
N 50831	N 50946	N 52048	N 53073
N 50832	N 50947	N 52049	N 53074
N 50833	N 50951	N 52050	N 53075
N 50834	N 51106	N 52051	N 53076
N 50835	N 51107	N 52052	N 53077
N 50836	N 51108	N 52053	N 53079
N 50837	N 51109	N 52054	N 53084
N 50838	N 51110	N 52056	N 53086
N 50840	N 51111	N 52346	N 53087
N 50841	N 51112	N 52347	N 53088
N 50842	N 51114	N 52348	N 53089
N 50843	N 51115	N 52349	N 53090
N 50844	N 51116	N 52350	N 53091
N 50845	N 51118	N 52351	N 53092
N 50846	N 51119	N 52354	N 53093
N 50847	N 51120	N 52355	N 53094
N 50848	N 51121	N 52356	N 53148
N 50849	N 51122	N 52357	N 53152
		N 52358	N 53153

N 53154	N 53490	N 54653	N 54751
N 53155	N 53491	N 54654	N 54752
N 53156	N 53492	N 54655	N 54753
N 53157	N 53493	N 54656	N 54754
N 53158	N 53494	N 54657	N 54755
N 53159	N 53495	N 54658	N 54756
N 53160	N 53496	N 54659	N 54757
N 53161	N 53497	N 54661	N 54759
N 53162	N 53498	N 54662	N 54760
N 53163	N 53499	N 54663	N 54761
N 53164	N 53500	N 54664	N 54762
N 53165	N 53501	N 54665	N 54763
N 53166	N 53502	N 54666	N 54764
N 53167	N 53505	N 54667	N 54765
N 53168	N 53506	N 54668	N 54766
N 53169	N 53507	N 54669	N 54767
N 53170	N 53511	N 54670	N 54768
N 53171	N 53512	N 54671	N 54769
N 53173	N 53514	N 54672	N 54770
N 53174	N 53515	N 54673	N 54771
N 53175	N 53516	N 54674	N 54772
N 53176	N 53517	N 54675	N 54773
N 53177	N 53519	N 54676	N 54774
N 53202	N 53520	N 54677	N 54775
N 53203	N 53521	N 54678	N 54776
N 53204	N 53522	N 54679	N 54777
N 53208	N 53523	N 54680	N 54778
N 53209	N 53524	N 54681	N 54779
N 53210	N 53525	N 54682	N 54780
N 53211	N 53526	N 54683	N 54781
N 53212	N 53527	N 54684	N 54782
N 53213	N 53528	N 54685	N 54783
N 53214	N 53529	N 54686	N 54784
N 53215	N 53530	N 54687	N 54785
N 53216	N 53531	N 54688	N 54786
N 53217	N 53532	N 54689	N 54787
N 53218	N 53533	N 54690	N 54788
N 53219	N 53536	N 54691	N 54789
N 53220	N 53537	N 54692	N 54790
N 53222	N 53538	N 54693	N 54791
N 53223	N 53539	N 54694	N 54792
N 53227	N 53540	N 54695	N 54793
N 53228	N 53541	N 54696	N 54794
N 53239	N 53542	N 54697	N 54795
N 53240	N 53543	N 54698	N 54796
N 53241	N 53544	N 54699	N 54797
N 53403	N 53545	N 54700	N 54798
N 53412	N 54218	N 54701	N 54799
N 53413	N 54219	N 54702	N 54800
N 53414	N 54220	N 54703	N 54801
N 53415	N 54221	N 54704	N 54802
N 53416	N 54232	N 54705	N 54803
N 53417	N 54283	N 54706	N 54804
N 53450	N 54284	N 54707	N 54805
N 53451	N 54285	N 54708	N 54806
N 53452	N 54286	N 54709	N 54807
N 53453	N 54287	N 54710	N 54808
N 53454	N 54288	N 54711	N 54809
N 53455	N 54289	N 54712	N 54810
N 53456	N 54290	N 54713	N 54811
N 53457	N 54291	N 54714	N 54812
N 53458	N 54352	N 54715	N 54813
N 53459	N 54358	N 54716	N 54814
N 53461	N 54354	N 54717	N 54815
N 53462	N 54355	N 54728	N 54816
N 53463	N 54356	N 54729	N 54817
N 53464	N 54357	N 54730	N 54818
N 53465	N 54358	N 54731	N 54819
N 53466	N 54359	N 54732	N 54820
N 53467	N 54360	N 54733	N 54821
N 53468	N 54361	N 54734	N 54822
N 53469	N 54648	N 54735	N 54823
N 53486	N 54649	N 54736	N 54824
N 53487	N 54650	N 54737	N 54825
N 53488	N 54651	N 54748	N 54826
N 53489	N 54652	N 54749	N 54827
		N 54750	N 54828

[F. R. Doc. 51-7795; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18090]

WILHELMINE L. BAYERDORFER

In re: Estate of Wilhelmine L. Bayerdorfer, deceased. File No. F-28-3852.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalie Ritter, August Goluke, Therese Schneider, Wilhelmine Hohnsel, August Brakhage, Katherine Brakhage, Herman Brakhage, Albert Hoffman, Emmi Seyband, Wilhelm Hoffman, Karl Goluke, Walter Goluke, Erna Goluke and Erika Goluke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Wilhelmine L. Bayerdorfer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the City and County of San Francisco, California;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7796; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18091]

HEDWIG BENNER

In re: Rights of Hedwig Benner under insurance contract. File No. D-28-12469-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Benner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hedwig Benner under a contract of insurance evidenced by policy No. 457884, issued by the Guardian Life Insurance Company of America, New York, New York, to Friedrich Wilhelm Benner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7797; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18093]

OTTO LIPP

In re: Estate of Otto Lipp, deceased. File No. D-28-11463; E. T. sec. 15684.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena (Leni) Plattner, nee Lipp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Otto Lipp, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Otto Lipp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals

of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, New York, New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Otto Lipp, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7798; Filed, July 5, 1951; 8:59 a. m.]

[Vesting Order 18094]

JOHANN JACOB LUTSCH

In re: Estate of Johann Jacob Lutsch, also known as J. J. Lutsch, deceased. File D-28-9308.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Ulrich, Johann Joseph Wolff, Maria Anna Marner, Maria Gertrud Marner, Anton Robert Sebastian, Josef Vincenz Sebastian, Peter Rudolf Sebastian, Gottfried Josef Gieler, Helena Katherina Gieler, Rudolf Joseph Gieler, Maria Mechtildis Wolff, Anna Katherina Wolff, Maria Christine Wolff, Maria Elisabeth Wolff, Hermann Joseph Wolff, Hildegard Wolff, and Gertrud Maria Wolff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johann Ulrich, of Theresia Gieler, of Albert August Wolff, and of Gottfried Wolff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Johann Jacob Lutsch, also known as J. J. Lutsch, deceased, to the extent not heretofore vested by Vesting Order No. 4993, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Henry J. Kruger, as executor, acting under the judicial supervision of the Probate Court of Fremont County, State of Idaho;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johann Ulrich, of Theresia Gieler, of Albert August Wolff, and of Gottfried Wolff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7799; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18095]

FRED E. UNGER ET AL.

In re: Rights of Fred E. Unger et al., under insurance contract. File No. F-28-31467-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred E. Unger and Bertel Unger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Fred E. Unger, names unknown, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fred E. Unger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4,603,765, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Fred E. Unger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance, except those of the said the Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Fred E. Unger or Bertel Unger, or the children, names unknown, of Fred E. Unger, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fred E. Unger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the children, names unknown, of Fred E. Unger, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fred E. Unger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7800; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18096]

ANNA WEISNER ET AL.

In re: Rights of Anna Weisner et al., under insurance contract. File No. F-28-31481-H-1.

Under the authority of the Trading With the Enemy Act, as amended Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Weisner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Weisner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8,185,402, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Anna Weisner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Anna Weisner, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Weisner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Weisner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7801; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18098]

HANS AND ADELHEID BORCHERS

In re: Stock owned by Hans Borchers and Adelheid Borchers. D-28-96.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Borchers and Adelheid Borchers, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Six hundred (600) shares of no par value common capital stock of Anchor Post Fence Company [now Anchor Post Products, Inc., (New Jersey)], Eastern Avenue and Kane Street, Baltimore, Maryland, evidenced by certificates numbered C 23580/5 for one hundred (100) shares each, registered in the name of C. B. Richard & Co., and presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7802; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18099]

GEORGE YUNKER

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased. F-28-734-E-2/3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Central National Bank and Trust Company of Peoria, Peoria, Illinois, arising out of a Savings Account, account number 10261, entitled George Yunker, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Peoria, Peoria, Illinois, arising out of a Savings Account, account number 231, entitled George Yunker, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George Yunker, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7803; Filed, July 5, 1951; 9:00 a. m.]

[Vesting Order 18100]

YEKICHI HARA

In re: Cash owned by and claims of Yekichi Hara. F-39-7009.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yekichi Hara whose last known address is Saga-Ken, Miyaki-Gun, Kitashigeyasu-Mura, Aza-Nishio, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Any and all rights and claims to Social Security benefits of Yekichi Hara

under the Social Security Act, approved August 14, 1935, as amended (Pub. Law. 74th Cong., 1st Sess. 49 Stat. 620) to January 1, 1947, identified by Social Security Account No. 533-16-6440 and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $20.89 on deposit with the Treasury Department, Washington, D. C., Bureau of Accounts in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of a withheld check drawn for the payment of insurance benefits to Yekichi Hara for December 1945 and identified by Social Security Account No. 533-16-6440 together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7804; Filed, July 5, 1951; 9:00 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 132

Washington, Tuesday, July 10, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10269

DELEGATING TO THE DIRECTOR OF DEFENSE MOBILIZATION THE AUTHORITY OF THE PRESIDENT TO DETERMINE, WITH RESPECT TO THE NEED FOR SCHOOL FACILITIES, AREAS WHICH ARE CRITICAL BY REASON OF NATIONAL-DEFENSE ACTIVITIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. There is hereby delegated to the Director of Defense Mobilization, or an officer of the Government designated by him and acting subject to his direction and control, the authority vested in the President by the paragraph appearing under the heading "Federal Security Agency—Office of Education—Grants for Surveys and School Construction" of the Third Supplemental Appropriation Act, 1951, Public Law 45, 82nd Congress, to determine areas which are critical areas by reason of national-defense activities.

2. The Commissioner of Education shall furnish the Director of Defense Mobilization, or the officer designated by the said Director under paragraph 1 hereof, such information as may be requested by the Director, or such officer, concerning measures taken to provide school facilities in areas determined, pursuant to paragraph 1 of this order, to be critical areas by reason of national-defense activities.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1951.

[F. R. Doc. 51-7970; Filed, July 6, 1951; 4:40 p. m.]

EXECUTIVE ORDER 10270

EXTENSION OF ENLISTMENTS IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by section 1 of the act of July 27, 1950, 64 Stat. 379, as amended by section 2 of the act of September 27, 1950, 64 Stat. 1074, and by section 2 of the 1951 Amendments to the Universal Military Training and Service Act, 65 Stat. 88 (Public Law 51, 82d Congress, approved June 19, 1951), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments (except enlistments pursuant to section 4 (c) (1) of the Universal Military Training and Service Act, as amended) in any component of the Army, the United States Navy and the United States Marine Corps, including the Naval Reserve and the Marine Corps Reserve, in any component of the Air Force of the United States, and the United States Coast Guard, including the Coast Guard Reserve, which shall expire after July 8, 1951, and prior to July 1, 1952, and which have not been extended heretofore for twelve months by Executive Order No. 10145 of July 27, 1950, or by Executive Order No. 10164 of September 27, 1950: *Provided*, that nothing contained herein shall be construed to prevent voluntary re-enlistments or voluntary extension of existing enlistments under the provisions of applicable laws or the regulations of the Departments of the Army, Navy, and Air Force, or the United States Coast Guard.

The Secretary of Defense and the Secretary of the Treasury are hereby directed to take such steps as they may respectively deem necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1951.

[F. R. Doc. 51-7998; Filed, July 9, 1951; 10:36 a. m.]

EXECUTIVE ORDER 10271

DELEGATING THE AUTHORITY OF THE PRESIDENT TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS OF THE ARMED FORCES INTO ACTIVE FEDERAL SERVICE

By virtue of the authority vested in me by section 10 (c) of the Universal Military Training and Service Act (62 Stat. 621), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

There is hereby delegated to the Secretary of Defense the authority vested in the President by section 21 of the Universal Military Training and Service Act (64 Stat. 318), as amended by the 1951 Amendments to the Universal Military

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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Training and Service Act (65 Stat. 87; Public Law 51, 82d Congress), to order into the active military or naval service of the United States for a period not to exceed twenty-four months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces: *Provided*, that so much of the authority of the President under the said section 21, as amended, as relates to any Reserve component of the United States Coast Guard or to retired personnel of the Regular Coast Guard is hereby delegated to the Secretary of the Treasury.

The Secretary of Defense is hereby authorized to redelegate, subject to such conditions as the Secretary may deem appropriate, to the Secretaries of the Army, Navy, and Air Force such functions under this order as affect their respective services.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 7, 1951.

[F. R. Doc. 51-7989; Filed, July 9, 1951; 10:37 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 7—APPOINTMENT OF EMPLOYEES OF OTHER AGENCIES WITHOUT REEMPLOYMENT RIGHTS AND OF FORMER FEDERAL EMPLOYEES

PART 8—PROMOTION, DEMOTION, AND REASSIGNMENT AND MOVEMENT OF EMPLOYEES BETWEEN AGENCIES WITH REEMPLOYMENT RIGHTS

MISCELLANEOUS AMENDMENTS

Sections 2.115 (b), 7.105 (a) (5), 8.109 and 8.115 (a) are amended to read as set out below. These amendments are effective upon publication in the FEDERAL REGISTER.

The amendments to §§ 2.115 (b), 7.105 (a) (5) and 8.115 (a) are in the nature of cross references to § 8.109. The latter section has been revised completely. The result of these changes will be that the restrictions in § 8.109 will apply equally to competitive indefinite appointments made under agency recruiting authority, non-competitive appointments under authority of § 7.105 (a), non-competitive personnel changes within an agency made under § 8.108, and non-competitive indefinite appointments with reemployment rights made under § 8.115. The restrictions are not applicable in making competitive probational or indefinite appointments from civil service registers of eligibles.

It should be noted that § 8.109 now includes restrictions on personnel actions within a set period following competitive appointment. It should be noted further that under § 8.109 (b) there is no longer any time-in-grade restriction on promotions to positions at or below GS–5, or equivalent. This paragraph also permits promotions of two grades to positions below GS–12, or equivalent, to be made within one waiting period (6 months), either one grade at a time or two grades at one time.

1. Section 2.115 (b) is amended by the addition of a sentence at the end of the paragraph. As amended, it reads as follows:

§ 2.115 *Indefinite appointment.*
* * *

(b) *Special requirements when appointments are made in absence of eligibles.* Whenever there are insufficient available eligibles on registers, in making appointments under this section agencies shall (1) give perference first to 10-point veterans and second to 5-point veterans; and (2) obtain a decision from the Commission whenever it is necessary to determine whether any applicant is disqualified because of physical unfitness. In making appointments under this authority the restrictions of § 8.109 of this chapter must be observed.

2. Section 7.105 (a) (5) is amended to read as follows:

§ 7.105. *Agency authority and general requirements.* (a) After September 1, 1950, the employment non-competitively of employees of other agencies without reemployment rights and of former Federal employees shall be by indefinite appointment only. The Commission hereby delegates authority to agencies to make such indefinite appointments subject to the following conditions:
* * *

(5) The standards of the Commission must be met and the restrictions of § 8.109 of this chapter observed.

3. Section 8.109 is amended to read as follows:

§ 8.109 *Restrictions on promotion, appointment at a higher grade and reassignment to a different line of work.* (a) No promotion, appointment at a higher grade, or reassignment to a different line of work shall be made within 3 months of the person's latest competitive indefinite or probational appointment if the position to be filled is in grade GS–5, or equivalent, or lower, or within 6 months if the position to be filled is in a higher grade.

(b) No person shall be appointed or promoted to a position in any grade from GS–5 to GS–11, inclusive (or equivalent) which is more than two grades, or to a position in grade GS–12, or higher (or equivalent) which is more than one grade above the lowest grade held by him in the Federal civil service within the preceding six months under indefinite or permanent appointment.

(c) The Commission by prior general or specific approval may permit exceptions in the interest of the service to the restrictions in this section.

4. Section 8.115 (a) is amended to read as follows:

§ 8.115 *Appointment of employees with reemployment rights.* (a) The Commission hereby delegates authority to agencies to give indefinite appointments to employees with reemployment rights provided the standards of the Commission are met and the restrictions of § 8.109 are observed.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51–7942; Filed, July 9, 1951; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

DELEGATION OF AUTHORITY AFFECTING REGULATIONS

EDITORIAL NOTE: For delegation of authority to Director, Dairy Branch to exercise certain powers and functions of the Administrator set forth in §§ 58.4, 58.8, 58.9, 58.11, 58.13, 58.15, 58.16, 58.18, 58.20, 58.22, 58.24, 58.25, 58.28, 58.33, 58.34, 58.35, 58.38, 58.49, 58.50, 58.51, 58.53, 58.54, 58.56, 58.58, 58.59, and 58.61 relating to grading and inspection of dairy products, see F. R. Doc. 51–7925 under Department of Agriculture, Production and Marketing Administration, *infra*.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[998.302, Amdt. 1]

PART 998—IRISH POTATOES GROWN IN NEW JERSEY

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998) regulating the handling of Irish potatoes grown in New Jersey, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the New Jersey Potato Marketing Committee, established under said marketing agreement and order, and other available information, it is hereby found that the amended limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the New Jersey Potato Marketing Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. The provisions in paragraph (b) (1) of § 998.302 (16 F. R. 6234) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning July 12, 1951, and ending December 29, 1951, both dates inclusive, no handler shall ship potatoes grown in New Jersey which do not meet the requirements of U. S. Commercial, or better, grade, of which not less than 85 percent are of U. S. No. 1 quality, and which are of sizes not less than 2 inches minimum diameter, as such grades, qualities, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein, except that, in addition to the aforesaid potatoes, handlers may ship as such any U. S. No. 1, Size B potatoes grown in New Jersey, as such grades and sizes are defined in the aforementioned U. S. Standards for Potatoes, including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of July 1951 to become effective July 12, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–7923; Filed, July 9, 1951; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 702—SELECTION AND ELIGIBILITY

SELECTION OF APPLICANTS

In accordance with section 3 (a) of the Displaced Persons Act of 1948, as amended by Public Law 60, 82d Congress, § 702.1 of Chapter 4, Title 8, is hereby amended to read as follows:

§ 702.1 *Selection of applicants.* (a) Selection of applicants under sections 2 (c), 2 (e), 2 (f), 2 (g) and 12 (a) of the act for processing for admission to the United States shall be made by the Commission on the basis of assurances submitted in accordance with Part 701 of this chapter.

(b) For procedures under section 2 (d) of the act see § 701.5 of this chapter.

(c) No applicant under sections 2 (c), 2 (d) or 2 (g) of the act shall be entitled to a visa unless the Commission initiated the selection or processing of such applicant on or before July 31, 1951.

(d) Selection or processing of an applicant under the act is initiated by the Commission on or before July 31, 1951 when on or before that date:

(1) The Commission validated an assurance submitted by an individual sponsor, a public agency or voluntary agency recognized by the Commission for this purpose, in behalf of a named applicant under sections 2 (c), 2 (d) or 2 (g) of the act;

(2) The Commission received a nomination of an applicant under sections 2 (c), 2 (d) or 2 (g) of the act under an unnamed or blanket assurance from a public agency or voluntary agency recognized by the Commission for this purpose;

(3) The Commission initiated processing, under its pre-assurance program, of an applicant under sections 2 (c), 2 (d) or 2 (g) of the act, or the Commission selected an applicant under sections 2 (c), 2 (d) or 2 (g) of the act to fill an assurance for an unnamed person;

(4) Application is made to an American Consul by or on behalf of an applicant under section 2 (d) of the act in accordance with the procedures established under § 701.5 (f) of this chapter.

The foregoing amendment shall be effective upon the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress (62 Stat. 1009), as amended by the act of June 16, 1950, which was implemented by the regulations which became effective on June 17, 1950, and the amendments thereto which became effective on April 7, 1951, and June 9, 1951, and as amended by the act of June 28, 1950, which is implemented by the foregoing amendment and became effective on June 28, 1950, and the execution of functions of the Displaced Persons Commission under that statute as amended, would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure act providing for delayed effective date are inapplicable.

(Sec 8, 62 Stat. 1012, as amended; 50 U. S. C. App. 1957. Interprets or applies sec. 13, 62 Stat. 1014; 50 U. S. C. App. 1962)

HARRY N. ROSENFIELD,
Acting Chairman,
Displaced Persons Commission.

[F. R. Doc. 51–7911; Filed, July 9, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

FROZEN-FOOD LOCKER PLANTS

Part 779 is hereby amended by adding a new § 779.29 to read as follows:

§ 779.29 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to frozen-food locker plants.* (a) The general principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply, as is explained more fully in paragraphs (b) and (c) of this section, to establishments engaged in providing frozen-food locker service to farmers and other private individuals for the cold storage of meats, fruits and vegetables, in activities incidental to such service, and, in many cases, in other activities. It is the purpose of this section to show generally how these principles apply and, particularly, how they apply where the locker establishment also performs such services with respect to the customer's own goods as the custom slaughtering and dressing of livestock and poultry and related activities for cold storage purposes, or engages on its own account in such activities as the slaughtering and dressing of livestock or poultry and related activities for purposes of sale.

(b) Frozen-food locker plants provide locker service for the cold storage of frozen meats, fruits and vegetables and engage in incidental activities such as the cutting of meat, cleaning, packaging or wrapping and quick freezing, of meats, fruits, or vegetables for such locker service. In such establishments lockers are rented principally to farmers and other private individuals for the purpose of storage by them of such goods for their own personal or family use. Storage space and related services may also be provided for business or commercial use such as to hotels, stores or restaurants, or to farmers or other customers who use it to store meat and other goods for future sale. Such locker plants may also engage in such activities as the custom slaughtering and dressing of livestock or poultry and the curing, smoking or other processing of meat owned by farmers and other private individuals for storage by those customers either in their home freezers or in locker plants for the customers' personal or family use. The custom slaughtering or processing activities of such locker establishments may be performed on the premises of the establishments or at some location away from the establishment. An establishment engaged in some or all of these activities may be exempt under section 13 (a) (2) of the act if it meets the specific tests of that exemption. In applying these tests, the receipts from the locker service and the incidental activities mentioned in the first sentence of this paragraph, and from the slaughtering, dressing or other processing of livestock or poultry performed for farmers and other private individuals for their own use, but not where the goods are to be sold to others by the customer, will be counted as receipts from sales of services recognized as retail in the industry. Receipts from commercial storage and activities incidental thereto and from the sale of hides, offal or other by-products will be counted as receipts from sales of goods or services made for resale or which are not recognized as retail sales of goods or services in the industry. If the locker establishment meets the tests of the exemption, all employees employed by it, including those employees who are engaged at a location away from the establishment in performing the slaughtering or processing service sold by the locker establishment will be exempt.

(c) Some locker plant establishments also include a meat market of the type which slaughters its own livestock or poultry (as distinguished from the slaughtering performed as a service to customers on the customers' own livestock) and processes such meat for sale by it to the general public. In performing such operations as the slaughtering, curing, and smoking of meat and the rendering of fats for sale, the establishment is making or processing goods that it sells and is not performing retail services for its customers. Employees engaged in these activities in such an establishment, therefore, are not exempt under section 13 (a) (2) but may be exempt if the establishment meets the tests of a combination 13 (a) (2)–13 (a) (4) exemption in accordance with the principles stated in § 779.27. As a general rule, such a meat market which slaughters its own livestock and sells its meat to the general public is a type of establishment which may be recognized as a retail establishment in the industry within the meaning of the 13 (a) (4) exemption. Whether a particular establishment, however, is so recognized depends upon the facts of the case. It should be noted that where such slaughtering, curing or smoking is, for any reason, performed away from the premises of the establishment where the meat is sold, the employees engaged in such activities are not employees employed by a retail establishment which "makes or processes at the retail establishment the goods that it sells" within the meaning of the 13 (a) (4) exemption and cannot, therefore, be exempt under that section. It should also be noted that section 7 (c) of the act provides an exemption from its overtime requirements (but not from the minimum wage requirements) during not more than 14 workweeks in each calendar year for employees employed in a place of employment where their employer is engaged in handling, slaughtering or dressing poultry or livestock. This exemption may be claimed for employees in such a place of employment who are engaged only in performing such handling, slaughtering, and dressing operations and operations necessarily incident thereto, in the event that such employees are found not to come within the 13 (a) (2) or 13 (a) (4) exemption under the principles discussed in this section.

(52 Stat. 1060, as amended, sec. 16 (c), 63 Stat. 920; 29 U. S. C. and Sup. 201–219)

Signed at Washington, D. C., this 2d day of July 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51–7903; Filed, July 9, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amendment 16]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF VEGETABLE PLANTS

Pursuant to the Defense Production Act of 1950 (Pub. Law, 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from the General Ceiling Price Regulation sales and deliveries of vegetable plants, such as tomato, cabbage and pepper plants. This exemption from price control gives the same treatment as was given to seeds in the original regulation and as was also given to flowering plants, nursery stock and other floral products by Amendment 8.

Many vegetables, such as those listed above, are grown from seeds planted in greenhouses by commercial operators and the plants when they reach a cer-

tain size are sold through commercial channels to home gardeners and others who do not have the facilities for raising their own plants. Tomato plants, which perhaps represent the largest volume of production of such vegetable plants, are also purchased by canners who sell them to the growers with whom they enter into contracts for tomatoes for processing. This is the only effective way a canner can control the variety of tomato he is to receive for processing.

Vegetable plants are grown under the same conditions as nursery stock and flowering plants, and the same considerations which warranted the exemption from price control of such products are applicable. Furthermore due to the seasonal nature of the production of such plants, the base period of the GCPR is inappropriate in most producing areas, and sellers in such areas would have to resort to the Office of Price Stabilization for individual authorizations of their ceiling prices.

These commodities do not enter significantly into the cost of living. For the foregoing reasons the Director of Price Stabilization finds that the exemption from price control of vegetable plants is necessary to prevent hardships and inequities, and is not inconsistent with the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISION

Section 14 (s) (17) of the General Ceiling Price Regulation is amended by adding immediately after the phrase "nursery stock" the following: "vegetable plants;".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7993; Filed, July 9, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 1 to Revision 1 to Supplementary Regulation 2]

GCPR, SR 2, REV. 1—RETAIL COAL DEALERS

COAL BAGGED FOR ALASKA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Historically, coal has been bagged in used sacks and shipped to Alaskan points for use as fuel. The actual sacking and shipping is handled by a few retail coal dealers in Seattle, Washington. The coal used originates in Utah because it is the nearest coal suitable for the purpose. The amount of coal involved is not large, approximately 6,000 tons annually, and the shipments have to be made during the summer months because of weather conditions at other times.

The price paid by the dealers for the used sacks has increased substantially. In some sizes the prices have doubled. The usual capacity of the sacks is 100 and 125 lbs. each, requiring 16 to 20 sacks per ton of coal.

Investigations by this office indicate that the increase in the price of the bags so used is in conformity with the provisions of the General Ceiling Price Regulation. If the coal described herein is to continue to be shipped to Alaska, the dealers involved must be granted some adjustment of ceiling price in order to relieve the inequitable cost price relationship that has developed. This Amendment 1 to Supplementary Regulation 2, Revision 1 will grant such relief but will not increase the dealers' margin. A used textile bag regulation is now under consideration by this office and should be issued within the near future. If this regulation affects the cost of used bags, this amendment may be further amended to bring this adjustment in line with the used bag regulation. Because time is of the essence to dealers who sack and ship coal to Alaskan points, this temporary relief is granted.

AMENDATORY PROVISIONS

Section 3 of Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation is hereby amended by adding paragraph (f), as follows:

(f) Retail coal dealers bagging coal in used bags for shipment to Alaska may increase the price charged for such coal by the amount of $1.25 per ton.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment 1 to Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation shall become effective July 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7991; Filed, July 9, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 4 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTIONS FOR CERTAIN SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 15 (16 F. R. 2908), is hereby issued.

STATEMENT OF CONSIDERATIONS

Exceptions for services covered by General Ceiling Price Regulation, Supplementary Regulation 15, as amended, are now covered by the provisions of General Overriding Regulation 14.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended to read as follows:

SECTION 1. *What this supplementary regulation does.* The purpose of this regulation is to suspend the rates, fees, charges and compensation charged for certain services from the provisions of the General Ceiling Price Regulation.

2. Section 2 (b), as amended, of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby revoked.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment 4 to Supplementary Regulation 15 to the General Ceiling Price Regulation is effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7990; Filed, July 9, 1951; 10:47 a. m.]

[General Overriding Regulation 14]

GOR 14—EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is an across-the-board regulation which exempts certain services from price control. All services now or hereafter totally exempted from price control will be listed in this General Overriding Regulation.

Some of the listed services have already been exempted under the provisions of Supplementary Regulation 15 to the General Ceiling Price Regulation. This supplementary regulation is simultaneously being revoked insofar as it deals with total exemptions. After this date, it will deal only with temporary suspensions and adjustable pricing authority as to sellers of certain services. The services which are now temporarily suspended are services furnished by hospitals and summer camps and certain services related to harvesting and packing of fresh fruits, vegetables, berries and nuts. The adjustable pricing authority is now applicable to contract carriers by motor vehicle and lessors of trucks and passenger cars.

Those services already exempted under such Supplementary Regulation 15 and which are merely incorporated into this General Overriding Regulation for convenience are services rendered by schools, printing and binding services pursuant to contract with the United States Government Printing Office, drilling of oil and gas wells and certain other services related to oil and gas wells, and certain rates regulated by the Department of Agriculture under the Packers and Stockyards Act. The statement of considerations for such Supplementary Regulation 15 discusses the reasons for these exemptions.

A number of services are exempted from price control for the first time by this General Overriding Regulation. They fall within three groups: (1) services over which the Office of Price Stabilization has no control by virtue of the provisions of section 402 (e) of the Defense Production Act of 1950; (2) services which have minor significance and slight effect upon the cost of living; and (3) services which cannot practicably be controlled.

In the first category are a number of exemptions for professional services as well as exemptions relating to publishing, broadcasting, motion picture and insurance fields. These groups are dealt with by section 402 (e) of the Defense Production Act of 1950.

In the second category are services such as the repair and maintenance of antiques, shoe shining by shoe shine boys, taxidermy, etc.

The third group includes stevedoring and watchman and guard services. These services involve such a narrow margin over labor cost and often involve such an individualized pattern of charging that the administrative difficulties of control out-weigh the benefits.

The use of parking space on streets and thoroughfares when regulated by governmentally operated parking meters is exempted from price control. Parking fees usually partake more of the nature of a tax or the exercise of a municipal police power in the regulation of the use of public streets than a charge for a service. This exemption from parking does not apply to parking charges in lots operated by governmental agencies or private persons.

A number of services are exempted by an occupational designation. It is made clear in the regulation that the exemption extends to services which fall within the scope of the particular occupation and which are not performed as an incident to a non-exempt service.

All services rendered by employees are exempted since the control of wages and salaries is not within the scope of Office of Price Stabilization activities. Services rendered by way of employment are under Wage Stabilization Board jurisdiction.

This additional list was prepared after the Director of Price Stabilization had consulted with numerous representatives from various service fields and had given consideration to their recommendations. Subjecting the charges for these services to price control would have no appreciable effect on the program of price stabilization and would impose an unnecessary administrative and enforcement burden. In the judgment of the Director of Price Stabilization, in view of the nature of the additional services exempted, no ceilings are required to be applied to prices for such services.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Exceptions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation excepts from any ceiling price restrictions imposed by the Office of Price Stabilization the rates, fees and charges for supplying the services enumerated.

SEC. 2. *Applicability.* The provisions of this General Overriding Regulation are applicable to services supplied in the 48 States of the United States, the District of Columbia, and Alaska, Guam, Hawaii, Puerto Rico, Samoa and the Virgin Islands.

SEC. 3. *Exceptions.* (a) No ceiling price regulation now or hereafter issued by the Office of Price Stabilization shall apply to the rates, fees and charges for the supply of the services listed below and the services which fall within the scope of the occupations listed below:

(1) Accountants and auditors.
(2) Actors and actresses.
(3) Actuaries.
(4) Architects.
(5) Artists.
(6) Athletes.
(7) Authors.
(8) Cartoonists.
(9) Chemists.
(10) Chiropodists.
(11) Chiropractors.
(12) Clergymen.
(13) Consuls and consulates of foreign governments.
(14) Correspondents and news commentators.
(15) Dentists.
(16) Detective agencies.
(17) Discounting, purchasing or advancing monies upon the security of accounts receivable, promissory notes, bills of exchange and other like commercial paper.
(18) Drilling of oil and gas wells, including necessary operations in connection therewith, such as electrical logging services, preparation of locations, shot hole and diamond core drilling, fishing jobs, pulling, salvaging and plugging operations.
(19) Economists.
(20) Editors.
(21) Educational services rendered in the educational facilities of schools and educational institutions which provide a systematic and supervised course of instruction in a branch of knowledge, art, craft, or skill.
(22) Engineers—(aeronautical, chemical, civil, electrical, industrial, mechanical, metallurgical, mining, marine, etc.) other than engineering firms engaged in the sale of equipment or in contract construction.
(23) Entertainers.
(24) Fire fighting services in connection with oil and gas wells.
(25) Foresters.
(26) Geologists.
(27) Trimming of hedges and cutting and maintenance of lawns.
(28) Services performed in any calendar or fiscal year by any individual in his own home, but only if the total amount of the rates, fees and charges received therefor in the next preceding calendar or fiscal year did not exceed the sum of $5,000.
(29) Hunting, fishing, and trapping privileges on preserves.
(30) Interest for the use of money.
(31) Investment counselling.
(32) Repair and engraving of jewelry and articles of gold, silver or plated ware and the cutting, polishing and setting of precious or semi-precious stones and pearls. (Storage of such materials in safe deposit facilities is subject to Ceiling Price Regulation 34 as well as storage otherwise than in safe deposit facilities.)
(33) Lawyers.
(34) Lecturers.
(35) Marketing forecasting.
(36) Mathematicians.
(37) Metallurgists.
(38) Meteorologists.
(39) Musicians.
(40) Naturopaths.
(41) Nurserymen rendering landscaping services in connection with a sale of an exempted commodity.
(42) Nurses.
(43) Repair and maintenance of objects of art and commodities made prior to 1850.
(44) Occult sciences practitioners—spiritualists, mediums, fortune-tellers, astrologers.
(45) Osteopaths.
(46) Use of parking space on public streets and thoroughfares when regulated by governmentally operated parking meters. This exemption does not apply to motor vehicle parking rates, fees and charges in parking lots operated by governmental agencies.
(47) Pharmacists—registered, for filling prescriptions which require the services of a registered pharmacist, and which contain a physician's, dentist's, veterinarian's, or any other licensed practitioner's written directions as to use, and is signed by him; provided, however, that where a registered pharmacist sells a product without transposing the written directions from the prescription to the label, that is the sale of a commodity and is not exempt under this regulation.
(48) Physicians and surgeons.
(49) Physicists.
(50) Printing and binding services rendered by printers and binders pursuant to "Standard Rate Contracts" entered into with the United States Government Printing Office.
(51) Program elements (package productions) furnished by independent contractors (package producers) for use in radio or television broadcasting or in a motion picture, theater or night club.
(52) Psychologists.
(53) Shoe shining services supplied otherwise than in the operation of a business establishment.
(54) Sports officials.
(55) Statisticians.
(56) Stevedoring (the loading or unloading of waterborne freight, the taking of goods from a place of rest on land or on a dock, pier, barge or lighter and stowing them in the hold or other cargo space of a ship or transferring goods similarly from the ship to a place of rest on land dock, pier, barge or lighter including the customary sorting and piling) and carloading and unloading services in connection with stevedoring (the loading or unloading of freight cars performed in connection with a "stevedoring" operation at the same general location on goods or merchandise that have been or are about to be subject to such "stevedoring" operation) when performed for any carrier by water, foreign or domestic.
(57) Surveyors.
(58) Syndicates which sell commodities or supply services the primary value of which depends upon editorial content, expression of ideas or dissemination of information.
(59) Taxidermy.
(60) Teachers.
(61) Transportation of United States mail and parcel post.
(62) Trust, estate, escrow and corporate fiscal agency services—executorships, administratorships, guardianships, conservators and committeeships of minors and incompetents, trusteeships (trustee services rendered with respect to personal, corporate and pension trusts, and agency, custody and investment advisory actions), escrow services, coupon and dividend paying agency services, stock transfer agency and registrarship services.

(63) Veterinarians—registered or licensed under State or Municipal law.

(64) (i) Services, the rates for which are regulated by the United States Department of Agriculture under the Packers and Stockyards Act, as amended.

(ii) Grading, inspecting, classing, testing, weighing, analyzing, or licensing the fees or charges for which are fixed, approved or collected by the United States Department of Agriculture; and fees collected or charges made by the United States Department of Agriculture under its programs.

(iii) Financing operations paid directly by the United States Department of Agriculture under its programs.

(65) Services supplied by the United States Post Office Department.

(66) Snow removal services and rental equipment used in connection with snow removal, when performed for or rented to, the United States or any agency thereof, or to any State or Territorial government, or any agency or political subdivision thereof.

(67) Watchman and guard services.

Effective date. This General Overriding Regulation is effective July 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 9, 1951.

[F. R. Doc. 51-7992; Filed, July 9, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

NPA Reg. 4 is revoked effective July 6, 1951. Direction 2 to NPA Reg. 4, as amended June 25, 1951, shall be considered as a direction to this regulation. On and after July 6, 1951, any reference to NPA Reg. 4 contained in any order or regulation of NPA (other than this regulation) shall be deemed a reference to CMP Regulation No. 5.

Sec.
1. What this regulation does.
2. Definitions.
3. How a person obtains controlled materials.
4. How a person obtains products and materials other than controlled materials.
5. Status of orders rated DO–97.
6. Materials for which the allotment symbol MRO and the rating DO–MRO may not be applied or extended.
7. Quarterly MRO quotas.
8. Charges against quota.
9. Materials obtained for the benefit of another.
10. Use of materials for another purpose.
11. Certification.
12. Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.
13. Relation to other regulations and orders.
14. Records and reports.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law. 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a uniform procedure by which any business enterprise, Government agency, or public or private institution may obtain limited quantities of controlled materials and products and materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as for minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials and products which a person may obtain without using the procedure provided in this regulation. However, a person who makes use of the procedure provided in this regulation to obtain in any quarter materials or products in excess of 20 percent of his quota shall comply with the quota limitations whether or not he is able to obtain additional materials and products without using the procedure provided in this regulation. A person may use the procedure provided in this regulation to obtain MRO and minor capital additions up to $1,000 in any one quarter regardless of his quota. The procedure provided in this regulation may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If, in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this regulation, or to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(b) "NPA" means the National Production Authority.

(c) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(d) "Government agency" means the United States, its territories and possessions, any of the 48 States, or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(e) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(f) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. It includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise, Government agency, or institution. The term "operating supplies" does not include any controlled material required by a controlled materials producer for the production of other controlled materials, regardless of the accounting methods of such producer, and regardless of the fact that they are not physically incorporated in his product. Such materials are obtained as provided in section 21 of CMP Regulation No. 1.

(h) "Minor capital addition" means any improvement or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such improvement or addition, for the purpose of this regulation, the cost of all materials obtained for such improvement or addition shall be included whether or not acquired by use of an allotment symbol or rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition or improvement involves construction of a type which requires authorization under NPA Order M–4, the procedure provided for herein may not be used to obtain materials therefor unless the authorization specifically so provides.

(i) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(j) "Material" means any raw, in-process, or manufactured commodity equipment, component, accessory, part, or product of any kind.

(k) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(l) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *How a person obtains controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the allotment symbol MRO on delivery orders for controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The assignment of the right to use the allotment symbol MRO does not constitute the making of an allotment of the amount of controlled materials for MRO and minor capital additions specified in section 7 of this regulation. The allotment symbol MRO may be used to acquire only that amount of controlled material actually needed for MRO and minor capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 11 of this regulation, shall constitute an authorized controlled material order for the purposes of all CMP regulations.

SEC. 4. *How a person obtains products and materials other than controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the rating DO–MRO on delivery orders for products and materials other than controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The rating DO–MRO may be used to acquire such products and materials only up to that portion of the amount specified in section 7 of this regulation which is actually needed for the purposes of MRO and minor capital additions.

(b) A delivery order bearing the rating DO–MRO, together with the certification provided for in section 11 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 5. *Status of orders rated DO–97.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, a delivery order for controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, a delivery order for products and materials other than controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute a rated order with the allotment symbol MRO for the purpose of all CMP regulations.

(c) A producer of a Class A or of a Class B product who has, prior to the effective date of this regulation, extended an order bearing the rating DO–97 to a supplier of a controlled material, and who has received an authorized production schedule with a related allotment, shall charge against such allotment, any kind of any controlled material which he receives pursuant to such order.

(d) A delivery order calling for delivery after the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 must be converted into an authorized controlled material order or into a rated order with the allotment symbol MRO, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(e) A delivery order for MRO or minor capital additions placed after the effective date of this regulation and in accordance with its provisions must bear the allotment symbol MRO or the rating DO–MRO, as the case may be.

SEC. 6. *Materials for which the allotment symbol MRO and the rating DO–MRO may not be applied or extended—*(a) *Prohibited list.* The allotment symbol MRO and the rating DO–MRO shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedules I and II of this regulation, or to obtain any equipment pursuant to any lease.

(b) *Limitation for minor capital additions.* The allotment symbol MRO and the rating DO–MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) materials for a total of minor capital additions exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation or $750, whichever is greater.

(c) *Limitation on extension of the rating DO–MRO.* A producer of Class A products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials in accordance with the provisions of section 15 of CMP Regulation No. 1. A producer of Class B products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials from an industry division or claimant agency, as provided in CMP Regulations No. 1 and No. 3. All other suppliers may extend a DO–MRO rating to obtain materials to the extent permitted by and in accordance with the provisions of NPA Reg. 2.

SEC. 7. *Quarterly MRO quotas.*—(a) *The quota base.* A person who applies the allotment symbol MRO to buy controlled materials or the rating DO–MRO to buy products and materials other than controlled materials must establish his quarterly MRO quota. The MRO quota base to be used in establishing the MRO quota shall include all expenditures made by a person in the base period for MRO (except for materials referred to in Schedule II of this regulation), even though such MRO consists of materials listed in Schedule I of this regulation. Expenditures during the base period for capital additions shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. After such an election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO during the corresponding quarter in 1950.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout the entire base period shall establish and report his quarterly MRO quota as follows:

(1) *Person operating during part of the base period.* A person who was in operation during a part but not all of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except for materials referred to in Schedule II) had he continued the same rate of expenditure throughout the year as during that part of the year in which he was in operation, making nec-

essary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. His standard quarterly MRO quota shall be 30 percent of his quota base. If he elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during the base period.* If a person was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount which he determines to be necessary for his operation. The quota of such person may not, however, exceed $5,000 for any quarter without the prior written approval of NPA.

(3) *Notice to NPA.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) or (2) of this paragraph (f) shall, within 30 days after he first applies either the allotment symbol MRO or the rating DO–MRO, notify NPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increased quotas.* If the quarterly MRO quota of a person is increased by specific authorization of NPA pursuant to section 15 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 15 of this regulation is not retroactive.

SEC. 8. *Charges against quota*—(a) *When to charge against quota.* A person may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis), or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of NPA.

(b) *What to charge against quota.* A person shall charge against his MRO quota in each quarter:

(1) All expenditures for materials for MRO (except materials referred to in Schedule II) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not obtained by use of the allotment symbol MRO or the rating DO–MRO, and

(2) All expenditures for minor capital additions ordered for delivery (or, if on the receipts basis, received) during the quarter if, but only if, obtained by the use of the allotment symbol MRO or the rating DO–MRO.

(c) *Exceptions.* (1) A person may order (or receive) in any quarter MRO and materials for minor capital additions aggregating not more than $1,000 without regard to quota limitations.

(2) Any person who uses the allotment symbol MRO or the rating DO-MRO to order for delivery (or, if on the receipts basis, to receive) during any quarter materials which aggregate not more than 20 percent of his MRO quota for such quarter, may, in addition, order for delivery (or receive) in such quarter other material for MRO and minor capital additions without use of the allotment symbol MRO or the rating DO-MRO and without regard to quota limitations.

SEC. 9. *Materials obtained for benefit of another*—(a) *Materials supplied by a repairman.* Any business enterprise (such as a repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the allotment symbol MRO to obtain controlled materials and the rating DO-MRO to obtain products and materials other than controlled materials to the same extent that such other person would be entitled to apply the allotment symbol or rating if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the allotment symbol MRO or the rating DO–MRO to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the allotment symbol MRO or the rating DO–MRO except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a person has obtained materials for MRO or minor capital additions by applying the allotment symbol MRO or the rating DO–MRO, as the case may be, he may use them for a different purpose if under an authorized production schedule or authorized construction schedule he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purpose, he may not use the allotment symbol MRO or the rating DO–MRO to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol, or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the allotment symbol MRO or rating DO–MRO for such other purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses.

SEC. 11. *Certification.* A delivery order for MRO or materials for minor capital additions must contain a certification in addition to the allotment symbol MRO or the rating DO–MRO. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following words:

Certified under CMP Regulation No. 5

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the allotment symbol or the rating under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 12. *Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.* When a supplier has received a purchase order bearing the allotment symbol MRO or the rating DO–MRO, which symbol or rating he knows, or has reason to believe, has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal, and shall also advise NPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Relation to other regulations and orders*—(a) *Rules governing use of the allotment symbol MRO or the rating DO–MRO.* Any person who is entitled to obtain materials for his MRO or minor capital additions under any other NPA regulation or order, shall be governed by the provisions of such other order or regulation and shall not use the allotment symbol MRO or the rating DO–MRO as provided in this regulation.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any controlled materials if acceptance thereof would increase his inventory beyond the limitations permitted by CMP Regulation No. 2, or the limit fixed in any other applicable NPA regulation or order. Nothing in this regulation shall be deemed to authorize any person to order or receive products or materials other than controlled materials if acceptance thereof would increase his inventory beyond a minimum practicable working inventory as defined in NPA Reg. 1 or beyond the limit fixed in any other applicable NPA order or regulation.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use allotment symbols other than MRO or ratings other than DO-MRO, as the case may be, for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports*—(a) *Records to be kept.* Each person who makes any use of the allotment symbol MRO or the rating DO–MRO pursuant to this regulation shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, and use of all materials for use as MRO or minor capital additions, whether or not by use of the allotment symbol or rating, in sufficient detail to permit an audit that will permit determination for each transaction whether the provisions of this regulation have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) *Other records and reports.* Persons subject to this regulation shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate on Form NPAF–78. The request shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Subject to the provisions of paragraphs (g) and (h) of section 7 of this regulation, any adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under this regulation.

SEC. 16. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 5.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Materials to which the allotment symbol MRO or the rating DO–MRO may not be applied or extended under CMP Regulation No. 5:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in List A or List B of NPA Order M–47A, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Printed matter.
9. Photographic film.
10. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches. (See NPA Order M–73)
11. Rubber tires and tubes.

SCHEDULE II

Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time, the allocation and distribution of which are subject to regulation by other Government agencies and which, therefore, are not subject to any DO rating issued by or under the authority of NPA.

[F. R. Doc. 51–7963; Filed, July 6, 1951; 4:37 p. m.]

[CMP Regulation No. 7]

CMP REG. 7—REPAIR PARTS AND MATERIALS FOR REPAIRMEN UNDER THE CONTROLLED MATERIALS PLAN

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

Sec.
1. What this regulation does.
2. Definitions.
3. Amount of controlled materials that a repairman may buy.
4. How a repairman obtains products and materials other than controlled materials.
5. Certification.
6. Use of materials by a repairman.
7. Restrictions on inventory.
8. Applicability of other regulations and orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82nd Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to describe the rules under which a person in the business of making repairs may obtain controlled materials and products and materials other than controlled materials under the Controlled Materials Plan for use in maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5. A repairman obtains materials for maintenance and repair work for persons who have a quota under CMP Regulation No. 5 by using the allotment symbol MRO and the rating DO–MRO of such person as provided in section 9 of CMP Regulation No. 5. This regulation does not limit the quantity of controlled materials or products and materials other than controlled materials which a repairman may obtain without using the procedure established by this regulation. However, if a repairman makes use of the procedure provided in this regulation in any quarter to obtain materials, he is subject to all the provisions of this regulation. This regulation also imposes special restrictions on inventory applicable to every repairman.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(b) "Repairman" means any person in the business of providing maintenance or making repairs commercially for other persons. The term "repairman" includes but is not limited to a carpenter, electrician, electrical contractor, motor rewinder, plumber, or the operator of an automotive repair shop, bicycle repair shop, blacksmith shop, boiler repair shop, domestic appliance repair shop, farm machinery repair shop, radio and/or television repair shop, refrigeration repair shop, upholstery repair shop, and sheet metal shop. It also includes repair shops owned by the persons for whom the repair work is done if the person can

segregate the purchases of his repair shop from his other purchases and if he employs at least one person who spends his full time on maintenance and repair. The term also includes any person who reconditions or rebuilds damaged or used items for resale.

(c) "Repair parts and materials" means any item which a repairman stocks and uses for repair work. The term "repair parts and materials" does not include a complete item which is ordinarily usable as a unit. For example, a repairman may use the allotment symbol or the rating specified in this regulation to obtain an item such as a furnace grate to repair a furnace. He may not, however, use the symbol or rating to obtain a new furnace for installation as a complete unit.

(d) "Maintenance" means the minimum upkeep necessary to continue any building, appliance, machine, or piece of equipment in sound working condition, and "repair" means the restoration of a building, appliance, machine, or piece of equipment to sound working condition, when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of a plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing parts or materials which are in sound working condition with parts or materials of a new or different kind, quality, or design.

(e) "Person" means any individual, partnership, corporation, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(f) "NPA" means the National Production Authority.

SEC. 3. *Amount of controlled materials that a repairman may buy.* (a) During the calendar quarter commencing on July 1, 1951, and during each calendar quarter thereafter, a repairman may use the allotment symbol RE on delivery orders for controlled materials to the extent he actually requires such materials in doing maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of the following quantities:

Carbon steel (including wrought iron), alloy steel (except stainless steel), stainless steel (to include not more than 3 tons of alloy steel and 1 ton of stainless steel)	20 tons.
Copper and copper-base alloy brass mill products, copper and copper-base alloy foundry products and powder	500 pounds.
Aluminum	500 pounds.

A repairman who requires copper wire mill products for functional uses in his repair and maintenance work may use during the calendar quarter commencing on July 1, 1951, and during each calendar quarter thereafter, the allotment symbol RE on delivery orders for copper wire mill products to the extent he actually requires such materials in maintenance and repair work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of $150 worth or 20 percent of what he used in his repair and maintenance work in the calendar year 1950, whichever is greater. A delivery order for controlled materials bearing the symbol RE, together with the certification provided in section 5 of this regulation, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) A repairman who does repair or maintenance work for persons who have the right to use the allotment symbol MRO under CMP Regulation No. 5, or an allotment symbol under any other NPA regulation or order, to buy controlled materials for their own maintenance and repair or minor capital additions, must use the allotment symbol MRO and the certification provided in CMP Regulation No. 5, or the allotment symbol and certification specified in such other regulation or order, to obtain the amount of controlled materials he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the allotment symbol RE to acquire controlled materials for maintenance and repair work for such persons.

SEC. 4. *How a repairman obtains products and materials other than controlled materials.* (a) Commencing July 1, 1951, a repairman may use the rating DO-RE on delivery orders for products and materials other than controlled materials which he actually needs to perform his repair and maintenance work and for which he has not received from another person a purchase order bearing a DO-MRO rating. A delivery order bearing the rating DO-RE together with the certification provided in section 5 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all CMP regulations.

(b) A repairman who does repair or maintenance work for persons who have the right to use the rating DO–MRO under CMP Regulation No. 5, or another rating under any other NPA regulation or order, to buy products and materials other than controlled materials for their own maintenance and repair or minor capital additions, must use the rating DO-MRO and the certification provided in CMP Regulation No. 5, or the rating and certification provided in such other regulation or order, to obtain the products and materials which he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the rating DO-RE to acquire products and materials other than controlled materials for maintenance and repair work for such persons.

SEC. 5. *Certification.* A repairman shall place on each of his delivery orders for repair parts and materials under this regulation, in addition to the allotment symbol RE provided in section 3 (a) or the rating DO–RE provided in section 4 (a) of this regulation, a certification in the following form:

Certified under CMP Regulation No. 7.

Such certification shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the repairman is authorized to use the allotment symbol RE or the rating DO–RE under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 6. *Use of materials by a repairman.* A repairman may use the repair parts and materials which he buys under this regulation only to do maintenance and repair work, as defined in section 2 (d) of this regulation. He may not use what he buys under this regulation to make products, such as repair parts, which he does not expect to use himself in making repairs, nor may he use it to replace materials or parts solely to improve the original design. A repairman may, however, use repair parts and materials which he buys under this regulation to recondition or rebuild a damaged or used item which he plans to sell.

SEC. 7. *Restrictions on inventory.* Whether or not he uses the procedure specified in this regulation to obtain materials, a repairman may not receive or accept delivery of any item of controlled material if his inventory of that item is, or by such receipt would become, more than he needs to operate his business as a repairman during the next 60 calendar days, or of any item of a product or material other than a controlled material, if his inventory of that item is, or by such receipt would become, in excess of a "practicable minimum working inventory," as defined in NPA Reg. 1. If his inventory of those items of repair parts and materials which are normally marketed only in minimum sales quantities is less than such permitted amount, a repairman may order and receive from his supplier a minimum sales quantity, even if his inventory of such item or items is thereby increased beyond such permitted amount.

SEC. 8. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 9. *Records and reports.* (a) Each person subject to this regulation shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to accept delivery of controlled materials or of products and materials other than controlled materials, segregated and available for inspection by representatives of NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(b) The provisions of this section do not require any particular accounting method, provided the records maintained supply the information specified by this section and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(c) Persons subject to this regulation shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. If the request for relief is a request for authorization to use the allotment symbol RE, to obtain more controlled materials than permitted under section 3 (a) of this regulation, such request shall also state the additional amount of controlled materials required, the type of maintenance and repair work being done, and the kind of customers for which it is being done.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C.; Ref: CMP Regulation No. 7.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7964; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M–70, as Amended July 6, 1951]

M–70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

NPA Order M–70 is hereby amended in the following respects: Sections 8 through 17 are renumbered as sections 9 through 18; a new section 8, respecting the status of orders rated DO–91P, is added; and a new sentence is added to section 14 as renumbered. As so amended, NPA Order M–70 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. DO rating assigned.
4. Water transportation system consumer's use of rating and quota limitations.
5. Supplier's use of rating, increase of inventory, and inventory limitation.
6. Ship repair yard's use of rating, increase of inventory, and inventory limitation.
7. Foreign flag vessel's use of rating.
8. Status of orders rated DO–91P.
9. Canadian flag vessel's use of rating.
10. Application and certification of rating.
11. Limitation on application of rating.
12. Limitation on extension of rating.
13. Prohibited deliveries.
14. Application to other orders and regulations.
15. Records, reports, audit, and inspection.
16. Applications for adjustment or exception.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby maintenance, repair, and operating supplies, as well as minor capital additions, for water transportation systems may be obtained during the third calendar quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used for the application of DO ratings during the said third quarter.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Water transportation system" means any domestically owned American flag vessel of any type on the inland waterways, or Great Lakes, or in coastwise, intercoastal, or seagoing service, except a vessel subject to the jurisdiction of the Coast Guard or to the jurisdiction of the Department of Defense as a claimant agency under DPA Order 1, except floating equipment owned by a railroad when MRO is furnished or performed by such railroad, and except vessels operated exclusively for pleasure.

(c) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(d) "Foreign flag vessels" means those vessels registered in countries other than the United States or Canada.

(e) "Canadian flag vessels" means those vessels registered in the Dominion of Canada.

(f) "Supplier" means a distributor of marine MRO or minor capital additions for the use of water transportation systems.

(g) "Ship repair yard" means any person, located in the United States, its territories or possessions, who regularly provides MRO or minor capital additions for boats and vessels.

(h) "Maintenance" means the minimum upkeep necessary to continue any unit of water transportation or a part or a component thereof in sound working condititon. 'Maintenance" also means the reactivation of vessels in storage or not in usable condition.

(i) "Repair" means the restoration to sound working condition of any vessel or a part or a component thereof when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(j) "Maintenance" and "repair" include the replacement of any marine equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes addition to a unit of water transportation or a part or a component thereof which is in sound working condition with material of a new or different kind, quality, or design. Where a replacement is more economical than a repair, such replacement shall not be undertaken under any provision of this order in the absence of the specific approval of the National Production Authority.

(k) "Operating supplies" means material, other than fuel, which is used or consumed in the course of operations of a water transportation system.

(l) "Minor capital additions" means any improvement, addition, betterment, or conversion of a kind carried as capital by a water transportation system, but no such improvement, addition, betterment, or conversion shall exceed $750 in cost. In computing the cost of such improvement, addition, betterment, or conversion for purposes of this order, the cost of all materials obtained by the person pursuant to the same project or plan shall be included even though the respective materials are ordered or delivered at different times and are obtained from different sources of supply. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing limitations. "Minor capital addition" does not include conversions covered by present or future orders or directives issued by the National Production Authority.

(m) "MRO" means maintenance, repair, and operating supplies as defined in this section but exclusive of fuel, and does not include minor capital additions. The latter term is specifically used in this order wherever the meaning so requires. Materials or products sold by a supplier thereof or a ship repair yard for

"MRO" shall not be deemed "MRO" as to such supplier. While the order applies to water transportation system consumers, suppliers, and ship repair yards and supersedes NPA Reg. 4, as amended, with respect to their marine MRO, it does not provide for their other "MRO" and minor capital additions, the procurement of which remains subject to all of the provision of NPA Reg. 4, as amended.

(n) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule I of CMP Regulation No. 1.

(o) "NPA" means the National Production Authority.

SEC. 3. *DO rating assigned.* Subject to the limitations of section 4 of this order with respect to water transportation system consumers, section 5 of this order with respect to suppliers, section 6 with respect to ship repair yards, section 7 with respect to foreign flag vessels, and section 9 with respect to Canadian flag vessels, the NPA hereby assigns to such persons the right to apply a DO–91P rating to obtain MRO and minor capital additions for delivery during the third calendar quarter of 1951. The DO–91P rating shall be applied as provided in section 10 of this order.

SEC. 4. *Water transportation system consumer's use of rating and quota limitations.* A water transportation system consumer who desires to apply the DO rating herein assigned shall apply the rating only to the extent and in the manner prescribed by this section as follows:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO–91P rating to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use the first calendar quarter of 1951 may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water transportation system consumer who applies the DO–91P rating for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered for delivery during the quarter, whether or not obtained by use of the DO–91P rating, and

(2) The cost of all minor capital additions ordered for delivery during the quarter only if obtained by use of the DO–91P rating.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during the third calendar quarter of 1951 a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

SEC. 5. *Supplier's use of rating, increase of inventory, and inventory limitation.* A supplier may apply the DO–91P rating to obtain stocks of inventory for delivery during the third calendar quarter of 1951 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 6. *Ship repair yard's use of rating, increase of inventory, and inventory limitation*—(a) *Controlled materials.* No ship repair yard shall apply the DO–91P rating to obtain MRO of controlled materials. Ship repair yards will obtain controlled materials in accordance with the provisions of CMP Regulations Nos. 1 and 3.

(b) *Increase of inventory and inventory limitation on materials other than controlled materials.* A ship repair yard may apply the DO–91P rating to obtain stocks of inventory of materials other than controlled materials for delivery during the third calendar quarter of 1951 to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end-of-the-month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO–91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO–91P rating may be used only to fill orders rated with a DO–91P rating.

SEC. 7. *Foreign flag vessel's use of rating.* The DO–91P rating herein assigned may not be applied to obtain MRO or minor capital additions for foreign flag vessels unless authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF–104 and filed with the National Production Authority, Washington 25, D. C. Where a foreign flag vessel is damaged at sea and cannot continue safely to its own port, either under its own power or otherwise, but is able to reach a port in the United States for repairs, application may be made by telegraph or radiogram stating such facts, the identification of the vessel, and any other facts believed pertinent. Such telegraph or radiogram application shall be supported, as soon as possible, by filing completed Form NPAF–104 in triplicate with NPA.

SEC. 8. *Status of orders rated DO–91P.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3 and of paragraph (d) of this section, a delivery order for controlled materials placed prior to the effective date of this amendment, calling for delivery in the third calendar quarter of 1951, placed by a water transportation system consumer pursuant to section 4 of this order or by a supplier pursuant to section 5 of this order, and bearing the rating DO–91P, shall constitute an authorized controlled material order for the purposes of all CMP regulations and the purposes of this order.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3 and of paragraph (d) of this section, a delivery order for products and materials other than controlled materials placed prior to the effective date of this amendment, calling for delivery in the third calendar quarter of 1951, placed in accordance with the provisions of sections 4, 5, or 6 of this order, and bearing the rating DO–91P, shall constitute a rated order with the allotment number R–9 for the purpose of this order and all CMP regulations.

(c) A delivery order calling for delivery after the third calendar quarter of 1951, and placed prior to the effective date of this amendment but in accordance with the provisions of this order prior to this amendment, and bearing the rating DO–91P, must be converted into an authorized controlled material order or into a rated order with the allotment number R–9, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(d) Unless NPA shall otherwise provide, the allotment number R–9 shall be used on all delivery orders for controlled materials, and the DO rating DO–R9 shall be used on all delivery orders for products and materials other than controlled materials placed pursuant to this order. Such orders shall be certified as provided in section 10 of this order, and such certification shall constitute a representation to the seller and NPA that the purchaser is authorized to use the allotment number or the rating under the provisions of this order to obtain the materials covered by the delivery order.

SEC. 9. *Canadian flag vessel's use of rating.* Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as provided in section 7 of this order and, when authorized, shall apply the DO–91P rating and not the DO–47 rating authorized by said Reg. 3.

SEC. 10. *Application and certification of rating*—(a) *By water transportation system consumer and supplier.* The DO rating may be applied by a water transportation system consumer or supplier by placing on an order, or on a separate piece of paper attached to the order, the symbol "DO–91P," together with the words "Certified under NPA Order M–70 and NPA Reg. 2." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification constitutes a representation to the recipient and to NPA that the person using the DO–91P rating is authorized to use it as provided in this order.

(b) *By ship repair yard.* (1) The DO rating and certification on an order by a ship repair yard for materials other than controlled materials shall be applied and certified in accordance with paragraph (a) of this section.

(2) The DO rating and certification on an order by a ship repair yard for controlled materials shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

(c) *By foreign flag and Canadian vessels.* The DO rating and certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

SEC. 11. *Limitation on application of rating.* No person shall apply the DO–91P rating to obtain material:

(a) For any unauthorized purpose or in amounts greater than required for an authorized purpose under this order

(b) Which can be obtained within the time required without the use of a rating.

(c) The use of which can be eliminated without serious loss of efficiency by substitution of less scarce material.

SEC. 12. *Limitation on extension of rating.* A supplier or ship repair yard may apply the DO–91P rating assigned by this order and within its limitations, but neither a supplier nor a ship repair yard may extend, either to obtain materials other than controlled materials normally carried in his inventory or to obtain controlled materials, a DO–91P rating received by him from another person.

SEC. 13. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, material which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 14. *Application to other orders and regulations.* The provisions of NPA Reg. 4, as amended, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO–91P rating may not be applied under this order to the items listed in List A of NPA Reg. 2, or Table I of NPA Reg. 4, as they may be amended from time to time. The provisions of NPA Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that they are inconsistent with this order. All of the provisions of CMP Regulation No. 3, section 5, as to status of delivery orders, shall apply to orders bearing an allotment number or DO rating pursuant to section 8 of this order.

SEC. 15. *Records, reports, audit, and inspection.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, and the quarterly volume of such business or other activity since January 1, 1950. The applicant shall state the total amount spent for MRO in each quarter since January 1, 1950, and, if increase in quota is requested, specify the amount of increase requested.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–70.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7968; Filed, July 6, 1951; 4:39 p. m.]

[NPA Reg. 4, Revocation]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

NPA Reg. 4, as amended May 22, 1951, is revoked, effective July 6, 1951. NPA Reg. 4 has been superseded by CMP Regulations Nos. 5 and 7. Adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under CMP Regulation No. 5 as provided in section 15 of CMP Regulation No. 5.

This revocation does not affect any liabilities incurred for violation of NPA Reg. 4, as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions of the National Production Authority under it.

Issued this 6th day of July 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7966; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M–1, as Amended July 6, 1951]

M–1—IRON AND STEEL

This order, M–1, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section

101 of the Defense Production Act of 1950. In the issuance of this order as originally issued and as previously amended, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In its issuance as amended July 6, 1951, however, consultation with industry representatives has been rendered impracticable, due to the necessity for immediate action.

NPA Order M–1, as last amended June 8, 1951, is hereby amended in the following respects: Sections 5 and 6 and Table I of the order are amended to change certain of the product limitation percentages contained in part C of said Table I, and to change the basis for computing required shipments of alloy steel products from one related to a base period to one related to planned monthly production. Section 8 is amended to place a floor of 100 percent on deliveries of cold-finished carbon steel bars made by a producer supplier to a converter customer. A new section 15 is added, and sections 15 and 20 are renumbered as sections 16 to 21. As so amended, NPA Order M–1 reads as follows:

Sec.

1. What this order does.
2. Forms of iron and steel products to which this order applies.
3. Required shipment dates.
4. Rejection of rated orders (lead time).
5. Product limitation for acceptance of rated orders.
6. Conditions for acceptance of rated orders.
7. Changes in lead time.
8. Allotments for further conversion.
9. Extension of ratings for further conversion of steel products.
10. NPA assistance in placing rated orders.
11. Scheduled programs.
12. Minimum orders.
13. Inventories.
14. Ferro-alloys.
15. Meaning of rated orders.
16. Applications for adjustment or exception.
17. Communications.
18. Reports.
19. Records.
20. Audit and inspection.
21. Violations.

AUTHORITY: Sections 1 to 21 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in part A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in part A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in part B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location, in any month (a) in excess of the percentages set forth in columns (1) and (2) in part C of Table I, of his average monthly shipments of the products indicated in said columns (1) and (2), as made by him during the period from January 1, 1950, through August 31, 1950, or (b) in excess of the percentages set forth in column (3) in part C of Table I of his planned monthly production of the products indicated in said column (3). Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in part A of Table I (a) up to the amount of the percentages listed in columns (1) and (2) in part C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, through August 31, 1950, and (b) up to the amount of the percentages listed in column 3 in part C of Table I of his planned monthly production of the products indicated in said column 3. Where no percentage is listed in part C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of 45 days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4 of this order, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of 45 days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in part C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in part C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under part C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel mill products" in part A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product, is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment to each of his converter customers of his production of each steel mill product in accordance with provisions of this section. In order to determine such monthly allotment for each converter customer, each producer supplier shall determine the amount of each steel mill product which will be available for that particular month after making provision for production under DO rated orders and other orders which said steel producer is required to accept by specific direction by the NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period, from January 1, 1950, through September 30, 1950, shall be applied to the average monthly shipments of each such product to each converter customer during said base period. The result shall be the monthly allotment for each converter customer: *Provided, however,* That the monthly allotment of cold finished carbon steel bars shall in no case be less than 100 percent of the average monthly tonnage of such steel mill product shipped to each converter customer during said base period, and that the monthly allotment of each of the other carbon steel mill products (except carbon plates for line pipe) shall in no case be less than 90 percent of the average monthly tonnage of each of the other carbon steel mill products shipped to each converter customer during said base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such converter customer for shipment during the month for which the allotment had been made. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in part B of Table I. Shipments, except for carbon steel mill products for which a minimum tonnage is provided in this section, under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter customer during said base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter customer involved, to provide for any abnormal situations which affect any steel products. Converter customers in Canada shall be entitled to the benefits of this section, and producer suppliers in the United States shall make monthly allotments to Canadian converter customers in accordance with the provisions of this section.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 of this order should apply to NPA, Iron and Steel Division, Ref.: M–1, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing, or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period for steel products, and gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Ferro-alloys.* (a) As used in this section and in section 18 of this order, "ferro-alloys" means and includes, in such form or condition that the same may be used in the production of alloy iron, steel, or nonferrous products, the following elements and their compounds, and scrap containing usable quantities of any one or more of such elements or of any compound or compounds of any one or more of such elements: Boron, calcium, chromium, cobalt, columbium, manganese, molybdenum, nickel, silicon, tantalum, titanium, tungsten, vanadium, and zirconium.

(b) Every person shall comply with any direction or directions issued by NPA respecting the use, and restrictions and limitations on the use, of any ferro-alloy or alloys in the production of alloy iron, steel, or non-ferrous products.

(c) No person shall receive or accept delivery of any ferro-alloy to be used for alloying purposes at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements on the basis of his then scheduled method and rate of operation or a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. The provisions of this paragraph shall be construed to supersede the inventory limitation provisions of NPA Orders M–10 (Cobalt), M–14 (Nickel), M–30 (Tungsten), M–33 (Molybdenum), and M–49 (Columbium and Tantalum), so far as the inventory limitation provisions of said orders apply to persons having in inventory any ferro-alloy to be used for alloying purposes.

SEC. 15. *Meaning of rated orders.* As set out in Direction 1, to NPA Order M–1, dated June 15, 1951 the term "rated orders" as used in sections 5 and 6 of this order shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1). As further set out in said Direction 1, the term "DO rated orders" as used in section 8 of this order shall be deemed to include both DO rated orders and authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1).

SEC. 16. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–1.

SEC. 18. *Reports.* (a) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F). In accordance with this section, all steel producers are required to report on Form NPAF–100—Steel Producers' Monthly Production Directive Report; and on Form NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders, the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

(b) Every person shall submit to NPA such reports as it shall require with respect to the receipt, consumption, shipment, and maintenance in inventory of any ferro-alloy as defined in section 14 (a) of this order: *Provided*, That no person shall be required to file, as to any ferro-alloy, any report in addition to such report with respect thereto as he files pursuant to any order of NPA establishing allocation or inventory control over the use of such ferro-alloy.

SEC. 19. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 20. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Name of product	Part B Lead times (days)				Part C Production limitation, required acceptance (percentage)		
	Carbon (1)	Low alloy (2)	Stainless (3)	Alloy (4)	Carbon (including low alloy high strength) (1)	Stainless (2)	Alloy (3)
Steel (including wrought iron) mill products:							
Ingots	45	75	75	75	15	75	70
Billets, projectile and shell quality	45	75	75	75	(4)	XXXX	(5)
Blooms, slabs, billets (except projectile and shell quality)	45	75	75	75	[6] 52	[6] 50	[6] 65
Sheet bars	45	75	75	75	10	75	5
Tube rounds or rounds for piercing	45	75	75	75	(7)	100	85
Skelp	45				10	XXXX	XXXX
Wire rods	45	75	90	75	60		25
Structural shapes (heavy) standard	45	75	90	90	68	100	
Structural shapes wide flange	45	75	90	90	68	XXXX	XXXX
Piling—sheet	45				68	XXXX	XXXX
Piling—H bearing	45				XXXX	XXXX	(3)
Plates—rolled armor				(1)		100	75
Plates—sheared and U. M.	45	75	90	75	(4)	100	75
Plates—strip mill	45	75	90	75		XXXX	
Rails—standard (over 60 pounds)	45			90	90	XXXX	
Rails—all other	45			90	90	XXXX	
Joint bars	45			90	90	XXXX	
Tie plates	45				90	XXXX	XXXX
Track spikes	45				90	XXXX	XXXX
Wheels (rolled and forged)	45			90	95	XXXX	5
Axles	45			90	95	XXXX	5
Bars—hot rolled, projectile and shell quality	45	75		75	(4)	XXXX	(5)
Bars—hot rolled, other (including light shapes)	[8] 45	[9] 75	90	[9] 75	65	75	[10] 75
Bars—reinforcing	45				65	XXXX	XXXX
Bars—cold finished	[9] 75	[9] 105	105	[9] 105	55	75	60
Bars—tool steel (including die blocks)	[9] 90			[9] 90		XXXX	
Standard pipe	45		120		50	100	
Oil country goods—seamless	45				110	XXXX	100
Oil country goods—welded (including spiral weld)	45				110	XXXX	
Line pipe—seamless	45				35	XXXX	XXXX
Line pipe—welded (including spiral weld)	45				35	XXXX	XXXX
Mechanical tubing—seamless	60		120	120	45	100	85
Mechanical tubing—welded	75		120	120	45	100	60
Pressure tubing—seamless	60		120	120	70	100	85
Pressure tubing—welded	75		120	120	70	100	75
Wire—drawn low carbon (less than 0.45 percent carbon)	45	75	90		70	90	25
Wire—drawn high carbon (0.45 percent and over of carbon)	45	75	90		60	90	20
Wire—nails and staples (including steel cut nails)	45				25	XXXX	XXXX
Wire—barbed and twisted	45				15	XXXX	XXXX
Wire—fence, woven and welded	45				10	XXXX	XXXX
Wire—bale ties and/or coiled automatic baler wire	45				10	XXXX	XXXX
Tin mill black plate	45				10	XXXX	XXXX
Tin plate—hot-dipped	45				10	XXXX	XXXX
Terneplate	45				10	XXXX	XXXX
Tin plate—electrolytic	45	75	90	75	55	75	60
Sheets—hot-rolled	45	75	105	90	40	75	60
Sheets—cold-rolled	45	75			40	XXXX	
Sheets—Galvanized	45	75			25	XXXX	XXXX
Sheets—all other coated	45	75			10	XXXX	XXXX
Sheets—enameling	45				10	XXXX	XXXX
Electrical sheets and strip	(11)				(11)		
Strip—hot-rolled	45	75	90	75	25	70	40
Strip—cold-rolled	45	75	105	90	35	70	60
Steel castings—rough as cast	[11] 60	[11] 60	[11] [12] 90	[11] [13] 90	80	[14] 75	[14] 80
Steel products, fabricated:							
Forgings (rough as forged)	60	120	120	120	30	75	50
Fence posts	45						
Wire rope and strand	45		105		60	75	
Welded wire mesh	45		105		35	75	XXXX
Netting	45		105		10	75	XXXX
Iron products:							
Pig iron (not including iron with more than 6 percent silicon)	45				15	XXXX	XXXX
Malleable castings (rough as cast)	[10]				65	XXXX	XXXX
Gray iron castings, rough as cast, excluding pipes and fittings	60	90		[15] 90	60	XXXX	[16] 65

[1] Subject to direct negotiation by NPA.
[2] If annealed or heat-treated, add an additional 15 days.
[3] If cold finished, add an additional 15 days.
[4] Rounds and squares under 3 inches included in set asides for blooms, slabs, billets. Rounds and squares over 3 inches by production directives.
[5] Of each item.
[6] Such percentage being the total for any combination of these products.
[7] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	25	AISI M50, M43, M36
Medium grade, 45	70	AISI M27, M22, M19
High grade, 60	80	AISI M17, M15, M14 and oriented

[8] By directive.
[9] Rounds and squares under 3 inches included in set asides for bars—hot-rolled, other. Rounds and squares 3 inches and over by production directives.
[10] Alloy for steel and iron castings means all grades not included as stainless or carbon (including low-alloy) steel and iron castings.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] All castings containing 5 percent or more of alloying metals are to be considered "stainless."
[13] Set aside for projectile and shell quality included in set aside for blooms, slabs, billets.
[14] Set aside for projectile and shell quality included in set asides for bar—hot-rolled.
[15] Set asides for alloy are based on planned production instead of base period.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS, AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails, wheels, and axles	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.49 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3).
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section 13.

[F. R. Doc. 51–7967; Filed, July 6, 1951; 4:39 p. m.]

[NPA Order M–5, as Amended July 6, 1951]

M–5—RATED ORDERS FOR ALUMINUM

This amendment to NPA Order M–5, as amended March 26, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M–5 by changing the aluminum forms and shapes to which the order applies to conform them with those listed in Schedule I of CMP Regulation No. 1; by bringing authorized controlled material orders within its provisions; by increasing the percentages of production which must be devoted to filling rated orders, including authorized controlled material orders; by providing maximum limitations on the size of orders which distributors are obliged to accept; and by making other changes.

As amended, this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Limitations on acceptance of authorized controlled material orders and rated orders.
4. Production requirements of primary producers, secondary smelters, and independent fabricators.
5. Distributors.
6. NPA assistance in placing authorized controlled material orders and rated orders.
7. Applications for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to primary producers, secondary smelters, independent fabricators, distributors, and importers of aluminum, and provides rules for accepting and scheduling authorized controlled material orders and rated orders for aluminum. Its purpose is to make possible maximum production of aluminum by reducing to a minimum disruption of normal production and distribution and by providing equitable distribution of authorized controlled material orders and rated orders among all aluminum primary producers, secondary smelters, independent fabricators, and distributors. It supplements NPA Reg. 2 and

CMP Regulations Nos. 1 and 3, but the provisions of these regulations are superseded to the extent they are inconsistent with the provisions of this order, as amended. The order also provides for the distribution of aluminum production materials and the issuance of production directives to primary producers, secondary smelters, and independent fabricators.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means only the following aluminum forms and shapes:

Rolled bar, rod, wire, structural shapes.
Extruded bar, rod, shapes, tubing (including drawn tubing).
Sheet, plate, foil (including strip).
Powder (atomized or flake, including paste).
Pig or ingot, granular or shot.

(d) "Aluminum pig" means aluminum of variable composition produced by the electrolytic reduction of alumina.

(e) "Pig or ingot, granular or shot, secondary" means any aluminum produced by a secondary smelter, or pig or ingot, granular or shot, produced by a primary producer in a secondary smelter operation.

(f) "Primary producer" means a person producing aluminum both in the form of pig and in any one or more of the other forms or shapes listed in paragraph (c) of this section.

(g) "Secondary smelter" means any person who remelts virgin scrap to produce properly alloyed, refined, chemically tested, specification casting ingot, or deoxidizing or granular aluminum, and who has the equipment and technical knowledge necessary to perform this function without down-grading or waste.

(h) "Independent fabricator" means any person (except a secondary smelter) who does not produce aluminum pig, but who produces for sale aluminum in any of the other forms and shapes listed in paragraph (c) of this section.

(i) "Distributor" means any person regularly engaged in the business of maintaining facilities and equipment for the stocking and distribution of aluminum stock items for sale or resale in the form in which received, or after performing such operations as cutting to length, slitting, shearing to size or shape, or sorting and grading. A person who, in connection with any sale from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare aluminum for final use or assembly, is not a distributor with respect to such sale. The term "distributor" excludes any person who purchases any of the aluminum forms and products listed in paragraph (c) of this section for resale but who does not take physical delivery of the material into his own stock at a location regularly maintained for such purpose.

(j) "Importer" means a person who imports aluminum in the forms and shapes listed in paragraph (c) of this section either for his own account or for the account of another person.

(k) "Production directive" means a directive issued by the National Production Authority, directing a primary producer, a secondary smelter, or an independent fabricator to produce during a designated period a specified quantity of any one or more of the aluminum forms and shapes listed in paragraph (c) of this section.

(l) "Authorized controlled material order" means a delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such by any other regulation or order of NPA.

(m) "AM order" means an authorized controlled material order bearing the allotment symbol "AM" calling for delivery of aluminum controlled material to a producer of aluminum controlled material for use in the production of such material.

SEC. 3. *Limitations on acceptance of authorized controlled material orders and rated orders.* Unless specifically directed by NPA: (a) No primary producer of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his scheduled production in terms of primary pig tonnage for that month; no secondary smelter of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his scheduled production in terms of total ingot tonnage for that month; no independent fabricator of aluminum shall be required to accept authorized controlled material orders and/or rated orders for aluminum for shipment in July or August 1951 in excess of 60 percent of his average monthly shipments during the first 8 months of 1950.

(b) No primary producer, secondary smelter, or independent fabricator of aluminum shall be required to accept authorized controlled material orders and/or rated orders for the products listed below for shipment in any one month, commencing with September 1951, in excess of the following percentages by weight of his production directive or of his proposed monthly production if no production directive has been issued:

	Percent
Rolled bar, rod, wire, structural shapes	95
Extruded bar, rod, shapes, tubing (including drawn tubing)	95
Sheet, plate, foil (including strip)	90
Powder (atomized or flake, including paste)	95
Pig or ingot, granular or shot, secondary	80
Pig or ingot, granular or shot, other than secondary	[1] 95

[1] Percentage of production available for sale as stated in Form CMP–4B filed by primary producer with NPA.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of section 4 of CMP Regulation No. 3, no rated order calling for delivery during September 1951 shall be displaced from a mill schedule by an authorized controlled material order calling for delivery during such month if, on or before July 7, 1951, such rated order is converted into an authorized controlled material order in accordance with the provisions of section 19 of CMP Regulation No. 1 or is designated as an authorized controlled material order by any regulation or order of NPA.

(d) No aluminum producer, secondary smelter, or independent fabricator shall be required to accept any authorized controlled material order or any rated order for less than the mill quantities set forth in Schedule IV of CMP Regulation No. 1 or which is placed within less time than the "lead time" specified in Schedule III of CMP Regulation No. 1.

(e) No primary producer shall accept any order for "pig or ingot, granular or shot, other than secondary" to be used for any purpose for which "pig or ingot, granular or shot, secondary" is suitable. Any person whose authorized controlled material order or rated order for "pig or ingot, granular or shot, other than secondary" has been rejected by a primary producer under this section may apply to the NPA if he is unable to obtain a proper grade of pig or ingot to meet his authorized production schedule.

SEC. 4. *Production requirements of primary producers, secondary smelters, and independent fabricators.* (a) Primary producers who use aluminum in any of the forms and shapes listed in section 2 (c) of this order for the production of any of the aluminum forms and shapes listed therein shall, as soon as possible after the effective date of this order as amended, submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum production requirements. If a production directive is issued pursuant to such application, together with a supporting allotment, the primary producer may place authorized controlled material orders with an independent supplier as provided in section 19 of CMP Regulation No. 1, and in such event will use the allotment symbol "AM" together with the allotment number assigned by NPA in connection with such order.

(b) Secondary smelters and independent fabricators who use aluminum in any of the forms and shapes listed in section 2 (c) for the production of any of the aluminum forms and shapes listed therein shall, as soon as possible after the effective date of this order as amended, submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum production requirements. If a production directive is issued pursuant to such application, together with a supporting allotment, the secondary smelter or independent fabricator may place an authorized controlled material order as provided in section 19 of CMP Regulation No. 1, and in such event will use the allotment symbol "AM" together with the allotment number assigned by NPA in connection with such order.

SEC. 5. *Distributors.* (a) A distributor shall accept authorized controlled material orders and/or rated orders in accordance with the provisions of CMP Regulation No. 4: *Provided, however,* That, unless specifically directed by NPA, no distributor of aluminum shall be required to accept authorized controlled material orders and/or rated orders for shipment in the months of July and August of a total tonnage of aluminum in excess of 60 percent by weight of the products available to him during each of such months; and commencing with September 1951, no distributor of aluminum shall be required to accept authorized controlled material orders and/or rated orders for shipment in any one month of a total tonnage of aluminum in excess of the percentages by weight set forth in section 3 of this order of the products which are available to him during such month: *And provided further,* That, unless specifically directed by NPA, no distributor shall be required to accept any authorized controlled material order or any rated order calling for delivery to any one person at any one destination at any one time of more than 1,000 pounds of any gage, alloy, or size of sheet or plate; or 300 pounds of any alloy, shape, or size of wire, rod, or bar; or 300 pounds of any alloy, shape, or size of tubing, extrusions, or structural shapes.

(b) Distributors shall submit an application on Form CMP–4B to the National Production Authority, Washington 25, D. C., Ref: M–5, setting forth their aluminum requirements. In lieu of an allotment pursuant to such application, NPA may issue a directive pursuant to which the distributor may place authorized controlled material orders as provided in section 19 of CMP Regulation No. 1.

SEC. 6. *NPA assistance in placing authorized controlled material orders and rated orders.* Any person who is unable to place an authorized controlled material order or a rated order for aluminum due to the limitations imposed by section 3 of this order should apply to the National Production Authority, Washington 25, D. C., Ref: M–5, specifying the primary producer, secondary smelter, or independent fabricator who refused to accept the order. The NPA will arrange to assist him in locating sources of supply.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Aluminum and Magnesium Division, Washington 25, D. C., Ref: M–5.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–7965; Filed, July 6, 1951; 4:38 p. m.]

[NPA Order M–75]

M–75—STEEL SHIPPING DRUMS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. General restriction on packers.
4. Restrictions on use of drums.
5. Restrictions on inventory.
6. Restrictions on manufacture and delivery.
7. Exceptions.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions on the sale or delivery of steel shipping drums, buckets, kits, and pails, and on the uses to which such containers may be put. Schedule I appearing at the end of this order lists certain commodities and classes of commodities which may not be packed in drums on or after September 1, 1951.

SEC. 2. *Definitions.* As used in this order:

(a) "Drum" means any single-walled container, cylindrical or bilged, having a capacity of 110 gallons or less and constructed of 28-gage or heavier steel, including, but not limited to, buckets, kits, and pails. The term "drum" includes both new and used drums unless the context otherwise requires, but does not include beer barrels, even if single-walled, cans as defined in NPA Order M–25, high or low pressure gas steel cylinders, nor any container of any type not usable commercially for transporting a commodity or product.

(b) "Used drum" means any drum which has been used for the shipping of, the storage of, or the intra- or interplant transfer of any commodity or product. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(c) "New drum" means any drum which is not a used drum. The term "new drum" includes rejects or seconds.

(d) "Reject" or "second" means any newly manufactured drum which, because of some defect, cannot be used for the purpose for which it was intended.

(e) "Listed commodity" means any commodity or product which is listed, or is included in a class of commodities which is listed, in Schedule I appearing at the end of this order.

(f) "Unlisted commodity" means any commodity or product which is not a listed commodity.

(g) "Base period" means the calendar year 1950.

(h) "Packer" means any person who either (1) purchases empty drums and fills such drums in packing any product or (2) purchases empty drums, has them filled for his account by another party, but who controls sale and distribution of the finished product after packing.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

SEC. 3. *General restriction on packers.* No packer shall purchase, accept delivery of, or use drums on or after July 7, 1951, except as permitted by this order.

SEC. 4. *Restrictions on use of drums.* Subject to the exceptions set forth in section 7 of this order:

(a) No packer shall use any drum on or after September 1, 1951, for the packing of a listed commodity.

(b) No packer shall use any drum on or after July 7, 1951, for the packing of any listed or unlisted commodity which he did not pack in drums during the 12-month period ending June 30, 1951.

(c) No packer, in the packing of unlisted commodities, shall use in the calendar quarter beginning July 1, 1951, or in any succeeding calendar quarter, a tonnage of new drums greater than 22.5 percent of the tonnage of new drums used by him during the base period for the packing of unlisted commodities: *Provided, however,* That the packer of any unlisted commodity which is packed seasonally may use in the packing thereof in any calendar quarter a tonnage of new drums not greater than 90 percent of the tonnage of new drums used by him in the packing thereof during the corresponding calendar quarter, of the base period.

(d) Any packer, on and after July 7, 1951, may pack an unlisted commodity in a used drum, except as provided in paragraph (b) of this section.

SEC. 5. *Restrictions on inventory.* No packer shall receive or accept delivery of drums at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a 45-day supply, on the basis of his then scheduled method and rate of operation, taking into account customary seasonal fluctuations. In computing his inventory of drums, a packer shall include all drums (including those susceptible of being reconditioned) in his possession or in the possession of his reconditioner or reconditioners. He need not include drums in transit to him or to a reconditioner or to a customer, or drums in the possession of a customer. Any packer who, on the effective date of this order, has outstanding any order for drums calling for delivery in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and every such order shall be adjusted accordingly.

SEC. 6. *Restrictions on manufacture and delivery.* (a) No person shall manufacture, sell, or deliver any drum which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the National Production Authority.

(b) No person shall sell or deliver any drums to a packer unless the packer shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that the acceptance of delivery and the use by the undersigned of the drums herein ordered will not be in violation of NPA Order M-75.

This certification constitutes a representation by the packer to the seller and to the National Production Authority that delivery of such drums may be accepted by the packer under this order, and will not be used by the packer in violation of this order.

SEC. 7. *Exceptions.* (a) There shall be exempt from the restrictions and limitations of this order any use of drums which are required to fill any purchase order issued by or for the account of the Atomic Energy Commission or any of the Armed Forces of the United States, including the United States Coast Guard, and bearing a DO rating. There shall likewise be exempt any use of drums by said Commission or by any of said Armed Forces or by said Coast Guard. Any other use of drums, whether pursuant to a DO rated order or otherwise, is subject to the provisions of this order.

(b) The provisions of paragraph (a) and (b) of section 4 of this order shall not apply to the use of drums for packing any listed or unlisted commodity for the transportation, storage, or handling of which a particular type of drum is required under the provisions of the Consolidated Freight Classification or by regulation or order of the Interstate Commerce Commission or the United States Coast Guard.

(c) Notwithstanding the listing of inedible molasses in Schedule I, packers thereof may pack it in a used drum or drums owned by a farmer when it is ordered by him for his own use. In any such case, the packer shall not make shipment or delivery of inedible molasses so packed until he has received from the purchaser a signed certificate stating that he is a farmer, that such inedible molasses is for his own use, and that he is the owner of the drum or drums so used for packing it.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request for adjustment or exception under this section shall be filed in triplicate on Form NPAF-101, copies of which may be obtained from any field office of the Department of Commerce.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-75.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

This order shall take effect, except as otherwise provided herein, on July 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

COMMODITY

1. Acids, dry.
2. Balsam copaiba.
3. Bird seed.
4. Calcium chloride, except fused.
5. Calcium hydroxide.
6. Charcoal.
7. Dairy products, except for steel containers 12-gallon capacity or less for semi-liquid buttermilk and whey.
8. Detergents, dry, but not including hot-packed alkaline compounds containing 70 percent or more caustic soda.
9. Dye stuffs, dry.
10. Fatty acids (having a melting point higher than 45 degrees C).
11. Flour.
12. Fruits—brine.
13. Fruits and peels, glacé.
14. Gelatin.
15. Glue, dry, animal or vegetable base.
16. Hexamethylenetetramine.
17. Kraut.
18. Lime.
19. Linseed oil meal.
20. Meats, except in steel drums used for processing operations.
21. Molasses, inedible.
22. Oil, crude petroleum (except for the shipment of laboratory samples).
23. Olives.
24. Oxides, dry.
25. Paints, dry (including dry cement paint).
26. Paradichlorobenzene.
27. Paste, wallpaper.
28. Patching plaster.
29. Pectin.
30. Pickles.
31. Pigments, dry.
32. Plastic molding compounds, dry.
33. Salts of inorganic and organic acids, dry, except zinc chloride.
34. Sand.
35. Scouring cakes and powders.
36. Shellac, dry.
37. Soap, dry.
38. Starches, dry.
39. Sweeping compounds.
40. Vegetables—brine.
41. Vinegar.
42. Water.
43. Wax, except liquid, paste, or microcrystalline.
44. Zeolite.

[F. R. Doc. 51-7963; Filed, July 6, 1951; 4:39 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

1. In § 21.103, paragraph (b) is amended to read as follows:

§ 21.103 *Effective date of change or discontinuance of subsistence allowance. (See in addition § 21.107 (f), (h), and (i).)* * * *

(b) The effective date of discontinuance of subsistence allowance shall be:

(1) In the event of death of the veteran as of the date of death.

(2) In the event of disapproval of a course and/or a school or training establishment by the State approving agency or by the Administrator, as of the effective date of disapproval, or as of the date determined by the manager under the provisions of § 21.418 (d), whichever is later.

(3) In the event a course of on-the-job training or institutional on-farm training fails to continue to meet the requirements of paragraph 11 (b) and (c), Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), as of the effective date of such finding by the State approving agency, or by the manager, whichever is earlier. In the event a course in a profit school fails to meet the criteria of paragraph 11 (e), Part VIII, as of the effective date of such finding by the State approving agency.

(4) In the event of termination of training because of the veteran's reentry into the active military service, as of the date prior to such reentry into the military service, except where an earlier date is in order in accordance with subparagraph (5) of this paragraph.

(5) In the event a veteran interrupts training prior to completion of the course or completion of the period of enrollment and gives the Veterans' Administration prior notice of such interruption, as of the last date of attendance.

(6) In the event a veteran is pursuing a course of training on July 25, 1956, and such veteran was not an enlistee under the provisions of section 11 (a), Public Law 190, 79th Congress, as of July 25, 1956.

(7) In the event a veteran is pursuing a course of training on July 25, 1956, and such veteran was an enlistee under the provisions of section 11 (a), Public Law 190, 79th Congress, as of the date 9 years after the date of his release from a period of active military or naval service contracted for thereunder, or such prior date as may be established under applicable regulations, whichever is earlier.

(8) In the event the veteran shall forfeit all rights, claims, and benefits under the provisions of section 15, Title I, Public No. 2, 73d Congress (made applicable to benefits granted under Public Law 346, 78th Congress, by the first sentence of section 1500 thereof), as of the date of the commission of the act upon which the central committee on waivers and forfeitures based the forfeiture: *Provided however,* That if the evidence of record establishes that the veteran was guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date of commission of the offense or of original entrance into training, whichever be the later.

2. In § 21.107, paragraphs (b) and (c) are amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* * * *

(b) *Part-time training, institutions of higher learning; other schools on term or semester basis; cooperative courses.* For veterans pursuing part-time courses in institutions of higher learning, or full- or part-time courses in other schools operating on a term or semester basis, and schools providing cooperative courses, the periodic Report of Compensation for Productive Labor and of Conduct and Progress, VA Form 7–1963, will be dispatched to the veteran so as to be received and reviewed by Veterans' Administration for adjustments in April and December of each year. (VA Forms 7–1963 are not required from veterans pursuing part-time courses in institutions of higher learning if they have not applied for subsistence allowance or if the extent of their training does not warrant the payment of subsistence, since conduct and progress reports from collegiate institutions are provided in the specific manner prescribed by § 21.65 (a) (6).) These reports, in addition to the estimate of compensation submitted by the veteran at the time of each enrollment, will provide all the controls necessary throughout the year.

(c) *Other types of training.* Reports of compensation and of conduct and progress for all veterans except those listed in paragraphs (a) and (b) of this section and in § 21.109 (institutional on-farm training), and veterans enrolled only in a correspondence course, will be dispatched so that they may be reviewed in accordance with the following schedule: Cases in which the C-number ends in zero or 1 will be reviewed in January, May and September; ending in 2 or 3 will be reviewed in February, June and October; ending in 4, 5, or 6 will be reviewed in March, July, and November; ending in 7, 8, or 9 will be reviewed in April, August, and December.

(1) Without regard to the type or extent of the course being pursued, all trainees who are employed full- or part-time by the Veterans' Administration will be required to furnish reports in accordance with this tri-annual schedule. Appropriate adjustments will be made in accordance with paragraph (f) of this section.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective July 10, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-7929; Filed, July 9, 1951; 8:54 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

1. In § 21.241, paragraph (g) is amended to read as follows:

§ 21.241 *Furnishing special equipment.* * * *

(g) If for any reason the veteran fails to complete the prescribed course of training in the home for which special equipment has been furnished under paragraph (b) (2) of this section, the veteran will be deemed to be at fault under § 21.243 with respect to such special equipment only, and he will be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof: *Provided however,* That if the veteran has completed such part of the prescribed course of training that he is found to be employable and has been declared rehabilitated under § 21.281 he will not be deemed to be at fault and he will not be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof. The veteran will be advised accordingly. With respect to any special equipment furnished to the veteran under paragraph (b) (1) of this section, a separate finding will be made

under § 21.243 of whether the veteran's failure was due to fault on his part.

2. Section 21.243 is amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* (a) Pursuant to section 4, Public Law 16, 78th Congress, as amended, supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States.

(b) Pursuant to the authority given to the Administrator in the first proviso of section 4, Public Law 16, 78th Congress, as amended, a veteran will not be required to repay for expendable supplies where he fails to complete his course of vocational rehabilitation. Nor will the veteran be required to repay for nonexpendable supplies unless it be determined that his failure was because of fault on his part. In making such determination, the veteran will be given the benefit of any reasonable doubt.

(c) Determination whether the veteran's failure was or was not because of fault on his part will be made by the chief of education and training or his designee. The findings and action taken in each case will be filed in the training subfolder.

(d) In cases which are found to be meritorious as defined in paragraph (f) of this section even though the veteran is found to be at fault, the veteran will not be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense.

(e) The veteran will be deemed to have failed to complete his course because of fault on his part:

(1) When he withdraws from his course at the request of the institution; or

(2) When he abandons his training without prior or concurrent notice to the Veterans' Administration; or

(3) When his course is discontinued by the Veterans' Administration because of unsatisfactory conduct or progress or both; or

(4) When the failure to complete the course is due to his negligence or misconduct; or

(5) When he abandons his training after pursuing his course for less than 3 months, or less than one-half of the prescribed duration of the course whichever be the lesser period.

(f) A veteran's case will be found to be meritorious under paragraph (d) of this section where

(1) The veteran has reentered or is known to be in the process of reentering the armed forces; or

(2) The veteran completed satisfactorily one-half or more of the prescribed course (or term where applicable in the case of school training) for which the supplies were furnished; or

(3) The veteran certifies that he is using the supplies furnished him at Veterans' Administration expense in employment; or

(4) The value of the supplies is less than $10; or

(5) The veteran dies while in training or in training interrupted status.

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans' Administration for the nonexpendable supplies furnished him at Veterans' Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in §§ 21.241 (g) and 21.252 (d).

(h) The provisions of this section will apply equally to cases where training is discontinued on or after July 10, 1951, and to cases where training was discontinued prior to July 10, 1951, but disposition of the case was not made under the regulation in effect at that time.

3. In § 21.252, paragraphs (c) and (d) are added as follows:

§ 21.252 *Change of employment objective.* * * *

(c) Where a veteran's disability compensation has been suspended by reason of his failure to report for a physical examination, a change of employment objective will not be approved unless and until the veteran has reported for the required physical examination and has been assigned a disability rating of compensable degree.

(d) Where a change of employment objective is authorized in accord with paragraph (a) of this section the veteran will be required to return or repay for nonexpendable supplies furnished at Veterans' Administration expense for the previous employment objective which are not required for pursuit of training for the new objective.

4. In § 21.314, paragraphs (f) and (g) are amended and paragraph (h) is added as follows:

§ 21.314 *General limitations.* * * *

(f) The Veterans' Administration will not reimburse a trainee who personally buys supplies except trainees in training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) in foreign countries as provided in § 21.150. Payment for supplies is made to the educational institution or to the vender from whom they are purchased by the Veterans' Administration. If the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the educational institution stand as an unpaid obligation of the Veterans' Administration to the institution, payment may be made if otherwise in order.

(g) When a particular article is furnished for use in one subject and the same article is required for use in other subjects or in another quarter or semester or school year, the article furnished will be made to serve for all such requirements and will not be duplicated for such purpose at government expense.

(h) Where a veteran at the time of enrolling in a course of training on the job does not have entitlement sufficient to pursue the course to completion, the Veterans' Administration will not furnish supplies costing in excess of that amount which bears the same ratio to the cost of the supplies which the veteran is required by the establishment to own for the total course as the veteran's remaining entitlement bears to the total length of the course.

5. Section 21.325 is canceled.

§ 21.325 *Recovery of training supplies.* [Canceled.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective July 10, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-7928; Filed, July 9, 1951; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 151—PROCEDURES BEFORE THE SOLICITOR

MISCELLANEOUS AMENDMENTS

a. In Part 150—Procedures of the Post Office Department (39 CFR Part 150) make the following changes:

1. Amend "Subpart A—Procedures Before the Postmaster General Purchasing Agent" to read "Subpart A—1—Procedures before the Postmaster General Purchasing Agent".

2. Insert new Subpart A to read as follows:

SUBPART A—PROCEDURES BEFORE THE POSTMASTER GENERAL UNDER THE ADMINISTRATIVE PROCEDURE ACT

Sec.

150.400 Scope of rules.
150.401 Offices, business hours.
150.402 Informal proceedings.
150.403 Formal proceedings; complaints.
150.404 Notice of hearing.
150.405 Service of complaint and notice of hearing.
150.406 Appearances.
150.407 Admission to practice.
150.408 Formal documents.
150.409 Answers.
150.410 Compromises.
150.411 Amendment of pleadings.
150.412 Continuances.
150.413 Hearing examiners.
150.414 Hearings.
150.415 Evidence.
150.416 Subpenas.
150.417 Witness fees.
150.418 Depositions.
150.419 Transcript.
150.420 The record.
150.421 Proposed findings and conclusions.
150.422 Hearing examiner's initial decision.
150.423 Appeal from initial decision.
150.424 Postmaster General's orders.
150.425 Application for modification or revocation of orders.
150.426 Supplementary orders.

AUTHORITY: §§ 150.400 to 150.426 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

§ 150.400 *Scope of rules.* The rules of practice in this subpart shall be applicable in all proceedings before the Post Office Department wherein the adjudication is required by the Administrative Procedure Act (5 U. S. C. 1001 et seq.) to be determined on the record after opportunity for an agency hearing.

§ 150.401 *Offices, business hours.* (a) The office of the Solicitor of the Post Office Department is located in Room 3226, Post Office Department Building, 12th Street and Pennsylvania Avenue NW., Washington 25, D. C. The office of the Hearing Examiners' Section and of the Docket Clerk, Hearing Examiners' Section, is located in Room 3107 at the same address.

(b) The offices of the Solicitor, the Hearing Examiners' Section and Docket Clerk are open on each business day, except Saturday, from 8:45 a. m. to 5:15 p. m.

§ 150.402 *Informal proceedings.* Proceedings other than formal proceedings may be instituted with respect to any matter within the scope of the rules in this subpart. Informal proceedings may be handled by correspondence or conference with the persons or concerns involved, and may be disposed of in similar manner unless demand be made by any such person or concern for disposition of the matter by formal proceedings. Any matter not disposed of informally may be made the subject of a formal proceeding.

§ 150.403 *Formal proceedings; complaints.* Whenever the Solicitor of the Post Office Department shall have reason to believe that any person or concern is using the mails in any manner requiring administrative action by the Postmaster General, where the authorized action is required by the Administrative Procedure Act to be taken only after opportunity for agency hearing, he shall prepare and file with the Docket Clerk a complaint which shall name the person or concern involved; state the legal authority and jurisdiction under which the proceeding is initiated; state the facts in a manner sufficient to enable the person or concern named therein to make answer thereto; and recommend the issuance by the Postmaster General of an appropriate order. The person or concern so named in the complaint shall be known as the respondent.

The provisions of this section shall not preclude the institution of informal proceedings provided for in § 150.402.

§ 150.404 *Notice of hearing.* If the Chief Hearing Examiner shall determine that the complaint states facts sufficient to show the probable need for administrative action by the Postmaster General he shall assign the proceeding to a hearing examiner who shall issue a notice of hearing to the respondent, and thereafter exercise all of the powers enumerated in § 150.413.

§ 150.405 *Service of complaint and notice of hearing.* (a) The hearing examiner to whom the case is assigned shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at the office of address of the respondent or to the Inspector in Charge of the Division in which the respondent is doing business which shall be delivered to the respondent by said postmaster or a supervisory employee of his post office or a post office inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Docket Clerk, and shall become a part of the record in the case.

(b) In the event that no person can be found upon whom service of the notice of hearing and the complaint can be effected pursuant to pargaraph (a) of this section, or in the event of the refusal of the respondent or his agent to execute the receipt provided for by paragraph (a) of this section, the notice of hearing may be delivered in the usual manner with other mail addressed to the respondent, and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the notice of hearing which statement shall be forwarded to the Docket Clerk and shall constitute prima facie evidence of service of the complaint and notice of hearing.

§ 150.406 *Appearances.* (a) A respondent may appear and be heard in person or by attorney. A partnership may appear and be represented by a member thereof or by attorney. A corporation or association may appear by a duly authorized officer or by attorney.

(b) An attorney representing a respondent must file with the Docket Clerk a written authorization from the respondent to represent him in the proceeding, prior to any participation therein.

(c) Where a respondent is represented by a duly authorized attorney the service of all subsequent pleadings, notices and other papers shall be effected by mailing the same to his attorney at the post office address stated in his written authorization.

(d) Prompt notice of change of attorneys must be filed.

§ 150.407 *Admission to practice.* Attorneys appearing in behalf of respondents shall be required, prior to such appearance, to obtain permission to practice before the Post Office Department in accordance with the "Procedure Governing the Admission of Attorneys to Practice before the Post Office Department" (Subpart B of Part 151 of this chapter): *Provided*, That the hearing examiner may waive this requirement when in his discretion the circumstances so warrant. Upon request the Solicitor will furnish an applicant a copy of the rules of admission to practice.

§ 150.408 *Formal documents.* (a) All documents required to be filed in any proceeding shall be filed with the Docket Clerk who shall cause same to be recorded and filed, and copies thereof delivered to the assigned hearing examiner and to all parties to the proceeding.

(b) Four copies of all documents must be filed, except as otherwise provided by the rules in this subpart, or as ordered by the hearing examiner. One copy shall be signed as the original.

(c) Documents shall state the docket number and title of the proceeding and shall bear the date of the submission by the party filing them.

§ 150.409 *Answers.* (a) The original and three copies of the respondent's answer shall be filed with the Docket Clerk on or before the date fixed for the filing thereof in the notice of hearing. The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint. Any facts alleged in the complaint which are expressly admitted or not denied in the answer may be considered as proved, and no further evidence in respect of such facts need be adduced at the hearing. The answer shall be signed personally by an individual respondent, or, in the case of a partnership by one of the partners, or, in the case of a corporation or association, by a responsible officer thereof. The answer shall set forth the respondent's address and the name and address of his attorney, if he is so represented. The respondent must state in his answer whether he will or will not appear at the hearing either in person or by attorney.

(b) If the respondent fails to file an answer as directed in the notice of hearing, he shall be deemed to be in default and to have waived hearing and further procedural steps.

§ 150.410 *Compromises.* In proceedings wherein the complaint recommends the issuance of a fraud, lottery, fictitious name or "unlawful" business order under sections 255, 259, and 259 (a) of Title 39, U. S. Code, respondents may make application to the Solicitor for the suspension of further proceedings by the filing of an affidavit providing for the discontinuance and abandonment of the use of the mails in the conduct of the enterprise alleged in the complaint to be unlawful. All such applications must be made prior to the time for the filing of the answer.

§ 150.411 *Amendment of pleadings.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing. Amendments proposed prior to the hearing should be filed with the Docket Clerk and thereafter with the hearing examiner.

§ 150.412 *Continuances.* Applications for continuances should be filed with the hearing examiner. A continuance will be granted only for substantial cause shown, and then only for a short period.

§ 150.413 *Hearing examiners.* (a) hearing examiners, one of whom shall be designated as the Chief Hearing Examiner, shall be appointed and qualified pursuant to section 11 of the Administrative Procedure Act, 5 U. S. C. 1010.

(b) With respect to any proceeding assigned to him, a hearing examiner shall have the following authority, to:

(1) Administer oaths and affirmations.

(2) Examine witnesses where necessary for clarity of the record.

(3) Rule upon offers of evidence subject to the limitations thereon provided by the rules in this subpart.

(4) Rule upon offers of proof.

(5) Receive oral and documentary evidence for the record.

(6) Grant or deny applications for the taking of depositions in accordance with the rules in this subpart.

(7) Regulate the course of the hearing, maintain discipline and decorum and exclude from the hearing any person found to be guilty of contemptuous conduct.

(8) Require the filing of memoranda of law and presentation of oral argument with respect to any question of law upon which an examiner is required to rule during the course of the hearing.

(9) Hold conferences for the settlement or simplification of issues by consent of the parties.

(10) Dispose of procedural requests and similar matters.

(11) Make initial decisions in conformity with the Administrative Procedure Act as hereinafter set forth in this subpart.

§ 150.414 *Hearings.* (a) Hearings are held in Room 3237, Post Office Department, Washington 25, D. C., and in such other locations as may be designated by the hearing examiner.

(b) Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the hearing examiner by any party to a proceeding requesting transfer of the hearing to a place other than that designated in the notice of hearing. In support of such application the applicant shall submit under oath or affirmation a statement outlining the evidence to be offered in such location; the relevancy thereof; the names and addresses of the witnesses who will testify; and the reasons why said evidence cannot be produced at Washington, D. C. The hearing examiner shall grant or deny such application having due regard for the convenience and necessity of the parties to the proceeding or their representatives.

§ 150.415 *Evidence.* (a) Except as otherwise provided in the rules of practice in this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern: *Provided, however,* That such rules may be relaxed to such extent as the hearing examiner may deem proper to insure an adequate and fair hearing. Irrelevant, immaterial or repetitious evidence shall be excluded by the hearing examiner.

(b) The testimony of witnesses shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Upon motion duly made at the hearing, official notice or knowledge may be taken of all matters of which judicial notice or knowledge may be taken by the Federal Courts.

(e) Medical or other scientific books or essays will not be admitted in evidence in lieu of oral expert testimony.

(f) Affidavits containing opinions or statements of an affiant will not be received in evidence, except as provided by (h) of this section.

(g) Testimonials will not be received as evidence of the efficacy or quality of any product or thing sold through the mails.

(h) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, and provided further that the witness whose statement is offered shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in issue.

(i) Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the hearing examiner are necessary. The record shall not include argument upon objections to the admission of evidence or to rulings of the hearing examiner unless ordered by the hearing examiner.

§ 150.416 *Subpenas.* The Post Office Department is not authorized by law to issue subpenas requiring the attendance or testimony of witnesses.

§ 150.417 *Witness fees.* The Post Office Department is not authorized by law to pay witness fees or expenses to witnesses for a respondent.

§ 150.418 *Depositions.* (a) Applications for the taking of depositions should be addressed to the hearing examiner; shall be in writing; shall set out the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the witness whose deposition is desired; the subject matter concerning which the witness is expected to testify; and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) The testimony of the witness shall be reduced to writing and shall be subscribed by the witness and certified in the usual form by the deposition officer, and shall be filed as directed in the order.

(d) At the hearing the deposition may be offered in evidence by the party at whose instance it was taken and, if not so offered, may be offered in whole or in part by the adverse party. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party on behalf of whom the deposition is taken must pay all fees required to be paid to witnesses and deposition officer, and must provide an original and one copy of the deposition for the official record and must serve one copy upon the opposing party.

§ 150.419 *Transcript.* (a) The testimony and proceedings at all hearings at which the respondent appears in person or by attorney shall be recorded and transcribed by the Post Office Department. A copy, or copies, of such transcript may be obtained by respondents upon written application therefor filed with the hearing examiner prior to the completion of the hearing at a cost of 25 cents per page per copy. If more than one copy is desired by the respondent, he shall accompany his application with such part of the estimated cost of such copies as the hearing examiner shall order.

(b) Changes in the transcript may be made only when they involve errors affecting substance. Within 10 days after the transcript has been furnished to any party to a proceeding he may file with the hearing examiner a motion requesting the correction of the transcript. Four copies of said motion shall be forwarded to the hearing examiner, who shall cause same to be recorded and filed and copies thereof delivered to any party to the proceeding who is entitled to a copy of same. Opposing counsel shall notify the hearing examiner in writing of his concurrence or disagreement with the corrections. Thereafter, the hearing examiner shall by order specify the corrections to be made in the transcript. A copy of this order shall be served upon all parties. The hearing examiner on his own initiative may specify corrections to be made in the transcript with prompt notice to parties to the proceeding.

(c) In proceedings in which the respondent fails to file an answer or, having made answer, fails to appear at and participate in the hearing, the hearing examiner may, in lieu of a verbatim transcript, prepare and certify a summary of the proceedings and the testimony of the witnesses appearing for the Government, identifying therein documentary evidence received.

§ 150.420 *The record.* The transcript of testimony or summary of proceedings and testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceedings, shall constitute the record of the proceeding. Copies of any part of the record, except the transcript, shall be furnished at the cost of reproduction upon application to the hearing examiner.

§ 150.421 *Proposed findings and conclusions.* (a) Each party to a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may file proposed findings of fact, conclusions of law and supporting reasons, provided, however, that the hearing examiner may require parties to any proceeding to file proposed findings of fact and conclusions of law and supporting reasons.

(b) The hearing examiner shall specify the date within which such proposed findings of fact, conclusions of law and supporting reasons must be filed by the parties. If not filed by such date they will not be included in the record or given consideration unless additional time is allowed.

(c) Proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record (with appropriate citations to the transcript or exhibit relied upon) supporting the conclusions proposed by the party filing same. Each proposed conclusion shall be separately stated.

(d) The hearing examiner may require the parties to submit orally or in writing proposed findings of fact and conclusions of law and argument in support thereof before the close of the hearing.

(e) Where the respondent has failed to file answer, or, having filed answer fails to appear at the hearing, the hearing examiner shall receive such proof as he may deem proper in support of the complaint, and without further procedural steps shall make and file an initial decision which may be adopted as the final decision by the Postmaster General without further notice to the respondent.

§ 150.422 *Hearing examiner's initial decision.* (a) The hearing examiner may render an oral initial decision at the close of the hearing if the nature of the case and the public interest so warrant. Otherwise, he may render such initial decision at a later date as hereinafter provided.

(b) After the filing of proposed findings of fact, conclusions of law and supporting reasons pursuant to the provisions of § 150.421, the hearing examiner shall make and file an initial decision which may become the final decision of the Postmaster General unless an appeal is noted within the time specified in the hearing examiner's notice of initial decision.

(c) The initial decision of the hearing examiner shall include (1) findings and conclusions with the reasons therefor upon all the material issues of fact, law or discretion presented on the record; and (2) an appropriate order to be issued by the Postmaster General.

(d) At any time prior to the filing of his initial decision, the hearing examiner may, for good cause shown, reopen the case for the reception of further evidence.

(e) A copy of the hearing examiner's initial decision shall be served upon each party who participated in the hearing.

§ 150.423 *Appeal from Initial Decision.* (a) Any party of record in a proceeding, except those who fail to answer the complaint or having answered fail to appear at the hearing, may file a notice of intention to appeal in accordance with paragraph (b) of this section.

(b) A notice of appeal must be filed within the time limit specified by the hearing examiner in the notice of initial decision, but in no case more than 10 days after service.

(c) A brief on appeal shall contain the following matter in the order indicated below. Matter which is not presented in a brief will not be considered on appeal.

(1) A subject index of the matters presented, with page references; a table of cases (alphabetically arranged); list of statutes and text books cited with page references.

(2) A concise abstract or statement of the case.

(3) Exceptions to specific findings and conclusions of fact (or parts thereof), or conclusions of law or discretion in the initial decision; exceptions to the failure of the initial decision to include other findings or conclusions of fact, law or discretion, and exceptions to any prejudicial error in procedure.

Exceptions may also set forth proposed findings of fact, conclusions of law or discretion, together with a proposed order with a request that they be substituted for and adopted in place of those to which exception is taken, with specific reference to the parts of the record and the legal or other authorities relied upon.

(4) Argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(d) Appeals shall be based on and limited to matters which have been previously presented to the hearing examiner in proposed finding of fact and conclusions of law, and supporting reasons.

(e) The brief on appeal shall be filed within the time specified therefor by the hearing examiner. Opposing brief shall be filed within the time allowed therefor by the hearing examiner.

(f) Six copies of all briefs shall be filed with the Docket Clerk.

(g) All briefs shall be printed, multigraphed or typewritten on paper 8" x 10½". Printed briefs shall be on good unglazed paper in type not smaller than 10 point double leaded, citations and quotations single leaded, and footnotes not less than 8 point single leaded.

(h) Unless leave be granted, no brief shall exceed 50 printed or 100 typewritten pages.

§ 150.424 *Postmaster General's orders.* (a) Copies of the Postmaster General's decision and order will be transmitted to the hearing examiner who shall cause the order to be incorporated in the record of the proceeding, published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to put the provisions of said order into effect.

(b) A copy of the decision and order shall be promptly served upon each party to the proceeding.

§ 150.425 *Application for modification or revocation of orders.* (a) Any party against whom an order has been issued by the Postmaster General may file with the Docket Clerk an application for modification or revocation thereof, which application shall set forth the grounds upon which it is based.

(b) The Chief Hearing Examiner shall assign the matter to a hearing examiner who shall serve a copy thereof upon the Solicitor, setting a date for his reply thereto. Upon receipt of the reply of the Solicitor, the hearing examiner shall transmit the application, together with his recommendation, to the Postmaster General for final decision.

§ 150.426 *Supplementary orders.* (a) Whenever the Solicitor shall have reason to believe that any person or concern is evading or attempting to evade the provisions of any order issued pursuant to proceedings conducted in accordance with this subpart, he shall prepare and file with the Docket Clerk a complaint setting forth the evasion or attempted evasion of such order and requesting the issuance of a notice calling upon the person or concern accused to show cause why a supplemental order should not be issued against the name or names alleged to be unlawfully employed.

(b) The Chief Hearing Examiner shall assign the matter to a hearing examiner. If the hearing examiner determines that the allegations of the complaint warrant, he shall issue to the accused person or concern a notice to show cause on a specific date why such supplementary order should not be issued.

(c) Service of such notice to show cause and of a copy of the complaint shall be made upon the persons accused in the manner provided in § 150.405.

(d) The person or concern named in such complaint and notice to show cause may file answer thereto pursuant to the requirements of § 150.409.

(e) The hearing examiner shall prepare and present to the Postmaster General an initial decision and shall recommend an order based upon the findings of fact and conclusions of law which shall be prepared by him on the basis of the evidence presented pursuant to the aforesaid order to show cause.

b. In Part 151—Procedures Before the Solicitor (39 CFR Part 151), Subpart A—Rules of Practice in Cases Arising Under Postal Fraud, Lottery, and Fictitious Statutes, and §§ 151.1 to 151.28, are rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The foregoing amendments shall be effective July 8, 1951.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7952; Filed, July 6, 1951; 12:08 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Dairy Industry

[9 CFR Part 301]

SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering certain proposed amendments of the regulations relating to the sanitary inspection of process or renovated butter (9 CFR 301.1, et seq.), which regulations are effective pursuant to an act of Congress which was approved on June 24, 1946 (60 Stat. 300), and entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes."

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed amendments should file the same in duplicate with the Chief, Bureau of Dairy Industry, Agricultural Research Administration, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. In § 301.5 (a), make the following changes:

a. Add a new sentence immediately after the present second sentence of said section, reading "Containers constructed of materials mentioned in subparagraphs (1) or (2) of this paragraph of the second preceding sentence shall have smooth inner surfaces without pockets or recesses."; and

b. Add a sentence at the end of said section which will read as follows: "Butter received in a process or renovated butter factory in a container which does not meet the requirements of this paragraph shall be denatured or destroyed in accordance with the provisions of § 301.6 (f), as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used."

As thus amended, the said section will read as follows:

§ 301.5 *Sanitary requirements for process or renovated butter, and for ingredients intended for use in its manufacture—*(a) *Requirements for containers of ingredients.* In order to safeguard the purity and fitness of butter, butter oil, milk, and other ingredients for use in the manufacture of process or renovated butter, no manufacturer shall accept delivery of such an ingredient unless, at the time of such receipt, it is packed in a container which is constructed of: (1) Noncorrosive metal; (2) a corrosive metal which has been coated with some noncorrosive metal; or (3) wood which is tightly fitted together, parchment lined, and tightly headed. Such containers shall be equipped with tightly fitted covers, and shall be kept covered at all times. Containers constructed of materials mentioned in subparagraph (1) or (2) of this paragraph of the second preceding sentence shall have smooth inner surfaces without pockets or recesses. Every such container shall be cleaned and dried thoroughly before it is used again. Butter received in a process or renovated butter factory in a container which does not meet the requirements of this paragraph shall be denatured or destroyed in accordance with the provisions of § 301.6 (f), as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used.

2. In § 301.5 (e), make the following changes:

a. Delete the words "That this restriction shall not apply to any processing of any such butter which has been done by a process or renovated butter manufacturer before the effective time of these regulations, if such butter, in its then processed form, is in the possession of the particular manufacturer at such time: *And provided further,*"; and

b. Change the period at the end of said section to a comma, and add, immediately thereafter, the words "and is identified as to the name and address of the farmer-producer."

The said section, as thus proposed to be amended, will read as follows:

(e) *Butter must be melted, clarified, etc., at factory and under supervision of inspector.* No butter shall be used in the manufacture of process or renovated butter unless the melting, clarifying, refining, and other processing of it has been done at a process or renovated butter factory under the supervision of an inspector: *Provided,* That butter melted by the original farmer-producer thereof and placed and stored by him in a container meeting the specifications prescribed in paragraph (a) of this section which is sold to a process or renovated butter manufacturer (either directly or through a designated representative of such manufacturer) may be used by such manufacturer in the manufacture of process or renovated butter, if it is otherwise eligible for such use, and is identified as to the name and address of the farmer-producer.

3. In § 301.6 (b), add, immediately after the word "louse", appearing in the first sentence of said section, the words ", or fly, or any other insect or animal not specifically mentioned,". The section, as thus amended, will read as follows:

(b) *Process or renovated butter, and prospective ingredients thereof, found to contain any avian animal, etc., including immature stages or parts thereof, or excrement therefrom; destruction or denaturation required.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any avian, reptilian, mammalian, amphibian, or piscine animal, or any cockroach, flea, or louse, or fly, or any other insect or animal not specifically mentioned, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of paragraph (f) of this section. The provisions of this paragraph shall also apply to any churning or other lot of process or renovated butter.

4. Delete the provisions of § 301.6 (c).

5. Delete "Before removal from the factory" at the beginning of § 301.7 (a), and add a new sentence at the end of the section so that the said section, as thus amended, will read as follows:

§ 301.7 *Marketing, labeling, and branding of process or renovated butter—*(a) *Statutory packages.* Each package of process or renovated butter shall have legibly printed or stenciled on one of its sides the words "Process Butter," also the factory number, district, and State and the net weight, in the following manner:

Process Butter
Factory No. 2, 2d Dist., New York
Net Weight, 60 Lbs.

The words "Process Butter" shall be in bold-face gothic letters, not less than three-quarters of an inch square, and the other words and figures shall be not less than one-half an inch square. The color of such words and figures shall be in strong contrast to the color of the package. No container of bulk-packed process or renovated butter, and no container of two or more cartons or prints of process or renovated butter shall be removed from the factory unless and until each such container, as well as each such carton or print, is stamped "U. S. Inspected and Passed" by the inspector.

6. In the two provisos of § 301.10, insert the following language: ", except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety,", making the section read:

§ 301.10 *Withdrawals of inspections.* In any case in which the chief of bureau determines that the sanitary conditions existing in any process or renovated butter factory do not meet any of the standards prescribed in § 301.4 or § 301.5, he shall cause inspection to be withdrawn from such factory: *Provided,* That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate compliance with all of such standards. In any case in which the chief of bureau determines that any manufacturer of process or renovated butter has failed to comply with any provision of the regulations in this part, other than any of those set forth in §§ 301.4 or 301.5, the chief of bureau is authorized, in his discretion, to withdraw inspection from such manufacturer's factory: *Provided,* That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate or achieve compliance with all such provisions.

Done at Washington, D. C., this 5th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7900; Filed, July 9, 1951; 8:48 a. m.]

Production and Marketing Administration

[7 CFR Part 931]

[Docket No. AO-229]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cedar Rapids, Iowa, on December 11-14, 1950, pursuant to notice thereof which was issued on November 20, 1950 (15 F. R. 8084), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 5, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 10, 1951, subject to the corrections published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4344, 4621).

Exceptions to the recommended decision were filed on behalf of the three producer cooperative associations supplying milk to the market. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided herein are at variance with the exceptions such exceptions are over-ruled.

The major issues developed at the hearing were concerned with:

(1) Whether the handling of milk in the Cedar Rapids-Iowa City marketing area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) The scope of regulation.
(b) The classification of milk.
(c) Transfers of milk between plants.
(d) Class prices.
(e) Payments to producers.
(f) The administrative assessment.
(g) Marketing services, and
(h) Other administrative provisions.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 51-5436 16 F. R. 4344, 4621) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. The marketing area should be designated as the Cedar Rapids-Iowa City marketing area. Because the regulation applies to both Cedar Rapids and Iowa City, both communities of importance and of considerable size, both cities should be named in the designation of the marketing area. Accordingly the title, "Cedar Rapids-Iowa City marketing area," should be substituted for the title, "Cedar Rapids, Iowa, marketing area" wherever it appears in the decision.

2. The following paragraph should be inserted following the second paragraph relating to *"The classification of milk"* as it appears in the first column on page 4346 of the FEDERAL REGISTER of May 10, 1951:

Class I should also include the product generally referred to as "concentrated milk," which has recently been introduced in a number of markets. While its distribution has not yet been undertaken in the market, it is not unlikely that it may make its appearance in the market in the near future. This product is not sterilized and is disposed of to consumers, either in liquid or frozen form, for consumption in fluid form by the addition of water. Producers feel that the Class I definition should be broadened to include this product which is designed to replace regular bottled milk in the consumer trade. In areas where it is being sold it is generally required to be made from milk meeting the same requirements as are applicable to fluid whole milk. Accordingly it has been concluded that concentrated milk should properly be classified as Class I milk.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area" and "Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area"; which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area

§ 931.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order to regulate the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the re-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

spective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such month which is classified as Class I.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 931.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this subpart is in effect.

§ 931.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 931.7 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area," called the "marketing area" in this subpart, means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under regular inspection of, the proper health authority of either Cedar Rapids or Iowa City and (a) from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes milk to a plant described in paragraph (a) of this section.

§ 931.9 *Handler.* "Handler" means (a) a person in his capacity as the operator of an approved plant, or (b) a cooperative association with respect to milk of producers received at a plant operated by it or caused by it to be delivered to a milk plant other than an approved plant.

§ 931.10 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of the city of Cedar Rapids or Iowa City for the production of milk for consumption as milk, produces milk which (a) is received at an approved plant, (b) is received at a plant operated by a cooperative association, or (c) is caused by a handler to be diverted from a plant described in paragraphs (a) and (b) of this section to a plant from which no Class I milk is disposed of within the marketing area. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 931.56.

§ 931.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 931.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 931.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.75, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 931.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 931.30 and 931.31, or (2) payments pursuant to §§ 931.65, 931.68, and 931.70;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to § 931.50 (a) and the butterfat differential computed pursuant to § 931.51 (a), both for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pursuant to § 931.50 (b) and (c) and the butterfat differentials computed pursuant to § 931.51 (b) and (c) for the previous delivery period, and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 931.61 and the butterfat differential computed pursuant to § 931.66; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Delivery period reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The qualities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payment to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 931.30 shall be classified by the market administrator pursuant to §§ 931.41 to 931.46, inclusive.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in §§ 931.43 and 931.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture (except those specified in paragraph (b) of this section) of cream and milk or skim milk containing more than 6 percent of butterfat, (2) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (3) not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, aerated products containing milk or cream or a combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section.

(c) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, animal feed, casein and nonfat dry milk solids, and in shrinkage up to 2 percent of receipts from producers, and in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the highest class utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than an approved plant, unless:

(1) The handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and purchaser on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred;

(2) Such purchaser maintains books and records showing the utilization of all skim milk and butterfat at his unapproved plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Such unapproved plant has actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That, if verification of such purchaser's records discloses that an equivalent amount of skim milk and butterfat has not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such purchaser had utilization.

§ 931.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 931.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 931.45 the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 931.45;

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 931.50 Subject to the provisions of § 931.51, the minimum prices per hundredweight to be paid by each handler for milk received from producers at his plant during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

January, February, March	$0.80
April, May, June	.60
July through December	1.05

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph or to paragraph (c) of this section:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
United Milk Products Co., Argo Fay, Ill.

(2) The price resulting from the following computations:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter as reported for the Chicago market during the delivery period by the Department;

(ii) Add an amount equal to 2.4 times the average as computed by the market administrator, of the daily wholesale prices of the cheese known as "Twins" as reported for the Chicago market during the delivery period by the Department;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The sum of the prices resulting from the following computations:

(1) Subtract 6 cents from the price per pound of butter computed pursuant to paragraph (b) (2) (i) of this section and multiply the result by 4.2, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6½ cents, multiply the result by 8.2 and then multiply the resulting figure by 0.965. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8½ cents, rather than 6½ cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 931.46 is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 931.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the preceding period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(c) *Class III milk.* From the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the devilery period, subtract 6 cents, multiply by 1.20 and divide the result by 10.

§ 931.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency, in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 931.55 *Producer-handler.* Sections 931.40 through 931.52 and 931.60 through 931.76 shall not apply to a producer-handler.

§ 931.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 931.60 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 931.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 931.60 for all handlers who made the reports prescribed by § 931.30 and who made the payments pursuant to § 931.65 for the preceding delivery period;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 931.67.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: Multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 931.66 and mutiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

§ 931.62 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler.

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler as the case may be pursuant to §§ 931.68 and 931.69.

PAYMENT FOR MILK

§ 931.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 931.61 subject to the butterfat differential computed pursuant to § 931.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handler from producers by the cooperative association, if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 931.66 *Producer butterfat differential.* In making payments pursuant to § 931.65 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, dividing the resulting sum by 10, and adjusting to the nearest one-tenth cent.

§ 931.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to § 931.68 and out of which he shall make all payments to handlers pursuant to § 931.69.

§ 931.68 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to § 931.65.

§ 931.69 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 931.65: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 931.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 931.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month, during which the milk involved in the claim was re-

ceived if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless the handler, within the applicable period of time, pursuant to section 8c (15) (A) of the act, files a petition claiming such money.

OTHER PAYMENTS

§ 931.75 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and with respect to all other source milk classified as Class I.

§ 931.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to § 931.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.81 *Suspension or termination.* The Secretary shall, whenever he finds that, this subpart, or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provisions of this subpart.

§ 931.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area which is filed simultaneously herewith) who, during the month of January 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1951 is hereby determined to be a representative period for the conduct of such referendum. John B. Rosenbury is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 5th day of July 1951.

[F. R. Doc. 51-7927; Filed, July 9, 1951; 8:53 a. m.]

[7 CFR Part 998]

IRISH POTATOES GROWN IN NEW JERSEY

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998), regulating the handling of Irish potatoes grown in the State of New Jersey, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 998.202 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the New Jersey Potato Marketing Committee, established pursuant to Marketing Agreement No. 116 and Order No. 98, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending April 30, 1952, will amount to $18.750.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 116 and Order No. 98 (7 CFR Part 998).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-7924; Filed, July 9, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2646]

COMMISSIONER OF BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO FARM UNIT PLATS

JULY 2, 1951.

Subsection (k) of section 1, Order No. 2018 (10 F. R. 259), as amended by Order No. 2369 (12 F. R. 7072), authorizing the Commissioner of Reclamation to approve amendments to farm unit plats is hereby revised to read as follows:

(k) In connection with the Columbia Basin Project and under the provisions of the Columbia Basin Project Act (57 Stat. 14) and chapter 275 of the laws of Washington, 1943, to designate irrigation blocks and to prepare preliminary and final farm unit plats of lands so designated, to make revisions of such plats from time to time, and to make all determinations and do all things necessary in connection with such actions; and in connection with projects other than the Columbia Basin Project, to approve all farm unit plats and revisions or amendments thereto.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 51-7893; Filed, July 9, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND ASSOCIATED COMPANIES OF BELL SYSTEM

ORDER POSTPONING HEARING

In the matter of rates and charges for interstate and foreign communication services furnished by the American Telephone and Telegraph Company and the Associated Companies of the Bell System.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of June 1951;

The Commission, having under consideration the proceedings herein and its order, dated February 14, 1951, postponing the dates for answer and hearing herein until July 16, and August 20, 1951, respectively, in order to permit the Commission to consider jointly with the National Association of Railroad and Utilities Commissioners questions regarding telephone separation procedures, and in order to enable the Commission to observe trends in revenues and expenses;

It appearing, that the above joint studies are still in progress, along with other joint studies regarding plans to make possible the elimination of the disparity which exists between rates and charges for state and interstate message toll telephone services; and that the dates for answer and hearing herein should be further postponed for a limited time until the Commission has had an opportunity to review the results of the above studies and the application of such results to the issues in the proceedings herein;

It is ordered, That, on the Commission's own motion, the dates for answer and hearing specified in the above order of February 14, 1951, are hereby postponed until September 28, 1951 and October 29, 1951, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7910; Filed, July 9, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, DAIRY BRANCH

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS RELATING TO GRADING AND INSPECTION OF DAIRY PRODUCTS

Pursuant to the authority vested in me under §§ 58.2 (c) and 58.3 of the regulations appearing in Title 7, Chapter I, Part 58, Code of Federal Regulations, as printed in the FEDERAL REGISTER (16 F. R. 6494), authority is hereby delegated to the Director, Dairy Branch, to exercise the powers and functions vested in me pursuant to §§ 58.4, 58.8, 58.9, 58.11, 58.13, 58.15, 58.16, 68.18, 58.20, 58.22, 58.24, 58.25, 58.28, 58.33, 58.34, 58.35, 58.38, 58.49, 58.50, 58.51, 58.53, 58.54, 58.56, 58.58, 58.59, and 58.61 of said regulations, and to redelegate the authority granted herein to any officer or employee of the Production and Marketing Administration.

Done at Washington, D. C., this 5th day of July 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-7925; Filed, July 9, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3908]

AMERICAN AIR TRANSPORT, INC.; EXEMPTION

NOTICE OF ORAL ARGUMENT

In the matter of the application of American Air Transport, Inc., for an exemption under section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 416 and 1001 of said act, that oral argument in the above-entitled proceeding, is assigned to be held on July 26, 1951, at 10:00 a. m., e. d. s. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7894; Filed, July 9, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6367]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

JULY 3, 1951.

Take notice that on June 29, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of 250,000 additional shares of Common Stock, without par value. Applicant proposes to offer to the holders of its Common Stock as of the close of business on July 24, 1951, rights to subscribe for the 250,000 shares of additional Common Stock at the rate of one share of such additional stock for each seven shares held. The rights to subscribe will be evidenced by Subscription Warrants expressed in the terms of Rights. No fractional shares of additional Common Stock will be issued.

So many of the 250,000 shares of the additional stock as are not subscribed for on the exercise of Subscription Warrants will be purchased by the following underwriters in the proportions indicated:

Name:	*Percent underwritten*
Lehman Bros., 1 William St., New York, N. Y.	25
Union Securities Corp., 65 Broadway, New York, N. Y.	25
Bear, Stearns & Co., 1 Wall St., New York, N. Y.	25
Dean Witter & Co., 14 Wall St., New York, N. Y.	25

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7907; Filed, July 9, 1951; 8:49 a. m.]

[Docket No. E-6368]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

JULY 3, 1951.

Take notice that on July 2, 1951, an application was filed with the Federal Power Commission by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota, and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order, pursuant to section 203 of the Federal Power Act, authorizing the purchase by Black Hills Power and Light Company of an electric transmission line and substation facilities from Central Electric & Gas Company, Hot Springs, South Dakota, at the original cost thereof as recorded by the seller at the time of installing the facilities in accordance with an agreement between the parties bearing date of August 19, 1950; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of July 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7906; Filed, July 9, 1951; 8:49 a. m.]

[Docket Nos. G-587, G-607, G-608, G-776, G-810, G-820, G-1222, G-1441]

GREENFIELD GAS CO., INC., ET AL.

NOTICE OF ORDER MODIFYING AND AFFIRMING INITIAL DECISION

JULY 3, 1951.

In the matters of Greenfield Gas Company, Inc., v. Panhandle Eastern Pipe Line Company, Docket Nos. G-587 and G-607; Eastern Indiana Gas Company, et al., Docket Nos. G-776, G-810, G-820, and G-608; Indiana Gas & Water Company, Inc., Docket Nos. G-1222 and G-1441.

Notice is hereby given that, on June 29, 1951, the Federal Power Commission issued its order entered June 28, 1951, modifying and affirming as modified Initial Decision of Presiding Examiner, dated May 11, 1951, in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7901; Filed, July 9, 1951; 8:49 a. m.]

[Docket Nos. G-1661, G-1662, G-1670, G-1674, G-1679]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JULY 3, 1951.

In the matters of Tennessee Gas Transmission Company, Docket Nos. G-1661 and G-1662; Natural Gas Pipeline Company of America, Docket No. G-1670; El Paso Natural Gas Company, Docket No. G-1674; Hope Natural Gas Company, Docket No. G-1679.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its findings and orders entered June 26, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7902. Filed, July 9, 1951; 8:49 a. m.]

[Project No. 2033]

ERNEST O. SWANSON

NOTICE OF ORDER ISSUING LICENSE

JULY 5, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing License (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7905; Filed, July 9, 1951; 8:49 a. m.]

[Docket No. E-6357]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 3, 1951.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its order entered June 26, 1951, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7885; Filed, July 9, 1951; 8:46 a. m.]

[Docket No. E-6360]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 3, 1951.

Notice is hereby given that, on June 27, 1951, the Federal Power Commission issued its order entered June 27, 1951, supplementing order issued June 19, 1951, published in the FEDERAL REGISTER on June 23, 1951 (16 F. R. 6007), authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7886; Filed, July 9, 1951; 8:46 a. m.]

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 3, 1951.

Notice is hereby given that, on June 26, 1951, the Federal Power Commission issued its order entered June 26, 1951, authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7887; Filed, July 9, 1951; 8:46 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER RECONVENING HEARING

On June 30, 1951, the Presiding Examiner pursuant to motion by Northern Natural Gas Company, adjourned the hearing in the above-entitled proceedings to reconvene on July 23, 1951.

The Commission finds: The grounds for such adjournment are not sufficient to warrant the time requested. It is reasonable and good cause exists for reconvening the hearing before July 23, 1951.

The Commission orders: The ruling of the Presiding Examiner made on June 30, 1951, recessing the hearing in the above-entitled proceedings be and the same hereby is vacated and the hearing shall reconvene on July 11, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7882; Filed, July 9, 1951; 8:45 a. m.]

[Docket Nos. G-1567, G-1663]

MISSISSIPPI POWER AND LIGHT CO.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

On December 21, 1950, Mississippi Power and Light Company filed an application in Docket No. G-1567 for a disclaimer of jurisdiction, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the leasing and operation of certain natural-gas facilities in Mississippi, known as the Bolivar and DeSoto Natural Gas Districts.

On April 12, 1951, Mississippi Power and Light Company filed a similar application in Docket No. G-1663 for a disclaimer of jurisdiction, or, in the alternative, for authorization to lease and operate the Carthage Natural Gas District transmission line.

The two applications involve similar questions and may appropriately be heard together.

The Commission finds:

(1) The proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its applications be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on January 18, 1951 (16 F. R. 477) and May 11, 1951 (16 F. R. 4375), respectively.

(2) The applications in Docket Nos. G-1567 and G-1663 should be consolidated for purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-1567 and G-1663 be and they hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 17, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7883; Filed, July 9, 1951; 8:45 a. m.]

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 2, 1951.

On February 21, 1951, Northern Natural Gas Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of additional natural-gas transmission pipeline facilities estimated to cost $33,095,000 and designed to increase Applicant's system delivery capacity from 600,000 to 825,000 Mcf of natural gas per day, subject to the jurisdiction of the Commission, as described in the application and the supplements thereto on file with the Commission and open to public inspection, and in the notice of application published in the FEDERAL REGISTER on March 8, 1951 (16 F. R. 2169-2170).

The application as filed was incomplete, and as a result the Commission, by letter dated March 23, 1951, requested that Applicant file certain additional data and information to supplement the application. In response, Applicant filed on April 30 and May 7, 1951, its first and second supplements to the original application. On April 30, 1951, Applicant requested that this matter be set for hearing and that a certificate be granted at the earliest possible time.

Analysis by our Staff of the April 30 and May 7, 1951, supplements and the data filed therewith disclosed apparent deficiencies in the application and a necessity for a thorough investigation of these deficiencies, principally, in Applicant's gas-supply presentation. Due to the magnitude and complexity of the problems presented by Applicant's project and the inadequate supporting data submitted, it is not expected that a proper investigation, which we have instructed our Staff to make as promptly as possible, can be completed before September 1951. Applicant has heretofore been advised informally of this situation, and accordingly, that it was unlikely that the application could be scheduled for hearing, as required by statute, before that time.

The Commission finds: It is appropriate in carrying out the provisions of the said act that the aforesaid application filed on February 21, 1951, as supplemented, be set for hearing as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on September 17, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by aforesaid application filed on February 21, 1951, as supplemented, in this proceeding.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7881; Filed, July 9, 1951; 8:45 a. m.]

[Docket Nos. G-1693, G-1473, G-1649, G-1727]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727.

Shippensburg Gas Company, a Pennsylvania corporation with its principal place of business at Shippensburg, Pennsylvania, filed on June 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately 67,600 feet of 6-inch natural gas transmission pipeline extending from a point on the interstate natural gas pipeline of Texas Eastern Transmission Corporation to Shippensburg's present manufactured gas distribution system in the town of Shippensburg, Pennsylvania. Applicant proposes to purchase up to 376 Mcf of natural gas per day from Texas Eastern and to transport such gas through the proposed facilities for distribution in the Town of Shippensburg. Shippensburg stated in its application that Texas Eastern had proposed by its application in Docket No. G-1693 to sell up to 376 Mcf of natural gas per day to it.

On June 27, 1951, the Commission issued an order fixing date of hearing and consolidating the proceedings in Docket Nos. G-1693, G-1473 and G-1647. The application in Docket No. G-1727 should be consolidated with the foregoing dockets and set for hearing at the time and place previously designated for hearing of the foregoing dockets in order to expedite the disposition of the case and save duplication of hearings.

The Commission finds: Orderly procedure requires that the proceedings in Docket Nos G-1693, G-1473, G-1649 and G-1727 be consolidated for purpose of hearing and be heard at the time previously set for the hearing of the first three of the foregoing Dockets.

The Commission orders:

(A) The proceedings in Dockets Nos. G-1693, G-1473, and G-1649, and G-1727 be and they are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on July 24, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(c) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 3, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7884; Filed, July 9, 1951; 8:45 a. m.]

[Project No. 2032]

LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF ORDER ISSUING LICENSE

JULY 3, 1951.

Notice is hereby given that, on May 11, 1951, the Federal Power Commission

issued its order entered May 8, 1951, issuing License (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7889; Filed, July 9, 1951; 8:46 a. m.]

[Project Nos. 1093, 2036]

L. P. STARKEY AND EDNA L. SELBY

NOTICE OF ORDERS ISSUING NEW LICENSES

JULY 3, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its orders entered May 29, 1951, issuing new licenses (minor) in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7888; Filed, July 9, 1951; 8:46 a. m.]

[Project No. 2049]

G. L. CARRICO

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JULY 3, 1951.

Notice is hereby given that, on April 27, 1951, the Federal Power Commission issued its order entered April 24, 1951, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-7890; Filed, July 9, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26237]

CAST IRON PIPE FROM POINTS IN SOUTHERN TERRITORY TO NEW MEXICO

APPLICATION FOR RELIEF

JULY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1191.

Commodities involved: Cast iron pipe and fittings, carloads.

From: Points in southern territory.

To: Destinations in New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7897; Filed, July 9, 1951; 8:48 a. m.]

[4th Sec. Application 26238]

ACRYLONITRILE FROM WEST VIRGINIA TO LUGOFF, S. C.

APPLICATION FOR RELIEF

JULY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4300, pursuant to fourth section order No. 9800.

Commodities involved: Acrylonitrile, in tank-car loads.

From: Charleston, Institute, and South Charleston, W. Va.

To: Lugoff, S. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7896; Filed, July 9, 1951; 8:48 a. m.]

[4th Sec. Application 26239]

SODA FROM TRENTON, MICH., TO CERTAIN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

JULY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4367, pursuant to fourth section order No. 9800.

Commodities involved: Di-sodium phosphate of sodium (soda) or tri-sodium phosphate, carloads.

From: Trenton, Mich.

To: New Orleans, Baton Rouge and Michoud, La., Mobile, Ala., and Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-7895; Filed, July 9, 1951; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 50]

CHESAPEAKE AND OHIO RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, certain railroad carriers operating in Norfolk, Virginia, because of congestion, are unable to dump all cars of coal routed over their lines at their pier facilities at Norfolk, Virginia. It is ordered, that:

(a) *Rerouting of traffic.* The Chesapeake and Ohio Railroad Company is hereby authorized and directed to reroute or divert to the Norfolk and Western Railway Company for dumping at Norfolk and Western piers, Norfolk, Virginia, via the Norfolk and Portsmouth Belt Line Railroad Company and The Virginian Railway Company, the number of cars of coal which the Norfolk and Western Railway Company will accept and dump for the C & O account. Billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective at 9:30 a. m., July 2, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1951, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 2, 1951.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 51-7898; Filed, July 9, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2464]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEW HAMPSHIRE ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of July A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, and one of its subsidiaries, New Hampshire Electric Company ("New Hampshire"), having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act") proposing, among other things, (a) the sale by Negea of its holdings of all of the preferred stock of New Hampshire pursuant to the competitive bidding requirements of Rule U-50 and (b) an offer to Negea's common shareholders of a portion of New Hampshire's outstanding common stock and the sale to underwriters, also pursuant to the competitive bidding requirements of Rule U-50, of the balance of New Hampshire's common stock, including the shares not subscribed for by Negea's shareholders, the bid to set the offering price to Negea's shareholders; and

The Commission by its order dated March 6, 1951, having granted the application and permitted the declaration to become effective, and said order having contained a reservation of jurisdiction over fees and expenses to be incurred in connection with the proposed transactions; and

The applicants-declarants having notified the Commission that no bids were received pursuant to the invitation for proposals to purchase the preferred and common stocks of New Hampshire; and having filed a further amendment to the application-declaration stating that the fees and expenses applicable to the proposed transactions are to be paid by Negea and amount to $31,000 including legal fees in the amount of $2,147.50 payable to Burns, Blake & Rich, counsel for Negea; legal fees in the amount of $1,535 payable to W. A. Hill, general counsel for New Hampshire; legal fees in the amount of $5,275 payable to Palmer Dodge Gardner Bickford & Bradford, counsel designated by Negea to represent the prospective underwriters; and a fee of $6,400 payable to Old Colony Trust Company of Boston, as warrant agent for the common stock of New Hampshire; and

The Commission having examined said amendment and having considered the fees and expenses specified therein and having concluded that said fees and expenses are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved herein with respect to fees and expenses, be and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7891; Filed, July 9, 1951; 8:46 a. m.]

CINCINNATI STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on June 20, 1951, by the Cincinnati Stock Exchange pursuant to (§ 240.17a-6) (Rule X-17A-6) under the Securities Exchange Act of 1934, for disposal of the following material which has been on file with that Exchange for more than five years under the stated sections of the act or the rules and regulations thereunder:

(1) Forms 1-J, 15-AN, and An-4 filed pursuant to section 12.

(2) Reports filed pursuant to section 13, except reports on Form 8-K reporting other than quarterly sales.

(3) Documents and reports filed pursuant to sections 14 and 16.

The Cincinnati Stock Exchange proposes to commence the disposition of the specified material in October 1951. The plan also contemplates that thereafter, in October of each year, regular disposition will be made of similar material which has been on file more than five years. Information contained in the material proposed to be disposed of is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Cincinnati Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before July 17, 1951.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

JUNE 28, 1951.

[F. R. Doc. 51-7892; Filed, July 9, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18104]

JOHN A. BLANCHARD ET AL.

In re: Trust under declaration of trust of John A. Blanchard and Archibald Blanchard dated December 23, 1931, for the benefit of Yvonne von Courten (Rommel) et al. File No. F-28-11816; F-28-14835; E. & T. sec. 6948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Selina Bertha Olga Rosamond Annemarie Rommel, Nicholus Theodor Hans Jurgen Rommel and Candida Eleanore Elisabeth Charlotte Rommel, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and devisees, names unknown, of Yvonne von Courten Rommel who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain Declaration of Trust of John A. Blanchard and Archibald Blanchard dated December 23, 1931, for the benefit of Yvonne von Courten (Rommel) et al., presently being administered by John A. Blanchard and Richard Bancroft, 10 Glenridge Road, Dedham, Massachustees, as Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons

named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany);

5. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and devisees, names unknown, of Yvonne von Courten Rommel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7855; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18105]

JOHANNA BRUNNER ET AL.

In re: Rights of Johanna Brunner et al., under insurance contract. File No. F-28-101-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Brunner and Guenther Brunner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Johanna Brunner and Guenther Brunner, under a contract of insurance evidenced by policy No. 523368, issued by the Guardian Life Insurance Company of America, New York, New York, to Max J. Brunner, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R Doc. 51-7856; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18106]

MARTHA MCMURTRIE GREGG HALLER

In re: Estate of Martha McMurtrie Gregg Haller, deceased. File No. D-66-481; E. T. sec. No. 3876.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas Georg Haller, Guenther Haller and Franz Wilhelm Haller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to any and all property held by Commonwealth Trust Company of Pittsburgh, 312 Fourth Avenue, Pittsburgh, Pa., trustee under a trust agreement dated August 25, 1921 by and between Martha McMurtrie Gregg Haller and Ferdinand Haller, grantors, and Commonwealth Trust Company of Pittsburgh, Trustee, for the account of the Estate of Martha McMurtrie Gregg Haller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Commonwealth Trust Company of Pittsburgh, as trustee, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pa.;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7857; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18107]

SHAW ISHIMOTO ET AL.

In re: Rights of Shaw Ishimoto et al., under contracts of insurance. Files F-39-5789 H-1 and H-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is found:

1. That Shaw Ishimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shaw Ishimoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 61019136 and 67805246, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Shaw Ishimoto, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shaw Ishimoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shaw Ishimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personel representatives, heirs, next of kin, legatees and distributees, names unknown, of Shaw Ishimoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being

deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7858; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18108]

SHIRO KANO ET AL.

In re: Rights of Shiro Kano et al., under contract of insurance. File No. F-39-4879-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiro Kano and Keize Kano whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Shiro Kano, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,140,879 issued by the Sun Life Assurance Company of Canada to Shiro Kano, together with the right to demand, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shiro Kano or Keizo Kano or the domiciliary personal representatives, heirs, next-of-kin, legatees or distributees, names unknown, of Shiro Kano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Shiro Kano, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7859; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18109]

RUDOLF T. AND ELSE KESSEMEIER

In re: Rights of Rudolf T. Kessemeier and Else Kessemeier under insurance contract. File No. F-28-8901-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf T. Kessemeier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Else Kessemeier, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That the net proceeds due or to become due to Rudolf T. Kessemeier or Else Kessemeier under a contract of insurance evidenced by policy No. 3,302,616, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Rudolf T. Kessemeier, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Christie Grimm and Eleanore B. Brown, residents of the United States, and the aforesaid the Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rudolf T. Kessemeier or Else Kessemeier, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the said Else Kessemeier be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7860; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18110]

GÖSTA LÖFBERG

In re: Estate of Gösta Löfberg, deceased. File No. D-28-13031.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siri Johanna Maria zu Boineburg, nee Löfberg, who on or since the effective date of the Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Gösta Löfberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles A. Ellis, as executor, acting under the judicial supervision of the Probate Court for the District of Danbury, Connecticut;

and it is hereby determined:

4. That the national interest of the United States requires that Siri Johanna Maria zu Boineburg, nee Löfberg be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7861; Filed, July 6, 1951; 8:50 a. m.]

[Vesting Order 18111]

PAULA BALTHAZAR ET AL.

In re: Cash owned by Paula Balthazar and others. F-49-498.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Balthazar, Leni Behlau, Georg Luebsen and Werner Carp, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $1,016.-490.49 presently in the custody of the Attorney General of the United States, held in Collection Fund Symbol 896-027 in the United States Treasury,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7862; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18113]

OTTO HARRASSOWITZ

In re: Funds owned by and claims of Otto Harrassowitz, also known as Otto Harrasowitz. F-28-1926.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Harrassowitz, also known as Otto Harrasowitz, whose last known address is Querstrasse 14, Liepzig C 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of Social Security benefits to Otto Harrassowitz in the amount of $17.83 as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds,

b. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn pursuant to certificates of settlement No. 0-641-262 and 0-641-787 in the amount of $10.80 as of January 1, 1947, and any and all rights to demand, enforce and collect the same, and

c. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong. 1st Sess. 49 Stat. 620) to January 1, 1947 of Otto Harrassowitz, also known as Otto Harrasowitz and further identified by Social Security Number 0-666-034 together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7864; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18112]

REINHOLD BARTENSTEIN

In re: Debts owing to and stock owned by Reinhold Bartenstein. F-28-31273.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reinhold Bartenstein on or since December 11, 1941 and on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $31,-842.80, as of May 27, 1949, arising out of all or a portion of the funds on deposit with said Bank in a blocked account in the name of Credit Suisse, Zurich, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,841.70, as of May 27, 1949, arising out of all or a portion of the funds on deposit with said Bank in a General Ruling #6 account in the name of Credit Suisse, Zurich, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

c. One hundred (100) shares of $50 par value common capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, together with all declared and unpaid dividends thereon,

d. One hundred thirty-three (133) shares of no par value Class A common capital stock of General Aniline & Film Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Reinhold Bartenstein, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Th terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Officer of Alien Property.

[F. R. Doc. 51-7863; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18114]

OTTO LEISER

In re: Bonds owned by Otto Leiser. F-28-31483.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Leiser, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Norfolk and Western Railway Company, First Consolidated Mortgage 4 Percent Gold Bonds in bearer form, bearing the numbers D 4393 and D 4775 of $500.00 face value each and 31131 of $1,000.00 face value, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent Gold Bonds, of $1,000.00 face value each, in bearer form and bearing the numbers M 73255 and M 78273, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7865; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18082]

LAMBDA, S. A.

In re: Securities owned by and debts owing to Lambda, S. A. F-28-31433.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Veronika Satzger, whose last known address is 8 Buergermeister Haffner Strasse, Kaufbeuren, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Lambda, S. A., Luxembourg, a corporation, partnership, association, or other business organization, whose principal place of business is located in Luxembourg, and all of the stock of which is, or on or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Veronika Satzger and the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, said certificates registered in the names of the persons set forth in said Exhibit A, and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in a Blocked Account for Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, New York representing funds allocable to Lambda, S. A. on deposit in a blocked account for Banque Commerciale, S. A., Luxembourg, maintained with the aforesaid Hallgarten & Co., and constituting income from and accumulations on the securities described in the aforesaid Exhibit A, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

c. One Hundred (100) shares of common stock of General Electric Company, evidenced by certificates presently in the custody of Wertheim & Co., 120 Broadway, New York, New York, in an account in the name of Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lambda, S. A., Luxembourg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Lambda, S. A., Luxembourg, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1 and 3 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Type of stock	Number of shares	Certificate No.	Form of registration
General Cigar Co., Inc., 119 West 40th St., New York 18, N. Y.	New York	Common	120	C067292 for 20 C23277 for 100	Hallgarten & Co.
Jewel Tea Co., Inc., Harrington, Ill.	do	do	350	C039039 for 75 C034050 for 75 C10054 for 100 11901 for 100	Do.
National Bellas Hess, Inc., 14th Ave. and Swift St., North Kansas City 16, Mo.	Delaware	do	50	3871	Goldman Sachs & Co.
S. S. Kresge Co., 2727 2d Ave., Detroit 32, Mich.	Michigan	do	100	C133641	Hallgarten & Co.
Coty, Inc., 730 5th Ave., New York, N. Y.	Delaware	do	500	NY529/33 for 100 each	Do.
Coty International Corp.		do	500	N3466/9 for 100 each N3545 for 100	Do.
International Nickel Co. of Canada, Ltd., Copper Bluff, Ontario, Canada.		do	250	NA368978/9 for 100 each NB444050 for 50	Do
Sears Roebuck & Co., 360 West 31st St., New York, N. Y.	New York	do	880	N255754/9 for 100 each N0667188 for 12 N0603062 for 66 N0218247 for 2	Do.
F. W. Woolworth Co., Woolworth Bldg., New York 7, N. Y.	do	do	200	N135159/60 for 100 each WT0218635/7 for 100 each	Do.
Kennscott Copper Corp., 120 Broadway, New York 5, N. Y.	do	do	55	K-84659 for 10 K-0034400 for 33 K-0048082 for 2 K-0599726 for 10	Do.
Union Pacific R. R. Co., 120 Broadway, New York 5, N. Y.	Utah	do	100	C10537	Do.
Anaconda Copper Mining Co., 25 Broadway, New York 5, N. Y.	Montana	do	300	637873/5 for 100 each	Do.
Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, N. Y.	New York	do	72	NYC 596316 for 18 NYC 648644 for 49 NYC 645239 for 5	Do.
General Foods Corp., 250 Park Ave., New York, N. Y.	Delaware	do	100	170487	Do.
United Biscuit Co. of America, 1041 West Harrison St., Chicago 7, Ill.	do	do	500	33909/9 for 100 each 057800 for 50 041338 for 50	Do.
May Department Stores Co., Inc., 6th and Olive Sts., St. Louis, Mo.	New York	do	800	70444/51 for 100 each	Do.
International Harvester Co., Harvester Bldg., Chicago, Ill.	New Jersey.	do	300	HC73249/50 for 100 each HN109695 for 100	Do.
American Rolling Co., now known as Armco Steel Corp., 903 Curtis St., Middleton, Ohio.	Ohio	do	288	N0169158 for 40 97214/15 for 100 each Y061184 for 48	Do.
National Dairy Products Corp., 230 Park Ave., New N. Y.	Delaware	do	375	C314482/4 for 100 each C0804907 for 25 C0623450 for 50	Do.
Public Service Electric & Gas Co., Newark, N. J.	New Jersey.	do	47	W014599	Do.
Delaware Power & Light Co., Wilmington, Del.	Delaware	do	124	C5771 for 100 C080325 for 6 NY05558 for 18	Do.
Cincinnati Gas & Electric Co., Cincinnati, Ohio.	Ohio	do	19	NC078581 for 3 NC059231 for 2 NC042868 for 14	Do.
Columbia Gas System, Inc., 120 East 41st St., New York, N. Y.	Delaware	do	47	N049786	Do.

[F. R. Doc. 51-7854; Filed, July 6, 1951; 8:49 a. m.]

[Vesting Order 18116]

SANNOSUKE AND SADA SHIOZAKI

In re: Claims and funds of Sannosuke Shiozaki and Sada Shiozaki. F-39-7010.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sannosuke Shiozaki and Sada Shiozaki, each of whose last known address is Uguimura Kujinokawa, Wakayamaken Higashimurogun, Honshu, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing proceeds of withheld checks drawn for the payment of Social Security benefits to Sannosuke Shiozaki and Sada Shiozaki in the amounts of $11.83 and $5.92 respectively as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Public Law 271, 74th Cong., 1st Sess., 49 Stat. 620), to January 1, 1947, of Sannosuke Shiozaki and Sada Shiozaki and identified by Social Security Account Number 562-01-2486, together with any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby, vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7867; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 13253, Amdt.]

RICHARD GUESSEFELDT

In re: Stock and personal property owned by Richard Guessefeldt. F-28-5958-C-1.

Vesting Order 13253 executed May 12, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Guessefeldt, whose last known address is Drake Str. Number 30, Berlin-Lichterfelde West, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently stored with the City Transfer Co., Ltd., Post Office Box 460, Honolulu, T. H., for and on behalf of Bishop Trust Company, Limited, Post Office Box 2390, Honolulu, T. H., as agent for the aforesaid Richard Guessefeldt, together with all declared and unpaid dividends thereon, and

b. Those certain articles of personal property, including particularly but not limited to the items described in Exhibit B, attached hereto and by reference made a part hereof, presently stored with City Transfer Co., Ltd., Post Office Box 460, Honolulu, T. H., for and on behalf of Bishop Trust Company, Limited, Post Office Box 2390, Honolulu, T. H., as agent for the aforesaid Richard Guessefeldt,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—SHARES OF STOCK OWNED BY RICHARD GUESSEFELDT, IN CUSTODY OF BISHOP TRUST CO., LTD., HONOLULU, T. H., AGENT, IN STORAGE WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.

Name of Issuer	Registered owner	Class of stock	Par value	Certificate No.	Number of shares
Norris Midway Oil Co.	Richard Guessefeldt	Capital	$1.00	296	250
				213	500
				413	1,000
U. S. Mines Development Corp.	R. Guessefeldt	do	1.00	639	3,000
Purissima Hills Oil Co.	do	do	1.00	1,617	400
				1,254	300
				1,609	950
				1,598	910
				1,550	1,000
				1,053	500
Vallejo Brick & Tile Co., Consolidated.	do	do	1.00	155	2,000
The Pi-Nectar Sales Co. of America.	do	Common	1.00	17	1,500
		Preferred	1.00	14	150
Pinectar Sales Co., Ltd.	do	Capital	20.00	179	35
	Richard Guessefeldt	do	20.00	110	15
Chiapas Coffee Co.	R. Guessefeldt	Preferred	5.00	188	80
		Common	5.00	185	400
The I. X. L. Midway Oil Co.	Richard Guessefeldt	Capital	1.00	204	500
				203	500
		Preferred	1.00	15	500
				16	500

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS

Number of items	*Description*
12	Pillow cases, hand embroidered.
2	Pillows, standard size.
3	Pillows, infant's.
7	Pillow cases, infant's.
1	Table scarf, cotton.
69	Doilies, assorted.
1	Dolly, crash linen.
2	Doilies, linen, initialed "G".
15	Hand towels.
3	Bath towels, small.
12	Bath towels, large.
2	Beach towels.
3	Tea towels, crash linen.
1	Tea towel, cotton.
6	Table cloths, large, damask, initialed "G".
51	Napkins, large, damask.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS—continued

Number of items	*Description*
1	Table cloth, tan linen, embroidered.
1	Table cloth, white.
1	Table cloth, cotton, blue print, Japanese.
1	Napkin, cotton.
9	Napkins, linen.
7	Bedspreads, cotton.
2	Mattress pads.
2	Bed sheets, cotton.
10	Bed sheets, linen.
1	Blanket, cotton, infant's.
2	Lunch table cloths, linen.
3	Blankets, cotton, ¾ size.
8	Table runners, assorted sizes.
1	Table runner, raw silk, 24" x 72".
1	Table runner, linen, 18" x 72".
3	Table runners, lace edging.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE I: HOUSEHOLD COTTON AND LINEN GOODS—continued

Number of items	*Description*
2	Table runner, tan embroidered, red border.
2	Pillow covers, linen
1	Bonnet, infant's.
2	Dresses, infant's.
1	Dress, infant's, white linen.
1	Assorted infant's and doll dresses, lot.
1	Bag, linen.
1	Bag, shopping, cord mesh.
1	Japanese canvas slippers (tabis), pair.
1	Japanese clogs, wood, cork sole, pair.
8	Rugs, rag.
1	Aprons, house.
1	Belt, white fabric, for swim suit.
1	Shirt, blue denim, old.
2	Tiebacks for drapes, linen.
3	Shawls, light.
1	Jacket, infant's, knitted.
2	Pennants, felt.
1	Cotton goods remnants, lot.
10	Table cloths (miscellaneous).
3	Mesh shirts.
4	Pillow cases.
1	Pillow case, orange border, embroidered.
2	Mattress covers, small.
1	Nightgown, cotton.

SCHEDULE II: CROCKERY AND GLASSWARE

Number of items	*Description*
9	Piece Japanese Satsuma tea set with case.
6	Salt dishes, glass.
2	Perfume bottle, blue glass, flowered.
98	Piece dinner set, china, rose and gold borders.
5	Saucers, Chinese and (2 cups).
13	Pieces, chinaware, blue flowered, incomplete set.
7	Tea cups, assorted patterns.
14	Saucers, china, and (13 cups) assorted patterns.
36	Pieces, table china, incomplete set.
1	Water pitcher, glass, large.
12	4 Green demi-tasse cups, 4 saucers, 1 tea pot, 1 sugar bowl, 1 green cream pitcher, 1 tray. (Property incorporated under Item No. 11).
3	Cosmetic jars, white and green china.
3	Fruit bowls, heavy crystal.
1	Tray, painted china.
1	Vase, Chinese, with cover.
4	Piece salad set, glass, cruets and shakers.
1	Mustard bowl, with silver lattice screen.
12	Bread and butter plates, Syracuse china, Canterbury design.
1	Flower vase, red glass with silver screen.
21	Pieces table crockery, odds and ends.
1	Ice bowl, glass, in silver basket.
1	Beer stein, glass, with pewter cover.
1	Ash tray, glass.
1	Medium crystal vase.
1	Small crystal vase.
1	Small crystal plate.
1	Medium crystal plate.
1	Large pottery vase (flowered).
2	Heavy glass ash trays.
1	Pickle dish (trimmed in silver).
1	Dish rest (trimmed in silver).
1	Glass vase—silver base.
1	Small glass bowl with 3 metal legs.

SCHEDULE III: SILVER AND OTHER METALWARE

Number of items	*Description*
1	Bread tray, "Sterling," initialed "G".
1	Ash tray (saucer) "Sterling," initialed "G".

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE III: SILVER AND OTHER METALWARE—continued

Number of items	Description
1	Hair brush, ladies', "Sterling," initialed "G".
1	Hand mirror, ladies', "Sterling," initialed "G".
1	Teapot "Sterling," initialed "G".
1	Sugar bowl, "Sterling," initialed "G".
1	Fingernail buffer, "Sterling," initialed "G".
1	Tray, 12" long, "Sterling," initialed "G".
6	Salt spoons, "Sterling," initialed "G".
1	Bread tray, silver.
2	Cream pitchers, silver.
3	Napkin rings, silver.
1	Sugar bowl, small, "Sterling".
6	Table knives, silver handles.
1	Fork, silver.
1	Knife, silver.
20	Butter knives, silver.
2	Gravy ladles, small, silver.
6	Dinner forks, silver.
1	Cake knife, silver.
2	Serving spoons, silver.
1	Sugar spoon, silver.
6	Soup spoons, silver.
12	Salad forks, silver.
6	Steak knives, silver handles.
7	Coffee spoons, silver.
6	Teaspoons, silver.
2	Olive forks, silver.
1	Corkscrew, silver, stag handle.
1	Bottle cap remover, silver, stag handle.
1	Cream pitcher, "Sterling."
1	Tea strainer, "Sterling."
1	Cream pitcher (metal).
1	Dinner bell, "Sterling."
1	Saucer with cover, "Sterling."
1	Whisk broom, silver handle.
1	Tray, silver.
1	Bonbon jar, silver top.
1	Sugar tong, "1847 Rogers", silver.
1	Picture frame, silver, with child's photograph.
1	Powder jar, crystal, silver cover.
1	Tea caddy, silver.
1	Mustard jar, silver.
10	Souvenir coffee spoons, metal, assorted patterns.
1	Dish rest, ladder shaped, white metal.
1	Ash tray with saucer, white metal.
2	Ash trays, metal.
1	Tray, white metal.
1	Large coffee percolator with spirit lamp, white metal.
1	Letter box, white metal.
1	Cream pitcher, white metal.
1	Coffee pot, white metal.
1	Bread knife.
1	Cocktail shaker, pewter.
2	Flower pots, brass, Chinese.
1	Chinese chimes, 7 pieces, set.
2	Bowls, brass, small.
1	Bowls, brass, Chinese, 12 piece set.
12	Forks.
1	Toothpick holder—Silver, initialed "G."
1	Metal anvil paper weight.
1	Chinese brass flower pot (square).
1	Chinese brass flower pot (round).

SCHEDULE IV: HOUSEHOLD FURNISHINGS AND ORNAMENTS

Number of items	Description
1	Cribbage board, wood.
1	Letter opener, wood, hand-carved.
1	Ukulele, toy size, "Koa" wood.
1	Clothes chest, Camphor wood.
1	Tray, Chinese, wood, hand-carved.
1	Book ends, "Koa" wood, hand-carved, pair.
1	Bowl, 12" diameter, 8" high, "Koa" wood, hand-carved.
1	Stone carving of Taj Mahal, white, translucent.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE IV: HOUSEHOLD FURNISHINGS AND ORNAMENTS—continued

Number of items	Description
40	Framed pictures, photographs and prints.
1	Oil painting, castle, framed, 8" x 14", signed "A. Tamm."
1	Dressing table clock, white celluloid case.
4	Paper baskets, woven Lauhala (Pandanus leaves) and 2 pieces of lauhala mats (small).
1	Ivory dominoes, with case, set.
1	Carton of brushes, cotton, one wooden clog, etc.
1	Koa tray (round).
2	Trunks.

SCHEDULE V: MISCELLANEOUS PERSONAL PROPERTY ITEMS

Number of items	Description
1	Leather picnic case, with contents:
2	Aluminum thermos bottles, 2 qt. size.
1	Sandwich box, aluminum.
5	Pieces—5 cups with case, aluminum.
3	Carving set, stag handled, pieces.
1	Salad spoon, horn.
1	Salad fork, horn.
34	Assorted kitchen ware, old, pieces.
2	Dust or crumb brushes.
1	Electric connection, single socket.
2	Electric connection, double socket.
1	Clothes pins, lot.
1	Pliers, wire cutter, hammer, cold chisel, etc., set.
2	Electric irons (old style), with cord.
1	Dust mop, "O-Cedar."
1	Stand for electric iron.
3	Crochet thread, spools.
1	Tape measure, dressmaker's.
1	Card case, leather.
2	Address book and memo pad, leather.
1	Hacksaw with blade.
2	German Red Cross Medals, with ribbons.
1	Envelope containing legal and personal papers and letters written in German.
1	Personal papers, German and Japanese photographs, picture post cards and photographs of German military officers and personnel, lot.
1	Photograph, German battleship.
1	Photograph negatives in tin case, indexed 1922-34, inclusive, lot.
1	Envelope containing personal letters and brass personal card plates.
1	Assortment of family and other photographs.
1	Various odds and ends, pieces of cloth, lot.
1	Glass ring, green, for drapes or curtains.
1	Sewing basket with thread and old buttons.
1	German hymnal.
1	Book, paper cover, "Herman Göring."
1	Book, paper cover, "Hitler Reglert."
1	Small scale, metric, counter-balanced.
4	"Koa" wood, small strips.
1	Bathroom soap dish and glass holder.
2	Envelopes containing 27 lithographs or etchings.
15	Kitchen utensils, old, assortment.
1	Varnish brush.
1	Dish cloth.
1	Graphite, can, partly filled.
1	China doll, small.
1	China doll, large, one limb missing.
1	Stamp album, beginner's, with small assortment of stamps.
1	Tool chest, small, with pliers, files and other household tools.
1	Bisecting instruments, child's set.

EXHIBIT B—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE V: MISCELLANEOUS PERSONAL PROPERTY ITEMS—continued

Number of items	Description
1	Infant's toys, miscellaneous, small lot (in small lauhala basket).
1	German mark note, M. 1,000,000,000.
1	German mark note, M. 100,000,000,000.
1	German mark notes, M. 200,000,000.
1	German mark note, M. 1,000,000.
2	German mark note, M. 200,000.
2	German mark notes, M. 1,000.
1	German mark note, M. 500,000,000.
1	German mark note, M. 1.
1	German mark note, M. 5,000,000,000.
1	German mark note, M. 2.
1	Black thermos, qt. size.
1	Eastman Folding Camera.
1	Cash box with miscellaneous items.
1	Paper carton of miscellaneous glassware and personal items.

SCHEDULE VI: BOOKS

Number of items	Description
94	German Books.
6	French Books:
1	French-English - English - French Pocket Dictionary.
1	Hugo's Les Miserables.
1	French Composition and Pronunciation Exercises (Dubrule and Manser).
1	French Life (Allen and Schoell).
1	French Composition for Middle Forms (Goodridge).
1	Shorter French Course (Fraser and Squair).
35	English Books:
1	Sentence and Theme (C. H. Ward).
1	A Second Book of Composition (Briggs and McKinney).
1	20th Century Accounting (James W. Baker).
1	New Intensive Typing (Ross and Reigner).
1	Instructional Tests in Algebra (Schorling Clark and Lindell).
1	Junior High School Mathematics (John C. Stone).
1	Essentials of Plain Geometry (David E. Smith).
1	Biology and Human Welfare (Peabody and Hunt).
1	Economic Geography (Douglas C. Ridgley).
1	A Midsummer Night's Dream (Shakespeare).
1	Little Lord Fauntleroy (Frances H. Burnett).
1	Ivanhoe (Sir Walter Scott Bart).
1	MacBeth (Thomas MarcParrott).
1	Kanaka Moon (Clifford Gessler).
1	Old Time Hawaiians (Mary S. Lawrence).
1	Story of Sugar in Hawaii.
1	A Child's Garden of Verses (Robert Louis Stevenson).
1	Literary Readers (Young and Field).
1	Fifty Famous Stories Retold (James Baldwin).
1	Poems of Youth (Alice C. Cooper).
1	Alice's Adventures in Wonderland (Lewis Carroll).
1	The American People (David S. Muzzey).
1	Landmarks of Liberty (St. John and Noonan).
1	Voyage of the De Deutschland (Capt. Paul Koenig).
1	New Century History of the U. S. (Eggleston).
1	The History of the American People (Beard and Bagley).
1	Essays Old and New (Essie Chamberlain).
1	The Story of the Greeks (H. A. Guerber).

EXHIBIT E—PERSONAL PROPERTY OWNED BY RICHARD GUESSEFELDT, STORED BY BISHOP TRUST CO., LTD., AGENT, WITH CITY TRANSFER CO., LTD., HONOLULU, T. H.—Continued

SCHEDULE VI: BOOKS—continued

Number of items	Description
35	English Books—Continued
1	American Government (Frank A. Magruder).
1	English Poetry, its Principles and Progress (Gayley, Young Kurtz).
1	Typee (Herman Melville).
1	Short Stories from English History (Blaisdell).
1	The Crisis (Winston Churchill).
1	Webster's Pocket Dictonary.
1	The Buff and Blue Book Punahou School.
4	School Annuals:
1	The Oahuan-Punahou School Class of 1927.
1	The Oahuan-Punahou School Class of 1928.
1	The Oahuan-Punahou School Class of 1929.
1	The Oahuan-Punahou School Class of 1930.
1	Photographs (one lot).
1	Postcards albums (one lot).
1	Games (one lot).
1	German pamphlets (one lot).
1	Miscellaneous odds and ends (one lot).
1	School Note book (one lot).

SCHEDULE VII: FURNITURE

Number of items	Description
2	Bed mattresses.
1	Homemade punee bedspring.
1	Steel army cot.
1	Bedspring.
2	Bed ends.
1	Koa stool.

[F. R. Doc. 51-7870; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 18117]

HAMBURGER & CO.'S BANKIERSKANTOOR, N. V.

In re: Accounts maintained in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-28-28215-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, the Netherlands]

Column 1	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account as described by Guaranty Trust Co. of New York in its report on Form OAP-700 bearing its Serial Number FB 147.

[F. R. Doc. 51-7868; Filed, July 6, 1951; 8:51 a. m.]

[Vesting Order 18118]

HAMBURGER & CO'S BANKIERSKANTOOR, N. V.

In re: Stock registered in the name of Hamburger & Co.'s Bankierskantoor, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-28-28215-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788, and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Hamburger & Co.'s Bankierskantoor, N. V., together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

New York, Ontario & Western Railway common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth below:

N 47770/6	N 50371/9	N 51599
N 47778	N 50381/98	N 51602
N 47780	N 50400/1	N 51604/5
N 47782/4	N 50403/22	N 51607
N 47786/8	N 50424/44	N 51609/11
N 47829	N 50446/52	N 51613/20
N 47831	N 50456/7	N 51623/8
N 48002	N 50459	N 51634/7
N 48004/7	N 50461/2	N 51640/64
N 48009/11	N 50464/7	N 51666/75
N 48154/63	N 50469/78	N 51681/5
N 48206	N 50480/2	N 51689/96
N 48208/15	N 50485/6	N 51819/34
N 48691/700	N 50491/5	N 51836/49
N 48702/13	N 50497/9	N 51851
N 48715/22	N 50600/2	N 51853/6
N 48724/38	N 50604	N 51858
N 48741	N 50606	N 51860/5
N 48744/60	N 50608/12	N 51867
N 48762/74	N 50614/20	N 51923/72
N 48776/93	N 50622	N 52060/5
N 48805/6	N 50624	N 52067
N 48808/24	N 50626/33	N 52069/72
N 48839	N 50635	N 52077
N 48841/3	N 50644/65	N 52079/97
N 48845/58	N 50669	N 52100/1
N 49008/13	N 50672	N 52103/9
N 49015/18	N 50674/7	N 52190/208
N 49020/7	N 50681/90	N 52210/16
N 49030/2	N 50692/720	N 52218/9
N 49034	N 50725/32	N 52221/6
N 49036/9	N 50735/7	N 52230
N 49333/42	N 50739/41	N 52232/3
N 49924/31	N 50743/5	N 52239
N 49933/41	N 50747/50	N 52510
N 50043/50	N 507851/7	N 52515/9
N 50052/5	N 51347	N 52568/85
N 50057/8	N 51349/53	N 52587/8
N 50060	N 51356	N 52590
N 50062/87	N 51360/5	N 52595/603
N 50090	N 51367/70	N 52606
N 50092/105	N 51372	N 52718/20
N 50107/12	N 51374	N 52722
N 50114	N 51375	N 52724/9
N 50119/30	N 51384/8	N 52731/8
N 50132/43	N 51392/3	N 52740/1
N 50258/66	N 51395/7	N 52743
N 50268/87	N 51399/405	N 53002
N 50289/91	N 51407/12	N 53290/6
N 50293/8	N 51415/6	N 53303/6
N 50300/12	N 51418/28	N 54089/96
N 50314, 6	N 51430/1	N 54100/9
N 50318/20	N 51434/46	N 54123/8
N 50322/28	N 51518/20	N 54132/48
N 50333/43	N 51522/38	N 54169/89
N 50350/3	N 51541/64	N 54193/208
N 50356/7	N 51566/76	N 54232/60
N 50359/63	N 51578/94	N 54263/81
N 50365/9	N 51597	N 54718/27

The United States Leather Company common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 3215, 3231, 4367, 4368, 4464/5, 5138, 6232/3, 6659/60, 7035/7, 7039/41, 7668/72, 7697, 7731, 7746/8, 14388, 15784, 16154, 16652, 17162, 18239, 18236, 18251, 18259, 18776, 18778/80, 18298, 18311, 20573, 20719.

Southern Railway Company preferred stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 22345, 26025, 27733.

Southern Railway Company no par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 5743, 5745, 5749, 6290/2, 7387, 99168, 8035, 102896, 105229, 107551.

Southern Railway Company $100 par value old common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 82565, 79141.

International Mercantile Marine Co. no par value capital stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: 3913, 5537, 5546, 5560, 5601/2, 5617, 7288, 7328, 7658.

Pittsburgh Coal Co. $100 par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: NY 027404, 027409, 027411/13, 029741/2, 029744, 030033, 030035.

The Kansas City Southern Railway Company no par value common stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: B-52795, B-52871, B-54403, B-54408, B-54414, B-54549.

The Kansas City Southern Railway Company $100 par value preferred stock evidenced by the certificates, each for ten (10) shares, whose numbers are set forth: B-40336, B-41058, B-41070, B-41079, B-41141, B-41983, B-41994, B-41997, B-42004, B-38836.

[F. R. Doc. 51-7869; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 13371, Amdt.]

JOHANNA BRUNNER ET AL.

In re: Rights of Johanna Brunner et al., under insurance contract. File No. F-28-101-H-2.

Vesting Order No. 13371 dated June 9, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Brunner, Guenther Brunner and Hans Brunner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 423808, issued by The Guardian Life Insurance Company of America, New York, New York, to Max J. Brunner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7871; Filed, July 6, 1951; 8:52 a. m.]

[Vesting Order 18115]

PAULA SCHUMANN ET AL.

In re: United States currency and coin owned by Paula Schumann and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Bank Deutscher Laender, Frankfurt/Main, Germany, on or about April 28, 1951, shipped to the Federal Reserve Bank of New York, United States currency and coin in the aggregate amount of $67,076.92½ which said Bank Deutscher Laender had previously received from the Office of the United States High Commissioner for Germany for the purpose of such shipment;

2. That the aforesaid currency and coin was delivered to United States Military Government authorities pursuant to Military Government Law 53 and was subsequently delivered to the Office of the United States High Commissioner for Germany;

3. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

4. That the enterprises named in Exhibit B, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are partnerships, corporations, associations or other organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

5. That the personal representatives, heirs, next of kin, legatees and distributees of Alexander Hartmann, deceased, of Albert Preyse, deceased, and of Luise Schnitzler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

6. That the persons referred to in subparagraph 11 hereof, who, if individuals, are residents of Germany and, which, if partnerships, corporations, associations or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

7. That the property described as follows: United States currency in the aggregate amount of $8,350 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany);

8. That the property described as follows: United States currency in the aggregate amount of $42,697 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons named in Exhibit A hereof, the aforesaid nationals of a designated enemy country (Germany), in the amounts set forth opposite their names in said Exhibit A;

9. That the property described as follows: United States currency and coin in the aggregate amount of $10,924.70 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons named in Exhibit B hereof, the aforesaid nationals of a designated enemy country (Germany), in the amounts set forth opposite their names in said Exhibit B;

10. That the property described as follows: United States currency in the aggregate amount of $438.00 shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons named in Exhibit A hereof, the aforesaid nationals of a designated enemy country (Germany), in the amounts set forth opposite their names in said Exhibit A;

11. That the property described as follows: United States currency and coin in the aggregate amount of $4,667.22½ shipped on or about April 28, 1951, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 6 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

12. That to the extent that the persons referred to in subparagraphs 3, 4, 5 and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner:	*Amount*
Paula Schumann	$166.00
Frieda Brick	460.00
Oscar Hemman	352.00
Alexander Reising	88.00
Joseph Albert Meisinger	1,071.00
Elisabeth Winter	50.00
Luise Drexhage	125.00
Elisabeth Ochs	200.00
Ferdinand Vogler	341.00
Fr. Minna Kobuszinski	58.00
Erich Oettinger	210.00
Albert Braig	74.00
Irmgard Imiela	50.00
Ernst Otte	430.00
Anna Nowacki	55.00
Gesine Hilken	257.00
Carl Kunz	90.00
Rudi Roser-Gutman	50.00
Emma Blank	50.00
Adolf Flohr	104.00
Ludwig Stutz	51.00
Alfred Nitzsche	14,704.00
Hermann Schultze	120.00
Hermann Kuhnen	50.00
Natalie Martha Enssle	246.00
Therese Meier	1,194.00
Gustav Roehrl	600.00
Emilie Spelthahn	100.00

EXHIBIT A—Continued

Name of owner—Continued	*Amount*
Elisabeth Schwenk	$105.00
Frau Esser	360.00
Emma Stoll	206.00
Ludwig Spindler	100.00
Adolf Stapff	90.00
Ernst Wustig	50.00
Helene Fuchs	815.00
Richard Elmer	100.00
Theodor Fink	91.00
Frieda Martin	300.00
Konrad Steinhauser	494.00
Walter Ballack	68.00
Anna Richter	190.00
Dr. Fr. Bergold	700.00
Hermann Ellinger	150.00
Constantin v. Neurath	755.00
Dieter Wisleceny	1,000.00
Dr. Walter Funk	3,250.00
Werner von Schmieden	3,000.00
Emil George Bayer	78.00
Peter Harnacke	2,000.00
Fritz Hesse	3,400.00
Martin Sandberger	200.00
Gottlob Berger	200.00
Alexander von Dornberg	150.00
Erich Albrecht	96.00
Friedrich Peschke	302.00
E. Katzenellenbogen	1,000.00
Emilie Weitzel	55.00
Katharina Deutzer	193.00
Jakob Zeitler	130.00
Otto Fr. Wilhelm Wünschel	84.00
Dr. Sigmund Haifner	63.00
Prof. Dr. Seidelmann	68.00
Brothers and sisters Pachelbel	357.00
Anna Becker	52.00
Waltrud Poeschl	150.00
Josefine Kroennig	85.00
Friedr. W. and G. Heckel	249.00
Michael Kroeblitz	50.00
Georg Stoeber	169.00
Annelotte Letterer	150.00
Ernst Auwater	91.00
Hilde Henniger	135.00

EXHIBIT B

Name of owner:	*Amount*
Metallgesellschaft A. G.	$65.36
Reichsbank Greiz	935.00
Treuhand Verwertung Co.	4,915.00
Norddeutscher Lloyd	2,724.21
Lampe & Schierenbeck	68.13
Reichsbankstelle, Bamberg	782.00
Vereinigte Finanzkontor G. m. b. H.	1,000.00
Rehauer Bank Lindner & Co.	58.00
Volksbank Dinkelsbuehl e. G. m. b. H.	310.00
Reichsbanknebenstelle, Weiden	67.00

[F. R. Doc. 51-7866; Filed, July 6, 1951; 8:51 a. m.]

[Return Order 973]

ELECTRO METALLURGICAL CO.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Electro Metallurgical Co., 30 East 42d St., New York 17, N. Y., Claim Nos. 246 and 786; May 18, 1951 (16 F. R. 4673); property de-

scribed in Vesting Order No. 296 (7 F. R. 9482, November 26, 1942) relating to United States Patent Application Serial No. 322,930 (now United States Letters Patent No. 2,310,094). Property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943) relating to United States Letters Patent No. 2,246,886. This return shall not be deemed to include the rights of any licensees under the above patent application or patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7913; Filed, July 9, 1951; 8:50 a. m.]

[Return Order 981]

MAISON J. HAMELLE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

George Edgard Hamelle, Louis Gilbert Hamelle and Gerard Andre Bruneau d/b/a Maison J. Hamelle, Paris, France; Claim No. 30289; April 26, 1951 (16 F. R. 3605); $5524.65 in the Treasury of the United States. Property to the extent owned by claimants immediately prior to the vesting thereof by Vesting Order No. 473 (8 F. R. 3679, March 23, 1943) relating to the musical composition entitled "Requiem" by Gabriel Faure.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7914; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 991]

ELSIE J. HECK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Elsie J. Heck, Brooklyn, N. Y., Claim No. 10602; May 23, 1951 (16 F. R. 4825); $901.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7915; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 995]

MARIE VIVAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marie Vivan, Pasiano, Udine, Italy; Claim No. 36371; September 12, 1950 (15 F. R. 6137). $3,150.00 in the Treasury of the United States. All right, title, interest and claim of Maria Vivan in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State statutes with the exception of those arising under the Workman's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan and the Associated Indemnity Company, San Francisco, California.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7916; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 996]

FLORENZ AUDRIE HOFFMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Florenz Audrie Hoffmann, Dallas, Tex.; Claim No. 5867; May 12, 1951 (16 F. R. 4402); $4,389.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Florenz Hoffmann in and to the trust created under the Last Will and Testament of George Beban, deceased; trust administered by Bankers Trust Co., New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7917; Filed, July 9, 1951; 8:51 a. m.]

[Return Order 999]

CLAUDE ETIENNE GARNIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Claude Etienne Garnier, Besancon, France; Claim No. 31753; May 17, 1951 (16 F. R. 4638); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 435,196 (now United States Letters Patent No. 2,410,439). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BOYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7918; Filed, July 9, 1951; 8:52 a. m.]

[Return Order 1004]

DR. RICHARD JENNY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dr. Richard Jenny, Vorarlberg, Austria; Claim No. 39947; May 23, 1951 (16 F. R. 4824); $350.41 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7919; Filed, July 9, 1951; 8:52 a. m.]

[Return Order 1012]

MARGUERITE LORRY ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marguerite Lorry, $89.29 in the Treasury of the United States; Marie Gemminger, $267.88 in the Treasury of the United States; Andree Maillet, $89.29 in the Treasury of the United States; Madeleine Klein, $267.88 in the Treasury of the United States; all of Saint Thibault-des-Vignes, France; Claim No. 36631; May 24, 1951 (16 F. R. 4913).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7920; Filed, July 9, 1951; 8:52 a. m.]

SOCIETE FRANCAISE DE CONSTRUCTION DE BENNES AUTOMATIQUES "BENOTO"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Francaise de Construction de Bennes Automatiques "Benoto", Persan, France; Claim No. 41902; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,962,700, 1,971,126, 1,985,710, 1,986,095, 1,986,096, 2,110,566, 2,263,482, 2,255,033 and 2,270,916. Property described in Vesting Order No. 1347 (8 F. R. 7123, May 23, 1943) relating to United States Patent Application Serial No. 474,327 (Now United States Letters Patent No. 2,390,047).

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7921; Filed, July 9, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 133

Washington, Wednesday, July 11, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10272

DELEGATING TO THE SECRETARY OF THE ARMY THE AUTHORITY OF THE PRESIDENT TO PRESCRIBE RULES, REGULATIONS, AND RESTRICTIONS WITH RESPECT TO THE ARMY AND NAVY HOSPITAL AT HOT SPRINGS, ARKANSAS

By virtue of the authority vested in me by section 1 of the act of August 8, 1950, c. 646, 64 Stat. 419, and as President of the United States, it is hereby ordered that the Secretary of the Army be, and he is hereby, designated and empowered to exercise the authority vested in the President by section 1 of the act of June 30, 1882, 22 Stat. 117, 121, as amended (24 U. S. C. 18), to provide rules, regulations, and restrictions with respect to the Army and Navy hospital at Hot Springs, Arkansas: *Provided*, that the rules, regulations, and restrictions prescribed under the authority of this order shall, so far as feasible, be uniform with those obtaining with respect to other hospitals under the jurisdiction of the Department of the Army, and that those prescribed by the Executive order of August 25, 1892, as amended by Executive Order No. 6885 of October 23, 1934, shall continue in force and effect until amended, modified, or revoked by the Secretary of the Army in action taken pursuant to this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 10, 1951.

[F. R. Doc. 51-8054; Filed, July 10, 1951; 11:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, § 6.218 (a) (2) is amended to read as follows:

§ 6.218 *Economic Stabilization Agency*—(a) *Office of Price Stabilization.* * * *

(2) The initial appointment to positions of Regional Director, Deputy Regional Director, District Director, and Deputy District Director. Persons so appointed may be reassigned, promoted or demoted to any of the above four positions subject, in the case of promotions, to the prior approval of the Commission.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259, 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-7941; Filed, July 10, 1951; 8:46 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.130]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JUNE 28, 1951.

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 26, 1951, paragraph (a) is amended by the addition of the following post:

Entre Rios, Guatemala.

2. Effective as of the beginning of the first pay period following July 7, 1951, paragraph (a) is amended by the deletion of the following posts:

Calama, Chile.
Frobisher Bay, Baffin Island, Canada.
Iwo Jima, Bonin Islands.
Montero, Bolivia.
Sebaco, Nicaragua.

3. Effective as of the beginning of the first pay period following July 7, 1951, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in States and territories other than those named under Brazil above, except Belo Horizonte, Campinas, Curitiba, Fazenda, Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, and Sao Paulo.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CODE OF FEDERAL REGULATIONS

1949 Edition

POCKET SUPPLEMENTS

(For use during 1951)

The following Pocket Supplements are now available:

Title 46: Part 146 to end ($0.45)
Title 49: Parts 91 to 164 ($0.30)
Title 49: Part 165 to end ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Parts 210–899 ($1.50); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 14, Part 400 to end ($0.45); Title 15 ($0.45); Title 16 ($0.40); Title 17 ($0.25); Title 18 ($0.35); Title 19 ($0.30); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 24 ($0.75); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 170–182 ($0.50); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30); Titles 28–29 ($0.60); Titles 30–31 ($0.35); Title 32 ($1.50); Title 33 ($0.45); Titles 35–37 ($0.30); Titles 40–42 ($0.35); Titles 47–48 ($0.70)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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4. Effective as of the beginning of the first pay period following July 7, 1951, paragraph (c) is amended by the deletion of the following posts:

Haifa, Israel.
Isfahan, Iran.
Tel Aviv, Israel.

5. Effective as of the beginning of the first pay period following July 7, 1951, paragraph (a) is amended by the addition of the following posts:

San Alijo, Tela, Honduras.
Teneral Saavedra, Bolivia.

6. Effective as of the beginning of the first pay period following July 7, 1951, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in States and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Campinas, Curitiba, Fazenda, Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, and Sao Paulo Colombia, all posts except Barranquilla, Bogota, Cali, Medellin, Popayan, and Villa Arteaga Isfahan, Iran.

7. As of the beginning of the first pay period following July 7, 1951, paragraph (c) is amended by the addition of the following posts:

Israel, all posts.

(Sec. 1, Part I. E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 51-7940; Filed, July 10, 1951; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

PART 302—APPLICANTS

SUBPART A—CRITERIA FOR SELECTION

REQUIREMENTS AND LIMITATIONS

1. Section 302.2 (a), Title 6, Code of Federal Regulations (14 F. R. 6546) is amended so that subparagraph (1) is revised and subparagraphs (10), (11), and (12) are added, to provide for purchase contract holders qualifying as home owners for the purposes of the Farm Housing program, to exclude homestead entrymen from qualifying for assistance prior to receiving patents on their farms, and to acquire adequate and appropriate farm planning by the borrower. The amended portions and the additional portions of said section read as follows:

§ 302.2 *Requirements* (a) *General requirements.* • • •

(1) Be an owner of a farm as defined in § 301.1 (c) of this chapter.

(i) Subject to conditions varying by States, purchase contract holders may qualify as owners of farms for the purposes of the Farm Housing program. The State Director, with the advice of the representative of the Office of the Solicitor, will issue regulations prescribing the conditions under which purchase contract holders may qualify for Farm Housing loans.

(ii) Homestead entrymen prior to a patent on their farms will not qualify for Farm Housing loans.

• • • • •

(10) Plan to provide housing or other farm building improvements that are not in excess of those ecomonically essential to the operation of the farm.

(11) Plan to provide housing or other farm buildings that will not be considered excessive when compared with similar accommodations in the community that provide decent, safe, and sanitary farm housing and adequate farm buildings.

(12) Produce or plan to produce crops and livestock that can be produced successfully in the community.

2. Section 302.4, Title 6, Code of Federal Regulations (14 F. R. 6546) is amended so that paragraph (b) is revised to stipulate the restrictions on the eligibility of employees and former employees of the Farmers Home Administration to receive Farm Housing assistance and so that paragraphs (c) and (d) are added to provide the conditions under which joint owners of farms may qualify for Farm Housing assistance and Farm Housing loans may be made to Farm Ownership borrowers. The amended portions and the additional portions of said section read as follows:

§ 302.4 *Limitations.* • • •

(b) An employee of the Farmers Home Administration (including County Committeemen) will not be approved for Farm Housing assistance. Nor will Farm Housing assistance be approved to such an employee within one year after his resignation or retirement unless such assistance is authorized by the Administrator. The Administrator may, upon receipt of a request and justification from the State Director, waive the restriction against approval of Farm Housing assistance to a former employee within one year after his resignation or retirement: *Provided*, That:

(1) Failure to authorize Farm Housing assistance in such a case would cause hardship to the applicant, and

(2) The applicant's former employment with the Farmers Home Administration will not result in special consideration for his application.

(c) Where a farm is owned by more than one person, such joint owners may qualify for a Farm Housing loan provided that all of them together are without sufficient resources to finance the necessary improvements on their own account and are unable to obtain the necessary credit from other sources upon terms and conditions which they would reasonably be expected to fulfill. In such a case all the joint owners will be required to execute the Farm Housing mortgage so that their interests in the farm will be subjected to the mortgage lien. If the foregoing conditions are fulfilled, a loan may be made to one or more of the joint owners provided that each applicant, as distinguished from the owners who would merely execute the mortgage, is otherwise qualified for the loan.

(d) No Farm Housing loan will be made to an applicant who is obtaining a Farm Ownership loan. No Farm Housing loan will be made to an applicant who is already a Farm Ownership borrower unless an exception is authorized by the Administrator in accordance with this paragraph. In an exceptional case, where a Farm Ownership borrower has had his loan for several years and due to circumstances beyond his control he needs additional funds for essential building improvements that cannot be met with a subsequent Farm Ownership loan, the Administrator may authorize a Farm Housing loan upon request of the State Director. Each request for authority to approve a Farm Housing loan to a Farm Ownership borrower must include complete facts regarding the case, as well as an adequate justification by the State Director. Before authorizing a Farm Housing loan to a Farm Ownership borrower, it must be clearly established that:

(1) The Building improvements proposed by the Farm Ownership borrower are essential to the efficient operation of his farm.

(2) The building credit needs of the applicant cannot be met with a subsequent Farm Ownership loan.

(3) The borrower has the debt-paying ability to repay the proposed Farm Housing loan in addition to his existing indebtedness.

(4) The unpaid balance of the Farm Ownership loan plus the amount of the proposed Farm Housing loan does not exceed the normal market value of the farm or the "average value" for the county, whichever is the lesser.

(Sec. 510, 63 Stat. 438; 42 U. S. C. 1480. Interpret or apply sec. 501, 63 Stat. 432; 42 U. S. C. 1471)

DERIVATION: §§ 302.2 and 302.4 contained in FHA Instruction 411.11.

Dated: June 7, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 5, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7944; Filed, July 10, 1951; 8:47 a. m.]

PART 306—FARM HOUSING ASSISTANCE FOR CERTAIN RESTRICTED INDIANS

LOANS AND GRANTS

Subchapter A, Title 6, Code of Federal Regulations (14 F. R. 6544) is amended to add Part 306 to provide for extending Farm Housing assistance to certain restricted Indians. Part 306 reads as follows:

SUBPART A—GENERAL

Sec.	
306.1	General.
306.2	Definition of the term "Indian".

SUBPART B—LOAN AND GRANT PROCESSING

306.21	Making Farm Housing loans and grants to Indians.
306.22	Applications.
306.23	Docket development.
306.24	Action by the Office of the Solicitor preparatory to loan closing.
306.25	Loan closing.

SUBPART C—SERVICING

Sec.
306.31 Servicing Farm Housing loans and grants.

AUTHORITY: §§ 306.1 to 306.31 issued under sec. 510, 63 Stat. 438; 42 U. S. C. 1480. Interpret or apply secs. 501, 502, 503, 504, 63 Stat. 432, 433, 434; 42 U. S. C. 1471, 1472, 1473, 1474.

DERIVATION: §§ 306.1 to 306.31 contained in the order of the Administrator dated June 22, 1951.

SUBPART A—GENERAL

§ 306.1 *General.* (a) This part prescribes the procedure to be followed in extending Farm Housing assistance to certain restricted Indians.

(b) Individual unrestricted Indians who hold their land under fee patents or unrestricted deeds will be considered for Farm Housing assistance on the same basis as any other applicant.

(c) Farm Housing loans or grants may not be made to individual Indians who have been assigned land in tribal ownership or to Indian tribes.

§ 306.2 *Definition of the term "Indian."* The term "Indian" as used hereafter in this part means an individual Indian who holds land in severalty under a trust patent or patent or deed containing restrictions against alienation, whether acquired by allotment or purchase.

SUBPART B—LOAN AND GRANT PROCESSING

§ 306.21 *Making Farm Housing loans and grants to Indians.* Existing Farm Housing regulations pertaining to the processing of loans and grants will be complied with except as provided in this subpart.

§ 306.22 *Applications.* If, after reviewing the information contained in Form FHA–443, "Application for Farm Housing Assistance," received from an Indian, the County Committee determines that there is likelihood that the Indian applicant may qualify for Farm Housing assistance, the County Supervisor will request the Area Director of the Bureau of Indian Affairs to furnish the following information regarding the applicant for further consideration by the County Committee:

(a) A statement concerning the applicant's work habits, credit rating, farming experience, managerial ability, and any other similar information that is pertinent to consideration of the application.

(b) A statement of any known health problems of the applicant and his family.

(c) A reference to the statute under which the applicant holds title to his land.

(d) A reference to the statute which authorizes the Secretary of the Interior to approve the Farmers Home Administration mortgage on the farm of the applicant.

(e) A copy of the legal description of the farm.

(f) A copy of any existing lien and, if available, a statement of the amount of the outstanding balance of the lien.

(g) A statement as to whether or not the land held by the applicant is taxable.

(h) A statement as to whether the applicant receives any compensation from the Agency.

(i) A statement as to whether the applicant has exclusive control of his own funds or whether any of his funds are subject to control by the Bureau of Indian Affairs and in the latter instance, a complete report on such funds, together with a statement as to whether any such funds, including grant funds, may be released and used by the applicant for payment on the proposed Farm Housing loan.

(j) A statement regarding the applicant's financial condition to the extent that such information is known by the Reservation Superintendent.

(k) A commitment by the Department of the Interior that the Farm Housing mortgage will be approved provided the Indian's application for a Farm Housing loan is approved by the Farmers Home Administration.

§ 306.23 *Docket development.* If a commitment to approve any Farm Housing mortgage of the applicant is made by the Department of the Interior and the County Committee recommends on Form FHA–439, "County Committee Recommendations," that Farm Housing assistance may be extended to the Indian applicant, the loan or grant docket will be developed and processed in accordance with §§ 305.1 to 305.6 of this subchapter except as follows:

(a) *Supplementary attachments to Form FHA–443A, "Report on Farm Housing Applications."* The information furnished by the Bureau of Indian Affairs regarding the Indian applicant as provided in § 306.22 will be included in the attachments to Form FHA–443A.

(b) *Docket identification.* Each loan or grant docket will be identified by entering the words "Restricted Indian" in the "Race" block of Form FHA–444, "Farm Housing Fund Analysis," and in the "Farm Housing" block of Form FHA–476, "Transmittal and Flow Sheet."

(c) *Title evidence.* When an Indian applicant's title is recorded solely in the records of the United States Department of the Interior, the Indian applicant will be required to furnish a certificate by an authorized officer of the Department of the Interior showing the nature and condition of the applicant's title as disclosed by the official records of the Department of the Interior. When an Indian applicant's title is recorded in the local county records, he will be required to furnish the same type of title evidence as any other Farm Housing applicant.

§ 306.24 *Action by the Office of the Solicitor preparatory to loan closing—*(a) *Addition to mortgage form of certificate of approval by Department of the Interior.* When preparing closing instructions the representative of the Office of the Solicitor will insert at the end of the mortgage, after the form provided for acknowledgment of the borrower's signature, the following statement to be filled out and signed on behalf of the Secretary of the Interior by a duly authorized Area Director of the Bureau of Indian Affairs.

CERTIFICATE OF APPROVAL

Pursuant to the act of ---------- and authority delegated to the Commissioner of Indian Affairs by Order 2508 of the Secretary of the Interior, dated ---------- (---- Federal Register ----) and to the Area Directors by Order ------ dated ---------- (---- Federal Register ----), the foregoing mortgage is hereby approved on behalf of the Secretary of the Interior.

---------- ----------
Area Director, Bureau of Indian Affairs, United States Department of the Interior.

---------- ----------
Date Name Typed

The representative of the Office of the Solicitor also will add immediately after the foregoing form of certificate an appropriate form of acknowledgement for execution by a notary public or other duly authorized official.

(b) At the time closing instructions are sent to the County Supervisor, the representative of the Office of the Solicitor will mail the original unexecuted mortgage to the Area Director of the Bureau of Indian Affairs with a request to execute, with proper acknowledgment, the aforementioned certificate of approval and forward the mortgage to the County Supervisor. The representative of the Office of the Solicitor will include the County Supervisor's name and address in his communication to the Area Director.

§ 306.25 *Loan closing.* (a) The County Supervisor will not close the loan until the original mortgage with properly executed and acknowledged certificate of approval is received from the Area Director of the Bureau of Indian Affairs, and no funds will be disbursed from the borrower's supervised bank account until the mortgagee is fully executed and filed for record.

(b) When the mortgage is recorded and the County Supervisor conforms the usual copy of the mortgage with the original, he will include conformance of the certificate of approval.

(c) When repayment of a Farm Housing loan to an Indian is dependent in whole or in part upon income he will receive from trust property, the County Supervisor may at any time request the Indian to execute the Department of the Interior, Office of Indian Affairs, Form 5–845, "Assignment of Income From Trust Property," in favor of the Farmers Home Administration. Ordinarily, this form should be executed prior to or at the time of loan closing. Copies of this form will be made available to the County Supervisor by the Reservation Superintendent upon request. When this form is used by an Indian receiving a Farm Housing loan, the County Supervisor will modify the form as follows:

(1) For each case, in the first paragraph, line 3, between the words "loan" and "all," add the following: "--------percent (--------%) of"

(2) For each case in which the trust property includes property other than land, the following additional changes will be made:

(i) In the first paragraph, line 4, strike the word "land" and insert "property."

(ii) In the second paragraph, line 2, strike the word "land" and insert "property."

(iii) In the fourth paragraph, line 2, strike the words "lands are" and insert "property is."

SUBPART C—SERVICING

§ 306.31 *Servicing Farm Housing loans and grants.* Farm Housing loans and grants made to Indians in accordance with the provisions of this part will be serviced in accordance with existing Farm Housing regulations. The County Supervisor will make collections and be responsible for all other servicing actions. However, the County Supervisor may request the Bureau of Indian Affairs to give assistance in servicing these Indian loans, including seizure or repossession of land given as security for the loan.

Dated: June 22, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 5, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7945; Filed, July 10, 1951; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1951 TOBACCO LOAN PROGRAM

Set forth below is schedule of advance rates, by grades, for the 1951 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published June 8, 1951 (16 F. R. 5419).

§ 664.312 *1951 Crop—Flue-cured Tobacco, Types 11–14, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	74.12	B3L	60.12
A2L	72.12	B4L	56.12
A3L	70.12	B5L	51.12
A1F	72.12	B6L	39.12
A2F	70.12	B1F	65.12
A3F	64.12	B2F	61.12
A1R	65.12	B3F	57.12
A2R	60.12	B4F	52.12
A3R	55.12	B5F	42.12
B1L	67.12	B6F	32.12
B2L	65.12	B1R	56.12
B2R	50.12	H6R	30.12
B3R	42.12	C1L	72.12
B4R	33.12	C2L	71.12
B5R	27.12	C3L	70.12
B6R	22.12	C4L	69.12
B3D	32.12	C5L	64.12
B4D	26.12	C1F	71.12
B5D	20.12	C2F	70.12
B6D	18.12	C3F	69.12
B3LV	56.12	C4F	67.12
B4LV	50.12	C5F	62.12
B5LV	43.12	C4LV	62.12
B3FV	51.12	C5LV	58.12
B4FV	44.12	C4FM	56.12
B5FV	38.12	C5FM	52.12
B3FM	50.12	X1L	69.12
B4FM	43.12	X2L	68.12
B5FM	37.12	X3L	64.12
B6FM	26.12	X4L	56.12
B4FK	42.12	X5L	42.12
B5FK	36.12	X1F	68.12
B3GL	50.12	X2F	67.12
B4GL	45.12	X3F	62.12
B5GL	37.12	X4F	52.12
B6GL	32.12	X5F	38.12
B3GF	46.12	X3R	42.12
B4GF	40.12	X4R	34.12
B5GF	34.12	X5R	26.12
B6GF	27.12	X3LV	54.12
B3GR	34.12	X4LV	46.12
B4GR	27.12	X5FV	51.12
B5GR	21.12	X4FV	43.12
B6GR	18.12	X3FM	48.12
H1L	69.12	X4FM	42.12
H2L	67.12	X5FM	32.12
H3L	65.12	X3G	38.12
H4L	62.12	X4G	32.12
H5L	56.12	X5G	24.12
H6L	48.12	P3L	55.12
H1F	67.12	P4L	46.12
H2F	65.12	P5L	32.12
H3F	62.12	P3F	51.12
H4F	57.12	P4F	40.12
H5F	52.12	P5F	28.12
H6F	40.12	P3G	33.12
H1R	57.12	P4G	26.12
H2R	53.12	P5G	20.12
H3R	49.12	N1L	17.12
H4R	44.12	N1R	17.12
H5R	38.12	N1G	17.12

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are five dollars ($5.00) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to the grower 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (unsafe order), "U" (unsound), "DAM" (damaged), N2L, N2R, N2G, or N–K will not be accepted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 2, 59 Stat. 506, sec. 101, Pub. Law 439, 81st Cong.; 7 U. S. C. Sup. 1441)

Issued this 6th day of July 1951.

JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-7971; Filed, July 10, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 986—HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

REVISED MINIMUM STANDARDS OF QUALITY

Notice of proposed rule making with respect to a change in the minimum standards of quality for hops, pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986), effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), was published in the FEDERAL REGISTER of May 8, 1951 (16 F. R. 4257).

The Hop Control Board, the administrative agency established pursuant to the provisions of the aforesaid marketing agreement and order, at a meeting in San Francisco on July 21–22, 1950, by unanimous resolution requested action by the Secretary to change the minimum standards of quality for hops from 15 percent to 10 percent leaf and stem content. Subsequently the Board invited hop growers, dealers, and brewers to submit evidence to the Department in regard to the propriety or impropriety of revising the minimum standards. The Department received 130 notarized statements mostly from brewers, but including a few from hop dealers, favoring the change recommended by the Board. Only one communication in opposition to the recommended change was received. Evidence submitted was generally to the effect that excessive leaves and stems in hops used in production of fermented malt beverages impart a harsh or bitter flavor to such beverages and are therefore unacceptable to brewers; that fermented malt beverages produced from such hops are unacceptable to the public; and that hops with more than 10 percent leaf and stem content in some instances have clogged valves and otherwise interfered with brewing operations making it difficult to obtain a uniform product.

A report by the Grain Branch, Production and Marketing Administration, which operates the hop inspection service, shows average leaf and stem content for the hop crops of 1946, 1947, 1948, 1949, and 1950, respectively, as follows: 6.05 percent, 6.42 percent, 5.75 percent, 3.91 percent, and 3.9 percent. For the 1949 and 1950 crops, when the marketing order was in effect, only 0.2 and 0.1 percent of the respective crops contained leaves and stems in excess of 10 percent.

During the prescribed period for filing written data, views, or arguments in regard to the proposed change in the minimum standards, four letters in respect thereto were received by the Department. Only one letter opposed issuance of the order. It was on the basis that during World War II and immediately thereafter, when there was a severe labor shortage for hand picking, hops with over 10 percent leaf and stem content had been harvested and accepted by buyers; and that in case of a recurrence of severe labor shortages, it might become difficult for growers who hand pick their hops to meet the proposed minimum standards. However, in view of the record of the last two years in respect to leaf and stem content, and since machines are now used in harvesting a large part of the crop and are generally available for custom picking, it should be possible for all growers to meet the new standards. No data or information were presented which the

Department considers adequate for changing the proposed rule. After consideration of all relevant matters it is ordered as follows:

§ 986.601 *Standards of quality for hops.* Effective on and after 12:01 a. m., P. s. t., August 1, 1951, in lieu of the initial standards and requirements which are set forth in § 986.5 (a) (2) of the marketing agreement and order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986), no hops produced after that time shall be deemed merchantable or entitled to certification which contain over 10 percent by weight of leaves and stems as defined in § 986.5 (a) (1) of said marketing agreement and order, and as determined by the Federal-State inspection service.

Finding of good cause for not waiting 30 days after the execution of this order to make it effective. Good cause exists for making this order effective on August 1, 1951, in lieu of waiting 30 days after its publication in the FEDERAL REGISTER to make it effective (see section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1001 et seq.). Such date is the beginning of the next marketing season, and hops for such marketing season will not be harvested prior thereto. The changed quality standards should apply to all hops which are harvested during such marketing season. Interested parties have, for some time, been aware of the fact that this action was contemplated, since the matter was discussed and recommended at a meeting of the Hop Control Board which was held on July 21–22, 1950, and notice of proposed rule making was published in the FEDERAL REGISTER on May 8, 1951. In addition, the period from the date of the publication of this order in the FEDERAL REGISTER to its effective time will be more than ample time to enable interested parties to prepare for the regulation which is prescribed in this order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 986.5)

Issued at Washington, D. C., this 6th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-7973; Filed, July 10, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 51]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

Correction

In Federal Register Document No. 51-7649 appearing at page 6379 in the issue for Saturday, June 30, 1951, in section 1.11 (f), the word "program" should be changed to "pronoun."

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 74]

PART 292—PROCEDURE TO BE FOLLOWED BY OPERATORS IN THE RENDITION TO THE MARITIME ADMINISTRATION OF ANNUAL AND FINAL ACCOUNTINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

The Maritime Administration (as successor to the United States Maritime Commission), acting pursuant to the authority granted by the Merchant Marine Act, 1936, as amended, adopted the following order and the "Procedure to be followed by Operators in the Rendition to the Maritime Administration of Annual and Final Accountings under Operating-Differential Subsidy Agreements" referred to in said order and annexed thereto. It is ordered as follows:

Sec.
292.1 Annual and final accounting by operators under operating-differential subsidy agreements; procedure.
292.2 Definitions.
292.3 Accounting requirements.
292.4 "Capital necessarily employed."
292.5 Net profit.
292.6 Statements required by the Administration.
292.7 Certifications and verifications.
292.8 Statement of purposes and reservations.

AUTHORITY: §§ 292.1 to 292.8 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114; 15 F. R. 3178, 3 CFR, 1950 Supp.

§ 292.1 *Annual and final accountings by operators under operating-differential subsidy agreements; procedure.* Every holder of an operating-differential subsidy agreement executed with the Maritime Commission or the Federal Maritime Board shall (a) within ninety (90) days after publication of this part in the FEDERAL REGISTER, prepare and submit to the Maritime Administration, in the form and manner prescribed in §§ 292.2 to 292.8, inclusive, a separate accounting of its operations for each accounting period commencing with the resumption or commencement of its subsidized operations on or after January 1, 1947 through December 31, 1950: *Provided*, That such accounting shall not be required with respect to any accounting period included in a terminated "recapture period" (as defined in § 291.5 (f) of this chapter (General Order 71 of the United States Maritime Commission)) with respect to which all accrued operating-differential subsidy was recaptured or is recapturable by the Administration: *Provided further*, That upon application of the Operator the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this section for the submission of such accountings, and (b) within one hundred and eighty (180) days after termination of each subsequent accounting period (as defined in the said annexed procedure) prepare and submit to the Maritime Administration a similar accounting for such accounting period: *Provided, however*, That upon application of the Operator the Administration may extend, for such further period as in its judgment is warranted by the circumstances in any instance, the time limit prescribed in this section for the submission of such accountings.

§ 292.2 *Definitions.* Except where the context clearly indicates otherwise, as used in this part:

(a) "Commission" or "Administration" refers to the United States of America acting by and through the Maritime Administration, as successor to the United States Maritime Commission.

(b) "Operator" refers to the holder of an Operating-Differential Subsidy Agreement with the Federal Maritime Board.

(c) "Agreement" refers to an Agreement providing for the payment of an operating-differential subsidy pursuant to Title VI or to section 708 of Title VII of the Merchant Marine Act, 1936, as amended. (References in this part to particular articles of the Agreement relate to such articles of Part II—General Provisions—of the standard form of Operating-Differential Subsidy Agreement adopted by the United States Maritime Commission on December 21, 1949.)

(d) "Uniform System of Accounts" refers to the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" (1) prescribed by the United States Maritime Commission in General Order No. 22, January 1, 1938, as supplemented, with respect to accountings for periods through December 31, 1950, and (2) prescribed by the Maritime Administration in Part 282 of this chapter (General Order 22, revised October 16, 1950), with respect to accountings for periods commencing on or after January 1, 1951.

(e) "Accounting period" refers to the calendar year, or applicable portion thereof, with respect to which a separate determination of "capital necessarily employed in the business" is required to be made.

§ 292.3 *Accounting requirements*—(a) *Contract provisions.* (1) Article II-24 of the Agreement provides, among other things, that there shall be a final accounting thereunder between the Operator and the Commission as soon as practicable after the end of each calendar year and upon termination of the Agreement (whether such termination shall occur by expiration of the stated period thereof or otherwise).

(2) Article II-20 of the Agreement provides, among other things, that

(i) The Operator and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the Operator (*a*) shall keep its books, records, and accounts relating to the property and to the maintenance, operation, and servicing of the vessel(s), service(s), route(s), and line(s) covered by the Agreement in such form and under such rules and regulations as may be prescribed by the Commission, but the Commission shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission; and (*b*) shall file, upon notice from the Commission, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, as in the opinion of the Commission affect the financial results in, the performance of, or transactions or operations under, the Agreement. The Commission reserves the right to require that all or any of such statements, reports and memoranda shall be certified by independent certified public accountants acceptable to the Commission.

(ii) The Commission is authorized to examine and audit the books, records, and accounts of all persons referred to above in this Article whenever it may deem it necessary or desirable, including but without limitation an analysis of the surplus and all supporting accounts. The Operator agrees that any and all auditors, inspectors, attorneys, and other employees designated by the Commission, shall have full, free and complete access at all reasonable times to all vessels owned by the Operator when in port or undergoing repairs and to all books, records, papers, memoranda or other documents of the Operator wherever located or of any holding company, subsidiary company or affiliated company of the Operator pertaining to any activities relating in any way to the vessel(s), service(s), route(s), or line(s) covered by the agreement, and further agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge adequate office space and other facilities reasonably required by such auditors, inspectors, attorneys and other employees in the performance of their duties.

(b) *Annual and final accountings.* Pursuant to the applicable provisions of the Agreement, the Administration hereby requires that each Operator submit a separate accounting of its operations for each accounting period commencing with the resumption or commencement of its subsidized operations on or after January 1, 1947, including, but not limited to, the Operator's determinations of—

(1) Profits in excess of ten percentum per annum on "capital necessarily employed" which are subject to recapture by the Administration;

(2) Requirements with respect to deposits in the statutory Capital and Special Reserve Funds of the Operator;

(3) The amount, if any, of unpaid subsidy accrued with respect to operations after December 31, 1946, during the then current recapture period in excess of any amount of the recapture accrual required by law to be withheld by the Administration;

(4) The amount, if any, of subsidy payments theretofore made to the Operator with respect to operations under the Agreement after December 31, 1946, during the then current recapture period (and not previously repaid) in excess of the sum by which the cumulative amount of subsidy then estimated to have accrued to the Operator on account of such operations is greater than any amount of the then estimated recapture accrual required by law to be withheld by the Administration;

Provided, That, such accounting shall not be required with respect to any accounting period included in a terminated "recapture period" (as defined in § 291.5 (f) of this chapter (General Order 71 of the United States Maritime Commission)) with respect to which all accrued operating-differential subsidy was recaptured or is recapturable by the Administration.

The accounting comprising the statements prescribed in § 292.6 (Statements required by the Administration) shall be submitted in sextuplicate to the Administration through the local District Comptroller, or Area or Port Auditor in the district, area, or port in which the home office of the Operator is located, or (if there be no such Comptroller, or Auditor of the Administration in the district, area, or port in which the home office of the Operator is located) to the Comptroller, Maritime Administration, Washington 25, D. C. While it is preferable that the required statements be typewritten, completely legible original handwritten statements accompanied by five photostatic copies thereof (which likewise must be completely legible) will be acceptable.

(c) *Subsequent adjustments.* (1) At the time of the submission of the accounting for each accounting period as required under this part, the Operator shall determine whether adjustments during such period affecting any preceding accounting period during the then current recapture period amounted, in the net aggregate, to $100,000 or 1/10 of one percent of the net worth of the Operator as at the end of such preceding period, whichever is the lesser, and, if so, the Operator shall submit a revised accounting for such preceding accounting period: *Provided*, That, at the time of the submission of the accounting for the accounting period immediately following the end of a recapture period, the Operator shall submit also a revised accounting for the last accounting period within such preceding recapture period, including all adjustments (regardless of amount) affecting such recapture period that occurred subsequent to the completion of the accounting therefor.

(2) If, in any instance, at the time of the submission of an accounting, no such adjustment affecting any preceding accounting period during the then current recapture period has occurred subsequent to the submission of the accounting for such period, the Operator shall submit to the Administration an appropriate certification to that effect over the signature of a duly authorized officer.

§ 292.4 *"Capital necessarily employed".* (a) Article II-29 of the Agreement provides that, for the purposes thereof—

(1) "Capital necessarily employed in the business" and "capital investment necessarily employed in the operation of the subsidized vessel(s), service(s), route(s), and line(s)" shall, with respect to all annual or other accounting periods which terminated concurrently with or prior to the termination of the recapture period which was current on December 31, 1946, be determined as provided in the applicable rules and regulations as adopted and prescribed by the United States Maritime Commission in Part 286 of this chapter (General Order 31, as amended), exclusive, however, of the provisions of Part 291 of this chapter (General Order 71);

(2) With respect to all annual or other accounting periods terminating subsequent to the annual or other accounting periods mentioned in subparagraph (1) of this paragraph and in the case of contracts taking effect on or after January 1, 1947, the provisions of Part 291 of this chapter (General Order 71, as amended from time to time), defining the terms "capital necessarily employed in the business" and "capital investment necessarily employed in the operation of the subsidized vessel(s), service(s), route(s), and line(s)", shall be controlling, and the provisions of Part 286 of this chapter (General Order 31, as amended from time to time), shall be applicable only to the extent that such provisions are consistent with the provisions of Part 291 of this chapter (General Order 71, as amended from time to time).

(b) Should any change be made in the provisions of the Agreement or in Part 291 of this chapter (General Order 71), with respect to the effective date of that part, this procedure will be deemed to be automatically modified to correspond with such change.

§ 292.5 *Net profit.* Article II-29 of the Agreement provides that, for the purposes thereof, "net earnings" or "net profit" shall be determined as provided in the applicable rules and regulations adopted and prescribed by the United States Maritime Commission in Part 286 of this chapter (General Order 31, as amended from time to time).

§ 292.6 *Statements required by the Administration.* The accountings required under this part, as referred to in paragraph (b) of § 292.3, shall include the following statements (Illustrative examples of such statements, based on hypothetical figures, will be supplied by the Comptroller. The Operator may change or vary the design of any of these statements: *Provided*, That the statements substituted will produce the same results and reflect all of the information required: *And provided further*, That no substantial change or variation in the design of such statements shall be made without the prior concurrence of the local District Comptroller, or Area or Port Auditor of the Administration or, if there be no such Comptroller or auditor of the Administration in the District, area, or port in which the home office of the Operator is located, then the request for such concurrence should be addressed to the Comptroller, Maritime Administration, Washington 25, D. C. These examples have been based on the Uniform System of Accounts prescribed by the United States Maritime Commission in General Order 22, January 1, 1938, as supplemented, and are, there-

fore, applicable to accountings for periods through December 31, 1950. With respect to accountings for subsequent periods, the statements should be conformed to the Uniform System of Accounts prescribed by the Maritime Administration in Part 282 of this chapter (General Order 22, Revised October 16, 1950)):

EXHIBIT A—ANALYSIS OF ADJUSTED NET WORTH, ALLOCATION OF "CAPITAL NECESSARILY EMPLOYED", AND DISTRIBUTION OF "NET EARNINGS" FOR THE PURPOSES OF APPLYING THE RESERVE AND RECAPTURE PROVISIONS OF THE OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT, AS DETERMINED IN ACCORDANCE WITH PART 286 OF THIS CHAPTER (GENERAL ORDER 31) (FOR PERIOD, IF ANY, PRIOR TO EFFECTIVE DATE OF PART 291 OF THIS CHAPTER (GENERAL ORDER 71))

The procedure for the preparation of this statement contemplates that "capital necessarily employed in the business", with respect to all annual or other accounting periods which terminated concurrently with or prior to the termination of the recapture period which was current on December 31, 1946, shall be determined as provided in the applicable rules and regulations as adopted and prescribed by the Commission in Part 286 of this chapter (General Order 31, as amended).

EXHIBIT A—ALLOCATION OF "CAPITAL NECESSARILY EMPLOYED" AND DISTRIBUTION OF "NET EARNINGS" FOR THE PURPOSES OF APPLYING THE RESERVE AND RECAPTURE PROVISIONS OF THE OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT, AS DETERMINED IN ACCORDANCE WITH PART 291 OF THIS CHAPTER (GENERAL ORDER 71) AND PART 286 OF THIS CHAPTER (GENERAL ORDER 31) (FOR PERIOD AFTER EFFECTIVE DATE OF PART 291 OF THIS CHAPTER (GENERAL ORDER 71))

The procedure for the preparation of this statement contemplates that "capital necessarily employed in the business", with respect to all annual or other accounting periods terminating subsequent to the termination of the recapture period which was current on December 31, 1946 and in instances of agreements taking effect on or after January 1, 1947, shall be determined as provided in Part 291 of this chapter (General Order 71, as amended from time to time).

EXHIBIT AA—REVISED ANALYSIS OF ADJUSTED NET WORTH, ALLOCATION OF "CAPITAL NECESSARILY EMPLOYED", AND DISTRIBUTION OF "NET EARNINGS" (FOR PRECEDING YEAR) FOR THE PURPOSES OF APPLYING THE RESERVE AND RECAPTURE PROVISIONS OF THE OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT, AS DETERMINED IN ACCORDANCE WITH PART 286 OF THIS CHAPTER (GENERAL ORDER 31) (FOR PERIOD, IF ANY, PRIOR TO EFFECTIVE DATE OF PART 291 OF THIS CHAPTER (GENERAL ORDER 71))

The procedure for the preparation of this statement contemplates the revision of the statement for the preceding year simultaneously with the preparation of the current year's statement to give effect to subsequent adjustments.

EXHIBIT B—COMPARATIVE BALANCE SHEET

The procedure for the preparation of this statement contemplates:

1. That for each annual or other accounting period there shall be submitted in comparative form a balance sheet as at the end of the month immediately preceding the date of the beginning of such accounting period and as at the end of the last month within such accounting period;

2. That the accounts reflected in each such balance sheet shall be those prescribed in the Uniform System of Accounts and none other; and

3. That the assets reflected in each such balance sheet shall be stated in conformity with generally accepted accounting principles applied on a consistent basis; that adequate reserves shall be shown for accounts receivable doubtful of collection and for such other items as require valuation reserves to reflect their true value; and that there shall be included an adequate statement of all known and ascertainable liabilities.

EXHIBIT C—INCOME SHEET

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted income sheets which accurately reflect the results of all operations for each applicable calendar year or other accounting period;

2. That the income and expenses reflected on such income sheets shall be allocated on the bases prescribed in Part 286 of this chapter (General Order 31);

3. That the items of income and expense reflected in each such income sheet shall be those prescribed in the Uniform System of Accounts and none other; and

4. That such income sheets shall include, with respect to each applicable calendar year or other accounting period, distribution of any "additional charter hire" accrued to the Administration in instances where the operations of the Operator include vessels chartered from the Commission under bareboat charters entered into pursuant to Title VII of the Merchant Marine Act, 1936, as amended, or Section 5 of the Merchant Ship Sales Act of 1946, or under the form of agreement known as "Warshipdemiseout 203".

EXHIBIT D—STATEMENT OF OPERATING-DIFFERENTIAL SUBSIDY ACCRUED DURING THE PERIOD

There shall be submitted for each calendar year or other accounting period with respect to which a separate income sheet is required hereunder a statement reflecting the accrual of operating-differential subsidy (in such detail as is reflected in the illustrative example included among those to be supplied by the Comptroller): *Provided*, That, until final operating-differential subsidy rates are established, the submission of this statement may be postponed upon the understanding that when, at that time, revised accountings are submitted they will be accompanied by this statement.

EXHIBIT E—WORKING TRIAL BALANCE

The procedure for the preparation of this statement contemplates:

1. That there shall be prepared a working trial balance as at each date with respect to which a separate balance sheet is required hereunder;

2. That the balances reflected in the general ledger at the respective dates shall be listed by accounts and distributed to the appropriate columns provided therefor in the illustrative example included among those to be supplied by the Comptroller;

3. That the Operator shall determine that all items included in each asset and liability account have been properly classified and adjusted, that the balances are correct, and do not contain items of income or expense applicable to either a prior or current accounting period (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors);

4. That the Operator shall determine that the items included in each income and expense account have been properly classified and adjusted, that the balances are correct, and that such balances are entirely applicable to the accounting period involved (Schedules reflecting the extent of the analysis of such accounts shall be included among the working papers available for examination by the Administration's auditors);

5. That the Operator shall determine that proper accounting disposition has been made of the balance in each clearance account; and

6. That all adjustments to the accounts listed in the working trial balance shall be accomplished by posting thereto journal entries, prepared in numerical sequence and containing a complete description as to the reasons for the adjustment, copies of such journal entries to be made available to the Administration upon request.

SCHEDULES A–1 THROUGH A–8—SUPPORTING DETAILS OF "CAPITAL NECESSARILY EMPLOYED"

These schedules (as illustrated in the examples included among those to be supplied by the Comptroller) shall reflect the detailed calculation in support of each item distributed as "capital necessarily employed" on Exhibit A—Allocation of "Capital Necessarily Employed" and Distribution of "Net Earnings" for the Purposes of Applying the Reserve and Recapture Provisions of the Operating-Differential Subsidy Agreement, as Determined in Accordance with Part 291 of this chapter (General Order 71) and Part 286 of this chapter (General Order 31).

SCHEDULE B–1—ANALYSIS OF SURPLUS

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted an analysis of surplus in support of each balance sheet required hereunder; and

2. That such analysis, in support of the beginning balance sheet, shall reflect

(i) Surplus as per books and general financial statements (as submitted by the Operator to the Administration) at the end of the year preceding the resumption of subsidized operations of the Operator;

(ii) Net profit (or loss) during the ensuing calendar year;

(iii) Direct adjustments to surplus during such period; and

(iv) The balance as at the end of such period.

SCHEDULE B–1–a—REVISED ANALYSIS OF SURPLUS (FOR PRECEDING YEAR)

The procedure for the preparation of this statement contemplates the revision of the statement for the preceding year simultaneously with the preparation of the current year's statement to give effect to subsequent adjustments, if a revised accounting is required pursuant to subparagraph (1) of paragraph (c) of § 292.3.

SCHEDULE C–I—ANALYSIS OF PROFIT AND LOSS

The procedure for the preparation of this statement contemplates:

1. That there shall be submitted in support of each working trial balance required hereunder an analysis of profit and loss for the calendar year or other accounting period involved and that such analysis shall be grouped by accounts in the manner indicated in the illustrative example included among those to be supplied by the Comptroller;

2. That such analysis shall include all adjustments effected by the Operator and, as part of the working trial balance, shall be the basis upon which the Income Sheet (Exhibit C) is prepared; and

3. That all items of income and expense reflected in the analysis of profit and loss shall be those prescribed in the Uniform System of Accounts and none other.

SCHEDULE D–1—REVISED STATEMENT OF OPERATING-DIFFERENTIAL SUBSIDY ACCRUED (FOR PRECEDING CALENDAR YEAR REFLECTING ADJUSTMENTS EFFECTED DURING THE CURRENT CALENDAR YEAR)

The procedure for the preparation of this statement contemplates the revision of the

statement for the preceding year simultaneously with the preparation of the current year's statement to give effect to subsequent adjustments.

APPENDIX A—STATUTORY RESERVE FUND REQUIREMENTS AND DEPOSITS WITH RESPECT THERETO

The procedure for the preparation of this statement contemplates that it will reflect cumulatively, as at the end of each accounting period, the amounts required by statute to be deposited in the Operator's statutory reserve funds or voluntarily deposited therein by the Operator upon authorization of the Administration and the dates on which the deposits so required or authorized were actually made into the statutory reserve funds. In the statement for the first accounting period with respect to which an accounting is required to be submitted hereunder, the totals as at the end of the month during which the last subsidized voyage terminated preceding suspension of subsidized operations due to World War II may be brought forward and the detail may be limited to requirements, authorizations, and deposits for the succeeding period through the end of the particular accounting period with respect to which such statement is submitted. In statements for subsequent accounting periods, the totals as at the end of the preceding accounting period may be brought forward and the detail may be limited to requirements, authorizations, and deposits for the particular accounting period with respect to which such statement is submitted.

§ 292.7 *Certifications and verifications.* (a) The accounting required under this part shall be submitted under cover of an affidavit, executed by the corporate officer responsible for the accuracy and maintenance of the books of account and financial records of the Operator, if a corporation, or by a general partner so responsible if a partnership, which affidavit shall be substantially as follows:

AFFIDAVIT

STATE OF _____
County of _____, *ss:*
_____, being first duly sworn on his [her] oath, states:
That I am _____ of the _____
(Title)
_____
(Name of operator)

Operator, holder of an Operating-Differential Subsidy Agreement dated _____ with the Federal Maritime Board; that, as such, I am responsible for the accuracy and maintenance of the books of account and financial records of the Operator and am thoroughly familiar with such books and records and with the terms and conditions of the aforesaid agreement and with the orders, rules, regulations, and instructions appertaining thereto as issued or adopted by the Maritime Administration; that I have carefully examined the statements comprising the accounting annexed hereto covering the period from _____ to _____, under the aforesaid agreement; that, to the best of my knowledge and belief, the said accounting reflects a true and complete statement of the "capital necessarily employed in the business" of the subsidized vessels and services incident thereto, the amounts of the deposits required to be made in the Capital Reserve Fund and in the Special Reserve Fund, and the amount of excess profits subject to recapture by the Maritime Administration, pursuant to the provisions of the aforesaid agreement, during the period from _____ to _____, under the terms and conditions thereof and in accordance with the orders, rules, regulations, and instructions issued or adopted by the Maritime Administration appertaining thereto; that the balance sheets included in the annexed accounting fairly present the financial position of the Operator as at the dates thereof, including (but not limited to) an adequate statement of all known and ascertainable liabilities, and the income sheet included in the annexed accounting correctly states the operating results of the Operator for the period covered by such accounting; and that the Operator, to the best of my knowledge and belief, has fully complied with all of the terms and conditions of said operating-differential subsidy agreement in the manner and at the times therein required.

_____

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this _____ day of _____, 195_.

My commission expires _____

_____
Notary Public

(b) Pursuant to the right reserved unto it under Article II–20 of the Agreement, the Administration hereby requires that, commencing with those for the calendar year 1950, all of the statements comprising the accountings required under this part shall be certified by independent certified public accountants and that:

(1) Such certified public accountants must be independent in fact (An accountant will not be considered independent with respect to any person in whom he has any substantial interest, direct or indirect, or with whom he is, or was during the period of the Agreement involved, connected as an officer, director, executive, or employee. As used in this subparagraph, the term "any person" shall include the Operator, and any holding company, subsidiary, affiliate, or associate of the Operator);

(2) Such certified public accountants must undertake to make their working papers available (in the offices of the Operator) for examination by the Administration's auditors upon request and to permit the Administration's auditors to make copies of such papers to the extent they deem necessary; and

(3) The statements submitted must be accompanied, in addition to the affidavit required of the Operator, by a signed opinion of the independent certified public accountant in the following or substantially similar form:

We [I] have examined the statements comprising the accounting annexed hereto, and have found the statements to have been prepared by the Operator in accordance with the terms and conditions of the Operating-Differential Subsidy Agreement, dated _____, and with the applicable orders, rules, regulations, and instructions issued or adopted by the Maritime Administration. Our [my] examination of the statements included examination of the underlying books of account and records for the period from _____ to _____.

Our [my] examination was made in accordance with generally accepted auditing standards and included all procedures which we [I] considered necessary in the circumstances [state exceptions if any]. In our [my] opinion the annexed statements fairly present the proper determinations of the "capital necessarily employed in the business" of the subsidized vessels and services incident thereto, the amounts of the deposits required to be made in the Capital Reserve Fund and in the Special Reserve Fund, and the amount of excess profits subject to recapture by the Maritime Administration, pursuant to the provisions of the Operating-Differential Subsidy Agreement for the period from _____ to _____.

_____
(Independent Certified Public Accountant[s])

Upon receipt of statements certified by an independent certified public accountant or a firm of independent certified public accountants under the conditions prescribed in this paragraph (b) (whether for the periods commencing with the calendar year 1950, as required, or for periods prior thereto, as the Operator may elect) the Administration will take into consideration the scope of the audit conducted by such independent certified public accountants of the Operator's accounts.

§ 292.8 *Statement of purposes and reservations.* (a) The purpose of the procedure in this part is to establish the means for uniform application to expedite and facilitate the rendition by operators to the Administration of annual and final accountings under an Operating-Differential Subsidy Agreement.

(b) The receipt and consideration of such accountings by the Administration shall be subject to the following reservations:

(1) That all working papers (irrespective of by whom prepared) in support of the various statements comprising such accountings, shall be available for examination by the Administration's auditors upon request and that the Administration's auditors shall be permitted to make copies of such papers to the extent they deem necessary;

(2) That the Administration reserves the right to conduct such audits, examinations, or checks of the Operators' accounts as it may deem necessary before approving the accounting involved;

(3) That the examples to be supplied by the Comptroller of the statements required by the Administration are for illustrative purposes only and are based on hypothetical figures; that no implications should be drawn from the relative magnitude of the figures used in these examples; and that if, in any instance, an example should conflict with the text of the procedure in this part, the latter shall govern;

(4) That the establishment of the procedure in this part (including the illustrative examples referred to therein) is without prejudice to the right of the Administration to determine upon the employment of other bases for allocation and calculation in any instance where, upon the completion of any annual or final accounting, the application of the bases prescribed herein does not, in the judgment of the Administration, produce fair and reasonable results; and

(5) That nothing contained in this part shall be construed as a waiver of any right reserved to the Administration by statute or under the Agreement.

E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 51-8053; Filed, July 10, 1951; 11:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Income tax regulations amended to conform to the Revenue Act of 1950 (Public Law 814, 81st Congress).

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to the provisions of Public Law 814, 81st Congress, approved September 23, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 203, relating to treatment of bond premium in case of dealers in tax-exempt securities, and section 217, relating to amortization of premium on convertible bonds, of the Revenue Act of 1950, 81st Congress, 2d Session, approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately after § 29.22 (n)–1, as added by Treasury Decision 5425, approved December 29, 1944, the following:

SEC. 203. TREATMENT OF BOND PREMIUM IN CASE OF DEALERS IN TAX-EXEMPT SECURITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 22.* Section 22 is hereby amended by adding at the end thereof the following new subsection:

(o) *Dealers in tax-exempt securities*—(1) *Adjustment for bond premium.* In computing the gross income of a taxpayer who holds during the taxable year a short-term municipal bond (as defined in paragraph (2) (A)) primarily for sale to customers in the ordinary course of his trade or business—

(A) If the gross income of the taxpayer from such trade or business is computed by the use of inventories and his inventories are valued on any basis other than cost, the cost of securities sold (as defined in paragraph (2) (B)) during such year shall be reduced by an amount equal to the amortizable bond premium that would be disallowed as a deduction for such year pursuant to section 125 (a) (2) if the definition in section 125 (d) of the term "bond" did not exclude such short-term municipal bond; or

(B) If the gross income of the taxpayer from such trade or business is computed without the use of inventories, or by use of inventories valued at cost, and the short-term municipal bond is sold or otherwise disposed of during such year, the adjusted basis (computed without regard to this subparagraph) of the short-term municipal bond shall be reduced by the amount of the adjustment that would be required under section 113 (b) (1) (H) if the definition in section 125 (d) of the term "bond" did not exclude such short-term municipal bond.

(2) *Definitions.* For the purposes of paragraph (1)—

(A) The term "short-term municipal bond" means any obligation issued by a government or political subdivision thereof if the interest on such obligation is excludible from gross income; but such term does not include such an obligation if (i) it is sold or otherwise disposed of by the taxpayer within thirty days after the date of its acquisition by him, or (ii) its earliest maturity or call date is a date more than five years from the date on which it was acquired by the taxpayer.

(B) The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of (i) the inventory value of the opening inventory for such year and (ii) and cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

* * * * *

(c) *Effective date.*. The amendments made by this section shall be applicable to taxable years ending after June 30, 1950, but in the case of a taxable year beginning before and ending after such date the amendments shall apply only with respect to obligations acquired after such date.

§ 29.22 (o)–1 *Treatment of bond premiums in case of dealers in tax-exempt securities*—(a) *In general.* Section 22 (o) requires certain adjustments to be made by dealers in securities with respect to premiums paid on short-term municipal bonds which are held for sale to customers in the ordinary course of the trade or business. The adjustments depend upon the method of accounting used by the taxpayer in computing the gross income from the trade or business. See paragraphs (b) and (c) of this section. Adjustment under section 22 (o) is required only for taxable years ending after June 30, 1950, and, in the case of a taxable year beginning before June 30, 1950, and ending thereafter is required only with respect to obligations acquired after June 30, 1950.

The term "short-term municipal bond" under section 22 (o) means any obligation issued by a government or political subdivision thereof if the interest on the obligation is excludible from gross income under section 22 (b) (4). Such term, however, does not include an obligation the maturity or earliest call date of which is a date more than five years from the date of acquisition by the taxpayer, or an obligation sold or otherwise disposed of by the taxpayer within 30 days after the date of acquisition by him. A bond which is otherwise within the definition of "short-term municipal bond" is subject to the provisions of section 22 (o) if held by the taxpayer for a period of more than 30 days, whether or not such period is entirely within one taxable year.

(b) *Inventories not valued at cost.* In the case of a dealer in securities who computes gross income from his trade or business by the use of inventories and values such inventories on any basis other than cost, the adjustment required by section 22 (o) is the reduction of "cost of securities sold" by the amount equal to the amortizable bond premium which would be disallowed as a deduction under section 125 (a) (2) if the dealer were an ordinary investor holding such bond. Such amortizable bond premium is computed under section 125 (b) by reference to the cost or other original basis of the bond on the date of acquisition (determined without regard to section 113 (a) (1), relating to inventory value on a subsequent date). If the date of acquisition precedes July 1, 1950, then, in computing under section 125 (b) the amount of such amortizable bond premium, there shall be made adjustments to bond premium proper to reflect unamortized bond premium on such bond for the period including the holding period (as determined under section 117 (h)) prior to the date as of which section 22 (o) first becomes applicable to the bond in the hands of the taxpayer. See § 29.125–2.

The preceding paragraph may be illustrated by the following example:

X, a dealer in securities who values his inventories on a basis other than cost, makes his income tax returns on the calendar year basis. On January 1, 1949, he buys, for $1,060 each, three short-term municipal bonds (A, B, and C) having a face obligation of $1,000, and maturing on January 1, 1954. On July 1, 1950, he buys, for $1,042 each, three more bonds (X, Y, and Z) of the same issue. Bonds A and X are sold on December 31, 1950. Bonds B and Y are sold on December 31, 1951. Bonds C and Z are sold on December 31, 1952. The adjustment for each of the years 1950, 1951, and 1952 is as follows:

Bond	Date acquired	Date Sold	Adjustment for—		
			1950	1951	1952
A	Jan. 1, 1949	Dec. 31, 1950	None		
B	....do....	Dec. 31, 1951	None	$12.00	
C	....do....	Dec. 31, 1952	None	12.00	$12.00
X	July 1, 1950	Dec. 31, 1950	$6.00		
Y	....do....	Dec. 31, 1951	6.00	12.00	
Z	....do....	Dec. 31, 1952	6.00	12.00	12.00
Total			18.00	48.00	24.00

For the purpose of determining such adjustment, the amortizable bond premium is computed under section 125 (b) as follows:

	Bond A, B, or C	Bond X, Y, or Z
Bond premium	$60	$42
Adjustment for period prior to first date of application of section 22 (o):		
Applicable Jan. 1, 1951	24	
Applicable July 1, 1950		0
Amortizable bond premium to maturity	36	42
Amortizable bond premium per month	1	1

The term "cost of securities sold" means the amount ascertained by subtracting the inventory value of the closing inventory of a taxable year from the sum of the inventory value of the opening inventory for such year and the cost of securities and other property purchased during such year which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year.

(c) *Inventories not used or inventories valued at cost.* In the case of a dealer in securities who computes gross income from his trade or business without the use of inventories or by use of inventories valued at cost, the adjustment required by section 22 (o) is a reduction of the adjusted basis of each short-term municipal bond sold or otherwise disposed of during the taxable year. The amount of such reduction is the amount by which the adjusted basis of such bond would be required to be reduced under section 113 (b) (1) (H) were such bond subject to the amortizable bond premium provisions of section 125, that is, the amount of the amortizable bond premium which would be disallowed as a deduction under section 125 (a) (2) if the taxpayer were an ordinary investor.

If the bond was acquired before July 1, 1950, the amount of the reduction shall not include the amount of such amortizable bond premium which would be disallowed as a deduction under section 125 (a) (2), if the taxpayer were an ordinary investor, for any taxable year beginning before July 1, 1950. In the case of such bond, the amortizable bond premium which would be disallowed as a deduction under section 125 (a) (2) is determined after making adjustments to bond premium proper to reflect unamortized bond premium on such bond for the period including the holding period (as determined under section 117 (h)) prior to the date as of which section 22 (o) first becomes applicable to the bond in the hands of the taxpayer. See § 29.125–2.

The preceding paragraph may be illustrated by the following example:

Y, a dealer in securities who values his inventories on the basis of cost, makes his income tax returns on the calendar year basis. On January 1, 1949, he buys, for $1,060 each, three short-term municipal bonds (D, E, and F) having a face obligation of $1,000, and maturing on January 1, 1954. On July 1, 1950, he buys, for $1,042 each, three more bonds (U, V, and W) of the same issue. Bonds D and U are sold on December 31, 1950. Bonds E and V are sold on December 31, 1951. Bonds F and W are sold on December 31, 1952.

Bond	Date acquired	Date sold	Adjustment for—		
			1950	1951	1952
D	Jan. 1, 1949	Dec. 31, 1950	None		
E	....do....	Dec. 31, 1951	None	$12.00	
F	....do....	Dec. 31, 1952	None	None	$24.00
U	July 1, 1950	Dec. 31, 1950	$6.00		
V	....do....	Dec. 31, 1951	None	18.00	
W	....do....	Dec. 31, 1952	None	None	30.00

For the purpose of determining such adjustments, the amortizable bond premium is computed under section 125 (b) as follows:

	Bond D, E, or F	Bond U, V, or W
Bond premium	$60	$42
Adjustment for period prior to first date of application of section 22 (o)—		
Applicable Jan. 1, 1951	24	
Applicable July 1, 1950		0
Amortizable bond premium to maturity	36	42
Amortizable bond premium per month	1	1

PAR. 2. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 203. TREATMENT OF BOND PREMIUM IN CASE OF DEALERS IN TAX-EXEMPT SECURITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(b) *Technical amendments.* (1) Section 113 (b) (1) is hereby amended by adding at the end thereof the following:

(I) in the case of any short-term municipal bond (as defined in section 22 (o)), to the extent provided in section 22 (o) (1) (B).

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after June 30, 1950, but in the case of a taxable year beginning before and ending after such date the amendments shall apply only with respect to obligations acquired after such date.

PAR. 3. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by adding at the end thereof the following: "For adjustment to basis of short-term municipal bonds as defined in section 22 (o) (2) (A), see § 29.22 (o)–1.

PAR. 4. There is inserted immediately preceding § 29.125–1 the following:

SEC. 203. TREATMENT OF BOND PREMIUM IN CASE OF DEALERS IN TAX-EXEMPT SECURITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 125 is hereby amended by adding at the end thereof the following new subsection:

(e) *Dealers in tax-exempt securities.* For special rules applicable, in the case of dealers in securities, with respect to premium attributable to certain wholly tax-exempt securities, see section 22 (o).

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after June 30, 1950, but in the case of a taxable year beginning before and ending after such date the amendments shall apply only with respect to obligations acquired after such date.

SEC. 217. AMORTIZATION OF PREMIUM ON CONVERTIBLE BOND (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Premium attributable to conversion features of bond.* Section 125 (b) (1) (relating to determination of amount of bond premium) is hereby amended by adding at the end thereof the following: "In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after June 15, 1950, and shall also apply, in the case of a taxable year beginning on or before such date, with respect to bonds acquired after such date.

PAR. 5. Section 29.125–1, as amended by Treasury Decision 5425, is further amended by adding at the end of paragraph (a) thereof the following sentence: "See, however, § 29.22 (o)–1."

PAR. 6. Section 29.125–5 is amended by striking therefrom the last sentence and by inserting at the end of such section the following new paragraph:

A convertible bond is within the scope of section 125 if the option to convert on a certain date specified in the bond rests with the holder thereof. However, for the purpose of determining the amount of amortizable bond premium on a convertible bond for a taxable year beginning after June 15, 1950, or for any taxable year in the case of a convertible bond acquired after June 15, 1950, the amount of bond premium shall not include any amount attributable to the conversion features of the bond. For the purpose of this section, the term "convertible bond" includes a bond issued with detachable stock-purchase warrants.

The value of the conversion features of a particular bond shall be determined by ascertaining the assumed price at which such bond would be purchased on the open market if without conversion features, and by subtracting such assumed price from the cost of the bond. The determination of the assumed price of the bond without the conversion features shall be made by ascertaining the yield on which bonds of similar charac-

ter, not having conversion features, are sold on the open market and adjusting the price of the bond in question to this yield. This adjustment may be made by the use of standard bond tables. In selecting quotations for comparative purposes, bonds of the same classification and grade shall be used. The application of the principles set forth in this paragraph may be illustrated as follows:

Example. T purchased for $115 a $100 bond, maturing in five years, on which interest is payable semi-annually at the rate of 3.5 percent a year. This bond is convertible into common stock at the option of the holder. It is found that bonds of the same character, not having conversion features, were sold on the open market on or about the time of T's purchase on a basis to yield 2.80 percent. By recourse to a standard bond table, it is found that the cost of a 3½ percent five year $100 bond to yield 2.80 percent would have been $103.25. Since the taxpayer paid $115 for the convertible bond, the difference between $115 and $103.25, or $11.75, represents the value of the conversion features of the bond at the time of the purchase. The balance of $3.25 represents the bond premium subject to amortization under section 125.

If a convertible bond acquired on or before June 15, 1950, is held during a taxable year beginning after such date, the amortizable bond premium for such taxable year shall be computed as if the provisions for the determination of the bond premium without the inclusion of any amount attributable to the conversion features of the bond were applicable for each year for which the bond was held prior to such taxable year. Thus, if in the example in the preceding paragraph, T had acquired the bond on January 1, 1949, and if T makes his income tax returns on the basis of the calendar year, the amortizable bond premium for 1951 would be $0.65, determined as follows:

Bond premium not attributable to conversion feature	$3.25
Amortizable bond premium for 1949 and 1950, determined by reference to bond premium not attributable to conversion feature	1.30
Portion of bond premium amortizable over remaining life of bond	1.95
Amortizable bond premium for each of the remaining 3 years (one-third of $1.95)	.65

[F. R. Doc. 51-7958; Filed, July 10, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 954]

[Docket No. AO 153-A6]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handing of milk in the Duluth-Superior marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and amendments to the order, as amended, were formulated was conducted at Duluth, Minnesota, on May 15, 1951, pursuant to notice thereof which was issued on May 2, 1951 (16 F. R. 4145).

The material issues of record related to:

1. The classification of concentrated milk intended for consumption in fluid form,

2. Increasing the level of the Class I price, and

3. Increasing the butterfat differential to handlers on Class I milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record.

1. The Class I definition should be revised to include fluid milk disposed of in concentrated form for consumer use.

During recent months a product generally referred to as "concentrated milk" has been introduced in a number of markets. While its distribution has not been undertaken in the marketing area as yet, there are one or more plants fairly close to the marketing area which are currently manufacturing this product and it is anticipated that it may be introduced in the market in the near future. This product is not sterilized and is disposed of to consumers for consumption in fluid form by the addition of water, or it may be used in the concentrated form as a cream substitute in coffee or on cereals. Producers and handlers in the market contended that the Class I definition should be broadened to include this product. While the local health authorities have not made a formal ruling as to the requirements for milk to be concentrated, the record indicates the necessity for the product to be made from milk meeting the same requirements as are applicable to fluid whole milk. Accordingly it has been concluded that concentrated milk should properly be classified as Class I milk.

It was also proposed at the hearing, although not included in the notice of hearing, that yogurt be classified as Class I. This product is made by the addition of culture to a relatively low fat milk to which non-fat milk solids have been added. The record shows that in this market there is no necessity for it to be made from Grade A milk and accordingly, it has been concluded that it should not be classified as Class I milk.

2. No change should be made in the present level of Class I price differentials.

It was proposed by the industry committee which requested the hearing that the Class I differential be fixed at $1.50 over the Class II price during all months of the year. A similar proposal was presented at the hearing which was conducted in this market on November 29, 1950. As a result of the November hearing the Class I differential was fixed at $1.00 during May, June, July, and August and at $1.15 during all other months of the year. Producers contend that conditions have so changed since November as to warrant a further increase in price. The record, however, fails to substantiate this viewpoint.

Proponents contended that producers adjacent to the marketing area were discontinuing the production of milk and taking employment in industry in Duluth or Superior. The evidence, however, shows very little change in the number of producers supplying the market. As nearby producers have given up dairying they have been replaced by other producers farther from the market. The result has been a gradual expansion of the milkshed rather than a lessening of the supply of milk for the market.

The area adjacent to Duluth and Superior which includes the milkshed for the market, is an area of relatively high production costs, yet some of the heaviest producing areas of Wisconsin and Minnesota are within easy hauling distance of the market. There are within less than 100 miles of the market several plants handling large volumes of milk of a quality comparable to that required by the health authorities of Duluth and Superior. It appears that any further increase in the Class I price on the market would offer a considerable inducement to one or more of these plants to seek an outlet in the marketing area. The entrance into the market-wide pool of one or more of these large volume plants, which have a much greater percentage of surplus milk than is carried by the market at the present time, would reduce the uniform price to producers by a substantial amount. This could result in producers receiving lower returns for their milk than they are receiving at the present time.

3. The Class I butterfat differential to handlers should be increased from 125 percent of the price of butter to 140 percent of the price of butter.

The Class I butterfat differential has little effect on the price of fluid milk since most of the milk in the market is sold with a butterfat content of 3.5 percent. It will increase slightly the cost to handlers of premium grades of milk which contain a somewhat higher butterfat content.

The butterfat differential is a primary factor in establishing what handlers shall pay for fluid cream since it approximates the actual cost of butterfat disposed of as cream. As a result of the change in the method of accounting which was adopted in the January

amendment to the order, the returns to producers on milk used for cream were reduced below their former level. Witnesses for both producers and handlers testified that the price now fixed in the order is too low to induce the production of an adequate supply of Class I milk for use in cream.

Although the proposal contained in the notice of hearing provided a differential equal to 1.4 times the price of butter, at the hearing and in their briefs producers urged that the differential be increased to 1.6 times the price of butter. The cream price resulting from such a differential would be substantially higher than those prevailing in other markets in the midwest. There is evidence that such a price would reduce cream sales. A check of the records of the market administrator's office reveals that sales of cream by handlers in April of this year were more than 20 percent under the sales in April of 1950. At least a portion of this decrease must be attributed to the substantial increase in the resale price of cream which was made on January 1. Handlers testified that this increase was made in anticipation of an increase in the cost of milk used to produce cream, since they believed that the increase in the Class I price which became effective on that date would also affect the price of cream. Although the actual effect of the amendment was to reduce the price of milk used for cream, handlers have continued to charge the increased price and have paid producers a premium on milk sold as cream. Returns to producers including the premium are somewhat higher than the price recommended herein.

The recommended differential of 1.4 times the price of butter is the same as that used in several other midwestern markets. It will return to producers a somewhat higher price for milk used to produce cream than is currently provided in the order, yet it appears to be low enough to aid in recovering some of the cream sales that have been lost in recent months.

The change in the Class I butterfat differential has necessitated a revision of the language of § 954.81 relating to the producer butterfat differential. No change was proposed or contemplated in the level of the producer butterfat differential and this section has been revised in order to continue the producer butterfat differential at its present level.

General findings. (a) The proposed marketing agreement and the proposed order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. A brief was filed on behalf of one of the producer associations in the market. This brief contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended Marketing Agreement and Amendment to the Order

The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 954.41 (a) and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream for fluid consumption (including any mixture of cream and milk or skim milk containing less butterfat than the minimum requirement for cream), (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for as used to produce a Class II product.

2. Delete § 954.51 and substitute therefor the following:

§ 954.51 *Butterfat differentials to handlers*—(a) *Class I milk.* If the average butterfat content of the milk disposed of as Class I milk by any handler is more or less than 3.5 percent, there shall be added to the Class I price computed pursuant to § 954.50 (a) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.40 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period and divide the result by 10.

(b) *Class II milk.* If the average butterfat content of the Class II milk disposed of by any handler is more or less than 3.5 percent there shall be added to the class price computed pursuant to § 954.50 (b) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.25 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period and divide the result by 10.

3. Amend § 954.81 by deleting therefrom the reference "§ 954 51" and substituting therefor "§ 954.51 (b)".

Filed at Washington, D. C., this 3d day of July 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-7974; Filed, July 10, 1951; 8:51 a. m.]

[7 CFR Part 993]

[Docket No. AO 201-A 1]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Francisco, California, on March 8 and 9, 1951, upon proposed amendments to Marketing Agreement No. 110 and Order No. 93 (7 CFR Part 993) regulating the handling of dried prunes produced in California. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on June 12, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (16 F. R. 5794) on June 16, 1951, and corrected in the FEDERAL REGISTER (16 F. R. 6200) on June 27, 1951. No such written exceptions have been filed and the last day for filing them has expired.

Findings and conclusions. The material issues and all of the findings and conclusions of the aforesaid recom-

mended decision (F. R. Doc. 51-6955; 16 F. R. 5794, 6200) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections set forth below. The corrections are as follows: (a) In the 8th line of the 3d column of page 5806 the first "of" should be "or"; (b) in the 8th line of issue numbered 18, first column of page 5809 the word "delinenated" should be "delineated"; (c) in the 5th line, § 993.62 (g), 3d column of page 5815 the word "weighting" should be "weighing"; (d) in the 23d line, 2d column of page 5816, the word "in" should be "is"; and (e) in the 4th line, 2d column of page 5819 the word "conditions" should be "condition."

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as amended, Regulating the Handling of Dried Prunes Produced in California" and "Order, as amended, Regulating the Handling of Dried Prunes Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The marketing agreement, as amended, and the order as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing order have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 6th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order, as Amended, Regulating the Handling of Dried Prunes Produced in California[1]

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AUTHORITY: §§ 993.1 to 993.97 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

Findings and determinations—(a) *Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (7 CFR Part 993); and all of said previous findings and determinations, except the finding as to the base period for the parity computation, are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein; (2) The amended order, as hereinafter set forth, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (3) Said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included, in the proposals upon which the amendment hearing has been held; and (4) There are no differences in the production and marketing of dried prunes in the production area covered by said amended order, which make necessary different terms applicable to different parts of such area.

Order relative to handling. It is, therefore, ordered, That the handling of dried prunes produced in California shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this amended order.

DEFINITIONS

§ 993.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

§ 993.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 993.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 993.4 *Prunes.* "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes", but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (c) prunes as used in § 993.62.

§ 993.5 *Natural condition prunes.* "Natural condition prunes" means prunes which have not been processed.

§ 993.6 *Processed prunes.* "Processed prunes" means prunes which have been cleaned, or treated with water or steam: *Provided*, That prunes shall not become processed prunes at the time they are cleaned by a producer or a dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler.

§ 993.7 *Standard prunes.* "Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.48.

§ 993.8 *Standard processed prunes.* "Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.

§ 993.9 *Substandard prunes.* "Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.48 and 993.49.

§ 993.10 *Handle.* "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That, this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c).

§ 993.11 *Handler.* "Handler" means any person who handles prunes.

§ 993.12 *Dehydrator.* "Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

§ 993.13 *Producer.* "Producer" means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.

§ 993.14 *Ton.* "Ton" means a short ton of 2,000 pounds.

§ 993.15 *Grade.* "Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

§ 993.16 *Size.* "Size" means the number of prunes contained in a pound or the classification of prunes into their various count groups in accordance with the usual practice of the industry.

§ 993.17 *Crop year.* "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

§ 993.18 *Domestic.* "Domestic" means the continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands, and Canada.

§ 993.19 *Proper storage.* "Proper storage" means storage of such character as will maintain prunes in the same condition as when received by the handler, except for normal and natural deterioration and shrinkage.

§ 993.20 *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

§ 993.24 *Establishment of Prune Administrative Committee.* A Prune Administrative Committee (hereinafter referred to as the "committee"), consisting of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, 14 shall represent producers and seven shall represent handlers.

§ 993.25 *Term of office.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

§ 993.26 *Selection.* Selection of members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by the respective groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made by the Secretary from the classes within each group and in the proportions set forth in § 993.28.

§ 993.27 *Eligibility.* Each producer member and alternate member of the committee shall be, during his term of office, a producer in the district from which he is appointed, and, if such person also handled prunes during the crop year immediately preceding that for which he is selected, at least 51 percent of the prunes so handled by him during such preceding crop year must have been produced from plums grown by him: *Provided*, That, producer-at-large members and their alternates, if they otherwise meet the foregoing eligibility requirements, may be producers in any districts. Each handler member and alternate member of the committee shall be either a handler of prunes or an employee or agent of a handler of prunes actually engaged in the handling of prunes while he is such member or alternate member.

§ 993.28 *Nominees* — (a) *Producer nominees*—(1) *Independent producers.* One nominee for member on the committee and one nominee for an alternate member shall be nominated to the Secretary by majority vote in elections in which only producers who are not members of a cooperative marketing association shall participate in each of the seven districts in the State of California which are described below in this subparagraph. The committee shall cause such elections to be held in each district in each election year prior to March 31. At such election, each such producer shall be entitled to cast only one vote in each balloting for member nominee and in each balloting for alternate member nominee and each such producer shall be permitted to vote only in a district in which he is a producer. No producer shall vote in more than one district. In case a producer is a producer in more than one district, he shall elect by written notification to the committee in which of such districts he will cast his vote for such nominees. The seven districts which are referred to above are described as follows:

District No. 1. The counties of Siskiyou, Modoc, Shasta, Trinity, Lassen, Plumas, Sierra, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Napa, Yolo, and Solano.

District No. 3. The counties of Mendocino, Lake, Sonoma, Marin, Del Norte, and Humboldt.

District No. 4. The counties of San Francisco, San Mateo, and Santa Cruz, and all that portion of the territory in Santa Clara County west of a line described as follows: beginning at the intersection of Alviso Road and San Francisco Bay in Alviso; thence south via Alviso Road to First Street in San Jose; thence south on said First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road; thence south on Meridian Road to Dry Creek Road; thence west on Dry Creek Road to the San Jose-Los Gatos Highway; thence southwesterly on the San Jose-Los Gatos Highway to Union Avenue, also known as Ware Avenue; thence south on Union Avenue, also known as Ware Avenue, along a straight line continuing to the Santa Cruz County line.

District No. 5. All of Alameda County and that part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to reestablishing such equalization on the basis of the existing situations.

(2) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

(3) *Producers-at-large.* The number of nominees and their respective alternates then required to make up the total of 14 producer member nominees and their alternates shall be nominated to the Secretary by the seven independent producer nominees nominated for members on the committee pursuant to the provisions of this section. Such nominations shall be made prior to April 15 and shall be by majority vote.

(b) *Handler nominees.* Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) (2) of this section, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to in this subpart as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than 8 percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective alternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At such meeting, nominations shall be made by each class of independent handlers for nominees of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and on the further basis of one vote for each handler in each class in each balloting for nominees of that class.

§ 993.29 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 993.30 *Failure to nominate.* In the event nominations for any positions on the committee are not received within the prescribed periods, the Secretary may select such members or their alternates, without regard to nominations, but each such selection shall be on the bases prescribed in § 993.28.

§ 993.31 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 993.32 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or, by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 20 calendar days after such vacancy occurs and selected in the manner provided in this subpart, insofar as applicable.

§ 993.33 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 993.34 *Voting procedure and verbatim record.* Except as specifically otherwise provided in this section, all decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption. Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least 16 members, and the committee shall file with the Secretary, along with such recommendations to the Secretary, a verbatim record of those portions of its meetings relating to such requirements. After any proposition is voted upon by the committee, it shall report promptly to the Secretary the individual affirmative or negative vote on such proposition of each member and of each alternate member acting in the place of a member.

§ 993.35 *Compensation and expenses.* The members of the committee, and their alternates when acting as members, shall receive $10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

§ 993.36 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 993.37 *Duties.* The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than June 20 of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus tonnage operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to the surplus tonnage for such crop year and to make such statement available at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show, among other things, the receipt and expenditure of funds. At least two copies of such audit report shall be submitted to the Secretary; a copy of each such report shall be available, at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(l) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 993.41 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.48 through 993.63. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of prunes from preceding crop years held by handlers;

(b) The estimated tonnage of prunes from preceding crop years held by producers and dehydrators;

(c) The estimated production of prunes in such crop year;

(d) An appraisal of the quality and size of prunes of the crop to be produced in such crop year;

(e) The estimated tonnage of prunes marketed in recent crop years segregated by countries as to foreign commerce and segregated by uses as to domestic commerce;

(f) The current prices being received for prunes by producers, dehydrators, and handlers;

(g) The trend and level of consumer income;

(h) The estimated probable market requirements for prunes in such crop year segregated by countries as to foreign commerce and segregated by uses as to domestic commerce; and

(i) Such other factors as may have a bearing on the marketing of prunes.

§ 993.42 *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than June 15 preceding the beginning of such crop year.

§ 993.43 *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary not later than June 20 preceding the beginning of such crop year.

§ 993.44 *Modifications or changes.* In the event the committee subsequently determines that such marketing policy should be modified or changed by reason of change in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change.

§ 993.45 *Notice.* The committee shall give reasonable notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to producers, dehydrators, and handlers of the contents of each marketing policy report submitted to the Secretary and each report modifying or changing a marketing policy. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers, dehydrators, and handlers.

GRADE AND SIZE REGULATIONS

§ 993.48 *Receiving of natural condition prunes by handlers—(a) General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this section: *Provided,* That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception in § 993.4 (b), in the possession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of this subpart.

(b) *Initial regulation.* Effective as of the effective time of this section and, continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall receive prunes from producers or dehydrators, other than as substandard prunes, unless they meet the minimum standards for natural condition prunes as set forth in § 993.97 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to grade, as provided for

in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of natural condition prunes as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, cause an inspection to be made of prunes tendered to him by any producer or dehydrator. Prior to accepting any such tender of prunes as prunes meeting the applicable minimum standards for grades and sizes, each such handler shall obtain a certificate that the prunes meet the aforementioned requirements for standard prunes as established pursuant to the provisions of paragraphs (b) or (c) of this section, and said handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Any prunes so certified as meeting the applicable requirements shall be known and referred to as standard prunes.

(e) *Substandard natural condition prunes*—(1) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (i) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (ii) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subparagraph (2) of this paragraph; or, (iii) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as and be subject to the same provisions respecting surplus prunes, as contained in §§ 993.59 through 993.63, and, except those referred to in subparagraph (2) of this paragraph, shall be held by a handler separate and apart from any standard prunes held by him.

(2) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions of this subpart, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: *Provided*, That any prunes so treated as substandard prunes shall be of such comparable size as may be established by the committee through issuance of rules and regulations. No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this section after a certificate of appraisal has been issued applicable to such prunes.

§ 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, except in accordance with the terms and conditions of this section.

(b) *Initial regulation.* Effective as of the effective time of this section, and continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation shall be comparable so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. The committee shall give prompt notice through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the then applicable grade and size standards for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes, for any use unless they are specifically excepted in this section, if they do not meet such minimum standards. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum standards and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

(e) *Exceptions to restrictions*—(1) *Inter-plant and inter-handler transfers.* Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California without having any inspection made as provided for in paragraph (d) of this section, and any handler may ship prunes from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section.

(2) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subparagraph, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained in this subparagraph, and submit it, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subparagraph without regard to the restrictions contained in paragraphs (b), (c), and (d) of this section.

§ 993.50 *Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity*—(a) *Determination.* If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such findings is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in this section.

(b) *Receiving of prunes by handlers.* In lieu of the provisions set forth in § 993.48, a handler may receive any tender of prunes from a producer or dehydrator: *Provided*, That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this section, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in § 993.97 (Exhibit A, paragraph C of subdivision I), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I. In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth above in this paragraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Nothwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this paragraph.

(d) *Inspection agency.* The inspection agency referred to in this section shall be the same as the inspection agency which is provided for in §§ 993.48 and 993.49.

(e) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.81 (a), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.80 by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its authorized functions. In all other respects, the provisions of §§ 993.80 through 993.32 shall remain in full force and effect.

(f) *Effective provisions.* In any crop year while the provisions of this section are in effect, the provisions of §§ 993.1 through 993.45, §§ 993.71 through 993.77

and §§ 993.84 through 993.93 shall remain in full force and effect, except to the extent that they may be in conflict with the provisions of this section or of the act.

SALABLE AND SURPLUS TONNAGE REGULATIONS

§ 993.59 *Method of establishing salable and surplus percentages.* After considering all available information and factors used in formulating the marketing policy, the committee, prior to July 15 in any crop year, shall recommend to the Secretary the establishment of a salable percentage and a surplus percentage during the crop year for which the marketing policy has been developed. Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish a salable percentage and surplus percentage of prunes for any crop year would tend to effectuate the declared policy of the act, he shall so establish such percentages. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent. The salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year. The committee shall give prompt notice, through newspapers having general circulation in the area and may give such notice through other channels, if the committee deems it desirable, to handlers, dehydrators, and producers of each recommendation submitted by it to the Secretary and of any such percentages made effective by the Secretary. Such notice of the percentages made effective by the Secretary shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

§ 993.60 *Salable tonnage.* The salable tonnage of prunes of a handler shall be the sum of the salable tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The salable tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the salable percentage to the quantity of prunes (including standard and substandard prunes) so delivered, plus any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the salable tonnage portion so computed exceeds the quantity of standard prunes delivered to the handler by the individual producer or dehydrator, it shall be reduced to the quantity of standard prunes so delivered. The handler may sell such salable tonnage in any manner he deems advisable subject to the applicable requirements specified in §§ 993.48 and 993.49. No handler shall handle any quantity of prunes in excess of his salable tonnage, except such prunes as may be obtained from surplus tonnage as specified in § 993.63, and except as provided in paragraph (g) of § 993.61. In no event, however, shall a handler be prevented from handling salable tonnage acquired by him from another handler who has received such tonnage from producers, dehydrators, or other handlers in accordance with all the provisions of this subpart.

§ 993.61 *Surplus tonnage*—(a) *Computation.* The surplus tonnage of prunes of a handler shall be the sum of the surplus tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The surplus tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the surplus percentage to the quantity of prunes (including standard and substandard prunes) so delivered, less any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the surplus tonnage portion so computed is less than the quantity of substandard prunes delivered to the handler by the individual producer or dehydrator, it shall be increased to the quantity of substandard prunes so delivered. The committee shall authorize and permit a nonprofit cooperative agricultural marketing association, which has contractual authority to so pool the tonnage of its members, to concentrate the tonnage of its producer members before applying the surplus tonnage provisions of this subpart.

(b) *Holding and delivery.* Each handler shall hold for the committee in proper storage, all surplus tonnage received by him until relieved of such obligation by the committee. The committee may, at any time, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the prunes may be stored by the handler, surplus tonnage held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

(c) *Substandard surplus prunes.* Substandard prunes, except defective prunes referred to in § 993.49 (e) (2), shall be held separate from other prunes held by any handler. The committee shall dispose of substandard prunes as expeditiously as it is practicable to do so, in any manner designated by the committee which is not contrary to any provisions of this subpart for the disposition of substandard prunes.

(d) *Storage facilities.* The committee may rent and operate, or arrange for the use of, facilities for storage and handling of surplus tonnage.

(e) *Exchange.* The committee may establish methods and procedures, including compensating payments, for the exchange by handlers of salable tonnage prunes for surplus standard prunes held by or for the committee, of the various grades and sizes of prunes: *Provided, however,* That no such exchange shall be permitted of substandard prunes. Such transfers shall be on a negotiated basis.

(f) *Payment for services.* Handlers shall be paid for necessary services rendered by them in connection with surplus tonnage, including, but not limited to, receiving, storing, grading, and fumigating, in accordance with a schedule of payments established by the committee and approved by the Secretary. If any handler, prior to December 1 of the crop year, demands removal of such surplus tonnage by the committee, such handler automatically waives payment for any and all charges that may have accrued for storing such surplus tonnage, including in and out charges. When any demand for removal is made, the committee shall remove such surplus tonnage from said handler's possession as expeditiously as practicable, and in any event within 30 days following receipt of written notice.

(g) *Deferment of obligation.* The committee may defer, upon the written request of any handler and for good and sufficient cause, the fulfilling by such handler of his surplus tonnage obligation for a specified period ending not later than November 15 of the then current crop year: *Provided,* That no handler shall dispose of any tonnage of standard prunes during such deferment period in excess of the tonnage he is authorized to handle as specified in § 993.60 plus the tonnage for which such handler holds purchase contracts with producers and dehydrators. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the surplus tonnage applicable to his receipts of prunes from producers and dehydrators. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of the prunes in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus tonnage and disbursed by it to persons as set forth in § 993.63 (i) (2). In addition to the foregoing, the committee may establish other reasonable terms and conditions upon which such deferments may be granted.

§ 993.62 *Diversion privileges.* The word "prunes" as used in this section means plums of a variety used in the production of prunes. No producer shall be required to divert all or any portion of these prunes. Any producer may, if he chooses, participate to the extent set forth in this section, by diverting all or a portion of his production of prunes to nonhuman uses or may divert such prunes by leaving them unharvested, or may divert them to such other uses as may be approved by the committee, subject to the following terms and conditions:

(a) The producer shall first make application in writing to the committee for permission to divert prunes, disclosing in such application whether such prunes are to be diverted to nonhuman use, whether they are to be left unharvested, or to what other use they are to be diverted, and describing in detail the location of such prunes or portion thereof.

(b) If the committee approves such application, it shall estimate the amount of the production to be so diverted, on a dried weight basis, and shall advise the applicant, in writing, of its estimate of such dried production and of its approval of the application to divert, subject to satisfactory proof by the applicant that such prunes have actually been diverted as stated in his application.

(c) After receipt by the committee of satisfactory proof of such diversion, the committee shall issue to the applicant and made out in his name, a certificate of salable tonnage or diversion certificate for the dried weight of such prunes equal to the salable percentage as applied to the estimated dried production.

(d) Such diversion certificate shall not be transferable to another producer, or a handler, or any other person, except with the approval of the committee, evidenced by its endorsement of approval on the certificate.

(e) A certificate of salable tonnage or diversion certificate, so issued, shall entitle a producer to deliver to a handler, and a handler to receive, the specified dried weight of prunes free from all surplus set aside requirements in addition to the portion of all of such producer's delivery which would otherwise constitute salable tonnage, and shall entitle a handler, upon presentation of such certificate to the committee to satisfy his surplus tonnage requirements to the extent of the dried weight of prunes specified in such certificate.

(f) Any producer who diverts prunes pursuant to the provisions of this section and any other holder of diversion certificate, shall not be entitled to participate in the proceeds of the surplus tonnage for any prunes so diverted.

(g) Prior to the delivery of the diversion certificate to the producer, he shall pay to the committee the reasonable expense assessed by the committee for examining, estimating, weighing, or otherwise supervising the diversion.

§ 993.63 *Disposition of surplus tonnage*—(a) *Sales to United States Government and foreign governments.* (1) The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

(2) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell to any foreign government, surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(b) *Sales for export*—(1) *Countries included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes to handlers for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand. The quantity of prunes included in any offer to sell to individual handlers shall be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Countries not included in estimate of salable percentage.* The committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for export to any foreign country, which country was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales for export.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2), surplus standard prunes pursuant to this paragraph, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(c) *Sales for animal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers*—(1) *Authorization under specified supply conditions.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the additional conditions set forth in subparagraphs (2), (3), (4), (5) and (6) of this paragraph.

(2) *Authorized commencement date.* No such sale shall be made prior to December 15 of the crop year.

(3) *Quantity limitation.* No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage.

(4) *Prices.* If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(5) *Pro rata shares and termination of offers.* In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(6) *Notice to Secretary of proposed sales to handlers.* The committee shall file with the Secretary, by telegram or

air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(e) *Sales of standard prunes for manufacturing purposes*—(1) *Manufacturing outlets included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Manufacturing outlets not included in estimate of salable percentage.* The committee may offer to sell, and sell to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimate upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales of standard prunes for manufacturing purposes.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2), surplus standard prunes to handlers pursuant to this paragraph, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(f) *Sales of substandard prunes for animal feed and for manufacturing purposes.* The committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay; and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee: *And provided, further*, That no such sales for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they were sold. Such sales may be made at negotiated prices.

(g) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(h) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(i) *Proceeds of sales of surplus tonnage*—(1) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(2) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(j) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

REPORTS AND BOOKS AND OTHER RECORDS

§ 993.71 *Confidential information.* All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

§ 993.72 *Reports of acquisitions, sales, uses, and shipments.* Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

§ 993.73 *Reports of prices.* Each handler shall file such price reports as may be requested by the committee, showing the weighted average price paid by such handler to producers and dehydrators for each size of prunes and the quantity purchased at each such price, to enable the committee to determine the average price received by producers for the purposes set forth in paragraphs (b), (d) and (e) of § 993.63.

§ 993.74 *Reports of surplus tonnage.* Each handler shall file with the committee such reports of the total substandard prunes and other surplus tonnage by grade and size classifications thereof, held in his warehouses or under his control and the location thereof, as may be requested by the committee.

§ 993.75 *Other reports.* Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 993.76 *Records.* Each handler shall maintain such records of prunes received, held, and disposed of by him as are prescribed by the committee and needed by it to perform its functions under this subpart.

§ 993.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

§ 993.80 *Expenses.* The committee is authorized to incur such expenses

(exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than June 20 preceding the crop year in connection with which such recommendations are made.

§ 993.81 *Assessments*—(a) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the applicable crop year, and the total salable tonnage prunes handled by all handlers as the first handlers thereof plus tonnage sold to such handlers from surplus tonnage for resale to other than Federal governmental agencies, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage prunes handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale to others than Federal governmental agencies during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Disposition of excess funds from assessments.* If the first audit after the end of any crop year shows that the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, the excess shall be credited to the handlers in proportion to their relative total assessments and the portion to which each handler is entitled shall be credited against assessments in the following crop year, unless the handler shall request payment, in which event prompt payment shall be made.

(d) *Suits for collection.* The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 993.82 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 993.84 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 993.85 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 993.86 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 993.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 993.88 *Agents*—(a) *Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 993.89 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

§ 993.90 *Termination or suspension*—(a) *Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c (16) (B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 993.91 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 993.92 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either

thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 993.93 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 993.97 *Exhibit A; minimum standards.*

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) off-color; (2) inferior meat condition; (3) fermentation; (4) skin or flesh damage; (5) scab; (6) burned; (7) mold; (8) imbedded dirt; (9) insect infestation; (1) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(4) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(5) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eights inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths inch (¾") in diameter.

(6) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(7) "Mold" means a characteristic fungus growth and is self-explanatory.

(8) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in or adhering to the prune that it cannot be removed in normal processing.

(9) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%).

(4) The combined tolerance for off-color, inferior meat condition, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%).

(5) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) Inferior meat condition; (3) Fermentation; (4) Skin or flesh damage; (5) Scab; (6) Burned; (7) Mold; (8) Imbedded dirt; (9) Insect infestation; (10) Decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(4) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect the appearance, edibility or keeping quality.

(5) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter, or by unsightly scab of other character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(6) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(7) "Mold" means a characteristic fungus growth and is self-explanatory.

(8) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in or adhering to the prune that it cannot be readily removed in washing the fruit.

(9) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation and decay shall not exceed ten percent (10%).

(5) The combined tolerance for off-color, inferior meat condition, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation and decay shall not exceed twenty percent (20%).

Order Directing That a Referendum Be Conducted Among Producers of Prune Plums in the State of California for Drying or Dehydrating Into Dried Prunes in Said State; Designating Agents to Conduct Such Referendum; and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1950 through June 30, 1951 (which is hereby determined to be a representative period for the purpose of this referendum), were engaged, in the State of California, in the growing of prune plums for the production, for market, of dried prunes to determine whether such producers approve or favor the issuance of an amended order regulating the handling of dried prunes produced in California; said order, as proposed to be amended, being annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

W. Allmendinger, R. G. Rush, G. R. Eastman, and M. G. Young, of the Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: The Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C.; the office of the Prune Administrative Committee, No. 2 Pine Street, San Francisco 11, California; the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, 333 Fell Street, P. O. Box 3638, San Francisco 2, California; and the county Production and Marketing Administration office in each of the prune producing counties in California.

Ballots to be cast in the referendum may be obtained from the Western Marketing Field Office, Production and Marketing Administration, Fruit and Vegetable Branch, U. S. Department of Agriculture, 333 Fell Street, P. O. Box 3638, San Francisco 2, California, and the County Production and Marketing Administration office in each of the prune producing counties in California.

[F. R. Doc. 51-7972; Filed, July 10, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 98]

EXTENSION OF TIME LIMIT FOR THE FILING OF CLAIMS AGAINST CLOSED INSTITUTIONS IN JAPAN

JUNE 28, 1951.

Notice is hereby given that, according to an announcement by the Closed Institutions Liquidating Commission, an agency of the Japanese Government, the time limit for the filing of claims arising outside Japan against closed financial institutions now being liquidated by the Commission has been extended from July 16, 1951, to October 16, 1951. The Department of State's Public Notice No. 94 of April 11, 1951, published in the FEDERAL REGISTER on April 17, 1951, contains the substance of the information made available by the Commission with respect to the types of claims being considered and the procedures to be followed in filing claims with that agency.

For the Secretary of State.

U. ALEXIS JOHNSON,
Director,
Office of Northeast Asian Affairs.

[F. R. Doc. 51-7939; Filed, July 10, 1951; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 41

JULY 3, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427 approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended the following described public lands in the Anchorage, Alaska Land District comprising approximately 22 small tracts embracing approximately 115.10 acres:

SEWARD MERIDIAN

FOR LEASING AND SALE

For Cabin Sites

T. 19 N., R. 4 W.,
Section 28:
Lot 4.
Lot 6, that portion which would be if described in terms of a normal subdivision: N½NE¼SW¼.
Lot 7.

For Business Sites

T. 19 N., R. 4 W.,
Section 28:
Lot 5.
Lot 6, that portion which would be if described in terms of a normal subdivision: NE¼SE¼NE¼SW¼.

The land described above is included in the homestead entry of James D. Lovejoy, Anchorage 012004.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the homestead entry Anchorage 012004 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279) and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-7935; Filed, July 10, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 1]

ORGANIZATION AND FUNCTIONS

CONSOLIDATION OF AIRPORT DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this revision is to consolidate the Airport District Office at Charleston, W. Va., with the Airport District Office at Richmond, Va.

Section 43 (g) (3) (ii), Region 1, is amended by deleting "Charleston, W. Va., Kanawha County Court House—West Virginia."

This amendment shall become effective August 1, 1951.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-7943; Filed, July 10, 1951; 8:47 a. m.]

National Production Authority

[NPA Delegation 14, as Amended July 11, 1951]

ADMINISTRATOR OF FEDERAL SECURITY AGENCY ET AL.

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS UNDER NPA ORDER M-4 AND TO MAKE ALLOTMENTS AND ASSIGN RATINGS UNDER CMP REGULATION NO. 6

1. Pursuant to the authority under the Defense Production Act of 1950 (Pub. Law 774, 81st Cong. as extended by Pub. Law 69, 82d Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), the following functions to be performed pursuant to NPA Order M-4 and CMP Regulation No. 6 are delegated to each of the persons named in Table I, with power to delegate and to authorize successive delegations with respect to the categories of construction set forth in said table opposite his name:

(a) To receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for authorization to commence construction, pursuant to section 6 of NPA Order M-4;

(b) To receive, consider, pass upon, and take action in his own name, including appellate action, upon applications for adjustment or exception based upon a claim of unreasonable hardship, or upon a claim that prohibition of the construction is not in the interest of the national defense, pursuant to section 11 of NPA Order M-4.

2. Notwithstanding paragraph 1 of this delegation, the authority delegated hereby does not include any category of construction specified in List A of NPA Order M-4, except that the Administrator of the Federal Security Agency and the Administrator for Veterans' Affairs may take action with respect to such a category if such construction is required as part of an integrated hospital program; and the Administrator of the Federal Security Agency may take action with respect to a gymnasium provided such gymnasium is a part of a school plant and is to be used primarily for instructional purposes in physical education and training, and does not include facilities for spectator seating.

3. Notwithstanding paragraph 1 of this delegation, the authority delegated hereby does not include the approval of the commencement of construction of any office building, administration building, retail store, retail outlet, or service store, unless such construction is an integral part of a category of construction respectively specified in Table I.

4. Any authorization, adjustment, or exception under NPA Order M-4 issued by any delegate pursuant to this delegation must be correlated with the delegate's activities under the Controlled Materials Plan of the National Production Authority; and the projects approved by each delegate, and the allotment of controlled materials made therefor, will be charged against the total construction program and allotments approved for such delegate by the Defense Production Administration.

5. To authorize construction schedules of prime contractors in accordance with the provisions of CMP Regulation No. 6. To make allotments of controlled materials for construction, to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of materials and products other than controlled materials which are required for construction under an approved construction program as provided by CMP Regulation No. 6.

6. The authority delegated by paragraph 5 of this delegation shall be exercised within such construction program determinations or other quantitative re-

strictions as may be established by the Defense Production Administration, and in accordance with such instructions, record-keeping and reporting requirements, and policy directives as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority and in conformity with the provisions of CMP Regulation No. 6 and as contained in the instructions applicable to forms to be made use of in connection with CMP Regulation No. 6 and NPA Order M-4, or such other forms as have been or will be approved by the National Production Authority.

7. Insofar as it is inconsistent herewith, this delegation supersedes NPA Delegation 7.

8. As used in this delegation, the terms "petroleum," "gas," "solid fuels," "electric power," "metals and minerals," "food," "domestic transportation," "storage," and "port facilities" have the same meanings as are set forth in Executive Order 10161.

9. All actions taken pursuant to this delegation shall be in the name of the delegate or other official to whom like authority has been delegated by the delegate, and shall be authenticated by the signature and title of the individual authorized to take such actions.

This delegation shall take effect on July 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I

Delegate	*Category of construction*
The Administrator of the Federal Security Agency.	All school and library construction; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs except water supply and sewer construction programs.
The Administrator of Veterans' Affairs.	The hospital program of the Veterans' Administration.
The Administrator of the Housing and Home Finance Agency.	Housing construction, alteration, and repair, except housing and community facilities on federally owned property under the control of the Atomic Energy Commission, and except housing on military reservations.
The Secretary of Agriculture..	Farm construction, including farmstead construction; food production and processing facilities, and wholesale food distribution facilities within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (16 F. R. 3410), as from time to time amended or supplemented.
The Secretary of the Interior..	Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the generation, transmission, and distribution of electric power; facilities for the production and processing of the metals and minerals listed in column 1 of appendix A of NPA Delegation No. 5; facilities for the production and processing of fishery products.
The Petroleum Administrator for Defense.	Facilities for the production, processing, refining, and distribution of petroleum and gas.
The Secretary of Commerce..	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, regardless of financing; air navigation facilities, civil airports; shipyards.
The Administrator of the Defense Transport Administration.	Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161.

[F. R. Doc. 51-8055; Filed, July 10, 1951; 5:15 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3842]

NEW ENGLAND AIR EXPRESS, INC.; EXEMPTION APPLICATION

NOTICE OF HEARING

In the matter of the application of New England Air Express, Inc., for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on July 16, 1951, at 10 a. m., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

The scope of this proceeding is governed by the requirements of section 416 (b) of the Civil Aeronautics Act, as amended. However, particular attention will be directed to the question of whether the applicant can be entrusted with the authority to render the irregular air service for which it has applied.

Notice is further given that any person desiring to be heard in opposition to the application, other than the parties of record, must file with the Board on or before July 16, 1951, a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate at the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and the relief requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 6, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-7961; Filed, July 10, 1951; 8:50 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Saturday, June 30, 1951, on Form 64 (Savings). Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 51-7959; Filed, July 10, 1951; 8:50 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Saturday, June 30, 1951, on Form 64—Call No. 35. Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64", June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 51-7960; Filed, July 10, 1951; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9778, 9930, 9996]

KINSTON BROADCASTING CO. (WFTC) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kinston Broadcasting Company (WFTC), Kinston, North Carolina, Docket No. 9778, File No. BP-7752; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9930, File No. BP-7979; for construction permits. Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9996, File No. BTC-1111; for transfer of control.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1951;

The Commission having under consideration the above application for consent to the relinquishment of negative control of Farmers Broadcasting Service, Inc. by E. L. Scott, Jack Siegel and Robert Wasdon to Leroy Arnold, et al.; and

It appearing, that the aforesaid transfer application was filed at the request of this Commission inasmuch as the stock transfers reflected therein had already been consummated without the prior consent of this Commission; and

It further appearing, that on the basis of the facts set forth in the aforesaid transfer application and Commission files pertinent thereto, that the Commission is unable at this time to conclude that a grant thereof would be in the public interest, convenience and necessity; and

It further appearing, that the above-entitled application of Farmers Broadcasting Service, Inc. for construction permit to change the facilities of Station WELS, Kinston, North Carolina, was, by Order of the Commission of March 21, 1951, designated for hearing in a consolidated proceeding with the above application of Kinston Broadcasting Company for construction permit to change facilities of Station WFTC, Kinston, North Carolina, on engineering issues only, and, further, that said hearing commenced on May 23, 1951 but has now been continued until July 9, 1951;

It is ordered, Pursuant to section 310 (b) of the Communications Act, that the aforesaid application for the relinquishment of negative control of Farmers Broadcasting Service, Inc. is designated for hearing in a consolidated proceeding with the above applications of Kinston Broadcasting Company and Farmers Broadcasting Service, Inc. for construction permits, upon the following issues:

1. To obtain full information as to all contracts, agreements, or understandings, past or present, between Robert E. Wasdon, E. L. Scott and Jack Siegel, on the one hand, collectively or individually, and Leroy Arnold, Irwin Berger, Forest H. Smith, G. W. Carter, A. D. Harris, P. T. Meyers, Clifton Rice and Edwin J. Schuffman, on the other hand, collectively or individually, relating to the sale, assignment or transfer of any of the stock of Farmers Broadcasting Service, Inc.

2. To determine whether the execution of any of the contracts, agreements or understandings, if any, referred to in Issue No. 1, the terms thereof, or any act performed pursuant thereto, were in violation of section 310 (b) of the Communications Act of 1934, as amended, or in violation of the Rules and Regulations of the Commission with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

3. To determine the method or methods of financing the operation of Station WELS from September 21, 1950 to date.

4. To determine the authority and control exercised by E. L. Scott, Jack Siegel and Robert E. Wasdon from September 21, 1950 to date.

5. To determine the disposition since September 21, 1950 of income received from the operation of Station WELS and the manner and authority for such disposition.

6. To determine whether Farmers Broadcasting Service, Inc. has at any time since September 21, 1950 been controlled or operated by persons without a license or construction permit therefor and in violation of section 301 of the Communications Act,

7. To determine whether the public interest, convenience or necessity would be served by a grant of the above-entitled application.

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the Commission's order of March 21, 1951 designating the above-entitled applications for construction permits for hearing, is hereby amended to include the following issue:

1a. To determine the legal qualifications of Farmers Broadcasting Service, Inc., its officers, directors and stockholders, to construct and operate Station WELS as proposed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7936; Filed, July 10, 1951; 8:45 a. m.]

[Docket Nos. 9964, 9965, 9966]

AZALEA BROADCASTING CO. ET AL

ORDER CONTINUING HEARING

In re applications of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, Docket No. 9964, File No. BP-7830; WSMB, Incorporated (WSMB), New Orleans, Louisiana, Docket No. 9965, File No. BP-7971; Cary Lee Graham and Edwin H. Estes, d/b as The Gadsden Radio Company, Mobile, Alabama, Docket No. 9966, File No. BP-8049; for construction permits.

The Commission having under consideration a petition filed June 20, 1951, by Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, doing business as Azalea Broadcasting Company, Mobile, Alabama, for a 90-day continuance of the hearing now scheduled for July 2, 1951, in Washington, D. C., on the above-entitled consolidated applications, and removal of said hearing from Washington, D. C., to Mobile, Alabama; and the opposition filed June 26, 1951, by the Chief of the Broadcast Bureau of the Federal Communications Commission to that part of the petition only which requests a transfer of the hearing to Mobile, Alabama; and

It appearing, that petitioner's engineer has made a study of the engineering features of the application of WSMB, Inc. (WSMB), New Orleans, Louisiana, in relation to the above-entitled Mobile, Alabama, applications, and as a result of said study, petitioner and WSMB, Inc. propose in the near future to file with the Commission a joint petition requesting that the Commission sever the WSMB application from this consolidated proceeding; that the preparation of such a petition will require additional time; and that if the Commission acts favorably on said petition for severance, the proceeding herein will be thereby shortened; and

It appearing, that in support of petitioner's request that the hearing be transferred to Mobile, Alabama, petitioner alleges that it expects to call a number of local witnesses residing in Mobile to offer evidence upon the issues set forth in the Commission's Order of May 3, 1951 in this proceeding; that petitioner is a partnership comprised of four partners, all of whom reside in Hattiesburg, Mississippi, near Mobile, Alabama; that The Gadsden Radio Company is a partnership composed of two partners, both residing in Gadsden, Alabama; that engineers for both applicants reside in Alabama, and counsel for petitioner resides in Montgomery, Alabama; that the expense and loss of time entailed in attending said hearing in Washington, D. C. would work a great hardship upon the parties; and

It further appearing, that in so far as the petition requests a 90-day continuance, good cause has been shown therefor; but that in so far as the petition requests a transfer of the hearing from Washington, D. C., to Mobile, Alabama, the action of the Commission in designating the above-entitled applications for hearing in Washington, D. C. is in accord with the Commission's general policy and usual practice (See, Midland National Life Insurance Company (KWAT), 4 R. R. 85, and Santa Rosa Broadcasting Company, 4 R. R. 116; that no unusual issues are involved in this proceeding which make it necessary or desirable in the public interest that the hearing be held in the field, and that under the circumstances shown herein, changing the place of hearing from

Washington, D. C. to Mobile, Alabama, as requested in the petition, would not serve the public interest, convenience or necessity, or conduce to the orderly dispatch of the Commission's business;

Therefore, it is ordered, This 27th day of June 1951, that in so far as the petition of Azalea Broadcasting Company, Mobile, Alabama, requests a 90-day continuance of the hearing now scheduled in Washington, D. C., for July 2, 1951, said petition is granted, and the hearing on the above-entitled applications is continued to Tuesday, October 2, 1951 at 10:00 o'clock a. m.; and that in so far as the petition requests transfer of the above-entitled hearing from Washington, D. C., to Mobile, Alabama, said petition is denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7937; Filed, July 10, 1951; 8:45 a. m.]

[Docket No. 9820]

EARL M. KEY (WKEY)

ORDER CONTINUING HEARING

In re application of Earl M. Key (WKEY), Covington, Virginia, for construction permit, Docket No. 9820, File No. BP-7828.

The Commission having under consideration a petition filed on June 26, 1951, by Earl M. Key (WKEY), Covington, Virginia, requesting that the hearing on the above-entitled application, which is now scheduled to be held in Washington, D. C., on July 6, 1951, be continued until August 1, 1951; and

It appearing, that all of the parties to the above-entitled proceeding have consented to a waiver of § 1.745 of the Commission's rules relating to the timely filing of motions and to a grant of the petition under consideration;

It is ordered, This 29th day of June 1951, that the above petition be, and it is hereby, granted, and that the hearing on the above-entitled application is hereby continued until 10:00 a. m. Wednesday, August 1, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7938; Filed, July 10, 1951; 8:46 a. m.]

[Designation Order 59]

DESIGNATION OF MOTIONS COMMISSIONER

In re designation of Motions Commissioner, for the month of July, 1951; Designation Order No. 59.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of June 1951;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Paul A. Walker, Commissioner, is hereby designated as Motions Commissioner for the month of July 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7957; Filed, July 10, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1573, G-1614]

TENNESSEE GAS TRANSMISSION CO. AND UNITED NATURAL GAS CO.

ORDER GRANTING REHEARING

JULY 3, 1951.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1573; and Tennessee Gas Transmission Company, and United Natural Gas Company, Docket No. G-1614.

On June 8, 1951, Tennessee Gas Transmission Company (Tennessee) filed an application for rehearing and modification of the order of the Commission of May 31, 1951, issued at Docket Nos. G-1573 and G-1614, requesting rehearing and modification of that part of the order which denied Tennessee authorization to construct its so-called Hebron-Utica pipe line, and of that part of the order imposing conditions on Tennessee's deliveries and sales of natural gas to United Natural Gas Company, Iroquois Gas Corporation, and Equitable Gas Company.

On June 19, 1951, United Natural Gas Company (United Natural) filed an application for rehearing and modification of the order of the Commission of May 31, 1951, issued at Docket Nos. G-1573 and G-1614, requesting rehearing and modification of that part of the order imposing conditions on the delivery and sale of natural gas by Tennessee to United Natural.

The Commission finds:

(1) It is desirable to grant rehearing of the order of May 31, 1951, issued at Docket Nos. G-1573 and G-1614, except as hereinafter provided.

(a) That part of the order of May 31, 1951, dismissing the application of National Gas & Oil Corporation at Docket No. G-1599 should remain in full force and effect.

(b) That part of the order authorizing Tennessee to make available a maximum daily volume of 1,000 Mcf to Republic Light, Heat and Power Company, in addition to the presently authorized 600 Mcf, and to make available a maximum daily volume of 3,519 Mcf to the City of Clarksville, Tennessee, should remain in full force and effect, since the allocation of these volumes of arises from the certificates of public convenience and necessity issued at Docket Nos. G-962, and G-1248, all as stated in said order of May 31, 1951.

(c) That part of the order permitting Tennessee to transfer delivery of 25,000 Mcf of natural gas per day from its Eastern Rate Zone to its Northern Rate Zone, which volume of gas Tennessee has been delivering to United Fuel Gas Company for the account of The Manufacturers Light and Heat Company, in accordance with the transportation agreement between said parties, should remain in full force and effect.

(d) That part of the order rejecting the proposed findings and conclusions should remain in full force and effect so far as they relate to items (a) through (c) of this finding (1).

(e) In all other respects, there should be a rehearing on said order of May 31, 1951, in these proceedings.

(2) No determination is here made concerning the right of United Natural to file an application for rehearing at Docket No. G-1573.

The Commission orders:

(A) Rehearing be and it is hereby granted on the order of the Commission of May 31, 1951, at Docket Nos. G-1573 and G-1614, save as hereinbefore provided in paragraphs (1) (a) through (1) (d), commencing on July 16, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the rules of practice and procedure.

Date of issuance: July 5, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7947; Filed, July 10, 1951; 8:47 a. m.]

[Docket No. G-1637]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 6, 1951.

Notice is hereby given that, on July 5, 1951, the Federal Power Commission issued its findings and order entered July 3, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7948; Filed, July 10, 1951; 8:48 a. m.]

[Docket Nos. IT-5696, IT-5697, IT-5698]

ALUMINUM CO. OF AMERICA ET AL.

ORDER GRANTING MOTION FOR SERVICE OF EXAMINER'S ORIGINAL REPORT, FOR EXTENSION OF TIME FOR FILING EXCEPTIONS, AND FOR ORAL ARGUMENT

JULY 3, 1951.

In the matters of Aluminum Company of America and Knoxville Power Company, Docket No. IT-5696; Carolina Aluminum Company, Docket Nos. IT-5697 and IT-5698.

On June 25, 1951, Aluminum Company of America, Knoxville Power Company and Carolina Aluminum Company (Respondents in the above-entitled matters) filed a motion requesting that the Commission enter an order:

(1) Providing for the service upon Respondents of the Trial Examiner's report ("Original Trial Examiner's report") which was referred to in the paragraph numbered (2) of the Order Directing Service of Tentative Decision dated September 29, 1947, as having been examined by the Commission prior to the preparation and service of the Tentative Decision of September 29, 1947.

(2) Granting opportunity to Respondents to file exceptions in manner as provided in § 1.31 of the rules and practice and procedure of the Commission, to all matters and things contained in (a) the said Trial Examiner's report, (b) the Commission's Tentative Decision of September 29, 1947, and (c) the Recommended Decision of the Presiding Examiner in the proceedings as reopened dated May 17, 1951; Respondents to have 90 days after service upon them of the original Trial Examiner's report within which to file such exceptions; and granting to Staff counsel opportunity for filing like exceptions within the same 90-day period.

(3) Granting to Respondents and Staff counsel opportunity to present oral argument before the Commission upon the entire record in these proceedings, at such date as may be fixed by the Commission after the filing of exceptions to the Trial Examiner's report, the Tentative Decision and the Recommended Decision of the Presiding Examiner.

The time for filing exceptions to Commission's Tentative Decision of September 29, 1947, has been extended from time to time, and the time for filing exceptions to the Recommended Decision of the Presiding Examiner on the further hearing has been extended to August 3, 1951.

The Commission finds: That it would be appropriate and consistent with the public interest to grant Respondents' request as enumerated in paragraphs 1, 2 and 3 above.

The Commission orders:

(A) That Respondents' motion for service of the Trial Examiner's original report in the above-entitled matters, for extension of time for filing exceptions, and for oral argument, as set forth in paragraphs 1, 2, and 3 above, is hereby granted, provided however, that any and all exceptions must be filed within 60 days from issuance of this order.

(B) Oral argument on exceptions in the above-entitled matters be had before the Commission on September 10, 1951, at 10 o'clock a. m., e. d. s. t., in the Hearing Room of the Commission, 1300 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 5, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7956; Filed, July 10, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2638]

SCRANTON-SPRING BROOK WATER SERVICE CO. ET AL.

NOTICE OF FILING WITH RESPECT TO A PROPOSED MERGER OF SCRANTON-SPRING BROOK WATER SERVICE COMPANY, CARBONDALE GAS COMPANY AND WYOMING COUNTY GAS COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1951.

In the matter of Scranton-Spring Brook Water Service Company, Carbondale Gas Company, Wyoming County Gas Company. File No. 70-2638.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Scranton-Spring Brook Water Service Company ("Scranton"), a gas utility and water subsidiary of Federal Water and Gas Corporation, a registered holding company, and Carbondale Gas Company ("Carbondale") and Wyoming County Gas Company ("Wyoming") gas utility subsidiaries of Scranton, with respect to a proposed merger of Scranton, Carbondale and Wyoming. Applicants-declarants designate sections 9 (b) (1) and 12 of the act and Rules U-42 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 16, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 16, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the application-declaration on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Scranton, the owner of all the outstanding common stocks (constituting all the outstanding securities) of Carbondale and Wyoming, proposes to acquire, by means of what is designated a "short form" merger under Pennsylvania law, all of the property of Carbondale and Wyoming. In exchange for such property, Scranton is to assume all the liabilities of Carbondale and Wyoming and surrender for cancellation all of their outstanding common stocks. Upon consummation of the said transactions Carbondale and Wyoming are to cease to exist and Scranton is to become vested with all of their franchise and other rights.

It is stated that the proposed transactions are subject to the jurisdiction of the Pennsylvania Public Utilities Commission, and that the approval of that Commission is to be obtained.

Fees and expenses to be incurred and paid in connection with the proposed transactions are estimated at $1,200, and are to be borne by Scranton.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7953; Filed, July 10, 1951; 8:48 a. m.]

[File No. 70-2637, Amdt. 5]

UNITED GAS CORP.

NOTICE OF FILING REGARDING RENEWAL OF PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of July A. D. 1951.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

United presently has outstanding $25,000,000 principal amount of promissory notes maturing December 31, 1951, and bearing interest at the rate of 2½ percent per annum. United proposes to refinance these outstanding notes through the issuance and sale, to the holders of the present notes, of a like principal amount of promissory notes dated as of July 1, 1951, maturing two years from the date of issue, and bearing interest at the rate of 2¾ percent per annum, payable quarterly. United may prepay such notes without payment of premium or penalty, unles such prepayment shall be from the proceeds of bank loans.

The declaration states that the proposed transactions are an interim step in the over-all financing program of United which is more fully described in the application-declaration regarding the issuance and sale of common stock pursuant to a rights offering and the issuance and sale of first mortgage bonds (Holding Company Act Release No. 10636).

Notice is further given that any interested person may, not later than July 16, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request

should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 16, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7954; Filed, July 10, 1951; 8:48 a. m.]

[File No. 54-195]

PHILADELPHIA CO. AND EQUITABLE REAL ESTATE CO.

ORDER APPROVING PLAN FOR LIQUIDATION AND DISSOLUTION OF EQUITABLE REAL ESTATE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of July 1951.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and Philadelphia's non-utility subsidiary, Equitable Real Estate Company ("Real Estate"), having filed a joint application, and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 11 (e) thereof, with respect to the following proposed transactions:

Real Estate, a Pennsylvania Corporation, owns and operates a nine-story office building in downtown Pittsburgh, Pennsylvania, commonly known as the Central Office building of the Philadelphia system, which is occupied by Philadelphia and its subsidiaries, by companies formerly gas subsidiaries of Philadelphia, and by Philadelphia's parent, Standard Gas and Electric Company. Real Estate also owns a garage, a parking lot, a frame house and a lot in Pittsburgh, the garage being leased to Equitable Auto Company and Pittsburgh Railways Company, both affiliated companies, and the other properties being leased to non-affiliated interests.

The outstanding securities of Real Estate consist of 20,000 shares of capital stock, par value $50 per share, six non-interest bearing promissory notes in the aggregate unpaid principal amount of $635,000, and a 4 percent mortgage bond, having a remaining unpaid principal amount of $813,680.54 at March 31, 1951, payable in semi-annual installments until November 1957. Philadelphia is the beneficial owner of all of the outstanding shares of capital stock and is also the payee and owner of the six unpaid promissory notes, such notes having matured during the period December 1, 1937, to December 1, 1941, inclusive. The 4 percent mortgage bond, which is secured by a first mortgage on the Central Office building property, is held by Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania.

Real Estate's assets, which consist of cash, marketable securities, receivables and real property, had a value per books at March 31, 1951, of $3,364,076.39 of which $3,258,341.91 represented real property, both figures reflecting the deduction of the applicable property depreciation reserve in the amount of $1,144,296.24. Included in the net amount shown for real property is a net value per books of $2,678,837.30 for the Central Office building property, of which $438,135.13 represents excess cost paid by Real Estate, over the cost of acquisition to the first system company acquiring the property, at the time Real Estate acquired a portion of the property from such company, and of which $503,113.72 represents the remaining balance of an upward revaluation of the property made by Real Estate based upon an appraisal made in 1927. Real Estate's liabilities, other than the outstanding capital stock and notes held by Philadelphia, consist of the publicly held 4 percent mortgage bond in the amount of $813,680.54 and current liabilities of $173,787.67.

The plan proposes that Real Estate will wind up and settle its affairs and dissolve pursuant to the voluntary dissolution provisions of the Pennsylvania Business Corporation Law. In accordance with the provisions of that statute, the plan provides (a) for the assumption by Philadelphia of all of the debts, obligations and liabilities of Real Estate, including Real Estate's obligations under its 4 percent mortgage bond and the release and discharge of Real Estate from all its debts, obligations and liabilities, (b) the transfer, conveyance and distribution in kind to Philadelphia of all of Real Estate's property and assets, subject to all liens and encumbrances on such property and assets, in complete cancellation and redemption of all the outstanding shares of capital stock of Real Estate and (c) the dissolution of Real Estate and the termination of its corporate existence. The plan also provides that the liquidation of Real Estate and the distribution of its assets shall be completed in such manner as to comply with the provisions of section 112 (b) (6) of the Internal Revenue Code.

Applications state that the property and the assets received by Philadelphia from Real Estate will be recorded on the books of Philadelphia at the cost of acquisition thereof to the first company in the Philadelphia holding company system which acquired such property and assets.

Philadelphia and Real Estate state that the transactions proposed are in conformity with Step III of the Plan, dated February 8, 1951, For Compliance By Standard Gas and Electric Company and Philadelphia Company With The Provisions Of section 11 Of The Public Utility Holding Company Act of 1935, filed with this Commission at File No. 54-191. (See Holding Company Act Release No. 10413.)

Philadelphia and Real Estate state that no Commission other than this Commission has jurisdiction over the proposed transactions involved in carrying out the plan, that no fees will be paid in connection therewith, and that expenses are estimated at not to exceed $500.

The application having been filed on May 14, 1951, and notice of said filing having been duly given by general release of the Commission, which was distributed to the press and mailed to the mailing list for releases issued under the act, and by publication in the FEDERAL REGISTER, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the transactions proposed in said application, as amended, are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons who will be affected thereby, and satisfy in all respects the requirements of applicable provisions of the act and the rules promulgated thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act, that the application, as amended, be, and hereby is, granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-7955; Filed, July 10, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18119]

NIHON KIHATSUYU KABUSHIKI KAISHA

In re: Interests of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in certain contracts and law suits.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of, an agreement entered into the 19th day of July 1928 by and between Universal Oil Products Company, a cerporation organized under the laws of the State of South Dakota, and Hisashi Sekiguchi, Tokyo, Japan, and assigned by said Hisashi Sekiguchi to Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., on November 7, 1928, and all right, title, interest and claim of any kind or character whatsoever of the Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in and to every license agreement, privilege, power and right of whatsoever kind or nature, arising under or with respect to the aforesaid agreement, dated July 19, 1928,

b. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of an agreement entered into the 28th day of December 1928, by and between Universal Oil Products Company, a corporation organized under the laws of the State of South Dakota, and Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., and all right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in and to every license agreement, privilege, power and right of whatsoever kind or nature, arising under or with respect to the aforesaid agreement, dated December 28, 1928,

c. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of a "Memorandum of Tentative Understandings between Mr. Saneyoshi, representing Japan Gasoline Company, Ltd., and Mr. Halle, representing Universal Oil Products Company, as Basis for Agreement," dated August 19, 1938, and all right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in and to every license agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

d. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of a "First Supplemental Memorandum of Tentative Understandings between Mr. Saneyoshi, representing Japan Gasoline Company, Ltd., and Mr. Halle, representing Universal Oil Products Company, as Basis for Agreement," dated August 19, 1938, and all right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in and to every license agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

e. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of a "Second Supplemental Memorandum of Tentative Understandings between Mr. Saneyoshi, representing Japan Gasoline Company, Ltd., and Mr. Halle, representing Universal Oil Products Company, as Basis for Agreement," dated August 19, 1938, and all right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in and to every license agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

f. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of a law suit instituted in the District Court of the United States for the District of Delaware on June 11, 1940, entitled "Nihon Kihatsuyu Kabushiki Kaisha, also known and designated under the English translation thereof, as Japan Gasoline Company, Ltd., Plaintiff, v. Universal Oil Products Company, Defendant," Civil Action No. 162,

g. All right, title, interest and claim of any kind or character whatsoever of Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., in, to and under, or arising out of a law suit instituted in the Supreme Court of the State of New York, New York County, on June 6, 1940, entitled "Nihon Kihatsuyu Kabushiki Kaisha, also known and designated under the English translation thereof, as Japan Gasoline Company, Ltd., Plaintiff, v. Universal Oil Products Company, Defendant, Civil Action No. 19265-1940, and

h. That certain debt or other obligation, owing to Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., by Universal Oil Products Company, a corporation organized under the laws of the State of Delaware, representing a credit balance evidenced on the books of said Universal Oil Products Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nihon Kihatsuyu Kabushiki Kaisha, also known as Japan Gasoline Company, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-7962; Filed, July 10, 1951; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 134

Washington, Thursday, July 12, 1951

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 12]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

FAIL-SAFE POSITION LIGHT FLASHER (SINGLE-CIRCUIT)

The following policies are hereby adopted.

§ 3.700–2 *Fail-safe position light flashers (single-circuit) (CAA policies which apply to § 3.700 (e)).* (a) When subjected to the conditions of failure specified in paragraph (b) of this section, a position light flasher is considered to have "failed-safe" when:

(1) The position light circuit is closed continuously, or

(2) The position light circuit is alternately closed and opened in such manner that,

(i) The frequency is not less than 40 cycles per minute and not greater than 120 cycles per minute,

(ii) The ratio of the closed circuit interval to the open circuit interval is not less than 1:1 and not greater than 2:1.

(b) Conditions of failure are as follows:

(1) At room ambient conditions, when the supply voltage is adjusted to the minimum value at which perceptible light is emitted by the position light bulb,

(2) At nominal supply voltage and at room ambient conditions,

(i) With any one position light branch circuit open, or

(ii) After any single malfunction within the flasher timing device, such as open circuit, short circuit, or jamming of a contact in its open or closed position.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

These policies to become effective July 15, 1951.

C. F. HORNE,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-7976; Filed, July 11, 1951; 8:45 a. m.]

[Regs., Serial No. SR-365]

PART 24—MECHANIC CERTIFICATES

LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of July 1951.

The provisions of Special Civil Air Regulation SR–348 which authorize the issuance of a limited mechanic certificate with a propeller or appliance rating to an individual employed by a manufacturer or repair station expire July 31, 1951. It was anticipated that the projected revision of Part 52, which would incorporate provisions for the issuance of mechanic certificates with propeller or appliance ratings, would be completed prior to the expiration date. While the Board has had such project under consideration, it has not yet been promulgated. Therefore, it is believed necessary to extend the authorization currently provided in SR–348 until July 31, 1952, or such earlier date as the projected revision may become effective.

For the reasons stated above the Board finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making the regulation effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective July 5, 1951:

A mechanic certificate with a propeller or aircraft appliance rating, excepting a parachute rating, may be issued by the Administrator of Civil Aeronautics to an individual who is employed and designated by either a manufacturer holding a currently effective propeller or aircraft appliance production certificate or by an applicant for, or the holder of, a repair station certificate with a propeller or aircraft appliance rating. The individual must be in direct charge of the inspection, overhaul, or repair of propellers or aircraft appliances, and his experience and employment record must indicate that he is competent to engage in such actiivty. The individual to whom a certificate is issued shall exercise the privileges of his certificate

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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only with respect to the work performed for such manufacturer or repair station and through the use of facilities provided by the manufacturer or repair station.

This regulation supersedes Special Civil Air Regulation SR–348, and shall terminate July 31, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, as amended, 1008, 1011; 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–7978; Filed, July 11, 1951; 8:46 a. m.]

[Supp. 7, Amdt. 75]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATION; TOWNSEND, GA.

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

A Townsend, Georgia, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
TOWNSEND (Jacksonville chart).	A circle with a radius of 3 miles, centered at lat. 31°32'50" N, long. 81°35'20" W.	Surface to 30,000 feet.	Daylight hours, 7 days a week.	U. S. Air Force, Hunter AFB, Savannah, Ga.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 6, 1951.

C. F. HORNE, *Administrator of Civil Aeronautics*

[F. R. Doc. 51–7977; Filed, July 11, 1951; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

HAWAIIAN ADIZ

Part 620 is hereby amended for the purpose of establishing an Air Defense Identification Zone in the Hawaiian Islands. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 620.13 is amended as follows:

§ 620.13 *Authorized exceptions.* * * *

(c) *Hawaiian ADIZ.* The provisions of §§ 620.11 and 620.12 are not applicable to aircraft operating within the Hawaiian ADIZ over any island or within three (3) miles of the coastline of any island. The provisions of § 620.12 are not applicable to aircraft operating within the Hawaiian ADIZ on inter-island flights on Red Civil Airway No. 87 southeast of the Island of Oahu, below seven thousand (7,000) feet MSL.

2. Section 620.22 is amended as follows:

§ 620.22 *Coastal ADIZ's.* * * *

(c) *Hawaii.* The area bounded by a line 24°15' N., 158°00' W.; 22°30' N., 155°30' W.; 19°45' N., 153°30' W.; 19°00' N., 155°00' W.; 18°15' N., 158°00' W.; 20°00' N., 161°00' W.; 22°30' N., 161°00' W.; 24°15' N., 158°00' W. (point of beginning).

(Secs. 205, 308, 52 Stat. 984, 986; 49 U. S. C. 425, 458. Interprets or applies secs. 1201–1205, 64 Stat. 825; 49 U. S. C. 701–705. E. O. 10197, Dec. 22, 1950, 15 F. R. 9180; 3 CFR, 1950 Supp.)

This amendment shall become effective fifteen days after publication in the FEDERAL REGISTER.

C. F. HORNE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 51–7975; Filed, July 11, 1951; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Cotton Bulletin]

PART 607—COTTON

SUBPART—1951 COTTON LOAN PROGRAM

1951 COTTON BULLETIN

Correction

In F. R. Doc. 51–6807, appearing at page 5614 of the issue for Wednesday, June 13, 1951, the following change should be made:

In the schedule in § 607.249, the figure for Grade "*Gray*—Middling" under the column headed "1⅛" should read "−150" instead of "−130".

[1951 C. C. C. Cottonseed Bulletin 1]

PART 643—OILSEEDS

SUBPART—1951 COTTONSEED LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to loans and purchase agreements under the 1951 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The requirements with respect to purchases of cottonseed, other than under purchase agreements, are contained in the 1951 C. C. C. Cottonseed Bulletin 2. The program will be carried out by PMA under

the general supervision and direction of the President, CCC.

Sec.
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643.521 Purchase of notes.
643.522 Loan and settlement rates.
643.523 Cooperative marketing associations.
643.524 Warehouse receipts.
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AUTHORITY: §§ 643.501 to 643.525 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, 1072, secs. 301, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714b, 714c, 7 U. S. C. Sup., 1447, 1421.

§ 643.501 *Administration.* (a) In the field, the program will be administered through PMA State and county committees (hereinafter referred to as State and county committees) and PMA commodity offices. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the cottonseed, the amount of the loan, or purchase price, and the value of the cottonseed delivered under a loan or purchase agreement. All loan and purchase agreement documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county PMA office to execute on behalf of the committee any forms and documents in connection with this program. State and county committees and PMA commodity offices do not have authority to modify or waive any of the provisions of subpart bulletin or any amendments thereto.

§ 643.502 *Availability of loans and purchase agreements*—(a) *Area.* Loans shall be available on eligible cottonseed stored in approved warehouses or in approved farm storage in all cotton producing areas in the continental United States, except that farm-storage loans will not be made in any area where the appropriate State PMA committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of farm-storage loans. Purchase agreements will be available on eligible cottonseed in all areas.

(b) *Time.* Loans and purchase agreements shall be available through January 31, 1952. Purchase agreements, notes and chattel mortgages, and note and loan agreements must be signed by the producer and delivered to the county committee on or before such date.

(c) *Source.* Loans and purchase agreements will be made available through the offices of county committees. Disbursements on loans will be made to producers through approved lending agencies under agreements with CCC, or by means of sight drafts drawn on CCC by State committees or by county committees in accordance with instructions issued by PMA to the State committees. Disbursements on loans will be made not later than February 15, 1952, except where specifically approved by the appropriate PMA commodity office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed is in existence and in good condition. If the cottonseed is not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 643.503 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form PMA–97 or other form prescribed by CCC) or loan servicing agreement.

§ 643.504 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1951 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 643.523.

§ 643.505 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the continental United States in 1951 by an eligible producer.

(b) Such cottonseed must have been produced by the producer tendering them for a loan or delivery under a purchase agreement, or, in the case of a cooperative association, must have been produced, and delivered to the association, by its producer-members; and such producer or cooperative association must have the legal right to pledge or mortgage the cottonseed as security for a loan, or to sell the cottonseed in case of a purchase agreement. If the producer tendering such cottonseed for a loan or for delivery under a purchase agreement, or the person delivering the cottonseed to the cooperative association, is a landlord or landowner, the cottonseed must not have been acquired by him directly or indirectly from a tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if they were produced by him in the capacity of landlord, tenant or sharecropper, they must be his separate share of the crop, unless he is a landlord and is tendering or delivering cottonseed in which both he and a tenant or sharecropper have an interest.

(c) Cottonseed must be sound and clean and, in the case of cottonseed in farm storage or stored in an approved warehouse on an identity-preserved basis, must not contain more than 11 percent moisture. The moisture limitation of 11 percent shall not apply to cottonseed delivered under purchase agreement or to commingled cottonseed under loan and covered by warehouse receipts under which an approved warehouseman guarantees the official grade and weight.

(d) No warehouse receipts shall be outstanding on cottonseed in farm storage.

§ 643.506 *Approved storage*—(a) *Warehouse storage.* Cottonseed stored in warehouses will be accepted as security for loans hereunder only if such warehouses are approved by CCC. Warehousemen desiring approval of their facilities for the storage of cottonseed should communicate with the PMA commodity office shown in § 643.525 serving the area in which the warehouse is located.

(b) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 643.507 *Approved forms.* The documents named in paragraph (a) and (b) of this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan and purchase agreement documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(a) *Loan documents.* The following documents must be delivered by the producer in support of every loan:

(1) *Warehouse-storage loans.* Producer's Note and Loan Agreement (Commodity Loan Form B) duly executed and delivered within the period prescribed in § 643.502, secured by the pledge of warehouse receipts complying with the provisions of § 643.524.

(2) *Farm-storage loans.* Producer's Note (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan, both executed and delivered within the period prescribed in § 643.502.

(b) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

§ 643.508 *Determination of quantity*—(a) *Warehouse-storage loans.* Warehouse receipts shall be based upon net weights, after any deduction for foreign matter in excess of 1 percent of the gross weight and for estimated shrinkage. The total deduction for shrinkage shall not exceed 3 percent of the gross weight of the cottonseed.

(b) *Farm-storage loans.* The quantity of cottonseed at the time a farm-storage loan is made shall be determined by actual weight or by an estimate of tonnage based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight.

(c) *Purchase agreements.* The quantity of cottonseed delivered under a purchase agreement shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight; or, when warehouse receipts guaranteeing grade and weight are submitted, the quantity delivered shall be the net weight shown in such warehouse receipts.

§ 643.509 *Liens.* The cottonseed must be free and clear of all liens and encumbrances, including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 643.510 *Service charges*—(a) *Warehouse-storage loans.* The producer shall pay a service charge of 20 cents per ton of cottonseed pledged to secure a loan, or $1.50, whichever is greater.

(b) *Farm-storage loans.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a farm-storage loan, or $3.00, whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of $3.00 of the service charges.

(c) *Purchase agreements.* At the time the producer signs a purchase agreement, he shall pay a service charge of 20 cents per ton on the quantity of cottonseed specified on Commodity Purchase Form 1 as the maximum quantity that may be delivered or $1.50, whichever is greater.

(d) No refund of any service charges will be made.

§ 643.511 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, the producer must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. However, prepayment of only one principal installment on a farm-storage facility loan shall be deducted from the price support proceeds of any one crop year.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

(c) Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

(d) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 643.512 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan notwithstanding the printed provisions of the note.

§ 643.513 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC. The producer may not assign his interest in the purchase agreement.

§ 643.514 *Safeguarding of the cottonseed.* The producer who places cottonseed under a farm-storage loan is obligated to maintain the farm-storage structure in good repair, and to keep the cottonseed in good condition.

§ 643.515 *Insurance.* (a) CCC will not require the producer to insure the cottonseed placed under a farm-storage loan; however, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

(b) All commingled cottonseed covered by warehouse receipts shall be insured by the warehouseman, for the benefit of the holders of the receipts, against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado, for the full market value of the cottonseed. The warehouseman shall not be required to carry insurance covering identity-preserved cottonseed; however, any indemnity paid under such insurance carried by the warehouseman or the producer shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 643.516 *Loss or damage to the cottonseed.* The producer shall be responsible for the quality and for any loss in quantity of the cottonseed placed under farm-storage or identity-preserved warehouse-storage loan, except that, subject to the provisions of § 643.515, any physical loss or damage, other than shrinkage or natural deterioration, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the loan rate, provided the producer or other person having control of the storage structure has given the county committee immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check the date of the draft or check shall constitute the date of disbursement of the funds.

§ 643.517 *Personal liability.* The making of any fraudulent representations by the producer in the loan or purchase agreement documents, or in obtaining the loan or purchase proceeds, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note, or for any damages resulting from the purchase of the cottonseed.

§ 643.518 *Maturity and liquidation of loans.* Notwithstanding any provisions in the mortgage supplement or in the note and loan agreement, settlement of loans, and delivery of the cottonseed covered by chattel mortgage and pledged under note and loan agreements shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1952. If the producer does not repay his loan on or before maturity, the following procedure will be observed:

(a) *Farm-storage loans.* The producer shall deliver the mortgaged cottonseed in accordance with instructions of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President of CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 643.522), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made. In the case of "off quality" and "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed, pursuant to the provisions of the chattel mortgage (Commodity Loan Form AA), at the current market price, and the set-

tlement value shall be the market price determined on the basis of such sale.

If the producer, upon prior approval of the county committee, transports the cottonseed a greater distance than the distance from the point of storage to the normal delivery point, the producer may, at time of settlement, be credited for transporting the cottonseed the additional distance at a rate per mile not in excess of the commercial transportation rate for the area.

If the settlement value of the cottonseed delivered under a farm-storage loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight draft drawn on CCC by the State PMA office.

If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC or the amount may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States, provided that, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

If the loan is not liquidated upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

(b) *Warehouse-storage loans.* The procedure with respect to cottonseed stored on an identity-preserved basis shall be the same as that for farm-stored cottonseed except that the warehouse shall be considered the delivery point. The producer shall not be responsible for the quantity or quality of cottonseed stored by a warehouseman on a commingled basis and covered by receipts under which the warehouseman agrees to deliver the quantity and grade shown in the receipts. If the producer does not repay his warehouse-storage loan on or before maturity, CCC shall have the right to sell the cottonseed in liquidation of the loan in accordance with the provisions of the note and loan agreement (Commodity Loan Form B).

Any payment due a producer at time of settlement on a loan secured by warehouse receipts covering commingled cottonseed shall be made by the appropriate PMA commodity office.

§ 643.519 *Delivery and settlement under purchase agreements.* (a) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any cottonseed to CCC; however, the quantity which he states in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs the purchase agreement wishes to sell cottonseed to CCC, he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on March 1, 1952, or on such earlier date as may be determined bythe President, CCC.

(b) In the case of eligible cottonseed stored in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts for any quantity of cottonseed that he elects to sell to CCC which is not in excess of the quantity shown on Commodity Purchase Form 1. If the warehouseman guarantees grade and quantity under such warehouse receipts, settlement will be made upon the basis of the grade and quantity shown in the receipts. If the warehouse receipts indicate that the cottonseed are identity-preserved, settlement will be made on the basis of weight, and the official grade as determined by chemical analysis, at the time of delivery to CCC.

(c) In the case of eligible cottonseed stored in other than approved warehouse storage, the county committee will on or after March 2, 1952, issue delivery instructions to the producer. The producer must then complete delivery at points designated by the county committee within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of cottonseed delivered must not be in excess of the quantity shown on Commodity Purchase Form 1. The cottonseed will be purchased on the basis of weight, and the official grade as determined by chemical analysis, at the time of delivery.

(d) When delivery is completed, payment will be made by sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made. "Below grade" and "off quality" cottonseed as defined in the United States Official Standards for Grades of Cottonseed will not be purchased under the purchase agreement program.

§ 643.520 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus accrued interest and any charges that may be due. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however,* No partial release of farm-stored cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate State committee determines that releases of portions of such masses should be made, and no partial release of warehouse-stored cottonseed shall include less than the total quantity of cottonseed covered by any warehouse receipt involved in the release.

§ 643.521 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 643.522 *Loan and settlement rates.* (a) *Loan rates.* Loans on farm-stored cottonseed, and on cottonseed stored in warehouses on an identity-preserved basis and represented by warehouse receipts in which the grade is not guaranteed, shall be made at the rate of $63.90 per ton of eligible cottonseed as defined in § 643.505. Loans on cottonseed represented by warehouse receipts in which the grade is guaranteed by the warehouseman shall be made at the settlement rates indicated in paragraph (b) of this section.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade"—(100) cottonseed in farm storage, stored in a warehouse, or delivered under a purchase agreement shall be $65.50 per net ton, f. o. b. railroad cars or trucks at delivery points or delivered in an approved warehouse. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $65.50 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100.

(c) *Warehouse charges.* In the case of cottonseed under a warehouse-storage loan which are not redeemed by the producer, or cottonseed delivered to CCC in an approved warehouse under a purchase agreement, CCC will not assume any warehouse charges accruing prior to March 1, 1952, except as provided in the Cottonseed Storage Agreement (CCC Form 506). Any such charges paid by CCC shall be credited against any charges for the same services made to the producer who deposited the cottonseed in the warehouse and shall accrue to any subsequent holder of the warehouse receipts.

§ 643.523 *Cooperative marketing associations.* (a) Cooperative marketing associations shall be eligible for loans and purchase agreements: *Provided,* That (1) the cottonseed placed under loan and purchase agreements are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to sell the cottonseed or to pledge or mortgage them as security for a loan, either when stored on an identity-preserved basis or when commingled with other cottonseed; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay to CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans or wishing to execute purchase agreements may obtain documents from the county committee for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans and purchase agreements with respect to such associations will otherwise be on substantially the same basis as loans and purchase agreements with respect to individual producers.

§ 643.524 *Warehouse receipts.* Cottonseed stored in an approved warehouse must be represented by negotiable warehouse receipts, properly endorsed if not in bearer form, meeting the requirements of CCC. Receipts covering identity-preserved cottonseed shall show the condition, weight, and moisture content of the cottonseed. Receipts covering commingled cottonseed shall show the net weight of the cottonseed and the grade of such cottonseed expressed in accordance with the U. S. Official Standards for Grades of Cottonseed. The warehouseman shall be responsible for the delivery of the grade and quantity shown in receipts covering commingled cottonseed. Each receipt shall indicate by endorsement or otherwise that all warehouse charges through April 30, 1952, have been paid. Each receipt covering commingled cottonseed shall show that the warehouseman has provided insurance for the benefit of the holder of the receipt to the extent set out in § 643.515.

§ 643.525 *PMA commodity offices.* The PMA commodity offices and the cotton growing area served by each are shown below:

50 Seventh Street NE., Atlanta 5, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

1114 Commerce Street, Dallas 4, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Kansas, Missouri, Illinois.

335 Fell Street, San Francisco 2, Calif.: Arizona, California, Nevada.

Issued this 6th day of July 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-8033; Filed, July 11, 1951; 9:01 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs. Amdt. 64 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF LICENSE PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 372.2 *Applications for licenses,* is amended in the following particulars:

The *interpretive statement regarding applicants, licensees, and parties* (following § 372.2 (a)), paragraph 5, is amended to read as follows:

5. *Intermediate consignee.* The bank, forwarding agent, or other intermediary (if any) who participates in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee must be named on the application, if known.

In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used *must be ascertained* and set forth on the shipper's export declaration, whether or not named on the license application or validated license. (See § 379.2 (a) (2) of this subchapter.)

Amendment of the export license is required if the intermediate consignee to be used in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license. (See § 380.2 (f) of this subchapter; also § 373.13, regarding exportations to Taiwan (Formosa).)

The name and address of the intermediate consignee need not be shown on the commercial invoice. However, pursuant to the destination control provisions of § 381.4 (d) (1) of this subchapter, a copy of the commercial invoice or bill of lading containing the destination statement provided thereunder must be sent to any intermediate consignee.

This part of the amendment shall become effective as of July 5, 1951.

[1] This amendment was published in Current Export Bulletin No. 627, dated July 5, 1951.

2. Section 372.3 *How to file an application for export license,* is amended in the following particulars:

The note (following § 372.3 (c)), paragraph 2, Item 8 (b) is amended to read as follows:

Item 8 (b), Intermediate consignee in foreign country: Enter the name and address of the bank, forwarding agent, freight forwarder, or other intermediary, if any, in a foreign country who is to act as an agent of either the exporter, the ultimate consignee, or the purchaser, in effecting delivery of the exportation to the ultimate consignee. If no intermediary is to be used, applicant should state "none"; or if same as ultimate consignee, "same". If, at the time the application for export license is submitted, the intermediate consignee is not known, the applicant may state "unknown".

In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee must be ascertained and set forth on the shipper's export declaration, whether or not named on the license application or validated license. (See § 379.2 (a) (2) of this subchapter.) (For situations where amendment of license is required prior to clearance in respect to intermediate consignee, see §§ 380.2 (f) and 373.13 of this subchapter.)

This part of the amendment shall become effective as of July 5, 1951.

3. Section 379.2 *Authenticated shipper's export declaration,* is amended in the following particulars:

Subparagraph (2) of paragraph (a) *Procedure for authentication,* is amended by renumbering subdivision (iii) as (iv) and adding the following as subdivision (iii):

(iii) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license. Where amendment to the validated license is required in respect to intermediate consignee, the name and address on the declaration must conform with that shown on the amendment.

NOTE: Amendment of the export license is required in respect to intermediate consignee, as provided in §§ 373.13 and 380.2 (f) of this subchapter.

This part of the amendment shall become effective as of July 5, 1951.

4. Section 380.2 *Amendments or alterations of licenses,* is amended by adding thereto a new paragraph (f) to read as follows:

(f) *Intermediate consignee amendments.* Amendment of the export license is required if the intermediate consignee to be used or designated in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license. (See, also, § 373.13 of this subchapter, regarding exportations to Taiwan (Formosa).)

This part of the amendment shall become effective as of July 5, 1951.

5. Part 382—Denial or Suspension of License Privileges, is amended in the following particulars:

a. The title of Part 382 is amended to read as follows: Part 382—Denial or Suspension of Export Privileges.

b. In Part 382 "license privileges", "privileges of obtaining or using export

licenses including general licenses", and "export license privileges" are changed to read "export privileges".

c. Section 382.1 *Authority to deny license privileges*, is amended to read as follows:

§ 381.1 *Authority to deny export privileges.* Any person who violates any law or regulation relating to export control may be denied the privilege of exporting, receiving, or otherwise participating in any exportation of any commodity, or of technical data, from the United States to any foreign destination, including Canada; and of financing, transporting, or other servicing of such exports. Such denial of export privileges shall take the form of an order issued in the name and under the authority of the Assistant Director for Export Supply of the Office of International Trade and shall be effective for such period of time and on such terms and conditions as may be deemed appropriate and prescribed therein. Such an order may be made applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control, or other connection in the conduct of export trade. Any statute, proclamation, Executive order, regulation, or order applicable to any conduct involved in obtaining or using an export license or other export control document shall be deemed to be a "law or regulation relating to export control".

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of export control regulations not only may result in denial of export privileges but also are punishable by a fine of not more than $10,000, or by imprisonment for not more than 1 year, or both. Any submission of false information, whether in connection with license applications, export declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both.

d. Section 382.11 *Temporary suspensions*, paragraph (a), is amended to read as follows:

(a) *Suspension by charging letter.* A charging letter may by its terms suspend, from and after the date of its issuance, the respondent's privilege to obtain or use validated export licenses and may revoke and require the return for cancellation of outstanding validated licenses but shall not otherwise suspend the respondent's export privileges. Such latter privileges, however, may be suspended as provided in paragraph (b) of this section.

This part of the amendment shall become effective as of July 5, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7995; Filed, July 11, 1951; 8:49 a. m.]

RULES AND REGULATIONS

[5th Gen. Rev. of Export Regs., Amdt. P. L. 55 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities*, is amended in the following particulars:

The following revisions are made to conform to Public Bulletins P. B. 185B–I and –II and P. B. 190B–I and –II, issued by the Bureau of the Census June 27, 1951:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
460200	Sulfite wood pulp, semi-bleached, and bleached, other than rayon and special chemical grades.[1]	S. ton	PULP	250	RO
	Internal-combustion engines:				
715900	Other engine accessories and parts, except tractor engine parts (report tractor engine parts in 788901 and 788905).[2]		GIEQ	250	R
734000	Geophysical and mineral prospecting equipment, and parts.[3]		CONS	None	RO
788901	Parts, and accessories, for tracklaying tractors (including engine accessories and parts; and control and winch attachments and parts.) (Report engines in 714310–714810; agricultural implement attachments for tractors in 781010–787150, and parts therefor in 787190.)[4]		CONS 1	250	R
788905	Parts and accessories for wheel-type tractors, except garden tractors (including engine accessories and parts; and control and winch attachments and parts). (Report engines in 714310–714810; parts and accessories for contractors' wheel-type tractors in 723100; agricultural implement attachments for tractors in 781010–787150, and parts therefor in 787190.)[5]		AGMT	250	R
794960	Landing mats, aircraft [6]		STEE	100	RO
919068	Magnetometers, and parts [7]		SATE	None	RO

[1] The description is amended by adding "semi-bleached." This is not a substantive change as semi-bleached sulfite wood pulp has been included under Schedule B No. 460200, though not indicated in the description heretofore.

[2] This entry is substituted for the second entry on the Positive List under Schedule B No. 715900 and cancels the transfer from Schedule B Nos. 788901 and 788905 to 715900 of tractor engine parts, as announced by the Bureau of the Census in P. B. 176B, issued December 20, 1950, and incorporated in Current Export Bulletin No. 601, issued January 11, 1951. The following entries on the Positive List under Schedule B No. 715900 remain unchanged: "Marine engine accessories, and parts (specify Diesel or gasoline)," and "Locomotive parts, Diesel, Diesel-electric, and other internal-combustion locomotive parts."

[3] This entry is substituted for the following two entries on the Positive List: Schedule B No. 734210, "Oil and gas exploration equipment and parts," and Schedule B No. 919098, "Mineral exploration equipment, including prospecting apparatus." By this amendment the validated license requirement for geophysical equipment and parts, which were formerly included on the Positive List under the last entries for Schedule B Nos. 733910 and 733990 as R commodities and which are now included under Schedule B No. 734000, is changed from R to RO control; the GLV dollar-value limit for geophysical equipment parts is decreased from $100 to none.

[4] This amendment restores engine accessories and parts for track-laying tractors to Schedule B No. 788901. They were formerly included in this class until Current Export Bulletin 601 announced their transfer to Schedule B No. 715900.

[5] This amendment restores engine accessories and parts for wheel-type tractors to Schedule B No. 788905. They were formerly included in this class until Current Export Bulletin 601 announced their transfer to Schedule B No. 715900.

[6] This is not a substantive change. Aircraft landing mats were formerly included under Schedule B No. 694700, "Plates, fabricated, punched, or shaped, n.e.s."

[7] This is not a substantive change. Magnetometers were formerly included under Schedule B No. 709520; magnetometer parts were included on the Positive List under Schedule B No. 709598, as "Indicating instrument parts."

This part of the amendment shall become effective as of July 10, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Part 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 10, 1951, may be exported under the previous general license provisions up to and including August 4, 1951. Any such shipment not laden aboard the exporting carrier on or before August 4, 1951, requires a validated license for export.

2. Section 399.2 *Appendix B—Commodity Interpretations; Positive List of Commodities*, is amended by adding thereto the following interpretations issued July 5, 1951:

INTERPRETATION 6—MACHINERY AND PARTS

(1) *Where an assembled machine or unit of equipment is being exported.* Where one or more assembled machines or units of equipment are being exported, the individual component parts which are physically incorporated into the machine or equipment do not require a separate validated export license. The validated license or the general license under which the complete machine or unit of equipment is exported will also cover its component parts, provided that: No special provisions or interpretations obtain (for example, as in the case of certain tools containing diamonds); that the parts are normal and usual components of the machine or equipment being exported; or the physical incorporation is not used as a device to evade the requirement for a validated export license.

(2) *Where parts are exported as spares, replacements, for resale, or for stock.* Where parts are exported as spares, replacements, for resale, or for stock, a validated export license is required if the particular part is on the Positive List to the intended destination.

INTERPRETATION 7—PARACHUTES, PARTS, AND FITTINGS

Parachutes, parts and fittings are considered implements of war and exportations thereof are controlled by the Department of State and not the Department of Commerce (see § 370.5). These include complete parachutes, canopies (parachutes with the shroud lines removed), shroud lines, pilot chutes, containers, harnesses, or parts and fittings therefor. Export licenses issued by the Secretary of State are required for such exportations, including those sent as gifts.

[1] This amendment was published in Current Export Bulletin No. 627, dated July 5, 1951.

INTERPRETATION 8—QUARTZ CRYSTAL PLATE

Quartz crystal plate is a piece of quartz crystal cut in such a way as to be active piezo-electrically. It may or may not be mounted with metal electrodes applied to its surfaces.

All quartz crystal plates, mounted or unmounted, are classified under Schedule B No. 595090, and are subject to the export control regulations applicable thereto.

This part of the amendment shall become effective as of July 5, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-7994; Filed, July 11, 1951; 8:49 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter E—Regulations Under Natural Gas Act

[Docket No. R-119; Order 160]

PART 153—APPLICATIONS FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

WHO SHALL APPLY

JULY 3, 1951.

The Commission, under date of October 31, 1950, gave notice of its intention to amend its general rules and regulations by amending § 153.1, *Who shall apply*, of Part 153—Application for Authorization to Export or Import Natural Gas—Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations. Such notice was given by mailing a copy of the proposed amendment to natural-gas companies, State utility regulatory commissions, certain Federal agencies, and other interested parties, and by publication in the FEDERAL REGISTER on November 4, 1950 (15 F. R. 7443–7444).

In giving notice of the proposed amendment, the Commission invited all interested persons to submit data, views and comments. One response in support of the proposed amendment, and none opposing, was received.

The aforesaid amendment is designed to eliminate the requirement now contained in § 153.1 that the owner of a source of supply of natural gas who proposes to export or import natural gas or who has entered or proposes to enter into a contract to supply natural gas to be exported or imported shall be a necessary party to an application for the authorization required under section 3 of the Natural Gas Act.

The Commission finds:

(1) The proposed amendment represents a matter of practice and procedure, as to which notice or hearing is not required by statute.

(2) Adoption and promulgation of the proposed amendment are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists for providing that this amendment become effective upon its adoption and promulgation.

The Commission, acting pursuant to the authority provided by the Natural Gas Act, as amended, particularly sections 3 and 16 thereof (52 Stat. 822, 830; 15 U. S. C. 717b, 717o, orders:

(A) Section 153.1 *Who shall apply*, of Part 153—Application for Authorization to Export or Import Natural Gas—Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended to read as follows:

§ 153.1 *Who shall apply.* (a) Any person proposing to export natural gas from the United States to a foreign country or to import natural gas from a foreign country, pursuant to the provisions of section 3 of the Natural Gas Act, shall make an application for authorization therefor under this part.

(b) In connection with applications under this section, attention is directed to the provisions of §§ 153.10 to 153.12, inclusive, relative to applications for Presidential Permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation and importation of natural gas to or from a foreign country in compliance with Executive Order No. 8202, dated July 13, 1939, 3 CFR Cum. Supp.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o. Interprets or applies sec. 3, 52 Stat. 822; 15 U. S. C. 717b. E. O. 8202, July 13, 1939, 3 CFR, 1943 Cum. Supp.)

(B) This order, and the aforesaid amendment of § 153.1, shall become effective immediately upon adoption and promulgation of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7981; Filed, July 11, 1951; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

OCCUPATIONAL TESTING AND SERVICE TO OLDER WORKERS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, Reorganization Plan No. 2 of 1949 and by delegation from the Secretary of Labor, this Part is amended in the manner set forth below:

1. Section 604.10 is amended to read as follows:

§ 605.10 *Occupational testing.* It is the policy of the United States Employment Service:

(a) To use objective tests and related techniques for the measurement of skills, aptitudes, and interests when such use will contribute to sound employment counseling and placement.

(b) To use tests and related techniques only when developed or approved by the United States Employment Service.

(c) To use tests and related techniques in accordance with the applicable standards.

(d) To establish testing services in those local offices in which a need for such facilities exists.

(e) To foster the development and standardization of additional United States Employment Service test batteries for which a need exists.

(f) To release certain test materials to private employers and nonprofit vocational guidance and placement agencies, upon approval by the United States Employment Service.

2. A new section designated § 604.17 is added as follows:

§ 604.17 *Older workers.* It is the policy of the United States Employment Service:

(a) To provide such services to older workers as are necessary to promote for them equal opportunity for employment in competition with other workers of similar qualifications.

(b) To engage in educational programs with employers, employer groups, labor unions, and the community for the purpose of increasing employment opportunities for older workers.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 9th day of July, 1951.

ROBERT C. GOODWIN,
Director of the Bureau of Employment Security.

[F. R. Doc. 51-8031; Filed, July 11, 1951; 9:00 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 39 (AGE-3)]

AGE-3, BONDING OF SHIP'S PERSONNEL

Sec.
1. What this order does.
2. Amount of bond.
3. Premiums.
4. Posting of bond.
5. Measures to protect ship's payrolls.
6. Form of bond.

AUTHORITY: Sections 1 to 6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1987.

SECTION 1. *What this order does.* This order requires that General Agents, appointed under Service Agreement "G. A. A., 3/19/51" shall not advance or entrust any monies or slop chest property of the United States to a master, purser or any other member of the ship's personnel unless such person is under a

bond indemnifying the United States against loss of such monies or property caused solely or in part by the dishonesty or lack of care of any such person in the performance of the duties of any petition covered by the bond.

SEC. 2. *Amount of bond.* The amount of the bond must be governed by the amount of monies advanced or value of slop chest property entrusted, and shall, at all times, not be less than the value of slop chest property entrusted plus advances of monies for which a satisfactory accounting has not been made.

SEC. 3. *Premiums.* The bonds provided for shall be furnished without cost to the National Shipping Authority, but the cost of the premiums of such bonds shall be included in the overhead expense of the General Agent.

SEC. 4. *Posting of bond.* The General Agent shall transmit to the Comptroller, Maritime Administration, Washington 25, D. C., one executed copy of each such bond and shall retain a copy in its principal office for examination by the National Shipping Authority at any time.

SEC. 5. *Measures to protect ship payrolls.* (a) General Agents are not required to consider the amount of the payroll delivered to the Master at the conclusion of a voyage in determining the amount of bond required for any one person filling a bonded position hereunder. However, the person paying off the crew should be either the Master, or purser, or some other member of the ship's personnel acting for the Master who has been bonded pursuant to this order. If, however, the person paying off is a shoreside employee of the General Agent, such employee shall be bonded under the General Agents' general fidelity bond.

(b) The principal risk involved where payrolls are delivered to a vessel at the conclusion of a voyage is loss through hold-up. Therefore, reasonable protection shall be taken by all General Agents where payrolls are delivered to a vessel or elsewhere. Because the circumstances of each case will vary, the General Agents shall use their best judgment in determining whether armored car service, armed guards or similar types of protection should be employed (in other words, the General Agents should follow their usual practices). The cost of these services may be included in vessel operating expenses.

(c) General Agents are not required to purchase hold-up insurance, since subject to the terms, conditions and limitations of Service Agreement "G. A. A., 3 19/51" losses resulting from this exposure are assumed by the National Shipping Authority.

SEC. 6. *Form of bond.* The form of bond required by the National Shipping Authority to be used by the General Agents shall be as follows:

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION, NATIONAL SHIPPING AUTHORITY

Position Fidelity Schedule Bond

In consideration of the annual premium ---------- (hereafter called the "Surety") hereby agrees to pay to ---------- or its successors (hereafter called the "Agent") or the United States of America, (hereafter called the "United States"), represented by the Director, National Shipping Authority of the Maritime Administration, Department of Commerce (hereafter called the "Director"), as their interests may appear, the amount of any pecuniary loss of money or slop chest property caused, solely or in part, by reason of the dishonesty or lack of care of any person in the performance of the duties of any position, now or hereafter listed in the Schedule of Positions and Amounts forming part hereof (hereafter called the "Schedule"), on any and all vessels from time to time allocated to the Agent by the Director.

This bond is executed and accepted subject to the following agreements, limitations and conditions:

First. Liability under this bond begins with the ------ day of ----------, 19---- in respect of each person then filling any position named in the Schedule on any and all vessels then allocated to the Agent by the Director. As to any position or positions bearing the same designation as that of any position or positions named in the Schedule on any vessel or vessels thereafter allocated to the Agent by the Director, liability under this bond shall automatically begin as soon as such position or positions are filled, provided the Director or the Agent shall within ninety (90) days of the date such position or positions are filled notify the Surety in writing of the date such position or positions are filled. As between the Agent and the Director, it shall be the responsibility of the Agent to give the notice to the Surety as provided herein. Without affecting its liability hereunder, the Surety agrees that neither the Agent nor the Director need furnish the names of vessels on which positions are bonded hereunder at any time during the effective period of this bond.

Second. If the Agent or the Director shall request the Surety to increase or decrease the amount of coverage applicable to any position named in the Schedule, the Surety shall make such change by written acceptance showing the increase or decrease in the amount of coverage and the effective date thereof, which effective date shall not be prior to the date of such request; provided, however, that if the Director shall within ninety (90) days after receipt of notice of a decrease resulting from a request by the Agent, advise the Surety that it does not consent to such decrease, such decrease shall become inoperative and coverage shall continue in the amount applicable prior to such decrease as if such decrease had never been made.

Third. If the Surety knows or has reason to believe that any person filling any position named in the Schedule has caused any loss of money or property entrusted to him by reason of his dishonesty or lack of care in the performance of the duties of such position, the Surety may terminate the coverage of this bond as to such person by giving notice in writing to the Agent and the Director at least thirty (30) days prior to the completion, in a continental United States port, of the then current voyage of the vessel on which such person is filling a position, in which case the coverage of this bond as to such person shall terminate when the crew is paid off upon such completion of the voyage. The Agent may cancel the coverage of this bond (a) as an entirety or (b) as to any position named in the Schedule by giving the Surety fifteen (15) days' written notice accompanied by written approval of the Director to such cancellation. The Director may cancel the coverage of this bond (a) as an entirety or (b) as to any position named in the Schedule upon fifteen (15) days' written notice to the Surety. In the event of any such cancellation the Surety shall refund to the Agent any unearned premiums computed pro rata.

Fourth. After discovery and report to the Agent or the Director of any loss hereunder, the Agent or the Director shall give the Surety written notice thereof, and within ninety (90) days after such written notice to the Surety shall file with the Surety affirmative proof of loss itemized and sworn to on forms furnished by the Surety. Prior discovery and report to the Agent of such loss shall not affect the right of the Director to notify the Surety of such loss and to file proof of loss. As between the Agent and the Director, it shall be the responsibility of the Agent to give the notice and to file the proof of loss with the Surety as provided herein. "Discovery and report" as used herein is defined in paragraph Tenth hereof.

Fifth. Any suit to recover on account of any loss hereunder shall be brought before the expiration of five years from the report to the Agent or the Director of the act causing such loss.

Sixth. The Agent will declare at the original effective date of this bond, and at each subsequent premium anniversary date, the total number of persons then filling each position named in the Schedule, and the annual premium will be computed for the ensuing year on the basis of the aggregate coverage represented by such declaration. Upon such premiuin anniversary date there will be a computation of additional premium or refund of premium in proportion to the change in the coverage each year.

Seventh. Settlement of any claim hereunder shall be made by check payable to the Agent unless otherwise instructed by the Director, but no settlement of any claim hereunder may be made for an amount less than the full amount of the loss for which the claim is made without the written consent of the Director thereto.

Eighth. The Surety shall not be entitled to any reimbursement, salvage or recovery,—except from insurance, reinsurance, collateral or indemnity taken by the Surety for its own benefit,—on account of any loss hereunder until the Agent or the Director, as their interests may appear, is reimbursed in full.

Ninth. No modification or change of any nature of the provisions of this bond shall take effect unless the Director shall have given his written consent thereto, except that the Agent may increase the coverage hereunder in accordance with the provisions of paragraph First hereof without such consent of the Director.

Tenth. (a) Any action, approval or consent which by the provisions of this bond is required to be taken or signed by the Director shall be effective if taken or signed by the Director or by his authorized representative, and wherever and whenever herein any right, power, or authority is granted or given to the Director, such right, power, or authority may be exercised in all cases by his authorized representative, and the act or acts of such authorized representative, when taken shall constitute the act of the Director hereunder.

(b) "Discovery and report" by the Agent as used herein shall be deemed to mean discovery by any person and the report of such discovery to an executive officer or head of a department or division concerned with such discovery and report of the Agent at the Agent's principal place of business within the continental United States. "Discovery and report" by the Director shall be deemed to mean discovery by any person and the report of such discovery to an executive officer or head of a division or section concerned with such discovery and report at the Director's headquarters.

(c) Notices, approvals and requests required by the provisions hereof shall be sent to the Surety addressed to it at its home office at ----------.

(d) Notices, acceptances and requests required to be sent to the Agent shall be sent to The Agent, ----------
(Name and head office address)

(e) Notices and requests to be sent to the Director shall be addressed to the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, at the Director's headquarters.

Signed, sealed and dated this ------ day of ----------, 19----.

[CORPORATE SEAL] ----------
(Surety)

Attest or witness:

---------- By ----------

---------- By ----------

SCHEDULE OF POSITIONS AND AMOUNTS

The positions set forth hereinafter in this Schedule are all located on board the vessel or vessels allocated by the Director from time to time to the Agent named herein.

Item No.	Description position	Number persons filling position	Amount coverage on each	Aggregate coverage	Premium

[SEAL]

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-7999; Filed, July 11, 1951; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

FREE MAIL PRIVILEGE FOR MEMBERS OF ARMED FORCES OF THE UNITED STATES

In § 34.14a *Free mail privilege for members of the armed forces of the United States* (15 F. R. 5079) amend paragraph (a) (2) by striking out "June 30, 1951" and by inserting in lieu thereof, "June 30, 1953."

(Pub. Law 54, 82d Cong.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-7985; Filed, July 11, 1951; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter III—Committee on Purchases of Blind-Made Products

PART 301—PURCHASES OF BLIND-MADE PRODUCTS

The regulations in this part are revised to read as follows:

Sec.
301.1 Definitions.
301.2 National Industries for the Blind designated.
301.3 Schedule of blind-made products.
301.4 Purchase procedure.
301.5 Clearances.
301.6 Agencies for the blind.
301.7 Reports.

AUTHORITY: §§ 301.1 to 301.7 issued under sec. 2, 52 Stat. 1196; 41 U. S. C. 47.

§ 301.1 *Definitions.* As used in this part:

(a) "Blind" means a person having visual acuity not to exceed 20/200 in the better eye with correcting lenses; or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) "Non-profit-making agency for the blind" (hereinafter referred to as "agency for the blind") means any organization operated in the interest of the blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual, as established by affidavit filed with National Industries for the Blind.

(c) "Ordering office" means any Executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation, all the stock of which is beneficially owned by the United States.

§ 301.2 *National Industries for the Blind designated.* National Industries for the Blind (hereinafter referred to as "National Industries") is designated as the agency to facilitate the distribution of orders among the agencies for the blind. National Industries shall maintain a record of all non-profit-making agencies for the blind organized under the laws of the United States or any State, and statistical data showing their respective quantity production of the commodities specified in the schedule of blind-made products available for sale to ordering offices, so that the orders may be equitably allocated among such agencies for the blind.

§ 301.3 *Schedule of blind-made products.* The Committee will issue to ordering offices, through the Federal Supply Service, a schedule of blind-made products (hereinafter referred to as the "schedule") setting forth data concerning blind-made commodities to be purchased. The schedule is presently prepared as a separate publication and is available from the Federal Supply Service. Effective with the January 1952 issue of the General Services Administration's "Store Stock Catalog" the schedule will be included in that catalog as a separate section.

§ 301.4 *Purchase procedure.* Any ordering office requiring a commodity listed in the schedule, when authorized to purchase directly from agencies for the blind, will advise National Industries as to the items required, quantities thereof, and the required delivery dates, and will request an allocation from National Industries. National Industries shall determine whether any agency or agencies for the blind can fill the requirement and will allocate orders equitably among agencies for the blind. Upon receipt of the allocation from National Industries orders will be placed, in accordance with the allocation, with the designated agencies for the blind.

§ 301.5 *Clearances.* (a) The Federal Supply Service may grant to any ordering office a clearance to purchase from commercial sources any item listed in the schedule when the Federal Supply Service determines that a clearance is necessary to meet emergency requirements. Two copies of any such clearance issued, together with a statement as to the emergency involved, will be sent by the Federal Supply Service to National Industries within thirty days after issuance thereof.

(b) Any ordering office may purchase from commercial sources any item listed in the schedule to meet requirements (1) of military necessity which require delivery within two weeks, (2) that are less than a single unit or (3) that are for use outside the continental United States.

(c) Whenever an ordering office has requested an allocation from National Industries and in reply has been furnished with a statement by National Industries listing items that none of the agencies for the blind can furnish within the period specified in the request for an allocation, the ordering office may purchase the items, and quantities thereof, listed in the statement from commercial sources, provided that purchase action to secure such items is instituted within thirty days from the date of the statement by National Industries or within such further period as may be indicated in the statement by National Industries.

§ 301.6 *Agencies for the blind.* (a) The term "agency for the blind" as used in the act of June 25, 1938, shall be defined as meaning an agency employing blind persons to an extent constituting not less than 75 percent of the total personnel engaged in the direct labor of production of manufactured blind-made products. Direct labor of production means all work required for preparation, processing and packing but not including supervision, administration, inspection and shipping.

(b) Each agency for the blind shall keep on file an eye record card containing information that will establish whether a person employed in the production of commodities listed in the schedule is blind as defined in § 301.1 (a). Copies of these cards shall also be filed with National Industries.

(c) As a prerequisite to participation in such Government orders, each agency for the blind shall file with National Industries copies of its certificates of incorporation, constitution and bylaws, or other instruments of similar import showing its authority and permitted activities.

(d) Each agency for the blind participating in such Government orders shall maintain an accounting system and not less often than once each year shall prepare a financial report and operating statement that accurately reflects its operations. Operating statements shall show as a separate item the amount of wages paid to blind employees. Books and records shall be made available for inspection at any time to representatives of National Industries or the Committee.

(e) No allocation of Government orders shall be made by National Industries to any agency for the blind not operating in accordance with this part.

§ 301.7 *Reports.* National Industries shall submit quarterly to the Committee on Purchases of Blind-made Products a report on the operation of the program.

H. FELDMAN,
Major General, U. S. Army,
Committee Chairman.

JUNE 25, 1951.

[F. R. Doc. 51-8017; Filed, July 11, 1951; 8:56 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Ex Parte No. MC-5]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter D—Freight Forwarders

[Ex Parte No. 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

MISCELLANEOUS AMENDMENTS

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act. Ex Parte No. MC-5.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act. Ex Parte No. 159.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June A. D. 1951.

It appearing, that by order of April 13, 1951, the Commission, Division 5, increased the amounts of automobile bodily injury liability and property damage liability insurance and surety bonds to be furnished as required by Rule II (49 CFR 174.2) of our rules and regulations prescribed in Motor Carrier Insurance for Protection of the Public, 1 M. C. C. 45, and by Rule 3 (49 CFR 405.3) of our rules and regulations prescribed in Freight Forwarder Insurance for Protection of the Public, 260 I. C. C. 375; and

It further appearing, that such modification of the prescribed amounts of automobile bodily injury liability and property damage liability insurance and surety bonds necessitates the use of new forms and appropriate revocation of Forms BMC 31, 33, 36-B, 37, 38, 39 (§§ 7.31, 7.33, 7.36-B, 7.37, 7.38, 7.39) and Forms FF-31, 33, 36-B, 37, and 38; *It is ordered*, That the orders of August 3, 1936, and October 11, 1944, in so far as they apply to the use of Forms BMC 31, 33, 36-B, 37, 38, 39 (§§ 7.31, 7.33, 7.36-B, 7.37, 7.38, 7.39), FF-31, 33, 36-B, 37, and 38 (§ 405.8 Note), are vacated, thus cancelling such forms as of the effective date of this order: *And it is further ordered*, That:

1. Part 7 is hereby amended by the addition of the following:

§ 7.80 *BMC-80.* Endorsement for motor carrier policies of insurance for automobile bodily injury and property damage liability under section 215 of the Interstate Commerce Act.

§ 7.81 *BMC-81.* Motor carrier automobile bodily injury liability and property damage liability certificate of insurance.

§ 7.82 *BMC-82.* Motor carrier bodily injury liability and property damage liability surety bond under section 215 of the Interstate Commerce Act.

§ 7.83 *BMC-83.* Motor common carrier cargo liability surety bond under section 215 of the Interstate Commerce Act.

§ 7.84 *BMC-84.* Broker's surety bond under section 211 (c) of the Interstate Commerce Act.

§ 7.85 *BMC-85.* Notice reinstating motor carrier surety bond under section 215 of the Interstate Commerce Act.

2. Part 405, § 405.8 is hereby amended by the addition of the following:

§ 405.8 *Forms and procedure.* • • •

NOTE: • • •

FF.40. Endorsement for freight forwarder policies of insurance for automobile bodily injury and property damage liability under section 403 (d) of the Interstate Commerce Act.

FF.41. Freight forwarder automobile bodily injury liability and property damage liability certificate of insurance.

FF.42. Freight forwarder automobile bodily injury liability and property damage liability surety bond under section 403 (d) of the Interstate Commerce Act.

FF.43. Freight forwarder cargo liability surety bond under section 403 (c) of the Interstate Commerce Act.

FF.44. Notice reinstating freight forwarder surety bond under Part IV of the Interstate Commerce Act.

And it is further ordered, That, one copy of each of the foregoing forms with respect to Parts 7 and 405, attached hereto, be made a part hereof,[1] and such forms are hereby approved, adopted and prescribed for appropriate use by motor carriers, brokers and freight forwarders.

And it is further ordered, That, this order shall be effective October 31, 1951, and shall continue in effect until the further order of the Commission.

And it is further ordered, That, from and after October 31, 1951, no policy of insurance (or certificate of insurance in lieu thereof) or surety bond covering automobile bodily injury or property damage liabilities of either a motor carrier or a freight forwarder will be approved, nor will any prior approval continue in effect, unless such policy or surety bond provides the security for the protection of the public in accordance with, and to the full extent stated in, the endorsement and surety bond forms herein prescribed. (BMC 80, 82, 83, 84; § 7.80, 7.82, 7.83, 7.84; FF.40, 42, 43; § 405.8, Note)

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(56 Stat. 285; 49 U. S. C. 1003. Interprets or applies 49 Stat. 557; 49 U. S. C. 315)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8015; Filed, July 11, 1951; 8:55 a. m.]

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

§ 7.86 *B. M. C. 86.* Blanket certificate of insurance.

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

FORMS AND PROCEDURE; FILING OF BLANKET CERTIFICATE OF INSURANCE

Security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June A. D. 1951.

It appearing, that the order of the Commission entered on June 5, 1951, in Ex Parte No. MC-5, Motor Carrier Insurance for the Protection of the Public, will make it necessary for insurers to amend or revise each policy of automobile bodily injury liability and property damage liability insurance heretofore certified to the Commission which is in full force and effect on October 31, 1951 so as to meet the Commission's new requirements from and after that date, and in order to relieve the insurer of the necessity of issuing new certificates of insurance and filing them with the Commission in lieu of the corresponding certificates heretofore filed: It is ordered, that:

§ 174.7 *Forms and procedure.* • • •

(b-1) *Filing of blanket certificate of insurance.* Each insurer having certificates of insurance on file with the Commission in behalf of motor carriers under section 215 of the Interstate Commerce Act (49 U. S. C. 315), covering policies of automobile bodily injury liability and property damage liability insurance, may file a blanket certificate of insurance (Form B. M. C. 86, § 7.86[1]) which shall provide insurance protection for the public to the full amount and extent and subject to all of the terms, conditions, rights and privileges provided in Form B. M. C. 80 (§ 7.80), Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability.

(49 Stat. 546, as amended; 49 U. S. C. 304, Interprets or applies 49 Stat. 557; 49 U. S. C. 315)

And it is further ordered, that this order shall be effective June 15, 1951, and shall continue in effect until the further order of the Commission.

Notice hereof shall be given to the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8013; Filed, July 11, 1951; 8:55 a. m.]

[1] Filed as a part of the original document.

Subchapter D—Freight Forwarders

[Ex Parte No. 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

FORMS AND PROCEDURE; FILING OF BLANKET CERTIFICATE OF INSURANCE

Security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of June A. D. 1951.

It appearing, that the order of the Commission entered on June 5, 1951, in Ex Parte No. 159, Freight Forwarder Insurance for the Protection of the Public, will make it necessary for insurers to amend or revise each policy of automobile bodily injury liability and property damage liability insurance heretofore certified to the Commission which is in full force and effect on October 31, 1951 so as to meet the Commission's new requirements from and after that date, and in order to relieve the insurer of the necessity of issuing new certificates of insurance and filing them with the Commission in lieu of the corresponding certificates heretofore filed; it is ordered, that

§ 405.8 *Forms and procedure.* • • •

(b-1) *Filing of blanket certificate of insurance.* Each insurer having certificates of insurance on file with the Commission in behalf of freight forwarders under section 403 (d) of the Interstate Commerce Act (49 U. S. C. 1003 (d)), covering freight forwarder policies of automobile bodily injury liability and property damage liability insurance, may file a blanket certificate of insurance (Form FF. 45 (§ 405.8, note))[1] which shall provide insurance protection for the public to the full amount and extent and subject to all of the terms, conditions, rights and privileges provided in Form FF. 40 (§ 405.8, note).

• • • • • •

NOTE: • • •

FF.40. Endorsement for Freight Forwarder Policies of Insurance for Automobile Bodily Injury and Property Damage Liability.

And it is further ordered, that this order shall be effective June 15, 1951, and shall continue in effect until the further order of the Commission.

Notice hereof shall be given to the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 1, 56 Stat. 285; 49 U. S. C. 1003)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8016; Filed, July 11, 1951; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

FROZEN SPINACH

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Spinach, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 70 (82nd Cong., approved July 1, 1951). These standards, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.649 *Frozen spinach.* Frozen spinach is the product prepared from the succulent leaves and stems of fresh spinach (Spinacea oleracea) by sorting, trimming, washing, and blanching such leaves and stems, which is then frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Styles of frozen spinach.* (1) "Whole" or "whole leaf" spinach is the style of frozen spinach that consists substantially of the leaf and adjoining portion of the leaf.

(2) "Cut" or "chopped" is the style of frozen spinach that consists of the leaf and adjoining portion of the leaf which has been cut or chopped into small pieces.

(b) *Grades of frozen spinach.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen spinach that possesses a good flavor and odor, that possesses a good color, that possesses a good character, that is practically free from defects, and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen spinach that possesses a fairly good flavor and odor, that possesses a reasonably good color, that possesses a reasonably good character, that is reasonably free from defects, and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen spinach may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The

[1] Filed as part of the original document.

[2] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	60
(iii) Character	20
Total score	100

(3) The score for the factors of color and absence of defects is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and flavor and odor.

(4) "Good flavor and odor" means that the product, after cooking, has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen spinach that possesses a good color may be given a score of 17 to 20 points. Good color means that the frozen spinach possesses a practically uniform bright characteristic green color.

(ii) If the frozen spinach possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen spinach possesses a reasonably uniform characteristic green color and may be variable in color but not to the extent that the appearance of the frozen product is materially affected.

(iii) Frozen spinach that is definitely off color for any reason, or that fails to meet the requirements of subdivision (ii) of this subparagraph, may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from grit, sand, or silt, seed heads, grass and weeds, crowns of root stubs, root stubs, and major and minor damage.

(*a*) "Grit, sand, or silt" means any particle of earthy material.

(*b*) "Minor damage" means damage by any yellow, brown, or other discoloration which covers an aggregate area of less than 1 square inch on one surface of any leaf, portion of a leaf, stem, or portion of a stem (except minute insignificant injuries which shall not be considered as minor damage), or damage affecting any leaf, portion of a leaf, stem, or portion of a stem, to the extent that the appearance or eating quality of the unit is materially affected regardless of the area.

(*c*) "Major damage" means damage by any yellow, brown, or other discoloration which covers an aggregate area of 1 square inch or more on one surface of any leaf, portion of a leaf, stem, or portion of a stem, or any insect injury or other damage affecting any leaf, portion of a leaf, stem, or portion of a stem to the extent that the appearance or eating quality of the unit is seriously affected regardless of area.

(ii) Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen spinach:

(*a*) *Whole or whole leaf.* No grit, sand, or silt may be present that affects the appearance or eating quality of the frozen spinach, and for each 48 ounces of the product there may be present not more than one root stub, and for each 16 ounces of the product there may be present:

Not more than 2 tender crowns of roots with leaf clusters attached;

Major and minor damage affecting not more than 8 leaves and stems or portions of leaves and stems, including major damage affecting not more than 4 leaves and stems or portions of leaves or stems;

Not more than 2 seed heads; and

Grass and weeds aggregating not more than 10 inches in length of which not more than 3 inches may be grass and weeds which detract materially from the appearance of the product.

(*b*) *Cut or chopped.* No grit, sand, or silt may be present that affects the appearance or eating quality of the frozen spinach; no seed heads, grass, weeds, crowns of root stubs, and root stubs, or pieces thereof, may be present that materially affect the appearance or eating quality of the product, and for each 16 ounces of the product there may be present not more than 20 pieces of leaves and stems affected by major damage, *Provided,* That the presence of pieces affected by major damage and minor damage does not materially affect the appearance or eating quality of the product.

(iii) If the frozen spinach is reasonably free from defects a score of 42 to 50 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" has the following meanings with respect to the following styles of frozen spinach:

(*a*) *Whole or whole leaf.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the frozen spinach; for each 48 ounces of the product there may be present not more than 3 root stubs and for each 16 ounces of the product there may be present:

Not more than 4 tender crowns of roots with leaf clusters attached;

Major and minor damage affecting not more than 16 leaves and stems, including major damage affecting not more than 8 leaves and stems or portions of leaves and stems;

Not more than 4 seed heads; and

Grass and weeds aggregating not more than 15 inches in length of which not more than 6 inches may be grass and weeds which detract materially from the appearance of the product.

(*b*) *Cut or chopped.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the frozen spinach; no seed heads, grass, weeds, crowns of root stubs, and root stubs, or pieces thereof, may be present that seriously affect the appearance or eating quality of the product, and for each 16 ounces of product there may be present not more than 40 pieces of leaves and stems affected by major damage, *Provided,* That the presence of pieces affected by major damage and minor damage does not seriously affect the appearance or eating quality of the product.

(iv) Frozen spinach that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 41 points and shall not be graded above substandard regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) The factor of character refers to the condition and structural characteristics of the spinach leaves and stems or portions of leaves and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, the tenderness of the spinach, and the degree to which the appearance of whole style may be affected by shredding, raggedness, or disintegration of the leaves and stems are considered under this factor.

(ii) Frozen spinach that possesses a good character may be scored 17 to 20 points. "Good character" means that the spinach is tender and practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and that the appearance in the whole product is not materially affected by shredded, ragged, or distintegrated leaves and stems or portions of leaves and stems.

(iii) If the frozen spinach possesses a reasonably good character a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the spinach may possess a few coarse or tough leaves and stems or coarse or tough portions of leaves and stems, and that the appearance in whole style may be materially but not seriously affected by shredded, ragged, or disintegrated leaves and stems or portions of leaves and stems.

(iv) Frozen spinach that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

(c) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen spinach, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen spinach.*

Container size			
Container code or marking			
Label			
Net weight (ounces)			
Style			
Factors	**Score points**		
I. Color	20	(A) 17–20 (B) [1] 14–16 (Sstd.) [1] 0–13	
II. Absence of defects	60	(A) 51–60 (B) [1] 42–50 (Sstd.) [1] 0–41	
III. Character	20	(A) 17–20 (B) [1] 14–16 (Sstd.) [1] 0–13	
Total score	100		
Grade			
Flavor and odor			

[1] Indicates limiting rule.

Issued at Washington, D. C., this 9th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–8034; Filed, July 11, 1951; 9:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 8960]

LOW POWER INDUSTRIAL RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 11.553 and 11.554 of Subpart L of Part 11, rules governing the Low Power Industrial Radio Service.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend Subpart L of Part 11, rules governing the Low Power Industrial Radio Service, to provide for the assignment of certain frequencies in the microwave region of the spectrum to stations operating in this service and to relax the present limitation on maximum permissible separation between a transmitter in this Service and radiating portion of its associated antenna.

3. The provisions for the assignment of microwave frequencies will permit operation in the Low Power Industrial Service of certain industrial direction and range devices, such as speed meters for which the Truck Insurance Exchange of Los Angeles, California has petitioned. The relaxation of the present limitation on maximum permissible separation between transmitter and antenna will permit a more practical installation of equipment particularly on materials handling vehicle in manufacturing plants.

4. The proposed amendments are set forth below.

5. Authority for the issuance of the amendments is vested in the Commission by virtue of sections 4 (i) and 303 (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before August 6, 1951, a written statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original statements may be filed on or before August 20, 1951. The Commission will consider all such comments that are received before taking final action in the matter.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 5, 1951.

Released: July 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to amend Subpart L of Part 11, rules governing Industrial Radio Services as follows:

1. Add a new paragraph (c) to § 11.553 to read as follows:

(c) Frequencies in the bands listed below are available for assignment to stations in the Low Power Industrial Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc	*Mc*
2450–2500 [4]	6425–6575
3500–3700	11700–12200

[4] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference which may be caused by industrial, scientific and medical devices operating on 2450 Mc.

2. Change § 11.554 (a) to (d) to read as follows:

(a) Emission shall be confined to voice radiotelephony, except that a station operating on frequencies above 2450 Mc may (upon request) be authorized other types of emission.

(b) Plate power input to the final radio frequency stage of each transmitter shall not exceed three watts, except that a station operating on frequencies above 2450 Mc may be authorized a maximum of 10 watts plate power input to the final radio frequency stage.

(c) Except for stations aboard aircraft, the maximum distance between the transmitter and the radiating portion of the antenna shall not exceed 25 feet.

(d) The use of an antenna having a power gain greater than unity is prohibited, except for stations operating on frequencies above 2450 Mc.

[F. R. Doc. 51–8006; Filed, July 11, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 55168]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 6, 1951.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 11 E.,
Sec. 9, S½, S½N½, N½NW¼.
T. 14 S., R. 12 E.,
Sec. 24, W½NW¼.
T. 21 N., R. 17 W.,
Sec. 5.
T. 22 N., R. 17 W.,
Sec. 21, S½, NE¼, SW¼NW¼;
Sec. 29, N½.

The areas described aggregate 2,132.72 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or

suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-7979; Filed, July 11, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF NEW YORK COMMITTEE OF INWARD FAR EAST LINES ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 5500-4, between the member lines of the New York Committee of Inward Far East Lines, amends the basic agreement of said Committee (No. 5500) by substituting therein the present-day designation "Indonesia" for the obsolete designation "Netherlands Indies," and by providing for a new section under such Committee to be known as the "Siam Section." Agreement No. 5500 deals with local matters arising in connection with discharge and delivery of cargo from Japan, China, Manchuria, Philippine Islands, Malayan Union and Colony of Singapore, Netherlands Indies, Ceylon, Siam, and French Indo-China to U. S. Atlantic and U. S. Gulf of Mexico ports.

Agreement No. 6015-2, between American President Lines, Ltd., Bank Line, Ltd., Isthmian Steamship Company, Lancashire Shipping Company, Ltd., et al., amends agreement 6015, as amended, by extending the territorial scope thereof to include Siam and by substituting in the preamble thereof the present-day designations "Malayan Union and Colony of Singapore" and "Indonesia" for the obsolete designations "Straits Settlements, Federated Malay States" and "Netherlands Indies." Agreement No. 6015 covers free time allowed on import cargo loaded in the Straits Settlements, Federated Malay States, Netherlands Indies, Philippine Islands, Japan, the East Coast of Asia north of Singapore, and Ceylon, and discharged in New York Harbor.

Agreement No. 7825, between Hamburg-Amerika Linie and Norddeutscher Lloyd, provides for equal distribution between the parties of the total gross freight revenues derived from their services in the trade between United States ports and ports of Canada, Eire, United Kingdom of Great Britain and the continent of Europe, after deduction of all expenses directly connected with such services.

Agreement No. 7826, between Compagnie Generale Transatlantique and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading in the trade from the French North Atlantic Range, Bordeaux to Dunkirk, to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 7827, between Den Norske Amerikalinje A/S (The Norwegian America Line) and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from Norway and Denmark to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 6, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-7998; Filed, July 11, 1951; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Barbizon of Utah, 150 West Twelfth North, Provo, Utah, effective 7–5–51 to 1–4–52; 50 learners for expansion purposes only (Ladies' Lingerie).

Bobanok Corporation, 111 Garrison, Fort Smith, Ark., effective 6–28–51 to 12–27–51; 18 learners for expansion purposes only (shirts, Army; cotton khaki shirts, commercial; western baby panties).

Colonial Shirt Corporation, Woodbury, Tenn., effective 6–29–51 to 12–10–51; 15 learners for expansion purposes only. Supplemental expansion certificate (men's cotton dress and sport shirts).

Rocky Mount Division, N. & W. Industries, Inc., Rocky Mount, Va., effective 7–15–51 to 1–14–52; 35 learners for expansion purposes only (men's, women's, boys' dungarees).

Scranton Frocks, Inc., 515 Mulberry Street, Scranton, Pa., effective 7–2–51 to 7–1–52; for normal labor turnover, not to exceed 10 percent of the productive factory workers, or ten learners, whichever is greater (women's dresses).

Square Apparel Co., 421 North Pennsylvania Avenue, Wilkes-Barre, Pa., effective 7–5–51 to 7–4–52; for normal labor turnover purposes, 10 percent of the productive factory workers (women's blouses and dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 7–2–51 to 3–1–52; 45 additional learners for expansion purposes. Supplemental certificate.

Bear Brand Hosiery Co., Fayetteville, Ark., effective 7–2–51 to 3–1–52; 45 additional learners for expansion purposes. Supplemental certificate.

The Bella Co., Mount Pleasant, Tenn., effective 6–29–51 to 2–28–52; 30 learners for expansion purposes.

Beloit Hosiery Co., South Beloit, Ill., effective 6–29–51 to 2–28–52; 10 additional learners for expansion purposes. Supplemental certificate.

Diamond Full-Fashioned Hosiery Co., Inc., 1001 Southern Avenue, High Point, N. C., effective 6–26–51 to 6–25–52; 5 percent of the productive factory force.

Fayetteville Knitting Mills, Inc., Fayetteville, N. C., effective 6–27–51 to 6–26–52; five learners.

Siler City Hosiery Mills, Inc., Siler City, N. C., effective 6–29–51 to 2–28–52; 35 learners for expansion purposes.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6388).

Craftmore Glove Co., Lynchburg, Tenn., effective 6–25–51 to 5–24–52; four learners. Supplemental certificate.

Good Luck Glove Co., Metropolis, Ill., effective 7–2–51 to 1–1–52; 60 additional learners for expansion purposes. Supplemental certificate.

International Shoe Co., El Dorado Springs, Mo., effective 6–28–51 to 12–28–51; 15 learners.

Knitted Wear Industry Learner Regulation (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Gold Mills, Inc., 157 North Tulpehocken Street, Pine Grove, Pa., effective 6–27–51 to 12–26–51; 10 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Arkansas Blank & Button Co., Brinkley, Ark., effective 6–30–51 to 12–29–51; 15 learners for expansion purposes, blank button cutters, 480 hours; 65 cents for first 320 hours and 70 cents an hour for remaining 160 hours (button blanks).

Harvard Clothes, Inc., Twelfth Avenue, Wisconsin Rapids, Wis., effective 6–27–51 to 6–26–52; 7 percent of the total number of productive factory workers, machine operators (except cutting), pressers, handsewers, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

National Coil Co., Sheridan, Wyo., effective 6–27–51 to 12–26–51; 25 learners for expansion purposes, coil winders, assemblers, solderers, wirers and testers; 150 hours at 60 cents (electronic coils and small subassemblies for radios).

Rossman Manufacturing Co., Brinkley, Ark., effective 7–2–51 to 7–1–52; four learners, sewing machine operators, 240 hours at 65 cents (Caps).

Versailles Manufacturing Co., Inc., P. O. Box 178, Lexington, Ky., effective 6–27–51 to 12–26–51; 50 learners for expansion purposes, machine operator, handsewer, presser, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of July 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-7980; Filed, July 11, 1951; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Bridgeport Rehabilitation Center, 326 Hollister Avenue, Bridgeport 7, Conn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1951, and expires May 31, 1952.

Brooklyn Bureau of Social Service and Children's Aid Society: Adjustment Training Division, 285 Schermerhorn Street, Brooklyn 17, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 22, 1951, and expires April 30, 1952.

Brooklyn Bureau of Social Service and Children's Aid Society, 285 Schermerhorn Street, Brooklyn 17, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 22, 1951, and expires April 30, 1952.

The Cleveland Society for the Blind, 2275 East Fifty-fifth Street, Cleveland, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 15, 1951, and expires May 31, 1952.

Christ Mission Goodwill Industries, 330 East Boardman Street, Youngstown, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

Detroit League for the Handicapped, 535 West Jefferson, Detroit 26, Mich.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining

approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 15, 1951, and expires May 31, 1952.

The Volunteers of America, 320 North Illinois Street, Indianapolis 4, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

Iowa Society for Crippled Children and Adults, Inc., 2917 Grand Avenue, Des Moines, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1951, and expires May 31, 1952.

Kansas Industries for the Blind, 745 Central, Kansas City, Kans.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 12, 1951, and expires May 31, 1952.

Kansas Industries for the Blind, Sixth and MacVicar, Topeka, Kans.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 12, 1951, and expires May 31, 1952.

Colorado Industries for the Blind, 100 West Seventh Street, Denver, Colo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 27, 1951, and expires May 31, 1952.

Travis Association for the Blind, 2101 Fredericksburg Road, Austin, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 1, 1951, and expires May 31, 1952.

Goodwill Industries of Arizona, 910 East Sherman Street, Phoenix, Ariz.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 21, 1951, and expires June 20, 1952.

Norfolk Goodwill Industries, Inc., Norfolk, Va.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 55 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 9, 1951, and expires April 30, 1952.

Volunteers of America 121–125 East Water Street, Sandusky, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 25, 1951, and expires May 31, 1952.

Goodwill Industries of the Zanesville Welfare Organization, 108 Main Street, Zanesville, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

The Lott Day School, Inc., 255 Heffner at Kelsey, Toledo 5, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher, and a rate of not less than 2 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires October 30, 1951.

Veterans of Foreign Wars of the U. S., Soldiers' Home, St. James, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 19 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

Workshop for the Blind, 1307 Leech, Sioux City, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1951, and expires July 31, 1952.

New Hampshire Society for Crippled Children and Handicapped Persons, 82 Elm Street, Manchester, N. H.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 13 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective June 12, 1951, and expires May 31, 1952.

Guilford Industries for the Blind, Greensboro, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

Charlotte Workshop for the Blind, Charlotte, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

Lion's Club Workshop for the Blind, Durham, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective July 1, 1951, and expires June 30, 1952.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of June 1951.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 51–7934; Filed, July 11, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8415, 8870]

KANSAS CITY BROADCASTING CO., INC., AND REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

ORDER SPECIFYING ADDITIONAL ISSUES

In re applications of Kansas City Broadcasting Company, Inc., Kansas City, Missouri, Docket No. 8415, File No. BP–5829; The Reorganized Church of Jesus Christ of Latter Day Saints, Independence, Missouri, Docket No. 8870, File No. BP–6630; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of June 1951;

The Commission having under consideration the record of this proceeding, including all pleadings filed therein, its action on all interlocutory matters, the Initial Decision released December 29, 1950, and its designation of this decision and the exceptions filed thereto for oral argument to be held on July 16, 1951; and

It appearing, that on July 18, 1950, the Kansas City Broadcasting Company filed a petition for leave to amend its application and to reopen the record of this proceeding for the purpose of substituting newcomer stockholders in two of its three officer-director positions, and for the further purpose of substituting certain newcomer minority stock subscribers, which petition, among others, was denied by the Examiner's memorandum opinion and order of August 15, 1950, such action, upon review, being affirmed by the Commission; and

It further appearing, that by a petition, dated January 23, 1951, five minority stock subscribers of the Kansas City Broadcasting Company requested the Commission to withdraw their names from this application; and

It further appearing that the effect of these reported changes upon the status of the Kansas City application has not been raised either in the Initial Decision or in the exceptions which have been filed by the parties; and that such a discussion would be helpful to the Commission in its consideration of this proceeding;

Accordingly, and in view of the foregoing, *It is ordered*, That at the oral argument of this proceeding scheduled for July 16, 1951, the participants are requested to address their respective arguments, in part, to the issues specified below:

(a) Whether, in the light of the provisions of sections 308 (a) and (b), 309 (a) and 310 of the Communications Act, the reported changes and the Commission's denial of the applicant's petition for leave to amend, affect the status of the application of the Kansas City Broadcasting Company; and

(b) Whether, in the light of the foregoing facts, the application of Kansas City Broadcasting Company has become defective and must of necessity be denied upon these grounds.

Released: June 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8001; Filed, July 11, 1951; 8:52 a. m.]

[Docket No. 9946]

GEORGIA-ALABAMA BROADCASTING CORP. (WGBA)

ORDER CONTINUING HEARING

In re application of Georgia-Alabama Broadcasting Corporation (WGBA), Columbus, Georgia, Docket No. 9946, File No. BP–7674; for construction permit.

The Commission having under consideration a motion filed on June 27, 1951, by the Georgia-Alabama Broadcasting Corporation (WGBA), Columbus, Georgia, requesting that the hearing on its above-entitled application, which is now scheduled to be held on July 12, 1951, at Columbus, Georgia, be continued until September 17, 1951, at Columbus, Georgia; and

It appearing that all of the parties to the proceeding have consented to a waiver of § 1.745 of the Commission's rules relating to the timely filing of motions and to a grant of the petition under consideration;

It is ordered, This 2d day of July 1951, that the above petition be, and it is hereby, granted, and that the hearing on the above-entitled application is hereby continued until 10:00 a. m. Monday, September 17, 1951, at Columbus, Georgia.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8002; Filed, July 11, 1951; 8:52 a. m.]

[Docket No. 9918]

BIG STATE BROADCASTING CORP. (KTXC)

ORDER CONTINUING HEARING

In re: application of Big State Broadcasting Corp. (KTXC), Big Spring, Texas, Docket No. 9918, File No. BR–2332; for renewal of license.

The Commission having under consideration a petition filed June 21, 1951, by Big State Broadcasting Corporation (KTXC), Big Spring, Texas, requesting a continuance of the hearing presently scheduled for July 16, 1951, at Big Spring, Texas, to an indefinite date, or to such other time as the Commission may deem appropriate, in the proceeding upon its above-entitled application for renewal of license; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 2d day of July 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to a date to be announced.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8003; Filed, July 11, 1951; 8:52 a. m.]

[Docket Nos. 9968, 9969, 9970]

BANKS INDEPENDENT BROADCASTING CO. (WINX)

ORDER CONTINUING HEARING

In re applications of Banks Independent Broadcasting Company (WINX), Washington, D. C., Docket No. 9968, File No. BR–1104; for renewal of licenses of synchronous amplifiers located at 8th and I Streets NW., Washington, D. C., and Rock Creek Park, near East-West Highway, Montgomery County, Maryland, and Developmental Broadcast Station KG2XCK, Docket No. 9969, File No. BREX–59; and for construction permit to change main transmitter location of WINX from Garden City, Arlington, Virginia, to 8th and Eye Street NW., and establish synchronous amplifier in Rock Creek Park and abandon present synchronous amplifiers and Developmental Broadcast Station KG2XCK as presently operated, Docket No. 9970 File No. BP–7772.

The Commission having under consideration (1) a motion filed May 31, 1951, by Banks Independent Broadcasting Company (WINX), Washington, D. C., requesting an extension of time in which to file a motion to enlarge the issues under § 1.389 of the rules in the above-entitled proceeding, and (2) a motion filed June 27, 1951, by Banks Independent Broadcasting Company (WINX) requesting an indefinite continuance of the hearing presently scheduled for July 17, 1951, at Washington, D. C., in the above-entitled proceeding; and

It appearing, that on May 11, 1951, the above named applicant filed a petition for reconsideration and grant in part without hearing; that the Commission has not yet acted upon said petition, but that a grant or denial of the relief requested in said petition may affect substantially the issues in the instant proceeding; and that until action on said petition is taken the applicant is unable to determine the steps to be taken for

filing a motion to enlarge or change the issues; and

It further appearing, that good cause has been shown for the relief requested in the aforesaid motions; and that no oppositions thereto have been filed;

It is ordered, This 2d day of July 1951, that the motions are granted; that (1) the time in which to file a motion to enlarge or change the issues under § 1.389 of the rules is extended until 15 days after the Commission acts upon the aforesaid petition for reconsideration and grant in part without hearing; and that (2) the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8004; Filed, July 11, 1951; 8:52 a. m.]

[Docket No. 9925]

JOSEPH F. BIDDLE PUBLISHING CO. (WHUN)

ORDER CONTINUING HEARING

In re application of The Joseph F. Biddle Publishing Co. (WHUN), Huntingdon, Pennsylvania, Docket No. 9925, File No. BP-7788; for construction permit.

The Commission having under consideration a petition filed June 29, 1951, by the above-entitled applicant requesting a continuance of the hearing now scheduled to begin on July 10, 1951; and

It appearing, that the hearing is now scheduled to begin on July 10, 1951, that the petitioners' engineers have been assembling data to meet the issues specified in the Commission's order designating the application for hearing, that the petitioner's attorneys and engineers have been and are engaged in the television allocation hearing now in progress before the Commission; and

It appearing, that no person will be adversely affected by the granting of the petition herein, Commission Counsel having consented to immediate consideration thereof, and it being in the interest of orderly administration that action be taken on the petition at this time;

It is ordered, This the 3d day of July 1951, that the petition to continue the above-entitled hearing be and it is hereby granted and the hearing is continued from July 10, 1951, to September 10, 1951, beginning at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8005; Filed, July 11, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1706]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 6, 1951.

Take notice that on June 11, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction, and operation in case of emergency, of approximately 1279 feet of 20-inch pipeline and 400 feet of 16-inch line as Applicant's portion of a bypass of that segment of the Texas-Los Angeles transmission pipeline which crosses the Colorado river on a suspension bridge near Blythe, California, Applicant's portion of the bypass will connect, at the center of the river, to that portion of the bypass to be constructed by Southern California Gas Company and Southern Counties Gas Company of California. Applicant proposes to use these facilities to maintain uninterrupted gas service in case the existing connection should be destroyed.

The total cost of these facilities is estimated to be $43,725 of which Applicant will pay one half, which amount will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7984; Filed, July 11, 1951; 8:48 a. m.]

[Docket No. G-1709]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

JULY 6, 1951.

Take notice that on June 11, 1951, Pacific Gas and Electric Company (Applicant), a California corporation of San Francisco, California filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the operation of approximately 31 miles of 12¾-inch O. D. pipeline extending from the Hollister compressor station on Applicant's Topock-Milpitas pipeline to a connection at a point south of Salinas, California, with Applicant's proposed Castroville-Salinas pipeline, and the construction and operation of approximately 44 miles of 8⅝-inch O. D. pipeline extending from a point of connection with the foregoing facilities, south of Salinas, California, to King City, California.

The connection of the presently operating Hollister-Salinas pipeline with Applicant's Topock-Milpitas pipeline will enable Applicant to transport out-of-state natural gas through the Hollister-Salinas line. Applicant intends, through the proposed new facilities, to sell and deliver natural gas to consumers in the communities of Chualar, Gonzales, Soledad, Greenfield, and King City, California.

Through the proposed facilities, Applicant expects to deliver in the third year of operation about 500,000 Mcf. of natural gas per year. The cost of the facilities to be constructed is estimated to be $678,600 and will be paid from current funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7983; Filed, July 11, 1951; 8:47 a. m.]

[Docket No. G-1726]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JULY 6, 1951.

Take notice that the Ohio Fuel Gas Company (Applicant), an Ohio corporation, of 99 North Front Street, Columbus, Ohio, filed on June 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 6,000 feet of 10¾ inch O. D. pipeline extending from Applicant's existing Line B-100 and its Line B-100 loopline (applied for in Docket No. G-1594) to Applicant's existing Line B-25 at Lancaster, Ohio, and 4,500 feet of 6⅝ inch O. D. pipeline extending from Applicant's existing Line "T" to its existing Line B-91 at Lancaster, Ohio, all in Fairfield County, Ohio. Applicant also seeks authority to abandon and retire approximately 7.2 miles of 12-inch pipeline constituting a portion of its Line B-25, extending from Applicant's Crawford compressor station to Lancaster, Ohio, and approximately 2,400 feet of 6⅝ inch O. D. pipeline known as Line B-91, serving industrial customers in Lancaster.

The application states that the proposed construction of new facilities and abandonment of existing facilities will provide much more dependable service because of the excessive age of certain of Applicant's facilities. It is also stated that operating costs will be substantially reduced by elimination of facilities which can no longer be economically maintained and by reduction of the amount of pipe in service. No new markets are proposed to be served by the proposed construction.

The estimated total over-all capital cost of the construction is $51,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of July 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7997; Filed, July 11, 1951; 8:50 a. m.]

[Project No. 2083]

PUBLIC UTILITY DISTRICT NO. 1 OF LEWIS COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT (MAJOR)

JULY 6, 1951.

Public notice is hereby given that Public Utility District No. 1 of Lewis County, Washington, Chehalis, Washington, has made application for a Preliminary Permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a hydroelectric development designated as the Packwood Project within the Gifford Pinchot National Forest in Lewis County, Washington. The proposed hydroelectric development would consist of:

(1) A dam on Johnson Creek; a flume with diversion thereto from Glacier Creek, a forebay, and penstocks; and a powerhouse with ultimate installed capacity of 45,000 horsepower near the confluence of Johnson Creek and Cowlitz River; (2) a dam on Lake Creek at the outlet of Packwood Lake raising the lake to provide 41,000 acre-feet of usable storage; a tunnel pipeline, surge tank, and penstocks; and a powerhouse, with ultimate installed capacity of 30,000 horsepower on Snyder Lake; (3) a dam on Snyder Creek at Snyder Lake and a canal from Snyder Lake to Johnson Creek forebay with diversions to the canal from Hager Creek and a tributary of Hager Creek; (4) transmission lines and other appurtenant facilities.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 20, 1951, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-7982; Filed, July 11, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

OFFICIALS OF EMERGENCY PROCUREMENT SERVICE

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

1. Pursuant to the general delegation of authority from the Administrator of General Services to Heads of Services, Staff Officers, and Regional Directors of the General Services Administration, effective October 1, 1950 (15 F. R. 7775), authority is hereby delegated to the officials of the Emergency Procurement Service hereinafter named to perform the functions set forth:

a. *Director and Deputy Director of the Purchase Division; Managers, Foreign Offices, Emergency Procurement Service*—(1) *Title III of the act.* (a) To advertise for bids and make awards in accordance with section 303 of the act and to reject all bids in accordance with such section.

(b) To negotiate such purchases and contracts without advertising and to make necessary findings in connection therewith under subsections 302 (c) (2), (3), (4), (7), (8), (9), (13), and (14). This authority shall include the authority to the Director and Deputy Director of the Purchase Division to make findings under the aforesaid subsection in connection with any contract negotiated by a regional office. It shall further include the authority to make appropriate findings under section 302 (b) in connection with contracts under subsection 302 (c) (7) and (8).

(c) The findings specified in section 304 (a) of the act; *Provided, however*, That all contracts shall be in accordance with any applicable forms prescribed by the Administrator.

(d) Any finding specified in section 304 (b) of the act relative to cost, cost-plus-a-fixed-fee or incentive-type contracts. This authority shall include the authority to the Director and Deputy Director of the Purchase Division to make such findings in connection with any contract negotiated by a regional office.

(e) Any findings or determinations authorized to be made by the officials named herein may be made only with respect to individual purchases or contracts.

(f) This authority shall be exercised in conformity with section 302 (e) of the act.

(2) *Miscellaneous authorities.* (a) The authority contained in Public Law 520, 79th Congress, transferred to the Administrator by the act.

(b) To determine the fair market value of strategic and critical materials acquired in exchange for agricultural commodities and which are to be transferred to the strategic and critical materials stockpile.

(c) When, as, and to the extent directed by the Administrator, to exercise the authority contained in section 204 (e) of the act.

(d) Any authority vested in the Administrator under section 109 (g) of the act, relating to conducting tests, making charges, and fixing fees therefor.

2. This authority shall apply to the procurement of crude natural rubber and natural rubber latex prior to January 29, 1951.

3. This redelegation shall be subject to the limitations and auxiliary authorities vested in me by section 2 of the General Delegation of Authority, effective October 1, 1950 (15 F. R. 7775).

This redelegation of authority shall be effective as of October 1, 1950.

A. J. WALSH,
Commissioner of Emergency Procurement Service.

[F. R. Doc. 51-8000; Filed, July 11, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26240]

COKE FROM COALMONT, TENN., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1150.

Commodities involved: Coke, coke breeze, dust or screenings, carloads.

From: Coalmont, Tenn.

To: Points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin.

Grounds for relief: Circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1150, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8007; Filed, July 11, 1951; 8:53 a. m.]

[4th Sec. Application 26241]

AUTOMOBILE PARTS FROM CHATTANOOGA, TENN., TO KENTUCKY, OHIO AND MISSOURI

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to C. A. Spaninger's tariff ICC No. 1172.

Commodities involved: Automobile parts, steel, viz: gear frames, gear frame parts, wheel and rims, carloads.

From: Chattanooga, Tenn.

To: Louisville, Ky., Cincinnati, Ohio, and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1472, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8008; Filed, July 11, 1951; 8:53 a. m.]

[4th Sec. Application 26242]

PETROLEUM CYCLODIENE DIMER CONCENTRATE FROM LOUISIANA TO LADORA, COLO.

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3494.

Commodities involved: Petroleum cyclodiene dimer concentrate, carloads.

From: Points in the New Orleans-Baton Rouge, La., group.

To: Ladora, Colo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3494, Supp. 222.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8009; Filed, July 11, 1951; 8:53 a. m.]

[4th Sec. Application 26243]

SODA PRODUCTS FROM TRENTON, MICH., TO CERTAIN POINTS IN ALABAMA AND TENNESSEE

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4300, pursuant to fourth section order No. 9800.

Commodities involved: Sodium (soda) viz: Disodium phosphate, phosphate of sodium and tri-sodium of phosphate, carloads.

From: Trenton, Mich.

To: Anniston, Birmingham, Fairfield and Montgomery, Ala., and Nashville, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8010; Filed, July 11, 1951; 8:54 a. m.]

[4th Sec. Application 26244]

SOUND DEADENING COMPOUNDS FROM CHICAGO, ILL., TO SYRACUSE AND UTICA, N. Y.

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC 3758, pursuant to fourth section order No. 9800.

Commodities involved: Sound deadening compounds, carloads.

From: Chicago, Ill.

To: Syracuse and Utica, N. Y.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8011; Filed, July 11, 1951; 8:54 a. m.]

[4th Sec. Application 26245]

BLACKSTRAP MOLASSES FROM LOUISIANA TO CERTAIN OKLAHOMA POINTS

APPLICATION FOR RELIEF

JULY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariff ICC No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, in tank-car loads.

From: New Orleans, Port Chalmette and Three Oaks, La., and points grouped therewith.

To: Checotah, Meyer, Oktaha and Rentiesville, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Agent W. P. Emerson, Jr., tariff ICC No. 395, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8012; Filed, July 11, 1951; 8:54 a. m.]

INSURANCE COMPANIES FILING CERTIFICATES OF INSURANCE

JULY 3, 1951.

Pursuant to its order of April 13, 1951, in Ex Parte No. MC-5 and Ex Parte No. 159 increasing the amounts of automobile bodily injury and property damage liability insurance and other security for the protection of the public to be provided by motor carriers and freight forwarders under Sections 215 and 403 (d) of the Interstate Commerce Act, which order is to become effective on October 31, 1951, the Commission has prescribed new insurance endorsement and certificate of insurance forms, Forms BMC 80, BMC 81, FF 40, and FF 41, to supersede those previously prescribed and which are now in use, i. e., Forms BMC 31, BMC 33, FF 31 and FF 33, which will become obsolete on October 31, 1951. Copies of the new forms, as approved and prescribed by the Commission, are enclosed herewith.

It is required that the motor carrier forms prescribed under section 215 of the act, Forms BMC 80 and BMC 81 be printed, and that Form BMC 81, the certificate of insurance form, be 5 by 8 inches in size and be printed on a good grade of white paper which is sufficiently heavy so as to permit ready handling and filing in a card file. It is suggested that the printers be instructed to use the same weight of paper heretofore used in printing Form BMC 33 certificates of insurance. Form BMC 80 may be of such color and weight of paper as each company may desire but the context must be exactly like the enclosed samples, including form number. The freight forwarder forms, Forms FF 40 and FF 41, need not be printed unless the company desires, but may be typewritten, multilithed or mimeographed.

Since the use of the new forms will be required in the case of all new or renewal policies issued to become effective from and after October 31, 1951, it is suggested and requested that the companies arrange for their supplies promptly. In the meantime, while the use of the new forms is not required before October 31, 1951, any certificates of insurance filed with the Commission on Form BMC 81 or FF 41 prior to that date, and in connection with policies of insurance which become effective prior to that date, will be approved as meeting the requirements under sections 215 or 403 (d) of the act, as the case may be.

The Commission's requirements as to the increased limits of liability and the use of the newly prescribed forms will apply to all policies of insurance which are in full force and effect on October 31, 1951, and for which certificates of insurance have previously been filed with and approved by the Commission. That is to say, unless the Commission theretofore receives certificates from the insurance company involved certifying that each such policy will, from and after October 31, 1951, provide the public with the full measure of protection contemplated under the order of April 13, 1951, its approval of such previously filed and approved certificate of insurance will be revoked.

In order to eliminate the burden that would be placed upon the companies if separate certificates of insurance in the new form were required to replace the certificates of insurance filed in the form previously used, i. e., Form BMC 33 or FF 33, as the case may be, the Commission will accept a blanket certificate of insurance from each company covering all policies in effect on October 31, 1951, for which certificates of insurance have been previously filed and approved, provided such certificate is filed in the form prescribed by it, Form BMC 86 and FF 45, a copy of which is also enclosed. The purpose of this form is clearly stated in its context and its use is optional with the companies. However, if the blanket certificate of insurance is not used by any company, it will then be required that such company file separate certificates of insurance on Form BMC81 or FF 41, as the case may be, prior to October 31, 1951, for each policy which it desires to have the Commission continue its approval. Also, if each company will execute and file the blanket certificate of insurance in the form prescribed, whether or not it intends to file separate certificates on Form BMC 81 or FF 41 prior to October 31, 1951, it will very materially lighten the burden imposed upon our Section of Insurance by the changes in the prescribed minimum limits. The cooperation of all companies in this matter will be appreciated.

In order to facilitate the orderly handling of the numerous details involved, it will be appreciated if each company will execute one of the blanket certificates of insurance at the earliest date possible and forward it to the Section of Insurance, Bureau of Motor Carriers, Interstate Commerce Commission, Washington 25, D. C. It is also suggested that each company promptly undertake to review its records in respect of the policies heretofore certified to the Commission, and which will still be in force on October 31, 1951, so that the prescribed 30 days' notices of cancellation can be filed with the Commission in time to become effective on or before that date if the contracts do not justify certifying the increased limits of liability.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8014; Filed, July 11, 1951; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DOMESTIC AND EXPORT PRICE LISTS FOR JULY

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JULY DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs, 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.[1]	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, New York, and Delaware ("in store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer).
Nonfat dry milk solids, 1951 production, in carload lots only, 10,000,000 pounds.	Spray process—15½ cents per pound "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer). (See note on Ceiling Price Certification on the last page of this price list.)
Linseed oil, raw, 211,000,000 pounds	Market price on date of sale. (See note on Ceiling Price Certification on the last page of this price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of any paid-in freight to be added.
Pinto, bagged, 1,615,000 hundredweight.	No. 1 grade, 1948 [1] and 1949 crops: $8.19 per 100 pounds, basis f.o.b. Denver rate area and California area; $7.79 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged, 880,000 hundredweight.	No. 1 grade 1948 [1] and 1949 crops: $7.91 per 100 pounds, basis f. o. b. Michigan area.
Red kidney, bagged, 450,000 hundredweight.	No. 1 grade 1948 [1] and 1949 crops: $9.37 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 1,850,000 hundredweight.	No. 1 grade 1948 [1] and 1949 crops: $7.23 per 100 pounds, basis f. o. b. Twin Falls, Idaho area; $7.60 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 615,000 hundredweight.	No. 1 Grade 1948 [1] and 1949 crops: $8.02 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 80,000 hundredweight.	No. 1 Grade 1949 crop: $8.66 per 100 pounds, basis f. o. b. California and Michigan areas.
Austrian winter pea seed, bagged, 2,170,000 hundredweight. [1]	$4.50 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Blue lupine seed, bagged, 1,330,000 hundredweight.	$5 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Kobe lespedeza seed, bagged, 3,500 hundredweight.	$13.49 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.

[1] These same lots also are available at export sales prices announced today.

JULY DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Weeping lovegrass seed, bagged, 1,300 hundredweight.	$51.50 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Common and willamette vetch seed, bagged, 220,000 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Alfalfa seed (southern, certified or registered), bagged, 12,700 hundredweight.	$26.55 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Red clover seed (uncertified) bagged, 20,600 hundredweight.	$37.05 per 100 pounds, basis f. o. b. point of production; plus any paid-in freight.
Wheat, bulk, 5,000,000 bushels	This wheat is available only when premium wheat is required or where emergency situations exist. Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 37 cents per bushel if received by truck, or (2) 32 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.58; Minneapolis, No. 1 DNS, ex rail or barge, $2.59; Chicago, No. 1 RW, ex rail or barge, $2.63. NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice.
Oats, bulk, 9,400,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 17 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, $1.00; Minneapolis, No. 3 or better, 96 cents.
Barley, bulk, 19,750,000 bushels	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 25 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.53.
Corn, bulk, 50,000,000 bushels	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 25 cents per bushel, with market differentials for other grades, quality, and classes. At other delivery points: (1) The foregoing, plus average paid-in freight, or (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow ..... $1.87 St. Louis, No. 3 yellow ..... 1.87 Minneapolis, No. 3 yellow ..... 1.80 Omaha, No. 3 yellow ..... 1.79 Kansas City, No. 3 yellow ..... 1.83 Market differentials for other grades, quality, and classes. 1950 noncommercial corn-producing area: At points of production, or originating in noncommercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county load rate for No. 3, plus 25 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a commercial county, the county loan rate for No. 3 plus 25 cents, plus average paid-in freight. *Example of minimum price, per bushel:* 1950 county loan rate for Brown County, Ind., $1.10 per bushel, No. 3 corn; 133 percent of $1.10, plus 25 percent equals $1.72 per bushel, the minimum sales price.

Ceiling Price Certification. Any purchaser from CCC of nonfat dry milk solids, or raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

JULY EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs: 1950 pack (packed in barrels and drums) in carload lots only, 10,000,000 pounds.	(1) 60c per lb. f. a. s. vessel any U. S. Gulf or East Coast port; or (2) 60c per lb. "in store" at location of stock, less freight based on the average gross shipping weight calculated at the lowest export freight rate. ("in store" means in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Dry edible beans:	No. 1 grade 1948 Crop, f. a. s. vessel at locations shown below:
Pinto, bagged, 795,000 hundredweight.[1]	$5.90 per 100 pounds, San Francisco Bay area and Portland, Oreg.; $6 per 100 pounds, U. S. Gulf ports (see note below).
Pea, bagged, 125,000 hundredweight.[1 2]	For export to Western Hemisphere countries—$6.50 per 100 pounds, East Coast ports; for export to other than Western Hemisphere Countries—$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 760,000 hundredweight.[1 2]	$6.50 per 100 pounds, Portland, Oreg. (26,000 hundredweight only stored at The Dalles, Oreg.); $6.60 per 100 pounds, U. S. Gulf ports (see note below).
Baby lima, bagged, 50,000 hundredweight.[1]	$5 per 100 pounds, San Francisco Bay area.
Red kidney, bagged, 350,000 hundredweight.[1 2]	$6.50 per 100 lbs., New York. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. *Discounts for grades on all beans:* No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter pea seed, bagged, 2,170,000 hundredweight.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available at domestic sales prices announced today.
[2] *Ceiling Price Certification.* Any purchaser from CCC of red kidney beans or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

Issued July 9, 1951.

[SEAL] G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 51-8032; Filed, July 11, 1951; 9:00 a. m.]

Production and Marketing Administration

CHIEF, DAIRY INSPECTION AND GRADING DIVISION, DAIRY BRANCH

REDELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS RELATING TO GRADING AND INSPECTION OF DAIRY PRODUCTS

Pursuant to the authority vested in me by the Acting Administrator, Production and Marketing Administration, on July 5, 1951 (16 F. R. 6693), authority is hereby redelegated to the Chief, Dairy Inspection and Grading Division, Dairy Branch, Production and Marketing Administration, to exercise the powers and functions under §§ 58.4, 58.8, 58.9, 58.11, 58.13, 58.15, 58.16, 58.18, 58.20, 58.22, 58.24, 58.25, 58.28, 58.33, 58.34, 58.35, 58.38, 58.49, 58.50, 58.51, 58.53, 58.54, 58.56, 58.58, 58.59, and 58.61 of the regulations appearing in Title 7, Chapter I, part 58, Code of Federal Regulations, as printed in the FEDERAL REGISTER July 4, 1951, (16 F. R. 6494).

Done at Washington, D. C., this 6th day of July 1951.

[SEAL] PRESTON RICHARDS,
Director, Dairy Branch,

[F. R. Doc. 51-7996; Filed, July 11, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER CONTAINING RECITALS IN ACCORDANCE WITH SUPPLEMENT R OF THE INTERNAL REVENUE CODE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of July A. D., 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, being the owner of 18,709 shares of the common stock of Florida Power & Light Company, and being under commitment to dispose of said shares, having notified the Commission, pursuant to Rule U-44 (c) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935, of its intention to sell said 18,709 shares of common stock of Florida Power & Light Company in the open market at a price to be fixed by Bond and Share, using the facilities of the New York Stock Exchange, such sales to be made on a day or days to be selected by Bond and Share; and

The Commission having notified Bond and Share pursuant to Rule U-44 (c) that no declaration need be filed with respect to the proposed sales; and

Bond and Share having requested the Commission to issue an order containing findings and recitations in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof:

It is ordered and recited, That the sale and transfer by Bond and Share of 18,709 shares of common stock of Florida Power & Light Company is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7986; Filed, July 11, 1951; 8:48 a. m.]

[File No. 70-2605]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO CERTAIN TRANSFERS OF ASSETS BETWEEN SUBSIDIARIES OF REGISTERED HOLDING COMPANY AND RELATED TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1951.

In the matter of The Columbia Gas System, Inc., The Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and The Ohio Fuel Gas Company; File No. 70-2605.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiaries, The Manufacturers Light and Heat Company ("Manufacturers"), Natural Gas Company of West Virginia ("Natural Gas") and The Ohio Fuel Gas Company ("Ohio Fuel"), have filed with the Commission an application-declaration and amendments thereto, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43 and U-44 promulgated thereunder, regarding the following proposed transactions:

Natural Gas proposes to sell to Manufacturers all of its property located in the states of West Virginian and Pennsylvania which is used or useful in the production, purchase, transportation and distribution of natural gas. Manufacturers serves some of the same communities served by such property and supplies most of the gas distributed thereby. The price to be paid by Manufacturers for such property will be the book value thereof at original cost, less book reserves for depreciation and depletion, computed to the date of consummation of the transaction.

Manufacturers also proposes, in connection with the acquisition of such property, to acquire from Natural Gas the accounts receivable, inventory of materials and supplies and other current assets (except cash) applicable to such natural gas property, and to assume the accounts payable and other current liabilities applicable to such property. Such current assets will be paid for at the net book amount shown on the balance sheet of Natural Gas as of the consummation date of the transaction.

As of December 31, 1950, the purchase price for the foregoing assets is estimated by the Company at $3,723,095, including $2,959,674 for the net property and $763,421 for the net current assets. Manufacturers proposes to pay the purchase price by assuming $3,768,000 principal amount of 3¼ percent notes of Natural Gas presently outstanding (payable serially from 1951 to 1976), all of which are held by Columbia, and the balance of the purchase price in cash.

Ohio Fuel proposes to sell to Natural Gas certain natural gas production property located in eastern Ohio. Such property is connected to the transmission system of Natural Gas and the gas obtained therefrom is used by Natural Gas. The price proposed to be paid for such property is to be the net original cost to Ohio Fuel as of November 1, 1949, plus expenditures for construction work in progress, and less retirements made subsequent to that date. The applicants estimate that the purchase price for these properties will approximate $159,492 subject to certain possible adjustments. Such purchase price will be paid for in cash by Natural Gas.

The application-declaration states that the proposed acquisition by Manufacturers of property from Natural Gas has been approved by the Public Utility Commission of Pennsylvania and the Public Service Commission of West Virginia, that the proposed sale of such property by Natural Gas to Manufacturers has been approved by both of such Commissions, and that the assumption by Manufacturers of the Natural Gas notes has been approved by the Public Utility Commission of Pennsylvania. The application-declaration also states that the sale by Ohio Fuel of the property in Ohio to Natural Gas, and the acquisition thereof by Natural Gas, has been approved by the Public Utilities Commission of Ohio.

The application-declaration, as amended, also states that those transactions within the jurisdiction of the Federal Power Commission have been approved by that Commission.

Said application-declaration having been filed on March 30, 1951, an amendment thereto having been filed on June 28, 1951, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said application-declaration, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder, and that it is not necessary to impose any terms and conditions with respect thereto, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is ordered, That the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-7987, Filed, July 11, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18120]

MELCHERS & CO.

In re: Debts owing to Melchers & Co. F-28-1461, F-28-1461-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. Melchers & Co., the last known address of which is Bremen, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Karl Lindemann and Adalbert Korff, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That Melchers & Co. is a partnership organized under the laws of China, whose principal place of business is located at Shanghai, China, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Karl Lindemann, Adalbert Korff and C. Melchers & Co., and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation owing to Melchers & Co. by Joseph G. Hooper Jr. Co., 203 California Street, San Francisco 11, California, in the amount of $114.76, as of May 31, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Melchers & Co. by Melchers, Inc., 56 Beaver Street, New York 4, New York, in the amount of $744.20, as of January 5, 1951, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Melchers & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Melchers & Co. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8019; Filed, July 11, 1951; 8:57 a. m.]

[Vesting Order 18121]

CUSTODIAN TRUST CO., LTD.

In re: Accounts maintained in the name of Custodian Trust Company Limited, Charlottetown, P. E. I., Canada, and owned by persons whose names are unknown. F-63-12551.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Custodian Trust Co., Ltd., Charlottetown, P. E. I., Canada]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Agency, Bank of Montreal, 64 Wall St., New York 5, N. Y.	Custodian Trust Co., Ltd., special blocked account, consisting of cash and securities, as described by Agency, Bank of Montreal on its report on Form OAP-700 bearing its Serial No. 2.

[F. R. Doc. 51-8020; Filed, July 11, 1951; 8:57 a. m.]

[Vesting Order 18122]

GEORGE ANTON BENL

In re: Estate of George Anton Benl, also known as George A. Benl, deceased. File No. F-28-22083-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalie Benl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of George Anton Benl, also known as George A. Benl, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Public Administrator of the County of New York, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8021; Filed, July 11, 1951; 8:58 a. m.]

[Vesting Order 18123]

BIANCA A. E. O. FRITSCH

In re: Estate of Bianca A. E. O. Fritsch, deceased. File No. 017-26462.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Redepenning and Emilie Schultz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Bianca A. E. O. Fritsch, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Irving T. Wolfson and Elizabeth Hensel, as Co-executors, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R Doc. 51-8023; Filed, July 11, 1951; 8:58 a. m.]

[Vesting Order 18125]

WILLIAM SEMRAN

In re: Estate of William Semran, deceased. File No. D-55-396; E. T. sec. No. 3873.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ewald Semran and Lidja (Lydia) Semran, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Semran, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk, County Court of Essex County, as depositary, acting under the juricial supervision of the County Court of Essex County, Probate Division, Newark, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby, vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8024; Filed, July 11, 1951; 8:58 a. m.]

[Return Order 980]

GIUSEPPINA FRESCHI FACCARO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Giuseppina Freschi Faccaro, Luisa Lliana Faccaro, Lawrence Faccaro, Giuseppina Faccaro, Bassignana, Italy, Claim No. 5236; Pete Faccaro, by his guardian, Union Planters National Bank & Trust Co., Memphis, Tenn., Claim No. 37801; April 21, 1951 (16 F. R. 3501); $718.64 in the Treasury of the United States payable as follows: ½ to Luisa Lliana Faccaro; ½ to Luisa Lliana Faccaro and Giuseppina Freschi Faccaro, with Giuseppina Freschi Faccaro having a life interest therein and Luisa Lliana Faccaro being entitled to the remainder; $5,925.27 in the Treasury of the United States, ⅓ to Giuseppina Freschi Faccaro and ⅔ to Luisa Lliana Faccaro; $6,643.91 in the Treasury of the United States payable to Lawrence Faccaro; $2,483.48 in the Treasury of the United States payable to Giuseppina Faccaro; $4,475.51 in the Treasury of the United States payable to Union Planters National Bank & Trust Company, Memphis, Tennessee, Guardian of Pete Faccaro. Two parcels of real estate, located at 1009-1013 Jackson Avenue and 599-617 Decatur Street, Memphis, Tenn., respectively, in the following portions: ⅓ to Giuseppina Freschi Faccaro, ⅔ to Luisa Lliana Faccaro, ⅓ to Lawrence Faccaro, ⅓ to Giuseppina Faccaro, and ⅔ to Union Planters National Bank & Trust Co., guardian of Pete Faccaro.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8025; Filed, July 11, 1951; 8:58 a. m.]

[Return Order 1001]

SOCIETE POUR L'UNION DES TRANSPORTS FERROVIAIRES ET ROUTIERS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Pour L'Union Des Transports Ferroviaires et Routiers, Paris, France; Claim No. 33765; May 23, 1951 (16 F. R. 4825); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,085,329 and 2,144,081. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 29, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8026; Filed, July 11, 1951; 8:59 a. m.]

[Return Order 1008]

MARIANNINA MAZZEI VITALE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mariannina Mazzei Vitale, Mariannina Mazzei Vitale, Natural Guardian of Pasquale Vitale, Nicolino Vitale and Margherita Vitale, all of Montella, Avellino, Italy; Claim No. 38022; May 23, 1951 (16 F. R. 4824); $618.79 in the Treasury of the United States in equal shares to Mariannina Mazzei Vitale as Natural Guardian of Pasquale Vitale, Nicolino Vitale and Margherita Vitale; $309.39 in the Treasury of the United States to Mariannina Mazzei Vitale, Mariannina Mazzei Vitale as Natural Guardian of Pasquale Vitale, Nicolino Vitale and Margherita Vitale with Mariannina having a life interest therein and Pasquale, Nicolino and Margherita being entitled in equal shares to the remainder.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8027; Filed, July 11, 1951; 8:59 a. m.]

[Return Order 1013]

ADOLF AND FELIX MUNDHEIM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Adolf Mundheim, Belfast, Ireland, Claim No. 37085; Felix Mundheim, Plombiere-les-Dijon, France, Claim No. 42481; May 24, 1951 (16 F. R. 4913); $253.14 in the Treasury of the United States in equal shares to the claimants.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8028; Filed, July 11, 1951; 8:59 a. m.]

JENNIE GUNZBURGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jennie Gunzburger, New York, N. Y.; Claim No. 28668; all right, title, interest and claim of any kind or character whatsoever of Jennie Gunzburger, in and to the trust estate created under the will of Theodore Obermeyer, deceased. Trust administered by Bankers Trust Co., New York, N. Y.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8029; Filed, July 11, 1951; 9:00 a. m.]

EDWARD F. HARRIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edward F. Harris, Crescent City, Calif.; Claim No. 7549; $640.00 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8030; Filed, July 11, 1951; 9:00 a. m.]

[Vesting Order 18007]

AUGUST J. W. JAHN

Correction

In Federal Register Document 51-7780, appearing at page 6646 of the issue for Saturday, July 7, 1951, the date in the file line should read "July 5, 1951" instead of "July 7, 1951."

[Vesting Order 18008]

HOLLANDSCHE BANK UNIE N. V.

Correction

Federal Register Document 51-7760, appearing at page 6601 of the issue for Friday, July 6, 1951 was incorrectly designated as Vesting Order 18007. It should be designated as Vesting Order 18008 as set forth above.

Reference

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 NUMBER 135

Washington, Friday, July 13, 1951

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter E are issued.

1. Section 561.15 (e) is amended to read as follows:

§ 561.15 *Appointment in Officers' Reserve Corps of warrant officers and enlisted personnel of Army of the United States.* • • •

(e) *Vacancies.* Appointment of personnel specified in paragraph (c) of this section, except those in subparagraphs (1) and (2) will be made only to fill vacancies in the Organized Reserve Corps troop programs units of the proper branch (section).

[C1, SR 140-105-3, June 20, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

2. Part 562 is amended as indicated below:

a. Section 562.12 is amended by changing paragraph (a) (4) and revoking paragraph (b) (1) as follows:

§ 562.12 *Classification of ROTC units.* • • •

(a) *Senior division.* • • •

(4) *Class MI.* Essentially military schools specially designated by the Secretary of the Army as in class MI, which do not confer baccalaureate degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of class MC or class MJC and accept and maintain the specially designated program of instruction for this classification of ROTC institution.

(b) *Junior division.* • • •

(1) *Class MS.* [Revoked]

• • • • •

b. Section 562.22 (a) (2) (ii) is amended to read as follows:

§ 562.22 *Conditions for enrollment in a specific course.* • • •

(a) *For basic course, senior division.* • • •

(2) *Academic requirements.* Students enrolling in this course must:

• • • • •

(ii) If entering the first year basic course at institutions which confer degrees, have at least three academic years remaining in their academic course at the institution, and if at a class MJC or class MI institution, must be enrolled in the junior year of the preparatory or high school course. See § 562.27 for training of students ineligible for enrollment.

• • • • •

c. Section 562.66 (c) is amended to read as follows:

§ 562.66 *Transportation.* • • •

(c) *Students without funds.* When a student is without funds with which to purchase transportation to travel to a designated camp, he may be authorized transportation in kind and meal tickets by continental army and oversea commanders. In such cases, the orders issued directing the travel will specifically state that transportation in kind (indicating whether transportation request or Government conveyance) and meal tickets, when applicable, will be furnished. Transportation request and meal tickets will be forwarded to the student with the orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds allocated to continental Army and oversea commanders.

[C 2, AR 145-350, June 22, 1951, C 1, SR 145-30-1, June 28, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 41 Stat. 778; 10 U. S. C. 854, 381-388, 441)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8035; Filed, July 12, 1951; 8:45 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Title 49: Parts 91 to 164 ($0.30)
Title 49: Part 165 to end ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Parts 210–899 ($1.50); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 14, Part 400 to end ($0.45); Title 15 ($0.45); Title 16 ($0.40); Title 17 ($0.25); Title 18 ($0.35); Title 19 ($0.30); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 24 ($0.75); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 170–182 ($0.50); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30); Titles 28–29 ($0.60); Titles 30–31 ($0.35); Title 32 ($1.50); Title 33 ($0.45); Titles 35–37 ($0.30); Titles 40–42 ($0.35); Titles 47–48 ($0.70)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

MISCELLANEOUS AMENDMENTS

Part 573 is amended as indicated below:

1. Paragraphs (b) and (c) (2) of § 573.10 are changed as follows:

§ 573.10 *General eligibility requirements.* * * *

(b) Have reached twenty-first birthday but not have passed twenty-seventh birthday on date of appointment, except for appointment in Corps as indicated in subparagraphs (1) through (8) of this paragraph:

* * * * *

(c) * * *

(2) Enlisted personnel and warrant officers of the Regular Army, distinguished graduates of Army officer candidate course, and distinguished graduates of Women's Army Corps officer candidate course provided they pass an officer's educational qualification test. However, a waiver * * * college or university.

* * * * *

2. Sections 573.11 *Waivers* and 573.12 *Waivers for age* are hereby revoked.

[C 2, AR 605–25, June 22, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8036; Filed, July 12, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 16]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

CORRECTIONS, CHANGES AND CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Ceiling Price Regulation 22 (16 F. R. 3562) is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on April 25, 1951, of Ceiling Price Regulation 22, questions raised by industry and further study of some of the problems involved have indicated the need for clarifying some of the provisions of the regulation and amending it in certain particulars.

ELIMINATION OF "INVENTORY WINDFALL" PROVISIONS

For the reasons indicated in the Statement of Considerations accompanying Amendment 17 to the General Ceiling Price Regulation, it is deemed advisable to eliminate from section 21 of Ceiling Price Regulation 22 the prohibition against "inventory windfalls" contained in paragraph (d) of that section. This is accomplished by deleting subparagraph (1) of the paragraph and by making certain minor changes in paragraphs (b) and (c) as corollaries of this deletion.

REPORTING OF INCREASES UNDER SECTION 21

Both section 21 of Ceiling Price Regulation 22 and section 11 of the General Ceiling Price Regulation permit sellers to increase their ceiling prices to reflect increases in the cost to them of agricultural commodities (or products processed therefrom) which are selling at prices below parity or the other legal minima set out in the Defense Production Act of 1950. Thus, sellers are enabled to preserve their base period dollar-and-cent margins.

Section 11 of the General Ceiling Price Regulation contains reporting provisions which simply require the seller to place a registered letter in the mail, addressed to the Director of Price Stabilization, before increasing his ceiling price under that section. The information to be included in that letter is sufficient to enable the Director to determine if the increase is properly taken, but is not so involved as to be a burden on the seller.

This method of reporting has proved satisfactory and, therefore, this amendment adopts that procedure for reports required to be made under section 21 of Ceiling Price Regulation 22. There are, naturally, slight differences from the General Ceiling Price Regulation provisions due to the fact that there are differences in the basic pricing techniques of the two regulations, but the two provisions are the same in substance.

This amendment provides, in a new section 21 (g), that, before the seller may increase his ceiling price, he must mail a registered letter to the Director of Price Stabilization in which certain prescribed information is set out. The information required to be filed by producer-processors, cooperative processors, and processors working under deferred payment contracts (all of whom price under section 21 (f) naturally differs from that to be submitted by processors generally, since the former three groups have different methods for computing their costs. Slight changes have been made in the language of sections 21 (b), (c), (f) and 48 (b), (c) to dovetail them with the new section 21 (g).

Finally, slight changes have been made in the language of section 21 (f) (1) and (2) dealing with the choice of the competitor whose costs are to be adopted by producer-processors and processors operating under deferred payment contracts. These changes were made in order to clarify the meaning of those provisions and because of the elimination of section 21 (d) (1).

Under what was, prior to this amendment, paragraph (d) (2) of section 21, a current date may not be used in figuring the change in net cost of an agricultural commodity (or product processed therefrom) listed in Appendix C beyond either (1) the date that the Director of Price Stabilization deletes the commodity from Appendix C, or (2) a date more than five days after the publication "Agricultural Prices" contains a price for the commodity which satisfies the legal minima set out in the Defense Production Act of 1950. It has been found to be both unnecessary and confusing to tie the cut-off date to the date of publication of "Agricultural Prices". When the situation warrants, the Director is able promptly to take any action he finds to be desirable by amendment of Appendix C; and, by such specific amendment, the public will have clear notice of the state of the affected commodity.

Moreover, the former provision, which would have resulted in automatic deletion, prevented individual consideration of each action and might well have caused distorted relationships between the prices of the various agricultural commodities and products involved. This amendment, by eliminating that automatic deletion provision, affords the Director of Price Stabilization an opportunity to exercise the control necessary to maintain a balanced price structure.

EXEMPTIONS

Finally, an oversight is corrected by amending paragraph (c) (5) of Appendix A so that water ices are now exempt from coverage by CPR 22.

AMENDATORY PROVISIONS

CPR 22 is hereby amended in the following respects:

1. Paragraphs (b), (c) and (d) of section 21 are amended to read as follows:

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraphs (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraphs (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951 as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

[Subparagraph (2) of paragraph (c) remains unchanged.]

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed agricultural commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization.

2. Paragraph (f) of section 21 is amended to read as follows:

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned cooperative processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

3. A new paragraph designated "(g)" is added to section 21 reading as follows:

(g) *Required report.* You may not increase your ceiling price under the provisions of this section above that price initially determined pursuant to the provisions of this regulation unless and until you place in the mail a registered letter, addressed to the Director of Price Stabilization, Washington 25, D. C., containing the following information:

(1) If it is not necessary for you to use section 21 (f) in determining your ceiling prices, you report:

(i) Your existing ceiling price and the description of the commodity.

(ii) The paragraph number in section 18 of this regulation under which you compute your net cost for the manufacturing material, or a designation of the other section under which you compute your net cost.

(iii) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, used in calculating your last ceiling price under this regulation.

(iv) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, for the current date.

(v) The increased ceiling price.

(2) If you are a processor who uses either section 21 (f) (1) or (2) in determining your ceiling prices, you report:

(i) The name and address of your nearest competitor selected pursuant to section 21 (f) (1) or (2).

(ii) Your existing ceiling price.

(iii) Your nearest competitor's net cost per unit (for the material) last used by you in calculating under this section 21.

(iv) Your nearest competitor's net cost per unit (for the material) on the current date.

(v) The increased ceiling price.

(3) If you are a processor who uses section 21 (f) (3) in determining your ceiling prices, you report:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

4. Paragraph (b) of section 48 is amended to read as follows:

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 21, 32, 33, or 46, whichever is applicable.

5. The first sentence of paragraph (c) of section 48 is amended to read as follows:

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation (except when you raise your price, pursuant to section 21, above that price initially calculated under this regulation) you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

[In all other respects paragraph (c) remains the same.]

6. Subparagraph (5) of paragraph (c) in Appendix A is amended to read as follows:

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar; and shall also include water ices (a product composed of water, sugar, flavoring and stabilizer) prepared in bulk, package form, or in the form of a stick confection.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 17, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 12, 1951.

[F. R. Doc. 51-8141; Filed, July 12, 1951; 11:51 a. m.]

[General Ceiling Price Regulation, Amendment 17]

GENERAL CEILING PRICE REGULATION

DELETION OF "INVENTORY WINDFALL" PROVISIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to the General Ceiling Price Regulation (hereinafter called the "GCPR") is to eliminate those provisions added to section 11 (b) of that regulation by Amendment 13 which prohibit processors and manufacturers from obtaining "inventory windfalls".

Provisions denying to manufacturers and processors of agricultural commodities (or of products processed therefrom) the opportunity to take "inventory windfalls" resulting from the operation of the "parity pass-through" provisions of the GCPR were added to the GCPR in order to prevent higher prices, based, not on actual cost increases, but on the current market value of inventories.

However, it now appears that it is not feasible to retain these provisions of section 11 (b) (2) of the GCPR relating to agricultural commodities the prices of which are below parity. While there has been insufficient time to collect complete figures, there is reason to believe that the effect of elimination of "inventory windfalls" on the cost of living is considerably smaller than was first supposed. In addition, while it is true that the requirement that stocks on hand, consisting of commodities processed from agricultural products purchased at prices lower than current prices (or of commodities made from them), be exhausted before the increase in current prices could be reflected does, over the short run, reduce consumer outlay, its ultimate effect is merely to delay price increases and not to prevent them. Moreover, the prohibition against "inventory windfalls" may be expected to operate in favor of the processor with a substantial inventory as against one who carries small stocks. So long as the former must dispose of existing stocks on the basis of the price of agricultural commodities purchased at a level lower than current prices, the latter will, in many instances, be unable to sell his product on the basis of the higher prices he paid for those agricultural commodities. This is particularly true with respect to opening inventories held at the beginning of a processing season where the commodities involved are seasonal in nature. Furthermore, inventory gains and losses permit many small manufacturers, who cannot or do not hedge, to stabilize their prices and supplies of their commodities. Such manufacturers, if they are permitted to take inventory gains, may anticipate that such gains will, in the long run, approximate inventory losses and will, therefore, be in a better position to maintain the prices for their products without changing them in response to every change in the raw material market.

The mechanics of compliance with the provisions in question may be very burdensome. Many processors are constantly making purchases of raw materials consisting of one or more of the listed agricultural commodities and it is not possible for them, after each purchase of the raw material, to recalculate inventories. These considerations are particularly cogent with respect to those manufacturers whose inventories may be warehoused at widely scattered points, in transit, or in the hands of sales outlets which do not make prompt report of the disposition of supplies of the finished product on hand. Thus, compliance with the provisions of Amendment 13 may very well mean substantial and extensive changes in record keeping systems. Furthermore, the provisions inevitably require a running inventory and such an inventory is inherently less accurate than periodic checks of stocks on hand. The result may be involuntary violation of the prohibitions contained in Amendment 13.

These provisions also pose difficult enforcement problems out of all proportion to the benefits to be derived from the retention of the provisions.

For all these reasons, the Director deems it inadvisable to continue the proscription against "inventory windfalls" for sub-parity farm products in effect in the GCPR.

For these reasons also a parallel amendment of section 21 of CPR 22 is deemed necessary and is being issued simultaneously with the issuance of this amendment.

Special circumstances have rendered impracticable consultation with formal industry advisory committees or trade association representatives. However, the Director has received sufficient information to warrant issuance of this amendment.

In formulating this amendment, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950. In his judgment, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Section 11 (b) (2) of the GCPR, as amended, is further amended by deleting therefrom the third paragraph and by revising the example so that said section 11 (b) (2) shall read as follows:

(2) The cost to you of a current customary purchase of the listed agricultural commodity (or the product processed therefrom) exceeds the highest price you incurred or paid during the base period. In such case you may increase the ceiling price (as otherwise determined in this regulation) for your product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased the ceiling price for your product, you may increase your present ceiling price for the product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

Example: You are a processor of evaporated milk, a product processed from a listed agricultural commodity.

The highest price paid by you for a customary purchase of manufacturing milk in the base period was $3.80 per cwt. The cost to you of the most recent purchase is $4.00 per cwt.—a difference of 20 cents or 2 10 cent per lb.

If you use 94 lbs. of milk to produce a case of evaporated milk, you are entitled to increase your maximum price per case by 18.8 cents per case (94 x 2/10 cent).

If, subsequent to this adjustment, the price you pay for a customary purchase of manufacturing milk should increase to $4.10—a further increase of $0.10 per cwt. or 1/10 cent per lb.—you may add an additional 9.4 cents to your maximum price per case (94 x 1/10 cent).

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to the General Ceiling Price Regulation shall be effective on July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 12, 1951.

[F. R. Doc. 51-8142; Filed, July 12, 1951; 11:51 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 38]

GCPR, SR 38—APPLICATIONS FOR ADJUSTMENT BY CERTAIN PRODUCERS OF PIG IRON

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 38 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits producers of pig iron who use foreign iron ore and who sell their product pursuant to long term contracts providing for price escalation to apply to the Office of Price Stabilization for adjustments in their ceiling prices.

It appears that at least one producer of pig iron who uses foreign iron ore sells his product pursuant to long term contracts which were entered into before the inauguration of the stabilization program and which provides for the adjustment of prices in accordance with variations in costs. The cost of foreign iron ore has increased substantially since the base period December 19, 1950, to January 25, 1951, inclusive, both as a result of higher prices paid the producer and higher transportation costs, and this producer of pig iron and others who may be similarly situated may be forced to curtail their use of such ore with a consequent reduction in output unless appropriate price relief is provided. Since merchant pig iron is in critically short supply, any decrease in production would have a serious adverse effect upon the civilian economy and the defense program.

This supplementary regulation provides for the necessary relief by permitting adjustments in ceiling prices, under the circumstances specified, which will allow such producers to continue operations, with their normal dollar margins.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for adjustment.
3. Order of adjustment.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 704, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides for the adjustment of the ceiling prices established by the General Ceiling Price Regulation for producers of pig iron who have in effect long term contracts providing for price changes in accordance with variations in costs and who use iron ore produced outside of the United States, its Territories or Possessions. The adjustment which will be granted herein will require that the producer adjust his prices quarterly on the basis of the preceding three months period ending one month before the beginning of the quarter.

SEC. 2. *Application for adjustment—*(a) *Who may file.* An application for adjustment pursuant to this supplementary regulation may be filed by any producer of pig iron who (1) sells pig iron pursuant to written contracts entered into before December 19, 1950, for a period of at least five years and which provide for the adjustment of price in accordance with variations in costs, and (2) uses in the production of pig iron sold pursuant to such contracts iron ore produced outside of the United States, its Territories or Possessions.

(b) *How to file an application.* An application pursuant to this supplementary regulation must be filed with the Office of Price Stabilization, Washington 25, D. C., and must contain the following:

(1) The name and address of the applicant;

(2) A statement setting forth the date, duration, and pricing terms of its contracts for the sale of pig iron which are the subject of its application;

(3) A statement of the tonnage of iron ore produced outside of the United States, its Territories or Possessions used by the applicant during the three months period preceding the date of its application in the production of pig iron sold pursuant to such contracts.

(4) A statement of the operating costs and mark-up for the three months period ending one month prior to the date of the application.

SEC. 3. *Order of adjustment.* Any adjustment pursuant to this supplementary regulation will be granted by letter order and the ceiling prices so established will be sufficient to permit the applicant to continue operations, with his normal dollar margin, but will not exceed the prices determined in accordance with the contracts covered by the producer's application. Such order will also require the producer to furnish quarterly operating statements.

Effective date. This supplementary regulation becomes effective July 12, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JULY 12, 1951.

[F. R. Doc. 51-8143; Filed, July 12, 1951; 11:5f a. m.]

[General Overriding Regulation 13—Interpretation 1]

GOR 13—CONTINUATION OF CEILING PRICES IN EFFECT ON JUNE 30, 1951, FOR COMMODITIES OR SERVICES COVERED BY SPECIFIED MANUFACTURERS' REGULATIONS

INT. 1—REGULATIONS IN EFFECT AS TO MANUFACTURERS ON JUNE 30, 1951

Section 2 of GOR 13 provides that a seller's ceiling price for any commodity under a listed regulation is determined under that regulation if it "was in effect" as to him on June 30, 1951.

This interpretation is intended to clarify the meaning of the phrase "was in effect," and to provide a basis for determining whether a manufacturer had actually put a regulation into effect as to him prior to July 1. It is believed that this interpretation disposes of most of the questions presented to the OPS on this subject, and that application of the tests here stated will provide clear answers. But it is not possible, of course, to anticipate all fact situations; these may require further rulings, not modifying the rules here stated but developing other rules which must be taken into account.

Under GOR 13, a seller to be under CPR 22 or 30 must have exercised his option to put the regulation into effect on or before June 30. If he can show this, then the regulation is in effect as to him for all his products covered by that regulation.

How can a seller show that he put CPR 22 or 30 into effect as to him on or before June 30? He must do this by showing that on or before June 30, he had both complied with the requirements of the regulation and had taken action to put it into effect prior to July 1, either by making price increases effective prior to July 1, or by other action, such as actual written notification to OPS or his customers that he was putting the regulation in effect prior to July 1, 1951.

A necessary prerequisite to put CPR 22 and CPR 30 into effect in the case of a price increase was that a Form 8 be filed more than 15 days prior to putting the increase into effect. Each of these regulations also provides in effect that any seller who made it effective for an increase also made it effective for all decreases.

This means that no one can be said to have put CPR 22 or CPR 30 into effect on or before June 30 who did not receive a return receipt or other acknowledgment showing that his Form 8 proposing a price increase had been received prior to June 15, 1951.

A mere filing of the form, however, does not indicate that CPR 22 or CPR 30 was in effect as to a seller. Many sellers filed their Form 8's before June 15th but did not exercise their option to put into effect either the price increases or price decreases, or both, which would have resulted from the use of the regulations in question. The regulations were not in effect as to these sellers. If, however, prior to July 1, 1951 the sellers, acting pursuant to CPR 22 or CPR 30, made offers in writing, contracts, sales, or deliveries at prices above their GCPR prices, that shows such sellers put the regulations into effect.

When the seller's only action in putting the regulation into effect was in terms applicable solely to deliveries after June 30, 1951, this shows that the seller was putting the regulation into effect after that date and was merely making advance arrangements for deliveries to be governed by ceilings in effect at the time of delivery. In that case, GCPR continues in effect. For example, a manufacturer whose increase was announced only in a price list marked effective July 1, 1951 is still under the GCPR. Where no offers or sales at the CPR 22 or CPR 30 prices were made and no other action was taken to indicate that CPR 22 or CPR 30 was put into effect, the General Ceiling Price Regulation remained in effect as to the seller on June 30, 1951.

A seller may be able to show that he put CPR 22 into effect on or before June 30 by showing that before June 15 he filed Form 8's proposing increases over GCPR ceilings for commodities A and B and actually put the increases into effect on or before June 30 for A. In this situation CPR 22 was generally in effect for the seller on June 30, even as to commodities other than A. If OPS had stopped the proposed increase for commodity B, he would be required to wait for OPS action as to that commodity; OPS will process his form and he can charge the ceiling price for B approved by OPS. Similarly, the mere fact that this seller did not file an additional form as to commodity C on or before June 14 does not preclude him from filing subsequently for that commodity, and he must file Form 8 before he sells commodity C, and comply with the 15-day waiting period if he proposes a price increase for that commodity.

However, if he filed only one Form 8 before June 15 and that was not in effect on June 30 because of OPS action, then CPR 22 was not in effect as to him on June 30.

A seller who has CPR 22 or CPR 30 in effect under GOR 13 has it in effect as to all provisions, including rollbacks, adjustments, supplementary regulations, filings, etc.

What has been said about CPR 22 and CPR 30 applies generally to the other manufacturers' regulations listed in GOR 13. Some of them require no filing and no 15-day waiting period. To show that these regulations were put into effect the seller need not show a filing, but he must show that he either sold at the new higher prices or otherwise took some action which clearly indicated an election to price under the new regulations prior to July 1. Under CPR's 18, 18 Revision 1, 37, and 41, the election could have been made as to individual articles. Under CPR 45, the election applies to all articles in the category, that is, if the seller clearly indicated an election to price any article under CPR 45, his election applies to all articles in the same category, whether the resulting ceiling prices are higher or lower than the GCPR ceiling prices for the articles.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

JULY 12, 1951.

[F. R. Doc. 51-8144; Filed, July 12 1951; 11:51 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3328 (May 2, 1951) and last amended at 16 F. R. 6465 (July 3, 1951), is hereby further amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)—CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. Coronado	do	May 8, 1951
3. Colorado Springs	Colorado	Do.
4. Sag Harbor Lake	New York	May 23, 1951
5. Fort Leonard Wood Area	Missouri	Do.
6. Camp Cooke Area	California	June 8, 1951
7. Bremerton	Washington	Do.
8. San Marcos	Texas	Do.
9. Warrenton	Georgia	June 20, 1951
10. Tullahoma	Tennessee	Do.
11. Camp Pendleton Area	California	Do.
12. Lemon County	do	June 29, 1951
13. Quad Cities Area [2]	Iowa-Illinois	Do.
14. Richland AEC Operations Area	Washington	July 3, 1951
15. Barstow	California	Do.
16. Camp Roberts Area	do	Do.
17. Harris County	Texas	Do.
18. Tooele	Utah	Do.
19. Lima	Indiana	July 13, 1951
20. El Centro-Imperial Area	California	Do.
21. Texarkana	Texas	Do.
22. Huntsville	Alabama	Do.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from limited credit restrictions are issued pursuant to CR 3 of the Housing and Home Finance Agency.

[2] Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

B. T. FITZPATRICK,
Acting Housing and
Home Finance Administrator.

[F. R. Doc. 51-8056; Filed, July 12, 1951; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS, DEFAULTS, CONSENT SETTLEMENTS

Correction

In Federal Register Document 51-7688, published at page 6503 of the issue for Wednesday, July 4, 1951, the 14th line of § 2.5 (b) should read: "and desist should not be entered by".

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

OCCUPATIONAL TESTING AND SERVICE TO OLDER WORKERS

Correction

In Federal Register Document 51-8031 appearing on page 6751 of the issue for Thursday, July 12, 1951, the section number "605.10" should be changed to read "§ 604.10".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Dairy Industry

[9 CFR Part 301]

SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register document 51-7900, published at page 6686 of the issue for Tuesday, July 10, 1951, the sentence added to § 301.5 by amendatory paragraph 1, and appearing in the restatement of § 301.5, should read: "Containers constructed of materials mentioned in (1) or (2) of the second preceding sentence shall have smooth inner surfaces without pockets or recesses."

Production and Marketing Administration

[7 CFR Part 44]

UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES

EXTENSION OF TIME

Notice is hereby given of an extension, until July 23, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with revised proposed United States Standards for Grades of Edible Sugarcane Molasses.

The revised proposed standards for grades of edible sugarcane molasses are set forth in the notice which was published in the FEDERAL REGISTER on May 17, 1951. (16 F. R. 4620-1)

Done at Washington, D. C., this 9th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8068; Filed, July 12, 1951; 8:51 a. m.]

[7 CFR Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS

EDITORIAL NOTE: The original document designated F. R. Doc. 51-7826, appearing at page 6825 of the issue for Saturday, July 7, 1951, has been changed so that the words "1951-52 marketing year" in the first paragraph now read "1952-53 marketing year."

[7 CFR Part 986]

[Docket No. AO 196-A1]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 51-7349, published at page 6185 of the issue for Wednesday, June 27, 1951, the following changes are made:

1. In the fourth and fifth lines of § 986.74 (c) (page 6195) the phrase "of alternate member" should read "or alternate member".

2. In § 986.91 the fourth line of the third column on page 6198 should read: "from hops produced by that grower, or ".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

ALLOCATION OF EXPENSES BETWEEN LINE-HAUL AND PICK-UP AND DELIVERY

NOTICE TO CLASS I MOTOR CARRIERS OF PROPERTY

JULY 9, 1951.

The Commission, having under consideration the Uniform System of Ac-

counts for Class I Motor Carriers of Property, pursuant to authority of section 220 (d) of the Interstate Commerce Act, has approved the revision of Instruction 27, § 182.01–27 *Allocation of expenses between line-haul and pick-up and delivery*, as set forth below.

Instruction 27, as revised, provides that the separation of expenses between those incurred in line-haul operations and in pick-up and delivery operations will be required only of carriers which have gross operating revenues of $500,000 or more annually, and derive over 75 percent of their revenues from the intercity transportation of general commodities as a common carrier.

Other changes in Instruction 27 include (1) additional accounts which are to be subdivided to separate amounts applicable to line-haul and to pick-up and delivery operations, as follows:

5310—Equipment Rents—Debit.
5350—Equipment Rents—Credit.

(2) Amplification of the text of the instruction to include more complete information regarding the manner in which amounts includible in the accounts specified are to be separated and the bases for the separations.

Any interested party may on or before August 15, 1951, file with the Commission a written statement of reasons why the proposed modification of Instruction 27 should not be made and may request oral argument if desired.

Unless modifications are found necessary after full consideration of the matter and of all representations respecting it, Instruction 27, revised as set out below shall become effective October 1, 1951.

[SEAL] W. P. BARTEL,
Secretary.

§ 182.01–27 *Allocation of expenses between line haul and pickup and delivery.* (a) Class I common carriers which derive an average of 75 percent or more of their revenues from the intercity transportation of general commodities and which have average annual gross revenues of $500,000 or more, based on the three calendar years ended December 31, 1950, and on the latest three calendar years thereafter, shall separate expenses between line haul and pickup and delivery as provided in this instruction. Class I motor carriers, other than those specified above, are not required to comply with the provisions of this instruction.

(b) Carriers required to comply with the provisions of this instruction shall separate the amounts includible in the following accounts between those applicable to line haul and those applicable to pickup and delivery:

4130—Repairs and Servicing — Revenue Equipment.
4160—Tires and Tubes—Revenue Equipment.
4230—Drivers and Helpers.
4250—Fuel for Revenue Equipment.
4260—Oil for Revenue Equipment.
4270—Purchased Transportation.
5020—Depreciation of Revenue Equipment.
5210—Gasoline, Other Fuel, and Oil Taxes.
5220—Vehicle License and Registration Fees.
5310—Equipment Rents—Debit.
5350—Equipment Rents—Credit.

(c) The separation between line haul and pickup and delivery expenses in the accounts listed above shall be made in the following manner:

(1) *Classification of expenses, other than wages of drivers and helpers.* (i) All expenses for vehicles classified (see paragraph (b) of this section) as "line haul" shall be entered in the line haul subdivisions of the accounts, and all the expenses for vehicles classified as "pick-up and delivery" shall be entered in the pickup and delivery subdivisions of the accounts.

In no case shall the expenses of a vehicle be split between the two subdivisions of an account.

(ii) For the purpose of separating the expenses each revenue vehicle (truck, tractor or trailer) shall be classified as "line haul" or "pickup and delivery," according to the service in which it is predominantly employed.

Include in the "line haul" classification all revenue vehicles predominantly engaged in the transportation of property in terminal-to-terminal, peddle, and other intercity service. Peddle trips are trips operated out of a local area, consisting of a city or town and contiguous suburban districts, for the purpose of delivering freight to consignees and gathering freight from consignors at points outside such area. The incidental or occasional use in pickup and delivery or local cartage service of vehicles regularly employed in line-haul service would not affect their classification as "line haul."

Include in the "pickup and delivery" classification all revenue vehicles predominantly employed in pickup and delivery service and local cartage service within a local area as defined above. The incidental or occasional use in line-haul service of vehicles regularly employed in pickup and delivery or local cartage service would not affect their classification as "pickup and delivery."

Where a vehicle or fleet of vehicles is used with complete interchangeability in the carrier's regular line-haul and pickup and delivery services, and a separation based on predominant use is not feasible, such vehicle or fleet of vehicles should be classified as "line haul."

Where vehicles assigned to over-night intercity runs, are also used more or less regularly during the day in the carrier's general pickup and delivery service, such vehicles should be classified as "line haul."

(2) *Classification of wages of drivers and helpers.* (i) The separation of drivers' and helpers' wages between the "line haul" and "pickup and delivery" subdivisions of account 4230, Drivers and Helpers, shall be made according to the type of service performed by the employee. Thus, if a driver makes a line haul trip, whether terminal-to-terminal, peddle, or other, his wages for the trip shall be charged to the "line haul" subdivision of the account, irrespective of whether the vehicle used for the trip has been classified as "line haul" or "pickup and delivery." Similarly, if a driver is engaged in the carrier's general pickup and delivery service, his wages while so employed shall be charged to the "pickup and delivery" subdivision of the account, irrespective of whether the vehicle used in making the pickups and deliveries has been classified as "pickup and delivery" or "line haul."

(ii) Where a driver making a line-haul trip picks up or delivers all or part of his load at point of origin or destination or points en route, the entire wages of the driver shall be charged to the "line haul" subdivision of account 4230, except that where the driver's compensation for the pickup and delivery work performed is computed separately for payroll purposes it shall be charged to the "pickup and delivery" subdivision.

(iii) Where a driver spends part of the day in making a line-haul trip after which he is assigned to the carrier's general pickup and delivery service, his wages for the line-haul trip shall be charged to the "line haul" subdivision of the account and his wages for the pickup and delivery work performed shall be charged to the "pickup and delivery" subdivision.

(iv) Also, where a driver is employed in either line-haul or pickup and delivery service and, in addition, is regularly assigned for a part of his time to platform work at the carrier's terminal, including the loading or unloading of his own or other vehicles, his wages for the time so employed shall be charged to account 4340, Salaries and Wages, Platform Employees (see instruction 11, § 182.01–11).

(d) Any carrier which finds it impracticable to segregate expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper segregation. Upon receipt of such information carriers will be advised of the procedure to be followed.

[F. R. Doc. 51–8062; Filed, July 12, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

REPORTS BY CANADIAN BANKS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the adoption of a rule dealing with reports filed pursuant to section 15 (d) of the act by Canadian banks. The proposed rule would permit such banks to file as their annual reports under the act the information and documents which they are required by the Bank Act of Canada to furnish to their stockholders. The rule further provides that current and quarterly reports would not be required to be filed by such banks. The text of the proposed rule (Rule X-15D–14) is as follows:

§ 240.15d–14 *Reports by Canadian Banks.* (a) Any bank existing under the laws of the Dominion of Canada and subject to the Bank Act of Canada may file as its annual report pursuant to § 240.15d–1 the information and documents which such bank is required by section 53 of such act, or any section superseding such section, to furnish to its stockholders. Such information and documents, if not in the English language, shall be accompanied by an English translation, shall be filed under cover of the facing sheet of Form 10–K, and shall be accompanied by the signatures required by that form. Such annual report shall be filed with the Commission not later than the expiration of the period specified in the act within which such information and documents are required to be sent to stockholders.

(b) Any such bank filing annual reports pursuant to this section need not file current reports pursuant to § 240.15d–11 or quarterly reports pursuant to § 240.15d–13.

All interested persons are invited to submit data, views and comments on the proposed rule in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 20, 1951.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 3, 1951.

[F. R. Doc. 51–8043; Filed, July 12, 1951; 8:47 a. m.]

NOTICES

POST OFFICE DEPARTMENT

PARAGUAY

TEMPORARY SUSPENSION OF PARCEL POST SERVICE

Effective at once, parcel post service to Paraguay is temporarily suspended.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–8018; Filed, July 12, 1951; 9:07 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 67, Amendment 1]

CHESTER H. ROTH CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 67, under section 43 of Ceiling Price Regulation 7, issued on June 4, 1951, established ceiling prices for sales at retail of socks and stockings distributed by Chester H. Roth Co., Inc., under the brand names "Esquire Socks," "Fruit of the Loom Socks," and "Schiaparelli Stockings". The special order required the distributor to mark each article listed in the special order with the retail ceiling price fixed under the special order, or to attach to each article a label, tag or ticket stating the retail ceiling price. Applicant was required to comply with this preticketing provision on and after July 5, 1951.

Chester H. Roth Co., Inc., has filed an application for an extension of time in which to meet this preticketing requirement. The application points out that the applicant has in various mills and in their warehouse a large number of items covered by the special order which are pre-ticketed with their retail prices and boxed, and that to require the applicant to open each one of these boxes, take out the merchandise, remove old price labels and affix new labels would create undue hardship both by way of expense and time.

Under the special circumstances set forth by the applicant, the Director has determined that the requested amendment should be granted in part.

AMENDATORY PROVISIONS

Special Order 67 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 4, substitute for the mark or statement

OPS—Sec. 43—CPR 7
Price $--------

the following mark or statement:

$--------

2. Add to paragraph 4, following the last sentence appearing therein, the following:

On and after January 5, 1952, Chester H. Roth Co., Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after February 5, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to February 5, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting requirements of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective on July 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 12, 1951.

[F. R. Doc. 51–8140; Filed, July 12, 1951; 11:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

SPECIAL REPRESENTATIVES OF HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH RELAXATION OF HOUSING CREDIT CONTROLS IN AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF ATOMIC ENERGY COMMISSION

The delegation of authority, effective April 14, 1951 (16 F. R. 3319), from the Housing and Home Finance Administrator to Paul E. Ferrero (Savannah River Office, Aiken, S. C.), Joseph Tufts (Paducah, Ky.), and Phil A. Doyle (Idaho Falls, Idaho), is hereby amended to read as follows:

McClellan Ratchford (Savannah River Office, Aiken, S. C.), Joseph Tufts (Paducah, Ky.), and Phil A. Doyle (Idaho Falls, Idaho), Special Representatives of the Housing and Home Finance Administrator, Office of the Administrator, Housing and Home Finance Agency, each is hereby authorized, in his respective assigned area, to take any action (including the making of any determination and the approval of any application) which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 2, 16 F. R. 2232 (1951), as now or hereafter amended, which regulation pertains to the processing and approval, for the areas affected by the Savannah River (S. C. and Ga.), Paducah (Ky.), and Reactor Testing Station (Idaho) installations of the Atomic Energy Commission, of exceptions from residential credit restrictions otherwise applicable and to the terms and conditions attached to such approval.

Any action taken by any of the aforementioned delegates in this connection i hereby ratified, confirmed and adopted.

This delegation of authority supersedes the prior delegation (effective March 10, 1951, 16 F. R. 2610) from the Housing and Home Finance Administrator to Paul E. Ferrero, Jr. and Joseph Tufts.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283–85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended, Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (1) (Apr. 20, 1950); Titles VI and VII, Pub. Law 774, 81st Cong., 64 Stat. 812–822; Secs. 501, 502 and 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6106; Sec. 6 (p), Reg. X, as amended, 15 F. R. 6817, 7831 (1950), 16 F. R. 308, 1586, 2078, 2575, 2969, 3345, 4466 (1951); HHFA CR 1, 16 F. R. 2231 (1951), as amended, 16 F. R. 3302, 3834 (1951); HHFA CR 2, 16 F. R. 2232 (1951), as amended, 16 F. R. 3303 (1951))

Effective as of the 20th day of June 1951.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51–8057; Filed, July 12, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 878, General Permit 1-F]

CARLOAD FREIGHT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to carload freight (including import, coastwise, and intercoastal freight) moving first by water on the high seas to a port in the continental United States and thence by rail in a single car, or moving first by water on the high seas to a port in the continental United States, thence by an inland water carrier to another point in the continental United States, and thence by rail in a single car to destination when, in either case, such carload freight moves as a complete order from both the point it is first shipped by water and the point it is reshipped by rail.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the Permit Agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8064; Filed, July 12, 1951; 8:50 a. m.]

[S. O. 878, General Permit 2-F]

BARRELS OR DRUMS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to any car loaded with any commodity named in Appendix A in barrels or drums weighing 500 pounds or more when such barrels or drums are loaded on end one tier high covering the entire floor space of the car, and/or in barrels or drums weighing 250 pounds or more each and less than 500 pounds loaded on end two tiers high covering the entire floor space of the car.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the Permit Agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8065; Filed, July 12, 1951; 8:50 a. m.]

[S. O. 878, General Permit No. 3-F]

MIXED COMMODITIES

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to any car loaded with mixed commodities including commodities named in Appendix A when the volume of commodities named in Appendix A is thirty-three and one-third percent or less by weight of the total weight of the car.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the permit agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8066; Filed, July 12, 1951; 8:50 a. m.]

[S. O. 878, General Permit 4-F]

CARTONS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to carload freight consisting of commodities named in Appendix A packed in glass in cartons and packed in tin in cartons in mixed cars when such cars are loaded to 60,000 pounds or more.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the Permit Agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8067; Filed, July 12, 1951; 8:51 a. m.]

[4th Sec. Application 26247]

PETROLEUM PRODUCTS FROM NORFOLK AND PORTSMOUTH, VA., TO HENDERSON, N. C.

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic and Danville Railway Company and Southern Railway Company.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Norfolk and Portsmouth, Va.

To: Henderson, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1065, supp. 235.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8044; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26247]

SAND AND CRUSHED STONE FROM INDIANA TO CHARLESTON, ILL.

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the New York Central Railroad Company and New York, Chicago and St. Louis Railroad Company.

Commodities involved: Sand, gravel and crushed stone, carloads.

From Cayuga, Terre Haute and Greencastle, Ind.

To: Charleston, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: N. Y. C. R. R. Co., tariff ICC No. 6034; N. Y. C. & St. L. R. R. Co. tariff ICC 429.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8045; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26248]

CARBON DIOXIDE FROM SALTVILLE, VA., TO THE SOUTH

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1251.

Commodities involved: Carbon dioxide, solidified (dry ice), carloads.

From: Saltville, Va.

To: Atlanta, Ga., Birmingham, Ala., New Orleans, La., and other specified points in southern territory.

Grounds for relief: Circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1251, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8046; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26249]

HAY AND RELATED ARTICLES BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by D. Q. Marsh, Agent, for carriers parties to fourth section applications Nos. 20537 and 16299.

Commodities involved: Hay and related articles, carloads.

From, to and between points in the Southwest, including eastern Colorado, New Mexico, Kansas, southern Missouri and Mississippi River Crossings.

Grounds for relief: Circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8047; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26250]

NURSERY STOCK FROM THE SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC Nos. 1172 and 1193.

Commodities involved: Nursery stock, viz: trees, shrubs and vines, carloads.

From: Points in southern territory.

To: Points in official territory.

Grounds for relief: Circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1172, supp. 55; C. A. Spaninger, Agent, ICC No. 1193, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they

intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8048; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26251]

MOTOR VEHICLE SPRINGS FROM CHICAGO, ILL., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 3758, pursuant to fourth section order No. 9800.

Commodities involved: Springs, elliptic or semielliptic, motor vehicle, carloads.

From: Chicago, Ill.

To: Baltimore, Md., Boston, Mass., Newport News and Norfolk, Va., New York, N. Y., and Philadelphia, Pa.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8049; Filed, July 12, 1951; 8:47 a. m.]

[4th Sec. Application 26252]

VARIOUS COMMODITIES FROM SOUTHERN TERRITORY TO POINTS IN OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1172 and other tariffs, pursuant to fourth section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Points in official and southern territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8050; Filed, July 12, 1951; 8:48 a. m.]

[4th Sec. Application 26253]

PAPER BOXES FROM BOGALUSA, LA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Gulf, Mobile and Ohio Railroad Company and St. Louis Southwestern Railway Company, pursuant to fourth section order No. 16101.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard, carloads.

From: Bogalusa, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8051; Filed, July 12, 1951; 8:48 a. m.]

[4th Sec. Application 26254]

TRACKLESS TROLLEY BUSSES FROM ST. LOUIS, MO., TO POINTS IN CE TRAL TERRITORY

APPLICATION FOR RELIEF

JULY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4430, pursuant to fourth section order No. 9800.

Commodities involved: Trackless trolley busses, carloads.

From: St. Louis, Mo.

To: Akron, Ohio, and other points in central territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8052; Filed, July 12, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2654]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE REGARDING PROPOSED ISSUANCE OF COMMON STOCK AND NOTES TO REGISTERED HOLDING COMPANY BY SUBSIDIARY COMPANIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1951.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, File No. 70-2654.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and The East Ohio Gas Company ("East Ohio"), and Hope Natural Gas Company ("Hope"), wholly owned public utility subsidiaries of Consolidated, and New York State Natural Gas Corporation ("New York Natural"), a wholly owned nonutility subsidiary of Consolidated. Applicants-declarants have designated sections 6 (b), 9 (a), 10, 12 (b) and 12 (f) of the act and Rule U-43 promulgated thereunder, as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 18, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 18, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

East Ohio proposes to issue and sell to Consolidated and Consolidated proposes to acquire, 80,000 shares of $100 par value capital stock of East Ohio for an aggregate consideration of $8,000,000. Such stock is to be issued from time to time within the twelve-month period ending July 1, 1952, as financing is required by East Ohio in the carrying out of its construction program.

Consolidated proposes to loan to Hope and Hope proposes to borrow from Consolidated, an aggregate amount of $5,000,000 at an interest rate of 3¼ percent per annum on non-negotiable notes of Hope maturing as follows: $500,000 on March 31, 1954, and $500,000 on each March 31 thereafter to and including March 31, 1963. The loans are to be made from time to time within the twelve-month period ending July 1, 1952, as financing is required by Hope in carrying out its construction program.

Consolidated further proposes to loan to New York Natural and New York Natural proposes to borrow from Consolidated, an aggregate amount of $33,000,000 at an interest rate of 3¼ percent per annum on non-negotiable notes of New York Natural maturing as follows: $1,000,000 on March 31, 1954, and $1,000,000 on each March 31 thereafter to and including March 31, 1956; and $1,500,000 on March 31, 1957, and $1,500,000 on each March 31 thereafter to and including March 31, 1976. The loans are to be made from time to time within the twelve-month period ending July 1, 1952, as financing is required by New York Natural in carrying out its construction program.

The application-declaration states that The Public Utilities Commission of Ohio has jurisdiction over the proposed issuance of additional capital stock by East Ohio to Consolidated, and that The Public Service Commission of West Virginia has jurisdiction over the proposed borrowings by Hope from Consolidated. Copies of the orders of the said Commissions will be supplied by amendment to the application-declaration.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8037; Filed, July 12, 1951; 8:45 a. m.]

[File No. 70-2663]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BONDS AND ISSUANCE AND SALE OF COMMON STOCK TO PARENT HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by American Natural Gas Company ("American Natural"), a registered holding company, and its public utility subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"). Applicants-declarants have designated sections 6 (b), 9, 10, and 12 (f) of the act and Rules U-43 and U-50, promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Michigan Consolidated proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, ____ percent series due 1976. The bonds are to be dated August 1, 1951, and are to be issued under and secured by the company's Indenture of Mortgage and Deed of Trust dated March 1, 1944, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated as of August 1, 1951. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the Company (which shall not be less than 100 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined by competitive bidding.

At or prior to the issuance and sale of the proposed bonds, Michigan Consolidated proposes to issue and sell to its parent, American Natural, at the par value thereof, $14 per share, 358,000 shares of common stock for an aggregate cash consideration of $5,012,000. In order to make possible the proposed issuance and sale of said common stock, Michigan Consolidated proposes to increase its authorized common stock from 4,200,000 shares to 4,500,000 shares of the par value of $14 per share, by appropriate amendment of its Articles of Incorporation.

The filing states that approximately $4,000,000 of the proceeds from the sale of the proposed bonds will be deposited with the Indenture Trustee and be subject to withdrawal against the certification of unbonded net property additions. The remainder of the net proceeds from the sale of the bonds and of the additional shares of common stock is to be used for the payment of interim short-term bank borrowings of Michigan Consolidated in the principal amount of $4,000,000, estimated to be incurred prior to the consummation of the proposed financing, and to provide funds for the expansion of facilities and to reimburse the treasury of Michigan Consolidated for expenditures made for that purpose.

The application-declaration further states that the proposed issuance and sale of the bonds and common stock by Michigan Consolidated are subject to the jurisdiction of the Michigan Public Service Commission, that a certified copy of the order of that Commission is to be filed in this proceeding, and that no other regulatory authority except the Securities and Exchange Commission has jurisdiction over the proposed transactions.

The application-declaration also states that the proposed issuance and sale of the additional common stock by Michigan Consolidated is exempt from the competitive bidding requirements of Rule U-50 by virtue of the provisions of paragraph (a) (3) of Rule U-50.

Notice is hereby given that any interested person may, not later than July 19, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to the application-declaration, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing with respect thereto. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 19, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act or the Commission may exempt the

proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8038; Filed, July 12, 1951; 8:45 a. m.]

[File No. 70-2657]

WORCESTER COUNTY ELECTRIC CO.

NOTICE OF PROPOSED NOTE ISSUES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of July A. D. 1951.

Notice is hereby given that Worcester County Electric Company ("Worcester County"), a public utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. The filing has designated section 7 of the act as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than July 20, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 20, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Worcester County proposes to issue to The First National Bank of Boston, from time to time but not later than September 30, 1951, promissory notes in an aggregate principal amount not in excess of $1,000,000. Said notes will mature six months after the respective dates thereof and will bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued. It is stated in said declaration that said prime interest rate at the present time is 2½ percent. If said prime interest rate is in excess of 2¾ percent at the time any of such notes is issued, Worcester County will file an amendment to this declaration setting forth therein the principal amount of the note or notes proposed to be issued and the rate of interest thereon at least five days prior to the execution and delivery thereof and Worcester County requests that, unless the Commission notifies it to the contrary within said five day period, such amendment will become effective at the end of such period. The declaration states that the proposed notes may be prepaid, in whole or in part, prior to maturity.

As at April 30, 1951, Worcester County had outstanding $1,500,000 principal amount of 2½ percent short-term promissory notes and proposes in this declaration that the maximum principal amount of all of its promissory notes to be outstanding on, or at any time prior to, September 30, 1951, will not be in excess of $2,500,000.

The declaration states that the proceeds to be derived from the proposed issuance of $1,000,000 principal amount of promissory notes will be used by Worcester County to pay for construction work to September 30, 1951, or to reimburse Worcester County's treasury because of prior construction expenditures.

The declaration further states that if any permanent financing is done by Worcester County prior to September 30, 1951, it will apply the proceeds therefrom in reduction of, or in total payment of its then outstanding promissory notes and the balance, if any, of the aggregate face amount of promissory notes authorized by this Commission, but unissued by Worcester County, will be reduced by the amount, if any, by which such permanent financing exceeds the promissory notes of Worcester County at the time outstanding. Worcester County has stated that it expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of the system's gas properties in Massachusetts.

The declaration further states that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $750.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Worcester County requests that the Commission's Order herein become effective upon issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8039; Filed, July 12, 1951; 8:46 a. m.]

[File No. 54-184]

UNITED CORP.

ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of July A. D. 1951.

Randolph Phillips, a holder of common stock of The United Corporation ("United"), a registered holding company, having filed a petition on July 2, 1951, requesting a rehearing by the Commission with respect to its Findings and Opinion, issued on June 15, 1951 (Holding Company Act Release No. 10614) in these proceedings pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, insofar as such Findings and Opinion reach the conclusion that the standards of the act do not require that the Commission's approval of the plan filed by United be conditioned on the inclusion in United's Certificate of Incorporation of a provision making elimination or change of cumulative voting rights dependent upon the obtaining of the consent of the holders of two-thirds of the outstanding voting stock of United;

The said petition having further requested that, in the event a rehearing is not granted, the Commission reserve jurisdiction so as to make any change in the cumulative voting rights subject to its prior consent and approval;

United having filed an answer in opposition to the said petition;

The Commission having duly considered the petition and the grounds set forth therein, and it appearing that said petition raises no issues not previously presented to the Commission and considered in its Findings and Opinion of June 15, 1951, and in connection with its Memorandum Opinion and Order dated June 26, 1951 (Holding Company Act Release No. 10643);

After due consideration the Commission finding that no adequate basis has been presented for granting the requests embraced by said petition;

It is ordered, That the petition for rehearing and request for reservation of jurisdiction contained therein filed by Randolph Phillips be, and they hereby are, in all respects denied.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8040; Filed, July 12, 1951; 8:46 a. m.]

[File No. 70-2655]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF PROPOSED ISSUANCE AND SALE OF BONDS AND NOTES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of July A. D. 1951.

Notice is hereby given that an application, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central Vermont Public Service Corporation ("Central Vermont"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 18, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 18, 1951, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, as amended, which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Vermont proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage __ Percent Bonds, Series G, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (to be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined at competitive bidding. The bonds are to be issued under and secured by a Mortgage to Old Colony Trust Company, Trustee, dated October 1, 1929, as supplemented by various Indentures, including a proposed Supplemental Indenture to be dated August 1, 1951. The company will apply $1,000,000 of the proceeds from the sale to the reduction of short-term borrowings incurred for interim financing of its construction requirements, and will use the remaining proceeds for other corporate purposes, including its construction requirements.

Central Vermont also proposes to issue or renew, from time to time after the sale of the bonds, until December 31, 1951, notes having a maturity of nine months or less up to the maximum amount of $1,600,000 (including notes outstanding as of June 22, 1951 in the amount of $1,450,000). The company anticipates that it will be able to borrow the required funds at an interest rate of not exceeding 2¾ percent per annum. It states that if the interest rate on any of the notes should exceed 2¾ percent, it will file an amendment to its application at least five days prior to the execution and delivery of the note, and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary. The aggregate amount of the short-term notes proposed to be issued will exceed 5 percent of the principal amount and par value of the other securities of the company then outstanding.

The company estimates that expenditures for its construction program for the last eight months of 1951 and for 1952 will amount to $2,724,000 and $2,100,000, respectively, and that $3,400,000 will be required for this purpose from outside sources. The application states that it is the present desire of the company to refund the short-term notes and raise funds to finance a substantial part of its construction program through the issuance and sale of common stock. However, it states that it does not believe it is advisable to attempt to market its common stock at this time, but believes that it will be in a position to market common stock before the end of 1951.

Central Vermont estimates that its fees and expenses in connection with the proposed transactions will amount to $28,000, including printing costs of $9,500, Trustees' fees and expenses of $3,050, accountants' fees of $3,250 and counsel fees of $7,000.

It is represented that the Vermont Public Service Commission, the regulatory commission of the State in which the company is organized and doing business, has jurisdiction over the proposed issuance and sale of the bonds and that a copy of the order of said Commission authorizing the transaction will be supplied by amendment. It is further represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed issuance or renewal of the notes.

It is requested that the Commission's order herein be issued on or before July 20, 1951, and that it become effective upon the issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8041; Filed, July 12, 1951; 8:46 a. m.]

NEW YORK CURB EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission has announced that it has declared effective the Plan filed on May 24, 1951, by the New York Curb Exchange, pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 for disposal of the following material filed with that Exchange pursuant to the stated sections of the act or the rules and regulations thereunder.

(1) Applications and reports filed pursuant to sections 12 and 13 which have been on file for more than 5 years.

(2) Documents and reports filed pursuant to sections 14 and 16 which have been on file for more than 5 years after the termination of listing and registration of all equity securities of a registrant on the New York Curb Exchange.

However, in the case of a registrant the listing and registration of all of whose securities have been terminated on the New York Curb Exchange by reason of their listing and registration on the New York Stock Exchange, the complete registration file for the securities and the reports filed pursuant to section 16, then on file with the New York Curb Exchange will, at the request of the registrant or the New York Stock Exchange, be transferred to the New York Stock Exchange at the time registration of the securities on that Exchange becomes effective. In these cases, documents filed pursuant to section 14 will not be so transferred but will be disposed of in accordance with the provisions of (2) above.

Under the Plan, regular disposition will be made of similar material in May of each year.

The purpose of the Plan is to alleviate the record storage problems of the Exchange and to facilitate the availability of material filed with the Exchange within five years. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The above Plan was declared effective on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days' written notice to the Exchange. Notice of the Commission's proposal to declare this Plan effective was published for comment in Securities Exchange Act Release No. 4612.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and § 240.17a-6 (Rule X-17A-6) thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Plan filed on May 24, 1951, by the New York Curb Exchange pursuant to Rule X-17A-6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said Plan by sending at least 10 days' written notice to the Exchange.

The Commission finds that Rule X-17A-6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action therefore may be and is hereby declared to be effective July 5, 1951.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

JULY 5, 1951.

[F. R. Doc. 51-8042; Filed, July 12, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 1007]

BANCO DI SICILIA

Having considered the claim set forth below and having issued a determina-

tion allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant; Claim No., Notice of Intention To Return Published, and Property

Banco di Sicilia, Palermo, Italy; Claim No. 5288; May 24, 1951 (16 F. R. 4913); 100 shares of common capital stock of Orma Realty Corporation, a New York corporation, registered in the name of the Alien Property Custodian, Account No. 38-52, evidenced by Certificate No. 11, dated August 14, 1942, presently in the custody of the Federal Reserve Bank of New York. A promissory note in the amount of $314,455, dated May 5, 1928, executed by Orma Realty Corp., payable on demand to the claimant, and bearing interest at the rate of 3 percent, presently in the custody of the Office of Alien Property, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8058; Filed, July 12, 1951; 8:48 a. m.]

[Return Order 1009]

KATHLEEN KERSTING

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Kathleen Kersting, Milan, Italy; Claim No. 5520; May 23, 1951 (16 F. R. 4824), $2,199.42 in the Treasury of the United States. Real property located at 1851 South Broadway (Lawrence) Avenue, Wichita, Kansas, more particularly described as lots 140 and 142 on South Lawrence Avenue in English's Seventh Addition, according to the recorded plat thereof, City of Wichita, County of Sedgwick, State of Kansas.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8059; Filed, July 12, 1951; 8:49 a. m.]

[Return Order 1011]

FELIX JEAN LOUIS ALEXANDRE AMIOT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Felix Jean Louis Alexandre Amiot, Cherbourg, France; Claim No. 26148; May 24, 1951 (16 F. R. 4913); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial Nos. 268,683; 268,679 (now United States Letters Patent No. 2,319,285) and 272,281 (now United States Letters Patent No. 2,369,515); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,292,731; 2,266,682; 2,246,494; 2,246,493; 2,234,394 and 2,234,393. This return shall not be deemed to include the rights of any licensees under the above patent application and patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8060; Filed, July 12, 1951; 8:49 a. m.]

[Return Order 1014]

MARCEL PAUL DURAND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marcel Paul Durand, St. Germain on Laye, France; Claim No. 5099; May 24, 1951 (16 F. R. 4913); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 431,207 (now United States Letters Patent No. 2,342,795). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8061; Filed, July 12, 1951; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1949 C. C. C. Corn Bulletin 1, Supplement 3]

PART 606—CORN

SUBPART—1949 CORN EXTENDED RESEAL LOAN PROGRAM

This bulletin states the requirements with respect to a program (hereinafter referred to as the Corn Extended Reseal Loan Program) to extend reseal loans on 1949-crop corn in farm-storage. The program has been formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) as part of the 1949 Corn Price Support Program (14 F. R. 6039, 6161, 6278 and 15 F. R. 1584, 2775, 3603, 3605 and 5465). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
606.150 Applicable sections of 1949 corn price support program.
606.151 Availability.
606.152 Eligible producer.
606.153 Eligible corn.
606.154 Approved storage.
606.155 Quantity eligible for extended reseal loans.
606.156 Service charges.
606.157 Storage and track-loading payments.
606.158 Maturity and satisfaction.
606.159 Support rates.
606.160 Commingling of corn in storage.
606.161 PMA commodity offices.

AUTHORITY: §§ 606.150 to 606.161 issued under sec. 4, 62 Stat. 1070; 15 U. S. C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, 1072; 15 U. S. C. 714b, 714c.

§ 606.150 *Applicable sections of 1949 Corn Price Support Program.* The following sections of the 1949 Corn Price Support Program published in 14 F. R. 6039, 6161, and 15 F. R. 1584, 2775, 3603, 3605, and 5465 shall be applicable in their entirety to the 1949 Corn Extended Reseal Loan Program: §§ 606.101, *Administration;* 606.108, *Determination of quantity;* 606.109, *Determination of dockage;* 606.110, *Liens;* 606.113, *Interest rate;* 606.115, *Safeguarding of the corn;* 606.116, *Insurance;* 606.117, *Loss or damage to the corn;* 606.118, *Personal liability;* 606.120, *Removal of the corn under loan;* 606.121, *Release of the corn under loan;* 606.122, *Purchase of notes;* 606.126, *Basic support rates;* 606.140, *Approved forms;* 606.141, *Set-offs;* 606.144, *Transfer of producer's equity.* Other sections of the 1949 Corn Price Support Program Bulletin shall be applicable to the extent indicated in this subpart.

§ 606.151 *Availablity*—(a) *Area.* The extended reseal loan program will be available in all areas where it is determined by the PMA State Committees that the 1949-crop corn under a farm-storage reseal loan can be safely stored for another year.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the county committee which approved his reseal loan before the final date for delivery specified in the delivery instruction issued to him by the county committee on Form CL-15.

§ 606.152 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1949 as landowner, landlord, tenant, or sharecropper and who has completed a reseal farm-storage loan on corn of the 1949 crop.

§ 606.153 *Eligible corn.* (a) To be eligible for an extended reseal loan, the corn must be ear or shelled corn in farm-storage presently under a reseal loan, and must meet eligibility requirements for loans as provided in the 1949 Corn Price Support Program.

(b) The commodity loan inspector shall with the producer inspect the corn. A representative sample of the corn shall be taken and submitted for grade analysis.

§ 606.154 *Approved storage.* Corn covered by any extended reseal loans must be stored in structures located on the farm, or off the farm, provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of

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1949 Edition

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(For use during 1951)

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Title 49: Part 165 to end ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Parts 210–899 ($1.50); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 14, Part 400 to end ($0.45); Title 15 ($0.45); Title 16 ($0.40); Title 17 ($0.25); Title 18 ($0.35); Title 19 ($0.30); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 24 ($0.75); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 170–182 ($0.50); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30); Titles 28–29 ($0.60); Titles 30–31 ($0.35); Title 32 ($1.50); Title 33 ($0.45); Titles 35–37 ($0.30); Titles 40–42 ($0.35); Titles 47–48 ($0.70)

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the corn. If the storage structure is owned or controlled by some person other than the producer and has not been leased by the producer for a term extending through September 30, 1952, consent for storage for the period ending September 30, 1952, must be obtained by the producer from such other person.

§ 606.155 *Quantity eligible for extended reseal loans.* The quantity of corn eligible for extended reseal loan will be the quantity shown on the original note and chattel mortgage less any quantity delivered or redeemed.

§ 606.156 *Service charges.* When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 606.157 *Storage and track-loading payments*—(a) *Storage payment for 1950–51 storage period.* A producer who extends his farm-storage reseal loan will earn a storage payment for the 1950–51 storage period computed at the rate of 10 cents per bushel on the quantity of corn delivered to CCC under the extended reseal loan. The storage payment will be made at the time of settlement of the extended reseal loan only if the corn is delivered to CCC in satisfaction of the loan. No storage payment will be made to a producer who participates in the extended reseal loan program and redeems the mortgaged corn by repayment of the amount of the loan plus interest thereon.

(b) *Storage payment for 1951–52 storage period.* A producer who participates in the extended reseal loan program and in accordance with instructions of the county committee, delivers the corn to CCC on or after July 31, 1952, or prior to July 31, 1952, pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer, will receive a storage payment, computed at the rate of 10 cents per bushel on the quantity delivered under the extended reseal loan program. If the corn is delivered to CCC prior to July 31, 1952, upon request of the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the amount of the storage payment will be prorated, depending upon the length of time the corn was in store, provided delivery was not made as a result of a demand for a repayment due to any fraudulent representation on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 1/20 of a cent per bushel a day beginning on October 1, 1951 and ending on the date delivery is accomplished or ending on the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, but not to exceed 10 cents per bushel, on the quantity delivered under the extended reseal program. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss.

(c) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 606.158 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1952. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided it was stored in the structure(s) in which the corn under loan was stored. The provisions in § 606.124, paragraph (a) of 1949 C. C. C. Corn Bulletin 1, will be applicable in determining the settlement value of corn delivered to CCC under an extended reseal loan.

(b) If the settlement value of the corn delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the PMA State office.

(c) If the settlement value of the corn delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(d) In the event the farm is sold or there is a change of tenancy, the corn may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 606.159 *Support rates.* (a) The support rate for an extended reseal farm-storage loan shall be the same as the support rate established for the corn in § 606.126 of 1949 C. C. C. Corn Bulletin 1, Supplement 1, and any amendments thereto.

(b) Any discounts or premiums established for variation in quality as shown in the 1949 Corn Price Support Program Bulletin shall apply.

§ 606.160 *Commingling of corn in storage.* (a) With prior approval of the county committee, 1949-crop shelled corn, containing not more than 13.5 percent moisture, under 1949-crop extended reseal loan may be commingled in storage with 1950-crop shelled corn, containing not more than 13.5 percent moisture, under 1950-crop reseal loan.

(b) The producer may redeem all of the commingled corn by paying the holder of the note the principal amount of both loans plus interest, or he may redeem a portion of the corn by indicating which loan he desired to repay and paying the holder of the note the loan rate plus interest on the quantity of corn redeemed.

(c) Delivery of commingled corn will be prorated between the loans on a percentage basis determined by dividing the number of bushels resealed under each loan, minus any redeemed bushels, by the total number of bushels of commingled corn remaining under loan.

§ 606.161 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 11.4 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street; Arizona, California, Nevada, Utah.

Issued this 11th day of July 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-8116; Filed, July 13, 1951; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS

On June 8, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 5450) regarding a proposed revision of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 70 (82d Cong., approved July 1, 1951).

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The canning season is about to begin;

(2) The industry has been properly appraised through rule making of the revisions;

(3) No additional preparation on the part of the industry is required;

(4) The revisions are minor and create no hardships; therefore, the effective date of the standards issued will be July 16, 1951.

§ 52.165 *Canned green beans and canned wax beans—(a) Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR, Cum. Supp., 51.10; 13 F. R. 3725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR, Cum. Supp., 51.15; 13 F. R. 3725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus styles" means canned beans consisting of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

(7) "Mixed" or "mixture" means a mixture of two or more of the following forms of canned beans: "whole;" "sliced lengthwise;" "cuts;" or "short cuts."

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not seriously affected in appearance by sloughing of the epidermis; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned beans that fail to meet the requirements of U. S. Grade C or U. S. Standard and may or may not be "Below standard in quality, good food, not high grade."

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a No. 8 circular sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 2½ size cans (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Styles of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cut and cuts less than 1½ inches	French style and cuts 1½ inches and longer
No. 1 E	6¼		6¼	
No. 1 Tall	9¾		9¾	
No. 300	8½		8	
No. 303	9¼		9	
No. 2	11½	12½	12	11½
No. 2½	16¾	18	17½	16¾
No. 10	61		65	63

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

TABLE NO. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans			Flat type beans in whole, cut or short cut beans	
	Number designation	Whole beans, word designation	Cut or short cut beans, word designation	Number designation	Word designation
Less than 11/64 inch in thickness	Size 1	Tiny	Small	Size 2	Small.
11/64 inch to, but not including, 13/64 inch in thickness	Size 2	Small	do	Size 3	Medium.
13/64 inch to, but not including, 15/64 inch in thickness	Size 3	Medium	do	Size 4	Medium large.
15/64 inch to, but not including, 17/64 inch in thickness	Size 4	Medium large	Medium	Size 5	Large.
17/64 inch to, but not including, 21/64 inch in thickness	Size 5	Large	Large	Size 6	Extra large.
21/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Do.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of clearness of liquor, color, absence of defects, and maturity.

(2) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Clearness of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Maturity	40
Total score	100

(3) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy and contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(a) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter.

(b) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(d) "Ragged-cut unit" means a section of a pod that has a very ragged edge, or a section of a pod that is partially cut.

(e) "Split unit" means a whole bean, cut, or short cut unit, that is split into two parts.

(f) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(g) "Damaged by mechanical injury" means broken or damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(a) *Whole or cut.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;

Not more than 5 percent, by weight, of split units; and

Not more than 40 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(b) *Sliced lengthwise.* "Practically free from defects" means that the pods are well sliced; the combined weight of

all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;
Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and
Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;
Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;
Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;
Not more than 5 percent, by weight, of split units; and
Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(d) *Mixed when not containing pods that are sliced lengthwise.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;
Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;
Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;
Not more than 5 percent, by weight, of split units; and
Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(e) *Mixed when containing pods that are sliced lengthwise.* "Practically free from defects" means that the pods that are sliced lengthwise are well sliced and that the combined weight of all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;
Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;
Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;
Not more than 5 percent, by weight, of split units; and
Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(a) *Whole or cut.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;
Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;
Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;
Not more than 10 percent, by weight, of split units; and
Not more than 60 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(b) *Sliced lengthwise.* "Reasonably free from defects" means that the pods are reasonably well sliced; the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;
Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;
Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;
Not more than 10 percent, by weight, of split units; and
Not more than 60 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(c) *Short cuts.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;
Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;
Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;
Not more than 10 percent, by weight, of split units; and
Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(d) *Mixed when not containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;
Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;
Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;
Not more than 10 percent, by weight, of split units; and
Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(e) *Mixed when containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the pods that are sliced lengthwise are reasonably well sliced and that the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;
Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;
Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;
Not more than 10 percent, by weight, of split units;
Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of canned beans:

(a) *Whole or cut.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]
There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]
There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;
There may be present not more than 15 percent, by weight, of split units; and
There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long in cut style, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(b) *Sliced lengthwise.* "Fairly free from defects" means that the pods are fairly well sliced; the combined weight of all defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]
There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and
There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(c) *Short cuts.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]
There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]
There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;
There may be present not more than 15 percent, by weight, of split units; and
There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(d) *Mixed when not containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]
There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]
There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;
There may be present not more than 15 percent, by weight, of split units; and
There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(e) *Mixed when containing pods that are sliced lengthwise.* "Fairly free from defects" means that the pods that are sliced lengthwise are fairly well sliced; and that the combined weight of all defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]
There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]
There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;
There may be present not more than 15 percent, by weight, of split units; and
There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below standard in quality, good food, not high grade" for the following applicable reasons: excessive number of very short pieces, excessive number of blemished units, excessive number of unstemmed units, excessive foreign material, and excessive loose seed and pieces of seed.

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(a) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed has become separated.

(b) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(c) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods, including strings, broken or unbroken.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are fullfleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 5 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender, a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 10 percent, by count, of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender, a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the units may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 25 percent, by weight, of seed and pieces of seed;[2]
The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;[2] and
Not more than 20 percent, by count, of the units may possess tough strings except that in case there are present units at least $2^{7}/_{64}$ inch or more in diameter, there are not more than 12 strings or pieces of string in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below Standard in quality, good food, not high grade," for the following applicable reasons: excessive seed and pieces of seed in trimmed pods, excessive fibrous material in deseeded pods, and excessive tough strings when there are present units $2^{7}/_{64}$ inch or more in diameter.

(j) *Tolerance for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) and canned wax beans (21 CFR, Cum. Supp., 51.16; 13 F. R. 3728) promulgated under the Federal Food, Drug, and Cosmetic Act.

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned green beans or canned wax beans.*

Container size	
Container code or marking	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight	
Type (round or flat)	
Variety (green or wax)	
Style	
Size of green beans or wax beans	

Factors	Score points	
I. Clearness of liquor	10	(A) 9-10 (B) 7-8 (C) 5-6 (SStd.) [1] 0-4
II. Color	15	(A) 14-15 (B) 12-13 (C) [1] 10-11 (SStd.) [1] 0-9
III. Absence of defects	35	(A) 32-35 (B) 27-31 (C) [1] 22-26 (SStd.) [1] 0-21
IV. Maturity	40	(A) 35-40 (B) [1] 29-34 (C) [1] 23-28 (SStd.) [1] 0-22
Total score	100	

Grade	
Normal flavor and odor	

[1] Indicates limiting rule.

(l) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans (which are the fifth issue) contained in this section will become effective July 16, 1951, and will thereupon supersede the United States Standards for Grades of Canned Green Beans and Canned Wax Beans which have been in effect since October 2, 1948.

(Sec. 205, 60 Stat. 1090, Pub. Law 70, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 11th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8117; Filed, July 13, 1951; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 199]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.528 *Orange Regulation 199*—(a) *Findings.* (1) Pursuant to the marketing agrement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restrictions on the handling of oranges grown in the State of Florida.

(b) *Order.* (1) Orange Regulation 198 (7 CFR 933.526; 16 F. R. 5155) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., July 16, 1951, and ending at 12:01 a. m., e. s. t., September 15, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(iii) Any Temple oranges, grown in the State of Florida which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the terms "handler," and "ship," shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8138; Filed, July 13, 1951; 9:02 a. m.]

[Grapefruit Reg. 143]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.529 *Grapefruit Regulation 143*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restrictions on the handling of grapefruit grown in the State of Florida.

(b) *Order.* (1) Grapefruit Regulation 142 (7 CFR 933.527; 16 F. R. 5156) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., July 16, 1951, and ending at 12:01 a. m., e. s. t., September 15, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida which grade U. S. No. 3 or lower than U. S. No. 3 grade;

(ii) Any white seeded grapefruit, grown in Regulation Area 1 which grade U. S. No. 2 Russet;

(iii) Any seeded grapefruit grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "Regulation Area I," "handler," "variety," and "ship," will have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8139; Filed, July 13, 1951; 9:03 a. m.]

[Lemon Reg. 391]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.498 *Lemon Regulation 391*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the state of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 11, 1951 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 15, 1951, and ending at 12:01 a. m., P. s. t., July 22, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: July 8, 1951]

[12:01 a. m. July 15, 1951, to 12:01 a. m. July 29, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.381
American Fruit Growers, Inc., Fullerton	.820
American Fruit Growers, Inc Upland	.341
Eadington Fruit Co	.516
Hazeltine Packing Co	.286
Ventura Coastal Lemon Co	1.182
Ventura Pacific Co	2.098
Glendora Lemon Growers Association	1.723
La Verne Lemon Association	.830
La Habra Citrus Association	2.081
Yorba Linda Citrus Association, The	1.200
Escondido Lemon Association	3.224
Alta Loma Heights Citrus Association	.507
Etiwanda Citrus Fruit Association	8.12
Mountain View Fruit Association	.329
Old Baldy Citrus Association	.849
San Dimas Lemon Association	1.621
Upland Lemon Growers Association	5.225
Central Lemon Association	1.294
Irvine Citrus Association, The	1.217
Placentia Mutual Orange Association	.789
Corona Citrus Association	.426
Corona Foothill Lemon Co	2.313
Jameson Co	1.158
Arlington Heights Citrus Co	.976
College Heights Orange & Lemon Association	2.647
Chula Vista Citrus Association, The	1.061
El Cajon Valley Citrus Association	.081
Escondido Cooperative Citrus Association	.257
Fallbrook Citrus Association	1.885
Lemon Grove Citrus Association	.468
Carpinteria Lemon Association	1.980
Carpinteria Mutual Citrus Association	2.432
Goleta Lemon Association	4.328
Johnston Fruit Co	5.264
North Whittier Heights Citrus Association	.936
San Fernando Heights Lemon Association	.538
Sierra Madre-Lamanda Citrus Association	1.040
Briggs Lemon Association	2.662
Culbertson Lemon Association	1.930
Fillmore Lemon Association	1.521
Oxnard Citrus Association	5.056
Rancho Sespe	1.185
Santa Clara Lemon Association	3.459
Santa Paula Citrus Fruit Association	3.983
Saticoy Lemon Association	2.952
Seaboard Lemon Association	3.957
Somis Lemon Association	2.775
Ventura Citrus Association	.969
Ventura County Citrus Association	.018
Limoneira Co	2.751
Teague-McKevett Association	.979
East Whittier Citrus Association	.926
Leffingwell Rancho Lemon Association	1.023
Murphy Ranch Co	2.033
Chula Vista Mutual Lemon Association	.599
Index Mutual Association	.659
La Verne Cooperative Citrus Association	2.312
Orange Belt Fruit Distributors	.851
Ventura County Orange & Lemon Association	2.369
Whittier Mutual Orange & Lemon Association	.139
Ayoob, Fred	.000
Cappos Bros. Produce	.009
Evans Bros. Packing Co	.002
Johnson, Fred	.000
Latimer, Harold	.020
MacDonald Fruit Co	.002
Paramount Citrus Association, Inc.	.243
San Antonio Orchard Co	.000
Uyeji, Kikuo	.001

[F. R. Doc. 51-8161; Filed, July 13, 1951; 9:03 a. m.]

[Orange Reg. 380]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.526 *Orange Regulation 380*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective

in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 12, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 15, 1951, and ending at 12:01 a. m., P. s. t., July 22, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Probate District No. 2: 1,000 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement;

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4," shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., July 15, 1951, to 12:01 a. m., P. d. s. t., July 22, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0764
A. F. G. Corona	.0414
A. F. G. Fullerton	1.1035
A. F. G. Orange	.4047
A. F. G. Riverside	.1250
A. F. G. San Juan Capistrano	.6219
A. F. G. Santa Paula	.4861
Eadington Fruit Co., Inc	5.4312
Hazeltine Packing Co	.3489
Krinard Packing Co	.2900
Placentia Coop. Orange Association	.5233
Placentia Pioneer Valencia Growers Association	.6668
Signal Fruit Association	.0961
Azusa Citrus Association	.4889
Covina Citrus Association	1.2391
Covina Orange Growers Association	.5711
Damerel-Allison Association	.6901
Glendora Citrus Association	.4144
Glendora Mutual Orange Association	.3646
Valencia Heights Orchard Association	.4129
Gold Buckle Association	.4355
La Verne Orange Association	.5356
Anaheim Valencia Orange Association	1.2909
Fullerton Mutual Orange Association	2.8999
La Habra Citrus Association	1.0870
Yorba Linda Citrus Association, The	1.1701
Escondido Orange Association	2.2440
Alta Loma Heights Citrus Association	.0576
Citrus Fruit Growers	.1371
Etiwanda Citrus Fruit Association	.0307
Old Baldy Citrus Association	.0612
Rialto Heights Orange Growers	.0541
Upland Citrus Association	.3291
Upland Heights Orange Association	.0855
Consolidated Orange Growers	2.0231
Frances Citrus Association	1.2505
Garden Grove Citrus Association	1.7014
Goldenwest Citrus Association	1.6576
Irvine Valencia Growers	3.6447
Olive Heights Citrus Association	2.5257
Santa Ana-Tustin Mutual Citrus Association	.8823
Santiago Orange Growers Association	4.6800
Tustin Hills Citrus Association	2.1211
Villa Park Orchards Association	1.9703
Bradford Bros., Inc	.8798
Placentia Mutual Orange Association	4.3820
Placentia Orange Growers Association	3.1179
Yorba Orange Growers Association	1.2904
Call Ranch	.0667
Corona Citrus Association	.3555
Jameson Co	0.1236
Orange Heights Orange Association	.5960
Crafton Orange Growers Association	.2540
East Highlands Citrus Association	.0380
Redlands Heights Groves	.1894
Redlands Orangedale Association	.1578
Rialto-Fontana Citrus Association	.0982
Break & Son, Allen	.0442
Bryn Mawr Fruit Growers Association	.1010
Mission Citrus Association	.1412
Redlands Cooperative Fruit Association	.2504
Redlands Orange Growers Association	.1432
Redlands Select Groves	.2145
Rialto Orange Co	.1912
Southern Citrus Association	.1139
United Citrus Growers	.2949
Zilen Citrus Co	.0361
Arlington Heights Citrus Co	.1110
Brown Estate, L. V. W	.1255
Gavilan Citrus Association	.1371
Highgrove Fruit Association	.0577
McDermont Fruit Co	.1182
Monte Vista Citrus Association	.1793
National Orange Co	.0479
Riverside Citrus Association	.0228
Riverside Heights Orange Growers Association, The	.0313
Sierra Vista Packing Association	.0403
Victoria Ave. Citrus Association	.1553
Claremont Citrus Association	.1106
College Heights Orange & Lemon Association	.3366
Indian Hill Citrus Association	.2144
Pomona Fruit Growers Exchange	.3072
Walnut Fruit Growers Association	.5177
West Ontario Citrus Association	.1772
El Cajon Valley Citrus Association	.1943
Escondido Cooperative Citrus Association	.2795
San Dimas Orange Growers Association	.3144
Canoga Citrus Association	.8404
North Whittier Heights Citrus Association	.7289
San Fernando Heights Orange Association	.7423
Sierra Madre-Lamanda Citrus Association	.3204
Camarillo Citrus Association	1.3172
Fillmore Citrus Association	2.9569
Mupu Citrus Association	1.8593
Ojai Orange Association	.6415
Piru Citrus Association	2.0474
Rancho Sespe	.7518
Santa Paula Orange Association	1.0155
Tapo Citrus Association	.7251
Ventura County Citrus Association	.3799
Limoneira Co	.3995
East Whittier Citrus Association	.3397
Murphy Ranch Co	.7772
Anaheim Cooperative Orange Association	2.1705
Bryn Mawr Mutual Orange Association	.1365
Chula Vista Mutual Lemon Association	.0846
Euclid Avenue Orange Association	.5072
Foothill Citrus Union, Inc	.1189
Fullerton Cooperative Orange Association	.3823
Garden Grove Orange Cooperative, Inc	1.2728
Golden Orange Groves, Inc	.1659
Highland Mutual Groves, Inc	.0088
Index Mutual Association	.4021
La Verne Cooperative Citrus Association	1.6592
Olive Hillside Groves, Inc	.6641

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

District No. 2—Continued

Handler	*Prorate base (percent)*
Orange Cooperative Citrus Association	1.9933
Redlands Foothill Groves	.3962
Redlands Mutual Orange Association	.1473
Ventura County Orange & Lemon Association	1.1283
Whittier Mutual Orange & Lemon Association	.1486
Babijuice Corp. of California	.8218
Banks, L. M	.6295
Becker, Samuel Eugene	.0091
Bennett Fruit Co	.1044
Borden Fruit Co	.5259
Cappos Bros. Produce	.0071
Cherokee Citrus Co., Inc	.1049
Chess Co., Meyer W	.4177
Dozier, Paul M	.0123
Dunning Ranch	.0474
Evans Bros. Packing Co	.5939
Gold Banner Association	.1633
Granada Hills Packing Co	.0320
Granada Packing House	.6589
Hill Packing Co., Fred A	.0607
Knapp Packing Co., John C	.4976
L Bar S Ranch	.1059
Lawson, William J	.0066
Lima & Sons, Joe	.0884
Oakley, C. B	.0009
Orange Belt Fruit Distributors	1.2249
Orange Hill Groves	.0128
Otte, Arnold	.0605
Panno Fruit Co., Carlo	.3081
Paramount Citrus Association	.7078
Patitucci, Frank, L	.0089
Placentia Orchard Co	.5076
Prescott, John A	.0185
Redlands Fruit Association, Inc	.0144
Ronald, P. W	.0204
San Antonio Orchard Co	.2313
Stephens, T. F	.2172
Summit Citrus Packers	.0167
Treesweet Products Co	.2285
Wall, E. T., Grower-Shipper	.1299
Western Fruit Growers, Inc	.4485

[F. R. Doc. 51-8181; Filed, July 13, 1951; 11:30 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 386]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 381]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MICHIGAN, PENNSYLVANIA AND SOUTH CAROLINA

Amendment 386 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 381 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Chicago Heights, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Brookfield, Flossmoor, Kenilworth, La Grange, Lansing, Mt. Prospect, Oak Forest, Palatine, Riverdale, River Forest, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Steger located therein; Du Page County, except the City of West Chicago, and the Village of Glen Ellyn; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, and the portion of the Village of Barrington located therein.

This decontrols the City of Chicago Heights and the Village of Arlington Heights in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Township of Canton; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling, and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Lincoln Park and the Township of Canton in Wayne County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 261, is amended to describe the counties in the Defense-Rental Area as follows:

In Erie County, the City of Erie, the Boroughs of North Girard, Middleboro, Northeast, Paletea, Wattsburg and Wesleyville, and the Townships of Greene, Greenfield, Harborcreek, Lawrence Park, McKean, Millcreek, Northeast, Summit and Venango.

This decontrols (1) the Borough of Fairview in Erie County, Pennsylvania, a portion of the Erie, Pennsylvania, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the Townships of Fairview and Girard in Erie County, Pennsylvania, portions of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 277, is amended to describe the counties in the Defense-Rental Area as follows:

Charleston County, except the City of Charleston, the Town of Mount Pleasant, and the Township of Folly Island.

Beaufort County.

This decontrols the Township of Folly Island in Charleston County, South Carolina, a portion of the Charleston, South Carolina, Defense-Rental Area.

All decontrols effected by this amendment, except those in Item 3 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective as of July 14, 1951.

Issued this 11th day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-8090; Filed, July 13, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 11, Amdt. 3]

CPR 11—RESTAURANTS

APPLICATIONS FOR ADJUSTMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 11 is being issued in order to provide an adjustment procedure for a person who finds that the "food cost per dollar of sales" ratio for his base period is not representative of his operations for the period subsequent to the base period and prior to April 1, 1951.

The fact that the "food cost per dollar of sales" ratio during the base period does not adequately reflect the operation of the restaurant since the base period may be attributed to various factors. In some cases, substantial changes in the type and manner of the operation of the restaurant have been made since the base period, such as a change-over from a cafeteria type service to a complete dining room service. In other cases, a food control system, incorporating among other things, competitive buying, proper food merchandising and coordination of food preparation with food sales has been installed. As a result, the "food cost per dollar of sales" was materially reduced without increasing the menu prices or reducing the quantity or quality of the food served. This amendment is not intended to provide an adjustment where the change since the base period was the result of increased menu prices, reduction in quality and quantity of food, increased wages or to seasonal, temporary or nonrecurring factors. Nor is it intended to provide an inefficient operator with a level of restaurant prices in excess of those which are adequate for his competitors.

The amendment provides specific standards whereby, in some circumstances, a restaurant operator may be

permitted to use a more representative base period in order to avoid undue hardship or inequity and to reflect more adequately his operations subsequent to his base period and prior to April 1, 1951.

In the formulation of the amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 11 is amended in the following respects:

1. A new section 13 is added to read as follows:

SEC. 13. *Adjustments.* (a) You may apply for permission to substitute a base period, covering not less than four full months, which more adequately represents your normal level of operations, if your "food cost per dollar of sales" ratio for your base period is not representative of your operations for the period subsequent to your base period and prior to April 1, 1951, and if the requested food cost ratio is substantially the same as the average "food cost per dollar of sales" ratio for that class and type of restaurant in the area in which your restaurant is located, where: (1) Your "food cost per dollar of sales" ratio for the period which was more representative of your operations was five percent (5%) or more below the "food cost per dollar of sales" ratio which you are required to use under this regulation, and the lower food cost ratio during this period was not the result of increased menu prices, reduction in quality and quantity of food, increased wages, or to seasonal, temporary, or non-recurring factors; or (2) You operated at a loss during your base period greater than the loss, if any, you incurred for the period subsequent to your base period and prior to April 1, 1951.

(b) In determining whether the requested base period is more representative of your operations, the Office of Price Stabilization will consider various factors, including the installation and operation of a food control system which resulted in a greater saving in food cost than in other operating costs and a substantial change in the type and manner of your operation.

(c) Your application must be filed in duplicate with the OPS District Office with which you are registered. The application must include the following:

(1) Your name and address, and the name and address of your restaurant.

(2) The base period you are now using and your "food cost per dollar of sales" ratio for such base period.

(3) The base period which you are requesting and the "food cost per dollar of sales" ratio for this period, and, if applicable, a showing that the lower food cost ratio was not due to the factors listed in paragraph (a) (1) of this section.

(4) A description of your establishment including the type of service rendered (cafeteria, lunch room, bar service, etc.), the changes, if any, in the type and manner of operation, and any other information which is necessary to describe your establishment and the nature and extent of your operation.

(5) A detailed profit and loss statement for your base period and for each accounting period since your base period.

(6) A copy of the menus or price lists in effect during your base period and a copy of the menus or price lists in effect since the base period.

(7) The name and address of two comparable restaurants in the area in which your restaurant is located, including their current menu or price lists and their "food cost per dollar of sales" ratio, if possible.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective July 18, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8175; Filed, July 13, 1951; 10:27 a. m.]

[Ceiling Price Regulation 14, Amendment 4]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

COMPUTATION OF TRANSPORTATION CHARGES IN CONNECTION WITH SHIPMENTS BY WATER

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers amendments 4 to CPR 14, 4 to CPR 16, and amendment 5 to CPR 15.

Under CPRs 14, 15, and 16, the wholesaler or retailer must compute a "net cost" as the basis for figuring his ceiling prices. In computing this "net cost" he is allowed to add those transportation charges he paid except local trucking and local unloading. This exception was due to the way in which the percentage markups granted in CPRs 14, 15, and 16 were established. The percentage markups in CPRs 14, 15, and 16 are basically the same markups set by the OPA in issuing MPRs 421, 422 and 423 which were in effect from 1943 to 1946. These markups were the result of a comprehensive survey of the appropriate margins made by the OPA, which survey arrived at markups calculated to give effect to the cost of local trucking and local unloading as an overhead item rather than as a part of "net cost." At the time of the survey by OPA and until the end of World War II shipments of foodstuffs by water were nonexistent due to the wartime need for shipping. Thus, problems resulting from the use of water transportation were not considered.

After World War II it again became customary for many food wholesalers and some food retailers located in or near port cities where water transportation was practical to have merchandise shipped by water as well as by rail or motor carriers. The governing factor was the length of time required to receive shipments by water, so that when the merchandise was needed quickly it was shipped by rail or truck. However, when time was not a factor, water transportation was used at a somewhat cheaper rate.

A substantial segment of the transportation costs on shipments by water consists of certain incidental costs including local hauling and local unloading. Local hauling and local unloading are an important cost factor in every case of shipment by water because practically no food wholesaler or retailer operates a dock in conjunction with his warehouse, whereas most food wholesalers and many large food retailers have railroad sidings. Prior to these amendments, local trucking and local unloading could not be added to "net cost" as part of the transportation charges whether by water or land transportation.

The Administrator of the Defense Transport Administration has advised the Director of Price Stabilization that this will tend to result in a diversion of shipments of foodstuffs from water carriers to carriers by rail. This diversion would upset the historical balance between water transportation and land transportation. The Administrator of the Defense Transport Administration has, therefore, recommended that amendments be made to CPRs 14, 15, and 16 so that the normal relationship between water and land carriers may be maintained. Accordingly, these amendments provide for allowance of all costs incidental to shipment by water except costs of loading at shipping point into the car or truck that takes the goods to the dock, segregation charges, and costs of unloading at receiving point from the car or truck that takes the goods from the dock. Those loading and unloading costs and segregation charges are not separately allowed for when shipment is by rail or truck.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of these amendments incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of these amendments are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practical, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 4 (a) is amended in the following respect:

The following is inserted after the second sentence: "This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, costs of loading the shipment at the place at which it was processed, segregation charges and costs of unloading at receiving point may not be added."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8176; Filed, July 13, 1951; 10:28 a. m.]

[Ceiling Price Regulation 15, Amendment 5]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

COMPUTATION OF TRANSPORTATION CHARGES IN CONNECTION WITH SHIPMENTS BY WATER

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers amendments 4 to CPR 14, 4 to CPR 16, and amendment 5 to CPR 15.

Under CPRs 14, 15, and 16, the wholesaler or retailer must compute a "net cost" as the basis for figuring his ceiling prices. In computing this "net cost" he is allowed to add those transportation charges he paid except local trucking and local unloading. This exception was due to the way in which the percentage markups granted in CPRs 14, 15, and 16 were established. The percentage markups in CPRs 14, 15, and 16 are basically the same markups set by the OPA in issuing MPRs 421, 422 and 423 which were in effect from 1943 to 1946. These markups were the result of a comprehensive survey of the appropriate margins made by the OPA, which survey arrived at markups calculated to give effect to the cost of local trucking and local unloading as an overhead item rather than as a part of "net cost". At the time of the survey by OPA and until the end of World War II shipments of foodstuffs by water were nonexistent due to the wartime need for shipping. Thus, problems resulting from the use of water transportation were not considered.

After World War II it again became customary for many food wholesalers and some food retailers located in or near port cities where water transportation was practical to have merchandise shipped by water as well as by rail or motor carriers. The governing factor was the length of time required to receive shipments by water, so that when the merchandise was needed quickly it was shipped by rail or truck. However, when time was not a factor, water transportation was used at a somewhat cheaper rate.

A substantial segment of the transportation costs on shipments by water consists of certain incidental costs including local hauling and local unloading. Local hauling and local unloading are an important cost factor in every case of shipment by water because practically no food wholesaler or retailer operates a dock in conjunction with his warehouse, whereas most food wholesalers and many large food retailers have railroad sidings. Prior to these amendments, local trucking and local unloading could not be added to "net cost" as part of the transportation charges whether by water or land transportation.

The Administrator of the Defense Transport Administration has advised the Director of Price Stabilization that this will tend to result in a diversion of shipments of foodstuffs from water carriers to carriers by rail. This diversion would upset the historical balance between water transportation and land transportation. The Administrator of the Defense Transport Administration has, therefore, recommended that amendments be made to CPRs 14, 15, and 16 so that the normal relationship between water and land carriers may be maintained. Accordingly, these amendments provide for allowance of all costs incidental to shipment by water except costs of loading at shipping point into the car or truck that takes the goods to the dock, segregation charges, and costs of unloading at receiving point from the car or truck that takes the goods from the dock. Those loading and unloading costs and segregation charges are not separately allowed for when shipment is by rail or truck.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of these amendments incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of these amendments are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practical, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 4 (a) is amended in the following respects:

The following is inserted after the second sentence: "This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, costs of loading the shipment at the place at which it was processed, segregation charges and costs of unloading at receiving point may not be added."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8177; Filed, July 13, 1951; 10:28 a. m.]

[Ceiling Price Regulation 16, Amendment 4]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

COMPUTATION OF TRANSPORTATION CHARGES IN CONNECTION WITH SHIPMENTS BY WATER

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers amendments 4 to CPR 14, 4 to CPR 16, and amendment 5 to CPR 15.

Under CPRs 14, 15, and 16, the wholesaler or retailer must compute a "net cost" as the basis for figuring his ceiling prices. In computing this "net cost"

he is allowed to add those transportation charges he paid except local trucking and local unloading. This exception was due to the way in which the percentage markups granted in CPRs 14, 15, and 16 were established. The percentage markups in CPRs 14, 15, and 16 are basically the same markups set by the OPA in issuing MPRs 421, 422, and 423 which were in effect from 1943 to 1946. These markups were the result of a comprehensive survey of the appropriate margins made by the OPA, which survey arrived at markups calculated to give effect to the cost of local trucking and local unloading as an overhead item rather than as a part of "net cost". At the time of the survey by OPA and until the end of World War II shipments of foodstuffs by water were nonexistent due to the wartime need for shipping. Thus, the problems resulting from the use of water transportation were not considered.

After World War II it again became customary for many food wholesalers and some food retailers located in or near port cities where water transportation was practical to have merchandise shipped by water as well as by rail or motor carriers. The governing factor was the length of time required to receive shipments by water, so that when the merchandise was needed quickly it was shipped by rail or truck. However, when time was not a factor, water transportation was used at a somewhat cheaper rate.

A substantial segment of the transportation costs on shipments by water consists of certain incidental costs including local hauling and local unloading. Local hauling and local unloading are an important cost factor in every case of shipment by water because practically no food wholesaler or retailer operates a dock in conjunction with his warehouse, whereas most food wholesalers and many large food retailers have railroad sidings. Prior to these amendments, local trucking and local unloading could not be added to "net cost" as part of the transportation charges whether by water or land transportation.

The Administrator of the Defense Transport Administration has advised the Director of Price Stabilization that this will tend to result in a diversion of shipments of foodstuffs from water carriers to carriers by rail. This diversion would upset the historical balance between water transportation and land transportation. The Administrator of the Defense Transport Administration has, therefore, recommended that amendments be made to CPRs 14, 15, and 16 so that the normal relationship between water and land carriers may be maintained. Accordingly, these amendments provide for allowance of all costs incidental to shipment by water except costs of loading at shipping point into the car or truck that takes the goods to the dock, segregation charges, and costs of unloading at receiving point from the car or truck that takes the goods from the dock. Those loading and unloading costs and segregation charges are not separately allowed for when shipment is by rail or truck.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of these amendments incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of these amendments are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practical, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 4 (a) is amended in the following respects:

The following is inserted after the second sentence: "This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, costs of loading the shipment at the place at which it was processed, segregation charges and costs of unloading at receiving point may not be added."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8178; Filed, July 13, 1951; 10:28 a. m.]

[Ceiling Price Regulation 31, Amendment 5]

CPR 31—IMPORTS

EXTENSION OF FILING AND EFFECTIVE DATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

It is the purpose of this amendment to Ceiling Price Regulation 31 to effectuate the intent of the recent Congressional action of June 30, 1951 (Pub. Law 69, 82d Cong.). The compulsory effective date of Ceiling Price Regulation 31 is indefinitely extended. Ceiling Price Regulation 31 was in effect on June 30, 1951 for those sellers who had filed their margins on or before this date. They continue to price under this regulation. Sellers who had not filed by July 1, 1951 have the option to price under CPR 31 or under the General Ceiling Price Regulation. Before pricing under CPR 31, they must file their required reports with the Office of Price Stabilization.

AMENDATORY PROVISIONS

The effective date clause of Ceiling Price Regulation 31 is amended to read as follows: "If you filed the list required by section 5 or 6 of this regulation on or before June 30, 1951, the regulation is in effect as to you. If you did not file such list on or before June 30, 1951, the effective date of this regulation shall at your option be any date on which such list is filed."

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8174; Filed, July 13, 1951; 10:27 a. m.]

[Ceiling Price Regulation 50, Correction]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

EDITORIAL NOTE: Due to clerical error, the headnote to section 11 of CPR 50 (16 F. R. 6378) was incorrectly published to read: "Section 11. *Ceiling prices for kerosene imported in steel drums*". Accordingly, this headnote is changed to read: "Sec. 11. *Ceiling prices for kerosene at retail*".

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 1, Amendment 1]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects CMP Regulation No. 1 as follows:

Paragraph (c) of section 3 is amended to read as follows:

(c) No person who has received an authorized production schedule shall produce more than the quantity of the particular product or products provided for in such authorized production schedule. No such person shall purchase controlled materials or products and materials other than controlled materials for fulfillment of such authorized production schedule except by use of the related allotment and DO rating.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on July 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8159; Filed, July 12, 1951; 4:47 p. m.]

[CMP Regulation No. 1, Direction 1, as Amended July 12, 1951]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 1—PROCEDURE FOR OBTAINING MINIMUM QUANTITIES OF PRODUCTION MATERIALS BY PRODUCERS OF CLASS B PRODUCTS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Persons affected by this direction.
3. Use of allotment symbol to obtain controlled materials.
4. Use of rating to obtain production materials other than controlled materials.
5. Certification.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* This direction constitutes a determination by the National Production Authority that producers of Class B products may receive priority assistance under CMP without submitting applications on Form CMP-4B if their total requirements of controlled materials do not exceed a certain maximum. It also establishes a procedure whereby such producers may place authorized controlled material orders for such materials without obtaining an allotment. Such producers shall be subject to all CMP regulations and orders.

SEC. 2. *Persons affected by this direction.* A producer of any Class B product which is listed in the "Official CMP Class B Product List" may, whether or not the product is identified by an asterisk, obtain priority assistance without submitting an application on Form CMP-4B with respect to such product for any calendar quarter in which his total requirements of each kind of controlled material for the production of that product and all other products in the same product class do not exceed the amounts specified below:

Carbon steel (including wrought iron).	5 tons.
Alloy steel (except stainless steel).	½ ton.
Stainless steel	none.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	500 pounds.
Aluminum	500 pounds.

The term "product class" as used herein means a Product Class Code as shown in the "Official CMP Class B Product List."

SEC. 3. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may obtain priority assistance without filing a Form CMP-4B, is authorized to use the allotment symbol SU on delivery orders for controlled materials within the limits set forth in section 2 of this direction. An order so designated, when certified as provided in section 5 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of the allotment symbol SU plus controlled materials properly contained in inventory shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 4. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may obtain priority assistance without filing a Form CMP-4B, is authorized to use the rating DO-SU on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation.

SEC. 5. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This direction as amended shall take effect on July 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8160; Filed, July 12, 1951; 4:47 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

FORWARDING OF MAIL

In § 43.12 *Forwarding of mail* (39 CFR 43.12) amend paragraph (g) to read as follows:

(g) *Card notice of forwarding.* When the sender of ordinary mail of the third- or fourth-class desires to be notified of the new address in cases where the matter is incorrectly addressed because of the removal of the addressee, he may indicate that fact on the matter itself by printing in the lower left corner of the address side the inscription "Form 3547 Requested." When a piece of third- or fourth-class matter bearing this inscription is undeliverable and the new address of the addressee is known, the postmaster at the office of address shall furnish the new address to the mailer on Form 3547, for which a postage charge of two cents shall be collected upon delivery of the notice to the sender. Each piece of mail upon which the inscription "Form 3547 Requested" is printed shall bear the name and address of the sender in the upper left corner of the address side. Where such pieces are undeliverable and the address of the addressee is not known, the matter shall be promptly returned to the sender legibly endorsed, to show reason for nondelivery. Matter so returned shall be rated for collection of return postage due at the regular third- or fourth-class rate, whichever is applicable. Matter bearing the inscription "Form 3547 Requested" shall be accepted with the understanding that the sender, in every instance, guarantees payment of the charge for the notice, if one be sent, or return postage due in the event it is necessary to return the mail.

NOTE: This regulation applies only to third- and fourth-class matter sent out in the regular course of business for purposes other than obtaining the address of the person to whom the matter is sent.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, secs. 1, 2, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a, 278b)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8071; Filed, July 13, 1951; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.55 *General information* (39 CFR 127.55) amend paragraph (j) by striking out "Greece" from the list of countries therein.

b. In § 127.102 *Special provisions applicable to international insurance service* (39 CFR 127.102) amend paragraph (a) by inserting "Italy" between "Ireland" and "Japan" in the list of countries shown therein.

c. In § 127.269 *Greece (including Crete and Dodecanese Islands)* (39 CFR 127.269) paragraph (c) and subparagraphs and subdivisions thereof are rescinded.

d. In § 127.283 *Italy (including the Republic of San Marino)* (39 CFR 127.283) make the following changes:

1. In the tabulated information below the table of rates in subdivision (ii) of subparagraph (1) of paragraph (b) strike out "Insurance: No" and insert in lieu thereof "Insurance: Yes."

2. Amend subparagraph (2) of paragraph (b) to read as follows:

(2) *Indemnity.* See subparagraph (5) of this paragraph.

3. Redesignate subparagraphs (5) and (6) of pargaraph (b) as subparagraphs (6) and (7) and insert a new subparagraph (5) to read as follows:

(5) *Insurance.* Parcel post packages may be insured subject to the following limits when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	*Fee (cents)*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

(i) *Insurance return receipt.* Requested at the time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 paragraph (d).)

(ii) Parcels containing coin, bullion, jewelry, or any other precious article must be insured. If a parcel containing such articles is mailed uninsured it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured and treated accordingly.

(iii) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(iv) For further information concerning insurance service, see § 127.102 and § 127.108.

c. In § 127.331 *Poland* (39 CFR 127.331) amend the table of rates in subdivision (i) of subparagraph (1) of paragraph (b) to read as follows:

(b) *Parcel post.* • • •

(1) *Table of rates.* (i) Surface parcels.

Pounds	*Rate*	*Pounds*	*Rate*
1	$0.25	13	$2.29
2	.42	14	2.46
3	.59	15	2.63
4	.76	16	2.80
5	.93	17	2.97
6	1.10	18	3.14
7	1.27	19	3.31
8	1.44	20	3.48
9	1.61	21	3.65
10	1.78	22	3.82
11	1.95	23	3.99
12	2.12	24	4.16
25	$4.33	35	$6.03
26	4.50	36	6.20
27	4.67	37	6.37
28	4.84	38	6.54
29	5.01	39	6.71
30	5.18	40	6.88
31	5.35	41	7.05
32	5.52	42	7.22
33	5.69	43	7.39
34	5.86	44	7.56

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-8119; Filed, July 13, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

DENMARK AND GERMANY

a. In § 127.241 *Denmark,* make the following changes:

1. Amend paragraph (a) (8) by striking out "(i) Live bees."

2. Amend clause (*a*) of subdivision (iii), paragraph (b) (6) to read as follows:

(iii) *For the protection of animals or plants.* (*a*) Eggs of all kinds for hatching; honeycomb, natural or artificial; potatoes.

b. In § 127.264 *Germany,* make the following change: In paragraph (b) (5) strike out subdivisions (ii), (iii), and (iv) and insert in lieu thereof the following:

(ii) In addition to the prohibitions covered by subdivision (i) of this subparagraph, the following restrictions apply to gift parcels to the Western zone:

(iii) No gift parcel may contain any tobacco or tobacco products, cigarette papers, or saccharine.

(iv) No addressee may receive duty-free more than 33 lbs. of foodstuffs generally, 1 lb. 1½ oz. of coffee, 2 lb. 3 oz. of powdered cocoa, or 2 lbs. 3 oz. of chocolate per month. No parcel is admitted duty-free if it contains foodstuffs amounting to more than two-thirds of the total value of the contents.

(v) Exemption from duty is not granted for gift shipments of tea, luxury items such as jewelry, new fur articles, radio equipment, photographic apparatus, perfumes, cosmetics, or any articles whose character and quantity are not in accord with the needs of the addressee and the members of his household.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-8118; Filed, July 13, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

FINLAND

In § 127.251 *Finland,* as amended (15 F. R. 6474, 6597), amend subdivision (ii) of paragraph (b) (3a) by striking out "3000 Finnish marks" and by inserting in lieu thereof "500 Finnish marks."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-8069; Filed, July 13, 1951; 8:45 a. m.]

PART 135—GENERAL

PREFERMENT OF CHARGES

In § 135.44 *Preferment of charges* (39 CFR 135.44) make the following changes:

1. At the end of subdivision (i) of paragraph (b) (2) add to the text a sentence to read as follows: "A preference eligible employee may not be suspended for more than 30 days under this emergency procedure."

2. Amend clause (*b*) of subdivision (ii) of paragraph (b) (2) to read as follows:

(*b*) Placed on annual leave without his consent, provided he has sufficient leave to his credit to cover the required period;

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-8070; Filed, July 13, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

REVENUE FROM OPERATING COMMUNICATIONS SYSTEMS

JULY 6, 1951.

Pursuant to the provisions of section 20 (3) of the Interstate Commerce Act, the Commission has approved modification of the Uniform System of Accounts for Steam Railroads so that revenue account 138 "Telegraph and telephone," will in both title and text include the revenue from operating any form of communication system. This is in conformity with an order entered June 22, 1950, making similar changes in property accounts and operating expense accounts for communication systems.

Any interested party may on or before August 10, 1951, file with the Commission written views or arguments to be considered in this connection. Unless otherwise found necessary after consideration of all representations so received, an order will be entered to make the modification as outlined above effective October 1, 1951.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8082; Filed, July 13, 1951; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Dockets Nos. 2936, 4968]

BRANIFF AIRWAYS, INC., AND CONTINENTAL AIR LINES, INC.; REMOVAL OF RESTRICTIONS

NOTICE OF HEARING

In the matter of the proposed amendment of the certificate for route No. 9 held by Braniff Airways, Inc., so as to include Tulsa, Okla., on the Chicago-Brownsville segment thereof, alternate to Oklahoma City, Okla., and the proposed amendment of the certificate for route No. 29 held by Continental Air Lines, Inc., so as to authorize air transportation between Kansas City, Mo., Bartlesville, Okla., and Tulsa, Okla.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 205 (a), 401 (h) and 1001 thereof, that a hearing in the above-entitled proceeding is assigned to be held on July 26, 1951, at 10:00 a. m., e. d. s. t., in Room No. 5855, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer. If necessary the hearing will reconvene in Room No. 5842 of the same building on July 27, 1951.

Without limiting the scope of the issues involved in this proceeding particular attention will be directed to the following matters or questions:

1. Do the public convenience and necessity require the amendment of the certificate held by Braniff Airways, Inc. for route No. 9 so as to include Tulsa, Okla., on the Chicago-Brownsville segment thereof alternate to Oklahoma City, Okla.?

2. Do the public convenience and necessity require the amendment of the certificate held by Continental Air Lines, Inc. for Route No. 29, so as to permit direct service between Kansas City, Mo., Bartlesville and Tulsa, Okla.?

3. Are Braniff Airways, Inc. and Continental Air Lines, Inc. each fit, willing and able to conduct properly the air transportation proposed by them and to conform to the provisions of the act and the requirements of the Board thereunder?

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before July 26, 1951 a statement setting forth the issues of fact which he desires to controvert.

For further details of the matters concerned in this proceeding interested persons are referred to the contents of the numbered dockets in this proceeding on file with the Docket Section of the Board.

Dated at Washington, D. C., July 10, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8122; Filed, July 13, 1951; 8:54 a. m.]

[Docket No. 3842]

NEW ENGLAND AIR EXPRESS, INC., EXEMPTION APPLICATION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of New England Air Express, Inc. for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on July 16, 1951, is postponed to July 31, 1951, at 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., July 10, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8120; Filed, July 13, 1951; 8:53 a. m.]

[Docket No. 4109]

AIRLINE TRANSPORT CARRIERS, INC., AND CALIFORNIA CENTRAL AIRLINES; ENFORCEMENT PROCEEDING; INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

In the matter of the application of Charles C. Sherman and Edna K. Sherman for approval of certain interlocking relationships and stock ownership, and an investigation into the relationships between Airline Transport Carriers, Inc., and California Central Airlines.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1939, as amended, particularly sections 205 (a), 408, 409, 412, 1001 and 1002 (b) thereof, that a public hearing in the above-entitled proceeding is assigned to be held on July 23, 1951, at 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters and questions:

1. Would the public interest be adversely affected by the interlocking relationship between Airline Transport Carriers, Inc., and California Central Airlines for which approval is sought in the application Docket No. 4109;

2. Whether there is or has been any common control relationship between Airline Transport Carriers, Inc., and California Central Airlines or any contracts, agreements, leases or other arrangements between the above carriers within the meaning of section 408 of the act, without prior approval of the Board;

3. Whether there has existed interlocking relationship between the above carriers without prior approval of the Board as required under section 409 of the act;

4. Whether there has existed any contracts, arrangements, written or oral, between the above carriers which have not been filed with the Board as required under section 412 of the act;

5. Whether California Central Airlines has violated section 408 of the act by leasing aircraft from Airline Transport Carriers, Inc., under Agreement C. A. B. No. 4507 and whether section 412 was violated by failure of the parties to file the above agreement within the prescribed time; and

6. Whether the Board should issue an order directing the above carriers and their officers and directors to cease and desist from any violations which are established in this proceeding and compel compliance with the necessary provisions of the act.

Notice is further given that any person, other than parties of record, desiring to controvert in fact or law any of the issues raised in this proceeding must file with the Board on or before July 23, 1951, a statement of said issues.

For further details concerning the application and investigation involved in this proceeding, interested parties are referred to the Official Docket on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 10, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8121; Filed, July 13, 1951; 8:53 a. m.]

[Docket No. 4926]

MID-CONTINENT AIRLINES, INC., AND CONTINENTAL AIR LINES, INC.; JOINT APPLICATION FOR APPROVAL OF INTERCHANGE OF EQUIPMENT AGREEMENT

NOTICE OF HEARING

In the matter of the joint application of Mid-Continent Airlines, Inc., and Continental Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act, of an agreement relating to the interchange of equipment.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above-entitled proceeding is assigned for hearing on July 24, 1951, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Earl Cox.

Without limiting the scope of the issues to be considered, particular atten-

tion will be directed to the following matters:

(1) Whether the agreement is adverse to the public interest or in violation of the act.

(2) Whether there is substantial control of either carrier by the other to require approval by the Civil Aeronautics Board under section 408 of the act; and if such approval is necessary whether such control is inconsistent with the public interest and whether it would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding shall file with the Board on or before July 24, 1951, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 9, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8081; Filed, July 13, 1951; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

WORLD WAR II CEMETERIES

TRANSFER TO AMERICAN BATTLE MONUMENTS COMMISSION

The following material, contained in a letter from the Secretary of the Army to the Chairman, American Battle Monuments Commission, dated June 26, 1951, is published for the information of all concerned:

Pursuant to the provisions of Executive Order 10057, May 14, 1949, as amended by Executive Order 10087, December 3, 1949, all functions of administration pertaining to the World War II United States military cemetery located at Neuville-en-Condroz, Belgium, are hereby transferred from the Department of the Army to the American Battle Monuments Commission, effective 30 June 1951.

Pursuant to informal agreement between representatives of the Department and of the Commission, instructions are being issued by the Department of the Army to the Commander-in-Chief, European Command, to effect this transfer as of 30 June 1951, and to accomplish the transfer of such supplies, equipment, temporary structures, utilities, facilities and cemetery records pertaining to this cemetery as is authorized by Executive Order 10057 as amended. The details of such transfers will be the responsibility of the Commander-in-Chief, European Command, in conjunction with field representatives of the Commission.

Records pertinent to the acquisition of real estate upon which this cemetery and its appurtenances are situated are to be transferred to the Commission, under the provisions of Executive Order 10057, as amended. Accordingly, the transfer of administration herein provided for is made with the understanding that the American Battle Monuments Commission will assume responsibility for any and all pending negotiations with foreign countries and the Government of the United States concerning the acquisition of rights or interests in perpetuity in the land of which this cemetery is located.

Neuville-en-Condroz is the final cemetery to be transferred to the administration of the Commission in accordance with the above-mentioned Executive Order, the operational mission of the Department of the Army with respect to the cemetery having been completed.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8073; Filed, July 13, 1951; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 427, Amdt. 2]

REGIONAL ADMINISTRATORS

DELEGATIONS OF AUTHORITY

Order No. 427 is amended as follows:

PART 1—AUTHORITY IN GENERAL

1. Section 1.1 (e) is amended to read:

(e) Each employee who serves as acting regional administrator shall prepare a memorandum to be kept in the regional office showing the date and hour of the commencement and termination of each period of his service in that capacity.

2. Paragraphs (c) and (d) of section 1.4 are amended to read:

SEC. 1.4 *Authority to designate employees to perform the functions of acting managers.* * * *

(c) The regional administrator of any region may authorize any qualified employee of the Bureau of Land Management in his region to perform the functions of the manager of a district land and survey office in his region in case of the death, resignation, absence, or sickness of the manager.

(d) An employee who is authorized to perform the functions of the manager shall sign documents and other papers as "Acting Manager." No employee, however, shall perform such functions until he has filed a bond in such penal sum as may be fixed and the bond has been accepted. Each employee who serves in this capacity shall by memorandum advise the regional administrator of the beginning and termination of the period of the service.

PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

3. Section 2.13 is amended to read:

SEC. 2.13 *Roads.* Matters involving the acquisition of rights-of-way for access roads on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and of existing connecting roads adjacent to such lands, including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

4. Section 2.22, authorizing the regional administrators to issue certain classes of orders of withdrawal and restorations, is amended by adding after paragraph (a) (5) a new paragraph as follows:

(6) Opening lands acquired by exchanges, after acceptance of title.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

5. Section 2.51 is amended to read:

SEC. 2.51 *Airports and air navigation facilities.* (a) Leases of public lands for public airports and permits for air navigation facilities under the act of May 24, 1928 (49 U. S. C. 211-214).

(b) All actions under the Federal Airport Act (49 U. S. C. 1101), up to the issuance of patents.

6. Section 2.70 is amended to read:

SEC. 2.70 *Public sales.* Public sales pursuant to 43 CFR, Part 250, and other sales of land by competitive bidding, when authorized by law, except that applications by and sales to aliens, associations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

RANGE MANAGEMENT

7. Section 2.91 is amended to read:

SEC. 2.91 *Grazing district administration.* Range management matters pertaining to the administration of grazing districts pursuant to the act of June 28, 1934, as amended and supplemented (43 U. S. C. 315 et. seq., 16 U. S. C. 715l) and 43 CFR Parts 161, 163 and 165, as follows:

(a) Licenses or permits to graze or trail livestock in grazing districts.

(b) Cooperative agreements under:

(1) Section 2 of the act (43 U. S. C. 315a) with respect to erosion and flood control, and range studies and experiments;

(2) Section 9 of the act (43 U. S. C. 315h) with associations or State agencies for the conservation or propagation of wildlife; and

(3) Section 12 of the act (43 U. S. C. 315k) with any department of the Government to coordinate range administration.

(c) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(d) The expenditure of funds appropriated by the Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(e) Leases under the Pierce Act (43 U. S. C. 315m-1 to 315m-4 inclusive).

(f) Require field employees to furnish horses and miscellaneous equipment necessary for the performance of their official duties, pursuant to the act of December 18, 1942 (43 U. S. C. 315o-2), and make payments in connection therewith as authorized by that act.

8. Section 2.93 is amended to read:

SEC. 2.93 *Appropriation of water.* Execution and forwarding to the proper State office of informational notices of the appropriation of water on the public lands, and applications under State laws to appropriate water on other lands under the administration of the Bureau of Land Management, where required in connection with stock-watering projects, and procurement of easements or rights-of-way upon or over private lands where improvements are erected.

ROSCOE E. BELL,
Associate Director.

Approved: July 10, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-8074; Filed, July 13, 1951; 8:46 a. m.]

[Misc. 55176]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 10, 1951.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1876, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 37 N., R. 5 E.,
Sec. 2.
T. 17 N., R. 25 E.,
Sec. 32, S½, NE¼, E½NW¼, SW¼NW¼.
T. 12 S., R. 30 E.,
Secs. 32 and 36.
T. 2 N., R. 3 W.,
Sec. 36, N½, N½SW¼.
T. 4 N., R. 11 W.,
Sec. 16.
T. 2 N., R. 15 W.,
Sec. 32, SE¼.
T. 3 N., R. 18 W.,
Sec. 16, NE¼, S½.
T. 1 N., R. 19 W.,
Sec. 32.

The areas described aggregate 4,840 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-8076; Filed, July 13, 1951; 8:46 a. m.]

Office of the Secretary

[Order No. 2583, Amdt. 2]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Order No. 2583 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

1. Section 2.13 is amended to read:

SEC. 2.13. *Roads.* Matters involving the acquisition of rights-of-way for access roads on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and of existing connecting roads adjacent to such lands, including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to the timber on such lands.

MINERALS

2. The following new sections are added:

SEC. 2.33a *Phosphate leases.* Matters related to phosphate leases under sections 9 to 12 inclusive, of the act of February 25, 1920 (30 U. S. C. 211-214), as amended, and phosphate leases under the act of August 7, 1947 (30 U. S. C., Sup. III, 351-359), other than the issuance of the leases.

SEC. 2.33b *Potassium permits and leases.* Matters related to potassium permits and leases under the act of February 7, 1921 (30 U. S. C., 281-285), as amended, and potassium permits and leases, under the act of August 7, 1947 (30 U. S. C., Sup. III, 351-359) other than the issuance of the permits and leases.

NONMINERAL MATTERS, EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.51 is amended to read:

SEC. 2.51 *Airports and air navigation facilities.* (a) Leases of public lands for public airports and permits for air navigation facilities under the act of May 24, 1928 (49 U. S. C. 211-214).

(b) All actions under the Federal Airport Act (49 U. S. C. 1101), up to the issuance of patents.

4. Section 2.70 is amended to read:

SEC. 2.70 *Public sales.* Public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding when authorized by law, except that applications by and sales to aliens, associations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

5. The following new section is added:

SEC. 2.70a *Railroad grants.* The adjustment of railroad grants and claims within such grants, pursuant to 43 CFR, Part 273.

RANGE MANAGEMENT

6. Section 2.93 is amended to read:

SEC. 2.93 *Appropriation of water.* Execution and forwarding to the proper State office of informational notices of the appropriation of water on the public lands, and applications under State laws to appropriate water on other lands under the administration of the Bureau of Land Management, where required in connection wth stock-watering projects, and procurement of easements or rights-of-way upon or over private lands where improvements are erected.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 10, 1951.

[F. R. Doc. 51-8075; Filed, July 13, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 7, Supplement 2]

TERRITORIAL DIRECTOR OF PUERTO RICO

DELEGATION OF AUTHORITY TO APPROVE, DISAPPROVE, OR REVISE CEILING PRICES IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 5 AND 6 OF CPR-44

By virtue of the authority vested in me as Director of Region 14, Office of Price Stabilization by Office of Price Stabilization Delegation of Authority 7, Supplement 1, this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director of the Territorial Office of the Office of Price Stabilization in Puerto Rico to approve, disapprove, or revise ceiling prices applied for in accordance with section 5 of CPR-44.

2. Authority is hereby delegated to the Director of the Territorial Office of the Office of Price Stabilization in Puerto Rico to revise ceiling prices in accordance with section 6 of CPR-44.

This delegation of authority shall take effect on July 14, 1951.

J. HERBERT MEIGHAN,
Director, Region 14.

Dated: July 13, 1951.

[F. R. Doc. 51-8179; Filed, July 13, 1951; 10:28 a. m.]

[Delegation of Authority No. 13]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority to act under section 13 of CPR 11, as amended. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of section 13 of CPR 11, as amended. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization. The delegation of authority in this item shall take effect on July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8180; Filed, July 13, 1951; 10:28 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5, Section 8, Special Order 2]

CERTAIN CHRYSLER AUTOMOBILES

RETAIL LIST PRICES

Statement of considerations. The Director of Price Stabilization has recently established wholesale ceiling prices on certain new models of automobiles not counterparts of those previously produced, for the Chrysler Corporation pursuant to section 4 (d) of Ceiling Price Regulation 1. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation and in conformity with the standards set forth therein, the Director has determined to establish dollar and cents prices for such models, which prices shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine retail ceiling prices under section 3 thereof.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 2 is hereby issued.

1. The following prices for the "Saratoga" line of automobiles shipped by Chrysler Corporation on and after July 10, 1951, with four tires and tubes are established for use of retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation.

Chrysler Saratoga, C-55:	
6 passenger sedan	$2,744.13
8 passenger sedan	3,612.69
Limousine	3,917.15
Club coupe	2,754.48
Town and country wagon	3,363.13

2. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective July 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8173; Filed, July 13, 1951; 10:27 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

NORTHROP AIRCRAFT, INC.

ADDITION TO MEMBERSHIP ON ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Congress) notice is herewith given that Northrop Aircraft, Inc., of Hawthorne, California, has become a member of the Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee" dated January 30, 1951, which was published in 16 F. R. 1965 on March 1, 1951.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter[1] from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 51-8158; Filed, July 12, 1951; 4:47 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6359]

IOWA PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 10, 1951.

Notice is hereby given that, on July 10, 1951, the Federal Power Commission issued its order entered July 9, 1951, supplementing its order of June 21, 1951, published in the FEDERAL REGISTER June 29, 1951 (16 F. R. 6323), authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8085; Filed, July 13, 1951; 8:47 a. m.]

[1] The letter from the President, dated April 27, 1951, to the Director of Defense Mobilization, conferred upon the Director of the Office of Defense Mobilization the powers delegated to the Defense Production Administrator by E. O. 10200 of Jan. 3, 1951, 16 F. R. 61, relating to voluntary agreements and programs under sec. 708 of the Defense Production Act of 1950, Pub. Law 774, 81st Cong., during the incumbency of the Acting Defense Production Administrator.

[Docket No. G-1564]

SOUTHWESTERN VIRGINIA GAS TRANSMISSION CO.

NOTICE OF CONTINUANCE OF HEARING

JULY 9, 1951.

Upon consideration of the Motion of Southwestern Virginia Gas Transmission Company filed June 26, 1951, notice is hereby given that the hearing in the above-designated matter now scheduled for July 23, 1951, be and it is hereby continued to August 3, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8079, Filed, July 13, 1951; 8:46 a. m.]

[Docket No. G-1710]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

JULY 9, 1951.

Notice is hereby given that, on July 9, 1951, the Federal Power Commission issued its order entered July 6, 1951, in the above-entitled matter, amending its order instituting investigation and fixing date of hearing, issued June 14, 1951, published in the FEDERAL REGISTER June 20, 1951 (16 F. R. 5882), to include Transcontinental's Rate Schedule EX-1, filed June 6, 1951, in lieu of the previous filing of March 26, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8080; Filed, July 13, 1951; 8:47 a. m.]

[Docket No. G-1728]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

JULY 10, 1951.

Take notice that Rockland Light and Power Company (Applicant), a New York corporation with its principal place of business at No. 10 North Broadway Street, Nyack, New York, filed on June 26, 1951, an application pursuant to section 7 of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation to connect its natural-gas transportation facilities with those of Applicant and to sell natural gas to Applicant, for permission and authorization to substitute natural gas so furnished to Applicant for part of the natural gas presently furnished to Applicant by Home Gas Company, and for a certificate of public convenience and necessity authorizing construction and operation of certain additional natural-gas facilities, as hereinafter set forth.

Applicant proposes to construct and operate an 8-inch pipe line approximately 22 miles long from a point on the natural-gas transmission pipe line of Transcontinental Gas Pipe Line Corporation in the Town of Orangetown, Rockland County, New York northerly to Tomkins Cove, Rockland County, New York. Upon completion of the proposed construction, Applicant proposes to take from Transcontinental Gas Pipe Line Corporation natural gas in amounts expected by Applicant to reach 8000 Mcf. per day in 1972 in partial fulfillment of the requirements of Applicant's customers, which Applicant estimates at 10,000 Mcf. for the peak day of winter 1951-1952. Applicant will take smaller amounts of gas from Home Gas Company, which has limited Applicant's peak day requirement for winter 1951-1952 to 6,300 Mcf. The capacity of the proposed transmission line will be 11,000 Mcf. per day.

The estimated cost of the proposed construction is $753,315, which Applicant proposes to finance initially through short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before the 27th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8084; Filed, July 13, 1951; 8:47 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER AMENDING LICENSE

JULY 9, 1951.

Notice is hereby given that, on June 7, 1951, the Federal Power Commission issued its order entered June 1, 1951, further amending License (Major), effective as of January 1, 1950, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8078; Filed, July 13, 1951; 8:46 a. m.]

[Project No. 2038]

WINDSOR LOCKS CANAL CO.

NOTICE OF AMENDMENT TO APPLICATION FOR PRELIMINARY PERMIT

JULY 9, 1951.

Public notice is hereby given that The Windsor Locks Canal Company, 36 Pearl Street, Hartford 1, Connecticut, has filed application under the Federal Power Act (16 U. S. C. 791a-825r (for amendment of its pending application for preliminary permit for proposed Project No. 2038. Whereas the original application contemplated the construction of hydroelectric facilities at a Government navigation dam proposed to be constructed on the Connecticut River immediately upstream from the New York, New Haven, and Hartford railroad bridge at Windsor Locks, and whereas no Congressional authorization for such dam has yet been granted, the applicant now proposes to construct a dam at the same site on the river in addition to the appurtenant hydroelectric facilities described in its original application, which facilities would consist of a reservoir having a full pond elevation of 45 feet (Hartford datum) extending to Holyoke, Massachusetts; a powerhouse containing 4 turbines having a total rated capacity of 56,300 horsepower connected to four generators with total capacity of 42,000 kilowatts; and other appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before August 13, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8083; Filed, July 13, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-89]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER GRANTING APPLICATION REQUESTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

Eastern Utilities Associates ("EUA"), a registered holding company, on behalf of itself and its subsidiary companies, namely, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup") have filed an application with this Commission, pursuant to section 11 (c) of the Public Utility Holding Company Act of 1935, requesting therein that this Commission, by order, extend the time for compliance by EUA and its subsidiary companies with this Commission's order, dated April 4, 1950, and issued pursuant to sections 11 (b) (1), 11 (b) (2) and certain other sections of the act. This order provides, in part, that (1) EUA, within one year from the date of said order, shall terminate its existence and distribute its assets to its security holders pursuant to a fair and equitable plan, filed with and approved by this Commission, or (2) if EUA, within such year, shall have acquired, directly or indirectly, all interests in excess of 10% held outside its system, then, EUA shall, within such year, pursuant to a fair and equitable plan filed with and approved by this Commission, reclassify its Common and Convertible shares into a single class of shares and allocate such new shares among its security holders, or, in the alternative, terminate its existence and distribute its assets to its security holders. This order, in effect, further requires the disposition of the gas properties owned by Blackstone, within one year from the date of said order.

Notice of the filing of said application and of opportunity for hearing thereon was duly given and one Alfred Sasser filed a request for hearing.

On May 22, 1950, EUA filed a plan of reorganization under section 11 (e) of the act for the purpose of complying with said Commission's order, dated April 4, 1950. This plan, adopting the second alternative of said Order, was divided into two steps, the first of which, after hearings thereon, was approved by order of this Commission, dated August 17, 1950. Pursuant to Step 1 and this Commission's order of August 17, 1950, EUA acquired all but 2,662 shares of Fall River's capital stock held outside its system and now owns 98½ percent of that company's voting power.

On March 20, 1951, EUA filed its amended plan of reorganization dividing Step 2 into two parts, the first of which covers the acquisition of all of the properties and assets of Brockton, Fall River and Montaup and all of Blackstone's securities by a newly organized holding operating company, and the permanent financing of such company and the second of which covers the allocation of the new company's common stock between EUA's Common and Convertible shareholders. After appropriate notice, hearings on the amended plan were reconvened on May 8, 1951, and have been continued subject to further order of the Commission.

With respect to the disposition of Blackstone's gas properties, the application states that EUA has taken, and is taking, steps to interest possible purchasers in such properties. In this connection it is further stated that although the advent of natural gas to Blackstone's service area is expected by the end of 1951, the exact manner in which natural gas is to be furnished to this area is unsettled.

The Commission finds that applicants could not in the exercise of due diligence have complied fully with the Commission's order within the initial one-year period and that the application should be granted.

The Commission further finds that the request for hearing of said Alfred Sasser raises issues which can be explored more appropriately in the section 11 (e) proceedings of EUA rather than in the instant proceedings and that such request for hearing should therefore be denied.

It is ordered, That EUA and its subsidiary companies be, and the same hereby are, granted until April 4, 1952 in which to comply with this Commission's order dated April 4, 1950 and issued pursuant to sections 11 (b) (1), 11 (b) (2) and certain other sections of the Public Utility Holding Company Act of 1935; and

It is further ordered, That the request for hearing of Alfred Sasser be, and the same hereby is, denied.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8089; Filed, July 13, 1951; 8:48 a. m.]

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER GRANTING AUTHORITY TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK REMAINING AFTER RIGHTS OFFERING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of July 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a post-effective amendment to its application-declaration, as amended, under the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

The Commission by orders dated June 5, 1951 (Holding Company Act Release No. 10599), and June 14, 1951 (Holding Company Act Release No. 10622), granted and permited to become effective GPU's application-declaration, as amended, with respect to the issue by GPU to its common stockholders of rights to subscribe for 504,657 additional shares of common stock. Such orders also permitted the sale during the subscription period, through participating security dealers and others, of shares of the additional common stock not subscribed for by stockholders and any shares of outstanding common stock acquired by GPU for stabilization purposes.

The post-effective amendment states that during the period beginning July 10, 1951, and expiring at the close of business on July 16, 1951, GPU proposes to dispose of all shares of additional common stock not sold during the subscription period, estimated in the aggregate amount of 41,671 shares, by the same method employed in selling shares of additional common stock during the subscription period, all as more fully set forth in Holding Company Act Release Nos. 10599 and 10622.

The Commission having examined said post-effective amendment and having considered the record herein and finding no reason for imposing terms or conditions with respect to said matter other than those contained in Rule U-24:

It is ordered, That the post-effective amendment be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, continued with respect to any and all fees and expenses incurred or to be incurred herein, except those proposed to be paid to the participating security dealers or others who acquire the remaining shares.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8087; Filed, July 13, 1951; 8:48 a. m.]

[File No. 70-2656]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF PROPOSED NOTE ISSUES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of July A. D. 1951.

In the matter of New England Electric System, Beverly Gas and Electric Company, Gloucester Electric Company, Malden Electric Company, Northampton Electric Light Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Suburban Gas and Electric Company, Weymouth Light and Power Company; File No. 70-2656.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its above-named public utility subsidiary companies, hereinafter individually referred to as "Beverly", "Gloucester Electric", "Malden Electric", "Northampton Electric", "Northern Berkshire", "Quincy", "Suburban", and "Weymouth" and collectively referred to as "the borrowing companies", have filed applications-declarations pursuant to the Public Utility Holding Company Act of 1935 ("act"). The filing designates sections 7, 10, and 12 of the act and Rules U-23, and U-43 (a) and U-45 (b) (1) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than July 20, 1951, at 5:30 p. m. e. d. s. t., request the commission in writing that a hearing to be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said applications-declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time but not later than September 30, 1951, unsecured promissory notes in an aggregate principal amount up to but not exceeding $1,525,000. Said notes will mature April 1, 1952, and will bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued to NEES. It is stated in the applications-declarations, that said prime interest rate at the present time is 2½ percent. If said prime interest rate is in excess of 2¾ percent at the time any of such notes is issued, NEES and the specific borrowing company will file an appropriate amendment to this filing, setting forth therein the principal amount of the note proposed to be issued and the rate of interest thereon, at least five days prior to the execution and delivery thereof and NEES and the borrowing companies request that, unless the Commission notifies it and the borrowing company to the contrary within said five day period, such amendment will become effective at the end of such period. The applications-declarations further state that the proposed notes may be prepaid, in whole or in part, prior to maturity.

Other than note indebtedness to NEES, aggregating $3,185,000, the borrowing companies do not have any indebtedness represented by notes payable to banks or any advances payable to NEES. The following table shows the aggregate face amount of additional promissory notes proposed to be issued to NEES by each of the borrowing companies.

Company:	*Aggregate amount of notes proposed to be issued to NEES*
Beverly	$100,000
Gloucester Electric	25,000
Malden Electric	200,000
Northampton Electric	100,000
Northern Berkshire	500,000
Quincy	200,000
Suburban	200,000
Weymouth	200,000
Total	1,525,000

The applications-declarations further state that the proceeds to be derived from the proposed note issues will be used by each of the borrowing companies for construction, or for construction and costs of conversion to natural gas.

The applications-declarations further state that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each of the borrowing companies, or an aggregate of $900.

The applications-declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective upon issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8086; Filed, July 13, 1951; 8:47 a. m.]

[File No. 70-2662]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING THE PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF NOTES TO PARENT COMPANY BY SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

Notice is hereby given that a joint application has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"), pursuant to the Public Utility Holding Company Act of 1935. The joint applicants have designated sections 6 (b), 9 and 10 of the act as being applicable to the proposed transaction.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Cumberland proposes to issue and sell and Columbia proposes to acquire, from time to time prior to March 31, 1952, not to exceed $675,000 principal amount of Cumberland's unsecured Installment Promissory Notes. Said notes will be registered and the principal amounts thereof are to be payable in twenty-five equal annual installments, on February 15th of each of the years 1953 to 1977, inclusive. The unpaid principal amount of such notes would bear interest at the rate of 3¼ percent per annum, payable semi-annually on February 15 and August 15 of each year during the time the notes are outstanding. The proceeds from the sale of said 3¼ percent notes will be used by Cumberland for the purpose of financing a part of its proposed 1951 construction program.

The joint application states that the Public Service Commission of West Virginia has jurisdiction over the proposed issuance and sale of the said notes by Cumberland.

Notice is further given that any interested person may, not later than July 25, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 25, 1951, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8088; Filed, July 13, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18126]

THERESIA HAMBERGER ET AL.

In re: Real property owned by Theresia Hamberger and others. D-28-13014.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Hamberger, Gertrude Wozabal Urbas, Maria Wozabal Durwen and Franz Wozabal, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Anton Wozabal, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain real property situated in the City of Sturgeon Bay, County of Door, State of Wisconsin, particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of desigated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

A tract of land situated in Lot Number 2, Subdivision Number 7, in the City of Sturgeon Bay according to the Assessor's Map of said City of Sturgeon Bay as recorded in

Volume 1 of Plat Books, page 14, and more particularly described as follows, to-wit: Beginning at the Northeast corner of Tract B of said Lot Number 2, thence North along the East line of said Lot Number 2 a distance of 232 feet more or less to the Northeast corner of said Lot Number 2, thence West along the North line of said Lot Number 2 a distance of 300 feet more or less to the Northeast corner of the tract of land described in Volume 19 of Deeds, page 167, as recorded in the Office of the Register of Deeds for Door County, Wisconsin, thence South along a line parallel to Cedar Street and distant 150 feet therefrom continuing along the Easterly line of the tracts described in Volume 19 of Deeds, page 167, Volume 7 of Quit Claim Deeds, page 383, and Volume 8 of Quit Claim Deeds, page 479, to the Southeast corner of said tract described in Volume 8 of Quit Claim Deeds, page 479, being a distance of 223 feet more or less, thence West along the Southerly line of said last described tract a distance of 150 feet to the Easterly line of Cedar Street, thence Southerly along the Easterly line of Cedar Street a distance of 9 feet more or less to the Northerly line of the Charles Zahn Tract described in Volume 7 of Deeds, page 321, thence East along the Northerly line of said Zahn tract, being Tract A of Lot Number 2, and continuing along the Northerly line of said Tract B in said Lot Number 2 a distance of 450 feet more or less to the place of beginning.

[F. R. Doc. 51-8091; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Order 18127]

HUBERTUS PLAZEK ET AL.

In re: Interest in oil, gas and other minerals in and under certain real property owned by Hubertus Plazek and others. F-28-26163-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hubertus Plazek, Horst Plazek and Rose Plazek, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided 875/565,502ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Oklahoma County, State of Oklahoma, to wit:

Lots 11 to 36 inclusive of Block 9; all of Block 10; all of Block 11 and all of Block 12 of Wilmont Place Addition to Oklahoma City, being a part of the Southwest Quarter of Section Twenty-two, Township Eleven North, Range Three West,

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8092; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Order 18128]

CARL GUSTAV WATJEN

In re: Interest in real property owned by Carl Gustav Watjen. F-28-31497.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Gustav Watjen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-seventy-second (1/72d) interest in and to that certain real property situated in the County of Queens, State of New York, more particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8093; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Order 18129]

OSCAR BAUER

In re: Estate of Oscar Bauer, deceased. File No. D-28-12983; E. T. sec. 17118.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Bauer, Emil Bauer and Elnora Werner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Carl Bauer, the children, names unknown, of Emil Bauer, and the children, names unknown, of Elnora Werner, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of the aforesaid children, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Oscar Bauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Tony Whitledge, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Carl Bauer, the children, names unknown, of Emil Bauer, and the children, names unknown, of Elnora Werner, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of the aforesaid children, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8094; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Order 18130]

HENRY C. BOHACK

In re: Trusts under will of Henry C. Bohack, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Johann Hermann Bohack, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Trusts created under the Last Will and Testament of Henry C. Bohack, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the surviving Trustees of said Trusts, acting under the judicial supervision of the Surrogate's Court of Queens County, State of New York,

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8095; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Order 18131]

PETER DAY

In re: Estate of Peter Day, deceased. File No. D 28-13027; E. T. sec. 17153.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nicolaus Daemgen, individually and as trustee under the will of Peter Day, deceased, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the nieces and nephews, names unknown, of Peter Day, deceased, being children of the following sisters and brothers of Peter Day, deceased, namely: Christina, Agatha, Mary, Susanna, Stephen and Nicolaus, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of the aforesaid nieces and nephews of Peter Day, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Peter Day deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Alberta Bradford Herbert, administratrix with the will annexed de bonis non, acting under the judicial supervision of the County Court of Alexander County, Illinois;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the nieces and nephews, names unknown of Peter Day, deceased, being children of the following sisters and brothers of Peter Day, deceased, namely: Christina, Agatha, Mary, Susanna, Stephen and Nicolaus, and the domiciliary personal representatives, heirs, next of kin legatees and distributees, names unknown, of the aforesaid nieces and nephews of Peter Day, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8096; Filed, July 13, 1951; 8:49 a. m.]

[Vesting Oreder 18132]

WILHELMINE JARCK

In re: Estate of Wilhelmine Jarck, deceased. File No. D-28-13030.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Gugg, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Wilhelmine Jarck, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Wilhelmine Jarck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, as administrator, acting under the judicial supervision of the Surogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelmine Jarck, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8097; Filed, July 13, 1951; 8:50 a. m.]

[Vesting Order 18133]

GEORGE LUTZ

In re: Estate of George Lutz, also known as George Luz, deceased. File No. D-28-13029.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottlieb Lutz, Martin Lutz, Marie Renz and Paulina Walter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of George Lutz, also known as George Luz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8098; Filed, July 13, 1951; 8:50 a. m.]

[Vesting Order 18134]

ELSE SCHAPOKS

In re: Estate of Else Schapoks, deceased. File No. F-28-31509.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Schapoks, Emilie Pawel nee Schapoks, Friedrich Hermann and Olga Rokitta Schapoks nee Schlemo, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of David Schapoks, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Else Schapoks, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Public Administrator of New York County, New York, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of David Schapoks, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8099; Filed, July 13 1951; 8:50 a. m.]

[Vesting Order 18136]

CARL F. VON CLEMM

In re: Coupons owned by Carl F. von Clemm. D-28-1347-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl F. von Clemm, whose last known address is 33 Berlinerstrasse, Charlotenberg, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three Hundred Twenty (320) coupons appurtenant to the following numbered bonds of the German Government external loan of 1930 5½% bonds, which coupons were due June 1, 1940 to December 1, 1941, both inclusive: 9290, 9286 89, 9213/14, 9154/56, 48607, 50802, 50851 4, 52994, 58084, 58144, 59020, 59483 6, 63051/53, 63468, 68703, 82113, 28291, 23021, 11586, 10819, 10390, 9311, 9307 10, 85363, 89065/67, 91701/706, 82524, 85065, 85356/62, 85364, 91707/08, 93401, 93403, 93402, 93404, 35492, 35490/91, 9153, 31348, 9152, 5272, 4544, 3444, 3443, 35988, 35989, 36338, 41403, presently in the custody of the Federal Reserve Bank of New York,

together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl F. von Clemm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8101; Filed, July 13, 1951; 8:50 a. m.]

[Vesting Order 18135]

BRABENDER, OFFENE HANDELSGESELLSCHAFT AND/OR C. W. BRABENDER

In re: Debts owing to Brabender, Offene Handelsgesellschaft and/or C. W. Brabender. F-28-8476.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Brabender, Offene Handelsgesellschaft, the last known address of which is Duisburg am Rhein, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Duisburg am Rhein and is a national of a designated enemy country (Germany);

2. That C. W. Brabender, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Brabender, Offene Handelsgesellschaft, by Brabender Corporation, Rochelle Park, New Jersey, arising out of an account payable reflected in the balance sheet of Brabender Corporation as of December 31, 1949, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Brabender, Offene Handelsgesellschaft, by Brabender Corporation, Rochelle Park, New Jersey, arising out of advances for customs duty as of June 1, 1939, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Brabender, Offene Handelsgesellschaft, by Brabender Corporation, Rochelle Park, New Jersey, arising out of the sale of merchandise being part of a consignment depot maintained by Brabender, Offene Handelsgesellschaft, with Brabender Corporation, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to C. W. Brabender or Brabender, Offene Handelsgesellschaft, by Brabender Corporation, Rochelle Park, New Jersey, arising out of a loan granted on or about November 1, 1938, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to C. W. Brabender or Brabender, Offene Handelsgesellschaft, by Arthur Hartkopf of Rochelle Park, New Jersey, arising out of a loan granted on or about June 19, 1939, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Brabender, Offene Handelsgesellschaft, and/or C. W. Brabender, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8100; Filed July 13, 1951; 8:50 a. m.]

[Vesting Order 18138]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS ET AL.

In re: Bank accounts and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden and/or others. F-28-1781.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin, Germany is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the issuers of the German dollar bond issues, described in Exhibit A, set forth below and by reference made a part hereof, whose last known addresses are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of City Bank Farmers Trust Company, 22 William Street, New York, New York, in the aggregate amount of $10,683.00, as of June 14, 1941, represented by funds held by the aforesaid City Bank Farmers Trust Company, as Special Agent, for payment of coupons maturing between July 1, 1933 and June 30, 1934 both inclusive, appurtenant to the German Dollar Bond issues described in Exhibit A, set forth below and by reference made a part hereof, under an offer of the aforesaid Conversion Office for German Foreign Debts to holders of such coupons, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of the aforesaid Conversion Office for German Foreign Debts, in the aggregate amount of RM 45,727, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, said certificates of indebtedness having been offered by the said Conversion Office for German Foreign Debts, together with the funds referred to in subparagraph 3a above, in settlement of coupons maturing between July 1, 1933 and June 30, 1934, both inclusive, appurtenant to the German Dollar Bond issues described in the aforesaid Exhibit A, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, and/or the persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 and the persons identified in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Bank of Silesian Landowners Association (Schlesische Landschaftliche Bank zu Breslau), First Mortgage Collateral 6 percent Sinking Fund Gold Dollar Bonds due August 1, 1947.

City of Cologne, 25 years 6½ percent Sinking Fund Gold Dollar Bonds due March 15, 1950.

Dortmund Municipal Utilities, 20 Year 6½ percent Sinking Fund Gold Dollar Bonds due October 1, 1948.

Province of Hanover Harz Water Works, First Series 6 percent Gold Dollar Bonds due August 1, 1957.

Province of Hanover Harz Water Works, Second Series 6½ percent Gold Dollar Bonds due February 1, 1949.

State of Wurttemberg, Consolidated External Municipal Loan of 1925 7 percent Serial Gold Dollar Bonds.

[F. R. Doc. 51-8103; Filed, July 13, 1951; 8:50 a. m.]

[Vesting Order 18137]

CONCORDIA LEBENS-VERSICHERUNGS AKTIEN-GESELLSCHAFT

In re: Bonds owned by Concordia Lebens-Versicherungs Aktien-Gesellschaft. F-28-31488.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Concordia Lebens-Versicherungs Aktien-Gesellschaft, the last known address of which is Cologne, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Union Pacific Railroad Company, First Mortgage Railroad & Land Grant 4% Bonds of $1,000.00 face value each, in bearer form, bearing the numbers M12791, 22988 and 81800, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8102; Filed, July 13, 1951; 8:50 a. m.]

[Vesting Order 18139]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS ET AL.

In re: Bank accounts and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden and/or others. F-28-1781.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin, Germany, is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the issuers of the German dollar bond issues, described in Exhibit A, set forth below and by reference made a part hereof, whose last known addresses are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York City, New York, in the aggregate amount of $75,273.00, as of June 14, 1941, represented by funds held by the aforesaid The National City Bank of New York, as Special Agent, for payment of coupons maturing between July 1, 1933 and June 30, 1934, both dates inclusive, appurtenant to the German Dollar Bond issues described in Exhibit A, set forth below and by reference made a part hereof, under an offer of the aforesaid Conversion Office for German Foreign Debts to holders of such coupons, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of the aforesaid Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 327,718, presently in the custody of The National City Bank of New York, 55 Wall Street, New York City, New York, said certificates of indebtedness having been offered by the said Conversion Office for German Foreign Debts, together with the funds referred to in subparagraph 3a above, in settlement of coupons maturing between July 1, 1933 and June 30, 1934, both dates inclusive, appurtenant to the German Dollar Bond issues described in the aforesaid Exhibit A, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, and/or the persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and the persons identified in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons

be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

City of Duesseldorf (Germany), 7 percent External Serial Gold Bonds of 9/1/25.

General Electric Company, Germany (Allgemeine Elecktricitats-Gesellschaft), 6 percent Twenty Year Sinking Fund Gold Debentures due 1948.

General Electric Company, Germany (Allgemeine Elecktricitats-Gesellschaft) 6½ percent Fifteen Year Sinking Fund Gold Debentures due 1940.

General Electric Company, Germany (Allgemeine Elecktricitats-Gesellschaft), 7 percent Twenty Year Sinking Fund Gold Debentures due 1945.

German Central Bank for Agriculture (Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank), 6 percent Farm Loan Secured Sinking Fund Gold Bonds, Series A due 1938.

German Central Bank for Agriculture (Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank), 6 percent Farm Loan Secured Sinking Fund Gold Bonds due 7/15/60.

German Central Bank for Agriculture (Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank), 6 percent Farm Loan Secured Sinking Fund Gold Bonds, Second Series, due 10/15/60.

German Central Bank for Agriculture (Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank), First Lien 7 percent Farm Loan Sinking Fund Gold Bonds due 1950.

Harpen Mining Corporation (Harpener Bergbau Aktien-Gesellschaft), 6 percent Mortgage Gold Bonds due 1949.

Ilseder Steel Corporation (Ilseder Hutts), 6 percent Gold Mortgage Bonds due 1949.

Rhine-Westphalia Electric Power Corporation (Rheinisch Westfalisches Elektrizitatswerk Aktien-Gesellschaft), 6 percent Direct Mortgage Gold Bonds due 1952.

Rhine-Westphalia Electric Power Corporation (Rheinisch Westfalisches Elektrizitatswerk Aktien-Gesellschaft), 6 percent Consolidated Mortgage Gold Bonds due 1953.

Rhine-Westphalia Electric Power Corporation (Rheinisch Westfalisches Elektrizitatswerk Aktien-Gesellschaft), 6 percent Consolidated Mortgage Gold Bonds due 1955.

Rhine-Westphalia Electric Power Corporation (Rheinisch Westfalisches Elektrizitatswerk Aktien-Gesellschaft), 7 percent Secured Gold Notes due 1938.

Rhine-Westphalia Electric Power Corporation (Rheinisch Westfalisches Elektrizitatswerk Aktien-Gesellschaft), 7 percent Direct Mortgage Gold Bonds due 1950.

Saxon Public Works Inc. (Aktiengesellschaft Sachsische Werke), 5 percent Notes due 1932; to be exchanged for 6 percent Notes due 1937.

Saxon Public Works Inc. (Aktiengesellschaft Sachsische Werke), 6 percent Notes due 1937.

Saxon Public Works Inc. (Aktiengesellschaft Sachsische Werke), 6½ percent General and Refunding Mortgage Guaranteed Gold Bonds due 1951.

Saxon Public Works Inc. (Aktiengesellschaft Sachsische Werke), 7 percent First Mortgage Twenty Year Guaranteed Gold Bonds due 1945.

Saxon State Mortgage Institution (Sachsische Landespfandbriefanstalt), 6 percent Collateral Mortgage Sinking Fund Guaranteed Gold Bonds due 1947.

Saxon State Mortgage Institution (Sachsische Landespfandbriefanstalt), 6½ percent Collateral Mortgage Sinking Fund Guaranteed Gold Bonds due 1946.

Saxon State Mortgage Institution (Sachsische Landespfandbriefanstalt), 7 percent Collateral Mortgage Sinking Fund Guaranteed Gold Bonds due 1945.

[F. R. Doc. 51-8104; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18140]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden. F-28-2268, F-28-2307-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of RM 8360, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial settlement of coupons appertaining to the "City of Hanover 10-Year External 7 percent Convertible Gold Bonds due 1939," and any and all rights thereunder and thereto, and

b. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of RM 10,745, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial settlement of coupons appertaining to the "Good Hope Steel and Iron Works 7 percent S. F. Mortgage Dollar Bonds, due October 15, 1945", and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8105; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18141]

ANNA MARGARETH KOHL HALBACH

In re: Funds beneficially owned by Anna Margareth Kohl Halbach. F-28-31212.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Margareth Kohl Halbach, whose last known address is 39 Nording Landau/Pfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights of Mrs. Anna Margareth Kohl Halbach to the sum of $3,492.20 representing unclaimed wages due her son, Walter C. Halbach, Deceased, a seaman who died on November 7, 1942 as a result of war activities while serving on the S. S. East Indian, said sum having been deposited with the Treasury Department of the United States, in Miscellaneous Receipt Account 10-591 "Forfeitures, Wages of Seamen Remaining in Registry of Courts More Than Six (6) Years," including in particular all rights to demand, enforce and collect a claim thereto under General Regulation 104, Revised April 5, 1951, issued by the

Comptroller General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8106; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18142]

JUNKERS & CO., G. M. B. H.

In re: Bank accounts owned by Junkers & Co., G. m. b. H. and other German nationals whose names are unknown. D-28-723.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That although the names of the owners of the property described in subparagraph 3a hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

2. That Junkers & Co., G. m. b. H., whose last known address is Germany is a corporation organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of the Continental Illinois National Bank and Trust Company, 231 South LaSalle Street, Chicago 90, Illinois, arising out of an account entitled "Askania Regulator Company, Commercial Checking Account No. 2," maintained with said Continental Illinois National Bank and Trust Company of Chicago, and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $9,266.86, presently in the custody of the Attorney General of the United States, representing the proceeds of a check numbered 10000A, drawn by Askania Regulator Company, 240 East Ontario Street, Chicago 11, Illinois, on its checking account entitled "Commercial Checking Account No. 3," maintained with the Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago 90, Illinois, payable to the Attorney General of the United States, and any and all rights in and to the aforesaid cash,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8107; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18143]

SHOZO MIDZUTANI

In re: Bond owned by Shozo Midzutani. F-39-5495-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shozo Midzutani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) The Oriental Development Company, Limited, External Loan Thirty Year 6% Gold Debenture Bond of $1,000.00 face value, in bearer form, bearing the number M15445, presently in the custody of The Office of Alien Property, 120 Broadway, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8108; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18144]

JOHN MUSSER

In re: Interest in funds and claims of the personal representatives, heirs, next of kin, legatees and distributees of John Musser, deceased. F-28-17608.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of John Musser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Any and all rights and interests in any funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," representing the proceeds of withheld checks drawn for payment of Railroad Retirement Benefits to John Musser, deceased, to the date of his demise, April 16, 1945, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights, interests and claims to survivor benefits to January 1, 1947 under the Railroad Retirement Act of 1935 as amended (Public Law 399, 74th Cong., 1st Sess., 49 Stat. 967), arising out of the demise of John Musser, Railroad Retirement Board reference No. A-38770, together with any and all rights to file, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of John Musser, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of John Musser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8109; Filed, July 13, 1951; 8:51 a. m.]

[Vesting Order 18147]

ELISABETH REINCKE VON PLATO AND ARTHUR FRIEDRICH VON LINDEINER

In re: Securities owned by and debt owing to Elisabeth Reincke von Plato and Arthur Friedrich von Lindeiner, also known as Arthur von Wildau. F-28-30388-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Reincke von Plato, whose last known address is Hannover, Klefeld, Kantstrasse 4, Germany, and Arthur Friedrich von Lindeiner, also known as Arthur von Wildau, whose last known address is Hamburg-Ressen, Klovensteenweg 151, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of $50.00 par value common stock of Anaconda Copper Mining Co., 25 Broadway, New York, New York, evidenced by a certificate numbered 769434, registered in the name of and presently in the custody of Kidder Peabody & Co., 17 Wall Street, New York 5, New York, in an account for William T. Reincke, Jr., together with all declared and unpaid dividends thereon,

b. Fifteen (15) shares of $5.00 par value common stock of E. I. Dupont de Nemours & Co., 1007 Market Street, Wilmington, Delaware, evidenced by a certificate numbered E 709087, registered in the name of and presently in the custody of Kidder Peabody & Co., 17 Wall Street, New York 5, New York, in an account for William T. Reincke, Jr., together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of common stock of General Motors Corporation, 1775 Broadway, New York, New York, evidenced by certificates numbered E 964-827 and E 969-108, registered in the name of and presently in the custody of Kidder Peabody & Co., 17 Wall Street, New York 5, New York, in an account for William T. Reincke, Jr., together with all declared and unpaid dividends thereon,

d. Five (5) shares of no par value common stock of the Standard Oil Company of California, San Francisco, California, evidenced by a certificate numbered SF/C 309220, registered in the name of and presently in the custody of Kidder Peabody & Co., 17 Wall Street, New York 5, New York, in an account for William T. Reincke, Jr., together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Kidder Peabody & Co., 17 Wall Street, New York 5, New York, arising out of a Monetary Deposit held for the account of William T. Reincke, Jr., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth Reincke von Plato and Arthur Friedrich von Lindeiner, also known as Arthur von Wildau, the aforesaid nationals of a designated enemy country, (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8112; Filed, July 13, 1951; 8:52 a. m.]

[Vesting Order 18148]

L. SCHULER, A. G.

In re: Debt owing to L. Schuler, A. G. F-28-11092-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That L. Schuler, A. G., the last known address of which is Coppingen-Wurtt, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to L. Schuler, A. G., by Engineering and Research Corporation, P. O. Box 209, Hyattsville, Maryland, arising out of commissions and other compensation due said L. Schuler, A. G., together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8113; Filed, July 13, 1951; 8:52 a. m.]

[Vesting Order 18149]

PAUL SCHULZ

In re: Bank account owned by and debt owing to Paul Schulz. F-28-27591-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Schulz, on or since December 11, 1941, and on or since the effective date of Exceutive Order 8389, as amended, is or has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Paul Schulz by the Credit Suisse, New York Agency, 30 Pine Street, New York, New York, arising out of a Current Account entitled "Direktor Paul Schulz", maintained with the aforesaid Agency, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Credit Suisse, New York Agency, 30 Pine Street, New York, New York, arising out of funds allocable to Paul Schulz, on deposit in the blocked account of Credit Suisse, Zurich, maintained with the aforesaid New York Agency, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Schulz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8114; Filed, July 13, 1951; 8:52 a. m.]

[Vesting Order 18150]

VAN DISSEL, RODE & CO., SUCS.

In re: Bank account owned by Van Dissel, Rode & Co., Sucs.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ana Dolores Gonzalez Moll and Anita Moll Gonzalez, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany and are nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Hermann A. Meywald, deceased, and of Oscar Heinrich Theodore Sinram, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Van Dissel, Rode & Co., Sucs. is a corporation, partnership, association or other business organization, organized under the laws of Venezuela, whose principal place of business is located at Maracaibo, Venezuela, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Ana Dolores Gonzalez Moll and Anita Moll Gonzalez and the personal representatives, heirs, next of kin, legatees and distributees of Hermann A. Meywald, deceased, and of Oscar Heinrich Theodore Sinram, deceased, and is a national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of the Bank of The Manhattan Company, 40 Wall Street, New York, New York, arising out of a blocked account entitled Warburg & Co., in Liquidation, Depot "B", maintained at the aforesaid Bank of The Manhattan Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Van Dissel, Rode & Co., Sucs., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Van Dissel, Rode & Co., Sucs, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1 and 3 hereof, and referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8115; Filed, July 13, 1951; 8:53 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WEST VIRGINIA

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment liimts heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

WEST VIRGINIA

County	Average value	Investment limit
Barbour	$10,000	$10,000
Berkeley	15,000	12,000
Boone	10,000	10,000
Braxton	12,000	12,000
Brooke	12,000	12,000
Cabell	12,000	12,000
Calhoun	10,000	10,000
Clay	10,000	10,000
Doddridge	12,000	12,000
Fayette	10,000	10,000
Gilmer	12,000	12,000
Grant	12,000	12,000
Greenbrier	15,000	12,000
Hampshire	12,000	12,000
Hancock	12,000	12,000
Hardy	12,000	12,000
Harrison	15,000	12,000
Jackson	15,000	12,000
Jefferson	15,000	12,000
Kanawha	15,000	12,000
Lewis	15,000	12,000
Lincoln	10,000	10,000
Logan	10,000	10,000
Marion	12,000	12,000
Marshall	15,000	12,000
Mason	15,000	12,000
Mercer	10,000	10,000
Mineral	12,000	12,000
Monongalia	12,000	12,000
Monroe	15,000	12,000
Morgan	10,000	10,000
Nicholas	10,000	10,000
Ohio	15,000	12,000
Pendleton	10,000	10,000
Pocahontas	12,000	12,000
Preston	12,000	12,000
Putnam	$12,000	$12,000
Raleigh	10,000	10,000
Randolph	12,000	12,000
Ritchie	12,000	12,000
Roane	12,000	12,000
Summers	10,000	10,000
Taylor	12,000	12,000
Tucker	10,000	10,000
Tyler	12,000	12,000
Upshur	12,000	12,000
Wayne	12,000	12,000
Wetzel	10,000	10,000
Wood	12,000	12,000
Wyoming	10,000	10,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-8135; Filed, July 16, 1951; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WEST VIRGINIA

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the counties, identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said counties, average value, and investment limit to the tabulations appearing in said section under the State of West Virginia.

WEST VIRGINIA

County	Average value	Investment limit
Mingo	$10,000	$10,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b),

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–8136; Filed, July 16, 1951; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; KANSAS

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

KANSAS

County	Average value	Investment limit
Atchison	$18,000	$12,000
Brown	18,000	12,000
Clay	18,500	12,000
Decatur	20,000	12,000
Doniphan	20,000	12,000
Jewell	16,000	12,000
Johnson	21,000	12,000
Norton	15,000	12,000
Ottawa	19,000	12,000
Pratt	20,000	12,000
Shawnee	16,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–8137; Filed, July 16, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.410 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Sugar plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 6 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 5 standard pack, as aforesaid. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1⁹⁄₁₆ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1⁷⁄₁₆ inches in diameter; and (iii) no plums contained in such pack measure less than 1⁵⁄₁₆ inches in diameter.

(5) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1⁷⁄₁₆ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1⁵⁄₁₆ inches in diameter; and (iii) no plums contained in such pack measure less than 1³⁄₁₆ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and

size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8231; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.411 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this regulation should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Late Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered a grade defect with respect to such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket. The aforesaid 5 x 6 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{3}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8230; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.412 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8232; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.413 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package of container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped

from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grades and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8233; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.414 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as set forth in this section the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of President plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8234; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.415 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8235; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.416 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Com-

modity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{3}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{1}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8236; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.417 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8237; Filed, July 16, 1951; 9:29 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, ANE ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.418 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafer set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of an available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) per-

cent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{5}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8238; Filed, July 16, 1951; 9:29 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

FORM 304

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), and pursuant to notice heretofore published in the FEDERAL REGISTER on June 8, 1951 (16 F. R. 5447), §§ 3.16 and 3.17 (e) of the regulations promulgated under the Commodity Exchange Act (17 CFR 3.16, 3.17 (e)), are hereby amended to read as follows:

§ 3.16 *Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report on Form 304.* Every person who is engaged in merchandising, processing, or dealing in cotton, cotton yarn, cotton cloth, or other cotton products, and who holds or controls open contracts in any one cotton future on any contract market which equal or exceed the amount fixed in § 3.21, shall report to the Commodity Exchange Authority on Form 304, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown.

§ 3.17 *Information shown in reports on Form 304.* • • •

(e) Such person's fixed-price spot-cotton positions (both long and short);

(Sec. 8a, 49 Stat. 1500; 7 U. S. C. 12a)

Section 3.16, as amended, retains the requirement that reports on Form 304 be filed each week, but eliminates the additional requirement that such reports also be filed as of the close of business on July 31 of each year. Since this amendment will operate to relieve or liberalize an existing restriction and will not adversely affect the public, it may be made effective within less than 30 days after publication in the FEDERAL REGISTER.

The amendment to § 3.17 (e) eliminates the present provision which conditions the reporting of fixed-price spot-cotton positions on the holding or controlling of 20,000 bales or more of open contracts in any one cotton future on any contract market, and requires such reports from all persons required to report on Form 304. It is hereby found necessary that information with respect to fixed-price spot-cotton positions be available throughout the cotton marketing year which begins August 1, 1951. Therefore, it is found upon good cause that this amendment should be made effective within less than 30 days after publication thereof in the FEDERAL REGISTER.

These amendments shall become effective July 30, 1951.

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-8134; Filed, July 16, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 9, Amdt. 3]

PART 60—AIR TRAFFIC RULES

RIGHT TURN INDICATORS; LIGHT SIGNALS; TRAFFIC PATTERNS

The following rules are hereby adopted for the purpose of cross referencing and recodifying air traffic rules previously published, and prescribing traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Areas, and Fairbanks Airport and Chena River Landing Area. The traffic patterns have been coordinated with interested segments of the aviation industry in Alaska, and are adopted without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 60.18–1, published on July 16, 1949, in 14 F. R. 4299, is revised to read:

§ 60.18–1 *Right-turn indicators (CAA rules which apply to § 60.18 (a))*—(a) *Day-time operation.* The "L"-shaped marker described hereinafter is approved as a standard visual marker which indicates that turns are to be made to the right. The marker shall be prepared in such size and color, and located in such area, that when displayed between sunrise and sunset it will be readily visible to pilots using the airport. The marker shall be placed in such position that the short member of the "L" will show the direction of the traffic in the air, the long member of the "L" will point out the landing strip to be used, and the entire "L" will indicate the course of the turn to be executed by pilots using the landing strip.

NOTE: The "L"-shaped marker is applied to the Segmented Circle Airport Marker System in Technical Standard Order TSO–N5.

(b) *Night-time operation.* A flashing amber light shall mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower operator.

2. Section 60.18–5 published September 20, 1949, in 14 F. R. 5746 and renumbered § 60.18–3 on August 5, 1950, in 15 F. R. 5046 is hereby revised to read:

§ 60.18–2 *Light signals (CAA rules which apply to § 60.18 (e)).* Light signals used for the control of air traffic shall be of the color and have the meaning prescribed in § 617.23 of this title.

3. Section 60.18–2 published on August 5, 1950, in 15 F. R. 5046 is renumbered § 60.18–3.

4. Section 60.18–4 is added to read:

§ 60.18–4 *Traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Anchorage Airport or the Lake Hood-Lake Spenard Landing Area, shall adhere to the following traffic patterns and the altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 5-mile horizontal radius of the Anchorage Airport and extending vertically to 2,000 feet mean sea level.

(a) *Anchorage Airport*—(1) *General.* (i) Traffic patterns at the Anchorage Airport shall be rectangular and, for each runway, the traffic pattern shall lie to the side of the runway opposite Lake Hood and Lake Spenard.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

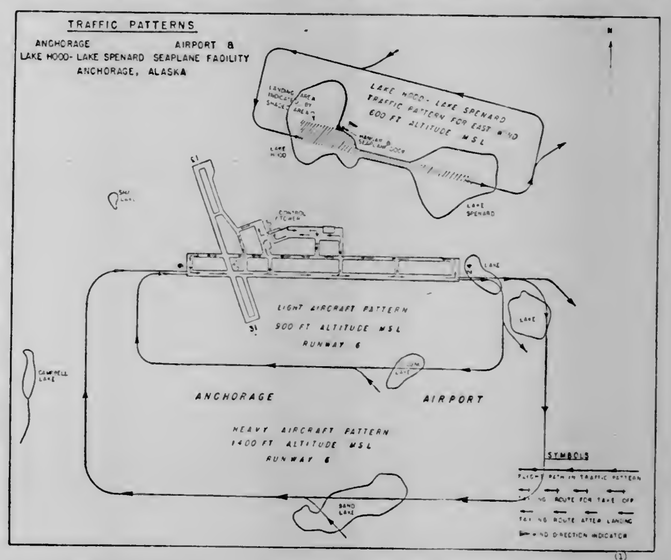
(2) *Take-off*—(i) *Aircraft remaining in the traffic pattern*—(a) *Runway 6 and 13.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular patterns for runways 6 and 13 respectively.

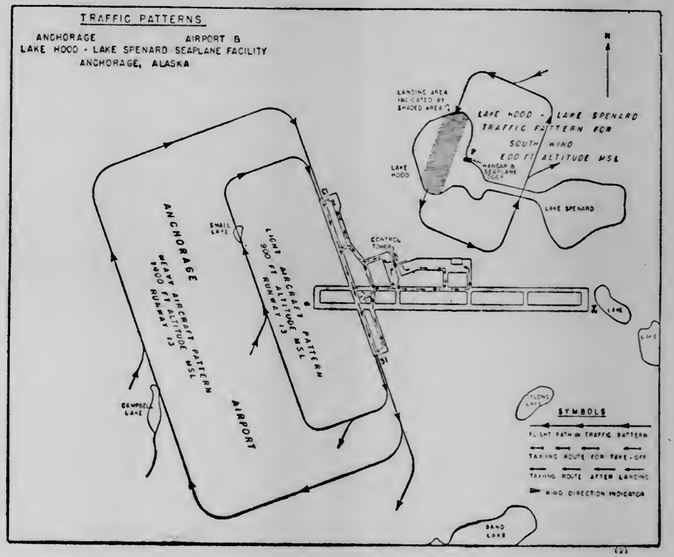
(b) *Runway 26 and 31.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level and follow the rectangular patterns for runways 24 and 31 respectively.

(ii) *Departing aircraft*—(a) *Runway 6 and 13*—(1) *Light aircraft.* Execute a turn of 90° to the right at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(2) *Heavy aircraft.* Execute a turn of 45° to the right from the take-off leg at or before reaching an altitude of 500 feet mean sea level.

(b) *Runway 24 and 31*—(1) *Light aircraft.* Execute a turn of 90° to the left at or before reaching 500 feet mean sea





level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(2) *Heavy aircraft.* Execute a turn of 45° to the left from the take-off leg at or before reaching an altitude of 500 feet mean sea level.

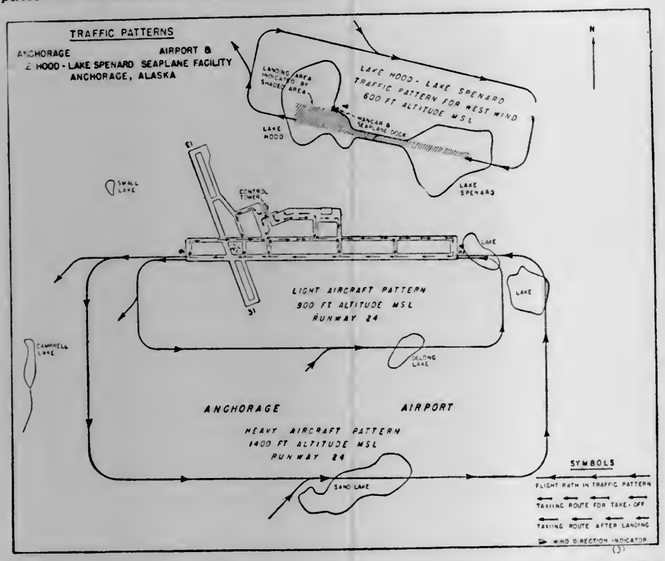
(3) *Traffic pattern entry*—(i) *Light aircraft.* Enter the traffic pattern at an altitude of 900 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

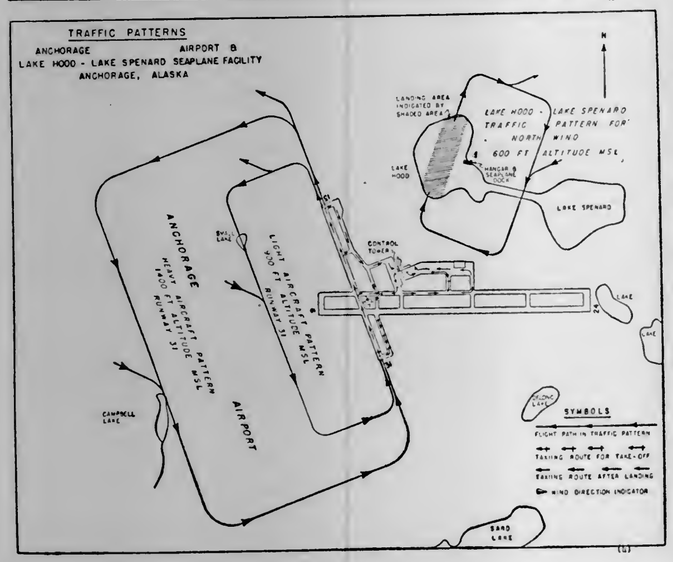
(ii) *Heavy aircraft.* Enter the traffic pattern at an altitude of 1,400 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(4) *Landing*—(i) *Light aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,000 feet from the approach end of the runway.

(ii) *Heavy aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Lake Hood-Lake Spenard Landing Area*—(1) *Landing area*—(i) *East or west wind.* The landing area shall be defined by the projection of the shore lines of the canal through Lake Spenard and a projection of the south shore line of the canal through Lake Hood and a parallel projection from Sea Airmotive Hangar extending to the west shore line of Lake Hood as shown by the diagrams set forth below.





(ii) *North or south wind.* The landing area shall be defined as the area extending 500 feet west of a line connecting the most northern and most southern points of the Lake Hood shore line as shown by the diagrams set forth below.

(2) *Traffic control.* (i) Traffic control instructions issued by the Anchorage Tower to aircraft landing at or taking-off from the Lake Hood-Lake Spenard Landing Area will be issued only with respect to existing traffic at the Anchorage Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(ii) In the absence of an air traffic control facility at Lake Hood or Lake Spenard, aircraft shall be operated so as to conform to the taxiing routes as shown by the diagrams set forth below.

(3) *Traffic patterns*—(i) *East or west take-off or landing.* The traffic pattern shall lie to the side of the Lake Hood-Lake Spenard canal opposite the Anchorage Airport.

(ii) *North or south take-off or landing.* The traffic pattern shall lie to the side of the east side of Lake Hood.

(4) *Limitations.* (i) Only aircraft equipped with fully functioning two-way radio will be authorized to make a south take-off from Lake Hood or to enter the traffic pattern for a north landing on Lake Hood.

(ii) No aircraft shall make a take-off to the south from Lake Hood or enter traffic for a landing to the north at Lake Hood without having received a traffic clearance by radio from the Anchorage tower.

(iii) No aircraft shall enter the landing area in use while taxiing "on the step."

(5) *Take-off.* (i) A pilot shall not begin a take-off run until he has determined that the landing area and the final approach are clear of traffic.

(ii) Aircraft remaining in the traffic pattern:

(*a*) *East or south take-off.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular pattern for an east or south wind respectively.

(*b*) *West or north take-off* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level and follow the rectangular pattern for a west or north wind respectively.

(iii) Departing aircraft:

(*a*) *East take-off.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(*b*) *South take-off.* Execute a turn of 180° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the down-wind leg, execute a turn of 45° to the right.

(*c*) *West or North take-off.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(6) *Landing*—(i) *Traffic pattern entry.* Enter the traffic pattern at an altitude of 600 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(7) *Taxiing route for take-off*—(i) *Taxiing for a west take-off from Lake Spenard.* All aircraft maneuvering from parking areas in Lake Hood for a west take-off from Lake Spenard shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal, landing approach, and landing area is clear of traffic, then proceed through the canal in an expeditious manner. All taxiing in Lake Spenard shall be confined to the area south of a projection of the north shore line of the canal.

(ii) *Taxiing for an east take-off from Lake Hood.* Aircraft maneuvering from parking areas for an east take-off from Lake Hood through the canal, shall follow a counter-clockwise flow of taxing traffic in Lake Hood until the pilot has determined that the canal is clear of all taxiing traffic.

(iii) *Taxiing for a south take-off from Lake Hood.* Aircraft maneuvering from parking areas for a south take-off from Lake Hood shall follow a counter-clockwise flow of taxiing traffic in Lake Hood to a take-off position near the north shore of Lake Hood.

(iv) *Taxiing for a north take-off from Lake Hood.* Aircraft maneuvering from parking areas for a north take-off from Lake Hood shall follow a clockwise flow of taxiing traffic in Lake Hood to a take-off position near the south shore of Lake Hood.

(8) *Taxiing route following landing*—(i) *Taxiing route after landing to the south on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a counter-clockwise flow of traffic to the aircraft parking area.

(ii) *Taxiing route after landing to the north on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a clockwise flow of traffic to the aircraft parking area.

(iii) *Taxiing after landing to the east on Lake Hood.* (*a*) If the landing run is completed prior to entering the canal, the aircraft may be taxied direct to the aircraft parking area.

(*b*) If the landing run continues into the canal, proceed through the canal in an expeditious manner, following a counter-clockwise flow of traffic in Lake Spenard until it has been determined that the landing approach and the canal are clear of traffic, then proceed expeditiously through the canal to the aircraft parking area.

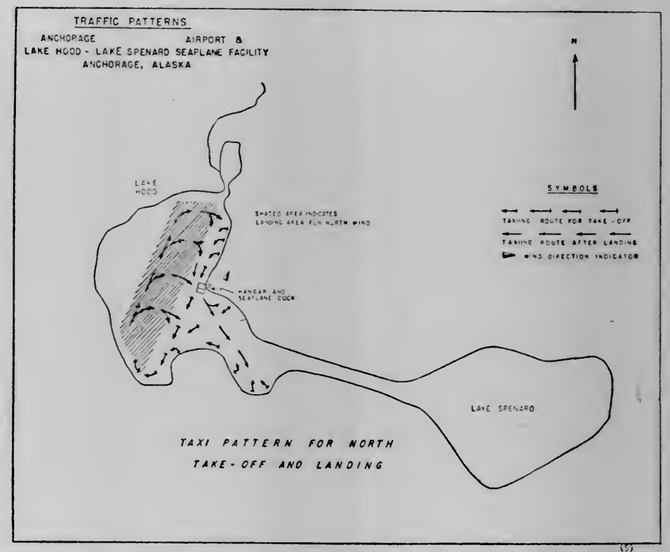
(iv) *Taxiing after landing to the west on Lake Spenard or Canal.* At the completion of the landing run, proceed expeditiously through the canal and direct to the aircraft parking area.

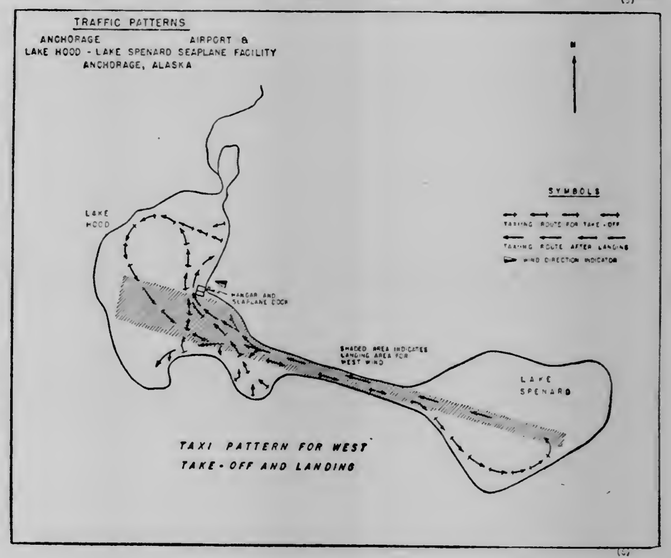
5. Section 60.18–5 is added to read:

§ 60.18–5 *Traffic patterns for Fairbanks Airport and Chena River Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Fairbanks Airport or the Chena River Landing Area shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 3-mile horizontal radius of the Fairbanks Airport and extending vertically to 2,500 feet mean sea level.

(a) *Fairbanks International Airport*—(1) *General.* (i) Traffic patterns at the Fairbanks Airport shall be rectangular, extending east of the C. A. A. road and for each runway the traffic pattern shall be to the east side of the runway.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The





differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) *Take-off*—(i) *Aircraft remaining in the traffic pattern*—(a) *Runway 1*—(1) *Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 1.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 1.

(b) *Runway 19*—(1) *Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 19.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 19.

(ii) *Departing aircraft*—(a) *Runway 1*—(1) *Light aircraft.* Aircraft shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the left.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the right from the take-off leg at an altitude of at least 800 feet mean sea level.

(b) *Runway 19*—(1) *Light aircraft.* Aircraft shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the right.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the left from the take-off leg at an altitude of at least 800 feet mean sea level.

(3) *Traffic pattern entry.* (i) Light aircraft shall enter the traffic pattern at an altitude of 1,100 feet mean sea level and at an angle of 45° to the approximate midpoint of the down wind leg.

(ii) Heavy aircraft shall enter the traffic pattern at an altitude of 1,600 feet mean sea level and at an angle of 45° to the approximate midpoint of the down wind leg.

(4) *Landing.* (i) Light aircraft shall be operated so as to enter the final approach at a distance of at least 100 feet from the approach end of the runway.

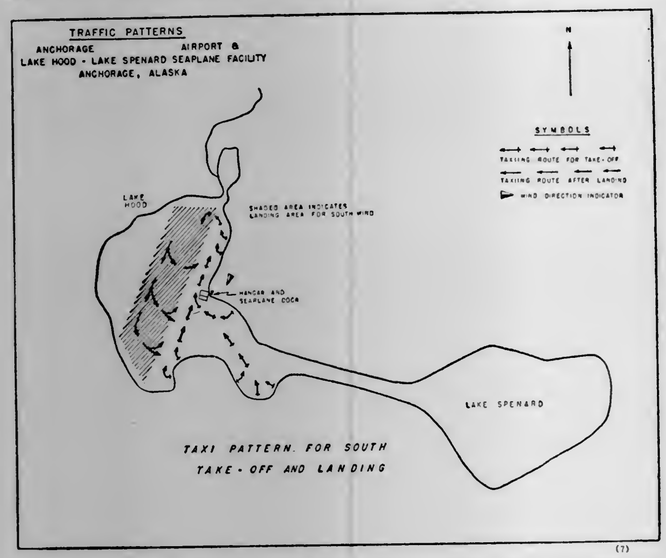
(ii) Heavy aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Chena River Landing Area*—(1) *Landing area.* The landing area shall be defined as those portions of the Chena River upstream and downstream from a place on the river commonly known and identified as Pike's Landing, and extending downstream to the pumping station and upstream to the first right turn from Pike's Landing.

(2) *Traffic control.* (i) Aircraft operating in the traffic patterns defined in this chapter will not normally be controlled by the Fairbanks Control Tower.

(ii) Any traffic control instructions issued by the Fairbanks Tower to aircraft landing at or taking off from the defined landing area on the Chena River will be issued only with respect to existing traffic at the Fairbanks Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(3) *Traffic patterns.* (i) Traffic patterns for the defined landing area on the Chena River shall be circular, shall lie to the west side of the river, and shall not extend east of the defined landing area on the Chena River as illustrated on the diagram set forth below.



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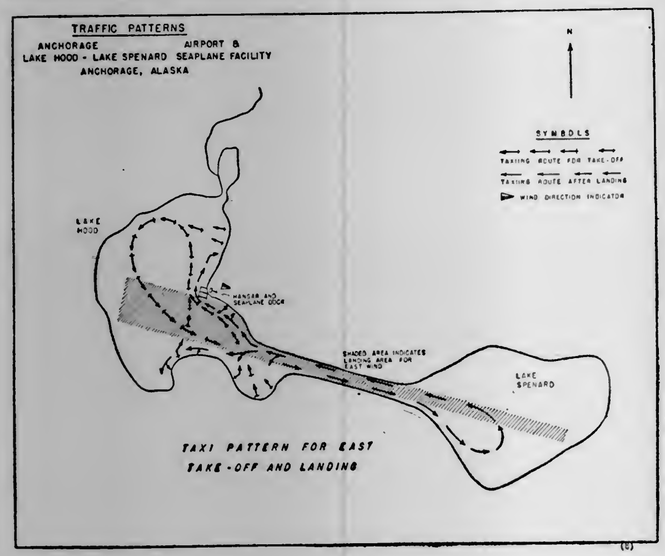

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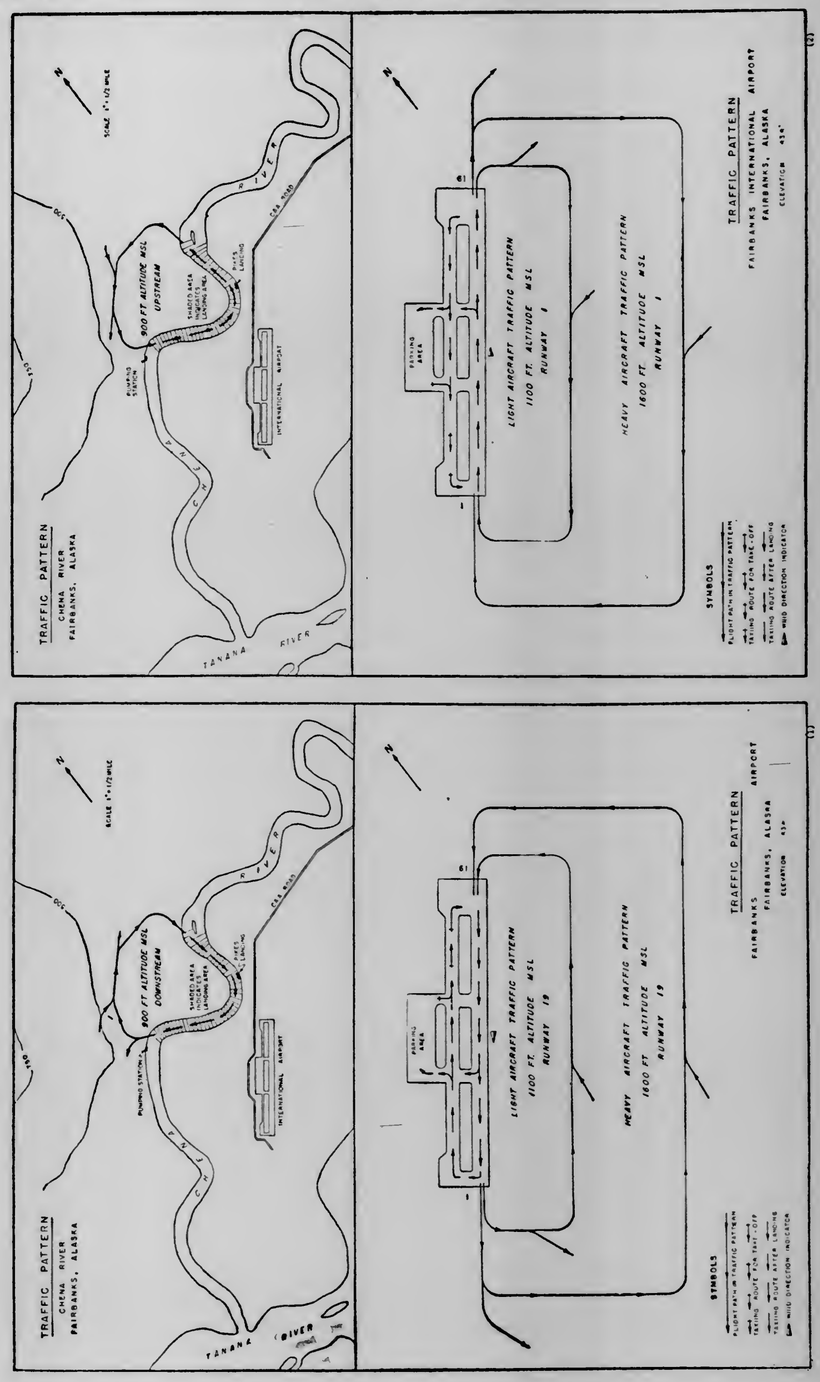

(17)

(ii) Landing or takeoff upstream (north or east) shall be to the left.

(iii) Landing or takeoff downstream (south or west) shall be to the right.

(4) *Departure from traffic pattern.* Aircraft shall depart from the traffic pattern on a westerly heading.

(5) *Entrance to traffic pattern.* Aircraft shall enter the traffic pattern on an easterly heading at an altitude of 900 feet mean sea level.

(Sec. 205, 52 Stat. 984, as amended, sec. 4, 62 Stat. 278; 48 U. S. C. 485c, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 14, 1951.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8077; Filed, July 16, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52773]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

DISCREPANCIES IN MARKS OR NUMBERS ON PACKAGES AND VESSEL MANIFESTS AND DELIVERY OF SUCH PACKAGES

The Bureau approves the practice of not requiring post entries to manifests or shortage affidavits because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantities and description of the merchandise in such packages are correctly given.

Therefore, § 4.12 (d), Customs Regulations of 1943 (19 CFR 4.12 (d)), as amended, is further amended by adding the following sentence: "A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantities and description of the merchandise in such packages are correctly given."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies secs. 440, 584, 46 Stat. 712, 748, as amended; 19 U. S. C. 1440, 1584)

Since it is reported that discrepancies are often found between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel, the Bureau deems it advisable to have the customs regulations set forth the conditions under which such packages may be released. Accordingly, § 4.38, Customs Regulations of 1943 (19 CFR 4.38), is hereby amended by inserting "(a)" after the headnote, by deleting the parenthetical matter at the end of the present paragraph, and by adding a new paragraph (b) reading as follows:

(b) When packages of merchandise bear marks or numbers which differ from those appearing on the manifest of the importing vessel for the same packages and the importer or a receiving bonded carrier, with the concurrence of the importing carrier, makes application for their release under such marks or numbers, either for consumption or for transportation in bond under an entry filed therefor at the port of discharge from the importing vessel, the collector may approve the application upon condition (1) that the contents of the packages be identified with an invoice or transportation entry as set forth below and (2) that the applicant furnish at his own expense any bonded cartage or lighterage service which the granting of the application may require. The application shall be in writing in such number of copies as may be required for local customs purposes. Before permitting delivery of packages under such an application, the collector shall cause such examination thereof to be made as will reasonably identify the contents with the invoice filed with the consumption entry. If the merchandise is entered for transportation in bond without the filing of an invoice, such examination shall be made as will reasonably identify the contents of the packages with the transportation entry.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies secs. 448, 505, 46 Stat. 714, 732; 19 U. S. C. 1448, 1505)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: July 10, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8149; Filed, July 16, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[CPR 22, Interpretation 33]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 33—NONMETALLIC MINERALS

When the components of a nonmetallic mineral are separated out from the crude mineral solely by mechanical or physical means, such as grinding, washing, leaching classification, flotation, evaporation, dehydration, and like processes, they are still regarded as nonmetallic minerals within the meaning of paragraph (v) of Appendix A to CPR 22, and are therefore exempt from that regulation (unless specifically excluded from the exemption by name). Derivatives of the crude mineral which are obtained by refining or purification processes involving recrystallization or chemical methods (including carbonation, ionic interchange, or similar methods) are no longer considered minerals and do not fall within the exemption of paragraph (v). Examples of commodities regarded as nonmetallic minerals within this exemption, when derived from the crude minerals, are:

Crude salt.
Natural soda (trona, sesquicarbonate).
Crude soda.
Crude soda calcined.
Soda ash (less than 56 percent Na20).
Murlate of potash.
Potash salts crude.
Borax crude.
Kernite (rasorite).
Kernite anhydrous.
Tincal.
Tincal anhydrous.
Borax.
Borax anhydrous.
Salt cake crude.
Sodium sulphate crude.

On the other hand, the following commodities are among those regarded as chemicals subject to CPR 22 and not as nonmetallic minerals:

Refined salt.
Soda ash 58 percent Na20.
Sodium bicarbonate.
Sulfate of potash.
Boric acid.
Sodium meta borate.
Potassium borate.
Ammonium borate.
Polybor chlorate.
Salt cake.
Sodium sulfate.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel, Office of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8263; Filed, July 16, 1951; 10:25 a. m.]

[General Overriding Regulation 15]

GOR 15—ADJUSTMENT OF CEILING PRICES OF MACHINE TOOLS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation permits adjustments in manufacturers' ceiling prices for machine tools and machine tool attachments. These ceiling prices may be adjusted either on an over-all basis or for a particular machine tool or machine tool attachment. On an over-all basis, the manufacturer may secure an adjustment which will enable him to realize 80 percent of his average rate of return during the years 1938 through 1948. For a particular machine tool or machine tool attachment, the manufacturer may secure an adjustment which will enable him to realize his total unit costs, plus a profit of 5½ percent.

Adequate production of machine tools is basic to the defense effort. However, the current production of this industry has been at a relatively low level. Within the past five months, orders have been placed by the armed services and persons producing military goods for the armed services to such an extent that the average delay in delivery of machine tools is twenty to twenty-two months.

In recognition of the essentiality of machine tool production the National Production Authority issued Orders M-40 and M-41 on February 28, 1951. These orders require machine tool manufacturers to reserve 70 percent of their production for the armed services or for contractors specified by the armed services. Further, machine tool manufacturers are required to file the orders they receive with the National Production Authority and to make deliveries in accordance with directives from that Agency in an order of preference established by them in consultation with the Munitions Board representing the armed services.

As of March 1, 1951, the machine tool industry was producing at the rate of $432,000,000 a year. It is expected that by the end of 1951 this industry will be producing at an annual rate of $1,000,000,000 a year in order to provide a firm mobilization base. However, at the beginning of our present defense effort the machine tool industry was in a depressed condition. This was due for the most part, to the fact that it found itself with an over-capacity for peacetime at the same time that it was required to meet the competition of a large volume of tools which it had produced during World War II.

In recognition of these facts the Office of Defense Mobilization has issued a directive which requires the Office of Price Stabilization to modify price controls for manufacturers of machine tools to the extent necessary to give them the incentive to expand their production for essential needs. This General Overriding Regulation has been issued pursuant to this directive.

Machine tool manufacturers are uncertain as to how they will fare during the period of expanded production which lies ahead. This adjustment provision is a temporary expedient which will insure a normal profit during this period. It is expected that after machine tool manufacturers get into full production it will be unnecessary for them to avail themselves of this adjustment provision.

The standard used in this General Overriding Regulation for the purpose of determining adjustments on an over-all basis is the same as that used by the Bureau of Internal Revenue for the purpose of determining excess profit taxes for the machine tool industry. The standard used for determining the adjustment for a particular machine tool or machine tool attachment will enable the manufacturer to realize, for each machine tool and machine tool attachment, one-half of the average percentage margin over total unit costs realized by the machine tool industry for the year 1950.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. Adjustment of ceiling prices on an over-all basis.
3. Adjustment of ceiling prices for a particular machine tool or machine tool attachment.
4. Modification of ceiling prices.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage.* This General Overriding Regulation applies to you if you are a manufacturer of machine tools or machine tool attachments. The terms "manufacturer", "machine tool" and "machine tool attachment" are defined in section 5 (Definitions).

SEC. 2. *Adjustment of ceiling prices on an over-all basis.*—(a) *When you may receive an adjustment.* Your ceiling price for all machine tools and machine tool attachments sold by you may be adjusted whenever you can demonstrate that your ceiling prices for machine tools and machine tool attachments cause or threaten to cause you to realize a rate of return, before income and excess profits taxes, which is less than 80 percent of your average rate of return for the years 1938 through 1948. The term "rate of return" is defined in section 5 (Definitions). You determine your average rate of return for the years 1938 through 1948 as follows:

(1) Add the dollar amounts of your total net operating income for each of your fiscal years from 1938 through 1948.

(2) Add the dollar amounts of the interest paid by you for each of your fiscal years from 1938 through 1948.

(3) Total the amounts found in (1) and (2).

(4) Add the dollar amounts of your total assets used in your business as of the last day of each of your fiscal years from 1938 through 1948.

(5) Divide the amount found in (3) by the amount found in (4). The result is your average rate of return for the years 1938 through 1948.

(6) If you did not sell machine tools or machine tool attachments during any year during the period 1938 through 1948, you shall determine your average rate of return for the years 1938 through 1948 as follows:

(i) Determine your average rate of return in the manner set forth in (1) through (5) for the years in which you did sell machine tools or machine tool attachments.

(ii) Multiply the result found under (i) by the number of years during the period 1938 through 1948 during which you sold machine tools or machine tool attachments.

(iii) Multiply 21 percent by the number of years during the period 1938 through 1948 in which you did not sell machine tools or machine tool attachments.

(iv) Total (ii) and (iii).

(v) Divide by 11 the result found under (iv). The result is your average rate of return for the period 1938 through 1948. Of course, if you did not sell machine tools or machine tool attachments during the entire period 1938 through 1948, you shall use 21 percent as your average rate of return for this period.

(b) *Amount of the adjustment.* If you are entitled to an adjustment under the provisions of paragraph (a), you shall determine the amount of the adjustment as follows:

(1) On the basis of the ceiling prices established for your sales of machine tools and machine tool attachments by the applicable OPS regulation, other than this General Overriding Regulation, estimate your rate of return for the next twelve months period.

(2) Determine your average rate of return for the years 1938 through 1948 in the manner set forth in paragraph (a).

(3) Increase your ceiling prices for machine tools and machine tool attachments by the percentage necessary, on the basis of your estimate, for you to realize 80 percent of your average rate of return determined under (2) for the portion of your business for which you made the estimate. Your ceiling prices for all machine tools and machine tool attachments must be increased by the same percentage.

(4) You may use the percentage increase determined under (3) only for those sales of machine tools and machine tool attachments which you make during the three calendar months following the date when you calculated this percentage. At the end of this three month period, you shall recalculate your percentage increase. You shall make this recalculation for the same twelve month period, for which you made your original calculation. Also, you shall make this recalculation in the manner set forth in subparagraphs (1) through (3) of this paragraph, except that you shall reflect in this recalculation your actual experience during the past three calendar months and any changes which have occurred in your projected operations for the succeeding nine calendar months. The resulting percentage increase may only be used for the three calendar months following the date of your recalculation.

(5) You shall recalculate your percentage increase at the end of six and nine months in the manner set forth in subparagraph (4) of this paragraph. Again, the percentage increase which you calculate may be used only for the succeeding three calendar months.

(6) When twelve months have elapsed since the date when you made your original estimate for that twelve month period, you shall determine your actual rate of return for that portion of your business for which you were required to estimate your actual rate of return under (1). If this actual rate of return exceeds, by more than 5 percent, 80 percent of your average rate of return for the years 1938 through 1948 for the same portion of your business, you must make the refund required by subparagraph (7); otherwise, you need not make a refund. You must make the required refund within sixty days after the twelve month period has elapsed.

(7) You shall determine the refund required for each sale of a machine tool or machine tool attachment, which you made during this twelve month period, as follows: First, determine the percentage increase over your ceiling price for the sale of that machine tool or machine tool attachment which you made under this paragraph. Then, deduct from that

percentage the actual percentage necessary for you to realize the rate of return permitted by this paragraph for all of your sales of machine tools and machine tool attachments for your twelve months of operation under this paragraph. Multiply your ceiling price for the machine tool or machine tool attachment, before you made the increase permitted by this paragraph, by the resultant percentage. The result is the amount which you must refund to the purchaser of that machine tool or machine tool attachment.

(8) After twelve months have elapsed after your first calculation of the adjustment, to which you are entitled under this paragraph, you may determine an adjustment for the ensuing twelve month period. If you do so, this adjustment must be determined in the manner set forth in subparagraphs (1) through (5) of this paragraph. Also, at the end of this twelve month period, you must determine the refund, if any, which you must make to your customers in the manner set forth in subparagraphs (6) and (7) of this paragraph.

(c) *Report.* Before you sell, offer to sell or deliver a machine tool or machine tool attachment at the increased price permitted by this section you must file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information. (This information may be filed on a copy of form OPS 55, which may be obtained from your nearest OPS office):

(1) Your name and address.

(2) A general description of all commodities, including commodities other than machine tools and machine tool attachments which you sell. (For example, turret lathes, screw machines, textile machinery, paper making machinery, etc.)

(3) State separately your gross sales of all commodities, and of machine tools and machine tool attachments, during your last fiscal year ended not later than the date when you calculated the adjustment under this section.

(4) Your average rate of return for the years 1938 through 1948 and your calculations of your average rate of return for these years for the portion of your business for which you calculated your adjustment. If you were not selling machine tools or machine tool attachments during the period 1938 through 1948, you must state that fact instead of giving this information.

(5) Your estimated rate of return for the next twelve month period under your ceiling prices for machine tools and machine tool attachments established by the applicable OPS regulation, other than this General Overriding Regulation. You must also state your calculation of this estimated rate of return.

(6) A representative sample of your ceiling prices for machine tools and machine tool attachments before and after the adjustment permitted by this section. You need not report such ceiling prices for more than five commodities.

(7) Your computation of the adjustment permitted by this section.

Within sixty days after twelve months have elapsed since the filing of your report, you must report to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., your actual rate of return and your computation of this actual rate of return, for this twelve month period for the portion of your business for which you calculated the adjustment.

SEC. 3. *Adjustment of ceiling prices for a particular machine tool or machine tool attachment.*—(a) *When you may receive an adjustment.* Your ceiling price for a particular machine tool or machine tool attachment may be adjusted whenever you can demonstrate that your ceiling price is less than 105.5 percent of your total unit costs for that machine tool or machine tool attachment.

(b) *Amount of the adjustment.* If you are entitled to an adjustment under the provisions of paragraph (a), you shall determine the amount of this adjustment as follows:

(1) Estimate, for the next twelve month period, your average total unit cost of the machine tool or machine tool attachment.

(2) Multiply the amount determined under (1) by 105.5 percent. The result is your adjusted ceiling price.

(3) You may use the adjusted ceiling price determined under (2) only for those sales of the machine tool or machine tool attachment which you make during the three calendar months following the date when you calculated the adjusted ceiling price. At the end of this three month period, you shall recalculate your adjusted ceiling price. You shall make this recalculation for the same twelve month period for which you made your original calculation. Also, you shall make this recalculation in the manner set forth in subparagraphs (1) and (2) of this paragraph, except that you shall reflect in this recalculation your actual experience during the past three month period and any changes which have occurred in your projected operations for the succeeding nine month period. The resulting adjusted ceiling price may be used only for the three calendar months following the date of your recalculation.

(4) You shall recalculate your adjusted ceiling price at the end of six and nine months in the manner set forth in subparagraph (3) of this paragraph. Again, the adjusted ceiling price which you calculate may be used only for the succeeding three month period.

(5) When twelve months have elapsed since you first determined your adjusted ceiling price under this section, you shall determine your average total unit cost of the machine tool or machine tool attachment for this twelve month period. You shall then multiply this average total unit cost by 105.5 percent. The result is your actual ceiling price.

(6) If the price at which you sold this machine tool or machine tool attachment during this twelve month period, exceeded by more than 5 percent your actual ceiling price determined under (5), you shall refund the entire amount of the excess to the person to whom you sold that machine tool or machine tool attachment. Each such refund must be made within sixty days after the twelve month period has elapsed. If the price at which you sold the machine tool or machine tool attachment exceeds your actual ceiling price determined under (5) by 5 percent or less, you need not make a refund.

(7) After twelve months have elapsed after your first calculation of your adjusted ceiling price, you may determine the adjusted ceiling price for the ensuing twelve month period. If you do so, this adjusted ceiling price must be determined in the manner set forth in subparagraphs (1) through (4) of this paragraph. Also, at the end of this twelve month period you must determine the refund, if any, which you must make to your customers in the manner set forth in subparagraphs (5) and (6) of this paragraph.

(c) *Report.* Before you sell, offer to sell or deliver a machine tool or machine tool attachment at the adjusted ceiling price determined under this section, you must file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information (This information may be filed on a copy of Form OPS 56, which may be obtained from your nearest OPS office):

(1) Your name and address.

(2) A description of the machine tool or machine tool attachment whose ceiling price you have adjusted under this section.

(3) The ceiling price of the machine tool or machine tool attachment under the applicable OPS regulation, other than this General Overriding Regulation.

(4) Your estimated total unit costs of the machine tool or machine tool attachment, stating separately, direct labor, direct material, factory overhead, selling expense and administrative expense.

(5) Your adjusted ceiling price determined under this section. Within sixty days after twelve months have elapsed since the filing of your report, you must report to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., your average total unit costs of the machine tool or machine tool attachment for this twelve month period.

SEC. 4. *Modification of ceiling prices.* The Director of Price Stabilization may, by order, modify any ceiling price determined under this General Overriding Regulation, if that ceiling price was not determined properly in accordance with the provisions of this General Overriding Regulation. Such an order may apply retroactively to deliveries made before its issuance.

SEC. 5. *Definitions*—(a) *Machine tool.* This term means any power-driven machine used for shaping metal by cutting, abrading, straightening, forcing, forging, or forming under pressure.

(b) *Machine tool attachment.* This term means any accessory equipment furnished with a machine tool or separately for use on a machine tool.

This term does not include engines, motors, drives, oil pumps, cutting tools, or similar items.

(c) *Manufacturer.* This term means any one of the following:

(1) Any person engaged in one or more operations in the fabrication, processing or assembly of the commodity being priced, including subcontractors.

(2) Any person who sells a commodity which has been produced on his account from materials or parts owned by him.

(3) Any person who sells a commodity under his own brand or trade name.

(d) *Rate of return.* This term means your aggregate net operating income, before income and excess profits taxes, plus interest paid by you, divided by your total assets used in your business. In determining your rate of return for any of the years 1938 to 1948, inclusive, you shall base the rate of return on your total assets used in your business as of the close of your fiscal year. In estimating or determining your rate of return for any period following your first calculation of the permitted adjustment under this General Overriding Regulation, you shall base the rate of return on your total assets used in your business as of the close of the last month for which this information is available, but you must decrease the amount of such total assets by the amount, if any, by which your reserve for taxes at the end of that month exceeds your reserve for taxes as of the close of your last prior fiscal year. All assets acquired after January 1, 1950, shall be depreciated at normal rates. If during any calendar year, 85 percent or more of your gross dollar sales were realized from your sales of machine tools and machine tool attachments, you shall determine your rate of return for your entire business for that calendar year. Otherwise, you shall determine your rate of return only for the machine tool and machine tool attachment portion of your business.

Effective date. This General Overriding Regulation shall become effective July 16, 1951.

NOTE: The reporting requirements of this General Overriding Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8264; Filed, July 16, 1951; 10:25 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, as Amended July 13, 1951]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

This amendment to NPA Order M-16, as amended January 31, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-16 dated January 31, 1951, as follows: It renumbers §§ 29.51 to 29.61 as sections 1 to 11 inclusive. It substitutes a new section 1; amends paragraph (c) of section 2; substitutes new paragraphs (f), (g), and (h), and deletes (i), (j), and (k) of section 2; substitutes new sections 3, 4, and 5; deletes paragraph (b) of section 6 and substitutes new paragraphs (b) and (c); amends section 7; changes paragraph (c) of section 9 to (d) and inserts a new paragraph (c); and effects other minor changes. As so amended, NPA Order M-16 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Acceptance of delivery of copper raw materials.
4. Restrictions on disposal of scrap.
5. Restrictions on inventory accumulations.
6. Restrictions on toll agreements.
7. Authorizations and directives.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery, and distribution of all copper raw materials (whether on toll agreements or otherwise) so as to provide an equitable distribution of such materials. It sets forth the classes of persons who may receive such materials without specific authorization from the National Production Authority and the types of copper raw materials such persons may so receive, and provides for application by all other persons to the National Production Authority for specific written authorization. It also limits toll agreements covering scrap and prohibits undue accumulation of scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

(d) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or byproduct of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason.

(e) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing.)

(h) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products.

(3) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap.

(4) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(5) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(6) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(7) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(8) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(9) "Copper or copper-base alloy powder"—Copper or copper-base alloy in the form of powder or flake, other than flake-type bronze powder.

(10) "Intermediate shape"—Any product which has been rolled, drawn, or extruded, from refined copper or brass mill castings, and which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of copper or copper-base alloy controlled materials.

(11) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

SEC. 3. *Acceptance of delivery of copper raw materials.* (a) Commencing on August 1, 1951, no person may accept delivery of any copper raw materials except as specifically authorized in writing by the National Production Authority: *Provided, however,* That a person listed in Column A of the table set forth at the end of this paragraph may accept delivery of the copper raw materials specified in the corresponding section of Column B of the table without such written authorization. In those sections of Column B where no copper raw material is specified but a form is indicated, persons desiring copper raw materials shall apply on such form for written authorization not later than the tenth day of the month preceding the month in which delivery is sought. Such application must furnish all information required by the form.

(A)	(B)
(1) Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base, or copper-base alloy-clad steel scrap into refined copper.	(1) Other unalloyed copper scrap; other copper-base alloy scrap; refined copper.
(2) Scrap dealer and broker—Any person regularly engaged in the business of buying and selling scrap, but who does not melt such scrap.	(2) Other unalloyed copper scrap[1]; other copper-base alloy scrap[1]; brass mill scrap[1]; contaminated fired and demilitarized cartridge and artillery cases.[1]
(3) Jobber dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot, or copper or copper-base alloy shot, and sells or holds the same for sale without change in form.	(3) None (apply on Form NPAF-83).
(4) Exporter—Any person who exports copper raw materials.	(4) None (apply on Form NPAF-83 and give export license number).
(5) Brass mill—Any person who produces brass mill products, brass mill castings, or intermediate shapes.	(5) None (apply on Form NPAF-83).
(6) Copper wire mill—Any person who produces copper wire mill products or intermediate shapes.	(6) None (apply on Form NPAF-83).
(7) Brass and bronze foundry—Any person who produces foundry copper or copper-base alloy products.	(7) None[2] (apply on Form NPAF-83).
(8) Ingot maker—Any person who produces copper-base alloy ingot for delivery as such.	(8) None[2] (apply on Form NPAF-83).
(9) Miscellaneous producer—Any person, not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	(9) None (apply on Form NPAF-83).
(10) Scrap generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap, but who is not in the business of producing copper raw materials, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.	(10) None.
(11) All other persons	(11) None.

[1] See also section 5 (b) of this order.

[2] Foundries and ingot makers may exchange among themselves, and with each other, copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(b) Any person who receives written authorization to accept delivery of copper raw materials shall furnish to his supplier a signed certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the copper raw materials herein ordered is permitted pursuant to NPA Authorization No. ------.
>
> This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of the copper raw materials may be accepted by the purchaser pursuant to the indicated written authorization.

(c) Notwithstanding the provisions of paragraph (a) of this section, a person may, during the calendar quarter commencing July 1, 1951, and each calendar quarter thereafter, receive copper raw materials without specific authorization of the National Production Authority, provided:

(1) That his total receipts of all copper raw materials from all sources during that calendar quarter do not exceed 300 pounds copper content, and

(2) That he furnishes to the person who supplies the material a signed certification in substantially the following form:

> The undersigned hereby certifies, subject to statutory penalties, that receipt of the copper raw materials herein ordered in the calendar quarter requested will not bring his total receipts during that quarter above 300 pounds copper content.
>
> This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of such copper raw materials may be accepted by the purchaser pursuant to this order.

SEC. 4. *Restrictions on disposal of scrap.* (a) No person other than establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots, or a person who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills, or foundries), or a person who qualifies as a "Miscellaneous producer" as listed in Column A under section 3 of this order, shall melt or process any scrap or copper-base alloy-clad steel scrap generated in his plant through fabrication, or accumulated in his operations through obsolescence, except as specifically authorized in writing by the National Production Authority, nor shall he dispose of such materials in any way other than by delivery to a person authorized by this order to accept delivery.

(b) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap, except with the specific authorization of the National Production Authority: *Provided, however,* That scrap dealers and brokers may sell in each month as usable material a quantity of material that was acquired as scrap and does not in the aggregate exceed 1,000 pounds (copper content).

(c) Nothing contained in this order shall prohibit any public utility from using "as is," in its own operation, copper wire or cable which has become scrap by obsolescence.

SEC. 5. *Restrictions on inventory accumulations.* (a) Unless specifically authorized by the National Production Authority, no person who generates scrap in his operations through fabrication, manufacture, or obsolescence shall keep on hand more than 30 days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than 2,000 pounds.

(b) No scrap dealer may accept delivery of any kind, grade, or type of scrap if his total inventory of scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of the weight of his total deliveries of scrap (copper content) during the preceding 60-day period.

(c) The provisions of paragraph (a) of this section shall not apply to the establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots: *Provided, however,* That such establishments shall report to the National Production Authority by August 10, 1951, with respect to July, and by the tenth day of each month thereafter with respect to the preceding month, the quantity and type of scrap at each such location.

SEC. 6. *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of the National Production Authority, no person shall deliver scrap, and no person shall accept such scrap, for converting, remelting, or other processing into electrolytic or fire-refined copper under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as described in this paragraph.

(b) Commencing on July 15, 1951, and unless the person delivering or owning the refined copper or scrap, or the person for whose benefit the conversion, remelting, or other processing of the refined copper or scrap will be effected, has received the written approval of the National Production Authority, no person shall deliver refined copper or scrap, and no person shall accept same, for converting, remelting, or other processing into electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot, under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the refined copper or scrap remains vested in the person delivering or owning the refined copper or scrap, or pursuant to which unalloyed copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot, in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the refined copper or scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as hereinabove described. Nothing contained in this paragraph shall prohibit railroads from converting or having converted for them, railroad engine castings and car journal bearings for their own use.

(c) Persons requesting such approval shall file with the National Production Authority a letter setting forth the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the refined copper or scrap involved; the tonnage of the refined copper or scrap and the estimated tonnage of the electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot resulting; the estimated rate and dates of delivery of such copper or copper products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper or copper products are to be used; and such other information as the applicant may wish to submit.

SEC. 7. *Authorizations and directives.* The National Production Authority may issue authorizations or directives from time to time with respect to the delivery, disposal, and conversion of scrap. Such authorizations and directives shall be complied with by the recipients thereof.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Any person who uses or processes copper or copper-base alloy in his operations and who falls within the general classification set forth in Column A of the table at the end of this paragraph shall complete and return the Bureau of Mines form identified in the corresponding section of Column B of the table to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to such use or processing during June 1951, and on or before the fifteenth day of each succeeding month with respect to such use or processing during the preceding month.

(A)	(B)
(1) Brass ingot makers and miscellaneous remelters	(1) 6-115-M.
(2) Brass mills and copper wire mills	(2) 6-115-MS.
(3) Primary smelters	(3) 6-1045-M.
(4) Primary refiners	(4) 6-1046-M.

(d) Persons subject to this order shall make such other records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–16.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority on allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect on July 13, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8228; Filed, July 13, 1951; 4:56 p. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 5, as Amended]

MO 5—Regulations Governing Government Aid in Defense Exploration Projects

This regulation as amended is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950 with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) (2) of the act. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Government aid.

APPLICATIONS AND CONTRACTS

3. Forms and filing.
4. Scope of application.
5. Form and term of contracts.
6. Criteria.
7. Definitions.

GOVERNMENT PARTICIPATION

8. Ratio of contributions.
9. Fixtures and improvements.
10. Operating equipment.
11. Title to and disposition of property.
12. Allowable costs of the project.
13. Repayment by operator.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 303, Pub. Law 774, 81st. Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation sets forth procedures under which Government aid may be obtained in financing the cost of projects for exploration for unknown or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Government aid.* The Government, in suitable cases, will aid in an exploration project for strategic or critical metals and minerals by providing some part of the costs of the project, the Government's contribution to be repayable from the net returns from any ore, concentrates, or metal produced as a result of the exploration project.

APPLICATIONS AND CONTRACTS

SEC. 3. *Forms and filing.* Application for Government aid in any specified exploration project shall be submitted in quadruplicate on Form NF-103, either to:

The Defense Minerals Administration,
Department of the Interior,
Washington 25, D. C.

or to the nearest Defense Minerals Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I	Alaska	Federal Bldg., P. O. Box 2990, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana	South 157 Howard St., Spokane, Wash.
III	California and Nevada	1415 Appraisers Bldg., San Francisco, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming.	224 New Customhouse Bldg., Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	426 Plymouth Bldg., Minneapolis, Minn.
VI	Kansas Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin, Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Bldg., Knoxville, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Pennsylvania, and Massachusetts.	Eastern Experiment Station, College Park, Md.

SEC. 4. *Scope of application.* Each application shall relate to a single exploration project which shall be fully described and justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may, at his discretion, require such physical examination of the project as he deems necessary.

SEC. 5. *Form and term of contracts.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant on Form MF-200. No exploration project that will take more than two years to perform shall be approved for an exploration project contract.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) Strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower.

(d) The availability of equipment and supplies.

(e) The accessibility of the project.

(f) The availability of water and power.

(g) The operating experience and background of the applicant.

SEC. 7. *Definitions.* As used in these regulations:

(a) "Exploration project" means the search for unknown or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Administration or his representative authorized in writing.

(d) "Government" means The United States of America.

GOVERNMENT PARTICIPATION

SEC. 8. *Ratio of contributions.* The Government will contribute to the exploration project, upon the terms specified in the contract, a certain percentage of the total cost of the project, depending upon the mineral which is the subject of exploration, as follows:

(a) In the case of chromium, copper, fluorspar, graphite (crucible flake), iron ore, lead, molybdenum, sulfur, halloysite (catalytic grade), bauxite, zinc (and cadmium)—50 percent.

(b) In the case of antimony, manganese, mercury, tungsten—75 percent.

(c) In the case of asbestos (chrysotile and amosite), beryl, cobalt, columbium-tantalum, corundum, cryolite, industrial diamonds, kyanite (strategic), mica (strategic), monazite, uranium, and rare earth ores, nickel, platinum group metals, quartz crystals (piezo-electric), talc (steatite), and tin—90 percent.

SEC. 9. *Fixtures and improvements.* The Operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purpcses of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof. With the written approval in advance by the Administrator, necessary additional facilities, buildings, and fixtures may be purchased, installed and erected by the Operator, and the Government will contribute its agreed pro rata share of the cost thereof. The difference between the cost of such additional facilities, buildings, or fixtures, and the salvage value thereof at the conclusion of the work, shall be charged as a cost of the project to which the Government has contributed its pro rata share.

SEC. 10. *Operating equipment.* With the written approval in advance by the Administrator, necessary operating equipment may be rented, purchased, or otherwise furnished by the Operator. Rentals paid for equipment rented and depreciation on equipment owned and furnished by the Operator shall be allowed as costs of the project. As to equipment purchased for the project, the Government will contribute currently its agreed pro-rata share of the cost thereof, and the difference between the cost and the salvage value at the conclusion of the work shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 11. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50 each, paid for or purchased with funds contributed jointly by the Operator and the Government, shall belong to the Operator and the Government jointly, in proportion to their respective contributions, and upon the termination of the contract, if they have any salvage value, shall be disposed of for their joint account unless the Government, in writing, waives its interest in any such items. The Government may require the dismantling, severance from land, and removal of any such items in order to realize its interest in the salvage value thereof, and the cost of any such removal and of the disposal of the items shall be for the joint account of the parties in proportion to their respective interests.

SEC. 12. *Allowable costs of the project.* The allowable costs of the project in which the Government will participate shall include the following:

(a) The necessary, reasonable, direct costs of performing the exploration work, including the costs of materials, supplies, labor, direct supervision, engineering, power, water, utilities, accounting and analytical work.

(b) The reasonable, necessary cost of rehabilitating and putting into useful and operable condition existing facilities, buildings, installations, and fixtures, and of maintaining them in that condition.

(c) If the purchase, installation, or erection was approved in advance by the Administrator, as provided in section 10 of this regulation, the depreciation on fixtures and improvements computed as provided in section 10 of this regulation.

(d) If the rental or purchase of operating equipment was approved in advance by the Administrator, as provided in section 11, of this regulation, the rental, rental value, or depreciation on operating equipment, computed as provided in section 11 of this regulation.

No items of general overhead, corporate or office management, interest, taxes, or any other indirect costs not expressly allowed by these regulations, or work performed or costs incurred before the date of the contract, shall be allowed as costs of the project in which the Government will participate.

SEC. 13. *Repayment by Operator.* (a) If, upon the completion of the exploration project or termination of the contract, the Administrator considers that a discovery or development has resulted from the work from which commercial production of ore may be made, the Administrator, within six months thereafter shall so certify to the Operator, particularly describing and delimiting his estimate of the discovery of the development. Thereafter, if and when ore is produced as a result of such discovery or development, the Operator and his successor in interest shall be and become obligated to pay to the Government a percentage royalty on the net smelter returns or other net proceeds realized from such ore, concentrates, or metal produced within (10) years from the date of this contract, until the total amount contributed by the Government, without interest, is fully repaid or said ten years have elapsed, whichever occurs first, as follows:

(1) Of net smelter returns or other net proceeds not in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent.

(2) Of net smelter returns or other net proceeds in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent, plus one-half (½) percent for each additional full fifty cents ($.50) in excess of eight dollars ($8.00) per ton of ore, but not in excess of a maximum of five (5) percent.

(b) This obligation to repay from net returns or proceeds shall be and remain a claim and lien upon the property which is the subject of the exploration project and upon any production resulting from such discovery or development, in favor of the Government, until fully paid, or until said ten-year period has elapsed; and this claim and lien and the Government's right to repayment shall survive any termination of the contract, whether by completion of the exploration project or otherwise. This section is not to be construed as imposing any obligation on the Operator or his successor in interest to produce ore from any such discovery or development.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-8269; Filed, July 16, 1951; 12:20 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) and last amended at 16 F. R. 6777 (July 13, 1951), is hereby further amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)—CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area and State:	Date designated
1. San Diego, Calif	May 2, 1951
2. Corona, Calif	May 8, 1951
3. Colorado Springs, Colo	Do.
4. Star Lake, N. Y	May 23, 1951
5. Fort Leonard Wood Area, Mo	Do.
6. Camp Cooke, Area, Calif	June 8, 1951
7. Bremerton, Wash	Do.
8. San Marcos, Tex	Do.
9. Valdosta, Ga	June 20, 1951
10. Tullahoma, Tenn	Do.
11. Camp Pendleton Area, Calif	Do.
12. Solano County, Calif	June 29, 1951
13. Quad Cities Area,[2] Iowa-Ill	Do.
14. Hanford AEC Operations Area, Wash	July 3, 1951
15. Barstow, Calif	Do
16. Camp Roberts Area, Calif	Do
17. Brazoria County, Tex	Do
18. Tooele, Utah	Do
19. Dana, Ind	July 13, 1951
20. El Centro-Imperial Area, Calif	Do
21. Borger, Tex	Do
22. Huntsville, Ala	Do
23. Mineral Wells, Tex	July 17, 1951
24. Las Cruces, N. Mex	Do
25. Alamagordo, N. Mex	Do

B. T. FITZPATRICK,
Acting Housing and
Home Finance Administrator.

[F. R. Doc. 51-8157; Filed, July 16, 1951; 8:49 a. m.]

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.245 (f) and (h), 203.465 (b), 203.700, 203.711, and 203.714 are hereby amended, §§ 203.237 and 203.707 are hereby prescribed, and the cross reference note following § 203.706 is changed so as to follow § 203.707, as follows:

§ 203.237 *St. Jones River, Del.; Delaware State Highway Department bridge at Lebanon.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(5–a) South River, Md.; Anne Arundel County highway bridge at Riva. Between sunset and sunrise, at least five hours' advance notice required: *Provided*, That any notice is sufficient if given directly to the draw tender while on duty.

• • • • • •

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* • • •

(13–a) St. Marys River, Ga. and Fla.; State Road Department of Florida and Seaboard Air Line Railway Company bridges at Kingsland, Ga. At least 48 hours' advance notice required.

• • • • • •

(16) St. Johns River, Fla.; Florida East Coast Railway Company bridge at Cook's Ferry. [This subparagraph revoked.]

(16) St. Johns River, Fla.: State Road Department of Florida bridge about one mile south of Lake Harney. At least 24 hours' advance notice required. [This subparagraph added.]

• • • • • •

(19) Kissimmee River, Fla.; Seaboard Air Line Railway Company bridge near Fort Bassenger and State Road Department of Florida bridge near southerly end of Lake Kissimmee. At least 24 hours' advance notice required.

• • • • • •

§ 203.465 *Hillsboro River, Tampa, Fla.* • • •

(b) *City of Tampa highway bridges at Garcia Avenue and at West Columbus Drive (Michigan Avenue).* (1) The owner of or agency controlling these bridges will not be required to keep draw tenders in constant attendance between 10:00 p. m. and 6:00 a. m.

(2) Persons requiring the opening of the draw of either bridge between 10:00 p. m. and 6:00 a. m. shall, except in an emergency, give one hour's advance notice of the time at which such opening will be required. Such notice may be given in person, in writing, or by telephone to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative shall cause a a draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be prepared to open promptly for the passage of vessels.

(3) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph, together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

• • • • • •

§ 203.700 *Saginaw River, Mich.; bridges.* • • •

(l) The bridges shall not be required to open for pleasure craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the District Engineer, Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

§ 203.706 *Sandusky Bay, Ohio.* • • •

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590.

[This note eliminated.]

§ 203.707 *Buffalo Harbor, N. Y.; City of Buffalo bridges across Buffalo River and Buffalo Ship Canal.* (a) The Michigan Avenue bridges across Buffalo River and Buffalo Ship Canal will not be required to open for the passage of vessels from 7:00 to 7:30 a. m., 8:00 to 8:30 a. m., 3:45 to 4:30 p. m., and 5:15 to 6:00 p. m.

(b) The Ohio Street bridge across Buffalo River will not be required to open for the passage of vessels from 7:30 to 8:00 a. m., 8:45 to 9:15 a. m., 3:00 to 3:45 p. m., and 4:30 to 5:15 p. m.

(c) The South Park Avenue bridge across Buffalo River will not be required to open for the passage of vessels from 7:00 to 8:30 a. m. and 4:30 to 6:00 p. m.

(d) The closed periods prescribed in this section shall not be effective on Sundays and on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or days observed in lieu of any of these under State law.

(e) The draws of these bridges shall be opened promptly on signal for the passage of any vessel at all times during the day or night except as otherwise provided in this section.

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590 of this chapter.

§ 203.711 *Los Angeles and Long Beach Harbors, Calif.*—(a) *Long Beach Harbor Entrance Channel; temporary retractable pontoon bridge*—(1) *Closed periods.* From 7:00 to 7:45 a. m. and from 4:15 to 5:15 p. m. daily, except Sundays and holidays for Federal employees, this bridge will not be required to open for the passage of vessels, except in cases of extreme emergency.

(2) *Signals.* The call signal for opening the bridge shall be one long blast followed by two short blasts. This signal shall be acknowledged by two long blasts followed by one short blast when the bridge can be opened immediately, and by two long blasts when the bridge cannot be opened immediately.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(3) *Signs.* The owner of or agency controlling the bridge shall keep conspicuously posted on the south and north sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraph (1) of this paragraph.

(b) *Cerritos Channel; Commodore Schuyler F. Heim highway bridge, and Henry Ford (formerly Badger) Avenue railroad and highway bridge approximately 130 feet westerly thereof*—(1) *Closed periods.* From 6:45 to 8:00 a. m. and from 4:00 to 5:15 p. m. daily, except Sundays and holidays for Federal employees, the draw of the Commodore Schuyler F. Heim bridge will not be required to open for the pasage of vessels, except in case of extreme emergency. The draw of the Henry Ford Avenue bridge shall be opened with the least possible delay at any time on receiving the prescribed signal.

(2) *Signals for opening of both bridges.* • • •

NOTE: • • •

(3) *Signals for opening of Henry Ford Avenue bridge only.* • • •

(4) *Signs.* • • •

§ 203.714 *San Joaquin River and its tributaries, Calif.* • • •

(c) *Middle River*—(1) *San Joaquin County highway bridge between Bacon Island and Lower Jones Tract.* On Sundays and national holidays, and between 5:00 p. m. and 8:00 a. m. on all other days, at least 12 hours' advance notice required, to be given to the County Surveyor of San Joaquin County, Stockton, California, except that if, during crop moving seasons, 20 or more passages through the bridge in any 30-day period are contemplated and 15 days' notice is given of the proposed traffic, the owner will be required to keep a draw tender in constant attendance for the duration of such period.

(1–a) *The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station.* • • •

[Regs., June 26, 1951, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8154; Filed, July 16, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Corr. S. O. 870, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of July A. D. 1951.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports* of Service Order No. 870 be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–8129; Filed, July 16, 1951; 8:46 a. m.]

[Corr. S. O. 871, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of July A. D. 1951.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895), and good cause appearing therefor: It is ordered, That:

Section 95.871 *Free time on unloading box cars at ports* of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–8130; Filed, July 16, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 521]

APPRENTICES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued regulations (29 CFR Part 521) governing the employment of apprentices at wages lower than the minimum wage applicable under section 6 of the act.

The regulations contained in this part have been reexamined in the light of administrative experience. All relevant information available indicates that it is necessary to revise the regulations contained in this part in order to clarify the standards applicable to the employment of apprentices under the regulations and to make the procedures provided therein conform to administrative experience. The standards incorporated in the regulations as revised are those adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to revise this part as hereinafter set forth. Prior to final adoption of the revised regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

Sec.
521.1 Employment of apprentices at subminimum wages.
521.2 Definitions.
521.3 Standards of apprenticeship.
521.4 Criteria for a skilled trade.
521.5 Procedure for employment of an apprentice at subminimum wages.
521.6 Issuance of special certificates.
521.7 Terms of special certificates.
521.8 Records.
521.9 Cancellation of special certificates.
521.10 Investigations and hearings.
521.11 Reconsideration and review.
521.12 Amendment of this part.

AUTHORITY: §§ 521.1 to 521.12 issued under sec. 11, 14, 52 Stat. 1066, 1068; 29 U. S. C. 211, 214.

§ 521.1 *Employment of apprentices at subminimum wages.* The Administrator or his authorized representative, to the extent necessary in order to prevent curtailment of opportunities for employment, shall issue special certificates to employers or joint apprenticeship committees[1] authorizing the employment of apprentices in skilled trades at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, subject to the conditions and limitations prescribed in this part.

§ 521.2 *Definitions.* As used in this part:

(a) "Apprentice" means a worker at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in § 521.4, and in conformity with or substantial conformity with the standards of apprenticeship as set forth in § 521.3.

(b) "Apprenticeship agreement" means a written agreement between an apprentice and either his employer or a joint apprenticeship committee, which contains the terms and conditions of the employment and training of the apprentice, and which conforms or sub-

[1] An individual employer participating in an apprenticeship program under the control and supervision of a joint apprenticeship committee may employ an apprentice under a temporary or special certificate issued to or held by such joint apprenticeship committee. However, it is the responsibility of the employer, and not of the joint apprenticeship committee, that such employment be in compliance with the regulations and with the certificate.

stantially conforms with the standards of apprenticeship set forth in § 521.3.

(c) "Apprenticeship program" means a complete plan of terms and conditions for the employment and training of apprentices which conforms or substantially conforms with the standards of apprenticeship, as set forth in § 521.3.

(d) "Joint apprenticeship committee" means a local committee, equally representative of employers and employees, which has been established by a group of employers and a bona fide bargaining agent or agents, to direct the training of apprentices with whom it has made agreements. This term does not include a joint apprenticeship committee established for an individual plant.

(e) "Recognized apprenticeship agency" means either (1) a state apprenticeship agency recognized by the Bureau of Apprenticeship, United States Department of Labor, or (2) if no such apprenticeship agency exists in the state, the Bureau of Apprenticeship, United States Department of Labor.

(f) "Registration" means the approval by a recognized apprenticeship agency of an apprenticeship program or agreement as meeting the basic standards adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

(g) "State" means any state of the United States or the District of Columbia or any territory or possession of the United States.

§ 521.3 *Standards of apprenticeship.* An apprenticeship program must conform with or substantially conform with the following standards of apprenticeship before the Administrator or his authorized representative will issue a special certificate authorizing employment of an apprentice under such program at wages lower than the minimum wages applicable under section 6 of the act:

(a) Employment and training of the apprentice in a skilled trade. A skilled trade is an apprenticeable occupation which satisfies the criteria set forth in § 521.4.

(b) Two or more years (4,000 or more hours) of work experience.

(c) A progressively increasing schedule of wages to be paid the apprentice which averages at least 50 percent of the journeyman's rate over the period of apprenticeship.

(d) A schedule of work processes or operations in which experience is to be given the apprentice on the job.

(e) Submission of the apprenticeship program and the apprenticeship agreement to the recognized apprenticeship agency for registration as provided in § 521.5.

(f) Joint agreement to the apprenticeship program by the employer and the bona fide bargaining agent, where a bargaining agent exists.

(g) An indication that the number of apprentices to be employed conforms to the needs and practices in the community.

(h) Adequate facilities for training and supervision of the apprentice and the keeping of appropriate records concerning his progress.

(i) Related instruction, if available. (144 hours a year is normally considered necessary. Related instruction means an organized and systematic form of instruction which is designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his trade. Such instruction may be given in a classroom, through correspondence courses, or other forms of self-study.)

§ 521.4 *Criteria for a skilled trade.* A skilled trade is an apprenticeable occupation which possesses all of the following characteristics:

(a) Is customarily learned in a practical way through training and work experience on the job.

(b) Is clearly identified and commonly recognized throughout an industry.

(c) Requires two or more years (4,000 or more hours) of work experience to learn.

(d) Requires related instruction to supplement the work experience (which instruction may be provided in accordance with § 521.3 (i)).

(e) Is not merely a part of an apprenticeable occupation.

(f) Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of any one company.

(g) Does not fall into any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field.

(2) Managerial occupations.

(3) Clerical occupations.

(4) Professional and semi-professional occupations (this category covers occupations for which entrance requirements customarily include education of college level).

§ 521.5 *Procedure for employment of an apprentice at subminimum wages.* Before an apprentice may be employed at subminimum wages, the employer or joint apprenticeship committee shall submit or shall have submitted an apprenticeship program to the appropriate recognized apprenticeship agency for registration.

An apprenticeship program which has been registered with a recognized apprenticeship agency shall constitute a temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied. This temporary authorization is, however, conditioned on the requirement that within 90 days from the beginning date of employment of the apprentice, the employer or the joint apprenticeship committee shall satisfy all the following requirements: (a) Enter into an apprenticeship agreement with each apprentice, (b) submit the agreement to the recognized apprenticeship agency for registration, and (c) send the apprenticeship agreement, or a true copy thereof, with evidence of registration, to the wage and Hour Division, United States Department of Labor, Washington, D. C., and to the appropriate regional office of the Wage and Hour Division: *Provided, however,* That the Administrator or his authorized representative has not previously notified the employer or joint apprenticeship committee of disapproval of a registered apprenticeship agreement for the same or similar trade or trades as not conforming or substantially conforming with the standards of apprenticeship set forth in § 521.3.

If the agreement submitted to the Wage and Hour Division has not been registered, it should be accompanied by an explanation of the efforts made to have the agreement registered and the reasons, if any, given by the recognized apprenticeship agency for not registering it.

§ 521.6 *Issuance of special certificates.* (a) If the apprenticeship agreement and other available information indicate that the requirements of § 521.3 and the other requirements of this part are satisfied, the Administrator or his authorized representative shall issue a special certificate in accordance with § 521.1. Otherwise, he shall deny the special certificate.

(b) The special certificate, if issued, shall be mailed to the employer or the joint apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the joint apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6 of the act from the date of receipt of notice of such denial.

§ 521.7 *Terms of special certificates.* (a) Each special certificate shall specify the conditions and limitations under which it is granted, including the name of the apprentice, the skilled trade in which he is to be employed, the subminimum wage rates and the periods of time during which such wage rates may be paid.

(b) The terms of any special certificate, including the wages specified therein, may be amended for cause.

§ 521.8 *Records.* (a) Every employer who employs an apprentice under this part must keep the records called for under the record-keeping regulations (Part 516 of this chapter), including designation of apprentices on the payroll. In addition, every employer who employs apprentices under temporary or special certificates issued to or held by such employer shall preserve the apprenticeship program, apprenticeship agreement and special certificate under which such apprentice is employed.

(b) Every joint apprenticeship committee which holds a certificate under this part shall keep the following records for each apprentice under its control and supervision:

(1) The apprenticeship program, apprenticeship agreement and special certificate under which the apprentice is employed by an employer;

(2) The cumulative amount of work experience gained by the apprentice, in order to establish the proper wage at the time of his assignment to an employer; and

(3) A list of the employers to whom the apprentice was assigned and the period of time he worked for each employer.

(c) The records required by paragraphs (a) and (b) of this section shall be maintained and preserved for at least three years from the termination of the apprenticeship. Such records shall be kept safe and accessible at the place or places of employment or at the place or places where such records are customarily maintained. All records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 521.9 *Cancellation of special certificates.* (a) The Administrator or his authorized representative may cancel any special certificate for cause. A certificate may be canceled (1) as of the date of the employment of an apprentice, if it is found that fraud has been exercised in obtaining the certificate or in employing an apprentice thereunder; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the provisions of this part have not been complied with. The apprentice must be paid the minimum wage applicable under section 6 of the act from the date of cancellation.

(b) No order canceling any special certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 521.11, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed, the employer shall reimburse any person employed under a special certificate which has been canceled for fraud or violation in an amount equal to the difference between the statutory minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the date as of which the special certificate was canceled as provided in paragraph (a) of this section.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the employer or the joint apprenticeship committee in writing and an opportunity shall be afforded to demonstrate or achieve compliance with all lawful requirements.

§ 521.10 *Investigations and hearings.* The Administrator or his authorized representative may conduct an investigation, which may include a public hearing, prior to taking any action pursuant to this part. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER or by mail and shall be afforded an opportunity to present their views.

§ 521.11 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or canceling a special certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days thereafter, file a written request for review.

(d) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 521.12 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

Signed at Washington, D. C., this 6th day of July 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 51-8163; Filed, July 16, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

NOTICE OF DEPOSIT OF JUST COMPENSATION FOR USE OF VESSEL S. S. FARIDA (EX-KOTKAS)

Notice is hereby given that on June 29, 1951, the Maritime Administration, Department of Commerce, acting pursuant to the act of June 6, 1941, Public Law 101; 77th Congress (55 Stat. 242), as amended (50 U. S. C. App. 1271), particularly by section 3 (a) of the act of March 24, 1943, Public Law 17; 78th Congress (57 Stat. 48), deposited with the Treasurer of the United States the sum of $11,437.97 as just compensation for the use of the vessel S. S. Farida, of Panamanian registry) (ex-Kotkas of Estonian registry), which was requisitioned at Philadelphia, Pennsylvania, on December 16, 1944 for use for the period December 16, 1944 to June 23, 1945 while said vessel was in the custody of the United States District Court for the Eastern District of Pennsylvania (A. Moe & Co. Inc. et al. vs. S. S. Farida, in Admiralty, Nos. 183, 185, 187, 199 of 1944 and No. 7 of 1945), pursuant to said act of June 6, 1941, as amended. In accordance with said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition may commence within six months after publication of this notice in the FEDERAL REGISTER and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard and determined according to the principles of the law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General of the United States and the Maritime Administrator, Department of Commerce, and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this deposit of just compensation.

Dated: July 12, 1951.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8162; Filed, July 16, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 11, 1951.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its order entered July 10, 1951, supplementing its order of June 26, 1951, published in the FEDERAL REGISTER July 10, 1951 (16 F. R. 6694), authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8123; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1688]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On May 21, 1951, West Texas Gas Company (Applicant), a Delaware corporation having its principal place of business at Lubbock, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 6, 1951 (16 F. R. 5372).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 30, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8125; Filed, July 16, 1951; 8:45 a. m.]

of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8124; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1624]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On February 28, 1951, Alabama-Tennessee Natural Gas Company (Applicant) a Delaware corporation having its principal office in Florence, Alabama, filed an application as supplemented on April 2, April 23 and June 4, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application as supplemented on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 14, 1951 (16 F. R. 2413).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 31, 1951, at 9:30 a. m. (e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8126; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1707]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On June 11, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1951 (16 F. R. 6260).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 31, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8127; Filed, July 16, 1951; 8:45 a. m.]

[Docket Nos. G-1644, G-1654]

UNITED NATURAL GAS CO. AND EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 12, 1951.

In the matter of United Natural Gas Company, Docket No. G-1644; United Natural Gas Company, and Equitable Gas Company, Docket No. G-1654.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its findings and orders entered July 11, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8145; Filed, July 16, 1951; 8:47 a. m.]

[Project No. 591]

RUBY H. CUNNINGHAM

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE

JULY 12, 1951.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its order entered April 24, 1951, authorizing issuance of new license (minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8146; Filed, July 16, 1951; 8:47 a. m.]

[Docket No. E-6363]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 12, 1951.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its order entered July 11, 1951, authorizing and approving issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8147; Filed, July 16, 1951; 8:47 a. m.]

[Docket No. G-1731]

REPUBLIC LIGHT, HEAT, AND POWER CO. INC.

NOTICE OF APPLICATION

JULY 11, 1951.

Take notice that Republic Light, Heat, and Power Company, Inc. (Applicant), a New York corporation with its principal place of business at No. 200 Delaware Avenue, Buffalo 2, New York, filed on June 28, 1951, an application for a certificate of public convenience and necessity authorizing construction and operation in Applicant's South Shore District of approximately 9 miles of 10¾-inch natural gas transmission pipeline from Applicant's Sheridan Compressor Station in Chautauqua County, New York, to a point on the west side of the City of Dunkirk, Chautauqua County, New York.

Applicant states that the proposed construction will enable it more adequately to transport natural gas to its South Shore District, purchased at the above-mentioned Sheridan Compressor Station from Penn-York Natural Gas Corporation, which corporation supplies over 90 percent of all gas used in this district. Applicant's South Shore District is served presently through a net work of old field lines providing service to some 16 communities in Chautauqua County, New York, and 3 communities in Erie County, New York. Applicant states that the present capacity of the system has been reached. With the proposed pipeline in operation the capacity at Sheridan Compressor Station will be increased from approximately 16,500 Mcf. per day to 21,600 Mcf. per day and will permit Applicant to meet the expected peak-day requirements on its system for ensuing 3 to 5 year period.

The estimated cost of the proposed construction is $200,000, to be financed from bank loans. Applicant proposes to commence construction in the third quarter of 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8148; Filed, July 16, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 51]

READING CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, because of destruction of the coal dumping pier located on the Reading Company at Port Reading, New Jersey, the Reading Company is unable to dump carload coal or slag now on hand at Port Reading or en route to Port Reading. *It is ordered,* That:

(a) *Rerouting of traffic.* The Reading Company is hereby authorized to reroute or divert carloads of anthracite and bituminous coal or slag, now on hand at Port Reading or en route to Port Reading, to the coal dumping piers of The Central Railroad Company of New Jersey at Jersey City, New Jersey, or to any other coal dumping pier in New York Harbor or for all rail delivery in New York Harbor where practicable.

(b) *Concurrence of receiving roads to be obtained.* The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective at 12:01 p. m., July 10, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 10, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-8132; Filed, July 16, 1951; 8:46 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 52]

RAILROADS IN KANSAS, MISSOURI, ILLINOIS AND KENTUCKY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the railroads serving the States of Kansas, Missouri, Illinois and Kentucky are unable to transport traffic routed over their lines, because of floods and high water. *It is ordered,* That:

(a) Rerouting traffic: Railroads serving the States of Kansas, Missouri, Illinois and Kentucky unable to transport traffic in accordance with shippers' routing, because of floods and high water, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 11, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., July 25, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., July 11, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING, *Agent.*

[F. R. Doc. 51-8133; Filed, July 16, 1951; 8:46 a. m.]

[S. O. 878, Corr. Gen. Permit 3-F]

MIXED COMMODITIES

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to any car loaded with mixed commodities including commodities named in Appendix A when the volume of commodities named in Appendix A is thirty-three and one-third percent or less by weight of the total weight of the shipment.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the permit agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8131; Filed, July 16, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9778, 9930, 9996]

KINSTON BROADCASTING CO. (WFTC) AND FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER CONTINUING HEARING

In re applications of Kinston Broadcasting Company (WFTC), Kinston, North Carolina, Docket No. 9778, File No. BP-7752; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9930, File No. BP-7979; for construction permits. Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9996, File No. BTC-1111, for transfer of control.

The Commission having under consideration a petition filed July 5, 1951, by Farmers Broadcasting Service, Inc. (WELS) requesting a continuance of the further hearing in the above-entitled proceeding from July 9, 1951, to August 1, 1951; and

It appearing that the reason for the requested continuance arises out of the fact that on June 27, 1951, the Commission designated for hearing the then pending application of Farmers Broadcasting Service, Inc. (WELS) (File No. BTC-1111) for Commission consent to transfer control of said corporation and specified seven issues to be developed in connection with said transfer application which was designated as Docket No. 9996; and modified one of the issues to be developed in the application in Docket No. 9930; and

It appearing that copies of the issues to be developed were not made available to counsel for the parties until July 3, 1951, that counsel have not had sufficient time to prepare to meet the several issues in Docket No. 9996 and the new issue specified in Docket No. 9930, and that counsel and the applicants are entitled to a reasonable time within which to prepare to meet said issues; and

It appearing that counsel for Kinston Broadcasting Company (WFTC) and the Commission having consented to immediate consideration of the petition for continuance, the date August 1, 1951 being agreeable to all parties, and good cause having been shown that the petition should be granted;

It is ordered, This the 6th day of July 1951, that the petition for continuance be and it is hereby granted and further hearing in the above-entitled proceeding is continued from July 9, 1951 to August 1, 1951, beginning at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8150; Filed, July 16, 1951; 8:48 a. m.]

[Docket No. 9997]

HILLSBORO BROADCASTING CO. (WEBK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK), Tampa, Florida, for construction permit; Docket No. 9997, File No. BP-7892.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1951;

The Commission having under consideration the above-entitled application for a change of facilities from 1590 kilocycles, 1 kilowatt power, daytime only, to 1590 kilocycles, 500 watts, 1 kilowatt-LS, DA-N, unlimited time, at Station WEBK, Tampa, Florida;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WEBK, as proposed, but that the proposed station may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 10, 1951, at Washington D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEBK, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WEBK, as proposed, would involve objectionable interference with any foreign broadcast station provided for in any international agreement and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of Station WEBK, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to (1) nighttime coverage to the Tampa-St. Petersburg, Florida metropolitan district and (2) to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8152; Filed, July 16, 1951; 8:48 a. m.]

[Docket Nos. 10001, 10002]

WILLAMETTE BROADCASTING CORP. AND COAST FORK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Willamette Broadcasting Corporation, Eugene, Oregon, Docket No. 10001, File No. BP-8967; Philip S. Holt, tr/as Coast Fork Broadcasting Company, Cottage Grove, Oregon, Docket No. 10002, File No. BP-8114; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of July 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous co-channel operation in cities with a physical separation of approximately 18 miles, the Willamette Broadcasting Corporation on 1400 kilocycles, 250 watts power, unlimited time, at Eugene, Oregon, and Philip S. Holt, tr/as Coast Fork Broadcasting Company, on 1400 kilocycles, 250 watts power, unlimited time, at Cottage Grove, Oregon;

It appearing, that J. Elroy McCaw is a 50 percent owner of the Willamette Broadcasting Corporation and that said J. Elroy McCaw has ownership interests in and is serving in an official capacity with the following standard broadcast stations: KELA, Centralia, Washington, KALE, Richland, Washington, KYAK, Yakima, Washington, KLZ, Denver, Colorado, KPOA, Honolulu, T. H., KILA, Honolulu, T. H., KYA, San Francisco, California, and KRSC, Seattle, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, commencing at 10:00 a. m., on August 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether in light of J. Elroy McCaw's stock ownership and official relationships in the standard broadcast field a grant of the Willamette Broadcasting Corporation's application may constitute a concentration of control of standard broadcast facilities in a manner inconsistent with public interest, convenience or necessity.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8153; Filed, July 16, 1951; 8:48 a. m.]

[Canadian Change List 62]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 31, 1951.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Time designation	Class	Probable date to commence operation
CKOK...	Penticton, British Columbia.	800 kilocycles, 500 w-N/1 kw D.	ND	U	II	Now in operation.
CKLB...	Oshawa, Ontario.....	1240 kilocycles, 250 w (increase in power from 100 w).	ND	U	IV	Mar. 1, 1952.
CHUB [1]..	Nanaimo, British Columbia.	1570 kilocycles, 1 kw.....	DA-1	U	II	Do.

[1] Note by FCC: Present operation 1570 kc, 250 w, U. Notified for change in frequency to 1480 kc, with 1 kw, DA-1 U, on Canadian Change List No. 57, dated June 23, 1950, but change was not implemented.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8151; Filed, July 16, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1317]

ROBERT GAIR CO. INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Robert Gair Company, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 27, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8156; Filed, July 16, 1951; 8:49 a. m.]

[File No. 70-2649]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER AUTHORIZING ACQUISITION BY REGISTERED HOLDING COMPANY OF ADDITIONAL COMMON STOCK OF SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

In the matter of New England Gas and Electric Association, Cambridge Steam Corporation, Cape & Vineyard Electric Company, Dedham and Hyde Park Gas Company, Plymouth County Electric Company, Worcester Gas Light Company; File No. 70-2649.

New England Gas and Electric Association ("Negea"), a registered holding company, and five of its subsidiaries, Cambridge Steam Corporation ("Cambridge Steam"), Cape & Vineyard Electric Company ("Cape & Vineyard"), Dedham & Hyde Park Gas Company ("Dedham"), Plymouth County Electric Company ("Plymouth"), Worcester Gas Light Company ("Worcester"), having filed an application-declaration and amendments thereto pursuant to sections 6 (b), 9 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-50 (a) (1), U-50 (a) (3), and U-50 (a) (4) promulgated thereunder with respect to the following proposed transactions:

Negea proposes to acquire and the subsidiaries propose to issue and sell to Negea additional shares of their respective common capital stocks as follows: 1,500 shares of $100 par value capital stock of Cambridge Steam for $150,000; 6,000 shares of $25 par value capital stock of Cape & Vineyard for $300,000; 6,000 shares of $25 par value capital stock of Dedham for $150,000; 3,000 shares of $25 par value capital stock of Plymouth for $105,000; 30,000 shares of $25 par value capital stock of Worcester for $750,000.

The filing states that the proceeds from the sales by Cape & Vineyard, Dedham, Plymouth and Worcester are to be used to partially reimburse their respective Plant Replacement Fund Assets accounts for expenditures made therefrom to finance additions to plant and property, and that the proceeds from the sale by Cambridge Steam are to be used to partially reimburse its treasury for expenditures made therefrom to finance additions to plant and property.

The filing also states that the transactions proposed by Cape & Vineyard, Dedham, Plymouth and Worcester have been approved by the Massachusetts Department of Public Utilities and that the transactions proposed by Cambridge Steam are not subject to the jurisdiction of any state regulatory body.

Said application-declaration having been filed on June 8, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that all the applicable statutory standards are satisfied and that there is no basis for adverse findings and deeming it appropriate in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8155; Filed, July 16, 1951; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

AMERICAN KNIT HANDWEAR ASSN., INC.

WITHDRAWAL OF APPLICATION FOR INVESTIGATION

JULY 11, 1951.

Notice is hereby given that the American Knit Handwear Association, Inc. (formerly the Association of Knitted Glove and Mitten Manufacturers), Gloversville, New York, in a letter dated July 5, 1951, has notified the United States Tariff Commission that it withdraws its application for an "escape clause" investigation with respect to certain gloves and mittens. Notice of the receipt of the said application was published in 14 F. R. 5030.

The Commission has on this 11th day of July 1951 accepted the withdrawal of the aforesaid application, without prejudice, and the application is no longer considered as a pending application for an investigation under the provisions of section 7 of the Trade Agreements Extension Act of 1951.

By direction of the United States Tariff Commission this 11th day of July 1951.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-8128; Filed, July 16, 1951; 8:46 a. m.]

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET

FEDERAL REGISTER

1934 OF THE UNITED STATES

VOLUME 16 NUMBER 138

Washington, Wednesday, July 18, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 CCC Peanut Bulletin, 721 (Peanuts 1951)-1]

PART 646—PEANUTS

SUBPART—1951 CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions of the 1951 Crop Peanut Price Support Program formulated by the Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). It also contains terms and conditions under which excess oil peanuts will be purchased by CCC, which is the agency designated by the Secretary of Agriculture to receive excess peanuts pursuant to section 359 (g) of the Agricultural Adjustment Act of 1938, as amended.

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AUTHORITY: §§ 646.301 to 646.338, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 359, 55 Stat. 90, as amended by sec. 6, Pub. Law 471, 81st Cong., sec. 2, Pub. Law 17, 82d Cong.; 15 U. S. C. Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421, 1359.

GENERAL

§ 646.301 *Administration.* The peanut price support program will be administered by and purchases of excess oil peanuts will be under the direction of the appropriate branches and commodity offices of PMA, under the general direction and supervision of the President, CCC. In the field the program will be administered as follows:

(a) Purchases of quota and excess oil peanuts will be made through peanut cooperative associations (hereinafter referred to as Associations) operating under the Peanut Price Support Program Designated Agency Contract, CCC Peanut Form 6 (1951); through local warehouseman (hereinafter referred to as Receiving Agencies) who enter into Receiving Agency Contracts, CCC Peanut Form 7 (1951), with Associations; and through shellers operating under Peanut Program Sheller Contracts, CCC Peanut Form 1 (1951), with CCC. Shellers who do not enter into 1951 Peanut Program Sheller Contracts may purchase excess oil peanuts for the account of CCC, if they are operating under the 1951 Excess Oil Contract With Shellers, CCC Peanut Form 1-A, which does not cover purchases of quota peanuts by the sheller.

(b) Producer loans will be administered through State and County PMA Committees (hereinafter referred to as

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Title 49: Parts 91 to 164 ($0.30)
Title 49: Part 165 to end ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Parts 210–899 ($1.50); Part 900 to end ($1.25); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 14, Part 400 to end ($0.45); Title 15 ($0.45); Title 16 ($0.40); Title 17 ($0.25); Title 18 ($0.35); Title 19 ($0.30); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 24 ($0.75); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 170–182 ($0.50); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30); Titles 28–29 ($0.60); Titles 30–31 ($0.35); Title 32 ($1.50); Title 33 ($0.45); Titles 35–37 ($0.30); Titles 40–42 ($0.35); Titles 47–48 ($0.70)

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State and County Committees respectively) and PMA commodity offices; and

(c) Sheller loans will be administered through PMA commodity offices.

§ 646.302 *Areas and offices.* The areas in which the program will be available and the Associations and PMA commodity offices serving such areas are as follows:

(a) The Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

Association: Growers Peanut Cooperative, Inc., Franklin, Va.

PMA Commodity Offices: PMA Commodity Office, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta 5, Ga.

PMA Commodity Office:[1] U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

(b) The Southeastern area consisting of the States of Alabama, Florida, Georgia, Mississippi, that part of Louisiana east of the Mississippi River, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

Association: GFA Peanut Association, Camilla, Ga.

PMA Commodity Offices: PMA Commodity Office, U. S. Department of Agriculture, 50 Seventh Street NE., Atlanta 5, Ga.

PMA Commodity Office:[2] U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.

(c) The Southwestern area consisting of the States of Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, and that part of Louisiana west of the Mississippi River.

Association: Southwestern Peanut Growers' Association, Gorman, Tex.

PMA Commodity Offices: PMA Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.

PMA Commodity Office,[3] U. S. Department of Agriculture, 335 Fell Street, San Francisco 2, Calif.

§ 646.303 *Availability—*(a) *Method of support.* CCC will support the price to eligible producers of the 1951 crop of quota peanuts through (1) contracts with shellers, CCC Peanut Form 1 (1951), whereunder the sheller agrees to pay producers not less than the support price for eligible quota peanuts and to purchase for CCC's account the excess oil peanuts in any lot containing both quota and excess oil peanuts, (2) purchases of eligible quota peanuts from producers through receiving agencies (who will also purchase any excess oil peanuts in the lot), and (3) non-recourse loans to producers on eligible farm stored peanuts.

(b) *Time.* Purchases through CCC receiving agencies of quota and excess oil peanuts from producers will be made from August 1, 1951, through June 15, 1952. Purchases of farmers stock quota inventory from shellers operating under the 1951 Peanut Program Sheller Contract will be made from December 1, 1951, through April 30, 1952.

Producer loans maturing on or before June 1, 1952, will be available from August 1, 1951, through January 31, 1952. Properly executed notes and chattel mortgages must be delivered to the county committee on or before January 31, 1952.

Sheller loans maturing on or before August 31, 1952, will be available from August 1, 1951, through June 15, 1952.

§ 646.304 *Definitions.* As used in this subpart and in instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Pound net weight or pound net inweight means that quantity of farmers stock peanuts, excluding foreign material and excess moisture, equal to one pound standard weight. The net weight or net inweight of any quantity of farmers stock peanuts shall be determined as follows:

(1) Deduct from the gross weight, the pounds of foreign material determined by multiplying the gross weight by the percentage of foreign material;

(2) Multiply the result obtained in subparagraph (1) of this paragraph by the percentage excess moisture;

(3) Subtract the result obtained in subparagraph (2) of this paragraph from that obtained in subparagraph (1) of this paragraph.

(b) Excess moisture, for the purpose of determining net weight or net inweight, means the percentage of moisture in excess of 7 percent in the Southeastern and Southwestern areas and in excess of 8 percent in the Virginia-Carolina area.

(c) Marketing quota regulations means the Marketing Quota Regulations for Peanuts of the 1951 Crop issued by the Secretary of Agriculture, including any amendments or supplements thereto (7 CFR §§ 729.210 to 729.227 and §§ 729.240 to 729.269).

(d) Farmers stock peanuts means picked and threshed peanuts which were produced in the continental United States during the calendar year 1951 and which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the state in which picked or threshed peanuts are marketed by producers.

(e) Merchantable farmers stock peanuts means farmers stock peanuts containing 15 percent or less foreign material, 7 percent or less damaged peanuts, and not more than 9 percent moisture in the Southeastern and Southwestern areas (or 10 percent moisture in the Virginia-Carolina area).

(f) Lot means the quantity of farmers stock peanuts marketed on one inspection and sales memorandum (Form MQ–94) executed pursuant to the marketing quota regulations.

(g) Excess oil peanuts means the peanuts purchased from the producer at oil value in any lot of merchantable farmers stock peanuts marketed on an excess oil marketing card (Form MQ–90). The quantity of excess oil peanuts shall be determined by multiplying the pounds net weight in such lot by the percent excess shown on the marketing card.

(h) Quota peanuts means (1) the entire lot of merchantable farmers stock peanuts marketed by the producer on a within quota marketing card MQ–76, or (2) the quota portion of a lot of merchantable farmers stock peanuts marketed on an excess oil marketing card, MQ–90, such portion to be determined by subtracting the quantity of excess oil peanuts from the total pounds net weight in the lot.

(i) Farm allotment means the farm peanut acreage allotment for the 1951 crop of peanuts established pursuant to the marketing quota regulations. In any case where a farm allotment is not established or is established at less than one acre, the farm peanut acreage shall be deemed to be in excess of the farm allotment only if it exceeds one acre.

(j) Farm peanut acreage means the 1951 farm peanut acreage determined in accordance with the marketing quota regulations, and, generally, refers to the total acreage of peanuts on the farm which are picked or threshed.

(k) Farm permitted peanut acreage means the picked or threshed acreage of peanuts on the farm in 1947, or in 1948 if no peanuts were picked or threshed from the farm in 1947, as determined by the county committee in accordance with the marketing quota regulations.

(l) Marketing card: (1) Excess oil card means MQ–90—Peanuts (1951), 1951 Peanut Excess Oil Marketing Card, providing the producer an option for marketing each lot of peanuts either by paying the marketing penalty or by delivering the excess peanuts to a designated agency at a price based on the value of such peanuts for crushing for oil.

(2) Excess penalty card means MQ–77—Peanuts (1951), 1951 Excess Peanut Penalty Marketing Card, requiring that a marketing penalty be paid in connection with the marketing of peanuts.

(3) Within quota card means MQ–76—Peanuts (1951), 1951 Peanut Within Quota Marketing Card, authorizing the marketing of peanuts without penalty and without requiring the delivery of any peanuts to a designated agency.

(m) Operator means the person who is in charge of the supervision and conduct

[1] For producer loans in Missouri.
[2] For producer loans in Louisiana.
[3] For producer loans in Arizona and California.

of the farming operations on the entire farm.

(n) Producer means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(o) Designated agency means the Commodity Credit Corporation which has been designated by the Secretary of Agriculture as the agency to which excess oil peanuts may be delivered, and also means any sheller, crusher, warehouseman, or other person utilized by the Commodity Credit Corporation as its agent to receive, handle, and dispose of excess oil peanuts.

A list of buyers who have signed contracts to receive excess oil peanuts as an agent of Commodity Credit Corporation will be made available to farmers by the county committee.

§ 646.305 *Eligible producer.* (a) A producer will be eligible for price support (1) with respect to all peanuts produced by him on the farm on which the farm peanut acreage does not exceed the farm allotment, and (2) with respect to quota peanuts produced by him on any farm on which the farm peanut acreage exceeds the farm allotment, but does not exceed the farm permitted peanut acreage, provided such quota peanuts are marketed in a lot from which the excess oil peanuts are delivered at oil value to a designated agency, or such quota peanuts are marketed on a within quota card issued after delivery at oil value to a designated agency of all excess oil peanuts produced on the farm.

(b) A producer will also be considered eligible for price support with respect to the quota peanuts produced on a farm for which a within quota card or excess oil card is issued to the operator upon the execution of MQ–92, "Agreement by Operator of Overplanted Farm," in which he agrees (1) that the farm peanut acreage will not be in excess of a specified acreage based on either the farm allotment or the farm permitted peanut acreage, and (2) if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and any marketing penalties determined to be due the Secretary of Agriculture. The liquidated damages payable to CCC under such agreement may be waived to such extent as the President of CCC or his designated representative may determine appropriate in any case where he determines (1) that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and (2) that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations. All such agreements shall be deemed to include the foregoing waiver provision not withstanding the fact that no reference thereto is made in such agreements. Copies of Form MQ–92 may be obtained from the county committee. The county committee may decline to execute Form MQ–92 in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

§ 646.306 *Eligible sheller.* An eligible sheller shall be any person engaged in shelling peanuts who is operating under a 1951 Peanut Program Sheller Contract, CCC Peanut Form 1 (1951). CCC may decline to enter into a contract with any sheller who, in one or more previous years, did not fully perform his obligations under a CCC peanut program contract or did not fully comply with peanut marketing quota regulations or instructions issued thereunder.

§ 646.307 *Determination of grade.* The Federal-State Inspection Service shall determine the grade (i. e., percentages of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, and extra large kernels in the case of Virginia-type peanuts) of:

(a) Farmers stock peanuts delivered to a Receiving Agency for purchase by CCC, such grade to be determined at the time of delivery;

(b) Farmers stock peanuts to be pledged as security for a sheller loan, such grade to be determined at the time the peanuts are purchased from the producer;

(c) Farmers stock peanuts to be mortgaged as security for a producer loan, such grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be determined, on the basis of the grade determined at the time such peanuts are delivered;

(d) Each lot of farmers stock quota peanuts and each lot of farmers stock peanuts containing both quota and excess oil peanuts purchased by a sheller under the terms of the 1951 Peanut Program Sheller Contract, CCC Peanut Form 1 (1951), and each lot of excess oil peanuts purchased by a sheller under the 1951 Excess Oil Contract, CCC Peanut Form 1–A (1951), such grade to be determined at the time of the purchase from the producer; and

(e) Each lot of farmers stock peanuts purchased by CCC from shellers, such grade to be determined at the time of delivery to CCC.

The President, CCC, may waive any of the above grading requirements with respect to small lots of peanuts.

§ 646.308 *Set-offs.* (a) If a producer obtaining a farm storage loan or any person operating under a 1951 Peanut Program Contract is indebted to CCC on any accrued obligation, or if any installments past due or maturing within 12 months are unpaid on any loan made by CCC to the producer on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or as payee of the amount due under the terms of the contract to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

(b) Shellers and Receiving Agencies purchasing peanuts from producers pursuant to contracts with CCC shall collect and remit any indebtedness of such producers to any agency of the United States, as shown on the marketing card on which such peanuts are marketed, in accordance with the terms of the contracts and instructions on such marketing card.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 646.309 *Support prices.* The minimum support prices and producer loan rates for merchantable farmers stock peanuts are contained in § 646.341 (Supplement 1 to this bulletin). The basic support price and producer loan rate will be not less than $230.56 per ton. Such prices and rates will be increased if the supply percentage and parity price level as of August 1, 1951, require an increase.

1951 PEANUT PURCHASES BY CCC

§ 646.310 *Purchases from producers.* (a) Eligible farmers stock quota peanuts offered by eligible producers will be purchased at support prices by CCC through Receiving Agencies.

(b) Excess oil peanuts offered by eligible producers will be purchased by CCC through receiving agencies, shellers, and other designated agencies at the oil value thereof based on the price announced by CCC for the period in which such peanuts are purchased.

(c) Any lot of farmers stock peanuts marketed by an eligible producer on a within quota card or an excess oil card, which are not merchantable farmers stock peanuts only because they contain damage in excess of 7 percent, will be purchased by CCC (through receiving agencies, shellers or other designated agencies) at prices determined for excess oil peanuts.

§ 646.311 *Purchases from shellers.* (a) CCC will purchase from shellers, merchantable farmers stock peanuts which are offered to CCC in accordance with the provisions of the 1951 Peanut Program Sheller Contract, CCC Peanut Form 1 (1951).

(b) Copies of the contracts may be obtained from the PMA Commodity Office for the area as shown in § 646.302.

§ 646.312 *Peanuts eligible for purchase.* (a) Merchantable farmers stock peanuts eligible for purchase by CCC at support prices must meet the following requirements:

(1) Such peanuts must be 1951 crop peanuts produced by an eligible producer.

(2) When purchased from producers, such peanuts must have been identified in accordance with the marketing quota regulations as quota peanuts.

(3) Such peanuts must be free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, proper waivers must be obtained.

(4) Such peanuts must be offered for sale by a person who is the owner of the peanuts and who has a legal right to sell such peanuts.

(5) The beneficial interest in the peanuts must be in the person offering them for sale, and in the case of peanuts offered by a producer, must always have been in him or in him and a former producer whom he succeeded before the peanuts were harvested.

(b) Merchantable farmers stock peanuts eligible for purchase by CCC at their oil value must meet the following requirements:

(1) Such peanuts must be identified, in accordance with the marketing quota regulations, as excess oil peanuts marketed on an excess oil card.

(2) Such peanuts must meet the requirements of paragraph (a) (1), (3), (4) and (5) of this section.

(c) Farmers stock peanuts which are not merchantable only because they contain damage in excess of 7 percent are eligible for purchase at their oil value by CCC if they meet the following requirements:

(1) Such peanuts must meet the requirements of either paragraph (a) (2) of this section or paragraph (b) (1) of this section.

(2) Such peanuts must meet the requirements of paragraph (a) (1), (3), (4) and (5) of this section.

§ 646.313 *Determination of quantity for purchase.* The quantity of farmers stock peanuts shall be the pounds net weight of a lot as defined in § 646.304.

§ 646.314 *Settlement.* The producer will be paid for peanuts delivered to a Receiving Agency by a draft drawn on CCC. Shellers will submit claim for payment to and be paid through the office of the Association serving the area in which the Sheller is located.

1951 SHELLER LOANS

NOTE: Recourse loans will be available to shellers who are operating under the 1951 Peanut Program Sheller Contract, CCC Peanut Form 1 (1951). Copies of the CCC forms referred to in connection with Sheller loans may be obtained from the PMA Commodity Office serving the area.

§ 646.315 *Approved lending agencies.* An approved lending agency shall be any cooperative marketing association, corporation, partnership, individual or other legal entity with which CCC has entered into a 1951 Peanut Program Lending Agency Agreement on CCC Peanut Form 15 (1951 for the purpose of making loans to shellers.

§ 646.316 *Peanuts eligible for sheller loans.* Farmers stock peanuts which are eligible, in accordance with § 646.312 (a) for purchase by CCC are eligible as security for a sheller loan, if such peanuts were purchased from producers not more than 30 days prior to the date on which the Sheller files his Application for Advance CCC Peanut Form 17 (1951), with respect thereto.

§ 646.317 *Storage of peanuts under sheller loan.* Peanuts pledged as security for a loan must be stored separately by type by warehousemen approved in writing by CCC, and must be represented by warehouse receipts. Each warehouseman will be required to submit copies of his warehouse receipts, a properly certified current financial statement, a copy of the bond under which the warehouseman is operating, and such other information as CCC may request. Warehousemen desiring approval should communicate with the appropriate PMA Commodity Office.

§ 646.318 *Loan rates and approval.* Loans shall be made at the rate of $10.00 per ton less than support prices shown in supplement 1 to this bulletin. Each lending agency shall communicate with the appropriate PMA Commodity Office to obtain approval of the maximum amount which may be loaned to each sheller.

§ 646.319 *Determination of quantity for sheller loan.* The quantity of peanuts pledged as security for a loan shall be the total pounds net weight as defined in § 646.304.

§ 646.320 *Loan and collateral documents.* (a) Loans shall be evidenced by promissory notes, CCC Peanut Form 16 (1951), Sheller Note, payable to CCC or the lending agency.

(b) In addition to the notes, the following documents will be required:

(1) Application for Advance, CCC Peanut Form 17 (1951).

(2) Warehouse receipts approved by CCC both as to warehouse arrangement and as to form of receipt.

(3) Inspection certificates issued by the Federal-State inspection service; or in lieu of such certificates, a certification as to such inspection on the warehouse receipts.

(4) Insurance covering peanuts under sheller loan is required for the benefit of CCC, in the amount of the loan plus $10.00 per ton, against risk of loss or damage by fire, lightning, windstorm, tornado, sprinkler damage, and other risks normally insured against by the sheller. Premiums on such insurance must be paid by the sheller and the policies kept in force to the extent of the required insurance on peanuts at any time under loan.

§ 646.321 *Payment of interest.* Interest at the rate of 3 percent per annum is payable monthly to the lending agency or other holder of the note, or to the PMA Commodity Office in the case of loans made direct by CCC.

§ 646.322 *Release of peanuts.* The sheller may obtain the release of the warehouse receipts, representing the peanuts pledged as security for the loan by paying the principal amount loaned on such peanuts plus the accrued and unpaid interest thereon. Redemption of the peanuts represented by one or more of the several warehouse receipts covered by a note or application for advance will be permitted. In making repayments of loans made directly by CCC, the amount due, available at par in the city in which the PMA Commodity Office is located, must be forwarded to that office with information identifying the collateral being redeemed.

§ 646.323 *Assignment of loan to CCC.* Lending agencies may assign the loan to CCC in whole or in part, but not less than the amount representing the Sheller loan value applicable to a single warehouse receipt. Such assignments must be made on the assignment form prescribed by CCC for use in connection with the lending agency agreement. Payments for the principal amount of the loan assigned to CCC will be made by drafts drawn on CCC through a designated Federal Reserve Bank or branch bank. Drafts shall be supported by the signed original of the assignment(s). The original loan and collateral documents relating to the loan indebtedness assigned to CCC shall be retained by the lending agency in trust for CCC, until such time as CCC requests delivery thereof.

1951 PRODUCER LOANS

NOTE: CCC will make non-recourse loans to eligible producers on eligible merchantable farmers stock peanuts stored in approved structures on or off the farm (provided no warehouse receipts are outstanding) in accordance with the following provisions. All producer loan documents referred to herein may be obtained from PMA county offices.

§ 646.324 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97 or other form prescribed by CCC) or loan servicing agreement.

§ 646.325 *Peanuts eligible for producer loan.* Farmers stock peanuts which meet the eligibility requirements contained in § 646.312 (a) are eligible as security for a farm storage loan except that producer loans shall be limited to peanuts produced by an eligible producer on a farm on which the 1951 farm peanut acreage does not exceed the 1951 farm allotment.

§ 646.326 *Approved farm storage.* Approved farm storage will be structures located either on or off the farm (provided no warehouse receipts are outstanding) which the county committee determines to be of such construction as to afford safe storage for peanuts. The structure must be substantial, dry and well-ventilated. A producer who obtains a loan is obligated to maintain the storage structure in good repair and to keep the peanuts in good condition. No storage payment will be made.

§ 646.327 *Loan documents.* The approved forms consist of the Producer's Note, Commodity Loan Form A, and chattel mortgage, Commodity Loan Form AA, which, together with the provisions of this bulletin and any supplements or amendments thereto, govern the rights and responsibilities of the producer. State documentary revenue stamps must be affixed to notes and chattel mortgages where required by law. Loan documents executed by an administrator, executor, or trustee, will be ac-

ceptable only upon condition that they are legally valid.

§ 646.328 *Loan rates.* Producer loan rates are contained in § 646.341 (Supplement 1 to this bulletin).

§ 646.329 *Determination of quantity.* (a) Loans will be made on the basis of the total pounds net weight as defined in § 646.304 at the time the loan is made.

(b) The gross weight of the peanuts in storage shall be determined as follows:

(1) If the peanuts are stored in bags, the county committee will weigh a sufficient number of bags to determine the gross weight of all the peanuts to be placed under loan.

(2) If the peanuts are stored in bulk, the gross weight will be determined on the basis of the number of cubic feet of peanuts multiplied by the weight shown below for the type of peanuts.

Type:	Weight per cubic foot (pounds)
Spanish	20
Runner	19
Valencia	18
Virginia	18

§ 646.330 *Service charges.* The producer shall pay a service charge of $3.00 or 30 cents a ton, or fraction thereof, whichever is greater, and an inspection charge of 50 cents per ton. The producer shall pay the $3.00 minimum service charge prior to inspection of the storage structure. The balance of the service charge, if any, shall be collected from the proceeds of the loan. The inspection charge of 50 cents per ton shall be collected by the county committee for the account of the Federal-State Inspection Service by deduction from the proceeds of the loan. No refund of service or inspection charges will be made.

§ 646.331 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, accrued from the date of disbursement of the loan.

§ 646.332 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the peanuts under the loan or his remaining interest may be restricted by CCC.

§ 646.333 *Insurance.* CCC will not require the producer to insure the peanuts placed under loan; however, if the producer does insure such peanuts, and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peanuts involved in the loss.

§ 646.334 *Loss of or damage to peanuts.* The producer is responsible for any loss in grade and for any loss in weight in excess of a shrinkage allowance of 1 percent of the delivered gross weight; except that, subject to the provisions of § 646.333, physical loss or damage occurring without fault, negligence or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the settlement value, provided the producer has given the county committee immediate notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 646.335 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peanuts by him shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan (including interest) and for any resulting expense incurred by any holder of the note.

§ 646.336 *Maturity and satisfaction.* (a) Loans mature on demand but not later than June 1, 1952. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged peanuts in accordance with instructions of the county committee. The producer may, however, pay off his loan and redeem his peanuts at any time prior to delivery of the peanuts to CCC or removal of the peanuts by CCC. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee; or the peanuts may be delivered before the maturity date of the loan for other reasons upon prior approval of the President of CCC. If the producer fails to deliver mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for all costs of removal by the holder of the note. When the peanuts are delivered, the producer is required to deliver the entire lot of peanuts stored in the structure with the mortgaged peanuts; and in determining the settlement value of the peanuts, credit will be given for the total quantity delivered.

(b) The settlement value shall be computed on the basis of the applicable support price specified in supplement 1 to this bulletin, based on the type, grade, and quality of the peanuts delivered. The quantity on which the settlement value will be determined shall be the net weight of the peanuts delivered plus an allowance of 1% of the delivered gross weight.

(c) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest) by more than $3.00, the amount of the excess will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight draft drawn on CCC by the State PMA office.

(d) If the settlement value of the peanuts delivered is less than the amount due on the loan (excluding interest) the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts, a deficiency of $3.00 or less including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

§ 646.337 *Removal and release of the peanuts under loan.*—(a) *Removal of the peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or by pooling them with other lots of peanuts similarly held.

If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of peanuts, even though part or all of the pooled peanuts are disposed of under such policies at prices less than the current domestic price of such peanuts. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer, without a right of assignment by him.

(b) *Release of the peanuts under loan.* A producer may at any time obtain release of peanuts remaining under loan by paying to the holder of the note, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon notice from the PMA Commodity Office or upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of peanuts to be released.

§ 646.338 *Purchase of—notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and

reports to the PMA commodity office serving the area.

Issued this 12th day of July 1951.

[SEAL] JOHN H. DEAN,
Acting Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-8183; Filed, July 17, 1951; 8:47 a. m.]

[1951 CCC Peanut Bulletin, 721 (Peanuts 51)-1, Supp. 1]

PART 646—PEANUTS

SUBPART—1951 CROP PEANUT PRICE SUPPORT PROGRAM

§ 646.341 *Prices for net weight merchantable farmers stock peanuts delivered in bulk in Southeastern Peanut Area.* The following prices apply to net weight merchantable farmers stock peanuts eligible for Price Support pursuant to the terms of the CCC Peanut Program Bulletin 721 (Peanuts 51)-1 (§§ 646.301 to 646.338 [1]). The prices are for peanuts delivered in bulk in the Southeastern Peanut Area. In other areas the price is for peanuts delivered in bags and shall apply also to bulk deliveries accepted by the purchaser.

(a) *Base grade prices.* The base grade support prices for the various types and grades of peanuts shall be as follows:

	Per ton
Virginia type, 65 percent sound mature kernels	$226.00
Runner type, 65 percent sound mature kernels	206.00
Southeastern Spanish, 70 percent sound mature kernels	229.00
Southwestern Spanish, 70 percent sound mature kernels	225.00

(b) *Premiums and discounts*—(1) *Sound mature kernels.* For each 1 percent sound mature kernel content above or below the base grade, the premium or discount, whichever is applicable, shall be as follows:

	Per ton
Virginia type	$3.50
Runner type	3.20
Southeastern Spanish type	3.30
Southwestern Spanish type	3.20

(2) *Damaged kernels.* The discount for each full one percent damage in excess of 1 percent shall be as follows:

	Per ton
Virginia type	$3.50
Runner type	3.20
Southeastern Spanish type	3.30
Southwestern Spanish type	3.20

(3) *Foreign material.* The discount for each full 1 percent foreign material in excess of 4 percent shall be $1.00 per ton.

(4) *Extra large kernels.* For Virginia type peanuts the premium for each full 1 percent extra large kernels in excess of 15 percent shall be $1.25 per ton.

(c) *Valencia type peanuts.* For Valencia type peanuts containing less than 25 percent discoloration and damage caused by cracked or broken shells, the support price shall be the same as the support price for Virginia type peanuts of the same grade, except that no premium is applicable for extra large Valencia kernels. For other Valencia type peanuts the support price will be the same as the support price for Spanish peanuts of the same grade.

(d) *Definitions.* (1) The term "sound mature kernels" shall mean kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having (a) $^{14}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Spanish peanuts and (b) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts, (c) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner and Valencia peanuts.

(2) "Extra large kernels" shall mean any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (effective November 1, 1939) and which will not pass through a screen having 21.5/64 x 1 inch perforations.

(3) The applicable definitions and provisions in CCC Peanut Bulletin 721 (Peanuts 51)-1 and Marketing Quota Regulations for 1951 Crop 1026 (Peanuts 51)-1 and any amendment or supplement shall apply to this Exhibit A.

NOTES: (a) Excess oil peanuts eligible for purchase by CCC or by shellers operating under the 1951 Peanut Program Sheller Contract or 1951 Excess Oil Sheller Contract will be purchased at their oil value on the date of purchase based on the price announced by CCC.

(b) Peanuts containing more than 15 percent foreign material, or more than 7 percent damaged kernels, or more than 9 percent moisture in the Southeastern and Southwestern Areas (10 percent in the Virgina-Carolina Area) are not eligible for price support.

(c) Peanuts containing more than 7 percent damage, but which are otherwise eligible for price support will be purchased by CCC at prices for excess oil peanuts.

(d) Any lot or load of peanuts which would otherwise be considered Virginia type but which contain less than 16 percent "Fancy" size (peanuts riding a 34/64 x 3 inch slotted screen) will be considered Runner type peanuts.

(e) The term "Southeastern Spanish" refers to Spanish type peanuts east of the Mississippi River, and the term "Southwestern Spanish" refers to Spanish type peanuts west of the Mississippi River.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 359, 55 Stat. 90, as amended by sec. 6, Pub. Law 471, 81st. Cong., sec. 2, Pub. Law 17, 82d Cong.; 15 U. S. C. Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421, 1359)

Issued this 12th day of July 1951.

[SEAL] JOHN H. DEAN,
Acting Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-8184; Filed, July 17, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Cauliflower Order 1-1951]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SEGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.315 *Cauliflower Order 1-1951*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Seguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the grade and size limitations, as hereinafter provided, with respect to shipments of cauliflower, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001; et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. A reasonable determination as to the supply of and the demand for such cauliflower must await the development of the crop; official estimates of the Department of Agriculture with respect to acreage and probable production were not published until July 10, 1951; however, these confirmed preliminary information available to the Administrative Committee before its recommendation was made; the supply and quality of cauliflower are subject to change by weather conditions; shipments of the current crop of cauliflower are expected to begin on or about July 20, 1951, and this section should be applicable to all shipments of such cauliflower in order to effectuate the declared policy of the act and thereby tend to maximize the benefits derivable therefrom; and compliance with the provisions of this section will not require any preparation therefor by handlers which cannot be completed by the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 20, 1951, and ending at 12:01 a. m., m. s. t.,

[1] See F. R. Doc. 51-8183, *supra*.

October 21, 1951, no handler shall handle:

(i) Any cauliflower that does not grade U. S. No. 1;

(ii) Any cauliflower that is of a size smaller than four inches in diameter or larger than seven inches in diameter; *Provided*, That not more than 5 percent by count of the heads comprising the lot, may be of a size smaller than 4 inches in diameter, and not more than 15 percent, by count, of the heads comprising such lot, may be of a size larger than seven inches in diameter;

(iii) Any cauliflower that is not of fairly uniform size; or

(iv) Any cauliflower which, when well trimmed, packs fairly tight in a crate at least 11 but not more than 12 heads: *Provided*, That if such cauliflower is without jacket leaves, not less than 24 nor more than 32 heads will pack such crate fairly tight.

(2) As used in this section:

(i) The term "fairly uniform" means that the diameter of the largest head is not more than two and one-half inches greater than that of the smallest head;

(ii) The term "fairly tight" means that the cauliflower heads packed in the crate have no more than a slight movement in such crate, but not so much movement that there will be any injury to the heads under ordinary handling conditions, and will not be so loose as to permit the addition of another head;

(iii) The term "crate" means a crate having inside dimensions of 8½ inches by 17½ inches by 21⅝ inches;

(iv) The terms "U. S. No. 1," "full jacket leaves," "diameter," "well trimmed," "lot," and "size" shall each have the same meaning as when used in the United States standards for cauliflower (7 CFR 51.171); and

(v) The terms "cauliflower," "handler" and "handle" shall each have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-8229; Filed, July 17, 1951; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 5]

PART 50—AIRMAN AGENCY CERTIFICATES

RULES, POLICIES AND INTERPRETATIONS OF CAA

The rules hereinafter prescribed were published on April 12, 1951, in 16 F. R. 3232-3237. Interested persons were afforded an opportunity to submit data, views, or arguments, and consideration has been given to all relevant matter presented. All sections of Part 50 which are implemented by these rules, policies and interpretations are repeated in this supplement for the guidance of the public. The following rules, policies and interpretations, which supersede all those previously promulgated by the Administrator as rules, policies and interpretations of Part 50, are hereby adopted:

CERTIFICATE

CAR 50.1 *Issuance.* An airman agency certificate will be issued to an applicant who complies with the minimum requirements for one or more school ratings.

§ 50.1–1 *Issuance (CAA policies which apply to § 50.1).* Application for the issuance of an airman agency certificate will be made upon Form ACA–387, Application for Airman Agency Certificate and Rating, and Inspection Report, prescribed by the Administrator, obtainable at the local CAA Aviation Safety District Office. When completed, the form will be submitted to the local Aviation Safety Agent who will make the necessary inspection.

CAR 50.2 *School ratings.* (a) Basic ground school.
(b) Advanced ground school.
(c) Primary flying school.
(1) Airplanes.
(2) Helicopters.
(3) Gliders.
(d) Commercial flying school.
(1) Airplanes.
(2) Helicopters.
(3) Gliders.
(e) Instrument flying school.
(f) Flight instructor school.

§ 50.2–1 *School ratings (CAA policies which apply to § 50.2).* Under existing regulations governing school ratings, the Administrator may approve only those courses wherein a student pursues a given curriculum leading to private, commercial, instrument, or flight instructor pilot ratings. The Civil Air Regulations do not provide for approval of curriculums leading to category, class, and type ratings only.

REQUIREMENTS

CAR 50.10 *Ground school requirements.* (a) Classrooms adequately heated and lighted, of sufficient size to accommodate the greatest number of students scheduled for attendance at any one time.

(b) Sufficient classroom equipment to insure adequate instruction in all required subjects.

(c) At least one regularly available principal instructor possessed of a ground instructor certificate with ratings for each of the required subjects of the curriculum.

§ 50.10–1 *Classrooms (CAA interpretations which apply to § 50.10 (a)).* The applicant must provide a space of permanent nature properly heated, lighted, and ventilated. Ample separate space must be provided for classrooms and equipment, sufficient to accommodate the largest number of students scheduled for attendance at any one time. If more than one classroom is provided, at least one of them must accommodate a minimum of 20 students. Each student must be provided with a desk-chair or chair and desk suitable for writing examinations. Classrooms must be maintained in neat, clean, and renovated conditions, and must be lighted with illumination of sufficient intensity to promote study without eyestrain. A blackboard large enough for explanation by means of diagrams must be provided.

§ 50.10–2 *Equipment (CAA interpretations which apply to § 50.10 (b)).*—(a) *Basic classroom equipment.* Basic classroom equipment must consist of sufficient texts and related reading material to cover Civil Air Regulations, meteorology, aerial navigation, radio, general service of aircraft and pertinent operational data.

(b) *Advanced ground school equipment.* Advanced ground school equipment must consist of the following in addition to the equipment required for a basic ground school:

(1) Two wing panels, each of a different construction.

(2) Two different makes of aircraft engines, one of which may be liquid cooled. One should be cut down to show engine construction and operation.

(3) Sufficient material to instruct in the theory and use of modern high-powered aircraft components. This should include, either in model or blue print diagram form:

Controllable pitch propellers, electric and hydraulic.
Flaps.
Retractable landing gear.
Manifold pressure gauge.
Superchargers.
Cowl flaps.
Oil temperature control.
Instruments (dual tachometer, dual manifold pressure gauge, temperature-pressure group, gyro horizon, gyro compass, turn and bank indicator, rate of climb indicator, radio compass, and automatic pilot).
Deicing equipment.
Electrical systems, including generators, voltage regulators, aviation batteries, fuses, and circuit breakers.
Accessories, including fuel pumps, oil pumps, magnetos.

§ 50.10–3 *Instructors (CAA interpretations which apply to § 50.10 (c)).* All instruction must be supervised by a certificated ground school instructor who holds ratings appropriate to the courses given. Instruction administered by uncertificated personnel must be directly supervised by a principal instructor who holds a ground instructor certificate with ratings covering all subjects offered in the school curriculum.

CAR 50.11 *Ground school curriculum.* A ground school curriculum approved by the Administrator for at least one of the following:

(a) *Basic ground school.* 50 hours of classroom instruction in the subjects of Civil Air Regulations (the regulations in this subchapter), including air traffic control practices and procedures, navigation, meteorology, and general servicing of aircraft.

(b) *Advance ground school.* 150 hours of instruction in the subjects of Civil Air Regulations, including air traffic control practices and procedures, navigation, meteorology, aircraft and engines, including the general servicing and maintenance of aircraft and engines.

§ 50.11–1 *Basic ground school curriculum. (CAA rules which apply to § 50.11 (a)).* The applicant shall provide a basic ground instruction curriculum which is satisfactory to the Administrator. The minimum acceptable curriculum shall include not less than 50 hours of instruction in the subjects listed below, followed by examination on each subject.

(a) *Civil Air Regulations.* At least 5 classroom hours of instruction to include:

Part 1: Certification, Identification, and Marking of Aircraft and Related Products.
Part 20: Pilot Certificates.
Part 43: General Operation Rules.
Part 60: Air Traffic Rules, including air traffic control practices and procedures.
Part 62: Notice and Reports of Aircraft Accidents and Missing Aircraft.

(b) *Metcorology.* At least 15 classroom hours of instruction to include:

Recognition of weather, icing, fog, and frontal conditions.
General cloud formations.
Study of weather maps, teletype sequences, and elementary weather forecasting.
Pressure areas, including motion of air masses, isobars, and winds aloft.
Humidity and its relation to visibility.
Temperature-dew point relationship and precipitation.
How to use knowledge of meteorology in private flying in promoting safety.
U. S. Weather Bureau facilities and weather assistance service.

(c) *Aerial navigation.* At least 15 classroom hours of instruction to include:

Study of aeronautical charts, including explanation of how charts are made, with emphasis on the Lambert conformal projection.
The navigational methods, including pilotting, dead reckoning, and radio.
Navigational instruments: Types, errors, and practical usage.
Practical navigation problems: Dead reckoning, piloting, ETA's, flight plans, wind-triangle solutions using a simple computer, and maximum endurance problems.
Use of CAA publications (Airman's Guide, etc.).

(d) *Radio.* At least five classroom hours of instruction to include:

Explanation of radio aids to flight.
Use of simple receiver and transmitter, including tuning and voice procedure.
CAA communication facilities and flight assistance service, including search and rescue procedures.
International code: Memorizing of code, sufficient to provide ready recognition of radio range identification signals.
Use of loop antenna in homing on broadcast and other stations.
Distress signals and visual signals (on parking line).

(e) *General service of aircraft.* At least 10 classroom hours of instruction to include:

Care of aircraft: Line inspection, procedures, and general safety precautions.
Care of engines: Octane ratings, detonation, warming up and idling precautions, full throttle operations, and icing.
Operations limitations: Performance characteristics as affected by full load, altitude, and temperature conditions. Reason for placard limits, acceleration limits, air-speed limitations in rough air, and other restrictions in the interest of safety.
Inspections required.
Use of aircraft instruments and errors inherent in them.
Use and care of parachutes.
Use of logbooks.
Explanation of major and minor repairs.
Explanation of aircraft operation record.

§ 50.11–2 *Advanced ground school curriculum (CAA rules which apply to § 50.11(b)).* The applicant shall provide an advanced ground instruction curriculum which is satisfactory to the Administrator. The minimum acceptable curriculum shall include not less than 150 hours of instruction in the subjects listed below, followed by examination on each subject. Students who have successfully completed an approved basic ground school course may be given appropriate credit when applying for the advanced ground school course. The determination of credit for previous ground school work is left to the discretion of the airman agency, with the understanding that a graduate shall have completed all course requirements.

(a) *Civil Air Regulations.* At least 15 classroom hours of instruction to include:

Part 1: Certification, Identification, and Marking on Aircraft and Related Products.
Part 20: Pilot Certificates.
Part 43: General Operation Rules.
Part 60: Air Traffic Rules, including air traffic control practices and procedures.
Part 62: Notice and Reports of Aircraft Accidents and Missing Aircraft.

(b) *Meteorology.* At least 35 classroom hours of instruction to include:

General cloud formations.
Pressure areas, including motion of air masses, isobars, and winds aloft.
Humidity and its relation to visibility.
Temperature-dew point relationship and precipitation.
Recognition of weather masses, icing, fog and frontal conditions as to reasonably forecast the weather accompanying these masses.
How to use knowledge of meteorology in flying to promote safety.
Study of weather maps, teletype sequences, and coded weather data sufficient to permit ready interpretation of all symbols used.
U. S. Weather Bureau facilities and weather assistance service.
Weather map analysis, including pressure areas and fronts.

(c) *Aerial navigation.* At least 35 classroom hours of instruction to include:

Study of aeronautical charts, including explanation of how charts are made, with emphasis on the Lambert conformal projection.
The study and use of all forms of navigational methods, with emphasis placed on pilotage, dead reckoning, and the use of radio.
Study, use, and limitations of all types of navigational instruments, navigational aids, and the daily use of CAA publications (Airman's Guide and Flight Information Manual).
All types of practical navigational problems, including radius of action to an alternate airport and maximum endurance under economy conditions, as well as the precision planning of a flight, the filing of a flight plan that allows for a climb to altitude and descent therefrom, check and reporting points, alternate airports, the use of radio compass and direction finder equipment and radio ranges, sectional and world aeronautical charts.

(d) *Radio.* At least 15 classroom hours of instruction to include:

Explanation of radio aids to flight.
Types, usage, and limitation of radio receivers and transmitters, the effects of proper and improper tuning, frequency control, static and night effects, as well as antennaes and microphone techniques.
The use and limitations of all types of radio aids to air navigation, including very high frequency and omni-directional facilities.
Sufficient study in International code to allow ready recognition of radio range identification signals.
Use of loop antenna in homing on broadcast and other stations.
The coding and use of aeronautical lights, true lights, and distress signals.
The detailed explanation and use of airways traffic control, approach control, and airport traffic control.

(e) *Aircraft engines.* At least 20 classroom hours of instruction to include:

Principles of the internal combustion engine.
Fuels: Octane rating and detonation.
Construction and design: Metals, tolerances, compression ratios, and horsepower.
Classification and construction of engine components.
Lubrication and cooling systems.
Carburetion and ignition.
Propellers: Fixed, adjustable, controllable, constant speed, and full-feathering.
Disassembly.
Inspection and maintenance.
Overhaul, repair, timing, and assembly.
Trouble shooting.
Logbooks and other records.
Practices: Precautions in the operation of engines, such as starting, warm-up, idling, testing, and full-throttle operation.

(f) *Aircraft.* At least 20 classroom hours of instruction to include:

Aerodynamics and theory of flight.
Factors of aircraft design, construction, and rigging.
Aircraft operation placard: Necessity for limitations as to speed, load factors, rough air, gross load, and center of gravity limits; how to determine safe loadings, with C. G. limits.
Aircraft construction and materials used.
Repair and maintenance.
Airplane operations manual.
Logbooks and records.
Aircraft accessories.

The remaining 10 hours of the required 150 hours prescribed for the advanced ground school course to be utilized by the operator in accordance with the individual student's need.

CAR 50.12 *Flying school requirements.* (a) An airport adequate for the aircraft to be used and safe for the flight instruction to be given.

(b) Adequate hangar facilities housing all aircraft used for flight instruction.

(c) Adequate office, rest room, and ready room facilities.

(d) A sufficient number of certificated aircraft appropriate for the flight instruction to be given.

(e) Adequate shop, or readily available facilities suitable to insure proper maintenance of the aircraft to be used.

(f) A sufficient number of certificated mechanics readily available to provide for the inspection, maintenance, and repair of all aircraft used for flight instruction, unless other arrangements are approved by the Administrator.

(g) A sufficient number of regularly available and appropriately rated flight instructors.

§ 50.12–1 *Airport requirements for approved flying schools (CAA interpretations which apply to § 50.12 (a)).*—(a) *Airports.* A minimum effective runway length of 1,500 feet at sea level, plus 7 percent increase in length for each 1,000 feet of elevation above sea level must be provided. The minimum width of the landing area must be 200 feet. All

landing strips must be located and oriented so as to permit take-offs and landings to be accomplished 95 percent of the time with cross-wind components of less than 15 miles per hour. The minimum allowable approach angles must permit a twenty-to-one glide path to the ends of the minimum allowable length of the landing strips. Runway grade changes should be such that there will be an unobstructed line of sight from any point 5 feet above the runway to any other point also 5 feet above the runway within a distance of at least 500 feet plus one-half the length of the runway. Where night flying is required in the curriculum, lighting facilities must be furnished in accordance with Appendix D.[1] An approved glider school must meet these landing area requirements.

(1) An approved flying school applicant using only airplanes equipped with cross-wind landing gear need not comply with the cross-wind component portion of the airport requirements.

(2) Auxiliary landing fields may be used in conjunction with approved school operations, provided the landing area meets the requirements of § 50.12–1 (a) of the rules, policies and interpretations of the Civil Aeronautics Administrator.

(b) *Seadromes.* A minimum effective length of 3,500 feet at sea level, plus 7 percent increase in length for each 1,000 feet of altitude above sea level. The minimum effective width of the landing area must be 300 feet. The water within the landing area must be not less than 3 feet in depth. The approach angles at the end of each landing area must permit a twenty-to-one glide path to the ends of the minimum allowable length of the landing area.

(c) *Heliports.* The minimum allowable length for a heliport must be 600 feet of effective surface. The minimum allowable width must be 200 feet, exclusive of building area. Landing strips must be so located as to allow into-the-wind approaches and take-offs at least 50 percent of the time with a cross-wind component of less than 15 miles per hour. The landing approach clearance angles must be at least ten-to-one in the magnetic direction and reciprocal of the prevailing wind. The entire area must have an approach angle obstruction clearance of at least five-to-one.

In cases where these standards are not fully met, the matter may, if the interests of safety are served, be referred to the CAA Regional Administrator for final consideration.

§ 50.12–2 *Hangar facilities (CAA interpretations which apply to § 50.12 (b)).* The applicant must provide a hangar or hangars of permanent construction adequate to house all flight equipment to be used in approved training. Training aircraft are to be continually housed therein, except during periods of operation. This building must meet all local building and safety codes, and be possessed of a sound roof, sides, and doors. The hangar floor must consist of material such as wood, asphalt, concrete, brick, tile or any other surface that permits adequate daily cleaning and will not deteriorate rapidly.

If training aircraft remain overnight at auxiliary fields used by the school, hangar facilities must be provided.

§ 50.12–3 *Office, rest room, ready room facilities (CAA interpretations which apply to § 50.12 (c)).* The office, rest room, and ready room facilities must be continually maintained in a clean and orderly condition.

(a) *Office.* Applicant must provide suitable space of a permanent nature, properly heated, lighted, and ventilated, to house adequately equipment necessary to the proper conduct of business matters and the preparation of records appropriate to the flight operation. (This equipment should include chairs, desks, filing cabinets, and typewriters.)

(b) *Rest room.* The rest room must be conveniently located to the student's ready room and meet the local sanitary code for such facilities. Rest room facilities must be provided at auxiliary fields when instruction periods are originated and terminated there.

(c) *Ready room.* A separate space of a permanent nature heated, lighted, and ventilated, must be provided to accommodate flight students waiting to receive flight instruction. This space must be provided with chairs, clothes racks or lockers, bulletin boards, and appropriate aeronautical charts. Ready room facilities must be provided at auxiliary fields when instruction periods are originated and terminated there.

§ 50.12–4 *Required flight equipment. (CAA interpretations which apply to § 50.12 (d)).* All aircraft used for flight instruction of students enrolled in an approved airman agency must be properly certificated and registered in the name of the applicant or operated under lease, the terms of which must be satisfactory to the Administrator. Each aircraft must be continuously maintained in a safe and airworthy condition.

(a) *Primary flying school*—(1) *Airplane rating.* At least one airplane must be provided for each 15 students regularly enrolled as certificated flying school students. Such airplane must be capable of carrying two persons and two parachutes without exceeding the gross weight limitations set forth in the Aircraft Operation Record, and must be suitable to perform the maneuvers necessary to accomplish the flight test prescribed for a private pilot certificate.

(2) *Helicopter rating.* At least one helicopter must be provided for each 15 students enrolled under the terms of the airman agency certificate. Each helicopter must be capable of carrying at least a student, instructor, and full fuel tanks without exceeding the center of gravity or gross weight limitations. Ownership and lease arrangements, as well as the maintenance of the airworthiness condition requirements and flotation gear requirements when operated over water, must conform to those specified for an approved primary flying school (airplane). Sufficient ballast must be provided and utilized to insure proper weight and balance condition during student solo flight practice.

(3) *Glider rating.* At least one 2-place glider must be provided for each 15 students enrolled under the terms of the airman agency certificate. Each glider must be capable of carrying at least 2 persons and 2 parachutes without exceeding the gross weight or center of gravity limitations. All tow planes to be used must be certificated with towing arrangements installed and proper authority for use obtained for the operation of the glider-tow plane combination.

(b) *Commercial flying school*—(1) *Airplane rating.* All airplanes provided by an applicant for a commercial flying school rating must be in excess of 50 horsepower. Airplanes with both tandem and side-by-side seating arrangements must be provided. (Training in single-place airplanes may be permitted in the commercial flight curriculum only.) The airplanes required may be owned or registered in the name of the applicant or under lease, the terms of which must be satisfactory to the Administrator.

At least one of the airplanes provided for instruction must be equipped with wing flaps, two-way radio, controllable propeller, and a manifold pressure gauge.

At least one airplane must be provided which is properly equipped for visual night flying as set forth in § 43.30 (b) of this chapter.

(2) *Helicopter rating.* In addition to the helicopter requirements for a primary flying school rating, an applicant for a commercial flying school rating (helicopter) must provide a helicopter capable of carrying at least a student, instructor, and full fuel tanks without exceeding the center of gravity or gross weight limitations, and be equipped for night flying as set forth in § 43.30 (b) of this chapter. Ownership and lease arrangements, as well as the maintenance of the airworthiness condition requirements and flotation gear requirements when operated over water, must conform to those specified for an approved commercial flying school (airplane). Sufficient ballast must be provided and utilized to insure proper weight and balance condition during student solo flight practice.

(3) *Glider rating.* At least one 2-place glider must be provided for each 15 students enrolled under the terms of the airman agency certificate. Each glider must be capable of carrying at least 2 persons and 2 parachutes without exceeding the gross weight or center of gravity limitations. All tow planes to be used must be certificated with towing arrangements installed and proper authority for use obtained for the operation of the glider-tow plane combination.

(c) *Instrument flying school.* At least one aircraft must be provided for each 15 students enrolled under the terms of the airman agency certificate. Each aircraft used for instrument flight instruction must be equipped for instrument flight in accordance with § 43.30 (c) of this chapter. Such aircraft must be equipped with a suitable hood which will completely exclude all outside visual reference to the pilot on instruments yet not restrict the vision of the safety pilot or observer. Further, the aircraft, with necessary crew, parachutes, fuel, and oil aboard, must be capable of maintaining a climb of 300 feet per minute at 2,000 feet above ground elevation and must permit accomplishment of all maneuvers listed in § 20.42 (c) of this chapter.

(d) *Flight instructor school.* At least one aircraft must be provided for each 15 students enrolled under the terms of the airman agency certificate. All aircraft provided by an applicant for a flight instructor school rating must be in excess of 50 horsepower and must be suitable to perform the maneuvers as prescribed for the flight instructor rating test. Aircraft used must be equipped with suitable interphone or cockpit comm unication system.

(e) *Parachutes.* The applicant must have available at least 2 parachutes manufactured under a valid type certificate and maintained in accordance with the Civil Air Regulations. Sufficient additional such parachutes must be furnished to prevent undue delay in the normal progress of all students undergoing flight training.

§ 50.12–5 *Maintenance and repair facilities (CAA interpretations which apply to § 50.12 (c)).* A suitable space, properly heated and lighted, completely isolated or separated from the storage hangar, preferably by fire-resistant walls, must be provided to conduct all necessary periodic inspections, repairs, and other maintenance functions. Sufficient tools, mechanical devices, and appropriate aircraft and engine manufacturers' manuals, must be provided to adequately perform all maintenance operations. In the event the shop space cannot accommodate the assembled aircraft, space may be provided in the storage hangar for the conduct of periodic inspection, if such space is adequately heated and lighted and the aircraft may be completely isolated therein while undergoing such inspection. Maintenance and repair facilities may be provided by contractual agreement. Under this provision it will be the responsibility of the airman agency to insure that all periodic inspections, major repairs, and overhauls are accomplished by the maintenance contractor. Exceptions to this will be permitted only when the aircraft require repairs while away from the home base or when maintenance or repairs involve technical operations which the contractor is not equipped to handle; example, radio and instrument repairs. The services, facilities, location, and any changes in the maintenance contract must be acceptable to the Administrator.

§ 50.12–6 *Maintenance personnel (CAA interpretations which apply to § 50.12 (f)).* Applicant must have sufficient certificated personnel, either regularly employed or under contract, to maintain aircraft used for flight instruction in full airworthy condition at all times. Not more than 5 uncertificated personnel may be under the supervision of one aircraft and engine mechanic at any one time.

§ 50.12–7 *Flight personnel (CAA interpretations which apply to § 50.12 (g)).* (a) Each person giving, or employed to give, flight instruction must possess a valid pilot certificate, with commercial, flight instructor, and pertinent category and class ratings.

(1) A flight instructor in an instrument flying school must possess a valid pilot certificate with commercial, instrument, and pertinent category and class ratings.

CAR 50.13 *Flying school curriculum.* A curriculum approved by the Administrator for at least one of the following:

(a) *Primary flying school.* (1) Airplanes—35 hours of flight time,
(2) Helicopters—35 hours of flight time,
(3) Gliders—8 hours of flight time.

(b) *Commercial flying school.* (1) Airplanes—160 hours of flight time,
(2) Helicopters—160 hours of flight time,
(3) Gliders—20 hours of flight time.

(c) *Instrument flying school.* 30 hours of instrument flying instruction of which at least 20 hours shall be in actual flight; and 30 hours of ground instruction in the subjects of Civil Air Regulations (the regulations in this subchapter), navigation, meteorology, and radio orientation and procedure, as applied to instrument flying.

(d) *Flight instructor school.* 25 hours of flying devoted exclusively to the science of flight instruction, and 40 hours of theoretical instruction in subjects covering the fundamentals of giving flight instruction and the analysis and performance of flight maneuvers.

§ 50.13–1 *Primary flying school curriculums; airplanes; land and sea; 35 hours flying time (CAA rules which apply to § 50.13 (a) (1))*—(a) *Airplanes—land.* The applicant shall provide a primary flight curriculum satisfactory to the Administrator. This curriculum shall include not less than 35 hours flying time and shall be arranged so as to allow a minimum of 15 hours dual and 13 hours of solo flight time. Flying time devoted to student progress or stage checks may be credited as dual instruction for the purpose of meeting the requirements of primary flying school curriculums. Such flights may be conducted by the regularly assigned flight instructor, agency check pilot, or Aviation Safety Agent. A minimum of 8 hours dual instruction shall be given prior to solo flight. A minimum of 4 hours dual and 8 hours solo cross-country flying shall be provided. The solo cross-country experience shall include at least one flight to a point more than 100 airline miles from the base of operation. During the flight at least two full stop landings shall be made. The landing at destination may be credited toward meeting the en route landing requirement. The required dual instruction in cross-country flying shall be given after the student's initial solo. During the course of the flight instruction, ground discussion shall be given at the ratio of at least 15 minutes per hour of flight time. This shall include familiarizing the student with the aircraft in regard to controls, instruments, fuel system, electrical system, radio and accessories. The use and care of parachutes, safety precautions consisting of eliminating hazards to spectators, starting and stopping of engines, and securing of aircraft shall be thoroughly discussed. Each student shall be completely familiar with the pertinent local air traffic rules and patterns prior to initial solo. Pre-flight and line inspections shall be accomplished by the student whenever possible.

Dual instruction prior to solo shall consist of at least the following:

Determination of wind direction, on the ground and in flight.
Taxiing, into wind, cross-wind and downwind.
Engine run-up prior to take-off, use of airplane check list when check lists are involved.
Straight and level flight.
Shallow, medium and steep banked turns, right and left.
Climbs, glides, including turns, right and left.
Coordination exercises, elementary eights, and S-turns across ground reference lines.
Slow flight.
Stalls and recovery with and without power.
Normal take-offs and landings.
Slips.
Emergency procedure.
Maneuvers following solo. Flight at various power settings so as to accomplish straight and level flight and turns in both directions without loss or gain of altitude.
Precision turns of shallow, medium and steep banked attitudes, emphasizing constant bank, speed and altitude.
Dragging areas.
Demonstration and practice in short field or soft field takeoffs and approaches to landing.
Left and right climbing and gliding turns at normal and minimum controllable speeds.
Power-on and power-off stalls and recovery entered from all normally anticipated flight attitudes.
Execution of turns around reference points on the ground. This shall include the execution of 720° power turns around such reference points. During this maneuver the banked attitude shall be varied so as to maintain a track of equal radius around the selected point. The 720° power turns shall be performed so that a banked attitude of more than 45° may be attained during the maneuver.
Cross-wind take-offs and landings.
Simulated emergency landings from high and low altitudes.
Precision landings with engine throttled using slips or flaps to facilitate landing within desired area.
Power approaches to landing.
Wheel landings.
Cross-country flying: 4 hours dual and 8 hours solo flying time. During the student's cross-country training, landings and take-offs should be made at as many different airports as possible. This phase of the curriculum shall consist of instruction in at least the following:
Pre-flight cross-country planning. Plotting course.
Determining magnetic course.
Computing distance and estimating time of arrival.
Checking weather.
Study of navigational facilities and airports to be used including alternate airports.
Determining fuel requirements for flight.
Selecting altitude.
Loading of aircraft.
In flight. Determining compass course to destination.
Estimating time between check points.
Determining course to alternate airport.
At destination. Securing aircraft.
Cross-country planning for return trip.

(b) *Airplanes; sea.* Where flight instruction is given in a seaplane, the following shall also be included in the curriculum:

(1) Pre-flight instruction:

Explanation of float action.
Retraction of water rudders.

[1] Not filed with the Federal Register Division.

Determination of wind direction.
Fundamentals of water handling.
Fundamentals of aviation seamanship.
Use of life preservers.
General care of seaplanes.

(2) Additional maneuvers to be included:

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (currents).
Precision sailing (with and without power).
Precision docking, beaching, and mooring.
Forced landings, executed to buoy markers.

(c) *Alternate curriculum; primary flying school.* An applicant for an approved airman agency primary flying school may utilize a curriculum different from those prescribed in this manual, provided prior approval is obtained from the Administrator.

Request for approval may be made to the local CAA Aviation Safety District Office. Two copies of the proposed curriculum shall accompany such a request.

§ 50.13–2 *Primary flying school curriculum; helicopter (CAA rules which apply to § 50.13 (a) (2))—(a) Helicopters; 35 hours flying time.* A curriculum satisfatcory to the Administrator shall include not less than 35 hours of flying time. This course shall be arranged to give each student a minimum of 15 hours dual and 13 hours of solo flight time. A minimum of 8 hours dual instruction shall be given prior to solo flight and is to be included in the 15 hours of required dual.

It may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. In general, however, any curriculum to be satisfactory to the Administrator shall include the following:

(1) Familiarization, including control usage, starting, warm-up, run-up, and stopping of engine, limitation placards, engine and flight instruments, fuel and electrical system, servicing precautions, safety belts, and hazards to spectators; local airport rules and regulations.

(2) The dual instruction prior to solo shall include both theoretical and practical instruction in:

Taxiing (into wind, downwind and cross-wind).
Take-offs (upwind and cross-wind).
Landings (into the wind).
Hovering (into wind and cross-wind, downwind hovering should be demonstrated).
90° hovering turns.
Sideward and backward flight.
Rectangular course (hovering altitude constant heading).
Climbing and descending.
Minimum steep turns (not to exceed 30°).
Normal, 30° angle, approaches to landing.
Traffic pattern flying.
Elementary autorotative approaches.
Simulated emergency landings.

(3) The above should be followed by additional dual and solo practice. Periodic checks should be given throughout the course. Dual instruction and solo practice shall also be given on the following maneuvers.

Hovering downwind.
Hovering turns, 90° through 360°.
Settling with power and recovery.
Accuracy landings: normal, slow-steep, fast-low, flare and no-flare type approaches.
Autorotative approaches: straight, 90°, 180°, and 360°.

Dual and solo cross-country. A minimum of 2 hours dual and 3 hours solo cross-country experience shall be provided in the curriculum. This shall include a solo cross-country flight with two intermediate full-stop landings, one leg of which shall be at least 50 miles in length.

At least one hour of dual instruction shall be given at an altitude sufficiently high to demonstrate the misconceptions of attitude and movement which may occur when flying a helicopter at altitude by outside visual reference only.

Turns, medium steep bank (30° to 45°).
S-turns along ground reference line (varying speeds).

§ 50.13–3 *Primary flying school curriculum; glider (CAA rules which apply to § 50.13 (a) (3))—(a) Gliders; 8 hours flying time.* An applicant for a primary glider flying school rating shall provide a flight curriculum satisfactory to the Administrator. This curriculum shall include not less than 8 hours of total flight time. Any curriculum, to be satisfactory to the Administrator, shall include the following:

A minimum of 3 hours of dual and check time.
A minimum of 5 hours of supervised solo flight time.
A minimum of 80 gliding flights.
Flight instruction shall include, but not be limited to, the following maneuvers:
Straight glides.
Confidence maneuvers.
Turns.
Coordination exercises.
Stalls.
Airplane tow technique.
Glidepath technique.
Use of spoilers.
Cross- and down-wind technique.
Landings.

Additional dual instruction and solo practice should follow to obtain proficiency in all maneuvers. The apportionment of dual and solo time and the amount of instruction and practice in each maneuver should be adequate to enable the student to sufficiently demonstrate his proficiency in each, to a degree required of a private glider pilot.

§ 50.13–4 *Commercial flying school curriculums; airplanes; land and sea (CAA rules which apply to § 50.13 (b) (1))—(a) Airplane—land.* An applicant for a commercial flying school rating shall provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum shall consist of not less than 160 hours of flying time for the purpose of qualifying persons for commercial pilot certificates. Any curriculum to be satisfactory to the Administrator shall meet the following requirements:

(1) A minimum of 50 hours dual and check time. 8 hours of such instruction time shall be given prior to first solo flight.

(2) A minimum of 105 hours of supervised solo shall be given.

(3) A total of 10 hours of pilot-in-command, dual, or solo night flying shall be given. Whenever practicable, at least 3 hours should be devoted to night cross-country flying. During this phase of training, at least 5 hours, including 10 take-offs and 10 landings, should be accomplished while solo, or while serving as pilot-in-command and the sole manipulator of the controls. Normally the practicability of conducting the cross-country portion of the night flying requirement will be established by the local CAA Aviation Safety District Office. In making this determination, consideration shall be given to such items as nature of terrain, navigation facilities, alternate landing areas, etc.

(4) A minimum of 25 hours of dual and solo cross-country flying shall be given. During the course of instruction, at least one solo cross-country flight shall be made to a point not less than 300 miles distant from the point of departure. During such flight, at least 3 full-stop landings at different points along the route shall be made. In the course of the student's training, his flight record shall indicate one flight wherein all radio aids to air navigation that are available, have been utilized and shall include the preparation and use of a predetermined flight plan.

(5) A minium of 10 hours solo shall be given in tandem seating aircraft.

(6) A minimum of 10 hours solo shall be given in side-by-side seating aircraft.

(7) A minimum of 10 hours solo shall be given in aircraft equipped with wing flaps, two-way radio, controllable propeller, and a manifold pressure gauge.

(8) The first 35 hours of instruction and solo practice shall be identical with the Primary Flying School Curriculum. Students who have successfully completed such curriculum in a certificated flying school, or possess a private pilot certificate, may be given appropriate credit when applying for the commercial pilot flight course. The determination of credit for previous flight experience is left to the discretion of the airman agency, with the understanding that a graduate has completed all course requirements.

(9) The flight curriculum shall be arranged so as to give instruction and solo-flight practice on all maneuvers necessary to enable a student to demonstrate proficiency to a degree required of a commercial pilot. Such maneuvers, in addition to those taught and practiced in the primary course, are:

Eights on pylon (steep and shallow banked).
Precision landings from 180° side approach, use of key position should be emphasized.
720° power turns, left and right, executed at a banked attitude of at least 60°.
Steep gliding (spiral) turns executed at a banked attitude of not less than 60°.
Lazy eights.
Chandelles.

(b) *Airplanes; sea.* Where flight instruction is given in a seaplane, the following shall also be included in the curriculum:

(1) Pre-flight instruction:

Explanation of float action.
Retraction of water rudders.

Determination of wind direction.
Fundamentals of water handling.
Fundamentals of aviation seamanship.
Use of life preservers.
General care of seaplanes.

(2) Additional maneuvers to be included:

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (currents).
Precision sailing (with and without power).
Precision docking, beaching, and mooring.
Forced landings, executed to buoy markers.

§ 50.13–5 *Commercial flying school curriculum; helicopter (CAA rules which apply to § 50.13 (b) (2)).* (a) An applicant for a commercial flying school rating (helicopter) shall provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum shall consist of not less than 160 hours of flying time for the purpose of qualifying persons for commercial pilot certificates.

(b) It may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. In general, however, any curriculum to be satisfactory to the Administrator shall meet the following requirements:

(1) A minimum of 70 hours dual and check time. 8 hours of such instruction time shall be given prior to first solo flight.

(2) A minimum of 90 hours of supervised solo shall be given.

(3) A total of 10 hours of pilot-in-command, dual, or solo night flying shall be given. During this phase of training at least 5 hours, including 10 take-offs and 10 landings, should be accomplished while solo, or while serving as pilot-in-command, and the sole manipulator of the controls.

(4) A minimum of 25 hours of dual and solo cross-country flying shall be given. During the course of instruction, at least one solo cross-country flight shall be made to a point not less than 150 miles distant from the point of departure. During such flight, at least 3 full-stop landings at different points along the route shall be made.

(5) The first 35 hours of instruction and solo practice shall be identical with the helicopter private pilot flight curriculum. Students who have successfully completed such curriculum in a certificated flying school, or possess a private pilot certificate with helicopter rating, may be given appropriate credit when applying for the commercial pilot (helicopter) flight course.

(6) The flight curriculum shall be arranged so as to give instruction and solo flight practice on all maneuvers necessary to enable the student to demonstrate commercial pilot proficiency in the maneuvers characteristic of the helicopter type on which his training was received. In addition to those maneuvers taught and practiced in the primary course or initial 35 hours of training, theoretical and practical instruction shall be provided in the following:

Running take-offs.
S-turns along ground reference line (varying speeds).
Pattern flying changing headings at hovering altitude.
Rapid decelerations (quick stops).

§ 50.13–6 *Commercial flying school curriculum; gliders (CAA rules which apply to § 50.13 (b) (3)).* An applicant for a commercial flying school rating (glider) shall provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum shall consist of not less than 20 hours of flight and shall meet the following requirements:

(a) A minimum of 8 hours of dual and check time: 3 hours of such instruction time shall be given prior to first solo flight.

(b) A minimum of 12 hours of supervised solo shall be given after solo.

(c) A minimum of 100 gliding flights or 5 hours of soaring flight time shall be given.

(d) The first 8 hours of instruction and solo practice shall be identical with the private glider curriculum.

(e) The following maneuvers shall be included in addition to those taught and practiced in the private glider pilot course:

Emergency maneuvers such as recovery from stalls, entered from both level and steeply banked attitudes.
Spirals.
Cross-wind take-offs and landings.
Soaring techniques.
Lazy eights.
Accuracy landings.

§ 50.13–7 *Instrument flying school. (CAA rules which apply to § 50.13 (c))—(a) Ground school curriculum.* The applicant shall provide an instrument ground school curriculum satisfactory to the Administrator. Such curriculum shall include not less than 30 hours of classroom instruction on the subjects listed below:

(1) *Civil air regulations.* At least 2 classroom hours of instruction to include:

Part 1: Certification, Identification, and Marking on Aircraft and related products.
Part 20: Pilot Certificates.
Part 43: General Operation Rules.
Part 60: Air Traffic Rules, including air traffic control practices and procedures.

(2) *Meteorology.* At least 5 classroom hours of instruction, of which one should be practical weather observation and the identification of weather conditions, to include:

Those subjects listed for advanced ground school rating.
Detailed study of conditions found under instrument flying conditions, with emphasis on icing conditions.
Advanced meteorology: Weather maps, fronts, and analysis.

(3) *Aircraft and theory of flight.* At least 3 classroom hours of instruction to include:

Study of aircraft equipment: deicing equipment, static eliminators, effect of ice on propeller, and wing efficiency.
Power required under various load conditions, and change in stalling speeds therein.

(4) *Navigation.* At least 5 classroom hours of instruction to include:

Navigational problems under instrument conditions.
Use of computer.
Methods of obtaining fixes.
Correction of drift to regain position.
Alternate airport problems.
Airman's Guide, Flight Information Manual, Radio Facilities, and Instrument Approach Charts.
Radio orientation (at least 3 methods).

(5) *Instruments, radio and navigational aids.* At least 5 classroom hours of instruction to include:

Review of all instruments and errors that may be encountered under instrument conditions.
Study of radio aids to instrument flight.
Tuning radio, and use of volume control.
Description of various radio aids.
CAA communications facilities and flight assistance service, including search and rescue operations.

(6) *Instrument flight procedures.* At least 10 classroom hours of instruction, to be given in phase with or before actual flight training, to include:

Technique of instrument flight.
Beam and bracketing procedures.
Let-down procedures.
Air Traffic Control procedures.
Flight plans.

Each person giving, or employed to give, ground school instruction in an instrument flying school must be certificated as required by § 50.10 (c) or must possess a valid instrument rating.

(b) *Flight curriculum.* (1) This curriculum shall include not less than 30 hours of flight instruction, of which not more than 10 hours may be given in a flight simulator. That portion of the instruction which is conducted in a flight simulator shall remain in phase with the flight instruction.

(2) The curriculum, to be satisfactory to the Administrator, shall include at least the following:

Climbs and climbing turns.
Level flight.
Timed turns.
Steep turns (over 45°).
Stalls, and approaches to stalls.
Recovery from abnormal attitudes.
Slow flight and controlled descent.
Radio range orientation, including at least three methods.
Beam bracketing.
Station identification.
Airport and Airway Traffic Control holding and emergency procedures.
Final approach.
Missed approach.
Practical speed, wind, drift problems.

(3) The CAA wishes to encourage the use of VHF range systems. VHF facilities may be used in training and in accomplishing as much of the present flight test as is practicable; however, until the low frequency range system becomes obsolete and is supplanted by the new systems, orientation and the execution of a standard instrument approach, utilizing the low frequency system will be required. This portion may be accomplished in a simulator, provided a low approach is successfully made during the flight test utilizing VHF facilities.

§ 50.13–8 *Flight instructor school (CAA rules which apply to § 50.13 (d))—*

(a) *Ground school curriculum.* An applicant for a flight instructor flying school rating shall provide a ground school curriculum satisfactory to the Administrator. Such curriculum shall include not less than 40 hours instruction on "Analysis and Performance of Maneuvers" and "Psychology, Technique and Methods of Flight Instruction." A curriculum satisfactory to the Administrator shall include, but not be limited to:

(1) Steps in teaching students how to fly:

Preparation—knowledge of what to say and how to say it.
Definition of what is to be taught in a a specific lesson. (Statement of Aims.)
Explanation of maneuvers. (Presentation.)
Demonstration of maneuvers.
Student's practice.
Determination of student's progress and review of weak points.

(2) Common errors in instruction:

Lack of planned instruction.
Variations in terminology used in flight instruction.
Giving instruction in flight which could better be given on ground.
Failure to stress important or key points.
Poor speech habits, e. g., failure of instructor to speak clearly, etc.
Bad personal habits—impatience, lack of promptness, etc.
Failure to overcome prejudices with respect to other people's "peculiarities."
Emphasizing pet "hobbies" or "peeves."

(3) How students learn:

Importance of directed practice as compared with mere repetition.
Effect of old habits on learning how to fly. (Habit interference.)
Difficulties in trying to learn too much, too fast.
Value of training aids, e. g., charts, models, films, etc.

(4) Adapting training to individual students:

Slow versus fast learners.
Under-confident versus over-confident students.
The "problem child."
Preparatory planning of each student's lessons in order to deal with his individual problems.

(5) Keeping student interested:

Judicious use of praise and blame.
Informing student of his progress.
Importance of instructor appreciating student's problems.

(6) Keeping student fit:

Minimizing student fatigue.
Dealing with questions regarding health in relation to flying, e. g., ear trouble, the common cold, air sickness, etc.
Dealing with problem of "muscular tension."
Maintaining emotional stability.

(7) Finding out how student is progressing:

Reasons for standardization of check flights.
Subjective observation:
CAA rating procedures and other rating scales.
Training in use of above.
Objective evaluation:
Flight inventory.
Graphic methods.
Use of above techniques.
Difficulties in observing student's performance:
Errors of observation.
Elimination of errors.

(8) Checking up on your ability as an instructor.

Need for periodic check-up.
The teaching "Self-Audit."

(9) Summary of points to remember in flight instruction.

Plan instruction, on ground and in air, to meet student's problems.
Give all instruction possible on ground so that student has a clear idea of what is expected of him before start of flight lesson.
Keep instruction in air simple, clear, and concise.
Keep student interested and try to understand his problems.
Give student ample opportunity to review maneuvers already learned.
Direct student's solo practice along lines in which he is most inadequate.
Emphasize importance of judgment and necessity to "plan ahead."

(10) Civil air regulations.
(11) Analysis and performance of maneuvers.
(12) Final examination.

Each student will "instruct" the class on topics assigned in advance. Student's method of presentation will be criticized in light of principles of flight instruction discussed in course.
Analysis and performance of maneuvers.

(b) *Flight curriculum.* An applicant for flight instructor flying school rating shall provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum shall consist of not less than 25 hours flying time for the purpose of qualifying persons for the flight instructor rating. A curriculum satisfactory to the Administrator shall include the following:

(1) A minimum of 10 hours dual and solo practice in the performance of all elementary, intermediate, and advanced maneuvers, to enable the student to demonstrate these with smoothness and precision and to assist him to develop an easy, confident manner when flying.

(2) A minimum of 15 hours in the practice of giving flight instruction in all elementary, intermediate, and advanced maneuvers, where the instructor will ride as trainee, simulating the usual errors of the novice pilot, and the student acts as instructor. The purpose is to develop proficiency in the analysis of maneuvers and to evolve a technique of imparting this knowledge under actual flight conditions. The curriculum shall include, but not be limited to, the following:

(i) Elementary maneuvers.

Taxiing, into wind, cross-wind and downwind.
Straight and level flight.
Shallow, medium, and steep banked turns, right and left.
Climbs, glides, including turns right and left, at normal and minimum controllable speeds.
Power-on and power-off stalls and recovery entered from all normally anticipated flight attitudes.
Slow flight.
Spins.
S-turns along ground reference lines.
Medium and steep banked eights around pylon.
Slips.
Normal take-offs and landings.
Simulated emergency landings from high and low altitudes.

(ii) Intermediate maneuvers.

Eights "on" pylons.
Maximum climbing turns.
Gliding spiral turns, banked attitude of at least 60°.
Short field take-offs and approaches to landing.
Slips, forward and side.
Controlled slipping turns.
90° approach for a landing.
180° side approach for a landing.
360° approach for a landing (simulated).
Cross-wind take-offs and landings.
Downwind landings, moderate winds, and when permissible.
Flight at various power settings so as to accomplish straight and level flight and turns in both directions without loss or gain of altitude.
Accidental and cross-control spins.
Dragging areas.
Power approaches to landing.
Wheel landings.

(iii) Advanced maneuvers.

Lazy eights.
Chandelles.
Precision spins, 1½, 2, and 3 turns.
720° power turns, left and right, executed at a banked attitude of at least 60°.

(3) A minimum of 15-minute discussion periods shall be provided before and after each flight.

(4) Where seaplanes are used the following shall be included:

(i) Additional maneuvers.

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (current).
Precision sailing (with and without power).
Precision docking, beaching, and mooring.
Forced landings executed to buoy markers.

(5) It may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. In general, however, any curriculum to be satisfactory to the Administrator shall meet the following requirements:

(i) Elementary maneuvers.

Taxiing (into wind, downwind, and cross-wind).
Take-offs (upwind and cross-wind).
Landings (into the wind).
Hovering (into wind and cross-wind).
90° hovering turns.
Sideward and backward flight.
Rectangular course (hovering altitude constant heading).
Climbing and descending.
Minimum banked turns (not to exceed 30°).
Normal, 30° angle, approaches to landing.
Traffic pattern flying.
Elementary autorotative approaches.
Simulated emergency landings.

(ii) Intermediate maneuvers.

360° hovering turns.
Accuracy landings: normal, slow-steep, fast-low, flare and no-flare type approaches.
Autorotative approaches: straight, 90°, 180°, and 360°.

S-turns along ground reference line (varying speeds).
Medium steep banked turns (30° to 45°).
Rapid decelerations (quick stops).
Pattern flying changing headings at hovering altitude.
Cross-wind take-offs and landings.

(iii) Advanced maneuvers.

Running take-offs and landings.
Accuracy landings from autorotative glides: 90°, 180°, and 360°.
Vertical autorotation.
Settling with power and recovery.
Altitude flying; this to be accomplished at an altitude sufficiently high to demonstrate the misconceptions of altitude and movement which may occur when flying a helicopter at altitude by outside visual reference only.
Downwind hovering.

GENERAL

CAR 50.20 *Application.* Application for an airman agency certificate and rating shall be made upon the form prescribed and furnished by the Administrator, and shall be accompanied by two copies of any proposed curriculum.

§ 50.20–1 *Application. (CAA rules which apply to § 50.20).* (a) The application shall be submitted on Form ACA–387, Application for Airman Agency Certificate and Rating, and Inspection Report. This form may be obtained from the nearest CAA Aviation Safety District Office. The local Aviation Safety Agent will furnish full information as to the execution of this application and will arrange appointments for the inspection of the facilities, equipment, etc. It is suggested that prior to the execution of the application the applicant discuss the rating sought with the Aviation Safety Agent involved.

(b) Unless requested by the local Aviation Safety Agent, it will not be necessary to submit the proposed curriculums in duplicate.

CAR 50.21 *Display.* Display of an airman agency certificate shall be made upon the reasonable request of any person.

§ 50.21–1 *Display (CAA policies which apply to § 50.21).* An airman agency flight or ground school will be furnished with an airman agency certificate which will be forwarded to the applicant upon approval of his application or upon renewal of his airman agency certificate. This certificate should be displayed or kept in the file for reference and be made available upon the reasonable request of any person. This certificate, currently designated as Form ACA–390, is the legal basis for school operation as an approved airman agency.

CAR 50.22 *Duration.* An airman agency certificate shall expire 24 calendar months after the month of issuance.

§ 50.22–1 *Duration (CAA policies which apply to § 50.22).* An airman agency certificate will expire 24 months after the month of issuance. However, the holder may apply for renewal 60 days prior to expiration. See sample Air Agency Certificate, Form ACA–390, contained in Appendix A (Forms).[1]

CAR 50.23 *Renewal.* Application for renewal of an airman agency certificate shall be made on a form furnished by the Administrator and may be mailed or presented to any inspector within 60 days prior to the month of expiration.

§ 50.23–1 *Renewal (CAA policies which apply to § 50.23).* Application for renewal will be made on Form ACA–387, Application for Airman Agency Certificate and Rating, and Inspection Report. It is the holder's responsibility to secure the renewal of his airman agency certificate. Arrangements for this may be made through the local Aviation Safety Agent. An airman agency certificate may be renewed at any time within 60 days prior to the date of expiration. An expired air agency certificate may not be reinstated. In such instances, original certificate procedures will be observed. This will include the assignment of a new certificate number.

CAR 50.24 *Transfer.* An airman agency certificate is not transferable.

§ 50.24–1 *Change in ownership (CAA policies which apply to § 50.24).* (a) *Change in ownership.* The certificate becomes invalid whenever a change in the ownership of the airman agency occurs. In such cases, the new owner should submit Form ACA–387, Application for Airman Agency Certificate and Rating, and Inspection Report, which will be processed as original issuance. Upon approval of the application, a new air agency certificate, with a new number and bearing the approval date of the new application, will be issued by the regional office involved.

(b) *Change in operating control.* Whenever there is a change in the operating control of an airman agency, a spot inspection will be conducted to determine that the agency continues to meet the requirements of this part.

§ 50.24–2 *Change of name (without change in ownership) (CAA policies which apply to § 50.24).* A change of name of an airman agency, without a change of ownership, does not invalidate the air agency certificate. However, such a change will be reported immediately on Form ACA–387 by the owner to the local Aviation Safety Agent. A new air agency certificate will be issued containing the old certificate number, the new name, and the ratings issued.

CAR 50.25 *Surrender.* Upon the suspension, revocation, termination, or cancellation of an airman agency certificate the holder thereof shall surrender such certificate to an authorized representative of the Administrator.

§ 50.25–1 *Surrender (CAA policies which apply to § 50.25).* (a) An air agency certificate can be rendered invalid only through suspension, revocation, expiration, or cancellation. In such cases, the air agency certificate will be surrendered by the holder.

(b) Voluntary surrender of an air agency certificate may be effected by the holder submitting a letter stating that the certificate has been voluntarily surrendered, together with the latest issuance of the air agency certificate.

CAR 50.26 *Quality of instruction.* The quality of instruction shall be such that at least 80 percent of the students who apply within 60 days after graduation will be able to qualify for pilot ratings appropriate to the curriculum from which they were graduated.

§ 50.26–1 *Quality of instruction (CAA policies which apply to § 50.26).* (a) *Student flight checks.* The holder of an air agency certificate will, upon request of the local CAA Aviation Safety District Office, submit students for flight proficiency checks. These checks are intended to determine the quality of instruction and adequacy of curriculum. Under normal circumstances approximately 10 percent of all approved school students will be spot checked by the local CAA Aviation Safety Agent after they have completed at least 50 percent of the flight curriculum. The flight test for the pilot certificate, appropriate to the curriculum from which the student has graduated, may be substituted for the above spot check provided such flight test is conducted by an Aviation Safety Agent.

In order to facilitate scheduling of these spot checks, the Air Agency will notify the local CAA Aviation Safety District Office, the names of all students they expect to graduate. This notice will be submitted in writing at least 15 days in advance of the date on which the graduation certificate is to be issued.

(b) *Air agency activity report.* The holder of an air agency certificate will furnish to the CAA an air agency activity report (Form ACA–1784). This report will contain: name of student, date of graduation and date and results of CAA written examination or flight test as required to qualify for pilot ratings appropriate to the curriculum from which the individual student was graduated. This form is used to record and analyze the performance of individual flying and ground schools and to insure compliance with the requirements of this part.

Entries should reflect only the results of the CAA written examination or flight test on which the student was examined within 60 days following graduation. The following certificate should appear on the form: "I certify that the information contained herein is true and correct to the best of my knowledge." This certificate will be dated and signed by an authorized official of the agency and will bear his title. Two copies of this report will be submitted to the local Aviation Safety District Office as soon as the agency has reports on 32 students, or at least once every 6 months.

CAR 50.27 *Student examinations.* Upon the completion of each subject included in an approved curriculum, each student taking the subject shall be given an appropriate examination. The student's written examination, or, in the case of a practical examination, a report thereof, shall be kept by the school for not less than 1 year from the date of the termination of the student's enrollment.

§ 50.27–1 *Student examinations. (CAA interpretations which apply to § 50.27).* The holder of an airman agency certificate must devise and administer appropriate written or practical examinations to each student upon completion of each course covered in the approved curriculum. Further, the school must maintain, for not less than

[1] Not filed with the Federal Register Division.

one year from the date of the termination of the students' enrollment, a copy of the students' written examinations; in the case of a practical examination, a report of the examiner's findings must become a part of the file.

CAR 50.28 *Records.* The school shall keep an accurate individual record of each student, which shall include a chronological log of all instruction, attendance, subjects covered, examinations, and examination grades. The entire record shall be certified by an authorized official of the school.

§ 50.28–1 *Records (CAA policies which apply to § 50.28.* The school will keep a current record of each student's activity during course enrollment. Upon course completion or graduation, the entire record or file will be certified by an authorized representative of the school. This student file folder will be retained for a period of one year and made available for inspection upon reasonable request by an authorized representative of the Administrator. See sample forms in Appendix B.[1]

CAR 50.29 *Graduation certificates.* A graduation certificate on the form prescribed by the Administrator shall be given each student graduated from a certificated airman agency school.

§ 50.29–1 *Graduation certificates (CAA rules which apply to § 50.29).* A Graduation Certificate shall be issued on Form ACA–391. It may be obtained from the local Aviation Safety Agent and, in addition to other pertinent data, shall reflect the grades obtained by the individual student on the written or practical examination conducted by the school.

CAR 50.30 *Inspection.* Upon reasonable request, an applicant for an airman agency certificate, or the holder of such a certificate, shall permit any authorized representative of the Administrator or the Board to inspect its personnel, facilities, equipment, and records.

§ 50.30–1 *Inspection (CAA policies which apply to § 50.30).* At varying intervals it will be necessary for the local Aviation Safety Agent to spot check, reinspect, or examine each operation, including the students, instructors, facilities, equipment, etc. It is anticipated that the arrangements for these inspections will be made on a mutually cooperative basis and that the examining agent will minimize the interruption to normal training schedules.

CAR 50.31 *Curriculum changes.* Changes in an approved curriculum shall not be made without filing immediate notification of such changes with the Administrator. Unless the school is notified to the contrary within 45 days after filing the proposed changes with the Administrator, they will be considered approved.

§ 50.31–1 *Curriculum changes (CAA interpretations which apply to § 50.31).* An approved airman agency must notify the local Aviation Safety Agent of any proposed changes in any approved curriculums and should the agent request it, forward the altered curriculum in duplicate. Until rejection or approval is received, the altered curriculum cannot be utilized. This action must be completed within the 45 days prescribed above.

CAR 50.32 *Maintenance of facilities, equipment, and material.* A certificated airman agency shall maintain personnel, facilities, and equipment at least equal in quality and quantity to those required for the issuance of such a certificate.

CAR 50.33 *Advertising.* No certificated airman agency shall make any statement pertaining to the school which is false, or which is designed to mislead any person contemplating enrollment in the school. Any advertising which indicates that the school is approved by the Administrator shall clearly differentiate between those courses which have been approved by the Administrator and those which have not.

§ 50.33–1 *Advertising (CAA policies which apply to § 50.33).* It is necessary that any airman agency accompany the use of their airman agency number with their pertinent ratings on any form, correspondence, or advertising.

CAR 50.34 *Change of location.* No change in a location of an approved airman agency shall be made without the prior written approval of the Administrator.

§ 50.34–1 *Change of location (CAA policies which apply to § 50.34).* A change in location of an airman agency, without a change of ownership, does not invalidate the air agency certificate. However, the intent to make such a change will be reported on Application for Airmen Agency Certificate and Rating, and Inspection Report (Form ACA–387) by the owner to the local Aviation Safety Agent. Upon receipt of such notification the local Aviation Safety Agent will signify approval or disapproval in the space provided on this form. As soon thereafter as is practical, an inspection of the facilities at the new location will be made and the remainder of the form completed. If the results of this inspection are satisfactory, a new airman agency certificate will be issued containing the old certificate number, the new location, the ratings issued, and the date of reinspection. In the event that the results of this inspection are not satisfactory, immediate action should be taken to eliminate the deficiencies or steps will be taken to revoke the certificate.

(Sec. 205, 52 Stat. 948, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

These rules, policies and interpretations shall become effective August 1, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8226; Filed, July 17, 1951; 8:52 a. m.]

[1] Not filed with the Federal Register Division.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt 387]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 382]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MAINE

Amendment 387 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 382 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 138, is amended to read as follows:

Name of defense rental area	State	County or counties under rent regulation	Maximum rent date	Effective date of regulation	Date by which registration statements to be filed
(138) Presque Isle.	Maine.....	In Aroostook County, the towns of Ashland, Caribou, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Presque Isle, Van Buren, Washburn and Westfield, the plantations of Caswell and Hamlin, and the city of Presque Isle.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

This recontrols the Towns of Ashland, Caribou, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Presque Isle, Van Buren, Washburn and Westfield, the Plantations of Caswell and Hamlin, and the City of Presque Isle in Aroostook County, Maine, portions of the Presque Isle, Maine, Defense-Rental Area, which Defense-Rental Area was heretofore decontrolled as of September 13, 1949.

2. A new item is hereby incorporated in Schedule B to read as follows:

87. *Provisions relating to the recontrol of the Towns of Ashland, Caribou, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Presque Isle, Van Buren, Washburn and Westfield, the Plantations of Caswell and Hamlin, and the City of Presque Isle in Aroostook County, Maine, portions of the Presque Isle, Maine, Defense-Rental Area.* Effective July 18, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Towns of Ashland, Caribou, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Presque Isle, Van Buren, Washburn and Westfield, the Plantations of Caswell and Hamlin, and the City of Presque Isle in Aroostook County, Maine, portions of the Presque Isle, Maine, Defense-Rental Area, except as modified by the following provisions:

a. All orders in effect on September 12, 1949, in accordance with § 825.1 to 825.12 or § 825.81 to 825.92, shall be in full force and effect.

b. If, on July 18, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before August 17, 1951, the adjustment shall be effective as of July 18, 1951.

c. If, on July 18, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before August 17, 1951, requesting approval of the decreased services. If, on July 18, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before August 17, 1951, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph "c", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which on July 18, 1951, was required or authorized by §§ 825.1 to 825.12 or §§ 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from July 18, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to July 18, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894.)

This amendment shall become effective July 18, 1951.

Issued this 13th day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–8227; Filed, July 17, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supp. Reg. 41]

GCPR, SR 41—ADJUSTMENT OF CEILING PRICES FOR BROWN IRON ORE PRODUCED IN THE STATE OF GEORGIA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 41 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation increases the ceiling prices for brown iron ore produced in the State of Georgia by 2 cents per long dry unit.

Brown iron ore occurs in the State of Georgia in pockets, veins, and streaks and is mined principally through stripping operations. It is a relatively rich ore, containing anywhere from 45 to 55 percent iron as compared to an average iron content of 35 percent for the red ores produced in Alabama. Georgia brown ore also contains considerably more manganese than the red ores and this further enhances its value. The companies which produce brown ore are small and because of the sporadic nature of the deposits, their operating costs are relatively high, involving considerable exploration, stripping, and washing expense.

Georgia brown ore is consumed by the pig iron producers and steel mills in the Birmingham district who use it in conjunction with the red ore extracted from their own mines and thus increase the iron content of the materials charged into their blast furnaces with a consequent increase in pig iron production. Under ordinary circumstances, Georgia brown ore is only a supplementary raw material for these consumers and in the past they have reduced and even discontinued their purchases when the output of their own mines was sufficient to meet their needs. Because of this variable demand, the mining of brown ore has been an intermittent operation and producers have attempted to get by with as little repair and replacement of equipment as possible.

The defense program, however, has resulted in a shortage of iron ore and producers of Georgia brown ore are being asked to increase their output to meet this need. In order to expand their production, these producers will have to incur considerable expense in replacing and renewing their equipment and facilities and will have to undertake additional exploration programs.

On April 17, 1951, five companies which produce about 56 percent of the brown ore mined in Georgia filed a petition for amendment of the General Ceiling Price Regulation requesting that their ceiling prices be increased by 3 cents per long dry unit. In support of their request, the petitioners furnished information showing that their production costs have risen sharply since the pre-Korea period while their prices have risen only slightly. From the data submitted, it appears that during the calendar quarter ending June 30, 1950, these five companies had total costs of $3.03 per ton, a net realization of $3.60 per ton, and a net profit of $0.57 per ton. Their operations for the first quarter of 1951, however, resulted in total costs of $3.87 per ton, a net realization of $3.51, and a net loss of $0.36 per ton. The first quarter of the year is a period of relatively low production and in order to give a more accurate picture of current operations, petitioners submitted an estimate of operations for the second quarter of 1951 calculated by adjusting their figures for the second quarter of 1950 to reflect changes in costs since the end of that period. This estimate showed costs of $3.62 per ton, a net realization of $3.60, and a net loss of $0.02 per ton. The information submitted, however, did not take into account an increase in price of ¼ cent per long dry unit (equal to about $0.11 cents per ton on the average) which occurred late in 1950 and it appears that a net profit of $0.09 cents per ton more correctly states the anticipated result of operation in the period in question.

After consideration of the information submitted, the Director of Price Stabilization has granted an increase of $0.02 per long dry unit (about $0.85 per ton on the average) in the ceiling prices for brown iron ore produced in the State of Georgia. Although the data submitted by the petitioners indicates that this action will enable producers to obtain an average margin of about $0.95 per ton, it appears that there have been cost increases since such data was compiled and the actual margin earned under the new ceiling prices will be lower than that thus indicated. It is recognized that this actual margin will be somewhat above the margin which was obtained in the calendar quarter preceding the Korean outbreak, but it has been determined that the relief granted is necessary to encourage the producers involved to repair and replace their worn out equipment and facilities and to undertake the additional exploration needed to increase their output.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

In promulgating this supplementary regulation the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment in ceiling prices.
3. Miscellaneous.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation increases ceiling prices for brown iron ore produced in the State of Georgia.

SEC. 2. *Adjustment in ceiling prices.* If you are a seller of brown iron ore produced in the State of Georgia, your ceiling price is the ceiling price determined in accordance with the General Ceiling Price Regulation plus $0.02 per long dry unit.

SEC. 3. *Miscellaneous.* Any person subject to this supplementary regulation shall be subject to all provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this regulation, including but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51–8317; Filed, July 17, 1951; 10:08 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 51-32]

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

REQUIREMENTS FOR DOCUMENTS BEARING SECURITY CLEARANCE INDORSEMENT

Pursuant to the authority of 33 CFR 6.10-3, in Executive Order No. 10173 (15 F. R. 7007), the Commandant may require that all licensed officers and certificated men employed on other than exempted designated categories of merchant vessels of the United States be holders of specially validated documents. The purpose of the following new regulation, designated as § 121.16 (b), is to require that all persons employed on merchant vessels of the United States of 100 gross tons and upwards engaged in (1) the foreign trade, or (2) the intercoastal trade, or (3) engaged in the coastwise trade to Alaska or the Hawaiian Islands, shall be holders of specially validated documents as a condition precedent to employment thereon. This is the second of series of similar requirements covering the categories of vessels listed in 33 CFR 121.02 (16 F. R. 817). Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.10-3 at the earliest practicable date and because of the national emergency declared by the President, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order No. 10173, the following regulation is prescribed which shall become effective on and after September 1, 1951:

Section 121.16 is amended by adding a new paragraph (b), reading as follows:

§ 121.16 *Requirements for documents bearing security clearance indorsement.*

* * *

(b) On and after September 1, 1951, all persons employed on merchant vessels of the United States of 100 gross tons and upwards engaged in (1) the foreign trade, or (2) the inter-coastal trade, or (3) the coastwise trade to Alaska or the Hawaiian Islands, shall be required as a condition of employment to be in possession of a document bearing a special validation indorsement for emergency service prior to acceptance of employment as members of crews of such vessels. The issuance of documents bearing security clearance shall be in the form and manner prescribed by § 121.15.

(40 Stat. 220, as amended; 50 U. S. C. 191. E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR, 1950 Supp.)

Dated: July 12, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-8104; Filed, July 17, 1951; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

MAKING FALSE REPORTS TO U. S. PARK POLICE

Part 3 is amended by adding a new § 3.47, reading as follows:

§ 3.47 *Making false reports to the United States Park Police.* Any person who shall make or cause to be made to the United States Park Police or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within any area administered by the Office of National Capital Parks, or a false or fictitious report of any other matter or occurrence of which said United States Park Police is required to receive reports or in connection with which said United States Park Police is required to conduct an investigation, knowing such report to be false or fictitious, or shall communicate or cause to be communicated to the said United States Park Police or any officer or member thereof any false information concerning the commission of any criminal offense within any area administered by the Office of National Capital Parks, or concerning any other matter or occurrence of which said United States Park Police is required to receive reports, or in connection with which said United States Park Police is required to conduct an investigation, knowing such information to be false, shall be punished as provided in § 3.5.

(Sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended; 8 D. C. Code 143, 16 U. S. C. 3)

Issued this 12th day of July 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-8165; Filed, July 17, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

POST OFFICES IN CAROLINE, MARSHALL, AND MARIANA ISLANDS; POSTAGE RATES AND CONDITIONS APPLICABLE TO MAIL

Amend Part 34, Classification and Rates of Postage (39 CFR Part 34), by the addition of a new § 34.97 to read as follows:

§ 34.97 *Post offices in the Caroline, Marshall, and Mariana Islands; postage rates and conditions applicable to mail.* (a) The domestic postage rates and conditions, both for surface and air mail, are applicable to matter sent to or from the following post offices established in the Caroline, Marshall, and Mariana Islands:

Majuro, Marshall Islands.
Saipan, Mariana Islands.
Ponape, Caroline Islands.
Truk, Caroline Islands.
Koror, Caroline Islands.
Yap, Caroline Islands.

(b) The eighth zone rates apply to fourth-class (parcel post) surface mail and to air parcel post mail sent to, from or between these islands and the United States or its territories and possessions.

(c) Domestic matter mailed from or addressed for delivery in these islands may be accepted for registration or insurance but no c. o. d. service will be available.

(R. S. 161, 396, 3829, 3964, 3965, secs. 304, 309, 42 Stat. 24, 25, sec. 1007 (a), 52 Stat. 1027, 61 Stat. 397, 3301; 5 U. S. C. 22, 369; 22 U. S. C. 287; 39 U. S. C. 1, 481, 483)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8166; Filed, July 17, 1951; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

FINLAND

Correction

The amendment in Federal Register Document 51-8069, published on page 6802, Saturday, July 14, 1951, should read as follows:

In § 127.251 *Finland*, as amended (15 F. R. 6474, 6597), amend subdivision (ii) of paragraph (b) (3a) by striking out "3,000 Finnish marks" and by inserting in lieu thereof "5,000 Finnish marks".

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 109—COOK INLET AREA

TOTAL AGGREGATE LENGTH OF GILL NETS

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the increase this year in the number of drift gill net boats fishing in the waters of Cook Inlet is endangering the required escapement of salmon to the spawning grounds and the fishing intensity must be reduced.

As the fishing season is underway it is necessary that the imposition of the restriction in gear be effective as soon as possible.

Effective immediately § 109.7 *Total aggregate length of gill nets* is amended by deleting "200 fathoms" and substituting in lieu thereof "150 fathoms."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

M. C. JAMES,
Acting Director.

[F. R. Doc. 51-8164; Filed, July 17, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 205]

ANNUAL REPORTS OF CLASS I MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

JULY 9, 1951.

The Commission, having under consideration the matter of freight commodity statistics for Class I Motor Carriers of Property pursuant to authority of section 220 (d) of the Interstate Commerce Act, has approved the inclusion in Motor Carrier Annual Report Form A (§ 205.1) of a new schedule to show information relating to truckload shipments by commodity groups, effective for the year 1952. The commodity classes and groups are those prescribed for and now reported by steam railroads, water carriers, and electric railroads.

The new schedule will provide for reporting by prescribed commodity groups and classes, information regarding intercity truckload traffic originated and terminated by all common and contract carriers except that includible in lines 2, 7, 10, 12, 15, and 17 of schedule 9004 of the Motor Carrier Annual Report Form A; i. e., (a) household goods, (b) dump trucking, (c) armored truck service, (d) films and associated commodities, (e) retail store delivery, and (f) specific commodities not subgrouped in the schedule, as follows:

1. Revenue freight originated:
   (a) Terminating with carrier:
      Number of shipments.
      Number of tons (2,000 pounds).
      Freight revenue.
   (b) Delivered to another motor carrier:
      Number of shipments.
      Number of tons (2,000 pounds).
      Freight revenue.
2. Revenue freight received from another motor carrier:
   (a) Terminating with carrier:
      Number of shipments.
      Number of tons (2,000 pounds).
      Freight revenue.
   (b) Delivered to another motor carrier:
      Number of shipments.
      Number of tons (2,000 pounds).
      Freight revenue.
3. Total truckload revenue freight:
      Number of shipments.
      Number of tons (2,000 pounds).
      Freight revenue.

For the purpose of this schedule a truckload shipment shall mean any shipment of not less than 10,000 pounds of a single commodity represented by one of the classes of the Commission's freight commodity classification or any subdivision of such classes which moves on a single bill of lading. It is recognized that more than one shipment of 10,000 pounds will at times move in the same truck but, in compiling the data, each such shipment will be treated as a truckload shipment. Truckload shipments received from or delivered to a carrier other than a motor carrier shall be classified as originating and terminating, respectively, with the reporting carrier.

Any interested party may on or before August 15, 1951, file with the Commission a written statement of reasons why freight commodity statistics should not be included in the Motor Carrier Annual Report Form A, and may request oral argument if desired.

Unless modifications are found necessary after full consideration of the matter and of all representations respecting it, the classification of all truckload shipments will be required according to the attached list of groups and classes of commodities.

[SEAL] W. P. BARTEL,
Secretary.

LIST OF COMMODITY GROUPS AND CLASSES

GROUP I—PRODUCTS OF AGRICULTURE

Class
1. Wheat.
3. Corn.
5. Sorghum grains.
7. Oats.
9. Barley and rye.
11. Rice.
13. Grain, n. o. s.
15. Flour, wheat.
17. Meal, corn.
19. Flour, edible, n. o. s.
21. Cereal food preparations, n. o. s.
23. Mill products, n. o. s.
25. Hay.
27. Straw.
29. Tobacco, unmanufactured.
31. Tobacco siftings, sweepings, and waste.
33. Cotton in bales.
35. Cotton linters, nolls, and regins.
37. Cottonseed.
39. Cottonseed oil cake and meal.
41. Cottonseed hulls and bran.
43. Soybeans.
45. Soybean oil cake and meal.
47. Vegetable and nut oil cake and meal, n. o. s.
49. Apples, fresh, not frozen.
51. Bananas, fresh.
53. Berries, fresh, not frozen.
55. Cantaloupes and melons, n. o. s.
57. Grapes, fresh.
59. Lemons, limes, and citrus fruits, n. o. s.
61. Oranges and grapefruit.
63. Peaches, fresh, not frozen.
65. Pears, fresh, not frozen.
67. Watermelons.
69. Fruits, fresh, n. o. s., not frozen.
71. Fruits, dried, dehydrated, and evaporated, n. o. s.
73. Fruits and berries, fresh, frozen.
75. Coffee.
77. Cabbage.
79. Celery.
81. Lettuce.
83. Onions, dry.
85. Potatoes, other than sweet.
87. Tomatoes.
89. Vegetables, fresh, n. o. s., not frozen.
91. Beans and peas, dried.
93. Vegetables, dried, dehydrated, and evaporated, n. o. s.
95. Vegetables, fresh frozen.
97. Peanuts.
101. Sugar beets.
103. Malt, n. o. s.
105. Flaxseed.
107. Seeds, n. o. s.
199. Products of agriculture, n. o. s.
(900) Total products of agriculture.

GROUP II—ANIMALS AND PRODUCTS

201. Horses, mules, ponies, and asses.
203. Cattle and calves, single-deck.
205. Calves, double-deck.
207. Sheep and goats, single-deck.
209. Sheep and goats, double-deck.
211. Swine, single-deck.
213. Swine, double-deck.
215. Meats, fresh, n. o. s.

LIST OF COMMODITY GROUPS AND CLASSES—Continued

GROUP II—ANIMALS AND PRODUCTS—continued

Class
217. Meats, cooked, cured, dried, and smoked.
219. Packing house products, edible, n. o. s.
221. Margarine, n. o. s.
223. Poultry, live.
225. Poultry, dressed and frozen.
227. Eggs.
229. Butter.
231. Cheese.
233. Dairy products, n. o. s.
235. Wool and mohair in grease.
237. Wool and mohair, n. o. s.
239. Hides, skins, and pelts, n. o. s.
241. Leather, n. o. s.
243. Sea food, n. o. s.
245. Fish and sea animal oil.
299. Animals and products, n. o. s.
(910) Total animals and products.

GROUP III—PRODUCTS OF MINES

301. Anthracite coal, n. o. s.
303. Anthracite coal to breakers and washeries.
305. Bituminous coal.
307. Coke.
309. Iron ore.
311. Aluminum ore and concentrates.
313. Copper ore and concentrates.
315. Lead ore and concentrates.
317. Zinc ore and concentrates.
319. Ores and concentrates, n. o. s.
321. Barytes.
323. Clay and bentonite.
325. Sand, industrial.
327. Gravel and sand, n. o. s.
329. Stone and rock: broken, ground, and crushed.
331. Fluxing stone and raw dolomite.
333. Stone, rough, n. o. s.
335. Stone, finished, n. o. s.
337. Petroleum, crude.
339. Asphalt.
341. Salt.
343. Phosphate rock.
345. Sulphur.
399. Products of Mines, n. o. s.
(920) Total products of mines.

GROUP IV—PRODUCTS OF FORESTS

401. Logs, butts, and bolts.
403. Posts, poles, and piling, wooden.
405. Wood, fuel.
407. Ties, railroad.
409. Pulpwood.
411. Lumber, shingles, and lath.
413. Box, crate, and cooperage materials.
415. Veneer, plywood, and built-up wood.
417. Rosin and turpentine.
499. Products of forests, n. o. s.
(930) Total products of forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS

501. Gasoline.
503. Fuel, road, and petroleum residual oils, n. o. s.
505. Lubricating oils and greases.
507. Petroleum products, refined, n. o. s.
509. Gases, other than petroleum, n. o. s.
511. Cottonseed oil.
513. Linseed oil.
515. Soybean oil.
517. Vegetable and nut oils, n. o. s.
519. Oils, n. o. s.
521. Oils foots, sediment, and tank bottoms.
523. Rubber, crude, natural, and synthetic.
525. Rubber goods, n. o. s.
527. Chemicals, n. o. s.
529. Sulphuric Acid.
531. Acids, n. o. s.
533. Sodium (soda) products.
535. Alcohol, n. o. s.
537. Blacks, n. o. s.
539. Fertilizers, n. o. s.
541. Insecticides and fungicides, n. o. s.
543. Tar, pitch, and creosote.

LIST OF COMMODITY GROUPS AND CLASSES—Continued

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
545. Tanning material, n. o. s.
547. Paint, paint material, putty, and varnish.
549. Plastics.
551. Cellulose articles, n. o. s.
553. Drugs, medicines, and toilet preparations.
555. Aluminum: Bar, Ingot, Pig, and Slab.
557. Aluminum, n. o. s.
559. Copper: Ingot, Matte, and Pig.
561. Copper, Brass, and Bronze, n. o. s.
563. Lead and Zinc: Bar, Ingot, and Pig.
565. Lead and Zinc, n. o. s.
567. Magnesium metal and alloy.
569. Alloys for steel manufacture.
571. Metals and alloys, n. o. s.
573. Iron, pig.
575. Iron and steel: billet, bloom, and ingot.
577. Iron and steel: bar, rod, and slab.
579. Iron and steel, n. o. s.
581. Iron and steel nails and wire (woven and not woven) n. o. s.
583. Manufactured iron and steel.
585. Cast iron pipe and fittings.
587. Iron and steel pipe and fittings, n. o. s.
589. Tanks, n. o. s.
591. Agricultural implements, n. o. s.
593. Agricultural implement parts, n. o. s.
595. Machinery and machines, n. o. s.
597. Machinery parts.
601. Business and office machines, n. o. s.
603. Railway equipment moved on own wheels.
605. Railway equipment, s. u., not moved on own wheels.
607. Railway equipment parts.
609. Rails and railway track material, iron and steel.
611. Vehicles, other than motor.
613. Automobiles, passenger.
615. Automobiles, freight.
617. Vehicles, motor, n. o. s.
619. Military vehicles, n. o. s.
621. Automobiles and autotrucks, k. d.
623. Vehicle parts, n. o. s
625. Airplanes, aircraft, and parts.
627. Tires and tubes, rubber.
629. Guns, small arms, and parts, n. o. s.
631. Ammunition and explosives.
633. Cement: natural and Portland.
635. Cement, n. o. s.
637. Brick, common.
639. Brick, n. o. s., and building tile.
641. Refractories.
643. Artificial stone, n. o. s.
645. Lime, n. o. s.
647. Plaster: stucco and wall.
649. Sewer pipe and drain tile (not metal).
651. Broken or ground brick, blocks, crockery, and glass.
653. Woodpulp.
655. Scrap paper and rags.
657. Newsprint paper.
659. Printing paper, n. o. s.
661. Wrapping paper.
663. Paper bags.
665. Paper and paper articles, n. o. s.
667. Printed matter, n. o. s.
669. Paperboard, fibreboard, and pulpboard.
671. Wallboard.
673. Building paper and prepared roofing materials.
675. Insulating materials, n. o. s.
677. Building woodwork and millwork.
679. Building materials, n. o. s.
681. Buildings and houses, fabricated and portable, n. o. s.
683. Asbestos articles, n. o. s.
685. Electrical equipment and parts, n. o. s.
687. Furnaces, heaters, radiators, and parts.
689. Bathroom and lavatory fixtures and sinks.
691. Hardware, n. o. s.
693. Glass.
695. Glassware, n. o. s.
697. Glass bottles, jars, and packing glasses, n. o. s.
701. Chinaware, crockery, and earthenware.

LIST OF COMMODITY GROUPS AND CLASSES—Continued

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
703. Woodenware.
705. Household utensils, n. o. s.
707. Refrigerators, freezing apparatus, and parts.
709. Laundry equipment.
711. Stoves, ranges, and parts.
713. Floor covering.
715. Furniture, n. o. s.
717. Furniture parts.
719. Tools and parts, n. o. s.
721. Abrasives, other than crude.
723. Bagging: burlap, cotton, gunny, and jute, n. o. s.
725. Bags: burlap, cotton, gunny, and jute, n. o. s.
727. Cotton cloth and cotton fabrics, n. o. s.
729. Cotton factory products.
731. Synthetic fibre and yarns (rayon or nylon).
733. Cloth and fabrics, n. o. s.
735. Rope, cordage, and binder twine, n. o. s.
737. Boots, shoes, and findings, n. o. s.
739. Luggage and handbags, n. o. s.
741. Athletic, gymnasium, playground, and sporting equipment, n. o. s.
743. Games and toys.
745. Liquors, alcoholic, n. o. s.
747. Wine.
749. Liquors, malt.
751. Beverages, n. o. s.
753. Ice.
755. Syrup and molasses, refined.
757. Molasses, residual.
759. Sugar.
761. Candy and confectionery.
763. Food products, n. o. s., in cans and packages, not frozen.
765. Food products, n. o. s., frozen.
767. Starch.
769. Soap and cleaning and washing compounds.
771. Matches.
773. Feed, animal and poultry, n. o. s.
775. Manufactured tobacco, n. o. s.
777. Cigarettes.
779. Containers, metal.
781. Containers, wooden.
783. Containers, fibreboard and paperboard, k. d.
785. Containers, n. o. s.
787. Containers, returned empty.
789. Scrap iron and scrap steel.
791. Iron and steel borings, turnings, etc.
793. Furnace slag.
795. Waste materials for remelting, n. o. s.
797. Waste materials, n. o. s.
799. Manufactures and miscellaneous n. o. s.
(940) Total manufactures and miscellaneous.

GROUP VI—FORWARDER TRAFFIC

950. Forwarder traffic.
(960) Grand total truckload traffic.

[F. R. Doc. 51-8063; Filed, July 16, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

CANNED BEETS

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Beets, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Public Law 70 (82d Cong.; approved July 1, 1951). This revision, if made effective, will be the sixth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.177 *Canned beets.* "Canned beets" means canned beets as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp., 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Styles of canned beets.* (1) "Whole" or "whole beets" means canned beets consisting of whole beets that retain the approximate original conformation of the whole beet.

(2) "Slices" or "sliced beets" means canned beets consisting of slices of beets, irrespective of whether such slices are "corrugated," "fluted," "wavy," or "scalloped."

(3) "Quarters" or "quartered beets" means canned beets consisting of quarters of beets.

(4) "Dice" or "diced beets" means canned beets consisting of diced beets.

(5) "Julienne," "French style," or "shoestring" means canned beets consisting of strips of beets.

(6) "Cut" means canned beets consisting of units, irrespective of whether such units are "segmented" or "wedge-shaped," which are not uniform in size or shape or which do not conform to any of the foregoing styles.

(7) "Unit" means an individual beet or portion of a beet in canned beets.

(b) *Grades of canned beets.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned beets that possess similar varietal characteristics; possess a normal flavor and odor; possess a good color; are practically free from defects; are tender; and possess such uniformity of size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned beets that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly good color; are fairly free from defects; are fairly tender; and possess such uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned beets that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with beets without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(d) *Recommended drained weight.* The drained weight recommendations in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned beets is determined by emptying the contents of the container upon a No. 8 circular sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHT, IN OUNCES, OF BEETS

Container size or designation	Whole (size)[1]		Sliced (size)[1]		Diced	Quartered cut	Julienne
	Size No. 1 to 3, incl.	Size No. 4 to 6, incl.	Small	Medium large			
8-ounce Tall	5¾	5¼	5¾	5¼	6	6	5½
No. 1 Picnic	7¼	7	7¼	7	7½	7½	7
No. 303	10½	9½	10¼	9¼	10½	10½	8¾
No. 2	12½	12	12½	12¼	13	13	11
No. 2½	19½	19	19	18½	19½	19	18
No. 10	71	69	71	69	72	72	68
10-ounce glass	10½	9½	9½	9¼	10½	10½	8¾

[1] Assorted sizes and mixed sizes to be based on drained weight for predominant size of individual units.

(e) *Sizes of beets in whole beets.* The size of any beet is determined by measuring the smallest diameter through the center transverse to the longitudinal axis of the beet. The word and number designations of the various sizes of beets in whole beets are shown in Table No. II of this paragraph. Such table also specifies the count range per container for stated container sizes.

TABLE NO. II—SIZES OF BEETS IN WHOLE BEETS

Word designation	Number designation	Count range per container				
		No. 1 picnic	No. 2 can	No. 2½ can	No. 10 can	16 oz. glass
Tiny	Size 1.	25 and over	50 and over	70 and over	250 and over	35 and over.
	Size 2.	18 to but not including 25.	35 to but not including 50.	50 to but not including 70.	175 to but not including 250.	25 to but not including 35.
Small	Size 3.	12 to but not including 18.	25 to but not including 35.	35 to but not including 50.	125 to but not including 175.	18 to but not including 25.
	Size 4.	8 to but not including 12.	15 to but not including 25.	20 to but not including 35.	75 to but not including 125.	10 to but not including 18.
Medium	Size 5.	5 to but not including 8.	10 to but not including 15.	15 to but not including 20.	50 to but not including 75.	7 to but not including 10.
Assorted sizes,[1] Mixed sizes,[2]	Size 6.	Less than 5	Less than 10	Less than 15	Less than 50	Less than 7.

[1] Assorted sizes is a combination of any two adjacent sizes.
[2] Mixed sizes is a combination of more than two adjacent sizes.

(f) *Sizes of beet slices in sliced beets.* The size of any slice in sliced beets is determined by measuring the smallest diameter of the largest surface of the slice. The word designation of the various sizes of slices in sliced beets is shown in Table No. III of this paragraph.

TABLE NO. III—SIZES OF SLICES IN SLICED BEETS

Word designation	Smallest diameter in inches
Small	Less than 2 inches.
Medium	From 2 inches up to but not including 2½ inches.
Large	Not less than 2½ inches.
Assorted sizes,[1] Mixed sizes,[2]	

[1] Assorted sizes is a combination of any two adjacent sizes.
[2] Mixed sizes is a combination of all designated sizes.

(g) *Ascertaining the grade.* (1) The grade of canned beets may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) "Normal flavor and normal odor" means that the canned beets are free from objectionable flavor and objectionable odors of any kind.

(h) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Canned beets that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned beets possess a color that is uniform, bright, and typical of canned beets produced from beets of similar varietal characteristics.

(ii) If the canned beets possess a fairly good color, a score of 18 to 20 points may be given. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned beets possess a color that is typical of canned beets produced from beets of similar varietal characteristics and such color may be variable or slightly dull.

(iii) Canned beets that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Canned beets that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned beets:

(a) *Whole beets.* The size of the individual beet is not more than 2¼ inches in diameter, measured as aforesaid; the beets may vary moderately in shape, and the diameter of the largest beet does not exceed the diameter of the smallest beet by more than 50 percent of the diameter of the smallest beet.

(b) *Quartered beets.* The beets from which the quarters have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest quarter does not exceed the weight of the smallest quarter by more than 50 percent of the weight of the smallest quarter.

(c) *Sliced beets.* The individual slice is not more than 5/16 inch in thickness when measured at the thickest portion; the size of each slice is not more than 3½ inches in diameter, measured as aforesaid and the diameter of the largest slice does not exceed the diameter of the smallest slice by more than 50 percent of the diameter of the smallest slice.

(d) *Diced beets.* The units are practically uniform in size and shape with edges measuring not more than ⅜ inch; and the aggregate weight of the units which are smaller than one-half of a cube and of all large and irregular units does not exceed 15 percent of the weight of all units.

(e) *Julienne, French style, or shoestring.* The strips of beets are practically uniform in size and shape, with cross sections measuring not more than 5/16 inch, and the aggregate weight of all strips less than 1½ inches in length does not exceed 25 percent of the weight of all the strips.

(f) *Cut.* The individual units weigh not less than ¼ ounce nor more than 2 ounces each and the largest unit weighs not more than four times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units is excluded in determining size variation.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(ii) If the canned beets are fairly uniform in size and shape, a score of 8 to 11 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned beets:

(*a*) *Whole beets.* The size of the individual beet is not more than 2½ inches in diameter, measured as aforesaid; the beets may vary considerably in shape, and the diameter of the largest beet is not more than twice the diameter of the smallest beet.

(*b*) *Quartered beets.* The beets from which the quarters have been cut were of a size not more than 3½ inches in diameter, measured as aforesaid, and the weight of the largest quarter is not more than twice the weight of the smallest quarter.

(*c*) *Sliced beets.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 3½ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the smallest slice.

(*d*) *Diced beets.* The units are fairly uniform in size and shape, with edges measuring not more than ½ inch; and the aggregate weight of all units which are smaller than one-half of a cube and all large and irregular units does not exceed 25 percent of the weight of all units.

(*e*) *Julienne, French style, or shoestring.* The strips of beets are fairly uniform in size and shape, with cross sections measuring not more than 3/16 inch and the aggregate weight of all strips less than 1½ inches in length does not exceed 40 percent of the weight of all the strips.

(*f*) *Cut.* The individual units weigh not less than ⅛ ounce nor more than 3 ounces each and the largest unit weighs not more than twelve times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units is excluded in determining size variation.

(iii) Canned beets that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are slabs, units damaged by mechanical injury, units blemished by brown or black internal or external discoloration, pathological injury or insect injury and units blemished by other means.

(*a*) "Slab" means any portion of a whole beet obtained in slicing possessing only one cut surface or cut surfaces of unequal areas varying in diameter more than ½ inch.

(*b*) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, units with unpeeled areas, excessively trimmed units, or damaged by other means.

(*c*) "Blemished" means any blemish affecting an aggregate area greater than the area of a circle 3/16 inch in diameter or any blemish which seriously affects the appearance or eating quality of the unit.

(ii) Canned beets that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned beets:

(*a*) *Whole beets.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than one-half thereof or one beet, whichever weighs more, may consist of blemished units.

(*b*) *Sliced, quartered, and cut beets.* The aggregate weight of all blemished units and units damaged by mechanical injury does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than one-half thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units, and with respect to sliced beets not more than 10 percent of the weight of all the units may consist of units that are slabs.

(*c*) *Diced, Julienne, French style, or shoestring beets.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof may consist of blemished units.

(iii) Canned beets that are fairly free from defects may be given a score of 22 to 25 points. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned beets:

(*a*) *Whole beets.* The aggregate weight of all defective units does not exceed 30 percent of the weight of all the units, and of such 30 percent not more than one-half may consist of blemished units.

(*b*) *Sliced, quartered, and cut beets.* The aggregate weight of all blemished units and units damaged by mechanical injury does not exceed 30 percent of the weight of all the units, and of such 30 percent not more than one-half thereof may consist of blemished units, and with respect to sliced beets not more than 25 percent of the weight of all the units may consist of units that are slabs.

(*c*) *Diced, Julienne, French style, or shoestring beets.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than one-half thereof may consist of blemished units.

(iv) Canned beets that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the tenderness of the beets, and the degree of freedom from stringy or coarse fibers.

(ii) Canned beets that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the beets are tender, not fibrous, and possess a uniform character.

(iii) If the canned beets possess a fairly tender texture, a score of 22 to 25 points may be given. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender texture" means that the beets are fairly tender, may be variable in character but not tough or hard, and may possess a few stringy or coarse fibers.

(iv) Canned beets that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned beets, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned beets.*

Container size		-----
Container code or marking		-----
Label		-----
Net weight (ounces)		-----
Vacuum (inches)		-----
Drained weight (ounces)		-----
Style		-----
Size of whole beets (count)		-----
Size of sliced beets (diameter)		-----
Factors	**Score points**	
I. Color	25	(A) 21-25 (C) 18-20 (SStd.) 0-17
II. Uniformity of size and shape	15	(A) 13-15 (C) 8-11 (SStd.) 0-7
III. Absence of defects	30	(A) 26-30 (C) 22-25 (SStd.) 0-21
IV. Texture	30	(A) 26-30 (C) 22-25 (SStd.) 0-21
Total score	100	
Normal flavor and odor		
Grade		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 12th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8182; Filed, July 17, 1951; 8:47 a. m.]

[7 CFR Part 904]

[Docket No. AO-14-A 20]

HANDLING OF MILK IN GREATER BOSTON, MASS. MARKETING AREA

RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Burlington, Vermont, and at Boston, Massachusetts, on April 2 to April 7, 1951, inclusive (16 F. R. 2511), upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER, except that exceptions to issue No. (5) must be filed not later than the close of business on the 3d day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The material issues presented on the record of the hearing were whether:

(1) The basis for pricing Class II milk should be revised;

(2) A weight of 33 rather than 33.48 should be used for a can of 40 percent cream in the computation of the butterfat differential;

(3) The marketing area should be revised to include the government installations of Fort Devens, Camp Edwards, Bedford Airport, Bedford Veterans Hospital and Framingham Veterans Hospital;

(4) The present location differentials paid to nearby producers should be eliminated;

(5) A method for computing a composite wage index for use in the Class I formula should be provided;

(6) Provision should be made for the use of equivalent prices, indexes, and wage rates;

(7) The operator of the milk plant should be made the responsible handler with respect to payment, reporting and other obligations imposed by the order for all milk and milk products received at such plant;

(8) Producer milk under the Worcester, Springfield, or Lowell-Lawrence orders diverted to a Boston pool plant should be excluded as producer-milk under the Boston order;

(9) The classification provision should be revised with reference to milk received from producer-handlers or disposed of to producer-handlers and buyer-handlers;

(10) The pooling provisions should be revised to exclude from the current pool computation milk of any nonpool handler in noncompliance with reference to the payment and reporting provisions;

(11) Certain other nonsubstantive changes should be made to delete obsolete language and to make the language of the Boston order conform with that of other market orders.

Findings and conclusions. Upon the basis of evidence introduced at the hearing and the record thereof with respect to the aforementioned issues it is hereby found and concluded that:

(1) The basis for pricing Class II milk should be revised.

The principal issue dealt with at the hearing concerned the level of the Class II price and the formula factors which might be used to determine the Class II price from month to month. A committee of experts in milk marketing and cost accounting had been studying the problems involved in pricing surplus milk for the Boston market for a period of approximately 2½ years. This committee had prepared a report of its studies and certain conclusions reached as a result of those studies. Members of the committee appeared at the hearing to testify with respect to the overall report and particular details of the report. Several of the committee members also appeared as representatives of interested parties and in that capacity offered testimony with respect to specific recommendations for amendments to the Boston order which would incorporate changes based on the findings of the committee.

An important part of the committee study and report dealt with the phrasing of objectives to be sought in establishing surplus prices for the Boston fluid milk market. Under the Boston order milk sold by producers to handlers is classified for pricing purposes in two classes. Class I milk, which includes fluid milk and fresh fluid milk products, is priced under the classified structure at a higher price than Class II milk, which is regarded as surplus to the fluid market and is priced at a lower figure. The use of this method of pricing a part of the market supply at lower prices is necessary in order to move the daily and monthly excesses over fluid requirements into uses as cream and manufactured dairy products.

The committee visualized as its first objective in pricing Class II milk the need for moving this surplus-priced milk in an orderly manner into dairy products of milk. Its second objective pointed to the need for returning to producers the highest practicable prices for dairy products for which marketing outlets are available in the local market.

Other important objectives defined by the committee were the need to encourage efficiency in processing and marketing and the necessity for a Class II pricing method which would be logical and simple.

In view of the large effect of the Class II price on the blend price in the Boston market the problem of Class II pricing cannot be regarded as merely an adjunct to Class I pricing but must make its own contribution to the blend. In the year 1950 Class II milk marketed under the Boston Federal order program amounted to 45 percent of the deliveries by producers and 1 out of every 3 dollars paid to producers was for Class II milk.

Foremost among the applicable standards for establishing fluid milk prices under the Marketing Agreement Act is maintenance of an adequate supply. The amount of reserve maintained by the market has varied widely from time to time. The factors which determine the amount of reserve which should be considered adequate for the market under various circumstances needs to be examined from various points of view. Producers are primarily concerned with the effect that a large reserve supply has on the blend price. If the blend is lowered because of a large reserve, or because of too low Class II prices, producers are impelled to seek higher Class I prices. Consumers who purchase Class I milk products are affected by a large reserve supply if it is to be supported by an increased Class I price. Since the handlers' incentive for carrying reserve supplies varies under the present practice of formula pricing, with the handlers' allowance used in computing the formula price, a liberal view toward handling margins will induce a liberal view on the part of handlers in regard to the quantity of reserve supplies needed. In the long run excessive reserve supplies become a burden on consumers.

In addition to the longer-time effect of handlers' allowances for surplus milk handling on the necessary Class I and blend prices for the market, there is a potent and immediate effect on the supply of milk for the fluid market through the relative margin represented by the allowance. If handling allowances on surplus milk are lucrative as compared to earnings which can be obtained from sales of Class I milk, handlers will be encouraged to withhold needed supplies from the fluid market.

Although the committee report and several witnesses at the hearing pointed out that prices paid for milk for manufacturing uses in other parts of the country did not always reflect current changes in the value of milk for manufacturing in the Boston milk market, it was generally conceded that over longer time periods the value of milk for manufacturing in the Boston milk market could be expected to reflect the same general levels and changes as are shown in the prices paid for manufacturing milk in the principal manufacturing regions of the country. The Class II prices which have been effective under the Boston order show a very close long-time relationship to the prices paid at manufacturing milk plants. Assuming that

actual surplus prices in the Boston area have been such as to maintain sufficient processing facilities, it appears that in the long run any inefficiencies inherent in surplus handling for the Boston fluid market have been offset by freight and marketing advantages over operators of surplus area milk manufacturing plants.

An appraisal of the Class II price structure which has been effective in the market is necessary in order to determine whether or not some automatic pricing method which would reproduce substantially the same results would have been desirable as a method of pricing. Although there is some indication that prices in certain periods for surplus milk have been considered by persons in the market as out of line with actual market values, the Class II prices which have existed in the market for the past ten years appear to have accomplished the two primary objectives of the Class II pricing as set forth by the committee. The surplus milk has moved readily enough into marketing channels so that proprietory handlers have been willing to accept all of the milk delivered by producers during that period. Producers cooperative associations which operate plants are obligated to receive members milk even though the prospect for earnings on such milk is not favorable. However, there is no indication in this record that proprietory handlers have been shifting an increasing share of the handling of Class II milk to cooperative association handlers. There is no evidence in the record of homeless milk or of any period in which any substantial group of producers sought an outlet for their milk in the Boston market and could not find it. The record indicates also that adequate capacity for manufacturing surplus milk has been maintained in the market. Some increase in capacity was developed between 1949 and 1951. Several operators of surplus milk plants indicated that they have purchased or are purchasing new equipment for handling surplus milk. On the other hand the prices were apparently not so low that they retarded the flow of milk to the fluid market for any considerable time.

The level of Class II prices which can be maintained at any particular time and have milk readily accepted depends upon the uses which can be made of surplus milk in the market at that time and the value of the products made. It is recognized that Class II prices should change from time to time with indicators of the general level of prices of products in which Class II milk is utilized. Various price quotations are available which give an indication of the changes in values both of the butterfat content and the nonfat solids content of products of Class II milk. A more difficult problem is that of relating these indexes of change in market prices to the share of those market values which should be returned to dairymen as representative of the value of the raw product delivered by farmers.

The recommended method of pricing for Class II milk set forth herein has been developed by devoting attention to the refinement of the factors designed to measure changing values with an appraisal of the resulting Class II price based on whether or not such Class II price can be expected to bring about orderly market conditions wherein the necessary reserve of Class II milk will be accepted by handlers. It seems appropriate therefore to consider first the detail of the factors which will be expected to reflect certain changes in market values and then consider the matter of the appropriate level of the price.

The order now provides that the Class II price, except for Class II butterfat used to make butter or cheddar cheese during certain months, shall be determined by a formula using market price quotations for cream and nonfat dry milk solids. Although there was some testimony in favor of using the prices paid at manufacturing plants as a measure of the value of Class II milk in the Boston market, most of the expert opinions favored the use of the cream and nonfat milk solids quotations as a basis for measuring changing market values. The record indicates that the prices quoted for cream and nonfat dry milk solids usually reflect the major changes in the value of products which can be made from Class II milk in the Boston market. The price quotations currently used in the order and recommended by the committee are: The weighted average price paid for 40 percent cream received at Boston from sources other than Boston pool handlers and the average price received by operators of manufacturing plants in the Chicago manufacturing area for nonfat dry milk solids. The committee recommended the use of spray and roller price quotations for nonfat dry milk solids whereas the present formula utilizes only the price quotation for roller process nonfat dry milk solids.

The weighted average price for cream at Boston as reported by the United States Department of Agriculture represents the price which handlers of fluid cream and processors of ice cream in the New England region pay for fluid cream purchased from sources outside the Boston pool. The record indicates that during certain periods the volume of cream purchased from outside sources has been so small that it is questionable whether the price for the small quantity purchased is representative of the price which handlers would have had to pay for a substantial quantity of cream.

For a few months in 1950 there were insufficient purchases upon which to base any quoted cream price. It is important therefore to provide in the order a method of determining an equivalent fat value in circumstances in which a cream price is not reported. The general relationship between the cream price in the Boston market and the reported price for 92-score butter sold wholesale in the Chicago market indicates that the butter price would prove to be a suitable alternative for reflecting changes in cream values when a cream price is not available. The cream price equivalent should be computed on the basis of the relationship between cream and butter prices in the three months preceeding the month in which an equivalent must be determined. The use of a recent period in determining this relationship is used in order to reflect current market conditions. From time to time the prices paid for cream at Boston show varying amounts of premiums over the butterfat value at Chicago.

The committee recommended that a simple average of the prices paid for spray and roller process nonfat dry milk solids at manufacturing plants be used to measure the changes in value of skim milk in surplus milk rather than the roller price quotation only. The production of nonfat dry milk solids by the spray process has increased relative to the production of the roller process product in the New England states and in the United States as a whole in recent years. About two-thirds of the nonfat milk solids produced in New England in 1948 and 1949 was manufactured by the spray process. Spray prices are higher than prices paid for the roller process product. Under the present program of support prices as announced by the United States Department of Agriculture the difference in the support prices for the spray and roller product is 2 cents per pound. By averaging the prices for nonfat solids manufactured by the spray process as well as by the roller process the value of nonfat solids can be reflected more accurately since most of the product is now manufactured by the spray process.

The committee studied data which showed the quantities of dairy products which were obtained in actual manufacturing operations at pool plants where Class II milk was manufactured in the New England region. The yield of nonfat dry milk solids by the spray process per 100 pounds of skim milk was found to be 8.8 in a 20-month period studied. Yields of the roller processed product were found to be 8.52 in the same study. These figures represent more precise measurements of the quantity of skim milk which can be obtained from 100 pounds of skim milk under the conditions of manufacture in the Boston market than have been available previously. From the indicated yields of nonfat solids per 100 pounds of skim milk the committee recommended a factor of 7.85 representing the yield of nonfat solids per 100 pounds of whole milk. This factor should be adopted as a part of the pricing formula.

The present Class II formula contains a factor which represents the pounds of butterfat contained in a 40-quart can of 40 percent cream. Studies of actual weights of cans of cream marketed at Boston indicate that the weight of butterfat in a 40-quart can is somewhat less than the 33.48 pounds used in the current formula. The committee found that the content of actual cans moved in cream trade in the Boston market is approximately 33 pounds. This factor representing actual conditions should be used in the formula.

There is normally some product lost in the conversion of milk into products which provide an outlet for surplus Class II milk. The committee recommended that this recognized loss be compensated for in the formula by factors which apply to that part of the formula which would determine the total market value of the product to be sold. In normal

operations for conversion of butterfat into surplus products the committee found that there was a usual loss of about 2 percent of the product. The record indicates that this estimate of loss is reasonable. Therefore, the computation of the value of butterfat derived from Class II milk should be determined by taking into account this normal loss of the product. In the case of skim milk conversion into manufactured products the committee found that the use of a factor of 7.85 as representative of the actual quantity of nonfat dry milk solids which could be obtained from the skim milk portion of a hundredweight of whole milk would reflect the normal loss of skim product in surplus handling operations.

It is concluded that the gross market value of butterfat and skim milk should be determined according to the methods proposed by the study committee. The gross product value before deduction of the handlers' allowance would have resulted in prices computed according to the recommended method of 8 to 10 cents higher than the actual gross product values used in determining Class II prices during 1950.

With these conclusions concerning the computation of the gross product value of Class II milk it is necessary to determine then what share of the gross should be allowed handlers for their part in processing the product. The study committee collected data concerning the cost of handling Class II milk in the Boston market during the year 1948, which was interpreted to show that handlers who processed Class II milk during 1948 lost approximately 50 cents per hundredweight on all Class II milk handled. The total loss for the ten manufacturing plants studied amounted to $1,260,434. The calculated interest on investment of 2.62 cents per hundredweight of product handled as shown by the committee to be computed at a rate of 6 percent indicates a total investment of 1½ million dollars for handling the 357½ million pounds of milk which were handled by these manufacturing plants in 1948. Therefore, the loss rate sustained in 1948 appears by this calculation to have resulted in a total loss in an amount equal to 80 percent of the total investment for handling Class II milk at these manufacturing plants.

Several committee members indicated reservations concerning the acceptance of the 50 cent loss figure as a basis of appraising the entire industry's financial position in 1948. There was a rather wide range in loss rates computed for the individual plants for which data were obtained in the study. Committee members attributed the difference in the loss rates to varying degrees of efficiency at each of these plants. However, the record contains no specific information to indicate that there were actual differences in the handling operations at the various plants which could have been regarded as reflecting different levels of efficiency in the handling of milk. Furthermore there is no evidence that the industry as a whole was grossly inefficient during the year 1948 in the handling of surplus milk. Since the handling of Class II milk is done by manufacturing concerns who also do a fluid milk business the segregation of earnings or losses in the Class II milk business and those in the Class I milk business involves a great deal of estimate in analyzing the financial status of such handlers. If the 50 cent loss figure computed from the cost studies was actually sustained on all Class II operations during the year 1948 it would have represented a loss of more than 17 cents per hundredweight on all milk received from producers by handlers during the year. The record does indicate that cooperative associations who handled more than the average volume of Class II milk did reduce their reserves in 1948 2½ cents per hundredweight below the reserves for 1947. However, during the calendar year 1948 these same cooperatives paid out 2.2 cents over the uniform blend price to producers delivering to their plants. Producers delivering milk to proprietary handlers received payments over the uniform blend price amounting to nearly 8 cents per hundredweight. It appears then that the 17 cents per hundredweight loss figure did not actually come out of farmers returns either in their net monthly payments or in the form of decreased reserves in their farmer-owned cooperative associations. A large part of the calculated loss on handling Class II milk then must have been offset by earnings on the handling of Class I milk during the same year.

The handlers of Class II milk also serve as the suppliers of Class I milk for fluid milk distributors who do not maintain their own reserve supply of fluid milk. The handlers who maintain this reserve supply charge buyers varying rates over the Class I price for the service. Average margins for each month during 1948 varied from a high of 49.6 cents to 29.4 cents. Average mark-ups on Class II milk varied from 77½ cents to 20.7 cents. The individual highs and lows during each month show an even greater range.

If the claim that handlers should have been entitled to 50 cents more per hundredweight for handling Class II milk during 1948 were to be granted, it is important to consider just how this adjustment would have affected the entire earnings of handlers generally. It is not reasonable to assume that if Class II handling operations had been more attractive during 1948 the mark-ups on bulk Class I and Class II milk would have been lower. It is more likely that an unattractive prospect in handling Class II milk would have a tendency to restrain mark-ups on bulk sales during the year. If the additional allowance then could not be expected to have an adverse effect on the earnings from the Class I part of the business the full amount of the 50 cent adjustment would have been available to handlers for distribution as earnings during the year 1948. Operating cooperative associations which had a large proportion of Class II milk would not have had the full amount to distribute to their members since the record does indicate that net overpayments by such handlers to members failed to equal the reduction in reserves from 1947 to 1948 by abount three-tenths cent per hundredweight.

Information is not available from the record to conclude that 17 cents per hundredweight was needed by handlers in 1948 to maintain handling and processing facilities sufficient to take care of the fluid market and the necessary reserve of Class II milk for the market. The record does show that there is adequate capacity for handling surplus milk in 1951. It shows that the capacity has been increased somewhat since 1949.

It appears from the above appraisal of the Class II loss figures computed by the study committee for operations during the year 1948 that the calculated loss figures can not be utilized independently. Although some refinement of this particular cost figure could be developed with further consideration of certain factors affecting the cost of processing surplus milk in the Boston market, there appears to be no practical method of applying the long-time influence of costs to the determination of formula prices. Prices must be responsive to current conditions which in the short run may not conform to current costs. The committee examined various series of data which are regularly published as indicators of changes in the prices of certain classes of goods with the purpose of recommending some series or group of series which could be used to estimate anticipated changes in costs of handling surplus milk. These indexes of cost rate changes such as labor-wage rates, construction costs and wholesale price levels were compared with data on cost rates obtained from certain handlers operating in the Boston market. It was observed that certain indexes of cost rates which are regularly published reflected about the same changes as those which were indicated from the records of the handlers. Lacking any information on adjustments which take place in cost items which are not reflected by the change in the price or cost rate for such items, the committee calculated an average index of cost upon the rates alone. The committee suggested that this index of cost rate changes be used to reflect changes in the allowance for handling surplus milk. Several members of the committee indicated that the effect of volume upon changing unit costs needed to be used as well as the indexes of changes in the cost rates. However, the committee as a whole had abandoned the idea of including a volume cost adjustment since they recognized that they had not yet been able to compute the effect of volume on the income side of any profit and loss statement.

The chances of any formula mechanism producing a reasonable price over a period of time depends largely on whether or not the formula factors chosen reflect the items of greatest importance in bringing about changes in the market situation. It appears from the studies of the committee that the combined cost rate index is not among the most important elements affecting costs or necessary changes in the surplus price structure. For example, the change in the average index of cost rates indicated a reduction of the han-

dlers' costs from December 1948 to April 1950 of 0.8 cent. On the other hand, the influence of volume according to the calculations of the committee for the 12 months ending April 30, 1950, as compared to the 12 months ending December 31, 1948, would have reduced costs slightly more than 20 cents. If the price were appraised on the basis of margins on Class I milk in excess of receiving station costs the committee report indicates that the excess of margins over calculated receiving station costs for the year ending December 1948 was 11.2 cents per hundredweight whereas for the 12 months ending April 1950 the difference was 4.3 cents. This represents a difference in the relative advantage of handling bulk Class I milk of 6.9 cents. The index of cost rate changes therefore, appeared in this period not to have been a primary item affecting the necessary allowance from gross product values for the handling of surplus milk.

The index of cost rate changes bears little resemblance to actual changes which were effective in Class II allowances during the past 10 years. For example, the cost rate index would have indicated a 33 percent increase in the handlers' allowance from 1945 to 1947. Although there was some modification of the Class II formula during this period there were no substantial changes made in the handlers' allowance. There is nothing in the record to indicate that the 1947 allowance should have been 33 percent greater or if the 1947 allowance were assumed to be correct that the 1945 figure was obviously too high. Since we have no evidence that handlers' allowances in the past 10 years have been so out of line as to produce disorderly market conditions it is not feasible to recommend as a basis for future changes in prices a factor which would have produced substantially different results in the past.

The record indicates that during 1950 surplus milk was marketed in an orderly manner under the existing price structure. There is no basis for finding that marketing conditions in 1951 can be expected to be less advantageous to handlers processing surplus milk than they were in 1950. The indicated total quantity of surplus milk to be marketed is expected to be somewhat less than during the year 1950. The demand for dairy products is stronger this year than last. The record indicates that Boston handlers received in 1951 prices for nonfat dry milk solids about 2½ cents per pound higher than prices received by manufacturing plants in the Chicago milkshed, whereas, during 1950 the prices received by Boston handlers at country points were approximately equal to the prices received by manufacturing plants in the Chicago area. The higher price received by Boston handlers relative to the price quoted at country manufacturing points in the Chicago area represents additional income to handlers calculated at yield rates recommended by the committee of approximately 5 cents per hundredweight.

If the prices received by Boston handlers for nonfat dry milk solids continue to be above the Chicago area price on which the Class II price is computed this additional income should be accounted for in the formula. However, there is not available a regularly published series of the prices received for nonfat dry milk solids by Boston handlers and it cannot be concluded from the record that the current relationship will continue throughout the year. It is therefore concluded that the allowance factor for 1951 should not assume the receipt of this increased income, but some consideration should be given to adjusting the allowance for this and other factors prior to the flush production season of 1952.

In concluding that the surplus price structure during 1950 resulted in prices generally in line with the basic objectives of orderly marketing, it is recognized that there were some differences during 1950 in the net returns to various groups of producers. The record indicates that producers who delivered milk to cooperative associations which disposed of a large part of their product as fluid Class I milk obtained the largest excesses of payments over the blend price. The same circumstance occurred in 1948 and 1949. This would tend to indicate that proprietary handlers who purchased Class I fluid milk from these cooperative associations paid somewhat more than the order minimum prices for bulk Class I milk. Since these handlers had Class II milk in their own operations, it may be presumed that they preferred to pay the higher price for additional bulk milk rather than relinquish any of the Class II milk which they received directly from producers for processing. Although it might be concluded from this evidence that the handling allowance on Class II milk has been too liberal and has therefore fostered payment of premiums to certain groups of producers, the evidence in this respect is not conclusive enough to warrant a reduction in the allowance at the present time.

The net returns to producers delivering to cooperative associations who have a large share of the Class II for the market and producers who delivered to proprietary handlers amounted to approximately the uniform blend price during 1950. Although actual payments to the producers delivering to operating cooperative associations with large amounts of surplus were a little over 1 cent below the uniform price in 1950, indicated increases in reserves would have offset this figure.

Another consideration in appraising the relative returns to groups of producers is the general practice of producers' bargaining associations of deducting a stated amount for the conduct of the bargaining associations' activities where cooperative associations which operate their own plants generally do not make a specific deduction named for this purpose. The amounts of these deductions vary of course with the different associations and result in some differences in net return between association members where the service charge is stated and where it is merely a part of the operating costs of the handling operation.

In making comparisons of net returns to producers, official notice is taken of the fact that a fund has been accumulated since February 1949 by court order in the amount of 1 cent per hundredweight on all milk delivered by members of producers' bargaining associations and 2 cents per hundredweight on all milk delivered by members of producers' cooperative associations which operate plants. These funds have been accumulated under court order pending the decision of the United States Supreme Court concerning the legality of such payments to cooperative associations as provided in § 904.10.

In line with the foregoing findings it is concluded that the committee's recommendations with respect to the method for computing the gross butterfat and skim milk values in the Class II formula be adopted and that an offset be made in the handlers' allowance to result as nearly as possible in a formula which would have produced in 1950 the same Class II price as that which actually existed.

Although there is an indication of increased income from Class II products in 1951 relative to the price quotations used, it cannot be determined clearly from the evidence available that such income will not be offset by other factors.

There was some testimony in the hearing record which indicated that it may be desirable not to rely exclusively upon the hearing method for making adjustments in the handlers' allowance. There was general support for incorporating into the Class II price structure some method whereby the handlers' allowance could be changed automatically from time to time. The committee of experts recommended an index of changes in cost rates for this purposes. However, as it has been indicated in the foregoing the changes in cost rates do not represent the most widely variable influences on the Class II price. It has been found that Class II prices in the Boston fluid milk market have varied over long periods generally in line with changes in prices paid at manufacturing milk plants. From month to month the changes have been rather large but variations tend to average out over a 12-month period.

A series which shows a close relationship to the Boston Class II price is the average price paid for milk for manufacturing purposes as reported by the United States Department of Agriculture for a representative group of milk manufacturing plants. The prices are based on milk used in the manufacture of Cheddar cheese, evaporated milk, butter, and nonfat milk solids. In 1950 the Boston Class II price adjusted to an equivalent butterfat test varied from this average price less than one-half cent for the year as a whole although month-to-month variations were from minus 19 cents to plus 20 cents. It is obvious that the seasonal pattern of the two price series is greatly different. Therefore, the comparison of the two series should be made on the basis of a 12-month moving average.

The seasonally lower price for Class II milk in the Boston market in the flush production months and the gradually increasing price relative to market value in the fall and winter months tends to encourage the orderly marketing of surplus milk. In the season of large surpluses handlers are encouraged by the lower prices to accept milk for manufacturing. When supplies are seasonally short in the fall, the higher prices discourage manufacturing and consequently encourage the movement of needed supplies to the fluid market. The record indicates that the present plan of seasonal pricing should be continued.

Any substantial drop in the Class II price for a considerable time relative to the price paid for manufacturing milk would generally indicate that the Class II formula factors were not reflecting accurately the value of milk for manufacturing in the Boston area. It is concluded, therefore, that the handlers' allowance should be adjusted whenever the Class II price adjusted to the butterfat test for which prices paid for manufacturing milk is reported by the United States Department of Agriculture is less than the manufacturing milk price by 5 cents or more on a 12-month average basis. In order to avoid a temporary adjustment the change in the handlers' allowance should be delayed originally until the month following that in which the 12-month average has shown a 5-cent divergence.

It is recognized that an automatic adjustment based on the relationship between these two price series for the 12 preceding months would not always bring about the most desirable results. Neither, apparently, does an allowance in terms of a fixed amount per hundredweight. The deferment of the adjustment until it reaches 5 cents per hundredweight will provide time to reappraise the price by the hearing procedure if there is evidence of some unusual circumstances which warrants the continuance of the lower price.

The automatic allowance adjustment will provide a guide by which handlers can calculate the probable price in relation to manufacturing milk values. Thus some of the uncertainty concerning buying prices can be removed. Unusual and emergency conditions can still be dealt with through the hearing procedure.

It may be contended that the automatic adjustment feature should operate to increase the allowance when Boston Class II prices are substantially higher than manufacturing milk prices. If the volume of surplus milk remained at a relatively high level in the Boston area, it would appear logical that a downward adjustment should be made when prices paid for manufacturing milk are consistently less than Boston Class II prices. However, it is generally during periods of milk shortages in the Boston area and small volume Class II use that the Boston Class II price has been higher than the manufacturing milk price. In those periods a lower Class II price would have reduced the incentive to move milk to the fluid market and would not be reasonable. It is concluded, therefore, that the changes as recommended herein are all that can be supported by the evidence and analysis available in this record.

(2) The factor of 334.8 in the butterfat differential price computation should be changed to 330. The studies made by the committee examining the Class II price factors shows that the butterfat contained in a can of 40 percent cream is approximately 33 pounds rather than 33.48 pounds. The butterfat differential represents the value of one-tenth pound of butterfat at the weighted average cream price less the freight on cream shipped 200 miles to the Boston market. The revision in this factor would increase the butterfat differential about one-tenth cent. According to the findings of the study, the proposed factor would reflect more accurately the actual value of butterfat in terms of its use as fluid cream. Since the butterfat differential has been related historically to its fluid cream value, the proposed factor should be adopted.

(3) The proposal to extend the Boston marketing area to include specified military installations should not be adopted. The present marketing area includes 37 contiguous cities and towns including and surrounding the city of Boston. Producers proposed that the marketing area be redefined to include the noncontiguous territory comprising the military installations at Fort Devens, Camp Edwards, Bedford Airport, Bedford Veteran's Hospital, and Cushing Memorial Hospital. They contend that the Boston pool carries the only reserve supply of milk in New England sufficient to cover these contracts and, accordingly, Boston handlers have historically supplied these military installations. They further contend that unless these installations are included in the marketing area regulated Boston handlers are in danger of losing this market to unregulated handlers.

The record appears clear that proponents' primary interest is in guaranteeing to the Boston pool producers the returns from certain out-of-area concentrated volumes of Class I sales. The inclusion of the military installations in the Boston marketing area would give Boston producers exclusive rights to the returns from sales to such installations since returns from equivalent purchases of Boston pool milk or payments to the pool on outside milk would accrue to Boston producers and not to the individual producers of the unregulated handlers. Proponents contend that a requirement to purchase pool milk in the amount of Class I sales or to make an equalization payment of the difference between the Class I and Class II prices on the volume of outside milk used as Class I would enact no undue hardship on unregulated handlers since such handlers can purchase unregulated milk at the Boston blend rather than at class prices. Since there is a substantial difference between the blend price and the Class II price, the payment required of unregulated handlers would prevent such handlers from making contract bids for amounts larger than the quantity of milk which they could purchase from farmers at the Class II price.

Proponents for the area expansion contend that succesful bidders on some of the most recent contracts could not have shown a profit if the milk were purchased at Boston class prices. They point out inconsistently that Boston pool milk has been a prominent source of supply for the successful bidders of such contracts.

The record fails to show that Boston handlers have supplied these military installations continuously from pool sources in the past. The bulk of the business at these installations is awarded on a contract bid basis and while Boston handlers have held the contracts from time to time, such occasional sales to these noncontiguous areas make them no more a part of the Boston market than the many New England cities which receive regularly a part of their supply from Boston pool supplies.

(4) No change should be made at this time in the location differentials required to be paid to nearby producers. Certain producer interests proposed that § 904.9 (e) of the order, which sets forth the conditions for and amount of location differentials to be paid, be deleted. However, in support of their proposal they presented no material facts different from those considered in establishing specified location differentials as a part of the order provisions.

(5) The order should contain provision for computing a composite wage rate index which would be similar to the monthly composite farm wage rates which have been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting the information from which the monthly composite farm wage rate was computed and that series has been discontinued. Therefore it is necessary to compute an equivalent composite farm wage rate.

Wage rates are reported quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without board or room, and per day without board or room. These rates should be expressed as a simple average monthly composite rate after converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four states used in the Class I formula should be combined according to the weights presently used. In order to express this weighted average farm wage rate as an index on the same basis as that used in converting the previously published monthly composite farm wage rate for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by .6394. This factor is determined from the relationship during the 3 years, 1948 through 1950, of the milkshed average wage rate figure derived from the currently published data to the series which was previously published and used in the computation of the formula price.

(6) The proposal to permit the Secretary to determine an equivalent to be used in lieu of any price, index or wage rate required in computing class prices and for other purposes set forth in the order provisions and which is not available by the time the market administrator is required to announce such price

or perform such act should be adopted. Under the present order provisions the Secretary's authority to determine equivalents is limited to prices of any milk product. The nonavailability of any other price, index, or wage rate needed by the market administrator to compute class prices or perform other specified functions would appear to preclude the market administrator from performing such duties. The adoption of this proposal will recognize the responsibility of the Secretary in acting when certain required information is not available and will facilitate the operation of the order by assuring the prompt announcement of prices and butterfat differentials and the timely payment to producers of the full amounts due them for the milk delivered to order handlers.

(7) The proposal to amend the order to provide that the operator of a milk plant be the responsible handler with respect to payment, reporting and other obligations under the order for all milk and milk products received at such plant should be adopted. The operator of a plant is the logical person to be held responsible for maintaining an accurate record of the weight and test of milk received from producers. The plant operator has control of the receiving function and should be responsible for maintaining proper records of such receipts. Since payment would be made on the basis of weights and tests of the receiving plant, as verified by the market administrator, it follows that the operator of such plant should be held responsible for paying producers and for other obligations imposed by the order upon a handler. Milk temporarily diverted to a nonpool plant from the plant of a handler for the account of such handler should be considered as having been received at the pool plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk.

It was proposed in connection with this proposal that bulk milk of dairy farmers received at a pool plant for processing and for which an equivalent volume of processed milk is returned to the dairy farmer be considered exempt milk. There was no objection to the exemption of such milk from the market pool. The number of persons and the quantity of milk involved in this type of transaction is small. It is concluded therefore that such milk of a dairy farmer which is delivered to a pool handler for processing and for which an equivalent volume of bottled milk is returned should be considered exempt milk and not included in the pool.

In cases where the volume of milk received from a dairy farmer is in excess of the volume of bottled milk returned such excess milk disposed of to the pool handler may be regarded as producer milk and be pooled and paid for as such.

The processing facilities of pool handlers are sometimes employed by producer handlers and operators of unregulated plants to homogenize milk or package milk under emergency conditions. To the extent that such processing operations apply to milk which would not otherwise be Class I sales of a pool handler, the payments required on outside milk should not be applicable. The record indicates that these processing operations involving milk from nonpool sources do not result in the sale of unpriced Class I milk in the marketing area except that of producer-handlers which has been exempted from pooling. The handler who receives such milk for processing should be responsible for showing that it was handled in such a way as to maintain exempt status and should pay the expense of the market administrator's verification of such records.

(8) The proposal to amend the producer definition to provide that a dairy farmer who is a producer under the Lowell-Lawrence, Worcester, or Springfield orders shall not be a producer under the Boston order with regard to any of his Lowell-Lawrence, Worcester, or Springfield pool milk, as the case may be, diverted to a Boston pool plant should be adopted. Under the present order provisions such diversions could result in a dairy farmer being considered a producer both at the plant from which his milk is diverted and at the Boston pool plant. Such a situation could involve unreasonable financial costs to the handler if he were required to pool the milk under both pools. The adoption of the proposal will facilitate the handling of surplus milk by providing additional alternative outlets for the surplus milk in secondary markets and during all except the months of April through July could not adversely effect the interests of either the secondary market or Boston producers. However, such diversions would ordinarily most likely occur during the flush season of production when milk both in the secondary and Boston markets may be in excess supply. During these months of April through July in order to facilitate the disposition of surplus milk Boston handlers are allowed a butter and cheese adjustment on the butterfat disposed of for butter and cheese. Any Lowell-Lawrence, Worcester, or Springfield milk disposed of to a Boston pool plant further taxes existing manufacturing facilities and increases the volume of Boston producers' milk on which the butter and cheese adjustment is applicable. In order to prevent financial loss on the part of Boston producers as a result of the handling of Lowell-Lawrence, Springfield, or Worcester producer milk it should be provided that the Boston handler pay into the Boston pool, for distribution to Boston producers, the amount of the butter-cheese adjustment on the volume of Lowell-Lawrence, Springfield, or Worcester diverted milk utilized.

(9) The classification provisions should be amended to provide that transfers of milk to producer-handlers be classified as Class I. The order presently provides that sales of milk to a regulated plant, which includes the plant of a producer-handler, be classified on the basis of the actual use of such milk at such plant. It is obviously in the producers-handlers' interest under that privilege to use his own milk in Class I and claim the lowest class utilization in his plant for his purchases from pool handlers.

Producer-handlers ordinarily have only Class I operations and hence any purchases of pool milk in most cases would be for Class I users. They do not share their high Class I utilization with other producers and regular producers should not be forced to take a Class II classification or to share in such a classification when producer-handlers need additional milk to supplement their own supplies. In cases of dual operations the Class II part of the business would ordinarily be fluid cream and ice cream which can be purchased from pool handlers without penalty as cream, condensed milk, and nonfat dry milk solids, all Class II products.

Milk moved by buyer-handlers to other plants should continue to be classified as Class I. Buyer-handlers get no milk direct from producers but purchase all of their requirements for fluid products from other handlers. Accordingly they are in a position to know exactly what their daily procurement requirements are. The present provisions of the order do not limit purchases for Class II use in the buyer-handler plant, but merely restrict the transfer of milk to a third plant for other than Class I use. Proponents contend that this works a hardship in the case of route returns and excess supplies. However, unless the buyer-handler bottles in excess of his requirements the volume of route returns would normally be insufficient to require processing through another plant. Buyer-handlers should not be encouraged to buy long and transfer milk to nonpool plants for Class II use which would otherwise be available for Class I use.

Receipts of skim milk from producers-handlers should be classified as Class II up to the total quantity of fluid milk products other than cream used as Class II milk in the plant to which it is transferred. Under the present provisions of the order such receipts may be classified as Class I if so utilized. Since producers-handlers ordinarily have a high Class I utilization which they do not share with other producers in the market, other producers should not be required to shoulder a share of producers-handlers' surplus milk. Any sales of skim milk by a producer-handler to a pool handler would logically be milk in excess of such producer-handlers own Class I requirements. The assignment of receipts of skim milk from producers-handlers to the lowest available use class protects regular producers by assuring the utilization of their milk in the highest available use.

(10) The proposal to exclude from each current pool computation milk of any nonpool handler who is not in compliance with the reporting or payment provisions for any prior month should be adopted. The order presently has such a provision with reference to a pool handler in noncompliance. However, a nonpool handler in violation because of not reporting or nonpayment of assessments due continues to be carried in the current pool computation. Under such arrangement it is possible that indebtedness to the pool could reach the point of threatening the solvency of the pool. Exclusion of the milk of such nonpool handlers from the current pool computation assures the solvency of the settlement pool and at the same time does not relieve such nonpool handler of any of his obligations or responsibilities under the order.

The other proposals considered at the hearing involve nonsubstantive changes which merely delete obsolete language or clarify the language of the present provisions. There was no opposition to their adoption and it is accordingly concluded that they should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (a) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which effect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Ruling on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and order. The following proposed amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

DEFINITIONS

§ 904.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns.

Arlington	Newton
Belmont	Peabody
Beverly	Quincy
Boston	Reading
Braintree	Revere
Brookline	Salem
Cambridge	Saugus
Chelsea	Somerville
Dedham	Stoneham
Everett	Swampscott
Lexington	Wakefield
Lynn	Waltham
Malden	Watertown
Marblehead	Wellesley
Medford	Weymouth
Melrose	Winchester
Milton	Winthrop
Nahant	Woburn
Needham	

(c) "Month" means a calendar month.

(d) "Marketing years" means the twelve months' period from August 1 of each year through July 31 of the following year.

(e) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during April, May, June, or July from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of August through March. The term shall not include a person who was a producer-handler or a person delivering to a New York order pool plant during any of the preceding months of August through March.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 904.32 reports the milk as receipts from a producer at such pool plant and as moved to another plant. The term shall not apply to a dairy farmer who is a producer under the Springfield, Lowell-Lawrence, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area during the month.

(g) "Pool handler" means any handler who operates a pool plant.

(h) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 per cent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer and who receives milk of his own production only from farms located within 80 miles of the State House in Boston, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(k) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 904.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in § 904.20 for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any of a pool handler's plants which is located in the marketing area

and from which Class I milk is disposed of in the marketing area; and any plant operated by a handler in his capacity as a buyer-handler or producer-handler.

(g) "Distributing plant" means any plant from which Class I milk in the form of milk is disposed of to consumers in the marketing area without intermediate movement to another plant.

(h) "New York order pool plant" means any plant designated as a pool plant in accordance with the provisions of Order No. 27, issued by the Secretary, regulating the handling of milk in the New York metropolitan marketing area.

§ 904.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(e) "Pool milk" means milk, including fluid milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products other than cream received at a regulated plant from an unregulated plant up to the total quantity of nonpool milk received at the unregulated plant, except exempt milk, emergency milk and receipts from New York order pool plants which are assigned to Class I pursuant to § 904.29.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, without its intermediate movement to another plant.

(g) "Emergency milk" means fluid milk products, other than cream, received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

(h) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

(i) "Exempt milk" means bulk milk which is received at a plant for processing and bottling from another plant or from the dairy farmer who produced it, and for which an equivalent quantity of packaged milk is returned during the same month. This definition shall not include milk transferred between two pool plants.

MARKET ADMINISTRATOR

§ 904.10 *Designation of market administrator.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 904.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 904.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this subpart, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 904.77, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this subpart;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 904.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 904.16 *Classificattion of milk and milk products utilized at regulated plants of pool handlers.* All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization as such plant, except as provided otherwise in § 904.17.

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants.* Any fluid milk product, except cream, which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(a) If moved to any other regulated plant except a producer-handler's plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(b) If moved to a producer handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at that plant.

(c) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

§ 904.18 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 904.20 *Basic requirements for pool plant status.* Subject to the provisions of § 904.21 each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler. The basic requirements for acquiring pool plant status shall be as follows:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Section 16C and 16G, of the Massachusetts General Laws.

(b) The handler holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) Class I milk in the form of milk is disposed of in the marketing area from the plant.

(d) The handler's total Class I milk in the marketing area exceeds 10 percent of his total receipts of fluid milk products other than cream.

§ 904.21 *Conditions resulting in nonpool plant status.* Each receiving plant shall be a nonpool plant under any of the following conditions.

(a) Each plant which has acquired pool plant status but from which no Class I milk in the form of milk is disposed of in the marketing area for two successive months in the marketing year shall be a nonpool plant in the second of the two months and for each consecutive succeeding month of the marketing year during which no such Class I disposition is made.

(b) Each nondistributing plant for which the market administrator has received on or before the 16th day of the preceding month the handler's written request for nonpool plant designation shall be a nonpool plant in each month of the marketing year to which the request applies.

(c) Each city distributing plant operated by a handler who operates no other plant which is a pool plant in the same month shall be a nonpool plant in any month in which the handler's total Class I milk in the marketing area does not exceed 10 percent of his total receipts of fluid milk products other than cream.

(d) Each plant which is operated as the plant of a producer-handler shall be a nonpool plant in any month in which it is so operated.

(e) Each plant which is operated as a New York order pool plant or as a plant from which emergency milk is received shall be a nonpool plant during the month or portion of a month of such operation.

(f) Each of a handler's plants which is a nonpool receiving plant during any of the months of August through March shall be a nonpool plant in any of the months of April through July of the same marketing year in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during August through March was in the handler's capacity as a producer-handler or as the operator of a New York order pool plant which had been acquired by him after June 30 of the immediately preceding marketing year.

§ 904.22 *Disposition of Class I milk in the form of milk in the marketing area.* Each plant from which milk is moved at some time during the month to another plant from which Class I milk in the form of milk is disposed of in the marketing area shall itself be considered to have made such a disposition, except that no movement of milk to any unregulated nondistributing plant shall be considered a disposition of Class I milk in the form of milk in the marketing area.

§ 904.23 *Total receipts of fluid milk products other than cream.* Each handler's total receipts of fluid milk products other than cream, referred to in this section as "total receipts", shall be determined as follows:

(a) For each month of the marketing year until and including the first month in which the handler is a pool handler, his total receipts shall be the receipts at all plants from which Class I milk in the form of milk is disposed of in the marketing area, except his receipts at any plant which fails to meet the applicable standards set forth in § 904.20 (a) and (b), or which is a nonpool plant pursuant to § 904.21 (b).

(b) For each of the other months of the marketing year, the handler's total receipts shall be the total receipts determined pursuant to paragraph (a) of this section plus the receipts at any other of his plants which is a pool plant in such month.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 904.25 *General provisions.* Except as provided in §§ 904.26 through 904.31, all receipts of fluid milk products, other than receipts from producers, shall be assigned to Class I milk or Class II milk as follows:

(a) Receipts as to which Class II use is established shall be assigned to Class II milk.

(b) All other receipts shall be assigned to Class I milk.

§ 904.26 *Receipts of cream and other milk products.* All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

§ 904.27 *Receipts of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II milk.

§ 904.28 *Receipts of outside milk.* All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

§ 904.29 *Receipts from New York order pool plants.* Receipts of fluid milk products from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.30, and except that receipts during the months of August through March which are classified in Class I–A or I–B under the New York order shall be assigned to Class I milk.

§ 904.30 *Receipts of emergency milk.* Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products, other than cream, handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities from the first day on which emergency milk is received by the handler during the month up to and including the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

§ 904.31 *Receipts of exempt milk.* All receipts of exempt milk shall be assigned to Class I milk.

REPORTS OF HANDLERS

§ 904.32 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk as each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 904.25 through 904.31.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 through 904.18.

§ 904.33 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.34 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 904.35 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.36 *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

§ 904.37 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.38 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.39 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM CLASS PRICES

§ 904.40 *Class I prices.* For Class I milk received from producers, each pool handler shall pay, in the manner set forth in §§ 904.60 through 904.68 and subject to the differentials applicable pursuant to §§ 904.42 and 904.43 not less than the price per hundredweight determined for each month pursuant to this section. In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divided by 0.5044, and multiply by 0.6.

(2) Compute the simple average of monthly equivalent farm wage rates for each of the states named below by converting the rates reported by the United States Department of Agriculture to monthly equivalents as follows: Rate per month with board, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective states with the weights; Maine, 10, Massachusetts, 6, New Hampshire, 7, and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight for milk received from producers at plants located in the 201–210-mile zone shall be as shown in the following table.

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
50–56	$1.69	$1.25	$2.13
57–63	1.91	1.47	2.35
64–70	2.13	1.69	2.57
71–77	2.35	1.91	2.79
78–84	2.57	2.13	3.01
85–91	2.79	2.35	3.23
91–97	3.01	2.57	3.45
98–104	3.23	2.79	3.67
105–111	3.45	3.01	3.89
112–118	3.67	3.23	4.11
119–125	3.89	3.45	4.33
125–132	4.11	3.67	4.55
133–139	4.33	3.89	4.77
140–146	4.55	4.11	4.99
147–152	4.77	4.33	5.21
153–159	4.99	4.55	5.43
160–166	5.21	4.77	5.65
167–173	5.43	4.99	5.87
174–180	5.65	5.21	6.09
181–187	5.87	5.43	6.31
188–194	6.09	5.65	6.53

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

§ 904.41 *Class II prices.* For Class II milk received from producers, each pool handler shall pay, in the manner set forth in §§ 904.60 through 904.68 and subject to the differentials set forth in § 904.42 and § 904.43, and the adjustments applicable pursuant to § 904.44, not less than the price per hundredweight determined for each month pursuant to this section.

(a) Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling-quality cream, F. O. B. Boston, as reported by the United States Department of Agriculture for the month during which such milk is received, divide the remainder by 33, multiply by .98, and multiply the result by 3.7. If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound or roller process and the spray process nonfat dry milk solids for human consumption, in carlots, F. O. B. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month, adjusted pursuant to paragraph (d) of this section. The result is the Class II price per hundredweight for milk received from producers at plants located in the 201–210 railroad freight mileage zone.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) The amount set forth in the table in paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacturing purposes f. o. b. plants, United States, for the 12 months ending with the preceding month.

(2) Adjust the Class II prices for milk received at plants in the 201–210 mile zone for the preceding 12 months to the average butterfat tests for which the prices described in subparagraph (1) of this paragraph are reported by applying the differential pursuant to § 904.63, and compute a simple average of such adjusted prices.

(3) Determine any amount, computed to the nearest ½ cent, by which the average determined pursuant to subparagraph (1) of this paragraph exceeds the average computed pursuant to subparagraph (2) of this paragraph: *Provided*, That this provision shall not be applicable for the first time until the plus amount determined hereby for the previous month exceeds 5 cents.

§ 904.42 *Zone price differentials.* The minimum prices determined pursuant to §§ 904.40 and 904.41 shall be subject to differentials based upon the zone location of the plant at which the milk was received from producers. For each country plant, the zone shall be determined in accordance with the railroad freight mileage distance to Boston from the railroad shipping point for such plant. Each city plant, regardless of such railroad freight mileage distance, shall be considered to be in the "City Plant" zone. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 904.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A	B	C
Zone (miles)	Class I—Price differentials (cents per hundredweight)	Class II—Price differentials (cents per hundredweight)
City plant	+52.0	+38.1
41–50	+14.5	+4.2
51–60	+13.5	+4.0
61–70	+13.0	+3.7
71–80	+11.5	+3.5
81–90	+11.0	+3.2
91–100	+10.5	+3.0
101–110	+10.5	+2.9
111–120	+9.0	+2.6
121–130	+9.0	+2.4
131–140	+8.0	+2.1
141–150	+5.5	+1.6
151–160	+4.0	+1.3
161–170	+4.0	+1.2
171–180	+1.5	+0.6
181–190	+1.5	+0.4
191–200	0	+0.1
201–210	(1)	(1)
211–220	−4.0	−0.6
221–230	−4.5	−0.7
231–240	−5.5	−0.9
241–250	−5.5	−0.9
251–260	−6.5	−1.2
261–270	−7.0	−1.3
271–280	−7.5	−1.5
281–290	−8.5	−1.6
291–300	−9.5	−1.8
301–310	−13.0	−2.3
311–320	−13.0	−2.4
321–330	−14.0	−2.5
331–340	−14.0	−2.8
341–350	−15.0	−2.8
351–360	−15.0	−3.0
361–370	−15.0	−3.1
371–380	−15.5	−3.3
381–390	−15.5	−3.4
391 and over	−15.5	−3.5

[1] No differential.

§ 904.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk in carlots in tank cars or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff—M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 904.42 and other price factors set forth in § 904.41 and in § 904.63, shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. For the purpose of this section, it shall be considered that the rail tariff applicable to city plants is zero.

(a) If such rail tariff on milk is changed, the differentials set forth in Column B of the table and the city plant differential in Column C shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201–210 miles and for the other applicable distances. Such adjustments shall be made to the nearest one-half cent per hundredweight in Column B, and to the nearest one-tenth cent per hundredweight in Column C.

(b) If such rail tariff on cream is changed, the country plant zone differentials set forth in Column C of the table shall be adjusted to the extent of any change in the difference between the rail tariff for mileage distances of 201–210 miles and for the other applicable distances, divided by 9.05. Such adjustments shall be made to the nearest one-tenth cent per hundredweight.

(c) If such rail tariff on cream is changed, the rail tariff rate on cream for mileage distances of 201–210 miles times 1.03 and adjusted to the nearest one-half cent shall be used in place of 52.5 cents specified in § 904.41 and § 904.63.

§ 904.44 *Butter and cheese adjustment.* During the months of April, May, June, and July, the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Using the midpoint of any range as one price, compute the average of the daily prices for Grade A 92-score butter wholesale in the New York market which are reported during the month by the United States Department of Agriculture, and add 20 percent.

(b) Divide by 3.7 the amount determined pursuant to § 904.41 (a), and subtract from the quotient the amount determined pursuant to paragraph (a) of this section. The result is the butter and cheese differential.

(c) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(d) Subtract such portion of the quantity determined in paragraph (c) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(e) Multiply the remaining pounds of butterfat determined pursuant to paragraph (d) of this section by the butter and cheese differential determined pursuant to paragraph (b) of this section.

§ 904.45 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate, specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate, determined by the Secretary to be equivalent to or comparable with the price which is specified.

§ 904.46 *Announcement of class prices and differentials.* The market administrator shall make public announcements of the class prices and differentials in effect pursuant to this subpart as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday, he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

§ 904.47 *Allocation of Class I milk to plants.* Each pool handler's Class I milk during the month, after excluding receipts assigned to Class I milk pursuant to §§ 904.25 through 904.31, shall be allocated to his plants as follows:

(a) His Class I milk first shall be considered to have been the receipts at his city plants of milk from producers' farms, and of outside milk.

(b) Thereafter, his Class I milk shall be considered to have been the receipts at his country plants of that milk received from producers' farms, and that outside milk, which was shipped as fluid milk products, other than cream, from each of his country plants, in the order of the nearness of the plants to Boston. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II milk is established, shall not be allocated to Class I milk.

BLENDED PRICES TO PRODUCERS

§ 904.50 *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(a) Multiply the quantity of milk in each class by the price applicable pursuant to §§ 904.40 and 904.41; and

(b) Add together the resulting value of each class.

(c) Adjust the value determined in paragraph (b) of this section as provided in § 904.44.

§ 904.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk, computed pursuant to § 904.50 and payments required pursuant to §§ 904.66 and 904.67 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61 (b), 904.66, and 904.67 for milk received during each month since the effective date of the most recent amendment of this subpart;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.66, 904.67 and 904.68.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials which are applicable pursuant to § 904.64;

(d) Subtract the total amount of cooperative payments required by § 904.72;

(e) Divide by the total quantity of milk received from producers for which a value is determined pursuant to paragraph (a) of this section;

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in the 201–210 freight mileage zone, shall be known as the basic blended price.

§ 904.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations, because of failure to make reports or payments pursuant to this subpart.

PAYMENTS FOR MILK

§ 904.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 904.61 (a).

§ 904.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50 as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50 as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 904.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 904.61 (b), 904.66, or 904.67, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by this order, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 *Butterfat differential.* In making the payments to each producer for milk received from him, each pool handler shall add for each one-tenth of 1 percent average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator as follows:

(a) Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22.

§ 904.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 904.61 (a) shall be subject to the differentials set forth in Column B of the table in § 904.42 as adjusted by § 904.43 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 *Other differentials.* In making the payments to producers set forth in § 904.61 (a), pool handlers may make deductions as follows:

(a) With respect to milk delivered by producers to a city plant which is located outside the marketing area and more than 14 miles from the State House in Boston, 10 cents per hundredweight;

(b) With respect to milk delivered by producers to a country plant, at which plant the average daily receipts of milk from producers are:

(1) Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight, and

(2) 8,500 pounds or less, 8 cents per hundredweight.

§ 904.66 *Payments on outside milk.* (a) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the market administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 effective for the location or freight mileage zone of the handler's plant.

§ 904.67 *Payments on diverted milk.* Within 23 days after the end of each month, each pool handler, buyer handler, or producer handler who receives outside milk from the farms of dairy producers under other Federal orders which is diverted pursuant to § 904.2 (e) shall in addition to any payments on such milk required by § 904.66 pay during the applicable months to producers through the market administrator on the pounds of butterfat received in such diverted milk the price adjustment computed pursuant to § 904.44.

§ 904.68 *Adjustment of overdue accounts.* Any balance due pursuant to §§ 904.61, 904.62, 904.66, 904.67 and 904.68 for any month since August 1, 1937, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

§ 904.69 *Statements to producers.* In making the payments to producers prescribed by § 904.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month, and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 904.61 (a), 904.63, and 904.64;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 904.65 and 904.75, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

PAYMENTS TO COOPERATIVE ASSOCIATIONS

§ 904.71 *Application and qualification for cooperative payments.* Any cooperative association of producers duly organized under the laws of any state may apply to the Secretary for a determination that it is qualified to receive cooperative payments in accordance with the provisions of §§ 904.71 through 904.75. Upon notice of the filing of such an application, the market administrator shall set aside for each month, from the funds provided by handlers' payments to the market administrator pursuant to §§ 904.61, 904.62, 904.66, 904.67, and 904.68, such amount as he estimates is ample to make payment to the applicant, and hold it in reserve until the Secretary has ruled upon the application. The applicant association shall be considered to be a qualified association entitled to receive such payments from the date fixed by the Secretary, if he determines that it meets all of the following requirements.

(a) It conforms to the requirements relating to character of organization, voting, dividend payments, and dealing in products of nonmembers, which are set forth in the Capper-Volstead Act and in the state laws under which the association is organized.

(b) It operates as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members.

(c) It systematically checks the weights and tests of milk which its members deliver to plants not operated by the association.

(d) It guarantees payment to its members for milk delivered to plants not operated by the association.

(e) It maintains, either individually or together with other qualified associations, a competent staff for dealing with marketing problems and for providing information to its members.

(f) It constantly maintains close working relationships with its members.

(g) It collaborates with similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers.

(h) It is in compliance with all applicable provisions of this subpart.

§ 904.72 *Cooperative payments.* On or before the 25th day after the end of each month, each qualified association shall be entitled to receive a cooperative payment from the funds provided by handlers' payments to the market administrator pursuant to §§ 904.61, 904.62, 904.66, 904.67, and 904.68. The payment shall be made under the conditions and at the rates specified in this section, and shall be subject to verification of the receipts and other items upon which such payment is based.

(a) Each qualified association shall be entitled to payment at the rate of 1 cent per hundredweight on the milk which its producer members deliver to the plant of a handler other than a qualified association; except on milk delivered by a producer who is also a member of another qualified association, and on milk delivered to a handler who fails to make applicable payments pursuant to § 904.61 (b) and § 904.77 within ten days after the end of the month in which he is required to do so. If the handler is required by § 904.75 to make deductions from members of the association at a rate lower than 1 cent per hundredweight, the payment pursuant to this paragraph shall be at such lower rate.

(b) Each qualified association shall be entitled to payment at the rate of 2 cents per hundredweight on milk received from producers at a plant operated by that association.

§ 904.73 *Reports relating to cooperative payments.* Each qualified association shall, upon request by the market administrator, make reports to him with respect to its use of cooperative payments and its performance in meeting the requirements set forth as the basis for such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

§ 904.74 *Suspension of cooperative payments.* Whenever there is reason to believe that an association is no longer meeting the qualification requirements, the market administrator shall, upon request by the Secretary, suspend cooperative payments to it, and shall give the association written notice of the suspension. Such suspended payments shall be held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the association.

§ 904.75 *Deductions from payments to members.* (a) Each association which is entitled to receive cooperative payments on milk which its producer mem-

bers deliver to a handler other than a qualified association may file a claim with the handler for amounts to be deducted from the handler's payments to such members. The claim shall contain a list of the producers, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer, authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim, and shall pay the amount deducted to the association within 25 days after the end of the month.

ADMINISTRATION EXPENSE

§ 904.77 *Payments of administration expense.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this subpart. The payment shall be at the rate of 3 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of exempt milk and outside milk during the month.

OBLIGATIONS

§ 904.78 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 904.80 *Effective time.* The provisions of this subpart or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any of its provisions whenever he finds that this subpart or any of its provisions obstruct or do not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 996.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 13th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8239; Filed, July 17, 1951; 8:53 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF PROPOSED PROCEDURE

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

1. The Commission has before it a petition, filed July 6, 1951, by the National Association of Radio and Television Broadcasters in behalf of its Television Board (NARTB-TV) which requests the Commission to change the procedure to be followed in the hearings in the above-entitled matters. In the said petition it is requested that the following procedure be followed in lieu of the oral hearing scheduled to commence on July 23, 1951:

1. Provide interested parties of record an opportunity to participate in further rule making on these subjects solely through submission of written data, views, or arguments in lieu of oral presentation in open hearing, said material to have the same force and effect as if such testimony and evidence had been presented orally at the hearing scheduled to begin on July 23, 1951.

2. Provide for a 30-day period from the date of grant of this petition within which such parties of record may fully implement comments (including data, views or arguments) previously filed, having due notice that opportunity for oral presentation will not be provided, unless good cause is shown to the contrary by specific petition.

3. Provide for an additional 30-day period within which such parties of record may submit written comments (including data, views or arguments) in opposition to the implemented and additional comments filed in accordance with paragraph 2 above.

4. Provide for the submission of the above specified, written testimony and evidence in affidavit form.

5. Provide that such written data, views or arguments shall be filed with the Commission in sufficient number to permit reasonable access thereto at the Commission.

2. In support of its proposal the NARTB-TV states the following:

• • • many states are presently without any local television service; • • • only a minor percentage of the communities of the United States do presently receive television broadcast service; • • • the peoples of many communities and rural areas now unserved are deprived of a television service now available to residents of the larger cities of the nation; • • • this unserved public desires and deserves television service within the reasonable future; • • • the Commission does not contemplate new and additional grants of television construction permits until final determination of these dockets; • • • pursuant to the Commission's Third Notice of Further Proposed Rule Making (as amended) and in contemplation of the so-called specific allocations hearing now scheduled for July 23, the Commission has received over 1,000 pleadings, so filed, including 700 comments and 330 individual oppositions; • • • oral presentation and cross examination by these parties before the Commission en banc in open hearing would entail between eight to fifteen months of time and further delay; • • • these extraordinary and unusual circumstances are of a nature to require a specific expediting procedure in the public interest; • • • section 4 (j) of the Communications Act of 1934 as amended specifies that "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice"; • • • in accordance with section 4 (b) of the Administrative Procedure Act of 1946 the Commission "• • • shall afford interested persons an opportunity to participate in rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner" (emphasis supplied); • • • Petitioner urges that exercise of this discretion in this instance would serve public necessity and promote public convenience and interest; • • •

3. The Commission also has before it petitions to amend the Third Notice of Further Proposed Rule-Making (FCC 51-244) filed July 11, 1951, by Keokuk Broadcasting Company, Keokuk, Iowa, Allegheny Broadcasting Company, Pittsburgh, Pennsylvania, Hirsch Broadcasting Company, Cape Girardeau, Missouri,[1] The Gable Broadcasting Company, Altoona, Pennsylvania, Orlando Broadcasting Company, Inc., Orlando, Florida, KFRU, Inc., Columbia, Missouri, Lynchburg Broadcasting Corporation, Lynchburg, Virginia and Pittsburg Broadcasting Co., Inc., Pittsburg, Kansas. These petitions state that the petitioners join in the petition filed by NARTB-TV described in paragraphs 1 and 2 above. In support of their petitions the petitioners state that they believe:

• • • that the submission of information and data in written form, rather than by oral presentation in open hearing, would save the Commission over a year's time in the solution of the television allocation problem. Such a saving of time and money for the Commission and the parties to this proceeding is surely in the public interest.

The preparation of the material to be submitted will create, during the summer vacation period, a tremendous workload in the offices of engineers, attorneys, parties to this proceeding and all others who must assemble and prepare these data. Therefore, inasmuch as over a year's time may be saved, a more thorough presentation may be made for the Commission's consideration if forty-five or sixty days are permitted for the preparation of the material to be submitted and the same time for the filing of answers or oppositions.

4. The Commission also has before it a statement regarding the petition of the NARTB-TV to amend the Third Notice of Further Proposed Rule-Making described in paragraphs 1 and 2 above, filed on July 11, 1951 by Birmingham Broadcasting Company, Inc., licensee of Station WBRC (TV), Birmingham, Alabama. This statement requests the Commission to permit the filing of written affidavits, documents, etc., as requested in the petition filed by the NARTB-TV. The statement points out that the Birmingham Broadcasting Company, Inc., is not affected by the NARTB-TV petition inasmuch as that petition does not apply to show cause orders which have been issued pursuant to paragraphs 8 and 9 of the Commission's Third Notice of Further Proposed Rule-Making. The statement points out further that no one has requested a hearing on the show cause order which Birmingham Broadcasting Company, Inc., has accepted and, therefore, no hearing is involved in order that the change in frequencies contemplated by the show cause order may be accomplished. The statement provides further that "it is the desire of this petitioner to advise the Commission that it is willing to cooperate and that it is in favor of the time saving process set forth by NARTB." Birmingham states, however, that its statement is not intended to in anywise affect the present status of the show cause proceeding with respect to its station.

5. The Commission is cognizant of the compelling need of concluding the instant proceedings at the earliest possible date consistent with due consideration of the important basic issues involved. It is keenly aware of the considerations referred to in the petitions described above and of the fact that the interest of the people of the United States requires that television become available on a nationwide scale at the earliest practicable moment and on a basis that will make for a fair, efficient, and equitable distribution of television service. It has, therefore, had under consideration possible methods for expediting progress of the instant proceedings in order to accomplish this objective. As a result of such consideration, including a review of the petitions described above, the Commission announces the following as a proposed procedure for completion of the above-entitled proceedings.

a. The further oral hearing now scheduled to be held in the above-entitled proceedings commencing July 23, 1951, would not be held. In lieu of such oral hearing, any person who, pursuant to paragraph 12 of the Third Notice of Further Proposed Rule Making (FCC 51-244) has filed an appropriate comment or opposition with respect to Appendices C and D in the above-entitled proceeding, would be permitted to file sworn written statements or exhibits fully setting out their position in support of such pleadings. Parties who have heretofore filed such comments or oppositions may adopt such statements or any designated portions as the complete presentation with respect to any issue by such party by the filing of a sworn statement verifying the matters of fact set out therein. The date for filing of such statements or exhibits would be specified by the Commission upon final adoption of the procedure proposed herein.

b. Any person eligible to submit sworn statements or exhibits under subparagraph a above, would, in lieu of cross-examination and rebuttal, be permitted to submit sworn statements or exhibits directed to those submitted by other parties pursuant to subparagraph a, above. The final date for the filing of any such statements or exhibits would be specified by the Commission upon final adoption of the procedure proposed herein.

c. The Commission would, upon its own motion or that of any proper party, order oral cross examination of any person or party who has filed a sworn statement or exhibit in this proceeding in connection with subparagraphs a and b, if upon review of the statements and exhibits filed pursuant to subparagraphs a and b above, it appears relevant factual issues cannot otherwise be satisfactorily resolved.

d. On July 20, 1951, at 10:00 a. m., the Commission will hold a formal pre-hearing conference in Conference Room B adjacent to the Interdepartmental Auditorium, between 13th and 14th Streets NW. on Constitution Avenue, Washington, D. C. The purpose of this pre-hearing conference will be to discuss the procedure described in subparagraphs a, b and c above with the parties eligible to participate in the remaining portions of this proceeding or their attorneys. Such parties may also file written statements supporting or oppos-

[1] Hirsch Broadcasting Company appears not to have heretofore filed a proper pleading in this proceeding.

ing the adoption of the said procedure on or before the date of the pre-hearing conference. Following the conference the Commission will announce whether the procedure proposed herein is adopted as final. In reaching this decision it will take into full account the views expressed at the pre-hearing conference.

6. The oral hearing in the above-entitled proceeding scheduled to commence on July 23, 1951, is hereby continued and will commence on July 30, 1951, should the procedure proposed herein not be finally adopted.

7. This notice is issued pursuant to section 4 (i) and (j) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

Adopted: July 13, 1951.

Released: July 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8192; Filed, July 16, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-236]

ACCIDENT OCCURRING NEAR FORT COLLINS, COLORADO

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-37543, which occurred near Fort Collins, Colorado, on June 30, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, July 19, 1951, at 9:00 a. m. (local time) in the Albany Hotel, Seventeenth and Stout Streets, Denver, Colorado.

Dated at Washington, D. C., July 12, 1951.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 51-8185; Filed, July 17, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1210, G-1236, G-1264]

GRAND RIVER-ERIE GAS TRANSMISSION CO. ET AL

NOTICE OF ORDER GRANTING MOTION TO WITHDRAW APPLICATION AND TERMINATING PROCEEDING

JULY 13, 1951.

In the matters of Grand River-Erie Gas Transmission Company, Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264.

Notice is hereby given that, on July 12, 1951, the Federal Power Commission issued its order entered July 11, 1951, in the above-entitled matters, granting motion to withdraw application and terminating proceeding in Docket No. G-1264, Grand River Gas Transmission Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8187; Filed, July 17, 1951; 8:48 a. m.]

[Docket No. E-6252]

INTERSTATE LIGHT & POWER CO. (WISCONSIN) AND WISCONSIN POWER & LIGHT CO.

NOTICE OF ORDER DIRECTING COMPLIANCE

JULY 13, 1951.

In the matter of Interstate Light and Power Company (Wisconsin) and Wisconsin Power and Light Company; Docket No. E-6252.

Notice is hereby given that, on July 12, 1951, the Federal Power Commission issued its Opinion No. 215 and order entered July 11, 1951, in the above-entitled matter, directing compliance with the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8188; Filed, July 17, 1951; 8:48 a. m.]

[Docket No. G-1729]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 12, 1951.

Take notice that on June 27, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of a 1980 hp. compressor station, near Shell Oil Company's T X L plant in Ector County, Texas.

By means of the proposed facility, Applicant expects to transport an additional 17,800 Mcf of natural gas per day from the Shell Oil plant to Applicant's Keystone plant in Winkler County, Texas through two existing parallel 16 inch pipelines interconnecting the two plants. These additional volumes will be used to supply the general requirements of existing customers. The cost of the proposed facility is estimated to be $453,000 which will be paid from current working funds of Applicant without additional financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8189; Filed, July 17, 1951; 8:48 a. m.]

[Docket No. G-1732]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

NOTICE OF APPLICATION

JULY 12, 1951.

In the matter of The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company.

Take notice that The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, and Home Gas Company (Home), a New York corporation, each having as its address, Pittsburgh, Pennsylvania (all hereinafter sometimes referred to as "Applicants"), filed on June 29, 1951, a joint application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, and for orders pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment and retirement of certain natural-gas facilities, as hereinafter described.

Manufacturers proposes to contruct and operate approximately 3.2 miles of 20-inch, 2.69 miles of 16-inch, 0.5 mile of 12-inch, 1.0 mile of 10-inch, 2.10 miles of 8-inch, 9.13 miles of 6-inch and 7.37 miles of 4-inch natural-gas transmission pipeline at various points on its system in Pennsylvania and West Virginia, and in connection therewith to abandon and retire approximately 2.54 miles of 20-inch, 0.66 mile of 18-inch, 0.79 mile of 10-inch, 0.94 mile of 8-inch, 0.16 mile of 5-inch, 5.67 miles of 4-inch, 0.45 mile of 3-inch and 5.32 miles of 2-inch existing pipeline. Manufacturers also proposes to convert approximately 15,840 feet of 10-inch pipeline from its present use as a transmission line to use as a distribution line, and to abandon and dismantle its existing Mount Pleasant Compressor Station in Hancock County, West Virginia consisting of one 125 hp. compressor unit and necessary appurtenances.

Cumberland proposes to construct and operate approximately 12.38 miles of 6-inch and 4,550 feet of 4-inch natural-gas transmission pipeline at points on its system in Maryland and West Virginia, and in connection therewith to abandon and retire approximately 9.6 miles of 3-inch and 4-inch, 2.9 miles of 4-inch and 5,138 feet of 2-inch existing pipeline.

Home proposes to construct and operate approximately 16 miles of 12-inch natural-gas transmission pipeline paralleling a portion of its existing multiple transmission system between Olean and the Hudson River in New York.

Applicants state that by means of the proposed additional facilities the deliverability of their transmission systems will be increased and improved in the interest of flexibility, and that the retirement of facilities no longer used or useful in the public service, as proposed, will eliminate expenses in connection therewith. Applicants state that none of the proposed facilities are being installed to serve new markets.

The total estimated net cost of retirement of existing facilities and of construction of additional facilities for Manufacturers is $1,052,911, for Cumberland is $245,152 and for Home is $555,000. Such cost is proposed to be paid for by borrowing the major portion thereof from Applicants' parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8190; Filed, July 17, 1951; 8:48 a. m.]

[Docket No. G-1735]

NORTH PENN GAS CO. AND CRYSTAL CITY GAS CO.

NOTICE OF APPLICATION

JULY 12, 1951.

Take notice that North Penn Gas Company (North Penn), a Pennsylvania corporation, address, Port Allegany, Pennsylvania and its wholly-owned subsidiary, Crystal City Gas Company (Crystal City), a New York corporation, address, Corning, New York, filed on July 6, 1951, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 10.3 miles of combined 12-inch and 10¾-inch natural-gas transmission pipeline, paralleling an equal length of existing 12-inch and 8-inch pipeline extending from Palmer Station in North Penn's Farmington Storage Area to a point known as the "Corning Y" in Steuben County, New York.

North Penn proposes to construct and operate 7 miles of 10¾-inch line and approximately 8,400 feet of 12-inch line in Pennsylvania, and Crystal City proposes to construct and operate the remaining 9,200 feet of 12-inch line in New York. Applicants propose, by means of said facilities, to increase the capacity of their existing systems by 36,000 Mcf per day of natural gas in order to provide for present and future growth requirements of customers in Corning and Elmira, New York.

The estimated total overall cost of the proposed facilities is $239,369. The proposed financing will be out of current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1951. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8191; Filed, July 17, 1951; 8:48 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

ORGANIZATION AND FUNCTIONS

REDESIGNATION OF MARINE HOSPITALS OF THE PUBLIC HEALTH SERVICE AS U. S. PUBLIC HEALTH SERVICE HOSPITALS

The Marine Hospitals of the Public Health Service are redesignated as U. S. Public Health Service Hospital, effective July 1, 1951. All references to "Marine Hospitals" and " U. S. Marine Hospitals" in previously published statements of the organization, functions and procedures of the Service (16 F. R. 1912), shall be read as "U. S. Public Health Service Hospitals."

Dated: July 11, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 12, 1951.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 51-8193; Filed, July 17, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97]

MISSION OIL CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON PLAN; NOTICE OF AND ORDER FOR HEARING, AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1951.

In the matter of the Mission Oil Co., Southwestern Development Company and subsidiaries; File No. 54-196, File No. 59-97.

I. Notice is hereby given that the Mission Oil Company ("Mission"), a registered holding company and its subsidiary, Southwestern Development Company ("Southwestern"), also a registered holding company, and the subsidiaries of Mission and Southwestern have filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for the stated purpose of effectuating compliance by such companies with the provisions of section 11 (b) of the act.

All interested persons are referred to the application which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Sinclair Oil Corporation ("Sinclair"), which has been granted an exemption from the provisions of the act, and Mission own, respectively, 51 percent and 47.28 percent of the voting securities of Southwestern. In addition, Sinclair holds 3.978 percent of the voting securities of Mission. Southwestern owns all of the outstanding securities of Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), Clayton Gas Company ("Clayton"), Dalhart Gas Company ("Dalhart"), Red River Gas Company ("Red River") and West Texas Gas Company ("West Texas"). Southwestern also owns all of the outstanding common stock of Canadian River Gas Company ("Canadian") and 42.5 percent of the common stock of Colorado Interstate Gas Company ("Colorado"). The remaining 57.5 percent of the common stock of Colorado is owned 15 percent by Public Service Company of Colorado and 42.5 percent by a group of investment bankers including Union Securities Corporation which is the largest holder of this block. The type of business and other data in respect of the various applicants are set forth in Part II hereinafter.

Briefly stated, the plan provides for the liquidation of Mission through the distribution to its stockholders of its holdings of common stock of Southwestern; the divestment by Sinclair of its interest in the common stock of Southwestern; the distribution by Southwestern to its stockholders of its holdings of common stock of Colorado following the merger of Colorado and Canadian into Colorado; the organization of a new corporation for the purpose of acquiring and holding certain natural gasoline rights now held by Canadian and Amarillo Oil, and the distribution of the stock of such new corporation to the stockholders of Southwestern. The securities to be received by Mission in connection with the distributions by Southwestern will also be distributed to Mission's stockholders, and the common stock of Colorado to be received by Sinclair in respect of such distributions will be disposed of as hereinafter provided.

The specific transactions proposed in the plan are as follows:

1. Southwestern will change its 40,806 outstanding shares of common stock, without par value, into 727,757.05 shares of common stock of the par value of $5 per share, and will issue new certificates evidencing 727,757.05 shares in exchange for the certificates evidencing the outstanding 40,806 shares.

2. Colorado will change its 1,250,000 outstanding shares of common stock, without par value, into 1,710,016.60 shares of common capital stock of the par value of $5 per share, and will issue new certificates evidencing said 1,710,016 60 shares of capital stock in exchange for certificates evidencing said 1,250,000 shares.

3. Canadian will organize a new corporation ("Gasoline Company"), with a capitalization to consist entirely of 1,000,000 authorized shares of $0.10 par value common stock.

4. Canadian will transfer to Gasoline Company all of the natural gasoline and other liquid hydrocarbons owned by Canadian in place and also 85 percent of the net earnings received by Canadian from the natural gasoline operations of Texoma Natural Gas Company (now merged with Natural Gas Pipeline Company of America), a non-affiliate, in exchange for 727,757.05 shares (100 percent) of the common stock of Gasoline Company.

5. Canadian and Gasoline Company will execute an operating agreement providing for the extraction and processing by Canadian of the natural gasoline and other liquid hydrocarbons to be owned

by Gasoline Company and for the sale by such company of the processed natural gasoline and other liquid hydrocarbons and for the payment by such company to Canadian of an amount equal to 50 percent of the gross proceeds of such sales.

6. Amarillo Oil will also transfer to Gasoline Company and to Canadian the right to 50 percent and 4.16 percent, respectively, of the gross proceeds from the sale of natural gasoline extracted from gas delivered by Canadian to Amarillo Oil for the use of West Texas pursuant to contract dated January 1, 1928.

7. Canadian will distribute all of the stock of Gasoline Company to Southwestern, the sole shareholder of Canadian; Southwestern will distribute such stock to its shareholders on the basis of one share of stock of Gasoline Company for each share of Southwestern; and Mission will distribute the shares of such stock, received from Southwestern, to Mission's stockholders on a share for share basis.

8. Canadian and Colorado will be merged into Colorado and the survivor ("Surviving Colorado") will issue 1,710,016.60 shares of common stock, of the par value of $5 per share, to the stockholders of Colorado in exchange for 1,250,000 shares of the presently outstanding no par capital stock of Colorado on the basis of 1.36801328 shares for each present share; and Surviving Colorado will issue an additional 1,000 shares of its common stock to Southwestern in exchange for the 25,000 shares of capital stock of Canadian now owned by Southwestern. It appears from the application that the Federal Power Commission, by order issued July 20, 1950, found a merger of the facilities and properties of Canadian and Colorado to be in the public interest, and, on March 1, 1951, issued to Colorado a certificate of public convenience and necessity authorizing Colorado, subject to certain conditions, to acquire and operate the facilities and properties of Canadian.

9. Southwestern will distribute, pro rata, to its stockholders the shares of stock of Surviving Colorado to be received as above, and Mission will distribute to its stockholders the shares of such stock received pursuant to Southwestern's distribution on a share for share basis.

10. Mission will distribute to its stockholders its holdings of the common stock of Southwestern on a share for share basis, and Mission will be dissolved.

11. The application states that Sinclair will agree to dispose of the shares of Surviving Colorado and the shares of Southwestern to be received under the provisions of the plan, such dispositions to be made within one year from the effective date of the plan or within such longer period as the Commission may by order direct.

The applicants request the Commission by appropriate order to find that the plan is necessary or appropriate in the public interest or in the interest of investors and consumers or necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby.

The Commission is further requested to approve the plan and authorize the applicants to proceed with the consummation thereof subject to the provisions of the Commission's Rule U-24: *Provided, however,* That the steps or transactions of the plan regarding the proposed divestment may be carried out within one year from the effective date of the plan or within such longer time as the Commission may by order direct.

The plan further requests the Commission to enter an order or orders containing recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

II. The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the act, the corporate structure of Mission, Southwestern, and their subsidiaries, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities eliminated, voting power fairly and equitably distributed among the security holders thereof, and the properties and businesses of such system confined to those necessary or appropriate to the operations of an integrated public utility system or systems under the standards of section 11 (b) of the act; and said examination having disclosed data establishing or tending to establish the following:

1. Mission is a corporation organized under the laws of the State of Kansas and maintains its principal office in Kansas City, Missouri. It is solely a holding company whose principal asset consists of 19,294 shares (47.3 percent) of the outstanding no par common stock of Southwestern. It renders no service, financial or otherwise, to any of the system companies. Of Mission's outstanding common stock about 24 percent is owned by Albert R. Jones (president and a director of Mission and a director of certain other system companies) and members of his family and associates, about 4 percent is owned by Sinclair and about 72 percent is widely distributed among public investors.

2. Southwestern, a corporation organized under the laws of the State of Colorado, maintains its principal office in New York City and is solely a holding company. At December 31, 1950, Southwestern had outstanding $2,750,000 principal amount of 2½ percent unsecured five year notes payable to banks, and 40,806 shares of no par common stock. Southwestern's common stock is owned 51 percent by Sinclair, 47.3 percent by Mission and 1.7 percent by Albert R. Jones, members of his family and associates. Albert R. Jones is vice president and a director of Southwestern and Canadian, and a director of Colorado, Clayton, Amarillo Oil and West Texas.

3. Southwestern has eight subsidiaries of which four are gas utilities, one is a gas production company, one is a gas production and transmission company and the other two are gas transmission companies. Six of these subsidiaries operate in the Texas Panhandle area and one small gas utility operates in northeastern New Mexico. The eight subsidiary, Colorado, owns two gas transmission lines extending from Clayton Junction, New Mexico to Denver, Colorado and from Lakin, Kansas to Denver. It supplies gas at wholesale to eastern Colorado and southeastern Wyoming markets and to Natural Gas Pipeline Company of America for sale at wholesale in Chicago and intermediate markets along the line. Colorado has on file with the Commission an application pursuant to section 2 (a) (8) (A) claiming an exemption as a subsidiary of Southwestern and of Mission and by virtue thereof is exempt as such subsidiary from the provisions of the act except section 9 (a) (2) (File No. 31-465). Colorado also claims exemption from the act pursuant to the provisions of Rule U-3D-15.

4. The names of the companies comprising the holding company system of Mission and Southwestern (their relationships being indicated by indentations), the states in which such companies are incorporated, and the per cent of voting securities owned by the respective system companies, are shown in Table I below:

TABLE I

Name of company	State of organization	Percent of voting securities owned by system companies
Mission Oil Co.	Kansas	
Southwestern Development Co.	Colorado	47.3
Amarillo Gas Co.	Texas	100.0
Amarillo Oil Co.	do	100.0
Canadian River Gas Co.	Delaware	100.0
Clayton Gas Co.	New Mexico	100.0
Colorado Interstate Gas Co.	Delaware	142.5 [1]
Dalhart Gas Co.	Texas	100.0
Red River Gas Co.	Delaware	100.0
West Texas Gas Co.	do	100.0

[1] Public Service Co. of Colorado owns 15 percent and 5 investment banking firms own 42½ percent.

5. Southwestern owns all of the outstanding securities of Amarillo Gas, Amarillo Oil, Clayton, Dalhart, Red River and West Texas, including indebtedness consisting of 2½ percent and 3 percent notes aggregating $6,154,830 at December 31, 1950. Southwestern owns all of the capital stock of Canadian and Colorado holds all of Canadian's outstanding indebtedness aggregating $3,603,162 at December 31, 1950. Colorado's outstanding securities at December 31, 1950 consisted of $18,400,000 principal amount of long term debt held by two institutional investors, $2,000,000 par value of 6 percent preferred stock held by Sinclair and Tri-Continental Investment Company and common stock having a book value of $12,739,000. Under existing contracts Colorado is obligated to supply Canadian with all of its capital requirements, pay a sufficient price for the gas purchased from Canadian to provide for servicing its indebtedness to Colorado and pay all operating expenses, other than depreciation and depletion,

and is entitled to all profits, on a cash basis, from Canadian's operations.

6. The subsidiaries of Southwestern, the states of operation and the kind of business of each, together with the gross property accounts at December 31, 1950, and the gross revenues for the year 1950, are shown in the following table:

TABLE II

Name of company	Kind of operations	States of operations	Gross property	Operating revenues [1]
Amarillo Gas Co.	Natural gas utility	Texas	$2,627,787	$1,243,650
Amarillo Oil Co.	Natural gas transmission	do	2,478,632	938,413
Canadian River Gas Co.	Natural gas production and transmission.	do	17,887,549	3,390,929
Clayton Gas Co.	Natural gas utility	New Mexico	106,414	73,293
Colorado Interstate Gas Co.	Natural gas transmission	Colorado, Kansas, New Mexico.	38,526,732	14,791,613
Dalhart Gas Co.	Natural gas utility	Texas	242,070	146,758
Red River Gas Co.	Natural gas production	do	997,170	498,994
West Texas Gas Co.	Natural gas utility	do	16,861,489	4,957,260

[1] Including intercompany sales.

7. Amarillo Gas distributes natural gas to residential, commercial and industrial consumers in Amarillo, Texas and vicinity. It owns and operates approximately 338 miles of distribution mains of various sizes and purchases all of its gas from Amarillo Oil Company. At December 31, 1950 it served 22,919 meters.

8. Amarillo Oil owns and operates approximately 129 miles of transmission pipelines of various sizes for transporting natural gas within the State of Texas. Its principal customers are Amarillo Gas and American Smelting and Refining Company. It purchases natural gas from Canadian and a relatively small amount of residue gas from a United States Government helium plant. Under existing contracts Amarillo Oil is entitled to first preference to gas from Canadian's reserves.

9. Amarillo Oil renders administrative, financial and other services to associated companies in the Southwestern system, without having been authorized so to do by rule, regulation or order of the Commission.

10. Canadian produces and transmits natural gas and holds gas rights in 263,723 acres in the Texas Panhandle gas fields. It owns and operates 202 gas wells located on the above acreage and approximately 352 miles of gas transmission lines which connect with the pipeline system of Colorado at Clayton Junction, New Mexico. Canadian leases and utilizes a portion of the gas facilities owned by Natural Gas Pipeline Company of America for the purpose of delivering natural gas to that pipeline company at Gray, Oklahoma for the account of Colorado.

11. Colorado owns and operates two natural gas transmission pipelines, one extending about 254 miles from Clayton Junction, New Mexico to Denver, Colorado and the other about 230 miles from Lakin, Kansas to Denver. Through Canadian the company also supplies 25 percent of the natural gas requirements of Natural Gas Pipeline Company of America. It purchases natural gas from Canadian at Clayton Junction, New Mexico and from various producers in the Kansas-Hugoton Field.

12. Clayton owns and operates about 19 miles of distribution mains and distributes natural gas in the town of Clayton, New Mexico to domestic, commercial and industrial customers. On December 31, 1950 it served 10,011 meters. It purchases its gas supply from Canadian.

13. Dalhart distributes natural gas to domestic, commercial and industrial customers in Dalhart, Hartley, Texline and Channing, Texas. On December 31, 1950 it served 2,231 meters. It purchases all of its gas requirements from Canadian and Amarillo Oil.

14. Red River produces natural gas and holds gas rights in 12,423 acres located in the Texas Panhandle Field. It owns and operates gas wells on such acreage and also holds approximately 12,000 acres under contract. It sells gas to West Texas and Natural Gas Pipeline Company of America.

15. West Texas owns and operates about 1,856 miles of pipeline located in the State of Texas. It transports and distributes natural gas to domestic, commercial and industrial consumers in 47 towns located in the western part of Texas. It sells gas to Southern Union Gas Company, a non-affiliate, at the Texas-New Mexico boundary for resale in the State of New Mexico. West Texas purchases gas from nine companies, the principal ones being Red River, an associate in the Southwestern system, and El Paso Natural Gas Company, a non-affiliate. On December 31, 1950 it served 66,687 meters.

16. A copy of a map filed with the application indicating the location of the properties and the service areas of the system is attached.

17. Amarillo Oil acts as fiscal agent for its associate operating companies other than Colorado and Canadian. In such capacity such associate companies maintain deposits of funds with Amarillo Oil, which funds are advanced from time to time to the participating companies and interest charged therefor by the fiscal agent. Interest income is distributed from time to time to the participating companies in proportion to the amounts of their respective deposits. At December 31, 1950, Amarillo Oil owed such associate companies $1,371,735.

18. It appears to the Commission that the holding company system of Mission and Southwestern may not be confined in its operations to those of a single integrated public utility system within the meaning of the act, or to those of a single integrated public utility system together with such additional integrated public utility systems as meet the standards of section 11 (b) (1) and such other businesses as are retainable under the standards of that section.

19. It further appears to the Commission that Mission serves no useful purpose and that its continued existence unduly and unnecessarily complicates the corporate structure of the holding company system.

20. It further appears to the Commission that Amarillo Oil may be rendering services to associate companies in violation of section 13 of the act and Rule U-86 thereunder.

21. It also appears to the Commission that inter-company loans and advances are being made in violation of subdivisions (b) and (f) of section 12 and Rule U-45 thereunder.

III. It appearing to the Commission, on the basis of the facts and allegations herein set forth, that a proceeding should be instituted under sections 11 (b) (1), 11 (b) (2), 12 (b), 12 (f) and 13 (b) of the act with respect to Mission and Southwestern and their subsidiary companies to determine what steps, if any, should be taken by such companies pursuant to provisions of said sections; and

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as it may be amended or modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected by such plan; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed pursuant to section 11 (e) of the act and the proceedings instituted herein by the Commission under sections 11 (b) (1), 11 (b) (2), 12 (b), 12 (f) and 13 (b) of the act; and

It also appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together:

It is hereby ordered, That a proceeding be and it hereby is instituted under sections 11 (b) (1), 11 (b) (2), 12 (b), 12 (f) and 13 (b) of the act directed to Mission, Southwestern and their subsidiary companies to determine what action, if any, should be ordered to be taken by the system companies to effectuate compliance with the requirements of said sections; that such proceeding be, and it hereby is, consolidated with the proceeding with respect to the plan filed herein pursuant to section 11 (e); and that a hearing in the consolidated proceeding under the applicable provisions of the act and the rules and regulations of the Commission thereunder be held on August 6, 1951, at 10:00 a. m., o'clock, e. d. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that day the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary

examination of the application and, upon the basis thereof, and upon the basis of the statements and allegations contained in Part II hereof, the following matters and questions are presented for consideration without prejudice, however, to additional matters and questions being specified upon further examination:

1. Whether the plan as submitted or as it may be hereafter amended or modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and if not, in what respect said plan, including any amendments thereto, should be further amended or modified;

2. Whether the proposed transfer by Canadian of the gasoline rights to Gasoline Company, the proposed transfer by Southwestern to Colorado of the common stock of Canadian, the proposed issuance of common stock by Gasoline Company and the acquisition thereof by Canadian and Southwestern are consistent with the applicable provisions of sections 7, 10, 11 and 12 (f) of the act and Rule U-43 thereunder

3. Whether the proposed merger of Canadian and Colorado and the proposed issuance and acquisition of securities and other transactions incident thereto satisfy the applicable statutory standards of sections 7, 10 and 12 (f) and Rule U-43 and are fair and equitable to the persons affected thereby, and what terms and conditions, if any, should be imposed in respect thereof.

4. Whether the proposed distributions by Southwestern and Mission of their holdings of the common stock of Surviving Colorado and of Gasoline Company are appropriate in the public interest and in the interest of investors and consumers; and what terms and conditions, if any, should be imposed in respect thereof.

5. Whether the proposed acquisition by Albert R. Jones, members of his family, and associates of the common stock of Southwestern satisfies the applicable provisions of sections 9 (a) (2) and 10 of the act and whether any terms and conditions should be imposed in respect thereof.

6. Whether the proposed accounting treatment to record the various transactions set forth in the plan conforms to sound accounting principles and complies with the applicable provisions of the Uniform System of Accounts for Public Utility Holding Companies.

7. What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

8. Whether the fees and expenses which may be requested by any interested person in connection with the plan or the transactions therein proposed are for necessary services, reasonable in amount and fairly allocated.

9. Whether the allegations contained in Subdivision II hereof are true and correct.

10. Whether the operations of the holding company system are confined to those of a single integrated public utility system within the meaning of the act, or those of a single integrated public utility system, together with such additional integrated public utility systems as meet the standards of section 11 (b) (1) and such other businesses as are retainable under the standards of that section, and if not, what action should be ordered to be taken by the system companies to effectuate compliance with the standards of said section.

11. Whether the corporate structure or continued existence of any company in the holding company system unduly or unnecessarily complicates the structure of the system or unfairly or inequitably distributes voting power among security holders thereof, and if so, what action should be required with respect thereto pursuant to the standards of section 11 (b) (2).

12. Whether Southwestern or any of its subsidiaries, in the conduct of their business, make intercompany loans and extensions of credit which are inconsistent with the provisions of subdivisions (b) and (f) of section 12 of the act and Rule U-45 thereunder and, if so, what action should be taken in respect thereof to insure compliance with the standards of that section.

13. Whether Amarillo Oil or any other system company is rendering legal, financial, accounting or other services in contravention of the provisions of section 13 of the act and Rule U-86 thereunder and, if so, what action, should be taken in respect thereof to insure compliance therewith.

It is further ordered, That at said hearing particular attention shall be directed to the foregoing matters.

It is further ordered, That jurisdiction be and it hereby is reserved to separate, either for hearing in whole or in part or for disposition either in whole or in part any issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That Mission, Southwestern and their subsidiary companies file with the Secretary of the Commission on or before the 23d day of July 1951, their joint and several answers, in the form prescribed by Rule U-25 of the rules and regulations under the act, admitting, denying or otherwise explaining their respective positions as to each of the allegations set forth in Subdivision II hereof. Such answers may also include statements by respondents of their views as to what action, if any, should be taken to limit the operations of the holding company system in accordance with the integration standards of section 11 (b) (1) of the act, and as to what action, if any, should be taken to bring the corporate structure into conformity with the provisions of section 11 (b) (2) of the act, and as to what action, if any, should be taken to bring the system companies into conformity with other provisions of the act. In lieu of statements of views as aforesaid, respondents may, if they so desire, file a further plan or plans or amendments to the plan which is on file for the purpose of achieving compliance with sections 11 (b) (1), 11 (b) (2), and other applicable provisions of the act.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing of the above matters. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants and respondents, to the Federal Power Commission, the Public Service Commission of Colorado, the Public Service Commission of New Mexico, the Railroad Commission of Texas, the State Corporation Commission of Kansas, Natural Gas Pipeline Company of America, Sinclair Oil Corporation, and Albert R. Jones of Kansas City, Missouri, and to all interested persons; said notice to be given to Mission, Southwestern and each of their subsidiary companies and to Albert R. Jones and the above named corporations and Commissions by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER; and a general release of the Commission with respect to this notice and order shall be distributed to the press and mailed to the mailing lists for releases issued under the Public Utility Holding Company Act of 1935. It is requested that any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before August 3, 1951, his request or application therefor, as provided by Rule XVII of the Commission's rules of practice. Such request shall set forth the nature of such person's interest in the proceedings, the reasons for requesting to be heard or to intervene, and which of the allegations and issues, as set forth above, such person proposes to controvert, together with a statement of any additional issues proposed to be raised in the proceedings herein.

It is further ordered, That Mission and Southwestern shall mail a copy of this notice and order at least fifteen days prior to August 6, 1951, to each of its security holders of record as of a date not earlier than July 10, 1951, at his recorded address; and that there shall be enclosed therewith a statement that the applicants may modify the plan by amendment without further communication with the security holders, unless otherwise ordered by the Commission or unless information with respect to amendments is requested by individual security holders.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8171; Filed, July 17, 1951; 8:46 a. m.]

[File No. 70-2336]

GEORGIA POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July 1951.

Georgia Power Company ("Georgia"), a public utility subsidiary of the Southern Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act"), and Rule U-50 promulgated thereunder, relating to the proposed issuance and sale by Georgia, pursuant to the competitive bidding requirements of Rule U-50, of $15,000,000 principal amount of its First Mortgage Bonds, 2⅞ percent Series, due 1980; and

The Commission by orders dated March 31, 1950, and April 5, 1950 (Holding Company Act Release Nos. 9755 and 9790), having granted said application, as amended, and said orders having contained a reservation of jurisdiction with respect to, among other things, the payment of legal fees and expenses in connection with the proposed transaction; and

Georgia having filed a further amendment herein proposing to pay its counsel, Winthrop, Stimson, Putnam & Roberts, compensation of $11,500 for legal services and up to $200 for out-of-pocket expenses, and further proposing the payment to Simpson Thacher & Bartlett compensation of $8,000 and reimbursement for expenses up to $400 for legal services as counsel to underwriters, such sums to be paid by Halsey, Stuart & Co., Inc., the successful bidder for the bonds; and

The Commission having examined the information furnished with respect to such fees and expenses and it appearing that such fees and expenses are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved herein over the payment of legal fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8170; Filed, July 17, 1951; 8:46 a. m.]

[File No. 70-2650]

NARRAGANSETT ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE OF PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1951.

The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 (b) (2) promulgated thereunder, with respect to the following transactions:

Narragansett proposes to borrow not to exceed in the aggregate $3,400,000 from time to time prior to September 30, 1951 and to issue unsecured promissory notes in evidence thereof, and further proposes that the maximum amount of all of its unsecured promissory notes outstanding at any one time prior to September 30, 1951 be not in excess of $5,800,000. The borrowings would be made from one or more of the following banks or trust companies:

The Industrial Trust Co., Providence, R. I.
The Phenix National Bank of Providence, Providence, R. I.
Providence Union National Bank & Trust Co., Providence, R. I.
Rhode Island Hospital National Bank, Providence, R. I.
Rhode Island Hospital Trust Co., Providence, R. I.
The First National Bank of Boston, Boston, Mass.

The proposed notes will mature not later than six months after the respective dates thereof and will bear interest at the prevailing rates for such notes. Narragansett states that it believes that such interest rate will not exceed 2½ percent per annum. In the event that the interest rate on any of the notes should exceed 2¾ percent per annum, the company will file an amendment to its declaration setting forth the name of the bank or banks to which said notes are proposed to be issued and the terms of said note or notes, including the interest rate, at least five days prior to the execution and delivery thereof, and requests that said amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary.

Narragansett presently has outstanding $3,850,000 principal amount of unsecured short-term promissory notes. The proceeds to be derived from the proposed issuance of $3,400,000 principal amount of notes will be applied to the payment of $1,450,000 principal amount of the presently outstanding notes maturing prior to September 30, 1951 and the balance of $1,950,000 will be used to finance construction requirements through September 30, 1951 or to reimburse the treasury because of prior construction expenditures.

The declaration states that Narragansett expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of its system gas properties located in Massachusetts.

The declaration states that there are no fees, commissions or other remuneration involved in connection with the proposed transactions except that incidental services will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $750.

Narragansett represents that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

Said declaration having been filed on June 12, 1951, and an amendment thereto having been filed on June 21, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, that there is no basis for adverse findings, that the expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors or consumers to permit said declaration, as amended, to become effective, and also deeming it appropriate to grant declarant's request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, be and the same hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon the issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8168; Filed, July 17, 1951; 8:45 a. m.]

[File No. 70-2651]

MISSISSIPPI POWER CO.

ORDER PERMITTING SUBMISSION OF PRINCIPAL AMOUNT FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July 1951.

Mississippi Power Company ("Mississippi Power"), a public utility subsidiary of the Southern Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the following proposed transactions:

Mississippi Power proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 under the act, $4,000,000 principal amount of its First Mortgage Bonds, __ percent Series, due 1981 to be issued under and secured by Mississippi Power's present indenture dated as of September 1, 1941, as heretofore supplemented, and to be supplemented by an indenture to be dated as of August 1, 1951.

The invitations for bids will provide that each bid shall specify the coupon rate for the new bonds, which shall be a multiple of ⅛ percent and the price to be paid the Company, exclusive of accrued interests, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from August 1, 1951.

The proceeds from the sale of the bonds will be utilized in connection with Mississippi Power's construction program which the Company estimates will require expenditures aggregating $16,500,000 during the three-year period 1951 through 1953. The Company also estimates that, in order to finance its construction program, it will be necessary to raise about $5,000,000 of additional cash before the end of 1953 through the sale of additional securities of a type not yet determined.

Notice of the filing of the declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it further appropriate to grant the request of the declarant that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional terms and conditions:

(1) That the proposed issuance and sale by Mississippi Power of $4,000,000 principal amount of First Mortgage Bonds, ____ percent series, due 1981, shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

(2) That jurisdiction be reserved as to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8169; Filed, July 17, 1951; 8:46 a. m.]

[File No. 70-2659]

SOUTHERN NATURAL GAS CO.

NOTICE OF FILING REGARDING ISSUANCE OF NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of July A. D. 1951.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company which is also engaged in the business of transporting natural gas, has filed a declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act") and has designated section 7 of the act as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Southern proposes to enter into a Loan Agreement with the Chase National Bank of the City of New York and certain other banks, ("Banks") pursuant to which it proposes to borrow an aggregate principal amount of $5,500,000 on or prior to September 4, 1951, and to issue its notes in evidence thereof. The notes evidencing the loans are to be payable two years after date of the loans and are to bear interest from such date at the rate of 2¾ percent per annum for the first year and thereafter, until maturity, at the rate of 2¾ percent per annum or a rate which shall be ¼ of 1 percent above the prime commercial rate of the Chase National Bank of the City of New York for unsecured loans (whichever shall be greater) but in no event more than 3 percent per annum. The Loan Agreement provides, among other things, that the notes may be prepaid without premium, unless prepaid from proceeds of bank loans carrying an interest rate of less than 2¾ percent.

The filing states that the holders of the outstanding 2½ percent promissory notes of the Company dated June 29, 1948, evidencing bank loans made to Southern pursuant to a Loan Agreement dated May 1, 1946, as later amended by an Agreement and Consent dated May 14, 1948, will consent to the incurring of the proposed indebtedness by the Company, as required by the above mentioned Loan Agreement, as amended.

Southern proposes to use the proceeds from the above mentioned loans, together with other funds, toward its construction program for 1951 estimated at approximately $16,520,000.

Southern contemplates that during the year 1952 it will undertake the construction of further substantial additions and extensions to its system and, in connection therewith, will require a substantial amount of additional funds. The Company states that a major financial program will be undertaken sometime in 1952 and that, as a part of such program, provision will be made for the payment of the proposed notes. The filing indicates that upon the completion of the Company's 1951 construction program, the net amount of unfunded property additions would amount to more than $11,000,000 an amount sufficient for the issuance of first mortgage bonds (at 60 percent under the provisions of the company's Indenture) in a principal amount of more than $6,600,000 and that if the contemplated financing program is not consummated prior to the maturity of the proposed notes, the notes could be paid from the proceeds of first mortgage bonds issued on the basis of 1951 property additions.

The declarant states that no fees, commissions or other remunerations are to be paid in connection with the issuance of the notes and estimates its miscellaneous expenses at approximately $1,000.

Notice is further given that any interested person may, not later than July 26, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 26, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-8167; Filed, July 17, 1951; 8:45 a. m.]

PITTSBURGH STOCK EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission today announced that it had declared effective a Plan filed on June 8, 1951 by the Pittsburgh Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of all applications, reports, and documents filed with that Exchange prior to January 1, 1946, pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections.

The Pittsburgh Stock Exchange proposes to commence the disposition of the specified material as soon as practicable. The Plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file more than five years. Notice of the Commission's proposal to declare this Plan effective was published for comment in Securities Exchange Act Release No. 4616.

The purpose of the Plan is to alleviate the record storage problem of the Exchange and to facilitate the availability of material filed with the Exchange within five years. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and § 240.17a-6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Plan filed on June 8, 1951 by the Pittsburgh Stock Exchange pursuant to § 240.17a-6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days written notice to the Pittsburgh Stock Exchange.

The Commission finds that § 240.17a-6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action may be and is hereby declared to be effective July 10, 1951.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

JULY 16, 1951.

[F. R. Doc. 51-8172; Filed, July 17, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

EDIBLE TREE NUTS

NOTICE OF INVESTIGATION AND HEARING

The United States Tariff Commission, on the 12th day of July 1951, ordered a public hearing in the above entitled investigation, to be held on the 5th day of September 1951, at 10 a. m., in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C.

The investigation under section 22 of the Agricultural Adjustment Act with respect to Edible Tree Nuts was instituted on the 13th day of April 1950 (15 F. R. 2189) for the purpose of determining whether imports of almonds, filberts, walnuts, Brazil nuts, or cashews are materially interfering with programs of the United States Department of Agriculture with respect to almonds, filberts, walnuts, or pecans.

In November 1950 the Commission submitted an interim report to the President in which it stated that there was at that time no basis for any action under section 22 with respect to tree nuts, but that the Commission was continuing the investigation and would "keep in touch with the provisions and operations of marketing agreements and other programs with respect to domestic tree nuts" and "keep close watch on the course of domestic and foreign production, on the course of imports of tree nuts into the United States, on the trend of prices, and on other factors affecting the competition between domestic and imported tree nuts."

The purpose of the hearing on September 5, 1951 is to receive information and views from interested parties on agricultural programs with respect to domestic tree nuts which will be in operation for the crop year 1951-52, and on the question as to what action, if any, should be taken under section 22 with respect to imports.

Request to appear. Interested parties desiring to appear and be heard at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the date set for the hearing.

I hereby certify that the above hearing was ordered by the United States Tariff Commission on the 12th day of July 1951.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-8195; Filed, July 17, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

[Order No. 3732, Supp. 51]

OFFICE OF ALIEN PROPERTY

AMENDMENT TO ORDER OF ESTABLISHMENT

The order establishing the Office of Alien Property, as amended, 13 F. R. 5660, formerly codified as § 51.81, Chapter I, Title 28, Code of Federal Regulations, the codification of which has been discontinued, 13 F. R. 8291, is hereby amended, effective as of June 15, 1951, to read as follows:

1. There is created in the Department of Justice the Office of Alien Property, at the head of which shall be a Director.

2. All the authority, rights, privileges, powers, duties, and functions vested in or transferred to the Attorney General by Executive Orders No. 9788 of October 14, 1946, No. 9989 of August 20, 1948, No. 10244 of May 17, 1951, and No. 10254 of June 15, 1951, are hereby placed in the Office of Alien Property, Department of Justice.

(R. S. 161, 5 U. S. C. 22; sec. 5, 40 Stat. 415, as amended, 50 U. S. C., App. 5; Reorganization Plan No. 2 of 1950, 64 Stat. 1261; E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897; E. O. 8832, July 26, 1941, 6 F. R. 3715; E. O. 8963, Dec. 9, 1941, 6 F. R. 6348; E. O. 8998, Dec. 26, 1941, 6 F. R. 6785; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9980, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp; E. O. 10244, May 17, 1951, 16 F. R. 4639; E. O. 10254, June 15, 1951, 16 F. R. 5229)

Dated: July 12, 1951.

J. HOWARD MCGRATH, *Attorney General.*

[F. R. Doc. 51-8186; Filed, July 17, 1951; 8:48 a. m.]

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18151]

HEINE & CO. A. G.

In re: Rights and Interests of Heine & Co. A. G. of Germany in trademarks of Heine & Co., of New York, N. Y.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heine & Co. A. G., the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title and interest of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several states thereof, of Heine & Co. A. G., its successors or assigns, in and to any and all good will of the business in the United States of Heine & Co., New York, and in and to any and all registered trademarks and trade names appurtenant to such business, and in and to every license, agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany) and is property of, or is property payable or held with respect to trademarks or rights related thereto to which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8196; Filed, July 17, 1951; 8:49 a. m.]

[Vesting Order 18152]

FRANZ XAVIER DICHISER ET AL.

In re: Interests in oil, gas and other minerals in and under certain real property owned by and debts owing to Franz Xaver Dichiser, and others. D-28-12427.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Xaver Dichiser, Wilhelm Dichiser, Rosa Eple, nee Weckenmann, Josef Alois Weckenmann, Elizabeth Sappe, nee Weckenmann, Karl Josef Weckenmann, Anna Marie Mussbaumer, nee Weckenmann, Thekla Theresia Becker, nee Weckenmann, Marie Magdelena Schafer, nee Weckenmann, Josef Kussmann, Rosa Hartlieb, nee Kussmann, Lina Schneider, nee Kussmann, Frieda Stoll, nee Kussmann, Friedrich Wilhelm Kussmann, Ruth Kussmann, Franz Anton Lichter, Wilhelm Lichter, Anna Barbara Lichter, Maria Rosa Zoller, nee Lichter, Marie Elizabeth Lichter, Johann Jakob Lichter, Marta Franziska Lichter, Elizabeth Gantner, nee Lichter, and Wilhelm Lichter, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided forty-seven forty-eighth (47/48ths) interest in one-half (½) of the royalty (being not less than one sixteenth (1/16) of the gross produced) upon all oil, gas and other minerals produced and saved from the following described lands in the County of Harris, State of Texas, to-wit:

The South Half (S½) of that certain sixty-six (66) acres out of the 640 acres originally granted to W. P. Ketchum, assignee of H. T. & Brazoria R. R. Co. by virtue of certificate No. 613, said land being situated about 18 miles northwest from Houston and having been sold by A. H. Beazley and Florence Beazley to D. Musgrove by deed dated May 11, 1904 and recorded in Vol 65, Page 317 of Harris County Deed Records and having been sold by D. Musgrove and wife, S. F. Musgrove, by deed to R. Hansen, dated July 8, 1908, and recorded in Harris County Deed Records, and having been sold to F. A. Lichter March 18, 1913, and recorded in Vol. 303, Page 205, of Harris County Deed Records, said 66 acres being the west part of the tract sold to F. A. Lichter, as aforesaid,

said one-half royalty being the one-half royalty reserved to the grantor in that certain deed executed on November 8, 1937 by J. F. Bahr, Executor and Trustee, under the Estate of F. A. Lichter, deceased, to R. M. Thornton, Jr. and recorded in Volume 1073, Page 475 of Harris County Deed Records, together with any and all rents, refunds, royalties, payments or other benefits arising from the ownership of such interest,

b. An undivided forty-seven forty-eights (47/48ths) interest in 1/8 of 7/8 of the first oil and/or gas, if, as and when produced, saved and sold from the lands described in subparagraph 2-a hereof, being the 1/8 of 7/8 of the first oil and/or gas in said lands (and other lands) reserved in (and subject to the limitations set forth in) that certain assignment of oil and gas lease executed on December 22, 1937, by J. F. Bahr, Independent Executor and Trustee of the Estate of F. A. Lichter, deceased, and Mary Lichter, as assignors, to the Superior Oil Company, a California Corporation, and recorded in Volume 307, Page 206 of Harris County Contracts Records, together with any and all rents, refunds, royalties, payments or other benefits arising from the ownership of such interest, and

c. Those certain debts or other obligations owing to the persons named in subparagraph 1 hereof by M. H. Harrell, 1053 Mellie Hesperson Building, Houston, Texas, arising out of the interests described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8197; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18154]

RENEE FUCHS

In re: Estate of Renee Fuchs, deceased. File No. F-28-25408-E1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mika Strakasch, Fini Strakasch, Lita Lindner, also known as Melitta Lindner and Hermance Matzner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Rence Fuchs, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8199; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18155]

CORNELIA PAULINE HOHNE DETTE AND IRENE JOHANNA HOHNE FORSTER

In re: Securities owned by and debts owing to Cornelia Pauline Hohne Dette and Irene Johanna Hohne Forster. F-28-6560-A-1; F-28-6561-A-1; F-28-6562-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cornelia Pauline Hohne Dette and Irene Johanna Hohne Forster, each of whose last known address is Berlin-Schoneberg, Hauptstrasse 11, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), in an account maintained with the Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, entitled "Cornelia Dette," account No. A9859-C, together with any and all rights thereunder and thereto, and any and all declared and unpaid dividends on any shares of stock in said account, and

b. That certain debt or other obligation of Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, arising out of a bank deposit in the name of Cornelia Dette, maintained with the aforesaid bank and constituting income from and accumulations on the securities described in subparagraph 2a hereof, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Cornelia Pauline Hohne Dette, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. All those securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), in an account maintained with the Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, entitled "Mrs. Irene Johanna Forster," account No. A12259-C, together with any and all rights thereunder and thereto, and any and all declared and unpaid dividends on any shares of stock in said account, and

b. That certain debt or other obligation of Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, arising out of a bank deposit in the name of Mrs. Irene Johanna Forster, maintained with the aforesaid bank and constituting income from and accumulations on the securities described in subparagraph 3a hereof, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Irene Johanna Hohne Forster, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. All those securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), maintained in an account with Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, in the name of Adolph Hines Hohne, account No. A9860-C, together with any and all rights thereunder and thereto, and any and all declared and unpaid dividends on any shares of stock in said account, and

b. That certain debt or other obligation of Central Hanover Bank and Trust Co., 70 Broadway, New York 15, New York, arising out of a bank deposit in the name of Adolph Hines Hohne, maintained with the aforesaid bank and constituting income from and accumulations on the securities described in subparagraph 4a hereof, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Cornelia Pauline Hohne Dette and Irene Johanna Hohne Forster, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8200; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18156]

DEUTSCHES KALISYNDIKAT G. m. b. H.

In re: Cash owned by Deutsches Kalisyndikat G. m. b. H. F-49-504.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsches Kalisyndikat G. m. b. H., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $950,000 presently in the custody of the Attorney General of the United States, held in Collection Fund Symbol 896-027 in the United States Treasury,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8201; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18153]

THOMAS MATTHIESEN ET AL.

In re: Thomas Matthiesen vs. Walter Gelinsky, et al. File No. 017-27029.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Loeber and Robert Loeber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Loeber and of Robert Loeber, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them,

in and to that certain parcel of real property, and the proceeds thereof, which is the subject matter of the partition suit entitled Thomas Matthiesen vs. Walter Gelinsky, et al. in the Circuit Court, Clackamas County, Oregan, No. 42394, and which is particularly described as follows:

"The S½ of the NE¼ of Sec. 18, T. 3. S. R. 5. E. of W. M.", Clackamas County, Oregon.

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Loeber and of Robert Loeber, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8198; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18157]

WILHELM DWARS

In re: Securities owned by Wilhelm Dwars. F-28-31432.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Dwars, whose last known address is Feldstrasse 18, Bremerhaven 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty-two (52) shares of stock of Republic Steel Corporation and one hundred and five (105) shares of stock of Texas Gulf Producing Co., on deposit with and in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, in an account entitled "Banque Popular Suisse, Zurich, Wilhelm Dwars Indentified Q 2118, Swiss & German Blocked Account", together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8202; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18158]

RITA ELLINGHAUS

In re: Claim of Rita Ellinghaus to Social Security Benefits. F-28-31519.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rita Ellinghaus, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights, interest and claim of Rita Ellinghaus to survivor benefits to January 1, 1947 under the Social Security Act approved August 14, 1935 (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620), arising out of the demise of her father, August Ellinghaus, Social Security reference No. 075-057546, together with any and all rights to file for, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rita Ellinghaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8203; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18159]

EUROPAISCHE TANKLAGER UND TRANSPORT A. G.

In re: Debts owing to Europaische Tanklager und Transport A. G., also known as Eurotank and Eurotank Handelsgesellschaft also known as Eurohandel. F-28-5988-C-1, F-28-10315-C-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Europaische Tanklager und Transport, A. G., also known as Eurotank and Eurotank Handelsgesellschaft, also known as Eurohandel, the last known addresses of which are Berlin, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Europaische Tanklager und Transport, A. G., also known as Eurotank by those certain twenty-eight (28) Certificates for the Delivery of Oil, executed by Foreign Oil Company, Inc., 2109 Commerce Building, Houston, Texas, in favor of Europaische Tanklager und Transport, A. G., also known as Eurotank, said certificates being signed on behalf of Foreign Oil Company, Inc., by the persons and bearing the dates as set forth below:

July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Viee President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 23, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
July 31, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
August 29, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
August 29, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
August 29, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
August 29, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
December 10, 1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
December 10, 1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
December 10, 1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
December 10, 1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
December 10 ,1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
December 10, 1934. Morris Geye, Treasurer. Q. A. Shaw McKeam, Assistant Treasurer.
January 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
January 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
January 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
January 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
January 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
April 10, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
April 10, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
April 10, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
June 30, 1935. Henry J. Sargent, Vice President. Morris Geye, Treasurer.

b. All rights and interest created in Nitag by those certain five (5) Certificates for the Delivery of Oil, executed by the aforesaid Foreign Oil Company, Inc., in favor of Nitag and assigned to Europaische Tanklager und Transport, A. G., also known as Eurotank, by the aforesaid Nitag, said certificates being signed on behalf of Foreign Oil Company, Inc., by the persons and bearing the dates set forth below:

March 3, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
March 7, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
March 31, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
April 5, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.
April 11, 1934. Henry J. Sargent, Vice President. Morris Geye, Treasurer.

c. That certain debt or other obligation owing to Europaische Tanklager und Transport A. G., also known as Eurotank, by Davis & Company, Incorporated, 2109 Commerce Building, Houston 2, Texas, represented on the books and records of the aforesaid Davis & Company, Incorporated, as open account balances, in the amount of $327,805.09, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Eurotank Handelsgesellschaft, also known as Eurohandel, by Davis & Company, Incorporated, 2109 Commerce Building, Houston 2, Texas, represented on the books and records of the aforesaid Davis & Company, Incorporated, as open account balances resulting from trading, in the amount of $368,998.52, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8204; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18160]

RUDOLF FALCK

In re: Interest in funds, claims of and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Rudolf Falck also known as Rudolph Falck, deceased. F-28-9664; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Rudolf Falck, also known as Rudolph Falck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Any and all rights and interests in any funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", representing proceeds of withheld checks drawn for the payment of Railroad Retirement Benefits to Rudolf Falck, deceased, to the date of his demise, August 30, 1942, and any and all rights to demand, enforce and collect the aforesaid funds,

b. Any and all rights, interests and claims to survivor benefits to January 1, 1947, under the Railroad Retirement Act of 1935, as amended (Pub. Law 399, 74th Cong. 1st Sess., 49 Stat. 967), arising out of the demise of Rudolf Falck, Railroad Retirement Board reference No. H-47186, together with any and all rights to file for, enforce and collect the same, and

c. That certain debt or other obligation of the Southern Pacific Company, 65 Market Street, San Francisco, California, arising out of an adjustment by the aforesaid Southern Pacific Company, of the difference between the amount of pension accruing to Rudolf Falck, deceased, under said company's pension plan and the maximum payable under the United States Railroad Retirement Act to the date of the demise of said Rurolf Falck on August 30, 1942, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Rudolf Falck also known as Rudolph Falck, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Rudolf Falck also known as Rudolph Falck, deceased, are not within a designated enemy country, the national interest of the United

States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8205; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18161]

HANS FISCHER

In re: Stock and bonds owned by Hans Fischer. F-28-2170-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Fischer, whose last known address is Ubbedissen, 23 B-Bielefeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Innis Arden Golf Club Adjustment 3% bonds bearing the numbers 115 and 116 and of $500 and $80 face value, respectively, registered in the name of Hans Fischer and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, together with any and all rights thereunder and thereto,

b. Any and all rights and interests in B. J. Baker, Inc., in Dissolution, National Rockland Bank, Boston, Massachusetts, Paying Agent, evidenced by a certificate numbered 9316, for six (6) shares of Class "A" non-voting common capital stock of said B. J. Baker, Inc., registered in the name of Hans Fischer and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, together with all declared and unpaid dividends thereon, including particularly all liquidating dividends due or to become due on the aforesaid shares of stock,

c. Two (2) shares of $1 par value common capital stock of Stern Brothers, 41 West 42nd Street, New York, New York, evidenced by a certificate numbered CO 134, registered in the name of Hans Fischer and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York, New York, together with all declared and unpaid dividends thereon, and

d. Thirty-seven (37) shares of capital stock of Student Camera Co., being a portion of seventy four (74) shares of capital stock of the aforesaid company, evidenced by certificates numbered 1 for five (5) shares, 3 for sixteen (16) shares, 4 for five (5) shares and 6 for forty-eight (48) shares, registered in the names of Daniel J. Tapley, Edward W. Dufft, Paul C. Tapley and Daniel J. Tapley, respectively, presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hans Fischer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8206; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18162]

THRASYBOULOS G. GEORGIADES

In re: Bank account owned by Thrasyboulos G. Georgiades. F-28-31515.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thrasyboulos G. Georgiades, whose last known address is Blumenthalstrasse 25, (17 a) Heidelberg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Thrasyboulos G. Georgiades, by Bank of New York and Fifth Avenue Bank, 481 Wall Street, New York 15, New York, arising out of a bank account, entitled Thrasyboulos G. Georgiades, with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Th terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8207; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18163]

ALICE VON HARDENBERG

In re: Securities owned by and debt owing to Alice von Hardenberg, also known as Alice Du Pasquier von Hardenberg, and as Alice Louise von Hardenberg. F-28-31079-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alice von Hardenberg, also known as Alice Du Pasquier von Hardenberg, and as Alice Louise von Hardenberg, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) Canadian Pacific Railway Co., 4 percent Perpetual J/J bonds, issued in bearer form, numbered and in the face amounts listed below:

Bond No.:	Face amount
17487	$1,000.00
2049	100.00
2050	100.00

said bonds presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, in an account for Messrs. Du Pasquier Montmollin & Cie., Neuchatel, Switzerland, together with any and all rights thereunder and thereto,

b. Ten (10) shares of preferred stock of American European Securities Co., 15 Exchange Place, Jersey City, New Jersey, evidenced by certificates numbered 17825 26 for five shares each, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York 5, New York, arising out of funds allocable to Alice von Hardenberg and on deposit in the General Ruling No. 6 account of Messrs. Du Pasquier Montmollin & Cie., Neuchatel, Switzerland, maintained with the aforesaid Dominick & Dominick, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

subject, however, to the rights and interests of Mrs. Anny Du Pasquier, the mother of Alice von Hardenberg, to the usufruct of the afore-described property, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alice von Hardenberg, also known as Alice Du Pasquier von Hardenberg, and Alice Louise von Hardenberg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8208; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18146]

N. V. HANDELMAATSCHAPPIJ KONG, SMITH & CO. ET AL.

In re: Property owned by N. V. Handelmaatschappij Kong, Smith & Co., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. Melchers & Co., the last known address of which is Bremen, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Karl Lindemann and Adalbert Korff, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That Melchers & Co. is a partnership organized under the laws of China, whose principal place of business is located at Shanghai, China, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Karl Lindemann, Adalbert Korff and C. Melchers & Co., and is a national of a designated enemy country (Germany);

4. That N. V. Handelmaatschappij Kong, Smith & Co. is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Rotterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid C. Melchers & Co., Karl Lindemann, Adalbert Korff and Melchers & Co., and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. That certain debt or other obligation owing to N. V. Handelmaatschappij Kong, Smith & Co. by Irving Trust Company, One Wall Street, New York, New York, arising out of a Checking Account entitled N. V. Handelmaatschappij Kong, Smith & Co., maintained at said Irving Trust Company, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations owing to N. V. Handelmaatschappij Kong, Smith & Co. by Melchers, Inc., 56 Beaver Street, New York, New York, in the amounts of $64,000 and $4,570 as of December 31, 1945, designated on the books and records of said Melchers, Inc. as a loan account and a current account, respectively, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Handelmaatschappij Kong, Smith & Co., and/or Melchers & Co., the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows: Four hundred (400) shares of no par value preferred stock of Melchers, Inc., 56 Beaver Street, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by Certificate Number B 1, presently in the custody of Thomas McErlean, 233 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by C. Melchers & Co., and/or Melchers & Co., the aforesaid nationals of a designated enemy country (Germany);

7. That the property described as follows: Those certain debts or other obligations of Theodore Fitz Randolph, New York, New York, in the amounts of $40,000 and $35,000 as of June 1, 1940 evidenced by promissory notes in the respective principal amounts of $40,000 and $35,000, dated June 1, 1940 issued by the aforesaid Theodore Fitz Randolph, payable to the order of Dr. F. W. Bilfinger with interest at 3% per annum, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under the aforesaid notes,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Melchers & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

8. That Melchers & Co. and N. V. Handelmaatschappij Kong, Smith & Co. are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

9. That to the extent that the persons named in subparagraphs 1, 2, 3, and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8111; Filed, July 13, 1951; 8:52 a. m.]

[Vesting Order 18145]

NORDSTERM ALLGEMEINE VERSICHERUNGS A. G.

In re: Debts owing to Nordstern Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft. F-28-8183.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordsterm Allegemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 9389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by seventeen (17) Union Pacific Railroad Co. First Mortgage Railroad & Land Grant 4% Bonds, said bonds issued in bearer form, numbered and in the face amounts listed below:

Bond No.:	*Amount*
M 1079	$1,000
3469	1,000
7030	1,000
7031	1,000
21158	1,000
21159	1,000
23128	1,000
51901	1,000
57435	1,000
84655	1,000
86956	1,000
87150	1,000
88834	1,000
D-1585	500
5855	500
6660	500
6697	500
7811	500
10441	500
10661	500
16779	500
16780	500

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by eleven (11) Louisville and Nashville Railroad Company First and Refunding Mortgage 4½% Bonds, Series C, said bonds numbered and in the face amounts listed below:

Bond No.:	*Amount*
M 941	$1,000
M 942	1,000
M 943	1,000
M 8703	1,000
M 13209	1,000
M 18939	1,000
M 23030	1,000
M 23178	1,000
M 23179	1,000
M 23509	1,000
M 26994	1,000

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8110; Filed, July 13, 1951; 8:52 a. m.]

[Vesting Order 18164]

EMMY JAEGER

In re: Debt owing to and stock owned by Emmy Jaeger. F-63-10307-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emmy Jaeger, whose last known address is Mannheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred and fifty (150) shares of no par value capital stock of the New York Central Railroad Company evidenced by certificates numbered L174505, L192044 and L193313 for fifty shares each, registered in the name of Ince & Co. and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account in the name of Treuhand-Und Revisionsgesellschaft, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in the amount of $420 as of January 31, 1951, being a portion of a blocked account numbered XC 21402 maintained by said Guaranty Trust Company of New York in the name of Treuhand - Und Revisionsgesellschaft, Zurich, Switzerland, together with any and all accruals thereto representing the receipt on and after January 31, 1951, of dividends on the shares of stock described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8209; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18165]

ERNST KAERGER ET AL.

In re: Bonds owned by Ernst Kaerger and others. F-28-31499.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Kaerger, Margarete Kaerger and Johann Christoph Kaerger, each of whose last known address is Kiel, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three (3) Baltimore and Ohio Railroad Company, Refunding and General 5 percent Mortgage Series D Bearer Bonds, due March 1, 2000, of $1,000.00 face value each, bearing the numbers M 7012, M 7013 and M 10611, presently in the custody of Brown Brothers Harriman & Co., 55 Wall Street, New York 5, New York, in an account entitled "Banque Populaire Suisse, Zurich", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Kaerger, Margarete Kaerger and Johann Christoph Kaerger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8210; Filed, July 17, 1951; 8:50 a. m.]

[Vesting Order 18166]

ERNEST KRAMER

In re: Stock owned by Ernest Kramer. F-28-31511.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Kramer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two hundred forty-five (245) shares of no par value common capital stock of Commonwealth & Southern Corporation, 902 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 216125, 148642, C 351876 and C 394381, registered in the name of Ernest Kramer, and presently in the custody of Anna Kramer, Maple Ave. So., Southport, Connecticut, together with all declared and unpaid dividends thereon, and any and all rights under a plan of dissolution of October 1, 1949 of the aforesaid corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8211; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18167]

PAUL KREISEL

In re: Claim of Paul Kreisel. F-28-31510.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Kreisel, whose last known address is Glatz-Schlesien, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights, interest or claim of Paul Kreisel to benefits under the Civil Service Retirement Act, approved May 22, 1920 (Public Law 215, 66th Cong., 2d Sess., 41 Stat. 614), as the designated beneficiary of Frank J. Kreisel, deceased, in an amount of $2,100.00 due from the Civil Service Retirement Fund, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8212; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18168]

F. W. MAAS

In re: Bond owned by the personal representatives, heirs, next of kin, legatees and distributees of F. W. Maas, also known as Friedrich Wilhelm Maas, deceased. F-28-23499-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of F. W. Maas, also known as Friedrich Wilhelm Maas, deceased, who there is reasonable cause to believe, are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one (1) St. Louis-San Francisco Railway Company 4 percent Prior Lien, Series "A" Mortgage Bond of $250.00 face value, bearing the number Y-7920, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bond, including particularly the right to receive new securities of the St. Louis-San Francisco Railway Company, under a plan of reorganization of the aforesaid company, dated January 1, 1947,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of F. W. Maas, also known as Friedrich Wilhelm Maas, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of F. W. Maas, also known as Friedrich Wilhelm Maas, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8213; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18169]

BERENT NILSEN

In re: Debt owing to Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen. F-28-30892.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berent Nilsen, also known as H. B. Nilsen and as Harald Berent Nilsen, whose last known address is Andreasstrasse 15, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Joseph Walker & Sons, 120 Broadway, New York 5, New York, arising out of accumulations and income on ten (10) shares of stock of Tidewater Associated Oil Company evidenced by certificate numbered BNCX 3489, including any accumulated dividends on the aforesaid shares from December 1, 1948, to September 1, 1950, inclusive, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Berent Nilsen, also known as B. H. Nilsen and as Harald Berent Nilsen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8214; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18170]

SUOMEN PETROOLI O/Y

In re: Debt owing to Suomen Petrooli O/Y. F-28-29154.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Europaische Tanklager und Transport A. G. also known as Eurotank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Suomen Petrooli O/Y, is a corporation organized under the laws of Finland, whose principal place of business is located at Helsingfors, Finland and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Europaische Tanklager und Transport A. G. also known as Eurotank, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Suomen Petrooli O/Y by Davis & Company, Incorporated, 2109 Commerce Building, Houston 2, Texas, in the amount of $7,232.25 as of June 14, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Suomen Petrooli O/Y, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Suomen Petrooli O/Y is owned or controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8215; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18171]

BERNHARDINE ANNA RADEKER

In re: Claim of Bernhardine Anna Radeker to Railroad Retirement Benefits.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhardine Anna Radeker, whose last known address is Bippen, Kreis Bersenbrueck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights, interests and claims of Bernhardine Anna Radeker to survivor benefits to January 1, 1947, under the Railroad Retirement Act of 1935, as amended (Public Law 399, 74th Cong., 1st Sess., 49 Stat. 967), arising out of the demise of her son, Ernest Radeker, Railroad Retirement Board reference No. D106357, together with any and all rights to file for, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Bernhardine Anna Radeker the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8216; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18172]

EMMY RENN

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Emmy Renn, deceased. F-28-5820; A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emmy Renn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Green, Ellis & Anderson, 61 Broadway, New York 6, New York, arising out of a depository account entitled "Emmy Renn", maintained with the aforesaid Green, Ellis & Anderson, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Manufacturers Trust Company, 451 Beaver Street, New York 15, New York, arising out of funds allocated to a mortgage participation certificate, Certificate Number 111508, issued by the Mortgage Corporation of New York (now Manufacturers Trust Company), to Emmy Renn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Emmy Renn, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Emmy Renn, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8217; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18174]

HERMANN SCHMITZ AND/OR I. G. FARBENINDUSTRIE A. G.

In re: Debt or other obligation owing to Hermann Schmitz and/or I. G. Farbenindustrie A. G. D-28-1425.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Schmitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That I. G. Farbenindustrie A. G., the last known address of which is Frankfurt, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Frankfurt, Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Hermann Schmitz and/or I. G. Farbenindustrie A. G. by Dietrich A. Schmitz, Greenwich, Connecticut, in the amount of $410,816.11, arising out of the receipt by Dietrich A. Schmitz of said sum from the sale to General Dyestuff Corporation, New York, New York, on or about August 1, 1939, of 4100 shares of issued and outstanding common stock of said General Dyestuff Corporation theretofore held by Dietrich A. Schmitz for and on behalf of Hermann Schmitz and/or I. G. Farbenindustrie A. G., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8219; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18175]

BERTHA SCHWARZ

In re: Stock owned by Bertha Schwarz. F-28-30882-A-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Schwarz, whose last known address is Geraerstrasse 95, Zena Burgan, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by a certificate numbered E317447, registered in the name of Miss Bertha Schwarz, and presently in the custody of Paul Rohland, 109-14 196th Street, Hollis, Long Island, New York, together with all declared and unpaid dividends thereon;

b. One hundred (100) shares of $0.10 par value common capital stock of The American Superpower Corporation, 30 Broad Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C 298941, registered in the name of Bertha Schwarz, and presently in the custody of Paul Rohland, 109-14 196th Street, Hollis, Long Island, New York, together with all declared and unpaid dividends thereon;

c. Thirty (30) shares of $1.00 par value capital stock of Knott Corporation, Inc., 439 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 3646, registered in the name of Miss Bertha Schwarz, and presently in the custody of Paul Rohland, 109-14 196th Street, Hollis, Long Island, New York, together with all declared and unpaid dividends thereon;

d. Two (2) shares of common capital stock of Tri-Continental Corporation, 65 Broadway, New York, New York, evidenced by a temporary certificate numbered TNCO 35804, for forty shares of $1.00 par value common capital stock of The Selected Industries, Incorporated, registered in the name of Bertha Schwarz, together with any and all declared and unpaid dividends thereon, and all rights to receive new certificates and purchase warrants for new shares of Tri-Continental Corp, common capital stock; and

e. One hundred (100) shares of $1.00 par value Class "B" common capital stock of Missouri Kansas Pipe Line Co., 110 West 10th Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NJB 772, registered in the name of Miss Bertha Schwarz, and presently in the custody of Paul Rohland, 109-14 196th Street, Hollis, Long Island, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8220; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18173]

OTTILIE RITZ ET AL.

In re: Debts owing to Ottilie Ritz, Louis Alfred Ritz, Senior and Anna Ritz Heidingsfeld. F-28-30759.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ottilie Ritz, Louis Alfred Ritz, Senior and Anna Ritz Heidingsfeld, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ottilie Ritz by Louis A. Ritz, Jr., West Brentwood, Long Island, New York, arising out of advances made to Louis A. Ritz, Jr., by said Ottilie Ritz, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Louis Alfred Ritz, Senior, Ottilie Ritz and Anna Ritz Heidingsfeld by Louis A. Ritz, Jr., West Brentwood, Long Island, New York, arising out of their portions of the proceeds of sale by Louis A. Ritz, Jr., of four hundred sixteen (416) shares of common capital stock of Vavoline Oil Company, Cincinnati, Ohio, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8218; Filed, July 17, 1951; 8:51 a. m.]

[Return Order 1016]

SOCIETE AUXILIAIRE D'INDUSTRIE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Auxiliaire d'Industrie SADI—S. P. R. L., Forest, Belgium; Claim No. 37316; May 29, 1951 (16 F. R. 5033); property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 282,419 (now United States Letters Patent No. 2,325,502). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8225; Filed, July 17, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 139

Washington, Thursday, July 19, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10273

EXEMPTION OF HERBERT E. GASTON FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Herbert E. Gaston, member of the Board of Directors of the Export-Import Bank of Washington, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Herbert E. Gaston from compulsory retirement for age for an indefinite period of time not extending beyond June 30, 1955, the date on which his present term of office expires.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 18, 1951.

[F. R. Doc. 51-8434; Filed, July 18, 1951; 12:06 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF WAGE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3), (4) and (5) are added to § 6.155 (c) as follows:

§ 6.155 *Economic Stabilization Agency.* * * *

(c) *Office of Wage Stabilization.* * * *

(3) Labor, industry and public members of Regional Wage Stabilization Boards.

(4) Not to exceed three executive assistants and three technical assistants to the National Wage Stabilization Board.

(5) Industry, labor and public members of the Construction Industry Stabilization Commission.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-8271; Filed, July 13, 1951; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of rice. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1001 Purpose.
601.1002 Availability of price support.
601.1003 Eligible rice.
601.1004 Warehouse receipts.
601.1005 Determination of quantity.
601.1006 Determination of quality.
601.1007 Maturity of loans.
601.1008 Support rates.
601.1009 Warehouse charges.
601.1010 Settlement.

AUTHORITY: §§ 601.1001 to 601.1010 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1001 *Purpose.* Sections 601.1001 to 601.1010 state additional specific requirements which, together with

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Exemption of Herbert E. Gaston from compulsory retirement for age ---------- 6907

EXECUTIVE AGENCIES

Agriculture Department
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the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1937, apply to loans and purchase agreements under the 1951-Crop Rice Price Support Program.

§ 601.1002 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, and Texas.

(c) *Where to apply.* Application for price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1951 or having an interest in a 1951 rice crop as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm, a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop.

(2) Cooperative marketing associations of producers shall be eligible for warehouse-storage loans and purchase agreements on eligible rice produced by eligible producer members: *Provided*, That:

(i) The producer members are bound by contract to market through the association;

(ii) The major part of the rice marketed by the association is produced by members who are eligible producers;

(iii) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association;

(iv) The association has the legal right to pledge or mortgage the rice as security for a loan.

(3) The following special conditions of price support shall apply to cooperative marketing associations of producers:

(i) The association must maintain a record of the total quantity of rough

rice acquired by or delivered to the association from all sources, and a separate record of the quantity of eligible rice delivered to the association by eligible producer members. The books of such associations shall be made available to CCC for inspection at all reasonable times.

(ii) Rice placed under loan by the association must be stored separately from all other rice and kept separately stored until redeemed from the loan or delivered to CCC.

(iii) Rice delivered by the association to CCC under purchase agreements must have been physically segregated at all times from any rice under loan, any rice obtained from other than producer members, and from any ineligible rice. Where a member and a nonmember have a joint interest in the growing crop, this requirement shall apply from the time of physical division of the harvested crop.

§ 601.1003 *Eligible rice.* At the time the rice is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rice must have been produced in 1951 in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, or Texas.

(b) Except in the case of eligible cooperative marketing associations, the beneficial interest in the rice must be in the person tendering the rice for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) In accordance with the Official Standards of the United States for Rough Rice, the rice may be of any class other than "Mixed rough rice."

(d) The rice must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); (2) show a minimum milling yield of 25 pounds of head rice from 100 pounds of rough rice; and (3) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1004 *Warehouse receipts.* Warehouse receipts, representing rice in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on rice with respect to which the warehouseman does not guarantee quality and quantity (hereinafter called identity-preserved rice) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt must be accompanied by a supplemental certificate (CCC Rice Form B, Supplement) executed in duplicate and properly identified with the warehouse receipt. In addition to other information required on the supplemental certificate, the warehouse receipt or the supplemental certificate must show weight, class, grade, milling yield, moisture, and any of the following grade factors which determined the assigned grade: total seeds and heat damaged kernels, heat damaged kernels and objectionable seeds, red rice and damaged kernels, chalky kernels, rice of contrasting classes. If the rice grades U. S. No. 1, no grade factors need be shown, and for rice grading below U. S. No. 1, only the factor(s) which caused the rice to receive the assigned grade need be shown. When the warehouse receipt represents rice stored on a commingled basis, the supplemental certificate must be executed by the warehouseman. When the warehouse receipt represents rice stored on an identity-preserved basis, the producer must execute the supplemental certificate and his responsibility will be as stated in § 601.665 of 1951 C. C. C. Grain Price Support Bulletin 1.

(d) A separate warehouse receipt must be submitted for each class, grade, and milling yield of rice.

(e) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through April 30, 1952, on the rice represented by this warehouse receipt have been paid or otherwise provided for, and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

§ 601.1005 *Determination of quantity.* Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

In determining the quantity of sacked rice by weight, a deduction of ¾ of a pound for each 100 pounds of gross weight will be made.

When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of the quantity determined for 45 pound rice:

For rice testing	*Percent*
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

In cases where the warehouseman guarantees the quantity and quality of rice shown on the warehouse receipt or the supplemental certificate, loans will be made on 100 percent of the quantity of rice determined in accordance with this section. In all other cases, loans will be made on 95 percent of the quantity of rice so determined, and at the time of delivery, settlement will be made on the basis of the actual quantity and quality of rice delivered.

§ 601.1006 *Determination of quality.* The class, grade, grade factors, milling yield and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice.

At the time of making a loan on farm-stored rice or identity preserved warehouse-stored rice, the county committee will draw a representative sample of each lot of rice and obtain an official (Federal or Federal-State) sample inspection certificate for each such lot. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC.

Where quality and quantity are guaranteed by the warehouseman under a warehouse-storage loan, the quality and quantity shown on the warehouse receipt or supplemental certificate shall be the basis for settlement with the producer. In all other cases, the producer shall, prior to delivery of the rice to CCC, submit an official Federal or Federal-State lot inspection certificate dated subsequent to April 30, 1952. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

§ 601.1007 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.1008 *Support rates.* Loans will be made, and rice delivered under purchase agreements will be purchased at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in store in an approved warehouse and with all accrued charges paid through April 30, 1952, shall be computed as follows:

Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Rough rice class	Head rice	Broken rice
Rexoro (including Rexark), Patna, Blue Bonnet and Nira		
Fortuna, R. N., and Edith		
Blue Rose (including Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude, and Lady Wright		
Early Prolific, Pearl, Calady, Calrose and other classes		

[1] The value factors will be published as an amendment to this section shortly after Aug. 1, 1951.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.
Grade U. S. No. 2: Premium of 10 cents per 100 pounds.
Grade U. S. No. 3: Discount of 5 cents per 100 pounds.
Grade U. S. No. 4: Discount of 20 cents per 100 pounds.
Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

§ 601.1009 *Warehouse charges.* There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. CCC will not assume any warehouse charges accruing prior to May 1, 1952, and warehouse receipts representing rice under loan or delivered to CCC under a purchase agreement must be endorsed by the warehouseman as provided in § 601.1004 (e).

§ 601.1010 *Settlement*—(a) *Farm-storage and identity preserved warehouse-storage loans.* In the case of rice delivered to CCC from farm-storage or identity preserved warehouse storage under the loan program, settlement will be made at the applicable support rate. The support rate will be for the grade and quality of the total quantity of rice delivered. The producer shall, at his expense, furnish to the county committee at the time of delivery official weight certificates and Federal or Federal-State lot inspection certificates dated subsequent to April 30, 1952. If the producer fails to furnish such weight and inspection certificates and does not pay off his loan, the county committee shall order the rice weighed-up and inspected, pay the costs of such weighing and inspection, and charge such costs to the producer when making settlement.

If the rice under farm-storage or identity preserved warehouse-storage loan is, upon delivery, of a grade and/or milling yield for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and milling yield placed under loan and the market price of the rice delivered, as determined by CCC.

(b) *Purchase agreements.* Eligible rice will be purchased at the support rate applicable to the grade and yield of the rice determined at the time of delivery to CCC.

Issued this 13th day of July 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-8266; Filed, July 18, 1951; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 391, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.498 (Lemon Regulation 391, 16 F. R. 6975) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of July 1951.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8416; Filed, July 18, 1951; 10:53 a. m.]

PART 979—IRISH POTATOES GROWN IN THE EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.305 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policies of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1951 crop Irish potatoes grown in the production area will begin immediately following the effective date of this section, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the South Dakota Potato Committee to make its recommendation and the time when this section must become effective in order to

effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from August 1, 1951, to June 30, 1952, both dates inclusive, no handler shall ship table stock potatoes grown in the Eastern South Dakota production area, as such area is defined in Marketing Agreement No. 103 and Order No. 79, which do not meet the requirements of the U. S. No. 2, or better, grade, and which are sizes smaller than 1½ inches minimum diameter, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 16th day of July 1951, to become effective August 1, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8308; Filed, July 18, 1951; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-13]

PART 20—PILOT CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

Currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment requires each holder of a pilot certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended), effective immediately, as follows:

By amending § 20.53 to read as follows:

§ 20.58 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8256; Filed, July 18, 1951; 8:50 a. m.]

[Civil Air Regs., Amdt. 21-3]

PART 21—AIRLINE TRANSPORT PILOT RATING

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment provides in part for such identification and requires each holder of an airline transport pilot certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. To obtain an airman identification card, each applicant shall complete an application (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above, the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR, Part 21, as amended), effective immediately, as follows:

By adding a new § 21.45 to read as follows:

§ 21.45 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8257; Filed, July 18, 1951; 8:50 a. m.]

[Civil Air Regs., Amdt. 24-5]

PART 24—MECHANIC CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

Currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment requires each holder of a mechanic certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended), effective immediately, as follows:

By amending § 24.47 to read as follows:

§ 24.47 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8258; Filed, July 18, 1951; 8:50 a. m.]

[Civil Air Regs., Amdt. 27-4]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment provides in part for such identification and requires each holder of an aircraft dispatcher certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to, have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. To obtain an airman identification card, each applicant shall complete an application (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended), effective immediately, as follows:

By adding a new § 27.23 to read as follows:

§ 27.23 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8259; Filed, July 18, 1951; 8:50 a. m.]

[Civil Air Regs., Amdt. 33-5]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment provides in part for such identification and requires each holder of a flight radio operator certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. To obtain an airman identification card, each applicant shall complete an application (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has

once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR Part 33, as amended), effective immediately, as follows:

By adding a new § 33.46 to read as follows:

§ 33.46 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8260; Filed, July 18, 1951; 8:51 a. m.]

[Civil Air Regs., Amdt. 34-4]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of July 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment provides in part for such identification and requires each holder of a flight navigator certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. To obtain an airman identification card, each applicant shall complete an application (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment, except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations further notice and public procedure are considered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended), effective immediately, as follows:

By adding a new § 34.20 to read as follows:

§ 34.20 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8261; Filed, July 18, 1951; 8:51 a. m.]

[Civil Air Regs. Amdt. 35-4]

PART 35—FLIGHT ENGINEER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 11th day of July 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by airmen certificated under this part while exercising the privileges of their airman certificates. This amendment provides in part for such identification and requires each holder of a flight engineer certificate, after September 1, 1951, except while engaged in operations conducted by scheduled air carriers, to have in his possession either an airman identification card (Form ACA 2135) issued by the Administrator or other identification card acceptable to the Administrator.

Since scheduled air carriers are required to keep airman records which afford positive identification of airline personnel, this regulation is intended to exempt airmen while engaged in operations conducted by scheduled air carriers from the requirement that they possess identification cards. Since, however, an airman may exercise the privileges of his certificate in other operations, he is required to possess while engaged in such other operations either an airman identification card or other identification card acceptable to the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. To obtain an airman identification card, each applicant shall complete an application (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since the substance of this amendment except for certain exemptions, was published as a notice of proposed rule making and has been adopted in our current regulations, further notice and public procedure are con-

sidered impracticable and contrary to the public interest. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended), effective immediately, as follows:

By adding a new § 35.21 to read as follows:

§ 35.21 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by his certificate unless he has in his possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-8262; Filed, July 18, 1951; 8:51 a. m.]

[Amdt. 76, Supp. 76]

PART 60—AIR TRAFFIC RULES

MISCELLANEOUS AMENDMENTS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The South Wellfleet, Massachusetts, area, published on March 6, 1951, in 16 F. R. 2051, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SOUTH WELLFLEET (Boston Chart).	Beginning at lat. 42°05'55" N, long. 70°02'10" W; southerly paralleling the shoreline at a distance of 3 nautical miles to lat. 41°45'30" N, long. 69°51'30" W; NW to the town of North Eastham, Mass.; northerly along the railroad to the town of South Wellfleet, Mass.; northerly to lat. 42°05'55" N, long. 70°02'10" W, point of beginning.	Surface to unlimited.	Continuous.	Headquarters, 1st Army and 33d Fighter Interceptor Wing, Otis AFB, Falmouth, Mass.

2. The Matagorda Island, Texas, area, published on November 10, 1950, in 15 F. R. 7548, and revised on April 17, 1951, in 16 F. R. 3333, is further revised by deleting Area I.

3. The Pendleton, Virginia, area, published on July 16, 1949, in 14 F. R. 4296, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 36°45'41" N, long. 75°54'40" W; southerly paralleling the shoreline at a distance of 3 nautical miles to lat. 36°34'33" N, long. 75°48'40" W; NW to lat. 36°45'05" N, long. 75°56'10" W; clockwise along the arc of a circle with a radius of 2 nautical miles centered at lat. 36°46'48" N, long. 75°57'24" W to lat. 36°48'33" N, long. 75°56'10" W; NE to lat. 36°50'41" N, long. 75°54'40" W, point of beginning."

4. A Eureka, Washington, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
EUREKA (Spokane Chart).	N boundary: lat. 46°23'12" N; S boundary: lat. 46°21'15" N; E boundary: long. 118°53'30" W; W boundary: long. 118°53'30" W.	Surface to 20,000 feet.	Daylight hours, 7 days a week.	Organized Naval Reserve, Naval Air Station, Spokane, Wash.

5. The Camp Tortuguero, Puerto Rico, area, published on June 19, 1951, in 16 F. R. 5834, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 19, 1951.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-8243; Filed, July 18, 1951; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5483]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CLAY PRODUCTS ASSN., INC., ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Discriminating in price under section 5, Federal Trade Commission Act;* § 3.880 *Delivered price systems.* Subpart—*Selling and quoting on systematic price matching bases:* § 3.2193 *Zone, freight equalization and other delivered price systems.* I. In or in connection with the offering for sale, sale, or distribution in commerce, of vitrified clay sewer pipe or fittings, and on the part of fourteen producers of said products, and on the part of their respective officers, etc., entering into, continuing, cooperating in, or carrying out, any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) fix or maintain prices for vitrified clay sewer pipe, or fittings; (2) compose or announce prices for vitrified clay sewer pipe, or fittings, for any destination at which the respondents quote prices or sell their products, through the use of or in accordance with a basic price list, or percentage discounts therefrom, for the purpose or with the effect of systematically matching or making the same delivered price quotations at any such destination by any two or more respondents; (3) use in common any freight rate compilation as a factor in fixing or announcing prices of vitrified clay sewer pipe, or fittings, which results in uniform delivered prices at any given destination as between any two or more of the respondents; (4) use in common a zoning method of computing or formulating delivered price quotations for any such products by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents; (5) engage in any practice of discriminating in price as between different purchasers of such products of like grade, quality and quantity, for the purpose or with the effect of matching the price quotations of other respondents; (6) establish or maintain uniform terms or conditions of sale to dealers, or allocate sales between and among the respondents or dealers; or, (7) establish or maintain a list of jobbers, the terms and conditions of sale to jobbers, or allocate sales between and among the respondents or jobbers; and, II, collectively, concertedly or by combination of two or more of said respondents, using or maintaining the respondent Clay Products Association, Inc., as a medium for promoting, aiding, or rendering more effective any cooperative or concerted efforts to suppress or eliminate competition in the sale of vitrified clay sewer pipe, or fittings, in any of the respects above set forth; and, III, knowingly contributing to the accomplishment of any of the aforesaid acts, practices or things above prohibited, on the part of said association and said producers, and their respective officers, etc.; prohibited, subject to the provision, however, that nothing contained in the order shall be

construed as prohibiting the establishment or maintenance of any lawful bona fide agreements, discussions or other action solely between any corporate respondent and its directors, officers and employees, or between any corporate respondent and any of its subsidiaries or affiliates, and relating solely to the carrying on of the business of such corporation and its subsidiaries or affiliates, when not for the purpose or with the effect of restricting competition.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clay Products Association, Inc., et al., Docket 5463, April 19, 1951]

In the Matter of Clay Products Association, Inc., American Vitrified Products Co., Blackmer & Post Pipe Co., Cannelton Sewer Pipe Co., Lehigh Sewer Pipe & Tile Co., Red Wing Sewer Pipe Corporation, The Robinson Clay Products Co., What Cheer Clay Products Co., White Hall Sewer Pipe & Stoneware Co., Streator Drain Tile Co., W. S. Dickey Clay Manufacturing Co., Laclede Christy Clay Products Co., Evens & Howard Sewer Pipe Co., Iowa Pipe & Tile Co., Clay City Pipe Co., Denver Sewer Pipe & Clay Co., Standard Fire Brick Co., Lovell Clay Products Co., and Agate Sewer Pipe Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, substitute answers thereto filed by the respondents (except American Vitrified Products Company, Robinson Clay Product Company, Clay City Pipe Company, and Agate Sewer Pipe Co.), admitting for the purposes of this proceeding all of the material allegations of fact set forth in the complaint and waiving all intervening procedure and further hearings as to said facts, and certain memoranda of counsel in support of the complaint and of counsel for the respondents (except American Vitrified Products Company, Robinson Clay Product Company, Clay City Pipe Company, and Agate Sewer Pipe Co.), attached to which memoranda was a proposed form of order to cease and desist; and the Commission having declined to dispose of the proceeding by the entry of an order to cease and desist in the form recommended, but having served upon the respondents an order in a form proposed by the Commission for entry as its order to cease and desist and granting the respondents leave to file any objections they might have to the entry of such order (the respondents having filed no objections thereto); and the Commission having made its findings as to the facts and its conclusion that the respondents (except American Vitrified Products Company, Robinson Clay Product Company, Clay City Pipe Company, and Agate Sewer Pipe Co.) have violated the provisions of section 5 of the Federal Trade Commission Act:

It is ordered, That the respondents, Blackmer & Post Pipe Co., Cannelton Sewer Pipe Company, Lehigh Sewer Pipe & Tile Co., Red Wing Sewer Pipe Corporation, What Cheer Clay Products Company, White Hall Sewer Pipe & Stoneware Co., Streator Drain Tile Co., W. S. Dickey Clay Manufacturing Company, Laclede-Christy Clay Products Company, Evens & Howard Sewer Pipe Company, Iowa Pipe & Tile Company, The Denver Sewer Pipe & Clay Company, The Standard Fire Brick Company, and The Lovell Clay Products Company, and their respective officers, agents, representatives and employees, in or in connection with the offering for sale, sale or distribution in commerce between and among the several states of the United States and in the District of Columbia of vitrified clay sewer pipe or fittings, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

1. Fixing or maintaining prices for vitrified clay sewer pipe, or fittings.

2. Composing or announcing prices for vitrified clay sewer pipe, or fittings, for any destination at which the respondents quote prices or sell their products, through the use of or in accordance with a basic price list, or percentage discounts therefrom, for the purpose or with the effect of systematically matching or making the same delivered price quotations at any such destination by any two or more respondents.

3. Using in common any freight rate compilation as a factor in fixing or announcing prices of vitrified clay sewer pipe, or fittings, which results in uniform delivered prices at any given destination as between any two or more of the respondents.

4. Using in common a zoning method of computing or formulating delivered price quotations for any such products by which any respondent is enabled to, and does, match its quotations on a delivered basis with the quotations of other respondents.

5. Engaging in any practice of discriminating in price as between different purchasers of such products of like grade, quality and quantity, for the purpose or with the effect of matching the price quotations of other respondents.

6. Establishing or maintaining uniform terms or conditions of sale to dealers, or allocating sales between and among the respondents or dealers.

7. Establishing or maintaining a list of jobbers, the terms and conditions of sale to jobbers, or allocating sales between and among the respondents or jobbers.

It is further ordered, That the respondents, Blackmer & Post Pipe Co., Cannelton Sewer Pipe Company, Lehigh Sewer Pipe & Tile Co., Red Wing Sewer Pipe Corporation, What Cheer Clay Products Company, White Hall Sewer Pipe & Stoneware Co., Streator Drain Tile Co., W. S. Dickey Clay Manufacturing Company, Laclede-Christy Clay Products Company, Evens & Howard Sewer Pipe Company, Iowa Pipe & Tile Company, The Denver Sewer Pipe & Clay Company, The Standard Fire Brick Company, and The Lovell Clay Products Company, and their respective officers, agents, representatives and employees, do forthwith cease and desist from knowingly contributing to the accomplishment of any of the acts, practices or things prohibited in the preamble and subparagraphs 1 to 7, inclusive, of this order as set forth above.

It is further ordered, That nothing contained in this order shall be construed as prohibiting the establishment or maintenance of any lawful bona fide agreements, discussions or other action solely between any corporate respondent and its directors, officers and employees, or between any corporate respondent and any of its subsidiaries or affiliates, and relating solely to the carrying on of the business of such corporation and its subsidiaries or affiliates, when not for the purpose or with the effect of restricting competition.

It is further ordered, For reasons appearing in the Commission's findings as to the facts in this proceeding, that the allegations of Count I of the complaint herein be, and they hereby are, dismissed as to American Vitrified Products Company, Robinson Clay Product Company, Clay City Pipe Company, and Agate Sewer Pipe Co., without prejudice, however, to the right of the Commission to take such further action against these respondents in respect to said allegations at any time in the future as may be warranted by the then existing circumstances.

It is further ordered, That the allegations of Count II of the complaint be, and they hereby are, dismissed as to all of the respondents.

It is further ordered, That the respondents (except American Vitrified Products Company, Robinson Clay Product Company, Clay City Pipe Company, and Agate Sewer Pipe Co.) shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 19, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-8241; Filed, July 18, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 65 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.25 *General license GMC, unmanufactured cotton of Mexican growth* is amended to read as follows:

§ 371.25 *General license GMC, unmanufactured cotton.* A general license designated GMC is hereby established, authorizing the exportation of raw cotton and linters, Schedule B Nos. 300311, 300312, 300402, 300403, 300405, and 300406, of the growth of any North or South American country (other than the United States), as listed in Schedule C of the Bureau of the Census: *Provided*, Such cotton and linters are exported from U. S. Bureau of Customs custody and no consumption entry therefor has been officially accepted at a United States customhouse.

This part of the amendment shall become effective as of July 12, 1951.

2. Part 373 Licensing Policies and Related Special Provisions is amended to add the following provisions under § 373.15.[2]

§ 373.15 *Special provisions for sugar*—(a) *Application requirements.* Applications for licenses to export all sugars, classified under Schedule B No. 161905, except glypho syrup and maple sugars, must indicate whether quota sugar (sugar domestically produced or imported for domestic consumption under the Sugar Act of 1948) or non-quota sugar (refined sugar produced from world raw sugar imported under bond for the purpose of refining and re-export) is to be exported.

If non-quota sugar is to be exported, the application must be accompanied by the following certification:

I (we) hereby certify that the sugar covered by this application is refined sugar produced from world raw sugar imported for the purpose of refining and re-exporting, in compliance with a bond (Form SU-17 of the U. S. Department of Agriculture), filed by (name of refiner) with the U. S. Department of Agriculture, covering entry No. ------ pursuant to the Sugar Act of 1948.

If quota sugar is to be exported, the applicant shall state "quota" under item 9 (b) of the license application, Form IT-419.

(b) *Definition.* As used in this section the term "world raw sugar" excludes sugar imported in bond from any of the territories and possessions of the United States.

This part of the amendment shall become effective as of June 1, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY, *Acting Director, Office of International Trade.*

[F. R. Doc. 51-8265; Filed, July 18, 1951; 8:51 a. m.]

[1] This amendment was published in Current Export Bulletin No. 628, dated July 12, 1951.

[2] The former provisions of this section were deleted by Amdt. No. 31, 15 F. R. 8925; Current Export Bulletin No. 596, dated December 7, 1950.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 661—BANKING, INSURANCE AND FINANCE INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001) notice was published in the FEDERAL REGISTER on June 20, 1951 (16 F. R. 5874) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Banking, Insurance and Finance Industries in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions were received within the 15-day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended (29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 13, 1951.

Sec.
661.1 Approval of recommendation of industry committee.
661.2 Wage rate.
661.3 Notices of order.
661.4 Definition of the banking, insurance and finance industries in Puerto Rico.

AUTHORITY: §§ 661.1 to 661.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. Sup. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. Sup. 205.

§ 661.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 661.2 *Wage rate.* Wages at a rate of not less than 58 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the banking, insurance and finance industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 661.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the banking, insurance and finance industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 661.4 *Definition of the banking, insurance and finance industries in Puerto Rico.* The business, whether or not for profit, carried on by any banking, insurance or other financial institution or enterprise.

Signed at Washington, D. C., this 10th day of July 1951.

WM. R. MCCOMB, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 51-8247 Filed, July 18, 1951; 8:47 a. m.]

PART 705—DECORATIONS AND PARTY FAVORS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001) notice was published in the FEDERAL REGISTER on June 21, 1951 (16 F. R. 5902) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Decorations and Party Favors Industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions were received within the 15-day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 13, 1951.

Sec.
705.1 Approval of recommendation of industry committee.
705.2 Wage rate.
705.3 Notices of order.
705.4 Definition of the Decorations and Party Favors Industry in Puerto Rico.

AUTHORITY: §§ 705.1 to 705.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. Sup. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. Sup. 205.

§ 705.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 705.2 *Wage rate.* Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the decorations and party favors industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 705.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the decorations and party favors industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 705.4 *Definition of the decorations and party favors industry in Puerto Rico.* The manufacture of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character.

Signed at Washington, D. C., this 10th day of July 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-8248; Filed, July 18, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 538—ALLOTMENTS OF PAY

CLASS Q ALLOTMENTS

Section 538.13 is amended to read as follows:

§ 538.13 *Class Q allotment*—(a) *Requirements*—(1) *General.* (i) Except as provided for in subdivisions (ii) and (iii) of this subparagraph, before an enlisted member is entitled to credit for basic allowance for quarters for dependents, he must have in effect an allotment of pay to be known as class Q to his dependent or dependents in an amount equal to the applicable rate for basic allowance for quarters, plus:

(*a*) $40, if service member is in grade E–1, E–2, or E–3;

(*b*) $60, if service member is in grade E–4 or E–5; or

(*c*) $80, if service member is in grade E–6 or E–7.

The allotment required for any month shall be based upon the lowest rate of basic allowance for quarters to which the member is entitled and the lowest pay grade in which the member is serving during such month; however, no change in allotment will be made for such month to meet this requirement. Therefore, if the member is promoted or demoted or acquires or loses a dependent after the first day of the month, he will be credited with an applicable amount for basic allowance for quarters for such period, but no change in allotment is required for that month; however, if the change results in an increase in the amount of the class Q allotment requirement, a new class Q allotment will be required, effective the first of the following month in an applicable amount. Any necessary adjustment will be made on the pay record. Whenever change in grade or dependency occurs which will affect the amount of the class Q allotment or allotments, forms necessary to cancel the old allotment and initiate a new allotment (effective first of following month) will be submitted. If a member acquires a dependent on the first day of the month or is promoted effective on the first day of the month, or both, the applicable increase in the minimum amount required to be allotted must be effective for such month instead of the first of the succeeding month. The total class Q allotment or allotments of an enlisted member must not be less than the amount of the class Q allotment or allotments required to be established, but may exceed such figure.

(ii) When an enlisted member claims credit for basic allowance for quarters for dependents and determination of dependency or relationship for all dependents claimed is to be made by the Commanding General, Army Finance Center, the member must have in effect a class Q allotment in an amount not less than the member's required contribution pending approval of dependency or relationship. Credit for basic allowance for quarters will not be entered on the military pay record until determination of dependency or relationship is made and appropriate adjustment instructions are furnished by the Commanding General, Army Finance Center. If more than one category of dependent is involved, the apportionment of the allotments should be made by the enlisted member. In determining dependency of a parent, the total amount to be allotted will be considered instead of the amount actually allotted pending dependency determination. If the dependency of the parent is disapproved, the member will be informed of the disapproval and advised that the allotment currently in effect will continue unless he takes action to change or discontinue the allotment. If the member desires to change the allotment after notice of disapproval, he will do so by discontinuing the class Q allotment and initiating a class E allotment. If the relationship of the wife and child is established and the dependency of the parent is disapproved, or vice versa, the Commanding General, Army Finance Center, will increase the allotment to the eligible dependent to the minimum amount required by the Dependents Assistance Act of 1950 (Pub. Law 771, 81st Cong.) and discontinue the allotment to the ineligible dependent. The member's disbursing office will be advised of proper entries to be made on the military pay record to coincide with the action taken. The disbursing officer will notify the personnel officer of the action taken. The personnel officer will advise the member to initiate a class E allotment if he desires to continue support to the ineligible dependent. If the entire claim is disapproved, the allotment authorizations will continue in effect until the member takes action to change or discontinue the allotments, but credit for basic allowance for quarters will not be entered on the military pay record.

(iii) When an enlisted member claims credit for basic allowance for quarters for dependents and determination of dependency or relationship for any part of the claim is to be made by the Commanding General, Army Finance Center, the member must have in effect a class Q allotment or allotments in an amount not less than the applicable rate of basic allowance for quarters for which determination of dependency has been made by the disbursing officer, plus the amount of the member's required contribution. Credit for basic allowance for quarters will be entered on the military pay record for that portion of the approved claim and allotment deductions made in accordance with the allotment authorization(s). A signed statement will be entered on the reverse of the dependency certificate on which determination of dependency has been made authorizing an increase to the existing allotment or allotments to an amount not less than the minimum required to be allotted in the event of approval and indicating the apportionment desired. In determining the dependency of a parent, the total amount to be allotted will be considered instead of the amount actually allotted pending dependency determination. If the dependency of the parent is disapproved, the Commanding General, Army Finance Center, will increase the existing allotment to the wife to the minimum amount required by the Dependents Assistance Act of 1950 and discontinue the allotment to the parent. The member's disbursing officer will be advised of the disapproval. The disbursing officer will notify the personnel officer of the action taken. The personnel officer will advise the member to initiate a class E allotment if he desires to continue support to the ineligible dependent.

(2) *Court order or written agreement*—(i) *Support of child limited by court decree.* Where a divorce decree specifies amount the enlisted member is to pay for the child's support, custody of whom is given the divorced wife, the amount required to be allotted must equal the sum specified in the decree or the applicable amount of basic allowance for quarters, whichever is greater. However, should the parties enter into a valid written agreement as to the actual amount required for the support of the child, the allotment may be modified to the applicable amount of basic allowance for quarters or the amount fixed by such agreement, whichever is greater. In no event will the member be required to allot more than the basic allowance for quarters plus the member's required contribution for his grade.

(ii) *Support for wife limited by separation agreement or court decree.* When support for the wife is limited by separation agreement or court decree, the amount required to be allotted must equal the sum specified in the written agreement or court order, or the amount of the applicable basic allowance for quarters, whichever is greater. In no event will the member be required to allot more than the basic allowance for quarters plus the member's required contribution for his grade.

(iii) *Support of wife in an institution.* When support of a wife for maintenance in an institution is fixed at a sum less than the amount required to be allotted on her behalf, the allotment may not be less than the minimum amount required by the Dependents Assistance Act of 1950. However, the enlisted member may make the allotment payable to a bank for credit to his account, for the support of dependents, against which he may draw and pay the institution the required amount as long as she remains in said institution, or he may make the allotment payable in his favor as custodian of said dependent.

(iv) *Conversion to foreign currency.* An allotment may not be reduced to an amount less than that required by the Dependents Assistance Act of 1950, even though such allotment when converted to foreign currency exceeds the actual requirements of the dependent.

(3) *Months not required.* No class Q allotment or allotments will be required for the calendar month:

(i) In which the member enters on active duty in a pay status if the allotment is effective from the first day of the following month;

(ii) In which such member is released from active duty or is discharged if not immediately reenlisted (class Q allotment will be discontinued the end of the month preceding separation; however, should there be sufficient time for WD AGO Form 30–S (Allotment Discontinuance) to reach the Army Finance Center by the 20th of the month, amount of class Q allotment will be debited on the military pay record and WD AGO Form 30–S will be prepared to discontinue allotment at end of month in which separation occurs);

(iii) In which such member is assigned Government quarters for himself and his dependents or assignment of such quarters is terminated;

(iv) In which dependency ceases;

(v) In which dependency commences if the allotment is effective from the first day of the following month;

(vi) In which death occurred, in the event of death of the service member.

(4) *Apportionment.* If a class Q allotment involves more than one payee, the following apportionment will govern in the order stated:

(i) Where the member has made the apportionment, such apportionment will govern in the absence of a valid and reasonable objection by any allottee.

(ii) Where the member cannot or will not make the apportionment, the prospective allottees may agree to an apportionment among themselves.

(iii) In all other cases, lawful wives and children will be given maximum consideration equally to a minimum of 80 percent of the total amount available, with the wife receiving twice as much as any one child and other dependents will have the remaining amount apportioned equally among them.

(b) *Application by or on behalf of dependent.* (1) The question of whether or not an enlisted member desires to claim the basic allowance for quarters for his dependent or dependents generally should be resolved by such enlisted member. However, the Commanding General, Army Finance Center, may authorize and direct the payment of the basic allowance for quarters for dependents and the establishment and payment of the class Q allotment or allotments as he shall determine to be in conformity with the regulations in this part for any enlisted member who does not claim such allowance.

(2) (i) *Wife or child.* Upon application by or on behalf of a wife or child, the enlisted member will be advised by his immediate commanding officer that an application has been received by or on behalf of such wife or child, and the enlisted member will be requested to initiate a class Q allotment to provide for the support of his wife or child. The enlisted member also will be advised that the Secretary of the service concerned has the authority to make such class Q allotments for the support of his dependents if he does not do so. The commanding officer will notify the Commanding General, Army Finance Center, of the circumstances, giving information such as a statement that the enlisted member refuses to initiate the required class Q allotment, a statement of the reason given by the enlisted member for not authorizing the class Q allotment, or any pertinent information regarding the situation, such as the service member's inaccessibility. Upon determination by the Commanding General, Army Finance Center, that such dependency does in fact exist, he will authorize payment of a class Q allotment to or on behalf of the wife or child in the amount of the basic allowance for quarters to which the enlisted member is entitled from the date on which the claim was received by the Army Finance Center or from the date in the month upon which the dependency status began, whichever is later. The Commanding General, Army Finance Center, will initiate a class Q allotment or allotments in the full amount to include the enlisted member's mandatory contribution, effective the first day of a current month. The disbursing officer will be notified of the credit for basic allowance for quarters and the proper allotment deductions by the Commanding General, Army Finance Center. A copy of the notification will be furnished the commanding officer of the enlisted member for the information of the enlisted member. The enlisted member will not be permitted to modify or stop a class Q allotment which has been established by the Commanding General, Army Finance Center, but he may furnish such information as he desires if he wishes to contest the establishment and payment of the class Q allotment. The information of the service member, over his signature, together with any additional information the commanding officer may have, will be submitted to the Dependency Division, Army Finance Center. The Commanding General, Army Finance Center, then will take such action as may be necessary to stop, modify, or restrict the class Q allotments.

(ii) *Parent.* In the absence of a court order or decree requiring the support of a parent, no action will be taken to establish an allotment for a parent without the application of the enlisted member. Claims by or on behalf of a parent will be referred in every case to the commanding officer of the enlisted member concerned. If the parent submits a court order or decree requiring the support of such parent and the enlisted member did provide over 50 percent of the parent's support, a class Q allotment may be authorized under the same procedures as in subparagraph (1) of this paragraph. Any amount designated by the court which would provide less than half of the parent's support will not cause the authorization of class Q allotment unless specifically requested by the enlisted member and other conditions of entitlement exist.

(iii) *Missing.* The procedure prescribed in this paragraph does not apply to dependents of enlisted members who are missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered, or besieged.

(3) Upon application by or on behalf of any dependent of an enlisted member who has in effect a class Q allotment, the Commanding General, Army Finance Center, will modify such class Q allotments as may be necessary under this section.

[C 1, SR 35–1465–15, 14 June 1951] Sec. 302, 63 Stat. 812, as amended; 37 U. S. C. 252)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 51-8240; Filed, July 18, 1951; 8:45 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Part 1101 is amended as indicated below:

1. Paragraph (e) of § 1101.1 is hereby revoked.

2. Paragraphs (c) (1) and (d) (1) (iii) of § 1101.2 are amended to read as follows:

§ 1101.2 *Federal recognition.* * * *

(c) *Persons eligible*—(1) *For Army National Guard.* (i) Persons commissioned as officers of the National Guard will not be federally recognized as such under any of the provisions of this section unless they have been selected from the following classes, and have taken and subscribed to the oath of office prescribed in section 73, National Defense Act, as amended.

(*a*) Officers and former officers of any component of the armed forces of the United States; limited to those who have served honorably and creditably in active Federal service in the armed forces of the United States for a period of at least 6 months and who, while so serving,

have demonstrated their qualifications by actual service in the grade or position contemplated or by the satisfactory discharge of equal and corresponding responsibility. Lieutenants with or without wartime service who have served satisfactorily in the grade of second lieutenant, first lieutenant, or an equivalent grade in any regular or reserve component of the armed forces of the United States, and who are otherwise qualified, are eligible for Federal recognition in the same grade in the National Guard.

(b) Graduates of accredited senior ROTC units may be federally recognized as second lieutenants.

(c) Graduates of Department of the Army officer candidate schools may be federally recognized as second lieutenants.

(d) Warrants officer and enlisted men of the upper three enlisted grades with previous honorable and creditable active Federal service of not less than 6 months in those grades in any component of the armed forces, when in the opinion of the examining board their experience clearly satisfies the required standards, may be federally recognized as second lieutenants.

(e) Warrant officers and enlisted men who have completed a minimum of 1 year's service with the armed forces, or the National Guard, or a combination of the two, prior to the date of appointment, have successfully completed an appropriate 10-Series of the Army extension courses, or an equivalent course of instruction approved by the Department of the Army, and have been recommended by an examining board for appointment or commission, and are otherwise qualified may be federally recognized as second lieutenants.

(f) Former warrant officers or enlisted men who have completed at least 1 year of honorable and creditable active Federal service in any of the armed forces of the United States between December 7, 1941 and June 30, 1947 and who have received a degree from a college or university that is accredited by one of the regional or national education associations (as listed in the Educational Directory of the U. S. Office of Education) may be federally recognized as second lieutenants.

(g) (1) Wartime service or previous military training are not required for appointment and Federal recognition in the National Guard of clergymen as chaplains, doctors as medical officers, dentists as dental officers, and officers assigned to State Headquarters and Headquarters Detachments. Officers assigned to State Headquarters and Headquarters Detachments will not be eligible for reassignment to other units without meeting the full requirements for age-in-grade, age on initial appointment, World War II service, and physical standards.

(2) If a candidate for appointment has had wartime service or previous military training, the record of that service and training will be considered in determining general suitability for the position to which appointed.

(3) Maximum and minimum age-in-grade requirements established in paragraph (d) (1) (iii) (b) of this section apply to these officers, except officers for assignment to State Headquarters and Headquarters Detachments. Maximum age-in-grade restrictions will not apply in the appointment of officers assigned to State Headquarters and Headquarters Detachments. Maximum age for such officers is provided for in paragraph (e) (1) of this section.

(ii) Grades to which appointed and in which federally recognized are those specified in the authorized T/O&E of the unit to which assigned.

(iii) Requirements for professional accreditation and professional experience for specialists and technical experts are those outlined in Part 561, Chapter V of this title.

* * * * *

(d) *Requirements for recognition*—(1) *For Army National Guard.* * * *

(iii) *Age.* (a) No candidate will be examined for recognition who is less than 21 or more than 59 years old, or unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in (b) of this subdivision: *Provided*, That no candidate will be initially federally recognized as a second lieutenant who has attained his 28th birthday.

(b) The following maximum age-in-grade limitations are established for officers of the Army National Guard, except those assigned to State Headquarters and Headquarters Detachments. An officer will be considered over the maximum age for his grade upon attaining the birthday prescribed:

(1) Combat-type units of Infantry, Armor, Artillery, Engineers of regimental level and below:

	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
Until Dec. 31, 1951 inclusive	35	35	42	47	52	[illegible]
From Jan. 1, 1952, until Dec. 31, 1952, inclusive	34	36	41	46	50	[illegible]
From Jan. 1, 1953, until Dec. 31, 1953, inclusive	33	34	40	44	49	[illegible]
From Jan. 1, 1954, until Dec. 31, 1954, inclusive	32	34	39	43	47	[illegible]
From Jan. 1, 1955, until Dec. 31, 1955, inclusive	31	33	38	42	46	[illegible]
From Jan. 1, 1956, until Dec. 31, 1956, inclusive	30	33	38	41	45	[illegible]
From Jan. 1, 1957, and thereafter	29	32	37	40	44	[illegible]

(2) Chaplains:

	1st lt.	Capt.	Maj.	Lt. col.	Col.
Until Dec. 31, 1951, inclusive	43	46	51	55	[illegible]
From Jan. 1, 1952 until Dec. 31, 1952, inclusive	42	45	51	55	[illegible]
From Jan. 1, 1953 until Dec. 31, 1953, inclusive	40	45	51	55	[illegible]
From Jan. 1, 1954 until Dec. 31, 1954, inclusive	39	45	51	55	[illegible]
From Jan. 1, 1955 until Dec. 31, 1955, inclusive	38	44	50	55	[illegible]
From Jan. 1, 1956 until Dec. 31, 1956, inclusive	37	44	50	55	[illegible]
From Jan. 1, 1957 and thereafter	36	43	50	55	[illegible]

(3) In other type units, including MC, DC, JAGC, and Infantry, Armor, Artillery and Combat Engineer units above regimental level, but excluding personnel of State Headquarters and Headquarters Detachments:

	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
Until 31 Dec. 1951, inclusive	40	43	46	51	55	[illegible]
From Jan. 1, 1952 until Dec. 31, 1952, inclusive	38	41	46	50	55	[illegible]
From Jan. 1, 1953 until Dec. 31, 1953, inclusive	36	39	44	50	55	[illegible]
From Jan. 1, 1954 until Dec. 31, 1954, inclusive	34	38	43	49	55	[illegible]
From Jan. 1, 1955 until Dec. 31, 1955, inclusive	32	36	42	49	55	[illegible]
From Jan. 1, 1956 until Dec. 31, 1956, inclusive	31	35	42	49	55	[illegible]
From Jan. 1, 1957 and thereafter	30	34	41	48	55	[illegible]

(c) The following minimum ages will apply for original appointment or promotion of officers, except those in State Headquarters and Headquarters Detachment:

	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
All officers, except Medical Corps, Dental Corps, Judge Advocate General's Corps, and Chaplains	21	25	26	31	34	[illegible]
Medical Corps	------	21	22	27	30	[illegible]
Dental Corps, Judge Advocate General's Corps, and Chaplains	------	21	23	28	31	[illegible]

(d) Requests for waivers of maximum age-in-grade may be submitted for approval to the National Guard Bureau in individual cases where it can be shown that other qualified officers are not available for assignment to the unit, or for professional and technical specialists where officers of proper age are not available. These waivers will be held to a minimum and will be approved only in exceptional cases where a hardship would result to the unit and the national defense, and where in granting such a waiver the condition upon which it is based will be corrected in a reasonable period of time.

* * * * *

[NGB Cir. 7, 17 May 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8270; Filed, July 18, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 53]

CPR 53—LEAD SCRAP MATERIALS, SECONDARY LEAD, AND ANTIMONIAL LEAD: CORRECTION

Due to inadvertent errors, the following corrections are made to Ceiling Price Regulation 53 (16 F. R. 6381).

1. The second sentence in section 4 (d) reading, "The ceiling price applicable to a particular sale shall be determined on the basis of the total quantity of the commodity delivered by the seller within a period of three calendar days (excluding Saturdays, Sundays, and holidays) from one or more points of shipment to (1) a public carrier for transportation to the buyer's receiving point, (2) to the buyer at his receiving point in a conveyance owned or controlled by the buyer." is corrected to read as follows: "The ceiling price applicable to a particular sale shall be determined on the basis of the total quantity of the commodity delivered by the seller within a period of three calendar days (excluding Saturdays, Sundays, and holidays) from one or more points of shipment (1) to a public carrier for transportation to the buyer's receiving point, (2) to the buyer at his receiving point in a conveyance owned or controlled by the seller, or (3) upon a conveyance owned or controlled by the buyer."

2. In section 5 (a), Table A, in the column headed "Less than 15,000 pounds," the statement of the price for battery lead plates is corrected to read: "17 cents per pound of lead and antimony content less a smelting charge of 2.25 cents per pound of material. When the buyer and seller so agree, a flat ceiling price of 9.75 cents per pound of battery lead plates may be charged."

3. In the definition of "Antimonial lead" in section 9 (a), correct "96 percent antimony and lead combined", to read "98 percent antimony and lead combined."

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8426; Filed, July 18, 1951; 4:00 p. m.]

[Distribution Regulation I, Amendment 3 to Supplement I]

DR I—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPP. I—QUOTA PERCENTAGES FOR LIVESTOCK

INCREASED CALVES AND SWINE QUOTAS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 3 to Supplement I to Distribution Regulation I (16 F. R. 1273) is hereby issued.

Preamble. Marketings of calves and swine have increased above the expected numbers indicated at the time quotas were established for July. The quota percentage for calves is therefore increased from 85 percent to 100 percent and the quota on swine is increased from 105 percent to 110 percent. These increases apply to accounting periods beginning on or after July 1, 1951.

AMENDATORY PROVISIONS

Paragraph (c) of Table I of Supplement I to Distribution Regulation I is amended by substituting the numeral "100" for the numeral "85" appearing opposite the word "Calves" and substituting the numeral "110" for the numeral "105" appearing opposite the word "Swine".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8435; Filed, July 18, 1951; 12:13 p. m.]

[General Ceiling Price Regulation, Amendment 3 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF EXPIRATION DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 3 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued due to the inadvertent omission in Amendment 2 of an amendatory provision for section 3 (a), as well as section 3 (c). Otherwise, the Statement of Considerations for Amendment 2, Supplementary Regulation 13 is equally applicable hereto.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation, as amended, is further amended in the following respects:

Section 3 (a) is amended to read as follows:

(a) Each producer of coke, coal chemicals and coke oven gas may increase his ceiling prices, determined under the provisions of the GCPR, by an amount sufficient to recover the increase or increases in delivered cost, incurred after January 25, 1951, and prior to September 30, 1951, of the raw materials carbonized or processed, provided such increase or increases in the delivered cost of such raw materials were authorized by a regulation or order of the Office of Price Stabilization or other Federal or State regulatory body or agency.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 3 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective as of June 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8437; Filed, July 18, 1951; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 1, Direction 4]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 4—USE OF IMPORTED STEEL

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. Notwithstanding the provisions of sections 3 (c) and 17 (a) of CMP Regulation No. 1, as amended, any person who has received an authorized production schedule may use steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, produced outside of and imported from outside of the United States and its territories and possessions and the Dominion of Canada, if such steel was acquired by him prior to landing, to produce more than the quantity of the particular product or products provided for in such authorized production schedule: *Provided, however*, That no copper or aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1 shall be used for such additional production: *And provided further*, That no products or materials other than controlled materials shall be used for such additional production except as provided in section 2 of this direction.

SEC. 2. The DO rating assigned or applied to such authorized production schedule shall be used in accordance with the provisions of CMP Regulation No. 3 to purchase products or materials other than controlled materials required for such additional production: *Provided, however*, That such DO rating shall not be used to obtain any products or materials containing steel, copper, or aluminum other than fastening devices made of steel such as nuts, bolts, and the like.

SEC. 3. Attention is directed to the provisions of section 4 (f) of CMP Regulation No. 2 (Inventories of Controlled Materials) regarding acceptance of delivery of imported controlled material acquired prior to landing, and restric-

tions on acceptance of further deliveries from domestic sources.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82nd Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82nd Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8390; Filed, July 17, 1951; 4:45 p. m.]

[NPA Order M-2 as Amended July 17, 1951]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-2 as last amended July 1, 1951, is amended to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON CONSUMPTION

3. Limit on total new rubber consumption (except natural rubber latex).
4. Limit on natural rubber latex consumption.
5. Rubber to fill certain rated orders.
6. Orders rated DO-MRO.

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

7. Private importation of natural rubber prohibited.
8. Purchase of natural rubber.

ALLOCATION OF SYNTHETIC RUBBER

9. Limitation on acquisition of synthetic rubber.
10. Allocation procedure.
11. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

12. Camelback production required.
13. Required production of certain tires or tubes.
14. Rubber product simplification and manufacturing specifications.
15. Limitation on high-tenacity rayon for rubber products.

GENERAL PROVISIONS

16. Monthly reports of rubber consumption and stocks.
17. Reports by tire, tube, and camelback manufacturers.
18. Reports by latex importers.
19. Records and reports.
20. Inventory limitations.
21. Applications for adjustment or exception.
22. Communications.
23. Violations.

AUTHORITY: Sections 1 to 23 issued under sec. 10, 62 Stat. 105, as amended; sec. 704, Pub. Law 774, 81st Cong., 50 U. S. C. App. Sup. 1929; Pub. Law 69, 82nd Cong. Interpret or apply sec. 3, 62 Stat. 102; sec. 101, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1922, Pub. Law 69, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. The order places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber, provides for allocation of Government-produced synthetic rubber, and for the distribution of natural rubber. It also makes provisions for increasing production of camelback, for directing production of rubber products into standard lines, for restricting the use of natural rubber in certain listed products, and for limiting inventories of tires and tubes.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed, or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine para, which are of equivalent quality regardless of name or origin; but excluding all other South American, Central American, or West African grades of wild rubber, and all rubber from guayule, balata, or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex, but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex, or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON CONSUMPTION

SEC. 3. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of NPA) consume in any calendar quarter a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 100 percent of his base quarterly new rubber consumption as computed under paragraph (c) of this section: *Provided, however,* That no person shall consume in the manufacture of any item listed in Appendix B of this order, in any calendar quarter, any new rubber in excess of 90 percent of the proportion of his base quarterly new rubber consumption devoted to the manufacture of each such item during the year ending June 30, 1950.

(b) No person shall (except on prior written authorization of NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 40 percent of his base quarterly new rubber consumption as computed under paragraph (c) of this section.

(c) Each person's base quarterly new rubber consumption shall be one-fourth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by NPA.

(d) Notwithstanding the preceding provisions of this section, any person may consume in any calendar quarter a quantity of new rubber (including all synthetic both dry and latex and all natural except latex) not exceeding 150,000 pounds, but subject to the following conditions:

(1) Any such person remains subject to the proviso in paragraph (a) of this section. That is, he may not in any calendar quarter consume in the manufacture of any item listed in Appendix B more than 90 percent of the proportion of his base quarterly new rubber consumption devoted to the manufacture of each such item during the year ending June 30, 1950.

(2) The purpose of this paragraph being to assist smaller businesses in production of their own lines of rubber products, and not to enable them to divert additional rubber to other manufacturers, any person who consumes more new rubber in any calendar quarter than would be permitted if he were limited by paragraph (a) of this section is accordingly prohibited from transferring, during such quarter, to consumers of rubber or for export more new RHC (whether or not compounded, expended, or formulated into masterbatches) than he transferred to such persons or for such purpose during the second calendar quarter of 1951.

(3) In order to conserve the limited supplies of natural rubber, any quantities of new rubber to be consumed pursuant to this paragraph, in addition to those quantities which would otherwise be permitted by paragraph (a) of this section, will be made available only in the form of GR-S. NPA will accordingly instruct the Office of Rubber Reserve of the Reconstruction Finance Corporation to increase by 25 percent the previously determined GR-S allocations of all rubber consumers for the third quarter 1951, if their permitted new rubber consumption (exclusive of natural rubber latex) is not thereby made to exceed 150,000 pounds. Subsequent quarterly allocations of GR-S will be made on this increased basis. Any additional GR-S required and allowable under this paragraph must be secured by special application to NPA and will be allocated to the extent permitted by available supplies.

(4) No person who, pursuant to this paragraph, consumes in any calendar quarter more new rubber than would be permitted if he were limited by paragraph (a) of this section, shall purchase or consume in any such quarter a quantity of dry natural rubber which exceeds 64 percent of one-quarter of his dry natural rubber base as determined and adjusted by NPA and heretofore reported to him by NPA (since the consumption of dry natural rubber by the entire rubber industry is currently averaging 64 percent of its total dry natural rubber base). Neither shall any such person purchase or consume more synthetic rubber, other than GR-S, than approved and allocated by NPA.

SEC. 4. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by NPA.

(b) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 21 of this order, such excess will be allocated quarterly to consumers by NPA on the basis of their pro-rata allocation of natural rubber latex during the first calendar quarter of 1951. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 5. *Rubber to fill certain rated orders.* (a) Such quantities of new rubber as are used to fill an order bearing any of the ratings listed in Appendix C of this order or to fill any order required by one of the programs listed in Appendix C whether or not it bears such a rating, are hereby exempted from the limitations on consumption contained in sections 3 and 4 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to NPA, in addition to the allocations for which provision is made in sections 9, 10, and 11 of this order.

(b) Any person filing an application for an allocation of 500 pounds or more of new rubber to fill one of the orders described in paragraph (a) of this section, must show (1) the DO rating number or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the rubber content, (5) the name and address of the customer, and (6) the types (natural rubber, hot GR-S, cold GR-S, or GR-I) and quantities of rubber required by the contract specifications, by month, to fill the order.

(c) Any person filing an application for an allocation of rubber to fill any of the orders described in paragraph (a) of this section, where each of such orders requires less than 500 pounds of new rubber, must set forth (1) the number of orders with each rating or contract number, (2) the types (natural rubber, hot GR-S, cold GR-S, or GR-I) and quantities of rubber required by the contract specifications to fill each group of such orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received rated orders or contracts which are on file and which require the amount of rubber applied for.

SEC. 6. *Orders rated DO-MRO.* (a) No person shall apply or extend the rating DO-MRO (formerly DO-97) to any order for any pneumatic tires or tire tubes or other transportation products as listed under code 1 and codes 3 through 8 in Appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under code 2 and codes 9 through 24 in Appendix A of this order, to replace rubber used to fill orders for such products rated DO-MRO. No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled DO-MRO rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950, exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment. Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company uses rubber in July for orders rated DO-MRO in excess of the above-described proportion, it may report such excess use before the 10th of August, and additional rubber will be authorized or allocated in August. The applicant must state, if he has not previously submitted the same information, his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated DO-MRO), the types and quantities of rubber used or acquired therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.)

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

SEC. 7. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person, other than the Administrator of General Services, shall import into the United States, including its territories and possessions, any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody, or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) of this order.

SEC. 8. *Purchase of natural rubber.* (a) A person may, in any calendar month, purchase as much but no more natural rubber than he is permitted to consume in that month: *Provided, however,* That at the time of such purchase his total inventory of natural rubber does not exceed, or by the delivery of such purchase would not be made to exceed, the amount of natural rubber which he may under this order, consume during the next succeeding 60 days. If his inventory of any particular grade

is less than his requirements for such grade for that calendar month, he may purchase the balance of his requirements for that grade for that month.

(b) Each person who desires to purchase any natural rubber shall furnish the Administrator of General Services a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that I am authorized to consume all of the natural rubber called for by this purchase order during the current calendar month. I further certify that, after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M-2.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 9. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR-S or butyl (GR-I) than is allocated to him by NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced synthetic rubber which is part of a bona fide subcontracting arrangement by which the transferee is required to return the eqivalent amount of synthetic rubber to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber product made therefrom.

SEC. 10. *Allocation procedure.* NPA will allocate quarterly, to each consumer of GR-S or butyl, the amounts of Government-produced GR-S and butyl that he may purchase during a specified calender quarter. The allocation will reflect the total quantity of hot rubber and the total quantity of cold rubber which the consumer may purchase, but will not specify particular types within these two categories. NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits in any calendar month to anyone for more than one-third of his quarterly allocation of GR-S or butyl. Persons desiring to purchase GR-S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 11. *Basis of allocation.* GR-S and butyl for nondefense purposes will be separately allocated by NPA for each calendar quarter on the following basis:

(a) *GR-S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR-S will be allocated a fair and proportionate share of the total available Government-produced GR-S (after a reasonable amount has been reserved for rated orders, for such other programs as may be approved by NPA, and for adjustments under section 21 of this order).

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for rated orders, for such other programs as may be appoved by NPA, and for adjustments under section 21 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated, for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, NPA will ascertain the quantities of imported GR-S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, NPA will ascertain and take into account each consumer's inventory of CR-S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

(f) *GR-S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR-S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR-S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 12. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above results, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback and no other transportation items must increase their production only to the extent that they have received a special adjustment from NPA for camelback production.

SEC. 13. *Required production of certain tires or tubes.* No person who, during the second calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 3 of this order to the manufacture of each of these items than he did in the second calendar quarter of 1951.

SEC. 14. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with Appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in Appendix A of this order. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of Appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV) of Appendix A; and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles, or colors than those prescribed in column IV of Appendix A: *Provided, however,* That any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 3 of this order, than he is required by the specifications contained in Appendix A to use in the manufacture of his usual line of products, may (within the limits of section 3) use such additional natural rubber as is necessary to make up the difference: *And provided further,* That any person who so uses additional natural rubber shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company, and made available to NPA upon request. No person who by section 3 (d) is excepted from the limitations on consumption imposed by section 3 (a), however, may deviate from the specifications contained in Appendix A except upon express authorization by NPA.

(b) *Exceptions to limitations of Appendix A*—(1) *Defense orders.* Notwithstanding the provisions of Appendix A, any product manufactured to fill a rated order may be manufactured to the specifications of the order if and to the extent that such specifications are

required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Nothwithstanding the provision of Appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in Appendix A.

SEC. 15. *Limitation on high-tenacity rayon for rubber products.* (a) No person shall, in the third calendar quarter of 1951, or in any calendar quarter thereafter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (other than those products required to fill any contract of the Department of Defense or any division thereof or of the Atomic Energy Commission) than his average quarterly use of high-tenacity rayon in such manufacture during the 6 months ending June 30, 1951.

(b) No person shall, during any such quarter, order more high-tenacity rayon than the quantity he is permitted to use during such quarter pursuant to paragraph (a) of this section.

(c) "High-tenacity rayon" as used in this section includes singles yarn, plies, cord, and cord fabric.

GENERAL PROVISIONS

SEC. 16. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF-3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Any person who consumes rubber as part of a scientific laboratory experimental program only shall file his report annually on Form NPAF-4.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S types, excluding latex.[1]
GR-S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-type) latex.
Scrap rubber, uncured.

SEC. 17. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF-6 in accordance with the instructions accompanying the form.

[1] Includes all types whether obtained from Government or other sources, including imports.

SEC. 18. *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 19. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(b) Each consumer of rubber shall complete and return to NPA, Forms NPAF-56, NPAF-57, NPAF-58 and NPAF-59. These forms will be mailed to each consumer of rubber and shall be filed in accordance with the instructions accompanying them.

SEC. 20. *Inventory limitations.* (a) No person who uses tires or tubes in the course of trade or business shall receive delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt would be made to exceed, the minimum requirements for the operation of his business during the succeeding 30 days.

(b) No person who distributes or sells tires or tubes within the continental limits of the United States shall receive the delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt will be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or, in the case of passenger car manufacturers, 15 days). Each place of business engaged in the distribution of tires or tubes shall be deemed a separate person for the purpose of this section regardless of its ownership or control, and delivery to it shall be subject to this section regardless of whether such delivery is made on consignment, as an intra-company delivery, or otherwise.

(c) No person shall deliver tires and tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer (if the sale is to any person other than the Department of Defense) furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M-2.

(Signature)

(Date)

(d) All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 21. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 22. *Communications.* All applications, reports, and other communications, relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref.: Order M-2.

SEC. 23. *Violations.* Any person who wilfully violates any provision of this order, or who furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 14 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in column 2.

Column 3: The figures and symbols in column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in column 4.

The symbol "X" in column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in column 4.

Column 4: The provisions in column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by column 3. These qualifications take precedence over column 3 where there is any apparent inconsistency. Column 4 also contains the simplication and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of new rubber. There are no such limitations on the manufacture of listed products except as indicated in column 4.

Code No.	Product	Percent natural rubber to total new RHC	Special restrictions or provisions
(1)	(2)	(3)	(4)
1	Pneumatic tires	(1)	The group average of any product in code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for code 1.
	Airplane tires	100	Maximum individual tire—100 percent.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—95 percent.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—95 percent.
	Passenger; Highway, mud-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Through 7.10 and 6.50	15	Maximum individual tire—95 percent.
	Over 7.10 and 6.50	22	Maximum individual tire—95 percent.
	Industrial pneumatic	13	Maximum individual tire—95 percent.
	Tractor implement	13	Maximum individual tire—95 percent. Restricted to one line of tires.
	Truck; Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	38	Maximum individual tire—95 percent.
	8.25 through 9.00	75	Maximum individual tire—99 percent.
	10.00 through 12.00	90	Maximum individual tire—99 percent.
	Over 12.00	92	Maximum individual tire—99 percent.
2	Solid tires:		
	Airplane tires	XX	
	Bogie, idler, and support rollers	50	
	Pressed on	50	
	Cured on, 4 x 1½ and up		
3	Tire tubes		Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 1/16 inch minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	
	Industrial pneumatic	50	Including valves.
	Passenger	0	
	Puncture seal	XX	
	Safety tubes	0	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	5	
	Above 8.25 and up to 14.00	50	
	14.00 cross-section and over		
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	XX	
	Tire tube valve inside washers		
	Curing bags	50	May be averaged with groups in code 1.
5	Tire flaps		May be averaged with groups in code 1.
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½-inch crown width and 15/32-inch gage and up	X	
	Camelback, die sizes under 6½-inch crown width and under 15/32-inch gage	0	
	Camelback cushion gum	100	1/32-inch gage maximum for synthetic camelback.
	Padding stock	XXX	
	Stripping stock		
	Filler stock	100	
	Cushion repair gum	XX	
	Tread repair gum		
	Tire vulcanizing cement	XX	
7	Tire and tube repair materials:		
	Air bags, sectional	XXXXX	
	Bulk tire repair materials		
	Tire patches		
	Tube patches		
	Patching cement		
8	Tank blocks, treads, and band tracks	XXX	

[1] Maximum group average.

Code No.	Product	Percent natural rubber by volume	Special restrictions or provisions
(1)	(2)	(3)	(4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality, or style for any one purpose. For interpretation of purpose in this order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temperature, 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts	25	Black friction, amber or tan cover.
9-B	Miscellaneous belt and related products:		
	Hay baler belts	X	
	Other agricultural implement belts	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (code 9-(C)).
	Concentrator belts	25	
	Escalator hand rails	X	
	Feed belts for paper box machinery	X	
	Hatter belts	X	
	Hog baler belts	40	
	Last puller belts	X	Color optional.
	Package belts	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives belts	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting belts	25	
	Special molded conveyor belts	X	
	Street sweeper belts	25	
	Tube winding belts	X	Tan or amber.
	Tobacco stemmer belts	X	Natural rubber color permitted.
	Molded discs for conveyer belt idlers	25	
	Oil/fill seals	X	Color optional.
9-C	Flat transmission belting		Maximum pounds of natural rubber per 1,200 square inches per ply. Color of seaming strip optional.
	For severe service, or high speed or to operate over small pulleys		0.80 pound.
	For moderate service		0.40 pound.
	Hammermill belt		0.80 pound.
	Axle generator belt		0.80 pound.
	Rubber covers for above, maximum thickness 64 inch	15	
	Sheeting type, slab belting		Cover plies only may be tan or amber. Carcass black, except 1-ply in carcass may be tan or amber for identification in manufacture.
	Using fabric weighing between 10 and 16.50 ounces per square yard		0.80 pound.
	Using fabric weighing less than 10 ounces per square yard		0.40 pound.
9-D	V belts		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and model cross-sectional dimensions shall be used in all other cases. All belts black, except as otherwise specified. Buff color permitted for non-marking and food handling.
	Fractional horsepower	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than 0.500 inches	20	
	Trucks under 1½ tons for pulley groove top width more than 0.500 inch	20	
	Passenger and truck for pulley groove top width 0.500 inch or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationary gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	20	
	Standard	30	
	Speed changers	35	
	Double V	25	
	Open end	20	
	Round belts	25	
	Railroad axle-drive	50	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners, and cements to identify and differentiate between oil resisting and non-oil resistive rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality, or style for any one purpose. For interpretation of purpose, the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 26011 (−65° F.)	XX	
	Duets	XX	Government or commercial plane use only.
	Oxygen hose	X	Government or commercial plane use only.
	Airbrake (20-147) (a)	5	Government or commercial plane use only.
	(b)	20	
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake, S. A. E. R-41	0	
	Windshield wiper	5	
	Vacuum brake	5	
	Automotive hose not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose	X	All hose to be black throughout, except where specified.
	Acid	30	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial	40	
	Gas mask air hose	5	Red and green cover permitted on 3/4 inch and under for identification purposes.
	All other air hose not elsewhere listed	40	Buff colored tube and cover permitted.
	Alcohol, beverage, brewers, wine, vinegar, food, and milk conveying	20	
	Ammonia	25	
	Arbor pipe forming	10	
	Booster and chemical engine	0	
	Braided cover tubing	30	
	Cable covering, electric	5	
	Cloth inserted tubing	5	
	Coupling, flexible	20	Buff color cover permitted.
	Creamery	X	Natural rubber color permitted.
	Divers:		
	Floating	5	
	Sinking	40	
	Dredging sleeves	40	
	Expansion joints		
	Fire:	25	
	Cotton rubber lined and rubber covered	25	
	Wrapped duck		
	Fire engine suction:	10	
	Hard	25	
	Soft	5	
	Fire extinguisher tubing	40	
	Flanged flexible pipe	0	Red or green cover permitted. Two qualities: standard and heavy duty.
	Garden and lawn	10	
	Jetting	0	
	Marine exhaust	40	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	5	
	Insulation blowing	0	5 percent natural rubber by volume permitted when Thiokol is used.
	Paint spray, fluid line	10	
	Paper mill hose		
	Petroleum products:	0	
	Gasoline service station	15	Both rough and smooth bore permitted.
	Oil suction and discharge	5	
	Butane and propane	0	
	Tank wagon	0	
	All other not elsewhere listed	X	
	Pinch valve	15	Color stripe or band permitted.
	Rotary drilling:	15	
	Vibrator	15	
	Mud suction	15	
	Rotary drilling hose	X	Natural rubber permitted as required, for 20 inches and over, I. d.
	Sand blast	40	
	Sand placing and sand suction	5	For car washing service where pressure exceeds 250 p. s. i.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing	5	
	Over 400 pounds working pressure	5	
	400 pounds and under working pressure	X	
	Steam:	20	
	Over 50 pounds working pressure	X	
	50 pounds and under working pressure		
	Steam ironing	5	
	Suction, water:	10	
	Hard rubber and rough bore	20	
	Smooth bore up to 6 inches		
	Smooth bore 6 inches and over	25	
	Vacuum:	X	
	Household, including hotels, office buildings, etc	0	
	Industrial dust collector and blower exhaust		
	Washing machine	0	
	Water:		
	Radiator filling	10	
	Industrial:	5	
	Severe service	5	Hose may be black, red, and/or green as required for safety identification.
	Moderate service	0	
	Welding		
	Hose not elsewhere listed	20	
10-D	Railroad hose:	5	
	Air brake and signal, M-601	5	
	Air pneumatic tool, M-608	10	
	Paint spray, M-610	X	
	Pantograph	X	
	Sand, M-615 and M-616	X	
	Sand pipe nozzles	10	
	Steam, hot water and car heat, M-605	5	
	Tender tank, M-606	5	Hose cover may be black, red, and/or green as required for safety identification.
	Water, cold, M-604	0	
	Welding, M-603		
	Railroad hose not elsewhere listed		Color optional. Restrictions on line, type, quality, and style do not apply.
11	Packing and gaskets not elsewhere listed		
11-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, non-fabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling gaskets	0	
	Molded and extruded gaskets spliced endless after initial vulcanization	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	X	
	Acid carboy gaskets	X	
	Air brake gaskets	X	
	Vulcanizer door gaskets	X	
	All others not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-B	Packings with high fiber content:		
	Sheet (generally known as "compressed asbestos sheet") and gaskets cut from same	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing")	5	By weight.
11-C	Packing with fabric or wire insertion:		
	Sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Molded other than above	25	
	Cut other than above	15	
	Rectangular piston packing	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve discs:		
	Valve and valve discs, 45 durometer and under	X	
	Loaded ball valves	X	
	Fabric hydrant valves	25	
	All other valves and valve parts	0	
12	Sealing compounds for food containers:		
	Beverage container gaskets, molded, extruded, or lathe-cut	0	
	Food container gaskets, extruded and lathe-cut		15 percent natural rubber by weight of compound permitted.
	Gasket-lined home canning lids		5 percent natural rubber by weight of compound permitted.
	Jar rings, cut rings	25	
	Molded stoppers for food and beverage containers	0	
	Food closure gasket		30 percent natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers)	X	Natural rubber latex permitted.
13	Other mechanicals		All products in code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
14-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	0	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	X	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed	0	
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper, retaining and cheek (molded)	25	
	Bumpers, functional:		
	Suspension	25	
	Crash	10	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling, flexible	X	
	Weatherstrips and body seals, extruded, under 50 durometer	0	
	Weatherstrip, injection compound for splicing and forming	X	
	Molded ventilator strips	25	
	Glass run	10	
	Crankshaft torsion dampers	X	
	Transmission and engine mountings:		
	50 durometer and over	40	
	Under 50 durometer	X	
	Body and chassis mountings:		
	50 durometer and over	0	
	Under 50 durometer	0	
	Tail pipe insulator, under 50 durometer	X	
	Torsion springs	X	
	Grommet, core-molded-retaining, for dashboard insulation	25	
	Fuel tank, filler neck seal	25	
	Mats		A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Contour, front compartment only	10	
	Sill with retaining buttons	15	
	All other automotive mats	0	
	Cowl and dash liners	0	
	Seal beam headlights	X	
	Steering wheels	10	
	Pads, no insertion with retaining buttons	15	
	Fender flaps or splash guards	0	
	Silencers, coil spring	0	
	Rear spring seat insulator	X	
	Tubing:		
	Drain	0	
	Windshield wiper, non-reinforced	0	
	Spring tying suspension seat cord	X	
	Molded diaphragms	25	
	Hydraulic, air brake and vacuum brake cups, diaphragms, valves, and seals	X	
	Seals:		
	Valve stem, tire	X	
	Valve stem, motor	25	
	All other parts not elsewhere listed	0	
12-C	Railroad and streetcar equipment:		
	Car spring snubbers	X	
	Refrigerator friction drive wheel	0	
	Refrigerator car door seal	0	
	Molded seal for double-glazed windows	X	
	Bumpers		Same as automotive.
	Streetcar wheel	X	
	Windshield wiper blades	X	
	Door shoes	5	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-C	Railroad and streetcar equipment—Continued		
	Draft gears	X	
	Vibrational insulators, functional	X	
	All other parts not elsewhere listed	0	
12-D	Farm equipment:		
	Flax roll, 50 durometer or under	X	
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	5	For adhesion.
	Rubber covered canvas	0	
	Cotton picker doffer	0	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushing and torsion bushings	X	
	Bearing cushion cups, non-oil-resisting	X	
	Cotton drier flaps	0	
	Pneumatic seats	0	
	Steering wheels	10	
	Rubber covered beater bars	X	
	All other parts not elsewhere listed	0	
12-E	Electrical products and industrial equipment:	0	
	Telephone and telegraph insulators	X	
	Lineman protective devices		5 pounds of natural rubber for 100 square yards.
	Friction tape	35	
	Splicing compounds	X	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	X	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets, and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	
	Gasket, liner opening	X	
	Collars, throat	40	
	Glass and panel seals	40	
	Tubing, drain, molded	25	
	Terminal seal bushings for compressors	X	
	Rollers, tray	0	
	Freezer lid assembly	0	
	All other parts not elsewhere listed	0	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal	0	
	Flexing bellows and diaphragms	40	
	Brush guards, collars, and holders	10	
	Sweeper tires and wheels	0	
	Electrical conducting parts	X	
	Grips	0	
	Functional bumper guards with undercuts and retaining buttons	25	
	All other parts not elsewhere listed	0	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	0	
	Agitators	25	
	Tub and lid gaskets	25	
	Extensible belts, drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	0	
	Formed pressure tubing	30	
	Couplings and nozzles	15	
	Unconfined lip door gasket	X	
	Water seals	0	
	Flexible pump rotors	40	
	Pump valves, flexing	X	
	All other parts not elsewhere listed	0	
	Miscellaneous houseware accessories:		
	Strain relief grommets, electric irons, and similar appliances	40	
	Light colored molded parts	0	
	Chair tips	0	
	Strainers, sink and drain	0	
	Pans, dust	0	
	Water aerator	0	
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed	0	
	Plumbing specialties:		
	Ball cock washers	10	
	Force cups	0	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded:		
	With base opening ¾-inch and less	X	
	With base opening over ¾-inch	X	
	Floor flange gaskets	0	
	All other plumbing specialties	0	
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers	0	
	Bowl rings	25	
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		
	45 durometer or under	35	
	Over 45 durometer	0	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:	X	
	45 durometer or under	0	
	Over 45 durometer	9	
	Straps, surcingle	X	
	Milk, pasteurizer plate gaskets		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-G	Milk and food handling equipment—Continued		
	Food and beverage processing and dispensing equipment:		
	Chicken pickers	50	
	Cherry and peach pitters	X	
	Corn husking roll (canning), under 45 durometer	X	
	Cap testers	X	
	Molded fittings and tubing for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed	0	
12-H	Mining equipment:		
	Air chambers for conset ties	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator and rotor tubes	X	
	Ore car liners	25	
	All other parts not elsewhere listed	0	
12-I	Oil field specialties:		
	Drill pipe protectors	45	
	Packers, production and test without fabric	35	
	With fabric	20	
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing	35	
	Blowout preventers	X	
	Gland packings	X	
	Slush pump, pistons and liners for fluid packed pumps	X	
	Stabilizers and wire line guides	0	
	Stuffing box rings, polished rod	X	
	Slip pads	25	
	Strippers, pressure pack off	X	
	Pipe and wire line wipers	X	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	25	
	Valves, cups, and discs	X	
	Valve inserts	0	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:		
	Pickers, all types	X	
	Lug straps	45	
	Testrap	0	
	Card clothing	X	
	Draw rolls, 20 durometer	X	
	Bolsters, fabric shrinking	X	
	Take-up roll covering	X	
	Hold-ups, and sweep sticks	12	
	All other parts not elsewhere listed	0	
	Miscellaneous mechanical goods:		
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	Traffic counter tubing	X	
	Soft rubber alkaline storage batteries and parts	0	
	Billiard and pool table cushions	X	
	Brake, clutch, and hydrant expander tubing	X	
	Brush setting compounds	X	
	Bidding strips	X	
	Cast rubber products	50	Natural rubber latex only permitted.
	Caster and molded wheels:		
	Under 4 inches diameter	35	By weight.
	4 inches and over	35	By weight.
	Conductive caster wheels	X	
	Core molded parts not elsewhere listed	25	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	X	
	Fish net floats or bladders	X	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings, torque	X	
	Flexible sanding and buffing pads	0	
	Gas main bags	X	
	Goggles and parts	25	
	Industrial balls:		
	45 durometer and under	X	For vibration screens and ball mills.
	Over 45 durometer	0	
	Industrial vacuum or suction cups	X	For use in manufacturing operations only.
	Insulation tubing	25	Cork or fiber loaded.
	Labels	X	
	Mine safety lamp parts	X	
	Molded annular tires		Black only.
	Light and medium duty	0	
	Heavy duty	40	
	Molded boots and dust seals	0	
	Rebound discs for well drilling	X	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets, not elsewhere listed	25	
	Mountings, shock absorbers, dampers, and vibration insulators:		
	Under 50 durometer	X	
	50 durometer and over	40	
	Pressure sensitive signal controls	10	
	Sandblast stencil sheet for monument work	25	
	Seals for electrolytic condensers	X	
	Tubular grips, including cork or fiber-loaded	0	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	X	
	Belt idler channel	0	
	Parts for ladders	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-J	Miscellaneous mechanical goods and textile industry equipment—Con.		
	Miscellaneous mechanical goods—Con.		
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	Black only.
	Tires, parts for bicycles, toy vehicles, and lawn mowers		Same as automotive, code 12-B.
	Handle grips	0	
	Fender flaps or splash guards	0	
	Pedal pads	25	
	Dodgem bumpers	0	
	All other parts not elsewhere listed		
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:		
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure and impression	20	
	Printing rolls to be coated with composition having durometer less than 20	0	
	All other printing rollers not elsewhere listed		
	Printing rubbers:		
	Cutting rubbers	X	
	Pottery dies	15	
	Engraving rubbers	15	
	Plate backing friction and filler	X	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band dater fabric	X	
	Printing blankets for offset, newspaper, and lithograph	X	For printing press only.
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	
	Paper feed rolls and pads for duplicating machines	0	
	All other printing rubbers not elsewhere listed		
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	For use only in cleaning soil and cement from shoes.
	Natural crepe rubber shoe cleaning rolls	X	25 percent of the total new rubber used in any month may be natural rubber.
	Textile		
	Other industrial roll covering	0	
	All other roll coverings not elsewhere listed		
12-M	Rubber protected or lined equipment:		
	Tank cars, barges, and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard, not less than ¾ inch thick for 3,600 volts and over	30	Black only.
	Roll matting and stair treads	0	
	Perforated mats	0	
	Link and molded door mats	0	
	Bath mats	0	
	All other mats not elsewhere listed	X	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks, and respirators, including parts.		Restrictions on line, type, quality, and style do not apply.
12-P	Hard rubber products:		
	Ball cages and molded tie rods	50	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	50	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals	50	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	20	
	Industrial flashlight parts	65	
	Insulated tools	20	
	Jack strips	30	
	Microporous battery separators	X	
	Mouthpieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals	50	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	30	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to 0.040-inch diameter	35	
	Rods 0.040-inch to ½-inch diameter, inclusive	20	
	Rods over ½-inch diameter	X	
	Sheets ⅛-inch thick or less	50	
	Sheets over ⅛-inch to ¼-inch thick, inclusive	30	
	Sheets over ¼-inch thick	X	
	Tubing up to and including 1/32-inch wall	50	
	Tubing over 1/32-inch to ⅛-inch wall, inclusive	30	
	Tubing over ⅛-inch wall	50	
	Cafeteria trays	35	
	Hard rubber parts for alkaline storage batteries	50	
	Heavy duty battery cases over 15 pounds	30	
	Hand wrapped battery cases	50	
	Submarine battery jars	60	
	Storage battery cases where product of tensile and elongation is 10,000 or more	X	
	Ventilating parts for submarines, hand wrapped	50	
	Ventilating parts for submarines, molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	60	
	Tubular retainers	X	
	Parts for water meters	30	
	X-ray and photo tanks	40	
	Forming tanks	30	
	Connector stocks	0	
	Parts not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60 percent of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks, and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40 percent of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in the manufacture of wire and cable shall be furnished as Insulation compounds in natural or black color only; jacket compounds, black or brown color only. Restrictions on line, type, quality, and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 2,000 volts (phase to phase) or less and which has insulation wall thickness of more than 25 mils	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2,000 volts (phase to phase)	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C. or higher	0	
	Sheaths and jackets for operation at temperatures lower than −40° C	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98 percent natural rubber. Line, type, quality, style, and color optional.
15	Shoe products		Line, type, quality, style, and color optional.
15-A	Heels and soles:		
	Heels, soles, and other specialized materials, manufactured by rubber heel and sole manufacturers used in the manufacture and repair of shoes, and excluding those items covered by other subsections of this code	20	
	Soles	X	DO orders for black, full length, cleated soles or "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZH141A.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-B-2280).
	Heels	65	DO orders for Arctic Boot Toplifts for the Armed Forces (U. S. Army Spec. Mil-B-2280).
	Crepe soles, heels, welting, and wrappers	0	The consumption, production, or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC, for crepe soles, heels, welting, and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads:		
	Rubber, molded or sheet		Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Sponge rubber, nitrogen blown, molded or sheet		60 percent natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Sponge rubber, chemically blown, molded or sheet		45 percent natural rubber to total RHC permitted. Maximum monthly average.
	Latex foam, uncored slab sheets		60 percent natural rubber to total RHC permitted.
	Latex foam, molded		75 percent natural rubber to total RHC permitted.
	Sponge rubber-cork granule sheets	0	
15-C	Orthopedic appliances	X	For corrective devices required for deformed, injured, and crippled feet only.
15-D	Impregnated non-woven fibrous shoe components:		
	Insole materials		Natural rubber latex only may be used.
	Welting and stripping	0	
	Midsole materials		Natural rubber latex only may be used.
	Sock lining, heel pad, plumper, and backing materials	0	
	High strength stay and reinforcing materials	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Hair and fulled felts		Natural rubber latex only may be used.
	Box toes	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-E	Combining cements and rubberized woven fabrics for shoes		The over-all monthly consumption of natural rubber shall not exceed 50 percent of the total new RHC consumed in all code 15E products.
	Cements for custom combining piece goods		
	Cements and compounds for coating, finishing, laminating, impregnating, and proofing fabrics used as uppers, linings, sock linings, heel pads, reinforcements, and backers in shoes		
15-F	Shoe tapes:		
	Bindings, including French cord	X	
	Reinforcing and stay tapes	X	
	Tapes for applied sewing ribs and economy lips	X	
	Pressure sensitive tapes, cloth backed		20 percent of natural rubber by volume permitted.
	Pressure sensitive tapes, paper backed		50 percent of natural rubber by volume permitted.
15-G	Cements for manufacture and repair of shoes and component parts:		
	Shoe factory cements	X	
	Shoe repair cements	X	
	Cements for manufacture of shoe components	X	Except custom combining cements, code 15E; and cement for welting, code 15H.
	Cements and adhesives for anchoring flock	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-H	Cements for manufacturing welting for shoes		Natural rubber latex only may be used.
15-I	Protective coatings for shoes during manufacture	0	Production, consumption, and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Only exception: Existing inventories as of May 1, 1951, in actual possession of shoe manufacturers may be consumed.
15-J	Bonded cork granule material for shoes: Composition cork sheets, not sponge rubber bonded	0	
15-K	Elastic fabric and tape for shoes:		
	Elasticized fabrics for uppers and linings	X	
	Goring and elastic shoe tapes	X	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
15-I	Bottom filler for shoes:		
	Hot-type thermoplastic fillers	0	Natural rubber content to be no greater than that in a comparable product produced during the base period. Color optional. The over-all monthly consumption of natural rubber shall not exceed 67 percent of the total new RHC. Natural rubber latex permitted.
	Cold-type fillers		
16	Cements		
16-A	Cements for all purposes		
16-B	Miscellaneous cement uses: For manufacture of products covered by all code numbers in this appendix A	X	
17	Proofing, combining, or coating of fabric		In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on line, type, quality, and style do not apply.
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric or other material to be later calendered or spread	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	100	
	Industrial and protective apparel	40	
	Industrial specialty products	50	
	Except low temperature diaphragm material	100	
	Flocked and imitation sueded materials	0	
	Except adhesive coating for anchoring the flock	100	
	Aprons or liners for handling in-process stock	40	
	Civilian utility products	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary, and mortuary		Line, type, quality, style, and color optional.
18-A	Adhesive plaster products:		
	Medicated body plasters	50	
	Plain and medicated foot pads and plasters	50	
	Surgical adhesive tape	50	
18-B	Bulbs, including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	45	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	Average.
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags, molded	45	
	Ice bags, hand-made	60	
	Invalid cushions, molded	45	
	Invalid cushions, hand-made	60	
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles, hand-made	60	
	Latex fountain syringe bags and tubing, ice bags, and bulbs	0	Natural rubber latex permitted.
18-E	Gloves and cots:		
	Finger cots, including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves, and climber guards	X	
	Industrial and general-purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Parts for baby bath seats	X	
	Unsupported rubber sheeting	45	By weight of compound.
18-G	Miscellaneous sundries:		
	Bath caps		40 percent of base-period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Hand-made	X	
	Molded	60	Natural rubber latex only permitted.
	Dipped	X	
	Blood pressure bags	65	
	Catheters, glass molded	X	
	Catheters, latex	45	60 percent natural rubber of the total RHC permitted.
	Castrator rings		
	Garter buttons	30	
	Hard rubber pipes, connections, and accessories	X	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch pads	60	
	Crutch pads, sponge	35	For crutches only.
	Crutch tips (reinforced with metal or cloth)	X	
	Dilators	X	
	Inhalation bags and face pieces	X	
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stopples	X	
	Self-adhering tape and gauze bandage	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18-G	Miscellaneous sundries—Continued		
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine cans	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage cum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies' personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary belts	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, and buoys		Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, and belts		Government orders only. Natural rubber permitted as required.
21	Pellet sealing fuel cells	X	
22	Miscellaneous:		
22-A	Athletic goods		Line, type, quality, style, and color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered soft balls	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	Nose clips		Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons		Line, type, quality, style, and color optional. Natural rubber latex only permitted.
22-C	Sponge rubber		Line, type, quality, style, and color optional.
	Nitrogen blown		60 percent natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		45 percent natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneelers	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	
22-D	Miscellaneous products:		
	Radio, radar, and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
22-F	Pressure sensitive tape		Line, type, quality, style, and color optional.
	Color decorative tapes	0	For household use sold in lengths less than 1,292 inches.
	General purpose cloth-backed tapes	20	
	Double-faced cloth-backed tapes	20	Adhesive only.
	Nonfibrous film-backed tapes	30	Adhesive only.
	Sand blast stencil tapes	40	Adhesive plus backing.
	Cloth-backed photographic tapes	36	Combined adhesive and impregnating compositions.
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 pounds per inch width.
	Protective paper tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22-G	Stationers' supplies:		
	Erasers	20	Line, type, quality, style, and color optional. Percent of natural rubber to total new RHC.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	75	
	Finger tips	35	
	Mucilage spreaders	83	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
22-H	Thread and related products:		
	Rubber thread	X	Natural rubber latex permitted. Six colors permitted.
	Garment tape	X	Color optional.
22-K	Toys		Line, type, quality, style, and color optional. Natural rubber latex only permitted.
	Latex toys:		
	Doll skins	X	
	Dipped beach balls	X	
	Slush-molded toys	X	
	Crib toys	X	
	Molded (dry rubber) toys		40 percent of base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand made water toys	45	
	All items not elsewhere listed	0	
22-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, and color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
23	Latex foam products		Line, type, quality, style, and color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	60	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23, inclusive	0	

APPENDIX B

The following is the list of products referred to in section 3:

Appendix A Code No.	*Product*
1	Replacement tires, passenger, highway, mud-snow, taxi.
1	Replacement bicycle tires.
1	Replacement motorcycle tires.
3	Replacement tubes, passenger (including puncture-seal and safety tubes).
3	Replacement tubes, bicycle and motorcycle.
10–C	Garden and lawn hose.
12–B	Replacement automotive equipment (including all items listed thereunder in appendix A).
12–F	Household and appliance products (except for those functional parts which are manufactured for replacement purposes).
12–J	Billiard and pool-table cushions.
12–N	Mats and matting (including all items listed thereunder in appendix A except switchboard matting).
12–P	Bowling balls, knife handles, cafeteria trays, pipe bits, mouthpieces for musical instruments, and rods and tubing for fountain pen parts.
18–G	Bath caps.
18–K	Ladies' personal sanitary items (including all items listed thereunder in appendix A).
22–A	Athletic goods (including all items listed thereunder in appendix A).
22–B	Balloons.
22–C	Sponge rubber products (including all items listed thereunder in appendix A, except firemen's landing pads).
22–E	Flavored masticating gum.
22–G	Stationers' supplies (including all items listed thereunder in appendix A).
22–K	Toys (including all items listed thereunder in appendix A).
22–L	Rubber flooring, floor covering, wall covering (including all items listed thereunder in appendix A, except coating for fiber floor covering).
22–M	Rubberized fiber and hair cushioning.

APPENDIX C

On application to the Rubber Division, NPA, and in accordance with instructions in section 5 of Order M–2, additional quantities of rubber will be made available to fill contracts with the following symbols or allotments:

Allotment and/or DO rating symbol	*Program*
A–1 through A–9, B–1 through B–9, C–1 through C–9, Z–9.	Department of Defense and United States Coast Guard.
D–1 through D–9	Department of the Army.
E–1 through E–9	Atomic Energy Commission.
J–7	Department of State (Voice of America).
DO–22	Department of Defense.
DO–41	Atomic Energy Commission.
DO–62	United States Coast Guard.

[F. R. Doc. 51–8395; Filed, July 17, 1951; 4:46 p. m.]

[CMP Regulation No. 5, as Amended July 17, 1951]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation prior to its amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this regulation was rendered impracticable because the regulation affects almost all industries. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many industries.

CMP Regulation No. 5 is hereby amended in the following respects: The last two sentences in paragraph (g) of section 2 are deleted; item 2 of Schedule I, appearing at the end of the regulation, is amended by substituting a new item 2. As so amended, CMP Regulation No. 5 reads as follows:

NPA Reg. 4 is revoked effective July 6, 1951. Direction 2 to NPA Reg. 4, as amended June 25, 1951, shall be considered as a direction to this regulation. On and after July 6, 1951, any reference to NPA Reg. 4 contained in any order or regulation of NPA (other than this regulation) shall be deemed a reference to CMP Regulation No. 5.

Sec.
1. What this regulation does.
2. Definitions.
3. How a person obtains controlled materials.
4. How a person obtains products and materials other than controlled materials.
5. Status of orders rated DO–97.
6. Materials for which the allotment symbol MRO and the rating DO–MRO may not be applied or extended.
7. Quarterly MRO quotas.
8. Charges against quotas.
9. Materials obtained for the benefit of another.
10. Use of materials for another purpose.
11. Certification.
12. Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.
13. Relation to other regulations and orders.
14. Records and reports.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law. 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a uniform procedure by which any business enterprise, Government agency, or public or private institution may obtain limited quantities of controlled materials and products and materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as for minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials and products which a person may obtain without using the procedure provided in this regulation. However, a person who makes use of the procedure provided in this regulation to obtain in any quarter materials or products in excess of 20 percent of his quota shall comply with the quota limitations whether or not he is able to obtain additional materials and products without using the procedure provided in this regulation. A person may use the procedure provided in this regulation to obtain MRO and minor capital additions up to $1,000 in any one quarter regardless of his quota. The procedure provided in this regulation may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If, in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this regulation, or to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(b) "NPA" means the National Production Authority.

(c) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(d) "Government agency" means the United States, its territories and possessions, any of the 48 States, or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(e) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(f) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. It includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise, Government agency, or institution.

(h) "Minor capital addition" means any improvement or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such improvement or addition, for the purpose of this regulation, the cost of all materials obtained for such improvement or addition shall be included whether or not acquired by use of an allotment symbol or rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition or improvement involves construction of a type which requires authorization under NPA Order M–4, the procedure provided for herein may not be used to obtain materials therefor unless the authorization specifically so provides.

(i) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(j) "Material" means any raw, in-process, or manufactured commodity equipment, component, accessory, part, or product of any kind.

(k) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(l) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *How a person obtains controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the allotment symbol MRO on delivery orders for controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The assignment of the right to use the allotment symbol MRO does not constitute the making of an allotment of the amount of controlled materials for MRO and minor capital additions specified in section 7 of this regulation. The allotment symbol MRO may be used to acquire only that amount of controlled material actually needed for MRO and minor capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 11 of this regulation, shall constitute an authorized controlled material order for the purposes of all CMP regulations.

SEC. 4. *How a person obtains products and materials other than controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the rating DO–MRO on delivery orders for products and materials other than controlled materials for maintenance, repair, and operating supplies, and minor capital additions. The rating DO–MRO may be used to acquire such products and materials only up to that portion of the amount specified in section 7 of this regulation which is actually needed for the purposes of MRO and minor capital additions.

(b) A delivery order bearing the rating DO–MRO, together with the certification provided for in section 11 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 5. *Status of orders rated DO–97.* (a) Notwithstanding the provisions of section 4 (c) of CMP Regulation No. 3, a delivery order for controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) Notwithstanding the provisions of section 5 (c) of CMP Regulation No. 3, a delivery order for products and materials other than controlled materials calling for delivery in the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 shall constitute a rated order with the allotment symbol MRO for the purpose of all CMP regulations.

(c) A producer of a Class A or of a Class B product who has, prior to the effective date of this regulation, extended an order bearing the rating DO–97 to a supplier of a controlled material, and who has received an authorized production schedule with a related allotment, shall charge against such allotment the amount of any controlled material which he receives pursuant to such order.

(d) A delivery order calling for delivery after the third quarter, 1951, placed prior to the effective date of this regulation in accordance with the provisions of NPA Reg. 4 and bearing the rating DO–97 must be converted into an authorized controlled material order or into a rated order with the allotment symbol MRO, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(e) A delivery order for MRO or minor capital additions placed after the effective date of this regulation and in accordance with its provisions must bear the allotment symbol MRO or the rating DO–MRO, as the case may be.

SEC. 6. *Materials for which the allotment symbol MRO and the rating DO–MRO may not be applied or extended—*(a) *Prohibited list.* The allotment symbol MRO and the rating DO–MRO shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedules I and II of this regulation, or to obtain any equipment pursuant to any lease.

(b) *Limitation for minor capital additions.* The allotment symbol MRO and the rating DO–MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) materials for a total of minor capital additions exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation or $750, whichever is greater.

(c) *Limitation on extension of the rating DO–MRO.* A producer of Class A products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials in accordance with the provisions of section 15 of CMP Regulation No. 1. A producer of Class B products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials from an industry division or claimant agency, as provided in CMP Regulations No. 1 and No. 3. All other suppliers may extend a DO–MRO rating to obtain materials to the extent permitted by and in accordance with the provisions of NPA Reg. 2.

SEC. 7. *Quarterly MRO quotas.*—(a) *The quota base.* A person who applies the allotment symbol MRO to buy controlled materials or the rating DO–MRO to buy products and materials other than controlled materials must establish his quarterly MRO quota. The MRO quota base to be used in establishing the MRO quota shall include all expenditures made by a person in the base period for MRO (except for materials referred to in Schedule II of this regulation), even though such MRO consists of materials listed in Schedule I of this regulation. Expenditures during the base period for capital additions shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. After such an election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO during the corresponding quarter in 1950.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout the entire base period shall establish and report his quarterly MRO quota as follows:

(1) *Person operating during part of the base period.* A person who was in operation during a part but not all of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except for materials referred to in Schedule II) had he continued the same rate of expenditure throughout the year as during that part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. His standard quarterly MRO quota shall be 30 percent of his quota base. If he elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during the base period.* If a person was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount which he determines to be necessary for his operation. The quota of such person may not, however, exceed $5,000 for any quarter without the prior written approval of NPA.

(3) *Notice to NPA.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) or (2) of this paragraph (f) shall, within 30 days after he first applies either the allotment symbol MRO or the rating DO–MRO, notify NPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increased quotas.* If the quarterly MRO quota of a person is increased by specific authorization of NPA pursuant to section 15 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 15 of this regulation is not retroactive.

SEC. 8. *Charges against quota—*(a) *When to charge against quota.* A person may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis), or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of NPA.

(b) *What to charge against quota.* A person shall charge against his MRO quota in each quarter:

(1) All expenditures for materials for MRO (except materials referred to in Schedule II) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not obtained by use of the allotment symbol MRO or the rating DO–MRO, and

(2) All expenditures for minor capital additions ordered for delivery (or, if on the receipts basis, received) during the quarter if, but only if, obtained by the use of the allotment symbol MRO or the rating DO–MRO.

(c) *Exceptions.* (1) A person may order (or receive) in any quarter MRO and materials for minor capital additions aggregating not more than $1,000 without regard to quota limitations.

(2) Any person who uses the allotment symbol MRO or the rating DO–MRO to order for delivery (or, if on the receipts basis, to receive) during any quarter materials which aggregate not more than 20 percent of his MRO quota for such quarter, may, in addition, order for delivery (or receive) in such quarter other material for MRO and minor capital additions without use of the allotment symbol MRO or the rating DO–MRO and without regard to quota limitations.

SEC. 9. *Materials obtained for benefit of another—*(a) *Materials supplied by a repairman.* Any business enterprise (such as a repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the allotment symbol MRO to obtain controlled materials and the rating DO–MRO to obtain products and materials other than controlled materials to the same extent that such other person would be entitled to apply the allotment symbol or rating if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the allotment symbol MRO or the rating DO–MRO to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the allotment symbol MRO or the rating DO–MRO except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a person has obtained materials for MRO or minor capital additions by applying the allotment symbol MRO or the rating DO–MRO, as the case may be, he may use them for a different purpose if under an authorized production schedule or authorized construction schedule he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purpose, he may not use the allotment symbol MRO or the rating DO–MRO to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol, or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the allotment symbol MRO or rating DO–MRO for such other purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses.

SEC. 11. *Certification.* A delivery order for MRO or materials for minor capital additions must contain a certification in addition to the allotment symbol MRO or the rating DO–MRO. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following words:

Certified under CMP Regulation No. 5

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the allotment symbol or the rating under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 12. *Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.* When a supplier has received a purchase order bearing the allotment symbol MRO or the rating DO–MRO, which symbol or rating he knows, or has reason to believe, has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal, and shall also advise NPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Relation to other regulations and orders—*(a) *Rules governing use of the allotment symbol MRO or the rating DO–MRO.* Any person who is entitled to obtain materials for his MRO or minor capital additions under any other NPA regulation or order, shall be governed by the provisions of such other order or regulation and shall not use the allotment symbol MRO or the rating DO–MRO as provided in this regulation.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any controlled materials if acceptance thereof would increase his inventory beyond the limitations permitted by CMP Regulation No. 2, or the limit fixed in any other applicable NPA regulation or order. Nothing in this regulation shall be deemed to authorize any person to order or receive products or materials other than controlled materials if acceptance thereof would increase his inventory beyond a minimum practicable working inventory as defined in NPA Reg. 1 or beyond the limit fixed in any other applicable NPA order or regulation.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use allotment symbols other than MRO or ratings other than DO–MRO, as the case may be, for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports—*(a) *Records to be kept.* Each person who makes any use of the allotment symbol MRO or the rating DO–MRO pursuant to this regulation shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, and use of all materials for use as MRO or minor capital additions, whether or not by use of the allotment symbol or rating, in sufficient detail to permit an audit that will permit determination for each transaction whether the provisions of this regulation have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) *Other records and reports.* Persons subject to this regulation shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate on Form NPAF–78. The request shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Subject to the provisions of paragraphs (g) and (h) of section 7 of this regulation, any adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under this regulation.

SEC. 16. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 5.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and,

upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Materials to which the allotment symbol MRO or the rating DO-MRO may not be applied or extended under CMP Regulation No. 5:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Products appearing in List A of NPA Order M-47A, as that order may be amended from time to time (except in item 28 of Section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M-18, as that order may be amended from time to time).
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Printed matter.
9. Photographic film.
10. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches. (See NPA Order M-73)
11. Rubber tires and tubes.

SCHEDULE II

Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time, the allocation and distribution of which are subject to regulation by other Government agencies and which, therefore, are not subject to any DO rating issued by or under the authority of NPA.

[F. R. Doc. 51-8394; Filed, July 17, 1951; 4:46 p. m.]

[NPA Order M-12 as Amended July 2, 1951 Amendment 1]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This amendment to NPA Order M-12, as amended July 2, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives has been rendered impracticable because of the need for immediate action.

The amendment affects NPA Order M-12, as previously amended, as follows:

(1) The words "which is not listed in NPA Order M-47A or which is not a part of a product so listed" in section 6 shall be deleted and the following inserted in place thereof:

"which is not covered by NPA Order M-47A or NPA Order M-68, or which is not a part of a product so covered,"

(2) The words "including List A and B" in the last sentence of the order shall be deleted.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.)

This amendment shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8389; Filed, July 17, 1951; 4:45 p. m.]

[NPA Order M-32 as Amended July 17, 1951]

M-32—CHEMICALS

LIMITATION FOR DO RATED ORDERS

This amendment of NPA Order M-32, as amended May 1, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-32, as amended, by adding three items to Schedule A. As so amended, NPA Order M-32 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Chemicals to which this order applies.
4. Required shipment dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders.
8. Applications for adjustment or exception.
9. Communications.
10. Records.
11. Audit and inspection.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub Law 774, 81st Cong., Pub Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers and distributors of each chemical listed in Schedule A appearing at the end of this order and provides rules for placing, accepting, and scheduling rated orders for such chemical. Its purpose is to provide equitable distribution of rated orders among all producers and distributors thereof, in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It supplements NPA Reg. 2 but only those provisions of Reg. 2 which are inconsistent with this order are superseded and all other provisions of Reg. 2 continue to apply to the chemical industry.

SEC. 2. *Definitions.* As used in this order;

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing for sale any chemical listed in Schedule A.

(c) "Distributor" means any person who buys and receives from a producer any chemical listed in Schedule A and who resells or holds for resale such chemical.

(d) "Schedule A" means the list of chemicals marked "Schedule A" appearing at the end of this order.

(e) "NPA" means National Production Authority.

SEC. 3. *Chemicals to which this order applies.* This order applies only to the chemicals listed in Schedule A, as amended from time to time. It is the intention of NPA that if and when the need arises, additional chemicals will be added to Schedule A.

SEC. 4. *Required shipment dates.* A rated order for any chemical listed in Schedule A must specify shipment on a particular date or dates or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of such chemical must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable, considering the need for maximum production. The distributor must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable.

SEC. 5. *Rejection of rated orders.* Unless otherwise specifically directed by NPA, no producer or distributor need accept a rated order for any chemical listed in Schedule A which is received by him less than the number of days (lead time), if any, set forth in Schedule A opposite the name of such chemical, prior to the first day of the month in which shipment is requested. Rated orders for any such chemical as to which no such period of time is specified in Schedule A are not subject to the provisions of this section.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no producer or distributor shall be required to accept rated orders for shipment of any chemical listed in Schedule A in any one month in excess of the percentage specified in Schedule A.

SEC. 7. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for any chemical listed in Schedule A due to the limitation imposed by section 6 of this order should apply to NPA, Ref: Order M-32, specifying the producers or distributors who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-32.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

Name of chemical	Limitation for acceptance of rated order		Number of days (lead time) if any	
	By producers	By distributors	For producers	For distributors
Ethyl ether of cellulose (known as "ethyl cellulose").	40 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None
DDT (Dichlorodiphenyl-trichloroethane)	20 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None
Barium carbonate	20 percent by weight of the producer's scheduled production for the month of shipment.	None	None	None
Melamine and melamine-containing compounds.	None	None	15	None
Anthraquinone vat dyes of the following types: Brown G—CI 1152. Brown R—CI 1151. Khaki 2G—Pr 122. Olive Green B—Pr 288. Olive GGL. Olive R—CI 1150. Olive T. Yellow GC—Pr 9. Orange RRT—CI 1098.	30 percent by weight of the producer's scheduled production for the month of shipment of each of the specified types.	None	None	None
Carbon tetrachloride	None	None	15	20
Methylene chloride	None	None	15	20
Perchlor-ethylene	None	None	15	20
Dichloro-difluoromethane (known as "Freon-12").	None	None	15	None
Trichloro-monofluoromethane (known as "Freon-11").	None	None	15	None
Monochloro-difluoromethane (known as "Freon-22").	None	None	15	None
Chrome yellow	30 percent by weight of the producer's scheduled production for the month of shipment.	None	None	None
Chrome orange	30 percent by weight of the producer's scheduled production for the month of shipment.	None	None	None
Phenol formaldehyde resin: (a) Without filler	45 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None
(b) With filler	35 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None

[F. R. Doc. 51-8392; Filed, July 17, 1951; 4:45 p. m.]

[NPA Order M-50 as Amended July 17, 1951]

M-50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-50 by placing electric utilities under the Controlled Materials Plan. As amended, NPA Order M-50 reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment or exception.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

21. Effect on other orders.
22. Restrictions on placement of delivery orders for controlled materials.
23. Conversion of outstanding orders.
24. Use of allotment numbers and certification.

ARTICLE III—MAJOR PLANT ADDITIONS

31. Restrictions on construction.
32. Construction schedules and allotments for major plant additions.
33. Required use of excess inventory.
34. Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.

ARTICLE IV—MINOR REQUIREMENTS

41. Allotments of controlled materials for minor requirements.
42. Quarterly controlled material quotas for minor requirements.
43. Applications for increased controlled materials quotas.
44. Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements.
45. Inventory restrictions.

AUTHORITY: Sections 1 to 45 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* This order provides rules of special application to the procurement and use of materials by electric utilities. It sets forth the procedure by which electric utilities procure materials under the Controlled Materials Plan. It modifies the application to electric utilities of CMP Regulations Nos. 2 and 6, as well as other orders and regulations of NPA.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying, electric power, directly or indirectly, for general use by the public or, in the case of a cooperative, for use by its members. If an electric utility is engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Administrator of Defense Electric Power Administration.

(c) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition; and "repair" means the restoration of any plant, facilty, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. "Maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment, or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(f) "Line construction" means construction of both overhead and underground lines.

(g) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(h) "Plant addition" means the construction or installation of new facilities or the replacement or existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(i) "Major plant addition" means any plant addition which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor; or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000; or

(3) Non-line construction necessary for the generation, transmission, and distribution of electric power, where the plant addition has a net material cost over $50,000, excluding construction of facilities for use as a garage, warehouse, operating headquarters, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(j) "Approved major plant addition" means any major plant addition in which DEPA has authorized commencement or continuation of construction.

(k) "Minor requirements" means electric utility requirements of controlled materials and other materials for all purposes (including MRO) except major plant additions, and except construction of facilities for use as a garage, warehouse, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(l) "Inventory" of any item of material means new or salvaged material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Any material specifically set aside on April 1, 1951, for use in time of emergency, and replacement thereof; and

(2) Any material set aside on July 17, 1951, for use in an approved major plant addition. Any material set aside for use in any such major plant addition shall be returned to inventory as soon as it becomes apparent that such material will not be used in such major plant addition.

(m) "Practicable minimum working inventory" means the smallest quantity of material from which an electric utility can reasonably supply its services on the basis of its currently scheduled method and rate of operation. In the absence of unusual circumstances, if the ratio of an electric utility's inventory to its currently scheduled operations is substantially greater than the ratio which it found necessary to maintain between inventory and operations during the recent past, its inventory will be considered excessive.

(n) "Permissible inventory" of any item of material means the quantity of such material which is necessary for use in supplying electric service on the basis of an electric utility's scheduled method and rate of operation pursuant to this order during the succeeding 90-day period, or a practicable minimum working inventory, whichever is less.

(o) "Excess inventory" of any item means that part of an electric utility's inventory of such item which exceeds its permissible inventory of such item.

(p) "Authorized construction schedule," "controlled material," "allotment," "Class A product," "Class B product," "delivery order," and "authorized controlled material order" shall have the meanings respectively assigned to such terms in CMP Regulation No. 6.

SEC. 3. *Applications for adjustment or exception.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas, and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order, and CMP Regulation No. 6 as modified by this order, and all requests for forms, shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or of using facilities under priority or allocation control, and to deprive him of further priorities assistance.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

SEC. 21. *Effect on other orders.* (a) This order modifies the application of CMP Regulation No. 6 (Construction) to electric utilities and supersedes any conflicting provisions in CMP Regulation No. 6. All of the provisions of CMP Regulation No. 6 apply to electric utilities except as modified by this order.

(b) The provisions of CMP Regulation No. 5 shall not apply to electric utilities. Electric utilities shall procure materials for maintenance, repair, and operating supplies in the manner provided in Article IV of this order.

(c) The provisions of section 45 of this order supersede any conflicting provisions in CMP Regulation No. 2.

SEC. 22. *Restrictions on placement of delivery orders for controlled materials.* No electric utility shall make any allotments of controlled materials unless such allotments are made pursuant to allotments authorized by DEPA.

SEC. 23. *Conversion of outstanding orders.* DO–48 or DO–48 (Minor) rated orders calling for delivery in the third quarter which were placed on or after July 3, 1951, shall be converted into authorized controlled material orders in the manner provided in paragraph (e) of section 10 of CMP Regulation No. 1. Any use of the CMP symbols H-3 or H-4 to order controlled materials or Class A products in the third quarter, including their use for the conversion of outstanding orders, shall constitute a charge against allotments of controlled materials for the third quarter.

SEC. 24. *Use of allotment numbers and certification.* Authorized controlled material orders for major plant additions shall show the allotment number H-3; authorized controlled material orders for minor requirements shall show the allotment number H-4. Such orders shall also show the calendar quarter in which the allotment is valid. For example, a delivery order for controlled materials for a major plant addition placed pursuant to an allotment valid for the third quarter of 1951 shall be designated as follows:

H-3-3Q51.

In addition, each authorized controlled material order shall be certified as follows:

Certified under CMP Regulation No. 6 and NPA Order M-50

This certification shall be signed manually or as provided in NPA Reg. 2. DO–H–3 rated orders and DO–H–4 rated orders shall also be certified and signed in such manner.

ARTICLE III—MAJOR PLANT ADDITIONS

SEC. 31. *Restrictions on construction.* No electric utility may commence construction of any major plant addition or use any controlled material in any major plant addition commenced as of the date of this order without specific authorization from DEPA. DEPA authorization to commence or continue construction does not necessarily mean that DEPA will allot materials in the amounts requested by any electric utility.

SEC. 32. *Construction schedules and allotments for major plant additions.* A construction schedule for each major plant addition will be authorized by DEPA on Form DEPA–7, or as otherwise provided in this section. Construction schedules will be authorized on the basis of information furnished by electric utilities on the Forms DEPA–2, DEPA–3, and DEPA–3S submitted for such major plant addition, or pursuant to application made in such manner as DEPA may hereafter require. Accordingly, for any major plant addition, no electric utility is required to file Form CMP–4C for authorization to commence construction or to request an allotment of controlled materials. Unless otherwise instructed by DEPA, any previous DEPA authorization to apply DO–48 ratings to order any controlled material for delivery in the third quarter, or DEPA authorization to use controlled materials on hand in any major plant addition during the third quarter, shall constitute DEPA authorization of the construction schedule for such major plant addition. Each electric utility which has heretofore received any such authorization is hereby allotted controlled material for the third quarter of 1951 in the quantity of each controlled material designated in such authorization.

SEC. 33. *Required use of excess inventory.* Any electric utility which has an excess inventory of any material shall use such material in approved major plant additions to the extent, and on the earliest date, that such materials are required in any approved major plant addition. In filing applications for allotments of controlled materials for major plant additions, excess inventories shall be taken into account, and in stating its requirements of controlled material for any major plant addition, no electric utility shall include in its requirements any quantity of material which is available in excess inventory.

SEC. 34. *Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.* Subject to any special provisions contained in any appendix to this order, a DO–H–3 rating is hereby assigned to each authorized construction schedule for a major plant addition. This rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required and on a date or dates no earlier than required to fulfill such schedule or to replace in inventory products and materials other than controlled materials used to fulfill authorized construction schedules for major plant additions. The DO–H–3 rating shall not be used to obtain any material listed in Schedules I and II of CMP Regulation No. 5, as amended from time to time.

ARTICLE IV—MINOR REQUIREMENTS

SEC. 41. *Allotments of controlled materials for minor requirements.* Subject to the restrictions contained in section 45 of this order, each electric utility is hereby granted an allotment of controlled materials for minor requirements in the amount of its quota for each controlled material as provided in section 42 of this order. No electric utility shall place delivery orders for any controlled material in excess of its quota for such controlled material. Each delivery order for controlled material for minor requirements shall contain the allotment number H–4 as provided in section 24 of this order.

SEC. 42. *Quarterly controlled material quotas for minor requirements.* Unless DEPA has prescribed otherwise, an electric utility may elect to use either a standard quota or an alternative quota, but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which was used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative controlled material quota in accordance with this section by adjusting, in direct proportion, its actual use of such controlled material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the controlled material quota which it establishes in accordance with this section. If an electric utility was not in operation during any

part of the year 1950 (calendar or fiscal), it may apply to DEPA for a controlled material quota, supplying, in detail, information pertinent to a proper evaluation of its application.

(d) *Special provisions.* DEPA may, by notice addressed to individual electric utilities, prescribe quarterly controlled material quotas for minor requirements greater or less than such utility's standard of alternative quotas.

SEC. 43. *Applications for increased controlled materials quotas.* Each application for an increased controlled material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount, in pounds or tons, of each controlled material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

SEC. 44. *Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements*—(a) *Assignment of DO–H–4 ratings.* Subject to any special provisions in any appendix to this order, and subject to the provisions of paragraph (b) of this section, each electric utility is hereby authorized to use a DO–H–4 rating to order products and materials other than controlled materials necessary for use in connection with any minor requirements project which involves the use of any portion of its minor requirements allotment of any controlled material, and to order such additional amounts of products and materials other than controlled materials as are necessary for the operation, maintenance, and repair of its electric system.

(b) *Restrictions on the use of the DO–H–4 rating.* Use of the DO–H–4 rating by electric utilities is subject to the following restrictions:

(1) The DO–H–4 rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required and on a date or dates no earlier than required for the purposes specified in paragraph (a) of this section, or to replace in inventory products and materials other than controlled materials used for such purposes.

(2) No electric utility shall use the DO–H–4 rating to obtain any item costing more than $10,000 without specific authorization by DEPA. Requests for such authorization may be made by letter setting forth, in detail, any information pertinent to proper evaluation of such requests.

(3) No electric utility shall use the DO–H–4 rating to obtain any materials on lease.

(4) No electric utility shall use the DO–H–4 rating to obtain any material listed in Schedules I and II of CMP Regulation No. 5, as amended from time to time.

SEC. 45. *Inventory restrictions.* No electric utility shall place delivery orders for any item of controlled material or other material if its inventory of such item is, or by receipt of such material would become, in excess of a permissible inventory. If an electric utility would be authorized by this section to place a delivery order for a quantity of any item of controlled material or other material less than the minimum sales quantity of such item, it may accept delivery of the minimum sales quantity of such item. The minimum sales quantity of any item of controlled material shall be the quantity designated in Schedule IV of CMP Regulation No. 1.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This order as amended shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM

1. *Definition.* "Aluminum" means aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Aluminum quotas for minor requirements for third quarter.*
Standard quota: 12.5 percent.
Alternative quota: 50 percent.

3. *Advance aluminum quotas for minor requirements for fourth quarter.*
Standard quota: 9.2 percent.
Alternative quota: 37.5 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum shall not apply to any electric utility which orders for delivery, in any calendar quarter, a weight of aluminum which does not exceed 1,000 pounds.

5. *Special provisions for ACSR.* Delivery orders for Aluminum Conductor Steel Reinforced for the third quarter of 1951 shall bear the allotment symbol H–3–3Q51 for major plant additions, and the allotment symbol H–4–3Q51 for minor requirements. Orders so placed shall constitute a charge against each utility's aluminum allotment in the amount of the aluminum content of ACSR, but shall not constitute a charge against its steel allotment.

APPENDIX B—COPPER

1. *Definition.* "Copper" means the shapes and forms indicated in Schedule I of CMP Regulation No. 1 under the headings "Copper and copper-base alloy brass mill products," "Copper wire mill products," and "Copper and copper-base alloy foundry products and powder."

2. *Copper quotas for minor requirements for third quarter.*
Standard quota: 18.75 percent.
Alternative quota: 75 percent.

3. *Advance copper quotas for minor requirements for fourth quarter.*
Standard quota: 14.1 percent.
Alternative quota: 56.25 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper which does not exceed 1,000 pounds in the aggregate.

5. *Special provisions for Copperweld conductor.* Delivery orders for Copperweld conductor for the third quarter of 1951 shall bear the allotment symbol H–3–3Q51 for major plant additions, and the allotment symbol H–4–3Q51 for minor requirements. Orders so placed shall constitute a charge against each utility's copper allotment in the amount of the copper content of Copperweld conductor, but shall not constitute a charge against its steel allotment.

APPENDIX C—CARBON STEEL

1. *Definition.* "Carbon steel" means carbon steel, including wrought iron, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Carbon steel quotas for minor requirements.*
Standard quota: 18.75 percent.
Alternative quota: 75 percent.

3. *Advance carbon steel quotas for minor requirements for fourth quarter.*
Standard quota: 14.1 percent.
Alternative quota: 56.25 percent.

APPENDIX D—ALLOY STEEL (EXCEPT STAINLESS STEEL)

1. *Definition.* "Alloy steel" means alloy steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Alloy steel quotas for minor requirements for third quarter.*
Standard quota: 18.75 percent.
Alternative quota: 75 percent.

3. *Advance alloy steel (except stainless steel) quotas for minor requirements for fourth quarter.*
Standard quota: 14.1 percent.
Alternative quota: 56.25 percent.

APPENDIX E—STAINLESS STEEL

1. *Definition.* "Stainless steel" means stainless steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Stainless steel quotas for minor requirements for third quarter.*
Standard quota: 18.75 percent.
Alternative quota: 75 percent.

3. *Advance stainless steel quotas for minor requirements for fourth quarter.*
Standard quota: 14.1 percent.
Alternative quota: 56.25 percent.

[F. R. Doc. 51–8391; Filed, July 17, 1951; 4:45 p. m.]

[NPA Reg. 2, as Amended July 17, 1951]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

This amendment to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives, including trade association representatives, in advance of the issuance of this amendment has been rendered impracticable by the fact that this amendment applies to all trades and industries.

This amendment affects NPA Reg. 2, as amended Feb. 27, 1951, as follows: It amends paragraph (d) of section 2; amends section 3 and adds a new paragraph designated (b); amends the title of section 4; redesignates paragraphs (a) and (b) of section 4 and inserts a new paragraph (a); amends paragraphs (a) and (b) of section 5 and deletes a sentence in said paragraph (b); amends section 6, and paragraph (a) of section 8; amends paragraphs (a), (c), and (d) of section 9; adds subparagraph (5) to paragraph (c) of section 10; amends paragraph (d) of section 10; amends sections 16 and 20; amends section 27; renumbers sections 26 and 27 and inserts a new section 27; deletes section 31; and adds List A at the end of the regulation.

As amended, NPA Reg. 2 reads as follows:

GENERAL

Sec.
1. What this order does.
2. Definitions.
3. Rating authorized.
4. When ratings may be assigned or applied.
5. When ratings may be extended for material.
6. Additional restrictions upon the use of ratings for certain materials.
7. Use of ratings for services.
8. How to apply or extend a rating.
9. Special provisions applicable to extensions; grouping of orders.
10. Rules for acceptance and rejection of rated orders.
11. Report to NPA of improperly rejected orders.
12. Cancellation of ratings.
13. Sequence of filling rated orders.
14. Changes in customers' orders.
15. Delivery or performance dates.
16. Mandatory orders and directives.
17. Use or disposition of material acquired under this order.
18. Delivery for unlawful purposes prohibited.
19. Intracompany deliveries.
20. Inventory restrictions on materials acquired with a rating.
21. Scope of regulations and orders.
22. Defense against claims for damages.
23. Records.
24. Audit and inspection.
25. Reports.
26. Applications for adjustment or exception.
27. Communications.
28. Violations.

AUTHORITY: Sections 1 to 28 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order states the basic rules of the priorities system to be administered by the National Production Authority. It states what kind of orders are rated orders, how to place them, and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders, or directives of NPA state otherwise.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(c) "NPA" means the National Production Authority.

(d) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by this regulation or any other applicable regulation or order of NPA.

(e) "Assignment" of a rating. A rating is assigned when NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

SEC. 3. *Rating authorized.* (a) Only a single rating is authorized, to be known as a "DO rating." This rating will be indicated by the prefix DO and an identification of the program, which must be furnished a supplier by the person who is using the rating. All DO rated orders will have equal preferential status as provided in this regulation, except that (subject to contrary written directives issued by the NPA) a DO rated order with a program identification consisting of a letter and one digit (for example, DO–K 5) or consisting of two or more letters (for example, DO–SU), which calls for delivery during the third calendar quarter of 1951, takes priority over a DO rated order with a program identification consisting of two digits (for example, DO–39). A DO rated order with a program identification consisting of a letter and one digit or consisting of two or more letters constitutes a "rating with an allotment number or symbol" as referred to in CMP regulations.

(b) A DO rating shall have no effect on deliveries on orders calling for delivery of controlled materials (as defined in CMP Regulation No. 1) after September 30, 1951.

SEC. 4. *When ratings may be assigned or applied.* (a) A claimant agency, or other person designated by NPA, may be authorized by NPA to assign or apply a DO rating.

(b) When a regulation, order, or certificate assigns a DO rating to any person either by naming him or by describing the class of persons to which he belongs, that person may apply the DO rating to get delivery of material or the performance of certain services.

(c) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

SEC. 5. *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or byproducts in the course of processing. However, he may not extend such a rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair, or operating applies.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the inventory provisions of any NPA regulation or order. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape, or design.

SEC. 6. *Additional restrictions upon the use of ratings for certain materials.* The ratings established by this regulation shall have no effect upon deliveries of any of the items listed or referred to in List A at the end of this regulation. No person shall use ratings to obtain any of such items, and no person selling any such items shall require a rating as a condition of sale. Any rating purporting to be used to obtain any such items on a preferred basis shall be void.

SEC. 7. *Use of ratings for services.* (a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed.

(b) If NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

SEC. 8. *How to apply or extend a rating.* (a) When a person applies or extends a rating, he must put the prefix DO and an identification of the program supplied to him, for example DO–39, or DO–X2 or DO–SU on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Reg. 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to NPA that the purchaser is authorized under the provisions of this regulation or CMP regulations to use the rating for the delivery of the materials covered by the purchase order. A certification under any CMP regulations shall be deemed to be a certification under this regulation.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this order.

(d) On rated orders requiring shipment within 7 days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used, and the individual who approves the use of the signature, will each be considered to be making a representation to NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

SEC. 9. *Special provisions applicable to extensions; grouping of orders.* (a) No person may extend any rating to replace inventory after the expiration of 3 months from the date of receipt of the order bearing the rating, or 1 month from the date he took from inventory the material being replaced, whichever date is later.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of such material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of rated orders for which he cannot place orders for minimum commercially procurable quantities of materials, to fill the rated orders individually, he may place one rated order for all the materials using the identification symbol DO–Z8 (formerly DO–99). Orders bearing the rating DO–99 and outstanding on July 17, 1951, shall have the same preferential status as though they were rated DO–Z8. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined.

SEC. 10. *Rules for acceptance and rejection of rated orders.* Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery of rated orders which he has already accepted, nor if delivery of the material ordered would interfere with delivery on an order which NPA has previously directed him to fill.

(b) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past 2 years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) If the acceptance or performance of the order would violate any other regulation or order of NPA in effect at the time such order is received.

(d) A producer need not accept a rated order from another person who produces the same product. A processor need not accept a rated order from another person who performs the same processing service.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

SEC. 11. *Report to NPA of improperly rejected orders.* When a rated order is rejected in violation of this regulation, a report of the relevant facts may be filed with the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 2. NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

SEC. 12. *Cancellation of ratings.* If a rating which has been used by a person is revoked, he must immediately, in the case of each order to which he has applied such rating, either cancel the order or inform his supplier that it is no longer to be treated as a rated order. If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

SEC. 13. *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date. If this is not possible for any reason, he must give precedence to all rated orders over unrated orders.

(b) As between conflicting rated orders, precedence must be given to the order which was received first with the rating: *Provided*, That orders received prior to October 3, 1950, and which received ratings prior to October 31, 1950, take precedence as of the dates on which orders were first placed. As between conflicting rated orders received on the same date, precedence must be given to the order which has the earliest required delivery or performance date.

(c) A rated order calling for earlier delivery than a rated order already accepted must not be allowed to interfere with scheduled delivery on the first order, but if both deliveries can be made on schedule it is not necessary to produce or make delivery on the first customer's order ahead of the second.

(d) In the usual case, the date on which specifications have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(e) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for the cancelled order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

SEC. 14. *Changes in customers' orders.* (a) The general rule is that any change in a customer's rated order constitutes a cancellation of the order and must be considered as a new order received on the date of the change, if the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with the filling of later rated orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer, is a new rated order if it interferes with production or delays delivery on another rated order.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new rated order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than a minimum production quantity. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rated order must be considered cancelled. If requested to do so within 10 days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of delivery as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement made after 10 days shall be treated as the placing of a new rated order.

(6) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new rated order.

(b) Where a change in an order constitutes a new rated order, the conditions existing at the time the change is received govern the acceptance of the rated order and its sequence in delivery under the rules of this regulation.

SEC. 15. *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. The words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to section 13 of this regulation, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

SEC. 16. *Mandatory orders and directives.* Every person shall comply with each mandatory order and directive issued to him by the NPA. Mandatory orders and directives issued by the NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears in the mandatory order or directive.

SEC. 17. *Use or disposition of material acquired under this order.* (a) Any person who gets material with a rating or through a specific authorization or a directive of NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given, for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable section of this order and of other orders and regulations of NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

SEC. 18. *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held, or used in violation of any order or regulation of NPA.

SEC. 19. *Intracompany deliveries.* The provisions of this regulation apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

SEC. 20. *Inventory restrictions on materials acquired with a rating.* The inventory restrictions described in all NPA regulations and orders (including CMP Regulation No. 2) apply to all materials subject thereto.

SEC. 21. *Scope of regulations and orders.* (a) All regulations and orders of NPA (including directions, directives, and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of NPA which control the sale, transfer, or delivery of any material, product, or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, and trustees in bankruptcy, and in other cases where the assets of a business are being liquidated.

SEC. 22. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any regulation or order of NPA (including any direction, directive, or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 23. *Records.* Each person participating in any transaction covered by this regulation shall retain in his possession

for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 24. *Audit and inspection.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 25. *Reports.* Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 26. *Applications for adjustment and exception.* Any person affected by this regulation may file an application for adjustment or exception upon the ground that it works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its application to him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Applications shall be in writing, filed in triplicate with NPA, Washington 25, D. C., Ref: NPA Reg. 2, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 27. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 2.

SEC. 28. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of NPA, or who furnishes false information or conceals any material fact in the course of operation under any such regulation or order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 2 as amended shall take effect on July 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

1. The following items are not subject to any DO ratings issued by or under the authority of NPA at the present time and therefore DO ratings shall not be effective to obtain them:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Transportation services, other than those referred to in subdivision 2 of this list.
Waste paper.
Water.
Wood pulp.

2. Allocation and distribution of the items listed or referred to below are subject to regulation by other Government agencies and such items are therefore not subject to ratings issued by or under the authority of NPA. However, producers of such items are subject to NPA regulations with respect to other materials used by them.

(a) **Solid fuels:** [1] All forms of anthracite, bituminous, subbituminous, and lignitic coals, and coke and its byproducts.

(b) **Gas and gas pipelines:** [1] Natural gas, manufactured gas, and pipelines for the movement thereof.

(c) **Petroleum and petroleum pipelines:** [1] Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.

(d) **Electric power:** [1] All forms of electric power and energy.

(e) **Radioisotopes, stable isotopes, source and fissionable materials.**[2]

(f) **Farm equipment:** [3] Domestic distribution of equipment manufactured for use on farms in connection with the production or processing of food. Such equipment includes, but is not limited to, the items listed in Schedule I of NPA Order N–55A as the same may be amended or supplemented from time to time.

(g) **Fertilizer, commercial:** [4] In form for distribution to users.

(h) **Food, except in certain cases where used industrially:** [5] In general, foods and other agricultural commodities and products are within the jurisdiction of the Department of Agriculture, but those which have industrial uses are within the jurisdiction of NPA when they lose their identity as food or agricultural commodities or products. The respective jurisdictions of the Department of Agriculture and NPA are described generally (and in certain cases, specifically) in an Agreement between the Production and Marketing Administration (Department of Agriculture) and NPA signed on March 30 and April 13, 1951, respectively (16 F. R. 3410), which agreement is referred to in NPA Delegation 10 of April 26, 1951 (16 F. R. 3669).

The Agreement (reference to which should be made) does not attempt to list all foods and agricultural commodities and products which involve industrial uses but does cover the major items as to which there might be a question of jurisdiction. In general, the respective jurisdictions fall within the following categories:

(1) Commodities which are within the jurisdiction of the Department of Agriculture until they enter any manufacturing process which results in their being neither food nor agricultural commodities or products (certain examples of which are listed in the Agreement, such as egg products, fats, oils, grain and grain products, molasses, potatoes, spices, starches, sugar, and tartaric acid).

(2) Commodities which are within the jurisdiction of the Department of Agriculture until the point specified in the Agreement (such as cotton lint and linters, hemp, flax, fiber, skim milk for casein, wool, and mohair).

(3) Commodities which are within the exclusive jurisdiction of the Department of Agriculture (ice, naval stores, tobacco, and tobacco products).

(i) **Transportation services** (domestic), storage and port facilities.[4]

(j) Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (Feb. 26, 1951), as follows: [5]

(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.

(k) Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (May 22, 1951).[6]

[F. R. Doc. 51–8393; Filed, July 17, 1951; 4:46 p. m.]

[1] Under jurisdiction of the Department of the Interior—E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61; DPA Del. 1, 16 F. R. 738.

[2] Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.

[3] Under jurisdiction of the Department of Agriculture—E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61; DPA Del. 1, 16 F. R. 738.

[4] Under jurisdiction of the Interstate Commerce Commission—E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61; DPA Del. 1, 16 F. R. 738.

[5] Under jurisdiction of the Department of the Interior—NPA Delegation 9, 15 F. R. 1908.

[6] Under jurisdiction of the Department of the Interior—NPA Delegation 5, 15 F. R. 4907.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 732]

ARIZONA

REVOCATION OF EXECUTIVE ORDER NO. 5522 OF DECEMBER 31, 1930

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (c. 421, 36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 5522 of December 31, 1930, temporarily withdrawing the public lands within a described area in Arizona for classification and in aid of legislation, is hereby revoked.

The lands released from withdrawal by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 36 N., R. 4 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½.

T. 37 N., R. 4 E.,
Secs. 13 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 36 N., R. 5 E.,
Sec. 2, unsurveyed, that part west of the west rim of Marble Canyon;
Secs. 3 to 9, inclusive;
Secs. 10, 11, 15, and 16, partly unsurveyed, those parts west of the west rim of Marble Canyon;
Sec. 17;
Secs. 18, 19, and 20, those parts north of the north rim of South Canyon;
Sec. 21, that part north of the north rim of South Canyon and west of the west rim of Marble Canyon;
T. 37 N., R. 5 E.,
Secs. 11, 12, 13, and 14, those parts south of the north rim of North Canyon;
Secs. 15 to 24, inclusive;
Sec. 25, unsurveyed, that part west of the west rim of Marble Canyon;
Secs. 26 to 34, inclusive;
Secs. 35 and 36, partly unsurveyed, those parts west of the west rim of Marble Canyon.
T. 37 N., R. 6 E., partly unsurveyed,
Secs. 5, 7, 8, 17, 18, 19, 20, and 30, those parts south and east of the north rim of North Canyon and north and west of the west rim of Marble Canyon.

The areas described aggregate approximately 44,000 acres.

The lands are primarily suitable for grazing. No application for these lands may be allowed under the homestead, small-tract, or desert-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 13, 1951.

[F. R. Doc. 51–8245; Filed, July 18, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON THE SHIPBOARD IN THE MARITIME SERVICES

EDITORIAL NOTE: The following correction has been made in F. R. Doc. 51–7320 appearing in the Tuesday, June 26, 1951, issue of the FEDERAL REGISTER:

At page 6096, column 3, § 8.155 (a) (5), the semicolon has been deleted and the following added at the end of the paragraph: "who shall be responsible for the proper functioning of the station equipment."

The above was adopted by the Commission June 26, 1951, and was inadvertently omitted when this section was revised by the Commission's order, which order is hereby corrected.

TITLE 49—TRANSPORTATION

Chapter III—Motor Carrier Claims Commission

PART 600—GENERAL RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

The rules of procedure of the Motor Carrier Claims Commission, adopted February 24, 1950 (published in FEDERAL REGISTER March 1, 1950, Title 49, Chapter III, Part 600) are hereby amended as follows:

1. Section 600.23 is revised and amended so that said section shall read as follows:

§ 600.23 *Proposed findings of fact—submitted to a Commissioner or an Assistant Commissioner.* Upon the closing of proof by the parties in any case heard by a Commissioner or an Assistant Commissioner, the parties shall, unless otherwise directed by the Commission, a Commissioner or an Assistant Commissioner, have 15 days from the filing of the transcript within which to file proposed findings of fact and suggested conclusions of law. Such proposed findings of fact and suggested conclusions of law need not be printed. Such proposed findings and suggested conclusions shall, upon the filing of the report, be filed with the original record in the case for consideration of the Commission in connection with any exceptions which may be submitted under § 600.25 of these rules.

2. Section 600.24 is revised and amended so that said section shall read as follows:

§ 600.24 *Report.* After the filing of proposed findings of fact, and suggested conclusions of law, or after expiration of the time for such filings, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts, including ultimate facts, considered by him to be established by the evidence, and make a report thereof to the Commission within 20 days after the filing of proposed findings of fact and suggested conclusions of law or, if none are filed, within 20 days after the expiration of the time for such filings; and when directed by the Commission, he shall also file his recommendations and suggested conclusions of law; and he shall certify the entire record to the Commission. Two copies of this report shall be furnished to the attorneys of record for the interested parties.

3. Paragraph (a) of § 600.25 is revised and amended so that said paragraph shall read as follows:

(a) *Time for filing.* Within 10 days after notice by the Clerk by registered mail that the Commission's or Assistant Commissioner's report has been filed, the plaintiff shall file his or its exceptions to the findings and his or its brief on the facts and law of the case. Appropriate references to the parts of the record relied upon in suport thereof shall be made at the end of each exception. The exceptions and briefs may be contained in a single document or may be typed or printed separately. Subject to the same requirements, the defendant shall have 10 days from the date plaintiff's exceptions and brief are filed (or if none are filed, then 10 days from the last day for filing) within which to file defendant's exceptions to the findings and its brief. Plaintiff shall have 5 days from the date of filing defendant's brief within which to file reply brief.

The above and foregoing amendments to the rules of procedure of the Motor Carrier Claims Commission were adopted by the Motor Carrier Claims Commission at a meeting of the Commission duly called for that purpose at its office in Kansas City, Missouri, on the 12th day of July 1951.

(Sec. 5, 62 Stat. 1222; 49 U. S. C. 305 note)

[SEAL]

MOTOR CARRIER CLAIMS COMMISSION,
THOMAS W. O'HARA, *Chairman.*
ERNEST M. SMITH, *Commissioner.*
RANDOLPH CARPENTER, *Commissioner.*

[F. R. Doc. 51-8253; Filed, July 18, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES ON THE CROW INDIAN IRRIGATION PROJECT, MONTANA

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong.; 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 2, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of intent to further modify §§ 130.13b, 130.13c, and 130.13d of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Charges applicable to all irrigable lands of the Crow Indian Project receiving benefits from the Willow Creek storage and that are included in an irrigation district organization and are subject to the jurisdiction of these districts.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana, charges.* Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $5,500 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Pursuant to a second contract executed by the above irrigation district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given of an intent to fix an assessment of ten cents ($0.10) per acre for the season of 1952 for the operation and maintenance of the Willow Creek storage works which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana, charges.* Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3,300 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment involves an area of approximately 1,460 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

Pursuant to a second contract executed by the above irrigation district and approved by the Assistant Secretary of the Interior of June 28, 1951, notice is hereby given of an intent to fix an assessment of ten cents ($0.10) per acre for the season of 1952 for the operation and maintenance of the Willow Creek storage works which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

§ 130.13d *Time of payment.* The amount of assessments fixed in §§ 130.13a, 130.13b, and 130.13c shall be paid by the respective irrigation districts to the United States, one-half thereof on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1 following, of each year. To all assessments not paid on July 1 of each year, there shall be added a penalty of one-half of one percent per month, or fraction thereof, from the due date so long as the delinquencies continue; and the right is reserved to refuse delivery of water to a district or individual landowner in the event of default by the district or landowner in the payment of assessments, including penalties on account of delinquencies.

The foregoing proposed additions to §§ 130.13b and 130.13c and modification of § 130.13d are to become effective for the irrigation season of 1952 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data, or arguments in writing to Paul L. Fickinger, Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-8273; Filed, July 18, 1951; 8:54 a. m.]

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES FOR THE WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

JULY 9, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and authority contained in the act of Congress of August 1, 1914 (38 Stat. 583.25; U. S. C., 385), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Area No. III, Portland, Oregon, September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify § 130.86 operation and maintenance charge of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable area of the Wapato-Satus Unit of the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance charge per acre by $2.25 for each irrigable acre of land within the Wapato-Satus Unit of the Wapato Indian Irrigation Project. No increase is proposed on either the Toppenish-Simcoe Unit nor the Ahtanum Unit.

The foregoing proposed charge is to become effective for the irrigation season 1952 and to continue in effect thereafter until further notice.

The proposed schedule will therefore be as follows:

(a) Minimum charges for all tracts in non-contiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each assessable acre	5.50
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.30

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 1, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

L. P. TOWLE,
Acting Area Director.

[F. R. Doc. 51-8244; Filed, July 18, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CAULIFLOWER [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Frozen Cauliflower, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 70 (82d Cong., approved July 1, 1951). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.228 *Frozen cauliflower.* Frozen cauliflower is prepared from the fresh flower heads of the cauliflower plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and maintained at temperatures necessary for preservation of the product.

(a) *Grades of frozen cauliflower.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen cauliflower that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(b) *Ascertaining the grade.* (1) The grade of frozen cauliflower is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	40
(ii) Absence of defects	40
(iii) Character	20
Total score	100

(3) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, except that buds or buttons which are slightly dark in typical color are cooked before evaluating the factor of color. The product is cooked to determine the flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen cauliflower that possesses a good color may be given a score of 34 to 40 points. "Good color" means that the buds or buttons possess a characteristic white to light cream color over the tops, which color may be slightly variable, and that the product may possess a characteristic green or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided*, That the buds or buttons may possess a color slightly darker than light cream which disappears upon cooking.

(ii) If the frozen cauliflower possesses a reasonably good color, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the buds or buttons may possess a variable characteristic color ranging from white or light cream to dull white or dark cream over the tops, and that the product may possess a characteristic green or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided*, That the buds or buttons may possess a color darker than dark cream, but not seriously darkened, which color disappears upon cooking to the extent the appearance of the product is no more than slightly affected.

(iii) Frozen cauliflower that is off color for any reason or that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from poorly trimmed clusters and small clusters, from damaged and seriously damaged clusters and small clusters, from pieces and detached fragments, and from any other defects which detract from the appearance or edibility of the product.

(i) "Portion of a head" means an individual portion or section of a head made up of buds or buttons and the adjoining stems or portions of stems and attached modified leaves or bracts.

(ii) "Cluster" means a portion of a head which weighs more than ¼ ounce.

(iii) "Small cluster" means a portion of a head which weighs not more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(iv) "Piece" means a small portion of a head which is less than ¾ inch in the greatest dimension measured across the top of the cluster. "Pieces" are considered as defects whether or not defective.

(v) "Detached fragments" are detached leaves, detached modified leaves or bracts, or detached portions of stems. Detached fragments are considered as defects whether or not defective.

(vi) "Poorly trimmed cluster" or "poorly trimmed small cluster" means that the appearance of the cluster is seriously affected by ragged cutting or gouging, or both, or is seriously affected by attached modified leaves or bracts.

(vii) "Damaged cluster" or "damaged small cluster" means a cluster damaged

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

by dark discoloration, pathological injury, insect injury, or any other injury or defect which singly or in combination affect materially the appearance or edibility of the product.

(viii) "Seriously damaged cluster" or "seriously damaged small cluster" means that the cluster is damaged to the extent that the appearance or edibility of the cluster is seriously affected.

(ix) Frozen cauliflower that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product is practically free from pieces and detached fragments and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, means that:

(*a*) No seriously damaged clusters are present; and

(*b*) Not more than a total of 15 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, and seriously damaged small clusters: *Provided*, (*1*) Not more than 10 percent, by weight, of the cauliflower are damaged clusters,[2] damaged small clusters, and seriously damaged small clusters: *Provided further*,

(*i*) Not more than 5 percent, by weight, of the cauliflower are seriously damaged small clusters.

(x) If the frozen cauliflower is reasonably free from defects, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from pieces and detached fragments and from any defects not specifically mentioned that affect seriously the appearance or edibility of the product, and, in addition, means that:

(*a*) Not more than a total of 30 percent by weight of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, seriously damaged clusters, seriously damaged small clusters, and small clusters: *Provided*

(*1*) Not more than 15 percent, by weight, of the cauliflower are damaged clusters, damaged small clusters, seriously damaged clusters, seriously damaged small clusters: *Provided further*,

(*i*) Not more than 10 percent, by weight, of the cauliflower are seriously damaged small clusters, and

(*b*) Frozen cauliflower that fails to meet the requirements of subdivision (ix) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 60 percent, by weight, of the cauliflower are firm or reasonably firm or reasonably compact clusters of buds or buttons and the remainder of the clusters may be soft, ricey, or fuzzy but not more than 10 percent, by weight, of the cauliflower may be mushy.

(xi) Frozen cauliflower that fails to meet the requirements of subdivision (x) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the development, texture, and degree of freedom from ricey and fuzzy units.

(i) "Ricey units" are sections of the head on which the ultimate branches have become elongated, causing the flower clusters to separate and present a loose or open and sometimes granular appearance.

(ii) "Fuzzy units" are sections of the head that have elongated individual flowers or pedicels that result in a very fuzzy appearance.

(iii) Frozen cauliflower that possesses a good character may be given a score of 17 to 20 points. "Good character" means that not less than 80 percent, by weight, of the cauliflower are firm and compact clusters of buds or buttons; and that the remainder of the clusters may be slightly soft, ricey, or fuzzy.

(iv) If the frozen cauliflower possesses a reasonably good character, a score of 14 to 16 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 60 percent, by weight, of the cauliflower are firm or reasonably firm or reasonably compact clusters of buds or buttons and the remainder of the clusters may be soft, ricey, or fuzzy but not more than 10 percent, by weight, of the cauliflower may be mushy.

(v) Frozen cauliflower that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen cauliflower, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if

(*i*) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a defect rom the average more of all containers in the sample for the lower subject to such tolerance will be within one score for the grade indicated;

(2) Each of the containers comprising the sample has more than 4 points being

(e) *Score sheet for frozen cauliflower.*

Size and kind of container			.....
Container marks or identification			.....
Label			.....
Net weight (ounces)			.....
Factors	Score points		
I. Color	40	(A) 34-40 (B) 28-33 (S Std) 0-27	
II. Absence of defects	40	(A) 34-40 (B) 28-33 (S Std) 0-27	
III. Character	20	(A) 17-20 (B) 14-16 (S Std) 0-13	
Total score	100		
Flavor and odor			.....
Grade			.....

[1] Indicates limiting rule.

Issued this 16th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8309; Filed, July 18, 1951; 8:59 a. m.]

[7 CFR Part 988]

[Docket No. AO-195-A3]

HANDLING OF MILK IN THE KNOXVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Knoxville, Tennessee, during the period January 16-20, 1951, pursuant to notice thereof duly published in the FEDERAL REGISTER (15 F. R. 9396) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, milk-shed area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 10, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, in which he set forth his findings and conclusions and his recommendations with respect to the proposed marketing agreement and order. Notice of the filing of the recommended decision and of opportunity to file exceptions thereto was published in the FEDERAL REGISTER on June 1, 1951 (16 F. R. 5135). Exceptions to the recommended decision were filed on behalf of certain interested parties. They were carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues of record are concerned with the following:

(1) An extension of the marketing area to include certain surrounding towns and places;

(2) A change in the allocation provisions to provide for the classification of a limited quantity of producer milk as Class II milk before assigning other source milk to Class II utilization.

(3) A revision of the payment provisions of the order to incorporate a base-rating plan; and

(4) The inclusion of standard provisions pertaining to retention of records and termination of obligations.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. The definition of the marketing area should not be changed.

The definition of the "marketing area" in conjunction with the definitions of "producer" and "handler" determine the milk to be subject to the minimum pricing provisions of the order and the milk distributors who must conform with the various order provisions.

The boundaries of the present marketing area coincide with the corporate limits of the city of Knoxville. Handlers proposed that the marketing area be defined to include in addition to the city of Knoxville, the following towns and places, all in the state of Tennessee: Morristown, Jefferson City, Dandridge, Maryville, Alcoa, Loudon, Harriman, Clinton, the county of Knox, and Oak Ridge Directed Operations.

The record indicates that the 13 handlers now subject to the order dispose of more than 35 percent of their total Class I sales outside the present marketing area. These handlers supply approximately 70 percent of the total fluid milk disposed of to consumers in Knox County, Oak Ridge Directed Operations, Alcoa and Maryville—which include approximately 80 percent of the total population of the additional areas proposed. Knoxville handlers also supply a substantial proportion of the fluid milk sold in the other towns proposed.

Knox County is densely populated. The rate of population growth in Knox County outside the city of Knoxville and in certain towns has exceeded that in the city of Knoxville, and historically the [illegible] Although the trade's attitude is [illegible] for the purpose of

of the health departments permit the sale of milk in their respective areas if it is qualified to be sold in any of the other areas including Knoxville. All milk received from producers for fluid distribution within the city limits of Knoxville, however, must be produced on farms and processed in plants holding permits issued by the Knoxville Health Department.

The principal reason given by handlers for including the above stated places in the marketing area was that purchases of milk by unregulated distributors who dispose of fluid milk in these areas in competition with Knoxville handlers, were at prices less than those required of Knoxville handlers, and that this gave unregulated distributors a competitive advantage in the procurement of milk.

This claim is not substantiated by the record. A detailed comparison of prices contained in the hearing record shows that the principal competitors in a substantial portion of the proposed area have actually paid somewhat higher prices than Knoxville handlers for that portion of their receipts devoted to fluid disposition.

This is particularly true for the unregulated distributors supplying milk in Knox County, Oak Ridge Directed Operations, and other proposed towns to the east of Knoxville where prices are influenced by competition for milk from the Kingsport market. Furthermore, the level of prices prevailing in nearly all of the proposed area are influenced by the level of prices prevailing under Order 88. The evidence failed to show that the cost of milk to distributors in any of the proposed areas is less than to handlers subject to Order 88. It also was not shown that the salient provisions of the present order are appropriate for application to the handling of milk in the proposed areas.

Dairy farmers selling milk to some of the distributors, who would be subject to regulation if the marketing area were extended, opposed an enlargement of the marketing area on the basis of an opinion that their returns would be reduced. No direct testimony was presented by Knoxville producers.

The evidence fails to show that a change in the marketing area to include any or all of the proposed towns or places is necessary to carry out the declared purpose of the act.

2. The allocation provisions of the order should not be changed.

Handlers proposed that a quantity of [illegible] milk [illegible] from producer milk, equal to 5 percent of total receipts from producers, be classified as Class II milk in each month that an [illegible] to Class II uses, except that during the months of [illegible] Class II uses [illegible] receipts of [illegible] milk [illegible] must be devoted to Class II uses in nearly all months of the year. Under the Knoxville health ordinance, Grade A condensed milk and nonfat dry milk solids may be used to supplement producer milk in Class I uses. Handlers also may, and do, maintain day-to-day revolving inventories of fluid milk in their plants. Bottled milk is not required to be dated. For these reasons the day-to-day variations in receipts and sales do not appear to result in a serious allocation problem.

Another objection to the present allocation provisions was directed to the months in which receipts usually change rather sharply from the beginning to the end of the month. During these months a handler may have more than an adequate supply of producer milk for Class I uses during part of the month and receives less producer milk than Class I sales during the other part of the month. The monthly basis of accounting has been found to be more practical than bi-monthly or a shorter accounting period. This, of course, may result in the classification of a quantity of producer milk in Class I utilization which may not have been available for such utilization during a portion of the transition months. Handlers who are able to arrange for sufficient milk from producers to fulfill Class I utilization are not confronted with this problem. The long run intention of the regulation is to promote an adequate supply of local producer milk and the proper allocation of this supply among handlers. The present allocation provisions tends to further this intent by offering some incentive for the proper allocation of the available supplies of milk among handlers and for increasing local supplies through increased returns to local producers.

Another objection to the present method of classification and allocation appeared to be related to the method of classifying inventories rather than to the allocation provisions of the order.

For the above stated reasons, the present allocation provisions should not be changed.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variation in the receipts of milk for the Knoxville market, with receipts in the fall and winter months considerably less than in the spring and summer months. The disposition of fluid milk and other products required to be made from approved milk is relatively uniform from [illegible] to month, [illegible] from [illegible] receipts [illegible] the proportion of Grade [illegible] that fluid production has been

(a) *Time for filing.* Within 10 days after notice by the Clerk by registered mail that the Commission's or Assistant Commissioner's report has been filed, the plaintiff shall file his or its exceptions to the findings and his or its brief on the facts and law of the case. Appropriate references to the parts of the record relied upon in suport thereof shall be made at the end of each exception. The exceptions and briefs may be contained in a single document or may be typed or printed separately. Subject to the same requirements, the defendant shall have 10 days from the date plaintiff's exceptions and brief are filed (or if none are filed, then 10 days from the last day for filing) within which to file defendant's exceptions to the findings and its brief. Plaintiff shall have 5 days from the date of filing defendant's brief within which to file reply brief.

The above and foregoing amendments to the rules of procedure of the Motor Carrier Claims Commission were adopted by the Motor Carrier Claims Commission at a meeting of the Commission duly called for that purpose at its office in Kansas City, Missouri, on the 12th day of July 1951.

(Sec. 5, 62 Stat. 1222; 49 U. S. C. 305 note)

MOTOR CARRIER CLAIMS COMMISSION,
[SEAL] THOMAS W. O'HARA, *Chairman.*
ERNEST M. SMITH, *Commissioner.*
RANDOLPH CARPENTER, *Commissioner.*

[F. R. Doc. 51-8253; Filed, July 18, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES ON THE CROW INDIAN IRRIGATION PROJECT, MONTANA

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong.; 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 2, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of intent to further modify §§ 130.13b, 130.13c, and 130.13d of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Charges applicable to all irrigable lands of the Crow Indian Project receiving benefits from the Willow Creek storage and that are included in an irrigation district organization and are subject to the jurisdiction of these districts.

§ 130.13b *Lower Litile Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana, charges.* Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $5,500 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Pursuant to a second contract executed by the above irrigation district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given of an intent to fix an assessment of ten cents ($0.10) per acre for the season of 1952 for the operation and maintenance of the Willow Creek storage works which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana, charges.* Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3,300 is hereby fixed for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment involves an area of approximately 1,460 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

Pursuant to a second contract executed by the above irrigation district and approved by the Assistant Secretary of the Interior of June 28, 1951, notice is hereby given of an intent to fix an assessment of ten cents ($0.10) per acre for the season of 1952 for the operation and maintenance of the Willow Creek storage works which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

§ 130.13d *Time of payment.* The amount of assessments fixed in §§ 130.13a, 130.13b, and 130.13c shall be paid by the respective irrigation districts to the United States, one-half thereof on or before February 1, in advance of the delivery of water for that season, and the remainder on or before July 1 following, of each year. To all assessments not paid on July 1 of each year, there shall be added a penalty of one-half of one percent per month, or fraction thereof, from the due date so long as the delinquencies continue; and the right is reserved to refuse delivery of water to a district or individual landowner in the event of default by the district or landowner in the payment of assessments, including penalties on account of delinquencies.

The foregoing proposed additions to §§ 130.13b and 130.13c and modification of § 130.13d are to become effective for the irrigation season of 1952 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data, or arguments in writing to Paul L. Fickinger, Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-8273; Filed, July 18, 1951; 8:54 a. m.]

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES FOR THE WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

JULY 9, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and authority contained in the act of Congress of August 1, 1914 (38 Stat. 583.25; U. S. C., 385), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Area No. III, Portland, Oregon, September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify § 130.86 operation and maintenance charge of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the irrigable area of the Wapato-Satus Unit of the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance charge per acre by $2.25 for each irrigable acre of land within the Wapato-Satus Unit of the Wapato Indian Irrigation Project. No increase is proposed on either the Toppenish-Simcoe Unit nor the Ahtanum Unit.

The foregoing proposed charge is to become effective for the irrigation season 1952 and to continue in effect thereafter until further notice.

The proposed schedule will therefore be as follows:

(a) Minimum charges for all tracts in non-contiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each assessable acre	5.50
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.30

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 1, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

L. P. TOWLE,
Acting Area Director.

[F. R. Doc. 51-8244; Filed, July 18, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CAULIFLOWER [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Frozen Cauliflower, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and Public Law 70 (82d Cong., approved July 1, 1951). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.228 *Frozen cauliflower.* Frozen cauliflower is prepared from the fresh flower heads of the cauliflower plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and maintained at temperatures necessary for preservation of the product.

(a) *Grades of frozen cauliflower.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen cauliflower that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(b) *Ascertaining the grade.* (1) The grade of frozen cauliflower is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	40
(ii) Absence of defects	40
(iii) Character	20
Total score	100

(3) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, except that buds or buttons which are slightly dark in typical color are cooked before evaluating the factor of color. The product is cooked to determine the flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen cauliflower that possesses a good color may be given a score of 34 to 40 points. "Good color" means that the buds or buttons possess a characteristic white to light cream color over the tops, which color may be slightly variable, and that the product may possess a characteristic green or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided,* That the buds or buttons may possess a color slightly darker than light cream which disappears upon cooking.

(ii) If the frozen cauliflower possesses a reasonably good color, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the buds or buttons may possess a variable characteristic color ranging from white or light cream to dull white or dark cream over the tops, and that the product may possess a characteristic green or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided,* That the buds or buttons may possess a color darker than dark cream, but not seriously darkened, which color disappears upon cooking to the extent the appearance of the product is no more than slightly affected.

(iii) Frozen cauliflower that is off color for any reason or that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from poorly trimmed clusters and small clusters, from damaged and seriously damaged clusters and small clusters, from pieces and detached fragments, and from any other defects which detract from the appearance or edibility of the product.

(i) "Portion of a head" means an individual portion or section of a head made up of buds or buttons and the adjoining stems or portions of stems and attached modified leaves or bracts.

(ii) "Cluster" means a portion of a head which weighs more than ¼ ounce.

(iii) "Small cluster" means a portion of a head which weighs not more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(iv) "Piece" means a small portion of a head which is less than ¾ inch in the greatest dimension measured across the top of the cluster. "Pieces" are considered as defects whether or not defective.

(v) "Detached fragments" are detached leaves, detached modified leaves or bracts, or detached portions of stems. Detached fragments are considered as defects whether or not defective.

(vi) "Poorly trimmed cluster" or "poorly trimmed small cluster" means that the appearance of the cluster is seriously affected by ragged cutting or gouging, or both, or is seriously affected by attached modified leaves or bracts.

(vii) "Damaged cluster" or "damaged small cluster" means a cluster damaged

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any

be added a penalty of one-half of one percent per month, or fraction thereof, from the due date so long as the delin-

and maintenance charge per acre by $2.25 for each irrigable acre of land

by dark discoloration, pathological injury, insect injury, or any other injury or defect which singly or in combination affect materially the appearance or edibility of the product.

(viii) "Seriously damaged cluster" or "seriously damaged small cluster" means that the cluster is damaged to the extent that the appearance or edibility of the cluster is seriously affected.

(ix) Frozen cauliflower that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product is practically free from pieces and detached fragments and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, means that:

(a) No seriously damaged clusters are present; and

(b) Not more than a total of 15 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, and seriously damaged small clusters: *Provided,*

(*1*) Not more than 10 percent, by weight, of the cauliflower are damaged clusters,[2] damaged small clusters, and seriously damaged small clusters: *Provided further,*

(*i*) Not more than 5 percent, by weight, of the cauliflower are seriously damaged small clusters.

(x) If the frozen cauliflower is reasonably free from defects, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from pieces and detached fragments and from any defects not specifically mentioned that affect seriously the appearance or edibility of the product, and, in addition, means that:

(a) Not more than a total of 30 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, seriously damaged clusters, and seriously damaged small clusters: *Provided,*

(*1*) Not more than 15 percent, by weight, of the cauliflower are damaged clusters, damaged small clusters, seriously damaged clusters, seriously damaged small clusters: *Provided further,*

(*i*) Not more than 10 percent, by weight, of the cauliflower are seriously damaged clusters and seriously damaged small clusters.

(xi) Frozen cauliflower that fails to meet the requirements of subdivision (x) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the development, texture, and degree of freedom from ricey and fuzzy units.

(i) "Ricey units" are sections of the head on which the ultimate branches have become elongated, causing the flower clusters to separate and present a loose or open and sometimes granular appearance.

(ii) "Fuzzy units" are sections of the head that have elongated individual flowers or pedicels that result in a very fuzzy appearance.

(iii) Frozen cauliflower that possesses a good character may be given a score of 17 to 20 points. "Good character" means that not less than 80 percent, by weight, of the cauliflower are firm and compact clusters of buds or buttons; and that the remainder of the clusters may be slightly soft, ricey, or fuzzy.

(iv) If the frozen cauliflower possesses a reasonably good character, a score of 14 to 16 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 60 percent, by weight, of the cauliflower are firm or reasonably firm or reasonably compact clusters of buds or buttons and the remainder of the clusters may be soft, ricey, or fuzzy but not more than 10 percent, by weight, of the cauliflower may be mushy.

(v) Frozen cauliflower that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen cauliflower, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated:

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(e) *Score sheet for frozen cauliflower.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Factors	**Score points**	
I. Color	40	(A) 34-40 (B) 1 28-33 (S Std) 1 0-27
II. Absence of defects	40	(A) 34-40 (B) 1 28-33 (S Std) 1 0-27
III. Character	20	(A) 17-20 (B) 1 14-16 (S Std) 1 0-13
Total score	100	
Flavor and odor		
Grade		

[1] Indicates limiting rule.

Issued this 16th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8309; Filed, July 18, 1951; 8:59 a. m.]

[2] One cluster in a single container is permitted to be damaged if such cluster exceeds 10 percent, by weight, provided that in all containers comprising the sample, such damaged cluster does not exceed an average of 10 percent by weight.

[7 CFR Part 988]

[Docket No. AO-195-A3]

HANDLING OF MILK IN THE KNOXVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Knoxville, Tennessee, during the period January 16-20, 1951, pursuant to notice thereof duly published in the FEDERAL REGISTER (15 F. R. 9396) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 31, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on June 5, 1951 (16 F. R. 5285; F. R. Doc. 51-6482).

Within the period reserved for exceptions the producers' association and handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues of record are concerned with the following:

(1) An extension of the marketing area to include certain surrounding towns and places;

(2) A change in the allocation provisions to provide for the classification of a limited quantity of producer milk as Class II milk before assigning other source milk to Class II utilization.

(3) A revision of the payment provisions of the order to incorporate a base-rating plan; and

(4) The inclusion of standard provisions pertaining to retention of records and termination of obligations.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. The definition of the marketing area should not be changed.

The definition of the "marketing area" in conjunction with the definitions of "producer" and "handler" determine the milk to be subject to the minimum pricing provisions of the order and the milk distributors who must conform with the various order provisions.

The boundaries of the present marketing area coincide with the corporate limits of the city of Knoxville. Handlers proposed that the marketing area be defined to include in addition to the city of Knoxville, the following towns and places, all in the state of Tennessee: Morristown, Jefferson City, Dandridge, Maryville, Alcoa, Loudon, Harriman, Clinton, the county of Knox, and Oak Ridge Directed Operations.

The record indicates that the 13 handlers now subject to the order dispose of more than 35 percent of their total Class I sales outside the present marketing area. These handlers supply approximately 70 percent of the total fluid milk disposed of to consumers in Knox County, Oak Ridge Directed Operations, Alcoa and Maryville—which include approximately 80 percent of the total population of the additional areas proposed. Knoxville handlers also supply a substantial proportion of the fluid milk sales in the other towns proposed.

Knox County is densely populated; the rate of population growth in Knox County, outside the city of Knoxville, and in nearby towns has exceeded that in the city of Knoxville; and historically the entire area is considered as a natural trading area. Although the health ordinances pertaining to the sanitary requirements for the production and handling of milk in the proposed areas are similar to the ordinance in effect for the city of Knoxville and all of the ordinances are patterned after the United States Public Health Milk Ordinance and Code and bottled milk may be labeled "Grade A" in each area, there appears to be differences in the interpretation and administration of the various ordinances. With the exception of Knoxville, most of the health departments permit the sale of milk in their respective areas if it is qualified to be sold in any of the other areas including Knoxville. All milk received from producers for fluid distribution within the city limits of Knoxville, however, must be produced on farms and processed in plants holding permits issued by the Knoxville Health Department.

The principal reason given by handlers for including the above stated places in the marketing area was that purchases of milk by unregulated distributors who dispose of fluid milk in these areas in competition with Knoxville handlers, were at prices less than those required of Knoxville handlers, and that this gave unregulated distributors a competitive advantage in the procurement of milk.

This claim is not substantiated by the record. A detailed comparison of prices contained in the hearing record shows that the principal competitors in a substantial portion of the proposed area have actually paid somewhat higher prices than Knoxville handlers for that portion of their receipts devoted to fluid disposition.

This is particularly true for the unregulated distributors supplying milk in Knox County, Oak Ridge Directed Operations, and other proposed towns to the east of Knoxville where prices are influenced by competition for milk from the Kingsport market. Furthermore, the level of prices prevailing in nearly all of the proposed area are influenced by the level of prices prevailing under Order 88. The evidence failed to show that the cost of milk to distributors in any of the proposed areas is less than to handlers subject to Order 88. It also was not shown that the salient provisions of the present order are appropriate for application to the handling of milk in the proposed areas.

Dairy farmers selling milk to some of the distributors, who would be subject to regulation if the marketing area were extended, opposed an enlargement of the marketing area on the basis of an opinion that their returns would be reduced. No direct testimony was presented by Knoxville producers.

The evidence fails to show that a change in the marketing area to include any or all of the proposed towns or places is necessary to carry out the declared purpose of the act.

2. The allocation provisions of the order should not be changed.

Handlers proposed that a quantity of skim milk and butterfat derived from producer milk, equal to 5 percent of total receipts from producers be classified as Class II milk in each month that an equivalent amount of milk is disposed of in Class II uses, except that during the months of relatively rapid seasonal change in receipts 10 percent should be so classified. Under the present allocation provisions, other source milk is allocated first to Class II utilization and producer milk, less allowable shrinkage, is allocated to Class I utilization to the extent of Class I utilization for the entire month.

Handlers contended that because of variations in receipts, fluid sales and bottled milk returns some producer milk must be devoted to Class II uses in nearly all months of the year. Under the Knoxville health ordinance, Grade A condensed milk and nonfat dry milk solids may be used to supplement producer milk in Class I uses. Handlers also may, and do, maintain day-to-day revolving inventories of fluid milk in their plants. Bottled milk is not required to be dated. For these reasons the day-to-day variations in receipts and sales do not appear to result in a serious allocation problem.

Another objection to the present allocation provisions was directed to the months in which receipts usually change rather sharply from the beginning to the end of the month. During these months a handler may have more than an adequate supply of producer milk for Class I uses during part of the month and receives less producer milk than Class I sales during the other part of the month. The monthly basis of accounting has been found to be more practical than bi-monthly or a shorter accounting period. This, of course, may result in the classification of a quantity of producer milk in Class I utilization which may not have been available for such utilization during a portion of the transition months. Handlers who are able to arrange for sufficient milk from producers to fulfill Class I utilization are not confronted with this problem. The long run intention of the regulation is to promote an adequate supply of local producer milk and the proper allocation of this supply among handlers. The present allocation provisions tends to further this intent by offering some incentive for the proper allocation of the available supplies of milk among handlers and for increasing local supplies through increased returns to local producers.

Another objection to the present method of classification and allocation appeared to be related to the method of classifying inventories rather than to the allocation provisions of the order.

For the above stated reasons, the present allocation provisions should not be changed.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variations in the receipts of milk for the Knoxville market, with receipts in the fall and winter months considerably less than in the spring and summer months. The disposition of fluid milk and other products required to be made from approved milk is relatively uniform from season to season; however, data for the market since the promulgation of Order 88 indicate that fluid disposition has been slightly higher at the same season of the year when receipts have been at relatively low levels. Fall shortages and spring excesses result from this situation. A production pattern of milk more nearly fitted to the sales pattern of fluid milk and other fluid products should be encouraged.

Producers testified that a "base and excess" plan which provides returns to each producer related directly to his

ability to deliver milk during the fall and winter seasons will encourage a more level production pattern for the market as a whole. Such a plan was widely discussed with producers before the amendment was proposed and a majority of those responding to a questionnaire survey favored such a plan. Prior to World War II some distributors paid producers on a base plan. The plan was discontinued during the war because at that time receipts of milk from local producers were not sufficient to meet market requirements at any season of the year. With the promulgation of Order 88 in 1949, seasonal pricing for producer deliveries was accomplished through seasonal class prices. Producers testified that seasonal pricing has not reduced the seasonal variation in receipts to the extent desired and the proposed base plan is necessary to encourage more even production at a faster rate.

The plan proposed by producers would establish for each producer a base quantity of milk equal to his average daily deliveries of milk during the six month period of September through February (total deliveries divided by the number of days in this period). During these months all producers would be paid the "pool" or uniform price for all deliveries. For each of the other months separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. The suggestion was made on the record that some modification of this plan be made in determining bases for producers who enter the market after September 1 but during the fall shortage months of each year. It was proposed that this be accomplished by dividing deliveries by the number of days the producer delivers milk during the base forming period or 90 days whichever is the greater.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketings of milk during a representative period of time. By the application of the base plan it is intended to provide this market with receipts of milk which is correlated with fluid uses in all seasons of the year. For these purposes the plan to be adopted may logically be designed not only to influence the production patterns of old producers but also to influence the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the effective period of the bases to a reasonable number of months when receipts are expected to be greatest in relation to fluid sales, the establishment of new bases by each producer each year during the months of lowest production, providing for increasing the excess price during those months when Class I utilization exceeds receipts of base milk and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable.

The months proposed for establishing bases (September through February) appear to be those which are normally the period of lowest production and should be used for establishing bases (§ 988.60). Payments on the base plan, however, need not be made in all other months in order for the plan to be effective. Limiting the base effective period to as few months as practical will increase the flexibility of the plan and provides greater opportunity for individual producers to make adjustments in their production plans. Producers pointed out in their exceptions that the effectiveness of the base plan in encouraging more even production is greatly reduced by not including March and August. The record shows, however, that receipts of milk during March are relatively low in relation to fluid sales and this month should be omitted from the base effective period. The omission of March will provide the time needed for calculating and announcing individual producer bases prior to the base effective period. During August, 1949, the only year for which market-wide data are available, receipts of milk in relation to Class I sales were nearly as great as for the month of April. Producers testified that the seasonal variation in production during 1949 was considered representative of past years. It is concluded, therefore, that the base effective period should include the months of April through August.

Producers who enter the market during the fall and winter months when additional milk is usually needed should be permitted to establish a base on the basis of deliveries during a portion of the base forming period. This may be accomplished without destroying equities among producers by determining such bases on the basis of the number of days in the period a new producer is on the market but in any event not less than 120 days (§ 988.60). Producers contended that a period of less than 120 days will create unfair and inequitable relationships between bases which may be established by new and by regular producers. With the exception of September, production per farm in February is higher on the average than in any other month of the base forming period. Provision for establishing bases on a period of less than 120 days, therefore, could result in relatively higher bases for new producers than for regular producers. A minimum of 120 days for determining bases will also tend to encourage dairy farmers who may enter the market to do so prior to the time of the year when additional receipts are needed most.

The plan proposed herein will permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will share in some Class I sales if milk is needed at the time he enters the market. Payment on a uniform price in all other months (September through March) will provide ample opportunity for new producers to enter the market to meet prospective needs (§ 988.71). This payment plan is to become first effective during 1952.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan (§ 988.61). To accomplish this purpose and to preserve the effectiveness of the base plan, transfers of bases should be limited to entire bases of producers who may retire from farming, in cases of death and of joint production arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only four of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

In order to incorporate the base plan in the order, additional sections also are needed to define base and excess milk (§§ 988.15 and 988.16) and to provide for the announcement of established bases by the market administrator prior to the months bases are applied (§ 988.62). Several conforming changes are necessary in the order provisions relative to reports by handlers, and the computation and announcement of uniform prices by the market administrator. Conforming changes have been made in the following sections of the attached amended order: §§ 988.30 (a) (1) (i), 988.31 (a), 988.73, 988.80, 988.82, 988.83 and 988.85.

4. The order should provide for a limit on the time records must be retained by handlers and for the termination of obligations under the order.

Handlers proposed that the standard provision heretofore incorporated in other milk marketing orders for the "Retention of Records" and "Termination of Obligations" be incorporated in Order 88.

Handlers must retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions are not completed and audited until several months after the milk has been received from producers. Detailed records of this kind soon reach large physical proportions and become burdensome. The order should provide a definite time period within which handlers must maintain their records and after which they will be relieved of so doing. A period of three years is considered necessary and reasonable. If litigation is in progress, however, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency (§ 988.33).

Without a provision for the termination of obligations handlers may file claims which might extend back over many years and which may be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition pursuant to section 8c (15) (A) of the act, claiming such money (§ 988.89). Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures (§ 988.89). The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

It is concluded that in general a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved (§ 988.89).

5. General. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Determination of representative period. The month of May 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Knoxville, Tennessee, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area

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AUTHORITY: §§ 988.0 to 988.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the priviously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tennessee, on January 16–20, 1951, upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evi-

dence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 988.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.).

§ 988.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 988.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 988.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 988.5 *Knoxville, Tennessee, marketing area.* "Knoxville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the City of Knoxville, Tennessee.

§ 988.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 988.7 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 988.8 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this part is in effect.

§ 988.9 *Fluid milk plant.* "Fluid milk plant" means the premises and the portions of the building and facilities, approved by the appropriate health authority in the marketing area, which are used in: (a) The receipt and processing or packaging of producer milk, all, or a portion, of which is disposed of from such plant on wholesale or retail routes within the delivery period as Class I milk in the marketing area, or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section: *Provided,* That any portion of such building or facilities, used for receiving or processing milk or any milk product, required by the appropriate health authority in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area shall not be included.

§ 988.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, and whose milk conforms to the appropriate health standards for milk for fluid consumption, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided,* That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 988.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-handler or (c) any cooperative association of producers with respect to producer milk diverted by if from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 988.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant described in § 988.9.

§ 988.13 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers except any nonfluid milk product received and disposed of in the same form.

§ 988.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days such producer delivered milk to such handler in such month: *Provided,* That with respect to any producer on "every-other-day" delivery to a fluid milk plant, the days of nondelivery, intervening days of delivery, shall be considered as days of delivery.

§ 988.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 988.60.

MARKET ADMINISTRATOR

§ 988.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 988.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 988.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 988.87, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 988.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 988.30 or (2) payments pursuant to § 988.80 and § 988.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 6th day after the end of such delivery period the prices and butterfat differentials for each class computed pursuant to §§ 988.51 and 988.52; and (2) on or before the 10th day after the end of such delivery period, the uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differentials to be paid pursuant to § 988.85.

REPORTS, RECORDS, AND FACILITIES

§ 988.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) all receipts at his fluid milk plant(s) within such delivery period of (i) producer milk and for the months of April through August, the aggregate quantities of base and excess milk, (ii) skim milk and butterfat in any form from other handlers, and (iii) other source milk; and (2) milk diverted pursuant to § 988.10 (b); and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 988.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer pay roll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of April through August the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association, together with the prices paid, deductions and charges involved.

(b) On or before the first day other source milk is received, his intention to receive such milk and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 988.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 988.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 988.40 *Basis of classification.* All skim milk and butterfat contained in (a) receipts at a fluid milk plant(s), within such delivery period, of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk, and (b) milk diverted pursuant to § 988.10 (b) shall be classified by the market administrator in the classes set forth in § 988.41.

§ 988.41 *Classes of utilization.* Subject to the conditions set forth in § 988.42 through § 988.45 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except ice cream mix and (2) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) in inventory variation; (3) disposed of for livestock feed; (4) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.5 percent of such receipts of skim milk and butterfat, respectively, and (5) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided,* That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 988.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 988.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided,* That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery

period within which such transfer occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further*, That if such plant disposes of fluid cream to another nonfluid milk plant which conforms with the requirements of subparagraph (1) (2) and (3) of this paragraph, such cream shall be classified as Class II milk.

§ 988.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 988.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 988.41 (b) (4) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 988.43 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 988.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the price for Class I milk pursuant to § 988.51 shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 988.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies listed below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 988.85 by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents: *Provided*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported by the Department of Agriculture during the delivery period; and in the latter event the "5 cents" shall be increased by 1 cent.

§ 988.51 *Class prices.* Subject to the provisions of § 988.52 each handler shall pay producers, at the time and in the manner set forth in § 988.80 through § 988.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 988.45:

(a) *Class I Milk.* The price for Class I milk prior to August 1, 1951, shall be the basic formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided*, That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

(b) *Class II milk.* The price for Class II milk shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 988.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 988.45, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

DETERMINATION OF BASE

§ 988.60 *Computation of daily average base for each producer.* For the months of April through August of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 988.61.

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through February immediately preceding by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days.

§ 988.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 988.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producer the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 988.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period by the applicable class price adjusted by the butterfat differential to handlers specified in § 988.52 and adding together the resulting amounts: *Provided*, That if a handler, after subtracting receipts of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which has been credited to producers as having been received from them, there shall be added any plus amount computed by multiplying the pounds in each class as subtracted pursuant to paragraphs (a) (4) and (b) of § 988.45 by the applicable class price adjusted by the butterfat differentials to handlers specified in § 988.52.

§ 988.71 *Computation of uniform price.* For the delivery periods of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, on the basis of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payments required pursuant to § 988.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(d) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against delinquencies in payments by handlers. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 988.72 *Computation of uniform prices for base milk and excess milk.* Following April 1, 1952, for each of the delivery periods of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payment required pursuant to § 988.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

§ 988.73 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differential computed pursuant to § 988.85; and

(d) The amounts to be paid by such handler pursuant to §§ 988.82, 988.87 and and 988.88.

PAYMENTS

§ 988.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association on or before the 2d day before the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer for milk which was received from him during the delivery period at not less than the uniform price computed pursuant to § 988.71, if such de-

livery period is any of the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 988.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 988.72 with respect to excess milk received from such producer, if such delivery period is any of the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 988.85, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 988.88, (4) less deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past delivery periods: *Provided*, That if such handler has not received full payment for such delivery period pursuant to § 988.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association, on or before the 13th day after the end of each delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 988.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 988.82 and 988.84, and out of which he shall make all payments pursuant to §§ 988.83 and 988.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 988.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is greater than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in § 988.71 and § 988.72 adjusted for the butterfat differential provided for in § 988.85.

§ 988.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, or a cooperative association, any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is less than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the butterfat differential provided for in § 988.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 988.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler dicloses errors made in payments to the producer-settlement fund pursuant to § 988.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 988.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 988.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 988.85 *Butterfat differential to producers.* If, during the delivery period, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 988.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10, and then adjust to the nearest one-tenth of a cent.

§ 988.86 *Statement to producers.* In making payments required by § 988.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 988.80 and 988.85;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 988.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 988.87 *Expense of administration.* as his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant: *Provided*, That each cooperative association shall pay such pro rata expense on only that milk of producers for which it is a handler.

§ 988.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 988.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 988.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 988.90 *Producer-handlers.* Sections 988.40 through 988.45, 988.50 through 988.52, 988.60 through 988.62, 988.70 through 988.73, 988.80 through 988.88 shall not apply to a producer-handler.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 988.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 988.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 988.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 988.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 988.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 51-8267; Filed, July 18, 1951; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 42]

MAXIMUM WEIGHTS FOR C-46 AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by August 15, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after August 17, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The C-46 airplane was originally used by the armed forces as a military transport type and was made available for civil use in 1947. To place these airplanes into civil operation it was necessary to obtain type certification by showing compliance with pertinent provisions of the Civil Air Regulations. It became apparent that these airplanes could not meet the requirements of the transport category at weights sufficiently high to allow economic operations, but that they could meet the nontransport category requirements. Five individual applications for type certification were made, and, as a result, there are now in existence five different type certificates. Certification of the C-46 under provisions other than those prescribed for the transport category made the C-46 ineligible for the carriage of passengers in scheduled operations, except as otherwise authorized by the Board. Thus, the majority of existing airplanes of this type are now either in cargo or in irregular passenger service.

The accident record of the C-46 in civil operations disclosed a relatively high accident rate. An analysis of the accidents indicates that certain deficiencies in performance of the C-46 have been an important factor. It is evident that at the weights permitted for the C-46 the performance level of safety for this type airplane is lower than that of airplanes fully certificated under the transport category. The maximum

weights prescribed in the five type certificates vary between 42,500 and 48,000 pounds. To evaluate the performance of the C–46 airplane at these permissible weights as compared with that of the transport category, the Administrator of Civil Aeronautics conducted special flight tests in accordance with the transport category performance requirements. These tests showed that the performance obtained from the C–46 at currently authorized weights is substantially lower than that which would be attained if the transport category performance requirements were applied in full. In particular, at 48,000 pounds, the take-off performance is insufficient for the airplane to continue flight if one of the engines should fail during the critical phase of the take-off, and in addition, the airplane at such weight, will not meet the single engine en route performance requirements of Part 3. The Administrator's tests do show, however, that the airplane will meet the Part 3 requirements at a maximum weight of 45,800 pounds although the full transport category performance requirements will still not be met in full. These latter requirements can be met only at weights below 40,000 pounds. In this connection it was ascertained that the maximum weight of 48,000 pounds allowed for certain airplanes of this type was based upon tests conducted under exceptionally favorable conditions. In view of these considerations, the Board believes that for passenger operation some of the currently authorized weights result in inadequate performance. Accordingly, the Board proposes to increase such performance in commercial passenger operations by lowering certain of the presently allowable maximum weights.

For these reasons the Board is proposing that on the effective date of this regulation, in respect of commercial passenger operations, the authorized maximum weight of certain of the currently certificated C–46 airplanes be substantially reduced, and that one year from such date it be still further reduced in accordance with the standards established by this regulation. In order to make certain that the maximum weights will not be exceeded inadvertently, the proposed regulation also requires that all C–46 type airplanes be reweighed under the supervision of the Administrator. It will be noted that the regulation will require that such weighing take place within the 60 days preceding October 1, 1951, the effective date of the proposed regulation. The Board has been advised by the Administrator that he is prepared to undertake his portion of this work immediately.

It is therefore proposed to issue a Special Civil Air Regulation to become effective October 1, 1951, to read as follows:

1. No C–46 type airplane shall be used for the carriage of persons or property for remuneration or hire unless, subsequent to August 1, 1951, it has been reweighed under the supervision of the Administrator.

2. The maximum weight of all C–46 type airplanes used for the carriage of passengers for remuneration or hire shall be limited to a value determined in compliance with the provisions of Part 3 of the Civil Air Regulations, except that in no case shall the maximum weight be greater than 45,800 pounds for models equipped with P & W R–2800 series engines. Where application is made for the upward adjustment of maximum weights from presently effective values which are lower than 45,800 pounds, such adjustment shall be substantiated by flight tests which the Administrator finds necessary.

3. After October 1, 1952, the maximum weight of all C–46 type airplanes used in the carriage of passengers for remuneration or hire shall be further limited to a value corresponding with a rate of climb not less than zero at sea level in the take-off configuration with the landing gear retracted and the propeller windmilling, except that in no case shall the maximum weight be greater than 43,500 pounds for models equipped with P&W R–2800 series engines.

4. The maximum weight of all C–46 type airplanes used for the carriage of cargo only shall be limited to those values presently permitted, as listed in the pertinent Aircraft Specifications, except that for airplanes which are equipped with engines other than the P&W R–2800 series, the maximum weight shall be limited to a value determined in compliance with the provisions of Part 3 of the Civil Air Regulations.

This regulation shall terminate December 31, 1953, unless sooner superseded or rescinded.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: July 6, 1951, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–8293; Filed, July 18, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 34]

[Docket No. R–123]

REQUIREMENTS FOR PUBLIC INVITATION OF PROPOSALS FOR THE PURCHASE OR UNDERWRITING OF SECURITIES

NOTICE OF PROPOSED RULE MAKING

JULY 11, 1951.

(I) Notice is hereby given of proposed rule making in the above-entitled matter.

(II) Pursuant to the authority vested in it by the Federal Power Act (41 Stat. 1063, 49 Stat. 847, 16 U. S. C. 791–825r), and particularly sections 19 and 20 (41 Stat. 1073; 16 U. S. C. 812, 813), section 3 (16) (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. 796), sections 204, 305, 308 and 309 (49 Stat. 850, 856 and 858, 16 U. S. C. 824c, 825d, 825g and 825h), thereof, and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), the Commission proposes to amend Part 34 of the General Rules and Regulations (18 CFR Part 34) to prescribe revised requirements for public invitation of proposals for the purchase or underwriting of securities subject to the provisions of section 19, 20 or 204 of the Federal Power Act, as follows:

(III) Amend § 34.1a to read as follows:

§ 34.1a *Requirement of public invitation of proposals for the purchase or underwriting of securities*—(a) *Scope of this section.* This section shall apply to every issuance of a security, or securities, and assumption of obligation or liability as guarantor, endorser, surety, or otherwise, in respect to any security, or securities, of another person, for which Commission approval must be obtained, under the Federal Power Act, except where:

(1) Such securities are to be issued pro rata to existing holders of securities of the applicant or issuer pursuant to any preemptive right or in connection with any liquidation or reorganization; or

(2) Such securities consist of one or more bonds, notes, or other evidence of debt, of a maturity of ten years or less, to a commercial bank, insurance company, or similar institution not for resale to the public, provided no finder's fee or other fee, commission or remuneration is to be paid in connection therewith to any third person (except an associated service company charging only its costs of service) for negotiating the transaction; or

(3) The proceeds, to the issuer, of the securities will be less than $1,000,000; or

(4) The Commission, on application filed pursuant to § 34.2 (k) (2) (ii), finds that compliance with the competitive bidding requirements of paragraphs (b), (c) and (d) of this section would not be appropriate to assure that any fees, commissions, or other remuneration to be paid, directly or indirectly, in connection with the issue, sale, or distribution of such securities is consistent with the public interest. Such findings will be made only where the issuer has not engaged in negotiating for the sale or underwriting of the securities without having been authorized in writing by the Commission prior to such negotiation. Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate under applicable provisions of the act.

(b) *Public invitation for proposals.* Where the Commission grants an application for authorization and approval under section 204 (a) of the Federal Power Act, to issue and sell securities through competitive bidding, the applicant shall publicly invite sealed, written proposals for the purchase or underwriting of such securities at least one week, or such other period as the Commission may by order fix, prior to entering into any contract or agreement for the issuance or sale of any security, or assumption of obligation or liability as a guarantor, endorser, surety, or otherwise, in respect to any security of another person. Such invitations shall reserve the right to reject all bids and, among other things, describe the arrangements made for independent counsel for bidders. No bid shall be invited, or accepted, from any person who, prior to the submission of bids, has performed any service for compensation in connection with the proposed securities or who has or will receive any fee or compensation in connection with the proposed securities, nor shall any bid be invited or accepted involving a violation of section 305 (a) of the Federal Power Act, prohibiting officers and directors benefitting from or sharing in proceeds of securities. Such proposals as may be received in response to the public invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted. The invitation shall refer to the limitations herein prescribed.

(c) *Acceptance of bids.* After receiving and opening all bids submitted as provided in paragraph (b) of this section the applicant shall, within the period specified in the public invitation for proposals, unless all bids are rejected, accept that bid which shall be most favorable on the basis of the specifications set forth in the Commission's order. No bid shall be accepted from a person who directly or indirectly controls, or is controlled by, or is under the same common control with the applicant without approval by further order of the Commission. "Control" is used in this section as defined in § 101.02–5B of this chapter.

(d) *Statement of compliance.* Promptly after the opening of the proposals the applicant shall file a verified statement in writing, together with five conformed copies thereof, setting forth:

(1) The action taken to comply with the Commission's order of authorization and paragraphs (b) and (c) of this section, including a statement that the method of complying with the competitive bidding requirements as described in the application pursuant to the requirements of § 34.2 (k) (2) (i) has been carried out.

(2) A summary of the terms of the proposals received, including the name of each bidder or representative of a bidding group, the interest or dividend rate specified (where applicable), the price to be paid the issuer per share or per $100 principal amount, the cost of money to the issuer (except in the case of common stock), the name of the successful bidder, and the successful bidder's initial public offering price with the resulting yield to the public (except in the case of common stock), accompanied by a copy of each proposal received.

(IV) Amend paragraph (k) of § 34.2 to read as follows:

(k) A description of the method of issuing and selling the securities to be issued by the applicant or in respect of which the applicant is to assume any obligation or liability as guarantor, indorser, surety, or otherwise.

(l) Such description shall include a statement of whether:

(i) Such securities are to be issued pro rata to existing holders of securities of the applicant or issuer pursuant to any preemptive right or in connection with any liquidation or reorganization.

(ii) Such securities consist of one or more bonds, notes, or other evidences of debt, of a maturity of ten years or less, to a commercial bank, insurance company, or similar institution not for resale to the public, provided no finder's fee or other fee, commission or remuneration is to be paid in connection therewith to any third person (except an associated service company charging only its costs of service) for negotiating the transaction.

(iii) The proceeds, to the issuer or vendor, of the securities will be less than $1,000,000.

(iv) The proposed issuance of securities, or assumption of obligation or liability, by the applicant, has been exempted by the Commission from the competitive bidding requirements of § 34.1a (b), (c) and (d) by findings as referred to in § 34.1a (a) (4), or is the subject of an application for such exemption under subdivision (ii) of subparagraph (2) of this paragraph, which application has not been denied by the Commission.

(2) Except where the issuance of securities or assumption of obligation or liability falls within any of subdivisions (i), (ii) or (iii) of subparagraph (1) of this paragraph, the application shall either:

(i) Set forth the proposed method of complying with the competitive bidding requirements of § 34.1 a (b), (c) and (d), including summarization of the principal terms of the proposed invitation for bids and submitting a copy of the proposed invitation as part of Exhibit L to the application; or

(ii) Apply for exemption from the competitive bidding requirements of § 34.1a (b), (c) and (d) upon findings as referred to in § 34.1a (a) (4). Such an application may be made only where the issuer has not, prior to the filing of the application, engaged in any negotiation for the sale or underwriting of the securities and engages not to do so prior to Commission action on the application for exemption, and the application so shows, provided that engaging in negotiation may be permitted where the Commission has given its written authorization in advance. Such application for exemption may be filed as part of an application for securities approval, or as a separate application filed at any time prior to the filing of such an application for securities approval. (If separately filed, such separate application shall, nevertheless, be subject to the provisions of §§ 34.4 to 34.7, inclusive.) Such application for exemption shall show the specific grounds relied on as warranting the findings referred to in § 34.1a (a) (4). If an application for such exemption is denied by the Commission after the application for securities approval has been filed, the requirements of subdivision (i) of this subparagraph shall be complied with by amendment to the application.

(3) There shall also be set forth in the application or amendment thereto:

(i) The name and address of any person receiving or entitled to a fee for services (other than attorneys, accountants and similar technical services) in connection with the negotiation or consummation of the issuance or sale of securities, or for services in securing underwriters, sellers, or purchasers of securities, other than fees included in any competitive bid; the amount of each such fee; and facts showing the necessity of the services and that the fee does not exceed the customary fee for such services in arm's-length transactions and is reasonable in the light of the cost of rendering the service and any other relevant factors.

(ii) All facts showing or tending to show that the issuer or applicant directly or indirectly controls, or is controlled by, or is under the same common control as, any person named pursuant to the requirements of subdivision (i) of this subparagraph, or showing or tending to show the opposite. "Control" is used in this section as defined in § 101.02–5B of this chapter.

(V) Amend paragraph entitled "Exhibit L" under § 34.3 to read as follows:

Exhibit L. Copies of the proposed and of the published invitation of proposals for the purchase or underwriting of the securities to be issued, of any proposal received, and of any contract, underwriting, or other arrangement entered into for the sale or marketing of the securities. Where a contract or underwriting is not in final form so as to permit filing, a preliminary draft or a summary containing such identification of the parties thereto and such setting forth of the principal terms thereof as may be practicable, may be filed, pending filing of conformed copy in the form executed by final amendment to the application.

(VI) Amend § 34.9 to read as follows:

§ 34.9 *Commission action.* An application for approval under this part will ordinarily require a minimum of 30 days after it is filed to allow for public notice, investigation, opportunity for hearing, consideration by the Commission, and issuance of its order.

(VII) Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before September 1, 1951, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8252; Filed, July 18, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

ORGANIZATION, FUNCTIONS AND PROCEDURES

JULY 11, 1951.

The description of the organization, functions, and procedures of the Bureau of Customs published in the FEDERAL REGISTER of September 11, 1946 (11 F. R. 177A-18 to 177A-22),[1] in compliance with the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act (5 U. S. C. 1002), as amended by Treasury Decision 52098, 13 F. R. 7465, is further amended to read as follows:

ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

Sec.
1. Central organization and functions.
2. Field organization and functions.
3. Delegations of authority.
4. Information.
5. Procedures.
6. Substantive rules.

SECTION 1. *Central organization and functions.* (a) The headquarters office of the Bureau of Customs, except the Division of Marine Administration, is located at 1512 H Street NW., Washington 25, D. C. The Division of Marine Administration is located at 811 Vermont Avenue NW., Washington 25, D. C.

(b) The Commissioner of Customs is in charge of the Bureau. He is appointed pursuant to law by the Secretary of the Treasury. The Commissioner is assisted by the following principal officers whose jurisdiction is indicated in a general way by their titles and the divisions or sections which they supervise:

(1) The Assistant Commissioner who has general administrative supervision and control, under the general direction of the Commissioner, over all the work of the Bureau, and acts as Commissioner when the Commissioner is absent.

(2) The Special Assistant to the Commissioner, who advises the Commissioner on all technical matters.

(3) The Deputy Commissioner, Division of Appraisement Administration, assisted by an Assistant Deputy Commissioner.

(4) The Deputy Commissioner, Division of Investigation, assisted by two Assistant Deputy Commissioners.

(5) The Deputy Commissioner, Division of Management and Controls, who supervises the work of the following sections, each of which is supervised by a section head:

(i) Budget and Management Section;
(ii) Fiscal Section;
(iii) Personnel Section;
(iv) Mail and Files Section;
(v) Messenger Section.

(6) The Chief of the Division of Classification, Entry, and Value, who supervises the work of the following sections, each of which is supervised by a section head:

(i) Entry and Value Section;
(ii) Tariff Classification Section.

(7) The Chief of the Division of Drawback, Enforcement, and Quotas, who supervises the work of the following sections, each of which is supervised by a section head:

(i) Enforcement Section;
(ii) Drawback and Bonds Section;
(iii) Quota Section.

(8) The Chief of the Division of Marine Administration who supervises the work of the following sections, each of which is supervised by a section head:

(i) Marine Section;
(ii) Documentation Section;
(iii) Admeasurement Section.

(9) The Chief, Division of Laboratories.

(10) The Chief, Division of Engineering and Weighing.

(11) The Air Coordinator.

(12) The Chief Counsel. (Under the supervision of the General Counsel for the Treasury Department, through an Assistant General Counsel.)

(c) The Commissioner of Customs, under the general direction of the Secretary of the Treasury, exercises general supervision over the activities of the Customs Field Service and the administration of the laws, Executive orders, and Presidential proclamations governing the importation of merchandise and baggage and the collection of duties and taxes due thereon, including countervailing duties to offset foreign subsidies and antidumping duties to offset unfair price competition; the entry, clearance, and report of arrival and the unlading of vessels, vehicles, and aircraft; the prevention and detection of smuggling of contraband and other types of merchandise, the arrest of persons engaged in smuggling operations and the seizure of merchandise, vessels, and vehicles involved; the exclusion from entry of prohibited articles and merchandise in excess of established quotas; the allowance of drawback on exported articles; the customs treatment of merchandise in foreign trade zones; the registration, enrollment and licensing of vessels of the United States engaged in foreign and domestic commerce; the admeasurement of vessels; the recording of instruments of title to vessels; the regulation of vessels in various trades; the protection of steerage passengers; the collection of tonnage taxes on vessels engaged in foreign commerce; the administrative imposition and collection of penalties for violations of such laws, including the granting of administrative relief under certain conditions; and other related matters. The Commissioner also supervises the activities of the customs field force in the enforcement of laws and regulations of other Government agencies affecting imports and exports.

(d) The functions of the Customs Service include many which are administered jointly with or on behalf of other agencies, departments, or bureaus. For the most part, such functions are prescribed by regulations cited or referred to in the Customs Regulations of 1943, as amended (19 CFR Ch. I), particularly Part 12 thereof. Among the joint regulations and regulations of other agencies administered in part by the Customs Service are those relating to the following matters:

Import and Export Control under Export Control Act of 1949; Neutrality Act of 1939; Gold Reserve Act; Atomic Energy Act.
Foreign Quarantine, Importation of Certain Articles.
Immigration Regulations.
Food, Drugs, Cosmetics; Insecticides, Fungicides, Rodenticides; Dangerous Caustic or Corrosive Substances.
Importation of Distilled Spirits, Wines and Malt Beverages, and Containers of Distilled Spirits.
Domestic Animals, Animal Products, and Feeding Material.
Federal Seed Act.
Importation of Teas.
Narcotic Drugs.
Etiological Agents and Vectors.
Importation of cats, dogs, monkeys, and Psittacine birds.
Foreign-Trade Statistics.
Customhouse Brokers.
Publication of North Atlantic Passenger Routes

(e) Certain functions which relate solely to the internal management of the Customs Service and which do not involve procedure necessary for the public to know or follow in dealing with the Customs Service are the subject matter of regulations contained in the Customs Manual of 1943, as amended, and certain special manuals, such as the Accounting Manual and Gauging Manual, which are not published in the FEDERAL REGISTER or otherwise distributed to the public.

(f) In addition to the principal functions of the Customs Service referred to in paragraphs (c), (d), and (e) of this section, other functions of the Customs Service, except those requiring secrecy in the public interest or relating solely to the internal management of the Service, are cited or referred to in the pertinent provisions of the regulations of the Bureau of Customs published in 19 CFR, Chapter I.

SEC. 2 *Field organization and functions.* (a) The field organization of the Customs Service includes the following field offices and principal officers; and the districts or areas assigned to each are as published in §§ 1.1 to 1.7, Customs Regulations of 1943, as amended (19 CFR, 1.1 to 1.7), or as hereinafter set forth:

(1) The office of the collector of customs is in the customhouse at the headquarters port of each customs collection district. A deputy collector of customs is in charge of each customs port of entry other than the headquarters port. The collector of customs is assisted by an assistant collector and at ports at which the amount of business and personnel are sufficient the office organization may be subdivided into two or more

[1] This material was formerly codified in 19 CFR, Part 100 but the codification of Part 100 was discontinued December 18, 1948 (13 F. R. 7881).

of the following divisions, each of which is headed by a deputy collector:

(i) Administrative Division;
(ii) Entry and Warehouse Division (except at the ports of New York and Philadelphia where the Entry Division and the Warehouse Division are separate);
(iii) Moneys and Accounts Division;
(iv) Mail Division;
(v) Liquidating Division;
(vi) Marine Division (at seaports and lakeports);
(vii) Outside Division (except New York);
(viii) Surveyor's office (at New York only) which handles the work elsewhere performed by the Outside Division;
(ix) Drawback Division (at New York only);
(x) Legal Division (at New York only) in charge of the solicitor to the collector and under the supervision of the chief counsel of the Bureau of Customs.

(2) The office of the Appraiser of Merchandise. There is an appraiser of merchandise at each port of entry.

(3) The office of the Comptroller of Customs. Each such office has jurisdiction over several customs collection districts and is under the supervision of a comptroller. The locations of such office and the area assigned to each are as published in § 1.4, Customs Regulations of 1943 (19 CFR 1.4), as amended.

(4) Laboratories and Branch Laboratories. The addresses of the laboratories and the customs collection districts served thereby are listed in § 1.7, Customs Regulations of 1943 (19 CFR 1.7), as amended.

(5) The offices of the Customs Agency Service. Each supervising customs agent is in charge of the customs investigative work in his district which may include several customs collection districts. A supervising Treasury attaché, Treasury attaché, or Treasury representative is in charge of each office of this service located in a foreign country. The Customs Agency districts and their respective headquarters offices are as published in § 1.5 of the Customs Regulations of 1943 (19 CFR 1.5), as amended. In addition to the headquarters office, suboffices may be located within a Customs Agency district. Each suboffice in the United States is headed by a customs agent in charge.

(6) The Customs Information Exchange, located in the Appraiser's Stores Building, 201 Varick Street, New York 14, New York, is under the immediate supervision of a director and is charged with the circulation within the Customs Service of information of general interest.

(b) Subject to compliance with the Customs Regulations of 1943 (19 CFR Ch. I), and other instructions issued from time to time by the Secretary of the Treasury and the Commissioner of Customs, and except as set out in paragraphs (c), (d), and (e) of this section, the collector of customs supervises the field administration in his district of all laws, regulations, Executive orders, and Presidential proclamations which it is the duty of the Customs Service to enforce. Subject to the general supervision of the collector, an assistant collector or deputy collector in charge has the same authority as the collector. Other deputy collectors exercise under supervision designated functions of the collector.

(c) There is an appraiser of merchandise at each port of entry whose duty it is to determine initially, subject to review only by the United States Customs Court, the statutory value of articles imported at that port. It is also the function of the appraiser to supervise the examination of merchandise offered for entry and to furnish the collector a description of the merchandise and any other information in his possession which will be helpful in the assessment of the proper rate of duty thereon. The appraiser also determines the value of merchandise seized for violation of law.

(d) The organization of the Customs Service includes comptrollers of customs whose duties are as set forth in section 523, Tariff Act of 1930 (19 U. S. C. 1523), and consist generally of examining and certifying collectors' accounts of receipts and disbursements of money and receipts and disposition of merchandise and of verifying all assessments of duties and allowances of drawback made by collectors in the liquidation of entries.

(e) Laboratories and branch laboratories under the supervision of the Chief, Division of Laboratories, in the central office in Washington, analyze official samples of imported merchandise, when necessary, for the purpose of aiding in the determination of the proper value and rate of duty for the merchandise represented by the sample or the determination of any other pertinent fact bearing on the admission of the merchandise into the United States.

SEC. 3. *Delegations of authority.* (a) Delegation of authority to the Commissioner of Customs and other officials in the central and field organizations of the Bureau was made by Order of the Secretary of the Treasury published in Treasury decision 52121, 14 F. R. 123, 227.[2] Pursuant to that order, the Commissioner, with the approval of the Secretary, has designated the Chief, Division of Drawback, Enforcement, and Quotas, and the Chief of the Division of Classification, Entry, and Value to make final decisions in certain matters as set forth in Treasury decision 52331 (14 F. R. 6534), as amended by Treasury decision 52394 (15 F. R. 589). Designations of field officers to perform certain functions have been made from time to time by amendments of the Customs Regulations of 1943 (19 CFR Ch. I). By Treasury decision 52209 (14 F. R. 2244), as amended by Treasury decision 52330 (14 F. R. 6533), the Commissioner, with the approval of the Secretary designated the Chief of the Division of Marine Administration and collectors of customs and other field officers to perform certain functions under the navigation laws transferred to the Commissioner of Customs by Reorganization Plan No. 3 of 1946. By virtue of the authority vested in the Secretary of the Treasury by section 2 of Reorganization Plan No. 26 of 1950, the Secretary on January 23, 1951 (16 F. R. 731), delegated to the Commissioner of Customs all the rights, privileges, powers, or duties to waive compliance with the provisions of the navigation laws administered by the Bureau of Customs vested in the Secretary by virtue of the Act of December 27, 1950 (Pub. Law 891, 81st Cong.).

(b) A collector of customs may delegate to his subordinates purely administrative functions, but may not delegate to any subordinate other than the assistant collector or a deputy collector any function the performance of which requires the use of discretion imposed upon him by law or delegated to him by the Secretary of the Treasury or the Commission of Customs. Such delegations do not relieve the collector of responsibility for the performance of the delegated functions.

(c) The duties of the appraiser, assistant appraiser, and acting appraiser, are set forth in section 500 (a), (d), and (f), Tariff Act of 1930 (19 U. S. C. 1500 (a), (d), (f)). Such of those duties as are purely ministerial and do not involve the use of discretion may be delegated to subordinates, but all determinations of value are subject to the approval of the appraiser or acting appraiser at the port at which the merchandise is entered or is under seizure.

SEC. 4. *Sources of and methods of securing information.* (a) The places at which and the methods whereby the public may secure official information in matters administered by the Bureau of Customs are as follows:

(1) Collectors of customs: A request for information relating to the activities or functions of a collector of customs may be addressed to him at the headquarters office of his district, or to a deputy collector at a port other than the headquarters port. Oral requests for information may be made at the customhouse in any port having jurisdiction over the subject matter of the request.

(2) Appraisers of merchandise: A request for information relating to the activities or functions of an appraiser of merchandise may be addressed to him at his office.

(3) Other field officials: A request for information relating to activities or functions of other field officials of the Customs Service than those specified in subparagraphs (1) and (2) of this paragraph may be addressed to the official in charge of the appropriate office having jurisdiction of the subject matter.

(4) Requests for information may also be addressed to the Commissioner of Customs, Washington 25, D. C.

(5) Oral requests may be made to any official of the central organization of the

[2] By Reorganization Plan No. 26 of 1950 (15 F. R. 4935), all the functions of all other officers of the Department of the Treasury and all functions of all agencies and employees of such Department (with certain exceptions not pertinent here) were transferred to the Secretary of the Treasury effective July 31, 1950. The Secretary of the Treasury by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), directed that officers, employees, and agencies of the Treasury Department continue to perform the functions they were authorized to perform immediately prior to the effective date of the Reorganization Plan.

Bureau for information on a subject within the jurisdiction of that official.

(6) In cases of unusual importance requests for information may also be addressed to the Secretary of the Treasury, Treasury Department, Washington 25, D. C.

(b) No formal procedures for obtaining information relating to any matter within customs jurisdiction are required unless prescribed in the published regulations of the Bureau of Customs (19 CFR, Ch. I). However, to assure prompt action upon a request, there should be furnished all pertinent facts relevant to the subject matter of the inquiry or showing that the correspondent has a special interest entitling him to receive information which could not be disclosed to the general public.

(c) The disclosure of information in all cases shall be subject to the limitations and restrictions contained in Part 26 of the Customs Regulations of 1943 (19 CFR Part 26), and to such suspensions of disclosure as may be ordered from time to time for security reasons.

SEC. 5. *Procedures.* (a) No formal procedures other than those relating solely to internal agency management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commission of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, departments, or bureaus as referred to or cited in the published regulations of the Bureau of Customs.

(b) In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of the regulations are designated as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part
1. Customs districts and ports.
2. Measurement of vessels.
3. Documentation of vessels.
4. Vessels in foreign and domestic trades.
5. Customs relations with contiguous foreign territory.
6. Air commerce regulations.
7. Customs relations with insular possessions and Guantanamo Bay Naval Station.
8. Liability for duties; entry of imported merchandise.
9. Importations by mail.
10. Articles conditionally free; subject to a reduced rate, etc.
11. Packing and stamping; marking, trademarks and trade names; copyrights.
12. Special classes of merchandise.
13. Sugars, sirups, and molasses; petroleum products; wool and hair.
14. Appraisement.
15. Relief from duties on merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped.
16. Liquidation of duties.
17. Protests and reappraisements.
18. Transportation in bond and merchandise in transit.
19. Customs warehouses and control of merchandise therein.
20. Disposition of unclaimed and abandoned merchandise.
21. Cartage and lighterage.
22. Drawback.
23. Enforcement of customs and navigation laws.
24. Customs financial and accounting procedure.
25. Customs bonds.
26. Disclosure of information.

Information regarding procedures covering temporary situations presently in effect and the required forms or documents for use therewith are set forth in the following parts:

Part
51. Imports and exports subject to the provisions of Executive Order 8389, as amended, and Proclamation 2497, regarding "Blocked Nationals."
52. Regulations under Trading With the Enemy Act.
53. Importation free of duty of food, clothing and medical, surgical and other supplies under emergency proclamations of the President.
54. Certain importations free of duty during the war.
55. Changes in customs requirements and procedure due to the war.
56. Extensions of time pursuant to proclamation of the President under section 318, Tariff Act of 1930.
59. Importation of surplus Government property.
64. Metal articles to be used in remanufacture by melting.
65. Importation of articles in connection with the International Food Exposition, Incorporated, at Chicago, Illinois, under Public Law No. 705, 81st Congress.

(c) Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in section 4, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay. Where correspondence is addressed to the Commissioner of Customs or the Secretary of the Treasury in a matter pending before a field official of the Customs Service, a copy of the correspondence should be transmitted to that field official in order that he may determine whether to suspend action pending a ruling from headquarters.

(d) Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, Treasury Department, Washington 25, D. C., will be referred to the proper assistant for appropriate attention. If such communications concern specific transactions arising at a field office, action thereon will be expedited if the request, application, petition, or communication so addressed is first submitted to the collector of customs for the district in which the transaction arose who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations of 1943, as amended from time to time, which may be purchased from the Superintendent of Documents, Washington 25, D. C., or may be consulted at the office of the Commissioner or at the customhouse at any port of entry.

(e) Interested parties may petition the Secretary of the Treasury for review of rulings of the Commissioner of Customs and the usual practice is for the Secretary to review such rulings in cases of sufficient importance. Parties petitioning for such relief are not required to follow any formal procedure.

SEC. 6. *Substantive rules.* Substantive rules and statements of general policy or interpretations formulated and adopted by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore mentioned. Amendments of, or supplements to, such regulations, as promulgated from time to time, will be published in the FEDERAL REGISTER and the Code of Federal Regulations.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8274; Filed, July 18, 1951; 8:54 a. m.]

Fiscal Service, Bureau of the Public Debt

[1951 Dept. Circ. 891]

1⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1952

OFFERING OF CERTIFICATES

JULY 16, 1951.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅞ percent Treasury Certificates of Indebtedness of Series B-1952, in exchange for Treasury Notes of Series E-1951, maturing August 1, 1951.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1951, and will bear interest from that date at the rate of 1⅞ percent interest per annum, payable with the principal at maturity on July 1, 1952. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1951, or on later allotment, and may be made only in Treasury Notes of Series E-1951, maturing August 1, 1951, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the notes surrendered will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-8275; Filed, July 18, 1951; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1218080]

MONTANA

NOTICE OF REMOVAL OF TRACT FROM PUBLIC WATER RESERVE NO. 107

Correction

In Federal Register Document 51-7827, published on page 6638 of the issue for Saturday, July 7, 1951, the date "March 29, 1951" should read "March 29, 1941".

National Park Service

[Order 2, Amdt. 2]

EXECUTION AND APPROVAL OF CONTRACTS

DELEGATION OF AUTHORITY BY THE DIRECTOR TO CERTAIN OFFICIALS

Paragraph (b) of section 1, entitled *Execution and Approval of Contracts*, is amended as follows:

(b) Regional Administrative Officers, Chief Clerks employed in areas administered by the National Park Service in which the position of the Superintendent is allocated to a civil service grade of GS-10 or above, and the Purchasing Agent of National Capital Parks, may enter into contracts, not in excess of $10,000, for supplies or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(Secretary's Order No. 2509, Jan. 13, 1949; 39 Stat. 535, 16 U. S. C. 2)

Issued this 12th day of July 1951.

A. E. DEMARAY,
Director.

[F. R. Doc. 51-8246; Filed, July 18, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE DELI NEW YORK RATE AGREEMENT ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7190-1, between the member lines of the Deli New York Rate Agreement, modifies said rate agreement (1) to clarify the admission provision so as to provide that any carrier regularly engaged, or giving evidence of ability and intention to operate regular service in the trade may become a party to the agreement, (2) to include a provision dealing with loss of voting rights and loss of membership upon abandonment of service, and (3) to clarify the voting provision of the agreement.

Agreement 7824, between Alcoa Steamship Company, Inc. (Alcoa Line) and Mississippi Shipping Company, Inc. (Delta Line), covers transportation of cargo under through bills of lading in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at New Orleans, La., or Mobile, Ala.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 16, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8307; Filed, July 18, 1951; 8:58 a. m.]

Office of the Secretary

LOAN GUARANTEE PROGRAM

ORGANIZATION AND DELEGATION OF AUTHORITY

1. *Purpose.* The purpose of this notice is to provide organization and delegate authority for performance of the guarantee loan functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950 and Part III of Executive Order 10161 of September 9, 1950.

2. *Authority.* Section 301 of the Defense Production Act of 1950 provides in substance that (a) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or sub-contractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense; (b) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (c) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (d) each guaranteeing agency may use funds allocated or appropriated for such purposes.

Under Executive Order 10161, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with

the guaranteeing agencies, to prescribe necessary regulations.

3. *Delegation of authority.* Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic Affairs, and, as alternate, the Assistant Secretary of Commerce for Administration to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, sections 301 and 302 of Executive Order 10161, and regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, section 902 (b) of Executive Order 10161, and Reorganization Plan No. 5 of 1950.

4. *Establishment of Loan Guarantee Advisory Board.* There is hereby established in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the Solicitor of the Department of Commerce (or his designated representative), the Administrator of the National Production Authority (or his designated representative), and, in the case of each proposed loan guarantee, the head of the primary organization unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative). The Administrator of National Production Authority (or his designee) shall represent the small business functions of the Department as well as the other interests of the National Production Authority.

It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic Affairs the action to be taken with respect to each proposed loan guarantee.

The Solicitor, or his designated representative, shall serve as Chairman of the Board. The Office of the Solicitor shall provide the Board with such professional and clerical assistance as may be necessary.

A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

This notice is effective June 29, 1951.

(5 U. S. C. 22; R. S. 161; Reorg. Plan No. 5 of 1950; Defense Production Act of 1950; and E. O. 10161)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-8272; Filed, July 18, 1951; 8:53 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

DELEGATION OF AUTHORITY TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS INTO ACTIVE FEDERAL SERVICE

Pursuant to the authority vested in me by Executive Order 10271, dated July 7, 1951 (16 F. R. 6659) and by section 202 (f) of the National Security Act of 1947, 61 Stat. 495, as amended, the following delegations of authority are effective this date:

1. The Secretary of the Army is hereby authorized to order into active military service units of the National Guard of the United States, including the members thereof, and other members and units of the Army of the United States, including those of the Organized Reserve Corps, as may be necessary.

2. The Secretary of the Navy is hereby authorized to order into active service such members and units of the Naval Reserve and members and units of the Marine Corps Reserve as may be necessary.

3. The Secretary of the Air Force is hereby authorized to order into active military service units of the Air National Guard of the United States, including the members thereof, and other members and units of the Air Force of the United States, including units and members of the United States Air Force Reserve, as may be necessary.

4. Plans for the issuance of orders under paragraphs 1, 2 or 3 above to (a) units of the National Guard of the United States and of the Organized Reserve Corps, (b) units of the Naval or Marine Corps Reserve, (c) units of the Air National Guard of the United States and of the United States Air Force Reserve, and (d) categories of specialists in the Organized Reserve Corps, the United States Air Force Reserve, the Naval Reserve and the Marine Corps Reserve will be submitted through the Assistant Secretary of Defense (Manpower and Personnel) to the Secretary of Defense for approval.

ROBERT A. LOVETT,
Acting Secretary of Defense.

JULY 13, 1951.

[F. R. Doc. 51-8242; Filed, July 18, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 111]

IMPERIAL PEARL SYNDICATE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Imperial Pearl Syndicate, Inc., 5 North Wabash Avenue, Chicago 2, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of simulated pearl necklaces, earrings and bracelets manufactured by Imperial Pearl Syndicate, Inc., 5 North Wabash Avenue, Chicago 2, Illinois, having the brand name(s) "Imperial" shall be the proposed retail ceiling prices listed by Imperial Pearl Syndicate, Inc., in its application dated May 28, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Imperial Pearl Syndicate, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit, dozen, etc.	Terms {net, percent EOM, etc. $--------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8276; Filed, July 16, 1951; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 112]

WORCESTER ROYAL PORCELAIN CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Worcester Royal Porcelain Co., Inc., 234 East 46th Street, New York, N. Y. (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of stemware sold at wholesale by The Worcester Royal Porcelain Co., Inc., 234 East 46th Street, New York, N. Y., having the brand name(s) "Stuart Crystal" shall be the proposed retail ceiling prices listed by The Worcester Royal Porcelain Co., Inc., in its application dated May 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 15, 1951, The Worcester Royal Porcelain Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article,

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(b) No formal procedures for obtaining information relating to any matter within customs jurisdiction are required unless prescribed in the published regulations of the Bureau of Customs (19 CFR, Ch. I). However, to assure prompt action upon a request, there should be furnished all pertinent facts relevant to the subject matter of the inquiry or showing that the correspondent has a [illegible] to receive information on which could not be disclosed to the general public.

(c) The disclosure of information in all cases shall be governed by the rules and conditions contained in Part 20 of the Customs Regulations (19 CFR Part 20) and by such exceptions of discretion as may be ordered from time to time by the Secretary.

SEC. 5. *Procedures.* No formal procedures other than those required solely to internal service management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commission of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, departments, or bureaus as referred to or cited in the published regulations of the Bureau of Customs.

(b) In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of the regulations are designated as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part
1. Customs districts and ports.
2. Measurement of vessels.
3. Documentation of vessels.
4. Vessels in foreign and domestic trades.
5. Customs relations with contiguous foreign territory.
6. Air commerce regulations.
7. Customs relations with insular possessions and Guantanamo Bay Naval Station.
8. Liability for duties; entry of imported merchandise.
9. Importations by mail.
10. Articles conditionally free; subject to a reduced rate, etc.
11. Packing and stamping; marking, trademarks and trade names; copyrights.
12. Special classes of merchandise.
13. Sugars, sirups, and molasses; petroleum products; wool and hair.
14. Appraisement.
19. C[illegible]
20. Disposition of unclaimed [illegible] merchandise.
21. Cartage and lighterage.
22. Drawback.
23. Enforcement of cust[illegible] laws.
24. Customs financial [illegible] ecurre
25. Cliff[illegible]ds.
26. D[illegible]
[illegible]
51. Co[illegible]
55. Co[illegible] or procure d[illegible]
56. Extensions of time [illegible] mation of the Pr[illegible] 318, Tariff Act of 1[illegible]
59. Importation of supplies Government property.
64. Metal articles to be used [illegible] nufacture by melting.
65. Importation of articles [illegible] with the International Food Exposition, Incorporated, at Chicago, Illinois, under Public Law No. 795, 81st Congress.

(c) Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in section 4, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay. Where correspondence is addressed to the Commissioner of Customs or the Secretary of the Treasury in a matter pending before a field official of the Customs Service, a copy of the correspondence should be transmitted to that field official in order that he may determine whether to suspend action pending a ruling from headquarters.

(d) Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, Treasury Depart[illegible] is first submitted to the [illegible] of Customs for the district in which transaction arose who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations of 1943 as amended from time to time which may be purchased from the Superintendent of Documents [illegible] Government Printing Office, Washington 25, D. C.

SEC. 6. *Subpoenas, rules.* [illegible] and statement of general policy [illegible] interpretations formulated and now [illegible] by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore mentioned. Amendments of, or supplements to, such regulations, as promulgated from time to time, will be published in the FEDERAL REGISTER and the Code of Federal Regulations.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8274; Filed, July 18, 1951; 8:54 a. m.]

Fiscal Service, Bureau of the Public Debt

[1951 Dept. Circ. 891]

1⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1952

OFFERING OF CERTIFICATES

JULY 16, 1951

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅞ percent Treasury Certificates of Indebtedness of Series B-1952, in exchange for Treasury Notes of Series E-1951, maturing August 1, 1951.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1951, and will bear interest from that date at the rate of 1⅞ percent interest per annum, payable with the principal at maturity on July 1, 1952. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, [illegible] taxing authority.

[illegible] certificates will be accepted [illegible] other deposits of public moneys, [illegible] shall not be accepted in payment [illegible]

[illegible] or exchange [illegible] thereof, [illegible] which may be purchased [illegible] Superintendent of Documents [illegible] Government Printing Office, Washington 25, D. C.

[illegible] Treasury Department [illegible] Bureau of Customs [illegible] Secretary of the Treasury [illegible] to act as official agents [illegible] Secretary of the Treasury [illegible] to receive subscriptions [illegible] wholly or in part, to allot [illegible] certificates applied [illegible] to close the books as to any [illegible] subscriptions at any time without [illegible] and any action he may take in [illegible] respects shall be final. Subject [illegible] reservations, all subscriptions [illegible] be allotted in full. Allotment [illegible] will be sent out promptly upon [illegible] allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1951, or on later allotment, and may be made only in Treasury Notes of Series E-1951, maturing August 1, 1951, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the notes surrendered will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-8275; Filed, July 18, 1951; 8:54 a. m.]

[illegible]

In Federal Register Document 51-7327, published on page 6398 of the issue for Saturday, July 7, 1951, [illegible] March 20, 1951" should read "March 20, 1941".

National Park Service

[illegible]

[illegible] Director of the National Park Service in [illegible] pursuant to a civil service rating of GS-10 or above, and the Purchasing Agent of National Capital Parks, may [illegible] contracts not in excess of $10,000, for supplies or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(Secretary's Order No. 2359, June 13, 1940; 39 Stat. 535, 16 U. S. C. 2)

Issued this 12th day of July 1951.

A. F. DEMARAY,
Director.

[F. R. Doc. 51-8246; Filed, July 18, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE DELI NEW YORK RATE AGREEMENT ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7190-1, between the member lines of the Deli New York Rate Agreement, modifies said rate agreement (1) to clarify the admission provision so as to provide that any carrier regularly engaged, or giving evidence of ability and intention to operate regular service in the trade may become a party to the agreement, (2) to include a provision dealing with loss of voting rights and loss of membership upon abandonment of service, and (3) to clarify the voting provision of the agreement.

Agreement 7824, between Alcoa Steamship Company, Inc. (Alcoa Line) and Mississippi Shipping Company, Inc.

[illegible] Peace Washington [illegible] [illegible] written statement [illegible] of the agreement [illegible] to approval, disapproval or modification, [illegible] with [illegible] such hearing be held.

Dated: July 16, 1951.

By order of the Board,

[illegible]

Office of the Secretary

LOAN GUARANTEE PROGRAM

1. *Purpose.* The purpose of this notice is to provide information and delegate authority for performance of the guarantee loan functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950 and Part III of Executive Order 10161 of September 9, 1950.

2. *Authority.* Section 301 of the Defense Production Act of 1950 provides in substance that (a) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or sub-contractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense; (b) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (c) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (d) each guaranteeing agency may use funds allocated or appropriated for such purposes.

Under Executive Order 10161, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with

the guaranteeing agencies, to prescribe necessary regulations.

3. *Delegation of authority.* Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic Affairs, and, as alternate, the Assistant Secretary of Commerce for Administration to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, sections 301 and 302 of Executive Order 10161, and regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, section 902 (b) of Executive Order 10161, and Reorganization Plan No. 5 of 1950.

4. *Establishment of Loan Guarantee Advisory Board.* There is hereby established in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the Solicitor of the Department of Commerce (or his designated representative), the Administrator of the National Production Authority (or his designated representative), and, in the case of each proposed loan guarantee, the head of the primary organization unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative). The Administrator of National Production Authority (or his designee) shall represent the small business functions of the Department as well as the other interests of the National Production Authority.

It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic Affairs the action to be taken with respect to each proposed loan guarantee.

The Solicitor, or his designated representative, shall serve as Chairman of the Board. The Office of the Solicitor shall provide the Board with such professional and clerical assistance as may be necessary.

A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

This notice is effective June 29, 1951.

(5 U. S. C. 22; R. S. 161; Reorg. Plan No. 5 of 1950; Defense Production Act of 1950; and E. O. 10161)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-8272; Filed, July 18, 1951; 8:53 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

DELEGATION OF AUTHORITY TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS INTO ACTIVE FEDERAL SERVICE

Pursuant to the authority vested in me by Executive Order 10271, dated July 7, 1951 (16 F. R. 6659) and by section 202 (f) of the National Security Act of 1947, 61 Stat. 495, as amended, the following delegations of authority are effective this date:

1. The Secretary of the Army is hereby authorized to order into active military service units of the National Guard of the United States, including the members thereof, and other members and units of the Army of the United States, including those of the Organized Reserve Corps, as may be necessary.

2. The Secretary of the Navy is hereby authorized to order into active service such members and units of the Naval Reserve and members and units of the Marine Corps Reserve as may be necessary.

3. The Secretary of the Air Force is hereby authorized to order into active military service units of the Air National Guard of the United States, including the members thereof, and other members and units of the Air Force of the United States, including units and members of the United States Air Force Reserve, as may be necessary.

4. Plans for the issuance of orders under paragraphs 1, 2 or 3 above to (a) units of the National Guard of the United States and of the Organized Reserve Corps, (b) units of the Naval or Marine Corps Reserve, (c) units of the Air National Guard of the United States and of the United States Air Force Reserve, and (d) categories of specialists in the Organized Reserve Corps, the United States Air Force Reserve, the Naval Reserve and the Marine Corps Reserve will be submitted through the Assistant Secretary of Defense (Manpower and Personnel) to the Secretary of Defense for approval.

ROBERT A. LOVETT,
Acting Secretary of Defense.

JULY 13, 1951.

[F. R. Doc. 51-8242; Filed, July 18, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 111]

IMPERIAL PEARL SYNDICATE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Imperial Pearl Syndicate, Inc., 5 North Wabash Avenue, Chicago 2, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of simulated pearl necklaces, earrings and bracelets manufactured by Imperial Pearl Syndicate, Inc., 5 North Wabash Avenue, Chicago 2, Illinois, having the brand name(s) "Imperial" shall be the proposed retail ceiling prices listed by Imperial Pearl Syndicate, Inc., in its application dated May 28, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Imperial Pearl Syndicate, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $ _____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8276; Filed, July 16, 1951; 4:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 112]

WORCESTER ROYAL PORCELAIN CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Worcester Royal Porcelain Co., Inc., 234 East 46th Street, New York, N. Y. (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of stemware sold at wholesale by The Worcester Royal Porcelain Co., Inc., 234 East 46th Street, New York, N. Y., having the brand name(s) "Stuart Crystal" shall be the proposed retail ceiling prices listed by The Worcester Royal Porcelain Co., Inc., in its application dated May 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 15, 1951, The Worcester Royal Porcelain Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article,

with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.	Terms {net, percent EOM, etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8277; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 113]

"KLIK" PROMOTIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, "Klik" Promotions, Inc., 303 Fifth Avenue, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of glove and purse holders manufactured by "Klik" Promotions, Inc., 303 Fifth Avenue, New York 16, N. Y., having the brand name(s) "Double-Ette" shall be the proposed retail ceiling prices listed by "Klik" Promotions, Inc., in its application dated April 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, "Klik" Promotions, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $.....

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.	Terms {net, percent EOM, etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8278; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 114]

ARVIN INDUSTRIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Arvin Industries, Inc., Columbus, Indiana, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of electric toasters, waffle irons, cookers, ovens, fans and heaters manufactured by Arvin Industries, Inc., Columbus, Indiana, having the brand name(s) "Arvin" shall be the proposed retail ceiling prices listed by Arvin Industries, Inc., in its application dated April 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Arvin Industries, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $.....

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.	Terms {net, percent EOM, etc. $ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within

two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8279; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 115]

ARVIN INDUSTRIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Arvin Industries, Inc., Columbus, Indiana, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of radios manufactured by Arvin Industries, Inc., Columbus, Indiana, having the brand name(s) "Arvin" shall be the proposed retail ceiling prices listed by Arvin Industries, Inc., in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Arvin Industries, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which woud apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms{net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8280; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 116]

JOHNSON BROTHERS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Johnson Brothers, Room 505 Empire State Building, 350 Fifth Avenue, New York, N. Y. (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of earthenware sold at wholesale by Johnson Brothers, Room 505 Empire State Building, 350 Fifth Avenue, New York, N. Y., having the brand name(s) "Johnson Brothers" shall be the proposed retail ceiling prices listed by Johnson Brothers in its application dated May 31, 1951, and filed with the Office of Price Stablization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 15, 1951, Johnson Brothers must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms{net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8281; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 117]

MENDEL-DRUCKER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Mendel-Drucker, Inc., 4621 Floral Avenue, Cin-

cinnati 12, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and men's luggage and trunks manufactured by Mendel-Drucker, Inc., 4621 Floral Avenue, Cincinnati 12, Ohio, having the brand name(s) "Mendell" shall be the proposed retail ceiling prices listed by Mendel-Drucker, Inc., in its application dated April 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Mendel-Drucker, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8282; Filed, July 16, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 118]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Sealy Mattress Co., 501 Santa Fe, Kansas City 6, Missouri, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by Sealy Mattress Co., 501 Santa Fe, Kansas City 6, Missouri, having the brand name(s) "Sealy" shall be the proposed retail ceiling prices listed by Sealy Mattress Co., in its application dated March 23, 1951, and filed with the Office of Price Stabilization, Washington, 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Sealy Mattress Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8283; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 119]

RESISTOL HATS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Resistol Hats, Inc., Garland, Texas, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's dress hats manufactured by Resistol Hats, Inc., Garland, Texas, having the brand name(s) "Resistol" shall be the proposed retail ceiling prices listed by Resistol Hats, Inc., in its application dated May 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 3, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than Sep-

tember 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Resistol Hats, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit, dozen, etc.	Terms {net, percent EOM, etc. $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8284; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 120]

ROSE MARIE REID, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rose Marie Reid, Inc., 1035 Santee Street, Los Angeles 15, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' swim suits manufactured by Rose Marie Reid, Inc., 1035 Santee Street, Los Angeles 15, California, having the brand name(s) "Rose Marie Reid" shall be the proposed retail ceiling prices listed by Rose Marie Reid, Inc., in its application dated April 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C., A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Rose Marie Reid, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this specal order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail

ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per -----{unit, dozen, etc.	Terms {net, percent EOM, etc. $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8285; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 121]

JNO. W. HENSON & SONS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Jno. W. Hensor & Sons, Greenville, Texas, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applica it has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of lingerie manufactured by Jno. W. Henson & Sons, Greenville, Texas, having the brand name(s) "Henson" shall be the proposed retail ceiling prices listed by Jno. W. Henson & Sons, in its application dated May 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Jno. W. Henson & Sons, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the

expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per ..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8286; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 122]

HUDSON HOSIERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hudson Hosiery Company, 712 North Brevard Street, P. O. Box 1789, Charlotte 1, N. C., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's nylon and silk hosiery manufactured by Hudson Hosiery Company, 712 North Brevard Street, P. O. Box 1789, Charlotte 1, N. C., having the brand name(s) "Hudson" shall be the proposed retail ceiling prices listed by Hudson Hosiery Company, in its application dated April 6, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Hudson Hosiery Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per ..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8287; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 123]

INDESTRUCTO TRUNKS AND LUGGAGE CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Indestructo Trunks and Luggage Co., 511 South Sangamon Street, Chicago 7, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of trunks and luggage manufactured by Indestructo Trunks and Luggage Co., 511 South Sangamon St., Chicago 7, Illinois, having the brand name(s) "Indestructo" shall be the proposed retail ceiling prices listed by Indestructo Trunks and Luggage Co., in its application dated May 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Indestructo Trunks and Luggage Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per ..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any

article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8288; Filed, July 16, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 124]

BOSTON ROYAL PETTICOAT CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Boston Royal Petticoat Co., 120 Harrison Avenue, Boston 11, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' maternity lingerie manufactured by Boston Royal Petticoat Co., 120 Harrison Avenue, Boston 11, Massachusetts, having the brand name(s) "Lady in Waiting" and "Anticipating Lady" shall be the proposed retail ceiling prices listed by Boston Royal Petticoat Co. in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Boston Royal Petticoat Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.	Terms {net, percent EOM, etc. $ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8289; Filed, July 16, 1951; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 125]

LANE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Lane Company, Inc., Altavista, Virginia, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of cedar chests manufactured by The Lane Company, Inc., Altavista, Virginia, having the brand name(s) "Lane Cedar Chests" shall be the proposed retail ceiling prices listed by The Lane Company, Inc., in its application dated May 28, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, The Lane Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per .....{unit, dozen, etc.	Terms {net, percent EOM, etc. $ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization

JULY 16, 1951.

[F. R. Doc. 51-8290; Filed, July 16, 1951; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 126]

YOUTHCRAFT CREATIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Youthcraft Creations, Inc., 36 East Thirty-first Street, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evi-

dence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's girdles and panty girdles manufactured by Youthcraft Creations, Inc., 36 East Thirty-first Street, New York 16, N. Y., having the brand name(s) "Youthcraft", "Bantam", "Hipmold", "Zipmold" and "Hugwaist" shall be the proposed retail ceiling prices listed by Youthcraft Creations, Inc., in its application dated March 29, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, Youthcraft Creations, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____{unit, dozen, etc.} Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8291; Filed, July 16, 1951; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43 Special Order 127]

S. DRESNER & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, S. Dresner & Sons, Inc., 512 South Peoria Street, Chicago 7, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of luggage manufactured by S. Dresner & Sons, Inc., 412 South Peoria Street, Chicago 7, Illinois, having the brand name(s) "Dresner", "Gladiator", "Dresner-Gladiator" and "Dresner-Steerhide" shall be the proposed retail ceiling prices listed by S. Dresner & Sons, Inc., in its application dated May 21, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 14, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 15, 1951, S. Dresner & Sons, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 14, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 14, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____{unit, dozen, etc.} Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8292; Filed, July 16, 1951; 4:21 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1581]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

JULY 13, 1951.

On January 5, 1951, Mississippi River Fuel Corporation (Applicant), a Delaware corporation of St. Louis, Missouri, filed an application, and on June 27, 1951, filed a First Amended Application, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas underground storage and related facilities, subject to the jurisdiction of this Commission, namely: Not more than 25 injection and withdrawal wells; about 2 miles of 4-inch, 3.2 miles of 6-inch, 1.7 miles of 12-inch, and 9.3 miles of 24-inch diameter pipeline; an 1,800 hp. compressor station; a 75,000 Mcf-per-day-capacity dehydration plant; 25 liquid separators; 2 regulating and metering stations; and other incidental facilities, as more fully described in the amended application on file with the Commission and open to public inspection.

The Commission finds:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its amended application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 9, 1951 (16 F. R. 1209).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 30, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid amended application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and

1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8249; Filed, July 18, 1951; 8:48 a. m.]

[Docket No. G-1733]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 13, 1951.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, filed on July 2, 1951, an application requesting that it be granted a certificate of public convenience and necessity authorizing the removal and relocation of certain natural gas facilities hereinafter described, or in the alternative that the Federal Power Commission enter its order disclaiming jurisdiction with respect thereto.

Applicant proposes to remove a 600 hp. compressor station, together with auxiliary equipment and appurtenances, now located at Kemper, Mississippi, on Applicant's Meridian branch line, and to relocate the said compressor station, together with such appurtenances as will be required to operate the station at 1,200 p. s. i. g., in the Spider Gas Field, DeSoto Parish, Louisiana, for use as a field compressor station.

It has been determined that the wellhead pressures of Har Gas' wells in the Spider Gas Field are too low to force the contract quantities of gas into Applicant's Logansport supply line against the operating pressure therein, and under the terms of the contract the burden is upon Applicant to supply the necessary compressor service.

Applicant states that its Kemper compressor station is no longer needed on its Meridian branch line, since Applicant's South line and the lateral from the South line to the City of Meridian, Mississippi, now have sufficient capacity to supply the entire gas requirements of the City of Meridian without compression.

The estimated cost of the removal and relocation of the facilities is $165,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8250; Filed, July 18, 1951; 8:48 a. m.]

[Docket No. G-1737]

CONSUMERS GAS CO.

NOTICE OF APPLICATION

JULY 13, 1951.

Take notice that Consumers Gas Company (Applicant), an Illinois corporation with offices at 701 Old National Bank Building, Evansville, Indiana, filed on July 9, 1951, an application for an order pursuant to section 7 (a) of the Natural Gas Act requiring Texas Eastern Transmission Corporation to sell and deliver up to 3,200 Mcf of natural gas to Applicant for distribution in Carmi, Illinois. Applicant also seeks a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction of a regulator and meter station to receive the deliveries sought.

Applicant is now engaged in the distribution of natural gas in Carmi from local production. It stated in its application that local wells are depleted and Applicant does not have sufficient quantities of natural gas to meet its normal winter requirements.

The estimated cost of the proposed facilities is $10,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8251; Filed, July 18, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2665]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF PROPOSED SALE AND ACQUISITION OF GAS STORAGE AND OTHER FACILITIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1951.

In the matter of Consolidated Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation; File No. 70-2665.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and two of its subsidiaries, the Peoples Natural Gas Company ("Peoples") and New York State Natural Gas Corporation ("New York Natural"). Applicants-declarants have designated sections 9 (a), 10, 12 (d) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than July 26, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 26, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Peoples proposes to sell to New York Natural certain oil and gas leases and other interests in land, together with gas wells, pipelines and other appurtenant facilities, located in an area called the "South Bend Storage Area" in Indiana and Armstrong Counties, Pennsylvania, for a cash consideration estimated in the amount of $335,181, determined in accordance with the terms of a transfer agreement between Peoples and New York Natural. The South Bend Storage Area is located in the vicinity of the Oakford Storage Area now owned by New York Natural and will be operated in conjunction with such properties.

The application-declaration states that the transfer of the properties by Peoples to New York Natural is subject to the jurisdiction of the Public Utility Commission of Pennsylvania. A copy of the order of the said Commission will be supplied by amendment to the application-declaration. The acquisition of such properties by New York Natural is also subject to the jurisdiction of the Federal Power Commission, which Commission, by order dated May 31, 1951, issued its certificate of public convenience and necessity authorizing, among other things, the proposed acquisition.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8254; Filed, July 18, 1951; 8:49 a. m.]

[File No. 70-2666]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED CASH CONTRIBUTION BY PARENT TO SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of July A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Section 12 (b) of the act and Rule U-45 promulgated thereunder have been designated as being applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia proposes to make a capital contribution, in the principal amount of $1,500,000, in cash to its subsidiary, United Fuel Gas Company ("United Fuel"), to be used by United Fuel to finance a part of its scheduled 1951 construction and gas storage program. Columbia proposes to increase its investment account relative to the common stock of United Fuel by $1,499,947.66 and to charge $52.34 (the amount of the contribution which is applicable to the minority interest) to operating expense.

The declaration states that no fees, commissions, or underwriting expenses will be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than July 27, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 27, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8255; Filed, July 18, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18176]

SKANDINAVISKA TANK & MINERALOLJE, A/B

In re: Debts owing to Skandinaviska Tank & Mineralolje, A/B. F-28-10315-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Europaische Tanklager und Transport A. G., also known as Eurotank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Skandinaviska Tank & Mineralolje, A/B is a corporation, partnership, association or other business organization, organized under the laws of Sweden, whose principal place of business is located at Malmoe, Sweden and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Europaische Tanklager und Transport A. G., also known as Eurotank, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Skandinaviska Tank & Mineralolje, A/B, by Davis & Company, Incorporated, 2109 Commerce Building, Houston, Texas, represented as an open account on the books and records of the aforesaid Davis & Company, Incorporated, in the amount of $12,162.74, as of June 14, 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Skandinaviska Tank & Mineralolje, A/B, by Tiona Petroleum Company, 1130 Widener Building, Philadelphia, Pennsylvania, arising out of the return of one hundred seventy five (175) drums of lubricating oil, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Skandinaviska Tank & Mineralolje, A/B, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Skandinaviska Tank & Mineralolje, A/B is owned or controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8221; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18179]

ERNST LOCHMANN

In re: Stock registered in the name of Ernst Lochmann, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-6939.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Ernst Lochmann, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are

not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Two thousand two hundred and fifty (2,250) shares of American Electric Securities Corporation-Participating Preferred, evidenced by certificate numbers NP-706/10 and NP-1175/91 at 100 shares each and certificate number NPO-720 at 50 shares.

[F. R. Doc. 51-8222; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18180]

MAX A. SCHMUCKI

In re: Accounts maintained in the name of Max A. Schmucki, Basle, Switzerland, and owned by persons whose names are unknown. F-63-3695.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column I	Column II
Name and address of institution which maintains account.	Designation of account
Joseph Walker & Sons, 120 Broadway, New York 5, N. Y.	Bonds of American Corp., as described by Joseph Walker & Sons in its report on Form OAP-700, bearing its Serial No. 8.

[F. R. Doc. 51-8223; Filed, July 17, 1951; 8:51 a. m.]

[Vesting Order 18181]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Zurich, Switzerland, and owned by persons whose names are unkown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column I	Column II
Name and address of institution which maintains account	Designation of account
Schroder Trust Co., 57 Broadway, New York 15, N. Y.	100 shares Foreign Light & Power Co. common stock, no par value evidenced by certificate ACB125 registered in the name of Schmidt & Co., as described by Schroder Trust Co. in its report on Form OAP-700 dated Nov. 14, 1950.

[F. R. Doc. 51-8224; Filed, July 17, 1951; 8:52 a. m.]

[Vesting Order 18177]

BANQUE POPULAIRE SUISSE

In re: Accounts maintained in the name of Banque Populaire Suisse, Lucerne, Switzerland, and owned by persons whose names are unknown. F-63-2290 (Lucerne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Populaire Suisse, Lucerne, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Banque Populaire Suisse, Lucerne, ordinary account, blocked account, and (b) Banque Populaire Suisse, Lucerne, general ruling No. 6 account, as described by Brown Bros. Harriman & Co., New York, in a supplement to its report on Form OAP-700, bearing its Serial No. 16; (c) Banque Populaire Suisse, Lucerne, ordinary account, blocked account, as described by Brown Bros. Harriman & Co., New York, in a supplement to its report on Form OAP-700, bearing its Serial No. 17.

[F. R. Doc. 51-8294; Filed, July 18, 1951; 8:55 a. m.]

[Vesting Order 18178]

BANQUE POPULAIRE SUISSE

In re: Accounts maintained in the name of Banque Populaire Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2290 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on July 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Account maintained in the name of Banque Populaire Suisse, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros. Harriman & Co., 65 Wall St., New York 5, N. Y.	Banque Populaire Suisse, Zurich, ordinary account, blocked account, as described by Brown Bros. Harriman & Co., in its Form OAP-700 report bearing its Serial No. 18.

[F. R. Doc. 51-8295; Filed, July 18, 1951; 8:55 a. m.]

[Return Order 657]

RAOUL ROLAND RAYMOND SARAZIN AND SOCIETE FRANCAISE HISPANO-SUIZA

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Raoul Roland Raymond Sarazin, Rue du Chateau de la Chasse, Villa "Les Surprises", Saint-Prix, France; Societe Francaise Hispano-Suiza, Rue du Capitaine Guynemer, Bois-Colombes, France; Claim Nos. 12523, 12524, and 5992; April 13, 1950 (15 F. R. 2096); all right, title and interest in and to United States Patent Application Serial No. 284,945 (now United States Letters Patent No. 2,313,206), vested by Vesting Order No. 293 (7 F. R. 9830, November 26, 1942); all right, title and interest in and to United States Patent Application Serial No. 455,908 (now United States Letters Patent No. 2,356,435), vested by Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943); all right, title and interest in and to United States Letters Patent Nos. 2,096,899; 2,127,888; 2,129,241; 2,137,591; 2,154,359; 2,156,484; 2,183,467; 2,225,929; 2,211,076; 2,265,747, vested by Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) to claimant, Raoul Roland Raymond Sarazin.

All interests and rights of the Attorney General in and to the reservations with respect to United States Letters Patent Nos. Re. 20,773; 2,079,227 and 2,202,967, vested by Vesting Order No. 1589 (8 F. R. 10583, July 29, 1943), made in a determination dated June 25, 1947 by The Vested Property Claims Committee, Office of Alien Property (filed with the Federal Register on July 3, 1947, F. R. Doc. 47-6310), said reservations being as follows: all interests and rights (1) in and to all damages and profits directly or indirectly recoverable at law or in equity from the Government of the United States for the infringement of said patents, (2) in and to all damages and profits recoverable at law or in equity from anyone for infringement of said patents on or after July 8, 1943 and prior to the return of said patents and (3) in any and all agreements of any kind or nature whatsoever relating to said patents including all royalties and any monies now or hereafter payable or held with respect to said interest and rights and all damages for breach of said agreements together with the right to sue therefor, to claimant, Raoul Roland Raymond Sarazin, to the extent owned by him immediately prior to vesting of said patents.

All interests and rights of the Attorney General in and to an agreement dated July 2, 1925 by and between Raoul Roland Raymond Sarazin and Societe Francaise Hispano-Suiza, relating among other things, to patents listed herein to Raoul Roland Raymond Sarazin and Societe Francaise Hispano-Suiza to the extent of their respective interests immediately prior to the vesting of said patents.

To Societe Francaise Hispano-Suiza, all interests and rights (including all accrued royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafer described, together with the right to sue therefor) created in Societe Francaise Hispano-Suiza by virtue of an agreement dated March 11, 1940 (including all modifications thereof and supplements thereto, if any) by and between Societe Francaise Hispano-Suiza and Fairchild Engine and Airplane Corporation, a corporation of Maryland, relating among other things, to United States Letters Patent No. 2,079,227 to the extent owned by Societe Francaise Hispano-Suiza immediately prior to the vesting thereof by Vesting Order No. 1589, including royalties in the amount of $8,860.70.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8296; Filed, July 18, 1951; 8:56 a. m.]

[Return Order 997]

EDUARD BIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Eduard Bier, Berlin, Germany; Claim No. 42276; May 15, 1951 (16 F. R. 4517); $1,008.53 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Edward Bier in and to the Estate of Siegfried Max Bier, deceased; 4/8ths interest in 1/8th of oil, gas and other mineral royalties from property in Hopkins County, Texas, per contract from E. A. Dreeben to S. Max Bier; 4/8ths interest in 1/8th of 1/2 th of oil, gas and other mineral royalties from property in Hopkins County, Texas, per contract from Alfred E. Aaronson to S. Max Bier; 4/8ths interest in 1/8th of 1/16th of oil, gas and other mineral royalties from property in Dallas County, Texas, per contract from E. A. Dreeben to S. Max Bier; 4/8ths interest in 1/2 of oil, gas and other mineral royalties from property being part of Sec. 31, Twp. 1 North Range 8 West, Stephens County, Oklahoma, per contract from E. A. Aaronson to S. Max Bier.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8297; Filed, July 18, 1951; 8:56 a. m.]

[Return Order 1010]

SOCIETE DE CONSTRUCTIONS MECANIQUES DE STAINS, S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe de Constructions Mecaniques de Stains, S. A., Paris, France; Claim No. 40451; May 23, 1951 (16 F. R. 4824); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,255,205. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8300; Filed, July 18, 1951; 8:57 a. m.]

[Return Order 1003]

ANTOINETTA LO RE AND MARIA BONASERA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Antoinetta Lo Re, Villalba (Caltanissetta), Sicily, Italy, Claim No. 39441; Maria Bonasera, Vallelunga (Caltanissetta), Sicily, Italy, Claim No. 39442; May 23, 1951 (16 F. R. 4824); $2,665.61 in the Treasury of the United States, one-half to each claimant. All right, title, interest and claim of any kind or character whatsoever of Antoinetta Lo Re and Maria Bonasera in and to the Estate of Joseph Trifiro, deceased; estate probated in Surrogate's Court of Erie County, New York, Anthony Trifiro, Administrator.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8298; Filed, July 18, 1951; 8:56 a. m.]

[Return Order 1005]

SOCIETE DE CONSTRUCTION D'APPAREILS MECANIQUES ET ELECTRIQUES POUR AUTOMOBILES, S. C. A. M. E. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe de Construction d'Appareils Mecaniques et Electriques pour Automobiles, S. C. A. M. E. A., Neuilly-sur-Seine, France; Claim No. 36869; May 23, 1951 (14 F. R. 4824); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,254,082. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8299; Filed, July 18, 1951; 8:57 a. m.]

[Return Order 1018]

GIUSEPPE MENOZZI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notices of Intention To Return Published, and Property

Giuseppe Menozzi, Messina, Italy; Claim No. 36941; May 29, 1951 (16 F. R. 5033); property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,178,486 and 2,178,487. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8302; Filed, July 18, 1951; 8:57 a. m.]

[Return Order 1017]

COMPAGNIE INTERNATIONALE DES PIEUX ARMES FRANKIGNOUL, SOCIETE ANONYME

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Compagnie Internationale des Pieux Armes Frankignoul, Societe Anonyme, Liege, Belgium; Claim No. 37319; May 29, 1951 (16 F. R. 5032); property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. 1,764,948; 1,830,651; 1,858,204; 1,887,630; 1,872,635; 2,048,252 and 2,169,789. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8301; Filed, July 18, 1951; 8:57 a. m.]

JOSEPH ROBMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Robmer, Freiburg-Littenweiler, Baden, Germany; Claim No. 5129; $4,213.43 in the Treasury of the United States. An undivided one-half interest in the real property situated in the Borough of Brooklyn, County of Kings, State of New York, and known as 106, 106½ and 108 Douglass Street, Brooklyn, N. Y. All right, title, interest, estate and claim of any name or nature whatsoever, contingent or otherwise and whether or not matured, of Joseph Robmer in and to any and all obligations secured by certain tax liens, evidenced by tax lien certificates Nos. 61714, 61715, and 61716, on the lot and improvements owned by Joseph Robmer and Oscar Jacobs, known as 106, 106½ and 108 Douglass Street, Brooklyn, New York, including but not limited to any and all collateral for any or all such obligations and the right to enforce and collect such obligations. The tax lien certificates are presently in the custody of the Office of Alien Property, 120 Broadway, New York, N. Y.

Executed at Washington, D. C., on July 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8306; Filed, July 18, 1951; 8:50 a. m.]

[Return Order 1019]

ALBERT FRANCOIS THIEUZARD

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Albert Francois Thieuzard, Paris, France; Claim No. 31759; May 29, 1951 (16 F. R. 5033); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,008,457. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8303; Filed, July 18, 1951; 8:57 a. m.]

[Return Order 1020]

MARTIN-LINDSAY AND HEDWIG BARTH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Martin Lindsay, Trustee, u w of Hedwig Barth, Chicago, Ill.: Claims Nos. 5578 and 5579; May 30, 1951 (16 F. R. 5103); $46,187.81 in the Treasury of the United States. This return is being made for the sole purpose of enabling Martin Lindsay, Trustee, to reconstitute the above-described property as part of the corpus of the trust presently being administered by him under the will of Hedwig Barth, deceased, and under the judicial supervision of the County Court of Milwaukee County, Wisconsin. Reserved from the return and retained expressly in the Attorney General are all the rights and interests in and to the property which were formerly owned by Helene von Bredow, Margrit Taeger and Dorothea Schieckel and the issue, names unknown, of these persons.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8304; Filed, July 18, 1951; 8:58 a. m.]

WILHELMUS HERMSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Wilhelmus Hermsen, Paris, France; Claim Nos. 6567 and 6569; the undivided one-half part of the whole right, title and interest in property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,184,716 and in Vesting Order No. 321 (7 F. R. 9851, November 26, 1942) relating to United States Patent Application Serial No. 292,748.

Executed at Washington, D. C., on July 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8305; Filed, July 18, 1951; 8:58 a. m.]

LIBRARY OF CONGRESS

Office of the Librarian

[Gen. Order 1443]

HOURS OF SERVICE

JUNE 22, 1951.

The following table provides, effective June 23, 1951, a statement of the hours of public service of the several administrative and other units of the Library. This general order supersedes General Order 1443 dated November 21, 1950, and General Order 1465 dated January 17, 1951.

HOURS OF SERVICE

Services	Room No.[1]	Mondays through Fridays	Saturdays	Sundays	Holidays
General Reading Rooms:					
Main Reading Room.	100	9 a. m.-10 p. m.[2]	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Thomas Jefferson Room.	5009, 5011	9 a. m.-5:45 p. m.	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Special Reading Rooms:					
Aeronautics Division.	G-1005	9 a. m.-5:45 p. m.	Closed	Closed	Closed.
Congressional[5]	109	8:30 a. m.-10 p. m.	9 a. m.-6 p. m.	2 p. m.-10 p. m.	9 a. m.-10 p. m.[4]
Federal Agencies Collection (take elevator C).	Deck 37	9 a. m.-5:15 p. m.	Closed	Closed	Closed.
Government Publications.	133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Hispanic Foundation.	239	9 a. m.-5:45 p. m.	Closed	Closed	Closed.
Law Library	241	9 a. m.-10 p. m.[2]	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Law Library in the Capitol.[5]		9 a. m.-6 p. m.	9 a. m.-1 p. m.[3]	Closed	Closed.
Local History and Genealogy.	5009A	9 a. m.-5:45 p. m.	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Manuscripts Division.	3005	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	Closed	Closed.
Map Division	140	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	do	Do.
Microfilm (take elevator C).	Deck 38	9 a. m.-5:45 p. m.	Closed	do	Do.
Music Division	G-144	9 a. m.-5:45 p. m.	do	do	Do.
Newspapers (current).	G-138	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Newspapers (noncurrent).	5010, 5012	9 a. m.-5:45 p. m.	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Orientalia Division.	5010, 5012	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	Closed	Closed.
Pamphlets Collection.	G-133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Periodicals (current).	G-133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Prints and Photographs.	209	9 a. m.-5:45 p. m.	Closed	Closed	Closed.
Rare Books	256	9 a. m.-5:45 p. m.	do	do	Do.
Slavic Room	5011B	9a. m.-5:45 p. m.	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Other Services:					
Copyright Office	1707	8:30 a. m.-5:15 p. m.	Closed	Closed	Closed.
Division for the Blind.	1003	8:30 a. m.-5:15 p. m.	do	do	Do.
Exhibit Halls (various locations).		9 a. m.-10 p. m.	9 a. m.-10 p. m.	11:30 a. m.-10 p. m.	11:30 a. m.-10 p. m.[4]
Information Office.	108	9 a. m.-5:15 p. m.	Closed	Closed	Closed.
Loan Division[6]	G-153	9 a. m.-5:45 p. m.	9 a. m.-1 p. m.	do	Do.
National Union Catalog.	121	9 a. m.-10 p. m.	9 a. m.-6 p. m.	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4]
Photoduplication Service.	G-1008	8:30 a. m.-5:15 p. m.	Closed	Closed	Closed.
Study Rooms and Study Tables (various locations).		9 a. m.-5:45 p. m.	9 a. m.-6 p. m.[3]	2 p. m.-6 p. m.	2 p. m.-6 p. m.[4,7]
Other Administrative Offices (various locations).		8:30 a. m.-5:15 p. m.	Closed	Closed	Closed.

[1] 3-digit room numbers, Main Building; 4-digit room numbers, Annex Building.

[2] Limited service only (access to the card catalogs, reference collections, and materials previously issued from the stacks) is available to readers from 5:30 p. m.-10 p. m. Mondays through Fridays in the Main Reading Room and the Law Library, and from 12:45 p. m.-6 p. m. on Saturdays in these two rooms and also in the Thomas Jefferson Room, the Local History and Genealogy Room, the Slavic Room, and the Newspaper Reference Room (Annex). Readers' call-slips are received in the Main Reading Room and the Law Library after 5:30 p. m. Mondays through Fridays and after 12:45 p. m. on Saturdays for books to be used on succeeding days.

[3] Also open whenever either House of Congress is in session.

[4] Closed on Christmas Day and the Fourth of July.

[5] Closed on Christmas Day only.

[6] During closed hours Congressional loans arranged through Congressional Reading Room; other questions regarding lending service handled by reference staff, Main Reading Room.

[7] Special passes for use of Study Rooms and Study Tables until 10 p. m. on Mondays through Fridays and until 6 p. m. on Saturdays may be obtained from the Chief of the Stack and Reader Division.

[8] Closed during summer months when Congress is not in session.

VERNER W. CLAPP,
Acting Librarian of Congress.

[F. R. Doc. 51-8263; Filed, July 18, 1951; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 140

Washington, Friday, July 20, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10274

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 9805,[1] PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

By virtue of the authority vested in me by the act of August 2, 1946, 60 Stat. 806, it is ordered that Schedule A attached to and made a part of Executive Order No. 9805 of November 25, 1946, entitled "Regulations Governing Payment of Travel and Transportation Expenses of Civilian Officers and Employees of the United States when Transferred from One Official Station to Another for Permanent Duty", as amended by Executive Orders No. 9997 of September 8, 1948, and No. 10196 of December 20, 1950, be, and it is hereby, further amended to read as follows:

SCHEDULE A—RATE PER 100 POUNDS

Miles	1,999 pounds or less	2,000 pounds to 3,999 pounds	4,000 pounds to 7,000 pounds
15	$3.77	$3.51	$3.25
20	3.85	3.56	3.28
30	3.97	3.66	3.35
40	4.13	3.77	3.44
50	4.26	3.87	3.54
60	4.40	3.97	3.60
70	4.57	4.08	3.67
80	4.69	4.18	3.76
90	4.84	4.28	3.85
100	4.96	4.38	3.92
110	5.11	4.48	3.99
120	5.23	4.57	4.08
130	5.37	4.66	4.16
140	5.51	4.75	4.25
150	5.63	4.85	4.30
160	5.75	4.94	4.38
170	5.89	5.02	4.48
180	6.01	5.13	4.57
190	6.12	5.22	4.63
200	6.24	5.31	4.69
210	6.34	5.41	4.78
220	6.43	5.52	4.84
230	6.54	5.61	4.91
240	6.63	5.71	4.99
250	6.73	5.81	5.07
260	6.83	5.90	5.13
270	6.91	5.98	5.21
280	7.00	6.07	5.29
290	7.08	6.12	5.35
300	7.19	6.19	5.41
310	7.29	6.27	5.50
320	7.39	6.34	5.58
330	7.49	6.42	5.64
340	7.60	6.50	5.71
350	7.70	6.57	5.78

[1] 11 F. R. 13823.

SCHEDULE A—RATE PER 100 POUNDS—Con.

Miles	1,999 pounds or less	2,000 pounds to 3,999 pounds	4,000 pounds to 7,000 pounds
360	$7.80	$6.64	$5.85
370	7.91	6.72	5.92
380	8.01	6.79	6.00
390	8.10	6.88	6.06
400	8.20	6.96	6.14
410	8.29	7.03	6.20
420	8.38	7.09	6.28
430	8.46	7.17	6.34
440	8.53	7.25	6.41
450	8.61	7.32	6.47
460	8.70	7.39	6.55
470	8.78	7.46	6.62
480	8.84	7.55	6.69
490	8.92	7.62	6.75
500	9.02	7.68	6.80
510	9.10	7.76	6.88
520	9.17	7.86	6.95
530	9.25	7.92	7.02
540	9.32	7.99	7.09
550	9.40	8.07	7.17
560	9.46	8.15	7.23
570	9.53	8.22	7.29
580	9.62	8.30	7.35
590	9.69	8.38	7.41
600	9.74	8.45	7.47
610	9.82	8.52	7.54
620	9.89	8.60	7.60
630	9.97	8.67	7.66
640	10.05	8.73	7.72
650	10.13	8.79	7.78
660	10.21	8.85	7.84
670	10.28	8.92	7.91
680	10.36	8.99	7.97
690	10.44	9.06	8.03
700	10.51	9.12	8.09
710	10.58	9.19	8.15
720	10.66	9.25	8.22
730	10.74	9.32	8.28
740	10.80	9.38	8.34
750	10.87	9.44	8.40
760	10.95	9.50	8.45
770	11.01	9.56	8.50
780	11.07	9.63	8.56
790	11.15	9.69	8.61
800	11.22	9.74	8.66
810	11.27	9.80	8.71
820	11.34	9.85	8.76
830	11.39	9.92	8.81
840	11.47	9.97	8.86
850	11.53	10.04	8.92
860	11.59	10.09	8.97
870	11.67	10.15	9.02
880	11.73	10.20	9.07
890	11.79	10.26	9.12
900	11.85	10.31	9.17
910	11.91	10.37	9.23
920	11.99	10.44	9.28
930	12.05	10.49	9.33
940	12.11	10.55	9.38
950	12.18	10.61	9.43
960	12.21	10.66	9.48
970	12.32	10.71	9.53
980	12.39	10.76	9.59
990	12.45	10.81	9.64
1,000	12.52	10.87	9.69
1,020	12.63	10.98	9.79
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June 1951 Edition

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SCHEDULE A—RATE PER 100 POUNDS—Con.

Miles	1,999 pounds or less	2,000 pounds to 3,999 pounds	4,000 pounds to 7,000 pounds
1,100	$13.14	$11.39	$10.26
1,120	13.26	11.49	10.36
1,140	13.40	11.59	10.46
1,160	13.53	11.70	10.56
1,180	13.66	11.80	10.67
1,200	13.81	11.90	10.77
1,220	13.93	12.00	10.86
1,240	14.05	12.09	10.96
1,260	14.15	12.18	11.05
1,280	14.27	12.28	11.14
1,300	14.38	12.37	11.23
1,320	14.47	12.47	11.34
1,340	14.57	12.57	11.44
1,360	14.68	12.68	11.54
1,380	14.79	12.78	11.65
1,400	14.89	12.88	11.75
1,420	14.99	12.98	11.85
1,440	15.10	13.09	11.95
1,460	15.20	13.19	12.06
1,480	15.30	13.29	12.16
1,500	15.41	13.40	12.26
1,520	15.51	13.49	12.37
1,540	15.61	13.58	12.47
1,560	15.71	13.67	12.57
1,580	15.82	13.77	12.68
1,600	15.92	13.86	12.78
1,620	16.02	13.96	12.87
1,640	16.13	14.07	12.96
1,660	16.24	14.17	13.06
1,680	16.36	14.27	13.15
1,700	16.49	14.38	13.24

SCHEDULE A—RATE PER 100 POUNDS—Con.

Miles	1,999 pounds or less	2,000 pounds to 3,999 pounds	4,000 pounds to 7,000 pounds
1,720	$16.59	$14.48	$13.33
1,740	16.69	14.58	13.42
1,760	16.80	14.68	13.52
1,780	16.90	14.79	13.61
1,800	17.00	14.89	13.71
1,820	17.11	14.98	13.82
1,840	17.23	15.08	13.93
1,860	17.34	15.17	14.05
1,880	17.45	15.26	14.16
1,900	17.57	15.36	14.27
1,920	17.68	15.46	14.38
1,940	17.79	15.56	14.48
1,960	17.91	15.66	14.58
1,980	18.02	15.77	14.68
2,000	18.13	15.87	14.79
2,025	18.26	16.00	14.90
2,050	18.39	16.13	15.01
2,075	18.52	16.26	15.13
2,100	18.65	16.38	15.25
2,125	18.78	16.52	15.39
2,150	18.93	16.64	15.54
2,175	19.07	16.77	15.68
2,200	19.22	16.90	15.82
2,225	19.35	17.03	15.94
2,250	19.48	17.16	16.05
2,275	19.61	17.29	16.17
2,300	19.73	17.43	16.28
2,325	19.86	17.54	16.40
2,350	20.01	17.65	16.54
2,375	20.15	17.76	16.66
2,400	20.30	17.88	16.80
2,425	20.43	17.96	16.92
2,450	20.57	18.10	17.05
2,475	20.69	18.22	17.18
2,500	20.81	18.34	17.31
2,525	20.95	18.45	17.43
2,550	21.09	18.57	17.57
2,575	21.23	18.68	17.69
2,600	21.38	18.80	17.83
2,625	21.51	18.93	17.95
2,650	21.65	19.06	18.06
2,675	21.77	19.19	18.18
2,700	21.89	19.32	18.29
2,725	22.03	19.44	18.42
2,750	22.17	19.58	18.57
2,775	22.32	19.70	18.71
2,800	22.46	19.83	18.86
2,825	22.60	19.95	18.96
2,850	22.75	20.06	19.06
2,875	22.89	20.23	19.16
2,900	23.03	20.35	19.27
2,925	23.16	20.48	19.39
2,950	23.31	20.61	19.53
2,975	23.45	20.74	19.65
3,000	23.59	20.86	19.78
3,050	23.85	21.09	20.04
3,100	24.11	21.33	20.30
3,150	24.39	21.58	20.56
3,200	24.68	21.79	20.81
3,250	24.95	22.05	21.05
3,300	25.24	22.31	21.28
3,350	25.50	22.54	21.53
3,400	25.76	22.77	21.79
3,450	26.04	23.00	22.05
3,500	26.32	23.23	22.31

This order shall be effective in any case in which the shipment of household goods and personal effects commences on or after March 5, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 18, 1951.

[F. R. Doc. 51-8448; Filed, July 18, 1951; 4:25 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

The positions excepted from the competitive service under § 6.107 (g) (1) have been transferred from the Air Materiel Command to the Air Research and Development Command. Effective upon publication in the FEDERAL REGISTER, § 6.107 is, therefore, amended as follows:

1. Section 6.107 (g) (1) is revoked.

2. A new subparagraph (2) is added to § 6.107 (h) as follows:

§ 6.107 *Department of the Air Force.* * * *

* * *

(h) *Air Research and Development Command.* * * *

(2) Until June 30, 1952, the positions of Civilian Chief, Engineering Operations; Technical Director, Electronics; Director of Geophysical Research; and Director of Physics, Research Group.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-8342; Filed, July 19, 1951; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

MICHIGAN

County	Average value	Investment limit
Arenac	$12,000	$12,000
Bay	17,000	12,000
Berrien	16,000	12,000
Chippewa	10,000	10,000
Clare	12,000	12,000
Delta	10,000	10,000
Gladwin	12,000	12,000
Luce	10,000	10,000
Mackinac	10,000	10,000
Montmorency	10,000	10,000
Newaygo	15,000	12,000
Presque Isle	12,000	12,000
Roscommon	11,000	11,000
Schoolcraft	10,000	10,000
Van Buren	16,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 16th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8319; Filed, July 19, 1951; 8:48 a. m.]

Subchapter E—Account Servicing

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP LOANS

SERVICING INSURED FARM OWNERSHIP LOANS

Subpart B of Part 361, Title 6, Code of Federal Regulations (13 F. R. 9437, 15 F. R. 1969), is supplemented by adding the following new sections:

Sec.
361.26 General.
361.27 Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder of insured mortgage finances purchaser.
361.28 Payment in full by refinancing with holder of insured mortgage on a noninsured basis, or by sale of farm outside the program to a person obtaining a noninsured loan from holder of insured mortgage.
361.29 Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured loan from holder of insured mortgage.
361.30 Subsequent insured farm ownership loans.

AUTHORITY: §§361.26 to 361.30 issued under sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 361.26 to 361.30 contained in FHA Instruction 451.6.

§ 361.26 *General.* Sections 361.26 to 361.30 prescribe the authorities, policies, and procedures for processing payment in full and refinancing of insured Farm Ownership loans not assigned to the Government, including the authorities, policies, and procedures for processing the sale (transfer) of farms within the program to other insured loan applicants, for processing the sale of farms outside the program, and for processing subsequent insured Farm Ownership loans. The authorities, policies, and procedures set forth in this section are applicable to all types of transactions covered by §§ 361.26 to 361.30, while specific procedures applicable to particular types of transactions are set forth in §§ 361.27 to 361.30.

(a) *Authority.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instrument taken in connection with each insured loan provide that, without the consent of the Government, no final payment of an insured loan will be accepted, nor release of the mortgagee's interest made, in less than five years from the date of the execution of the insured mortgage. It is further provided that the farm or any interest therein may not be sold without the consent of the Government and the holder of the insured mortgage. Subject to the policies and procedures prescribed in §§ 361.26 to 361.30, the State Director is authorized:

(1) To consent on behalf of the Government to payment in full of an insured loan.

(2) To approve the refinancing of an insured loan.

(3) To approve the sale (transfer) of a farm by an insured loan borrower to another insured loan applicant.

(4) To approve the sale of a farm outside the program.

(5) To approve a subsequent insured loan.

(6) To consent on behalf of the Government to the release or satisfaction of the holder's interest in the insured mortgage and the property covered thereby.

(7) To release and satisfy the interest of the United States in the insured mortgage and the property covered thereby.

(b) *Mortgage insurance charges when loan is repaid.* (1) In all cases of final payment or refinancing of the insured loan indebtedness, the borrower will be required to pay the entire annual mortgage insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of the March 31 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor. In transactions where final payment or refinancing of the note account is accomplished by exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the holder of the insured mortgage executes Form FHA–993, "Notice of Receipt of Final Payment on Insured Mortgage Loan."

(2) In addition, when final payment or refinancing is made within five years from the date of the initial insured mortgage, the State Director is authorized to require the borrower to pay an additional charge equal to the mortgage insurance charge for the year in which the loan is paid in full. As a matter of general policy, a borrower who has acted in good faith in carrying out the terms of the mortgage will not be required to pay the additional charge. If the State Director finds that the borrower has complied with the terms of the mortgage and his agreements with the Farmers Home Administration, the borrower will not be required to pay the additional charge. On the other hand, if the State Director finds that he has not been cooperative and has not complied with his agreements, the borrower will be required to pay the additional charge. In all cases of sale of a farm outside the program, when the State Director finds that profit-making is a significant motive, the borrower will be required to pay the additional charge.

(c) *Actions prior to final payment—*(1) *Notice to State Office.* When an insured loan borrower requests permission to pay his insured loan indebtedness in full, or if the proposed transaction involves refinancing, sale (transfer) of the farm to another insured loan applicant, sale of the farm outside the program, or a subsequent insured loan, the County Supervisor will submit to the State Director a full report of the circumstances.

(2) *Consent to final payment.* If the State Director approves the proposed transaction, he will advise the County Supervisor by letter and will send a copy of the letter to the holder of the insured mortgage.

(i) If less than five years have elapsed since the date of the execution of the borrower's insured mortgage and if the State Director determines that the borrower should be required to pay the additional charge as provided in paragraph (b) (2) of this section, the additional charge will be added to any other mortgage insurance charges that the borrower may owe and all such charges will be collected from the borrower on or before the date final payment is made on the note account.

(3) *Consent and release of interest of United States.* When the State Director consents to final payment he will execute Form FHA–366, "Consent and Release of Interest of United States," and will send the Form to the County Supervisor for delivery only after the note account and all mortgage insurance charges have been paid and a satisfaction of the real estate mortgage is received from the holder of the insured mortgage.

(4) *Return of funds in supervised bank account.* Upon approval of the transaction by the State Director, in all cases, except those involving a subsequent insured loan, any Farm Ownership funds remaining in the borrower's supervised bank account will be withdrawn and applied on the borrower's note account as a refund.

(d) *Form of satisfaction from holder of mortgage.* The holder of the insured mortgage, upon receiving full payment of the note account, will execute the customary form of satisfaction or release of the real estate mortgage. Upon request of any holder, the County Supervisor will furnish an appropriate form of satisfaction.

(e) *Recordation of satisfaction and Form FHA–366.* Form FHA–366 will normally be recorded along with the satisfaction executed by the holder. The cost of recording Form FHA–366 will not be borne by the Government, except when State law requires a mortgagee to pay such cost. The cost of recording the satisfaction executed by the holder will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions and to pay the cost of recording.

(f) *Redemption date.* In all cases where a new mortgage is insured, the one year option period for redemption will begin seven years from the date of the new insured mortgage.

(Secs. 3, 12, 60 Stat. 1074, 1076 as amended, sec. 5, 62 Stat. 535; 7 U. S. C. 1003, 1005b)

§ 361.27 *Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, and sale of farm except when holder of insured mortgage finances purchaser.* This section applies to all cases where final payment of the insured loan indebtedness is to be derived from (1) the borrower's funds, (2) the proceeds from refinancing with a new lender on a noninsured basis, (3) the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, and (4) the proceeds from the sale of a farm outside the program when a new lender furnishes the funds. The funds for final payment in such cases will be processed through the Area Finance Office.

(a) *Determining balance of indebtedness and collection.* The County Supervisor will compute the amount necessary to pay the insured loan indebtedness.

(1) Interest on the note account will be calculated to a date 10 days beyond the date on which the collection is received by the County Supervisor. This becomes necessary in order for the holder of the insured mortgage to receive interest to the date of the U. S. Treasury check. Any overpayment will be refunded to the borrower by the Area Finance Office. On any advances made for the account of the borrower from the mortgage insurance fund, interest will be calculated to the date payment of the mortgage insurance account is received by the County Supervisor.

(2) The County Supervisor will collect from the borrower the full amount owed the mortgage insurance account and the balance of principal and interest due on the note account. He will remit the collection to the Area Finance Office.

(3) Since the Government is the collection agent for the mortgagee, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(b) *Processing of final payment and Form FHA–993, "Notice of Receipt of Final Payment on Insured Mortgage Loan."* The County Supervisor will send Form FHA–993 to the Area Finance Office together with the final payment. If the collection pays in full (1) the outstanding balance of the mortgage insurance account to the date of the receipt issued to the borrower, and (2) the outstanding balance of the note account to the date of the U. S. Treasury check to be issued to the holder of the insured mortgage, the Area Finance Manager will sign Form FHA–993. The Area Finance Manager will furnish Form FHA–993 to the holder of the insured mortgage and will advise the holder that the borrower has made final payment of the note account. The Area Finance Office will also inform the holder of the unpaid balance of principal and interest on the note account to the date of the U. S. Treasury check and that, upon receipt of the U. S. Treasury check and if the amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993 and send them to the County Supervisor, together with the canceled promissory note, the original real estate mortgage, and an instrument of satisfaction of the real estate mortgage. Upon receipt of the canceled promissory note, the real estate mortgage, the instrument of satisfaction, and Form FHA–993 from the holder of the insured mortgage, the County Supervisor will deliver the instrument of satisfaction and Form FHA–366 to the borrower, new mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Except in the case of sale (transfer) of a farm within the program, any abstracts of title which are the property of the borrower will also be delivered to the borrower.

(c) *Escrow arrangements.* In any case in which the new lender or purchaser insists upon a satisfaction of the mortgage before delivering the funds, he will be advised that he may make his own escrow arrangement provided all amounts owed by the borrower on the note account and on the mortgage insurance account are paid to the County Supervisor, as collection agent for the mortgagee, before or at the time the satisfaction of the insured mortgage and Form FHA–366 are delivered over by the escrow agent. No part of the expense for an escrow arrangement will be paid by the Government.

(Sec. 12, 60 Stat. 1076, 1077 as amended; 7 U. S. C. 1005b)

§ 361.28 *Payment in full by refinancing with holder of insured mortgage on a noninsured basis, or by sale of farm outside the program to person obtaining a noninsured loan from holder of insured mortgage.* This section applies when final payment is to be made (1) by refinancing by the holder of the insured mortgage on a noninsured basis, or (2) by sale of the farm outside the program to a person obtaining a noninsured loan from the holder of the insured mortgage in an amount not less than the outstanding balance due on the insured note account. Final payment of the note account may be accomplished under the provisions of this section by exchanging a noninsured note and mortgage for the insured promissory note and mortgage. Since no funds are involved in final payment of the old note account, only the collection of the mortgage insurance account will be transmitted to the Area Finance Office.

(a) *Collection of mortgage insurance account.* When final payment of the note account of an insured loan borrower is to be accomplished by either of the above methods, the County Supervisor will collect from the borrower the full amount, if any, owed the mortgage insurance account. If there is an unpaid balance of any amount advanced from the mortgage insurance fund, the County Supervisor will compute the interest on such amount to the date payment is received by the County Supervisor.

(b) *Closing actions.* The County Supervisor will furnish Form FHA–993, "Notice of Receipt of Final Payment on Insured Mortgage Loan," to the holder of the insured mortgage and will inform the holder of the outstanding balance of principal and interest on the insured note account and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date final payment is received (date insured loan refinanced), execute the original and one copy of Form FHA–993 and return them to the County Supervisor, together with the canceled promissory note and the satisfied real estate mortgage. If requested by the holder of the insured mortgage, the County Supervisor will file the instrument of satisfaction of the mortgage for recordation. Form FHA–366 will be delivered to the lender or to the recorder of deeds and mortgages, as the case may require. The canceled promissory note, after cancellation by the State Director of the insurance endorsement thereon, the satisfied real estate mortgage, and any abstracts of title which are the property of the borrower, will be delivered to the borrower.

(Sec. 12, 60 Stat. 1077 as amended; 7 U. S. C. 1005b)

§ 361.29 *Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured loan from holder of insured mortgage.*

This section applies when an insured Farm Ownership borrower sells his farm to another eligible applicant who obtains an insured loan from the holder of the insured mortgage in an amount not less than the outstanding balance due on the insured note account.

(a) *General.* (1) The transfer of ownership of an insured loan borrower's farm to another eligible applicant will not be made by means of an assumption agreement. Such transaction will be accomplished by refinancing the initial insured loan.

(2) Final payment of the old borrower's note account will be accomplished by exchanging the new borrower's promissory note and mortgage for the promissory note and mortgage of the old borrower and additional funds, if any. Since no funds are involved in the final payment of the old note account, only the collection of the mortgage insurance account will be transmitted to the Area Finance Office.

(3) The insured loan to the new borrower may include funds for any purpose authorized in connection with an initial insured loan.

(b) *Determining balance of indebtedness and collection of mortgage insurance account.* After approval of the proposed transaction by the State Director, the County Supervisor will compute the amount necessary to pay the old borrower's insured loan indebtedness in full. On or before closing the new insured loan, the County Supervisor will collect from the old borrower any amounts owed the mortgage insurance account.

(c) *Loan docket for new applicant.* A loan docket, including an option from the old borrower, will be prepared for the new borrower as in case of an initial insured loan. The new borrower will pay the usual appraisal fee. The loan limitations will apply as in the case of an initial insured loan. Title clearance will be required as for an initial insured loan.

(d) *Mortgage insurance charge and down payment.* The new borrower will be required to pay the initial mortgage insurance charge from the date the insured loan is closed to the next March 31. This charge must be paid by the new borrower even though the old borrower has paid the mortgage insurance charge covering the same period. On or before the date of loan closing, the new borrower will be required to deposit in a supervised bank account a down payment of not less than ten percent of the total investment in the farm.

(e) *Actions prior to closing.* (1) The State Director, rather than the State Field Representative, will execute Forms FHA–358, "Agreement by Applicant for Insured Loan," FHA–359, "Borrower-Insurer-Lender Triple Agreement," and FHA–643, "Farm Development Plan."

(2) When submitting the new Form FHA–359 to the holder of the insured mortgage, the holder will be informed that, upon closing of the insured loan, the new borrower's promissory note will be sent to him to be substituted for the old borrower's promissory note and that a check for the additional advance, if any, will be requested from him at that time.

(f) *Loan closing actions.* The loan will be closed in accordance with instructions received from the representative of the Office of the Solicitor. When additional funds are to be advanced to the new borrower, the loan will be closed before the County Supervisor requests the loan check.

(1) The County Supervisor will calculate the unpaid balance of principal and interest on the old borrower's promissory note as of the date the insured loan to the new borrower is closed. The difference, if any, between such unpaid balance on the old borrower's promissory note and the amount of the new borrower's promissory note will be the amount of funds to be requested from the holder of the insured mortgage.

(2) The County Supervisor will insert the date of loan closing (date final payment received) on Form FHA–993 and will deliver Form FHA–993 and the original of the new borrower's promissory note to the holder of the insured mortgage. The County Supervisor will inform the holder as to the amount of the unpaid balance of principal and interest on the old borrower's promissory note as of the date of loan closing, and will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993 and return the forms to him, together with the canceled promissory note and mortgage of the old borrower, and an instrument of satisfaction of the mortgage. He will also request the holder to send him a check to the order of the new borrower in the amount of the difference, if any, between the unpaid balance on the old borrower's promissory note and the amount of the new borrower's promissory note.

(3) On the date of loan closing, the County Supervisor will collect from the new borrower the appraisal fee and the initial mortgage insurance charge. Form FHA–366 will be recorded along with the satisfaction of the old borrower's insured mortgage. After cancellation by the State Director of the insurance indorsement on the canceled promissory note, the County Supervisor will deliver to the old borrower the canceled promissory note and the satisfied real estate mortgage. He will also deliver to the old borrower the instrument of satisfaction of the mortgage and Form FHA–366 after they have been recorded.

(Secs. 1, 12, 44, 60 Stat. 1072, 1076 as amended, 1069; 7 U. S. C. 1001, 1005b, 1018)

§ 361.30 *Subsequent insured Farm Ownership loans*—(a) *General.* (1) A subsequent insured Farm Ownership loan may be approved only for the purpose of refinancing an existing insured loan and furnishing additional funds for the borrower provided:

(i) Such additional funds are used to accomplish any one or any combination of the purposes for which direct subsequent Farm Ownership loans may be made in accordance with § 333.2 (a), (b), and (c) of this chapter.

NOTE: Section 333.2 (c) of this chapter is not applicable here; however, an advance of funds for the payment of equity to a transferor may be made in connection with the sale (transfer) of a farm within the program under § 361.27 or § 361.29 of this chapter.

(ii) Loan limitations are complied with as in the case of an initial insured loan.

(2) The subsequent insured Farm Ownership loan may be made by the holder of the initial insured mortgage or by a new mortgagee.

(3) Generally, when a subsequent insured loan is made, the existing insured mortgage will be refinanced, the initial promissory note canceled, and the initial insured mortgage satisfied. This method is necessary, in lieu of taking a supplemental mortgage, in order to avoid the possibility of one of the mortgages being assigned to another lender without the other. Second mortgages cannot be insured.

(i) In any State where local law requires that the initial promissory note and real estate mortgage shall be kept alive in order to protect the lien of the mortgage securing the subsequent loan, the State Director may approve the taking of a supplemental promissory note and mortgage which will consolidate the unpaid balance of principal and interest on the initial insured loan with the additional advance. The initial promissory note and mortgage will not be canceled and satisfied; *Provided, however,* That the supplemental mortgage shall contain a stipulation prohibiting the assignment of the initial promissory note and mortgage without the simultaneous assignment of the supplemental note and mortgage to the same lender. In any State where this method is to be followed, the procedure and forms to be used will supersede the procedure and forms prescribed in this section but will be consistent insofar as possible with this section and still protect the interests of the holder of the insured mortgage and the Government.

(b) *Arrangement with respect to funds for refinancing initial insured loan and providing additional advance.*—(1) *Holder of initial mortgage providing the funds.* In cases where the holder of the initial insured mortgage refinances the existing insured loan and provides the additional loan funds, the transaction will be accomplished without the exchange of funds for payment of the old promissory note. Since no funds are involved in final payment of the old note account, only the collection of the mortgage insurance account will be transmitted to the Area Finance Office. The new promissory note and real estate mortgage will be exchanged for the old promissory note and mortgage and a check for the additional funds.

(2) *New mortgagee providing the funds.* When a mortgagee other than the holder of the initial insured mortgage refinances the existing insured loan and provides the additional loan funds, the funds used for refinancing the existing insured loan will be processed through the Area Finance Office.

(c) *Actions prior to loan closing.* (1) Upon approval of the proposed transaction by the State Director, the County Supervisor will prepare the subsequent insured loan docket. In general, the procedure for making initial insured Farm Development and Farm Enlargement loans will be followed. However, the State Director, rather than the State Field Representative, will execute Forms FHA–358, FHA–359, and FHA–643.

(2) Reappraisals will be required on the same basis as provided for subsequent direct loans. If a reappraisal is required, an additional fee of $20 will be charged.

(3) New forms for the proposed subsequent insured loan will be prepared as in the case of an initial insured loan, except existing Forms FHA–308, "Initial Family Status Report," FHA–317, "Agreement," and, when reappraisals are not required, FHA–596, "Earning Capacity Report," may be used in connection with the subsequent insured loan.

(4) The amount of the initial insured loan to be refinanced will be the unpaid principal balance of the promissory note plus the amount of the unpaid interest accrued to a date estimated for closing the subsequent insured loan. In case a new mortgagee provides the funds, interest will be calculated for an additional 10 days.

(5) When submitting the new Form FHA–359 to the lender, the County Supervisor will inform the lender as follows, as the case may be:

(i) If the subsequent insured loan is to be made by the holder of the insured mortgage, the holder will be informed that, upon closing of the subsequent insured loan, the borrower's new promissory note for the total amount of the unpaid balance of principal and interest on the existing loan, plus the additional advance to be made, will be furnished the holder to be substituted for the borrower's old promissory note and that a check for the additional advance will be requested from the holder at that time; or

(ii) If the subsequent insured loan is to be made by a new mortgagee, the new mortgagee will be informed that the funds for the subsequent insured loan will be requested when the loan is ready for closing.

(6) The entire amount of the new promissory note will bear 3 percent interest regardless of when the initial insured loan was made. The one year option period for redemption of the new real estate mortgage will begin seven years from the date the subsequent insured loan is closed.

(7) If title insurance is available, a new mortgagee's title policy for the full amount of the new promissory note generally will be required since the initial insured mortgage will be satisfied. If the purchase of additional land is involved, a new owner's policy will be required.

(8) The subsequent insured loan will be amortized over the remaining period of the initial insured loan. The number of years over which the subsequent insured loan is amortized will be the greatest number of whole years between the estimated date of closing the subsequent insured loan and the maturity date of the initial insured loan.

(9) If the subsequent insured loan is to be made by a new mortgagee, the County Supervisor, after receipt of closing instructions from the representative of the Office of the Solicitor, will request from the new mortgagee a check payable to the order of the borrower in the total amount of the subsequent insured loan.

(d) *Loan closing actions.* The subsequent insured loan will be closed in accordance with instructions received from the representative of the Office of the Solicitor. When the subsequent insured loan is to be made by the holder of the initial insured mortgage, the loan will be closed before the County Supervisor requests the loan check for the additional advance. When the subsequent insured loan is to be made by a new mortgagee, the loan check will be available in the County Office on the date of loan closing as in the case of an initial insured loan.

(1) *Determining amount of first installment.* The amount of the first installment on the new promissory note will be, as in case of an initial insured loan, an amount agreed upon mutually by the County Supervisor and the borrower. However, in no case will the amount of the first installment to be entered on the new promissory note exceed the amount of the regular annual installment shown on the promissory note.

(2) *Collecting the mortgage insurance charges and reappraisal fee.* On the date the subsequent insured loan is closed, the County Supervisor will collect from the borrower all mortgage insurance charges and the reappraisal fee, if any, as follows:

(i) Any amount owed the mortgage insurance account on the initial insured loan as of the date the subsequent insured loan is closed.

(ii) The initial mortgage insurance charge on the amount of the additional advance for the fraction of the year from the date of closing the subsequent insured loan to the next March 31. The amount of the additional advance will be the difference between the amount of the new promissory note and the unpaid balance of principal and interest on the old promissory note as of the date of closing the subsequent insured loan.

(iii) If a reappraisal was made, an appraisal fee of $20 as in case of an initial insured loan.

(3) *When subsequent insured loan is made by holder of insured mortgage*—(i) *County office actions.* When the subsequent insured loan is to be made by the holder of the initial insured mortgage, the amount of funds to be requested will be the difference between the unpaid balance of principal and interest on the borrower's old promissory note as of the date of closing the subsequent insured loan and the amount of the borrower's new promissory note.

(a) On the date of loan closing, the County Supervisor will insert the date of closing as the date of "final payment received" on Form FHA–993 and will deliver Form FHA–993 and the original of the borrower's new promissory note to the holder.

(b) The County Supervisor will inform the holder as to the amount of the unpaid balance of principal and interest on the borrower's old promissory note as of the date of closing the subsequent insured loan. The County Supervisor will request that if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993 and return the forms to him, together with the canceled promissory note and mortgage for the initial insured loan and an instrument of satisfaction of the initial insured mortgage. He will also request the holder to send him a check payable to the order of the borrower in the amount of the difference between the unpaid balance of principal and interest on the borrower's old promissory note and the amount of the borrower's new promissory note.

(c) The loan check will be deposited in the borrower's supervised bank account.

(d) Upon receipt of the instrument of satisfaction of the initial insured mortgage from the holder, the County Supervisor will record the satisfaction, together with Form FHA–366.

(e) After cancellation by the State Director of the insurance endorsement on the canceled promissory note, the canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. The instrument of satisfaction and Form FHA–366 will also be delivered to the borrower after they have been recorded.

(4) *When subsequent insured loan is made by a new mortgage*—(i) *County Office actions.* When a subsequent insured loan to be made by a new mortgagee is ready for closing, the County Supervisor will request the new mortgagee to furnish him a check payable to the order of the borrower in the total amount to the subsequent insured loan.

(a) The subsequent insured loan will be closed as in the case of an initial insured loan and the loan check will be deposited in the borrower's supervised bank account.

(b) The borrower will be requested to draw a check to the order of the Farmers Home Administration in the amount of the unpaid balance of principal and interest on the initial promissory note as of the date of loan closing, plus 10 days' additional interest.

(c) The borrower's check will be remitted to the Area Finance Office as final payment of the borrower's initial note account and a receipt will be issued in the usual manner.

(d) Any overpayment of interest will be refunded by the Area Finance Office to the borrower for redeposit in the supervised bank account.

(e) Upon receipt in the County Office of the original and executed copy of Form FHA–993, the canceled promissory note, the real estate mortgage, and the instrument of satisfaction from the holder of the initial insured mortgage, the County Supervisor will record the instrument of satisfaction, together with Form FHA–366.

(f) The County Supervisor will deliver the canceled promissory note and the satisfied real estate mortgage to the borrower. The instrument of satisfaction and Form FHA–366 will also be delivered to the borrower after they have been recorded.

(ii) *Area Finance Office actions.* When the subsequent loan is made by a new mortgagee, if the collection pays in full the outstanding balance of the mortgage insurance account on the initial insured loan to the date of the receipt issued to the borrower and the outstanding balance of the initial note account to the date of the U. S. Treasury check to be issued to the holder of the initial insured mortgage, the Area Finance Manager will sign Form FHA–993 and will send this form to the holder. The Area Finance Manager will advise the holder that the borrower has made final payment of the note account; and that, upon receipt of the U. S. Treasury check, if the amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993 and send them to the County Supervisor, together with the canceled promissory note, the original real estate mortgage, and an instrument of satisfaction of the real estate mortgage.

(Secs. 1, 12, 44, 48, 60 Stat. 1072, 1076 as amended, 1069, 1070, sec. 5, 62 Stat. 535; 7 U. S. C. 1001, 1005b, 1018, 1022)

Dated: June 28, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 16, 1951.

C. J. MCCORMICK.
Acting Secretary of Agriculture.

[F. R. Doc. 51–8318; Filed, July 19, 1951; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (P. R. 51)–1, Supp. 3]

PART 702—SPECIAL AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1951

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 Special Agricultural Conservation Program; Puerto Rico, issued November 1, 1950 (15 F. R. 7420) as amended December 19, 1950 (15 F. R. 9180) and June 15, 1951 (16 F. R. 5864), is further amended as follows:

The following sections are added under the heading "Conservation Practices and Rates of Assistance":

§ 702.132 *Practice 22; constructing and maintaining throughout 1951 individual terraces around coffee trees.* Individual terraces around coffee trees should be constructed as nearly level as possible. Using the tree as an axis, the excavated area should have a radius of at least 3 feet on land having a slope of not more than 45 percent and of at least 2 feet on steeper slopes. The excavated soil should be used to fill in the slope below the trees. No payment will be made for constructing terraces on land having a slope of 2 percent or less. Payment will not be made for more than 450 terraces per acre, nor will payment be made if less than 300 terraces have been constructed per acre. Payment will not be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $2 per 100 terraces.

§ 702.133 *Practice 23; constructing and maintaining throughout 1951 individual catch pits on the upper side of coffee trees.* Catch pits must be from 30 to 42 inches long, 12 to 15 inches wide, and not less than 8 inches deep. No payment will be made for the construction of catch pits on land having a slope of 2 percent or less. Catch pits must be constructed outside the maximum limit of the area covered by the branches of the coffee trees, but always at the upper side of the coffee tree. Where the nature of the soil and other local conditions make adherence to the forgoing specifications neither practicable nor desirable, such changes may be made as are approved by the State office. In such case, the applicable payment per 100 catch pits shall be that approved by the State office, but in no event more than $1.75 per 100 catch pits. No payment will be made for more than 450 catch pits per acre, nor will payment be made if less than 300 catch pits have been constructed per acre. No payment will be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $1.75 per 100 catch pits.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 17th day of July 1951.

[SEAL] C. J. MCCORMICK.
Acting Secretary of Agriculture.

[F. R. Doc. 51–8412; Filed, July 19, 1951; 9:03 a. m.]

[Amdt. 2]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—REGULATIONS PERTAINING TO SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the Regulations Pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees (14 F. R. 5916) are hereby amended by deleting paragraph (c) of § 713.14.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1149, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 17th day of July 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51–8413; Filed, July 19, 1951; 9:03 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 52]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.639 *Blue civil airway No. 39 (Knoxville, Tenn., to U. S.-Canadian Border)* is amended by deleting the last portion which reads: "From the Syracuse, N. Y., radio range station via the intersection of the northwest course of the Syracuse, N. Y., radio range and the southwest course of the Watertown, N. Y., VHF radio range; Watertown, N. Y., VHF radio range station; the intersection of the northeast course of the Watertown, N. Y., VHF radio range and the southwest course of Massena, N. Y., VHF radio range station to the intersection of the northeast course of the Massena, N. Y., VHF radio range and the U. S.-Canadian Border" and by adding in lieu thereof: "From the Syracuse, N. Y., radio range station via the Watertown, N. Y., non-directional radio beacon; the intersection of a line bearing 33° True from the Watertown, N. Y., non-directional radio beacon and a line bearing 234° True from the Massena, N. Y., non-directional radio beacon; Massena, N. Y., non-directional radio beacon; Massena, N. Y., non-directional radio beacon via a direct line between the Massena, N. Y., non-directional radio beacon and the Montreal, Quebec, Canada, radio range station to the U. S.-Canadian Border."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 18, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8311; Filed, July 19, 1951; 8:45 a. m.]

[Amdt. 56]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REPORTING POINT ALTERATION

The reporting point alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.4639 is amended to read:

§ 601.4639 *Blue civil airway No. 39 (Knoxville, Tenn., to U. S.-Canadian Border).* No reporting points designated.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 18, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–8310; Filed, July 19, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

COMMINUTED TOMATO PRODUCTS CONTAINING ROTTEN TOMATO MATERIAL

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.24 *Notice to packers of comminuted tomato products.* It has long been known that tomato rot may be caused by one or more of the following: Fungus diseases, bacterial diseases, virus diseases, and certain nonparasitic diseases. Only the fungus rots are characterized by the presence of mold filaments. Mold counts on comminuted tomato products are not increased by incorporating within the product tomato rot caused by bacteria, virus, or nonparasitic factors. Although high mold counts on these products reveal that large amounts of rotten material are present, low mold counts do not necessarily demonstrate absence of the type of rot caused by the tomato diseases that are not characterized by mold filaments.

Inspections of canneries engaged in the packing of comminuted tomato products show that most packers effectively trim, sort out, and discard rotten tomatoes from the raw stock. Some packers, however, do not properly eliminate rotten tomato material, and a few packers deliberately use rotten tomatoes in these foods, provided the mold count remains low. Some packers, on occasion, have mixed tomato products having a high mold count with tomato products containing little or no mold, so as to produce a blend with a low mold count.

Packers of comminuted tomato products who rely upon the mold count as the sole or primary control procedure, to the neglect of adequate sorting and trimming, may produce products with low mold counts which contain substantial amounts of rot.

It is the purpose of this announcement to advise all canners of tomato products that:

(a) Although high mold count is conclusive evidence of inclusion of substantial amounts of rot, mold count is not the only way of establishing that comminuted tomato products contain decomposed tomato material.

(b) Where factory observations or other evidence reveals that comminuted tomato products contain rot not caused by mold, such rot, as well as that caused by mold, will be taken into account in applying the provisions of the Federal Food, Drug, and Cosmetic Act against adulteration.

(c) The blending of tomato products adulterated with tomato rot, of whatever kind, with tomato products made from sound tomatoes, or with other sound food, renders the blend adulterated.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: July 16, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–8343; Filed, July 19, 1951; 8:55 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

CORRECTIONS

1. In § 141.5 (d), the sentence reading "After 15 minutes titrate the excess iodine using 0.1N $Na_2S_2O_3$ • • •" is corrected to read: "After 15 minutes titrate the excess iodine using 0.01N $Na_2S_2O_3$ • • •."

2. In § 141.26 (h), the references to § 141.5 (c) is corrected to read "§ 141.5 (e)."

3. In § 141.32, the headnote of paragraph (c) is corrected to read: "(c) *N-(1-naphthyl)-ethylenediamine solution.*"

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: JULY 13, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–8341; Filed, July 19, 1951; 8:54 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

REVISED STERILITY TESTS AND SAMPLE REQUIREMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1950 Supp.; 16 F. R. 4963, 5395) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1950 Supp.; 16 F. R. 4963, 5395, 5471, 5699) are amended as indicated below:

1. Section 141.2 is amended to read as follows:

§ 141.2 *Sodium penicillin, calcium penicillin, potassium penicillin; sterility*—(a) *Culture medium.* In the test for bacteria, use U. S. P. fluid thioglycolate medium I or a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium and has growth-promoting, buffering, and oxygen-tension-controlling properties equal to or better than those of such medium. In the preparation of the medium from either the individual ingredients or any dehydrated mixture avoid contamination with calcium. In the test for molds and yeasts use U. S. P. Sabouraud Liquid Medium (Modified).

(b) *Conduct of test for bacteria.* Add not more than 10 milliliters of sterile distilled water, or sterile physiological salt solution, to each immediate container in the sample to be tested. From each of not less than seven immediate containers transfer aseptically the equivalent of approximately 300 milligrams, or the entire contents if the container is packaged to contain less than 300 milligrams, to individual tubes (38 x 200 millimeter size) each containing 75–100 milliliters of thioglycolate medium and sufficient penicillinase to completely inactivate the penicillin used in the test. (Prior to use, the tubes containing the medium with added penicillinase are incubated at 32° C.—35° C. for not less than 24 hours and examined for sterility.) After adding the penicillin to the tubes let them stand at room temperature for 2 hours, with frequent shaking. To one of such tubes add 1.0 milliliter of a 1:1,000 dilution of an 18–24 hour broth culture of M. pyogenes var. aureus (P. C. I.–209P and American Type Culture Collection 6538P). Incubate all tubes at 32° C.—35° C. for 5 days. The batch meets the requirements of the test for bacteria if on the first or second test the control tube and no other tube shows growth, or if the number of tubes (excluding the control tubes) that show growth in three or more consecutive tests is not more than 10 percent (to compen-

sate for contamination that may have been induced during the test) of the total number of samples tested.

(c) *Conduct of test for molds and yeasts.* Add not more than 10 milliliters of sterile distilled water or sterile physiological salt solution to each immediate container in the sample to be tested. From each of not less than four immediate containers transfer aseptically the equivalent of approximately 300 milligrams, or the entire contents if the container is packaged to contain less than 300 milligrams, to individual tubes each containing 75–100 milliliters of U. S. P. Sabouraud Liquid Medium. Incubate all tubes at approximately 25° C. for 5 days. The batch meets the requirements of the test for molds and yeasts if on the first or second test no tube shows growth, or if the number of tubes that show growth in three or more consecutive tests is not more than 10 percent (to compensate for contamination that may have been induced during the test) of the total number of samples tested.

2. Section 141.7 (b) is amended to read as follows:

§ 141.7 *Penicillin in oil and wax.* • • •

(b) *Sterility.* Transfer aseptically directly to the tubes of the medium the entire contents of single-dose containers or the equivalent of approximately 300 milligrams (activity) from each multiple-dose container, and proceed as directed in § 141.2.

3. Section 141.17 (c) is amended to read:

§ 141.17 *Penicillin sufonamide powder.* • • •

(c) *Sterility.* Transfer aseptically directly to the tubes of the medium approximately 0.5 gram from each container tested, and proceed as directed in § 141.2.

4. Section 141.23 (b) is amended to read as follows:

§ 141.23 *Crystalline penicillin and epinephrine in oil.* • • •

(b) *Sterility.* Proceed as directed in § 141.7 (b).

5. Section 141.29 (b) is amended to read as follows:

§ 141.29 *Procaine penicillin for aqueous injection.* • • •

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 300 milligrams (activity) from each multiple-dose container, and proceed as directed in § 141.2, except if it is the aqueous suspension of the drug and does not contain a preservative, incubate all tubes for 14 days.

6. Section 141.32 (a) is amended to read as follows:

§ 141.32 *Procaine penicillin and buffered crystalline penicillin etc.* • • •

(a) *Potency, sterility, moisture, pyrogens, toxicity, pH.* Proceed as directed in § 141.29, except in the sterility test of multiple-dose containers use approximately 400 milligrams (activity) from each container, in lieu of 300 milligrams.

7. Section 141.34 (e) is amended to read as follows:

§ 141.34 *Procaine penicillin and crystalline penicillin in oil.* • • •

(e) *Sterility.* Proceed as directed in § 141.7 (b), except in the case of multiple-dose containers use approximately 400 milligrams (activity) from each container, in lieu of 300 milligrams.

8. Section 141.39 (b) is amended to read as follows:

§ 141.39 *Penicillin and streptomycin etc.* • • •

(b) *Sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (combined activity) for each multiple-dose container, and proceed as directed in § 141.2, except that no control tube is used in the test for bacteria.

9. Section 141.42 (b) is amended to read as follows:

§ 141.42 *Crystalline penicillin and bacitracin.* • • •

(b) *Sterility.* Proceed as directed in § 141.39 (b).

10. Section 141.45 (b) is amended to read as follows:

§ 141.45 *l-Ephenamine penicillin G etc.* • • •

(b) *Sterility.* Proceed as directed in § 141.29 (b).

11. Section 141.102 is amended to read as follows:

§ 141.102 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility.* Use the entire contents of single-dose containers or the equivalent of approximately 0.5 gram (activity) from each multiple-dose container, and proceed as directed in § 141.2, except that neither penicillinase nor the control tube is used in the test for bacteria.

12. Section 141.108 (c) is amended to read as follows:

§ 141.108 *Dihydrostreptomycin sulfate etc.* • • •

(c) *Sterility.* Proceed as directed in § 141.102.

13. Section 141.201 (b) is amended to read as follows:

§ 141.201 *Aureomycin hydrochloride.* • • •

(b) *Sterility*—(1) *Culture medium.* Prepare fluid thioglycolate medium as described in § 141.2 (a).

(2) *Conduct of test.* Add aseptically to each of two tubes containing approximately 15 milliliters of fluid thioglycolate medium, 1.0 milliliter of a 5,000 micrograms per milliliter dilution in sterile distilled water of the aureomycin. Add 0.1 milliliter of the 5,000 micrograms per milliliter dilution to two additional tubes of thioglycolate medium. Incubate at 32° C.–35° C. for 4 days. If no tube shows growth, the sample is satisfactory.

14. Section 141.301 (b) is amended to read as follows:

§ 141.301 *Chloramphenicol.* • • •

(b) *Sterility.* Proceed as directed in § 141.201 (b).

15. Section 141.401 (b) is amended to read as follows:

§ 141.401 *Bacitracin.* • • •

(b) *Sterility.* Proceed as directed in § 141.102.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

16a. Section 146.24 (d) (2) and (3) are amended to read as follows:

§ 146.24 *Sodium penicillin etc.* • • •

(d) *Request for certification, check tests and assays; samples.* • • •

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of 10 immediate containers for sterility testing and, for all tests except sterility; one immediate container for each 5,000 immediate containers in the batch but in no case less than or more than the following quantities (excluding the 10 containers submitted for sterility):

(i) If it is not crystalline penicillin, not less than 6 or more than 13 immediate containers;

(ii) If it is crystalline penicillin, other than crystalline penicillin G or crystalline penicillin O, not less than 8 or more than 15 immediate containers;

(iii) If it is crystalline penicillin G or crystalline penicillin O, not less than 10 or more than 17 immediate containers; or

(iv) If it is packaged in containers of less than 100,000 units each for dental use, not less than 20 or more than 100 immediate containers if it is not crystalline penicillin, and not less than 40 or more than 100 immediate containers if it is crystalline penicillin.

Such sample shall be collected by taking single immediate containers before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 6 packages, or in the case of crystalline penicillin 10 packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: 10 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.24 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (ii), and (iii), (3) (i), and (4) of this section; $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (iv) of this section; and

17a. Section 146.25 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.25 *Penicillin in oil and wax etc.* • • •

(d) *Request for certification; samples.* • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages, except if it is represented to be free flowing, in which case not less than 4 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 6 packages if it is calcium penicillin or 10 packages if it is crystalline penicillin, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146.24 (b).

b. Section 146.25 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), and (ii) (*a*), and (iii) of this section; and

18a. Section 146.35 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.35 *Penicillin sulfonamide powder etc.* • • •

(d) *Requests for certification.* • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 or more than 100 immediate containers, unless each such container is packaged to contain more than 1 gram, in which case the sample shall consist of 1 gram for each 5,000 immediate containers in the batch, but in no case less than 20 grams or more than 100 grams.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers or 1-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146.24 (b).

b. Section 146.35 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $1.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) (*a*) and (iii) of this section; and

19a. Section 146.41 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.41 *Crystalline penicillin and epinephrine in oil.* • • •

(d) *Request for certification; samples.* • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 5 packages or more than 15 packages.

(*b*) For sterility testing; 10 packages. Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146.24 (b).

b. Section 146.41 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

20a. Section 146.42 (d) (2) is amended to read as follows:

§ 146.42 *Aluminum penicillin etc.* • • •

(d) • • •

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 6 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.42 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

21a. Section 146.43 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.43 *Aluminum penicillin in oil* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aluminum penicillin used in making the batch:

(*a*) For all tests except sterility; 6 packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146.42 (b).

b. Section 146.43 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $8.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) (*a*) and (iii) of this section; and

22a. Section 146.44 (d) (2) is amended to read as follows:

§ 146.44 *Procaine penicillin etc.* • • •

(d) • • •

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 10 packages.

(ii) For sterility testing: 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.44 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

23a. Section 146.45 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.45 *Procaine penicillin in oil.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of 300 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146.44 (b).

b. Section 146.45 (e) (1) is amended to read as follows:

(e) • • •

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

24a. Section 146.47 (d) (3) (i) is amended to read as follows:

§ 146.47 *Procaine penicillin for aqueous injections.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. Section 146.47 (d) (4) is amended to read as follows:

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

c. Section 146.47 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

25a. Section 146.48 (d) (2) is amended to read as follows:

§ 146.48 *Ephedrine penicillin etc.* • • •

(d) • • •

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.48 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

26. In § 146.50 (d) the last sentence is amended to read as follows:

§ 146.50 *Procaine penicillin and buffered crystalline penicillin etc.* • • •

(d) • • • If such batch is packaged for repacking, each portion in the sample required by § 146.47 (d) (4) shall consist of approximately 400 milligrams in lieu of 300 milligrams.

27a. In § 146.52 (a) (3) the last sentence is amended to read as follows:

§ 146.52 *Procaine penicillin and crystalline penicillin in oil.* (a) • • •

(3) • • • In addition to the 10 immediate containers required by § 146.45 (d) (3) (i) (*b*), he shall also submit in connection with his request a sample consisting of not less than 4 packages of the batch of procaine penicillin and crystalline penicillin in oil and a sample of the crystalline penicillin used in making the batch, consisting of 10 packages, each containing approximately equal portions of not less than 60 milligrams, and 10 packages, each containing approximately equal portions of not less than 300 milligrams.

b. Section 146.52 (b) is amended to read as follows:

(b) The fee for the services rendered with respect to each 60-milligram package of crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

28a. Section 146.58 (d) (3) (i) is amended to read as follows:

§ 146.58 *Penicillin and streptomycin etc.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. Section 146.58 (d) (4) is amended to read as follows:

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 12 approximately equal portions of at least 2 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

c. Section 146.58 (e) (1) is amended to read:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), (v), and (4) (i) of this section; and

29a. Section 146.63 (d) (3) (i) is amended to read as follows:

§ 146.63 *Crystalline penicillin and bacitracin.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. Section 146.63 (d) (4) is amended to read as follows:

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 approximately equal portions of at least 2 grams each.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram each.

Each such portion shall be taken from different parts of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

c. Section 146.63 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

30a. Section 146.64 (d) (2) is amended to read as follows:

§ 146.64 *l-Ephenamine penicillin G.* • • •

(d) • • •

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.64 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; and

31a. Section 146.65 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.65 *l-Ephenamine penicillin G in oil.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one package for each 500 packages in the batch, but in no case less than 3 packages or more than 12 packages.

(*b*) For sterility testing; 10 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The *l*-ephenamine penicillin G used in making the batch:

(*a*) For all tests except sterility; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing; 10 packages, each containing approximately equal portions of not less than 300 milligrams.

Each such portion shall be packaged in accordance with the requirements of § 146.64 (b).

b. Section 146.65 (e) (1) is amended to read:

(e) *Fees.* • • •

(1) $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; and

32a. Section 146.66 (d) (3) (i) is amended to read as follows:

§ 146.66 *l-Ephenamine penicillin G for aqueous injection.* • • •

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. Section 146.66 (d) (4) is amended to read as follows:

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

c. Section 146.66 (e) (1) is amended to read as follows:

(e) Fees. • • •

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

33a. Section 146.101 (d) (2) and (3) are amended to read as follows:

§ 146.101 *Streptomycin sulfate etc.* • • •

(d) • • •

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 5 or more than 12 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 5 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 0.5 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.101 (e) (1) is amended to read as follows:

(e) *Fees.* • • •

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; and

34a. Section 146.105 (d) (2) is amended to read as follows:

§ 146.105 *Streptomycin for topical use.* • • •

(d) • • •

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 50 or more than 100 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. In § 146.105, paragraph (e) (1) is amended by changing the words "paragraph (d) (2)" to read "paragraph (d) (2) (i)".

35a. Section 146.106 (d) (3) (i) and (ii) are amended to read as follows:

§ 146.106 *Streptomycin sulfate solution etc.* • • •

(d) • • •

(3) • • •

(i) The batch, if packaged for dispensing:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 5 or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The batch, if packaged for repacking or for use in the manufacture of another drug:

(*a*) For all tests except sterility; 5 packages.

(*b*) For sterility testing; 10 packages.

Each such package shall contain approximately 2 milliliters taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.106 (c) (1), first clause, is amended to read as follows:

(c) *Fees.* * * *

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (5) of this section; * * *

38a. Section 146.109 (d) (3) (i) is amended to read as follows:

§ 146.109 *Streptomycin - bacitracin - polymyxin gauze pads.* * * *

(d) * * *

(3) * * *

(i) The batch:

(*a*) For all tests except sterility: one pad for each 5,000 pads in the batch, but in no case less than 30 or more than 100 pads.

(*b*) For sterility testing: 10 pads.

Such samples shall be collected by taking single pads at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. In § 146.109, paragraph (e) (1), first clause, is amended to read as follows:

(e) *Fees.* * * *

(1) $1.00 for each pad in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; * * *

37a. Section 146.401 (d) (2) and (3) are amended to read as follows:

§ 146.401 *Bacitracin.* * * *

(d) * * *

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 6 or more than 13 immediate containers, except if the total potency contained in such immediate containers is less than 100,000 units and a sample of such batch has not been previously submitted under subparagraph (3) or (4) of this paragraph, such person shall submit, in addition to the quantity specified herein, one other container which contains a quantity sufficient to make the total potency of all containers in the sample equal to approximately 100,000 units.

(ii) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 6 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain approximately 0.5 gram, taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Section 146.401 (e) (1) is amended to read as follows:

(e) *Fees.* * * *

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; and

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides for changes in the test procedures for determining the sterility of penicillin, streptomycin, dihydostreptomycin, bacitracin, and preparations of such antibiotics that are represented to be sterile, and for a new test designed to detect the presence of molds and yeasts if they are present in the batch, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for changes in the test procedures for determining the sterility of penicillin, streptomycin, dihydrostreptomycin, bacitracin, and preparations of such antibiotics that are represented to be sterile, and for a new test designed to detect the presence of molds and yeasts if they are present in the batch.

Dated: June 13, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8340; Filed, July 19, 1951; 8:54 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1950 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1950 Supp.) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.46 *Procaine penicillin in streptomycin sulfate solution, procaine penicillin in dihydrostreptomycin sulfate solution.* (a) *Potency*—(1) *Procaine penicillin content.* Proceed as directed in § 141.1, except paragraph (i) thereof. Its content of procaine penicillin is satisfactory, if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin sulfate content.* Proceed as directed in § 141.101 (j) and (k).

(3) *Dihydrostreptomycin sulfate content.* Proceed as directed in § 141.108 (a).

(b) *Sterility.* Proceed as directed in § 141.39 (b).

(c) *Toxicity.* Proceed as directed in § 141.103.

(d) *Pyrogens.* Proceed as directed in § 141.104.

(e) *pH.* Proceed as directed in § 141.5 (b), using the undiluted aqueous suspension.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2. In § 146.24 *Sodium penicillin* * * *, paragraph (b) *Packaging* is amended by changing the words "or physiological salt solution U. S. P." at the end of the second sentence to read "physiological salt solution U. S. P., or an aqueous solution of a suitable local anesthetic.", and is further amended by deleting the last sentence in the paragraph.

3. Part 146 is amended by adding the following new section:

§ 146.67 *Procaine penicillin in streptomycin sulfate solution, procaine penicillin in dihydrostreptomycin sulfate solution (procaine penicillin in crystalline dihydrostreptomycin sulfate solution)*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin in streptomycin sulfate solution is procaine penicillin suspended in an aqueous solution of streptomycin sulfate. Procaine penicillin in dihydrostreptomycin sulfate solution is procaine penicillin suspended in an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution shall contain one or more suitable and harmless buffer substances, preservatives, and suspending or dispersing agents, and it may contain one or more suitable and harmless stabilizing agents. It is so purified that:

(1) Each immediate container or each milliliter shall contain not less than 300,000 units of procaine penicillin and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate;

(2) It is sterile;

(3) It is nonpyrogenic;

(4) It is nontoxic; and

(5) Its pH is not less than 5.0 and not more than 8.0.

The procaine penicillin used conforms to the requirements prescribed by § 146.44 (a). The streptomycin sulfate used conforms to the requirements prescribed by § 146.101 (a). The dihydrostreptomycin sulfate used conforms to the requirements prescribed by § 146.106 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters, and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container:

(i) The batch mark;

(ii) The number of units of procaine penicillin and the number of milligrams or grams of streptomycin sulfate or dihydrostreptomycin sulfate in each milliliter of the batch.

(iii) The name and quantity of each preservative used;

(iv) The statement "Expiration date ----," the blank being filled in with the date which is 12 months after the month during which the batch was certified;

(v) The statement "For intramuscular use only"; and

(vi) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the outside wrapper or container, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of units of procaine penicillin and the number of milligrams or grams of streptomycin sulfate or dihydrostreptomycin sulfate in each milliliter of the batch, the batch marks and (unless they were previously submitted) the dates on which the latest assays of the procaine penicillin and streptomycin sulfate or dihydrostreptomycin sulfate used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, pH.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

(iii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; potency, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 or more than 19 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; three packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.44 (b).

(iii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; three packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.101 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of:

(i) For all tests except sterility; 12 approximately equal portions of at least 2 milliliters.

(ii) For sterility testing; 10 approximately equal portions of at least 1 milliliter.

Each such portion shall be taken from different parts of such batch, and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

4. Section 146.106 (c) (1) (iii) and (2) are amended to read as follows:

§ 146.106 *Streptomycin sulfate solution.* * * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch

was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such time period such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

• • • • •

(2) On the outside wrapper or container the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

5a. In § 146.205 *Aureomycin powder* • • •, the first sentence of paragraph (a) *Standards of identity, etc.* is amended to read as follows: "Aureomycin powder is crystalline aureomycin, with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings."

b. In § 146.205, subparagraph (1) of paragraph (c) *Labeling* is amended by changing the period at the end of subdivision (iii) to a semicolon and by adding the following subdivision:

(iv) If it contains a preservative, the name and quantity of each such ingredient.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides for a change in the packaging requirements for penicillin sodium, calcium, and potassium to permit them to be packaged in combination with a container of a suitable local anesthetic when recommended for other than dental use only; for tests and methods of assay and certification of two new antibiotic preparations, procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution; for a change in the expiration date of streptomycin sulfate solution and dihydrostreptomycin sulfate solution from 12 to 18 months, if the person who requests certification has proved that his drug is stable for such period of time; and for addition of suitable and harmless preservatives to aureomycin powder, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for a change in the packaging requirements for penicillin sodium, calcium, and potassium to permit them to be packaged in combination with a container of a suitable local anesthetic when recommended for other than dental use only; for tests and methods of assay and certification of two new antibiotic preparations, procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution; for a change in the expiration date of streptomycin sulfate solution and dihydrostreptomycin sulfate solution from 12 to 18 months, if the person who requests certification has proved that his drug is stable for such period of time; and for addition of suitable and harmless preservatives to aureomycin powder.

Dated: July 13, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8338; Filed, July 19, 1951; 8:53 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

STREPTOMYCIN OR DIHYDROSTREPTOMYCIN AND KAOLIN IN GEL; STREPTOMYCIN OR DIHYDROSTREPTOMYCIN OTIC WITH ANTIFUNGAL AGENT

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq. and 1950 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1950 Supp.) are amended as indicated below:

1. Section 141.113 is amended to read as follows:

§ 141.113 *Streptomycin syrup, streptomycin and kaolin in gel, dihydrostreptomycin syrup, dihydrostreptomycin and kaolin in gel; potency.* Proceed as directed in § 141.101, except paragraph (k) thereof, and except if it is dihydrostreptomycin use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin or dihydrostreptomycin per milliliter that it is represented to contain.

2. Part 141 is amended by adding the following new section:

§ 141.115 *Streptomycin otic with antifungal agent, dihydrostreptomycin otic with antifungal agent*—(a) *Potency.* Proceed as directed in § 141.101, except paragraph (k) thereof, and if it is dihydrostreptomycin otic with antifungal agent use the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin or dihydrostreptomycin per milliliter that it is represented to contain.

(b) *pH.* Proceed as directed in § 141.5 (b), using the undiluted solution or suspension.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

3a. The headnote and paragraph (a) of § 146.108 are amended to read as follows:

§ 146.108 *Streptomycin sirup, streptomycin and kaolin in gel, dihydrostreptomycin sirup, dihydrostreptomycin and kaolin in gel*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sirup and dihydrostreptomycin sirup are streptomycin or dihydrostreptomycin dissolved in a suitable and harmless diluent that contains one or more suitable and harmless preservatives. Streptomycin and kaolin in gel and dihydrostreptomycin and kaolin in gel are streptomycin or dihydrostreptomycin dissolved or suspended in a suitable and harmless gel base that contains kaolin and one or more suitable and harmless preservatives and with or without pectin. Its potency is not less than 10 milligrams per milliliter. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2), (4), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146.103, except the standards for sterility, pyrogens, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Section 146.108 (c) (1) (ii) is amended to read as follows:

(c) *Labeling.* • • •

(1) • • •

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch;

c. Section 146.108 (c) (1) is amended by deleting the word "and" at the end of subdivision (iii), by changing the period at the end of subdivision (iv) to a semicolon, and by adding the following new subdivision:

(v) If it contains pectin and kaolin, the quantity of each such ingredient used and the name of the gel base.

d. Section 146.108 (c) (3) is amended by changing the word "syrup" to read "drug".

e. Section 146.108 (d) (1) is amended by inserting the words "or dihydrostreptomycin" between the word "streptomycin" and the word "used".

f. Section 146.108 (d) (2) (ii) is amended to read as follows:

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

g. Section 146.108 (d) (3) (ii), first clause, is amended to read: "The streptomycin or dihydrostreptomycin used in making the batch;".

h. Section 146.108 (e), first sentence, is amended by deleting the words "of streptomycin syrup".

4. Part 146 is amended by adding the following new section:

§ 146.110 *Streptomycin otic with antifungal agent, streptomycin otic with ——, dihydrostreptomycin otic with antifungal agent, dihydrostreptomycin otic with ——* (*the blank being filled in with the common or usual name of the antifungal agent*)—(a) *Standards of identity, strength, quality, and purity.* Streptomycin otic with antifungal agent and dihydrostreptomycin otic with antifungal agent are streptomycin or dihydrostreptomycin and one or more suitable antifungal agents, preservatives, and buffer substances, dissolved or suspended in a suitable and harmless vehicle. Its potency is not less than 2.5 milligrams per milliliter. Its pH is not less than 4.8 and not more than 6.0. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2), (4), (5), and (6) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146.103 (a), except the standards for sterility, pyrogens, histamine, and moisture. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be glass, so closed as to be a tight container as defined by the U. S. P., and of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin in each milliliter of the batch.

(iii) The name and quantity of each antifungal agent and preservative used.

(iv) The statement "Expiration date ——," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "*Caution:* To be dispensed only by or on the prescription of a physician."

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such drug, or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making the batch was completed, the potency per milliliter of the batch, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, pH.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides for two new antibiotic products, streptomycin or dihydrostreptomycin and kaolin in gel, and streptomycin otic or dihydrostreptomycin otic with antifungal agent, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for tests and methods of assay and certification of the two new antibiotic preparations, streptomycin or dihydrostreptomycin and kaolin in gel and streptomycin otic or dihydrostreptomycin otic with antifungal agent.

Dated: July 16, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8344; Filed, July 19, 1951; 8:55 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1950 Supp.; 16 F. R. 714, 2471, 4182) are amended as indicated below:

1. Section 146.211 *Aureomycin surgical powder (aureomycin hydrochloride surgical powder)* is amended in the following respects:

a. Paragraph (a), first sentence, is amended to read: "Aureomycin surgical powder is crystalline aureomycin, with or without suitable and harmless diluents, preservatives, and lubricants."

b. Paragraph (c) (1) is amended by deleting the word "and" at the end of subdivision (ii), by changing the period at the end of subdivision (iii) to a semicolon, and by adding the following new subdivision:

(iv) If it contains a preservative, the name and quantity of each such ingredient.

2. Section 146.402 *Bacitracin ointment* is amended in the following respects:

a. Paragraph (a), second sentence, is amended to read: "It may contain a suitable local anesthetic and one or more suitable sulfonamides."

b. Paragraph (c) (1) (iii) is amended to read:

(iii) If the batch contains a local anesthetic or one or more sulfonamides, the name and quantity of each such substance.

c. Paragraph (c) (3) is amended to read:

(3) On the label or labeling, if a local anesthetic and/or sulfonamides are present, after the name "bacitracin ointment," wherever it appears, the words "with ----------," (the blank being filled in with the common or usual names of the local anesthetic and sulfonamides) in juxtaposition with such name.

This order, which provides for the addition of suitable and harmless preservatives to aureomycin surgical powder and for the addition of one or more suitable sulfonamides to bacitracin ointment, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries, and since it would be against public interest to delay providing for the addition of suitable and harmless preservatives to aureomycin surgical powder and for the addition of one or more suitable sulfonamides to bacitracin ointment.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 13, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8339; Filed, July 19, 1951; 8:53 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

The Child Labor Regulations of the Secretary of Labor pursuant to the Fair Labor Standards Act of 1938, as amended, have heretofore been codified in the Code of Federal Regulations under Chapter IV of Title 29. Because of changes in administrative organization within the Department of Labor, it has been determined that codification of the Child Labor Regulations in Chapter IV is no longer appropriate, and that codification of these regulations under Subtitle A—Office of the Secretary of Labor, more properly conforms to the structure of the Code.

In order to accomplish the transfer of this material from Chapter IV to Subtitle A—Part 4, the entire body of these regulations is set forth below with the new part and section designations. The following table shows the new designation under Subtitle A Part 4 and the previous designation under Chapter IV:

New	*Old*
Subpart A, §§ 4.1 et seq.	Part 401
Subpart B, §§ 4.21 et seq.	Part 402
Subpart C, §§ 4.31 et seq.	Part 441
Subpart D, §§ 4.41 et seq.	Part 421
Subpart E, §§ 4.51 et seq.	Part 422
Subpart F, §§ 4.81 et seq.	Part 481
Subpart G, §§ 4.101 et seq.	Part 450

In addition to the recodification of this material as described in the foregoing, certain changes in Part 401—Certificates of Age (new Part 4, Subpart A), are being made to reflect the revised Departmental organization established on July 1, 1949, by Labor Department General Order Number 42 and under the Fair Labor Standards Amendments of 1949 (63 Stat. 910; 29 U. S. C. section 201), hereinafter specifically mentioned.

Section 401.1 and the footnote thereto are amended to reflect the amendment of section 3 (l) by the Fair Labor Standards Amendments of 1949, and the delegation by the Secretary of Labor of certain functions under the child labor provisions to the Administrator of the Wage and Hour Division and to the Director of the Bureau of Labor Standards under General Order No. 42. These changes are reflected throughout the revised regulation.

Section 401.3 is amended to permit the issuance of a certificate for agricultural employment directly to the minor to be returned by the employer to the minor upon the termination of his employment. These changes which adapt the certificate to the specific needs of employment in agriculture are necessitated by the restrictive amendment to the child labor agricultural exemption in section 13 (c) of the act effected by the Fair Labor Standards Amendments of 1949. Clarification is made therein where experience has shown it to be necessary.

Section 401.4 is amended to eliminate undue delay experienced in issuance of certificates.

The new § 401.5 reflects administrative changes incidental to General Order No. 42.

Section 401.7 concerning revocation of certificates is revised to conform with the division of responsibility established by General Order No. 42 and is simplified in the light of administrative experience.

Section 401.8 is revised to conform with § 401.7, as revised.

Several minor editorial changes are made throughout the regulation.

The above changes are for the most part editorial or formal in nature and deal with internal administrative organization and procedure and it has therefore been determined that no public procedure relative to these amendments is necessary. The following table indicates the transposition of the section numbers of this part from Part 401 to Subpart A of Part 4.

Old	*New*	*Old*	*New*
401.1	4.1	401.6	4.6
401.2	4.2	401.7	4.7
401.3	4.3	401.8	4.8
401.4	4.4	401.9	4.9
401.5	4.5	401.10	4.10

SUBPART A—CERTIFICATES OF AGE (CHILD LABOR REG. 1)

Sec.
4.1 Definitions.
4.2 Certificates of age, effect.
4.3 Information contained in certificate and disposition of certificate.
4.4 Proof of age.
4.5 Federal certificat of age.
4.6 Acceptance of State certificates.
4.7 Continued acceptability of certificates.
4.8 Revoked certificates.
4.9 Effect on other laws.
4.10 Revision of regulation.

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

4.21 Designation of States.
4.22 Designation of Territory of Alaska.

SUBPART C—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE (CHILD LABOR REG. 3)

4.31 Determination.
4.32 Effect of this subpart.
4.33 Occupations.
4.34 Periods and conditions of employment.
4.35 Certificates of age; effect.
4.36 Effect on other laws.
4.37 Revision of this subpart.

SUBPART D—PROCEDURE GOVERNING DETERMINATIONS OF HAZARDOUS OCCUPATIONS (CHILD LABOR REG. 5)

4.41 Investigation and conference.
4.42 Public hearing on proposed finding and order.
4.43 Rehearing.
4.44 Finding and order.
4.45 Revision of regulation.

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

4.51 Occupations in or about plants manufacturing explosives or articles containing explosive components (Order 1).
4.52 Motor-vehicle driver and helper (Order 2).
4.53 Coal-mine occupations (Order 3).
4.54 Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill (Order 4).
4.55 Occupations involved in the operation of power-driven woodworking machines (Order 5).
4.56 Occupations chart applying to Hazardous Occupations Orders Nos. 4 and 5 (§§ 4.54 and 4.55)
4.57 Occupations involving exposure to radioactive substances (Order 6).
4.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7).
4.59 Occupations involving the operation of power-driven metal forming, punching, and shearing machines (Order 8).
4.60 Occupations in connection with mining, other than coal (Order 9).

SUBPART F—UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS[1]

4.81 Definitions.
4.82 Agreements with State agencies.
4.83 Qualifications of the State agency.
4.84 Submission of plan.
4.85 Additional requirements.
4.86 Audits.
4.87 Transmission of official mail.
4.88 Enforcement.
4.89 Agreements and approved plans.
4.90 Amendments and repeal.

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

GENERAL

4.101 Introductory statement.
4.102 General scope of statutory provisions.
4.103 Comparison with wage and hours provisions.

COVERAGE OF SECTION 12 (a)

4.104 General.
4.105 "Producer, manufacturer, or dealer".
4.106 "Ship or deliver for shipment in commerce".
4.107 "Goods".
4.108 "Produced".
4.109 "Establishment situated in the United States".
4.110 "In or about".
4.111 Removal "within 30 days".

COVERAGE OF SECTION 12 (c)

4.112 General.
4.113 Employment "in commerce or in the production of goods for commerce".

JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12 (a) AND 12 (c)

4.114 General.
4.115 Joint applicability.
4.116 Separate applicability.

OPPRESSIVE CHILD LABOR

4.117 General.
4.118 Sixteen year minimum.
4.119 Fourteen year minimum.
4.120 Eighteen year minimum.
4.121 Age certificates.

EXEMPTIONS

4.122 General.
4.123 Agriculture.
4.124 Delivery of newspapers.
4.125 Actors and performers.
4.126 Parental exemption.

ENFORCEMENT

4.127 General.
4.128 Good faith defense.
4.129 Relation to other laws.

[1] The regulations in this subpart are also codified as Part 515 of this title.

SUBPART A—CERTIFICATES OF AGE (CHILD LABOR REG. 1)

AUTHORITY: §§ 4.1 to 4.10 issued under secs. 3, 11, 52 Stat. 1061, 1066, as amended; 29 U. S. C. 203, 211.

§ 4.1 *Definitions.* As used in this subpart:

(a) "Act" means the child-labor provisions of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201–219);

(b) "Wage and Hour Division" means the Wage and Hour Division of the United States Department of Labor;

(c) "Bureau of Labor Standards" means the Bureau of Labor Standards of the United States Department of Labor;

(d) "Oppressive child-labor age" means:

(1) Under the age of 16 years with respect to employment in any occupation;[1]

(2) 16 and under 18 years of age with respect to employment in any occupation found and by order declared by the Secretary of Labor to be particularly hazardous for the employment of minors of such ages or detrimental to their health or well-being.

(e) "A certificate of age" means a certificate as provided in § 4.2 (a) (1) or (2).

(f) "State agency" means any executive department, board, bureau or commission of the State or any division or unit thereof.

§ 4.2 *Certificates of age; effect.* (a) The employment of any minor shall not be deemed to constitute oppressive child labor under the act if his employer shall have on file an unexpired certificate, issued and held in accordance with this subpart, which shall be either:

(1) A Federal certificate of age, issued by a person authorized by the Administrator of the Wage and Hour Division showing that such minor is above the oppressive child-labor age applicable to the occupation in which he is employed, or

(2) A State certificate, which may be in the form of and known as an age, employment, or working certificate or permit, issued by or under the supervision of a State agency in such States as may be designated for this purpose by the Secretary of Labor on recommendation of the Director of the Bureau of Labor Standards showing that such minor is above the oppressive child-labor age applicable to the occupation in which he is employed. Any such certificate shall have the force and effect specified in § 4.6.

(b) The prospective employer of a minor, in order to protect himself from unwitting violation of the act, should obtain a certificate (as specified in paragraphs (a) (1) and (2) of this section) for the minor if there is any reason to believe that the minor's age may be below the applicable minimum for the occupation in which he is to be employed. Such certificate should always be obtained where the minor claims to be only one or two years above the applicable minimum age for the occupation in which he is to be employed. It should also be obtained for every minor claiming to be older than two years above the applicable minimum age if his physical appearance indicates that this may not be true.

§ 4.3 *Information contained in certificate and disposition of certificate.* (a) Except as provided in § 4.6, a certificate of age which shall have the effect specified in § 4.2 shall contain the following information:

(1) Name and address of minor.

(2) Place[2] and date of birth of minor, together with a statement indicating the evidence on which this is based.

(3) Sex of minor.

(4) Signature of minor.

(5) Name and address of minor's parent or person standing in place of parent.[2]

(6) Name and address of employer (if minor is under 18).[3]

(7) Industry of employer (if minor is under 18).[3]

(8) Occupation of minor (if minor is under 18).[3]

(9) Signature of issuing officer.

(10) Date and place of issuance.

(b) A certificate of age for a minor under 18 years of age shall be sent by a person authorized to issue such certificates to the prospective employer of the minor, who shall keep such certificate on file at the place of the minor's employment and who on the termination of the employment of the minor shall return the certificate to the person issuing it, except that a certificate issued for a minor 16 years of age or over for employment in agriculture may be given to the minor. A certificate returned to the issuing officer may be accepted as proof of age for the issuance of any subsequent certificate of age for that minor, without presentation of further proof of age, unless it is found that the proof of age originally submitted was in error. Whenever a certificate of age is issued for a minor 18 or 19 years of age it may be given to the minor by the person issuing the certificate. Every minor 18 or 19 years of age shall, upon entering employment, deliver his certificate of age to his employer for filing and upon the termination of the employment the

[1] Employment of a child by his parent or by a person standing in place of a parent in occupations other than manufacturing or mining or an occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being is exempt (section 3 (l)) from the 16-year minimum age standard. The act authorizes the Secretary of Labor to provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

[2] This information need not appear on the certificate if it is obtained and kept on file by the person issuing the certificate.

[3] This information need not appear on a certificate issued for employment in agriculture.

employer shall return the certificate to the minor.

§ 4.4 *Proof of age.* (a) Except as provided in § 4.6, a certificate of age which shall have the effect specified in § 4.2 shall be issued only upon application of the minor desiring employment or of the prospective employer to the person authorized to issue such certificate and only after acceptable documentary evidence of age has been received, examined, and approved. Such evidence shall consist of one of the following proofs of age, to be required in the order of preference herein designated, as follows:

(1) A birth certificate or attested transcript thereof or a signed statement of the recorded date and place of birth, issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(2) A record of baptism or attested transcript thereof showing the date and place of birth and date and place of baptism of the minor, or a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or other documentary evidence satisfactory to the Director of the Bureau of Labor Standards or, in case of a Federal certificate of age, to the Administrator of the Wage and Hour Division, such as a passport showing the age of the minor, or a certificate of arrival in the United States issued by the United States immigration office and showing the age of the minor, or a life-insurance policy: *Provided*, That such other documentary evidence has been in existence at least one year prior to the time it is offered as evidence: *And provided further*, That a school record of age or an affidavit of a parent or a person standing in place of a parent, or other written statement of age shall not be accepted except as specified in subparagraph (3) of this paragraph;

(3) The school record or the school-census record of the age of the minor, together with the sworn statement of a parent or person standing in place of a parent as to the age of the minor and also a certificate signed by a physician specifying what in his opinion is the physical age of the minor. Such certificate shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician as to the physical age of the minor is based. If the school or school-census record of age is not obtainable, the sworn statement of the parent or person standing in place of a parent as to the date of birth of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age.

(b) The officer issuing a certificate of age for a minor shall require the evidence of age specified in paragraph (a) (1) of this section in preference to that specified in paragraphs (a) (2) and (3) of this section, and shall not accept the evidence of age permitted by either subsequent paragraph unless he shall receive and file evidence that reasonable efforts have been made to obtain the preferred evidence required by the preceding paragraph or paragraphs before accepting any subsequently named evidence: *Provided*, That to avoid undue delay in the issuance of certificate, evidence specified in paragraph (a) (2) of this section may be accepted, or if such evidence is not available, evidence specified in paragraph (a) (3) of this section may be accepted if a verification of birth has been requested but has not been received from the appropriate bureau of vital statistics.

§ 4.5 *Federal certificates of age.* A Federal certificate of age which shall have the effect specified in § 4.2 shall be issued by a person authorized by the Administrator of the Wage and Hour Division and shall be issued in accordance with the provisions of §§ 4.3 and 4.4.

§ 4.6 *Acceptance of State certificates.* (a) A State in which age, employment, or working certificates or permits are found by the Director of the Bureau of Labor Standards to be issued by or under the supervision of a State agency substantially in accordance with the provisions of §§ 4.3 and 4.4 may be designated by the Secretary of Labor as a State in which certificates so issued shall have the force and effect specified in § 4.2 except as individual certificates may be revoked in accordance with § 4.7 hereof: *Provided*, That any State having a certificate system which does not entirely conform with this subpart may be so designated temporarily by the Secretary of Labor upon the basis of an agreement with an agency of the State pending such improvements in State law and procedure as will bring such State system up to the standard of this subpart.

(b) Certificates requiring conditions or restrictions additional to those required by this subpart shall not be deemed to be inconsistent herewith.

(c) The designation of a State under this section shall have force and effect during the period of time specified therein unless withdrawal of such designation at an earlier date is deemed desirable for the effective administration of the act. No withdrawal or expiration of the designation of a State under this section shall make any certificate invalid if it was issued by or under the supervision of a State agency as herein provided prior to such withdrawal or expiration. (For designation of States under this section see Subpart B of this part.)

§ 4.7 *Continued acceptability of certificates.* Whenever a person duly authorized to make investigations under this act shall obtain substantial evidence that the age of the minor as given on a certificate held by an employer subject to this act is incorrect, he shall inform the employer and the minor of such evidence and of his intention to request through the appropriate channels that action be taken to establish the correct age of the minor and to determine the continued acceptability of the certificate as proof of age under the act. The said authorized person shall request in writing through the appropriate channels that action be taken on the acceptability of the certificate as proof of age under the Fair Labor Standards Act and shall state the evidence of age of the minor which he has obtained and the reasons for such request. A copy of this request shall be sent by the Administrator of the Wage and Hour Division to the Director of the Bureau of Labor Standards for further handling through the State agency responsible for the issuance of certificates, except that in those States where Federal certificates of age are issued, action necessary to establish the correct age of the minor and to revoke the certificate if it is found that the minor is under age shall be taken by the Administrator of the Wage and Hour Division or his designated representative. The Director of the Bureau of Labor Standards shall have final authority in those States in which State certificates are accepted as proof of age under the act for determining the continued acceptability of the certificate, and the Administrator of the Wage and Hour Division shall have final authority for such determination in those States in which Federal certificates of age are issued. When such determination has been made in any case, notice thereof shall be given to the employer and the minor. In those cases involving the continued acceptability of State certificates, the appropriate State agency and the official who issued the certificate shall also be notified.

§ 4.8 *Revoked certificates.* A certificate which has been revoked as proof of age under the act shall be of no force and effect under the act after notice of such revocation.

§ 4.9 *Effect on other laws.* No provision of this subpart shall under any circumstances justify or be construed to permit noncompliance with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this subpart.

§ 4.10 *Revision of regulation.* Any person wishing a revision of any of §§ 4.1 to 4.9 may submit in writing to the Secretary of Labor a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of the petition, the Secretary of Labor believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing, with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to present their views, both in support of and in opposition to the proposed changes.

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

AUTHORITY: §§ 4.21 and 4.22 issued under secs. 3, 11, 52 Stat. 1061, 1066, as amended; 29 U. S. C. 203, 211.

§ 4.21 *Designation of States.* Pursuant to the provisions of Subpart A of this part (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as

Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201):

Alabama.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Puerto Rico.
Iowa.	Rhode Island.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	Wyoming.
Montana.	

§ 4.22 *Designation of Territory of Alaska.* The Territory of Alaska is designated as a State in which any of the following documents shall have the same force and effect as Federal certificates of age issued under Subpart A of this part:

(a) A birth certificate or attested transcript thereof, or a signed statement of the recorded date and place of birth issued by a registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A record of baptism or attested transcript thereof showing the age of the minor, or

(c) A statement based on the census records of the Alaska Native Service and signed by an administrative representative of the Service showing the name, date of birth, and place of birth of the minor.

SUBPART C—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE (CHILD LABOR REG. 3)

AUTHORITY: §§ 4.31 to 4.37 issued under sec. 3, 52 Stat. 1061; 29 U. S. C. 203.

§ 4.31 *Determination.* The employment of minors between 14 and 16 years of age in the occupations, for the periods, and under the conditions hereafter specified does not interfere with their schooling or with their health and well-being and shall not be deemed to be oppressive child labor.

§ 4.32 *Effect of this subpart.* In all occupations covered by this subpart the employment (including suffering or permitting to work) by an employer of minor employees between 14 and 16 years of age for the periods and under the conditions specified in § 4.34 shall not be deemed to be oppressive child labor within the meaning of the Fair Labor Standards Act of 1938.

§ 4.33 *Occupations.* This subpart shall apply to all occupations other than the following:

(a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(c) The operation of motor vehicles or service as helpers on such vehicles;

(d) Public messenger service;

(e) Occupations which the Secretary of Labor may, pursuant to section 3 (1) of the Fair Labor Standards Act and Reorganization Plan No. 2, issued pursuant to the Reorganization Act of 1945, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being;

(f) Occupations in connection with:

(1) Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

(2) Warehousing and storage;

(3) Communications and public utilities;

(4) Construction (including demolition and repair);

except such office (including ticket office) work, or sales work, in connection with subparagraphs (1), (2), (3), and (4) of this paragraph, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

§ 4.34 *Periods and conditions of employment.* Employment in any of the occupations to which this subpart is applicable shall be confined to the following periods:

(a) Outside school hours;

(b) Not more than 40 hours in any one week when school is not in session;

(c) Not more than 18 hours in any one week when school is in session;

(d) Not more than 8 hours in any one day when school is not in session;

(e) Not more than 3 hours in any one day when school is in session;

(f) Between 7 a. m. and 7 p. m. in any one day. This period shall be measured by applicable standard time, except that it shall be measured by applicable daylight saving time whenever such time is adopted as the official time of the community.

§ 4.35 *Certificates of age; effect.* The employment of any minor in any of the occupations to which this subpart is applicable, if confined to the periods specified in § 4.34, shall not be deemed to constitute oppressive child labor within the meaning of the act if the employer shall have on file an unexpired certificate, issued in substantially the same manner as that provided for the issuance of certificates in Subpart A of this part relating to certificates of age, certifying that such minor is of an age between 14 and 16 years.

§ 4.36 *Effect on other laws.* No provision of this subpart shall under any circumstances justify or be construed to permit noncompliance with the wage and hour provisions of the act or with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this subpart.

§ 4.37 *Revision of this subpart.* Any person wishing a revision of any of the terms of this subpart may submit in writing to the Secretary of Labor a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of the petition, the Secretary of Labor believes that reasonable cause for amendment of the subpart is set forth, he shall either schedule a hearing with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to be heard.

SUBPART D—PROCEDURE GOVERNING DETERMINATIONS OF HAZARDOUS OCCUPATIONS (CHILD LABOR REG. 5)

AUTHORITY: §§ 4.41 to 4.45 issued under sec. 3, 52 Stat. 1061; 29 U. S. C. 203.

§ 4.41 *Investigation and conference.* Preparatory to the making of a finding by the Secretary of Labor that an occupation or a group of occupations is particularly hazardous for the employment of minors between 16 and 18 years of age or is detrimental to their health or well-being, a study shall be made of information obtained by the Director of the Bureau of Labor Standards or submitted to him with respect to the hazardous or detrimental nature of such occupation or occupations. Conferences may be held with representative employers and workers in the industry, experts in industrial health and safety, and others for the purpose of discussing the nature and characteristics of the occupation or occupations under consideration. A public hearing may be held upon reasonable public notice of the time and place thereof whenever such action is deemed by the Director to be expedient for the purpose of obtaining such evidence with respect to the nature and characteristics of such occupation or group of occupations. A transcript of the proceedings of any such hearing shall be made and filed with the Bureau. A report of facts and conclusions with respect to the hazardous or detrimental nature of the occupation or occupations under consideration shall be prepared upon the basis of such information and evidence.

§ 4.42 *Public hearing on proposed finding and order.* A proposed finding and order shall be prepared upon the basis of the report of facts and conclusions with respect to a particular occupation or group of occupations. Before a proposed finding and order is made final, opportunity to be heard, on notice published in the FEDERAL REGISTER, shall be afforded interested parties as well as opportunity to submit briefs and documentary evidence with respect to such finding and order. Copies of the proposed finding and order shall be made available to the public at the office of the Bureau. A transcript of the proceedings, together with all information offered as evidence in writing, shall be filed with the Secretary of Labor for consideration.

§ 4.43 *Rehearing.* If, after such hearing, a substantial change in the pro-

posed finding and order is in the judgment of the Secretary of Labor required, a rehearing shall be held with respect to the proposed finding and order as so changed. Every such rehearing shall be conducted in the manner prescribed for hearings in § 4.42.

§ 4.44 *Finding and order.* A finding and order shall be made by the Secretary of Labor upon the basis of all the information and evidence in the case, including the report of facts and conclusions with respect to the particular occupation or occupations under consideration, and the evidence and briefs received with respect to the proposed finding and order. Every such finding and order shall be published, pursuant to law, in the FEDERAL REGISTER and by such other means as the Secretary of Labor deems reasonably calculated to give interested parties general notice of the making of such order. Such orders shall become effective 30 days after publication in the FEDERAL REGISTER or at such other time as may be provided therein upon good cause found and published therewith, and shall be made available to the public at the office of the Bureau.

§ 4.45 *Revision of regulation.* Any person wishing a revision of any of the terms of this subpart may submit in writing to the Secretary of Labor a petition setting forth the changes desired and the reason for proposing them. If, after consideration of the petition, the Secretary of Labor believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing, with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

AUTHORITY: §§ 4.51 to 4.60 issued under sec. 3, 52 Stat 1061; 29 U. S. C. 203.

NOTE: The provisions of this subpart declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture.

§ 4.51 *Occupations in or about plants manufacturing explosives or articles containing explosive components (Order 1)*—(a) *Finding and declaration of fact.* The following occupations in or about plants manufacturing explosives or articles containing explosive components are particularly hazardous for minors between 16 and 18 years of age:

(1) All occupations in or about any plant manufacturing explosives or articles containing explosive components except plants manufacturing small-arms ammunition not exceeding .50 caliber in size, shotgun shells, or blasting caps when manufactured in conjunction with small-arms ammunition.

(2) The following occupations in or about any plant manufacturing small-arms ammunition not exceeding .50 caliber in size, shotgun shells, or blasting caps when manufactured in conjunction with small-arms ammunition:

(i) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(ii) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(iii) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(iv) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(v) All occupations involved in the loading, inspecting, packing, and shipping of blasting caps.

(b) *Definitions.* For the purpose of this section:

(1) The term "plant manufacturing explosives or articles containing explosive components" means the land with all buildings and other structures thereon, used in connection with the manufacturing or processing of explosives or articles containing explosive components.

(2) The terms "explosives" and "articles containing explosive components" mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in "Regulations for Transportation by Rail of Explosives, etc." (49 CFR Parts 71–78) as amended, Docket 3666, issued pursuant to the act of March 4, 1921 (41 Stat. 1444, as amended; 18 U. S. C. Sup., 831, 832).

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.52 *Motor-vehicle driver and helper (Order 2).* (a) *Finding and declaration of fact.* The occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Definitions.* For the purpose of this section:

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.53 *Coal-mine occupations (Order 3).* (a) *Finding and declaration of fact.* All occupations in or about any coal-mine, except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant, are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Definitions.* For the purpose of this section:

(1) The term "coal" shall mean any rank of coal, including lignite, bituminous, and anthracite coals.

(2) The term "all occupations in or about any coal mine" shall mean all types of work performed in any underground working, open-pit, or surface part of any coal-mining plant that contribute to the extraction, grading, cleaning, or other handling of coal.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.54 *Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill (Order 4)*—(a) *Finding and declaration of fact.* All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are particularly hazardous for the employment of minors between 16 and 18 years of age, except the following:

(1) Exceptions applying to logging:

(i) Work in offices or in repair or maintenance shops.

(ii) Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.

(iii) Work in timber cruising, surveying, or logging-engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire-fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations: *Provided*, That the provisions of this paragraph shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles.

(iv) Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.

(v) Work in the feeding or care of animals.

(2) Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage-stock mill: *Provided*, That these exceptions do not apply to a portable sawmill the lumberyard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained: *And further provided*, That these exceptions do not apply to work which entails entering the sawmill building:

(i) Work in offices or in repair or maintenance shops.

(ii) Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.

(iii) Pulling lumber from the dry chain.

(iv) Clean-up in the lumberyard.

(v) Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power-driven equipment.

(vi) Clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks.

(b) *Definitions.* As used in this section:

(1) The term "all occupations in logging" shall mean all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting and unloading of such products in connection with logging; the constructing, repairing and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term shall not apply to work performed in timber culture, timber-stand improvement, or in emergency fire-fighting.

(2) The term "all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill" shall mean all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock; storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill, or in any planing mill or remanufacturing plant not a part of a sawmill.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.55 *Occupations involved in the operation of power-driven woodworking machines (Order 5)*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) *Definitions.* As used in this section:

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include (i) the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (ii) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) *Exemptions.* This section shall not apply to the employment of apprentice pattern makers, cabinet makers, airplane-model makers, ship joiners, and mold-loftsmen in the occupations declared particularly hazardous in paragraph (a) of this section, if such employment is incidental to their apprentice training, is intermittent and for short periods of time and under the direction and supervision of an instructor as a necessary part of such apprentice training, and is carried on in accordance with a written apprenticeship agreement that has been approved by the Federal Committee on Apprenticeship of the Bureau of Apprenticeship, United States Department of Labor, or by a State apprenticeship council or other authority recognized by the Federal Committee on Apprenticeship.

(d) [Reserved]

(e) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.56 *Occupations Chart Applying to Hazardous-Occupations Orders Nos. 4 and 5 (§§ 4.54 and 4.55).* (a) The Fair Labor Standards Act of 1938 establishes a basic minimum age of 16 years for employment and provides that this minimum age shall be raised to 18 in occupations found and declared particularly hazardous in accordance with the terms of the act.

(b) Hazardous-Occupations Order No. 4 (§ 4.54) declares that all occupations in logging and in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill, with certain specific exceptions, are particularly hazardous. This order applies to all work in connection with logging, including work in connection with the logging of saw timber, pulpwood, excelsior wood, chemical wood, fence posts, cordwood, or similar products, with a few occupations specifically excepted. It also applies to all work in the sawmill building and to all work about the sawmill except for a few specific occupations outside the sawmill building.

(c) Hazardous-Occupations Order No. 5 (§ 4.55) declares that occupations involving the operation of power-driven woodworking machines and off-bearing from certain machines are particularly hazardous. This applies to the operation of power-driven woodworking machines in the planing-mill department or other remanufacturing department of a sawmill, also to the operation of power-driven woodworking machines wherever found.

(d) This chart has been prepared to spell out the application of Hazardous-Occupations Orders Nos. 4 and 5 (§§ 4.54 and 4.55) in terms of the specific occupations usually found in industries the orders cover. It lists in separate columns occupations permitted for 16- and 17-year-old minors and occupations not permitted for minors of these ages. All of the occupations enumerated will not be found in all establishments and in some establishments additional occupations not listed may be found. The chart lists occupations in the usually accepted sense, as found in large establishments. It is not intended that it be used for interpreting Orders Nos. 4 and 5 (§§ 4.54 and 4.55, as applied to unusual conditions or to occupations not specifically described in the chart. In case of occupations not listed, or in case of doubt about any occupation, information as to whether the employment of minors under 18 is permitted should be obtained from the Bureau of Labor Standards or from the Wage and Hour and Public Contracts Divisions' regional offices in Boston, New York, Philadelphia, Birmingham, Nashville, Cleveland, Chicago, Kansas City, Dallas, and San Francisco, or from the North Carolina State Department of Labor, Raleigh, N. C., or the Minnesota Department of Labor and Industry, St. Paul, Minn.

(e) The chart is based on Order No. 4 as revised February 2, 1948, and on Order No. 5, as amended October 31, 1945.

HAZARDOUS-OCCUPATIONS ORDER NO. 4

LOGGING OCCUPATIONS

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
I. Logging engineering	(a) Timber cruising (estimating amount of timber in a tract; map making, etc.). (b) In surveying parties as transit man, rod man, chain man, etc.	
II. Construction and repair or maintenance of railroads, roads, or flumes.	(a) Repair or maintenance work (not construction work) as done by section hands, grade and track crews, laborers, swampers, carpenters, and all other jobs except those listed in opposite column (see (a)).	(a) Any work that involves the construction of railroads, roads, or flumes, and any work that involves the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles.
III. Felling and bucking trees in the woods	None	(a) Faller (cuts down the tree). (b) Bucker (cuts tree into log length). (c) Scaler (measures the amount of lumber in the log). (d) Swamper (laborer, cuts brush, etc.). (e) Limber (cuts limbs from fallen trees). (f) Saw filer (keeps saws and axes filed and ground).
IV. Skidding or yarding logs into place for loading on trucks or train:		
A. Power skidding	None	(a) Rigging slinger (installs equipment for yarding, helps yard logs). (b) Chokesetter (places choker (wire sling) about log to be moved, attaches sling to cable). (c) Chaser (removes the sling after log has been moved). (d) Whistle punk (transmits signals to yarder engineer for starting and stopping yarder engines). (e) Hook tender (foreman of yarding crew). (f) Sniper (rounds off ends of log to be moved). (g) Yarder engineer or skidder leverman (operates the yarder engine used to move logs). (h) Swamper (laborer, cuts away brush, etc.). (i) Fireman (fires the boiler on yarder engine).
B. Tractor skidding	None	(a) Tractor operator or cat skinner—(operates tractors used to move logs). (b) Chokesetter (places choker about log to be moved). (c) Tongs hooker (places tongs on log when tongs are used instead of slings). (d) Swamper (laborer who clears away brush and helps make landing for logs).
C. Animal skidding	None	(a) Loader (loads logs for transportation). (b) Swamper (laborer who clears away brush and helps make landing for logs). (c) Log snaker (drives animals used in skidding logs).
V. Loading logs on truck or train for transportation.	None	(a) Tongs hooker or loader (places tongs or hooks on log to be loaded). (b) Loader engineer or jammer operator (operates loading engine). (c) Top loader (foreman of loading crew). (d) Fireman (fires the boiler on loader). (a) Train crew (engineer, fireman, brakeman).
VI. Transportation of logs by truck, train or wate.	None	(b) Truck driver. (c) Boom-crewman (crew which transports logs by water). (d) Unloader (unloads truck or train). (e) Teamster (drives animals when used for hauling logs). (f) Scaler (measures number of board feet in logs on truck).
VII. Construction, operation, repair, or maintenance of living and administrative quarters of logging camps.	(a) Cook. (b) Cook house crew. (c) Carpenters. (d) Other camp work.	
VIII. Maintenance or repairs of equipment	(a) Any work done in the maintenance or repair shop, except the operation of power-driven woodworking machines (blacksmith, mechanic, carpenter, etc.).	(a) Any maintenance or repair work on equipment in the woods.
IX. Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cord-wood, or similar products.	(a) Peeler, barker, rosser (removes bark from logs) when work is not done in conjunction with and at the same time and place as other jobs declared hazardous.	(a) Peeling when done in conjunction with and at the same time and place as jobs declared hazardous.
X. Miscellaneous work in connection with logging.	(a) Fire patrolman and fire lookout (watch for fires, build fire trails and telephone lines, collect and burn brush). (b) Stableman, hostler (in charge of stables). (c) Office work.	(a) Fire watch (stationed near the logging operation, while work is in progress, to watch for sparks from rigging and machinery).

SAWMILL OCCUPATIONS[1]

I. Log pond and log storage yard	None	(a) Pondman (poles logs into the log slip for moving to log deck). (b) Drag-saw operator (cuts long logs in half). (c) Yardman (rolls logs to log deck).
II. In the sawmill building	None	(a) Scaler (measures logs on log deck and rolls log into position for the head saw). (b) Log deckman or log turner (the scaler's assistant). (c) Head sawyer (operates the head saw). (d) Dogger (operates the log holding mechanism on the head saw log carriage). (e) Block setter (operates mechanism controlling thickness of the cut of head saw). (f) Tail sawyer (removes boards and refuse at rear of head saw). (g) Edger man (operates the edger saw that cuts off bark from side of boards). (h) Edger line-up man or edger spotter (lines up boards for edger man). (i) Edger off-bearer (separates good boards from scrap at rear of edger). (j) Slasher man (operates slasher saw cutting up waste lumber). (k) Trimmer man (operates trimmer saw that cuts lumber to length). (l) Trimmer spotter (lines up boards for trimmer saw). (m) Gang sawyer (operates gang saw that saws large lumber into smaller boards). (n) Gang loader (lines up lumber for the gang sawyer). (o) Gang-saw taller (removes lumber at rear of gang saw). (p) Resaw operator (operates a saw for resawing boards). (q) Resaw line-up (lines up lumber for resaw operator). (r) Resaw taller (removes lumber at rear of resaw). (s) Hog feeder (operates hog mill to grind up scrap lumber). (t) Clean-up man (sweeps sawdust and refuse into refuse conveyors). (u) Saw-filer (sharpens saws in the filing room).

See footnote 1 at end of table.

HAZARDOUS-OCCUPATIONS ORDER NO. 4—Continued

SAWMILL OCCUPATIONS—continued

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
III. On the green or dry chain, the dry kiln and in the lumberyard.	(a) Grader, tallyman, and puller on dry chain or on dry drop sorter (grader grades and marks lumber on dry chain, tallyman records the amount of each grade of lumber, puller pulls lumber from chain). (b) Shipping clerk, tallyman, orderman, and other clerical work in yards or shipping sheds. (c) Clean-up in yard (cleans up refuse, etc., in lumberyard.)	(a) Grader, tallyman, and puller on the green chain and all other work on the green chain. (b) Lumber stacker, unstacker, loader, and unloader (stacks lumber or lumber products, unstacks lumber, loads or unloads cars). (c) Crane operator (operates a crane for handling lumber). (d) Crane hooker (hooks lumber on the crane for moving). (e) Jitney operator, truck driver, carrier operator (operates a lumber carrier or lumber truck for moving lumber).
IV. In a lath mill, shingle mill, or cooperage-stock mill.	(a) Handling and shipping of cooperage stock in yards or storage sheds, except operating or assisting in the operation of power-driven equipment.	(a) Handling and shipping of laths and shingles. (b) Stock picker (lath mill, picks pieces from conveyor for making into laths). (c) Bolterman (lath mill, operates a small gang saw). (d) Lath-feeder (lath mill, operates lath machines). (e) Lath tier (ties laths into bundles). (f) Shingle packer (shingle mill, packs shingles into bundles). (g) Cut-off sawyer (shingle mill, cuts logs into shingle lengths). (h) Knee bolter (shingle mill, cuts shingle bolts in quarters). (i) Block piler (shingle mill, piles blocks for shingle sawyer). (j) Shingle sawyer (shingle mill, operates shingle saw). (k) Splitter (cooperage-stock mill, splits bolts of cooperage stock). (l) Knee bolter, head turner, equalizer operator, cut-off sawyer, jointer operator, matcher operator, stave-saw operator, etc. (cooperage-stock mill, operate machines of various kinds). (m) Off-bearers, gluers, etc. (cooperage-stock mill, off-bearing from machines and other hand work).
V. Miscellaneous work about a sawmill	(a) Any work done in the repair or maintenance shop, except the operation of power-driven woodworking machines (mechanics, blacksmiths, etc.). (b) Office work.	(a) Millwright and maintenance work in the sawmill. (b) Work in the boiler house or powerhouse. (c) Work in the sawdust storage bins.

HAZARDOUS-OCCUPATIONS ORDER NO. 5

WOODWORKING OCCUPATIONS

Type of work	Occupation permitted for 16- and 17-year-old persons	Occupation not permitted for 16- and 17-year-old persons
I. In the planing mill, box factory, or other remanufacturing department.	(a) Off-bearing or tailing from: (1) Band saws. (2) Circular saws when the material is conveyed away from the saw table by some mechanical means such as an expulsion roller (cleat saw), moving belt, or gravity chute. (3) Planers, molders, or other surfacing machines. (4) Sanding machines. (5) Nailing or wire-stitching machines. (6) Presses, such as glue presses and box-board squeezers. (b) Placing material on a moving chain or in a hopper or slide for automatic feeding of special machines as used in box factories: (1) Band resaw with a chain feed. (2) Automatic nailing machine with hopper, belt, or chain feed. (3) Automatic wire-stitching machines with hopper or chain feed. (4) Box-board squeezers (Linderman machines with chain feed). (c) Operation of any woodworking machine by apprentice patternmakers, cabinet makers, airplane-model makers, ship jointers, and moldloftsmen (see Order No. 5 for conditions of apprenticeship). (d) Carrying or moving materials from one machine to another (hike-away). (e) Arranging materials for another person to feed into machine (table-up). (f) Work in preparation for shipment (tying-up, bundling, wrapping, etc.). (g) Handling or shipping of lumber products. (h) Operating machines or tools that are not woodworking machines such as: (1) Screw driver. (2) Wood-polishing machines. (3) Machines for tightening bolts.	(a) Operating or assisting the operator to feed: (1) Band saws. (2) Circular saws (table saws, swing saws, portable saws, etc.). (3) Surfacing machines (planers, shapers, jointers, molders, matchers, stickers, panel raisers, tenoners, etc.). (4) Lathes. (5) Drills, boring machines, mortisers. (6) Sanding machines (belt sanders, disc sanders, drum sanders, cone sanders, etc.). (7) Nailing and stapling machines, wire stitchers, berry box machines. (8) Veneer presses, other pressing machines. (b) Off-bearing or tailing from: (1) Circular saws, when the material is not conveyed away from the saw table by some mechanical means such as an expulsion roller, moving belt, or gravity chute. (c) Setting-up, adjusting, repairing, oiling, or cleaning machines.
II. In the manufacturing of veneer	(a) Work about the soaking pit. (b) Off-bearing from: (1) Veneer lathe. (2) Guillotine clipper when material is conveyed away from the point of operation by moving belt or gravity chute. (3) Other machines as listed under planing mill, etc. (c) Operating or assisting to operate: (1) Veneer-taping machine. (2) Glue spreader. (3) Veneer drier. (d) Carrying or moving material from one machine to another or otherwise handling or shipping veneer.	(a) Operating or assisting the operator to feed: (1) Veneer lathe. (2) Veneer clipper. (3) Veneer press. (4) Any other woodworking machine as given under planing mill, etc. (b) Off-bearing from a guillotine-action veneer clipper when material is not conveyed away from the point of operation by moving belt or gravity chute. (c) Setting-up, adjusting, repairing, oiling, or cleaning machines.

[1] None of these sawmill occupations are permitted in portable sawmills, that is in sawmills that are readily dismantled and moved from one tract of timber to another. Order No. 4 refers to a portable sawmill as one in which the lumberyard is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained. Further, none of these occupations are permitted in permanent sawmills when the work entails entering the sawmill building.

§ 4.57 *Occupations involving exposure to radioactive substances (Order 6)*—(a) *Finding and declaration of fact.* The following occupations involving exposure to radioactive substances are particularly hazardous and detrimental to health for minors between 16 and 18 years of age: Any work in any workroom in which (1) radium is stored or used in the manufacture of self-luminous compound, (2) self-luminous compound is made, processed, or packaged, (3) self-luminous compound is stored, used, or worked upon, (4) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged, or (5) other radioactive substances which require precautions in handling are manufactured, stored, or used.

(b) *Definitions.* As used in this section:

(1) The term "self-luminous compound" shall mean any mixture of phos-

phorescent material and radium, mesothorium, or other radioactive element.

(2) The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.58 *Occupations involved in the operation of power-driven hoisting apparatus (Order 7)*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

(1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one ton capacity.

(2) Work which involves riding on a freight elevator or on a manlift. (Where employees are customarily transported to their work place at the beginning and end of scheduled work periods in a freight elevator operated by an assigned operator, such riding shall not be considered as work within the intent of this paragraph.)

(3) Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

(b) *Definitions.* As used in this section:

(1) The term "elevator" shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.

(2) The term "crane" shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

(3) The term "derrick" shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with an hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy and stiff-leg derrick.

(4) The term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

(5) The term "high-lift truck" shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include high-lift trucks known under such names as fork lift, fork trucks, fork-lift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of material.

(6) The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.59 *Occupations involving the operation of power-driven metal forming, punching, and shearing machines (Order 8)*—(a) *Finding and declaration of fact.* The occupation of operator of or helper on the following power-driven metal forming, punching and shearing machines is particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being, and employment in such occupations is therefore prohibited under section 12 of the Fair Labor Standards Act, as amended:

(1) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(2) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(3) All bending machines, such as apron brakes and press brakes.

(4) All hammering machines, such as drop hammers and power hammers.

(5) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(b) *Definitions.* As used in this section:

(1) The term "operator" shall mean one who operates a forming, punching, or shearing machine by performing such functions as setting up the machine, starting and stopping it, placing the work in the machine and removing the finished work from the machine, and performing other related functions in connection with its operation.

(2) The term "helper" shall mean one who assists in the operation of a forming, punching, or shearing machine by helping place the work in or remove it from the machine.

(3) The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous: *Provided*, That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) In addition to the exemption for apprentices provided in subparagraph (1) of this paragraph, upon application to the Secretary of Labor, an exemption may be granted for minors employed under a written agreement for organized training which provides for at least 4,000 hours of employment in a craft recognized as an apprenticeable trade and under conditions which the Secretary of Labor finds to conform substantially to Federal apprenticeship standards, provided that the work of the minor in the occupations herein declared hazardous is incidental to his training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman.

(d) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

§ 4.60 *Occupations in connection with mining, other than coal (Order 9)*—(a) *Finding and declaration of fact.* All occupations in connection with mining, other than coal, are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and employment in such occupations is therefore prohibited under section 12 of the Fair Labor Standards Act, as amended, except the following:

(1) Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

(i) Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters;

(ii) Work of hand-sorting at picking table or picking belt;

(iii) General clean-up work:

Provided, however, That nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

(b) *Definitions.* As used in this section: The term "all occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro-metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

(c) *Higher standards.* This section shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

SUBPART F—UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

AUTHORITY: §§ 4.81 to 4.90 issued under sec. 4, 49 Stat. 2038, sec. 11, 52 Stat. 1066; 41 U. S. C. 38, 29 U. S. C. 211.

§ 4.81 *Definitions.* As used in this subpart:

(a) *Acts.* The term "acts" means the Fair Labor Standards Act of 1938 (52 Stat. 1060–1069, as amended; 29 U. S. C. and Sup., 201–219) and the Public Contracts Act (act of June 30, 1936; 49 Stat. 2036; 41 U. S. C. 35–45).

(b) *Administrator.* The term "Administrator" means the Administrator of the Wage and Hour Division of the United States Department of Labor.

(c) *Division.* The term "Division" means the Wage and Hour Division of the United States Department of Labor.

(d) *State.* The term "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(e) *State agency.* The term "State agency" means the agency in the State charged with the administration of labor laws which necessitate inspection of places of employment for (1) enforcement of State child-labor regulations and (2) enforcement of State maximum-hour or State minimum-wage regulations.

(f) *Official forms.* The term "official forms" means forms prescribed by the Administrator or the Secretary of Labor.

§ 4.82 *Agreements with State agencies*—(a) *Purpose.* The Secretary and the Administrator may enter into agreements with State agencies for the utilization of services of State and local agencies and their employees in making investigations and inspections under the acts and for reimbursement therefor, when such State agencies have submitted plans of cooperation for such purposes and such plans have been found to be reasonably appropriate and adequate to carry out the respective functions of the Secretary and the Administrator.

(b) *Certificates of attorneys general.* No such agreement shall become effective and operative until a statement of the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, has been received by the Division and the Secretary of Labor certifying that the agreement is valid in the form as executed under the laws of the State.

§ 4.83 *Qualifications of the State agency.* The State agency shall have as its primary function the administration of State labor laws and shall be under the direction of an executive who gives full time to the work of the agency. The agency shall be engaged in inspecting places of employment for (a) enforcement of State child-labor laws and regulations, and (b) enforcement of State maximum-hour or minimum-wage laws and regulations. An administrative division of the State agency shall be designated to make investigations and inspections under the acts; qualified staff, under adequate supervision, shall be specifically assigned for work connected with State and Federal child-labor, maximum-hour and minimum-wage laws and regulations; and provision shall be made to inspect any establishment subject to the acts.

§ 4.84 *Submission of plan.* The State agency shall submit a plan, in quadruplicate, which shall include the following:

(a) A copy of the act establishing the State agency, copies of the laws administered by the State agency, and if there is an act specifically authorizing the State to cooperate with the Division or the Secretary of Labor, or both, a copy of such act.

(b) A description of the organization of the State agency, illustrated by organization charts, showing the delegation of responsibility and lines of authority to be followed within the agency in the enforcement of the act and State labor laws.

(c) A description (1) of the manner in which investigations and inspections under the acts will be coordinated with the investigations and inspections for enforcement of State child-labor, maximum-hour and minimum-wage laws and regulations; (2) of the location of offices of the administrative division designated to make inspections under the acts, with the job titles of employees located in each such office and employees assigned to work in connection with the acts so designated; and (3) of the manner in which the work of inspectors will be supervised.

(d) Provisions for the establishment and maintenance of personnel administration, with respect to personnel engaged in work under the acts for the Division and the Secretary of Labor in accordance with the following standards:

(1) Job classifications based upon an analysis of the duties and responsibilities of positions;

(2) A compensation schedule adjusted to State salary schedules for similar positions: *Provided, however*, That all salaries paid by the State for services rendered in accordance with an agreement entered into pursuant to § 4.82 shall be on the basis of applicable State laws or regulations, or in the absence of such applicable laws or regulations, on the approved and usual scale paid by the State for similar services and shall in no case exceed salaries paid for comparable Federal positions in the competitive classified service. Allowances for necessary traveling expenses shall be on the basis of State laws and regulations governing travel allowances;

(3) Assignment of personnel to Federal work only when their qualifications conform substantially with qualifications of Federal employees engaged in similar work, such assignment to be made only after submission to and approval by the Division and the Secretary of Labor of a statement of the training and experience of each person who will engage in Federal work;

(4) Appointment of new personnel on the basis of merit, either (i) from lists

of eligible persons certified in the order of merit, secured under a merit system through State-wide competitive examinations which prescribe requirements of training and experience in substantial conformity with Federal civil service requirements for similar positions or (ii) from lists taken from Federal registers established through competitive examinations for similar positions, it being understood that such registers may be broken down by States;

(5) Adequate training of staff;

(6) Promotion on the basis of qualifications and performance;

(7) Security of tenure assured satisfactory employees, including right of notice and hearing prior to demotion or dismissal;

(8) Prohibition against employees engaging in political activities other than the exercise of their right to vote and to express privately their opinions on political questions.

(e) A budget which shall show, in detail, estimated expenditures by the State agency on behalf of the Division and the Secretary of Labor for services to be rendered in connection with the administration of the acts and a budget which shall show estimated expenditure for the enforcement of comparable State laws and regulations during the period covered by the agreement; a statement showing funds appropriated to or allocated for meeting the budget for estimated State expenditures; and a statement showing expenditures by the State agency for the enforcement of comparable State laws and regulations during the last fiscal year.

(f) A statement of State requirements in regard to fiscal practices and to appointment of personnel, together with copies of the laws and regulations setting forth such requirements.

(g) A statement from the Attorney General of the State or, if the Attorney General is not authorized to make such a statement, from the State official who is so authorized certifying that the State agency has authority to enter into an agreement with the Division and the Secretary of Labor in accordance with this subpart.

§ 4.85 *Additional requirements.* (a) The State agency shall follow the procedure set forth in the Inspection Manual for the enforcement of the act and such supplements to or provisions thereof as may be issued from time to time by the Division or the Secretary of Labor; use official forms for recording findings; make reports as required; and carry on the work connected with the administration of the acts in conformity with the plans and budget agreed upon and with the instructions and policies of the Division and the Secretary of Labor.

(b) Representatives of the Division and the Secretary of Labor may at any time, upon notifying the State agency, make such inspections and investigations and secure such information as may be necessary for the administration of the acts.

§ 4.86 *Audits.* The accounting records and the supporting data pertaining to expenditures for investigations and inspections under the acts shall be subject to audit by the Division and the Secretary of Labor, annually, or so often as the Administrator and the Secretary of Labor, may require.

§ 4.87 *Transmission of official mail.* Subject to the requirements of law and of the regulations of the Post Office Department, franked self-addressed envelopes may be used for communications from the field staff to a State official designated by the Division and the Secretary of Labor, and for communication from the State agency to the Division or the Secretary of Labor.

§ 4.88 *Enforcement.* All litigation relating to the enforcement of the acts, other than civil actions for the recovery of wages due instituted pursuant to section 16 (b) of the Fair Labor Standards Act of 1938 and all administrative proceedings instituted pursuant to section 5 of the Public Contracts Act shall be undertaken by and be under the direction and control of the Federal Government. Any State agency intending to institute a civil action in behalf of an employee or employees for the recovery of wages due, pursuant to section 16 (b) of the Fair Labor Standards Act of 1938 shall notify the Division and the Secretary of Labor prior to the institution of such action.

§ 4.89 *Agreements and approved plans.* Agreements and approved plans incorporated therein may be amended upon the consent of the parties thereto.

§ 4.90 *Amendments and repeal.* This subpart may be amended or repealed by appropriate joint regulations issued by the Secretary of Labor and the Administrator: *Provided, however,* That no such amendment or repeal shall be effective as to any agreement previously entered into by a State agency without its consent thereto.

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 138, AS AMENDED

AUTHORITY: §§ 4.101 to 4.129 issued under 52 Stat. 1060–1069, as amended; 29 U. S. C. and Sup., 201–219.

GENERAL

§ 4.101 *Introductory statement.* (a) This subpart discusses the meaning and scope of the child labor provisions of the Fair Labor Standards Act, as amended[1] (hereinafter referred to as the act). These provisions seek to protect the safety, health, well-being and opportunities for schooling of youthful workers and authorize the Secretary of Labor to issue legally binding orders or regulations in certain instances and under certain conditions. The child labor provisions are found in sections 3 (l), 11 (b), 12, 13 (c) and (d), 15 (a) (4), 16 (a), and 18 of the act. They are administered and enforced by the Secretary of Labor who has delegated[2] to the Wage and Hour Division the duty of making investigations to obtain compliance, and to the Bureau of Labor Standards the duty of developing standards for the issuance of regulations and orders relating to (1) hazardous occupations, (2) employment of 14- and 15-year-old children, and (3) age certificates.

(b) The interpretations of the Secretary contained in this subpart indicate the construction of the law which will guide him in performing his duties until he is directed otherwise by authoritative rulings of the courts or until he shall subsequently decide that his prior interpretation is incorrect.

§ 4.102 *General scope of statutory provisions.* The most important of the child labor provisions are contained in sections 12 (a), 12 (c), and 3 (l) of the act. Section 12 (a) provides that no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any goods produced in an establishment in or about which oppressive child labor was employed within 30 days before removal of the goods. The full text of this subsection is set forth in § 4.104 and its terms are discussed in §§ 4.105 to 4.111, inclusive. Section 12 (c) prohibits any employer from employing oppressive child labor in interstate or foreign commerce or in the production of goods for such commerce. The text and discussion of this provision appear in §§ 4.112 and 4.113. Section 3 (l) of the act, which defines the term "oppressive child labor," is set forth in § 4.117 and its provisions are discussed in §§ 4.118 to 4.121, inclusive. It will further be noted that the act provides various specific exemptions from the foregoing provisions which are set forth and discussed in §§ 4.122 to 4.126, inclusive.

§ 4.103 *Comparison with wage and hours provisions.* A comparison of the child labor provisions with the so-called wage and hours provisions contained in the act discloses some important distinctions which should be mentioned.

(a) The child labor provisions contain no requirements in regard to wages. The wage and hours provisions, on the other hand, provide for minimum rates of pay for straight time and overtime pay at a rate not less than one and one-half times the regular rate of pay for overtime hours worked. Except as provided in certain exemptions contained in the act, these rates are required to be paid all employees subject to the wage and hours provisions, regardless of their age or sex. The fact, therefore, that the employment of a particular child is prohibited by the child labor provisions or that certain shipments or deliveries may be proscribed on account of such employment, does not relieve the employer of the duties imposed by the wage and hours provisions to compensate the child in accordance with those requirements.

(b) There are important differences between the child labor provisions and the wage and hours provisions with respect to their general coverage. As pointed out in § 4.114, two separate and basically different coverage provisions are contained in section 12 relating to child labor. One of these provisions (section 12 (c)), which applies to the employment by an employer of oppressive child labor in commerce or in the production of goods for commerce, is similar to the wage and hours coverage provisions, which include employees engaged in commerce or in the production of goods for commerce. The other provision (section 12 (a)), however, differs fundamentally in its basic concepts of coverage from the wage and hours provisions, as will be explained in §§ 4.104 to 4.111.

(c) Another distinction is that the exemptions provided by the act from the minimum wage and or overtime provisions are more numerous and differ from the exemptions granted from the child labor provisions. There are only four specific child labor exemptions of which only one applies to the minimum wage and overtime pay requirements as well. This is the exemption for employees engaged in the delivery of newspapers to the consumer.[3] With this exception, none of the specific exemptions from the minimum wage and/or overtime pay requirements applies to the child labor provisions. However, it should be noted that the exclusion of certain employers by section 3 (d)[4] of the act applies to the child labor provisions as well as the wage and hours provisions.

COVERAGE OF SECTION 12 (a)

§ 4.104 *General.* Section 12 (a) of the act provides as follows:

> No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided,* That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: *And provided further,* That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

In determining the applicability of this provision, consideration of the meaning of the terms used is necessary. These terms are discussed in §§ 4.105 to 4.111, inclusive.

§ 4.105 *"Producer, manufacturer, or dealer".* It will be observed that the prohibition of section 12 (a) with respect to certain shipments or deliveries for shipment is confined to those made by producers, manufacturers, and dealers. The terms "producer, manufacturer, or dealer" used in this provision are not expressly defined by the statute. However, in view of the definition of "produced" in section 3 (j), for purposes of this subsection a "producer" is considered to be one who engages in producing, manufacturing, handling or in any other manner working on goods in any State.[5] Since manufacturing is considered a specialized form of production, the word "manufacturer" does not have as broad an application as the word "producer." Manufacturing generally involves the transformation of raw materials or semifinished goods into new or different articles. A person may be considered a "manufacturer" even though his goods are made by hand, as is often true of products made by homeworkers. Moreover, it is immaterial whether manufacturing is his sole or main business. Thus, the term includes retailers who, in addition to retail selling, engage in such manufacturing activities as the making of slip-covers or curtains, the baking of bread, the making of candy, or the making of window frames. The word "dealer" refers to anyone who deals in goods (as defined in section 3 (i) of the act),[6] including persons engaged in buying, selling, trading, distributing, delivering, etc. It includes middlemen, factors, brokers, commission merchants, wholesalers, retailers and the like.

§ 4.106 *"Ship or deliver for shipment in commerce."* (a) Section 12 (a) forbids producers, manufacturers, and dealers to "ship or deliver for shipment in commerce" the goods referred to therein. A producer, manufacturer, or dealer may "ship" goods in commerce either by moving them himself in interstate or foreign commerce or by causing them to so move, as by delivery to a carrier.[7] Thus, a baker "ships" his bread in commerce whether he carries it in his own truck across State lines or sends it by contract or common carrier to his customers in other States. The word "ship" must be applied in its ordinary meaning. For example, it does not apply to the transmission of telegraphic messages.[8]

(b) To "deliver for shipment in commerce" means to surrender the custody of goods to another under such circumstances that the person surrendering the goods knows or has reason to believe that the goods will later be shipped in commerce.[9] Typical is the case of a Detroit manufacturer who delivers his goods in Detroit to a distributor who, as the manufacturer is well aware, will ship the goods into another State. A delivery for shipment in commerce may also be made where raw materials are delivered by their producer to a manufacturer in the same State who converts them into new products which are later shipped across State lines. If the producer in such case is aware or has reason to believe that the finished products will ultimately be sent into another State, his delivery of the raw materials to the manufacturer is a delivery for shipment in commerce. Another example is a paper box manufacturer who ships a carton of boxes to a fresh fruit or vegetable packing shed within the same State, with knowledge or reason to believe that the boxes will there be filled with fruits or vegetables and shipped outside the State. In such case the box manufacturer has delivered the boxes for shipment in commerce.

§ 4.107 *"Goods".*[10] (a) Section 12 (a) prohibits the shipment or delivery for shipment in commerce of "any goods" produced in an establishment which were removed within 30 days of the employment there of oppressive child labor. It should be noted that the statute does not base the prohibition of section 12 (a) upon the percentage of an establishment's output which is shipped in commerce.

(b) The act furnishes its own definition of "goods" in section 3 (i), as follows:

> "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

The term includes such things as foodstuffs, clothing, machinery, printed materials, blueprints and also includes intangibles such as news, ideas, and intelligence. The statute expressly excludes goods after their delivery into the actual physical possession of an ultimate consumer other than a producer,

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[1] Pub. No. 718, 75th Cong., 3d sess. (52 Stat. 1060), as amended by the act of June 26, 1940 (Pub. Res. No. 88, 76th Cong., 3d sess.); by Reorganization Plan No. 2 (60 Stat. 1095), effective July 16, 1946; by the Portal-to-Portal Act of 1947, approved May 14, 1947 (61 Stat. 84); and by the Fair Labor Standards Amendments of 1949, approved October 26, 1949 (Pub. Law 393, 81st Cong., 1st sess.). Amendments provided by the Fair Labor Standards Amendments of 1949 are effective as of January 25, 1950. These amendments leave the existing law unchanged except as to provisions specifically amended and the addition of certain new provisions.

[2] General Order No. 42 issued by the Secretary on July 1, 1949.

[3] Section 13 (d) of the act.

[4] Section 3 (d) defines "employer" to include "any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

[5] For a discussion of the definition of "produced" as it relates to section 12 (a), see § 4.108.

[6] See § 4.107.

[7] Section 3 (b) of the act defines "commerce" to mean "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof."

[8] Western Union Telegraph Co. v. Lenroot, 323 U. S. 490.

[9] Tobin v. Grant, N. D. Calif., 79 F. Sup. 975 which was a suit for injunction by the Secretary of Labor against a manufacturer of books and book covers employing oppressive child labor. The facts showed that the manufactured articles sold by defendant to purchasers in the same State had an ultimate out-of-State destination which was manifest to defendant. The court construed the words "deliver for shipment in commerce" as sufficiently broad to cover this situation even though the purchasers acquired title to the goods.

[10] The term "goods" is discussed in more detail in Part 776 of this title (Interpretative Bulletin on the coverage of the wage and hours provisions) issued by the Administrator of the Wage and Hour Division.

manufacturer, or processor thereof. Accordingly, such a consumer may lawfully ship articles in his possession although they were ineligible for shipment (commonly called "hot goods") before he received them.[11]

§ 4.108 *"Produced".* The word "produced" as used in the act is defined by section 3 (j) to mean:

• • • produced, manufactured, mined, handled, or in any other manner worked on in any State; • • •[12]

(a) The prohibition of section 12 (a) cannot apply to a shipment of goods unless those goods (including any part or ingredient thereof) were actually "produced" in and removed from an establishment where oppressive child labor was employed. This provision is applicable even though the under-age employee does not engage in the production of the goods themselves if somewhere in the establishment in or about which he is employed goods are "produced" which are subsequently shipped or delivered for shipment in commerce. In contrast to this restrictive requirement of section 12 (a), it will be noted that the employees covered under the wage and hours provisions as engaged in the production of goods for commerce are not limited to those in or about establishments where such goods are being produced. If the requisite relationship[13] to production of such goods is present, an employee is covered for wage and hours purposes regardless of whether his work brings him in or near any establishment where the goods are produced.[14]

(b) Since the first word in the definition of "produced" repeats the term being defined, it seems clear that the first word must carry the meaning that it has in everyday language. Goods are commonly spoken of as "produced" if they have been brought into being as a result of the application of work. The words "manufactured" and "mined" in the definition refer to special forms of production. The former term is generally applied to the products of industry where existing raw materials are transformed into new or different articles by the use of industrial methods, either by the aid of machinery or by manual operations. Mining is a type of productive activity involving the taking of materials from the ground, such as coal from a coal mine, oil from oil wells, or stone from quarries. The statute also defines the term "produced" to mean "handled" or "in any other manner worked on."[15] These words relate not only to operations carried on in the course of manufacturing, mining, or production as commonly described, but include as well all kinds of operations which prepare goods for their entry into the stream of commerce, without regard to whether the goods are to be further processed or are so called "finished goods."[16] Accordingly, warehouses, fruit and vegetable packing sheds, distribution yards, grain elevators, etc., where goods are sorted, graded, stored, packed, labeled or otherwise handled or worked on in preparation for their shipment out of the State are producing establishments for purposes of section 12 (a).[17] However, the handling or working on goods, performed by employees of carriers which accomplishes the interstate transit or movement in commerce itself, does not constitute production under the act.[18]

§ 4.109 *"Establishment situated in the United States".* (a) (1) The statute does not expressly define "establishment." Accordingly, the term should be given a meaning which is not only consistent with its ordinary usage, but also designed to accomplish the general purposes of the act. As normally used in business and in Government, the word "establishment" refers to a distinct physical place of business. This is the meaning attributed to the term as it is used in section 13 (a) (2) of the act.[19] Since the establishments covered under section 12 (a) of the act are those in which goods are produced, the term "establishment" there refers to a physical place where goods are produced. Typical producing establishments are industrial plants, mines, quarries, and the like. The producing establishment, however, need not have a permanently fixed location as is the case with a factory or mine. A boat, for instance, where productive activities such as catching or canning fish are carried on, is considered a producing establishment for purposes of section 12 (a).

(2) Frequently, questions arise as to what should be considered a single establishment. No hard and fast rule can be laid down which will fix the area of all establishments. Accordingly, a determination of the area contained in a single establishment must be based upon the facts of each individual situation. Facts which are particularly pertinent in this connection, however, are those which relate to the physical characteristics and the manner of operation and control of the business. Sometimes, an establishment may extend over an area of several square miles as is common with farms, logging enterprises, mines, and quarries. On the other hand, it may be confined to a few square feet. A typical illustration of this is a loft building that houses the workshops of hundreds of independent manufacturing firms. Each of the workshops is, for purposes of this section, a separate establishment.

(3) Similar principles are applicable in determining whether several buildings located on the same premises constitute one establishment or more than one. For example, where several factory buildings are located on the same premises and owned and operated by the same person, they are generally to be considered as a single establishment. On the other hand, factory buildings located on the same premises, but owned and operated by different persons, will not ordinarily be treated as a single establishment. Where the several factories, however, are engaged in a joint productive enterprise, they may constitute a single establishment. This is the case, for example, where a large shipyard contains the plants of a number of subcontractors who are engaged in making parts or equipment for the boats that are built in the yard.

(b) The phrase "situated in the United States" is construed to include any of the 48 States or the District of Columbia or any Territory or possession of the United States.

§ 4.110 *"In or about".* (a) Section 12 (a) excludes from the channels of interstate commerce goods produced in an establishment "in or about" which oppressive child labor has been employed. In a great many situations it is obviously easy to determine whether a minor is employed "in" an establishment. Thus, he is so employed where he performs his occupational duties on the premises of the producing establishment. Furthermore, a minor is also considered as employed in an establishment where he performs most of his duties off the premises but is regularly required to perform certain occupational duties in the establishment, such as loading or unloading a truck, checking in or out, or washing windows. This is true in such cases even though the minor is employed by someone other than the owner or operator of the particular establishment. On the other hand, a minor is not considered to be employed in an establishment other than his employer's merely because such establishment is visited by him for brief periods of time and for the sole purpose of picking up or delivering a message or other small article.

(b) If, in the light of the statements in paragraph (a) of this section, the minor cannot be considered as employed in the establishment, he may, nevertheless, be employed "about" it if he performs his occupational duties sufficiently close in proximity to the actual place of production to fall within the commonly understood meaning of the term "about." This would be true in a situation where the foregoing proximity test is met and the occupation of the minor is directly related to the activities carried on in the producing establishment. In this connection, occupations are considered sufficiently related to the activities carried on in the producing establishment to meet the second test above at least where the requisite relationship to production of goods exists within the meaning of section 3 (j) of the act.[20] By way of example, a driver's helper employed to assist in the distribution of the products of a bottling company who regularly boards the delivery truck immediately outside the premises of the bottling plant is considered employed "in or about" such establishment, without regard to whether he ever enters the plant itself. On the other hand, employees working entirely within one establishment are not considered to be employed "in or about" a wholly different establishment occupying separate premises and operated by another employer. This would be true even though the two establishments are contiguous. But in other situations the distance between the producing establishment and the minor's place of employment may be a decisive factor. Thus, a minor employed in clearing rights-of-way for power lines many miles away from the power plant cannot well be said to be employed "in or about" such establishment. In view of the great variety of establishments and employments, however, no hard and fast rule can be laid down which will once and for all distinguish between employments that are "about" an establishment and those that are not. Therefore, each case must be determined on its own merits. In determining whether a particular employment is "about" an establishment, consideration of the following factors should prove helpful: (1) actual distance between the producing establishment and the minor's place of employment; (2) nature of the establishment; (3) ownership or control of the premises involved; (4) nature of the minor's activities in relation to the establishment's purpose; (5) identity of the minor's employer and the establishment's owner; (6) extent of control by the producing establishment's owner over the minor's employment.

§ 4.111 *Removal "within 30 days."* According to section 12 (a) goods produced in an establishment in or about which oppressive child labor has been employed are barred as "hot goods" from being shipped or delivered for shipment in commerce in the following two situations: First, if they were removed from the establishment while any oppressive child labor was still being employed in or about it; second, if they were removed from an establishment in or about which oppressive child labor was no longer employed but less than 30 days had then elapsed since any such employment of oppressive child labor came to an end. Once any goods have been removed from a producing establishment within the above-mentioned thirty-day period, they are barred at any time thereafter from being shipped or delivered for shipment in commerce so long as they remain "goods" for purposes of the act.[21] Goods are considered removed from an establishment just as soon as they are taken away from the establishment as that term has been defined.[22] The statute does not require that this "removal" from the establishment be made for the purpose or in the course of a shipment or delivery for shipment in commerce. A "removal" within the meaning of the statute also takes place where the goods are removed from the establishment for some other purpose such as storage, the granting of a lien or other security interest, or further processing.

COVERAGE OF SECTION 12 (C)

§ 4.112 *General.* (a) Section 12 (c) of the act provides as follows: "No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce."

(b) This provision, which was added by the Fair Labor Standards Amendments of 1949,[23] broadens child labor coverage to include employment in commerce. Moreover, it establishes a direct prohibition of the employment of oppressive child labor in commerce or in the production of goods for commerce. The legislative history pertaining to this provision leads to the conclusion that Congress intended its application to be generally consistent with that of wage and hours coverage provisions. The application of the provision depends on the existence of two necessary elements: (1) the employment of "oppressive child labor"[24] by some employer and (2) the employment of such oppressive child labor in commerce or in the production of goods for commerce.

§ 4.113 *Employment*[25] *"in commerce or in the production of goods for commerce".* (a) The term "employ" is broadly defined in section 3 (g) of the act to include "to suffer or permit to work." The act expressly provides that the term "employer" includes "any person acting directly or indirectly in the interest of an employer in relation to an employee." The nature of an employer-employee relationship is ordinarily to be determined not solely on the basis of the contractual relationship between the parties but also in the light of all the facts and circumstances. Moreover, the terms "employer" and "employ" as used in the act are broader than the common-law concept of employment and must be interpreted broadly in the light of the mischief to be corrected. Thus, neither the technical relationship between the parties nor the fact that the minor is unsupervised or receives no compensation is controlling in determining whether an employer-employee relationship exists for purposes of section 12 (c) of the act. However, these are matters which should be considered along with all other facts and circumstances surrounding the relationship of the parties in arriving at such determination. The words "suffer or permit to work" include those who suffer by a failure to hinder and those who permit by acquiescence in addition to those who employ by oral or written contract. A typical illustration of employment of oppressive child labor by suffering or permitting an under-aged minor to work is that of an employer who knows that his employee is utilizing the services of such a minor as a helper or substitute in performing his employer's work. If the employer acquiesces in the practice or fails to exercise his power to hinder it, he is himself suffering or permitting the helper to work and is, therefore, employing him, within the meaning of the act. Where employment does exist within the meaning of the act, it must, of course, be in commerce or in the production of goods for commerce in order for section 12 (c) to be applicable.

(b) As previously indicated, the scope of coverage of section 12 (c) of the act is, in general, coextensive with that of the wage and hours provisions. The basis for this conclusion is provided by the similarity in the language used in the respective provisions and by statements appearing in the legislative history concerning the intended effect of the addition of section 12 (c). Accordingly, it may be generally stated that employees considered to be within the scope of the phrases "in commerce or in the production of goods for commerce" for purposes of the wage and hours provisions are also included within the identical phrases used in section 12 (c). To avoid needless repetition, reference is herein made to the full discussion of principles relating to the general coverage of the wage and hours provisions contained in Part 776 (Interpretative Bulletin issued by the Administrator of the Wage and Hour Division) of Chapter V of this title. In this connection, however, it should be borne in mind that lack of coverage under the wage and hours provisions or under section 12 (c) does not necessarily preclude the applicability of section 12 (a) of the act.[26]

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[11] For a discussion of the exclusionary clause in section 3 (i) of the act, see Powell et al. v. United States Cartridge Co., 70 S. Ct. 755.

[12] The remaining portion of section 3 (j) provides: "• • • and for the purposes of this act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State."

[13] See footnote 12.

[14] See Part 776 of this title (Interpretative Bulletin on the coverage of the wage and hours provisions) issued by the Administrator of the Wage and Hour Division. Also, see §§ 4.112 and 4.113.

[15] For a more complete discussion of these words, see § 776.16 of Part 776 (bulletin on coverage of the wage and hours provisions) of Chapter V of this title.

[16] In Western Union Telegraph Co. v. Lenroot, 323 U. S. 490, the Supreme Court stated that these words bring within the statutory definition "every step in putting the subject of commerce in a state to enter commerce," including "all steps, whether manufacture or not, which lead to readiness for putting goods into the stream of commerce," and "every kind of incidental operation preparatory to putting goods into the stream of commerce."

[17] Lenroot v. Kemp and Lenroot v. Hazlehurst Mercantile Co., 153 F. 2d 153 (C. A. 5), where the court directed issuance of injunctions to restrain violations of the child labor provisions by operators of vegetable packing sheds at which they bought, then washed, sorted, crated, and packed cabbage and tomatoes for shipment in interstate commerce.

[18] Western Union Telegraph Co. v. Lenroot, 323 U. S. 490.

[19] A. H. Phillips, Inc. v. Walling, 324 U. S. 490. See Part 779 (bulletin on the retail and service establishment exemption from the wage and hours provisions) of Chapter V of this title.

[20] See Part 776 (bulletin on coverage of the wage and hours provisions) of this title.

[21] However, section 12 (a) contains a provision relieving innocent purchasers from liability thereunder provided certain conditions are met. For a discussion of this provision, see § 4.125.

Also, section 15 (a) (1) relieves any common carrier from liability under the act for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier.

[22] For a discussion of the meaning of "establishment," see § 4.109.

[23] Pub. Law 393, 81st Cong., 1st sess. (63 Stat. 910). These amendments became effective on January 25, 1950.

[24] "Oppressive child labor" is discussed in §§ 4.117 to 4.121, inclusive.

[25] For a more detailed discussion, see Part 787 (bulletin on employment issued by the Administrator of the Wage and Hour Division) of this title.

[26] See § 4.116.

JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12 (A) AND 12 (C)

§ 4.114 *General.* It should be noted that section 12 (a) does not directly outlaw the employment of oppressive child labor. Instead, it prohibits the shipment or delivery for shipment in interstate or foreign commerce of goods produced in an establishment where oppressive child labor has been employed within 30 days before removal of the goods. Section 12 (c), on the other hand, is a direct prohibition against the employment of oppressive child labor in commerce, or in the production of goods for commerce. Morever, the two subsections provide different methods for determining the employees who are covered thereby. Thus, subsection (a) may be said to apply to young workers on an "establishment" basis. If the standards for child labor are not observed in the employment of minors in or about an establishment where goods are produced and from which such goods are removed within the statutory 30-day period, it becomes unlawful for any producer, manufacturer, or dealer (other than an innocent purchaser who is in compliance with the requirements for a good faith defense as provided in the subsection) to ship or deliver those goods for shipment in commerce. It is not necessary for the minor himself to have been employed by the producer of such goods or in their production in order for the ban to apply. On the other hand, whether the employment of a particular minor below the applicable age standard will subject his employer to the prohibition of subsection (c) is dependent upon the minor himself being employed in commerce or in the production of goods for commerce, within the meaning of the act. If such a minor is so employed by his employer and is not specifically exempt from the child labor provisions then his employment under such circumstances constitutes a violation of section 12 (c) regardless of where he may be employed or what his employer may do. Moreover, a violation of section 12 (c) occurs under the foregoing circumstances without regard to whether there is a "removal" of goods or a shipment or delivery for shipment in commerce.

§ 4.115 *Joint applicability.* The child labor coverage provisions contained in sections 12 (a) and 12 (c) of the act may be jointly applicable in certain situations. For example, a manufacturer of women's dresses who ships them in interstate commerce, employs a minor under 16 years of age who gathers and bundles scraps of material in the cutting room of the plant. Since the employment of the minor under such circumstances constitutes oppressive child labor and involves the production of goods for commerce, the direct prohibition of section 12 (c) is applicable to the case. In addition, section 12 (a) also applies to the manufacturer if the dresses are removed from the establishment during the course of the minor's employment or within 30 days thereafter. To illustrate further, suppose that a transportation company employs a 17-year-old boy as helper on a truck used for hauling materials between railroads and the plants of its customers who are engaged in producing goods for shipment in commerce. The employment of the minor as helper on a truck is oppressive child labor because such occupation has been declared particularly hazardous by the Secretary for children between 16 and 18 years of age. Since his occupation involves the transportation of goods which are moving in interstate commerce, his employment in such occupation by the transportation company is, therefore, directly prohibited by the terms of section 12 (c). If the minor's duties in this case should, for example, include loading and unloading the truck at the establishments of the customers of his employer, then the provisions of section 12 (a) might be applicable with respect to such customers. This would be true where any goods which they produce and ship in commerce are removed from the producing establishment within 30 days after the minor's employment there.

§ 4.116 *Separate applicability.* There are situations where section 12 (c) does not apply because the minor himself is not considered employed in commerce or in the production of goods for commerce. This does not exclude the possibility of coverage under the provisions of section 12 (a), however. Thus, the employment of a minor by a local window-cleaning company to wash the windows of a factory producing goods for shipment in commerce is not subject to section 12 (c) because the work performed by the minor is not closely related and directly essential to production. However, the prohibition contained in section 12 (a) would apply in such a situation to shipments from the factory of goods removed within the statutory 30-day period provided, of course, the minor was below the applicable age minimum. In those cases where oppressive child labor is employed in commerce but not in or about a producing establishment, coverage exists under section 12 (c) but not under the provisions of section 12 (a). The employment of telegraph messengers under 16 years of age would normally involve this type of situation.[27] There may also be cases where oppressive child labor is employed in occupations closely related and directly essential to the production of goods in a separate establishment and therefore covered by section 12 (c) but due to the fact that none of the goods produced in the establishment where the minors work are ever shipped or delivered for shipment in commerce either in the same form or as a part or ingredient of other goods, coverage of section 12 (a) is lacking. An illustration of this type of situation would be the employment of a minor under the applicable age minimum in a plant engaged in the production of electricity which is sold and consumed exclusively within the same State and some of which is used by establishments in the production of goods for commerce.

OPPRESSIVE CHILD LABOR

§ 4.117 *General.* (a) Section 3 (l) of the act defines "oppressive child labor" as follows:

"Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being, but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child labor age. The Secretary of Labor shall provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

(b) It will be noted that the term includes generally the employment of young workers under the age of 16 years in any occupation. In addition, the term includes employment of minors 16 and 17 years of age by an employer in any occupation which the Secretary finds and declares to be particularly hazardous for the employment of children of such ages or detrimental to their health or well-being. Authority is also given the Secretary to issue orders or regulations permitting the employment of children 14 and 15 years of age in nonmanufacturing and nonmining occupations where he determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being. The subsection further provides for the issuance of age certificates pursuant to regulations of the Secretary which will protect an employer from unwitting employment of oppressive child labor.

§ 4.118 *Sixteen-year minimum.* The act sets a 16-year age minimum for employment in manufacturing or mining occupations. Furthermore, this age minimum is applicable to employment in all other occupations unless otherwise provided by regulation or order issued by the Secretary.

§ 4.119 *Fourteen-year minimum.* With respect to employment in occupations other than manufacturing and mining, the Secretary is authorized to

[27] In Western Union Telegraph Co. v. Lenroot, 323 U. S. 490, the court held section 12 (a) inapplicable to Western Union on the grounds that the company does not "produce" or "ship" goods within the meaning of that subsection.

issue regulations or orders lowering the age minimum to 14 years where he finds that such employment is confined to periods which will not interfere with the minors' schooling and to conditions which will not interfere with their health and well-being. Pursuant to this authority, the Secretary permits the employment of 14- and 15-year-old children in a limited number of occupations where the work is performed outside school hours and is confined to other specified limits. Under the provisions of Child Labor Regulation No. 3, as amended,[28] employment of minors in this age group is not permitted in the following occupations: (a) Manufacturing, mining, or processing occupations; (b) occupations requiring the performance of any duties in a work room or work place where goods are manufactured, mined or otherwise processed; (c) occupations involving the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines; (d) public messenger service; (e) occupations declared to be particularly hazardous or detrimental to health or well-being by the Secretary; or (f) occupations (except office or sales work) in connection with (1) transportation of persons or property by rail, highway, air, water, pipeline, or other means; (2) warehousing and storage; (3) communications and public utilities; and (4) construction (including demolition and repair). The exception permitting office and sales work performed in connection with the occupations specified in (f) above does not apply if such work is performed on trains or any other media of transportation or at the actual site of construction operations. Employment of fourteen- and fifteen-year-olds in all occupations other than the foregoing is permitted by the Regulation, if the following conditions are observed: (1) employment only outside school hours and between the hours of 7 a. m. and 7 p. m.; (2) employment for not more than 3 hours a day nor more than 18 hours a week when school is in session; and, (3) employment for not more than 8 hours a day nor more than 40 hours a week when school is not in session. The employment of minors under 14 years of age is not permissible, under any circumstances if the employment is covered by the child labor provisions and not specifically exempt.

§ 4.120 *Eighteen-year minimum.* To protect young workers from hazardous employment, the act provides for a minimum age of 18 years in occupations found and declared by the Secretary to be particularly hazardous or detrimental to health or well-being for minors 16 and 17 years of age. Hazardous-occupations orders are the means through which occupations are declared to be particularly hazardous for minors. They are issued after public hearing and advice from committees composed of representatives of employers and employees of the industry and the public and in accordance with procedure established in Child Labor Regulation No. 5.[29] The effect of these orders is to raise the minimum age for employment to 18 years in the occupations covered. Seven orders[30] have thus far been issued under the act and are now in effect. In general, they cover:

No. 1. Occupations in or about plants manufacturing explosives or articles containing explosive components.

No. 2. Occupations of motor-vehicle driver and helper.

No. 3. Coal-mine occupations.

No. 4. Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

No. 5. Occupations involved in the operation of power-driven woodworking machines.

No. 6. Occupations involving exposure to radioactive substances.

No. 7. Occupations involved in the operation of power-driven hoisting apparatus.

§ 4.121 *Age certificates.* (a) To protect an employer from unwitting violation of the minimum age standards, it is provided in section 3 (l) (2) of the act that "oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child labor age." An age certificate is a statement of a minor's age issued under regulations of the Secretary (Child Labor Regulation No. 1),[31] based on the best available documentary evidence of age, and carrying the signatures of the minor and the issuing officer. Its purpose is to furnish an employer with reliable proof of the age of a minor employee in order that he may, as specifically provided by the act, protect himself against unintentional violation of the child labor provisions. Pursuant to the regulations of the Secretary, State employment or age certificates are accepted as proof of age in 44 States, the District of Columbia, Hawaii, and Puerto Rico, and Federal certificates of age in Idaho, Mississippi, South Carolina and Texas. If there is a possibility that the minor whom he intends to employ is below the applicable age minimum for the occupation in which he is to be employed, the employer should obtain an age certificate for him.

(b) It should be noted that the age certificate furnishes protection to the employer as provided by the act only if it shows the minor to be above the minimum age applicable thereunder to the occupation in which he is employed. Thus, a State certificate which shows a minor's age to be above the minimum required by State law for the occupation in which he is employed does not protect his employer for purposes of the Fair Labor Standards Act unless the age shown on such certificate is also above the minimum provided under that act for such occupation.

EXEMPTIONS

§ 4.122 *General.* Specific exemptions from the child labor requirements of the act are provided for (a) employment of children in agriculture outside of school hours for the school district where they live while so employed; (b) employment of employees engaged in the delivery of newspapers to the consumer; (c) employment of children as actors or performers in motion pictures or in theatrical, radio, or television productions; and (d) employment by a parent or a person standing in a parent's place of his own child or a child in his custody under the age of sixteen years in any occupation other than the following: (1) Manufacturing, (2) mining, (3) an occupation found by the Secretary to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being. In his interpretations of these provisions, the Secretary will be guided by the principle that such exemptions should be narrowly construed and their application limited to those employees who are plainly and unmistakably within their terms. Thus, the fact that a child's occupation involves the performance of work which is considered exempt from the child labor provisions will not relieve his employer from the requirements of section 12 (c) or the producer, manufacturer, or dealer from the requirements of section 12 (a) if, during the course of his employment, the child spends any part of his time doing work which is covered but not so exempt.

§ 4.123 *Agriculture.* (a) Section 13 (c) of the act provides an exemption from the child labor provisions for "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed." This is the only exemption from the child labor provisions relating to agriculture or the products of agriculture. The various agricultural exemptions provided by sections 7 (b) (3), 7 (c), 13 (a) (6), 13 (a) (10) and 13 (b) (5) from all or part of the minimum wage and overtime pay requirements are not applicable to the child labor provisions. This exemption, it will be noted, is limited to periods outside of school hours in contrast to the complete exemption for employment in "agriculture" under the wage and hours provisions. Under the original act, the exemption became operative whenever the applicable State law did not require the minor to attend school. The legislative history clearly indicates that in amending this provision, Congress sought to establish a clearer and simpler test for permissive employment which could be applied without the necessity of exploring State legal requirements regarding school attendance in the particular State. It recognized that the original provision fell short of achieving the objective of permitting agricultural work only so long as it did not infringe upon the opportunity of children for education. By recasting the exemption on an "outside of school hours" basis, Congress intended to provide a test which could be more effectively applied toward carrying out this purpose.

(b) The applicability of the exemption to employment in agriculture as defined

[28] Subpart C of this part.

[29] Subpart D of this part.

[30] Subpart E of this part.

[31] Subpart A of this part.

in section 3 (f) [32] of the act depends in general upon whether such employment conflicts with school hours for the locality where the child lives. Since the phrase "school hours" is not defined in the act, it must be given the meaning that it has in ordinary speech. Moreover, it will be noted that the statute speaks of school hours "for the school district" rather than for the individual child. Thus, the provision does not depend for its application upon the individual student's requirements for attendance at school. For example, if an individual student is excused from his studies for a day or a part of a day by the superintendent or the school board, the exemption would not apply if school was in session then. "Outside of school hours" generally may be said to refer to such periods as before or after school hours, holidays, summer vacation, Sundays, or any other days on which the school for the district in which the minor lives does not assemble. Since "school hours for the school district" do not apply to minors who have graduated from high school, the entire year would be considered "outside of school hours" and, therefore, their employment in agriculture would be permitted at any time.

(c) Attention is directed to the fact that by virtue of the parental exemption provided in section 3 (l) of the act, children under 16 years of age are permitted to work for their parents on their parents' farms at any time provided they are not employed in a manufacturing or mining occupation.

(d) The orders (Subpart E of this part) declaring certain occupations to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being do not apply to employment in agriculture, pending study as to the hazardous or detrimental nature of occupations in agriculture.[33]

§ 4.124 *Delivery of newspapers.* Section 13 (d) of the act provides an exemption from the child labor as well as the wage and hours provisions for employees engaged in the delivery of newspapers to the consumer. This provision applies to carriers engaged in making deliveries to the homes of subscribers or other consumers of newspapers (including shopping news). It also includes employees engaged in the street sale or delivery of newspapers to the consumer. However, employees engaged in hauling newspapers to drop stations, distributing centers, newsstands, etc., do not come within the exemption because they do not deliver to the consumer.

§ 4.125 *Actors and performers.* Section 13 (c) of the act provides an exemption from the child labor provisions for "any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions." The term "performer" used in this provision is obviously more inclusive than the term "actor." In regulations issued pursuant to section 7 (d) (3) of the act, the Administrator of the Wage and Hour Division has defined a "performer" on radio and television programs for purposes of that section.[34] The Secretary will follow this definition in determining whether a child is employed as a "* * * performer * * * in radio or television productions" for purposes of this exemption. Moreover, in many situations the definition will be helpful in determining whether a child qualifies as a "* * * performer in motion pictures or theatrical productions * * *" within the meaning of the exemption.

§ 4.126 *Parental exemption.* By the parenthetical phrase included in section 3 (l) (1) of the act, a parent or a person standing in place of a parent may employ his own child or a child in his custody under the age of 16 years in any occupation other than the following: (a) Manufacturing; (b) mining; (c) an occupation found by the Secretary to be particularly hazardous or detrimental to health or well-being for children between the ages of 16 and 18 years. This exemption may apply only in those cases where the child is exclusively employed by his parent or a person standing in his parents' place. Thus, where a child assists his father in performing work for the latter's employer and the child is considered to be employed both by his father and his father's employer, the parental exemption would not be applicable. The words "parent" or a "person standing place of a parent" include natural parents, or any other person, where the relationship between that person and a child is such that the person may be said to stand in place of a parent. For example, one who takes a child into his home and treats it as a member of his own family, educating and supporting the child as if it were his own, is generally said to stand to the child in place of a parent. It should further be noted that occupations found by the Secretary to be hazardous or detrimental to health or well-being for children between 16 and 18 years of age, as well as manufacturing and mining occupations, are specifically excluded from the scope of the exemption.

ENFORCEMENT

§ 4.127 *General.* Section 15 (a) (4) of the act makes any violation of the provisions of sections 12 (a) or 12 (c) unlawful. Any such unlawful act or practice may be enjoined by the United States District Courts under section 17 upon court action, filed by the Secretary pursuant to section 12 (b) and, if willful will subject the offender to the criminal penalties provided in section 16 (a) of the act.[35]

§ 4.128 *Good faith defense.* A provision is contained in section 12 (a) of the act relieving any purchaser from liability thereunder who ships or delivers for shipment in commerce goods which he acquired in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with section 12, and which he acquired for value without notice of any violation.[36]

§ 4.129 *Relation to other laws.* Section 18 provides, in part, that "no provision of this act relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this act." The child labor requirements of the Fair Labor Standards Act, as amended, must be complied with as to the employment of minors within their general coverage and not excepted from their operation by special provision of the act itself regardless of any State, local, or other Federal law that may be applicable to the same employment. Furthermore, any administrative action pursuant to other laws, such as the issuance of a work permit to a minor or the referral by an employment agency of a minor to an employer does not necessarily relieve a person of liability under this act. Where such other legislation is applicable and does not contravene the requirements of the Fair Labor Standards Act, however, nothing in the act, the regulations or the interpretations announced by the Secretary should be taken to override or nullify the provisions of these laws. Although compliance with other applicable legislation does not constitute compliance with the act unless the requirements of the act are thereby met, compliance with the act, on the other hand, does not relieve any person of liability under other laws that establish higher child labor standards than those prescribed by or pursuant to the act. Moreover, such laws, if at all applicable, continue to apply to the employment of all minors who either are not within the general coverage of the child labor provisions of the act or who are specifically excepted from their requirements.

Signed at Washington, D. C., this 16th day of July 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-8366; Filed, July 19, 1951; 8:56 a. m.]

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[32] "Agriculture" as defined in section 3 (f) includes "farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry, or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

[33] See note, Subpart E of this part.

[34] Section 550.2 (b) of this title provides:

(b) The term "performer" shall mean a person who performs a distinctive, personalized service as a part of an actual broadcast or telecast including an actor, singer, dancer, musician, comedian, or any person who entertains, affords amusement to, or occupies the interest of a radio or television audience by acting, singing, dancing, reading, narrating, performing feats of skill, or announcing, or describing or relating facts, events and other matters of interest, and who actively participates in such capacity in the actual presentation of a radio or television program. It shall not include such persons as script writers, stand-ins, or directors who are neither seen nor heard by the radio or television audience; nor shall it include persons who participate in the broadcast or telecast purely as technicians such as engineers, electricians and stage hands;

[35] Section 16 (a) provides:

Any person who willfully violates any of the provisions of section 15 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

[36] For a complete discussion of this subject see Part 789 of this title, General Statement on the Provisions of section 12 (a) and section 15 (a) (1) of the Fair Labor Standards Act, as amended, relating to Written Assurances.

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

CANE SUGAR INDUSTRY IN LOUISIANA

In the matter of the application to include the extraction and processing of calcium aconitate within that portion of the cane sugar industry which is located in Louisiana and which has been determined to be of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

On June 30, 1951, notice was published in the FEDERAL REGISTER (16 F. R. 6403) that the authorized representative of the Administrator of the Wage and Hour Division designated to hear and consider this matter had granted a petition to amend the seasonal industry determination for that portion of the cane sugar processing and milling branch of the cane sugar industry located in Louisiana so as to include within such industry the extraction and processing of calcium aconitate from "B" molasses.

The notice provided that any person aggrieved by the said determination could, within 15 days after the date of publication of the notice in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the authorized representative upon the record of the hearing. No petition for review has been filed and in accordance with § 526.7 of the regulations contained in this part, the findings and determination of the authorized representative have become final. Accordingly, effective August 20, 1951, the seasonal industry determination of November 16, 1939 (4 F. R. 4615) for that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, as amended July 13, 1944 (9 F. R. 8175) and as further amended September 7, 1945 (10 F. R. 11643) will apply to the extraction and processing of calcium aconitate from "B" molasses, in accordance with the findings and determination of the authorized representative of the Administrator, which were set out in the notice of opportunity to petition for review of June 30, 1951 (16 F. R. 6403).

Signed at Washington, D. C. this 17th day of July 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-8365; Filed, July 19, 1951; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

COOPERATIVE REFUGES

ADDITION TO BATCHTOWN WILDLIFE REFUGE

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), the act of August 14, 1946 (60 Stat. 1080), and the regulations issued pursuant thereto (50 CFR Parts 18 and 22), notice is hereby given that the Director of the Fish and Wildlife Service intends to take the following action:

By virtue of Public Land Order No. 380 (12 F. R. 4597, 5487) certain lands were made available to the Department of the Interior for administration by the Fish and Wildlife Service as wildlife refuges and management areas. As a result of studies by the field representatives of the Illinois Department of Conservation and the Fish and Wildlife Service, and as a measure required for the protection of migratory birds and other wildlife, it is proposed to add certain lands to the area designated as Batchtown Wildlife Refuge on October 6, 1947 (12 F. R. 6597), and to prohibit hunting and trapping thereon, which additional lands comprise all of the Federally owned lands in Illinois, in sections 30 and 31, T. 10 S., R. 2 W., and sections 13, 14, 24, 25 and 36, including the offshore islands adjacent thereto in T. 10 S., R. 3 W., 4th principal meridian, in Calhoun County, Illinois. When these lands are added to the Batchtown Wildlife Refuge, they will be administered under the regulations contained in Part 22 of Title 50, Wildlife, Code of Federal Regulations.

The foregoing description is to be effective beginning September 1, 1951, and to continue in effect until further notice.

Interested persons are hereby given an opportunity to submit their views, data, or arguments with respect to this designation in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington, D. C.

O. H. JOHNSON,
Acting Director.

JULY 13, 1951.

[F. R. Doc. 51-8312; Filed, July 19, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HUGH W. FORD LIVESTOCK COMMISSION CO.

PROPOSED POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Hugh W. Ford Livestock Commission Company, LaJunta, Colorado, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of July 1951.

[SEAL] H. E. REED,
Director, Livestock Branch,
Production and Marketing Administration.

[F. R. Doc. 51-8415; Filed, July 19, 1951; 9:03 a. m.]

[7 CFR Part 934]

[Docket No. Ao 23-A 16]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER AS AMENDED.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Andover, Massachusetts, on April 11, 1951, and April 14, 1951 (16 F. R. 2517)

upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Interested parties may file written exception to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exception should be filed in quadruplicate.

The material issues presented on the record of the hearing were whether:

1. The marketing area should be extended to include the city of Haverhill and the towns of Groveland, Merrimac, and West Newberry, Massachusetts.

2. Certain changes should be made in sequence of assignment with reference to milk received from country plants in consumer packages for Class I use.

3. Any changes made in the basis of determining the Class II price and the butterfat differential under the Boston order should be incorporated in the Lowell-Lawrence order.

4. The present city plant price for Class II milk should be revised.

5. A method for computing a composite wage index for use in the Class I formula should be provided.

6. Present location differentials paid to nearby producers should be eliminated.

7. Required payments on outside milk should be eliminated under certain circumstances.

8. Disposition from one city plant to another city plant shall be considered as a disposition of Class I milk for purposes of determining the volume of Class I disposition in the marketing area.

9. The requirement that milk moved by buyer-handlers to other plants be classified as Class I should be revised.

10. Credits should be granted for payments made by handlers to the Boston pool in computation of the pool handlers' obligation.

11. The pooling provisions should be revised to exclude from the current pool computation milk of any nonpool handler in noncompliance with reference to the payment and reporting provisions.

12. Certain other nonsubstantive changes should be made to delete obsolete language and to make language of the Lowell-Lawrence order conform with that of the Boston and other secondary market orders.

Findings and conclusions. From the evidence introduced at the hearing and the record thereof with respect to the aforementioned issues, it is hereby found and concluded that:

1. The present limits of the Lowell-Lawrence marketing area should be extended to include the city of Haverhill and the towns of Groveland, Merrimac, and West Newbury, all in the State of Massachusetts. This area, constituting what is commonly referred to as the Haverhill market lies adjacent to the present northeastern boundary of the Lowell-Lawrence marketing area and is supplied by dairy farmers from the same general supply area as Lowell and Lawrence. At the present time the Haverhill market operates as an individual handler pool under prices established by the Massachusetts State Milk Control Board. The utilization of the several handlers in the market varies substantially resulting, under the individual handler pool, in wide discrepancies in producer prices. The market has very limited facilities for handling surplus milk with the result that the bulk of the local surplus is handled through the New England Milk Producers' Association plant at Andover, largely as outside milk under the Lowell-Lawrence order. While certain Haverhill distributors, who would be handlers under the proposed extension, contend that there is no relationship between the two markets and that they have no surplus disposal problem, the record shows that these particular handlers actually operate on a short supply basis, depending on Lowell-Lawrence handlers for supplementary supplies as needed to their their market requirements.

The proposal to include the Haverhill marketing area as a part of the Lowell-Lawrence marketing area was made by the New England Milk Producers' Association whose membership includes a majority of the producers in the Haverhill market. The extension of the marketing area would have little effect on present Lowell-Lawrence producers since the high average utilization of Haverhill handlers will tend to offset the cost of any location differentials which would be required to be paid to nearby Haverhill producers. While class prices in the two markets presently maintain a very close relationship, Haverhill producers will be assured of uniform prices, and greater market stability under a market-wide pool. By inclusion in the same market pool, transfers from Haverhill plants to Lowell-Lawrence pool plants would be permitted as receipts from regulated plants rather than as outside milk which can be received by Lowell-Lawrence handlers at the present time only as Class II milk or at a credit representing the Class II price.

(2) The proposal to amend the assignment provisions to provide that receipts of fluid milk products, other than cream and skim milk, at a city plant from a country plant, in containers of 8 quarts or less, be assigned to Class I ahead of receipts at the city plant direct from producers should not be adopted. Under the present provisions receipts from a country pool plant of another handler are assigned after receipts of producer milk and outside milk at the city plant. Manchester Dairy System, Inc., operator of a country plant, contends that this assignment sequence places an unreasonable burden on them in that it results in a Class II assignment to some milk which they dispose of in the form of fluid milk products in bottled form as Class I milk to city handlers, who in turn dispose of such milk as Class I milk direct to consumers in the marketing area.

Manchester Dairy System, Inc. does a substantial business with certain city handlers in the form of homogenized milk, fluid milk products in paper containers, and other Class I specialty items. Because these city handlers receive more milk at the city plants direct from producers than they dispose of in Class I, exclusive of purchases from Manchester Dairy System, Inc., some of the milk so purchased from Manchester is ultimately classified as Class II. Accordingly, there results numerous adjustments in billings between the cooperative and its customers, revisions in handlers' reports, and audit adjustment billings to the cooperative which must be passed on to city plant handlers.

The order provisions place no restrictions on Manchester Dairy System, Inc. with reference to resale prices. The homogenizing and bottling which they do for certain city plant handlers represents a service for which Manchester charges these city plant handlers. The proposal made by Manchester Dairies deals primarily with the question of the assignment sequence for milk received from country plants. The present assignment provisions are designed to discourage city plants from receiving Class I milk from country plants when milk is available at the city plant. A special treatment for Manchester Dairy System in its capacity as a country plant would obstruct this principle. To the extent that the problems of Manchester Dairy System relate to the difference between the city and country Class II prices, they are further considered under the discussion on the proposal to raise the Class II price.

(3) The proposal to make such changes in the Class II pricing provisions as are necessary to maintain the present relationship between the Lowell-Lawrence and Boston Class II prices should be adopted. The present basis of Class II pricing was established in recognition of the necessity of maintaining a direct relationship with prices under the Boston order and of having the Lowell-Lawrence Class II price move with the price of milk for similar use in the Boston market. For the same reasons that the present relationship was established it is essential that any changes made in the Boston Class II pricing be reflected in the Lowell-Lawrence Class II pricing. Similarly the basis for determining the butterfat differential in the Lowell-Lawrence market has been the same as that used in other Federal orders effective in the New England regions. Accordingly, in the computation of the butterfat differential the weight per can of 40 percent cream should be considered 33 pounds, rather than the 33.48 pounds presently used. Certain producers interests proposed that in the computation of the butterfat differential the 1.5 cents transportation allowance be deleted. They contend that the factor represents a freight adjustment and since in the secondary markets the bulk of the milk is received at the city plants no allowance is justified. However, there is also a substantial portion of the total producer milk received at country plants. There appear to be certain advantages to maintaining one butterfat differential for all locations but whether it should be determined with or without

the 1.5 cent factor is not clear from this record.

The evidence in the record on this point is not conclusive. Accordingly no further changes can be considered on the basis of this record.

(4) The proposal for a 32-cent increase in the price of Class II milk delivered direct to city plants and utilized in the manufacture of products other than nonfat dry milk solids, condensed milk, and casein should not be adopted. Proponents claim that they are at a disadvantage in marketing Class II milk in the form of milk at city points because other handlers have Class II milk delivered directly to their city plants at a Class II price which is not as high as the country plant Class II prices plus the cost of shipping milk. The Class II price has been established at a level at both country and city points which should insure the acceptance of Class II milk by handlers even though a part of such milk must be disposed of in manufactured dairy products. If the proposed increase of 32 cents in the city plant price were adopted and did result in more country plant milk being shipped to the city for disposition as Class II the outlets for Class II milk from city plants would be thereby diminished. Since the record indicates that adequate facilities are available at country locations for the disposition of Class II milk it is not necessary for country plant handlers to incur the expense of shipping surplus milk to the city.

The country plant differentials which are established under the order represent the costs of shipping milk in carloads from country plants to the marketing area. Direct receipts from producers at city plants are ordinarily made in 40-quart cans loaded in a refrigerated truck. Therefore, unless the present country plant differentials are too high in relation to actual transportation costs it is unlikely that direct receipts at city plants can be accomplished from distant locations at less than country plant price plus carload shipping cost to the city plant. If a substantial volume of producer milk were moving directly to city plants for Class II use consideration should be given to whether the present country plant differentials are high and to whether some downward adjustment in these allowances would be warranted. However, the question of country plant differentials applicable to class prices and the blend price was not an issue at the hearing and therefore that issue cannot be considered at this time.

(5) The order should provide for the computation of a composite wage rate index which would be similar to the farm wage rate index which has been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting information from which the monthly composite wage rates were computed and that series has been discontinued. Therefore, it is necessary to compute an equivalent composite farm wage rate. Farm wage rates are recorded quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without room or board, and per day without board or room. These rates should be expressed as a simple average monthly composite rate by converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and by converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four States used in the Class I formula should be combined according to the weights expressed in the order. In order to express this weighted average farm wage rate as an index on the same basis as that used in converting the previously published monthly composite farm wage rate to an index number for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by 0.6394. This factor is determined from the average relationship of the milkshed average wage rate figure derived from the currently published data to this series which was previously published and used in the computation of the formula price.

(6) No change should be made at this time in the location differentials required to be paid to nearby producers. Certain producers representatives proposed that § 934.64 of the order, which sets forth the conditions for and the amount of location differentials to be paid, be deleted. However, in support of their proposal they presented no material facts different from those considered in establishing the present location differentials.

(7) No change should be made in the present order provisions with reference to the equalization payments required on outside milk. Proponents proposed that the order be amended to provide that the outside milk definition be amended to exclude outside milk received when an emergency has been declared under the Boston order. It does not necessarily follow that an emergency will exist in the secondary markets at any time that there is an emergency in the Boston market. If a provision of the nature proposed were desirable it should take the form of an independent determination with specific reference to the Lowell-Lawrence market.

(8) The order presently provides that any city plant meeting the basic qualifications for pooling shall be a pool plant in only those months in which at least 10 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk in the marketing area. Since different treatment is prescribed for pool and nonpool handlers it is essential that a handler be in a position to readily determine his status as a pool handler. Since the final classification of milk transferred between handlers is dependent on the actual utilization and source of all receipts in the transferee plant, it should be provided that for the purpose of determining the pool status of the shipping plant the transfers of fluid milk products, other than cream from one city plant to another regulated city plant be considered a disposition of Class I milk in the marketing area, up to the quantity of Class I milk disposed of in the marketing area from such other plant.

(9) The proposal to revise the present order provisions which provide that milk moved by buyer-handlers to other plants be classified as Class I should not be adopted. Buyer-handlers get no milk direct from producers but purchase all of their requirements for fluid products from other handlers. Accordingly they are in a position to maintain a day to day balance between their requirements and procurement. The present order provisions do not limit purchases for Class II use in the buyer-handlers' plant but merely restrict the transfer of milk to a third plant for other than Class I use. Class II milk is defined and priced for the purpose of removing necessary excesses from the market. It appears that buyer-handlers do not need to purchase Class II milk in excess of their own use. To encourage a buyer-handler to buy long and permit free transfer to nonpool plants for Class II use could adversely affect producers by resulting in a lower classification for such milk than might otherwise be available through other outlets.

(10) Provision should be made whereby Lowell-Lawrence pool handlers' payments for milk would be reduced by any amount which they are required to pay into the Boston pool on Class I milk distributed directly to consumers in the Boston marketing area. The proximity of the Lowell-Lawrence marketing area to the Boston marketing area makes it probable that an overlapping of sales between handlers in the two marketing areas will occur. Boston handlers can presently distribute Class I milk in the Lowell-Lawrence market without any payment to the Lowell-Lawrence pool. Provisions of the Boston order result in Class I sales by Lowell-Lawrence in the Boston marketing area being credited at the Class II price even though the Lowell-Lawrence order requires payment to producers at the Class I price. Because of the manner in which such sales are handled under the Boston order Lowell-Lawrence handlers are for practical purposes precluded under present provisions from distributing milk in the Boston marketing area.

(11) The proposal to exclude from each current pool computation milk of any nonpool handler who is not in compliance with the reporting and payment provisions for any prior period should be adopted. The order presently has such a provision with reference to pool handlers in noncompliance. However, the nonpool handler in violation because of nonreporting or nonpayment of assessments due continues to be carried in the current pool computation. Under such arrangement it is possible that such indebtedness to the pool could reach the point of threatening its solvency. Exclusion of the milk of such nonpool handlers from the current pool computation assures the solvency of the settlement fund and at the same time does not relieve such nonpool handler of any of his obligations or responsibilities under the order.

(12) The other proposals considered at the hearing involve nonsubstantive

changes which would clarify the language of the present provisions. There was no opposition and it is accordingly concluded that they should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which effect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Ruling on proposed finding and conclusions. Briefs were filed on behalf of producers, certain proprietory handlers operating in the market and the Director of Milk Control of the Massachusetts Department of Agriculture. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the brief are inconsistent with findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 934.1 (b) by adding to the list of place names "Haverhill, Groveland, Merrimac, and West Newberry".

2. Delete paragraph (d) of § 934.12.

3. Renumber paragraphs (e), (f), and (g) of § 934.12 as paragraphs (d), (e), and (f), respectively.

4. Amend § 934.21 by adding a sentence as follows: "In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant."

5. In § 934.22 (b) delete the opening language, "Any country plant which is a pool plant continuously from the effective date of this subpart through February 1951 and any country plant which thereafter", and substitute therefor the following: "Any country plant which".

6. Amend § 934.40 (c) (2) by deleting the present language and substituting therefor the following:

(2) Compute the simple average of monthly equivalent farm wage rates for each of the States named below by converting the rates reported by the United States Department of Agriculture to monthly equivalents as follows: Rate per month with board, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective States with the weights: Maine, 10;, Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by 0.6394 and multiply by 0.4.

7. Delete § 934.41 and substitute therefor the following:

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month, multiply by 0.98, and multiply the result by 3.7. If the cream price described above is not reported as indicated, an equivalent determined as follows shall be used in lieu of such cream price:

(1) Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) The amount set forth in the table in paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacturing purposes f. o. b. plants, United States, for the 12 months ending with the preceding month.

(2) Adjust the Class II prices under the Boston order for milk received at plants in the 201–210 mile zone for the preceding 12 months to the average butterfat tests for which the prices described in subparagraph (1) of this paragraph are reported by applying the butterfat differential pursuant to the Boston order and compute a simple average of such adjusted prices.

(3) Determine the amount, computed to the nearest one-half cent, by which the average determined pursuant to subparagraph (1) of this paragraph exceeds the average computed pursuant to subparagraph (2) of this paragraph: *Provided*, That this provision shall not be applicable for the first time until the plus amount determined hereby for the previous month exceeds 5 cents.

8. Amend § 934.50 by adding a new paragraph (g) as follows:

(g) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.66 (b) of the Boston order.

9. Amend § 934.51 (a) by deleting the present language and substituting in lieu thereof the following:

(a) Combine into one total the respective net values of milk, computed pursuant to § 934.50, and payments required pursuant to §§ 934.65 and 934.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 934.61 (b), 934.65, and 934.66 for milk received during each month since the effective date of the most recent amendment to this subpart.

10. Amend § 934.52 (c) by deleting the period and adding in lieu thereof the following: "because of failure to make reports or payments pursuant to this subpart."

11. Amend § 934.63 by deleting the factor "33.43" and substituting therefor the factor "33.00".

12. Add to § 934.63 the following: "If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22."

Issued at Washington, D. C., this 13th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 5–8324; Filed, July 19, 1951; 8:50 a. m.]

[7 CFR Parts 943, 945]

[Docket No. AO–231]

HANDLING OF MILK IN THE NORTH TEXAS AND WICHITA FALLS, TEX., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dallas, Texas, on January 31–February 20, 1951, pursuant to notice thereof which was issued on December 30, 1950 (15 F. R. 9522).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on May 11, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4568).

The material issues of record related to

1. Whether the handling of milk produced for the marketing area(s) is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of milk marketing agreement(s) or order(s);

3. The extent of the marketing area(s);

4. The proper scope of regulation;

5. The classification and allocation of milk;

6. The determination and level of class prices;

7. Payments to producers; and

8. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made on the basis of the record of the hearing. In view of the findings and conclusions with respect to the extent of the marketing area and the evidence in the record, findings and conclusions with respect to other issues are included herein concerning a separate marketing agreement and order for the Wichita Falls, Texas, marketing area.

Upon the evidence adduced at the hearing and on the record thereof it is found and concluded that:

1. *Character of commerce.* The handling of milk in the North Texas marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in other states are imported regularly each fall and winter to supply the needs of handlers in the North Texas marketing area, since local production has not for several years been sufficient at this season of the year. Shipments from Wisconsin and Missouri to Dallas and Fort Worth handlers totaled almost 5 million pounds of whole milk during 1949 and approximately 3.5 million pounds in 1950. Additional quantities of milk were received by handlers in other cities of the marketing area. In addition substantial quantities of condensed skim milk and cream are transported to the area from points outside of Texas and used in reconstitution of buttermilk and the manufacture of ice cream.

During the spring and summer flush production season milk produced for the North Texas marketing area which is surplus to the needs for fluid distribution is used in the manufacture of ice cream, butter, cheese, condensed milk and non-fat dry milk solids. The products made from this surplus milk are sold in competition with similar products manufactured in other states. Cream, condensed skim milk and non-fat dry milk solids imported from other states are also used in the production of ice cream.

Twenty-three producers whose farms are located in the State of Oklahoma supply milk to a handler whose plant is located in Paris, Texas, which is a part of the North Texas marketing area. This handler distributes fluid milk in competition with other handlers in the North Texas marketing area and also distributes fluid milk in the State of Oklahoma. In addition, this handler operates a manufacturing plant to which seasonal surpluses of milk produced for fluid distribution is transferred from his own operation and those of numerous other North Texas handlers. Ice cream mix made in part from such surplus milk is distributed in Oklahoma, Arkansas, and Louisiana, as well as Texas.

The handling of milk produced for the Wichita Falls, Texas, marketing area is also in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Milk produced in other states is imported regularly during the short production season to supplement local supplies. For reasons indicated elsewhere such imports in 1950 were less than usual, amounting to approximately 156,000 pounds. Seasonal surpluses of inspected milk are used in the manufacture of dairy products particularly as ingredients of ice cream. Ice cream made from such surplus milk is sold regularly in Oklahoma. In addition milk surplus to local needs is marketed in bulk to other Texas markets in competition with supplementary supplies from northern states.

2. *Need for an order.* Marketing conditions in the North Texas marketing area justify the issuance of a marketing agreement and order.

During and since World War II the North Texas marketing area, of which the cities of Dallas and Fort Worth represent the largest centers of urban population, has experienced a marked growth in population. As a consequence the demand for milk for fluid consumption has also increased materially. While the production of milk for fluid consumption has also increased rapidly, there is not yet sufficient locally approved milk to supply the needs of the market for fluid consumption in fall and winter months when production is seasonally low. In an effort to increase supplies of locally inspected milk Dallas and Fort Worth handlers have since 1947 expanded the area from which they buy milk. In this period they have likewise expanded their sales areas. In this period of expansion of production and sales no organized plan for the marketing of the milk supply and no satisfactory plan for establishing the prices which milk producers receive for their milk have been developed.

Milk, because of its perishability, must be delivered daily to the market as it is produced. Farmers cannot hold milk on their farms to await favorable price conditions. Because of the breeding characteristics of cows, difference in the availability of fresh feeds and changes in the weather there is a marked seasonal variation in milk production in the supply areas for the North Texas and Wichita Falls, Texas, marketing areas. Sales of milk in fluid form on the other hand are subject to much less seasonable variation than milk production. Thus even though the milk supply were inadequate to supply the market needs at some seasons of the year there would be a surplus of milk at other seasons. Such surpluses must find their way into manufactured dairy products which do not return as high a price to producers as milk disposed of in fluid form. Production of milk for fluid use in conformity with rigid sanitary requirements prevailing in the North Texas marketing area and especially to maintain a satisfactory level of supply in the fall and winter months requires substantial investment and heavy operating costs.

Orderly marketing of the milk produced for fluid consumption in a metropolitan market supplied by numerous producers requires regular and dependable methods for determining prices of milk for various uses, equality of prices for each handler according to the use made of the milk, and means whereby the price reductions resulting from any surpluses may be borne equitably among producers. There is no plan operating in the North Texas market whereby prices of milk produced for fluid consumption are established in accordance with these objectives. Practically all

handlers in the market operate on some form of "base and surplus" plan. Under each of the plans the individual handler determines the prices of butterfat differentials to be paid for "base" and "surplus" milk and the means of determining what milk shall be paid for as "base milk" and as "surplus milk." Milk producers do not participate in the price making process.

The base plans of different handlers differ from each other in several material respects. Moreover, several handlers have varied the application of their own plans from year to year and even within a single year with little or no advance notice to producers. Under all of these plans the average deliveries of a producer during some of the short production months affects at some seasons of the year the quantity of milk for which he is paid "base price." The months used by different handlers for establishing bases have varied. Some handlers have failed to notify producers in advance what months were to be the "base-setting" period or have eliminated a part of a previously announced period. The most significant differences in the buying plans of handlers have, however, been in the application of their base plans to the quantity of each producer's milk that should be paid for at the "base" or higher price and the quantity to be paid for at a lower or "surplus" price. For some handlers this has been determined solely by the base established by each producer; each producer has been paid a "base" price for all deliveries which do not exceed his established base, and a "surplus" price for all deliveries in excess of this base. For other handlers the ratio of sales to the established bases of producers has been used to increase or decrease the quantity of "base milk" for which each producer was paid. These handlers do not all use sales of the same products in determining this ratio. Some include sales of all Grade A fluid products, while others include only sales of fluid milk, and at least one handler includes less than his total sales of fluid milk because he considers that he has additional costs for certain sales.

In spite of the fact that it has been necessary for practically all handlers, particularly those located in Dallas, to import substantial quantities of milk during the base forming months, producers have frequently been paid base prices for less milk than their established bases during the succeeding spring and summer months. The extent to which this results from failure to include all sales of Grade A products as base milk, from inclusion of bases for producers who did not establish bases with the handler during the base forming months, or variations in sales by the individual handler, cannot be determined from the evidence in the record. The record does indicate, however, that the expanding character of the market has generally resulted in higher total sales by all handlers during the succeeding spring and summer months than during the base forming months. In any event, producers have no means of determining the utilization of milk by the handlers they supply, and must accept payment on whatever basis the handlers used. Payments at substantially reduced "surplus" prices by handlers for milk which producers suspect was needed for such handlers' fluid sales is one of the great sources of producer dissatisfaction in the market.

There have also been variations in the prices different handlers have paid for base milk and for surplus milk. Except that price changes are not made simultaneously by all handlers the prices that handlers of each city of the marketing area pay for base milk tend to be rather uniform, but the prices Dallas handlers pay often differ from those paid by Fort Worth handlers. Differences in base prices were particularly pronounced after February 1950. For six of the twelve months ending in February 1951 the base price paid by Fort Worth handlers exceeded that paid by Dallas handlers by amounts ranging from 25 to 45 cents per hundredweight; for five of these months the Dallas base price exceeded that of Fort Worth by amounts of 5 or 10 cents per hundredweight, and in only one month do the base prices paid by handlers of the two cities appear to have been the same. Somewhat similar comparisons may be made for prices paid by handlers in other portions of the marketing area. These handlers generally follow more closely the prices paid by Dallas handlers than those paid by Fort Worth handlers. Different butterfat differentials are also used by different handlers in paying producers.

These buying practices of handlers result in a situation where producers with identical production delivering to different handlers with identical volumes of receipts and sales receive substantial differences in their returns. The costs of milk for the same use to individual handlers have likewise differed substantially.

These buying practices are factors of inherent instability in the marketing of milk in the area. The expanding nature of the demand for milk and the lack of an adequate year-round supply of locally inspected milk have generally prevented the lack of an organized plan for equalizing costs to handlers and returns to producers from demoralizing the market. In early 1950, however, chaotic conditions occurred in the pricing of producer milk. With some prospects of an adequate year-round supply of milk following a winter season in which deficits of supply were less severe than formerly, individual Dallas handlers engaged in aggressive price competition in the resale market. Handlers changed producer prices and conditions of their base plans frequently and without advance notice to producers. One handler mailed three letters to his producers within a period of four days notifying them of changes in buying plans and prices. As a result of this "price war" Dallas producers received a reduction of $1.00 per hundredweight for their base milk. Since the net reduction in consumer prices was 2 cents per quart or approximately 93 cents per hundredweight, it is evident that price cuts at resale were largely passed back to producers in reduced returns. Fort Worth handlers did not reduce their producer prices so severely and they were at a competitive disadvantage, relative to Dallas handlers at the numerous places where both sold milk.

The conditions that occurred in the spring of 1950 are indicative of conditions that are likely to occur under present buying practices whenever an adequate supply of locally produced milk is available for the market. These conditions thus militate against achieving a continually adequate supply of milk since the disparities in costs to handlers and returns to producers inherent in the system widen as the level of the milk supply approaches the needs of the market. The pressures on individual handlers and producers associated with these disparities may be expected to result in conditions which will reduce the level of returns to some producers drastically and to all producers generally and the production of a sufficient supply of inspected milk will be hindered.

Despite the elements of instability in the market, handlers have resisted the efforts of a cooperative association representing more than 1,750 of the approximately 2,500 producers of the market to negotiate uniform buying plans for the market. The handlers have failed or refused to negotiate with the association concerning the prices and marketing conditions which should apply to milk received from members of the association and they have not permitted the association to check the weights and tests of milk delivered by its members. In some cases producers have been threatened with loss of a market for their milk if they joined the association and some association members actually have been "cut off" by handlers without explanation. Handlers have offered producers individual contracts which conflict with association membership, and in some cases have conducted systematic campaigns urging these contracts on their producers. These contracts generally continue the buying plans of the handlers, and are written to expire in the surplus season when the producer would have difficulty in finding another handler who would buy his milk. One handler who apparently did not oppose the objectives of the association testified that he is now buying milk from about half of the members of the board of directors of the association because of the difficulties these producers encountered with other handlers. This fact strongly suggests that association members and officials have been subject to coercion and intimidation by handlers.

There is considerable and well justified dissatisfaction among producers with the butterfat tests on which they are paid for their milk. While the State of Texas does some checking of the tests upon which dairy farmers in the state receive payment, it appears that only about 3500 individual tests are made annually in the entire state. The protection thus afforded cannot substitute for the regular checks which association producers desire and are willing to pay for through their association membership. Similar systematic checks by an impartial market administrator should be afforded producers who do not belong to a cooperative association.

There is need for market-wide information concerning production and sales in order that producers may plan their production and marketing programs intelligently and upon which price-making determinations may be made. Neither producers nor handlers were able to present at the hearing data which showed both production and sales for the entire market over any period of time.

The adoption of a classified price plan based on the audited utilization of handlers and market-wide pooling of returns among producers will provide respectively equal costs to handlers for milk used for like purposes and a fair division among all producers of the returns from Class I sales in the market. The inherent instability in the present buying plans operated by individual handlers will be reduced.

The issuance of a marketing agreement and order for the North Texas marketing area is needed to establish and maintain orderly marketing in the area and provide an adequate supply of milk for the area.

In view of the conclusion contained herein with reference to the extent of the North Texas marketing area and the separate and extensive evidence concerning marketing conditions in the area including Wichita Falls, Texas, which was proposed for inclusion in the North Texas marketing area, consideration has been given to the need for separate regulation for the Wichita Falls marketing area. It is concluded that marketing conditions in the Wichita Falls, Texas, marketing area justify the issuance of a marketing agreement or order.

The history and marketing relationships of the North Texas market are similar to the history and marketing relationships in the Wichita Falls market. Buying practices of handlers have been on "base" plans which provide differing returns to producers similarly situated. With fewer handlers these differences have not been quite so marked. The trend of events has however been more rapid. Milk production increased nearly 69 percent from 1947 to 1950. Deficits were still in prospect, however, when producers were establishing bases in the fall of 1949. Thereafter the situation changed from deficit to surplus very quickly. An Army Air Force Base, Sheppard Field, lies adjacent to Wichita Falls, and the volume of milk involved in the contract for supplying this base is substantial in relation to the quantity of milk produced for the Wichita Falls market. A Dallas handler was the successful bidder for the contract to supply this base beginning January 1, 1950. As a result producers were paid surplus prices for some of their milk during their base forming periods, followed shortly by reductions in base prices to producers, which were, however, not so drastic as those that occurred in Dallas. Following this event a cooperative association of producers was formed with a membership representing a substantial majority of the approximately 175 producers of the market. The cooperative's attempt to negotiate with handlers was principally directed toward handling surplus milk so as to realize the most advantageous market and insure that no milk paid for at surplus prices was needed for fluid use. When no satisfactory agreement on these matters was reached in early May 1950 the association called a "milk strike" and its members withdrew all of their milk. At this period of flush production handlers were able to supply their needs from other sources, and milk deliveries were resumed on a verbal agreement that association producers would be restored to the same status as before the incident. This, however, did not materialize; handlers reserved for producers who continued deliveries during the "strike" period bases equal to their deliveries during this period of flush production and as a result the association producers bore the entire burden of surplus milk until September 1950. Since September 1950 this discrimination in payments to producers has ceased but the association has been unable to obtain any definite assurance that cooperative members were to receive bases on an equal footing with nonmember producers. To some extent these negotiations have been complicated by the acquisition by the association of a receiving station which it now operates for some of its members and from which milk is currently sold to one handler.

Negotiations were continuing concerning these problems at the date of the hearing. The fact remains that no uniform buying plan for the market has evolved therefrom and it is unlikely that one will result from any continuation of the negotiations. The adoption of a uniform classified price plan and a market-wide pool will provide a fair division among all producers of the fluid sales of the market. The issuance of a marketing agreement and order for the Wichita Falls, Texas, marketing area is needed to establish and maintain orderly marketing in the area.

3. *Extent of the marketing areas.* The North Texas marketing area should be defined to include all territory within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall and Tarrant, all in the State of Texas. All municipal corporations, Federal military reservations, facilities and installations and State institutions located in these counties should be included.

The major fluid milk markets in the North Texas marketing area are the cities of Dallas and Fort Worth. Dallas and Fort Worth handlers sell milk over a wide area beyond the limits of these cities. In recent years, they have expanded their sales areas to include most of the smaller cities and towns within a considerable distance of Dallas and Fort Worth. The advent of the paper milk carton has accelerated this distribution of milk.

As Dallas and Fort Worth handlers have reached further from Dallas and Fort Worth for milk supplies, they have extended their distribution routes to cover smaller cities and towns in the expanded production area. As a consequence they compete actively for both milk supplies and milk sales with each other and with handlers in smaller cities and towns over much of the production area. Some handlers located in the smaller cities also distribute milk in other cities in competition with Dallas and Fort Worth handlers. A handler in Paris, Lamar County, Texas, in which a Fort Worth handler also sells milk, competes with Dallas and Fort Worth handlers for milk sales in Grayson, Fannin, Hunt, Hopkins, Delta and Red River Counties. This handler also had operated routes in Dallas for several months in 1949 and 1950. A handler at Sherman in Grayson County who bought milk from approximately 100 producers in several counties and competed with Dallas and Fort Worth handlers for sales in the same area, has recently sold his business to a Fort Worth handler. At the time of the hearing these producers were in the process of transfer to this handler's Fort Worth plant. Similarly a Dallas handler was at the time of the hearing incorporating with his Dallas business the operations of a handler of Bonham in Fannin County.

The fact that much of Texas, particularly to the west and south of Dallas and Fort Worth, is an area with more pronounced deficits in milk production than North Texas has resulted in some North Texas handlers establishing substantial distribution of milk at considerable distances beyond the limits of the production area. Milk bottled by one Dallas handler is sold regularly in Wichita Falls, 135 miles northwest of Dallas, Lubbock, 340 miles west of Dallas, El Paso, 640 miles southwest of Dallas, and in Harlingen and Corpus Christi, each more than 500 miles south of Dallas. No other handler extends his distributions to such extreme distances in so many directions, but other handlers distribute in Waco, Temple and other Texas points.

Eight proposals to define the marketing area were included in the notice of hearing. The North Texas Producers Association proposed that the marketing area be confined to the corporate limits of the cities of Dallas in Dallas County, Fort Worth in Tarrant County, Paris in Lamar County, Dublin in Erath County, Terrell in Kaufman County, Denison and Sherman in Grayson County, Gainesville in Cooke County, Tyler in Smith County, Decatur in Wise County, Denton in Denton County, McKinney in Collin County, Cleburne in Johnson County, Longview in Gregg County, and Waxahachie and one precinct in Ellis County, all in Texas. Several handlers proposed that the marketing area be defined by county boundaries. These proposals as a group included all the counties in which the cities proposed by the association are located plus some additional counties. The Paris handler proposed the addition of three counties in Texas and four in Oklahoma. One handler proposed that in addition to twenty-seven counties in North Texas the marketing area include thirteen cities in what is generally referred to as West Texas. The Wichita Falls Area Milk Producers Association proposed that the city of Wichita Falls be included. Handlers of Wichita Falls proposed that if Wichita Falls were included in the marketing area 18 counties also be included. In all forty counties in

Texas, four counties in Oklahoma, and twenty-nine cities and towns in Texas were proposed for inclusion in the marketing area.

It appears that practically all milk sold for fluid consumption in the North Texas area is sold as Grade A milk. To be labeled "Grade A", milk must be produced and handled under the supervision of local health officers in accordance with standards established by the Texas State Department of Health. The standards that have been so established are those of the 1939 Edition of the U. S. Public Health Service Milk Ordinance. These standards are also contained in the milk ordinances of the principal cities of the area. While there may be minor differences in the degree of effectiveness of enforcement of these uniform standards by the various health authorities of the area, the movement of milk from one health jurisdiction to another indicates that the quality of milk is generally uniform throughout the various portions of the area. While no route distribution from Dallas plants is made in Fort Worth, or vice-versa, Fort Worth approved milk is frequently used as an emergency supply by a Dallas plant.

In view of the uniformity of health regulations throughout the area the marketing area should so far as possible be contiguous and be defined by county boundaries. While this will result in the inclusion of much rural area, it does not appear that any considerable administrative difficulties will thereby be incurred. It is proposed that only handlers who distribute Grade A milk in the marketing area shall be regulated. Such handlers are readily identifiable under the health regulations, and it does not appear that there will be any substantial number of them who will confine their activities to the more rural portions of the area without selling milk in such North Texas cities as are appropriate for inclusion in the marketing area.

The sixteen counties to be defined as the marketing area include within their boundaries ten of the fourteen cities proposed by the proponents of the order. Decatur and Dublin, two of the cities not included in the area as defined, have less population than the other cities proposed; the distribution of Dallas and Fort Worth milk in these cities or the counties in which they are located does not appear very substantial, so that it is concluded that no substantial purpose would be served by including them in the marketing area. Tyler and Longview, the other cities thus proposed which are not located in the named counties, are of larger size and one Dallas handler estimates that more than 30 percent of all sales are by Dallas handlers. Local handlers in these cities, on the other hand, indicate that only 11 of 63 routes in the Tyler-Longview section are operated by Dallas handlers. Tyler and Longview are somewhat further removed from Dallas and Fort Worth than the other cities included. Handlers located in these cities compete not only with North Texas handlers for their milk supply but also with those of Houston and Shreveport, Louisiana, which are metropolitan markets. These handlers do not compete extensively with Dallas and Fort Worth handlers in other portions of the marketing area. Inclusion of the cities of Tyler and Longview in a contiguous marketing area defined by county boundaries would require naming some six or eight additional counties in the defined area. In view of the factors stated above, it is concluded that their significance is not sufficient to warrant their inclusion at this time.

The proposal that thirteen West Texas cities at distances varying from 120 to 430 miles from Dallas be included in the marketing area was made by a Dallas handler whose milk is distributed in these cities by a vendor. In support of the proposal it was shown that the volume of such distribution is sufficient to employ more than 80 people and to require an investment of $400,000. The vendor estimated that of the total sales of milk in each of these cities his sales represented percentages varying by cities from 15 percent to 75 percent. These percentages were contested by a handler with plants located in some of these West Texas cities. It was contended that an order which would price the milk received by the Dallas handler must also price the milk in competition with which it is sold in these West Texas cities. The distribution of North Texas milk in this area was represented as a disposition of milk which would otherwise be priced as surplus milk to North Texas producers. A cooperative association representing a substantial number of the producers supplying plants located in these cities opposed their inclusion in the North Texas marketing area on the basis that production conditions differed materially in that area and indicated that it had proposed a separate order with a marketing area that would include several of these cities and some others.

It is obviously impracticable to define a marketing area so that a handler may sell milk anywhere without competition from milk not priced under the order defining such marketing area. The West Texas cities here proposed for inclusion in the North Texas marketing area are in an area in which local production of milk is inadequate and prices for locally produced milk have historically been higher than in the North Texas area. As a result of the demand for more milk than was locally available a substantial distribution of North Texas milk has been built up in the past three and one-half years, much of it at resale prices higher than those of local handlers in these cities. While a West Texas handler purchases some milk at a receiving station at Springtown in Parker County in the North Texas area, and there is some further overlap of the production areas in Erath County, it does not appear that the competition for supply is extensive. There is serious question as to whether inclusion of the cities proposed would price as producer milk a substantial quantity of milk from the Brownwood area which is moved to Abilene. The inclusion of the cities proposed might result in including in the marketwide pool milk of producers far removed from North Texas should some other handler from a distant point market milk under a system comparable to that now used by the Dallas handler. The record indicates the need for higher prices which would apply to the milk received at plants in West Texas and that these prices should not be uniform for all such plants, but fails to provide enough evidence upon which to base such location differentials. For these reasons it is concluded that the proposal to include West Texas cities in the North Texas marketing area should not be adopted.

The proposals that Wichita Falls and counties in that general vicinity be included in the North Texas marketing area should not be adopted. With one notable exception, there is little competition for sales between Wichita Falls handlers and handlers of the defined North Texas marketing area. There is a minor overlap of the production areas of Wichita Falls and North Texas in Wise County, but little evidence of shifting of producers from one market to another. The competition for sales is with respect to the Sheppard Air Force Base at Wichita Falls. This is a large outlet for Grade A milk for which a Dallas handler currently holds the contract. While this volume of sales is of considerable importance in the Wichita Falls area, these sales of Dallas milk under a contract periodically open for competitive bids are not considered adequate reason for inclusion of Wichita Falls in the marketing area. As indicated elsewhere, a separate order for the Wichita Falls area is considered appropriate on the records of this hearing.

The Wichita Falls marketing area should be defined to include all territory within the County of Wichita, State of Texas. While Wichita Falls handlers market milk in a number of smaller towns in other counties, it does not appear that such distribution in any one locality is a substantial portion of the total business. Neither does it appear that any of the smaller handlers occasionally located in such towns has a wide area of distribution within which he competes with Wichita Falls handlers. There is no evidence that the producers supplying these handlers are so located that there is much competition for supplies of milk between these handlers and those of Wichita Falls. The record fails to indicate conclusively that the health requirements of such towns are equivalent to the Grade A regulations which apply in Wichita Falls and Wichita County. For these reasons the proposal of handlers that additional counties be included is denied.

4. *Scope of regulation.* The minimum class prices of the orders should apply only to milk which is produced under the inspection of the appropriate health authorities of the marketing areas and which is regularly received at a milk plant approved by such authorities for the receiving or processing of Grade A milk or milk products for distribution on routes in the marketing areas.

As indicated in the findings concerning the extent of the marketing areas, milk sold for fluid consumption in the marketing areas is almost exclusively Grade A milk. Specifications and requirements promulgated under the Texas Milk Grading and Labeling Law, together with municipal ordinances, prescribe the conditions under which such milk may be produced and distributed. The minimum class prices and the uniform prices computed under the marketwide pools should apply only to milk which is received directly from farmers at a locally approved Grade A plant.

In order to designate clearly what milk is to be subject to the pricing provisions of the orders, which processors and distributors are to be subject to regulation and which dairy farmers will participate in the market pools, it is necessary to include in each order definitions of "approved plant," "handler," "producer," and "other source milk."

"Approved plant" should be defined as a milk plant approved by any health authority having jurisdiction in the marketing area for distribution of Grade A milk and milk products, from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores). The definition should also include a receiving station which, with the approval and under the direct supervision of the appropriate health authorities, receives milk from producers and commingles such milk for movement to the plants previously described. The approved plant definition should not include plants not under the routine inspection of the health authorities of the marketing area to which the order applies, but which may furnish milk to handlers during periods of emergency or shortage. Inclusion of such plants would be beyond the intended scope of the orders, and would involve pricing milk not primarily produced for the North Texas market or the Wichita Falls market.

"Handler" to whom the regulatory provisions of the order are applicable, should be defined as the operator of an "approved plant" in his capacity as such, or a cooperative association with respect to producer milk which is diverted to an unapproved plant for the account of the association. During periods of high production proprietary handlers may not always accept milk from all regular producers, or arrange for the diversion of such milk, even though the production of all producers may be needed to supply the market at other seasons. The provision that a cooperative association may be a handler, even though it does not operate a plant, will enable such a cooperative association to retain in the market-pool milk of its members which it may have to divert for temporary periods to unapproved plants.

"Producer" should be defined as any person, other than a producer-handler, who produces milk which is received at an approved plant or which is diverted from an approved plant to an unapproved plant for the account of a handler or cooperative association. In case ungraded milk is regularly received at the premises of an approved plant provision should be made to restrict the producer definition to those dairy farmers delivering to such plant who have Grade A permits or ratings issued by the appropriate health authority. Likewise provision should be made that upon proper notice from the appropriate health authority farmers will lose their status as producers during periods in which they are degraded. In order to eliminate possible conflict between the order and other orders that may regulate the handling of milk in nearby areas it is provided that the term "producer" shall not include a person with respect to milk produced by him which is received by a handler who does a greater percentage of his Class I business under another Federal marketing order.

The orders do not propose to pool the Class I sales of producer-handlers, who distribute milk of their own production and buy no milk from producers. Any milk they sell to handlers who purchase milk from producers is normally surplus to their own operations. To pool such milk would result in a preferential market for producer-handlers as compared with regular producers. Producer-handlers should therefore not be defined as producers whose milk is pooled. Their exclusion from the producer definition will result in any milk produced from a producer-handler being treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat received at an approved plant from a source other than producers, but not including that first received from producers at another approved plant. Other source milk is not normally available for the market either because it does not meet Grade "A" quality requirements or because it is produced primarily for other markets under the supervision of the health authorities of such markets. It is not priced under the terms of the order, but is allocated to the lowest use in a handler's plant in order to prevent its displacing from Class I milk of producers which constitutes the regular supply of the market.

5. *Classification of milk.* Two classes of milk should be established in each order. Class I milk should include skim milk or butterfat disposed of (except as livestock feed and by transfer or diversion as milk, skim milk, or cream to other milk plants) in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk used to produce concentrated milk or milk drinks disposed of for fluid consumption, and all other skim milk and butterfat not specifically accounted for as Class II milk. Class II milk should include all skim milk and butterfat used to produce any product other than those specified in Class I milk, disposed of for livestock feed, in shrinkage of producer milk not in excess of 2 percent of receipts, in shrinkage of other source milk, and in inventory variations in Class I products.

The products included in Class I milk are those usually associated with the distribution of fluid milk, and with minor exceptions noted hereafter are required to be made from Grade A milk. The additional expense necessary to produce milk for these purposes warrants their inclusion as Class I milk. Handlers proposed that only fluid milk be included in Class I and that a separate class be provided for the other products here specifically included; they failed, however, to propose any basis for pricing this class of milk. These items are all disposed of in the respective marketing areas in fluid form through the same retail and wholesale channels as fluid milk. Their physical characteristics, purposes, values and uses are similar to those of fluid milk. The milk used for these products is subject to the same transportation costs in movement from farm to market. The separate accounting for skim milk and butterfat herein proposed results in handlers being charged for only the exact volume of skim milk or butterfat actually disposed of in any particular use. While it was indicated that in Dallas flavored milk drinks containing less than 3.25 percent butterfat are not required to be made from Grade A milk, testimony of the health officer indicates that under his requirements with respect to the materials that may be handled in Grade A bottling plants only Grade A ingredients are used.

Provision is made for the inclusion in Class I milk of fresh concentrated milk for fluid consumption, a new product which has appeared in several milk markets in recent months. While this product had not appeared in the North Texas or Wichita Falls markets at the time of the hearing it is desirable that provision be made at this time for its classification should it appear. This product is promoted as a direct and acceptable substitute for fresh whole milk, indistinguishable from regular fluid milk when water is added.

A proposal that aerated cream products be included in Class I milk should not be adopted. Such products are not now required by health authorities to be from Grade A milk. Their distribution is not necessarily limited to the handlers of Grade A fluid milk. A further proposal that products which may hereafter be required by health authorities to be made from Grade A milk is not adopted because it is unlikely that the separate health authorities involved will all institute such requirements simultaneously.

The products included in Class II milk are not required to be from Grade A milk. Such products, although they may contain Grade A milk, must be disposed of in the same competitive field as products made from non-Grade A milk. It is considered necessary to classify certain products as Class II milk in order to permit the free movement of any excess milk into manufacturing channels without burdensome competitive disadvantage to handlers when producer receipts are in excess of the market needs for Grade A milk for fluid uses. Unaccounted for shrinkage of producer milk in excess of a reasonable allowance for shrinkage (plant loss) should be Class I milk in order to require full accounting by handlers for the use of their receipts.

No limit need be placed on shrinkage of other source milk as Class II milk, since such milk is deducted from the lowest use class under the allocation provisions. It is, however, not feasible to

segregate shrinkage of producer milk from shrinkage of other source milk in the same plant. Accordingly, in such case, the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and to other source milk should be computed pro rata to the volumes of skim milk and butterfat, respectively, received from such sources.

The allocation provisions should provide that other source milk, which is unpriced, be allocated to the lowest use in the handler's plant. This is done to prevent other source milk from displacing from Class I the milk of producers which constitutes the regular supply of the market. While there may be a few occasions in which variations in producer receipts or Class I sales within the monthly accounting period for which such allocation is provided do not permit full use of the producer receipts for the available Class I sales, these are not so frequent or so substantial as to require a more frequent accounting for purposes of allocation.

In establishing the classification of milk the responsibility should be placed upon the handler who first receives milk from producers to account for all skim milk and butterfat received at his approved plant and to prove to the market administrator that such skim milk and butterfat should be classified as other than Class I. The handler who first receives milk from producers is responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to furnish adequate proof of utilization to the market administrator.

Provision should be made in each order to cover the classification of skim milk and butterfat transferred from an approved plant to another approved plant or to an unapproved plant. In the case of transfers between approved plants whose receipts are priced by the same order, classification should be on the basis of written agreement between the affected handlers to the extent of utilization in the agreed use in the transferee plant. This provision affords suitable flexibility in the pricing, classification, and accounting for milk transferred. It does not affect producer returns because all of the milk is accounted for in the same pool computation in any event. In order to assure adequate protection of producers in the classification of their milk it should be provided that in case either source milk is received in either or both plants the classification of milk in each plant shall be made in such a manner as will return the higher class utilization to producer milk.

Transfers to a producer-handler should be classified as Class I milk. Producer-handlers ordinarily carry on only fluid operations and any milk which they purchase from a handler would normally be for fluid uses. Accordingly, it is unnecessary to provide for the classification of such a transfer in a lower use class.

An unapproved plant may be either a strictly manufacturing plant in which milk is used only for Class II products or a plant engaging in fluid distribution in other markets. Further some unapproved plants have dual operations. The provisions for classification of skim milk and butterfat transferred to such plants should result in Class II classification for that milk which is transferred to plants where only Class II operations are carried on but should result in Class I classification for that milk which the receiving plant needs for Class I disposition.

Transfers from an approved plant to an unapproved plant not more than 200 miles distant should be classified on the basis of a written agreement as to utilization, provided that if skim milk or butterfat so transferred was actually required for Class I use at the unapproved plant (after allocating to Class I the milk received directly from dairy farmers who constitute its regular source of supply for Class I needs) such milk should be classified as Class I milk at the approved plant. This provision will facilitate the movement into manufacturing outlets of skim milk and butterfat in excess of the Class I needs of the North Texas market and at the same time protect producers in the classification of their milk.

Transfers in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant should be Class I milk. Milk and skim milk ordinarily do not move long distances for manufacturing purposes. There are ample manufacturing facilities within 200 miles of each approved plant to dispose of any prospective surplus of producer milk. Accordingly, it is not necessary to provide classification as other than Class I milk for such transfers. To do so would be administratively impracticable in view of the distances at which the market administrator would have to verify any claimed utilization as Class II milk.

Cream is often moved long distances for manufacture into ice cream. Most localities into which cream is shipped from North Texas or Wichita Falls plants require a Grade A certificate if it is to be used for fluid purposes. It is concluded that cream transferred more than 200 miles should be Class I if it moves under certificate as Grade A, and should be classified as Class II otherwise. While this provides the lower classification on the basis of the absence rather than the presence of positive evidence, it is believed that under the conditions prevailing in this area producers will be assured of proper payment for their milk and handlers will be able to dispose of surplus cream at prices commensurate with the cost of the skim milk and butterfat ingredients.

6. *Class prices.* Class I milk prices in these areas should be determined by a formula made up of three major components: (1) A basic formula price representative of manufacturing milk values, (2) differentials over the basic formula price, and (3) an adjustment of the price to reflect changes in the rates of receipts of milk from producers to sales of Class I milk—in other words, a supply-demand adjustment.

The production and marketing of inspected milk for fluid purposes are influenced by many of the same economic factors as are the production and marketing of milk for manufacturing purposes. The market for most manufactured products is nation-wide, and changes in the prices of such products reflect some of the changes in general economic conditions affecting the supply and demand for all milk. Manufacturing milk plants serve as alternative outlets for milk which farmers produce. For these reasons prices of fluid milk are frequently determined by formulas based on prices of butter and non-fat dry milk and on prices paid by condenseries.

While the historical relationship to manufacturing milk prices in the North Texas and Wichita Falls markets has not been quite so close as in some other areas where the production of manufacturing milk is a more important farming enterprise, prices of milk for fluid use have generally followed a pattern related to the prices of manufactured products and the prices paid for manufacturing milk.

The basic formula price to be used in establishing the current month price for Class I milk of 4.0 percent butterfat test should be the highest of the following for the preceding month: the prices paid to farmers at 18 mid-west condenseries for milk of 3.5 percent butterfat test adjusted to a 4.0 percent basis; a formula price based on the market prices of butter and non-fat dry milk solids; or the average price paid to farmers for milk of 4.0 percent butterfat test by specified local manufacturing plants. The use of these alternative components in the basic formula price will reflect the value of manufacturing milk. The use of the highest price resulting from the three alternatives is appropriate because the fluid milk supplies for these markets must be obtained at any time in competition with the most favorably priced manufacturing outlet.

Handlers opposed the use of the paying prices of the 18 condenseries in the basic formula price. However, substantial quantities of emergency milk priced under the order for the Chicago marketing area are imported by North Texas handlers. Such emergency supplies are commingled with producer milk and sold in bottled form in competition with producer milk. The marketing order for the Chicago market prices such milk by use of a basic formula using this condensery pay-price. The Chicago order also provides an alternative butter-nonfat dry milk solids basic formula price equivalent to that here proposed. The basic formula price will reflect factors which influence the prices North Texas handlers pay for such emergency supplies.

The use of prices paid by local manufacturing plants was not supported by producers or handlers as a part of the Class I basic formula price. It was proposed by handlers as a basis for a Class II price. The conclusions with reference to pricing Class II milk are that such paying prices can only be used as an alternative pricing basis to one of the other component factors of the basic formula price. The use of the local manufacturing milk price in the basic formula will reflect local conditions of milk pricing when such conditions should be determinates of the Class I price, i. e., when local plants are paying prices for milk higher than the prices resulting from the other two alternatives.

The use of the preceding month's manufacturing values in determining the Class I price for the current month permits handlers to know the Class I price at the time of purchase.

To the basic formula price should be added a differential to reflect the cost of meeting quality requirements in the production of market milk and to furnish the necessary incentive to get a regular and adequate supply of such milk produced. Producers of Grade A milk are required to make substantial investments to meet the inspection requirements of health authorities. Similar investments are not required of producers of manufacturing milk. Fluid milk is a perishable product which must reach the consumer within a short time after it is produced. Manufactured dairy products, on the other hand, may be stored for considerable periods before reaching the consumer. Producers of fluid milk must therefore furnish a regular daily supply to the market. Texas is an area in which milk production is especially costly and substantial price incentive is necessary to induce sufficient market milk productions to supply the needs of the market.

The amount of this differential should be $2.00. Producers advocated a differential of $2.25 while handlers made no specific proposal concerning the level of the differential to be used in determining Class I prices. The differential proposed by producers would have resulted in a Class I price for the period from March 1949 through February 1950 approximately the same as the base prices then prevailing in the markets and would have paralleled fairly closely the course of the prevailing base prices from July through December 1950, without the reductions associated with the chaotic conditions that prevailed in the months of March through June 1950.

Through the years of 1947 through 1950 there has been a continued increase in the production of milk for these markets. While milk sales have also increased, and the North Texas market in particular is not yet adequately supplied, the rate of increase in production appears to have exceeded that of sales during 1949 and much of 1950 so that the deficits in fall and winter months are less severe than those of 1947 and 1948. For the year 1949, when the most rapid increase in production took place, the prevailing base prices of the markets exceeded the basic formula price by an average of $2.48 as compared with the differential decided upon herein of $2.00. In 1950 this difference averaged $1.94.

While continued increases in the volumes of milk sales may be expected under the economic conditions prevailing in these markets, the rate of increase in production need not be as rapid as that of 1949 to provide an adequate supply within a reasonable time. Under an order which pays producers the Class I price for all milk disposed of in Grade A products, the price incentive required to assure an adequate supply of milk need not be quite so pronounced as under the present system of base prices. In view of the supply-demand adjustment of Class I prices provided herein, a differential of $2.00 should be included in the order. As of February 1950 the resulting Class I price would have been $6.19, 34 cents more than the $5.85 price then prevailing. Such an increase at that time was fully justified on the basis of the economic factors affecting the production of milk.

The minimum delivered cost of supplementary milk imported from the Chicago milkshed during the short production months has been about $3.00 per hundredweight more than the basic formula price. The level of prices resulting from the formula provided herein will be about $1.00 per hundredweight less than the cost of milk imported from the Chicago market.

Handlers proposed that the differential should be reduced during the months of seasonally high production, suggesting that the amount of reduction should not exceed 23 cents per hundredweight. There is some normal seasonal variation in the basic formula price. The base-rating plans incorporated in the orders are designed to influence the seasonal pattern of deliveries in the market. It is concluded that no seasonal reduction in the level of the differentials should be included in these orders at this time. Provision should be made, however, to prevent contra-seasonal movements of Class I prices except as they result from the operation of the supply demand adjustment included herein.

The prices resulting from the basic formula price and differential herein provided should be subject to adjustment for variation in the ratio of supplies of milk from approved producers to the sales of Class I milk. If a market is less than normally supplied, the differentials above the basic formula price should be increased in order to induce a greater supply of milk. Conversely, if the market is more than normally supplied, the differential should be reduced. Such adjustment should not be made, however, until the order in each market has been in effect for a length of time sufficient for the pricing mechanism of the order to have had opportunity to affect the responses of producers to the needs of the market. In these markets the record indicates that a minimum milk supply for the market of approximately 108 to 110 percent of Class I sales in any month is necessary in any one month to compensate for unequal distribution among handlers and daily and weekly variations in receipts and sales.

The object of a supply-demand price adjustment in these markets is to bring about an automatic price increase when the supply of producer milk in relation to Class I utilization is such that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be above that needed to supply Class I needs in the low production months.

The rates of change in the volumes of both production of milk and Class I sales have been rapid in these markets. Any supply-demand ratio used should reflect conditions as currently as possible. Otherwise increased prices in spring months of high production may result from shortages in the previous fall months, and vice versa. The latest month for which data of receipts and sales are available for adjusting the Class I price to be announced on the 5th day of the month to which it applies is the second month preceding that month. It does not appear desirable to predicate adjustments on the experience of a single month; the experience of the latest two months for which data are available furnishes a more reliable indication without too much delay.

The use of a supply-demand ratio of two months requires consideration of the normal seasonal variations in production and sales that may be expected to occur. For months of seasonally high production the ratio of supplies to sales which indicates an adjustment in Class I prices should be higher than for those months in which production is normally less. The data available with reference to seasonal variations in production in the North Texas and Wichita Falls markets indicate some changes from year to year, with less seasonal variations in production in 1949 and 1950 than in 1947 and 1948. For purposes of the adjustment ratio it appears reasonable to expect seasonal variations in production slightly wider than the average of those shown for 1949 and 1950 in average production per producer but considerably narrower than those shown for the 1947–50 average monthly receipts adjusted for trend. Normally deliveries per day per producer appear to be about 25 percent greater in May and June, the months of highest production, than they are in November and December, the months of lowest production. There appears to be no significant seasonal variation in sales. Accordingly for purposes of this adjustment a supply equal to 125 percent of Class I sales in May and June is considered equivalent to a supply equal to 100 percent of sales in November and December. Similar ratios for each other two-month period are computed on the same basis.

In order to allow for the effect of year to year variations in the seasonal pattern of production, the supply-demand adjustment should not operate to modify the Class I price unless the relationship of supply to sales gives clear evidence that the quantity of milk deliveries will depart by a considerable amount from what is considered as an adequate but not excessive supply. It is therefore concluded that a supply of less than 100 percent of Class I sales in the short production months should result in an increase in price and that a supply of more than 115 percent of Class I sales in such months should result in a decrease in price. For other months these minimum and maximum percentages should reflect the seasonality of production to be expected in such months.

The rate of this adjustment should be 2.5 cents for each full percentage point that the supply-demand ratio actually prevailing for the second and third preceding months is either less than the minimum ratio established for such months (equivalent to 100 percent of Class I sales in the short production months) or is more than the maximum ratio established for such months (equivalent to 115 percent of Class I sales in the short production months). This

rate of adjustment corresponds to slightly more than one percent of the differential included in the Class I price and should be adequate to compensate promptly for any maladjustment in supply that may occur.

The price for Class II milk in each market should be the higher of the butter-nonfat dry milk solids formula price or the average of paying prices of the four Texas manufacturing plants for the current month.

Producers originally proposed the use of the paying prices of four Texas manufacturing plants as the means of determining Class II prices. At the hearing, however, they advocated the use of a Class II price based only on the mid-west condenseries and the butter-powder price. Handlers proposed the use of the paying prices of local manufacturing plants only, and suggested a number of such plants without furnishing data concerning the volumes of milk handled and the paying prices that have prevailed.

The local production of milk for manufacturing use does not supply the needs of the areas for the products manufactured there. It is necessary to import throughout the year substantial quantities of cream, condensed skim milk and nonfat dry milk solids for use in the manufacture of ice cream. A number of handlers have ice cream manufacturing facilities and buy imported ingredients to a considerable extent. Surplus Grade A milk is also used in the manufacture of ice cream but only at a price level commensurate with the prices of alternative ingredients in the form of nonfat dry milk solids, condensed skim milk, and unapproved cream. The prices of these products will therefore determine the prices for approved milk used to make ice cream. The costs of imported cream and milk solids are much more closely related to the prices of butter and nonfat dry milk solids than to the paying prices of mid-west condenseries. These costs include transportation costs from Oklahoma, Kansas, Missouri, Wisconsin, or Minnesota. The butter-powder formula price included in the orders has every month since September 1950 been almost identical with the price charged under the Chicago order for 4.0 percent milk used in the manufacture of butter and nonfat dry milk solids. Such a price should allow handlers to dispose of surplus milk in competition with both locally produced and imported supplies.

The only data concerning local manufacturing plants relate to those operated by handlers or their affiliates and to a cheese plant operated by a cooperative association for which annual patronage dividends are paid farmers in addition to the paying prices quoted for each month. While the use of the paying prices of plants operated by handlers or their affiliates as a sole determinant of producer prices would not be appropriate, the use of such prices as an alternative to a formula price based on national market values of butter and powder will prevent the price for Class II milk from being less than that paid for ungraded milk in the locality. The four plants selected appear the most representative that could be selected.

The class prices computed under the terms of the order would be those for milk containing 4.0 percent butterfat. The class prices for each handler should be adjusted by a butterfat differential to reflect the average test of producer milk classified in each class. Such differential for Class II milk shall be computed on the basis of the price of Grade A (92-score) bulk creamery butter at Chicago for the delivery period plus 15 percent. This differential represents a value somewhat less than the generally accepted value of butterfat for butter. With regard to Class I milk such differential should be computed on the same price for butter, plus 25 percent, reflecting the higher value of butterfat for fluid use. These differentials are both low in comparison with those in many other markets. This is in recognition of the fact that cream sales are low in the markets and that the average test of producer milk is high. As a consequence the market deficits are more concerned with total volume of receipts than with butterfat. The use of these moderate butterfat differentials will serve to allocate a higher proportion of the total price of each class to the skim milk which is in shorter supply.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.76 per hundredweight as of March 15, 1951. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing areas; nor would it insure a sufficient quantity of pure and wholesome milk for the marketing areas, or be in the public interest.

No adjustments are provided in the pricing provisions of the North Texas order with respect to the location of approved plants at which milk is received from producers. No such adjustments were proposed by producers or handlers of the North Texas marketing area. The record indicates that no such adjustments are now in effect. With respect to the Wichita Falls marketing area it was indicated that an adjustment in price to producers was customarily made with respect to milk received at a cooling plant at Windthorst, approximately 24 miles from Wichita Falls. This cooling plant is owned and operated by a cooperative association which receives uncooled milk twice daily from its members, cools such milk, and delivers it to Wichita Falls handlers. The order provides no adjustment in minimum class prices with respect to the milk received at this cooling plant, but does permit the cooperative association which is the handler to deduct not to exceed 25 cents per hundredweight from the uniform prices of the order for milk received at this plant. Many producers would not be able to supply the market without the cooling facilities provided by this plant.

7. *Payments to producers.* The "market-wide" type of pool with base-rating plan should be established in these orders for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable and uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made by such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. The order has been written to permit a cooperative association to become a handler when necessary to market the surplus milk of its members. Under these circumstances an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. It is concluded, therefore, that market-wide pools are necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under many other marketing orders. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk should be made through the medium of a base-rating plan. Improvement in the seasonal pattern of production has resulted from the base features of present buying plans in these markets. The proposals for base-rating plans are supported by both producers and handlers in each market. Under the plans as hereinafter provided new bases would be established each year on the basis of total deliveries made by each producer during the short production months of October through January. The bases so established would be used in making payments to producers during the months of greatest production, i. e., April through June.

Producers proposed that the bases so established should be used in making payments to producers during the months of February through September. It does not appear necessary that bases be used for so many months for effective results from the plan. Restricting payments on the base to the months definitely associated with flush production will provide greater flexibility, and will provide individual producers better opportunity to make adjustments in their production plans. It also permits new producers to enter the market to meet

prospective needs without unduly affecting the returns of producers with established bases.

A uniform price for base milk during these months would be computed which would reflect the value of milk for the market as a whole after the prior assignment of deliveries of milk in excess of base to the lowest available use class. The price of base milk would thus be enhanced above the average for the market and the uniform price for excess milk would be below the average. The lower price applicable to milk in excess of base deliveries tends to limit the deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influences of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments were made during all months of the year on a straight uniform price basis.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In order to accomplish this purpose and preserve the effectiveness of the plan no provisions should be made for the transfer of partial bases. However, transfer of the entire base of an individual producer to members of his family in case of death, retirement, or entry into military service is permitted. Provision is also made for transfer of the entire base to one of the joint holders in the case of the termination of joint landlord-tenant relationships. These rules should assure the workability of the plan and at the same time place no undue hardship upon any producer since the established bases are effective in determining producer payments in only three of the twelve months of each year.

Although uniform prices are computed once a month, provision should be made to pay producers on a semi-monthly basis. The majority of producers on these markets have customarily been paid twice a month and it is concluded that this practice should be continued. The advance payment to be made on or before the last day of the delivery period and covering receipts of producer milk during the first 15 days of the delivery period should be at not less than the Class II price for the preceding delivery period. Payment at this rate will largely eliminate the possibility of handlers making overpayments to producers who may leave the market before the end of the delivery period. Final payment for milk received during each delivery period should be made on or before the 16th day after the end of the delivery period.

In the case of a qualified cooperative association, which so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

8. Certain other provisions should be adopted to enable proper and efficient administration of the orders.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his pool plant within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator in each market must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volumes of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deduction for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups on the basis of experience with check sampling, weighing, and testing programs in other marketing areas. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature, are incidental to the other provisions of the orders, and are necessary for the proper and efficient administration of the respective orders. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of each order in the event of its suspension or termination should also be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information. In order that cooperative associations may be in position to allocate milk more equitably among handlers in times of shortage and thus insure each handler a more equitable supply of milk, the market administrator should furnish such an association each month a report of the utilization of its milk by each handler who received milk from its members. Since this report would include only milk received from the association and would not reveal the handler's total operations, confidential information would not be disclosed.

An approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of these orders. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. Accordingly, it should be provided in each order that if an approved plant disposes of a greater volume of its Class I milk in a marketing area, regulated by another Federal milk marketing order, than is disposed of in the marketing area here defined such plant shall be exempt from the pricing, payment, administrative assessment, and marketing service provisions of whichever of these orders is involved. Such a handler, however, should make reports with respect to receipts and utilization as the market administrator may require, to insure equity between handlers, such a handler should not be permitted to purchase milk for sale as Class I milk in either area at less than the price paid by regulated handlers of the area in which the milk is sold. Therefore, a handler exempt under these provisions is required to make such payments as will equalize his cost with other handlers.

Each order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreements and the orders and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and

other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed orders will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved, exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator were filed on behalf of interested parties. In arriving at the findings, conclusions and regulatory provisions of this decision each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions pertaining thereto such exceptions are denied for the reasons set forth in the findings and conclusions relating to the issue to which the exception refers.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted and upon motions filed by interested persons are confirmed except as modified by the findings, conclusions and rulings set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Motions to reopen the hearing to permit the introduction of evidence upon the findings of the recommended decision and the terms of the order recommended therein with respect to pricing formulas, the supply and demand adjustment of Class I prices, and the extent of the marketing area are denied on the basis that (1) full opportunity was provided at the hearing for all interested parties to be heard on all issues and to present facts pertinent to the decision of these issues, and (2) these findings and provisions are based upon substantial evidence in the record. Further, with respect to the supply-demand adjustment of Class I prices, this provision is by its own terms inoperative for a considerable period of time after the effective date of any order, so that further consideration may if necessary be given through amendment proceedings when further data are available as a result of the operation of the order itself.

The procedure followed in this proceeding, including the hearing, the filing of briefs, and the issuance of a recommended decision with opportunity for the filing of written exceptions thereto leaves no useful purpose to be served by reply briefs or oral argument on the recommended order and exceptions thereto. Full opportunity has been provided for interested parties to present their views and arguments. Accordingly, motions to file reply briefs and to have oral arguments are denied.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," "Order Regulating the Handling of Milk in the North Texas Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Wichita Falls, Texas, Marketing Area" and "Order Regulating the Handling of Milk in the Wichita Falls, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective attached orders, which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the North Texas, Marketing Area

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AUTHORITY: §§ 943.0 to 943.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 943.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedures, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held;

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of: (i) Other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 943.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 943.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 943.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 *North Texas marketing area.* "North Texas marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream labeled Grade "A" is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores); or,

(b) A milk plant approved by and under the routine inspection of the appropriate health authority of any municipal corporation in the marketing area which serves as a receiving station for a plant described in paragraph (a) of this section by receiving, weighing and commingling producer milk.

§ 943.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 943.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 943.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received directly from the farm at an approved plant: *Provided*, That if ungraded milk is regularly received at the premises of such approved plant with the approval of the applicable health authority having jurisdiction, only those persons whose milk is received at such approved plant who are producing milk under a dairy farm permit or rating issued by such health authority for the production of milk to be disposed of for consumption as Grade A milk shall be producers: *And provided further*, That if the applicable health authority shall notify the operator of an approved plant and the market administrator in writing that a person whose milk has been received at such approved plant is no longer qualified to have his milk received at such plant such person shall not be a producer on the basis of receipt of milk at such plant from the effective date of such notice until the effective date of a written notice from such health authority to the market administrator that such person is again qualified to have his milk received at such plant. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 943.61.

§ 943.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 943.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 943.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 943.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 943.15 *Excess milk.* "Excess milk" means milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

MARKET ADMINISTRATOR

§ 943.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary

§ 943.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 943.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and,

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 943.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 943.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and,

(c) The nature and amount of any deductions or charges involved in such payments.

§ 943.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 943.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 943.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 943.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk, or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 943.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 943.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 943.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That if either or both handlers have received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant located more than 200 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream from an approved plant to an unapproved plant located not more than 200 miles distant by shortest highway distance as determined by the market administrator, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the recipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

§ 943.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 943.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 943.41 (b) (3).

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classifiation as determined pursuant to § 943.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 943.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.
Fairmont Foods Co., Wichita Falls, Tex.

§ 943.51 *Class prices.* Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00, subject to the following:

(1) For each month after September 1952, such price shall be increased 2.5 cents for each full percentage point that the total milk received from producers by all handlers during the second and third preceding months is a smaller percentage of the total Class I milk disposed of by all handlers (exclusive of producer-handlers and handlers partially exempt from this subpart pursuant to § 943.61),

during such 2-month period than the minimum percentage listed herein opposite such 2-month period, and such price shall be decreased 2.5 cents for each full percentage point that such percentage during such 2-month period is a greater percentage than the maximum percentage listed herein opposite such 2-month period:

2-month period	Percentages		Month to which adjustment applies
	Minimum	Maximum	
July and August	110	127	October.
August and September	110	127	November.
September and October	105	120	December.
October and November	110	115	January.
November and December	100	115	February.
December and January	100	115	March.
January and February	100	115	April.
February and March	105	120	May.
March and April	115	132	June.
April and May	120	140	July.
May and June	125	150	August.
June and July	120	140	September.

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May and June shall not be more than that for the preceding month.

(b) *Class II milk.* The higher of the prices computed pursuant to § 943.50 (b) or (c) for the current month.

§ 943.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 943.60 *Producer-handlers.* Sections 943.40 through 943.46, 943.50 through 943.52, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified in Class I milk under this subpart is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 13th day of the following month.

DETERMINATION OF UNIFORM PRICE

§ 943.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 by the applicable class prices.

§ 943.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute as follows an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from the producers:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to §§ 943.90 and 943.93 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 and multiplying the resulting figure by the total hundredweight of such milk:

§ 943.72 *Computation of uniform price.* For each of the months of July through March, the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 943.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 943.81 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 943.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 943.94, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23rd days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

§ 943.91 *Producer-butterfat differential.* In making payments pursuant to § 943.90, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 943.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 943.61 (b), 943.93 and 943.95, and out of which he shall make all payments to handlers pursuant to §§ 943.94 and 943.95.

§ 943.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market adminstrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 943.95 *Adjustment of accounts.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 943.96 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 943.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraph (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 943.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

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945.110 Agents.
945.111 Separability of provisions.

AUTHORITY: §§ 945.0 to 945.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 945.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Wichita Falls, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce, or directly burden, obstruct or affect interstate commerce in milk or its products; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of: (i) Other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita Falls, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of this order as set forth below:

DEFINITIONS

§ 945.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 945.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 945.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 945.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 945.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 945.6 *Wichita Falls, Texas, marketing area.* "Wichita Falls, Texas, marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations, and State institutions, within Wichita County, Texas.

§ 945.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream labeled Grade "A" is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores); or,

(b) A milk plant approved by and under the routine inspection of the appropriate health authority of any municipal corporation in the marketing area which serves as a receiving station for a plant specified in paragraph (a) of this section by receiving, weighing and commingling producer milk.

§ 945.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 945.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 945.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That if ungraded milk is regularly received at the premises of such approved plant with the approval of the applicable health authority having jurisdiction, only those persons whose milk is received at such approved plant who are producing milk under a dairy farm permit or rating issued by such health authority for the production of milk to be disposed of for consumption as Grade A milk shall be producers: *And provided further*, That if the applicable health authority shall notify the operator of an approved plant and the market administrator in writing that a person whose milk has been received at such approved plant is no longer qualified to have his milk received at such plant, such person shall not be a producer on the basis of receipts of milk at such plant from the effective date of a written notice from such health authority to the market administrator that such person is again qualified to have his milk received at such plant. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 945.61.

§ 945.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 945.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 945.13 *Producer - handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 945.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 945.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 945.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 945.80.

MARKET ADMINISTRATOR

§ 945.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 945.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 945.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 945.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 945.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 945.30 to 945.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 945.33; or

(3) Make payments pursuant to §§ 945.90 to 945.96, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 945.51 (a) and the Class I butterfat differential pursuant to § 945.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 945.51 (b) and the Class II butterfat differential pursuant to § 945.52 (b), both for the preceding month; and,

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 945.72 or § 945.73, as applicable, and the butterfat differential computed pursuant to § 945.91, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 945.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 945.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and,

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 945.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and,

(c) The nature and amount of any deductions or charges involved in such payments.

§ 945.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 945.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 945.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 945.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 945.30 shall be classified by the market administrator pursuant to the provisions of §§ 945.41 to 945.46, inclusive.

§ 945.41 *Classes of utilization.* Subject to the conditions set forth in §§ 945.43 and 945.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk, or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 945.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 945.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 945.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That if either or both handlers have received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant more than 200 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream from an approved plant to an unapproved plant not more than 200 miles distant by shortest highway distance as determined by the market administrator, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

§ 945.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 945.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 945.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 945.41 (b) (3).

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 945.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 945.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.
Fairmont Foods Co., Wichita Falls, Tex.

§ 945.51 *Class prices.* Subject to the provisions of § 945.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00, subject to the following:

(1) For each month after September 1952, such price shall be increased 2.5 cents for each full percentage point that the total milk received from producers by all handlers during the second and third preceding months is a smaller percentage of the total Class I milk disposed of by all handlers (exclusive of producer-handlers and handlers partially exempt from this subpart pursuant to § 945.61) during such 2-month period than the minimum percentage listed in this subparagraph opposite such 2-month period, and such price shall be decreased 2.5 cents for each full percentage point that such percentage during such 2-month period is a greater percentage than the maximum percentage listed in this subparagraph opposite such 2-month period:

2-month period	Percentages		Month to which adjustment applies
	Minimum	Maximum	
July and August	110	127	October.
August and September	110	127	November.
September and October	105	120	December.
October and November	100	115	January.
November and December	100	115	February.
December and January	100	115	March.
January and February	100	115	April.
February and March	105	120	May.
March and April	115	132	June.
April and May	120	140	July.
May and June	125	150	August.
June and July	120	140	September.

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May, and June shall not be more than that for the preceding month.

(b) *Class II milk.* The higher of the prices computed pursuant to § 945.50 (b) or (c) for the current month.

§ 945.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 945.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 945.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 945.60 *Producer-handlers.* Sections 945.40 through 945.46, 945.50 through 945.52, 945.70 through 945.73, 945.80, 945.81, and 945.90 through 945.98, shall not apply to a producer-handler.

§ 945.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required by pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified in Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day of the following month.

DETERMINATION OF UNIFORM PRICE

§ 945.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 945.46 by the applicable class prices.

§ 945.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute as follows an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers:

(a) Combine into one total the values computed pursuant to § 945.70 for all handlers who made the reports prescribed in § 945.30 and who made the payments pursuant to §§ 945.90 and 945.93 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 945.94.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 945.91 and multiplying the resulting figure by the total hundredweight of such milk.

§ 945.72 *Computation of uniform price.* For each of the months of July through March, the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers at an approved plant as follows: (a) Divide the aggregate value computed pursuant to § 945.71 by the total hundredweight of milk included in such computation; and (b) Subtract not less than 4 cents nor more than 5 cents.

§ 945.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 945.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 945.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 945.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 945.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 945.81 *Base rules.* (a) A base shall apply to deliveries milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 945.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 945.72 and 945.73, adjusted by the butterfat differential computed pursuant to §945.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 945.94, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price for the preceding month.

(c) On or before the 13th and 23rd days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 945.31.

§ 945.91 *Producer-butterfat differential.* In making payments pursuant to § 945.90, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 945.92 *Location adjustment to producers.* In making payments pursuant to § 945.90 (a) to producers whose milk is received at the cooling plant located at Windthorst, Texas, currently operated by the Wichita Falls Area Milk Producers Association, Inc., the handler may deduct not to exceed 25 cents per hundredweight of milk. Such deductions shall not affect the computation of amounts to be paid by the handler or the market administrator pursuant to §§ 945.94 and 945.95.

§ 945.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 945.61 (b), 945.94 and 945.96, and out of which he shall make all payments to handlers pursuant to §§ 945.95 and 945.96.

§ 945.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 945.70 is greater than the amount required to be paid producers by such handler pursuant to § 945.90.

§ 945.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 945.70 is less than the amount required to be paid producers by such handler pursuant to § 945.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 945.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 945.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 945.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 945.98 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 945.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records, required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 945.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 945.101.

§ 945.101 *Suspension or termination.* The secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 945.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 945.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 945.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 945.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

Order of the Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to North Texas Marketing Area; Determination of Representative Period; and Designation of Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the North Texas marketing area) who, during the month of April 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.

The month of April 1951 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum is issued.

Order of the Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to Wichita Falls, Texas, Marketing Area; Determination of Representative Period; and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Wichita Falls, Texas, marketing area) who, during the month of April 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.

The month of April 1951 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

[F. R. Doc. 51-8417; Filed, July 19, 1951; 9:03 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.208 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $1,350.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8321, Filed, July 19, 1951; 8:49 a. m.]

[7 CFR Part 996]

[Docket No. AO-203-A2]

MILK IN THE SPRINGFIELD, MASSACHUSETTS MARKETING AREA

RECOMMENDED DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED, REGULATING THE HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Massachusetts on April 9, 1951, upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in

the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The material issues entered on the record of the hearing were whether:

(1) The definition for outside milk should be revised.

(2) The language of the order should be revised to provide for the same treatment of Lowell-Lawrence pool milk as is accorded Worcester pool milk received at a Springfield regulated plant.

(3) The provisions dealing with pool plant qualifications should be revised.

(4) The assignment provisions should be revised to provide for the assignment of out-of-area Class I sales made from a handlers' country plant to receipts of producer milk at such plant, to change the assignment sequence with reference to receipts of skim milk and to provide an assignment for milk not otherwise covered.

(5) Any changes made in the basis of determining the Class II price and the butterfat differential under the Boston order should be incorporated in the Springfield order.

(6) Required payments on outside milk should be eliminated under certain circumstances.

(7) A method for computing a composite wage index for use in the Class I formula should be provided.

(8) The operator of a milk plant should be made the responsible handler with respect to payment, reporting, and other obligations imposed by the order for all milk and milk products received at such plant.

(9) Producer milk under the Boston, Lowell-Lawrence, or Worcester orders diverted to a Springfield pool plant should be excluded as producer milk under the Springfield order.

(10) The definition of buyer-handler should be amended to require the disposition of more than 10 percent of such a handler's total receipts of fluid milk products other than cream as Class I milk in the marketing area.

(11) The requirement that milk moved by buyer-handlers to other plants be classified as Class I should be revised.

(12) There should be excluded from the current pool computation milk of any nonpool handler in noncompliance with reference to the payment or reporting provision.

(13) Credits should be granted a handler for payments made to the Boston pool in the computation of such handler's pool obligation.

(14) Certain other nonsubstantive changes should be made to delete obsolete language and to make the language of the Springfield order consistent with that of other market orders.

Findings and conclusions. From the evidence introduced at the hearing and the record thereof with respect to the afore-mentioned issues it is hereby found and concluded that:

(1) The proposal to include as outside milk all receipts from New York order pool plants which are classified as other than I-A or I-B under the New York order should be adopted. Under the present provisions of the order receipts from New York order pool plants are specifically excluded from the outside milk definition and it is therefore possible for Springfield handlers to utilize New York Class I-C or Class III milk without being subject to the equalization payment on milk. The order presently prevents the replacement of local producer milk by New York Class I-C or Class III milk in the plant of a Springfield pool handler since it is specifically provided that such receipts shall be assigned to Class II. However, milk moving from a New York order pool plant to the nonpool plant of a Springfield producer-handler, or a buyer-handler, located outside of the marketing area would be Class I-C under the New York order and would not be subject to the equalization payment to the Springfield pool. Likewise a similar movement of concentrated milk, buttermilk, milk drinks and any other item classified as Class III under the New York order can be utilized by a producer-handler or buyer-handler without payment to the Springfield pool. In order to maintain a Class I price on all milk disposed of in Springfield, New York milk classified as other than I-A or I-B under the New York order should be considered outside milk.

The outside milk definition should further be revised to except receipts from producer-handlers and buyer-handlers under the Boston, Lowell-Lawrence and Worcester orders. Such receipts, except the own farm production of producer-handlers are now considered outside milk. Under the assignment provision receipts of outside milk are assigned after receipts from New York, Boston, and Worcester pool handlers, receipts from other Springfield handlers and direct producer receipts. Accordingly buyer-handlers and producer-handlers from other New England Federal markets are at a disadvantage, as compared to pool handlers in such markets, in furnishing milk to Springfield handlers. Since the Boston, Lowell-Lawrence and Worcester orders provide that a buyer-handler or producer-handler pay the outside milk assessment on all receipts of outside milk in excess of his Class II disposition there is no possibility of such an individual in one of these markets obtaining milk for Class I disposition in the Springfield market at a lower cost than pool handlers. Under these circumstances receipts from such handlers should be accorded the same treatment as receipts from pool handlers operating in the same market.

(2) The present order provisions should be revised to provide the same treatment for milk moved from Lowell-Lawrence pool plants as is accorded milk moved from Worcester pool plants to a Springfield regulated plant. At the time the Springfield order became effective the Lowell-Lawrence market was operating under an individual handler pool. With a market-wide pool in Lowell-Lawrence the incentive to transfer excess milk from Lowell-Lawrence to Springfield has been reduced. The Lowell-Lawrence order provides that receipts of fluid milk products, other than cream, from regulated plants under the Springfield and Worcester orders be assigned to Class I unless Class II is agreed upon in writing to the market administrator and an equivalent disposition in Class II actually occurred at the receiving plant. The same type of reciprocal arrangement should be provided in order so that the treatment of milk under the three secondary markets is consistent.

(3) The provisions dealing with qualifications for pool plants should be amended to specifically exclude from pool plant status during the months of March through September any of a handler's plants which were nonpool receiving plants during any of the preceding months of October through February. Under the present order provisions it is possible that a handler's city plant located outside of the marketing area could be a nonpool plant during the months of October through February and then because of increased Class I disposition from such plant within the marketing area during the months of March through September qualify as a pool plant during such months. At the same time dairy farmers delivering to such plant would not qualify as producers since they would have delivered to a nonpool plant during the October-February period. Under such circumstances the handler would be under substantial obligation to the pool since he would be charged the use value of all of the milk in his plant and credited with payment for such milk at the Class II price. Such a situation could raise complications in the administration of the order and result in serious financial loss to the handler involved. As an unregulated plant the pool obligation would be limited to payment of the difference between the Class I and Class II price on only that volume of milk disposed of as Class I milk direct to consumers within the marketing area. The adoption of the proposed language protects unregulated dealers from unreasonable obligation to the pool while at the same time assuring producers reasonable protection from sales of unregulated milk and provides uniform treatment of such milk under both the Springfield and Lowell-Lawrence orders.

The proposal to amend the country pool plant qualification provisions to lower the percentage of total milk receipts required to be disposed of in the marketing area should be adopted. The order presently provides that a country plant dispose of 50 percent of its total receipts of fluid milk products, other than cream, as Class I milk directly to consumers in the marketing area, or as milk to city plants under the Springfield or Worcester orders at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk. It was proposed that the shipping requirement be lowered from 50 percent to 30 percent. At the present time the Brattleboro, Vermont plant of H. P. Hood & Sons is the only country plant associated with the Springfield market and little, if any, milk is disposed of in the Worcester market. Therefore, the opportunity to use shipments to Worcester to meet the qualifying percentage has little significance and should be deleted. Proponents contend that it is becoming increasingly difficult to maintain pool status for this plant under the present 50 percent shipping requirement. They further contend that

in order to retain pool plant status for this plant in recent months they have been forced to release a number of direct shippers at their city plant. A country receiving plant which functions as a reserve plant for the market, should not be forced to ship milk to the city when such milk is not actually needed there to meet market requirements. On the other hand, a plant with only casual association with the market should not be accorded continuing pooling privileges. The record evidence tends to support proponents in their position that the Springfield market has first call on the milk at the Brattleboro plant and that such milk moves to the city whenever it is needed. Lowering the shipping requirement from 50 percent to 30 percent will simplify the qualification of the Brattleboro plant and at the same time protect the pool from new plants interested in the advantage of pooling without taking on the responsibility of supplying the local market. If, at any time, it becomes evident that the Brattleboro plant is not fulfilling its responsibility to the Springfield market by making its entire supply of milk available as needed, consideration should be given to more stringent pool plant qualifications.

(4) The present assignment provisions of the order should be amended to provide for the assignment of out of area Class I sales made from a handler's country plant to receipts of producer milk at such plant and the sequence of assignment should be revised in other respects. Under the present order provisions a handler's Class I sales are assigned to producer receipts at his city plant ahead of the assignment of receipts at his country plant. It is possible under this procedure that a handler operating both a country and a city plant may have a portion of his milk disposed of from his country plant as out of area Class I sales charged to him at the country plant price and the balance of such sales charged at the city plant price. This situation would arise only when the volume of milk at the city plant exceeds the Class I demand for such milk. At such time the balance of the city plant supply, in excess of Class I requirements, plus the volume of producer receipts held at the country plant ordinarily would be utilized as Class II unless an out of area Class I market is found for such milk. The assignment of such sales from the country plant to receipts at such plant maintains the relationship between milk prices at the two plants as established by the order since the difference in price is based on the cost of movement to Springfield.

The present allocation provisions should be revised to provide for the assignment of receipts of skim milk from all regulated plants after receipts of producer milk and outside milk at a handler's plant. Under the present assignment procedure receipts of skim milk from the regulated city plants of other handlers take precedence over producer receipts, receipts of outside milk, and receipts of milk from the country pool plants of other handlers. This assignment sequence creates confusion between handlers in the pricing of skim milk and necessitates numerous price adjustments, since skim milk is a Class II product and is usually transferred for Class II use. Changing this sequence in no way affects the total value of the pool but merely transfers the Class I accounting in the pool from one city plant handler to another.

It is possible that a handler may have milk in his plant from sources other than those specifically referred to in the present assignment provisions. This might take the form of unidentified milk, reconstituted milk, or milk in inventory. The inclusion of a catch-all assignment provision should be adopted to assure the assignment of all milk and milk products in the handler's plant.

The assignment of fluid milk products, other than cream, received from a Worcester pool plant should be allowed on an agreement basis between the Worcester and Springfield handlers without regard to outside milk receipts. The present provisions provide that assignment by agreement to Class II be limited to that remaining Class II utilization in the Springfield handler's plant after deduction of its receipts of outside milk. Permitting the assignment as Class II, up to the total volume of Class II use in the Springfield plant, will allow the two handlers involved to determine by agreement which producers will get credit for the Class I sales and will not affect the over-all costs of the milk involved. Since producers supplying both markets are located in the same general supply area, the producers are in position to shift from one market to the other if handlers were to agree upon a utilization which would maintain one market price to producers substantially higher than the other.

(5) The proposal to make such changes in the Class II pricing provisions as are necessary to maintain the present relationship to the Boston Class II price should be adopted. The present basis of Class II pricing was established so that the Springfield Class II price would move with the price of milk for similar use in the Boston market. For the same reasons that the present relationship was established, it is essential that any changes made in the Boston Class II pricing be reflected in the Springfield Class II pricing. Similarly, the method of determining the butterfat differential in the Springfield market has been the same as that used in other Federal orders effective in the New England region. Accordingly, in the computation of the butterfat differential the weight of a can of 40 percent cream should be considered 33 pounds, rather than the 33.48 pounds presently used. Certain producer interests proposed that in the computation of the butterfat differential the 1.5 cents transportation allowance be deleted. They contend that the factor represents a freight adjustment and since in the Springfield market the bulk of the milk is received at the city plants, no allowance is justified. However, there is also a substantial portion of the total producer milk received at country plants. There appear to be certain advantages to maintaining one butterfat differential for all locations but whether it should be determined with or without the 1.5-cent factor is not clear from this record. The evidence, in the record, on this point is not conclusive. Accordingly, no further change can be considered on the basis of this record.

(6) No change should be made in the present order provisions with reference to the equalization payments required on outside milk. Proponents proposed that the order be amended to provide that the outside milk payment be invalidated during any period in which an emergency is declared under the Boston order. In this connection it does not necessarily follow that an emergency will exist in the secondary markets at any time that there is an emergency in the Boston market. If a provision of the nature proposed were desirable, it should take the form of an independent determination with specific reference to the Springfield market.

(7) The order should provide for the computation of a composite wage rate index which would be similar to the farm-wage rate index which has been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting information from which the monthly composite wage rates were computed and that series has been discontinued. Therefore, it is necessary to compute an equivalent composite farm wage rate. Farm wage rates are recorded quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without room or board, and per day without board or room. These rates should be expressed as a simple average monthly composite rate by converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and by converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four states used in the Class I formula should be combined according to the rate expressed in the order. In order to express the rate as an index on the same basis as that used in converting the previously published monthly composite farm wage rate to an index number for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by 0.6394. This factor is determined from the average relationship of the milkshed average wage rate figure derived from the currently published data to this series which was previously published and used in the computation of the formula price.

(8) The proposal to amend the order to provide that the operator of a milk plant be the responsible handler with respect to payment, reporting, and other obligations under the order for all milk and milk products received at such plant should be adopted. The operator of a plant is the only person who can reasonably be held responsible for the weighing and testing of producers' milk. He has control of the receiving function and logically should be responsible for maintaining proper records of such receipts and for proving the utilization thereof. Since payments to producers are made on the basis of weights and tests of the receiving plant, as verified by the market administrator, the operator of such plant should be held responsible for paying producers and for other obligations imposed by the order upon a handler. Milk temporarily diverted from the pool plant of a handler for the account of such handler should be considered as having been received at the pool plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk. However, in accounting for such milk the records of the handler actually receiving the milk would be relied upon to prove receipts and tests even though the handler who diverted such milk to a nonpool plant would be responsible for making such records available.

It was proposed that bulk milk of dairy farmers which is received at a pool plant for processing and for which an equivalent volume of milk is returned to the dairy farmer be considered exempt milk. There was no objection to the exemption of such milk from the market pool. The number of persons and the quantity of milk involved in this type of transaction is small and apparently does not adversely affect the stability of the market. It is concluded, therefore, that such milk of a dairy farmer which is delivered to a pool handler for processing and for which an equivalent volume of bottled milk is returned should be considered exempt milk and not included in the pool. In cases where the volume of milk received from a dairy farmer is in excess of the volume of bottled milk returned, such excess milk disposed of to the pool handler should be considered as producer milk.

Under the present order provisions a handler under certain conditions is permitted to process and bottle milk for another handler without regarding such milk as outside milk or involving the other handler in the market pool because of the processing transaction. This principle should be continued as it applies to handlers or dealers who operate plant facilities and actually receive at such plant the milk which is transferred to the plant of a handler for processing and bottling and for which an equivalent volume of milk is actually returned. The verification of the receipts and disposition necessary to substantiate the exempt status of such milk involve the same type of audit of handlers' records as in the case of producer milk, and it is therefore concluded that such milk should be subject to the administration assessment and bear its proportionate share of administrative costs.

(9) The proposal to amend the producer definition to provide that a dairy farmer who is a producer under the Boston, Lowell-Lawrence, or Worcester orders shall not be a producer under the Springfield order with regard to any of his Boston, Lowell-Lawrence, or Worcester pool milk diverted to a Springfield pool plant should be adopted. Under the present order provisions such diversions could result in a dairy farmer being considered a producer both at the plant from which his milk is diverted and at the Springfield pool plant. Such a situation could involve unreasonable financial costs to the handler if he were required to pool the milk under both pools. The adoption of the proposal will facilitate the disposition of surplus milk by enabling more efficient handling in movements between markets and at the same time provide Springfield producers the same protection they enjoy under the present order provisions.

(10) The proposal to amend the definition of a buyer-handler to require the disposition of more than 10 percent of the total receipts of fluid milk products, other than cream, as Class I milk in the marketing area should be adopted. Handlers who have only a casual association with the market, that is do less than 10 percent of their Class I business in the marketing area, should not acquire buyer-handler status. A buyer-handler, as a regulated handler, must have sufficient pool milk to cover all of his Class I sales, both within and without the marketing area, or pay the outside milk payment on whatever Class I utilization is in excess of his supply of pool milk. An unregulated handler, on the other hand, need have pool milk to cover, or pay the outside milk payment on, only that volume of Class I milk disposed of within the marketing area.

Under this provision all sales by a pool handler to an individual doing less than 10 percent of his Class I business in the area will be Class I up to the extent of such use by such unregulated handler.

The order presently provides that any city plant meeting the basic qualifications for pooling shall be a pool plant in only those months in which at least 10 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk in the marketing area. Since different treatment is prescribed for pool and nonpool handlers, it is essential that a handler be in a position to determine readily his status as a pool handler. In this connection the final classification of milk transferred between handlers is dependent on the actual utilization and source of all receipts in the transferee plant. Accordingly, in order to simplify the determination of a handler's pool status it should be provided that for such purpose the transfers of fluid milk products, other than cream, to a regulated city plant be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from such other plant.

(11) The proposal to revise the present order provisions which provide that milk moved by buyer-handlers to other plants be classified as Class I should not be adopted. Buyer-handlers get no milk direct from producers but purchase all of their requirements for fluid products from other handlers. Accordingly, they are in a position to maintain a day-to-day balance between their requirements and procurement. The present order provisions do not limit purchases for Class II use in the buyer-handler's plant but merely restrict the transfer of milk to a third plant for other than Class I use. Class II milk is defined and priced for the purpose of removing necessary excesses from the market. It appears that buyer-handlers do not need to purchase Class II milk in excess of their own use. To encourage a buyer-handler to buy long and permit free transfer to nonpool plants for Class II use could adversely affect producers by resulting in a lower classification for such milk than might otherwise be available through other outlets.

(12) The proposal to exclude from each current pool computation milk of any nonpool handler who is not in compliance with the reporting and payment provisions for any prior month should be adopted. The order presently has such a provision with reference to a pool handler in noncompliance. However, under the present order provision a nonpool handler in violation, because of nonreporting or nonpayment of assessments due, continues to be carried in the current pool computations. Under such arrangement it is possible that such indebtedness to the pool could actually reach the point of threatening the solvency of the pool. Exclusion of the milk of such nonpool handlers from the current pool computation assures the solvency of the settlement fund and at the same time does not relieve such nonpool handler of any of his obligations or responsibilities under the order.

(13) The proposal to amend the provisions dealing with the the computation of the value of milk utilized by a handler to credit any amount that such handler is required to pay to the Boston pool for milk disposed of in the Boston marketing area should not be adopted. This proposal was made on the premise that the Boston marketing area would be expanded to include specified military installations. Springfield handlers do not make direct distribution of milk in the present Boston marketing area. Therefore, there is nothing to be gained by the adoption of this proposal.

(14) The other proposals considered at the hearing involve nonsubstantive changes which would merely delete obsolete language or clarify the language of the present provisions. There was no opposition testimony and it is accordingly concluded that they should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply

and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following proposed amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

DEFINITIONS

§ 996.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Springfield, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns: Agawam, Chicopee, Easthampton, East Longmeadow, Holyoke, Longmeadow, Ludlow, Northampton, South Hadley, Springfield, Westfield, West Springfield, Wilbraham.

(c) "Order", used with the name of a marketing area other than the Springfield, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 996.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 996.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant.

The term shall not apply to a dairy farmer who is a producer under the Boston, Lowell-Lawrence, or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, during the month.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling of processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 996.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 996.20, 996.21, and 996.22, for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 996.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk and concentrated milk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products other than cream received at a regulated plant from an unregulated plant up to the total quantity of nonpool milk received at the unregulated plant, except exempt milk, receipts from New York order pool plants which are assigned to Class I pursuant to § 996.27, and receipts from Boston Lowell-Lawrence, and Worcester regulated plants.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Worcester order without its intermediate movement to another plant.

(g) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk, and milk to which any other milk product may be added in the process of manufacture. For purposes of this subpart the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

(h) "Exempt milk" means bulk milk which is received at a plant for processing and bottling from another plant or from the dairy farmer who produced it, and for which an equivalent quantity of packaged milk is returned during the same month. This definition shall not include milk transferred between two pool plants.

MARKET ADMINISTRATOR

§ 996.10 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 996.12 *Duties.* The market administrator, in addition to the duties described in other sections of this subpart, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this subpart and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this subpart;

(e) Promptly verify the information contained in the reports submitted by handlers; and

(f) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION OF MILK AND MILK PRODUCTS

§ 996.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16, 996.17 and 996.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 996.16 *Interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 996.25 and 996.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant, except a plant subject to the New York, Boston, Lowell-Lawrence, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Lowell-Lawrence, or Worcester orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classified as Class I milk if classified in Classes I–A, I–B, or I–C under the New York order, and shall be classified as Class II milk if classified in any class other than I–A, I–B, or I–C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Lowell-Lawrence or Worcester orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 996.17 *Interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 996.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 996.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 996.21 and 996.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to chapter 94, sections 16C and 16G of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant, pursuant to the provisions of the Boston, Lowell-Lawrence, New York, or Worcester orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

§ 996.21 *City pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city

plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 996.22 *Country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 20 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 996.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 996.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 996.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Springfield.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Springfield.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Springfield.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 996.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

§ 996.27 *Receipts from plants subject to the New York, Boston, Lowell-Lawrence of Worcester orders.* (a) Receipts of fluid milk products, from plants subject to the Boston order shall be assigned to the class in which they are classified under such order.

(b) Receipts of fluid milk products, other than cream, from plants subject to the New York order and which are classified in Classes I–A or I–B under such order shall be assigned to Class I.

(c) Receipts of fluid milk products, other than cream, from regulated plants under the Lowell-Lawrence or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

REPORTS OF HANDLERS

§ 996.30 *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler assigned to classes pursuant to §§ 996.25 through 996.27.

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through § 996.18.

§ 996.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this subpart or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this subpart;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM CLASS PRICES

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding workday shall be used.

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044, and multiply by 0.6.

(2) Compute the simple average of monthly equivalent farm wage rates for each of the states named below by converting the rates reported by the United States Department of Agriculture to monthly equivalents as follows: rate per month with board, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective states with the weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$2.21	$1.77	$2.65
57–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–152	5.29	4.85	5.73
153–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month, multiply by .98, and multiply the result by 3.7. If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price: Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption; in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) The amount set forth in the table in paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacturing purposes, f. o. b. plants, United States, for the 12 months ending with the preceding month.

(2) Adjust the Class II prices under the Boston order for milk received at plants in the 201–210-mile zone for the preceding 12 months to the average butterfat tests for which the prices described in subparagraph (1) of this paragraph are reported by applying the butterfat differential pursuant to the Boston order

and compute a simple average of such adjusted prices.

(3) Determine the amount, computed to the nearest ½ cent, by which the average determined pursuant to (1) exceeds the average computed pursuant to subparagraph (2) of this paragraph: *Provided*, That this provision shall not be applicable for the first time until the plus amount determined hereby for the previous month exceeds 5 cents.

§ 996.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 996.40 and 996.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Springfield, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move or on the railway mileage distance to Springfield from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 996.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 40½	(1)	(1)
41–50	−41.5	−2.0
51–60	−42.5	−3.0
61–70	−43.0	−3.0
71–80	−44.5	−3.0
81–90	−45.0	−3.0
91–100	−45.5	−3.0
101–110	−45.5	−4.5
111–120	−47.0	−4.5
121–130	−47.0	−4.5
131–140	−48.0	−4.5
141–150	−50.5	−4.5
151–160	−52.0	−6.0
161–170	−52.0	−6.0
171–180	−54.5	−6.0
181–190	−54.5	−6.0
191–200	−56.0	−6.0
201–210	−56.0	−7.0
211–220	−60.0	−7.0
221–230	−60.5	−7.0
231–240	−61.5	−7.0
241–250	−61.5	−8.0
251–260	−62.5	−8.0
261–270	−63.0	−8.0
271–280	−63.5	−8.0
281–290	−64.5	−8.0
291 and over	−65.5	−8.0

(1) No differential.

§ 996.43 *Automatic changes in zone price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in § 996.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustments shall be made to the nearest one-half cent per hundredweight.

§ 996.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described by this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

MINIMUM BLENDED PRICES TO PRODUCERS

§ 996.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute the net value of milk which is sold, distributed, or used by each pool handler, in the following manner:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 996.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 996.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 996.40, 996.41 and 996.42.

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 996.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 996.25 (f), (i), and (k) by the price applicable pursuant to §§ 996.41 and 996.42.

§ 996.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 996.50 and payments required pursuant to §§ 996.65 and 996.66, for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61 (b) and 996.65 and 996.66, for milk received during each month since the effective date of the most recent amendment to this subpart;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, 996.66 and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64;

(d) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants shall be known as the basic blended price.

§ 996.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 996.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this subpart.

PAYMENTS FOR MILK

§ 996.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 996.61 (a).

§ 996.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50 as follows:

(a) On or before the 25th day after the end of each month to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 996.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 996.61 (b), 996.65 or 996.66 the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows:

Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22 and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22.

§ 996.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 996.61 (a) shall be subject to the Class I price differentials pursuant to § 996.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered in which event there shall be added an amount which will give as a result such price: Massachusetts: Becket, Florida, Hinsdale, Otis, Peru, Sandisfield, Savoy, Washington, and Windsor. New Hampshire: Chesterfield, and Westmoreland. Vermont: Brattleboro, Dover, Dummarston, Marlboro, Newfane, Putney, and Wilmington.

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price: Connecticut: Ellington, Enfield, Granby, Somers, and Suffield. New Hampshire: Hinsdale and Winchester. Vermont: Guilford, Halifax, Readsboro, Vernon, and Whitingham.

§ 996.65 *Payments on outside milk.* Within 23 days after the end of each month handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42 effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 996.40, 996.41, and 996.42, effective for the location or freight mileage zone of the handler's plant.

§ 996.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Lowell-Lawrence, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 996.40 and 996.42 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 996.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 996.67 *Adjustment of overdue accounts.* Any balance due pursuant to §§ 996.61, 996.62, 996.65, and 996.66 to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 996.68 *Statements to producers.* In making the payments to producers prescribed by § 996.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a).

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.70 and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 996.70 *Marketing service deduction; nonmembers of a Producers' Cooperative Association.* In making payments to producers pursuant to § 996.61 (a) each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 *Marketing service deductions with respect to members of a Producers' Cooperative Association.* In the case of producers who are members of an association of producers which is actually performing the services set forth in

§ 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

ADMINISTRATION EXPENSE

§ 996.72 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

§ 996.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatitves all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraph (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 996.80 *Effective time.* The provisions of this subpart, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 996.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 13th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8323; Filed, July 19, 1951; 8:50 a. m.]

[7 CFR Part 999]

[Docket No. AO-204-A2]

HANDLING OF MILK IN WORCESTER, MASS., MARKETING AREA

RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Worcester, Massachusetts, on April 10, 1951, upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The material issues entered on the record of the hearing were whether:

(1) The marketing area should be extended or reduced.

(2) The definition for outside milk should be revised.

(3) The language of the order should be revised to provide for the same treatment of Lowell-Lawrence pool milk as is accorded Springfield pool milk received at a Worcester regulated plant.

(4) The provisions dealing with pool plant qualifications should be revised.

(5) The assignment provisions should be revised to provide for the assignment of out-of-area Class I sales made from a handlers' country plant to receipts of producer milk at such plant, to change the assignment sequence with reference to receipts on skim milk and to provide an assignment for milk not otherwise covered.

(6) Any changes made in the basis of determining the Class II price and the butterfat differential under the Boston order should be incorporated in the Worcester order.

(7) Required payments on outside milk should be eliminated under certain circumstances.

(8) A method for computing a composite wage index for use in the Class I formula should be provided.

(9) The operator of a milk plant should be made the responsible handler with respect to payment, reporting, and other obligations imposed by the order for all milk and milk products received at such plant.

(10) Producer milk under the Boston, Lowell-Lawrence, or Springfield orders diverted to a Worcester pool plant should be excluded as producer milk under the Worcester order.

(11) The definition of buyer-handler should be amended to require the disposition of more than 10 percent of such a handlers total receipts of fluid milk products other than cream as Class I milk in the marketing area.

(12) The requirement that milk moved by buyer-handlers to other plants be classified as Class I should be revised.

(13) There should be excluded from the current pool computation milk of any nonpool handler in noncompliance with reference to the payment or reporting provisions.

(14) Credits should be granted a handler for payments made to the Boston pool in the computation of such handlers' pool obligation.

(15) Certain other nonsubstantive changes should be made to delete obsolete language and to make the language of the Worcester order consistent with that of other market orders.

Findings and conclusions. From the evidence introduced at the hearing and the record thereof with respect to the aforementioned issues it is hereby found and concluded that:

1. The present limits of the marketing area should be revised to exclude the town of Northbridge, Massachusetts. The area as presently defined includes fourteen Massachusetts cities and towns which, except for the town of Northbridge, form a compact, concentrated distribution area served primarily by handlers who do the main portion of their business in the city of Worcester.

The town of Northbridge is primarily served by local producer-handlers doing the bulk of their business in a very small area. Historically there has been a very close association between local distributors and producers in the towns of Northbridge and Uxbridge which is not a part of the marketing area. Prior to the adoption of the Worcester order these local distributors customarily solved their supply and demand problems among themselves. The inclusion of Northbridge in the marketing area has served to disrupt these local relationships of long standing. Northbridge producer-distributors are no longer in a position to call on their neighbors in Uxbridge for supplemental supplies as needed unless they make the equalization payment as required on all outside milk disposed of as Class I. Accordingly, Uxbridge producer-dealers have lost their customary outlet for excess milk.

The present limits of the marketing area were established on the basis of information presented on the record of the promulgation hearing which information purported to show that Worcester handlers did a substantial business in the town of Northbridge. It now appears that certain Worcester handlers do have routes extending into Northbridge, but their distribution in the town represents only a very small portion of their total fluid distribution and only a minor part of the total fluid distribution of all handlers in Northbridge. Exclusion of the town as a part of the marketing area will not change the status of a single Worcester pool handler and accordingly will have little, if any, effect on producers delivering to such handlers.

The record fails to support the extension of the marketing area to include the towns of Marlboro and Northboro, Massachusetts.

2. The proposal to include as outside milk all receipts from New York order pool plants which are classified as other than I–A or I–B under the New York order should be adopted. Under the present provisions of the order receipts from New York order pool plants are specifically excluded from the outside milk definition and it is therefore possible for Worcester handlers to utilize New York Class I–C or Class III milk without being subject to the equalization payment on milk. The order presently prevents the replacement of local producer milk by New York Class I–C or Class III milk in the plant of a Worcester pool handler since it is specifically provided that such receipts shall be assigned to Class II. However, milk moving from a New York order pool plant to the nonpool plant of a Worcester producer-handler or a buyer-handler, located outside of the marketing area would be Class I–C under the New York order and would not be subject to the equalization payment to the Worcester pool. In order to maintain a Class I price on all milk disposed of in Worcester, New York milk classified as other than I–A or I–B under the New York order should be considered outside milk.

The outside milk definition should further be revised to except receipts from producer-handlers and buyer-handlers under the Boston, Lowell-Lawrence and Springfield orders. Such receipts, except the own farm production of producer-handlers, are now considered outside milk. Under the assignment provision receipts of outside milk are assigned after receipts from New York, Boston, and Worcester pool handlers, receipts from other Worcester handlers and direct producer receipts. Accordingly, buyer-handlers and producer-handlers from other New England Federal markets are at a disadvantage, as compared to pool handlers in such markets, in furnishing milk to Springfield handlers.

3. The present order provisions should be revised to provide the same treatment for milk moved from Lowell-Lawrence pool plants as is accorded milk moved from Springfield pool plants to a Worcester regulated plant. With a market-wide pool in Lowell-Lawrence the incentive to transfer excess milk from Lowell-Lawrence to Worcester has been reduced.

The Lowell-Lawrence order provides that receipts of fluid milk products, other than cream, from regulated plants under the Springfield and Worcester orders be assigned to Class I unless Class II is agreed upon in writing to the market administrator and an equivalent disposition in Class II actually occurred at the receiving plant. The same type of reciprocal arrangement should be provided in the Worcester order so that the treatment of milk under the three secondary markets is consistent.

4. The provisions dealing with qualifications for pool plants should be amended to specifically exclude from pool plant status during the months of March through September any of a handler's plants which were nonpool receiving plants during any of the preceding months of October through February. Under the present order provisions it is possible that a handler's city plant located outside of the marketing area could be a nonpool plant during the months of October through February and then because of increased Class I disposition from such plant within the marketing area during the months of March through September qualify as a pool plant during such months. At the same time dairy farmers delivering to such plant would not qualify as producers since they would have delivered to a nonpool plant during the October–February period. Under such circumstances the handler would be under substantial obligation to the pool since he would be charged the use value of all of the milk in his plant and credited with payment for such milk at the Class II price. Such a situation could raise complications in the administration of the order and result in serious financial loss to the handler involved. As an unregulated plant the pool obligation would be limited to payment of the difference between the Class I and Class II price on only that volume of milk disposed of as Class I milk direct to consumers within the marketing area. The adoption of the proposed language protects unregulated dealers from unreasonable obligation to the pool while at the same time assuring producers reasonable protection from sales of unregulated milk and provides uniform treatment of such milk under both the Springfield and Lowell-Lawrence orders.

The proposal to amend the country pool plant qualification provisions to lower the percentage of total milk receipts required to be disposed of in the marketing area should not be adopted. The order presently provides that a country plant dispose of 50 percent of its total receipts of fluid milk products, other than cream, as Class I milk directly to consumers in the marketing area, or as milk to city plants under the Springfield or Worcester orders at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk. It was proposed that the shipping requirement be lowered from 50 percent to 30 percent. At the present time there is no country plant which relies on shipments to both Springfield and Worcester to qualify as a Worcester pool plant. Therefore, the opportunity to use shipments to Spring-

field to meet the qualifying percentage has little significance and should be deleted. There is no evidence that plants now acting or needed as reserve plants for the Worcester market cannot qualify under the present shipping requirement.

(5) The present assignment provisions of the order should be amended to provide for the assignment of out of area Class I sales made from a handler's country plant to receipts of producer milk at such plant and the sequence of assignment should be revised in other respects. Under the present order provisions a handler's Class I sales are assigned to producer receipts at his city plant ahead of the assignment of receipts at his country plant. It is possible under this procedure that a handler operating both a country and a city plant may have a portion of his milk disposed of from his country plant as out of area Class I sales charged to him at the country plant price and the balance of such sales charged at the city plant price. This situation would arise only when the volume of milk at the city plant exceeds the Class I demand for such milk. At such time the balance of the city plant supply, in excess of Class I requirements, plus the volume of producer receipts held at the country plant ordinarily would be utilized as Class II unless an out of area Class I market is found for such milk. The assignment of such sales from the country plant to receipts at such plant maintains the relationship between milk prices at the two plants as established by the order since the difference in price is based on the cost of movement to Worcester.

The present allocation provisions should be revised to provide for the assignment to Class I utilization of receipts of skim milk from all regulated plants after receipts of producer milk and outside milk at a handler's plant. Under the present assignment procedure receipts of skim milk from the regulated city plants of other handlers take precedence over producer receipts, receipts of outside milk, and receipts of milk from the country pool plants of other handlers. This assignment sequence creates confusion between handlers in the pricing of skim milk and necessitates numerous price adjustments, since skim milk is a Class II product and is usually transferred for Class II use. Changing this sequence in no way affects the total value of the pool but merely transfers the Class I accounting in the pool from one city plant handler to another.

It is possible that a handler may have milk in his plant from sources other than those specifically referred to in the present assignment provisions. This might take the form of unidentified milk, reconstituted milk, or milk in inventory. The inclusion of a catch-all assignment provision should be adopted to assure the assignment of all milk and milk products in the handler's plant.

The assignment of fluid milk products, other than cream, received from a Springfield pool plant should be allowed on an agreement basis between the Worcester and Springfield handlers without regard to outside milk receipts. The present provisions provide that assignment by agreement to Class II be limited to that remaining Class II utilization in the Worcester handler's plant after deduction of its receipts of outside milk. Permitting the assignment as Class II, up to the total volume of Class II use in the Worcester plant, will allow the two handlers involved to determine by agreement which producers will get credit for the Class I sales and will not affect the over-all costs of the milk involved. Since producers supplying both markets are located in the same general supply area, the producers are in position to shift from one market to the other if handlers were to agree upon a utilization which would maintain one market price to producers substantially higher than the other.

(6) The proposal to make such changes in the Class II pricing provisions as are necessary to maintain the present relationship to the Boston Class II price should be adopted. The present basis of Class II pricing was established so that the Worcester Class II price would move with the price of milk for similar use in the Boston market. For the same reasons that the present relationship was established, it is essential that any changes made in the Boston Class II pricing be reflected in the Worcester Class II pricing. Similarly, the method of determining the butterfat differential in the Worcester market has been the same as that used in other Federal orders effective in the New England region. Accordingly, in the computation of the butterfat differential the weight of a can of 40 percent cream should be considered 33 pounds, rather than the 33.48 pounds presently used.

Certain producer interests proposed that in the computation of the butterfat differential the 1.5 cents factor be deleted. They contend that the factor represents a freight adjustment and since in the Worcester market the bulk of the milk is received at the city plants, no allowance is justified. The evidence in the record on this point is not conclusive. Accordingly, no further change can be considered on the basis of this record.

(7) No change should be made in the present order provisions with reference to the equalization payments required on outside milk. Proponents asked that the order be amended to provide that the outside milk payment be invalidated during any period in which an emergency is declared under the Boston order. In this connection it does not necessarily follow that an emergency will exist in the secondary markets at any time that there is an emergency in the Boston market. If a provision of the nature proposed were desirable, it should take the form of an independent determination with specific reference to the Worcester market.

(8) The order should provide for the computation of a composite wage rate index which would be similar to the farm-wage rate index which has been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting information from which the monthly composite wage rates were computed and that series has been discontinued. Therefore, it is necessary to compute an equivalent composite farm wage rate. Farm wage rates are recorded quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without room or board, and per day without board or room. These rates should be expressed as a simple average monthly composite rate by converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and by converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four states used in the Class I formula should be combined according to the rate expressed in the order. In order to express the rate as an index on the same basis as that used in converting the previously published monthly composite farm wage rate to an index number for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by 0.6394. This factor is determined from the average relationship of the milkshed average wage rate figure derived from the currently published data to this series which was previously published and used in the computation of the formula price.

(9) The proposal to amend the order to provide that the operator of a milk plant be the responsible handler with respect to payment, reporting, and other obligations under the order for all milk and milk products received at such plant should be adopted. The operator of a plant is the only person who can reasonably be held responsible for the weighing and testing of producers' milk. He has control of the receiving function and logically should be responsible for maintaining proper records of such receipts and for proving the utilization thereof. Since payments to producers are made on the basis of weights and tests of the receiving plant, as verified by the market administrator, the operator of such plant should be held responsible for paying producers and for other obligations imposed by the order upon a handler. Milk temporarily diverted from the pool plant of a handler for the account of such handler should be considered as having been received at the pool plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk. However, in accounting for such milk the records of the handler actually receiving the milk would be relied upon to prove receipts and tests even though the handler who diverted such milk to a nonpool plant would be responsible for making such records available.

It was proposed that bulk milk of dairy farmers which is received at a pool plant for processing and for which an equivalent volume of milk is returned to the dairy farmer be considered exempt milk. There was no objection to the exemption of such milk from the market pool. The number of persons and the quantity of milk involved in this type of transaction is small and apparently does not adversely affect the stability of the market. It is concluded, therefore, that such milk of a dairy farmer which is delivered to a pool handler for processing and for which an equivalent volume of bottled milk is returned should be considered exempt milk and not included in the pool. In cases where the volume of milk received from a dairy farmer is in excess of the volume of bottled milk returned, such excess milk disposed of to the pool handler should be considered as producer milk.

Under the present order provisions a handler under certain conditions is permitted to process and bottle milk for another handler without regarding such milk as outside milk or involving the other handler in the market pool because of the processing transaction. This principle should be continued as it applies to handlers or dealers who operate plant facilities and actually receive at such plant the milk which is transferred to the plant of a handler for processing and bottling and for which an equivalent volume of milk is actually returned.

The verification of the receipts and disposition necessary to substantiate the exempt status of such milk involve the same type of audit of handlers' records as in the case of producer milk, and it is therefore concluded that such milk should be subject to the administration assessment and bear its proportionate share of administrative costs.

(10) The proposal to amend the producer definition to provide that a dairy farmer who is a producer under the Boston, Lowell-Lawrence, or Springfield orders shall not be a producer under the Worcester order with regard to any of his Boston, Lowell-Lawrence, or Springfield pool milk diverted to a Worcester pool plant should be adopted. Under the present order provisions such diversions could result in a dairy farmer being considered a producer both at the plant from which his milk is diverted and at the Worcester pool plant. Such a situation could involve unreasonable financial costs to the handler if he were required to pool the milk under both pools. The adoption of the proposal will facilitate the disposition of surplus milk by enabling more efficient handling in movements between markets and at the same time provide Worcester producers the same protection they enjoy under the present order provisions.

(11) The proposal to amend the definition of a buyer-handler to require the disposition of more than 10 percent of the total receipts of fluid milk products, other than cream, as Class I milk in the marketing area should be adopted. Handlers who have only a casual association with the market, that is do less than 10 percent of their Class I business in the marketing area, should not acquire buyer-handler status. A buyer-handler, as a regulated handler, must have sufficient pool milk to cover all of his Class I sales, both within and without the marketing area, or pay the outside milk payment on whatever Class I utilization is in excess of his supply of pool milk. An unregulated handler, on the other hand, need have pool milk to cover, or pay the outside milk payment on, only that volume of Class I milk disposed of within the marketing area.

Under this provision all sales by a pool handler to an individual doing less than 10 percent of his Class I business in the area will be Class I up to the extent of such use by such unregulated handler.

The order presently provides that any city plant meeting the basic qualifications for pooling shall be a pool plant in only those months in which at least 10 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk in the marketing area. Since different treatment is prescribed for pool and nonpool handlers, it is essential that a handler be in a position to determine readily his status as a pool handler. In this connection the final classification of milk transferred between handlers is dependent on the actual utilization and source of all receipts in the transferee plant. Accordingly, in order to simplify the determination of a handler's pool status it should be provided that for such purpose the transfers of fluid milk products, other than cream, to a regulated city plant be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from such other plant.

12. The proposal to revise the present order provisions which provide that milk moved by buyer-handlers to other plants be classified as Class I should not be adopted. Buyer-handlers get no milk direct from producers but purchase all of their requirements for fluid products from other handlers. Accordingly, they are in a position to maintain a day-to-day balance between their requirements and procurement. The present order provisions do not limit purchases for Class II use in the buyer-handler's plant but merely require that any transfer of milk to a third plant be Class I. Class II milk is defined and priced for the purpose of removing necessary excesses from the market. It appears that buyer-handlers do not need to purchase Class II milk in excess of their own use. To encourage a buyer-handler to buy long and permit free transfer to nonpool plants for Class II use could adversely affect producers by resulting in a lower classification for such milk than might otherwise be available through other outlets.

13. The proposal to exclude from each current pool computation milk of any nonpool handler who is not in compliance with the reporting and payment provisions for any prior month should be adopted. The order presently has such a provision with reference to a pool handler in noncompliance. However, under the present order provision a nonpool handler in violation, because of nonreporting or nonpayment of assessments due, continues to be carried in the current pool computations. Under such arrangement it is possible that such indebtedness to the pool could actually reach the point of threatening the solvency of the pool. Exclusion of the milk of such nonpool handlers from the current pool computation assures the solvency of the settlement fund and at the same time does not relieve such nonpool handler of any of his obligations or responsibilities under the order.

14. The proposal to amend the provisions dealing with the computation of the value of milk utilized by a handler to credit any amount that such handler is required to pay to the Boston pool for milk disposed of in the Boston marketing arm should not be adopted. This proposal was made on the premise that the Boston marketing area would be expanded to include specified military installations. Since the proposed expansion of the Boston marketing area has not been recommended this proposal should not be considered further.

15. The other proposals considered at the hearing involves nonsubstantive changes which would merely delete obsolete language or clarify the language of the present provisions. There was no opposition testimony and it is accordingly concluded that they should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following proposed amended order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order.

DEFINITIONS

§ 999.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Worcester, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns: Auburn, Boylston, Clinton, Grafton, Holden, Leicester, Millbury, Paxton, Rutland, Shrewsbury, Spencer, West Boylston, Worcester.

(c) "Order", used with the name of a marketing area other than the Worcester, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 999.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 999.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant.

The term shall not apply to a dairy farmer who is a producer under the Boston, Lowell-Lawrence, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area during the month.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from other dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 999.3 *Definitions of plants* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 999.20, 999.21, and 999.22 for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 999.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant up to the total quantity of nonpool milk received at the unregulated plant, except exempt milk, receipts from New York order pool plants which are assigned to Class I pursuant to § 999.27, and receipts from Boston, Lowell-Lawrence, and Springfield regulated plants.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a Boston or Springfield pool plant without its intermediate movement to another plant.

(g) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk, and milk to which any other milk product may be added in the process of manufacture. For purposes of this subpart the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

(h) "Exempt milk" means bulk milk which is received at a plant for processing and bottling directly from another plant, or from the dairy farmer who produced it, and for which an equivalent quantity of packaged milk is returned during the same month. This definition shall not include milk transferred between two pool plants.

MARKET ADMINISTRATOR

§ 999.10 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 999.12 *Duties.* The market administrator, in addition to the duties described in other sections of this subpart, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(e) Promptly verify the information contained in the reports submitted by handlers; and

(f) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION OF MILK AND MILK PRODUCTS

§ 999.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16, 999.17, and 999.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 999.16 *Interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 999.25 and 999.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant, except a plant subject to the New York, Boston, Lowell-Lawrence, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the New York, Boston, Lowell-Lawrence, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order, except that if moved to a plant subject to the New York order they shall be classsified as Class I milk if classified in Classes I–A, I–B, or I–C under the New York order, and shall be classified as Class II milk if classified in any class other than I–A, I–B, or I–C under the New York order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Lowell-Lawrence, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 999.17 *Interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 999.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 999.20 *Basic requirements for pool plant status.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in §§ 999.21 or 999.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, Sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, Section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler nor as a pool plant pursuant to the provisions of the Boston, Lowell-Lawrence, New York or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

§ 999.21 *City pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

§ 999.22 *Country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 999.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 999.50, his receipts of milk and milk

products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 999.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Worcester.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section, in the order of the nearness of the plants to Worcester.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Worcester.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 999.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

§ 999.27 *Receipts from plants subject to the New York, Boston, Lowell-Lawrence, or Springfield orders.* (a) Receipts of fluid milk products from plants subject to the Boston order shall be assigned to the class in which they are classified under such order.

(b) Receipts of fluid milk products, other than cream, from plants subject to the New York order and which are classified in Classes I–A or I–B under such order shall be assigned to Class I.

(c) Receipts of fluid milk products, other than cream, from regulated plants under the Lowell-Lawrence or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

REPORTS OF HANDLERS

§ 999.30 *Monthly reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler assigned to classes pursuant to §§ 999.25 through 999.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.18.

§ 999.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this subpart or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this subpart;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under Section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

MINIMUM CLASS PRICES

§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding workday shall be used.

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Buerau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044, and multiply by 0.6.

(2) Compute the simple average of monthly equivalent farm wage rates for each of the States named below by converting the rates reported by the United States Department of Agriculture to monthly equivalents as follows: rate per month with board, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective States with the weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
55–56	$2.21	$1.77	$2.65
57–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–153	5.29	4.85	5.73
154–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section:

(a) Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month, multiply by 0.98, and multiply the result by 3.7. If the cream price described above is not reported as indicated, an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) The amount set forth in the table in paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacting purposes, f. o. b. plants, United States, for the 12 months ending with the preceding month.

(2) Adjust the Class II prices under the Boston order for milk received at plants in the 201–210-mile zone for the preceding 12 months to the average butterfat tests for which the prices described in subparagraph (1) of this paragraph are reported by applying the butterfat differential pursuant to the Boston order and compute a simple average of such adjusted prices.

(3) Determine the amount, computed to the nearest one-half cent, by which the average determined pursuant to subparagraph (1) of this paragraph exceeds the average computed pursuant to subparagraph (2) of this paragraph: *Provided*, That this provision shall not be applicable for the first time until the plus amount determined hereby for the previous month exceeds 5 cents.

§ 999.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 999.40 and 999.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Worcester, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Worcester from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 999.43.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 401	(1)	(1)
41-50	−41.5	−2.0
51-60	−42.5	−3.0
61-70	−43.0	−3.0
71-80	−43.0	−3.0
81-90	−45.5	−3.0
91-100	−45.5	−4.5
101-110	−45.5	−4.5
111-120	−47.0	−4.5
121-130	−48.0	−4.5
131-140	−50.5	−4.5
141-150	−52.0	−6.0
151-160	−52.0	−6.0
161-170	−54.5	−6.0
171-180	−54.5	−6.0
181-190	−56.0	−6.0
191-200	−56.0	−7.0
201-210	−60.0	−7.0
211-220	−60.5	−7.0
221-230	−61.5	−7.0
231-240	−61.5	−7.0
241-250	−62.5	−8.0
251-260	−63.0	−8.0
261-270	−63.5	−8.0
271-280	−64.5	−8.0
281-290	−65.5	−8.0
291 and over		

[1] No differential.

§ 999.43 *Automatic changes in zone price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100-199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in § 999.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustments shall be made to the nearest one-half cent per hundredweight.

§ 999.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this subpart for use in computing class prices and for other purposes is not reported or published in the manner described by this subpart, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding workday.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

MINIMUM BLENDED PRICES TO PRODUCERS

§ 999.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute the net value of milk which is sold, distributed, or used by each pool handler, in the following manner:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 999.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 999.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 999.40, 999.41, and 999.42.

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 999.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 999.25 (f), (i), and (k) by the price applicable pursuant to §§ 999.41 and 999.42.

§ 999.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 999.50 and payments required pursuant to §§ 999.65 and 999.66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 999.61 (b) and §§ 999.65 and 999.66 for milk received during each month since the effective date of the most recent amendment to this subpart.

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65, 999.66, and 999.67.

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 999.64;

(d) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in § 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 999.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this subpart.

PAYMENTS FOR MILK

§ 999.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this section shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 999.61 (a).

§ 999.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50 as follows:

(a) On or before the 25th day after the end of each month to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64 for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 999.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 999.61 (b), 999.65, or 999.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of

making final payment for the month in which such error is disclosed.

§ 999.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10. If the cream price described above is not reported as indicated, an equivalent determined as follows shall be used in lieu of such cream price:

Compute the simple average of the difference between the cream price reported for the latest three months and the average price for Grade A (92-score) butter at wholesale in the Chicago market as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22.

§ 999.64 *Location differentials.* The payments to be made to producers by handlers pursuant to paragraph (a) of § 999.61 shall be subject to the Class I price differentials applicable pursuant to § 999.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 999.65 *Payments on outside milk.* Within 23 days after the end of each month handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42 effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 999.40, 999.41, and 999.42 effective for the location or freight mileage zone of the handler's plant.

§ 999.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Lowell-Lawrence, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to §§ 999.40 and 999.42 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 999.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 999.67 *Adjustment of overdue accounts.* Any balance due pursuant to §§ 999.61, 999.62, 999.65, and 999.66 to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective on the 11th day of such month.

§ 999.68 *Statements to producers.* In making the payments to producers prescribed by § 999.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 999.70 *Marketing service deduction; nonmembers of an association of producers.* In making payments to producers pursuant to § 999.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall on or before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 *Marketing service deductions with respect to members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

ADMINISTRATION EXPENSE

§ 999.72 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this subpart, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

§ 999.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but

need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraph (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 999.80 *Effective time.* The provisions of this subpart, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Issued at Washington, D. C., this 13th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8322; Filed, July 19, 1951; 8:50 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Parts 29, 30]

FRUIT PRESERVES, FRUIT JELLIES, AND FRUIT BUTTER; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amending the definitions and standards of identity for fruit preserves, fruit jellies, and fruit butters:

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on November 28, 1950 (15 F. R. 8121), and upon consideration of proposed findings of fact filed by interested parties, which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order be made:

Findings of fact.[1] 1. In 1940, regulations establishing definitions and standards of identity were promulgated for three categories of fruit spreads (5 F. R. 3554). These are preserves, jams (21 CFR 29.0), fruit jelly (21 CFR 29.5), and fruit butter (21 CFR 30.0). In that part of each of these definitions and standards of identity applicable to the saccharine ingredients it is provided that corn sirup may be used in combination with other designated saccharine ingredients, provided the weight of the solids of the corn sirup is not less than one-tenth of the weight of the solids of the combination of saccharine ingredients. For preserves or jams and for fruit jellies it is further provided that the weight of the solids of the corn sirup is not more than one-half the weight of the solids of the combination. The definition and standard of identity for fruit butter, in addition to providing for the use of corn sirup in combination with other saccharine ingredients, provides that corn sirup may be used as the sole saccharine ingredient. Each of the definitions and standards of identity requires that whenever corn sirup is used it shall be named on the label, and if corn sirup is used in combination with other saccharine ingredients they also shall be named on the label. (Ex. 3)

2. Prior to the promulgation in 1940 of the definitions and standards of identity described in finding 1 there was a considerable trade in spreads made with a relatively low proportion of fruit ingredient and a high proportion of corn sirup. These spreads were often called "compound" or "imitation," and were generally regarded as cheap, low-quality products. Sellers and buyers of preserves, jellies, and fruit butters came to associate the presence of corn sirup with such products, giving rise to the belief, now shown to be erroneous, that the presence of corn sirup in any proportion was evidence of inferiority. So preserves, jellies, and fruit butters containing small amounts of corn sirup and labeled as required by the definitions and standards of identity for these foods were confused with products containing enough corn sirup to change their properties substantially. (R. 25-28, 34-35, 37-38, 43, 58-59, 61-63, 66, 68-69, 72, 76, 80-81, 89, 108, 121-122, 127, 145-147, 149-154)

3. Experience of preserve, jelly, and fruit butter manufacturers since the adoption of definitions and standards of identity for these foods has shown that where the proportion of corn sirup (based on its solids content) is not greater than 25 percent by weight of the total saccharine ingredients the sweetness of the preserve, jelly, or fruit butter is not significantly affected, although experienced tasters may detect a slight difference when a somewhat lower proportion of corn sirup is present. (R. 30-36, 41, 60-61, 70-71, 73, 77-79, 90-91, 94, 105-106, 110, 122-126, 134, 147-148, 169-192; Ex. 9)

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

4. From the facts stated in findings 1, 2, and 3 it is reasonable to conclude that the requirements dealing with corn sirup in the definitions and standards of identity for fruit preserves, jams, fruit jellies, and fruit butters should be changed to make corn sirup an optional ingredient in such foods when the proportion of corn sirup (based on its solids content) does not exceed 25 percent of the weight of the combined saccharine ingredients and that no label declaration of corn sirup in such amounts is necessary. (R. 38, 71, 73, 85, 99)

5. The definitions and standards of identity for preserves, jams, fruit jellies, and fruit butters do not define the term "corn sirup." The evidence in this record shows that the corn sirup used in the experimental and commercial production of fruit spreads in compliance with the standards was the clarified, concentrated aqueous solution obtained by incomplete hydrolysis of cornstarch and the solids of the corn sirup contained not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. A more general term for sirup made by partial hydrolysis of edible starch is "glucose sirup." Glucose sirup which, except for the source of the edible starch used, conforms to the foregoing definition of corn sirup is suitable for use in fruit spreads. Corn sirup which has been dried, and which is sometimes called corn sirup solids, is likewise suitable for use in fruit spreads. Each of the definitions and standards of identity should recognize the use of glucose sirup and corn sirup solids, subject to the same conditions and requirements prescribed for the use of corn sirup. (R. 17, 19, 47, 54-55, 65)

6. The definition and standard of identity for preserves or jams provides that in certain combinations of saccharine ingredients "corn sugar or dextrose" may be used. There are corresponding provisions in the definitions and standards of identity for fruit jellies and fruit butter. Dextrose is made from starch; corn sugar is made from cornstarch. Thus the term "dextrose" encompasses corn sugar. In the fruit-spread trade, terminology has so changed that the designation "dextrose" is now used for the product which formerly was sometimes called "corn sugar." It is reasonable to simplify each of the definitions and standards of identity by deleting the words "corn sugar," wherever used, and with this change there will be no further need for the definitions and standards to include special definitions for corn sugar. (R. 15, 21, 40; Ex. 4-7)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the regulations establishing definitions and standards of indentity for preserves, jams, fruit jelly, and fruit butter so that as amended they will be as follows:

PART 29—FRUIT PRESERVES AND JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY

§ 29.0 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semisolid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combinaton of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of apple and one, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit:

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination of corn sirup, glucose sirup, corn sirup solids, or any two or more of the foregoing with optional saccharine ingredient (1), (2), (3), or (4) in which the weight of the solids of corn sirup or glucose sirup or

both does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "corn sirup solids" means dried corn sirup. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional saccharine ingredient (d) (7) is present, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with."

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

§ 29.5 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (a) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official."

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Name of fruit:	*Factor referred to in paragraph (b) of this section*
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination of corn sirup, glucose sirup, corn sirup solids, or any two or more of the foregoing with optional saccharine ingredient (1), (2),

(3), or (4) in which the weight of the solids of corn sirup or glucose sirup or both does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "corn sirup solids" means dried corn sirup. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly," preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "mint."

(4) When optional saccharine ingredient (d) (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with."

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "prepared with honey."

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly," preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of the predominance, if any, of the weights of such fruit juice ingredients in the combination.

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

§ 30.0 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring).

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice; in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—First Action," except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice, as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in paragraph (b) (1) of this section*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.
(4) Invert brown sugar sirup.
(5) Honey.
(6) Any combination of two or more of optional saccharine ingredients (1), (2), (3), and (4).
(7) Any combination of dextrose and optional saccharine ingredient (1), (2), (3), (4), or (6).
(8) Any combination of corn sirup, glucose sirup, corn sirup solids, or any two or more of the foregoing with optional saccharine ingredient (1), (2), (3), (4), (6), or (7) in which the weight of the solids of corn sirup or glucose sirup or both does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.
(9) Any combination of honey and optional saccharine ingredient (1), (2), (3), (4), (6), or (7), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination, and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:
(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.
(2) The term "sugar" means refined sugar (sucrose).
(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.
(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.
(5) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "corn sirup solids" means dried corn sirup. The term "glucose sirup" means a sirup which conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch.
(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:
(1) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (c) of this section.
(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.
(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.
(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "flavoring added" or "with added flavoring." The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.
(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "prepared with _____ juice," the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice."
(4) When optional saccharine ingredient (d) (5) of this section is used, the label shall bear the statement "prepared with honey."
(5) When optional saccharine ingredient (d) (9) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such name shall be preceded by the words "prepared with."
(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.
(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter," the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.
(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "prepared with cider, apples, dried prunes, and honey."

(h) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

Any interested person whose appearance was filed at the hearing may, within thirty days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5440, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: July 13, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8337; Filed, July 19, 1951; 8:53 a. m.]

NOTICES

FEDERAL TRADE COMMISSION

[Docket No. 5757]

HAIR EXPERTS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Hair Experts, Inc., a corporation, and Robert W. Farrell, Harold E. Candler, and Abram Jacobson, individually and as officers of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence in this proceeding begin on Thursday, July 26, 1951, at ten-thirty o'clock in the forenoon of that day (e. s. t.), in Courtroom 859, Post Office Building, Detroit, Michigan.

Issued: July 11, 1951.

By the Commission.

[SEAL] WM. P. GLENDENING,
Acting Secretary.

[F. R. Doc. 51-8363; Filed, July 19, 1951; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 128]

SLUMBERLAND PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Slumberland Products Co., 144 Moody Street, Waltham 54, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by Slumberland Products Co., 144 Moody Street, Waltham 54, Massachusetts, having the brand name(s) "Ambassador", "Excellency", "Deluxe Excellency" shall be the proposed retail ceiling prices listed by Slumberland Products Co., in its application dated April 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Slumberland Products Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for article of cost listed in column 1
$_____ per _____{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8345; Filed, July 17, 1951; 2:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 129]

SIMPSON IMPORTS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Simpson Imports, Inc., 9 East Thirty-fifth Street, New York 16, New York (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that

the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's trousers and walking shorts sold at wholesale by Simpson Imports, Inc., 9 East Thirty-fifth Street, New York 16, N. Y., having the brand name(s) "DAKS" shall be the proposed retail ceiling prices listed by Simpson Imports, Inc., in its application dated May 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 16, 1951, Simpson Imports, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8346; Filed, July 17, 1951; 2:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 130]

MAGNAVOX CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Magnavox Company, Fort Wayne 4, Indiana, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of television sets and radio-phonographs manufactured by The Magnavox Company, Fort Wayne 4, Indiana, having the brand name(s) "Magnavox" shall be the proposed retail ceiling prices listed by The Magnavox Company in its application dated April 21, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, The Magnavox Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to his special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Prive Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8347; Filed, July 17, 1951; 2:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 131]

REEFER-GALLER, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Reefer-Galler, Incorporated, 225 Fifth Avenue, New York, New York (hereafter called manufacturer and/or wholesaler) has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant, has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of moth preventatives manufactured and/or sold at wholesale by Reefer-Galler, Incorporated, 225 Fifth Avenue, New York, New York, having the brand name(s) "No-Moth", "Para-Pure", "Sla" shall be the proposed retail ceiling prices listed by Reefer-Galler, Incorporated, in its application dated April 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise price-

able under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer and/or wholesaler after the effective date of this special order.

3. On and after August 16, 1951, Reefer-Galler, Incorporated must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer and/or wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer and/or wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer and/or wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer and/or wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer and/or wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer and/or wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer and/or wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8348; Filed, July 17, 1951; 2:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 132]

REED & BARTON CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Reed & Barton Corporation, 144 West Britannia Street, Taunton, Mass., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of plated hollow ware, flatware chests, and sterling and plated flatware manufactured by Reed & Barton Corporation, 144 West Britannia Street, Taunton, Mass., having the brand name(s) "Reed & Barton" shall be the proposed retail ceiling prices listed by Reed & Barton Corporation in its application dated May 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated May 10, 1951, and June 8, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Reed & Barton Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form

stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, Percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8349; Filed, July 17, 1951; 2:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 133]

SHWAYDER BROS., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Shwayder Bros., Inc., 1050 South Broadway, Denver 9, Colorado, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of luggage manufactured by Shwayder Bros., Inc., 1050 South Broadway, Denver 9, Colorado, having the brand name(s) "Samsonite Luggage" shall be the proposed retail ceiling prices listed by Shwayder Bros., Inc., in its application dated April 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Shwayder Bros., Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to

the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit. dozen etc.} Terms {net. percent EOM. etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8350; Filed, July 17, 1951; 2:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 134]

DIAMOND FULL FASHIONED HOSIERY CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Diamond Full Fashioned Hosiery Company, Inc., 350 Fifth Avenue, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' nylon hosiery manufactured by Diamond Full Fashioned Hosiery Company, Inc., 350 Fifth Avenue, New York 16, New York, having the brand name(s) "Fruit of the Loom" shall be the proposed retail ceiling prices listed by Diamond Full Fashioned Hosiery Company, Inc., in its application dated April 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Diamond Full Fashioned Hosiery Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marketing, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit. dozen etc.} Terms {net. Percent EOM. etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8351; Filed, July 17, 1951; 2:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 135]

MIRIAM GATES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Miriam Gates, Incorporated, 64 South Division Street, Buffalo, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of bust pads, surgical pads, and bras manufactured by Miriam Gates, Incorporated, 64 South Division Street, Buffalo, New York, having the brand name(s) "Complements" shall be the proposed retail ceiling prices listed by Miriam Gates, Incorporated, in its application dated April 11, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Miriam Gates, Incorporated, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit. dozen. etc.} Terms {net. Percent EOM. etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amend-

ment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8352; Filed, July 17, 1951; 2:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 136]

GOLD SEAL IMPORTERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Gold Seal Importers, Inc., 30 East Thirty-third Street, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' handbags manufactured by Gold Seal Importers, Inc., 30 East Thirty-third Street, New York 16, New York, having the brand name(s) "Bags by Josef" shall be the proposed retail ceiling prices listed by Gold Seal Importers, Inc., in its application dated May 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Gold Seal Importers, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. after 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms {net, Percent EOM, etc.}

$ _____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8353; Filed, July 17, 1951; 2:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 137]

B. V. D. CO., INC.

CEILING PRICES AT RETAIL

Statement of consideration. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, B. V. D. Company, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order allows for establishment of a cost bracket to the retailer, which bracket applies to a specific retail price. The costs of the articles purchased by the retailer should, on the average, fall evenly between the polar ends of each cost bracket and will thus maintain the general historical markup pattern. The establishment of such cost brackets permits minor changes in costs without influencing the general level of retail prices of the articles in question.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's underwear, sport shirts, pajamas, swim trunks, and swim wear distributed by the B. V. D. Company, Inc., 350 Fifth Avenue, New York 1, New York, having the brand name "B. V. D." and described in applicant's application dated March 20, 1951. Sales may, of course, be made at less than these ceiling prices. The applicant's prices listed below carry the following terms: Underwear 2/10 EOM or net 60 days, at the retailer's option; sport shirts and pajamas 3/10 EOM or 2/10 60 days, at the retailer's option; swim trunks and swim wear 3/10 EOM, f. o. b., Baltimore, Maryland.

Applicant's selling price (per dozen)	*Ceiling price at retail (per unit)*
$5.25– $5.50	$0.75
5.51– 5.99	.80
6.00– 6.50	.85
6.51– 7.00	.95
7.01– 7.75	1.00
7.76– 8.25	1.15
8.26– 9.00	1.25
9.01– 9.50	1.35
9.51– 10.00	1.45
10.01– 11.00	1.50
11.01– 12.00	1.65
12.01– 13.00	1.75
13.01– 13.99	1.85
14.00– 15.00	1.95
15.01– 15.49	2.00
15.50– 16.00	2.15
16.01– 16.50	2.25
16.51– 17.00	2.35
17.01– 17.50	2.45
17.51– 18.50	2.50
18.51– 19.50	2.65
19.51– 20.00	2.75
20.01– 20.99	2.85
21.00– 22.00	2.95
22.01– 22.75	3.15
22.76– 24.50	3.25
24.51– 25.50	3.50
25.51– 26.00	3.65
26.01– 27.00	3.75
27.01– 28.00	3.85
28.01– 30.00	3.95
30.01– 32.00	4.25
32.01– 33.00	4.50
33.01– 35.00	4.75
35.01– 36.50	4.95
36.51– 38.00	5.25
38.01– 39.50	5.50
39.51– 41.00	5.75
41.01– 42.50	5.95
42.51– 43.50	6.15
43.51– 45.00	6.25
45.01– 46.50	6.50
46.51– 47.50	6.75
47.51– 49.00	6.95
49.01– 50.50	7.25
50.51– 52.50	7.35
52.51– 54.50	7.50
54.51– 56.00	7.75
56.01– 57.50	7.95
57.51– 59.00	8.25
59.01– 62.00	8.50
62.01– 63.99	8.75
64.00– 66.00	8.95
66.01– 68.50	9.50
68.51– 70.50	9.75
70.51– 72.00	9.95
77.50– 79.50	10.95
84.00– 86.00	11.95
92.00– 93.00	12.95
96.00– 97.00	13.50
106.00–108.00	14.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation falling within the same bracket of selling prices to the retailer, the same brand or company name and first sold by the applicant after the effective date of this special order.

3. On and after August 16, 1951, B. V. D. Company, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 or this special order or changes the retail ceiling price of a listed article, B. V. D. Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marketing, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the applicant had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of any subsequent amendment to the special order, the applicant shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it re-

gardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8354; Filed, July 17, 1951; 2:58 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 138]

KING LEATHERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, King Leathers, Inc., Rice Avenue, Indiana, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of billfolds, key cases, wallets, pocket secretaries, card cases manufactured by King Leathers, Inc., Rice Avenue, Indiana, Pennsylvania, having the brand name(s) "King" shall be the proposed retail ceiling prices listed by King Leathers, Inc., in its application dated April 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, King Leathers, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent, EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8355; Filed, July 17, 1951; 2:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 139]

WARREN LEATHER GOODS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Warren Leather Goods Company, 86 Austin Street, Worcester 2, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and women's luggage, picnic kits and vacuum bottle cases manufactured by Warren Leather Goods Company, 86 Austin Street, Worcester 2, Massachusetts, having the brand name(s) "Warren" shall be the proposed retail ceiling prices listed by Warren Leather Goods Company in its application dated April 13, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Warren Leather Goods Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

Column 1 Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8356; Filed, July 17, 1951; 2:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 140]

BENJAMIN & JOHNES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Benjamin & Johnes, Inc., 42 Warren Street, Newark 2, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceil-

ing prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of foundation garments manufactured by Benjamin & Johnes, Inc., 42 Warren Street, Newark 2, New Jersey, having the brand name(s) "Bien Jolie" shall be the proposed retail ceiling prices listed by Benjamin & Johnes, Inc. in its application dated May 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Benjamin & Johnes, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8357; Filed, July 17, 1951; 2:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 141]

IROQUOIS CHINA CO.

CEILING PRICES AT RETAIL

Statement of Considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Iroquois China Company, 2320 Milton Avenue, Syracuse 9, New York has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling prices established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of vitrified china dinnerware manufactured by The Iroquois China Company, 2320 Milton Avenue, Syracuse 9, New York, having the brand name "Russel Wright China by Iroquois", shall be the proposed retail ceiling prices listed by The Iroquois China Company in its application dated June 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, The Iroquois China Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by the special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8358; Filed, July 17, 1951; 2:59 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 143]

VASSAR CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Vassar Company has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of girdles and pantie girdles manufactured by Vassar Company, 2545 Diversey Avenue, Chicago 47, Illinois, having the brand name "Vassarette," and described in the manufacturer's application dated April 17, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices listed below carry terms of 2/10 EOM, net 60.

GIRDLES AND PANTIE GIRDLES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$25.50	$3.95
38.04	5.95
42.00	7.50
46.20	7.95
65.40	10.95
90.00	15.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Vassar Company must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Vassar Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8360; Filed, July 17, 1951; 3:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 142]

HAMILTON MANUFACTURING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hamilton Manufacturing Corporation, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

It has been the applicant's custom in the past to maintain two selling zones. Zone 1 is that area of the United States consisting of the District of Columbia and all States not included in Zone 2. Zone 2 consists of the States of Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of household stools, chairs, utility tables, and carts manufactured by Hamilton Manufacturing Corporation, 1501 Cottage Avenue, Columbus, Indiana, having the brand name "Cosco" and described in the applicant's application dated March 7, 1951. The applicant's prices to all classes of retailers carry terms of 2/10 net 30.

ZONE 1

[That area of the United States consisting of the District of Columbia and all States not included in Zone 2]

Category 716

Style or lot No.	Retail ceiling price (per unit)	Mail order ceiling price (per unit)
2D	$8.95	$8.45
4A	9.95	9.25
5B	10.75	10.05
4C	10.95	10.25
3G	10.95	10.25
8C	11.95	11.25
9F	12.95	11.95
9D	12.95	11.95
8F	13.95	12.95
7B	13.95	12.95
8G	15.95	14.95
4D	16.95	15.95
3F	17.95	16.95

Category 718

14B	$8.95	$8.45
14A	10.95	10.25
10B	13.95	12.95
10A	18.95	17.75

ZONE 2

[Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah Washington, and Wyoming]

Category 716

Style or lot No.	Retail ceiling price (per unit)	Mail order ceiling price (per unit)
2D	$9.45	$8.95
4A	10.45	9.75
5B	11.45	10.75
4C	11.75	10.95
3G	11.75	10.95
8C	12.95	12.95
9F	13.95	12.95
9D	13.45	12.45
8F	14.95	13.95
7B	14.95	13.95
8G	16.95	15.95
4D	17.95	16.95
3F	18.95	17.95

Category 718

14B	$9.75	$9.25
14A	11.75	10.95
10B	14.95	13.95
10A	19.95	18.75

2. On and after August 16, 1951, Hamilton Manufacturing Corporation must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Hamilton Manufacturing Corporation must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the applicant had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the applicant shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, he had delivered any article the sale of which is affected in any manner by the amendment.

Each person selling to retailers the articles covered by this order must send a copy of this order or any subsequent amendments thereto to each of his purchasers on or before the date of the first delivery of any article covered by this special order or any subsequent amendment thereto. The applicant must provide an adequate supply of copies of this order or any subsequent amendments thereto to all of his purchasers selling to retailers to whom he had sold articles covered by this order or any subsequent amendments thereto within sixty days prior to the effective date of the special order or any subsequent amendments thereto.

In all cases, the special order or any subsequent amendments thereto must have annexed thereto a notice listing the articles covered by this special order and any subsequent amendments thereto describing each article by style, model, lot number or other description and listing the corresponding retail ceiling price fixed by this special order or any subsequent amendments thereto for each such article. The notice shall be in substantially the form set forth in paragraph 1 above.

4. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8359; Filed, July 17, 1951; 3:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 144]

TOWLE MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Towle Manufacturing Company, 260 Merrimac Street, Newburyport, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver and flatware manufactured by Towle Manufacturing Company, 260 Merrimac Street, Newburyport, Massachusetts, having the brand name(s) "Towle Sterling" shall be the proposed retail ceiling prices listed by Towle Manufacturing Company, in its application dated April 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C., (and supplemented and amended in the manufacturer's application dated June 1, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Towle Manufacturing Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to

the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit. dozen. etc.} Terms {net. percent EOM. etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8361; Filed, July 17, 1951; 3:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 145]

JOSIAH WEDGWOOD & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Josiah Wedgwood & Sons., 24 East Fifty-fourth Street, New York 22, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of china and glassware manufactured by Josiah Wedgwood & Sons, Inc., 24 East Fifty-fourth Street, New York 22, New York, having the brand name(s) "Wedgwood" and "Whitefriars" shall be the proposed retail ceiling prices listed by Josiah Wedgwood & Sons, Inc., in its application dated April 27, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Josiah Wedgwood & Sons, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit. dozen. etc.} Terms {net. percent EOM. etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8362; Filed, July 17, 1951; 3:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 147]

EDITH LANCES CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Edith Lances Corp., 31 East Thirty-first Street, New York, New York, has applied to the Office of Price Stabilization for maximum re ale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's brassieres manufactured by Edith Lances Corp., 31 East Thirty-first Street, New York, N. Y., having the brand name(s) "Edith Lances" shall be the proposed retail ceiling prices listed by Edith Lances Corp., in its application dated May 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Edith Lances Corp. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit. dozen. etc.} Terms {net. percent EOM. etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the

sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8396; Filed, July 17, 1951; 4:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 148]

THE DUBLIFE COLLAR CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Dublife Collar Co., 200 Worth Street, New York 13, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of replaceable collars, cuffs, neckbands, pockets, collar stays and waistband pads manufactured by The Dublife Collar Co., 200 Worth Street, New York 13, New York, having the brand name(s) "Dublife" and "Klings" shall be the proposed retail ceiling prices listed by The Dublife Collar Co. in its application dated May 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, The Dublife Collar Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8397; Filed, July 17, 1951; 4:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 149]

MOELLER MANUFACTURING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Moeller Manufacturing Co., Inc., 2401 Durand Avenue, Racine, Wisconsin; has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of a vacuum bottle stopper manufactured by Moeller Manufacturing Co., Inc., 2401 Durand Avenue, Racine, Wisconsin, having the brand name(s) "Snap-Tite" shall be the proposed retail ceiling prices listed by Moeller Manufacturing Co., Inc., in its application dated May 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Moeller Manufacturing Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8398; Filed, July 17, 1951; 4:53 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 150]

LESLIE FAY FASHIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Leslie Fay Fashions, Inc., 1400 Broadway, New York 18, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evi-

dence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of misses' dresses manufactured by Leslie Fay Fashions, Inc., 1400 Broadway, New York 18, New York, having the brand name(s) "Leslie Fay" shall be the proposed retail ceiling prices listed by Leslie Fay Fashions, Inc., in its application dated May 7, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Leslie Fay Fashions, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per-----	unit. / dozen. / etc. Terms net. / percent EOM. / etc. $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8399; Filed, July 17, 1951; 4:53 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 151]

AMERICAN GIRL SHOE CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, American Girl Shoe Co., 120 Kingston Street, Boston, Massachusetts (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and misses' shoes sold at wholesale by American Girl Shoe Co., 120 Kingston Street, Boston, Massachusetts, having the brand name(s) "American Girl Shoe" shall be the proposed retail ceiling prices listed by American Girl Shoe Co. in its application dated March 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the wholesaler's application dated May 8, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 16, 1951, American Girl Shoe Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per-----	unit. / dozen. / etc. Terms net. / percent EOM. / etc. $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom within 2 months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8400; Filed, July 17, 1951; 4:54 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 146]

JOSEPH A. KAPLAN & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Joseph A. Kaplan & Sons, Inc., 350 Fifth Avenue, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of shower curtains and matching window drapes manufactured by Joseph A. Kaplan & Sons, Inc., 350 Fifth Avenue, New York 1, N. Y., having the brand name(s) "Koroseal" shall be the proposed retail ceiling prices listed by Joseph A. Kaplan & Sons, Inc., in its application dated May 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than Sep-

tember 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling price.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Joseph A. Kaplan & Sons, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8401; Filed, July 17, 1951; 4:54 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 152]

LENOX, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Lenox, Incorporated, Trenton 5, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of dinnerware, service plates, hand painted china, and figurines manufactured by Lenox, Incorporated, Trenton 5, New Jersey having the brand name(s) "Lenox" shall be the proposed retail ceiling prices listed by Lenox, Incorporated in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Lenox, Incorporated, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8402; Filed, July 17, 1951; 4:54 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 153]

ROSENBLUMS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rosenblums, Inc., 746 South Los Angeles Street, Los Angeles, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's suits, toppers, skirts, and jackets manufactured by Rosenblums, Inc., 746 South Los Angeles Street, Los Angeles, California, having the brand name(s) "Rosenblum" shall be the proposed retail ceiling prices listed by Rosenblums, Inc., in its application dated May 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Rosenblums, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation

which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8403; Filed, July 17, 1951; 4:54 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 154]

KAY DUNHILL, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Kay Dunhill, Inc., Long Branch, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and misses' dresses manufactured by Kay Dunhill, Inc., Long Branch, New Jersey, having the brand name(s) "Kay Dunhill" shall be the proposed retail ceiling prices listed by Kay Dunhill, Inc., in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Kay Dunhill, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8404; Filed, July 17, 1951; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 155]

THE SALISBURY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Salisbury Company, 104 Second Avenue SE., Minneapolis 14, Minn., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by The Salisbury Company, 104 Second Avenue, SE., Minneapolis 14, Minn., having the brand name(s) "Salisbury" shall be the proposed retail ceiling prices listed by The Salisbury Company in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, The Salisbury Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise

subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8405; Filed, July 17, 1951; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 156]

THE GOTTFRIED CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Gottfried Company, 1778 East Thirtieth Street, Cleveland, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and misses' dresses manufactured by The Gottfried Company, 1778 East Thirtieth Street, Cleveland, Ohio, having the brand name(s) "Mynette", "Marie Dressler", and "Maurene" shall be the proposed retail ceiling prices listed by The Gottfried Company in its application dated May 7, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, The Gottfried Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

Column 1	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit, dozen, etc.	Terms{net, percent EOM, etc. $----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8406; Filed, July 17, 1951; 4:55 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 157]

CASTLETON CHINA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Castleton China, Inc., 212 Fifth Avenue, New York 10, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of dinnerware manufactured by Castleton China, Inc., 212 Fifth Avenue, New York 10, New York, having the brand name(s) "Castleton China" shall be the proposed retail ceiling prices listed by Castleton China, Inc., in its application dated April 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Castleton China, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit, dozen, etc.	Terms{net, percent EOM, etc. $----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8407; Filed, July 17, 1951; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 158]

DULANE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Dulane, Inc., 8550 West Grant Avenue, River Grove, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of automatic electric deep fryers, manufactured by Dulane Inc., 8550 West Grand Avenue, River Grove, Illinois, having the brand name(s) "Fryryte," shall be the proposed retail ceiling prices listed by Dulane, Inc., in its application dated April 27, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Dulane, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per----- {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $-----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8408; Filed, July 17, 1951; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 159]

KENDALL MILLS DIVISION OF THE KENDALL CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Kendall Mills Division of The Kendall Company, Walpole, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of diapers, nursery pads, nursery fluffs, nursery bibs, nursery cotton (packages) and nursery masks manufactured by Kendall Mills Division of The Kendall Company, Walpole, Massachusetts, having the brand name(s) "Curity" shall be the proposed retail ceiling prices listed by Kendall Mills Division of The Kendall Company in its application dated March 8, 1951, and filed with the Office of Price Stabilization, Washington

25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to his special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Kendall Mills Division of The Kendall Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per----- {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $-----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8409; Filed, July 17, 1951; 4:56 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 160]

SCOTT RADIO LABORATORIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Scott Radio Laboratories, Inc., 4541 Ravenswood Avenue, Chicago 40, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of television receivers manufactured by Scott Radio Laboratories, Inc., 4541 Ravenwood Avenue, Chicago 40, Illinois, having the brand name(s) "Scott", shall be the proposed retail ceiling prices listed by Scott Radio Laboratories, Inc., in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Scott Radio Laboratories, Inc., must mark each article for which a ceiling price

has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}
$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8410; Filed, July 17, 1951; 4:57 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 161]

JACQUES KREISLER MANUFACTURING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Jacques Kreisler Manufacturing Corporation, 9015 Bergenline Avenue, North Bergen, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and men's leather and metal watch bands, jewelry and pocket knives manufactured by Jacques Kreisler Manufacturing Corporation, 9015 Bergenline Avenue, North Bergen, New Jersey, having the brand name(s) "Jacques Kreisler" and "Kreisler" shall be the proposed retail ceiling prices listed by Jacques Kreisler Manufacturing Corporation in its application dated April 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 16, 1951, Jacques Kreisler Manufacturing Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 15, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 15, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the

applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}
$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 17, 1951.

[F. R. Doc. 51-8411; Filed, July 17, 1951; 4:57 p. m.]

DEPARTMENT OF STATE

Bureau of German Affairs

[Public Notice 99]

I. G. FARBENINDUSTRIE A. G. ET AL.

FINAL APPEAL TO CREDITORS

JUNE 26, 1951.

The following proclamation, issued by the United States High Commissioner for Germany, is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

Publication of final appeal to the creditors of I. G. Farbenindustrie A. G. (in dissolution) and of the following companies:

Agfa-Photo G. m. b. H. Düsseldorf.
Agfa-Photo G. m. b. H. Frankfurt.
Agfa-Photo G. m. b. H. Hamburg.
Agfa-Photo G. m. b. H. Hannover.
Agfa-Photo G. m. b. H. Köln.
Agfa-Photo G. m. b. H. München.
Agfa-Photo G. m. b. H. Stuttgart.
Aktiengesellschaft für Stickstoffdünger, Knapsack.
Aktiengesellschaft zur gemeinnützigen Beschaffung von Wohnungen, Frankfurt (Main)-Höchst.
Alkali G. m. b. H.
Allgemeine Verwaltungs-Gesellschaft m. b. H.
Alzwerke G. m. b. H.
Anorgana G. m. b. H.
Anorgana Gefolgschaftshilfe G. m. b. H.
Astra Grundstücks A. G.
Bad homburger Heilquellen G. m. b. H.
Badische Saphir-Schleifwerke G. m. b. H.
Carl Bauer & Co. (O. H. G.).
Bayerische Essigessenz-Verkaufastelle Chr. Dederer G. m. b. H.
Bayerische Stickstoffwerke A. G.
Beamtenerholungsheim Saarow G. m. b. H.
Behring-Institut Berlin G. m. b. H.
Behringwerke A. G.
Bielefelder Sackfabrik G. m. b. H.
Bourjau & Co. K. G.
Dr. Heinrich von Brunck Gedächtnisstiftung G. m. b. H.
Carbidkontor G. m. b. H.
Celluloid-Verkaufs-G. m. b. H.
Chemiewerk Homburg A. G.
Chemische Forschungsgesellschaft m. b. H.
Chemische Studiengesellschaft "Uniwapo" G. m. b. H.
Chemische Verwertungsgesellschaft Oberhausen m. b. H.
Chemische Werke Hüls G. m. b. H.
Chlorzink-Produkte G. m. b. H.
Citrovin-Fabrik G. m. b. H.
Clarashall G. m. b. H.
Consortium für elektrochemische Industrie G. m. b. H.
Cuprama Spinnfaser G. m. b. H.
Curta & Co. G. m. b. H.
Deutsch-Koloniale Gerbstoff-Gesellschaft m. b. H.
Deutsche Edelsteingesellschaft vorm. Hermann Wild A. G.
Deutsche Länderbank A. G.
Deutsche Oxhydric G. m. b. H.
Deutsche Sprengchemie G. m. b. H.
Donar G. m. b. H. für Apparatebau.
G. C. Dornheim, A. G.
Drawin G. m. b. H
Drugofa G. m. b. H.
Duisburger Kupferhütte (A. G.)
Dynamit-Actien-Gesellschaft vorm. Alfred Nobel & Co.
Eckert & Ziegler G. m. b. H
Elbia G. m. b. H. für chemische Produkte.
Elbia Gefolgschaftsfursorge G. m. b. H.
Elektrochemische Produkte G. m. b. H.
Elektrochemische Werke Breslau G. m. b. H.
Elektroschmelzwerk Kempten A. G.
Elite Grundstucks G. m. b. H.
Ethyl G. m. b. H.
Faserholz G. m. b. H.
Fassholzfabrik Goldbach G. m. b. H.
Fertilia Chemische Werke A. G.
Fluorit-Werke G. m. b. H.
Fluor-Produkte G. m. b. H.
Flusspatwerke G. m. b. H.
Fluss-und Schwerspatwerke Pforzheim Döppenschmitt & Co. G. m. b. H.
Friedrichsberger Bank e. G. m. b. H.
Fugger Grundstücks—A. G.
Gefolgschaftshilfe der Aktiengesellschaft für Stickstoffdünger G. m. b. H., Knapsack.
Gefolgschaftshilfe der Curta & Co. G. m. b. H. Berlin e. V.
Gefolgschaftshilfe G. m. b. H. der Firma Friedrich Uhde K. G.
Gemeinnützige Baugesellschaft m. b. H.
Gemeinnützige Siedlungsgesellschaft Duisburger Kupferhütte m. b. H.
Gemeinnützige Siedlungsgesellschaft Kalle m. b. H.
Gemeinnützige Wohnungs-Gesellschaft m. b. H. Leverkusen.
Gemeinnütziges Wohnungsunternehmen Chemische Werke Hüls G. m. b. H.
Gemeinnütziges Wohnungsunternehmen der I. G. Farbenindustrie A. G. Frankfurt G. m. b. H.
Gemeinnütziges Wohnungsunternehmen I. G. G. m. b. H. Ludwigshafen.
Gustav Genschow & Co. A. G.
Gesellschaft für Aufbereitung m. b. H.
Gesellschaft für Synthese-Produkte m. b. H.
Gesellschaft m. b. H. sur Verwertung chemischer Erzeugnisse.
Gewerkschaft Auguste Victoria.
Gewerkschaft des Konsolidierten Steinkohlenbergwerkes "Breitenbach."
Gewerkschaft Götzenhain zu Darmstadt.
Gewerkschaft Stein V.
Gewerkschaft Stein VII.
Gewerkschaft Stein IX.
Gewerkschaft Stein X.
"Griesogen" Griesheimer Autogen-Verkaufs—G. m. b. H.
Grundstücks-Verwaltungsgesellschaft "Osten" m. b. H., Berlin.
Guano-Werke A. G.
Handelsgesellschaft Auguste Victoria (O. H. G.).
Handels- und Industrie-Kontor G. m. b. H.
Hölkenseide G. m. b. H. in Liqu.
Hoffmann & Engelmann A. G.
Hoffman & Engelmann Gefolgschaftshilfe G. m. b. H.
Hruby & Co. (O. H. G.).
Hütten-Chemie G. m. b. H.
Igerussko Handelsgesellschaft m. b. H.
I. G.-Gefolgschaftshilfe G. m. b. H. Frankfurt.
Indanthren-Haus Frankfurt G. m. b. H.
Indanthren-Haus Hamburg G. m. b. H.
Indanthren-Haus Köln G. m. b. H.
Indanthren-Haus München G. m. b. H.
Indanthren-Haus Stuttgart G. m. b. H.
Kalle & Co. A. G.
Kalle Gefolgschaftshilfe G. m. b. H.
"Karato" G. m. b. H.
Kluser & Co. K. G.
Köln-Rottweil A. G.
Lagerstein-Verkaufsgesellschaft m. b. H.

Länderbank-Fugger Unterstützungs-Einrichtung G. m. b. H.
Lindener Zündhütchen- und Patronenfabrik A. G.
"Liveg" Lizenz-Verwertungs-G. m. b. H.
Luranil-Baugesellschaft m. b. H.
Magnetophon G. m. b. H.
"Moveu" G. m. b. H.
Professor Dr. Paul Müller-Stiftung G. m. b. H.
Niedersachsen Oel Gesellschaft m. b. H.
Palas G. m. b. H. Konzernversicherung.
Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Frankfurt am Main, Versicherungsverein auf Gegenseitigkeit.
Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Leverkusen am Rhein, Versicherungsvereia auf Gegenseitigkeit.
Pensionskasse der Angestellten der I. G. Farbenindustrie A. G. Ludwigshafen am Rhein, Versicherungsverein aug Gegenseitigkeit.
Plastro-Gesellschaft m. b. H.
Pulverfabrik Hasloch a. M. G. m. b. H.
"Pyrodur" Vereinigte Härtemaschinen G. m. b. H.
Pyrophor-Metallgesellschaft A. G.
Rheinische Elektrodenfabrik G. m. b. H.
Rheinische Gummi- und Celluloidfabrik A. G.
Rheinisches Spritzgubwerk G. m. b. H.
Rheinisch-Westfälische Sprengstoff A. G.
Rohaisenverkaufsgesellschaft Duisburger Kupferhütte m. b. H.
Sauerstoff-Fabrik Berlin G. m. b. H.
"Schildkröte" Rheinische Dauerwäsche- und Kunststoffwarenfabrik G. m. b. H.
Hermann und Markarethe Schmitz-Stiftung G. m. b. H.
Schwefel G. m. b. H.
Schwefelmatrium G. m. b. H.
Selektor-Bau- und Handelsgresellschaft m. b. H.
"Sextra" Schwefel-Extraktions- und Raffinations- G. m. b. H.
Siedlungsgesellschaft Wasag G. m. b. H.
Sprengstoff Verkaufsgesellschaft m. b. H.
Steedener Kalkwerke G. m. b. H.
Stickstoff-Ost G. m. b. H.
Stickstoff-Syndikat G. m. b. H.
Walter Strehle G. m. b. H.
Studiengesellschaft für Metallgewinnung m. b. H.
Superphosphatfabrik Nordenham A. G.
Terra Grundstücks-G. m. b. H.
Titan-Gesellschaft m. b. H.
Ingenieur-Büro Friedrich Uhde K. G.
"Venditor" Kunstoff-Verkaufs-G. m. b. H.
Vereinigte Sauerstoffwerke G. m. b. H.
Verkaufsgemeinschaft Pyrotechnischer Fabriken G. m. b. H.
Verkaufsgesellschaft für Kunststoff-Erzeugniese m. b. H.
Verkaufsstelle für Oxalsäure und Ameisensäure G. m. b. H.
Versuchswerk für Kautschukverarbeitung G. m. b. H. in Liqu.
Verteilungsstelle fur Chlorkalk (Ges. des Burgerl. Rechts).
Waaren-Commissions-A. G.
Dr. Alexander Wacker Gesellschaft für elektrochemische Industrie G. m. b. H.
Gebr. Wandesleben G. m. b. H.
Wasag-Chemie A. G.
Westfälisch-Anhaltische Sprengstoff A. G. Chemische Fabriken.
Westfälische Leichtmetallwerke G. m. b. H.
Westgas G. m. b. H.
Wolff & Co. K. G. a. A.
Worbla Celluloid-Handels-Gesellschaft m. b. H.
Zellglas-Export Syndikat G. m. b. H.
Ziegelei Graesbeck G. m. b. H.
Zünderwerke Ernst Brün G. m. b. H.

Whereas the Council of the Allied High Commission for Germany has enacted Law No. 35 dated 17th August 1950, providing for the dissolution and the winding-up of the corporate entity of I. G. Farbenindustrie A. G. and the dispersal of its assets in Western Germany, and has appointed the Tripartite I. G. Farben Control Group as the agency to carry out the terms of the Law, all creditors who assert claims not yet satisfied against any of the above companies and whose claims originated prior to 5 July 1945 are hereby required to file their claims with the

Tripartite I. G. Farben Control Group
Secretariat
Registration Office for Creditors' Claims
28 Mainzor Landstrasse,
Frankfurt am Main,
Germany

as follows:

(a) Creditors, having their residence, legal seat or their management, within Western Germany and the Western Sectors of Berlin within three months after the date of this Final Appeal; outside of Western Germany and the Western Sectors of Berlin within six months after the date of this Final Appeal.

(b) The claims should be filed in three copies, separately for each debtor company, and should contain the following statements:

(I) Full name and address of the creditor,

(II) The creditor's present domicile and nationality and his domicile and nationality at the time when his claim came into existence,

(III) Name of the debtor company,

(IV) Amount of the claim as of 5th July 1945,

(V) Brief description of the claim and its origin,

(VI) Reference to records evidencing the claim, and to correspondence, if any, referring to such claim.

Creditors required to file claims according to this Final Appeal are those claimants described in Article 5, Para 4, of the AHC Law N . 35 with the following exceptions:

(a) Shareholders;

(b) Creditors, who have already filed their claims in accordance with the Appeal to creditors dated 1st August 1950, issued by the Tripartite I. G. Farben Control Office;

(c) Creditors, who have claims in respect of unpaid wages, salaries or pensions and who are receiving payments in respect of such current claims from the debtor companies.

Claims not filed within the periods prescribed might be disregarded by the Tripartite I. G. Farben Control Group.

The appeal does not apply to creditors of the companies listed in Part II of the Schedule to the AHC Law No. 35 since the Tripartite I. G. Farben Control Group is not presently dealing wtih claims against the assets of these companies.

Frankfurt on the Main, 1 February 1951.
Tripartite I. G. Farben Control Group,
Secretariat.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

[F. R. Doc. 51-8367; Filed, July 19, 1951; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CARSON NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Jicarilla Ranger District of the Carson National Forest, in Rio Arriba County, State of New Mexico; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Jicarilla Ranger District of the Carson National Forest:

Temporary closure from livestock grazing. (a) The Jicarilla Ranger District in the Carson National Forest is hereby closed for the period November 1, 1951 to May 10, 1952, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such District pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land, which is located in Townships 27, 28, 29, 30, 31, and 32 North, Range 4 West, and parts of Townships 29, 30, 31, and 32, Range 5 West, Rio Arriba County, New Mexico.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Carson National Forest is located.

Done at Washington, D. C., this 16th day of July 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8320; Filed, July 19, 1951; 8:49 a. m.]

Production and Marketing Administration

SAN ANTONIO HORSE AND MULE MARKET

DEPOSTING OF STOCKYARD

It has been ascertained that the San Antonio Horse and Mule Market, San Antonio, Texas, originally posted on October 11, 1937, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer being conducted or operated as a public livestock market and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 17th day of July 1951.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51-8414; Filed, July 19, 1951; 9:03 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-962, G-1070, G-1248, G-1290, G-1741]

TENNESSEE GAS TRANSMISSION CO.

ORDER REJECTING FPC GAS TARIFF AND SUSPENDING PROPOSED FPC GAS TARIFF

JULY 12, 1951.

On June 14, 1951, Tennessee Gas Transmission Company (TGT) filed with the Commission FPC Gas Tariff Original Volume No. 1, Rate Schedules G-4, G-5, and S-5, to take effect as of July 15, 1951.[1]

At the same time, TGT filed with the Commission FPC Gas Tariff, First Revised Volume No. 1, superseding Rate Schedules CD-1, CD-2, CD-3, CD-4, and CD-5; Rate Schedules G-1, G-2, G-3, G-4, G-5, and G-6; Rate Schedules R-1, R-2, R-3, and R-4; Rate Schedules S-1 and S-5; Rate Schedules T-1 and T-4. Said First Revised Volume No. 1 included the following rate schedules not previously on file: Rate Schedules E-1, E-2, E-3, E-4, and E-5. Additionally, the rate schedules for firm service provide for an assessment of a penalty for unauthorized over-run, and changes in the form of Service Agreement, and changes in the General Terms and Conditions. Said FPC Gas Tariff, First Revised Volume No. 1, is proposed to take effect as of July 16, 1951.

On December 7, 1948, May 3, 1949, and July 26, 1949, the Commission entered orders issuing certificates of public convenience and necessity at Docket Nos. F-962 and G-1070 authorizing TGT to construct and operate certain natural-gas pipeline facilities, on condition that TGT file satisfactory schedules of rates and charges for the transportation and sale of natural gas therein proposed. Pursuant to such condition TGT tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, proposed rate schedules CD-4, CD-5, T-1, and T-4, and certain service agreements under said Rate Schedules CD-4 and CD-5. By order of September 15, 1950, the Commission, for reasons therein stated, postponed determination of the issue whether said rate filings satisfied the conditions of the orders issuing the certificates hereinbefore mentioned, and permitted Rate Schedules CD-4, CD-5, T-1, and T-4 to take effect on an interim basis, for a period commencing August 1, 1950, and extending to, but not including, December 1, 1951, subject to the conditions therein stated. By the same order, the Commission rejected the proposed service agreements.

By order of February 13, 1951, pursuant to the condition in the orders issuing certificates at Docket Nos. G-962 and G-1070, all as above referred to, the Commission allowed Rate Schedule R-4 to become effective on an interim basis contemporary with the interim period of Rate Schedules CD-4, CD-5, T-1, and T-4, and subject to the same conditions.

On November 4, 1950, the Commission by Opinion No. 202 and order therein, issued to TGT, at Docket Nos. G-1248 and G-1290, certificates of public convenience and necessity on the following terms and conditions, among others:

(1) Tennessee shall submit at least three months prior to the commencement of its operations in the Northern and New York zones, authorized herein, rate schedules and service agreements in a form satisfactory to the Commission for the transportation and sale of natural gas, which shall provide rates for firm service which will produce charges not in excess of those which would result from a demand charge of $3.00 per Mcf per month and a commodity charge of 20.7 cents per Mcf in the New York rate zone and rates for firm service in the Northern zone which will produce charges not in excess of those which would result from a demand charge of $2.40 per Mcf per month and a commodity charge of 15.2 cents per Mcf. Such rate schedules shall include a rate for the sale of seller's option gas to New York State Natural which will provide a reduction equivalent to the reduction herein required in the rate for firm gas in the New York zone. Such rate schedules shall include a transportation rate for service in the Northern zone which will provide a 2-cent reduction in the presently effective interim rate for that service.

TGT's proposed FPC Gas Tariff, Original Volume No. 1, containing Rate Schedules G-4, G-5, and S-5, as filed on June 14, 1951, provides for Rate Schedule G-4 a demand charge of $2.40 per Mcf per month and a commodity charge of 17.2 cents per Mcf; a demand charge of $3.40 per Mcf per month and a commodity charge of 21.2 cents per Mcf for Rate Schedule G-5; and 26.72 cents per Mcf for Rate Schedule S-5. These rates and charges do not conform to the rates and charges set forth in the condition attached to the issuance of the certificates at Docket Nos. G-1248 and G-1290, referred to above.

According to information furnished by TGT, the rates and charges proposed in TGT's FPC Gas Tariff, First Revised Volume No. 1, as filed June 14, 1951, would increase TGT's revenues for the 12 months ending July 31, 1951 from $66,957,864 to $80,889,219; and for the 12 months ending July 31, 1952, the proposed increased rates and charges would increase revenues from $83,264,058 to $99,613,895. The above figures do not take into account the rates and charges fixed by the Commission in its order of November 4, 1950 at Docket Nos. G-1248 and G-1290, so that the increase would be larger if such lower rates and charges were used.

The Commission finds:

(1) TGT's FPC Gas Tariff, Original Volume No. 1, Rate Schedules G-4, G-5, and S-5 proposed to be made effective as of July 15, 1951, do not meet the requirements of the conditions in the orders of the Commission of December 7, 1948, May 3, 1949, and July 26, 1949 at Docket Nos. G-962 and G-1070, and of November 4, 1950 at Docket Nos. G-1248 and G-1290; and such rate schedules should be rejected.

(2) TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules CD-4, CD-5, G-4, G-5, R-4, S-5, T-3, and T-4, proposed to be made effective as of July 16, 1951, do not meet the requirements of the conditions in the orders of the Commission referred to in paragraph (1) above, and such rate schedules should be rejected.

(3) TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules CD-1, CD-2, CD-3, G-1, G-2, G-3, R-1, R-2, R-3, and S-3, including the provisions for assessment of a penalty for unauthorized over-run and changes in the form of Service Agreement and changes in the General Terms and Conditions proposed to be made effective as of July 16, 1951, superseding FPC Gas Tariff, Original Volume No. 1, Rate Schedules CD-1, CD-2, CD-3, G-1, G-2, G-3, G-6, R-1, R-2, R-3, and S-1, may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon ultimate consumers of natural gas, so that the Commission should enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, and classifications, including rules, regulations, and contracts relating thereto, of the rate schedules referred to in this paragraph, and said rate schedules should be suspended pending hearing and decision thereon.

(4) TGT's FPC Gas Tariff, First Revise Volume No. 1, Rate Schedules E-1, E-2, E-3, E-4 and E-5 should be allowed to become effective as of July 16, 1951, as an initial rate filing. No authorization has been granted in any certificate proceeding authorizing such emergency service, unless TGT offers such emergency service pursuant to § 157.14 of the Commission's rules of practice and procedure. Such rates, charges, and classifications may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden on ultimate consumers of natural gas, so that the Commission on its own motion should enter upon a hearing pursuant to the authority contained in section 5 of the Natural Gas Act, concerning the lawfulness of the

[1] On June 26, 1951, TGT filed Original Sheet No. 50, correcting an error in Rate Schedule S-5; and on July 6, 1951, Original Sheet Nos. 13 and 16, First Revised Sheets Nos. 10 and 19, Second Revised Sheets Nos. 4 and 7, modifying the availability of TGT's present Rate Schedules G-1, G-2, G-3, and G-6, and proposed Rate Schedules G-4 and G-5.

rates, charges, and classifications of the rate schedules, including rules, regulations or contracts relating thereto, referred to in this paragraph.

The Commission orders:

(A) TGT's FPC Gas Tariff, Original Volume No. 1, Rate Schedules G–4, G–5 and S–5, submitted for filing on June 14, 1951, and Original Sheet No. 50 filed on June 26, 1951, and Original Sheets Nos. 13 and 16, filed on July 6, 1951, and proposed to become effective on July 15, 1951, be and the same are hereby rejected, and they shall have no force and effect as schedules of rates and charges filed under section 4 of the Natural Gas Act, until further order of the Commission.

(B) TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules CD–4, CD–5, G–4, G–5, R–4, S–5, T–3, and T–4, submitted for filing on June 14, 1951, and proposed to become effective on July 16, 1951, be and the same are hereby rejected, and they shall have no force and effect as schedules of rates and charges filed under section 4 of the Natural Gas Act, until further order of the Commission.

(C) TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules CD–1, CD–2, CD–3, G–1, G–2, G–3, R–1, R–2, R–3, and S–3, including the provisions for assessment of a penalty for unauthorized over-run and changes in the form of Service Agreement and changes in the General Terms and Conditions, submitted for filing on June 14, 1951, and proposed to become effective on July 16, 1951, be and the same are hereby suspended, pursuant to section 4 of the Natural Gas Act, and pending a hearing and decision thereon, their use is deferred until December 16, 1951, and until such further time as such rate schedules may be made effective in the manner prescribed by the Natural Gas Act.

(D) TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules E–1, E–2, E–3, E–4 and E–5 be accepted for filing effective as of July 16, 1951.

(E) TGT's FPC Gas Tariff, Original Volume No. 1, First Revised Sheets Nos. 10 and 19, and Second Revised Sheets Nos. 4 and 7, be accepted for filing, effective as of July 15, 1951.

(F) The acceptance for filing of TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules E–1, E–2, E–3, E–4 and E–5, First Revised Sheets Nos. 10 and 19 and Second Revised Sheets Nos. 4 and 7, shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such service or rate provided for in the above-described rate schedules, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(G) The Commission enter upon a hearing, pursuant to section 5 of the Natural Gas Act, to determine whether TGT's FPC Gas Tariff, First Revised Volume No. 1, Rate Schedules E–1, E–2, E–3, E–4, and E–5, submitted for filing on June 14, 1951, and proposed to become effective on July 16, 1951, is unjust, unreasonable, unduly discriminatory, or preferential, and if after hearing, the Commission shall find such rate schedules, including any rate, charge, classification, rule, regulation, practice, or contract relating thereto is unjust, unreasonable, unduly discriminatory or preferential, it will determine and fix by order or orders the just, reasonable, nondiscriminatory, and non-preferential rates, charges, classifications, rules, regulations, practices, and contracts to be filed and thereafter observed and enforced.

(H) Nothing herein shall be construed as limiting the right of the Commission with respect to the extension, cancelation, or other action concerning any rate schedule of TGT now on file with the Commission on an interim base, nor as limiting the right of the Commission to permit any new rate schedule to become effective on an interim basis.

(I) Pursuant to the authority contained in sections 4, 5, and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the issues and matters set forth in paragraph (C) and (G) hereof.

(J) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8313; Filed, July 19, 1951; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

OPERATIONS DIVISION

Section II d, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

d. *Operations Division.* The Operations Division is headed by an Assistant Commissioner for Operations who is responsible to the Commissioner for the activities of the Operations Division and of the Field Offices, the headquarters and jurisdictions of which are as follows:

Atlanta: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Public Housing Administration, Glenn Building, 120 Marietta Street NW., Atlanta 3, Ga.

Chicago: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, 201 North Wells Street, Chicago 6, Ill.

Fort Worth: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas. Public Housing Administration, 805 Texas and Pacific Passenger Building, Fort Worth 2, Tex.

New York: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, District of Columbia. Public Housing Administration, Empire State Building, 350 Fifth Avenue, New York 1, N. Y.

Puerto Rico: Puerto Rico and the Virgin Islands. Public Housing Administration, P. O. Box 1546, San Juan, P. R.

San Francisco: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territory of Alaska, the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, Calif.

Date approved: July 13, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51–8314; Filed, July 19, 1951; 8:46 a. m.]

DESCRIPTION OF AGENCY AND PROGRAM AND FINAL DELEGATION OF AUTHORITY

CENTRAL OFFICE

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Subparagraphs 1 through 5, inclusive, of section IId, appearing at 14 F. R. 1624, are hereby amended by substituting for the words "Assistant Commissioner for Field Operations" and "Field Operations Division," wherever they appear, the words "Assistant Commissioner for Operations" and "Operations Division," respectively.

Date approved: July 13, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51–8315; Filed, July 19, 1951; 8:48 a. m.]

DESCRIPTION OF AGENCY AND PROGRAM AND FINAL DELEGATIONS OF AUTHORITY

CENTRAL OFFICE

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Subparagraph 8 is added to section II j as follows:

8. Effective July 2, 1951, all powers vested as of June 30, 1951, in the Assistant Commissioners for Field Operations are hereby delegated to the Assistant Commissioner for Operations and the Deputy Assistant Commissioner for Operations.

Date approved: July 13, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51–8316; Filed, July 19, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26255]

MIXED CARLOADS MERCHANDISE FROM CHARLOTTE, N. C., AND GREENVILLE, S. C., TO ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1073, pursuant to fourth section order No. 16101.

Commodities involved: Merchandise in mixed carloads.

From: Charlotte, N. C., and Greenville, S. C.

To: Chicago and East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Circuitous routes. Operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8326; Filed, July 19, 1951; 8:51 a. m.]

[4th Sec. Application 26256]

ALCOHOL AND RELATED ARTICLES FROM ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS TO MACON, MO.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3721.

Commodities involved: Alcohol and related articles, carloads.

From: Crossett, Ark., Sterlington, La., Tallant, Okla., Bishop, Brownsville, Texas City, and Winnie, Tex., and certain other Texas points.

To: Macon, Mo.

Grounds for relief: Competition with rail carriers. Market competition.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3721, supp. 184.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8327; Filed, July 19, 1951; 8:51 a. m.]

[4th Sec. Application 26257]

BENZOL FROM SOLVAY, N. Y., TO BROWNSVILLE, TEX.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent for carriers parties to his tariff ICC No. 3715.

Commodities involved: Benzol (benzene), in tankcar loads.

From: Solvay, N. Y.

To: Brownsville, Tex.

Grounds for relief: Competition with rail carriers. Circuitous routes. Market competition.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3715, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8328; Filed, July 19, 1951; 8:51 a. m.]

[4th Sec. Application 26258]

BAGS, NEW OR OLD, FROM LOUISIANA AND TEXAS TO HOLLANDALE, MINN.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs ICC Nos. 3906 and 3967.

Commodities involved: Bags, new or old, burlap, gunny, etc., carloads.

From: Lake Charles and West Lake Charles, La., Houston, Tex., and certain other Texas points.

To: Hollandale, Minn.

Grounds for relief: Circuitous routes. To maintain port relations.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3967, supp. 9; D. Q. Marsh, Agent, ICC No. 3906, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8329; Filed, July 19, 1951; 8:51 a. m.]

[4th Sec. Application 26259]

LESS-THAN-CARLOAD FREIGHT FROM AMARILLO TO EL PASO, TEX.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff ICC No. 743.

Commodities involved: Freight, all kinds, in less-than-carloads.

From: Amarillo, Texas.

To: El Paso, Texas.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: H. N. Roberts, Alternate Agent, ICC No. 743, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8330; Filed, July 19, 1951; 8:51 a. m.]

[4th Sec. Application 26260]

HORSES FOR SLAUGHTER FROM SEVERAL STATES TO LOS ANGELES, CALIF.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. 1534.

Commodities involved: Horses for slaughter, carloads.

From: Arkansas, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

To: Los Angeles, Calif.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. 1534, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8331; Filed, July 19, 1951; 8:52 a. m.]

[4th Sec. Application 26261]

HORSES FOR SLAUGHTER FROM ARKANSAS AND MISSOURI TO OGDEN, UTAH

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3764.

Commodities involved: Horses for slaughter, carloads.

From: Points in Arkansas and Missouri.

To: Ogden, Utah.

Grounds for relief: Competition with rail carriers, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3764, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8332; Filed, July 19, 1951; 8:52 a. m.]

[4th Sec. Application 26262]

PETROLEUM PRODUCTS FROM POINTS IN TEXAS TO COLORADO, KANSAS, OKLAHOMA, AND TEXAS

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3494.

Commodities involved: Petroleum products, in carloads.

From: Big Lake, Rankin, Texon, and Witco, Tex.

To: Points in Colorado, Kansas, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers. Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3494, supp. 223.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8333; Filed, July 19, 1951; 8:52 a. m.]

[4th Sec. Application 26263]

GRAIN FROM ST. LOUIS, MO., TO POINTS IN LOUISIANA

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3940.

Commodities involved: Grain, grain products, and related articles, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Points in Louisiana.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3940, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8334; Filed, July 19, 1951; 8:52 a. m.]

[4th Sec. Application 26264]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO DAYTON, OHIO

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3721.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Port Neches, Texas.

To: Dayton, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3721, supp. 185.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8335; Filed, July 19, 1951; 8:52 a. m.]

[4th Sec. Application 26265]

PETROLEUM NAPTHA FROM THE SOUTHWEST TO DULUTH, MINN., AND SUPERIOR, WIS.

APPLICATION FOR RELIEF

JULY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3825.

Commodities involved: Petroleum naptha, in tankcar loads.

From: Points in southwestern territory.

To: Duluth, Minn., and Superior, Wis. (applicable on shipments destined to Canada).

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, ICC No. 3825, supp. 106.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8336; Filed, July 19, 1951; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18182]

HELENE LEUTZ

In re: Cash and securities owned by Helene Leutz. File No. F-28-12966.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Leutz whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) The sum of $1,042.20 held by the Clerk of the District Court of Morton County, North Dakota, pursuant to an order of the District Court of Morton County, North Dakota, Sixth Judicial District, in the matter of the dissolution of the Security Company of Hebron, Hebron, North Dakota, together with any accruals thereto;

(b) The sum of $5,175.00 held by The Security Bank of Hebron, Hebron, North Dakota, in an account designated as "Dividend Account Security Company of Hebron representing dividends declared on 45 shares of stock of the Security Company of Hebron, Hebron, North Dakota, evidenced by Certificate No. 17 together with any accruals thereto;

(c) The sum of $3,791.59 held by the Security Bank of Hebron, Hebron, North Dakota, in an account designated as "Security Agency" representing dividends paid by the Security Company Agency, Hebron, North Dakota, for the account of the Estate of Ferdinand Leutz;

(d) Seventy-eight and one-half (78½) shares of stock of Hebron Investment Company, Hebron, North Dakota, evidenced by Stock Certificate No. 14 issued in the name of Ferdinand Leutz Estate, together with all declared and unpaid dividends;

(e) The sum of $1,099.00 held by The Security Bank of Hebron, Hebron, North Dakota, in an account designated "Dividend Account—Hebron Investment Company" representing dividends declared on 78½ shares of stock of Hebron Investment Company, Hebron, North Dakota, evidenced by Certificate No. 14 issued in the name of the Ferdinand Leutz Estate, together with any accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8368; Filed, July 19, 1951; 8:57 a. m.]

[Vesting Order 18183]

TANO AND YAHACHI MATSUMOTO

In re: Rights of Tano Matsumoto and Yahachi Matsumoto under contract of insurance. File No. F-39-4409-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tano Matsumoto and Yahachi Matsumoto whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 661 135 issued by New York Life Insurance Company to Tano Matsumoto together with the right to demand, receive and collect the

same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Tano Matsumoto or Yahachi Matsumoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8369; Filed, July 19, 1951; 8:57 a. m.]

[Vesting Order 18184]

KOIJIRO AND ICHIJIRO MITANI

In re: Rights of Koijiro Mitani and Ichijiro Mitani under contract of insurance. File No. F-39-4449-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koijiro Mitani and Ichijiro Mitani whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 588 386 issued by New York Life Insurance Company to Koijiro Mitani together with the right to demand, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Koijiro Mitani or Ichijiro Mitani, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8370; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18185]

TAMA SAKAKURA

In re: Rights of Tama Sakakura under contract of insurance. File No. F-39-4492-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tama Sakakura whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15 248 223 issued by the New York Life Insurance Company to Tama Sakakura, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Tama Sakakura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8371; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18188]

MARIE BRAUER ET AL.

In re: Stock owned by Marie Brauer and others. D-28-10760-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Brauer, whose last known address is 5 Berlinerstrasse, Tegel, Germany, and Martha Drewes and Erika Gaebler, each of whose last known address is 11 Kruellstrasse, Berlin-Treptow, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Johanna Richter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Four hundred (400) shares of $1.00 par value capital stock of Occidental Petroleum Corporation, evidenced by certificates presently in the custody of Otto A. Hoecker, 1808 Russ Building, San Francisco 4, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Marie Brauer, Martha Drewes, Erika Gaebler and the personal representatives, heirs, next of kin, legatees and distributees of Johanna Richter, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8374; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18187]

META ALBERS

In re: Estate of Meta Albers, deceased. D-28-12975-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Albers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bertha Schwartz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Albers, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof in and to the estate of Meta Albers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by John Albers, 155-03 14th Avenue, Beechurst, Queens County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

6. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Meta Albers, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8373; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18186]

YOSHIHIRO AND KUMETARO TAMORI

In re: Rights of Yoshihiro Tamori and Kumetaro Tamori under Contract of Insurance. File No. F-39-4532-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshihiro Tamori and Kumetaro Tamori whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7,775,216 issued by New York Life Insurance Company to Yoshihiro Tamori together with the right to demand, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Yoshihiro Tamori or Kumetaro Tamori, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8372; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18192]

I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

In re: Debt owing to I. G. Farbenindustrie Aktiengesellschaft. F-28-275-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie Aktiengesellschaft, whose last known address is Frankfurt, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to I. G. Farbenindustrie Aktiengesellschaft by E. I. Du Pont De Nemours & Company, Wilmington, Delaware, arising out of an excess payment for machinery, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8378; Filed, July 19, 1951; 8:59 a. m.]

[Vesting Order 18189]

G. DWARS

In re: Debts owing to G. Dwars. F-28-30495.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Dwars, whose last known address is Manheim, Bezirk Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Kuhn, Loeb & Co., 52 William Street, New York 5, New York, arising out of funds allocable to G. Dwars on deposit in a blocked account in the name of N. V. Algemeene Trust Maatschappij, Amsterdam, maintained with the aforesaid company representing income from and accumulations on Twenty (20) shares of common capital stock of Chesapeake & Ohio Railway Company as described in subparagraph 2 (a) of Vesting Order 15698, dated November 15, 1950, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of J. W. Seligman & Co., 65 Broadway, New York 6, New York, arising out of funds allocable to G. Dwars on deposit in a blocked account for N. V. Amsterdamsch Administratiekantoor Van Amerikaansche Waarden, Amsterdam, maintained with the aforesaid company and representing income from and accumulations on Ten (10) shares of stock of General Motors Corporation evidenced by certificate numbered C440-727 described in subparagraph 2 (b) of Vesting Order 15698, dated November 15, 1950, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York 5, New York, arising out of funds allocable to G. Dwars on deposit in a blocked account in the name of N. V. Maatschappij tot Beheer Van Het Administratiekentoor Van Amerikaansche Fondsen Opgericht Door Broes & Gosman, Ten Have & Van Essen En Jarman & Zoonen Te Amsterdam, maintained with the aforesaid company and representing income from and accumulations on Thirty (30) shares of common capital stock of Phillips Petroleum Company as described in subparagraph 2 (c) of Vesting Order 15698, dated November 15, 1950, together with any and all accruals to the aforesaid debt or other obligations, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of The Chase National Bank, Pine Street, New York 15, New York, arising out of funds allocable to G. Dwars on deposit in a blocked account in the name of Broekmans Administratiekantoor, N. V., Amsterdam, maintained with the aforesaid bank and representing income from and accumulations on Fifty (50) shares of capital stock of Kennecott Copper Corporation as described in subparagraph 2 (d) of Vesting Order 15698, dated November 15, 1950, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation of Kidder, Peabody & Co., 17 Wall Street, New York 5, New York, arising out of funds allocable to G. Dwars on deposit in a blocked account in the name of Administratiekantoor van Aandeelen der American Telephone and Telegraph Co., N. V. and representing income from and accumulations on Five (5) shares of capital stock of American Telephone and Telegraph Company as described in subparagraph 2 (e) of Vesting Order 15693, dated November 15, 1950, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, G. Dwars, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8375; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18193]

KONVERSIONSKASSE FUER DEUTSCHE AUSLANDSSCHULDEN

In re: Account and certificates owned by Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts. F-28-7621.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Howe, Snow & Co., Inc., 44 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "City of Frankfort-on-Main, Germany, 25 year sinking fund 6½ percent bonds due May 1, 1953," together with any and all accruals thereto, maintained at the office of the said Howe, Snow & Co., Inc., and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 12365, presently in the custody of Howe, Snow & Co., Inc., 44 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office together with the funds deposited in the account described in subparagraph 2 (a) hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8379; Filed, July 19, 1951; 9:00 a. m.]

[Vesting Order 18190]

CERTAIN GERMAN NATIONALS

In re: Debts owing to German nationals whose names are unknown. F-28-1063-A-1, F-28-1063-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraphs 4 (a) and 4 (b) hereof is being held by the American Express Company, 65 Broadway, New York 6, New York, for the account of the American Express Company, m. b. H., Berlin Office, 73 Unter den Linden, Berlin, Germany;

2. That the property described in subparagraph 4 (c) hereof is being held by the American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, for the account of the American Express Company, m. b. H., Berlin Office, 73 Unter den Linden, Berlin, Germany;

3. That although the names of the owners of the property described in subparagraphs 4 (a), 4 (b), and 4 (c) hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nations of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of the American Express Company, 65 Broadway, New York 6, New York, arising out of so much of a demand account in the name of the American Express Company, m. b. H., Berlin Office, maintained with the aforesaid American Express Company, New York, as exceeds the sum of $33,115.46, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the American Express Company, 65 Broadway, New York, New York, arising out of an account in the name of the American Express Company, m. b. H., Berlin, maintained with the aforesaid American Express Company, New York, together with any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of the American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, arising out of an account entitled American Express Company, m. b. H., Berlin Office, maintained with the aforesaid company and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8376; Filed, July 19, 1951; 8:58 a. m.]

[Vesting Order 18196]

MANFRED AND KATHE MITTWOCH

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Manfred Mittwoch, also known as Manfred Siegbert Mittwoch, deceased, and of Kathe Mittwoch, also known as Kaethe Treuherz Mittwoch, deceased. F-28-27432.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Manfred Mittwoch, also known as Manfred Siegbert Mittwoch, deceased, and of Mrs. Kathe Mittwoch, also known as Kaethe Treuherz Mittwoch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Deposit Account, entitled Mr. Manfred Mittwoch, Deceased and/or Mrs. Kathe Mittwoch, Deceased, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Manfred Mittwoch, also known as Manfred Siegbert Mittwoch, deceased, and Kathe Mittwoch, also known as Kaethe Treuherz Mittwoch, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Manfred Mittwoch, also known as Manfred Siegbert Mittwoch, deceased, and of Kathe Mittwoch, also known as Kaethe Treuherz Mittwoch, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8382; Filed, July 19, 1951; 9:01 a. m.]

[Vesting Order 18197]

WILHELMINA MOSER

In re: Stock owned by Wilhelmina Moser. F-28-31523.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmina Moser, whose last known address is Hettenrodt, bei Idar Oberstein, Rheinland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred thirty-two (132) shares of $100.00 par value common capital stock of Cullman Wheel Co., Incorporated, 1344-1354 Altgeld Street, Chicago 14, Illinois, evidenced by certificates numbered 39 for one hundred twenty (120) shares and 52 for twelve (12) shares, registered in the name of and presently in the custody of Otto Cullman, as Trustee, 1344-1354 Altgeld Street, Chicago 14, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelmina

Moser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8383; Filed, July 19, 1951; 9:01 a. m.]

[Vesting Order 18191]

MARIANNE HAAS ET AL.

In re: Securities owned by Marianne Haas and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, each of whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof are corporations, parnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Adolph Convert, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That Cl. Harlacher, Bankgeschaeft, the last known address of which is Frankfurt/Main, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Frankfurt/Main, Germany, and is a national of a designated enemy country (Germany);

5. That Gertrud Kogler, whose last known address is Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That George Schmidt, whose last known address is Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Friedrich Muehlbauer, also known as Fred Muhlbauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Max Hamers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Rohmer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

10. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) Interest Funding Receipt and coupons of the consolidated mortgage of the Buffalo, New York, and Philadelphia Railway Company, Certificate Number 4313, with substituted cash coupons numbered 9 through 12, due January 1, 1836, through July 1, 1837, and substituted scrip coupons numbered 7 through 12, due January 1, 1895, through July 1, 1897, each of $15.00 face value, owned by Dresdner Bank, which receipt is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto.

d. Twenty (20) Trustees Certificates of the Atlantic and Pacific Railroad Company, Central Division, Land Grant, Gold Bonds, due November 1, 1901, of $1,000 face value each, bearing the numbers 38 through 50 and 101 through 107, and sixteen (16) of said Trustees Certificates, of $500 face value each, bearing the numbers 9 through 24, owned by Cl. Harlaeher, which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) Certificate of Beneficial Interest of the Commercial Savings Bank of Cumberland, Cumberland, Maryland, issued in accordance with the reorganization plan of said bank, dated June 24, 1933, numbered K-273, in the amount of $37.23, owned by Gertrud Kogler, which certificate is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. One (1) voting trust certificate of the Hawley Pulp and Paper Company, numbered PV 01549, owned by George Schmidt, which certificate is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) temporary certificate for a voting trust certificate representing fifty (50 shares of Grocery Store Products, Inc., numbered TV 03648, of no par value, owned by Friedrich Muehlbauer also known as Fred Muhlbauer, which certificate is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. Six (6) Western New York and Pennsylvania Railway Company general mortgage gold bond coupons, numbered 47 through 52, from each of bonds numbered 5352 and 5353, said coupons being of the aggregate face value of $240, owned by Commerzbank A. G., which coupons are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) Missouri Pacific Railroad Company Fractional Warrant of $50 face value, evidenced by a certificate numbered F 7914 and one (1) Missouri Pacific Company Subscription Warrant evidenced by a certificate numbered A 1295, owned by Commerzbank A. G., which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. Eleven (11) Fractional Certificates for general mortgage bonds of the Western New York & Pennsylvania Railway Co., numbered as follows:

Certificate No. 0369, Lit. A representing $500.00, issued July 30, 1895.
Certificate No. 0074, Lit. B representing $10.00, issued August 9, 1895.
Certificate No. 0085, Lit. B representing $20.00, issued August 9, 1895.
Certificate No. 0250, Lit. B representing $40.00, issued August 10, 1895.
Certificate No. 0325, Lit. B representing $10.00, issued August 10, 1895.
Certificate No. 0363, Lit. B representing $35.00, issued August 12, 1895.
Certificate No. 0320, Lit. B representing $195.00, issued August 12, 1895.
Certificate No. 0426, Lit. B representing $10.00, issued August 16, 1895.
Certificate No. 0559, Lit. B representing $15.00, issued August 22, 1895.
Certificate No. 0622, Lit. B representing $50.00, issued August 28, 1895.
Certificate No. 0761, Lit. B representing $35.00, issued January 19, 1897.

owned by Commerzbank, A. G., which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) Scrip Certificate numbered 5051 for 2186/4836ths share of no par value stock of Huguenot Depositors Corporation, owned by Volksbank Kandel e. G. m. b. H., which certificate is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. Two (2) certificates of indebtedness issued by the Oregon and California Railroad Company, numbered 12258, Series No. 1 and Series No. 2, representing a debt in the amount of $17.50 each, for unpaid interest of Warrants numbered 7 and 8 of first mortgage bond No. 12258, owned by Dresdner Bank, which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

m. One (1) fractional warrant evidenced by a certificate numbered F 6014 of $150 face value for 20-year 5½% convertible gold bonds, Series A of the Missouri Pacific Railroad Company, owned by Dresdner Bank, which certificate is in the custody of the Attorney General of the United States, with any and all rights thereunder and thereto,

n. One (1) Northern Pacific Railway Company coupon numbered 177 of $5.00 face value from bond numbered 15200, due April 1941, owned by Mainzer Volksbank e. G. m. b. H., which coupon is presently in the custoday of the Attorney General of the United States, together with any and all rights thereunder and thereto,

o. One (1) warrant for subscription for three-fourths (¾ths) share of the American Exchange Irving Trust Company, evidenced by certificate numbered F 7946, owned by Frankfurter Bank, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

p. One (1) certificate of deposit numbered 2870, for the Belden 6½% first mortgage gold bonds, owned by Max Hamers, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

q. Two (2) temporary certificates numbered TC 14496 and TC 354, evidencing one hundred twenty-five (125) shares of no par value common stock of the New York & Foreign Investing Corporation, owned by Dresdner Bank, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

r. Sixteen (16) certificates of indebtedness of the Western New York and Pennsylvania Railroad Company, of $15.00 face value each, numbered 4166 77 and 4320/23, owned by Commerzbank A. G., which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

11. That to the extent that the persons referred to in subparagraphs 1, 3 and 9 hereof and the persons named in subparagraphs 2, 4, 5, 6, 7, and 8 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Alliance Oil & Refining Co.	Capital	$5.00	3322	3	Marianne Haas.
The American Lithia & Chemical Co.	do	100.00	351	1	Mrs. Marie von Trenkwald.
American Newsvender Corp.	do	5.00	1185	50	Marianne Haas.
The Anglo-American Copper Mining Co. of Perry Sound, Ltd.	do	1.00	314	50	Jacob Newman.
Bausch & Lomb Optical Co.	Preferred	100.00	P201 PR727	110	August H. Lomb.
Brand's Restaurant Control Corp.	Capital	5.00	1052	20	Nikolaus Goerz.
Central-Illinois Co.	do	5.00	1609	127	Estate of Adolph Convert.
Colonial Land Co.	do	100.00	392	22	Do.
The Dayton Airplane Engine Co.	do	None	6370/71 6958 9948 9961 13821/25 15320/21 15347	1,300	Nikolaus Goerz.
The Denver & Rio Grande Western R. R. Co.	6 percent preferred cumulative.	100.00	PF3193	2	Wilhelm Petermann.
Lake Superior Mining & Investment Co.	Capital	25.00	46	5	Estate of Wilhelm Rohmer.
Victor Page Motors Corp.	do	1.00	5615	260	Marianne Hass.
Montgomery Ward & Co.	Common	None	NC0160376	10	Heinz Moser.
The Rock Island Co.	do	100.00	B988230/4 B110535 B1309977/8	50	Sofie Drissler nee Junker.
Virginia Land Co.	do	5.00	1913/17	50	Franzi Wittekind.
Do.	Preferred	100.00	1737/41	50	Do.
Baltimore & Ohio R. R. Co.	Common	100.00	A52972	5	Volksbank Weilblingen-e. G. m. b. H.
Casco Bay Timber Co.	Capital	100.00	9	65	Aschaffenburger Zellstoffwerke A. G.
Do.	do	100.00	10	65	Do.
The Eastern Exploration Co.	do	1.00	193 415/19	1,000	Commerzbank A. G.
Greene Consolidated Gold Co.	do	10.00	6050/53 6056 10913/27	2,000	Dresdner Bank.
Wisconsin Gear & Axle Co.	do	100.00	1	10	Volksbank Baden-Baden-e. G. m. b. H.
Overseas Realty, Ltd.	do	50.00	31	5	Commerzbank A. G.
The Rock Island Co.	Common	100.00	B142211 B109786 B1483/12/17 B113176 B124882 B46353 B46408/11 B92428 B24103/7 B8128/3 B91636/7 B91641/2 B97699 B93428 B132571 B141777/81 B119288 B14280 B44995 B128732/3 B128739 B94050 B94129 B127932/33 B24096 B143845 C47978	615	Do.
Electric Shareholders Corp.	$6.00 cumulative convertible preferred.	None	NY/P1634	100	Landgaeflich Hessische Hauptverwaltung Schloss Philipsruhe.
Grigsby-Gruno Co.	Common	None	C/0101776/8	27	Do.
New York & Foreign Investing Corp.	do	None	CL5675/9	50	Commerzbank A. G.
Do.	do	None	CL4577/9 CL5349/50	50	Dresdner Bank.
Maine Mining & Manufacturing Co.	Capital	1.00	173	100	Bank Cl. Harlacher.
Huguenot Depositors Corp.	do	None	1900	11	Volksbank Kandel-e. G. m. b. H.

EXHIBIT B

Description of issue	Face value	Certificate No.	Owner
The Atchison, Topeka & Santa Fe Ry. Co., general mortgage 4 percent 100-year bond, due 1995 with coupons numbered 89 through 100 due April 1940, through October 1945.	$500.00	D33892	Atlantic & Pacific Comite.
Chicago, Milwaukee, St. Paul, Pacific R. R. Co., 5 percent convertible adjustment mortgage bonds, series A, each bond with sheet of 73 coupons numbered 27 through 99, due October 1940 through October 1976.	1,000.00	M27778	Carl Jungblut.
	1,000.00	M29847	
Merchantile Underwriters Association, Inc., 10-year gold notes, each bond with sheet of 7 coupons numbered 14 through 20, due Feb. 1, 1950, through Feb. 1, 1953, each coupon being of $4 face value.	100.00	C2	Marianne Haas.
	100.00	C9	
	100.00	C10	
East Coast Enterprises, Inc., first mortgage gold bond evidenced by certificate of deposit No. 5677, issued by G. L. Miller & Co., Inc.	1,000.00	NYC17010	Nikolas Goerr.

[F. R. Doc. 51-8377; Filed, July 19, 1951; 8:59 a. m.]

[Vesting Order 18194]

LAMBDA, S. A.

In re: Securities owned by and debt owing to Lambda, S. A. F-28-31433.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Veronika Satzger, whose last known address is 8 Buergermeister Haffner Strasse, Kaufbeuren, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Lambda, S. A., Luxembourg, a corporation, partnership, association or other business organization, whose principal place of business is located in Luxembourg, and all of the stock of which is, or on or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Veronika Satzger and the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Fifty (50) shares of common stock of International Nickel Company of Canada, Ltd., Copper Bluff, Ontario, Canada, being a part of those shares evidenced by a certificate numbered NB 478047 for 64 shares, presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in an account for Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon,

b. Forty-five (45) shares of common stock of Kennecott Copper Corporation, 120 Broadway, New York 5, New York, being a part of those shares evidenced by a certificate numbered 0675868 for 54 shares, presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in an account for Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon,

c. Twenty-nine (29) shares of common stock of Socony-Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, evidenced by a certificate numbered NYC 717387 presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in an account for Banque Commerciale S. A., Luxembourg, together with all declared and unpaid dividends thereon,

d. Sixty-one hundredths (60/100ths) of a share of common stock Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, evidenced by a scrip certificate numbered SA 29197, presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, in an account for Banque Commerciale, S. A., Luxembourg, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, representing funds allocable to Lambda, S. A. on deposit in a blocked account for Banque Commerciale, S. A., Luxembourg, maintained with the aforesaid Hallgarten & Co., and constituting income from and accumulations on the aforesaid securities, together with any and all accruals to the aforesaid debt or other obligations and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lambda, S. A., Luxembourg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Lambda, S. A., Luxembourg, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1 and 3 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of Josefa Satzger, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8380; Filed, July 19, 1951; 9:00 a. m.]

ANTOINE AND ANDRE FAURE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Antoine Faure, Firminy, France, Claim No. 31749; Andre Faure, Firminy, France, Claim No. 31750; property described in Vesting Order No. 667 (8 F. R. 4295, April 17, 1943) relating to United States Letters Patent No. 1,944,972, an undivided one-half thereof to each claimant. Property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to Patent Application Serial No. 319,098 (now Patent No. 2,330,819) and Patent Application Serial No. 462,078 (now Patent No. 2,413,701), an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8387; Filed, July 19, 1951; 9:02 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 8—PROMOTION, DEMOTION, AND REASSIGNMENT AND MOVEMENT OF EMPLOYEES BETWEEN AGENCIES WITH REEMPLOYMENT RIGHTS

MISCELLANEOUS AMENDMENTS

EDITORIAL NOTE: The original document designated F. R. Doc. 51-7942, appearing at page 6661 of the issue for Tuesday, July 10, 1951, has been changed as follows:

In § 8.109 (b), grade "GS-5" has been changed to "GS-6" so that paragraph (b) now reads:

(b) No person shall be appointed or promoted to a position in any grade from GS-6 to GS-11, inclusive (or equivalent) which is more than two grades, or to a position in grade GS-12, or higher (or equivalent) which is more than one grade above the lowest grade held by him in the Federal civil service within the preceding six months under indefinite or permanent appointment.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1967, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951 was supplemented by 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat, 16 F. R. 2777, containing the specific requirements applicable to price support operations on wheat of the 1951 crop. These regulations are further supplemented as follows:

§ 601.1221 *Support rates.* Basic support rates for wheat placed under loan and for wheat delivered under purchase agreement are as set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Albany, N. Y.	$2.61
Astoria, Oreg.	2.40
Baltimore, Md.	2.61
Cairo, Ill.	2.50
Chicago, Ill.	2.50
Cincinnati, Ohio	2.48
Council Bluffs, Iowa	2.45
Duluth, Minn.	2.47
East St. Louis, Ill.	2.50
Evansville, Ind.	2.48
Galveston, Tex.	2.57
Houston, Tex.	2.57
Kansas City, Kans.	2.45
Kansas City, Mo.	2.45
Longview, Wash.	2.40
Los Angeles, Calif.	2.45
Louisville, Ky.	2.48
Memphis, Tenn.	2.50
Milwaukee, Wis.	2.50
Minneapolis, Minn.	2.47
New Orleans, La.	2.57
Norfolk, Va.	2.61
Oakland, Calif.	2.45
Omaha, Nebr.	2.45
Philadelphia, Pa.	2.61
Portland, Oreg.	2.40
St. Joseph, Mo.	2.45
St. Louis, Mo.	2.50
St. Paul, Minn.	2.47
San Francisco, Calif.	2.45
Seattle, Wash.	2.40
Sioux City, Iowa	2.45
Superior, Wis.	2.47
Tacoma, Wash.	2.40
Vancouver, Wash.	2.40

(b) *Basic county support rates.* The following basic county support rates per

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FEDERAL REGISTER

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bushel are established for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the wheat is stored.

Alabama	Rate per bushel
All counties	$2.33

Arizona

County	Rate per bushel	County	Rate per bushel
Apache	$1.85	Mohave	$1.99
Cochise	2.01	Navajo	1.85
Coconino	1.90	Pima	2.13
Graham	1.97	Pinal	2.19
Greenlee	1.97	Yavapai	2.03
Maricopa	2.19	Yuma	2.20

Arkansas

Arkansas	$2.20	Little River	$2.23
Baxter	2.17	Logan	2.14
Benton	2.16	Madison	2.16
Clay	2.24	Marion	2.15
Conway	2.19	Miller	2.24
Craighead	2.24	Mississippi	2.24
Crawford	2.15	Poinsett	2.25
Cross	2.25	Pope	2.16
Faulkner	2.20	Pulaski	2.21
Franklin	2.15	Saline	2.19
Garland	2.21	Searcy	2.15
Greene	2.24	Sebastian	2.15
Independence	2.21	Sevier	2.23
Izard	2.19	Sharp	2.22
Jackson	2.23	Stone	2.19
Johnson	2.16	Van Buren	2.17
Lafayette	2.24	Washington	2.16
Lawrence	2.24	Yell	2.16

California

Alameda	$2.33	El Dorado	$2.24
Alpine	2.07	Fresno	2.27
Amador	2.28	Glenn	2.25
Butte	2.26	Humboldt	2.12
Colusa	2.27	Imperial	2.25
Contra Costa	2.34	Inyo	2.11

California—Continued

County	Rate per bushel	County	Rate per bushel
Kern	$2.25	San Diego	$2.27
Kings	2.26	San Joaquin	2.31
Lake	2.28	San Luis Obispo	2.26
Lassen	2.13	Santa Barbara	2.27
Los Angeles	2.32	Santa Clara	2.33
Madera	2.28	Shasta	2.19
Mariposa	2.29	Sierra	2.15
Mendocino	2.25	Siskiyou	2.14
Merced	2.29	Solano	2.32
Modoc	2.09	Stanislaus	2.30
Mono	2.05	Sutter	2.23
Monterey	2.29	Tehama	2.25
Napa	2.31	Trinity	2.21
Nevada	2.24	Tulare	2.26
Orange	2.31	Ventura	2.32
Placer	2.27	Yolo	2.30
Plumas	2.15	Yuba	2.29
Riverside	2.28		
Sacramento	2.29		
San Benito	2.30		
San Bernardino	2.29		

Colorado

Adams	$2.13	La Plata	$1.98
Alamosa	2.04	Larimer	2.13
Arapahoe	2.13	Las Animas	2.13
Archuleta	1.93	Lincoln	2.13
Baca	2.14	Logan	2.13
Bent	2.14	Mesa	1.98
Boulder	2.13	Moffat	1.98
Chaffee	2.01	Montezuma	1.90
Cheyenne	2.15	Montrose	1.93
Conejos	2.04	Morgan	2.13
Costilla	2.05	Otero	2.13
Crowley	2.13	Ouray	1.98
Delta	1.98	Phillips	2.15
Denver	2.13	Pitkin	1.98
Dolores	1.90	Prowers	2.15
Douglas	2.13	Pueblo	2.13
Eagle	1.98	Rio Blanco	1.98
Elbert	2.13	Rio Grande	2.04
El Paso	2.13	Routt	1.98
Freemont	2.08	Saguache	2.01
Garfield	1.98	San Miguel	1.98
Grand	2.02	Sedgwick	2.15
Huerfano	2.11	Summit	2.02
Jefferson	2.13	Washington	2.13
Kiowa	2.15	Weld	2.13
Kit Carson	2.15	Yuma	2.14

Delaware

Kent	$2.44	Sussex	$2.41
New Castle	2.44		

Georgia

All counties	$2.36

Idaho

County	Rate per bushel	County	Rate per bushel
Ada	$2.02	Gem	$2.03
Adams	2.02	Gooding	1.97
Bannock	1.96	Idaho	2.03
Bear Lake	1.98	Jefferson	1.95
Benewah	2.10	Jerome	1.97
Bingham	1.96	Kootenai	2.09
Blaine	1.95	Latah	2.10
Boise	2.02	Lemhi	1.93
Bonner	2.08	Lewis	2.09
Bonneville	1.96	Lincoln	1.96
Boundary	2.06	Madison	1.95
Butte	1.95	Minidoka	1.96
Camas	1.95	Nez Perce	2.10
Canyon	2.02	Oneida	1.96
Caribou	1.96	Owyhee	2.01
Cassia	1.97	Payette	2.03
Clark	1.95	Power	1.96
Clearwater	2.10	Shoshone	2.07
Custer	1.95	Teton	1.95
Elmore	1.98	Twin Falls	1.98
Franklin	1.96	Valley	2.00
Fremont	1.95	Washington	2.04

Illinois

Adams	$2.29	Bond	$2.33
Alexander	2.31	Boone	2.32

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Brown	$2.29	Logan	$2.31
Bureau	2.31	McDonough	2.29
Calhoun	2.33	McHenry	2.33
Carroll	2.30	McLean	2.31
Cass	2.31	Macon	2.31
Champaign	2.31	Macoupin	2.33
Christian	2.31	Madison	2.34
Clark	2.31	Marion	2.31
Clay	2.31	Marshall	2.31
Clinton	2.33	Mason	2.31
Coles	2.31	Massac	2.30
Cook	2.34	Menard	2.31
Crawford	2.31	Mercer	2.29
Cumberland	2.31	Monroe	2.33
DeKalb	2.33	Montgomery	2.32
DeWitt	2.31	Morgan	2.31
Douglas	2.31	Moultrie	2.31
Du Page	2.34	Ogle	2.32
Edgar	2.31	Peoria	2.31
Edwards	2.31	Perry	2.31
Effingham	2.31	Piatt	2.31
Fayette	2.31	Pike	2.30
Ford	2.31	Pope	2.29
Franklin	2.31	Pulaski	2.31
Fulton	2.31	Putnam	2.31
Gallatin	2.27	Randolph	2.31
Greene	2.33	Richland	2.30
Grundy	2.33	Rock Island	2.29
Hamilton	2.29	Saint Clair	2.33
Hancock	2.28	Saline	2.29
Hardin	2.27	Sangamon	2.31
Henderson	2.29	Schuyler	2.30
Henry	2.30	Scott	2.31
Iroquois	2.33	Shelby	2.31
Jackson	2.31	Stark	2.31
Jasper	2.31	Stephenson	2.30
Jefferson	2.31	Tazewell	2.31
Jersey	2.33	Union	2.31
Jo Daviess	2.30	Vermilion	2.32
Johnson	2.28	Wabash	2.30
Kane	2.34	Warren	2.29
Kankakee	2.34	Washington	2.31
Kendall	2.34	Wayne	2.29
Knox	2.30	White	2.28
Lake	2.34	Whiteside	2.30
La Salle	2.32	Will	2.34
Lawrence	2.31	Williamson	2.31
Lee	2.32	Winnebago	2.31
Livingston	2.32	Woodford	2.31

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$2.26	Jay	$2.27
Allen	2.26	Jefferson	2.23
Bartholomew	2.29	Jennings	2.29
Benton	2.31	Johnson	2.30
Blackford	2.28	Knox	2.29
Boone	2.27	Kosciusko	2.23
Brown	2.23	Lagrange	2.27
Carroll	2.31	Lake	2.33
Cass	2.29	La Porte	2.32
Clark	2.32	Lawrence	2.29
Clay	2.31	Madison	2.27
Clinton	2.30	Marion	2.27
Crawford	2.29	Marshall	2.29
Daviess	2.26	Martin	2.25
Dearborn	2.31	Miami	2.29
Decatur	2.30	Monroe	2.23
De Kalb	2.27	Montgomery	2.30
Delaware	2.27	Morgan	2.30
Dubois	2.27	Newton	2.33
Elkhart	2.28	Noble	2.27
Fayette	2.30	Ohio	2.30
Floyd	2.32	Orange	2.31
Fountain	2.27	Owen	2.30
Franklin	2.30	Parke	2.27
Fulton	2.30	Perry	2.27
Gibson	2.29	Pike	2.25
Grant	2.27	Porter	2.33
Greene	2.30	Posey	2.31
Hamilton	2.28	Pulaski	2.32
Hancock	2.23	Putnam	2.30
Harrison	2.29	Randolph	2.28
Hendricks	2.27	Ripley	2.30
Henry	2.28	Rush	2.28
Howard	2.28	Saint Joseph	2.30
Huntington	2.27	Scott	2.30
Jackson	2.30	Shelby	2.28
Jaspar	2.33	Spencer	2.27

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Starke	$2.32	Vigo	$2.31
Steuben	2.26	Wabash	2.28
Sullivan	2.31	Warren	2.31
Switzerland	2.29	Warrick	2.26
Tippecanoe	2.31	Washington	2.30
Tipton	2.27	Wayne	2.28
Union	2.30	Wells	2.26
Vanderburgh	2.29	White	2.32
Vermillion	2.32	Whitley	2.28

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.26	Jefferson	$2.25
Adams	2.27	Johnson	2.27
Allamakee	2.25	Jones	2.28
Appanoose	2.26	Keokuk	2.25
Audubon	2.27	Kossuth	2.25
Benton	2.26	Lee	2.27
Black Hawk	2.25	Linn	2.27
Boone	2.25	Louisa	2.27
Bremer	2.25	Lucas	2.24
Buchanan	2.26	Lyon	2.28
Buena Vista	2.26	Madison	2.25
Butler	2.25	Mahaska	2.24
Calhoun	2.25	Marion	2.24
Carroll	2.27	Marshall	2.24
Cass	2.27	Mills	2.30
Cedar	2.28	Mitchell	2.26
Cerro Gordo	2.26	Monona	2.29
Cherokee	2.29	Monroe	2.25
Chickasaw	2.25	Montgomery	2.29
Clarke	2.25	Muscatine	2.28
Clay	2.26	O'Brien	2.28
Clayton	2.26	Osceola	2.27
Clinton	2.29	Page	2.28
Crawford	2.28	Palo Alto	2.25
Dallas	2.25	Plymouth	2.30
Davis	2.27	Pocahontas	2.25
Decatur	2.24	Polk	2.24
Delaware	2.26	Pottawattamie	2.30
Des Moines	2.28	Poweshiek	2.25
Dickinson	2.25	Ringgold	2.25
Dubuque	2.27	Sac	2.26
Emmet	2.26	Scott	2.29
Fayette	2.25	Shelby	2.29
Floyd	2.26	Sioux	2.29
Franklin	2.25	Story	2.24
Fremont	2.29	Tama	2.25
Greene	2.26	Taylor	2.27
Grundy	2.24	Union	2.26
Guthrie	2.26	Van Buren	2.26
Hamilton	2.24	Wapello	2.25
Hancock	2.26	Warren	2.24
Hardin	2.24	Washington	2.26
Harrison	2.30	Wayne	2.25
Henry	2.27	Webster	2.25
Howard	2.26	Winnebago	2.26
Humboldt	2.24	Winneshiek	2.25
Ida	2.28	Woodbury	2.30
Iowa	2.26	Worth	2.27
Jackson	2.28	Wright	2.25
Jasper	2.24		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$2.26	Ellis	$2.20
Anderson	2.27	Ellsworth	2.22
Atchinson	2.29	Finney	2.18
Barber	2.20	Ford	2.19
Barton	2.20	Franklin	2.28
Bourbon	2.27	Geary	2.24
Brown	2.28	Gove	2.19
Butler	2.22	Graham	2.20
Chase	2.24	Grant	2.17
Chautauqua	2.24	Gray	2.18
Cherokee	2.25	Greeley	2.17
Cheyenne	2.17	Greenwood	2.25
Clark	2.18	Hamilton	2.17
Clay	2.24	Harper	2.21
Cloud	2.23	Harvey	2.22
Coffey	2.26	Haskell	2.18
Comanche	2.19	Hodgeman	2.20
Cowley	2.22	Jackson	2.27
Crawford	2.26	Jefferson	2.29
Decatur	2.19	Jewell	2.22
Dickinson	2.22	Johnson	2.30
Doniphan	2.30	Kearny	2.17
Douglas	2.29	Kingman	2.22
Edwards	2.20	Kiowa	2.20
Elk	2.24	Labette	2.25

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Lane	$2.19	Republic	$2.23
Leavenworth	2.30	Rice	2.22
Lincoln	2.22	Riley	2.25
Linn	2.27	Rooks	2.21
Logan	2.17	Rush	2.20
Lyon	2.25	Russell	2.21
McPherson	2.22	Saline	2.22
Marion	2.22	Scott	2.18
Marshall	2.25	Sedgwick	2.22
Meade	2.18	Seward	2.17
Miami	2.29	Shawnee	2.27
Mitchell	2.22	Sheridan	2.19
Montgomery	2.25	Sherman	2.17
Morris	2.24	Smith	2.22
Morton	2.15	Stafford	2.20
Nemaha	2.26	Stanton	2.16
Neosho	2.26	Stevens	2.16
Ness	2.20	Sumner	2.22
Norton	2.20	Thomas	2.18
Osborne	2.21	Trego	2.20
Osage	2.27	Wabaunsee	2.26
Ottawa	2.22	Wallace	2.17
Pawnee	2.20	Washington	2.24
Phillips	2.20	Wichita	2.17
Pottawatomie	2.26	Wilson	2.25
Pratt	2.20	Woodson	2.26
Rawlins	2.18	Wyandotte	2.30
Reno	2.22		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$2.30	Knox	$2.32
Allen	2.30	Larue	2.29
Anderson	2.30	Laurel	2.32
Ballard	2.26	Lawrence	2.26
Barren	2.29	Lee	2.30
Bath	2.28	Lewis	2.27
Boone	2.32	Lincoln	2.31
Bourbon	2.28	Livingston	2.27
Boyd	2.26	Logan	2.28
Boyle	2.30	Lyon	2.27
Bracken	2.27	McCracken	2.26
Breckenridge	2.27	McCreary	2.32
Bullitt	2.29	McLean	2.27
Butler	2.28	Madison	2.30
Caldwell	2.27	Magoffin	2.28
Calloway	2.27	Marion	2.30
Campbell	2.29	Marshall	2.27
Carlisle	2.27	Meade	2.28
Carroll	2.27	Menifee	2.29
Carter	2.28	Mercer	2.30
Casey	2.31	Metcalfe	2.29
Christian	2.23	Monroe	2.30
Clark	2.29	Montgomery	2.29
Clay	2.32	Morgan	2.29
Clinton	2.31	Muhlenberg	2.27
Crittenden	2.26	Nelson	2.29
Cumberland	2.30	Nicholas	2.23
Daviess	2.26	Ohio	2.27
Edmonson	2.29	Oldham	2.29
Elliott	2.28	Owen	2.28
Estill	2.31	Owsley	2.31
Fayette	2.30	Pendleton	2.27
Fleming	2.27	Powell	2.30
Franklin	2.29	Pulaski	2.32
Fulton	2.27	Robertson	2.28
Gallatin	2.27	Rockcastle	2.32
Garrard	2.31	Rowan	2.23
Grant	2.29	Russell	2.31
Graves	2.27	Scott	2.29
Grayson	2.28	Shelby	2.30
Green	2.30	Simpson	2.29
Greenup	2.26	Spencer	2.30
Hancock	2.26	Taylor	2.30
Hardin	2.28	Todd	2.28
Harrison	2.28	Trigg	2.28
Hart	2.29	Trimble	2.28
Henderson	2.26	Union	2.26
Henry	2.28	Warren	2.29
Hickman	2.27	Washington	2.29
Hopkins	2.27	Wayne	2.32
Jackson	2.32	Webster	2.27
Jefferson	2.32	Whitley	2.32
Jessamine	2.30	Wolfe	2.29
Johnson	2.28	Woodford	2.30
Kenton	2.32		

MAINE

All counties $2.34

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.36	Howard	$2.40
Anne Arundel	2.42	Kent	2.44
Baltimore	2.44	Montgomery	2.38
Calvert	2.40	Prince Georges	2.40
Caroline	2.42	Queen Annes	2.44
Carroll	2.42	St. Marys	2.40
Cecil	2.42	Somerset	2.37
Charles	2.40	Talbot	2.44
Dorchester	2.39	Washington	2.37
Frederick	2.39	Wicomico	2.38
Garrett	2.32	Worcester	2.38
Harford	2.41		

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$2.17	Lapeer	$2.25
Alger	2.19	Leelanau	2.17
Allegan	2.25	Lenawee	2.27
Alpena	2.17	Livingston	2.25
Antrim	2.16	Luce	2.16
Arenac	2.19	Mackinac	2.16
Baraga	2.18	Macomb	2.28
Barry	2.25	Manistee	2.19
Bay	2.23	Marquette	2.20
Benzie	2.18	Mason	2.21
Berrien	2.28	Mecosta	2.21
Branch	2.26	Menominee	2.23
Calhoun	2.27	Midland	2.24
Cass	2.28	Missaukee	2.19
Charlevoix	2.16	Monroe	2.28
Cheboygan	2.16	Montcalm	2.24
Chippewa	2.16	Montmorency	2.16
Clare	2.22	Muskegon	2.24
Clinton	2.25	Newaygo	2.22
Crawford	2.17	Oakland	2.26
Delta	2.21	Oceana	2.21
Eaton	2.25	Ogemaw	2.22
Emmet	2.16	Osceola	2.19
Genesee	2.25	Oscoda	2.18
Gladwin	2.22	Otsego	2.17
Grand Traverse	2.18	Ottawa	2.25
Gratiot	2.25	Presque Isle	2.16
Hillsdale	2.25	Roscommon	2.18
Huron	2.23	Saginaw	2.25
Ingham	2.25	Saint Clair	2.27
Ionia	2.25	Saint Joseph	2.27
Iosco	2.18	Schoolcraft	2.16
Isabella	2.23	Shiawassee	2.25
Jackson	2.26	Tuscola	2.24
Kalamazoo	2.28	Van Buren	2.27
Kalkaska	2.17	Washtenaw	2.27
Kent	2.25	Wayne	2.28
Lake	2.20	Wexford	2.18

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.30	Koochiching	$2.23
Anoka	2.33	Lac Qui Parle	2.26
Becker	2.25	Lake	2.31
Beltrami	2.25	Lake of the Woods	2.23
Benton	2.29	Le Sueur	2.30
Big Stone	2.26	Lincoln	2.26
Blue Earth	2.29	Lyon	2.27
Brown	2.29	McLeod	2.31
Carlton	2.31	Mahnomen	2.24
Carver	2.32	Marshall	2.22
Cass	2.28	Martin	2.27
Chippewa	2.28	Meeker	2.31
Chisago	2.31	Mille Lacs	2.30
Clay	2.25	Morrison	2.28
Clearwater	2.25	Mower	2.28
Cottonwood	2.28	Murray	2.26
Crow Wing	2.28	Nicollet	2.30
Dakota	2.32	Nobles	2.26
Dodge	2.29	Norman	2.24
Douglas	2.28	Olmsted	2.29
Faribault	2.27	Otter Tail	2.26
Fillmore	2.26	Pennington	2.24
Freeborn	2.28	Pine	2.30
Goodhue	2.30	Pipestone	2.26
Grant	2.27	Polk	2.23
Hennepin	2.33	Pope	2.28
Houston	2.26	Red Lake	2.24
Hubbard	2.26	Redwood	2.28
Isanti	2.31	Renville	2.29
Itasca	2.27	Rice	2.31
Jackson	2.26	Rock	2.27
Kanabec	2.30	Roseau	2.22
Kandiyohi	2.30	Saint Louis	2.30
Kittson	2.21		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Scott	$2.32	Wadena	$2.27
Sherburne	2.31	Waseca	2.29
Sibley	2.30	Washington	2.33
Stearns	2.29	Watonwan	2.28
Steele	2.29	Wilkin	2.25
Stevens	2.27	Winona	2.28
Swift	2.28	Wright	2.31
Todd	2.28	Yellow Medicine	2.27
Traverse	2.26		
Wabasha	2.30		

MISSISSIPPI

All counties $2.23

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.28	Linn	$2.27
Andrew	2.30	Livingston	2.27
Atchison	2.27	McDonald	2.24
Audrain	2.30	Macon	2.28
Barry	2.24	Madison	2.30
Barton	2.26	Maries	2.30
Bates	2.28	Marion	2.30
Benton	2.26	Mercer	2.25
Bollinger	2.29	Miller	2.28
Boone	2.29	Mississippi	2.27
Buchanan	2.30	Moniteau	2.28
Butler	2.27	Monroe	2.29
Caldwell	2.28	Montgomery	2.31
Callaway	2.30	Morgan	2.27
Camden	2.27	New Madrid	2.27
Cape Girardeau	2.29	Newton	2.24
Carroll	2.27	Nodaway	2.27
Carter	2.26	Oregon	2.21
Cass	2.29	Osage	2.30
Cedar	2.26	Pemiscot	2.27
Chariton	2.27	Perry	2.31
Christian	2.24	Pettis	2.27
Clark	2.28	Phelps	2.30
Clay	2.29	Pike	2.30
Clinton	2.30	Platte	2.30
Cole	2.29	Polk	2.25
Cooper	2.28	Pulaski	2.29
Crawford	2.31	Putnam	2.24
Dade	2.25	Ralls	2.30
Dallas	2.25	Randolph	2.29
Daviess	2.23	Ray	2.28
De Kalb	2.30	Reynolds	2.29
Dent	2.30	Ripley	2.27
Douglas	2.22	Saint Charles	2.36
Dunklin	2.26	Saint Clair	2.28
Franklin	2.33	Sainte Genevieve	2.32
Gasconade	2.31	Saint Francois	2.33
Gentry	2.28	Saint Louis	2.36
Greene	2.24	Saline	2.27
Grundy	2.26	Schuyler	2.27
Harrison	2.26	Scotland	2.28
Henry	2.28	Scott	2.28
Hickory	2.26	Shannon	2.23
Holt	2.29	Shelby	2.29
Howard	2.29	Stoddard	2.28
Howell	2.21	Stone	2.23
Iron	2.30	Sullivan	2.27
Jackson	2.30	Taney	2.22
Jasper	2.25	Texas	2.24
Jefferson	2.34	Vernon	2.27
Johnson	2.28	Warren	2.33
Knox	2.28	Washington	2.32
Laclede	2.27	LaFayette	2.29
Lawrence	2.28	Wayne	2.29
Lewis	2.24	Webster	2.25
Lincoln	2.29	Worth	2.27
	2.33	Wright	2.24

MONTANA

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Beaverhead	[1] $1.64	
Big Horn	[1] 2.01	
Blaine	2.02	

[1] Based on Omaha.

MONTANA—Continued

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Broadwater	$1.99	$1.96
Carbon	2.00	
Carter	2.10	
Cascade	2.00	
Chouteau	2.00	
Custer	2.07	
Daniels	2.08	
Dawson	2.09	
Dear Lodge	1.95	1.96
Fallon	2.10	
Fergus	2.00	
Flathead		2.00
Gallatin	2.00	
Garfield	2.05	
Glacier	2.00	1.97
Golden Valley	2.00	
Granite	1.95	1.97
Hill	2.00	
Jefferson	1.98	1.96
Judith Basin	2.00	
Lake		2.00
Lewis and Clark	1.99	1.96
Liberty	2.00	
Lincoln		2.02
McCone	2.09	
Madison	1.98	1.96
Meagher	2.00	
Mineral		2.00
Missoula		1.98
Musselshell	2.03	
Park	2.00	
Petroleum	2.01	
Phillips	2.04	
Pondera	1.99	
Powder River	2.09	
Powell	1.96	1.96
Prairie	2.09	
Ravalli		1.98
Richland	2.10	
Roosevelt	2.10	
Rosebud	2.05	
Sanders		2.02
Sheridan	2.09	
Silver Bow	1.97	1.96
Stillwater	2.00	
Sweet Grass	2.09	
Teton	2.00	
Toole	2.00	
Treasure	2.03	
Valley	2.06	
Wheatland	2.00	
Wibaux	2.11	
Yellowstone	2.01	

The applicable rate on a lot of wheat in Broadwater, Glacier, Jefferson, Lewis and Clark, Madison, and Silver Bow Counties shall be determined as follows:

1. Subtract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland shown above.

2. If the lot of wheat contains 10 percent or more protein, add the applicable Minneapolis protein premium, if any, shown in the schedule of protein premiums to the rate based on Minneapolis; then add the applicable Portland protein premium from the same schedule to the rate based on Portland.

3. The applicable rate on the lot of wheat will be the highest as determined above.

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.24	Dawson	$2.22
Antelope	2.25	Deuel	2.16
Arthur	2.17	Dixon	2.29
Banner	2.14	Dodge	2.29
Blaine	2.20	Douglas	2.30
Boone	2.26	Dundy	2.17
Box Butte	2.16	Fillmore	2.26
Boyd	2.22	Franklin	2.22
Brown	2.20	Frontier	2.20
Buffalo	2.24	Furnas	2.21
Burt	2.29	Gage	2.27
Butler	2.28	Garden	2.16
Cass	2.30	Garfield	2.23
Cedar	2.28	Gosper	2.21
Chase	2.17	Grant	2.17
Cherry	2.19	Greeley	2.25
Cheyenne	2.13	Hall	2.25
Clay	2.24	Hamilton	2.26
Colfax	2.28	Harlan	2.22
Cuming	2.28	Hayes	2.18
Custer	2.22	Hitchcock	2.18
Dakota	2.29	Holt	2.23
Dawes	2.14	Hooker	2.19

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Howard	$2.25	Platte	$2.27
Jefferson	2.26	Polk	2.27
Johnson	2.27	Red Willow	2.20
Kearney	2.23	Richardson	2.26
Keith	2.17	Rock	2.21
Keya Paha	2.21	Saline	2.27
Kimball	2.13	Sarpy	2.30
Knox	2.25	Saunders	2.29
Lancaster	2.29	Scotts Bluff	2.14
Lincoln	2.20	Seward	2.28
Logan	2.21	Sheridan	2.16
Loup	2.23	Sherman	2.24
McPherson	2.19	Sioux	2.14
Madison	2.26	Stanton	2.27
Merrick	2.26	Thayer	2.25
Morrill	2.15	Thomas	2.20
Nance	2.26	Thurston	2.29
Nemaha	2.27	Valley	2.23
Nuckolls	2.24	Washington	2.29
Otoe	2.29	Wayne	2.28
Pawnee	2.26	Webster	2.23
Perkins	2.17	Wheeler	2.25
Phelps	2.22	York	2 26
Pierce	2.26		

NEVADA

Churchill	$2.11	Lyon	$2.00
Clark	2 02	Mineral	1. 86
Elko	2.07	Nye	1. 86
Esmeralda	1.99	Ormsby	2.07
Eureka	1 86	Pershing	2. 12
Humboldt	1 99	Storey	2. 13
Lander	2 03	Washoe	2. 13
Lincoln	1.99	White Pine	1. 68
	1 93		

NEW JERSEY

Burlington	$2 40	Middlesex	$2.39
Camden	2.41	Monmouth	2 39
Cumberland	2.40	Salem	2.40
Gloucester	2 41	Somerset	2.39
Hunterdon	2 39	Warren	2.37
Mercer	2 40		

NEW MEXICO

Bernalillo	$2.09	McKinley	$1.96
Catron	2.00	Mora	2.07
Chaves	2.12	Quay	2.14
Colfax	2.07	Roosevelt	2.15
Curry	2.15	Sandoval	2.07
De Baca	2.12	San Juan	1.92
Eddy	2.11	San Miguel	2.08
Grant	1.96	Santa Fe	2.07
Guadalupe	2.05	Sierra	2.04
Harding	2.05	Socorro	2.08
Hidalgo	1.96	Torrance	2.09
Lea	2.13	Union	2.10
Luna	1.96	Valencia	2.02

NEW YORK

Albany	$2.45	Oneida	$2.40
Allegany	2.39	Onondaga	2.40
Broome	2.39	Ontario	2.39
Cattaraugus	2.37	Orange	2.36
Cayuga	2.40	Orleans	2.39
Chautauqua	2.32	Oswego	2.40
Chemung	2.40	Otsego	2.39
Chenango	2.40	Putnam	2.37
Clinton	2.32	Rensselaer	2.42
Columbia	2.41	Rockland	2.36
Cortland	2.40	Saratoga	2.41
Delaware	2.35	Schenectady	2.46
Dutchess	2.39	Schoharie	2.41
Erie	2.37	Schuyler	2.38
Essex	2.34	Seneca	2.40
Franklin	2.30	Steuben	2.40
Fulton	2.40	Suffolk	2.32
Genesee	2.40	Sullivan	2.34
Greene	2.41	Tioga	2.40
Herkimer	2.41	Tompkins	2.40
Jefferson	2.36	Ulster	2.38
Lewis	2.36	Warren	2.37
Livingston	2.40	Washington	2.40
Madison	2.40	Wayne	2.40
Monroe	2.40	Westchester	2.36
Montgomery	2.44	Wyoming	2.39
Nassau	2.34	Yates	2.39
Niagara	2.39		

NORTH CAROLINA

	Rate per bushel
All counties	$2.36

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$2.14	McKenzie	$2.12
Barnes	2.22	McLean	2.17
Benson	2.19	Mercer	2.15
Billings	2.14	Morton	2.16
Bottineau	2.16	Mountrail	2.15
Bowman	2.14	Nelson	2.21
Burke	2.15	Oliver	2.17
Burleigh	2.19	Pembina	2.20
Cass	2.23	Pierce	2.18
Cavalier	2.19	Ramsey	2.20
Dickey	2.22	Ransom	2.23
Divide	2.13	Renville	2.15
Dunn	2.14	Richland	2.24
Eddy	2.20	Rolette	2.18
Emmons	2.18	Sargent	2.23
Foster	2.21	Sheridan	2.19
Golden Valley	2.12	Sioux	2.16
Grand Forks	2.22	Slope	2.14
Grant	2.15	Stark	2.15
Griggs	2.22	Steele	2.22
Hettinger	2.15	Stutsman	2.21
Kidder	2.20	Towner	2.19
La Moure	2.21	Traill	2.23
Logan	2.20	Walsh	2.21
McHenry	2.18	Ward	2.16
McIntosh	2.19	Wells	2.20
		Williams	2.14

OHIO

Adams	$2.28	Licking	$2.29
Allen	2.28	Logan	2.23
Ashland	2.20	Lorain	2.30
Ashtabula	2.32	Lucas	2.29
Athens	2.29	Madison	2.28
Auglaize	2.28	Mahoning	2.32
Belmont	2.31	Marion	2.29
Brown	2.23	Medina	2.30
Butler	2.31	Meigs	2.28
Carroll	2.30	Mercer	2.28
Champaign	2.23	Miami	2.28
Clark	2.23	Monroe	2.31
Clermont	2.28	Montgomery	2.29
Clinton	2.28	Morgan	2.30
Columbiana	2.31	Morrow	2.29
Coshocton	2.30	Muskingum	2.30
Crawford	2.29	Noble	2.30
Cuyahoga	2.30	Ottawa	2.29
Darke	2.28	Paulding	2.28
Defiance	2.28	Perry	2.29
Delaware	2.29	Pickaway	2.29
Erie	2.29	Pike	2.28
Fairfield	2.29	Portage	2.30
Fayette	2.28	Preble	2.29
Franklin	2.29	Putnam	2.23
Fulton	2.28	Richland	2.30
Gallia	2.28	Ross	2.28
Geauga	2.32	Sandusky	2.29
Greene	2.23	Scioto	2.29
Guernsey	2.30	Seneca	2.29
Hamilton	2.31	Shelby	2.23
Hancock	2.29	Stark	2.30
Hardin	2.29	Summit	2.30
Harrison	2.30	Trumbull	2.32
Henry	2.28	Tuscarawas	2.30
Highland	2.28	Union	2.29
Hocking	2.29	Van Wert	2.28
Holmes	2.30	Vinton	2.29
Huron	2.29	Warren	2.30
Jackson	2.28	Washington	2.30
Jefferson	2.30	Wayne	2.30
Knox	2.30	Williams	2.28
Lake	2.31	Wood	2.29
Lawrence	2.28	Wyandot	2.29

OKLAHOMA

Adair	$2.19	Carter	$2.17
Alfalfa	2.19	Cherokee	2.20
Atoka	2.17	Choctaw	2.17
Beaver	2.13	Cimarran	2.10
Beckham	2.17	Cleveland	2.17
Blaine	2.16	Coal	2.17
Bryan	2.17	Comanche	2.17
Caddo	2.17	Cotton	2.17
Canadian	2.17	Craig	2.24

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Creek	$2.19	Mayes	$2.22
Custer	2.17	Murray	2.17
Delaware	2.21	Muskogee	2.19
Dewey	2.16	Noble	2.19
Ellis	2.15	Nowata	2.24
Garfield	2.18	Okfuskee	2.17
Garvin	2.17	Oklahoma	2.17
Grady	2.17	Okmulgee	2.19
Grant	2.19	Osage	2.21
Greer	2.17	Ottawa	2.23
Harmon	2.17	Pawnee	2.19
Harper	2.14	Payne	2.17
Haskell	2.18	Pittsburg	2 17
Hughes	2.17	Pontotoc	2.17
Jackson	2.17	Pottawatomie	2.17
Jefferson	2.17	Pushmataha	2.17
Johnston	2.17	Roger Mills	2.16
Kay	2.20	Rogers	2.22
Kingfisher	2.17	Seminole	2.17
Kiowa	2.17	Sequoyah	2.19
Latimer	2.17	Stephens	2.17
Le Flore	2.17	Texas	2.13
Lincoln	2.17	Tillman	2.17
Logan	2.17	Tulsa	2.22
Love	2.17	Wagoner	2.21
McClain	2.17	Washington	2.23
McCurtain	2.17	Washita	2.17
McIntosh	2.18	Woods	2.18
Major	2.16	Woodward	2.15
Marshall	2.17		

OREGON

Baker	$2.08	Lake	$2.07
Benton	2 23	Lane	2 21
Clackamas	2.26	Linn	2 22
Clatsop	2.22	Malheur	2.03
Columbia	2.24	Marion	2.25
Crook	2.17	Morrow	2.22
Deschutes	2.17	Multnomah	2.27
Douglas	2.16	Polk	2.24
Gilliam	2.23	Sherman	2 24
Grant	2.21	Umatilla	2.16
Harney	1.98	Union	2 09
Hood River	2.24	Wallowa	2.08
Jackson	2.11	Wasco	2.24
Jefferson	2.19	Washington	2 27
Josephine	2.12	Yamhill	2.26
Klamath	2.11		

PENNSYLVANIA

Adams	$2.39	Lackawanna	$2.36
Allegheny	2.31	Lancaster	2.41
Armstrong	2.33	Lawrence	2.32
Beaver	2.32	Lebanon	2.41
Bedford	2.36	Lehigh	2.40
Berks	2.41	Luzerne	2.35
Blair	2.36	Lycoming	2.36
Bradford	2.36	McKean	2.33
Bucks	2.42	Mercer	2.30
Butler	2.33	Mifflin	2.36
Cambria	2.33	Monroe	2.37
Cameron	2.35	Montgomery	2.43
Carbon	2.36	Montour	2.36
Centre	2.35	Northampton	2.41
Chester	2.43	Northumberland	2.36
Clarion	2.33	Perry	2.36
Clearfield	2.35	Pike	2.33
Clinton	2.36	Potter	2.34
Columbia	2.36	Schuylkill	2.39
Crawford	2.34	Snyder	2.36
Cumberland	2.39	Somerset	2.32
Dauphin	2.37	Sullivan	2.35
Delaware	2.43	Susquehanna	2.35
Elk	2.34	Tioga	2.32
Erie	2.35	Union	2.36
Fayette	2.31	Venango	2.34
Forest	2.34	Warren	2.34
Franklin	2.36	Washington	2.31
Fulton	2.36	Wayne	2.34
Greene	2.27	Westmoreland	2.31
Huntingdon	2.36	Wyoming	2.36
Indiana	2.32	York	2.41
Jefferson	2.35		
Juniata	2.36		

SOUTH CAROLINA

	Rate per bushel
All counties	$2.36

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.25	Jackson	$2.17
Beadle	2.23	Jerauld	2.25
Bennett	2.17	Jones	2.19
Bon Homme	2.27	Kingsbury	2.24
Brookings	2.25	Lake	2.25
Brown	2.23	Lawrence	2.11
Brule	2.24	Lincoln	2.28
Buffalo	2.24	Lyman	2.21
Butte	2.11	McCook	2.27
Campbell	2.19	McPherson	2.20
Charles Mix	2.25	Marshall	2.23
Clark	2.24	Meade	2.13
Clay	2.29	Mellette	2.19
Codington	2.25	Miner	2.26
Corson	2.17	Minnehaha	2.27
Custer	2.12	Moody	2.26
Davison	2.26	Pennington	2.15
Day	2.24	Perkins	2.14
Deuel	2.25	Potter	2.19
Dewey	2.16	Roberts	2.24
Douglas	2.26	Sanborn	2.25
Edmunds	2.22	Shannon	2.16
Fall River	2.13	Spink	2.23
Faulk	2.22	Stanley	2.18
Grant	2.25	Sully	2.19
Gregory	2.22	Todd	2.19
Haakon	2.15	Tripp	2.20
Hamlin	2.25	Turner	2.28
Hand	2.22	Union	2.30
Hanson	2.26	Walworth	2.19
Harding	2.14	Washabaugh	2.17
Hughes	2.20	Yankton	2.28
Hutchinson	2.26	Ziebach	2.14
Hyde	2.20		

TENNESSEE

Anderson	$2.34	Lauderdale	$2.25
Bedford	2.31	Lawrence	2.30
Benton	2.28	Lewis	2.30
Bledsoe	2.32	Lincoln	2.32
Blount	2.35	Loudon	2.34
Bradley	2.34	McMinn	2.34
Campbell	2.34	McNairy	2.27
Cannon	2.30	Macon	2.29
Carroll	2.27	Madison	2.26
Carter	2.37	Marion	2.32
Cheatham	2.29	Marshall	2.31
Chester	2.27	Maury	2.30
Claiborne	2.36	Meigs	2.33
Clay	2.30	Monroe	2.35
Cocke	2.35	Montgomery	2.28
Coffee	2.31	Moore	2.31
Crockett	2.26	Morgan	2.33
Cumberland	2.32	Obion	2.26
Davidson	2.29	Overton	2.31
Decatur	2.28	Perry	2.29
De Kalb	2.30	Pickett	2.31
Dickson	2.29	Polk	2.35
Dyer	2.25	Putnam	2.31
Fayette	2.25	Rhea	2.33
Fentress	2.32	Roane	2.33
Franklin	2.32	Robertson	2.28
Gibson	2.27	Rutherford	2.30
Giles	2.31	Scott	2.33
Grainger	2.35	Sequatchie	2.32
Greene	2.36	Sevier	2.35
Grundy	2.31	Shelby	2.25
Hamblen	2.36	Smith	2.30
Hamilton	2.33	Stewart	2.28
Hancock	2.37	Sullivan	2.38
Hardeman	2.26	Sumner	2.28
Hardin	2.28	Tipton	2.25
Hawkins	2.38	Trousdale	2.29
Haywood	2.26	Unicoi	2.36
Henderson	2.28	Union	2.35
Henry	2.27	Van Buren	2.31
Hickman	2.29	Warren	2.31
Houston	2.28	Washington	2.37
Humphreys	2.28	Wayne	2.29
Jackson	2.30	Weakley	2.27
Jefferson	2.35	White	2.31
Johnson	2.37	Williamson	2.30
Knox	2.35	Wilson	2.29
Lake	2.26		

TEXAS

Archer	$2.17	Bailey	$2.16
Armstrong	2.17	Bandera	2.18

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Bastrop	$2.27	Kaufman	$2.24
Baylor	2.17	Kendall	2.19
Bell	2.27	Kent	2.17
Bexar	2.24	Kerr	2.17
Blanco	2.24	Kimble	2.22
Borden	2.17	King	2.17
Bosque	2.25	Knox	2.17
Bowie	2.19	Lamar	2.19
Briscoe	2.17	Lamb	2.17
Brown	2.23	Lampasas	2.23
Burleson	2.29	Limestone	2.27
Burnet	2.23	Lipscomb	2.14
Caldwell	2.27	Llano	2.23
Callahan	2.18	Loving	2.12
Carson	2.16	Lubbock	2.17
Castro	2.17	Lynn	2.17
Childress	2.17	McCulloch	2.23
Clay	2.17	McLennan	2.27
Cochran	2.17	Martin	2.16
Coke	2.17	Mason	2.23
Coleman	2.21	Maverick	2.14
Collin	2.23	Medina	2.20
Collingsworth	2.17	Menard	2.21
Comanche	2.19	Midland	2.15
Concho	2.20	Milam	2.28
Cooke	2.19	Mills	2.23
Coryell	2.24	Mitchell	2.17
Cottle	2.17	Montague	2.20
Crosby	2.17	Moore	2.14
Culberson	2.07	Motley	2.17
Dallam	2.12	Navarro	2.26
Dallas	2.23	Nolan	2.17
Dawson	2.17	Ochiltree	2.14
Deaf Smith	2.16	Oldham	2.16
Delta	2.21	Palo Pinto	2.19
Denton	2.23	Parker	2.23
DeWitt	2.26	Parmer	2.16
Dickens	2.17	Pecos	2.09
Donley	2.17	Potter	2.16
Eastland	2.17	Presidio	2.07
Ellis	2.25	Randall	2.17
Erath	2.20	Real	2.16
Falls	2.27	Reeves	2.11
Fannin	2.19	Roberts	2.15
Fisher	2.17	Robertson	2.27
Floyd	2.17	Rockwall	2.23
Foard	2.17	Runnels	2.19
Gaines	2.17	San Saba	2.23
Galveston	2.39	Schleicher	2.14
Garza	2.17	Scurry	2.17
Gillespie	2.18	Shackelford	2.17
Glasscock	2.17	Sherman	2.12
Gray	2.16	Somervell	2.23
Grayson	2.21	Stephens	2.17
Hale	2.17	Sterling	2.17
Hall	2.17	Stonewall	2.17
Hamilton	2.21	Swisher	2.17
Hansford	2.14	Tarrant	2.24
Hardeman	2.17	Taylor	2.18
Harris	2.38	Terry	2.17
Hartley	2.14	Throckmorton	2.17
Haskell	2.17	Tom Green	2.18
Hemphill	2.15	Travis	2.27
Hill	2.26	Uvalde	2.16
Hockley	2.17	Van Zandt	2.23
Hood	2.24	Waller	2.37
Howard	2.17	Ward	2.12
Hudspeth	2.07	Wheeler	2.16
Hunt	2.23	Wichita	2.17
Hutchinson	2.15	Wilbarger	2.17
Irion	2.15	Williamson	2.27
Jack	2.19	Wise	2.23
Jackson	2.29	Yoakum	2.17
Jeff Davis	2.07	Young	2.18
Johnson	2.25	Zavala	2.15
Jones	2.17		

UTAH

Beaver	$2.02	Iron	$2.01
Box Elder	1.96	Juab	1.96
Cache	1.96	Kane	1.92
Carbon	1.99	Millard	1.98
Daggett	1.98	Morgan	1.99
Davis	1.99	Piute	1.92
Duchesne	1.99	Rich	1.98
Emery	1.99	Salt Lake	1.99
Garfield	1.92	San Juan	1.99
Grand	1.99	San Pete	1.96

UTAH—Continued

County	Rate per bushel	County	Rate per bushel
Sevier	$1.92	Wasatch	$1.99
Summit	1.99	Washington	1.99
Tooele	1.96	Wayne	1.92
Uintah	1.99	Weber	1.99
Utah	1.99		

VIRGINIA

Accomac	$2.38	Lancaster	$2.39
Albermarle	2.37	Lee	2.36
Alleghany	2.35	Loudoun	2.37
Amelia	2.38	Louisa	2.37
Amherst	2.37	Lunenburg	2.37
Appomattox	2.38	Madison	2.36
Augusta	2.37	Mathews	2.39
Bath	2.35	Mecklenburg	2.37
Bedford	2.37	Middlesex	2.39
Bland	2.36	Montgomery	2.36
Botetourt	2.36	Nansemond	2.36
Brunswick	2.36	Nelson	2.37
Buchanan	2.33	New Kent	2.39
Buckingham	2.38	Norfolk	2.36
Campbell	2.38	Northhampton	2.39
Caroline	2.39	Northumberland	2.39
Carroll	2.36	Nottoway	2.38
Charles City	2.39	Orange	2.37
Charlotte	2.37	Page	2.36
Chesterfield	2.37	Patrick	2.36
Clarke	2.36	Pittsylvania	2.37
Craig	2.35	Powhatan	2.38
Culpeper	2.36	Prince Edward	2.38
Cumberland	2.38	Prince George	2.37
Dickenson	2.34	Prince William	2.37
Dinwiddie	2.37	Princess Anne	2.36
Elizabeth City	2.39	Pulaski	2.37
Essex	2.39	Rappahannock	2.36
Fairfax	2.37	Richmond	2.39
Fauquier	2.37	Roanoke	2.36
Floyd	2.36	Rockbridge	2.36
Fluvanna	2.37	Rockingham	2.36
Franklin	2.37	Russell	2.36
Frederick	2.36	Scott	2.38
Giles	2.35	Shenandoah	2.36
Gloucester	2.39	Smyth	2.37
Goochland	2.38	Southampton	2.36
Grayson	2.36	Spotsylvania	2.38
Greene	2.36	Stafford	2.39
Greensville	2.36	Surry	2.36
Halifax	2.37	Sussex	2.36
Hanover	2.39	Tazewell	2.34
Henrico	2.38	Warren	2.36
Henry	2.36	Warwick	2.39
Highland	2.35	Washington	2.38
Isle of Wight	2.36	Westmoreland	2.39
James City	2.39	Wise	2.34
King and Queen	2.39	Wythe	2.37
King George	2.39	York	2.39
King William	2.39		

WASHINGTON

Adams	$2.12	Klickitat	$2.24
Asotin	2.12	Lewis	2.22
Benton	2.17	Lincoln	2.11
Chelan	2.15	Okanogan	2.11
Clark	2.27	Pend Oreille	2.08
Columbia	2.15	Pierce	2.25
Cowlitz	2.25	San Juan	2.19
Douglas	2.10	Skagit	2.24
Ferry	2.07	Snohomish	2.24
Franklin	2.14	Spokane	2.10
Garfield	2.15	Stevens	2.09
Grant	2.12	Walla Walla	2.16
King	2.25	Whitman	2.11
Kittitas	2.18	Yakima	2.17

WEST VIRGINIA

Barbour	$2.32	Grant	$2.33
Berkeley	2.36	Greenbrier	2.36
Boone	2.32	Hampshire	2.35
Braxton	2.33	Hancock	2.32
Brooke	2.32	Hardy	2.34
Cabell	2.30	Harrison	2.31
Calhoun	2.32	Jackson	2.31
Clay	2.33	Jefferson	2.36
Doddridge	2.31	Kanawha	2.32
Fayette	2.34	Lewis	2.32
Gilmer	2.32	Lincoln	2.31

WEST VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Marion	$2.30	Raleigh	$2.34
Marshall	2.31	Randolph	2.34
Mason	2.31	Ritchie	2.31
Mercer	2.35	Roane	2.32
Mineral	2.34	Summers	2.35
Monongalia	2.29	Taylor	2.32
Monroe	2.36	Tucker	2.33
Morgan	2.36	Tyler	2.30
Nicholas	2.34	Upshur	2.33
Ohio	2.31	Wayne	2.29
Pendleton	2.35	Webster	2.34
Pleasants	2.30	Wetzel	2.31
Pocahontas	2.35	Wirt	2.31
Preston	2.31	Wood	2.30
Putnam	2.31		

WISCONSIN

Adams	$2.27	Marathon	$2.25
Ashland	2.26	Marinette	2.24
Barron	2.28	Marquette	2.27
Bayfield	2.27	Milwaukee	2.33
Brown	2.27	Monroe	2.26
Buffalo	2.28	Oconto	2.26
Burnett	2.29	Oneida	2.23
Calumet	2.28	Outagamie	2.27
Chippewa	2.27	Ozaukee	2.30
Clark	2.25	Pepin	2.28
Columbia	2.28	Pierce	2.30
Crawford	2.26	Polk	2.30
Dane	2.30	Portage	2.26
Dodge	2.29	Price	2.25
Door	2.24	Racine	2.35
Douglas	2.31	Richland	2.27
Dunn	2.28	Rock	2.30
Eau Claire	2.28	Rusk	2.27
Florence	2.23	Saint Croix	2.31
Fond du Lac	2.29	Sauk	2.28
Forest	2.24	Sawyer	2.28
Grant	2.27	Shawano	2.26
Green	2.29	Sheboygan	2.29
Greenlake	2.28	Taylor	2.25
Iowa	2.27	Trempealeau	2.26
Iron	2.24	Vernon	2.26
Jackson	2.26	Vilas	2.21
Jefferson	2.30	Walworth	2.31
Juneau	2.27	Washburn	2.23
Kenosha	2.34	Washington	2.30
Kewaunee	2.26	Waukesha	2.30
LaCrosse	2.25	Waupaca	2.27
LaFayette	2.28	Waushara	2.27
Langlade	2.25	Winnebago	2.28
Lincoln	2.24	Wood	2.26
Manitowoc	2.28		

WYOMING

Albany	$2.01	Natrona	$2.02
Big Horn	1.96	Niobrara	2.09
Campbell	2.06	Park	1.96
Carbon	1.98	Platte	2.10
Converse	2.06	Sheridan	2.04
Crook	2.09	Sublette	1.98
Fremont	1.96	Sweetwater	1.93
Goshen	2.13	Teton	1.96
Hot Springs	1.96	Uinta	1.98
Johnson	2.04	Washakie	1.96
Laramie	2.13	Weston	2.09
Lincoln	1.97		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 17th day of July, 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-8471; Filed, July 20, 1951; 8:55 a. m.]

[1951 C. C. C. Grain Price Support Bulletin 1, Amdt. 1]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1951 CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration, published in 16 F. R. 1967, and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, are amended as follows:

1. Section 601.651 *Administration*, is amended to expressly prohibit deviation from any of the bulletin provisions by representatives of CCC in the field offices in the administration of price support programs, so that the section reads as follows:

§ 601.651 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field, will be carried out by PMA State and PMA County Committees (hereinafter called State and county committees) and PMA commodity offices. Producers interested in participating in the program should contact their county committee through which the price support documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committees to designate certain employees of the county committee to approve documents in behalf of the county committee. The names of the employees delegated to approve documents in behalf of the county committee shall be submitted to the State committee. State and county committees and PMA commodity offices do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

2. Section 601.665 *Loss or damage to the commodity*, is amended to emphasize the fact that CCC will not assume losses occurring prior to the disbursement of the loan funds and to provide that where payment is made by sight draft or check, the date of the draft or check shall constitute a disbursement of funds, so that the section reads as follows:

§ 601.665 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage or identity-preserved warehouse-storage loan, except that, subject to the provisions of § 601.664, physical loss or damage occurring after disbursement of the loan funds to the producer without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the settlement rate, provided the producer has given the county committee immediate notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check the date of the draft or check shall constitute the date of disbursement of the funds. This section shall apply to winter cover crop and hay and pasture seeds, except that the producer's responsibility for quality is qualified by the conditions set forth in the respective supplements for these commodities. None of this section shall apply to dry edible beans; the provisions for this commodity are covered in the supplement.

3. Under § 601.668 *Liquidation of loans and delivery under purchase agreements*, paragraph (a) *Loans*, is amended to provide the methods of settlement for deliveries under identity-preserved warehouse-storage loans where the commodities are stored at the point of production and where the commodities are not stored at the point of production, so that the paragraph reads as follows:

§ 601.668 *Liquidation of loans and delivery under purchase agreements*—(a) *Loans.* In the case of farm-storage loans and identity-preserved warehouse loans, the producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instruction of the county committee. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. In the event the farm is sold or there is a change of tenancy, the commodity under a farm-storage loan may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President of CCC. Settlement will be made at the applicable support rate, subject to the provisions of the mortgage supplement and the applicable commodity supplement to this subpart, according to grade and/or quality. In the case of commodities stored in bulk, settlement will be made for the total quantity delivered, provided it was stored in the bin(s) in which the commodity under loan was stored. In the case of commodities stored in bags, settlement will be made for the total quantity delivered in all the bags delivered provided they were included in the lot placed under loan. The support rates for each commodity will be set forth in the applicable commodity supplement to this subpart.

If the settlement value of the commodity delivered under a farm-storage loan, or an identity-preserved warehouse-storage loan, exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Deliveries of commodities to CCC under farm-storage loans, or under identity-preserved warehouse-storage loans where such commodities are stored in the county where the commodity was produced or in counties adjacent to the county where the commodity was produced, will be handled by the PMA county committee who initially approved the loan. Any payments due producers will be made by sight draft drawn on CCC by the PMA State office.

If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC or may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts a deficiency of $3.00 or less including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to process and to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 601.669. Any payment due a producer at the time of settlement on a warehouse-storage loan, except for identity-preserved warehouse-storage loans where the commodities are supervised and handled by the PMA county committee, will be made by the appropriate PMA commodity office.

Payments due producers at the time of settlement on identity-preserved warehouse-storage loans where the commodities are not supervised and handled by the PMA county committee, will also be made by the appropriate PMA commodity office.

* * * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Supp. 1441, 1447, 1421)

Issued this 17th day of July 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-8430; Filed, July 20, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

SUBPART A—REGULATIONS GOVERNING INSPECTION AND CERTIFICATION

On June 30, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 6392) regarding the adoption of proposed regulations in lieu of existing Regulations and Requirements for Plants Operating under Continuous Inspection on a Contract Basis (7 CFR Part 52 §§ 52.1 through 52.57 and §§ 52.81 through 52.88). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised Regulations governing the inspection and certification of Processed Fruits and Vegetables, Processed Products thereof and Certain other Processed Food Products are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Public Law 70, 82d Congress, approved July 1, 1951.

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the regulations for reasons that: (1) The industry has been properly apprised of the revisions through rule making; (2) no additional preparation on the part of the industry is required; and (3) because of increased costs of the services rendered, any delay in effective time would result in an increased deficit in proportion to the time of delay; therefore, the regulations herewith published shall be effective at 12:01 a. m., e. d. s. t., July 23, 1951.

Sec.
52.1 Administration of regulations.

DEFINITIONS

52.2 Meaning of words.
52.3 Terms defined.

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52.5 Who may obtain inspection service.
52.6 How to make application.
52.7 Information required in connection with application.
52.8 Filing of application.
52.9 Record of filing time.
52.10 When application may be rejected.
52.11 When application may be withdrawn.
52.12 Disposition of inspected sample.
52.13 Basis of inspection.
52.14 Order of inspection service.
52.15 Postponing inspection service.
52.16 Financial interest of inspector.
52.17 Forms of certificates.
52.18 Issuance of certificates.
52.19 Issuance of corrected certificates.
52.20 Issuance of an inspection report in lieu of an inspection certificate.
52.21 Disposition of inspection certificates.
52.22 Report of inspection results prior to issuance of formal report.

APPEAL INSPECTION

52.23 When appeal inspection may be requested.
52.24 Where to file for an appeal inspection and information required.
52.25 When an application for an appeal inspection may be withdrawn.
52.26 When appeal inspection may be refused.
52.27 Who shall perform appeal inspection.
52.28 Appeal inspection certificate.

LICENSING OF SAMPLERS AND INSPECTORS

52.29 Who may become licensed sampler.
52.30 Application to become a licensed sampler.
52.31 Inspectors.
52.32 Suspension or revocation of license of licensed sampler or licensed inspector.
52.33 Surrender of license.

SAMPLING

52.34 How samples are drawn by inspectors or licensed samplers.
52.35 Accessibility for sampling.
52.36 How officially drawn samples are to be identified.
52.37 How samples are to be shipped.
52.38 Sampling rates for officially drawn samples.
52.39 Issuance of certificate of sampling.
52.40 Identification of lots sampled.

FEES AND CHARGES

52.41 Payment of fees and charges.
52.42 Schedule of fees.
52.43 Fees to be charged and collected for sampling when performed by a licensed sampler.
52.44 Inspection fees when charges for sampling have been collected by a licensed sampler.
52.45 Inspection fees when charges for sampling have not been collected by a licensed sampler.
52.46 Fee for appeal inspection.
52.47 Charges for micro, chemical and certain other special analyses.
52.48 When charges are to be based on hourly rate not otherwise provided for in this part.
52.49 Fees for score sheets.
52.50 Fees for additional copies of inspection certificates.
52.51 Travel and other expenses.
52.52 Charges for inspection service on a contract basis.

MISCELLANEOUS

52.53 Fraud or misrepresentation.
52.54 Political activity.
52.55 Interfering with an inspector or licensed sampler.
52.56 Compliance with other laws.
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REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

52.81 Plant survey.
52.82 Premises.
52.83 Buildings and structures.
52.84 Facilities.
52.85 Equipment.
52.86 Operations and operating procedures.

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

Sec.
52.87 Personnel; health.
52.88 Effective time supersedure.

AUTHORITY: §§ 52.1 to 52.88 issued under sec. 205, 60 Stat. 1090, Pub. Law 70, 82d Cong.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the Administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1037; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950, as continued in effect by Public Law 70; 82d Congress, approved July 1, 1951), or any future act of Congress conferring similar authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

Market inspection of farm products. For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered. • • •

Marketing farm products. For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world • • •

(b) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(c) "Applicant" means any interested party who requests inspection service under the regulations in this part.

(d) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(e) "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

(f) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(g) "Class" means a grade or rank of quality.

(h) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

(i) "Department" means the United States Department of Agriculture.

(j) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of:

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(m) "Interested party" means any person who has a financial interest in the commodity involved.

(n) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(o) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(p) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(q) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(r) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

(s) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(t) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(u) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of

a single commodity, packed in a single size of container, or other unit, as may be designated by the Administrator, to be used for inspection.

(v) "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

(w) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(x) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(y) "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Administrator pursuant to the regulations in this part.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited, to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired; and an up-to-date list of the Standardization and Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Administrator (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.48 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal, Quartermaster Corps, Military or Veterans Administration specifications, written buyer and seller contract specifications or any written specification supplied by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided*, That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be

filed in such manner as the Administrator may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.48 of this part, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS, AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY, MAPLE SIRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of sampling[1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000	From lots exceeding 5,000 cases
Any type of container of less volume than a No. 300 size can (300 x 407).	1 container for each 4,000 containers or fraction thereof.	1 container for each 4,800 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.
Any type of container of a volume equal to that of a No. 300 size can (300 x 407) or greater but not exceeding that of a No. 3 cylinder size can (404 x 700).	1 container for each 2,000 containers or fraction thereof.	1 container for each 2,400 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.
Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700) but not exceeding that of a No. 12 size can (603 x 812).	1 container for each 1,000 containers or fraction thereof.	1 container for each 1,200 containers or fraction thereof.	1 container for each 1,500 containers or fraction thereof.
	From lots containing 200 containers or less	From lots containing 201 to 500 containers	From lots exceeding 500 containers
Any type of container of a volume exceeding that of a No. 12 size can (603 x 812) but not containing more than 60 pounds of the product.	1 approximate 8-ounce sample from each 4 percent of the containers.	1 approximate 8-ounce sample from each of 3 percent of the containers.	1 approximate 8-ounce sample from each 2 percent of the containers.
	From lots containing 100 containers or less	From lots containing 101 to 200 containers	From lots exceeding 200 containers
Any type of container containing more than 60 pounds of the product.	1 approximate 32-ounce sample from each 10 percent of the containers.	1 approximate 32-ounce sample from each 7 percent of the containers.	1 approximate 32-ounce sample from each 5 percent of the containers.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE II—CANNED AND FROZEN, SINGLE-STRENGTH CITRUS JUICES AND GRAPE JUICES; AND FRUIT JELLIES AND VINEGAR

Size and type of container	Rate of sampling[1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000	From lots exceeding 5,000 cases
Any type of container of a total volume of 11 fluid ounces or less.	1 container for each 4,800 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.
Any type of container of a total volume of more than 11 fluid ounces but not more than 52 fluid ounces.	1 container for each 2,400 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.
Any type of container of a total volume of more than 52 fluid ounces.	1 container for each 1,200 containers or fraction thereof.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE III—FROZEN FRUITS AND VEGETABLES AND FROZEN FRUIT AND VEGETABLE PRODUCTS, EXCEPT FROZEN SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and type of container	Rate of sampling[1]
Any type of container of 1 pound or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container over 1 pound but less than 4 pounds, net weight.	1 container for each 1,600 containers or fraction thereof.
Any type of container of 4 pounds or more, but less than 10 pounds, net weight.	1 container for each 1,200 containers or fraction thereof.
Frozen vegetables only: Any type of container of 10 pounds or more, net weight.	One 2-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 2-pound sample for each additional 5,000 pounds, or fraction thereof in excess of 18,000 pounds.
Frozen fruits and berries only: Any type of container of 10 pounds or more net weight.	One 3-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 3-pound sample for each additional 5,000 pounds or fraction thereof, in excess of 18,000 pounds. When determined by the inspector that 3-pound subsamples do not reflect the quality of the product in the container 1 or more entire containers may be substituted for any 1 or more subsamples.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE IV—FROZEN AND CANNED CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and type of container	Rate of sampling [1]		
	From lots containing 1 to 2,000 cases	From lots containing 2,001 to 5,000 cases	From lots exceeding 5,000 cases
Any type of container of a total volume of 11 fluid ounces or less.	1 container for each 6,000 containers or fraction thereof.	1 container for each 8,000 containers or fraction thereof.	1 container for each 12,000 containers or fraction thereof.
Any type of container of a total volume of more than 11 fluid ounces but not more than 32 fluid ounces.	1 container for each 3,000 containers or fraction thereof.	1 container for each 4,000 containers or fraction thereof.	1 container for each 6,000 containers or fraction thereof.
Any type of container of a volume of more than 32 fluid ounces.	1 container for each 1,500 containers or fraction thereof.	1 container for each 2,000 containers or fraction thereof.	1 container for each 3,000 containers or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE V—DRIED FRUIT

Number of pounds in lot	Shipping container sizes		
	Less than 20 pounds net weight	20 pounds to and including 50 pounds net weight	Exceeding 50 pounds but not exceeding 50 pounds net weight
	Rate of sampling [1]		
	Approximately 8 ounce samples	Approximately 16 ounce samples	Approximately 16 ounce samples
500 pounds or less	(2)	(2)	(2)
501 to 2,000 pounds	8	4	4
2,001 to 3,000 pounds	9	5	4
4,001 to 6,000 pounds	10	6	5
		Approximately 8 ounce samples	
6,001 to 8,000 pounds	11	7	5
8,001 to 10,000 pounds	12	8	6
10,001 to 12,000 pounds	14	9	6
12,001 to 14,000 pounds	15	10	7
Over 14,000 pounds	Each additional 1,500 pounds or fraction thereof, 1 approximately 8 ounce sample.	Each additional 2,000 pounds or fraction thereof, 1 approximately 8 ounce sample.	Each additional 3,000 pounds or fraction thereof, 1 approximately 16 ounce sample.

[1] In no case, shall the total of all the samples drawn yield less than 25 ounces of dates; 100 figs or 200 fig slices; or 56 ounces of other dried fruit. The size of the sample from an individual container may be increased to establish the quality of the fruit in the container.

[2] When lot consists of 500 pounds or less, draw 4 approximately equal samples, except that when the lot consists of less than 4 shipping containers, a sample shall be drawn from each shipping container.

TABLE VI—DEHYDRATED FRUITS AND VEGETABLES

Size and type of container	Rate of sampling [1]
Any type of container of 5 pounds or less net weight	1 container for each 2,400 containers or fraction thereof.
Any type of container in excess of 5 pounds, net weight	One 20 ounce (approximate weight) sample for each 4,000 pounds or fraction thereof.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE VII—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

Size and type of container	Rate of sampling [1]
Any type of container irrespective of its size or volume capacity.	At a rate that will represent the lot as may be determined by the inspector.

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than two 2 samples be drawn from any 1 lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, and advance of funds prior to rendering inspection service in an amount suitable to the Administrator, or a surety bond suitable to the Administrator, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $3.60 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [1]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple sirup and concentrates.*

OFFICIALLY DRAWN SAMPLES

Each lot when packed 6 or more cans per case but not exceeding 48 cans per case except canned pineapple and canned pineapple juice inspected in Puerto Rico: [1]

Minimum fee for 600 cases or less	$6.00
For each additional 200 cases, or fraction thereof, in excess of 600 cases	1.60

Each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
Minimum fee for any lot	6.00

[1] Inspection of large quantities, except canned pineapple and canned pineapple juice inspected in Puerto Rico: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.40 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

[1] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 4 containers of any type of a volume not in excess of that of a No. 3 size can (404 x 414), per container	.75
For more than 2 containers of any type of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812), per container	1.50

(2) *Frozen fruits and vegetables and frozen fruit and vegetable products.*

OFFICIALLY DRAWN SAMPLES

Each lot other than when inspected in Puerto Rico:

Minimum fee for 10,000 pounds or less	$6.00
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.00
Each lot inspected in Puerto Rico:	
Minimum fee for 10,000 pounds or less	7.20
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.40

UNOFFICIALLY DRAWN SAMPLES

Minimum fee	$3.60
For more than 2 samples of any type or weight, per sample	1.50

(3) *Dried fruits other than figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 12,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 8,000 pounds or less	$6.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	1.50

UNOFFICIALLY DRAWN SAMPLES

Each sample	$3.60

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.60 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided*, That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $3.60 per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $3.60 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided*, That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* (a) The following charges shall be made for micro, chemical and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [1]

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses		
Mold count	$1.20	$1.20
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	3.00
Alcohol insoluble solids	3.00	2.00
Alcohol	2.00	2.00
Ascorbic acid (vitamin C)	6.00	2.00
Ash	2.00	2.00
Ash, salt free	4.00	4.00
Ash, acid insoluble	4.00	4.00
Ash, water insoluble	4.00	4.00
Crude fiber	10.00	5.00
Ether extract (crude fat)	$5.00	$5.00
Fiber, green and wax bean	3.00	2.00
Iodine number	8.00	8.00
Moisture (air oven method)	2.00	2.00
Moisture (vacuum oven method)	2.00	2.00
Nitrogen	3.00	2.00
Non-volatile ether extract	6.00	6.00
Oil of lemon and orange extract (precipitation method)	3.00	3.00
Oil of lemon extract with oil base (distillation method)	4.00	4.00
Phosphorus pentoxide (P_2O_5)	8.00	8.00
Phosphorus pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	15.00	15.00
Recoverable oil	2.00	2.00
Reducing sugars	6.00	6.00
Starch or carbohydrates (direct hydrolysis)	12.00	10.00
Carbohydrates (by difference)	12.00	10.00
Sulphur dioxide (direct titration)	3.00	1.00
Total solids (by drying)	3.00	2.00
Vanillin and coumarin	10.00	10.00
Volatile and non-volatile ether extract	8.00	8.00
Water extract	4.00	4.00
Water insoluble, kerosene resolne examination for adulteration, and particle count	8.50	6.00

[1] When any of these analyses are made at the request of an appplicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 20%.

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [1]

Type of analysis	For first analysis	For each additional analysis
Catalase	$2.40	$1.20
Peroxidase	2.40	1.20
Titrations: citric, lactic, acetic, or fatty acids, sodium chloride	1.20	1.20
Soluble solids (by refrac.)	2.40	1.20
Total solids (by refrac.)	2.40	1.20

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $3.60 per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $1.00 for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

§ 52.50. *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon pay-

[1] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

ment of a fee of $1.50 for each set of five (5) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [1]

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Administrator will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 52.81 through 52.87; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.81 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirement:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel; health.* In addition to such other requirements as may be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

§ 52.88 *Effective time and supersedure.* The revised regulations governing Inspection and Certification (which are the third issue) contained in this part will become effective at 12:01 a. m., e. d. s. t., July 23, 1951, and will thereupon supersede the regulations, issued on September 8, 1948 (14 F. R. 5300; as amended, 16 F. R. 7306 and 14 F. R. 3375).

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 70, 82d Cong., approved July 1, 1951)

Issued at Washington, D. C., this 18th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8472; Filed, July 20, 1951; 8:55 a. m.]

[1] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.419 *Plum Order 22*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 24, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance

with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 24, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Giant plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8477; Filed, July 20, 1951; 8:57 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.420 *Plum Order 23*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 24, 1951; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 24, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Late Duarte plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8474; Filed, July 20, 1951; 8:56 a. m.]

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.421 *Plum Order 24*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 24, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 24, 1951, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 24, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Grand Duke plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this regulation, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter, and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8473; Filed, July 20, 1951; 8:55 a. m.]

[Lemon Reg. 392]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.499 *Lemon Regulation 392*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be han-

dled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 18, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 22, 1951, and ending at 12:01 a. m., P. s. t., July 29, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 391 (16 F. R. 6795), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 19th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8526; Filed, July 20, 1951; 9:16 a. m.]

[Orange Regulation 381]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.527 *Orange Regulation 381*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 18, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., p. s. t., July 22, 1951, and ending at 12:01 a. m., p. s. t., July 29, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,100 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. (p. d. s. t.) July 22, 1951, to 12:01 a. m. (p. d. s. t.) July 29, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0757
A. F. G. Corona	.0410
A. F. G. Fullerton	1.0844
A. F. G. Orange	.4227
A. F. G. Riverside	.1239
A. F. G. San Juan Capistrano	.5390
A. F. G. Santa Paula	.4817

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Eadington Fruit Co., Inc	5.3509
Hazeltine Packing Co	.3457
Krinard Packing Co	.1982
Placentia Cooperative Orange Association	.5184
Placentia Pioneer Valencia Growers Association	.6607
Signal Fruit Association	.0952
Azusa Citrus Association	.4844
Covina Citrus Association	1.2277
Covina Orange Growers Association	.5658
Damerel-Allison Association	.6865
Glendora Citrus Association	.4107
Glendora Mutual Orange Association	.3665
Valencia Heights Orchard Association	.5038
Gold Buckle Association	.4315
La Verne Orange Association	.5306
Anaheim Valencia Orange Association	1.1384
Fullerton Mutual Orange Association	2.9719
La Habra Citrus Association	1.2592
Yorba Linda Citrus Association, The	1.1896
Escondido Orange Association	2.2233
Alta Loma Heights Citrus Association	.0571
Citrus Fruit Growers	.1358
Etiwanda Citrus Fruit Association	.0304
Old Baldy Citrus Association	.0607
Rialto Heights Orange Growers	.0535
Upland Citrus Association	.3660
Upland Heights Orange Association	.1201
Consolidated Orange Growers	2.0044
Frances Citrus Association	1.2391
Garden Grove Citrus Association	1.6901
Goldenwest Citrus Association	1.6424
Irvine Valencia Growers	3.6111
Olive Heights Citrus Association	2.1798
Santa Ana-Tustin Mutual Citrus Association	.8742
Santiago Orange Growers Association	4.6369
Tustin Hills Citrus Association	2.1015
Villa Park Orchards Association	1.9357
Bradford Bros., Inc	.8718
Placentia Mutual Orange Association	4.3416
Placentia Orange Growers Association	3.0892
Yorba Orange Growers Association	1.2785
Call Ranch	.0651
Corona Citrus Association	.3402
Jamesen Co	.1244
Orange Heights Orange Association	.5607
Crafton Orange Growers Association	.2518
East Highlands Citrus Association	.0574
Redlands Heights Groves	.1876
Redlands Orangedale Association	.1564
Rialto-Fontana Citrus Association	.0973
Break & Son, Allen	.0438
Bryn Mawr Fruit Growers Association	.1001
Mission Citrus Association	.1399
Redlands Cooperative Fruit Association	.2481
Redlands Orange Growers Association	.1418
Redlands Select Groves	.2125
Rialto Orange Co	.1895
Southern Citrus Association	.1129
United Citrus Growers	.2091
Zilen Citrus Co	.0358
Arlington Heights Citrus Co	.1099
Brown Estate, L. V. W	.1245
Gavilan Citrus Association	.1358
Highgrove Fruit Association	.0571
McDermont Fruit Co	0.1172
Monte Vista Citrus Association	.1706
National Orange Co	.0473
Riverside Citrus Association	.0226
Riverside Heights Orange Growers Association, The	.0311
Sierra Vista Packing Association	.0399
Victoria Avenue Citrus Association	.1504
Claremont Citrus Association	.1095
College Heights Orange & Lemon Association	.2439
Indian Hill Citrus Association	.2124
Pomona Fruit Growers Exchange	.3044
Walnut Fruit Growers Association	.5130
West Ontario Citrus Association	.1755
El Cajon Valley Citrus Association	.1925
Escondido Cooperative Citrus Association	.2770
San Dimas Orange Growers Association	.3115
Canoga Citrus Association	.8137
N. Whittier Heights Citrus Association	.8478
San Fernando Heights Orange Association	.7355
Sierra Madre-Lamanda Citrus Association	.3174
Camarillo Citrus Association	1.3051
Fillmore Citrus Association	2.9296
Mupu Citrus Association	1.8422
Ojai Orange Association	.6356
Piru Citrus Association	2.0286
Rancho Sespe	.7448
Santa Paula Orange Association	1.0062
Tapo Citrus Association	.7284
Ventura County Citrus Association	.3931
Limoneira Co	.3859
East Whittier Citrus Association	.3366
Murphy Ranch Co	.7700
Anaheim Cooperative Orange Association	2.4949
Bryn Mawr Mutual Orange Association	.1352
Chula Vista Mutual Lemon Association	.0839
Euclid Avenue Orange Association	.5049
Foothill Citrus Union, Inc	.1177
Fullerton Cooperative Orange Association	.3975
Garden Grove Orange Cooperative, Inc	1.3336
Golden Orange Groves, Inc	.1728
Highland Mutual Groves, Inc	.0087
Index Mutual Association	.3984
La Verne Cooperative Citrus Association	1.6429
Olive Hillside Groves, Inc	.6778
Orange Cooperative Citrus Association	2.1081
Redlands Foothill Groves	.3925
Redlands Mutual Orange Association	.1475
Ventura County Orange & Lemon Association	1.1593
Whittier Mutual Orange & Lemon Association	.1473
Babijuice Corp. of California	.8448
Banks, L. M	.6832
Becker, Samuel Eugene	.0090
Bennett Fruit Co	.1035
Borden Fruit Co	.5049
Cappos Bros. Produce	.0070
Cherokee Citrus Co., Inc	.1040
Chess Co., Meyer W	.4139
Dozier, Paul M	.0121
Dunning Ranch	.0470
Evans Bros. Packing Co	.6273
Gold Banner Association	.1667
Granada Hills Packing Co	.0317
Granada Packing House	.7395
Hill Packing Co., Fred A	.0602
Knapp Packing Co., John C	.5751
L. Bar S Ranch	0.1050
Lawson, William J	.0065
Lima & Sons, Joe	.0876
Oakley, C. B	.0008
Orange Belt Fruit Distributors	1.2662
Orange Hill Groves	.0087
Otte, Arnold	.0599
Panno Fruit Co., Carlo	.3027
Paramount Citrus Association	.7079
Patitucci, Frank L	.0088
Placentia Orchard Co	.5880
Prescott, John A	.0183
Redlands Fruit Association, Inc	.0143
Ronald, P. W	.0202
San Antonio Orchard Co	.2237
Stephens, T. F	.2153
Summit Citrus Packers	.0166
Treesweet Products Co	.2124
Wall, E. T., Grower-Shipper	.1287
Western Fruit Growers, Inc	.4462

[F. R. Doc. 51-8540; Filed, July 20, 1951; 11:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

EXAMINING OFFICER'S REPORT

JUNE 18, 1951.

Paragraph (a) of § 379.7 *Record; recommendation; review; issuance of certificate,* is amended to read as follows:

§ 379.7 *Record; recommendation; review; issuance of certificate.* (a) Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-635 as to each of the essential facts to be established in the proceedings, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, the examining officer shall summarize the evidence and prepare a report thereon to accompany Form N-635. If the original documents were returned to the applicant at the conclusion of the examination, the examiner shall place a notation on Form N-635 showing that the copies were compared with such original documents and were found satisfactory and that the original documents were returned to the applicant. If denial of the application is recommended, a statement shall be made of the supporting grounds and reason therefor. If the recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; if not, a brief statement of the facts and circumstances in evidence considered sufficient to justify action recommended shall be made. The recommendation of the examining officer shall then be forwarded to the district director.

* * * * *

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: July 17, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-8431; Filed, July 20, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 43-7]

PART 43—GENERAL OPERATION RULES

FLIGHT AREA LIMITATIONS FOR STUDENT PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of July, 1951.

In promulgating on May 3, 1951, Amendment 43-6 relating to requirements for private pilot ratings, it was the Board's intention that a student pilot be permitted, if otherwise qualified, to fly an aircraft outside a local flying area after obtaining a total of 15 hours of flight time, or after an approved air agency deems him competent. As published, Amendment 43-6 requires 15 solo flight hours, instead of a total of 15 hours of flight time, and, therefore, contains an unnecessary restriction which was not intended. For this reason this amendment sets forth the proper standard which permits a student, if otherwise qualified, after obtaining a total of 15 hours of flight time, including his solo flight time, to fly outside his local flying area.

For the reasons stated above, further notice and public procedure hereon are unnecessary; and since this regulation imposes no burden on anyone, the Board finds that good cause exists for making this amendment effective without the usual 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 (14 CFR Part 43, as amended) effective August 1, 1951:

By amending § 43.54 to read as follows:

§ 43.54 *Flight area limitations.* A student pilot shall not pilot an aircraft outside a local flying area designated by his flight instructor until:

(a) He has had a total of 15 hours of flight time, or, if enrolled in and receiving flying instruction from an approved air agency, he is deemed competent by such agency, and

(b) He has received at least 3 hours of dual cross-country instruction from a flight instructor, and his student pilot certificate has been appropriately endorsed by such instructor.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8478; Filed, July 20, 1951; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 51]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended after "Syracuse, N. Y., radio range station;" by deleting "Utica, N. Y., radio range station;"

2. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to U. S.-Canadian Border)* is amended after "Augusta, Me., radio range station;" to read: "Millinocket, Me., radio range station; Presque Isle, Me., radio range station via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border."

3. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended after "Santa Barbara, Calif., VHF radio range station;" by changing the portion which reads: "the intersection of the northwest course of the Santa Barbara, Calif., VHF radio range and the southeast course of the Paso Robles, Calif., VHF radio range;" to read: "the intersection of a fine bearing 302° True from the Santa Barbara, Calif., VHF radio range station and the southeast course of the Paso Robles, VHF radio range;"

4. Section 600.222 *Red civil airway No. 22* is amended by changing caption to read: *"Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.)."* and by adding the following portion to present civil airway: "From the Syracuse, N. Y., radio range station via the Utica, N. Y., radio range station to the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range."

5. Section 600.226 is amended to read:

§ 600.226 *Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.).* From the Syracuse, N. Y., radio range station via the intersection of the south course of the Syracuse, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range; Wilkes-Barre, Pa., radio range station to the intersection of the southeast course of the Wilkes-Barre, Pa., radio range and the west course of the Allentown, Pa., radio range.

6. Section 600.229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.)* is amended by changing the portion which reads: "From the intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station." to read: "From the intersection of the southwest course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station;"

7. Section 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.)* is amended by changing the first sentence to read: "From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station."

8. Section 600.237 *Red civil airway No. 37 (Dallas, Tex., to Gordonsville, Va.)* is amended by changing the last portion to read: "From the intersection of the northeast course of the Huntington, W. Va., radio range and the west course of the Charleston, W. Va., VHF radio range to the Charleston, W. Va., VHF radio range station. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station."

9. Section 600.255 is amended to read:

§ 600.255 *Red civil airway No. 55 (Burlington, Iowa to Columbus, Ohio).* From the Burlington, Iowa, radio range station via the Peoria, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range to the Chicago Heights, Ill., omnirange station. From the intersection of the Naperville, Ill., omnirange 69° True en route radial and the South Bend, Ind., omnirange 287° True en route radial to the South Bend, Ind., omnirange station. From the South Bend, Ind., radio range station via the Goshen, Ind., radio range station; the Findlay, Ohio, non-directional radio beacon to the Columbus, Ohio, radio range station.

10. Section 600.262 is amended by changing the caption to read: *"Red civil airway No. 62 (Detroit, Mich., to Altoona, Pa.)* and by deleting the first sentence which reads: "From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range."

11. Section 600.281 is amended to read:

§ 600.281 *Red civil airway No. 81 (Lansing, Mich., to Elkins, W. Va.).* From the Lansing, Mich., radio range station via the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range to the Toledo, Ohio, omnirange station. From the Columbus, Ohio, radio range station via the Parkersburg, W. Va., VHF radio range station to the intersection of the southeast course of the Parkersburg, W. Va., VHF radio range and the west course of the Elkins, W. Va., radio range.

12. Section 600.300 is amended to read:

§ 600.300 *Red civil airway No. 100 (Chicago, Ill., to Toledo, Ohio).* From the Chicago Heights, Ill., omnirange station via the Fort Wayne, Ind., omnirange station to the Toledo, Ohio, omnirange station.

13. Section 600.304 is amended to read:

§ 600.304 *Red civil airway No. 104 (Erie, Pa., to Elmira, N. Y.).* From the Erie, Pa., radio range station via the Bradford, Pa., non-directional radio beacon to the Elmira, N. Y., omnirange station.

14. Section 600.641 *Blue civil airway No. 41 (New York, N. Y., to United States-Canadian Border)* is amended by deleting the last portion which reads: "excluding that portion lying more than 3 miles southeast of the northeast course of the Bangor, Maine, radio range between the radio range station and a point 25 miles northeast of the Bangor, Maine, radio range station."

15. Section 600.650 is amended to read:

§ 600.650 *Blue civil airway No. 50 (Augusta, Maine, to the U. S.-Canadian Border).* From the Augusta, Maine, radio range station to the Bangor, Maine, radio range station. From the intersection of the southeast course of the Bangor, Maine, radio range and the southwest course of the Pennfield Ridge, New Brunswick, Canada, radio range to the intersection of the southwest course of the Pennfield Ridge, New Brunswick, Canada, radio range and the U. S.-Canadian Border.

16. Section 600.684 is added to read:

§ 600.684 *Blue civil airway No. 84 (Bangor, Maine to Millinocket, Maine).* From the Bangor, Maine, radio range station to the Millinocket, Maine, radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 31, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8445; Filed, July 20, 1951; 8:54 a. m.]

[Amdt. 55]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.13. *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.)* is amended by deleting the following portion from the present control areas: "From the Chicago Heights, Ill., omnirange station to the intersection of the Chicago Heights omnirange 333° True en route radial and the Chicago-Midway ILS localizer course;"

2. Section 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.)* is amended by correcting the Chicago Heights to Milwaukee omnirange direct en route radial from 342° to 340° True.

3. Section 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.)* is amended by deleting the portion which reads as follows: "and from the Naperville, Ill., omnirange station to the South Bend, Ind., omnirange station via the intersection of the Naperville omnirange 69° True and the South Bend Omnirange 287° True en route radials."

4. Section 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Huntington, W. Va.)* is amended by deleting the portion which reads: "From the Chicago Heights, Ill., omnirange station via the direct en route and 15° northeast and southwest altitude change radials;" and by substituting the following in lieu thereof: "From the intersection of the Chicago Heights omnirange 333° True en route radial and the Chicago-Midway ILS localizer course to the Chicago Heights omnirange station via the Chicago Heights omnirange 333° True en route radial; from the Chicago Heights, Ill., omnirange station to the Lafayette, Ind., omnirange station via the direct en route and 15° northeast and southwest altitude change radials;"

5. Section 601.222 is amended by changing caption to read: *"Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.)."*

6. Section 601.223 *Red civil airway No. 23 control areas (U. S.-Canadian Border to New York, N. Y.)* is amended by changing the first portion to read: "All of Red Civil airway No. 23 within the United States including all that area within 5 miles either side of the en route radials from the Buffalo, N. Y., omnirange station."

7. Section 601.227 *Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.)* is amended by deleting the last portion of present control areas which reads: "and from the Toledo, Ohio, omnirange station via the Toledo-Lansing direct en route radial to its point of intersection with the west course of the Detroit, Mich., radio range, including, all that area bounded on the southwest by the Toledo-Lansing direct en route radial, on the north by the Detroit-Litchfield direct en route radial and on the southeast by the Detroit-Fort Wayne direct en route radial."

8. Section 601.228 is amended to read:

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).* All of Red civil airway No. 28 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Janesville, Wis., omnirange station to the intersection of the Janesville omnirange 112° True en route radial and the Chicago Heights omnirange 340° True en route radial, including all that area bounded on the south by Red civil airway No. 28, on the northwest by Red civil airway No. 57 and on the northeast by the Janesville omnirange 112° True en route radial. From the Naperville omnirange station to the intersection of the Naperville omnirange 69° True and the South Bend, Ind., omnirange 287° True en route radials via the Naperville omnirange 69° True en route radial. From the Lansing, Mich., omnirange station to the Detroit, Mich., omnirange station via the direct en route and 15° north altitude change radials.

9. Section 601.229 *Red civil airway No. 29 control areas (Rochester, N. Y., to Baltimore, Md.)* is amended by deleting the portion which reads: "including all that area bounded on the east by Red civil airway No. 29, on the southwest by the Elmira-Williamsport direct en-route radial and on the northeast by the Elmira-Wilkes Barre direct en route radial."

10. Section 601.231 *Red civil airway No. 31 control areas (Denver, Colo., to Minneapolis, Minn.)* is amended by changing the first sentence, in part, to read: "All of Red civil airway No. 31 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Cheyenne, Wyo., omnirange station."

11. Section 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.)* is amended by changing the last portion starting from "Hutchinson, Kansas., omnirange station to Wichita, Kansas, omnirange station" etc., to read: "from the Hutchinson, Kans., omnirange station to the Wichita, Kansas, omnirange station via the direct en route radials including all that area bounded on the north by Red civil airway No. 35, on the east by Blue civil airway No. 5 and on the south by the Hutchinson-Wichita direct en route radials; from the Hutchinson, Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route and 15° north altitude change radials."

12. Section 601.255 *Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio)* is amended before the portion which reads: "From the South Bend, Ind., omnirange station to the Millersburg, Ind., omnirange . . ." by adding the following portion to read: "From the intersection of the Naperville omnirange 69° True en route radial and the South Bend omnirange 287° True en route radial to the South Bend, Ind., omnirange station via the South Bend omnirange 287° True en route radial;"

13. Section 601.262 is amended to read:

§ 601.262 *Red civil airway No. 62 control areas (Detroit, Mich., to Altoona,*

Pa.). All of Red civil airway No. 62 including all that area within 5 miles either side of the en route radials from the Cleveland, Ohio, omnirange station to the Bergholz, Ohio, non-directional radio beacon via the Cleveland omnirange direct en route radial.

14. Section 601.281 is amended to read:

§ 601.281 *Red civil airway No. 81 control areas (Lansing, Mich., to Elkins, W. Va.).* All of Red civil airway No. 81 including all that area within 5 miles either side of the en route radials from the Lansing, Mich., omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials.

15. Section 601.300 is amended to read:

§ 601.300 *Red civil airway No. 100 control areas (Chicago, Ill., to Toledo, Ohio).* All of Red civil airway No. 100 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Chicago Heights, Ill., omnirange station to the Fort Wayne, Ind., omnirange station via the direct en route and 15° south altitude change radials; from the Fort Wayne, Ind., omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials.

16. Section 601.304 is amended to read:

§ 601.304 *Red civil airway No. 104 control areas (Erie, Pa., to Elmira, N. Y.).* All of Red civil airway No. 104.

17. Section 601.603 *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste. Marie, Mich.)* is amended by deleting the words "from the Tallahassee, Fla., radio range station to a point 25 miles north of the Pellston, Mich., non-directional radio beacon."

18. Section 601.644 *Blue civil airway No. 44 control areas (Advance, Mo., to U. S.-Canadian Border)* is amended by deleting the last portion which reads: "and from the Fort Wayne, Ind., omnirange station to the Toledo, Ohio, omnirange station via the direct en route radials."

19. Section 601.650 is amended to read:

§ 601.650 *Blue civil airway No. 50 control areas (Augusta, Maine to U. S.-Canadian Border).* All of Blue civil airway No. 50.

20. Section 601.684 is added to read:

§ 601.684 *Blue civil airway No. 84 control areas (Bangor, Maine to Millinocket, Maine).* All of Blue civil airway No. 84.

21. Section 601.1069 is amended to read:

§ 601.1069 *Control area extension (Santa Barbara, Calif.).* From the Santa Barbara, Calif., radio range station extending 5 miles either side of the north, west, and south courses of the Santa Barbara radio range to points 25 miles north, west and south of the radio range station, and from the Santa Barbara, Calif., VHF radio range station extending 5 miles either side of a line bearing 122° True from the Santa Barbara VHF radio range station to a point 38 miles southeast.

22. Section 601.1080 is amended to read:

§ 601.1080 *Control area extension (Louisville, Ky.).* All that area within a 15 mile radius of the Louisville omnirange station excluding danger areas, and all that area within 5 miles either side of the 122° True radial of the Louisville omnirange extending from the omnirange station to a point 25 miles southeast, the area within 5 miles either side of the 154° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast, and the area within 5 miles either side of the Louisville ILS localizer course extending from the localizer to a point 13.2 miles southwest.

23. Section 601.1088 *Control area extension (Alexandria, Minn.)* is amended by adding the following to the present control area extension: "and all that area within 5 miles either side of the 50° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast."

24. Section 601.1092 *Control area extension (Dickinson, N. Dak.)* is amended by adding the following to the present control area extension: "and all that area within 5 miles either side of the 15° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast."

25. Section 601.1095 is amended to read:

§ 601.1095 *Control area extension (Fort Wayne, Ind.).* All that area within a 15 mile radius of the Fort Wayne omnirange station including that area within 5 miles either side of the 318° True radial of the omnirange extending from the omnirange station to a point 25 miles northwest and that area within 5 miles either side of the Fort Wayne ILS localized course extending from the localizer to a point 20 miles southeast of the outer marker.

26. Section 601.1100 *Control area extension (Lone Rock, Wis.)* is amended by adding the following to the present control area extension: "including the area within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast."

27. Section 601.1154 *Control area extension (Bismarck, N. Dak.)* is amended by adding the following to the present control area extension: "and all that area within 5 miles either side of the 114° True radial of the omnirange station extending from the omnirange station to a point 25 miles southeast."

28. Section 601.1161 is amended to read:

§ 601.1161 *Control area extension (Chicago, Ill.).* All that area within a 30 mile radius of the Chicago-Midway Airport excluding the portion overlapping danger areas; all that area within a 15 mile radius of the Chicago Heights omnirange station; all that area east of the Chicago Midway Airport bounded on the northwest by Red civil airway No. 28, on the east by Blue civil airway No. 6 and on the south by Red civil airway No. 12, and all that area southeast of Chicago Midway Airport bounded on the north by Red civil airway No. 12, on the east by Blue civil airway No. 6, on the south by Green civil airway No. 3 and on the west by Red civil airway No. 14.

29. Section 601.1246 *Control area extension (Evansville, Ind.)* is amended by adding the following to the present control area extension: "and all that area within 5 miles either side of the 37° True radial of the omnirange station to a point 25 miles northeast."

30. Section 601.1250 is amended to read:

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15 mile radius of the Jamestown omnirange station including the area within 5 miles either side of the 191° True radial of the omnirange extending from the omnirange station to a point 25 miles south.

31. Section 601.1251 is amended to read:

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15 mile radius of the Mansfield omnirange station including the area within 5 miles either side of the 130° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast.

32. Section 601.1261 is amended to read:

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15 mile radius of the Lansing omnirange station including the area within 5 miles either side of the 232° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest.

33. Section 601.1263 is amended to read:

§ 601.1263 *Control area extension (Rochester, Minn.).* All that area within a 15 mile radius of the Rochester omnirange station including the area within 5 miles either side of the 222° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest.

34. Section 601.1274 is added to read:

§ 601.1274 *Control area extension (Niagara Falls, N. Y.).* All that area within 5 miles either side of a direct line extending from the Niagara Falls ILS outer marker to the Dunkirk, N. Y., nondirectional radio beacon, excluding the portion which lies outside the continental United States.

35. Section 601.1984 *5 mile control zones* is amended by revoking the following airport:

Langley Field, Va.: Langley Field

36. Section 601.2118 *Pembina, N. Dak., control zone* is revoked.

37. Section 601.2118 is added to read:

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of Langley AFB and within a 5-mile radius of Patrick Henry Airport, excluding the portion which overlaps danger areas.

38. Section 601.2228 is amended to read:

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 15-mile radius of Fairbanks International Airport.

39. Section 601.2235 *Willmar, Minn., control zone* is revoked.

40. Section 601.2235 is added to read:

§ 601.2235 *Truth or Consequences, N. Mex., control zone.* Within a 5-mile radius of the Truth or Consequences Municipal Airport extending 2 miles either side of the 13° True radial of the Hot Springs, N. Mex., omnirange extending from the omnirange station to a point 10 miles north.

41. Section 601.2288 is added to read:

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport extending 2 miles either side of a track bearing 188° True from the Longview non-directional radio beacon to a point 10 miles south.

42. Section 601.2289 is added to read:

§ 601.2289 *Houghton, Mich., control zone.* Within a 5-mile radius of the Houghton County Airport extending 2 miles either side of the north course of the Houghton radio range to a point 10 miles north of the radio range station.

43. Section 601.2290 is added to read:

§ 601.2290 *Grand Marais, Mich., control zone.* Within a 5-mile radius of Grand Marais Airport extending 2 miles either side of the west course of the Grand Marais radio range to a point 10 miles west of the radio range station.

44 Section 601.2291 is added to read:

§ 601.2291 *Sault Ste. Marie, Mich., control zone.* Within a 5-mile radius of Kinross Airport, Sault Ste. Marie, Mich., extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS outer marker compass locator.

45. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following compulsory reporting point:

"Utica, N. Y., radio range station;"

46. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to U. S.-Canadian Border)* is amended by deleting the following compulsory reporting point:

"Bangor, Maine, radio range station;"

47. Section 601.4222 is amended to read:

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range; Utica, N. Y., radio range station.

48. Section 601.4223 *Red civil airway No. 23 (U. S.-Canadian Border to New York, N. Y.)* is amended by adding the following compulsory reporting points at beginning of designation: "The Houghton, Mich., radio range station; Sault Ste. Marie, Mich., radio range station;"

49. Section 601.4262 is amended by changing caption to read:

§ 601.4262 *Red civil airway No. 62 (Detroit, Mich., to Altoona, Pa.).* * * *

50. Section 601.4281 is amended by changing caption to read:

§ 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Elkins, W. Va.).* * * *

51. Section 601.4300 is amended by changing caption to read:

§ 601.4300 *Red civil airway No. 100 (Chicago, Ill., to Toledo, Ohio).* * * *

52. Section 601.4308 is added to read:

§ 601.4308 *Red civil airway No. 108 (Watertown, S. Dak., to Redwood Falls, Minn.).* No reporting point designation.

53. Section 601.4304 is amended by changing caption to read:

§ 601.4304 *Red civil airway No. 104 (Erie, Pa., to Elmira, N. Y.).* * * *

54. Section 601.4603 is amended to read:

§ 601.4603 *Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste. Marie, Mich.).* Traverse City, Mich., radio range station; Pellston, Mich., non-directional radio beacon.

55. Section 601.4650 is amended to read:

§ 601.4650 *Blue civil airway No. 50 (Augusta, Maine, to U. S.-Canadian Border).* Bangor, Maine, radio range station.

56. Section 601.4662 is amended to read:

§ 601.4662 *Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).* The Saginaw, Mich., non-directional radio beacon.

57. Section 601.4684 is added to read:

§ 601.4684 *Blue civil airway No. 84 (Bangor, Maine, to Millinocket, Maine).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 31, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8444; Filed, July 20, 1951; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5725]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONTINENTAL RADIO TUBE CO. ET AL.

Subpart—*Concealing or obliterating law required and informative marking:* § 3.517 *Government or war surplus;* § 3.520 *Quality, grade or qualities.* Subpart—*Misbranding or mislabeling:* § 3.1195 *Connections and arrangements with others;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 3.1285 *Producer status of dealer or seller;* § 3.1295 *Quality or grade;* § 3.1335 *Success, use or standing.* Subpart—*Passing off:* § 3.2105 *Passing off.* In connection with the sale and distribution of radio tubes in commerce, (1) removing the manufacturers' or other identifying numbers or symbols on radio tubes purchased by them, substituting in lieu thereof other numbers or symbols, and delivering same to customers in commerce as products to which such substitute identification marks would not truthfully or properly apply, as understood in the trade and by the consuming public; (2) buffing away the service numbers or symbols on war surplus radio tubes purchased by them, substituting therefor commercial numbers or symbols, and delivering same to customers in commerce, thereby representing, directly or inferentially, that such war surplus tubes are current commercial stock of recent manufacture; (3) representing that respondents have been licensed by Radio Corporation of America to make or distribute tubes, or for any other purpose; or, (4) representing, by statement or by implication, that respondents are master builders of radio tubes or that they manufacture any tubes whatsoever; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Continental Radio Tube Company, et al., Docket 5725, April 19, 1951]

In the Matter of Continental Radio Tube Company a Corporation, and P. D. Jackson, Jacob L. Gaber, Erwin F. Rempert, and Martin Gaber, Individually and as Officers of Continental Radio Tube Company.

This proceeding was heard by Clyde M. Hadley, trial examiner, upon the complaint of the Commission, respondents' answer, and a stipulation whereby it was stipulated and agreed that a statement of facts signed and executed by counsel for respondents and by Randolph W. Branch, for the Commission, might be taken as the facts in the proceeding and in lieu of testimony in support of and in opposition to the charges stated in the complaint, and might serve as the basis for findings as to the facts and conclusion based thereon and order disposing of the proceeding (counsel having duly waived presentation of proposed findings and conclusions or oral argument), but subject to the express provision that upon appeal to or review by the Commission it might be set aside by it and the matter remanded for further proceedings under the complaint.

Thereafter the proceeding regularly came on for final consideration by said trial examiner upon the complaint, answer and stipulation, and said trial examiner, having approved said stipulation and considered the record, and found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provsion of said Rule XXII, became the decision of the Commission April 19, 1951.

It is ordered, That the respondents Continental Company, a corporation, trading under its own or by any other name, and P. D. Jackson, Jacob L. Gaber, Erwin F. Rempert, and Martin Gaber, either individually or as officers thereof, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of radio tubes in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from the following acts and practices.

1. Removing the manufacturers' or other identifying numbers or symbols on radio tubes purchased by them, substituting in lieu thereof other numbers or symbols, and delivering same to customers in commerce as products to which such substitute identification marks would not truthfully or properly apply, as understood in the trade and by the consuming public.

2. Buffing away the service numbers or symbols on war surplus radio tubes purchased by them, substituting therefor commercial numbers or symbols, and delivering same to customers in commerce, thereby representing, directly or inferentially, that such war surplus tubes are current commercial stock of recent manufacture.

3. Representing that respondents have been licensed by Radio Corporation of America to make or distribute tubes, or for any other purpose.

4. Representing, by statement or by implication, that respondents are master builders of radio tubes or that they manufacture any tubes whatsoever.

By "Decision of the Commission and order to file report of compliance", Docket 5725, April 19, 1951, which announced and decreed fruition of said initial decision, report of compliance with said order to cease and desist was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

Issued: April 19, 1951.

[F. R. Doc. 51-8441; Filed, July 20, 1951; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

GENERAL PROVISIONS

Rescind §§ 536.1 to 536.10, inclusive, and substitute the following in lieu thereof:

Sec.

536.1 Definition.
536.2 Application.
536.3 Authority to settle claims.
536.4 Action by claimant.
536.5 Duties of claims officer.
536.6 Claims not provided under any law.
536.7 Transfers and assignments of claims.
536.8 Disclosures of information.

AUTHORITY: §§ 536.1 to 536.8 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 536.1 to 536.8, inclusive, contained in SR 35-20-1, 31 May 1951.

§ 536.1 *Definitions.* The word "claims" as used in §§ 536.1–536.8 refers to those demands for payment in money submitted in writing by individuals, partnerships, associations, or corporations, including countries, States, Territories, and other political subdivisions of such countries, but excluding the Federal Government of the United States and its instrumentalities, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Army or the Army in the procurement of services or supplies. As to claims in favor of the United States, see §§ 537.3–537.5 of this chapter.

§ 536.2 *Application.* So far as consistent with the specific regulations, the procedures set forth in §§ 536.1–536.8 will apply to claims under §§ 536.12–536.23, 536.26, 536.27, and 536.29. As to marine casualties, see § 536.44.

§ 536.3 *Authority to settle claims.* Authority to settle claims has by statute been granted to the Department of the Army and the Army, as shown in the following chart, which may be used as a guide in determining which section of this part have application to any claim.

CLAIMS CHART

Sections	Statute	Title	Coverage	Amount	Method of settlement	Personal injury	Personal property	Real property	Subrogation	Time limit	Remarks
536.12–536.23 [AR 25-25]	Sec. 1, act July 3, 1943 (57 Stat. 372), as amended by act May 29, 1945 (59 Stat. 225); act June 28, 1946 (60 Stat. 332); act July 26, 1947 (61 Stat. 501; 31 U. S. C. 223b).	Military Claims Act.	Damage to or loss or destruction of property, or personal injury or death, caused by military personnel or civilian employees, while acting within the scope of their employment or otherwise incident to noncombat activities of the Department of the Army or of the Army, settlement of which under these provisions is not precluded by the Federal Tort Claims Act, infra.	$1,000 maximum. Claims in excess of $1,000 may be reported to Congress.	Approved by designee of Secretary of the Army, with appeal to the Secretary of the Army. If in excess of $1,000: Approval by Secretary of the Army, who submits to Bureau of the Budget for report to Congress.	Yes, to extent of reasonable medical, hospital, and burial expenses.	Yes...	Yes...	Entire amount allowed to subrogor but no payment to subrogee.	1 year, except that if claim arises in time of war or when war intervenes within 1 year, and good cause for delay is shown 1 year after peace is established.	Applicable if not within AR 25-70 (§536.29) AR 25-90 (§536.26), or AR 25-100 (§536.27).

CLAIMS CHART—Continued

Sections	Statute	Title	Coverage	Amount	Method of settlement	Personal injury	Personal property	Real property	Subrogation	Time limit	Remarks
536.29 [AR 25-70]	Federal Tort Claims Act as codified by the act of June 25, 1948 (62 Stat. 982, as amended; 28 U. S. C. Supp., 2671-2680).	Federal Tort Claims Act.	Damage to or loss of property or personal injury or death, where the total amount of the claim does not exceed $1,000, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. ("Employee of the Government" includes members of the military forces.)	$1,000 maximum. Claims in excess of $1,000 may be sued upon in United States district courts.	Approval by Secretary of the Army or his designee, subject to appeal to Secretary of the Army.	Yes, including all elements of compensatory damage allowed in jurisdiction where act or or omission causing injury occurred.	Yes...	Yes...	Entire or partial amount allowed and paid to subrogor and/or subrogee jointly or severally in accordance with their respective interests.	2 years	Applicable to claims predicated on negligence arising only in the United States, its Territories, and possessions.
536.25 [AR 25-80]	Act of May 5, 1950 (64 Stat. 107; 50 U. S. C. 551-736).	Uniform Code of Military Justice Article 139.	Damage to or loss or destruction of property by members of the Armed Forces caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry implications of guilty intent.	No limit	Approval by offender's commanding officer. Payment by local disbursing officer out of deductions from offender's pay.	No	Yes...	Yes...	Uninsured portion allowed to subrogor but no payment to subrogee.	60 days	Not used when claim is payable under AR 25-25 (§§ 536.12-536.23), AR 25-70 (§ 536.29), AR 25-90 (§ 536.26), or AR 25-100 (§§ 536.27).
536.26 [AR 25-90]	Act of Jan. 2, 1942 (55 Stat. 880), as amended by act Apr. 22, 1943 (57 Stat. 66); act July 31, 1945 (59 Stat. 511); act July 25, 1947 (61 Stat. 449, 454; 31 U. S. C. 224d).	Foreign Claims Act.	Damage to or loss or destruction of property, or personal injury or death caused by United States Armed Forces or individual members and civilian employees thereof in foreign countries.	$5,000 maximum. Claims in excess of $5,000 may be reported to Congress.	Approval by a Foreign Claims Commission; if in excess of $2,500 must also be approved by theater, base, or comparable commander or by The Judge Advocate General. Payment by local disbursing officer on certification by such commission. Claims in excess of $5,000 approved by Secretary of the Army may be reported to Congress.	Yes	Yes...	Yes...	Entire amount allowed to subrogor but no payment to subrogee.	1 year	Applicable to exclusion of all other regulations when claimant is an inhabitant of the foreign country in which claim arose, unless claim arose incident to service of such inhabitant in employ of the United States.
536.27 [AR 25-100]	Act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 222e).	Military Personnel Claims Act.	Damage to or loss, destruction, capture, or abandonment of personal property of military personnel or civilian employees occurring incident to their service.	No limit	Approval by designee of Secretary of the Army.	No	Yes...	No...	Uninsured portion allowed to subrogor but no payment to subrogee.	1 year except that if claim arises in time of war, or if war intervenes within 2 years, 1 year after peace is established, provided good cause is shown for delay in filing claim.	Where applicable, these regulations are used to the exclusion of all other regulations.

§ 536.4 *Action by claimant.*—(a) *Claimant*—(1) *Claims for property damage, loss, or destruction.* Claims for damage to or loss or destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner," as so used, includes bailees, lessees, mortgagors, and conditional vendees, but does not include mortgagees, conditional vendors, and others, having title for purposes of security only. (As to claims of subrogees, see the applicable specific regulations.) The claim, if filed by an agent or legal representative, should be filed in the name of the owner, signed by such agent or legal representative, show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary. The claim, if filed by a corporation, should show the title or capacity of the officer signing and be accompanied by evidence of his authority to act.

(2) *Claims for personal injury or death.* Claims for personal injury or death may be presented by the injured person or his duly authorized agent or legal representative. Claims for medical, hospital, and burial expenses not presented by the injured person or his duly authorized agent or legal representative, may, if it appears that no legal representative has been appointed, be presented by any person who, by reason of family relationship, has in fact incurred the expenses for which claim is made.

(b) *Form of claim.* Claims should be submitted by presenting in triplicate a dated statement in writing stating the claimant's address (military personnel should state military and home address) and setting forth the definite amount of the claim, so far as possible, the detailed facts and circumstances surrounding the accident or incident, indicating the date and place, the property and persons involved, the nature and extent of the damage, loss, destruction, or injury, and the agency which was the cause or occasion thereof, whether or not a suit has been filed in a United States District Court on the subject matter of the claim and, if so, the outcome or status of such suit. Department of the Army forms or standard forms promulgated by the Bureau of the Budget will be used whenever practicable.

(c) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed for damage to or loss or destruction of property, or for personal injury or death, should be substantiated by competent evidence.

(2) *Property damage.* In support of claims for damage to personal property which has been or can be economically repaired, the claimant should submit in triplicate an itemized signed statement or estimate of the cost of repairs, if not economically reparable, or if the property is lost or destroyed, the value thereof, both before and after the accident, should be stated. In support of claims for damage to land, trees, buildings, fences, and other improvements and similar property, the claimant should submit an itemized signed statement or estimate of the cost of repairs; if not economically reparable, the value both before and after the accident, of the land damaged, or of the improvement of other property, if it can be readily and fairly valued apart from the land, should be stated. In support of claims for damage to crops, the statement should show the number of acres or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing; if the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated. All such statements or estimates should, if possible, be by disinterested competent witnesses, preferably reputable dealers in the type of property damaged. Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included. In the case of claims for damage to or loss or destruction of registered or insured mail, the claimant should in addition submit, where possible, the registration or insurance receipt, or an attested copy thereof, showing the amount of fee and postage paid.

(3) *Personal injury.* In support of claims for personal injury or death, the claimant should submit in triplicate, a written report by attending physician, showing the nature and extent of injury, the nature and extent of treatment, and degree of permanent disability, if any, the prognosis, and the period of hospitalization or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred, and, if claim is made for loss of time or loss of earnings, a written report in triplicate by claimant's employer showing claimant's age, occupation, wage or salary, time lost from work, whether or not a full time employee, and actual period of employment by dates. If claimant is self-employed, his claims for loss of earnings must be supported by competent evidence as to the amount of earnings actually lost.

(d) *Signatures.* The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent and should show the given name, middle initial, if any, and surname. The signature of such claimant or agent must be in ink and should be identical on all papers. When a claim is signed by a married woman, it should be signed in her given name, e. g., "Mary A. Doe" instead of "Mrs. John Doe." The middle initial or name, if any, should be the initial or name normally used by the claimant.

(e) *Place of filing.* The claim should be submitted to the commanding officer of the unit involved if known, otherwise to the commanding officer of any installation or other military establishment, if practicable the one within which or nearest to which the accident or incident occurred. If in a foreign country where no military forces are stationed, the claim may be submitted to an attaché of the United States Armed Forces.

§ 536.5 *Duties of claims officer.*—(a) *Procedure.* In proceeding with the investigation and making his report, the claims officer will:

(1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of any aspect of the accident or incident.

(2) Conduct further independent investigation of the matter in a fair and impartial manner.

(3) Secure and consider testimony of all competent witnesses on pertinent facts.

(4) Submit in triplicate all pertinent testimony and evidence (or the substance thereof where appropriate) taken or considered.

(5) Make certain that repair bills or estimates are certified by the persons rendering them, as just and correct. If the bills have been paid, the payees should so certify.

(6) Claims against the United States will not be solicited. In the event inquiry is made as to the procedure whereby a claim may be filed, the person making the inquiry will be informed of the provisions of § 536.4, furnished appropriate forms, and advised as to where they may be filed. Furnishing the claimant forms bearing on the reverse a substantial copy of such provisions will constitute compliance with such requirement. The claims officer will state whether or not potential claimants have requested or received claim forms.

(b) *Consolidation of claims in a single report.* When several claims are presented as the result of a single accident or incident, they should normally be incorporated in a single report. Any claims presented subsequently may be processed with reference to the report already submitted.

(c) *Ascertainment of amount of damage*—(1) *Property damage, loss, or destruction.* (i) Property is economically reparable if the cost of repairs does not exceed the actual value of the property immediately prior to the accident or incident less the value of the damaged property immediately after the accident or incident.

(ii) If the property has been or can be economically repaired, the measure of damage is the net cost or estimated cost, as defined in subdivision (iv) of this subparagraph, of repairs necessary to restore the property to substantially the condition in which the property was immediately prior to the accident or incident.

(iii) If the property cannot be economically repaired, the measure of damage is the value of the property immediately prior to the accident or incident less the value thereof immediately after the accident or incident.

(iv) To determine the net cost, or estimated cost of repairs under subdivision (ii) of this subparagraph, there should be deducted from the gross cost (actual or estimated) the value of any salvaged parts or materials and the amount of any appreciation in value thereby effected, and there should be added to such gross cost the amount of any depreciation resulting, provided such deductions or additions are sufficiently substantial in amount to warrant consideration.

(v) All such statements and estimates should, if possible, be by one or more disinterested competent witnesses, preferably reputable dealers in the type of property damaged, lost, or destroyed.

(vi) Loss of use of damaged business, agricultural, or residential property which is economically reparable may, if claimed, be included as an additional item of damage to the extent of the reasonable expense actually incurred for appropriate substitute property but only for such period as is reasonably necessary for repairs and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable from others, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is not normally payable.

(vii) The measure of damage, in cases of total loss or destruction of registered or insured mail, is the value thereof immediately prior to the accident or incident plus, if claimed, the amount of any registration or insurance fee or other special fees, and the amount of postage prepaid. In cases of damage only, or partial loss or destruction, the measure of damage is the value thereof immediately prior to the accident or incident less any salvage except that, if economically reparable, the measure of damage is the estimated or actual cost of repairs; no fees or prepaid postage are payable if actual delivery of the parcel or letter is made to the correct addressee.

(viii) The measure of damage in cases cognizable under the Federal Tort Claims Act is determined by the law of the place where the act or omission, out of which such damage arises, occurred.

(2) *Personal injury or death.* (i) The measure of damage is as provided in the specific regulations which the claim is payable.

(ii) All statements and estimates of medical, hospital, and burial expenses should be substantiated by the originals or copies of any bills rendered.

(3) *Excluded items.* Interest, cost of preparation of claims and securing supporting evidence, inconvenience, and similar items may not be included as elements of damage.

(4) *Recoveries from joint tort-feasors.* If the claimant has elected to proceed against a third party as a joint tort-feasor, any amount so collected in respect of items of damage which otherwise may properly be included in the claim against the Government will be reported.

(d) *Advice to claimant.* The claims officer will not advise the claimant as to the action taken on his claim. All inquiries with respect to the approval or disapproval of a claim will be acknowledged and the inquiry will be forwarded to the office having delegated authority to adjudicate the claim. In no case will the claims officer advise the claimant that his claim has been or will be approved or disapproved.

§ 536.6 *Claims not provided for under any law.* All claims the settlement of which is not provided for by any specific law or appropriation will be referred to a claims officer for investigation and report in a manner similar to that prescribed in § 536.5, with such modification thereof as the features of the particular case may warrant. Such claims, with related files and recommendations will be forwarded promptly in triplicate, retaining only a card record thereof, by or through the commanding general of the army or comparable command, or the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

§ 536.7 *Transfers and assignments of claims.* All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and all powers of attorney, orders, or other authorities for receiving any payment of any such claim, or of any part of share thereof, are (see R. S. 3477, as amended; 31 U. S. C. 203) absolutely null and void, unless made after the issuing of a warrant for the payment thereof. The provisions of the statute, as amended, do not apply to assignments of claims by operation of law, as when a receiver or trustee in bankruptcy is appointed for an individual, firm, or corporation, or an administrator for the estate of a deceased person, or when an insurance company becomes subrogated to the claimants rights; nor do they apply in any case in which the moneys due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, under the conditions set forth in the act of October 9, 1940. See §§ 535.5–535.9 of this chapter.

§ 536.8 *Disclosure of information.* Except as required in the discharge of his proper official duties, no person in the military service or employed by the Department of the Army or the Army, will furnish any information which can be used as the basis of a claim against the United States. Without prior approval of the Office of The Judge Advocate General, claimants or their authorized representatives will not be permitted to examine any part of the evidence of record except that submitted by such claimants.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8442; Filed, July 20, 1951; 8:52 a. m.]

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM THE SERVICE

DISCHARGE FOR THE CONVENIENCE OF THE GOVERNMENT

Section 582.3 is rescinded and the following substituted therefor:

§ 582.3 *Discharge for the convenience of the Government.*—(a) *General.* The discharge or release from active duty of enlisted personnel for the convenience of the Government is the prerogative of the Secretary of the Army and will be effected only by his authority. Such authority may be given either in an individual case or by an order applicable to all cases specified in an order.

(b) *Categories for which authorized.* The Secretary of the Army has delegated to commanders the authority to order enlisted personnel discharged or released from active duty for the convenience of the Government for the following reasons:

(1) To dispose of cases involving an individual's claim that prior to induction he was denied a procedural right as provided by the Selective Service Act of 1948 and was, therefore, erroneously inducted. All requests for discharge under this provision will be forwarded to the officer exercising discharge authority and by him to the State director of the selective service system of the State of the applicant's registration for his recommendation. The officer exercising discharge authority will discharge the individual or retain him in the service in accordance with the recommendation made by the State director of the selective service system.

(2) To permit separation of individuals with a physical or mental defect or disability who elect discharge for the convenience of the Government provided it has been established clearly by proper medical authority that the defect or disability:

(i) Existed prior to entrance on present period of active service, or

(ii) Was incurred not in line of duty during a prior period of active service, and

(iii) Was not aggravated during prior or present period of active service.

(3) To dispose of cases involving aliens residing in the United States illegally who did not conceal their true citizenship status at time of enlistment or induction. Such individuals will be reported to the nearest office of the Immigration and Naturalization Service and will be discharged for the convenience of the Government. The form of discharge certificate furnished will be that to which the service rendered by the individual after enlistment or induction will entitle him. The specific reason for discharge will be shown on the certificate of discharge as "Alien without legal residence in the United States." It is not the intent of this section to preclude the discharge of these individuals under the provisions of AR 615–368 (Army regulations pertaining to discharge for unfitness) or AR 615–369 (Army regulations

pertaining to discharge for inaptitude or unsuitability), if appropriate.

(4) To provide appropriate action in cases involving the discovery of concealment by an individual that he has been adjudged a youthful offender under section 1639-30, Supplement to the General Code of Ohio, 1936, June 1938, or by a juvenile court of any other State having a similar law and is considered as not having been convicted by a civil court. If such individual was otherwise eligible for enlistment or induction under current directives, he normally will be retained in the service.

(i) Upon discovery that an individual had been adjudged a youthful offender under the conditions outlined above, prior to enlistment or induction, and the juvenile record of the individual indicates frequent difficulty with law-enforcement agencies and his retention in the service is not desired, the individual will be discharged for the convenience of the Government. The form of discharge certificate furnished will be that to which the service rendered by the individual after enlistment or induction will entitled him. The specific reason for discharge will be shown on the certificate of discharge as "Adjudged a youthful offender." If civil custody exists, that is parole, probation, conditional release, or suspended sentence, notification of the pending discharge will be reported to the proper civil authorities.

(ii) Upon discovery that an individual had been adjudged a youthful offender, under the conditions outlined above, prior to enlistment or induction, and his retention in the service is desired, the proper civil authority will be contacted with a view to ascertain whether any form of civil custody exists, such as parole, probation, conditional release, or suspended sentence. Where it develops that civil custody still exists, the proper civil authority will be requested to terminate or suspend custody for the duration of the period of service of the individual. If civil custody is then so terminated or suspended the individual will be retained in the service. In cases in which the civil authorities refuse to terminate or suspend custody, the individual will be discharged. If separated, the individual will be discharged for the convenience of the Government as outlined in subdivision (i) of this subparagraph.

(c) *National health, safety, or interest.* Based on their importance to national health, safety, or interest enlisted personnel may be discharged for the convenience of the Government when specifically authorized by the Department of the Army. The discharge or release from active duty of an individual for this reason will be authorized only when recommended by a governmental agency authorized to make such a recommendation and determination. Requests for discharge under this provision will be forwarded direct to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPO-X, by the commanders having discharge authority.

[AR 615-365, June 14, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, USA,
Acting The Adjutant General.

[F. R. Doc. 51-8443; Filed, July 20, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Correction to Amendment 4 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

Due to a clerical error in Amendment 4 to Supplementary Regulation 1 to Ceiling Price Regulation 7, certain incorrect dates appeared in section 2 (b) (3), effective June 30, 1951. Accordingly, section 2 (b) (3) of Supplementary Regulation 1 to Ceiling Price Regulation 7 is corrected to read as follows:

(3) Between April 1, 1951 and June 23, 1951 (where the list date is June 23, 1951);

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8492; Filed, July 19, 1951; 4:00 p. m.]

[Ceiling Price Regulation 17, Amendment 3]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES

RESIDUAL FUEL OILS AND BLENDS THEREOF WITH DISTILLATE FUEL OILS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 733), this amendment to Ceiling Price Regulation 17 (16 F. R. 8033), is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to CPR 17 established specific prices for residual fuel oils at certain East Coast points. This action had the purpose and effect of increasing ceiling prices for these products as set forth in the Statement of Considerations accompanying Amendment No. 2. It was the expressed intent of the Director of Price Stabilization that such authorized increases apply to all methods of delivery and at all distribution levels.

It has since been brought to the attention of the Director of Price Stabilization that there is some ambiguity in Amendment 2 with respect to the applicability of the regulation to cargo sales. Also, some question has been raised regarding the clarity of expression with respect to the manner in which the authorized increases are to be applied by the various distributors involved. This amendment is designed to remove these ambiguities. Specific increases are herein established for cargo sales. In addition, section 21 (a) (3) has been rewritten to clarify the manner in which authorized increases may be added to ceiling prices established under Amendment 2 of CPR 17.

It has been brought to the attention of the Director of Price Stabilization that sales of residual fuel oil are presently being made at Morehead City, North Carolina, rather than Wilmington, North Carolina. Such being the case, Wilmington has been deleted and Morehead City has been added.

Discussion with sellers affected by this Amendment has developed that the prices for residual fuel oils to all classes of purchasers at certain inland points are customarily based upon the prices at the Atlantic Coast ports designated in this Amendment even though the product does not originate from such ports. This amendment, therefore, increases the ceiling prices of sellers at such inland points who customarily based their residual fuel oil selling prices on the designated East Coast points, regardless of the point from which the residual oils originate.

It has also been developed that the supply of residual fuel oils at other inland points originates from varying sources, including the designated East Coast ports. However, prices at such inland points are not based upon such East Coast points. Accordingly, provision is made in such cases to allow sellers to increase their ceiling prices, but such increases are restricted to that specific volume originating from designated East Coast points. This conforms to the customary pricing practices in the industry.

This amendment also permits sellers in Puerto Rico and the Virgin Islands to add to their f. o. b. or delivered ceiling prices 17½ cents per barrel on deliveries of residual fuel oil or blends thereof. This increase is necessary because of increased tanker transportation costs and a recent increase in the import duty of 10½ cents per barrel on sales in this area. Since, historically, residual fuel oil sellers in this area have passed on the import duty, it has been deemed appropriate that this increase should be permitted as an addition to their ceiling prices. The reasons for the increase allowed because of tanker transportation costs have been set forth in the Statement of Considerations accompanying Amendment 2 to CPR 17.

AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended in the following respects:

1. Section 21 (a) of Ceiling Price Regulation 17 is amended to read as follows:

SEC. 21. *Residual fuel oils and blends thereof with distillate fuel oils.*—(a) *Specific prices.*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The ceiling prices for sales of No. 6 Commercial Standard Specifications Fuel Oil in

bulk lots delivered into ships' bunkers (ex lighterage) and delivered into barge and tank car or transport trucks, f. o. b. refineries and tanker terminals shall be as follows at the enumerated points below:

Atlantic coast ports	Dollars per 42-gallon barrel	
	Ships' bunkers (ex lighterage) or barge	Tank car or transport truck
Searsport, Maine	2.51	2.54
Portland, Maine	2.51	2.54
Portsmouth, New Hampshire	2.51	2.54
Everett, Massachusetts	2.51	2.51
Boston Harbor Area	2.51	2.51
Fall River, Massachusetts	2.47	2.47
Tiverton, Rhode Island	2.47	2.47
Providence Harbor Area	2.47	2.47
New London, Connecticut	2.47	2.47
New Haven, Connecticut	2.47	2.47
Bridgeport, Connecticut	2.47	2.47
New York Harbor Area	2.45	2.45
Philadelphia Harbor Area	2.45	2.48
Baltimore, Maryland	2.45	2.48
Norfolk, Virginia	2.40	2.43
Morehead City, North Carolina	2.34	2.37
Charleston, South Carolina	2.31	2.34
Savannah, Georgia	2.31	2.34
Jacksonville, Florida	2.28	2.31
Miami, Florida	2.22	2.25
Tampa, Florida	2.16	2.19
Port St. Joe, Florida	2.16	2.19
Panama City, Florida	2.16	2.19

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add such base period differentials to the ceiling prices determined under subparagraph (1) of this paragraph.

(3) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under subparagraphs (1) and (2) of this paragraph shall reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

2. Section 27 is amended to read as follows:

SEC. 27. *Increases permitted for designated areas.*—(a) *Export sales and sales in the territories of the United States.* Any export regulation which may hereafter be issued shall be applicable to export sales and sales for export of commodities covered by this regulation. Sellers of commodities covered by this regulation who during the base period treated purchasers in the territories of the United States as purchasers of a separate class from purchasers located in the continental United States may continue to apply on their sales to these purchasers their customary differentials. Such customary differentials may include charges for special packing if it was the sellers' practice to include such charges on their sales to purchasers in the territories during the base period.

(b) *Puerto Rico and the Virgin Islands.* On deliveries of residual fuel oil or blends thereof in Puerto Rico and the Virgin Islands, a seller may add to his f. o. b. or delivered ceiling price 7¢ per barrel plus any duty actually paid by him in excess of 10½¢ per barrel, unless the seller has already added increased duty charges pursuant to paragraph (a) of this section.

(c) *Delivered cargo ceiling prices for residual fuel oil and blends thereof with distillate fuel oils at Atlantic Coast ports*—(1) *No. 6 Commercial Standard Specifications Fuel Oil.* The delivered cargo ceiling prices of all sellers for sales of No. 6 Commercial Standard Specifications Fuel Oil applicable to all classes of purchasers in effect prior to June 4, 1951, shall be increased by the amounts per barrel indicated at the points enumerated in the table below:

Atlantic coast ports	Dollars per 42-gallon barrel
	Increases in delivered cargo prices
Searsport, Maine	$0.31
Portland, Maine	.31
Portsmouth, New Hampshire	.31
Everett, Massachusetts	.31
Boston Harbor Area	.31
Fall River, Massachusetts	.295
Tiverton, Rhode Island	.295
Providence Harbor Area	.295
New London, Connecticut	.295
New Haven, Connecticut	.32
Bridgeport, Connecticut	.32
New York Harbor Area	.30
Philadelphia Harbor Area	.30
Baltimore, Maryland	.30
Norfolk, Virginia	.25
Morehead City, North Carolina	.22
Charleston, South Carolina	.21
Savannah, Georgia	.21
Jacksonville, Florida	.19
Miami, Florida	.17
Tampa, Florida	.17
Port St. Joe, Florida	.17
Panama City, Florida	.17

(2) *Other residual fuel oil products.* Any seller who during the base period maintained a customary differential between No. 6 Commercial Standard Specifications Fuel Oil and other residual fuel oil products, such as low sulphur (maximum 1 per cent) No. 6 fuel oil, residual gas enrichment oils, residual No. 4 and 5 fuel oils and special No. 4 residual fuel oils may add such base period differentials to the ceiling prices determined under subparagraph (c) (1) of this section.

(3) *Increases for other transactions and at other points.* An f. o. b. or delivered ceiling price, in effect prior to June 4, 1951, of any seller of residual fuel oil or blends thereof, whose ceiling price is not established in section 21 (a) (1) and (2), shall be increased to each class of purchaser by the amount of the increase specified in the table in paragraph (c) (1) of this section in the following cases:

(i) On sales at any point where the purchaser is of a class which was customarily, and is presently, supplied from the points designated in the table in paragraph (c) (1) of this section.

(ii) On sales at any point where the seller's price of residual fuel oil, or blends thereof, was customarily based upon the price at a point set forth in the table in paragraph (c) (1) of this section, in which case the increase can be added irrespective of where the product originates.

(4) *Preservation of discounts, differentials, and allowances.* The ceiling prices determined under this section shall reflect customary discounts, differentials and allowances in effect in the base period to all classes of purchasers.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8493; Filed, July 19, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Amendment 17]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXCLUSION OF HARD FACING PRODUCTS CONTAINING TUNGSTEN AND PURE TUNGSTEN AND THORIATED TUNGSTEN PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Some of the commodities named in this amendment were included in the coverage of Ceiling Price Regulation 30. Others were covered by Ceiling Price Regulation 22, while the remainder were under the General Ceiling Price Regulation. However, all of these commodities constitute a portion of the category of products for which an adjustment in ceiling prices is provided by Supplementary Regulation 42 to the General Ceiling Price Regulation, issued simultaneously herewith. Like other tungsten-bearing metal products covered by that supplementary regulation, none of them have been processed or fabricated beyond the stages of casting, rolling, drawing, grinding, swaging, cutting, bending, crushing, or powdering, and the cost of tungsten in raw materials is one of the most important cost elements in their manufacture. For these reasons their ceiling prices should be permitted the same adjustment.

To accomplish this result and to avoid the confusion and price distortions which would otherwise occur, Amendment 5 to CPR 30, issued simultaneously herewith excludes these products from the coverage of that regulation. For the same reasons, this amendment makes clear that all of these products are excluded from Ceiling Price Regulation 22.

AMENDATORY PROVISIONS

Appendix A of Ceiling Price Regulation 22 is amended in the following respects:

1. Paragraph (r) is amended to read as follows:

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

2. Paragraph (t) is amended to read as follows:

(t) All metal powders, specifically including powders containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

3. Paragraph (w) is amended to read as follows:

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings, but specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8494; Filed, July 19, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amendment 5]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXCLUSION OF HARD FACING PRODUCTS CONTAINING TUNGSTEN AND PURE TUNGSTEN AND THORIATED TUNGSTEN PRODUCTS

Pursuant to the Defense Prohibition Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

The commodities named in this amendment were included in the coverage of Ceiling Price Regulation 30 because of their close relationship to major products covered by that regulation. However, they constitute a portion of the category of products for which an adjustment in ceiling prices is provided by Supplementary Regulation 42 to the General Ceiling Price Regulation, issued simultaneously herewith. Like other tungsten-bearing metal products covered by that supplementary regulation, none of them have been processed or fabricated beyond the stages of casting, rolling, drawing, grinding, swaging, cutting, bending, crushing or powdering, and the cost of tungsten in raw materials is one of the most important cost elements in their manufacture. For these reasons their ceiling prices should be permitted the same adjustment.

To accomplish this result and to avoid the confusion and price distortions which would otherwise occur, this amendment excludes these commodities from Ceiling Price Regulation 30 by making appropriate changes in Appendix A thereof.

AMENDATORY PROVISIONS

Appendix A of Ceiling Price Regulation 30 is amended in the following respects:

1. The item beginning "Metals and alloys * * *" is amended to read as follows:

Metals and alloys, special, electrical (except steel with less than 6 percent alloy content, in any fabricated form and pure tungsten or thoriated tungsten containing not less than 98 percent tungsten, rolled, drawn, ground or swaged, but not further fabricated other than by cutting or bending) used for electrical, magnetic, or glass-sealing purposes, including special contact alloys and special coated iron wire.

2. The item "Welding apparatus and supplies, electrical, including electrodes" is amended to read as follows:

Welding apparatus and supplies, electrical, including electrodes (except hard facing welding electrodes and other hard facing materials containing tungsten).

3. The item beginning "Welding and cutting apparatus * * *" is amended to read as follows:

Welding and cutting apparatus and supplies, gas, including generators, welding rods and welding wire (except hard facing welding rods, welding wire, and other hard facing materials containing tungsten).

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8495; Filed, July 19, 1951; 4:00 p. m.]

[Ceiling Price Regulation 51]

CPR-51 FOOD PRODUCTS SOLD IN PUERTO RICO

NOTICE OF SUSPENSION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Notice of Suspension of Ceiling Price Regulation 51 is hereby issued.

Notice of suspension. The operation of CPR-51 is hereby suspended indefinitely.

This notice of suspension is effective as of July 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8496; Filed, July 19, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 39]

GCPR, SR 39—RATE ADJUSTMENTS FOR CERTAIN CONTRACT MOTOR CARRIERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 39 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on January 26, 1951, of the General Ceiling Price Regulation, which regulation froze the rates of all motor carriers, other than common carriers, at the highest rate charged for the same service during the base period, December 19, 1950, to January 25, 1951, it has become apparent that numerous motor carriers affected by that regulation are in need of relief in the form of increased rate adjustments occasioned by increased operating costs sustained since the early part of 1950. Many carriers are now operating under contracts entered into several years ago, and by reason of the provisions of the General Ceiling Price Regulation, are unable to adjust their contracts to reflect the increases in wages or costs of materials and equipment sustained during the latter part of 1950 and since that time.

This Supplementary Regulation affords a means for permitting necessary rate adjustments to motor carriers based upon a showing that the adjustment is necessary to permit the continuance of an essential service for which there is no adequate substitute available at a price equal to or less than the maximum price requested. In order to be eligible for adjustment, a carrier must show either substantial financial hardship in his over-all operations or that he is seeking the adjustment of the rates for a limited operation and that this operation does not yield him a return of the direct labor and materials costs.

This Supplementary Regulation applies to all motor carriers, other than common carriers, including motor carriers engaged in the transportation of milk in bulk in tank vehicles, but not including (1) motor carriers engaged in the performance of pick-up and delivery or local transfer service, or (2) motor carriers engaged in the transportation of liquid commodities, other than milk, in bulk in tank vehicles. Authority is delegated to Regional Directors of the Office of Price Stabilization to adjust rates upon individual application in cases where the carrier's operations are confined to a single state. Interstate operations are to be handled by the national office.

In the formulation of this supplementary regulation there has been consultation with the formal Industry Advisory Committee for Contract Carriers and other industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Adjustment of ceiling rates.
3. Disposition of Applications.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* (a) This Supplementary Regulation provides a method for individual adjustment of the ceiling rates of motor carriers affected hereby. It applies to all motor carriers except the following:

(1) Common carriers;

(2) Motor carriers engaged in the performance of "pick-up and delivery" or "local transfer service"; and

(3) Motor carriers engaged in the transportation of liquid commodities, other than milk, in bulk in tank vehicles.

(b) The provisions of this regulation are applicable to the 48 States of the United States and the District of Columbia.

(c) Except as modified herein, the provisions of the General Ceiling Price Regulation shall remain applicable to the carriers covered by this regulation.

SEC. 2. *Eligibility for adjustment.* A motor carrier affected by this Supplementary Regulation, or a user of a service supplied by such a carrier may apply for an adjustment of any ceiling rates upon a showing:

(a) That the adjustment is necessary to permit the continuance of an essential service for which there is no adequate substitute available at a rate equivalent to or lower than the ceiling rate requested; and

(b) Either of the following:

(1) That the carrier will suffer substantial financial hardship in his over-all operations unless the adjustment is granted; or

(2) That the ceiling rates for a particular segment of the carrier's total operation which is the subject of the application do not permit the service to be performed at rates which will yield a return equivalent to the direct labor and material costs.

SEC. 3. *Extent of adjustment.* The Director of Price Stabilization will grant an increase in ceiling rates sufficient to bring the applicant up to a rate at which equivalent substitute carrier services are available but not higher than

(a) A rate which will result in a higher current ratio of net operating revenue to total revenue than that ratio enjoyed by the applicant or the prevailing ratio enjoyed by other carriers of the same type as the applicant during a representative period prior to June 24, 1950; or

(b) In the case of an applicant who seeks an adjustment for a segment of his total operation, a rate sufficient to yield a return of direct labor and material costs.

SEC. 4. *Where and how to apply for adjustment.* Applications for individual relief under this Supplementary Regulation shall be made by properly executing OPS Public Form No. 59 and by attaching thereto appropriate shipper certificates on OPS Public Form No. 59. Copies of these forms may be obtained from the Office of Price Stabilization, Washington 25, D. C., or any regional or district office thereof. All such applications shall be filed in duplicate, and shall be sent to the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C., if interstate operations are involved, or to the appropriate District Office of OPS if the operations involved are conducted entirely within one state. Applications, if mailed, must be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing. If the application is delivered in person, receipt as to date of filing should be obtained from the OPS office receiving the application.

SEC. 5. *Disposition of applications.*—(a) *OPS officials authorized to act.* Applications for adjustment will be handled to conclusion by the appropriate Regional Director of the Office of Price Stabilization in those cases which involve operations entirely within a single state; and the respective Regional Directors are hereby delegated authority to so act. Applications involving interstate operations will be handled to conclusion by the Director of Price Stabilization or by any official in the national office of the Office of Price Stabilization to whom the Director of Price Stabilization may delegate such authority.

(b) *Action by OPS.* Upon consideration of the application, the Director of Price Stabilization or any official of the Office of Price Stabilization having authority to act, will issue an order granting or denying, in whole or in part, the requested adjustment in rate, or may request such additional information as may be deemed necessary. If no action is taken within 30 days after the filing of the application or within 30 days after additional information has been supplied, the application shall be deemed to be approved. However, all approvals, whether made by affirmative action or by operation of the 30-day provision, are subject to revocation or modification by the Director of Price Stabilization at any time.

(c) *Effectiveness of adjustments.* Any increased rate requested under this Supplementary Regulation may be charged on open billing pending consideration of the application. Collection of any amount in excess of ceiling rates under the General Ceiling Price Regulation may not be made until an order has been issued (and then only to the extent permitted thereby) or until written notice of approval by the Office of Price Stabilization has been received, or until the 30-day waiting period has expired. After such time period, a carrier may collect the full adjusted amount retroactive to the date on which the application was filed or to the date on which he entered into any adjustable pricing contract under section 2 (a) of Supplementary Regulation 15 to the General Ceiling Price Regulation, as amended by Amendment 3.

(d) *Group adjustments.* In any case where a number of contract carriers are all engaged in the transportation of fruit, meat, vegetables, or milk, in a local area, the appropriate Regional Director of the Office of Price Stabilization may, upon express delegation of authority from the Director of Price Stabilization so to act, establish a group adjustment affecting all such carriers, provided individual applications on OPS Public Forms No. 59 are filed by a representative number of the carriers commonly engaged in handling that particular traffic, or by a user of such service.

Effective date. This Supplementary Regulation 39 to the General Ceiling Price Regulation shall become effective July 30, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8497; Filed, July 19, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 40]

GCPR, SR 40—ADJUSTMENT OF CEILING RATES FOR PICK-UP AND LOCAL TRANSFER SERVICE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 40 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

There are a great number of motor carriers who afford rail carriers, freight forwarders, express companies, line-haul motor carriers, water carriers and air carriers, service identified as "pick-up and delivery" or "local transfer" service. The "pick-up and delivery" service involves the local transportation of property between a terminal of a "line-haul carrier", on the one hand, and the premises of the consignee or consignor, on the other. The "local transfer" service consists of the local transportation of property moving through under "line-haul carriers' " published rates from one terminal of a "line-haul carrier" to another terminal of the same carrier or to that of another connecting "line-haul carrier". These services are provided under individual contracts extending over a period of a year or more and the charges for the services are adjusted from time to time as conditions may require.

By reason of increased costs in labor and materials during the past year, the "pick-up and delivery" and "local transfer" carriers are demanding increases in their charges for service as their contracts expire or as the parties are required to renegotiate the rate provisions contained in the continuing contracts. Many of the contracts which expired or were renegotiated prior to and during the base period, December 19, 1950, to January 25, 1951, were renewed at increased rates, or the rates under the continuing contracts were adjusted upward, by reason of the increased costs mentioned. By reason, however, of the provisions of the General Ceiling Price Regulation, those contracts which have expired or have come up for renegotiation since January 25, 1951, or those which will expire or be renegotiated in the future, cannot be adjusted to reflect increases in operating costs.

A majority of the "pick-up and delivery" and "local transfer" carriers are operators of small fleets of trucks. Many operate only one or two vehicles and their operations are performed at very low margins of profit. In many cases these small operators cannot continue to absorb the increases in costs and, as the contracts have expired or are renegotiated, the "line-haul carrier" is informed that the rates must be increased or the service will be discontinued. In many instances, the only carrier available to provide the "pick-up and delivery" or "local transfer" service is the carrier with whom the "line-haul carrier" currently has a contract.

In most instances where more than one "pick-up and delivery" or "local transfer" carrier is operating in a territory, the "line-haul carrier" has found it impossible to obtain service at rates lower than those requested by the carrier now providing the service. Consequently, the "line-haul carrier" is faced with a suspension or abandonment of service which would deprive the public of a necessary service and would result in higher costs to the shipping public.

Numerous "line-haul carriers" recognize the problem confronting the "pick-up and delivery" and "local transfer" carriers and are willing to grant the rate increases requested but, by reason of the General Ceiling Price Regulation, are prevented from paying rates in excess of those paid during the base period. Many of these "line-haul carriers," recognizing the necessity of maintaining the "pick-up and delivery" and "local transfer" service which has been provided for a number of years, have indicated a willingness to absorb any increased cost which might result from increasing the charges to be paid to the "pick-up and delivery" and "local transfer" carriers.

The stabilization program would not be unduly affected by the "line-haul carrier" absorbing increases in the rates paid "pick-up and delivery" and "local transfer" carriers and, in fact, the cost to the shipping public can be better stabilized by insuring that the "pick-up and delivery" and "local transfer" carriers presently affording service for the "line-haul carriers" are enabled to continue such service.

This Supplementary Regulation provides a means whereby "pick-up and delivery" and "local transfer" carriers or "line-haul carriers", finding themselves in the situation explained above, may make application to the Office of Price Stabilization for an adjustment in the rates and charges for "pick-up and delivery" or "local transfer" service. This regulation is applicable only to "pick-up and delivery" and "local transfer" service and will provide for adjustments in prices for such service only where the "line-haul carrier" is willing to absorb the increases proposed without requesting an increase in its rates or charges on account thereof. This regulation is restricted in its application so that no "pick-up and delivery" or "local transfer" carrier can be authorized an adjustment in its rates which would result in a higher ratio of net income to operating revenue than that realized during the pre-Korean period of 1950 by the applicant or the industry generally and no adjustment in rates or charges can be authorized without complete information being furnished the Office of Price Stabilization justifying the proposed increase.

In the judgment of the Director of the Office of Price Stabilization, the provisions of this Supplementary Regulation are generally fair and equitable and will have no material effect on the cost of living or on the general level of prices.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Applicability.
3. Adjustments; when to be made; maximum allowed.
4. Applications; form; place to file; who may file.
5. Approval or denial of applications for adjustment; effectiveness; applicability to successors.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation provides for the adjustment, under certain circumstances, of ceiling prices established by the General Ceiling Price Regulation for motor carriers, other than common carriers, engaged in performing "pick-up and delivery" or "local transfer" service.

SEC. 2. *Applicability.* (a) This regulation applies only to ceiling rates of motor carriers, other than common carriers, performing "pick-up and delivery" or "local transfer" services for "line-haul carriers", in the 48 States of the United States and the District of Columbia.

(b) Except as provided in this regulation, the carriers covered by this regulation shall remain subject to the provisions of the General Ceiling Price Regulation issued January 26, 1951 (16 F. R. 808).

SEC. 3. *Adjustment*—(a) *When adjustment may be made.* An adjustment in the ceiling rates established under the General Ceiling Price Regulation for the performance of "pick-up and delivery" and "local transfer" service may be approved by the Office of Price Stabilization in any case where, upon application filed in accordance with the provisions of section 4 of this regulation, it is shown that:

(1) The adjustment is necessary to effectuate the provisions of the Defense Production Act of 1950; and

(2) The actual cost of supplies and labor used in performing the service exceeds those costs during the "pre-Korean period" by an amount so large as to threaten the continued performance of the services; and

(3) The "line-haul carrier" cannot procure satisfactory performance of the service from the "applicant" or from any other motor carrier at rates lower than the requested rate; and

(4) The discontinuance of the service will result in higher transportation costs to shippers and consignees; and

(5) The "line-haul carrier" expressly agrees to pay and absorb the requested higher rate for "pick-up and delivery" or "local transfer" service, and states that it will not increase its own charges on that accouunt. (This statement is made without prejudice to the "line-haul carriers' " right to present for consideration by any regulatory authority, the increased cost resulting from the new "pick-up and delivery" or "local transfer" rates, together with any cost increases in any other future applications for a general rate increase based on revenue needs.); and

(6) The requested increased rate does not exceed the limit prescribed in subparagraph (b) immediately following.

(b) *Maximum adjustment allowed.* The Office of Price Stabilization may approve an increase in rates under this section up to a rate which will not result in a higher ratio of net operating revenue to total revenue than the applicant enjoyed in the "pre-Korean period" or the generally prevailing ratio enjoyed by pick-up and delivery and local transfer carriers in the locality during the "pre-Korean period".

SEC. 4. *Applications*—(a) *Form.* Applications for adjustments under this section shall be filed on OPS Public Form No. 60, or as subsequently revised, and shall contain all the information and statements called for in the form. Copies of these forms may be obtained from the Office of Price Stabilization, Washington 25, D. C., or from any OPS regional or district office.

(b) *Where to file.* Applications shall be filed, in duplicate, directly with the Transportation, Public Utilities and Fuels Division, Office of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested. The date on the return receipt will be the official date of filing. If the application is filed in person, it must be filed with the docket clerk of the above-named Division and a receipt therefor obtained.

(c) *Who may file.* Applications under this section may be filed by the "pick-up and delivery", "local transfer" or "line-haul carrier".

SEC. 5. *Approval or denial of applications, effectiveness of adjustments, and applicability to successors.* (a) Upon consideration of the application, the Director of Price Stabilization or any official of the Office of Price Stabilization having authority to act, will issue an order granting or denying, in whole or in part, the requested adjustment in rate, or may request such additional information as may be deemed necessary. If no action is taken within 30 days after the filing of the application or within 30 days after additional information has been supplied, the application shall be deemed to be approved. However, all approvals, whether made by affirmative action or by operation of the 30-day provision, are subject to revocation or modification by the Director of Price Stabilization at any time.

(b) *Effectiveness of adjustments.* Any increased rate requested under this Supplementary Regulation may be charged on open billing pending consideration of the application. Collection of any amount in excess of ceiling rates under the General Ceiling Price Regulation may not be made until an order has been issued (and then only to the extent permitted thereby) or until written notice of approval by the Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization has been received, or until the 30-day waiting period has expired. After such time period, a carrier may collect the full adjusted amount retroactive to the date on which the application was filed or to the date on which he entered into any adjustable pricing contract under section 2 (a) of Supplementary Regulation 15 to the General Ceiling Price Regulation, as amended by Amendment 3.

(c) *Applicability to successors.* The ceiling rate or rates for a given "pick-up and delivery" or "local transfer" service adjusted pursuant to this Supplementary Regulation shall continue to apply as the lawful ceiling rate for the same service performed by any transferee, subcontractor, or other carrier who may succeed to and operate that service. This rule applies regardless of whether there is a formal purchase of business and assets, etc., or whether the successor is merely a replacement supplying the service which has been abandoned or discontinued, for any reason, by the preceding "pick-up and delivery" or "local transfer" carrier.

SEC. 6. *Definitions.* (a) "Pick-up and delivery" means the local transportation of property between a terminal of a "line-haul carrier," on the one hand, and the premises of the consignee or consignor, on the other.

(b) "Local transfer" service means the local transportation of property which is moving through under "line-haul carriers' " published rates from one terminal of a "line-haul carrier" to another terminal of the same carrier or to that of another connecting "line-haul carrier".

(c) "Line-haul carrier" means any carrier, including rail carriers, motor carriers, water carriers, air carriers, freight forwarders and express companies, which performs a non-local transportation service between any two terminal points over its lines or routes.

(d) "Applicant" means the "pick-up and delivery", "local transfer" or "line-haul carrier" performing the services involved in the application.

(e) If the application is filed prior to August 1, 1951, (1) "current period" means the months of April, May and June 1951, and (2) "pre-Korean period" means the same three months of 1950 corresponding to that utilized by the applicant in specifying the "current period" in the application. If the application is filed after August 1, 1951, the "current period" means the six month period immediately preceding the filing of the application. The "pre-Korean period", in this instance, means the same calendar months in the year preceding June 30, 1950, as used in the current period.

Effective date. This Supplementary Regulation 40 to the General Ceiling Price Regulation is effective July 30, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8498; Filed, July 19, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplemental Regulation 42]

GCPR, SR 42—HIGH SPEED TOOL STEELS AND OTHER METAL PRODUCTS CONTAINING TUNGSTEN

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 733), this Supplementary Regulation 42 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation increases by varying amounts the ceiling prices established by the General Ceiling Price Regulation for manufacturers of high speed tool steels and specialty steels containing tungsten; hard facing products containing tungsten; and pure tungsten and thoriated tungsten products.

The products covered by this regulation are basic industrial materials used in the manufacture of many articles essential in the civilian economy and the defense program. High speed tool steels containing tungsten and hard facing products have varied and widespread applications in the production of machine tools, drilling equipment, and tools and dies used in the cutting, forming, and shaping of metals while specialty steels containing tungsten are used principally in making magnet steel, aircraft engines, and military equipment. Pure tungsten and thoriated tungsten products are essential in the manufacture of a wide range of electrical and electronic equipment and devices. In view of the industrial and military importance of these products, their maximum production must be encouraged to the fullest extent possible consistent with the objectives of Title IV of the Defense Production Act of 1950.

The cost of tungsten concentrates, ferrotungsten, tungsten powder and other tungsten products used as raw materials is one of the most important cost elements in the manufacture of the products covered by this regulation. Data reflecting the operations of a representative cross-section of manufacturers during the period immediately preceding the outbreak of hostilities in Korea indicate that the cost of tungsten-bearing raw materials accounts for anywhere from 15 percent to 60 percent of their selling price. It appears, therefore, that if any substantial increase in the cost of such raw materials is not reflected in the prices, it is likely that manufacturers will be subject to a serious squeeze which might jeopardize production essential to our national defense.

The cost of tungsten-bearing raw materials used by the manufacturers of the products covered by this regulation has risen sharply since price ceilings were first imposed. The following table, compiled from information submitted by representative manufacturers, indicates the prices which were paid during the base period December 19, 1950 to January 25, 1951, inclusive, for the principal raw materials used in their operations:

Material	Use	Price paid
Tungsten concentrates	To manufacture high speed tool and specialty steels.	$28.50 to $65 per short ton unit.
Ferrotungsten	To manufacture high speed tool and specialty steels.	$3.25 to $3.75 per pound of tungsten contained.
Carbon-reduced tungsten powder	To manufacture hard facing products	$4.15 per pound.
Hydrogen-reduced tungsten powder.	To manufacture pure tungsten or thoriated tungsten products.	$4.12 to $5.95 per pound.

Ceiling Price Regulation 19—Tungsten Concentrates, effective April 6, 1951, established a ceiling price of $65.00 per short ton unit for tungsten concentrates while Ceiling Price Regulation 33—Ferrotungsten, Tungsten Metal Powder, and Other Tungsten Products, effective May 7, 1951, established ceiling prices of $5.00 per pound of contained tungsten for ferrotungsten, $6.00 per pound for carbon-reduced tungsten metal powder, and $7.75 per pound for hydrogen-reduced tungsten metal powder. Thus the prices paid for their principal raw materials by manufacturers of the products covered by this regulation have increased anywhere from 45 to 120 percent since the issuance of the General Ceiling Price Regulation. In view of these circumstances and the importance of raw materials costs in relation to the total cost of producing these products, it is necessary, in order to avoid any interruption in output, to increase the ceiling prices for such products to reflect at least in some measure the increases in costs which have been sustained.

The adjustments in ceiling prices made by this regulation will allow manufacturers to recover most, if not all, of the increase in tungsten bearing raw material costs sustained since the base period of the General Ceiling Price Regulation. Although precise information by which to measure the effect of this action upon all manufacturers is not available, it appears that the relief granted will enable them to obtain margins over costs of tungsten-bearing raw materials approximating those which they received during the base period and will be sufficient, for the time being, to permit continued output at the high levels required by our defense program. The action taken in this regulation is an interim measure and the Office of Price

Stabilization will undertake, in the near future, a study of the operations of the manufacturers of the products covered by this regulation to determine whether any change in the ceiling prices herein established should be made under the policies and objectives of the Defense Production Act of 1950.

Some of the products covered by this regulation heretofore have been included in Ceiling Price Regulation 22—Manufacturers' General Ceiling Price Regulation, and Ceiling Price Regulation 30—Machinery and Related Manufactured Goods, but these regulations have been amended so that these products are now all covered by this Supplementary Regulation to the General Ceiling Price Regulation.

Although most of the output of the products covered by this regulation are sold by the manufacturers directly to consumers, certain quantities are handled by resellers. Since such resellers generally have margins too small to permit absorption of any of the increase in manufacturers' ceiling prices granted by this regulation, appropriate provisions are set forth therein to permit resellers to adjust their ceiling prices by the dollars-and-cents amount of the increase granted by this regulation in the ceiling prices of the manufacturers from whom they obtain their supplies.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation, the Director consulted with industry representatives and has given consideration to their recommendations.

The provisions of this supplementary regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Adjustments in manufacturers' ceiling prices.
3. Adjustments in resellers' ceiling prices.
4. Manufacturers' notice to resellers.
5. Definitions.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This supplementary regulation increases the ceiling prices established by the General Ceiling Price Regulation for sellers of the following products:

(1) High speed tool steels and specialty steels containing tungsten.

(2) Hard facing products containing tungsten.

(3) Pure tungsten and thoriated tungsten products.

(b) If you are a manufacturer of any such products, you must give resellers notice of the increase in your ceiling prices as required by section 4 of this regulation.

SEC. 2. *Adjustments in manufacturers' ceiling prices.* If you are a manufacturer of any of the products covered by this supplementary regulation, your ceiling price for any such product is the ceiling price determined in accordance with the provisions of the General Ceiling Price Regulation plus the applicable amount set forth in this section.

(a) For high speed tool steels and specialty steels containing tungsten, $0.015 for each 1 percent of tungsten content for each pound of product.

(b) For hard facing products containing tungsten, $0.0205 for each 1 percent of tungsten content for each pound of product.

(c) For pure tungsten and thoriated tungsten products, an amount determined in the manner set forth below. The prices you use in making these calculations must not exceed the ceiling prices applicable under any ceiling price regulation issued by the Office of Price Stabilization.

(1) Subtract the weighted average unit cost of the tungsten-bearing material used by you in manufacturing your product during the base period December 19, 1950, to January 25, 1951, inclusive, from the current unit cost (not including transportation costs) of the same kind of material as shown on the invoice for the first delivery of such material to you after May 7, 1951;

(2) Divide the resulting figure by the weighted average unit cost of the material used during the base period;

(3) Multiply the weighted average unit cost of the material used during the base period by the quantity of such material used during the base period to produce a unit of your product; and

(4) Multiply the percentage figure obtained from the calculation described in subparagraph (2) of this paragraph by the value obtained from the calculation in subparagraph (3) of this paragraph.

Example: Assume that during the base period December 19, 1950, to January 25, 1951, inclusive, your weighted average unit cost of hydrogen-reduced tungsten metal powder used in manufacturing 30 mil black drawn tungsten wire, ±3% weight tolerance, was $3.50 per pound and that your current unit cost of the same powder is $6.25 per pound. $6.25 minus $3.50 equals $2.75. $2.75 divided by $3.50 equals 78.57%. Assume also that during the base period you used 3.20 pounds of hydrogen-reduced tungsten metal powder to manufacture one kilogram of rod. $3.50 (your base period weighted average unit cost) multiplied by 3.20 equals $11.20. Then 78.57% times $11.20 equals $8.80. If your ceiling price under the General Ceiling Price Regulation for the 30 mil wire was $13 per Kilogram, your new ceiling price is $21.80 per Kilogram ($13 plus $8.80).

SEC. 3. *Adjustments in resellers' ceiling prices.* (a) If you are a reseller of any of the products covered by this regulation, your ceiling price for any such product is the ceiling price determined in accordance with the provisions of the General Ceiling Price Regulation plus the amount of the increase, determined in accordance with section 2 of this regulation, in the ceiling price of the manufacturer from whom you purchase such product.

(b) You may charge the ceiling price established in paragraph (a) of this section for any products received by you after the manufacturer has put into effect an increase in price pursuant to section 2 of this regulation.

SEC. 4. *Manufacturers' notice to resellers.* If you are a manufacturer of any of the products covered by this regulation, you must notify in writing any person who purchases such product from you for resale of the exact amount of the increase in your ceiling price authorized by this regulation. Such notice must be given in connection with your first delivery of any such product to such reseller after the effective date of this regulation and for which you have put into effect an increase in price pursuant to section 2 of this regulation.

SEC. 5. *Definitions.* When used in this supplementary regulation, the term:

(a) "High speed tool steels and specialty steels containing tungsten" includes any cast, rolled, or drawn steel which has not been further fabricated and which contains tungsten and other alloys. It also includes such steel in billet form or shapes produced from ingot by hammering or pressing.

(b) "Hard Facing products" includes any cast, crushed, powdered, rolled or drawn tungsten carbides or cobalt or nickel base alloys containing tungsten, which are not further fabricated and which are spread over the surface of base metal by melting. It also includes crushed particles of such materials contained in steel tubes.

(c) "Pure tungsten and thoriated tungsten products" includes any rolled, drawn, ground, or swaged product containing not less than 98 percent tungsten and which has not been fabricated other than by cutting or bending.

(d) "Weighted average unit cost" means the cost per unit of material determined by dividing the total amount paid to your supplier or suppliers for material used by you during the period from December 19, 1950, to January 25, 1951, inclusive, by the total amount of material so used. Transportation costs paid by you may not be included in making this calculation.

SEC. 6. *Miscellaneous.* Any person who sells any product covered by this supplementary regulation shall be subject to all provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this regulation, including, but not limited to the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This Supplementary Regulation 42 to the General Ceiling Price Regulation shall become effective on July 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 19, 1951.

[F. R. Doc. 51-8499; Filed, July 19, 1951; 4:00 p. m.]

Chapter XIV—General Services Administration

MANGANESE REGULATION; PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT DEMING, N. MEX.

Sec
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ore.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong., sec. 303, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Deming, New Mexico, for the fiscal years 1952–56, as authorized by the Defense Production Administration on June 20, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ore for the Government. In accordance with the Program set forth herein, the Administrator will buy domestically produced manganese ore containing not less than 15 percent manganese, in accordance with the specifications contained in this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Deming, New Mexico.

(d) "Manganese ore" means crude ore containing not less than 15 percent manganese, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Any person may participate in the Program by notice given to the General Services Administration Regional Office, Building 1–C, Denver Federal Center, Denver, Colorado, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than September 15, 1951. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment on an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6 below. Deliveries not conforming to the minimum specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this Program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ores.* The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent or above, payment will be made at the next higher figure.

Percent Mn in ore:	*To be paid for 1 long dry ton*	Percent Mn in ore:	*To be paid for 1 long dry ton*
15	$6.10	29	$32.15
16	7.60	30	34.60
17	9.15	31	37.45
18	10.65	32	40.30
19	12.20	33	43.15
20	13.70	34	46.00
21	15.40	35	48.85
22	17.10	36	53.00
23	18.85	37	57.10
24	20.55	38	61.25
25	22.25	39	65.35
26	24.70	40 fines	69.50
27	27.20	40 ore	76.00
28	29.65		

For lots received at a rate of more than 200 tons during any 30-day period the final payment shall be adjusted either up or down according to the laboratory-determined recoverability of specific lots of ore from individual shippers. The payment will be based on a rate of $2 per long ton unit of manganese contained in a beneficiated product acceptable to industry, and subject to the specifications, premiums, and penalties set forth below.

SPECIFICATIONS

	Percent
Manganese	48.0
Iron	6.0
Silica plus Alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis); ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis); ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis); 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent; 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis); 1 cent for each 1.0 percent, up to and including 8.0 percent. Above 8.0 percent; 2 cents plus ¾ cent for each 1.0 percent up to 16 percent maximum. Silicia plus alumina content above 11.0 percent (dry basis); 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis); ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government will reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)
Manganese (Mn)	40.0 min.
Iron (Fe)	16.0 max.
Silica plus alumina (SiO_2 plus Al_2O_3).	15.0 max.
Phosphorus (P)	0.30 max.
Copper plus lead plus zinc (Cu plus Pb plus Zn).	[1] 1.00 max.

[1] Of which not more than 0.25 percent may be copper.

Dated: July 19, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51–8529; Filed, July 20, 1951; 8:46 a. m.]

MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONT.

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ore.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong., sec. 303, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Butte, Montana, and at Philipsburg, Montana, for the fiscal years 1952–56, as authorized by the Defense Production Administration on June 27, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ore for the Government. In accordance with the Program set forth herein, the Adminis-

trator will buy domestically produced manganese ore. Such ore shall contain not less than 15 percent manganese in the case of manganese ore delivered at Philipsburg, or 12 percent in the case of manganese ore delivered at Butte, in accordance with the specifications contained in this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depots of the Government at Butte, Montana and at Philipsburg, Montana.

(d) "Manganese ore" means crude ore from production of ore containing not less than 90 percent of the manganese as carbonate, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Subject to the last sentence of this section, any person may participate in the Program by notice given to the General Services Administration Regional Office, United States Courthouse, Seattle 4, Washington, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than September 15, 1951. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to either or both of the depots, giving the estimated monthly rate of delivery. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications. Since the purpose of the program is to obtain from marginal or submarginal sources manganese ore which would not otherwise be produced, the Government reserves the right to exclude presently established production of manganese ore from participation in the program.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under this Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled by the Government at the depot and payment will be made in accordance with the analysis of such sample, as provided in section 6 below. Deliveries not conforming to the minimum specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depots and accepted by the Government under this Program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ore.* Payment for manganese ore delivered f. o. b. depot shall be made on the basis of the following table:

Percent of manganese in ore	To be paid for 1 long dry ton delivered f. o. b. depot, Philipsburg	To be paid for 1 long dry ton delivered f. o. b. depot, Butte
12		$6.05
13		7.50
14		9.46
15	$6.43	11.43
16	8.72	13.43
17	10.75	16.27
18	12.79	19.01
19	15.04	21.46
20	17.22	23.62
21	19.04	25.21
22	20.89	26.80
23	22.73	28.41
24	24.62	30.07
25	26.53	31.74
26	28.39	33.54
27	29.90	35.35
28	31.50	37.11
29	33.21	38.76
30	34.81	40.42

The following premiums and penalties will be paid:

(a) For each 1 percent of iron as oxide in excess of 3 percent, a penalty of ½ of 1 percent manganese shall be imposed.

(b) For each 1 percent of calcium oxide plus magnesium oxide in excess of 9 percent, a penalty of 1 percent manganese shall be imposed.

(c) A credit of 0.25 percent manganese shall be allowed for each 1 percent of calcium oxide plus magnesium oxide below 7 percent, provided, this credit does not apply to Butte ore containing more than 15 percent manganese. In addition, payment for any gold, silver, lead, or zinc contained in the manganese ore shall be made on the basis of the following tables:

GOLD

No pay if 0.03 ounce or less (per short dry ton).

0.031 ounce to 0.05 ounce—pay for 20 percent at $30 per ounce.

0.051 ounce to 0.10 ounce—pay for 30 percent at $30 per ounce.

0.101 ounce to 0.15 ounce—pay for 40 percent at $30 per ounce.

0.151 ounce to 0.20 ounce—pay for 50 percent at $30 per ounce.

0.201 ounce to 0.25 ounce—pay for 60 percent at $30 per ounce.

SILVER

No pay if 2.0 ounces or less (per short dry ton).

2.1 ounces to 5.0 ounces—pay for 30 percent at market price.

5.1 ounces to 7.5 ounces—pay for 45 percent at market price.

7.6 ounces to 10.0 ounces—pay for 60 percent at market price.

Over 10.1 ounces—pay for 60 percent at market price.

LEAD

No pay if 1.0 percent or less (per short dry ton).

1.1 percent to 2.0 percent—pay for 40 percent at market less 2 cents.

2.1 percent to 3.0 percent—pay for 45 percent at market less 2 cents.

3.1 percent to 4.0 percent—pay for 50 percent at market less 2 cents.

4.1 percent to 5.0 percent—pay for 55 percent at market less 2 cents.

5.1 percent and over—pay for 60 percent at market less 2 cents.

NOTE: Payments shall be made only for lead occurring as sulfide. Oxide lead content shall be deducted from total lead content to determine sulfide lead content. Should oxide lead content exceed one-third of total lead content, no lead payment shall be made.

ZINC

No pay if 1 percent or less (per short dry ton).

1.1 percent to 2.0 percent—pay for 30 percent at ½ market price.

2.1 percent to 3.0 percent—pay for 35 percent at ½ market price.

3.1 percent to 4.0 percent—pay for 40 percent at ½ market price.

4.1 percent to 5.0 percent—pay 45 percent at ½ market price.

5.1 percent and over—pay for 50 percent at ½ market price.

NOTE: Oxide zinc content shall be deducted from total zinc content to determine sulfide zinc content. Should oxide zinc content be 10 percent or more of total, no zinc payment shall be made.

Dated: July 19, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-8530; Filed, July 20, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent. Reg., Amdt. 388]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 383]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN

Amendment 388 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 383 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respect:

In Schedule A, all of Item 149 which relates to Washtenaw County, Michigan, is deleted.

This decontrols (1) the City of Ann Arbor in Washtenaw County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the Township of Ann Arbor in said Washtenaw County, a portion of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C App. Sup. 1894)

This amendment shall become effective July 21, 1951.

Issued this 18th day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-8470; Filed, July 20, 1951; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ADEN (INCLUDING KAMARAN AND PERIM)

In § 127.201 *Aden (including Kamaran and Perim)* strike out subparagraph (7) of paragraph (a).

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] J. W. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8422; Filed, July 20, 1951; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1793]

PART 233—FLATHEAD IRRIGATION PROJECT, MONTANA

MISCELLANEOUS AMENDMENTS

Sections 233.9, 233.14, 233.16 and 233.28 are amended to read as follows:

§ 233.9 *Amendatory farm-unit plats.* When the plats describing the amended farm units are approved by the project engineer, he will forward two copies of the amendatory plat together with the assignment and accompanying showings to the land office, where the amendatory plat will be treated as an official amendment of the farm-unit plat, and one copy will be forwarded by the manager to the Regional Administrator, together with the assignment and accompanying showings. A copy of the amendatory plat will also be forwarded promptly by the project engineer to the Area Director, Bureau of Indian Affairs, Billings, Montana, for formal approval.

§ 233.14 *Notation of mortgage interest; effect of notation.* Every such notice of mortgage interest, filed as provided in the preceding section, must be forthwith noted upon the records of the project engineer, and of the land office, and be promptly reported to the Area Director, Bureau of Indian Affairs, and to the Regional Administrator, where like notation will be made. Relinquishment of a homestead entry, or part thereof, within the project, upon which final proof has been submitted, where the records show the land to have been mortgaged, will not be accepted or noted, unless the mortgagee joins therein; nor will an assignment of such entry, or part thereof, under the act of July 17, 1914 (38 Stat. 510; 43 U. S. C. 593), extending to the Flathead project the provisions of the act of June 23, 1910 (36 Stat. 592; 43 U. S. C. 441), be recognized or permitted unless the assignment specifically refers to such mortgage and is made and accepted subject thereto.

§ 233.16 *Payment of appraised price and reclamation of land necessary.* All homestead entrymen within the Flathead project must, in addition to paying the appraised value of the land and water-right charges, reclaim at least one-half of the total irrigable area in their entries for agricultural purposes. Failure to make any two payments of the appraised price when due or to reclaim the land as above indicated, or any failure to comply with the requirements of the homestead law and the acts authorizing the construction of the Flathead project as to residence, cultivation, improvement, and payments, will render the entry subject to cancellation, and the money paid subject to forfeiture, whether water-right application has been made or not. Failure to make any two payments of the installments of water-right charges when due will render such entries subject to cancellation; and upon receipt of a statement from the Area Director, Bureau of Indian Affairs, that two of such payments remain due and unpaid, after proper service of notice upon the entryman and upon the mortgagee, if any such there be of record, the date and manner of service being stated, the entry will, without further notice, be canceled by the Regional Administrator.

§ 233.28 *When lien in patent will be released.* The Area Director, Bureau of Indian Affairs, will, upon the full payment of all building and betterment charges by any water user, issue certificate of the full payment of such charges releasing the lien therefor reserved in the patent under the act of August 9, 1912.

(Sec. 15, 35 Stat. 450)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 16, 1951.

[F. R. Doc. 51-8418; Filed, July 20, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 903 and 921]

[Docket No. AO 10-A15]

ST. LOUIS AND SPRINGFIELD, MO., MILK MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chase Hotel, St. Louis, Missouri, beginning at 10:00 a. m., c. d. s. t., August 8, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 903 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area were proposed, as enumerated below. Proposal No. 1 relative to the enlargement of the marketing area raises the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended, and if not, what modifications of the classification, pricing (including all differentials) and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

In view of the evidence submitted and arguments presented at a recent hearing (June 7-8, 1951) at Springfield, Missouri, on proposed amendments to the order regulating the handling of milk in the Springfield, Missouri, marketing area (7 CFR Part 921) to the effect that the class prices under the Springfield order should be directly related to the class prices under the St. Louis order evidence will also be received at this hearing relative to such issue.

By Sanitary Milk Producers:

1. Amend § 903.1 (e) to read as follows:

(e) "St. Louis, Missouri marketing area", hereinafter called the "marketing area", means the territory within the corporate limits of the City of St. Louis and the territory within St. Louis County, Missouri; and the territory within Scott Military Reservation, East St. Louis, Centreville, Canteen, and Stites Townships, and the City of Belleville in St. Clair County, Illinois.

2. Delete § 903.1 (g) and substitute therefor the following:

(g) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk, under a dairy farm permit or rating issued by the appropriate health authority in the marketing area for the production of Grade A or Grade B raw milk, which is:

(1) Received at a city plant;

(2) Received at a qualifying country plant; or

(3) Diverted from a city plant or qualifying country plant to any other milk distributing or milk manufactur-

ing plant for the account of a handler. As used herein, such "dairy farm permit or rating" means one issued by any of the health authorities duly authorized to administer regulations governing the quality of milk disposed of in the marketing area.

3. Delete § 903.1 (h) and substitute therefor the following:

(h) "City Plant" means a plant at which milk is received from producers, from a qualifying country plant, or a non-qualifying country plant; and which plant processes and packages Class I milk, any portion of which is disposed of in the marketing area to wholesale or retail outlets, including plant stores.

4. Delete § 903.1 (i) and substitute therefor the following:

(i) "Qualifying Country Plant" means a plant at which milk is received from farmers who produce milk under a dairy farm permit or rating issued by the appropriate health authority in the marketing area for the production of Grade A or Grade B raw milk, and which plant furnishes milk, skim milk, or cream to a city plant in an amount representing 50 percent or more of the volume of milk received at such plant from such farmers during any delivery periods: *Provided*, That if such plant is a qualifying country plant for four or more of the delivery periods of July through December of any year, upon application by the plant in writing to the Market Administrator before December 31 of such year, such plant shall be allowed to retain status as a qualifying country plant for the delivery periods of January through June next following.

5. Delete § 903.1 (j) and substitute therefor the following:

(j) "Handler" means a person who operates a city plant, a qualifying country plant, or a non-qualifying country plant.

6. Delete § 903.1 (n) and substitute therefor the following:

(n) "Other Source milk" means all skim milk and butterfat transferred in any form by a producer-handler to a handler, and all skim milk and butterfat received in any form from a source other than a producer, a city plant, or a qualifying country plant, except that it shall not include any Class II non-fluid milk product which is received and disposed of in the same form.

7. Add as § 903.1 (o) the following:

(o) "Non-qualifying country plant" means a plant at which milk is received from farmers and which furnishes milk, skim milk, or cream to a city plant but which is not a qualifying country plant: *Provided*, That such definition shall not be applicable to plants subject to another federal milk marketing order issued for another milk marketing area under the act.

8. Add as § 903.1 (p) the following:

(p) "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to have full authority in the sale of milk of its members, and to be engaged in making collective sales or marketing milk or its products for its members.

9. Delete § 903.2 (c) (10) and substitute therefor the following:

(10) Publicly announce on or before the 6th day of each delivery period

(i) The minimum price for Class I milk pursuant to § 903.5 (b) (1), and the Class I butterfat differential pursuant to § 903.5 (d) (1), both for the current delivery period; and the minimum price for Class II milk pursuant to § 903.5 (b) (2) and the Class II butterfat differential pursuant to § 903.5 (d) (2), both for the previous delivery period; and

(ii) On or before the 10th day after the end of such delivery period, the uniform price for each handler pursuant to § 903.7 (b) and the producer butterfat differential pursuant to § 903.8 and any adjustments pursuant to § 903.7 (b) (3) and (4).

10. Delete § 903.3 (a) (1) and substitute therefor the following:

(1) The quantities of skim milk and butterfat contained in all receipts at each of his city plants, qualifying country plants, and non-qualifying country plants within such delivery period of

(i) Milk from producers (including his own farm production);

(ii) Milk, skim milk, cream, and milk products from other city plants and regulated country plants, and

(iii) Other source milk.

11. Delete § 903.4 and substitute therefor the following:

§ 903.4 *Classification of milk.*—(a) *Basis of classification.* All skim milk and butterfat received by a handler at his qualifying country plant(s) and city plant(s) in (1) Milk from producer (including milk of his own production) (2) Milk, skim milk, cream, and other products from other qualifying country plants or city plants, and (3) Other source milk, shall be classified by the Market Administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), and (f) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be skim milk (including reconstituted skim milk and butterfat):

(i) Disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (whether plain or flavored), cream (fresh, frozen, and sour, including aerated products);

(ii) Disposed of as concentrated (including frozen) milk, flavored milk, or flavored milk drinks, not sterilized;

(iii) Any milk product except cottage cheese, ice cream, and ice cream mix which is required by the appropriate health authorities in the marketing area to be made from Grade A or Grade B raw milk; and

(iv) Not specifically accounted for as Class II milk.

(2) Class II milk shall be skim milk and butterfat accounted for:

(i) As having been used or disposed of in any product other than those specified in Class I milk;

(ii) In actual plant shrinkage of skim milk and butterfat in milk received from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively; and

(iii) As actual plant shrinkage of skim milk and butterfat in other source milk: *Provided*, That if milk from producers and other source milk are both received during the same delivery period in a qualifying country plant or a city plant, the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and to other source milk shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from such source to their total.

(c) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the Market Administrator that such skim milk or butterfat should be classified in another class.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used, or reused, by such handler or by another handler (except a producer-handler) in another class.

(d) *Transfers.* (1) Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a city plant of a handler to any other city plant or qualifying country plant of another handler (except a producer-handler) shall be classified as Class I milk unless utilization in another class is mutually indicated in writing to the Market Administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, in which case such skim milk or butterfat shall be classified according to such mutual agreement: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to paragraph (f) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk.

(2) Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by transfer or transfer of title from a qualifying country plant of a handler to another qualifying country plant or a city plant of another handler (except a producer-handler) shall be classified as Class I milk unless utilization in another class is mutually indicated in writing to the Market Adminstrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred; in which case such skim milk or butterfat shall be classified according to such mutual agreement: *Provided*, That the amount of skim milk or butterfat classified as Class I milk pursuant to this subparagraph shall be limited to the amount computed pursuant to paragraph (f) (1) (vii) of this section.

(3) Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a qualifying country plant or a city plant of a handler to a city plant of a producer-handler shall be classified as Class I milk.

(4) Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a qualifying country plant or city plant of a handler to any plant other than a city plant, a qualifying country plant, or non-qualifying country plant of a handler, or a non-handler shall be classified as Class I milk unless

(i) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the counties of Phelps, Dent, Pulaski, Texas, Howell, Laclede, Wright, Dallas, Webster, Polk, Greene, Christian, Lawrence, Miller, Morgan, Petis, Barry, or Cedar in the State of Missouri, and the handler claims another class on the basis of utilization mutually indicated in writing to the Market Administrator by both the handler and the operator of the transferee plant on or before the 7th day after the end of the delivery period within which such transaction occurred;

(ii) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the Market Administrator for the purpose of verification; and

(iii) Not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statment in which case such skim milk and butterfat shall be classified according to such mutual agreement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use, the remaining pounds shall be classified as Class I milk.

(5) Skim milk or butterfat disposed of in the form of milk, skim milk, or cream from a plant of a handler to retail establishments which dispose of milk, skim milk, or cream for both fluid and other uses shall be Class I milk: *Provided*, That skim milk and butterfat contained in milk, skim milk, or cream so disposed of in bulk to retail establishments which under the applicable health regulations are permitted to receive milk, skim milk, or cream other than of Grade A quality for non-fluid purposes shall be classified as Class II milk if used or disposed of by such establishment in other than fluid form provided that the Market Administrator is allowed to verify such use or disposition.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the Market Administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat respectively in Class I milk and Class II milk for such handler.

(f) *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat remaining in each class after making the following computations for each handler for each delivery period shall be the pounds of skim milk and butterfat in such class allocated to producer milk received by such handler during such delivery period.

(1) Skim milk shall be allocated as follows:

(i) Subtract from the total pounds of skim milk in Class II milk the plant shrinkage of skim milk in milk received from producers computed pursuant to paragraph (b) (2) (ii) of this section;

(ii) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk the pounds of skim milk in other source milk;

(iii) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from city plants of other handlers and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk are greater than the pounds of skim milk remaining in such class the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(iv) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from a qualifying country plant of another handler and assigned to such class: *Provided*, That the pounds of skim milk to be subtracted from Class I milk shall not exceed its pro-rata share of the volume of skim milk allocated to Class I milk and Class II milk after the subtraction of receipts of other source milk and receipts from city plants of other handlers;

(v) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subdivision (i) of this sub-paragraph, or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest priced class.

(2) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in subparagraph (1) of this paragraph.

(g) *Determination of producer milk in each class.* Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to subparagraphs (1) and (2) of paragraph (f) of this section and determine the percentage of butterfat in each class.

12. Delete § 903.5 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts: $1.55 for the delivery periods of July through December; $1.25 for the delivery periods of January through March; and $0.90 for the delivery periods of April through June; *Provided*, That if during the twelve months prior to the month immediately preceding each of the following delivery period groups the total volume of milk received from producers by all city plants and qualifying country plants was more or less than 125 percent of the total Class I milk disposed of by all city plants and qualifying country plants during such twelve-month period the following adjustments shall be made to the price for Class I milk for the respective group of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of Class I milk are—	
	Below 125 percent (add) cents	Above 125 percent (subtract) cents
January through March	1	2
April through June	0	2
July through December	2	2

13. Add as § 903.6 (b) and (c) the following:

(b) *Handlers subject to other Federal orders.* In the case of any handler whom the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the Market Administrator at such time and in such manner as the Market Administrator may require, and allow verification of such reports in accordance with the provisions of § 903.3.

(2) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the Market Administrator for deposit into the producer premium fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

(c) *Sales in the marketing area from non-qualified country plants.* In the case of any handler who disposes of Class I milk in the marketing area from a non-qualifying country plant not subject to another milk marketing order issued pursuant to the act, the pricing and pooling provisions of this order shall not apply except for the purpose of equalizing costs among the handlers, and for that purpose the handler receiving such milk shall with respect to such receipts pay to the Market Administrator for deposit into the producer premium fund an amount representing the difference between the value of such milk disposed of in the marketing area at the Class I price adjusted by the Class I butterfat differential less the value com-

puted at the Class II price adjusted by the Class II butterfat differential.

14. Delete the period at the end § 903.7 (a), insert a semicolon and add the following: *"And provided further,* That in the case of a handler having Class I sales within the marketing area in excess of all his receipts of approved milk there shall be added an amount computed by multiplying the pounds of such excess Class I sales by the difference between the Class I price and Class II price of such milk."

15. Delete § 903.7 (b) (4) and add the following:

(4) Add a sum equal to the payments, if any, received from the Market Administrator pursuant to § 903.8 (g);

(5) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result computed to the nearest full cent shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content f. o. b. St. Louis, Missouri, marketing area.

16. Add to the end of § 903.8 the following:

(f) *Producer premium fund.* The Market Administrator shall establish and maintain a separate fund known as the "producer premium fund" into which he shall deposit payments made by handlers pursuant to § 903.6 (b) and (c) and out of which he shall make payments pursuant to paragraph (g) of this section.

(g) *Payments out of producer premium fund.* At such time as the payments made into the producer premium fund equal an amount of money representing one cent per hundredweight of milk delivered by producers for any delivery period, the Market Administrator shall disburse such sums to the producers by payment to the handlers at the per hundredweight rate as determined by the Market Administrator. Money remaining in such fund in excess of payments on an even cent per hundredweight basis shall be accumulated until the next such payment is made on an even cent per hundredweight basis.

17. Delete § 903.10 (b) and substitute therefor the following:

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers, and on or before the 15th day after the end of such delivery period, shall pay such deduction to the cooperative association rendering such services.

18. Delete § 903.12.

19. Make such other changes as are necessary to make all of the provisions conform to the amendments proposed.

By the Square Deal Milk Producers Association of Illinois and the Cooperative Milk Producers of Missouri:

20. Amend § 903.5 (b) (1) so as to increase the premium 25 cents per hundredweight over that now provided in the order for Class I milk for the delivery periods July through December, and January through March, so that said subparagraph shall read as follows:

(1) *Class I milk.* The price for class I milk shall be the basic formula price, plus the following amounts per hundredweight: $1.60 for the delivery periods of July through December; $1.35 for the delivery periods of January through March; 90 cents for the delivery periods of April through June.

By various handlers represented by Karl P. Spencer:

21. Amend § 903.4 (d) (4) (i) by adding the county of "Newton" to the counties listed therein.

22. Amend § 903.4 by striking out all of paragraphs (f) and (g) and substituting a new paragraph (f) to provide for subtracting the pounds of skim milk, cream and other milk products received from the city plant of another handler and assigned to such class and the prorating of approved skim milk and butterfat received from producer-handlers, handlers under another Federal order or from any other source upon the basis of deducting from each class in the proportion that the quantity of skim milk and butterfat used in each class by the receiving handler bears to the total quantity of skim milk and butterfat received by him.

23. Amend § 903.5 (a) (1) by striking the first subparagraph thereof and substituting in lieu thereof the following:

(1) Determine the arithmetic average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the immediately preceding delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

24. Amend § 903.5 (b) (1) by striking the following portion thereof: "(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.35 for the delivery periods of July through December; $1.10 for the delivery periods of January through March; and 90 cents for the delivery periods of April through June," and substituting in lieu thereof the following: (1) *Class I milk.* The price for Class I Milk shall be the basic formula price plus the following amounts per hundredweight: $1.35 for the delivery periods of August through November; $1.10 for the delivery periods of December, January, February, March and July; and 90 cents for the delivery periods of April, May and June,".

25. Open § 903.5 (b) (2) for consideration and the receipt of evidence pertaining to the price for Class II milk.

By the St. Louis Dairy Company:

26. Amend the pricing provisions of the order to the effect that the basic formula price used in determining the Class I price for the current delivery period shall be based on the prices obtaining during the delivery period immediately preceding for the items represented by subparagraphs (1) and (2) of § 903.5 (a).

27. Amend the order to provide that the "uniform" price determined under the order shall be on a "market-wide" pool basis rather than on an "individual handler" pool basis; i. e., provided that the "uniform" price shall be a "market wide" uniform price determined by employing the market wide classification ratio rather than providing for "individual handler" uniform prices determined by the classification ratios of the individual handlers.

28. Renumber the sections, paragraphs, subparagraphs, and subdivisions of the order in accordance with revised Federal Register procedure.

29. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 18, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-8475; Filed, July 20, 1951; 8:56 a. m.]

[7 CFR Part 949]

[Docket No. AO-232]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Non-jury Court Room, Federal Building, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., August 14, 1951.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the San Antonio, Texas, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Producers Association of San Antonio, Inc.:

DEFINITIONS

§ 949.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq).

§ 949.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 949.3 *San Antonio, Texas, marketing area.* "San Antonio, Texas, marketing area" hereinafter called the "marketing area" means the county of Bexar, and all Military Establishments and or Federal Reservations located within said County, all in the State of Texas.

§ 949.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 949.5 *Producer.* "Producer" means a person who in conformity with the applicable health regulations for milk for consumption as milk in the marketing area produces milk which is received at a city or country plant.

§ 949.6 *Handler.* "Handler" means a person in his capacity as an operator of a city or country plant.

§ 949.7 *City plant.* "City plant" means a plant where milk is processed and packaged and from which milk is distributed as Class I milk in the marketing area.

§ 949.8 *Country plant.* "Country plant" means a plant at which milk is received from producers and from which milk or cream is received at a city plant.

§ 949.9 *Delivery period.* "Delivery period" means the current marketing period from the first to, and including the last day of each month.

§ 949.10 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 949.11 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk produced by a producer.

§ 949.12 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk but included in milk received by a handler from a producer-handler.

§ 949.13 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided,* That (a) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 949.14 *Base milk.* "Base milk" means that skim milk and butterfat contained in milk received by a handler during each delivery period from a producer which is not in excess of such producer's base.

§ 949.15 *Excess milk.* "Excess milk" means that skim milk and butterfat contained in milk received by a handler during each delivery period from a producer which is in excess of such producer's base.

MARKET ADMINISTRATOR

§ 949.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 949.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer the terms and provisions of this subpart;

(b) To report to the Secretary complaints of violations of the provisions of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend amendments to the Secretary.

§ 949.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 949.85 the cost of his bond, his own compensation, and all other expenses except those incurred under § 949.86;

(c) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 949.30, or

(2) Made payments pursuant to § 949.80;

(e) Promptly verify the information contained in the report submitted by handlers;

(f) Furnish to a cooperative association for its members the data furnished pursuant to § 949.30 (a);

(g) In order to insure the payments by handlers required under § 949.80, require each handler subject to the order to post a bond in an amount not exceeding twice the estimated amount of the payments to be made to producers for any delivery period and require such sureties on said bond as will satisfy the market administrator;

(h) From time to time, as conditions in the market warrant, publicly announce:

(1) The name of each handler whose receipts of skim milk or butterfat in milk received from producers are more than 105 percent of his utilization of skim milk or butterfat, respectively, in Class I milk,

(2) The name of each handler whose receipts of skim milk or butterfat in milk received from producers are less than 95 percent of his utilization of skim milk or butterfat, respectively, in Class I milk, and

(3) The percent that the total receipts of skim milk and butterfat in milk received from producers are of the Class I requirements of skim milk and butterfat, respectively, by all handlers in Class I milk.

REPORTS OF HANDLERS

§ 949.30 *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler shall report to the market administrator in the detail and on forms prescribed by the market administrator, with respect to all milk, skim milk, cream, and other milk products which were, during the delivery period, purchased or received from (a) producers, (b) other handlers, and (c) other sources; the receipts at each plant; the butterfat content; and the utilization thereof.

§ 949.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show for each producer:

(a) His total deliveries of milk, including for each of the delivery periods of February through September his total deliveries of base milk and excess milk,

(b) The average butterfat content of such milk, and,

(c) The net amount of such handler's payments to such producer with the prices, deductions and charges involved.

§ 949.32 *Report of utilization of skim milk and butterfat.* From time to time as conditions in the market warrant each handler shall report in the manner and on forms prescribed by the market administrator with respect to such handler's receipts and utilization of skim milk and butterfat.

§ 949.33 *Reports of producer-handlers.* Producer-handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

§ 949.34 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of milk depends. Each

handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and utilization of all skim milk and butterfat and in the case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content milk and milk products; and

(c) Verify payments to producers.

§ 949.35 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 949.40 *Basis of classification.* All skim milk and butterfat contained in milk, skim milk, cream, and other milk products required to be reported shall be classified by the market administrator in the classes set forth in § 949.41.

§ 949.41 *Classes of utilization.* Subject to the conditions set forth in §§ 949.42 and 949.43, the classes of utilization of milk shall be as set forth in this section:

(a) Class I shall be all skim milk and butterfat the utilization of which is not established as Class II;

(b) Class II shall be all skim milk and butterfat:

(1) Disposed of other than in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream (for consumption as cream, including any mixture of cream and milk or skim milk, in fluid form irrespective of the butterfat content) and cream used to cream cottage cheese;

(2) Accounted for as plant shrinkage, but not in excess of 2 percent, respectively, of the total receipts of skim milk and butterfat from producers; and

(3) Skim milk accounted for as having been dumped.

§ 949.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §§ 949.41 and 949.43, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if such skim milk or butterfat is later used or disposed of (whether in original or other form) in another class, in accordance with such latter use or disposition.

§ 949.43 *Transfers.* (a) Subject to the conditions set forth in § 949.42 and paragraph (b) of this section, skim milk and butterfat, when transferred in the form of milk, skim milk, or cream from a handler who purchases or receives milk from producers shall be classified:

(1) As Class I, if transferred to the plant of a handler who is not a producer-handler unless utilization in another class is mutually agreed upon and reported by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That in no event shall the amount of skim milk or butterfat so reported be greater than the amount used in such class by the transferee handler;

(2) As Class I, if transferred to a plant of a producer-handler; and

(3) As Class I, if transferred to a plant, other than that of a handler; *Provided,* That if the buyer maintains books and records, showing the utilization of all skim milk and butterfat received at his plant, which are made available to the market administrator for the purpose of verification, such skim milk and butterfat shall be classified during such delivery periods as follows:

(i) Determine the classification of all skim milk and butterfat at the transferee plant, and

(ii) Allocate the skim milk and butterfat, respectively, received at the transferee plant from the transferring handler to the highest-priced classification remaining after subtracting, in series beginning with the highest-price classification, the receipts of skim milk and butterfat, respectively, at the transferee plant from dairy farms.

(b) No provision relative to transfers provided for in paragraph (a) (1) of this section shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to § 949.46. Any quantity reported for assignment to a particular class but not eligible therefor because of § 949.45 shall be assigned by the market administrator as Class I skim milk or Class I butterfat pending verification and appropriate allocation.

§ 949.44 *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the periodic report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 949.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 949.44, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 949.43;

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content in Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 949.50 *Formula index.* The market administrator shall compute for each delivery period a formula index to be used in the determination of the Class I price for such delivery period. The latest reported figures available to the market administrator on the 28th day of the month shall be used in making the following computations for the next succeeding delivery period:

(a) Divide by 0.8058 the monthly wholesale price index, with the year 1926 as the base period, for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor.

(b) Divide by 3 the sum of the latest monthly indexes of department store sales in the Eleventh Federal Reserve District adjusted for seasonal variation, with the years 1935–39 as the base period, as reported by the Federal Reserve Bank of Dallas, Texas.

(c) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Divide by 0.017825 the average prices paid per hundredweight by Texas farmers for all mixed dairy feed, as reported by the United States Department of Agriculture and multiply by 0.70.

(2) Divide by 0.012675 the daily farm wage rates without board or room for the latest available month for Texas as reported by the United States Department of Agriculture and multiply by 0.30.

(d) Divide by 3 the sum of the amounts determined pursuant to paragraphs (a), (b), and (c) of this section. The result rounded to the nearest whole number shall be the formula index for such delivery period.

§ 949.51 *Class prices.* Subject to the appropriate butterfat differential provided in § 949.52 the following are the minimum prices per hundredweight to handlers for Class I milk and for Class II milk.

(a) *Class I milk.* The price for Class I milk shall be the formula index multiplied by 2.15: *Provided,* That whenever the receipts of milk from producers by all handlers during any period of twelve consecutive months are less than 105 percent of Class I requirements of all handlers for the same period of twelve consecutive months, the price for Class I milk for the next following delivery period shall be increased by 40 cents and whenever such receipts are more than 115 percent of such Class I requirements the price for Class I milk for the next delivery period shall be decreased by 40 cents: *And provided further,* That notwithstanding the provisions of the previous proviso the price for Class I milk during any of the delivery periods of April, May, and June of each year shall not be higher than the price for Class I milk during the immediately preceding delivery period and the price for Class I milk during any of the delivery periods of October, November and December of each year shall not be lower than the price for Class I milk during the immediately preceding delivery period.

(b) *Class II milk.* The price for Class II milk shall be that resulting from the following computations:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the delivery period next preceding that in which the milk is received in the case of Class I milk and during the delivery period in which the milk is received in the case of Class II milk, by the applicable factor listed below, divide the result by 10 and round to the nearest one-tenth cent:

(a) Class I milk: 1.25; and
(b) Class II milk: 1.15.

APPLICATION OF PROVISIONS

§ 949.60 *Application of provisions—*(a) *Exceptions.* Sections 949.50 through 949.52, 949.70 through 949.73, 949.80 through 949.86 and 949.90 through 949.94 shall not apply to any handler: (1) whose sole source of supply is from other handlers (except producer-handlers) or (2) who is a producer-handler pursuant to § 949.13.

(b) *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(1) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this

Secretary determines that the market price is below the applicable maximum uniform price, the market adminstrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to paragraphs (a) and (b) of this section are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

§ 949.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk received from producers by any handler and allocated to either class pursuant to § 949.45 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 949.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed as follows: multiply the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture, during the delivery period next preceding that in which the milk is received in the case of Class I milk and during the delivery period in which the milk is received in the case of Class II milk, by the applicable factor listed below, divide the result by 10 and round to the nearest one-tenth cent:

(a) Class I milk: 1.25; and
(b) Class II milk: 1.15.

APPLICATION OF PROVISIONS

§ 949.60 *Application of provisions—*(a) *Exceptions.* Sections 949.50 through 949.52, 949.70 through 949.73, 949.80 through 949.86 and 949.90 through 949.94 shall not apply to any handler: (1) whose sole source of supply is from other handlers (except producer-handlers) or (2) who is a producer-handler pursuant to § 949.13.

(b) *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(1) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 949.70 *Computation of value of milk.* The value of milk received from producers during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class price, adding together the resulting amounts and adding the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price.

§ 949.71 *Computation of uniform price for all milk.* (a) For each of the delivery periods of October, November, December and January the market administrator shall compute the uniform price for all milk received from producers during such delivery period as follows:

(1) Combine into one total the amounts computed pursuant to § 949.70 for all handlers who made the reports prescribed in § 949.30 and who made the payments required pursuant to § 949.80 for the preceding delivery period;

(2) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund;

(3) Subtract if the average butterfat content of all milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 949.81 and multiply the resulting amount by the hundredweight of such milk;

(4) Divide by the total hundredweight of milk included in these computations; and

(5) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers during such delivery period.

§ 949.72 *Computation of uniform price for excess milk.* (a) For each of the delivery periods of February, March, April, May, June, July, August and September the market administrator shall compute the uniform price for excess milk received from producers during such delivery period as follows:

(1) Allocate excess milk first to Class II and then to Class I until all such milk has been allocated;

(2) Multiply the pounds of excess milk allocated to each class by such class price for milk containing 4.0 percent butterfat and add together the resulting amounts; and

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the hundredweight of excess milk and adjust to the nearest cent. The resulting figure shall be the uniform price per hundredweight for excess milk of 4.0 percent butterfat content received from producers during such delivery period.

§ 949.73 *Computation of uniform price for base milk.* (a) For each of the delivery periods of February, March, April, May, June, July, August and September the market administrator shall compute the uniform price for base milk received from producers during such delivery period as follows:

(1) Combine into one total the amounts computed pursuant to § 949.70 for all handlers who made the reports prescribed in § 949.30 and who made the payments required pursuant to § 949.80 for the preceding delivery period;

(2) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund;

(3) Subtract if the average butterfat content of all milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 949.81 and multiply the resulting amount by the hundredweight of such milk;

(4) Multiply the pounds of excess milk received from producers during the delivery period by the uniform price for excess milk of 4.0 percent butterfat content for such delivery period;

(5) Subtract from the amount obtained in subparagraph (3) of this paragraph the amount obtained in subparagraph (4) of this paragraph;

(6) Divide by the hundredweight of base milk received from producers during the delivery period; and

(7) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for base milk of 4.0 percent butterfat content received from producers during such delivery period.

PAYMENT FOR MILK

§ 949.80 *Time and method of payment.* (a) On or before the last day of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the first 15 days of the delivery period at not less than the price per hundredweight for Class II milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of February through September each handler shall make payment to each producer for base milk received from such producer by such handler during such delivery period at not less than the uniform price per hundredweight for base milk subject to the butterfat differential pursuant to § 949.81 and less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of February through September, each handler shall make payment, after deducting the amount of payment made pursuant to paragraph (a) of this section, to each producer for excess milk received from such producer by such handler during such delivery period at not less than the uniform price per hundredweight for excess milk, subject to the butterfat differential.

(d) On or before the 15th day after the end of each of the delivery periods of October through January each handler shall make payment after deducting the amount of payment made pursuant to paragraph (a) of this section to each producer for all milk received from such producer by such handler during the delivery period at not less than the uniform price per hundredweight, subject to the butterfat differential.

(e) In making the payments to producers pursuant to paragraphs (b), (c) and (d) of this section each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions;

(6) The net amount of payment to such producer; and

(7) The percentage of such producer's base milk used in Class I and in Class II.

§ 949.81 *Butterfat differential.* If any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to § 949.80, shall add to the uniform price of all milk, base milk, or excess milk, as the case may be, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or shall deduct from the uniform price of all milk, base milk, or excess milk, as the case may be, for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: multiply by 1.2 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the delivery period, divide the result by 10 and round to the nearest one-tenth of a cent.

§ 949.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 949.70 is greater than the amount required to be paid producers by such handler pursuant to § 949.80.

§ 949.83 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 949.70 is less than the amount required to be paid producers by such handler pursuant to § 949.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 949.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments next following after the receipt of the balance from the market administrator.

§ 949.84 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 949.85 *Payment of administration expense.* Within 23 days after the end of each delivery period, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this subpart. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts of milk from producers and receipts of other source milk during the month.

§ 949.86 *Marketing services*—(a) *Marketing service deduction.* Each handler, in making payments to producers (other than himself) shall make a deduction of six cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, except as set forth in paragraph (b) of this section. Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period during which the milk was received. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments to such producer the amount per hundredweight specified by such association which is not in excess of the rate authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the delivery period during which such milk was received.

BASE RATING

§ 949.90 *Determination of base.* For each of the delivery periods of February through September of each year, the base of each producer shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days during which such producer's milk was delivered to such handler during the delivery period.

§ 949.91 *Base forming period.* For the delivery periods of February through September of each year, the base forming period shall be the immediately preceding four months period of October through January.

§ 949.92 *Determination of daily base.* For the delivery periods of February through September of each year, the daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base period, subject to verification by the market administrator as follows: Divide the total pounds of milk received from each producer during the base forming period by the number of days in the base forming period: *Provided*, That the base of each producer shall be proportionately adjusted so that the total of all bases shall equal the Class I sales of such handler or handlers during the base forming period: *And provided further*, That if a new producer who has not established a base, sells or delivers milk to a handler during a base operating period, he shall be paid the uniform price for "excess milk" as defined in this order, for all milk so delivered.

§ 949.93 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of such landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) Base may be transferred only under the following conditions:

(1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations, and

(2) In case of retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operation.

§ 949.94 *Announcement of established bases.* On or before the 20th day after the end of the base forming period, each handler shall notify each producer from whom he received milk during the base forming period of his established base and post publicly the base of such producers.

MISCELLANEOUS PROVISIONS

§ 949.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the applications of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Modifications proposed by the Milk Handlers of San Antonio, Texas:

1a. Delete § 949.7 and substitute therefor the following:

§ 949.7 *City plant.* "City plant" means a plant where milk or milk products are processed and packaged and from which milk or milk products are distributed directly or indirectly under Class I classification in the marketing area.

b. Or, in lieu of §§ 949.6, 949.7 and 949.8, "'handlers' means a person who handles, processes or packages milk at a plant from which milk or milk products are disposed of directly or indirectly under Class I classification in the marketing area."

2. Add § 949.16 *Emergency milk.*

§ 949.16 *Emergency milk.* "Emergency milk" means milk received from outside sources, i. e. other than producer milk, during a period of time when the market administrator determines that the handler is otherwise unable to obtain his Class I requirements.

3. Delete § 949.22 (g).

4. Under § 949.45, and other appropriate sections of the proposed order consideration should be given to the deduction of emergency milk pro rata from each classification.

5. Amend § 949.50 as follows: Consideration should be given at the hearing to a Class I formula which shall: Provide for a "basic formula price" for Class I milk which shall be the higher of (a) the average paying prices of 18 Wisconsin and Michigan condenseries, or (b) the market value of milk for butter and nonfat dry milk solids, as such prices are reported by the United States Department of Agriculture for the Chicago area, with a plus differential.

6. Delete § 949.93 (c) (1) and (2) and substitute therefor the following:

(1) In the event of the death, retirement or entry into military service of a producer his established base may be transferred to a member or members of his immediate family;

(2) In the event a base is jointly held and such joint holding is terminated, the established base may be transferred to one of the joint holders or to another person; and

(3) In the event a bona fide sale by a producer, including a sale under power or a sale under judicial order, his established base may be transferred with the herd only when the following conditions have been complied with, to-wit: (i) The producer has made monthly reports to the market administrator during the base forming period, as to the number of cows in his herd; and (ii) that no less than ninety percent of the herd is sold and transferred.

7. Amend the last sentence in § 949.85 to read as follows: "The payment shall be at the rate of 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe and shall apply to all of the handler's receipts of producer milk and all receipts of other source milk which is utilized as Class I milk, which is procured from a source other than one subject to Federal Administrative assessment."

8. Amend § 949.86 (b) by adding the following: "*Provided*, That each producer who has authorized a cooperative association to render marketing services for him shall give to the handler receiving milk from him an authorization in writing, directing the handler to make the marketing service deduction and to pay the same to the cooperative association rendering the marketing services."

Modifications proposed by Tennessee Dairies, Inc.:

9. Add to § 949.60 (b) the following subparagraph:

(3) Notwithstanding the provisions of other sections, paragraphs and subparagraphs in this subpart, if the price which any handler pays for skim milk and butterfat (which would be classified as Class I milk under this order) is less than the price provided by this subpart, such handler shall pay to the

market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk an amount equal to the difference between the value of such skim milk or butterfat (determined according to the purchase price of such skim milk or butterfat at the point of purchase regardless of from whom it is purchased) and its value as determined pursuant to the formula for determining the price for Class I milk under this subpart.

Proposals of the Dairy Branch:

10. Add the following:

§ 949.87 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8a (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION.

§ 949.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 949.101.

§ 949.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 949.102 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 949.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 949.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 18, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-8476; Filed, June 20, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 66th Supp.]

FEDERAL INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JULY 14, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947 (6 U. S. C. secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $2,820,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8325; Filed, July 20, 1951; 8:45 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 67th Supp.]

VIGILANT INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JULY 14, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947 (6 U. S. C. secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $485,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8426; Filed, July 20, 1951; 8:48 a. m.]

POST OFFICE DEPARTMENT

TRANSFER OF FUNCTIONS AND DELEGATION OF AUTHORITY WITHIN BUREAU OF FACILITIES

The following instructions have been promulgated by the Assistant Postmaster General, Bureau of Facilities, pursuant to authority delegated to him by the Postmaster General (15 F. R. 4693).

In addition to functions being presently performed by the various Divisions in the Bureau of Facilities, the following were transferred to the Divisions indicated, effective July 1, 1951:

DIVISION OF BUILDINGS MANAGEMENT

1. Light, fuel, power, water, and electric bulbs for leased and rented quarters. (From Division of Post Office Quarters.)

2. Toilet paper, ice, miscellaneous cleaning supplies, flags, electric fans, electric drinking fountains, and light bulbs. (From Division of Equipment and Supplies.)

3. Electric power for pneumatic tubes; heat, light, power, and water; removal of ashes; coal, fuel oil, ice; washing towels; cleaning of leased and rented garages. (From Division of Vehicle Service.)

DIVISION OF POST OFFICE QUARTERS

1. Leases, rental agreements, and rental of pneumatic tubes. (From Division of Vehicle Service.)

DIVISION OF EQUIPMENT AND SUPPLIES

1. Special furniture (safes, distributing cases, office furniture, etc.). (From Division of Buildings Management.)

2. Purchase of vehicle parts and supplies; purchase of garage equipment. (From Division of Vehicle Service.)

DIVISION OF TRAFFIC

1 Moving safes; hauling freight, crating for shipment, freight on equipment; freight on coal; drayage on coal; miscellaneous supplies (shipments). (From Division of Buildings Management.)

DIVISION OF BUDGET AND ADMINISTRATIVE SERVICES

1. Budget, accounting, etc.; travel allotments. (From all Divisions.)

2. Correspondence and accounting for sale of maps. (From Division of Cartography.)

Beginning immediately, correspondence concerning each function mentioned above should be addressed to the Division to which it has been transferred. Correspondence concerning functions not specifically mentioned above should be addressed as heretofore.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8423; Filed, July 20, 1951; 8:47 a. m.]

No 141——7

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 22, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 525 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 279

For lease and sale for homesites only:
T. 1 S., R. 7 E., S. B. M.
Sec. 8, W½, SE¼, W½W½W½NE¼, E½ SW¼NW¼NE¼, S½SE¼NE¼.

The land is situated in San Bernardino County, California, about four miles southeast of the town of Joshua Tree. They can be reached over U. S. Highway 70–99 and thence by paved road to Joshua Tree and over an unpaved dirt road that passes into the Joshua Tree National Monument. The nearest town that affords all of the usual community services is Twentynine Palms, California, approximately 15 miles distant.

The area is desert in character and is one that is considered ideal for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., June 4, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a m., August 24, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 24, 1951, to close of business on November 22, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., June 4, 1951, to 10:00 a. m., August 24, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 23, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., June 4, 1951, to 10:00 a. m., November 23, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-8429; Filed, July 20, 1951; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE FAR EAST CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to

section 15 of the Shipping Act, 1916, as amended.

Agreement No. 17-25, between the member lines of the Far East Conference and the carriers comprising the Kokusai Line joint service, provides for the admission of said joint service carriers to membership in the Far East Conference as a single party with one vote pursuant to the provisions of joint service agreement 7816.

Agreement No. 7792-1, between Flota Mercante Grancolombiana, S. A., Grace Line, Inc., United Fruit Company, et al., modifies agreement 7792 which provides that Flota Mercante shall be entitled to carry a minimum of 35 percent of the coffee moving on vessels of the parties in the trade from Barranquilla, Cartagena and Buenaventura, Colombia, to New York, New Orleans and Houston, and sets forth the basis on which Flota Mercante will be compensated by the other companies should its carryings fall below the specified minimum. Agreement 7792 presently provides that provisional liquidation shall be made every three months and the respective compensatory payments shall be made within the following 30 days. Proposed agreement 7792-1 provides for provisional liquidations every six months and the respective compensatory payments will be made in so far as practicable within the following thirty days.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: July 18, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8479; Filed, July 20, 1951; 8:57 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.169 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Brunswick Manufacturing Co., Inc., Goodyear Park, Brunswick, Ga., effective 7-5-51 to 1-4-52; 25 learners for expansion purposes only (boys single pants, washable service garments, overalls, overall jackets and coveralls from any material).

General Garment Co., Winchester, Ill., effective 7-9-51 to 7-8-52; for normal labor turnover, 10 percent of the productive factory workers, or ten learners, whichever is greater (ladies' outer wearing apparel).

Grandeur Fashions, Inc., 204 Oliver Street, Swoyerville, Pa., effective 7-5-51 to 7-4-52; for normal labor turnover, five learners or 10 percent of the productive factory workers, whichever is greater (women's blouses and dresses).

Joseph Greenberg, North Poplar Street, Elizabethtown, Pa., effective 7-9-51 to 7-8-52; for normal labor turnover, 10 percent of the productive factory workers or 10 learners, whichever is greater (infants wear).

Leslie-Ann, Inc., Sixth and Colliery Avenue, Tower City, Pa., effective 7-9-51 to 7-8-52; for normal labor turnover, not to exceed 10 percent of the productive factory workers (ladies' dresses).

R. Lowenbaum Manufacturing Co., 24 North Spanish Street, Cape Girardeau, Mo., effective 7-5-51 to 1-4-52; 15 learners for expansion purposes only (junior dresses).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill., effective 7-6-51 to 1-5-52; 20 learners for expansion purposes only (women's cotton dresses).

Slimaker Dress Corp., Inc., Holton, Kansas, effective 7-9-51 to 1-8-52; 60 learners for expansion purposes (women's half-size dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Berkshire Knitting Mills, Andrews, N. C., effective 7-3-51 to 3-2-52; 45 additional learners for expansion purposes (supplemental certificate).

Texas Knitting Mills, Inc., U. S. Route 180, Mineral Wells, Texas, effective 7-9-51 to 3-8-52; 10 learners for expansion purposes (supplemental certificate).

Texas Knitting Mills, Inc., U. S. Route 180, Mineral Wells, Texas, effective 7-9-51 to 7-8-52; 5 learners.

Trumpet Hosiery Co., Inc., Trumbauersville, Pa., effective 7-10-51 to 7-9-52; 5 learners.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6388).

Newton Glove Manufacturing Co., P. O. Drawer 271, Newton, N. C., effective 7-25-51 to 7-24-52; 10 percent of the total number of productive factory workers.

Scotsmoor Co., Inc., North Market Street, Johnstown, N. Y., effective 7-19-51 to 7-18-52; 10 percent of the total number of productive factory workers.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Ainsbrooke Co., Inc., Olney, Ill., effective 7-3-51 to 1-2-52; five additional learners for expansion purposes (supplemental certificate).

Ainsbrooke Co., Inc., Olney, Ill., effective 7-3-51 to 7-2-52; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Soboroff Sons Co., 1500 North Ogden Avenue, Chicago 10, Ill., effective 7-8-51 to 7-7-52; 10 percent of the total number of productive factory workers; machine operators (except cutting), pressers, handsewers; 240 hours each; 65 cents per hour (men's and boys' cloth hats and caps).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, and learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Senorita Hosiery Mills, Inc., Gurabe, P. R., effective 7-1-51 to 6-30-52; 19 learners, 6 knitters, 2 loopers, 5 seamers, first 320 hours at 25 cents per hour, second 320 hours at 30 cents per hour, third 320 hours at 35 cents per hour; 4 examiners, first 80 hours at 25 cents per hour, second 80 hours at 30 cents per hour, third 80 hours at 35 cents per hour; 2 toppers, first 160 hours at 25 cents per hour, second 160 hours at 30 cents per hour, third 160 hours at 35 cents per hour (full fashioned hosiery).

Cayey Manufacturing Co., Inc., Cayey, P. R., effective 7-4-51 to 10-3-51; 55 learners; machine stitching, 240 hours at 28 cents per hour, 240 hours at 40 cents per hour (machine sewn fabric gloves).

Puerto Rican Brassiere Co., Santurce, P. R., effective 7-3-51 to 1-2-52; 100 learners; sewing machine operators, 200 hours at 25 cents per hour (brassieres).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of July 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-8364; Filed, July 20, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 162]

THE MATHES COMPANY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Mathes Company, Inc., 1501-29 East Broadway, Fort Worth, Texas, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of coolers manufactured by The Mathes Company, Inc., 1501-29 E. Broadway, Fort Worth, Texas, having the brand name(s) "Mathes Cooler" shall be the proposed retail ceiling prices listed by The Mathes Company, Inc., 1501-29 East Broadway, Fort Worth, Texas, in its application dated May 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, The Mathes Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the pretticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 13, 1951.

[F. R. Doc. 51-8449; Filed, July 18, 1951; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 163]

PRINCE GARDNER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Prince Gardner Co., 2025 South Vandeventer, St. Louis 10, Missouri, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director

indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special Provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and women's billfolds, secretaries, key containers, cigarette cases and women's French purses manufactured by Prince Gardner Co., 2025 South Vandeventer, St. Louis 10, Missouri, having the brand name(s) "Prince Gardner" and "Princess Gardner" shall be the proposed retail ceiling prices listed by Prince Gardner Co., in its application dated March 23, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Prince Gardner Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8450; Filed, July 18, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 164]

J. W. LANDENBERGER & CO.

CEILING PRICE AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, J. W. Landenberger & Company, Castor and Kensington Avenues, Philadelphia 24, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of foot socks manufactured by J. W. Landenberger & Company, Castor and Kensington Avenues, Philadelphia 24, Pennsylvania, having the brand name(s) "Footlets" shall be the proposed retail ceiling prices listed by J. W. Landenberger & Company, in its application dated May 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, J. W. Landenberger & Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8451; Filed, July 18, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 165]

BISSELL CARPET SWEEPER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bissell Carpet Sweeper Co., 210 Erie St. NW., Grand Rapids 2, Mich., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendment of this special order.

The special order also requires applicant to file with the Distribution Price Branch regulator reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of carpet sweepers manufactured by Bissell Carpet Sweeper Co., 210 Erie St., N.W., Grand Rapids 2, Mich. having the brand name(s) "Bissell" and "Bissell's" shall be the proposed retail ceiling prices listed by Bissell Carpet Sweeper Co., in its application dated April 13, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than Sep-

tember 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Bissell Carpet Sweeper Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.}	Terms{net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order established the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8452; Filed, July 18, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 166]

TAILORED JUNIOR DRESS CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Tailored Junior Dress Company, Inc., 1400 Broadway, New York 18, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of junior dresses manufactured by Tailored Junior Dress Company, Inc., 1400 Broadway, New York 18, New York, having the brand name(s) "Tailored Junior" shall be the proposed retail ceiling prices listed by Tailored Junior Dress Company, Inc., in its application dated May 7, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation having the same selling price and terms of sale to the retailer, same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Tailored Junior Dress Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.}	Terms{net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8453; Filed, July 18, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 167]

MARIONESS & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Marioness & Co. Inc., 35 West Thirty-fifth Street, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special Provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of the following leather handbag accessories for women: purse kits, cigarette cases, compacts, eyeglass cases, check book covers, key cases, pocket purses, comb and nail file cases and rosary cases manufactured by Marioness & Co., Inc., 35 West Thirty-fifth Street, New York 1, New York, having the brand name(s) "Marioness" shall be the proposed retail ceiling prices listed by Marioness & Co., Inc., in its application dated April 13, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Marioness & Co., Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After

60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc. Terms {net, percent EOM, etc.	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8454; Filed, July 18, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 168]

KING BEDDING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, King Bedding Co., 2119 West Toronto Street, Philadelphia, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by King Bedding Co., 2119 West Toronto Street, Philadelphia 32, Pennsylvania, having the brand name(s) "Restonic Custom Triple Cushion", "Restonic Super Triple Cushion" shall be the proposed retail ceiling prices listed by King Bedding Co. in its application dated April 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, King Bedding Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc. Terms {net, percent EOM, etc.	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8455; Filed, July 18, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 169]

FULPER POTTERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Fulper Pottery Co., New York Avenue, Trenton, New Jersey, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested by Fulper Pottery Co. in its application dated April 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Fulper Pottery Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attached to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc. Terms {net, percent EOM, etc.	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the

manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8456; Filed, July 18, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 170]

A. H. ROGERS & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A. H. Rogers & Co., 500 Fifth Avenue, New York 18, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued:

1. The ceiling prices for sales at retail of lingerie and robes manufactured by A. H. Rogers & Co., 500 Fifth Avenue, New York 18, New York, having the brand name(s) "Rogers" shall be the proposed retail ceiling prices listed by A. H. Rogers & Co. in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, A. H. Rogers & Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8457; Filed, July 18, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 171]

AMERICAN MANUFACTURING CORP., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, American Manufacturing Corporation, Inc., 1052 Constance Street, New Orleans 12, Louisiana, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports settings forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' and children's lingerie manufactured by American Manufacturing Corporation, Inc., 1052 Constance Street, New Orleans 12, Louisiana, having the brand name(s) "Sans Souci" and "Skinfit" shall be the proposed retail ceiling prices listed by American Manufacturing Corporation, Inc., in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, American Manufacturing Corporation, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and withing 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8458; Filed, July 18, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 172]

SALT LAKE MATTRESS & MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Salt Lake Mattress & Manufacturing Co., P. O. Box 783, Salt Lake City 10, Utah, has applied to the Office of Price Stabilization for maximum resale prices

for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by Salt Lake Mattress & Manufacturing Co., P. O. Box 783, Salt Lake City 10, Utah, having the brand name(s) "Serta" shall be the proposed retail ceiling prices listed by Salt Lake Mattress & Manufacturing Co. in its application dated March 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Salt Lake Mattress & Manufacturing Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 80 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8459; Filed, July 18, 1951; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 173]

OSHKOSH TRUNKS & LUGGAGE

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Oshkosh Trunks & Luggage, Oshkosh, Wisconsin has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of trunks and luggage manufactured by Oshkosh Trunks & Luggage, Oshkosh, Wisconsin, having the brand name(s) "Oshkosh" shall be the proposed retail ceiling prices listed by Oshkosh Trunks & Luggage in its application dated May 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Oshkosh Trunks & Luggage must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8460; Filed, July 18, 1951; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 174]

KNOMARK MANUFACTURING CO., INC.

CEILING PRICE AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Knomark Manufacturing Co., Inc., 330 Wythe Avenue, Brooklyn 11, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of shoe dressings and shoe polishes manufactured by Knomark Manufacturing Co., Inc., 330 Wythe Avenue, Brooklyn 11, New York, having the brand name(s) "Esquire" and "Lady Esquire" shall be the proposed retail ceiling prices listed by Knomark Manufacturing Co., Inc., 330 Wythe Avenue, Brooklyn, New York, in its application dated May 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the

Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Knomark Manufacturing Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8461; Filed, July 18, 1951; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 175]

EPSTEIN GARMENT CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Epstein Garment Company, Inc., 1375 Broadway, New York, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submtted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also required applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of teen-age and junior dresses manufactured by Epstein Garment Company, Inc., 1375 Broadway, New York, New York, having the brand name(s) "Teena Paige" shall be the proposed retail ceiling prices listed by Epstein Garment Company, Inc., in its application dated April 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 11, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Epstein Garment Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8462; Filed, July 18, 1951; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 176]

FLINTRIDGE CHINA CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Flintridge China Company, 350-380 South Raymond Avenue, Pasadena 1, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of dinnerware manufactured by Flintridge China Company, 350-380 South Raymond Avenue, Pasadena 1, California, having the brand name(s) "Flintridge China" shall be the proposed retail ceiling prices listed by Flintridge China Company in its application dated April 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Flintridge China Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this spe-

cial order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}
$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8463; Filed, July 18, 1951; 4:36 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 177]

STEINWAY & SONS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Steinway & Sons, 109 West Fifty-seventh Street, New York 19, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of pianos manufactured by Steinway & Sons, 109 West Fifty-seventh Street, New York 19, New York, having the brand name(s) "Steinway" shall be the proposed retail ceiling prices listed by Steinway & Sons in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Steinway & Sons must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto, (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailers' ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}
$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8464; Filed, July 18, 1951; 4:37 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 178]

MABS, INC.

CEILING PRICES AT RETAIL

Statement of Considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Mabs, Inc., Mabs Building, Los Angeles 15, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's lastex swimsuits, panty girdles, and girdles; children's latex swimsuits and underpanties manufactured by Mabs, Inc., Mabs Building, Los Angeles 15, California, having the brand name(s) "Mabs of Hollywood" shall be the proposed retail ceiling prices listed by Mabs, Inc., in its application dated March 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Mabs, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailers' ceilings for articles of cost listed in column 1

$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}
$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months

immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8465; Filed, July 18, 1951; 4:37 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 179]

BLOCH HELLER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bloch Heller Company, 27 North Fourth Street, Minneapolis 1, Minnesota, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's sportswear manufactured by Bloch Heller Company, 27 North Fourth Street, Minneapolis, Minnesota, having the brand name(s) "Game and Lake" shall be the proposed retail ceiling prices listed by Bloch Heller Company in its application dated April 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Bloch Heller Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8466; Filed, July 18, 1951; 4:37 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 180]

SIL-O-ETTE UNDERWEAR CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Sil-O-Ette Underwear Co., 144-08 Ninety-first Avenue, Jamaica 2, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of underwear, and panty girdles manufactured by Sil-O-Ette Underwear Co., 144-08 Ninety-first Avenue, Jamaica 2, New York, having the brand name(s) "Sil-O-Ette" shall be the proposed retail ceiling prices listed by Sil-O-Ette Underwear Co. in its application dated May 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Sil-O-Ette Underwear Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8467; Filed, July 18, 1951; 4:37 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 181]

PROPPER-MCCALLUM HOSIERY CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order Propper-McCallum Hosiery Co., Inc. 200 Madison Avenue, New York, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required un-

der this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hosiery manufactured by Propper-McCallum Hosiery Co., Inc., 200 Madison Avenue, New York, New York, having the brand name(s) "McCallum" and "Proper" shall be the proposed retail ceiling prices listed by Propper-McCallum Hosiery Co., Inc. in its application dated May 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Propper-McCallum Hosiery Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per----- {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8468; Filed, July 18, 1951; 4:37 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 182]

KABO, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Kabo, Inc., 729 Milwaukee Avenue, Chicago 22, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of brassieres, bandeaux, garter belts, girdles, corsets, foundations and abdominal belts manufactured by Kabo, Inc., 729 Milwaukee Avenue, Chicago 22, Illinois, having the brand name(s) "Kabo" shall be the proposed retail ceiling prices listed by Kabo, Inc., in its application dated March 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 17, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 17, 1951, Kabo, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 17, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 17, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon isssuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date of this special order, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per----- {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 18, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 18, 1951.

[F. R. Doc. 51-8469; Filed, July 18, 1951; 4:38 p. m.]

[Delegation of Authority 6, Amendment 1 to Supplement 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE STABILIZATION

REDELEGATION OF AUTHORITY TO ESTABLISH CEILING PRICES AFTER DISAPPROVAL OF PROPOSED PRICES OR PENDING THE OBTAINING OF FURTHER INFORMATION

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, by Office of Price Stabilization Delegation of Authority No. 6, Amendment 1, this amendment to Delegation of Authority 6, Supplement 1 (16 F. R. 3672) is hereby issued.

Amendatory provisions. Delegation of Authority 6, Supplement 1 (16 F. R. 3672) is amended in the following respects:

1. Item 3 is redesignated as item 4.

2. A new item 3 is added to read as follows:

3. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to establish a ceiling price in accordance with any ceiling price regulation which provides for the establishment of a ceiling price by the Director of Price Stabilization either where the ceiling price proposed by the seller under the regulation has been disapproved in whole or in part, or where more information is required.

This amendment shall take effect on July 20, 1951.

EDWARD F. PHELPS,
Assistant Director for Price Operations.

JULY 19, 1951.

[F. R. Doc. 51-8490; Filed, July 19, 1951; 12:34 p. m.]

[Delegation of Authority 13, Supplement 1]

TERRITORIAL DIRECTORS

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of Region 14 of the Office of Price Stabilization by Office of Price Stabilization Delegation of Authority No. 13 (16 F. R. 6806), this delegation of authority is hereby issued.

1. *Authority to act under section 13 of CPR-11, as amended.* Authority is hereby delegated to the Directors of the Territorial Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under

the provisions of section 13 of CPR-11, as amended.

This delegation of authority shall take effect on July 20, 1951.

J. HERBERT MEIGHAN,
Director, Region 14.

JULY 19, 1951.

[F. R. Doc. 51-8491; Filed, July 19, 1951; 12:34 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., for its Latin American operations.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 31, 1951, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Constitution Avenue between Sixteenth and Seventeenth Streets NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., July 17, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8432; Filed, July 20, 1951; 8:51 a. m.]

[Docket No. 4341]

NORTHWEST AIRLINES, INC.; CARGO CASE

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., under sections 401 and 416 of the Civil Aeronautics Act of 1938, as amended, for an exemption and for amendment of its certificate of public convenience and necessity for route No. 3.

Notice is hereby given that the above-entitled proceeding is assigned for hearing before Examiner Walter W. Bryan, on August 6, 1951, at 10:00 a. m., e. d. s. t., in Conference Room "C", Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the question as to whether or not the public convenience and necessity require the amendment as proposed by applicant in its certificate for route No. 3 for all-cargo flights between the points indicated in applicant's application as amended.

Notice is further given that any person other than persons of record desiring to be heard in this proceeding must file with the Board on or before August 6, 1951, a statement setting forth the issues of fact or law to be controverted.

For further details of the matters involved in this proceeding interested persons are referred to the documents on file with the Board in the official docket of the proceeding.

Dated at Washington, D. C., July 17, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-8433; Filed, July 20, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9878, 9998]

PULASKI BROADCASTING CO. (WKSR), AND RICHLAND RADIO

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John R. Crowder and James Porter Clark, d/b as Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee, Docket No. 9878, File No. BP-7922; and Richland Radio, an unincorporated association, Pulaski, Tennessee, Docket No. 9998, File No. BP-7966; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July 1951;

The Commission having under consideration the above-entitled applications of John R. Crowder and James Porter Clark, d/b as Pulaski Broadcasting Company to change facilities of Station WKSR from 730 kc, 250 w, daytime only, to 1420 kc, 1 kw, unlimited time, using a directional antenna at night and Richland Radio requesting a construction permit to build a new standard broadcast station to operate on 1,420 kc, with 1 kw power, unlimited time, using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of Richland Radio and the technical, financial and other qualification of the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-8446; Filed, July 20, 1951; 8:54 a. m.]

[Docket Nos. 9599, 10000]

WATERTOWN RADIO, INC. AND WILLIAM C. FORREST

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Watertown Radio, Incorporated, Baraboo, Wisconsin, Docket No. 9999, File No. BP-7990; William C. Forrest, Reedsburg, Wisconsin, Docket No. 10000, File No. BP-8121; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July, 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous co-channel operation in cities with a physical separation of approximately 14 miles, the Watertown Radio, Incorporated application requesting a construction permit for a new standard broadcast station on the frequency 1400 kilocycles, 250 watts power, unlimited time at Baraboo, Wisconsin and the William C. Forrest application requesting a construction permit for a new standard broadcast station on the frequency of 1400 kilocycles, 250 watts power, unlimited time at Reedsburg, Wisconsin:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 16, 1951, at Washington, D. C. upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Stations WSAU, Wausau, Wisconsin, WDUZ, Green Bay, Wisconsin, WRJN, Racine, Wisconsin or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the William C. Forrest proposed station and Station WIBU, Poynette, Wisconsin, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Journal Company, licensee of Station WSAU, Wausau, Wisconsin is made a party to this proceeding regarding the subject applications.

It is further ordered, That the Green Bay Broadcasting Company, licensee of Station WDUZ, Green Bay, Wisconsin and the Racine Broadcasting Corporation, licensee of Station WRJN, Racine, Wisconsin are made parties to this proceeding only with regard to Watertown Radio, Incorporated proposal.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8447; Filed, July 20, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1345, G-1523, G-1629]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of El Paso Natural Gas Company, Docket Nos. G-1345 and G-1629; and Nevada Natural Gas Pipe Line Co., Docket No. G-1523.

On March 22, 1950, El Paso Natural Gas Company (El Paso) filed in Docket No. G-1345 an application which was amended on September 14, 1950, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act authorizing the construction and operation of certain facilities, the sale and transfer, and the acquisition and operation of certain other facilities relating to the transportation and sale of natural gas in the Phoenix, Arizona area. Due notice of the filing of the application and of the amendment thereto, has been given, including publication in the FEDERAL REGISTER on April 4, 1950 and October 24, 1950, respectively (15 F. R. 1902 and 7130). A temporary certificate was issued on October 27, 1950 to El Paso in the said Docket No. G-1345 to permit increased deliveries of natural gas to the Phoenix area subject to the conditions that the proposed additional deliveries should not be made when such gas was required by other resale customers of El Paso and that such issuance of the temporary certificate was without prejudice to final action by the Commission on said application as amended.

On March 6, 1951, El Paso filed in Docket No. G-1629 an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act authorizing the construction and operation of certain facilities for the tarnsportation and sale of 100,000,000 cubic feet of natural gas per day, in the States of Texas, New Mexico and Arizona. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on March 24, 1951 (16 F. R. 2666).

On November 1, 1950, Nevada Natural Gas Pipe Line Co. (Nevada) filed in Docket No. G-1523 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain facilities for the transportation of natural gas from the pipeline facilities of El Paso at Topock, Arizona, to the Cities of Needles, California, and Boulder City and Las Vegas, Nevada, and the sale of such gas to distributing companies in said cities. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on November 14, 1950 (15 F. R. 7731). On April 13, 1951, Nevada and Las Vegas Gas Company, a distributing company, filed a joint petition to intervene in the above Docket No. G-1629 for the purpose of requiring the delivery and sale of natural gas by El Paso to Nevada at Topock, Arizona, and on May 22, 1951, by order the joint petitioners were permitted to become interveners in said Docket No. G-1629. Thereafter on June 18, 1951, Nevada filed a petition to consolidate the proceedings in Docket Nos. G-1523 and G-1629 for hearing and final determination and limited its application to the transportation of natural gas to the areas of Las Vegas and Boulder City, Nevada. On June 27, 1951, El Paso filed an answer in opposition to the petition of Nevada to consolidate and stated that the request to consolidate should be made in Docket No. G-1630, being another application filed by El Paso.

The Commission finds: Good cause exists to consolidate the proceedings on the above applications for the purposes of hearing and disposition.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-1345, G-1523 and G-1629 be and the same hereby are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on August 13, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in Docket Nos. G-1345, G-1523 and G-1629.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8421; Filed, July 20, 1951; 8:47 a. m.]

[Docket No. G-1664]

SOUTHWEST GAS CORPORATION, LTD.

NOTICE OF FINDINGS AND ORDER

JULY 18, 1951.

Notice is hereby given that, on July 17, 1951, the Federal Power Commission issued its findings and order entered July 17, 1951, issuing a certificate of service in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8439; Filed, July 20, 1951; 8:51 a. m.]

[Docket Nos. G-1473, G-1649, G-1693, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

On July 9, 1951, Consumers Gas Company, an Illinois corporation with offices at 701 Old National Bank Building, Evansville, Indiana, filed an application pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a meter and regulator station at a point near Carmi, Illinois, and applied for an order pursuant to section 7 (a) of the Natural Gas Act requiring Texas Eastern Transmission Corporation to deliver up to 3,200 Mcf

of natural gas per day commencing in 1951. By its application in Docket No. G-1693 Texas Eastern proposes to make such sales to Consumers commencing in 1952.

On June 27, 1951, the Commission issued an order consolidating Docket Nos. G-1693, G-1473, and G-1649 for purpose of hearing and fixed July 24, 1951, as the date when such hearing should commence. On July 3, 1951, an order was issued consolidating Docket No. G-1727 with the foregoing dockets for purpose of hearing. Orderly procedure requires that Docket No. G-1737 be consolidated therewith for purpose of hearing and that the hearing commence at the time heretofore fixed for the hearing on the other consolidated dockets.

The Commission finds:

(1) Orderly procedure requires that the proceedings in Docket Nos. G-1693, G-1473, G-1649, G-1727 and G-1737 be consolidated for purpose of hearing and be heard at the time previously set for the hearing of the first four of the foregoing dockets.

(2) Good cause exists and it is reasonable to set the application in Docket No. G-1737 for hearing without the normal 15 days' notice.

The Commission orders:

(A) The proceedings in Docket Nos. G-1693, G-1473, G-1649, G-1727 and G-1737 be and they are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on July 24, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8419; Filed, July 20, 1951; 8:46 a. m.]

[Docket No. G-1734]

SOUTHERN UNION GAS CO.

NOTICE OF APPLICATION

JULY 17, 1951.

Take notice that Southern Union Gas Company, a Delaware Corporation having its principal place of business at Dallas, Texas, filed on July 3, 1951, an application for a certificate of public convenience and necessity authorizing installation and operation of a 300 hp. semiportable compressor, including foundation, controls, and other related facilities, to be located in the Ute Dome Gas field, San Juan County, New Mexico, near the Southern terminus of applicant's 6-inch natural gas transmission pipe line extending to Durango, Colorado.

The proposed facilities will be used for the compression of natural gas from the Ute Dome wells for delivery to applicant's distribution system in Durango and environs through applicant's 6-inch main line. Installation of the proposed compressor and appurtenant facilities will permit applicant to withdraw additional gas during peak periods, to maintain sufficiently high line pressures, and to increase the volume of gas ultimately recoverable from the Ute Dome Gas field. The compressor will have an initial capacity of approximately 5,500 Mcf per day, with a 150 p. s. i. g. suction pressure. No new communities will be served.

The cost of the proposed facilities is estimated at $51,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8420; Filed, July 20, 1951; 8:46 a. m.]

[Docket No. E-6366]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 18, 1951.

Notice is hereby given that, on July 17, 1951, the Federal Power Commission issued its order entered July 17, 1951, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8438; Filed, July 20, 1951; 8:51 a. m.]

[Project No. 1625]

OTTO SCHAEFER

NOTICE OF ORDER ISSUING NEW LICENSE

JULY 18, 1951.

Notice is hereby given that, on July 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing new License (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8440; Filed, July 20, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2355]

ALLIED PRODUCTS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of July A. D. 1951.

Allied Products Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw from registration and listing on Midwest Stock Exchange its Common Stock, $5.00 Par Value. The application for withdrawal alleges the following:

(1) During the period from January 1, 1946 to July 1, 1951, transactions were effected on Midwest Stock Exchange in 1,050 shares of the above security.

(2) The most recent transaction in the above security that has occurred on Midwest Stock Exchange took place on February 10, 1947, at which time 50 shares of the above security were sold on Midwest Stock Exchange.

(3) Activity on Midwest Stock Exchange in the above security has decreased to such a point that continuation of registration and listing of this security on this exchange is no longer necessary.

(4) The above security is and will continue to be, registered and listed on the New York Curb Exchange.

Upon receipt of a request, prior to August 13, 1951, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8426; Filed, July 20, 1951; 8:48 a. m.]

[File No. 70-2648]

DERBY GAS & ELECTRIC CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF DEBENTURES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of July A. D. 1951.

Derby Gas & Electric Corporation ("Derby"), a registered holding company, and its subsidiary public utility companies having filed a joint application and declaration and amendments thereto pursuant to sections 6 (a), 7, 9, 10 and 12 (b) and (d) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44, U-45, and U-50 promulgated thereunder, with respect to the following transactions:

Derby, a Delaware corporation, has three operating subsidiaries, The Derby Gas and Electric Company, a Connecticut corporation ("Derby Subsidiary"), The Wallingford Gas Light Company, a Connecticut corporation, ("Wallingford"), and The Danbury and Bethel Gas and Electric Light Company, a Connecticut corporation ("Danbury"). Derby proposes to issue and sell $900,000 aggregate principal amount of debentures and such number of shares of its common stock as may be necessary to raise the amount of approximately $275,000, the number of shares sold, however, in no event to equal such number as will cause the aggregate offering price to the public to exceed $300,000.

The debentures will be issued under an indenture supplemental to the Derby indenture to Manufacturers Trust Company, Trustee, dated as of July 1, 1947, and will be sold to The Equitable Life Assurance Society of the United States at the principal amount thereof plus accrued interest from July 1, 1951, to date of payment. The new debentures will bear interest at the rate of 3½ percent per annum and will mature July 1, 1957. The supplemental indenture will provide for sinking fund payments of $9,000 per annum. The supplemental indenture also provides for the payment of the entire $900,000 proceeds into a special fund from which Derby may draw, upon the basis of property additions since January 1, 1951.

It is proposed that approximately 12,500 shares of common stock of Derby which are the subject of the joint application and declaration herein will be offered for sale to the public through an underwriter or underwriters pursuant to a negotiated transaction. The identity of the underwriter or underwriters as well as the number of shares to be sold, the price at which the shares are to be sold and the underwriting spread will be supplied by amendment.

All of the proceeds of the proposed sale of debentures and common stock of Derby will be applied toward the 1951 construction program of the Derby system, including the repayment of money which has already been borrowed from Manufacturers Trust Company and utilized for this purpose. Total construction expenditures are estimated to be $1,742,450, of which amount $282,100 is to be expended in connection with the conversion of consumers' appliances to the use of natural gas.

The funds for the 1951 construction program, other than the aforesaid $282,100 to be spent for conversion of consumers' appliances to the use of natural gas, will be donated by Derby to its subsidiaries as capital contributions. The $282,100 to be spent for conversion of consumers' appliances as aforesaid will be loaned by Derby to its subsidiary companies, as disclosed by amendment filed herein, in the form of non-interest bearing demand notes, certain of which aggregating $122,100 principal amount will be pledged under Derby's debenture indenture. It is anticipated that the indebtedness will be liquidated by monthly payments made to Derby in amounts equal to the amounts at which the cost of the conversion of consumers' appliances is amortized over a period of years, as approved by the Public Utilities Commission of Connecticut.

The said joint application and declaration having been filed on June 8, 1951, and the last amendment thereto having been filed on July 2, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period of time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application and declaration, as amended, relating to the issuance and sale of the debentures, the capital contributions to Derby's subsidiaries and the issuance of notes by such subsidiaries, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application and declaration, as amended, be granted and permitted to become effective without the imposition of terms and conditions, other than those specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application and declaration, as amended, relating to the issuance and sale of the debentures, the capital contributions to Derby's subsidiaries and the issuance of notes by such subsidiaries, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 and to the following additional terms and conditions:

(1) That jurisdiction be and hereby is reserved in all respects concerning Derby's proposed issuance and sale of common stock;

(2) That Derby's subsidiaries shall have obtained proper authorization for the proposed issuance of demand notes from the Public Utilities Commission of the State of Connecticut and shall have filed a copy of the order or orders in this proceeding;

(3) That jurisdiction be reserved with respect to the payment of fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8424; Filed, July 20, 1951; 8:47 a. m.]

[File No. 70-2661]

MYSTIC POWER CO.

NOTICE OF PROPOSED BANK BORROWINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of July, A. D. 1951.

Notice is hereby given that The Mystic Power Company ("the Company"), a subsidiary of New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a) and 7 of the Act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 26, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Company proposes to borrow not to exceed in the aggregate $275,000 from time to time prior to September 30, 1951, and to issue unsecured promissory notes in evidence thereof. The proposed borrowings will be made in the indicated amounts from the following banks:

Industrial Trust Co., Westerly, Branch, Westerly, R. I.	$150,000
Washington Trust Co., Westerly, R. I.	100,000
The Phenix National Bank of Providence, Providence, R. I.	25,000

The proposed notes will mature not later than six months after the respective dates thereof and will bear interest at the then prime rate of interest, which is presently 2½ percent. If the prime interest rate should exceed 2¾ percent at the time of said borrowings, the Company will file an amendment to its declaration setting forth the name of the bank or banks, and the terms of the note or notes, including the interest rate, at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the Company to the contrary within said period.

The Company presently has outstanding $50,000 principal amount of unsecured short-term notes, and upon issuance of the proposed notes, aggregating $275,000 principal amount, its total indebtedness for borrowings will be $325,000. The proceeds to be derived from the proposed borrowings are to be used to pay for construction work and to reimburse the treasury because of prior construction requirements.

The declaration states that the Company expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of its system gas properties located in Massachusetts.

The declaration further states that there are no fees, commissions or other remuneration involved in connection with the proposed transactions except that incidental services will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. Such cost is estimated not to exceed $500.

It is represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8425; Filed, July 20, 1951; 8:48 a. m.]

[File No. 70-2667]

GENERAL PUBLIC UTILITIES CORP. AND NEW JERSEY POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUANCE, SALE AND ACQUISITION OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of July A. D. 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly owned subsidiary, New Jersey Power & Light Company ("NJP&L"), an electric utility company. Applicants have designated sections 6 (b) and 10 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transaction.

All interested parties are referred to said declaration on file in the offices of this Commission for a statement of the transaction thereln proposed, which is summarized as follows:

NJP&L proposes to issue and sell to GPU, from time to time commencing on or about July 25, 1951, and concluding on or before June 1, 1952, and GPU proposes to purchase from NJP&L, an aggregate of 16,000 additional shares of the Common Stock (without nominal or par value) of NJP&L for a purchase price of $93.75 per share, or an aggregate of $1,500,000. The proceeds from the sale of the additional shares will be used by NJP&L to partially reimburse its treasury for the cost of additions to and improvements in its electric utility plant made between December 1, 1949, and May 31, 1951.

The applicants state that the issuance and sale of such additional shares are solely for the purpose of financing the business of NJP&L, being designed to supply the common stock component of its capital requirements in connection with its construction program; and that NJP&L expects subsequently to file with the Commission an application with respect to the issuance and sale of senior securities in the aggregate principal amount or par value of approximately $2,500,000.

A petition has been filed by NJP&L requesting approval of the issuance and sale of said stock by the Board of Public Utility Commissioners of the State of New Jersey, the regulatory commission of the State in which NJP&L is organized and doing business.

NJP&L estimates that its expenses in the transaction will be $4,500, including $1,500 for counsel fees. No special legal expenses of GPU are involved.

Notice is further given that any interested person may, not later than July 27, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and allowed to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8427; Filed, July 20, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

JOSEPH ROHMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Correction

In Federal Register Document 51-8306, appearing on page 6989 of the issue for Thursday, July 19, 1951, the name "Joseph Robmer" should read "Joseph Rohmer".

[Vesting Order 18199]

LEO STACHEL

In re: Debt owing to Leo Stachel. F-66-33.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leo Stachel, whose last known address is Homburg, 79 Kaiserstrasse, Germany, is a resident of Germany and a national of a designated country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $20,873.25, arising out of a portion of an account maintained with the aforesaid Chase National Bank in the name of "Nic Bickel, deceased", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Leo Stachel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8385; Filed, July 19, 1951; 9:01 a. m.]

[Vesting Order 18198]

BERTHE A. NEUMANN

In re: Securities owned by and debt owing to Berthe A. Neumann. F-28-31522.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berthe A. Neumann, whose last known address is c/o Kollman, 76 Eisenacherstrasse, Berlin-Schoneberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of no par value common stock of Keystone Steel & Wire Company, Peoria, Illinois, evidenced by a certificate or certificates presently in the custody of Winthrop Mitchell & Company (in liquidation), 61 Broadway, New York 6, New York, for the account of Miss Berthe A. Neumann, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of (OLD) no par value common stock of Philadelphia & Reading Coal & Iron Corporation, Philadelphia, Pennsylvania, evidenced by a certificate or certificates presently in the custody of Winthrop Mitchell & Co. (in liquidation), 61 Broadway, Room 3014, New York 6, New York, in the account of Miss Berthe A. Neumann, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of stock of Tri-Continental Corporation, 65 Broadway, New York, New York, evidenced by a certificate or certificates presently in the custody of Winthrop Mitchell (in liquidation), 61 Broadway, Room 3014, New York 6, New York, in the account of Miss Berthe A. Neumann, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation of Winthrop Mitchell & Company (in liquidation), 61 Broadway, Room 3014, New York 6, New York, arising out of funds held for the account of Miss Berthe A. Neumann, together with any and all accruals of the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8384; Filed, July 19, 1951; 9:01 a. m.]

[Vesting Order 18195]

JOSEPHINE KRAFT LEITZ ET AL.

In re: Securities owned by Josephine Kraft Leitz and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth in Exhibits A and B hereof and by reference made a part hereof are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Berg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That Josephine Kraft Leitz, whose last known address is Oberammergau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Wilhelm and Frieda Schuetting, whose last known address is Scharzenfeld Bayer, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

6. That Volksbank Staufen e. G. m. b. H., whose last known address is Staufen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Staufen, Germany, and is a national of a designated enemy country (Germany);

7. That Heinz Moser, whose last known address is Ruesselsheim, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

8. That the personal representatives, heirs, next of kin, legatees and distributees of Sophie Gottschalk (nee Ballin), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

9. That Volksbank, Bretten e. G. m. b. H., whose last known address is Bretten-Baden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bretten-Baden, Germany, and is a national of a designated enemy country (Germany);

10. That the property described as follows:

a. Three (3) certificates of deposit for Rock Island, Arkansas and Louisiana Railroad Company first mortgage 4½ percent gold bonds due March 1, 1934, of $500.00 face value each numbered ND 263, ND 264, and ND 265, owned by Josephine Kraft Leitz, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

b. One (1) certificate of deposit numbered 205, for Terminals Office Building 6 percent real estate first mortgage serial gold bond numbered M 229, owned by Joseph and Mathilda Mittenberger, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) Trustee's Certificate issued by the Liberty Title and Trust Company, numbered 01911 for one-fifth (1/5th) of one share of $20.00 par value stock of The Metals Coating Company of America, owned by Wilhelm and Frieda Schuetting, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) Trustee's Certificate issued by the Liberty Title and Trust Company, numbered 02894, for one-fifth (1/5th) of one share of $20.00 par value stock of The Metals Coating Company of America, owned by Volksbank Staufen e. G. m. b. H., which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) common stock scrip certificate numbered CS 264, for thirty-three one hundredths (33/100ths) of one share of The Studebaker Corporation owned by Heinz Moser, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. Two (2) Western New York and Pennsylvania Railroad Company Scrip Certificates numbered 4429 and 4430, each evidencing an indebtedness of $15.00, owned by the personal representatives, heirs, next of kin, legatees and distributees of Sophie Gottschalk (nee Ballin), deceased, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) German Certificate, Fractional Warrant No. 0545, Lit. B, issued by the Mitteldeutsche Creditbank on August 16, 1895, owned by Commerzbank A. G., which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. Eight (8) Second Mortgage Income Scrip Certificates of the Western New York and Pennsylvania Railroad Company, numbered 3162, 3603, 4286, 4469, 4526, 4593, 4738 and 4664, owned by

Volksbank, Bretten e. G. m. b. H., which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. Two (2) Western New York and Pennsylvania Railroad Company Scrip Certificates numbered 4143 and 4144, owned by Volksbank, Bretten e. G. m. b. H., which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. Three hundred (300) preferred rights of the Spokane & Island Empire Railroad Company, evidenced by certificates numbered F 1262, F 1263 and F 1264, issued in the name of Franklin Trust Company as Depositary for Alien Property Custodian Trust No. 475, owned by Hochschildsche Immobiliengemeinschaft, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

k. One (1) scrip certificate numbered DS 5650, of $56.25 face value in respect to 10-year convertible 6 percent Studebaker Corporation debentures, due January 1, 1945, owned by Heinz Moser, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

11. That to the extent that the persons referred to in subparagraphs 1, 2, 3 and 8 hereof and the persons named in subparagraphs 4, 5, 6, 7 and 9 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
The Rock Island Co.	Common	$100.00	B473023	20	Paul Rothenbaecher.
Do.	do.	100.00	B1237515	600	Marie Schuetz.
			B857143/8		
			B80837		
			B97540		
			B107732/3		
			B1196017/21		
			B1196025/36		
			B119644		
			B1196067		
			B47704		
			B127724		
			B857019		
			B120047		
			B1349213		
			B80704 2		
			B80442 3		
			B1082870		
			B896504 1		
			B100145		
Rodrian Electro-Metallurgical Co., Inc.	do.	10.00	151	20	Marianne Haas.
			152		
			425		
			426		
United States Colbalt Co.	Capital	1.00	A847750	600	Deutsche Bank.
			577 9		
			404		
The United States Printing & Lithographic Co.	Cumulative preferred, series A.	50.00	07895	1	Do.
Do.	Common	None	01660	2	Do.
Western Metallurgical Co.	Preferred	100.00	55	10	Metallgesellschaft A. G.
Do.	Common	None	50	50	Do.
The Rock Island Co.	do.	100.00	B123532 4	355	Frankfurter Bank.
			B129413/17		
			R11525		
			B127730		
			B92708 11		
			B83664		
			B127796		
			B77852/3		
			B15288		
			B473889		
			B86843		
			B80088/101		
			B132880/50		
			B112578		
			B1313962/3		
			B1519884/6		
			B128414		
			B127107		
Do.	Preferred	100.00	33405	80	Do.
			28528		
Postal Telegraph & Cable Corp.	Preferred 7 percent non-cumulative.	100.00	N21531	50	Landgraeflich Hessische Hauptverwaltung Schloss Philippsruhe.
The Rock Island Co.	Common	100.00	B120830/34	50	Emilie Schmitt.
Do.	do.	100.00	B24775	170	Karl Merkel.
			B111573		
			B796960/3		
			B114758		
			B128861		
			B120852/60		
Do.	Preferred	100.00	29596	25	Do.
Do.	Common	100.00	B1336929/30	60	Kaethe Mack.
			B1336923/3		
			B135670		
			B137417		
			B138717		
			B111656		
			B28578		
			B85570		
			B1355981 7		
Do.	do.	100.00	B45371/3	30	Johanna Rothenbaecher.
Isabella Gold Mining Co.	Capital	1.00	9957	100	Commerzbank.
Daly Mining Co.	do.	20.00	3696	50	Hochschildsche Immobiliengemeinschaft.
The Defender Gold Mining Co.	do.	1.00	1282	500	Estate of Wilhelm Berz.

EXHIBIT B

Description of issue	Face value	Bond No.	Owner
Wisconsin Central Ry. Co. first general mortgage 4 percent gold bond.	$1,000.00	22352	Anna Gruenig.
St. Louis-San Francisco Ry. Co. prior lien mortgage 4 percent gold bonds, Series A.	500.00	D6603	Carl Friedrich Kuenstler and Elisabeth Marie Kuenstler.
	250.00	Y8698	
Terminals Office Building 6 percent real estate first mortgage gold bond.	1,000.00	M228	Joseph and Mathilda Mittenbuer.
Western New York & Pennsylvania Ry. Co. 5 percent income mortgage bonds.	[1] 1,000.00	72885	Commerzbank A. G.

[1] Each.

[F. R. Doc. 51-8381; Filed, July 19, 1951; 9:01 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 142

Washington, Tuesday, July 24, 1951

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR ALMONDS IN SHELL

On June 8, 1951, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-6654; 16 F. R. 5447) regarding proposed United States Standards for Almonds in the Shell. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Almonds in the Shell are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.) and Public Law 70, 82d Congress, approved July 1, 1951.

§ 51.456 *Standards for almonds in the shell*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of almonds in the shell which are of similar varietal characteristics, clean, fairly bright, fairly uniform in color, which are free from loose hulls, pieces of shells, chaff and foreign material and free from damage caused by discoloration, adhering hulls, broken shells, or other means. The kernels shall be well dried, free from decay, rancidity, insect injury, and free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum thickness of the almond shall be not less than 28/64 of an inch.

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted;

(a) *For external defects.* Ten percent, by count (except that loose hulls, chaff, pieces of shells and foreign material shall be determined by weight), for almonds which fail to meet the requirements of the grade, other than for variety and size: *Provided*, That, not more than 2 percent, by weight, shall be allowed for loose hulls, chaff, pieces of shells and foreign material, including not more than one-half of this amount, or 1 percent, that will pass through a screen with 24 64 inch round openings:

(b) *For dissimilar varieties.* Five percent, by count, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(c) *For size.* Five percent, by count, for almonds which fail to meet the size requirements; and,

(d) *For internal defects.* Ten percent, by count, for almonds which fail to meet the grade requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for kernels affected by decay, rancidity, insect injury and damage by mold.

(2) *U. S. No. 1 Mixed.* U. S. No. 1 Mixed consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

(3) *U. S. No. 2.* U. S. No. 2 consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that an additional tolerance of 20 percent shall be allowed for discoloration.

(4) *U. S. No. 2 Mixed.* U. S. No. 2 Mixed consists of almonds in the shell which meet the requirements of the U. S. No. 2 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

(b) *Unclassified.* Unclassified consists of almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances and determination of the grades.* The tolerances for the foregoing grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

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(1) In determining the grade of a lot of almonds, the percentage of loose hulls, pieces of shells, chaff and foreign material is first determined on the basis of weight. Then a stated number of nuts is counted out (depending upon the size of the lot) from the composite sample. These almonds are next examined for size, dissimilar varieties and external defects. The same nuts are then cracked and examined for internal defects.

(d) *Definitions.* (1) "Similar varietal characteristics" means that the almonds are similar in shape and are reasonably uniform in degree of hardness of the shells. For example, hard-shelled varieties shall not be mixed with semi-soft-shelled, soft-shelled and paper-shelled varieties; and semi-soft-shelled varieties shall not be mixed with soft-shelled and paper-shelled varieties; and soft-shelled varieties shall not be mixed with paper-shelled varieties. Likewise, bitter almonds shall not be mixed with sweet almonds.

(2) "Clean" means that the individual almond is practically free from dirt and other foreign matter.

(3) "Fairly bright" means that the almonds show good characteristic color.

(4) "Fairly uniform color" means that the shells do not show excessive variation in color.

(5) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the almonds. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Discoloration which is distinctly gray to black, when affecting more than one-eighth of the surface of the shell in the aggregate, but normal color variations, such as reddish or brown between varieties, and within some varieties, are not to be considered as discoloration;

(ii) Adhering hulls, when covering more than 5 percent of the shell surface in the aggregate;

(iii) Broken shells, when a portion of the shell is missing or fractured to the extent that moderate pressure will cause the kernel to become dislodged;

(iv) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(v) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(vi) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed: *Provided*, That, partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(vii) Brown spot on the kernel, either single or multiple, when the affected area is more than the equivalent of a circle one-eighth inch in diameter.

(6) "Well dried" means that the kernel is firm and brittle and not pliable or leathery.

(7) "Decay" means that the kernel is putrid or decomposed.

(8) "Rancidity" means that the kernel is noticeably rancid to the taste.

(9) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(10) "Thickness" means the greatest distance between the two flat surfaces of the shell. The minimum thickness shall be determined by passing the almonds through slotted openings with sufficient length to permit the almonds to go through lengthwise.

(e) *Effective time.* The United States Standards for Almonds in the Shell contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 70, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C. this 18th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–8527; Filed, July 23, 1951; 8:50 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR SHELLED ALMONDS

On June 8, 1951, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51–6658; 16 F. R. 5448) regarding proposed United States Standards for Shelled Almonds. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Shelled Almonds are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Public Law 70, 82d Congress, approved July 1, 1951.

§ 51.457 *Standards for shelled almonds*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size).

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) For dissimilar varieties. 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) For doubles. 3 percent;

(*c*) For kernels injured by chipping or scratching. 5 percent;

(*d*) For foreign material. Two-tenths of 1 percent (0.20%);

(*e*) For particles and dust. One-tenth of 1 percent (0.10%); and,

(*f*) For other defects. 2 percent, including not more than one-fourth of this amount, or one-half of 1 percent (0.50%), for serious damage.

(2) *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size).

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 5 percent;

(*c*) *For kernels damaged by chipping or scratching.* 5 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(f) *For other defects.* 4 percent, including not more than one-fourth of this amount, or 1 percent, for serious damage.

(3) *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping or scratching.* 10 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(f) *For other defects.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for serious damage.

(4) *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 15 percent;

(c) *For kernels damaged by chipping and scratching.* 15 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%);

(f) *For split and broken kernels.* 5 percent: *Provided*, That, not more than two-fifths of this amount, or 2 percent shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(g) *For other defects.* 3 percent, including not more than one-third of this amount, or 1 percent, for serious damage.

(5) *U. S. Standard Sheller Run.* U. S. Standard Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 25 percent;

(c) *For kernels damaged by chipping and scratching.* 20 percent;

(d) *For foreign material.* Two-tenths of 1 percent (0.20%);

(e) *For particles and dust.* One-tenth of 1 percent (0.10%);

(f) *For split and broken kernels.* 15 percent: *Provided*, That, not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(g) *For other defects.* 3 percent, including not more than one-third of this amount, or 1 percent, for serious damage.

(6) *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(ii) Unless otherwise specified, the minimum diameter shall be not less than $^{20}/_{64}$ of an inch. (See other size requirements and tolerances for size).

(iii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(b) *For doubles.* 35 percent;

(c) *For foreign material.* Three-tenths of 1 percent (0.30%);

(d) *For particles and dust.* One-tenth of 1 percent (0.10%);

(e) *For undersize.* 5 percent; and,

(f) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(7) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum diameter shall be not less than $^{8}/_{64}$ of an inch. (See other size requirements and tolerances for size).

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For bitter almonds mixed with sweet almonds.* 1 percent;

(b) *For foreign material.* Three-tenths of 1 percent (0.30%);

(c) *For particles and dust.* 1 percent; and,

(d) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(b) *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

(c) *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided*, That, the kernels are fairly uniform in size.

Count range per ounce	*Count range per ounce*
16 to 18, inclusive	26 to 28, inclusive
18 to 20, inclusive	27 to 30, inclusive
20 to 22, inclusive	30 to 34, inclusive
22 to 24, inclusive	36 to 40, inclusive
24 to 25, inclusive	40 to 50, inclusive
24 to 26, inclusive	50 and smaller

(e) *Tolerances for size.* When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

(f) *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

(2) "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

(3) "Clean" means that the kernel is practically free from dirt and other foreign substance.

(4) "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

(5) "Decay" means that the kernel is putrid or decomposed.

(6) "Rancidity" means that the kernel is noticeably rancid to the taste.

(7) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(8) "Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening $^{8}/_{64}$ of an inch in diameter.

(9) "Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

(10) "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening $^{20}/_{64}$ of an inch in diameter.

(11) "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening $^{8}/_{64}$ of an inch in diameter.

(12) "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(i) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

(13) "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(ii) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(iii) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(iv) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(v) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

(14) "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

(15) "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

(16) "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

(h) *Effective time.* The United States Standards for Shelled Almonds contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 70, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 18th day of July 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-8528; Filed, July 23, 1951; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[910.315 Amdt. 1]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA AND SEGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Seguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the amended size limitations, as hereinafter provided, with respect to shipments of cauliflower, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; the amendment relaxes the terms of the present size limitation until August 16, 1951; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as soon as possible because the shipment of cauliflower has already begun; and this amendment should be applicable to all shipments of such cauliflower in order to effectuate the declared policy of the act and thereby tend to maximize the benefits derivable therefrom; and compliance with the provisions of this amendment will not require any preparation therefor by handlers which cannot be completed by the effective date hereof.

(b) *Order, as amended.* Section 910.315 (b) (1) (iv) of the regulation issued on July 13, 1951 (16 F. R. 6857) is amended to read as follows:

(iv) Any cauliflower which, when well trimmed, will not pack fairly tight in a crate at least 11 but not more than 12 heads; *Provided*, That during the period from 12:01 a. m., m. s. t. July 25 to 12:01 a. m., m. s. t. August 16, 1951, cauliflower may be handled which, when well trimmed, will pack fairly tight in a crate at least 11 but not more than 14 heads; *And further provided*, That if such cauliflower is without jacket leaves, not less than 24 nor more than 32 heads may pack such crate fairly tight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23rd day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8603; Filed, July 23, 1951; 11:59 a. m.]

PART 920—IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE AND VERMONT

LIMITATION OF SHIPMENTS

§ 920.302 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Order No. 20 (7 CFR Part 920) regulating the handling of Irish Potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the New England Potato Committee,

established under said order, and other available information, it is hereby found that such limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of 1951 crop Irish potatoes grown in the production area have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the New England Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 30, 1951, to May 31, 1952, both dates inclusive, no handler shall ship potatoes grown in the Counties of Berkshire, Franklin, Hampden, and Hampshire in Massachusetts, and Hartford and Tolland in Connecticut, which do not meet the requirements of U. S. Commercial or better grade, and which are of sizes smaller than 2 inches minimum diameter, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein, except that, in addition to the aforesaid potatoes, handlers may ship as such any U. S. No. 1, Size B potatoes grown in the aforesaid counties, as such grades and sizes are defined in the aforesaid U. S. Standards for Potatoes, including the tolerances set forth therein.

(2) (i) During the period from July 30, 1951, to October 31, 1951, both dates inclusive, handlers may ship potatoes grown in the aforesaid counties which comply with the aforesaid grade and size regulations and which have been inspected and certified, as a lot, in the field where dug or in storage: *Provided*, That the quantity of potatoes in such lot shall not exceed 1,000 hundredweight, and shall be shipped within 48 hours of the time of completion as specified on the inspection certificate therefor; and (ii) during the period from November 1, 1951, to May 31, 1952, both dates inclusive, handlers may ship potatoes grown in the aforesaid counties which comply with the aforesaid grade and size regulations and which have been inspected and certified, as a lot, in storage: *Provided*, That the quantity of potatoes in such lot shall not exceed 1,000 hundredweight, and shall be shipped within 6 days of the date specified on the inspection certificate therefor.

(3) The aforesaid grade and size regulations shall not be applicable to shipments of potatoes for (i) seed, (ii) export, (iii) distribution by the Federal government, (iv) livestock feed, and (v) manufacture or conversion into potato chips or potato salad: *Provided*, That each handler, prior to making shipments for the aforesaid purposes, except shipments for distribution by the Federal government, shall file an application with the committee pursuant to § 920.104 (*Safeguards for special purpose shipments*, 16 F. R. 2699), shall have each of such shipments inspected (except livestock feed and seed potatoes), and shall pay assessments on such shipments.

(4) During each day of the period of regulation, each handler may ship not more than 30 hundredweight of potatoes grown in the aforesaid counties without prior inspection and certification: *Provided*, That each shipment of potatoes exempt from inspection pursuant to this subparagraph shall meet the grade and size regulations set forth in subparagraph (1) of this paragraph and shall pay the rate of assessment established by the Secretary.

(5) The terms used in this section shall have the same meaning as when used in Order No. 20 (7 CFR Part 920).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 20th day of July 1951, to become effective July 30, 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8556; Filed, July 23, 1951; 9:19 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MISSISSIPPI

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

MISSISSIPPI

County	Average value	Investment limit
Benton	$10,000	$[illegible]
Carroll	11,000	11,000
Choctaw	10,000	10,000
Clarke	10,000	10,000
Covington	10,000	10,000
Grenada	10,000	10,000
Itawamba	10,000	10,000
Jackson	10,000	10,000
Lafayette	10,000	10,000
Lamar	10,000	10,000
Lauderdale	10,000	10,000
Leake	10,000	10,000
Prentiss	10,000	10,000
Quitman	15,000	15,000
Tallahatchie	12,500	12,500
Tate	12,500	12,500
Tishomingo	10,000	10,000
Union	12,000	12,000
Warren	12,500	12,500
Wayne	10,000	10,000
Webster	10,000	10,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 18th day of July 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8489; Filed, July 23, 1951; 8:46 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[Supplement 1 to 1951 CCC Peanut Bulletin, 721 (Peanuts 51)-1]

PART 646—PEANUTS

SUBPART—1951 CROP PEANUT PRICE SUPPORT PROGRAM

Correction

In Federal Register Document 51-8184, published on page 6857 of the issue for Wednesday, July 18, 1951, the following changes should be made:

1. The headnote for § 646.341 should read: "*Support prices and producer loan rates.*"

2. The last sentence of paragraph (c) should read: "For other Valencia type peanuts the support price will be the same as the support price for Spanish peanuts of the same grade and in the same area."

3. In paragraph (d) (3) "this Exhibit A" should read "this section".

4. Notes (b) and (c) should read:

(b) Peanuts containing more than 15 percent foreign material, or more than 7 percent damaged kernels, or more than 9 percent moisture in the Southeastern and Southwestern Areas (10 percent in the Virginia-Carolina Area) are not eligible for price support or for delivery to a designated agency as excess oil peanuts, except as provided in note (c) below.

(c) Peanuts containing more than 7 percent damage, but which are otherwise eligible for price support, or for delivery to a designated agency as excess oil peanuts will be purchased by CCC at prices for excess oil peanuts.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 389]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 384]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MICHIGAN, AND OHIO

Amendment 389 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 384 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Chicago Heights, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Brookfield, Burnham, Flossmoor, Glenview, Kenilworth, La Grange, Lansing, Mt. Prospect, Oak Forest, Palatine, Riverdale, River Forest, South Holland, Westchester, Wilmette, Winnetka, and those portions of the Villages of Barrington and Steger located therein; Du Page County, except the City of West Chicago, and the Village of Glen Ellyn; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, the Village of Deerfield, and that portion of the Village of Barrington located therein.

This decontrols the Village of Deerfield in Lake County, Illinois, and the Villages of Burnham, Glenview and South Holland in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 91, is amended to describe the counties in the Defense-Rental Area as follows:

Champaign County, except the Cities of Champaign and Urbana; and Vermilion County.

This decontrols the City of Champaign in Champaign County, Illinois, a portion of the Champaign-Vermillon, Illinois, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Township of Canton; and Macomb County, except the City of Mount Clemens, the Village of Fraser, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the Village of Fraser in Macomb County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 359, is amended to describe the counties in the Defense-Rental Area as follows:

Brook County; Hancock County; Marshall County; except the Magisterial Districts of Cameron, Liberty, Meade, Sand Hill and Webster; and Ohio County.

Belmont County; Columbiana County, except the Village of Leetonia; and Jefferson County.

This decontrols the Village of Leetonia in Columbiana County, Ohio, a portion of the Wheeling-Steubenville, West Virginia, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 24, 1951.

Issued this 19th day of July 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-8519; Filed, July 23, 1951; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5847]

PART 192—FERMENTED MALT LIQUORS

SAMPLES OF FERMENTED MALT LIQUOR

1. Regulations 18, approved May 20, 1940 (26 CFR Part 192), as amended, are further amended by adding §§ 192.273 through 192.280, as follows:

Sec.
192.273 General.
192.274 Application.
192.275 Approval of application.
192.276 Labeling.
192.277 Records.
192.278 Residues of samples.
192.279 Analysis on brewery premises.
192.280 Tax payment.

AUTHORITY: §§ 192.273 to 192.280 issued under 53 Stat. 375; 26 U. S. C. 3176.

SAMPLES OF FERMENTED MALT LIQUOR

§ 192.273 *General.* Samples of fermented malt liquor may be removed, without payment of tax, as provided in §§ 192.274 to 192.278, by brewers, either from the brewery or from the bottling house to a laboratory for analytical purposes (including organoleptic examination) to determine the character or quality of the product.

§ 192.274 *Application.* Whenever a brewer desires to remove samples of fermented malt liquor without payment of tax, for analytical purposes, he shall file application, in triplicate, with the district supervisor. The application shall be serially numbered, beginning with number "1" and running consecutively thereafter. The application shall set forth specifically the size, kind and number of samples to be removed, the period during which the samples shall be removed, and the name and address of the laboratory to which the samples will be removed for analysis. Where it is desired to remove samples regularly the application may be made for that purpose. The number and size of the samples must be restricted to the minimum necessary for the purpose. A statement of the necessity for the analysis of samples and for the number and size of such samples shall be incorporated in the application. The brewer shall also incorporate in the application a statement that the samples covered thereby will not be used for purposes other than laboratory analysis.

§ 192.275 *Approval of application.* The district supervisor must satisfy himself as to the need for the number and size of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. The district supervisor, upon approval or disapproval of the application, shall return one copy to the brewer, forward one copy to the Commissioner, and retain the original in his office. Any approved application may be terminated if the Commissioner or the district supervisor determines that such action is warranted: *Provided*, That, except in cases involving willfulness or where the public interest requires otherwise, the brewer shall be notified in writing of the facts or conduct warranting such action and be accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 192.276 *Labeling.* Each bottle or other immediate container of fermented malt liquor to be removed, without payment of tax, for analytical purposes shall be labeled to show the nature and quantity of the contents, the name and address of the laboratory to which it will be removed, and the name and address of the brewer. The label shall bear the statement, "Sample for laboratory analysis only—not for sale or beverage use."

§ 192.277 *Records.* A separate record shall be maintained showing by date, the quantity of fermented malt liquor removed pursuant to an approved application and the serial number of such application. Proper credit entry for the total quantity so removed during the month must be made in the summary on Form 103.

§ 192.278 *Residues of samples.* Residues or remnants of samples remaining after laboratory analysis which are not to be retained as laboratory specimens or for comparative purposes must be destroyed or returned to the brewery premises. The samples or the residues thereof may not, in any event, be sold, or disposed of otherwise.

§ 192.279 *Analysis on brewery premises.* Applications need not be filed

where samples are to be taken for analysis in the brewer's laboratory located on the brewery premises.

§ 192.280 *Tax payment.* Any samples of fermented malt liquor removed or used otherwise than as authorized in §§ 192.273 to 192.279 shall be subject to tax payment in accordance with this part.

2. The purposes of the amendment are to authorize brewers to remove samples of fermented malt liquor, without payment of tax, either from the brewery or bottling house, for analytical purposes (including organoleptic examination), and to prescribe the procedure governing such removals.

3. This Treasury decision will be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: July 19, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8520; Filed, July 23, 1951; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 683—WHOLESALING, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001) notice was published in the FEDERAL REGISTER on June 29, 1951 (16 F. R. 6316) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the Wholesaling, Warehousing, and other Distribution Industries in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions were received within the 15 day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective August 27, 1951.

Sec.
683.1 Approval of recommendation of industry committee.
683.2 Wage rate.
683.3 Notices of order.
683.4 Definition of the wholesaling, warehousing, and other distribution industries in Puerto Rico.

AUTHORITY: §§ 683.1 to 683.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. Sup. 208. Interprets or applies sec. 5, 63 Stat. 911; 29 U. S. C. Sup. 205.

§ 683.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 683.2 *Wage rate.* Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wholesaling, warehousing, and other distribution industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 683.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 683.4 *Definition of wholesaling, warehousing and other distribution industries in Puerto Rico.* The wholesaling, warehousing, and other distribution industries in Puerto Rico to which this part shall apply, is hereby defined as follows: The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico.

Signed at Washington, D. C., this 18th day of July 1951.

WM R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-8481; Filed, July 23, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 11]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 11 ALTERNATIVE PRICING METHODS FOR COATED FABRICS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Statement of Considerations of Ceiling Price Regulation 22 envisaged supplementary regulations "which utilize provisions geared to particular industry problems, practices, and situations". The provisions of this supplementary regulation are directly related to the particular problems of the coated fabrics industry.

The coated fabrics industry really consists of these three parts, and the term "coated fabrics" as used in this supplementary regulation includes all three:

1. The manufacturer buys the textile and coats it. This operation results in what is commonly known as a coated fabric, but to avoid confusion, may be referred to here as a "supported coating."

2. The manufacturer coats a textile which he does not own, which operation is known as "job coating."

3. The manufacturer produces a sheeting out of plastic or rubber without a supporting textile, which operation results in a product known as "unsupported sheeting." In recent years this has become of greater and greater importance.

Many manufacturers perform all three of these operations in a single plant and may not keep separate accounting records. This may mean that the materials and labor cost adjustment figures calculated according to Ceiling Price Regulation 22 will not always yield accurate or consistent results.

The labor costs are a relatively small part of the sales dollar of supported coatings, but they are a much more substantial portion of the sales dollar of job coating and unsupported sheeting. Since Ceiling Price Regulation 22 uses an average labor cost ratio calculated on the basis of sales in fiscal year 1950, and since the relative proportions of the various types of business may now be different, the labor cost adjustment ratio may be either too high or too low to reflect current conditions.

The first alternative pricing method provided by this supplementary regulation, therefore, attempts to put all transactions on a common level for labor costs by removing fabric costs from the calculation. The labor cost ratio is calculated on the basis of total sales less total fabric costs, if any, in fiscal year 1950. The resulting labor cost adjustment ratio is applied to the base period price less the cost of the fabric. This is the part of the sales dollar that directly reflects labor costs. This will result on the average in a higher labor cost adjustment ratio being applied to lower prices. This alternative method will probably be used most by those whose share of coated fabrics, job coating, and unsupported sheeting has changed substantially since fiscal year 1950, and may be used by job coaters to adjust their ceiling prices in line with the adjusted coating ceiling prices of manufacturers of supported coating.

The sales price of supported coating is based to a large degree upon materials costs which are composed of two almost independent variables. A high price textile may have a thin, inexpensive coating on it, or vice versa, or any combination in between. Moreover, textiles may be as high as seventy-five per cent of the total materials cost. Unsupported sheeting and job coating, on the other hand, involve no textile cost for the manufacturer.

The purpose of the second alternative method of this supplementary regulation is, therefore, to establish a separate method of calculating the materials cost increase for textiles so as to put the coating material cost adjustment for all three parts of the industry on a comparable basis. Material costs other than textiles are definitely related to selling prices minus textile costs. By handling textiles separately, it is possible for a manufacturer to use Method 1 (not if synthetic rubber is substituted), 3 or 4 rather than go through all the individual calculations of Method 2 for his thousands of constructions. This supplementary regulation will also make it possible for a manufacturer of supported coatings, job coatings and unsupported sheeting to use Method 3 of Ceiling Price Regulation 22, by combining all coatings of one type, regardless of any textile base, into one product line, and thereby eliminate much extra calculation.

Section 18 of Ceiling Price Regulation 22 provides a series of methods to determine the cost of materials at the end of the base period and on December 31, 1950. Textiles are generally bought on contracts for a quarter or more in advance. Some manufacturers may have to apply to the Office of Price Stabilization under Section 18 (i) for an appropriate cost increase. Other manufacturers may find that textile costs determined under other methods set forth in Section 18 are inappropriate. A more uniform and fair basis for all manufacturers is the third modification of Ceiling Price Regulation 22 introduced by this supplementary regulation, to allow manufacturers to use in both periods the offering price for the textile from the manufacturer's customary source of supply. Many of these prices are published; others are readily available from the suppliers and can easily be checked by OPS and buyers.

The industry has customary differentials for colors, widths, weights, special effects and surfaces. This regulation allows manufacturers to continue to add those same charges which they had in the base period, unless they chose to file new ceilings including these extras or especially for these differentials.

Since all the methods established by this regulation are substantially in line with those of Ceiling Price Regulation 22, the resulting ceiling prices will be in line with those established by Ceiling Price Regulation 22. The modifications of pricing method created by this supplementary regulation have been discussed at length with the Industry Advisory Committee and other members of the industry and in general have been recommended by them.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Alternative labor cost adjustment method.
3. Description of the alternative "coating" materials cost adjustment methods.
4. Modification of Method 3 of CPR 22.
5. Modification of Method 1 of CPR 22.
6. Modification of Method 4 of CPR 22.
7. Modification of Section 18 of CPR 22 for determination of textile cost.
8. Extras and differentials.
9. Definitions.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Congress, as amended. Interpret or Apply Title IV, Pub. Law 774, 81st Congress, as amended, E. O. 10161, Sept. 9, 1950, F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation allows manufacturers of coated fabrics as defined herein to compute their materials and labor cost adjustments in accordance with methods alternative to CPR 22; in addition, such manufacturers are given a substitute method to section 18 of CPR 22 for computing the net cost of the fabric used. Manufacturers subject to this supplementary regulation who have filed Form 8 on a subject commodity may, nevertheless, resubmit another Form 8 computed pursuant to this supplementary regulation, provided such re-filing is made on or before July 31, 1951. All provisions of CPR 22 not inconsistent with this supplementary regulation, however, will continue to apply.

(b) If you are a manufacturer of coated fabrics, your ceiling price to your largest buying class of purchaser for sale of a coated fabric which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is

(1) Your price calculated in accordance with section 3 of CPR 22, except that you may use either section 18 of CPR 22 or section 7 of this supplementary regulation to determine your textile cost, or

(2) Your base period "coating price" plus the "coating" labor cost adjustment calculated under section 2 of this supplementary regulation, plus the "coating" material cost adjustment (exclusive of textiles) calculated under section 3 of this supplementary regulation, plus the cost as of Dec. 31, 1950 of the textile, if any, to be used in the coated fabric being priced, calculated under section 18 of CPR 22 or section 7 of this supplementary regulation.

SEC. 2. *Alternative labor cost adjustment method.* If you calculate your coated fabric ceiling price pursuant to section 1 (b) (2) of this supplementary regulation, you may calculate your labor cost adjustment factor in the following manner:

(a) First, find your "total net sales" and "factory payroll" in accordance with section 8 (a) or 9 (a) of CPR 22.

(b) Then subtract from your total net sales the "net cost" of your textiles, as defined in section 47 of CPR 22, used by you during the applicable annual period under section 8, or under section 9.

(c) Divide your factory payroll by the result reached in (b). The result is your "coating" labor cost ratio.

(d) Then find your wage increase factor precisely as is done in sections 8 (c) and 8 (d) of CPR 22.

(e) Then multiply your "coating" labor cost ratio derived under (c), by your wage increase factor, as found under (d). The result is your "coating" labor cost adjustment factor.

(f) Multiply your "coating" labor cost adjustment factor found in (e), by each base period "coating price". The resulting product is the "coating" labor cost adjustment for that coating.

SEC. 3. *Description of the alternative "coating" material cost adjustment methods.* Under this supplementary regulation, you separate your coating materials cost from your textile costs. The method of doing this will vary, depending upon your method of figuring your materials cost increase under CPR 22. If you select Method 3 (section 15 of CPR 22), you use section 4 of this supplementary regulation. If you select Method 1 (section 13 of CPR 22), you use section 5 of this supplementary regulation. If you select Method 4 (section 16 of CPR 22), you use section 6 of this supplementary regulation.

SEC. 4. *Modification of Method 3 of CPR 22.* Using Method 3 of CPR 22 (Best Selling Commodity in a Product Line Method), in figuring your materials cost adjustment, you take the following steps:

(a) First find the base period price for the best selling coated fabric in the product line of which the coated fabric being priced is a part.

(b) Subtract from the price in (a) above the base period cost of the textile, if any, used in that coated fabric. Section 7 of this supplementary regulation tells you how to arrive at your base period cost.

(c) Then determine your "materials cost adjustment" for all the materials, exclusive of the textile, entering into the best selling coated fabric, by the method set out in section 14 of CPR 22. The resulting product is the "coating" materials cost adjustment.

(d) Then determine your materials cost adjustment factor by dividing your "coating" materials cost adjustment for your best selling coated fabric found in (c) above by the base period coating price found in (b) above.

(e) Then multiply your "coating" materials cost adjustment factor found in (d) above by the base period coating price of each item in the product line to yield your "coating" materials cost adjustment for each coating.

SEC. 5. *Modification of Method 1 of CPR 22.* Using Method 1 of CPR 22 (Aggregate Method) in figuring your materials cost adjustment, you take the following steps:

(a) First find your total net sales of all coated fabrics in your entire plant or business as set forth in section 13 (a) of CPR 22.

(b) Subtract from the sales the "net cost" of the textiles, if any, used to pro-

duce the coated fabrics sold during the annual or fiscal period selected. This will give you your "coating" sales.

(c) Determine your manufacturing materials cost increases for the materials other than textiles in accordance with section 13 (b) and section 13 (c) of CPR 22.

(d) Divide the cost increases found under (c) above by the total net sales found in (b) above. The resulting quotient is your "coating" materials cost adjustment factor.

(e) Multiply your "coating" materials cost adjustment factor by the base period coating price (as defined in section 9). The resulting figure is your coating materials cost adjustment.

SEC. 6. *Modification of Method 4 of CPR 22.* Using Method 4 of CPR 22 (Composite Bill of Materials Method) in figuring your materials cost adjustment, you take the following steps:

(a) Find your total net sales of the coated fabrics in the product line or category as set forth in section 16 (a) of CPR 22.

(b) Subtract from the sales of the coated fabrics found in (a) above the "net cost" of textiles, if any, used during the accounting period selected to produce the coated fabrics sold during this period. This gives you your "coating" sales.

(c) Determine your manufacturing materials cost increases for all materials other than textiles used in producing coated fabrics in the product line or category selected in accordance with section 16 (b) and section 16 (c) of CPR 22.

(d) Divide the cost increases for the product line or category found in (c) above by the "coating" sales found in (b) above. The resulting quotient is your "coating" materials cost adjustment factor.

(e) Multiply your "coating" materials cost adjustment factor by the base period coating price of each coated fabric being priced in the product line or category selected. The resulting figure is your "coating" materials cost adjustment.

SEC. 7. *Modification of section 18 of CPR 22 for determination of textile cost.* (a) You may elect to calculate your textile cost pursuant to section 18 of CPR 22, or in the manner described below, but if you use the following method for determining your textile cost as of December 31, 1950, you must also use the following method for determining your textile cost as of the "earlier prescribed date" which is your base period.

(b) Your cost of the textile used in any coated fabric is the highest price at which it was offered to a manufacturing purchaser of your class by any of your normal suppliers of such textile on each of the prescribed dates for delivery during the calendar quarter following the prescribed dates. If none of your normal suppliers offered that textile for such future delivery on the date prescribed, you use the last price at which any such supplier offered it to your class of purchaser within 30 days prior to each of the prescribed dates.

If none of your normal suppliers made such an offer, you may use an offer by a supplier of such textiles who normally sold such textiles to coated fabric manufacturers in quantities and on terms similar to those of your normal suppliers.

SEC. 8. *Extras and differentials.* If, during the base period, you had a price differential or charged an extra price for certain colors, widths, weights, special effects or surfaces, you may add your base period dollar and cent extra or differential to the ceiling prices calculated under section 1 (b) of this supplementary regulation. You may not, however, add such extras or differentials to your ceiling price of a coated fabric if your base period price of the coated fabric includes such extra or differential.

SEC. 9. *Definitions.* All definitions in CPR 22 apply to this supplementary regulation unless otherwise noted below.

"Coating price" is your price of a coated fabric less the cost of the textile you supply, if any.

"Product line" or "category" may be determined without regard to the various textiles, if any, used.

"Coated fabric" means any knitted or woven fabric coated with a continuous film (for example, rubber, synthetic rubber, pyroxylin, cellulose ester, cellulose ether, synthetic resin, oxidizable oil or combinations thereof) otherwise referred to as supported coating. For the purpose of this supplementary regulation, the term "coated fabric" also includes artificial leather made from nonwoven fibrous products, oilcloth, bookcloth, and window shade cloth, as well as unsupported sheeting, job coating and combined fabrics.

"Unsupported sheeting" means a pliable continuous film of rubber, synthetic rubber, synthetic resin, or combinations thereof, having a gauge thickness of not less than 10 mils.

"Job coating" means the application of one or more coatings of a continuous film to a textile backing which is owned by one other than the coater.

"Combined fabric" means two or more fabrics joined together with an adhesive.

"Manufacturer" includes converter.

"Converter" means any person who sells a coated or combined fabric on which a job coater or job combiner has performed the coating or combining on his account.

Effective date. If under General Overriding Regulation 13 the provisions of Ceiling Price Regulation 22 were effective as to you on June 30, 1951, then this Supplementary Regulation becomes effective as to you immediately. If the provisions of Ceiling Price Regulation 22 were not effective as to you on June 30, 1951, this Supplementary Regulation becomes effective when and if Ceiling Price Regulation 22 becomes effective as to you.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 20, 1951.

[F. R. Doc. 51-8562; Filed, July 20, 1951; 5:13 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 13]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 13—IDENTICAL CEILING PRICES FOR MATTRESSES AND MATCHING BOX SPRINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 13 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Historically, manufacturers of bedding have sold matching box springs and mattresses at identical prices. This has been the consistent trade practice for many years. Where the price of the mattress or box spring has changed, the price of the matching article has been altered to conform.

This historic relationship between the price of a mattress and its matching box spring has been disturbed by the pricing formula contained in Ceiling Price Regulation 22. That regulation establishes ceiling prices based on pre-Korean levels adjusted for increase in manufacturing costs since then. Since the outbreak of hostilities in Korea, the price of cotton linters, a major material used in the manufacture of mattresses, has advanced far more than has the cost of the manufacturing materials used in box springs. Consequently, the upward adjustment over pre-Korean prices permitted for mattresses is substantially greater than that allowed for box springs. The result is that the ceiling price of a mattress under CPR 22 is substantially higher than the ceiling price of the matching box spring.

This supplementary regulation authorizes the adjustment of the ceiling prices established under CPR 22 so as to restore the customary relationship between the price of the mattress and of its matching box spring. This is accomplished by permitting the manufacturer who wishes to maintain such normal relationship to raise the ceiling price on a box spring provided he makes a proportionate reduction in the ceiling price of the matching mattress. OPS Public Form No. 45 which must be filed by each manufacturer choosing to equalize his mattress and box spring prices provides a formula method of calculating the price which allows the manufacturer no greater dollar sales realization than would be obtained were he to use the CPR 22 prices as calculated. This result is attained by weighting the CPR 22 prices of the mattress and box spring by the units of each sold or produced during the manufacturer's last fiscal or calendar year. There appears to be no reason for assuming that the ratio of mattresses to matching box springs sold in the future will be materially different than the ratio that prevailed previously.

Should it develop that the normal relationship between sales of box springs and mattresses is not being maintained and that the sale or production of box springs is rising in relationship to that of mattresses, the adjustment permitted by this regulation will be altered accordingly. Reconsideration will also be had should it develop that because of the higher profit on box springs than mattresses, pressure is being brought on buyers to buy more box springs than they normally would.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. What ceiling prices may be adjusted under this supplementary regulation.
3. How you establish identical ceiling price for a mattress and matching box spring.
4. Required report.
5. Record keeping requirements.
6. Ceiling prices for new commodities.
7. Discontinuance of matching commodity.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits you to adjust your CPR 22 ceiling prices so that you may continue to sell a mattress and its matching box spring at identical prices, if that has been your established and customary practice. All provisions of CPR 22 remain in effect except to the extent that they are inconsistent with the provisions of this supplementary regulation.

SEC. 2. *What ceiling prices may be adjusted under this supplementary regulation.* You may adjust under this supplementary regulation the ceiling prices determined under CPR 22, as amended, or under Supplementary Regulation 2, for innerspring, rubber, felt or hair mattresses and for box springs. You may not adjust your ceiling prices on crib mattresses, Hollywood bed outfits or mattresses normally sold or used with flat or folding cots. This supplementary regulation has no application to ceiling prices established under the General Ceiling Price Regulation. You may adjust your ceiling prices under this regulation only if it has been your established and customary practice to sell a mattress and matching box spring at the same price.

SEC. 3. *How you establish identical ceiling prices for a mattress and matching box spring.* (a) This supplementary regulation provides two methods for adjusting ceiling prices previously determined under CPR 22. The first method may be used in adjusting ceiling prices determined under section 3, 30, 32 or 33 of CPR 22. The second method may be used only for adjusting the ceiling prices of matching commodities where the ceiling price of each is determined under either section 3 or 30. If you elect to use the second method, it must be used in every case of pricing under this supplementary regulation where the ceiling price for each commodity is determined under either section 3 or 30 of CPR 22. If your records show the unit sales of mattresses and matching box springs during your most recent fiscal or calendar year, you must use such unit sales figures in determining the ratio of mattresses to matching box springs sold by you during such period. If you have not maintained such sales records, you may use your production records to establish your ratio.

(b) Under the first method you find a ratio which you apply to your CPR 22 ceiling price for each style or number of mattress and matching box spring. To calculate the adjustment under this method, you do the following:

(1) First, find the total number of mattresses for which you manufactured a matching box spring to sell at an identical price and the total number of such matching box springs sold (or produced where sales figures are lacking) by you during your most recent fiscal or calendar year. Exclude crib mattresses, Hollywood bed outfits or mattresses normally sold or used with flat or folding cots. Divide the number of mattresses by the number of box springs. The resulting figure is the ratio of mattresses to box springs. It should be determined to the nearest one decimal place, e. g., 4.2 mattresses to 1.0 box spring.

(2) Multiply your CPR 22 ceiling price for a mattress, which you wish to continue selling at an identical price with its matching box spring, by this ratio.

(3) Add to the result the CPR 22 ceiling price for the matching box spring.

(4) Divide this number by the sum of the two parts of the ratio determined under subparagraph 1. This will give you your ceiling price for the mattress and for the box spring.

Example: You wish to establish identical ceiling prices for a mattress and box spring whose CPR 22 ceiling prices are respectively $25 and $20. You sold during your most recent calendar year 210,000 mattresses and 50,000 box springs, the box springs being sold at prices identical with those of the mattresses they matched. 210,000 divided by 50,000 carried to the nearest one decimal place is 4.2. The ratio of sales of mattresses to box springs is 4.2 to 1.0. $25, the CPR 22 ceiling price on the mattress, multiplied by 4.2 is $105. $105 plus $20, the CPR 22 ceiling price on the box spring, is $125. $125 divided by 5.2 (4.2 plus 1.0) is $24.04. $24.04 is your new ceiling price for the mattress and the new ceiling price for the matching box spring.

(c) Under the second method, which may be used only if the ceiling price for each commodity is determined under either section 3 or 30 of CPR 22, you find a separate ratio for each particular style or number of mattress and matching box spring which may be used solely to establish an identical ceiling price for that style or number. To calculate your adjustment under the second method, you do the following:

(1) First, find the total number of mattresses and the total number of box springs of the particular style or number, whose ceiling prices you wish to adjust, which you either sold (or produced where sales figures are lacking) during your most recent fiscal or calendar year. Divide the number of mattresses by the number of box springs. The resulting figure, which should be determined to the nearest one decimal place, is the ratio of mattresses to box springs of this particular style or number.

(2) Multiply your CPR 22 ceiling price for the particular style or number of mattress by this ratio.

(3) Add to the result the CPR 22 ceiling price for the matching box spring.

(4) Divide this number by the sum of the two parts of the ratio determined under subparagraph 1. This will give you your ceiling price for the mattress and for the box spring of this particular style or number.

Example: You wish to establish identical ceiling prices for the "ABC" mattress and the "ABC" box spring whose CPR 22 ceiling prices are respectively $30 and $25. You sold during your most recent fiscal year 38,000 "ABC" mattresses and 10,000 "ABC" box springs. 38,000 divided by 10,000 is 3.8. The ratio of sales of mattresses to box springs is 3.8 to 1.0. $30 multiplied by 3.8 is $114. $114 plus $25 is $139. $139 divided by 4.8 (3.8 plus 1.0) is $28.96. $28.96 is your new ceiling price for the "ABC" mattress and the new ceiling price for the "ABC" box spring.

(d) *Rounding ceiling prices.* You may round your ceiling prices determined under this supplementary regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so, you must similarly round the ceiling prices for all your commodities, whose ceiling prices are established by this supplementary regulation, which are normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest 5 cents and your ceiling price for commodity "A" is $25.73, you may round that ceiling price to $25.75. However, if your ceiling price for commodity "B" is $20.62 you must round its ceiling price to $20.60. You may not round your CPR 22 ceiling price for a mattress or matching box spring until after you have made the adjustment permitted by this supplementary regulation.

(e) *Retention of GCPR ceiling price where the change in price is less than one percent.* If your ceiling price for a mattress and for its matching box spring as determined under this supplementary regulation differs by less than one percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may do this only if you continue to use your GCPR prices for all commodities where ceiling prices determined under this supplementary regulation differ by less than one percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for an innerspring mattress is $20.00 and your ceiling price under this supplementary regulation is $19.90. Your GCPR ceiling price for a hair mattress is $30.00 and your ceiling price for such commodity under this supplementary regulation is $30.15. You may continue to use $20.00 as your ceiling price for your innerspring mattress, but if you do so, you must continue to use $30.00 as your ceiling price for the hair mattress.

SEC. 4. *Required report.* Before selling any mattress or box spring for which

you have determined a ceiling price under this supplementary regulation, you must file with the Consumer Durable Goods Division of the Office of Price Stabilization, Washington 25, D. C., a report on OPS Public Form No. 45. Copies of OPS Public Form No. 45 may be obtained from any regional or district office of the Office of Price Stabilization. The report on OPS Public Form No. 45 should be attached to your OPS Public Form No. 8 where the two forms cover the same commodities. If you have already filed OPS Public Form No. 8, so indicate on your report on OPS Public Form No. 45 and give the date of mailing of OPS Public Form No. 8. Fifteen days after mailing your report on OPS Public Form No. 45 you may sell the mattress and box spring covered by your report unless and until notified by the Director of Price Stabilization that your proposed ceiling prices have been disapproved. In the event that more information is needed, the Director of Price Stabilization may require that you do not sell the commodities until fifteen days after mailing the additional information.

SEC. 5. *Record keeping requirements.* (a) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have properly calculated your ceiling prices under this supplementary regulation, including, but not limited to, records showing the number of units of innerspring, rubber, felt or hair mattresses and box springs sold (or produced where sales figures are lacking) by you during your last fiscal or calendar year.

(b) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to CPR 22 and this supplementary regulation have been made.

SEC. 6. *Ceiling prices for new commodities.* You may not use the ceiling prices determined under this regulation as your ceiling prices on the comparison commodity in pricing a new mattress or box spring under section 32 of CPR 22. For this purpose you must use the ceiling price determined under CPR 22. After you have determined a ceiling price for a new mattress or box spring under section 32, you may adjust such ceiling price in accordance with this supplementary regulation.

SEC. 7. *Discontinuance of matching commodity.* If, after calculating a ceiling price under this supplementary regulation for a matching mattress or box spring, you discontinue selling the mattress, you may not continue to use for the box spring the ceiling price previously calculated under this supplementary regulation. Your ceiling price for the box spring will be your ceiling price originally determined under CPR 22. If you discontinue selling the box spring, you may use the ceiling price determined under this supplementary regulation for the mattress or you may use the ceiling price for such commodity originally determined under CPR 22.

Effective date. This supplementary regulation to Ceiling Price Regulation 22 shall become effective July 25, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 20, 1951.

[F. R. Doc. 51-8563; Filed, July 20, 1951; 5:13 p. m.]

[General Ceiling Price Regulation, Amendment 1 to Supplementary Regulation 7]

GCPR, SR 7—PROCESSORS OF MANUFACTURED FEEDS

DRY DOG FOOD AS A MANUFACTURED FEED

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 7 (16 F. R. 1819) is hereby issued.

Statement of considerations. This amendment is intended to accomplish four things: (1) By including dry dog food in the definition of manufactured feeds in Supplementary Regulation 7, it provides for the adjustment of ceiling prices of dry dog food at the manufacturers' level in accordance with the provisions of the Supplementary Regulation; (2) it specifies that at the wholesale and retail levels, the ceiling prices of dry dog food are to be established by the provisions of CPR 14, 15 and 16; (3) it excludes canned and frozen foods prepared for household pets from the operation of Supplementary Regulation 7; and (4) it amends the filing provisions of Supplementary Regulation 7 by extending the time for the filing of information required by that Supplementary Regulation insofar as dry dog food is concerned.

Dry dog food is often manufactured by feed manufacturers, contains many of the same ingredients and is processed by the same methods as other manufactured feeds. The adjustment of ceiling prices of this product, at least at the manufacturer level, should, therefore, logically be established in accordance with Supplementary Regulation 7. However, prior to this amendment dry dog food, together with other foods prepared especially for household pets, was exempt from Supplementary Regulation 7. Accordingly, this amendment redefines manufactured feed, as used in Supplementary Regulation 7, to include dry dog food.

Dry dog food, when once sold by a manufacturer, passes, to a substantial extent, through the same wholesale and retail distributive channels as many grocery items. Ceiling prices for dry dog food, together with certain other foods for household pets, have, because of this distributive pattern, been established by Ceiling Price Regulation 14 (which deals with certain foods sold at wholesale) and Ceiling Price Regulations 15 and 16 (which respectively deal with certain foods sold at retail by Group 3 and 4 retail stores, and Group 1 and Group 2 retail stores).

This amendment makes it clear that, while processors' prices for dry dog food will be determined under Supplementary Regulation 7, wholesale and retail prices for dry dog food will continue to be determined in accordance with Ceiling Price Regulations 14, 15 and 16. Wholesalers and retailers covered by these regulations customarily handle dry dog food but do not generally sell the other "manufactured feeds" covered by Supplementary Regulation 7. It is logical, therefore, for them to refer to the series of regulations covering most of the products they sell, in ascertaining their prices for a particular item, rather than to refer to a regulation dealing with products (manufactured feeds) with which, save for dry dog food, they ordinarily have no concern.

Canned and frozen foods prepared especially for household pets are not generally processed by feed manufacturers, are ordinarily processed by different methods than manufactured feeds, and are not, technically speaking, regarded as manufactured feeds by persons in the trade. Therefore, this amendment has not redefined a manufactured feed to include such products, and ceiling prices for such products are not to be determined in accordance with Supplementary Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 7 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Ceiling prices of wholesalers and retailers.*—(a) *Ceiling prices for manufactured feeds, other than dry dog food.* If you are a seller of manufactured feeds, other than a manufacturer, and your supplier increases his ceiling price for a manufactured feed, other than dry dog food, in accordance with the provisions of this regulation, you may increase your ceiling price by the same amount in dollars and cents as the increase in ceiling price of your supplier.

(b) *Ceiling prices for dry dog food.* If you are a seller, other than a manufacturer, as defined in this section, your ceiling price for dry dog food shall not be determined in accordance with this supplementary regulation, but shall be determined in accordance with Ceiling Price Regulation 14 (dealing with ceiling prices for certain foods sold at wholesale), Ceiling Price Regulation 15 or Ceiling Price Regulation 16 (dealing with prices of certain foods sold at retail), whichever one is applicable to you.

2. Section 3 (a) is amended by adding the following after the phrase "by giving the following information": "*Provided, however,* That the date for furnishing the Director of Price Stabilization with such information with respect to dry dog food shall be extended to within 30 days after July 25, 1951."

3. The first paragraph of section 4 (2) is amended to read as follows:

(2) *Manufactured feed.* "Manufactured feed" is a mixture or blend of more than one ingredient for the purpose of feeding to animals or poultry, either in the same form or in combinations with other ingredients (including scratch-chick or growing grains consisting entirely of recleaned grains, seeds, grit and shell containing no more than 10 percent of grain flour or screenings that will pass through a No. 20 standard tinned mill wire, and all dry type dog foods containing less than 15 percent moisture), except that the following commodities shall not be considered manufactured feeds under this supplementary regulation:

4. Section 4 (2) (iii) is amended to read as follows:

(iii) Canned and frozen foods prepared especially for household pets.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on July 25, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 20, 1951.

[F. R. Doc. 51-8553; Filed, July 20, 1951; 4:04 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 43]

GCPR, SR 43—BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying supplementary regulation to the General Ceiling Price Regulation allows manufacturers and wholesalers of soft drinks put up in 6 to 12 ounce bottles to increase their prices to retailers up to a prescribed maximum. Retailers whose costs are actually increased under this regulation beyond a specified point as well as retailers who are already being charged equally high prices by their suppliers are allowed to advance their prices for sales of single bottles. Many retailers customarily charge less per bottle when a consumer buys more than one bottle. Any retailers who have had such a custom and are permitted to advance their single bottle prices under this regulation must maintain their customary differentials for multiple unit sales. The regulation also allows increased soft drink bottle deposit charges not to exceed replacement costs for bottles of all sizes and provides a method for taking account of State and local excise and sales taxes which were not separately stated and collected during the base period established under the General Ceiling Price Regulation.

For many years prior to 1946, the prices of soft drinks in 6 to 12 ounce bottle were relatively uniform at both wholesale and retail levels. The standard price pattern as it stood in 1946 was 80 cents per case of 24 bottles at wholesale and five cents per bottle or six bottles for 25 cents at retail. Since that time there has been a trend toward higher wholesale and retail prices. Available data indicate that more than 50 percent of current production and sales is at more than 80 cents, with 96 cents a case the predominant figure in sales at a price over 80 cents. That trend was, of course, halted by the issuances of the General Ceiling Price Regulation.

This higher price trend was the result of the pressure of rising labor, material and equipment costs, but it did not move at the same rate as the rising costs. While the volume of production and consumption of soft drinks has increased tremendously—over 100 percent in sales value since 1939—the increase has not been distributed generally throughout the industry. A few of the franchised groups of manufacturers have accounted for the major part of the increase, with the sales volume for most others more nearly stationary. Where volume has increased, indirect costs of production have declined. As a consequence, the manufacturers who benefitted most from this upsurge of sales volume were better able to resist the pressure of rising direct costs, to retain the traditional five cents a bottle price, and strengthen their competitive position. Independent manufacturers were in large part faced with the choice of raising their prices and risking the loss of their competitive position or of keeping their prices as near as possible to the traditional levels and risking financial loss. Some chose the latter alternative, while others began to move in the direction of raising prices.

The Senate Select Committee on Small Business surveyed the economic status of the soft drink industry in 1950 and reported a situation of distress for a large portion of the industry. See Report No. 2, dated January 15, 1951. The Committee estimated that two-thirds of the 6,500 manufacturers of soft drinks were losing money or barely managing to break even. While this distress has, no doubt, been relieved to some extent by the previously mentioned adjustment of prices, available data indicate that extensive and serious hardship still prevails. As already noted, the growing correction of cost-price relationships was interrupted by the issuance of the General Ceiling Price Regulation which added legal obstacles to the economic ones already in existence. The Director therefore considers it necessary in order to relieve that hardship to provide an opportunity for continued movement toward the reflection in selling prices of highly increased costs and for the development of a generally equitable price structure for this industry. The extent, however, to which ceiling prices are permitted to advance is strictly limited in the light of the purposes of the economic stabilization program.

It has been customary for the retailer to price single unit sales of soft drinks in 6 to 12 ounce sizes at 50 percent above his invoice cost. Thus the 80 cents wholesale price has been accompanied by a five cent retail price for a single unit sale. The minimum increase in retail price for single unit sales is, of course, one cent. Wholesalers and manufacturers have recognized this retail price structure by tending to increase their case prices to the retailer by 16 cents or multiples thereof. As a result the retailer has been able to increase his price and maintain the same markup. Following this pattern, wherever the wholesale price has gone to 96 cents a case retailers have almost uniformly raised their single unit price to six cents. The accompanying regulation takes this historical price relationship as its guide. Accordingly, in allowing a price increase which would take care of the cost problem which has been described, the amount of increase permitted is 16 cents up to 96 cents a case, the most convenient next interval in the industry's price structure. The wholesale price limit of 96 cents per case is, on the basis of available data, considered not excessive in relation to increased costs of production and to the general level of prices.

Manufacturers and wholesalers may, of course, choose to increase their prices less than the full amount allowed for in some cases. They may find it competitively impossible to take any more than the minimum increase necessary to prevent losses. In such cases, the retailer, whose markup on soft drinks is much higher than that for most other standard grocery products, will be required to absorb the increase. This is, however, balanced by the fact that the retailer whose current ceiling price is five cents a bottle and whose cost is over 88 cents or whose cost is raised as much as eight cents but less than 16 cents a case under this regulation, is permitted to abandon differentials for multiple unit sales.

Reference has been made to the provisions of the regulation regarding deposit charges for soft drink bottles. As a result of orders of the National Production Authority curtailing use of other materials for container purposes, there has been an increased demand for glass containers. That demand has become so great that glass manufacturers have established a system of allocation for their customers.

Conservation of glass has become an obvious necessity in forwarding the defense effort. A considerable amount of glass is constantly wasted because purchasers of soft drinks in bottles of all sizes fail to return the empty bottle despite deposit charges. Increased deposit charges within the limits of replacement costs will encourage the return of empty bottles and thereby make them available for reuse. This regulation permits such increased deposit charges on bottles of all sizes, but not beyond replacement costs, which are, of course, fixed as a result of the General Ceiling Price Regulation.

In some instances special taxes attach to soft drinks or their sale. Where such taxes have been included in ceiling prices, the regulation permits them to be

deducted for purposes of determining whether sellers are entitled to new ceilings under this regulation. In addition, it requires a reduction in ceiling prices whenever such taxes are decreased or terminated.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability. The provisions of this regulation have been discussed with the Industry Advisory Committee which has expressed its general concurrence with them.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Definition.
4. Pricing for sales to retailers.
5. Pricing by retailers.
6. Notice of ceiling price increases.
7. Bottle deposit charges.
8. Continued applicability of General Ceiling Price Regulation.
9. How to take account of taxes.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *What this regulation does.* This supplementary regulation permits wholesale sellers of soft drinks whose ceiling prices are below 95 cents for a case of 24 bottles to increase their prices 16 cents up to 96 cents a case. It also allows manufacturers of soft drinks in bottles of all sizes to charge bottle deposits not to exceed replacement costs, and wholesalers and retailers to pass such charges along. Finally, it permits retailers, whose actual costs after the effective date of this regulation are 96 cents a case or more, or are increased by at least 16 cents a case, to increase their single bottle price to six cents, subject to maintaining their customary differentials for multiple unit sales.

SEC. 2. *Where this regulation applies.* This regulation applies to the United States, its Territories and possessions and the District of Columbia.

SEC. 3. *Definition.* (a) For purposes of this regulation, other than section 7, "soft drinks" means non-alcoholic beverages in bottles of 6 to 12 ounces, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, milk drinks, or drinks consisting of fruit juices or vegetable juices where at least 85 percent by weight of the drink is fruit juice or vegetable juice or a mixture of both.

(b) For purposes of section 7 of this regulation, "soft drink" means soft drink as defined in paragraph (a) of this section, except that soft drinks in bottles of all sizes are included.

SEC. 4. *Pricing for sales to retailers.* If you sell a soft drink to retailers and have, pursuant to sections 3, 4, 5, 6, or 7 of the General Ceiling Price Regulation, a ceiling price to retailers of 95 cents or less for a case of 24 bottles, you may increase that price by adding to it 16 cents so long as your new ceiling price is not higher than 96 cents a case.

Thus for example: If your ceiling price is 75 cents a case, you may increase your ceiling price to 91 cents. But, if your ceiling price is 84 cents, you may increase it only to 96 cents.

SEC. 5. *Pricing by retailers.* (a) If you sell soft drinks at retail and your supplier, after the effective date of this regulation, charges you at the rate of 96 cents or more for a case of 24 bottles of any soft drink, or increases his price to you by 16 cents for a case of that size, and your ceiling price is less than 6 cents you may increase your ceiling price to 6 cents for a bottle of that drink.

(b) If your ceiling price prior to the issuance of this regulation is five cents for a bottle of a particular soft drink and (1) your supplier now increases his price to you by at least eight cents but less than 16 cents for a case, or (2) your supplier's price to you now is at least 88 cents for a case, you may, despite the provisions of section 9 of the General Ceiling Price Regulation, discontinue any practice you may now have of selling the soft drink involved at a special price to those who purchase more than one bottle at a time.

SEC. 6. *Notice of ceiling price increases.* Any ceiling price you establish under section 4 of this supplementary regulation will not become effective until after you have sent a notice to the Director of Price Stabilization, Washington 25, D. C., by registered mail, setting forth the proposed ceiling price and data showing that that price is authorized under the provisions of this regulation.

SEC. 7. *Bottle deposit charges.* (a) If you are a manufacturer of soft drinks in bottles of any size, you may increase your deposit charges to an amount equal to, but not more than, your average current replacement cost for the type of bottle involved. You may, however, round off to the nearest higher cent a fraction of one-half cent or more in any deposit charge increased under this section.

(b) If you are a seller of soft drinks and your supplier has, pursuant to paragraph (a) of this section, increased his bottle deposit charge to you, you may increase your deposit charge to your purchasers in the same dollars and cents amount as your supplier has increased his charge to you.

SEC. 8. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, except as modified by this supplementary regulation, continue to apply to you even though you may be one of the sellers who are authorized under this regulation to increase their ceiling prices. The only sections of the General Ceiling Price Regulation which are in any sense modified by this regulation are sections 3, 4, 5, 6, and 7.

SEC. 9. *How to take account of taxes.* If your ceiling price otherwise established under the General Ceiling Price Regulation includes any State or local excise, sales or other tax which attaches to soft drinks or to their individual sale, you may for purposes of determining whether you are entitled to one of the ceiling prices authorized under section 4 or 5 of this supplementary regulation, ignore the amount of the tax. You may, however, then re-add the amount of the tax to your new ceiling price if you are entitled to one. Whenever such a tax is decreased, you must from the effective date of the decrease, reduce your ceiling price by the amount of the decrease. The provisions of this section are in addition to those contained in section 20 of the General Ceiling Price Regulation.

Effective date. This regulation shall become effective July 28, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[General Overriding Regulation 13 Amendment 1]

[General Overriding Regulation 13, Amendment 1]

GOR 13—CONTINUATION OF CEILING PRICES IN EFFECT ON JUNE 30, 1951, FOR COMMODITIES OR SERVICES COVERED BY SPECIFIED MANUFACTURERS' REGULATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on June 30, 1951 of General Overriding Regulation 13, a study of the problems raised has indicated a need to expand the provisions of section 2 (b) to express in more detail the intention of section 2 (a) as set forth in the Statement of Considerations to General Overriding Regulation 13. Section 2 (b), as now amended, makes it clear that a regulation listed in section 1, such as CPR 22, was not put into effect on or before June 30, 1951, unless a seller had on or before that date complied with all of the requirements of the regulation and had also taken affirmative action to put it into effect on or before that date.

In a number of instances a manufacturer took all of the steps available and possible in order to make a listed regulation, such as CPR 22, effective as to him on or before June 30, 1951, including the issuance of a price list setting forth his price increases under such regulation, but for business convenience did not wish to charge his higher prices until after June 30. The interpretation of GOR 13 up to now has been that under these circumstances the listed regulation was not in effect on June 30 since the price announcement applied only to transactions after June 30. However, it has been brought to the attention of OPS that in some cases the manufacturers involved intended to make the regulation effective at once and merely exercised their right to sell at below ceiling prices for a short time rather than change prices before the end of the month. To now invalidate the manufacturer's price list or announcement and make him revert to his previous ceilings would be a burdensome requirement which might have an unstabilizing effect on prices and is not required by the stabilization program. Accordingly, under this amendment, if such a manufacturer had filed his proposed price increases and had otherwise complied with the regulation in sufficient time so that he could have put those price increases into effect prior to July 1, 1951, and in addition he had, prior to July 1, 1951, issued an announcement of his new prices, he may consider CPR 22, or a related regulation, in effect as to him as of June 30, 1951, if that was actually his intention. The statement in his price list that the new prices were to be effective after June 30, 1951 would not be considered as indicating a contrary intention. Of course, where a manufacturer, under these circumstances, intended to put CPR 22 or CPR 30 into effect on or before June 30, 1951, it was in effect as to all his commodities subject to the regulation, whether price increases or decreases were involved.

AMENDATORY PROVISIONS

Section 2 (b) of General Overriding Regulation 13 is amended to read as follows:

(b) A regulation listed in section 1 of this regulation was not effective on or before June 30, 1951 as to you, unless you on or before June 30, 1951 both complied with all of the requirements of that regulation and had taken some affirmative action indicating your intention to put it into effect as to you before July 1, 1951. However, if on or before June 30, 1951, you had issued a price list or announcement of your price increases under CPR 22, or another listed regulation, but specified that such new prices were to become effective only after June 30, 1951, you may nevertheless consider CPR 22, or such other regulation, as in effect as to you on June 30, 1951: *Provided*, That:

(1) On or before June 30, 1951, you had complied with all the provisions of that regulation.

(2) If your price list or announcement included proposed price increases under CPR 22 or CPR 30, your Public Forms No. 8 with respect to such proposed increases had been filed on or before June 14, 1951, so that you were permitted to use such higher ceiling prices on June 30, 1951.

If you come within the terms of subparagraph (1) and (2) of this paragraph, you may consider CPR 22, or another listed regulation, in effect as to you on June 30, 1951, and use your higher ceiling prices. However, if either CPR 22 or CPR 30 was in effect as to you on June 30, 1951, it was in effect for all your commodities subject to that regulation, whether price increases or price decreases are involved.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 1 to the General Overriding Regulation 13 is effective as of June 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8587; Filed, July 23, 1951; 11:52 a. m.]

[General Overriding Regulation 13, Amendment 2]

GOR 13—CONTINUATION OF CEILING PRICES IN EFFECT ON JUNE 30, 1951, FOR COMMODITIES OR SERVICES COVERED BY SPECIFIED MANUFACTURERS' REGULATIONS

PERMISSION FOR APPAREL MANUFACTURERS TO PRICE UNDER CPR 45 IMMEDIATELY

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 2 to General Overriding Regulation 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 13 permits a manufacturer subject to Ceiling Price Regulation 45 to price and sell articles covered by the latter regulation immediately. It makes inapplicable to such a manufacturer the provisions of sections 2 (a), 2 (b), 3 and 4 of GOR 13. If the manufacturer computes a CPR 45 ceiling price for an article which is lower than his GCPR ceiling price for that article, under section 2 (c) he may elect to continue to use his GCPR ceiling price until further notice.

Since the issuance of GOR 13, the impact of that regulation upon manufacturers of apparel has raised a special problem which has been given careful study by this Agency. CPR 45 was issued much later than other manufacturers' regulations affected by GOR 13. Manufacturers subject to CPR 18, Revision 1 and CPR 37 had to a large degree determined and placed in effect before June 30, 1951, their new ceiling prices under these regulations for yarns and fabrics. Many of these new ceiling prices were considerably higher than the pre-existing GCPR prices. On the other hand, most manufacturers subject to CPR 45 had not been able to complete calculations of their new ceiling prices or to put them in effect before this date. These manufacturers, therefore, were required to continue to use their GCPR prices for their articles although their manufacturing materials costs had risen considerably by virtue of their supplier's increased ceiling prices under CPR 37 and CPR 18, Revision 1. Apparel manufacturers using woolen yarns and fabrics in the manufacture of their articles have been particularly squeezed since CPR 18, Revision 1 permitted manufacturers of these commodities to pass through their greatly increased costs of wool up to March 15, 1951.

Upon the basis of studies made as to the effect of GOR 13 upon apparel manufacturers, the Director has concluded that it is necessary, in order to prevent widespread hardships and inequities, to permit all such manufacturers to price immediately under CPR 45. If the computation of his CPR 45 ceiling price for an article results in a price lower than his GCPR ceiling price, the manufacturer may continue, of course, in view of the Joint Resolution, to use his GCPR ceiling price until further notice.

AMENDATORY PROVISIONS

General Overriding Regulation 13 is amended by adding paragraph (c) to section 2 which reads as follows:

(c) Insofar as you are subject to the provisions of CPR 45, sections 2 (a) and (b), 3 and 4 of this General Overriding Regulation do not apply to you. You may establish and use ceiling prices for your articles in accordance with CPR 45 immediately. If you use your CPR 45 ceiling price for an article, you must establish your ceiling prices under CPR 45 for all other articles in the same category. If, however, your CPR 45 ceiling price for an article is below your GCPR ceiling price for that article, you may elect to use your GCPR ceiling price for that article until further notice.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective July 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8588; Filed, July 23, 1951; 11:52 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A, Direction 1]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

DIR. 1—FILING OF CMP-4B APPLICATION FORMS COVERING MANUFACTURE DURING THE FOURTH QUARTER OF PRODUCTS SUBJECT TO NPA ORDER M-47A

This direction to NPA Order M-47A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the direction affects a large number of different trades and industries.

Sec.
1. Purpose.
2. Application for requirements as to products listed in NPA Order M-47A.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951; 16 F. R. 61.

SECTION 1. *Purpose.* The purpose of this direction is to advise persons subject to NPA Order M-47A of certain provisions of Instructions for Preparing Form CMP-4B, covering requirements of controlled materials to be used in production during the fourth quarter of 1951.

SEC. 2. *Application for requirements as to products listed in NPA Order M-47A.* The instructions relating to the filing of CMP-4B application forms for the fourth quarter require applications to be filed by July 31, 1951, for products previously marked with an asterisk in the "Official CMP Class B Products List." Most of the products included in Lists A and B of NPA Order M-47A were previously asterisked products. Regarding such products, the instructions state in pertinent part as follows:

A manufacturer of a product using controlled materials from which no CMP allotments were made for the third quarter 1951 (those previously marked with an asterisk in the "Official CMP Class B Product List"), may apply for material actually needed for his production schedule for fourth quarter 1951, but in no case shall his material requirements exceed the following:

(1) Materials needed to manufacture and/or assemble products needed to fill rated orders during the fourth quarter 1951, plus

(2) The quantity of materials permitted for consumption in the third quarter 1951 under the terms of NPA Order M-47A.

Application Forms CMP-4B, together with the instructions relating thereto, are available at all field offices of the Department of Commerce.

This direction shall be effective on July 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8548; Filed, July 20, 1951; 1:41 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), §§ 207.50, 207.158, 207.188 (a), 207.510, 207.640 (c) (3) (ii), and 207.900 (a) are hereby amended, and §§ 207.30 and 207.441 are hereby prescribed, as follows:

§ 207.30 *Block Island Sound southeast of Fishers Island, N. Y.; naval restricted area*—(a) *The area.* The waters of Block Island Sound southeast of Fishers Island, New York, described as follows: Beginning at latitude 41°15'42", longitude 71°56'26"; thence to latitude 41°15'48", longitude 71°54'50"; thence to latitude 41°15'10", longitude 71°54'10"; thence to latitude 41°15'15", longitude 71°56'53"; and thence to the point of beginning. A training dummy minefield has been established in this area, the corners of which are marked by orange and white horizontal striped can buoys. The mines are moored at depths in excess of 40 feet.

(b) *The regulations.* (1) In order to prevent fishing and other vessels from interfering with training operations in this area by the possible disturbance of the mines and to prevent damage to fishing gear, all vessels except naval vessels using the area for training purposes are prohibited from passing through or operating within the area.

(2) The regulations in this section shall be enforced by the Commander, Submarine Force, United States Atlantic Fleet, and such agencies as he may designate.

§ 207.50 *Hudson River Lock at Troy, N. Y.; navigation.* * * *

(b) *Signals.* Steamboats or tows desiring lockage in either direction shall give notice to the lock tenders, when not more than three-fourths mile from the lock, by one long blast of (10 seconds' duration), followed by one short blast (of three seconds' duration), or a whistle or horn. When the lock is ready for entrance a green light will be shown from the river wall. An amber light will indicate that the lock is being made ready for entrance. A red light will indicate that the approaching vessel must wait. Whenever local conditions make it advisable the visual signals will be supplemented by sound signals as follows:

(1) One long blast of a horn to indicate that the vessel must wait.

(2) One short blast of a horn to indicate that the lock is being made ready for entrance.

(3) Two short blasts of a horn to indicate permission to enter the lock.

(4) Four short and rapid blasts to attract attention, indicate caution, and signal danger.

* * * * *

(d) *Precedence.* Usually the boat arriving first at the lock will be the first locked through, but when many boats are to be passed precedence will be given to boats owned or operated by the United States Government. Passenger boats will have precedence over tows and like craft. If the traffic is crowded in both directions, up and down lockages will usually be made alternately, but the lock tender may permit two or more lockages to be made at one time in the same direction when this will not cause unreasonable delay. When two or more vessels or tows arrive at the lock from the same direction at the same time, the landward vessel on the lock side of the river shall have precedence, and the riverward vessel shall stop and give way to the landward vessel on the lock side. Arrival posts or markers may be established ashore above or below the lock. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the lock within the meaning of this paragraph. No boat shall run ahead of another while in the lock. The boat that enters first shall leave first.

* * * * *

(o) *Penalties.* In addition to the penalties prescribed by law, boats which fail to comply with the regulations in this section will thereafter be refused lockage until assurances have ben received, satisfactory to the District Engineer, Corps of Engineers, New York, New York, that the regulations will be complied with.

(p) *Copies of regulations.* [Revoked.]

(q) *Effective date.* [Revoked.]

§ 207.158 *Chesapeake Bay entrance; naval restricted area*—(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06", thence to latitude 37 01'24", longitude 76°02'06", thence to latitude 37°06'15", longitude 76°00'42"; thence 90° true to longitude 75°58'50"; thence to a point on the east shore of Chesapeake Bay at latitude 37°07'18"; thence southerly and northeasterly along the shore at Wise Point to longitude 75°57'30"; thence 180° true to latitude 37°05'36"; thence to latitude 37°04'00", longitude 75°50'00"; thence 180° true to latitude 36°48'00"; thence 270° true to longitude 75°55'00"; thence to latitude 36°53'00", longitude 75°56'00"; thence 270° true to the shore; and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 207.188 *Corpus Christi Bay and Laguna Madre; seaplane restricted area, Naval Air Station, Corpus Christi, Tex.*—(a) *The area.* The waters of Corpus Christi Bay and Laguna Madre within an area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the Naval Air Station (at approximate longitude 97°17'15"); thence to latitude 27°44'30", longitude 97°20'00"; thence due north to latitude 27°46'30"; thence to Spoil Bank Light; thence to latitude 27°43'04", longitude 97°13'12"; thence to latitude 27°40'44", longitude 97°14'12"; thence to a point on the east shore of Encinal Peninsula at latitude 27°40'00"; thence generally northerly along the shore to Flour Bluff Point; and thence westerly along the south shore of Corpus Christi Bay to the point of beginning.

* * * * *

§ 207.441 *St. Marys Falls Canal and Locks, Mich.; security*—(a) *Purpose and scope of special regulations.* The regulations in this section are prescribed as protective measures during the present emergency. They supplement the general regulations contained in § 207.440 the provisions of which shall remain in full force and effect except as modified by this section.

(b) *Restrictions on transit of vessels.* The following classes of vessels will not be permitted to transit the United States locks or enter any of the United States approach canals:

(1) All foreign vessels except those of Canadian registry.

(2) All passenger vessels, including those of United States registry.

(3) All pleasure craft.

(4) All small work craft other than United States Government craft and local harbor tugs regularly engaged in assisting vessels in transit.

(5) All oil tankers not having too great a draft or beam to transit the Canadian lock; those having too great a draft or beam to transit the Canadian lock may continue to use the United States locks.

(6) All vessels carrying explosives.

(c) *Personnel restrictions.* (1) Control of all persons embarking on and debarking from vessels while transiting the canal is vested in the Commanding General, Fifth Army, and his military representative at Sault Ste. Marie, Michigan, and the procedures set forth in this paragraph are established in connection therewith.

(2) Only the master or mate and two or three linesmen will be permitted to go ashore from transiting vessels and then only for normal operations and business incident to the transit. A maximum of four men will be permitted to go ashore from any one ship.

(3) Company officials or representatives, technicians employed directly or indirectly by the vessel owners, and vessel personnel, desiring to embark or debark in the canal, must direct written requests therefor to the designated military commander at Sault Ste. Marie sufficiently in advance so that written authority for the action, if approved, may be delivered to the person or persons affected prior to their arrival at the canal. Any such person embarking shall present his letter of authority to the Officer of the Day at the military gate at the canal. Any such person debarking shall present his letter of authority to the military escort meeting his vessel when in the lock chamber.

(4) All persons other than those enumerated in subparagraphs (2) and (3) of this paragraph, desiring to embark or debark in the canal, must direct written requests therefor to the Commanding General, Fifth Army, 1660 East Hyde Park Boulevard, Chicago 52, Illinois, Attention: Assistant Chief of Staff, G-2, sufficiently in advance so that written authority for the action, if approved, may be delivered to the person or persons affected prior to their arrival at the canal. Any such person embarking shall present his letter of authority to the Officer of the Day at the military gate at the canal. Any such person debarking shall present his letter of authority to the military escort meeting his vessel when in the lock chamber.

(5) Emergency needs to embark or debark which develop with insufficient time to follow the procedure outlined in this paragraph will be approved or disapproved by the designated military commander at Sault Ste. Marie according to the circumstances of the individual case, and requests therefor should be promptly directed to him.

(d) *Inspection of vessels.* (1) Immediately prior to arrival at the canal the master shall make or cause to be made by a licensed officer a special inspection of the ship. Such inspection shall include examination of openings to all closed compartments, the forepeak and afterpeak, blind hold, dunnage room, windlass room, and chain locker, and examination of bolt fastenings so as to detect signs of any tampering. Entry of such inspection shall be made in the ship's log.

(2) After making the inspection and prior to entering the canal a yellow flag three feet square showing a black ball in the center (International Signal Code "I") shall be displayed from the forward part of the ship to notify canal officials that the required inspection has been made. The privileges of passing through the canal will be granted only when this flag is flown.

(3) Ships complying with the regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examinations.

§ 207.510 *Connecting waters of the Great Lakes from Lake Huron to Lake Erie; use, administration, and navigation.* * * *

(c-1) *Temporary regulations governing use of Livingstone Channel and Amherstburg Channel by small craft.* (1) During the present emergency, the Livingstone Channel from its intersection with the Ballards Reef Channel approximately three-fourths mile above Stony Island to its intersection with the Amherstburg Channel approximately three miles below Bois Blanc Island shall be closed to all small craft of less than 100 gross tons, except those owned or operated by the United States or Canadian Government and tugs regularly engaged in commercial towing. Small craft either upbound or downbound shall use the Amherstburg Channel (east of Bois Blanc Island).

(2) Small craft desiring to cross the Livingstone Channel may, at the discretion of the District Engineer, be permitted to do so at the "Sugar Island Cut" opposite the head of Bois Blanc Island provided that a clear distance of not less than 1,000 feet is maintained between such craft and vessels moving in the Livingstone Channel in an authorized manner.

* * * * *

§ 207.640 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.* * * *

(c) *San Francisco Bay; seaplane restricted area, Naval Air Station, Alameda.* * * *

(3) *The regulations.* * * *

(ii) Surface watercraft * * * on the breakwater. Craft navigating this channel-way shall pass directly through and shall obey such verbal instructions regarding passage as may be given from the naval surface vessel patrolling the seadrome restricted area.

* * * * *

§ 207.900 *Restricted areas in vicinity of Maritime Administration Reserve Fleets.* (a) The regulations in this section shall govern the use and navigation of waters in the vicinity of the following National Defense Reserve Fleets of the Maritime Administration, Department of Commerce:

(1) Hudson River Reserve Fleet, Jones Point, New York.

(2) James River Reserve Fleet, Fort Eustis, Virginia.

(3) Wilmington Reserve Fleet, Brunswick River near Wilmington, North Carolina.

(4) Mobile Reserve Fleet, Tensaw River near Bay Minette, Alabama.

(5) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(6) Suisun Bay Reserve Fleet near Benicia, California.

(7) Astoria Reserve Fleet, Cathlamet Bay near John Day Point, Oregon.

(8) Olympia Reserve Fleet, Budd Inlet at Olympia, Washington.

* * * * * *

[Regs., July 5, 1951, 800.2121-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8500; Filed, July 23, 1951; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-19]

MISCELLANEOUS AMENDMENTS TO CHAPTER

A notice regarding proposed changes in the regulations for the transportation of inflammable liquids and specifications for fibrous glass life preservers, pistol projected parachute red flare distress signals and signal pistols was published in the FEDERAL REGISTER dated February 27, 1951, 16 F. R. 1831, as Items III and IV on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on March 27, 1951, in Washington, D. C. All the comments submitted were considered and where practicable were incorporated into the regulations.

The purpose of the amendments to 46 CFR §§ 146.03-9, 146.04-5, 146.21-1 to 146.21-100, inclusive, and 146.25-100 is to revise the requirements for the transportation of inflammable liquids so that the Coast Guard requirements will be in agreement with the Interstate Commerce Commission's regulations and will contain new requirements covering new inflammable liquids which have become commercially important. The subpart entitled "Detailed Regulations Governing Inflammable Liquids" has been brought up to date and the text of former §§ 146.21-1, 146.21-2, 146.21-14, and 146.21-100 was revised. The regulations in this subpart have been renumbered in order to allow for future expansion of text if necessary. For convenience tables showing the old section numbers and the new section numbers assigned are printed below and the asterisks indicate which sections have been revised.

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old section Nos.	New section Nos.
•146.21-1	•146.21-1
•146.21-2	•146.21-5
146.21-3	146.21-10
146.21-4	146.21-15
146.21-5	146.21-20
146.21-6	146.21-25
146.21-7	146.21-30
146.21-8	146.21-35
146.21-9	146.21-40
146.21-10	146.21-45
146.21-11	146.21-50
146.21-12	146.21-55
146.21-13	146.21-60
•146.21-14	•146.21-65
146.21-15	146.21-70
146.21-16	146.21-75
•146.21-100	•146.21-100

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

New section Nos.	Old section Nos.
•146.21-1	•146.21-1
•146.21-5	•146.21-2
146.21-10	146.21-3
146.21-15	146.21-4
146.21-20	146.21-5
146.21-25	146.21-6
146.21-30	146.21-7
146.21-35	146.21-8
146.21-40	146.21-9
146.21-45	146.21-10
146.21-50	146.21-11
146.21-55	146.21-12
146.21-60	146.21-13
•146.21-65	•146.21-14
146.21-70	146.21-15
146.21-75	146.21-16
•146.21-100	•146.21-100

The purpose for adding a new specification covering life preservers using fibrous glass as buoyant material as 46 CFR Subpart § 160.005 in Subchapter Q, Specifications, is to provide an alternate type of life preserver for use on inspected vessels. This specification sets forth the requirements to be followed in manufacturing life preservers using fibrous glass as buoyant material, as well as inspections and tests required, and the procedures for obtaining approval.

The purpose for the two specifications covering pistol projected parachute red flare distress signals and signal pistols is to separate present specification requirements into two specifications in order that manufacturing requirements may be more easily understood. The revision of the specifications does not change the requirements or add new requirements except that the cost of qualification tests for type or brand approval must now be borne by the manufacturer. The specification in 46 CFR Subpart § 160.024 now contains the requirements to be followed in the manufacturing of pistol projected parachute red flare distress signals. The specification in 46 CFR Subpart § 160.028 contains the requirements to be followed in the manufacturing of signal pistols. These specifications also contain the requirements covering the inspections and tests required and procedures for obtaining approval.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120 dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART — DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN THE REGULATIONS IN THIS SUBCHAPTER

1. Part 146 is amended by adding a new § 146.03-9 reading as follows:

§ 146.03-9 *Flammable or inflammable.* For the purpose of the regulations in this subchapter, the words "inflammable" and "flammable," are interchangeable or synonymous terms.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply Sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

2. Section 146.04-5 is amended to read as follows:

§ 146.04-5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label req.[1]
Acetaldehyde (*ethyl aldehyde*)	Inf. L	Red.
Acetic acid (*Aqueous solution*)	Comb. L	
Acetic acid, glacial	Comb. L	
Acetic anhydride	Comb. L	
Acetone	Inf. L	Red.
Acetone oils	Comb. L	
•Acetone oils	Inf. L	Red.
Acetyl chloride	Cor. L	White.
Acetylene	Inf. G	Red.
Acid carboys, empty (see: "Carboys, empty")	Haz	
Acids, liquid, N. O. S.	Cor. L	White.
Acid, picric. (See: "Picric acid.")		
Acid, sludge. (See: "Sludge acid.")		
Acrolein (*inhibited*)	Inf. L	Red.
Acrylonitrile	Inf. L	Red.
Aeroplane flares. (See: "Fireworks.")		
Air, compressed	Noninf. G	Green.
•Alcohol or alcohol, N. O. S.	Inf. L	Red.
Alcohol, allyl, liquid	Pois. B	Poison.
Alcohol, amyl (*normal primary, normal secondary, isoamyl*)	Comb. L	
•Alcohol, butyl	Comb. L	
•Alcohol, butyl	Inf. L	Red.
•Alcohol, denatured	Inf. L	Red.
Alcohol, ethyl	Inf. L	Red.
Alcohol, isobutyl	Comb. L	
•Alcohol, n. o. s.	Comb. L	
•Alcohol, propyl (see: "Alcohol, n. o. s.")	Comb. L	
•Alcohol, propyl	Inf. L	Red.
•Alcohol, tertiary	Inf. L	Red.
Alcohol, wood (methanol)	Inf. L	Red.
Alkaline corrosive battery fluid	Cor. L	White.
Alkaline corrosive battery fluid with storage battery. (See: "Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.")		
Alkaline corrosive liquids, n. o. s.	Cor. L	White.
Allyl alcohol. (See: "Alcohol, allyl, liquid.")		
Allyl bromide	Inf. L	Red.
•Aluminum liquid (or paint) (see: "•Paint, enamel, etc.")	Inf. L	Red.
Aluminum nitrate (see: "*Nitrates*")	Oxy. M	
Aluminum powder, uncoated	Haz	
Ammonia, anhydrous. (See: "Anhydrous ammonia.")		
Ammonium arsenate, solid	Pois. B	Poison.
Ammonium bichromate	Oxy. M	Yellow.
Ammonium nitrate (see: "*Nitrates*")	Oxy. M	
Ammonium perchlorate	Oxy. M	Yellow.
Ammonium permanganate	Oxy. M	Yellow.
Ammonium picrate. (See: "High explosives.")		
Ammonium picrate, wet (*When wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package*).	Inf. S	
Ammunition, chemical (containing class A poisons, liquids, or gases). (See: "*Chemical ammunition.*")		
Ammunition, chemical (containing class B poisons, liquids, or gases). (See: "*Chemical ammunition.*")		
Ammunition, chemical (containing class C poisons, liquids or solids). (See: "*Chemical ammunition.*")		
Ammunition, chemical, explosive. (See: "*Ammunition—Projectiles, grenades, bombs, mines, and torpedoes.*")		
Ammunition for cannon, nonexplosive	No restrictions	—
Ammunition for cannon with empty projectiles (see: "*Ammunition for cannon with nonexplosive projectile*").	Expl. B	
Ammunition for cannon with explosive gas, smoke, or incendiary projectiles.	Expl. A	
Ammunition for cannon with nonexplosive projectiles	Expl. B	
Ammunition for cannon with sand-loaded projectiles (see: "*Ammunition for cannon with nonexplosive projectile*").		
Ammunition for cannon with solid projectiles. (see: "*Ammunition for cannon with nonexplosive projectile*").	Expl. B	
Ammunition for cannon without projectiles (see: "*Ammunition for cannon with nonexplosive projectile*").	Expl. B	
Ammunition for small arms	Expl. C	
Ammunition for small arms with explosive bullets	Expl. A	
•Amyl acetate	Comb. L	
•Amyl acetate	Inf. L	Red.
Amyl chloride	Inf. L	Red.
Amyl nitrite	Inf. L	Red.
Anhydrous ammonia	Noninf. G	Green.
Aniline oil drums empty	Haz	
Aniline oil, liquid	Pois. B	Poison.
•Anti-freeze compounds, liquid	Comb. L	
•Anti-freeze compounds, liquid	Inf. L	Red.
•Anti-freeze preparations, proprietary, liquid	Inf. L	Red.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
Antimony pentachloride	Cor. L	White.
Argon	Noninf. G	Green.
Arsenate of lead. (See: "Lead arsenate.")		
Arsenic acid, liquid	Pois. B	Poison.
Arsenic acid, solid	Pois. B	Poison.
Arsenic bromide, solid	Pois. B	Poison.
Arsenic chloride (arsenous) liquid	Pois. B	Poison.
Arsenic iodide, solid	Pois. B	Poison.
Arsenic metal, solid	Pois. B	Poison.
Arsenic pentoxide, solid	Pois. B	Poison.
Arsenic, solid. (See: "Arsenic metal, solid.")		
Arsenic sulfide (powder), solid	Pois. B	Poison.
Arsenic trichloride, liquid (see: "Arsenic chloride (arsenous) liquid")	Pois. B	Poison.
Arsenic trioxide, solid	Pois. B	Poison.
Arsenic, white, solid	Pois. B	Poison.
Arsenical compounds or mixtures, N. O. S., liquid	Pois. B	Poison.
Arsenical compounds or mixtures, N. O. S., solid	Pois. B	Poison.
Arsenical dip, liquid (sheep dip)	Pois. B	Poison.
Arsenical dust. (See: "Insecticide, dry.")		
Arsenical flue dust. (See: "Insecticide, dry.")		
Arsenous and mercuric iodide solution, liquid	Pois. B	Poison.
Arsenous acid, solid	Pois. B	Poison.
•Asphalt, cut-back. (See: "Road asphalt or tar, liquid.")		
•Asphalt	Haz	
Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, when offered for transportation, without boxing or crating and containing no gasoline, or other motor fuel, within the fuel tanks.*	Haz	
Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, when offered for transportation without boxing or crating and containing gasoline, or other motor fuel, within the fuel tanks.*	Haz	
Automobiles, motorcycles, tractors, or other self-propelled vehicles, *new or used, within boxes or crates, when shipped as cargo, and containing no lubricating oil, gasoline, or other motor fuel within the motor or fuel tank.*	Haz	
Bags, nitrate of soda, empty and unwashed	Inf. S	Yellow.
Bags, nitrate of soda, empty and washed. (See: "Burlap bags, used and washed.")		
Barium binoxide (see: "Barium peroxide")	Oxy. M	Yellow.
Barium chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Barium chlorate, wet (see: "*Chlorates, wet*")	Oxy. M	Yellow.
Barium cyanide, solid	Pois. B	Poison.
Barium dioxide (see: "Barium peroxide")	Oxy. M	Yellow.
Barium nitrate (see: "*Nitrates*")	Oxy. M	
Barium perchlorate (see: "*Perchlorates*")	Oxy. M	Yellow.
Barium permanganates (see: "*Permanganates*")	Oxy. M	Yellow.
Barium peroxide	Oxy. M	Yellow.
Barrels, empty. (See: "Drums, empty.")		
Batteries, dry	No restrictions	
Batteries, electric, storage wet	Cor. L	White.
Batteries, electric, storage, wet, with containers of corrosive battery fluid. (See: "Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.")		
Battery charger with electrolyte (acid) or alkaline corrosive liquid. (See: "Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger or radio current supply device or parts thereof.")		
Battery fluid. (See: "Electrolyte (acid) battery fluid" or "Alkaline corrosive battery fluid.")		
Battery parts (*Plates, grids, etc., unwashed, exhausted*)	Haz	
Benzaldehyde	Comb. L	
Benzene (benzol)	Inf. L	Red.
•Benzine	Inf. L	Red.
Benzol (benzene)	Inf. L	Red.
Benzoyl chloride	Cor. L	White.
Benzoyl peroxide, dry (*Granular form*)	Inf. S	Yellow.
Benzoyl peroxide, wet (*with not less than 30% water*)	Inf. S	Yellow.
Benzyl chloride	Cor. L	White.
Black blasting powder. (See: "Black powder.")		
Black pellet powder. (See: "Black powder.")		
Black powder	Expl. A	
Black powder igniters with empty cartridge bags (see: "*Igniters*")	Expl. C	
Black rifle powder. (See: "Black powder.")		
Blasting caps, electric. (See: "Electric blasting caps.")		
Blasting caps—1,000 or less	Expl. C	
Blasting caps—more than 1,000	Expl. A	
Blasting caps with safety fuse—more than 1,000	Expl. A	
Blasting caps with safety fuse—1,000 or less caps	Expl. C	
Blasting gelatin. (See: "High explosives.")		
Blasting powder. (See: "Black powder.")		
Bleaching powder	Haz	
Bombs, explosive. (See: "Explosive bombs.")		
Bombs, explosive, gas, smoke, or incendiary. (See: "Explosive bombs.")		
Bombs, fireworks. (See: "*Fireworks.*")		

Article	Classed as—	Label req.[1]
Bombs, gas, smoke, or incendiary nonexplosive. (See: "*Chemical ammunition.*")		
Bombs, sand-loaded or empty. (See: "*Ammunition for cannon, nonexplosive.*")		
Bone, chipped (*heat treated*)	Haz	
Boosters (explosive)	Expl. A	
Bordeaux arsenites, liquid	Pois. B	Poison.
Bordeaux arsenites, solid	Pois. B	Poison.
Boron trichloride	Cor. L	White.
Boron trifluoride	Noninf. G	Green.
Bottles, *acid or other corrosive liquid*, empty	Haz	
Box toe board (*nitrocellulose base*)	Haz	
•Box toe gum	Comb. L	
•Box toe gum	Inf. L	Red.
Bromacetone, liquid	Pois. A	Poison.
Brombenzyl cyanide, liquid	Pois. C	Tear gas.
Bromine	Cor. L	White.
Bromobenzene	Comb. L	
Bromomethane, liquid. (See: "Methyl bromide liquid.")		
•Bronze liquid (or paint) (see: "•Paint, enamel, etc.")	Inf. L	Red.
Brucine, solid	Pois. B	Poison.
Burlap bags, new	Haz	
Burlap bags, used and unwashed or uncleaned	Haz	
Burlap bags, used and washed. (See: "Burlap bags, new.")		
Burlap cloth (*hessian*)	Haz	
Burnt cotton (not repicked)	Inf. S	Yellow.
Burnt fibers. (See: "Fibers, burnt, wet or damp.")		
Butadiene. (See: "Liquefied petroleum gas or liquefied hydrocarbon gas.")		
Butane. (See: "Liquefied petroleum gas.")		
Butyl acetate	Comb. L	
•Butyl alcohol (see: "•Alcohol or alcohol, N. O. S.")	Inf. L	Red.
Butyl ether	Comb. L	
Butyraldehyde	Inf. L	Red.
Cacodylic acid, solid	Pois. B	Poison.
Calcium arsenate, solid	Pois. B	Poison.
Calcium arsenite solid	Pois. B	Poison.
Calcium carbide	Haz	
Calcium chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Calcium chlorite	Oxy. M	Yellow.
Calcium cyanamide, not hydrated	Haz	
Calcium cyanide. (See: "Cyanide of calcium.")		
Calcium hypochlorite. (See: "Bleaching powder.")		
Calcium hypochlorite compounds, dry, containing more than 8.80% available oxygen (39% available chlorine).	Oxy. M	Yellow.
Calcium metallic	Inf. S	Yellow.
Calcium nitrate (see: "*Nitrates*")	Oxy. M	
Calcium perchlorate (see: "*Percholorates*")	Oxy. M	Yellow.
Calcium permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Calcium peroxide	Oxy. M	Yellow.
Calcium phosphide	Inf. S	Yellow.
Camphene	Haz	
Camphor (*Crude, refined, or synthetic*)	Haz	
Camphor oil	Comb. L	
Cannon powder. (See: "Black Powder.")		
Cannon primers. (See: "Primers.")		
Caps, blasting. (See "Blasting caps.")		
Caps, toy. (See: "Toy caps.")		
Carbolic acid, fused solid. (See: "Carbolic acid, solid.")		
Carbolic acid, liquid (*Liquid tar acid containing over 50% Benzophenol*)	Pois. B	Poison.
Carbolic acid, solid	Pois. B	Poison.
Carbon bisulfide (disulfide)	Inf. L	Red.
Carbon dioxide, liquefied	Noninf. G	Green.
Carbon dioxide, solid	Haz	
Carbon dioxide syphon bulbs	Noninf. G	
Carbon disulfide. (See: "Carbon bisulfide.")		
Carbon monoxide	Inf. G	Red.
•Carbon remover, liquid	Comb. L	
•Carbon remover, liquid (see: "•Compounds, cleaning, liquid")	Inf. L	Red.
Carbonyl chloride. (See: "Phosgene.")		
Carboys, empty	Haz	
Cartridge bags, empty, with black powder igniters	Expl. C	
Cartridge cases, empty, primed (see: "Primers")	Expl. C	
•*Case oil.* (See: "Gasoline, •Naphtha.")		
Casinghead gasoline. (See. "Gasoline.")		
Caustic potash, liquid	Cor. L	White.
Caustic potash, solid	Haz	
Caustic soda, liquid	Cor. L	White.
Caustic soda, solid	Haz	
•Cement, leather	Comb. L	
•Cement, leather	Inf. L	Red.
•Cement, liquid, N. O. S.	Comb. L	
•Cement, liquid, N. O. S.	Inf. L	Red.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
•Cement, pyrophyric	Inf. L.	Red.
•Cement, roofing, liquid	Comb. L.	
•Cement, roofing, liquid	Inf. L.	Red.
•Cement, rubber	Inf. L.	
•Compounds, cleaning, liquid	Inf. L.	
•Compounds, rubber cement	Inf. S.	Red.
•Compounds, vulcanizing, liquid (see "Compounds, cleaning, liquid").	Cor. L.	White.
Charcoal, briquets	Inf. L.	Red.
Charcoal, screenings, N. O. S.	Inf. L. or Noninf. G.	Red or Green.
Charcoal, screenings, made from "pinon" wood	Not permitted.	
Charcoal, screenings, wet	Inf. permitted.	
Charcoal, shell	Inf. L.	
Charcoal, wood, crushed, granulated, ground or pulverized	Not permitted.	
Charcoal, wood, lump	Inf. S. or L.	Yellow.
Charcoal, wood screenings, other than "pinon" wood screenings	Inf. S. or L.	
Chemical ammunition (containing Class A poisons, liquids or gases)	Poisons A	
Chemical ammunition (containing Class B poisons, liquids or gases)	Poisons B	
Chemical ammunition (containing Class C poisons, liquids, or gases)	Poisons C	
Chemical ammunition, explosive. (See Ammunition for cannon with explosive gas, smoke or incendiary properties.)		
Chloracetophenone gas, liquid or solid	Poisons C	Tear gas.
Chloracetyl chloride gas, liquid or solid	Cor. L.	White.
Chlorate explosives, dry. (See "High explosives.")		
Chlorate powders. (See "High explosives.")	Oxy. M.	Yellow.
Chlorate of potash (see "Chlorates.")	Oxy. M.	Yellow.
Chlorate of soda (see "Chlorates.")	Oxy. M.	Yellow.
Chlorates. (See "Chlorates.")	Oxy. M.	Yellow.
Chlorates, N. O. S. (see "Chlorates.")	Oxy. M.	Yellow.
Chlorates, N. O. S. wet (see "Chlorates, wet").	Oxy. M.	Red.
Chlorates, wet. (See "Chlorates, wet.")	Inf. L.	Red.
Chlorbenzol (see "Chlorobenzol").	Inf. L.	Red.
Chloride of lime. (See "Bleaching powder.")		
Chloride of phosphorus. (See "Sulfur chloride.")		
Chlorinated lime (see "Bleaching powder").		
Chlorine	Haz.	Green.
•Chlorobenzene (see "Chlorobenzol")	Nonintf. G.	Red.
•Chlorobenzol	Inf. L.	White.
•Chlorobenzol, acid	Cor. L.	White.
Chlorosulfonic acid-sulfur trioxide mixture	Cor. L.	Poison gas.
Chloropicrin absorbed	Poisons A	Poison gas.
Chloropicrin, liquid	Poisons A	Poison gas.
Chloropicrin mixtures	Poisons A	Yellow.
Chromic acid mixtures, dry	Oxy. M.	White.
Chromic acid solution	Cor. L.	
•Cleaning fluid or liquid	Inf. L.	Red.
•Cleaning fluid or liquid (see "Compounds, cleaning, liquid").		
Coal briquets, hot. (See "Chemical ammunition.")	Not permitted.	
Coal facings	Inf. S.	Yellow.
Coal gas	Inf. G.	Red.
Coal oil (export shipment only—see "Kerosene").		
•Coal tar (see "Creosote, coal tar.")	Comb. L.	Red.
•Coal tar distillate, N. O. S.	Comb. L.	Red.
•Coal tar light oil. (See "Benzine.")	Inf. L.	Red.
•Coal tar naphtha	Inf. L.	Red.
•Coal tar oil	No restrictions.	
Cobalt resinate, precipitated	Inf. S.	Yellow.
Cocculus, solid (fishberry)	Poisons B	Poison.
Coir. (See "Fibers.")		
Coke, hot	Not permitted.	
Collodion	Inf. L.	Red.
Collodion cotton, wet. (See "Wet nitrocellulose.")		
Collodion cotton, wet with water (export shipments only). (See "Nitrocellulose, wet with water.")	Inf. L.	Red.
Colognes containing alcohol or alcohol N. O. S.		
Columbian spirits (wood alcohol). (See "Alcohol or alcohol N. O. S.")	Inf. L.	Red.
Combination fuzes. (See "Fireworks.")	Expl. C.	
Combination primers, N. O. S.	Expl. C.	
•Compounds, cleaning, liquid	Comb. L.	Red.
•Compounds, cleaning, liquid	Inf. L.	White.
•Compounds, cleaning, liquid	Cor. L.	Red.
•Compounds, cleaning, liquid	Inf. L.	
•Compounds, enamel, liquid (see "Compounds, lacquer, etc., removing, liquid").		
•Compounds, lacquer, paint or varnish reducing, liquid	Comb. L.	Red.
•Compounds, lacquer, paint or varnish removing, liquid	Inf. L.	
•Compounds, lacquer, paint or varnish removing, liquid	Comb. L.	
•Compounds, lacquer, paint or varnish removing, liquid	Cor. L.	White.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
Ferrophosphorus briquets	No restrictions	
Ferrosilicon briquets	Haz.	
Ferrosilicon, containing between 25% and 45% or containing between 65% and 70% silicon	Haz.	
Ferrosilicon, containing between 45% and 85% silicon	Haz.	Poison.
Ferrosilicon, containing less than 45% or more than 70% silicon	Poison B	Poison.
Ferrous arsenate, solid	Nonintf. G.	Green.
Fiberboard scrap, containing nitrocellulose, N. O. S.		
Fiberboard scrap (when dry, clean, and free from oil). (See "Paper scrap.")	Inf. S.	Yellow.
Fibers (Jute, hemp, flax, sisal, cair, kapok, and similar vegetable fibers)	Haz.	
Film support, nitrocellulose base. (See "Pyroxylin plastics, rods, rolls, sheets, tubes.")	Inf. S.	Yellow.
Firecrackers. (See "Fireworks.")		
Firecracker salutes. (See "Fireworks.")		
Fire extinguishers, hand (containing nonliquefied gas)	Cor. L.	
Fireworks	Nonintf. G.	Fireworks.
Fireworks, forbidden	Expl. B	
Fish oils	Not permitted.	
Fish scrap or fish meal, (containing at least 6% and not more than 18% moisture)	Haz.	
Fish scrap or fish meal, (containing less than 6% or more than 18% moisture)	Inf. S.	Yellow.
Fish scrap, wet unlimited	Haz.	
Flammable liquids, N. O. S. (see "Inflammable liquid, N. O. S.")	Inf. L.	Red.
Flares. (See "Fireworks.")		
Flares, aeroplane. (See "Fireworks.")		
Flares, signal. (See "Fireworks.")		
Flash cartridges. (See "Fireworks" and "Low explosives.")		
Flash powder. (See "Fireworks" and "Low explosives.")		
Flash sheets. (See "Fireworks" and "Low explosives.")		
Flax. (See "Fibers.")		
Formaldehyde. (See "Formaldehyde.")	Comb. L.	White.
Formic acid		
•Fuel oil, C. S. No. 1	Cor. L.	
•Fuel oil, C. S. No. 2	Comb. L.	
•Fuel oil, C. S. No. 3	Comb. L.	
•Fuel oil, C. S. No. 4	Comb. L.	
Fulminate of mercury, dry	Prohibited.	
Fulminate of mercury, wet. (See "Initiating explosive.")		
Furfural	Comb. L.	Red.
•Furniture cream or wood stains, liquid (see "Paint, enamel, etc.").	Inf. L.	Red.
•Furniture polish (see "Polishes, metal, etc.").	Inf. L.	
Fuses, railway. (See "Fireworks.")		
Fuse lighters	Expl. C.	
Fuse, instantaneous. (See "Instantaneous fuse.")		
Fuse, safety	Expl. C.	
Fuse, time	Comb. L.	
Fuses, combination, percussion, time or tracer	Expl. C.	
Fuzes, detonating, containing less than 8% moisture	Expl. C.	
Fuzes, detonating, containing 8% or more of moisture	Inf. S. A.	Yellow.
Garbage tankage (containing 8% or more of moisture)	Haz.	
Gas drips, hydrocarbon	Inf. L.	Red.
Gas identification sets	Pois. C.	Poison gas.
Gas identification sets	Poisons A	Poison gas.
Gasoline	Comb. L.	
Gasoline	Inf. L.	Red.
Gasoline (export only) (see "Gasoline")	Inf. L.	Red.
Gasoline, casinghead (see "Gasoline")	Inf. L.	Red.
•Grain alcohol (see "Alcohol or alcohol N. O. S.")		
•Grain alcohol, denatured (see "Alcohol or alcohol N. O. S.")		
•Grain spirits (see "Alcohol or alcohol N. O. S.")		
Grenades, empty, primed (see "Primers").		
Grenades, hand, explosive. (See "Explosive hand grenades.")		
Grenades, rifle, explosive. (See "Explosive rifle grenades.")		
Guanyl nitrosamino guanylidene. (See "Initiating explosive.")		
Guanyl nitrosamino guanyltetrazene. (See "Initiating explosive.")		
Guanylidene tetrazene. (See "Initiating explosive.")	Inf. S.	Yellow.
Gunpowder. (See "High explosives.")		
Hay	Inf. S.	
Hay or straw (loose, wet or damp)	Haz.	
Hemp. (See "Fibers.")	Not permitted.	
Hemp, wet. (See "Fibers, burnt, wet or damp.")	Nonintf. G.	Green.
Heptane	Inf. L.	Red.

Article	Classed as—	Label req.[1]
•Cement, pyroxylin	Inf. L.	Red.
•Cement, roofing, liquid	Comb. L.	
•Cement, roofing, liquid	Inf. L.	Red.
•Cement, rubber	Inf. L.	
•Compounds, cleaning, liquid	Inf. L.	
•Compounds, vulcanizing, liquid (see "Compounds, cleaning, liquid").	Cor. L.	White.
Charcoal, briquets	Inf. L.	Red.
Charcoal, screenings, N. O. S.	Inf. L. or Nonintf. G.	Red or Green.
Charcoal, screenings, made from "pinon" wood	Not permitted.	
Charcoal, screenings, wet	Inf. permitted.	
Charcoal, shell	Inf. L.	
Charcoal, wood, crushed, granulated, ground or pulverized	Not permitted.	
Charcoal, wood, lump	Inf. S. or L.	Yellow.
Charcoal, wood screenings, other than "pinon" wood screenings	Inf. S. or L.	
Chemical ammunition (containing Class A poisons, liquids or gases)	Poisons A	
Chemical ammunition (containing Class B poisons, liquids or gases)	Poisons B	
Chemical ammunition (containing Class C poisons, liquids, or gases)	Poisons C	
Chemical ammunition, explosive. (See Ammunition for cannon with explosive gas, smoke or incendiary properties.)		
Chloracetophenone gas, liquid or solid	Poisons C	Tear gas.
Chloracetyl chloride gas, liquid or solid	Cor. L.	White.
Chlorate explosives, dry. (See "High explosives.")		
Chlorate powders. (See "High explosives.")	Oxy. M.	Yellow.
Chlorate of potash (see "Chlorates.")	Oxy. M.	Yellow.
Chlorate of soda (see "Chlorates.")	Oxy. M.	Yellow.
Chlorates. (See "Chlorates.")	Oxy. M.	Yellow.
Chlorates, N. O. S. (see "Chlorates.")	Oxy. M.	Yellow.
Chlorates, N. O. S. wet (see "Chlorates, wet").	Oxy. M.	Red.
Chlorates, wet. (See "Chlorates, wet.")	Inf. L.	Red.
Chlorbenzol (see "Chlorobenzol").	Inf. L.	Red.
Chloride of lime. (See "Bleaching powder.")		
Chloride of phosphorus. (See "Sulfur chloride.")		
Chlorinated lime (see "Bleaching powder").		
Chlorine	Haz.	Green.
•Chlorobenzene (see "Chlorobenzol")	Nonintf. G.	Red.
•Chlorobenzol	Inf. L.	White.
•Chlorobenzol, acid	Cor. L.	White.
Chlorosulfonic acid-sulfur trioxide mixture	Cor. L.	Poison gas.
Chloropicrin absorbed	Poisons A	Poison gas.
Chloropicrin, liquid	Poisons A	Poison gas.
Chloropicrin mixtures	Poisons A	Yellow.
Chromic acid solution	Cor. L.	White.
•Cleaning fluid or liquid	Inf. L.	Red.
•Cleaning fluid or liquid (see "Compounds, cleaning, liquid").		
Coal briquets, hot. (See "Chemical ammunition.")	Not permitted.	
Coal facings	Inf. S.	Yellow.
Coal gas	Inf. G.	Red.
Coal oil (export shipment only—see "Kerosene").		
•Coal tar (see "Creosote, coal tar.")	Comb. L.	Red.
•Coal tar distillate, N. O. S.	Comb. L.	Red.
•Coal tar light oil. (See "Benzine.")	Inf. L.	Red.
•Coal tar naphtha	Inf. L.	Red.
•Coal tar oil	No restrictions.	
Cobalt resinate, precipitated	Inf. S.	Yellow.
Cocculus, solid (fishberry)	Poisons B	Poison.
Coir. (See "Fibers.")		
Coke, hot	Not permitted.	
Collodion	Inf. L.	Red.
Collodion cotton, wet. (See "Wet nitrocellulose.")		
Collodion cotton, wet with water (export shipments only). (See "Nitrocellulose, wet with water.")	Inf. L.	Red.
Colognes containing alcohol or alcohol N. O. S.		
Columbian spirits (wood alcohol). (See "Alcohol or alcohol N. O. S.")	Inf. L.	Red.
Combination fuzes. (See "Fireworks.")	Expl. C.	
Combination primers, N. O. S.	Expl. C.	
•Compounds, cleaning, liquid	Comb. L.	Red.
•Compounds, cleaning, liquid	Inf. L.	White.
•Compounds, cleaning, liquid	Cor. L.	Red.
•Compounds, cleaning, liquid	Inf. L.	
•Compounds, enamel, liquid (see "Compounds, lacquer, etc., removing, liquid").		
•Compounds, lacquer, paint or varnish reducing, liquid	Comb. L.	Red.
•Compounds, lacquer, paint or varnish removing, liquid	Inf. L.	
•Compounds, lacquer, paint or varnish removing, liquid	Comb. L.	
•Compounds, lacquer, paint or varnish removing, liquid	Cor. L.	White.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
Hexane. (See: "Burlap cloth.")		
Hexyl nitrate	Comb. L	Red.
Hexane	Inf. L	
High explosives	Expl. A	
High wines.		
Machines or Apparatus. (see: "Refrigerating machines.")		
Machines or apparatus (assembled for shipment containing not over 15 pounds weight of gas or liquid for their operation).	Noninf. G	
Magnesium metallic, solid	Dgs. B	Poison.
Magnesium nitrate (see: "*Nitrates*")	Inf. S	Yellow.
Magnesium perchlorate	Oxy. M	
Magnesium peroxide	Oxy. M	Yellow.
Magnesium powder	Haz	Yellow.
Matches, blocks. (See: "Matches, strike-anywhere.")		
Matches, book	Cor. L	White.
Matches, card	Inf. S	
Matches, strike-anywhere	Inf. S	Yellow.
Matches, wax "Vesta"	Inf. S	
Medicines, N. O. S. (See: "Drugs, chemicals, medicines, or cosmetics, N. O. S.")		
Mercuric acetate	Dgs. B	Poison.
Mercuric-ammonium chloride, solid	Dgs. B	Poison.
Mercuric benzoate, solid	Dgs. B	Poison.
Mercuric bromide, solid	Dgs. B	Poison.
Mercuric cyanide, solid	Dgs. B	Poison.
Mercuric-potassium cyanide, solid	Dgs. B	Poison.
Mercuric iodide, solid	Dgs. B	Poison.
Mercuric oxide (red), solid	Dgs. B	Poison.
Mercuric oxide (yellow), solid	Dgs. B	Poison.
Mercuric oxycyanide, solid	Dgs. B	Poison.
Mercuric-potassium iodide, solid	Dgs. B	Poison.
Mercuric salicylate, solid	Dgs. B	Poison.
Mercuric subsulfate, solid	Dgs. B	Poison.
Mercuric sulfate, solid	Dgs. B	Poison.
Mercuric thio-cyanate, solid	Dgs. B	Poison.
Mercuric thiocyanate, solid	Dgs. B	Poison.
Mercurous bromide, solid	Dgs. B	Poison.
Mercurous chloride, solid	Dgs. B	Poison.
Mercurous nitrate, solid	Dgs. B	Poison.
Mercurous sulfate, solid	Dgs. B	Poison.
Mercury acetate, solid	Dgs. B	Poison.
Mercury bichloride, solid	Dgs. B	Poison.
Mercury bisulfide, (*N. O. S.*) (Solid)	Dgs. B	Poison.
Mercury compound, liquid	Dgs. B	Poison.
Mercury cyanide, solid	Dgs. B	Poison.
Mercury nucleate, solid (see: "Mercurol, solid")	Dgs. B	Poison.
Metal polish, liquid (see: "Polishes, metal, etc.")	Inf. G	Red.
Methane	Inf. G	Red.
Methanol (*methyl alcohol*) (see: "Alcohol or alcohol N. O. S.")	Inf. L	Red.
Methyl acetate	Inf. L	Red.
Methyl acetone	Inf. L	Red.
Methyl amyl acetate	Comb. L	
Methyl bromide, liquid	Dgs. B	Poison.
Methyl bromide, liquid	Inf. G	Red.
Methyl chloride	Comb. L	Red.
Methyl formate	Comb. L	Red.
Methyl silicate	Inf. L	Red.
Mines, explosive. (See: "Explosive mines.")		
Mixed acid	Cor. L	White.
Monobromobenzene (See: "Bromobenzene.")		
Monochloroacetone, stabilized (*Chloracetone*)	Dgs. C	Tear gas.
Monochlorobenzene (*Chlorobenzol*)	Comb. L	Red.
Monochlorobenzene (see: "Chlorobenzol")	Inf. L	Red.
Monochlorobenzene (see: "Chlorobenzol")	Dgs. A	Poison gas.
Monochlorodifluoromethane (see: "Chlorobenzol")	Inf. L	Red.
Monochlorotetrafluoroethane	Inf. G	Green.
Monomethylamine	Noninf. G	Green.
Monomethylamine, aqueous solution (see: "Dimethylamine, aqueous solution")	Inf. L	Red.
Mortar stain, liquid (see: "Paint, enamel, etc.")		
Moth balls. (See: "Naphthalene.")	No restrictions	
Motion-picture film (cellulose acetate base)	Inf. S	Yellow.
Motion-picture film, old and worthless (cellulose acetate base)	No restrictions	
Motion-picture film, old and worthless (*cellulose acetate base*)	Inf. S	Yellow.
Motion-picture film, scrap (*cellulose acetate base*)	No restrictions	

• Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
•Paint, enamel, lacquer, stain, shellac, varnish, *aluminum*, bronze, gold, or other powder base, *flammable* (with or without thinner)	Inf. L	Red.
•Paint, lacquer and varnish removing, reducing or thinning compounds (see: "Compounds, lacquer, etc., removing, reducing or thinning, liquid").	Inf. L	Red.
•Paint, liquid, *corrosive or toxic poisonous gas.*)	Comb. L	
Paper cap. (See: "Toy caps.")		
Paper scrap (*when dry, clean and free from oil*)	Haz	Yellow.
Paper stock, wet	Inf. S	
Paper waste (*when dry clean, and free from oil*)	Haz	Yellow.
Paper waste, wet	Inf. S	
Paraffin (export shipment only). (See: "Kerosene.")		
Paraldehyde	Comb. L	
Paranitraniline, solid	Dgs. B	Poison.
Pentaborane, solid. (See: "Copper acetoarsenite solid.")		
Pentachlorethane	Inf. L	Red.
Pentaerythrite tetranitrate. (See: "Initiating explosive.")		
Pentane	Inf. L	Red.
Pentane, methyl	Inf. L	Red.
Pentolite, dry.		
Perchlorates.		
Perchlorates, N. O. S. (see: "*Perchlorates*")	Oxy. M	Yellow.
Perchloric acid (*of not stronger than 72% strength*)	Oxy. M	White.
Perchloric acid (*exceeding 72% strength*)	Not permitted	
Percussion caps	Expl. C	
Percussion fuzes	Expl. C	
Permanganates, N. O. S. (see: "*Permanganates*").	Oxy. M	
Permanganate of potash. (See: "*Permanganates.*")		
Peroxides, organic liquids, N. O. S.	Inf. L	Red.
Petrol (export only) (see: "Gasoline")	Inf. L	Red.
Petroleum, crude. (See: "Crude oil, petroleum.")		
Petroleum distillate, N. O. S.	Inf. L	Red.
Petroleum distillate, N. O. S.	Comb. L	
Petroleum ether (see: "Benzine")	Inf. L	Red.
Petroleum gas, liquefied. (See: "Liquefied petroleum gas.")		
Petroleum naphtha (see: "Benzine")	Comb. L	Red.
Petroleum oil (see: "Oil")	Inf. L	Red.
Petroleum oil, N. O. S. (see: "Oil")	Inf. L	Red.
Phenol, liquid. (See: "Carbolic acid, liquid.")		
Phenol, solid. (See: "Carbolic acid, solid.")		
Phenylcarbylamine chloride	Dgs. A	Poison gas.
Phenyldichlorarsine, liquid	Dgs. B	Poison.
Phosgene	Dgs. A	Poison gas.
Phosphoric anhydride	Inf. S	Yellow.
Phosphorus amorphous, red	Inf. S	Yellow.
Phosphorus oxychloride	Cor. L	White.
Phosphorus sesquisulfide	Inf. S	Yellow.
Phosphorus trichloride	Cor. L	White.
Phosphorus pentachloride	Cor. L	White.
Phosphorus, white or yellow, dry	Inf. S	Yellow.
Phosphorus, white or yellow, in water	Inf. S	Yellow.
Photographic film (cellulose acetate base)	No restrictions	
Photographic film scrap (cellulose acetate base)	No restrictions	
Photographic film scrap (*Nitrocellulose base*). (See: "Pyroxylin plastic scrap.")		
Photographic flash lamps (*capable, upon breakage, of igniting inflammable vapors or finely divided combustible substances*).	Haz	Yellow.
Photographic flash lamps (*that will not, upon breakage, ignite inflammable vapors or finely divided combustible substances*).	No restrictions	
Photographic flash powder.		
Picrates, dry. (See: "High explosives.")		
Picric acid, wet with not less than 10% water	Inf. S	Yellow.
Picric acid, wet with not less than 10% water, *in excess of 16 ounces but not exceeding 25 pounds.*		
Picric acid, wet with not less than 10% water, over 25 pounds. (See: "High explosives.")		
•Pinene	Comb. L	Red.
Pintsch gas	Inf. G	
Pinwheels. (See: "Fireworks.")		
Pinsetic solvent, N. O. S. (see: "Solvents, N. O. S.")	Inf. L	Red.
Piperidine, liquid	Dgs. B	Poison gas.
Poisonous liquids, N. O. S.	Dgs. B	Poison.
Poisonous solids, N. O. S.	Dgs. C	Poison.
Poisonous vapors, N. O. S.	Dgs. B	Poison gas.
Polishes, metal, etc.	Inf. L	Red.
Polishes, metal, etc.	Comb. L	
Polyethylene	Inf. L	Red.
Polymerizing substances, N. O. S.	Dgs. C	Tear gas.

Article	Classed as—	Label req.[1]
Motion-picture film, scrap (*nitrocellulose base*). (See: "Pyroxylin plastic scrap.")		
Motion-picture film, toy, standard width	Inf. S	Yellow.
Motion-picture film, unexposed (*nitrocellulose base*)	Inf. S	Yellow.
Motor-fuel antiknock compound	Dgs. B	Poison.
•Motor fuel, N. O. S.	Inf. L	Red.
•Motor fuel, N. O. S.	Inf. L	Red.
Motor spirit (export only) (see: "Gasoline")		
Muriatic acid. (See "Hydrochloric acid.")		
Mustard gas	Dgs. A	Poison gas.
Naphtha (export only) (see: "Gasoline")	Inf. L	Red.
•Naphtha (see: "Benzine")	Inf. L	Red.
•Naphtha distillate (see: "Petroleum distillate")	Inf. L	
Naphthalene	Haz	
•Naphtha, petroleum. (See: "Benzine.")		
•Naphtha solvent (see: "Coal tar naphtha")	Inf. L	Red.
Natural gasoline. (See: "Gasoline.")		
Neutrex cotton. (See "High explosives.")		
Neon gas	Inf. L	Red.
Nickel cyanide, solid	Noninf. G	Green.
Nickel carbonyl	Inf. L	Red.
Nicotine hydrochloride	Dgs. B	Poison.
Nicotine hydrochloride, liquid		
Nicotine salicylate (See: "Insecticide, liquid.")		
Nicotine salicylate, solid or liquid. (See: "Insecticide, dry or liquid.")	Dgs. B	Poison.
Nicotine tartrate		
Nitrate of ammonia explosives. (See: "High explosives.")		
Nitrates	Oxy. M	
Nitrates, N. O. S. (see: "*Nitrates*")	Oxy. M	
Nitrating acid. (See: "Mixed acid.")		
Nitric acid	Cor. L	White.
Nitric oxide, liquid	Dgs. B	Poison.
Nitrobenzol, liquid. (see: "Nitrobenzene, liquid.")		
Nitro-carbo nitrate (see: "*Nitrates*")	Oxy. M	
Nitrocellulose, colloided, granular or flake, wet with alcohol or solvent. (See: "Wet nitrocellulose, colloided, granular or flake—20 percent water.")	Inf. S	Yellow.
Nitrocellulose colloided, granular or flake, wet with 20 percent water.		
Nitrocellulose, dry. (See: "High explosives.")		
Nitrocellulose (collodion cotton), wet with alcohol or solvent. (See: "Wet nitrocellulose (collodion cotton)—30 percent alcohol or solvent.")		
Nitrochlorobenzene, meta or para, solid	Inf. S	Yellow.
Nitrochlorobenzene, ortho, liquid	Dgs. B	Poison.
Nitrogen	Noninf. G	Green.
Nitrogen dioxide, liquid	Dgs. A	Poison gas.
Nitrogen monoxide, liquid	Dgs. A	Poison gas.
Nitrogen tetroxide	Dgs. A	Poison gas.
Nitroglycerin, liquid	Expl. A	
Nitroglycerin, spirits of. (See: "Spirits of nitroglycerin.")		
Nitroglycerin solution. (See: "High explosives.")		
Nitroguanidine, wet with water	Inf. S	Yellow.
Nitro mannite. (See: "Initiating explosive.")		
Nitrosoguanidine. (See: "Initiating explosive.")		
Nitrostarch, dry. (See: "High explosives.")		
Nitrostarch, wet with alcohol or solvent. (See: "Wet nitrostarch—20 percent alcohol or solvent.")		
Nitrostarch, wet with water	Inf. S	Yellow.
Nitrosyl chloride	Dgs. B	Poison.
Nitrous oxide	Noninf. G	Green.
Nonliquefied gases. (See: "Compressed gases, N. O. S.")		
Oakum (see: "Twisted jute packing (rope)")	Haz	Red.
Oil, N. O. S.	Inf. L	Red.
Oiled clothing (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	Red.
Oiled paper (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	
Oiled textiles (*manufactured articles properly dried to prevent spontaneous heating*).	Haz	Poison.
Oil of mirbane (see: "Nitrobenzene, liquid")	Dgs. B	
Oil of vitriol. (See: "Sulfuric acid.")		
Oleum. (See: "Sulfuric acid.")	Oxy. M	Yellow.
Organic substances, N. O. S.	Noninf. G	Green.
Oxygen	Noninf. G	
•Paint, aluminum, bronzing, or foil	Inf. L	Red.

• Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
•Shellac (see: "Paint, enamel, etc.")	Inf. L	Red.
•Shellac, liquid (see: "Paint, enamel, etc.")	Inf. L	Red.
Shellac, raw	Haz	
Shells, hirworks. (See: "Fireworks.")		
Signals, electric or safety. (See: "Fireworks.")		
Silver chloride (tetrachloride)	Cor. L	White.
Silver cyanide. (See: "Cyanide of silver.")		
Smil. (See: "Fibers.")		
Smilax acid	Cor. L	White.
Small-arms ammunition (see: "Ammunition for small arms.")	Expl. C	Tear gas.
Small-arms ammunition, tear gas cartridges (see: "Ammunition for small arms.")		
Small-arms primers	Expl. C	
Smoke candles. (See: "Fireworks.")	Expl. B	
Smoke cartridges (see: "*Chemical ammunition, class B or C*")		
Smokeless powder for cannon	Expl. B	
Smokeless powder for cannon or small-arms in water	Expl. B	
Smokeless powder for small-arms	Expl. B	
Smoke pots. (See: "Fireworks.")		
Sodium arsenate	Pois. B	Poison.
Sodium arsenite (solution) liquid	Pois. B	Poison.
Sodium arsenite, solid	Pois. B	Poison.
Sodium cacodylate, solid	Oxy. M	Yellow.
Sodium chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Sodium cyanide (see: "Cyanide of sodium.")		
Sodium dimethylarsenate (see: "Sodium cacodylate, solid")	Oxy. M	Yellow.
Sodium hydrosulfite (see: "Sodium carondylate, solid.")	Inf. S	
Sodium hydroxide	Oxy. M	Yellow.
Sodium hydroxide solution. (See: "Caustic soda, liquid.")		
Sodium metallic	Inf. G	Red.
Sodium nitrite mixed (fused) with potassium nitrate. (See: "*Nitrates*")		
Sodium nitrite mixed (fused) *with sodium nitrite.*")	Inf. L	Red.
Sodium perchlorate (see: "*Perchlorates*")	Cor. L	White.
Sodium permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Sodium peroxide	Oxy. M	Yellow.
Sodium phosphide, wet with 20% water	Inf. S	
•Solvents, N. O. S.	Comb. L	Red.
•Solvents, N. O. S. (see: "Solvents, N. O. S.")	Inf. L	
Sparklers. (See: "Fireworks.")		
Spent mixed acid. Carbon bisulfide syphon bulbs.")	Cor. L	White.
Spent oxide	Inf. S	
Spent sulfuric acid	Cor. L	White.
Spirits of nitroglycerin (when consisting of not more than 10% by weight of nitroglycerin in ethyl alcohol or acetone)	Inf. L	Red.
Spirits of nitroglycerin (when consisting of not more than 10% by weight of nitroglycerin in ethyl alcohol or acetone). *Sporting powder.* (See: "Black powder" or "Smokeless powder for small arms.")		
Squibs, electric or safety. (See: "Fireworks.")		
Squibs, electric or safety. (See: "Electric squibs" or "Safety squibs.")	Inf. L	Red.
•Stain (see: "Paint, enamel, etc.")	Comb. L	
Stick lac. (See: "Shellac, raw.")	Inf. L	Red.
•Stoddard solvent (see: "Polishes, metal, etc.")		
Straw. (See: "Hay.")	Pois. B	Poison.
Strontium arsenite, solid	Oxy. M	Yellow.
Strontium chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Strontium nitrate (see: "*Nitrates*")	Oxy. M	Yellow.
Strontium nitrate, wet (see: "*Nitrates*")	Pois. B	Poison.
Strychnine and salts thereof, solid		
Sulphur (flowers of sulfur, sulfur flowers, brimstone)	Haz	
Sulphur chloride (dichloride and dibromide)	Cor. L	White.
Sulfur dioxide	Nonint. G	Green.
Sulfur trioxide	Cor. L	White.
Sulfuric acid	Cor. L	White.
Sulfuric acid, fuming (oleum) (Nordhausen)	Cor. L	White.
Sulfuric acid, spent, from carbon bisulfide syphon bulbs.")	Haz	
Tankage fertilizers (*containing 8% or more of moisture*) (see: "*Tankages*")	Inf. S	
Tankage fertilizers (*containing less than 8% moisture*) (see: "*Tankages*")	Haz	
•Tank cars, empty	Inf. L	Red.
•Tank trucks, empty	Inf. L	Tear gas.
Tar, coal, road asphalt or tar, liquid")	Pois. C	
Tear gas cartridges		
Tear gas cartridges. (See: "Ammunition for small arms.")	Pois. C	Tear gas.
Tear gas material, liquid or solid, N. O. S	Cor. L	White.
Tetraethyl lead (tetrachloride)	Pois. B	Poison.
Tetraethyl lead, liquid		

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Article	Classed as—	Label req.[1]
Tetrazene (*guanyl nitrosamino guanyltetrazene*). (See: "Initiating explosive.")		
Tetryl. (See: "High explosive.")		
•Textile waste (see: "Cotton waste")	Haz	
•Textile waste, wet. (See: "Fibers, burnt, wet or damp.")		
Thallium salts, solid	Pois. B	Poison.
Thallium sulfate, solid	Pois. B	Poison.
•Thinners for rust preventive coating	Comb. L	
•*Thinning compounds, paint, varnish, lacquer, etc.* (See: "•Compounds, lacquer, etc., removing, reducing or thinning, liquid.")		
Time fuses	Expl. C	
Tin tetrachloride, anhydrous	Cor. L	White.
Titanium tetrachloride	Cor. L	White.
Toluol (*toluene*)	Inf. L	Red.
Torches. (See: "Fireworks.")		
Torpedoes, cap. (See: "Fireworks.")		
Torpedoes, empty. (See: "*Ammunition for cannon, nonexplosive.*")		
Torpedoes, explosive. (See: "Explosive torpedoes.")		
Torpedoes, toy, railway or track. (See: "Fireworks.")		
Toy caps	Expl. C	
Tracer fuzes	Expl. C	
Treated paper (*manufactured articles properly dried to prevent spontaneous heating*) (see: "Oiled clothing").	Haz	
Treated textiles (*manufactured articles properly dried to prevent spontaneous heating*) (see: "Oiled clothing").	Haz	
Trichlorotoluene	Inf. L	Red.
Trimethylamine, aqueous solution (see: Dimethylamine, aqueous solution").	Inf. L	Red.
Trinitrobenzene. (See: "High explosives.")		
Trinitrobenzene, wet (*when wet with not less than 10% water and in a quantity not exceeding 16 ounces in one outside package*).	Inf. S	Yellow.
Trinitroresorcinol. (See: "High explosives.")		
Trinitrotoluene. (See: "High explosives.")		
Trinitrotoluene, wet (*when wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package*).	Inf. S	Yellow.
Turpentine	Comb. L	
•Turpentine substitutes	Comb. L	
•Turpentine substitutes	Inf. L	Red.
Twisted jute packing (rope) (treated or untreated)	Haz	
Unstable explosives	Prohibited	
•Varnish (see: "•Paint, enamel, etc.")	Inf. L	Red.
•Varnish	Comb. L	
•Varnish driers (see: "•Paint, enamel, etc.")	Inf. L	Red.
•Varnish remover or reducer (see: "•Compounds, lacquer etc., removing, reducing or thinning, liquid")	Inf. L	Red.
•Varnish thinning compounds (see: "•Compounds, lacquer etc., removing, reducing or thinning, liquid.").	Inf. L	Red.
Very signal cartridges. (See: "Fireworks.")		
Vinyl acetate, inhibited	Inf. L	Red.
Vinylidene chloride, inhibited	Inf. L	Red.
Water white (export shipment only). (See: "Kerosine.")		
•Waxes, liquid	Comb. L	
Wet nitrocellulose (20% water). (See: "Nitrocellulose, wet with water.")		
Wet nitrocellulose (collodion cotton)—30% alcohol or solvent	Inf. L	Red.
Wet nitrocellulose, colloided, granular or flake—20% alcohol or solvent	Inf. L	Red.
Wet nitrostarch—20% alcohol or solvent	Inf. L	Red.
•Wood filler, liquid	Comb. L	
•Wood filler (see: "•Paint, enamel, etc.")	Inf. L	Red.
•Wood polish, liquid (see: "•Polishes, metal, etc.")	Inf. L	Red.
Wood shavings (*when dry, clean, and free from oil*)	Haz	
•Wood stain, liquid	Comb. L	
•Wood stain, liquid (see: "•Paint, enamel, etc.")	Inf. L	Red.
Wool waste. (See: "Cotton waste.")		
Wool waste, wet. (See: "Fibers, burnt, wet or damp.")		
X-ray film (cellulose acetate base)	No restrictions	
X-ray film (*nitrocellulose base*). (See: "Photographic film (*Nitrocellulose base*).")		
X-ray film scrap (cellulose acetate base)	No restrictions	
X-ray film scrap (*Nitrocellulose base*). (See: "Pyroxylin plastic scrap.")		
Xylol (xylene)	Inf. L	Red.
Xylol bromide	Pois. C	Tear gas.
Zinc arsenate	Pois. B	Poison.
Zinc arsenite, solid	Pois. B	Poison.
Zinc chlorate (see: "*Chlorates*")	Oxy. M	Yellow.
Zinc cyanide. (See: "Cyanide of zinc.")		
Zinc ethyl	Inf. L	Red.
Zinc nitrate (see: "*Nitrates*")	Oxy. M	
Zinc permanganate (see: "*Permanganates*")	Oxy. M	Yellow.
Zirconium metallic, dry	Inf. S	Yellow.
Zirconium metallic, sludge	Inf. S	Yellow.
Zirconium metallic, wet	Inf. S	Yellow.
Zirconium nitrate (see: "*Nitrates*")	Oxy. M	
Zirconium picramate wet with 20% water	Oxy. M	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275.)

3. Sections 146.21–1 to 146.21–100, inclusive, are amended to read as follows:

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

Sec.
146.21–1 Definition of inflammable liquid.
146.21–5 Inflammable liquid defined.
146.21–10 Export shipments of inflammable liquids.
146.21–15 Stowage on board vessels.
146.21–20 "On deck" stowage.
146.21–25 "Under deck" stowage.
146.21–30 Prohibited storage.
146.21–35 Boundary bulkheads.
146.21–40 Hatch closing means.
146.21–45 Ventilation.
146.21–50 Electrical equipment in holds.
146.21–55 Smoking prohibited, warning signs.
146.21–60 Potable spirits.
146.21–65 Limited quantity shipments.
146.21–70 Limited quantity shipments of paint products.
146.21–75 Limited quantity shipments of polishes.
146.21–100 Table D—Classification: Inflammable liquids.

AUTHORITY: §§ 146.21–1 to 146.21–100 issued under R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275.

§ 146.21–1 *Definition of inflammable liquid.* An inflammable liquid (flammable liquid) is defined by the ICC regulations as set forth in § 146.21–5, and such definition is binding upon all shippers making shipments of inflammable liquids (flammable liquids) by common carrier vessels engaged in interstate or foreign commerce by water. This definition is accepted and adopted and forms part of the regulations in this subchapter applying to all shippers making shipments of inflammable liquids (flammable liquids) on any vessel and shall apply to the owners, charterers, agents, master, or other person in charge of a vessel and to other persons transporting, carrying, conveying, storing, stowing or using inflammable liquids (flammable liquids), on board any vessel subject to R. S. 4472, as amended; 46 U. S. C. 170, and the regulations in this subchapter.

§ 146.21–5 *Inflammable liquid defined.* An inflammable liquid (flammable liquid) is any liquid which gives off inflammable (flammable) vapors (as determined by flashpoint from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

§ 146.21–10 *Export shipments of inflammable liquids.* Certain inflammable liquids are permitted by these regulations to be exported under shipping names differing from shipping names as required in domestic transportation. Such substances together with these "synonym" shipping names are indicated in the tables in § 146.21–100 and the "synonym" shipping names that are permitted are shown thereon. Substances shipped under these "synonym" shipping names may be accepted on board vessels that are permitted to transport such substances in export; provided the shipment otherwise conforms to the provisions of the regulations in this part. Stowage on board vessels shall be in accordance with the stowages indicated in the tables for the particular character of vessel involved.

§ 146.21–15 *Stowage on board vessels.* All inflammable liquids permitted for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the tables, § 146.21–100, and with the detailed regulations of stowage shown herein.

§ 146.21–20 *"On deck" stowage.* (a) Inflammable liquids, stowage of which is permitted "On deck" by the provisions of the table § 146.21–100 shall be properly secured, when so stowed, in a manner satisfactory to the master or other person in charge of the vessel consistent with the following conditions:

(1) Such inflammable liquid shall be so stowed as to provide safe access to the crew's quarters and to all parts of the deck required to be used in the navigation and necessary working of the vessel.

(2) Such inflammable liquids shall not be stowed within a distance in a horizontal plane of 25 feet of an operating or embarkation point of a lifeboat when such point is at the same deck level as that upon which an inflammable liquid cargo is stowed, except on a vessel which by reason of its breadth, it is impossible to provide such horizontal distance; deck stowage is permitted when the cargo is confined to only one side of the center line of the vessel.

(3) Fire plugs, sounding pipes and access to same shall be maintained free and clear of inflammable liquid cargo stowed "On deck."

(b) On passenger-carrying vessels, when limited stowage of inflammable liquid is permitted "On deck", such liquids shall be stowed well away from any deck or spaces provided for use of passengers.

(c) At least one section of fire hose shall be connected with an adequate water supply and shall be in readiness for use adjacent to inflammable liquids when stowed "On deck". No cargo shall be stowed "On deck" unless two portable fire extinguishers of at least 2½ gallon foam type each or equivalent shall be located in a position easily accessible to such cargo.

§ 146.21-25 *"Under deck" stowage.* (a) Stowage of inflammable liquids "Under deck" shall be either in ventilated holds or in holds that are gastight.

(b) Inflammable liquids that are permitted by these regulations to be stowed in a cargo hold or a compartment on board a passenger vessel shall not be so stowed unless the compartment or hold authorized for such stowage is fitted with either an overhead water sprinkler system, inert gas or steam smothering system.

(c) Inflammable liquids permitted on passenger vessels may be stowed in a hold or compartment the overdeck of which forms a boundary of a passenger space, provided such overdeck is of an AI type of construction or in lieu thereof is fitted on its underside in way of the passenger area with three inches of incombustible insulation.

(d) Compartments or holds in which inflammable liquid cargo is to be stowed and which are fitted with electrical circuits having outlets within the compartment or hold shall have such circuits disconnected from all sources of power supply unless the fixtures within the hold are of a vapor proof type, and such circuits shall not be again connected for power until the compartment or hold has been freed of any accumulation of inflammable vapors.

(e) After the stowage of inflammable liquid cargo has commenced in a compartment or hold that is not fitted with vapor proof type of electrical outlets, no portable means of artificial lighting shall be used within such a compartment or hold unless such portable equipment is of the vapor proof type. Electrical connections for permitted portable lighting shall be made to outlets located outside of the compartment or hold and above the weather deck. Hand flashlights shall be of the non-sparking type.

§ 146.21-30 *Prohibited storage.* (a) Inflammable liquids in any quantity shall not be stowed in a magazine in which is stowed any explosive, nor in a compartment or hold in which a magazine containing explosives is located.

(b) Inflammable liquids in a quantity in excess of 1 ton shall not be stowed "On deck" in vessels carrying Class "A" Dangerous Explosives or Class "B" Less Dangerous Explosives, unless the engine and boiler room spaces intervene between holds containing explosives and the space over which these liquids are stowed.

(c) Inflammable liquids in quantities in excess of 1 ton shall not be stowed in the same compartment, or in a compartment adjacent, or over, or under one in which inflammable compressed gases (except liquefied petroleum gases), as shown in the tables appearing in the compressed gas section (§ 146.24-100) are stowed. Small cargo vessels, having only two holds adjacent to each other, may stow inflammable liquids and compressed gases in adjacent holds provided such are separated from each other by the maximum horizontal distance available.

(d) Inflammable liquids may be stowed in a compartment having a boundary bulkhead or deck which also forms a boundary to a boiler room, engine room or a coal bunker or galley provided no containers of such inflammable liquid are stowed within twenty (20) feet of such bulkhead or deck. When the amount of such inflammable liquid to be stowed in the hold exceeds the space available the twenty (20) feet separation need not be complied with provided one or more of the following protections are provided:

(1) The bulkhead or deck is insulated with at least three (3) inches of insulation throughout its entire area subject to heat.

(2) A temporary wooden bulkhead of at least two inches thickness is constructed in the hold at least three inches off the engine room and six inches off the boiler room bulkhead and covering the entire area of the bulkhead that is subject to heat. The space between the permanent bulkhead and the temporary wooden bulkhead shall be filled full with bulk asbestos or mineral wool.

(3) A temporary wooden bulkhead constructed of one inch T and G sheathing located three feet off the boiler room or engine room bulkhead and filled with sand to a height of six feet above the tank top.

(e) Cargo compartment located "Tween decks" and having a boundary bulkhead which also forms a boundary to a boiler room, engine room, coal bunker, galley or a boiler room uptake casing may be utilized for the stowage of inflammable liquids under the conditions as outlined in paragraph (d) except that the provision in subparagraph (3) requiring filling with sand to a height of 6 feet shall be modified to provide for only 3 feet of sand.

(f) Inflammable liquids in drums or in export wooden cases having inside containers in excess of one quart capacity shall not be stowed as beam fillers. Wooden barrels, wooden boxes, and fiberboard boxes with inside containers of inflammable liquids of less than one quart capacity shall not be stowed as beam fillers unless it is possible to stow and observe "This Side Up" markings.

§ 146.21-35 *Boundary bulkheads.* Holds, with bulkheads in which cargo openings to adjacent holds are fitted, shall not be used for the stowage of inflammable liquids unless such openings are provided with means to securely close off and make the hold gas tight or unless the adjacent hold is also used for the stowage of inflammable or combustible liquid cargo.

§ 146.21-40 *Hatch closing means.* All unit compartments or holds used for the stowage of inflammable liquids shall be provided with full and efficient hatch covers. Tarpaulins if fitted or required to be fitted shall be protected by dunnaging before overstowing with cargo. Such tarpaulins shall be in one piece and free of rents, tears, or holes.

§ 146.21-45 *Ventilation.* All cargo holds in which inflammable liquids are to be stowed and which are provided with means for ventilating shall, before any inflammable liquid cargo in a quantity in excess of 1 ton be stowed in such hold, have fire screens fitted at the weather end of the vent ducts. This fire screen shall consist of two layers of fine brass wire screen of at least a 20 x 20 mesh spaced not less than ½ inch or more than 1½ inches apart. This screen may be removable, and if so fitted, means for effectively securing the same in place when in service shall be provided. Mushroom type heads shall have similar fire screens so fitted as to completely and efficiently cover the open area. For holds that are gas tight and fitted with vent trunks such vent trunks may be efficiently blanked off at both termini in lieu of fitting flame screens. Stowage of inflammable liquids in a quantity in excess of 1 ton shall not be permitted in holds or compartments that are fitted with gooseneck type of vent trunk heads.

§ 146.21-50 *Electrical equipment in holds.* Inflammable liquids shall not be stowed in holds or compartments in which electrical apparatus of any type except vapor proof are fitted unless positive means for disconnecting all such electrical apparatus are provided and such control means are located outside the boundaries of said space. Electrical power lines passing through a hold that is to be used for the stowage of inflammable liquids shall have such run of cable protected by metal covering to prevent damage and possible short circuit. Such metal protection shall be substantial enough to prevent crushing by reason of cargo which might be stowed against same.

§ 146.21-55 *Smoking prohibited, warning signs.* (a) Smoking prohibited in the vicinity of inflammable liquid cargo stowed "On deck" and in holds in which such cargo is stowed or in the vicinity of ventilators from such holds.

(b) Signs carrying the legend

Inflammable Vapors
Keep Lights and Fire Away
No Smoking

shall be posted at each avenue of approach to inflammable liquid cargo when stowed "On deck" and in the vicinity of cargo hold ventilators when inflammable cargo is stowed in the hold. Such sign shall be painted on a white background using a bright red color for lettering. The letters shall not be less than 3 inches high.

§ 146.21-60 *Potable spirits.* Potable spirits packed in strong, tight barrels, drums, casks, wooden or fiberboard boxes may, when stowed in a compartment not subject to artificial heat, be transported on board any vessel without further restriction.

§ 146.21-65 *Limited quantity shipments.* (a) Inflammable liquids, except those enumerated in paragraph (c) of this section, in inside glass or earthenware containers having a capacity not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board vessels subject to the regulations in this subpart, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

(c) The following articles in any quantity are not exempt from any of the provisions of the regulations in this subpart:

(1) Acrolein.
(2) Carbon bisulfide (disulfide).
(3) Ethyl chloride.
(4) Ethyl trichlorosilane.
(5) Ethylene oxide.
(6) Inflammable liquids (flammable liquids) which are also corrosive liquids or oxidizing materials under those regulations.

§ 146.21-100 *Table D—Classification: Inflammable liquids.*

Descriptive name of article	Characteristic properties, contents, marking required	Label required	Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetaldehyde (ethyl aldehyde).	*A clear, volatile liquid with a pungent, fruity odor. Will evaporate rapidly. Vapors when mixed with air are explosive over a very wide range. Should be kept away from heat. Flashpoint about 0° F. Boiling point 70° F. Miscible with water. Keep cool.*	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 5C, 5D) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-15A, 15B, 15C, 16A, 16A) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 16A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 21B) not over 110 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tanks cars (ICC-103, 103W, 104A-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA IV-H, ARA IV, ARA IV-A).	Not permitted.	Not permitted.	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone	*A clear, colorless, liquid having a pleasant odor somewhat similar to wood alcohol. Vapors are 2 times heavier than air and when mixed with air are explosive over a range of 2% to 13% in air. Sustained inhalation of vapors in unventilated compartments is dangerous. Flashpoint about 4° F. Boiling point 133° F. Miscible with water.*	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA).	Not permitted.	Not permitted.	Not permitted.
Acetone oils (When possessing a flashpoint at or below 80° F.)	*Only residuum obtained as a by-product in the distillation of acetone. Flashpoint variable but usually low.*	Red.				
Acrylonitrile	*Flashpoint about 32° F. Boiling point 172° F.*	Red.				
Acrolein (*inhibited*)	*A clear greenish yellow inflammable liquid having a pungent disagreeable odor. It is irritating to the eyes and respiratory organs. It is also poisonous. Very soluble in water. Flashpoint about 12° F. Boiling point about 125° F. In event of leakage, flush with large quantities of water. Keep cool. Stow well away from living quarters and all sources of heat.*	Red.	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal drums (ICC-5A) not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 5 gal. cap.	Not permitted.	Not permitted.	Not permitted.
Alcohol or alcohol, N. O. S. (When possessing a flashpoint at or below 80° F.)	*General: These alcohols are colorless, volatile liquids about 80% as heavy as water and possessing a characteristic odor. Their vapors are heavier than air, and will form explosive mixtures over varying ranges of percentages with air.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap.
Alcohol, butyl		Red.				
Alcohol, denatured		Red.				
Alcohol, ethyl		Red.				
Alcohol, propyl		Red.				
Alcohol, tertiary		Red.				
Alcohol, wood (methanol)		Red.				
Butyl alcohol		Red.				
Cologne spirits (alcohol)		Red.				
Columbian spirits (*wood alcohol*)		Red.				
Extracts, liquid flavoring		Red.				
Isopropanol		Red.				
Methanol (*methyl alcohol*)		Red.				
Rum, denatured (When possessing a flashpoint at or below 80° F.)		Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Allyl bromide	*Colorless heavy liquid having a pungent odor. Insoluble in water. Does not evaporate readily. Fumes somewhat irritating to eyes and tissue. Flashpoint below 80° F.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Amyl acetate (when possessing a flashpoint at or below 80° F.)	*Colorless liquid, pear or banana like odor. Flashpoint from 70 to 90° F. Immiscible with water.*	Red.				
Amyl chloride	*A liquid having a straw to deep purple color. Flashpoint 34° F. Immiscible with water. Vapors are 3.67 times heavier than air and form an explosive mixture with a lower range of 1.4% in air.*	Red.				
Methanol (*methyl alcohol*)		Red.				
Rum, denatured (When possessing a flashpoint at or below 80° F.)		Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Amyl nitrite	*Yellowish, transparent volatile unstable liquid having fragrant fruity odor. Decomposes on exposure to air, light or water. Vapors are orange color. Boiling point, 206° F. Immiscible with water.* Keep cool. Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Antifreeze compounds liquid. (When possessing a flashpoint at or below 80° F.)	*Products added to the cooling systems (radiators) of automobiles, tractors, and to other mechanical systems to lower the freezing point of water. Among the common antifreezes are alcohol, glycerin, mixtures of both, and ethylene glycol. Flashpoint variable. Hazard similar to alcohol. Miscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Antifreeze preparations, proprietary, liquid (When possessing a flashpoint at or below 80° F.)		Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzene (benzol) Benzol (benzene).	*A clear, colorless liquid of aromatic odor, distilled from coal tar. Flashpoint about −12° F. Boiling point 174° F. Will freeze solid slightly above the freezing point of water. Therefore, will flash below its own freezing point. Immiscible with water. Vapors are 2.77 times heavier than air and form an explosive mixture within a range of 1.5% to 7% in air. Vapors are poisonous and suffocating.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted	Not permitted	Not permitted.
Benzine Coal tar light oil. Petroleum ether. Petroleum naphtha. Naphtha. (When possessing a flashpoint at or below 80° F.)	*A mixture of several of the lighter constituents of petroleum. Flashpoint about 5° F. Boiling point 104° to 158° F. Immiscible with water. Vapors are 4 to 5 times heavier than air and form an explosive mixture within a range of 2% to 5% in air.*	Red.				

Descriptive name of article	Characteristic properties, cautions, marking required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lacquer, pyroxylin (when possessing a flashpoint at or below 80° F.)	*A liquid, cement-like solution of various materials used in the manufacture of shoes. It may consist of nitrocellulose, shellac, or resin dissolved in a volatile solvent.* *Flashpoint variable, depending upon the solvent used.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37D) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 10 gal. cap. (ICC-37D) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 30 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB).
Butyraldehyde	*Colorless liquid* *Flashpoint 80° F.* *Boiling point 166° F.* *Vapors about 2½ times heavier than air.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Descriptive name of article	Characteristic properties, cautions, marking required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Carbon bisulfide (disulfide).	*A heavy, clear, colorless to yellow liquid having a very offensive odor.* *Highly inflammable. Protect from all sources of heat. Vapor is capable of igniting without presence of naked light, as from the temperature of a warm steam pipe.* *Mixtures of vapor and air are highly explosive over a range of 1% to 50% in air.* *Self-ignition occurs at about 215° F. in air.* *Boiling point about 115° F.* *Vapor is poisonous.* *Immiscible with water.* Keep cool. Stow well away from oxygen and oxidizing materials (yellow label).	Red	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-5, 5A) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 5 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 8 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Tank cars (ICC-103, 103W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA).	Not permitted	Not permitted	Not permitted.
Case oil			See under proper shipping name as: "Benzene," "Benzine," "Gasoline," etc.	See under proper shipping name as: "Benzene," "Benzine," "Gasoline," etc.	See under proper shipping name as: "Benzene," "Benzine," "Gasoline," etc.	See under proper shipping name as: "Benzene," "Benzine," "Gasoline," etc.
Cement, leather (When possessing a flashpoint at or below 80° F.)	*These cements are chemical compounds of various ingredients such as: Asphalt with petroleum distillate; cellulose nitrate in acetone; bituminous asphalt and mineral oil; raw rubber solution and gasoline; etc., all possessing similar characteristics and hazards.* *Vapors highly inflammable and explosive when mixed in correct proportions with air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37D) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37D) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. (ICC-37D) STC not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cement, liquid, N. O. S		Red				
Cement, pyroxylin		Red				
Cement, roofing, liquid		Red				
Cement, rubber (When possessing a flashpoint at or below 80° F.)		Red				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorobenzol Chlorobenzene. Chlorbenzol. Monochlorobenzene. Monochlorobenzol. Monochlorbenzol. (When possessing a flashpoint at or below 80° F.)	*Clear colorless liquid with an almond-like odor.* *Flashpoint variable,* about 85° F. *Vapors heavier than air and somewhat toxic.* *Immiscible with water.* *Explosive limits 1.8% to 9.6%.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12H) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.
Coal tar distillate Coal tar oil. (When possessing a flashpoint at or below 80° F.)	*Distillates of coal tar. The lighter distillates are highly inflammable and will consist of benzene, toluene and xylene.* *Properties and hazards similar to "Coal tar naphtha," which see below.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt.
Coal tar naphtha Naphtha solvent. (When possessing a flashpoint at or below 80° F., but not less than 20° F.)	*Mixtures of small amounts of benzene and toluene with xylene. The crude is a dark straw colored liquid and the refined is a water white liquid.* *Flashpoint ranges between 60° F. and 77° F.* *Mixtures of vapor in air are explosive over a range of 1.3% to 8%.* *Vapors are heavier than air.* *Vapors are poisonous and suffocating.* *Immiscible with water.*	Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.
Collodion	*Solution of ctranitrocellulose in ether, alcohol or other solvent.* *Pale yellow liquid.* *Flashpoint approximately 0° F.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside container: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC not over 55 gal. cap. (ICC–17E) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA).	Not permitted	Not permitted	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning, liquid.	*May consist of volatile inflammable solvents having low flashpoints.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lbs. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid. (When possessing a flashpoint at or below 80° F.)	*Compounds which through solvent or detergent action remove old paint from surfaces. Exceptionally slow-drying thinners used with pyroxylin base lacquer or enamels to retard speed of drying. Clear liquid solvents and diluents for the reduction of primers, surfaces, and enamels to proper working consistencies.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.
Compounds, enamel		Red				
Lacquer removing, reducing and thinning compounds.		Red				
Paint, lacquer and varnish removing, reducing or thinning compounds.		Red				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Varnish remover or reducer.		Red.	Outside containers—Continued Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E), WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Outside containers—Continued Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8½ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Varnish thinning compounds. (When possessing a flashpoint at or below 80° F.)		Red.				
Compounds, polishing, liquid (when possessing a flashpoint at or below 80° F.)			See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."	See: "Polishes, metal, stove, furniture and wood, liquid."
Crotonaldehyde	*This material is in the form of a clear and almost colorless liquid, having a vapor extremely irritating to the eyes, nose and throat. Easily detected odor. Flashpoint about 55° F. Vapors about 2½ times heavier than air. Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A), not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B), not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA).			
Crude oil, petroleum (when possessing a flash-point at or below 80° F.).	*Crude petroleum in its natural state or which has been subject only to natural weathering or settling and not blended with any other product.* *A heavy, oily liquid, having color varying from green to almost black. It usually has a disagreeable odor, and varies in inflammability according to percentage of more volatile ingredients.* *Immiscible with water.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC not over 55 gal. cap. (ICC-17E) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Not permitted.	Not permitted.	Ferry stowage (BB). Outside containers: Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Cyclohexane	*A clear, volatile liquid having a pungent odor.* *Flashpoint below 20° F.* *Forms inflammable or explosive mixtures with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.	Not permitted.	Not permitted.	Not permitted.
Cyclopentane	*Colorless liquid having organic odor.* *Moderately volatile.* *Flashpoint below 20° F.* *Forms inflammable and explosive mixture with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cyclopentane, methyl	*Colorless liquid having organic odor.* *Moderately volatile.* *Flashpoint below 20° F.* *Forms inflammable or explosive mixtures with air.* *Immiscible with water.* Stow well away from all sources of heat.	Red.	Outside containers—Continued Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA).			
Diethylamine	*Clear, colorless liquid.* *Flashpoint below 0° F.* *Miscible with water.*	Red.	Stowage: "On deck in open." "On deck under cover."	Not permitted.	Not permitted.	Not permitted.
Dimethyl sulfide	*A clear, volatile liquid having an offensive disagreeable odor.* *Will evolve sulfur dioxide gas in a fire.* *Boils at approximately 97° F.* *Immiscible with water.*	Red.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IVA). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.			

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethylamine aqueous solution.	*An aqueous solution of an inflammable gas having a fishy, ammoniacal odor. Flashpoint of 25% solution 32° F. Boiling point 45° F.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A).	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap..... (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).....	Ferry stowage (BB).
Monomethylamine aqueous solution.	Properties similar to above.....	Red.				
Trimethylamine aqueous solution.	Properties similar to above.....	Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. A unit substance or a compound classified as an inflammable liquid in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics. In quantity not exceeding 1 pint or 16 ounces by weight, in glass or earthenware containers, or 1 quart or 32 ounces by weight in inside metal containers. The following substances shall not be shipped under this designation: Acrolein. Carbon bisulfide (disulfide). Ethyl chloride. Ethyl trichlorosilane. Ethylene oxide. Inflammable liquids (flammable liquids) which are also corrosive liquids or oxidizing materials under these regulations. Lithium aluminum hydride (ethereal). Nickel carbonyl. Pentaborane. Spirits of nitroglycerin in excess of 1 percent by weight. Trichlorosilane. Zinc ethyl.	Observe instructions regarding "This side up" storage when packages are so marked. It is not required that the containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or an inability to properly contain the substance.	No label required	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden barrels, WIC, not over 400 lb. gr. wt. Strong wooden boxes, WIC, not over 200 lb. gr. wt. Fiberboard boxes, WIC, not over 65 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Strong woolen barrels, WIC, not over 400 lb. gr. wt. Strong wooden boxes, WIC, not over 200 lb. gr. wt. Fiberboard boxes, WIC, not over 65 lb. gr. wt.	Ferry stowage (AA).....	Ferry stowage (BB).

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. A mot substance or a compound classified as an inflammable liquid in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics, In quantity exceeding 1 pint or 16 ounces by weight, in glass or earthenware containers, or 1 quart or 32 ounces by weight in inside metal containers. The following substances shall not be shipped under this designation: Acrolein. Carbon bisulfide (disulfide). Ethyl chloride Ethyl trichlorosilane Ethylene oxide Inflammable liquids (flammable liquids) which are also corrosive liquids or oxidizing materials under these regulations. Lithium aluminum hydride (ethereal). Nickel carbonyl. Pentaborane. Spirits of nitroglycerin in excess of 1 percent by weight. Trichlorosilane. Zinc ethyl.		Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC 103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10H) not over 50 gal. cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC, (ICC-12B), not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lbs. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes WIC, (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC, (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10H) not over 50 gal. cap. Fiberboard boxes, WIMC (ICC-12E) not over 110 lb. gr. wt.
Ether	*Colorless, volatile liquid, pleasant aromatic odor.* *Suffocating and poisonous.* *The vapor of ether mixed with air is explosive over a very wide range of 1.8% to 48%.* *Vapor is 2.5 times heavier than air and will ignite at a considerable distance from the source of leakage.* *Flashpoint −49° F.* *Boiling point about 95° F.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 30 lb. net wt. (ICC-17C, 17E) STC, not over 30 lb. net wt.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl methyl ether	*Characteristic properties and cautions similar to "Ether," see above.*	Red.	Outside containers—Continued Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 55 lb. gr. wt. NOTE: Total number of one or both type packages shall not exceed ten (10) on any voyage.	Outside containers—Continued Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 55 lb. gr. wt.	Outside containers—Continued Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 55 lb. gr. wt.
Ethyl acetate	*Colorless, volatile liquid having a characteristic fruity odor.* *Vapors are 3 times heavier than air and form an explosive mixture within a range of 2½% to 11% in air.* *Flashpoint at or about 24° F.* *Boiling point 170° F.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.	Not permitted	Not permitted	Not permitted.
Ethyl chloride	*Colorless, volatile liquid. Gas at temperatures above 54° F.* *Anesthetic. Vapors in low concentrations will be suffocating.* *Flashpoint about −67° F.* *Boiling point about 54° F.* *Vapors when mixed with air are explosive over a range of 3.8% to 15%.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A) not over 33 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-101A, 104A-W, 105A300, 105A300W, 105A400, 105A400-W, 105A500, 105A500-W, 105A600, 105A600-W, ARA-IV-A.	Not permitted	Not permitted	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl formate	*Colorless inflammable liquid.* *Vapors when mixed with air are explosive over a range of 3.5% to 16.5%, and are about 2½ times heavier than air.* *Flashpoint about 10° F.* *Boiling point 130° F.* *Soluble in water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Ethyl methyl ketone	*Colorless liquid, acetone-like odor.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Vapors are about 2½ times heavier than air and form an explosive mixture within a range of 2% to 12% in air.* *Flashpoint approximately 30° F.* *Miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A500, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.)	Not permitted	Not permitted	Not permitted.
Ethyl nitrate (*Nitric ether*).	*Colorless, inflammable liquid, pleasant odor and sweet taste.* *Vapors are more than 3 times heavier than air and will form an explosive mixture with a lower limit of 3.8% in air.* *Sustained inhalation of vapors in unventilated compartments is dangerous.* *Flashpoint approximately 50° F.* *Immiscible with water.*	Red.				
Ethyl nitrite (*Nitrous ether*).	*Yellowish liquid, aromatic odor.* *Exceedingly volatile.* *Vapors are about 3 times heavier than air and form an explosive mixture within a range of 3% to 50% in air.* *Flashpoint about −31° F.* *Boiling point 61.8° F.* *Spontaneously decomposes at 194° F.* *Immiscible with water.* Keep cool. Stow well away from all sources of heat.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Ethyl trichlorosilane	*Colorless liquid with acrid odor.* *Evolves white fumes when exposed to moist air.* *Reacts violently with water to evolve heat and white, acrid fumes.* *Fumes extremely corrosive.* *Flashpoint below 80° F.* Handle carefully to avoid damage to containers and exposure of contents to air.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. Steel barrels or drums, WIC (ICC-17H, 37D) STC not over 55 gal. cap. Wooden boxes, WIC (ICC-15A, 16B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Ethylene dichloride. Dichloroethylene.	*Colorless, oily liquid, pleasant chloroform-like odor.* *Anesthetic; vapors in low concentrations will be suffocating.* *Vapors are 3½ times heavier than air and form an explosive mixture within a range of 6% to 16% in air.* *Flashpoint 70° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A).
Ethylene oxide	*A colorless, highly volatile liquid with ether-like odor.* *Anesthetic; vapors even in low concentrations will be suffocating.* *Vapors are 1½ times heavier than air and form an explosive mixture within a range of 3% to 80% in air.* *Flashpoint below 80° F.* *Boiling point, 51° F.* ***Miscible with water.*** Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5P) lagged, not over 61 gal. cap. Drums marked "Keep this End Up". Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA–IV–A.)	Not permitted.	Not permitted.	Not permitted.
Gas drips, hydrocarbon	*Liquid condensate of gas.* *Has odor of illuminating gas.* *Flashpoint variable but usually low.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."			
Gasoline Permitted shipping names for export only: Essence. Gazoline. Motor fuel. Motor spirit. Petrol. Benzine. Gazolina. Naffa.	*Derivative of crude petroleum.* *Vapor is 3 to 4 times heavier than air and when mixed with air is explosive over a range of 1.4% to 6%.* *Flashpoint less than 0° F.* *Immiscible with water and will float on surface.*	Red	Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A.) Authorized only for export shipments: Steel barrels or drums (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap.	Note: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except as fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsive or auxiliary motors when such motor vehicles are being transported on board such vessels.		

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Heptane	*Colorless, volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint about 25° F.* *Boiling point about 208° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A.)	Not permitted.	Not permitted.	Not permitted.
Hexane	*Colorless, extremely volatile liquid having organic odor.* *Forms inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Boiling point about 156° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A).	Not permitted.	Not permitted.	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Inflammable liquids, N. O. S. Flammable liquids, N. O. S.	*May be any liquid classifying as an inflammable liquid in accordance with the definitions contained in these regulations, provided such inflammable liquid is not otherwise specified by name in these regulations.* *Flashpoint variable, may be less than 0° F.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12H) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Ink (when possessing a flashpoint at or below 80° F.).	*A fluid or viscous material containing coloring matter in solution or suspension.* *Flashpoint variable.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A).	Outside containers—Continued Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A).
Insecticide, liquid (*exterminator*) (when possessing a flashpoint at or below 20° F.). NOTE: Insecticides having a flashpoint at or below 20° F. shall not be offered for transportation or be transported on board passenger-carrying vessels.	*Insecticides frequently contain petroleum or coal tar distillates or other inflammable liquids.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Isooctane	*Clear, colorless, slightly volatile liquid having an organic odor.* *Vapors much heavier than air.* *Flashpoint below 20° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat."	Not permitted	Not permitted	Not permitted.
Isooctene	*Clear, colorless liquid having an organic odor.* *Vapors heavier than air.* *Flashpoint below 20° F.* *Immiscible with water.*	Red.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap.			

Descriptive name of article	Characteristic properties, cautions, marking required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
			Outside containers—Continued Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A.)			
Isopentane	*Clear, colorless, very volatile liquid having an organic odor.* *Vapors heavier than air.* *Flashpoint below −60° F.* *Boiling point about 81° F.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Isoprene	*Clear, colorless, very volatile liquid having an organic odor.* *Vapors form inflammable or explosive mixture with air.* *Flashpoint below −6° F.* *Boiling point about 93° F.* *Immiscible with water.*	Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lacquer base or lacquer chips, plastic (wet with alcohol or solvent). Wet with at least 20% by weight of alcohol or solvent with a flashpoint not lower than 30° F. (When possessing a flashpoint at or below 80° F.)	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and pigments. They are the film-forming part of lacquer which remains after the solvents or thinners have evaporated.* *Involved in fire will give off nitrous fumes which are deep orange in color and extremely poisonous.* *Flashpoint is variable depending upon the solvent used to wet the chips.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M, 6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC–12B) not over 65 lb. gr. wt. (ICC–12E) WIMC not over 110 lbs. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.
Lithium aluminum hydride, ethereal.	*Clear, water-white liquid with odor resembling ether.* *Reacts quickly with water to evolve an inflammable gas.* *Solvent very volatile.* *If spilled, the ether evaporates to leave a residue which is easily ignited by spark or mild friction.*	Red	Storage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C, or 17H (STC) with not more than one inside glass container not exceeding 2 gal. cap. Wooden boxes (ICC–15A) with inside glass or earthenware containers not over 1 quart each enclosed in airtight metal cans. Outside container not over 16 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Methyl acetate	*A clear, colorless, volatile liquid with fragrant odor.* *Vapors are 2½ times heavier than air and form an explosive mixture within a range of 4% to 17% in air.* *Flashpoint about 20° F.* *Boiling point about 135° F.* *Slightly miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 16 gal. cap.	Not permitted	Not permitted	Not permitted.
Methyl acetone	*A water-white, anhydrous liquid consisting of acetone with methanol.* *Flashpoint variable, may be as low as 1° F.* *Miscible with water.*	Red.				

Descriptive name of article	Characteristic properties, caution, marking, etc., required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methyl formate	*Colorless liquid, agreeable odor.* *Vapor pressure 18 lbs. at 100° F.* *Vapors 2 times heavier than air and form an explosive mixture within a range of 4.2% to 23% in air.* *Sustained inhalation of vapors in an unventilated compartment is dangerous.* *Flashpoint —25° F.* *Boiling point 88° F.* *Slightly miscible with water.*	Red	Outside containers—Continued Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A). Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Motor fuel, N. O. S. (when possessing a flashpoint at or below 80° F.)	*Any fuel for internal combustion motors not otherwise specified by name in these regulations.* *Vapors when mixed with air may be explosive over a wide range.* *Flashpoint variable.* *May or may not be miscible with water.*	Red	Outside containers—Continued Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap. Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. (ICC–17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

NOTE: Shall not be accepted for transportation on board passenger vessels or passenger-carrying ferry vessels except such fuel as is contained within the fuel tanks of motor vehicles for use as a source of motive power for their own propulsive or auxiliary motors when such motor vehicles are being transported on board such vessels.

Descriptive name of article	Characteristic properties, caution, marking, etc., required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Neohexane	*Clear, water-white, rather volatile liquid.* *Vapors form inflammable or explosive mixtures with air.* *Flash point below 0° F.* *Immiscible with water.* *Boiling point about 120° F.*	Red	Outside containers—Continued Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal. cap. Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC–11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC–12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC–21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Nickel carbonyl	*Colorless, volatile liquid.* *Poisonous.* *Vapors explode in air at about 140° F.* *Vapors heavier than air.* *Boiling point approximately 110° F.* *Immiscible with water.*	Red	Outside containers—Continued Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC–15X) not over 10 gal cap. Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Oil: Oil, N. O. S. Petroleum oil. Petroleum oil, N. O. S. (When possessing a flashpoint at or below 80° F. but not less than 20° F.) NOTE: For these liquids when possessing a flashpoint at or below 20° F., see "Petroleum distillate."	*May include any oil product derived from crude petroleum, except oils properly described by name within these regulations.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid.	*Flashpoint variable.* *May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E), STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap.	Ferry stowage (AA).	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap.
Aluminum liquid (or paint).		Red.				
Bronze liquid (or paint).		Red.				
Driers, paint, varnish, enamel, etc.		Red.				
Enamel.		Red.				
Furniture or wood stain, liquid.		Red.				
Gold paint.		Red.				
Lacquer		Red.				
Lacquer base liquid.		Red.				
Leather bleach		Red.				
Leather dressing.		Red.				
Mortar stain, liquid.		Red.				
Paint driers, liquid.		Red.				
Shellac		Red.				
Shellac, liquid.		Red.				
Stain		Red.				
Varnish		Red.				
Varnish driers.		Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Wood filler.		Red.	Outside containers—Continued Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt.	Outside containers—Continued Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt.	Outside containers—Continued Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt.	Outside containers—Continued Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt.
Wood stains, liquid.		Red.	Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8¾ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.	Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums: (ICC-17E, 17H) STC, not over 55 gal. cap. (ICC-37E) STC, not over 8¾ gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.
(When possessing a flashpoint at or below 80° F.) When the flashpoint of a liquid shipped under this descriptive name is 20° F. or below, the bill of lading or other shipping paper shall bear the following certification: "*This liquid possesses a flashpoint of 20° F. or less.*" When the flashpoint is above 20° F. and not more than 80° F. the following certification shall appear thereon: "*This liquid possesses a flashpoint of above 20° F. but not more than 80° F.*"						
Pentaborane.	*A colorless liquid with a disagreeable odor.* *Poisonous.* *Boiling point 58.4° C.* *Decomposed by water yielding Hydrogen gas which is inflammable and forms explosive mixtures with air.* Keep cool. Stow well away from all sources of artificial heat.	Red.	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted.	Not permitted.	Not permitted.
Pentane.	*A clear colorless, volatile liquid obtained from petroleum.* *Vapors when mixed with air are explosive over a range of approximately 1.4% to 8.0% in air.* *Flashpoint below 0° F.* *Boiling point 85° F. to 103° F.* *Immiscible with water.* Keep cool.	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 55 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap.	Not permitted.	Not permitted.	Not permitted.
Pentane methyl.	*A clear, colorless, volatile liquid having an organic odor.* *Vapors form inflammable or explosive mixtures with air.* *Flashpoint below 0° F.* *Boiling point about 136° F.* *Immiscible with water.* Keep cool.	Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Petroleum distillate. Naphtha distillate. (When possessing a flashpoint at or below 80° F.)	*Any petroleum distillate not otherwise named in these regulations that is not used as motor fuel for internal combustion engines.* *Flashpoint variable.* *Vapors when mixed with air are explosive over a wide range.* *Immiscible with water.*	Red	Outside containers—Continued Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments of petroleum distillate or naphtha distillate: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap.			
Peroxides, organic liquid N. O. S. (When possessing a flashpoint at or below 80° F.)	*Colorless, oxidizing liquid having a sharp penetrating odor.* *Readily ignitable and burns rapidly, with acceleration.* *Flashpoint variable.* *Immiscible with water.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Authorized for materials which will not react dangerously with the drum metal or be decomposed by contact with it: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 15 gal. cap. (ICC-17C) 17E) STC, not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.
Polishes, metal, stove, furniture and wood, liquid. (When possessing a flashpoint at or below 80° F.)	*Liquid preparations used to remove film from surfaces and restore and protect polish and finish of such surface.* *Flashpoint variable.* *May or may not be miscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.
Compounds, polishing, liquid.		Red				
Furniture polish		Red.				
Metal polish, liquid		Red.				
Stove polish, liquid		Red.				
Wood polish, liquid (When possessing a flashpoint at or below 80° F.)		Red.				

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyridine (When possessing a flashpoint at or below 80° F.)	*A slightly yellow or colorless liquid having a penetrating and offensive odor.* *Vapors are 2.75 times heavier than air and form an explosive mixture within a range of 1.8 to 12.4% in air.* *Vapors are poisonous and suffocating.* *Flashpoint 68° F.* *Miscible with water.*	Red	Outside containers—Continued Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lb. gr. wt. Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.)	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs: (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC: (ICC-12B) not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.)

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Refrigerating machines (assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation).	----------	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes or crates. NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes or crates. NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended.	Ferry stowage (AA)---------- Outside containers: Wooden boxes or crates. NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended.	Ferry stowage (BB). Outside containers: Wooden boxes or crates. NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended.
Road asphalt or tar, liquid. *Asphalt cut-back.* Tar, liquid. (When possessing a flashpoint at or below 80° F.) (See §146.27-100 for transportation of asphalt or road tar in highway tank vehicles.)	*Substance prepared by the fluxing of asphalt with petroleum distillate.* *Pungent, penetrating odor.* *Immiscible with water.*	Red----------	Ferry stowage (BB). Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drum, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC, not over 110 lbs. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)---------- Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G, 6B, 6C) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G, 6BC) not over 110 gal. cap. (ICC-5M, 6A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. Fiberboard boxes (ICC-12E) WIMC not over 110 lbs. gr. wt.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Solvents, N. O. S. (When possessing a flashpoint at or below 80° F.)	*Inflammable, volatile liquids used for solvents, other than those solvents specified by name in these regulations.* *May be extremely volatile liquids and if so, vapors in air will form explosive mixtures.* *Vapors may be poisonous and suffocating.* *Flashpoint variable.*	Red----------	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F.: Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiber board boxes WIMC, not over 110 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)---------- Outside containers: (Authorized only for liquids having a flashpoint above 20° F.) Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5H, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC, (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A). Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes, WIMC (ICC-15X) not over 10 gal. cap. Containers authorized only for liquids having a flashpoint above 20° F. Steel barrels or drums (ICC-17E, 17H) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Fiberboard boxes WIMC, not over 110 lb. gr. wt.
Plastic solvent, N. O. S.	----------	Red.				
Pyroxylin solution	----------	Red.				
Pyroxylin solvent, N. O. S. (When possessing a flashpoint at or below 80° F.)	----------	Red.				
Spirits of nitroglycerin (When consisting of not more than 10% by weight of nitroglycerin in ethyl alcohol or acetone.)	*Solutions of nitroglycerin of not more than 10% strength in grain alcohol or acetone.* *It is not explosive but rupture of a package may allow solvent to evaporate and thus leave the nitroglycerin, which is explosive.*	Red----------	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes lined with ICC-21, (ICC-15A, 15B, 15C, 16A, 19A) WIMC not over 6 quarts cap. in one outside container. Inside containers must be entirely surrounded by at least 2 inches of fine, dry sawdust or kieselguhr.	Not permitted----------	Not permitted----------	Not permitted.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Spirits of nitroglycerin (When containing not more than 1% by weight of nitroglycerin in ethyl alcohol.)	*Solution of nitroglycerin of not more than 1% strength in grain alcohol.*	Red	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 65 lb. gr. wt. Inside containers must be entirely surrounded by at least two inches of fine, dry sawdust or kieselguhr.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 65 lb. gr. wt. Inside containers must be entirely surrounded by at least two inches of fine, dry sawdust or kieselguhr.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 65 lb. gr. wt. Inside containers must be entirely surrounded by at least two inches of fine, dry sawdust or kieselguhr.
Toluol (*Toluene.*)	*Colorless volatile liquid.* *Benzene-like odor, distillate from coal tar.* *Vapors are 3 times heavier than air and form an explosive mixture within a range of 1½% to 7% in air.* *Vapors are poisonous and suffocating.* *Flashpoint 45° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC-15X) not over 10 gal. cap.	Outside containers: Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC not over 10 gal. cap.
Trichlorosilane	*Clear, transparent, volatile liquid.* *Fumes strongly in moist air.* *Fumes are extremely irritating and corrosive.* *Decomposes with some violence on contact with water to liberate corrosive gas.* *Flashpoint below 20° F.* Keep cool.	Red	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Turpentine substitutes (When possessing a flashpoint at or below 80° F.)	*Special fractions of petroleum oils usually with a boiling point of 310° to 390° F. used in the place of turpentine as a paint thinner, etc.* *Flashpoint variable.* *Immiscible with water.*	Red	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden, boxes (ICC-15X) WIMC not over 10 gal. cap.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Vinyl acetate, inhibited.	*Clear, colorless liquid having a pungent odor.* *Soluble in most organic solvents.* *Flashpoint about 30° F.* *Immiscible with water.*	Red.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC-21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103W, 103AL-W, 104, 104W, 104A, 104A-W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA-II, ARA-III, ARA-IV, ARA-IV-A.) Authorized only for export shipments of turpentine substitutes: Steel barrels or drums (ICC-17X) STC, not over 55 gal. cap. Wooden boxes (ICC-15X) WIMC, not over 10 gal. cap.
Vinylidene chloride, inhibited.	*Clear, colorless to straw-colored, rather volatile liquid having a penetrating odor.* *Flashpoint below 40° F.* *Immiscible with water.*	Red	Stowage: "On deck in open." "On deck under cover." "'Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-5M) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC-42B, 42C) not over 110 gal. cap. Wooden barrels or kegs, WIC (ICC-11A, 11B) not over 16 gal. cap. Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes, WIC (ICC-12B) not over 65 lb. gr. wt. Fiber or plywood drums, WIC (ICC-21A, 22A, 22B) not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Wet nitrocellulose collodion, granular or flake (must contain at least 20% by weight of alcohol or a solvent with flashpoint not lower than 30° F.).	*Formed by the nitration of cotton by treatment with a mixture of nitric and sulfuric acids.* *Involved in a fire will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* *Flashpoint variable, not less than 30° F.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red.	Outside containers—Continued Tank cars (ICC–103, 103W, 103A L–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, A RA–II, A RA–III, A RA–IV, A RA–IV–A.) Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M) not over 150 lb. gr. wt. (ICC–6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10H) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap. Fiberboard boxes (ICC–12B) WIC, not over 65 lbs. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC–21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted.	Not permitted.	Not permitted.
Wet nitrocellulose (collodion cotton) (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.).		Red.				
Wet nitrostarch (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.). Shipping containers on above shall have marked thereon the gross, tare, and net weight of the package.	*Formed by the nitration of starch. Characteristics and hazards similar to those of "Nitrocellulose, wet with an inflammable liquid" which see above.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red.				
Xylol (Xylene.) (When possessing a flashpoint at or below 80° F.)	*Coal tar distillate. Colorless liquid having a characteristic odor.* *Vapors are 4 times heavier than air and will form an explosive mixture in air.* *Vapors are poisonous and suffocating.* *Flashpoint 73° F. or above.* *Immiscible with water.*	Red.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10H) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–5M) not over 55 gal. cap. (ICC–17C, 17E, 17H) STC, not over 55 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc ethyl	*Colorless liquid. Takes fire on contact with air.* *Decomposes in water.* *Boiling point 118° C.* Keep cool.	Red.	Outside containers—Continued Fiber or plywood drums (ICC–21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103A L–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, A RA–II, A RA–III, A RA–IV, A RA–IV–A). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes WIMC (ICC–15X) not over 10 gal. cap. Stowage: "On deck protected." Containers: Cylinders as prescribed for any compressed gas except acetylene.	Outside containers—Continued Fiber or plywood drums (ICC–21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Not permitted.	Outside containers—Continued Fiber or plywood drums (ICC–21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Not permitted.	Outside containers—Continued Fiber or plywood drums (ICC–21A, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103A L–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, A RA–II, A RA–III, A RA–IV, A RA–IV–A). Authorized only for export shipments: Steel barrels or drums (ICC–17X) STC, not over 55 gal. cap. Wooden boxes (ICC–15X) WIMC not over 10 gal. cap. Not permitted.

(R. S. 4405 and 4472, as amended; 46 U. S. C. 375, 170)

4. § 146.25-100 *Table II—Classification: Class A: . Extremely dangerous poisons* is amended by deleting the article "Acrolein" in column 1 together with its description in column 2 and label required in column 3. (This item has been reclassified from a poison gas to an inflammable liquid.)

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

1. Part 160 is amended by adding a new subpart 160.005, containing §§ 160.005–1 to 160.005–7, inclusive, reading as follows:

SUBPART 160.005—LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 51, 52, 55, AND 56, FOR MERCHANT VESSELS

Sec.

160.005–1 Applicable specifications and plans.
160.005–2 Types and models.
160.005–3 Materials.
160.005–4 Construction.
160.005–5 Inspections and tests.
160.005–6 Marking.
160.005–7 Procedure for approval.

AUTHORITY: §§ 160.005–1 to 160.005–7 issued under R. S. 4405, as amended, 4481, 4488, as amended; 46 U. S. C. 375, 474, 481. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4482, 4491, as amended, 4402, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, sec. 3, 54 Stat. 347, sec. 5, 55 U. S. C. 244, as amended; 46 U. S. C. 391a, 404, 475, 489, 490, 396, 367, 526–526t, 1333, 50 U. S. C. App. 1275.

§ 160.005–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) *Federal Specifications:*

V–T–276—Thread, Cotton.
CCC–D–651—Drill Unbleached.
CCC–T–191—Textiles; General Specifications, Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(2) *Military Specifications:*

JAN–C–299—Cloth, Cotton, Print.
JAN–C–300—Cloth, Cotton Drill (Fully Shrunk).
JAN–W–530—Webbing, Cotton, Natural or in Colors.
MIL L–3120—Life Preservers, Jacket Type, Fibrous Glass.

(3) *Navy Department Specifications:*

21T4—Twine, Cotton, Mattress, Polished, for use in Tufting machines.
23G7—Glass, Fibrous (For Life Preservers).

(b) *Plans.* The following plans, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

Drawing No. 160.005–1:
(Sheet 1)—Cutting Pattern and General Arrangement (Adult).
(Sheet 2)—Alternate Stitching of Tapes and Webbing (Adult and Child).
(Sheet 3)—Pad Detail (Adult).
(Sheet 4)—Cutting Pattern and General Arrangement (Child).
(Sheet 5)—Pad Detail (Child).

(c) *Copies on file.* Copies of the above specifications and plans shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard plans may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D. C. The Federal Specifications may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The Military and Navy Department Specifications may be obtained from the Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C.

§ 160.005–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types:

Type A—Adult:
Model 51—Adult, removable pads not inclosed within vinyl film outer pad covering.
Model 52—Adult, removable pads inclosed within vinyl film outer pad covering.
Type B—Child:
Model 55—Child, removable pads not inclosed within vinyl film outer pad covering.
Model 56—Child, removable pads inclosed within vinyl film outer pad covering.

§ 160.005–3 *Materials*—(a) *Fibrous glass.* The fibrous glass shall comply with the requirements of Navy Department Specification 23G7.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill without sizing, thread count approximately 74 x 60, having a minimum breaking strength of 100 pounds in the warp and 80 pounds in the filling when tested in accordance with Federal Specification CCC–T–191, and may be treated with a fire resistive substance of an approved type. Cotton drills meeting the requirements for Type I, Class A, of Military Specification JAN–C–300 or for Type A of Federal Specification CCC–D–651, are acceptable. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. Samples

of fabric conforming to this color requirement may be obtained upon request. The fastness of the color shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Section XIII, paragraph 2C, Test No. 2 for light, paragraph 4 for laundering, and paragraph 6 for water. Alternate covering materials will be given special consideration.

(c) *Tunnel strip.* The tunnel strip shall be made of cotton drill conforming to the requirements for the envelope cover, and shall not be treated with a fire resistive substance.

(d) *Pad covering.* The covering for the fibrous glass pads shall be any cotton sheeting or print cloth which possesses not less strength than unbleached cotton print cloth known commercially as 38½ inch, 64 x 56, 5.50 yards, having a minimum breaking strength of 36 pounds in the warp and 22 pounds in the filling. Cotton print cloths meeting the requirements of Type I, Class B, of Military Specification JAN–C–299, are acceptable.

(e) *Outer pad covering.* The outer covering for the fibrous glass pads for Models 52 and 56 life preservers shall be a vinyl resin film complying with the applicable requirements of Section 3 of Military Specification MIL–L–3129.

(f) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstrings shall be made of 1¼ inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. Tie tapes and drawstrings shall not be treated with a fire resistive substance.

TABLE 160.005–4 (c)—DISTRIBUTION OF FIBROUS GLASS IN PAD INSERTS

Pad inserts	Models 51 and 52 (minimum)	Models 55 and 56 (minimum)
	Ounces	*Ounces*
Back pad	11.5	7.5
Upper front pad section	7.25	4.75
Lower front pad section	10.0	6.5
Total	46	30

(g) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. One-inch cotton webbing meeting the requirements for Types IIb, III, or V, of Military Specification JAN–W–530, are acceptable. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(h) *Dee rings and snap hook.* The dee rings and snap hook shall be brass, bronze, or stainless steel, and of the approximate size indicated by Dwg. No. 160.005–1, Sheet 1. The snap hook spring shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring ends shall be welded to form a continuous ring. The webbing opening of the snap hook shall be a continuous ring.

(i) *Reinforcing tape.* The reinforcing tape shall be ¾-inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds.

(j) *Thread.* The thread shall be Type 1B, No. 20, 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276.

(k) *Tufting twine.* The tufting twine shall be in compliance with Navy Department Specification 21T4.

§ 160.005–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are inclosed pads of buoyant material, the life preserver being fitted with tapes and webbing to provide complete reversibility, proper adjustment for close fit to the bodies of various size wearers, and proper flotation characteristics to hold the wearer in an upright backward position with head and face out of water.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.005–1, Sheet 1, for adult size, and Dwg. No. 160.005–1, Sheet 4, for child size, joined by seams and stitching as shown on the drawing. A drawstring tunnel shall be formed by stitching a strip of the tunnel strip material as shown by the drawing. The ends of the tunnel strip shall be tucked under the reinforcing tape stitched around the end openings so there is no direct access to the pads from the outside. Three pockets shall be formed for insertion of the pads. The two front pads shall be removable from the envelope when portions of the lower longitudinal seam are opened, and the back pad shall be removable when a portion of one armhole seam is opened. The pads shall be well inserted into the pockets of the envelope, in no case more than one inch from the top seam of the pocket.

(c) *Pad inserts.* The fibrous glass pads shall be formed from two pieces of material each cut to the patterns shown by Dwg. No. 160.005–1, Sheet 3, for adult size, and Sheet 5, for child size, with seams as indicated on the drawing, and filled with buoyant fibrous glass distributed as follows:

(1) For Models 52 and 56 life preservers, the fibrous glass pads shall be inclosed in the outer pad covering specified by § 160.005–3 (e), which shall be heat sealed tight to pass the tests prescribed by the applicable paragraphs of Military Specification MIL–L–3129.

(2) For Models 51 and 55 life preservers, the pads shall not be in the vinyl film outer pad covering.

(d) *Tie tapes.* The tie tapes at the neck shall extend not less than 14 inches from the edge of the adult life preserver and not less than 12 inches from the edge of the child life preserver. They shall be stitched through both thicknesses of the envelope as shown by Dwg. No. 160.005–1, Sheet 1, for adult size, and Sheet 4, for child size, or by the alternate stitching shown on Sheet 2. The free ends shall be doubled over and stitched in accordance with Section E–E of Sheet 1.

(e) *Drawstrings.* The drawstrings at the waist shall extend not less than 8 inches from the edge of the life preserver and shall be secured in the drawstring tunnel as shown by Dwg. No. 160.005–1, Sheet 1, for adult size, and Sheet 4, for child size, or by the alternate stitching shown on Sheet 2. The free ends shall be doubled over and stitched in accordance with Section E–E of Dwg. No. 160.005–1, Sheet 1.

(f) *Body strap.* The body strap shall be fitted with a single dee ring on one end and with the arrangement of a snap hook and prethreaded double dee rings as shown on Dwg. No. 160.005–1, Sheet 1, on the other. The body strap shall be stitched as shown on the drawings, and the edge of the single dee ring shall be 20 inches from the center line for adult size and 15 inches for child size.

(g) *Reinforcing tape.* Binding tape shall be stitched approximately 15 inches for adult jackets and 12 inches for child jackets around the back of the neck, and also around the openings of the drawstring tunnel, as indicated by the drawings.

(h) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Specification DDD–S–751, and there shall be not less than 7, nor more than 9 stitches to the inch.

(i) *Tufting.* The pad inserts shall be tufted in the locations shown on Dwg. No. 160.005–1, Sheet 3, for adult size, and Dwg. No. 160.005–1, Sheet 5, for child size, except the alternate method provided by § 160.005–4 (j) may be employed for certain tufts in the case of Models 51 and 55 life preservers.

(j) *Securing pad inserts in envelope pockets.* The removable pad inserts shall be secured in the pockets of the envelopes of Models 51 and 55 life preservers, in no case more than one inch from the top seam of the pocket, by a row of stitching, approximately 1¼ inches long near the upper edge of each pocket, which stitching shall extend through both envelope covers and the pad cover fabric. The alternate method of securing the pad inserts in the pockets of the envelopes of Models 51 and 55 life preservers, in no case more than one inch from the top seam of the pocket, shall be by extending the tufts in the upper section of the front pads, and the tuft in the back pad, through the envelope covers and the pads. The removable pad inserts, which are contained in coated fabric outer pad covering, shall not be stitched or tufted to the envelopes of Models 52 and 56 life preservers.

(k) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.005–5 *Inspections and tests*—(a) *General.* An inspector shall examine all life preservers at the place of manufacture for compliance with this specification. Samples of materials entering into the construction may be taken at random by the inspector and tests made for compliance with the applicable requirements. After satisfying himself that the life preservers have been manufactured according to this specification, he shall select indiscriminately from each lot of 250 or less, at least one life preserver to be tested for buoyancy as specified by § 160.005–5 (b).

If the specimen life preserver passes the buoyancy test, the lot shall be acceptable as to buoyancy. If the specimen life preserver fails the buoyancy test, ten additional specimen life preservers shall be selected at random from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the test, the lot shall be acceptable as to buoyancy. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. Rejected lots may be tested 100 percent by the manufacturer and all nonconforming units eliminated, whereupon the remainder of the lot may be re-submitted for official inspection. When any specimen life preserver shall fail the buoyancy test, ten specimen life preservers shall be selected at random and tested from the next succeeding lot submitted for official inspection. When the inspector has satisfied himself that the life preservers submitted for inspection are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Approved, U. S. Coast Guard, (Inspection date), (Inspector's initials), and (Port)". The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting tests at the place of manufacture.

(b) *Buoyancy test.* The life preserver shall be placed in a weighted wire cage of sufficient weight to submerge the life preserver. The cage with the life preserver attached shall then be submerged for 48 hours in a tank of fresh water so the top of the life preserver is approximately 2 inches below the surface of the water. The buoyancy shall be determined to equal the weight of the weighted cage in water less the weight of the cage in water with the life preserver inside. Models 51 and 52 life preservers shall support not less than 16½ pounds net weight, and Models 55 and 56 life preservers shall support not less than 11 pounds net weight. A Model 51 or 55 life preserver may be tested as a unit. For a Model 52 or 56 life preserver, the pads shall be separated from the preserver. The pads shall then be held with moderate hand pressure beneath the surface of a tank of water to test for leaks in the vinyl film outer pad covering, as evidenced by escaping air bubbles. The vinyl film outer pad covering shall then be removed from the pads, and the pads placed in the cage and tested for buoyancy as described above.

§ 160.005–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment with the word, "Adult" or "Child", as the case may be, with the model number, with the name and address of the manufacturer, and with the official approval number assigned to the life preserver.

§ 160.005–7 *Procedure for approval*—(a) *General.* Life preservers are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the district will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select at random, from life preservers already manufactured, not less than three life preservers for examination and test. A copy of the inspector's report, together with one specimen life preserver and one set of pad inserts, will be forwarded to the Commandant for assignment of an official approval number.

2. Subpart 160.024, containing §§ 160.024–1 to 160.024–7, inclusive, is amended to read as follows:

SUBPART 160.024—SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE, FOR MERCHANT VESSELS

Sec.
160.024–1 Applicable specifications and plans.
160.024–2 Type.
160.024–3 Materials, workmanship, construction, and performance requirements.
160.024–4 Sampling, inspections, conditioning, and tests.
160.024–5 Marking.
160.024–6 Container.
160.024–7 Procedure for approval.

AUTHORITY: §§ 160.024–1 to 160.024–7 issued under R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interpret or apply R. S. 4417a, as amended, 4491, as amended, 49 Stat. 1544, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 391a, 489, 367, 1333, 50 U. S. C. App. 1275.

§ 160.024–1 *Applicable Specifications and Plans*—(a) *Specification.* The following specification, of the issue in effect on the date pistol-projected parachute red flare distress signals are manufactured, forms a part of this subpart:

(1) Coast Guard Specification 160.028—Signal Pistols.

(b) *Plans.* The following plans, of the issue in effect on the date pistol-projected parachute red flare distress signals are manufactured, form a part of this subpart:

(1) Drawing No. 160.028–2 (A). Signal pistol, chamber and bore dimensions.

(2) Drawing No. 160.024–6 (A). Container for signal pistol and pistol-projected, parachute red flare distress signals.

(c) *Copies on file.* Copies of the above specification and plans shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The specification and plans may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D. C.

§ 160.024–2 *Type.* (a) Pistol-projected parachute red flare distress signals specified by this subpart shall be of one type which shall consist essentially of a cartridge having centered primer, propelling charge, and projectile consisting of a case, delay element, expelling charge, and pyrotechnic candle attached to a parachute by shroud lines; the cartridge to be of such dimensions that it can be fitted into and fired from a signal pistol with chamber and bore dimensions within the limits provided by Drawing No. 160.028–2 (a).

§ 160.024–3 *Materials, Workmanship, Construction, and Performance Requirements*—(a) *Materials.* The materials used in pistol-projected parachute red flare distress signals shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. In general, all metallic parts shall be corrosion-resistant or properly protected against corrosion.

(b) *Workmanship.* Pistol-projected parachute red flare distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(c) *Construction.* The exterior case of the cartridge shall be made of suitable metal and shall protect against the entrance of moisture. The projectile case and delay element shall be so constructed as to prevent any possibility of the propelling charge blowing by and causing premature ejection of the projectile contents.

(d) *Firing and operating characteristics.* Cartridges shall fire and operate satisfactorily when shot from a pistol of the type described in Subpart 160.028. The pyrotechnic candle shall not ignite explosively or burn in such a manner that might damage the parachute. The pyrotechnic candle shall ignite and burn satisfactorily with uniform intensity.

(e) *Water resistance.* Cartridges shall function properly after having been subjected to the conditioning described in § 160.024–4 (e).

(f) *Altitude.* The signal projectile when discharged vertically upward shall attain an altitude of not less than 150 feet, and be so constructed that the parachute and pyrotechnic candle will be expelled at approximately the maximum altitude reached.

(g) *Rate of descent.* The pyrotechnic candle and parachute, during the period of burning shall descend at an average rate not to exceed 6 feet per second in reasonably still air.

(h) *Chemical stability.* The pyrotechnic candle shall function properly after having been subjected to the elevated temperature conditioning experiment described in § 160.024–4 (e). No ignition shall occur during the conditioning experiment.

(i) *Temperature of ignition of signal materials.* When tested as described by § 160.024–4 (f), the temperature of ignition of the signal materials shall be not less than 338° F. (170° C.).

(j) *Burning time.* The pyrotechnic candle shall burn in air not less than 30 seconds, as determined by § 160.024–4 (g).

(k) *Candlepower.* The average luminous intensity for any pyrotechnic candle shall be not less than 20,000 candlepower, as determined by § 160.024–4 (h). The minimum for a single specimen shall be not less than 14,000 candlepower for more than 5 seconds.

(l) *Chromaticity.* The color of the burning flare shall be vivid red as determined by § 160.024–4 (i).

§ 160.024-4 *Sampling, inspections, conditioning, and tests*—(a) *Classification of tests of cartridges.* The methods of sampling, inspections, and tests conducted upon signals shall be considered as falling within one of the following general classifications:

(1) Qualification (type or brand approval) tests;

(2) Production check tests (at place of manufacture); and

(3) Production check tests (at a government laboratory).

(b) *Qualification (type or brand approval) tests of cartridges.* Pre-approval samples, selected in accordance with § 160.024-7 (c), shall be tested in accordance with the following testing schedule to determine qualification for type or brand approval (cost of tests to be borne by the manufacturer):

(1) Test 12 cartridges for water resistance characteristics, § 160.024-3 (e), following which test same 12 specimens for firing and operating characteristics. The magnitude of the failures shall be determined as follows:

[In the case of concurrent or simultaneous defects, penalties will not be applied cumulatively, but only for the greatest defect]

	Percentage of failure
(i) Misfire (when attributable to the primer and not to the malfunction of the pistol)	100
(ii) Failure to eject projectile contents	100
(iii) Failure to ignite prime of candle	100
(iv) Ignites, but burns less than 25 percent of specified time before reaching ground	75
(v) Burns at least 25 percent but less than 50 percent of specified time before reaching ground	50
(vi) Burns at least 50 percent, but less than 75 percent of specified time before reaching ground	25
(vii) Complete carrying away or destruction of parachute before 25 percent of specified burning time has elapsed	75
(viii) Complete failure of parachute to open	50
(ix) Failure of parachute to open completely, with illuminant reaching ground before 75 percent of burning time has elapsed	25
(x) Reached 50 percent, but less than 100 percent of specified altitude	25
(xi) Reaches less than 50 percent of specified altitude	50

(2) Disassemble 6 cartridges and test the pyrotechnic candles for burning time, candlepower, and chromaticity, § 160.024-3 (j), (k), and (l).

(3) Disassemble 3 cartridges and test for temperature of ignition, § 160.024-3 (l).

(4) Test 3 cartridges for chemical stability, § 160.024-3 (h), following which, test them for firing and operating characteristics, § 160.024-3 (d).

(c) *Sampling, inspections, and test of cartridges from production lots.* The production of pistol-projected parachute red flare distress signals produced under an official type or brand approval shall be checked for compliance with this specification in the manner set forth below:

(1) *Lot size and sampling procedure.* For purposes of sampling the production of pistol-projected parachute red flare distress signals, a lot shall consist of not more than 3,000 signals. A new lot shall be started with any change or modification in raw materials or manufacturing methods. Lots shall be numbered serially by the manufacturer, and the lot number shall be plainly and indelibly marked on the cartridge case of each signal in the lot. A marine inspector shall select at random from each lot the number of specimen signals indicated in the following table for inspection, conditioning, and testing:

TABLE 160.024-4 (c) (1)—NUMBER OF SPECIMEN SAMPLES

Lot size	Minimum number of specimens of sample
Not more than 1,000	15
1,001 to 3,000	24

(2) *Inspection (at place of manufacture).* The marine inspector shall be admitted to the place of manufacture and shall familiarize himself with the various operations involved in the manufacturing process and, from observation during manufacture, satisfy himself that pistol-projected parachute red flare distress signals are being made in general accordance with this subpart and of materials and parts conforming strictly with the specifications and drawings submitted by the manufacturer and approved by the Commandant. Specimens or samplings of materials entering into construction may be taken at random, either in the raw material state or during manufacture, by the inspector and tests made for compliance with applicable requirements. The test specimens comprising the sample, selected in accordance with subparagraph (1) of this paragraph shall be examined by the inspector for surface defects.

(3) *Production check tests (at place of manufacture).* (i) The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting such production check tests as are done at the place of manufacture. Samples from production lots selected in accordance with subparagraph (1) of this paragraph shall, except when tested at a government laboratory as prescribed below, be tested at the place of manufacture in accordance with the following testing schedule: 1st day: Place all specimens in water-resistance conditioning, § 160.024-4 (d); 2d day: Remove all specimens from water-resistance conditioning. Test all but three specimens for firing and operating characteristics, § 160.024-3 (d). Performance shall be rated as in paragraph (b) (1) of this section. Disassemble 3 cartridges and test pyrotechnic candle for burning time and candlepower, paragraphs (g) and (h) of this section. The visual color shall be vivid red, but measurements for chromaticity will not be made.

(ii) Report of inspection and test shall be forwarded to the Commandant.

(4) *Production check tests (at a Government laboratory).* Tests at a Government laboratory shall be made on not less than one sample from each ten production lots of pistol-projected parachute red flare distress signals, or not less than once in each year, whichever occurs more frequently. Sampling and inspection shall be made at the place of manufacture as provided in subparagraphs (1) and (2), of this paragraph, except that for these tests the sample shall consist of 24 specimens. The sample will be forwarded prepaid by the manufacturer to the Commandant. Tests at the Government laboratory shall be conducted in accordance with the schedule given in paragraph (b) of this section.

(d) *Conditioning of test specimens—water resistance.* Immerse specimens horizontally in water at not more than 30° C. with uppermost portion of the signal approximately one inch below the surface of the water for a period of 24 hours.

(e) *Conditioning—Elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 90° C. with not less than 90 percent relative humidity for 72 hours. Remove specimens and store at room temperature (20° to 25° C.) with approximately 65 percent relative humidity for ten days.

(f) *Test method—temperature of ignition of signal materials.* The test shall be conducted in a uniformly heated gas or electric oven with a chamber of at least 6 inches by 9 inches inside measurement. If gas heated, the oven should be of jacketed type with the products of combustion of the heating gas excluded from the inner chamber. The oven should be provided with an opening or openings at the top of at least $^3/_4$ square inch in area to provide air circulation within. A suitable 600° F. 3-inch immersion thermometer shall be inserted through a sleeve in the top of the oven. A shelf of perforated sheet metal shall be provided at the mid-height of the oven. A wire screen cup $^1/_2$ inch in diameter by $^3/_4$ inch high shall be provided. The materials to be tested shall be placed to a depth of $^1/_2$ inch in the wire screen cup. (Ordinarily, materials adjacent to each other in the assembled signal will be blended together for the test, materials non-adjacent ordinarily will not be blended together for the test). The cup then shall be placed on the shelf so as to be within $^1/_2$ inch to $^1/_4$ inch from the bulb of the thermometer or the junction of the thermocouple. The temperature of the oven is to be raised to about 284° F. (140° C.) at a convenient rate, after which the temperature is to be raised at a rate not to exceed 2° F. per minute until ignition occurs or 338° F. (170° C.) has been reached. Time and temperature readings at 30 second intervals and also time at which ignition, if such occurs, are to be recorded. If ignition occurs, the approximate ignition temperature, to be reported, can be obtained by extrapolation from the time-temperature data. Alternate test methods will be given special consideration by the Coast Guard.

(g) *Test method—burning time.* The burning time of the pyrotechnic candle shall be obtained by stop watch measurements from the time positive flame is emitted until it ceases. The burning time for a sample (i. e., all the test specimens from a single lot) shall be the arithmetical average for all specimens in the sample.

(h) *Test method—candlepower.* The candlepower of each pyrotechnic candle tested shall be measured by a visual photometer or equivalent photometric device while the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen. Visual candlepower readings shall be observed and recorded at approximately 20 second intervals during the burning of the specimen. The minimum photometric distance shall be 10 feet. Recording photometers shall have a chart speed of at least one inch per minute. The candlepower of the specimen shall be computed as the arithmetical average of the readings recorded. The range for a specimen shall be the difference between the greatest and least candlepower reading. The candlepower for the sample (i. e. all test specimens from a single lot) shall be the arithmetical average of the candlepower values computed for each of the specimens making up the sample. The range for the sample shall be the difference between the computed greatest candlepower of a specimen and the computed least candlepower of another specimen in the sample. Signals failing to ignite shall be disregarded in computing the range of a sample.

(i) *Test method—chromaticity.* In order to determine that light from the specimen may be termed "vivid red" (ISCC–NBS method of designating colors, RP1239) two identical test plates of white cardboard 12" x 24" are used. Except for a negligible amount of stray daylight, the first test plate is illuminated by light from the specimen placed at a distance of about 5 feet. The second test plate is illuminated only by light from an incandescent lamp operated at a color temperature close to 2448° K. at a distance of about one foot. The first test plate is viewed directly, the second through combinations of Lovibond red, yellow, and blue glasses selected so as to approximate a chromaticity match. By separating the test plates by a wide unilluminated area (subtending at the observer about 45°) it is possible to make determinations of chromaticity in terms of the standard I. C. I. diagram (mixture diagram according to the 1931 International Commission on Illumination Standard Observer and Coordinate System) with an uncertainty in x or y not greater than 0.005, in spite of fluctuations in candlepower of the specimen by factors as high as 2 or 3. The light from burning red flare distress signals shall show values in terms of the I. C. I. Standard Observer and Coordinate system of not less than 0.61 for the x coordinate and not more than 0.34 for the y coordinate for any of the determinations made during the positive flame emitting period.

(j) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the pistol-projected parachute red flare distress signals in the lot are of a type officially approved in the name of the manufacturer and meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing one dozen signals) in which the cartridges are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (date), (port), Inspector's initials." A lot shall be rejected: (1) When, of that portion of the lot tested for firing and operating characteristics, the failures as computed by the table shown in subparagraph (b) (1) of this section, exceeds 15 percent; or (2) when, of the signals tested for the other required characteristics, there is any failure to meet the requirements herein. Signals from rejected lots may, when permitted by the inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

§ 160.024-5 *Marking*—(a) *Cartridge.* Each pistol-projected parachute red flare distress signal shall be legibly marked as follows:

(Company brand or style designation)

PISTOL-PROJECTED PARACHUTE RED FLARE DISTRESS SIGNAL

20,000 candlepower—30 seconds burning time

USE ONLY WHEN AIR CRAFT OR VESSEL IS SIGHTED

DIRECTIONS: Fire upward from signal pistol

(Month and year manufactured) Lot No. --------

Manufactured by (name and address of manufacturer)

U. S. COAST GUARD APPROVAL NO. -------- for merchant vessels

(b) *Other marking.* On each pistol-projected parachute red flare distress signal there shall be die-stamped, in figures not less than $^1/_8$ inch high, on each integral part of the cartridge, the month and year of manufacture. The pyrotechnic candle shall be legibly marked with the month and year of manufacture. In addition to any other marking placed on the smallest packing carton or box containing cartridges, each carton or box shall be plainly and permanently marked to show the month and year of manufacture and lot number.

§ 160.024-6 *Container*—(a) *General.* Containers for stowage of signal pistols and pistol-projected parachute red flare distress signals in lifeboats and life rafts on merchant vessels are not required to have specific approval or to be of special design, but they shall meet the following test for watertightness when closed, and shall be capable of being opened and reclosed hand-tight to meet the same watertightness test. The materials shall be copper, brass, bronze, or other material equally corrosion-resistant to salt water and spray. The type container illustrated by Drawing number 160.024-6 (A) is recommended for most purposes.

(b) *Watertightness test for containers.* Whenever question arises as to the watertightness of a container, the following test may be made to determine whether it is satisfactory in this respect. Open the container, remove the contents, insert colored blotting paper as a lining, reclose container as tightly as possible by hand (no wrenches or special tools permitted) submerge container with top about one foot below the surface of the water for two hours, remove container from water, wipe off excess moisture on outside, then open the container and examine the blotting paper and entire interior for evidence of moisture penetration. If any moisture or water is evidenced, the container is not satisfactory.

(c) *Marking of container.* Containers shall be embossed or bear a brass or equivalent corrosion-resistant nameplate, or otherwise be suitably and permanently marked, to plainly show in letters not less than $^1/_2$ inch high the following wording: "Signal Pistol and Pistol-Protected Parachute Red Flare Distress Signals." No additional marking which might cause confusion as to the contents shall be permitted.

NOTE: The vessel's name is required to be painted or branded on equipment such as this container by other regulations, and nothing in this subpart shall be construed as prohibiting same.

§ 160.024-7 *Procedure for approval*—(a) *General.* Pistol-projected parachute red flare distress signals for merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Coast Guard District in which the factory is located.

(b) *Manufacturer's plans and specifications.* In order to obtain approval of pistol-projected parachute red flare distress signals, submit detailed plans and specifications including a complete bill of material, assembly drawing, and parts drawings, descriptive of the arrangement and construction of the signal, to the Commander of the Coast Guard District in which the factory is located. Each drawing shall have an identifying drawing number, date, and an identification of the signal; and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with drawing numbers and alteration numbers. The alterations shall be noted with the date of alteration or new drawing numbers and dates shall be assigned. At the time of selection of the pre-approval sample, the manufacturer shall furnish to the inspector four copies of all plans and specifications, corrected as may be required, for forwarding to the Commandant.

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.024-4 (b) to determine compliance with this

subpart for qualification for type or brand approval for use on merchant vessels.

3. Part 160 is amended by adding a new subpart 160.028, containing §§ 160.028–1 to 160.028–7, inclusive, reading as follows:

SUBPART 160.028—SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS FOR MERCHANT VESSELS

Sec.
160.028–1 Applicable specifications and plans.
160.028–2 Type.
160.028–3 Materials, workmanship, construction, and performance requirements.
160.028–4 Inspections and tests.
160.028–5 Marking.
160.028–6 Container.
160.028–7 Procedure for approval.

AUTHORITY: §§ 160.028–1 to 160.028–7 issued under R. S. 4405, as amended, 4488, as amended; 46 U. S. C. 375, 481. Interpret or apply R. S. 4417a, as amended, 4491, as amended, 49 Stat. 1544, 54 Stat. 347, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 1, 391a, 489, 367, 1333, 50 U. S. C. App. 1275.

§ 160.028–1 *Applicable specification and plans*—(a) *Specification.* The following specification, of the issue in effect on the date signal pistols are manufactured, forms a part of this subpart:

(1) Coast Guard Specification 160.024. Signals, distress, pistol projected, parachute red flare.

(b) *Plans.* The following plans, of the issue in effect on the date signal pistols are manufactured, form a part of this subpart.

(1) Drawing No. 160.028–2 (A). Signal pistol, chamber and bore dimensions.
(2) Drawing No. 160.024–6 (A). Container for signal pistol and pistol projected parachute red flare distress signals.

(c) *Copies on file.* Copies of the above specifications and plans shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard specifications and plans may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D. C.

§ 160.028–2 *Type.* (a) Signal pistols specified by this subpart shall be of the center-firing type, with chamber and bore dimensions within the limits indicated by Drawing No. 160.028–2 (A).

§ 160.028–3 *Materials, workmanship, construction, and performance requirements*—(a) *Materials.* The materials used in signal pistols shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. In general, all parts shall be corrosion-resistant or properly protected against corrosion. The ejection mechanism shall be of material possessing excellent wearing qualities.

(b) *Workmanship.* Signal pistols shall be of first class workmanship and shall be free from imperfections of manufacture affecting their serviceability or appearance.

(c) *Construction and performance requirements.* Signal pistols shall be of rugged construction and shall operate satisfactorily in firing and ejecting pistol-projected parachute red flare distress signals of the type covered by Subpart 160.024. The ejection mechanism shall be of sturdy design capable of withstanding rough and repeated usage. The over-all size and weight of signal pistols should be kept to a minimum consistent with adequate strength and safety.

§ 160.028–4 *Inspections and tests*—(a) *Pre-approval.* Each of the pistols offered for inspection and test in accordance with § 160.028–7 (c) shall be proof-tested in the presence of the marine inspector by firing a dummy cartridge simulating a normal signal in size and weight, but with a charge double the normal charge, and then firing a signal which is normal in all respects. The inspector shall then examine each pistol for compliance with the applicable drawings. The pistol forwarded to the Commandant will be submitted to a Government Laboratory for a check of the chamber and bore dimensions.

(b) *Approved pistols.* After approval is granted a design, each pistol manufactured shall be tested by firing a dummy cartridge simulating a normal signal in size and weight, but with a charge double the normal charge. The pistol shall then be examined for defects. After the successful completion of the proof tests and inspection, each pistol shall be stamped with the letters "P. T.". Reports of tests and inspections shall be forwarded to the Commandant, indicating serial numbers of pistols passed or rejected.

§ 160.028–5 *Marking* — (a) *General.* Each signal pistol shall be permanently and legibly marked with its serial number, Coast Guard approval number, and the name and address of the manufacturer.

§ 160.028–6 *Container*—(a) *General.* Containers for the stowage of signal pistols and pistol projected parachute red flare distress signals in lifeboats and life rafts on merchant vessels are not required to have specific approval or to be of specific design except for certain material, marking, and test requirements, which requirements are contained in § 160.024–6 of Subpart 160.024. The type container illustrated by Drawing No. 160.024–6 (A) is recommended for most purposes.

§ 160.028–7 *Procedure for approval*—(a) *General.* Signal pistols for merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Manufacturers plans and specifications.* In order to apply for approval of signal pistols, submit detailed plans and specifications, including a complete bill of materials, assembly drawing, and parts drawings descriptive of the arrangement and construction of the pistol, to the Commander of the Coast Guard District in which the factory is located. Each drawing shall have an identifying number, date, and identification of the pistol, and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with drawing numbers and alteration numbers. The alterations shall be noted with the date of alteration, or new drawing numbers and dates shall be assigned. The manufacturer will be advised whether or not the drawings and specifications appear satisfactory or what corrections appear necessary. After the plans and specifications have been found to appear satisfactory, the manufacturer may proceed with the submittal of pre-approval samples. At the time of the tests of the pre-approval samples the manufacturer shall furnish the marine inspector four copies of all plans and specifications, corrected as may be required, for forwarding to the Commandant.

(c) *Pre-approval samples.* After the drawings and specifications have been examined and found to appear satisfactory, at the request of the manufacturer a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods, and to test and examine not less than three pistols in accordance with § 160.028–4 (a), following which one of the pistols, together with a report of the serial numbers of all pistols, and results of examinations and tests, shall be forwarded to the Commandant for final consideration. Cost of shipping and pre-approval tests shall be borne by the manufacturer.

Dated: May 31, 1951.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 51-8521; Filed, July 23, 1951; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

DIAGNOSES OF ACTIVE TUBERCULOSIS

1. In § 3.133, paragraph (c) is amended to read as follows:

§ 3.133 *Effect of diagnoses of active tuberculosis.* • • •

(c) Diagnoses of active pulmonary tuberculosis by private physicians on the basis of their examination, observation, or treatment will not be accepted to show the disease initially manifest after discharge from active service unless confirmed by acceptable clinical, X-ray or laboratory studies or by findings of active tuberculosis based upon acceptable hospital observation or treatment.

2. In § 3.135, the title and paragraph (a) are amended to read as follows:

§ 3.135 *Determination of "complete arrest" in tuberculosis.* (a) (1) The requirement for application of the statutory ratings authorized by section 2, Public Law 339, 81st Congress, or of the statutory award authorized by section 202 (7), World War Veterans' Act, 1924, as amended, as reenacted in part by Public No. 141, 73d Congress, is "complete arrest" of the disease. For these purposes a veteran determined to have had active pulmonary tuberculosis will be held to have reached a condition of complete arrest when the diagnosis is other than active: *Provided*, That for a period of 6 months preceding the date of examination or hospital report, there has been no evidence of local or constitutional symptoms, or of an unstable lesion or cavity, or of tubercle bacilli in the sputum or gastric contents.

(2) If the diganostic classification of the pulmonary tuberculosis is other than active, but "complete arrest" for rating purposes cited in subparagraph (1) of this paragraph is not established, examinations will be scheduled 6 months after date of examination or hospital report and thereafter at intervals of 6 months.

(3) Following the determination of complete arrest as defined in subparagraph (1) of this paragraph, the finding of tubercle bacilli in an occasional specimen of sputum or gastric contents on unofficial examination will not of itself establish activity of the disease unless confirmed on Veterans' Administration examination.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 24, 1951.

[SEAL] CARL R. GRAY, Jr.,
Administrator.

[F. R. Doc. 51-8487; Filed, July 23, 1951; 8:46 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

LEAVES OF ABSENCE

In § 21.65 (a), subparagraph (6) is amended to read as follows:

§ 21.65 *Leaves of absence (effective April 1, 1949).* (a) • • •

(6) An institution of higher learning will not be expected to maintain for veteran-trainees records of attendance not normally maintained for other students provided, however, the institution must discharge its obligation to determine and notify the Veterans' Administration immediately when the veteran-trainee's conduct or progress is not satisfactory, i. e., such as to raise a question as to the desirability of his continuance as a student in the institution, or the veteran ceases to be in attendance or is permitted to modify his course so as to affect the charge against his period of entitlement or the payment of subsistence allowance. No other routine or grade reports will be required. The veteran will be carried in a training status so long as his conduct and progress continues to be satisfactory for continuation in training status according to the regularly prescribed standards and practices of the institution.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective July 24, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-8488; Filed, July 23, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9937]

PART 1—PRACTICE AND PROCEDURE

USE OF LESSER GRADE OPERATORS

In the matter of amendment of Part 1 of the Commission's rules and regulations to add new § 1.334.

This proceeding was instituted on April 4, 1951, by the issuance of a notice of proposed rule making, FCC Mimeo No. 61587 which proposed that Part 1 of the Commission's rules and regulations be amended by the addition of a new § 1.334.

The new section was designed to describe the procedure to follow and the information required to be submitted to the Commission by licensees of Standard and FM broadcast stations on applying for permission to operate such stations with operators holding lesser grades of licenses than required by the Commission's rules.

Comments concerning the proposal in the notice of proposed rule making herein were duly filed by the National Association of Radio and Television Broadcasters; Radio Broadcast Technicians and Engineers, International Electrical Workers, Local Union 253, Birmingham, Alabama; Carribean Broadcasting Corporation, Arecibo, Puerto Rico; Louis Hennes and William H. Carman. Upon careful consideration of the above comments, the Commission has considered that the public would be served by the adoption of this section with certain modifications therein which take into account the principal objection to the proposed rule as reflected by the comments, and which also make certain editorial changes or clarifications in the rules as proposed.

While the IBEW Local Union 253 favored the adoption of the proposed rule, Messrs. Hennes and Carman, who commented individually as radio operators, alleged that the apparent shortage of operators is not sufficiently acute to warrant relaxation of operator requirements. Actually the rule under consideration is not a relaxation of present operator requirements, but a codification of the procedure to be followed by broadcast station licensees when operators cannot be obtained and relief is requested under existing section 0.151 of the rules.

The principal objection advanced with respect to the rule is the period for which permission would be granted, i. e., 30 days. It was urged by the Carribean Broadcasting Corp. that this period be increased to as much as six months. However, the length of time suggested by the National Association of Radio and Television Broadcasters appears more realistic. It was suggested that the proposed rule be amended to provide that permission may be granted for a period not to exceed 120 days and to require the station to which permission to use a lesser grade operator was granted to file a showing at the end of a 60-day period with respect to continuing efforts being made to secure the required grade of operator. This proposal appears meritorious since it would relieve administrative problems for the Commission's field offices and similarly reduce the burden to station licenses while at the same time the procedure would adequately perpetuate surveillance by the Commission to prevent reduction of operating standards. The proposed rule, therefore, has been amended accordingly.

In addition, § 1.334 (c) (5) has been modified to include a provision which would permit a station licensee to show the reasons an available operator was not employed or the reasons a prospective operator refused to accept employment as an alternative to a showing that an operator could not be obtained. This change does not appear to warrant further notice of proposed rule making since it only clarifies the language of the proposed rule to express an implied alternative method of reporting this aspect of the problem.

Further, § 1.334 (d) has been modified to provide specifically that the certificate required by this paragraph of the rule to be filed by the chief operator of the employing station will include the name of the lesser grade operator and the license number of the license held by him. This change does not appear to warrant further notice of proposed rule making for the reason that it does not involve any matter of substance and will lead to a clearer understanding of the rule and will aid in its administration.

In view of the foregoing it is ordered, that effective Sept. 1, 1951 that Part I of the Commission's rules and regulations be amended to include a new § 1.334 as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 308, 319, 48 Stat. 1082, as amended, 1084, 1089; 47 U. S. C. 303, 308, 319)

Adopted: July 11, 1951.

Released: July 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 1.334 *Applications for permission to use lesser grade operators at aural broadcast stations than required by Commission rules.* (a) Applications for temporary permission to operate standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the Commission's district headquarters field office in the area where the station is located. Such permission will be granted for periods of not

to exceed 120 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. Within 60 days of receiving an authorization for a longer period, a written report shall be submitted on behalf of the station setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required by the Commission's rules. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

(b) Such applications or reports are not required to be submitted on any numbered or prescribed form. However, the request or report shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall be included and the following information shall be furnished:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station, (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station or in the event an operator of the required grade will not accept employment at the station or was rejected by the station, a statement showing the reason for the failure to employ such operators.

(6) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received, within three days after employment of a lesser grade operator, a written certification setting forth the name and operator license number of the lesser grade operator employed and stating that the operator has the ability to perform the normal operation of the station.

[F. R. Doc. 51-8515; Filed, July 23, 1951; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—DES LACS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional public fishing and the use of boats and outboard motorboats in certain waters of the Des Lacs National Wildlife Refuge can be permitted without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of the existing regulations regarding fishing and boating on the refuge, publication prior to the effective date is not required (60 Stat. 237, 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.71, 33.72, and 33.76 are revised to read as follows, and §§ 33.78 and 33.79 are added:

§ 33.71 *Fishing permitted.* Noncommercial fishing is permitted in the waters specified in § 33.72 of the Des Lacs National Wildlife Refuge, North Dakota, during the daylight hours of the period May 16 to September 15, inclusive, and from December 1 to March 1, inclusive, of each year, in accordance with the provisions of Parts 18 and 21 of this chapter and subject to the conditions, restrictions, and requirements of §§ 33.72 to 33.79, inclusive.

§ 33.72 *Waters open to fishing.* The following waters of the Des Lacs National Wildlife Refuge shall be open to fishing:

Area I. Middle Des Lacs Lake excluding the marsh areas on the north and south portions and designated by the installation of suitable buoy markers in sections 19, 20, 29, and 30, T. 160 N., R. 86 W., 5th P. M.

Area II. The waters of Upper Des Lacs Lake beginning at the U. S. Highway 52 crossing north to that point in sec. 22, T. 162 N., R. 88 W., as designated by suitable markers.

§ 33.76 *Use of boats.* The use of motor boats, either inboard or outboard, is prohibited in Area I except for official purposes. The use of boats powered by outboard motors not to exceed 5 horsepower for fishing purposes only is permitted on the waters of Area II. The use of racing craft or inboard motorboats is prohibited in Area II. Boats may be launched and landed only at points designated by the refuge officer in charge by posting. The use of rowboats, canoes, or sailboats is permitted in all waters open to fishing.

§ 33.78 *Shoreline fishing.* Fishing from the shoreline is permitted on the east and west shores on Upper Des Lacs Lake in Area II for a distance of one mile north of the U. S. Highway 52 crossing.

§ 33.79 *Bait restrictions.* No person shall use live minnows or any other fish or any part thereof for bait while fishing in any of the waters of the refuge, and no one may have in his possession within the boundaries of the refuge any live minnows or any seine or net that may be used in capturing minnows.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: July 17, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51-8480; Filed July 23, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 988]

HANDLING OF MILK IN THE KNOXVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT

Correction

The notice of referendum at the end of F. R. Doc. 51-8267, appearing at page 6952 of the issue for Thursday, July 19, 1951, was inadvertently omitted. This notice of referendum reads to follows:

Order of the Secretary Directing That a Referendum Be Conducted Among Producers Supplying Milk to the Knoxville, Tenn., Marketing Area; and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area), who, during the month of May, 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order amending the order as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

J. B. McCroskey is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 10003]

AERONAUTICAL SERVICES

PRIVATE AIRCRAFT ENGAGED IN CIVIL DEFENSE ACTIVITIES

In the matter of amendment of Part 9, the Commission's rules and regulations governing aeronautical services in order to permit the use of frequency 122.8 Mc by private aircraft engaged in civil defense activities.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 9, the Commission's rules and regulations governing aeronautical services in order to permit private aircraft engaged in civil defense activities to use the frequency 122.8 Mc which at the present time is being used for communications between private aircraft and aeronautical advisory stations. The latter use will continue in effect and the proposed use of this frequency for civil defense activities will be added thereto.

3. The purpose of this proposal is to enable private aircraft to participate in civil defense activities and to enable civil defense organizations to make full use of the resources of trained personnel and equipment through the participation of private aircraft in their activities.

4. The authority for the proposed amendment, the text of which appears below, is contained in sections 4 (i), 303 (a), (b), (c), (d) and (r) of the Communications Act of 1934, as amended.

5. Any interested person may file with the Commission on or before August 10, 1951, a written statement or brief in support, opposition, or for modification of the proposed amendment. Within 15 days from the last day for filing the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments will appear to warrant the holding of an oral argument or hearing, a notice of time and place therefor will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished to the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Sections 9.10, 9.1001, and 9.1004 are proposed to be amended to read as follows:

§ 9.10 *Aeronautical advisory station.* An aeronautical station used for advisory and civil defense communications with private aircraft stations.

§ 9.1001 *Eligibility for station license.* Authorizations for aeronautical advisory stations will be issued only to the owner or operator of a landing area, not served by an airdrome control station. Only one aeronautical advisory station will be authorized at a landing area. An aeronautical advisory station may be moved from place to place and operated at unspecified locations, except at landing areas served by an airdrome control station, for the purpose of communicating with aircraft engaged in civil defense activities.

§ 9.1004 *Scope of service*—(a) *Advisory service.* Communications shall be limited to the necessities of safe and expeditious operation of aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, available weather information or other information necessary for aircraft operations. Aeronautical advisory stations shall not be used for the control of aircraft.

(b) *Civil defense service.* (i) The frequency 122.8 Mc may be used in addition to its normal purposes for communications with aircraft engaged in organized civil defense activities in time of attack or immediately thereafter.

(ii) This service also may be rendered on a secondary basis to provide communication with aircraft engaged in organized civil defense activities in preparation for anticipated attack.

For this purpose "civil defense" is defined in accordance with section 3 (b) of the Federal Civil Defense Act of 1950, Public Law 920, 81st Congress as follows:

> The term "civil defense" means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (2) to deal with the immediate emergency conditions which would be created by any such attack, and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organizations, operational plans, and supporting agreements; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provision of suitable warning systems; the construction or preparation of shelters, shelter areas, and control centers; and when appropriate, the nonmilitary evacuation of civil population), (B) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (C) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexploded bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).

[F. R. Doc. 51-8518; Filed, July 23, 1951; 8:49 a. m.]

[47 CFR Part 9]

[Docket No. 10004]

AERONAUTICAL SERVICES

AERONAUTICAL NAVIGATIONAL AID RADIO STATIONS

In the matter of amendment of the provisions of Part 9 of the Commission's rules which govern aeronautical navigational aid radio stations.

A notice is hereby given of proposed rule making in the above-entitled matter.

It is proposed to amend Part 9 of the Commission's rules and regulations governing aeronautical services in order to permit the operation of radio beacon stations in the 200–400 kc band without attendance of any person under certain limited conditions.

The proposed amendments are set forth below.

The authority for the proposed amendments is contained in sections 4 (i), 303 (a), (b), (c), (d), (e), (l) and (r), and 318 of the Communications Act of 1934, as amended.

Any interested persons may file with the Commission on or before August 10, 1951, a written statement or brief in support, opposition or for modification of the proposed amendments. Within 15 days from the last day for filing of the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments are received which would appear to warrant the holding of an oral argument or hearing, notice of the time and place therefor will be given.

In accordance with the provisions of § 1.764 of the Commission's rules, original and 14 copies of all statements, brief or comments shall be furnished to the Commission.

Adopted: July 11, 1951.

Released: July 12, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. It is proposed to amend § 9.511 by adding thereto the following:

(e) Radio beacon stations: 200–400 kc.

2. It is proposed to add the following new section:

§ 9.513 *Unattended operation of domestic radio beacon stations.* (a) Authority may be granted to operate, during the course of normal rendition of service, radio beacon stations which are located within the United States, its territories or possessions without attendance of any person, in those cases where an adequate showing has been made to the Commission with respect to all of the following six conditions:

(1) The transmitter is crystal controlled and specifically designed for radio beacon service and capable of transmitting by self-actuating means;

(2) The emissions of the transmitter shall be continuously monitored by a licensed operator;

(3) If as a result of monitoring, it is observed that a deviation from the terms of the station license has occurred, a maintenance man will be dispatched immediately to the transmitter site and place the transmitter in an inoperative condition;

(4) Inspections of the equipment shall be conducted at least every thirty days and a record of the results of such in-

spections shall be kept in the station log;

(5) The transmitter is so installed and protected that it is not accessible to, and may not be placed in operation by, other than duly authorized persons;

(6) The location of the transmitter is such that it is impracticable to require an operator to be on duty at the transmitter or other point at which the operation of the transmitter could be directly controlled.

(b) Authority for unattended operation shall be expressly stated in the station authorization before such operation may be commenced.

[F. R. Doc. 51-8516; Filed, July 23, 1951; 8:48 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

DISTRICT OFFICES

FIELD ORGANIZATION

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105), as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987), and as amended March 3, 1951 (16 F. R. 2028), April 20, 1951 (16 F. R. 3444), May 12, 1951 (16 F. R. 4476), June 21, 1951 (16 F. R. 5959) and June 28, 1951 (16 F. R. 6322), is further amended as follows:

Region I, Boston, Massachusetts. The District Office formerly located in Concord, New Hampshire will now be located in the Varrick Building, 801 Elm Street, Manchester, New Hampshire.

The address of the Montpelier, Vermont District Office has been changed to 4 East State Street, Montpelier, Vermont.

Region IX, Kansas City, Missouri. The address of the Omaha District Office has been changed to 408 South 18th Street, Omaha, Nebraska.

Region XII, San Francisco, California. The San Francisco District Office and Oakland District Office are combined into one District Office to be designated the San Francisco-Oakland District Office, located at 870 Market Street, San Francisco, California. The San Francisco-Oakland District Office will serve the area comprising the counties of Del Norte, Humboldt, Mendocino, Sonoma, Lake, Napa, Marin, Contra Costa, San Joaquin, Alameda, San Francisco, San Mateo, Santa Clara, Stanislaus, Santa Cruz, San Benito, and Monterey.

The Oakland Office is now designated as a "sub-office" of the San Francisco-Oakland District Office and is located at 1417 Clay Street, Oakland, California.

A District Office is hereby established in Sacramento, California, designated as the Sacramento District Office, located at 1330 J Street, Sacramento, California. The Sacramento District Office will serve the area comprising the counties of Siskiyou, Trinity, Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, Placer, Yolo, Solano, Sacramento, Eldorado, Amador, Calaveras, and Tuolumne.

A District Office is hereby established in Fresno, California, designated as the Fresno District Office, located at 1550 Van Ness Avenue, Fresno, California. The Fresno District Office will serve the area comprising the counties of Merced, Mariposa, Madera, Fresno, Kings, and Tulare.

The Los Angeles District Office jurisdictional area is hereby changed to comprise the counties of Inyo, San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, and Riverside.

The San Diego District Office jurisdictional area is hereby changed to comprise the counties of Orange, San Diego and Imperial.

The county of Mono, California, heretofore serviced by the Los Angeles District Office will now be serviced by the Reno District Office.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-8589; Filed, July 23, 1951; 11:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to change channel allocations to Logan and Williamson, West Virginia.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July, 1951;

The Commission having under consideration an amendment to its Revised Tentative Allocation Plan for Class B FM Broadcast Stations to change the channel allocations to Logan and Williamson, West Virginia, as follows:

General area	Channels	
	Delete	Add
Logan, W. Va.	294	222
Williamson, W. Va.	222	270

It appearing, that the proposed amendment to the Allocation Plan is desirable in order to permit the grant of a pending application for a new Class B station at Logan, West Virginia, to operate on Channel 222; and

It further appearing, that the adoption of said amendment will not reduce the present allocations to any area or require a change in the channel assignment of any other existing station or authorization; that the operation of a Class B FM station on Channel 270 at Williamson, West Virginia, and on Channel 222 at Logan, West Virginia, will not cause objectionable interference to any station, existing, proposed or contemplated by the FM Allocation Plan; and that no existing requirements of the Commission will be affected by the said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reason this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channel	
	Delete	Add
Logan, W. Va.	294	222
Williamson, W. Va.	222	270

Released: July 16, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8517; Filed, July 23, 1951; 8:48 a. m.]

[Docket No. 10007]

PEOPLES BROADCASTING CORP. (WOL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Peoples Broadcasting Corporation (WOL), Washington, D. C., Docket No. 10007, File No. BP-7373; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled application for a change in frequency from 1450 kilocycles to 1460 kilocycles, an increase in power from 250 watts with synchronous amplifier to 5 kilowatts with discontinuance of synchronous amplifier, a change in transmitter location and installation of a new transmitter and directional antennas for both daytime and nighttime operation;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WOL, as proposed, but that the station as proposed, may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the subject application is designated for hearing commencing at 10 a. m. on the 29th day of August 1951 at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WOL, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WOL, as proposed, would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to (1) the interference which would be received by Station WOL, as proposed, and (2) daytime and nighttime coverage to the city of Washington, D. C., and to the Washington, D. C., metropolitan area.

3. To determine whether the antenna structure proposed in the above-entitled application would cause distortion of the radiation pattern of Station WWDC, Washington, D. C., and, if so, the nature, extent and effects of such distortion and the steps, if any, that could be taken to eliminate or reduce such distortion.

It is further ordered, That the Capital Broadcasting Company, licensee of Station WWDC, Washington, D. C., is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8501; Filed, July 23, 1951; 8:46 a. m.]

[Docket Nos. 10014, 10015]

UNION BROADCASTING CO. (WARM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 10014, File No. BMP-5525; for modification of construction permit; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 10015, File No. BMP-5565; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled applications of Union Broadcasting Company seeking to modify its construction permit (File No. BP-5186, Docket No. 7851) granted January 27, 1950, which authorized a change in facilities of Station WARM, Scranton, Pennsylvania, from 1400 kc, 250 watts, unlimited time, to 590 kc, 5 kw, DA-1, unlimited time, to (1) change type transmitter and make changes in the antenna system, and (2) extend the completion date of construction authorized by BP-5186 from June 15, 1951 to September 15, 1951;

It appearing, that the grant of the applicant's construction permit (File No. BP-5186) was conditioned to require said applicant to construct one tower on the proposed site and submit a complete field intensity survey to the Commission for approval prior to the construction of the four additional towers; that the survey made in compliance with this condition reveals that the ground conductivity in the area of Scranton is lower than contemplated; and that for this reason has filed the aforementioned applications (BMP-5525 and BMP-5565) requesting modification of said construction permit; and

It further appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WARM, as proposed, but that the proposed operation may involve objectionable interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice, particularly with reference to service to the city of Scranton and the Scranton-Wilkes-Barre metropolitan district;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing, at 10:00 a. m., on August 28, 1951, at Washington, D. C., upon the following issues:

1. To determine, in the light of the data obtained in the field intensity survey made, by the applicant, the areas and populations which may be expected to gain or lose primary service from the operation of Station WARM as proposed in BMP-5525 and as authorized in its construction permit, BP-5186 as modified, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WARM, as proposed in BMP-5525, would involve objectionable interference with Station WGTM, Wilson, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and population affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine particularly in light of the evidence adduced under the foregoing issues whether the installation and operation of Station WARM, as proposed in BMP-5525 and as authorized in its construction permit, BP-5186 as modified, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to service to the city of Scranton and to the Scranton-Wilkes-Barre metropolitan district.

4. To determine whether and to what extent the coverage of Station WARM operating as authorized in its construction permit, BP-5186 as modified, would differ from that which the Commission, in its decision in Docket 7851, found would result from such operation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8503; Filed, July 23, 1951; 8:47 a. m.]

[Docket Nos. 10010, 10011]

DECATUR BROADCASTING CO. (WMGR) AND TRI-COUNTY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Thomas R. Hanssen, John A. Dowdy, Charles W. Dowdy and Winnie S. Vaugh, d/b as Decatur Broadcasting Company (WMGR), Bainbridge, Georgia, Docket No. 10010, File No. BP-8099; Tri-County Broadcasting Company, Inc., Hawkinsville, Georgia, Docket No. 10011, File No. BP-8116; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled applications each requesting the frequency of 610 kilocycles, with 500 watts power, daytime only, with the Decatur Broadcasting Company proposal to be located in Bainbridge, Georgia and the Tri-County Broadcasting Company, Incorporated, proposal to be located in Hawkinsville, Georgia, which cities have a geographical separation of about 115 miles;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 23, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and its partners to operate Station WMGR, as proposed, and the legal, technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WMGR, as proposed, and the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WMGR, as proposed, and the proposed station would involve objectionable interference to any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WMGR, as proposed, and the proposed station would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WMGR, as proposed, and the proposed station

would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the installation and operation of Station WMGR, as proposed, would constitute a hazard to air navigation.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8505; Filed, July 23, 1951; 8:47 a. m.]

[Docket No. 10009]

WEST ALABAMA BROADCASTING CO. (WNPT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. P. Thielen, W. M. Jordan and T. H. Gaillard, Jr., d/b as the West Alabama Broadcasting Company (WNPT), Tuscaloosa, Alabama, Docket No. 10009, File No. BMP-5527; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled application for modification of construction permit for approval of antenna and to change transmitter and main studio location from Northport, Alabama to Tuscaloosa, Alabama;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WNPT, as proposed, except as to matters covered by issue 2 below, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 21, 1951, at Washington, D. C., upon the following issues:

1. To determine the area and population which may be expected to gain or lose primary service from the operation of Station WNPT, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WNPT, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to coverage to the City of Tuscaloosa, Alabama.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8506; Filed, July 23, 1951; 8:47 a. m.]

[Docket No. 10008]

BARTELL BROADCASTERS, INC. (WOKY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 10008, File No. BP-7959; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled application of Bartell Broadcasters, Inc., requesting a construction permit to increase daytime power from 1 kw to 5 kw, change transmitter and install a new directional antenna for daytime use at Station WOKY, Milwaukee, Wisconsin; and also having under consideration a petition filed by Purdue University, licensee of Station WBAA, West Lafayette, Indiana, requesting that said application be designated for hearing on the grounds that Station WOKY, as proposed, would cause interference to WBAA both within and outside its normally protected contour and further alleging that WBAA furnishes a unique program service to the latter area of interference; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WOKY, as proposed, but that the application may involve interference with one or more existing stations; and

It further appearing, that Purdue University has tendered facts in its petition which, if proved, tend to show a service not duplicated by other stations within the interference-free service area of Station WBAA;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 20, 1951, Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of Station WOKY, as proposed, would involve objectionable interference with Station WBAA, West Lafayette, Indiana, and any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station WOKY, as proposed, would involve objectionable interference within any area receiving a primary signal from but outside the 0.5 mv/m daytime contour of Station WBAA, West Lafayette, Indiana, and, if so, to determine whether the program service furnished to such area by Station WBAA is of a kind not furnished by any other broadcast station or stations and whether it should be afforded protection.

It is further ordered, That the petition of Purdue University is granted and that Purdue University, licensee of Station WBAA, West Lafayette, Indiana, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8507; Filed, July 23, 1951; 8:47 a. m.]

[Docket Nos. 7938, 9944]

WESTERN BROADCASTING ASSOCIATES AND WEST SIDE RADIO

ORDER SCHEDULING HEARING

In re applications of Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; West Side Radio, Tracy, California, Docket No. 9944, File No. BP-7802, for construction permits.

It is hereby ordered, This 16th day of July 1951, that the further hearing in the above-entitled proceeding is hereby scheduled for July 24, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8509; Filed, July 23, 1951; 8:47 a. m.]

[Docket Nos. 9982, 9983]

COVINGTON BROADCASTING CO., INC., AND OPP BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Covington Broadcasting Company, Inc., Opp, Alabama, Docket No. 9982, File No. BP-8013; The Opp Broadcasting Company, Inc., Opp, Alabama, Docket No. 9983, File No. BP-8072; for construction permits.

The Commission having under consideration a petition filed July 6, 1951, by Covington Broadcasting Company, Inc., Opp, Alabama, requesting a continuance of the hearing presently scheduled for July 27, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 13th day of July 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, August 27, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8510; Filed, July 23, 1951; 8:47 a. m.]

[Docket No. 9947]

VIDALIA BROADCASTING CO. (WVOP)

ORDER SCHEDULING HEARING

In re application of M. F. Brice and R. E. Ledford, d/b as Vidalia Broadcasting Company (WVOP) Vidalia, Georgia, Docket No. 9947, File No. BP-7834; for construction permit.

The Commission having under consideration a petition filed July 9, 1951 by M. F. Brice and R. E. Ledford, doing business as Vidalia Broadcasting Company (WVOP), Vidalia, Georgia, for dismissal of petitioner's pending petition for waiver of hearing on the above-entitled application;

It appearing, that on May 7, 1951, petitioner filed with the Commission a petition which seeks a waiver of hearing procedure on its above-entitled application, pursuant to § 1.391; that the hearing on said application was then scheduled for June 1, 1951; that on May 28, 1951, on petition of the General Counsel of the Commission, said hearing was continued without date, subject to further order of the Commission; and

It appearing, that petitioner has now decided that its case can be presented to better advantage by appearing in person and presenting evidence before the Commission on the issues upon which its application has been designated for hearing; that there are no other parties to this proceeding; that the time within which opposition might have been filed to this petition by the Broadcast Bureau has expired and no opposition thereto has been filed; and

It further appearing, that public interest would be served by a grant of the petition to dismiss the request for waiver of hearing and to proceed to hearing on the above-entitled application;

It is ordered, This 13th day of July, 1951, that the petition of M. F. Brice and R. E. Ledford, doing business as Vidalia Broadcasting Company (WVOP), Vidalia, Georgia, to dismiss their pending petition for waiver of hearing is granted; the petition for waiver of hearing is dismissed; and the hearing on the above-entitled application is hereby scheduled for 10 o'clock a. m., Wednesday, September 12, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8511; Filed, July 23, 1951; 8:47 a. m.]

[Mexican Change List No. 129]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JUNE 5, 1951.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEAY	Ciudad Delicias, Chihuahua	500 w., 660 kc	D	II	Nov. 1, 1951
XEFH	Cordoba, Veracruz	680 kc (see assignment on 820 kc.).			
XEFH	Cordoba, Veracruz (present operation, 680 kc.)	1 kw., 820 kc	D	II	Sept. 15, 1951
XEBN	Ciudad Delicias, Chihuahua	250 w., 1240 kc	U	IV	Nov. 1, 1951
XECX	Poza Rica, Veracruz	250 w., 1240 kc	U	IV	Nov. 1, 1951

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8514; Filed, July 23, 1951; 8:48 a. m.]

[Docket Nos. 9987, 9986]

INTER-CITY BROADCASTING CO. (WHIM) AND ROGER WILLIAMS BROADCASTING CO., INC. (WPAW)

ORDER CONTINUING HEARING

In re applications of Inter-City Broadcasting Company (WHIM), Providence, Rhode Island, Docket No. 9987, File No. BP-8044; Roger Williams Broadcasting Company, Inc. (WPAW), Pawtucket, Rhode Island, Docket No. 9986, File No. BP-7894; for construction permits.

The Commission having under consideration a petition filed July 2, 1951, by Roger Williams Broadcasting Company, Inc. (WPAW), Pawtucket, Rhode Island, requesting a 10-day continuance of the hearing presently scheduled to be heard on August 2, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that the other parties to this proceeding have consented to a grant of this petition, and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 9th day of July 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, August 13, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

PALO ALTO RADIO STATION, INC. (KYA), AND SAN MATEO COUNTY BROADCASTERS (KVSM)

ORDER CONTINUING HEARING

In re applications of Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP-4452; Edmond Scott, Gordon D. France, Hugh Smith and Merwyn F. Planting, a partnership d/b as San Mateo County Broadcasters (KVSM), San Mateo, California, Docket No. 8045, File No. BP-5536; for construction permits.

The Commission having under consideration the petition of Palo Alto Radio Station, Inc. (KYA), filed July 10, 1951, which requests that the further hearing upon the above entitled applications, presently scheduled for July 17, 1951, be continued for sixty days;

It appearing, that petitioner's application is for authority to change the facilities of Station KYA from 1260 kc, 1 kw at night and 5 kw until local sunset, unlimited time, to 1060 kc, 50 kw, unlimited time, directionalized, and to move transmitter site, such application having been heard originally during the year 1947, in consolidation with the application of San Mateo County Broadcasters (KVSM), which seeks authority to use the frequency of 1260 kc at San Mateo, California, in the event Station KYA should be moved to 1060 kc;

It appearing further, that the issues involved in the proceeding upon petitioner's application relate solely to engineering matters and that petitioner has caused certain engineering studies to be undertaken, and, by reason of such studies, it plans to make formal request that its application be removed from hearing status and granted;

It appearing further, that counsel for San Mateo County Broadcasters (KVSM) and counsel for the Commission, the only other parties to the proceeding, have consented to the granting of the relief herein sought and to a waiver of the provisions of § 1.745 of the Commission's rules to permit immediate consideration of the petition;

It is ordered, This 11th day of July 1951, that the petition of Palo Alto Radio Station, Inc. (KYA), be, and it is hereby, granted; and that the further hearing upon the above entitled applications is continued to September 18, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8512; Filed, July 23, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1671]

WASHINGTON GAS LIGHT CO.

ORDER FIXING DATE OF HEARING

JULY 17, 1951.

On April 17, 1951, Washington Gas Light Company ("Applicant") filed an application, supplemented on June 8, 1951, at Docket No. G-1671, for a certificate of public convenience and necessity pursuant to section 7 of the Natural

Gas Act, authorizing the construction and operation of a certain gas storage plant and related facilities in Montgomery County, Maryland, subject to the jurisdiction of the Commission, all as more fully described in such application, on file with the Commission and open to public inspection, public notice thereof having been given, including publication in the FEDERAL REGISTER on May 4, 1951 (16 F. R. 3954).

Applicant has requested that an abridged hearing be held in this matter pursuant to § 1.32 of the Commission's rules of practice and procedure.

The Commission finds: It is in the public interest to deny the request for an abridged hearing in this matter, for the reason, among others, that Montgomery County, Maryland, has been permitted to intervene and to be heard in these proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 4, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 18, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8462; Filed, July 23, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26266]

CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO JOHNSVILLE, MISS.

APPLICATION FOR RELIEF

JULY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Liquid caustic soda, in tank-carloads.

From: Huntsville and Redstone Arsenal, Ala.

To: Johnsville, Miss.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1085, Supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8522; Filed, July 23, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of July A. D. 1951.

The Commission, on February 23, 1950, having issued its order approving the plan of reorganization of North Continent Utilities Corporation ("North Continent"), under section 11 (e) of the Public Utility Holding Company Act of 1935, said order reserving, among other things, jurisdiction with respect to the fees and expenses of such reorganization; and

North Continent having now filed a supplemental application requesting that the Commission release jurisdiction with respect to the requested fees and expenses in the aggregate amount of $57,569.71 in connection with said plan of reorganization, which includes counsel fees to Pam, Hurd & Reichmann of $25,000 and $19,000 to Reis & Chandler, Inc. for financial advisory services, and with respect to $5,000 estimated future expenses relating to the distribution of securities:

The Commission having considered the record in the above matter and finding that the fees and expenses proposed to be paid are not unreasonable:

It is ordered, That jurisdiction heretofore reserved with respect to such fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8403; Filed, July 23, 1951; 8:45 a. m.]

[File Nos. 54-25, 54-178, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING AMENDED PLAN OF LIQUIDATION

In the matter of The United Light and Railways Company, American Light & Traction Company, et al.; File Nos. 59-11, 59-17, 54-25. In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, et al.; File No. 54-178.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of July A. D. 1951.

The Commission, by order dated December 30, 1947, having approved the plan, designated as Application No. 31, as amended ("Application 31"), filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by The United Light and Railways Company ("Railways") and American Light & Traction Company ("American"—now American Natural Gas Company) which provided, inter alia, for the disposition by Railways of all its interests in American, The Detroit Edison Company ("Detroit Edison") and Madison Gas and Electric Company ("Madison"); and Railways, in compliance with said application and order and the several related orders indicated below, having:

(a) Sold to American 202,528 shares of 6 percent preferred stock of the par value of $25 per share of American;

(b) Sold at competitive bidding 78,270 shares of capital stock of Detroit Edison (order of December 15, 1948);

(c) Sold 1,257,947 shares of common stock of American (which was changed and reclassified from common stock of the par value of $25 per share to common stock without par value by proper corporate action on June 15, 1949, prior to the sale of such stock under the second rights offering hereinafter referred to) to common stockholders of Railways pursuant to two rights offerings, on the basis of one share of American stock for each five shares of Railways stock held (orders of February 7, 1949, and June 1, 1949);

(d) Sold an additional 6,673 shares of such common stock of American which were offered, but not purchased, under the first such rights offering, through ordinary brokerage transactions on the New York Curb Exchange (order of March 24, 1949);

(e) Sold an additional 4,078 shares of such common stock of American which were offered, but not purchased, under the second such rights offering through ordinary brokerage channels on the New York Curb Exchange (order of July 15, 1949, as amended by order of July 25, 1949);

(f) Sold Purchase Certificate Number 10,154 evidencing payment of an initial 20 percent of the subscription price for $521,800 principal amount of 3 percent Convertible Debentures, due December 1, 1958, of Detroit Edison to Schoellkopf, Hutton & Pomeroy, Inc., and Weeden & Co., Inc. (order of March 7, 1949); and

(g) Sold 7,961 shares of common stock of the par value of $16 per share of Madison in ordinary broker-dealer transactions in the over-the-counter market, such 7,961 shares being the shares remaining after the distribution by Railways to its common stockholders of 125,030 shares of common stock of Madison on the basis of one share of Madison stock for each 25 shares of Railways stock held (orders of April 13, 1949, and September 30, 1949); and

Application 31, as approved by the Commission's order of December 30, 1947, having provided that the proceeds of the aforesaid sales of preferred and common stock of American, capital stock of Detroit Edison and common stock of Madison should be expended by Railways to pay, retire and cancel its outstanding notes issued under its loan agreement, dated November 24, 1945, as amended, and to pay in part the final maturity of notes to be issued, under the terms of Application 31, in an aggregate principal amount of $28,500,000 in connection with the borrowing of funds for use in redeeming Railways' outstanding prior preferred stock and for use in investing $9,000,000 in common stock of Continental Gas & Electric Corporation ("Continental") to enable Continental to retire its notes outstanding under its loan agreement of November 24, 1945; and,

The Commission, in said order of December 30, 1947, having recited, inter alia, that the application of such proceeds in such manner was necessary or appropriate to the integration or simplification of the holding company system of which Railways was a member and was necessary or appropriate to effectuate the provisions of the act; and

Railways and Continental having subsequently filed with the Commission under section 11 (e) of the act a plan of liquidation of Railways and Continental which was approved, as amended, by an order of the Commission entered on January 10, 1950, and the proposed issuance by Railways of $28,500,000 principal amount of notes as provided in Application 31 having become inappropriate by reason of said amended plan of liquidation; and Railways having subsequently, in accordance with an order of the Commission entered on May 2, 1949, issued notes in the principal amount of $19,500,000 in lieu of the $28,500,000 principal amount of notes provided for in Application 31; and

Said amended plan of liquidation having provided, inter alia, for (i) the sale by Railways to its common stockholders of common stock of Kansas City Power & Light Company ("Kansas City"), (ii) the application of the proceeds of such sale to the payment of outstanding notes of Continental to be assumed by Railways, (iii) the application of any balance of such proceeds to other indebtedness of Railways, including the aforesaid notes in the principal amount of $19,500,000, (iv) the contribution by Railways to Continental of funds to be used by Continental in purchasing additional shares of common stock of Iowa Power and Light Company ("Iowa Power"), and (v) the investment by Railways of $5,000,000 in additional common stock of Kansas City, and

It having been the intent of said amended plan of liquidation that the proceeds of the sales of securities previously listed herein, to the extent not required to pay, retire and cancel the aforementioned notes of Railways issued under its loan agreement dated November 24, 1945, should be applied to the aforementioned capital contribution to Continental and investment in common stock of Kansas City; and

Railways, pursuant to said amended plan of liquidation, an interim order of the Commission entered on December 23, 1949, and the Commission's order of January 10, 1950, approving said amended plan of liquidation, having contributed $2,500,000 to Continental and having invested $5,000,000 in common stock of Kansas City, all as provided in said amended plan, and having applied proceeds from the sales of securities previously listed herein to such purposes; and

It having been the intent of such orders that Railways should apply such proceeds to such purposes, and that the application of such proceeds in such manner should constitute expenditures and investments of such proceeds which were necessary or appropriate to the integration or simplification of the holding company system of which Railways was a member and which were necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning of applicable provisions of Supplement R of the Code; and

Railways having requested the Commission to enter a supplemental order conforming to the requirements of Supplement R of the Code, confirming such intent and, in the case of proceeds applied to the retirement of Railways' outstanding 2 percent two-year notes dated December 10, 1945, due December 31, 1949, itemizing and specifying such notes and the specific amounts from the proceeds of the several sales applied in retirement thereof in more detail than was possible at the time of entry of the Commission's order dated December 30, 1947, approving Application 31, as amended; and the Commission deeming it appropriate to grant such request; and

The Commission having in said order of December 30, 1947 approving Application 31 and in said order of January 10, 1950 approving the amended plan of liquidation, reserved jurisdiction to entertain such further proceedings, to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with Application 31 and the amended plan of liquidation, the transactions incident thereto and the consummation thereof and to enter such further orders as may be necessary to secure full compliance with the act:

It is hereby ordered and recited, That, the steps and transactions itemized below involved in the consummation of Application 31 and the amended plan of liquidation were necessary or appropriate to the integration and simplification of the holding company system of which Railways was a member and were necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized and approved:

(1) The expenditure by Railways of the proceeds, consisting of $6,704,520.67, of the sale by Railways to American of 202,528 shares of 6 percent preferred stock of the par value of $25 per share of American (represented by certificate Nos. NPS 330 and NPX 1482) to prepay ratably in part, in the amounts listed below, the outstanding balance on Railways' outstanding 2 percent notes dated December 10, 1945 and due December 31, 1949, issued in the principal amount of $25,000,000 pursuant to a loan agreement, dated November 24, 1945, as amended, between Railways and the banks listed below:

Name of bank	Balance outstanding prior to payment	Payment
Bankers Trust Co.	$5,004,191.27	$1,542,039.75
Central Hanover Bank & Trust Co.	5,004,191.27	1,542,039.75
The National City Bank of New York	5,004,191.27	1,542,039.75
Continental Illinois National Bank & Trust Co. of Chicago	5,004,191.27	1,542,039.75
Harris Trust & Savings Bank	1,740,588.27	536,361.67
Total	21,757,353.35	6,704,520.67

(2) The expenditure by Railways of the proceeds, consisting of $1,553,816.04, of the sale by Railways at competitive bidding of 78,270 shares of capital stock of Detroit Edison (represented by certificate Nos. K-122, K-133, K-141 and K-148) to prepay ratably in part, in the amounts listed below, the outstanding balance on Railways' outstanding notes described in (1) above:

Name of bank	Balance outstanding prior to payment	Payment
Bankers Trust Co.	$3,173,508.65	$357,377.69
Central Hanover Bank & Trust Co.	3,173,508.65	357,377.69
The National City Bank of New York	3,173,508.65	357,377.69
Continental Illinois National Bank & Trust Co. of Chicago	3,173,508.65	357,377.69
Harris Trust & Savings Bank	1,103,829.08	124,365.28
Total	13,797,893.68	1,553,816.04

(3) The expenditure by Railways of $15,103,273.11 out of the proceeds of the sales by Railways of a total of 1,268,698 shares of common stock of American, including:

(i) The sale pursuant to a rights offering on February 17, 1949, of 627,994 shares of common stock of the par value of $25 per share of American (out of certificate No. NX 1483) to Railways' stockholders:

(ii) The sale through ordinary brokerage channels of 6,673 such shares (represented by certificate No. NX 1548) not purchased under such rights offering:

(iii) The sale pursuant to a rights offering on June 10, 1949, of 629,953 shares of common stock without par value of American (out of certificate Nos. NX

1018, NX 1362 and NX 1484) to Railways' stockholders, and

(iv) The sale through ordinary brokerage channels of 4,078 shares of common stock without par value of American (represented by certificate Nos. TNYU-16, TNYU-21 and TNYU-26), in the following manner:

(a) The expenditure of $12,944,047.64 of such proceeds to retire and cancel, by payments in the amounts listed below, Railways' outstanding notes described in (1) above:

Name of bank	Balance outstanding prior to payment	Payment
Bankers Trust Co	$2,816,130.96	$2,816,130.96
Central Hanover Bank & Trust Co	2,816,130.96	2,816,130.96
The National City Bank of New York	2,816,130.96	2,816,130.96
Continental Illinois National Bank & Trust Co	2,816,130.96	2,816,130.96
Harris Trust & Savings Bank	979,523.80	979,523.80
Total	12,244,047.64	12,244,047.64

(b) The expenditure of $2,500,000 of such proceeds as a contribution to the capital of Continental for use in purchasing 250,000 shares of common stock of Iowa Power.

(c) The expenditure of $359,225.47 of such proceeds as part of $5,000,000 paid to Kansas City for 266,748 shares of common stock without par value of Kansas City (represented by certificate No. TCC-3).

(4) The expenditure by Railways of the proceeds, consisting of $206,154.02, of the sale of 7,961 shares of common stock of the par value of $16 per share of Madison (represented by certificate No. CU-5) in ordinary broker-dealer transactions in the over-the-counter market, or other funds equal thereto, and the proceeds, consisting of $142,263.55, of the sale by Railways of Purchase Certificate No. 10,134 evidencing payment of an initial 20 percent of the subscription price of $521,800 principal amount of 3 percent Convertible Debentures, due December 1, 1958, of Detroit Edison to Schoellkopf, Hutton & Pomeroy, Inc., and Weeden & Co., Inc., or other funds equal thereto, as part of $5,000,000 paid to Kansas City for 266,748 shares of common stock of Kansas City.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8486; Filed, July 23, 1951; 8:45 a. m.]

[File No. 70-2637, Amdt. 5]

UNITED GAS CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING RENEWAL OF PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1951.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the following proposed transactions:

United presently has outstanding $25,000,000 principal amount of promissory notes maturing December 31, 1951, and bearing interest at the rate of 2½ percent per annum. United proposes to refinance these outstanding notes through the issuance and sale, to the holders of the present notes, of a like principal amount of promissory notes dated as of July 1, 1951, maturing two years from the date of issue, and bearing interest at the rate of 2¾ percent per annum, payable quarterly. United may prepay such notes without payment of premium or penalty, unless such prepayment shall be from the proceeds of bank loans.

The declaration states that the proposed transactions are an interim step in the over-all financing program of United which is more fully described in the application-declaration regarding the issuance and sale of common stock pursuant to a rights offering and the issuance and sale of first mortgage bonds (Holding Company Act Release No. 10636).

Said declaration having been filed on June 29, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to permit said declaration to become effective without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same, hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8485; Filed, July 23, 1951; 8:45 a. m.]

[File No. 70-2668]

NATIONAL FUEL GAS CO.

NOTICE REGARDING APPLICATION CONCERNING ACQUISITION OF SHARES OF COMMON STOCK OF PENNSYLVANIA GAS CO.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1951.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed an application with this Commission pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

National, prior to February 1936, owned 297,624 shares, or 51.67 percent, of the total outstanding 576,000 shares of the common capital stock of Pennsylvania Gas Company ("Pennsylvania"). Between February 1936 and May 1938, National purchased, from time to time in small amounts, a total of 2,531 shares of Pennsylvania's common stock, offered to National by minority stockholders, at prices varying from $10 to $12.50 per share, or a total purchase price of $28,894.50. On May 22, 1947, National purchased 2,444 additional shares of Pennsylvania's common stock offered to National by a minority stockholder at a price of $20 per share, or a total cost of $48,880. As a result of the above-mentioned purchases of Pennsylvania's common stock, National increased its holdings to 302,599 shares, or 52.53 percent of Pennsylvania's total outstanding 576,000 shares.

The above purchases of Pennsylvania's common stock were made by National without requests for authorization of this Commission, for the stated reason that the officers of National did not believe that prior approval of such transactions was required, in view of the small amount of the purchases compared to the total of the 576,000 shares outstanding. National has now filed an application requesting that the above-mentioned purchases of Pennsylvania's common stock be authorized by the Commission pursuant to sections 9 (a) and 10 of said act, and National further states that it agrees to abide by such order as the Commission may make in the premises.

Notice is further given that any interested person may, not later than July 31, 1951 at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on July 31, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8484; Filed, July 23, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

ERIC BIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eric Bier, Copenhagen, Denmark; Claim No. 33660; $288.77 cash in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Eric Bier, in and to the Estate of Siegfried Max Bier, deceased; Surrogate's Court New York County, N. Y.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8388; Filed, July 19, 1951; 9:03 a. m.]

[Return Order 1015]

SOCIETE DE LA VISCOSE FRANCAISE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe de la Viscose Francaise, Paris, France; Claims Nos. 40439 and 40440; May 23, 1951 (16 F. R. 4823); property described in Vesting Order No. 720 (8 F. R. 2163) relating to United States Patent Application Serial Nos. 290,310 (now Patent No. 2,318,796); 290,509 (now Patent No. 2,320,381); 311,909 (now Patent No. 2,332,955) and 311,910 (now Patent No. 2,346,201); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,116,611 and 2,107,637. All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2366-F), dated December 2, 1947, by and between the Attorney General of the United States, as licensor, and E. I. duPont de Nemours & Co., as licensee, relating to United States Letters Patent No. 2,116,611, including royalties in the amount of $4,266.89. This return shall not be deemed to include the rights of any licensees under the above patent applications, patents, or contract.

Appropriate documents and papers effecting this order will issue.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8524; Filed, July 23, 1951; 8:50 a. m.]

[Return Order 1006]

COMPTOIR DES TEXTILES ARTIFICIELS, S. A. R. L.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Comptoir des Textiles Artificiels, S. a. r. l., Paris, France; Claim No. 40450; May 23, 1951 (16 F. R. 4825); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,043,564. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8523; Filed, July 23, 1951; 8:50 a. m.]

DESIDER GYORGY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Desider Gyorgy, Paris, France; Claims Nos. 36321 and 36322; $5,945.08 in the Treasury of the United States; $687.84 in the Treasury of the United States, subject to the deduction of whatever portion of that sum which represents rents or other proceeds from the property known as 50 Oak Street, Manchester, Connecticut, and to the deduction of that sum representing rents or other income on the property known as 67-69 Cottage Street, Manchester, Connecticut, which accrued prior to July 20, 1940; $4,244.78 in the Treasury of the United States, subject to the deduction of whatever amounts have been expended for taxes, mortgage loan repayments, repairs and other items of maintenance in connection with the property known as 67-69 Cottage Street, Manchester, Conn. Real property situated in Manchester, Conn., and known as 67-69 Cottage Street.

Executed at Washington, D. C., on July 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8525; Filed, July 23, 1951; 8:50 a. m.]

[Vesting Order 15709, Amdt.]

DEUTSCHES KALISYNDIKAT G. M. B. H. ET AL.

In re: Bank accounts and promissory notes owned by Deutsches Kalisyndikat G. m. b. H. and others.

Vesting Order 15709, dated November 16, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsches Kalisyndikat G. m. b. H., Mitteldeutsche Montanwerke G. m. b. H., Commerz & Privatbank A. G. and Conrades Stiftung, each of whose last known address is Germany, are corporations, partnerships, associations or other organizations, organized under the laws of Germany, and which have or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That Hilde Mayer, Werner Conrades, Hans Brochhaus and G. Schmoll, each of whose last known address is Germany, and the personal representatives, heirs, next of kin, legatees and distributees of Hildegard Von Dannenberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That N. V. Overzeesche Kali Export Maatschappij is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Deutsches Kalisyndikat G. m. b. H., and is a national of a designated enemy country (Germany);

4. That the property described as follows: Those certain debts or other obligations of the banks whose names and addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, arising out of the blocked accounts maintained with said banks whose titles are set forth in said Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany) to the extent set forth below:

Mitteldeutsche Montanwerke G. m. b. H.	$4,687.27
Commerz & Privatbank A. G.	18.14
Conrades Stiftung and Werner Conrades	170.30
Hilde Mayer	184.09
Hans Brochhaus	4,525.43
G. Schmoll	4,617.51
Personal representatives, heirs, next of kin, legatees and distributees of Hildegard Von Dannenberg, deceased	2,400.36
N. V. Overzeesche Kali Expert Maatschappij	11,970.00
Deutsches Kalisyndikat G. m. b. H.	the remainder

5. That the property described as follows: An undivided one-half (½) interest in those certain debts or other obligations of York Commercial Corporation, 11 Broadway, New York, New York, evidenced by promissory notes in the aggregate principal amount of $2,000,000 issued by said York Commercial Corporation to Administratie-en Trustkantoor "Securitas" N. V. as payee, and any and all rights to demand, enforce and collect the same, together with any and all rights in, to and under, including particularly the right to possession of, so many of the aforesaid promissory notes as aggregate $1,000,000 in principal amount, and together with all accrued and unpaid interest allocable to such promissory notes in the aggregate principal amount of $1,000,000,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsches Kalisyndikat G. m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That N. V. Overzeesche Kali Export Maatschappij is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

7. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Names and addresses of banks and titles of accounts

The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y.; Continentale Handelsbank, N. V.

Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.; Continentale Handelsbank, N. V.

Irving Trust Co., 1 Wall Street, New York, N. Y.; Continentale Handelsbank, N. V.

Bank of the Manhattan Co., 40 Wall Street, New York, N. Y.; Continentale Handelsbank N. V.

The National City Bank of New York, 55 Wall Street, New York, N. Y.; Continentale Handelsbank N. V.

J. Henry Schroder Banking Corp., 46 William Street, New York, N. Y.; Continentale Handelsbank.

The First National Bank of Boston, Boston, Mass.; Continentale Handelsbank N. V.

Manufacturers Trust Co., 55 Broad Street, New York, N. Y.; Continentale Handelsbank N. V.

Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.; Continentale Handelsbank N. V.

The New York Trust Co., 100 Broadway, New York, N. Y.; Continentale Handelsbank N. V., Continentale Handelsbank N. V. No. 2, Continentale Handelsbank Special Account.

[F. R. Doc. 51-8386; Filed, July 19, 1951; 9:01 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 16 NUMBER 143

Washington, Wednesday, July 25, 1951

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR, Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, was published in the FEDERAL REGISTER (16 F. R. 6185). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, (established pursuant to said marketing agreement and amended order), the following rules and regulations are hereby approved.

§ 957.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended; to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1952, will amount to $20,000.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload, or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR, Part 957).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c).

Done at Washington, D. C., this 20th day of July 1951, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. MCCORMICK,
Secretary of Agriculture

[F. R. Doc. 51-8559; Filed, July 24, 1951; 8:45 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR, Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER (16 F. R. 6402). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the State of Washington Potato Committee (established pursuant to said marketing agreement and order), the following rules and regulations are hereby approved.

§ 992.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1952, will amount to $23,985.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled

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by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR, 992).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of July 1951, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8557; Filed, July 24, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 77]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

The Camp Campbell, Kentucky, area, published on July 16, 1949, in 14 F. R. 4291, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 36°44'00" N, long. 87°20'00" W; SE to lat. 36°33'00" N, long. 87°22'00" W; due W to long. 87°50'00" W; due N to lat. 36°44'00" N; due E to lat. 36°44'00" N, long. 87°29'00" W, point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 26, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8554; Filed, July 24, 1951; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

REVISED STERILITY TESTS AND SAMPLE REQUIREMENTS

EDITORIAL NOTE: In F. R. Doc. 8340, appearing at page 6999 of the issue for Friday, July 20, 1951, the date at the end of the document should read "July 13, 1951" instead of "June 13, 1951."

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.131]

PART 68—EXCHANGE-VISITOR PROGRAM

APPLICATION

JULY 9, 1951.

Under the provisions of the United States Information and Educational Exchange Act of 1948 (Pub. Law 402, 80th Congress), R. S. 161, 5 U. S. C. 22, and section 4, 63 Stat. 111, § 68.2 (a) (1) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

§ 68.2 *Application.* • • •

(a) • • •

(1) If any exchange visitor ceases to pursue the activity for which he was admitted to the United States, the sponsor shall immediately notify the officer in charge of the Immigration and Naturalization Service at the port of entry at which the exchange-visitor entered the United States, giving the name and present address of the alien, nationality, date of admission, and facts as to the present activities of the alien.

(Sec. 4, 63 Stat. 111; 5 U. S. C. 151c)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 51-8550; Filed, July 24, 1951; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals

PART 186—LEASING OF TRIBAL LANDS FOR MINING

ACREAGE LIMITATION

JULY 13, 1951.

Section 186.9 (a) (2) of the regulations in this part is hereby amended to read as follows:

§ 186.9 *Acreage limitation.* • • •

(a) • • •

(2) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals except coal, oil, and gas, not more than 960 acres unless otherwise authorized by the Commissioner of Indian Affairs.

• • • • •

Section 186.9 (a) (4) of the regulations in this part is hereby repealed.

(Sec. 4, 52 Stat. 348, 25 U. S. C. 396d)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-8502; Filed, July 24, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 511—ASSISTANCE TO RELATIONS AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

EFFECTS OF DECEASED

Sections 511.4 and 511.5 are rescinded and the following substituted therefor:

§ 511.4 *Effects*—(a) *General.* This section prescribes the manner of disposing of the effects of persons who are deceased or missing outside theaters of operations. A deceased or missing person referred to in this section is one who is subject to military law at the time of his death or was reported as missing under the provisions of the Missing Persons Act of March 7, 1942 (56 Stat. 143), as amended by the Act of December 24, 1942 (56 Stat. 1003), and the act of July 1, 1944 (58 Stat. 679; 50 U. S. C., App. 1001, et seq.).

(b) *Inventory.* WD AGO Form 54 (Inventory of Effects) will be prepared in the case of every deceased or missing person whose effects are under control of the military authorities.

(c) *Funds, commercial papers, stocks, bonds, etc.* (1) Moneys found on personal effects, received from debtors or from sale of effects, will be transmitted to the legal next of kin. When next of kin is not present, such moneys will be forwarded to them by mail, either by United States postal money order or United States Treasury check, and duly recorded on Form 54. When moneys found are less than $5, such money will be included with the effects.

(2) Government funds entrusted to personnel as agents or finance officers are not effects. If it appears that funds found on the deceased will be turned over to the disbursing officer to be deposited in special deposits until determination can be made as to the amounts belonging to the Government and to the individual.

(3) Commercial papers, bank accounts, stocks, bonds, or negotiable instruments (which include traveler's checks, money orders, etc.) will not be converted into cash but will be forwarded to the next of kin, legal representative, or The Adjutant General, Department of the Army, Washington 25, D. C.

(4) Military payment orders found among the effects of personnel who are deceased, missing, missing in action, or which are otherwise undeliverable, will be forwarded to the Chief of Finance, Department of the Army, Washington 25, D. C., Attn: Receipts and Disbursements Division. Letter of transmittal will furnish information showing the source from which the military payment order was received, the status of the payee, and such other information as may be available regarding the issuance and ownership of same. If the payee is deceased, the name and address of the next of kin also will be furnished. Claimants for the proceeds of such military payment orders will be referred to the Chief of Finance, Washington 25, D. C., Attn: Receipts and Disbursements Division.

(d) *Clothing and equipment.* All organizational clothing and equipment and all other Government property to which the individual is not entitled will be withdrawn from the effects and turned over to the appropriate supply officer. Credit entries for the items withdrawn will be made on the records of the individual. Personal clothing to which title vests in the individual will not be withdrawn from the effects of the decedent, except to the extent necessary to provide clothing for burial. If the clothing of the deceased is soiled but otherwise suitable for burial purposes, it will be cleaned and pressed at Government expense before use.

(e) *Shipment.* (1) The effects of missing persons will be held 120 days or longer before they are shipped or delivered to the next of kin.

(2) Each package, box, or crate containing effects will be marked plainly "Effects deceased person" and will bear the full name, grade, service number, and organization of the person to whom the effects belonged. The contents of a package or packages will be verified against the inventory by the commanding officer or other person making the shipment, and the package or packages will be sealed by the person verifying the contents. A certificate as to such verification and sealing will be included in the package (or package No. 1).

(3) Upon delivery or shipment of effects a communication will be delivered or mailed to the person receiving the effects, conveying the information that delivery or shipment of the property does not in any way vest title in the recipient, but that the property is delivered or forwarded for retention or disposition as custodian in accordance with the laws of the State of the decedent's or missing person's legal residence. In case of shipment, the communication will state the date and method of shipment, and anticipated date of arrival.

(f) *Next of kin or legal representative present.* (1) If the next of kin or legal representative is present, the immediate commanding officer of the deceased or missing person will inventory the effects on WD AGO Form 54 (Inventory of Effects), prepared in triplicate, deliver the effects in person, receiving a receipt therefor, or arrange for packing and shipment at Government expense, if requested, and will forward the original and duplicate of the inventory, with the full name and address of the person receiving the effects, to the commanding officer having custody of the individual's records. The commanding officer will indicate his approval of the disposition by signing Form 54 and will forward the original to The Adjutant General with the indivdual records of the deceased or missing person.

(2) If death occurs or a person is reported as missing in a Territory or possession of the United States, or in another country, and the person entitled to receive the effects is a resident of that Territory, possession, or country, the commanding officer may deliver the personal effects of the individual to the proper person in the same manner as outlined in subparagraph (1) of this paragraph, receiving in return a receipt therefor. If personal delivery or direct transmission is not practicable, the person entitled to receive the effects may be requested to designate by written notice, in triplicate, a consular representative, or other such person, at or near the place where the effects are located. The consular representative will act as an agent for the acceptance of the effects of the deceased or missing person, and will be required to receipt for the effects on all three copies of Form 54, or to execute a separate receipt, in triplicate. A copy of the authorization, and separate receipt, if taken, will be attached to each copy of Form 54 for disposition in accordance with subparagraph (1) of this paragraph. Currency among effects of the deceased or missing person, in this case, should be turned over to the nearest disbursing officer for issuance of a United States dollar or foreign currency check, as appropriate. If the person entitled to receive the effects fails or declines to designate a consular representative for this purpose, the effects will be given to the custody of a summary court for disposition.

(g) *Next of kin or legal representative not present*—(1) *Legal representative or next of kin known but not present.* (i) The inventory of effects will be prepared in quadruplicate by the immediate commanding officer, and the original and two copies will be delivered with the effects to the summary court appointed to dispose of the effects. If it appears to the interest of both the eventual owner and the Government that certain effects which meet the general discription contained in subdivision (iii) of this subparagraph be sold, particularly when the effects are located overseas, the summary court, if the commanding officer approves, will so advise the next of kin or legal representative and ask for a power of attorney to dispose of the effects concerned. Sale, if authorized, may be by public or private sale. A certified copy of the bill of sale will be prepared for the next of kin or legal representative. In addition, the summary court will collect all local debts due the decedent and will pay undisputed local creditors, taking a receipt for such payments to be attached to the inventory. A complete record of all sales and other cash transactions will be entered on the Form 54. The summary court will forward the effects and cash from any transactions at Government expense, with original and duplicate of the inventory, with certified bills of sale, to the person eligible to receive the effects, with the request that both copies of the inventory be signed and returned to the summary court. Upon return of both signed copies of the inventory, the summary court will forward both copies to the commanding officer who had custody of the individual's records. The commanding officer will indicate his approval by signing both copies of the inventory and forwarding the original to The Adjutant General.

(ii) Foreign currencies found among the effects will be considered souvenir moneys, and will be shipped with the effects. Negotiable instruments (including traveler's checks, money orders, etc.) payable to the deceased, or missing person, except checks drawn on the Treasury of the United States, or on foreign depositories, will be transmitted with other effects; however, negotiable instruments made payable to the deceased in settlement of a debt due to deceased by local debtors may be indorsed by the summary court for collection, and the proceeds will be disposed of in the same manner as cash found among the effects. Checks drawn on the Treasurer of the United States, or on foreign depositories, will be transmitted to the issuing disbursing officer or his successor in office for appropriate action (transmittal to the General Accounting Office). Proper notation will be made on Form 54 concerning these checks so that claim may be made for them by the next of kin.

(iii) Items which may be considered for sale are these:

(*a*) Which may not be shipped under existing regulations or policies established by the (oversea) commander.

(*b*) Which because of their bulk, nature, or weight cannot be included with other effects to be shipped.

(*c*) Obviously of no sentimental value, which are not of a value commensurate to the cost of shipment, and which may be sold in the oversea command for as much or more than in the United States (Such as vehicles, heavy furniture, etc.).

(*d*) Which if sold in the oversea command, would serve the best interest of the eventual owner concerned (such as items of electrical equipment which would not be of any value in the United States because of odd voltage).

(2) *Legal representative or next of kin not known.* The inventory of effects will be prepared in sextuplicate by the immediate commanding officer, and the original and 4 copies will be delivered with the effects to the summary court appointed to dispose of the effects. The summary court will verify the inventory and receipt therefor on the last copy which will be returned to the organization commander. After collecting from debtors and paying creditors of the individual, the summary court will sell all effects except those articles defined in the Manual for Courts-Martial as valuable chiefly as keepsakes, and stocks, bonds, evidence of bank accounts, or other forms of purely commercial paper, and will pay any bona fide creditors of the deceased. Cash or check received from sale of effects will be transmitted to the local disbursing officer, with the original and four copies of the inventory of effects. The original and two copies of the inventory will be forwarded by the summary court to the commanding officer who had custody of the individual's records. Insignia, decorations, medals, and other articles valuable chiefly as keepsakes, and all purely commercial papers, such as stocks, bonds, evidence of bank accounts, etc., will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGAO, for transmission to the Soldier's Home under the provisions of the act of February 21, 1931 (46 Stat. 1203 as amended; 10 U. S. C. 1584a). The commanding officer will indicate his approval by signing the inventory and forwarding the original and duplicate to The Adjutant General with any effects being forwarded to the Department of the Army for further disposition.

(h) *Personnel deceased or reported missing on board transport, next of kin or legal representative not aboard.* (1) If the next of kin or legal representative is not aboard the transport, available effects will be inventoried, in original and six copies, and will be delivered to the transportation agent for safekeeping and delivery to the port transportation officer at the port of debarkation for disposition. A summary court will be appointed by the commander of Army troops to collect any funds due from debtors and to accept claims of creditors. The summary court will prepare a separate report, in original and six copies, of his transactions and will file his report and deposit any funds collected with the transportation agent. A copy of the report of the summary court's transactions will be filed in the personnel records of the deceased or missing person.

(2) When part of the effects are stored in the hold of the transport, or when it is impracticable for any reason to secure all effects immediately upon learning that the owner is dead or missing, the commander of Army troops will secure the additional effects as soon as practicable after arrival of the transport at the port of debarkation. The additional effects will be inventoried in original and six copies on a separate Form 54, and will be delivered with the inventory to the transportation agent or port transportation officer having custody of the remainder of the effects. A copy of the inventory will be filed in the personnel records of the individual.

(3) In turning over effects to the port transportation officer, the transportation agent will obtain a receipt on a copy of the inventory, and report of cash transactions, if attached, and will file the receipt or receipts with the records of the transport. If additional effects are inventories in accordance with subparagraph (2) of this paragraph, a receipt for such additional effects similarly should be obtained by the transportation agent, or commander of Army troops, as appropriate, and the receipt should be filed with the records of the transport.

(4) The port transportation officer receiving the effects of a deceased or missing person will request the appointment of a summary court to dispose of the effects. The original and four copies of the inventory or inventories, and record of cash transactions, if any, will be delivered with the effects to the summary court for disposition in accordance with the provisions of paragraph (g) of this section. If the legal representative or next of kin is known, the two extra copies of the inventory will be destroyed.

§ 511.5 *Effects of civilian employees not subject to military law.* The provisions of § 511.4 do not apply in the case of deceased civilians with the Army who are not subject to military law. In such cases the officer under whom the decedent was serving, or such representative of the service in which the decedent was employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the deceased was not an employee of the Department of the Army, the commander of the installation where death occurred, or an officer designated by him, will secure the decedent's effects and deliver them to legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, the responsible officer will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded direct to The Adjutant General with a complete report of the action taken.

[SR 600-560-5, June 25, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8546; Filed, July 24, 1951; 8:48 a. m.]

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

These rules are prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, Act of May 5, 1950 (64 Stat. 128), to which Code reference should be made for all Articles cited herein.

Sec.
1800.1 Name.
1800.3 Clerk.
1800.4 Docket: Notice of docketing.
1800.5 Attorneys and counsellors.
1800.6 Assignment of appellate counsel.
1800.7 Notice of appearance by counsel.
1800.8 Admission.
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1800.10 Jurisdiction.
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1800.18 Petition for grant of review.
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1800.21 Time for filing petition or certificate.
1800.22 Service of petition or certificate.
1800.23 Reply to petition.
1800.24 Reply to certificate.
1800.25 Parties.
1800.26 Arguments on petition for grant of review.
1800.27 Briefs in support of final review.
1800.28 Oral argument.
1800.29 Petitions for new trial.
1800.30 Continuances and interlocutory matters.
1800.31 Rehearing or modifications.
1800.32 Service by mail.
1800.33 Opinions of the Court.

AUTHORITY: §§ 1800.1 to 1800.33 issued under Art. 67, Pub. Law 506, 81st Cong.

§ 1800.1 *Name.* The Court adopts "United States Court of Military Appeals" as the title of the Court.

§ 1800.3 *Clerk.* (a) The Clerk of this Court shall reside and keep the office at the seat of the National Government, Washington, D. C.

(b) He shall not practice as attorney or counsellor in any court while he continues in office.

(c) Before he enters on the execution of his office, he shall take an oath in the form prescribed by 28 U. S. C. 1948 revision, Sec. 951, which reads:

I, ----------, having been appointed ----------, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments, and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.

(d) He shall not permit any original record or paper to be taken from the courtroom or from the office without an order from a Judge of this Court.

The office of the Clerk of this Court will be open from 9 a. m. to 5 p. m. every weekday except holidays and Saturdays. On Saturdays, the office of the Clerk will be open from 9 a. m. to 1 p. m.

§ 1800.4 *Docket: Notice of docketing.* (a) The clerk shall maintain in his office a docket in which shall be entered the receipt of all certificates or petitions for grant of review as provided in § 1800.16.

(b) Upon receipt of either the petition of the accused or the certificate of a Judge Advocate General, whichever occurs first, the case shall be assigned a docket number. The clerk shall promptly notify the Judge Advocate General of the service concerned and the accused or his appellate counsel of the receipt and docketing of the case, giving its docket number. All papers subsequently filed in the case shall bear this number. All appearances of counsel and other papers filed with the clerk, the receipt of all petitions for new trial referred by a Judge Advocate General pursuant to Article 73 of the Uniform Code of Military Justice, and all decisions, orders, and other action by the Court shall be noted chronologically in the docket on the page or pages assigned to the case, showing briefly the date, the nature of each paper filed, and the substance of each decision, order, and other action by the Court.

§ 1800.5 *Attorneys and counsellors.* It shall be requisite to the admission of a person to practice in this Court that he be a member of the bar of a Federal Court or of the highest court of a State.

§ 1800.6 *Assignment of appellate counsel.* Whenever a record of trial is forwarded by a Judge Advocate General for review, he shall immediately designate appellate Government counsel, and shall immediately designate appellate defense counsel, unless he has been notified that the accused desires to be represented before the Court by civilian counsel.

§ 1800.7 *Notice of appearance by counsel*—(a) *Military appellate counsel.* Military appellate counsel designated in any case shall file an appearance in writing within five days after such designation.

(b) *Civilian appellate counsel.* Civilian appellate counsel shall file an appearance in writing before participating in the proceedings.

§ 1800.8 *Admission.* (a) In order to appear before this Court, an application shall be filed with the Clerk of the Court not less than five days prior to the time of admission showing the following information:

(1) The name and residence of the applicant.

(2) His office address.

(3) The federal or State court to which he has been admitted.

(4) The place where he has been practicing.

(b) In addition, the applicant shall file a certificate from the presiding judge or clerk of the proper court that the applicant is a member of the bar and that his private and professional character appears to be good or in lieu thereof a certificate by the Judge Advocate General containing substantially the same information.

(c) Upon being admitted, each applicant shall take in open court the following oath or affirmation, viz:

I, ----------, do solemnly swear (or affirm) that I will demean myself, as an attorney and counsellor of this court, uprightly, and according to law; and that I will support the Constitution of the United States.

(d) Admissions will be granted upon motion of the Court or upon oral motion by a person admitted to practice before the Court on any day the Court holds a regular session.

§ 1800.9 *Process.* All process of this Court shall be in the name of the President of the United States, and shall contain the given names as well as the surnames of the parties.

§ 1800.10 *Jurisdiction.* This court will review the record in the following cases:

(a) All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer or extends to death;

(b) All cases reviewed by a board of review which the Judge Advocate General orders forwarded to this Court for review; and

(c) All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, this Court has granted a review except those reviewed under Article 69.

§ 1800.11 *Scope of review.* This Court will act only with respect to the findings and sentence as approved by the convening or reviewing authority, and as affirmed or as set aside as incorrect in law by a board of review. In those cases which the Judge Advocate General forwards to this Court, action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, action need be taken only with respect to issues specified by this Court in the grant of review. This Court may, however, review other matters of law which materially affect the rights of the parties. The points raised in this Court will involve only errors in law.

§ 1800.12 *Quorum.* Two of the judges shall constitute a quorum. The concurrence of two judges shall be required for the rendition of a final decision or the allowance or denial of a petition for a grant of review. In the absence of a quorum, any judge may make all necessary orders relating to any matter pending before the Court relative to the filing of papers or preparatory to a hearing or decision thereon. If at any time a quorum is not present on any day appointed for holding a hearing, any judge present may adjourn the Court from time to time, or, if no judge is present, the clerk may adjourn court from day to day.

§ 1800.13 *Signing of papers.* All petitions, appearances, briefs and motions shall be legibly typewritten or printed and signed and shall show the name and address of the person signing, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for the purpose of unnecessary delay.

§ 1800.14 *Filing of papers.* All petitions, appearances, briefs and motions shall be filed in the office of the clerk and if transmitted by mail or other means, they shall not be deemed to have been filed until received in his office, except that for purposes of computation of time allowed an accused to petition for grant of review such petitions shall be deemed to have been filed upon the date postmarked on the envelope containing the petition or upon the date when the petition is deposited in military channels for transmittal.

§ 1800.15 *Computation of time for filing papers*—(a) *Computation.* In computing any period of time prescribed or allowed by this part, by order of court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday.

(b) *Enlargement.* When by this part or by notice given thereunder, or by order of court, an act is required or allowed to be done at or within a specified time, the Court for cause shown may at any time in its discretion (1) with or without motion or notice, order the period extended if request therefor is made before the expiration of the period as originally prescribed or as extended by previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect but the time for a petition for review as prescribed in Article 67 (c) will not be extended.

(c) *Motions.* A written motion, other than one which may be heard ex parte, and notice of the hearing thereof, shall be served not later than five days before the time specified for the hearing, unless a different period is fixed by the Uniform Code of Military Justice or by the rules in this part or by order of the Court. When a motion is supported by affidavit, the affidavit shall be served with the motion and opposing affidavits may be served not later than one day before the hearing, unless the Court permits them to be served at some other time.

(d) *Additional time.* Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him when such service is made upon him by mail, three days shall be added to the prescribed period if the party upon whom the service is made is within the continental limits of the United States and fifteen days shall be added thereto if the party is located outside those limits.

§ 1800.16 *Methods of appeal.* Cases shall be appealed to this Court by one of two methods. Cases shall be forwarded by a Judge Advocate General under Article 67 (b) (2) by a certificate for review and such certificate shall substantially meet the requirements hereinafter set forth. All other cases under Article 67 shall be appealed by a petition for review, regardless of whether the accused has a mandatory right of appeal, and such petition shall substantially meet the requirements hereinafter set forth.

§ 1800.17 *Form of petition or certificate for review.* An original and four legible copies of a petition or a certificate for review shall be filed. They shall be typewritten or printed, double-spaced on 8" x 10½" white paper, securely fastened at the left edge. All record references shall show page numbers and any exhibit designations.

§ 1800.18 *Petition for grant of review.* The petition for grant of review shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

PETITION FOR GRANT OF REVIEW

Board of Review No. ------. Docket No. -----

UNITED STATES, APPELLEE,

v.

----------, APPELLANT

To the Honorable, the Judges of the United States Court of Military Appeals:

1. The accused having been found guilty of a violation of the Uniform Code of Military Justice, Article -------, and having been sentenced to ---------- on ---------- at ---------- by ----------, and said sentence having been approved by the convening authority and affirmed by a board of review on ----------, hereby petitions the Court of Military Appeals for a grant of review of the decision of the board of review pursuant to the provisions of the Uniform Code of Military Justice, Article 67.

2. The accused contends that the board of review erred in its consideration of the case on the following questions of law: (Here set forth separately and particularly each error assigned upon which accused relies.)

3. The accused was notified of the decision of the board of review on ----------

----
(Signature of Accused or his Counsel)

Received a copy of the foregoing petition for Grant of Review this ------ day of ----------

----
(The Judge Advocate General)

(Department)

NOTE: Service by mail is authorized. For form of affidavit of service see § 1800.32.

§ 1800.19 *Certificate for review.* The certificate for review shall be substantially in the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

CERTIFICATE FOR REVIEW

Board of Review No. ------, Docket No. ------

UNITED STATES, APPELLANT

v.

APPELLEE

To the Honorable, the Judges of the United States Court of Military Appeals:

1. Pursuant to the Uniform Code of Military Justice, Article 67, the record of the trial and the decision of the board of review, United States ----------, in the above-entitled case, are forwarded for review.

2. The accused was found guilty of a violation of the Uniform Code of Military Justice, Article ------, was sentenced to ----------, on ---------- at ---------- by ----------. The sentence was approved by the convening authority and affirmed by a board of review on ----------.

3. It is requested that action be taken with respect to the following issues ---------

----
(The Judge Advocate General)

(Department)

Received a copy of the foregoing Certificate of Review this ------ day of ----------

----
(Appellee)

(Address)

(Appellate Counsel)

(Address)

NOTE: Service by mail is authorized. For form of affidavit of service see § 1800.32.

§ 1800.20 *Brief.* A brief will accompany each Petition for Grant of Review and Certificate for Review in substantially the following form:

IN THE UNITED STATES COURT OF MILITARY APPEALS

BRIEF ON BEHALF OF (ACCUSED) (UNITED STATES)

Board of Review No. ------. Docket No. ------

UNITED STATES (APPELLEE) (APPELLANT)

v.

(APPELLANT) (APPELLEE)

Index of Brief

(Omit if brief is less than 10 pages)

Statement of Facts

(Set forth a concise statement of the facts of the case material to the issues concerning which any error is assigned. Portions of the record and other matters of evidentiary nature shall not be included in this statement. Pertinent portions of the statement of facts in briefs of appellate counsel or the decision of the board of review may be utilized.)

Assignment of Errors

(Here set forth each error assigned in the petition for grant of review or each issue raised in the certificate for review.)

Argument

(Discuss briefly the points of law presented, citing and quoting such authorities as are deemed pertinent.)

Conclusion

For the reasons stated the accused is entitled under the provisions of the Uniform Code of Military Justice, Article 67b (3) to a grant of review. (This brief is submitted under the provisions of the Rules of Practice and Procedure before the United States Court of Military Appeals and the provisions of the Uniform Code of Military Justice, Article 67b (1) or 67b (2).)

(Signature of Counsel)

(Address)

Received a copy of the foregoing brief this ------ day of ----------.

(The Judge Advocate General) (counsel)

(Department) (Address)

NOTE: Service by mail is authorized. For form of affidavit of service see § 1800.32.

§ 1800.21 *Time for filing petition or certificate.* (a) The accused, including general and flag officers and those sentenced to death, shall have thirty days from the date he receives written notice from a Board of Review of its decision, to file a petition with this Court for a grant of review. In those cases governed by Article 67 (b) (1) if the accused does not file a petition for grant of review the Judge Advocate General shall have twenty-one additional days in which to forward the record of trial and decision of the Board of Review to this Court.

(b) In those cases certified to this Court under Article 67 (b) (2) the Judge Advocate General shall file a certificate with this Court within 21 days after the receipt of the decision from a Board of Review.

§ 1800.22 *Service of petition or certificate.* Prior to the filing of a petition for grant of review, or certificate for review, service of the petition or the certificate shall be made on the opposing party,

namely, Appellate Government Counsel or the accused or his appellate counsel.

§ 1800.23 *Reply to petition.* Within fifteen days after the filing of a petition by an accused for a grant of review under Article 67 (b) (3), Appellate Government Counsel may file a reply brief to the original petition and brief stating his views with respect to the merits of the issues of law raised in the petition and why he believes the petition should not be granted. Such reply brief shall be similar in form to the brief of the accused, except that if Appellate Government Counsel disagrees with the statement of facts or desires to supplement it with additional facts he shall start his reply brief with the new information.

§ 1800.24 *Reply to certificate.* Within fifteen days after the filing of a certificate for review by the Judge Advocate General and brief by counsel the opposing party may file a reply brief answering the points raised in the original certificate and brief, stating his views with respect to the merits of the issues of law raised in the certificate and his reasons why the points should be resolved in his favor. This reply shall be similar in form to appellant's brief, except that if opposing party disagrees with the statement of facts or desires to supplement it with additional facts he shall start his reply brief with the new information.

§ 1800.25 *Parties.* In accordance with the provisions of § 1800.27, the first party to docket a case with the clerk of the Court shall be designated as appellant. The other party shall be known as appellee. In the event the appellee desires to raise new or additional issues for such purposes he shall be designated cross-appellant and the other party shall be known as cross-appellee.

§ 1800.26 *Arguments on petition for grant of review.* Except when ordered by the Court, oral arguments will not be permitted on petitions for grant of review.

§ 1800.27 *Briefs in support of final review*—(a) *General provisions.* An original and four clear copies of briefs prepared in accordance with § 1800.20 shall be filed. The original must show appropriate proof of service of a copy thereof on opposing counsel.

(b) *Filing of briefs.* The appellant's brief shall be filed within thirty days after receipt of notice that the Court has granted final review. Appellee's brief shall be filed within fifteen days after receipt of the initial brief. If appellant fails to file a brief, appellee may file his brief within fifteen days after expiration of the time allowed for the filing of appellant's brief. If any brief is not filed within the time prescribed, the court may regard the case as submitted by the delinquent party without a brief.

(c) *Moving party.* If the case first comes before the court under Article 67 (b) (1) and (b) (3) the accused is the appellant; otherwise, the United States shall be deemed the appellant. If the case is before the court both upon the grant of the accused's petition for review and upon a certificate by the Judge Advocate General, then § 1800.25 applies.

(d) All briefs shall be captioned as indicated in § 1800.20 and shall contain an index listing:

(1) The divisions of the brief.

(2) A summary of the argument covering the points raised separately.

(3) A table of the authorities cited with reference to the pages of the brief where cited.

(e) Appellant's brief shall contain:

(1) The statement of facts prescribed in § 1800.20.

(2) The points for reversal of decision listed in § 1800.20.

(3) Argument in accordance with § 1800.20.

(4) A conclusion stating concisely why the case should be decided as urged.

(f) Appellee's brief shall be similar in form except the matters prescribed in paragraph (e) (1), (2) and (3) of this section need not be given unless deemed necessary to correct any inaccuracy or omission.

(g) Each side shall be limited to the filing of one brief unless otherwise permitted or ordered by the Court.

§ 1800.28 *Oral argument.* The appellant shall be entitled to open and close the arguments; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(a) *Time.* Not more than forty-five minutes on each side shall be allowed for argument unless the time is extended by leave of court on written motion filed at least five days before the time of hearing.

(b) *Submission on briefs.* A case may be submitted without oral argument with permission of the court.

(c *Failure of counsel to appear.* If counsel fails to appear at the time set for hearing the court may consider the case as having been submitted without argument, or, in its discretion, continue the case until a later date for hearing.

(d) *Failure of one party to appear.* If only one party fails to appear the court may hear argument from the party appearing or, in its discretion, continue the case until a later date for argument.

(e) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the court otherwise orders.

(f) *Notice of hearing.* The Clerk of the Court shall give at least ten days' notice in writing of the time and place for oral argument.

§ 1800.29 *Petitions for new trial*—(a) *Proceedings on.* The proceedings on a petition for new trial referred to the Court of Military Appeals under the provisions of Article 73 will be in accordance with the rules in this part except as stated in this section.

(b) *Additional investigation.* The Court in considering a petition for new trial may refer the matter to a referee to make further investigation, to take evidence and to make such recommendations to the Court as he deems appropriate.

(c) *Notice of reference, answer.* Upon receipt from the Judge Advocate General of a petition by the accused for a new trial in a case pending before the Court, the Clerk shall notify the accused and his counsel. Within ten days after the petition has been docketed by the Clerk, appellate Government counsel may file an answer thereto.

(d) *Briefs.* A brief on behalf of the accused in support of a petition for a new trial shall be filed within ten days after receipt of notice that an answer has been filed or waived. Any reply brief by appellate Government Counsel shall be filed within ten days thereafter.

§ 1800.30 *Continuances and interlocutory matters.* This Court may extend any times prescribed by the rules in this part, may grant continuances and postponements from time to time, and may dispose of any order or other matter that the Court considers necessary for a full, fair, and expeditious disposition of the case.

§ 1800.31 *Rehearing or modifications.* A petition for rehearing or modification shall be filed within five day days from receipt of notice of entry of decision. It shall briefly and directly state its grounds and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. Such a petition is not subject to oral argument unless expressly authorized by the Court.

§ 1800.32 *Service by mail.* Petitions, certificates, briefs, motions and other written documents may be served on opposing counsel by mail. When this form of service is used an affidavit substantially in the following form shall be attached to the original paper filed with the Court:

IN THE UNITED STATES COURT OF MILITARY APPEALS

Board of Review No. ------- Docket No. ------

UNITED STATES (APPELLEE) (APPELLANT)
v.

(APPELLANT) (APPELLEE)

AFFIDAVIT OF SERVICE BY MAIL

Jane Doe, being first duly sworn, deposes and says, that she is a (clerk) (----------) in the employ of (The Judge Advocate General of the Army) (----------), that she placed a copy of the (Notice of Appearance) (----------) to which this affidavit is attached, in an envelope addressed to (John Doe, Appellate Counsel for the Accused, 100 Blank Street, Washington, D. C.) (----------) to which envelope appropriate postage was affixed and deposited said envelope enclosing said (----------) in a United States mail box at (Washington, D. C.) (----------) at ------ o'clock, ------ M., on the ------ day of ---------- 19----.

Subscribed and sworn to before me this ------ day of ---------- 19-----.

----

§ 1800.33 *Opinions of the Court.* All written opinions of the Court shall immediately upon the delivery thereof, be handed to the Clerk to be filed. The original opinions of the Court shall be filed by the Clerk for preservation. All opinions shall be printed under supervision of the Clerk.

Effective date. The rules in this part shall become effective July 11, 1951.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 51-8631; Filed, July 24, 1951; 12:00 m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 16]

GOR 16—TEMPORARY DISTRESS AREA ADJUSTMENTS FOR CATTLE AND MEAT SOLD AT WHOLESALE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272), and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this General Overriding Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

Flood conditions have created a shortage of meat in those areas of Kansas, Missouri, Iowa, Illinois and Oklahoma affected by the recent floods. A number of slaughtering plants and other meat producing and distributing establishments have been closed down. In addition, the floods have caused spoilage of substantial quantities of meat. As a result of the flood these areas have become temporarily dependent on other areas for adequate supplies of meat.

To assure adequate shipments of meat to this portion of the country, this regulation permits modifications of non-retail ceiling prices delivered to buyers in the distress area during the emergency period of 30 days following July 23, 1951.

Under normal conditions, that area is a surplus meat production area and meat is shipped from this part of the country to other portions of the United States. Ceiling prices on beef and probably many of the freeze ceilings on other types of meat reflect this normal movement and provide for transportation costs for shipments out of, but not into, this vicinity. Unless these ceiling prices were modified, slaughterers in other areas would not ship into this area of the country, because, under their ceilings, they might have to absorb the cost of freight in some instances. This regulation, therefore, provides that any person who sells meat to a buyer in defined portions of Kansas, Missouri, Iowa, Illinois and Oklahoma may add to his established plant ceiling price the actual cost of transportation to the place of business of the buyer in the distress area. This will insure against any possible transportation losses involved in shipping into this area.

Under existing regulations, the ceiling prices of sellers located in the distress area might not reflect their costs of transporting meat to their places of business because, under normal conditions, these sellers procure meat from the immediate vicinity and they have only slight transportation costs. Special provision is therefore made to permit sellers located in the distress area to pass through the actual cost of transporting meat from their suppliers.

Several other provisions are included in this regulation applying only to sales of beef. Under Ceiling Price Regulation 24, slaughterers in this area are not allowed the wholesaler's addition on an unlimited volume of beef purchased from independent sources. In order to give temporary relief for slaughterers whose slaughtering operations have been disrupted by flood conditions, they are allowed to take the wholesaler's addition on sales of beef obtained from independent sources without regard to the volume on which the addition is taken.

Another modification of CPR 24 is made to encourage beef shipments into the flood areas. This modification permits an affiliated wholesaler to sell beef carcasses and wholesale beef cuts to anyone in the distress area without forfeiting its right to the wholesaler's addition. In the absence of this modification, Section 42 (b) (1) (iii) might require an affiliated seller to forego sales to certain buyers in this area in order to preserve its right to the wholesaler's addition.

These distress conditions also require some modification of the provisions of Ceiling Price Regulation 23, governing live cattle. Slaughterers in the flooded parts of Kansas, Illinois, Iowa, Missouri and Oklahoma who have been forced to ship live cattle from their slaughtering plants to slaughterers located outside of the flood area would incur unusual transportation costs and additional shrinkage on these cattle. Moreover, loss of weight and grade that might have resulted from exposure to the flood conditions and the additional transportation would have made it virtually impossible for slaughterers to comply with the pricing provisions of Ceiling Price Regulation 23 governing these cattle. Therefore this regulation relieves the slaughterer of this obligation for cattle shipped from the flooded parts of these five States to an establishment outside of the flood area during the period from July 9, 1951 through July 23, 1951, inclusive.

Conclusion. In formulating this regulation the Director of Price Stabilization has consulted with industry representatives as far as practicable under the circumstances and has given full consideration in their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices for sales of meat or meat products shipped from outside the distress area to buyers located in the distress area.
3. Ceiling prices for sales of meat or meat products by non-slaughterers located in distress area.
4. Ceiling prices for sales of meat or meat products by slaughtering plants located in the distress area.
5. Suspension of sections 42 (b) (1) (iii) and (iv) of Ceiling Price Regulation 24.
6. Special modifications of CPR 23 for live cattle shipped from slaughtering plants in the flood area.
7. Excluded sales.
8. Evasion.
9. Prohibitions.
10. Enforcement.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *What this regulation does.* This regulation establishes temporary ceiling prices on all meats and meat products sold at wholesale by certain sellers to buyers located in those portions of Kansas, Missouri, Iowa, Illinois and Oklahoma located in the distress area defined in section 11 (a). These ceiling prices supersede those established by any other regulation for a period of 30 days commencing with and including the effective date of this regulation. This regulation also relieves slaughterers from complying with pricing provisions of Ceiling Price Regulation 23 as to cattle purchased by them for slaughter in the flood area and which, during the period July 9 through July 23, inclusive, they shipped for killing to establishments located outside the flood area.

SEC. 2. *Ceiling prices for sales of meat or meat products shipped from outside the distress area to buyers located in the distress area.* Your ceiling price for the sale of any meat or meat product shipped from your place of business outside the distress area to any class of purchaser located in the distress area shall be your ceiling price as determined under other regulations for the sales of these items at your selling establishment to the same class of purchaser plus the actual cost of transportation paid by you to transport that meat or meat product to the buyer's place of business.

SEC. 3. *Ceiling prices for sales of meat or meat products by non-slaughterers located in the distress area.* If you are a non-slaughterer located in the distress area, your ceiling price for the sale of any meat or meat product to any class of purchaser located in the distress area shall be your ceiling price determined under other regulations for sales of these items to the same class of purchaser plus the actual cost of transportation paid by you for transportation of this meat or meat product from your supplier to your place of business.

SEC. 4. *Ceiling prices for sales of meat or meat products by slaughtering plants*

located in the distress area—(a) *Beef products.* If, within the meaning of Ceiling Price Regulation 24, you operate a slaughtering plant located in the distress area and if this plant is not in operation as a result of flood conditions, your ceiling price for the sale of a beef product, specified in Schedules I, III, and VII of Ceiling Price Regulation 24, sold to a buyer located in the distress area and purchased by you from nonaffiliated sources, shall be the ceiling price for each of these products established by Ceiling Price Regulation 24 if sold by a wholesaler at the location of this slaughtering plant plus the actual cost of transportation paid by you for transportation of that product from our supplier to your place of business.

(b) *Other meat products.* If you operate a slaughtering plant located in the distress area and if this plant is not in operation as a result of flood conditions, your ceiling price for the sale of any meat or meat product, other than beef or a beef product, to any class of purchaser located in the distress area shall be your ceiling price determined under other regulations for sales of these items to the same class of purchaser plus the actual cost of transportation paid by you for transportation of this meat or meat product from your supplier to your place of business.

SEC. 5. *Suspension of sections 42 (b) (1) (iii) and (iv) of Ceiling Price Regulation 24.* (a) Regardless of section 42 (b) (1) (iii) of Ceiling Price Regulation 24, if you sell any beef carcasses or wholesale cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith, and this buyer is located in the distress area, these sales shall not disqualify you from taking the addition provided in section 42 (b) of Ceiling Price Regulation 24.

(b) Under section 42 (b) (1) (iv) of Ceiling Price Regulation 24, any beef on which a wholesaler's addition has been taken by you pursuant to section 4 of this regulation shall not be considered in computing the volume on which you have taken the affiliated wholesaler's addition.

SEC. 6. *Special modifications of Ceiling Price Regulation 23 for live cattle shipped from slaughtering plants in the flood area.* If you are a slaughterer who purchased cattle for slaughter in an establishment located in the flooded parts of Kansas, Iowa, Illinois, Missouri and Oklahoma and if between July 9 through July 23, 1951, inclusive, you shipped this cattle from a slaughtering establishment located in this flood area to a slaughtering establishment located outside the flood area because the former was made inoperative by flood conditions, you need not include such cattle in Items 19, 20, 21, 22 and 23 of OPS Public Form 13 which you file for the establishment located outside the flood area. However, for all such cattle you must file a separate OPS Public Form 13, listing only the information required by Items 1 through 18 of such form. A copy of the freight bill for the transportation of such cattle by rail or truck from the flood area to the establishment located outside the flood area must be attached to the latter form.

SEC. 7. *Excluded sales.* The provisions of this general overriding regulation shall not apply:

(a) To sales at retail; or

(b) To sales of meat not delivered to the buyer's place of business during the effective period of this regulation.

SEC. 8. *Evasion.* You shall not evade the provisions of this regulation by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of meat, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of meat, or otherwise.

SEC. 9. *Prohibitions.* Regardless of any contract, agreement or other obligation, (a) you shall not sell or deliver any meat product at a price higher than the ceiling price established by this regulation, (b) you shall not buy or receive in the regular course of trade or business any meat product at a price higher than the ceiling price established by this regulation, and (c) you shall not agree, offer, solicit or attempt to do any of the foregoing. You may, however, charge, demand, pay or offer lower prices for meat products than are established by this regulation.

SEC. 10. *Enforcement.* On or after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 11. *Definitions.* When used in this regulation the term:

(a) "Distress area" means those areas within the States of Illinois, Iowa, Kansas, Missouri and Oklahoma designated as distress areas, from time to time, by order or orders signed by the Regional Director or Acting Regional Director of the appropriate OPS Regional Office within whose jurisdiction those areas are located. These OPS Regional Directors and Acting Regional Directors are hereby authorized to issue, modify, and revoke orders designating particular areas within these five states within their jurisdiction as distress areas.

(b) "Cost of transportation" means the cost of transporting meat delivered to the buyer's place of business during the effective period of this regulation plus the Federal transportation tax thereon and the costs of icing and tare, if incurred.

(c) "Sales at retail" means a sale to an individual for consumption by himself or his family off the seller's premises.

(d) "Slaughterer" means a Class 1, Class 2, Class 1A or Class 2A slaughterer as defined in Distribution Regulation 1 who owns cattle at the time they are killed.

Effective dates. Except as provided in section 6, this regulation shall become effective on July 24, 1951, and shall remain in effect through and including August 22, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 24, 1951.

[F. R. Doc. 51-8629; Filed, July 24, 1951; 11:11 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[Resolution 35]

RES. 35—ENFORCEMENT PROCEDURE

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress, Public Law 69, 82d Congress); Executive Order 10161 (15 F. R. 6105); Executive Order 10233 (16 F. R. 3503); and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Enforcement Procedure is hereby issued.

STATEMENT OF CONSIDERATIONS

This enforcement procedure is issued in furtherance of the Enforcement Resolution adopted by the Wage Stabilization Board on June 13, 1951 (16 F. R. 6028).

In the formulation of this enforcement procedure, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950.

ENFORCEMENT PROVISIONS [1]

Sec.
2.1 Organization of the National Board.
2.2 Organization of Regional Boards.
3.4 Investigations and subpoenas.
5.1 Jurisdiction and functions of Regional Enforcement Commission.
5.2 Parties to Enforcement Proceedings.
5.3 Complaint and Notice of Hearing.
5.4 Issuance of subpoenas.
5.5 Findings and determinations of the Regional Enforcement Commission.
5.6 Appeal to National Enforcement Commission.
5.7 National Cases.
5.8 Transmittal of determination to appropriate Government agencies.
5.9 Prevention and punishment of violations.

AUTHORITY: Sections 2.1, 2.2, 3.4, and 5.1 through 5.9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong., E. O. 10161, 15 F. R. 6105, 3 CFR 1950 Supp.; E. O. 10233, 16 F. R. 3503; Gen. Order 3, Economic Stabilization Administrator, 16 F. R. 739.

[1] The section numbers of this enforcement procedure are keyed to a General Organizational and Procedural Regulation presently under consideration by the Wage Stabilization Board.

SECTION 2.1 *Organization of the National Board*—(e) *Other Committees and Commissions.* There shall be the following agencies appointed by the Board and subject to its supervision and direction:

(3) A National Enforcement Commission consisting of three members one of whom shall be designated as Chairman. The functions of this Commission are described in sections 5.1–5.8 of this regulation.

SEC. 2.2 *Organization of Regional Boards.* (e) There shall be in each Region a Regional Enforcement Commission, consisting of three members one of whom shall be designated as Chairman. The functions of these Commissions are described in sections 5.1–5.6 of this regulation.

SEC. 3.4 *Investigations and subpoenas.* (a) Where no adequate and authoritative data are available from any Federal or other responsible agency, the Chairman of the Board, or such other persons as may be designated in this Regulation, may authorize fact-finding investigations, and may issue subpoenas. Investigations will be made and subpoenas issued only after their scope and purpose have been carefully defined in relation to the enforcement or administration of the act by the Board.

(b) All applications for subpoenas shall be in writing and shall specify (1) the name and nature of the proceeding or inquiry in which the subpoena is required; (2) the name of the person or persons whose testimony is required, and where documentary evidence is required, the specific documentary evidence the production of which is required; (3) the nature and materiality of the testimony or documentary evidence to be supplied by the witness; (4) a description of the efforts which have been made to obtain voluntary attendance of the witness or voluntary production of the required documentary evidence; (5) the time and place of attendance or production of the documentary evidence. Witnesses required by subpoena to appear in an enforcement proceeding shall be tendered at the time of service the same fees and mileage that are paid witnesses in the courts of the United States by the party at whose instance the witness appears. When the subpoena is issued on behalf of the Regional Counsel or any other agent of the Board, witness fees and mileage need not be tendered at the time of service.

(c) The Administrator of the Wage and Hour Division of the Department of Labor is authorized, pursuant to instructions of the Board, to make fact-finding investigations with respect to the wage stabilization program. The Administrator is authorized to inspect and obtain copies or transcripts of books, records and other writings, and to take statements of any person, and shall have access to premises or property for this purpose. The reports of all investigations shall be referred to the Board.

SEC. 5.1 *Jurisdiction and functions of Regional Enforcement Commissions.* (a) Cases arising in any Wage Stabilization Board region involving alleged contravention of the act shall be dealt with by the appropriate Regional Enforcement Commission. Any two members of a Regional Enforcement Commission shall constitute a quorum.

(b) A Regional Enforcement Commission may from time to time appoint ad hoc Panels or Hearing Officers to hear any specified case or cases involving alleged contravention of the act.

(c) Each Regional Enforcement Commission shall direct and supervise the administration by the appropriate Regional Counsel of these enforcement regulations.

(d) The action of a Regional Enforcement Commission in any case of alleged contravention of the act, as evidenced by its findings and determination, shall be final, subject to appeal or review by the National Enforcement Commission as provided in section 5.6. Each Regional Enforcement Commission, however, shall be subject to general policy directives of the National Board and the National Enforcement Commission. Each Regional Enforcement Commission shall from time to time report its activities to the Regional Board and the National Enforcement Commission.

SEC. 5.2 *Parties to Enforcement Proceedings.* Within the meaning of the enforcement procedure the term "parties" shall mean the Regional Counsel, and the Chief Counsel, or their representatives, the person or persons alleged to have violated the act and, to the extent permitted under section 5.3 (i) of this regulation, the person or persons intervening in any enforcement proceeding.

SEC. 5.3 *Complaint and Notice of Hearing.* (a) No hearing shall be held in any enforcement case except upon the issuance of a Complaint and Notice of Hearing in conformity with this section. In any case where the Regional Counsel believes that an employer has paid wages, salaries or other compensation in contravention of the act and that a hearing should be held in the matter, he shall issue a Complaint and Notice of Hearing which shall direct such employer to appear at a hearing before the Regional Enforcement Commission or before a Panel or Hearing Officer designated by it. Such Complaint and Notice of Hearing shall contain a concise statement of the facts alleged to constitute a violation of the act, and a statement advising the employer that at the hearing he may be represented by counsel and will be given full opportunity to present testimony and evidence and to examine and cross-examine witnesses on all matters relating to the allegations. No answer shall be required to such Complaint; however, the employer may, if he so desires, file an answer with the Regional Counsel.

(b) Not less than ten days written notice of a hearing shall be served personally or by registered mail upon the employer.

(c) If any party to a proceeding desires to be represented by counsel, he may do so provided he files written notice of that fact with the Regional Enforcement Commission. Whenever a party is represented by counsel, all papers shall be served upon such counsel for and on behalf of such party.

(d) The Regional Enforcement Commission, Panel or Hearing Officer shall have discretion to continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate means. Any request for continuance made prior to the hearing shall be in writing and shall be filed with the Regional Enforcement Commission with a copy to each of the parties.

(e) In all cases where an employer desires a stenographic transcript of a hearing he shall notify the Regional Enforcement Commission five days prior to the hearing whereupon the Commission shall provide a reporter who shall be the official reporter. Stenographic transcripts of the proceeding shall be paid for by the parties requesting them, at the regular cost per copy.

(f) Witnesses shall be examined orally under oath. Stipulations of fact may be introduced into evidence with respect to any issue. The rules of evidence prevailing in courts of law or equity shall not be controlling.

(g) Contemptuous conduct at any hearing shall be ground for exclusion from the hearing. The refusal of a witness at any hearing to answer any question which has been ruled to be proper shall, in the discretion of the Regional Enforcement Commission, Panel or Hearing Officer, be ground for disregarding all testimony previously given by such witness on related matters.

(h) Evidence in support of the charge of alleged contravention shall be presented by the Regional Counsel or by any agent who may be designated by him for such purpose. Opportunity shall be given to all parties to present all relevant evidence, and argument, written or oral.

(i) Any person desiring to intervene in the hearing shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. All such motions made prior to the hearing shall be in writing and shall be filed with the Regional Enforcement Commission which shall rule thereon or refer them to the Panel or Hearing Officer for ruling. An original and two copies of all such motions shall be filed and a copy thereof immediately served upon the other parties. Motions to intervene may be made orally at the time of the hearing. The Regional Enforcement Commission, Panel or Hearing Officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as they may deem proper.

SEC. 5.4 *Issuance of subpoenas.* The Chairman of the Regional Enforcement Commission, the Chairman of the Panel, or the Hearing Officer, as the case may be, may, as provided in section 3.4, issue subpoenas requiring the attendance and testimony of any witness and the production of any books, papers, records or other documents material to any en-

forcement case. Applications for subpoenas made prior to the hearing shall be filed with the Chairman of the Regional Enforcement Commission for the region in which the subpoena is to be returnable.

SEC. 5.5 *Findings and determinations of the Regional Enforcement Commission.* (a) If a hearing is before a Panel or Hearing Officer, the Panel or Hearing Officer shall, after the conclusion of the hearing, make proposed findings and determination which shall be filed with the Regional Enforcement Commission, and a copy thereof shall be sent to each of the parties. Within fourteen days after mailing of the proposed findings (unless such time is extended by the Regional Enforcement Commission), the parties may submit to the Regional Enforcement Commission written comments or objections to the proposed findings. Three copies of such written comments or objections shall be furnished to the Regional Enforcement Commission and a copy thereof to each of the parties. After the expiration of such fourteen days, the Regional Enforcement Commission shall, unless it directs a rehearing, make its final findings and determination in the case.

(b) The findings and determination of the Regional Enforcement Commission shall be in writing, showing the names of the members of the Commission participating in such decision. Any dissent from the majority decision of the Regional Enforcement Commission shall be recorded on the findings and determination. If, upon the entire record of the case, the Regional Enforcement Commission finds that any wage or salary, or other compensation payment has been made in contravention of the act, it shall determine that the entire amount of such payment be disregarded and disallowed by any Executive Department or any other agency of the Government: (1) For the purpose of calculating deductions under the Revenue Laws of the United States, (2) for the purpose of determing costs or expenses under any contract made by or on behalf of the United States, either directly or indirectly, (3) for the purpose of setting or approving any maximum price, and (4) in determining costs or expenses of any such employer for the purpose of any other law or regulation, whether heretofore or hereafter enacted or promulgated. If the Regional Enforcement Commission finds extenuating and mitigating circumstances, it may determine less than the full amount of wages, salary and other compensation payment be disregarded and disallowed. The Regional Enforcement Commission may also determine that the National Enforcement Commission recommend to any Executive Department or other agency of the Government responsible for the issuance and granting of priorities and material allocations, that it withhold priorities assistance and the allocation of materials from the person who has paid wages, salaries or other compensation in contravention of the act.

(c) Copies of the findings and determination of the Regional Enforcement Commission shall be served upon the Regional Counsel and by registered mail upon the other parties.

SEC. 5.6 *Appeal to National Enforcement Commission.* (a) The findings and determination of a Regional Enforcement Commission shall be final; subject, however, to the right of the employer or the Regional Counsel to appeal to the National Enforcement Commission for review of the findings and determination. Such appeal shall be taken within fourteen days of the days of mailing to the parties of the findings and determination. If either the employer or the Regional Counsel appeals he shall, within such fourteen days, file a petition for review and five typewritten copies thereof, including any supporting memoranda, with the Regional Enforcement Commission and mail a copy thereof to each of the other parties. If timely request is made to the Regional Enforcement Commission within such fourteen days, the time for filing a Petition for Review may be extended by the Regional Enforcement Commission.

(b) Any petition for review shall state in detail the objections to the findings or determination or other portion of the record or transcript of the proceeding upon which reliance is placed.

(c) Upon the filing of a Petition for Review the Regional Enforcement Commission shall transmit the entire record in the case to the National Enforcement Commission.

(d) Any party may, within fourteen days from the date of mailing a Petition for Review, file comments thereon. Five copies of such comments shall be served by registered mail to the National Enforcement Commission and one copy similarly served on each of the other parties.

(e) Upon consideration of a Petition for Review, the National Enforcement Commission will render its decision upon the entire record of the case. In special cases, upon request duly made in the Petition for Review and upon good cause shown, the National Enforcement Commission may permit further oral or written argument or proof. In rendering its decision the National Enforcement Commission may affirm, reverse, or modify the findings and determination or any part thereof, or send the case back to the Regional Enforcement Commission for appropriate action. Copies of the National Enforcement Commission's decision shall be transmitted to the parties.

(f) If no Petition for Review is filed the Regional Enforcement Commission shall at the expiration of the period allowed for filing a Petition for Review transmit to the National Enforcement Commission the entire record in the case, including its findings and determination, for appropriate action in accordance with section 5.8.

(g) If no Petition for Review is filed the National Enforcement Commission may, within 20 days from receipt of the case from the Regional Enforcement Commission, review on its own motion the findings and determination of the Regional Enforcement Commission.

SEC. 5.7 *National cases.* (a) Whenever the National Enforcement Commission deems it necessary in order to effectuate the policies of the act, it may cause the original hearing in any case to be held before it instead of before a Regional Enforcement Commission, Panel or Hearing Officer. In any such case, the complaint and Notice of Hearing shall be issued by the Chief Counsel. Such hearing shall be conducted according to the procedures governing hearings before the Regional Enforcement Commission, set forth herein, except that "National Enforcement Commission" shall be substituted for "Regional Enforcement Commission, Panel or Hearing Officer" and "Chief Counsel" shall be substituted for "Regional Counsel" in following such procedure.

(b) The findings and determination of the National Enforcement Commission in cases under this section shall be made in accordance with Section 5.5. Copies of such findings and determination shall be transmitted to the Chief Counsel and served by registered mail on the other parties.

(c) The findings and determination of the National Enforcement Commission shall be final.

SEC. 5.8 *Transmittal of determination to appropriate Government agencies.* (a) The National Enforcement Commission shall promptly certify and forward its final determination in the case or that of the Regional Enforcement Commission to the appropriate government agency or agencies. The determination shall be conclusive for the purposes therein stated. The executive departments and other agencies of the government which receive certifications of such determinations shall disregard and disallow the amount thus certified.

(b) The National Enforcement Commission may also recommend to any Executive Department or other agency of the Government responsible for the issuance and granting of priorities and material allocations, that such department or agency withhold priorities assistance and the allocation of materials from the person who has paid wages, salaries or other compensation in contravention of the act.

SEC. 5.9 *Prevention and punishment of violations.* Whenever in the judgment of the Regional Counsel or Chief Counsel any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of section 405 of the act, he may request such person to cease or refrain from such conduct. The Regional Counsel or Chief Counsel, in such instances as they deem it necessary, may recommend to the appropriate authority that action be taken against such person under section 409 (a) and (b) and section 706 of the act. Action taken under this section shall in no way preclude action under any other part of this regulation.

Adopted by unanimous vote of the Board on June 28, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-8611; Filed, July 24, 1951; 8:45 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) and last amended at 16 F. R. 6841 (July 17, 1951), is hereby further amended to read as follows:

APPENDIX 1 TO CR 3, AS AMENDED, CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area	State	Date designated
1. San Diego	California	May 2, 1951
2. Corona	do	May 8, 1951
3. Colorado Springs	Colorado	Do.
4. Star Lake	New York	May 23, 1951
5. Fort Leonard Wood area.	Missouri	Do.
6. Camp Cooke area	California	June 8, 1951
7. Bremerton	Washington	Do.
8. San Marcos	Texas	Do.
9. Valdosta	Georgia	June 20, 1951
10. Tullahoma	Tennessee	Do.
11. Camp Pendleton area	California	Do.
12. Solano County	do	June 29, 1951
13. Quad Cities area [2]	Iowa-Illinois	Do.
14. Hanford AEC Operations area.	Washington	July 3, 1951.
15. Barstow	California	Do.
16. Camp Roberts area	do	Do.
17. Brazoria County	Texas	Do.
18. Tooele	Utah	Do.
19. Dana	Indiana	July 13, 1951.
20. El Centro-Imperial area.	California	Do.
21. Borger	Texas	Do.
22. Huntsville	Alabama	Do.
23. Mineral Wells	Texas	July 17, 1951.
24. Las Cruces	New Mexico	Do.
25. Abamacordo	do	Do.
26. Wichita	Kansas	July 25, 1951.
27. Columbus	Indiana	Do.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-8508; Filed, July 24, 1951; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202— ANCHORAGE REGULATIONS

SUBPART B—ANCHORAGE GROUNDS

HAMPTON ROADS, VA.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.168 (a) is hereby amended by revising the descriptions of Anchorages A, B, and C, as follows:

§ 202.168 *Hampton Roads, Va., and adjacent waters*—(a) *Hampton Roads*—(1) *Anchorage A. Hampton Bar (temporary).* • • •; and shoreward of a line described as follows: Beginning at latitude 37°00'04", longitude 76°18'50.5"; thence to latitude 36°59'11", longitude 76°19'00"; thence to latitude 36°59'08.5", longitude 76°19'04.5"; and thence to latitude 37°00'00", longitude 76°22'08".

• • • • •

(2) *Anchorage B. Hampton Flats (naval).* Shoreward of a line described as follows: Beginning at latitude 37°00'00", longitude 76°22'08"; thence to latitude 36°59'08.5", longitude 76°19'04.5"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; and thence to latitude 36°58'56", longitude 76°23'47".

• • • • •

(3) *Anchorage C. Newport News Bar.* Shoreward of a line described as follows: Beginning at latitude 36°58'56", longitude 76°23'47"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; thence to latitude 36°57'41", longitude 76°21'12.5"; thence to latitude 36°57'35.5", longitude 76°21'29"; thence along the north side of Newport News Channel to latitude 36°57'20", longitude 76°24'38"; and thence to the radio tower at approximately latitude 36°57'47.5", longitude 76°24'40.5".

• • • • •

[Regs. July 6, 1951, 800.212-ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

WM. E. BERGIN,
Major General, USA,
Acting The Adjutant General.

[F. R. Doc. 51-8547; Filed, July 24, 1951; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

SCOPE OF COLLECT-ON-DELIVERY SERVICE

In § 64.23 *Scope of collect-on-delivery service* amend paragraph (b) to read as follows:

(b) C. o. d. articles may be mailed at and addressed to all post offices in the United States proper, Puerto Rico, Hawaii, and the Virgin Islands of the United States, and all money order post offices in Alaska.

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 244.)

The foregoing amendment shall be effective September 1, 1951.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8549; Filed, July 24, 1951; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 733]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E., unsurveyed
Secs. 14, 15, 16, 21, 22, 23, 26, 27, and 28.

The areas described aggregate 5,760 acres.

This order shall take precedence over but not otherwise affect Public Land Order No. 585 of April 14, 1949, withdrawing lands for classification and examination, and in aid of proposed legislation, so far as such order affects any of the above-described lands; *Provided, however*, That the public shall have the right of traversing the lands reserved hereby by way of the Chena River or such highway as may be constructed over the lands.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1951.

[F. R. Doc. 51-8531; Filed, July 24, 1951; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 122—MONTHLY OPERATING REPORTS

SUBPART C—SLEEPING CAR COMPANIES

MONTHLY REPORT OF REVENUES, EXPENSES, INCOME, AND STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of July A. D. 1951.

The matter of monthly reports from sleeping car companies being under consideration pursuant to the provisions of section 20 of the Interstate Commerce Act.

It appearing, that by order dated February 24, 1911, all sleeping car com-

panies subject to the provisions of the Act, and every receiver or operating trustee of such a company were directed to file "Monthly Reports of Revenues and Expenses of Car and Auxiliary Operations, and of Operating Statistics of Sleeping Car Companies," which were prescribed by that order; and

It further appearing, that The Pullman Company is the only sleeping car company now subject to the provisions of the act and therefore required to comply with the said order of February 24, 1911; and

It further appearing, that the "Monthly Report of Revenues, Expenses, Income, and Statistics" and Instructions thereon, which is attached hereto and made a part hereof,[1] is necessary for proper administration of Part 1 of the act as it relates to sleeping car operation of The Pullman Company; and

It further appearing, that The Pullman Company collaborated in the formulation of the attached monthly report and intends with our permission to compile that report retroactively to January 1, 1951:

It is ordered, That the order dated February 24, 1911, prescribing "Monthly Report of Sleeping Car Companies" (49 CFR 122.21) be, and it is hereby canceled, effective January 1, 1951; and

It is further ordered, That The Pullman Company shall, effective January 1, 1951, comply with the provisions of the attached form of monthly report,[1] unless within 45 days after the date of this order it shall show due cause why it should be relieved of such compliance; and

It is further ordered, That a copy of this order and attachments shall be served on The Pullman Company and that notice shall be given to the general public by depositing a copy of the order and attachments in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U S C. 12)

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8545; Filed, July 24, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

AMENDMENT OF REGULATIONS 111 TO CONFORM TO SECTION 304 OF THE EXCESS PROFITS TAX ACT OF 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and sections 302 to 396, inclusive, of the Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 [26 CFR, Part 29] to section 304 (f) and (g) of the Excess Profits Tax Act of 1950 (Public Law 909, 81st Congress), approved January 3, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.391–1 [26 CFR 29.391–1] and § 29.396–1 [26 CFR 29.396–1] the following:

SEC. 304. TECHNICAL AMENDMENTS [EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951].

* * * * *

(f) Supplement S of chapter 1 of such [Internal Revenue] code is hereby amended by striking out "section 725" wherever appearing therein and inserting in lieu thereof "section 449".

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 29.391–1 [26 CFR 29.391–1] is hereby amended as follows:

(A) By striking out "(as defined in section 725 and the regulations thereunder)" and "(See section 725 (b))".

(B) By adding at the end of the section the following sentences: "For definition of a personal service corporation and for method of election for taxable years to which the excess profits tax imposed by subchapter D of chapter 1 of the Internal Revenue Code is applicable, see section 449 and the regulations thereunder. For such definition and the method of election for taxable years to which the excess profits tax imposed by subchapter E of chapter 2 of the Code was applicable, see section 725 and the regulations thereunder.

PAR. 3. Section 29.393–1, as amended by Treasury Decision 5458, approved June 15, 1945 [26 CFR 29.393–1] is hereby further amended as follows:

(A) By striking out "1942" in the example at the end of the section and substituting in lieu thereof "1951".

(B) By striking out "$76,000", "$94,000," and "$106,000" in the example at the end of the section and substituting in lieu thereof, respectively, wherever appearing therein, "$83,800", "$86,200", and "$113,800".

PAR. 4. Section 29.394–1 [26 CFR 29.394–1] is hereby amended by striking out that portion of the first sentence which precedes "the undistributed Supplement S net income" and substituting in lieu thereof the following: "If a personal service corporation is exempt from the excess profits tax imposed under subchapter D of chapter 1 of the Internal Revenue Code for any taxable year by reason of an election under section 449, or is exempt from the excess profits tax imposed under subchapter E of chapter 2 for any taxable year beginning before January 1, 1946, by reason of an election under section 725,".

[F. R. Doc. 51-8560; Filed, July 24, 1951; 8:45 a. m.]

[1] Form filed as part of original document but not published.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 160]

REGULATIONS AND FEE SCHEDULE CONCERNING NAVAL STORES AND RELATED COMMODITIES

EXTENSION OF TIME

Notice is hereby given of an extension, until August 20, 1951, of the period of time within which any interested person may submit written data, views or arguments concerning the proposal to amend the regulations for the enforcement of the Naval Stores Act (7 CFR 160.1–160.100) and the schedule of fees for inspection of naval stores and related commodities (7 CFR 160.201–160.204), and to adopt regulations for the inspection of such related commodities upon request pursuant to section 4 of the Naval Stores Act (7 U. S. C. 94) and sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624).

Notice of rule making concerning the proposed amendments was published in the FEDERAL REGISTER on June 30, 1951 (16 F. R. 6400).

Done at Washington, D. C., this 20th day of July 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 51-8558; Filed, July 24, 1951; 8:45 a. m.]

[7 CFR Part 947]

[Docket No. AO–113–A13]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fall River, Massachusetts on April 12–13, 1951, pursuant to notice thereof which was issued on March 14, 1951, (16 F. R. 2517).

The material issues presented on the record were related to several provisions of the order including a proposed method for computing a composite wage index for use in the Class I price formula. It is imperative that action be taken as soon as possible in regard to the method of computing a composite wage index for use in the Class I price formula since the publication of the data prescribed by the order for use in the formula computation has been discontinued. This decision is made, therefore, with respect to the issue requiring immediate action whereas other issues require further study and will be treated in a separate decision.

Findings and conclusions. The following findings and conclusions on the issue decided herein are based upon the evidence introduced at the hearing and the record thereof.

The order should provide for the computation of a composite wage rate index which would be similar to the farm-wage rate index which has been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting information from which the monthly composite wage rates were computed and that series has been discontinued. Therefore, it is necessary to compute an equivalent composite farm wage rate. Farm wage rates are recorded quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without room or board, and per day without board or room. These rates should be expressed as a simple average monthly composite rate by converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and by converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four states used in the Class I formula should be combined according to the rate expressed in the order. In order to express the rate as an index on the same basis as that used in converting the previously published monthly composite farm wage rate to an index number for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by .6394. This factor is determined from the average relationship of the milkshed average wage rate figure derived from the currently published data to this series which was previously published and used in the computation of the formula price.

The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of April 1951, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Fall River, Massachusetts, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Fall River, Massachusetts Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of July 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 947.6 (a) (3) (ii) and substitute the following:

(ii) Compute the simple average of monthly equivalent farm wage rates for each of the states named below after converting the rates reported by the United States Department of Agriculture to monthly equivalents by multiplying the rates by the factors as follows: rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective states with the weights; Maine 10, Massachusetts, 6, New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

[F. R. Doc. 51-8555; Filed, July 24, 1951; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR Parts 29, 30]

FRUIT PRESERVES, FRUIT JELLIES, AND FRUIT BUTTER; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Doc. 51-8337, appearing at page 7070 of the issue for Friday, July 20, 1951, the following change should be made:

In the fourteenth line of § 29.5, "(a)" should read "(e)."

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A under Kansas, in alphabetical order, add the Counties "Greeley" and "Sherman" and under South Dakota, add, in alphabetical order, the County "Sully".

In Schedule B under Kansas, delete the Counties "Greeley" and "Sherman" and under South Dakota, delete the County "Sully".

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 20th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8541; Filed, July 24, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PLO 733 [1] WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1951.

[F. R. Doc. 51-8532; Filed, July 24, 1951; 8:52 a. m.]

[1] See F. R. Doc. 51-8531, Title 43, Chapter I, App., *supra*.

CIVIL AERONAUTICS BOARD

[Docket No. 3842]

NEW ENGLAND AIR EXPRESS, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of New England Air Express, Inc. for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on July 31, 1951, is postponed to August 20, 1951, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., July 20, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-8504; Filed, July 24, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 183]

THE STEUBENVILLE POTTERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Steubenville Pottery Company, Steubenville, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of pottery dinnerware manufactured by Steubenville Pottery Company, Steubenville, Ohio, having the brand name(s) "Woodfield Leaf Dinnerware" and "American Modern Dinnerware" shall be the proposed retail ceiling prices listed by The Steubenville Pottery Company in its application dated April 26, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, The Steubenville Pottery Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per.....[unit, dozen, etc.] Terms [net, percent EOM, etc.]	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8590; Filed, July 23, 1951; 12:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 184]

VERNON KILNS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Vernon Kilns, 2310 East Fifty-second Street, Los Angeles 58, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of semiporcelain tableware manufactured by Vernon Kilns, 2310 East Fifty-

second Street, Los Angeles 58, California, having the brand name(s) "Vernonware" shall be the proposed retail ceiling prices listed by Vernon Kilns in its application dated April 23, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Vernon Kilns must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8591; Filed, July 23, 1951; 12:04 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 185]

CENTRAL COMMERCIAL INDUSTRIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Central Commercial Industries, Inc., 332 Michigan Avenue, Chicago 4, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of an electronic organ and accessories manufactured by Central Commercial Industries, Inc., 332 Michigan Avenue, Chicago 4, Illinois, having the brand name(s) "Organo" shall be the proposed retail ceiling prices listed by Central Commercial Industries, Inc. in its application dated May 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Central Commercial Industries, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Cost price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8592; Filed, July 23, 1951; 12:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 186]

BRENTWOOD SPORTSWEAR

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Brentwood Sportswear, Twenty-second and Arch Streets, Philadelphia 3, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of denim slacks and spun rayon gabardine slacks manufactured by Brentwood Sportswear, Twenty-second and Arch Streets, Philadelphia 3, Pennsylvania, having the brand name(s) "Brentwood Hobby Jeans" shall be the proposed retail ceiling prices listed by Brentwood Sportswear in its application dated May 31, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Brentwood Sportswear must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the

retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8593; Filed, July 23, 1951; 12:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 187]

BURNS CUBOID CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Burns Cuboid Company, 1007 East Washington Street, Santa Ana, California, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of shoe accessories manufactured by Burns Cuboid Company, 1007 East Washington Street, Santa Ana, California, having the brand name(s) "Cuboids" "Doggies" shall be the proposed retail ceiling prices listed by Burns Cuboid Company in its application dated March 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Burns Cuboid Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if

any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8594; Filed, July 23, 1951; 12:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 188]

JULIUS KAYSER & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Julius Kayser & Co., 500 Fifth Avenue, New York, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's and children's underwear, hosiery and gloves manufactured by Julius Kayser & Co., 500 Fifth Avenue, New York, New York, having the brand name(s) "Kayser" shall be the proposed retail ceiling prices listed by Julius Kayser & Co., in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Julius Kayser & Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment,

the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8595; Filed, July 23, 1951; 12:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 189]

A. STEIN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A. Stein & Company, 1143 West Congress Street, Chicago, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's garters, suspenders, belts and buckles; boy's belts; women's sanitary belts, garter belts, hose supporters, dress shields, girdles, chafe shields, crotch shields, brassieres, and elastic strips manufactured by A. Stein & Company, 1143 West Congress Street, Chicago, Illinois having the brand name(s) "Paris", "Permalift" and "Hickory" shall be the proposed retail ceiling prices listed by A. Stein & Company in its application dated May 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, A. Stein & Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8596; Filed, July 23, 1951; 12:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 190]

WAYNE KNITTING MILLS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Wayne Knitting Mills, Fort Wayne 1, Indiana has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hosiery manufactured by Wayne Knitting Mills, Fort Wayne 1, Indiana, having the brand name(s) "Belle-Sharmeer" shall be the proposed retail ceiling prices listed by Wayne Knitting Mills in its application dated June 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated June 22, 1951. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Wayne Knitting Mills must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms{net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8597; Filed, July 23, 1951; 12:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 191]

A. E. PETERSON MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A. E. Peterson Manufacturing Co., 700 Allen Avenue, Glendale 1, California, has applied to the

Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of foldable baby stroller and walker manufactured by A. E. Peterson Manufacturing Co., 700 Allen Avenue, Glendale 1, California, having the brand name(s) "Folda Rola" shall be the proposed retail ceiling prices listed by A. E. Peterson Manufacturing Co. in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, A. E. Peterson Manufacturing Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8598; Filed, July 23, 1951; 12:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 192]

GREAT AMERICAN KNITTING MILLS, INC.

CEILING PRICES AT RETAIL

Statement of Considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Great American Knitting Mills, Inc., Bechtelsville, Pennsylvania, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling prices established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's hose manufactured by Great American Knitting Mills, Inc., Bechtelsville, Pennsylvania having the brand name(s) "Gold Toe Socks" shall be the proposed retail ceiling prices listed by Great American Knitting Mills., Inc., in its application dated March 21, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Great American Knitting Mills, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by the special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8599; Filed, July 23, 1951; 12:06 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 193]

BUSCARLET GLOVE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Buscarlet Glove Company, Inc., 437 Fifth Avenue, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' leather gloves manufactured by Buscarlet Glove Company, Inc., 437 Fifth Avenue, New York 16, New York, having the brand name(s) "Kislav", "Glacelav", "Boxlav" and "Facilav" shall be the proposed retail ceiling prices listed by Buscarlet Glove Company, Inc. in its application dated May 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices an-

nexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Buscarlet Glove Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.	Terms {net, percent EOM, etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8600; Filed, July 23, 1951; 12:07 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 194]

RAINFASHIONS FIFTH AVENUE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rainfashions Fifth Avenue, Inc., 350 Fifth Avenue, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of ladies' rainwear manufactured by Rainfashions Fifth Avenue, Inc., 350 Fifth Avenue, New York 1, New York, having the brand name(s) Koroseal shall be the proposed retail ceiling prices listed by Rainfashions Fifth Avenue, Inc., in its application dated May 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 31, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, Rainfashions Fifth Avenue, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price.

This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ -------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above: Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per..... {unit, dozen, etc.	Terms {net, percent EOM, etc. $ .....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization

JULY 23, 1951.

[F. R. Doc. 51-8601; Filed, July 23, 1951; 12:07 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 195]

F. JACOBSON & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, F. Jacobson & Sons, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order allows for establishment of a cost bracket to the retailer, which bracket applies to a specific retail price. The costs of the articles purchased by the retailer should, on the average, fall evenly between the polar ends of each cost bracket and will thus maintain the general historical markup pattern. The establishment of such cost brackets permits minor changes in costs without influencing the general level of retail prices of the articles in question.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's shirts, sportswear, pajamas and sleepwear manufactured by F. Jacobson & Sons, Inc., 1115 Broadway, New York, New York, having the brand names "Jayson" and "Excello" and described in the manufacturer's application dated March 12, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices carry terms of 3/10 EOM or 2/10—60 extra (terms at customer's option) to all retail customers.

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$17.50- $18.64	$2.50
18.65- 19.39	2.65
19.40- 20.24	2.75
20.25- 22.50	2.95
22.51- 23.99	3.25
24.00- 26.00	3.50
26.01- 26.75	3.65
26.76- 27.49	3.75
27.50- 30.00	3.95
30.01- 30.99	4.25
31.00- 33.29	4.50
33.30- 34.49	4.75
34.50- 36.00	4.95
36.01- 36.75	5.00
36.76- 38.49	5.25
38.50- 39.99	5.50
40.00- 41.99	5.75
42.00- 42.99	5.95
43.00- 43.99	6.00
44.00- 44.99	6.25
45.00- 46.99	6.50
47.00- 47.99	6.75
48.00- 51.00	6.95
51.01- 52.49	7.25
52.50- 54.79	7.50
54.80- 55.99	7.75
56.00- 57.75	7.95
57.76- 59.74	8.25
59.75- 61.49	8.50
61.50- 63.24	8.75
63.25- 69.00	8.95
69.01- 70.49	9.50
70.50- 72.49	10.00
72.50- 74.49	10.25
74.50- 75.99	10.50
76.00- 77.74	10.75
77.75- 79.49	10.95
79.50- 83.49	11.50
83.50- 86.99	11.95
87.00- 88.99	12.50
89.00- 93.59	12.95
93.60- 97.19	13.50
97.20- 100.79	13.95
100.80- 104.39	14.50
104.40- 108.49	15.00
108.50- 112.24	15.50
112.25- 115.49	15.95
115.50- 118.99	16.50
119.00- 122.49	16.95
122.50- 126.24	17.50
126.25- 129.99	18.00

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$130.00–$133.49	$18.50
133.50– 136.99	19.00
137.00– 140.49	19.50
140.50– 144.49	20.00
144.50– 147.99	20.50
148.00– 151.49	21.00
151.50– 154.99	21.50
155.00– 155.99	22.00
156.00– 159.99	22.50
160.00– 165.99	23.00
166.00– 169.49	23.50
169.50– 172.99	24.00
173.00– 176.49	24.50
176.50– 180.49	25.00
180.50– 183.99	25.50
184.00– 187.49	26.00
187.50– 190.99	26.50
191.00– 194.49	27.00
194.50– 198.49	27.50
198.50– 201.99	28.00
202.00– 205.49	28.50
205.50– 208.99	29.00
209.00– 212.49	29.50
212.50– 216.00	30.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation falling within the same bracket selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 23, 1951, F. Jacobson & Sons, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, F. Jacobson & Sons, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 23, 1951.

[F. R. Doc. 51-8662; Filed, July 23, 1951; 12:07 p. m.]

[Region III, Redelegation of Authority 3]

DIRECTOR OF CAMDEN DISTRICT OFFICE, REGION III

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to delegation of authority No. 5 (16 F. R. 3672), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Director of the Camden, New Jersey District Office, Office of Price Stabilization, to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Director of the Camden, New Jersey District Office, Office of Price Stabilization, to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Director of the Camden, New Jersey District Office, Office of Price Stabilization, to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority is effective as of July 11, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 23, 1951.

[F. R. Doc. 51-8617; Filed, July 23, 1951; 4:40 p. m.]

[Region III Redelegation of Authority 4]

DIRECTOR OF CAMDEN DISTRICT OFFICE, REGION III

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, No. 3, pursuant to Delegation of Authority No. 8 (16 F. R. 738) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Director of the Camden, New Jersey, District Office, Office of Price Stabilization, to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR 14; sections 26, 26a, 27, and 30 (b) of CPR 15; and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This redelegation of authority is effective as of July 11, 1951.

JOSEPH J. MCBRYAN,
Acting Director of Regional Office No. 3.

JULY 23, 1951.

[F. R. Doc. 51-8618; Filed, July 23, 1951; 4:40 p. m.]

[Region VI Redelegation of Authority 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 8, Amendment 1 (16 F. R. 6640) this redelegation of authority is hereby issued.

Region VI, Redelegation of Authority No. 1 (16 F. R. 6639) is amended by adding item 2 to read as follows:

2. Authority to act under section 21a of CPR 15. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky, and Toledo, Ohio, District Offices of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15.

This redelegation of authority shall take effect as of July 14, 1951.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

JULY 23, 1951.

[F. R. Doc. 51-8615; Filed, July 23, 1951; 4:39 p. m.]

[Region VI Redelegation of Authority No. 3]

DIRECTORS OF DISTRICT OFFICES, REGION VI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to delegation of authority No. 13 (16 F. R. 6866) this redelegation of authority is hereby issued.

1. Authority to act under section 13 of CPR 11, as amended. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of Section 13 of CPR 11, as amended.

The redelegation of authority in this item shall take effect on July 23, 1951.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

JULY 23, 1951.

[F. R. Doc. 51-8516; Filed, July 23, 1951; 4:39 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9978, 9979]

SOUTHLAND BROADCASTING CO. AND FREQUENCY BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re applications of Southland Broadcasting Company, Shreveport, Louisiana, Docket No. 9978, File No. BL-4036, for license to cover construction permit for station KCIJ, Shreveport, Louisiana; and Southland Broadcasting Company and Frequency Broadcasting System, Inc., Docket No. 9979, File No. BAP-149, for assignment of construction permit of station KCIJ, Shreveport, Louisiana.

The Commission having under consideration a petition filed July 12, 1951, by Southland Broadcasting Company and Frequency Broadcasting System, Inc. requesting a continuance of the hearing presently scheduled for July 23, 1951, at New Orleans, Louisiana, in the proceeding upon the above-entitled applications; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing; and that no action has been taken on the said petition as yet;

It is ordered, This 16th day of July 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely pending action on the said petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8552; Filed, July 23, 1951; 9:19 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1817, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659]

PANHANDLE EASTERN PIPE LINE CO., ET AL.

ORDER GRANTING IN PART AND DENYING IN PART APPLICATIONS FOR REOPENING OF PROCEEDING, FURTHER CONSOLIDATING PROCEEDINGS AND FIXING TIME AND PLACE FOR HEARING

JULY 18, 1951.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344 and G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, versus Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; the Central West Utility Company, Docket No. G-1616; National Utilities Company of Michigan, Docket No. G-1625; and City of Auburn, Illinois, Docket No. G-1659.

On June 13, 1951, the Commission issued in the above-docketed proceedings, its opinion No. 214 and accompanying "Findings, Conclusions and Interim Order, Amending and Further Conditioning Order Issuing Certificate of Public Convenience and Necessity," Issued May 4, 1950, Consolidating Proceedings and Fixing Hearing."

Thereafter, applications for rehearing, for vacation or rescission of order, and for stay of the order were filed by various parties on the dates indicated as follows:

Indiana Gas & Water Company, Inc., July 2, 1951; (joint application and motion for stay) Bowling Green Gas Company, Central West Utility Company, Citizens Gas Company of Hannibal, Gas Service Company, Missouri Edison Company, Missouri Power & Light Company, Missouri Utilities Company and Missouri Western Gas Company, July 12, 1951; (separate application for rehearing and motion for modification) Missouri Power & Light Company, July 12, 1951; Illinois Commerce Commission, July 13, 1951; (for rescission and vacation and for rehearing and stay) Central Illinois Electric & Gas Company, July 13, 1951, and Illinois Power Company, July 13, 1951; Central Illinois Light Company, July 13, 1951; Central Illinois Public Service Company, July 13, 1951; and Michigan Gas Storage Company, July 13, 1951.

The following issues, among others, have been raised by the several applications for rehearing and motions:

(i) Revision of paragraph (a) of section 6.1. Unauthorized Takes in Excess of Contract Demands, of the G series of rate schedules so as to provide for conjunctive billing of excess deliveries where seller delivers through two or more connections.

(ii) Revision of the tariff to permit a General Service Buyer and Small General Service Buyer to procure natural gas from any source other than Panhandle to the extent required by such buyer over and above the volume which Panhandle is able or willing to furnish.

(iii) Revision of section 10, Delivery Pressure, of general terms and conditions of the tariff so as to provide for a specific minimum delivery pressure in pounds per square inch gauge.

(iv) Revision of section 2, Applicability and Character of Service, of Rate Schedule S-1 of the Tariff and the applicable form of service agreement so to permit seller to deliver gas during the winter months of January, February, March, November and December of any year.

(v) Amendment of section 2, Applicability and Character of Service, so as to provide for limitation of monthly variations in deliveries, and to require that not less than 30,000 Mcf per day of gas be delivered during any day of the non-winter months.

The Commission is of the opinion that good grounds exist for reopening the proceedings in the above-docketed matters, and for reconsidering its Opinion No. 214 and the accompanying order issued June 13, 1951, in these proceedings, for the purpose of receiving evidence with respect to the issues raised by the applications for rehearing as set forth in paragraphs (i) to (v) hereof.

With respect to other points raised in the applications for rehearing the Commission is of the opinion that good cause has not been shown for granting reopening of the proceedings or for granting rehearing. For the most part, the issues raised by the applications for rehearing, other than those enumerated in paragraphs (i) to (v) inclusive, were considered by the Commission at the time it issued Opinion No. 214 and the accompanying order issued June 13, 1951.

The Commission, further, is of the opinion that good grounds have not been shown for staying the order issued June 13, 1951.

In our Opinion No. 214 (mimeo. pp. 4 to 6, inclusive) reference is made to the fact that National Utilities Company of Michigan (National), among others, is seeking natural gas from Panhandle

Eastern Pipe Line Company for service in new territory, and had presented estimates of future requirements in such territory. National is an applicant under both subsections 7 (a) and 7 (c) of the Natural Gas Act. In the Matter of National Utilities Company of Michigan, Docket No. G–1625.

In our order of June 13, 1951, the proceeding in Docket No. G–1625 was not consolidated for hearing with other pending similar applications. We are of the opinion that good cause exists for consolidating Docket No. G–1625 for purposes of hearing with other proceedings the hearing in which is to be reopened on July 23, 1951.

It appears that the appropriate procedure at the reopened hearing now set to commence on July 23, 1951, would be to hear first evidence with respect to the issues enumerated in paragraphs (i) to (v) inclusive of this order, prior to taking "of evidence on issues not yet determined and heard" and prior to taking of evidence on the matter of allocation.

The Commission orders:

(A) At the reopened hearing on July 23, 1951, to commence at 10:00 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., the order of procedure shall be (1) the taking of evidence on the issues raised by the applications for rehearing filed herein and as enumerated in paragraphs (i) to (v) hereof, and (2) for the taking of evidence on other issues not yet determined and heard, and in such order as the Presiding Examiner shall decide. Upon completion of the taking of any evidence affecting the issues set forth in paragraphs (i) to (v) inclusive, of this order and affecting the matter of allocation, the Presiding Examiner shall certify to the Commission such portion of the record for its consideration, but the hearing on all other matters involved in these consolidated matters shall proceed in due course.

(B) The proceedings in Docket No. G–1625 be consolidated for purpose of hearing with other proceedings as set forth above.

(C) The applications for rehearing with respect to matters and issues, other than those enumerated in paragraphs (i) to (v) inclusive of this order, be and they hereby are denied.

(D) The motions for stay of the Commission's order issued June 13, 1951, in these proceedings be and they hereby are denied.

Date of issuance: July 19, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8533; Filed, July 24, 1951; 8:52 a. m.]

[Docket No. G–1730]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 18, 1951.

Take notice that on June 27, 1951, El Paso Natural Gas Company (applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing applicant to construct and place in operation a 1100 hp. compressor station near Phillips Petroleum Company's gasoline plant in Gaines County, Texas, on Columbian Carbon Company's line from the Phillips plant to Columbian Carbon's plant near Seagraves, Texas.

By means of the proposed facility, an additional 10,000 Mcf of natural gas per day will be made available to Columbian Carbon Company from the Seminole Field. By substitution, an equal amount of gas will be made available to applicant by Columbian at applicant's existing Wasson Plant which gas would otherwise be delivered to Columbian from the Wasson Plant. The cost of these facilities is estimated to be $291,000 which will be paid from current working funds of applicant without additional financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8537; Filed, July 24, 1951; 8:50 a. m.]

[Docket No. G–1336]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

JULY 18, 1951.

Take notice that on July 5, 1951, East Tennessee Natural Gas Company (applicant), a Tennessee corporation with its principal place of business in Knox County, Tennessee, filed an amendment to its application filed on March 7, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities. Applicant also requests an order of the Commission directing Tennessee Gas Transmission Company to supply it with up to 40,000 Mcf of natural gas per day for resale. Notice of the application filed March 7, 1950, was published in the FEDERAL REGISTER on March 15, 1950 (15 F. R. 1470).

Applicant now proposes to construct and operate approximately 100 miles of 16-inch O. D. natural-gas transmission pipeline extending from a point of connection with its existing 16-inch pipeline near Knoxville, Tennessee, to a point 8 miles south of Kingsport, Tennessee; approximately 63½ miles of laterals ranging in diameter from 4-inch I. D. to 12¾-inch O. D.; and other appurtenant facilities.

Applicant states that by means of these facilities it will initially, or within the next five years, deliver and sell natural gas to existing gas distributing companies for resale in Morristown, Johnson City, Elizabethton, Bristol, Tennessee; and Bristol, Virginia, and will make natural-gas service available for resale in Jefferson City, Greeneville, and Kingsport, Tennessee, now without gas distribution systems. Applicant also proposes to deliver and sell natural gas directly to ten industrial establishments.

The estimated over-all capital cost of the proposed facilities is approximately $5,200,000, all of which applicant proposes to finance by the issuance and sale of bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1951. The application as amended is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8538; Filed, July 24, 1951; 8:50 a. m.]

[Docket No. G–1738]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

JULY 18, 1951.

Take notice that Chicago District Pipeline Company, applicant, an Illinois corporation, address, Joliet, Illinois, filed on July 9, 1951, an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of all of applicant's metering facilities installed near Joliet, Illinois, through which deliveries of natural gas from Natural Gas Pipeline Company of America have been measured.

Applicant states that said metering facilities are duplicate facilities owned by applicant and used for checking the deliveries against the metering facilities of Natural Gas Pipeline Company of America at the same location. Applicant has established that a single set of metering facilities, properly calibrated will provide accurate metering, and consequently proposes to abandon its metering facilities and to sell the same to Texas Illinois Natural Gas Pipeline Company which will be able to use said facilities. Applicant proposes to retain certain odorizing equipment which still will be useful in its business.

The estimated total overall net book cost of the facilities and land proposed to be abandoned and sold is $50,045.37.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–8539; Filed, July 24, 1951; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO PETITION OF SOUTHERN CARRIERS FOR AUTHORITY TO INCREASE PASSENGER FARES AND CHARGES BEFORE THE INTERSTATE COMMERCE COMMISSION

1. Pursuant to the provisions of section 201 (a) (b) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of the petition of the Southern Carriers for authority to increase passenger fares and charges before the Interstate Commerce Commission is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective July 1, 1951.

Dated: July 19, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51–8551; Filed, July 24, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26268]

DRUGS AND MEDICINES FROM DETROIT, KALAMAZOO, MIDLAND AND UPJOHN, MICH., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4367, pursuant to fourth section order No. 9800.

Commodities involved: Drugs and medicines, chemicals and toilet preparations, carloads.

From: Detroit, Kalamazoo, Midland and Upjohn, Mich.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8543; Filed, July 24, 1951; 8:49 a. m.]

[4th Sec. Application, 26269]

DRUGS AND MEDICINES FROM DETROIT, MICH. TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JULY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4367, pursuant to fourth section order No. 9800.

Commodities involved: Drugs, medicines, chemicals and toilet preparations, carloads.

From: Detroit, Mich.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8544; Filed, July 24, 1951; 8:49 a. m.]

[4th Sec. Application 26267]

CANNED MILK OR CREAM IN THE SOUTH

APPLICATION FOR RELIEF

JULY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1142.

Commodities involved: Milk or cream, condensed or evaporated, liquid milk, dry milk solids, milk, powdered or flaked, carloads.

Territory: From Abingdon and Galax, Va., to southern territory, and from southern territory to Sale Creek, Tenn.

Grounds for relief: Circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1142, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–8542; Filed, July 24, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 71–12]

NORTHERN STATES POWER CO.

NOTICE OF FILING ORIGINAL COST STUDIES AND PROPOSALS FOR DISPOSITION OF BALANCE ADJUSTMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1951.

Notice is hereby given that Northern States Power Company ("Northern"), a Minnesota corporation, has filed studies and amendments thereto relative to the original cost and reclassification of the company's gas plant accounts. The studies filed include proposals for the disposition of certain adjustments relating to the company's gas plant accounts. Northern is a registered holding company and a public utility company. The studies, and amendments thereto, were filed pursuant to the Public Utility Holding Company Act of 1935, particularly sections 15 and 20 (b) thereof and Rule U-27 thereunder.

Notice is further given that any interested person may, not later than August 6, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of

fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 6, 1951, the Commission may take such action as may be deemed appropriate with respect to the matters to which the filing herein relates.

All interested persons are referred to said studies which are on file in the offices of the Commission for a statement of the transactions therein, proposed which may be summarized as follows:

On July 17, 1944, Northern initially filed original cost and reclassification studies of the company's gas plant accounts as of January 1, 1942. The studies were filed in accordance with Plant Instruction 2–D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas utilities. The above-mentioned System of Accounts is applicable to Northern by virtue of this Commission's Rule U-27, promulgated under the Public Utility Holding Company Act of 1935. In said studies, Northern represented that $8,157,080.89 had been reclassified to Account G. 100.5, Gas Plant Acquisition Adjustments, and a credit amount of $257,553.45 to Account G. 107, Gas Plant Adjustments.

The staff of the Commission made a field examination and filed its report in connection therewith, after projecting the original cost studies to a date as of July 31, 1949. Copies of the staff's report were submitted to the company. Northern has amended its studies to give effect to the recommendations contained in the staff's report so that as of July 31, 1949, it reclassified $8,218,279.08 to Account G. 100.5, Gas Plant Acquisition Adjustments and $914,889.72 to Account G. 107, Gas Plant Adjustments.

Between the dates of filing of its original cost studies for gas plants with this Commission and for electric plant with the Federal Power Commission, and July 31, 1949, Northern has disposed of the greater portion of the adjustment accounts. Pursuant to an order of the Federal Power Commission, dated July 3, 1946, and an order of this Commission, dated December 20, 1946, Northern disposed of a total of $23,045,255.92 of combined Account 100.5 by charging $21,646,056.87 thereof to "Reserve for Possible Adjustments of Utility Plant Accounts and Other Balance Sheet Items" and $1,399,199.05 to Paid-in Surplus, and furthermore, disposed of $8,753,460.73 of combined Account 107 by charging $7,853,943.14 to the aforementioned reserve and the balance to various other accounts. Inclusive in the above-mentioned transactions, were disposition by Northern of $8,218,279.08 of Account G. 100.5, Gas Plant Acquisition Adjustments and $809,774.78 of Account G. 107, Gas Plant Adjustments. As a result of such prior authorized transactions, Northern, as at July 31, 1949, had only $105,114.94 of Account G. 107 pending disposition. The company has proposed that $2,845.93 be transferred to Account 110, Other Physical Property, representing land formerly occupied by demolished gas holders, and that the balance of $102,269.01 be written off to Account 250, Reserve for Depreciation. The result of such proposed transactions will be to eliminate all adjustments to gas plant, as at July 31, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8534; Filed, July 24, 1951; 8:52 a. m.]

[File No. 71-13]

UNITED POWER AND LAND CO.

NOTICE OF FILING OF STATEMENTS REGARDING ORIGINAL COST STUDIES AND PROPOSALS FOR DISPOSITION OF ADJUSTMENTS RELATING TO HYDRO-ELECTRIC PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of July A. D. 1951.

Notice is hereby given that United Power and Land Company ("United") has filed statements relative to the original cost and reclassification of the company's hydro-electric plant accounts.

These statements conform to those specified by the requirements of Electric Plant Instruction 2–D of the Uniform System of Accounts prescribed by the Federal Power Commission for Public Utilities and Licensees, which System of Accounts is applicable to United by virtue of this Co mmission's Rule U-27, promulgated under the Public Utility Holding Company Act of 1935. The statements cover the proposed journal entries incident to reclassification of plant accounts, the reclassification to primary and sub-accounts of the hydro-electric utility, and the proposals for disposition of the adjustment accounts, all as of December 31, 1948. United is a public utility subsidiary of Northern States Power Company, a Minnesota corporation and a registered holding company, and, in addition to ownership of hydro-electric plants, it holds real estate not presently used by the system in its utility operations.

Notice is further given that any interested person may, not later than August 6, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, of fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 6, 1951, the Commission may take such action as may be deemed appropriate with respect to the matters to which the filing herein relates.

All interested persons are referred to said statements which are on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

The staff of the Commission, coincidentally with its examination of the original cost of the gas plant accounts of said Northern States Power Company, the parent of United, made a field examination of the hydro-electric plant accounts of United and filed its report in connection therewith as to the status of the accounts as at December 31, 1948. Copies of the report were submitted to the company, and United has filed statements "E", "F" and "H", as prescribed by the aforementioned Electric Plant Instruction 2–D, to give effect to the recommendations contained in the staff's report. United now proposes to classify $9,903.74 to Account 107, Electric Plant Adjustments.

United proposes to dispose of the amount of $9,903.74, reclassified to Account 107, by charging $303.32 to Account 110, Other Physical Property and the balance of $9,600.42 by charging Account 126.2, Accounts Receivable from Associated Companies.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8535; Filed, July 24, 1951; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

MOTORCYCLES AND PARTS

EXTENSION OF SCOPE OF INVESTIGATION AND POSTPONEMENT OF HEARING

Investigation extended. The United States Tariff Commission, on the 19th day of July 1951, under the authority of section 7 of the Trade Agreements Extension Act of 1951 and section 332 of the Tariff Act of 1930, ordered that Investigation No. 1 under section 7 of the Trade Agreements Extension Act of 1951, instituted on June 29, 1951 (16 F. R. 6591) with respect to motorcycles, finished or unfinished, provided for in paragraph 369 (b), Tariff Act of 1930, be extended to include the following products:

Tariff Act of 1930 and Description of Products

Paragraph 369 (c): Parts (except tires and except parts wholly or in chief value of glass) for motorcycles, finished or unfinished, not specially provided for.

Hearing postponed. The Commission further ordered on July 19, 1951 that the public hearing in connection with this investigation previously scheduled to be held on August 1, 1951, be postponed to September 18, 1951, and that the hearing be broadened to relate to the products covered by the investigation as extended.

I hereby certify that the foregoing extension of Investigation No. 1 under section 7 of the Trade Agreements Extension Act of 1951 and the postponement of the hearing in that investigation was ordered by the United States Tariff Commission on the 19th day of July 1951.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-8561; Filed, July 24, 1951; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 144

Washington, Thursday, July 26, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10275

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1945 to 1950, inclusive, which contains information necessary to the investigation of the sale of tanker ships by the United States Maritime Commission, shall, during the first session of the Eighty-second Congress, be open to inspection by the Senate Committee on Expenditures in the Executive Departments or the duly authorized subcommittee thereof for the purpose of investigating the sale of tanker ships by the United States Maritime Commission, as a part of the study of the operation of Government activities with a view to determining its economy and efficiency, subject to the conditions stated in the Treasury decision relating to the inspection of such returns by that committee, approved by me this date.[1]

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 25, 1951.

[F. R. Doc. 51-8692; Filed, July 25, 1951; 11:46 a. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

—[Gen. Regs. 108, Supp. 4]

PART 7—GOVERNMENT REQUESTS FOR TRANSPORTATION OF PASSENGERS

SYMBOL LETTERS APPROVED

Section 7.18 *Symbol letters approved,* is hereby revised to read as follows.

[1] See F. R. Doc. 51-8693, Title 26, Chapter I, *infra.*

§ 7.18 *Symbol letters approved.* Symbol letters approved for use in identifying the Government departments, independent establishments, and agencies using the prescribed U. S. Government Request for Transportation (Standard Forms Nos. 1139 and 1141), are as follows:

Present symbols	Name of department, independent establishment, or agency	Old symbols
A	Agriculture, Department of	A
AF	Air Force, Department of the	None
BM	American Battle Monuments Commission	ABM
AC	Architect of the Capitol	AC
DA	Army, Department of the	WQ
CE	Chief of Engineers	WE
AT	Atomic Energy Commission	None
BG	Botanic Garden, United States	BG
EB	Bureau of the Budget	Ebb
CAB	Civil Aeronautics Board	None
CS	Civil Service Commission	CS
TG	Coast Guard, United States	NCG
C	Commerce, Department of	C
EM	Commission on Renovation of the Executive Mansion	None
EA	Council of Economic Advisers	None
CL	Court of Claims	CCC
CA	Court of Customs and Patent Appeals	CA
DPA	Defense Production Administration	None
DT	Defense Transport Administration	None
DP	Displaced Persons Commission	None
DC	District of Columbia, Government of	DC
DM	District of Columbia Militia	DCM
EG	Economic Cooperation Administration	None
ED	Economic Stabilization Agency	None
LE	Employment Service, United States	SAss
EX	Executive Office of the President	E
IB	Export-Import Bank of Washington	FEAcl
CD	Federal Civil Defense Administration	None
CN	Federal Communications Commission	RC
DE	Federal Deposit Insurance Corporation	FIC
HG	Federal Housing Administration	HAth
MS	Federal Mediation and Conciliation Service	None
HN	Federal National Mortgage Association	LM
PR	Federal Power Commission	FP
FR	Federal Reserve System	FR
HS	Federal Savings and Loan Insurance Corporation	LAsl
SA	Federal Security Agency	SA
TE	Federal Trade Commission	FP
FA	Fine Arts Commission	FA
SF	Food and Drug Administration	SAd
GA	General Accounting Office	GA
GS	General Services Administration	None
GP	Government Printing Office	GP
HR	Home Loan Bank Board	LAbl
H	House of Representatives, The	HR
	Housing and Home Finance Agency	None
CM	Indian Claims Commission	None
IN	Interior, Department of the	I
TR	Internal Revenue, Bureau of	TIR
IC	Interstate Commerce Commission	IC
J	Justice, Department of	J
L	Labor, Department of	L
EP	Liaison Office for Personnel Management	Epm
LC	Library of Congress	LC

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FEDERAL REGISTER

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Present symbols	Name of department, independent establishment, or agency	Old symbols
NM	Marine Corps, United States	M
MB	Maritime Administration	MC
ML	Motor Carrier Claim Commission	None
AE	National Advisory Committee for Aeronautics	NA
CH	National Capital Housing Authority	None
PL	National Capital Park and Planning Commission	None
SQ	National Capital Sesquicentennial Commission	None
AG	National Gallery of Art	NGA
LR	National Labor Relations Board	NLB
MB	National Mediation Board	MB
NPA	National Production Authority	None
NR	National Security Resources Board	None
N	Navy, Department of the	N
NS	Bureau of Supplies and Accounts	Ns
AP	Office of Alien Property	AP
ODM	Office of Defense Mobilization	None
ED	Office of Education	FSA
HE	Office of the Housing Expediter	None
SD	Office of the Secretary of Defense	None
SV	Office of Vocational Rehabilitation	FSA
PC	Panama Canal	PC
EY	Philippine Alien Property Administration	None
PD	Philippine War Damage Commission	PD
P	Post Office Department	D
PM	President's Materials Policy Commission	None
SH	Public Health Service	FSA
HP	Public Housing Administration	HAA
WR	Public Roads, Bureau of	WA
RF	Puerto Rico Reconstruction Administration	FR
RD	Railroad Retirement Board	RRB
LF	Reconstruction Finance Corporation	RFC
SX	Securities and Exchange Commission	SE
SR	Selective Service System	DSS
SN	Senate, The	SS
SM	Smithsonian Institution	SI
SL	Social Security Administration	FSA
S	State, Department of	S
CB	Subversive Activities Control Board	None
SU	Supreme Court of the United States	SC
TF	Tariff Commission, United States	TC
TX	Tax Court of the United States	TCUS
TV	Tennessee Valley Authority	TV
T	Treasury, Department of the	T
UC	U. S. Courts, Administrative Office of the	USCA
V	Veterans Administration	VA
WSB	Wage Stabilization Board	None
WK	War Claims Commission	None
WH	White House Office, The	WH

(Secs. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] FRANK L. YATES,
Acting Comptroller General of the United States.

[F. R. Doc. 51-8579; Filed, July 25, 1951; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Effective upon publication in the FEDERAL REGISTER, § 6.123 (h) (4) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-8614; Filed, July 25, 1951; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MINNESOTA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

MINNESOTA

County	Average value	Investment limit
Jackson	$24,000	$12,000
Mille Lacs	9,000	9,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b).)

Issued this 20th day of July 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8580; Filed, July 25, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OHIO

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

OHIO

County	Average value	Investment limit
Ashland	$16,000	$12,000
Crawford	18,000	12,000
Jefferson	10,000	10,000
Monroe	6,000	6,000
Ottawa	20,000	12,000
Richland	18,000	12,000
Sandusky	20,000	12,000
Seneca	20,000	12,000
Wyandot	18,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b).)

Issued this 20th day of July 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8581; Filed, July 25, 1951; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 511—BLOCKED ASSETS: REGULATIONS ORIGINALLY ISSUED BY THE TREASURY DEPARTMENT

PROHIBITIONS WITH RESPECT TO FOREIGN AND DOMESTIC SCHEDULED SECURITIES

Part 511 is hereby amended by the amendment of paragraph (g), § 511.205 (General Ruling No. 5) and paragraph (g) of § 511.205b (General Ruling No. 5B) in the manner set forth below:

(a) *Deletions from Appendix, paragraph (g), § 511.205 (General Ruling No. 5)—Foreign Scheduled Securities Bonds.* The following securities are deleted from Appendix, paragraph (g), § 511.205 (General Ruling No. 5)—Foreign Scheduled Securities Bonds.

Antwerp, City of—External Sinking Fund Gold 5% Loan of 1928—due 1958:

$1,000

749	1935	5543	7058
750	2222	5544	7882
751	2223	5558	8366
752	2495	5652	8740
808	2730	6668	9001
1190	3233	6914	9002
1328	3512	7020	9245
1933	4576	7021	
1934	5298	7038	

$500

489 491 492 517 518

Argentine, Republic of—Sinking Fund 4% Conversion Loan due February 15, 1972:

$1,000

20230 20254 25356 28576 35381

Australia, Commonwealth of—5% bonds 1925 due 1955:

$1,000

524	12111	12115	12119
526	12112	12116	12120
527	12113	12117	
528	12114	12118	

Brazil, United States of—External Sinking Fund Gold 6½% loan of 1926 due October 1, 1957:

$1,000

3508 7102 10788 20168 40232

Brisbane, City of—External Sinking Fund Gold 5% loan of 1928 due 1958:

$1,000

5714

Canada, Dominion of—3% Bonds 1936:

$1,000

8583	13840	E-39767	43695
8584	13841	43445	63093
13837	13842	43691	
13838	13843	43692	
13839	13844	43694	

Canada, Dominion of—4½% Bonds 1931 due 1956:

$1,000

R6/E. O. 26238

Canadian National Railway Co., Guaranteed Gold, 5% Bonds issued October 1929 due 1969:

$1,000

11253	12680	12682	34712
11254	12681	18965	

Canadian Pacific Railway Company Perpetual 4% Consolidated Debenture Stock:

$1,000

251	16304	32192	48967
3852	19668	32455	75211
15901	24604	G-44026	78323
16291	30923	46214	
16292	31494	48111	

Canadian Pacific Railway Company—4½% Gold Bonds 20 Year Guaranteed, 1926/46:

$1,000

1512	8147	15966	17243
2696	15662	16292	17634

$500

266	334	496	3366
278	437	497	3707

Canadian Pacific Railway Company—4½% 30 Year Guaranteed Gold Bonds due July 1, 1960:

$1,000

205 207 231 1439 1440 1441

Canadian Pacific Railway Company—5% Equipment Trust Gold Certificates due July 1, 1944:

$1,000

27438

Colombia, Republic of—External Sinking Fund Gold 6% Loan of 1927 due January 1, 1961:

$1,000

1023 1173 2445 4648 12690 13282 15463

$500

66 89 974

Cuba, Republic of—External Gold 4½% Loan of 1909 due August 1949:

$1,000

10412 10782

Cuba, Republic of—External Sinking Fund 4½% of 1937 due 1977:

$1,000

79836 79972 80841

Czechoslovakia State Loan 1922 due 1951—8% Series A:

$1,000

6467 7268

$100

484

Czechoslovakia State Loan 1922 due 1952—8% Series B:

$1,000

5745

$500

562 830 1296

$100

930 931

Denmark, Kingdom of—External Gold 4½% Loan of 1928 due 1962:

$1,000

27694 31162 31400 41749 46860 50183

Dominican Republic Customs Administration—20 Year 5½ Gold Loan of 1922–6 due 1961:

$1,000

4219	4898	6107	6920	
4475	5275	6232	7558	
4546	6074	6424	7723	

Dominican Republic Customs Administration Sinking Fund Gold 5½% Loan of 1926–1928 due 1969 Second Series:

$1,000

2657 2957 3838

France, Republic of—25 Year Sinking Fund, External 7% Dollar Gold Loan of 1924 due 1949:

$1,000

22260 34743

German Atlantic Cable Company (Deutsch Atlant. Telegr. Ges.)—7% Bonds 1925/45:

$1,000

433

Germany, Government of—7% 1924 due 1949:

$1,000

98610

Harpner Bergbau (Harpen Mining Co.)—6% 1929 due 1949:

$1,000

1319 1672

Hungarian-Italian Bank, Ltd.—7% Sterling Mortgage Bonds:

$1,000

346

$500 Series A. C. W.

D 17 D 32 D 45 C 52 D 55 D 56

Japan, Empire of—6½% Sinking Fund Gold Bonds of 1924 due 1954:

$1,000

52208 135112 135113

Milan, City of—External Sinking Fund Gold 6½% Loan of 1927—due 1952:

$1,000

8624

National Railroad Company of Mexico—First Consolidated Gold 4% due 1951:

$1,000

4006

National Railroad Company of Mexico—4½% Mortgage Bonds, due 1926, prior lien:

$1,000

4796

National Railways of Mexico—4½% Prior Lien Sinking Fund Gold due 1957 (Stamped):

$1,000

3706	14165	41215	41345
3745	14867	41344	48796

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due February 1, 1957:

$1,000

16817 17330

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due April 1, 1958:

$1,000

5380 5465 5954 6361 17659

Norges Kommunal Bank, S. F. Gold—5% 1930 due 1970:

$1,000

1303

Nova Scotia Steel & Coal Company—3½% Bonds 1938/63:

$1,000

57	1353	2101	2110
214	1369	2102	2111
666	1518	2103	2112
867	1723	2104	2113
1027	1724	2105	2114
1150	1725	2106	2247
1315	1794	2107	2248
1351	1962	2108	2341
1352	1963	2109	

Nova Scotia Steel & Coal Company—3½% Bonds 1938/63—Continued

$500

797	2164	2167	2170
1171	2165	2168	
2163	2166	2169	

United Industrial Corp. (Vereinigte Industrie Unternehmungen)—Sinking Fund Debenture, Gold 6½% due 1941:

$1,000

51101

Vera Cruz & Pacific Railroad Company—4½% Guaranteed 1st Mortgage Gold Bonds due 1934:

$1,000

5558 5785

(b) *Deletions from Appendix, paragraph (g), § 511.205b (General Ruling No. 5B)—Domestic Scheduled Securities.* The following securities are deleted from Appendix, paragraph (g), § 511.205b (General Ruling No. 5B)—Domestic Scheduled Securities.

PART I—BONDS

American Foreign Power Company, Inc. Debenture Gold 5% due 2030:

$1,000

7332 45452

$500

836

Atchison, Topeka & Santa Fe Railway Company (The)—Convertible Gold 4% of 1905 due 1955:

$1,000

753	22157	31503	40045
2277	23535	32207	40103
3090	24877	36241	44716
7925	25383	37320	44717
21581	25688	37589	48037

Atchison, Topeka & Santa Fe Railway Company (The)—General Gold 4% due 1995:

$1,000

90	23035	54717	93414
709	23737	55399	96009
2425	27475	56402	99611
5890	28368	60837	105237
6929	28599	61404	105238
10238	28968	63557	105239
11176	30228	67631	111632
11933	30883	70178	111765
13795	30884	70179	113760
14812	32546	70185	116865
14920	37723	72192	119329
15572	38095	79820	119330
15807	38896	80501	121448
15811	43013	81540	122905
15812	43411	81541	125437
16961	45642	83988	125593
18984	47267	92334	
21746	48105	93413	

$500

5730	21110	35480	44308
5788	21910	39664	45239
17895	26107	40013	
18965	30700	41071	
20907	32361	41073	

Atchison, Topeka & Santa Fe Railway Company (The)—4% 1895 Adjustment Gold Bonds due 1995:

$1,000

437	975	1193	4080

$500

9563	37338	38015	38293

Bethlehem Steel Corporation 3½% Bonds 1937 Ed:

$1,000

4417 18936

Central Pacific Railway Company—First Refunding Gold 4% due 1949:

$1,000

2462	14966	38571	58869
2463	17157	40386	62775
4056	17158	40388	68971
4550	18489	47229	70600
6902	19120	47990	71886
6989	19379	47991	72151
7400	21265	47992	72152
7523	21347	47994	77440
7792	22061	48186	78345
7896	24089	53281	84851
9702	24849	53292	84852
10751	24850	55045	84857
12311	28135	55049	84862
13698	30103	55072	84977
13785	31304	55959	
14631	34488	56614	
14945	36989	57620	

$500

2743	11383	11385	14009
5873	11384	14008	16249

Central Pacific Railway Company Through Short Line First Gold 4% due 1954:

$1,000

735 881 1108

Central States Power & Light Corporation First Mortgage & First Lien Gold 5½%, 1953:

$1,000

3052 3053

Chicago, Milwaukee, St. Paul & Pacific Railroad Company—50-Year Mortgage 5%, Series A, due 1975:

$1,000

1454	19914	39020	52563
6428	24590	39060	59367
9662	29796	39065	83486
12334	39007	39431	83487
14025	39008	40427	91463

$500

4656 4727 5557 6574

Chicago, Milwaukee, St. Paul & Pacific Railroad Company—Convertible Adjustment Series A 5%, due 2000:

$1,000

2311	2936	4409	25836
2859	3206	5698	64740
2932	3236	5782	149133
2934	4104	6990	172404
2935	4212	8305	173090

Chicago, Rock Island & Pacific Ry. Company—First & Refunding Mortgage 4% 1934:

$1,000

38724

Cities Service Company—Convertible 5% Gold Debenture, 1950:

$1,000

7127	23410	23921	80042
7250	23419	26916	82638
9482	23538	45801	85179
23233	23621	48455	103965
23365	23831	59295	105115
23406	23920	75698	107346

Cities Service Company—5% Gold Debentures, 1958:

$1,000

335	1876	2163	4031
831	1877	2261	4137
832	1878	2765	4200
1125	1921	3086	4201
1242	1922	3229	4202
1458	1928	3504	4203
1499	1929	3665	4204
1500	1977	3889	4205
1637	2002	3976	4206
1851	2062	3993	4295
1875	2065	4004	4638

Cities Service Company—5% Gold Debentures, 1958—Continued

$1,000

4675	13931	22475	35069
4747	14413	22953	35641
4925	14414	23054	35653
4990	14417	23708	35777
5575	14420	24700	35783
5791	14421	25080	36431
5818	14426	25228	36492
5832	14427	25229	36493
5938	14428	25230	36738
5960	14429	25337	36764
5968	14430	25377	37106
6096	14756	25752	37219
6439	14757	26372	37254
6437	14882	26523	37363
7031	15109	26602	37440
7086	15518	26776	38197
7331	15760	26855	38513
7574	15827	27032	38673
7577	16000	27328	38741
7756	16402	27392	38899
7782	16614	27626	39339
7974	16618	27940	40862
8565	16878	28522	40949
8631	16959	28576	41203
9064	17020	29303	41539
9434	17119	29898	42083
9758	17223	30150	42104
9800	18024	30151	42244
10201	18141	30252	42751
10271	18629	30402	42752
10575	18660	30565	42795
10611	18901	31434	42928
11350	18914	31435	43509
11450	19300	31436	43626
11683	19326	31657	43690
11918	19652	31715	44496
12127	19794	31940	44497
12301	19885	32081	44854
12308	20032	32220	47261
12367	20446	32264	47451
12554	20462	32866	47517
12786	20762	33179	47577
12811	20883	33667	48794
13152	21316	33678	48937
13159	22007	33734	49027
13273	22050	33762	49099
13296	22113	33965	49333
13302	22169	34075	49385
13303	22245	34309	49450
13351	22246	34426	
13858	22247	34433	
13902	22248	35034	

Cities Service Company—5% Gold Debenture, 1963:

$1,000

12567 12568

Cities Service Company—Refunding 5% Gold Debenture, 1966:

$1,000

305	5608	8963	12523
355	5713	8995	12613
972	5961	8996	12993
1114	6205	10048	13408
1500	6242	10049	16070
2392	6438	10050	16582
2432	6923	10051	16589
2612	6924	10052	16887
3123	7584	10053	17304
3191	7585	10054	18368
3195	7710	10492	18696
3263	8955	10887	
5373	8961	11556	

$500

720 964 966 2108 3257 8247

$100

2432 2434 2464

Cities Service Company—5% Gold Debenture, 1969:

$1,000

94	278	438	609
115	279	439	692
179	331	563	720

Cities Service Company—5% Gold Debentures, 1969—Continued

$1,000

737	16594	31720	41578
829	16934	31765	41579
895	16959	32191	41580
915	16960	32205	41581
972	17027	32268	41612
1011	17429	32338	41684
1152	17696	32461	41791
1249	17850	32597	41792
1290	17866	32642	42014
1354	17999	33149	42131
1439	18213	33232	42256
1485	18293	33262	42260
1599	18882	33421	42531
2771	18948	33479	42552
2786	18986	33501	42742
3273	19916	33640	43100
4228	19931	33676	43184
5779	19976	33692	43704
5965	20097	33838	43983
5968	20325	33947	44013
6019	20369	34198	44223
6238	20506	34677	44590
6341	20532	34687	44614
6563	20733	34794	44748
6809	20741	34989	44863
6840	21311	35231	45149
7323	21523	35232	45410
7771	21526	35233	45411
7515	21713	35236	45412
10684	21899	35243	45455
10776	21868	35315	45584
11022	22275	35434	45753
11027	22423	35629	46185
11168	22432	36132	46249
11234	22475	36224	46334
11269	22621	36496	46464
11470	24079	36551	46547
11471	24179	36610	46609
11535	24593	36623	46620
11575	24595	36751	46634
11948	24696	37008	46657
12382	24697	37012	47138
12416	25194	37793	47149
12449	25220	38010	47288
12452	25367	38127	47581
12480	25931	38164	47694
12644	26185	38650	47863
12762	26712	38665	48001
14204	26769	38841	48040
14305	26932	38947	48041
15292	27025	38998	48049
15295	27204	39300	48106
15297	27308	39999	48144
15356	28809	40579	48424
15420	29165	40581	49210
15486	29348	40627	49545
15712	29487	40855	49660
15907	29530	40996	49661
16063	30050	41572	49710
16117	30727	41573	49775
16130	31159	41574	49776
16134	31160	41575	
16182	31298	41576	
16474	31372	41577	

Cities Service Power and Light Company—Debenture 5½%, due 1949:

$1,000

4976 5083

Cities Service Power and Light Company—Debenture 5½%, due 1952:

$1,000

6881 10390 10391 19327 19328 43220

Consolidated Cities Light, Power & Traction Company—First Gold 5% due 1962:

$500

8198 8199

Cuba Railroad Company (The)—First Gold 5% due 1952:

$1,000

425	1801	10060	13097
477	5186	10143	
1082	6978	10897	
1264	8237	12346	

Denver & Rio Grande Railroad Company—First Consolidated Gold 4% due 1936:

$1,000

17136

Denver and Rio Grande Railroad Company—First Consolidated Gold 4½% due 1936:

$1,000

38958

Denver & Rio Grande Western Railroad—General Gold 5% due 1955:

$500

1910

Illinois Central Railroad Company—Collateral Trust Gold 4% due 1952:

$1,000

7743 9513 10097 11131

$500

16847 16848

Illinois Central Railroad Company—Mortgage & Collateral, Gold 4% due 1953:

$1,000

16728

$500

25102

International Hydro-Electric System—Convertible Debenture Gold 6% due 1944:

$1,000

16241

International Mercantile Marine Co., Ltd.—First and Collateral Trust Gold 6% due 1941:

$1,000

2723	4057	6054	20965
3144	4058	11513	31706
3179	5162	14769	35864
3949	5433	17115	36028
4049	5581	19382	

$500

1615 3432 3636

Kansas City, Fort Scott & Memphis Railway Co.—Refunding (Now First) Gold 4% due 1936:

$1,000

4864

Kansas City Southern Railway—3% 1st Mortgage Gold due 1950:

$1,000

1578	11032	19796	24626
3218	11606	19845	24630
3992	11803	19852	25781
6278	13403	20234	26872
7091	14704	20646	27484
7140	14959	21077	27763
7160	15039	21344	28651
7905	15626	21384	28845
8321	16688	21718	29816
9595	17774	24246	
10524	19011	24337	
10955	19012	24513	

Kansas City Southern Railway Co.—Refunding & Improvement Mortgage Bond 5% due 1950:

$1,000

1063	5827	11495	18998
2941	6006	12389	20713
3603	6834	15427	
4008	11442	17658	

Kansas City Terminal Railway Co.—First Gold 4% due 1960:

$1,000

48085 48323 48324

Louisville & Nashville R. R. Co. Southeast & St. Louis Division—Second (Now First) 3% due 1980:

$1,000

767 1768 2878

Missouri-Kansas-Texas Railway Company—First Gold 4% due 1990:

$1,000

22707 33570 34367

Missouri-Kansas-Texas Railroad Company—Cumulative Adjusted Mortgage Gold 5% Series A due 1967:

$1,000

41078 48020 48026

$500

3779

Missouri Pacific Railroad Company—4% General Mortgage Gold Bonds due 1975:

$1,000

24912 24914 34056 45214
24913 32947 38819

Missouri Pacific Railroad Company—First and Refunding Gold 5% Series G due 1978:

$1,000

12832 22286

New York Central and Hudson R. R.—Gold 3½% due 1997:

$1,000

50304 50305 50306 50307 50308

New York, City of, Water Tunnel No. 2 4% Improvement Serial Bond due July 1, 1955:

$1,000

453

New York Edison Co., Inc.—3¼% Bond 1936-1966, Series E:

$1,000

23950

Norfolk & Western Railway Company—First Consolidated Gold 4% due 1996:

$1,000

1613	5365	10858	19972
1614	6699	10859	21599
1615	7310	10903	22014
1616	8313	11535	22018
2723	8586	12314	22020
3369	8899	13130	25452
3907	10052	16192	27180
3985	10088	16193	32708
4389	10857	16194	32750

$500

2509 3013 3591 6726 7293 8456

Northern Pacific Railway Company—Prior Lien Gold 4% due 1997:

$1,000

52564 96297 96299 96390
66840 96298 96389

$500

11576 12910

Oregon-Washington Railroad and Navigation Company First and Refunding Mortgage Gold 4% due 1961:

$1,000

23902 40099

Pacific Gas & Electric Co.—First & Refunding Mortgage, Series H, 3¾% due Dec. 1, 1961:

$1,000

11657

Pittsburgh, Cincinnati, Chicago, & St. Louis Railway Company—4½% Cons. Mtg. Gold Bonds, Series A:

$1,000

9525

St. Louis-San Francisco Railway Company—4% Mortgage Bonds, Prior Lien, Series A:

$1,000

75695 77836

$500

4879

$250

4328 6392 6542

St. Louis Southwestern Railway Co.—4% First Loan 1890, due 1989:

$1,000

4997	8133	8546	19681
6555	8397	8547	
7894	8545	17202	

Southern Pacific Co.—4% Collateral Trust Gold Bonds Issued 1899, due 1949:

$1,000

294	3011	15280	19351	
3813	4898	18403	22316	

$500

1871 3619 5397 9500 9993

Southern Pacific Company—4½%, 40 Year Gold Bonds, due 1969:

$1,000

1685	5966	32165	58914
1702	11182	35853	61450
1742	13246	41523	63128
2682	21343	52862	63131
4397	30489	52993	

Southern Pacific Company—Gold 4½% due 1981:

$1,000

1239	11681	12024	14446
2705	11854	12929	19702

Southern Pacific Company—San Francisco Terminal, 4% First Mortgage Bonds 1910 due 1950:

$1,000

1163	1884	5596	9447
1175	2849	6755	9730
1178	3213	7342	10915
1455	5385	8268	10917
1470	5386	9229	11771
1708	5387	9446	

$500

631	3417	6365	14171
3228	4338	6366	15424
3229	4470	6460	
3243	4471	12596	
3249	5427	13970	

$100

1548 5509 11878

Southern Pacific Railroad Company—First Refunding Mortgage 4% Bonds due 1955:

$1,000

455	44295	50135	95693
2452	44580	55467	95699
7847	44950	57459	95852
10854	44951	62257	100515
13996	45396	91196	103354
21677	45451	91900	
37807	45452	95697	

$500

213	2094	7017	9881
214	2448	7650	9963
1122	4984	9676	

Southern Railway Company—4% Development and General Mortgage Bonds due 1956:

$1,000

212	35797	40637	52888
3415	35798	40741	53463
8882	35800	41025	54015
15383	35856	41739	55069
21244	36200	42936	55324
27955	36502	43862	55393
30054	36859	43946	55394
30273	36905	46246	55966
31790	37105	46523	55967
31904	37329	46537	55968
33965	38390	47063	56390
33978	38398	47543	58319
34253	39033	49535	60385
35196	40180	50415	
35796	40199	51093	

Studebaker Corporation (The)—Convertible Debenture 6%, 1945:

$100

C 3754

Union Pacific Railroad Company—3½% Bonds 1936/71:

$1,000

3189

Union Pacific Railroad Company—First Gold 4% of 1947:

$1,000

1434	32242	55470	74024
5877	32243	55716	78942
7619	32244	56304	78943
12394	32245	57349	78944
13076	32927	57392	78945
14044	32974	58101	79018
15235	36252	60282	82684
17531	36642	61398	83096
23789	40855	62151	83128
24077	40856	63415	86746
24432	43272	64105	86798
24806	52769	64221	89269
29024	53520	65096	

$500

66	6902	16190	18541
2157	8702	17355	
6412	15668	18394	

Western Maryland Railroad Company—First 4% Bonds 1902 due 1952:

$1,000

20033

Winston-Salem Southbound Railway Company—4% First Mortgage Gold Bonds due 1960:

$1,000

1857 1858 1859 1860 1861 4318 4319

PART II—STOCK

North American Trust Shares 1956 Distribution Type:

50-share certificates

CC13599

(40 Stat. 415, as amended: 50 U. S. C. App. 5. E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6765, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR 1948 Supp.)

Executed at Washington, D. C., this 20th day of July 1951.

For the Attorney General:

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8619; Filed, July 25, 1951; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

DECLARATION OF DESTINATION ON SELECTED IMPORTS INTO THE UNITED STATES[1]

A new part (Part 368) is added to Subchapter C—Office of International Trade to read as follows:

§ 368.1 *Declaration of destination on selected imports into the United States.* (a) *What this part does.* (1) The United States and a number of foreign countries have undertaken to institute certain procedures to facilitate trade among them in strategic commodities and those in short supply by increasing the effectiveness of their respective controls over international trade in such commodities. These procedures contemplate that, where required by the exporting country with respect to specific transactions, the importer will affirmatively undertake not to divert, transship, or reexport the commodities involved to unauthorized destinations, and will make a representation to that effect to his government. These representations and any later amendments thereto will be deemed to be continuing representations of the facts or circumstances, and the United States importer must notify the Office of International Trade of any changes of his intentions by executing an amended declaration, have it certificated and dispatched to the foreign supplier as more fully set forth in this part.

(2) As a part of its responsibilities in the foreign trade field, including its export control responsibilities, the Office of International Trade has engaged to receive these representations from persons in the United States regarding the intended destination of commodities, and to act as certifying agent, by issuing appropriate certificates that such representations have been filed with the Office of International Trade. The making of such representations to the Office of International Trade and the certifying thereof will serve to satisfy the requirements of the foreign country in this respect and will, in addition, substantially assist in effectuating United States export controls.

NOTE: *Arms, ammunition, and implements of war; "source material" and "facilities for the production of fissionable material".* Items enumerated in Presidential Proclamation 2776 or any superseding proclamation covering arms, ammunition, and implements of war, are not governed by the provisions of this part, but a comparable procedure relating to these items is set forth in Munitions Division Bulletin No. 10 issued by the Department of State. Through agreement between the Department of Commerce and the U. S. Atomic Energy Commission, this procedure will apply to commodities classified

[1] This amendment was published in Current Export Bulletin No. 639, dated July 19, 1951.

as "source material," or "facilities for the production of fissionable material," as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission.

(b) *Procedure to be followed in the U. S. on imports from certain countries.* (1) Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish a declaration of destination, such person shall apply for his certification by filling out and executing Form IT–826,[1] in duplicate (in triplicate for "source material," or "facilities for the production of fissionable material," as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission). Such form shall be presented to any field office of the Department of Commerce (listed on page xvi of the Comprehensive Export Schedule) or to the Office of International Trade, Operations Division, Washington, D. C., for certification. (Blank forms are obtainable from the same offices.) Declarations may be presented for certification either in person or by mail. The duly certified form will be returned to the United States importer and shall be dispatched by him to the foreign supplier or otherwise disposed of in accordance with the regulations of the exporting country.

(2) In submitting Form IT–826, the United States importer shall fill out and attach a "Cross-Reference Card," Form IT–827,[1] showing his name and address. Form IT–826 will be returned without action unless accompanied by a Cross-Reference Card.

(3) As indicated in this section, all statements and representations made in a declaration of destination and any amendment thereto shall be deemed to be continuing in nature, to and including the time of the completion of the transaction described in the declaration. Any change of fact or intention in regard to the transaction as set forth in the declaration shall be promptly disclosed to the Office of International Trade by the U. S. importer, who shall present in the same manner as the original declaration, an amended declaration of destination setting forth all changes of fact or intention and identifying by specific reference the original declaration. Such amended declaration will then be certified and returned to the U. S. importer and shall thereafter be dispatched by him to the foreign supplier in the same manner as the original declaration.

(4) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT-826 are hereby incorporated as a part of this part with the same force and effect as if set forth in full in this part.

(c) *Penalties for false statements.* The U. S. Code, Title 18 (Crimes and Criminal Procedure), section 1001, formerly section 80, makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both.

NOTE: *Landing certificates.* As a means of further assuring compliance with the undertaking by both the foreign supplier and the U. S. importer, the exporting country may, in specific instances, require landing or delivery certificates to be produced after completion of the transaction to show delivery of the shipment to the country to which licensed. These certificates will be available to U. S. importers from collectors of customs. They need not be filed in connection with this procedure unless required by the exporting country.

This amendment shall become effective as of July 19, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp. Interprets or applies sec. 3, 32 Stat. 826, sec. 4, 32 Stat. 826, as amended, sec. 1, 37 Stat. 407, as amended; 5 U. S. C. 596, 597, 15 U. S. C. 171)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-8604; Filed, July 25, 1951; 8:48 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 66[1]]

PART 371—GENERAL LICENSES

EXPORTATION OF CERTAIN PUBLICATIONS G–PUB

Section 371.26 is amended to read as follows:

§ 371.26 *Exportation of certain publications G–PUB*—(a) *Authorization.* A general license designated G–PUB is hereby established authorizing the exportation to all destinations, except to destinations in North Korea,[2] of the publications listed in paragraph (b) of this section: *Provided,* That the publications do not contain technical data.

NOTE: (1) Technical data is defined in § 371.19 (a).

(2) Refer to § 371.2, General provisions, for instructions regarding export declarations and use of the license symbol.

(b) *Publications exportable.* The following commodities are exportable under the authority of General License G–PUB:

Schedule B No.	Commodity
912120–912400	Motion picture films, developed.
951000	Books, bound, text, educational.
951100	Bibles and testaments.
951200	Books, bound, other.
951400	Books, unbound, in sheets.
951600	Catalogs and pamphlets.
952300	Music in books and sheets.
955300	Newspapers, current (Report over-issue and old newspapers in 469803).
955500	Periodicals, current (Report over-issue and old in 469869).
956000	Calendars, printed or unprinted.

This amendment shall become effective as of July 24, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948, Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-8605; Filed, July 25, 1951; 8:48 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 56[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MOLYBDENUM FILAMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
706590	Electric incandescent and fluorescent lamp (bulb and tube) parts, except glass bulb and tube blanks: Molybdenum filaments		NONF	None	RO

This amendment shall become effective as of 12:01 a. m., July 24, 1951.

Shipments of the commodities removed from general license to Country Group R and Country Group O destinations, as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 24, 1951, may be exported under the previous general license provisions up to and including August 18, 1951. Any such shipment not laden aboard the exporting carrier on or before August 18, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-8606; Filed, July 25, 1951; 8:49 a. m.]

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[1] Filed as part of the original document.

[1] This amendment was published in Current Export Bulletin No. 629, dated July 19, 1951.

[2] Includes any territory controlled by the Government of North Korea.

[1] This amendment was published in Current Export Bulletin No. 629, dated July 19, 1951.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4278]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GARDNER & CO. ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punch boards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

[Cease and desist order, Bernice Feitler et al., t. a. Gardner & Company, Docket 4278, May 3, 1951]

In the Matter of Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner, Thekla Maas, Bernice Feitler, and Erwin Feitler, Individually and Trading as Gardner & Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents (except the respondents Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner and Thekla Maas) have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Bernice Feitler and Irwin Feitler, individuals trading under the name of Gardner & Company, or trading under any other name, their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents, Bernice Feitler and Irwin Feitler, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondents, Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner and Thekla Maas.

Issued: May 3, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-8574; Filed, July 25, 1951; 8:46 a. m.]

[Docket 5671]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MONOLITH PORTLAND CEMENT CO., ET AL.

SUBPART—*Discriminating in price under section 2, Clayton Act as amended: Price discrimination under 2 (a):* § 3.715 *Charges and price differentials.* In or in connection with the offering for sale, sale or distribution of Portland cement in commerce, directly or indirectly discriminating in price between different purchasers of respondents' cement of like grade and quality who are competitively engaged with each other in the resale of such cement, either at retail or in processed form, by offering to sell or selling such product to purchasers who have said cement transported from the place of sale by motor truck at any higher price than said product is offered for sale or sold to purchasers who have it transported from the place of sale by rail freight; prohibited, subject to the provisions, however, that the foregoing shall not be construed to prevent the respondents from defending any alleged violation of the order by showing that any differences in price make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said product is to such purchasers sold or delivered.

(Sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Monolith Portland Cement Company et al., Docket 5671, May 4, 1951]

In the Matter of Monolith Portland Cement Company, a Corporation, Monolith Portland Midwest Company, a Corporation, Coy Burnett, President, W. D. Burnett, Vice President, B. R. Durfee, Secretary-Treasurer, Individually, and as Officers of Monolith Portland Cement Company and Monolith Portland Midwest Company, and Stanley W. Russell, Vice President, Individually, and as an Officer of Monolith Portland Midwest Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' amended answer thereto, and certain memoranda of counsel in support of the complaint and of counsel for the respondents proposing disposition of the case, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (a) of section 2 of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That the corporate respondents, Monolith Portland Cement Company and Monolith Portland Midwest Company, and their officers, and the respondents, Coy Burnett, W. D. Burnett, and E. R. Durfee, individually and as president, vice president, and secretary-treasurer, respectively, of said corporate respondents, and the respondent, Stanley W. Russell, individually and as vice president of the respondent, Monolith Portland Midwest Company, and said respective respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of Portland cement in commerce, as "commerce" is described in the aforesaid Clayton Act, do forthwith cease and desist from directly or indirectly discriminating in price between different purchasers of their cement of like grade and quality who are competitively engaged with each other in the resale of such cement, either at retail or in processed form, by offering to sell or selling such product to purchasers who have said cement transported from the place of sale by motor truck at any higher price than said product is offered for sale or sold to purchasers who have it transported from the place of sale by rail freight: *Provided, however,* That the foregoing shall not be construed to prevent the respondents from defending any alleged violation of this order by showing that any differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which said product is to such purchasers sold or delivered.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 4, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-8573; Filed, July 25, 1951; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

AUREOMYCIN VAGINAL SUPPOSITORIES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C.

357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq. and 1950 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1950 Supp.) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.212 *Aureomycin vaginal suppositories*—(a) *Potency.* Using six suppositories, proceed as directed in § 141.202 (a). The average potency of the suppository is satisfactory if it contains not less than 85 percent of the number of milligrams of aureomycin that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

2. Part 146 is amended by adding the following new section:

§ 146.212 *Aureomycin vaginal suppositories (aureomycin hydrochloride vaginal suppositories)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin vaginal suppositories are suppositories composed of crystalline aureomycin in a suitable and harmless base, with or without one or more suitable and harmless preservatives. The potency of each suppository is not less than 250 milligrams. Its moisture content is not more than 1 percent. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (1), (2), (4), and (5) of that paragraph, but its potency is not less than 750 micrograms per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of aureomycin in each suppository of the batch.

(iii) If it contains a preservative, the name and quantity of each such ingredient.

(iv) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "veterinarian" or both, as the case may be.

(ii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such drug, or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such drug including:

(i) Clinical indications.

(ii) Dosage and administration.

(iii) Contraindications.

(iv) Untoward effects that may accompany administration.

(d) *Request for certification; samples.* (1) in addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin vaginal suppositories shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams of aureomycin in each suppository, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per suppository and moisture.

(ii) The aureomycin used in making the batch; potency, toxicity, moisture, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one suppository for each 5,000 suppositories in the batch, but in no case less than 20 or more than 100 suppositories, collected by taking single suppositories at such intervals throughout the entire time the suppositories are being made that the quantities made during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with § 146.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each suppository in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of a new antibiotic preparation, aureomycin vaginal suppositories, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for tests and methods of assay and certification of aureomycin vaginal suppositories.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: July 20, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-8610; Filed, July 25, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5848]

PART 458—INSPECTION OF RETURNS

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

§ 458.307 *Inspection of returns by Senate Committee on Expenditures in the Executive Departments.* (a) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and of the Executive order issued thereunder,[1] any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1945 to 1950, inclusive, which contains information necessary to the investigation of the sale of tanker ships by the United States Maritime Commission, shall, during the first session of the Eighty-second Congress, be open to inspection by the Senate Committee on Expenditures in the Executive Departments or the duly authorized subcommittee thereof for the purpose of investigating the sale of tanker ships by the United States Maritime Commission, as a part of the study of the operation of Government activities with a view to determining its economy and efficiency.

(b) The inspection of returns authorized in this section may be made by the committee or such duly authorized subcommittee thereof, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as the committee or the subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect, the taxable periods covered by the returns, and the reasons why, as a part of the aforesaid study of the operation of Government activities, inspection of the returns is necessary to the investigation of the sale of tanker ships by the United States Maritime Commission, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or the subcommittee or by such examiners or agents as the committee or the subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof shall be held confidential; *Provided, however,* That any portion or portions thereof relevant or pertinent to the purpose of the investigation may be submitted by the committee to the United States Senate.

Because of the immediate need of the said committee to inspect the tax returns herein mentioned, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN W. SNYDER,
Secretary of the Treasury.

Approved: July 25, 1951.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 51-8693; Filed, July 25, 1951; 11:46 a. m.]

[1] E. O. 10275, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 25, Amendment 2]

CPR 25—CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

MISCELLANEOUS CHANGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 2 to Ceiling Price Regulation 25 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several substantive changes and minor modifications in Ceiling Price Regulation 25.

1. Ceiling Price Regulation 25 prohibited the sale by retailers of retail beef cuts not defined therein, but permitted the sale of certain types of specialty steak products which retailers sold during 1950 or purchased for resale. Widespread evasion of this regulation has occurred, retailers continuing to sell the prohibited cuts—for example, certain precubed steaks contrary to the provisions of section 5 and Spencer steaks—under the guise of specialty steak products which they sold during 1950. It is necessary, to prevent this sort of evasion of Ceiling Price Regulation 25, to prohibit, and therefore this amendment does prohibit, retailers from selling those specialty steak products which they do not purchase for resale.

2. Pending action by the Congress on the legislation extending the price control law beyond July, of the requirement that retailers post their beef ceiling price lists is suspended until further notice.

3. Ceiling Price Regulation 25, as amended, provided locker plants with the wholesaler addition of $2.25 per cwt. on sales of certain primal cuts to consumers. Representatives of the locker plant industry have recently conferred with the Office of Price Stabilization and have presented data proving that the $2.25 addition is inadequate and that the addition they require is $4.50. Accordingly, this amendment provides locker plants with an addition of $4.50 (the wholesaler's addition, plus $2.25) per cwt. on sales of those cuts to consumers.

4. Representatives of the Armed Services have requested that Armed Services Commissary Stores be classified as Group 3B and 4B stores. In addition, certain retailers have requested that their stores be permitted to be classified as Group 3B and 4B stores. Since both requests are not inflationary (Group 3B and 4B stores have the lowest ceiling prices) and present no enforcement problems, this amendment grants both requests.

5. This amendment corrects an error in the zone definitions. The City of St. Louis is placed in Zone 10, as was originally intended.

6. The definition of ground beef in Ceiling Price Regulation 25 permits the sale of pre-ground beef with a fat content of 30 percent. It was anticipated that under this regulation retailers would continue their practice of making pre-ground beef containing about 25 percent fat, but the regulation permitted the additional fat to give retailers leeway to make occasional batches of fatter pre-ground beef without violating the regulation. Since issuance of the regulation, certain retailers have abused this provision of the regulation and have made all of their pre-ground beef with 30 percent fat. This amendment corrects this situation by prohibiting the sale of pre-ground beef with a higher fat content than 25 percent, thus restoring normal industry practices.

Many consumers and retailers have asked that the definition of ground beef be amended to permit the sale of a lean pre-ground beef. This amendment therefore permits the sale of a pre-ground beef with a fat content not in excess of 12 percent and provides a ceiling price for this leaner product. The leaner pre-ground beef may be sold only under defined conditions which are necessary to assure enforcement of the regulation and to insure consumers a regular supply of the lower priced pre-ground beef. If, at any time, a retailer does not display at least as much regular pre-ground beef as lean pre-ground beef, by weight, he may not then sell the lean ground beef at a price higher than the ceiling price for regular ground beef. To avoid losses in such a situation, retailers may add sufficient fat to the leaner pre-ground beef to make it identical with regular pre-ground beef.

7. This amendment corrects a typographical error in section 41.

8. Finally, this amendment changes the retail ceiling prices of brains to reflect the recent revision in the wholesale ceiling price of this item.

Conclusion.—To the extent that this amendment may compel changes in business practices, those changes are necessary to prevent evasion of this regulation. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 25 is amended in the following respects:

1. (a) Section 4 is amended as follows:

(1) Delete section 4 (c) and substitute therefor the following:

(c) *Specialty steak products.* Your ceiling price for specialty steak products shall be your ceiling price therefor established under the General Ceiling Price Regulation, but in no event more than $2.50 per pound. You must, however, file the reports and keep the records required for such items by that regulation.

(2) Delete from section 4 (d) the words "or section 4 (c)."

(b) Section 14 (b) is amended by deleting therefrom the second sentence and substituting in lieu thereof the following: "However, this shall not prevent you from selling (1) cured beef items described in section 4 (b) of this regulation if you sold them during the calendar year 1950 or purchase them for resale, or (2) specialty steak products, or (3) other beef variety meats, beef by-products, sausage or sterile canned beef items.

(c) Section 50 is amended by adding thereto immediately preceding the "Effective date" paragraph, the following paragraph:

(m) *Specialty steak product* means a beef item which (1) this regulation does not forbid retailers to sell to consumers; (2) differs substantially from a beef cut for which a ceiling price is provided by section 40 of this regulation; (3) was sold in 1950 by retailers as a specialty item at a substantially higher price per pound than the most similar beef cut for which a ceiling price is provided by section 40; (4) is bought by a retailer for resale; (5) is contained in a distinctive wrapping or package bearing the weight of the cut, a list of the ingredients, the grade of beef contained therein, and the name of the processor; and (6) requires a substantial investment for the equipment used to process and wrap or package the item.

2. Section 7 is amended by deleting the first five sentences therefrom.

3. Section 13 (c), as amended, is amended by deleting therefrom the first sentence and substituting in lieu thereof the following:

(c) It shall not be considered an evasion for a retailer operating in conjunction with a locker plant, who for six months prior to April 30, 1951, customarily sold to consumers wholesale beef cuts for which retail prices have not been established in section 40 of this regulation, to sell such a wholesale cut to consumers at a price not exceeding $2.25 per cwt. more than the maximum prices established in Ceiling Price Regulation No. 24 for the same grade and wholesale cut if sold to a retailer by a wholesaler at the location of the retailer's store, if such a wholesale cut is a beef carcass, side of beef or beef wholesale cut as defined in Ceiling Price Regulation No. 24. • • •

4. Section 30 is amended by adding, immediately preceding section 31, the following paragraphs:

(g) *When you may choose to treat your store as a Group 3B and 4B store.* If you are a Group 1, 2, 3, or 4 store you may choose to treat your store as a Group 3B and 4B store if you figure your ceiling prices for all items listed in sections 40 and 41 of this regulation as a member of Group 3B and 4B and notify your OPS District Office.

(h) *Armed Services Commissary Stores.* Armed Services Commissary Stores shall be in Group 3B and 4B. Section 12 (a) shall not apply to these stores.

5. Appendix 1 is amended as follows:

(a) Delete from Appendix 1 (f) the words "St. Louis county" and substitute in lieu thereof the words "the city and county of St. Louis".

(b) Delete from Appendix 1 (k) the words "in the county of St. Louis (only)" and substitute in lieu thereof the words "in the city and county of St. Louis (only)".

6. (a) Section 3 is amended by inserting therein, immediately preceding section 4, the following paragraph:

(c) *Lean ground beef.* Your ceiling price for lean ground beef shall be your ceiling price for regular ground beef specified in section 40 of this regulation plus 10 cents per pound. However, when your ceiling price for sales of beef cuts to specific customers is governed by section 42 of this regulation, your ceiling price for lean ground beef sold to those cusomers shall be your ceiling price for regular ground beef specified in section 42 plus 10 cents per pound.

(b) Section 6 is amended by inserting therein, immediately preceding section 7, the following paragraph:

(c) You must display regular ground beef in your showcase next to lean ground beef if you sell lean ground beef. There shall be placed on the display of regular ground beef a sign stating: "Regular ground beef". A similar sign, stating: "Lean ground beef" shall be placed on the display of lean ground beef. If you do not display at least as much regular ground beef as lean ground beef, by weight, at any time, you may not, at that time, sell any ground beef at a price in excess of the ceiling price for regular ground beef, although this provision shall not affect your right to sell other beef cuts and grind them pursuant to the provisions of section 5 (c).

(c) Appendix 5 (i) is deleted and the following Appendix 5 (i) is substituted therefor:

(i) *Ground beef*—(1) *Regular ground beef.* Regular ground beef (hamburger, hamburg steak, hamburger steak, chili meat) is ground, chopped or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 25 percent by chemical analysis. "Regular ground beef" shall be ground twice, the final grinding through a plate with holes not more than $^3/_{16}$ of an inch in diameter, or $^3/_8$ of an inch in the case of chili meat, or chopped in a rotary cutter or but other means giving equivalent results.

(2) *Lean ground beef.* Lean ground beef (hamburger, hamburg steak, hamburger steak, chili meat) is ground, chopped or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 12 percent by chemical analysis. "Lean ground beef" shall be ground twice, the final grinding through a plate with holes not more than $^3/_{16}$ of an inch in diameter, or $^3/_8$ of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

(d) Sections 40 and 42 are amended by deleting the words "Ground beef" wherever they appear therein and substituting therefor the words "Regular ground beef."

7. Section 41 (a) is amended by deleting the number ".29" in the line "Tripe, honeycomb" under the columns "14N" and "14S" and substituting therefor the numbers ".39."

8. The ceiling prices provided for Brains in Section 41 and 42 (r) are amended by adding 10 cents to the respective ceiling prices provided therein for Brains for all store groups in all zones.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 25, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8685; Filed, July 25, 1951; 11:44 a. m.]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Order No. 2 (16 F. R. 738) this Ceiling Price Regulation 55 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes a method for determining ceiling prices for canned green peas of the 1951 pack. Additional canned and processed vegetables will be added later.

PRICING METHODS OF THE REGULATION

The pricing method of this regulation is fundamentally the same as that used in CPR 42 covering the 1951 spring pack of certain canned vegetables with the exception of the difference in the base periods used.

To obtain a ceiling price for an item, the canner first determines his weighted average sales price or "base price" for the item sold during the first sixty days after the start of the 1948 pack of the product. The canner then adjusts his base price by a factor which includes certain labor and material increases which have occurred since 1948. These factors are on an area basis. To this result the canner applies the difference between his 1948 and 1951 raw material cost. In calculating this raw material difference the canner first determines the difference between his 1948 and 1950 weighted average raw material cost and combines that difference with the difference of his 1950 and 1951 raw material costs, which, however, may not exceed the amount of the appropriate maximum permitted raw material increase for the specified raw material area. The canner's ceiling price is his base price adjusted for cost increases and raw material differences.

The year 1948 was selected as the base period because it is considered the latest period most representative of normal competitive conditions for the canning industry.

COST INCREASES OTHER THAN RAW MATERIAL

As stated in the Statement of Considerations for CPR 42, allowance of all cost increases would simply amount to "rubber stamped inflation". Accordingly, the cost increases since 1948 recognized in the regulation are certain packaging costs and costs for processing, repair, and warehouse labor. These increased costs were determined by the OPS on the basis of a survey of a representative group of canners throughout the nation. These data from the survey were studied in connection with similar data from other sources in the industry.

These cost increases are computed and stated in terms of a percentage of the 1948 base sale price for different processing areas. Each canner's increase for these recognized costs will be obtained by multiplying his base price by the applicable percentage factor.

COST INCREASES FOR RAW MATERIAL

As in CPR 42, raw material cost increases are recognized on the basis of costs up to but not in excess of the legal minimum prices for the vegetables as determined by the Secretary of Agriculture. This determination has been made for all vegetables to be covered by the regulation. Accordingly, although the regulation initially covers only canned green peas, the table of maximum permitted raw material cost increases in the regulation lists all vegetables.

The determination by the Secretary was made only in the form of the individual canner's increase in raw material costs, either in dollars and cents or a percentage, between 1950 and 1951. Since, however, the base price is the 1948 sales price during the base period, it is necessary first to relate the 1948 raw material costs to the 1950 costs, and then to determine whether in fact there is a raw material cost increase. Since it is known that some 1948 raw material costs were greater than 1951 costs, it is possible that an individual canner will experience a raw material cost decrease in 1951 as compared to 1948 and 1950 costs. In that case, the canner must subtract the amount of the decrease in computing his ceiling price.

SPECIAL PRICING PROBLEMS

The problem treated in CPR 42 of determining raw material cost increases for grower-owned cooperatives, grower-processors, and processors not buying raw material at firm prices is also encountered in this regulation. The problem again arises because of the lack of a firm basis on which these types of processors may compute any increase in their 1951 raw material costs.

This regulation attempts to treat these three kinds of processors equitably. If they have no firm basis for computing their raw material cost adjustment, they are required to borrow certain raw material costs of their nearest processor of the same raw material. In the case of cooperatives, they may add to this difference an amount up to but not in excess of the maximum raw material increase permitted in the regulation on the condition that the entire increase reflected in sales prices must be returned to the growers.

No pricing provision was made in CPR 42 for processor-wholesalers and processor-retailers. This regulation, on the basis of consultation with the industry, incorporates a special pricing method for this group. This regulation employs a formula by which an f. o. b. factory base price is computed, which is then adjusted for certain cost increases to provide a ceiling price f. o. b. factory to wholesalers.

Processor-wholesalers and processor-retailers, however, sell at wholesale and retail prices higher than competitive f. o. b. factory prices. In order to make the proper adjustments for recognized cost increases, it is necessary for processor-wholesalers and processor-retailers to determine an f. o. b. factory base period sales price. However, many companies, using different accounting methods and sales policies, are either not able to determine their f. o. b. factory price or have different figures merely indicative of an f. o. b. factory price.

To meet this problem, the regulation establishes special pricing methods to meet the different situations. If a processor-wholesaler or processor-retailer sold 10 percent of his production during the base period to wholesalers, then he shall use that price as his base price, which is to be adjusted by the two cost adjustments. To obtain the prices at wholesale and retail, the processor-wholesaler or processor-retailer then follows the applicable ceiling price regulation governing wholesalers and retailers.

If the processor-wholesaler or processor-retailer did not make 10 percent of his sales at a competitive f. o. b. factory price, then he uses the alternative method. This method requires him to divide his weighted average sales price during the base period as a wholesaler or as a retailer, as the case may be, by the appropriate wholesale or retail mark-up allowed under CPR 14 or CPR 15 and then deduct the applicable transportation cost. The result will produce a figure which is comparable to the f. o. b. factory base price of a processor selling only to wholesalers. The ceiling price is then computed from the base price under the standard pricing method provided for all canners.

ADJUSTMENT OF INDIVIDUAL CEILING PRICES

Study of appropriate standards for adjustment of individual ceiling prices has been undertaken. When these standards are developed, it is expected they will be incorporated in this regulation by amendment.

EFFECT OF PRICE LEVELS

The effect of this regulation on current price levels in relation to 1948 and 1950 prices is significant, both in terms of the purposes and effects of price control and the intent of Congress during its consideration of extension of the Defense Production Act.

It is most difficult to determine the exact effect of this regulation which fixes many ceiling prices for many different items of many individual processors. However, the basic purpose of this regulation is to grant an allowance in ceiling prices, for some, but not all, cost increases occurring since 1948. In the case of canned green peas, the only vegetable now included in the regulation, available data obtained from OPS records and industry studies show that this regulation will result in a slight increase in overall prices. It is therefore considered that, for canned green peas, this regulation will not result in ceiling prices lower than the ceiling in effect on the date of the enactment of the Joint Resolution which extended the Defense Production Act until July 31, 1951. This resolution was adopted as a temporary limitation, pending further consideration before Congress, following the passage of the Senate Bill (S. 1717) limiting the authority for rollbacks and ceiling prices. The Senate Banking and Currency Committee in reporting the bill expressed the intention that the limitation on rollbacks be accompanied in administration by a restriction, where practicable, on future rollforwards above the January 24–February 24, 1951 level. However, the debate in the House of Representatives also indicates a general intention that the resolution operate to preserve the status quo pending further Congressional consideration.

Although the net effect of the issuance of this regulation will probably result in rollforwards the issuance of the regulation at this time is deemed imperative. The items covered by this regulation were not generally sold during the base period at the canner level. Because of the period of the year during which the items included in this regulation are packed, canners would have sold out their entire supplies of the 1950 pack of these items prior to the General Ceiling Price Regulation base period and would not have commenced their 1951 pack until long after the end of that base period. Consequently, in the absence of issuance of this or a similar regulation, the only method generally available for these sellers to obtain ceiling prices would be by individual application under Section 7 of the General Ceiling Price Regulation. Accordingly, in light of these considerations and the additional fact that the 1951 pack of the items covered by this Ceiling Price Regulation will soon be completed, it is nec-

essary that this regulation be issued immediately.

CONCLUSION

In formulating this regulation the Director of Price Stabilization has consulted with the Industry Advisory Committee and has given full consideration to its recommendations. The Director finds that any changes in business practices, cost practices, or methods under this regulation are necessary to prevent circumvention or evasion of the ceiling prices for vegetables covered by this regulation. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950.

Insofar as is practicable the Director of Price Stabilization has given due consideration to the national effort to effect maximum production in furtherance of the Defense Production Act of 1950, to prices prevailing during the period May 24, 1950 to June 24, 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. Coverage of this regulation.
2. Ceiling prices f. o. b. factory for sales by processors of items sold during the base period.
3. Ceiling prices for grower-processors, grower-owned cooperatives and other processors who purchase raw materials on an open-end contract.
4. Ceiling prices for processors who did not sell the item during the base period but who sold other items of the product during that period.
5. Ceiling prices for processor-wholesalers and for processor-retailers.
6. Ceiling prices for processors who are unable to figure their ceiling prices under sections 2, 3, 4 or 5 of this regulation.
7. Individual authorization of ceiling prices.
8. Individual adjustment of processors' ceiling prices.
9. Uniform f. o. b. factory prices for factories in different pricing areas.
10. Delivered prices.
11. Uniform delivered pricing by zones or areas.
12. Payment of brokers.
13. Special packing expenses that may be reflected in ceiling prices.
14. Units of sale and fractions of a cent.
15. Maintenance of customary discounts, allowances and price differentials.
16. Export sales.
17. Storage.
18. Records which must be kept.
19. Reports which must be filed.
20. Sales slips and receipts.
21. Transfers of factory.
22. Adjustable pricing.
23. Treatment of excise taxes.
24. Compliance with this regulation.
25. Petitions for amendments, protests and interpretations.
26. Definitions.

AUTHORITY: Sections 1 to 26 issued under sec. 704, Public Law 774, 81st Congress.

SECTION 1. *Coverage of this regulation*—(a) *What products and sellers are covered.* This regulation establishes a method for calculating ceiling prices for sales by processors of the 1951 and later packs of the following processed vegetables:

Product

Canned fresh green peas

Other vegetables may be added from time to time. This regulation does not apply to any listed vegetable that is packed and sold as "baby food", as "junior food", or as "soup". This regulation does apply to all sales of the specified processed vegetables packed by a "processor", as that term is defined in this regulation, and also applies to all sales by a processor of a product which he customarily processes, even though the sale be of items of the product which he has procured from the pack of another processor.

(b) *Pricing provisions to be used.* The main pricing method for most processors is found in section 2 of this regulation. If, however, you are a grower-processor, a grower-owned cooperative, or if you purchase raw materials on open-end contracts, your ceiling prices are determined by sections 2 and 3 of this regulation. Section 4 of this regulation sets forth the method of computing your ceiling price for items not sold during the basic period. Section 5 provides pricing methods for processor-wholesalers and processor-retailers. Sections 6 and 7 of this regulation establish methods by which processors who cannot compute their ceiling prices under the other provisions of the regulation may obtain ceiling prices.

(c) *Where this regulation applies.* This regulation applies in the 48 states of the United States and the District of Columbia.

(d) *What this regulation supersedes.* For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation (16 F. R. 808), and also supersedes Ceiling Price Regulation 42 (16 F. R. 5112) for any product in that regulation which may be added to this regulation.

SEC. 2. *Ceiling prices f. o. b. factory for sales by processors of items sold during the base period.* You shall compute your ceiling prices for each factory at which you process an item covered by this regulation by first determining your "base price". Thereafter you shall adjust your "base price" by an adjustment for cost increases other than raw materials and by an adjustment for raw material cost increases.

(a) *How to determine your base price.* Your base price for each item is your weighted average sales price per dozen containers f. o. b. factory for such items sold during the "base period" as defined in this regulation. "Weighted average sales price" is the total gross sales dollars charged f. o. b. factory for the item during the base period divided by the number of dozens of containers of that item sold.

(1) *What sales and sales contracts you include in your "weighted average sales price".* All sales and confirmed sales contracts at firm prices of the 1948 pack of the item made in the regular course of business during the base period shall be included, regardless of the date of delivery. If you desire, you may include in your computation of your weighted average sales price sales made during the base period of items from a prior pack. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the base period. However, the following sales and sales contracts shall be excluded, even though made during the base period: Sales at retail (including sales to growers and employees) and at wholesale; sales to government procurement agencies, institutional, commercial and industrial users, state agencies and political sub-divisions thereof; and sales of damaged goods, or of goods packed for experimental purposes.

(2) *Separate base prices.* You shall figure a separate base price for each item.

(3) *Base price for factory group.* In determining your "base price", you may determine one "base price" for any group of factories, all of which are located in the same pricing area. In figuring a single base price for a group of factories, you shall include all of the sales within the "base period" for each factory to obtain the "weighted average sales price" defined in this section. The term "same pricing area" means that each factory must be located in the same area both for permitted increases other than raw material and for raw material permitted increases named in paragraphs (b) and (c) of this section.

(b) *How to adjust for permitted increases other than raw material.* After obtaining your base price for the item, you shall multiply it by the appropriate figure set forth in Table I for the area in which your factory is located.

TABLE I.—PERMITTED INCREASES OTHER THAN RAW MATERIAL

Product	Areas		Adjustment factors
	No.	States included	
Canned fresh green peas.	I	New England States, New York and Pennsylvania	1.09
	II	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio and Wisconsin.	1.075
	III	California, Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming.	1.055
	IV	All Other States	1.12

The resulting figure is your "adjusted base price".

(c) *How to figure the raw material adjustment.* Next, you shall determine your raw material adjustment by the following procedure:

(1) Determine the difference between your 1948 and your 1950 weighted average raw material cost per ton (or other unit of purchase) as defined in section 26 of this regulation.

(2) Determine the difference between your 1950 and, up to the date of the computation of your ceiling prices, your 1951 weighted average raw material cost per ton (or other unit of purchase), delivered, or contracted to be delivered, at your factory. However, if the amount by which your 1951 costs exceeds your 1950 costs is greater than the appropriate maximum permitted raw material increase for the area in which your factory is located, both in terms of dollars and cents and, in terms of a percentage of your 1950 weighted average raw material cost, as provided in Table II below, then in the following computation use either of the increases provided in table instead of your actual increase.

TABLE II.—MAXIMUM PERMITTED INCREASE IN RAW MATERIAL COST FROM 1950 TO 1951

(In the use of this table, if you buy raw material on a graded raw material basis you may apply the permitted increase to your 1950 weighted average cost per grade, and may establish your increase as between grades on the basis of actual grade purchases in 1950, provided such total increase for all items that differ in grade only does not exceed the total increase permitted to reflect the weighted average increase for all grades, weighted on the basis of actual grade purchases in 1950, provided such total increase for all items that differ in grade only does not exceed the total increase permitted in the table).

Raw material	Area	Maximum permitted increase in dollars per ton	Maximum permitted increase in percentage of 1950 weighted average raw material cost
Fresh green peas (shelled basis).	New England States, New York, New Jersey, Pennsylvania, other than South Eastern Counties, Maryland, Virginia, and Delaware Counties.	$16.10	15
	Southeastern Pennsylvania, counties in Maryland west of Chesapeake Bay and Susquehanna River, West Virginia, Delaware, and Counties of New York bordering Pennsylvania.	20.70	15
	Counties in Maryland east of Chesapeake Bay and Susquehanna River.	19.10	15
	Illinois, Indiana, Michigan.	12.60	28
	Iowa	17.15	25
	Minnesota	24.15	26
	Nebraska	21.00	25
	Colorado	20.50	25
	California	17.85	15
	Utah, Southeastern Idaho (Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and Twin Falls Counties), Montana, Wyoming.	25.40	31
	Idaho, other than Southeastern, Eastern Washington (all counties east of but not including Okanogan, Chelan, Kittitas, Yakima and Klickitat Counties), Eastern Oregon (Wasco, Jefferson, Deschutes and Lake Counties and all counties east thereof).	21.60	35
	Western Washington, Western Oregon.	25.00	35
	All other States.	18.20	25
	New England States	11.25	15
	New York, Pennsylvania, Counties in Maryland west of Chesapeake Bay and Susquehanna River.	29.70	21
	Counties in Maryland east of Chesapeake Bay and Susquehanna River, Delaware County, Virginia, except Southeastern Counties, West Virginia, Kentucky, Tennessee, North Carolina (Buncombe, Madison, Yancey, Mitchell, Avery, McDowell, Polk, Rutherford, Henderson, Transylvania, Haywood, Jackson, Swain, Graham, Macon, Clay, Cherokee, Graham, Clay, Cherokee, Graham, Macon, Swain, Jackson, Haywood, Transylvania, Henderson, Rutherford, Polk, McDowell, Yancey, Mitchell, Avery, Buncombe, Madison Counties), Eastern Kentucky, Tennessee, Western North Carolina (Rockingham, Guilford, Randolph, Montgomery and Richmond Counties and all counties west thereof).	16.60	21
	Florida	28.60	28
	South Carolina, Georgia, other than North Florida, Texas, Southern Alabama, Mississippi, Louisiana.	27.40	25
	Arkansas, Oklahoma, Missouri, Tennessee, other than Eastern Alabama, Mississippi, and Louisiana.	13.40	15
	Eastern Kentucky, Tennessee, Western North Carolina (Rockingham, Guilford, Randolph, Montgomery and Richmond Counties and all counties west thereof).	30.00	31
	Virginia, North Carolina.	17.60	25
	Wisconsin, Michigan, Ohio, Indiana, Illinois, Iowa, Maine, Colorado, Utah, New Mexico, Idaho.	16.60	31
	Washington, Oregon.	28.70	35
	California	17.85	15
	All other states.	24.15	26
	New York, New Jersey	27.00	25
	Pennsylvania	25.00	25
	Delaware, Maryland, Virginia	20.00	25
	Arkansas, Missouri, Oklahoma, Tennessee	15.00	25
	Wisconsin, Minnesota, Illinois	15.00	15
	Michigan, Indiana	15.00	15
	Ohio, Iowa	11.00	15
Fresh lima beans (shelled basis).			

(3) You compute your weighted average raw material cost adjustment as follows:

(i) If both figures determined under subparagraphs (1) and (2) of this paragraph are plus figures, the total of the two is your upward average raw material adjustment.

(ii) If both figures determined under subparagraphs (1) and (2) of this paragraph are minus figures, the total of the two is the downward raw material adjustment by which you must reduce your price after completion of the computations in subparagraph (4) of this paragraph.

Example

A. 1950 weighted average raw material cost per ton $30
1951 weighted average raw material cost per ton 20
Difference 10
Allowable increase per ton of 1951 over 1950 5
Total upward adjustment 15

two figures by the smaller. If the remainder is a plus amount, it is your upward average raw material adjustment; if a minus amount, it is the downward raw material adjustment by which you must reduce your price after completion of the computations in subparagraph (4) of this paragraph.

Example

A. 1950 weighted average raw material cost per ton $30
1951 weighted average raw material cost per ton 20
Difference 10
Allowable increase per ton of 1951 over 1950 5
Total upward adjustment 15

Example—Continued

B. 1948 weighted average raw material cost per ton	25
1950 weighted average raw material cost per ton	22
Difference	3
Allowable increase per ton of 1951 over 1950	5
Total upward adjustment	2
C. 1948 weighted average raw material cost per ton	35
1950 weighted average raw material cost per ton	25
Difference	10
Allowable increase per ton of 1951 over 1950	5
Total downward adjustment	5
D. 1948 weighted average raw material cost per ton	35
1950 weighted average raw material cost per ton	25
Difference	10
Decrease per ton of 1951 from 1950	2
Total downward adjustment	12

(This downward adjustment, converted to a finished product basis, is subtracted from your "adjusted base price", as provided in paragraph (d) of this section.)

(4) You then divide your average raw material cost adjustment per ton (or other unit of purchase) by your average yields per ton (or other unit of purchase) of the raw material for the years 1948, 1949 and 1950 (or such of them in which you packed the product), reduced to dozen containers of the product, and adjust for grade yield distribution according to your customary practice during such period.

The result of computations of this paragraph is your upward or downward adjustment for raw material costs per dozen containers of the item.

(d) *Your ceiling price.* If the final result of the calculations for raw material cost adjustments provided in paragraph (c) of this section is an increase, you shall add such increase per dozen containers to your adjusted base price, as determined in accordance with paragraph (b) of this section, and the result is your ceiling price per dozen containers for the item. If the final result of the calculations provided in paragraph (c) of this section is a decrease, you shall deduct such decrease per dozen containers from your adjusted base price, as determined in accordance with paragraph (b) of this section, and the result is your ceiling price per dozen containers for the item.

(e) *Recalculation.* If, during the pack of the product, your purchase price for the same grade or grades of the raw material changes from that which you were paying when you computed your prevailing ceiling price for the item, you shall recalculate your ceiling price for the item when your pack has reached an amount equal to 20 percent of your 1950 pack of the same item (or if you did not pack the item in 1950, then equal to 20 percent of your estimated 1951 pack), and immediately after you have completed the pack of the product. You need not recalculate if the change in raw material cost is an increase. In any case of recalculation of ceiling price no goods shall be delivered after the recalculation at a price higher than the recomputed ceiling price.

In recomputing a ceiling price on an item under this subsection you shall base your calculation on the weighted average cost of all of the raw material used in packing the item up to the time when you are making the recomputation.

(f) *Sales f. o. b. shipping points other than factory.* If during the base period you sold all or portions of an item at a shipping point other than the factory where the item was canned and if you did not absorb transportation costs from your factory to this shipping point, you must, in computing your ceiling price f. o. b. factory subtract from your base period sales price the transportation costs for the item from its factory of origin to such location. Then add to your f. o. b. factory ceiling price, for all or any portion of the item sold f. o. b. such location, the current transportation costs per sales unit from factory to such location.

(g) *Special pricing provisions for mixed vegetables and mixed vegetable juices.* If you process an item which consists of a combination of two or more vegetables listed in section 1 of this regulation and any amendments thereto or two or more juices of such vegetables, you shall figure your ceiling price as follows:

(1) Multiply your "base price" as determined under paragraph (a) of this section, by the appropriate figure named in Table I in paragraph (b) of this section, for the item of mixed vegetable you are pricing.

(2) Determine the difference between your 1948 and 1951 raw material cost per ton in accordance with paragraph (c) of this section, for each kind of raw material used in the mixture.

(3) Convert the raw material adjustment of each item of raw material to a finished product basis, as provided in paragraph (c) (4) of this section, using as your yield, the yield of each kind of raw material as though it were canned separately.

(4) Multiply the result determined for each kind of raw material under subparagraph (3) of this paragraph by the percentage of that kind used in the mixture and combine these amounts.

(5) Finally, add the result of subparagraph (4) of this paragraph to, or, if a minus figure, subtract it from your "adjusted base price" to obtain your f. o. b. factory ceiling price, in accordance with paragraph (c) (4) of this section.

Example. Suppose (a) the base price for canned succotash is $0.90 per dozen #303 cans, (b) the factor specified is 1.04, (c) the mixture consists of 80% corn and 20% lima beans, and (d) the raw product cost increases and yields are $6.40 and $29.00 per ton and 60 dozen and 260 dozen, respectively, for corn and lima beans.

	Dollars per dozen No. 303 cans
(1) Base price	0.9000
Adjusted base price, 0.90×1.04	.9360
(2) Raw material cost increases:	
Corn, $6.40 per ton.	
Lima beans, $29.00 per ton.	
(3) Raw material cost increase for items used:	
Corn, $6.40÷60	0.1066
Lima beans, $29.00÷260	.1115
(4) Raw material cost increase for item:	
Corn, 80% of .1066	.0852
Lima beans, 20% of .1115	.0223
	.1075
(5) Ceiling price for item:	
Adjusted base price (per (1) above)	.9360
Raw material cost increase (per (4) above)	.1075
Ceiling price	1.0435

(h) *Different classes of sales.* If you sold during the base period the same "item," as defined in section 26 of this regulation, in not more than two classes of sales so that the price of the lower class of sales differed from the higher priced class by a specific and definite dollar and cent differential, you may compute your ceiling price under this section for the item by using only the weighted average sales during the base period of the lower class. In all sales of the higher priced class, to buyers other than governmental agencies, institutional, or industrial users, you may add to the ceiling price for the item the same dollar and cents differential which existed during the base period between the lower and higher classes, provided your sales of the higher priced class from your 1951 pack shall not exceed 100 percent of the higher of either (a) the number of dozen of the higher priced class sold in 1950, or (b) your 1950 proportion of the dozens sold of the higher priced class to your 1950 total sales in dozens of the item.

SEC. 3. *Ceiling prices for grower-processors, grower-owned cooperatives and other processors who purchase raw materials on an open-end contract*—(a) *Computation of ceiling price.* (1) If you are a grower-processor, a grower-owned cooperative, or a processor who purchases on open-end contracts, and if in both 1948 and 1950 you purchased at least 10 percent of your total use of raw material at prices definitely ascertainable at time of making this computation of your ceiling price, you shall use the weighted average of these outside purchases as your raw material cost and calculate under section 2 (c) of this regulation. If in 1948 and 1950 you did not have any such outside purchases you shall first determine your "base price" and "adjusted base price" per dozen containers as provided in section 2 of this regulation. Then, if in both 1948 and 1950 you sold to other processors the same kind of raw material in a total amount equal to or exceeding 10 percent of the amount processed by you in each such year, you shall use the weighted average of such sales in each of the years 1948 and 1950 as the equivalent of the weighted average cost of raw material for each such year in making the determination provided for in section 2 (c) (1) of this regulation.

(2) If you are a grower-processor or if you are a processor who purchases raw materials on an open-end contract and if you are unable to determine your 1948 and 1950 weighted average cost equivalent under subparagraph (1) of this paragraph, you shall borrow the 1948, 1950 and 1951 weighted average raw material cost per ton (or other unit of purchase) of your nearest processor of the same kind of raw material who has determined his weighted average raw material costs for those years in conformity with section 2 of this regulation. You shall then use these borrowed average raw material costs in making the determinations for raw material cost adjustments required under section 2 (c) of this regulation.

(3) If you are a grower-owned cooperative and if you are unable to determine your weighted average raw material cost for 1948 and 1950 under subparagraph (1) of this paragraph, you shall borrow the 1948 and 1950 weighted average raw material costs of your nearest processor of the same kind of raw material who has determined his weighted average raw material costs for these years in conformity with section 2 of this regulation. You shall then use these borrowed average raw material costs to determine the difference between these 1948 and 1950 costs under section 2 (c) (1) of this regulation.

If this difference resulted from a higher cost for 1950 than for 1948, you shall add to this difference an amount up to but not in excess of the higher of either (i) the dollar maximum increase permitted by Table II in section 2 (c) of this regulation, or (ii) the figure obtained by multiplying the amount being used by you as the equivalent of your weighted average raw material cost for 1950 by the percentage maximum raw material permitted cost increase in that Table.

If the above difference resulted from a higher cost for 1948 than for 1950, it shall be treated as a minus quantity and you shall deduct it from a plus quantity up to, but not in excess of, the higher of either (i) the dollar maximum increase permitted by Table II in section 2 (c) of this regulation, or (ii) the figure obtained by multiplying the amount being used by you as the equivalent of your weighted average raw material cost for 1950 by the percentage maximum raw material permitted cost increase in that Table. In either of the contingencies provided for in this paragraph, the result will be your upward or downward raw material cost adjustment per ton (or other unit of purchase).

(4) You shall then convert this raw material cost adjustment per ton (or other unit of purchase) to your raw material cost adjustment per dozen containers of the item as provided in section 2 (c) (4) of this regulation and proceed to compute your ceiling price for the item as provided in section 2 (d) of this regulation.

(b) *Required pass-back to growers.* If you are a grower-owned cooperative, this permitted increase for raw material cost may be taken only if you pass back the entire increase to growers. The amount you must pass back to growers shall be computed as follows:

(1) Compute the full amount per ton paid to the grower in 1950 for the same kind of raw material.

(2) Add to this amount the per ton increase computed in accordance with paragraph (a) of this section and included in your sales prices.

(3) Divide this total by the number of dozen containers produced per ton of raw material. This is your raw material cost per dozen containers.

(4) Multiply the raw material cost per dozen containers by the number of dozen containers sold during the accounting period. The result is the total amount which must be paid to the grower including the amount to be passed back. The amount passed back must be paid within 30 days after the end of your normal accounting period.

(c) *Reports required under this section.* If you are a grower-owned cooperative and you determine your raw material permitted cost increases under paragraph (a) of this section, you shall mail to the Office of Price Stabilization, Washington 25, D. C., not less than 30 nor more than 60 days after the end of each normal accounting period, a report by registered mail giving all of the computations required by paragraph (b) of this section.

SEC. 4. *Ceiling prices for processors who did not sell the item during the base period but who sold other items of the product during that period*—(a) *Items which differ only in container size.* This paragraph provides the method for pricing an item you did not sell during the base period if (1) you sold during the base period at least one other "comparison" item which differed only in container size and for which you have computed a price under this regulation and (2) you quoted prices both on the item to be priced and the "comparison" item in any written opening price list. In such case, to obtain your ceiling price for the item to be priced, apply the percentage differential, as determined from your most recent opening price list for 1950 or earlier, between the item to be priced and the comparison item, to the ceiling price established under this regulation for the comparison item.

(b) *Items which differ only in type or size of container.* If you did not sell an item during the base period and if you cannot price under paragraph (a) of this section, but if you can establish a ceiling price for another item which differed only in size of container or which differed only in type of container, you shall select the item which differs only in size of container or in type of container and which is nearest in size to the item to be priced; which item so selected shall be the "comparable item".

(1) You shall determine the "direct cost" of the comparable item. Direct cost shall include only the cost of all materials, both ingredient and packaging, and all direct processing labor.

(2) You shall then determine the "direct cost" of the item to be priced, by the same method by which the direct cost of the comparable item is determined.

(3) You shall then divide the direct cost of the comparable item into the ceiling price of the comparable item as determined under section 2 of this regulation; and multiply this quotient by the direct cost of the item to be priced. The result is the ceiling price of the item being priced.

(c) *Items which differ only in grade.* If you are unable to figure a ceiling price for an item of a particular grade of a product under section 2 of this regulation (e. g., no base period sales of the item), but are able to figure ceiling prices for three other items of the same product, as described below, you shall compute your price by a mathematical comparison of the ceiling prices of these three items. Of these comparison items, one shall differ only in grade from the item being priced and is called comparison item "A" in the following example. The second comparison item, called comparison item "B", shall differ only in container size from the item being priced. The third comparison item, called comparison item "C", shall differ both in grade and container size from the item being priced, and shall differ from the first comparison item "A" only as to container size and shall differ from the second comparison item "B" only as to grade. You shall then divide the ceiling price of item "B" by the ceiling price of item "C", and multiply the resulting figure by the ceiling price for item "A". The figure resulting from this calculation is your ceiling price f. o. b. factory for the item being priced.

Example: "X" is the ceiling needed for item being priced, #2 extra standard 3 sieve sweet peas. "A" is #2 standard 3 sieve sweet peas with ceiling of $1.50. "B" is #303 extra standard 3 sieve sweet peas with ceiling of $1.55. "C" is #303 standard 3 sieve sweet peas with ceiling of $1.35 ($1.55 divided by $1.35 equals 1.1481; 1.1481 multiplied by $1.50 equals $1.7221). $1.72 is the ceiling price for "X", #2 extra standard 3 sieve sweet peas.

(d) *Items which differ only in variety or size or sieve size of content.* If you are unable to figure a ceiling price for a particular variety or size of vegetable or sieve size of a product under section 2 of this regulation, (e. g., no base period sales of the item), but you are able to figure ceiling prices for three other items of the same product, as described below, you shall compute your price by a mathematical comparison of the ceiling prices of these other items. (In this explanation size of vegetable includes sieve size.) Of these comparison items, one shall differ only in variety or size of vegetable from the item being priced and is called comparison item "A". The second comparison item, called comparison item "B", shall differ only in container size from the item being priced. The third comparison item, called comparison item "C", shall differ both in container size and in variety or size of vegetable from the item being priced, and shall differ from the first comparison item "A" only in container size, and shall differ from the second comparison item "B" only as to variety or size of vegetable. You shall then divide the ceiling price of item "B" by the ceiling price of item "C" and multiply the resulting figure by the ceiling price for item "A". The figure resulting from this calculation is your ceiling price, f. o. b. factory, for the item being priced.

Example: "X" is the ceiling needed for item being priced. ±2 extra standard 4 sieve sweet peas. "A" is ±2 extra standard 3 sieve sweet peas with ceiling of $1.72. "B" is ±303 extra standard 4 sieve sweet peas with ceiling of $1.45. "C" is ±303 extra standard 3 sieve sweet peas with ceiling of $1.55 ($1.45 divided by $1.55 equals .9354; .9354 multiplied by $1.72 equals $1.6088.) $1.61 is the ceiling price for "X", ±2 extra standard 4 sieve sweet peas.

SEC. 5. *Ceiling prices for processor-wholesalers and for processor-retailers.* If you are a processor-wholesaler or processor-retailer, as defined in this regulation, with respect to an item, you shall compute your ceiling price for the item as follows:

(a) *Your base price.* You shall compute your base price by the first one of the following methods which is applicable: *Provided, however,* That all items of the product shall be priced by the same method.

(1) If you sold during the base period 10 percent or more of your total 1948 production of the product to wholesalers or to chain store buying agencies who were in no way associated or affiliated with you, you shall use the weighted average sales price of such sales as your base price.

(2) If you are unable to price under subparagraph (1) of this paragraph, and if you are a processor-wholesaler as defined in this regulation, you determine the weighted average sales price of your sales of the item as a wholesaler during the base period, and divide this weighted average by the markup factor provided in CPR 14 for the wholesale class in which you operate having the highest markup. If you are a processor-retailer, you determine the weighted average sales price of your sales of the item as a retailer during the the base period, and divide this weighted average by 100 percent plus the markup provided in CPR 15 for Group 4 stores.

You then deduct the total transportation cost from the wholesale or retail figure resulting from the above division. The resulting figure is your base price as that term is used in section 2 (a) of this regulation.

(b) *Ceiling price f. o. b. factory.* Using the base price determined under paragraph (a) of this section, you shall then determine your f. o. b. factory ceiling price in accordance with the provisions of section 2 of this regulation.

(c) *Ceiling prices at wholesale.* For any sales of the items at wholesale, you shall proceed as a wholesaler under the provisions of CPR 14, as amended, finding your "net cost" by substituting your f. o. b. factory ceiling price determined above for the "amount you paid your supplier" under CPR 14, as amended.

(d) *Ceiling prices at retail.* For any sales of the items at retail, you shall proceed as a Group 4 retailer under the provisions of CPR 15, as amended, finding your "net cost" by substituting your f. o. b. factory ceiling price determined above for the "amount you paid your supplier" under CPR 15, as amended.

SEC. 6. *Ceiling prices for processors who are unable to figure their ceiling prices under sections 2, 3, 4, or 5 of this regulation.* (a) If you are unable to figure your ceiling price for an item under sections 2, 3, 4, or 5 of this regulation, you shall use as your ceiling price for that item the simple average of the ceiling prices, for the same item, of the three processors of the item located nearest your factory in the same pricing area as defined in section 2 (a) (3) of this regulation. If there are less than three in the area, use the average of the available ceiling prices. If you are unable to secure the ceiling prices of the required processors located nearest you, you shall apply to the Office of Price Stabilization, Washington 25, D. C., for an individual authorization of a ceiling price in accordance with section 7 of this regulation.

(b) If you believe that the ceiling price obtained by using the provisions of paragraph (a) of this section, is not representative of the competitive price level at which you have customarily sold your products, or if you use merchandising methods in their sale and distribution different from those of such processors, you may apply to the Office of Price Stabilization, for a ceiling price. In filing an application under this section, you shall submit your selling prices for the years 1948, 1949, and 1950 (or such of these years as available), of all items of the same or most closely comparable product, and prices (if available) of the processors whose ceilings you are using for the same years covering the same or comparable product.

SEC. 7. *Individual authorization of ceiling prices.* If you cannot determine your ceiling price for an item under any of the foregoing pricing methods of this regulation you shall, before delivering the item to any purchaser, apply to the Office of Price Stabilization, Washington 25, D. C., for a ceiling price for each factory or group of factories at which you process the item.

(a) *Information that must be given in all cases.* In all such cases, you shall submit, if available, the following information in your application:

(1) A description in detail of the item for which a ceiling price is sought, a statement of the facts that make it different from the most similar item for which you have determined a ceiling price, identifying the similar item and stating its ceiling price, and a statement giving the reasons why a ceiling price cannot be established under the pricing methods of this regulation. The statement should indicate whether sales of the item have previously been made, and if so, whether a ceiling price was established under the General Ceiling Price Regulation, and if so, the ceiling price so established for each class of purchaser and the section of that regulation under which established.

(2) The 1948, 1950 and 1951 weighted average raw material costs per ton (or other unit) figured in the manner and subject to the limitations set forth in section 2 (c) of this regulation and a statement showing your current case (unit) yield.

(3) Breakdown by item of the estimated total costs computed in accordance with your customary accounting practice.

(4) The ceiling price proposed for the item, indicating whether it is for sale to wholesalers, retailers, consumers, or other classes of purchasers, and any discounts, or allowances that should be applicable to the proposed price and a list of your customary discounts, transportation and other allowances and price differentials.

(5) The volume of the item which you have on hand and which you expect to produce during the remainder of the pack year.

(b) *Supplementary information must be given if specifically requested.* You shall mail to the Office of Price Stabilization within 15 days after receipt of its request such additional information as shall be requested. If you fail, without reasonable explanation, to submit all additional information that may have been requested within 15 days after the request is mailed, your application shall be considered withdrawn and the docket closed. Unless the application is refiled, the docket will not be reopened upon later receipt of this information, and further consideration by the Office of Price Stabilization will not be given.

(c) *Disposition of application.* Upon receipt of the application, the Office of Price Stabilization will authorize a ceiling price, or a method for determining the ceiling price, for the applicant or for sellers of the item generally. The ceiling price authorized shall be one that bears a proper relationship to those for comparable commodities and sellers.

A proposed price shall be considered authorized 20 days after the application (or all additional information that may have been requested) is mailed by Registered Air Mail, addressed to Office of Price Stabilization, Washington, D. C., unless within that time, the applicant has received from the Office of Price Stabilization a notice to the contrary.

(d) *Delivery before authorization of ceiling prices.* After filing the application, you may deliver the item and receive a payment of not more than 75 percent of the proposed price, but you may not receive further payment for it until a ceiling price is authorized.

(e) *Failure to apply when required.* If you fail to apply for a ceiling price under this section when required to do so, the Office of Price Stabilization may authorize a ceiling price for your sales of the item bearing a proper relationship to those for comparable commodities and sellers. This will not relieve you of your obligation to comply with this section or with any other provision of this regulation, nor will it relieve you of any penalty for failure to do so.

(f) *Revision of prices by the Office of Price Stabilization.* Any ceiling price established under this section shall be subject to revision at any time by the Office of Price Stabilization.

SEC. 8. *Individual adjustment of processors' ceiling prices.* Provisions to be added by amendment.

SEC. 9. *Uniform f. o. b. factory prices for factories in different pricing areas.* (a) If you process the item being priced at more than one factory and if your ceiling prices for the item vary by factories located in different pricing areas, you may establish a uniform ceiling price for the item for any group of factories in those areas by figuring a weighted average of their separate ceiling prices.

(b) For any two or more factories selected by you, the "weighted average ceiling price" shall be figured by you as follows:

(1) You shall (i) determine the total estimated receipts which would have been obtained if your total production of the item at those factories during 1950 had been sold at the separate ceiling prices otherwise determined under this regulation, and (ii) divide that figure by the total number of dozens of the item included in that total production. The result is your uniform f. o. b. factory price.

(c) If you at any time recalculate your ceiling prices for an item under the provisions of section 2 of this regulation, you shall at that time refigure your weighted average ceiling price under this section.

SEC. 10. *Delivered prices.* You may figure a delivered ceiling price by adding to the ceiling price for the item f. o. b. factory, the amount of the current transportation charges per sales unit of that item.

SEC. 11. *Uniform delivered pricing by zones or areas—(a) Sellers who sold during 1950 on a uniform delivered price by zones or areas—(1) For one factory.* If you sold or delivered an item covered by this regulation during 1950 on an established uniform delivered price basis by zones or areas, you may establish a delivered ceiling price for the same zone or area by adding to your ceiling price f. o. b. factory, an average transportation charge, figured on the same basis as you figured such charge during 1950, but at current transportation rates. If you desire to sell an additional item not sold during 1950 on such uniform delivered price basis, you may establish a uniform delivered ceiling price for the same zones or areas, by adding to your f. o. b. factory ceiling price for the item, transportation charges which are mathematically proportional by shipping weight to the charges which were added to an item of the nearest shipping weight sold on a uniform delivered price basis in 1950.

(2) *For two or more factories.* If you sold an item during the calendar year 1950 from two or more factories on an established uniform delivered price basis, by zones or areas, regardless of the factories from which the shipment was made, you may continue such practice for the same zones or areas. Your uniform delivered ceiling price for the item shall be the weighted average of the delivered ceiling prices, as figured in sub-paragraph (1) of this paragraph, for the item computed on the basis of the proportion of sales of the pack of the item made during 1950 from each of your respective factories.

SEC. 12. *Payment of brokers.* In accordance with trade custom every broker shall be considered as the agent of the canner and not the agent of the buyer. In each case, the amount paid by the buyer to the processor plus any amount paid for brokerage service to the broker shall not exceed the total of the processor's ceiling price and allowable transportation costs actually paid by the processor or by the broker. The term "broker" includes a "finder."

SEC. 13. *Special packing expenses that may be reflected in ceiling prices—(a) Conditions under which special packing expenses may be reflected in ceiling prices.* Special packing expenses to meet special written requirements of the buyer for government use, for export, or for gifts are a basis for increasing ceiling prices for sales of an item if the following conditions are satisfied:

(1) The item must be packed in a manner, package or container that is different from and more expensive than standard packing; and

(2) The processor must pack the goods for sale by himself; and not for another on a custom or "toll" basis.

(b) *Ceiling prices for sales that meet the conditions of paragraph (a).* For any sale that satisfies the requirements of paragraph (a) of this section, your ceiling price as otherwise determined under this regulation may be increased by the following amount:

(1) The additional cost of packing according to the specifications of the buyer in excess of the cost of standard packing, if the processor packs the commodity himself, or

(2) The additional amount actually paid to another person for packing according to specifications of the buyer in excess of the cost of standard packing, if the processor does not pack the commodity himself.

(c) *Invoice and record-keeping requirements.* In any case where your ceiling price is increased under paragraph (b) of this section, you shall:

(1) Show separately the amount of the increase in your contract of sale or on your invoice.

(2) In addition to the records otherwise specified by this regulation, prepare and keep for inspection by the Office of Price Stabilization, for two years, from the date of your invoice to the buyer, accurate records showing the cost of standard packing and the cost of packing according to the specifications of the buyer.

(d) *Computation of costs.* Costs must be figured according to your established accounting methods. Appropriate allowances shall be made for any materials salvaged in unpacking and repacking.

(e) *Meaning of "packing" and "standard packing".* "Packing" means the providing of wrappings, inner containers, or outer containers; the placing of commodities in such wrappings or containers; the application of any special coverings or coatings; and any unpacking and repacking necessary to conform to the specifications of the buyer.

"Standard packing" means the most expensive packing the cost of which was included in figuring the ceiling prices established by this regulation.

SEC. 14. *Units of sale and fractions of a cent.* (a) Ceiling prices shall be stated in terms of the same general sales units (like dozens, cases, etc.) in which you have customarily quoted prices for the product. Sales in units other than those in which you computed your ceiling price shall be at that ceiling price adjusted for the number of containers in the unit and for customary discounts and differentials.

(b) Amounts computed in the process of figuring a ceiling price (other than the ceiling price itself) shall be carried to four decimal places (hundredth of a cent). If any figured ceiling price includes a fraction of a cent, you shall adjust the ceiling price to the nearest cent or one-half cent in accordance with your established method for quoting your sales prices.

SEC. 15. *Maintenance of customary discounts, allowances and price differentials.* You shall not change any customary allowance, discount or other price differential (as defined in section 26 of this regulation) to a purchaser or class of purchasers, if the change results in a higher price to that purchaser or class. However, this provision shall not require you to sell any item unlabeled, or under a buyer's label, or to extend or duplicate any temporary promotional campaign.

SEC. 16. *Export sales.* The ceiling price at which you may export any item covered by this regulation shall be determined in accordance with the regulation applicable to such sales.

SEC. 17. *Storage.* Storage costs incurred on goods owned by you shall not be added to your ceiling prices if customarily absorbed by you. Storage by you of goods owned by the buyer shall be charged for in accordance with the rates provided by the ceiling price regulation applicable to such services.

SEC. 18. *Records which must be kept.* If you make sales covered by this regulation, you shall:

(a) Make and preserve for examination by the Office of Price Stabilization for two years from the date of your invoice to the buyer, all records of the same kind as you have customarily kept, relating to the prices which you charged for those sales, and

(b) Preserve for examination by the Office of Price Stabilization for as long as the Defense Production Act of 1950 remains in effect, and for two years thereafter, all your existing records which were the basis of figuring your ceiling prices in the manner directed by this regulation, showing the method used in figuring the ceiling prices.

SEC. 19. *Reports which must be filed.* (a) If you determine ceiling prices for items of the processed vegetables covered by this regulation, you shall mail to the Office of Price Stabilization, Washington 25, D. C., a report on OPS Public Form No. 66, signed by you, for all items for which you determine ceiling prices under this regulation. All items of the product of a particular vegetable shall be included on one-form. However, a supplemental form shall be filed if ceiling prices for some items of a product are determined at a later date. You will be furnished with copies of that reporting form. However, if additional copies are needed, they may be obtained from any

field office of the Office of Price Stabilization, or from the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C.

(b) The reports required by this section for any item shall be mailed to the Office of Price Stabilization, Washington 25, D. C., within 5 days after such item is offered for sale hereunder.

SEC. 20. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, invoice or similiar evidence of purchase, you shall continue to do so. Upon request, you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the name and quantity of each item sold, and the price received for it.

SEC. 21. *Transfers of factory.* If a factory of a processor subject to this regulation is sold or its operation otherwise transferred to you on or after July 25, 1951, your ceiling prices with respect to such factory shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to you all records of transactions prior to the transfer which he has and which are necessary to enable you to comply with the record provisions of this regulation.

SEC. 22. *Adjustable pricing.* You may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery, but you may not, unless authorized by the Office of Price Stabilization, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Stabilization after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution and will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act upon a pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated action is the authorization of an individual ceiling price.

SEC. 23. *Treatment of excise taxes*—(a) *Taxes in effect during base period.* If during the base period, you separately stated and collected any excise or similar tax you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily during the base period state and collect separately from the purchase price, the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price.

(b) *Taxes imposed since base period.* In all other cases, if at the time you determine your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you.

In every case when the tax is collected from the purchaser the amount thereof shall be separately stated.

SEC. 24. *Compliance with this regulation*—(a) *No selling or buying above ceiling prices.* Regardless of any contract or obligation no person shall sell or deliver or, in the course of trade, buy or receive any item at a price higher than the ceiling price established by this regulation.

(b) *Evasion.* No person shall evade a ceiling price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium, or other privilege; by tie-in requirement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 25. *Petitions for amendments, protests and interpretations.* Any protest, petition for amendment, or request for interpretation of this regulation, may be filed in accordance with the provisions of Price Procedural Regulation 1, revised.

SEC. 26. *Definitions.* When used in this regulation the term:

(a) "Base period" means the sixty-day period beginning with the first day in 1948 that the processor processed any item of a product of a vegetable covered by this regulation.

(b) "Customary allowances, discounts and price differentials" means those differentials for cash discount, swell allowance, allowance for buyer's labels, for unlabeled goods, for differences in volume of sales, for class of buyer, for class of sale, or for method or time of delivery which were customary in the business of the canner and in effect prior to and during the base period.

(c) "Grade" means the commercial grade or customary trade quality designation at the time of shipment. However, where the canner elects to use grades as established and defined by any governmental agency and sells the item under any such grade designation, the term "grade" means such grade at time of shipment.

(d) "Item" means a kind, variety, grade, density, size or sieve size, style of pack, or container type and size of a product.

(e) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

(f) "Processor" means a person who is engaged commercially in preserving a vegetable by processing so as to materially extend the period of its availability for consumption as a food. The term includes a person who has the item processed for him by another and who owns the raw material immediately prior to and throughout the processing.

(g) "Processor-retailer" means a processor who sells the item at retail.

(h) "Processor-wholesaler" means a processor who sells the item at wholesale.

(i) "Product" means the common and usual name of a finished food processed from a vegetable covered by this regulation.

(j) "Sales at retail" means sales to ultimate consumers other than commercial, industrial and institutional users.

(k) "Sales at wholesale" means sales with respect to which processor has performed the function of selling as a wholesaler to retail stores, but not including sales to chain stores buying agencies, or to associations of retail store buying agencies which warehouse the product prior to distribution to the individual retail outlet.

(l) "Sales units" means your customary invoicing quantities of the item, such as dozens, cases, etc.

(m) "weighted average raw material cost" means the total amount paid by the processor to the grower for the raw agricultural material plus any transportation, storage, harvesting, seeds and plants, crates, boxes, bags, acquisition, and other direct costs, paid or incurred by the processor up to the point of delivery at the factory, divided by the total tons (or other units) of raw material purchased.

(n) "You" or "Your" means any processor whose sales are covered by this regulation.

Effective date. The effective date of this regulation is August 5, 1951, or such earlier date between July 25, 1951, and August 5, 1951, as you may select. If you select an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8691; Filed, July 25, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 44]

GCPR, SR 44—MAXIMUM RATES FOR THE TRANSPORTATION OF CERTAIN COMMODITIES IN BULK CARGO LOTS VIA VESSEL BETWEEN GULF PORTS AND FROM GULF PORTS TO NORTH ATLANTIC PORTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 44 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued to enable contract water carriers engaged in the transportation of (1) phosphate rock, sulphur or soda ash, in bulk, from Gulf Ports to U. S. Atlantic Coast ports and (2) phosphate rock or sulphur, in bulk, between U. S. Gulf Ports, to increase their rates for such service up to the levels established in the period 1943–1946 by order of the War Shipping Administration.

In recent years, the coastwise movement of bulk commodities has declined greatly. This decline in volume caused competing carriers to reduce the rates charged for the transportation of sulphur, phosphate rock, and soda ash in bulk cargo vessels. Rather than take these vessels out of service completely, or commit them to the more lucrative offshore trade, certain carriers continued to employ them in the coastwise trade at the level of rates presently prevailing. Consequently, the transportation rates for this service frozen under the General Ceiling Price Regulation are extremely depressed.

Rates for the transportation of commodities by water carrier in the offshore trade, as distinguished from the coastwise trade, are not controlled by the Office of Price Stabilization or any other regulatory body. As a result of the increased offshore movements of cargo required in the national interest, there has developed a critical scarcity of available vessels for operation in the offshore trade. The result has been that many vessels which would ordinarily seek employment in the coastwise trade have found employment in the offshore trade and will remain so employed because of the greater profit opportunities. Unless some relief is afforded to those vessels which still remain in the coastwise trade, they may be compelled to seek employment in the offshore trade for the same reasons.

Shippers of phosphate rock, sulphur, and soda ash, in bulk, have only water and rail transportation available. The diversion of coastwise vessels to the offshore trade has forced some shippers to utilize rail service in lieu of water service, at rates ranging from two to four times the water carrier rates for shipments moving between the same points. In addition to higher transportation rates, shippers incur greater handling costs on rail shipments because, in many instances, plant facilities are geared to receive water shipments. Moreover, if the commodities covered by this regulation are diverted to rail service, they would have to be transported in rail boxcars. Such equipment is already in short supply and is vitally required for the movement of other essential defense items which are not susceptible of transportation by water. Shippers interested in the continued availability of vessels in the coastwise trade have expressed their desire to have increases authorized in order to assure the continued operation of such vessels. The rates established by this supplementary regulation are considered fair and equitable by the shippers affected thereby, and furthermore, these shippers have indicated their willingness to absorb the increases authorized herein.

This supplementary regulation incorporates the provisions of certain rate orders promulgated by the War Shipping Administration. Since December 3, 1946, the differential between water rates and rail rates for the subject transportation has increased as a consequence of the above mentioned decline in the level of water rates while rail rates were rising. As an illustration, as of December 3, 1946, the rate for the transportation of sulphur, in bulk, from Gulf Ports to New York, New York, by water carrier was $6.50 per gross ton, whereas the rate for rail service between the same points was $12.544 per gross ton. The water rate in effect during the base period of December 19, 1950, to January 25, 1951, was $4.50 per gross ton, whereas the rail rate had increased to $15.904 per gross ton. Similarly the water rates for the transportation of the other commodities covered by this regulation, between the points involved, have decreased while rail rates were rising.

The Director has concluded that the action taken by the regulation is the most practical course at his disposal at the present time for affording relief to the water carriers affected, and thereby, assuring a continued supply of vessels needed to transport phosphate rock, sulphur, and soda ash. The rates established by this regulation are maximum rates only and it is not a violation of this regulation to charge rates below those established herein.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of the Office of Price Stabilization, the rates contained in this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national defense effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950.

In formulating this supplementary regulation the Director has consulted with representatives of the industries, so far as practicable under the circumstances, and has given fair consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Applicability.
3. Ceiling rates.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., as amended. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this supplementary regulation is to establish ceiling rates for certain contract water carriers engaged in the transportation of phosphate rock, sulphur, or soda ash, in bulk, from United States ports on the Gulf of Mexico to United States ports on the Atlantic Coast and of phosphate rock, or sulphur, in bulk, between United States ports on the Gulf of Mexico.

SEC. 2. *Applicability.* The provisions of this supplementary regulation shall apply to any carrier, other than a common carrier as defined in section 302 (d), Interstate Commerce Act, as amended, engaged in the transportation, under individual contract or agreement, of phosphate rock, sulphur, or soda ash, in bulk, from United States ports on the Gulf of Mexico to United States ports on the Atlantic Coast, or, of phosphate rock, or sulphur, in bulk, between United States ports on the Gulf of Mexico.

SEC. 3. *Ceiling rates.* (a) *Rates for the transportation of phosphate rock, in bulk, from Tampa or Port Tampa, Fla. to Houston, Texas.* The ceiling rate of any carrier subject to this supplementary regulation which is engaged in performing such transportation service shall be: Four dollars forty-four cents ($4.44) per ton of 2240 pounds, subject to all other charter terms and conditions, if any, which were in effect during the base period of December 19, 1950 to January 25, 1951.

(b) *Rates for the transportation of sulphur, in bulk, from Galveston, Texas to Tampa, Fla.* The ceiling rate for any carrier subject to this supplementary regulation which is engaged in performing such transportation service shall be: Five dollars twelve cents ($5.12) per ton of 2240 pounds, subject to all other charter terms and conditions, if any, which were in effect during the base period of December 19, 1950 to January 25, 1951.

(c) *Rates for the transportation of soda ash, in bulk, from Baton Rouge, La. to Hopewell, Va.* The ceiling rate for any carrier subject to this supplementary regulation which is engaged in performing such transportation service shall be: Five dollars seventy-five cents ($5.75) per ton of 2240 pounds, subject to all other charter terms and conditions, if any, which were in effect during the base period of December 19, 1950 to January 25, 1951.

(d) *Rates for the transportation of phosphate rock, in bulk, from ports in Florida to ports on the Atlantic Coast of the United States.* The ceiling rate for any carrier subject to this supplementary regulation which is engaged in performing such transportation service shall be as follows:

RATES PER TON OF 2240 POUNDS

To—	Rate
Norfolk, Va	$5.10
Baltimore, Md	5.25
Philadelphia, Pa	5.30
New York, N.Y	5.65
Boston, Mass	6.00
Weymouth, Mass	6.00
Portland, Me	6.05
Searsport, Me	6.15

These rates shall be subject to all other charter terms and conditions, if any, which were in effect during the base period of December 19, 1950 to January 25, 1951.

(e) *Rates for the transportation of sulphur, in bulk, from United States ports located on the Gulf of Mexico, to ports on the Atlantic Coast of the United States.* The ceiling rate for any carrier subject to this supplementary regulation which is engaged in performing such transportation service shall be as follows:

RATES PER TON OF 2240 POUNDS

To—	Rate
Jacksonville, Fla	$5.50
Savannah, Ga	5.65
Charleston, S. C	5.65
Wilmington, N. C	5.75
Hampton Roads, Va	6.00
Baltimore, Md	$6.15
Philadelphia, Pa	6.20
New York, N. Y	6.50
Boston, Mass	6.90
Portland, Me	6.95
Searsport, Me	7.05

These rates shall be subject to all other charter terms and conditions, if any, which were in effect during the base period of December 19, 1950 to January 25, 1951.

SEC. 4. *Miscellaneous.* Those water carriers subject to this supplementary regulation shall remain subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation, including, but not limited to, the enforcement and penalty provisions thereof and the requirement of keeping on file for inspection a statement of their ceiling prices or rates.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 30th day of July, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8690; Filed, July 25, 1951; 4:00 p. m.]

[General Overriding Regulation 7, Amendment 3]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 7, is issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, exempts from ceiling price restrictions imposed by the Office of Price Stabilization bottled natural or distilled waters when they are neither flavored nor carbonated. The waters covered by this exemption have little or no effect on the cost of living, the cost of the defense effort, and the general current of industrial costs. In addition, any ceiling price restrictions imposed on these waters would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control. In view of the nature of the commodity exempted there is no reason to believe that this amendment will have any material effect on the general level of prices, or that it will affect the prices of other commodities through diversion of materials, labor or facilities.

In the judgment of the Director of Price Stabilization, the exemption provided for by this amendment will not impair the carrying out of the requirements of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

General Overriding Regulation 7, is amended by adding a new section to read as follows:

SEC. 6. *Bottled natural or distilled water.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of bottled natural or distilled water, provided it is neither carbonated nor flavored.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective July 25, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8688; Filed, July 25, 1951; 11:44 a. m.]

[General Overriding Regulation 14, Amendment 1]

GOR 14—EXCEPTED SERVICES

CERTAIN RAILROAD CAR REPAIR SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

Each year the Association of American Railroads issues a Code of Rules governing the condition of, and charges for repairs to, freight and passenger cars used in interchange service when made by one participant in the Code on cars owned by another participant. Under the Code of Rules, cars interchanged by subscribers thereto must be inspected at railroad junction points, and repairs necessary to insure safe operation must be made before the cars may proceed. The charges set forth in the Code are based on the average current labor rates and material costs of all the subscribers to the Code, without profit, and practically all owners of railroad cars used in interchange service subscribe to the Code.

While in any particular month some car owners will perform more than their normal quota of repair work, for the most part there will be leveling off over a period of time as to the amount of repair work performed by the respective car owners. By utilizing the repair service provided for in the Code of Rules, the cost to the car owners is either the same as, or less than, the cost would be if they performed their own repair work. Since the repair services referred to are performed, without profit, exclusively among participants in the Code of Rules, the exemption from price control will in no way defeat or impair the price stabilization program, nor will such exemption have any material effect upon the cost of living or upon the general level of prices.

AMENDATORY PROVISIONS

General Overriding Regulation 14 is amended by adding a new section 4 to read as follows:

SEC. 4. Railroad car repair services performed by a railroad or other railroad car owner which is a party to the freight and passenger car interchange rules agreement of the Association of American Railroads in effect at the time of performance, when the charges for such services (including the furnishing of repair parts incidental thereto) are prescribed by the Code of Rules of the Association of American Railroads governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to General Overriding Regulation 14 shall become effective July 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8687; Filed, July 25, 1951; 11:44 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 13]

GWR 13—FRINGE BENEFITS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

On February 27, 1951, the Economic Stabilization Administrator requested the Wage Stabilization Board to prepare regulations dealing with "health, welfare and pension plans," and to make recommendations with regard to other major fringe benefits. The Board is considering health, welfare and pensions plans, with a view to a regulation dealing with them. This regulation deals with other fringe benefits. Paid vacations illustrate the type of benefit which is common in industrial compensation practices, and for which a stabilization policy is currently needed.

Pending review of basic wage stabilization policy, this regulation is issued to provide that the Board will act upon petitions for approval of certain fringe benefits which do not exceed the prevailing industry or area practice as to either amount or type. Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act. The Economic Stabilization Administrator has been consulted in the formulation of this regulation.

REGULATORY PROVISIONS

Sec.
1. Scope of this regulation.
2. Standards for approval of fringe benefits.
3. Petitions for approval of fringe benefits.
4. Relation to General Wage Regulation No. 6.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, 15 F. R. 6105; E. O. 10233, 16 F. R. 3503.

SECTION 1. *Scope of this regulation.* This regulation covers paid vacations, paid holidays, premium pay relative to days and hours of work, shift differentials, call-in pay, and such other fringe benefits as the Wage Stabilization Board may from time to time determine.

SEC. 2. *Standards for approval of fringe benefits.* The Wage Stabilization Board will act upon petitions for approval of fringe benefits which do not exceed prevailing industry or area practice either as to amount or type.

SEC. 3. *Petitions for approval of fringe benefits.* Petitions for approval of the introduction or extension of any fringe benefit or of any increase in the amount thereof may be submitted to the nearest appropriate office of the Wage and Hour Division of the United States Department of Labor. Such petition shall contain proof that the proposed fringe benefits do not exceed prevailing industry or area practice either as to amount or type.

SEC. 4. *Relation to General Wage Regulation No. 6.* Fringe benefits hereafter approved by the Wage Stabilization Board under this regulation will not be offset against the increase permissible under General Wage Regulation No. 6.

Adopted July 19, 1951.[1]

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-8653; Filed, July 25, 1951; 8:46 a. m.]

Chapter XIV—General Services Administration

[Amdt. 2]

TUNGSTEN REGULATION; DOMESTIC TUNGSTEN PROGRAM

PARTICIPATION IN PROGRAM

This regulation, appearing at 16 F. R. 4373, as amended by Amendment 1, "Duration of Program", appearing at 16 F. R. 5901, is further amended for the purpose of extending the time within which persons desiring to participate in the Domestic Tungsten Program may give notice. The first sentence of section 3 (a) is amended to read as follows: "Any person may participate in the Program by notice given to the nearest General Services Administration regional office, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than September 1, 1951."

This amendment 2 shall be effective as of June 30, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong., sec. 303, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Dated: July 21, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-8608; Filed, July 25, 1951; 8:49 a. m.]

[1] Approving: Public members—Taylor, Feinsinger, Hepburn, Bullen. Labor members—Walker, Livingston, Birthright, Beirne. Industry members—Heron.
Dissenting: Industry members—Smith, Gander, Armstrong.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that use by the general public of certain reservoir areas specified hereinafter for boating, fishing, bathing and other recreational purposes, and that prohibition of placement of houseboats in Fort Supply Reservoir, Oklahoma, will be in the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes the following rules and regulations governing public use of certain reservoir areas specified hereinafter and amends previously prescribed rules and regulations to prohibit placement of houseboats in Fort Supply Reservoir, pursuant to the provisions of section 4 of an Act of Congress approved December 22, 1944 (58 Stat. 889, 16 U. S. C. 460d), as amended by the Flood Control Act of 1946 (Public Law 526—79th Congress).

1. Add new paragraphs (ff), (gg), (hh), and (ii) to § 311.1, as follows:

§ 311.1 *Areas covered.* * * *

(ff) Bull Shoals Reservoir Area, White River, Arkansas and Missouri.

(gg) Dillon Reservoir Area, Licking River, Ohio.

(hh) Dorena Reservoir Area, Row River, Oregon.

(ii) Hulah Reservoir Area, Caney River, Kansas and Oklahoma.

2. Add new subparagraphs (13) and (14) to paragraph (a) of § 311.4.

§ 311.4 *Houseboats.* (a) * * *

(13) Fort Supply Reservoir Area, Wolf Creek, Oklahoma.

(14) Hulah Reservoir Area, Caney River, Kansas and Oklahoma.

[Regs. July 5, 1951, ENGWO] (Sec. 4, 58 Stat. 889, as amended; 16 U. S. C. 460d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8609; Filed, July 25, 1951; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 734]

ALASKA

RESERVATION OF LANDS WITHIN TONGASS NATIONAL FOREST AS A PUBLIC SERVICE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described tract of public land within the Tongass National Forest in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of, and administration by the Forest Service, Department of Agriculture, and the Bureau of Land Management, Department of the Interior, as the Whipple Creek Public Service Site:

Beginning at a point on the southeast boundary of U. S. Survey No. 2802 from which corner No. 1 of said survey bears N. 30° E., 220 feet, thence by metes and bounds:

N. 30° 00' E., 817.0 feet to corner No. 6 of U. S. S. 2803;
N. 46° 30' E., 860.0 feet;
S. 43° 30' E., 1,080.0 feet;
S. 46° 30' W., 1,160.0 feet;
S. 83° 57' W., 548.0 feet to PC 566+57.4 on southeast edge of the right-of-way of North Tongass Highway;
Southerly and westerly, 353.0 feet parallel to and 33 feet from the centerline of North Tongass Highway;
N. 12° 00' W., 437.0 feet to point of beginning.

The tract described contains approximately 37.5 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national-forest purposes.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 20, 1951.

[F. R. Doc. 51-8572; Filed, July 25, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of July A. D. 1951.

Upon consideration of the record in the above-entitled proceeding, and of the petitions for reconsideration, and other relief, filed by the American Trucking Associations, Inc., and others; and good cause appearing therefor:

It is ordered, That the effective date of the order heretofore entered in the said proceeding on May 8, 1951 (16 F. R. 4805), be, and it is hereby, postponed from August 1, 1951, to September 1, 1951.

By the Commission.

(49 Stat. 546, as amended; 49 U. S. C. 304)

[SEAL] W. P. BARTEL, Secretary.

[F. R. Doc. 51-8584; Filed, July 25, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 904]

[Docket No. AO-14-A20]

HANDLING OF MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Burlington, Vermont, and at Boston Massachusetts, on April 2-7, 1951, inclusive, pursuant to notice thereof which was issued on March 14, 1951 (16 F. R. 2511).

The material issues presented on the record were related to several provisions of the order including a proposed method for computing a composite wage index for use in the Class I price formula. It is imperative that action be taken as soon as possible in regard to the method of computing a composite wage index for use in the Class I price formula since the publication of the data prescribed by the order for use in the formula computation has been discontinued. This decision is made, therefore, with respect to the issue requiring immediate action whereas other issues require further study and will be treated in a separate decision. A recommended decision and opportunity to file written exceptions, with respect to the aforesaid issues, was filed with the Hearing Clerk, United States Department of Agriculture, on July 13, 1951 (16 F. R. 6873). No exceptions to the findings and conclusions, with respect to this issue, were filed within the period allotted for such exceptions.

Findings and conclusions. The following findings and conclusions on the issue decided herein are based upon the evidence introduced at the hearing and the record thereof.

The order should provide for the computation of a composite wage rate index which would be similar to the farm-wage rate index which has been utilized in the calculation of the Class I formula price since the adoption of that formula April 1, 1948. The United States Department of Agriculture is no longer collecting information from which the monthly composite wage rates were computed and that series has been discontinued. Therefore, it is necessary to compute an equivalent composite farm wage rate. Farm wage rates are recorded quarterly by the United States Department of Agriculture as rates per month with board and room, per month with house, per week with board and room, per week without room or board, and per day without board or room. These rates should be expressed as a simple average monthly composite rate by converting the weekly rates to a monthly equivalent by multiplying by 4.33 weeks and by converting the daily rate to a monthly basis by using 26 working days per month. The simple average monthly composite farm wage rates for each of the four states used in the Class I formula should be combined according to the weights expressed in the order. In order to express the wage rates as an index on the same basis as that used in converting the previously published monthly composite farm wage rates to an index number for computation of the formula price, it is necessary to divide the milkshed average composite wage rate figure by .6394. This factor is determined from the average relationship of the milkshed average wage rate figure derived from the currently published data to this series which was previously published and used in the computation of the formula price.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, amending the order, now in effect, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of July 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 904.7 (a) (3) (ii) and substitute the following:

(ii) For each of the States of Maine, Massachusetts, New Hampshire, and Vermont, compute the simple average, on a monthly equivalent basis, of the following farm wage rates reported by the United States Department of Agriculture: The rate per month with board and room; the rate per month with house; the rate per week with board and room; the rate per week without board or room; and the rate per day without board or room. To convert the weekly rates and the daily rate to monthly equivalents, multiply the weekly rates by 4.33 and the daily rate by 26. From the simple averages, compute a combined weighted average monthly rate, using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly rate by 0.6394, and multiply the result by 0.4.

[F. R. Doc. 51-8674; Filed, July 25, 1951; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 242, AMENDED

JULY 17, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (2) of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), the description of the tract of land in Air Navigation Site Withdrawal No. 242, of October 22, 1947, is hereby amended to read as follows:

Beginning at a point marked by a one inch iron pipe on the south bank of the Kvichak River, approximately 25 feet above water level and approximately 2,300 feet downstream from the outlet of Iliamna Lake, approximate latitude 59°19' N., longitude 155°56' W., whence U. S. C. and G. S. Azimuth Monument "Igiugig" bears N. 56°26' E., 2,245 feet, thence by metes and bounds,

South 301 feet; N. 82°00' E., 1,200 feet; south 1,600 feet; west 2,030 feet; S. 72°00' W., 2,000 feet; N. 18°00' W., 1,075 feet; N. 72°00' E., 1,080 feet; north 830 feet, approximately, to south bank of the Kvichak River;

Easterly 2,170 feet, approximately, upstream along the meanders of said river;

South 45 feet to point of beginning.

The tract as described contains approximately 154 acres.

As to the lands released from Air Navigation Site No. 242, by this amendment, this order shall become effective at 10.00 a. m. on August 20, 1951. At that time such released lands, all of which are unsurveyed, shall, subject to valid existing rights, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), only, and to that form of appropriation only by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747, as amended (43 U. S. C. 279-284). Commencing at 10:00 a. m. on November 19, 1951, any of such lands not settled upon by veterans shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 51-8576; Filed, July 25, 1951; 8:47 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 42

JULY 18, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427 approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended the following described public lands in the Anchorage, Alaska District comprising 48 small tracts embracing approximately 228.01 acres, for lease and sale:

NANCY LAKE AREA

FOR CABIN SITES

Seward Meridian

T. 19 N., R. 4 W.,

Sec. 28: Lot 8, that portion which would be if described in terms of a normal subdivision: E½SW¼SW¼, W½SE¼SW¼.

Sec. 33: Lot 1, that portion which would be if described in terms of a normal subdivision: NW¼NW¼NE¼, E½NE¼NW¼, S½NW¼NE¼. Lots 2, 4, 5, 6, 7.

Sec. 34: Lots 2, 6.

2. The lands are located at Nancy Lake, along the Alaska Railroad approximately 75 railroad miles from the city of Anchorage. Recently restored from a beaver and muskrat preserve by Public Land Order 720, the lands are by this order subject to application under the Small Tract Act. Access to the area may be obtained by the use of float planes or by the Alaska Railroad. Highway access to within two and one-half miles is possible during the summer months through use of the Willow Creek Road. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate of the interior of Alaska.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 7, 1951. At that time the land

shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference right filings.* For a period of 90 days from 10:00 a. m. on August 7, 1951, to close of business on November 5, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the Act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior valid existing rights or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 6, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within the life of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued before favorable consideration will be given for purchase of the tract. Leases will be for a period of not more than two years, at an annual rental of $5.00, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.9 to approximately 7.5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

8. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, or as shown on the classification map on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All wells and sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease: *Provided, however*, That if said tract abuts upon any stream, lake or other body of fresh water no well or sewage disposal facility shall be placed within 100 feet of such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendation of the Alaska Territorial Department of Health.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-8577; Filed, July 25, 1951; 8:47 a. m.]

ANCHORAGE, ALASKA

TRUSTEE'S NOTICE OF SALE, DILLINGHAM TOWNSITE

JULY 18, 1951.

Notice is hereby given that there will be offered at public sale to the highest bidder at 1:00 p. m. on Thursday, August 23, 1951, at the Dillingham Commercial Company Theater, Dillingham, Alaska, the lots listed at the end of this notice. No lot will be sold for less than the appraised price as shown below. Bids may be offered by all who may care to do so, and when there will be no further offers the lot will be declared sold to the last and highest bidder. All sales will be for cash, and the successful bidder must make full payment at the time of sale.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn or postpone the sale of any lot or lots, and to reappraise lots at the time of sale or after the sale has been adjourned or closed. Lots remaining unsold after the sale do not become subject to private entry. Deeds to lots sold will be issued by the Townsite Trustee and will contain a reservation of fissionable materials. All persons are warned against violation of the provisions of 18 U. S. C. 1860 prohibiting unlawful combination or intimidation of bidders.

The following are the vacant lots being offered for sale and the minimum bid price for each lot:

BLOCK 1

Lot 1	$30.00	Lot 4	$30.00
Lot 2	30.00	Lot 5	30.00
Lot 3	30.00	Lot 6	30.00

BLOCK 2

Lot 1	$30.00	Lot 8	$30.00
Lot 2	30.00	Lot 9	30.00
Lot 3	30.00	Lot 10	30.00
Lot 4	30.00	Lot 11	30.00
Lot 5	30.00	Lot 13	30.00
Lot 6	30.00	Lot 14	30.00
Lot 7	30.00		

BLOCK 3

Lot 6	$30.00	Lot 13	$30.00
Lot 7	30.00	Lot 14	30.00

BLOCK 6

Lot 1	$25.00	Lot 8	$25.00
Lot 2	25.00	Lot 11	25.00
Lot 3	25.00	Lot 12	25.00
Lot 4	25.00	Lot 13	25.00
Lot 5	25.00	Lot 18	35.00
Lot 6	25.00	Lot 19	25.00
Lot 7	25.00		

BLOCK 7

Lot 1	$50.00	Lot 5	$30.00
Lot 2	75.00	Lot 8	75.00
Lot 3	75.00	Lot 9	30.00
Lot 4	30.00		

BLOCK 8

Lot 1	$50.00	Lot 5	$40.00
Lot 2	50.00	Lot 6	40.00
Lot 3	50.00	Lot 7	30.00
Lot 4	50.00	Lot 8	30.00

BLOCK 9

Lot 1	$60.00	Lot 2	$60.00

BLOCK 10

Lot 2	$50.00

BLOCK 11

Lot 4	$60.00	Lot 6	$50.00

BLOCK 12

Lot 2	$75.00	Lot 5	$75.00

BLOCK 13

Lot 1	$50.00	Lot 2	$50.00

BLOCK 14

Lot 1	$50.00	Lot 3	$50.00
Lot 2	50.00	Lot 6	50.00

BLOCK 15

Lot 3	$35.00	Lot 5	$35.00
Lot 4	35.00	Lot 6	50.00

BLOCK 19

Lot 23	$50.00	Lot 30	$35.00
Lot 26	50.00	Lot 31	35.00
Lot 27	50.00	Lot 32	35.00
Lot 28	50.00	Lot 33	35.00
Lot 29	50.00		

BLOCK 22

Lot 4	$70.00

BLOCK 24

Lot 1	$35.00	Lot 3	$35.00
Lot 2	35.00	Lot 4	35.00

BLOCK 25

Lot 1	$35.00	Lot 5	$35.00
Lot 2	35.00	Lot 6	35.00
Lot 3	35.00	Lot 7	35.00
Lot 4	35.00	Lot 8	35.00

BLOCK 26

Lot 1	$50.00	Lot 4	$50.00
Lot 2	50.00	Lot 5	50.00
Lot 3	50.00	Lot 6	50.00

BLOCK 27

Lot 1	$50.00	Lot 4	$50.00
Lot 2	50.00		

BLOCK 28

Lot 1	$35.00	Lot 5	$35.00
Lot 2	35.00	Lot 6	35.00
Lot 3	35.00	Lot 7	35.00
Lot 4	35.00	Lot 8	35.00

BLOCK 29

Lot 4	$35.00	Lot 8	$35.00
Lot 5	35.00	Lot 9	35.00
Lot 6	35.00	Lot 10	35.00
Lot 7	35.00		

BLOCK 30

Lot 15	$75.00	Lot 16	$50.00

The following are occupied lots on which the assessments have not been paid. Should the delinquent allottee, prior to the sale of the lot claimed by him, pay the assessments thereon, the lot will not be offered at public sale:

BLOCK 6

Lot 14	$25.00
Lot 15	25.00

BLOCK 11

Lot 2	$75.00

BLOCK 17

Lot 7	$75.00
Lot 9	75.00

BLOCK 18

Lot 1	$75.00
Lot 3	35.00

BLOCK 29

Lot 13	$50.00

BLOCK 31

Lot 6	$50.00

LOWELL M. PUCKETT,
Regional Administrator and Townsite Trustee.

[F. R. Doc. 51-8578; Filed, July 25, 1951; 8:47 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 282

JULY 6, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 90 acres,

FOR LEASE AND SALE

FOR HOMESITES ONLY

T. 5 N., R. 14 W., S. B. M.,
Sec. 31, NE¼NE¼SE¼,
Sec. 32, Tracts numbered 3 to 18 both inclusive, (formerly N½SW¼).

The lands are situated in Los Angeles County, California, about 10 miles northeast of the Town of Saugus. This town possesses all of the usual community services. The lands are on the edge of the Mojave Desert but are in the hills that have an elevation of approximately 2,000 feet above sea level. They are in an area that is being used extensively for homesite purposes. They can be reached over U. S. Highway 6 from Los Angeles and thence by country roads.

2. As to applications regularly filed prior to 8:30 a. m., November 2, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 7, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 7, 1951, to close of business on December 6, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., November 2, 1948, to 10:00 a. m., September 7, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 7, 1951.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., November 2, 1948, to 10:00 a. m., December 7, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660-feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-8612; Filed, July 25, 1951; 8:50 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 283

JULY 6, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 25 acres,

FOR LEASE AND SALE

FOR HOMESITES ONLY

T. 5 N., R. 14 W., S. B. M.
Sec. 32, Tracts numbered 19, 20, 21, 22, and 26 (formerly a part of the SE¼SW¼).

The lands are situated in Los Angeles County, California, about 10 miles northeast of the Town of Saugus. This town possesses all of the usual community services. The lands are on the edge of the Mojave Desert but are in the hills that have an elevation of approximately 2,000 feet above sea level. They are in an area that is being used extensively for homesite purposes. They can be reached over U. S. Highway 6 from Los Angeles and thence by country roads.

2. As to applications regularly filed prior to 8:30 a. m., March 22, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 7, 1951.

At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 7, 1951, to close of business on December 6, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., September 7, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 7, 1951.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., December 7, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-8613; Filed, July 25, 1951; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4109]

AIRLINE TRANSPORT CARRIERS, INC., AND CALIFORNIA CENTRAL AIRLINES ENFORCEMENT PROCEEDING; INTERLOCKING RELATIONSHIP

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Charles C. Sherman and Edna K. Sherman for approval of certain interlocking relationships and stock ownership, and an investigation into the relationships between Airline Transport Carriers, Inc., and California Central Airlines.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned to be held on July 23, 1951, is postponed to August 13, 1951, at 10:00 a. m., e. d. s. t., in Room 5842 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., July 23, 1951.

By the Civil Aeronautics Board:

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-8620; Filed, July 25, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6364]

TENNESSEE VALLEY AUTHORITY ET AL.

NOTICE OF ORDER APPROVING USE AND MAINTENANCE OF INTERCONNECTIONS FOR CERTAIN EMERGENCY PURPOSES

JULY 20, 1951.

In the matters of Tennessee Valley Authority, Public Service Company of Indiana, Inc., Atomic Energy Commission, The Dayton Power and Light Company, Indianapolis Power & Light Company, Southern Indiana Gas and Electric Company, Northern Indiana Public Service Company; Docket No. E-6364.

Notice is hereby given that, on July 18, 1951, the Federal Power Commission issued its order entered July 17, 1951, in the above-entitled matter, approving the use and maintenance of interconnections, for emergency purposes, for the purpose of service to Tennessee Valley Authority for the Oak Ridge Plant until June 30, 1952; for the purpose of service to Public Service Company of Indiana, Inc., for the Wabash Plant to June 30, 1953, and granting exemption to The Dayton Power and Light Company, Indianapolis Power & Light Company, Southern Indiana Gas and Electric Company and Northern Indiana Public Service Company for use of said interconnections.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8566; Filed, July 25, 1951; 8:45 a. m.]

[Docket No. E-6370]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER TO ARKANSAS POWER & LIGHT CO.

JULY 20, 1951.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Acting Secretary of the Interior filed with the Federal Power Commission for confirmation and approval a schedule of rates and charges for the sale of electric power and energy by the Southwestern Power Administration (SPA) to Arkansas Power & Light Company during a period of eighteen months ending December 31, 1952, from Norfork Dam Project.

In summary the contract between the parties provides as follows:

1. SPA will sell 4,000,000 kwh per month to the Company scheduled at a rate not less than 10,000 kw and not greater than 20,000 kw under SPA Rate Schedule "A" heretofore approved by the Commission.

2. SPA will sell to the Company such additional power and energy, as it determines in its sole judgment to be available, as the parties from time to time mutually agree shall be scheduled and delivered, under SPA Rate Schedule "A."

3. SPA will sell to the Company off-peak dump energy at a rate of 1.25 mills per kwh.

4. The Company during its off-peak periods will supply SPA with energy at a rate governed by the actual load of SPA's customers. In return SPA, in the following month, will deliver electric energy to the Company during on-peak hours at a rate derived by dividing by 200 the total number of kwh received by SPA during the previous month. The Company will compensate SPA for the capacity utilized in returning the energy at a rate of $0.70 per month per kw of the maximum 30-minute demand.

Any person desiring to make comments or suggestions with respect to the above should submit the same on or before August 8, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8571; Filed, July 25, 1951; 8:46 a. m.]

[Docket No. E-6371]

IDAHO POWER CO.

NOTICE OF APPLICATION

JULY 20, 1951.

Take notice that on July 19, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Idaho Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Nevada, and Oregon, with its principal business office in Boise, Idaho, seeking an order authorizing the issuance of $15,000,000 principal amount of____ percent thirty year first mortgage bonds and to borrow $3,000,000 upon its short term unsecured notes. The applicant proposes to issue and to negiotiate for the sale of said bonds to institutional investors and requests exemption of the issuance and sale of said bonds from the competitive bidding requirements of the Commission's rules and regulations; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of August 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8567; Filed, July 25, 1951; 8:45 a. m.]

[Docket Nos. G-1246, G-1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF OPINION REQUIRING FILING OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 20, 1951.

Notice is hereby given that, on July 18, 1951, the Federal Power Commission issued its Opinion No. 216 and order entered July 17, 1951, in the above-entitled matters, requiring the filing of applications for certificates of public convenience and necessity under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8564; Filed, July 25, 1951; 8:45 a. m.]

[Docket No. G-1736]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JULY 20, 1951.

Take notice that on July 9, 1951, Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 4-inch natural-gas transmission pipeline extending from a point of connection on its existing 16-inch pipeline near Olathe, Kansas, northwesterly for a distance of approximately 5.5 miles to Food Machinery and Chemical Corporation, all in Johnson County, Kansas.

By means of the proposed facilities, Applicant proposes to deliver and sell natural gas directly to Food Machinery and Chemical Corporation for use in a nitric acid plant.

The estimated total over-all capital cost of the proposed facilities is approximately $58,400, all of which will be borne by Food Machinery and Chemical Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8570; Filed, July 25, 1951; 8:45 a. m.]

[Docket No. G-1635]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 20, 1951.

Notice is hereby given that, on July 18, 1951, the Federal Power Commission issued its findings and order entered July 17, 1951, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8565; Filed, July 25, 1951; 8:45 a. m.]

[Project No. 2085]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 20, 1951.

Public notice is hereby given that Southern California Edison Company of Los Angeles, California, has made application for license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a hydroelectric development (Project No. 2085) designated as the Mammoth Pool Project within the Sierra National Forest in Fresno and Madera Counties, California. The proposed hydroelectric development would consist of a main dam across San Joaquin River in the N½ of Sec. 14, T. 7 S., R. 24 E., Mount Diablo meridian, with a crest length of approximately 980 feet and a height of about 315 feet from stream bed to top of spillway gates, creating a reservoir to be known as the Mammoth Pool Reservoir, with a gross capacity of approximately 123,000 acre-feet when filled to the top of the spillway gates (approximate elevation 3,330 feet); a diversion dam across Rock Creek with a height of about 18 feet above stream bed; a diversion dam across Ross Creek with a height of about 13 feet above stream bed; a water conduit consisting of a tunnel approximately 39,665 feet long from Mammoth Pool Reservoir to the penstocks; a surge chamber and rock trap; two penstocks each approximately 2,060 feet long; steel pipes delivering water from the Rock Creek and Ross Creek diversion dams to vertical bores into the Mammoth Pool Tunnel; a powerhouse approximately 1 mile upstream from the applicant's Big Creek Powerhouse No. 8 containing two 63,000-kilovolt-ampere generators, each driven by an 88,000-horsepower turbine; a step-up substation; a switchrack in the vicinity of Big Creek Powerhouse No. 8; a 220,000-volt transmission line approximately 1 mile in length from the powerhouse to the switchrack; a 220,000-volt transmission line approximately 6 miles long extending from the switchrack to a connection near Big Creek Powerhouse No. 3 with the existing transmission line from Big Creek Powerhouse No. 4 (Project No. 2017); and miscellaneous structures and facilities.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 27, 1951, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8568; Filed, July 25, 1951; 8:45 a. m.]

[Project No. 2039]

DELAWARE RIVER DEVELOPMENT CORP.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JULY 20, 1951.

Notice is hereby given that, on July 19, 1951, the Federal Power Commission issued its order entered June 15, 1951, adopting, as the final decision and order of the Commission, the Recommended Decision and Order of the Presiding Examiner issuing a Preliminary Permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8569; Filed, July 25, 1951; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO TAKE POSSESSION AND DISPOSE OF CERTAIN PROPERTY

1. Pursuant to the authority vested in the Administrator of General Services by provisions of the Federal Property and Administrative Services Act of 1949, as

amended (Pub. Laws 152 and 754, 81st Cong.), I hereby delegate to the Attorney General of the United States the authority vested in me by section 203 (1) of the Federal Property and Administrative Services Act of 1949 (a) to take possession of all unclaimed privately-owned personal property (including abandoned property) of an estimated value of one hundred dollars or less which is now, or may hereafter be, in the official custody or control of any employee, officer, or agent of the Department of Justice or of any bureau or subdivision thereof on premises owned or leased by the United States and which remains unclaimed for a period of six months, (b) to determine when title to such property is vested in the United States, (c) to utilize, transfer, or otherwise dispose of such property, (d) to determine, when necessary, the fair value of such property, (e) to receive, examine and determine claims filed by former owners thereof and (f) to pay such claims, or any portion thereof, which he shall determine to be due and payable in accord with the statute above cited.

2. All proceeds from the property disposed of under the authority of this order shall, if not paid to the owner of the property pursuant to section 203 (1) of the Federal Property and Administrative Services Act of 1949, be covered into the United States Treasury as miscellaneous receipts.

3. The authority hereby delegated may be re-delegated by the Attorney General to any officer or employee of the Department of Justice.

4. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: July 21, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-8607; Filed, July 25, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26270]

LUMBER FROM SOUTH PACIFIC COAST TERRITORY TO RICHFIELD, MINN.

APPLICATION FOR RELIEF

JULY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. 1504.

Commodities involved: Lumber and related articles, carloads.

From: South Pacific Coast territory.

To: Richfield, Minn.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. 1504, supp. 124.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8582; Filed, July 25, 1951; 8:48 a. m.]

[4th Sec. Application 26271]

PETROLEUM PRODUCTS FROM HOEFER, TEXAS, TO POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JULY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs ICC Nos. listed below.

Commodities involved: Petroleum products and related articles, including asphalt, carloads.

From: Hoefer, Tex.

To: Points in southwestern, southern, official, Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers. Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates:

D. Q. Marsh, Agent, ICC No. 3585, supp. 465; D. Q. Marsh, Agent, ICC No. 3326, supp. 165; D. Q. Marsh, Agent, ICC No. 3802, supp. 93; D. Q. Marsh, Agent, ICC No. 3825, supp. 107; D. Q. Marsh, Agent, ICC No. 3651, supp. 265; D. Q. Marsh, Agent, ICC No. 3724, supp. 136; D. Q. Marsh, Agent, ICC No. 3494, supp. 224.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8583; Filed, July 25, 1951; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 52, Amdt. 1]

RAILROADS IN KANSAS, MISSOURI, ILLINOIS AND KENTUCKY

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 52 and good cause appearing therefor:

It is ordered, That:

King's I. C. C. Order No. 52 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., August 15, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., July 25, 1951, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 20, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-8585; Filed, July 25, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2655]

CENTRAL VERMONT PUBLIC SERVICE CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND NOTES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1951.

Central Vermont Public Service Corporation ("Central Vermont"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

Central Vermont proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $2,000,000 principal amount of First Mortgage --- percent Bonds, Series G, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (to be not less than 100 percent nor more than 102.75 percent of the principal amount on said bonds) are to be determined at competitive bidding. The bonds are to be issued under and secured by a Mortgage to Old Colony Trust Company, Trustee, dated October 1, 1929, as supplemented by various Indentures, including a proposed Supplemental Indenture to be dated August 1, 1951.

Central Vermont also proposes to issue, or renew, from time to time after the sale of the bonds, until December 31, 1951, notes having a maturity of nine months or less up to the maximum amount of $1,600,000. The company anticipates that it will be able to borrow the required funds at an interest rate of not exceeding 2¾ percent per annum. If the interest rate on any of the notes should exceed 2¾ percent, it will file an amendment to its application at least five days prior to the execution and delivery of the note and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary.

The company will apply $1,000,000 of the proceeds from the sale of the bonds to the reduction of short-term borrowings, presently outstanding in the amount of $1,625,000, incurred for interim financing of its construction requirements, and will use the remaining proceeds for other corporate purposes, including its construction requirements. Central Vermont estimates that for the last eight months of 1951 and for 1952 its construction program will aggregate $4,824,000 and that, in addition to part of the proceeds from the sale of the Series G Bonds, $3,400,000 will be needed for this purpose from outside sources. The application states that it is the present desire of the company to refund the short-term notes authorized herein and to raise funds to finance a substantial part of its construction program through the issuance and sale of common stock. However, the company states that it does not believe it is advisable to attempt to market its common stock at this time, but believes that it will be in a position to do so before the end of 1951.

The said application having been filed on June 22, 1951, and the last amendment thereto having been filed on July 19, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period of time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing that the Public Service Commission of Vermont, the State Commission of the State in which Central Vermont is organized and doing business, has expressly authorized the issuance and sale of the bonds, subject to a reservation of jurisdiction with respect to the results of competitive bidding, and that no State Commission has jurisdiction over the issuance or renewal of the notes; and

It further appearing that the record is incomplete with respect to the fees and expenses incurred or to be incurred in connection with the proposed transactions, and the Commission deeming it appropriate to reserve jurisdiction with respect to such fees and expenses; and

The Commission finding with respect to said application, as amended, that all the applicable provisions of the act and rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted without the imposition of terms and conditions, other than those specified below, and further deeming it appropriate to grant applicant's request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed transactions shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, and a final order of the Public Service Commission of Vermont approving same, shall have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose;

(2) That jurisdiction be, and hereby is, reserved with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That this order shall become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVIL L. DUBOIS,
Secretary.

[F. R. Doc. 51-8575; Filed, July 25, 1951; 8:46 a. m.]

[File No. 70-2654]

CONSOLIDATED NATURAL GAS CO., ET AL.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE JOINT APPLICATION-DECLARATION WITH RESPECT TO PROPOSED ISSUANCE OF COMMON STOCK AND NOTES TO REGISTERED HOLDING COMPANY BY SUBSIDIARY COMPANIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1951.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, File No. 70-2654.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), and New York State Natural Gas Corporation ("New York Natural"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, with respect to the following proposed transactions:

East Ohio proposes to issue and sell to Consolidated and Consolidated proposes to acquire, 80,000 shares of $100 par value capital stock of East Ohio for an aggregate consideration of $8,000,000. Such stock is to be issued from time to time within the twelve-month period ending July 1, 1952, as financing is required by East Ohio in the carrying out of its construction program. By order dated June 26, 1951, The Public Utilities Commission of Ohio approved the proposed issuance of such stock by East Ohio.

Consolidated proposes to loan to Hope and Hope proposes to borrow from Consolidated, an aggregate amount of $5,000,000 at an interest rate of 3¼ percent per annum on non-negotiable notes of Hope maturing as follows: $500,000 on March 31, 1954, and $500,000 on each March 31 thereafter to and including March 31, 1963. The loans are to be made from time to time within the twelve-month period ending July 1, 1952, as financing is required by Hope in carrying out its construction program. By order dated July 13, 1951, The Public Service Commission of West Virginia approved the proposed issuance of such notes to Consolidated.

Consolidated further proposes to loan to New York Natural and New York Natural proposes to borrow from Consolidated, an aggregate amount of $33,000,000 at an interest rate of 3¼ percent per annum on non-negotiable notes of New York Natural maturing as follows: $1,000,000 on March 31, 1954, and $1,000,000 on each March 31 thereafter to and including March 31, 1956; and $1,500,000 on March 31, 1957, and $1,500,000 on each March 31 thereafter to and including March 31, 1976. The loans are to be made from time to time within the twelve-month period ending July 1, 1952, as financing is required by New York Natural in carrying out its construction program.

Said application-declaration having been filed on June 21, 1951, and the last amendment thereto having been filed on July 17, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said

application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8536; Filed, July 24, 1951; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 11, Correction]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON CERTAIN APPLICATIONS UNDER DISTRIBUTION REGULATION 1

Due to clerical error the letter "s" was omitted from the word "applications," and the phrase "and class 2A" was omitted after the phrase "class 2" in item 1 (a) of Delegation of Authority 11 issued July 2, 1951, and effective July 3, 1951 (16 F. R. 6478). Accordingly, item 1 (a) of Delegation of Authority 11 is corrected to read as follows:

(a) To request further information from an applicant or to deny applications of class 2 and class 2A Slaughterers for adjustments or for other relief made pursuant to section 9 of Distribution Regulation 1;

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JULY 25, 1951.

[F. R. Doc. 51-8686; Filed, July 25, 1951; 11:44 a. m.]

DISTRICT BOUNDARIES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105) as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987), and as amended March 3, 1951 (16 F. R. 2028), April 20, 1951 (16 F. R. 3444), May 12, 1951 (16 F. R. 4476), June 21, 1951 (16 F. R. 5959), and July 24, 1951 (16 F. R. 7266) is further amended as follows:

Region V, Atlanta, Georgia. The Counties of Stewart, Montgomery, Houston, Humphreys, Dickson, Perry, Hickman, Lewis, Wayne, Lawrence, Giles, Maury, Marshall, Bedford, Moore, Lincoln, Franklin, Coffee, Grundy, and Marion in the State of Tennessee, heretofore served by the Memphis District Office will now be served by the Nashville District Office.

Region IX, Kansas City, Missouri. The Counties of Wyandotte and Johnson in the State of Kansas, heretofore served by the Wichita District Office, will now be served by the Kansas City, Missouri District Office.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JULY 25, 1951.

[F. R. Doc. 51-8689; Filed, July 25, 1951; 11:44 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 145

Washington, Friday, July 27, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bull. 1, Supp. 1, Dry Edible Beans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP DRY EDIBLE BEANS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of dry edible beans. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.801 Purpose.
601.802 Availability of price support.
601.803 Eligible beans.
601.804 Warehouse receipts.
601.805 Determination of quantity.
601.806 Determination of quality.
601.807 Loss or damage to the beans.
601.808 Maturity of loans.
601.809 Delivery of beans to CCC.
601.810 Support rates.
601.811 Storage in transit.
601.812 Settlement under farm-storage loans, warehouse-storage loans on identity-preserved beans and under purchase agreements.

AUTHORITY: §§ 601.801 to 601.812 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.801 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Dry Edible Bean Price Support Program.

§ 601.802 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing eligible beans in 1951 as landowner, landlord, tenant or sharecropper.

Cooperative marketing associations of producers will be eligible for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer-members: *Provided*, That (1) all beans of such class marketed or acquired by the association are produced by producer members; (2) the producer members are bound by contract to market their beans of such class through the association and the association does not release any such beans for the purpose of permitting producer members to obtain individual price support loans or purchase agreements; (3) the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer members according to the class, grade and quantity of such beans each delivers to the association; (4) the association has authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

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FEDERAL REGISTER

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All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the PMA State committee.

§ 601.803 *Eligible beans.* Eligible beans must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1951 by an eligible producer.

(b) Except in the case of cooperative marketing associations, the beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement, and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Cranberry, Red Kidney, Large Lima and Baby Lima.

(d) Beans placed under loan must (1) grade U. S. No. 2 or better, or (2) must not have been commercially cleaned; must not have a moisture content in excess of 18 percent; must not after deduction of foreign material, contain more than 10 percent of other defects, as these terms are defined in the United States Standards for Beans; must not be musty, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; or must not have any commercially objectionable odor.

(e) Beans delivered under a purchase agreement must grade U. S. No. 2 or better.

(f) If offered for a farm-storage loan, beans must have been stored for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.804 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC under CCC Form 28, "Bean Storage Agreement." The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the beans are insured in accordance with CCC Form 28, "Bean Storage Agreement," and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quality, hereinafter called identity-preserved beans, must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class, and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of identity-preserved beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.809 (b).

§ 601.805 *Determination of quantity.* (a) *When loans are made on farm storage or identity-preserved beans.* (1) At the time the loan is made, the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

(2) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is less. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

(3) If the beans are stored in sacks, a deduction of ¾ pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(b) *At time of delivery.* (1) The quantity of beans delivered to CCC from other than an approved warehouse, or delivered in an approved warehouse as identity-preserved beans shall be determined on the basis of net weight and bag count at the point of delivery, in accordance with § 601.812 (c).

(2) The quantity of beans delivered to CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 601.806 *Determination of quality.* (a) The class, grade and all quality factors shall be determined in accordance with the United States Standards for Beans. An inspection certificate issued by a licensed inspector is required on all farm-storage loans.

(b) Where quality is guaranteed by the warehouseman, the class and grade delivered under a warehouse-storage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or

under the supervision of the Grain Branch, PMA.

§ 601.807 *Loss or damage to the beans*—(a) *Farm storage.* The producer is responsible for any loss in quantity or quality of the beans placed under farm-storage loan, except that physical loss or damage, other than shrinkage, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, or on the part of the person operating or in charge of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, to the extent of the settlement value, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

(b) *Warehouse storage.* (1) In the case of loss or damage to beans under loan in warehouse storage where the warehouseman guarantees the quantity and quality shown on the warehouse receipt, the producer's account will be credited in the amount of such loss or damage.

(2) In the case of warehouse stored identity-preserved beans, the producer has the same responsibility for loss or damage to the beans as in the case of farm-storage loans.

(c) *Credit for loss or damage.* The amount to be credited to the producer for loss or damage assumed by CCC, shall be determined by multiplying the number of cwt. of sound beans lost or destroyed by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 601.808 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.809 *Delivery of beans to CCC.* If the warehouse receipt represents beans not commercially cleaned and graded, the producer must arrange to resubmit warehouse receipts on cleaned, graded, and bagged beans at the time of delivery in accordance with instructions issued by the county committee. The following terms and conditions shall apply with respect to packaging and charges:

(a) *Packaging.* Beans must be packed 100 pounds net in bags equal to or better than (1) new bags made of 36-inch, 10.4 ounce A or B quality common jute or heavier weight jute, or (2) new cotton bags, 36-inch, 2.34 yards osnaburg or 40-inch 2.50 yard osnaburg. If new bags are not available, beans may be packed in No. 1 used bags made of 36-inch, 10.4 ounce A or B quality jute or heavier, free of holes, patches, or other defects, satisfactory for the proper conservation of the product, and thoroughly cleaned before being filled. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags will be marked to show the commodity name and class; and the net weight when packed; and the name and address of the packer.

(b) *Charges.* (1) Storage, bagging, cleaning, inspection fees and all other charges, including cost of movement to normal railroad shipping points where the warehouse is not located on a railroad (but not including receiving and loading-out charges), incurred on beans up to the time of delivery to CCC, shall be paid by the producer prior to such delivery or shall be paid from the settlement value: *Provided however,* That on the quantity of eligible beans stored in an approved warehouse and delivered to CCC under a loan or purchase agreement, CCC will assume warehouse-storage charges (not in excess of those allowed under the storage agreement in effect for the 1951 crop with CCC) accruing after April 30, 1952.

(2) In the case of identity-preserved beans, the producer shall pay any unpiling, turning, repiling, or other warehouse charges, except loading-out charges, incident to official weight and grade determinations.

§ 601.810 *Support rates.* (a) The loan rate for eligible beans grading U. S. No. 2 or better, and meeting the packaging requirements of § 601.809 (a), shall be the applicable support rate shown in paragraph (c) of this section, for the class, grade, and county where produced. Any charges specified in § 601.809 (b) which are unpaid shall be paid from the proceeds of the loan.

(b) The loan rate for all other eligible beans shall be $4.50 per 100 pounds of sound beans. All such beans, when and if delivered to CCC, must meet all requirements of §§ 601.806 and 601.809.

(c) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class of beans	*1951 support price* [1]
Pinto:	
Area I: All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Los Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia. In Wyoming, the counties of Goshen, Laramie, Platte, Converse [2] and Natrona [2]	$7.20
Area II: All counties in Arizona, and California. In New Mexico, the counties of McKinley and Valencia	7.07
Area III: All counties in Montana and South Dakota. In Colorado, the counties of Alamosa, Archuleta, Chaffee, Costilla, Conejos, Custer, Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, La Plata, Mesa, Mineral, Moffat, Montrose, Suray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, and Summit. In Wyoming, all counties [2] except Goshen, Laramie and Platte. In New Mexico, the counties of Rio Arriba, San Juan, and Taos	$6.99
Area IV: All counties in Utah. In Colorado, the counties of Dolores, Montezuma, and San Miguel	6.96
Area V: All other States and counties	6.80
Pea and Medium White:	
Michigan, New York, Minnesota, Maine, Wisconsin	7.84
Other	7.34
Great Northern:	
Area I: Minnesota, Nebraska, North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, Platte, Converse [2] and Natrona [2]	$7.55
Area II: Montana, South Dakota, and all counties in Wyoming [2] except Goshen, Laramie and Platte	7.33
Area III: Malheur County, Oreg., and the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, and Twin Falls in Idaho	7.18
Area IV: All other States and counties	7.08
Small White and Flat Small White	7.89
Light, Dark and Western Red Kidney	9.19
Cranberry	8.54
Pink	7.99
Small Red	8.04
Baby Lima	6.44
Large Lima	10.04

Grades will be determined in accordance with the official U. S. Standards for Dry Beans in effect at the time the 1951 crop is harvested.

[1] Per 100 pounds of U. S. No. 1. Premium for U. S. CHP and U. S. Extra No. 1, $0.10. Discount for U. S. No. 2, $0.25.

[2] Applicable to beans produced in Converse and Natrona Counties if they have been transported to Goshen County by truck.

[2] Beans produced in Converse and Natrona Counties unless they have been transported to Goshen County by truck.

§ 601.811 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the Bean Storage Agreement in effect with CCC for the 1951 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of the Bean Storage Agreement in effect with CCC.

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate PMA commodity office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 601.812 *Settlement under farm-storage loans, warehouse-storage loans on identity-preserved beans and under purchase agreements.* Settlement will be made at the support rate for the county in which the beans are produced irrespective of where they are stored or delivered.

(a) *Loans.* In the case of farm-storage loans and warehouse-storage loans on identity preserved beans, settlement shall be made at the applicable support rate for the class and grade of the beans delivered.

(b) *Purchase agreements.* Under purchase agreements, beans will be purchased at the applicable support rate for the class and grade of the eligible beans delivered.

(c) *Quantity on which settlement will be made.* (1) Settlement will be made on the basis of each bag containing 100 pounds net weight of beans. The producer will be paid or credited for the net weight of the lot delivered or for a quantity determined by multiplying the number of bags by 100 pounds, whichever quantity is less. If all the beans in the lot are not weighed, the net weight shall be determined by multiplying the average net weight of not less than 10 percent of the bags in the lot by the total number of bags.

(2) If the beans are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the beans delivered as determined by CCC: *Provided, however,* That if such beans, when placed under loan, were not of a grade for which a support rate has been established, the settlement value shall be the settlement value for the lowest grade for which a support rate has been established, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC.

Issued this 23d day of July 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved: July 23, 1951.

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-8630; Filed, July 26, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

ORDER REGULATING HANDLING

Sec.
931.0 Findings and determinations.

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AUTHORITY: §§ 931.0 to 931.91 issued under sec. 5, 49 Stat., 753, as amended; 7 U. S. C. and Sup. 608c.

§ 931.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order to regulate the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such month which is classified as Class I.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Cedar Rapids-Iowa City marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Cedar Rapids-

Iowa City marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this subpart is the only practicable means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Cedar Rapids-Iowa City marketing area; and

(3) The issuance of this subpart is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1951) were engaged in the production of milk for sale in the Cedar-Rapids-Iowa City marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order.

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 931.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this subpart is in effect.

§ 931.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 931.7 *Cedar Rapids-Iowa City marketing area.* "Cedar Rapids-Iowa City marketing area," called the "marketing area" in this subpart, means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under regular inspection of, the proper health authority of either Cedar Rapids or Iowa City and (a) from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes milk to a plant described in paragraph (a) of this section.

§ 931.9 *Handler.* "Handler" means (a) a person in his capacity as the operator of an approved plant, or (b) a cooperative association with respect to milk of producers received at a plant operated by it or caused by it to be delivered to a milk plant other than an approved plant.

§ 931.10 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of the city of Cedar Rapids or Iowa City for the production of milk for consumption as milk, produces milk which (a) is received at an approved plant, (b) is received at a plant operated by a cooperative association, or (c) is caused by a handler to be diverted from a plant described in paragraphs (a) and (b) of this section to a plant from which no Class I milk is disposed of within the marketing area. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 931.56.

§ 931.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 931.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 931.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.75, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 931.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 931.30 and 931.31, or (2) payments pursuant to §§ 931.65, 931.68, and 931.70;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to § 931.50 (a) and the butterfat differential computed pursuant to § 931.51 (a), both for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pursuant to § 931.50 (b) and (c) and the butterfat differentials computed pursuant to § 931.51 (b) and (c) for the previous delivery period, and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 931.61 and the butterfat differential computed pursuant to § 931.66; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Delivery period reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The qualities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payment to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 931.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 931.30 shall be classified by the market administrator pursuant to §§ 931.41 to 931.46, inclusive.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in §§ 931.43 and 931.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture (except those specified in paragraph (b) of this section) of cream and milk or skim milk containing more than 6 percent of butterfat, (2) used in the production of concentrated milk, not sterilized, for consumption in fluid form, and (3) not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, aerated products containing milk or cream or a combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section.

(c) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, animal feed, casein and nonfat dry milk solids, and in shrinkage up to 2 percent of receipts from producers, and in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the highest class utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than an approved plant, unless:

(1) The handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and purchaser on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred;

(2) Such purchaser maintains books and records showing the utilization of all skim milk and butterfat at his unapproved plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Such unapproved plant has actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That, if verification of such purchaser's records discloses that an equivalent amount of skim milk and butterfat has not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such purchaser had utilization.

§ 931.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 931.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 931.45 the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 931.45;

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 931.50 *Class prices.* Subject to the provisions of § 931.51, the minimum prices per hundredweight to be paid by each handler for milk received from producers at his plant during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

January, February, March	$0.80
April, May, June	.60
July through December	1.05

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph or to paragraph (c) of this section:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant
Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
United Milk Products Co., Argo Fay, Ill.

(2) The price resulting from the following computations:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter as reported for the Chicago market during the delivery period by the Department;

(ii) Add an amount equal to 2.4 times the average as computed by the market administrator, of the daily wholesale prices of the cheese known as "Twins" as reported for the Chicago market during the delivery period by the Department;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The sum of the prices resulting from the following computations:

(1) Subtract 6 cents from the price per pound of butter computed pursuant to paragraph (b) (2) (i) of this section and multiply the result by 4.2, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6½ cents, multiply the result by 8.2 and then multiply the resulting figure by 0.965. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8½ cents, rather than 6½ cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 931.46 is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 931.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the preceding delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(c) *Class III milk.* From the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the devilery period, subtract 6 cents, multiply by 1.20 and divide the result by 10.

§ 931.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency, in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 931.55 *Producer-handler.* Sections 931.40 through 931.52 and 931.60 through 931.76 shall not apply to a producer-handler.

§ 931.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 931.60 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 931.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 931.60 for all handlers who made the reports prescribed by § 931.30 and who made the payments pursuant to § 931.65 for the preceding delivery period;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 931.67.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: Multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 931.66 and mutiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

§ 931.62 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler.

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler as the case may be pursuant to §§ 931.68 and 931.69.

PAYMENT FOR MILK

§ 931.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 931.61 subject to the butterfat differential computed pursuant to § 931.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handler from producers by the cooperative association, if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 931.66 *Producer butterfat differential.* In making payments pursuant to § 931.65 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, dividing the resulting sum by 10, and adjusting to the nearest one-tenth cent.

§ 931.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to § 931.68 and out of which he shall make all payments to handlers pursuant to § 931.69.

§ 931.68 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to § 931.65.

§ 931.69 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 931.65: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 931.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 931.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless the handler, within the applicable period of time, pursuant to section 8c (15) (A) of the act, files a petition claiming such money.

OTHER PAYMENTS

§ 931.75 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and with respect to all other source milk classified as Class I.

§ 931.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to § 931.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.81 *Suspension or termination.* The Secretary shall, whenever he finds that, this subpart, or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provisions of this subpart.

§ 931.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 931.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of July 1951, to be effective on and after the 1st day of September 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8675; Filed, July 26, 1951; 8:53 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

DETERMINATION OF EQUIVALENT WAGE RATES

The monthly composite farm wage rates reported by the United States Department of Agriculture for Maine, Massachusetts, New Hampshire, and Vermont are used pursuant to § 934.40 (c) (2) of the order regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; § 996.7 (a) (3) (ii) of the order regulating the handling of milk in the Springfield, Massachusetts, marketing area; and § 999.7 (a) (3) (ii) of the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. The publication of these specified wage rates has been discontinued by the United States Department of Agriculture.

The respective orders provide that if a wage rate, specified by those orders for use in computing class prices, is not reported or published in the manner described in the respective orders, the market administrator shall use a wage rate determined by the Secretary to be equivalent to or comparable with the wage rate which is specified (§§ 934.44, 996.7 (e), and 999.7 (e) of the respective orders).

Pursuant to the applicable provisions of the respective orders and on the basis of available information, including evidence presented at the public hearings held at Andover, Massachusetts, April 11 and 14, 1951, at Springfield, Massachusetts, April 9, 1951, and at Worcester, Massachusetts, April 10, 1951, on issues which included the consideration of a method for determining equivalent wage rates in any circumstance in which the specified wage rates are not reported, it is hereby found and determined that the wage rates equivalent to or comparable with the monthly composite farm wage rates for each of the States of Maine, Massachusetts, New Hampshire, and Vermont shall be determined as follows:

Divide by 1.0743 the simple average of the monthly equivalents of the farm wage rates listed below. Monthly equivalents shall be determined by converting the rates reported by the United States Department of Agriculture as follows: rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER, are impracticable, unnecessary, and contrary to public interest in that (1) the equivalent wage rate must become effective prior to July 25, 1951, in order to facilitate, promote, and maintain orderly marketing of milk for the Lowell-Lawrence, Springfield, and the Worcester, Massachusetts, marketing areas, (2) the changes effected by this determination do not require any preparation by the persons affected prior to the effective date, and (3) the aforesaid public hearings at Andover, Springfield, and Worcester, Massachusetts, dealt with such issues.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 23d day of July 1951, to become effective July 25, 1951, and to continue in effect until October 1, 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8676; Filed, July 25, 1951; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 115—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

TEMPORARY ADMISSION OF AGRICULTURAL WORKERS

Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding the following new part:

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
115.1 Definitions.
115.2 Period for which admitted.
115.3 Conditions of admission.
115.4 Compliance by employer.
115.5 Extension of stay; conditions.
115.6 Readmission after temporary visits to Mexico.
115.7 Previous deportation; permission to reapply.
115.8 Arrest and deportation of agricultural workers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

115.11 Recruitment centers; preliminary inspection.
115.12 Immigration inspection at reception centers; authority to admit; hearings before board of special inquiry.
115.13 Adjustment of status of certain agricultural workers in the United States.
115.14 Recontracting in the United States.
115.15 Extension of period of admission.
115.16 Duplicate identification cards.

AUTHORITY: §§ 115.1 to 115.16 issued under sec. 23, 39 Stat. 892, as amended, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222. Interpret or apply Pub. Law 78, 82d Cong.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 115.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico who is and has been a bona-fide resident of Mexico for at least one year and who seeks to enter the United States temporarily under the provisions of Title V of the Agricultural Act of 1949, as amended (63 Stat. 1051, Pub. Law 78, 82d Cong.), for the sole purpose of engaging in agricultural employment as defined herein; or a native-born citizen of Mexico who has resided in the United States continuously for at least five years immediately preceding his application or who is in the United States temporarily after having been lawfully admitted thereto, and, being in a lawful status, seeks permission to remain in the United States for such purpose; or a native-born citizen of Mexico who, after being so admitted or permitted to remain, is engaged in such employment.

(b) The term "agricultural employment" includes services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 203 (f)), or section 1426 (h) of the Internal Revenue Code, as amended (26 U. S. C. 1426 (h)), horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

(c) The term "employer" shall include an association, or other group, of employers, but only if (1) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502 of the Agricultural Act of 1949, as amended, or (2) the Secretary of Labor determines that such individual liability is not necessary to assure performance of such obligations.

§ 115.2 *Period for which admitted.* An agricultural worker may be admitted to, or permitted to remain in, the United States as a temporary visitor for business pursuant to section 3 (2) of the Immigration Act of 1924: *Provided:*

(a) That the initial period of admission shall not exceed six months, and in any event shall not extend beyond December 31, 1953, nor shall any extension be granted which would permit an agricultural worker to remain in the United States beyond December 31, 1953;

(b) That no maintenance-of-status or departure bond shall be required; and

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the officer in charge of the district having jurisdiction over the place of the alien's employment upon—

(1) Failure of the agricultural worker to maintain his status as such by accepting any employment or engaging in any activities not specifically authorized at the time of his recruitment and temporary admission;

(2) Violation by the employer of the provisions of § 115.4; or

(3) Determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of such workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

§ 115.3 *Conditions of admission.* Any alien who applies for admission into, or for permission to remain in, the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

(a) Establish that he is an agricultural worker as defined in § 115.1 (a);

(b) Establish that he is in all respects admissible under the provisions of the immigration laws, except—

(1) The provisions of section 3 of the Immigration Act of February 5, 1917, as amended, relating to contract laborers, literacy, and payment of passage by others; and

(2) The requirement of section 2 of the Immigration Act of February 5, 1917, relative to the payment of head tax;

(c) Have been regularly recruited by the Secretary of Labor as an agricultural worker; and

(d) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

§ 115.4 *Compliance by employer.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States. Whenever it shall appear that a Mexican alien not lawfully in the United States is so employed, an investigation shall be made and a report submitted to the officer in charge of the district having jurisdiction over the place of the alien's employment, who shall make the determination whether the employer knew, had reasonable grounds to believe or suspect, or by reasonable inquiry could have ascertained, the alien's unlawful status. Upon making such determination said officer in charge shall take such action as may be appropriate with respect to the agricultural workers employed, permitting them to continue in their employment, or permitting them to be recontracted by another employer, or requiring them to depart from the United States.

(b) Upon notification from the Department of Labor that an employer fails or refuses to comply with the provision of Title V of the Agricultural Act of 1949, as amended, or with any international agreement or individual work contract made thereunder, the temporary admission of all agricultural workers employed by such employer may be revoked in the same manner as provided in § 115.2 (c).

§ 115.5 *Extension of stay; conditions.* After an alien has been admitted to or permitted to remain in the United States as an agricultural worker under the provisions of this part, he may be granted an extension or extensions of the period of his temporary admission by the officer in charge of the district having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 115.2.

§ 115.6 *Readmission after temporary visits to Mexico.* An agricultural worker who has been admitted or permitted to remain in the United States under the provisions of this part may be readmitted after temporary visits to Mexico on presentation of Form I-100, Alien Laborer's Permit and Identification Card, if he is still maintaining the status of an agricultural worker in the United States.

§ 115.7 *Previous deportation; permission to reapply.* An alien who established that he is in all respects entitled to admission as an agricultural worker under the provisions of this part, except that he has been previously excluded or arrested and deported on not more than one occasion solely because of illegal entry or absence of required documents, is hereby granted permission to reapply for admission to the United States: *Provided*, That in the case of such an alien who has been arrested and deported, such permission to reapply shall not become effective unless and until the alien has resided outside the United States for at least one year after deportation.

§ 115.8 *Arrest and deportation of agricultural workers.* (a) An alien admitted to or permitted to remain in the United States as an agricultural worker shall be deemed to have remained in the United States for a longer time than permitted under law and regulations within

the meaning of section 14 of the Immigration Act of 1924 if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or permitted to remain or the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked pursuant to § 115.2 (c).

(b) Any alien to whom paragraph (a) of this section is applicable shall be subject to being taken into custody and made the subject of further proceedings under the provisions of section 14 of the Immigration Act of 1924 and the provisions of Parts 150, 151, and 152 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 115.11 *Recruitment centers; preliminary inspection.* To the extent possible under the circumstances, all immigration inspections and medical examinations of the agricultural workers at recruitment centers in Mexico shall be similar to those regularly conducted at ports of entry on the border. If the immigration officer at the recruitment center in Mexico determines that the alien is admissible as an agricultural worker he shall so endorse and initial the conditional permit which is issued to the alien by the Department of Labor when the alien is recruited. Such endorsement shall not be construed as a guarantee that the alien will be admitted to the United States nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100 as prescribed in § 115.12. Aliens who have been issued conditional permits, which have been endorsed by immigration officers will be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of officers of the Department of Labor for completion of immigration inspection and registration pursuant to the Alien Registration Act, 1940, as amended. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100 as prescribed in § 115.12. If the immigration officer at the recruitment center in Mexico determines that the alien is inadmissible as an agricultural worker, he shall refuse to endorse the alien's conditional permit and such decision by the immigration officer shall not be subject to review by a board of special inquiry.

§ 115.12 *Immigration inspection at reception centers; authority to admit; hearings before board of special inquiry.* (a) Any alien who presents the conditional permit described in § 115.11, duly endorsed by an immigration officer at a recruitment center, who is found to be admissible under this part as an agricultural worker may be so admitted by the examining immigration inspector, at which time he shall—

(1) Be fingerprinted as follows:

(i) By placing the rolled impression of the right index finger on the reverse side of the original Form I–100, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case;

(ii) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(iii) By executing the obverse of Form AR–4 and placing thereon the serial number of the Form I–100 and a stamped notation reading "Admitted as agricultural worker"; the executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C.

(2) Be given the original Form I–100 bearing his photograph and stating his name, place of birth and citizenship, duly endorsed by an immigrant inspector to show the date, place, and period of his admission into the United States and signed by said immigrant inspector across the bottom of the photograph, partly on the photograph and partly on the card. The duplicate Form I–100 shall be forwarded to and retained by the officer in charge of the district having jurisdiction over the port of the alien's entry.

(3) The foregoing shall be deemed to be in compliance with the provisions of Title III of the Alien Registration Act, 1940, as amended, relating to the registration of aliens.

(b) Any alien seeking admission under this part in whose case the examining immigrant inspector at the reception center is not satisfied that such alien is admissible, shall be held for hearing before a board of special inquiry, and the procedure applicable to aliens seeking admission to the United States under the general provision of the immigration laws shall be followed: *Provided, however,* That the case of an alien believed to be inadmissible to the United States under the provisions of section 1 of the act of October 16, 1918, as amended, shall be handled in accordance with the provisions of section 5 of the said act and Part 174 of this chapter.

§ 115.13 *Adjustment of status of certain agricultural workers in the United States.* The case of any alien who presents at a reception center a conditional permit described in § 115.11 who is found to be eligible to remain in the United States as an agricultural worker, who has been lawfully admitted to the United States, or who has resided in the United States for at least five years, shall be handled in accordance with the provisions of § 115.12 (a). Such an alien who is found to be ineligible to remain in the United States as an agricultural worker shall not be held for hearing before a board of special inquiry, but his case shall be handled under the general provisions of the immigration laws and regulations relating to aliens in the United States.

§ 115.14 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the officer in charge of the district having jurisdiction over the place of the alien's employment, be recontracted by the same or another employer. When an agricultural worker is so recontracted, his Form I–100 shall be appropriately endorsed and the officer in charge of the port of the alien's entry notified.

§ 115.15 *Extension of period of admission.* Extension of the temporary admission of an alien admitted or permitted to remain in the United States as an agricultural worker under this part may be granted by the officer in charge of the district having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

§ 115.16 *Duplicate identification cards.* A duplicate Form I–100 may be issued in the discretion of the officer in charge of the district having jurisdiction over the place of alien's employment where the original has been lost, mutilated, or destroyed. The officer in charge at the port of the alien's entry shall be notified of the issuance of such a duplicate Form I–100.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The regulations prescribed by the order are necessary to carry out the purpose of Public Law 78, 82d Congress, which became effective on July 12, 1951. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the immigration laws.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

Approved: July 23, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-8632; Filed, July 26, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 41.119–1 is adopted to read:

§ 41.119–1 *Standard instrument approach procedures (CAA rules which relate to § 42.56).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8639; Filed, July 26, 1951; 8:47 a. m.]

[Supp. 1, Amdt. 1]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 42.55–1 published on November 16, 1949, in 14 F. R. 6875, and renumbered § 42.55–3 in 14 CFR, 1950 Supp., is deleted.

2. Section 42.56–1 published on November 16, 1949, in 14 F. R. 6875, is amended to read:

§ 42.56–1 *Standard instrument approach procedures (CAA rules which relate to § 42.56).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8640; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 2, Amdt. 14]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The following rules are adopted for the purpose of recodifying all minimum en route instrument altitudes which have been published in the FEDERAL REGISTER and are in effect:

1. Sections 60.17–1 through 60.17–1004, published on October 29, 1949, in 14 F. R. 6427, and amended on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 491), on March 16, 1950, in 15 F. R. 1482 (corrected March 21, 1950, in 15 F. R. 1565), on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3252, on August 1, 1950, in 15 F. R. 4913, on July 29, 1950, in 15 F. R. 4988, on September 23, 1950, in 15 F. R. 6438, on November 23, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 2720 (corrected March 9, 1951, in 16 F. R. 2132), on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274, are revoked. The provisions thereof are transferred to new Part 610 of this title.

2. Section 60.17–1 is adopted to read:

§ 60.17–1 *Minimum en route instrument altitudes (CAA rules which apply to § 60.17 (d)).* Minimum en route instrument altitudes prescribed by the Administrator are published in Part 610 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8641; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 3, Amdt. 10]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Sections 60.46–1 through 60.46–10, published on November 16, 1949, in 14 F. R. 6875, and amended on December 14, 1949, in 14 F. R. 7471, on December 30, 1949, in 14 F. R. 7834, on January 1950, in 15 F. R. 318, on November 10, 1950, in 15 F. R. 7548 and 7627, on December 12, 1950, in 15 F. R. 8766, on December 23, 1950, in 15 F. R. 9232, on December 29, 1950, in 15 F. R. 9378, on January 9, 1951, in 16 F. R. 225, on January 19, 1951, in 16 F. R. 496, on February 1, 1951, in 16 F. R. 926, on March 7, 1951, in 16 F. R. 2122, on April 6, 1951, in 16 F. R. 3002, and on June 8, 1951, in 16 F. R. 5434, are revoked. The provisions thereof are transferred to new Part 609 of this title.

2. Section 60.46–1 is adopted to read:

§ 60.46–1 *Standard instrument approach procedures (CAA rules which apply to § 60.46).* Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8642; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 7, Amdt. 78]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

The Camp Gorden, Georgia, area, published on January 3, 1951, in 16 F. R. 4, is amended by changing the "Designated Altitudes" column to read: "Unlimited", and by changing the "Time of Designation" column to read: "Continuous."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 28, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8654; Filed, July 26, 1951; 8:48 a. m.]

[Supp. 8, Amdt. 1]

PART 61—SCHEDULED AIR CARRIER RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

The following rules are adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect:

1. Section 61.273–1, published on November 16, 1949, in 14 F. R. 6943, is revised to read:

§ 61.273–1 *Standard instrument approach procedures (CAA rules which re-*

late to § 61.273). Standard instrument approach procedures prescribed by the Administrator are published in Part 609 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8643; Filed, July 26, 1951; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

The following part is adopted for the purpose of recodifying all standard instrument approach procedures which have been published in the FEDERAL REGISTER and are in effect.

Sec.
609.1 Definitions.
609.2 Basis and purpose.
609.3 Introduction.
609.4 Symbols used in ceiling and visibility minimums.
609.5 Radio range procedures determination.
609.6 Low frequency range procedures.
609.7 High frequency range procedures.
609.8 Automatic direction finding procedures determination.
609.9 Automatic direction finding procedures.
609.10 Instrument landing system procedures determination.
609.11 Instrument landing system procedures.
609.12 Ground controlled approach procedures determination.

AUTHORITY: §§ 609.1 to 609.12 issued under sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

1. Section 609.1 shall read:

§ 609.1 *Definitions.* As used in this part:

(a) "Act" shall mean Civil Aeronautics Act of 1938, as amended.

(b) "Administrator" shall mean Administrator of Civil Aeronautics.

2. Section 609.2 shall read:

§ 609.2 *Basis and purpose.* (a) The basis of this part is found in sections 205 (a) and 601 of the act and §§ 42.56, 60.46, and 61.273 of this title.

(b) The purpose of this part is to prescribe standard instrument approach procedures.

3. Section 609.3 shall consist of § 60.46–1 published on November 16, 1949, in 14 F. R. 6875.

4. Section 609.4 shall consist of § 60.46–2 published on December 23, 1950, in 15 F. R. 9232.

5. Section 609.5 shall consist of § 60.46–3 published on January 19, 1951, in 16 F. R. 496, with "§ 609.6 and § 609.7" substituted for "§§ 60.46–4 and 60.46–5."

6. Section 609.6 shall consist of § 60.46–4 published on November 16, 1949, in 14 F. R. 6876, and amended on December 14, 1949, in 14 F. R. 7471, on December 30, 1949, in 14 F. R. 7834, on January 19, 1950, in 15 F. R. 318, on November 10, 1950, in 15 F. R. 7548 and 7627, on December 12, 1950, in 15 F. R. 8766, on December 29, 1950, in 15 F. R. 9378, on January 9, 1951, in 16 F. R. 225, on February 1, 1951, in 16 F. R. 926, on March 7, 1951, in 16 F. R. 2122, on April 6, 1951, in 16 F. R. 3002, and on June 8, 1951, in 16 F. R. 5435.

7. Section 609.7 shall consist of § 60.46–5 published on November 16, 1949, in 14 F. R. 6922, and amended on December 14, 1949, in 14 F. R. 7476, and on November 10, 1950, in 15 F. R. 7597.

8. Section 609.8 shall consist of § 60.46–6 published on January 19, 1951, in 16 F. R. 498.

9. Section 609.9 shall consist of § 60.46–7 published on November 16, 1949, in 14 F. R. 6924, and amended on December 14, 1949, in 14 F. R. 7477, on November 10, 1950, in 15 F. R. 7600 and 7633, on December 12, 1950, in 15 F. R. 8768, on December 29, 1950, in 15 F. R. 9383, on January 9, 1951, in 16 F. R. 226, on February 1, 1951, in 16 F. R. 931, on April 6, 1951, in 16 F. R. 3003, and on June 8, 1951, in 16 F. R. 5438.

10. Section 609.10 shall consist of § 60.46–8 published on December 23, 1950, in 15 F. R. 9233, with "§ 609.5 (b)" substituted for "§ 60.46–3 (b)" and "§ 609.11" substituted for "§ 60.46–9."

11. Section 609.11 shall consist of § 60.46–9 published on November 16, 1949, in 14 F. R. 6933, and amended on December 14, 1949, in 14 F. R. 7478, on January 19, 1950, in 15 F. R. 319, on November 10, 1950, in 15 F. R. 7613, on December 12, 1950, in 15 F. R. 8770, on December 29, 1950, in 15 F. R. 9383, on January 9, 1951, in 16 F. R. 227, on March 7, 1951, in 16 F. R. 2123, and on June 8, 1951, in 16 F. R. 5441.

12. Section 609.12 shall consist of § 60.46–10 published on December 23, 1950, in 15 F. R. 9234, with "§ 609.5" substituted for "§ 60.46–3" and "§ 609.13" substituted for "§ 60.46–11."

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8644; Filed, July 26, 1951; 8:48 a. m.]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The following part is adopted for the purpose of recodifying all minimum en route instrument altitudes which have been published in the FEDERAL REGISTER and are in effect:

Sec.
610.1 Definitions.
610.2 Areas.
610.3 Routes.
610.11–610.18 Green Civil Airway No. 1–8.
610.101–610.109 Amber Civil Airway No. 1–9.
610.201–610.296 Red Civil Airway No. 1–96.
610.601–610.675 Blue Civil Airway No. 1–75.
610.1001 Direct routes; Northeast United States.
610.1002 Direct routes; Southeast United States.
610.1003 Direct routes; Southwest United States.
610.1004 Direct routes; Northwest United States.

AUTHORITY: § 610.1 to § 610.1004 issued under sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; as amended; 49 U. S. C. 551.

1. Section 610.1 shall consist of § 60.17–1 published on October 21, 1949, in 14 F. R. 6247, and amended on January 25, 1951, in 16 F. R. 672.

2. Section 610.2 shall consist of § 60.17–2 published on October 21, 1949, in 14 F. R. 6427, with "§ 610.3 through § 610.1004" substituted for "§ 60.17–3 through § 60.17–1004."

3. Section 610.3 shall consist of § 60.17–3 published on January 12, 1950, in 15 F. R. 149, (altered January 27, 1950, in 15 F. R. 461) and amended on January 25, 1951, in 16 F. R. 672, with "§ 610.11 through § 610.1004" substituted for "§ 60.17–11 through § 60.17–1004."

4. Sections 610.11 through 610.18 shall consist of §§ 60.17–11 through 60.17–18 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461) and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3252, on July 29, 1950, in 15 F. R. 4888, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

5. Sections 610.101 through 610.109 shall consist of §§ 60.17–101 through 60.17–109 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461) and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 1725 (corrected March 9, 1951, in 16 F. R. 2182), on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

6. Sections 610.201 through 610.296 shall consist of §§ 60.17–201 through 60.17–296 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1482, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on July 29, 1950, in 15 F. R. 4888, on August 1, 1950, in 15 F. R. 4913, on September 23, 1950, in 15 F. R. 6438, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 673, on February 9, 1951, in 16 F. R. 1232, on February 21, 1951, in 16 F. R. 1725, on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5614, and on June 29, 1951, in 16 F. R. 6274.

7. Sections 610.601 through 610.675 shall consist of §§ 60.17–601 through 60.17–675 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1482 (corrected March 21, 1950, in 15 F. R. 1565), on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3253, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6439, on November 22, 1950, in 15 F. R. 7975, on January 25, 1951, in 16 F. R. 674, on February 21, 1951, in 16 F. R. 1725, on March 29, 1951, in 16 F. R. 2720, on May 1, 1951, in 16 F. R. 3691, on June 13, 1951, in 16 F. R. 5615, and on June 29, 1951, in 16 F. R. 6275.

8. Section 610.1001 shall consist of § 60.17–1001 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1483, on April 18, 1950, in 15 F. R. 2178, on May 27, 1950, in 15 F. R. 3254, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6440, on November 22, 1950, in 15 F. R. 7976, on May 1, 1951, in 16 F. R. 3691, and on June 13, 1951, in 16 F. R. 5616.

9. Section 610.1002 shall consist of § 60.17–1002 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on April 18, 1950, in 15 F. R. 2179, on May 27, 1950, in 15 F. R. 3254, on August 1, 1950, in 15 F. R. 4914, on September 23, 1950, in 15 F. R. 6440, on November 22, 1950, in 15 F. R. 7976, on January 25, 1951, in 16 F. R. 675, on February 9, 1951, in 16 F. R. 1233, on February 21, 1951, in 16 F. R. 1726, and on June 13, 1951, in 16 F. R. 5616.

10. Section 610.1003 shall consist of § 60.17–1003 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461), and amended on March 16, 1950, in 15 F. R. 1483, on May 27, 1950, in 15 F. R. 3255, on August 1, 1950, in 15 F. R. 4914, on November 22, 1950, in 15 F. R. 7976, on January 25, 1951, in 16 F. R. 675, on March 29, 1951, in 16 F. R. 2720, and on May 1, 1951, in 16 F. R. 3691.

11. Section 610.1004 shall consist of § 60.17–1004 published on January 12, 1950, in 15 F. R. 149 (altered January 27, 1950, in 15 F. R. 461).

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8645; Filed, July 26, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supp. Reg. 46]

GCPR, SR 46—ADJUSTMENTS IN CEILING PRICES FOR CERTAIN QUANTITIES OF REFINED COPPER SOLD BY REFINERS WHO USE IMPORTED RAW MATERIALS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation is hereby issued.

Statement of considerations. This supplementary regulation increases the ceiling price which copper refiners may charge for certain quantities of refined copper.

Refiners and smelters in the United States ordinarily purchase from foreign sources copper bearing raw materials which they convert into refined copper. They also convert, on a service basis, similar imported materials owned by other persons. The imported raw materials purchased by these refiners are customarily paid for on the basis of the value of their recoverable copper content, measured in terms of the prevailing price for refined copper of foreign origin, less a treatment or conversion charge. The refiners thus do not profit from increases in the price of copper itself and ordinarily they protect themselves against loss from a reduction in such price by selling each month, at commensurate prices, a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials they have purchased.

The ceiling price established under the General Ceiling Price Regulation for sales of refined copper by most domestic refiners is 24½ cents per pound and during the base period of that regulation (December 19, 1950 to January 25, 1951, inclusive) they were paying for their imported raw materials on substantially the same basis. As the result of an agreement between the United States and Chile, the price for refined copper of foreign origin increased about 3 cents per pound over the level which had prevailed during the base period and since May 21, 1951, domestic refiners of imported raw materials have been required by their contracts to pay prices reflecting this increase. Since there has been no change in domestic ceiling prices for refined copper they have not been able to recover the increase in costs which they have sustained.

It appears that the refiners cannot absorb this increase and if appropriate relief is not granted, substantial quantities of needed copper are likely to be diverted from the United States. Information submitted to the Office of Price Stabilization indicates that in 1950 approximately 330,000 tons of copper was recovered from imported raw materials, compared to domestic mine production of 940,000 tons, and that in the first three months of 1951 about 65,500 tons of copper was recovered from such materials. In view of the critical shortage of copper, it is obvious that the loss of this tonnage would have a serious adverse effect upon the defense program and the civilian economy.

In order to avoid any interruption in the flow of these vitally needed materials to the United States, this supplementary regulation permits domestic refiners who purchase imported copper bearing raw materials to sell, at a ceiling price of 27½ cents per pound for base grade, a quantity of refined copper equivalent to the recoverable copper content of such materials purchased since May 21, 1951, and for which they have made payment on the basis of the prices prevailing on and after May 21, 1951. The considerations which justify this action pertain as well to persons who sell refined copper which they have had processed from imported raw materials on a toll or conversion basis and this regulation also applies to their sales.

This regulation also requires persons to whom it applies to file appropriate reports to enable the Office of Price Stabilization to check the quantity of copper-bearing raw materials imported and the quantity of refined copper sold at the ceiling prices authorized herein.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950.

In formulating this regulation, the Director consulted with industry representatives to the extent practicable under existing circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. When the ceiling prices established herein may be charged.
3. Ceiling prices.
4. Definitions.
5. Reports.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong., as amended. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* If you are a copper refiner who purchases imported raw materials, this supplementary regulation permits you to sell, at the ceiling prices established herein, a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials which are delivered to you. This regulation also requires you to file certain reports with the Office of Price Stabilization.

SEC. 2 *When the ceiling prices established herein may be charged.* If you are a copper refiner who purchases and uses imported raw materials, you may sell at the applicable ceiling price established in this regulation, a quantity of refined copper equivalent to the recoverable copper content of imported raw materials purchased by you since May 21, 1951, and for which you made payment to the seller on the basis of prices prevailing on and after May 21, 1951.

SEC. 3 *Ceiling prices.* Your ceiling price for the quantity of refined copper specified in section 2 is the applicable price determined in accordance with the provisions of this section.

(a) *Connecticut Valley prices.* Your ceiling price for carload shipments of refined copper in the shape of wire bars or ingot bars delivered to Connecticut Valley points is the applicable price set forth in Table A.

TABLE A

Specification	Price (cents per pound)
Electrolytic, lake, or other fire refined copper made to meet A. S. T. M. Standard B5-27 for electrolytic copper	27.50
Casting copper made by fire refining to a standard of 99.5 percent pure including silver as copper	27.25

(b) *Other kinds, grades, shapes, or forms.* Your ceiling price for kinds, grades, shapes, or forms not listed in paragraph (a) of this section, is the applicable price set forth in that paragraph plus or minus the customary differential which you would have added to or subtracted from your Connecticut Valley price on December 31, 1950.

(c) *Deliveries to points other than Connecticut Valley points and for export.* Your ceiling price for deliveries to points other than Connecticut Valley points and for export, is the applicable price set forth in paragraph (a) or (b) of this section, plus or minus the customary delivery differential which you would have added to or subtracted from your Connecticut Valley price on December 31, 1950.

(d) *Shipments in less-than-carload quantities.* For shipments in less-than-carload quantities, your ceiling price, f. o. b. your refinery, is the applicable price set forth in Table A adjusted in accordance with paragraph (b) of this section.

SEC. 4. *Definitions.* When used in this regulation, the term:

(a) "Refined copper" means all copper metal refined by any process of electrolysis or fire refining to a grade or form suitable for fabrication.

(b) "Copper refiner" means any person who produces refined copper or for whom refined copper is produced by another person pursuant to a toll or conversion agreement.

(c) "Imported raw materials" means ores, concentrates, blister, and other copper-bearing materials (other than scrap) produced outside of the United States, its territories or possessions.

SEC. 5. *Reports.* If you are a copper refiner covered by this regulation, you must file the following reports with the Office of Price Stabilization, Washington 25, D. C.

(a) On or before August 15, 1951, you must file a report showing:

(1) Your name and address;

(2) The kind and quantity of imported raw material purchased by you between May 21, 1951 and July 31, 1951, broken down on the basis of country of origin, and for which you made payment to the seller on the basis of prices prevailing on and after May 21, 1951;

(3) The location of the plant at which such material was received; and

(4) The quantity of refined copper, if any, shipped by you from each of your refineries on or before July 31, 1951, for which you charged a price determined in accordance with the provisions of this regulation.

(b) Within 15 days after the end of each calendar month beginning with August 1951 you must file a report on a Form provided by the Office of Price Stabilization showing:

(1) Your name and address;

(2) The recoverable copper content of each kind of imported raw material purchased by you, broken down by country of origin;

(3) The location of the refinery at which such material was received; and

(4) The quantity of refined copper shipped by you from each of your refineries during the month and for which you charged a price determined in accordance with the provisions of this regulation.

SEC. 6. *Miscellaneous.* Any person subject to this supplementary regulation shall be subject to all provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this regulation, including but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective July 25, 1951.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8698; Filed, July 25, 1951; 4:19 p. m.]

[Ceiling Price Regulation 13, Supplementary Regulation 1]

CPR 13—RETAIL CEILINGS ON PETROLEUM PRODUCTS

SR 1—RETAIL MARGINS ON GASOLINE IN THE COUNTIES OF ORANGE AND LOS ANGELES, CALIFORNIA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 13 (16 F. R. 2626) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 13, provides a special pricing method for retail sellers of motor gasoline in Los Angeles and Orange Counties of California. These two counties produce 36 per cent of the crude oil supply of the Pacific Coast, have approximately 25 refineries representing 59 per cent of the five Western states' refining capacity, and distribute gasoline through over 9,500 retail service station outlets. The gasoline sold by them supplies about 3.5 to 4 per cent of the total United States gasoline demand, and fully 35 per cent of the demand for this product in the Pacific Coast states. The magnitude of this operation indicates that any interruption in the flow of gasoline from refineries to the motoring public through the medium of retail establishments could be damaging to the defense effort.

The coincident inauguration of price control with the ending of a "price war" which had been in existence in this area resulted in the freezing at abnormally low levels of retail margins of a large segment of these retail establishments. It is the purpose of this supplementary regulation to restore to this segment its normal margin of 4½¢ per gallon on regular grade gasoline, with customary differentials for premium and third grade gasolines. This 4½¢ margin for regular grade gasoline has customarily existed in this area since 1948 and while it is available under present provisions of Ceiling Price Regulation 13 to the majority of retail establishments in this area, it is not uniform.

A survey of the area involved by the Retail Advisory Committee and the Regional Petroleum Consultant establishes that the customary differential between suppliers' tank truck prices or dealers' laid down cost and the retail price is 4½¢ per gallon on regular grade gasoline and 5¢ per gallon on premium grade. Information has been secured which shows that approximately 94 percent of the volume in this area customarily is sold at these margins. During the "price war" period, however, approximately 20 percent of the total retailers were obliged to sell at margins from 3 to 3½¢ per gallon.

Inasmuch as normal margins were not possible of attainment for this segment in the base period and the 4¢ margin provision available under section 8 (a) (1) is not equivalent to the normal margin, the Los Angeles dealers have petitioned to be relieved from the resultant margin squeeze. The requested margin of 4½¢ per gallon for regular grade gasoline compares with the average margin in the United States of 4.89¢ per gallon as reported by the June 6, 1951 issue of National Petroleum News, and compares with other margins on the Pacific Coast of 4.8¢ per gallon at San Francisco, 5¢ per gallon at Reno, 5.5¢ per gallon at Portland, and 5¢ per gallon at Spokane. Not only is this margin, therefore, consistent with margins in other areas of the United States, but it is reasonable as related to costs on the basis of information which was obtained and filed in connection with the survey made by the Office of Price Stabilization.

Although the survey of retail prices in these counties indicated a normal retail margin of 4½¢ per gallon on regular grade and 5¢ per gallon on premium grade gasoline, petitioners have asked for a spelled out margin only for regular grade gasoline while for premium grade they suggest following the wording of Ceiling Price Regulation 13. Specifically, they ask for 4½¢ per gallon to be added to the tank wagon price or laid down cost for regular grade gasoline, plus or minus the customary retail differential for premium and third grade gasoline.

It is alleged by the petitioners and supported by the evidence that adoption of the recommendation will have no significant effect upon the current retail price level at about 90 percent of the

sales outlets in the Los Angeles basin. The effect, however, upon sales of 6 to 10 percent of the volume will be to increase prices to the consumers to the extent of 1¢ to 1½¢ per gallon. It has also been alleged and supported by evidence that unless ceiling price relief of the type petitioned for is granted, this segment of sellers will disappear from the market. In recognition of the need to correct the price inequity and to restore the customary margin of this segment of sellers in this area, this supplementary regulation is issued.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Authority to change margins.
3. Miscellaneous.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong., Executive Order 10161, September 9, 1950, F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation is applicable to persons engaged in selling automotive or marine gasoline from a retail establishment in the Counties of Orange and Los Angeles, California.

SEC. 2. *Authority to change margins.* Notwithstanding any provisions of Ceiling Price Regulation 13, if you are a seller of automotive or marine gasoline at a retail establishment you may, if you choose, fix a ceiling price for each grade of automotive or marine gasoline by adding to the tank wagon ceiling price for regular grade gasoline of your supplier 4½¢ per gallon plus or minus your customary retail differential for premium or third grade gasoline.

SEC. 3. *Miscellaneous.* (a) The sellers subject to this supplementary regulation shall be subject to all other provisions of Ceiling Price Regulation 13 which are not inconsistent with the provisions hereof.

(b) Notwithstanding any provision of Ceiling Price Regulation 13 which requires that once you have established your ceiling price you must continue using that ceiling price, you may, if you elect to determine your ceiling prices, under the provisions of section 2 of this supplementary regulation, change your ceiling price in accordance therewith; but having made such change and established a new ceiling price in accordance with the provisions of section 2 of this supplementary regulation you must continue to use this ceiling price unless a change in ceiling price is subsequently ordered by the Office of Price Stabilization.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 13 shall become effective on the 31st day of July, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8751; Filed, July 26, 1951; 11:17 a. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 1]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS

SR 1—SALES OF GASOLINE IN CERTAIN AREAS OF CALIFORNIA

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 17 (16 F. R. 2626) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 establishes dollars-and-cents prices for tank wagon and "rack" sales of automotive gasoline in the Los Angeles Basin area of the State of California. The prices normally charged by wholesalers of motor gasoline in this area for tank wagon sales have been at substantially uniform prices for several years antedating the issuance of Ceiling Price Regulation 17. Similarly, there is a substantial volume of automotive gasoline sold at the refineries or refinery facilities at a customary differential below the prevailing tank wagon price for the area involved. For convenience in terminology, this type of discount transaction is referred to as the sale of "rack gasoline" or "rack price gasoline." This gasoline is sold either f. o. b. the refinery with transportation provided by the ultimate consumer or buyer, or is sold on a delivered-at-destination basis which consists of the "rack price" plus customary transportation charges.

Examination of prices on "rack transactions" back to 1948 shows that the customary level has been from 2.0¢ to 2.7¢ per gallon below the prevailing tank wagon price in each area involved, and that the weighted average discount has been 2.5¢ per gallon off tank wagon. However, the retail price war which broke out in Los Angeles basin early in 1950 caused "rack prices" also to weaken, and the Office of Price Stabilization regulations froze these "rack prices" at 3¢ to 3½¢ below tank wagon ceiling prices. Thus the discounts on "rack prices," as frozen into the area price structure, are from ½¢ to 1.0¢ per gallon below the normal differentials.

It is the purpose of this supplementary regulation to restore the customary differential between the tank wagon price and the "rack price" in order to relieve the sellers who now have their ceilings frozen at abnormally low levels.

The ceiling price relief to be afforded by this supplementary regulation is essential to the maintenance of gasoline supplies through customary channels of distribution. With the depletion of gasoline inventories in late 1950 and early 1951 and the resultant tight supply situation on gasoline currently existing in the Pacific Coast, many re-sellers of gasoline are having extreme difficulty in securing their requirements of the product.

The customary pricing practice on the Pacific Coast is to relate prices for deliveries other than by tank wagon in terms of discounts or premiums over or under the tank wagon price. It is, therefore, essential to establish, coincident with the restoration of the normal differential for "rack" transactions, the prevailing tank wagon price in the area involved as the ceiling price. Evidence is on file to show that the posted tank wagon price of sellers in this area is the prevailing price and, because of the existence of uniform prices, the establishment of dollars and cents prices is facilitated. The tank wagon prices which are spelled out by this supplementary regulation were in effect in the latter part of 1950, and are regarded by the Pacific Coast Industry Advisory Committee as fair and equitable. Moreover, the establishment of dollars and cents ceiling prices for tank wagon deliveries is in accordance with the announced policy of this agency to establish specific ceiling prices, which situation is desirable from the standpoint of the consuming public, sellers, and the government.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the prices established by this supplementary regulation are at the minimum levels which will permit the continued supply of gasoline, are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Ceiling prices for tank wagon deliveries in the Los Angeles basin.
4. Rack gasoline.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., Executive Order 10161, September 9, 1950, F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation sets specific prices for tank wagon sales of regular, automotive and marine gasoline in the Los Angeles basin area, and sets a specific 2.5¢ differential in sales of "rack gasoline."

SEC. 2. *Definitions.* When used in the supplementary regulation, the term "Los Angeles basin" means that area enclosed by a line beginning at the southerly limits of Laguna Beach, extending north to Irvine, thence northerly to base of Sierra Madre mountains at Altadena, thence along Foothill Boulevard to intersection of San Fernando Road and Foothill Boulevard, including the site of the New-

hall Refinery, thence southwesterly to north boundary of Malibu Beach and Pacific Ocean, thence southeasterly along shoreline of Pacific Ocean to point of commencement.

SEC. 3. *Ceiling prices for tank wagon deliveries in the Los Angeles basin.* (a) Ceiling prices for tank wagon deliveries in the Los Angeles basin area for regular grade gasoline are hereby established as follows:

CEILING PRICES PER GALLON

Quantity of gasoline per delivery:	*Cents*
40 to 199 gallons	21.0
200 to 399 gallons	20.5
400 and over gallons	20.0

(b) Premium grade gasoline in the aforementioned area shall be the price for regular grade gasoline as listed in paragraph (a) of this section, plus each seller's customary differential between regular and premium grade gasolines delivered by tank wagon.

(c) Third grade gasoline in the aforesaid area shall be the price for regular grade gasoline as listed in paragraph (a) of this section, minus each seller's customary differential between regular and third grade gasolines delivered by tank wagon.

SEC. 4. *Rack gasoline.* The ceiling price for regular grade gasoline f.o.b. refineries or refinery facilities to that class of purchaser buying "rack price gasoline" in the Los Angeles basin shall be 2.5¢ per gallon below the specified tank wagon ceiling price for quantities as established in section 3 of this regulation. For "delivery-at-destination" sales of rack price gasoline there may be added to the f.o.b. refineries ceiling prices established by this section the seller's customary transportation charge. For premium grades of gasoline, the seller's customary wholesale differential between regular and premium grades may be added. For third grade gasoline the seller's customary wholesale differential between regular and third grade gasoline shall be deducted.

Effective date. This supplementary regulation shall become effective on the 31st day of July, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8752; Filed, July 26, 1951; 11:17 a. m.]

[General Overriding Regulation 2, Amendment 2]

GOR 2—SALES TO THE UNITED STATES

OFFICE OF RUBBER RESERVE, RECONSTRUCTION FINANCE CORPORATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 2, Amendment 2, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to General Overriding Regulation 2 establishes ceiling prices for certain sales to the Office of Rubber Reserve, Reconstruction Finance Corporation. Through its Office of Rubber Reserve, the Reconstruction Finance Corporation has since 1942 performed the functions of the Government with respect to the production and sale of synthetic rubber, the conduct of research and development related to synthetic rubber, and the repair, maintenance, and improvement of the Government-owned plants employed in such activities. The level of operations is currently established and designed to fulfill military and essential civilan needs. Such operations involve the production or purchase of numerous materials and services under various types of contracts from many operators, contractors, and suppliers, some of whom are engaged in other activities. The form of agreement generally used is a cost-plus-fixed-fee type of contract, in which the fee schedule for a particular type of service is essentially uniform throughout the synthetic rubber program conducted by the Office of Rubber Reserve, Reconstruction Finance Corporation. In other instances a fixed price or pricing formula method is used.

Prior to the issuance of the General Ceiling Price Regulation in January, the Office of Rubber Reserve, Reconstruction Finance Corporation, and its operators, contractors, and suppliers were engaged in negotiating new contracts which the Office of Rubber Reserve, Reconstruction Finance Corporation, had agreed in many cases should be retroactive to a date prior to the imposition of price control. However, because of the multitude of activities and parties involved, the complex nature of some of the agreements, and the necessity for substantial changes in certain arrangements, it was not practical or possible between the time Congress extended the Rubber Act on June 24, 1950, and the issuance of the General Ceiling Price Regulation on January 26, 1951, for the Office of Rubber Reserve, Reconstruction Finance Corporation, to make the necessary adjustments to existing contracts and to conclude all negotiations. Thus, when the General Ceiling Price Regulation was issued, some contracts had not been finally executed and were prevented from being put into effect. In order to accomplish the objectives of the synthetic rubber program, negotiations undertaken by the Office of Rubber Reserve, Reconstruction Finance Corporation, prior to and during the base period must be recognized and validated.

The Office of Rubber Reserve, Reconstruction Finance Corporation, has advised that at the time the present prices for GR-S and Butyl rubber were established in December 1950, it took into account, insofar as possible, the prices then in the process of being negotiated with its various contractors as well as certain anticipated increases in salaries and wages. It has also stated that in its opinion the ceiling prices established by this regulation, together with the exemptions granted under Ceiling Price Regulation 17, will not, in themselves, in the light of existing prices, regulations, and conditions, result in the necessity of further increasing the price of GR-S or Butyl rubber, inasmuch as the prices established by this regulation and known prices established under said Regulation 17 were contemplated when the present prices for GR-S and Butyl rubber were established. However, the Government's synthetic rubber program administered by the Office of Rubber Reserve, Reconstruction Finance Corporation, is essential to the national defense and must be conducted without loss to the Government, and this or any other regulation is not intended to prevent the filing of an application for an increase in the sales price of synthetic rubber sold by the Office of Rubber Reserve, Reconstruction Finance Corporation, in order to prevent any loss from the conduct of the program.

This regulation does not impose a ceiling price on any commodity or service which heretofore has been exempt from price control.

In the judgment of the Director of Price Stabilization, this action is necessary to achieve the objectives of the Defense Production Act of 1950 and will not have any material effect upon the cost of living or upon the general level of prices.

AMENDATORY PROVISIONS

1. Section 3 of General Overriding Regulation 3, entitled "Definitions" is hereby renumbered section 4.

2. A new section 3 is inserted reading as follows:

SEC. 3. *Sales to the Office of Rubber Reserve, Reconstruction Finance Corporation.* Unless and until a price regulation establishes, provides for, or permits a higher ceiling price:

(a) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any of the following contracts shall be the price specified in such contract:

(1) Any cost-plus-fixed-fee contract executed prior to or during the base period, December 19, 1950, through January 25, 1951;

(2) Any cost-plus-fixed-fee contract which was in the process of negotiation during the base period, December 19, 1950, through January 25, 1951, provided such negotiations were completed prior to the date of this regulation and the fee schedule specified in such contract was established prior to or during such base period.

(b) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any contract (other than a cost-plus-fixed-fee contract) which specifies a fixed price or a rate or pricing method negotiated prior to or during the base period December 19, 1950, through January 25, 1951, shall be the highest price payable under such contract with respect to deliveries made or services supplied during said base period.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 2 to General Overriding Regulation 2 shall become effective July 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8753; Filed, July 26, 1951; 4:00 p. m.]

[Defense Food Order 2, Sub-Order 1, Amendment 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES: SET ASIDE REQUIREMENTS

SO 1—CANNED VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (Pub. Law 744, 81st Cong., approved September 8, 1950; Pub. Law 69, 82d Cong., approved June 30, 1951) and delegations of authority thereunder.[1] In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The purpose of this amendment is to modify the percentages of the base packs of canned vegetables that are used in determining the quantities of such canned vegetables to be set aside and reserved out of 1951 packs, for requirements of Government agencies. These modifications are made necessary by (1) significant variation in the sizes of base packs reported by processors as compared with sizes estimated prior to the issuance of Sub-Order No. 1, (2) minor revisions in the requirements of Government agencies, and (3) shifts in requirements among the canned vegetables covered by the set-aside order.

These changes are accomplished by means of a revision of Column B of Table I; and for the purpose of ready reference, the entire table is set forth reflecting these revisions.

Defense Food Order 2, Sub-Order 1 (16 F. R. 3346) is hereby amended by revising Table I, set forth in section 4, *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types,* to read as follows:

"SEC. 4. *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types*

Canned vegetables	Percent of base pack	Style (sequence denotes preference unless otherwise specified)	Grade preference [1]		Preferred container sizes and types [2] (cans unless otherwise specified)
			First	Second	
A	B	C	D	E	F
Asparagus	12	1. Spears. 2. Cut Spears.	U. S. Fancy	U. S. Std. Min. Score 80 Points [3]	2's.
Beans, Lima	20		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Beans, green or wax [4]	10	Cut	U. S. Ext. Std. round type	U. S. Fancy round type	10's-2's.
Carrots	20	1. Sliced. 2. Diced. 3. Cut.	U. S. Fancy	U. S. Std. Min. Score 80 Points [3]	10's-2's.
Corn, sweet	13	Whole Grain.[5]	U. S. Ext. Std.	U. S. Fancy	Whole Grain, 10's-2's, No. 2 Vacuum.
		Cream Style.[5]			Cream Style, 2's-No. 3 Tall.
Peas, green	13		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Pumpkin	15		U. S. Fancy		2½'s.
Sweetpotatoes	34	1. Whole and pieces. 2. Whole.	U. S. Fancy	U. S. Std. Min. Score 80 Points	2½'s-No. 3 Vacuum.
Tomatoes	18		U. S. Ext. Std.[6] or U. S. Fancy [6]	U. S. Std. Min. Score 70 Points [7 10]	10's-2½'s-2's.
Tomato catsup	16		U. S. Fancy 33 percent solids and over.[6]	U. S. Fancy except 29-33 percent solids.[8]	10's-14 oz. bottles, 2's.
Tomato paste	11		U. S. Fancy medium conc.[9]	U. S. Fancy light conc.[9]	10's-2½'s.

[1] Grades are those defined in applicable United States Standards.
[2] 75 percent of requirements are preferred in container sizes listed first.
[3] 75 percent of requirements are preferred in whole grain, and 25 percent cream style.
[4] First preference green beans.
[5] Type I as defined in Federal Specifications (JJJ-T-571a).
[6] Type I as defined in Federal Specifications (JJJ-C-91a).
[7] Type I as defined in Federal Specifications (JJJ-T-579).
[8] With not less than 21 points for tenderness.
[9] With not less than 24 points for texture.
[10] With not less than 13 points for drained weight, 21 points for color, and 19 points for absence of defects."

This order shall become effective upon publication in the FEDERAL REGISTER. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 1, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 1, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, Pub. Law 744, 81st Cong.; Pub. Law 69, 82nd Cong.)

Done at Washington, D. C., this 24th day of July, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8765; Filed, July 26, 1951; 12:04 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN

a. In § 127.55 *General information* amend paragraph (j) (1) by striking out "Japan" from the list of countries therein.

b. In § 127.286 *Japan* paragraph (c) is rescinded.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-8072; Filed, July 26, 1951; 8:45 a. m.]

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[1] Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519).

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9954]

PART 7—COASTAL AND MARINE RELAY SERVICES

PART 8—SHIP SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of § 7.58 (c) of Part 7, and § 8.81 (c) of Part 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively; Docket No. 9954.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of July 1951;

The Commission having under consideration its proposal to amend § 7.58 (c) of Part 7, and § 8.81 (c) of Part 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively to make avail-

able additional locations at which frequencies in the 2–3.5 megacycle band may be used by coastal-harbor and ship radiotelephone stations (under certain specific conditions); and

It appearing, that proposed rule-making in this regard was published in the FEDERAL REGISTER on May 5, 1951 (16 F. R. 4139) and that the period in which interested persons were afforded an opportunity to submit comments has expired; and

It further appearing, that all comments received were generally favorable to the proposed amendment but that one comment recommended that the frequency 2572 kilocycles be made available for use by coastal-harbor stations at New Orleans, Louisiana as well as Mobile, Alabama, and a second comment recommended that certain additional frequencies in the 2–3.5 megacycle band, namely, 2009, 2366, 3242.5, and 3322.5 kilocycles, be made available for use by coastal-harbor stations located at Galveston, Texas, and New Orleans, Louisiana; and

It further appearing, that the public interest, convenience and necessity would not be served by making the frequency 2572 kilocycles available for assignment for use by a coastal-harbor station at New Orleans, Louisiana, because the use of this frequency by a coastal-harbor station at New Orleans, Louisiana, would cause harmful interference to the service of duly authorized United States government stations; and

It further appearing, that the frequencies 2009, 2366, 3242.5, and 3322.5 kilocycles are not, under the Commission's rules and regulations available for assignment for use by stations in the maritime mobile service as are the frequencies which are the subject of this rule-making proceeding; and

It further appearing, that on June 13, 1951, the Commission adopted a Report and Order in Docket 9797 which established revised versions of Parts 7 and 8 entitled Rules Governing Stations on Land in the Maritime Services, and Rules Governing Stations on Shipboard in the Maritime Services, respectively, effective July 23, 1951, and which repealed present Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively, effective July 23, 1951; and

It further appearing, that revised Parts 7 and 8 should be amended to reflect the changes herein ordered in present Parts 7 and 8; and

It further appearing, that public interest, convenience, and necessity will be served by the adoption of the amendments herein ordered and authority therefore is contained in sections 301 and 303 (c), (f), and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments to §§ 7.58 (c) and 8.81 (c) herein ordered may be made effective immediately since they relieve a restriction which would otherwise be applicable and permit the processing of certain applications now on file with the Commission;

It is ordered, That effective immediately, §§ 7.58 (c) and 8.81 (c) of the Commission's rules are amended as set forth in Appendix I, below;

It is further ordered, That effective July 23, 1951, §§ 7.306 (b) and 8.354 (a) (1) of Parts 7 and 8 of the Commission's rules governing Stations on Land in the Maritime Services, and Rules Governing Stations on Shipboard in the Maritime Services, respectively, which were adopted June 13, 1951, effective July 23, 1951, are amended as set forth in Appendix II, below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, 50 Stat. 191; 47 U. S. C. 303)

Released: July 20, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

Part 7, Rules Governing Coastal and Marine Relay Services, is amended in the following particulars:

Section 7.58 (c) is amended to read as follows with regard to the following frequencies:

(c) *To coastal-harbor stations.*

2506 kc [1a]	Boston, Mass. San Francisco, Calif. Eureka, Calif. Galveston, Tex.
2514 kc	Miami, Fla. Great Lakes area.
2522 kc [1a]	Seattle, Wash. New York, N. Y. Tampa, Fla. (day only). Los Angeles or San Diego, Calif. (day only).
2530 kc	Galveston, Tex. Hawaiian Islands. San Juan, P. R.
2538 kc [1a] [1b]	Norfolk, Va. Quantico, Va. San Francisco and Eureka, Calif. (day only).
2550 kc [1a]	Tampa, Fla. Great Lakes area. Boston, Mass. (day only). Wilmington, Del.
2558 kc [1a]	New York, N. Y. New Orleans, La. (day only).
2566 kc [1a]	Charleston, S. C. Jacksonville, Fla. Los Angeles, Calif. Seattle, Wash. (day only).
2572 kc	Mobile, Ala.
2582 kc	Great Lakes area. Hawaiian Islands.
2590 kc [1a]	New York, N. Y. Miami Beach, Fla. (day only).
2598 kc [1a] [1c]	New Orleans, La. Portland, Oreg. Astoria, Oreg. San Diego and Los Angeles, Calif. (day only).

[1a] The use, when assigned, of the frequency 2506 kilocycles designated for use at Galveston, Texas, and the use, when assigned, of the frequencies designated for use on "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequency; the frequencies 2522, 2538, 2566, and 2598 kilocycles, where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[1b] The use of the frequency 2538 kilocycles at San Francisco and Eureka, California, shall be coordinated with the Naval Commandant of the 12th Naval District, prior to operation thereon.

[1c] The use of the frequency 2598 kilocycles at San Diego or Los Angeles, California, shall be coordinated with the Naval Commandant of the 11th Naval District, prior to operation thereon.

2. Part 8, Rules Governing Stations on Shipboard in the Maritime Services, is amended in the following particulars:

Section 8.354 (a) (1) is amended to read as follows with regard to the following frequencies:

2110 kc [2a]	Boston, Mass. San Francisco, Calif. Eureka, Calif. Galveston, Tex.
2118 kc	Miami, Fla. Great Lakes (U. S. and Canada).
2126 kc [2a]	Seattle, Wash. New York, N. Y. Tampa, Fla. (day only). Los Angeles or San Diego, Calif. (day only).
2134 kc	Galveston, Tex. Hawaiian Islands. San Juan, P. R.
2142 kc [2a]	Norfolk, Va. Quantico, Va. San Francisco and Eureka, Calif. (day only).
2158 kc [2a]	Tampa, Fla. Great Lakes (U. S. only). Boston, Mass. (day only).
2166 kc [2a]	Wilmington, Del. New York, N. Y. New Orleans, La. (day only).
2174 kc	Charleston, S. C. Jacksonville, Fla. Los Angeles, Calif. Seattle, Wash. (day only).
2182 kc	New York, N. Y. Hawaiian Islands. Miami Beach, Fla. (day only).
2198 kc [2a]	New Orleans, La. Astoria, Oreg. Portland, Oreg. San Diego or Los Angeles, Calif. (day only).
2206 kc [2a]	Great Lakes (Canada only).
2572 kc	Mobile, Ala.

[2a] The use, when assigned, of the frequency 2110 kilocycles designated for communication with Galveston, Texas, and the use, when assigned, of the frequencies designated for use on a "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequencies; the frequencies 2122, 2158, and 2206 kilocycles where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[F. R. Doc. 51-8651; Filed, July 26, 1951; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 12]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184) and good cause appearing therefor: *It is ordered*, That:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby further suspended until 7:00 a. m., September 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, That this amendment shall become effective at 7:00 a. m., August 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8637; Filed, July 26, 1951; 8:47 a. m.]

[S. O. 873, Amdt. 1]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of July A. D. 1951.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131), and good cause appearing therefor: *It is ordered*, That:

Section 95.873 Service Order No. 873, *Control of tank cars; appointment of agent* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., January 15, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., July 31, 1951, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8638; Filed, July 26, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 977]

HANDLING OF MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Paducah, Kentucky on March 12 and 13, 1951, pursuant to notice thereof which was issued February 28, 1951 (16 F. R. 2041).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 12, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 16, 1951 (16 F. R. 5787).

Within the period reserved for exceptions a producer association and a handler filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues, findings (including general findings), conclusions, and rulings of the recommended decision (16 F. R. 5787) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full herein, subject to the following modifications:

1. Delete the first three sentences of the fourth paragraph beginning in column 3, 16 F. R. 5788, and substitute therefor the following: "4. The price for Class I milk should be the basic formula price plus $1.70 for the months of September through February, $1.20 for March and August, and 60 cents for the months of April through July. Differentials at present are $1.50 August through December, 90 cents January through March and 50 cents April through July. The proposed annual average differerential of $1.25 represents an increase of approximately $0.23 over a period of a year."

2. Add at the end of the second paragraph beginning in column 2, 16 F. R. 5689, the following: "In the exceptions it was contended that August should be included in the group of those months in the flush production period to which the lowest differential should be added to the basic formula price in determining the Class I price. It was further contended that the prices to producers during the flush production months should be at a level which would not encourage unneeded production during these months. It is concluded that the plan adopted will accomplish this objective in a more satisfactory manner than the plan suggested."

Determination of representative period. The month of May 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Paducah, Kentucky, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents

shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area

Sec.
977.0 Findings and determinations.

DEFINITIONS

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977.5 Paducah, Kentucky, marketing area.
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977.7 Nonpool plant.
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977.21 Powers.
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977.90 Effective time.
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977.100 Agents.
977.101 Separability of provisions.

AUTHORITY: §§ 977.0 to 977.101 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133 y–16.

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this subpart and of each the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this part.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held March 12 and 13, 1951, at Paducah, Kentucky, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 977.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 977.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 977.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 977.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," called the "marketing area" in this subpart, means all the territory within McCracken County, Kentucky.

§ 977.6 *Pool plant.* "Pool plant" means:

(a) Any plant, which is approved by the Paducah-McCracken County Health Department, at which milk is received from producers, and from which Class I milk via delivery routes or plant stores is disposed of in the marketing area; or

(b) Any plant which is approved by such health department to furnish milk, skim milk, or cream to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

§ 977.7 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing, or bottling plant other than a pool plant.

§ 977.8 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who is certified by the Paducah-McCracken County Health Department for the production of milk which is permitted by such health authority to be sold as Grade "A" bottled milk in the marketing area, and which is:

(a) Received at a pool plant; or

(b) Diverted by a handler from a pool plant to a nonpool plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 977.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association of producers, as defined in § 977.87 (b), with respect to milk of producers diverted for the account of such association to any pool plant or nonpool plant; or

(c) An person in his capacity as operator of a nonpool plant from which Class I milk is disposed of in the marketing area via delivery routes or plant stores during the delivery period.

§ 977.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers.

§ 977.11 *Other source milk.* "Other source milk" means all milk, skim milk, cream, or any milk product received at a pool plant, except:

(a) That received from producers;

(b) That received from a pool plant of another handler, other than a producer-handler; and

(c) Any nonfluid milk product received and disposed of in the same form.

§ 977.12 *Delivery period.* "Delivery period" means the calendar month, or the total portion thereof, during which the provisions of this subpart are effective.

MARKET ADMINISTRATOR

§ 977.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 977.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 977.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 977.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 977.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made the reports or payments required pursuant to §§ 977.30, 977.62, 977.80 and 977.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 25th day after the end of each delivery period, to each cooperative association described in § 977.87 (b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments required to be made by handlers pursuant to the provisions of this subpart;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this subpart;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differential to handlers; and

(2) On or before the 10th day after the end of such delivery period, the uniform price and the butterfat differential to producers.

REPORTS, RECORDS, AND FACILITIES

§ 977.30 *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 6th day after the end of each delivery period:

(1) The receipts, utilization, and butterfat tests of all milk, skim milk, cream, and milk products required to be classified pursuant to § 977.40.

(2) A statement of the disposition of Class I milk outside the marketing area (other than from delivery routes serving stops both within and without the marketing area);

(3) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; and

(4) The name and address of each producer who discontinues deliveries of milk, and the date on which the milk of such producer was last received.

(b) Within 20 days after the end of each delivery period, his producer pay roll, which shall show for such delivery period:

(1) Each producer's total delivery of milk with the average butterfat test thereof; and

(2) The net amount of the payment made to each producer with the price, deductions, and charges involved.

§ 977.31 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (a) Verify the receipts and disposition of all milk and milk products required to be reported and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; and (c) verify payments to producers.

§ 977.32 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 977.40 *Basis of classification.* The market administrator shall classify, on the basis of the classes set forth in § 977.41 and subject to the conditions of §§ 977.42, 977.43, and 977.44, all receipts within the delivery period by a handler (a) milk from producers (including his own farm production), (b) milk, skim milk, cream, and milk products from other handlers, and (c) other source milk; and all milk of producers diverted by a cooperative association.

§ 977.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, buttermilk, milk drinks (whether plain or flavored), and cream; and all milk, skim milk, and cream not specifically accounted for as Class II milk.

(b) Class II milk shall be all milk, skim milk, and cream accounted for (1) as used to produce a product other than

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

those specified in Class I milk, (2) as actual plant shrinkage of milk received from producers, but not to exceed 2 percent of the total receipts of such milk, and (3) as actual plant shrinkage of other source milk: *Provided*, That if milk received from producers is used in the form of milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to the milk received from producers shall not exceed its pro rata share computed on the basis of the proportion of the volumes received from the various sources to their total.

§ 977.42 *Responsibility of handlers and reclassification of milk.* (a) All milk, skim milk, and cream received shall be Class I milk, unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(b) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made in the manner specified in § 977.84 with respect to errors in payment.

§ 977.43 *Transfers of milk, skim milk, and cream.* (a) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a pool plant of another handler shall be Class I milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred: *Provided*, That milk, skim milk, or cream so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 977.44 (b), and any excess of milk, skim milk, or cream shall be assigned to Class I milk.

(b) Milk, skim milk, and cream disposed of, by transfer or diversion, by a handler from a pool plant to a nonpool plant shall be Class I milk, unless (1) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 6th day after the end of the delivery period within which such transaction occurred, and (2) the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of milk, skim milk, and cream in such indicated use, the remaining pounds shall be classified as Class I milk.

§ 977.44 *Allocation of milk classified.* The amount remaining in each class after making the following computations shall be the amount in such class allocated to milk received from producers:

(a) Subtract from the total pounds in Class II milk the pounds of actual plant shrinkage of milk received from producers which does not exceed 2 percent of the total receipts of such milk;

(b) Subtract from the pounds remaining in each class, in series beginning with Class II milk, the total pounds of other source milk received;

(c) Subtract from the pounds remaining in each class the total pounds of milk, skim milk, and cream received from pool plants of other handlers and assigned to such class pursuant to § 977.43 (a); and

(d) Add to the pounds remaining in Class II milk the pounds subtracted pursuant to paragraph (a) of this section; or if the pounds remaining in all classes exceeds the pounds of milk received from producers, subtract such excess from the pounds remaining in the various classes, in series beginning with Class II milk.

MINIMUM PRICES

§ 977.50 *Class prices.* Subject to the conditions of § 977.52, each handler shall pay producers, at the time and in the manner set forth in §§ 977.80 through 977.85 not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk, computed pursuant to § 977.44:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.70 for the delivery periods of September through February; $1.20 for the delivery periods of March and August; and 60 cents for the delivery periods of April through July.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky, or the price computed pursuant to the following formula, whichever is the higher:

(1) Multiply by 4.0 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) Add 20 percent thereof; and

(3) Add 3½ cents for each full one-half cent that the price of nonfat dry milk solids by spray process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by spray process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for such price determination for the previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for such milk solids delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for in this subpart: Add 3½ cents for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above 6½ cents per pound.

§ 977.51 *Basic formula price.* The basic formula price per hundredweight to be used in determining the price for Class I milk shall be the Class II price for the delivery period, or the price computed as follows, whichever is the higher:

To the average of the basic (or field) prices reported to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

§ 977.52 *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4.0 percent, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

APPLICATION OF PROVISIONS

§ 977.60 *Producer-handlers.* Sections 977.40 through 977.52 and §§ 977.61 through 977.87 shall not apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 977.61 *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts of other source milk and receipts of milk, skim milk, and cream from pool plants of other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which has been credited to producers as having been received from them, such handler shall pay to producers through the producer-settlement fund the value of such milk or butterfat determined as follows:

(a) Multiply any such excess volume subtracted from any class pursuant to § 977.44 (d) by the applicable class price, adjusted by the handler butterfat differential for each one-tenth of 1 percent that the computed butterfat content of such excess varies from 4.0 percent; and

(b) Multiply the pounds of any such excess butterfat, for which no excess was subtracted pursuant to § 977.44 (d), by 10 times the handler butterfat differential.

§ 977.62 *Handlers operating nonpool plants.* Sections 977.30, 977.50 through 977.52, 977.70, 977.71, 977.80 through 977.83 and 977.85 through 977.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 977.9 (c), except that such handler shall:

(a) On or before the 6th day after the end of each delivery period, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each delivery period, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 977.9 (c) by the difference between the price of Class II milk and the price of Class I milk; and

(c) On or before the 20th day after the end of each delivery period, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the delivery period in the marketing area in the manner described in § 977.9 (c).

§ 977.63 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 977.70 *Computation of value for each handler.* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price adjusted by the handler butterfat differential, adding together the resulting class values, and adding to such sum the value of any excess milk or butterfat computed pursuant to § 977.61.

§ 977.71 *Computation of the uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of producer milk containing 4.0 percent of butterfat as follows:

(a) Combine into one total the values, computed pursuant to § 977.70, for all handlers who made the reports prescribed by § 977.30 for such delivery period, except those in default of payments required pursuant to § 977.82 for the preceding delivery period;

(b) Subtract, if the average butterfat content of all milk received from producers represented by the values included under paragraph (a) of this section is in excess of 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, the total value of the butterfat differential applicable pursuant to § 977.85;

(c) Add an amount representing the cash balance in the producer-settlement fund;

(d) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payment or delinquencies in payments by handlers.

PAYMENTS

§ 977.80 *Payments to producers*—(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable uniform price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided*, That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for milk received from such producer during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: (1) The producer butterfat differential, (2) payment made pursuant to paragraph (a) of this section, (3) marketing service deductions, (4) deductions authorized by the producer, and (5) any error in calculating payment to such producer for the past delivery periods: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 977.83, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 977.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 977.62, 977.82 and 977.84, and out of which he shall make all payments pursuant to §§ 977.83 and 977.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 977.82 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 977.70, for such delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential.

§ 977.83 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, any amount by which the total value of his milk, computed pursuant to § 977.70, for such delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 977.84 *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 977.80, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

§ 977.85 *Butterfat differential to producers.* In making payments to each producer, pursuant to § 977.80 (b), each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent

of butterfat content above or below 4.0 percent in milk received from such producer, the amount as shown in the following schedule for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the delivery period during which such milk was received:

Butter price range (cents):	*Butterfat differential (cents)*
17.499 or less	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 977.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 977.22 (d), each handler shall pay to the market administrator, on or before the 20th day after the end of each delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts at a pool plant, during the delivery period, of milk from producers (including such handler's own production) and other source milk other than sour cream used in the production of butter. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers diverted for the account of such association to a nonpool plant.

§ 977.87 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 977.80 (b), with respect to milk received from each producer (excluding such handler's own farm production), shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and, on or before the 20th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 977.80 (b), as are authorized by such producers, and on or before the 20th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 977.88 *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 977.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 977.91 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this subpart, or any amendment to this subpart, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this subpart or any amendment to this subpart.

§ 977.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 977.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except §§ 977.32, 977.88, and 977.91 through 977.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 977.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 977.101 *Separability of provisions.* If any provisions of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Paducah, Kentucky, Marketing Area; Determination That the Month of May 1951 Is a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 603c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area) who, during the month of May 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of May 1951 is hereby determined to be a representative period for the conduct of such referendum.

Foster R. Lewis is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-8677; Filed, July 26, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 9994]

ANNUAL REPORT FORM M, APPLICABLE TO CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of Annual Report Form M; applicable to Class A and Class B Telephone Companies, Docket No. 9994.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Annual Report Form M, applicable to Class A and Class B telephone companies, by substituting the instructions and schedules set forth in the appendix attached to this notice.[1]

3. Annual Report Form M is prescribed by § 1.544 (a) (2), and is required to be filed under the provisions of § 43.21, of the Commission's Rules and Regulations. Authority for the issuance of the proposed amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended.

4. The proposed amendment comprises a complete revision of the report form, provides clarification and simplification of the requirements in a number of schedules in the present form, and eliminates some of the presently effective requirements. In some instances information not called for in the present form is required in the proposed amendment. With respect to such additional information it is proposed to include, in the order of adoption of the amendment, a provision that companies that have kept their records for the calendar year 1951 in a manner that would require unduly burdensome analysis or rearrangement to compile and report data not called for in the previous report form may, upon application to and approval by the Commission in the specific instance, annotate particular schedules or portions thereof in lieu of filing complete returns for the calendar year 1951 in such instances.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before August 24, 1951, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Statements or briefs in reply to the original comments may be filed on or before September 7, 1951. Before taking action in the matter the Commission will consider all such comments that are presented and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Adopted: July 18, 1951.

Released: July 20, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8652; Filed, July 26, 1951; 8:49 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 55177]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 23, 1951.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 32 N., R. 11 W.,
Sec. 25, N½SE¼, E½W½SW¼SE¼.
T. 37 N., R. 12 W.,
Secs. 16 and 32.
T. 13 N., R. 15 W.,
Sec. 21, W½, SW¼SE¼;
Sec. 27;
Sec. 33, NE¼, NE¼SE¼, W½, W½SE¼, SE¼SE¼;
Sec. 35, NW¼, W½NE¼, NE¼NE¼.

The areas described aggregate 3,290.00 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public gen-

erally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 51-8621; Filed, July 26, 1951; 8:45 a. m.]

[Misc. 60610]

WYOMING

RESTORATION ORDER NO. 1301 UNDER FEDERAL POWER ACT OF LAND RELEASED FROM RECLAMATION WITHDRAWAL

JULY 23, 1951.

Pursuant to the following-listed determination of the Federal Power Commission and in accordance with the authority contained in Departmental Order No. 2583 § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The order of the Acting Assistant Commissioner, Bureau of Reclamation, of April 12, 1951, concurred in on May 8, 1951, by the Assistant Director, Bureau of Land Management, having revoked the Departmental order of August 2, 1913, withdrawing certain lands in connection with the Shoshone Reclamation Project, so far as it affected the following-described public land, such land, so far as it is withdrawn or reserved for power purposes, is hereby opened to disposition under the applicable public-land laws, subject to valid existing rights and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawal	Land
DA-119 Wyoming.....	Power Site Reserve No. 248 of Mar. 27, 1913, as adjusted Feb. 4, 1943.	Sixth Principal Meridian, T. 52 N., R. 102 W., sec. 3, lot 11, containing 34.09 acres.

The above-described land is rough and mountainous barren land. It has no agricultural value and its use for grazing is negligible. It is primarily valuable for mineral development. It will not be subject to occupancy or disposition until it has been classified. It is unlikely that it will be classified as suitable for homestead, desert-land, or small-tract use.

This order shall become effective at 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Land and Survey Office at Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 51-8622; Filed, July 26, 1951; 8:45 a. m.]

Office of the Secretary

[Order 2649]

DESIGNATION OF CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY, BUREAU OF MINES

JULY 20, 1951.

The lignite research laboratory of the Bureau of Mines, Department of the Interior, at Grand Forks, North Dakota, constructed under authority of the act of March 25, 1948 (62 Stat. 85; 30 U. S. C., 1946 ed., Supp. III, sec. 401–404), is hereby designated as the Charles R. Robertson Lignite Research Laboratory (5 U. S. C. sec. 22).

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-8646; Filed, July 26, 1951; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the Regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Regulations Part 522. The effective and expiration dates, occupations, wage rates, number of proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Bear Manufacturing Co., Inc., 2201 Front Street, Meridian, Miss., effective 7/14/51 to 7/13/52; for normal labor turnover 10 percent of the productive factory workers or 10 learners, whichever is greater (trousers, cotton, khaki).

Berry Dry Goods Co., 107–111 East Markham, Little Rock, Ark., effective 7/16/51 to 7/15/52; for normal labor turnover, 10 percent of the productive factory workers (pants, overalls, coveralls, work shirts).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 7/13/51 to 1/12/52; 25 learners for expansion purposes (men's work clothing, work pants, waistband overalls).

Edison Textiles, Inc., Edison, Ga., effective 7/13/51 to 1/12/52; 10 learners for expansion purposes only (panties, slips, nightgowns).

Hunter-Sadler Co., Tupelo, Miss., effective 7/16/51 to 7/15/52; for normal labor turnover 10 percent of the productive factory workers (men's, boys', juveniles' sport and dress shirts).

The Kahn Co., 3339½ Main Street, Parsons, Kans., effective 7/16/51 to 1/15/52; an additional 20 learners may be employed for expansion purposes only (pants, shirts, and sportswear).

MacLaren Sportswear Corp., Belton, S. C., effective 1/18/51 to 1/17/52; 25 learners for expansion purposes (sport shirts).

Pleasant Co., Mount Pleasant Mills, Snyder County, Pa., effective 7/16/51 to 7/15/52; for normal labor turnover, 10 percent of the productive factory workers, or five learners, whichever is greater (children's pajamas).

MeYere Shirt Co., 19½ Peachtree Street NE., Atlanta 3, Ga., effective 7/11/51 to 7/10/52; three learners may be employed for normal labor turnover purposes (tailor-made shirts, pajamas, shorts).

Rice-Stix Factory No. 20, Slater, Mo., effective 7/24/51 to 1/23/52; 20 learners for expansion purposes to be employed in the manufacture of men's and boys' sport shirts only (men's and boys' sport shirts).

The Solomon Co., Leeds, Ala., effective 7/18/51 to 1/17/52; 19 learners for expansion purposes only (single pants).

Streamline Garment Manufacturing Co., 316 South Thirty-second Street, Mattoon, Ill., effective 7/18/51 to 7/17/52; 10 percent of total productive factory force (dresses and sportswear).

Topps Manufacturing Co., Kewanna, Ind., effective 7/13/51 to 7/12/52; for normal labor turnover 10 percent of the productive factory workers or 10 learners, whichever is greater (coveralls, shirts, and pants).

Tru-Fit Trousers, Traverse City, Mich., effective 7/12/51 to 2/29/52; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater. Replacement certificate (pants, covervalls, work shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Hansen Hosiery Mills, Inc., 176 South Goldbrook Avenue, Chambersburg, Pa., effective 7/24/51 to 7/23/52; five learners for normal labor turnover.

Wrenn Hosiery Mills, Thomasville, N. C., effective 7/18/51 to 7/17/52; 5 percent of the total number of productive factory workers.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6388).

Tampa Glove Co., Tampa, Fla., effective 7/18/51 to 7/17/52; four learners.

Wells Lamont Corp., Mount Vernon, Tex., effective 7/19/51 to 1/18/52; 35 learners (new plant).

Wells Lamont Corp., Waynesboro, Miss., effective 7/16/51 to 1/15/52; 10 additional learners for expansion purposes.

Wells Lamont Corp., Waynesboro, Miss., effective 7/16/51 to 7/15/52; 10 learners.

Zwicker Knitting Mills, 410–418 North Richmond Street, Appleton, Wis., effective 7/11/51 to 1/10/52; 15 learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Carmi-Ainsbrooke Corp., Carmi, Ill., effective 7/12/51 to 7/11/52; 5 percent of the total number of productive factory workers.

Dutchess Underwear Corp., Old Forge, Pa., effective 7/12/51 to 7/11/52; 5 percent of the productive factory workers.

Dutchess Underwear Corp., Old Forge, Pa., effective 7/12/51 to 1/11/52; 25 learners for expansion purposes (supplemental certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Beede Electrical Instrument Co., Inc., West Canal Street, Penacook, N. H., effective 7/16/51 to 1/15/52; four learners; assemblers, including winding; 160 hours at 70 cents per hour (electrical indicating instruments).

Dust Proof Mattress Cover Co., Ellwood City, Pa., effective 7/31/51 to 1/30/52; five learners; sewing machine operators; 240 hours at 65 cents per hour (mattress cover).

Granite State Rubber Co., Willow Street, Berlin, N. H., effective 7/16/51 to 1/15/52; 10 learners; stitching machine operators; 480 hours; 65 cents per hour for first 240 hours and 70 cents per hour for remaining 240 hours (canvas footwear).

Grant County Manufacturing Co., Corinth Division, Corinth, Ky., effective 7/11/51 to 7/10/52; 10 percent of the total number of productive factory workers; machine stitchers, pressers, handsewers, finishing operations involving handsewing; 480 hours each; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (baseball uniforms, baseball caps, etc.).

Grant County Manufacturing Co., Williamstown Division, Williamstown, Ky., effective 7/11/51 to 7/10/52; 10 learners; handsewers; 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (baseballs, soft balls).

Royal River Packing Corp., Yarmouth, Maine, effective 7/16/51 to 1/15/52; 10 percent of the total number of productive factory workers; sardine packers; 160 hours at 65 cents per hour (sardines).

Terri Lee, Inc., 2012 O Street, Lincoln 8, Nebr., effective 7/9/51 to 1/8/52; four learners for normal labor turnover; sewing machine operators; 240 hours at 60 cents per hour (dolls and doll clothing).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Faith Shoe Co., Inc., 25–43 Beckman Street, Wilkes-Barre, Pa., effective 7/16/51 to 7/15/52; 10 percent of the number of productive factory workers.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C., this 17th day of July 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-8623; Filed, July 26, 1951; 8:45 a. m.]

[Administrative Order 414]

AUTHORIZED REPRESENTATIVES OF THE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO SPECIAL CERTIFICATES FOR EMPLOYMENT OF LEARNERS AND APPRENTICES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby designate Verl E. Roberts, Robert G. Gronewald and Milton Brooke as my authorized representatives to grant or deny applications for, and to sign, issue and cancel, special certificates authorizing the employment of learners and apprentices at subminimum wages, and to take such other action as may be necessary or appropriate in connection therewith, pursuant to section 14 of the Fair Labor Standards Act of 1938 as amended, and Regulations Parts 520, 521 and 522, Title 29, Chapter V, Code of Federal Regulations. All previous designations are hereby revoked.

Signed at Washington, D. C., this 23d day of July 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-8624; Filed, July 26, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-16]

PACIFIC-ATLANTIC STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER OF GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR EMPLOYMENT IN THE INTERCOASTAL TRADE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on August 13, 1951, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before Examiner F. J. Horan, upon the application of Pacific-Atlantic Steamship Co. to extend the bareboat charter of the Government-owned, war-built, dry-cargo vessels Jeremiah S. Black, Linfield Victory, and Elmer A. Sperry for one additional round intercoastal voyage each.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered for additional voyages is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence offered with respect to any restrictions or conditions that may under the statute be included in the charter if the application should be granted also will be received.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: July 19, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8678; Filed, July 26, 1951; 8:54 a. m.]

ELLERMAN LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7788-1, between Ellerman Lines, Limited, Ellerman & Bucknall Steamship Co., Limited, Hall Line, Limited, and The City Line, Limited, modifies the parties' joint service agreement (No. 7788) to provide that (1) Norton, Lilly & Company will represent the joint service in the United States, and (2) representatives in places other than the United States may be designated by the parties. Agreement 7788 presently provides, without geographical limitation, that the joint service will be represented by Norton, Lilly & Company.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 24, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-8679; Filed, July 26, 1951; 8:54 a. m.]

National Production Authority

[NPA Delegation 2, as amended July 27, 1951]

ATOMIC ENERGY COMMISSION

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS OF CONTROLLED MATERIALS AND TO APPLY DO RATINGS AND ALLOTMENT NUMBERS

1. Pursuant to the Defense Production Act of 1950, Executive Orders 10161 and 10200, and Defense Production Administration Delegation 1, the Atomic Energy Commission is hereby delegated the authority (with power of redelegation) to make allotments of controlled materials and to apply DO ratings and allotment numbers and symbols, as the case may be, with respect to contracts and purchase orders to meet authorized programs for which the Atomic Energy Commission is claimant under Defense Production Administration Order No. 1.

2. The Atomic Energy Commission is also hereby delegated authority (with power of redelegation) to assign to the following persons, with respect to the orders indicated, the right to apply DO ratings and allotment numbers and symbols:

(a) Persons placing orders for materials, except construction equipment, to be delivered to or for the account of the Atomic Energy Commission to meet authorized programs;

(b) Certain prime and subcontractors on orders for delivery of construction equipment specifically required to support authorized construction programs of the Atomic Energy Commission where such equipment will be the property of the Atomic Energy Commission;

(c) Certain prime and subcontractors (other than suppliers of electric power service) on orders for delivery of materials, except construction equipment, required by the contractor (1) for use in the construction of a plant or addition thereto which, upon completion, will be operated exclusively or primarily for Atomic Energy Commission purposes, and (2) for use in the operation of any plant which is operated exclusively for Atomic Energy Commission purposes; and

(d) Any other persons (except suppliers of electric power service) for the delivery of construction materials and capital equipment, except construction equipment, where the Atomic Energy Commission has determined, in each case, that the delivery of such materials or equipment on schedule is necessary and provides the only reasonable and practical means to meet authorized programs of the Atomic Energy Commission, and that such persons are making maximum use of facilities otherwise available to meet Atomic Energy Commission requirements.

3. The authority herein delegated shall be exercised within the limits of such program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements, and policy directives, as may be issued from time to time by the National Production Authority. The exercise of this authority shall also conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives as may be issued by the Atomic Energy Commission to implement policies and procedures issued by the National Production Authority.

4. In making allotments of controlled material and in applying DO ratings and allotment numbers and symbols, as the case may be, the certification prescribed by the appropriate regulation or order of the National Production Authority shall be used. In assigning to others the right to exercise this authority, the following certification shall be used:

By authority of the National Production Authority, the right is hereby assigned to (description of scope of assignment).

This certification shall be authenticated with the signature of an authorized official of the Atomic Energy Commission or its delegate agency.

5. This authority shall not be used for material purchased from exclusively retail establishments except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on July 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8755; Filed, July 26, 1951; 11:29 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1744]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

JULY 23, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, address, Houston, Texas, filed on July 13, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of an auxiliary pipeline crossing of the Mississippi River, approximately 4,700 feet in length, of 18-inch pipe to be located adjacent to Applicant's existing dual 24-inch crossings in Mississippi, in the vicinity of New Roads, Louisiana.

Applicant has constructed the proposed facilities to replace one of the 24-inch lines heretofore authorized which was lost as a result of flood conditions during March of 1950. Applicant is in process of replacing the lost line with 24-inch pipe, and proposes to retain in operation the 18-inch section of line which heretofore has been used as a repair or replacement line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8625; Filed, July 26, 1951; 8:45 a. m.]

[Docket No. G-1747]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

JULY 23, 1951.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, address, Charleston, West Virginia, filed on July 16, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the delivery of natural gas to Pittsburgh and West Virginia Gas Company under Applicant's Rate Schedule X-8.

Applicant proposes to utilize the facilities of its affiliate, United Fuel Gas Company to make physical delivery of the gas to be delivered to Pittsburgh and West Virginia Gas Company. The gas will be delivered by United Fuel Gas Company for Applicant's account and such delivery is contingent upon receipt by Applicant of volumes to be received by Applicant from Transcontinental Gas Pipe Line Corporation under an exchange agreement now in effect.

Applicant does not propose to install any additional facilities in order to make the proposed deliveries of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8626; Filed, July 26, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9833]

CUSTER COUNTY BROADCASTING CO. (KCNI)

ORDER CONTINUING HEARING

In re application of Custer County Broadcasting Company (KCNI) Broken Bow, Nebraska, for construction permit; Docket No. 9833, File No. BP-7679.

The Commission having under consideration a motion filed July 16, 1951, by Custer County Broadcasting Company, requesting continuance for a period of thirty days of the hearing on its above-entitled application presently scheduled for July 23, 1951; and

It appearing, that on June 29, 1951, there was filed with the Commission by Grand Island Broadcasting Company an application (BP-8169) requesting facilities at Grand Island, Nebraska, on 1420 kc, 1 kw; that such application may well be competitive with the application herein; and that petitioner requires more time to acquaint itself fully with such application and such further issues as its filing may raise; and

It further appearing, that there is no other party to the proceeding; and the Commission counsel has informally consented to the waiver of § 1.745 of the Commission's rules to permit the early consideration and grant of the petition for continuance;

It is ordered, This 20th day of July 1951, that the petition be, and it is hereby, granted; and the hearing on the above-entitled application now scheduled for July 23, 1951, be, and it is hereby, continued to August 23, 1951, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-8647; Filed, July 26, 1951; 8:49 a. m.]

[Docket Nos. 9882, 9883]

HOFFMAN ANSWERING SERVICE AND NEWTON Z. WOLPERT

ORDER SCHEDULING HEARING

In re applications of John B. Hoffman, d/b as Hoffman Answering Service, for construction permit, Docket No. 9882, File No. 149-C2-P-51; and Newton Z. Wolpert, for modification of license to change frequencies in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota, Docket No. 9883, File No. 420-C2-ML-51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of July, 1951;

The Commission, having under consideration its order of January 17, 1951, designating the above applications for hearing without specifying a date therefor; and

It appearing, that it is now appropriate and desirable to fix a date for such hearing;

It is ordered, That the hearing in this proceeding shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 10th day of September 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-8648; Filed, July 26, 1951; 8:49 a. m.]

[Docket No. 10006]

BRIDGEPORT BROADCASTING CO. (WLIZ)

CORRECTED ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Bridgeport Broadcasting Company (WLIZ) Bridgeport, Connecticut, for construction permit; Docket No. 10006, File No. BP-7958.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WLIZ at Bridgeport, Connecticut, to increase power to five kilowatts, change hours of operation to unlimited, install new transmitter and directional antenna system for both day and night use, and change transmitter location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WLIZ, as proposed, that no interference would be caused to any existing or proposed station but that the application may otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to coverage of the metropolitan district of Bridgeport, Connecticut, the areas and populations which may be expected to receive satisfactory nighttime service, the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and the percentage of the population of the Bridgeport metropolitan district receiving adequate service residing within the 250 mv/m contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the metropolitan district of Bridgeport, Connecticut, the areas and populations which may be expected to receive satisfactory nighttime service, the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and the percentage of the population of the Bridgeport metropolitan district receiving adequate service residing within the 250 mv/m contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-8650; Filed, July 26, 1951; 8:49 a. m.]

[Docket Nos. 10012, 10013]

WALDO W. PRIMM AND CAPITAL BROADCASTERS

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Waldo W. Primm, Sanford, North Carolina, Docket No. 10012, File No. BP-7937; B. H. Ingle, Sr., trias State Capital Broadcasters, Raleigh, North Carolina, Docket No. 10013, File No. BP-8145; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1951;

The Commission having under consideration the above-entitled applications of B. H. Ingle, Sr., trias State Capital Broadcasters requesting a construction permit for a new standard broadcast station to operate on 1290 kc, with 500 w. power, daytime only, at Raleigh, North Carolina, and Waldo W. Primm requesting a construction permit for a new standard broadcast station to operate on 1290 kc, with 1 kw power daytime only, at Sanford, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on August 27, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Raleigh, North Carolina and of Station WFVG, Fuquay Springs, North Carolina, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8649; Filed July 26, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[General Ceiling Price Regulation, Supplementary Regulation 5, Section 8, Special Order 3]

PACKARD MOTOR CAR CO.

RETAIL PRICE LISTS

Statement of considerations. The Director of Price Stabilization has recently established a wholesale ceiling price on a Packard Series 400 Formal Sedan for the Packard Motor Car Company, pursuant to section 4 (d) of Ceiling Price Regulation 1. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, and in conformity with the standards set forth therein, the Director has determined to establish a dollar and cents price for such model, which price shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine a retail ceiling price under section 3.

Special provisions. For the reasons set forth in the Statement of Considerations, and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 3 is hereby issued:

1. The price for the Packard Series 400 automobile, converted into a formal sedan, with four tires established for use by retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation shall be $4,735.35.

2. If the automobile is equipped with five tires, $27.70 may be added to the retail list price.

This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8737; Filed, July 26, 1951; 8:50 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5, Section 8, Special Order 4]

CHRYSLER CORP.

RETAIL LIST PRICES

Statement of considerations. The National Production Authority on July 17, 1951, issued an amendment to its Order M-2 permitting automobile manufacturers to equip new automobiles with spare tires and tubes. The Director of Price Stabilization has recently established wholesale ceiling prices on the Chrysler V-8 line of passenger automobiles with a fifth tire and tube added as standard equipment, pursuant to section 4 (d) of Ceiling Price Regulation 1, inasmuch as the ceiling prices previously established were for automobiles with four tires and tubes. Accordingly, by authority of section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, and in conformity with the standards set forth therein, the Director has determined to establish a dollar and cents price for these automobiles with spare tire and tubes, which prices shall be used by the seller in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 to the General Ceiling Price Regulation, to determine retail ceiling prices under section 3 thereof.

Special provisions. For the reasons set forth in the Statement of Consideration, and pursuant to section 8 of Supplementary Regulation 5 to the General Ceiling Price Regulation, this Special Order 4 is hereby issued:

1. The following prices for the V-8 line of automobiles shipped by the Chrysler Corporation on and after July 17, 1951, with five tires and tubes, are established for use of retail sellers in place of the sum of those items specified in section 3 (a) and 3 (h) of Supplementary Regulation 5 of the General Ceiling Price Regulation:

Chrysler Saratoga, C-55:	
6 passenger sedan	$2,788.58
Club coupe	2,776.63
8 passenger sedan	3,632.34
Limousine	3,[illegible].59
Town and country wagon	3,482.53
Chrysler New Yorker, C-52:	
6 passenger sedan	2,933.12
Club coupe	2,[illegible]7.13
Convertible coupe	3,201.09
Newport	3,[illegible].47
Town and country wagon	3,[illegible].88
Chrysler Imperial, C-54:	
6 passenger sedan	3,160.54
Club coupe	3,179.99
Convertible coupe	3,[illegible]4.03
Newport	3,[illegible].73
Chrysler Crown Imperial, C-53:	
8 passenger sedan	5,723.25
8 passenger limousine	5,830.77

2. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8738; Filed, July 26, 1951; 8:50 a. m.]

[General Overriding Regulation 10, Special Order 2]

J. STRICKLAND & CO., INC.

CEILING PRICES AT WHOLESALE AND RETAIL

Statement of considerations. This special order is issued pursuant to section 5 of General Overriding Regulation 10 to authorize ceiling prices for wholesalers and retailers based on the adjusted ceiling prices which the J. Strickland & Company, Inc., was authorized to charge by Letter Order No. L-1 under General Overriding Regulation 10. In the judgment of the Director of Office of Price Stabilization, adjustments in the ceiling price of resellers of Strickland's commodities is necessary and this order adjusts these prices to the extent so deemed necessary. It is also the opinion of the Director that the wholesale and retail ceiling prices established by this special order are not substantially higher than the level of ceiling prices otherwise established by regulations issued by the Office of Price Stabilization.

Section 6 below requires J. Strickland & Company, Inc. to send purchasers of its commodities a copy of this special order.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of General Overriding Regulation 10, this special order is hereby issued.

1. After the effective date of this special order, the ceiling prices for sales at wholesale of the following packaged cosmetic products of J. Strickland & Company, Inc., shall be the manufacturer's new ceiling prices listed below plus the percentage markup which the wholesaler had in effect on the same products of the J. Strickland & Company, Inc. during the base period December 19, 1950, to January 25, 1951.

Item	Style No.	Size	Manufacturer's new ceiling price
		Ounces	*Dozen*
White Rose Petroleum Jelly	4234	2¾	$0.72
Do	4436	5½	1.05
Kress Petroleum Jelly	4346	12	1.75
White Rose Petroleum Jelly	4347	12	1.75
Royal Rose Brilliantine	5457, 5459, 5462	2	.65
Royal Rose Hair Oil	5458, 5461	2	.65

2. In the case of the reduced size products listed in paragraph 3 of this order, the wholesaler's ceiling prices shall be the same as the wholesaler's ceiling price on the old comparable larger size products.

3. After the effective date of this special order the ceiling prices for sales at retail of the following reduced size packaged cosmetic products of J. Strickland & Company, Inc. shall be as follows:

Item	Style No.	Old size	New size	Retail ceiling price
		Ounces	*Ounces*	
Royal Crown Hair Dressing	2101	3	2½	$0.10
Do	2103	9	6½	.25
Royal Crown Pomade	2212	11	11½	.10
Do	2217	4	3½	.25
White Rose Hair Dressing	4306	4	3½	.10
Kress Petroleum Jelly	4437	4	3½	.10
White Rose Petroleum Jelly	4514	4	3½	.10

4. This special order or any provision thereof may be revoked, suspended, or amended, by the Director of Price Stabilization at any time.

5. The ceiling prices established by this special order are applicable to sales by wholesalers and retailers of the products of J. Strickland & Company, Inc. in the 48 United States and in the District of Columbia.

6. Within 15 days of the effective date of this special order, J. Strickland & Company, Inc., shall send a copy of this special order to each wholesaler or retailer who purchased its products after the effective date of Order No. L-1. Copies shall also be sent by J. Strickland & Company to all other purchasers on or before the date of the first delivery of any such article after the effective date of this special order.

Effective date. This special order shall become effective July 27, 1951.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8739; Filed, July 26, 1951; 8:50 a. m.]

NOTICE TO PRODUCERS OF HIGH SPEED TOOL STEELS AND SPECIALTY STEELS CONTAINING TUNGSTEN

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this notice is issued.

Supplementary Regulation 42 to the General Ceiling Price Regulation, issued and effective July 19, 1951, established adjusted ceiling prices for certain products, including high speed tool steels and specialty steels containing tungsten. All producers of high speed tool steels and specialty steels containing tungsten who have signed the voluntary agreement relating to the stabilization of prices for iron and steel mill products (16 F. R. 555) are hereby notified in accordance with such agreement that on and after July 19, 1951, they may increase their prices for such steels to the ceiling prices established therefor in Supplementary Regulation 42 to the General Ceiling Price Regulation.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8754; Filed, July 26, 1951; 4:00 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26272]

RESIDUAL FUEL OIL FROM LOUISIANA TO ALABAMA AND MISSISSIPPI

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Residual fuel oil, in tank-car loads.

From: New Orleans-Baton Rouge, La., district.

To: Alabama City, Ala., Hattiesburg, Miss., and certain other points in Alabama and Mississippi.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 238.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTELL,
Secretary.

[F. R. Doc. 51-8633; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26273]

MOULDING SAND FROM TENNESSEE AND MISSISSIPPI TO HERRIN, ILL.

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, carloads.

From: Lexington, Tenn., and Tishomingo, Miss.

To: Herrin, Ill.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 176.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8634; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26274]

SULPHURIC ACID FROM ALBANY, GA., TO ARMOUR, FLA.

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Albany and Northern Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Albany, Ga.

To: Armour, Fla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8635; Filed, July 26, 1951; 8:47 a. m.]

[4th Sec. Application 26275]

PAPER BAGS FROM BALDWIN, ARK., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JULY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3945.

Commodities involved: Paper bags, carloads.

From: Baldwin, Ark.

To: Washington, D. C., Cincinnati, Ohio, and certain points in Virginia, Indiana, and Kentucky.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3945, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8636; Filed, July 26, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2669]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

NOTICE REGARDING ISSUANCE AND SALE OF NOTES AND ACQUISITION OF SUCH NOTES BY PARENT COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1951.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gas System Service Corporation ("Columbia Service"), a wholly-owned subsidiary company of Columbia rendering services to associate companies in the Columbia holding company system, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935. Sections 6, 7, 9, and 10 of the act and Rule U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which is summarized as follows:

Columbia Service proposes to issue and sell at par, $150,000 principal amount of 3¼ percent installment promissory notes and Columbia proposes to acquire such notes. The notes are to be registered and the principal amounts thereof are to be payable in 25 equal annual installments on February 15th of the years 1953 to 1977, inclusive. Interest on the unpaid principal amount thereof at the rate of 3¼ percent per annum is to be paid semi-annually on February 15th and August 15th. The application-declaration states that the proceeds to be derived from the proposed transactions will be used to reimburse Columbia in the amount of $100,000 representing non-interest bearing advances made by Columbia during 1950–51 and the remaining $50,000 will be used as additional working capital required in its operations.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 3, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 3, 1951, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8627; Filed, July 26, 1951; 8:46 a. m.]

[File No. 70-2645]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING PROPOSED ADVANCES ON OPEN ACCOUNT TO FIVE SUBSIDIARY COMPANIES BY PARENT COMPANY

In the matter of the Columbia Gas System, Inc., the Ohio Fuel Gas Company, United Fuel Gas Company, the Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, and Home Gas Company; File No. 70-2645.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of July A. D. 1951.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company and five of its gas utility subsidiary companies, namely, The Ohio Fuel Gas Company ("Ohio Fuel"), United Fuel Gas Company ("United Fuel"), The Manufacturers Light and Heat Company ("Manufacturers"), Central Kentucky Natural Gas Company ("Central Kentucky"), and Home Gas Company ("Home"), having filed a joint declaration with this Commission pursuant to the provisions of section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder regarding the following transactions:

Columbia proposes to advance varying amounts aggregating not in excess of $11,265,000 to its subsidiaries on open account during the year 1951 as follows:

Ohio Fuel	$4,300,000
United Fuel	3,900,000
Manufacturers	2,100,000
Central Kentucky	565,000
Home	400,000

Such advances would bear an interest rate of 2¾ percent per anum, which is stated to be the present commercial bank rate for such short term loans and the above-named five subsidiary companies propose to repay the advances in three equal installments on January 20, February 20, and March 20, 1952. It is stated that the proceeds will be used by the subsidiaries to finance purchased gas for their current inventories.

Said joint declaration having been filed June 4, 1951, and an amendment thereto having been filed on July 20, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The declarants having represented that the only State Commission having jurisdiction over the proposed transactions or any part thereof is the Public Service Commission of West Virginia and that Commission having authorized the proposed advances to United Fuel, and the declarants having requested that the Commission's order herein with respect to said joint declaration become effective upon issuance; and

The Commission finding with respect to the joint declaration, as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration, as amended, be permitted to become effective, subject to the terms and conditions specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8628; Filed, July 26, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Bar Order 11]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order 9788, January 2, 1952, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1950, and June 30, 1950, inclusive.

Executed at Washington, D. C., this 23d day of July 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8672; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18201]

BERTHA MAY

In re: Estate of Bertha May, deceased. File No. D-28-8217; E. T. Sec. 9268.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edmund Roessler, Kurt Roessler, Johanna Selig, Trude Riedel, Theodor Emil Pester, Ella Felber, and Robert Paul Pester, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Kurt Pester, deceased, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Arthur Pester, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Bertha May, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Public Administrator of New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Kurt Pester, deceased, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Arthur Pester, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-8655; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18202]

DYJCKERHOFF'S CEMENT HANDELMAATSCHAPPIJ N. V.

In re: Debt owing to Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V. F-28-25369-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dykerhoff Portland-Zementwerke A. G., the last known address of which is Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., is a limited partnership organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Dykerhoff Portland-Zementwerke A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the American Express Company,

65 Broadway, New York, New York, in the amount of $1,250, as of December 31, 1945, arising out of funds represented by American Express Company travelers checks purchased by D. Dijckerhoff, which travelers checks are presently in the custody of said American Express Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Dyjckerhoff's Cement Handelmaatschappij N. V., also known as Dijckerhoff's Cement Handelmaatschappij N. V. and as Dykerhoff's Cement Handelmaatschappij N. V., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8656; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18203]

GERMAN CENTRAL BANK FOR AGRICULTURE

In re: Interest accounts owned by German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank. F-28-6037.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank, the last known address of which is Wilhelmstrasse 67, Berlin W 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of the interest accounts deposited prior to January 1, 1935, entitled as follows:

TITLE OF ACCOUNT

The National City Bank of New York, Trustee under Trust Indenture dated July 15, 1927 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds due July 15, 1960.

The National City Bank of New York, Trustee under Trust Indenture dated as of September 15, 1925 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank First Lien 7 percent Gold Farm Loan Sinking Fund Bonds due September 15, 1950.

The National City Bank of New York, Trustee under Trust Indenture dated as of October 15, 1927 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds second series of 1927 due October 15, 1960.

The National City Bank of New York, Trustee under Trust Indenture dated as of April 15, 1928 providing for Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank Farm Loan secured 6 percent Gold Sinking Fund Bonds, Series of 1928 due April 15, 1938.

maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, German Central Bank for Agriculture, also known as Deutsche Rentenbank-Kreditanstalt Landwirtschaftliche Zentralbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8657; Filed, July 26, 1951; 8:50 a. m.]

[Vesting Order 18204]

MINNA GLAHE

In re: Securities owned by Minna Glahe, also known as Minnie Pfarrherr Glahe. F-28-31521.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Glahe, also known as Minnie Pfarrherr Glahe, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of $100 par value 7 percent preferred stock of North Shore Gas Company, 209 Madison Street, Waukegan, Illinois, evidenced by a certificate numbered 11384 for 10 shares registered in the name of Minnie Glahe and certificates numbered 2669 and 4991 for 5 shares each, registered in the name of Minna Pfarrherr, together with all declared and unpaid dividends thereon and any and all rights under a Plan of Reorganization, including the right to exchange said certificates for 60 shares of common stock of $15 par value of the North Shore Gas Company and $50 in cash,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minna Glahe, also known as Minnie Pfarrherr Glahe, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8658; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18205]

HARPEN MINING CORP.

In re: Interest account owned by Harpen Mining Corporation also known as Harpener Bergbau-Aktien-Gesellschaft. F-28-6287.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, the last known address of which is Dortmund, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dortmund, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of an interest account deposited prior to January 1, 1935, entitled Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Harpen Mining Corporation, also known as Harpener Bergbau-Aktien-Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8659; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18206]

ILSEDER STEEL CORP.

In re: Interest account owned by Ilseder Steel Corporation also known as Ilseder Hutte. F-28-4986.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilseder Steel Corporation, also known as Ilseder Hutte, the last known address of which is Piene, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Piene, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of an interest account, entitled Ilseder Hutte Gold Mortgage 6 percent Bonds Series of 1928, due August 1, 1940, maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ilseder Steel Corporation, also known as Ilseder Hutter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8660; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18207]

FUSA HARAMATSU

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased. D-39-19318-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Seattle First National Bank, International Branch, 526 Jackson Street, Seattle, Washington, arising out of a Savings Account, Account No. 7959 entitled, H. Horomatsu, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $77.70 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, personal representatives, heirs, next of kin, legatees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, lega-

tees and distributees of Fusa Haramatsu, also known as F. Horomatsu, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8661; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18208]

HIROSHI KATO AND INOSUKE NEGORO

In re: Debts owing to and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased. D-39-19326; D-69-9133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $75.10 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by Two (2) United States Savings Bonds bearing the numbers L59388106E and L59388105E, each of $50.00 face value, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hiroshi Kato, deceased and Inosuke Negoro, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8662; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18209]

TAKEKICHI KAWAMOTO

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goruku Hirata, deceased and Isamu Fukushima, deceased. D-39-19320; D-39-19319; D-39-19321.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goruku Hirata, deceased and Isamu Fukushima, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $196.80 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $299.11 as of August, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

personal representatives, heirs, next of kin, legatees and distributees of Goroku Hirata, deceased, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $107.46 as of August 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Isamu Fukushima, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Takekichi Kawamoto, deceased, Goruku Hirata, deceased, and Isamu Fukushima, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8663; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18210]

KAECHI MINAMIHATA

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased. D-39-19322-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Miners and Merchants Bank, Ketchikan, Alaska, arising out of a savings account, Account No. 8640, entitled K. Minami maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $140.00 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled, "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation, and any and all right to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kaechi Minamihata, also known as Kaha Minami and as K. Minami, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8664; Filed, July 26 1951; 8:51 a. m.]

[Vesting Order 18211]

E. NILSSON

In re: Securities owned by E. Nilsson, also known as Emil Nilsson. F-28-31528.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Nilsson, also known as Emil Nilsson, whose last known address is Am Zoo 235, Düsseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of stock of Cities Service Company, 66 Wall Tower, New York City, evidenced by a certificate numbered VH 932339, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of preferred 4 percent non-cumulative stock of Kansas City Southern Railway Company, 114 West 11th Street, Kansas City, Missouri, evidenced by a certificate numbered B 42004, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of stock of Tide Water Associated Oil Company, 17 Battery Place, New York, New York, evidenced by a certificate numbered BNCX 3338, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of stock of American Water Works & Electric Co., Inc., 50 Broad Street, New York City, evidenced by a certificate numbered CO 159103, together with all declared and unpaid dividends thereon,

e. Ten (10) shares of stock of Shell Union Oil Corporation (now known as Shell Oil Company), 50 West 50th Street, New York City, evidenced by a certificate numbered NYO 6759, together with all declared and unpaid dividends thereon,

f. Twenty (20) shares of stock of Gillette Safety Razor Company, 15 West First Street, Boston, Massachusetts, being a part of 100 shares evidenced by certificate numbered 73729, together with all declared and unpaid dividends on said 20 shares, and

g. Ten (10) shares of ten dollar par value common stock of Mid-Continental Petroleum Corporation, Equitable Building, Buffalo, New York, being a part of 100 shares evidenced by certificate numbered N 5322, together with all declared and unpaid dividends on said ten shares,

subject, however, to the lien of N. B. Slavenburg's Bank, Rotterdam, The Netherlands, as pledgee of said securities, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8665; Filed, July 26, 1951; 8:51 a. m.]

[Vesting Order 18212]

GEORGE PFISTER

In re: Cash owned by the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased. D-28-7285-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $431.67 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of George Pfister, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George Pfister, also known as Georg Pfister, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8666; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18213]

SAXON PUBLIC WORKS, INC.

In re: Interest accounts owned by Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke, F-28-5080.

Under the authority of the Trading With the Enemy Act, as amended Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke, the last known address of which is Dresden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dresden, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York City, New York, arising out of the interest accounts, entitled as follows:

TITLE OF ACCOUNT

The National City Bank of New York, Trustee under Mortgage & Trust Indenture, dated February 3, 1925, providing for Aktiengesellschaft Sachsische Werke 7 percent Guaranteed External Loan Gold Bonds, due February 1, 1945.

The National City Bank of New York, Trustee under Trust Agreement dated as of July 1, 1932, providing for Aktiengesellschaft Sachsische Werke 6 percent Guaranteed Gold Notes due July 15, 1937, extended to July 15, 1942, interest reduced to 2 percent.

The National City Bank of New York, Trustee under Mortgage and Trust Indenture dated May 1, 1926, providing for Aktiengesellschaft Sachsische Werke General and Refunding Mortgage Gold Bonds, 6½ percent, Series due 1951,

maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Saxon Public Works, Inc., also known as Aktiengesellschaft Sachsische Werke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8667; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18145, Amdt.]

NORDSTERM ALLGEMEINE VERSICHERUNGS A. G.

In re: Debts owing to Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft.

Vesting Order 18145, dated July 9, 1951, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of the aforesaid Vesting Order 18145, the word and number "seventeen (17)" and substituting therefor the word and number "twenty-two (22)".

All other provisions of said Vesting Order 18145 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8671; Filed, July 26, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 146

Washington, Saturday, July 28, 1951

TITLE 3—THE PRESIDENT

TRADE AGREEMENT LETTER

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

JULY 23, 1951.

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951, carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade, and particularly to the procedure described in Part I (b) (I) of that proclamation.

Norway has signed the Torquay Protocol on July 3, 1951. I hereby notify you that the following (1) complete items in Part I of Schedule XX annexed to the Torquay Protocol (in cases in which only the item designation is specified), (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty), and (3) portions of such items identified by descriptive language (in cases in which the item designation is specified together with descriptive language, with or without the applicable rate of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on or after August 2, 1951:

Item designation	Rates of duty	Descriptive language
66		Pearl essence.
302 (b) [Part]		
302 (k)		Manganese copper.
302 (l)		Ferrozirconium and zirconium ferrosilicon.
302 (m)		Zirconium silicon.
302 (n) [Part]	12½% ad val., 20% ad val.	
704	5¢ per lb., but not less than 20% ad val.	All except Edam and Gouda cheeses, and except Parmesano, Provolone, Reggiano, and Romano cheeses in original loaves, Provolette cheese, and sheep's milk cheese in original loaves and not previously specified.
720		
718 (b)	15% ad val. [second such rate].	
718 (c)	6½% ad val. [all such rates] 10% ad val.	
720 (a) and (b)		
721 (a)	[illegible]	
721 (c)	[illegible] ad val.	
1401	1½¢ per lb. and 5% ad val.	
1514	1½¢ per lb.	
1515		Nitric acid and anhydrides thereof.
1601		
1625		

Very sincerely yours,

HARRY S. TRUMAN

Hon. JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-8773; Filed, July 26, 1951; 3:18 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 371—SECURITY SERVICING AND LIQUIDATIONS: OPERATING LOANS

SUBPART B—LIQUIDATIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.38 (b), which in certain transfer and assumption cases authorizes State Directors to recommend releases of Operating loan borrowers from personal liability, is hereby revoked.

2. Section 371.39 in Title 6, Code of Federal Regulations (13 F. R. 9457), is amended to provide that the assuming borrower, in certain cases, shall assume the indebtedness of the original borrower without change in the terms of repayment and without release of liability of the original borrower, and to read as follows:

§ 371.39 *Authority to approve assumption agreements.* State Directors

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FEDERAL REGISTER

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are hereby authorized to accept assumption agreements for the Government in the types of cases covered by §§ 371.37 (d) and 371.38 subject to the requirements contained therein. In other cases assumption agreements may be accepted after approval by the National Office when it is determined that such action will be to the advantage of the Government and the interested parties. In all cases requiring prior approval by the National Office the assuming borrower, under the assumption agreement, shall assume the debt evidenced by the promissory note executed by the original borrower without any change in the amount or maturity of installments and without release of liability of the original borrower.

(R. S. 161, sec. 6, 60 Stat. 870, sec. 41, 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w, 7 U. S. C. 1015. Interprets or applies secs. 41, 51, 60 Stat. 1066, 1070, sec. 2, 50 Stat. 869; 7 U. S. C. 1015, 1025, 16 U. S. C. 590s)

DERIVATION: §§ 371.38 and 371.39 contained in FHA Instruction 455.1.

JULY 12, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: July 24, 1951.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51–8684; Filed, July 27, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 14–A 20]

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASS., MARKETING AREA

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than July 25, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Greater Boston, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order, as amended and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, and it is hereby further determined that:

(1) The refusal of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Greater Boston, Massachusetts, marking area; and

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (March 1951) were engaged in the production of milk for sale in the Greater Boston, Massachusetts, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 904.7 (a) (3) (ii) and substitute the following:

§ 904.7 *Minimum class prices*—(a) *Class I prices.* • • •

(3) • • •

(ii) For each of the States of Maine, Massachusetts, New Hampshire, and Vermont, compute the simple average, on a monthly equivalent basis, of the following farm wage rates reported by the United States Department of Agriculture: The rate per month with board and room; the rate per month with house; the rate per week with board and room; the rate per week without board or room; and the rate per day without board or room. To convert the weekly rates and the daily rate to monthly equivalents, multiple the weekly rates by 4.33 and the daily rate by 26. From the simple averages, compute a combined weighted average monthly rate, using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly rate by 0.6394, and multiply the result by 0.4.

• • • • • •

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23d day of July 1951 to become effective on July 25, 1951.

[SEAL] C. J. MCCORMICK
Acting Secretary of Agriculture.

[F. R. Doc. 51–8733; Filed, July 27, 1951; 8:49 a. m.]

[Docket No. AO 113-A 13]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASS., MARKETING AREA

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to the said order, as amended, effective not later than July 25, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Fall River, Massachusetts, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order, as amended and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Fall River, Massachusetts, marketing area, and it is hereby further determined that:

(1) The refusal of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Fall River, Massachusetts, marketing area; and

(3) The issuance of this order further amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (April 1951) were engaged in the production of milk for sale in the Fall River, Massachusetts, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 947.6 (a) (3) (ii) and substitute the following:

§ 947.6 *Minimum prices*—(a) *Class 1 prices.* * * *

(3) * * *

(ii) Compute the simple average of monthly equivalent farm wage rates for each of the States named below after converting the rates reported by the United States Department of Agriculture to monthly equivalents by multiplying the rates by the factors as follows: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective States with the weights: Maine 10, Massachusetts, 6, New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by .6394 and multiply by 0.4.

* * * * * *

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23rd day of July 1951 to become effective on July 25, 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8732; Filed, July 27, 1951; 8:49 a. m.]

[Lemon Reg. 393]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.500 *Lemon regulation 393*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 25, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 29, 1951, and ending at 12:01 a. m., P. s. t., August 5, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C. this 26th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date, July 22, 1951]

DISTRICT NO. 2

[12:01 a. m. July 29, 1951, to 12:01 a. m. Aug. 12, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.313
American Fruit Growers, Inc., Fullerton	.854
American Fruit Growers, Inc., Upland	.237
Badington Fruit Co	.468
Hazeltine Packing Co	.282
Ventura Coastal Lemon Co	1.369
Ventura Pacific Co	2.117
Glendora Lemon Growers Association	1.741
La Verne Lemon Association	.854
La Habra Citrus Association	2.017
Yorba Linda Citrus Association, The	1.150
Escondido Lemon Association	2.923
Alta Loma Heights Citrus Association	.523
Etiwanda Citrus Fruit Association	.366
Mountain View Fruit Association	.324
Old Baldy Citrus Association	.845
San Dimas Lemon Association	1.526
Upland Lemon Growers Association	5.296
Central Lemon Association	1.285
Irvine Citrus Association, The	1.252
Placentia Mutual Orange Association	.799
Corona Citrus Association	.330
Corona Foothill Lemon Co	2.036
Jameson Co	1.010
Arlington Heights Citrus Co	.865
College Heights Orange & Lemon Association	2.869
Chula Vista Citrus Association, The	1.695

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
El Cajon Valley Citrus Association	0.069
Escondido Cooperative Citrus Association	.242
Fallbrook Citrus Association	1.716
Lemon Grove Citrus Association	.477
Carpinteria Lemon Association	2.104
Carpinteria Mutual Citrus Association	2.707
Goleta Lemon Association	4.534
Johnston Fruit Co	5.466
North Whittier Heights Citrus Association	.916
San Fernando Lemon Association	.560
Sierra Madre-Lamanda Citrus Association	.995
Briggs Lemon Association	2.703
Culbertson Lemon Association	2.015
Fillmore Lemon Association	1.491
Oxnard Citrus Association	5.262
Rancho Sespe	1.161
Santa Clara Lemon Association	3.341
Santa Paula Citrus Fruit Association	3.929
Saticoy Lemon Association	3.050
Seaboard Lemon Association	3.824
Somis Lemon Association	2.857
Ventura Citrus Association	1.030
Ventura County Citrus Association	.023
Limoneira Co	2.735
Teague McKevett Association	.941
East Whittier Citrus Association	.897
Leffingwell Rancho Lemon Association	1.003
Murphy Ranch Co	2.005
Chula Vista Mutual Lemon Association	.681
Index Mutual Association	.604
La Verne Cooperative Citrus Association	2.163
Orange Belt Fruit Distributors	.856
Ventura County Orange & Lemon Association	2.484
Whittier Mutual Orange & Lemon Association	.126
Cappos Bros. Produce	.004
Evans Bros. Packing Co	.001
Latimer, Harold	.023
MacDonald Fruit Co	.002
Mazomenos, William	.000
Paramount Citrus Association, Inc.	.245
San Antonio Orchard Co	.000
Uyeji, Kikuo	.002

[F. R. Doc. 51-8782; Filed, July 27, 1951; 9:23 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Correction

In F. R. Doc. 51-8559, appearing at page 7275 of the issue for Wednesday, July 25, 1951, the title following the signature of C. J. McCormick should read "Acting Secretary of Agriculture."

[Orange Reg. 322]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.528 *Orange Regulation 322*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on July 26, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., July 29, 1951, and ending at 12:01 a. m., P. s. t., August 5, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,100 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107 as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of July 1951.

[SEAL] C. W. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., July 29, 1951, to 12:01 a. m., P. d. s. t., Aug. 5, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0750
A. F. G. Corona	.0406
A. F. G. Fullerton	1.0775
A. F. G. Orange	.3904
A. F. G. Riverside	.1227
A. F. G. San Juan Capistrano	.5609
A. F. G. Santa Paula	.4769
Eadington Fruit Co., Inc	5.2475
Hazeltine Packing Co	.3423
Krinard Packing Co	.1962
Placentia Cooperative Orange Association	.5134
Placentia Pioneer Valencia Growers Association	.6542
Signal Fruit Association	.0943
Azusa Citrus Association	.4786
Covina Citrus Association	1.2174
Covina Orange Growers Association	.5690
Damerel-Allison Association	.6798
Glendora Citrus Association	.4066
Glendora Mutual Orange Association	.3328
Valencia Heights Orchard Association	.4988
Gold Buckle Association	.4273
La Verne Orange Association	.5254
Anaheim Valencia Orange Association	1.1198
Fullerton Mutual Orange Association	2.7249
La Habra Citrus Association	1.2684
Yorba Linda Citrus Association, The	1.2047
Escondido Orange Association	2.2015
Alta Loma Heights Citrus Association	.0565
Citrus Fruit Growers	.1345
Etiwanda Citrus Fruit Association	.0302
Old Baldy Citrus Association	0.0600
Rialto Heights Orange Growers	.0530
Upland Citrus Association	.3624
Upland Heights Orange Association	.1189
Consolidated Orange Growers	1.9756
Frances Citrus Association	1.2282
Garden Grove Citrus Association	1.6637
Goldenwest Citrus Association	1.9053
Irvine Valencia Growers	3.8737
Olive Heights Citrus Association	2.1559
Santa Ana-Tustin Mutual Citrus Association	1.0165
Santiago Orange Growers Association	4.5213
Tustin Hills Citrus Association	2.0810
Villa Park Orchards Association	1.9167
Bradford Bros., Inc	.8631
Placentia Mutual Orange Association	4.2991
Placentia Orange Growers Association	3.5831
Yorba Orange Growers Association	1.2481
Call Ranch	.0655
Corona Citrus Association	.4076
Jameson Co	.1231
Orange Heights Orange Association	.5553
Crafton Orange Growers Association	.2493
East Highlands Citrus Association	.0568
Redlands Heights Groves	.1858
Redlands Orangedale Association	.1549
Rialto-Fontana Citrus Association	.0963
Break & Son, Allen	.0433
Bryn Mawr Fruit Growers Association	.0992
Mission Citrus Association	.1385
Redlands Cooperative Fruit Association	.2457
Redlands Orange Growers Association	.1404
Redlands Select Groves	.2105
Rialto Orange Co	.1875
Southern Citrus Association	.1118
United Citrus Growers	.2071
Zilen Citrus Co	.0354
Arlington Heights Citrus Co	.1069
Brown Estate, L. V. W	.1232
Gavilan Citrus Association	.1345
Highgrove Fruit Association	.0565
McDermont Fruit Co	.1161
Monte Vista Citrus Association	.2080
National Orange Co	.0469
Riverside Citrus Association	.0223
Riverside Heights Orange Growers Association, The	.0308
Sierra Vista Packing Association	.0395
Victoria Ave. Citrus Association	.1706
Claremont Citrus Association	.1084
College Heights Orange & Lemon Association	.2415
Indian Hill Citrus Association	.2104
Pomona Fruit Growers Exchange	.3014
Walnut Fruit Growers Association	.5079
West Ontario Citrus Association	.1738
El Cajon Valley Citrus Association	.1906
Escondido Cooperative Citrus Association	.2743
San Dimas Orange Growers Association	.3085
Canoga Citrus Association	.8057
North Whittier Heights Citrus Association	.8540
San Fernando Heights Orange Association	.7283
Sierra Madre-Lamanda Citrus Association	.3143
Camarillo Citrus Association	1.2923
Fillmore Citrus Association	2.9009
Mupu Citrus Association	1.8241
Ojai Orange Association	.6294
Piru Citrus Association	2.0087
Rancho Sespe	.7375
Santa Paula Orange Association	.9963
Tapo Citrus Association	.7212
Ventura County Citrus Association	0.3393
Limoneira Co	.5526
East Whittier Citrus Association	.3333
Murphy Ranch Co	.7625
Anaheim Cooperative Orange Association	2.1309
Bryn Mawr Mutual Orange Association	.1339
Chula Vista Mutual Lemon Association	.0831
Euclid Avenue Orange Association	.4999
Foothill Citrus Union, Inc	.1166
Fullerton Cooperative Orange Association	.3906
Garden Grove Orange Cooperative, Inc	1.3151
Golden Orange Groves, Inc	.1710
Highland Mutual Groves, Inc	.0086
Index Mutual Association	.3945
La Verne Cooperative Citrus Association	1.6269
Olive Hillside Groves, Inc	.6711
Orange Cooperative Citrus Association	1.6293
Redlands Foothill Groves	.3687
Redlands Mutual Orange Association	.1461
Ventura County Orange & Lemon Association	1.1479
Whittier Mutual Orange & Lemon Association	.1458
Babijuice Corp. of California	.7604
Banks, L. M	.6765
Becker, Samuel Eugene	.0089
Bennett Fruit Co	.1104
Borden Fruit Co	.5230
Cappos Bros. Produce	.0069
Cherokee Citrus Co., Inc	.1029
Chess Co., Meyer W	.4255
Dozier, Paul M	.0120
Dunning Ranch	.0466
Evans Bros. Packing Co	.7381
Gold Banner Association	.1652
Granada Hills Packing Co	.0313
Granada Packing House	.8361
Hill Packing Co., Fred A	.0396
Knapp Packing Co., John C	.5896
L Bar S Ranch	.1010
Lawson, William J	.0065
Lima & Sons, Joe	.0901
Oakley, C. B	.0009
Orange Belt Fruit Distributors	1.2559
Orange Hill Groves	.0036
Otte, Arnold	.0594
Panno Fruit Co., Carlo	.3017
Paramount Citrus Association	.7223
Patitucci, Frank L	.0087
Placentia Orchard Co	.5822
Prescott, John A	.0182
Redlands Fruit Association, Inc	.0141
Ronald, P. W	.0200
San Antonio Orchard Co	.2731
Stephens, T. F	.2363
Summit Citrus Packers	.0164
Treesweet Products Co	.2103
Wall, E. T., Grower-Shipper	.1275
Western Fruit Growers, Inc	.4478

[F. R. Doc. 51-8805; Filed, July 27, 1951; 11:37 a. m.]

[Orange Reg. 381, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (b) of § 966.527 (Orange Regulation 381, 16 F. R. 7138) are hereby amended to read as follows:

(i) *Valencia oranges.* • • •

(b) Prorate District No. 2: 1,250 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 27th day of July 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8806; Filed, July 27, 1951; 11:37 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 368, Amdt. 6]

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), the special regulations governing the export and import of livestock to and from Mexico (9 CFR and Supp. Part 93) are amended as follows:

1. The title of said Part 93 is amended to read as set forth above.

2. Section 93.1 is amended by adding, at the end thereof, two paragraphs reading as follows:

(h) "Poultry" means chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(i) "Communicable disease" means any contagious, infectious, or communicable disease of domestic livestock, poultry, or other animals.

3. Sections 93.12, 93.13, 93.14, 93.15, and 93.16 are redesignated as §§ 93.13, 93.14, 93.15, 93.16, and 93.17, respectively.

4. A new § 93.12 is added, immediately following § 93.11, reading as follows:

§ 93.12 *Poultry*—(a) *Designated ports of entry for poultry.* All poultry offered for importation from Mexico shall be entered through one of the ports of entry named in § 93.2.

(b) *Permits for poultry.* For poultry intended for importation from Mexico, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The poultry will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

(c) *Declaration of purpose for poultry.* For poultry offered for importation from Mexico there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said poultry are to be imported.

(d) *Certificate for poultry.* (1) Poultry, except eggs for hatching, offered for entry from Mexico shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom, or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease, avian pneumoencephalitis) occurred in the localities where the poultry were kept during such period.

(2) Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that the flock or flocks of origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

(e) *Inspection at port of entry for poultry.* All poultry offered for entry from Mexico, including such poultry intended for movement by rail through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such poultry found to be free from communicable disease, and not to have been exposed thereto, shall be admitted into the United States subject to the other provisions in this part. Poultry found to be affected with or to have been exposed to a communicable disease shall be refused entry. Poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(f) *Periods of quarantine for poultry.* Poultry from Mexico except eggs for hatching and poultry being transported in bond for immediate return to Mexico shall be quarantined for not less than 15 days counting from the date of arrival at the port of entry. During their quarantine such poultry shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease or infection with disease.

(g) *Feed and attendants for poultry in quarantine.* Importers of poultry subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such poultry subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their poultry. If for any cause owners of poultry refuse or neglect to supply feed and attendants, the poultry shall be refused entry and returned to Mexico, or otherwise disposed of as the Chief of Bureau may direct.

(h) *Appearance of disease among poultry in quarantine.* If any communicable disease appears among poultry during the quarantine period, the affected poultry shall be disposed of as the Chief of Bureau may direct.

The broad, general purpose of the foregoing amendments is to provide for the certification, inspection, and quarantine of poultry offered for importation into the United States from Mexico, in order to prevent the introduction into this country of any communicable disease of poultry. An immediate purpose of the amendments, however, is to guard against the introduction into the

United States of a type of Newcastle disease (avian pneumoencephalitis) which exists in poultry in Mexico and which is much more virulent than any strain of that disease known to exist in the United States. Protection of the poultry interests of the United States from this type of the disease demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER. Such notice and public procedure are not required by any other statute.

These amendments shall become effective imemdiately.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 24th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8683; Filed, July 27, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Including Amdts. 1-17]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Ceiling Price Regulation 22 is republished to incorporate the text of Amdts. 1 through 17, inclusive. Ceiling price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amdts. 1-17, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2. Ceiling prices established by this regulation.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.

BASE PERIOD PRICE

4. Base period.
5. Category.
6. How to obtain your base period price.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

7. General description of how to calculate "the labor cost adjustment".
8. How to calculate "the labor cost adjustment" upon the basis of your entire business.
9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

10. Manufacturing material.
11. General description of the methods available.
12. Omission of certain manufacturing materials from your calculations.
13. Method 1 (Aggregate method).
14. Method 2 (Individual commodity method).
15. Method 3 (Product line method using best selling commodity).
16. Method 4 (Composite bill of materials method).

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

17. General nature of these instructions.
18. How to compute the net cost to you of a manufacturing material as of a prescribed date.
19. How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.
20. Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.
21. Calculation of the increase in net cost per unit of materials covered by Appendix C.
22. How to calculate "the materials cost adjustment" for joint products or by-products.
23. How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

24. General nature of these provisions.
25. Rounding ceiling prices.
26. Retention of GCPR ceiling price where the change in price is less than 1 percent.
27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.
28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.
31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.
32. Ceiling prices for new commodities falling within categories dealt in during your base period.
33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.

MISCELLANEOUS PROVISIONS

34. Sellers who cannot price under other sections.
35. Export sales.
36. Excise, sales, and other similar taxes.
37. Prohibition against redetermination of ceiling prices.
38. Modification of ceiling prices by the Director of Price Stabilization.
39. Recalculation of ceiling prices and announcement of "materials cost increase factors".
40. Adjustable pricing.
41. Petitions for amendment.
42. Supplementary regulations.
43. Adjustment of ceiling prices where overall loss in operations results.
44. Use of "conversion steel" in calculating "the materials cost adjustment".
45. Temporary adjustments to carry out existing contracts.
46. Records and reports.
47. Definitions and explanations.
48. Prohibitions.
48a. Transfer of business or stock in trade.
49. Charges lower than ceiling prices.
50. Evasion.
51. Violation.

AUTHORITY: Sections 1 to 51 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 35623, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, May 28, 1951, 16 F. R. 4105.

Amendment 2, May 16, 1951, 16 F. R. 4439.
Amendment 3, May 28, 1951, 16 F. R. 4642.
Amendment 4, May 28, 1951, 16 F. R. 4967.
Amendment 5, May 28, 1951, 16 F. R. 5009.
Amendment 6, May 28, 1951, 16 F. R. 5010.
Amendment 7, June 1, 1951, 16 F. R. 5166.
Amendment 8, June 8, 1951, 16 F. R. 5477.
Amendment 9, June 20, 1951, 16 F. R. 5752.
Amendment 10, June 19, 1951, 16 F. R. 5864.
Amendment 11, June 26, 1951, 16 F. R. 5931.
Amendment 12, June 21, 1951, 16 F. R. 5940.
Amendment 13, June 29, 1651, 16 F. R. 6375.
Amendment 14, June 28, 1951, 16 F. R. 6307.
Amendment 15, July 2, 1951, 16 F. R. 6509.
Amendment 16, July 17, 1951, 16 F. R. 6773.
Amendment 17, July 19, 1951, 16 F. R. 7149.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A and sales at retail. With these exceptions, the General Ceiling Price Regulation is superseded by this regulation as to manufacturers in the United States or the District of Columbia. If, however, your gross sales for your last complete fiscal year were less than $250,000 you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. *How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.* (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. *Base period.* "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. *General description of how to calculate "the labor cost adjustments".* Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. *How to calculate "the labor cost adjustment" upon the basis of your entire business.* To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end

of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though, for example, such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

[Paragraph (c) amended by Amdt. 10]

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor."

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor."

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(b) $300,000 divided by $1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates $6,600, or a total increase of $600.

(d) $600 divided by $6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was $100, you multiply $100 by 3 percent, giving $3, "the labor cost adjustment".

SEC. 9. *How to calculate "the labor cost adjustment" upon the basis of a unit of your business.* To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. *General description of the methods available.* (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains ony general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 12, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. *Method 1 (Aggregate method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. *Method 2 (Individual commodity method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was $1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of $1.00 per unit before Korea, and the price for the service as of March 15, 1951 was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of $3.25. This is "the materials cost adjustment".

SEC. 15. *Method 3 (Product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was $2, or 20 percent. "The materials cost adjustment" for the $8 commodity is, therefore, 20 percent of $8, or $1.60, and for the $12 commodity, 20 percent of $12, or $2.40.

SEC. 16. *Method 4 (Composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. *General nature of these instructions.* Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d), (e), (f), (g) or (h) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class or supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

[Above paragraph amended by Amdt. 10]

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offerer.

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

[Paragraph (f) added by Amdt. 10]

(g) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (g) added by Amdt. 10]

(h) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (h) added by Amdt. 10]

(i) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (i) formerly Par. (f); amended by Amdt. 3, redesignated by Amdt. 10]

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C—*(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the agricultural commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

[Paragraph (b) amended by Amdt. 16]

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

[Paragraph (c) amended by Amdt. 16]

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed agricultural commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization.

[Paragraph (d) amended by Amdt. 16]

(2) *Removal from listing.* You may not, in figuring the change in net cost of a listed agricultural commodity or product processed therefrom use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization or any date more than five days subsequent to the date upon which the Secretary of Agriculture announces for the agricultural commodity, by publication in "Agricultural Prices," a price which equals or exceeds both (i) the parity price as set forth in the same publication and (ii) the highest price received by producers of the agricultural commodity during the period May 24 to June 24, 1950, inclusive, both as determined and adjusted by him.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make

the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned cooperative processor, and you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

[Paragraph (f) amended by Amdts. 2 and 16]

(g) *Required report.* You may not increase your ceiling price under the provisions of this section above that price initially determined pursuant to the provisions of this regulation unless and until you place in the mail a registered letter, addressed to the Director of Price Stabilization, Washington 25, D. C., containing the following information:

(1) If it is not necessary for you to use section 21 (f) in determining your ceiling prices, you report:

(i) Your existing ceiling price and the description of the commodity.

(ii) The paragraph number in section 18 of this regulation under which you compute your net cost for the manufacturing material, or a designation of the other section under which you compute your net cost.

(iii) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, used in calculating your last ceiling price under this regulation.

(iv) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, for the current date.

(v) The increased ceiling price.

(2) If you are a processor who uses either section 21 (f) (1) or (2) in determining your ceiling prices, you report:

(i) The name and address of your nearest competitor selected pursuant to section 21 (f) (1) or (2).

(ii) Your existing ceiling price.

(iii) Your nearest competitor's net cost per unit (for the material) last used by you in calculating under this section 21.

(iv) Your nearest competitor's net cost per unit (for the material) on the current date.

(v) The increased ceiling price.

(3) If you are a processor who uses section 21 (f) (3) in determining your ceiling prices, you report:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

[Paragraph (g) amended by Amdt. 16]

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, ⅓ ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was $10 per ton, for commodity B was $1 per gallon and for commodity C was $0.10 per pound, the dollar value of the combined unit of production would be $65 under the first example in (a) above and $21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is $13. $13 divided by $65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of $10, or $2 per ton; for commodity B is 20 percent of $1, or 20 cents per gallon; and for commodity C is 20 percent of $0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is listed in Appendix A, its ceiling price under the applicable ceiling price regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. *General nature of these provisions.* Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 27. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons

(excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by $2.00 is $3,000; 1000 multiplied by $2.10 is $2,100; 1500 plus 1000 is 2500; $3,000 plus $2,100 is $5,100; $5,100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. *Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation*—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) *Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation.* The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

SEC. 31. *Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.* This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. *Ceiling prices for new commodities falling within categories dealt in during your base period*—(a) *Description of the pricing method.* This section deals with a commodity which cannot be priced under sections 3 or 30, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, using either sections 3 or 30 of this regulation, whichever is applicable.

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be $10. (ii) The current unit direct cost of the comparison commodity would be $6. (iii) $6 subtracted from $10 is $4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) $4 divided by $6 is 66 7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is $7.50. 66.7% of $7.50 is $5.00. $7.50 plus $5.00 is $12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following; desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.* Your report should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to purchasers of various classes with respect to the comparison commodity.

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price under this regulation of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

[Paragraph (1) amended by Amdt. 10]

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity to the same class of purchaser or 30 days from the date this regulation becomes effective as to you, whichever is later.

[Paragraph (3) amended by Amdt. 6]

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling price, except as permitted in paragraphs (b) or (d).

[Paragraph (a) amended by Amdts. 3 and 6]

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

[Paragraph (b) added by Amdt. 3]

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

[Paragraph (c) added by Amdt. 3]

(d) If your ceiling price was determined under section 3 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use your ceiling price as so determined until notified by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (d) added by Amdt. 6]

SEC. 35. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 36. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

(a) Increase in cost of agricultural commodities or products processed therefrom in accordance with section 21 of this regulation.

(b) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(c) Extension of the effective date of this regulation pursuant to Amendment 6 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(d) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(f) The filing of an amended Form No. 8 under this section is subject to the provisions of section 48 of this regulation.

[Section 37 amended by Amdt. 10]

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

SEC. 39. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 40. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 43. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities;

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 44. *Use of "conversion steel" in calculating "the materials cost adjustment"*—(a) *Purpose of this section.* In calculating "the materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of "the materials cost adjustment".

(b) *How to apply.* Under the circumstances described in paragraph (a) of this section, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly, the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased. If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of "the materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director has done none of the above, you may begin to sell at ceiling prices calculated in accordance with "the materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 45. *Temporary adjustments to carry out existing contracts*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price

Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of "the materials cost adjustment") would be $3,500. The total adjustment is $700 ($4,200 minus $3,50 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,0000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1950, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment".

4. A copy of the worksheets used in the calculation of your ceiling price.

5. A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 46. *Records and reports.*—(a) *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports.* (1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait 15 days before selling as provided in section 48.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 3]

Category. This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity.

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 48. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 21, 32, 33, or 46, whichever is applicable.

[Paragraph (b) amended by Amdt. 16]

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation (except when you raise your price, pursuant to section 21, above that price initially calculated under this regulation) you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix

[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. * * *

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

* * * * * * *

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. * * *

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) You must wait 15 days after the date of receipt by the Director of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

[Paragraph (c) amended by Amdt. 16]

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. *Violation—(a) Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

[Effective date amended by Amdt. 6]

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

By: DAVID C. EBERHART,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.
3. Gas, electricity, and steam.
4. All scrap and waste materials.
5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subparagraph (1) amended by Amdt. 3]

(2) Sausage, except dry.
(3) Lard.
(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subparagraph (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar; and shall also include water ices (a product composed of water, sugar, flavoring and stabilizer) prepared in bulk, package form, or in the form of a stick confection.

[Subparagraph (5) amended by Amdt. 15]

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Flour, semolina, malt, mill feeds, meal and other animal feed ingredients processed from wheat, grain sorghum, corn, flaxseed, oats, rye and barley, except when sold in cartons of five pounds or less. The word "flour" as used here does not include prepared flour mixes.

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subparagraph (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Bakery products—bread, cakes, handmade cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.

(16) Sugar beet pulp and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subparagraph (16) amended by Amdts. 3 and 9]

(17) Chewing gum.
(18) Soft drinks.
(19) Malt beverages.
(20) Wines.
(21) Distilled spirits.
(22) Frozen eggs, dried eggs and liquid eggs.

[Subparagraph (22) amended by Amdt. 2]

(23) Inedible molasses.

[Subparagraph (23) amended by Amdt. 9]

(24) All salmon and salmon products in any form; and all other fish, shellfish, and food, and the products thereof, except when sterilized in hermetically sealed containers.

[Subparagraph (24) added by Amdt. 11]

(d) All tobacco products.

(e) The following textile mill products:

(1) All wool fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 5 percent or more wool by weight, however manufactured.

(3) Soft surface floor coverings which are either entirely made of wool or wool regardless of what material is employed, woven on a chenille, wilton, velvet or axminster loom or are produced by the tufting manufacturing process that produces pile or felt. Ceiling prices for these floor coverings are established by Supplementary Regulation 11, Revision 2, to the General Ceiling Price Regulation.

[Subpart (3) amended by Amdt. 15]

(f) (1) Apparel, apparel furnishings or apparel accessories, made of textile materials, leather, fur, or a combination of any of them, or made of plastic or other materials which are normally sewed as part of the assembly operation; (2) component parts manufactured exclusively for further processing into

or for use as a part of apparel, apparel furnishings or apparel accessories; and (3) such footwear as is not normally made by shoe, slipper or rubber manufacturers.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves, handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, necktles, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

(3) Booties, spats, slipper-socks, and beach shoes.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate belt buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, jewelry cases, brief cases and luggage.

[Paragraph (f) amended by Amdt. 7]

(g) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, clothespins, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts such as, doubletrees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood products" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine) such as unassembled furniture parts, handles, wooden skewers, wooden heels and lasts, wedgies, wood shanks for shoes and shoe pegs.

(3) However, this regulation does apply to wooden products which are completed and ready for ultimate household, recreational or farm use. Such completed products are not exempt under this paragraph unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate household, recreational or farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

Examples of commodities not included within the exemption of this paragraph are the following wood products: Furniture, assembled furniture frames, brooms, mops, carpet sweepers, toys, games, baseball bats, bowling pins, checkers, chess men, billiard cues, drumsticks, golf tees, wooden spoons, wooden bowls, toothpicks, rolling pins, potato mashers, medical applicators, stepladders, wooden coat hangers, picture frames, caskets, coffins and wooden matches.

[Paragraph (g) amended by Amdt. 10]

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

(1) Crude and synthetic rubber.
(2) Synthetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Cosmetics, proprietary drug products, and drugs and medicines of the kind listed in Major Group 65, *Standard Commodity Classification, Technical Paper No. 26, Volume 1, United States Government Printing Office, 1943*, except those commodities (such as phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

[Subpart (5) amended by Amdt. 10]

(6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
(7) Natural and synthetic glycerin.
(8) Soap stock, raw and acidulated.
(9) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

[Subpart (9) amended by Amdt. 10]

(10) Shellac gum and metallic waterproofing compounds.

[Subpart (10) amended by Amdt. 12]

(11) Naval stores.
(12) All natural gums and resins.
(13) All vegetable waxes.
(14) All natural dyeing materials.
(15) All essential or distilled oil.
(16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.

(17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.
Babassu oil.
Cacao butter.
Cashew nut shell liquid.
Castor beans.
Castor oil.
Cocoanut oil.
Cohune kernels.
Cohune oil.
Copra.
Coquito kernels.
Coquito oil.
Corozo kernels.
Corozo oil.
Hempseed.
Hempseed oil.
Kapok seed.
Kapok seed oil.
Muru-muru kernels.
Muru-muru oil.
Oiticica oil.
Olive oil, edible, sulphur and other inedible.
Ouricury kernels.
Ouricury oil.
Palm kernel oil.
Palm kernels.
Palm oil.
Perilla seeds.
Perilla seed oil.
Poppyseed.
Poppyseed oil.
Rapeseed.
Rapeseed oil.
Rubberseed.
Rubberseed oil.
Sesame oil.
Sesame seed.
Sunflower seed.
Sunflower seed oil.
Tucum kernels.
Tucum oil.
Tung oil.

(18) Whale oil.
(19) Sperm oil.
(20) Fish oils, including cod oil and shark oil.
(21) Peanut oil.
(22) Rice bran oil.
(23) Oleo stock, oil and stearine.
(24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(25) Wool grease.
(26) Glue stock.
(27) Casein.
(28) Cotton linters.

(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished and leather cut stock.

[Paragraph (o) amended by Amdt. 14]

(p) Footwear, except rubber footwear.

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (r) amended by Amdts. 3 and 17]

(s) All secondary metals and scrap.

(t) All metal powders, specifically including powders containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (t) amended by Amdt. 17]

(u) All metallic ores.

(v) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. The term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following:

(i) *Dimension and Building Stones as follows:* Basalt and related stones. Granite: Building, ornamental and monumental. Greenstone: Interior, or exterior building, structural, ornamental, and monumental. Limestone: Building, ornamental, and monumental. Marble: Slabs—buildings, structural, and decorative; ornamental and monumental marble; grave vaults. Sandstone: Building, structural, ornamental, floor and flagging (including bluestone and brownstone). Slate: Structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

(ii) *Monuments and Memorials* of granite, greenstone, limestone, marble and sandstone.

[Paragraph (v) amended by Amdts. 3 and 10]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings, but specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (w) amended by Amdts. 3 and 17]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) Precious stones and precious jewelry. A "precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined above, when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

[Paragraph (aa) amended by Amdt. 10]

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

(gg) Decorative paper gift dressings produced for over-the-counter sale for special occasions during 1951, including but not limited to enclosure cards, tags, seals, plain and printed gift wrap papers, labels and gift money envelopes, which are usually but not necessarily pre-packaged, and usually but not necessarily bear printed price and count identification on the package. Not included are so-called Christmas and similar special occasion greeting cards.

[Paragraph (gg) amended by Amdt. 11]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A, as amended, under paragraph (b) and all succeeding paragraphs.

[Paragraph 1 amended by Amdt. 10]

2. Wood pulp, paper, paperboard, and converted paper and paperboard products.

3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

4. All jute products containing more than 50 per cent by weight of jute.

5. All industrial services.

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

[Item 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Item 7 added by Amdt. 8]

APPENDIX C

With respect to the following agricultural commodities and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in Section 21:

Fruits:
- Apples
  - For canning
  - For drying
- Apricots
  - For canning
  - Dried
- Avocados
- Blackberries
- Boysenberries
- Cherries
  - Sweet
  - Sour
- Cranberries
- Dates
- Figs for canning
- Grapes, excluding raisins dried
- Grapefruit
- Lemons
- Limes
- Loganberries
- Olives
  - For canning
  - Crushed for oil
- Oranges and tangerines
- Peaches
  - For canning
    - Clingstone
    - Freestone
  - Dried
- Pears
  - For canning
  - Dried
- Pineapples, Florida
- Plums
  - For fresh consumption
  - For canning
- Raspberries, black
- Raspberries, red
- Youngberries

Tree-nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Livestock and Livestock Products:
- Butterfat
- Chickens
- Eggs
- Milk, wholesale
- Turkeys
- Beeswax

Field Crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Rye
- Sorghums for grain
- Wheat

Sugar crops:
- Maple sirup
- Maple sugar
- Sorghum sirup
- Sugar beets
- Sugarcane
- Sugarcane sirup

Vegetables:
- Artichokes
- Beans, Lima
- Beans, snap
- Beets
- Cabbage
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Corn, sweet
- Eggplant
- Garlic
- Kale
- Lettuce
- Onions
- Peas, green
- Peppers, green
- Pimientos
- Shallots
- Spinach
- Tomatoes
- Watermelon
- Potatoes
- Sweet Potatoes

Tobacco:
- Flue-cured; types 11, 14
- Burley-type 31
- Cigar filler and binder types 42–44, 46, 51–55
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35-36
- Fire cured, types 21-24
- Maryland types, 32
- Pennsylvania seedleaf type 41
- Sun cured, type 37

Miscellaneous:
- Popcorn
- Honey
- Hops
- Peppermint Oil
- Spearmint Oil
- Tung nuts

[App. C amended by Amdts. 3 and 9]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by July 2, 1951, or such earlier effective date between May 28, 1951, and July 2, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdt. 6]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for *all* the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the *adjustment factor* rather than the *adjustment* which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1–6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined for the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR–22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR–22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

26-2011	Meat packing.
31-2012	Custom slaughtering.
26-2013	Sausages and other prepared meat products.
26-2014	Sausage casings.
27-2015	Poultry and small game dressing and packing.
32-2021	Creamery butter.
32-2022	Natural cheese.
32-2023	Condensed and evaporated milk.
32-2024	Ice cream and ices.
32-2025	Special dairy products.
26-2031	Canned sea food.
26-2032	Cured fish.
23-2033	Canned fruits, vegetables, and soups; preserves, jams, and jellies.
23-2034	Dried and dehydrated fruits and vegetables.
23-2035	Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
23-2037	Frozen fruits, vegetables, and sea foods.
24-2041	Flour and other grain-mill products.
24-2042	Prepared feeds for animals and fowls.
24-2043	Cereal preparations.
24-2044	Rice cleaning and polishing.
24-2045	Blended and prepared flour.
24-2051	Bread and other bakery products (except biscuit, crackers, and pretzels).
24-2052	Biscuit, crackers, and pretzels.
25-2061	Cane sugar (except refining only).
25-2062	Cane-sugar refining.
25-2063	Beet sugar.
25-2071	Candy and other confectionery products.
25-2072	Chocolate and cocoa products.
25-2073	Chewing gum.
25-2081	Bottled soft drinks and carbonated waters.
25-2082	Malt liquors.
25-2083	Malt.
25-2084	Wines.
25-2085	Distilled, rectified, and blended liquors.
25-2091	Baking powder, yeast, and other leavening compounds.
22-2092	Shortening and other cooking and edible fats and oils, not elsewhere classified.
22-2093	Oleomargarine.
25-2094	Corn sirup, corn sugar, corn oil, and starch.
25-2095	Flavoring extracts and flavoring sirups, not elsewhere classified.
25-2096	Vinegar and cider.
25-2097	Manufactured ice.
25-2098	Macaroni, spaghetti, vermicelli, and noodles.
25-2099	Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

25-2111	Cigarettes.
25-2121	Cigars.
25-2131	Tobacco (chewing and smoking) and snuff.
25-2141	Tobaco stemming and redrying.

TEXTILE MILL PRODUCTS

52-2211	Scouring and combing plants.
52-2221	Yarn mills.
52-2222	Yarn throwing mills.
52-2223	Thread mills.
52-2231	Broad-woven fabric mills (cotton, silk, and synthetic fiber).
52-2232	Broad-woven fabric mills (woolen and worsted).
52-2241	Narrow fabrics and other smallwares mills (cotton, wool, silk, and synthetic fiber).
53-2251	Full-fashioned hosiery mills.
53-2252	Seamless-hosiery mills.
53-2253	Knit outerwear mills.
53-2254	Knit underwear mills.
53-2255	Knit glove mills.
52-2256	Knit-fabric mills.
52-2259	Knitting mills, not elsewhere classified.
52-2261	Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
52-2262	Dyeing and finishing woolen and worsted goods.
73-2271	Wool carpets, rugs, and carpet yarn.
73-2273	Carpets, rugs, and mats from fiber (except wool).
73-2274	Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
53-2281	Fur-felt hats and hat bodies.
53-2282	Wool-felt hats and hat bodies.
53-2283	Straw hats.
53-2284	Hatters' fur.
54-2291	Felt goods (except woven felts and hats).
73-2292	Lace goods.
73-2293	Paddings and upholstery filling.
52-2294	Processed waste and recovered fibers.
93-2295	Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
52-2296	Linen goods.
52-2297	Jute goods (except felt).
52-2298	Cordage and twine.
52-2299	Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

53-2311	Men's, youths', and boys' suits, coats, and overcoats.
53-2312	Suit and coat findings.
53-2321	Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
53-2322	Men's, youths', and boys' underwear.
53-2323	Men's, youths', and boys' neckwear.
53-2325	Men's, youths', and boys' cloth hats and caps.
53-2326	Hat and cap materials.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS—con.

53-2327 Men's, youths', and boys' separate trousers.
53-2328 Work shirts.
53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
53-2331 Women's and misses' blouses and waists.
53-2333 Women's and misses' dresses.
53-2334 Household apparel.
53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
53-2338 Women's neckwear and scarfs.
53-2339 Women's and misses' outerwear, not elsewhere classified.
53-2341 Women's, misses', children's, and infants' underwear and nightwear.
53-2342 Corsets and allied garments.
53-2351 Millinery.
53-2361 Children's and infants' dresses.
53-2363 Children's and infants' coats.
53-2369 Children's and infants' outerwear, not elsewhere classified.
53-2371 Fur goods.
53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
53-2382 Work gloves and mittens (fabric, fabric and leather combined).
53-2383 Suspenders, garters, and related products.
53-2384 Robes and dressing gowns.
53-2385 Raincoats and other waterproof outer garments.
53-2386 Leather and sheep-lined clothing.
53-2387 Belts.
53-2388 Handkerchiefs.
53-2389 Apparel, not elsewhere classified.
73-2391 Curtains and draperies.
73-2392 Housefurnishings (except curtains and draperies).
52-2393 Textile bags.
73-2394 Canvas products.
53-2395 Pleating, stitching, and tucking for the trade.
53-2396 Trimmings, stamped arts goods, and art needlework.
53-2397 Schiffli-machine embroideries.
53-2341 Women's, misses', children's, and chine.
73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

12-2411 Logging camps and logging contractors.
12-2421 Sawmills and planing mills, general.
12-2422 Veneer mills.
12-2423 Shingle mills.
12-2424 Cooperage stock mills.
12-2425 Excelsior mills.
12-2429 Special-product sawmills, not elsewhere classified.
12-2431 Millwork plants.
12-2432 Plywood plants.
12-2433 Prefabricated wooden buildings and structural members.
12-2441 Fruit and vegetable baskets.
74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
12-2443 Cigar boxes.
12-2444 Wooden boxes (except cigar boxes).
12-2445 Cooperage.
12-2491 Wood preserving.
12-2492 Lasts and related products.
74-2493 Mirror frames and picture frames.
74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

73-2511 Wood household furniture, except upholstered.
73-2512 Wood household furniture, upholstered.
73-2513 Reed and rattan furniture.
73-2514 Metal household furniture.
73-2515—Mattresses and bedsprings.
73-2519 Household furniture, not elsewhere classified.
72-2521 Wood office furniture.
72-2522 Metal office furniture.
72-2531 Public-building and related furniture.
72-2532 Professional furniture.
72-2541 Partitions, shelving, lockers, and office and store fixtures.
42-2561 Window and door screens and weather strip.
73-2562 Window shades.
73-2563 Venetian blinds.
72-2591 Restaurant furniture.
73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

13-2611 Pulp mills.
13-2612 Paper and paperboard mills (except building-paper and building-board mills).
13-2613 Building-paper and building-board mills.
13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes, and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
92-2824 Synthetic rubber.
52-2825 Synthetic fibers.
93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.
42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2887 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.
54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.
74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.

STONE, CLAY AND GLASS PRODUCTS—continued

74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

43-3411 Tin cans and other tinware.
74-3421 Cutlery.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
42-3441 Fabricated structural steel and ornamental metal work.
42-3442 Metal doors, sash, frames, molding, and trim.
44-3443 Boiler shop products.
42-3444 Sheet-metal work.
74-3461 Vitreous-enameled products.
43-3462 Automobile stampings.
44-3463 Stamped and pressed metal products (except automobile stampings).

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)—continued

43-3464 Powder metallurgy.
44-3465 Enameling, japanning, and lacquering.
44-3466 Galvanizing and other hot-dip coating.
74-3467 Engraving on metal.
44-3468 Electroplating, plating, and polishing.
42-3471 Lighting fixtures.
43-3481 Nails and spikes.
43-3489 Wirework, not elsewhere classified.
43-3491 Metal shipping barrels, drums, kegs, and pails.
72-3492 Safes and vaults.
44-3493 Steel springs.
43-3494 Bolts, nuts, washers, and rivets.
43-3495 Screw-machine products.
43-3496 Collapsible tubes.
43-3497 Gold, silver, tin, aluminum, and other foil.
74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

44-3511 Steam engines, turbines, and water wheels.
44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
44-3521 Tractors.
44-3522 Agricultural machinery (except tractors).
44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
44-3532 Oil-field machinery and tools.
44-3541 Machine tools.
44-3542 Metalworking machinery (except machine tools).
44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
44-3551 Food-products machinery.
44-3552 Textile machinery.
44-3553 Woodworking machinery.
44-3554 Paper-industries machinery.
44-3555 Printing-trades machinery and equipment.
44-3559 Special-industry machinery, not elsewhere classified.
44-3561 Pumps, air and gas compressors, and pumping equipment.
44-3562 Elevators and escalators.
44-3563 Conveyors and conveying equipment.
44-3564 Blowers, exhaust and ventilating fans.
44-3565 Industrial trucks, tractors, trailers, and stackers.
44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
44-3567 Industrial furnaces and ovens.
42-3568 Mechanical stokers, domestic and industrial.
44-3569 General industrial machinery and equipment, not elsewhere classified.
72-3571 Computing machines and cash registers.
72-3572 Typewriters.
72-3575 Vending, amusement, and other coin-operated machines.
72-3576 Scales and balances.
72-3579 Office and store machines and devices, not elsewhere classified.
72-3581 Domestic laundry equipment.
44-3582 Commercial laundry, dry-cleaning, and pressing machines.
72-3583 Sewing machines.
72-3584 Vacuum cleaners.
72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
45-3586 Measuring-and-dispensing pumps.

MACHINERY (EXCEPT ELECTRICAL)—continued

72-3589 Service-industry and household machines, not elsewhere classified.
44-3591 Valves and fittings (except plumbers' valves).
42-3592 Fabricated pipe and fittings.
44-3593 Ball and roller bearings.
44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

44-3611 Wiring devices and supplies.
44-3612 Carbon and graphite products for use in the electrical industry.
44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
44-3614 Motors, generators, and motor-generator sets.
44-3615 Power and distribution transformers.
44-3616 Switchgear, switchboard apparatus, and industrial controls.
44-3617 Electrical welding apparatus.
44-3619 Electrical equipment for industrial use, not elsewhere classified.
72-3621 Electrical appliances.
44-3631 Insulated wire and cable.
44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
74-3651 Electric lamps.
74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
44-3662 Radio tubes.
74-3663 Phonograph records.
44-3664 Telephone and telegraph equipment.
44-3669 Communication equipment, not elsewhere classified.
44-3691 Storage batteries.
44-3692 Primary batteries (dry and wet).
44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

45-3711 Motor vehicles.
45-3712 Passenger-car bodies.
45-3713 Truck and bus bodies.
45-3714 Motor-vehicle parts and accessories.
45-3715 Truck trailers.
45-3716 Automobile trailers (for attachment to passenger cars).
44-3721 Aircraft.
44-3722 Aircraft engines and engine parts.
44-3723 Aircraft propellers and propeller parts.
44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
44-3731 Ship building and repairing.
74-3732 Boat building and repairing.
44-3741 Locomotives and parts.
44-3742 Railroad and street cars.
45-3751 Motorcycles, bicycles, and parts.
74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
44-3821 Mechanical measuring and controlling instruments.
72-3831 Optical instruments and lenses.
72-3841 Surgical and medical instruments.
72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
72-3843 Dental equipment and supplies.
72-3851 Ophthalmic goods.
74-3861 Photographic equipment and supplies.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS—continued

74-3871 Watches, clocks, and parts (except watchcases).
74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

74-3911 Jewelry (precious metal).
74-3912 Jewelers' findings and materials.
74-3913 Lapidary work.
74-3914 Silverware and plated ware.
74-3931 Pianos.
74-3932 Organs.
74-3933 Piano and organ parts and materials.
74-3939 Musical instruments, parts, and materials, not elsewhere classified.
73-3941 Games and toys (except dolls, and children's vehicles).
73-3942 Dolls.
74-3943 Children's vehicles.
74-3949 Sporting and athletic goods, not elsewhere classified.
72-3951 Pens, mechanical pencils, and pen points.

MISCELLANEOUS MANUFACTURING INDUSTRIES—continued

72-3952 Lead pencils and crayons.
72-3953 Hand stamps, stencils, and brands.
72-3954 Artists' materials.
72-3955 Carbon paper and inked ribbons.
74-3961 Costume jewelry and costume novelties (except precious metal).
74-3962 Feathers, plumes, and artificial flowers.
74-3963 Buttons.
74-3964 Needles, pins, hooks and eyes, and similar notions.
74-3971 Fabricated plastics products, not elsewhere classified.
74-3981 Brooms and brushes.
42-3982 Cork products.
13-3983 Matches.
74-3984 Candles.
93-3985 Fireworks and pyrotechnics.
74-3986 Jewelry cases and instrument cases.
74-3987 Lamp shades.
72-3988 Morticians' goods.
72-3991 Beauty-shop and barber-shop equipment.
54-3992 Furs, dressed and dyed.
72-3993 Signs and advertising displays.

MISCELLANEOUS MANUFACTURING INDUSTRIES—continued

74-3994 Hair work.
74-3995 Umbrellas, parasols, and canes.
74-3996 Tobacco pipes and cigarette holders.
72-3997 Soda-fountain and beer-dispensing equipment.
44-3998 Models and patterns (except paper patterns).
74-3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

44-1911 Guns, howitzers, mortars, and related equipment.
44-1921 Artillery ammunition.
44-1922 Ammunition loading and assembling.
44-1929 Ammunition, not elsewhere classified.
44-1931 Tanks and tank components.
44-1941 Sighting and fire-control equipment.
74-1951 Small arms.
74-1961 Small arms ammunition.
44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.

Form approved
Budget Bureau No. 94-S119

MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

See the reverse side of this form for instructions.

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for Item 1)

1. Describe the Category or Product Line Covered by This Report	2. Give the Dates of the Base Period Used	3. Estimated 1950 Dollar Sales	4. Labor Cost Adjustment Factor
	From ..... To	$.....	.....

5. Materials Cost Adjustment Factor
(Complete this part if method 1, 3, or 4 is used)
Method 1 ☐ Method 3 ☐ Method 4 ☐ Adjustment Factor .....

(Complete this part if method 2 is used)

Adjustment Computed for Selected Commodity	Base Period Selling Price for This Commodity	Name of Commodity
$.....	$.....	.....

6. Price Adjustment Ratio ..... (for use only under Supplementary Regulation 2 to CPR 22)

7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation

I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required.

Notice: A willful false return is a criminal offense.

Signature of officer or authorized agent of firm	Title	Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced) (a)	Class of customer and terms of sale (b)	Estimated 1950 dollar sales (c)	Base period price (d)	OCPR price (e)	Proposed price (f)	Proposed price as a percentage of GCPR price Col. (f)÷(e) (g)	Materials cost adjustment (method 2 only) (h)	(For OPS use only)

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 3, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

Name of Firm .....
Street Address .....
City, postal zone, State .....

Instruction: One calculation, as shown below, may be made for the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)
☐ Entire company ☐ Unit located at ..... and identified as ..... $.....
2. Net sales for year ending ....
3. Factory payroll for year covered in (2) ....
4. Labor cost ratio (line 3 divided by line 2) ....
5. Wage increase factor (from Supplement: Line G) ....
6. Labor-cost adjustment factor (line 4 multiplied by line 5) .....

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in Section 8 of the regulation.)

A Base period payroll (See section 8 (c)) $..... (covering period from ..... to .....).
B Recomputation of payroll:

(a) Type of labor	(b) Hours included in base period payroll	(c) Hourly rate of pay as of 3/15, 1951	(d) Recomputed payroll (c) times (b)

C Total recomputed payroll without fringe benefits (total of column (d) in B) ..... $.....
D Value of increase in fringe benefits since base period payroll ....
E Recomputed payroll including increase in fringe benefits (line C plus line D) ....
F Excess of recomputed payroll over base payroll (line E minus line A) ....
G Wage increase factor (line F divided by line A) .....
Enter this amount in line 5 above.

Worksheet 2
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 1 AND 4

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER: .....

1. (a) Method 1 (check and complete (1) or (2)):
(1) ☐ for entire business consisting of one unit
(2) ☐ for unit located at ..... and identified as ..... (Name of unit)
(b) Method 4 (check and complete (1) or (2)):
(1) ☐ for product line identified as .....
(2) ☐ for category identified as .....
2. Identify the Accounting Period used for this computation and corresponding sales data:
(a) (1) For Method 1: Year ending ..... Month, day, year and ending on ..... Month, day, year
(2) For Method 4: Period beginning on ..... Month, day, year and ending on ..... Month, day, year
(b) Net Sales for above period for category, product line, or other unit indicated in (1) $.....
3. Indicate the base period used for determining material costs (section 4): From ..... to .....
4. Changes in Materials Costs

(a) Material used during accounting period	(b) Physical amount of material used during accounting period	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950 etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4) .....
6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above) .....

Worksheet 3
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 2 AND 3

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
(1) ☐ Method 2 (complete b).
(2) ☐ Method 3 (complete b and c).
(b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity .....
(c) If Method 3 is used describe the product line .....
2. Indicate the base period used for determining material costs (see section 4): From ..... to .....
3. Changes in materials cost

(a) Material used	(b) Physical amount of material used in one unit of the commodity	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950, etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection (s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) ..... $.....
5. Materials cost adjustment factor (For Method 3 only):
(a) Base period price per unit for commodity named in 1 (b) ..... $.....
(b) Divide result obtained in 4 by entry for 5a (this is the final result under Method 3) .....

[F. R. Doc. 51-8814; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 22, Amendment 18]

CPR 22—Manufacturers' General Ceiling Price Regulation

Definition of Manufacturer; Addition to Appendix

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 is hereby issued.

Statement of Considerations

A number of inquiries received by the Office of Price Stabilization indicates that there is some confusion as to whether rebuilders of machinery and other commodities are "manufacturers" covered by Ceiling Price Regulation 22. This amendment adds to the definition of "manufacturer" to make it clear that rebuilders and other similar processors of used manufactured commodities are not covered.

When a supplementary regulation was issued recently covering the paint, varnish and lacquer industry under Ceiling Price Regulation 22, with certain alternative pricing methods, the existing exemption of these products from Ceiling Price Regulation 22 was removed in a parallel action. This was accomplished by striking out from Appendix A of Ceiling Price Regulation 22 the words "paints, varnishes and lacquers". In addition to removing the exemption, however, that amendment had the further effect of placing these raw materials in the same category as others unlisted in the Appendix, with the result that the change in the cost of these manufacturing materials could be calculated only up to December 31, 1950, instead of March 15, 1951 as hitherto. This amendment restores the March 15, 1951 cut-off date by listing paints, varnishes and lacquers in Appendix B.

Amendatory Provisions

Ceiling Price Regulation 22 is amended in the following respects:

1. Section 47 is amended to add the following sentence to the definition of "manufacturer": "If you merely rebuild, recondition, renovate, renew or otherwise restore a used commodity, you are not a manufacturer with respect to such commodity."

2. Appendix B is amended to add item 8, as follows:

(8) Paints, varnishes, and lacquers.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective August 1, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

July 27, 1951.

[F. R. Doc. 51-8813; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 22, Amendment 19]

CPR 22—Manufacturers General Ceiling Price Regulation

Exemption of Ice

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 19 to Ceiling Price Regulation 22 (16 F. R. 3562) is hereby issued.

The accompanying amendment exempts ice from the coverage of Ceiling Price Regulation 22. This amendment is a complement to Supplementary Regulation 45 to the General Ceiling Price Regulation and the Statement of Considerations preceding that Supplementary Regulation is made applicable to the present amendment.

Amendatory provision. Paragraph (c) of Appendix A to Ceiling Price Regulation 22, as amended, is amended by the addition thereto of the following:

(25) Ice.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective August 1, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

July 27, 1951.

[F. R. Doc. 51-8812; Filed, July 27, 1951; 12:20 p. m.]

[Ceiling Price Regulation 11, Amendment 4]

CPR 11—Restaurants

Miscellaneous Amendments

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 11 is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 11 is issued for the purpose of clarifying the scope of the restaurant regulation and to make the regulation administratively more practical and effective.

The definition of restaurants is reworded in order to make it clear that a restaurant is a place where meals, food items or beverages are sold and served for consumption on or about the premises, and that an establishment which sells food products solely for off-premise consumption is not a restaurant subject to this regulation. However, if an establishment sells meals, food items or beverages for consumption on or about the premises, then all the sales of meals, food items or beverages, whether consumed on or off the premises, are covered by this regulation. For example, where a restaurant sells meals "to-go", as parts of its regular restaurant operation, the sale of meals for off-premises consumption is covered by this regulation. Consistent with the definition of restaurant, a definition of the words "sell" and "sales" has been added to show that these words are used as convenient terms for designating the transactions of restaurants with their customers but that the basic nature of restaurants as service establishments rather than retail establishments, is recognized. Definitions of beverages and food items have also been added to clarify the regulation.

Since the issuance of CPR 11, administrative difficulties have arisen as to the method to be used in determining the "food cost per dollar of sales" by many combination establishments selling other items besides food, which have not maintained separate records showing their food costs and sales. In such cases, the Office of Price Stabilization has issued an interpretation to the effect that such combination establishments will compute their "food cost per dollar of sales" ratio by using gross cost and gross sales of the entire operation. It has become apparent, however, that many irrelevancies are inherent in computing a "food cost per dollar of sales" ratio for the restaurant operation by using the gross cost and gross sales of the food and non-food items. This amendment, therefore, provides a method for computing "food cost per dollar of sales" ratio where an establishment is engaged in a selling or service operation in addition to the serving of meals, food items and beverages for consumption on or about the premises and where separate records showing the cost and sales of the restaurant operation were not kept during the base period.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Amendatory Provisions

Ceiling Price Regulation 11 is amended in the following respects:

1. Section 1 is amended to read as follows:

Section 1. *What this regulation does.* (a) This regulation establishes a method of fixing ceiling prices for meals, "food items" and beverages served by "restaurants". These ceiling prices supercede those established by the General Ceiling Price Regulation.

(b) The term "restaurant", when used in this regulation, means any place, established or location, whether temporary or permanent, where any meals, "food items" or beverages are sold and served for consumption on or about the premises. If you sell any meals, "food items" or beverages for consumption on or about the premises, then all of your sales of meals, "food items" or beverages, whether consumed on or off the premises, are covered by this regulation. The term "restaurant" includes but is not limited to hotels (including room service), taverns, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons and hot dog carts.

2. Section 3 is amended by adding a new paragraph (g) to read as follows:

(g) *Combination establishments.* If, during the base period, you operated an establishment which not only sells meals, "food items" or beverages but also sells other commodities, products or services, you shall compute your "food cost per dollar of sales" ratio in the following manner:

(1) If, during your base period, you kept separate records of your costs and your sales of meals, "food items" and beverages, your base period ratio and your current ratio shall be computed on the basis of the separate records.

(2) If, during your base period, you did not keep separate records of your costs and sales of meals, "food items" and beverages, but your sales of other products, commodities or services were merely incidental to your restaurant operation, your base period ratio and your current ratio shall be computed on the basis of your total costs and your total sales.

Example: If you sell a pie for off-premise consumption as an incidental part of your restaurant operation, the cost and sale of the pie is to be included in determining your food cost ratio.

(3) If, during the base period, you did not keep separate records for your costs and your sales of meals, "food items" or beverages and your sales of other products, commodities or services were not merely incidental to your restaurant operation, your food cost ratio, on and after August 1, 1951, shall be computed in accordance with the provisions of section 6 (b) and you shall comply with the reporting and record keeping requirements of section 6 (d) (2). If you sell fungible products, such as potato salad, both as a restaurant sale and as a sale other than a restaurant sale and the costs attributable to your restaurant sales cannot be kept separately, you shall include in your food cost ratio the total cost and the total sales of the fungible products which are made both as a restaurant sale and as a sale other than a restaurant sale. However, if you operate an establishment which sells dry groceries and other non-fungible food and you also operate a restaurant, you must segregate the cost and sales of the dry groceries from the food cost and sales of the restaurant even though some of the dry groceries may be used in the sale or service of meals, "food items" and beverages in your restaurant operation.

3. A new section 14 is added to read as follows:

Sec. 14. *Definitions.* (a) The words "you" and "your" used in this regulation refer to any person who owns or operates a restaurant and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

(b) "Beverages" means alcoholic and non-alcoholic beverages which are normally sold by the drink for consumption on or about the premises.

(c) "Food item" means an article or individual portion of food such as is normally sold or served by a restaurant for consumption on or about the premises or to be taken out for consumption without change in form or additional preparation.

(d) "Sell", "sale", etc., include the service of food or beverages for a consideration for consumption on or about the premises.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment is effective August 1, 1951.

Note: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Michael V. DiSalle,
Director of Price Stabilization.

July 27, 1951.

[F. R. Doc. 51-8815; Filed, July 27, 1951; 5:15 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 45]

GCPR, SR 45—Adjustment of Ceiling Prices for Ice

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of Consideration

This regulation establishes procedures and standards under which adjustments may be made in the ceiling prices of sellers of natural and manufactured ice.

Ice is an essential commodity to many millions of families and to thousands of institutional and industrial establishments. Yet, there are many communities in which there is a distinct possibility of a shortage of ice due to the threatened closing of ice plants. Many such plants are faced with serious financial hardship and do not have sufficient capital to weather anything but very short periods of financial loss. This hardship is due to a combination of circumstances extending over a period of time. Volume decline of the industry since 1946 due to competitive factors and weather conditions has resulted in higher unit costs. Generally speaking, the operating margins of the industry have been relatively low for several years and, as a consequence, many companies have little or no margin available for absorbing cost increases.

Ice prices were originally placed under control upon the issuance of the General Ceiling Price Regulation. Ice manufacturers and harvesters were later included under the Manufacturers' General Ceiling Price Regulation (CPR 22). The former regulation fails to recognize seasonal price patterns. A substantial number of ice sellers customarily have low winter prices and higher summer prices and the freeze period, therefore, was one of low prices which, under the best circumstances, are probably inadequate for round-the-year operations. The cost increases recognized by the Manufacturers' General Ceiling Price Regulation represent only a relatively small proportion of total cost in ice manufacturing and distribution. Moreover, prices for sales to ultimate consumers are not covered by the latter regulation, so that the over-all relief, to compensate for higher costs incurred since pre-Korea, is negligible.

While it is the policy of the Office of Price Stabilization to issue as quickly as possible regulations tailored to the characteristics of specific industries, issuance of such a regulation for the ice industry is not now feasible. The manufacture of ice is typically carried on by small, local companies because the distribution of ice is limited by the bulk and perishability of the product. Prices vary drastically from one market to another, the price range for sales to domestic users in the larger cities running from 60 cents to $1.30 per cwt. This variation is due, in large part, to cost factors which are related to the volume of business and density of population. Because of the localized character of this industry, an over-all regulation prescribing uniform prices for the country, or even for regions, would not be appropriate and a tailored regulation would have to allow for individual price adjustment for local areas. However, the burden of collecting the necessary data to support such a regulation is great and the time of high consumption is at hand.

In view of the urgency of the situation in terms of the necessity for maintaining supplies of an essential commodity, the Director has concluded that the most effective means of dealing with the problem is to authorize local adjustments in ceiling prices. Adjustments in prices will be made in those cases in which it is shown that a manufacturer or harvester is currently suffering a net loss or earning such low net profits that, if his operations should continue on that basis for a substantial period, he would not be able to continue to meet local demands for ice. In determining the amounts of adjustments, consideration will be given to prevailing prices and to the amounts by which ice prices were increased generally between the Korean outbreak and the issuance of the General Ceiling Price Regulation. Provision will be made, in addition, for adjustment in appropriate cases of the

ceiling prices of those who purchase ice from such manufacturers or harvesters for resale.

It is planned to delegate to Regional Directors of the Office of Price Stabilization authority to make the adjustments provided for by this regulation, and Regional Directors will in turn be authorized to redelegate their authority to District Directors. Applications for adjustments will in most cases, however, be required to be filed with District offices.

By a separate action effective on the same day as this regulation the manufacture of ice will be removed from the coverage of CPR 22.

Findings of the Director. In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent practicable, persons representing important segments of the industry have been consulted in the preparation of this regulation and their recommendations have been fully considered.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply for an adjustment.
3. How to apply for an adjustment.
4. When an adjustment will be granted.
5. Who may disapprove an adjustment.
6. Continued applicability of General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *What this regulation does.* This regulation establishes a procedure for and standards under which ice manufacturers' and harvesters' ceiling prices and the ceiling prices of those who purchase ice from them for resale may be adjusted.

SEC. 2. *Who may apply for an adjustment.* You may apply for an adjustment under this regulation if you are a manufacturer or harvester of ice. In making your application you may also request that provision be made for adjustment of the ceiling prices of those who purchase ice from you for resale.

SEC. 3. *How to apply for an adjustment.* Despite the provisions of Article III of Price Procedural Regulation 1, you must, in order to apply for an adjustment under this regulation, write to the Director of the District Office of Price Stabilization for the District in which the plant for which you are seeking a price adjustment is located. If, however, the ice business of the plant involved cuts across more than one District, you will have to write to the appropriate Regional Director. Moreover, in any case in which that business cuts across more than one Region, you will have to write to the Director of Price Stabilization, Washington 25, D. C. You may apply on a form obtainable from any District Office. Whether or not you use the form, you must, in addition to requesting an adjustment, give the following information:

(a) The prices at which you were selling ice on June 24, 1950;

(b) Your ceiling prices under the General Ceiling Price Regulation;

(c) A profit and loss statement in relation to your ice business for your most recent fiscal year, but (1) if you have no profit and loss statement, then a statement of your expenditures and income in relation to such business as reported and reflected in your most recent federal income tax return, or (2) if you have no separate accounts for ice, a statement of expenditures and income for your overall operations and an estimate of the expenditures and income attributable to your ice business;

(d) The dates and amounts of any price changes you have made since the beginning of your most recent fiscal year;

(e) The dates and amounts of any wage or salary increases you have granted since the beginning of your most recent fiscal year;

(f) The tonnage of ice you sold during your most recent fiscal year, and an estimate of your sales to each class of purchaser; and

(g) A statement of your customary seasonal price changes during your most recent fiscal year.

SEC. 4. *When an adjustment will be granted.* (a) An adjustment in your ceiling prices will be granted whenever the Director or his authorized representative finds, on the basis of the information you have supplied and such other information as may become available to him, that:

(1) You are currently suffering a loss on your net sales of ice or that the level of your earnings on such sales is such that if you should have to continue for a substantial period to sell ice at the prices established by the General Ceiling Price Regulation, a threat will arise that you will not be able to continue to supply ice in the area involved;

(2) That the financial position in which you find yourself is not substantially attributable to temporary, nonrecurring factors or to some factor other than your ceiling prices, and

(3) That the granting of the adjustment will not be inconsistent with the purpose of the Defense Production Act of 1950.

(b) If it is found that your ceiling prices should be adjusted, the amount of adjustment will be such as the Director or his authorized representative determines to be necessary in order to enable you to continue to supply ice in the area of your operation. However, in determining the amount of adjustment, the Director or his authorized representative will consider prevailing prices for ice in your area and the amounts by which ice prices were increased generally between the outbreak of the Korean war and the issuance of the General Ceiling Price Regulation.

(c) Whenever your ceiling prices are adjusted under this regulation, the Director or his authorized representative will, if you have requested it and to the extent it appears necessary, authorize those purchasing ice from you for resale to increase their ceiling prices by adding to the latter prices the dollar-and-cents difference between your ceiling price under the General Ceiling Price Regulation and your new adjusted price.

SEC. 5. *Who may disapprove an adjustment.* The Director of Price Stabilization or his designee may disapprove an adjustment made by one of his authorized representatives whenever he finds that the adjustment was not a proper one under this regulation. However, if he finds that an adjustment is nevertheless warranted under this regulation, he may order a new superseding adjustment.

SEC. 6. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, except as modified by this supplementary regulation, continue to apply to you even though you may be authorized under this regulation to adjust your ceiling prices.

Effective date. This regulation shall become effective August 1, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8811; Filed, July 27, 1951; 12:19 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-38, Amendment of July 26, 1951]

M-38—LEAD

This amendment to NPA Order M-38, as amended May 28, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amendment has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries,

This amendment affects NPA Order M-38 as follows:

1. Section 1 shall be deleted and the following substituted therefor:

SECTION 1. *What this order does.* This order establishes limitations on the use of lead and lead products, places limitations on lead scrap toll agreements, and on inventories of pig lead, lead-base alloys, and lead products. It also explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories, of lead and materials containing lead.

2. Sections 4 and 5 shall be deleted and sections 6 and 7 shall be renumbered as sections 4 and 5.

3. Section 8 shall be deleted and sections 9 to 13, inclusive, shall be renumbered as sections 6 to 10, inclusive, respectively.

4. The words "lead chemicals containing 50 percent or more lead by weight, and" in paragraph (d) of section 3 shall be deleted.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200 Jan. 3, 1951, 16 F. R. 61.)

This amendment shall take effect on September 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8789; Filed, July 26, 1951; 4:57 p. m.]

[NPA Order M-8, as Amended July 26, 1951]

M-8—TIN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

NPA Order M-8 is amended by making certain changes in sections 1, 5, 7, 8, and 11, and in Schedules I, II, and III.

Sec.
1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Allocation of pig tin.
8. Certification.
9. Defense orders for items containing tin.
10. Exemption.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Reports and records.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It prohibits the private importation of pig tin and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however*, Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b) of this order, "tin" means pig tin and tin in any raw semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings, and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters, and metallics	6790.720
Tin bichloride, tin tetrachloride, and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	6380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) No person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions in section 4 of this order, or unless specifically directed by the National Production Authority, during the calendar quarter commencing July 1, 1951, no person shall use in the manufacture, processing, installation, construction, or treating of any item or product a total quantity by weight of pig tin in excess of 90 percent of his average quarterly use of pig tin for such purposes during the base period except as modified in Schedule IV and Schedule VI–B of this order: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That his use of pig tin for such purposes shall be in accordance with, and only to the extent permitted in, the attached schedules, and that no pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) No person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limitations of the authorization. The National Production Authority may specifically direct the purposes for which a person may use pig tin in the manufacture, processing, installation, treating, or construction of any item or product, whether or not such pig tin has been directly allocated to such person. A person who has received pig tin pursuant to an allocation for the purpose of resale may dispose of such pig tin only by resale. The issuance of an allocation authorization by the National Production Authority shall not dispense with the necessity of complying with the requirements of section 8 of this order with regard to certification.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF–7 not later than the twentieth day of the month preceding the month in which delivery is sought, and such application shall separately indicate the quantity of pig tin requested for use and the quantity requested for resale.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 6,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M–8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that his total receipt of pig tin in that month, including that covered by this order, will not exceed 6,000 pounds; and that the pig tin herein ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule ------, Item ------) as follows:[1]

(Specify end use)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product here-in ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule-----, item-----) as follows:[1]

(Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 1/32 inch in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt for bearing purposes containing 10 percent or less tin; (6) babbitt for bearing purposes of any specifications in lots of 5 pounds or less; (7) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (8) liquor-finished wire; or (9) copper-base alloy scrap containing not more than 6 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter. Such scrap when delivered to any other person and all other scrap containing 1.5 percent or more tin by weight may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin for tin plate	1. 120 days
2. Pig tin for all other uses	2. 60 days
3. Lead-base alloys	3. 45 days
4. All other materials and alloys containing 1.5 percent or more tin	4. 60 days

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of that regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions, any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950), except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M–8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, and the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) *Reports on pig tin.* (1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF–7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF–7 with the National Production Authority on or before the twentieth day of November 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF–7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the tenth of December and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) *Reports on Customs Entry.* No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAF–8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF–8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) *Records.* (1) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the

form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(d) *Submission of reports.* All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on July 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Tablets, markers, and memorials.
20. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
21. Toys and games.
22. Zinc galvanizing.
23. All other ornamental or decorative purposes.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

Alloys containing 1.5 percent or more by weight of tin may be processed for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
A. CAST COPPER-BASE ALLOYS	
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts.	(2) 18.
(3) Jack nuts, feed nuts, and elevating nuts	(3) 14.
(4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings.	(4) 12.
(5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves.	(5) 10.
(6) Bearings produced by the process of powder metallurgy	(6) 10.
(7) Steam industrial and aircraft valves, fittings, and specialties.	(7) 6.5.
(8) All other castings	(8) 6.
B. WROUGHT ALLOYS	
(1) Telephone drop wire, condenser tubes, engine beater bars, jordan bars, ductor blades, fourdrinier wire, and screen plates.	(1) 8.
(2) Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers.	(2) 10.
(3) For use as bearings, spectacle wire, and functional parts in all other items (except items in List A).	(3) 5.5.
(4) All other (except items in List A)	(4) 2.
C. COPPER NICKEL ALLOYS	
(1) Seats, discs, and bearing surfaces of steam and industrial valves.	(1) 13.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(iii) Wire solder not over 5/32 inch in diameter for the hand repair of radiators	(iii) 40.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and busses (including the dipping of commutator segments).	(6) Unlimited.
(7) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(7) 50.
(8) Tin-zinc solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits.	(8) 60.
(9) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(9) 40.
(10) For any other soldering operations	(10) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or busses.	(2) 90.
(3) For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery; and roll neck bearings 8 inches in diameter or larger.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment:	(1)
(i) New fluid milk shipping containers.	(i) Pig tin may be used only when and to the extent specifically authorized in writing by the NPA.
(ii) All other dairy equipment including the retinning of fluid milk shipping containers.	(ii) Plate, coat, or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire—0.032 inch nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032 inch nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0250 inch thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to 0.0004 inch in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.
(v) Wire for use in manufacture of equipment for the production or textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets, and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot, or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials;	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches, or box and carton construction).	

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE—Continued

B. TIN OXIDE

Production	Permitted use
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) For the production of green, pink, yellow, and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	Permitted use
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing, and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11)—
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead-base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	Permitted use of pig tin or alloys containing tin
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by the NPA. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M-24.
(9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 7 percent of tin, may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel-bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding 0.00006 inch.
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	Maximum permissible tin content of foil (percent by weight)
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions 0.00035 inch by 1 inch or less.	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50 percent, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	Permitted use
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
(2) Tin chemicals (excluding tin oxide) produced from secondary tin-bearing drosses, residues, or scrap metal, having a tin content not over 10 percent and an impurity content too high for use in the production of other items permitted in the attached schedules.	(2) May be used for any purpose except to make items included in List A.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	Permitted use
(13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(13) (a) for items permitted by both Order M-48 and the schedules attached to Order M-8; the tin content is limited to that set forth in the schedules for the particular item and use. (b) For all other items permitted by Order M-48 and not included in the schedules attached to Order M-8, the tin content is limited to the minimum required for the particular use under Order M-48.
(14) Clutch and brake facings when produced by the process of powder metallurgy.	(14) Not more than 10 percent by weight of tin powder.
(15) Carbon brushes when produced by the process of powder metallurgy.	(15) Tin powder up to 12 percent of the copper content by weight.
(16) Hammer metal, die proofing metal, and filling and sealing metal.	(16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.

[F. R. Doc. 51-8787; Filed, July 26, 1951; 4:57 p. m.]

[NPA Order M-76]

M-76—DISTRIBUTION OF LEAD

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Application of this order.
3. Definitions.
4. Allocation of soft primary pig lead.
5. Acceptance of rated orders.
6. Delivery of pig lead.
7. Specific directives.
8. Assistance in placing orders.
9. Records and reports.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide for the allocation of the supply of soft pig lead produced by primary refiners so as to ensure that such supply will be distributed in a manner that will most effectively promote defense production and the fulfillment of civilian needs. It also sets limitations on the required acceptance of rated orders for pig lead products and alloys to provide an equitable distribution of such orders.

SEC. 2. *Application of this order.* The provisions of this order supersede other NPA regulations and orders to the extent that they are inconsistent with this order, but in all other respects such regulations and orders remain applicable to lead and lead products. In particular, NPA Reg. 2 continues to apply to lead and lead products, but deliveries of soft primary pig lead may henceforth be made only in accordance with allocation authorizations issued by NPA, except as may be otherwise provided in this order.

SEC. 3. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Dealer" means any person who receives physical deliveries of pig lead and sells or holds such pig lead for resale without change in form. A person who produces pig lead or who has pig lead produced for him under toll agreement is a producer as to such lead, and not a dealer.

(c) "Primary refiner" means any person who produces pig lead mainly from lead ores and concentrates or base bullion, or who has pig lead so produced for him under toll agreement.

(d) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(e) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable as pig lead or lead-base alloy.

(f) "Lead products" means semiprocessed materials, parts, or subassemblies which have been produced from pig lead or lead-base alloy.

(g) "Pig lead" means and includes soft pig lead and antimonial lead in refinery shapes current in the trade.

(h) "Soft pig lead" means and includes pig lead in specifications corresponding to the grades commonly referred to in the trade as "acid," "chemical," "corroding," and "common."

(i) "Soft primary pig lead" means soft pig lead produced by a primary refiner.

(j) "NPA" means the National Production Authority.

SEC. 4. *Allocation of soft primary pig lead.* (a) Commencing on September 1, 1951, no person shall accept delivery of soft primary pig lead for any purpose in any month except in accordance with the terms of an allocation authorization issued to him by NPA. An allocation authorization will authorize the person to whom it is issued to accept delivery of soft primary pig lead in a specified quantity and grade, provided that the purchase order is received by a supplier not later than the fifth day of the month in which delivery is requested. Orders placed pursuant to an allocation authorization shall specify the date, serial number, and effective month of the authorization certificate. This section shall apply with like effect to the acceptance of delivery of soft primary pig lead by any branch, division, or department of any business enterprise from any producing branch, division, or department of the same business enterprise.

(b) Applications for allocation authorizations must be filed with NPA on Form NPAF-115 not later than the tenth day of the month preceding the month in which delivery is required. Such applications shall be filed in triplicate and should contain all information required by the form.

(c) The provisions of paragraph (a) of this section shall not apply to:

(1) Acceptance of soft primary pig lead by the General Services Administration for the stockpile of strategic materials.

(2) Acceptance of soft primary pig lead from a foreign source.

(3) Acceptance of soft primary pig lead by any person whose total receipts during the calendar month in which such acceptance occurs are, and by such acceptance will remain, less than 10 short tons, and who has not applied to NPA for an allocation authorization for that month, and who furnishes to the supplier a certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that receipt of this shipment in the month requested will be in compliance with NPA Order M-76.

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized to accept delivery of soft primary pig lead pursuant to this order.

(d) NPA will arrange to issue allocation authorizations for soft primary pig lead to persons to whom validated export licenses for such material are issued. However, no exporter may receive or accept delivery of such material until he has received an allocation authorization.

(e) A primary refiner of soft pig lead who has not received orders for his entire scheduled monthly production thereof (as reported to NPA pursuant to section 9 (a) of this order) by the tenth day of that month shall promptly report by letter to NPA the quantity of soft pig lead available in that month for which he has not received orders.

SEC. 5. *Acceptance of rated orders.* Commencing on September 1, 1951, except as specifically directed by NPA in writing:

(a) No producer of pig lead (other than soft primary pig lead), lead-base

alloys, or lead products, shall be required to accept rated orders for any of these lead forms or materials in any one month in excess of 25 percent of his scheduled production of such materials during that month.

(b) No dealer shall be required to accept rated orders for pig lead (other than soft primary pig lead), lead-base alloys, and lead products, for shipment in any one month in excess of 25 percent of the quantity of such materials available to him during that month.

(c) No person shall be required to accept rated orders for pig lead (other than soft primary pig lead), lead-base alloys, or lead products, which are not received at least 15 days prior to the first day of the month in which shipment is requested.

(d) Deliveries of soft primary pig lead shall be made only in accordance with the allocation procedure set forth in section 4 of this order, whether or not pursuant to a rated order.

SEC. 6. *Delivery of pig lead.* No person shall deliver any pig lead if he knows or has reason to believe that the person requesting delivery is not permitted to receive it under this order or under any other applicable order or regulation of the National Production Authority.

SEC. 7. *Specific directives.* The National Production Authority may issue directives as to the source, destination, grades, and quantities of pig lead, lead products, and lead-base alloy which may be delivered or accepted, and may also direct any producer to set aside a specific portion of his production of pig lead, lead products, and lead-base alloy for distribution according to directives issued by NPA.

SEC. 8. *Assistance in placing orders.* Any person who is unable to place a rated order for pig lead (other than soft primary pig lead), lead-base alloy, or lead products due to the limitations imposed by section 5 of this order, or who has received an allocation authorization for soft primary pig lead and is unable to place an order for this material, should apply to the National Production Authority, Ref: M-76, specifying the efforts made to place such orders. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Records and reports.* (a) In addition to the reporting requirements stated in NPA Order M-38, all primary refiners of soft pig lead shall report to NPA their anticipated production of soft pig lead. Such reports shall be filed on or before August 15, 1951, with respect to anticipated production during the month of September 1951, and on or before the fifteenth day of each month thereafter with respect to anticipated production during the next succeeding month. Such reports shall be filed by letter in duplicate, and shall state the total production of each grade of soft lead anticipated during the appropriate month.

(b) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business.

(c) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-76.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This order shall take effect, except as otherwise specifically stated, on July 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8788; Filed, July 26, 1951; 4:57 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-366]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE OF LOCAL AREA AIR CARRIER OPERATING CETIFICATES FOR AIRCRAFT UNDER 12,500 POUNDS TAKE-OFF WEIGHT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of July 1951.

Special Civil Air Regulation SR-351 authorizes the Administrator to issue temporary air carrier operating certificates of one-year duration, called Air Carrier Operating Certificates for Local Areas, to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight in accordance with such certification and operating standards as may be established by the Administrator. At the time the Board adopted SR-351 it was intended that appropriate certification and operation standards for such carriers would be developed prior to August 1, 1951. However, while the Bureau of Safety Regulation has been actively engaged in this project, it is not anticipated that this project will be completed prior to August 1, 1951. In view of the fact that we believe that it is desirable to differentiate clearly between certificates issued to air carriers using conventional multiengine aircraft and those using aircraft under 12,500 pounds maximum certificated take-off weight, we consider it necessary to extend the authority granted in SR-351 until August 1, 1952, or until such earlier date as the general rules regarding the certification and operation of such air carriers are adopted, and to authorize the Administrator to extend the duration of certificates issued under SR-351 for another one-year period.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective August 1, 1951, to read as follows:

The Administrator is hereby authorized to issue temporary air carrier operating certificates of one-year duration to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight, in accordance with such certification and operation standards as may be established by the Administrator and to extend for a like period the duration of certificates heretofore issued under the authority of Special Civil Air Regulation SR-351:

Provided, That all such certificates so issued or extended shall expire at such earlier date as may be directed in any general rule issued by the Board regulating this subject matter.

This regulation shall terminate August 1, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 62 Stat. 1216; 49 U. S. C. 551, 554; Act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-8735; Filed, July 27, 1951; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.132]

PART 45—VISAS: DOCUMENTATION OF ALIENS UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

MISCELLANEOUS AMENDMENTS

JULY 23, 1951

The following amendments to Part 45, Chapter I, Title 22, Code of Federal Regulations, are hereby prescribed:

1. Subparagraph (1) *China refugees*, paragraph (d) *Additional classes*, § 45.2 *Classes of applicants under the Displaced Persons Act*, is amended to read as follows:

(1) *China refugees.* This class shall consist of displaced persons and refugees as defined in Annex I of the constitution of the International Refugee Organization, except Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not, who (i) resided in China as displaced persons or refugees on July 1, 1948, or on June 16, 1950; and (ii) are still in China, or having departed therefrom, have not subsquently been received for permanent residence by any other country. Not more than 4,000 immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued to persons entitled to classification under this subparagraph.

2. Subparagraph (6) of paragraph (e), § 45.9 *Disqualification to receive visas*, is amended to read as follows:

(6) The applicant while serving as a member of the armed forces or auxiliary organizations of any country voluntarily bore arms against the United States or its Allies on the Western Front, including North Africa and Italy, during that part of World War II beginning on December 8, 1941: *Provided*, (i) That such applicant shall not be deemed to have served voluntarily if he establishes that such service was against his will, and (ii) that the term "bore arms" shall be deemed to include any service in armed forces or auxiliary organizations: *And provided further*, That if such applicant establishes that he was inducted into the armed forces or auxiliary organizations when under sixteen years of age, or by operation of law, official act, proclamation, order, or decree, he may be deemed, prima facie, not to have served voluntarily during the period covered by such service.

(Sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458. Interpret or apply sec. 3, 13, 62 Stat. 1010, as amended, 1014, as amended; 50 U. S. C. App., Sup. 1952, 1962)

Date: July 23, 1951.

DEAN ACHESON,
Secretary of State.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-8696; Filed, July 27, 1951; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

LAKE ERIE, WEST END; ANTIAIRCRAFT FIRING PERIODS

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.187 (b) governing the use of an area for seasonal antiaircraft firing from Camp Perry and Locust Point, Ohio, is hereby amended by extending the firing period during 1951 to September 14, as follows:

§ 204.187 *Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.* • • •

(b) *Seasonal antiaircraft artillery firing area, Second Army.* • • •

(2) *The regulations*—(i) *Antiaircraft firing periods.* Firing in the area will take place from 8:00 a. m. to 12:00 m. and from 1:30 to 5:00 p. m. on certain days other than Saturdays and Sundays between July 10 and August 10 of each year, as listed in a public notice to be issued prior to July 1 of each year by the District Engineer, Corps of Engineers, Detroit, Michigan. In addition, during 1951 only, firing in the area will take place from 8:00 a. m. to 12:00 m. and from 1:30 to 4:00 p. m. (daylight saving time) on the following days (all dates inclusive): August 20 to 24, and 27 to 31; September 4 to 7, and 10 to 14.

NOTE: As previously announced, firing in the area will take place on the following regularly scheduled days in 1951 (all dates inclusive): July 16 to 20, 23 to 27, 30 and 31; August 1 to 3, and 6 to 10.

• • • • • •

[Regs. July 5, 1951, 800.2121-ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8694; Filed, July 27, 1951; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1794]

PART 192—OIL AND GAS LEASES

MISCELLANEOUS AMENDMENTS

Part 192 is amended as follows, effective September 1, 1951:

Paragraph (b), paragraph (c) (1), and paragraph (g) of § 192.42 (b) are hereby amended to read as follows:

§ 192.42 *Offer to lease, and issuance of lease.* • • •

(b) Five copies of Form 4-1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States in which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D. C. If less than five copies are filed, the offeror shall have 15 days from date of the first filing, to file the other required copies. Upon such completed filing the priority of the offer will be based upon receipt of the first filing. If the additional copies are not filed within the 15-day period, the offer will be rejected and returned to the offeror with any rental paid and will afford no priority to the offeror. The offer must be filed on a form in effect at the date of filing. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

• • • • • •

(c) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, except as provided in § 192.42 (g), even though the offer should be rejected or withdrawn in whole or in part.

• • • • • •

(g) An offer will be rejected and returned to the offeror, and it will confer no priority if it is not completed in accordance with the regulations in Parts 191 and 192 and the instructions printed on the lease form, and accompanied by the payments and documents required by such regulations and instructions, except that where a corporation has previously filed in any land office any of the documents required by paragraph (f) of this section a reference to that file may be made in lieu of the document together with a statement as to any changes therein since the document was filed. When an offer is rejected under this paragraph, the offeror will be given an opportunity to file a new offer within 30 days from the date of service of the rejection, and the fee and rental payments on the old offer will be applied to the new offer if the new offer shows the serial and receipt numbers of the old offer. The corrected offer will retain the same serial number, but the effective date of priority will be as of the date such new offer was received.

• • • • • •

Paragraph (a) (1) of § 192.82 is hereby amended to read as follows:

§ 192.82 *Royalty on production.*

* * *

(a) * * *

(1) 12½ percent royalty on noncompetitive leases issued under section 17 of the act: *Provided, however,* That any holder of a lease for lands in Alaska who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall pay a royalty on all production under the lease of 5 percent for 10 years following the date of such discovery and thereafter the royalty rate shall be 12½ percent. If such lease is committed to an approved unit or cooperative plan under which such a discovery is made, the 5 percent rate herein provided shall, for the purpose of computing royalty due the United States, inure to the benefit of all the land to which an allocation is made under such plan.

* * * * *

Section 192.100 is amended by adding a paragraph (e) to read:

§ 192.100 *Amount of bonds required of lessee.* * * *

(e) In lieu of bonds required under any of the preceding paragraphs the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending departmental approval of operating agreements, may furnish a bond the amount of which must be $150,000 for full nation-wide coverage under both the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 1913; 30 U. S. C. 351–359), or at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State or Territory held by the principal under either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands. Coverage under both acts in one State or Territory constitutes two units. In lieu of a surety bond a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond.

Section 192.101 is revised to read:

§ 192.101 *Form of bonds.* Bonds furnished by lessees will be on Form 4–208g; those furnished by operators on Form 4–238; bonds furnished in lieu of other bonds, pursuant to § 192.100 (e), will be on Form 4–1167 for surety bonds or on Form 4–1168 for personal bonds.

Section 192.141 (a) is amended to read as follows:

§ 192.141 *Requirements for filing of transfers.* (a) (1) Except as to assignments of record title, all instruments of transfer of a lease or of an interest therein, including assignments of working or royalty interests, and operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with a statement over the transferee's own signature with respect to citizenship and interests held, similar to that required of an offeror under § 192.42 (e) (4) and (f).

(2) To obtain approval of a transfer affecting the record title of an oil and gas lease, a request for such approval must be made, within 90 days from the date of the execution of the assignment by the parties. Form 4–1175, "Assignment affecting Record Title to Oil and Gas Lease", or unofficial copies of that form in current use may be used for such transfers and requests for approval: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes, except that the copies shall include the following statement above the signature of the assignee: "This form is submitted in lieu of official Form 4–1175 and contains all of the provisions thereof as of the date of filing of this assignment." In addition, the name and address of the printer or other party issuing unofficial reproductions of the official form shall be printed thereon. This form may be used for any assignment, which affects a transfer of the record title to all or part of an oil and gas lease, but it is not to be used for any other type of transfer. Form 4–1175, or a valid reproduction of the official form, will also constitute approval of the assignment when signed by the manager of the land office.

(3) An application for approval of any instrument of transfer of a lease or interest therein or a filing of any such instrument under § 192.145 must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the manager. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

* * * * *

Section 192.141 (c) is amended to read as follows:

(c) If a bond is necessary, it must be furnished. Where an assignment does not create separate leases the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record for the lease interest retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nation-wide bond on either form, 4–1167 or 4–1168, applicable to the State and the act under which the lease issued, no additional showing is necessary by such party as to the bond requirement. If any overriding royalty or payments out of production are created which are not shown in the instrument or agreement, a statement must be submitted describing them. If payments out of production are reserved, a statement should be submitted stating the details as to the amount, method of payment, and other pertinent terms. Assignments of record title interests must be filed in triplicate. A single copy of any additional information specified in Instructions, Form 4–1175,[1] relating to citizenship and qualifications of corporations, will be sufficient. A single executed copy of all other instruments of transfer, or of an operating agreement is sufficient.

* * * * *

Section 192.145 is amended to read as follows:

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the second sentence of section 27 of the act. Assignments of such interests must be filed for record purposes in the appropriate land offices in accordance with the applicable provisions of section 192.141. All assignments of royalty interests must be filed for the record, but those of 1 percent or less will be approved only upon specific request and then only after discovery. Any assignment of 1 percent or less if filed for the record will be deemed to be valid whether formally approved or not.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 23, 1951.

[F. R. Doc. 51–8695; Filed, July 27, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192–18.3]

AIRPORTS OF ENTRY

NOTICE OF PROPOSED DESIGNATION OF PALM BEACH INTERNATIONAL AIRPORT, WEST PALM BEACH, FLA., AS AN AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Palm Beach International Airport, West Palm Beach, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective September 1, 1951; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12) by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JULY 20, 1951.

[F R Doc. 51–8710; Filed, July 27, 1951; 8:47 a. m.]

Bureau of Internal Revenue

[26 CFR Part 171]

MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3183 of the Internal Revenue Code (26 U. S. C., 3183).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. House Joint Resolution No. 73 (Public Law 76, 82d Congress) provides as follows:

JOINT RESOLUTION

AMENDING CHAPTER 26 OF THE INTERNAL REVENUE CODE

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that chapter 26 of the Internal Revenue Code is amended by adding at the end of subchapter E a new section designated 3183 to read as follows:

SEC. 3183. NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS.

(a) *Transfers permitted.* Under regulations prescribed by the Secretary, distilled spirits of any proof including alcohol (the term "distilled spirits" or "spirits" as hereinafter used in this section shall include alcohol) may be removed in bond in approved containers and pipelines from any registered distillery including a registered fruit distillery (such registered distillery and registered fruit distillery hereinafter referred to as "distillery"), internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse to any distillery, internal revenue bonded warehouse, industrial alcohol plant or industrial alcohol bonded warehouse for redistillation, or storage, or any other purpose deemed necessary to meet the requirements of the national defense: *Provided*, That any such distilled spirits may be stored in approved tanks in, or constituting a part of, any internal revenue bonded warehouse or industrial alcohol bonded warehouse: *Provided further*, That any such distilled spirits removed to an industrial alcohol plant or industrial alcohol bonded warehouse may be withdrawn therefrom if of a proof of one hundred and sixty degrees or more for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C; and any such distilled spirits removed to a distillery or internal revenue bonded warehouse may be withdrawn therefrom if of a proof of one hundred and sixty degrees or more for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery: *Provided further*, That any such distilled spirits, upon removal from a distillery or internal revenue bonded warehouse for transfer to an industrial alcohol plant or industrial alcohol bonded warehouse or for any tax-free purpose authorized by part II of subchapter C, shall be subject to the provisions of part II of subchapter C: *Provided further*, That when any distilled spirits are removed under the provisions of this section to a distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, shall cease; and at and from the time the distilled spirits leave the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse the tax shall be the liability of the proprietor of, and the liens shall be transferred to the premises of, the distillery, industrial alcohol plant, or industrial alcohol bonded warehouse to which the distilled spirits are transferred: *Provided further*, That when any distilled spirits are removed under the provisions of this section to an internal revenue bonded warehouse the proprietor of such warehouse shall be primarily liable for the tax on the spirits at and from the time the spirits leave the premises from which transferred: *Provided further*, That the provisions of section 2901 of the Internal Revenue Code shall apply in respect of losses of any distilled spirits transferred, or removed for transfer, under this section to a distillery or internal revenue bonded warehouse; and the provisions of section 3113 of the code shall apply in respect of losses of any distilled spirits transferred, or removed for transfer, under this section to an industrial alcohol plant or industrial alcohol bonded warehouse: *And provided further*, That sections 2836 and 2870 of the Internal Revenue Code shall not apply to the production or redistillation and removal of any such spirits; nor shall sections 2800 (a) (5) and 3250 (f) of the code apply to the redistillation or to the mingling at a distillery or an internal revenue bonded warehouse or in the course of removal, of any such spirits.

(b) *Exemption from statutory requirements.* The Secretary may temporarily exempt proprietors of distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, whenever in his judgment it may seem expedient to do so to meet the requirements of the national defense. Whenever the Secretary shall exercise the authority conferred by this subsection he may prescribe such regulations as may be necessary to accomplish the purpose which caused him to grant the exemption.

(c) *Termination of section.* The authority conferred upon the Secretary by this section shall expire five years from the date of enactment of this section.

2. Pursuant to the foregoing provisions of law the following regulations are hereby prescribed:

SUBPART G—NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

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171.170 Scope of regulations in this subpart.

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171.173 Carrier.
171.174 Commissioner.
171.175 Denaturing plant.
171.176 Distilled spirits.
171.177 Distillery.
171.178 District supervisor or supervisor.
171.179 Fruit distillery.
171.180 Including.
171.181 Inclusive language.
171.182 Industrial alcohol bonded warehouse.
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TRANSFER PERMITTED

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171.200 General.
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171.231 Authorized transfers.
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171.233 Transfer of liens.
171.234 Transfer procedure.
171.235 Deposit in tanks.
171.236 Redistillation.
171.237 Records.

TRANSFERS IN BOND TO INTERNAL REVENUE BONDED WAREHOUSES

171.240 Authorized transfers.
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TRANSFERS IN BOND TO INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES

171.248 Authorized transfers.
171.249 Consent of surety, Form 1533, on plant or warehouse bond.
171.250 Transfer of lien.
171.251 Basic and withdrawal permits.
171.252 Transfer procedure.
171.253 Deposit in tanks at industrial alcohol plants.
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171.255 Redistillation.
171.256 Records.

TRANSFERS IN BOND FROM INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES TO DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

171.259 Transfer procedure.

REMOVALS, FREE OF TAX, FOR DENATURATION

Sec.
171.260 Authorized withdrawals.
171.261 Basic and withdrawal permits.
171.262 Consent of surety, Form 1533, on denaturing plant bond.
171.263 Withdrawal procedure.
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REMOVALS, FREE OF TAX, FOR USE OF THE UNITED STATES

171.265 Authorized withdrawals.
171.266 Application and permit, Form 1444.
171.267 Withdrawals of distilled spirits.
171.268 Certificate of receipt.

REMOVALS, FREE OF TAX, FOR SCIENTIFIC PURPOSES, USE OF HOSPITALS, ETC.

171.270 Authorized withdrawals.
171.271 Basic and withdrawal permits.
171.272 Bonds.
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REMOVALS FOR EXPORTATION WITHOUT PAYMENT OF TAX

171.274 Authorized withdrawals.

GENERAL

171.275 Losses.
171.276 Mingling during course of removal, same premises.
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171.278 Establishment of denaturing plants.
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171.280 Termination of regulations.

AUTHORITY: §§ 171.170 to 171.280 issued under section 3163 of the Internal Revenue Code (U. S. C., title 26, section 3183.)

SUBPART G—NATIONAL EMERGENCY TRANSFERS OF DISTILLED SPIRITS

§ 171.170 *Scope of regulations in this subpart.* The regulations in this subpart prescribe the procedural and substantive requirements in addition to the applicable provisions of Regulations 3, 4, 5, and 10 (Parts 182, 183, 184, 185 of this subchapter), necessary to effectuate section 3183, I. R. C. (H. R. Res. 73, 82nd Congress) concerning national emergency transfers of distilled spirits. Subject to the provisions of this subpart, proprietors of registered distilleries, fruit distilleries, and internal revenue bonded warehouses will be governed by the applicable provisions of Regulations 4, 5, and 10, respectively, and proprietors of industrial alcohol plants, industrial alcohol bonded warehouses, and denaturing plants will be governed by the applicable provisions of Regulations 3.

DEFINITIONS

§ 171.171 *Meaning of terms.* As used in this subpart, unless the context otherwise requires, terms shall have the meanings ascribed in §§ 171.172 to 171.191.

§ 171.172 *Approved containers.* "Approved containers" shall means the containers prescribed by Regulations 3, 4, 5, and 10, and shall include railroad tank cars, tank trucks, tank ships, tank barges, and such other containers and bulk conveyances as authorized by this subpart or by the Commissioner.

§ 171.173 *Carrier.* "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, tank ship, barge, motor truck, tank truck, or other vehicle capable of being used as a means of transportation.

§ 171.174 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 171.175 *Denaturing plant.* "Denaturing plant" shall mean a denaturing plant established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.176 *Distilled spirits.* "Distilled spirits" or "spirits" shall include alcohol, but not those beverage spirits commonly known as whisky, brandy, rum, gin, etc., or other beverage spirits of less than 160 degrees of proof, except when removed for redistillation or for storage pending redistillation.

§ 171.177 *Distillery.* "Distillery" shall mean a registered distillery established and operated under the provisions of Regulations 4 (Part 183 of this subchapter) or a fruit distillery established and operated under the provisions of Regulations 5 (Part 184 of this subchapter).

§ 171.178 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 171.179 *Fruit distillery.* "Fruit distillery" shall mean a distillery established and operated under the provisions of Regulations 5 (Part 184 of this subchapter).

§ 171.180 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 171.181 *Inclusive language.* Words in the plural shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 171.182 *Industrial alcohol bonded warehouse.* "Industrial alcohol bonded warehouse" shall mean a bonded warehouse established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.183 *Industrial alcohol plant.* "Industrial alcohol plant" shall mean an alcohol plant established and operated under the provisions of Regulations 3 (Part 182 of this subchapter).

§ 171.184 *Internal revenue bonded warehouse.* "Internal revenue bonded warehouse" shall mean a bonded warehouse established and operated under the provisions of Regulations 10 (Part 185 of this subchapter).

§ 171.185 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 171.186 *Motor carrier.* "Motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935 or an applicable state law, or a private carrier employed by, or acting as agent for, the consignor or consignee, who is actively and regularly engaged generally in the legitimate business of transportation, who possesses adequate facilities to insure safe delivery at destination of any distilled spirits transported by him, and who is approved by the district supervisor; or the consignor or consignee acting as a private carrier.

§ 171.187 *Part II of subchapter C.* "Part II of subchapter C" shall mean sections 3100–3126 of the Internal Revenue Code.

§ 171.188 *Registered distillery.* "Registered distillery" shall mean a distillery established and operated under the provisions of Regulations 4 (Part 183 of this subchapter).

§ 171.189 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 171.180 *United States.* "United States" shall include any governmental agency of the United States.

§ 171.191 *U. S. C.* "U. S. C." shall mean the United States Code.

TRANSFERS PERMITTED

§ 17.195 *Authorized removals.* Distilled spirits of any proof may be removed in bond in approved containers and pipe lines from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse to any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse for redistillation, or storage, or any other purpose deemed necessary to meet the requirements of the national defense, as authorized by this subpart, or by the Commissioner. Any such distilled spirits may be stored in approved tanks in, or constituting a part of, any internal revenue bonded warehouse or industrial alcohol bonded warehouse. Distilled spirits may be withdrawn from industrial alcohol plants or industrial alcohol bonded warehouses if of a proof of 160 degrees or more for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C. Distilled spirits may be withdrawn from distilleries or internal revenue bonded warehouses if of a proof of 160 degrees or more for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery. Any such distilled spirits, upon removal from a distillery or an internal revenue bonded warehouse for transfer to an industrial alcohol plant or industrial alcohol bonded warehouse or for any tax-free purpose authorized by part II of subchapter C, shall be subject to the provisions of part II of subchapter C and Regulations 3. The removals for tax-free purposes authorized by part II of subchapter C include removals for denaturation, for use of the United States, for export, and for the other tax-free purposes authorized by section 3108, I. R. C.

§ 171.196 *Other transfers in bond authorized by Commissioner.* In addition to the purposes authorized by this subpart for the transfer in bond of distilled spirits between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, the Commissioner may authorize the transfer in bond of distilled spirits between such premises for any other purpose which he deems necessary to meet the requirements of the national defense, subject to such limitations and conditions as may be imposed by him.

KINDS OF CONTAINERS

§ 171.200 *General.* Approved containers, used for the removal for redistillation, storage, or other purposes authorized by this subpart, weighing tanks used for gauging, tanks used for storage, and pipe lines used for removal of distilled spirits as authorized by this subpart, shall be those authorized by, and shall conform as to construction, security, marking, etc., to the provisions of this subpart and the applicable provisions of Regulations 3, 4, 5, and 10. The Commissioner may permit alternate construction which he deems necessary to meet the requirements of the national defense, subject to such limitations and conditions as may be imposed by him, provided such alternate construction affords adequate protection to the revenue.

§ 171.201 *Removal by pipeline.* Distilled spirits of any proof may be removed by pipeline for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses in accordance with the provisions of this subpart and the applicable procedure prescribed by Regulations 3, 4, 5, and 10, where the premises to which the distilled spirits are to be so transferred are located in the immediate vicinity of the premises from which the distilled spirits are to be removed. Distilled spirits of 160 degrees or more of proof may be removed by pipeline where the bonded premises, or the establishment, to which the distilled spirits are to be transferred are located in the immediate vicinity of the premises from which the distilled spirits are to be removed (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery scribed in Regulations 3, 4, 5, and 10, or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart and the applicable provisions of Regulations 3, 4, 5, and 10. The rules and procedure prescribed in Regulations 3, 4, 5 and 10, relative to the construction, approval, and use of pipelines for the transfer of distilled spirits between premises shall be followed, in so far as applicable, in the construction, approval, and use of pipelines under this subpart.

§ 171.202 *Removal by tank cars and tank trucks.* Distilled spirits of any proof may be transferred in bond in tank cars or tank trucks between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in accordance with the provisions of this subpart and the applicable procedure prescribed by Regulations 3, 4, 5, and 10. Distilled spirits of 160 degrees or more of proof may be removed in tank cars or tank trucks (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart and the applicable provisions of Regulations 3, 4, 5, and 10.

§ 171.203 *Removal by tank ships and tank barges.* Distilled spirits of any proof may be transferred in bond in tank ships or tank barges between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in accordance with the provisions of this subpart. Tank ships and tank barges need not be calibrated, nor need calibration charts be prepared. The carrier must file bond in accordance with § 171.208. Tank ships and tank barges must be secure and all openings affording access to the distilled spirits must be arranged in such manner that they can be securely fastened and sealed. Prior to filling, the Government officer shall inspect each tank ship or tank barge and determine whether the same can be securely fastened and sealed and is otherwise suitable for the transportation of distilled spirits. The Government officer will not permit the filling of any tank ship or tank barge that is not equipped for sealing or which will not afford adequate protection to the distilled spirits. Such shipments may be made only where the premises of both the consignor and the consignee are equipped with suitable dock facilities, and where the distilled spirits are run directly from the tank ship or tank barge into suitable tanks on the consignee's premises. Distilled spirits of 160 degrees or more of proof may be removed in tank ships or tank barges (a) from an industrial alcohol plant or industrial alcohol bonded warehouse for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, or (b) from a distillery or an internal revenue bonded warehouse for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery; both in accordance with the procedure prescribed by this subpart.

§ 171.204 *Sealing of conveyances.* Where distilled spirits are to be removed under the provisions of this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, in tank cars, tank trucks, tank ships, tank barges, or other bulk conveyances approved by the Commissioner, the storekeeper-gauger will, immediately after filling, seal with cap seals furnished by the Government, all openings affording access to the spirits. The serial numbers of the cap seals so used will be entered by the storekeeper-

gauger on Form 236, 1440, 1453, or 1704, as the case may be. Where the proprietor provides seal locks for locking conveyances in accordance with Regulations 3, such locks will be used in lieu of cap seals.

§ 171.205 *Marking of containers.* Where distilled spirits are removed for any of the purposes authorized by this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, the containers shall be marked as prescribed in this section. If the conveyance is a tank car, tank truck, tank ship, tank barge, or other bulk conveyance approved by the Commissioner, a label shall be securely affixed by the consignor to the route board of the tank car or tank truck, or at a suitable location on the tank ship, tank barge, or other bulk conveyance. The label shall plainly show the name, registry number, and address of the consignor; the name, registry or permit number (if any), and address of the consignee; the date of shipment; the kind of distilled spirits; the proof and temperature ascertained at the time of filling prior to removal; the number of inches above or below the full mark (or other clearly designated gauge mark on the conveyance); the purpose of withdrawal (transfer in bond, for denaturation, for use of the United States, etc.); and the quantity in proof gallons. If the distilled spirits are contained in more than one compartment of the conveyance, the information with respect to proof, temperature, gauge mark, and quantity will be furnished for each compartment. In any event, such label or labels shall be destroyed by the consignee after emptying the conveyance. If the distilled spirits so removed are in packages, drums, or similar containers, the proprietor will, under the general supervision of the storekeeper-gauger and before removal, mark such containers in accordance with the applicable provisions of Regulations 3, 4, 5, and 10. The date and purpose of the removal and the registry or permit number (if any) of the consignee must be marked on the head of the package in every instance. When the distilled spirits to be withdrawn are the mingled products of different distillers, the name and registry number of the premises where the distilled spirits were commingled shall be shown on the containers (where required), and on the required forms, in lieu of the names and registry numbers of the producing distillers.

CARRIERS

§ 171.207 *Permit.* Any carrier who desires to transport distilled spirits of 160 degrees or more of proof removed for any tax-free purpose authorized by part II of subchapter C, must procure permit (Form 145) so to do, in accordance with section 3114, I. R. C., and Regulation 3. A carrier who holds a permit to transport tax-free alcohol, or specially denatured alcohol, and who desires to transport tax-free distilled spirits removed from distilleries and internal revenue bonded warehouses, must file application on Form 144 for amendment of his permit, Form 145, to authorize the transportation of such tax-free distilled spirits.

§ 171.208 *Bond; transportation by carrier.* A carrier who holds a permit (Form 145) prescribed by § 171.207, to transport tax-free distilled spirits of 160 degrees or more of proof, in tank trucks or tank barges, and a carrier who desires to transport distilled spirits of any proof, in tank trucks or tank barges, for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, must file with the district supervisor a bond on Form 49: *Provided*, That a bond will not be required for tank barges if the applicant is a steamship (not including tugboats) company, nor will a bond be required for a self-propelled tank barge. If the transportation is in tank trucks, the penal sum of the bond shall be at the rate of $75,000 for each tank truck and not more than $200,000 for the total of all tank trucks used. If the transportation is in tank barges, the penal sum of the bond shall be $200,000 regardless of the number of tank barges used. If the transportation is to be by both tank trucks and tank barges, the penal sum shall be at the rate of $75,000 for each tank truck or $200,000 for the total of all tank trucks used and at the rate of $200,000 for each tank barge or group of tank barges used, subject to a maximum bond limitation of $400,000 for all tank trucks and tank barges used. The bond shall be filed in triplicate, appropriately modified. Where a carrier holds a permit to transport tax-free or specially denatured alcohol which is supported by bond, Form 49, and files application for amendment of the permit to authorize the transportation of tax-free distilled spirits as provided in § 171.207, or distilled spirits to be transferred in bond as provided in this section, the carrier must file consent of surety, Form 1533, on his bond, extending the terms thereof to cover such distilled spirits, removed tax-free, or transferred in bond. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax or removed for transfer in bond transported by him, to the same extent as tax-free alcohol transported by him.

§ 171.209 *Bond; transportation by consignor or consignee.* A consignor or consignee in order to transport in tank trucks or tank barges controlled and operated by such consignor or consignee, (a) distilled spirits of any proof for transfer in bond between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses or (b) distilled spirits of 160 degrees or more of proof removed for any tax-free purpose authorized by part II of subchapter C, must file with the district supervisor a bond on Form 49, properly modified, in the penal sum specified in § 171.208: *Provided*, That in lieu of filing such bond, the consignor or consignee may file consent of surety, Form 1533, on his bond, Form 30, 30½, 1571, or 1432A, as the case may be, extending the terms thereof to cover the tax, or an amount equal to the tax, as the case may be, together with all penalties and interest, for which he may become liable, on all distilled spirits transported by him in tank trucks or tank barges. Where the distillery bond, Form 30, or 30½, is filed without surety, supported by consent of surety on the distiller's transportation and warehousing bond, Form 1571, the required consent shall extend the terms of both bonds to assume such liability. Where bond, Form 30, 30½, 1571, or 1432-A is given in an amount less than the penal sum required, a new or additional bond on the respective form, with proper consent of surety, or a separate bond on Form 49, in a sufficient penal sum must be furnished to cover the additional liability. The bond shall be filed in accordance with the applicable provisions of Regulations 3, 4, 5, and 10, and of this subpart. The consent of surety shall be in substantially the following form:

To extend the terms of the said bond to cover liability for the tax or an amount equal to the tax, together with penalties and interest, on all distilled spirits received for transportation or transported by the principal and not lawfully delivered, excepting only losses of such spirits otherwise provided for by law.

GAUGING OF DISTILLED SPIRITS

§ 171.212 *Transferred between bonded premises by pipeline.* When distilled spirits of any proof are transferred by pipeline between distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, and when distilled spirits of 160 degrees or more of proof are removed, free of tax, from any such premises for transfer by pipeline to a denaturing plant, for denaturation, as authorized by this subpart, such distilled spirits shall be gauged in a weighing tank at the time of transfer, either in the premises from which they are removed or in the premises to which they are transferred, but the spirits need not be gauged in both premises: *Provided*, That where neither of the premises is equipped with a weighing tank, the spirits may be gauged by volume in accurately calibrated tanks in either of the premises.

§ 171.213 *Transferred between bonded premises by tank cars, tank trucks, or tank barges.* When such distilled spirits are so transferred by tank cars, tank trucks, or tank barges, the spirits must be gauged in a suitable weighing tank in the shipping premises at the time of shipment and in the receiving premises at the time of receipt: *Provided*, That where the shipping or receiving premises, or both, are not equipped with a weighing tank, the spirits transferred in tank cars or tank trucks may be weighed on railroad car or tank truck scales, as the case may be, located on the bonded premises, by weighing the railroad car or tank truck both before and after filling or emptying, or both, as the case may be: *And provided further*, That where the shipping or receiving premises, or both, are not equipped with a weighing tank, railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks, but, in any event, they must be gauged (either by weight or by volume) in both the shipping and receiving premises.

§ 171.214 *Received in distillery or industrial alcohol plant for weighing only.* When it is desired to transfer distilled spirits to an internal revenue bonded warehouse or industrial alcohol bonded warehouse and it is desired to weigh the spirits upon receipt and there are no weighing facilities at the warehouse, but there are such facilities at the distillery or industrial alcohol plant, as the case may be, located on the same or contiguous premises, the spirits may be received in the distillery or industrial alcohol plant for gauging by weight prior to deposit in the warehouse.

§ 171.215 *Removed for use of the United States.* When distilled spirits of 160 degrees or more of proof are withdrawn from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, for use of the United States, they must be gauged by weight in a weighing tank (except packages, which must be gauged by weight on appropriate scales) in each instance at the premises from which removed: *Provided*, That where the shipping premises are not equipped with a weighing tank and the spirits are transferred in tank cars or tank trucks, they may be weighed on railroad car or tank truck scales, as the case may be, located on the shipping premises, by weighing the railroad car or tank truck both before and after filling: *And provided further*, That where the shipping premises are not equipped with a weighing tank, or railroad car or tank truck scales, the spirits may be gauged by volume in accurately calibrated tanks before removal.

§ 171.216 *Removed for other tax-free purposes or upon taxpayment.* When distilled spirits of 160 degrees or more of proof are withdrawn from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, by pipeline, tank car, or tank truck, for a tax-free purpose (other than for removal for denaturation, exportation by tank ship, or for use of the United States), or upon taxpayment, as authorized by this subpart, the spirits must be gauged by weight in each instance.

§ 171.217 *Determination of proof.* The proof of distilled spirits transferred in bond or withdrawn free of tax for denaturation or for use of the United States, under the provisions of this subpart, will be determined to the nearest one-tenth of a degree. The addition of water to reduce the spirits to a flat proof will not be required except where the spirits are withdrawn for taxpayment or for a tax-free purpose other than for denaturation or for use of the United States, unless in the latter case the Governmental agency to which the spirits are shipped desires to have the spirits so reduced.

DESIGNATION OF DISTILLED SPIRITS

§ 171.220 *General.* Distilled spirits removed under the provisions of this subpart from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses shall be designated in accordance with the applicable provisions of Regulations 3, 4, 5, and 10, except as provided in §§ 171.221 to 171.224.

§ 171.221 *"Neutral spirits—mixed," "spirits—mixed".* Where distilled spirits, originally produced from different kinds of materials, are (a) redistilled together at distilleries in accordance with § 171.236, (b) mingled in tanks at a distillery in accordance with § 171.235, (c) mingled in tanks at an internal revenue bonded warehouse in accordance with § 171.243, or (d) mingled in tank cars, tank trucks, tank barges, etc., in the course of removal from a distillery or an internal revenue bonded warehouse in accordance with § 171.276, they shall be designated "neutral spirits—mixed", if 190 degrees or more of proof, or "spirits—mixed", if of a proof less than 190 degrees.

§ 171.222 *"Alcohol — mixed," "unfinished alcohol—mixed."* Where distilled spirits, originally produced from different kinds of materials, are (a) redistilled together at industrial alcohol plants in accordance with § 171.255, (b) mingled in tanks at an industrial alcohol plant in accordance with § 171.253, (c) mingled in tanks at an industrial alcohol bonded warehouse in accordance with § 171.254, or (d) mingled in tank cars, tank trucks, tank barges, etc., in the course of removal from an industrial alcohol plant or industrial alcohol bonded warehouse in accordance with § 171.276, they shall be designated "alcohol—mixed", if 160 degrees or more of proof, and "unfinished alcohol—mixed", if of a proof less than 160 degrees.

§ 171.223 *Alcohol deposited in distilleries and internal revenue bonded warehouses.* Alcohol deposited in tanks at distilleries in accordance with § 171.231 for purposes other than redistillation, or deposited in tanks in internal revenue bonded warehouses in accordance with § 171.240, may be removed under the designation of "Alcohol" or be redesignated, upon removal, as "neutral spirits—grain," "neutral spirits—cane," or "neutral spirits—fruit," if 190 degrees or more of proof, or "spirits—grain," "spirits—cane," or "spirits—fruit," if less than 190 degrees of proof, in accordance with the applicable provisions of Regulations 4, 5, and 10.

§ 171.224 *Distilled spirits deposited in industrial alcohol plants and bonded warehouses.* Distilled spirits produced at distilleries and subsequently deposited in tanks at industrial alcohol plants and industrial alcohol bonded warehouses, shall be received and accounted for as "alcohol," if 160 degrees or more of proof, or "unfinished alcohol," if less than 160 degrees of proof.

EXEMPTIONS FROM STATUTORY REQUIREMENTS

§ 171.227 *Sunday and night time operations.* Section 3283, I. R. C., provides that, under regulations, section 2836 of the Internal Revenue Code shall not apply to the production or redistillation of distilled spirits at a distillery, nor shall section 2870 of the code apply to the removal of distilled spirits from any distillery or internal revenue bonded warehouse. Section 3103, I. R. C., exempts industrial alcohol plants and industrial alcohol bonded warehouses from the provisions of sections 2836 and 2870 of the code. Distilled spirits may be produced or redistilled at distilleries between 11:90 p. m. Saturday and 1:00 a. m. Monday, or received at or removed from distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses between sundown and sunrise, or on Sunday, only for use by the United States or any Governmental agency thereof, or for any other purpose deemed by the Commissioner to be necessary to meet the requirements of the national defense: *Provided*, That distilled spirits may be received or removed in tank ships or tank barges at night or on Sunday for any authorized purpose. (The term production, as used in this subpart, shall include mashing, setting fermenters, and distilling.) When it is desired to so produce, redistill, receive, or remove distilled spirits, the proprietor will make application, in duplicate, to the district supervisor for permission so to do. The application shall specify the dates and hours on which it is desired to conduct such operations and the purpose and the necessity therefor. The application shall be filed sufficiently in advance of the time of the operations specified in the application to enable the district supervisor to determine the necessity therefor, and, if he approves the application, to assign a Government officer to supervise the operations where deemed necessary. District supervisors will approve such applications only where (a) the necessity therefor is shown, (b) the purpose is one authorized in this subpart, and (c) Government officers are available for necessary supervision. Where it is desired to conduct operations during such hours regularly, the application may be made, and the permission granted, accordingly.

§ 171.228 *Rectification taxes.* Section 3183, I. R. C., provides, under regulations, that sections 2800 (a) (5) and 3250 (f) of the Internal Revenue Code, levying commodity and occupational rectification taxes, shall not apply to the redistillation of distilled spirits at a distillery, or to the mingling of distilled spirits at a distillery or an internal revenue bonded warehouse, or in the course of removal therefrom.

§ 171.229 *Authorized by the Commissioner.* Section 3183 (b), I. R. C., provides that the Secretary may temporarily exempt proprietors of distilleries, internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses from any provision of the internal revenue laws relating to distilled spirits, except those requiring payment of the tax thereon, whenever in his judgment it may seem expedient to do so to meet the requirements of the national defense. By virtue of and pursuant to authority vested in the Secretary by Reorganization Plan No. 26 of 1950, (15 F. R. 4935) authority is hereby conferred and imposed upon the Commissioner of Internal Revenue

to permit nonrecurring operations not authorized by this subpart, where deemed necessary to meet exigencies and the requirements of the national defense, subject to such limitations and conditions as may be imposed by him and provided such operations afford adequate protection to the revenue.

TRANSFERS IN BOND TO DISTILLERIES

§ 171.231 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any distillery from any other distillery, or from an internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, for redistillation only, except (a) for gauging in a weighing tank prior to deposit in a warehouse tank where a weighing tank is not available in the warehouse, or (b) for temporary storage in locked tanks pending transfer to warehouse tanks or, if 160 degrees or more of proof, for removal for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery.

§ 171.232 *Consent of surety, Form 1533, on distillery bonds.* The proprietor of a distillery, in order to withdraw distilled spirits from other distilleries, or from internal revenue bonded warehouses, industrial alcohol plants, or industrial alcohol bonded warehouses under the provisions of this subpart, shall file consent of surety, Form 1533, on his distillery bond, Form 30 or 30½, as the case may be, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery, internal revenue bonded warehouse, industrial alcohol plants, or industrial alcohol bonded warehouse from which they are removed. Where the distillery bond, Form 30 or 30½, is filed without surety, supported by consent of surety on the distiller's transportation and warehousing bond, Form 1571, the required consent shall extend the terms of both bonds to assume such liability. Where the distillery bond, Form 30 or 30½, is in less than the maximum penal sum and is insufficient to cover the tax on the spirits to be received, plus the quantity of spirits that will be produced at the distillery during a period of 15 days, a new or additional bond in a sufficient penal sum shall be filed by the distiller. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on distilled spirits removed for transfer in bond to him from registered distilleries, fruit distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the distilled spirits leave the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, from which removed, including the transportation, redistillation, storage, and disposition of the distilled spirits, as provided by law and regulations.

§ 171.233 *Transfer of liens.* When distilled spirits of any proof are transferred in bond, under the provisions of this subpart, to a distillery from another distillery, or from an internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse, shall cease; and at and from the time the distilled spirits leave the shipping distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, the tax shall be the liability of the proprietor of, and the lien shall be transferred to the premises of, the receiving distillery.

§ 171.234 *Transfer procedure.* The transfer in bond of distilled spirits to a distillery from another distillery or from an internal revenue bonded warehouse will be made pursuant to application, Form 236, in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10: *Provided*, That where the distiller operates an internal revenue bonded warehouse or another distillery on premises contiguous to the receiving distillery and the location of the warehouse or other distillery is such that the storekeeper-gaugers assigned to the receiving distillery and to the warehouse or shipping distillery are able to maintain the same supervision of the transfer of spirits as is required in the case of the deposit in a warehouse on the distillery premises, of spirits produced at such distillery, the transfer may be made pursuant to Form 1520 only; but shipment will not be made until the district supervisor has advised the storekeeper-gauger at the shipping premises that the required consent of surety on the distillery bond has been filed with him. Distilled spirits may be transferred to a distillery for redistillation without the special application of the distiller, or the showing of the need for redistillation prescribed by Regulations 4 and 5. The transfer in bond of alcohol to a distillery from an industrial alcohol plant or industrial alcohol bonded warehouse will be made in accordance with the procedure prescribed by § 171.259.

§ 171.235 *Deposit in tanks.* When distilled spirits are received at a distillery pursuant to § 171.231, they shall be deposited in closed, locked tanks. When received in packages, the contents must be dumped and deposited immediately in such tanks. Distilled spirits received in packages, tank cars, tank trucks, or tank barges, or by pipe line, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at a distillery they shall be redesignated in accordance with the provisions of § 171.221 and may be removed only (a) for redistillation in accordance with the provisions of § 171.236, (b) for transfer in bond as specified in this subpart, or (c) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section, except for redistillation, shall be accounted for under the designation of "spirits." Distilled spirits received for redistillation shall be accounted for as materials in accordance with the applicable provisions of Regulations 4 and 5.

§ 171.236 *Redistillation.* Distilled spirits received at a distillery for redistillation may be redistilled separately or with other distilled spirits, including distilled spirits of different proof, or produced from different kinds of materials, or produced by different distillers, or at different distilleries: *Provided*, That where distilled spirits produced from grain, cane, fruit, and other materials are redistilled together, the redistilled spirits shall be designated in accordance with § 171.221 and may be removed only (a) for transfer in bond as specified in this subpart, or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon tax payment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes The redistillation of distilled spirits will be in accordance with this subpart and the applicable provisions of Regulations 4 and 5.

§ 171.237 *Records.* Distilled spirits produced or redistilled at registered distilleries and fruit distilleries, and distilled spirits transferred in bond to, or removed for an authorized purpose from, registered distilleries and fruit distilleries, under this subpart, shall be reported and accounted for in accordance with this subpart and the applicable provisions of Regulations 4 or 5, as the case may be.

TRANSFERS IN BOND TO INTERNAL REVENUE BONDED WAREHOUSES

§ 171.240 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any internal revenue bonded warehouse from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse, for storage prior to removal (a) for redistillation, (b) for transfer in bond to other bonded premises as authorized by this subpart, or (c) if 160 degrees or more of proof, for removal for any tax-free purpose authorized by part II of subchapter C or for any purpose authorized in the case of like spirits produced at a distillery.

§ 171.241 *Consent of surety, Form 1533, on warehouse bond.* The proprietor of an internal revenue bonded warehouse, in order to have alcohol transferred in bond to his warehouse from industrial alcohol plants and industrial alcohol bonded warehouses, shall file consent of surety, Form 1533, on his transportation and warehousing bond, Form 1571, extending the terms thereof to assume liability for payment of the tax on the alcohol from the time it leaves the industrial alcohol plant or industrial alcohol bonded warehouse from which it is removed. Where the warehouse bond is in less than the maximum penal sum and is insufficient to cover the tax on any alcohol to be transferred, determined in accordance with the provisions of Regulations 10 concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on alcohol removed for transfer in bond to him from industrial alcohol plants and industrial alcohol bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the alcohol leaves the industrial alcohol plant or industrial alcohol bonded warehouse from which removed, including the transportation, storage, and disposition of the alcohol as provided by law and regulations.

§ 171.242 *Transfer procedure.* The transfer in bond of distilled spirits to internal revenue bonded warehouses from distilleries or from other internal revenue bonded warehouses will be made pursuant to application, Form 236, in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10: *Provided*, That where the warehouseman operates a distillery on premises contiguous to the warehouse premises, and the location of the distillery is such that the storekeeper-gaugers assigned to the cistern room and to the warehouse are able to maintain the same supervision of the deposit in the warehouse of spirits produced at such distillery as is required in the case of the deposit in a warehouse on the distillery premises of spirits produced at such distillery, the transfer may be made pursuant to Form 1520 only; but shipment will not be made until the district supervisor has advised the storekeeper-gauger at the warehouse that the required consent of surety on the distillery bond has been filed with him. The transfer in bond of alcohol to an internal revenue bonded warehouse from an industrial alcohol plant or industrial alcohol bonded warehouse will be in accordance with the procedure prescribed by § 171.259.

§ 171.243 *Deposit in tanks.* Distilled spirits received at an internal revenue bonded warehouse from distilleries, internal revenue bonded warehouses, industrial alcohol plants, and industrial alcohol bonded warehouses, may be stored in warehouse tanks, or in the containers in which they were transferred to the warehouse. Distilled spirits transferred to warehouses in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks, subject to the provisions of this section. Distilled spirits produced by the same distiller, of different proof, or which were produced from different kinds of materials, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. Distilled spirits produced by different distillers may be mingled and deposited in the same tanks, except that spirits of less than 190 degrees of proof may be mingled only where the spirits are produced for, or sold to, the United States. When distilled spirits produced from different kinds of materials are mingled in tanks at an internal revenue bonded warehouse, they shall be redesignated in accordance with the provisions of § 171.221 and may be removed only (a) for transfer in bond as specified in this subpart, or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section shall be accounted for under the designation of "spirits." Additional deposit of spirits may be made in a warehouse tank after removals have been made therefrom without the necessity of first emptying the tank.

§ 171.244 *Records.* The receipt and disposition of distilled spirits at an internal revenue bonded warehouse shall be reported and accounted for in accordance with the provisions of this subpart and the applicable provisions of Regulations 10.

TRANSFERS IN BOND TO INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSES

§ 171.248 *Authorized transfers.* Distilled spirits of any proof may be transferred in bond to any industrial alcohol plant from any distillery, internal revenue bonded warehouse industrial alcohol plant, or industrial alcohol bonded warehouse, for redistillation only, except (a) for gauging in a weighing tank prior to deposit in a warehouse tank where a weighing tank is not available in the warehouse, or (b) for temporary storage in locked tanks pending transfer to warehouse tanks or, if 160 degrees or more of proof, for removal for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C. Distilled spirits of any proof may be transferred in bond to any industrial alcohol bonded warehouse from any distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse for storage prior to removal (a) for redistillation, (b) for transfer in bond to other bonded premises as authorized by this subpart, or (c) if 160 degrees or more of proof, for any tax-free purpose, or upon payment of tax for any purpose, authorized by part II of subchapter C, in accordance with this subpart.

§ 171.249 *Consent of surety, Form 1533, on plant or warehouse bond.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse, in order to have distilled spirits transferred in bond to his plant or warehouse, from distilleries or internal revenue bonded warehouses, shall file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery or internal revenue bonded warehouse from which they are removed. When Form 1432–A is in less than the maximum penal sum and is insufficient to cover the tax on any distilled spirits to be transferred, determined in accordance with the provisions of Regulations 3, concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to insure the payment of all taxes, together with penalties and interest, for which the principal may become liable on distilled spirits removed for transfer in bond to him from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, from the time the distilled spirits leave the distillery or internal revenue bonded warehouse from which removed, including the transportation, redistillation, storage and disposition of the distilled spirits, as provided by law and regulations.

§ 171.250 *Transfer of lien.* When distilled spirits of any proof are transferred in bond under the provision of this subpart to an industrial alcohol plant or industrial alcohol bonded warehouse from a distillery, an internal revenue bonded warehouse, or another industrial alcohol plant or industrial alcohol bonded warehouse, the tax liability of the proprietor of the distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse from which the spirits are removed, and the liens on such distillery, industrial alcohol plant, or industrial alcohol bonded warehouse shall cease; and at and from the time the distilled spirits leave the shipping distillery, internal revenue bonded warehouse, the tax shall be the liability of the proprietor of, and the lien shall be transferred to the premises of, the receiving industrial alcohol plant or industrial alcohol bonded warehouse.

§ 171.251 *Basic and withdrawal permits.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse, in order to withdraw distilled spirits from distilleries and internal revenue bonded warehouses, must file application on Form 1431 with the district supervisor of his district for amendment of his basic permit, Form 1433, to authorize the procurement of such distilled spirits. Application for withdrawal permit shall be made on Form 1436, properly modified, for removal either to the industrial alcohol plant or to the industrial alcohol bonded warehouse. The district supervisor in issuing withdrawal permit on Form 1436 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or

internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to industrial alcohol plants and industrial alcohol bonded warehouses only pursuant to, and upon receipt of, proper withdrawal permit on Form 1436 authorizing such shipment, in accordance with the procedure prescribed in Regulations 3.

§ 171.252 *Transfer procedure.* The transfer in bond of distilled spirits of any proof to industrial alcohol plants and industrial alcohol bonded warehouses from distilleries and internal revenue bonded warehouses shall be made in accordance with the applicable procedure prescribed by Regulations 4, 5, and 10, covering transfers in bond between distilleries and internal revenue bonded warehouses, except that Form 1704, in lieu of Form 236, will be used with Form 1520 or Form 1619, as the case may be. Form 1704 will be prepared as indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart. The proprietor will prepare an original and five copies of Form 1704 in the case of intradistrict transfers, and an original and six copies in the case of interdistrict transfers, and submit them with the withdrawal permit, Form 1436, to the storekeeper-gauger. The copies of Forms 1704 and 1520 or 1619 will be disposed of in the same manner as prescribed for the disposition of Forms 236 and 1520 or 1619. The transfer in bond of distilled spirits of any proof to industrial alcohol plants or industrial alcohol bonded warehouses from industrial alcohol plants and industrial alcohol bonded warehouses will be made in accordance with the applicable procedure prescribed by Regulations 3.

§ 171.253 *Deposit in tanks at industrial alcohol plants.* When distilled spirits are received at an industrial alcohol plant pursuant to § 171.248, they shall be deposited in closed, locked tanks. When received in packages, the contents must be dumped and deposited immediately in such tanks. Distilled spirits received in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at an industrial alcohol plant, they shall be redesignated in accordance with the provisions of § 171.222 and may be removed only (a) for redistillation in accordance with the provisions of § 171.255, (b) for transfer in bond as specified in this subpart or (c) if 160 degrees or more of proof for an authorized tax-free purpose, or upon taxpayment for nonbeverage purposes or for use in the manufacture of beverage products only where the source of materials for which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section, except for redistillation, shall be classified and accounted for as "alcohol." Distilled spirits received for redistillation shall be accounted for as materials in accordance with the applicable provisions of Regulations 3.

§ 171.254 *Deposit in tanks at industrial alcohol bonded warehouses.* When distilled spirits are received at industrial alcohol bonded warehouses from industrial alcohol plants, industrial alcohol bonded warehouses, distilleries, and internal revenue bonded warehouses pursuant to § 171.248, they may be stored in warehouse tanks, or in the containers in which they were transferred to the warehouse. Distilled spirits transferred to warehouses in packages, tank cars, tank trucks, or tank barges, or by pipeline, may be deposited in the same tanks. Distilled spirits of different proof, or which were produced from different kinds of materials, or by different distillers, or at different distilleries, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which are otherwise heterogeneous, may be deposited in the same tanks. When distilled spirits produced from different kinds of materials are mingled in tanks at an industrial alcohol bonded warehouse, they shall be redesignated in accordance with the provisions of § 171.222 and may be removed only (a) for transfer in bond as specified in this subpart or (b) if 160 degrees or more of proof for an authorized tax-free purpose, or upon taxpayment for nonbeverage purposes or for use in the maufacture of beverage products only where the source of materials for which distilled is not specified or required for labeling purposes. For record purposes, distilled spirits deposited in tanks under the provisions of this section, except for redistillation, shall be classified and accounted for as "alcohol." Distilled spirits received for redistillation shall be accounted for as materials in accordance with the applicable provisions of Regulations 3.

§ 171.255 *Redistillation.* Distilled spirits received at an industrial alcohol plant for redistillation may be redistilled separately or with other distilled spirits, including distilled spirits of different proof, or produced from different kinds of materials, or produced by different distillers, or at different distilleries: *Provided,* That where distilled spirits produced from grain, cane, fruit, and other materials are redistilled together, the redistilled spirits shall be designated in accordance with § 171.222 and may be removed only (a) for transfer in bond as specified in this subpart or (b) if 160 degrees or more of proof, for an authorized tax-free purpose, or upon taxpayment, for non-beverage purposes or for use in the manufacture of beverage products only where the source of materials from which distilled is not specified or required for labeling purposes. The redistillation of distilled spirits will be in accordance with this subpart and the applicable provisions of Regulations 3.

§ 171.256 *Records.* Distilled spirits redistilled at industrial alcohol plants, and distilled spirits transferred in bond to, or removed for an authorized purpose from, industrial alcohol plants and industrial alcohol bonded warehouses under this subpart, shall be reported and accounted for in accordance with this subpart and the applicable provisions of Regulations 3.

TRANSFERS IN BOND FROM INDUSTRIAL ALCOHOL PLANTS AND INDUSTRIAL ALCOHOL BONDED WAREHOUSE TO DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

§ 171.259 *Transfer procedure.* The transfer in bond of alcohol from an industrial alcohol plant or industrial alcohol bonded warehouse to a distillery pursuant to § 171.231, or to an internal revenue bonded warehouse pursuant to § 171.240, will be made in accordance with the applicable procedure prescribed by Regulations 3, governing transfers in bond of alcohol between industrial alcohol bonded premises, except that an additional copy of Form 1440 will be prepared for the files of the storekeeper-gauger at the receiving distillery or internal revenue bonded warehouse. The remaining copies of Form 1440 will be disposed of in the manner prescribed by Regulations 3.

REMOVAL, FREE OF TAX, FOR DENATURATION

§ 171.260 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for denaturation, from a distillery or an internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for denaturation, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed by this subpart and in Regulations 3. Such distilled spirits may also be transferred from one denaturing plant to another in accordance with the provisions of Regulations 3. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses, for denaturation, will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.261 *Basic and withdrawal permits.* The proprietor of a denaturing plant, in order to withdraw distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries or internal revenue bonded warehouses, must file application on Form 1431, with the district supervisor of his district, for amendment of his basic permit, Form 1433, to authorize the procurement of such distilled spirits. Application for withdrawal permit shall be made on Form 1463, properly modified, for removal to the denaturing plant. The district supervisor in issuing withdrawal permit on Form 1463 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or an internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to denaturing plants, only pursuant to, and upon receipt of, proper withdrawal permit on Form 1463 authorizing such shipment, in accordance with the procedure prescribed in Regulations 3.

§ 171.262 *Consent of surety, Form 1533, on denaturing plant bond.* The proprietor of a denaturing plant, in order to withdraw distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries or internal revenue bonded warehouses, shall file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to assume liability for payment of the tax on the distilled spirits from the time they leave the distillery or internal revenue bonded warehouse from which they are removed. When Form 1432–A is in less than the maximum penal sum and is insufficient to cover the tax on any distilled spirits to be withdrawn determined in accordance with the provisions of Regulations 3, concerning the determination of bond liability, a new or additional bond in a sufficient penal sum shall be filed by the proprietor. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax by the principal from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, to the same extent as alcohol withdrawn, free of tax from industrial alcohol plants and bonded warehouses.

§ 171.263 *Withdrawal procedure.* The withdrawal of distilled spirits of 160 degrees or more of proof, free of tax, for denaturation, from distilleries and internal revenue bonded warehouses, shall be made in accordance with the procedure prescribed by § 171.252 for the transfer of distilled spirits from such premises to industrial alcohol plants and industrial alcohol bonded warehouses, except that the distiller or warehouseman, as the case may be, will present to the storekeeper-gauger withdrawal permit, Form 1463, in lieu of withdrawal permit, Form 1436. The withdrawal of such spirits from industrial alcohol plants and industrial alcohol bonded warehouses, and other denaturing plants, for denaturation, will be in accordance with the procedure prescribed by Regulations 3.

§ 171.264 *Records.* Distilled spirits of 160 degrees or more of proof withdrawn free of tax for denaturation shall be reported and accounted for by storekeeper-gaugers and proprietors on their monthly report prescribed by Regulations 3, 4, 5, or 10, as the case may be. For record purposes, distilled spirits received at a denaturing plant for denaturation shall be classified and accounted for as "alcohol." Upon denaturation such spirits will be designated as "completely denatured alcohol" or "specially denatured alcohol," as the case may be, and withdrawn as such from the denaturing plant.

REMOVALS, FREE OF TAX, FOR USE OF THE UNITED STATES

§ 171.265 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for use of the United States, from any distillery or internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for such purpose, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed by this subpart and in Regulations 3. Pursuant to permit, Form 1444, issued by the Commissioner authorizing withdrawals for use of the United States, such distilled spirits, including alcohol produced at industrial alcohol plants, may be so withdrawn, prior to denaturation, from denaturing plants when such withdrawals are deemed necessary to meet the requirements of the national defense. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses for use of the United States will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.266 *Application and permit, Form 1444.* The head of the Government department or independent bureau or agency desiring to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries and internal revenue bonded warehouses, shall file application, in quadruplicate, on Form 1444 (appropriately modified) directly with the Commissioner, in accordance with the applicable procedure prescribed by Regulations 3. Upon receipt of an application on Form 1444, the Commissioner will issue a permit on such form (appropriately modified), in accordance with the applicable procedure prescribed by Regulations 3. The original and one copy of Form 1444 shall be forwarded to the head of the department or independent bureau or agency making application for the permit, who in turn shall retain a copy and forward the original to the vendor named in the permit. One copy will be retained by the Commissioner for his files and the remaining copy will be forwarded to the district supervisor of the district in which the vendor named in the application is located.

§ 171.267 *Withdrawals of distilled spirits.* When withdrawals of distilled spirits of 160 degrees or more of proof are to be made, free of tax, for use of the United States, the proprietor of the premises from which the distilled spirits are to be withdrawn will present the permit, Form 1444, to the storekeeper-gauger and designate the spirits to be withdrawn.

(a) *From distilleries and warehouses.* Where distilled spirits are withdrawn from distilleries and internal revenue bonded warehouses, the storekeeper-gauger will gauge the spirits and prepare Form 1520, in quadruplicate. The proprietor will prepare Form 1453, in quintuplicate, and give all copies to the storekeeper-gauger. Upon release of the shipment, the storekeeper-gauger will retain one copy of Form 1453 and one copy of Form 1520, deliver one copy of each form to the proprietor, forward two copies of Form 1453 and one copy of Form 1520 to the consignee, and forward the remaining copy of each form to the consignor district supervisor.

(b) *From industrial alcohol plants and warehouses.* Where alcohol is withdrawn from industrial alcohol plants, industrial alcohol bonded warehouses, or denaturing plants (when authorized) the proprietor will prepare Form 1440 and Form 1453, each in triplicate. Upon release of the shipment, the storekeeper-gauger will deliver one copy of Form 1453 and Form 1440 to the proprietor, forward two copies of Form 1453 and one copy of Form 1440 to the consignee and forward the remaining copy of Form 1440 to the consignor supervisor.

Where shipment is by motor truck, the copies of Forms 1453 and 1520 or 1440 for the consignee will be sealed in an envelope addressed to the consignee and handed to the person in charge of the trucks for delivery. Where the distilled spirits are to be transported by public carrier, the consignor shall furnish to the storekeeper-gauger, for forwarding to the district supervisor with Forms 1453 and 1520 or 1440, a copy of the bill of lading, if any, covering transportation of the spirits from the point of shipment to destination.

§ 171.268 *Certificate of receipt.* Receipt of each shipment of distilled spirits withdrawn for use of the United States shall be promptly certified to on Form 1453, in duplicate, by the official representative of the United States or Governmental agency thereof to whom delivery of such shipment is made. Where inspection at destination discloses a loss in transit, such loss will be noted on each copy of Form 1453 by the receiving officer, who will state whether the condition of the conveyance when received indicates that the loss was due to theft or to other cause. One copy of the receipted Form 1453 shall be forwarded promptly to the district supervisor from whose district the withdrawal is made, and the remaining copy will be retained by the consignee.

REMOVALS, FREE OF TAX, FOR SCIENTIFIC PURPOSES, USE OF HOSPITALS, ETC.

§ 171.270 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn, free of tax, for scientific purposes, use of hospitals, states, etc., from a distillery or an internal revenue bonded warehouse, and, when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse, may be withdrawn therefrom for such purposes, subject to the provisions of part II of subchapter C and in accordance with the procedure prescribed in Regulations 3. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses for scientific purposes, use of hospitals, states, etc., will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

§ 171.271 *Basic and withdrawal permits.* Where it is desired to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries or internal revenue bonded warehouses, as provided in § 171.270, application shall be made on Form 1447 properly modified, in triplicate, to the district supervisor for basic permit to use such distilled spirits. Action by the district supervisor in respect to such applications will be in accordance with the applicable

provisions of Regulations 3. A permittee whose basic permit, Form 1447, authorizes the procurement of alcohol free of tax and who desires to procure distilled spirits of 160 degrees or more of proof from distilleries or internal revenue bonded warehouses shall file application on Form 1447 with the district supervisor for the amendment of his basic permit to authorize the procurement of such distilled spirits. Where a permittee holding a basic permit, Form 1447, to use distilled spirits free of tax desires to procure tax-free distilled spirits under such permit, application on Form 1450, properly modified, will be filed in accordance with the provisions of Regulations 3. The district supervisor in issuing withdrawal permit on Form 1450 will modify such form to specify "distilled spirits" and withdrawal from a registered distillery, fruit distillery, or an internal revenue bonded warehouse. Distilled spirits may be shipped from distilleries and internal revenue bonded warehouses to holders of basic permits, Form 1447, only pursuant to, and upon receipt of, proper withdrawal permit on Form 1450 authorizing such shipment in accordance with the procedure prescribed in Regulations 3.

§ 171.272 *Bonds.* A permittee who holds a permit, Form 1447, prescribed by § 171.271, to withdraw distilled spirits of 160 degrees or more of proof, free of tax, from distilleries or internal revenue bonded warehouses must file with the district supervisor a bond on Form 1448 in accordance with the applicable provisions of Regulations 3. Where a permittee holds a permit to withdraw alcohol free of tax from industrial alcohol plants or industrial alcohol bonded warehouses, which is supported by bond, Form 1448, and files application for amendment of the permit to authorize the withdrawal of tax-free distilled spirits as provided in § 171.271, the permittee must file consent of surety, Form 1533, on his bond, extending the terms thereof to cover such tax-free distilled spirits. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for distilled spirits withdrawn free of tax by the principal from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 3183, I. R. C., and regulations, to the same extent as alcohol withdrawn free of tax from industrial alcohol plants and bonded warehouses.

§ 171.273 *Withdrawal procedure.* The withdrawal of distilled spirits of 160 degrees or more of proof, free of tax, for scientific purposes, use of hospitals, states, etc., from distilleries and internal revenue bonded warehouses shall be made in accordance with the applicable procedure prescribed by Regulations 3, except that Form 1520 will be used in lieu of Form 1440. The Government officer will insert on Form 1520 the name and address of the consignee. The withdrawal of distilled spirits for such purposes from industrial alcohol plants and industrial alcohol bonded warehouses shall be in accordance with the procedure prescribed in this subpart and by Regulations 3.

REMOVALS FOR EXPORTATION WITHOUT PAYMENT OF TAX

§ 171.274 *Authorized withdrawals.* Distilled spirits of 160 degrees or more of proof may be withdrawn for exportation in approved containers, without payment of tax, from a distillery or an internal revenue bonded warehouse, and when transferred to an industrial alcohol plant or industrial alcohol bonded warehouse may be withdrawn therefrom for exportation without payment of tax, subject to the provisions of part II, subchapter C and in accordance with the procedure prescribed in this subpart and the applicable procedure prescribed by Regulations 3 and 10. The withdrawal of alcohol from industrial alcohol plants and industrial alcohol bonded warehouses, for exportation, will be in accordance with the procedure prescribed in this subpart and by Regulations 3.

GENERAL

§ 171.275 *Losses.* The provisions of section 2901 of the Internal Revenue Code and the applicable provisions of Regulations 4, 5, and 10 shall apply in respect to losses of any distilled spirits transferred or removed for transfer under this subpart to a distillery or internal revenue bonded warehouse. The provisions of section 3113 of the code and the applicable provisions of Regulations 3 shall apply in respect to losses of any distilled spirits transferred or removed for transfer under this subpart to an industrial alcohol plant or industrial alcohol bonded warehouse. The provisions of section 3113 of the code and the applicable provisions of Regulations 3 shall apply in respect to losses of any distilled spirits removed from a distillery or an internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse, or denaturing plant for any tax-free purpose authorized by part II of subchapter C.

§ 171.276 *Mingling during course of removal, same premises.* Distilled spirits removed from distilleries, internal revenue bonded warehouses, industrial alcohol plants, industrial alcohol bonded warehouses, and denaturing plants, under section 3183 of the Internal Revenue Code and this subpart, for transfer in bond, or if 160 degrees or more of proof, for denaturing of for use of the United States, may be mingled in tank cars, tank trucks, tank barges, etc., during the course of removal from the shipping premises. When distilled spirits produced from different kinds of materials are so mingled, they shall be redesignated in accordance with the applicable provisions of §§ 171.221 and 171.222.

§ 171.277 *Mingling during course of removal, different premises.* In order that transportation facilities may be utilized economically, additional deposits of distilled spirits may be made in tank cars, tank trucks, tank barges, etc., after removal from the premises of the original consignor and during the course of transportation to the premises of the ultimate consignee. Where such an additional deposit is to be made, the Government officer assigned to supervise the deposit will examine the conveyance and determine whether the seals are intact, and whether there is any evidence of tampering. The Government officer will then remove only those seals necessary to check the contents as to dry inches and proof and to permit the deposit of additional spirits, after which he will determine the composite proof and the dry inches. The conveyance will then be sealed. When distilled spirits produced from different kinds of materials are so mingled, they shall be redesignated in accordance with the applicable provisions of §§ 171.221 and 171.222. A separate withdrawal form shall be prepared in respect of each such additional deposit as, for example, Forms 236 and 1520 or 1440 for transfers in bond. Except as provided herein, the withdrawal procedure shall be in accordance with the provisions of this subpart concerning an original withdrawal. The Government officer will note on the withdrawal forms covering the additional deposit the fact that such a withdrawal deposit was made together with information concerning any shortages in the original shipment. In addition to the label required by § 171.205 to be affixed to the conveyance at the time of the original withdrawal, another label shall be similarly affixed showing the information required by § 171.205 describing the additional deposit and, in addition thereto, the composite proof and gallonage and the dry inches remaining after the deposit is completed. When such composite shipments are to be made, the prescribed labels will be prepared in such form as to permit the attachment of additional labels to the route board. When it is desired to make additional deposits in a conveyance, the consignee proprietor desiring to follow such procedure will make application, in duplicate, to the district supervisor for permission so to do. The application shall specify the dates on which it is desired to follow such procedure and the necessity therefor together with sufficient information to enable the district supervisor to determine the necessity therefor, and if he approves the application to advise the Government officers concerned so that proper control and supervision can be exercised. Where it is desired to follow such procedure regularly, the application will be made, and the permission granted accordingly.

§ 171.278 *Establishment of denaturing plants.* Proprietors of registered distilleries, fruit distilleries, and internal revenue bonded warehouses, from which distilled spirits of 160 degrees or more of proof are withdrawn under section 3183, I. R. C., and this subpart, may establish denaturing plants in accordance with the applicable provisions of Regulations 3 for operation during the effective period of this subpart. Except when deemed necessary to meet the requirements of the national defense, the establishment of such denaturing plants will be restricted to those established in conjunction with premises from which distilled spirits are withdrawn for denaturation.

§ 171.279 *Additional requirements.* The Commissioner may require the proprietor or the Government officer to prepare such additional copies of forms prescribed by this subpart or by the pertinent provisions of Regulations 3, 4, 5, and 10, or such other records, as he may deem necessary to meet the requirements of the national defense.

§ 171.280 *Termination of regulations.* The regulations contained in this subpart and all operations authorized thereunder shall cease to be effective five years from the date of enactment of section 3183, I. R. C. The qualified status of industrial alcohol bonded warehouses and denaturing plants established by nonproducers of alcohol under part II of subchapter C and the applicable provisions of this subpart and Regulations 3 shall likewise cease and the permits issued therefor shall terminate on such date, except as to the removal of any alcohol stored therein at such time.

3. Subpart F of this part, consisting of §§ 171.150–171.158 (Treasury Decision 5814, effective November 1950 (15 F. R. 7498)), is hereby revoked.

4. These regulations will be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 51-8711; Filed, July 27, 1951; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 4161]

TRANS AMERICAN AIRWAYS, INC., ET AL.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the revocation of Letter of Registration No. 1760 issued to Trans American Airways, Inc., Letter of Registration No. 810 issued to Great Lakes Airlines, Inc., Letter of Registration No. 1519 issued to Golden Airways, Inc., and the alleged unauthorized air transportation activities and operations of Edward Ware Tabor and Sky Coach Air Travel, Inc.

Notice is hereby given that oral argument in the above-entitled proceeding is postponed from July 31 to September 13, 1951, at 10:00 a. m., e. d. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 25, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 51-8734; Filed, July 27, 1951; 8:49 a. m.]

[Docket No. 4762 et. al.]

PIEDMONT CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding involving local and feeder air transportation service over the routes of Piedmont Aviation, Inc., as presently operated or proposed to be modified, is assigned to be held on August 20, 1951, at 10:00 a. m., e. d. s. t., in Conference Room A of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the applications and the Board's orders, particular attention will be directed to:

I. Whether the public convenience and necessity require the alteration, amendment, or modification of the present temporary certificate of Piedmont Aviation, Inc., for route No. 87 so as to provide, in whole or in part, any or all of the following:

(a) Renew said certificate, with the exception of the intermediate point Danville, Va., on route segment 3 thereof, for a period of 5 years;

(b) Renew the authorization to serve Danville, Va., for an additional period of one year;

(c) Redesignate Hickory, N. C., as an alternate intermediate point to the intermediate point Asheville, N. C., on route segment 1;

(d) Include Winston-Salem, N. C., as an alternate intermediate point to the intermediate point Danville, Va., on route segment 3;

(e) Extend route segment 2 from the intermediate point Beckley, W. Va., to Lexington, Ky.;

(f) Extend route segment 1 (a) from the terminal point Wilmington, N. C., to New Bern, N. C., for a period of one year;

(g) Redesignate the terminal point Morehead City, N. C., on route segment 1 as Morehead City-Beaufort, N. C.;

(h) Restrict service at the intermediate point Aberdeen-Southern Pines-Pinehurst, N. C., on route segment 1 to the period between November 1 and April 30; and

(i) Eliminate the points Portsmouth, Ohio, Princeton-Bluefield, W. Va., and Charlottesville, Va., on route segment 2.

(j) Extension of the authorization to serve the intermediate point Danville, Va., for such period, not to exceed 5 years, as may be required by the public convenience and necessity, and the elimination from Route No. 87 of such terminal and intermediate points as may be required by the public convenience and necessity.

(k) Amendment of the certificate of Capital Airlines, Inc., for route No. 51 so as to eliminate therefrom the intermediate point Hickory, N. C.

(l) The air transportation proposed in the applications of Burlington, N. C., Docket No. 3417; City of Winston and Lenoir County, N. C., Docket No. 3560, as amended; City and Chamber of Commerce of Myrtle Beach, S. C., Docket No. 4673; Pitt County-City of Greenville, N. C., Airport Commission, Docket No. 3487, as amended; and Town of Wilson, N. C., Docket No. 4930; Piedmont Aviation, Inc., Docket Nos. 3395, 3727, 4838, and 4840; Eastern Air Lines, Inc., Docket No. 4837; and Delta Air Lines, Inc., Docket No. 4836.

II. Whether the air carrier applicants Piedmont Aviation, Inc., Eastern Air Lines, Inc., and/or Delta Air Lines, Inc., are fit, willing, and able to engage in local and feeder service over Route No. 87 as presently operated or proposed to be modified.

For further details of the service proposed and authorizations requested interested persons are referred to the applications, orders, petitions, motions, answers, correspondence, and the prehearing conference report on file with the Board.

Any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before August 20, 1951, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., July 24, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 51-8736; Filed, July 27, 1951; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 14]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812), as amended, and Executive Order 10161 (15 F. R. 6105), Economic Stabilization General Order No. 2 (16 F. R. 738), this delegation of authority is hereby issued.

1. Authority to act under GCPR, SR 45. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on all applications for adjustment under the provisions of sections 1–6 inclusive of GCPR, SR 45, as amended. The authority herein delegated may be redelegated

to the Directors of District Offices of the Office of Price Stabilization.

The delegation of authority shall take effect on August 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8810; Filed, July 27, 1951; 12:19 p. m.]

[Delegation of Authority 15]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER CEILING PRICE REGULATIONS 13, 17 AND 32

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) as amended, Executive Order No. 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to deny applications for adjustments of price ceilings made in accordance with the provisions of Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

2. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to make adjustments of ceiling prices in accordance with the adjustment provisions in Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

3. The authority herein delegated may be redelegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization.

This delegation of authority shall take effect on 28th day of July 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8809; Filed, July 27, 1951; 12:19 p. m.]

[Delegation of Authority 15, Supplement 1]

DIRECTOR OF TRANSPORTATION, PUBLIC UTILITIES AND FUELS DIVISION

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS OF CEILING PRICES UNDER CEILING PRICE REGULATIONS 13, 17 AND 32

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, and Delegation of Authority 15, this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director of the Transportation, Public Utilities and Fuels Division of the Office of Price Stablization, to deny applications for adjustments of price ceilings made in accordance with the provisions of Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

2. Authority is hereby delegated to the Director of Transportation, Public Utilities and Fuels Division of the Office of Price Stabilization to make adjustments of ceiling prices in accordance with the adjustment provisions in Ceiling Price Regulation 13, Ceiling Price Regulation 17 and Ceiling Price Regulation 32.

This delegation of authority shall take effect on 28th day of July 1951.

EDWARD F. PHELPS,
Assistant Director of the Office of Price Stabilization.

JULY 27, 1951.

[F. R. Doc. 51-8808; Filed, July 27, 1951; 12:19 p. m.]

FEDERAL POWER COMMISSION

[Project No. 1628]

L. D. SWEET

NOTICE OF ORDER WITH RESPECT TO ISSUING NEW LICENSE (MINOR)

JULY 24, 1951.

Notice is hereby given that, on June 5, 1951, the Federal Power Commission issued its order entered May 29, 1951, issuing new license (minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8680; Filed, July 27, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER OF HEARING PROCEDURE

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs for Television Broadcasting, Docket No. 8976.

1. On July 13, 1951, the Commission issued a "Notice of Proposed Procedure" (FCC 51-711) in the above-entitled matters, which stated that the Commission proposed to adopt, in principle, a hearing procedure in the remaining portion of these proceedings, requested in a petition filed July 6, 1951, by the National Association of Radio and Television Broadcasters in behalf of its Television Board (NARTB-TV). The NARTB-TV petition urged that the following procedure be adopted in these proceedings in lieu of oral hearings:

(1) Provide interested parties of record an opportunity to participate in further rule making on these subjects solely through submission of written data, views, or arguments in lieu of oral presentation in open hearing, said material to have the same force and effect as if such testimony and evidence had been presented orally at the hearing scheduled to begin on July 23, 1951.

(2) Provide for a 30-day period from the date of grant of this petition within which such parties of record may fully implement comments (including data, views or arguments) previously filed, having due notice that opportunity for oral presentation will not be provided, unless good cause is shown to the contrary by specific petition.

(3) Provide for an additional 30-day period within which such parties of record may submit written comments (including data, views, or arguments) in opposition to the implemented and additional comments filed in accordance with paragraph 2 above.

(4) Provide for the submission of the above specified, written testimony and evidence in affidavit form.

(5) Provide that such written data, views or arguments shall be filed with the Commission in sufficient number to permit reasonable access thereto at the Commission.

2. In its Notice of Proposed Procedure the Commission listed those parties who had indicated support of the NARTB-TV petition,[1] summarzied the reasons advanced by NARTB-TV in support of its petition, and stated in part as follows:

(5) The Commission is cognizant of the compelling need of concluding the instant proceedings at the earliest possible date consistent with due consideration of the important basic issues involved. It is keenly aware of the considerations referred to in the petitions described above and of the fact that the interest of the people of the United States requires that television become available on a nationwide scale at the earliest practicable moment and on a basis that will make for a fair, efficient, and equitable distribution of television service. It has, therefore, had under consideration possible methods for expediting progress of the instant proceedings in order to accomplish this objective.

As a result of such consideration, including a review of the petitions described above, the Commission announced a proposed written procedure for completion of the above-entitled proceedings, similar to that proposed by the NARTB-TV.

[1] The Notice of Proposed Procedure issued July 13, 1951, enumerated the following parties who supported the NARTB-TV petition: Keokuk Broadcasting Company, Keokuk, Iowa; Allegheny Broadcasting Company, Pittsburgh, Pennsylvania; Hirsch Broadcasting Company, Cape Girardeau, Missouri; The Gable Broadcasting Company, Altoona, Pennsylvania; Orlando Broadcasting Company, Orlando, Florida; KFRU, Inc., Columbia, Missouri; Lynchburg Broadcasting Corporation, Lynchburg, Virginia; and Pittsburg Broadcasting Company, Inc., Pittsburg, Kansas. In addition, the NARTB-TV petition was supported by the following other parties not listed in the Notice of Proposed Procedure: WGAL, Inc., Lancaster, Pennsylvania; WDEL, Inc., Wilmington, Delaware; Birmingham Broadcasting Co., Inc., Birmingham, Alabama, and Giddens & Rester, Mobile, Alabama.

3. In accordance with its Notice of July 13, 1951, the Commission held a formal pre-hearing conference on July 20, 1951, for the purpose of discussing the adoption of the proposed procedure. Over 200 parties appeared and participated in this conference. With the exceptions noted below, all the parties participating in the conference supported or did not object to the adoption of a written procedure in lieu of the further oral hearings contemplated by the Commission's "Third Notice of Further Proposed Rule Making" (FCC 51-244) issued in these proceedings. Allen B. DuMont Laboratories, Inc., Daily News Television Company, Pennsylvania Broadcasting Company, City Broadcasting Company and Michigan State College objected to any procedure which would preclude them from presenting oral testimony in these proceedings.

4. In addition to the views expressed at the pre-hearing conference held on July 20, 1951, the Commission has received written comments relating to the proposed procedure filed by numerous parties.[2] Some of these comments supporting the adoption of the proposed procedure also urged that greater periods of time be provided for the filing of evidence in writing in this proceeding than that suggested in the NARTB-TV petition. Some of the parties, although generally supporting the Commission's proposed procedure, urged that provision be made for the reception of some evidence by oral presentation.

5. Upon consideration of the pleadings filed with respect to the NARTB-TV petition, the Commission's Notice of Proposed Procedure issued July 13, 1951, the written comments filed pursuant to the July 13, 1951 Notice, and of the record of the pre-hearing conference held July 20, 1951, the following procedure is adopted for the remaining portion of these proceedings in lieu of the oral hearings now scheduled to commence on July 30, 1951:

a. The further oral hearings in the above-entitled proceedings now scheduled to commence July 30, 1951, are cancelled.

b. Any person who, pursuant to paragraph 12 of the Third Notice of Further Proposed Rule Making (FCC 51-244), issued on March 22, 1951 in these proceedings, has filed an appropriate comment or opposition with respect to Appendices C and D of the Third Notice, will be permitted to file sworn written statements or exhibits fully setting out their position in support of such pleadings. Parties who have heretofore filed such comments or oppositions may, if they choose, adopt such comments or oppositions, or any designated portion thereof, as their complete presentation with respect to any issue, by the filing of a sworn statement verifying the matters of fact set out therein.

c. Any person eligible to submit sworn statements or exhibits pursuant to subparagraph b above, will be permitted to submit sworn statements or exhibits directed against statements or exhibits offered by other parties pursuant to subparagraph b above.

d. Any statements or exhibits filed in accordance with subparagraphs b and c above which are not sworn to will not receive consideration by the Commission.

e. The Commission will, upon its own motion, or that of any proper party:

(1) Permit any party who has filed a sworn statement or exhibit in this proceeding in accordance with subparagraphs b or c above to make an oral presentation, in addition to the submission of such sworn statements or exhibits, with respect to any issue which in the Commission's judgment cannot be satisfactorily considered and disposed of without such oral presentation; and

(2) Order cross-examination of any person or party who has filed a sworn statement or exhibit in this proceeding in accordance with subparagraphs b or c above, if upon review of the statements and exhibits, it appears that relevant factual issues cannot otherwise be satisfactorily resolved.

f. Any party who has filed a sworn statement or exhibit pursuant to subparagraphs b and c above will be permitted to file a supporting brief with respect to any matter of fact or law raised by such statements or exhibits.

6. The Commission will not consider any sworn statements or exhibits, or any part thereof, filed pursuant to subparagraphs 5 b and c above which would have been inadmissible if presented as evidence in the oral hearings in these proceedings. Any party will be permitted to file a sworn statement or exhibit pursuant to subparagraph 5c above if such party would have been eligible to cross examine witnesses, or offer rebuttal, had these proceedings been conducted orally. It should be noted that parties whose comments filed in these proceedings on May 7, 1951, were by their terms in conflict with other comments, will be entitled to file sworn statements or exhibits in accordance with subparagraph 5c above even though specific oppositions directed to such other comments have not been filed.

7. In view of the fact that the issues raised by Appendices A and B of the Third Notice of Further Proposed Rule Making (FCC 51-244) are interrelated with those raised by the issues to be determined in the remaining portion of these proceedings, and in order to permit parties to make a full presentation of, their cases, the Commission has decided not to finalize Appendices A and B at this time. However, sworn statements or exhibits filed pursuant to paragraph 5 above must be consistent with Appendices A and B, with the following express exception: If a comment or opposition with respect to Appendices C and D of the Third Notice deviates from Appendices A or B, a sworn statement or exhibit inconsistent with Appendices A and B may be filed pursuant to paragraph 5 above if such statement or exhibit is inconsistent with Appendices A and B only to the extent that the comment or opposition is inconsistent with Appendices A and B.

8. Fifty copies of any statement or exhibit filed in accordance with subparagraphs 5 b and c above, or any pleading or brief filed pursuant to paragraph 5 e and f above, shall be filed with the Commission. Copies of such statements, exhibits, pleadings or briefs will be made available in the Commission's Public Reference Room, Room 8454, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C., for use by the parties. Such statements, exhibits, pleadings or briefs will be available for loan for reasonable periods of time upon request in person or by mail. Parties are encouraged but not required to serve copies of their statements, exhibits, pleadings and briefs on all other parties whose interests are affected by such documents.

9. Statements or exhibits filed pursuant to subparagraph 5c above shall be directed to the statements or exhibits of only one party, and shall clearly indicate on their face the party against whom such statements or exhibits are directed. Accordingly, parties desiring to file statements or exhibits pursuant to subparagraph 5c above, directed against statements or exhibits of more than one party, shall file separate statements or exhibits.

10. Reference is made to the Commission's "Notice of Order of Testimony" (Mimeo. 66241) issued July 19, 1951, and to the "*Addendum* to the Notice of Order of Testimony" (Mimeo. 66394) issued July 25, 1951. As indicated in the Table below the Notice of Order of Testimony, as corrected by the Addendum, will serve as a basis for the order in which the sworn statements or exhibits and other pleadings and briefs provided for by paragraph 5 above will be filed

[2] *Comments generally supporting proposed procedure.* Havens & Martin, Richmond, Virginia; Joint Committee on Educational Television; Piedmont Broadcasting Corporation, Danville, Virginia; Charticleer Broadcasting Company, New Brunswick, New Jersey; Western Slope Broadcasting Company, Grand Junction, Colorado; Veterans Broadcasting Company, Inc., Rochester, New York; Durham Broadcasting Enterprises, Inc., Durham, North Carolina; Capital Broadcasting Company, Inc., Raleigh, North Carolina; Eastern Utah Broadcasting Company, Price, Utah; Alvin E. O'Konski, Merrill, Wisconsin; Ken-Soll, Inc., West Palm Beach, Florida; Northwest Colorado Broadcasting Company, Craig, Colorado; Uncompaghre Broadcasting Company, Montrose, Colorado; WJR, The Goodwill Station, Inc., Detroit, Michigan; The Gazette Company, Cedar Rapids, Iowa; Buffalo Courier Express, Inc., Buffalo, New York; WGR Broadcasting Corporation, Buffalo, New York; WBXW, Inc., Buffalo, New York; WHUB, Inc., Cookeville, Tennessee; United Broadcast Company, Cleveland, Ohio; The WGAR Broadcasting Company, Cleveland, Ohio; Davenport, Broadcasting Company, Inc., Davenport, Iowa; WAVZ Broadcasting Corporation, New Haven, Connecticut; Earle C. Anthony, Inc., Los Angeles, California; The Travelers Broadcast Service Corporation, Hartford, Connecticut; The William H. Block Company, Indianapolis, Indiana; Booth Radio Corporation, Atlantic City, New Jersey; WCNT, Inc., Centralia, Illinois; WPIX, Inc., New York and WSM, Inc., Nashville, Tennessee.

Comments opposing adoption of proposed procedure. Allen B. Dumont Laboratories, Inc.; Daily News Television Company, Philadelphia, Pennsylvania.

with the Commission. The following Table shall be followed with respect to the date of filing of all statements, exhibits, pleadings and briefs in accordance with subparagraphs 5 b, c, e, and f above:

Parties who have filed proper comments or oppositions and who are listed in one of the following groups contained in the notice of order of testimony or addendum thereto.	Sworn statements or exhibits filed pursuant to subpar. 5 (b) above will be filed on or before.	Sworn statements or exhibits filed pursuant to subpar. 5 (c) and directed against statements or exhibits filed under subpar. 5 (b) above will be filed on or before	Pleadings filed pursuant to subpar. 5 (e) and briefs filed pursuant to subpar. 5 (f) will be filed on or before.
Allen B. DuMont Laboratories, Inc; parties who have filed oppositions to the comments of Allen B. DuMont, Laboratories.	Aug. 27	Sept. 17	Oct. 1.
Groups A through F	Sept. 4	Sept. 25	Oct. 9.
Groups G through M	Sept. 10	Oct. 1	Oct. 15.
Groups N through R	Sept. 17	Oct. 8	Oct. 22.
Groups S through W	Sept. 24	Oct. 15	Oct. 29.
Groups X through AA	Oct. 1	Oct. 22	Nov. 5.
Groups BB through EE	Oct. 8	Oct. 29	Nov. 12.
Groups FF through II	Oct 15	Nov. 5	Nov. 19.
Groups JJ through NN	Oct. 22	Nov. 12	Nov. 26.

11. All statements or exhibits filed pursuant to subparagraph 5c above must be filed not later than 21 days after the statement or exhibit against which it is directed. Where a party's comment or opposition filed in these proceedings appears in more than one group in the Notice of Order of Testimony or Addendum thereto, statements, exhibits, pleadings or briefs shall be filed on the date specified for the first group in which such comment or opposition is listed.

12. On June 21, 1951, Westinghouse Radio Stations, Inc., filed a petition with the Commission requesting that it be permitted to present its affirmative case, in these proceedings, in writing, and requesting insofar as its case is concerned that the only oral testimony be on cross examination. In view of the procedure adopted by the Commission herein for the remaining portion of these proceedings, the petition of Westinghouse Radio Stations, Inc., is rendered moot and is accordingly hereby dismissed.

13. This Order is issued pursuant to section 4 (i) and (j) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

Adopted: July 25, 1951.

Released: July 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8697; Filed, July 27, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26276]

BITUMINOUS COAL FROM ILLINOIS MINES TO CHICAGO, ILL.

APPLICATION FOR RELIEF

JULY 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of the New York Central Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Illinois mines.

To: Chicago, Ill.

Grounds for relief: To meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-8682; Filed, July 27, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18214]

BANK OF SILESIAN LANDOWNERS ASSN.

In re: Interest account owned by Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau. F-28-5132.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau, the last known address of which is Breslau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Breslau, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York City, New York, arising out of an interest account, entitled "City Bank Farmers Trust Company, Co-Fiscal Agent under Fiscal Agency and Trust Agreement, dated as of August 1, 1927, covering Schlesische Landschaftliche Bank zu Breslau, First Mortgage Collateral 6 Percent Sinking Fund Gold Bonds due August 1, 1947", maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bank of Silesian Landowners Association in Breslau, also known as Schlesische Landschaftliche Bank zu Breslau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8668; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18215]

MATHILDA SOLDAN

In re: Stock and Bonds owned by, and a debt owing to Mathilda Soldan, also known as Mathilda Bertha Soldam. F-28-30148; F-28-31188-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Soldan, also known as Mathilda Bertha Soldam, whose last known address is 2 Griegstrasse, Berlin-Dahlem, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) voting trust certificate for ten (10) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO-12093, registered in the name of Slade & Company, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

b. One (1) voting trust certificate for five (5) shares of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO 12553, registered in the name of Slade & Company, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

c. One (1) St. Louis-San Francisco Railway Company First Mortgage Series "A" bond due January 1, 1997, of $500.00 face value, bearing the number 2305 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

d. Two (2) St. Louis-San Francisco Railway Company Second Mortgage 4½ percent Series "A" bonds of $200.00 face value each, bearing the numbers 788 and 792, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

e. One (1) voting trust certificate for Forty-four Hundred Ten Thousands (4400/10,000ths) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 10862 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

f. One (1) voting trust certificate for Twenty-two Hundred Ten Thousands (2209/10,000ths) share of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 11101, and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

g. One (1) scrip certificate for St. Louis-San Francisco Railway Company First Mortgage 4 percent bond, said certificate numbered 13202 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto;

h. One (1) scrip certificate for St. Louis-San Francisco Railway Company Second Mortgage, Series "A" 4½ percent income bond, said certificate numbered 13551 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, in an account entitled "American Express Co., m. b. H., Berlin," together with any and all rights thereunder and thereto, and,

i. Those certain debts and other obligations of The American Express Company, Inc., New York Agency, 65 Broadway, New York, New York, representing accretions from and allocable to the securities described in subparagraphs 2a, 2b, 2c, 2d, 2e, 2f, 2g, and 2h hereof, constituting a portion of the funds on deposit with the aforesaid express company in an account entitled "The American Express Company, Inc., Berlin," together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mathilda Soldan, also known as Mathilda Bertha Soldam, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8669; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18225]

PAUL BELLINGER ET AL.

In re: Cash owned by Paul Bellinger and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount set forth opposite each name in the aforesaid Exhibit A, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of each of the persons listed in the aforesaid Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Address	Amount	File No.
Paul Bellinger	Germany	$260.00	F-28-31540-E-1
Albert Franz Brand	do	107.94	F-28-31530-E-1
Wilhelm A. Braum	do	205.00	F-28-31529-E-1
Friedrich Brnett and Anna Brnett	do	101.85	F-28-30466-E-1
Edith Buetel	do	200.70	F-28-31531-E-1
Adolph F. Danckwart	do	459.00	F-28-31533-E-1
Paul Detgen	do	115.67	F-28-31534-E-1
Walter George Emmel	do	199.82	F-28-31535-E-1
Leo Fritz Escher	do	148.00	F-28-31536-E-1
Otto Frommeld	do	104.25	F-28-31537-E-1
Dr. Hans Gees	do	180.00	F-28-31538-E-1
Karl Albert Gisseler	do	180.00	F-28-31539-E-1
Ernst Friedrich Gradans	do	134.00	F-28-31541-E-1
Otto Hartleben	do	100.00	F-28-31542-E-1
Rudolf F. Hintze	do	101.00	F-28-31543-E-1
Ewald Gustav Hubert	do	188.00	F-28-31544-E-1
Otto Kreutzmann	do	161.81	F-28-31325-E-1
Julie E. Krueger	do	145.00	F-28-31545-E-1
Hans Friedrich Meissner	do	173.80	F-28-31546-E-1
Friedrich Wilhelm K. Mevius	do	110.00	F-28-31547-E-1
Carl Ockelmann	do	101.60	F-28-31549-E-1
Paul Georg Oehmer	do	150.00	F-28-31550-E-1
Otto Palm	do	140.00	F-28-31551-E-1
Wilhelm Noltenius	do	258.10	F-28-31577
Friedrich Peitzner	do	350.10	F-28-31562-E-1
Rudolf Peters	do	280.00	F-28-31563-E-1
Paul Rositzka	do	108.68	F-28-31555-E-1
Friedrich M. Schaaf	do	103.00	F-28-31552-E-1
Wilhelm Schmidt-Krönert	do	246.00	F-28-31553-E-1
Peter Schoenfeld	do	115.00	F-28-31554-E-1
Georg Seevers	do	125.00	F-28-31557-E-1
Otto Albert A. Sievert	do	134.00	F-28-31558-E-1
Karl Engelbert Sorg	do	291.05	F-28-31559-E-1
Pauline Sorg	do	397.05	F-28-31560-E-1
Alfred Heinrich Stammer	do	124.00	F-28-31561-E-1
Elsa Ullrich	do	197.47	F-28-31564-E-1
Robert Vogl, also known as Robert M. Vogl	do	219.35	F-28-30485-E-1
Werner Otto Voigt	do	378.00	F-28-31565-E-1
Johann Weyers	do	398.87	F-28-31566-E-1
Heribert Wilhelm Wilmes	do	186.00	F-28-31567-E-1
Otto Erich Wistuba	do	129.70	F-28-31568-E-1
Helmuth Zacharias-Langhans	do	155.00	F-28-31569-E-1
Herbert Ernst Zippel	do	275.00	F-28-31570-E-1

[F. R. Doc. 51-8720; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18216]

LUDWIG THIELKING ET AL.

In re: Bank accounts owned by Ludwig Thielking and others. F-28-31524; F-28-31525; F-28-31526; F-28-31527.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Thielking, Heinrich Thielking, Johann Thielking and Fritz Thielking, each of whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11670, entitled Lena Hinrichs as attorney in fact for Ludwig Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Thielking, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11671, entitled Lena Hinrichs as attorney in fact for Heinrich Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Thielking, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account number H 11672, entitled Lena Hinrichs as attorney in fact for Johann Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johann Thielking, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of Bronx County Trust Company, Fordham Branch, Jerome Avenue, Bronx, New York, arising out of a savings account, Account Number H 11673, entitled Lena Hinrichs as attorney in fact for Fritz Thielking, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Thielking, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8670; Filed, July 26, 1951; 8:52 a. m.]

[Vesting Order 18228]

CARL JUNGBLUT ET AL.

In re: Securities owned by Carl Jungblut and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal place of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Karl Mayer and Johann Philipps Finzel, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

4. That the personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

5. That the personal representatives, heirs, next of kin, legatees and distributees of Richard and Augusta von Laer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon.

b. Those certain bonds described in Exhibit B, owned by the persons identified as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) Full Share Warrant, numbered 408 for 132 shares of common stock of the Consolidated Retail Stores, Inc., owned by Karl Mayer, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

d. One (1) Participating Trust Certificate, numbered 1397, issued in connection with the stabilization of Teutonia Avenue State Bank, Milwaukee, Wisconsin, owned by Johann Philipp Finzel, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraphs 1, 2, 4 and 5 hereof and the persons named in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States, requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Divide Extension Consolidated Mines Co.	Capital	$0.10	3296, 4413, 4625	3,000	Wilhelm Becker.
Appalachian Gas Corp.	Common	None	NC 17813, NC 013591	120	Do.
Cities Service Co.	do	None	FL 69220	30	Do.
The Utah Placer Co.	Capital	None	421	100	Marie Henriet Tillie.
American Oil & Refining Co.	do	1.00	1919, 1920	200	Elisabeth Gertrud Wyles.
Home Petroleum Co.	do	10.00	1705, 1706	50	Do.
Seaman-East Grocer Co.	do	25.00	42	20	Friedrich Michel.
Griesedieck Real Estate Co.	do	50.00	18, 28, 83	175	Elisabeth Griesedieck.
Griesedieck Artificial Ice Co.	do	500.00	49, 78	52	Do.
Ingram Mining & Milling Co. of Illinois.	do	10.00	523, 841, 835, 2078, 2080.	4,215	Do.
The California & Mexico Gold Mining Co.	do	1.00	944	1,000	Emma Wagner.
Union Oil Co. of California	do	25.00	NY/O 1218	44	Werner Kohl.
Roxy Theatres Corp.	Class A	None	A 15875	15	Personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased.
Roxy Theatres Corp.	Common	None	C 20732	5	Do.
The Baltimore & Ohio R. Co.	do	100.00	D 57742, A 21287, A 36620, A 51702.	25	Wilhelm Saueressig.
Pyramid Bond Mortgage & Securities Corp.	Capital Class A		Series A—1506	13113/9	Peter and Claire Perabo.
Glengarry Mining Co.	Capital	1.00	322B	500	Generaldirektor Carl Ruecker.
Treasure Mountain Gold Mining Co.	do	.25	1394, 1700, 1853	120	Johann Philipp Finzel.
BX Corp.	do	.01	16	20	Personal representatives, heirs, next of kin, legatee and distributees of Frank Baumann, deceased.

EXHIBIT B

Description of issue	Face value	Certificate No.	Owner
International Standard Electric Corp. 15-year 4 percent Dutch guilder debentures.	[1]1,000	D 05144/58	Carl Jungblut.
Associated Gas & Electric Co., gold debenture bond.	$1,000.00	RT 21975	William and Martha Weimer.
St. Louis-San Francisco Ry. Co., prior lien mortgage 4 percent gold bonds Series A.	100.00	C 4979/80	Louis Blum.
Do.	100.00	C 4977/78	Ludwig Otto Schmidt.
St. Louis Southwestern Ry. Co., second mortgage 4 percent gold income bond certificate.	500.00	672	Betty Birkner.
BX Corp., Series BX-8 income debenture	2,000.00	16	Personal representatives, heirs, next of kin, legatees and distributees of Frank Baumann, deceased.
New York Title & Mortgage Co., Series BX-8 guaranteed first mortgage certificate.	2,000.00	94	Do.
The Denver & Rio Grande Western Railroad Co., general mortgage sinking fund gold bonds.	1,000.00	M 16766	Personal representatives, heirs, next of kin, legatees and distributees of Richard and Augusta von Laer, deceased.
	100.00	C 400	

[1] Dutch guilders.

[F. R. Doc. 51-8723; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18217]

DEUTSCH-ATLANTISCHE TELEGRAPHENGESELLSCHAFT AND AMERICAN EXCHANGE NATIONAL BANK

In re: Trust under trust deed of Deutsch-Atlantische Telegraphengesellschaft (German-Atlantic Cable Company) to the American Exchange National Bank dated April 1, 1925. File Nos. F-28-7684 and E-1; F-28-23362-G1; D-28-1927; F-28-2251.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Deutsch-Atlantische Telegraphengesellschaft is a corporation, partnership, association or other organization organized under the laws of Germany, which has or has had, on or since the effective date of Executive Order 8389, as amended, its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to any and all cash and securities payable or deliverable to the aforesaid Deutsch-Atlantische Telegraphengesellschaft, under the provisions of a trust deed dated April 1, 1925 of the Deutsch-Atlantische Telegraphengesellschaft to the The American Exchange National Bank, presently being administered by the Irving Trust Company, as successor trustee, New York, New York.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United

States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8712; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18218]

TAKESHI INOKUCHI

In re: Rights of Takeshi Inokuchi, also known as George T. Inokuchi under Insurance Contract. File No. D-39-18462-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeshi Inokuchi, also known as George T. Inokuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-128878, issued by the California-Western States Life Insurance Company, Sacramento, California, to Takeshi Inokuchi, also known as George T. Inokuchi, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Takeshi Inokuchi, also known as George T. Inokuchi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8713; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18219]

RUDOLF T. AND ELSE KESSEMEIER

In re: Rights of Rudolf T. Kessemeier and of Else Kessemeier under Insurance Contract. File No. D-28-10687-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf T. Kessemeier and Else Kessemeier whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2 143 100 issued by The Penn Mutual Life Insurance Company to Eleanore B. Brown, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Penn Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rudolf T. Kessemeier or Else Kessemeier, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8715; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18221]

URSULA M. SCHLICHTER

In re: Rights of Ursula M. Schlichter under Insurance Contracts. Files Nos. F-28-30692-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ursula M. Schlichter whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 34 169 830 and 34 169 831 issued by the Metropolitan Life Insurance Company to Ursula M. Schlichter, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ursula M. Schlichter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8714; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18220]

JOHN H. RODE

In re: Estate of John H. Rode, deceased. File No. D-28-13033.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Luehrs, nee Rode, Lina Rode, Heinrich Rode, Willi Rode, Henny Strampe, Harry Woebse, Horst Woebse, Ida Woebse, and Hartwig Woebse, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of John H. Rode, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert G. Closstermann, as executor, acting under the judicial supervision of the Circuit Court of Multnomah County, Oregon;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8716; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18222]

ICHIRO AND TOKUE TAKAHASHI

In re: Rights of Ichiro Takahashi and of Tokue Takahashi under Insurance Contract. File No. F-39-5938-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Takahashi and Tokue Takahashi whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 779835 issued by Home Insurance Company of Hawaii, Ltd., General Agent, New England Mutual Life Insurance Company, Honolulu, T. H., to Ichiro Takahashi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Home Insurance Company of Hawaii, Ltd., General Agent, New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ichiro Takahashi or Tokue Takahashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8717; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18230]

ANDREAS KNESCHKE ET AL.

In re: Securities owned by Andreas Kneschke and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B attached hereto and by reference made a part hereof, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Helene Schall, whose last known address is 55 Berlinerstr., Meiningen/Thuer, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Irma Baensch, whose last known address is Herrenhaus Raschwitz, Markleeberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Ernst Becker, whose last known address is 10 Bremer Weg, Leipzig-Wiederitzsch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) $20.00 face value interest coupon numbered 96, of the Denver and Rio Grande Railroad Company on its first consolidated mortgage bond numbered 24588, due July 1934, owned by Helene Schall, which coupon is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. Five (5) common stock subscription warrants of the Havana Electric Railway Company, evidenced by certificates numbered 770, 1615, 1616, 1617 and 1618, owned by Irma Baensch, which certificates are in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

e. One (1) Guaranteed First Mortgage Certificate, issued by the Title Guarantee and Trust Company, New York City, guaranteed by Bond and Mortgage Guarantee Company, Certificate No. B64880, of $7,000.00 face value, owned by Ernst Becker, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and the persons named in subparagraphs 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States

requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Anon Oil Co. of Delaware	Capital	$10.00	00035	3	Andreas Knoschke.
Chicago & Northwestern Ry. Co.	Common	100.00	276727	31	Barbara Eleonore Boden.
Do	Preferred	100.00	037534	14	Do.
Goldfield Deep Mines Co. of Nevada.	Capital	.05	21341	220	B. Stern, Jr.
Do	do	.05	N. Y. 31069	33	Knauth, Nachod & Kuehne.
Karl Krause U. S. Corp	do	100.00	1	117	Karl Blagosch.
			4		
			7		
Do	do	100.00	2	117	Curt Blagosch.
			5		
			8		
Do	do	100.00	3	116	Dr. Heinrich Blagosch.
			6		
			9		
Original Laminated Patent-Barrel Co., Inc.	do	$100.00	714	160	Georg Mueller.
The Regina Corp		None	140	74	Knauth, Nachod & Kuehne.
			165	75/100	
			106	157/100	
The Rock Island Co.	Common	100.00	B13557	50	Do.
Do	do	100.00	B76534/7	40	Walter Naether.
The Ryan Car Co	Preferred	100.00	P0149	10	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
The Second National Bank & Trust Co. of Red Bank, Red Bank, N. J.	Cum. preferred	100.00	SC2433	191.00	Dr. Joseph Muendnich.
Steel Products Corp. of America.	Common	None	NY1100	10	Reichsbank Halle.
United Copper Co	Preferred	100.00	1902	100	Knauth, Nachod & Kuehne.
The Tri-Bullion Smelting & Development Co., Arizona.	Common	.10	845	820	Leonore Hampe.
	B Capital	.10	B791	510	
Wisconsin Motor Co	Common	None	464	20	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
	Preferred	100.00	403	10	

EXHIBIT B

Description of issue	Face value	Certificate number	Owner
Alabama Tennessee & Northern Railroad Co., first mortgage 5 percent 50-year gold bonds, due Oct. 1, 1956.	[1] $1,000.00	430 472	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.
Interborough-Metropolitan Co., collateral trust 4½ percent gold bonds, due Apr. 1, 1956.	[1] 1,000.00	60754 61334	Do.
International Mortgage & Investment Corp., 6½ percent 5-year gold bonds, due Apr. 1, 1932.	[1] 1,000.00	522 523 524	Margarete Georgi.
International Mortgage & Investment Corp., 6½ percent 5-year gold bonds, due Feb. 1, 1932.	[1] 1,000.00	M775 M776 M777	Do.
Missouri Pacific R. R. Co., first and refunding mortgage 5 percent gold bonds, Series F, due Mar. 1, 1977.	[1] 1,000.00	22273 22274	Fritz Hanke.
Missouri Pacific R. R. Co., first and refunding mortgage 5 percent gold bonds, Series F, due Mar. 1, 1977.	[1] 1,000.00	22271 22272	Martin Lanzendorf.
Yosemite Short Line Ry. Co., 40-year first mortgage sinking fund 4½ percent gold bonds, due Sept. 1, 1945.	[1] 100.00	99 100 943	Stillhaltekommissar Abwicklungsstelle in den Westgebieten.

[1] Each.

[F. R. Doc. 51-8725; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18223]

KAZUO TAKAHASHI

In re: Rights of Kazuo Takahashi under Insurance Contract. File No. D-39-1297-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuo Takahashi whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 711984 issued by New England Mutual Life Insurance Company to Kazuyuki Takahashi and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kazuo Takahashi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8718; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18224]

MRS. NOBUE TORASAKI AND TORU TORASAKI

In re: Rights of Mrs. Nobue Torasaki and Toru Torasaki under Insurance Contract. File No. F-39-1737-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Nobue Torasaki and Toru Torasaki whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due the above designated nationals under a contract of insurance evidenced by Policy No. 1,173,588 issued by Sun Life Assurance Company of Canada to Mosuke Torasaki together with the right to demand, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Nobue Torasaki and Toru Torasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8719; Filed, July 27, 1951; 8:47 a. m.]

[Vesting Order 18226]

DEUTSCHE FANTO MINERALOEL-INDUSTRIE-GESELLSCHAFT MIT BESCHRAENKTER HAFTUNG

In re: Debt owing to Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg. F-28-9542, F-11-226, F-57-98.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg, the last known address of which is 11 Meenckebergstrasse, Hamburg, Germany, is a corporation, organized under the laws of Germany, which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, in the amount of $255,076.76, arising out of a portion of a deposit account in the name of Banque Chrisseveloni, S. A. R., Bucharest, Roumania, maintained at the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Fanto Mineraloel-Industrie-Gesellschaft mit beschraenkter Haftung, Hamburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8721; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18227]

CERTAIN GERMAN ACCOUNTS

In re: Accounts owned by Germany. F-28-4403.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That City of Cologne is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of an interest account opened prior to January 1, 1935, entitled "City of Cologne 25 Year 6½ Percent Sinking Fund Gold Bonds of 1925, due March 15, 1950", maintained at the office of the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of a sinking fund account opened prior to January 1, 1935, entitled "City of Cologne 25 Year 6½ Percent Sinking Fund Gold Bonds of 1925, due March 15, 1950", maintained at the office of the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8722; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18229]

HYOTARO KANEKO

In re Bank account owned by Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko. D-39-5338.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Security-First National Bank of Los Angeles, Los Angeles, California, arising out of a commercial account, entitled "H. Kaneko," maintained at the branch office of the aforesaid bank located at 2017 East Fourth Street, Long Beach, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hyotaro Kaneko, also known as Ryotaro Kaneko, Reizo Kaneko and as R. Kaneko, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy coun-

try, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8724; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18231]

JULIUS KULLAK ET AL.

In re: Securities owned by Julius Kullak and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Kullak, whose last known address is Wesermuende-Mitte, Fichtestr. 4, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Johann H. Knoop, whose last known address is Rechtenfleth Krs. Wesermuende, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Margaret Korte Wrede, whose last known address is Loxstedt, Kreis Wesermuende Bahnhofstr. 166, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Helene Piwowarski Wiechmann, whose last known address is Wesermuende-G Georg Seebeckstr. 49, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Kaethe Henken, whose last known address is Wesermuende Johannesstr. 32, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Sophie Karstens, whose last known address is Bolmerharln, Friesenstr. 32, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That the property described as follows:

a. One hundred (100) shares of $10.00 par value capital stock of American Portland Cement Company of Little Rock, Arkansas, evidenced by a certificate numbered 851, owned by Julius Kullak, which certificate is presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Five (5) 8 percent five year bonds, Series A, due January 1, 1924, of The Dixie Oil Company of Kentucky, Inc., of $100.00 face value each, bearing the numbers 1248 through 1252 owned by Johann H. Knoop, which bonds are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. Two (2) Bond Issue Notes of The Dixie Oil Company of Kentucky, Inc., numbered 1015 and 1016, issued July 15, 1918, owned by Johann H. Knoop, which notes are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) Bond Issue Note of The Dixie Oil Company of Kentucky, Inc., numbered 1495, issued October 1, 1918, owned by Johann H. Knoop, which note is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. Fifty (50) beneficial interest shares of $10.00 par value in the Katy Oil Company, evidenced by a certificate numbered 28, owned by Johann H. Knoop, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. That certain debt or other obligation evidenced by two (2) common stock dividend checks of the Radio Corporation of America, drawn on The Chase National Bank of the City of New York, said checks being payable to Fred. Korte, Loxstedt near Bremmerhaven, Germany, endorsed in blank by Margaret Wrede and Ludwig Wrede, numbered and in the amounts as set forth below:

Check No.	Amount	Dividend No.
225765	$18.00	3
227127	16.70	4

owned by Margaret Korte Wrede which checks are presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

g. One (1) guaranteed 5½ percent first mortgage participation certificate, numbered T441, issued by Steneck Title & Mortgage Guaranty Company, Hoboken, New Jersey, of $300.00 face value, owned by Helene Piwowarski Wiechmann, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. One (1) participation certificate in No. 875 Boulevard East, Weehawken, New Jersey, issued by Clinton B. Snyder, Trustee certifying that $5,300.00 is due the holder thereof with 5½ percent interest from May 1931, owned by Helene Piwowarski Wiechmann, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) scrip certificate numbered S2996 representing fractional interest of 620/1910ths in a share in a voting trust of the capital stock of the Seaboard Trust Company, owned by Kaethe Henken, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) non-transferable receipt, issued May 9, 1932, numbered 1706, for assignment of claim of depositor against Steneck Trust Company under plan and agreement dated April 15, 1932, owned by Kaethe Henken, which receipt is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

k. One (1) Steneck Title & Mortgage Guaranty Company, Hoboken, New Jersey, 5½ percent guaranteed first mortgage participation certificate numbered T233 of $500.00 face value, owned by Sophie Karstens, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5 and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8726; Filed, July 27, 1951; 8:48 a. m.]

[Vesting Order 18233]

BABETTE NEEDER ET AL.

In re: Securities owned by Babette Needer and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B, attached hereto, and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy couuntry (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, attached hereto and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations, organized under the laws of Germany and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Josef Altmann, whose last known address is Ansbach, Schwanenstr. 6, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Richard Huber, whose last known address is Augsburg, Neidharstr. 15/III, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Karl Feilner, whose last known address is Riederau am Ammersee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Karl Vogels, whose last known address is 25 Prinzregentenstr. Augsburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Annie Nuesslein, whose last known address is 23/II Zinkenwoerth, Bamber 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Maria Lueg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That Gretchen Zink nee Geissler, whose last known address is Fuerth i. B. 3 Schirm Str., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Eugen Hellmuth, whose last known address is Fuerth/B Moststr. 35, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That Friedrick Schmitz, whose last known address is Kitzingen a/Main, Bismarckstr. 8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

12. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. Two (2) certificates of deposit of Wabash-Pittsburgh Terminal Railway Company second mortgage 4 percent gold bonds due 1954, numbered 2166 and 3380, each of $1,000.00 face value, owned by Josef Altmann, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) certificate of indebtedness, numbered 3742, Series No. 1, of the Oregon and California Railroad Company evidencing an indebtedness in the sum of $35.00 for unpaid interest of warrant numbered 7 of first mortgage bond numbered 3742 of said Oregon and California Railroad Company, owned by Richard Huber, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) trust certificate, numbered 7, representing three (3) shares of no par value capital stock of 1608 Sherwin Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. One (1) common stock voting trust certificate numbered 4, dated October 15, 1931, signed by Straus National Bank and Trust Company of Chicago, Agent of the Trustees of the Upper La Salle Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) voting trust warrant certificate, numbered W4, for 26/100ths share of common stock of the Upper La Salle Building Corporation, owned by Karl Feilner, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. One (1) share of a beneficial interest in United States Silver Fox Farms of California, of $10.00 par value, evidenced by certificate numbered 2684, and one (1) share of beneficial interest in United States Fox Farms of California, of no par value, evidenced by certificate numbered 1489, owned by Karl Vogels, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) scrip certificate numbered 41300 for 2/10ths of one (1) share of $10.00 par value capital stock of the Amerex Holding Corporation, owned by Annie Nuesslein, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) certificate of deposit numbered AD762, for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bond, Series A, due July 1, 1950, of $500.00 face value, owned by Maria Lueg, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) certificate of deposit, numbered 11729 of The Real Estate Bondholders Protective Committee for $1,000.00 principal amount of Eastern Ambassador Hotels first and refunding mortgage fee 5½ percent sinking fund gold bond numbered M15234, due June 15, 1947, owned by Gretchen Zink nee Geissler, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. One (1) coupon, numbered 4, due October 1, 1880, No. 03742, owned by Richard Huber, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

m. One (1) trustee's certificate numbered 02250 issued by The Liberty Title and Trust Company for one-fifth (⅕) of one share of $20.00 par value stock of Metals Coating Company of America, owned by Eugen Hellmuth, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

n. One (1) trustee's certificate numbered 02575 issued by The Liberty Title and Trust Company for one-fifth (⅕) of one share of $20.00 par value stock of Metals Coating Company of America, owned by Friedrich Schmitz, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

13. That to the extent that the persons named in subparagraphs 3, 4, 5, 6, 7, 8, 9, 10, and 11 hercof and the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate Nos.	Number of shares	Owner
Transamerica Corp.	Capital		SF/T 16384	20	Emmy Maar.
The Denver & Rio Grande Western RR. Co.	6 percent cumulative preferred.	$100.00	PF 2299	16	Michael Imhof.
Premier Shares, Inc.	Capital	None	L 1239	80	Katharina Stadtmueller.
Airship Construction & Navigation Corp.	Common	None	286, 289	200	Hans Kratzer & Co.
Dearborn Chrldge Co.	do	None	719	3	Karl Feilner.
Gold Coin Mining Co.	do	5.00	1041	19 9/100	Detmar Fr. Stahlknecht.
			1418	4	
1740 Humboldt Bldg Corp.	do	None	89	3	Karl Feilner.
Universal Security Corp.	Preferred	50.00	F 1046	16	Josef Bastgen.
Universal Security Corp.	Common	None	C 1148	16	Do.
Chicago North Shore & Milwaukee RR. Co.	Prior lien capital stock.	100.00	PLC 27084	5	Emilie Herde.
Cities Service Co.	Common	None	VL 246005, VL 406886, VL 528399, XL 29550.	38	Annie Nuesslein.
Freeport Texas Co.		None	O 66204	10	Adam Stappenbacher.
Blue Ridge Corp.	Common	None	TRCO 779	5	Hans Hoffmeister.
The Doyle Consolidated Mines Co.	Capital	1.00	599/607, 609/612	325	Rosa Paulranz.
Glengarry Mining Co.	do	1.00	628 B	500	Margarete Vahlbruch.
Northern Mining Corp.	do	None	0390	500	Do.
Packard Motor Co.	do	None	NO 64744	10	Hans Hoffmeister.
Richfield Oil Co. of California.	Common		SC, 0 23185	10	Arno Platsch.
Associated Calitalo Holdings, Ltd.	Capital	.10	CL 7375	20	Alosi Held.
Waldorf Bungalows, Inc.		None	76	89/100	Georg Martin Simon and Elise Simon.
Cities Service Co.	Common	None	VL 758918, XL 333907.	45	Johann Koenig.
Steel Products Corp. of America.	do	None	NY 1246	10	Gregor Weber.
Park Utah Consolidated Mines Co.	Capital	1.00	N. Y. O. 22736	70	Albertine Grau.

EXHIBIT B

Description of Issue	Face value	Certificate No.	Owner
Chicago, Milwaukee, St. Paul & Pacific R. R. Co. 50-year 5 percent mortgage gold bond Series A, due Feb. 1, 1975.	$500.00	D 1990	Babette Needer.
Cities Service Co. 5 percent convertible gold debenture due June 1, 1950.	1,000.00	M 95372	Alfred Lochner.
Union Pacific R. R. Co. first mortgage railroad and land grant 4 percent gold bond, due 1947.	1,000.00	M 41243	Do.
The Galveston, Houston & Henderson R. R. Co. 10 percent land bond.	100.00	1840	Helene Rothbarth.
Western Pacific R. R. Co. first mortgage 5 percent gold bonds, Series A, due Mar. 1, 1946.	100.00	C 508	Wilhelm Klaubert.
	100.00	C 509	
	100.00	C 510	
	100.00	C 511	
	100.00	C 1743	
	100.00	C 1744	

[F. R. Doc. 51-8728; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18232]

YASABURO MATSUKAWA

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased. D-39-7257-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of the Seattle First National Bank, International Branch, 562 Jackson Street, Seattle 4, Washington, arising out of a Checking Account, entitled Y. Matsukawa, maintained with the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the amount of $23.54 as of August 23, 1945, presently on deposit in a Trust Fund Receipt Account, Account No. 148881 entitled "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" on Warrant No. 1052, dated March 10, 1948, maintained with the aforesaid Department, together with all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Yasaburo Matsukawa, also known as Y. Matsukawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8727; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18234]

NINISTIFTUNG IN GLARUS

In re: Accounts maintained in the name of Ninistiftung in Glarus, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-63-12692.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, have reference to Germany or Japan.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Ninistiftung in Glarus Amsterdam, the Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Bank Deposit—Ninistiftung in Glarus, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 145.

[F. R. Doc. 51-8729; Filed, July 27, 1951; 8:49 a. m.]

[Vesting Order 18235]

EDDA MUSSOLINI CIANO

In re: Bank accounts owned by Edda Mussolini Ciano. F-63-12533.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and Executive Order 9989, and pursuant to law, after investigation, it is hereby found and determined:

1. That Edda Mussolini Ciano is a citizen and national of Italy and, since the effective date of Executive Order 8389, as amended, has acted or purported to act directly or indirectly for the benefit or under the direction of Germany and is by virtue of Executive Order 8389, as amended, also a national of Germany;

2. That to the extent that Edda Mussolini Ciano is not within a designated enemy country, the national interest of the United States requires that she be treated as a national of a designated enemy country;

3. That the property described as follows:

a. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, arising out of an account entitled Edda Mussolini Ciano maintained with said Company and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of an account entitled Edda Ciano maintained with said Bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, Edda Mussolini Ciano, the aforesaid national of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8730; Filed, July 27, 1951; 8:49 a. m.]

[Return Order 984]

EVERETT IRION

The claim referred to below was set down for hearing, and a decision thereon allowing return of the property listed below was issued by the Chief Hearing Examiner for Title Claims and is incorporated by reference herein and filed herewith. A review of the Decision regarding the said property was denied by the Director of the Office of Alien Property on February 23, 1951, and the Decision thereupon became final (8 CFR 502.22). The Director thereafter determined that a return of the property listed below would be in the national interest (F. R. Doc. 51-3395; Filed, March 15, 1951). A determination regarding fees of attorneys was issued and is filed herewith.

It it ordered, That the claimed property, described below be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Everett Irion, Trustee, Dallas, Tex.; Claim No. 33958; March 16, 1951 (16 F. R. 2486); $38,544.89 in the Treasury of the United States. All property described in Assignments dated March 19, 1947, and June 24, 1947, respectively from H. Molsen & Co. to the Attorney General of the United States, including specifically, certain accounts receivable therein identified. All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 183 (7 F. R. 9360, November 13, 1942) in and to all other property and assets arising from the liquidation of H. Molsen & Co.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8731; Filed, July 27, 1951; 8:49 a. m.]

YSABEL DE PANIAGUA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Ysabel de Paniagua, Paris, France; Claim No. 41766; property described in Vesting Order No. 666 (8 F. R. 5047, April 18, 1943) relating to United States Letters Patent Nos. 1,863,436 and 1,960,142.

Executed at Washington, D. C., on July 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-8673; Filed, July 26, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER REMAINING FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of July 1951.

In the matter of the Southern Company, Alabama Power Company, File No. 70-2435; and Electric Bond and Share Company, File No. 70-2436.

The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), a public utility subsidiary of Southern, having filed a joint application-declaration and amendments thereto (File No. 70-2435) pursuant to the Public Utility Holding Company Act of 1935, with respect to, among other things, the acquisition by Southern of the common stock of Birmingham Electric Company ("Birmingham"), then a public utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, the issuance of new common stock by Southern in exchange for the stock of Birmingham to be so acquired, the acquisition by Alabama from Southern of the common stock of Birmingham, in exchange for common stock of Alabama, and the acquisition by Alabama of shares of $100 par value, 4.20 percent preferred stock of Birmingham in exchange for shares of $100 par value, 4.20 percent preferred stock of Alabama and the issuance of the latter shares for that purpose; and

The Commission by its order dated August 24, 1950 (Holding Company Act Release No. 10,055) having granted said application and permitted said declaration to become effective and said order having contained a reservation of jurisdiction with respect to, among other things, the payment of fees and expenses for legal and accounting services and for services rendered by Southern Services, Inc. and Commonwealth Services Inc. incurred by Southern and Alabama with respect to the proposed transactions; and

The record having been completed with respect to such fees and expenses and it appearing that Southern and Alabama propose the payment of fees and expenses and the allocation thereof as set forth below:

To be paid to—	To be paid by—			
	Southern		Alabama	
	Compensation	Expenses	Compensation	Expenses
Winthrop, Stimson, Putnam & Roberts, for services as company counsel	$7,000.00	$200.12	$25,500.00	$1,228.68
Arthur Anderson & Co., for accounting services	7,000.00	685.38	4,500.00	465.90
Commonwealth Services, Inc., for clerical and stenographic services	347.21	1.38	300.23	
Southern Services, Inc., for studies and general services	2,535.84		5,571.08	
Total	17,183.05	1,212.88	35,931.31	1,802.58

The Commission having examined the information furnished with respect to such fees and expenses and it appearing that the proposed payments and allocations are not unreasonable:

It is ordered, That the jurisdiction heretofore reserved herein over the payment of fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8681; Filed, July 27, 1951; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SALARY STABILIZATION BOARD

Effective upon publication in the FEDERAL REGISTER, a new subparagraph (3) is added to § 6.155 (d) as follows:

§ 6.155 *Economic Stabilization Agency* * * *

(d) *Salary Stabilization Board.* * * *

(3) One confidential secretary to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT M. RAMSPECK, *Chairman.*

[F. R. Doc. 51-8749; Filed, July 30, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

ORDER, AS AMENDED, REGULATING HANDLING

The order regulating the handling of milk in the Knoxville, Tennessee, marketing area shall be as follows:

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EFFECTIVE TIME, SUSPENSION OR TERMINATION

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988.111 Agents.

AUTHORITY: §§ 988.0 to 988.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the priviously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tennessee, on January 16–20, 1951, upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the said marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act:

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (May 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 988.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.).

§ 988.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 988.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 988.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 988.5 *Knoxville, Tennessee, marketing area.* "Knoxville, Tennessee, marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the City of Knoxville, Tennessee.

§ 988.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 988.7 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 988.8 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this part is in effect.

§ 988.9 *Fluid milk plant.* "Fluid milk plant" means the premises and the portions of the building and facilities, approved by the appropriate health authority in the marketing area, which are used in: (a) The receipt and processing or packaging of producer milk, all, or a portion, of which is disposed of from such plant on wholesale or retail routes within the delivery period as Class I milk in the marketing area, or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section: *Provided*, That any portion of such building or facilities, used for receiving or processing milk or any milk product, required by the appropriate health authority in the marketing area to be kept physically separate from the receiving and processing or packaging of milk for disposition as Class I milk in the marketing area shall not be included.

§ 988.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, and whose milk conforms to the appropriate health standards for milk for fluid consumption, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 988.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-

handler or (c) any cooperative association of producers with respect to producer milk diverted by if from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 988.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant described in § 988.9.

§ 988.13 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers except any nonfluid milk product received and disposed of in the same form.

§ 988.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days such producer delivered milk to such handler in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant, the days of nondelivery, intervening days of delivery, shall be considered as days of delivery.

§ 988.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 988 60.

MARKET ADMINISTRATOR

§ 988.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 988.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 988.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 988.87, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 988.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 988.30 or (2) payments pursuant to § 988.80 and § 988.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 6th day after the end of such delivery period the prices and butterfat differentials for each class computed pursuant to §§ 988.51 and 988.52; and (2) on or before the 10th day after the end of such delivery period, the uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differentials to be paid pursuant to § 988.85.

REPORTS, RECORDS, AND FACILITIES

§ 988.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) all receipts at his fluid milk plant(s) within such delivery period of (i) producer milk and for the months of April through August, the aggregate quantities of base and excess milk, (ii) skim milk and butterfat in any form from other handlers, and (iii) other source milk; and (2) milk diverted pursuant to § 988.10 (b); and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 988.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer pay roll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of April through August the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association, together with the prices paid, deductions and charges involved.

(b) On or before the first day other source milk is received, his intention to receive such milk and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 988.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 988.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 988.40 *Basis of classification.* All skim milk and butterfat contained in (a) receipts at a fluid milk plant(s), within such delivery period, of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk, and (b) milk diverted pursuant to § 988.10 (b) shall be classified by the market administrator in the classes set forth in § 988.41.

§ 988.41 *Classes of utilization.* Subject to the conditions set forth in § 988.42 through § 988.45 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except ice cream mix and (2) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) in inventory variation; (3) disposed of for livestock feed; (4) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.5 percent of such receipts of skim milk and butterfat, respectively, and (5) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided*, That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 988.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 988.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk is transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery period within which such transfer occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further*, That if such plant disposes of fluid cream to another nonfluid milk plant which conforms with the requirements of subparagraphs (1) (2) and (3) of this paragraph, such cream shall be classified as Class II milk.

§ 988.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 988.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 988.41 (b) (4) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 988.43 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 988.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the price for Class I milk pursuant to § 988.51 shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 988.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopervilie, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 988.85 by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 20 percent thereof, and add to such sum 3¾ cents for each

full ½ cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents: *Provided*, That if such f. o. b. manufacturing plant prices of nonfat dry milk solids are not reported there shall be used for the purpose of such computation the arithmetical average of the carlot prices of nonfat dry milk solids delivered at Chicago, Illinois, as reported by the Department of Agriculture during the delivery period; and in the latter event the "5 cents" shall be increased by 1 cent.

§ 988.51 *Class prices.* Subject to the provisions of § 988.52 each handler shall pay producers, at the time and in the manner set forth in § 988.80 through § 988.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 988.45:

(a) *Class I Milk.* The price for Class I milk prior to August 1, 1951, shall be the basic formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided*, That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

(b) *Class II milk.* The price for Class II milk shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greenville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 988.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 988.45, is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

DETERMINATION OF BASE

§ 988.60 *Computation of daily average base for each producer.* For the months of April through August of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 988.61.

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through February immediately preceding by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days.

§ 988.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 988.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producer the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 988.70 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period by the applicable class price adjusted by the butterfat differential to handlers specified in § 988.52 and adding together the resulting amounts: *Provided*, That if a handler, after subtracting receipts of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which has been credited to producers as having been received from them, there shall be added any plus amount computed by multiplying the pounds in each class as subtracted pursuant to paragraphs (a) (4) and (b) of § 988.45 by the applicable class price adjusted by the butterfat differentials to handlers specified in § 988.52.

§ 988.71 *Computation of uniform price.* For the delivery periods of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, on the basis of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payments required pursuant to § 988.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 988.83;

(d) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against delinquencies in payments by handlers. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 988.72 *Computation of uniform prices for base milk and excess milk.* Following April 1, 1952, for each of the delivery periods of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 988.70 for all handlers who made the reports prescribed by § 988.30 for such delivery period, except those in default of payment required pursuant to § 988.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 988.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to paragraphs (a) (4) and (b) of § 988.45;

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

§ 988.73 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 988.71 and 988.72 and the butterfat differential computed pursuant to § 988.85; and

(d) The amounts to be paid by such handler pursuant to §§ 988.82, 988.87 and and 988.88.

PAYMENTS

§ 988.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association on or before the 2d day before the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer for milk which was received from him during the delivery period at not less than the uniform price computed pursuant to § 988.71, if such delivery period is any of the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 988.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 988.72 with respect to excess milk received from such producer, if such delivery period is any of the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 988.85, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 988.88, (4) less deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past delivery periods: *Provided*, That if such handler has not received full payment for such delivery period pursuant to § 988.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association, on or before the 13th day after the end of each delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 988.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 988.82 and 988.84, and out of which he shall make all payments pursuant to §§ 988.83 and 988.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 988.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is greater than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in § 988.71 and § 988.72 adjusted for the butterfat differential provided for in § 988.85.

§ 988.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, or a cooperative association, any amount by which the total value of his milk computed pursuant to § 988.70 for such delivery period is less than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 988.71 and 988.72 adjusted for the butterfat differential provided for in § 988.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 988.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 988.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 988.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 988.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 988.85 *Butterfat differential to producers.* If, during the delivery period, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 988.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10, and then adjust to the nearest one-tenth of a cent.

§ 988.86 *Statement to producers.* In making payments required by § 988.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 988.80 and 988.85;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 988.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 988.87 *Expense of administration.* as his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant: *Provided*, That each cooperative association shall pay such pro rata expense on only that milk of producers for which it is a handler.

§ 988.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 988.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 988.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 988.90 *Producer-handlers.* Sections 988.40 through 988.45, 988.50 through 988.52, 988.60 through 988.62, 988.70 through 988.73, 988.80 through 988.88 shall not apply to a producer-handler.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 988.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 988.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 988.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 988.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 988.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 26th day of July 1951, to be effective on and after the 1st day of September 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8785; Filed, July 30, 1951; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

PROCEDURAL CHANGES

JULY 18, 1951.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of June 8, 1951 (16 F. R. 5455), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of a proposed amendment of the rules relating to procedural changes in the processing of an application submitted by a person who is desirous of being naturalized under section 323 of the Nationality Act of 1940. No representations have been received concerning the proposed amendment. The rule, as stated below, is hereby adopted. The provisions of the adopted rule are the same as those stated in the notice of proposed rule making.

Section 330.6 of Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.* A person who, while a citizen of the United States and during the First or Second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person described in this section who has lost United States citizenship during the Second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Preliminary application to take the oath shall be made on Form N-428 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-409, in triplicate, the original of Form N-409 being retained as a part of the court record and the duplicate and triplicate forwarded to the district director or officer in charge with duplicates of other naturalization papers filed and issued. The district director or officer in charge shall retain the duplicate and forward the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter.

The rule stated above shall become effective on the thirty-first day following its publication with this order in the FEDERAL REGISTER.

The general basis for the rule is the determination that it is advantageous to the Government that applications for naturalization be processed in a uniform manner. The purpose of the rule is to conform the processing of an application submitted by a person who is desirous of being naturalized under section 323 of the Nationality Act of 1940, to the procedure followed in other types of cases involving recovery of United States citizenship.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 323, 335, 54 Stat. 1149, as amended, 1157 as amended; 8 U. S. C. 723, 735)

[SEAL] BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

Approved: July 20, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-8750; Filed, July 30, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 390]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW ORLEANS, LA.

Amendment 390 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12). Said rent regulation is hereby amended in the following respect:

A new item is added to Schedule B to read as follows:

88. Provisions relating to the City of New Orleans in Orleans Parish, Louisiana, a portion of the New Orleans, Louisiana, Defense-Rental Area.

Decontrol of specified class of housing accommodations on Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.1 to 825.12 is hereby terminated, effective July 31, 1951, with respect to housing accommodations in the City of New Orleans in Orleans Parish, Louisiana, which on June 1, 1951, were, (a) unfurnished housing accommodations and (b) had a maximum rent of $70.00 or more per month.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 31, 1951.

Issued this 26th day of July 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-8774; Filed, July 30, 1951; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 79]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

A Great Salt Lake, Utah, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GREAT SALT LAKE (Salt Lake City Chart).	Beginning at lat. 41°10'00" N, long. 112°35'00" W; SE to lat. 41°06'30" N, long. 112°32'00" W; SSE to lat. 40°57'00" N, long 112°30'45" W; due W to long. 112°50'00" W; due N to lat. 41°10'00" N; due E to lat. 41°10'00" N, long. 112°35'00" W, point of beginning.	Surface to unlimited.	Continuous, Aug. 1, 1951, through Aug. 18, 1951.	Headquarters, 15th Air Force.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 1, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8749; Filed, July 30, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A, Direction 2]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

DIR. 2—STATUS OF ADJUSTMENTS GRANTED UNDER NPA ORDERS M-47, M-7, AND M-12

This direction to NPA Order M-47A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the direction affects a large number of different trades and industries.

Sec.
1. Application of direction.
2. Adjustments under NPA Order M-47.
3. Adjustments of permitted use in manufacture under NPA Orders M-7 or M-12.
4. Adjustment of permitted use or rate of assembly as to parts.
5. Reconciliations in lists.
6. Effect of denial of adjustment because of prohibited use consideration.
7. Conditions applicable to adjustments applied pursuant to this direction.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Application of direction.* This direction applies only to adjustments authorized by the National Production Authority of base-period use as a measure to determine permitted use of iron and steel, aluminum, and copper under NPA Orders M-47, M-7, and M-12, respectively, and the effect of such adjustments on the permitted use of these metals in the manufacture or assembly of items covered by List A of NPA Order M-47A. It does not apply to any adjustment or exception permitting the use of a specific quantity of any metal product which did not by its terms authorize the adjustment of base-period use.

SEC. 2. *Adjustments under NPA Order M-47.* Any person authorized in writing by the National Production Authority to use an adjusted base to determine his permitted use of iron and steel products (as defined in section 3 of NPA Order M-47) in the manufacture of any item in List A of NPA Order M-47 during the calendar quarter commencing April 1, 1951, may compute his permitted use of iron and steel products in the manufacture of the corresponding item or items in List A of NPA Order M-47A on the basis of such adjusted base. Any person authorized by the National Production Authority to use an adjusted base to determine his permitted rate of assembly of any item in List A of NPA Order M-47 during the calendar quarter commencing April 1, 1951, may compute his permitted rate of assembly of the corresponding item in List A of NPA Order M-47A on the basis of such adjusted base.

SEC. 3. *Adjustments of permitted use in manufacture under NPA Orders M-7 or M-12.* Any person authorized in writing by the National Production Authority to use an adjusted base to determine his permitted use of aluminum (as defined in section 3 of NPA Order M-7) in manufacture pursuant to NPA Order M-7, including adjustments pursuant to Direction 2 thereof, or his permitted use of copper forms and products (as defined in section 3 of NPA Order M-12) in manufacture pursuant to NPA Order M-12, including adjustments pursuant to Directions 1 and 2 thereof, may compute his permitted use of aluminum or copper forms and products, or both, as the case may be, in manufacture under NPA Order M-47A by multiplying his adjusted base under NPA Order M-7 or NPA Order M-12, whichever is applicable, by the following ratio: His use of aluminum or copper products in the manufacture of items in List A of Order M-47A, during the base period specified in that order for List A items divided by his use of aluminum or copper products in all of his manufacturing operations during the base period: *Provided, however,* That the provisions of this section shall not apply to any adjustment of base authorized under NPA Order M-7 or NPA Order M-12 to permit production, or increased production, of one or more specified products, if any of the products covered by such adjustment is not included in List A of Order M-47A: *Provided further,* That any person who was authorized in writing by NPA to use an adjusted base under NPA Order M-7 or NPA Order M-12 to permit production, or increased production, of one or more specified products, all of which are covered by List A of Order M-47A, shall be allowed to use such adjusted base without any deduction therefrom in computing his permitted use in the manufacture of List A items under Order M-47A.

SEC. 4. *Adjustment of permitted use or rate to assembly as to parts.* Any person authorized by this direction to apply an adjustment made under NPA Orders M-7, M-12, or M-47, in computing his permited use of a metal product (as defined in section 2 (d) of NPA Order M-47A) in manufacture under NPA Order M-47A may adjust his permitted use or rate of assembly of parts made wholly or partly from such metal product under section 4 (b) of NPA Order M-47A by increasing such permitted use or rate of assembly by the same percentage as the adjustment of his base-period use increased his base-period use of such metal product.

SEC. 5. *Reconciliations in lists.* Any adjustment which is applied pursuant to this direction shall be applied subject to the following requirements:

(a) To the extent that any adjustment under NPA Order M-47 related to any product not included in List A of M-47A, such adjustment may not be applied to NPA Order M-47A under this direction.

(b) To the extent that any adjustment under NPA Order M-47 related to a specific product now included in any item on List A of NPA Order M-47A, such adjustment shall relate to such product, regardless of its location in List A, rather than to the item bearing the same numerical designation.

Example: A manufacturer of metal furniture was granted an adjusted base to determine his permitted use of iron and steel products in the manufacture of metal dinette furniture (Item 1, Group I, List A, Order M-47) and the manufacture of metal lawn furniture (Item 2, Group I, List A, Order M-47). Under Order M-47A, both such products are included in Item 2, Group I, of List A. Consequently, the two adjusted bases may be added to compute his adjusted base for Item 2 of Group I of List A of Order M-47A. Neither may be considered as a base for Item 1, Group I of List A of Order M-47A, which covers only furniture of predominantly wood materials.

(c) To the extent that any adjustment related to use of a metal product covered by NPA Orders M-7, M-12, or M-47, which metal product is not now or hereafter included in the term "metal product" as such term is now or hereafter defined in NPA Order M-47A, such adjustment may not be applied pursuant to this direction.

SEC. 6. *Effect of denial of adjustment because of prohibited use consideration.* Any person who has heretofore applied for an adjusted base under NPA Orders M-7 or M-12 and has been denied such adjustment on the ground that the metal product covered by the adjustment was to be used for a prohibited purpose may reapply for adjustment under section 8 of NPA Order M-47A.

SEC. 7. *Conditions applicable to adjustments applied pursuant to this direction.* Any adjustment authorized under NPA Orders M-7, M-12, or M-47 which is applied pursuant to this direction to determine permitted use or rate of assembly under NPA Order M-47A shall be subject to the following conditions:

(a) Any person applying any such adjustment shall, promptly after the effective date of this direction, prepare a detailed written record of the facts relating to the application of this direction to his operation, which will be signed by such person or by an authorized officer or representative; such record shall be retained for at least 2 years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of NPA.

(b) The National Production Authority reserves the right to modify or revoke any adjustment applied pursuant to this direction. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This direction shall take effect on July 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8820; Filed, July 27, 1951; 3:03 p. m.]

[NPA Order M-67, as Amended July 27, 1951]

M-67—ALUMINUM FOIL, CONVERTED

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as extended by Pub. Law 69, 82d Cong. In the formulation of this order as originally issued there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as hereby amended consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This order, as originally issued June 1, 1951, is hereby amended by amending its title; by amending sections 1, 2, and 3; by deleting section 4; by amending section 5 and redesignating it, as so amended, as section 4; by adding a new section designated as section 5; and by amending Schedule I. As so amended, NPA Order M-67 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on amount of aluminum foil that may be converted.
4. Exceptions.
5. Restrictions on inventory.
6. Applications for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon the amount of aluminum foil to be converted, but does not apply to aluminum foil, converted or to be converted, for insulation, or to aluminum foil, converted or to be converted, for aluminum cap liners or other packaging closures. Schedule I appearing at the end of this order specifies quantity limitations upon the conversion of aluminum foil for uses other than as insulation or as aluminum cap liners or other packaging closures. These limitations vary according to the end use of the converted aluminum foil. NPA Order M-26, as amended, regulates the use of aluminum foil for aluminum cap liners and other packaging closures.

SEC. 2. *Definitions.* As used in this order:

(a) "Aluminum foil" means plain coiled aluminum foil as produced by a foil rolling mill, rolled to a thickness of 0.005 inch or less, of either domestic or foreign origin.

(b) "Base period" means the 6-month period ending December 31, 1950.

(c) "Convert" means to put into process or otherwise fabricate, change, or alter, aluminum foil by physical means. It includes cutting into sheets, and also includes the packaging of aluminum foil for retail sales.

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

SEC. 3. *Restrictions on amount of aluminum foil that may be converted.* Commencing with the third calendar quarter of 1951, but subject to the exceptions in section 4 of this order, no person shall convert a greater quantity by weight of aluminum foil in any one quarter for any particular use specified in Schedule I of this order, or for any particular class of product specified in Schedule I, than that quantity by weight of aluminum foil determined by applying the percentage listed in column 2 of Schedule I opposite that particular use or class of product against the average quarterly quantity by weight of aluminum foil which he converted for that particular use or for that particular class of product during the base period. In computing such average quarterly quantity, a person shall exclude the quantity by weight of aluminum foil which he converted during the base period for (a) insulation, (b) material on orders having a DO rating, and (c) aluminum foil cap liners and other packaging closures.

SEC. 4. *Exceptions.* In addition to the limited conversion of aluminum foil authorized by section 3 of this order, there is permitted the conversion thereof (a) for insulation, (b) to fill an order for aluminum foil for cap liners or other packaging closures, but only in accordance with the provisions of NPA Order M-26, as now or hereafter amended, and (c) for material required to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any other mandatory order of NPA.

SEC. 5. *Restrictions on inventory.* No person who converts aluminum foil shall accept delivery of any aluminum foil if his inventory thereof is, or by such receipt would become, in excess of the quantity necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense program or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 8. *Communications.* All communications concerning this order shall

be addressed to National Production Authority, Washington 25, D. C., Ref: M-67.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

Except as otherwise provided herein, this order, as amended, shall take effect on July 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—ALUMINUM FOIL CONVERTED

Item No.	Use or class of product (1)	Permitted percentage of average quarterly quantity by weight of aluminum foil used during the base period (2)
1	Antibiotics	Unlimited.
2	Hygroscopic drugs, medical supplies, photographic films, and photographic supplies, requiring protection from light or humidity; and food products for human consumption, as defined in memorandum of agreement between NPA Administrator and Administrator of Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410, including uncooked bakery goods and including food products for human consumption to be stored in locker plants or home freezers, but excluding food products for human consumption listed in item No. 3 of this schedule.	90 percent.
3	Bakery goods (excluding uncooked goods), chewing gum, confections, ice cream, cigarettes, and tobacco.	65 percent.
4	Other uses of aluminum foil in containers or packaging material for protective purposes.	65 percent.
5	Household (except for home freezers), carton (except for purposes of protective packaging), florist, gift wrapping, seal, label, and other uses not included in items 1, 2, 3, or 4.	50 percent.

[F. R. Doc. 51-8821; Filed, July 27, 1951; 3:03 p. m.]

[NPA Order M-77]

M-77—COMMUNICATIONS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including representatives of trade associations, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been found impracticable because the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Small operators.
4. Applications for allotments.
5. Emergency excess of allotment.
6. Form of certification.
7. Effect on other orders.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order provides rules for the procurement and use of materials for MRO and operating construction by the operators of the communications systems covered by it.

SEC. 2. *Definitions.* (a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution.

(b) "Operator" means any person to the extent engaged in rendering communications service on a revenue basis within the United States, its territories and possessions.

(c) "Communications service" means the transmission of messages by wire or radio, excluding radio broadcasting, television broadcasting, and amateur radio.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition.

(f) "Repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means any material which is essential to and consumed in the operation of communications service by an operator and used for purposes other than maintenance, repair, operating construction, or other capital additions.

(h) "MRO" means maintenance, repair, and operating supplies.

(i) "Operating construction" means the erection of any building, structure, or project directly used or useful in rendering communications service, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project. It does not include buildings, structures, or projects of indirect use in the rendering of such service, such as office buildings, warehouses, and garages.

(j) "Inventory" shall include all items of new and/or salvaged material and supplies on hand, whether held for current or future use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, construction, or otherwise, and without regard to whether or not such items of material are carried in operator's accounting records under "Materials and Supplies Account," exclusive nevertheless of:

(1) Any material of a superseded type reserved by an operator in segregated stocks for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(2) Any material ordered for use in construction, made to particular specifications, and reasonably usable only in the specific project for which it is made;

(3) Segregated stocks maintained by an operator as reasonably necessary for repair of major breakdowns due to explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe.

(k) "Material of a superseded type" means equipment no longer manufactured or carried by a manufacturer as a regular item for sale to operators except for repair and maintenance of, or for additions to, existing installations. It does not mean equipment drawn from superseded stock to replenish current working inventories.

(l) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(m) "Single project" means all items entering into construction as part of a single plan, whether or not installed or completed at the same time. No project shall be divided for the purpose of bringing it or any part of it within this definition.

(n) "Authorized controlled material order" means an order so defined in CMP Regulation No. 1, as from time to time amended.

(o) The definitions of this order shall be applicable notwithstanding any conflict with any prescribed system of accounting.

SEC. 3. *Small operators.* Any operator, as herein defined, of a telephone system comprising less than 5,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials except stainless steel and aluminum, required by him (1) for MRO, and (2) for operating construction projects in which the cost to him of materials for any single project does not exceed $15,000. He shall do so without making application to NPA and without receiving an allotment. In doing so he shall use the allotment number "U-1" and shall show the quarter during which delivery is required, as for example, "U-1 4Q51." He may also order materials, other than controlled materials, which he may require for MRO and for operating construction projects in which the cost to him of materials for any single project does not exceed $15,000, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number, that is, "DO U-1." The date or dates on which delivery is required must also be specified on each delivery order.

SEC. 4. *Applications for allotments.* (a) Any operator, except to the extent that he is governed by the provisions of section 3 of this order, may hereafter file with NPA on Form NPAF-117 an application for an authorized program and for a quarterly allotment of such controlled materials as he may require for MRO and operating construction. Form NPAF-117 shall be filed with NPA 60 days prior to the beginning of the calendar quarter in which delivery is required, commencing with the fourth calendar quarter of 1951.

(b) In approving an application wholly or in part, NPA will specify the controlled materials allotted to the applicant for delivery in the calendar quarter during which the allotment is valid, and will authorize a program for MRO and operating construction. This authorized program shall be deemed to be an authorized construction schedule for the purposes of CMP Regulation No. 6, and the use of the schedule and the related allotment, and the placing and form of delivery orders, shall be governed by all provisions of that regulation not inconsistent with this order.

(c) Every operator who applies for an allotment pursuant to this order shall, to the extent that his application is granted, use the allotment number "U-2" to obtain controlled materials and shall show, on each authorized controlled material order, the quarter for which his allotment is valid, such as "U-2 4Q51." He may also order materials other than controlled materials, which are necessary to fulfill his authorized program, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number, that is, "DO U-2." The date or dates on which delivery is required must also be specified on each delivery order.

(d) No operator shall use any allotment number or rating for the purposes of this order except as provided in this order.

SEC. 5. *Emergency excess of allotment.* In the event of any major service breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, an operator may use the U-2 allotment number to obtain materials in excess of his allotment to the extent necessary to reestablish service by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "(emergency)" after the allotment number on his order, and within 10 calendar days after the placing of such order, he shall report the placing of such order to NPA on Form NPAF-117 which shall be accompanied by a statement of the reasons therefor, justifying the use of the emergency rating.

SEC. 6. *Form of certification.* A delivery order placed in accordance with this order must contain, in addition to a DO rating as authorized and an allotment number as authorized, a certification in the following form:

Certified under CMP Regulation No. 6 and NPA Order M-77

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of CMP Regulation No. 6 and under this order to obtain the products or materials covered by the delivery order.

SEC. 7. *Effect on other orders.* This order supersedes as to operators, the provisions of other NPA orders governing the civilian use of controlled materials. The provisions of this order supersede as to operators those of CMP Regulation No. 5, except that nothing in this order shall be deemed to permit the use of a rating or allotment number to obtain any of the items listed in Schedules I or II of CMP Regulation No. 5 as from time to time amended. As to any operating construction covered by this order, NPA Order M-4 is superseded as of the effective date of this order and NPA Order M-4A is superseded as of the effective date of NPA Order M-4A. The inventory limitations of any NPA orders and regulations as from time to time amended shall apply to operators, but in applying such provisions the definition of "inventory" contained in this order shall be used.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by other persons in the same trade or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resultant unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person making or receiving any allotment of controlled materials pursuant to this order shall maintain at his regular place of business accurate records of all allotments received, of procurement of such materials, and of the subdivision of all allotments among his suppliers. Such records shall be kept separately by allotment numbers, and shall include separate entries under each number for each person from whom allotments are received under such number.

(b) Each person making or receiving any allotment of controlled materials pursuant to this order shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this order do not require any particular accounting method, provided the records maintained supply the information specified by this order and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this order shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-77.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or who furnishes false information or conceals any material fact in the course of operation under it is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on July 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8822: Filed, July 27, 1951; 3:03 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretation 37]

REG. X—REAL ESTATE CREDIT

INT. 37—DINING CARS AS NONRESIDENTIAL STRUCTURES

The question has been raised whether Regulation X applies to extensions of credit in connection with sales of what are commonly known as "dining cars" to be used as restaurants.

It is the view of the Board that when a "dining car" is placed on a foundation constructed on real property, and the utility connections necessary for its operation as a restaurant are installed, it becomes a "nonresidential structure" within the meaning of section 2 (r) of Regulation X; accordingly, in such cases, an extension of credit in connection with the sale of the dining car is subject to Regulation X.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-8742; Filed, July 30, 1951; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter E—Navigation Requirements for the Great Lakes and St. Marys River, Michigan

[CGFR 51-34]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICHIGAN

EMERGENCY SPEED LIMITS

The regulations in 33 CFR Part 92 contain the requirements governing the movements and anchorage of vessels and rafts in the St. Marys River from Point Iroquois on Lake Superior to Point Detour on Lake Huron. The purpose of the following new regulation, designated as 33 CFR 92.14a, is to establish a maximum speed limit for all vessels of 50 gross tons or over while navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light, as well as to modify 33 CFR 92.14, which specifies a maximum speed limit for vessels of 500 gross tons or over while navigating between Everens Point and Big Point on the St. Marys River. This regulation specifying reduced speed limits for vessels navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light is necessary for the protection of the navigable channel because of the present high stage of water and will be in effect until the St. Marys River is closed to navigation for 1951. The effect of the new regulation is to reduce the speed over the ground of vessels of 50 gross tons and over while navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light to 7.5 statute miles per hour for Northbound traffic and to 10 statute miles per hour for Southbound traffic.

This new regulation, designated as 33 CFR 92.14a, shall become effective on and after August 4, 1951, and shall remain in effect until the St. Marys River is closed to navigation for 1951. Because of the urgency in protecting this navigable channel in the St. Marys River, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. The Commander of the 9th Coast Guard District has held informal hearings and discussions with operators of vessels on the Great Lakes, the Corps of Engineers responsible for maintaining navigable channels, and other interested parties regarding the establishment of speed limits for certain vessels navigating the St. Marys River under normal navigating conditions in order to preserve the navigable channels so vitally important to our national defense.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the Act of March 6, 1896, as amended, Part 92 is amended by adding a new § 92.14a, reading as follows, and this amendment shall become effective on and after August 4, 1951, and shall remain in effect until the St. Marys River is closed to navigation for 1951:

§ 92.14a *Speed limit between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light.* (a) All vessels of 50 gross tons or over navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light shall not exceed the following speed limit over the ground:

(1) Northbound, 7.5 statute miles per hour.

(2) Southbound, 10 statute miles per hour.

(b) The speed limit for vessels of 500 gross tons or over contained in § 92.14 is modified to the extent described in paragraph (a) of this section.

(29 Stat. 54-55 as amended; 33 U. S. C. 474)

Dated: July 26, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-8780; Filed, July 30, 1951; 8:53 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), §§ 204.5 (g) (1) and 204.54 are hereby amended, and §§ 204.82 and 204.114 are hereby prescribed, as follows:

§ 204.5 *Nantucket Sound, Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.* * * *

(g) *Buzzards Bay in vicinity of Hen and Chickens Reef.* (1) *The area.* * * * with a radius of 3,000 feet * * *

* * * * *

§ 204.54 *Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval operations*—(a) *Target areas*—(1) *Northern part of Currituck Sound.* * * *. The target is located at latitude 36°27'16", longitude 75°56'30".

* * * * *

(c) *Naval Aviation Ordnance test area in Pamlico Sound in vicinity of Long Shoal.* A circular area with a radius of one and one-half miles having its center at latitude 35°32'18", longitude 75°40' 39".

* * * * *

§ 204.82 *Banana River, Fla., northerly end; Navy prohibited area for aerial mining exercises*—(a) *The danger zone.* The waters of Banana River at its northerly end within a rectangular area about three nautical miles long (north-south) and one and one-fourth nautical miles wide (east-west), bounded on the north by latitude 28°34'30", on the east by longitude 80°35'00", on the south by latitude 28°31'30", and on the west by longitude 80°36'30".

(b) *The regulations.* (1) No vessel or other watercraft shall enter or remain in the danger zone at any time. Fishing in the area is prohibited.

(2) The regulations in this section shall be enforced by the Commander, Fleet Air Jacksonville, Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

§ 204.114 *Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph Bays; air to air firing practice range, Tyndall Air Force Base, Fla.*—(a) *The danger zone.* Beginning at latitude 29°40'00", longitude 85°21'30", in the vicinity of Cape San Blas; thence southeasterly to latitude 29°23'00", longitude 84°39'00"; thence southwesterly to latitude 28°39'00", longitude 84°49'00"; thence northwesterly to latitude 29°43'00", longitude 85°53'00"; thence northeasterly to latitude 29°56' 30", longitude 85°38'30"; and thence southeasterly to the point of beginning.

(b) *The regulations.* (1) Air-to-air firing practice will ordinarily take place in the area during the hours of daylight, seven days per week. During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing practice operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(2) Other vessels will be warned to leave the immediate danger area during firing practice by surface patrol craft. Upon being so warned such vessels shall clear the area immediately.

(3) The area will be open to all vessels whenever firing practice is not being conducted.

(4) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

[Regs. July 9, 1951, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 51-8771; Filed, July 30, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-18.31]

TAMPA INTERNATIONAL AIRPORT, TAMPA, FLA.

NOTICE OF PROPOSED DESIGNATION OF AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Tampa International Airport, Tampa, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective September 1, 1951; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

JULY 25, 1951.

[F. R. Doc. 51-8777; Filed, July 30, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 534]

MARKET AGENCIES AT NEW ORLEANS STOCK YARDS

FILING OF PETITION REGARDING SERVICE CHARGES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 9, 1951 (10 A. D. 335), authorizing respondents to file a new tariff providing for the charges presently in effect. By petition filed on July 2, 1951, and amended by telegram filed on July 3, 1951, respondents have requested authority to file a supplement to the tariff presently in effect (Tariff No. 8) providing for the following additional service charges:

ARTICLE III

	Per head
1. Removing ear tags: First 5 head	$0.25
Each head thereafter	.10
Castrating and treating bulls	1.00

ARTICLE IV

To change Item 1

From:	
Slaughter cattle and calves in carload lots, single deck, maximum of	15.00
To:	
Slaughter cattle and calves in carload lots, single deck, maximum of	20.00

To change Item 2

From:	
Slaughter cattle and calves in carload lots, double deck, maximum of	22.50
To:	
Slaughter cattle and calves in carload lots, double deck, maximum of	30.00

To change Item 3

From:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for single deck	12.00
To:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for single deck	15.00
From:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for double deck	18.00
To:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for double deck	22.00

If authorized, the additional charges will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 25th day of July 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-8784; Filed, July 30, 1951; 8:54 a. m.]

[7 CFR Part 954]

[Docket No. AO-153-A6]

HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Duluth, Minnesota, on May 15, 1951, pursuant to notice thereof which was issued on May 2, 1951 (16 F. R. 4145).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 3, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on July 11, 1951 (16 F. R. 6722).

The material issues of record related to (1) the classification of concentrated milk intended for consumption in fluid form, (2) increasing the level of the Class I price, and (3) increasing the butterfat differential to handlers on Class I milk.

Exceptions were filed on behalf of interested parties. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

FINDINGS AND CONCLUSIONS

Findings and conclusions on the record. The findings (including general findings), conclusions and rulings of the recommended decision set forth in the FEDERAL REGISTER (16 F. R. 6722; Doc.

51–7974) are approved and adopted as the findings, conclusions and rulings of this decision as if set forth in full herein.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Duluth-Superior Marketing Area" and "Order Amending the Order, as amended, regulating the Handling of Milk in the Duluth-Superior Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of July 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] *Amending the Order Regulating the Handling of Milk in the Duluth-Superior Marketing Area*

§ 954.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supp., 900.1 et seq.), a public hearing was held at Duluth, Minnesota, on May 15, 1951, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Duluth-Superior, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended as follows:

1. Delete § 954.41 (a) and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream for fluid consumption (including any mixture of cream and milk or skim milk containing less butterfat than the minimum requirement for cream), (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for as used to produce a Class II product.

2. Delete § 954.51 and substitute therefor the following:

§ 954.51 *Butterfat differentials to handlers*—(a) *Class I milk.* If the average butterfat content of the milk disposed of as Class I milk by any handler is more or less than 3.5 percent, there shall be added to the Class I price computed pursuant to § 954.50 (a) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.40 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period and divide the result by 10.

(b) *Class II milk.* If the average butterfat content of the Class II milk disposed of by any handler is more or less than 3.5 percent there shall be added to the class price computed pursuant to § 954.50 (b) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.25 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period and divide the result by 10.

3. Amend § 954.81 by deleting therefrom the reference "§ 954.51" and substituting therefor "§ 954.51 (b)."

Order Directing That Referendum Be Conducted Among Producers; Determination of Representative Period; and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area) who, during the month of April 1951, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of April 1951 is hereby determined to be a representative period for the conduct of such referendum. O. F. Kirkendall is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51–8786; Filed, July 30, 1951; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 979]

IRISH POTATOES GROWN IN THE EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the South Dakota Potato Committee, established pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR, Part 979), regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 979.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the South Dakota Potato Committee, established pursuant to Marketing Agreement No. 103 and Order No. 79, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending June 30, 1952, will amount to $2,500.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79 (7 CFR, Part 979).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup., 608c).

Done at Washington, D. C., this 25th day of July 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–8783; Filed, July 30, 1951; 8:54 a. m.]

[7 CFR Part 925]

[Docket No. AO 226-A1]

PUGET SOUND, WASH., MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK; PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at The United States Court House, Fifth and Spring Streets, Room 414, Seattle, Washington, at 10:00 a. m., P. d. s. t., on August 7, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Puget Sound, Washington, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the said marketing area (7 CFR 925.0 et seq.) set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by the United Dairymen's Association on behalf of certain member cooperatives:

Proposal No. 1:

Delete § 925.51 (a) and substitute therefor the following:

(a) *Class I Milk.* The basic price plus $1.87: *Provided first*, That until March 31, 1952, the price of Class I milk shall not be less than $5.91: *Provided second*, That if in any month during and after September 1, 1951, the Class I sales as determined by the Administrator shall be 95 percent or more of total Grade A milk delivered by producers, then, during and after the next following month the said $1.87 shall be increased by 12 cents: *Provided third*, That if in any month during and after March 31, 1952, the Class I sales as determined by the Administrator shall be less than 80 percent of base milk the then differential shall be reduced by 44 cents: *And provided fourth*, That in no event shall the price be decreased under the supply-demand adjustments contained herein between September 1 and the following March 31 of any year nor increased between April and June 30 of any year.

The following amendment has been proposed by the Alta Vista Dairy, Monohon's Sanitary Dairy and Nemah Dairy Products:

Proposal No. 2:

Amend § 925.6 so as to delete all reference to that portion of the Puget Sound, Washington, Marketing area which lies within Pacific County, in the State of Washington.

Copies of this notice of hearing and of the said order may be procured from the Market Administrator, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington, or from the Hearing Clerk, Room 1353, South Building, U. S. Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 27, 1951, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51–8883; Filed, July 30, 1951; 11:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 43, and 51]

DURATION AND RENEWAL OF AIRMAN CERTIFICATES; BASIC REQUIREMENTS FOR NIGHT AND INSTRUMENT FLIGHT EXPERIENCE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 43, and 51 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by September 4, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after September 7, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations prescribe that airman certificates issued to U. S. citizens, other than student pilot certificates, shall be of indefinite duration, unless surrendered by the holder or a termination date is fixed by the Board. This indefinite period for the duration of airman certificates was adopted during World War II and has continued to remain in effect. It is now proposed, for both U. S. citizens and aliens, to issue airman certificates of 24-month duration on a renewable basis and to convert currently effective airman certificates in accordance with this program. For administrative convenience, airmen possessing currently effective airman certificates are divided into two groups. One group of airmen whose certificates were issued before May 1, 1949, is required to exchange its certificates no later than May 1, 1953. The second group whose certificates were issued between May 1, 1949, and October 1, 1951, is required to exchange its certificates no later than May 1, 1954. The renewal or exchange of all certificates shall be accomplished in the form and manner established by the Administrator. Each airman would be required to renew his certificate every 24 months if his certificate is to be valid.

The periodic renewal of airman certificates would serve the following useful purposes:

(1) The Administrator, charged with keeping records of airman certificates under the Civil Aeronautics Act, would be enabled to keep current and accurate account of airmen and their certificates which now number in the hundreds of thousands and are expected to increase. At present, the records do not indicate whether an airman is active, inactive, alive, or deceased.

(2) The Board and the CAA would be enabled to release more useful reports to the aviation industry and to the public generally which would contain more reliable statistical information.

(3) The United States would be enabled, without resorting to irregular exchanges of certificates, to discharge its obligations under the Convention on International Civil Aviation to keep its airman competency standards at least equal to certain international standards, or to note on the certificates wherein such certificates fail to meet these standards. At present, the United States is obliged to meet the ICAO Airman Standards with respect to its airman certificates no later than May 1, 1953. The renewal of certificates provided by this proposal will afford a means for the proper discharge of this obligation.

In this connection certain additional considerations are included in the amendments to Parts 20 and 21. Since May 1, 1949, Parts 20 and 21 have required type ratings for each aircraft of more than 12,500 pounds maximum cer-

tificated take-off weight. Under existing regulations, however, the holders of pilot certificates issued prior to that date are not required to hold such type ratings until May 1, 1953. Since the administrative steps will require about 18 months for the conversion of these certificates, the conversion will be integrated for convenience with the renewal program. A formula for the conversion of aircraft ratings without further flight tests has been included in this proposal under §§ 20.54 and 21.24. It should be noted that the conversion of airman certificates and ratings for airmen who are not pilots poses no particular problems.

We have also included two changes in Part 20 which would require after October 1, 1951, an applicant for a commercial pilot rating to have had, as part of the experience requirement of 200 hours of flight time, 5 hours of night flight experience and 10 hours of instrument flight instruction. These requirements, however, would not be applicable to existing certificates. Although Part 20 does not presently require this night or instrument flight training as part of the basic requirements for a commercial pilot certificate, we believe that, in the interest of safety, the proposed training is necessary. Many flights originating in daylight hours are completed at night or under adverse weather conditions, especially when unanticipated weather conditions are encountered with low visibility and ceiling conditions which require control of the aircraft by reference to flight instruments. Indeed, some basic instrument flight instruction which includes experience in the control of aircraft by reference to such instruments is essential if passengers are to be carried safely in modern cabin aircraft. Our military forces in their basic training and the aviation authorities of other countries have required this training and have found that it has materially improved safety. The International Civil Aviation Organization recently amended its Personnel Licensing Standards to require 5 hours of night flight experience and 10 hours of instrument flight instruction as part of the standard qualifications for commercial pilot certificates. On the basis of our studies, we believe that these requirements for night flight experience and basic instrument flight instruction should be part of our requirements for a commercial pilot certificate. Accordingly, we propose that the Civil Air Regulations be amended to require such experience of applicants for commercial pilot certificates after October 1, 1951. If the Board does not take such action by that date, it will be necessary thereafter, in accordance with the obligations of the United States under the ICAO Convention, for the CAA to endorse commercial pilot certificates to indicate that they do not meet international commercial pilot standards in these respects.

It should be noted that if these night and instrument experience requirements become effective, the cost of obtaining a commercial pilot certificate would, of course, be somewhat increased. Since, however, it is intended that night and instrument flight instruction may be combined and included in the total hours of flight time presently required, the additional cost would be held at a minimum, and the safety advantages gained would far outweigh any additional cost.

Finally, we propose to amend Part 43 so that, in effect, no person shall pilot an aircraft carrying passengers unless he has obtained certain recent flight experience in appropriate aircraft. Specifically, if the aircraft to be flown with passengers has a maximum certificated take-off weight of 12,500 pounds or more, a pilot must gain the prescribed experience in aircraft of the same category, class, and type. If, however, the aircraft to be flown with passengers has a maximum certificated take-off weight of less than 12,500 pounds, a pilot must gain the prescribed experience in aircraft of the same category and class with horsepower rated between 50 and 150 percent of that of the aircraft to be flown.

It is therefore proposed to amend Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 43, and 51 of the Civil Air Regulations as follows:

1. By amending § 20.35 (a) to read as follows:

§ 20.35 *Aeronautical experience*—(a) *Powered aircraft.* An applicant for a commercial pilot rating shall have a total of at least 200 hours of flight time credited in accordance with Part 43. This total flight time shall include at least 100 hours of flight time as pilot in command; 20 hours of dual instruction time given by a rated flight instructor; 20 hours of cross-country flight time as pilot in command which shall include at least one flight of not less than 350 miles in the course of which three full-stop landings are made at different points; 5 hours of night flight time which shall include not less than 10 take-offs and 10 landings as pilot in command and as sole manipulator of the controls; and 10 hours of instrument flight instruction of which not less than 5 hours shall be in actual flight, this requirement being applicable only to applicants for airplane category ratings provided in this part. Twenty-five percent of the flight time required to be flown as pilot in command may be had in gliders, provided the applicant holds a pilot certificate with a private or commercial glider rating.

2. By amending § 20.51 to read as follows:

§ 20.51 *Duration.* (a) A pilot certificate with private or commercial ratings issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Pilot certificates with private or commercial ratings issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) and shall be renewed in accordance with § 20.54. All student pilot certificates and all limited pilot certificates issued to other than U. S. citizens shall expire in accordance with the terms of their presently effective certificates and shall be renewed in accordance with the provisions of § 20.54. All ratings expire concurrently with the basic certificates to which they apply.

(1) Pilot certificates with private or commercial ratings issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Pilot certificates with private or commercial ratings issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

(b) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(c) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

3. By amending § 20.54 to read as follows:

§ 20.54 *Renewal of certificates and ratings.* A pilot certificate together with endorsements and ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 20.51. Aircraft category and class ratings, and type ratings for each aircraft of 12,500 pounds or more maximum certificated take-off weight for which the holder is presently certificated shall be renewable on request. Type ratings for aircraft of 12,500 pounds or more maximum certificated take-off weight which are not shown on the holder's present certificate shall be issued at the time of renewal upon presentation of evidence satisfactory to the Administrator that the applicant either has passed an official flight test in the type of aircraft governed by his previous ratings, or has flown within the 12 preceding months at least 10 hours as pilot in command in the type of aircraft governed by his previous ratings. Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired pilot certificate with appropriate ratings.

4. By amending § 21.24 to read as follows:

§ 21.24 *Duration.* (a) An airline transport pilot certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Certificates issued prior to May 1, 1949, shall expire no later than May 1, 1953. Certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954. All certificates issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of subparagraph (b) of this section. All ratings expire concurrently with the basic certificates to which they apply. Aircraft category and class ratings and type ratings for each aircraft of 12,500 pounds or more maximum certificated take-off weight for which the holder is presently certificated shall be renewable on request. Type ratings for aircraft of 12,500 pounds or more maximum certificated take-off weight which are not shown on the holder's present certificate shall be issued at the time of renewal upon presentation of evidence satisfactory to the Administrator that the applicant either has passed an official flight test in the type of aircraft governed by his previous ratings, or has flown within the 12 preceding months at least 10 hours as pilot in command, or 20 hours as copilot, in the type of aircraft governed by his previous ratings.

(b) An airline transport pilot certificate with appropriate ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in subparagraph (a) of this section.

(c) Upon application to the Administrator within 12 months after the date of expiration the Administrator may reinstate an expired pilot certificate with airline transport pilot rating.

(d) A temporary airline transport pilot certificate shall remain in effect for a period no longer than 3 months after the date of issuance.

(e) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(f) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the Act or of the Civil Air Regulations occurring during the effective period of the certificate.

5. By amending § 22.21 to read as follows:

§ 22.21 *Duration.* (a) A lighter-than-air pilot certificate with private or commercial ratings issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Lighter-than-air pilot certificates with private or commercial ratings issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 22.23. All student lighter-than-air pilot certificates shall expire in accordance with the terms of their presently effective certificates and may be renewed in accordance with the provisions of § 22.23. All ratings expire concurrently with the basic certificates to which they apply.

(1) Lighter-than-air pilot certificates with private or commercial ratings issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Lighter-than-air pilot certificates with private or commercial ratings issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

(b) The Administrator or his authorized representative may issue a temporary lighter-than-air pilot certificate for a period of not to exceed 3 months from the date of issuance, subject to the terms and conditions specified therein by the Administrator.

(c) After revocation, and upon request after suspension, the certificate shall be returned to the Administrator.

(d) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act or of the Civil Air Regulations occurring during the effective period of the certificate.

6. By amending § 22.23 to read as follows:

§ 22.23 *Renewal of certificates and ratings.* A lighter-than-air pilot certificate together with endorsements and ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 22.21. Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired lighter-than-air pilot certificate with appropriate ratings.

7. By rescinding § 22.26.

8. By amending § 24.22 (a) and (b) to read as follows:

§ 24.22 *Duration.* (a) A mechanic certificate with appropriate ratings issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Mechanic certificates with appropriate ratings issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 24.46. A factory mechanic rating, however, shall terminate at any time that the holder thereof ceases to be employed by the manufacturer to whose products the rating is limited or whenever the facilities of such manufacturer are no longer available to, or in use by, the holder. All ratings expire concurrently with the basic certificates to which they apply.

(1) Mechanic certificates with appropriate ratings issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Mechanic certificates with appropriate ratings issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

(b) Mechanic certificates with appropriate ratings issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 24.46.

9. By amending § 24.46 to read as follows:

§ 24.46 *Renewal of certificates and ratings.* A mechanic certificate with appropriate ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 24.22. Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired mechanic certificate with appropriate ratings.

10. By amending § 25.7 (a) and (b) to read as follows:

§ 25.7 *Duration.* (a) A parachute rigger certificate with appropriate ratings issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Parachute rigger certificates with appropriate ratings issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 25.8. All ratings expire concurrently with the basic certificates to which they apply.

(1) Parachute rigger certificates with appropriate ratings issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Parachute rigger certificates with appropriate ratings issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

(b) Parachute rigger certificates with appropriate ratings issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 25.8.

11. By amending § 25.8 to read as follows:

§ 25.8 *Renewal of certificates and ratings.* A parachute rigger certificate with appropriate ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 25.7. Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired parachute rigger certificate with appropriate ratings.

12. By amending § 26.18 (a) to read as follows:

§ 26.18 *Duration.* (a) An air-traffic control-tower operator certificate with appropriate ratings issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Air-traffic control-tower operator certificates with appropriate ratings issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 26.21. Air-traffic control-tower operator certificates with appropriate ratings issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 26.21. All ratings expire concurrently with the basic certificates to which they apply.

(1) Air-traffic control-tower operator certificates with appropriate ratings issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Air-traffic control-tower operator certificates with appropriate ratings issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

13. By amending § 26.21 to read as follows:

§ 26.21 *Renewal of certificates and ratings.* An air-traffic control-tower operator certificate with appropriate ratings shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expira-

tion date specified in § 26.18 (a). Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired air-traffic control-tower operator certificate with appropriate ratings.

14. By amending § 27.12 (a) to read as follows:

§ 27.12 *Duration.* (a) An aircraft dispatcher certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Aircraft dispatcher certificates issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 27.16. Aircraft dispatcher certificates issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 27.16.

(1) Aircraft dispatcher certificates issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Aircraft dispatcher certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

15. By amending § 27.16 to read as follows:

§ 27.16 *Renewal of certificates.* An aircraft dispatcher certificate shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 27.12 (a). Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired aircraft dispatcher certificate.

16. By amending § 33.7 (a) to read as follows:

§ 33.7 *Duration.* (a) A flight radio operator certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Flight radio operator certificates issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 33.8. Flight radio operator certificates issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 33.8.

(1) Flight radio operator certificates issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Flight radio operator certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

17. By amending § 33.8 to read as follows:

§ 33.8 *Renewal of certificates.* A flight radio operator certificate shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 33.7 (a). Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate a flight radio operator certificate.

18. By amending § 34.11 (a) to read as follows:

§ 34.11 *Duration.* (a) A flight navigator certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Flight navigator certificates issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 34.19. Flight navigator certificates issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and shall be renewed in accordance with the provisions of § 34.19.

(1) Flight navigator certificates issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Flight navigator certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

19. By amending § 34.19 to read as follows:

§ 34.19 *Renewal of certificates.* A flight navigator certificate shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 34.11 (a). Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired flight navigator certificate.

20. By amending § 35.11 (a) to read as follows:

§ 35.11 *Duration.* (a) A flight engineer certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Flight engineer certificates issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 35.20. Flight engineer certificates issued to other than U. S. citizens shall expire in accordance with the terms of the presently effective certificates and may be renewed in accordance with the provisions of § 35.20.

(1) Flight engineer certificates issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Flight engineer certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

21. By amending § 35.20 to read as follows:

§ 35.20 *Renewal of certificates.* A flight engineer certificate shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 35.11 (a). Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired flight engineer certificate.

22. By amending § 43.68 (a) to read as follows:

§ 43.68 *Recent flight experience.*

* * *

(a) *General.* No person shall pilot aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop as the sole manipulator of the controls in aircraft of the same category and class. In addition, if the aircraft to be flown has a maximum certificated take-off weight of 12,500 lbs. or more, a pilot must have had this recent experience in aircraft of the same type, or, if the aircraft to be flown has a maximum certificated take-off weight of less than 12,500 lbs., he must have had this recent experience in aircraft the rated horsepower of which is between 50 and 150 percent of that of the aircraft to be flown.

23. By amending § 51.4 to read as follows:

§ 51.4 *Duration.* (a) A ground instructor certificate issued or renewed after October 1, 1951, shall remain in effect for a period no longer than 24 months. Ground instructor certificates issued prior to October 1, 1951, shall expire in accordance with the requirements of subparagraphs (1) and (2) of this paragraph and shall be renewed in accordance with § 51.7.

(1) Ground instructor certificates issued before May 1, 1949, shall expire no later than May 1, 1953.

(2) Ground instructor certificates issued between May 1, 1949, and October 1, 1951, shall expire no later than May 1, 1954.

(b) *Temporary certificates.* The Administrator or his authorized representative may issue a temporary ground instructor certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

24. By amending § 51.7 to read as follows:

§ 51.7 *Renewal.* A ground instructor certificate shall be renewed in the manner prescribed by the Administrator at the request of the holder upon application made at least 60 days prior to the expiration date specified in § 51.4. Upon application to the Administrator within 12 months after the date of expiration, the Administrator may reinstate an expired ground instructor certificate.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610; 52 Stat. 1007–1012; 62 Stat. 1216; 49 U. S. C. 551–560; Act of July 1, 1948)

Dated: July 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-8748; Filed, July 30, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52783]

U. S. PETROLEUM CARRIERS, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

JULY 26, 1951.

The Acting Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the United States Petroleum Carriers, Inc., described below:

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height, the fly 8 feet. The field of the flag is cerise and has superimposed upon it, centered vertically, the block letters U S P C, in black, each of which at its outermost extremities is 8 inches in width and 18 inches in height. The stroke of the letters is 1¾ inches. The spaces between the letters from left to right are 4, 4, and 3 inches, respectively; the distance from the hoist to the nearest point on the letter U is 2 feet 3 inches; and the distance from the outermost extremity of the letter C to the edge of the flag is 2 feet 2 inches.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of cerise. Around the top of the funnel is a black band 5 feet wide. Four feet below that band is a broken black band 5 feet wide. Centered in the break in the band on each side of the funnel and centered in a fore-and-aft direction are the letters U S P C in black, each of which at its outermost extremities is 2 feet in width and 5 feet in height. The spaces between the letters from left to right are 8, 8, and 6 inches, respectively. The stroke of the letters is 5 inches. The space between the edge of the broken black band and the letter U is 10 inches and between the letter C and the band is 8 inches.

Replica drawings in color of the house flag and of the funnel mark described above are on file with the Federal Register Division.

[SEAL] DAVID B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 51-8776; Filed, July 30, 1951; 8:52 a. m.]

[T. D. 52784]

VICTORY CARRIERS, INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

JULY 26, 1951.

The Acting Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the Victory Carriers, Inc., described below—

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height, the fly 8 feet. The field of the flag is cerise and has superimposed upon it in a central position the block letters VC, in white. At its outermost extremities the letter V is 14 inches in width and the letter C is 12 inches in width; both letters are 18 inches in height. The stroke of the letters is 2½ inches and the space between the letters is 3 inches.

(b) *Funnel mark.* The funnel mark is to appear on a funnel of black. Around the funnel 5 feet below the top, and parallel thereto, is a cerise band 6 feet wide, superimposed upon which and centered in a fore-and-aft direction on each side are the block letters VC, in white. At its outermost extremities, the letter V is 3 feet 9 inches in width and the letter C is 3 feet 4 inches in width; both letters are 6 feet in height. The stroke of the letters is 10 inches and the space between the letters is 18 inches.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Federal Register Division.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 51-8778; Filed, July 30, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 2]

DELEGATIONS OF AUTHORITY

JULY 25, 1951.

Sections 230 to 232, 240 to 244, 250, 251, 260, and 261 are added to Order 551 (16 F. R. 2939, 5456) as follows:

Sec.
230. Timber sales and advertisements.
231. Stumpage value, Menominee Reservation.
232. Cooperative fire agreements.
240. Range grazing capacity.
241. Advertisement of grazing privileges.
242. Negotiation of sale of grazing privileges subsequent to advertisement.
243. Waiver of technical defects in advertisements and proposals for grazing privileges.
244. Approval, modification, and cancellation of grazing permits.
250. Medical, hospital, and nursing service contracts.
251. Enforcement of State health laws.
260. Individual and group investment, trust funds.
261. Investment of Osage funds.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 230. *Timber sales and advertisements.* The issuance of advertisements offering timber for sale and the approval of timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 15 million feet, board measure, and the readjustment of stumpage rates under such contracts, pursuant to provisions of 25 CFR Part 61.

SEC. 231. *Stumpage value, Menominee Reservation.* The fixing annually of the fair stumpage value of the timber cut on the Menominee Indian Reservation, Wisconsin, and the approval of stumpage payments to the Menominee Indians, pursuant to the provisions of the act of March 28, 1908 (35 Stat. 51), as amended by the act of June 15, 1934 (48 Stat. 964).

SEC. 232. *Cooperative fire agreements.* The negotiation and execution of cooperative fire suppression agreements with federal, State, and private agencies, pursuant to the act of September 20, 1922 (42 Stat. 857).

SEC. 240. *Range grazing capacity.* The determination of grazing capacity of Indian range lands, pursuant to 25 CFR Part 71.

SEC. 241. *Advertisement of grazing privileges.* The issuance of advertisements for grazing privileges, including advertisements for periods of thirty days or less, and the waiver of advertising in proper cases, pursuant to 25 CFR Part 71.

SEC. 242. *Negotiation of sale of grazing privileges subsequent to advertisement.* The negotiation, within one year after the date of advertisement and pursuant to the provisions of 25 CFR Part 71, of the sale of grazing privileges on range units for which no acceptable bid was received, on terms not less favorable than those stipulated in the advertisement offering such grazing privileges for sale.

SEC. 243. *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in form 5–510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto.

SEC. 244. *Approval, modification, and cancellation of grazing permits.* The approval, modification, and cancellation of grazing permits, pursuant to 25 CFR Part 71.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 250. *Medical, hospital, and nursing service contracts.* The negotiation and execution of contracts with States or territories or political subdivisions thereof, or with private organizations, for medical, hospital, or nursing services as authorized by the act of June 4, 1936 (25 U. S. C. 1946 ed., secs. 452–454) and pursuant to the provisions of 25 CFR Part 84.

SEC. 251. *Enforcement of State health laws.* The extension of State health laws and regulations to Indian reservations, pursuant to the provisions of 25 CFR 84.78.

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 260. *Individual and group investment, trust funds.* The investment of restricted trust funds of individual Indians, and of group investment funds held in the accounts of Indian Bureau special disbursing agents, for individual Indians, Indian associations and Indian tribes in any public debt of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, as provided for by the act of June 24, 1938 (52 Stat. 1037),

SEC. 261. *Investment of Osage funds.* The investment of restricted funds of Osage Indians held in the accounts of Indian Bureau special disbursing agents, for individual Indians, Indian associations, in any public debt of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States as provided for in section 4 of the act of March 3, 1921 (41 Stat. 1250), and section 1 of the act of February 27, 1925 (43 Stat. 1009).

D. S. MYER,
Commissioner.

[F. R. Doc. 51-8775; Filed, July 30, 1951; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the Regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Regulations Part 522. The effective and expiration dates, occupations, wage rates, number of proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Altoona Factories, Inc., Altoona, Pa., effective 7-20-51 to 1-19-52; an additional 20 learners may be employed for expansion purposes only (Army trousers, hunting coats, pants, breeches and vests).

Barry Sportswear, Inc., 455 Shrewsbury Street, Worcester, Mass., effective 7-20-51 to 7-19-52; for normal labor turnover, 10 percent of the productive factory workers (ladies' dresses).

Blue Bell, Inc., Shenandoah, Va., effective 7-18-51 to 1-17-52; five additional learners may be employed for expansion purposes only (dungarees).

Colonial Togs, 544 Leggett Street, Scranton, Pa., effective 7-20-51 to 7-19-52; for normal labor turnover, 10 percent of the productive factory workers (children's outerwear).

Langwear, Inc., River Falls, Wis., effective 7-18-51 to 7-17-52; for normal labor turnover, 10 percent of the productive factory force or 10 learners, whichever is greater (cotton trousers).

Lykens Mills, Inc., South Street, Lykens, Pa., effective 7-23-51 to 1-22-52; 15 learners for expansion purposes (half-size dresses).

Sacony of Chesterfield, Chesterfield, S. C., effective 7-13-51 to 12-25-51; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater. This certificate does not authorize the employment of learners engaged in the production of children's skirts (replacement certificate, women's sportswear).

Sports-Kraft Co., Inc., 419 West Third Street, Lewes, Del., effective 7-23-51 to 1-22-52; 19 learners for expansion purposes (blouses, shirtwaists, neckwear and scarfs).

Stanley-Hoffman Corp., Reinerton, Pa., effective 7-20-51 to 7-19-52; for normal labor turnover, 10 percent of the productive factory workers, or five learners, whichever is greater (women's blouses).

Western Wear, Inc., 327 Bryan Street, Fort Worth, Tex., effective 7-18-51 to 7-17-52; for normal labor turnover, 10 percent of the productive factory workers or 10 learners, whichever is greater (men's, women's and boys' western apparel).

The Woolenwear Co., 417 South Center Street, Bloomington, Ill., effective 7-20-51 to 7-19-52; for normal labor turnover, 10 percent of the productive factory workers, or five learners, whichever is greater (windbreakers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

Dimberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y., effective 7-18-51 to 7-17-52; five learners.

Indianapolis Glove Co., Inc., Houlka, Miss., effective 7-19-51 to 1-18-52; 15 learners for expansion.

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 7-25-51 to 7-24-52; 10 learners.

C. Walker Jones Co., Pemberton, N. J., effective 8-1-51 to 2-1-52; 20 learners for expansion.

Joseph A. Milstein Co., Inc., 104 Fuller Street, Schenectady, N. Y., effective 7-20-51 to 7-19-52; 10 learners.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bear Brand Hosiery Co., Bensselser, Ind., effective 7-24-51 to 7-23-52; five learners.

Bear Brand Hosiery Co., Charleston, Ill., effective 7-24-51 to 7-23-52; five learners.

Bear Brand Hosiery Co., 205 East Twenty-first Street, Gary, Ind., effective 7-24-51 to 7-23-52; 5 percent of the total number of productive factory workers.

The Vaughan Corp., Mitchell County, Spruce Pine, N. C., effective 7-23-51 to 3-22-52; 10 learners for expansion.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 7-23-51 to 1-22-52; 125 learners for expansion purposes (expansion ctf.).

Stratford Knitting Mills, Inc., Linfield, Pa., effective 7-18-51 to 7-17-52; 5 learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Milledgeville Mutual Telephone Co., Milledgeville, Ill., effective 7-18-51 to 7-17-52.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Decorative Flower Co., Inc., 407 North Paca Street, Baltimore 1, Md., effective 7-18-51 to 1-17-52; 10 percent of the total number of productive factory workers; flower maker including: slipping-up, tying, rosemaking, stemming, heading, pasting, branching; 160 hours at 60 cents per hour (artificial flowers and feathers).

Andrews Bearing Co., 215 Charles Street, Spartanburg, S. C., effective 7-25-51 to 1-24-52; 10 learners; machine operators, 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (ball bearings).

Beaufort Wood Products Co., Box 491, Beaufort, S. C., effective 7-23-51 to 1-22-52; five learners; machine operators, 240 hours at 60 cents per hour (veneer baskets).

Camp Hill Industries, Camp Hill, Ala., effective 7-23-51 to 1-22-52; 10 learners for normal labor turnover; sewing machine operators, 160 hours at 60 cents per hour (shop caps and advertising novelties).

Camp Hill Industries, Camp Hill, Ala., effective 7-23-51 to 1-22-52; 10 additional learners for expansion purposes; sewing machine operators, 160 hours at 60 cents per hour (expansion certificate; shop caps and advertising novelties).

Carolyn Chenilles, Inc., Sweetwater, Tenn., effective 7-20-51 to 1-19-52; 10 percent of the total number of productive factory workers; chenille machine operator; 320 hours; 55 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (tufted chenille bedspreads).

Day Wood Heel Co., 1930 Westwood Avenue, Cincinnati, Ohio, effective 7-18-51 to 1-17-52; two learners; wood heel coverers, 240 hours at 65 cents per hour (wood heel finishing).

Frank Tea & Spice Co., 538 East Fifth Street, Cincinnati, Ohio, effective 7-20-51 to 1-19-52; 10 percent of the productive factory force; olive hand packers, 240 hours at 65 cents per hour (spices, tea, etc.).

Greyhill Manufacturing Corp., 340 East Boundary Avenue, York, Pa., effective 7-19-51 to 1-18-52; 10 learners; hand embroiderers, 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (embroidery).

Gurwitz Embroidery, 630 Washington Street, Boston, Mass., effective 7-23-51 to 1-22-52; three learners for normal labor turnover; hand embroiderers, 320 hours at 60 cents per hour (embroidery).

Southern Golf Co., Russellville, Ala., effective 7-25-51 to 1-24-52; 10 learners; golf ball making including: winding, cover making, finishing, stamping, moulding, flashing, painting, striping; 160 hours at 60 cents per hour (golf balls).

Maine Sardine Co., Addison, Maine, effective 7-23-51 to 1-22-52; 10 percent of the total number of productive factory workers; sardine packers, 160 hours at 65 cents per hour (sardine packing).

Mike Mennies & Son, 3163 North Witte Street, Phila. 34, Pa., effective 7-25-51 to 1-24-52; five learners; handsewers, 200 hours at 60 cents per hour (loafer socks).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Maisak-Handler Shoe Co., Inc., Senath, Mo., effective 8-1-51 to 7-31-52; 10 learners for normal labor turnover.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of July 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-8741; Filed, July 30, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. M-16, M-17, M-28]

PACIFIC-ATLANTIC STEAMSHIP CO., POPE & TALBOT, INC., AND LUCKENBACH STEAMSHIP CO., INC.

AMENDMENT TO NOTICE OF HEARING ON APPLICATION TO EXTEND BAREBOAT CHARTER OF GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR EMPLOYMENT IN INTERCOASTAL TRADE

Amendment to notice of hearing dated July 19, 1951, on application to extend bareboat charter of Government-owned, war-built, dry-cargo vessels for employment in the intercoastal trade.

Notice is hereby given that the scope of hearing to be had at Washington, D. C., on August 13, 1951, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before Examiner F. J. Horan, upon the application of Pacific-Atlantic Steamship Co. to extend the bareboat charters of the Government-owned, war-built, dry-cargo vessels "Jeremiah S. Black," "Linfield Victory," and "Elmer A. Sperry" for one additional round intercoastal voyage each, is broadened to include the reopening of Dockets M-17, and M-28 for the purpose of including the application of Pope & Talbot, Inc., to extend the bareboat charter of Government-owned, war-built, dry-cargo vessels "Pere Marquette," "Albert S. Burleson," and "M. M. Guhin" for one additional round intercoastal voyage each, and the cross application of Luckenbach Steamship Company, Inc., for bareboat charter of Government-owned, war-built, dry-cargo vessels to it for use in the Atlantic intracoastal service.

Dated: July 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F R Doc. 51-8823; Filed, July 30, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4052 et al.]

MID-WEST AIRLINES, INC.; RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Mid-West Airlines, Inc., for renewal of its certificate of public convenience and necessity.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on August 13, 1951, at 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Do the public convenience and necessity require:

(a) Renewal of the temporary certificate of public convenience and necessity for route No. 90 issued to Mid-West Airlines, Inc. (including the terms and conditions of such renewal as well as the possible suspension and elimination of stations)?

(b) Amendment of the temporary certificate for route No. 90 so as to extend said route to Cheyenne, Wyo., via Alliance and Scottsbluff, Nebr.; to Denver, Colo., via Fort Morgan, Colo.; and to Fargo, N. Dak.

(c) Amendment of the temporary certificate for route No. 90 so as to designate Mankato, New Ulm, Fairmont, and Marshall, Minn., and Shenandoah, Iowa, as points to be served on said route.

(d) Amendment of the certificate of United Air Lines, Inc. for route No. 1 so as to suspend service by this carrier at Grand Island and North Platte, Nebr., in the event these cities are designated for service in the renewed certificate of Mid-West Airlines, Inc.

2. Is Mid-West Airlines, Inc., fit, willing, and able to provide the service over route No. 90 found to be required by the public convenience and necessity?

Notice is further given that any person other than the parties and interveners of record desiring to be heard in this proceeding may file with the Board on or before August 13, 1951, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the procedural regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., July 25, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-8772; Filed, July 30, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

ORDER DENYING REQUESTS THAT APPLICATIONS BE HEARD UNDER THE SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

JULY 25, 1951.

On July 19, 1950, MidSouth Gas Company (MidSouth) filed an application in Docket No. G-1445 for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas pipe-line facilities as described in such application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on August 2, 1950 (15 F. R. 4961).

On May 1, 1951, MidSouth filed an application in Docket No. G-1680 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of certain natural-gas pipeline facilities as described in such application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on May 15, 1951 (16 F. R. 4504).

MidSouth has requested that both such applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds: (1) Good cause has not been shown for granting MidSouth's requests that its applications in Docket Nos. G-1445 and G-1680 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said requests should be denied as hereinafter ordered.

(2) Because of the relationships between such applications, it is appropriate and in the public interest that they be consolidated for the purpose of hearing.

The Commission orders:

(A) MidSouth Gas Company's request that its applications in Docket Nos. G-1445 and G-1680 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same are hereby denied.

(B) The above-entitled proceedings on such applications be and the same are hereby consolidated for the purpose of hearing.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held in the consolidated proceedings, commencing on August 27, 1951, at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the said applications and other pleadings.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: July 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-8766; Filed, July 30, 1951; 8:49 a. m.]

[Docket No. G-1700]

HOPE NATURAL GAS CO.

ORDER FIXING DATE FOR HEARING

JULY 25, 1951.

On June 4, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation, having its principal place of business at Clarksburg, West Virginia, filed an application pursuant to section 7 (b) of the Natural Gas Act, as amended, for permission and approval to abandon and remove in part, and relocate in part, certain natural-gas facilities as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition to intervene having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 21, 1951 (16 F. R. 5908).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 7, 1951, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: July 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8767; Filed, July 30, 1951; 8:49 a. m.]

[Docket No. G-1703]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

JULY 25, 1951.

On June 11, 1951, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business at Minneapolis, Minnesota, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment and removal of certain natural-gas transmission pipe-line facilities, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 23, 1951 (16 F. R. 6007).

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 15, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8768; Filed, July 30, 1951; 8:50 a. m.]

[Docket No. G-1712]

THE MONTANA POWER CO.

ORDER FIXING DATE OF HEARING

JULY 25, 1951.

On June 14, 1951, The Montana Power Company (Applicant), a New Jersey corporation having its principal place of business at Butte, Montana, filed an application pursuant to section 3 of the Natural Gas Act for an order authorizing it to import natural gas from the Province of Alberta, Dominion of Canada, into the State of Montana, all as more fully described in such application on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on June 26, 1951 (16 F. R. 6155).

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 20, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8769; Filed, July 30, 1951; 8:50 a. m.]

[Docket No. E-6366]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 26, 1951.

Notice is hereby given that, on July 25, 1951, the Federal Power Commission issued its order entered July 25, 1951, supplementing its order issued July 17, 1951, published in the FEDERAL REGISTER July 21, 1951 (16 F. R. 7190), authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8763; Filed, July 30, 1951; 8:49 a. m.]

[Docket No. E-6367]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 26, 1951.

Notice is hereby given that, on July 25, 1951, the Federal Power Commission issued its order entered July 25, 1951, authorizing and approving issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8764; Filed, July 30, 1951; 8:49 a. m.]

[Docket No. G-1742]

MICHIGAN CONSOLIDATED GAS CO. AND MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION

JULY 25, 1951.

Take notice that on July 12, 1951, Michigan Consolidated Gas Company, a Michigan corporation, and Michigan-Wisconsin Pipe Line Company, a Delaware corporation, with their principal place of business in Detroit, Michigan, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the installation by Michigan Consolidated, and the operation under lease by Michigan-Wisconsin, of an additional 2,500 horsepower compressor unit in Michigan Consolidated's existing Austin Station at the Austin Storage Field near Big Rapids, Michigan.

The joint applicants state that on the basis of past experience, it is anticipated that all the presently installed compressor capacity at the Austin Station of 17,780 horsepower may be required to meet peak day demands, because of spaceheating, as early as December 1, 1951. They propose to have the additional 2,500 horsepower unit available as a spare to assure continuity of service.

The estimated total overall capital cost of the additional compressor unit is approximately $370,000, which will be financed by Michigan Consolidated out of funds now on hand. It is estimated that the operating expense to Michigan-Wisconsin for the spare unit, including fixed charges, will approximate $60,000 per year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of August 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8779; Filed, July 30, 1951; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

HEADS OF THE SERVICES, STAFF OFFICERS AND REGIONAL DIRECTORS

GENERAL DELEGATION OF AUTHORITY

Consonant with the provisions of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002 (a) (1)), and pursuant to authority vested in me as Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 378, as amended; 41 U. S. C. 201), the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775) is hereby supplemented as follows:

Section 3. c. (2) (d) is added providing as follows:

(d) The following authorities under the Defense Production Act of 1950, Public Law 774, 81st Congress, and implementing executive orders thereunder:

(i) Pursuant to duly issued certificates of necessity, the authority to make provision for purchases or commitments to purchase and to resell pursuant to section 303 (a) of the aforesaid act.

(ii) The authority to determine the quantities, terms and conditions, including advance payments, and periods of such purchases, commitments to purchase and resales pursuant to section 303 (b) of the aforesaid act: *Provided, however,* That such authority shall not include the authority to make determinations required for purchases or commitments involving higher than currently prevailing market prices or anticipated loss on resale.

(iii) The authority contained in section 303 (c) of the aforesaid act.

Delegation of authority, dated January 29, 1951 (16 F. R. 1072), which delegated certain authorities from the Administrator of General Services to the Commissioner of Emergency Procurement Service, and to the Director and Deputy Director, Rubber Division of the aforesaid Service, is hereby superseded as of January 29, 1951.

This supplement shall be effective as of October 1, 1950, except as provided in the preceding paragraph.

Dated: July 25, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51-8770; Filed, July 30, 1951; 8:51 a. m.]

OFFICIALS OF EMERGENCY PROCUREMENT SERVICE

REDELEGATION OF AUTHORITY WITH RESPECT TO INSTRUCTIONS, PROCEDURES AND PRECEDENTS

Consonant with the provisions of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002 (a) (1)), pursuant to authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 378, as amended; 41 U. S. C. 201), and pursuant to authority vested in me as the Commissioner of Emergency Procurement Service by General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775), as supplemented, I hereby delegate to the officials of the Emergency Procurement Service designated herein the following authority:

All of the authority delegated to the Commissioner of Emergency Procurement Service by section 3 c (2) (d) of General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors, is hereby redelegated to:

(a) The Director and Deputy Director, Rubber Division, Emergency Procurement Service, in connection with rubber and latex,

(b) The Director and Deputy Director, Purchase Division, Emergency Procurement Service, in connection with metals, minerals and raw materials other than rubber and latex, and

(c) The Managers of Foreign Offices, Emergency Procurement Service, in connection with metals, minerals and raw materials.

All authority herein redelegated shall be exercised in accordance with the provisions of General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors, as well as any instructions, procedures and precedents heretofore or hereafter issued by the Commissioner of Emergency Procurement Service.

These delegations of authority shall be effective as of January 29, 1951.

Dated: July 25, 1951.

A. J. WALSH, *Commissioner, Emergency Procurement Service.*

[F. R. Doc. 51-8761; Filed, July 30, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26277]

ALL FREIGHT IN MIXED CARLOADS TO SOUTHERN POINTS

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to their respective tariffs I. C. C. Nos. A-919 and 600.

Commodities involved: All freight, in mixed carloads.

Territory: (a) From Bridgeport, Hartford, Meriden, and New Britain, Conn., to Atlanta, Ga., and Charlotte, N. C., and (b) from origins named above and Boston and East Boston, Mass., New Haven, Conn., and New York, N. Y., to Birmingham, Ala., Jacksonville and South Jacksonville, Fla.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-919, Supp. 9; I. N. Doe's tariff I. C. C. No. 600, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8756; Filed, July 30, 1951; 8:47 a. m.]

[4th Sec. Application 26278]

PAPER ARTICLES FROM SOUTHWEST TO IOWA AND MISSOURI

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3895.

Commodities involved: Paper and paper articles, carloads.

From: Specified points in Arkansas, Louisiana, and Texas.

To: Points in Iowa and Missouri.

Grounds for relief: Circuity, rail competition, operation through higher-rated territory, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No. 3895, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8757; Filed, July 30, 1951; 8:48 a. m.]

[4th Sec. Application 26279]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM FREMONT, NEBR., TO SOUTH

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3807.

Commodities involved: Fresh meats and packing house products, carloads.

From: Fremont, Nebr.

To: Destinations in southern territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3807, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8758; Filed, July 30, 1951; 8:48 a. m.]

[4th Sec. Application 26280]

GRAIN FROM COUNCIL BLUFFS, IOWA, OMAHA AND SOUTH OMAHA, NEBR., TO POINTS IN MISSOURI AND KANSAS

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago, Rock Island and Pacific Railroad Company, Missouri-Kansas-Texas Railroad Company, and Union Pacific Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

To: Points in Missouri and Kansas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. S. Kipp's tariff I. C. C. No. A-3866, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8759; Filed, July 30, 1951; 8:48 a. m.]

[4th Sec. Application 26281]

GRAIN FROM COUNCIL BLUFFS, IOWA, OMAHA AND SOUTH OMAHA, NEBR., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago Great Western Railway Company and Fort Dodge, Des Moines & Southern Railway Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3866, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8760; Filed, July 30, 1951; 8:48 a. m.]

[4th Sec. Application 26282]

WOODPULP FROM ONTONAGON, MICH., TO CINCINNATI AND MIDDLETOWN, OHIO

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3715.

Commodities involved: Woodpulp, carloads.

From: Ontonagon, Mich.

To: Cincinnati and Middletown, Ohio.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3715, Supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8761; Filed, July 30, 1951; 8:48 a. m.]

[4th Sec. Application 26283]

CRANBERRIES FROM DANCY AND KNOWLTON, WIS., TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

JULY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3366.

Commodities involved: Cranberries, in carloads.

From: Dancy and Knowlton, Wis.

To: Springfield, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3366, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8762; Filed, July 30, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2663]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER AUTHORIZING SUBMISSION OF BONDS TO COMPETITIVE BIDDING AND SALE OF ADDITIONAL COMMON STOCK TO PARENT HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1951.

American Natural Gas Company ("American Natural"), a registered holding company, and its public utility subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (b), 9, 10, and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder, with respect to the following transactions:

Michigan Consolidated proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, -- percent series due 1976. The bonds are to be dated August 1, 1951, and are to be issued under and secured by the company's Indenture of Mortgage and Deed of Trust dated March 1, 1944, as heretofore supplemented and as to be further supplemented by a Fifth Supplemental Indenture to be dated as of August 1, 1951. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (which shall not be less than 100 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined by competitive bidding.

At or prior to the issuance and sale of the proposed bonds, Michigan Consolidated proposes to issue and sell to its parent, American Natural, at the par value thereof, $14 per share, 358,000 shares of additional common stock for an aggregate cash consideration of $5,012,000. In order to make possible the proposed issuance and sale of said common stock, Michigan Consolidated proposes to increase its authorized common stock from 4,200,000 shares to 4,500,000 shares of the par value of $14 per share, by appropriate amendment of its Articles of Incorporation.

Of the proceeds to be received from the sale of the bonds, approximately $4,000,000 is to be deposited with the Indenture Trustee and will be subject to withdrawal against certification of property additions under the terms of the Indenture. The remaining proceeds of the bonds and additional common stock, after deducting fees and expenses estimated at $148,800, are to be used for the payment of short-term bank borrowings of Michigan Consolidated in the principal amount of $4,000,000, estimated to be incurred prior to the consummation of the proposed financing, and to provide funds for expansion of facilities and to reimburse Michigan Consolidated's treasury for expenditures made for this purpose.

The record disclosing that the issuance and sale by Michigan Consolidated of the bonds and additional common stock has been authorized by the Michigan Public Service Commission, the State Commission of the State in which Michigan Consolidated is organized and doing business, and the application-declaration, as amended, stating that no regulatory authority has jurisdiction with respect to the proposed transactions other than said State Commission and the Securities and Exchange Commission; and

The record being at this date incomplete with respect to the fees and expenses to be incurred and paid in connection with the proposed transactions, and the Commission deeming it appropriate to reserve jurisdiction with respect to such fees and expenses; and

Said application-declaration having been filed on July 2, 1951, and the last amendment thereto having been filed on July 20, 1951, and notice of said filing having been given in the form and manner prescribed in Rule U-23 promulgated under the act, and the Commission having received no request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing with respect thereto; and

The Commission finding with respect to the proposed transactions that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject, however, to the conditions and reservations of jurisdiction hereinafter stated:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the sale by Michigan Consolidated of said bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record as so completed, which order may contain such terms and conditions as may be deemed appropriate, jurisdiction for which purpose is hereby reserved, and subject to a further reservation of jurisdiction with respect to the fees and expenses to be incurred and paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8743; Filed, July 30, 1951; 8:45 a. m.]

[File No. 70-2548]

CENTRAL LOUISIANA ELECTRIC CO., INC., ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1951.

In the matter of Central Louisiana Electric Company, Inc., Forrest C. Latt-

ner, Frances H. Lattner, File No. 70-2548.

The Commission by order dated March 8, 1951, having granted a joint application, as amended, filed by Central Louisiana Electric Company, Inc. ("Central Louisiana"), an electric utility company and an exempt holding company, and Forrest C. Lattner and Frances H. Lattner, affiliates of Gulf Public Service Co., Inc. ("Gulf"), regarding the acquisitions by Central Louisiana of the common stock of Gulf, an electric and gas utility company, and the acquisition by the Lattners of shares of the common and the preferred stock of Central Louisiana under the terms of an exchange offer, and said order having reserved jurisdiction over the fees and expenses incurred in connection with the proposed transactions; and

Applicants having filed a further amendment to their joint application setting forth the legal fees in the amount of $8,500 and expenses in the amount of $1,078.20 to be paid by Gulf to the firm of Baker, Botts, Andrews & Parish, of Houston, Texas, and requesting the approval of the payment by Central Louisiana of the fees and expenses incurred by Central Louisiana set forth below:

	Amount
Printing	$15,914.61
Preparation of securities	2,699.86
Total printing and engraving	18,614.47
Counsel:	
Miles, Walsh, O'Brien & Morris	25,000.00
John H. McSween	5,000.00
Total legal fees	30,000.00
Exchange agent	2,852.76
Depositary	2,846.15
Total exchange agent and depositary	5,698.91
Transfer agent	4,440.00
SEC registration fee	865.00
Federal original issuance tax	4,623.80
State of Louisiana, tax on increase of capital	2,500.00
Fees and expenses of F. W. Lafrentz & Co., accountants	3,755.30
Blue sky expenses	604.63
Miscellaneous expenses:	
Company expenses	9,285.66
Expenses of lawyers	3,801.40
Total miscellaneous expenses	13,087.06
Total fees and expenses—before commissions to dealers	84,189.37
Commissions to dealers	6,552.72
Total expenses to May 16, 1951	90,742.09
Estimated fees and expenses after May 16 1951 in connection with exchange offer	2,165.00
Total fees and expenses	92,907.09

The Commission having considered said amendment requesting payment of the foregoing fees and expenses, together with the statements of counsel in support of their fees and expenses; and the Commission finding that the requested fees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over the fees and expenses herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8744; Filed, July 30, 1951; 8:46 a. m.]

[File No. 70-2637]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1951.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 (c) thereof and Rule U-50 of the rules and regulations promulgated thereunder with respect to the issuance and sale by United of 1,065,330 shares of its $10 par value common stock pursuant to a rights offering to its stockholders, and the issuance and sale of $50,000,000 principal amount of First Mortgage and Collateral Trust Bonds ____ percent series, due 1971, pursuant to the competitive bidding requirements of Rule U-50 and certain other related transactions; and

The Commission by order dated June 21, 1951, having granted said application and permitted said declaration to become effective, forthwith, subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the fees and expenses of counsel, auditors, accountants and financial agents to be paid in connection with the proposed transactions; and

A further amendment to the said application-declaration having been filed on July 25, 1951, setting forth the action taken by United to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids the following bids for the bonds have been received:

Bidding group	Coupon rate (percent)	Price to company (percent of principal amount)	Cost to company
Halsey, Stuart & Co., Inc.	3⅜	101.65	3.3[illegible]
Morgan Stanley & Co.	3⅜	101.60	3.3[illegible]
White, Weld & Co.			
Equitable Securities Corp.			
The First Boston Corp.			
Harriman, Ripley & Co., Inc.	3⅜	101.3999	3.3[illegible]
Goldman Sachs & Co.			

Said amendment to the application-declaration also setting forth that United has accepted the bid of the group headed by Halsey, Stuart & Co., Inc., as shown above, and that said bonds will be offered for sale to the public at 102.367 percent of the principal amount thereof plus accrued interest from July 1, 1951, to the date of delivery, resulting in an underwriters' spread of 0.717 percent of the principal amount of said bonds; and

The Commission having considered the record as further developed, and finding no reason for the imposition of terms and conditions with respect to the results of competitive bidding, and also being of the view, that the reservation of jurisdiction heretofore made with respect to the fees and expenses should be continued until the record with respect to these matters shall have been completed:

It is ordered, That jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released and that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to continuation of the reservation of jurisdiction heretofore made with respect to the fees and expenses of counsel, auditors, accountants and financial agents of the company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8747; Filed, July 30, 1951; 8:46 a. m.]

[File No. 70-2651]

MISSISSIPPI POWER CO.

SUPPLEMENTAL ORDER APPROVING SALE OF $4,000,000 PRINCIPAL AMOUNT FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING AND RELEASING JURISDICTION OVER ALL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of July 1951.

Mississippi Power Company ("Mississippi Power"), a public utility subsidiary of The Southern Company, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and the applicable provisions of the general rules and regulations promulgated thereunder, regarding the issuance and sale at competitive bidding, pursuant to the provisions of Rule U-50, of $4,000,000 principal amount of First Mortgage Bonds, __ percent series due 1981 ("new bonds"); and

The Commission, by order dated July 11, 1951, having permitted said declaration, as amended, to become effective subject to the conditions that (a) the issuance and sale of the new bonds shall not be consummated until the results of competitive bidding shall have been supplied by a further amendment and a further order shall have been entered in connection therewith, and (b) jurisdiction be reserved with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Mississippi Power having filed, on July 24, 1951, a further amendment to its declaration, as amended, setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the new bonds were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Union Securities Corp.	3½	100.085	3.4954
Equitable Securities Corp.			
Drexel & Co.			
Merrill Lynch, Pierce, Fenner & Beane	3¼	100.659	3.4958
Halsey, Stuart & Co. Inc.	3¼	101.6782	3.5338
Kidder, Peabody & Co.	3¼	101.43	3.5472
The First Boston Corp.	3¼	100.6899	3.5873

[1] Exclusive of accrued interest from Aug. 1, 1951.

Said amendment having further set forth that Mississippi Power has accepted the bid of Union Securities Corporation, Equitable Securities Corporation and Drexel & Co. for the purchase of the new bonds, as set forth above, and that the new bonds will be offered for sale to the public at a price of 100.929 percent of the principal amount thereof, plus accrued interest from August 1, 1951, resulting in an underwriters' spread of 0.844 percent of the principal amount of the new bonds or an aggregate amount of $33,760; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated in the aggregate amount of $46,907.00 as follows:

S. E. C. registration fee	$412.00
U. S. issue tax	4,400.00
Trustee's charges	3,400.00
Printing and engraving	22,100.00
Recording supplemental indenture	150.00
Winthrop, Stimson, Putnam & Roberts, counsel:	
Fee	5,500.00
Expenses	200.00
Arthur Andersen & Co., accountants:	
Fee	4,220.00
Expenses	525.00
Southern Services, Inc., mutual service company	4,000.00
Miscellaneous	2,000.00
	46,907.00

It also appearing that the fee and estimated expenses of Reid & Priest, independent counsel for the purchasers of the new bonds, which are to be paid by said purchasers, are $3,500.00 and $50.00, respectively; and

The Commission having examined the record in the light of the said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Mississippi Power for the new bonds, the interest rate, and underwriters' spread or otherwise; and it appearing to the Commission that the fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing appropriate to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the sale of the new bonds and over all fees and expenses to be paid in connection with the proposed transactions be, and hereby is, released and that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-8745; Filed, July 30, 1951; 8:46 a. m.]

[File No. 70-2657]

WORCESTER COUNTY ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1951.

Worcester County Electric Company ("Worcester County"), a public utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the following transactions:

Worcester County proposes to issue to The First National Bank of Boston, from time to time but not later than September 30, 1951, promissory notes in an aggregate principal amount not in excess of $1,000,000. Said notes will mature six months after the respective dates thereof and will bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued. It is stated in said declaration that said prime interest rate at the present time is 2½ percent. If said prime interest rate is in excess of 2¾ percent at the time any of such notes is issued, Worcester County will file an amendment to this declaration setting forth therein the principal amount of the note or notes proposed to be issued and the rate of interest thereon at least five days prior to the execution and delivery thereof and Worcester County requests that, unless the Commission notifies it to the contrary within said five day period, such amendment will become effective at the end of such period. The declaration states that the proposed notes may be prepaid, in whole or in part, prior to maturity.

As at April 30, 1951, Worcester County had outstanding $1,500,000 principal amount of 2½ percent short-term promissory notes and proposes in this declaration that the maximum principal amount of all of its promissory notes to be outstanding on, or at any time prior to, September 30, 1951, will not be in excess of $2,500,000.

The declaration states that the proceeds to be derived from the proposed issuance of $1,000,000 principal amount of promissory notes will be used by Worcester County to pay for construction work to September 30, 1951, or to reimburse Worcester County's treasury because of prior construction expenditures.

The declaration further states that if any permanent financing is done by Worcester County prior to September 30, 1951, it will apply the proceeds therefrom in reduction of, or in total payment of, its then outstanding promissory notes and the balance, if any, of the aggregate face amount of promissory notes authorized by this Commission, but unissued by Worcester County, will be reduced by the amount, if any, by which such permanent financing exceeds the promissory notes of Worcester County at the time outstanding. Worcester County has stated that it expects that the proposed note indebtedness will be financed permanently through the issuance of common stock to NEES in the latter part of 1951 and has been advised that NEES expects to have the necessary funds to invest in such common stock from the proceeds of the sale of the system's gas properties in Massachusetts.

The declaration further states that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $750.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Worcester County requests that the Commission's Order herein become effective upon issuance thereof.

Said declaration having been filed on June 26, 1951, notice of said filing having been duly given in the form and manner prescribed in Rule U-23 under said act

and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, that there is no basis for adverse findings, that the estimated fees and expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors or consumers to permit said declaration to become effective forthwith:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-8746; Filed, July 30, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 205]

FORD-DAVIS & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Ford-Davis & Co., Inc., 32 Main Street, Norwalk, Connecticut (hereinafter called wholesaler) has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of special shoes and boots for men sold at wholesale by Ford-Davis & Co., Inc., 32 Main Street, Norwalk, Conn., having the brand name(s) "Clark's Chupplees" and "Clark's Desert Boots" shall be the proposed retail ceiling prices listed by Ford-Davis & Co., Inc., in its application dated May 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after August 25, 1951, Ford-Davis & Company, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____	limit, dozen, etc. Terms net, percent EOM, etc $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8709; Filed, July 25, 1951; 4:23 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 72, Amdt. 1]

INTERWOVEN STOCKING CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 72, under section 43 of Ceiling Price Regulation 7, issued on June 15, 1951, established ceiling prices for sales at retail of men's socks manufactured by Interwoven Stocking Company. The special order required the manufacturer to mark each article listed in the special order with the retail ceiling price fixed under the special order or to attach to each article a label, tag or ticket stating the retail ceiling price. Applicant was required to comply with this preticketing provision on and after July 16, 1951.

Interwoven Stocking Company has filed an application for an extension of time in which to meet this preticketing requirement. The application points out that the applicant has, in four warehouses, a large number of items covered by the special order. These items are boxed and individually labeled with the retail prices established by the special order, but they do not carry the exact phraseology required by the special order. To require the applicant to open each box, take out the merchandise, remove old price labels and affix new labels would create undue hardship both by way of time and expense.

The applicant has submitted an alternative method of labeling which, in the opinion of the Director, conforms with the provisions of section 43, Ceiling Price Regulation 7.

Under the special circumstances set forth by the applicant, the Director has determined that the requested amendment should be granted.

Amendatory provisions. Special Order 72 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 4 from the special order and substitute therefor the following:

4 Prior to January 2, 1952, Interwoven Stocking Company must mark each article listed in paragraphs 1, 2 (a), (b), (c), and (d), of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price.

Prior to February 2, 1952, no retailer may offer or sell the article unless it is marked or tagged with the retail ceiling price under this order.

On and after January 2, 1952, Interwoven Stocking Company must mark each article listed in paragraphs 1, 2 (a), (b), (c), and (d), of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. The statement "OPS—Sec. 43—CPR 7" must appear on the mark, label, tag, or ticket or on a separate sticker attached to each article covered by this special order. On and after February 2, 1952, no retailer may offer or sell the article unless it is marked or tagged in this form.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), (b), (c), and (d) of this special order or changes the retail ceiling price of a listed article, Interwoven Stocking Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective on July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8699; Filed, July 25, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 196]

THE MANHATTAN SHIRT CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Manhattan Shirt Co., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order allows for establishment of a cost bracket to the retailer, which bracket applies to a specific retail price. The costs of the articles purchased by the retailer should, on the average, fall evenly between the polar ends of each cost bracket and will thus maintain the general historical markup pattern. The establishment of such cost brackets permits minor changes in costs without influencing the general level of retail prices of the articles in question.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's shirts, pajamas, underwear, handkerchiefs, swimwear, basque shirts, shorts and neckwear distributed by The Manhattan Shirt Co., 444 Madison Avenue, New York 22, New York, having the brand names "Manhattan" and "Mansco" and described in its application dated March 19, 1951. Sales may, of course, be made at less than these ceiling prices. The applicant's prices listed below carry the following terms: "3/10 EOM" to all sellers at retail.

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS

Applicant's selling price (per dozen)		*Ceiling price at retail (per unit)*
$1.50-	$1.51	$0.21
1.52-	1.58	.22
1.59-	1.65	.23
1.66-	1.73	.24
1.74-	1.80	.25
1.81-	1.87	.26
1.88-	1.94	.27
1.95-	2.01	.28
2.02-	2.09	.29
2.10-	2.16	.30
2.17-	2.23	.31
2.24-	2.31	.32
2.32-	2.37	.33
2.38-	2.45	.34
2.46-	2.52	.35
2.53-	2.59	.36
2.60-	2.66	.37
2.67-	2.73	.38
2.74-	2.81	.39
2.82-	2.88	.40
2.89-	2.95	.41
2.96-	3.02	.42
3.03-	3.09	.43
3.10-	3.16	.44
3.17-	3.23	.45
3.24-	3.30	.46
3.31-	3.37	.47
3.38-	3.44	.48
3.45-	3.53	.49
3.54-	3.60	.50
3.61-	3.67	.51
3.68-	3.74	.52
3.75-	3.81	.53
3.82-	3.89	.54
3.90-	3.96	.55
3.97-	4.03	.56
4.04-	4.10	.57
4.11-	4.17	.58
4.18-	4.25	.59
4.26-	4.32	.60
4.33-	4.39	.61
4.40-	4.46	.62
4.47-	4.53	.63
4.54-	4.61	.64
4.62-	4.68	.65
4.69-	4.75	.66
4.76-	4.82	.67
4.83-	4.89	.68
4.90-	4.99	.69
5.00-	5.04	.70

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$5.05– $5.09	$0.71
5.10– 5.14	.72
5.15– 5.19	.73
5.20– 5.24	.74
5.25– 5.29	.75
5.30– 5.34	.76
5.35– 5.39	.76
5.40– 5.44	.77
5.45– 5.49	.78
5.50– 5.54	.79
5.55– 5.59	.80
5.60– 5.69	.81
5.70– 5.74	.82
5.75– 5.79	.83
5.80– 5.84	.84
5.85– 5.89	.85
5.90– 5.99	.86
6.00– 6.09	.87
6.10– 6.14	.88
6.15– 6.29	.89
6.30– 6.34	.90
6.35– 6.39	.91
6.40– 6.44	.92
6.45– 6.54	.93
6.55– 6.64	.94
6.65– 6.74	.95
6.75– 6.89	.96
6.90– 6.94	.97
6.95– 6.99	.97
7.00– 7.04	1.00
7.05– 7.09	1.00
7.10– 7.14	1.00
7.15– 7.19	1.00
7.20– 7.24	1.00
7.25– 7.29	1.01
7.30– 7.34	1.02
7.35– 7.39	1.03
7.40– 7.44	1.04
7.45– 7.49	1.05
7.50– 7.54	1.06
7.55– 7.59	1.07
7.60– 7.64	1.08
7.65– 7.69	1.09
7.70– 7.74	1.09
7.75– 7.79	1.09
7.80– 7.84	1.10
7.85– 7.89	1.11
7.90– 7.94	1.12
7.95– 7.99	1.13
8.00– 8.04	1.14
8.05– 8.09	1.15
8.10– 8.14	1.16
8.15– 8.19	1.16
8.20– 8.24	1.17
8.25– 8.29	1.18
8.30– 8.34	1.18
8.35– 8.39	1.19
8.40– 8.44	1.20
8.45– 8.49	1.21
8.50– 8.54	1.21
8.55– 8.59	1.22
8.60– 8.64	1.22
8.65– 8.69	1.23
8.70– 8.74	1.24
8.75– 8.79	1.25
8.80– 8.84	1.25
8.85– 8.89	1.25
8.90– 8.94	1.25
8.95– 8.99	1.25
9.00– 9.04	1.25
9.05– 9.09	1.26
9.10– 9.14	1.27
9.15– 9.19	1.28
9.20– 9.24	1.28
9.25– 9.29	1.29
9.30– 9.34	1.29
9.35– 9.39	1.30
9.40– 9.44	1.31
9.45– 9.49	1.31
9.50– 9.54	1.32
9.55– 9.59	1.33
9.60– 9.64	1.34
9.65– 9.69	1.34
9.70– 9.74	1.35
9.75– 9.79	1.36

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$9.80– $9.84	$1.37
9.85– 9.89	1.38
9.90– 9.94	1.39
9.95– 9.99	1.40
10.00– 10.04	1.41
10.05– 10.09	1.42
10.10– 10.14	1.43
10.15– 10.19	1.43
10.20– 10.24	1.44
10.25– 10.29	1.45
10.30– 10.34	1.46
10.35– 10.39	1.47
10.40– 10.44	1.48
10.45– 10.49	1.49
10.50– 10.54	1.50
10.55– 10.59	1.50
10.60– 10.64	1.50
10.65– 10.69	1.50
10.70– 10.74	1.50
10.75– 10.79	1.50
10.80– 10.84	1.51
10.85– 10.89	1.51
10.90– 10.94	1.52
10.95– 10.99	1.52
11.00– 11.04	1.53
11.05– 11.09	1.54
11.10– 11.14	1.55
11.15– 11.19	1.56
11.20– 11.24	1.57
11.25– 11.29	1.58
11.30– 11.34	1.58
11.35– 11.39	1.59
11.40– 11.44	1.59
11.45– 11.49	1.60
11.50– 11.54	1.61
11.55– 11.59	1.62
11.60– 11.64	1.62
11.65– 11.69	1.63
11.70– 11.74	1.64
11.75– 11.79	1.65
11.80– 11.84	1.65
11.85– 11.89	1.65
11.90– 11.94	1.66
11.95– 11.99	1.67
12.00– 12.04	1.68
12.05– 12.09	1.68
12.10– 12.14	1.69
12.15– 12.19	1.70
12.20– 12.24	1.70
12.25– 12.29	1.71
12.30– 12.34	1.71
12.35– 12.39	1.72
12.40– 12.44	1.73
12.45– 12.49	1.73
12.50– 12.54	1.74
12.55– 12.59	1.74
12.60– 12.64	1.75
12.65– 12.69	1.75
12.70– 12.74	1.75
12.75– 12.79	1.75
12.80– 12.84	1.76
12.85– 12.89	1.77
12.90– 12.94	1.78
12.95– 12.99	1.79
13.00– 13.04	1.79
13.05– 13.09	1.80
13.10– 13.14	1.81
13.15– 13.19	1.82
13.20– 13.24	1.83
13.25– 13.29	1.83
13.30– 13.34	1.84
13.35– 13.39	1.85
13.40– 13.44	1.85
13.45– 13.49	1.86
13.50– 13.54	1.87
13.55– 13.59	1.87
13.60– 13.64	1.88
13.65– 13.69	1.89
13.70– 13.74	1.89
13.75– 13.79	1.90
13.80– 13.84	1.91
13.85– 13.89	1.92
13.90– 13.94	1.93
13.95– 13.99	1.93
14.00– 14.04	1.94

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$14.05– $14.09	$1.94
14.10– 14.14	1.95
14.15– 14.19	1.95
14.20– 14.24	1.96
14.25– 14.29	1.96
14.30– 14.34	1.97
14.35– 14.39	1.97
14.40– 14.44	1.98
14.45– 14.49	1.99
14.50– 14.54	2.00
14.55– 14.59	2.01
14.60– 14.64	2.02
14.65– 14.69	2.03
14.70– 14.74	2.04
14.75– 14.79	2.05
14.80– 14.84	2.06
14.85– 14.89	2.07
14.90– 14.94	2.08
14.95– 14.99	2.08
15.00– 15.04	2.09
15.05– 15.09	2.09
15.10– 15.14	2.10
15.15– 15.19	2.11
15.20– 15.24	2.12
15.25– 15.29	2.13
15.30– 15.34	2.14
15.35– 15.39	2.14
15.40– 15.44	2.15
15.45– 15.49	2.16
15.50– 15.54	2.17
15.55– 15.59	2.18
15.60– 15.64	2.19
15.65– 15.69	2.20
15.70– 15.74	2.20
15.75– 15.79	2.21
15.80– 15.84	2.22
15.85– 15.89	2.23
15.90– 15.94	2.24
15.95– 15.99	2.24
16.00– 16.04	2.25
16.05– 16.09	2.26
16.10– 16.14	2.26
16.15– 16.19	2.27
16.20– 16.24	2.28
16.25– 16.29	2.29
16.30– 16.34	2.30
16.35– 16.39	2.31
16.40– 16.44	2.32
16.45– 16.49	2.32
16.50– 16.54	2.33
16.55– 16.59	2.34
16.60– 16.64	2.35
16.65– 16.69	2.36
16.70– 16.74	2.37
16.75– 16.79	2.37
16.80– 16.84	2.38
16.85– 16.89	2.38
16.90– 16.94	2.39
16.95– 16.99	2.40
17.00– 17.04	2.41
17.05– 17.09	2.42
17.10– 17.14	2.43
17.15– 17.19	2.44
17.20– 17.24	2.45
17.25– 17.29	2.45
17.30– 17.34	2.46
17.35– 17.39	2.47
17.40– 17.44	2.48
17.45– 17.49	2.49
17.50– 17.54	2.50
17.55– 17.59	2.50
17.60– 17.64	2.50
17.65– 17.69	2.50
17.70– 17.74	2.50
17.75– 17.79	2.50
17.80– 17.84	2.50
17.85– 17.89	2.50
17.90– 17.94	2.50
17.95– 17.99	2.50
18.00– 18.04	2.51
18.05– 18.09	2.51
18.10– 18.14	2.52
18.15– 18.19	2.53
18.20– 18.24	2.53
18.25– 18.29	2.54
18.30– 18.34	2.54

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$18.35– $18.39	$2.55
18.40– 18.44	2.56
18.45– 18.49	2.57
18.50– 18.54	2.58
18.55– 18.59	2.59
18.60– 18.64	2.60
18.65– 18.69	2.61
18.70– 18.74	2.62
18.75– 18.79	2.62
18.80– 18.84	2.63
18.85– 18.89	2.63
18.90– 18.94	2.64
18.95– 18.99	2.65
19.00– 19.04	2.65
19.05– 19.09	2.66
19.10– 19.14	2.67
19.15– 19.19	2.67
19.20– 19.24	2.68
19.25– 19.29	2.68
19.30– 19.34	2.69
19.35– 19.39	2.70
19.40– 19.44	2.71
19.45– 19.49	2.72
19.50– 19.54	2.75
19.55– 19.59	2.75
19.60– 19.64	2.75
19.65– 19.69	2.75
19.70– 19.74	2.76
19.75– 19.79	2.77
19.80– 19.84	2.78
19.85– 19.89	2.79
19.90– 19.94	2.80
19.95– 19.99	2.80
20.00– 20.04	2.81
20.05– 20.09	2.81
20.10– 20.14	2.82
20.15– 20.19	2.83
20.20– 20.24	2.84
20.25– 20.29	2.84
20.30– 20.34	2.85
20.35– 20.39	2.85
20.40– 20.44	2.86
20.45– 20.49	2.87
20.50– 20.54	2.88
20.55– 20.59	2.89
20.60– 20.64	2.90
20.65– 20.69	2.91
20.70– 20.74	2.91
20.75– 20.79	2.92
20.80– 20.84	2.93
20.85– 20.89	2.93
20.90– 20.94	2.94
20.95– 20.99	2.94
21.00– 21.04	2.95
21.05– 21.09	2.95
21.10– 21.14	2.95
21.15– 21.19	2.95
21.20– 21.24	2.95
21.25– 21.29	2.95
21.30– 21.34	2.95
21.35– 21.39	2.95
21.40– 21.44	2.95
21.45– 21.49	2.95
21.50– 21.54	2.95
21.55– 21.59	2.96
21.60– 21.64	2.96
21.65– 21.69	2.97
21.70– 21.74	2.97
21.75– 21.79	2.98
21.80– 21.84	2.99
21.85– 21.89	3.00
21.90– 21.94	3.01
21.95– 21.99	3.02
22.00– 22.04	3.02
22.05– 22.09	3.03
22.10– 22.14	3.04
22.15– 22.19	3.05
22.20– 22.24	3.06
22.25– 22.29	3.07
22.30– 22.34	3.08
22.35– 22.39	3.08
22.40– 22.44	3.09
22.45– 22.49	3.09
22.50– 22.54	3.10
22.55– 22.59	3.10

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$22.60– $22.64	$3.11
22.65– 22.69	3.11
22.70– 22.74	3.12
22.75– 22.79	3.13
22.80– 22.84	3.14
22.85– 22.89	3.15
22.90– 22.94	3.15
22.95– 22.99	3.16
23.00– 23.04	3.25
23.05– 23.09	3.25
23.10– 23.14	3.25
23.15– 23.19	3.25
23.20– 23.24	3.25
23.25– 23.29	3.25
23.30– 23.34	3.25
23.35– 23.39	3.25
23.40– 23.44	3.25
23.45– 23.49	3.26
23.50– 23.54	3.27
23.55– 23.59	3.28
23.60– 23.64	3.29
23.65– 23.69	3.29
23.70– 23.74	3.30
23.75– 23.79	3.31
23.80– 23.84	3.32
23.85– 23.89	3.33
23.90– 23.94	3.33
23.95– 23.99	3.34
24.00– 24.04	3.35
24.05– 24.09	3.35
24.10– 24.14	3.36
24.15– 24.19	3.37
24.20– 24.24	3.37
24.25– 24.29	3.38
24.30– 24.34	3.39
24.35– 24.39	3.40
24.40– 24.44	3.40
24.45– 24.49	3.41
24.50– 24.54	3.42
24.55– 24.59	3.43
24.60– 24.64	3.44
24.65– 24.69	3.45
24.70– 24.74	3.45
24.75– 24.79	3.45
24.80– 24.84	3.46
24.85– 24.89	3.47
24.90– 24.94	3.48
24.95– 24.99	3.49
25.00– 25.04	3.50
25.05– 25.09	3.50
25.10– 25.14	3.50
25.15– 25.19	3.50
25.20– 25.24	3.50
25.25– 25.29	3.50
25.30– 25.34	3.50
25.35– 25.39	3.50
25.40– 25.44	3.50
25.45– 25.49	3.50
25.50– 25.54	3.50
25.55– 25.59	3.51
25.60– 25.64	3.52
25.65– 25.69	3.53
25.70– 25.74	3.54
25.75– 25.79	3.55
25.80– 25.84	3.56
25.85– 25.89	3.57
25.90– 25.94	3.58
25.95– 25.99	3.59
26.00– 26.04	3.65
26.05– 26.09	3.65
26.10– 26.14	3.65
26.15– 26.19	3.65
26.20– 26.24	3.65
26.25– 26.29	3.65
26.30– 26.34	3.65
26.35– 26.39	3.65
26.40– 26.44	3.66
26.45– 26.49	3.67
26.50– 26.54	3.67
26.55– 26.59	3.68
26.60– 26.64	3.69
26.65– 26.69	3.70
26.70– 26.74	3.70
26.75– 26.79	3.75
26.80– 26.84	3.75

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$26.85– $26.89	$3.75
26.90– 26.94	3.75
26.95– 26.99	3.75
27.00– 27.04	3.75
27.05– 27.09	3.76
27.10– 27.14	3.76
27.15– 27.19	3.77
27.20– 27.24	3.77
27.25– 27.29	3.78
27.30– 27.34	3.79
27.35– 27.39	3.80
27.40– 27.44	3.81
27.45– 27.49	3.82
27.50– 27.54	3.85
27.55– 27.59	3.85
27.60– 27.64	3.85
27.65– 27.69	3.86
27.70– 27.74	3.87
27.75– 27.79	3.87
27.80– 27.84	3.88
27.85– 27.89	3.89
27.90– 27.94	3.89
27.95– 27.99	3.90
28.00– 28.04	3.90
28.05– 28.09	3.91
28.10– 28.14	3.92
28.15– 28.19	3.93
28.20– 28.24	3.94
28.25– 28.29	3.95
28.30– 28.34	3.95
28.35– 28.39	3.95
28.40– 28.44	3.95
28.45– 28.49	3.95
28.50– 28.54	3.95
28.55– 28.59	3.95
28.60– 28.64	3.95
28.65– 28.69	3.95
28.70– 28.74	3.95
28.75– 28.79	3.95
28.80– 28.84	3.95
28.85– 28.89	3.95
28.90– 28.94	3.95
28.95– 28.99	3.95
29.00– 29.04	3.95
29.05– 29.09	3.96
29.10– 29.14	3.97
29.15– 29.19	3.98
29.20– 29.24	3.99
29.25– 29.29	4.00
29.30– 29.34	4.01
29.35– 29.39	4.02
29.40– 29.44	4.03
29.45– 29.49	4.04
29.50– 29.54	4.05
29.55– 29.59	4.05
29.60– 29.64	4.06
29.65– 29.69	4.07
29.70– 29.74	4.08
29.75– 29.79	4.09
29.80– 29.84	4.10
29.85– 29.89	4.11
29.90– 29.94	4.12
29.95– 29.99	4.13
30.00– 30.04	4.14
30.05– 30.09	4.15
30.10– 30.14	4.16
30.15– 30.19	4.17
30.20– 30.24	4.18
30.25– 30.29	4.18
30.30– 30.34	4.19
30.35– 30.39	4.20
30.40– 30.44	4.21
30.45– 30.49	4.25
30.50– 30.54	4.25
30.55– 30.59	4.25
30.60– 30.64	4.25
30.65– 30.69	4.26
30.70– 30.74	4.27
30.75– 30.79	4.28
30.80– 30.84	4.29
30.85– 30.89	4.30
30.90– 30.94	4.31
30.95– 30.99	4.32
31.00– 31.04	4.35
31.05– 31.09	4.35
31.10– 31.14	4.35

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$31.15- $31.19	$4.35
31.20- 31.24	4.36
31.25- 31.29	4.37
31.30- 31.34	4.38
31.35- 31.39	4.39
31.40- 31.44	4.40
31.45- 31.49	4.40
31.50- 31.54	4.41
31.55- 31.59	4.42
31.60- 31.64	4.43
31.65- 31.69	4.44
31.70- 31.74	4.45
31.75- 31.79	4.45
31.80- 31.84	4.46
31.85- 31.89	4.47
31.90- 31.94	4.48
31.95- 31.99	4.49
32.00- 32.04	4.50
32.05- 32.09	4.50
32.10- 32.14	4.50
32.15- 32.19	4.50
32.20- 32.24	4.50
32.25- 32.29	4.50
32.30- 32.34	4.51
32.35- 32.39	4.52
32.40- 32.44	4.52
32.45- 32.49	4.53
32.50- 32.54	4.54
32.55- 32.59	4.54
32.60- 32.64	4.55
32.65- 32.69	4.55
32.70- 32.74	4.56
32.75- 32.79	4.56
32.80- 32.84	4.57
32.85- 32.89	4.58
32.90- 32.94	4.59
32.95- 32.99	4.59
33.00- 33.04	4.60
33.05- 33.09	4.60
33.10- 33.14	4.61
33.15- 33.19	4.61
33.20- 33.24	4.62
33.25- 33.29	4.62
33.30- 33.34	4.63
33.35- 33.39	4.65
33.40- 33.44	4.65
33.45- 33.49	4.65
33.50- 33.54	4.65
33.55- 33.59	4.66
33.60- 33.64	4.67
33.65- 33.69	4.68
33.70- 33.74	4.68
33.75- 33.79	4.69
33.80- 33.84	4.70
33.85- 33.89	4.71
33.90- 33.94	4.72
33.95- 33.99	4.73
34.00- 34.04	4.75
34.05- 34.09	4.75
34.10- 34.14	4.75
34.15- 34.19	4.76
34.20- 34.24	4.77
34.25- 34.29	4.78
34.30- 34.34	4.79
34.35- 34.39	4.80
34.40- 34.44	4.81
34.45- 34.49	4.82
34.50- 34.54	4.85
34.55- 34.59	4.85
34.60- 34.64	4.85
34.65- 34.69	4.85
34.70- 34.74	4.85
34.75- 34.79	4.87
34.80- 34.84	4.88
34.85- 34.89	4.89
34.90- 34.94	4.90
34.95- 34.99	4.90
35.00- 35.04	4.91
35.05- 35.09	4.92
35.10- 35.14	4.93
35.15- 35.19	4.94
35.20- 35.24	4.95
35.25- 35.29	4.95
35.30- 35.34	4.96
35.35- 35.39	4.97

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$35.40- $35.44	$4.98
35.45- 35.49	4.99
35.50- 35.54	5.00
35.55- 35.59	5.00
35.60- 35.64	5.00
35.65- 35.69	5.00
35.70- 35.74	5.00
35.75- 35.79	5.00
35.80- 35.84	5.00
35.85- 35.89	5.00
35.90- 35.94	5.00
35.95- 35.99	5.00
36.00- 36.04	5.00
36.05- 36.09	5.01
36.10- 36.14	5.02
36.15- 36.19	5.03
36.20- 36.24	5.04
36.25- 36.29	5.05
36.30- 36.34	5.06
36.35- 36.39	5.07
36.40- 36.44	5.08
36.45- 36.49	5.09
36.50- 36.54	5.10
36.55- 36.59	5.10
36.60- 36.64	5.11
36.65- 36.69	5.12
36.70- 36.74	5.12
36.75- 36.79	5.13
36.80- 36.84	5.14
36.85- 36.89	5.15
36.90- 36.94	5.15
36.95- 36.99	5.16
37.00- 37.04	5.17
37.05- 37.09	5.18
37.10- 37.14	5.19
37.15- 37.19	5.20
37.20- 37.24	5.20
37.25- 37.29	5.21
37.30- 37.34	5.22
37.35- 37.39	5.22
37.40- 37.44	5.23
37.45- 37.49	5.24
37.50- 37.54	5.25
37.55- 37.59	5.26
37.60- 37.64	5.27
37.65- 37.69	5.28
37.70- 37.74	5.28
37.75- 37.79	5.29
37.80- 37.84	5.30
37.85- 37.89	5.31
37.90- 37.94	5.32
37.95- 37.99	5.33
38.00- 38.04	5.33
38.05- 38.09	5.34
38.10- 38.14	5.35
38.15- 38.19	5.35
38.20- 38.24	5.36
38.25- 38.29	5.37
38.30- 38.34	5.38
38.35- 38.39	5.39
38.40- 38.44	5.40
38.45- 38.49	5.40
38.50- 38.54	5.41
38.55- 38.59	5.42
38.60- 38.64	5.43
38.65- 38.69	5.44
38.70- 38.74	5.45
38.75- 38.79	5.45
38.80- 38.84	5.46
38.85- 38.89	5.50
38.90- 38.94	5.50
38.95- 38.99	5.50
39.00- 39.04	5.50
39.05- 39.09	5.51
39.10- 39.14	5.52
39.15- 39.19	5.53
39.20- 39.24	5.54
39.25- 39.29	5.55
39.30- 39.34	5.55
39.35- 39.39	5.56
39.40- 39.44	5.57
39.45- 39.49	5.58
39.50- 39.54	5.58
39.55- 39.59	5.59
39.60- 39.64	5.60

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$39.65- $39.69	$5.60
39.70- 39.74	5.61
39.75- 39.79	5.62
39.80- 39.84	5.63
39.85- 39.89	5.63
39.90- 39.94	5.64
39.95- 39.99	5.65
40.00- 40.04	5.65
40.05- 40.09	5.66
40.10- 40.14	5.67
40.15- 40.19	5.68
40.20- 40.24	5.68
40.25- 40.29	5.69
40.30- 40.34	5.70
40.35- 40.39	5.70
40.40- 40.44	5.71
40.45- 40.49	5.72
40.50- 40.54	5.73
40.55- 40.59	5.74
40.60- 40.64	5.75
40.65- 40.69	5.75
40.70- 40.74	5.76
40.75- 40.79	5.76
40.80- 40.84	5.77
40.85- 40.89	5.78
40.90- 40.94	5.79
40.95- 40.99	5.80
41.00- 41.04	5.80
41.05- 41.09	5.81
41.10- 41.14	5.82
41.15- 41.19	5.82
41.20- 41.24	5.83
41.25- 41.29	5.84
41.30- 41.34	5.85
41.35- 41.39	5.85
41.40- 41.44	5.86
41.45- 41.49	5.87
41.50- 41.54	5.88
41.55- 41.59	5.88
41.60- 41.64	5.89
41.65- 41.69	5.90
41.70- 41.74	5.90
41.75- 41.79	5.91
41.80- 41.84	5.92
41.85- 41.89	5.92
41.90- 41.94	5.93
41.95- 41.99	5.94
42.00- 42.04	5.95
42.05- 42.09	5.95
42.10- 42.14	5.95
42.15- 42.19	5.95
42.20- 42.24	5.95
42.25- 42.29	5.95
42.30- 42.34	5.95
42.35- 42.39	5.95
42.40- 42.44	5.95
42.45- 42.49	5.95
42.50- 42.54	5.95
42.55- 42.59	5.96
42.60- 42.64	5.97
42.65- 42.69	5.98
42.70- 42.74	5.99
42.75- 42.79	6.00
42.80- 42.84	6.00
42.85- 42.89	6.01
42.90- 42.94	6.02
42.95- 42.99	6.03
43.00- 43.04	6.04
43.05- 43.09	6.05
43.10- 43.14	6.05
43.15- 43.19	6.06
43.20- 43.24	6.06
43.25- 43.29	6.07
43.30- 43.34	6.08
43.35- 43.39	6.09
43.40- 43.44	6.10
43.45- 43.49	6.10
43.50- 43.54	6.11
43.55- 43.59	6.12
43.60- 43.64	6.13
43.65- 43.69	6.14
43.70- 43.74	6.15
43.75- 43.79	6.15
43.80- 43.84	6.16
43.85- 43.89	6.17

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$43.90- $43.94	$6.18
43.95- 43.99	6.18
44.00- 44.04	6.19
44.05- 44.09	6.20
44.10- 44.14	6.20
44.15- 44.19	6.21
44.20- 44.24	6.22
44.25- 44.29	6.23
44.30- 44.34	6.24
44.35- 44.39	6.25
44.40- 44.44	6.25
44.45- 44.49	6.26
44.50- 44.54	6.27
44.55- 44.59	6.28
44.60- 44.64	6.29
44.65- 44.69	6.30
44.70- 44.74	6.30
44.75- 44.79	6.31
44.80- 44.84	6.32
44.85- 44.89	6.32
44.90- 44.94	6.33
44.95- 44.99	6.34
45.00- 45.04	6.35
45.05- 45.09	6.35
45.10- 45.14	6.36
45.15- 45.19	6.36
45.20- 45.24	6.37
45.25- 45.29	6.38
45.30- 45.34	6.39
45.35- 45.39	6.40
45.40- 45.44	6.40
45.45- 45.49	6.41
45.50- 45.54	6.42
45.55- 45.59	6.43
45.60- 45.64	6.44
45.65- 45.69	6.45
45.70- 45.74	6.45
45.75- 45.79	6.50
45.80- 45.84	6.50
45.85- 45.89	6.50
45.90- 45.94	6.50
45.95- 45.99	6.50
46.00- 46.04	6.50
46.05- 46.09	6.52
46.10- 46.14	6.53
46.15- 46.19	6.54
46.20- 46.24	6.55
46.25- 46.29	6.56
46.30- 46.34	6.57
46.35- 46.39	6.58
46.40- 46.44	6.59
46.45- 46.49	6.60
46.50- 46.54	6.61
46.55- 46.59	6.63
46.60- 46.64	6.64
46.65- 46.69	6.65
46.70- 46.74	6.66
46.75- 46.79	6.68
46.80- 46.84	6.69
46.85- 46.89	6.70
46.90- 46.94	6.71
46.95- 46.99	6.72
47.00- 47.04	6.73
47.05- 47.09	6.74
47.10- 47.14	6.75
47.15- 47.19	6.76
47.20- 47.24	6.78
47.25- 47.29	6.79
47.30- 47.34	6.80
47.35- 47.39	6.81
47.40- 47.44	6.82
47.45- 47.49	6.83
47.50- 47.54	6.84
47.55- 47.59	6.85
47.60- 47.64	6.86
47.65- 47.69	6.88
47.70- 47.74	6.89
47.75- 47.79	6.95
47.80- 47.84	6.95
47.85- 47.89	6.95
47.90- 47.94	6.95
47.95- 47.99	6.95
48.00- 48.04	6.95
48.05- 48.09	6.95
48.10- 48.14	6.95

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$48.15- $48.19	$6.95
48.20- 48.24	6.95
48.25- 48.29	6.95
48.30- 48.34	6.95
48.35- 48.39	6.95
48.40- 48.44	6.95
48.45- 48.49	6.95
48.50- 48.54	6.95
48.55- 48.59	6.95
48.60- 48.64	6.95
48.65- 48.69	6.95
48.70- 48.74	6.95
48.75- 48.79	6.95
48.80- 48.84	6.95
48.85- 48.89	6.95
48.90- 48.94	6.95
48.95- 48.99	6.95
49.00- 49.04	6.95
49.05- 49.09	6.95
49.10- 49.14	6.95
49.15- 49.19	6.95
49.20- 49.24	6.95
49.25- 49.29	6.95
49.30- 49.34	6.95
49.35- 49.39	6.95
49.40- 49.44	6.95
49.45- 49.49	6.95
49.50- 49.54	6.95
49.55- 49.59	6.96
49.60- 49.64	6.96
49.65- 49.69	6.97
49.70- 49.74	6.98
49.75- 49.79	6.98
49.80- 49.84	6.99
49.85- 49.89	7.00
49.90- 49.94	7.00
49.95- 49.99	7.01
50.00- 50.04	7.01
50.05- 50.09	7.02
50.10- 50.14	7.02
50.15- 50.19	7.03
50.20- 50.24	7.03
50.25- 50.29	7.04
50.30- 50.34	7.05
50.35- 50.39	7.05
50.40- 50.44	7.06
50.45- 50.49	7.07
50.50- 50.54	7.07
50.55- 50.59	7.08
50.60- 50.64	7.09
50.65- 50.69	7.10
50.70- 50.74	7.10
50.75- 50.79	7.11
50.80- 50.84	7.11
50.85- 50.89	7.12
50.90- 50.94	7.12
50.95- 50.99	7.13
51.00- 51.04	7.14
51.05- 51.09	7.15
51.10- 51.14	7.15
51.15- 51.19	7.16
51.20- 51.24	7.16
51.25- 51.29	7.17
51.30- 51.34	7.17
51.35- 51.39	7.18
51.40- 51.44	7.18
51.45- 51.49	7.19
51.50- 51.54	7.19
51.55- 51.59	7.20
51.60- 51.64	7.20
51.65- 51.69	7.21
51.70- 51.74	7.22
51.75- 51.79	7.23
51.80- 51.84	7.24
51.85- 51.89	7.24
51.90- 51.94	7.25
51.95- 51.99	7.25
52.00- 52.04	7.26
52.05- 52.09	7.27
52.10- 52.14	7.27
52.15- 52.19	7.28
52.20- 52.24	7.29
52.25- 52.29	7.30
52.30- 52.34	7.30
52.35- 52.39	7.31
52.40- 52.44	7.31

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$52.45- $52.49	$7.32
52.50- 52.54	7.32
52.55- 52.59	7.33
52.60- 52.64	7.34
52.65- 52.69	7.34
52.70- 52.74	7.35
52.75- 52.79	7.35
52.80- 52.84	7.36
52.85- 52.89	7.37
52.90- 52.94	7.37
52.95- 52.99	7.38
53.00- 53.04	7.38
53.05- 53.09	7.39
53.10- 53.14	7.39
53.15- 53.19	7.40
53.20- 53.24	7.40
53.25- 53.29	7.41
53.30- 53.34	7.42
53.35- 53.39	7.42
53.40- 53.44	7.43
53.45- 53.49	7.43
53.50- 53.54	7.44
53.55- 53.59	7.44
53.60- 53.64	7.45
53.65- 53.69	7.45
53.70- 53.74	7.46
53.75- 53.79	7.46
53.80- 53.84	7.47
53.85- 53.89	7.47
53.90- 53.94	7.48
53.95- 53.99	7.49
54.00- 54.04	7.50
54.05- 54.09	7.50
54.10- 54.14	7.50
54.15- 54.19	7.52
54.20- 54.24	7.52
54.25- 54.29	7.53
54.30- 54.34	7.54
54.35- 54.39	7.55
54.40- 54.44	7.55
54.45- 54.49	7.56
54.50- 54.54	7.57
54.55- 54.59	7.58
54.60- 54.64	7.59
54.65- 54.69	7.60
54.70- 54.74	7.60
54.75- 54.79	7.61
54.80- 54.84	7.61
54.85- 54.89	7.62
54.90- 54.94	7.62
54.95- 54.99	7.63
55.00- 55.04	7.64
55.05- 55.09	7.65
55.10- 55.14	7.65
55.15- 55.19	7.66
55.20- 55.24	7.67
55.25- 55.29	7.68
55.30- 55.34	7.69
55.35- 55.39	7.70
55.40- 55.44	7.70
55.45- 55.49	7.71
55.50- 55.54	7.72
55.55- 55.59	7.73
55.60- 55.64	7.74
55.65- 55.69	7.75
55.70- 55.74	7.75
55.75- 55.79	7.76
55.80- 55.84	7.77
55.85- 55.89	7.78
55.90- 55.94	7.79
55.95- 55.99	7.80
56.00- 56.04	7.80
56.05- 56.09	7.81
56.10- 56.14	7.82
56.15- 56.19	7.82
56.20- 56.24	7.83
56.25- 56.29	7.84
56.30- 56.34	7.85
56.35- 56.39	7.85
56.40- 56.44	7.86
56.45- 56.49	7.87
56.50- 56.54	7.88
56.55- 56.59	7.88
56.60- 56.64	7.89
56.65- 56.69	7.90

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$56.70- $56.74	$7.90
56.75- 56.79	7.91
56.80- 56.84	7.92
56.85- 56.89	7.92
56.90- 56.94	7.93
56.95- 56.99	7.94
57.00- 57.04	7.95
57.05- 57.09	7.95
57.10- 57.14	7.95
57.15- 57.19	7.95
57.20- 57.24	7.95
57.25- 57.29	7.95
57.30- 57.34	7.95
57.35- 57.39	7.95
57.40- 57.44	7.95
57.45- 57.49	7.95
57.50- 57.54	7.95
57.55- 57.59	7.95
57.60- 57.64	7.95
57.65- 57.69	7.95
57.70- 57.74	7.95
57.75- 57.79	7.95
57.80- 57.84	7.95
57.85- 57.89	7.95
57.90- 57.94	7.95
57.95- 57.99	7.95
58.00- 58.04	7.95
58.05- 58.09	7.95
58.10- 58.14	7.95
58.15- 58.19	7.95
58.20- 58.24	7.95
58.25- 58.29	7.95
58.30- 58.34	7.95
58.35- 58.39	7.95
58.40- 58.44	7.95
58.45- 58.49	7.95
58.50- 58.54	7.95
58.55- 58.59	7.95
58.60- 58.64	7.95
58.65- 58.69	7.95
58.70- 58.74	7.95
58.75- 58.79	7.95
58.80- 58.84	7.95
58.85- 58.89	7.95
58.90- 58.94	7.95
58.95- 58.99	7.95
59.00- 59.04	7.95
59.05- 59.09	7.95
59.10- 59.14	7.95
59.15- 59.19	7.95
59.20- 59.24	7.95
59.25- 59.29	7.95
59.30- 59.34	7.95
59.35- 59.39	7.95
59.40- 59.44	7.95
59.45- 59.49	7.95
59.50- 59.54	7.95
59.55- 59.59	7.95
59.60- 59.64	7.95
59.65- 59.69	7.95
59.70- 59.74	7.95
59.75- 59.79	7.95
59.80- 59.84	7.95
59.85- 59.89	7.95
59.90- 59.94	7.95
60.00- 60.04	7.95
60.05- 60.09	7.96
60.10- 60.14	7.98
60.15- 60.19	7.99
60.20- 60.24	8.00
60.25- 60.29	8.02
60.30- 60.34	8.03
60.35- 60.39	8.04
60.40- 60.44	8.05
60.45- 60.49	8.06
60.50- 60.54	8.07
60.55- 60.59	8.08
60.60- 60.64	8.10
60.65- 60.69	8.12
60.70- 60.74	8.13
60.75- 60.79	8.14
60.80- 60.84	8.15
60.85- 60.89	8.17
60.90- 60.94	8.18
60.95- 60.99	8.19

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$61.00- $61.04	$8.20
61.05- 61.09	8.22
61.10- 61.14	8.23
61.15- 61.19	8.24
61.20- 61.24	8.25
61.25- 61.29	8.26
61.30- 61.34	8.27
61.35- 61.39	8.28
61.40- 61.44	8.29
61.45- 61.49	8.30
61.50- 61.54	8.32
61.55- 61.59	8.33
61.60- 61.64	8.35
61.65- 61.69	8.37
61.70- 61.74	8.38
61.75- 61.79	8.39
61.80- 61.84	8.40
61.85- 61.89	8.42
61.90- 61.94	8.43
61.95- 61.99	8.44
62.00- 62.04	8.50
62.05- 62.09	8.50
62.10- 62.14	8.50
62.15- 62.19	8.50
62.20- 62.24	8.50
62.25- 62.29	8.51
62.30- 62.34	8.52
62.35- 62.39	8.54
62.40- 62.44	8.55
62.45- 62.49	8.56
62.50- 62.54	8.57
62.55- 62.59	8.59
62.60- 62.64	8.60
62.65- 62.69	8.62
62.70- 62.74	8.63
62.75- 62.79	8.64
62.80- 62.84	8.65
62.85- 62.89	8.67
62.90- 62.94	8.68
62.95- 62.99	8.69
63.00- 63.04	8.70
63.05- 63.09	8.72
63.10- 63.14	8.73
63.15- 63.19	8.74
63.20- 63.24	8.75
63.25- 63.29	8.77
63.30- 63.34	8.78
63.35- 63.39	8.79
63.40- 63.44	8.80
63.45- 63.49	8.81
63.50- 63.54	8.82
63.55- 63.59	8.84
63.60- 63.64	8.85
63.65- 63.69	8.87
63.70- 63.74	8.88
63.75- 63.79	8.89
63.80- 63.84	8.90
63.85- 63.89	8.92
63.90- 63.94	8.93
63.95- 63.99	8.94
64.00- 64.04	8.95
64.05- 64.09	8.95
64.10- 64.14	8.96
64.15- 64.19	8.97
64.20- 64.24	8.98
64.25- 64.29	8.99
64.30- 64.34	9.00
64.35- 64.39	9.00
64.40- 64.44	9.01
64.45- 64.49	9.02
64.50- 64.54	9.03
64.55- 64.59	9.04
64.60- 64.64	9.05
64.65- 64.69	9.05
64.70- 64.74	9.06
64.75- 64.79	9.07
64.80- 64.84	9.08
64.85- 64.89	9.09
64.90- 64.94	9.10
64.95- 64.99	9.10
65.00- 65.04	9.11
65.05- 65.09	9.12
65.10- 65.14	9.12
65.15- 65.19	9.13
65.20- 65.24	9.14

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$65.25- $65.29	$9.15
65.30- 65.34	9.15
65.35- 65.39	9.16
65.40- 65.44	9.17
65.45- 65.49	9.18
65.50- 65.54	9.19
65.55- 65.59	9.20
65.60- 65.64	9.20
65.65- 65.69	9.21
65.70- 65.74	9.22
65.75- 65.79	9.23
65.80- 65.84	9.24
65.85- 65.89	9.25
65.90- 65.94	9.25
65.95- 65.99	9.26
66.00- 66.04	9.27
66.05- 66.09	9.28
66.10- 66.14	9.29
66.15- 66.19	9.30
66.20- 66.24	9.30
66.25- 66.29	9.31
66.30- 66.34	9.32
66.35- 66.39	9.32
66.40- 66.44	9.33
66.45- 66.49	9.34
66.50- 66.54	9.35
66.55- 66.59	9.35
66.60- 66.64	9.36
66.65- 66.69	9.37
66.70- 66.74	9.38
66.75- 66.79	9.39
66.80- 66.84	9.40
66.85- 66.89	9.40
66.90- 66.94	9.41
66.95- 66.99	9.42
67.00- 67.04	9.43
67.05- 67.09	9.44
67.10- 67.14	9.45
67.15- 67.19	9.45
67.20- 67.24	9.46
67.25- 67.29	9.47
67.30- 67.34	9.48
67.35- 67.39	9.49
67.40- 67.44	9.50
67.45- 67.49	9.50
67.50- 67.54	9.51
67.55- 67.59	9.52
67.60- 67.64	9.52
67.65- 67.69	9.53
67.70- 67.74	9.54
67.75- 67.79	9.55
67.80- 67.84	9.55
67.85- 67.89	9.56
67.90- 67.94	9.57
67.95- 67.99	9.58
68.00- 68.04	9.59
68.05- 68.09	9.60
68.10- 68.14	9.60
68.15- 68.19	9.61
68.20- 68.24	9.62
68.25- 68.29	9.63
68.30- 68.34	9.64
68.35- 68.39	9.65
68.40- 68.44	9.65
68.45- 68.49	9.66
68.50- 68.54	9.67
68.55- 68.59	9.68
68.60- 68.64	9.69
68.65- 68.69	9.70
68.70- 68.74	9.70
68.75- 68.79	9.71
68.80- 68.84	9.72
68.85- 68.89	9.72
68.90- 68.94	9.73
68.95- 68.99	9.74
69.00- 69.04	9.75
69.05- 69.09	9.75
69.10- 69.14	9.75
69.15- 69.19	9.75
69.20- 69.24	9.75
69.25- 69.29	9.75
69.30- 69.34	9.75
69.35- 69.39	9.75
69.40- 69.44	9.75
69.45- 69.49	9.75

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$69.50- $69.54	$9.75
69.55- 69.59	9.75
69.60- 69.64	9.75
69.65- 69.69	9.75
69.70- 69.74	9.75
69.75- 69.79	9.75
69.80- 69.84	9.75
69.85- 69.89	9.75
69.90- 69.94	9.75
69.95- 69.99	9.75
70.00- 70.04	9.75
70.05- 70.09	9.76
70.10- 70.14	9.76
70.15- 70.19	9.77
70.20- 70.24	9.77
70.25- 70.29	9.78
70.30- 70.34	9.79
70.35- 70.39	9.80
70.40- 70.44	9.80
70.45- 70.49	9.81
70.50- 70.54	9.82
70.55- 70.59	9.83
70.60- 70.64	9.83
70.65- 70.69	9.84
70.70- 70.74	9.84
70.75- 70.79	9.85
70.80- 70.84	9.85
70.85- 70.89	9.86
70.90- 70.94	9.87
70.95- 70.99	9.87
71.00- 71.04	9.88
71.05- 71.09	9.88
71.10- 71.14	9.89
71.15- 71.19	9.90
71.20- 71.24	9.90
71.25- 71.29	9.91
71.30- 71.34	9.91
71.35- 71.39	9.92
71.40- 71.44	9.92
71.45- 71.49	9.93
71.50- 71.54	9.94
71.55- 71.59	9.95
71.60- 71.64	9.95
71.65- 71.69	9.96
71.70- 71.74	9.96
71.75- 71.79	9.97
71.80- 71.84	9.97
71.85- 71.89	9.98
71.90- 71.94	9.98
71.95- 71.99	9.99
72.00- 72.04	10.00
72.05- 72.09	10.00
72.10- 72.14	10.01
72.15- 72.19	10.02
72.20- 72.24	10.03
72.25- 72.29	10.04
72.30- 72.34	10.05
72.35- 72.39	10.06
72.40- 72.44	10.07
72.45- 72.49	10.08
72.50- 72.54	10.08
72.55- 72.59	10.09
72.60- 72.64	10.10
72.65- 72.69	10.10
72.70- 72.74	10.11
72.75- 72.79	10.12
72.80- 72.84	10.13
72.85- 72.89	10.14
72.90- 72.94	10.15
72.95- 72.99	10.15
73.00- 73.04	10.16
73.05- 73.09	10.17
73.10- 73.14	10.18
73.15- 73.19	10.18
73.20- 73.24	10.19
73.25- 73.29	10.20
73.30- 73.34	10.20
73.35- 73.39	10.21
73.40- 73.44	10.22
73.45- 73.49	10.23
73.50- 73.54	10.24
73.55- 73.59	10.25
73.60- 73.64	10.25
73.65- 73.69	10.26
73.70- 73.74	10.27

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$73.75- $73.79	$10.28
73.80- 73.84	10.29
73.85- 73.89	10.30
73.90- 73.94	10.31
73.95- 73.99	10.32
74.00- 74.04	10.32
74.05- 74.09	10.33
74.10- 74.14	10.34
74.15- 74.19	10.35
74.20- 74.24	10.35
74.25- 74.29	10.36
74.30- 74.34	10.37
74.35- 74.39	10.38
74.40- 74.44	10.39
74.45- 74.49	10.40
74.50- 74.54	10.40
74.55- 74.59	10.41
74.60- 74.64	10.42
74.65- 74.69	10.42
74.70- 74.74	10.43
74.75- 74.79	10.44
74.80- 74.84	10.45
74.85- 74.89	10.45
74.90- 74.94	10.46
74.95- 74.99	10.47
75.00- 75.04	10.50
75.05- 75.09	10.50
75.10- 75.14	10.50
75.15- 75.19	10.50
75.20- 75.24	10.51
75.25- 75.29	10.52
75.30- 75.34	10.53
75.35- 75.39	10.54
75.40- 75.44	10.55
75.45- 75.49	10.55
75.50- 75.54	10.56
75.55- 75.59	10.57
75.60- 75.64	10.58
75.65- 75.69	10.59
75.70- 75.74	10.60
75.75- 75.79	10.60
75.80- 75.84	10.61
75.85- 75.89	10.62
75.90- 75.94	10.63
75.95- 75.99	10.64
76.00- 76.04	10.65
76.05- 76.09	10.65
76.10- 76.14	10.66
76.15- 76.19	10.67
76.20- 76.24	10.68
76.25- 76.29	10.68
76.30- 76.34	10.69
76.35- 76.39	10.70
76.40- 76.44	10.70
76.45- 76.49	10.71
76.50- 76.54	10.72
76.55- 76.59	10.73
76.60- 76.64	10.74
76.65- 76.69	10.75
76.70- 76.74	10.75
76.75- 76.79	10.76
76.80- 76.84	10.77
76.85- 76.89	10.78
76.90- 76.94	10.79
76.95- 76.99	10.80
77.00- 77.04	10.80
77.05- 77.09	10.81
77.10- 77.14	10.82
77.15- 77.19	10.82
77.20- 77.24	10.83
77.25- 77.29	10.84
77.30- 77.34	10.85
77.35- 77.39	10.85
77.40- 77.44	10.86
77.45- 77.49	10.87
77.50- 77.54	10.88
77.55- 77.59	10.89
77.60- 77.64	10.89
77.65- 77.69	10.90
77.70- 77.74	10.90
77.75- 77.79	10.91
77.80- 77.84	10.92
77.85- 77.89	10.93
77.90- 77.94	10.94
77.95- 77.99	10.95
78.00- 78.04	10.95

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$78.05- $78.09	$10.96
78.10- 78.14	10.97
78.15- 78.19	10.98
78.20- 78.24	10.99
78.25- 78.29	11.00
78.30- 78.34	11.00
78.35- 78.39	11.01
78.40- 78.44	11.02
78.45- 78.49	11.02
78.50- 78.54	11.03
78.55- 78.59	11.04
78.60- 78.64	11.05
78.65- 78.69	11.05
78.70- 78.74	11.06
78.75- 78.79	11.07
78.80- 78.84	11.08
78.85- 78.89	11.09
78.90- 78.94	11.10
78.95- 78.99	11.10
79.00- 79.04	11.11
79.05- 79.09	11.12
79.10- 79.14	11.13
79.15- 79.19	11.14
79.20- 79.24	11.15
79.25- 79.29	11.15
79.30- 79.34	11.16
79.35- 79.39	11.17
79.40- 79.44	11.18
79.45- 79.49	11.19
79.50- 79.54	11.20
79.55- 79.59	11.20
79.60- 79.64	11.21
79.65- 79.69	11.22
79.70- 79.74	11.23
79.75- 79.79	11.24
79.80- 79.84	11.25
79.85- 79.89	11.26
79.90- 79.94	11.26
79.95- 79.99	11.27
80.00- 80.04	11.28
80.05- 80.09	11.29
80.10- 80.14	11.30
80.15- 80.19	11.31
80.20- 80.24	11.31
80.25- 80.29	11.32
80.30- 80.34	11.33
80.35- 80.39	11.34
80.40- 80.44	11.35
80.45- 80.49	11.35
80.50- 80.54	11.36
80.55- 80.59	11.37
80.60- 80.64	11.38
80.65- 80.69	11.39
80.70- 80.74	11.40
80.75- 80.79	11.40
80.80- 80.84	11.41
80.85- 80.89	11.42
80.90- 80.94	11.42
80.95- 80.99	11.43
81.00- 81.04	11.45
81.05- 81.09	11.46
81.10- 81.14	11.47
81.15- 81.19	11.48
81.20- 81.24	11.49
81.25- 81.29	11.50
81.30- 81.34	11.51
81.35- 81.39	11.52
81.40- 81.44	11.52
81.45- 81.49	11.53
81.50- 81.54	11.54
81.55- 81.59	11.54
81.60- 81.64	11.55
81.65- 81.69	11.55
81.70- 81.74	11.56
81.75- 81.79	11.57
81.80- 81.84	11.58
81.85- 81.89	11.59
81.90- 81.94	11.60
81.95- 81.99	11.60
82.00- 82.04	11.61
82.05- 82.09	11.62
82.10- 82.14	11.63
82.15- 82.19	11.64
82.20- 82.24	11.65
82.25- 82.29	11.65

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$82.30– $82.34	$11.66
82.35– 82.39	11.67
82.40– 82.44	11.68
82.45– 82.49	11.69
82.50– 82.54	11.70
82.55– 82.59	11.70
82.60– 82.64	11.71
82.65– 82.69	11.72
82.70– 82.74	11.73
82.75– 82.79	11.74
82.80– 82.84	11.75
82.85– 82.89	11.76
82.90– 82.94	11.77
82.95– 82.99	11.78
83.00– 83.04	11.79
83.05– 83.09	11.80
83.10– 83.14	11.80
83.15– 83.19	11.81
83.20– 83.24	11.82
83.25– 83.29	11.83
83.30– 83.34	11.84
83.35– 83.39	11.85
83.40– 83.44	11.85
83.45– 83.49	11.86
83.50– 83.54	11.87
83.55– 83.59	11.88
83.60– 83.64	11.89
83.65– 83.69	11.90
83.70– 83.74	11.90
83.75– 83.79	11.91
83.80– 83.84	11.92
83.85– 83.89	11.92
83.90– 83.94	11.94
83.95– 83.99	11.94
84.00– 84.04	11.95
84.05– 84.09	11.95
84.10– 84.14	11.95
84.15– 84.19	11.95
84.20– 84.24	11.95
84.25– 84.29	11.95
84.30– 84.34	11.95
84.35– 84.39	11.95
84.40– 84.44	11.95
84.45– 84.49	11.95
84.50– 84.54	11.95
84.55– 84.59	11.95
84.60– 84.64	11.95
84.65– 84.69	11.95
84.70– 84.74	11.95
84.75– 84.79	11.95
84.80– 84.84	11.95
84.85– 84.89	11.95
84.90– 84.94	11.95
84.95– 84.99	11.95
85.00– 85.04	11.95
85.05– 85.09	11.96
85.10– 85.14	11.97
85.15– 85.19	11.98
85.20– 85.24	11.99
85.25– 85.29	12.00
85.30– 85.34	12.01
85.35– 85.39	12.02
85.40– 85.44	12.03
85.45– 85.49	12.03
85.50– 85.54	12.04
85.55– 85.59	12.05
85.60– 85.64	12.05
85.65– 85.69	12.06
85.70– 85.74	12.07
85.75– 85.79	12.08
85.80– 85.84	12.09
85.85– 85.89	12.10
85.90– 85.94	12.11
85.95– 85.99	12.12
86.00– 86.04	12.13
86.05– 86.09	12.14
86.10– 86.14	12.15
86.15– 86.19	12.15
86.20– 86.24	12.16
86.25– 86.29	12.17
86.30– 86.34	12.18
86.35– 86.39	12.19
86.40– 86.44	12.20
86.45– 86.49	12.21
86.50– 86.54	12.22

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$86.55– $86.59	$12.23
86.60– 86.64	12.24
86.65– 86.69	12.25
86.70– 86.74	12.26
86.75– 86.79	12.27
86.80– 86.84	12.28
86.85– 86.89	12.29
86.90– 86.94	12.30
86.95– 86.99	12.30
87.00– 87.04	12.31
87.05– 87.09	12.32
87.10– 87.14	12.33
87.15– 87.19	12.34
87.20– 87.24	12.35
87.25– 87.29	12.36
87.30– 87.34	12.37
87.35– 87.39	12.38
87.40– 87.44	12.39
87.45– 87.49	12.40
87.50– 87.54	12.41
87.55– 87.59	12.42
87.60– 87.64	12.43
87.65– 87.69	12.44
87.70– 87.74	12.45
87.75– 87.79	12.45
87.80– 87.84	12.46
87.85– 87.89	12.47
87.90– 87.94	12.48
87.95– 87.99	12.49
88.00– 88.04	12.50
88.05– 88.09	12.50
88.10– 88.14	12.50
88.15– 88.19	12.50
88.20– 88.24	12.50
88.25– 88.29	12.50
88.30– 88.34	12.50
88.35– 88.39	12.50
88.40– 88.44	12.50
88.45– 88.49	12.50
88.50– 88.54	12.50
88.55– 88.59	12.50
88.60– 88.64	12.50
88.65– 88.69	12.50
88.70– 88.74	12.50
88.75– 88.79	12.50
88.80– 88.84	12.50
88.85– 88.89	12.50
88.90– 88.94	12.50
88.95– 88.99	12.50
89.00– 89.04	12.50
89.05– 89.09	12.50
89.10– 89.14	12.50
89.15– 89.19	12.50
89.20– 89.24	12.50
89.25– 89.29	12.50
89.30– 89.34	12.50
89.35– 89.39	12.50
89.40– 89.44	12.50
89.45– 89.49	12.50
89.50– 89.54	12.50
89.55– 89.59	12.50
89.60– 89.64	12.50
89.65– 89.69	12.50
89.70– 89.74	12.50
89.75– 89.79	12.50
89.80– 89.84	12.50
89.85– 89.89	12.50
89.90– 89.94	12.50
89.95– 89.99	12.50
90.00– 90.04	12.50
90.05– 90.09	12.51
90.10– 90.14	12.52
90.15– 90.19	12.52
90.20– 90.24	12.53
90.25– 90.29	12.54
90.30– 90.34	12.55
90.35– 90.39	12.55
90.40– 90.44	12.56
90.45– 90.49	12.57
90.50– 90.54	12.58
90.55– 90.59	12.58
90.60– 90.64	12.59
90.65– 90.69	12.60
90.70– 90.74	12.60
90.75– 90.79	12.61

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$90.80– $90.84	$12.62
90.85– 90.89	12.63
90.90– 90.94	12.64
90.95– 90.99	12.64
91.00– 91.04	12.65
91.05– 91.09	12.65
91.10– 91.14	12.66
91.15– 91.19	12.66
91.20– 91.24	12.67
91.25– 91.29	12.68
91.30– 91.34	12.69
91.35– 91.39	12.70
91.40– 91.44	12.70
91.45– 91.49	12.71
91.50– 91.54	12.72
91.55– 91.59	12.72
91.60– 91.64	12.73
91.65– 91.69	12.74
91.70– 91.74	12.75
91.75– 91.79	12.75
91.80– 91.84	12.76
91.85– 91.89	12.77
91.90– 91.94	12.78
91.95– 91.99	12.78
92.00– 92.04	12.79
92.05– 92.09	12.80
92.10– 92.14	12.80
92.15– 92.19	12.81
92.20– 92.24	12.82
92.25– 92.29	12.82
92.30– 92.34	12.83
92.35– 92.39	12.84
92.40– 92.44	12.85
92.45– 92.49	12.85
92.50– 92.54	12.86
92.55– 92.59	12.87
92.60– 92.64	12.88
92.65– 92.69	12.88
92.70– 92.74	12.89
92.75– 92.79	12.90
92.80– 92.84	12.90
92.85– 92.89	12.91
92.90– 92.94	12.92
92.95– 92.99	12.92
93.00– 93.04	12.95
93.05– 93.09	12.95
93.10– 93.14	12.95
93.15– 93.19	12.95
93.20– 93.24	12.95
93.25– 93.29	12.96
93.30– 93.34	12.97
93.35– 93.39	12.98
93.40– 93.44	12.98
93.45– 93.49	13.00
93.50– 93.54	13.00
93.55– 93.59	13.01
93.60– 93.64	13.02
93.65– 93.69	13.02
93.70– 93.74	13.03
93.75– 93.79	13.04
93.80– 93.84	13.05
93.85– 93.89	13.05
93.90– 93.94	13.06
93.95– 93.99	13.07
94.00– 94.04	13.08
94.05– 94.09	13.08
94.10– 94.14	13.09
94.15– 94.19	13.10
94.20– 94.24	13.10
94.25– 94.29	13.11
94.30– 94.34	13.12
94.35– 94.39	13.13
94.40– 94.44	13.14
94.45– 94.49	13.15
94.50– 94.54	13.15
94.55– 94.59	13.16
94.60– 94.64	13.16
94.65– 94.69	13.17
94.70– 94.74	13.18
94.75– 94.79	13.18
94.80– 94.84	13.19
94.85– 94.89	13.20
94.90– 94.94	13.20
94.95– 94.99	13.21
95.00– 95.04	13.22

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$95.05– $95.09	$13.23
95.10– 95.14	13.24
95.15– 95.19	13.24
95.20– 95.24	13.25
95.25– 95.29	13.25
95.30– 95.34	13.26
95.35– 95.39	13.27
95.40– 95.44	13.28
95.45– 95.49	13.29
95.50– 95.54	13.30
95.55– 95.59	13.30
95.60– 95.64	13.31
95.65– 95.69	13.32
95.70– 95.74	13.32
95.75– 95.79	13.33
95.80– 95.84	13.34
95.85– 95.89	13.35
95.90– 95.94	13.35
95.95– 95.99	13.36
96.00– 96.04	13.36
96.05– 96.09	13.37
96.10– 96.14	13.38
96.15– 96.19	13.38
96.20– 96.24	13.39
96.25– 96.29	13.40
96.30– 96.34	13.40
96.35– 96.39	13.41
96.40– 96.44	13.42
96.45– 96.49	13.43
96.50– 96.54	13.50
96.55– 96.59	13.50
96.60– 96.64	13.50
96.65– 96.69	13.50
96.70– 96.74	13.50
96.75– 96.79	13.50
96.80– 96.84	13.50
96.85– 96.89	13.50
96.90– 96.94	13.50
96.95– 96.99	13.50
97.00– 97.04	13.51
97.05– 97.09	13.52
97.10– 97.14	13.52
97.15– 97.19	13.53
97.20– 97.24	13.54
97.25– 97.29	13.54
97.30– 97.34	13.55
97.35– 97.39	13.55
97.40– 97.44	13.56
97.45– 97.49	13.57
97.50– 97.54	13.58
97.55– 97.59	13.58
97.60– 97.64	13.59
97.65– 97.69	13.60
97.70– 97.74	13.60
97.75– 97.79	13.61
97.80– 97.84	13.62
97.85– 97.89	13.63
97.90– 97.94	13.64
97.95– 97.99	13.65
98.00– 98.04	13.65
98.05– 98.09	13.66
98.10– 98.14	13.67
98.15– 98.19	13.68
98.20– 98.24	13.68
98.25– 98.29	13.69
98.30– 98.34	13.70
98.35– 98.39	13.70
98.40– 98.44	13.71
98.45– 98.49	13.72
98.50– 98.54	13.72
98.55– 98.59	13.73
98.60– 98.64	13.74
98.65– 98.69	13.75
98.70– 98.74	13.75
98.75– 98.79	13.76
98.80– 98.84	13.76
98.85– 98.89	13.77
98.90– 98.94	13.78
98.95– 98.99	13.79
99.00– 99.04	13.80
99.05– 99.09	13.80
99.10– 99.14	13.81
99.15– 99.19	13.82
99.20– 99.24	13.82
99.25– 99.29	13.83

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$99.30– $99.34	$13.84
99.35– 99.39	13.85
99.40– 99.44	13.85
99.45– 99.49	13.86
99.50– 99.54	13.87
99.55– 99.59	13.88
99.60– 99.64	13.88
99.65– 99.69	13.89
99.70– 99.74	13.90
99.75– 99.79	13.90
99.80– 99.84	13.91
99.85– 99.89	13.92
99.90– 99.94	13.93
99.95– 99.99	13.94
100.00– 100.04	13.95
100.05– 100.09	13.95
100.10– 100.14	13.96
100.15– 100.19	13.97
100.20– 100.24	13.98
100.25– 100.29	13.99
100.30– 100.34	14.00
100.35– 100.39	14.01
100.40– 100.44	14.02
100.45– 100.49	14.03
100.50– 100.54	14.04
100.55– 100.59	14.05
100.60– 100.64	14.05
100.65– 100.69	14.06
100.70– 100.74	14.07
100.75– 100.79	14.08
100.80– 100.84	14.09
100.85– 100.89	14.10
100.90– 100.94	14.11
100.95– 100.99	14.12
101.00– 101.04	14.13
101.05– 101.09	14.14
101.10– 101.14	14.15
101.15– 101.19	14.15
101.20– 101.24	14.16
101.25– 101.29	14.17
101.30– 101.34	14.18
101.35– 101.39	14.19
101.40– 101.44	14.20
101.45– 101.49	14.20
101.50– 101.54	14.21
101.55– 101.59	14.22
101.60– 101.64	14.23
101.65– 101.69	14.24
101.70– 101.74	14.25
101.75– 101.79	14.25
101.80– 101.84	14.26
101.85– 101.89	14.27
101.90– 101.94	14.28
101.95– 101.99	14.29
102.00– 102.04	14.30
102.05– 102.09	14.30
102.10– 102.14	14.31
102.15– 102.19	14.32
102.20– 102.24	14.33
102.25– 102.29	14.34
102.30– 102.34	14.35
102.35– 102.39	14.35
102.40– 102.44	14.36
102.45– 102.49	14.37
102.50– 102.54	14.38
102.55– 102.59	14.39
102.60– 102.64	14.40
102.65– 102.69	14.41
102.70– 102.74	14.42
102.75– 102.79	14.43
102.80– 102.84	14.44
102.85– 102.89	14.45
102.90– 102.94	14.45
102.95– 102.99	14.46
103.00– 103.04	14.50
103.05– 103.09	14.50
103.10– 103.14	14.50
103.15– 103.19	14.50
103.20– 103.24	14.50
103.25– 103.29	14.51
103.30– 103.34	14.52
103.35– 103.39	14.53
103.40– 103.44	14.54
103.45– 103.49	14.55
103.50– 103.54	14.55

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$103.55–$103.59	$14.56
103.60– 103.64	14.57
103.65– 103.69	14.58
103.70– 103.74	14.59
103.75– 103.79	14.60
103.80– 103.84	14.61
103.85– 103.89	14.62
103.90– 103.94	14.63
103.95– 103.99	14.64
104.00– 104.04	14.65
104.05– 104.09	14.66
104.10– 104.14	14.66
104.15– 104.19	14.67
104.20– 104.24	14.68
104.25– 104.29	14.69
104.30– 104.34	14.70
104.35– 104.39	14.70
104.40– 104.44	14.71
104.45– 104.49	14.72
104.50– 104.54	14.73
104.55– 104.59	14.74
104.60– 104.64	14.75
104.65– 104.69	14.75
104.70– 104.74	14.76
104.75– 104.79	14.77
104.80– 104.84	14.78
104.85– 104.89	14.79
104.90– 104.94	14.80
104.95– 104.99	14.81
105.00– 105.04	14.82
105.05– 105.09	14.83
105.10– 105.14	14.84
105.15– 105.19	14.85
105.20– 105.24	14.86
105.25– 105.29	14.87
105.30– 105.34	14.88
105.35– 105.39	14.89
105.40– 105.44	14.90
105.45– 105.49	14.91
105.50– 105.54	14.92
105.55– 105.59	14.93
105.60– 105.64	14.94
105.65– 105.69	14.95
105.70– 105.74	14.95
105.75– 105.79	15.00
105.80– 105.84	15.00
105.85– 105.89	15.00
105.90– 105.94	15.00
105.95– 105.99	15.00
106.00– 106.04	15.00
106.05– 106.09	15.00
106.10– 106.14	15.01
106.15– 106.19	15.02
106.20– 106.24	15.02
106.25– 106.29	15.03
106.30– 106.34	15.04
106.35– 106.39	15.05
106.40– 106.44	15.05
106.45– 106.49	15.06
106.50– 106.54	15.06
106.55– 106.59	15.06
106.60– 106.64	15.07
106.65– 106.69	15.07
106.70– 106.74	15.08
106.75– 106.79	15.08
106.80– 106.84	15.08
106.85– 106.89	15.09
106.90– 106.94	15.10
106.95– 106.99	15.10
107.00– 107.04	15.11
107.05– 107.09	15.11
107.10– 107.14	15.12
107.15– 107.19	15.12
107.20– 107.24	15.13
107.25– 107.29	15.13
107.30– 107.34	15.14
107.35– 107.39	15.15
107.40– 107.44	15.15
107.45– 107.49	15.16
107.50– 107.54	15.16
107.55– 107.59	15.17
107.60– 107.64	15.17
107.65– 107.69	15.18
107.70– 107.74	15.18
107.75– 107.79	15.19

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$107.80–$107.84	$15.20
107.85– 107.89	15.20
107.90– 107.94	15.21
107.95– 107.99	15.22
108.00– 108.04	15.22
108.05– 108.09	15.23
108.10– 108.14	15.23
108.15– 108.19	15.24
108.20– 108.24	15.24
108.25– 108.29	15.25
108.30– 108.34	15.25
108.35– 108.39	15.26
108.40– 108.44	15.26
108.45– 108.49	15.27
108.50– 108.54	15.27
108.55– 108.59	15.28
108.60– 108.64	15.28
108.65– 108.69	15.29
108.70– 108.74	15.30
108.75– 108.79	15.30
108.80– 108.84	15.31
108.85– 108.89	15.31
108.90– 108.94	15.32
108.95– 108.99	15.32
109.00– 109.04	15.33
109.05– 109.09	15.33
109.10– 109.14	15.34
109.15– 109.19	15.34
109.20– 109.24	15.35
109.25– 109.29	15.35
109.30– 109.34	15.36
109.35– 109.39	15.36
109.40– 109.44	15.37
109.45– 109.49	15.37
109.50– 109.54	15.38
109.55– 109.59	15.38
109.60– 109.64	15.39
109.65– 109.69	15.39
109.70– 109.74	15.40
109.75– 109.79	15.40
109.80– 109.84	15.41
109.85– 109.89	15.41
109.90– 109.94	15.42
109.95– 109.99	15.42
110.00– 110.04	15.43
110.05– 110.09	15.44
110.10– 110.14	15.44
110.15– 110.19	15.45
110.20– 110.24	15.45
110.25– 110.29	15.46
110.30– 110.34	15.47
110.35– 110.39	15.47
110.40– 110.44	15.48
110.45– 110.49	15.48
110.50– 110.54	15.49
110.55– 110.59	15.49
110.60– 110.64	15.50
110.65– 110.69	15.50
110.70– 110.74	15.51
110.75– 110.79	15.51
110.80– 110.84	15.52
110.85– 110.89	15.52
110.90– 110.94	15.53
110.95– 110.99	15.54
111.00– 111.04	15.54
111.05– 111.09	15.55
111.10– 111.14	15.55
111.15– 111.19	15.56
111.20– 111.24	15.56
111.25– 111.29	15.57
111.30– 111.34	15.57
111.35– 111.39	15.58
111.40– 111.44	15.58
111.45– 111.49	15.59
111.50– 111.54	15.59
111.55– 111.59	15.60
111.60– 111.64	15.60
111.65– 111.69	15.61
111.70– 111.74	15.61
111.75– 111.79	15.62
111.80– 111.84	15.62
111.85– 111.89	15.63
111.90– 111.94	15.63
111.95– 111.99	15.64
112.00– 112.04	15.64

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$112.05–$112.09	$15.64
112.10– 112.14	15.65
112.15– 112.19	15.65
112.20– 112.24	15.66
112.25– 112.29	15.66
112.30– 112.34	15.67
112.35– 112.39	15.67
112.40– 112.44	15.68
112.45– 112.49	15.68
112.50– 112.54	15.69
112.55– 112.59	15.70
112.60– 112.64	15.70
112.65– 112.69	15.71
112.70– 112.74	15.72
112.75– 112.79	15.72
112.80– 112.84	15.73
112.85– 112.89	15.73
112.90– 112.94	15.74
112.95– 112.99	15.74
113.00– 113.04	15.75
113.05– 113.09	15.75
113.10– 113.14	15.76
113.15– 113.19	15.76
113.20– 113.24	15.77
113.25– 113.29	15.77
113.30– 113.34	15.78
113.35– 113.39	15.78
113.40– 113.44	15.79
113.45– 113.49	15.80
113.50– 113.54	15.80
113.55– 113.59	15.81
113.60– 113.64	15.81
113.65– 113.69	15.82
113.70– 113.74	15.82
113.75– 113.79	15.82
113.80– 113.84	15.83
113.85– 113.89	15.83
113.90– 113.94	15.84
113.95– 113.99	15.85
114.00– 114.04	15.85
114.05– 114.09	15.86
114.10– 114.14	15.87
114.15– 114.19	15.88
114.20– 114.24	15.88
114.25– 114.29	15.89
114.30– 114.34	15.90
114.35– 114.39	15.90
114.40– 114.44	15.91
114.45– 114.49	15.91
114.50– 114.54	15.95
114.55– 114.59	15.95
114.60– 114.64	15.95
114.65– 114.69	15.95
114.70– 114.74	15.95
114.75– 114.79	15.95
114.80– 114.84	15.95
114.85– 114.89	15.95
114.90– 114.94	15.95
114.95– 114.99	15.96
115.00– 115.04	15.97
115.05– 115.09	15.97
115.10– 115.14	15.98
115.15– 115.19	15.98
115.20– 115.24	15.99
115.25– 115.29	15.99
115.30– 115.34	16.00
115.35– 115.39	16.00
115.40– 115.44	16.01
115.45– 115.49	16.01
115.50– 115.54	16.02
115.55– 115.59	16.02
115.60– 115.64	16.03
115.65– 115.69	16.03
115.70– 115.74	16.04
115.75– 115.79	16.04
115.80– 115.84	16.05
115.85– 115.89	16.05
115.90– 115.94	16.06
115.95– 115.99	16.06
116.00– 116.04	16.07
116.05– 116.09	16.08
116.10– 116.14	16.08
116.15– 116.19	16.09
116.20– 116.24	16.09
116.25– 116.29	16.10

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$116.30–$116.34	$16.10
116.35– 116.39	16.11
116.40– 116.44	16.12
116.45– 116.49	16.12
116.50– 116.54	16.13
116.55– 116.59	16.13
116.60– 116.64	16.14
116.65– 116.69	16.14
116.70– 116.74	16.15
116.75– 116.79	16.15
116.80– 116.84	16.16
116.85– 116.89	16.16
116.90– 116.94	16.17
116.95– 116.99	16.18
117.00– 117.04	16.18
117.05– 117.09	16.19
117.10– 117.14	16.19
117.15– 117.19	16.20
117.20– 117.24	16.20
117.25– 117.29	16.21
117.30– 117.34	16.21
117.35– 117.39	16.22
117.40– 117.44	16.22
117.45– 117.49	16.23
117.50– 117.54	16.24
117.55– 117.59	16.24
117.60– 117.64	16.25
117.65– 117.69	16.26
117.70– 117.74	16.26
117.75– 117.79	16.27
117.80– 117.84	16.27
117.85– 117.89	16.28
117.90– 117.94	16.28
117.95– 117.99	16.29
118.00– 118.04	16.29
118.05– 118.09	16.30
118.10– 118.14	16.30
118.15– 118.19	16.31
118.20– 118.24	16.31
118.25– 118.29	16.32
118.30– 118.34	16.32
118.35– 118.39	16.33
118.40– 118.44	16.34
118.45– 118.49	16.34
118.50– 118.54	16.35
118.55– 118.59	16.35
118.60– 118.64	16.36
118.65– 118.69	16.36
118.70– 118.74	16.37
118.75– 118.79	16.37
118.80– 118.84	16.38
118.85– 118.89	16.38
118.90– 118.94	16.39
118.95– 118.99	16.39
119.00– 119.04	16.40
119.05– 119.09	16.40
119.10– 119.14	16.41
119.15– 119.19	16.41
119.20– 119.24	16.42
119.25– 119.29	16.42
119.30– 119.34	16.43
119.35– 119.39	16.43
119.40– 119.44	16.44
119.45– 119.49	16.44
119.50– 119.54	16.50
119.55– 119.59	16.50
119.60– 119.64	16.50
119.65– 119.69	16.50
119.70– 119.74	16.50
119.75– 119.79	16.50
119.80– 119.84	16.50
119.85– 119.89	16.50
119.90– 119.94	16.50
119.95– 119.99	16.50
120.00– 120.04	16.50
120.05– 120.09	16.51
120.10– 120.14	16.52
120.15– 120.19	16.53
120.20– 120.24	16.54
120.25– 120.29	16.55
120.30– 120.34	16.55
120.35– 120.39	16.56
120.40– 120.44	16.57
120.45– 120.49	16.58
120.50– 120.54	16.59

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$120.55–$120.59	$16.60
120.60– 120.64	16.61
120.65– 120.69	16.62
120.70– 120.74	16.63
120.75– 120.79	16.64
120.80– 120.84	16.65
120.85– 120.89	16.66
120.90– 120.94	16.67
120.95– 120.99	16.68
121.00– 121.04	16.69
121.05– 121.09	16.70
121.10– 121.14	16.71
121.15– 121.19	16.72
121.20– 121.24	16.73
121.25– 121.29	16.74
121.30– 121.34	16.75
121.35– 121.39	16.76
121.40– 121.44	16.77
121.45– 121.49	16.77
121.50– 121.54	16.78
121.55– 121.59	16.79
121.60– 121.64	16.80
121.65– 121.69	16.81
121.70– 121.74	16.82
121.75– 121.79	16.83
121.80– 121.84	16.84
121.85– 121.89	16.85
121.90– 121.94	16.86
121.95– 121.99	16.87
122.00– 122.04	16.88
122.05– 122.09	16.89
122.10– 122.14	16.90
122.15– 122.19	16.95
122.20– 122.24	16.95
122.25– 122.29	16.95
122.30– 122.34	16.95
122.35– 122.39	16.95
122.40– 122.44	16.96
122.45– 122.49	16.97
122.50– 122.54	16.98
122.55– 122.59	16.99
122.60– 122.64	17.00
122.65– 122.69	17.01
122.70– 122.74	17.02
122.75– 122.79	17.03
122.80– 122.84	17.03
122.85– 122.89	17.04
122.90– 122.94	17.05
122.95– 122.99	17.06
123.00– 123.04	17.07
123.05– 123.09	17.08
123.10– 123.14	17.09
123.15– 123.19	17.10
123.20– 123.24	17.11
123.25– 123.29	17.13
123.30– 123.34	17.14
123.35– 123.39	17.14
123.40– 123.44	17.15
123.45– 123.49	17.16
123.50– 123.54	17.17
123.55– 123.59	17.18
123.60– 123.64	17.19
123.65– 123.69	17.20
123.70– 123.74	17.21
123.75– 123.79	17.22
123.80– 123.84	17.23
123.85– 123.89	17.23
123.90– 123.94	17.24
123.95– 123.99	17.25
124.00– 124.04	17.26
124.05– 124.09	17.27
124.10– 124.14	17.28
124.15– 124.19	17.29
124.20– 124.24	17.30
124.25– 124.29	17.31
124.30– 124.34	17.32
124.35– 124.39	17.33
124.40– 124.44	17.34
124.45– 124.49	17.35
124.50– 124.54	17.37
124.55– 124.59	17.38
124.60– 124.64	17.39
124.65– 124.69	17.40
124.70– 124.74	17.41
124.75– 124.79	17.42

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$124.80–$124.84	$17.43
124.85– 124.89	17.44
124.90– 124.94	17.45
124.95– 124.99	17.45
125.00– 125.04	17.50
125.05– 125.09	17.50
125.10– 125.14	17.50
125.15– 125.19	17.50
125.20– 125.24	17.50
125.25– 125.29	17.51
125.30– 125.34	17.52
125.35– 125.39	17.53
125.40– 125.44	17.54
125.45– 125.49	17.55
125.50– 125.54	17.56
125.55– 125.59	17.57
125.60– 125.64	17.58
125.65– 125.69	17.59
125.70– 125.74	17.60
125.75– 125.79	17.61
125.80– 125.84	17.62
125.85– 125.89	17.63
125.90– 125.94	17.64
125.95– 125.99	17.65
126.00– 126.04	17.66
126.05– 126.09	17.67
126.10– 126.14	17.67
126.15– 126.19	17.68
126.20– 126.24	17.69
126.25– 126.29	17.70
126.30– 126.34	17.71
126.35– 126.39	17.72
126.40– 126.44	17.73
126.45– 126.49	17.74
126.50– 126.54	17.75
126.55– 126.59	17.76
126.60– 126.64	17.76
126.65– 126.69	17.77
126.70– 126.74	17.79
126.75– 126.79	17.80
126.80– 126.84	17.81
126.85– 126.89	17.82
126.90– 126.94	17.83
126.95– 126.99	17.84
127.00– 127.04	17.85
127.05– 127.09	17.86
127.10– 127.14	17.87
127.15– 127.19	17.87
127.20– 127.24	17.88
127.25– 127.29	17.89
127.30– 127.34	17.90
127.35– 127.39	17.91
127.40– 127.44	17.92
127.45– 127.49	17.93
127.50– 127.54	17.95
127.55– 127.59	17.95
127.60– 127.64	17.96
127.65– 127.69	17.97
127.70– 127.74	17.98
127.75– 127.79	17.99
127.80– 127.84	18.00
127.85– 127.89	18.01
127.90– 127.94	18.02
127.95– 127.99	18.03
128.00– 128.04	18.04
128.05– 128.09	18.05
128.10– 128.14	18.06
128.15– 128.19	18.06
128.20– 128.24	18.07
128.25– 128.29	18.08
128.30– 128.34	18.09
128.35– 128.39	18.10
128.40– 128.44	18.11
128.45– 128.49	18.12
128.50– 128.54	18.13
128.55– 128.59	18.14
128.60– 128.64	18.15
128.65– 128.69	18.16
128.70– 128.74	18.17
128.75– 128.79	18.19
128.80– 128.84	18.21
128.85– 128.89	18.22
128.90– 128.94	18.23
128.95– 128.99	18.24
129.00– 129.04	18.25

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$129.05–$129.09	$18.26
129.10– 129.14	18.27
129.15– 129.19	18.28
129.20– 129.24	18.29
129.25– 129.29	18.30
129.30– 129.34	18.31
129.35– 129.39	18.32
129.40– 129.44	18.33
129.45– 129.49	18.34
129.50– 129.54	18.35
129.55– 129.59	18.35
129.60– 129.64	18.36
129.65– 129.69	18.37
129.70– 129.74	18.38
129.75– 129.79	18.39
129.80– 129.84	18.40
129.85– 129.89	18.41
129.90– 129.94	18.42
129.95– 129.99	18.43
130.00– 130.04	18.50
130.05– 130.09	18.50
130.10– 130.14	18.50
130.15– 130.19	18.50
130.20– 130.24	18.50
130.25– 130.29	18.50
130.30– 130.34	18.50
130.35– 130.29	18.51
130.40– 130.44	18.52
130.45– 130.49	18.53
130.50– 130.54	18.54
130.55– 130.59	18.55
130.60– 130.64	18.55
130.65– 130.69	18.56
130.70– 130.74	18.57
130.75– 130.79	18.58
130.80– 130.84	18.59
130.85– 130.89	18.60
130.90– 130.94	18.61
130.95– 130.99	18.62
131.00– 131.04	18.63
131.05– 131.09	18.64
131.10– 131.14	18.65
131.15– 131.19	18.66
131.20– 131.24	18.67
131.25– 131.29	18.68
131.30– 131.34	18.69
131.35– 131.39	18.70
131.40– 131.44	18.70
131.45– 131.49	18.71
131.50– 131.54	18.72
131.55– 131.59	18.73
131.60– 131.64	18.74
131.65– 131.69	18.75
131.70– 131.74	18.76
131.75– 131.79	18.77
131.80– 131.84	18.78
131.85– 131.89	18.79
131.90– 131.94	18.80
131.95– 131.99	18.81
132.00– 132.04	18.83
132.05– 132.09	18.84
132.10– 132.14	18.85
132.15– 132.19	18.86
132.20– 132.24	18.87
132.25– 132.29	18.88
132.30– 132.34	18.89
132.35– 132.39	18.89
132.40– 132.44	18.90
132.45– 132.49	18.92
132.50– 132.54	18.95
132.55– 132.59	18.95
132.60– 132.64	18.95
132.65– 132.69	18.96
132.70– 132.74	18.97
132.75– 132.79	18.98
132.80– 132.84	18.99
132.85– 132.89	19.00
132.90– 132.94	19.01
132.95– 132.99	19.02
133.00– 133.04	19.03
133.05– 133.09	19.04
133.10– 133.14	19.05
133.15– 133.19	19.06
133.20– 133.24	19.07

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$133.25–$133.29	$19.08
133.30– 133.34	19.09
133.35– 133.39	19.10
133.40– 133.44	19.11
133.45– 133.49	19.12
133.50– 133.54	19.13
133.55– 133.59	19.14
133.60– 133.64	19.15
133.65– 133.69	19.15
133.70– 133.74	19.16
133.75– 133.79	19.17
133.80– 133.84	19.18
133.85– 133.89	19.19
133.90– 133.94	19.20
133.95– 133.99	19.21
134.00– 134.04	19.22
134.05– 134.09	19.23
134.10– 134.14	19.24
134.15– 134.19	19.25
134.20– 134.24	19.26
134.25– 134.29	19.27
134.30– 134.34	19.28
134.35– 134.39	19.29
134.40– 134.44	19.30
134.45– 134.49	19.31
134.50– 134.54	19.32
134.55– 134.59	19.33
134.60– 134.64	19.34
134.65– 134.69	19.35
134.70– 134.74	19.35
134.75– 134.79	19.36
134.80– 134.84	19.37
134.85– 134.89	19.38
134.90– 134.94	19.39
134.95– 135.00	19.50
135.00– 135.04	19.50
135.05– 135.09	19.50
135.10– 135.14	19.50
135.15– 135.19	19.50
135.20– 135.24	19.50
135.25– 135.29	19.50
135.30– 135.34	19.50
135.35– 135.39	19.50
135.40– 135.44	19.50
135.45– 135.49	19.50
135.50– 135.54	19.50
135.55– 135.59	19.51
135.60– 135.64	19.52
135.65– 135.69	19.53
135.70– 135.74	19.54
135.75– 135.79	19.55
135.80– 135.84	19.56
135.85– 135.89	19.57
135.90– 135.94	19.58
135.95– 135.99	19.59
136.00– 136.04	19.60
136.05– 136.09	19.60
136.10– 136.14	19.61
136.15– 136.19	19.62
136.20– 136.24	19.63
136.25– 136.29	19.64
136.30– 136.34	19.65
136.35– 136.39	19.66
136.40– 136.44	19.67
136.45– 136.49	19.68
136.50– 136.54	19.69
136.55– 136.59	19.70
136.60– 136.64	19.71
136.65– 136.69	19.72
136.70– 136.74	19.73
136.75– 136.79	19.74
136.80– 136.84	19.75
136.85– 136.89	19.76
136.90– 136.94	19.77
136.95– 136.99	19.78
137.00– 137.04	19.79
137.05– 137.09	19.80
137.10– 137.14	19.80
137.15– 137.19	19.81
137.20– 137.24	19.82
137.25– 137.29	19.83
137.30– 137.34	19.84
137.35– 137.39	19.85
137.40– 137.44	19.86
137.45– 137.49	19.87

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$137.50–$137.54	$19.89
137.55– 137.59	19.90
137.60– 137.64	19.91
137.65– 137.69	19.92
137.70– 137.74	19.93
137.75– 137.79	19.95
137.80– 137.84	19.96
137.85– 137.89	19.97
137.90– 137.94	19.98
137.95– 137.99	19.99
138.00– 138.04	20.00
138.05– 138.09	20.01
138.10– 138.14	20.02
138.15– 138.19	20.03
138.20– 138.24	20.04
138.25– 138.29	20.05
138.30– 138.34	20.06
138.35– 138.39	20.07
138.40– 138.44	20.08
138.45– 138.49	20.09
138.50– 138.54	20.10
138.55– 138.59	20.11
138.60– 138.64	20.12
138.65– 138.69	20.13
138.70– 138.74	20.14
138.75– 138.79	20.15
138.80– 138.84	20.17
138.85– 138.89	20.18
138.90– 138.94	20.19
138.95– 138.99	20.20
139.00– 139.04	20.21
139.05– 139.09	20.22
139.10– 139.14	20.23
139.15– 139.19	20.24
139.20– 139.24	25.25
139.25– 139.29	20.26
139.30– 139.34	20.27
139.35– 139.39	20.28
139.40– 139.44	20.29
139.45– 139.49	20.30
139.50– 139.54	20.31
139.55– 139.59	20.32
139.60– 139.64	20.33
139.65– 139.69	20.34
139.70– 139.74	20.35
139.75– 139.79	20.36
139.80– 139.84	20.37
139.85– 139.89	20.38
139.90– 139.94	20.39
139.95– 139.99	20.40
140.00– 140.04	20.41
140.05– 140.09	20.42
140.10– 140.14	20.43
140.15– 140.19	20.44
140.20– 140.24	20.45
140.25– 140.29	20.46
140.30– 140.34	20.47
140.35– 140.39	20.48
140.40– 140.44	20.49
140.45– 140.49	20.50
140.50– 140.54	20.51
140.55– 140.59	20.52
140.60– 140.64	20.53
140.65– 140.69	20.55
140.70– 140.74	20.56
140.75– 140.79	20.57
140.80– 140.84	20.58
140.85– 140.89	20.59
140.90– 140.94	20.60
140.95– 140.99	20.61
141.00– 141.04	20.62
141.05– 141.09	20.63
141.10– 141.14	20.64
141.15– 141.19	20.65
141.20– 141.24	20.66
141.25– 141.29	20.67
141.30– 141.34	20.68
141.35– 141.39	20.69
141.40– 141.44	20.70
141.45– 141.49	20.71
141.50– 141.54	20.72
141.55– 141.59	20.73
141.60– 141.64	20.74
141.65– 141.69	20.75
141.70– 141.74	20.76

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$141.75–$141.79	$20.77
141.80– 141.84	20.78
141.85– 141.89	20.79
141.90– 141.94	20.80
141.95– 141.99	20.81
142.00– 142.04	20.82
142.05– 142.09	20.83
142.10– 142.14	20.84
142.15– 142.19	20.85
142.20– 142.24	20.86
142.25– 142.29	20.87
142.30– 142.34	20.88
142.35– 142.39	20.89
142.40– 142.44	20.90
142.45– 142.49	20.91
142.50– 142.54	20.92
142.55– 142.59	20.94
142.60– 142.64	20.95
142.65– 142.69	20.96
142.70– 142.74	20.97
142.75– 142.79	20.98
142.80– 142.84	20.99
142.85– 142.89	21.00
142.90– 142.94	21.01
142.95– 142.99	21.02
143.00– 143.04	21.03
143.05– 143.09	21.04
143.10– 143.14	21.05
143.15– 143.19	21.06
143.20– 143.24	21.07
143.25– 143.29	21.08
143.30– 143.34	21.10
143.35– 143.39	21.11
143.40– 143.44	21.13
143.45– 143.49	21.14
143.50– 143.54	21.15
143.55– 143.59	21.16
143.60– 143.64	21.17
143.65– 143.69	21.18
143.70– 143.74	21.19
143.75– 143.79	21.20
143.80– 143.84	21.21
143.85– 143.89	21.22
143.90– 143.94	21.23
143.95– 143.99	21.24
144.00– 144.04	21.25
144.05– 144.09	21.26
144.10– 144.14	21.27
144.15– 144.19	21.28
144.20– 144.24	21.29
144.25– 144.29	21.30
144.30– 144.34	21.31
144.35– 144.39	21.32
144.40– 144.44	21.33
144.45– 144.49	21.34
144.50– 144.54	21.35
144.55– 144.59	21.36
144.60– 144.64	21.37
144.65– 144.69	21.38
144.70– 144.74	21.39
144.75– 144.79	21.40
144.80– 144.84	21.41
144.85– 144.89	21.42
144.90– 144.94	21.44
144.95– 144.99	21.45
145.00– 145.04	21.50
145.05– 145.09	21.50
145.10– 145.14	21.50
145.15– 145.19	21.50
145.20– 145.24	21.50
145.25– 145.29	21.51
145.30– 145.34	21.52
145.35– 145.39	21.53
145.40– 145.44	21.54
145.45– 145.49	21.55
145.50– 145.54	21.56
145.55– 145.59	21.57
145.60– 145.64	21.58
145.65– 145.69	21.59
145.70– 145.74	21.60
145.75– 145.79	21.61
145.80– 145.84	21.62
145.85– 145.89	21.63
145.90– 145.94	21.64
145.95– 145.99	21.65

MEN'S SHIRTS, PAJAMAS, UNDERWEAR, HANDKERCHIEFS, SWIMWEAR, BASQUE SHIRTS, AND SHORTS—Continued

Applicant's selling price (per dozen)	Ceiling price at retail (per unit)
$146.00–$146.04	$21.66
146.05– 146.09	21.67
146.10– 146.14	21.68
146.15– 146.19	21.69
146.20– 146.24	21.70
146.25– 146.29	21.71
146.30– 146.34	21.72
146.35– 146.39	21.73
146.40– 146.44	21.74
146.45– 146.49	21.75
146.50– 146.54	21.77
146.55– 146.59	21.78
146.60– 146.64	21.79
146.65– 146.69	21.80
146.70– 146.74	21.81
146.75– 146.79	21.82
146.80– 146.84	21.83
146.85– 146.89	21.84
146.90– 146.94	21.85
146.95– 146.99	21.86
147.00– 147.04	21.95
147.05– 147.09	21.95
147.10– 147.14	21.95
147.15– 147.19	21.95
147.20– 147.24	21.95
147.25– 147.29	21.95
147.30– 147.34	21.95
147.35– 147.39	21.95
147.40– 147.44	21.95
147.45– 147.49	21.96
147.50– 147.54	21.97
147.55– 147.59	21.98
147.60– 147.64	21.99
147.65– 147.69	22.00
147.70– 147.74	22.01
147.75– 147.79	22.02
147.80– 147.84	22.04
147.85– 147.89	22.05
147.90– 147.94	22.06
147.95– 147.99	22.07
148.00– 148.04	22.08
148.05– 148.09	22.09
148.10– 148.14	22.10
148.15– 148.19	22.11
148.20– 148.24	22.12
148.25– 148.29	22.13
148.30– 148.34	22.14
148.35– 148.39	22.15
148.40– 148.44	22.16
148.45– 148.49	22.17
148.50– 148.54	22.18
148.55– 148.59	22.20
148.60– 148.64	22.21
148.65– 148.69	22.22
148.70– 148.74	22.23
148.75– 148.79	22.24
148.80– 148.84	22.25
148.85– 148.89	22.26
148.90– 148.94	22.27
148.95– 148.99	22.28
149.00– 149.04	22.29
149.05– 149.09	22.30
149.10– 149.14	22.30
149.15– 149.19	22.31
149.20– 149.24	22.32
149.25– 149.29	22.33
149.30– 149.34	22.34
149.35– 149.39	22.35
149.40– 149.44	22.37
149.45– 149.49	22.38
149.50– 149.54	22.50
149.55– 149.59	22.50
149.60– 149.64	22.50
149.65– 149.69	22.50
149.70– 149.74	22.50
149.75– 149.79	22.50
149.80– 149.84	22.50
149.85– 149.89	22.50
149.90– 149.94	22.50
149.95– 149.99	22.50
150.00– 150.04	22.50

MEN'S NECKWEAR

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$7.00– $7.04	$1.00
7.05– 7.09	1.00
7.10– 7.14	1.00
7.15– 7.19	1.00
7.20– 7.24	1.00
7.25– 7.29	1.00
7.30– 7.34	1.01
7.35– 7.39	1.02
7.40– 7.44	1.03
7.45– 7.49	1.04
7.50– 7.54	1.05
7.55– 7.59	1.05
7.60– 7.64	1.06
7.65– 7.69	1.07
7.70– 7.74	1.08
7.75– 7.79	1.09
7.80– 7.84	1.10
7.85– 7.89	1.10
7.90– 7.94	1.11
7.95– 7.99	1.12
8.00– 8.04	1.13
8.05– 8.09	1.14
8.10– 8.14	1.15
8.15– 8.19	1.15
8.20– 8.24	1.16
8.25– 8.29	1.17
8.30– 8.34	1.18
8.35– 8.39	1.19
8.40– 8.44	1.20
8.45– 8.49	1.20
8.50– 8.54	1.20
8.55– 8.59	1.21
8.60– 8.64	1.22
8.65– 8.69	1.23
8.70– 8.74	1.24
8.75– 8.79	1.25
8.80– 8.84	1.26
8.85– 8.89	1.27
8.90– 8.94	1.28
8.95– 8.99	1.29
9.00– 9.04	1.30
9.05– 9.09	1.30
9.10– 9.14	1.31
9.15– 9.19	1.32
9.20– 9.24	1.33
9.25– 9.29	1.34
9.30– 9.34	1.35
9.35– 9.39	1.35
9.40– 9.44	1.36
9.45– 9.49	1.37
9.50– 9.54	1.38
9.55– 9.59	1.39
9.60– 9.64	1.40
9.65– 9.69	1.40
9.70– 9.74	1.41
9.75– 9.79	1.42
9.80– 9.84	1.43
9.85– 9.89	1.44
9.90– 9.94	1.45
9.95– 9.99	1.45
10.00– 10.04	1.46
10.05– 10.09	1.47
10.10– 10.14	1.47
10.15– 10.19	1.48
10.20– 10.24	1.49
10.25– 10.29	1.50
10.30– 10.34	1.50
10.35– 10.39	1.51
10.40– 10.44	1.52
10.45– 10.49	1.52
10.50– 10.54	1.53
10.55– 10.59	1.54
10.60– 10.64	1.55
10.65– 10.69	1.55
10.70– 10.74	1.56
10.75– 10.79	1.57
10.80– 10.84	1.58
10.85– 10.89	1.59
10.90– 10.94	1.60
10.95– 10.99	1.60
11.00– 11.04	1.61
11.05– 11.09	1.61
11.10– 11.14	1.62
11.15– 11.19	1.63
11.20– 11.24	1.63
11.25– 11.29	1.64

MEN'S NECKWEAR—Continued

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$11.30–$11.34	$1.65
11.35– 11.39	1.65
11.40– 11.44	1.66
11.45– 11.49	1.66
11.50– 11.54	1.67
11.55– 11.59	1.68
11.60– 11.64	1.69
11.65– 11.69	1.70
11.70– 11.74	1.70
11.75– 11.79	1.71
11.80– 11.84	1.71
11.85– 11.89	1.72
11.90– 11.94	1.72
11.95– 11.99	1.73
12.00– 12.04	1.73
12.05– 12.09	1.74
12.10– 12.14	1.75
12.15– 12.19	1.75
12.20– 12.24	1.76
12.25– 12.29	1.77
12.30– 12.34	1.77
12.35– 12.39	1.78
12.40– 12.44	1.79
12.45– 12.49	1.80
12.50– 12.54	1.80
12.55– 12.59	1.81
12.60– 12.64	1.82
12.65– 12.69	1.83
12.70– 12.74	1.84
12.75– 12.79	1.85
12.80– 12.84	1.85
12.85– 12.89	1.86
12.90– 12.94	1.86
12.95– 12.99	1.87
13.00– 13.04	1.88
13.05– 13.09	1.89
13.10– 13.14	1.90
13.15– 13.19	1.90
13.20– 13.24	1.91
13.25– 13.29	1.91
13.30– 13.34	1.92
13.35– 13.39	1.92
13.40– 13.44	1.93
13.45– 13.49	1.93
13.50– 13.54	1.94
13.55– 13.59	1.95
13.60– 13.64	1.95
13.65– 13.69	1.96
13.70– 13.74	1.97
13.75– 13.79	1.97
13.80– 13.84	1.98
13.85– 13.89	1.98
13.90– 13.94	1.99
13.95– 13.99	1.99
14.00– 14.05	2.00
14.06– 14.11	2.02
14.12– 14.17	2.03
14.18– 14.23	2.04
14.24– 14.29	2.05
14.30– 14.35	2.06
14.36– 14.41	2.07
14.42– 14.47	2.09
14.48– 14.53	2.10
14.54– 14.59	2.11
14.60– 14.65	2.12
14.66– 14.71	2.13
14.72– 14.77	2.14
14.78– 14.83	2.15
14.84– 14.89	2.16
14.90– 14.95	2.17
14.96– 15.01	2.18
15.02– 15.07	2.19
15.08– 15.13	2.20
15.14– 15.19	2.21
15.20– 15.25	2.22
15.26– 15.31	2.23
15.32– 15.37	2.24
15.38– 15.43	2.25
15.44– 15.49	2.26
15.50– 15.55	2.27
15.56– 15.61	2.28
15.62– 15.67	2.30
15.68– 15.73	2.31
15.74– 15.79	2.33
15.80– 15.85	2.34
15.86– 15.91	2.35

MEN'S NECKWEAR—Continued

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$15.92–$15.97	$2.36
15.98– 16.03	2.37
16.04– 16.09	2.38
16.10– 16.15	2.39
16.16– 16.21	2.40
16.22– 16.27	2.41
16.28– 16.33	2.42
16.34– 16.39	2.43
16.40– 16.45	2.44
16.46– 16.51	2.45
16.52– 16.57	2.46
16.58– 16.63	2.47
16.64– 16.69	2.48
16.70– 16.74	2.49
16.75– 16.82	2.50
16.83– 16.90	2.51
16.91– 16.98	2.52
16.99– 17.06	2.53
17.07– 17.14	2.54
17.15– 17.22	2.55
17.23– 17.30	2.55
17.31– 17.38	2.56
17.39– 17.46	2.57
17.47– 17.54	2.63
17.55– 17.62	2.64
17.63– 17.70	2.65
17.71– 17.78	2.66
17.79– 17.86	2.67
17.87– 17.94	2.68
17.95– 18.02	2.69
18.03– 18.10	2.71
18.11– 18.18	2.73
18.19– 18.26	2.74
18.27– 18.34	2.75
18.35– 18.42	2.77
18.43– 18.50	2.78
18.51– 18.58	2.80
18.59– 18.66	2.81
18.67– 18.74	2.82
18.75– 18.82	2.83
18.83– 18.90	2.84
18.91– 18.98	2.86
18.99– 19.06	2.87
19.07– 19.14	2.88
19.15– 19.22	2.89
19.23– 19.30	2.90
19.31– 19.38	2.92
19.39– 19.46	2.93
19.47– 19.54	2.95
19.55– 19.62	2.96
19.63– 19.70	2.97
19.71– 19.78	2.98
19.79– 19.86	2.99
19.87– 19.94	3.00
19.95– 20.02	3.02
20.03– 20.10	3.03
20.11– 20.18	3.05
20.19– 20.26	3.06
20.27– 20.34	3.08
20.35– 20.42	3.10
20.43– 20.50	3.11
20.51– 20.58	3.12
20.59– 20.66	3.13
20.67– 20.74	3.14
20.75– 20.82	3.15
20.83– 20.90	3.17
20.91– 20.98	3.18
20.99– 21.06	3.20
21.07– 21.14	3.21
21.15– 21.22	3.22
21.23– 21.30	3.23
21.31– 21.38	3.24
21.39– 21.46	3.25
21.47– 21.54	3.27
21.55– 21.62	3.28
21.63– 21.70	3.30
21.71– 21.78	3.32
21.79– 21.86	3.34
21.87– 21.94	3.35
21.95– 22.02	3.36
22.03– 22.10	3.37
22.11– 22.18	3.38
22.19– 22.26	3.39
22.27– 22.34	3.40
22.35– 22.42	3.42
22.43– 22.50	3.43
22.51– 22.58	3.44

MEN'S NECKWEAR—Continued

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$22.59–$22.66	$3.45
22.67– 22.74	3.46
22.75– 22.82	3.47
22.83– 22.90	3.48
22.91– 22.99	3.49
23.00– 23.10	3.50
23.11– 23.20	3.51
23.21– 23.30	3.53
23.31– 23.40	3.54
23.41– 23.50	3.56
23.51– 23.60	3.57
23.61– 23.70	3.58
23.71– 23.80	3.59
23.81– 23.90	3.60
23.91– 24.00	3.62
24.01– 24.10	3.64
24.11– 24.20	3.65
24.21– 24.30	3.66
24.31– 24.40	3.67
24.41– 24.50	3.68
24.51– 24.60	3.69
24.61– 24.70	3.70
24.71– 24.80	3.72
24.81– 24.90	3.73
24.91– 25.00	3.75
25.01– 25.10	3.76
25.11– 25.20	3.77
25.21– 25.30	3.78
25.31– 25.40	3.80
25.41– 25.50	3.81
25.51– 25.60	3.82
25.61– 25.70	3.84
25.71– 25.80	3.85
25.81– 25.90	3.86
25.91– 26.00	3.88
26.01– 26.10	3.89
26.11– 26.20	3.90
26.21– 26.30	3.91
26.31– 26.40	3.93
26.41– 26.50	3.94
26.51– 26.60	3.95
26.61– 26.70	3.96
26.71– 26.80	3.98
26.81– 26.90	3.99
26.91– 27.00	4.00
27.01– 27.10	4.01
27.11– 27.20	4.02
27.21– 27.30	4.03
27.31– 27.40	4.04
27.41– 27.50	4.05
27.51– 27.60	4.07
27.61– 27.70	4.08
27.71– 27.80	4.09
27.81– 27.90	4.11
27.91– 28.00	4.12
28.01– 28.10	4.13
28.11– 28.20	4.14
28.21– 28.30	4.15
28.31– 28.40	4.17
28.41– 28.50	4.19
28.51– 28.60	4.21
28.61– 28.70	4.21
28.71– 28.80	4.22
28.81– 28.90	4.23
28.91– 29.00	4.25
29.01– 29.10	4.27
29.11– 29.20	4.29
29.21– 29.30	4.30
29.31– 29.40	4.30
29.41– 29.50	4.31
29.51– 29.60	4.33
29.61– 29.70	4.35
29.71– 29.80	4.37
29.81– 29.90	4.37
29.91– 30.00	4.39
30.01– 30.10	4.39
30.11– 30.20	4.40
30.21– 30.30	4.42
30.31– 30.40	4.42
30.41– 30.50	4.44
30.51– 30.60	4.44
30.61– 30.70	4.46
30.71– 30.80	4.46
30.81– 30.90	4.48
30.91– 31.00	4.49
31.01– 31.10	4.50
31.11– 31.20	4.52

MEN'S NECKWEAR—Continued

Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
$31.21–$31.30	$4.54
31.31– 31.40	4.56
31.41– 31.50	4.57
31.51– 31.60	4.57
31.61– 31.70	4.59
31.71– 31.80	4.60
31.81– 31.90	4.60
31.91– 32.00	4.62
32.01– 32.10	4.62
32.11– 32.20	4.64
32.21– 32.30	4.66
32.31– 32.40	4.67
32.41– 32.50	4.69
32.51– 32.60	4.71
32.61– 32.70	4.71
32.71– 32.80	4.73
32.81– 32.90	4.73
32.91– 33.00	4.75
33.01– 33.10	4.76
33.11– 33.20	4.78
33.21– 33.30	4.80
33.31– 33.40	4.80
33.41– 33.50	4.82
33.51– 33.60	4.82
33.61– 33.70	4.84
33.71– 33.80	4.85
33.81– 33.90	4.88
33.91– 34.00	4.90
34.01– 34.10	4.90
34.11– 34.20	4.92
34.21– 34.30	4.95
34.31– 34.40	4.98
34.41– 34.50	5.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, falling within the same bracket of selling price to the retailer, the same brand or company name and first sold by the applicant after the effective date of this special order.

3. On and after August 25, 1951, The Manhattan Shirt Co., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of this regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, The Manhattan Shirt Co., must comply, as to each such article, with the pre-ticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the applicant had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the applicant shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8700; Filed, July 25, 1951; 4:19 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 197]

DENTON SLEEPING GARMENT MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Denton Sleeping Garment Mills, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of winterweight knitted sleeping garments for infants and children manufactured by Denton Sleeping Garment Mills, Inc., Centreville, Michigan, having the brand name "Denton Sleepers" and described in the manufacturer's application dated April 17, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices listed below carry the following terms: 2 percent 10 days, E. O. M., F. O. B., Centreville, Michigan.

Style number	Sizes	Manufacturer's selling price (per dozen)	Ceiling price at retail (per unit)
One piece	4-5-6-7-8	$17.75	$2.50
Two piece	0-1-2-3-4	15.97	2.2
Three piece	0-1-2-3-4	23.08	3.25
Baby bag	One size	15.97	2.25

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Denton Sleeping Garment Mills, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Denton Sleeping Garment Mills, Inc., must comply, as to each such article, with the pretiketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first six months' period following the effective date of this special order and within 45 days of the expiration of each successive six months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951:

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8701; Filed, July 25, 1951; 4:20 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 198]

LUSTBERG, NAST & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompaying special order, Lustberg Nast & Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order allows for establishment of a cost bracket to the retailer, which bracket applies to a specific retail price. The costs of the articles purchased by the retailer should, on the average, fall evenly between the polar ends of each cost bracket and will thus maintain the general historical markup pattern. The establishment of such cost bracket permits minor changes in costs without influencing the general level of retail prices of the articles in question.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of surcoats, jackets, casual coats, sport coats, and sport shirts manufactured by Lustberg, Nast & Co., Inc., 212 Fifth Avenue, New York 10, New York, having the brand name "Buck Skein Joe," and described in the manufacturer's application dated May 11, 1951. Sales may, of course, be made at less than these ceiling prices. The manufacturer's prices listed below carry the following terms: 1 percent—10 days E. O. M.

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$2.63– $2.77	$4.50
2.78– 2.92	4.75
2.93– 3.15	5.00
3.16– 3.45	5.50
3.46– 3.75	6.00
3.76– 4.05	6.50
4.06– 4.35	7.00
4.36– 4.65	7.50
4.66– 4.95	8.00
4.96– 5.20	8.50
5.21– 5.55	9.00
5.56– 5.85	9.50
5.86– 6.15	10.00
6.16– 6.45	10.50
6.46– 6.75	11.00
6.76– 7.05	11.50
7.06– 7.35	12.00
7.36– 7.65	12.50
7.66– 7.95	13.00
7.96– 8.25	13.50
8.26– 8.55	14.00
8.56– 8.85	14.50
8.86– 9.15	15.00
9.16– 9.45	15.50
9.46– 9.75	16.00
9.76– 10.05	16.50
10.06– 10.35	17.00
10.36– 10.65	17.50
10.66– 10.95	18.00
10.96– 11.25	18.50
11.26– 11.55	19.00
11.56– 11.85	19.50
11.86– 12.15	20.00
12.16– 12.45	20.50
12.46– 12.75	21.00
12.76– 13.05	21.50
13.06– 13.35	22.00
13.36– 13.65	22.50
13.66– 13.95	23.00
13.96– 14.25	23.50
14.26– 14.55	24.00
14.56– 14.85	24.50
14.86– 15.60	25.00
15.61– 17.10	27.00
17.11– 18.90	30.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation falling within the same bracket of selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Lustberg, Nast & Co., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Lustberg, Nast & Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8702; Filed, July 25, 1951; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 199]

AUGUSTA KNITTING CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Augusta Knitting Corporation, 700 Broad Street, Utica 2, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's underwear manufactured by Augusta Knitting Corporation, 700 Broad Street, Utica 2, New York, having the brand name(s) "Jones Quality Haps" shall be the proposed retail ceiling prices listed by Augusta Knitting Corporation in its application dated May 4, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Augusta Knitting Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8703; Filed, July 25, 1951; 4:21 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 200]

BUXTON, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Buxton, Incorporated, Springfield 1, Massachusetts has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by

the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and women's leather and plastic billfolds, key cases, pass cases, cigarette cases and wallets, and sets of billfolds and key cases manufactured by Buxton, Inc., Springfield 1, Massachusetts, having the brand name(s) "Buxton", "Lady-Buxton", "Orleans", "Keytainer", "Ascot", "Stitchless", "3-Way", "Card-tainer", "The Thinfold" and "Zippit" shall be the proposed retail ceiling prices listed by Buxton, Incorporated in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's applications dated May 8, 1951 and July 2, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Buxton, Incorporated, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8704; Filed, July 25, 1951; 4:22 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 201]

DROUTMAN MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Droutman Manufacturing Company, 114 Worth Street, New York 3, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's hat box (luggage type) manufactured by Droutman Manufacturing Company, 114 Worth Street, New York 13, New York, having the brand name(s) "Lark" shall be the proposed retail ceiling prices listed by Droutman Manufacturing Company in its application dated May 3, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Droutman Manufacturing Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $-------

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 26, 1951.

[F. R. Doc. 51-8705; Filed, July 25, 1951; 4:22 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 202]

FANCEE FREE MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Fancee Free Manufacturing Co., 5467 Delmar, St. Louis 12, Missouri, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of garter belt manufactured by Fancee Free Manufacturing Co., 5467 Delmar, St. Louis 12, Missouri, having the brand name(s) "Fancee Free" shall be the proposed retail ceiling prices listed by Fancee Free Manufacturing Company, in its application dated May 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise price-

able under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Fancee Free Manufacturing Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8706; Filed, July 25, 1951; 4:22 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 203]

CLIMATIC RAINWEAR CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Climatic Rainwear Co., Inc., 350 Fifth Avenue, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's and boys' rainwear manufactured by Climatic Rainwear Co., Inc., having the brand name(s) "Koroseal" shall be the proposed retail ceiling prices listed by Climatic Rainwear Company, Inc., in its application dated May 16, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 31, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Climatic Rainwear Co., Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8707; Filed, July 25, 1951; 4:23 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 204]

ECLIPSE SLEEP PRODUCTS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Eclipse Sleep Products, Inc., Milford Street, Atlantic and Montauk Avenues, Brooklyn 8, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of mattresses and box springs manufactured by Eclipse Sleep Products, Inc., Milford Street, Atlantic and Montauk Avenues, Brooklyn 8, New York, having the brand name(s) "Quiltress", "Super Quiltress", "Superest", and "Royal Superest" shall be the proposed retail ceiling prices listed by Eclipse Sleep Products, Inc., in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 24, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after August 25, 1951, Eclipse Sleep Products, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after September 24, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to September 24, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manu-

facturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per.....{unit. dozen. etc.	Terms{net. percent EOM; etc. $.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective July 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 25, 1951.

[F. R. Doc. 51-8708; Filed, July 25, 1951; 4:23 p. m.]